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# FEDERAL REGISTER

VOLUME 4 NUMBER 127

*Washington, Saturday, July 1, 1939*


## The President

[Public Resolution No. 20—76th Congress]

[S. J. Res. 138]

JOINT RESOLUTION PROVIDING THAT REORGANIZATION PLANS NUMBERED I AND II SHALL TAKE EFFECT ON JULY 1, 1939

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the provisions of reorganization plan numbered I, submitted to the Congress on April 25, 1939, and the provisions of reorganization plan numbered II, submitted to the Congress on May 9, 1939, shall take effect on July 1, 1939, notwithstanding the provisions of the Reorganization Act of 1939.

SEC. 2. Nothing in such plans or this joint resolution shall be construed as having the effect of continuing any agency or function beyond the time when it would have terminated without regard to such plans or this joint resolution or of continuing any function beyond the time when the agency in which it was vested would have terminated without regard to such plans or this joint resolution.

WM. B. BANKHEAD
*Speaker of the House of Representatives.*

JNO N GARNER
*Vice President of the United States and President of the Senate.*

Approved, June 7, 1939.

FRANKLIN D ROOSEVELT

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### REORGANIZATION PLAN No. 1

*Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 25, 1939, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939*

#### PART 1.—EXECUTIVE OFFICE OF THE PRESIDENT

SECTION 1. *Bureau of the Budget.*—The Bureau of the Budget and all of its functions and personnel (including the Director and Assistant Director) are hereby transferred from the Treasury Department to the Executive Office of the President; and the functions of the Bureau of the Budget shall be administered by the Director thereof under the direction and supervision of the President.

SECTION 2. *Central Statistical Board.*—The Central Statistical Board and all of its functions and personnel (including the Chairman and the members of the Board) are hereby transferred to the Bureau of the Budget in the Executive Office of the President. The Chairman of the Board shall perform such administrative duties as the Director of the Bureau of the Budget shall direct.

SECTION 3. *Central Statistical Committee Abolished and Functions Transferred.*—The Central Statistical Committee is hereby abolished, and its functions are transferred to the Director of the Bureau of the Budget to be administered by him under the direction and supervision of the President. The Director of the Bureau of the Budget shall promptly wind up any outstanding affairs of the Central Statistical Committee.

SECTION 4. *National Resources Planning Board.*—(a) The functions of the National Resources Committee, established by Executive Order No. 7065 of June 7, 1935, and its personnel (except the members of the Committee) and all of the functions of the Federal Employment Stabilization Office in the Department of Commerce and its personnel are hereby transferred to the Executive Office of the President. The functions transferred by this section are hereby consolidated, and they shall be administered under the direction and supervision of the President by the National Resources Planning Board (hereafter referred to as the Board), which shall be composed of five members to be appointed by the President. The President shall designate one of the members of the Board as Chairman and another as Vice Chairman. The Vice Chairman shall act as Chairman in the absence of the Chairman or in the event of a vacancy in that office. The members of the Board shall be compensated at the rate of $50 per day for time spent in attending and traveling to and from meetings, or in otherwise exercising the functions and duties of the Board, plus the actual cost of transportation: *Provided,* That in no case shall a member be entitled to receive compensation for more than thirty days' service in two consecutive months.

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(b) The Board shall determine the rules of its own proceedings, and a majority of its members in office shall constitute a quorum for the transaction of business, but the Board may function notwithstanding vacancies.

(c) The Board may appoint necessary officers and employees and may delegate to such officers authority to perform such duties and make such expenditures as may be necessary.

SEC. 5. *National Resources Committee Abolished.*—The National Resources Committee is hereby abolished, and its outstanding affairs shall be wound up by the National Resources Planning Board.

SEC. 6. *Federal Employment Stabilization Office Abolished.*—The Federal Employment Stabilization Office is hereby abolished, and the Secretary of Commerce shall promptly wind up its affairs.

SEC. 7. *Transfer of Records and Property.*—All records and property (including office equipment) of the several agencies transferred, or the functions of which are transferred, by this Part are hereby transferred to the Executive Office of the President for use in the administration of the agencies and functions transferred by this Part.

SEC. 8. *Transfer of Funds.*—So much of the unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the use of any agency in the exercise of any functions transferred by this Part, or for the use of the head of any department or agency in the exercise of any functions so transferred, as the Director of the Bureau of the Budget shall determine, shall be transferred to the Executive Office of the President for use in connection with the exercise of functions transferred by this Part. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

SECTION 9. *Personnel.*—Any personnel transferred by this Part found to be in excess of the personnel necessary for the efficient administration of the functions transferred by this Part shall be re-transferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10 (a) of the Reorganization Act of 1939.

PART 2.—FEDERAL SECURITY AGENCY

SECTION 201. *Federal Security Agency.*—(a) The United States Employment Service in the Department of Labor and its functions and personnel are transferred from the Department of Labor; the Office of Education in the Department of the Interior and its functions and personnel (including the Commissioner of Education) are transferred from the Department of the Interior; the Public Health Service in the Department of the Treasury and its functions and personnel (including the Surgeon General of the Public Health Service) are transferred from the Department of the Treasury; the National Youth Administration within the Works Progress Administration and its functions and personnel (including its Administrator) are transferred from the Works Progress Administration; and these agencies and their functions, together with the Social Security Board and its functions, and the Civilian Conservation Corps and its functions, are hereby consolidated under one agency to be known as the Federal Security Agency, with a Federal Security Administrator at the head thereof. The Federal Security Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of $12,000 per annum. He shall have general direction and supervision over the administration of the several agencies consolidated into the Federal Security Agency by this section and shall be responsible for the coordination of their functions and activities.

(b) The Federal Security Administrator shall appoint an Assistant Federal Security Administrator, who shall receive a salary at the rate of $9,000 per annum, and he may also appoint such other personnel and make such expenditures as may be necessary.

(c) The Assistant Administrator shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in that office and shall perform such other duties as the Administrator shall direct.

(d) The several agencies and functions consolidated by this section into the Federal Security Agency shall carry with them their personnel.

SECTION 202. *Social Security Board.*—The Social Security Board and its functions shall be administered as a part of the Federal Security Agency under the direction and supervision of the Federal Security Administrator. The Chairman of the Social Security Board shall perform such administrative duties as the Federal Security Administrator shall direct.

SECTION 203. *United States Employment Service.*—(a) The functions of the United States Employment Service shall be consolidated with the unemployment compensation functions of the Social Security Board and shall be administered in the Social Security Board in connection with such unemployment compensation functions under the direction and supervision of the Federal Security Administrator.

(b) The office of the Director of the United States Employment Service is hereby abolished, and all of the functions of such office are transferred to, and shall be exercised by, the Social Security Board.

(c) All functions of the Secretary of Labor relating to the administration of the United States Employment Service are hereby transferred to, and shall be exercised by, the Federal Security Administrator.

SECTION 204. *Office of Education.*—(a) The Office of Education, and its functions shall be administered by the Commissioner of Education under the direction and supervision of the Federal Security Administrator.

(b) All functions of the Secretary of the Interior relating to the administration of the Office of Education are hereby transferred to, and shall be exercised by, the Federal Security Administrator.

DEPOSITED BY THE UNITED STATES OF AMERICA



SECTION 205. *Public Health Service.*—(a) The Public Health Service and its functions shall be administered by the Surgeon General of the Public Health Service under the direction and supervision of the Federal Security Administrator.

(b) All the functions of the Secretary of the Treasury relating to the administration of the Public Health Service, except those functions relating to the acceptance and investment of gifts as authorized by sections 23 (b) and 137 (e), title 42, U. S. Code, are hereby transferred to, and shall be exercised by, the Federal Security Administrator.

SECTION 206. *National Youth Administration.*—The National Youth Administration and its functions shall be administered by the National Youth Administrator under the direction and supervision of the Federal Security Administrator.

SECTION 207. *Civilian Conservation Corps.*—The Civilian Conservation Corps and its functions shall be administered by the Director of the Civilian Conservation Corps under the direction and supervision of the Federal Security Administrator.

SECTION 208. *Transfer of Records and Property.*—All records and property (including office equipment) of the several agencies which, with their functions, are consolidated by section 201 into the Federal Security Agency are hereby transferred to the jurisdiction and control of the Federal Security Agency for use in the administration of the agencies and functions consolidated by that section.

SECTION 209. *Transfer of Funds.*—So much of the unexpended balances of appropriations, allocations, or other funds (including those available for the fiscal year ending June 30, 1940) available for the use of any agency in the exercise of any functions transferred by this Part, or for the use of the head of any department or agency in the exercise of any functions so transferred, as the Director of the Bureau of the Budget shall determine, shall be transferred for use in connection with the exercise of the functions transferred by this Part. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

SECTION 210. *Administrative Funds.*—The Director of the Bureau of the Budget shall allocate to the Federal Security Agency, from appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the administrative expenses of the agencies and functions consolidated by this Part, such sums, and in such proportions, as he may find necessary for the administrative expenses of the Federal Security Agency.

SECTION 211. *Personnel.*—Any personnel transferred by this Part found to be in excess of the personnel necessary for the efficient administration of the functions transferred by this Part shall be re-transferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10 (a) of the Reorganization Act of 1939.

PART 3.—FEDERAL WORKS AGENCY

SECTION 301. *Federal Works Agency.*—(a) The Bureau of Public Roads in the Department of Agriculture and its functions and personnel (including the Chief thereof) are transferred from the Department of Agriculture; the Public Buildings Branch of the Procurement Division in the Treasury Department and its functions and personnel are transferred from the Treasury Department; the Branch of Buildings Management of the National Park Service in the Department of the Interior and its functions and personnel (except those relating to monuments and memorials), and the functions of the National Park Service in the District of Columbia in connection with the general assignment of space, the selection of sites for public buildings, and the determination of the priority in which the construction or enlargement of public buildings shall be undertaken, and the personnel engaged exclusively in the administration of such functions, and the United States Housing Authority in the Department of the Interior and its functions and personnel (including the Administrator) are transferred from the Department of the Interior; and all of these agencies and functions, together with the Federal Emergency Administration of Public Works and its functions, and all of the Works Progress Administration and its functions (except the National Youth Administration and its functions) are hereby consolidated into one agency to be known as the Federal Works Agency, with a Federal Works Administrator at the head thereof. The Federal Works Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of $12,000 per annum. He shall have general direction and supervision over the administration of the several agencies consolidated into the Federal Works Agency by this section and shall be responsible for the coordination of their functions.

(b) The Federal Works Administrator shall appoint an Assistant Federal Works Administrator, who shall receive a salary at the rate of $9,000 per annum, and he may also appoint such other personnel and make such expenditures as may be necessary.

(c) The Assistant Administrator shall act as Administrator during the absence or disability of the Administrator, or in the event of a vacancy in that office, and shall perform such other duties as the Administrator shall direct.

(d) The several agencies and functions consolidated by this section in the Federal Works Agency shall carry with them their personnel.

SECTION 302. *Public Roads Administration.*—(a) The Bureau of Public Roads and its functions shall be administered as the Public Roads Administration at the head of which shall be the Chief of the Bureau of Public Roads whose title shall be changed to Commissioner of Public Roads. Hereafter the Commissioner of Public Roads shall be appointed by the Federal Works Administrator.

(b) All functions of the Secretary of Agriculture relating to the administration of the Bureau of Public Roads are hereby transferred to, and shall be exercised by, the Federal Works Administrator.

SECTION 303. *Public Buildings Administration.*—(a) The Public Buildings Branch of the Procurement Division and its functions, the Branch of Buildings Management of the National Park Service and its functions (except those relating to monuments and memorials) and the functions of the National Park Service in the District of Columbia in connection with the general assignment of space, the selection of sites for public buildings, and the determination of the priority in which the construction or enlargement of public buildings shall be undertaken, are hereby consolidated and shall be administered as the Public Buildings Administration, with a Commissioner of Public Buildings at the head thereof. The Commissioner of Public Buildings shall be appointed by the Federal Works Administrator and shall receive a salary at the rate of $9,000 per annum. The Commissioner of Public Buildings shall act under the direction and supervision of the Federal Works Administrator.

(b) All functions of the Secretary of the Treasury and the Director of Procurement relating to the administration of the Public Buildings Branch of the Procurement Division and to the selection of location and sites for public buildings, and all functions of the Secretary of the Interior and the Director of the National Park Service relating to the adminstration of the functions of the Branch of Buildings Management and the functions of the National Park Service in the District of Columbia in connection with the general assignment of space, the selection of sites for public buildings, and the determination of the priority in which the construction or enlargement of public buildings shall be undertaken, are hereby transferred to,

and shall be exercised by, the Federal Works Administrator.

SECTION 304. *United States Housing Authority.*—(a) The United States Housing Authority and its functions shall be administered by the United States Housing Administrator under the direction and supervision of the Federal Works Administrator.

(b) All functions of the Secretary of the Interior relating to the administration of the United States Housing Authority are hereby transferred to, and shall be exercised by, the Federal Works Administrator.

SECTION 305. *Public Works Administration.*—The Federal Emergency Administration of Public Works and its functions shall be administered as the Public Works Administration with a Commissioner of Public Works at the head thereof. The Commissioner of Public Works shall be appointed by the Federal Works Administrator and shall receive a salary at the rate of $10,000 per annum. The Commissioner of Public Works shall act under the direction and supervision of the Federal Works Administrator.

SECTION 306. *Work Projects Administration.*—The Works Progress Administration and its functions (except the National Youth Administration and its functions) shall be administered as the Work Projects Administration, with a Commissioner of Work Projects at the head thereof. The Commissioner shall be appointed by the Federal Works Administrator and shall receive a salary at the rate of $10,000 per annum. The Commissioner shall act under the direction and supervision of the Federal Works Administrator.

SECTION 307. *Transfer of Records and Property.*—All records and property (including office equipment) of the several agencies which, with their functions, are consolidated by section 301 into the Federal Works Agency are hereby transferred to the jurisdiction and control of the Federal Works Agency for use in the administration of the agencies and functions consolidated by that section.

SECTION 308. *Transfer of Funds.*—(a) So much of the unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the use of any agency (except the United States Housing Authority) in the exercise of any functions transferred by this Part, or for the use of the head of any department or agency in the exercise of any functions so transferred, and so much of such balances available to the United States Housing Authority for administrative expenses, as the Director of the Bureau of the Budget shall determine, shall be transferred for use in connection with the exercise of the functions transferred by this Part. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

(b) All unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the use of the United States Housing Authority, other than those transferred by subsection (a) of this section, are hereby transferred with the United States Housing Authority and shall remain available to it for the exercise of its functions.

SECTION 309. *Administrative Funds.*—The Director of the Bureau of the Budget shall allocate to the Federal Works Agency, from appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the administrative expenses of the agencies and functions consolidated by section 301, such sums, and in such proportions, as he may find necessary for the administrative expenses of the Federal Works Agency.

SECTION 310. *Personnel.*—Any of the personnel transferred by this Part found to be in excess of the personnel necessary for the efficient administration of the functions transferred by this Part shall be re-transferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10 (a) of the Reorganization Act of 1939.

PART 4.—LENDING AGENCIES

SECTION 401. (a) *Transfers to the Department of Agriculture.*—The Farm Credit Administration, the Federal Farm Mortgage Corporation, and the Commodity Credit Corporation, and their functions and activities, together with their respective personnel, records, and property (including office equipment), are hereby transferred to the Department of Agriculture and shall be administered in such Department under the general direction and supervision of the Secretary of Agriculture, who shall be responsible for the coordination of their functions and activities.

(b) *Transfer of Administrative Funds.*—So much of the unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the administrative expenses of any agency transferred by this section, as the Director of the Bureau of the Budget shall determine, shall be transferred to the Secretary of Agriculture for such use; and the Director of the Bureau of the Budget shall allocate to the Secretary of Agriculture from such funds, such sums, and in such proportions, as he may find necessary for the administrative expenses of the Secretary of Agriculture in connection with the agencies and functions transferred by this section. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer. The use of the unexpended balances of appropriations, allocations, or other funds transferred by this subsection shall be subject to the provision of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

(c) *Transfer of other funds.*—All unexpended balances of appropriations, allocations, or other funds, other than those mentioned in subsection (b) of this section, available (including those available for the fiscal year ending June 30, 1940) for any agency transferred by subsection (a) of this section shall be transferred with such agency and shall remain available to it for the exercise of its functions.

(d) *Personnel.*—Any of the personnel transferred by this section to the Department of Agriculture which the Secretary of Agriculture shall find to be in excess of the personnel necessary for the administration of the functions transferred by this section shall be re-transferred under existing law to other positions in the Government, or separated from the service subject to the provisions of section 10 (a) of the Reorganization Act of 1939.

SECTION 402. (a) *Federal Loan Agency.*—There shall be at the seat of the Government a Federal Loan Agency, with a Federal Loan Administrator at the head thereof. The Federal Loan Administrator shall be appointed by the President by and with the advice and consent of the Senate, and shall receive a salary at the rate of $12,000 per annum.

(b) *Assistant Federal Loan Administrator.*—The Federal Loan Administrator shall appoint an Assistant Federal Loan Administrator, who shall receive a salary at the rate of $9,000 per annum. The Assistant Administrator shall act as Administrator during the absence or disability of the Administrator, or in the event of a vacancy in that office, and shall perform such other duties as the Administrator shall direct.

(c) *Powers and Duties of Administrator.*—The Administrator shall supervise the administration, and shall be responsible for the coordination of the functions and activities, of the following agencies: Reconstruction Finance Corporation, Electric Home and Farm Authority, RFC Mortgage Company, Disaster Loan Corporation, Federal National Mortgage Association, Federal Home Loan Bank Board, Home Owners' Loan Corporation, Federal Savings and Loan Insurance Corporation, Federal Housing Administration, and Export-Import Bank of Washington. The Administrator may appoint such officers and employees and make such expenditures as may be necessary.



(d) *Administrative Funds.*—The Director of the Bureau of the Budget shall allocate to the Federal Loan Agency, from appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the administrative expenses of the agencies named in this section, such sums, and in such proportion, as he may find necessary for the administrative expenses of the Federal Loan Agency.

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REORGANIZATION PLAN NO. II

*Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 9, 1939, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939*

PART 1.—DEPARTMENTS

SECTION 1. *State Department.*—Transfers and consolidations relating to the Department of State are hereby effected as follows:

(a) *Foreign Commerce Service and Foreign Agricultural Service.*—The Foreign Commerce Service of the United States and its functions in the Bureau of Foreign and Domestic Commerce of the Department of Commerce and the Foreign Agricultural Service of the United States and its functions as established by the Act of June 5, 1930 (46 Stat. 497), in the Department of Agriculture are hereby transferred to the Department of State and shall be consolidated with and administered as a part of the Foreign Service of the United States under the direction and supervision of the Secretary of State.

(b) *Functions of the Secretary of Commerce and the Secretary of Agriculture Transferred to the Secretary of State; Exceptions.*—The functions of the Secretary of Commerce with respect to the Foreign Commerce Service and the functions of the Secretary of Agriculture with respect to the Foreign Agricultural Service (other than functions with respect to such services pertaining to activities in the United States and to the compilation, publication, and dissemination of information) are hereby transferred to, and shall be exercised by, the Secretary of State, except and provided that under regulations prescribed by the President—

(1) The Secretary of State shall cause to be made such investigations relating to commercial and industrial conditions and activities in foreign countries and such other specific investigations relating to foreign commerce as the Secretary of Commerce shall determine to be in the public interest, and shall report to the Secretary of Commerce the results of, and the information secured through, such investigations. He shall also cause to be made such investigations relating to world competition and demand for agricultural products, to production, marketing, and disposition of such products in foreign countries, and to farm management and other phases of agricultural industry in foreign countries, and shall conduct abroad such activities (including the demonstration of standards for cotton, wheat, and other American agricultural products), as the Secretary of Agriculture shall determine to be in the public interest, and shall report to the Secretary of Agriculture the results of, and the information secured through, such investigations and activities.

(2) The Secretary of Commerce may from time to time when he deems it in the public interest designate any officer in his Department to render temporary service under the provisions of, and subject to the conditions named in, section 5 of the Act of March 3, 1927, (44 Stat. 1396).

(3) The Secretary of Agriculture may from time to time when he deems it in the public interest designate any officer in his Department to render temporary service under the provisions of, and subject to the conditions named in, section 2 of the Act of June 5, 1930, (46 Stat. 498).

(4) The Secretary of Commerce and the Secretary of Agriculture may each designate an officer in his Department, acceptable to the Secretary of State, to serve in the Department of State as liaison officer in connection with the administration of the foreign service of the United States.

(5) One officer in the Department of Commerce designated by the Secretary of Commerce and acceptable to the Secretary of State and one officer in the Department of Agriculture designated by the Secretary of Agriculture and acceptable to the Secretary of State shall be added to the membership of the Board of Foreign Service Personnel for the Foreign Service.

(c) *Status of Foreign Service Officers.*—Foreign Commerce Service officers and Foreign Agricultural Service officers who by reason of transfer to the Foreign Service of the United States and by appointment according to law acquire status of Foreign Service officers therein shall not be included in the total number of officers in such Service for the purpose of determining the percentage limitation established by section 10 of the Act of February 23, 1931 (46 Stat. 1207), as amended.

(d) *China Trade Act Registrar.*—Such officer of the Foreign Service as the Secretary of State shall make available for that purpose may be authorized by the Secretary of Commerce to perform the duties of China Trade Act Registrar provided for in the Act of September 19, 1922 (42 Stat. 849), under the direction of the Secretary of Commerce.

(e) *Foreign Service Buildings Commission.*—The Foreign Service Buildings Commission and its functions are hereby transferred to the Department of State. The Commission shall exercise advisory functions, but all other functions (including administrative functions) shall be exercised under the direction and supervision of the Secretary of State by such division, bureau, or office in the Department of State as the Secretary shall determine.

SEC. 2. *Treasury Department.*—Transfers, consolidations, and abolitions relating to the Department of the Treasury are hereby effected as follows:

(a) *Bureau of Lighthouses.*—The Bureau of Lighthouses in the Department of Commerce and its functions are hereby transferred to and shall be consolidated with and administered as a part of the Coast Guard in the Department of the Treasury.

(b) *Director General of Railroads: Office Abolished and Functions Transferred.*—The office of Director General of Railroads is hereby abolished. The functions and duties of the Director General of Railroads are hereby transferred to the Secretary of the Treasury to be exercised and performed by him personally or through such officer or officers of the Department of the Treasury as he may authorize. The Secretary of the Treasury is hereby designated as the agent provided for in section 206 of the Transportation Act, 1920 (41 Stat. 461).

(c) *War Finance Corporation Abolished.*—All of the functions, property, and obligations of the War Finance Corporation not heretofore transferred by statute to the Secretary of the Treasury are hereby transferred to the Department of the Treasury. The War Finance Corporation is hereby abolished and the Secretary of the Treasury shall complete the winding up of its affairs and shall dispose of its assets in accordance with the Act of March 1, 1929 (45 Stat. 1442), not later than December 31, 1939.

SEC. 3. *Department of Justice.*—Transfers, consolidations, and abolitions relating to the Department of Justice are hereby effected as follows:

(a) *Federal Prison Industries, Inc.*—The Federal Prison Industries, Inc. (together with its Board of Directors) and its functions are hereby transferred to the Department of Justice and shall be administered under the general direction and supervision of the Attorney General.

(b) *National Training School for Boys.*—The National Training School for Boys and its functions (including the functions of its Board of Trustees) are hereby transferred to the Department of Justice and shall be administered by the Director of the Bureau of Prisons, under the direction and supervision of the Attorney General.

(c) *Board of Trustees of the National Training School for Boys Abolished.*—The Board of Trustees of the National Training School for Boys (including the consulting trustees) is hereby abolished.

SEC. 4. *Department of the Interior.*—Transfers, consolidations, and abolitions relating to the Department of the Interior are hereby effected as follows:

(a) *Functions of the National Bituminous Coal Commission Transferred.*—The functions of the National Bituminous Coal Commission (including the functions of the members of the Com-

mission) are hereby transferred to the Secretary of the Interior to be administered under his direction and supervision by such division, bureau, or office in the Department of the Interior as the Secretary shall determine.

(b) *National Bituminous Coal Commission Abolished.*—The National Bituminous Coal Commission and the offices of the members thereof are hereby abolished and the outstanding affairs of the Commission shall be wound up by the Secretary of the Interior.

(c) *Office of Consumers' Counsel Abolished and Functions Transferred.*—The office of Consumers' Counsel of the National Bituminous Coal Commission is hereby abolished and its functions are transferred to, and shall be administered in, the Office of the Solicitor of the Department of the Interior under the direction and supervision of the Secretary of the Interior.

(d) *Bureau of Insular Affairs.*—The Bureau of Insular Affairs of the War Department and its functions are hereby transferred to the Department of the Interior and shall be consolidated with the Division of Territories and Island Possessions in the Department of the Interior and administered in such Division under the direction and supervision of the Secretary of the Interior. The office of the Chief of the Bureau and offices subordinate thereto provided for in section 14 of the Act of June 4, 1920 (41 Stat. 769), are hereby abolished and all of the functions of such offices are transferred to, and shall be exercised by, the Director of the Division of Territories and Island Possessions.

(e) *Bureau of Fisheries.*—The Bureau of Fisheries in the Department of Commerce and its functions are hereby transferred to the Department of the Interior and shall be administered in that Department under the direction and supervision of the Secretary of the Interior. The functions of the Secretary of Commerce relating to the protection of fur seals and other fur-bearing animals, to the supervision of the Pribilof Islands and the care of the natives thereof, and to the Whaling Treaty Act, are hereby transferred to, and shall be exercised by, the Secretary of the Interior.

(f) *Bureau of Biological Survey.*—The Bureau of Biological Survey in the Department of Agriculture and its functions are hereby transferred to the Department of the Interior and shall be administered in that Department under the direction and supervision of the Secretary of the Interior. The functions of the Secretary of Agriculture relating to the conservation of wild life, game, and migratory birds are hereby transferred to, and shall be exercised by, the Secretary of the Interior. The provisions of the Act of May 18, 1934 (c. 299, 48 Stat. 780), as amended by the Act of February 8, 1936 (c. 40, 49 Stat. 1105), insofar as they relate to officers or employees of the Department of Agriculture designated by the Secretary of Agriculture to enforce any act of Congress for the protection, preservation or restoration of game and other wild life and animals shall apply to officers and employees of the Department of the Interior designated by the Secretary of the Interior to exercise and discharge such duties.

(g) *Officers of Biological Survey May Administer Oaths.*—The provisions of the Act of January 31, 1925 (c. 124, 43 Stat. 803), shall be applicable to such officers, agents, or employees of the Department of the Interior performing functions of the Bureau of Biological Survey as are designated by the Secretary of the Interior for the purposes named in the Act.

(h) *Migratory Bird Conservation Commission.*—The Secretary of the Interior shall be chairman of the Migratory Bird Conservation Commission, and the Secretary of Agriculture shall be a member thereof.

(i) *Mount Rushmore National Memorial Commission.*—The Mount Rushmore National Memorial Commission and its functions are hereby transferred to the National Park Service in the Department of the Interior. The functions vested in the Commission by section 3 and 4 (a) of the Act of June 15, 1938, (c. 402, 52 Stat. 694) shall continue to be exercised by the Commission. All other functions of the Mount Rushmore National Memorial Commission shall be administered by the National Park Service under the direction and supervision of the Secretary of the Interior.

SEC. 5. *Department of Agriculture: Rural Electrification Administration Transferred.*—The Rural Electrification Administration and its functions and activities are hereby transferred to the Department of Agriculture and shall be administered in that Department by the Administrator of the Rural Electrification Administration under the general direction and supervision of the Secretary of Agriculture.

SEC. 6. *Department of Commerce: Transfer of Inland Waterways Corporation.*—The Inland Waterways Corporation and all of its functions and obligations are hereby transferred to the Department of Commerce and shall be administered in that Department under the supervision and direction of the Secretary of Commerce. The capital stock of the Corporation shall continue to be held for the United States by the Secretary of the Treasury, but all other functions, rights, privileges, and powers and all duties and liabilities of the Secretary of War relating to the Inland Waterways Corporation are hereby transferred to, and shall be exercised, performed, and discharged by, the Secretary of Commerce. The Secretary of Commerce shall be substituted for the Secretary of War as, and shall be deemed to be, the incorporator of the Inland Waterways Corporation.

PART 2.—INDEPENDENT AGENCIES

SECTION 201. *Federal Security Agency.*—Transfers and consolidations relating to the Federal Security Agency are hereby effected as follows:

(a) *Radio Service and United States Film Service Transferred.*—The functions of the Radio Division and the United States Film Service of the National Emergency Council are hereby transferred to the Federal Security Agency and shall be administered in the Office of Education under the direction and supervision of the Federal Security Administrator.

(b) *American Printing House for the Blind.*—The functions of the Secretary of the Treasury with respect to the administration of the appropriations for the American Printing House for the Blind (except the function relating to the perpetual trust fund) are hereby transferred to the Federal Security Agency and shall be administered under the direction and supervision of the Federal Security Administrator. The annual report and vouchers required to be furnished to the Secretary of the Treasury by the trustees of the American Printing House for the Blind shall be furnished to the Federal Security Administrator.

SEC. 202. *National Archives.*—Transfers, consolidations, and abolitions relating to the National Archives are hereby effected as follows:

(a) *Functions of Codification Board Transferred.*—The functions of the Codification Board, established by the Act of June 19, 1937 (50 Stat. 304), are hereby transferred to the National Archives and shall be consolidated in that agency with the functions of the Division of the Federal Register and shall be administered by such Division under the direction and supervision of the Archivist.

(b) *Codification Board Abolished.*—The Codification Board is hereby abolished and its outstanding affairs shall be wound up by the Archivist through the Division of the Federal Register in the National Archives.

PART 3.—EXECUTIVE OFFICE OF THE PRESIDENT

SECTION 301. Transfers and abolitions relating to the Executive Office of the President are hereby effected as follows:

(a) *Functions of National Emergency Council Transferred.*—All functions of the National Emergency Council other than those relating to Radio Service and Film Service (transferred by section 201 (a) of this plan to the Federal Security Agency) are hereby transferred to the Executive Office of the President and shall be administered under the direction and supervision of the President.

(b) *National Emergency Council Abolished.*—The National Emergency Council is hereby abolished and its outstanding affairs shall be wound up under the direction and supervision of the President.



PART 4.—GENERAL PROVISIONS

SEC. 401. *Transfer of Functions of Heads of Departments.*—Except as otherwise provided in this Plan, the functions of the head of any Department relating to the administration of any agency or function transferred from his Department by this Plan, are hereby transferred to, and shall be exercised by, the head of the department or agency to which such transferred agency or function is transferred by this Plan.

SEC. 402. *Transfer of Records, Property, and Personnel.*—All records and property (including office equipment) of the several agencies, and all records and property used primarily in the administration of any functions, transferred by this Plan and, except as otherwise provided, all the personnel used in the administration of such agencies and functions (including officers whose chief duties relate to such administration) are hereby transferred to the respective departments or agencies concerned, for use in the administration of the agencies and functions transferred by this Plan: *Provided*, That any personnel transferred to any department or agency by this section found by the head of such department or agency to be in excess of the personnel necessary for the administration of the functions transferred to his department or agency shall be retransferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10 (a) of the Reorganization Act of 1939.

SEC. 403. *Transfer of Funds.*—So much of the unexpended balances of appropriations, allocations, or other funds available for the use of any agency in the exercise of any function transferred by this Plan, or for the use of the head of any department or agency in the exercise of any function so transferred, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the department or agency concerned for use in connection with the exercise of the function so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4 (d) (3) and section 9 of the Reorganization Act of 1939.

SEC. 404. *Transfer of Functions Relating to Personnel.*—Except as prohibited by section 3 (b) of the Reorganization Act of 1939, all functions relating to the appointment, fixing of compensation, transfer, promotion, demotion, suspension, or dismissal of persons to or from offices and positions in any department vested by law in any officer of such department other than the head thereof are hereby transferred to the head of such department and shall be administered under his direction and supervision by such division, bureau, office, or persons as he shall determine.

## *Rules, Regulations, Orders*

## TITLE 8—ALIENS AND CITIZENSHIP

### IMMIGRATION AND NATURALIZATION SERVICE

[Supp. 6 to General Order No. C–1 [1]]

PORT OF ENTRY FOR ALIENS AT ROSEAU, MINNESOTA

JUNE 29, 1939.

Pursuant to the authority contained in Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; 8 U.S.C. 102), Title 8 CFR, Chapter 1, Subchapter A—Immigration Rules and Regulations—Part 3, Section 3.1 (Rule 3, Subdivision (a), paragraph 1 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended by inserting Roseau, Minnesota in lieu of Richardson's Bridge, Minnesota (Roseau P. O.), in the list of designated ports for the entry of aliens into the United States.

[SEAL] JAMES L. HOUGHTELING,
*Commissioner.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 39–2268; Filed, June 30, 1939; 9:51 a. m.]

[Supp. 3 to General Order No. C–2 [2]]

PORT OF ENTRY FOR ALIENS ARRIVING BY AIRCRAFT—JOHN G. HINDE AIRPORT, SANDUSKY, OHIO

JUNE 29, 1939.

Pursuant to the authority contained in Subdivision (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; 49 U. S. C. 177 (d)), Title 8 CFR, Chapter I, Sub-chapter A—Immigration Rules and Regulations—Part 3, Section 3.3 (b), (Rule 3, Subdivision (a), paragraph 3 (b) of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended by inserting Sandusky, Ohio, John G. Hinde Airport, in lieu of Sandusky, Ohio, Sandusky Municipal Airport, in the list of airports designated as temporary ports for the entry into the United States of aliens arriving by aircraft.

[SEAL] FRANCES PERKINS,
*Secretary.*

Approval recommended:

JAMES L. HOUGHTELING,
*Commissioner.*

[F. R. Doc. 39–2267; Filed, June 30, 1939; 9:51 a. m.]

[1] 4 F.R. 1947 DI.
[2] 3 F.R. 1951 DI.

## TITLE 26—INTERNAL REVENUE

### BUREAU OF INTERNAL REVENUE

[T. D. 4909]

SUBCHAPTER A—PART 16—EXCESS PROFITS ON ARMY CONTRACTS FOR AIRCRAFT

REGULATIONS UNDER SECTION 14 OF THE ACT OF APRIL 3, 1939, AND OTHER PROVISIONS* †

*To Officers and Employees of the Treasury Department, the War Department, and Others Concerned:*

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§ 16.0 *Introductory.* (a) Section 14 of the Act entitled "An Act to provide more effectively for the national defense by carrying out the recommendations of the President in his message of January 12, 1939, to the Congress," approved April 3, 1939 (Public, No. 18, 76th Cong., 1st sess.; I.R.B. 1939–20, 13), provides:

SEC. 14. All the provisions of section 3 of the Act of March 27, 1934, as amended (48 Stat. 505; 49 Stat. 1926), and as amended by this section shall be applicable with respect to contracts for aircraft or any portion thereof for the Army to the same extent and in the same manner that such provisions are applicable with respect to contracts for aircraft, or any portion thereof for the Navy: *Provided*, That the Secretary of War shall exercise all functions under such section with respect to aircraft for the Army which are exercised by the Secretary of the Navy with respect to aircraft for the Navy: *Provided further*, That section 3b of the Act of March 27, 1934 (48 Stat. 505), as amended (49 Stat. 1926; 34 U.S.C. Supp. IV 496), is hereby further amended by inserting in the first sentence after the words "in excess of 10 per centum of the total contract prices" the words "for the

*Sections 16.0 to 16.18 issued under the authority contained in section 14 of the Act of April 3, 1939 (Public, No. 18, 76th Cong., 1st sess.) and section 3 of the Act of March 27, 1934, 48 Stat. 505 (34 U.S.C. 496), as amended by the Act of June 25, 1936, 49 Stat. 1926 (34 U.S.C., Sup. IV, 496) and as further amended by section 14 of such Act of April 3, 1939.

†The source of sections 16.0 to 16.18 is Treasury Decision 4909, approved by the Acting Secretary of the Treasury June 16, 1939, and approved by the Acting Secretary of War June 28, 1939.

construction and/or manufacture of any complete naval vessel or portion thereof, and in excess of 12 per centum of the total contract prices for the construction and/or manufacture of any complete aircraft or portion thereof"; by inserting in the first proviso after the words "That if there is a net loss on all such contracts or subcontracts" the words "for the construction and/or manufacture of any complete naval vessel or portion thereof"; and by inserting at the end of the first proviso after the words "income taxable year" a comma and the words "and that if there is a net loss, or a net profit less than 12 per centum, as aforesaid on all such contracts or subcontracts for the construction and/or manufacture of any complete aircraft or portion thereof completed by the particular contractor or subcontractor within any income taxable year, such net loss or deficiency in profit shall be allowed as a credit in determining the excess profit, if any, during the next succeeding four income taxable years, and that the method of ascertaining the amount of excess profit, initially fixed upon shall be determined on or before June 30, 1939": *Provided further*, That when aircraft are procured by the Secretary of War as a result of competitive bids requiring the submission of sample aircraft with bid, the Secretary is authorized, in his discretion, to purchase sample aircraft of competitors to whom an award is not made, not more than one each from not more than three such competitors, in order of merit, at prices not exceeding 75, 60, and 50 per centum, respectively, of the cost applicable in the opinion of the Secretary to the development and manufacture of such sample aircraft.

(b) Section 3 of the Act entitled "An Act to establish the composition of the United States Navy with respect to the categories of vessels limited by the treaties signed at Washington, February 6, 1922, and at London, April 22, 1930, at the limits prescribed by those treaties; to authorize the construction of certain naval vessels; and for other purposes," approved March 27, 1934, 48 Stat. 505 (34 U.S.C. 496), as amended by the Act of June 25, 1936, 49 Stat. 1926 (34 U.S.C., Sup. IV, 496) and as further amended by the Act of April 3, 1939 (Public, No. 18, 76th Cong., 1st sess.; I.R.B. 1939–20, 13), reads as follows:

SEC. 3. The Secretary of the Navy is hereby directed to submit annually to the Bureau of the Budget estimates for the construction of the foregoing vessels and aircraft; and there is hereby authorized to be appropriated such sums as may be necessary to carry into effect the provisions of this Act: *Provided*, That no contract shall be made by the Secretary of the Navy for the construction and/or manufacture of any complete naval vessel or aircraft, or any portion thereof, herein, heretofore, or hereafter authorized unless the contractor agrees—

(a) To make a report, as hereinafter described, under oath, to the Secretary of the Navy upon the completion of the contract.

(b) To pay into the Treasury profit, as hereinafter provided shall be determined by the Treasury Department, in excess of 10 per centum of the total contract prices for the construction and or manufacture of any complete naval vessel or portion thereof, and in excess of 12 per centum of the total contract prices for the construction and or manufacture of any complete aircraft or portion thereof, of such contracts within the scope of this section as are completed by the particular contracting party within the income taxable year, such amount to become the property of the United States, but the surety under such contracts shall not be liable for the payment of such excess profit: *Provided*, That if there is a net loss on all such contracts or subcontracts for the construction and or manufacture of any complete naval vessel or portion thereof completed by the particular contractor or subcontractor within any income taxable year, such net loss or deficiency in profit shall be allowed as a credit in determining the excess profit, if any, for the next succeeding income taxable year, and that if there is a net loss, or a net profit less than 12 per centum, as aforesaid on all such contracts or subcontracts for the construction and or manufacture of any complete aircraft or portion thereof completed by the particular contractor or subcontractor within any income taxable year, such net loss or deficiency in profit shall be allowed as a credit in determining the excess profit, if any, during the next succeeding four income taxable years, and that the method of ascertaining the amount of excess profit, initially fixed upon shall be determined on or before June 30, 1939: *Provided further*, That if such amount is not voluntarily paid the Secretary of the Treasury shall collect the same under the usual methods employed under the internal-revenue laws to collect Federal income taxes: *Provided further*, That all provisions of law (including penalties) applicable with respect to the taxes imposed by Title I of the Revenue Act of 1934, and not inconsistent with this section, shall be applicable with respect to the assessment, collection, or payment of excess profits to the Treasury as provided by this section, and to refunds by the Treasury of overpayments of excess profits into the Treasury: *And provided further*, That this section shall not apply to contracts or subcontracts for scientific equipment used for communication, target detection, navigation, and fire control as may be so designated by the Secretary of the Navy, and the Secretary of the Navy shall report annually to the Congress the names of such contractors and subcontractors affected by this provision, together with the applicable contracts and the amounts thereof: *And provided further*, That the income-taxable years shall be such taxable years beginning after December 31, 1935, except that the above provisos relating to the assessment, collection, payment, or refunding of excess profit to or by the Treasury shall be retroactive to March 27, 1934.

(c) To make no subdivisions of any contract or subcontract for the same article or articles for the purpose of evading the provisions of this Act, but any subdivision of any contract or subcontract involving an amount in excess of $10,000 shall be subject to the conditions herein prescribed.

(d) That the manufacturing spaces and books of its own plant, affiliates, and subdivisions shall at all times be subject to inspection and audit by any person designated by the Secretary of the Navy, the Secretary of the Treasury, and/or by a duly authorized committee of Congress.

(e) To make no subcontract unless the subcontractor agrees to the foregoing conditions.

The report shall be in form prescribed by the Secretary of the Navy and shall state the total contract price, the cost of performing the contract, the net income, and the per centum such net income bears to the contract price. A copy of such report shall be transmitted to the Secretary of the Treasury for consideration in connection with the Federal income tax returns of the contractor for the taxable year or years concerned.

The method of ascertaining the amount of excess profit to be paid into the Treasury shall be determined by the Secretary of the Treasury in agreement with the Secretary of the Navy and made available to the public. The method initially fixed upon shall be so determined on or before June 30, 1934: *Provided*, That in any case where an excess profit may be found to be owing to the United States in consequence hereof, the Secretary of the Treasury shall allow credit for any Federal income taxes paid or remaining to be paid upon the amount of such excess profit.

The contract or subcontracts referred to herein are limited to those where the award exceeds $10,000.

Pursuant to the authority prescribed by section 14 of the Act of April 3, 1939 (Public, No. 18, 76th Cong., 1st sess.) and section 3 of the Act of March 27, 1934, as amended, the following regulations are hereby prescribed:*†

§ 16.1 *Definitions.* As used in these regulations the term—

(a) *Act* means the Act of April 3, 1939 (Public, No. 18, 76th Cong., 1st sess.; I.R.B. 1939–20, 13), together with the applicable provisions of section 3 of the Act of March 27, 1934, 48 Stat. 505 (34 U.S.C. 496) as amended by the Act of June 25, 1936, 49 Stat. 1926 (34 U.S.C., Sup. IV, 496) and as further amended by the Act of April 3, 1939 (Public, No. 18, 76th Cong., 1st sess.; I.R.B. 1939–20, 13).

(b) *Person* includes an individual, a corporation, a partnership, a trust or estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture or other unincorporated organization or group, through or by means of which any business, financial operation or venture is carried on.

(c) *Contract* means an agreement made by authority of the Secretary of War for the construction or manufacture of any complete aircraft or any portion thereof for the Army.

(d) *Contractor* means a person entering into a direct contract with the Secretary of War or his duly authorized representative.

(e) *Subcontract* means an agreement entered into by one person with another person for the construction or manufacture of any complete aircraft or any portion thereof for the Army, the prime contract for such aircraft or portion thereof having been entered into between a contractor and the Secretary of War or his duly authorized representative.

(f) *Subcontractor* means any person other than a contractor entering into a subcontract.

(g) *Contracting party* means a contractor or subcontractor as the case may be.

(h) *Contract price* or *total contract price* means the amount or total amount to be received under a contract or subcontract as the case may be.

(i) *Income-taxable year* means the calendar year, the fiscal year ending during such calendar year, or the fractional part of such calendar or fiscal year, upon the basis of which the contracting party's net income is computed and for which its income tax returns are made for Federal income tax purposes.*†

§ 16.2 *Contracts and subcontracts under which excess profit liability may be incurred.* Except as otherwise provided with respect to contracts or subcontracts for certain scientific equipment (see section 16.3 of these regulations), every contract awarded for an amount exceeding $10,000 and entered into after the enactment of the Act of April 3, 1939 for the construction or manufacture of any complete aircraft or any portion thereof for the Army, is subject to the provisions of the Act relating to excess profit liability. Any subcontract made with respect to such a contract and involving an amount in excess of $10,000 is also within the scope of the Act. If a contracting party places orders with another party, aggregating an amount in excess of $10,000, for articles or materials which constitute a part of the cost of performing the contract or subcontract, the placing of such orders shall constitute a subcontract within the scope of the Act, unless it is clearly shown that each of the orders involving $10,000 or less is a bona fide separate and distinct subcontract and not a subdivision made for the purpose of evading the provisions of the Act.*†

§ 16.3 *Contracts or subcontracts for scientific equipment.* No excess profit liability is incurred upon a contract or subcontract entered into after the enactment of the Act of April 3, 1939, if at the time or prior to the time such contract or subcontract is made it is designated by the Secretary of War as being exempt under the provisions of the Act pertaining to scientific equipment used for communication, target detection, navigation, and fire control.*†

§ 16.4 *Completion of contract defined.* The date of delivery of the aircraft or portion thereof covered by the contract or subcontract shall be considered the date of completion of the contract or subcontract unless otherwise determined jointly by the Secretary of War and the Secretary of the Treasury or their duly authorized representatives. Except as otherwise provided in the preceding sentence, the replacement of defective parts of delivered articles or the performance of other guarantee work in respect of such articles will not operate to extend the date of completion. As to the treatment of the cost of such work as a cost of performing a contract or subcontract, see section 16.8 (h) of these regulations. As to a refund in case of adjustment due to any subsequently incurred additional costs, see section 16.18 of these regulations. If a contract or subcontract is at any time cancelled or terminated, it is completed at the time of the cancellation or termination.*†

§ 16.5 *Manner of determining liability. The first step* in the determination of the excess profit to be paid to the United States by a contracting party with respect to contracts and subcontracts completed within an income-taxable year is to ascertain the total contract prices of all contracts and subcontracts completed by the contracting party within the income-taxable year. As to total contract prices, see section 16.7 of these regulations.





*The second step* is to ascertain the cost of performing such contracts and subcontracts and to deduct such cost from the total contract prices of such contracts and subcontracts as computed in the first step. See section 16.8 of these regulations.

The amount remaining after such subtraction is the amount of net profit or net loss upon the contracts and subcontracts completed within the income-taxable year.

*The third step*, in case there is a net profit upon such contracts and subcontracts, is to subtract from the amount of such net profit as computed in the second step the sum of—

(1) An amount equal to 12 percent of the total contract prices of the contracts and subcontracts completed within the income-taxable year;

(2) The amount of any net loss sustained in a prior income-taxable year and allowable as a credit in determining the excess profit for the income-taxable year (see section 16.9 of these regulations); and

(3) The amount of any deficiency in profit sustained in a prior income-taxable year and allowable as a credit in determining the excess profit for the income-taxable year (see section 16.9 of these regulations).

The amount remaining after such subtraction is the amount of excess profit for the income-taxable year.

*The fourth step* is to ascertain the amount of credit allowed for Federal income taxes paid or remaining to be paid upon the amount of such excess profit (see section 16.10 of these regulations) and then subtract from the amount of such excess profit the amount of credit for Federal income taxes.

The amount remaining after this subtraction is the amount of excess profit to be paid to the United States by the contracting party for the income-taxable year.*†

§ 16.6 *Computation of excess profit liability.* The application of the provisions of section 16.5 of these regulations may be illustrated by the following example:

*Example:* On September 1, 1939, the B Corporation which keeps its books and makes its Federal income tax returns on a calendar year basis entered into a contract coming within the scope of the Act, the total contract price of which was $200,000. On March 10, 1940, the corporation entered into another such contract, the total contract price of which was $40,000. Both contracts were completed within the calendar year 1940, the first at a cost of $155,000 and the second at a cost of $45,000. During the year 1939 the B Corporation sustained a net loss of $2,500 and a deficiency in profit of $1,000 on contracts and subcontracts entered into after April 3, 1939 and completed within the income-taxable year 1939. For purposes of the Federal income tax, the net income of the B Corporation for the year 1940 amounted to $96,000, which included the total net profit of $40,000 upon the two contracts. For the year 1940 the B Corporation paid a Federal income tax of $13,240 upon its entire net income. The excess profit liability is $6,700 computed as follows:

| | | |
|---|---|---|
| Total contract prices: | | |
| Contract No. 1 | $200,000 | |
| Contract No. 2 | 40,000 | |
| | | $240,000 |
| Less: Cost of performing contracts: | | |
| Contract No. 1 | 155,000 | |
| Contract No. 2 | 45,000 | |
| | | 200,000 |
| Net profit on contracts | | 40,000 |
| Less: 12 percent of total contract prices (12 percent of $240,000) | $28,800 | |
| Net loss from 1939 | 2,500 | |
| Deficiency in profit from 1939 | 1,000 | |
| | | 32,300 |
| Excess profit for year 1940 | | 7,700 |
| Less: Credit for Federal income taxes (Federal income tax on $7,700 at the rates for 1940) | | 1,000 |
| Amount of excess profit payable to the United States | | 6,700 |

*†

§ 16.7 *Total contract price.* The total contract price of a particular contract or subcontract (see section 16.1 of these regulations) may be received in money or its equivalent. If something other than money is received, only the fair market value of the thing received, at the date of receipt, is to be included in determining the amount received. Bonuses earned for bettering performance and penalties incurred for failure to meet the contract guarantees are to be regarded as adjustments of the original contract price. Trade or other discounts granted by a contracting party in respect of a contract or subcontract performed by such party are also to be deducted in determining the true total contract price of such contract or subcontract.*†

§ 16.8 *Cost of performing a contract or subcontract*—(a) *General rule.* The cost of performing a particular contract or subcontract shall be the sum of (1) the direct costs, including therein expenditures for materials, direct labor and direct expenses, incurred by the contracting party in performing the contract or subcontract; and (2) the proper proportion of any indirect costs (including therein a reasonable proportion of management expenses) incident to and necessary for the performance of the contract or subcontract.

(b) *Elements of cost.* No definitions of the elements of cost may be stated which are of invariable application to all contractors and subcontractors. In general, the elements of cost may be defined for purposes of the Act as follows:

(1) Manufacturing cost, which is the sum of factory cost (see paragraph (c) of this section) and other manufacturing cost (see paragraph (d) of this section);

(2) Miscellaneous direct expenses (see paragraph (e) of this section);

(3) General expenses, which are the sum of indirect engineering expenses, usually termed "engineering overhead" (see paragraph (f) of this section) and expenses of distribution, servicing and administration (see paragraph (g) of this section); and

(4) Guarantee expenses (see paragraph (h) of this section).

(c) *Factory cost.* Factory cost is the sum of the following:

(1) *Direct materials.* Materials, such as those purchased for stock and subsequently issued for contract operations and those acquired under subcontracts, which become a component part of the finished product or which are used directly in fabricating, converting or processing such materials or parts.

(2) *Direct productive labor.* Productive labor, usually termed "shop labor," which is performed on and is properly chargeable directly to the article manufactured or constructed pursuant to the contract or subcontract, but which ordinarily does not include direct engineering labor (see subparagraph (3) of this paragraph).

(3) *Direct engineering labor.* The compensation of professional engineers and other technicists (including reasonable advisory fees), and of draftsmen, properly chargeable directly to the cost of the contract or subcontract.

(4) *Miscellaneous direct factory charges.* Items which are properly chargeable directly to the factory cost of performing the contract or subcontract but which do not come within the classifications in subparagraphs (1), (2), and (3) of this paragraph, as for example, royalties which the contracting party pays to another party and which are properly chargeable to the cost of performing the contract or subcontract (but see paragraph (d) of this section).

(5) *Indirect factory expenses.* Items, usually termed "factory overhead," which are not directly chargeable to the factory cost of performing the contract or subcontract but which are properly incident to and necessary for the performance of the contract or subcontract and consist of the following:

(A) *Labor.* Amounts expended for factory labor, such as supervision and inspection, clerical labor, timekeeping, packing and shipping, stores supply, services of tool crib attendants, and services in the factory employment bureau, which are not chargeable directly to productive labor of the contract or subcontract.

(B) *Materials and supplies.* The cost of materials and supplies for general use in the factory in current operations, such as shop fuel, lubricants, heat-treating, plating, cleaning and anodizing supplies, nondurable tools and gauges, stationery (such as time tickets and other forms), and boxing and wrapping materials.

(C) *Service expenses.* Factory expenses of a general nature, such as those for power, heat and light (whether purchased or produced), ventilation and air-conditioning and operation and maintenance of general plant assets and facilities.

(D) *Fixed charges and obsolescence.* Recurring charges with respect to property used for manufacturing purposes of the contract or subcontract, such as premiums for fire and elevator insurance, property taxes, rentals and allowances for depreciation of such property, including maintenance and depreciation of reasonable stand-by equipment; and depreciation and obsolescence of special equipment and facilities necessarily acquired primarily for the performance of the contract or subcontract. In making allowances for depreciation, consideration shall be given to the number and length of shifts.

(E) *Miscellaneous indirect factory expenses.* Miscellaneous factory expenses not directly chargeable to the factory cost of performing the contract or subcontract, such as purchasing expenses; ordinary and necessary expenses of rearranging facilities within a department or plant; employees' welfare expenses; premiums or dues on compensation insurance; employers' payments to unemployment, old age and social security Federal and State funds not including payments deducted from or chargeable to employees or officers; pensions and retirement payments to factory employees; factory accident compensation (as to self-insurance, see paragraph (g) of this section); but not including any amounts which are not incident to services, operations, plant, equipment or facilities involved in the performance of the contract or subcontract.

(d) *Other manufacturing cost.* Other manufacturing cost as used in paragraph (b) of this section includes items of manufacturing costs which are not properly or satisfactorily chargeable to factory costs (see paragraph (c) of this section) but which upon a complete showing of all pertinent facts are properly to be included as a cost of performing the contract or subcontract, as for instance, payments of royalties and amortization of the cost of designs purchased and patent rights over their useful life; and "deferred" or "unliquidated" experimental and development charges. For example, in case experimental and development costs have been properly deferred or capitalized and are amortized in accordance with a reasonably consistent plan, a proper portion of the current charge, determined by a ratable allocation which is reasonable in consideration of the pertinent facts, may be treated as a cost of performing the contract or subcontract. In the case of general experimental and development expenses which may be charged off currently, a reasonable portion thereof may be allocated to the cost of performing the contract or subcontract. If a special experimental or development project is carried on in pursuance of a contract, or in anticipation of a contract which is later entered into, and the expense is not treated as a part of general experimental and development expenses or is not otherwise allowed as a cost of performing the contract, there clearly appearing no reasonable prospect of an additional contract for the type of article involved, the entire cost of such project may be allowed as a part of the cost of performing the contract.

(e) *Miscellaneous direct expenses.* Miscellaneous direct expenses as used in paragraph (b) of this section include—

(1) *Cost of installation and construction.* Cost of installation and construction includes the cost of materials, labor and expenses necessary for the erection and installation prior to the completion of the contract and after the delivery of the product or material manufactured or constructed pursuant to the contract or subcontract.

(2) *Sundry direct expenses.* Items of expense which are properly chargeable directly to the cost of performing a contract or subcontract and which do not constitute guarantee expenses (see paragraph (h) of this section) or direct costs classified as factory cost or other manufacturing cost (see paragraphs (c) and (d) of this section), such as premiums on performance or other bonds required under the contract or subcontract; State sales taxes imposed on the contracting party; freight on outgoing shipments; fees paid for wind tunnel and model basin tests; demonstration and test expenses; crash insurance premiums; traveling expenses. In order for any such item to be allowed as a charge directly to the cost of performing a contract or subcontract, (1) a detailed record shall be kept by the contracting party of all items of a similar character, and (2) no item of a similar character which is properly a direct charge to other work shall be allowed as a part of any indirect expenses in determining the proper proportion thereof chargeable to the cost of performing the contract or subcontract. As to allowable indirect expenses, see paragraphs (c) (5), (f), (g) and (j) of this section.

(f) *Indirect engineering expenses.* Indirect engineering expenses, usually termed "engineering overhead," which are treated in this section as a part of general expenses in determining the cost of performing a contract or subcontract (see paragraph (b) of this section), comprise the general engineering expenses which are incident to and necessary for the performance of the contract or subcontract, such as the following:

(1) *Labor.* Reasonable fees of engineers employed in a general consulting capacity, and compensation of employees for personal services to the engineering



department, such as supervision, which is properly chargeable to the contract or subcontract, but which is not chargeable as direct engineering labor (see paragraph (c) (3) of this section).

(2) *Material.* Supplies for the engineering department, such as paper and ink for drafting and similar supplies.

(3) *Miscellaneous expenses.* Expenses of the engineering department, such as (A) maintenance and repair of engineering equipment, and (B) services purchased outside of the engineering department for blue printing, drawing, computing, and like purposes.

(g) *Expenses of distribution, servicing and administration.* Expenses of distribution, servicing and administration, which are treated in this section as a part of general expenses in determining the cost of performing a contract or subcontract (see paragraph (b) of this section), comprehend the expenses incident to and necessary for the performance of the contract or subcontract, which are incurred in connection with the distribution and general servicing of the contracting party's products and the general administration of the business, such as—

(1) *Compensation for personal services of employees.* The salaries of the corporate and general executive officers and the salaries and wages of administrative clerical employees and of the office services employees such as telephone operators, janitors, cleaners, watchmen and office equipment repairmen.

(2) *Bidding and general selling expenses.* Bidding and general selling expenses which by reference to all the pertinent facts and circumstances reasonably constitute a part of the cost of performing a contract or subcontract. The treatment of bidding and general selling expenses as a part of general expenses in accordance with this paragraph is in lieu of any direct charges which otherwise might be made for such expenses. The term "bidding expenses" as used in this section includes all expenses in connection with preparing and submitting bids.

(3) *General servicing expenses.* Expenses which by reference to all the pertinent facts and circumstances reasonably constitute a part of the cost of performing a contract or subcontract and which are incident to delivered or installed articles and are due to ordinary adjustments or minor defects; but including no items which are treated as a part of guarantee expenses (see paragraph (h) of this section) or as a part of direct costs, such as direct materials, direct labor, and other direct expense.

(4) *Other expenses.* Miscellaneous office and administrative expenses, such as stationery and office supplies; postage; repair and depreciation of office equipment; contributions to local charitable or community organizations to the extent constituting ordinary and necessary business expenses; employees' welfare expenses; premiums and dues on compensation insurance; employers' payments to unemployment, old age and social security Federal and State funds not including payments deducted from or chargeable to employees or officers; pensions and retirement payments to administrative office employees and accident compensation to office employees (as to self-insurance, see the following subparagraph).

Subject to the exception stated in this subparagraph, in cases where a contracting party assumes its own insurable risks (usually termed "self-insurance"), losses and payments will be allowed in the cost of performing a contract or subcontract only to the extent of the actual losses suffered or payments incurred during, and in the course of, the performance of the contract or subcontract and properly chargeable to such contract or subcontract. If, however, a contracting party assumes its own insurable risks (a) for compensation paid to employees for injuries received in the performance of their duties, or (b) for unemployment risks in States where insurance is required, there may be allowed as a part of the cost of performing a contract or subcontract a reasonable portion of the charges set up for purposes of self-insurance under a system of accounting regularly employed by the contracting party, as determined by the Commissioner of Internal Revenue, at rates not exceeding the lawful or approved rates of insurance companies for such insurance, reduced by amounts representing the acquisition cost in such companies, provided the contracting party adopts and consistently follows this method with respect to self-insurance in connection with all contracts and subcontracts subsequently performed by him.

Allowances for interest on invested capital are not allowable as costs of performing a contract or subcontract.

Among the items which shall not be included as a part of the cost of performing a contract or subcontract or considered in determining such cost, are the following: Entertainment expenses; dues and memberships other than of regular trade associations; donations except as otherwise provided above; losses on other contracts; profits or losses from sales or exchanges of capital assets; extraordinary expenses due to strikes or lockouts; fines and penalties; amortization of unrealized appreciation of values of assets; expenses, maintenance and depreciation of excess facilities (including idle land and building, idle parts of a building, and excess machinery and equipment) vacated or abandoned, or not adaptable for future use in performing contracts or subcontracts; increases in reserve accounts for contingencies, repairs, compensation insurance (except as above provided with respect to self-insurance) and guarantee work; Federal and State income and excess-profits taxes and surtaxes; cash discount earned up to one percent of the amount of the purchase, except that all discounts on subcontracts subject to the Act will be considered; interest incurred or earned; bond discount or finance charges; premiums for life insurance on the lives of officers; legal and accounting fees in connection with reorganizations, security issues, capital stock issues and the prosecution of claims against the United States (including income tax matters); taxes and expenses on issues and transfers of capital stock; losses on investments; bad debts; and expenses of collection and exchange.

In order that the cost of performing a contract or subcontract may be accounted for clearly, the amount of any excess profits repayable to the United States pursuant to the Act should not be charged to or included in such cost.

(h) *Guarantee expenses.* Guarantee expenses include the various items of factory cost, other manufacturing cost, cost of installation and construction, indirect engineering expenses and other general expenses (see paragraphs (c) to (g), inclusive, of this section) which are incurred after delivery or installation of the article manufactured or constructed pursuant to the particular contract or subcontract and which are incident to the correction of defects or deficiencies which the contracting party is required to make under the guarantee provisions of the particular contract or subcontract. If the total amount of such guarantee expenses is not ascertainable at the time of filing the report required to be filed with the collector of internal revenue (see section 16.15 of these regulations) and the contracting party includes any estimated amount of such expenses as part of the claimed total cost of performing the contract or subcontract, such estimated amount shall be separately shown on the report and the reasons for claiming such estimated amount shall accompany the report; but only the amount of guarantee expenses actually incurred will be allowed. If the amount of guarantee expenses actually incurred is greater than the amount (if any) claimed on the report and the contracting party has made an overpayment of excess profit, a refund of the overpayment shall be made in accordance with the provisions of section 16.18 of these regulations. If the amount of guarantee expenses actually incurred is less than the amount claimed on the report and an additional amount of excess profit is determined to be due, the additional amount of excess profit shall be assessed and paid in accordance with the provisions of section 16.18 of these regulations.

(i) *Unreasonable compensation.* The salaries and compensation for services which are treated as a part of the cost of performing a contract or subcontract include reasonable payments for salaries, bonuses, or other compensation for services. As a general rule, bonuses paid to employees (and not to officers) in pursuance of a regularly established incentive bonus system may be allowed

as a part of the cost of performing a contract or subcontract.

The test of allowability is whether the aggregate compensation paid to each individual is for services actually rendered incident to, and necessary for, the performance of the contract or subcontract, and is reasonable. Excessive or unreasonable payments whether in cash, stock or other property ostensibly as compensation for services shall not be included in the cost of performing a contract or subcontract.

(j) *Allocation of indirect costs.* No general rule applicable to all cases may be stated for ascertaining the proper proportion of the indirect costs to be allocated to the cost of performing a particular contract or subcontract. Such proper proportion depends upon all the facts and circumstances relating to the performance of the particular contract or subcontract. Subject to a requirement that all items which have no relation to the performance of the contract or subcontract shall be eliminated from the amount to be allocated, the following methods of allocation are outlined as acceptable in a majority of cases:

(1) *Factory indirect expenses.* The allowable indirect factory expenses (see paragraph (c) (5) of this section) shall ordinarily be allocated or "distributed" to the cost of the contract or subcontract on the basis of the proportion which the direct productive labor (see paragraph (c) (2) of this section) attributable to the contract or subcontract bears to the total direct productive labor of the production department or particular section thereof during the period within which the contract or subcontract is performed, except that if the indirect factory expenses are incurred in different amounts and in different proportions by the various producing departments consideration shall be given to such circumstances to the extent necessary to make a fair and reasonable determination of the true profit and excess profit.

(2) *Engineering indirect expenses.* The allowable indirect engineering expenses (see paragraph (f) of this section) shall ordinarily be allocated or "distributed" to the cost of the contract or subcontract on the basis of the proportion which the direct engineering labor attributable to the contract or subcontract (see paragraph (c) (3) of this section) bears to the total direct engineering labor of the engineering department or particular section thereof during the period within which the contract or subcontract is performed. If the expenses of the engineering department are not sufficient in amount to require the maintenance of separate accounts, the engineering indirect costs may be included in the indirect factory expenses (see paragraph (c) (5) of this section) and allocated or distributed to the cost of performing the contract or subcontract as a part of such expenses, provided the proportion so allocated or distributed is proper under the facts and circumstances relating to the performance of the particular contract or subcontract.

(3) *Administrative expenses (or "overhead").* The allowable expenses of administration (see paragraph (g) of this section) or other general expenses except indirect engineering expenses, bidding and general selling expenses, and general servicing expenses shall ordinarily be allocated or distributed to the cost of performing a contract or subcontract on the basis of the proportion which the sum of the manufacturing cost (see paragraph (b) of this section) and the cost of installation and construction (see paragraph (e) of this section) attributable to the particular contract or subcontract bears to the sum of the total manufacturing cost and the total cost of installation and construction during the period within which the contract or subcontract is performed.

(4) *Bidding, general selling, and general servicing expenses.* The allowable bidding and general selling expenses and general servicing expenses (see paragraph (g) (2) and (3) of this section) shall ordinarily be allocated or distributed to the cost of performing a contract or subcontract on the basis of—

(i) The proportion which the contract price of the particular contract or subcontract bears to the total sales made (including contracts or subcontracts completed) during the period within which the particular contract or subcontracts is performed, or

(ii) The proportion which the sum of the manufacturing cost (see paragraph (b) of this section) and the cost of installation and construction (see paragraph (e) of this section) attributable to the particular contract or subcontract bears to the sum of the total manufacturing cost and the total cost of installation and construction during the period within which the contract or subcontract is performed,

except that special consideration shall be given to the relation which certain classes of such expenses bear to the various classes of articles produced by the contracting party in each case in which such consideration is necessary in order to make a fair and reasonable determination of the true profit and excess profit. See section 16.13 of these regulations.*†

§ 16.9 *Credit for net loss or for deficiency in profit in computing excess profit.* The term "net loss" as used in the Act and as applied to contracts and subcontracts coming within these regulations means the amount by which the total costs of performing all such contracts and subcontracts entered into after April 3, 1939 and completed by a particular contracting party within the income-taxable year exceeds the total contract prices of such contracts and subcontracts. As to the meaning of income-taxable year, see section 16.1 of these regulations.

The term "deficiency in profit" as used in the Act and as applied to contracts and subcontracts coming within these regulations means the amount by which 12 percent of the total contract prices of all such contracts and subcontracts entered into after April 3, 1939 and completed by a particular contracting party within the income-taxable year exceeds the net profit upon all such contracts and subcontracts.

A net loss or a deficiency in profit sustained by a contracting party for an income-taxable year is allowable as a credit in computing the contracting party's excess profit on contracts and subcontracts coming within these regulations and completed during the four next succeeding income-taxable years. Credit for such a net loss or deficiency in profit may be claimed in the contracting party's annual report of profit filed with the collector of internal revenue (see section 16.15 of these regulations), but it shall be supported by separate schedules for each contract or subcontract involved showing total contract prices, costs of performance and pertinent facts relative thereto, together with a summarized computation of the net loss or deficiency in profit. The net loss or deficiency in profit claimed is subject to verification and adjustment. As to preservation of books and records, see section 16.13 of these regulations.

Net loss or deficiency in profit sustained on contracts and subcontracts completed within one income-taxable year may not be considered in computing net loss or deficiency in profit sustained on contracts and subcontracts completed within another income-taxable year.

The provisions of this section may be illustrated by the following example:

*Example:* The A Corporation, which keeps its books and makes its Federal income tax returns on a calendar year basis, entered into and completed contracts for aircraft for the Army coming within the scope of the Act as follows: Contracts were completed within the calendar year 1939 on which the A Corporation sustained a net loss of $30,000 and a deficiency in profit of $10,000; contracts totaling $175,000 were completed in 1940 at a cost of $155,000, the A Corporation thereby realizing a net profit of $20,000 but sustaining a deficiency in profit of $1,000 (i. e., 12 percent of $175,000, or $21,000, less $20,000); contracts totaling $400,000 were completed in 1941 at a cost of $300,000, or at a net profit of $100,000. After deducting from the net profit of $100,000 for the year 1941 the amount of $48,000 (i. e., 12 percent of the total contract prices of $400,000), there remains $52,000 in excess profit on the contracts completed in the year 1941. The net loss of $30,000 and the deficiency in profit of $10,000 sustained in 1939 and the deficiency in profit of $1,000 sustained in 1940 may be deducted from such $52,000 in determining the amount of excess profit payable by the A Corporation for the year 1941 with respect to the contracts completed in such year.*†



§ 16.10 *Credit for Federal income taxes.* For the purpose of computing the amount of excess profit to be paid to the United States, a credit is allowable against the excess profit for the amount of Federal income taxes paid or remaining to be paid on the amount of such excess profit. The "Federal income taxes" in respect of which this credit is allowable include the income taxes imposed by Titles I and IA of the Revenue Act of 1938, and chapter 1 and subchapter A of chapter 2 of the Internal Revenue Code, and the excess-profits taxes imposed by section 602 of the Revenue Act of 1938 and subchapter B of chapter 2 of the Internal Revenue Code. This credit is allowable for these taxes only to the extent that it is affirmatively shown that they have been finally determined and paid or remain to be paid and that they were imposed upon the excess profit against which the credit is to be made. In case such a credit has been allowed and the amount of Federal income taxes imposed upon the excess profit is redetermined, the credit previously allowed shall be adjusted accordingly.*†

§ 16.11 *Failure of contractor to require agreement by subcontractor.* Every contract or subcontract coming within the scope of the Act and these regulations is required by the Act to contain, among other things, an agreement by the contracting party to make no subcontract unless the subcontractor agrees—

(a) To make a report, as described in the Act, under oath to the Secretary of War upon the completion of the subcontract;

(b) To pay into the Treasury excess profit, as determined by the Treasury Department, in the manner and amounts specified in the Act;

(c) To make no subdivision of the subcontract for the same article or articles for the purpose of evading the provisions of the Act;

(d) That the manufacturing spaces and books of its own plant, affiliates, and subdivisions shall at all times be subject to inspection and audit as provided in the Act.

If a contracting party enters into a subcontract with a subcontractor who fails to make such agreement, such contracting party shall, in addition to its liability for excess profit determined on contracts or subcontracts performed by it, be liable for any excess profit determined to be due the United States on the subcontract entered into with such subcontractor. In such event, however, the excess profit to be paid to the United States in respect of the subcontract entered into with such subcontractor shall be determined separately from any contracts or subcontracts performed by the contracting party entering into the subcontract with such subcontractor.*†

§ 16.12 *Evasion of excess profit.* Section 3 of the Act of March 27, 1934, as amended, provides that the contracting party shall agree to make no subdivisions of any contract or subcontract for the same article or articles for the purpose of evading the provisions of the Act. If any such subdivision or subcontract is made it shall constitute a violation of the agreement provided for in the Act, and the cost of completing a contract or subcontract by a contracting party which violates such agreement shall be determined in a manner necessary clearly to reflect the true excess profit of such contracting party.*†

§ 16.13 *Books of account and records.* It is recognized that no uniform method of accounting can be prescribed for all contracting parties subject to the provisions of the Act. Each contracting party is required by law to make a report of its true profits and excess profit. Such party must, therefore, maintain such accounting records as will enable it to do so. See section 16.8 of these regulations. Among the essentials are the following:

(1) The profit or loss upon a particular contract or subcontract shall be accounted for and fully explained in the books of account separately on each contract or subcontract.

(2) Any cost accounting methods, however standard they may be and regardless of long continued practice, shall be controlled by, and be in accord with, the objectives and purposes of the Act and of any regulations prescribed thereunder.

(3) The accounts shall clearly disclose the nature and amount of the different items of cost of performing a contract or subcontract.

In cases where it has been the custom priorly to use so-called "normal" rates of overhead expense or administrative expenses, or "standard" or "normal" prices of material or labor charges, no objection will be made to the use temporarily during the period of performing the contract or subcontract of such methods in charging the contract or subcontract, if the method of accounting employed is such as clearly to reflect, in the final determination upon the books of account, the actual profit derived from the performance of the contract or subcontract and if the necessary adjusting entries are entered upon the books and they explain in full detail the revisions necessary to accord with the facts. As to the elements of cost, see section 16.8 of these regulations.

All books, records, and original evidences of costs (including, among other things, production orders, bills or schedules of materials, purchase requisitions, purchase orders, vouchers, requisitions for materials, standing expense orders, inventories, labor time cards, payrolls, cost distribution sheets) pertinent to the determination of the true profit, excess profit, deficiency in profit or net loss from the performance of a contract or subcontract shall be kept at all times available for inspection by internal-revenue officers, and shall be carefully preserved and retained so long as the contents thereof may become material in the administration of the Act. This provision is not confined to books, records, and original evidences pertaining to items which may be considered to be a part of the cost of performing a contract or subcontract. It is applicable to all books, records, and original evidences of costs of each plant, branch or department involved in the performance of a contract or subcontract or in the allocation or distribution of costs to the contract or subcontract.*†

§ 16.14 *Report to Secretary of War.* Upon the completion of a contract or subcontract coming within the scope of the Act and these regulations, the contracting party is required to make a report, under oath, to the Secretary of War. As to the date of completion of a contract or subcontract, see section 16.4 of these regulations. Such report shall be in the form prescribed by the Secretary of War and shall state the total contract price, the cost of performing the contract, the net income from such contract, and the per centum such income bears to the contract price. The contracting party shall also include as a part of such report a statement showing—

(1) the manner in which the indirect costs were determined and allocated to the cost of performing the contract or subcontract (see section 16.8 of these regulations);

(2) the name and address of every subcontractor with whom a subcontract was made, the object of such subcontract, the date when completed and the amount thereof; and

(3) the name and address of each affiliate or other organization, trade or business owned or controlled directly or indirectly by the same interests as those who so own or control the contracting party, together with a statement showing in detail all transactions which were made with such affiliate or other organization, trade or business and are pertinent to the determination of the excess profit.

A copy of the report required to be made to the Secretary of War is required to be transmitted by the contracting party to the Secretary of the Treasury. Such copy shall not be transmitted directly to the Secretary of the Treasury but shall be filed as a part of the annual

report. See section 16.15 of these regulations.*†

§ 16.15 *Annual reports for income-taxable years*—(a) *General requirements.* Every contracting party completing a contract or subcontract within the contracting party's income-taxable year ending after April 3, 1939 shall file with the collector of internal revenue for the collection district in which the contracting party's Federal income tax returns are required to be filed an annual report on the prescribed form of the profit and excess profit on all contracts and subcontracts coming within the scope of the Act and these regulations and completed within the particular income-taxable year. There shall be included as a part of such report a statement, preferably in columnar form, showing separately for each such contract or subcontract completed by the contracting party within the income-taxable year the total contract price, the cost of performing the contract or subcontract and the resulting profit or loss on each contract or subcontract together with a summary statement showing in detail the computation of the net profit or net loss upon all contracts and subcontracts completed within the income-taxable year and the amount of the excess profit, if any, for the income-taxable year covered by the report. A copy of the report made to the Secretary of War (see section 16.14 of these regulations) with respect to each contract or subcontract covered in the annual report, shall be filed as a part of such annual report. In case the income-taxable year of the contracting party is a period of less than twelve months (see section 16.1 of these regulations), the report required by this section shall be made for such period and not for a full year.

(b) *Time for filing annual reports.* Annual reports of contracts and subcontracts coming within the scope of the Act and these regulations completed by a contracting party within an income-taxable year must be filed on or before the 15th day of the ninth month following the close of the contracting party's income-taxable year. It is important that the contracting party render on or before the due date an annual report as nearly complete and final as it is possible for the contracting party to prepare. An extension of time granted the contracting party for filing its Federal income tax return does not serve to extend the time for filing the annual report required by this section. Authority consistent with authorizations for granting extensions of time for filing Federal income tax returns is hereby delegated to the various collectors of internal revenue for granting extensions of time for filing the reports required by this section. Application for extensions of time for filing such reports should be addressed to the collector of internal revenue for the district in which the contracting party files its Federal income tax returns and must contain a full recital of the causes for the delay.*†

§ 16.16 *Payment of excess profit liability.* The amount of the excess profit liability to be paid to the United States shall be paid on or before the due date for filing the report with the collector of internal revenue. See section 16.15 of these regulations. At the option of the contracting party, the amount of the excess profit liability may be paid in four equal installments instead of in a single payment, in which case the first installment is to be paid on or before the date prescribed for the payment of the excess profit as a single payment, the second installment on or before the 15th day of the third month, the third installment on or before the 15th day of the sixth month, and the fourth installment on or before the 15th day of the ninth month, after such date.*†

§ 16.17 *Liability of surety.* The surety under contracts entered into with the Secretary of War for the construction or manufacture of any complete aircraft or any portion thereof for the Army shall not be liable for payment of excess profit due the United States in respect of such contracts.*†

§ 16.18 *Determination of liability for excess profit, interest and penalties; assessment, collection, payment, refunds.* The duty of determining the correct amount of excess profit liability on contracts and subcontracts coming within the scope of the Act and these regulations is upon the Commissioner of Internal Revenue. Under section 3 (b) of the Act of March 27, 1934, as last amended, all provisions of law (including the provisions of law relating to interest, penalties and refunds) applicable with respect to the taxes imposed by Title I of the Revenue Act of 1934 and not inconsistent with section 3 of the Act of March 27, 1934, as last amended, are applicable with respect to the assessment, collection, or payment of excess profits on contracts and subcontracts coming within the scope of the Act and these regulations and to refunds of overpayments of profits into the Treasury under the Act. Claims by a contracting party for the refund of an amount of excess profit, interest, penalties, and additions to such excess profit shall conform to the general requirements prescribed with respect to claims for refund of overpayments of taxes imposed by Title I of the Revenue Act of 1934 and, if filed on account of any additional costs incurred pursuant to guarantee provisions in a contract, shall be supplemented by a statement under oath showing the amount and nature of such costs and all facts pertinent thereto.

Administrative procedure for the determination, assessment and collection of excess profit liability under the Act and these regulations and the examination of reports and claims in connection therewith will be prescribed from time to time by the Commissioner of Internal Revenue.*†

[SEAL] HAROLD N. GRAVES,
*Acting Commissioner of Internal Revenue.*

Approved, June 16, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

Approved, June 28, 1939.

LOUIS JOHNSON,
*Acting Secretary of War.*

[F. R. Doc. 39-2262; Filed, June 29, 1939; 12:03 p. m.]

## UNITED STATES PROCESSING TAX BOARD OF REVIEW

### RULES OF PRACTICE

*Correction*

F. R. Doc. 39-2233, filed, June 27, 1939, at 4:01 p. m., appearing in the issue for Thursday, June 29, 1939, should be corrected as indicated below:

§ 601.5 (a) appearing in the first column on Page 2515 should read as follows:

(a) A caption in the following form:

UNITED STATES PROCESSING TAX BOARD OF REVIEW

| | |
|---|---|
| PETITIONER, v. COMMISSIONER OF INTERNAL REVENUE, RESPONDENT | Docket No. — |

(The respondent shall be the *Commissioner of Internal Revenue*, and the name of the incumbent of that office shall not appear in the caption of the petition.)

The second paragraph in the first column of Page 2516 should read as follows:

"If a motion, other than one relating to the receipt of evidence during a hearing, is made orally at the hearing, the presiding officer may direct that it be reduced to writing and, unless he directs otherwise, it shall be filed with the Board at Washington, D. C."

## TITLE 30—MINERAL RESOURCES

### NATIONAL BITUMINOUS COAL COMMISSION

[Order No. 278]

AN ORDER REQUIRING DISTRIBUTORS WHO PHYSICALLY HANDLE COAL OVER DOCKS TO REPORT CERTAIN INFORMATION TO THE COMMISSION

The Commission having, by Order in General Docket No. 12 on the 20th day of June, 1939, amended the definition of a "distributor" as previously defined in "Rules and Regulations for Registration of Distributors" dated March 24, 1939, as amended June 6, 1939,[1] so as to include a dock operator who physically handles coal with respect to transactions which have been recognized by custom to be definitely wholesale in character, and it appearing to the Commission that the "Rules and Regulations for Registration of Distributors" dated March 24, 1939, as amended June 6, 1939 and June 20, 1939, as such rules and regulations relate to dock operators, would be more effectively administered by requiring that certain information be filed with the Commission by such distributors,

Now, therefore, Pursuant to the provisions of subsection (f) of Section III, entitled "Terms of 'Agreement by Registered Distributor'", of the "Rules and Regulations for Registration of Distributors" dated March 24, 1939, as amended June 6, 1939 and June 20, 1939, and to the provisions of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That a "distributor", as such distributor is defined in the aforesaid rules and regulations, who has been registered by the Commission, shall file with the Statistical Division of the Commission at Washington, D. C., on or before the 15th day of each month from and after the effective date of Minimum Prices and Marketing Rules and Regulations, a report as to each dock operated during the preceding month by such distributor, giving the following information:

(a) Total net tons of coal received on each dock during the preceding month, by sizes and grades, the f. o. b. mine price thereof, the name of mine and producer from whom such coal was purchased, and the amount of discount to be received as to each transaction.

(b) Number of net tons sold during the preceding month as to transactions which, by custom, are recognized to be definitely wholesale in character.

(c) Number of net tons sold during the preceding month as to transactions which are not wholesale in character.

2. That the initial report required herein shall contain an inventory showing the amount of coal, and the sizes and grades of such coal, on each dock on the effective date of Minimum Prices and Marketing Rules and Regulations.

3. That the reports required to be filed under this Order shall be signed by the distributor if an individual, by a member of the firm if a partnership, or, if a corporation, by a responsible officer thereof who is familiar with the facts.

The Secretary of the Commission is hereby directed to cause a copy of this Order to be published forthwith in the FEDERAL REGISTER, and to cause a copy hereof to be mailed to the Consumers' Counsel, to the Secretary of each District Board, and to all parties who have filed their appearances in Docket No. 12, and to mail a copy of this Order to all Code Members and to all applicants who have filed with the Commission, on Form No. 326-W, application for Registration as a "distributor", and to cause copies of this Order to be made available for inspection by interested parties at the Office of the Secretary of the Commission, Washington, D. C., and at the office of each Statistical Bureau of the Commission.

By order of the Commission.

Dated this 29th day of June 1939.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

[F. R. Doc. 39-2281; Filed, June 30, 1939; 12:13 p. m.]

[1] 4 F.R. 2486 DI.



## TITLE 50—WILDLIFE

### BUREAU OF FISHERIES

SUBCHAPTER B—ALASKA AQUATIC MAMMALS OTHER THAN WHALES

PART 242—ALASKA WALRUSES AND SEA LIONS

Sec.
242.1 Purposes for which walruses may be taken.
242.2 Purposes for which sea lions may be taken.

§ 242.1 *Purposes for which walruses may be taken.* The killing of walruses in the Territory of Alaska or in any of the waters of Alaska over which the United States has jurisdiction is prohibited from July 1, 1939, to June 30, 1941, both dates inclusive. This prohibition shall not apply to the killing of walruses by natives for food or clothing, by miners or explorers when in need of food, or to the collection of specimens for scientific purposes under permits issued by the Secretary of Commerce. (§ 2, 35 Stat. 102) (41 Stat. 716; 48 U.S.C. 191)

§ 242.2 *Purposes for which sea lions may be taken.* The killing of sea lions in the Territory of Alaska, or in any of the waters of Alaska over which the United States has jurisdiction, is permitted as follows:

(a) By natives for food or clothing, and by miners or explorers when in need of food.

(b) By anyone in the necessary protection of property, or while such animals are destroying salmon or other food fish.

(c) Under permits issued by the Secretary of Commerce authorizing the taking of specimens for scientific purposes. (48 Stat. 976; 16 U.S.C. 659)

[SEAL] EDWARD J. NOBLE,
*Acting Secretary of Commerce.*

JUNE 29, 1939.

[F. R. Doc. 39-2275; Filed, June 30, 1939; 11:32 a. m.]

## *Notices*

## WAR DEPARTMENT.

### APPOINTMENT OF CHAPLAINS IN THE REGULAR ARMY

1. Examination of applicants for appointment as chaplains in the grade of first lieutenant in the Regular Army under provisions of AR 605-30 and the following special conditions will be held on September 12, 13, 14, and 15, 1939, in Washington, D. C.

2. In order to provide for existing or prospective denominational vacancies, applications will be restricted to clergymen duly accredited to the following denominations:

Colored (any Protestant denomination).
Baptist, South.
Churches of Christ.
Disciples of Christ.
Lutheran (except Missouri Synod).
Methodist.
Roman Catholic.

3. Eligibility to compete in the examination will be confined to candidates who are at the time of the examination—

a. Male citizens of the United States between the ages of 23 and 34 years.

b. Regularly ordained, duly accredited by, and in good standing with one of the religious denominations listed above.

c. Graduates of both a 4-year college course and a 3-year theological seminary course.

d. Actively engaged in the ministry as the principal occupation in life and credited with 3 years' experience therein.

4. Formal applications on WD, AGO Form No. 62, accompanied by at least three letters of recommendation, small photographs of applicants, and proper ecclesiastical indorsements must reach The Adjutant General not later than August 30, 1939. Application received after that date will not be considered.

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-2266; Filed, June 30, 1939; 9:23 a. m.]

## DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[Order No. 279]

AN ORDER AMENDING ORDER NO. 277 WITH RESPECT TO THE DESIGNATION OF THE EMPLOYEE MEMBER OF DISTRICT BOARD NO. 18

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal and for other purposes" (Public No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That paragraph 2 of Order No. 277[1] of the Commission be and the same is hereby amended by striking opposite the words *"District 18—New Mexico:"* the name of Eben Jones, 736 South 5th Street, Raton, New Mexico, and inserting

[1] 4 F.R. 2451 DI.

in lieu thereof the name of Earle Stucker, 110 East Mesa Avenue, Gallup, New Mexico.

2. Except as herein modified, Order No. 277 shall remain in full force and effect.

By order of the Commission.
Dated this 29th day of June 1939.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

[F. R. Doc. 39-2282; Filed, June 30, 1939; 12:13 p. m.]

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[Docket No. 602-FD]

ORDER IN THE MATTER OF THE WEST KENTUCKY COAL COMPANY; COMPLAINT OF THE UNITED MINE WORKERS OF AMERICA, DISTRICT NO. 23, ALLEGING VIOLATION OF SECTION 9 OF THE BITUMINOUS COAL ACT OF 1937

At a regular session of the National Bituminous Coal Commission held at its offices in Washington, D. C., on the 28th day of June 1939.

It appearing that on the 19th day of January, 1939, the United Mine Workers of America, District No. 23, a party of interest within the meaning of Section 9 (c) of the Bituminous Coal Act of 1937, hereinafter referred to as the Act, filed with the Commission a complaint alleging violation of Section 9 of the Act on the part of the West Kentucky Coal Company, a corporation actively engaged in the production of bituminous coal in the State of Kentucky, said Company being hereinafter referred to as the respondent; and

It appearing that after copy of said complaint had been duly served on the respondent, notice of a hearing [1] on said complaint before an authorized Examiner of the Commission was promptly served on all parties of interest, said hearing to be held at the Hearing Room of the Commission, Washington, D. C. on the 25th day of January, 1939, but pursuant to the request of the respondent continued until the 6th day of February, 1939, on which date said hearing was begun; and

It further appearing, That at said hearing all parties of interest were represented by counsel and evidence adduced and testimony heard, said hearing was continued for the purpose of permitting the respondent to take depositions of 50 witnesses which respondent claimed were necessary in the proper presentation of its defense, and such depositions having been taken and made a part of the record in this case, the Examiner submitted a Report together with the Proposed Findings of Fact to the Commission, and copies of such Report and Proposed Findings were duly served upon all interested parties; and

It appearing, That on the 4th day of April 1939, the respondent duly filed with the Commission its Exceptions to the Report and Proposed Findings of Fact of the Examiner and a Brief in support thereof, together with a Motion for Rehearing and Request for Oral Argument; and

The Commission having granted the respondent's Request for Oral Argument and having heard the same on the 15th day of June 1939, and the Commission being fully advised of the testimony, evidence, exhibits and depositions as contained in the official transcript of the proceedings as filed herein, and after thorough consideration of the Pleadings, Record, Briefs, Objections and Arguments in the premises, the Commission made its Findings and Conclusions thereon, a copy of which is attached hereto and made a part hereof by reference;

Now, therefore, It is hereby ordered:

1. That the respondent's Motion for a Rehearing in this matter is denied.

2. That the objections of the respondent to the aforesaid Report and Proposed Findings of Fact of the Examiner are overruled insofar as said Report and Proposed Findings conform with the Findings and Conclusions of the Commission.

3. That the Secretary of the Commission is directed forthwith to certify the Findings and Conclusions of the Commission and this Order to all United States departments or agencies concerned; to cause to be published in the FEDERAL REGISTER this Order together with the Findings and Conclusions of the Commission; [2] and to cause copies of the same to be mailed to the Secretary of each District Board, to the Consumers' Counsel, and to all interested parties.

By Order of the Commission.
Dated this 28th day of June 1939.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

[F. R. Doc. 39-2278; Filed, June 30, 1939; 12:12 p. m.]

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[Docket No. 619-FD]

ORDER IN THE MATTER OF THE APPLICATION OF SOUTHWEST COAL COMPANY FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

At a session of the National Bituminous Coal Commission, held at its offices in Washington, D. C., on the 28th day of June 1939.

It appearing, That the above-named applicant, Southwest Coal Company, a Missouri corporation authorized to engage in business in the State of Missouri, filed its application for provisional approval as a marketing agency on the 6th day of April 1939, pursuant to Order No. 6 [3] of the Commission, and the matter being assigned to Trial Examiner Edward J. Hayes, and proper notice having been given, the same came on for hearing before the said Examiner on the 1st day of May 1939,[4] and at said hearing the applicant having duly appeared and representatives of the Legal Division of the Commission and of the Consumers' Counsel having entered their respective appearances therein, the evidence was adduced; and

It further appearing, That the Trial Examiner having received said evidence, did, on the 10th day of June 1939, file, with the Commission, his report and proposed findings of fact, together with his recommendations that said application be granted, and it appearing that true copies of said report and proposed findings of fact of the Examiner were duly served upon all parties appearing at said hearing, on the 12th day of June 1939, and more than fifteen days having elapsed since the service of said report, no exceptions having been filed thereto; and

The Commission having considered the application, the Report, the Proposed Findings of Fact, and Recommendation of the Examiner, and being fully advised of the evidence as the same is contained in the official transcript thereof, finds that the "Findings of Fact" as proposed by the Examiner are in all respects true and correct, and are hereby adopted as the findings of the Commission.

Now, therefore, pursuant to the provisions of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

That the application of the Southwest Coal Company for provisional approval as a marketing agency be and the same is hereby granted and the said Southwest Coal Company be and the same is hereby considered to be a marketing agency and provisionally approved as such within the purview of Section 12 of the Bituminous Coal Act of 1937 until further order of the Commission.

By order of the Commission.
Dated this 28th day of June 1939.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

[F. R. Doc. 39-2279; Filed, June 30, 1939; 12:12 p. m.]

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[Docket No. 498-FD]

ORDER IN THE MATTER OF THE APPLICATION OF WESTERN PENNSYLVANIA COAL CORPORATION FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

IN RE: PETITION OF WESTERN PENNSYLVANIA COAL CORPORATION FOR PROVISIONAL AUTHORIZATION OF MODIFICATION OF MARKETING AGENCY CONTRACT

At a regular session of the National Bituminous Coal Commission held at its offices in Washington, D. C., on the 28th day of June 1939.

It appearing that the above named petitioner, Western Pennsylvania Coal Corporation, a Pennsylvania corporation authorized to engage in business in the State of Pennsylvania, on June 26, 1939 filed its petition for provisional authorization of modification of form of marketing agency contract, which was heretofore approved by Order of the Commission dated the 21st day of December, 1938, requesting that there be deleted from Section 2, paragraph 1 of said form of marketing agency contract the following clause:

"such coal as Producer may sell from its mines or from truck loading facilities adjacent to any of Producer's mines for delivery by truck,"

so that said paragraph of said section as revised will read as follows:

"2. The Producer hereby appoints the Selling Agent as its exclusive agent for the sale of the coal produced by it in its mines, in above-mentioned area, and the Selling Agent hereby accepts the appointment of such Selling Agent, all on the terms and conditions hereinafter contained; provided, however, that the Producer hereby expressly reserves from the terms of this Agreement such coal as may be produced and used by it in the operations of its mines; such coal as it may furnish or sell to its employees for their use; such coal as is used by Producer in the production of coke; such coal as is transported by the Producer to itself for consumption by it or is sold or delivered to a subsidiary of the Producer for consumption by such subsidiary, or is sold or delivered by the Producer to a corporation of which the Producer is a subsidiary for consumption by such corporation of which Producer is a subsidiary; and such coal as remains to be delivered on legally enforceable bona fide written contracts entered into prior to June 16, 1933 and not yet completed at the date of the taking effect of this agreement.";

and

It appearing to the Commission upon due consideration of said petition that such modification and revision in the form of marketing agency contract between petitioner and its agency members will not unreasonably restrict the supply of coal in interstate commerce, will not prevent the public from receiving coal at fair and reasonable prices, and will not operate against the public interest,

Now, therefore, Pursuant to the provisions of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

That the Western Pennsylvania Coal Corporation be and hereby is granted provisional authorization to modify its form of marketing agency contract as hereinabove set forth, effective thirty (30) days from the date of this Order, unless within such time any interested party files a protest to this Order and requests that a hearing be held upon the aforesaid petition.

Except as herein modified, the Order of the Commission dated December 21, 1938 in the above entitled matter shall remain in full force and effect.

The Secretary of the Commission is directed forthwith to mail a copy of this Order to the petitioner, to the Consumers' Counsel, to the Secretary of each District Board, and to the Code Members within District No. 2; and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.
Dated this 28th day of June 1939.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

[F. R. Doc. 39-2280; Filed, June 30, 1939; 12:13 p. m.]

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DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON PETITIONS FOR REVIEW OF FINDINGS AND DETERMINATION BY THE PRESIDING OFFICER ON APPLICATION FOR PERMISSION TO EMPLOY LEARNERS IN THE APPAREL INDUSTRY

Whereas, The National Association of Shirt and Pajama Manufacturers, Inc., and sundry other parties pursuant to Part 522 [1] (Regulations applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act) made application for permission to employ learners in the apparel industry at wages lower than the applicable minimum wage specified in Section 6 of the Act; and

Whereas, a hearing on said application was held before Merle D. Vincent, the representative of the Administrator of the Wage and Hour Division, duly authorized to conduct the said hearing and to determine—

(a) what if any occupation or occupations in the apparel industry require a learning period, and

(b) whether it is necessary in order to prevent curtailment of opportunities for employment to provide for the employment of persons in occupations requiring a learning period at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and

(c) if such necessity is found to exist, at what wages lower than the minimum wage applicable under Section 6, such employment of learners shall be permitted, and with what limitations as to time, number, proportion and length of service.

and

Whereas, following such hearing the said Merle D. Vincent duly made his findings of fact and determination, and filed same with the Administrator on May 20, 1939, and

Whereas, on May 23, 1939, the Administrator caused to be published in the FEDERAL REGISTER a notice [2] which set forth in full the findings of fact and determination of the presiding officer and stated that, pursuant to the provisions of Section 522.13 of the aforesaid Regulations, as amended, within fifteen days after May 23, 1939, persons aggrieved by the said findings and determination might file, with the Administrator, petitions for review of the findings and determination of the said representative, and

Whereas, petitions for review, copies of which are on file in the office of the Administrator, Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties, have been duly filed with the Administrator by the National Association of Shirt and Pajama Manufacturers and sundry other parties.

Now, therefore, notice is hereby given of a public hearing to be held pursuant to Section 522.13 of the aforesaid Regulations, as amended, at 10 o'clock A. M. on July 18, 1939, at the Raleigh Hotel, 12th and Pennsylvania Avenue, N. W., Washington, D. C. before Paul Sifton, Deputy Administrator of the Wage and Hour Division, hereby duly authorized to conduct said hearing and to review the aforementioned findings of fact and determination of the presiding officer and to make a final determination of the questions set forth in the second paragraph of this notice.

Any person interested in appearing, either in support of or in opposition to the matters prayed for in the petition for review, may appear on his own behalf or on the behalf of any other person, provided that he shall file with the Administrator, at his office in Washington, prior to noon on July 15, 1939, A Notice of Intention To Appear, which shall contain the following information:

(1) The name and address of the person appearing.

(2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

(3) Whether he is appearing in support of or in opposition to any petition for review.

(4) The approximate length of time which his presentation will consume.

(5) Scope of appearance, i. e., for which branch of the apparel industry appearance will be made.

Signed at Washington, D. C., this 30th day of June, 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-2283; Filed, June 30, 1939; 12:59 p. m.]

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[1] 4 F.R. 464 DI.

[2] Filed as a part of the original document with the Division of the Federal Register, The National Archives. Requests for copies should be addressed to the National Bituminous Coal Commission.

[3] 2 F.R. 1078.

[4] 4 F.R. 1642 DI.

[1] 4 F.R. 2088 DI.

[2] 4 F.R. 2093 DI.

## CIVIL AERONAUTICS AUTHORITY.

[Amendment 16 of Civil Air Regulations]

REAPPLICATION FOR PILOT, GROUND INSTRUCTOR AND AIR CARRIER DISPATCHER CERTIFICATES

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 27th day of June 1939.

Acting pursuant to the Authority vested in it by the Civil Aeronautics Act of 1938, particularly section 205 and subsections (a) and (b) of section 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Subsections (a) and (b) of section 20.39, section 20.47, section 21.29, section 23.29, and section 27.29 are amended by striking the phrase "30 days" appearing in each of such subsections and inserting the phrase "90 days" in lieu thereof.

This amendment shall become effective on and after 12:01 A. M., E. S. T., July 27, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-2277; Filed, June 30, 1939; 12 m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of June, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3774]

IN THE MATTER OF BENJAMIN GOULD, TRADING AS PICCADILLY HOSIERY MILLS AND PICCADILLY HOSIERY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

*It is ordered*, That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, July 10, 1939, at nine o'clock in the forenoon of that day (eastern standard time), in Room 110, Customs House, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2269; Filed, June 30, 1939; 9:53 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of June, A. D. 1939.

[File No. 31-125]

IN THE MATTER OF HILLMAN LAND CO., J. H. HILLMAN & SONS CO., HECLA COAL & COKE CO., PENNSYLVANIA INDUSTRIES, INC., MOTORS MORTGAGE CORP.

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT

Upon the request of the applicants, the Commission consents to the withdrawal of the application of the above-named applicants, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2270; Filed, June 30, 1939; 10:54 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of June, A. D. 1939.

[File No. 31-186]

IN THE MATTER OF KENTUCKY NATURAL GAS CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT

Upon the request of the applicant, the Commission consents to the withdrawal of the application of the above-named applicant, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2271; Filed, June 30, 1939; 10:54 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of June, A. D. 1939.

[File No. 31-406]

IN THE MATTER OF THE NATIONAL SUPPLY COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT

Upon the request of the applicant, the Commission consents to the withdrawal of the application of the above-named applicant, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2272; Filed, June 30, 1939; 10:54 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D. 1939.

[File Nos. 34-8, 52-3, 52-5, 52-9, 52-10, and 59-1]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION AND UTILITIES POWER & LIGHT CORPORATION AND CHARLES TRUE ADAMS

NOTICE OF AND ORDER FOR HEARING AND ARGUMENT

The Commission having on August 29, 1938 entered an order entitled "Order for Consolidation of Hearings for Stated Purposes and Governing Certain Procedural Matters" consolidating the above entitled matters for purposes of hearing;

Hearing pursuant to said order with respect to valuation and plans of reorganization having been held before the Commission's Trial Examiner jointly on the same subject matter with a hearing before the Special Master appointed by the District Court of the United States for the Northern District of Illinois, Eastern Division, Cause No. 64605;

Oral arguments having been made before the Securities and Exchange Commission and the Special Master jointly; and the hearing with respect to valuation and plans of reorganization having been closed;

The Commission having on April 14, 1939 entered an order[1] reopening said hearing with respect to valuation and plans of reorganization, and further hearing having been had and further argument made before said Trial Examiner and Special Master jointly; the transcript of said argument having been submitted to the Commission pursuant to stipulation, and said hearing with respect to valuation and plans of reorganization having again been closed;

Subsequently Atlas Corporation, the proponent of a Plan of Reorganization dated February 1, 1939, comprising the subject matter of the application having file number 52-9, having tendered for filing an amendment of said application for the purpose of amending said plan;

The Commission having considered the amendment so tendered and the record, briefs and arguments herein;

It appearing to the Commission that such amendment should be permitted to be filed;

*It is ordered*, That said amendment be permitted to be filed and that such hearing be reopened for the purpose of receiving evidence with respect thereto;

*It is further ordered*, That such hearing be held on July 10, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered*, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Public Utility Holding Company Act of 1935 and to continue or postpone such hearing from time to time or to a date thereafter to be fixed by such presiding officer.

*It is further ordered*, That in the event a hearing shall be ordered to be held before said Special Master at said time and place such hearing before an officer of the Commission may be held jointly with such hearing before said Special Master;

*It is further ordered*, That at the conclusion of such hearing the Commission hear oral argument with respect to such amendment and with respect to whether or not the Commission's approval of said plan as amended, if granted, should be conditioned upon the filing of a further amendment eliminating those provisions of said plan which provide for the granting of rights to subscribe to shares of the new common stock therein mentioned;

Notice of such hearing and of such oral argument is hereby given to the parties and to any other person whose participation may be in the public interest or for the protection of investors or consumers. It is requested that any person not already a party who shall desire to be heard or admitted as a party, file a notice to that effect with the Commission on or before July 7, 1939.

[1] 4 F.R. 1638 DI.



Changes in said plan, effected by said amendment include the following:

(1) Amendment of Article 1 of said plan so as to provide, in substance, that a plan of integration under Section 11 (e) of the Public Utility Holding Company Act of 1935 shall be filed by the New Company contemplated by said plan of reorganization; that Interstate Power Company, Central States Utilities Corporation and Central States Power & Light Corporation (subsidiaries of Utilities Power & Light Corporation, Debtor) shall join in such plan of integration; that such plan of integration shall contain certain provisions more fully set forth in such amendment for the enforcement of such plan of integration (including provisions with respect to the appointment of a trustee) in the event such plan of integration shall not be consummated within two years from the date of filing thereof plus such extension of time as the Commission may grant.

(2) Provisions added to Article II of the plan whereby all holders of outstanding debentures and allowed claims against the Debtor other than Atlas Corporation and its subsidiaries may elect to take (a) in lieu of any or all shares of new common stock which they are entitled to receive under the plan, 1 share of new preferred stock instead of each 8⅓ shares of new common stock or (b) in lieu of any or all shares of new preferred stock which they are entitled to receive under the plan, 8⅓ shares of new common stock instead of each 1 share of new preferred stock; and whereby at the expiration of the time fixed for the exercise of such rights of election, Atlas Corporation and its subsidiaries shall have like rights of election except that they shall exercise such rights in such a manner and to such extent that the initial capital structure of the New Company will include no greater amount of preferred stock than would be issuable if the rights of election mentioned in this paragraph (2) were not included in the plan.

(3) Amendments providing in substance (a) that the New Company shall pay over to the trustee for the sinking fund for its debentures 100% of the net proceeds received by the New Company from any sale of assets acquired by it in reorganization, until all such debentures shall have been retired; (b) thereafter the New Company shall set aside 30% of the net proceeds received by it from any such sales, in a sinking fund to be applied to the retirement of its preferred stock; (c) that the initial board of directors of the New Company shall consist of nine or seven members (such number to be determined by Atlas Corporation prior to the final confirmation of the plan by the Court) of whom two members shall be chosen by the holders of the outstanding shares of preferred stock of the Debtor, with the right to vote cumulatively, and of whom the remaining members shall be chosen by the holders of outstanding debentures of the Debtor, with the right to vote cumulatively; (d) that in subsequent elections of directors, the preferred stock of the New Company shall be entitled to elect two members, voting as a class, the remaining members to be elected by the holders of the common stock of the New Company, voting as a class, with the right of cumulative voting within each class; except that whenever there shall be dividends of $1.87½ accumulated and unpaid on any shares of the preferred stock of the New Company, the holders of such stock as a class shall be entitled to elect two-thirds of the directors until all arrears are paid (such right, however, not to accrue until after the first dividend payment date next succeeding one year from the date from which dividends on such preferred stock shall be cumulative); (e) that the common stock to be issued by the New Company shall have a par value of $4 per share; (f) that no dividend shall be declared or paid on the common stock of the New Company unless after the payment of such dividend the capital and surplus of the New Company shall be at least equal to $100 per share of the outstanding preferred stock of the New Company, and the surplus of the New Company shall be at least equal to $7.50 per share of such preferred stock; (g) that the affirmative vote of the holders of at least two-thirds in interest of the outstanding preferred stock issued by the New Company pursuant to the plan be required, not only for the authorization of any preferred stock senior thereto, but also for the authorization of any preferred stock on a parity therewith; and

(4) Certain other changes set out in the amendment on file with the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2273; Filed, June 30, 1939; 10:54 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D. 1939.

[File No. 37-39]

IN THE MATTER OF SOUTHERN UNION SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 13 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on July 7, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building,

1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 6, 1939.

The matter concerned herewith is in regard to an application for an order of the Commission temporarily exempting Southern Union Service Company as a subsidiary service company of Southern Union Gas Company from the prohibitions of Section 13 of the Act and the rules promulgated thereunder, and permitting such company to enter into and perform service, sales and construction contracts for associate companies thereof, pending Commission action on an application (File No. 37-39) for approval of such company as a mutual service company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2276; Filed, June 30, 1939; 11:54 a. m.]

JUL 7 1939

# FEDERAL REGISTER

VOLUME 4 NUMBER 128

*Washington, Thursday, July 6, 1939*

## *The President*

EXCLUDING CERTAIN LANDS FROM THE BEAVERHEAD NATIONAL FOREST AND ADDING THEM AND OTHER LANDS TO THE BIG HOLE BATTLEFIELD NATIONAL MONUMENT—MONTANA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the unsurveyed E½NE¼SE¼NW¼ sec. 24, T. 2 S., R. 17 W., P. M., Montana, was reserved by Executive Order No. 1216 of June 23, 1910, as the Big Hole Battlefield Monument; and

WHEREAS upon survey it has been found that the area intended to be reserved by that Executive order is the five-acre tract designated as the "Big Hole Battlefield Monument" on General Land Office supplemental plat of the survey of sec. 24, approved July 19, 1917, and described by metes and bounds as follows:

Beginning at a point S. 0°1' W., 5.00 chs. and N. 89°42' E., 3.00 chs. from the northwest sixteenth-section corner of Sec. 24, T. 2 S., R. 17 W., M. P. M.; thence S. 0°2' W., 10.00 chs.; S. 89°42' W., 5.00 chs.; N. 10 chs.; N. 89°42' E., 5.00 chs; to point of beginning;

WHEREAS it appears that certain public lands within the Beaverhead National Forest, adjacent to the Big Hole Battlefield Monument, are historic landmarks, forming a part of the battle grounds where Chief Joseph and a band of Nez Perce Indians were defeated by a detachment of United States Soldiers;

WHEREAS certain other public lands within the aforesaid national forest are contiguous to the said national monument and are necessary for the proper care, management, and protection of the historic landmarks included within the monument; and

WHEREAS it appears that it would be in the public interest to reserve all of the aforesaid public lands as a part of the said national monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and the act of June 8, 1906, c. 3060, 34 Stat. 225 (U.S.C., title 16, sec. 431), do proclaim that the above-mentioned Executive Order of June 23, 1910, is hereby construed in conformity with the supplemental plat of survey approved July 19, 1917, to embrace the tract described above by metes and bounds, as well as the area erroneously reserved thereby; and that the hereinafter-described lands are hereby excluded from the Beaverhead National Forest and, subject to valid existing rights, added to and made a part of the said monument, which is hereby designated as the Big Hole Battlefield National Monument:

*Montana Principal Meridian*

T. 2 S., R. 17 W.,
sec. 24, lots 1 and 2, N½NW¼;
sec. 23, E½NE¼NE¼, E½SE¼NE¼;
comprising 195 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535, U.S.C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 29th day of June in the year of [SEAL] our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*The Secretary of State.*

[No. 2339]

[F. R. Doc. 39-2307; Filed, July 1, 1939; 10:59 a. m.]

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MODIFICATION OF POSTAGE RATES BY THE PRESIDENT OF THE UNITED STATES

A PROCLAMATION

WHEREAS the interests of the public and the promotion of the cultural growth, education, and development of the American people require the continuation of the postage rates on books as prescribed by Proclamation No. 2309 of October 31, 1938:[1]

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States, under and by virtue of the authority vested in me by section 2 of the act of June 16, 1933, 48 Stat. 254, as amended by section 515 of title III of the act of May 10, 1934, 48 Stat. 760, Public Resolution 36, approved June 28, 1935, 49 Stat. 431, Public Resolution 48, approved June 29, 1937, 50 Stat. 358, and section 1 of title I of the Revenue Act of 1939, approved June 29, 1939, (Public No. 155, 76th Congress, 1st Session), do proclaim that the postage rate on books consisting wholly of reading matter and containing no advertising matter other than incidental announcements of books, when mailed under such regulations as the Postmaster General shall prescribe, shall, for the period commencing July 1, 1939, and ending June 30, 1941, continue to be one and one-half cents a pound or fraction thereof, irrespective of the zone of destination.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

[1] 3 F.R. 2588 DI.



DONE at the City of Washington this 30" day of June in the year of our Lord nineteen hundred and thirty-
[SEAL] nine and of the Independence of the United States of America the one hundred and sixty-third.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2340]

[F. R. Doc. 39—2308; Filed, July 1, 1939; 10:50 a. m.]

EXECUTIVE ORDER

ADMINISTRATION OF THE FOREIGN SERVICE UNDER REORGANIZATION PLAN NO. II

Under the authority vested in me by the act of May 24, 1924, 43 Stat. 140, 144, the act of February 23, 1931, 46 Stat. 1207, 1211, and Reorganization Plan No. II, transmitted by the President to the Congress (H. Doc. 288) on May 9, 1939, and by Public Resolution No. 20, 76th Congress, 1st Session, approved June 7, 1939, I hereby prescribe the following regulations pertaining to the membership of the Board of Foreign Service Personnel:

1. The officer of the Department of Commerce who shall be added to the membership of the Board of Foreign Service Personnel in accordance with the provisions of subsection (b) (5) of section 1 of Reorganization Plan No. II shall sit as a member of the Board only when nominations and assignments of commercial attaches, the selection or assignment of Foreign Service officers for specialized training in commercial work, or other matters of interest to the Department of Commerce are under consideration;

2. The officer of the Department of Agriculture who shall be added to the membership of the Board of Foreign Service Personnel in accordance with the provisions of subsection (b) (5) of section 1 of Reorganization Plan No. II shall sit as a member of the Board only when nominations and assignments of agricultural attaches, the selection or assignment of Foreign Service officers for specialized training in agricultural work, or other matters of interest to the Department of Agriculture are under consideration.

3. The officers of the Department of Commerce and the Department of Agriculture who shall be designated as members of the Board of Foreign Service Personnel shall also be members of the School Board directing the Foreign Service Officers' Training School, as established and provided for by section 8 of Executive Order No. 5642 of June 8, 1931, which is hereby amended accordingly, and each shall sit as a member of the School Board when matters of interest to his respective Department shall be under consideration.

4. With reference to the Board of Examiners for the Foreign Service, the first paragraph of section 3 of the said Executive Order No. 5642 of June 8, 1931, is hereby amended to read as follows:

"3. *Examination for the Foreign Service.* There is hereby constituted a Board of Examiners, which shall conduct examinations to determine the eligibility of candidates for the Foreign Service, composed as follows: Three Assistant Secretaries of State designated by the Secretary of State, an officer of the Department of Commerce designated by the Secretary of Commerce and acceptable to the Secretary of State, an officer of the Department of Agriculture designated by the Secretary of Agriculture and acceptable to the Secretary of State, the Chief of the Division of Foreign Service Personnel, and the Chief Examiner of the Civil Service Commission.

"Any member of the Board may, when he deems it necessary, designate another officer of his Department to serve for him on the Board, provided such officer as may be designated to represent a member of the Board shall be acceptable to the Secretary of State and approved by him.

"The rules for the conduct of examinations as established in subsections (a) to (k), inclusive, of section 3 of the said Executive Order No. 5642 of June 8, 1931, shall remain in full force and effect."

This order shall become effective on July 1, 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 29, 1939.*

[No. 8185]

[F. R. Doc. 39-2289; Filed, June 30, 1939; 2:19 p. m.]

EXECUTIVE ORDER

TRANSFERRING TO THE FEDERAL WORKS ADMINISTRATOR THE FUNCTIONS TRANSFERRED TO THE SECRETARY OF THE TREASURY BY EXECUTIVE ORDER NO. 7641 OF JUNE 22, 1937

By virtue of and pursuant to the authority vested in me by the act entitled "An Act to authorize the President to provide housing for war needs", approved May 16, 1918 (40 Stat. 550), as amended and supplemented, it is ordered that all powers, rights, privileges, and duties (including the power to execute deeds, contracts, or other instruments of conveyance) delegated to the Secretary of Labor by Executive Order No. 2889 of June 18, 1918, and transferred to the Secretary of the Treasury by Executive Order No. 7641 of June 22, 1937,[1] be, and they are hereby, transferred to the Federal Works Administrator to be exercised and performed by the said Administrator through the Commissioner of Public Buildings; and the Secretary of the Treasury shall take such action as may be necessary to carry out the purposes of this order, including the transfer of all the stock of the United States Housing Corporation, now held by the Secretary of the Treasury as Trustee, to the Federal Works Administrator as Trustee for the United States.

This order shall supersede Executive Order No. 7641 of June 22, 1937, and shall become effective July 1, 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 29, 1939.*

[No. 8186]

[F. R. Doc. 39-2290; Filed, June 30, 1939; 2:19 p. m.]

[1] 2 F.R. 1083.

EXECUTIVE ORDER

AMENDMENT OF SUBDIVISION VI, SCHEDULE A, OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by paragraph EIGHTH, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 403, 404), Subdivision VI of Schedule A of the Civil Service Rules is hereby amended by adding thereto the following paragraph:

"6. During the period beginning July 1, 1939 and ending June 30, 1940, all positions in the Federal Bureau of Investigation, except fingerprint classifiers."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 29, 1939.*

[No. 8187]

[F. R. Doc. 39-2287; Filed, June 30, 1939; 2:19 p. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 4539 OF NOVEMBER 6, 1926, WITHDRAWING PUBLIC LANDS

UTAH

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, Executive Order No. 4539 of November 6, 1926, withdrawing public lands in Utah pending a resurvey, and heretofore partially revoked, is hereby revoked as to the remainder of the lands affected thereby.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the lands involved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*June 29, 1939.*

[No. 8188]

[F. R. Doc. 39-2288; Filed, June 30, 1939; 2:19 p. m.]

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### FEDERAL CROP INSURANCE CORPORATION

[FCIR, Series 1, No. 1, Supp. 7]

### PART 401—WHEAT CROP INSURANCE REGULATIONS

#### AMENDMENTS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended by Public Law No. 691 of the 75th Congress, approved June 22, 1938, Section 140[1] of the Regulations Relating to Wheat Crop Insurance, as amended, is hereby amended to read, as follows:

#### PART 14—POLICY PERIOD

§ 140 Notwithstanding any of the foregoing provisions of these Regulations, the application for wheat crop insurance and the wheat crop insurance policy, insurance under any policy duly countersigned and issued by the Corporation shall attach at 12 o'clock noon on the date of signature of the Application for Wheat Crop Insurance, Form FCI–1, by the insured, but not before the wheat crop is seeded.

Adopted by the Board of Directors on June 12, 1939.

[SEAL] M. L. WILSON,
*Chairman.*

Approved, June 30, 1939.

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2297; Filed, July 1, 1939; 9:31 a. m.]

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[FCI–Regulations–1, Wheat–1940]

### PART 402—1940 WHEAT CROP INSURANCE REGULATIONS

The Federal Crop Insurance Program for wheat is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended, these regulations are hereby published and prescribed to be in force and effect, with respect to the 1940 Wheat Crop Insurance Program, until amended or superseded by regulations hereafter made.

#### PART I—DEFINITIONS

§ 1 *Meaning of terms.* For the purposes of the 1940 Wheat Crop Insurance Program, the term—

*Department* means the United States Department of Agriculture.

*Secretary* means the Secretary of Agriculture of the United States.

*Corporation* means the Federal Crop Insurance Corporation.

*Board* means the Board of Directors of the Corporation.

*Manager* means the Manager of the Corporation.

*Branch manager* means the representative of the Corporation in charge of a branch office of the Corporation.

*Insurance contract* means the contract of insurance entered into between the applicant and the Corporation by virtue of the application for insurance, Form FCI–12, Wheat—1940, the acceptance in writing by the Corporation of the application for insurance, Form FCI–18, Wheat—1940, and these regulations, FCI–Regulations–1, Wheat—140, and amendments thereto.

*Application* means a properly executed form prescribed by the Corporation for the purpose of applying for insurance.

*Base period* means the crop years 1930–38, inclusive.

*Adjusted average* yield means the average of the recorded and appraised annual yields of wheat per seeded acre on the farm for the base period as adjusted by the Corporation, or the yield appraised on the basis of the adjusted average yield for a key farm, whichever is applicable.

*Insured percentage* means the percentage of the adjusted average yield for the farm covered, or to be covered, by insurance, and shall be either 50 or 75 percent.

*Total insured production* means the maximum number of bushels for which the insured may be indemnified under the insurance contract.

*Wheat crop* means all seeded winter wheat and spring wheat on the farm in any crop year which is normally harvested in that crop year.

*Crop year* means the period within which a wheat crop is normally seeded and harvested. A crop year shall be designated by reference to the calendar year in which the wheat crop is normally harvested.

*Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

*Landlord or owner* means a person who owns land and rents such land to another person or operates such land.

*Tenant* means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

*Sharecropper* means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the proceeds of the crop produced thereon.

*Harvesting* means any severance of mature wheat.

*Harvesting as grain* means any severance of mature wheat for the purpose of using the same for grain, whether threshed or not.

*County* means a political or civil division of a State.

*County committee* means the group of persons elected within any county to administer the agricultural conservation program in such county.

*State committee* means the group of persons designated within any State to administer the agricultural conservation program in such State.

*Seeded wheat* means wheat seeded either by drilling and covering after proper preparation of the seedbed or by broadcasting and covering after preparation of the seedbed, but does not include succotash, volunteer wheat, or self-seeded wheat.

*Farm* means all adjacent or nearby farm land under the same ownership which is operated by one person, including also any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops: *Provided, however*, That where any tract or tracts of such farm land vary widely from the remainder of such farm land in productivity, topography, farming practices, or risk of loss, such tract or tracts, in accordance with instructions issued by the Manager, may be considered a separate farm.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

*Price differentials* means the amount per bushel fixed by the Corporation representing (1) transportation charges between the local delivery point specified for the farm and the designated basic market, wherever, in the determination of the Corporation, such charges are applicable, and (2) other usual charges in connection with the handling of grain.

*Basic market* means the market designated by the Corporation, for the computation of the cash equivalent of premiums, deposits, refunds, or indemnities, for the area in which the farm is located.

#### PART II—CONDITIONS GOVERNING APPLICATION FOR INSURANCE, THE INSURANCE CONTRACT, AND THE INSURANCE PERIOD

§ 20 *Application for insurance.* (a) Application for insurance shall be made upon a form prescribed for such purpose by the Corporation. Any person who has an interest as landlord, owner, tenant, or sharecropper in a wheat crop to be seeded on a farm may apply for insurance to cover his interest in such crop.

(b) An application shall cover the applicant's interest in the wheat to be seeded on a farm (except as provided in subsection (c) of this section) if his interest is the same in the wheat to be seeded on all tracts constituting the farm, and if the persons other than the applicant having an interest in the wheat to be seeded are the same with respect to all tracts. The applicant shall file a separate application for each tract or tracts with respect to which the applicant's interest in the wheat to be seeded differs from his interest in the wheat to be seeded on another tract or tracts within the farm. The applicant shall also file a separate application for each tract with respect to which the other person or persons having an interest in the wheat to be seeded on such tract are different from the person or persons having an interest in the wheat to be seeded on the other tract or tracts within the farm.

(c) An application may be submitted covering only spring wheat even though both winter and spring wheat are seeded on the farm, but, as provided in Part VI of these regulations, the total production of wheat for the purpose of determining the amount of loss under the insurance contract shall include the production from both winter and spring wheat.

(d) An application must be submitted at the office of the county committee, together with the premium, before the beginning of the seeding of the wheat crop (or the seeding of the spring wheat where an application is submitted, in accordance with the provisions of subsection (c) of this section, covering only spring wheat even though both winter and spring wheat are being seeded on the farm) or the final date established by the Corporation for the submission of applications in the area in which the farm is located, whichever occurs first.

§ 21 *Acceptance of application by the Corporation.* Acceptance of applications shall be made by the issuance to the applicant of a notice of acceptance signed by the Manager and countersigned by a duly authorized officer or representative of the Corporation. Applications shall not be accepted by the Corporation until the premium has been paid. Applications shall be accepted only with respect to farms upon which soil conservation and other good farming practices are being followed. The Corporation may reject any application for insurance, or may limit the insured percentage to 50 percent of the adjusted average yield for the farm, in any case where it determines that the risks to be incurred under the insurance contract warrant either such action.

§ 22 *Period of insurance.* Insurance under the insurance contract shall attach at the time the wheat crop is seeded if the premium has been paid and the application is accepted by the Corporation.

The insurance shall cease with respect to any portion of the insured crop upon threshing (unless combined, field-sacked, and remaining in the field, in which event the insurance shall not cease for 120 hours thereafter) or removal from the farm, but in no event later than midnight of the 30th day of September, 1940, unless such time is extended in writing by the Corporation. Midnight means midnight of standard time at the place where the farm is located.

§ 23 *Fraud, misrepresentation, etc.* The entire insurance contract shall be voidable, and the premium paid thereon shall be forfeited at the election of the Corporation, if the insured has concealed or misrepresented, or conceals or misrepresents, any material fact or circumstance concerning the insurance contract or the subject thereof, or if the interest of the insured in the crop covered hereunder be not truly stated in the application, or if the insured is guilty of any fraud or makes any false statements relating to the insurance contract or the subject thereof, whether before or after a loss, or if the insured shall neglect to use all reasonable means to develop, care for, and save the entire crop covered by the insurance contract, whether before or after damage has occurred.

§ 24 *Modification of insurance contract.* No notice to any representative of the Corporation or knowledge possessed by any such representative or by any other person shall be held to effect a waiver or change in any part of the insurance contract or estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except by a form prescribed by the Corporation, signed by the Manager and countersigned by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of this insurance contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers hereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

§ 25 *Insurance contract voidable unless full compliance.* Failure to give any notice to the Corporation or to furnish proof of loss within the time and in the manner prescribed herein, or failure to comply with any of the terms, conditions, or covenants of the insurance contract, shall render the insurance contract voidable and, at the election of the Corporation, shall constitute a forfeiture of the premium paid.

#### PART III—TIME AND MANNER OF PAYMENT OF PREMIUMS AND TENDER OF DEPOSITS

§ 30 *Time and place of payment of premiums.* Premiums shall be payable at the office of the county committee for the county in which the farm is located. Premiums may be paid either in wheat or the cash equivalent thereof, at the option of the insured. Premiums shall be payable at the time the application is taken, and in no event shall a premium (except an additional payment supplementing a premium payment) be paid after the beginning of the seeding of the wheat crop, except as provided in subsection (c) of section 20, or after the date specified by the Corporation as the closing date for the receipt of applications, whichever occurs first.

§ 31 *Deposits to be applied toward future premiums.* Any person who submits an application for insurance may tender, at such time, with his premium payment toward the payment of future premiums a deposit of wheat or cash in an amount not in excess of the premium for the crop year during which the deposit is made. The Corporation reserves the right to reject the tender of any deposit. A tender of deposit shall be made at the office of the county committee for the county in which the farm is located.

The receiving of any deposit by the Corporation shall not obligate the Corporation to insure the interest of the depositor, and any insurance contract for which such deposit is made will be subject to the provisions of the regulations applicable to the insurance program for which the deposit is made.

A depositor shall have no title or interest in any wheat (including any wheat deposited) held by the Corporation. The Corporation shall be liable to the depositor only for the cash equivalent of the quantity of wheat credited or to be credited to the depositor's account, such cash equivalent to be determined in accordance with the provisions of section 32 of these regulations.

§ 32 *Payment of premium or tender of deposits in cash equivalent.* The payment of premiums in the cash equivalent shall be made in cash, check, money order, or bank draft payable to the Treasurer of the United States, or by means of an advance from the Secretary of Agriculture. The tender of deposits in the cash equivalent shall be made in cash, check, money order, or bank draft payable to the Treasurer of the United States. All checks and drafts will be accepted subject to collection and premiums or deposits shall not be regarded as paid unless collection is made.

The cash equivalent of any premium or deposit shall be determined by multiplying the number of bushels of wheat of the applicable class and grade constituting the premium or deposit by the price of such wheat at the current basic market designated by the Corporation, less price differentials. The price of such wheat at the current basic market shall be the price, as determined by the Corporation, for the day when the premium is paid or the deposit is made.

The cash equivalent of any additional payment supplementing a premium payment shall be determined by multiplying the number of bushels of wheat of the applicable class and grade constituting such additional payment, by the price of such wheat used for the com-

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putation of the original premium payment.

§ 33 *Payment of premium or tender of deposits in wheat.* (a) When premiums are paid in wheat, such payments shall be made by the delivery of a negotiable warehouse receipt, or some other instrument acceptable to the Corporation (both hereinafter referred to as "warehouse receipt"), representing the number of bushels of wheat of merchantable quality constituting the current year's premium and representing wheat of the class specified in the application and the grade specified for such class by the Corporation for the current year's premium. Tender of deposits in wheat shall be made in a similar manner. Warehouse receipts shall be accepted only when issued by a warehouse designated by the Corporation. No warehouse receipt will be accepted as a payment of premium or tender of deposit unless it is received at the office of the county committee within the time fixed by the Corporation and unless there are no warehouse charges or other liens outstanding against the wheat represented by the warehouse receipt other than the usual charges for receiving and storage, if any, for a period not in excess of ten days prior to the date the payment or tender was made. Premiums or deposits shall not be regarded as paid unless the warehouse receipts representing wheat tendered in payment of the premium or the deposit are accepted by the Corporation. One warehouse receipt representing wheat may be tendered to cover both the premium and the deposit.

(b) If, for any reason whatsoever, it appears at any time that the transfer of a warehouse receipt, whether received by the Corporation or its agent as payment of premium or deposit, did not convey to the Corporation complete and unencumbered title to the receipt and the wheat represented thereby, except for the usual charges for receiving and storage not in excess of ten days, or if at any time the Corporation's title to such receipt or the wheat represented thereby is questioned by any person, then, unless the question of title to or charges against such wheat is immediately settled without cost to the Corporation, the Corporation shall not be liable for the payment of any indemnity under the insurance contract for which such receipt was tendered as premium and shall not be liable for a deposit or refund because of the tendering of such receipt. Any payment of indemnity or refund of premium made under the insurance contract for which any such receipt was tendered as premium, and any refund of deposit, shall be returned to the Corporation without limiting any other right or remedy of the Corporation. Any charges or cost to the Corporation in connection with such warehouse receipt, or the wheat represented thereby, may be set off against any indemnity which may be or become due under any insurance contract entered into with the applicant or in which he may have an interest. Settlement necessitated by the transfer of receipts failing to convey complete and unencumbered title to the receipt and the wheat represented thereby shall be on the basis of the cash equivalent applicable on the date when such receipt was tendered to the Corporation.

§ 34 *Disposition of 1939 crop-year deposits.* Any amount which is on deposit with the Corporation pursuant to the Regulations Relating to Wheat Crop Insurance, as amended, F.C.I.R.–Series 1, No. 1, as amended, at the election of the depositor (1) shall be applied in payment of the premium for any insurance for which his application is accepted, (2) shall be re-deposited and shall become a deposit subject to the provisions of these regulations, or, (3) shall be refunded in accordance with the Regulations Relating to Wheat Crop Insurance, as amended, F.C.I.R.–Series 1, No. 1, as amended.

At the time the depositor makes application for insurance with respect to the 1940 crop he shall specify one or more of the foregoing methods of disposition of his deposit: *Provided, however,* That any such deposit or any portion thereof which, at the direction of the depositor, is not applied in payment of premium or re-deposited will be refunded as soon as practicable by the Corporation in accordance with the Regulations Relating to Wheat Crop Insurance, as amended, F.C.I.R.–Series 1, No. 1, as amended: *And provided, further,* That any excess of the amount applied in payment of the premium will become a deposit, or will be refunded at the election of the depositor, in accordance with the provisions of section 40 of these regulations.

§ 35 *Conversion of cash into deposits of wheat.* Any tender of deposit made in cash will be credited to the depositor's account in terms of the wheat equivalent of such cash at the time the tender of deposit is made and will be deposited on the basis of the class and grade of wheat specified for the payment of the current year's premium. The wheat equivalent of any cash tendered for deposit will be determined on the same basis as that provided in section 32 of these regulations for the determination of the cash equivalent of a deposit.

§ 36 *Application of wheat deposits toward premiums.* A deposit, at the direction of the depositor, will be applied by the Corporation toward the payment of the premium for any insurance for which the depositor's application is accepted. Where the deposit is to be applied toward a premium for an insurance contract covering a farm for which different price differentials are applicable, the depositor will be charged or credited with an amount of wheat, as determined by the Corporation, reflecting the difference between the price differentials applicable at the place where the deposit was made and the price differentials at the local delivery point for the farm for which the application for insurance was made.

§ 37 *Premium earned upon seeding.* Premiums shall be regarded as earned upon the seeding of the wheat crop.

PART IV—REFUND OF PREMIUMS AND DEPOSITS

§ 40 *Computation of refunds; claim for refunds.* (a) Any refund of premiums, excess payments, or deposits shall be made only in the cash equivalent of the quantity of wheat to be refunded, less an amount, fixed by the Corporation, to cover storage and handling expenses. In no case shall such deduction exceed one-twentieth of one cent per day per bushel. The period for which such deductions shall be computed shall commence with and include the day following the day on which the premium was paid or the deposit was delivered. Such period shall end with and include the day on which payment of the refund is approved by the Corporation.

(b) Claims for refunds shall be made on forms prescribed by the Corporation. Claims for refunds of premiums or deposits shall be submitted to the Corporation at the office of the county committee where the premium was paid or the deposit was delivered. No claim for refund of premium shall be acted upon by the Corporation until the acreage seeded to wheat on the farm covered by the insurance contract has been determined. Except as may otherwise be provided by the Corporation, no claim for refund of a deposit shall be considered prior to the final date fixed by the Corporation for the receipt of applications for the 1941 Wheat Crop Insurance Program in the county where the farm in connection with which the deposit was made is located. Nothing in this subsection shall be construed to restrict the Corporation's right to refund any deposit or premium at such earlier date as it may determine.

(c) The cash equivalent of any refund of a deposit shall be determined by multiplying the amount to be refunded in terms of bushels of wheat of the class and grade specified for the payment of the premium for the insurance contract with respect to which the deposit was made by the price of such wheat, at the local delivery point, applicable for the day the deposit was tendered to the Corporation, whether or not such deposit was made in wheat or in the cash equivalent thereof.

(d) The cash equivalent of any refund, other than a refund of a deposit, shall be determined by multiplying the amount to be refunded in terms of bushels of wheat of the class and grade specified for the payment of the premium for the insurance contract by the price of such wheat, at the local delivery point, applicable for the day the premium was paid, whether or not such premium was paid in wheat or in the cash equivalent thereof.

(e) No refund shall be made if the amount thereof is less than one bushel.

§ 41 *Refund or deposit of excess payment.* In any case where an excess payment results from an adjustment in the total insured production, or the computing of the total insured production on the basis of the wheat acreage allotment, or the permitted acreage, whichever is applicable, as set forth in section 50 of these regulations, or from any other reason, such excess payment, other than payment by an advance by the Secretary, shall be credited to the insured's account as a deposit to be applied toward the payment of the premium on any application which is accepted by the Corporation, unless the insured has indicated in his application that he elects to have such excess payment refunded. Any amount credited to the insured's account pursuant to this section shall be deemed to have been deposited on the date of payment of the premium.

§ 42 *Death, incompetency, or disappearance of person entitled to refund; change of fiduciaries.* In any case where a person who is entitled to a refund of premium or deposit has died, has become incompetent, has disappeared leaving his whereabouts unknown for a period of 150 days from the date the Corporation determines that a refund is due, or has ceased to act as a fiduciary, such refund will be made to his legal representative or successor. If no such legal representative or successor has been appointed, or is otherwise legally qualified, and the quantity of wheat to be refunded before deduction of storage and handling expenses is less than 500 bushels, such refund may be made to any one or more of the persons beneficially entitled to share in such refund on behalf of all the persons so entitled upon proof of the facts satisfactory to the Corporation. The determination of the Corporation as to the existence or non-existence of a circumstance in the event of which payment of a refund may be made to a person other than the person who paid the premium or made the deposit, as the case may be, shall be final and conclusive and payment in accordance with such determination shall constitute a complete discharge of the Corporation's obligation with respect to the refund.

§ 43 *Assignment of claims for refunds; creditors.* (a) No claim solely for a refund, or any part or share thereof, or any interest therein, shall be transferable except where the Corporation has recognized an assignment of the insurance contract pursuant to the provisions of section 86 of these regulations. Notwithstanding any assignment for receiving payment of any such refunds, the Corporation reserves the right to make payment of the refund jointly to the assignor and assignee, and payment in such manner shall constitute a complete discharge of the Corporation's obligation with respect to such refund.

(b) The provisions of section 87 of these regulations shall be applicable to the payment of refunds.

PART V—TOTAL INSURED PRODUCTION

§ 50 *Total insured production.* (a) The total insured production for the insurance contract shall be the product of the adjusted average yield, the insured percentage, the insured's interest in the crop, and the acreage used for the computation of the premium: *Provided, however,* That if special practices are accepted as the basis for insurance, the total insured production for the insurance contract shall be the sum of the products of the adjusted average yield, the insured percentage, the insured's interest in the crop, and the acreage used for the computation of the premium computed separately for the acreage under each special practice.

(b) If the acreage of wheat seeded for harvest as grain is in excess of the wheat acreage allotment for the farm under the 1940 Agricultural Conservation Program or the acreage permitted to be planted to wheat under such program without deduction from payment, the wheat acreage allotment or such permitted acreage shall be used in lieu of the acreage of wheat seeded for harvest as grain for the purpose of computing the total insured production.

In the event that the farm covered by the insurance contract is grouped with other farms to constitute one farm under the 1940 Agricultural Conservation Program, the acreage of wheat used in computing the total insured production for the farm covered by the insurance contract may exceed the wheat acreage allotment, or the permitted acreage for such farm, whichever is applicable, if the acreage seeded on all such farms constituting one farm under the 1940 Agricultural Conservation Program is not in excess of the total wheat acreage allotment or the permitted acreage for the farm as constituted under the 1940 Agricultural Conservation Program. If the acreage of wheat seeded on all such farms constituting one farm under the 1940 Agricultural Conservation Program is in excess of the total acreage allotment for all such farms, or the permitted acreage, the acreage used in computing the total insured production for each such farm covered by an insurance contract shall be the same percentage of the acreage seeded to wheat for harvest as grain on the farm that the total acreage allotment for all such farms is of the acreage seeded on all such farms.

If the total acreage used for the computation of the premium under one or more practices is in excess of the wheat acreage allotment for the farm or the permitted acreage, whichever is applicable, the insured production as computed for each practice shall be reduced in the proportion that the total acreage allotment is to the total acreage seeded.



§ 51 *Adjustment of total insured production.* (a) If the acreage seeded for harvest as grain is less than the acreage used for the computation of the premium as specified in the application, the total insured production shall be adjusted, subject to the provisions of section 50 (b), to the basis of the acreage seeded. If the acreage seeded for harvest as grain is greater than the acreage used for computation of the premium as specified in the application, the total insured production shall not be adjusted except upon proper application and approval of such application by the Corporation and upon payment of an additional premium to the Corporation, prior to the date specified by the Corporation for receiving such payments.

(b) If the acreage seeded for harvest as grain under any one or more special practices differs from the respective acreages used for the computation of the premium as specified for each of such practices in the application, the total insured production shall be subject to adjustment by the Corporation, subject to the provisions of section 50 (b), on the basis of the acreage seeded for each such practice. If the adjustment would result in a smaller total insured production, the Corporation shall make such adjustment and reduce the total insured production. If the adjustment would result in a larger total insured production, the Corporation shall make such adjustment and increase the total insured production: *Provided, however,* That if an additional premium is required, the total insured production shall not be increased except upon payment of such additional premium to the Corporation prior to the date specified by the Corporation for receiving such payments.

(c) The total insured production shall be adjusted if the Corporation finds that the insured seeded the wheat crop on land of poorer average quality for the production of wheat than the average quality of the land seeded to wheat on the farm during the base period and such seeding is not the result of a regularly established rotation. Such adjusted total insured production shall be computed by substituting for the adjusted average yield for the farm a yield per acre appraised on the basis of the quality of the land on which the wheat crop is seeded.

(d) The total insured production shall be adjusted if the Corporation's risk has been increased by (1) the seeding of a different class of wheat than the class of wheat considered in determining or appraising the adjusted average yield or (2) the following of a different fertilizer or other farming practice than the practice considered in determining or appraising such adjusted average yield. Such adjusted total insured production shall be computed by substituting for the adjusted average yield a yield for the land seeded to the wheat crop appraised

on the basis of the practice followed for the 1940 wheat crop.

(e) Any adjustment in the total insured production made pursuant to subsections (c) and (d) of this section may be made at the time of the determination of loss under the insurance contract.

(f) Notwithstanding any previous adjustments of the total insured production, the Corporation reserves the right to further adjust such total insured production on the basis of the acreage seeded, if at the time of determination of loss under the insurance contract it is determined that the acreage seeded to wheat for harvest as grain is less than the acreage indicated in the notice provided for in section 52 of these regulations or the acreage and practices are different from those indicated in such notice.

§ 52 *Notice of seeding of wheat crop.* The insured, on a form prescribed by the Corporation, and on or before the date prescribed by the Corporation, shall indicate the acreage seeded to wheat on the farm and any change from the acreage and practices specified in the application. The adjustement of the total insured production under the insurance contract will be made on the basis of such notice.

PART VI—DETERMINATION OF LOSS

§ 60 *Notice of damage during growing season.* (a) Immediately after material damage to the insured crop by reason of any cause, whether or not such cause is insured against by the insurance contract, notice in writing thereof shall be given, on a form provided for that purpose, to the Corporation at the office of the county committee for the county in which the farm is located, containing such information as may reasonably be required regarding the damaged crop.

(b) The Corporation may make an investigation of the insured crop where it appears that the reported damage may be of such a nature as to result in a loss under the insurance contract. The Corporation shall have a reasonable period after receipt of such notice in which to investigate the condition of the insured crop and appraise the yield of such crop, or portion thereof.

(c) Proper measures shall be taken to protect the crop from further damage until threshing, unless the Corporation gives its permission to devote the acreage seeded to wheat to some other use. No acreage seeded to wheat shall be considered as put to another use as long as there is any wheat on such acreage remaining for harvest. In no event shall there be any abandonment of any crop or portion thereof to the Corporation.

§ 61 *Notice before harvest, removal, transfer, or other use.* Notwithstanding any other notice given as required by the insurance contract, if it is probable that there will be a loss under such insurance contract, notice in writing of the intention to harvest, remove, transfer, or make other use of the insured crop, or any portion thereof, shall be given to the Corporation, at the office of the county committee for the county in which the farm is located, in time to give the Corporation reasonable opportunity to inspect the insured crop before such harvest, removal, transfer, or other use.

§ 62 *Time of loss.* Loss shall be deemed to have occurred at the time of the completion of threshing of the insured crop (unless combined, field-sacked, and remaining in the field, in which event the loss shall be deemed to have occurred upon the expiration of the insurance period) or noon of the 30th day of September, 1940, whichever occurs first, unless there is a total or substantially total destruction of the entire crop at an earlier time, in which event the loss shall be deemed to have occurred at the time of such total or substantially total destruction. The wheat crop shall be deemed to have been substantially totally destroyed if the Corporation finds that it has been so badly damaged that the farmers generally in the area where the farm is located would not further care for the crop for wheat production.

§ 63 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation at the office of the county committee for the county in which the farm is located, on a form provided for that purpose, a statement in proof of loss containing such information as may reasonably be required regarding the insured crop. Such statement in proof of loss shall be submitted not later than 30 days after threshing, but in no event later than October 15, 1940, unless such time is extended in writing by the Corporation. It shall be a condition precedent to any liability under the insurance contract that the insured establish that any loss for which claim is made has been directly caused by a hazard insured against by the insurance contract during the term of the contract, and that the insured further establish that such loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the insurance contract.

§ 64 *Amount of loss.* The amount of loss for which indemnity will be paid under this insurance contract shall be the amount by which the total production of wheat on the farm, multiplied by the percentage representing the insured's interest in the insured crop, is less than the total insured production for the insurance contract. The total production for the farm, for the purpose of determining the amount of loss, shall include:

1. Wheat produced from any acreage, except succotash and volunteer or self-seeded wheat, which was threshed;

2. Wheat production appraised from any acreage, except succotash and volunteer or self-seeded wheat, which was not threshed, but which was otherwise harvested as grain;

3. Wheat production appraised from any acreage seeded with the intention of harvesting as grain, which was not harvested as grain, was not threshed, but which, after maturity, was left standing in the field;

4. Wheat production appraised from any acreage, seeded with the intention of harvesting as grain, which was substantially totally destroyed and put to another use with the consent of the Corporation;

5. For acreage seeded with the intention of harvesting as grain which before maturity was pastured off, cut for hay, or used for soil conservation, a number of bushels equal to the product of (1) the adjusted average yield, (2) the insured percentage, and (3) such acreage;

6. For acreage seeded with the intention of harvesting as grain which was not reseeded in areas and under circumstances where it is customary to reseed, a number of bushels equal to the quantity of wheat by which the actual production per acre is less than the product of (1) the adjusted average yield, (2) the insured percentage and (3) such acreage;

7. For acreage seeded with the intention of harvesting as grain with a complete failure in yield due to causes not insured against, a number of bushels equal to the product of such acreage and the adjusted average yield;

8. For acreage seeded with the intention of harvesting as grain which has been damaged by reason of causes not insured against, or which has been damaged or destroyed by reasons of causes insured against and causes not insured against, a number of bushels equal to the appraised reduction in production due to causes not insured against;

9. For acreage seeded with the intention of harvesting as grain with respect to which the insured's interest is terminated by voluntary transfer or process of law before the crop is harvested, except as otherwise provided in section 81 of these regulations, a number of bushels equal to (1) the product of the adjusted average yield, the insured percentage, and such acreage, or (2) the actual production from such acreage, whichever is higher.

§ 65 *Records, access to farm.* For the purpose of enabling the Corporation to determine the loss under the insurance contract the insured shall keep, or cause to be kept, records of the harvesting, threshing, storage, shipment, sale, or other disposition, of all wheat produced on the farm, which will be made available for examination by the Corporation, and as often as may reasonably be required, any person or persons designated by the Corporation will have access to the farm.

PART VII—TIME AND MANNER OF PAYMENT OF INDEMNITY

§ 70 *When indemnity payable.* The amount of loss for which the Corporation may be liable under any insurance contract shall be payable within 30 days after satisfactory proof of loss is approved by the Corporation. Notwithstanding the fact that payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.

§ 71 *Manner of payment of indemnity.* The indemnity under any insurance contract for which the Corporation may be liable shall be paid in wheat or the cash equivalent thereof. The insured may indicate in his statement in proof of loss whether he wishes the indemnity to be paid in wheat or in cash, but the Corporation reserves the right to make payment in a form other than that indicated by the insured.

§ 72 *Payment of indemnity in cash.* Where an indemnity is paid in cash, the amount thereof shall be computed by multiplying the amount of loss, in terms of bushels of wheat, of the class and grade specified for the payment of the premium for the insurance contract, by the price of such wheat at the current basic market, as determined by the Corporation, less the amount per bushel fixed by the Corporation representing price differentials. The current basic market price for any class or grade of wheat at such basic market shall be the basic market price, determined by the Corporation, for the day when the claim for indemnity is approved for payment by the Corporation.

§ 73 *Payment of indemnity in wheat.* (a) Where an indemnity is paid in wheat, payment shall be in the form of a warehouse receipt representing wheat of the basic class and grade specified for the payment of the premium for the insurance contract, or its current equivalent in wheat of any other class and grade, as determined by the Corporation.

(b) If the warehouse receipt represents wheat (other than "flat wheat") stored at the basic market, it shall be for a number of bushels computed by dividing the amount of indemnity which would have been paid in cash by the current market price for such wheat at the basic market. When a warehouse receipt is delivered as provided in this subsection, it shall be accompanied by evidence of the payment of sufficient inbound freight bills or tonnage credit slips to assure the customary transit privileges.

(c) If the warehouse receipt represents wheat (other than "flat wheat") stored at any point or market other than the basic market, it shall be for a number of bushels computed by dividing the amount of the indemnity which would have been paid had the indemnity been paid in cash by the current market price for such wheat at such other point or market. The current market price at such other point or market shall be determined by deducting from the current basic market price at the designated basic market, an amount per bushel, fixed by the Corporation, to cover freight, from the point at which the wheat originated to the basic market, and adding thereto an amount per bushel representing the freight necessary to move such wheat from such point of origin to the point or market at which the wheat is stored. When the warehouse receipt is delivered as provided in this subsection, it shall be accompanied by evidence of the payment of the freight from the point of origin on such wheat to the point of storage.

(d) If the warehouse receipt represents "flat wheat" stored at any point, it shall be for a number of bushels computed by dividing the amount of indemnity which would have been paid in cash by the current market price for such "flat wheat" at such point. The current market price at such point shall be determined by deducting from the current basic market price at the designated basic market an amount per bushel fixed by the Corporation to cover price differentials.

(e) "Flat wheat," as used herein, means wheat represented by warehouse receipts not accompanied by paid freight bills showing previous movement of such wheat.

(f) The current market prices to be applied under this section shall be such prices for the day when the proof of loss is approved for payment by the Corporation.

§ 74 *Adjustments in connection with indemnity payments.* Where an indemnity has been paid under the insurance contract and an adjustment of such indemnity is made, such adjustment shall be made on the basis of the cash equivalent applicable to the indemnity paid, whether or not such indemnity was paid in wheat or the cash equivalent thereof.

PART VIII—CHANGE OF INSURED'S INTEREST

§ 80 *Termination of interest.* Except as is otherwise provided in these regulations, if at the time of loss the insured's interest in the crop has been terminated, whether by death, voluntary action, or process of law, no indemnity shall be payable. The insured's interest shall not be deemed to have been terminated by virtue of the imposition of a lien, whether by voluntary action or process of law, upon the insured crop, or by the appointment of a receiver or moratorium officer with respect to such crop, the commencement of bankruptcy proceedings, or proceedings for the foreclosure of a lien. The insured shall be deemed to have an interest in the crop so long as he has any right of redemption therein or so long as the continued existence of the crop will be of direct financial benefit to him.

§ 81 *Diverse interest.* Subject to the provisions of sections 80 and 87 of these regulations, if at the time of loss it appears that one or more persons have an interest with the insured in the percentage of the crop covered by the insurance contract, or that the insured has contracted to sell his interest in the insured crop or any portion thereof to another person or persons, or has contracted to sell the farm covered by the insurance contract, or any portion thereof, to such other person or persons, but the sale has not been completed, such other person or persons, if and insofar as their interests in the crop are not otherwise insured by them or on their behalf against such loss, shall be entitled to the benefit of the insurance contract as their interests may appear. However, the loss may be adjusted with the insured, and payment of any indemnity may be made to the insured in behalf of all persons interested in such crop, whether or not the insured has been authorized to receive such payment by such other persons, and such payment shall constitute a complete discharge of the Corporation's obligation with respect to such loss under the insurance contract.

In the event that the insured makes a voluntary transfer of his entire interest in a portion of the wheat acreage to another person or persons, and such other person or persons comply with the provisions of the insurance contract as applied to such portion of the crop, the amount of loss shall be determined as if such transfer did not take place and the Corporation may pay the indemnity to the insured on behalf of the insured and such other person or persons having an interest in the crop, or may issue a joint check to the insured and such other person or persons.

§ 82 *Death, incompetency, or disappearance of the insured.*—(a) *Death.* (1) Before loss with administration: If the insured dies before the time of loss, and his interest in the crop forms part of his estate, payment of any indemnity will be made to the duly appointed representative of his estate.

(2) After loss with administration: If the insured dies after the time of loss, payment of any indemnity on account of such loss will be made to the duly appointed representative of his estate.

(3) Before loss without administration: If the insured dies before the time of loss and no legal representative of his estate is appointed or is otherwise legally qualified, payment of any indemnity may be made after the expiration of 30 days from the date of death to any one or more of the persons beneficially entitled to share in the insured's interest in the crop in behalf of all the persons so entitled. Payment will be made under the provisions of this subsection only if the amount of the indemnity is less than 500 bushels and upon the submission of proof satisfactory to the Corporation that the insured's interest in the crop is part of his estate.

(4) After loss without administration: If the insured dies after the time of loss and no legal representative of his es-

tate is appointed or is otherwise legally qualified, then, subject to the conditions outlined in subsection (a) (3) of this section 82, payment of any indemnity on account of such loss may be made after expiration of 30 days from the date of death to any one or more of the persons beneficially entitled to share in the insured's interest in the crop in behalf of all the persons so entitled.

(b) *Incompetency.* (1) Before loss: If, before the time of loss, the insured is judicially declared incompetent to manage his affairs, or his incompetency is otherwise established to the satisfaction of the Corporation, and his interest in the crop remains part of his estate, payment of any indemnity will be made to the guardian, or other legally constituted representative of his estate appointed by a court of competent jurisdiction, or who is otherwise legally qualified. In such case if no guardian or other legal representative of the insured's estate is appointed, or is otherwise legally qualified and the amount of the indemnity is less than 500 bushels, payment of any indemnity may be made to a member of his family standing in the position of a voluntary guardian upon presentation of proof satisfactory to the Corporation that the indemnity is needed and is to be used for the purchase of necessities for the incompetent, or for his wife or minor children or other persons dependent upon him for support. If the insured's interest in the crop is terminated by reason of his incompetency, any relative by blood or connection by marriage of the insured who succeeds to such interest, but no other person, shall be entitled to the benefit of the insurance contract.

(2) After loss: If, after the time of loss, the insured is judicially declared incompetent to manage his affairs, or his incompetency is otherwise established to the satisfaction of the Corporation, payment of any indemnity will be made to the guardian or other legally constituted representative of his estate appointed by a court of competent jurisdiction or who is otherwise legally qualified. If there be no such guardian or other legal representative, and the amount of the indemnity is less than 500 bushels, payment of any indemnity may be made to a member of the insured's family standing in a position of voluntary guardian upon presentation of proof satisfactory to the Corporation that the indemnity is needed and is to be used for the purchase of necessities for the incompetent, or for his wife or minor children or other persons dependent upon him for support.

(c) *Disappearance.* (1) Before loss: If, before the time of loss, the insured disappears and such insured's interest in the crop covered by the insurance contract is not terminated thereby, any indemnity payable will be paid to the conservator or other legally qualified representative of his estate. If there be no such conservator or other legal representative, and the amount of the indemnity is less than 500 bushels, payment of the indemnity may be made to any member of the insured's family upon the presentation of proof satisfactory to the Corporation that the proceeds of such indemnity are needed and are to be used for the purchase of necessities for the insured's wife or minor children or other persons dependent upon him for support. If the insured's interest in the crop is terminated by reason of his disappearance, any relative by blood or connection by marriage of the insured who succeeds to his interest in the crop, but no other person, shall be entitled to the benefit of the insurance contract.

(2) After loss: If, after the time of loss, the insured disappears, payment of any indemnity will be made to the conservator or other legally qualified representative of his estate, but if there be no such conservator or other legal representative and the amount of the indemnity is less than 500 bushels, payment of the indemnity may be made to a member of the insured's family upon presentation of proof satisfactory to the Corporation that the proceeds of such indemnity are needed and are to be used for the purchase of necessities for the insured's wife or minor children or other persons dependent upon him for support.

(3) Definition of disappearance: An insured shall be deemed to have disappeared within the meaning of this section if he leaves the farm covered by the insurance contract and his whereabouts have been unknown for a period of 150 days after the time of loss under such contract.

§ 83 *Fiduciaries.* Any indemnity payable under an insurance contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity will be paid to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. In the event that there is no succeeding fiduciary, payment of indemnity shall be made to the persons beneficially entitled to the interest in the insured crop to the extent of their respective interests upon proper application and proof of the facts: *Provided, however,* That the loss may be adjusted with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized to receive such payment by the other persons so entitled, and such payment shall constitute a complete discharge of the obligation of the Corporation with respect to the loss for which the indemnity is paid.

§ 84 *Determination of person to whom indemnity shall be paid.* In any case where the insured has died, has become incompetent, has disappeared, or has ceased to act as a fiduciary, payment in accordance with the provisions of these regulations will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made to a person other than the named insured and of the person to whom such payment shall be made shall be final and conclusive. Payment of any indemnity in accordance with an adjustment made with such person shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and shall be a bar to recovery by any other person.

§ 85 *Payment conditioned upon compliance with provisions of the insurance contract.* Payment of any indemnity, whether to the applicant or any other person determined by the Corporation to be entitled to such indemnity in accordance with the provisions of these regulations, will be made only upon full compliance with all the provisions of the contract, including the warranties and provisions relating to notice and proof of loss.

§ 86 *Limitation on transfer*—(a) *General.* Except as is otherwise provided in these regulations, neither the insurance contract nor any claim for indemnity thereunder, or any part or share thereof, or any interest therein, shall be transferable, nor shall any pledge of the contract be recognized. Notwithstanding any assignment, power of attorney, order, or other authority for receiving payment of any claim for indemnity under the insurance contract, any indemnity payable shall be made only to persons entitled to the benefit of the insurance contract as provided in the application and these regulations. The Corporation shall in no case be bound to accept notice of any assignment of the insurance contract, and nothing therein contained shall give any right against the Corporation to any person other than the insured except to an assignee approved by the Corporation.

(b) Assignment to secure loans and amounts due under lease, purchase, mortgage, or trust agreement: An insurance contract may be assigned as collateral security for a loan, the amount of the current year's rental due under a leasing agreement with respect to the farm upon which the insured crop is or will be seeded, or the amount of the current annual installment due under a purchase, mortgage, or trust agreement with respect to the farm upon which the insured crop is or will be seeded and an additional amount of any delinquency which may be due under the purchase, mortgage, or trust agreement of not to exceed the amount of the current annual installment including interest and taxes. Such assignment shall be made by the execution of a form prescribed by the Corporation, and, upon approval thereof by the Corporation as evidenced by the signature of the Manager and the countersignature of a duly authorized representative of the Corporation, the interests of the assignee will be recognized in the event of the payment of indemnity under the insurance contract to the extent of the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (1) where any person has paid the premium for any insurance contract by an advance from the Secretary, any indemnity payable under any insurance contract of such person shall be subject to deduction for payment to the Secretary for the amount advanced which is owing at the time the indemnity is payable under any such contract; (2) the Corporation, in payment of the indemnity, may issue a check payable jointly to all persons entitled thereto and that such payment shall constitute a complete discharge of the Corporation's obligation with respect to such loss under the insurance contract; and (3) payment of any indemnity will be subject to all conditions and provisions of the insurance contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor. Only one such assignment will be recognized in connection with the insurance contract.

(c) Assignment of the insurance contract with transfer of the crop: An insurance contract may be assigned before the time of loss with the approval of the Corporation only in connection with the voluntary transfer by the insured of all or part of his interest in the entire insured crop before the crop is harvested. Such assignment shall be made by the execution of a form prescribed by the Corporation. The approval of such assignment by the Corporation shall be evidenced by the signature of the Manager and the countersignature of a duly authorized representative of the Corporation upon such form. The Corporation shall in no case be bound to accept notice of any assignment of the insurance contract, and nothing herein contained shall give any right against the Corporation to any person other than the insured, except to an assignee approved by the Corporation. A transfer made in order to forestall loss of the property covered by the insurance contract by operation of law shall not be regarded as a voluntary transfer within the meaning of these regulations.

§ 87 *Creditors.* An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other legal process shall not be considered an interest in an insured crop within the meaning of these regulations.

Any indemnity payable under an insurance contract shall be paid to the insured, or to such other person as may be entitled to the benefits of the insurance contract under the provisions of these regulations, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, execution, lien, mortgage, foreclosure, order, decree, or similar process of law, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person, nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity or the proceeds thereof nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall pay, or cause to be paid, to any person other than the insured or other person entitled to the benefits of the insurance contract, any indemnity payable in accordance with the provisions of the insurance contract because of any such process, order, or decree. Nothing herein contained shall excuse any person entitled to the benefits of the insurance contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.



PART IX—ADVANCES BY THE SECRETARY

§ 90. *Payment of premium by means of advances.* Premiums may be paid by means of advances from the Secretary under the provisions of "An Act to amend section 12 of the Soil Conservation and Domestic Allotment Act, as amended, by authorizing advances for crop insurance," approved March 25, 1939. The cash equivalent of any such premium shall be determined in the manner provided for in Part III of these regulations and the date for the determination of such cash equivalent shall be the date upon which the request for such advance is made. Requests for advances from the Secretary for the payment of premiums on behalf of applicants participating or agreeing to participate in the 1940 Agricultural Conservation Program shall be made at the time the application is submitted to the Corporation.

§ 91 *Refund of payments made by means of advances.* Refund of any payment made to the Corporation by means of an advance by the Secretary shall be made to the Secretary, unless, (1) the Secretary has recovered the entire amount advanced, in which case the refund will be made to the insured, or (2) the Secretary has recovered a portion of the advance, in which case the amount of the refund necessary to reimburse the Secretary for the unrecovered amount advanced will be made to the Secretary and the remainder to the insured. The amount of any such refund shall be determined in the manner provided in Part IV of these regulations.

§ 92 *Deductions from indemnities to reimburse Secretary.* The Corporation may deduct and pay to the Secretary, from the indemnity payable under any insurance contract to a person who has secured an advance from the Secretary for payment of the premium on any such contract, the amount necessary in order that the Secretary may be reimbursed for the entire amount advanced.

PART X—MISCELLANEOUS

§ 100 *Gender and plural meaning of terms.* Any term used in the masculine or in the singular shall also be construed or applied in the feminine or neuter gender, or in the plural person, wherever the context or application of such term so requires.

§ 101 *Fractional units in acres and yields.* Fractions of yields per acre, loss costs, and premium rates shall be rounded to the nearest tenth of a bushel. Fractions of bushels, other than yields per acre, loss costs and premium rates, shall be rounded to the nearest bushel. Fractions of acres representing total acres of wheat shall be rounded to the nearest tenth of an acre. Fractions representing five one-hundredths or less shall be dropped, and fractions representing more than five one-hundredths shall be considered as a whole tenth.

§ 102 *Other insurance.* If the insured has or acquires any other "all-risk" insurance against substantially all the risks that are insured against under the insurance contract on the crop or portion thereof covered in whole or in part by such insurance contract, whether valid or not, or whether collectible or not, the liability of the Corporation shall not be greater than its share would be if the amount of its obligation were divided equally between the Corporation and such other insurer or insurers.

§ 103 *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any party for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

§ 104 *Suit.* No suit or action shall be brought to enforce any claim for loss under the insurance contract unless all the requirements of such contract shall have been complied with.

§ 105 *Restriction on purchase and sale of wheat.* Insofar as practicable, the Corporation shall purchase wheat only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly wheat sold to prevent deterioration; and shall sell wheat only to the extent necessary to cover payments of indemnities and to prevent deterioration: *Provided, however,* That nothing in this section shall prevent prompt offset purchases and sales of wheat for convenience in handling.

§ 106 *Review of determinations of county committees.* All determinations by county committees shall be subject to review and approval or revision by

duly authorized representatives of the Corporation.

Adopted by the Board of Directors on June 2, 1939.

[SEAL] M. L. WILSON,
*Chairman.*

Approved, June 30, 1939.

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2296; Filed, July 1, 1939; 9:32 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### BUREAU OF ANIMAL INDUSTRY

[Amendment 2 to BAI Order 370[1]]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 94—RINDERPEST AND FOOT-AND-MOUTH DISEASE; PROHIBITED AND RESTRICTED IMPORTATIONS

JUNE 30, 1939.

§ 94.1 *Existence of rinderpest or foot-and-mouth disease; importations prohibited*—(a) *Domestic ruminants and swine and fresh meats derived therefrom.* Under authority conferred upon the Secretary of Agriculture by Section 306 of the Tariff Act of 1930, the order to prevent the introduction into the United States of rinderpest or foot-and-mouth disease (BAI Order 370[2]), dated May 31, 1939, and effective June 16, 1939, as amended, is hereby further amended by striking out the name "Lithuania" from the list of countries in Section 94.1 (a) of said order, inasmuch as I have determined that neither foot-and-mouth disease nor rinderpest now exists in said foreign country of Lithuania, and I have so officially notified the Secretary of the Treasury.

The effect of this amendment is to render commodities specified in BAI Order 370, originating in Lithuania, no longer subject to the provisions of that order.

This amendment, which for purpose of identification is designated Amendment 2 to BAI Order 370 (9 CFR 94.1 (a)), shall be effective on and after July 5, 1939. (Sec. 306, 46 Stat., 689, Sec. 2, 32 Stat. 792, 45 Stat. 59; 19 U.S.C. 1306 (a), (b), and (c), 21 U.S.C. 111) [BAI Order 370, Section 94.1, paragraph (a), as amended by Amendment 1, June 13, 1939 and Amendment 2, June 30, 1939]

Done at Washington this 30th day of June 1939.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2295; Filed, July 1, 1939; 9:31 a. m.]

[1] Amending 9 CFR 94.1 (a).
[2] 4 F.R. 2411 DI.

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

JULY 1, 1939.

To MILAN LIVESTOCK SALES CORPORATION, *Spokane, Wash.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me as Secretary of Agriculture of the United States that the stockyard known as the Milan Livestock Sales Corporation, at Spokane, State of Washington, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2316; Filed, July 5, 1939; 9:22 a. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS[1]

*Appointment of Second Lieutenants, Regular Army, From Honor Graduates of Senior Reserve Officers' Training Corps Units*

§ 73.52 *Authority.* Under the provisions of Section 24e, National Defense Act, as amended by Section 7 of the Act approved April 3, 1939, selection of members of Group 3 (honor graduates) for appointment as second lieutenant in the Regular Army will be made as indicated herein. (41 Stat. 774; 10 U.S.C. 484, amended by sec. 7, Act April 3, 1939) [Par. 1b, AR 605-7, April 26, 1939]

§ 73.53 *Apportionment of appointments.* The number of second lieutenants to be appointed in the Regular Army annually from Group 3 will be determined by the Secretary of War. These appointments will be divided among corps areas in proportion to the number of second year advanced senior Reserve Officers' Training Corps students of institutions, other than medical, within the continental United States which offer a college degree upon satisfactory completion of four years' college work. Appointments from Group 3 will be made only in the arms other than the Air Corps. (41 Stat. 774; 10 U.S.C. 484, amended by sec. 7, Act April 3, 1939) [Par. 2, AR 605-7, April 26, 1939]

§ 73.54 *Eligibility for appointment.* (a) In order to be eligible for appointment a candidate must be at the time of appointment—

(1) A male citizen of the United States;

(2) Between the ages of 21 and 30 years;

(3) Single, and never previously married.

(b) Appointments will be confined to honor graduates in the senior Reserve Officers' Training Corps division of institutions, other than medical, within the continental United States which offer a college degree upon satisfactory completion of four years' college work except as indicated in (c) below. The term "honor graduate" will apply to graduates of the institution in the current academic year (except as indicated in (d) below) who are graduates of the Reserve Officers' Training Corps, citizens of the United States, who have been selected by the president of the institution for scholastic excellence and who have been designated as honor graduates by the professors of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for military service.

(c) Appointments from Group 3 also may be made from honor Reserve Officers' Training Corps graduates of Class MI institutions (see Sec. 62.05, par. (a)), provided:

(1) That in this case the term "honor graduate" will apply to graduates of such institutions who hold either a commission or a certificate of appointment in the Officers' Reserve Corps, citizens of the United States, who have been selected by the president for scholastic excellence, and who have been designated as honor graduates by the professors of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for military service.

(2) Further, that they will graduate in the current academic year (except as indicated in (d) below) from an institution which offers a college degree upon satisfactory completion of four years' college work, and that they have been selected by the president of the institution as honor graduates for scholastic excellence.

(d) In order to be eligible for consideration for selection for appointment in the Regular Army, honor graduates must attain the age of 21 years on or before the date designated by the War Department for appointments to be made in the Regular Army. Honor graduates who are ineligible for appointment in the Regular Army in the year in which they graduate in honor status because they were under the prescribed age will be permitted to compete for appointments in the Regular Army with honor graduates in the first year subsequent thereto in which they attain the prescribed age. (41 Stat. 774; 10 U.S.C. 484, amended by sec. 7, Act April 3, 1939) [Par. 3, AR 605-7, April 26, 1939, amended by C 1, June 16, 1939]

§ 73.55 *Application.* (a) Candidates will make application on WD, AGO Form No. 62 at the earliest practicable date for the examinations to be held in the fiscal year 1939 and not later than December 1 for examinations to be held annually thereafter.

(b) Candidates who are students in institutions which have senior Reserve Officers' Training Corps units will submit their applications with a photograph not less than 3 by 5 inches in size to the professors of military science and tactics.

(c) Candidates who are students in institutions which do not have senior Reserve Officers' Training Corps units will submit their application to the commander of the corps area in which their institution is located, inclosing a photograph not less than 3 by 5 inches in size and conclusive evidence that they are honor Reserve Officers' Training Corps graduates of a class MI institution, or were so designated under regulations pertinent at the time of graduation from the class MI institution, and that they have been designated as probable honor graduates of an institution which offers a college degree upon satisfactory completion of four years' college work by the president thereof. The corps area commander will notify the applicant whether or not he is authorized to appear before the board and if so authorized, where and when he will report, at his own expense, for examination by the board. The corps area commander's decision in this matter will be final. (41 Stat. 774; 10 U.S.C. 484, amended by sec. 7, Act April 3, 1939) [Par. 4, AR 605-7, April 26, 1939]

§ 73.56 *Method of selection.* (a) A board of Regular Army officers consisting of not less than two line officers and one medical officer will be appointed annually by each corps area commander to examine the candidates and recommend selections for appointment therefrom to fill the corps area allotment. These boards will visit each institution which has eligible candidates in their respective corps areas without delay during the fiscal year 1939, and during the month of February annually thereafter, for the purpose of examining all eligible applicants.

(b) The professors of military science and tactics of each institution concerned, after consultation with the president of the institution, will designate annually the probable honor graduates in the senior Reserve Officers' Training Corps unit for the current school year, and will submit to their respective corps area commanders without delay for the fiscal year 1939, and not later than January 1 annually thereafter, the written applications of the candidates (see sec. 73.55), photographs and fitness reports.

(c) Members of the Reserve Officers' Training Corps who attend a summer training camp just prior to the beginning of their senior year will be given a thorough physical examination during the summer camp period. Professors of military science and tactics will obtain a copy of these reports of physical examination of honor graduates and will forward these reports to corps area commanders.

(d) Upon arrival of the board at each school, all candidates authorized to appear before the board who desire to apply for appointment in the Regular Army will be requested to report to the board for examination. The examination will consist of study of the records submitted to the board by the professors of military science and tactics of the institution and of any other records necessary to determine whether or not the applicants comply with all legal requirements for appointment as commissioned officers in the Regular Army and a physical and oral examination of each candidate. The candidates will be given an opportunity to express to the board their preference as to the arm, other than the Air Corps, in which they desire to be assigned but will be informed by the board that final assignment to arms will be determined by the War Department. They also will be informed by the board that actual appointment is subject to appropriations of the necessary funds by Congress, and to meeting the requirements of a final physical examination prior to appointment.

(e) The War Department board will recommend a number of alternates in order of priority for each corps area similar to the number to be appointed therefrom.

(f) (1) Corps area commanders will be notified by The Adjutant General of the candidates selected for appointment and will arrange for the final physical examinations. Corps area commanders will notify the candidates concerned that they have been selected for appointment in the Regular Army, subject to passing satisfactorily a final physical examination, and the place and time to report, at their own expense, for this physical examination.

(2) In case any of the candidates decline to take the final physical examination, or fail to pass it satisfactorily, additional candidates will be designated by the War Department from alternates from the corps area concerned in order of priority indicated in paragraph (e) above, and their examination will be carried out in the same manner as described above.

(g) Candidates selected by the War Department who pass satisfactorily the final physical examination will be tendered appointments as second lieutenants, Regular Army, in the arms designated by the War Department. In case any of these decline appointment, the appointment will be tendered to the next qualified alternate in order of priority indicated in paragraph (e) above, from the corps area in which the original appointee was selected. (41 Stat. 774; 10 U.S.C. 484, amended by sec. 7, Act April 3, 1939) [Par. 5, AR 605-7, April 26, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-2292; Filed, July 1, 1939; 9:19 a. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

[1] These regulations are supplementary to Title 10, Chapter VII, Part 73 of the Code of Federal Regulations.



## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3228]

IN THE MATTER OF PATTERSON SCHOOL

§ 3.6 (a) (9a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government connection:* § 3.6 (j) (1) *Advertising falsely or misleadingly—Government approval or connection—Civil Service Commission connections:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of correspondence courses of study and instruction for Civil Service positions, that such positions are at the disposal of respondents, or that respondents can in any manner control appointments to such positions, or can assist applicants for such positions in any manner other than by preparing them to take Civil Service examinations, or that respondents have any information pertaining to examinations for such positions other than, or in advance of, regular official notices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Patterson School, Docket 3228, June 23, 1939]

§ 3.6 (a) (9a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government connection:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of correspondence courses of study and instruction for Civil Service positions, that jobs are available at all times, or, through use of "Help Wanted" columns in newspapers and similar devices, that United States Government jobs are open and that men and women may secure such jobs through respondents' school, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Patterson School, Docket 3228, June 23, 1939]

§ 3.6 (w) *Advertising falsely or misleadingly—Refunds:* § 3.72 (i) *Offering deceptive inducements to purchase—Money back guarantee.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of correspondence courses of study and instruction for Civil Service positions, that,

under the money-back agreement, the purchase price for the course of instruction will be refunded, unless and until all of the conditions under which said refunds are made are clearly and fully set forth, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Patterson School, Docket 3228, June 23, 1939]

§ 3.6 (a) (20) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Personnel.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of correspondence courses of study and instruction for Civil Service positions, that respondent Patterson is a Civil Service expert or has 33 years' Civil Service experience, or has any special knowledge qualifying him as an expert in preparing students for Civil Service examinations, or has acquired any special knowledge with respect to such examinations because of his former employment on a local board of the United States Civil Service Commission, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Patterson School, Docket 3228, June 23, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of June, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ARTHUR R. PATTERSON, ALBERT C. KEHR, ARTHUR W. EDSON, EVA O. BROWN, AND MINNETHA COE, INDIVIDUALLY, AND DOING BUSINESS UNDER THE NAME AND STYLE OF PATTERSON SCHOOL

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before William C. Reeves, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by William L. Pencke, counsel for the Commission, and by Nelson E. Spencer, counsel for the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, Arthur R. Patterson, Albert C. Kehr, Arthur W. Edson, Eva O. Brown, and Minnetha Coe, individually, and doing business under the name and style of Patterson School, their representatives, agents, and employees, directly, or through any corporate or other device, in connection with the offering for sale, sale and distribution of correspondence courses of study and instruction for Civil Service positions in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing that:

(1) Civil Service positions are at the disposal of respondents; or that they can in any manner control appointments to Civil Service positions;

(2) Respondents can assist applicants for Civil Service positions in any manner other than by preparing them to take Civil Service examinations;

(3) Respondents have any information pertaining to examinations for Civil Service positions other than, or in advance of, regular official notices;

(4) Jobs are available at all times; or, through the use of "Help Wanted" columns in newspapers and similar devices, that United States Government jobs are open and that men and women may secure such jobs through respondents' school;

(5) Under the money-back agreement the purchase price for the course of instruction will be refunded, unless and until all of the conditions under which said refunds are made are clearly and fully set forth;

(6) Respondent Patterson is a Civil Service expert or has 33 years' Civil Service experience, or has any special knowledge qualifying him as an expert in preparing students for Civil Service examinations;

(7) Respondent Patterson has acquired any special knowledge with respect to Civil Service examinations because of his former employment on a local board of the United States Civil Service Commission.

*It is further ordered*, That the respondents shall, within sixty days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2302; Filed, July 1, 1939; 9:42 a. m.]

[Docket No. 3437]

IN THE MATTER OF KING CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, candy or any other merchandise so packed and assembled that sales of such candy or other merchandise to the general public are to be made or may be made by means of a lottery, etc., prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, King Candy Company, Docket 3437, June 26, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with assortments of candy or other merchandise together with push or pull cards, punch boards or other lottery devices, which said push or pull cards, etc., are to be used or may be used in selling or distributing such candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, King Candy Company, Docket 3437, June 26, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with assortments of candy or other merchandise together with push or pull cards, punch boards or other lottery devices, which said push or pull cards, etc., are to be used or may be used in selling or distributing such candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, King Candy Company, Docket 3437, June 26, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling etc., in connection with offer, etc., in commerce, of candy or any other merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, King Candy Company, Docket 3437, June 26, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of June, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission (respondent having filed no answer), testimony and other evidence taken before Arthur F. Thomas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, brief filed herein by counsel for the Commission (respondent having offered no proof, filed no brief, and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent King Candy Company, a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy or any other merchandise so packed and assembled that sales of such candy or other merchandise to the general public are to be made or may be made by means of a lottery, gaming device, or gift enterprise;

(2) Supplying to or placing in the hands of others assortments of candy or other merchandise together with push or pull cards, punch boards, or other lottery devices, which said push or pull cards, punch boards, or other lottery devices are to be used or may be used in selling or distributing such candy or other merchandise to the general public;

(3) Supplying to or placing in the hands of others push or pull cards, punch boards or any other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing such candy or other merchandise to the general public;

(4) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise or lottery scheme.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2301; Filed, July 1, 1939; 9:41 a. m.]

[1] 3 F.R. 545 DI.

[1] 3 F.R. 2572 DI.



## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T. D. 49901]

NOTICE OF ADDITIONAL INFORMATION REQUIRED ON INVOICES OF CERTAIN ARTICLES COMPOSED WHOLLY OR IN CHIEF VALUE OF METAL [1]

*To Collectors of Customs and Others Concerned:*

With reference to article 274 (e) (2) of the Customs Regulations of 1937, as amended by (1938) T.D. 49426, [Sec. 6.1 (c)], invoices of articles composed wholly or in chief value of metal and provided for under items 339 and 397 of the trade agreement with the United Kingdom, (1938) T.D. 49753, are hereby required to set forth in addition to all other information required by law or regulation the following:

(1) The name of the metal which is in chief value;

(2) Whether or not the article is plated;

(3) If the article is plated the name of the metal or metals with which the article is plated and the name of the metal or metals upon which the plating is plated.

This requirement will be effective as to invoices certified after sixty days after publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

[SEAL] J. H. MOYLE, *Commissioner of Customs.*

Approved, June 24, 1939,

STEPHEN B. GIBBONS, *Acting Secretary of the Treasury.*

[F. R. Doc. 39-2291; Filed, June 30, 1939; 3:28 p. m.]

[1] This document affects 19 CFR 6.1 (c).

## TITLE 21—FOOD AND DRUGS

### BUREAU OF NARCOTICS

[T. D. 30]

AMENDMENT TO REGULATIONS RELATING TO THE APPEAL TO THE SECRETARY OF THE TREASURY FROM ANY ORDER, RULE OR DECISION OF THE COMMISSIONER OF NARCOTICS; AND THE COOPERATION WITH THE SEVERAL STATES IN THE INSTITUTION AND PROSECUTION OF CASES IN THE COURTS OF THE UNITED STATES AND BEFORE THE LICENSING BOARDS AND COURTS OF THE SEVERAL STATES

JUNE 30, 1939.

Pursuant to the authority contained in Section 5 of the Act of June 14, 1930, as amended, Articles 1 to 7, inclusive, of Narcotic Regulations No. 4 [1] (Sections 930.1 to 930.7, inclusive, of Title 21, Code of Federal Regulations) are hereby amended to read as follows:

ARTICLE 1. *Appeals*—(a) *From decision of Commissioner.* The appeal to the Secretary of the Treasury (hereinafter referred to as the Secretary) from an order, rule, or decision of the Commissioner of Narcotics (hereinafter referred to as the Commissioner) may be initiated by the aggrieved party in the following manner only:

1. He shall file with the Secretary, within 15 days from the date of the order, rule, or decision, a notice in writing of his intention to appeal. At the time of the filing of such notice he shall serve a copy thereof upon the Commissioner.

2. He shall file with the Secretary, within 30 days from the date of such order, rule, or decision, a written petition in the form of a brief as hereinafter provided.

(b) *From failure of Commissioner to rule upon or decide matter.* The appeal to the Secretary from the failure of the Commissioner to rule upon or decide any matter presented to him by proper application may be initiated by the aggrieved party in the following manner only:

1. He shall file with the Secretary, after the lapse of a reasonable time from the date of the presentation of such matter, a notice in writing of his intention to appeal. At the time of the filing of such notice he shall serve a copy thereof upon the Commissioner.

2. He shall file with the Secretary, within 30 days from the date of the filing of such notice, a written petition in the form of a brief as hereinafter provided.

ART. 2. *Suspension of orders.* Pending the presentation of the appeal to the Secretary and his decision thereon, the Secretary may, upon application and for cause shown, suspend the operation of any order, rule, or decision after his receipt of a timely notice of the intention to appeal.

ART. 3. *Briefs*—(a) *Brief of appellant.* The brief filed with the Secretary shall be printed or typewritten and shall set forth clearly the complaint and shall contain numbered statements of the facts and arguments upon which the appellant relies in support thereof. At the time of filing his brief the appellant shall serve a copy thereof upon the Commissioner.

(b) *Brief of the Commissioner.* The Commissioner shall, within 20 days from the date of the filing of the brief of the appellant, file with the Secretary a brief for his side of the case. The brief of the Commissioner shall be so drawn as fully and completely to advise the appellant and the Secretary of the nature of the defense. There shall be included therein, in addition to the arguments of the Commissioner, a specific admission or denial of each material allegation of fact contained in the brief of the appellant, and clear and concise numbered statements of the facts upon which the Commissioner relies in his defense. At the time of filing his brief the Commissioner shall serve a copy thereof upon the appellant.

(c) *Reply.* The appellant may file with the Secretary, within 10 days from the date of the filing of the brief of the Commissioner, a reply brief, a copy of which shall be served upon the Commissioner.

(d) *Further pleadings.* The Secretary, upon motion of either party in which good cause is shown, or upon his own motion, may order a further and better

[1] 3 F.R. 1231 DI.

statement of the nature of the claim or defense, or of any matter stated in any of the briefs. Such a motion filed by a party shall point out the defects complained of and the details desired. If the order of the Secretary is not obeyed within 10 days or within such other time as the Secretary may fix, the Secretary may make such order in view thereof as shall be equitable and just. A copy of any further statement of the nature of the claim or defense filed pursuant to this Article shall be served upon the appellant or Commissioner as the case may be.

ART. 4. *Hearing*—(a) *Before Secretary.* The Secretary will notify the appellant and Commissioner of the time and place where he will conduct the hearing to afford interested parties, their representatives, and witnesses an opportunity to present evidence and argument on the controverted issues. The notification thus served will also advise the parties of the manner in which the hearing before the Secretary shall be conducted.

(b) *Before Examining Board.* If, however, the Secretary deems it essential to a judicious determination of the controverted issues, he may appoint an Examining Board (hereinafter referred to as the Board), which will consist of one or more persons in the employ of the Treasury Department who have not previously considered the subject matter of the appeal, to conduct a hearing to afford interested parties, their representatives, and their witnesses an opportunity to appear and present evidence and arguments. Each member of the Board, within 2 days after his appointment, shall file with the Secretary a statement made under oath that he has not previously considered the subject matter of the appeal. Thereafter the Secretary will notify the respective parties of the appointment of the member or members to the Board.

The hearing before the Board will be conducted in the following manner:

1. The Board shall determine the time and place of the hearing, giving due regard to any request filed by either party within 5 days from the date of his notification of the appointment of the member or members to the Board.

2. A reporter shall be appointed by the Board and shall be present at all sessions of the Board at which a reporter may be necessary. With the exception of oral arguments on questions of law, he shall record, verbatim, the proceedings before the Board and the testimony, if any, taken before it. He may set down the proceedings and testimony, in the first instance, in shorthand.

3. Witnesses shall be sworn or affirmed by a member of the Board.

4. Evidence submitted at the hearing may include testimony of witnesses, real evidence, affidavits, depositions, and documents and records or duly authenticated copies thereof.

5. Either party may object to the introduction of any evidence, and the Board shall rule on such objection, but may, in its discretion, relax the ordinary rules of evidence. If the ruling of the Board is adverse to the objecting party, an exception may be taken thereto. Any exception taken by either party to the ruling of the Board shall be noted in the record at the time it is taken and shall briefly specify the grounds upon which it is made.

6. Depositions may be arranged by either party with the consent of the Board and shall be taken in the manner prescribed by it. Due regard shall be given by the Board to the convenience of the parties and the testimony to be elicited.

7. The Board, for cause shown, may, in its discretion, permit other interested parties to intervene and present additional evidence and argument. However, any written argument shall be received and considered only upon a proper showing that a copy thereof has been served upon the Commissioner and the appellant.

8. Other questions of procedure shall be determined by the Board.

ART. 5. *Findings of law and facts*—(a) *Proposed findings of law and facts by opposing parties.* Before the closing of proof in any appeal referred to a Board, the parties shall have 15 days within which to file with the Board proposed findings of law and facts and arguments in support thereof. At the time of such filing, the respective parties shall serve a copy thereof upon the opposite party. Such proposed findings and arguments shall, upon the filing of the Board's report with the Secretary, be filed with the original record in the case for consideration of the Secretary in connection with any exception by either party and may be referred to by either party in support of any exception to the findings of the Board.

(b) *Oral argument before Board.* The Board shall hear oral arguments on the issues in controversy upon the request of either party and shall notify the parties of the time and place thereof.

(c) *Findings of law and facts by Board.* The Board shall prepare and file with the Secretary its findings of law and facts, recommendations, and a summary of all evidence and argument presented at the hearing. At the same time the Board shall serve a copy thereof upon the respective parties. The Board shall also file with the Secretary the original record, including all evidence presented at the hearing.

(d) *Exceptions.* Each party shall have 10 days from the date of the filing of the Board's findings of law and facts, recommendations, and summary of evidence and argument to file with the Secretary exceptions thereto.

ART. 6. *Decision of Secretary.* The Secretary will consider all matters presented to or filed with him pursuant to the foregoing provisions, and on the basis thereof he will affirm, reverse, or modify the action of the Commissioner, or direct such action to be taken as the Secretary shall deem equitable and just.

ART. 7. *Time*—(a) *Extension or restriction of time.* The Secretary may, in his discretion, for cause shown, extend the foregoing time limits in any case. If the Secretary considers that the public interest so requires, he may, in his discretion, further restrict the time limits upon giving reasonable notice to such parties as he considers to be interested.

(b) *Computation of time.* Whenever these regulations prescribe a time for the performance of any act, Sundays and legal holidays shall count just as any other days, except that when the time prescribed for the performance of an act expires on a Sunday or a legal holiday, such time shall extend to and include the next succeeding day that is not a Sunday or legal holiday.

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-2326; Filed, July 5, 1939; 11:32 a. m.]

## TITLE 23—HIGHWAYS

### BUREAU OF PUBLIC ROADS

ORDER AMENDING REGULATIONS FOR ADMINISTERING FOREST ROADS AND TRAILS

The Regulations for Administering Forest Roads and Trails approved March 11, 1922, as amended (Title 23, CFR, Chapter I, Part 15), are amended as follows:

1. Revise subsection (b) of Section 15.1 of the Regulations (designated as Regulation 1, Section 2, prior to the Codification) so that, as revised, the subsection will read as follows:

"(b) (1) *Administration.* Public Roads Administration of the Federal Works Agency.

"(2) *Commissioner.* Commissioner of Public Roads."

2. Revise subsection (a) of Section 15.7 of the Regulations (designated as Regulation 7, Section 1, prior to the Codification) by striking out the following clause, "a lump sum allotment shall be set up by the Forest Service with the district fiscal agent of the Forest Service for disbursement on vouchers approved by authorized officers of the bureau covering," and by inserting in lieu thereof the following clause, "the Secretary shall allot, transfer or otherwise make available for disbursement by the Administration such amounts as may be necessary from time to time to carry out the approved program, covering."

3. Revise subsection (f) of Section 15.7 of the Regulations (designated as Regulation 7, Section 6, prior to the Codification) so that, as revised, the subsection will read as follows:

"(f) Cooperative funds contributed by cooperators shall be deposited in the United States Treasury to the credit of the 'Forest Service Cooperative Fund', authorized by the Act of June 30, 1914 (16 U.S.C., Sec. 498), which deposits will be made available for expenditure by the agency concerned from the appropriation 'Cooperative Work, Forest Service, Trust Fund' (Act of June 26, 1934, 31 U.S.C., Sec. 725s), and shall be audited, disbursed, and recorded in the same manner as funds under the Federal Highway Act. Cooperative expenditures made by cooperators shall be audited and disbursed as provided in the cooperative agreement."

4. Strike out the word "Bureau" and the words "Bureau of Public Roads" wherever they appear in the Regulations and insert in lieu thereof the word "Administration".

5. Strike out the words "Chief of Bureau", "Chief of the Bureau", and "Chief of the Bureau of Public Roads" wherever they appear in the Regulations and insert in lieu thereof the word "Commissioner".

6. Strike out the word "Forester" wherever it appears in the Regulations and insert in lieu thereof the words "Chief of the Forest Service".

7. Strike out the words "district forester" wherever they appear in the Regulations and insert in lieu thereof the words "Regional Forester".

These amendments shall become effective on June 30, 1939.

Done at Washington, D. C., this 30th day of June 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2318; Filed, July 5, 1939; 9:22 a. m.]

## TITLE 24—HOUSING CREDIT

### FEDERAL HOME LOAN BANK BOARD

AMENDMENT TO RULES AND REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

PERMITTING UNAMORTIZED SHORT-TERM ADVANCES TO MEMBERS

*Be it resolved*, That the first sentence of paragraph a of Section 5.2 and the first sentence of Section 5.3 of the Rules and Regulations for the Federal Home Loan Bank System are hereby amended, effective July 1, 1939, by striking the period at the end thereof and adding a comma and the following:

"except that advances for periods not exceeding one year need not be amortized."

(Sec. 10 (a) of F.H.L.B.A., 47 Stat. 731, as amended by Sec. 501, 48 Stat. 1261, as amended by Sec. 5, 49 Stat. 294; 12 U.S.C. 1430 (a) and Sup.; Sec. 10 (c) of F.H.L.B.A., 47 Stat. 732; 12 U.S.C. 1430 (c); Sec. 10 (d) of F.H.L.B.A., 47 Stat. 732; 12 U.S.C. 1430 (d); Sec. 17 of F.H.L.B.A., 47 Stat. 736; 12 U.S.C. 1437)

Adopted by the Federal Home Loan Bank Board on June 30, 1939.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-2285; Filed, June 30, 1939; 1:09 p. m.]

### HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 298]

PART 402—LOAN SERVICE

PAYMENT OF TAXES UNDER SPECIAL DEPOSITS AGREEMENTS

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

The paragraph identified as paragraph (c) and the two paragraphs following immediately thereafter of Section 402.03–65, are amended to read as follows:

(c) All such items becoming payable on properties securing obligations held by the Corporation or sold under sales instruments by the Corporation where the home owner has Special Deposits Agreement Form 533 in effect, and the tax statements or other information for the items to be paid have been received by the Corporation.

The Regional Manager with the advice of the Regional Counsel and the Assistant Regional Manager in Charge of Loan Service shall determine whether a form letter shall be sent requesting the home owner to obtain tax statements or other information and forward to the Corporation for payment, or, the Corporation should request taxing authorities to forward the tax statements or other information direct to the Corporation for payment. Consideration should be given to local usage and the necessity, if any, of having tax statements reviewed by the home owner before payment. When such form letters are used, they should be prepared by the Tax Section and forwarded to the home owner through the Control Section.

At the time of payment of such items, in the event the balance in the Special Deposits Account for any home owner with the agreement of Special Deposits, Form 533, in effect, is insufficient to provide for the payment of all items, then payable, the Regional Manager shall direct the payment of such items and an advance for the account of the home owner to the extent that the balance in the Special Deposits Account may be deficient.

(Effective July 1, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a) (k)).

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-2286; Filed, June 30, 1939; 1:09 p. m.]

PART 410—PURCHASE AND SUPPLY

PAYMENT OF PHOTOGRAPHIC EXPENSE

Amending Part 410 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 410.04 is amended to read as follows:

§ 410.04 Expense incurred by salaried employees in obtaining photographs of property for the Corporation may be paid and charged to the proper account.

(Effective July 15, 1939.)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

Adopted by the Federal Home Loan Bank Board on June 26, 1939.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-2284; Filed, June 30, 1939; 1:09 p. m.]

### FEDERAL HOUSING ADMINISTRATION

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE

PART 521—ADMINISTRATIVE RULES FOR MUTUAL MORTGAGE INSURANCE UNDER SECTION 203 OF THE NATIONAL HOUSING ACT*†

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*§§ 521.1 to 521.39, inclusive, issued under the authority contained in the National Housing Act, as amended June 3, 1939, Pub. No. 111, 76th Cong., 1st Sess.

†The source of §§ 521.1 to 521.39, inclusive, is Administrative Rules of the Federal Housing Administrator for Mutual Mortgage Insurance under section 203 of the National Housing Act, as amended, revised July 1, 1939.

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APPROVAL OF MORTGAGEES

§ 521.1 *Governmental institutions approved as mortgagees.* The following institutions are hereby approved as mortgagees under section 203 (b) of the National Housing Act:

(a) National Mortgage Associations,
(b) Federal Reserve Banks,
(c) Federal Home Loan Banks,
(d) Reconstruction Finance Corporation,
(e) RFC Mortgage Company, and
(f) any other Federal, State, or municipal governmental agency that is or may hereafter be empowered to hold mortgages insured under Title II of the National Housing Act as security or as collateral or for any other purpose.*†

§ 521.2 *Federal Reserve members, etc.* Members of the Federal Reserve System, institutions whose accounts are insured by the Federal Savings & Loan Insurance Corporation and institutions whose deposits are insured by the Federal Deposit Insurance Corporation may be approved as mortgagees upon application.*†

§ 521.3 *Charitable or nonprofit organizations.* Any charitable or nonprofit organization which presents evidence that it is responsible, has permanent funds of not less than one hundred thousand dollars ($100,000), and has experience in mortgage investment, may be approved upon application.*†

§ 521.4 *Approval of other institutions.* Any other institution not hereinbefore mentioned may be approved as a mortgagee upon application if it has the following qualifications and meets the following conditions to the satisfaction of the Administrator:

(a) it is a chartered institution or other permanent organization having succession;

(b) it is subject to the inspection and supervision of a governmental agency which is required by law to make periodic examinations of its books and accounts and it submits satisfactory evidence that it has sound capital funds of a value of not less than $25,000 (or if a mutual company or association without capital funds, it has a net worth of not less than $25,000); or

if not subject to such inspection and supervision of a governmental agency, it shall submit an independent detailed audit of its books made by an accountant satisfactory to the Administrator and reflecting a condition satisfactory to him, and also, so long as its approval as mortgagee continues, shall file with the Administrator similar audits at least once in each calendar year and submit at any time to such examination of its books and affairs as the Administrator may require, and comply with any other conditions that the Administrator may impose;

(c) its principal activity is lending on or investing in mortgages, funds which are under its own control; and it has sound capital funds properly proportioned to its liabilities and to the character and extent of its operations. Such funds shall be of a value of not less than $100,000. It is provided that the qualification and condition contained in the preceding sentence shall not apply—

(1) to an institution or other permanent organization of the character described in the first division of paragraph (b) above; or

(2) to an institution or other permanent organization that establishes to the satisfaction of the Administrator that it is a duly authorized loan correspondent of, and whose approval is requested by, an approved mortgagee or assignee which lends on, or invests in, mortgages on a national scale and is subject to the inspection and supervision of a governmental agency, on the condition that the termination of its relationship as such correspondent will be cause (subject to the provisions of section 521.6) for withdrawal of its approval as an approved mortgagee and on the further condition that the correspondent institution and the institution for which it is authorized to act shall agree to notify promptly the Administrator of the termination of such relationship, and on the further condition that the correspondent institution shall agree to originate insured mortgage loans for the purpose of sale only to the institution or institutions which requested its approval or to some other institution for which it regularly acts as mortgage loan correspondent under written agreement which has been submitted to and approved by the Administrator; and

(d) if it is not an institution or other permanent organization of the character described in the first division of paragraph (b) above, it shall submit an agreement in writing: (1) that so long as it continues to be approved as a mortgagee, it will not issue any mortgage participating certificates on which it assumes personal liability, or issue any guaranty with respect to principal or interest of any mortgage, except that any such obligations outstanding on the date of the application of such institution may thereafter be renewed; and (2) that it will segregate all monthly payments under mortgages insured by the Administrator, received by it on account of ground rents, taxes, assessments, and insurance premiums, and will deposit such funds in a special account, or accounts, with some banking institution whose accounts are insured by the Federal Deposit Insurance Corporation and shall use such funds for no purpose other than that for which they were received.*†

§ 521.5 *Approval of fiduciary investments.* Approval as a mortgagee under sections 521.1–521.8, of a banking institution or trust company which is subject to the inspection and supervision of a governmental agency, shall be deemed to constitute approval of such institution or company when lawfully acting in a fiduciary capacity in investing fiduciary funds which are under its individual or joint control. Upon termination of such fiduciary relationship, whether by revocation or otherwise, any insured mortgages held in the fiduciary estate shall be transferred to a mortgagee approved under this or the succeeding section and the fiduciary relationship must be such as to permit such transfer.

Nothing in sections 521.1–521.8 shall be construed to permit the sale to the general public of instruments representing the beneficial interest in all or part of one or more insured mortgages.*†

§ 521.6 *Approval may be withdrawn.* Approval of an institution as a mortgagee may be withdrawn at any time by notice from the Administrator. In the discretion of the Administrator, the transfer of an insured mortgage to a mortgagee not approved to act under sections 521.1–521.11, or the failure of a mortgagee not subject to the inspection and supervision of a governmental agency, to segregate all funds received from mortgagors on account of ground rents, taxes, assessments and insurance premiums, and to deposit such funds in a special account, or accounts, with some banking institution whose accounts are insured by the Federal Deposit Insurance Corporation, or the use of such funds for any purpose other than that for which they were received, or the failure of a mortgagee to conduct its business on the plan indicated by its application for approval, or the termination of its supervision by a governmental agency will be cause for withdrawal of approval. Withdrawal of approval will in no case affect the insurance on mortgages theretofore accepted for insurance.*†

§ 521.7 *Financial statements to be furnished.* All approved mortgagees shall at any time upon request furnish the Administrator with a copy of their latest periodic financial statement or report.*†



§ 521.8 *Proper servicing of mortgages.*—All approved mortgagees are required to service insured loans in accordance with acceptable mortgage practices of prudent lending institutions. In the event of default, the mortgagee should be able to contact the mortgagor and otherwise exercise diligence in collecting the amounts due. The holder of the mortgage is responsible to the Administrator for proper servicing, even though the actual servicing may be performed by an agent of such holder.*†

APPROVAL OF ACCEPTABLE ASSIGNEES

§ 521.9 *Requisites for approval as assignee.* The Administrator will upon application approve a chartered institution or other permanent organization as an acceptable assignee if such institution or organization meets the following conditions to the satisfaction of the Administrator:

(a) It is a corporation or other permanent organization having succession;
(b) It has sound capital funds of not less than $100,000;
(c) It is subject to the inspection and supervision of a governmental agency;
(d) Its investments in mortgage loans are intended for its own portfolio; and
(e) Its facilities are such that it will be able properly to service mortgages held by it.*†

§ 521.10 *Acquisition of insured mortgages.* Such an acceptable assignee shall be entitled to acquire insured mortgages from approved mortgagees by assignment after the execution and insurance of such mortgages, and to hold such mortgages without invalidating the insurance thereof, and to service them while so held. An acceptable assignee is not authorized to initiate insured mortgage loans originally or to apply for the insurance of mortgages under Section 203 (a) of the National Housing Act; but shall in all other respects be considered as included in the term "mortgagee" as used in these Administrative rules in this part and the regulations of the Federal Housing Administrator in part 522.*†

§ 521.11 *Withdrawal of approval.* Approval of an institution as an acceptable assignee may be withdrawn at any time by notice from the Administrator. Except in individual cases, approved by the Administrator, transfer of an insured mortgage to a mortgagee not approved to act under sections 521.1–521.11 will be cause for withdrawal of approval. Withdrawal of approval will in no case affect the insurance on mortgages theretofore accepted for insurance.*†

APPLICATION AND COMMITTMENT

§ 521.12 *Submission of application.* Any approved mortgagee may submit an application for insurance of a mortgage about to be executed, or of a mortgage already executed.*†

§ 521.13 *Form of application.* The application must be made upon a standard form prescribed by the Administrator.*†

§ 521.14 *Fee to accompany application.* The application must be accompanied by the mortgagee's check for a sum computed at a rate of three dollars ($3) per thousand dollars ($1,000) of the original principal amount of the mortgage loan applied for, to cover the costs of appraisal by the Administrator, but in no case shall such sum be less than ten dollars ($10). If an application is refused without an appraisal being made by the Administrator, the fee will be returned to the applicant but no portion of the fee will be returned after appraisal or on account of any difference between the amount applied for and the amount approved for insurance.

If, after insurance, the outstanding principal amount of an insured mortgage is increased either by amendment or by the substitution of a new insured mortgage, the fee herein provided for shall be based upon the amount of such increase but in no case shall be less than ten dollars ($10).*†

§ 521.15 *Approval of application.* Upon approval of an application, acceptance of the mortgage for insurance will be evidenced by the issuance of a commitment setting forth, upon a form prescribed by the Administrator, the terms and conditions upon which the mortgage will be insured.*†

§ 521.16 *Refinancing existing mortgage.* If on the date of the application for a firm commitment there is a then existing mortgage on the property, whether insured or uninsured, held by a mortgagee other than the applicant, which mortgage is to be refinanced in whole or in part by the mortgage offered for insurance, such application must be accompanied by a certificate executed by the proposed mortgagor certifying that he has applied to the holder of such existing mortgage for refinancing and that after reasonable opportunity, such holder has failed or refused to make a loan of a like amount and on as favorable terms as those of the loan offered for insurance as described in the application submitted therewith after taking into account amortization provisions, commission, interest rate, mortgage insurance premium, and costs to the mortgagor for legal services, appraisal fees, title expenses, and similar charges.*†

ELIGIBLE MORTGAGES

To be eligible for insurance—

§ 521.17 *Form, lien, etc.* The mortgage must be executed upon a form approved by the Administrator for use in the jurisdiction in which the property covered by the mortgage is situated, by a mortgagor with the qualifications hereinafter set forth in sections 521.31–521.34, must be a first lien upon property that conforms with the property standards prescribed by the Administrator, and the entire principal amount of the mortgage must have been disbursed to the mortgagor, or to his creditors for his account and with his consent.*†

§ 521.18 *Maximum amount of mortgage and appraisal value of property.* The mortgage should involve a principal obligation in an amount of one hundred dollars ($100) or multiples thereof but must not exceed sixteen thousand dollars ($16,000) and must not exceed eighty per centum (80%) of the appraised value of the property as of the date the mortgage is accepted for insurance except under the following circumstances:

(a) If the amount of the mortgage does not exceed $5400 and there is located upon the property a dwelling designed principally for a single family residence, the construction of which

(1) is begun after February 3, 1938, and which is approved for mortgage insurance prior to the beginning of construction, or

(2) the construction of which was begun after January 1, 1937, and before February 3, 1938, and which at the time the mortgage is accepted for insurance has not been sold or occupied since completion.

Such mortgage may exceed 80%, provided at the time the mortgage is insured the mortgagor is the owner and occupant and has paid on account of the property at least 10% of its appraised value, in cash or its equivalent, but must not exceed 90% of the appraised value of the property as of the date the mortgage is accepted for insurance.

(b) If the amount of the mortgage does not exceed $8600 and the property complies with all of the conditions set forth in paragraph (a) above, except as to the amount of the mortgage, and has an appraised value (as of the date the mortgage is accepted for insurance) in excess of $6000, the amount of such mortgage must not exceed 90% of $6000 of such value, plus 80% of the balance of such value.*†

§ 521.19 *Payments and maturity dates.* The mortgage should come due on the first of a month and must have a maturity satisfactory to the Administrator, not to be less than four nor more than twenty years from the date of insurance, except that a mortgage of the character described in section 521.18 (a) may have a maturity satisfactory to the Administrator, not more than twenty-five years from the date of insurance. The amortization period should be either 5, 8, 10, 12, 15, 17, 19 or 20 years by providing for either 60, 96, 120, 144, 180, 204, 228 or 240 monthly amortization payments except that as to mortgages of the character described in section 521.18 (a) such period may also be either 24 or 25 years by providing for 288 or 300 monthly amortization payments.*†

§ 521.20 *Rate of interest.* The mortgage may bear interest at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case

shall such interest rate be in excess of five per centum (5%) per annum. Interest shall be payable in monthly installments on the principal then outstanding.*†

§ 521.21 *Amortization provisions.* The mortgage must contain complete amortization provisions satisfactory to the Administrator, requiring monthly payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Administrator. The sum of the principal and interest payments in each month shall be substantially the same.*†

§ 521.22 *Payment of insurance premiums.* The mortgage may provide for monthly payments by the mortgagor to the mortgagee of an amount equal to one-twelfth (1/12) of the annual mortgage insurance premium payable by the mortgagee to the Administrator. Such payments shall continue only so long as the contract of insurance shall remain in effect. The mortgage should provide that upon the payment of the mortgage before maturity, the mortgagor shall pay the adjusted premium charge referred to in section 522.3 (b) of the regulations in Part 522, but shall not provide for the payment of any further charge on account of such prepayment.*†

§ 521.23 *Mortgagor's payments to include other charges.* The mortgage shall provide for such equal monthly payments by the mortgagor to the mortgagee as will amortize the ground rents, if, any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the dates on which the same become delinquent. The mortgage shall further provide that such payments shall be held by the mortgagee in a manner satisfactory to the Administrator, for the purpose of paying such ground rents, taxes, assessments, and insurance premiums, before the same become delinquent, for the benefit and account of the mortgagor. The mortgage must also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums shall prove to be more, or less, than the actual amount thereof so paid by the mortgagor.*†

§ 521.24 *Mortgagee's application of payments.* All monthly payments to be made by the mortgagor to the mortgagee as hereinabove provided, in sections 521.20–521.23, inclusive, shall be added together and the aggregate amount thereof shall be paid by the mortgagor each month in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(a) premium charges under the contract of insurance;

(b) ground rents, taxes, special assessments, and fire and other hazard insurance premiums;

(c) interest on the mortgage; and

(d) amortization of the principal of the mortgage.

Any deficiency in the amount of any such aggregate monthly payment shall, unless made good by the mortgagor prior to, or on, the due date of the next such payment, constitute an event of default under the mortgage.*†

§ 521.25 *Late charge.* The mortgage may provide for a charge by the mortgagee of a "late charge", not to exceed two (2) cents for each dollar of each payment more than fifteen (15) days in arrears, to cover the extra expense involved in handling delinquent payments.*†

§ 521.26 *Mortgagor's payments when mortgage is executed.* The mortgagor must pay to the mortgagee, upon the execution of the mortgage, a sum that will be sufficient to pay the ground rents, if any, and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the mortgage and may be required to pay a further sum equal to the first annual mortgage insurance premium, plus an amount sufficient to pay the mortgage insurance premium from the date of closing the loan to the date of the first monthly payment.*†

§ 521.27 *Service charge.* The mortgagee may charge the mortgagor the amount of the appraisal fee provided for in section 521.14 and an initial service charge to reimburse itself for the cost of closing the transaction. Such service charge shall not exceed one per centum (1%) of the original principal amount of the mortgage or a charge of twenty dollars ($20), whichever is the greater, except that in cases of property under construction or to be constructed where the mortgagee makes partial disbursements and inspections of the property during the progress of construction, such initial service charge may be in an amount not in excess of two and one-half per centum (2½%) of the original principal amount of the mortgage or a charge of fifty dollars ($50), whichever is the greater.*†

§ 521.28 *Approval of other charges.* In addition to the charges hereinbefore mentioned, the mortgagee may collect from the mortgagor only recording fees and such appraisal fees and cost of title search as are approved by the Administrator. Nothing in this and section 521.27 shall be construed as prohibiting the mortgagor from dealing through a broker, who does not represent the mortgagee, if he prefers to do so, and paying the broker such compensation as is satisfactory to the mortgagor.*†

§ 521.29 *Project must be economically sound.* The mortgage must be executed with respect to a project which, in the opinion of the Administrator, is economically sound.*†

§ 521.30 *Properties insured on or after July 1, 1941.* On and after July 1, 1941, no mortgages will be insured except mortgages

(a) That cover property which is approved for mortgage insurance prior to the completion of the construction of such property, or

(b) That cover property which had been previously covered by a mortgage insured by the Administrator.*†

ELIGIBLE MORTGAGORS

§ 521.31 *Mortgage must be only lien upon property.* A mortgagor must establish that after the mortgage offered for insurance has been recorded, the mortgaged property will be free and clear of all liens other than such mortgage and that there will not be outstanding any other unpaid obligation contracted in connection with the mortgage transaction or the purchase of the mortgaged property, except obligations which are secured by property or collateral owned by the mortgagor independently of the mortgaged property.*†

§ 521.32 *Relationship of income to mortgage payments.* A mortgagor must establish that the periodic payments required in the mortgage submitted for insurance bear a proper relation to his present and anticipated income and expenses.*†

§ 521.33 *Credit standing of mortgagor.* A mortgagor must have a general credit standing satisfactory to the Administrator*†

§ 521.34 *Residence of mortgagor.* A mortgagtor is not restricted as to place of residence and need not be the occupant of the property covered by the mortgage, except where the principal obligation of the mortgage exceeds 80% of the appraised value under the conditions set forth in section 521.18 (a), (b).*†

ELIGIBLE PROPERTIES

§ 521.35 *Nature of title to the realty.* A mortgage to be eligible for insurance must be on real estate held in fee simple, or on leasehold under a lease for not less than ninety-nine (99) years which is renewable, or under a lease with a period of not less than fifty (50) years to run from the date the mortgage is executed.*†

§ 521.36 *Dwelling unit located on property.* At the time a mortgage is insured there must be located on the mortgaged property a dwelling unit designed principally for residential use for not more than four families. Such unit may be connected with other dwellings by a party wall or otherwise.*†

§ 521.37 *Standards for buildings.* The buildings on the mortgaged property must conform with the standards prescribed by the Administrator.*†

§ 521.38 *Location of property.* The mortgaged property, if otherwise acceptable to the Administrator, may be located in any community where the housing standards meet the requirements of the Administrator.*†

§ 521.39 *Effective date.* These Administrative Rules are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after July 1, 1939.*†

Issued at Washington, D. C., June 15, 1939.

[SEAL] STEWART MCDONALD,
*Federal Housing Administrator.*

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PART 522—REGULATIONS FOR MUTUAL MORTGAGE INSURANCE UNDER SECTION 203 OF THE NATIONAL HOUSING ACT.*†

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§ 522.1 *Citation.* The regulations in this part may be cited and referred to as "Part 522—Regulations of the Federal Housing Administrator for Mutual Mortgage Insurance under Section 203 of the National Housing Act, as amended, revised July 1, 1939."*†

§ 522.2 *Definitions.* As used in the regulations in this part:

(a) The term "Administrator" means the Federal Housing Administrator.

(b) The term "Act" means the National Housing Act.

(c) The term "mortgage" means such a first lien upon real estate as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the jurisdiction where the real estate is situated, together with the credit instruments, if any, secured thereby.

(d) The term "insured mortgage" means a mortgage which has been insured by the endorsement of the Administrator.

(e) The term "mortgagor" means the original borrower under a mortgage and his heirs, executors, administrators, and assigns.

(f) The term "mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Administrator.

(g) The term "contract of insurance" means the endorsement of the Administrator upon the credit instrument given in connection with an insured mortgage, incorporating by reference these regulations.*†

§ 522.3 *Premiums.* (a) The mortgagee shall pay to the Administrator an annual mortgage insurance premium equal to one-half of one per centum (½%) of the average outstanding principal obligation for the twelve-month period following the date on which such premium becomes payable, and calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

The first such premium is to be paid on the date on which such insurance becomes effective by endorsement and shall be calculated on the average outstanding principal balance for the year beginning with a day thirty (30) days prior to the date of the first monthly payment. Until the mortgage is paid in full or the mortgaged property is acquired by the Administrator as hereinafter set forth, or until the contract of insurance is otherwise terminated as hereinafter provided, the next and each succeeding premium shall be paid annually thereafter on the anniversary of such day, and the amount of the second premium payment will be adjusted accordingly. Such premiums shall be paid either in cash or debentures issued under Title II of the National Housing Act at par plus accrued interest.

The provisions of this section with reference to the amount of principal on which the premium charge is calculated shall also apply to mortgages insured prior to the date of these regulations but only in respect to premiums payable after February 3, 1938.

(b) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within thirty (30) days thereafter notify the Administrator of the date of prepayment and shall pay to the Administrator an adjusted premium charge of one per centum (1%) of the original principal amount of the prepaid mortgage, except that if at the time of such prepayment there is placed on the mortgaged property a new insured mortgage in an amount less than the original amount of the prepaid mortgage, such adjusted premium shall be one per centum (1%) of the difference in such amounts.

In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage for an amount equal to or greater than the original principal amount of the prepaid mortgage; or

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year fifteen per centum (15%) of the original face amount of the mortgage; or

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for (i) damage to the mortgaged property, or (ii) a release of a part of such property if approved by the Administrator; or

(4) Where payment in full is made of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the transaction is approved by the Administrator.

Upon such prepayment the contract of insurance shall terminate.

(c) If at the time of prepayment a new insured mortgage is placed on the same property, the Administrator will refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid, which is applicable to the portion of the year subsequent to such prepayment.*†

§ 522.4 *Insurance endorsement.* Upon compliance, satisfactory to the Administrator, with the terms of his commitment to insure, the Administrator will endorse the original credit instrument in form as follows:

No. ------
Insured under the
National Housing Act
And Regulations of the
Federal Housing Administrator
For Mutual Mortgage Insurance
Dated November 1, 1934
as amended ----------
FEDERAL HOUSING ADMINISTRATOR
By ----------
Authorized agent
Date ----------

The mortgage shall be an insured mortgage from the date of such endorsement. The Administrator and the mortgagee shall thereafter be bound by these regulations with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage, including the provisions of these regulations and of the National Housing Act.*†

§522.5 *Classification of mortgages.* Insured mortgages shall be so classified in groups that the mortgages in any group shall involve substantially similar risk characteristics.*†

§ 522.6 *Premium charges and other fees credited to group account.* Premium charges received for the insurance of any mortgage, appraisal and other fees, the receipts derived from the property covered by the mortgage and claims assigned to the Administrator in connection therewith, and all earnings on the assets of the group account shall

*§§ 522.1 to 522.19, inclusive, issued under the authority contained in the National Housing Act, as amended June 3, 1939, Pub. No. 111, 76th Cong., 1st Sess.

†The source of §§ 522.1 to 522.19, inclusive, is Regulations of the Federal Housing Administrator for Mutual Mortgage Insurance under section 203 of the National Housing Act, as amended, revised July 1, 1939.

be credited to the account of the group to which the mortgage is assigned.*†

§ 522.7 *Charges against group account.* The principal of, and interest paid or to be paid on, debentures issued in exchange for any property, payments made or to be made to the mortgagee and mortgagor, and expenses incurred in the handling of the property covered by the mortgage and in collection of claims assigned to the Administrator in connection therewith, shall be charged to the account of the group to which such mortgage is assigned.*†

§ 522.8 *Termination of group account.* The Administrator shall terminate the insurance as to any group of mortgages

(a) When he shall determine that the amounts to be distributed as hereinafter set forth to each mortgagee under an outstanding mortgage assigned to such group are sufficient to pay off the unpaid principal of each such mortgage; or

(b) When all the outstanding mortgages in any group have been paid.

Upon such termination, the Administrator shall charge the group account with the estimated losses arising from transactions relating to that group, shall transfer to the General Reinsurance Account an amount equal to 10 per centum of the total premium charges theretofore credited to such group account, and shall distribute to the mortgagees, for the benefit and account of the mortgagors of the mortgages assigned to such group, the balance remaining in such group in such proportions as may be equitable as among such mortgages and in accordance with sound actuarial and accounting practice.*†

§ 522.9 *Application of funds by mortgagee.* The mortgagee shall accept such payment and apply it on account of the obligation, if any, of the mortgagor under the insured mortgage and distribute the balance, if any, to the mortgagor. If such payment is sufficient to satisfy the obligation of the mortgagor in full, the mortgagee shall thereupon deliver to the mortgagor any instrument or instruments necessary or proper to discharge such mortgage.*†

§ 522.10 *Amount of payment determined by Administrator.* No mortgagor or mortgagee shall have any vested right in a credit balance in any such account or be subject to any liability arising out of the mutuality of the Mutual Mortgage Insurance Fund, and the determination of the Administrator as to the amount to be paid by him to any mortgagee or mortgagor shall be final and conclusive.*†

§ 522.11 *Rights of parties on termination of insurance.* In the event the mortgagee forecloses on the mortgaged property, but does not convey it to the Administrator in accordance with section 522.14 of the regulations in this part, and the Administrator is given written notice thereof, or in the event the mortgagor pays the obligation under the mortgage in full, prior to the maturity thereof, and the mortgagee pays any adjusted premium required under section 522.3 (b) of the regulations in this part, and the Administrator is given written notice by the mortgagee of such payment by the mortgagor, the obligation to pay any subsequent premium charge for insurance shall cease and all rights of the mortgagee and mortgagor, under section 522.14, shall terminate as of the date of such notice. Upon such termination, the mortgagor shall be entitled to receive a share of the credit balance of the group account to which the mortgage has been assigned in such amount as the Administrator shall determine to be equitable and not inconsistent with the solvency of the group account and of the Fund.*†

§ 522.12 *Time of default.* If the mortgagor fails to make any payment, or to perform any other covenant or obligation under the mortgage, and such failure continues for a period of thirty (30) days, the mortgage shall be considered in default, and the mortgagee shall, within sixty (60) days thereafter, give notice in writing to the Administrator of such default, unless such default has been cured or unless the Administrator has been notified of a previous default which remains uncured.*†

§ 522.13 *Transfer of property to the Administrator; conditions of default in mortgage.* At any time within one year from the date of default the mortgagee, at its election, shall either—

(a) With, and subject to, the consent of the Administrator, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(b) Commence foreclosure of the mortgage: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the mortgagee shall commence such foreclosure within sixty (60) days after the expiration of the time during which such foreclosure is prohibited by such laws.

The mortgagee shall promptly give notice in writing to the Administrator of the institution of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

For the purposes of this section, the date of default shall be considered as thirty (30) days after (a) the first uncorrected failure to perform a covenant or obligation, or (b) the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

If after default and prior to the completion of foreclosure proceedings, the mortgagor shall pay to the mortgagee all monthly payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice shall be given to the Administrator, and the insurance shall continue as if such default had not occurred.

Nothing contained in this section shall be construed so as to prevent the mortgagee, with the written consent of the Administrator, from taking action at a later date than herein specified.*†

§ 522.14 *Condition of property when transferred; delivery of debentures; certificate of claim and definition of the term "waste".* If the default is not cured as aforesaid, and if the mortgagee has otherwise complied with the provisions of section 522.13, and at any time within thirty (30) days (or such further time as may be necessary to complete the title examination and perfect such title) after acquiring possession of the mortgaged property by foreclosure, or by other means in accordance with paragraph (a) of section 522.13, tenders to the Administrator possession of, and a deed containing a covenant which warrants against the acts of the mortgagee and all claiming by, through, or under it, conveying good merchantable title (evidenced as hereinafter provided in section 522.15) to, such property undamaged by fire, earthquake, flood, or tornado, and undamaged by waste, except as hereinafter in this section provided, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction, and as a result of the foreclosure proceedings or other means by which it acquired such property, except such claims as may have been released with the approval of the Administrator, the Administrator shall promptly accept conveyance of such property and such assignment and shall deliver to the mortgagee:

(a) Debentures of the Mutual Mortgage Insurance Fund as set forth in Section 204 of the Act, issued as of the date foreclosure proceedings were instituted or the property was otherwise acquired by the mortgagee after default, bearing interest at the rate of two and three-quarters per centum (2¾%) per annum payable semi-annually on the first day of January and the first day of July of each year, and having a total face value equal to the value of the mortgage as defined in Section 204 (a) of the Act. Such value shall be determined by adding to original principal of the mortgage, which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments, which have been made by the mortgagee for taxes, ground rent and water rates, which are liens prior to the mortgage, special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance on the property mortgaged and any mortgage insurance premium paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default, and by deducting from such total any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property: *Provided, however*, That with respect to mortgages which are accepted for insurance prior to July 1, 1941, under Section 203 (b) (2) (B), on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 80% of the appraised value of the property as of the date the mortgage was accepted for insurance, there will be included in the debentures issued by the Administrator, on account of foreclosure costs actually paid by the mortgagee and approved by the Administrator an amount not in excess of 2 per centum of the unpaid principal of the mortgage as of the date of the institution of foreclosure proceedings, but in no event in excess of $75.

Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed, at the option of the Administrator with the approval of the Secretary of the Treasury, at par and accrued interest on any interest payment day on three (3) months' notice of redemption given in such manner as the Administrator shall prescribe.

(b) A Certificate of Claim in accordance with Section 204 (e) of the Act, which shall become payable, if at all, upon the sale and final liquidation of the interest of the Administrator in such property in accordance with Section 204 (f) of the Act. This certificate shall be for an amount which the Administrator shall determine to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures and shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Administrator, including reasonable attorney's fees, unpaid interest and cost of repairs to the property made by the mortgagee after default to remedy the waste mentioned in this section. Each such Certificate of Claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such certificate, an increment at the rate of three per centum (3%) per annum.

The term "waste" as used in this section means permanent or substantial injury caused by unreasonable use, or abuse, and is not intended to include damage caused by ordinary wear and tear.

The provisions of this section concerning waste, shall not apply to mortgages on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 75% of the appraised value of the property as of the date the mortgage was accepted for insurance.*†

§ 522.15 *Satisfactory title evidence.* Evidence of title of the following types will be satisfactory to the Administrator:

(a) A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such; or

(b) An abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by the legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles; or

(c) A Torrens or similar title certificate; or

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

Such evidence of title shall be furnished without cost to the Administrator and shall be executed as of a date to include the recordation of the deed to the Administrator, and shall show that, according to the public records, there are not, at such date, any outstanding prior liens, including any past due and unpaid ground rents, general taxes, or special assessments.

If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence will be satisfactory to the Administrator and will be considered by him as good and merchantable.

The Administrator will not object to the title by reason of the following matters, provided they are not such as to impair the value of the property for residence purposes, or provided they have been brought to the attention of the insuring office for consideration in fixing the valuation:

(1) customary easements for public utilities, party walls, driveways, and other purposes; customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(2) such restrictions when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Administrator;

(3) slight encroachments by adjoining improvements;

(4) outstanding oil, water, or mineral rights which, in the opinion of the Administrator, do not impair the value of the property for residence purposes, or which are customarily waived by prudent lending institutions and leading attorneys generally in the community.*†

§ 522.16 *Assignment of mortgages.* When the insured mortgage is transferred to another approved mortgagee, such transferor and transferee shall both notify the Administrator of such transfer within thirty (30) days thereof, and the transferee shall thereupon succeed to all the rights and become bound by all the obligations of the transferor under the contract of insurance; and the transferor shall thereupon be released from its obligations under the contract of insurance.

Whenever the insured mortgage is transferred to another approved mortgagee for the purposes of collateral only, no notice need be given to the Administrator until such collateral is foreclosed, but the transferor shall remain subject to all the obligations of the contract of insurance.*†

§ 522.17 *Termination of contract of insurance.* The contract of insurance shall terminate upon the happening of either of the following events:

(a) the acquisition of the insured mortgage by, or the pledge thereof to, any person, firm, or corporation, public or private, other than an approved mortgagee, whether individually or in trust for another; provided, that this paragraph (a) shall not be applicable to a mortgage acquired or held by an approved mortgagee, which is a banking institution or trust company inspected and supervised by some governmental agency, for a trust held or administered by it in a fiduciary capacity, as long as such fiduciary relationship shall remain in effect;

(b) the disposal by an approved mortgagee of any partial interest in an insured mortgage or group of insured mortgages (whether to another approved mortgagee or otherwise) by means of a declaration of trust, or by a participation or trust certificate, or by any other device; provided that this paragraph (b) shall not be applicable to any mortgage so long as it is held in a common trust fund maintained by a bank or trust company (1) exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and (2) in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds.

Upon the termination of the insurance under this section, the mortgagor shall be entitled to receive a share of the credit balance of the account of the group to which the insured mortgage has been assigned, in such amount as the Administrator shall determine to be equitable and not inconsistent with the preservation of the solvency of such account and of the Mutual Mortgage Insurance Fund.*†

§ 522.18 *Amendments.* The regulations in this part may be amended by the Administrator at any time and from time to time, in whole or in part, but

such amendment shall not affect the contract of insurance on any mortgage already insured, or any mortgage or prospective mortgage on which the Administrator has made a commitment to insure.*†

§ 522.19 *Effective date.* The regulations in this part are effective as to all mortgages on which a commitment to insure is issued to an approved mortgagee on or after July 1, 1939. Wherever a mortgagee so desires, the provisions of these regulations shall become a part of any contract of insurance heretofore made.*†

Issued at Washington, D. C., June 15, 1939.

[SEAL] STEWART MCDONALD,
*Federal Housing Administrator.*

[F. R. Doc. 39-2274; Filed, June 30, 1939; 11:00 a. m.]

## TITLE 30—MINERAL RESOURCES

### NATIONAL BITUMINOUS COAL COMMISSION

[Docket No. 51-FD]

ORDER IN THE MATTER OF HEARING TO DETERMINE WHETHER OR NOT THE COALS AND PRODUCERS THEREOF IN STATES OF NORTH DAKOTA AND SOUTH DAKOTA ARE SUBJECT TO THE PROVISIONS OF THE BITUMINOUS COAL ACT OF 1937, ETC.

At a regular session of the National Bituminous Coal Commission held at its offices in Washington, D. C., on the 28th day of June 1939.

The Commission, having on the 11th day of August, 1937, promulgated its Order No. 35[1] providing for a public hearing for the purpose of receiving evidence to enable the Commission to determine whether or not the coals, and the producers thereof, in the States of North Dakota and South Dakota are subject to the provisions of the Bituminous Coal Act of 1937, and to determine whether a change in the territorial boundaries or limits of District No. 21 and Minimum Price Area No. 8, as defined in said Act, or a consolidation of such district and price area with other districts and price areas is necessary, and the matter being assigned to Examiner Carman A. Newcomb for hearing, and, proper notice having been given, said hearing was commenced on the 13th day of September, 1937 at the Prince Hotel, Bismarck, North Dakota, where evidence relating to the character of the coals produced in North Dakota was received, and, thereafter, upon proper notice, said hearing was adjourned to the State Capitol Building, Pierre, South Dakota where evidence was received relating to the character of the coals produced in the State of South Dakota commencing on the 16th day of September 1937, and

Thereafter, on the 14th day of October, 1937, the Examiner having filed his Report, Proposed Findings of Fact, Conclusion and Recommendation with the Commission, which were thereafter duly served upon all parties to the proceeding, and within fifteen days of the date of said service, to wit, on June 20, 1938 Exceptions to said Report, Proposed Findings of Fact, Conclusion and Recommendation of the Examiner, in re North Dakota, being filed by Stanley B. Houck, Attorney for North Dakota Lignite Operators, excepting to the Findings and Conclusion of the Examiner that the Counties of Burke, Divide, Ward and Williams in North Dakota should be excepted from the general conclusion that all coal producing counties in the State of North Dakota produced only lignite as defined by the Bituminous Coal Act of 1937, and

The Commission having considered said Report, Proposed Findings of Fact, Conclusion and Recommendation of the Examiner, and the Exceptions filed thereto by the North Dakota Lignite Operators, and being fully advised of the evidence, as the same is contained in the official transcript of the aforesaid hearings, finds that the Findings of Fact as proposed by the Examiner, and his Conclusion stated in said Report, are true and correct except as to his Findings and Conclusion relating to the coals produced in Burke, Divide, Ward, and Williams Counties in North Dakota, and with such exceptions are hereby adopted as the Findings of the Commission, and

With respect to the Counties of Burke, Divide, Ward and Williams in the State of North Dakota, the Commission finds:

That the analyses of samples of lignite taken from the mines in Burke, Divide, Ward, and Williams Counties, showing a moisture content of slightly less than 30%, but showing a B. T. U. of less than 7600, are not truly representative analyses of the coals produced in said counties, but that average analyses of lignite produced in said counties reveal that the coals produced therein are lignite within the meaning of the Bituminous Coal Act of 1937, and, therefore, not subject to the provisions of said Act.

Now, therefore, It is by order determined:

1. That all of the underlying coal in the States of North Dakota and South Dakota is a lignitic coal having a calorific value in British thermal units of less than 7600 per pound and having a natural moisture content in place in the mine of 30 per centum or more.

2. That the geographical area designated in the Act as District No. 21, and Minimum Price Area No. 8, embracing the States of North Dakota and South Dakota, produces no coal subject to the provisions of the Bituminous Coal Act of 1937.

3. There being no bituminous coal produced within District No. 21 or Minimum Price Area No. 8, as defined in the Bituminous Coal Act of 1937, no change or changes in the boundaries thereof are necessary to carry out the provisions of said Act, and the descriptions set forth in the Act shall remain unchanged, but no minimum prices or marketing rules and regulations will be established for any coals produced therein.

4. That this Order shall be effective from and after the 29th day of July, 1939, subject, however, to any subsequent determination made by the Commission, pursuant to notice and hearing, instituted either upon its own motion or upon complaint of any interested party.

5. That the Secretary be and he is hereby directed to cause a copy of this Order to be published in the FEDERAL REGISTER, and a copy mailed to the Consumers' Counsel, and the Secretary of each District Board, to each party to the proceeding herein, and to cause copies hereof to be made available for inspection at the Office of the Secretary, Washington, D. C. and at the office of each Statistical Bureau of the Commission.

By order of the Commission.
Dated this 28th day of June 1939.

[SEAL] F. WITCHER MCCULLOUGH,
*Secretary.*

[F. R. Doc. 39-2306; Filed, July 1, 1939; 10:52 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### WAR DEPARTMENT

CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 203—BRIDGE REGULATIONS

§ 203.675 *Little Calumet River, Illinois; Michigan Central Railroad Bridge 8.11 miles from Lake Michigan.*[1] (a) (1) The railroad company shall provide and maintain suitable signals for signaling vessels. The signal for use in the daytime shall be a red ball not less than two feet in diameter; for use at night it shall be a red lantern; arranged in both cases so as to be visible on the river for a distance of at least 600 feet in each direction from the bridge.

(2) A vessel approaching the bridge and desiring to pass shall give a signal consisting of three short sounds of the whistle or horn given in rapid succession.

(3) When a vessel gives the above signal, the bridge shall be immediately opened, unless a train be on the bridge or approaching it so closely as to be unable to stop; and in that case the bridge may be kept closed long enough for the passage of one train and no more.

(4) When the bridge cannot be opened immediately after the signal from the vessel, the bridge tender shall hoist the signal specified in paragraph (1) and shall keep it elevated until the bridge can be opened, when he shall lower it.

(5) Vessels shall not attempt to pass the bridge while the bridge signal is up, or while the bridge is in course of opening or closing.

(6) The bridge shall not be used for switching purposes.

(7) The locking devices for securing the bridge when closed must be such as can be promptly opened. The use of splices bolted to the rail, which involve the screwing or unscrewing of nuts whenever the bridge is closed or opened, is forbidden.

(b) The special regulations of January 4, 1933, governing the operation of this bridge are hereby revoked. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Special regs., June 22, 1939 (E.D. 6371 (Michigan Central R. R., Little Calumet River, Kensington, Ill.), 3/1)]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-2319; Filed, July 5, 1939; 9:47 a. m.]

[1] 2 F.R. 1399, 1560.

[1] These regulations supersede section 203.675, Title 33, Code of Federal Regulations, paragraph (a) of that section having been previously revoked by 4 F.R. 2005.





## TITLE 43—PUBLIC LANDS

### GENERAL LAND OFFICE

STOCK DRIVEWAY WITHDRAWAL NO. 255, WYOMING NO. 46

JUNE 21, 1939.

It appearing that the following-described public lands in Wyoming are necessary for the purpose, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for use by the general public for stock driveway purposes, subject to valid existing rights:

*Sixth Principal Meridian*

T. 23 N., R. 73 W.,
sec. 20, all;
T. 22 N., R. 74 W.,
sec. 4, SE¼,
sec. 8, SE¼,
sec. 18, all;
T. 24 N., R. 74 W.,
sec. 6, W½,
sec. 14, N½, NE¼SE¼,
sec. 20, SE¼;
T. 25 N., R. 74 W.,
sec. 30, all;
T. 22 N., R. 75 W.,
sec. 28, all;
T. 23 N., R. 75 W.,
sec. 2, all,
sec. 28, N½, N½SE¼;
T. 24 N., R. 75 W.,
sec. 12, E½;
T. 21 N., R. 76 W.,
sec. 12, E½E½;
aggregating 5,288.18 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

HARRY SLATTERY,
*Under Secretary of the Interior.*

[F. R. Doc. 39-2320; Filed, July 5, 1939; 9:47 a. m.]

### BUREAU OF RECLAMATION

TUCUMCARI PROJECT, NEW MEXICO

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 16, 1939.

The SECRETARY OF THE INTERIOR.

Sir: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat., 1976), it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in Section 3, Act of June 17, 1902 (32 Stat., 388).

TUCUMCARI PROJECT

*New Mexico Principal Meridian*

Township 11 North, Range 30 East,
Section 5, lot 4, SW¼NW¼ and NW¼SW¼;
Township 12 North, Range 30 East,
Section 27, lot 1 and NE¼SE¼;
Section 28, lot 2;
Section 32, W½SE¼ and E½SW¼;
Township 10 North, Range 32 East,
Section 2, NE¼SW¼;
Township 12 North, Range 33 East,
Section 29, E½NW¼.

Respectfully,

JOHN C. PAGE,
*Commissioner.*

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

HARRY SLATTERY,
*Under Secretary of the Interior.*

JUNE 21, 1939.

[F. R. Doc. 39-2294; Filed, July 1, 1939; 9:19 a. m.]

KLAMATH PROJECT, OREGON-CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 19, 1939.

The SECRETARY OF THE INTERIOR.

Sir: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976) it is recommended that the following described land be withdrawn from public entry under the first form withdrawal as provided in Sec. 3, Act of June 17, 1902 (32 Stat. 388).

KLAMATH PROJECT, OREGON-CALIFORNIA

*Willamette Meridian, Oregon*

T. 40 S., R. 14 E., Sec. 19, SE¼NE¼, NE¼SW¼, and NE¼SE¼.

Respectfully,

JOHN C. PAGE,
*Commissioner.*

The foregoing recommendation is hereby approved and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

HARRY SLATTERY,
*Under Secretary of the Interior.*

JUNE 22, 1939.

[F. R. Doc. 39-2293; Filed, July 1, 1939; 9:19 a. m.]

## TITLE 45—PUBLIC WELFARE

### FEDERAL WORKS AGENCY—PUBLIC WORKS ADMINISTRATION

[General Order No. 1]

ADOPTION BY PUBLIC WORKS ADMINISTRATION IN FEDERAL WORKS AGENCY, OF RULES, REGULATIONS, ORDERS, BULLETINS, CIRCULARS, FORMS, MANUALS AND SIMILAR DOCUMENTS OF FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

JULY 1, 1939.

1. All rules, regulations, orders, bulletins, circulars, forms, manuals and similar documents heretofore duly issued by the Federal Emergency Administration of Public Works or by any official thereof, in force and effect as of June 30, 1939 (hereinafter referred to as the "Documents"), are hereby adopted by and, insofar as appropriate, made applicable to the Public Works Administration in the Federal Works Agency.

2. All references in the Documents to the Administrator or to the Assistant Administrator of the Federal Emergency Administration of Public Works shall hereafter be deemed to refer to the Commissioner of Public Works.

3. All references in the Documents to the Federal Emergency Administration of Public Works shall hereafter be deemed to refer to the Public Works Administration in the Federal Works Agency.

4. Any rights, privileges or obligations of the Administrator or of the Assistant Administrator of the Federal Emergency Administration of Public Works under any Offers, contracts or agreements shall be the rights, privileges and obligations of the Commissioner of Public Works.

5. This order is issued pursuant to the Reorganization Act of 1939 and Reorganization Plan No. 1 transmitted to the Congress by the President.

E. W. CLARK,
*Acting Commissioner of Public Works.*

Approved:
JOHN M. CARMODY,
*Federal Works Administrator.*

[F. R. Doc. 39-2315; Filed, July 1, 1939; 12:32 p. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

[No. M-17810]

WAIVE TARIFF RULES

AUTOMATIC POSTPONEMENT

JUNE 29, 1939.

Present: John L. Rogers, Commissioner, to whom the above entitled matter has been assigned for action thereon.

*Ordered:* That all carriers by motor vehicle, subject to the Motor Carrier Act, 1935, and their duly appointed agents are hereby authorized to publish the following provisions in supplements announcing resuspension of the rates and other tariff provisions:

"If this supplement is not cancelled on or before (here insert date to which resuspended) the effective date of the above-described suspended schedules remaining under suspension on that date is hereby postponed to the date upon which this supplement is cancelled. The rates, charges, classifications, rules, regulations, practices, and other provisions, continued in force by the above-mentioned order of suspension, will apply during the period of this postponement unless changed under authority of special permission or order of the Interstate Commerce Commission."

*Provided*, That any supplement filed under this authority shall not include the announcement of suspension in more than one I. and S. Docket,

*Provided further*, That the authority granted hereby may be used only to postpone the effective date of suspended matter beyond the date of expiration of the second period of suspension,

*And provided further*, That the continuance of this authorization is made subject to the condition, that subject to the decision of the Commission in I. and S. Docket proceedings involved, carriers or their agents shall, with reasonable promptness, file schedules making final disposition of the matter under suspension or postponement.

Dated at Washington, D. C., this 29th day of June 1939.

By the Commission, Commissioner Rogers.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39-2333; Filed, July 5, 1939; 12:25 p. m.]

## *Notices*

### DEPARTMENT OF AGRICULTURE.

#### Agricultural Adjustment Administration.

[NCR-301B, Supp. 1]

1939 AGRICULTURAL CONSERVATION PROGRAM

BOONE COUNTY, INDIANA

Pursuant to the authority vested in the Secretary of Agriculture under section 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, NCR-301B, 1939 Agricultural Conservation Program, Boone County, Indiana,[1] is hereby amended as follows:

1. Section 1, subsection c, is amended by adding at the end thereof the following new paragraph:

For all purposes relating to the 1939 Boone County program, farming operations and practices carried out during the program year, November 1, 1938 to September 30, 1939, will be deemed to have been carried out in 1939, but any acreage of land seeded in the fall of 1939 to a small grain crop will not for that reason be regarded as having been devoted to that crop in 1939.

2. Section 2, d, Item (2), is amended to read as follows:

(2) *Acreage planted to wheat* means (a) any acreage of land devoted to seeded wheat (except when such crop is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of rye, barley, vetch or Austrian winter peas, and the seeding mixture may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop could not be harvested as wheat for grain or seed) which is on the farm on or after December 15, 1938; (b) any acreage of land devoted to volunteer wheat which remains on the land until May 1, 1939; and (c) any acreage of land which is seeded to a mixture containing wheat but the crops other than wheat fail to reach maturity and the wheat matures as grain or is harvested for hay.

However, there shall be excluded from the acreage regarded as planted to wheat any acreage of wheat in excess of the wheat allotment which is designated on NCR-303 at the time this form is completed and which is disposed of prior to May 20, 1939, in such a manner as to leave no wheat available to mature as grain or for harvest as hay. In no event shall the acreage regarded as planted to wheat on any farm be less than the acreage used in computing the final total insured production for adjusting losses with respect to crop insurance.

3. Section 2, d, (3), Item (m), is amended to read as follows:

(m) Wheat matured as grain on a non-wheat-allotment farm, except when credit is earned by the use of such crop for soil-building practice (3) Section 6, a. Wheat harvested for hay on a non-wheat-allotment farm, except (1) when grown in a mixture containing at least 25 percent by weight of winter legumes, or (2) when cut green for hay and used as a nurse crop for legumes or perennial grasses of which a good stand is established in 1939.

(i) In cases where a good stand of approved legumes or grasses is not on the farm at the time of checking the performance, a good stand will be considered as having been established if the county committee finds that such legumes or grasses were seeded in a workmanlike manner, and

(aa) failure to secure and maintain a good stand was due to flood or drought conditions which prevented the establishment of a good stand on farms generally in the community, or

(bb) failure to have a good stand was due to grasshoppers or other insects and the farm operator has made every reasonable effort to prevent damage by such insects, including in any event cooperation in the insect control program of the Bureau of Entomology and Plant Quarantine in any area in which such programs are in effect.

(ii) In cases where a good stand of legumes or perennial grasses is actually established in 1939 but the legume or grass is plowed under before October 1, 1939, a good stand will not be considered as having been established and the acreage will be classified as soil-depleting. If a good stand of such legumes or grasses is not actually established and the acreage is plowed before October 1, 1939, the acreage will be classified as soil-depleting unless the county committee determines that under (i) a good stand should be considered as having been established and that plowing the acreage was a good farming practice.

4. Section 2, d, (3), Item (n), is amended to read as follows:

(n) Oats, barley, rye, emmer, speltz, mixtures of these crops or wheat mixtures matured as grain, except when credit is earned by the use of such crop for soil-building practice (3) Section 6, a. Oats, barley, rye, emmer, speltz, mixtures of these crops or wheat mixtures harvested for hay except (1) when grown in mixtures containing at least 25 percent by weight of winter legumes or (2) when cut green for hay and used as a nurse crop for legumes or perennial grasses of which a good stand is established in 1939.

(i) In cases where a good stand of approved legumes or grasses is not on the farm at the time of checking the performance, a good stand will be considered as having been established if the county committee finds that such legumes or grasses were seeded in a workmanlike manner, and

(aa) failure to secure and maintain a good stand was due to flood or drought conditions which prevented the establishment of a good stand on farms generally in the community, or

(bb) failure to have a good stand was due to grasshoppers or other insects and the farm operator has made every reasonable effort to prevent damage by such insects, including in any event cooperation in the insect control program of the Bureau of Entomology and Plant Quarantine in any area in which such programs are in effect.

(ii) In cases where a good stand of legumes or perennial grasses is actually established in 1939 but the legume or grass is plowed under before October 1, 1939, a good stand will not be considered as having been established and the acreage will be classified as soil-depleting. If a good stand of such legumes or grasses is not actually established and the acreage is plowed before October 1, 1939, the acreage will be classified as soil-depleting unless the county committee determines that under (i) a good stand should be considered as having been established and that plowing the acreage was a good farming practice.

5. Section 2, c, is amended by adding the following new item:

(8) Idle farm means any farm which the county committee determines to be idle in 1939 in accordance with the usual meaning of the term in the community. The county committee shall regard as idle any farm on which normal cropping operations are not carried out during the 1939 crop year. Normal cropping operations will not be deemed to be carried out on a farm in 1939 if the sum of the following acreages is less than one-half of the acreage in the total soil-depleting acreage allotment; (1) the acreage upon which a crop is seeded for harvest in 1939; (2) the acreage of volunteer crops harvested in 1939; (3) the acreage summer fallowed in 1939; (4) the acreage seeded or devoted to tame grasses or legumes in 1939, excluding seedings in the fall of 1939; and (5) the acreage seeded to small grains to be pastured in 1939 (other than small grains seeded in the fall of 1939). However, a farm upon which normal cropping operations were not carried out will not be regarded as idle if the State committee determines that the failure to carry out normal cropping operations was beyond the control of the farmer.

6. Section 6, a, Item (7), is amended by deleting the words "2½ tons blast furnace slag" in the second from the last line and inserting in their place the words, "2,750 pounds blast furnace slag."

7. Section 6, b, Item (3) is amended by deleting the phrase "November 1, 1939" in both places where it occurs and inserting in lieu thereof the phrase "October 1, 1939."

8. Section 7, a, Item (2), is amended to read as follows:

(2) 3 cents per bushel of the normal yield per acre of corn for the farm for each acre in the corn allotment.

9. Section 7, b, Item (2), is amended to read as follows:

(2) 6 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat allotment.

10. Section 8, c, Item (2), is amended to read as follows:

(2) *Non-general-allotment farms.* (a) $8.00 per acre adjusted for productivity for each acre classified as soil-depleting in excess of the sum of (1) twenty acres, and (2) the acreage on which corn and wheat deductions are computed.

11. Section 9, Paragraph a, is amended to read as follows:

a. *Payments and deductions on acreage allotments.* The net payment or net deduction computed for any farm in connection with general crops or any crop for which a special allotment is established will be divided among the landlords and tenants in the proportion that they are entitled as of the time of harvest to share in such crops on the farm in 1939. Any person who receives a portion of a crop as a fixed commodity payment will not be regarded as receiving a share of the crop.

If any crop for which payment is computed is not grown on the farm in 1939 or the acreage of the crop is substantially reduced by flood, hail, drought, insects or plant bed diseases, the net payment or net deduction for the crop will be divided among the landlords and tenants if the county committee determines that such persons would have shared in the crop if the entire allotment had been planted and harvested in 1939. In cases where two or more separately owned tracts of land comprise a farm and Section II of the Combination Farm Share Agreement, Form ACP-95, is executed and the form is signed by all persons who are entitled to receive a share of the crops, the share of each person in the net payment or net deduction for the crops will be that indicated on Form ACP-95.

12. Section 15 is amended by adding at the end thereof the following new subsection d:

d. *Time within which to file form NCR-303 and similar forms.* No inspection of any farm will be made for the purpose of determining the extent of performance under the 1939 Boone County Agricultural Conservation Program unless there is received on or before May 1, 1939, by the Boone County Committee, either (1) a Farm Plan for Participation, NCR-303 for the farm, duly executed by a person eligible to make application for payment with respect to such farm; or (2) a letter from the landlord or operator of such farm indicating that he is participating in the 1939 Boone County Agricultural Conservation Program and requesting an inspection of his farms in the county.

Done at Washington, D. C., this 30th day of June, 1939. Witness my hand and seal of the Department of Agriculture.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 39-2296; Filed, July 1, 1939; 9:31 a. m.]

[1] 4 F.R. 1213 DI.

[1] 1 F.R. 155.

[2] 3 F.R. 1979 DI.



[Docket No. A-104—O-104]

NOTICE OF HEARING, PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF HOPS GROWN IN STATES OF OREGON, CALIFORNIA, AND WASHINGTON; AND NOTICE OF MEETING RELATIVE TO DETERMINATION OF THE SALEABLE QUANTITY OF 1939 HOPS

Whereas, pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), notice of hearing is required in connection with a proposed marketing agreement, a proposed order, or proposed amendments thereto, and the General Regulations, Series A, No. 1, as amended,[1] of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") executed a marketing agreement and issued an order, on August 11, 1938,[2] effective on and after August 15, 1938, regulating the handling of hops grown in the States of Oregon, California, and Washington; and

Whereas, the Secretary has reason to believe that the execution of certain amendments to the marketing agreement and the issuance of certain amendments to the order will tend to effectuate the declared policy of the act with respect to the handling of hops grown in the States of Oregon, California, and Washington; and

Whereas, it is provided, among other things, in paragraph numbered 2, section 1, article IV of said marketing agreement and order, that, for the purpose of obtaining additional information pertinent to the determination of the saleable quantity of 1939 crop hops, the Secretary shall hold a meeting or meetings, within the production area covered by said marketing agreement and order, subsequent to such notice as the Secretary may deem proper;

Now, therefore, pursuant to the said act and the aforesaid regulations, notice is hereby given of a hearing to be held on certain proposed amendments to the marketing agreement and certain proposed amendments to the order regulating the handling of hops grown in the States of Oregon, California, and Washington; and said hearing is to be held in the Auditorium, Chamber of Commerce, 27½ North Third Street, in Yakima, Washington, on July 11, 1939, at 9:30 a. m., Pacific standard time; in the Marion Hotel, Salem, Oregon, on July 14, 1939, at 9:30 a. m., Pacific standard time; and in the Elks Club Building, 521 Third Street, Santa Rosa,

California, on July 17, 1939, at 9:30 a. m., Pacific standard time.

This hearing is for the purpose of receiving evidence as to the general economic conditions which may, in order to effectuate the declared policy of the act, necessitate said amendments to the aforesaid marketing agreement and order, and as to the specific provisions which said proposed amendments to the marketing agreement and order should contain. The aforesaid public hearing is also for the purpose of receiving evidence and obtaining additional information, pursuant to the provisions of article IV, section 1, paragraph numbered 2 of the aforesaid marketing agreement and order, relative to the determination of the saleable quantity of 1939 crop hops.

The proposed amendments to the marketing agreement and the proposed amendments to the order provide, in similar terms, that the provisions of article I, section 1, paragraph numbered 9; article IV, section 3, paragraph numbered 1; article IV, section 4; article IV, section 6; article IV, section 7, article V, section 1, paragraph numbered 2, of the aforesaid marketing agreement and order, be amended in the respects stated in said proposed amendments, and by inserting an additional section after section 4 of article IV, and, accordingly renumbering section 5 and subsequent sections of said article IV; and such proposed amendments are summarized, omitting some of the details and provisions thereof, as follows: (a) restrict the definition of "grower-dealer," in article I, section 1, paragraph numbered 9; (b) permit the Growers Allocation Committee to reduce, under certain conditions, the saleable quantity of any grower, pursuant to article IV, section 3, paragraph numbered 1; (c) authorize the Control Board to issue in the name of any grower, who by reason of a written contract executed prior to June 14, 1938, is legally obligated to deliver at a definite and stated price, a definite and stated quantity of hops produced by the respective grower during 1939, an additional allotment certificate covering or relating to the excess quantity, if any, of the quantity of hops specified in such contract over and above the quantity represented by the respective grower's saleable allotment for 1939; (d) authorize cancellation of allotment certificates, under certain conditions, and issuance of new allotment certificates; (e) permit the allotment certificates applicable to 1939 hops to be used, under certain conditions, by growers to market hops produced in 1938 in excess of the respective grower's allotment for 1938; (f) permit a grower to purchase from another grower uncertificated hops, under certain conditions; (g) authorize the issuance, under certain conditions, of emergency allotment certificates; (h) provide that, among other things, in the event any grower who handles hops is not within the definition of "first handler," the person who handles said hops next following the aforesaid handling thereof by said grower shall constitute the first handler of said hops within the provisions of article V.

Copies of said proposed amendments to the marketing agreement and proposed amendments to the order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, or may be there inspected.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated June 30, 1939.

[F. R. Doc. 39-2314; Filed, July 1, 1939; 11:54 a. m.]

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## Office of the Secretary.

[Memorandum No. 826]

MAKING APPLICABLE TO THE EMERGENCY RELIEF APPROPRIATION ACT OF 1939 CERTAIN ORDERS, RULES, REGULATIONS AND DELEGATIONS OF AUTHORITY ISSUED UNDER AUTHORITY OF THE EMERGENCY RELIEF APPROPRIATION ACT OF 1938

JUNE 30, 1939.

By virtue of and pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1939, approved June 30, 1939, particularly Sections 3 and 14 thereof, I hereby order and direct that the expenditure of funds appropriated to this Department by the said Act, and the administration of all activities conducted with such funds, shall be in accordance with the orders, rules, regulations and delegations of authority heretofore issued and in effect on this date relating to the expenditure of funds appropriated to this Department by the Emergency Relief Appropriation Act of 1938, to the extent such orders, rules, regulations and delegations of authority are consistent with the provisions of the Emergency Relief Appropriation Act of 1939. Whenever any authority heretofore granted limited the amount of money which might be expended thereunder, such limit shall be deemed applicable to the total amount to be expended under such authorization out of funds appropriated by prior acts and the Emergency Relief Appropriation Act of 1939. Any redelegations of authority in effect on the date of this order shall continue in effect subject to any powers heretofore granted to revoke such redelegations. The foregoing rules and regulations shall remain in effect until my further order.

[SEAL] HARRY L. BROWN,
*Acting Secretary.*

[F. R. Doc. 39-2317; Filed, July 5, 1939; 9:22 a. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 238]

IN THE MATTER OF THE APPLICATION OF AMERICAN EXPORT AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (D) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 7, 1939, 10 o'clock a. m. (Eastern Standard Time) in Conference Room B of the Departmental Auditorium, Washington, D. C., before an Examiner.

Dated Washington, D. C., June 30, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2330; Filed, July 5, 1939; 12:20 p. m.]

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[Docket No. 247]

IN THE MATTER OF THE APPLICATION OF PENNSYLVANIA-CENTRAL AIRLINES CORP. FOR AMENDMENTS TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on July 24, 1939, 10 o'clock a. m. (Eastern Standard Time) in Room 1851, Department of Commerce Building, Washington, D. C. before an Examiner.

Dated Washington, D. C., June 30, 1939

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2329; Filed, July 5, 1939; 12:20 p. m.]

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[Docket No. 19-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF RAILWAY EXPRESS AGENCY, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on July 17, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, Washington, D. C., before an Examiner.

Dated Washington, D. C., June 30, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2331; Filed, July 5, 1939; 12:20 p. m.]



[Docket No. 46-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF MAYFLOWER AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on July 26, 1939, 10 o'clock a. m. (Eastern Standard Time) in Room 1851, Department of Commerce Building, Washington, D. C. before an Examiner.

Dated Washington, D. C., June 30, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2332; Filed, July 5, 1939; 12:21 p. m.]

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## FEDERAL TRADE COMMISSION

*United States of America—Before Federal Trade Commission*

[Docket No. 3834]

IN THE MATTER OF C. R. ANTHONY COMPANY, A CORPORATION, BURRELL-BERGER, INC., A CORPORATION, MISS PLAZA, INC., A CORPORATION, SAMUEL R. PARNES, INC., A CORPORATION, GORGEOUS FROCKS, INC., A CORPORATION

COMPLAINT

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936 have violated and are now violating the provisions of Subsection C, Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C., Title 15, Section 13) hereby issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent C. R. Anthony Company is a corporation organized and existing under and by virtue of the laws of the State of Oklahoma with its principal office and place of business at 540 First National Bank Building, Oklahoma City, Oklahoma. Said C. R. Anthony Co. owns and operates 57 retail department stores located in the States of Oklahoma, Kansas, Texas and New Mexico.

PAR. 2. Respondent C. R. Anthony Company also maintains an office in Room 1409 at 1450 Broadway, New York City, New York, under the name of The Anco Co. All maintenance expenses of said office, including salaries, are paid by the respondent C. R. Anthony Company and the functions of the said New York City office are wholly performed by employees of said respondent C. R. Anthony Company on a flat salary basis paid solely by said respondent, which employees act for and in behalf of, and are subject to and under the direct and exclusive control of said respondent, C. R. Anthony Company.

Said employees purchase for and in the name of respondent, C. R. Anthony Company, the requirements of its retail department stores consisting of women's apparel, allied and other merchandise from various sellers and manufacturers located in New York City, among whom are the seller respondents hereinafter named. The merchandise so purchased is then shipped by said sellers from New York City into and through the various states of the United States to the various retail department stores of the respondent C. R. Anthony Company, invoices therefor being sent to and paid by said respondent C. R. Anthony Company.

PAR. 3. Respondent Burrell-Berger, Inc. is a corporation organized and existing under the laws of the State of New York with its principal office and place of business at 1375 Broadway, New York City, New York.

Respondent Miss Plaza, Inc., is a corporation organized and existing under and by virtue of the laws of the State of New York with its principal office and place of business at 1400 Broadway, New York City, New York.

Respondent Samuel R. Parnes, Inc. is a corporation organized and existing under and by virtue of the laws of the State of New York with its principal office and place of business at 1400 Broadway, New York City, New York.

Respondent Gorgeous Frocks, Inc., is a corporation organized and existing under and by virtue of the laws of the State of New York with its principal office and place of business at 1400 Broadway, New York City, New York.

The respondents named in this paragraph will hereinafter be referred to as "seller-respondents."

PAR. 4. Each of said seller respondents is engaged in the sale of merchandise to respondent C. R. Anthony Company and to other customers in states other than the State of New York, pursuant to which sales merchandise is shipped and caused to be transported by each of said seller respondents into and through various states of the United States to their respective customers. Said seller respondents are fairly typical and representative members of a large group or class of manufacturers and sellers engaged in selling their merchandise in interstate commerce to respondent C. R. Anthony Company and to its competitors but the sellers comprising said group are too numerous to be specifically named herein or to be brought before the Commission in this proceeding without manifest inconvenience and delay.

PAR. 5. In the course of the purchasing transactions by the respondent C. R. Anthony Company, under the name of The Anco Co., as set forth in Paragraph Two hereof, said seller respondents and other sellers have since June 19, 1936 transmitted, paid and delivered and do transmit, pay and deliver to said respondent C. R. Anthony Company, under the name The Anco Co. so called brokerage fees and commissions, the same being a certain percentage on quoted sales prices agreed upon between each of the said sellers and the respondent C. R. Anthony Company, and said respondent C. R. Anthony Company since June 19, 1936 has received and accepted and is receiving and accepting such so-called brokerage fees or commissions paid to it under the name of The Anco Co., upon merchandise purchased by said respondent C. R. Anthony Company under the name of The Anco Co., while said respondent C. R. Anthony Company is the sole party in interest in and is the actual purchaser in said transaction.

In all of the purchasing transactions hereinabove referred to, in connection with which the so-called brokerage fees or commissions have been and are paid and transmitted by said seller respondents and other sellers and have been and are accepted and received by said respondent C. R. Anthony Company, no services whatsoever in connection with said purchases have been rendered or are now being rendered to, for, or on behalf of said seller respondent or any other sellers by said respondent C. R. Anthony Company under its own name or under the name of The Anco Co.

PAR. 6. The transmission and payment of said so-called brokerage fees or commissions by the seller respondents and other sellers to and the receipt and acceptance thereof by the respondent C. R. Anthony Company under the name of The Anco Co. in the manner and under the circumstances hereinabove set forth, is in violation of the provisions of Section 2 (c) of the above mentioned Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes", approved October 15, 1914 (The Clayton Act) as amended by the Act of Congress entitled "An Act to amend Section 2 of an act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes', approved October 15, 1914, as amended (U.S.C. Title 15, Section 13) and for other purposes", approved June 19, 1936 (The Robinson-Patman Act).

Wherefore, the premises considered, the Federal Trade Commission on this 27th day of June, A. D., 1939, issues its complaint against said respondents.

NOTICE

Notice is hereby given you, C. R. Anthony Company, Burrell-Berger, Inc., Miss Plaza, Inc., Samuel R. Parnes, Inc. and Gorgeous Frocks, Inc., respondents herein, that the 4th day of August, A. D.,

1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 27th day of June, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2299; Filed, July 1, 1939; 9:41 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 30th day of June, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3671]

IN THE MATTER OF JAMES S. SUTTON, INC., A CORPORATION, AND JAMES S. SUTTON, AN INDIVIDUAL

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, July 12, 1939, at nine o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2300; Filed, July 1, 1939; 9:41 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of June, A. D. 1939.

[File No. 32-145]

IN THE MATTER OF NEW YORK STATE ELECTRIC & GAS CORPORATION

ORDER RELATIVE TO ISSUE AND SALE OF NOTE AND PLEDGE

New York State Electric & Gas Corporation, a subsidiary of NY PA NJ Utilities Company, Associated Gas and Electric Corporation, and Associated Gas and Electric Company, registered holding companies, having duly filed with this Commission an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of said Act, of the issue and sale by the applicant to the Rural Electrification Administration of the United States of America, for cash, at its face value, of a 2.73% serial note for $300,000 to be secured by applicant's First Mortgage bonds, 4% Series, due 1965, in a principal amount not to exceed $400,000 (exemption also being sought for the pledge of such bonds for collateral security);

A hearing on said application as amended having been duly held[1] after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That the issue and sale of such note and the pledge as collateral security of such bonds be and the same hereby are exempted from the provisions of section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

1. That such issue and sale of such note and pledge of the bonds shall be in compliance with the terms and conditions of and for the purposes represented by said application as amended, and in compliance with the terms and conditions imposed by the order of the Public Service Commission of New York; and

2. That such exemption shall immediately terminate without further order of this Commission if at any time the authorization of the issue and sale of the note and pledge of the bonds by the Public Service Commission of New York shall be revoked or shall otherwise terminate; and

3. That such bonds shall not be sold except at a bona fide sale by or on behalf of the pledgee or its successors or assigns, to satisfy said note, or by the purchaser at such sale, or by his or its successors or assigns; and

4. That within ten days after the issue and sale of such note and the pledge of the bonds the applicant shall file with this Commission its Certificate of Notification showing that the issue and sale of the note and the pledge of the bonds have been effected in accordance with the terms and conditions of, and for the purposes represented by, said application as amended; and

5. That copies of all reports submitted to the New York State Public Service Commission in connection with the fulfillment of the terms of its order be supplied at the same time to this Commission; and

6. That when all expenses incurred in connection with the issue and sale of such note and the pledge of the bonds shall be actually paid, the applicant shall file a detailed statement of such expenses showing the names of persons or entities to whom such payments were made, the amounts of such payments, and a detailed description of the services rendered in connection with the issue and sale of said note and the pledge of the bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2313; Filed, July 1, 1939; 11:00 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of June, A. D. 1939.

[File No. 43-210]

IN THE MATTER OF BRADFORD ELECTRIC COMPANY

ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

Bradford Electric Company, a direct subsidiary of NY PA NJ Utilities Company and an indirect subsidiary of Associated Gas and Electric Corporation and Associated Gas and Electric Company, the latter three named companies being registered holding companies, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by it to The Chase National Bank of the City of New York of its $395,000 3% unsecured promissory note to be dated June 29, 1939 and to mature eleven months from the date of issue, partial liquidation of the principal amount thereof to be made periodically by the payment of $5,000 on July 29, 1939 and by similar monthly payments thereafter to and including April 29, 1940, with the balance of the principal amount thereof, together with all interest accrued and unpaid thereon, to be paid at maturity;

A hearing on such declaration, as amended, having been held[1] after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein;

[1] 4 F.R. 2283 DI.



*It is ordered*, That such declaration be and become effective forthwith, subject, however, to the following conditions;

1. That such issue and sale of such note shall be in compliance with the terms and conditions of, and for the purposes represented by, said declaration as amended; and

2. That within ten days after the issue and sale of such note, the declarant shall file with this Commission its Certificate of Notification showing that the issue and sale of the note has been effected in accordance with the terms and conditions of, and for the purposes represented by, said declaration as amended; and

3. That when all expenses incurred in connection with the issue and sale of such note shall have been actually paid, the declarant shall file a detailed statement of such expenses showing the names of persons or entities to whom such payments were made, the amounts of such payments and a detailed description of the services rendered in connection with the issue.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2311; Filed, July 1, 1939; 11:00 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of June 1939.

[File No. 43-214]

IN THE MATTER OF SUBURBAN GAS AND ELECTRIC CO., GLOUCESTER ELECTRIC CO., HAVERHILL ELECTRIC CO., BEVERLY GAS AND ELECTRIC CO., SALEM GAS LIGHT CO., NORTH BOSTON LIGHTING PROPERTIES, NEW ENGLAND POWER ASSOCIATION

ORDER RELATIVE TO EFFECTIVENESS OF DECLARATIONS

Declarations pursuant to Section 7 of the Public Utility Holding Company Act of 1935 having been duly filed with this Commission by Suburban Gas and Electric Company, Gloucester Electric Company, Haverhill Electric Company, Beverly Gas and Electric Company, Salem Gas Light Company, which are all subsidiary companies of North Boston Lighting Properties, an indirect subsidiary of New England Power Association, a registered holding company, regarding the issue and sale of unsecured 3% promissory notes to be dated July 1, 1939 and to mature 10 months after date in an aggregate principal amount as follows:

| | |
|---|---|
| Suburban Gas and Electric Company | $785,000 |
| Gloucester Electric Company | 235,000 |
| Haverhill Electric Company | 1,014,375 |
| Beverly Gas and Electric Company | 650,000 |
| Salem Gas Light Company | 425,000 |

North Boston Lighting Properties and New England Power Association having filed applications in connection with such declarations requesting approval of the pledge by North Boston Lighting Properties of the notes proposed to be issued with State Street Trust Co., Trustee, as part of the collateral securing North Boston's outstanding Secured Notes, 3½% Series, due 1947.

A hearing upon said declarations and applications having been held[1] after appropriate notice; the record in this matter having been examined; the Commission having made and filed its findings herein;

*It is ordered*, That each of said declarations be, and become effective forthwith and that each of the said applications by North Boston Lighting Properties and New England Power Association be, and the same hereby is approved, subject, however, to the following conditions:

(1) That all acts in connection with said declarations and applications shall be performed in all respects as set forth in, and for the purposes represented by, said declarations and applications; and

(2) That within ten days after the issuance of the securities referred to herein and the acquisition and pledge of such notes the declarants and applicants shall respectively file with this Commission certificates of notification showing that such issuances and sales and acquisitions and pledges have been effected in accordance with the terms and conditions of, and for the purposes represented by, said declarations and applications.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2310; Filed, July 1, 1939; 11:00 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D. 1939.

[File No. 32-149]

IN THE MATTER OF NEW YORK STATE ELECTRIC & GAS CORPORATION

ORDER RELATIVE TO ISSUE AND SALE OF BONDS AND PREFERRED STOCK

New York State Electric & Gas Corporation, a direct subsidiary company of NY PA NJ Utilities Company, and an indirect subsidiary company of Associated Gas and Electric Corporation and Associated Gas and Electric Company, the latter three named companies being registered holding companies, having filed an Application, pursuant to

[1] 4 F.R. 2374 DI.

[1] 4 F.R. 2251 DI.

Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of that Act of the issue and sale to underwriters at 100, for sale to the public at 102, of $13,000,000 principal amount of First Mortgage Bonds, 3¾% Series, due May 1, 1964, and of the issue and sale of 60,000 shares of 5½% Cumulative Preferred Stock with a par value of $100 per share, 29,276 shares of such Stock to be issued to underwriters and 30,724 shares thereof to be issued to certain associate companies of Applicant (18,073 shares to Associated Power Corporation, and 12,651 shares to General Utility Investors Corporation) in exchange for 5% Cumulative Preferred Stock of Applicant now held by such associate companies, and by such associate companies to be sold to the same group of underwriters, such underwriters to pay 96 for all such 5½% Preferred and to sell the same to the public at 100; a hearing on said Application having been held [1] after appropriate notice; the record in this matter having been examined, and the Commission having made its Findings herein;

*It is ordered*, That the issuance and sale of such Bonds and Preferred Stock be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

(1) That such issue and sale of such Bonds and Preferred Stock shall be in compliance with the terms and conditions of, and for the purposes represented by, such Application, and in compliance with the terms and conditions imposed by the Order of the Public Service Commission of New York;

(2) That such exemption shall immediately terminate without further order of this Commission if at any time the authorization of the issue and sale of such Bonds and Preferred Stock by the Public Service Commission of New York shall be revoked or shall otherwise terminate;

(3) That within ten days after the issue and sale of such Bonds and Preferred Stock the Applicant shall file with this Commission its Certificate of Notification showing that the issue and sale of such securities have been effected in accordance with the terms and conditions of, and for the purposes represented by, said Application; and

(4) That within thirty days after the payment of all expenses incurred in connection with the issue and sale of such Bonds and Preferred Stock the Applicant shall file a detailed statement of such expenses showing the names of all persons or entities to whom such payments were made, the amount of such payments, and a detailed description of the services rendered in connection with the issue and sale of said Bonds and Preferred Stock.

By the Commission, Frank, C., not participating.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2309; Filed, July 1, 1939; 11:00 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of June, A. D. 1939.

[File No. 46-150]

IN THE MATTER OF TRUSTEES UNDER PENSION TRUST AGREEMENT, GENERAL UTILITY INVESTORS CORPORATION, ASSOCIATED POWER CORPORATION, NY PA NJ UTILITIES COMPANY, ASSOCIATED GAS AND ELECTRIC CORPORATION, ASSOCIATED GAS AND ELECTRIC COMPANY

ORDER RELATIVE TO SALE OF PREFERRED STOCK

Trustees Under Pension Trust Agreement Dated December 14, 1937, a subsidiary company of Associated Gas and Electric Company, a registered holding company, having filed an Application, pursuant to Section 12 (d) of the Public Utility Holding Company Act of 1935, to sell 2500 shares of 5% Cumulative Preferred Stock, $100 par, of New York State Electric & Gas Corporation, an associate company, to Associated Power Corporation, an associate company; and Associated Power Corporation having filed an Application, pursuant to Section 10 (a) (1) of said Act, to acquire such shares; and Associated Power Corporation and General Utility Investors Corporation having filed an Application to acquire 30,724 shares of 5½% Cumulative Preferred Stock, $100 par, of New York State Electric & Gas Corporation, such shares to be issued by that corporation in exchange for 33,796 shares of its 5% Cumulative Preferred Stock, $100 par, now outstanding;

It appearing that Associated Power Corporation and General Utility Investors Corporation intend to sell such 5½% Preferred Stock to underwriters to be sold to the public, and to pay the proceeds of such sale, together with a small balance aggregating in all $3,000,000, in settlement of alleged debts to their parent company, NY PA NJ Utilities Company, a registered holding company, which intends to pay such sum in settlement of alleged debts to its parent company, Associated Gas and Electric Corporation, a registered holding company, which intends to use such funds in making a down payment to the Treasury Department of the United States in settlement of claims for income taxes for the years 1927 to 1933, inclusive, against Associated Gas and Electric Company, a registered holding company, which is the parent of Associated Gas and Electric Corporation, and against various companies in the Associated Gas and Electric Company holding-company system, and that Associated Gas and Electric Corporation intends to make the remaining payments on such tax settlement, which aggregate $5,700,000;

It appearing that the state of accounts between New York State Electric & Gas Corporation and Associated Power Corporation is doubtful, and that the validity of the alleged debts from General Utility Investors Corporation and Associated Power Corporation to NY PA NJ Utilities Company, and from NY PA NJ Utilities Company to Associated Gas and Electric Corporation is subject to serious questions both of law and of fact, and that the validity of other alleged debts from NY PA NJ Utilities Company to Associated Utilities Corporation, a subsidiary company of Associated Gas and Electric Corporation, against which other payments may be made which may eventually reach Associated Gas and Electric Corporation, is subject to similar questions of law and fact.

The Commission having instituted a proceeding, pursuant to Sections 12 (b), 12 (c) and 12 (f) of said Act, to determine whether the movement of funds between such companies respecting such tax payments and otherwise, and the failure of Associated Gas and Electric Company to contribute to such tax settlement involves the lending of credit by a registered holding company or subsidiary company thereof to other companies in the same holding-company system, or the payment of dividends not out of earned surplus on a security of one or more of such companies, or the partial retirement or redemption of a security of one or more of such companies, and whether such activities have detrimental results which necessitate the issuance by the Commission of an order pursuant to said Sections to prevent, condition, or circumscribe the payment of funds between such companies; and the Commission having ordered all proceedings herein mentioned to be joined for purposes of hearing;

A hearing on said proceedings having been held [1] after appropriate notice, the record in these matters having been examined, and the Commission having made its Findings herein;

*It is ordered*, That the sale of 2500 shares of 5% Cumulative Preferred Stock, $100 par, of New York State Electric & Gas Corporation, by Trustees Under Pension Trust Agreement, to Associated Power Corporation, and the acquisition of such shares by such corporation be, and the same hereby are, approved in accordance with the terms and conditions and for the purposes represented by said Applications.

*It is further ordered*, That the acquisition by Associated Power Corporation and General Utility Investors Corporation of 30,724 shares of 5½% Cumulative Preferred Stock of New York State Electric & Gas Corporation be, and the same hereby is, approved in accordance with the terms and conditions and for the purposes represented by said Applications.

*It is further ordered*, Pursuant to Sections 12 (b), 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935, and as a condition to the issuance under Sections 10 (a) (1) and 12 (d) of said Act of the permissive orders herein contained, that subsequent to the payment of $3,000,000 by Associated Power Corporation and General Utility Investors Corporation to NY PA NJ, and by NY PA NJ to Associated Gas and Electric Corporation, and by Associated Gas and Electric Corporation to the Treasury Department (which payments are not forbidden by this order), such companies and Associated Gas and Electric Company make adjustments of accounts, limit payments on such accounts, and furnish to the Commission reports and information as hereinafter specified:

(1) Associated Power Corporation, or the then owner of said open account indebtedness, shall cancel $4,410,000 of open account indebtedness due from New York State Electric & Gas Corporation.

(2) NY PA NJ Utilities Company is to cancel $4,410,000 of convertible obligations due from Associated Power Corporation.

(3) General Utility Investors Corporation shall make no payments which will reduce the principal of its convertible obligations held by NY PA NJ Utilities Company to less than $21,150,000, and shall not increase the rate of interest thereon, and shall make no payments which will reduce its open account indebtedness to NY PA NJ Utilities Company below $1,000,000.

(4) Associated Power Corporation shall make no payments which will reduce the principal of its convertible obligations held by NY PA NJ Utilities Company to less than $340,000 (which is the remaining amount due thereon after the cancellation mentioned in paragraph two above), and shall not reduce its open account indebtedness to NY PA NJ Utilities Company below $300,000.

(5) NY PA NJ Utilities Company shall make no payments which will reduce the principal of its convertible obligations held by Associated Gas and Electric Corporation to less than $202,000,000, shall not increase the rate of interest due on said convertible obligations, and shall not reduce its open account indebtedness with Associated Utilities Corporation below $24,000,000.

(6) The following information shall be furnished promptly:

(a) Transcript of open accounts between New York State Electric & Gas Corporation and constituent companies, and Associated Power, Corporation and predecessors.

(b) Transcript of open account between General Utility Investors Corporation and NY PA NJ Utilities Company, and detail of all transactions which resulted in the creation of the convertible obligation between such companies.

(c) Transcript of open account between Associated Power Corporation and NY PA NJ Utilities Company and predecessors, and detail of all transactions which resulted in the creation of the convertible obligation between such companies.

(d) Transcript of open account between NY PA NJ Utilities Company and predecessors, and between Associated Utilities Corporation and predecessors, and detail of all transactions which resulted in the creation of the convertible obligation between NY PA NJ Utilities Company and Associated Gas and Electric Corporation.

(7) The disposition of the accounting entries and the adjustment thereof, and the final settlement of intercorporate accounts between the companies herein mentioned, all arising from the tax settlement, intercorporate payments in connection therewith, and prior intercorporate credits or payments on account of the estimated tax liabilities of individual companies, shall be subject to the order of the Commission to be entered in this cause pursuant to jurisdiction retained herein after notice to the abovementioned companies and opportunity for hearing.

(8) The various companies herein mentioned have leave to apply to this Commission for modification, in particular instances, after notice and hearing, of the order herein.

Jurisdiction is retained for the issuance pursuant to the Public Utility Holding Company Act of 1935 of further orders modifying or supplementing this order, but not affecting the validity of the issuance or sale of such 5½% preferred stock.

*It is further ordered*, That, within ten days of the doing and performing of any of the acts permitted or required by this order, the companies file a report with this Commission of the details of such transactions, and showing that such transactions have been effected in accordance with the terms and conditions of this order.

By the Commission, Frank, C., not participating.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2312; Filed, July 1, 1939; 11:00 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of July, A. D. 1939.

[File 1-2431]

IN THE MATTER OF THE REGISTRATION OF ALLGEMEINE ELEKTRICITÄTS GESELLSCHAFT 20-YEAR 7% SINKING FUND GOLD DEBENTURES DUE 1945, 15-YEAR 6½% SINKING FUND GOLD DEBENTURES DUE 1940, AND 20-YEAR 6% SINKING FUND GOLD DEBENTURES DUE 1948

I

It appearing to the Commission,

That the Allgemeine Elektricitäts Gesellschaft, a corporation organized under the laws of Germany, is the issuer of 20-year 7% Sinking Fund Gold Debentures due 1945, 15-year 6½% Sinking Fund Gold Debentures due 1940, and 20-year 6% Sinking Fund Gold Debentures due 1948, and

That said Allgemeine Elektricitäts Gesellschaft registered such securities on the New York Stock Exchange, a national securities exchange, by filing on or about February 11, 1936, an application on Form 21 with the said exchange and with the Commission, pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, formerly designated as Rule JB-1, promulgated by the Commission thereunder; and

That pursuant to Section 13 (a) of the said Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2, formerly designated Rules KA-1 and KA-2 respectively, promulgated by the Commission thereunder, said Allgemeine Elektricitäts Gesellschaft filed on or about September 7, 1937, its annual report on Form 21-K for the fiscal year ended September 30, 1936, and on or about April 29, 1938, its annual report on Form 21-K for the fiscal year ended September 30, 1937; and

That said Rule X-13A-1 did and does require that an annual report for each issuer of a security registered on a national securities exchange, shall be filed on the appropriate form prescribed therefor; and

That said Rule X-13A-2 did and does prescribe Form 21-K as the annual report form to be used for the annual reports of nationals of a foreign country, other than a North American country or Cuba, with respect to bonds or other evidences of indebtedness.

II

The Commission having reason to believe that,

(a) The Allgemeine Elektricitäts Gesellschaft has failed to comply with said Section 13 (a) and the Rules and Regulations promulgated thereunder in that the annual reports filed by it for the years ended September 30, 1936, and September 30, 1937,

[1] 4 F.R. 2350 DI.

[1] 4 F.R. 2412 DI.

(1) Fail to furnish the information required by Item 4 of Form 21–K with respect to each issue of funded debt of the registrant and its subsidiaries, and

(2) Do not contain a signature paragraph or signature as required by Form 21–K, and

(b) The said Allgemeine Elektricitäts Gesellschaft has also failed to file the information and documents required by said Rule X–13A–1 in that it has failed to file its annual report for the year ended September 30, 1938, on Form 21–K as prescribed by said Rule X–13A–2.

III

The Commission being of the opinion that pursuant to Section 19 (a) (2) of the said Securities Exchange Act of 1934, as amended, a hearing should be held to determine whether said Allgemeine Elektricitäts Gesellschaft has so failed to comply with said Section 13 (a) of said Rules and Regulations promulgated by the Commission thereunder, and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said 20–year 7% Sinking Fund Gold Debentures due 1945, 15–year 6½% Sinking Fund Gold Debentures due 1940, and 20–year 6% Sinking Fund Gold Debentures due 1948, on the said New York Stock Exchange;

*It is ordered*, That a public hearing be held for such purpose before the officer of the Commission herein designated, beginning on the 16th day of August, 1939, at 10 o'clock, A. M. in Room 1102 at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., and to continue thereafter at such times and places as said officer may determine; and

*It is further ordered*, That for the purpose of such proceedings James G. Ewell, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2322; Filed, July 5, 1939; 11:16 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 1st day of July, A. D. 1939

[File 1–2509]

IN THE MATTER OF THE REGISTRATION OF SIEMENS & HALSKE AKTIENGESELLSCHAFT, SIEMENS SCHUCKERTWERKE AKTIENGESELLSCHAFT TWENTY-FIVE YEAR 6½% SINKING FUND GOLD DEBENTURES DUE SEPTEMBER 1, 1951

I

It appearing to the Commission,

That Siemens & Halske Aktiengesellschaft and Siemens Schuckertwerke Aktiengesellschaft, corporations organized under the laws of Germany, are the issuers of Twenty-five year 6½% Sinking Fund Gold Debentures due September 1, 1951; and

That said Siemens & Halske Aktiengesellschaft and Siemens Schuckertwerke Aktiengesellschaft registered such security on the Boston Stock Exchange and the New York Stock Exchange, national securities exchanges, by filing on or about March 17, 1936, an application on Form 21 with the said exchanges and with the Commission, pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X–12B–1, as amended, formerly designated as Rule JB1, promulgated by the Commission thereunder; and

That pursuant to Section 13 (a) of the said Securities Exchange Act of 1934, as amended, and Rules X–13A–1 and X–13A–2, formerly designated Rules KA1 and KA2, respectively, promulgated by the Commission thereunder, said Siemens & Halske Aktiengesellschaft and Siemens Schuckertwerke Aktiengesellschaft filed on or about December 15, 1937, their annual report on Form 21–K for the fiscal year ended September 30, 1936, and on or about October 29, 1938, their annual report on Form 21–K for the fiscal year ended September 30, 1937; and

That said Rule X–13A–1, promulgated pursuant to Section 13 (a) of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That said Rule X–13A–2, promulgated pursuant to Section 13 (a) of said Securities Exchange Act of 1934, as amended, did and does prescribe Form 21–K as the annual report form to be used for the annual reports of nationals of a foreign country, other than a North American country or Cuba, with respect to bonds or other evidences of indebtedness; and

II

That Siemens & Halske Aktiengesellschaft and Siemens Schuckertwerke Aktiengesellschaft have failed to comply with said Section 13 (a) and the rules and regulations promulgated thereunder, in that they have failed to file an annual report containing the information and documents required by said Rule X–13A–1, for the fiscal year ended September 30, 1938, on Form 21–K as prescribed by said Rule X–13A–2; and

III

The Commission being of the opinion that pursuant to Section 19 (a) (2) of the said Securities Exchange Act of 1934, as amended, a hearing should be held to determine whether said Siemens & Halske Aktiengesellschaft and Siemens Schuckertwerke Aktiengesellschaft have so failed to comply with said Section 13 (a) and said rules and regulations promulgated by the Commission thereunder, and if so whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said 25-year 6½% Sinking Fund Gold Debentures due September 1, 1951, on the Boston Stock Exchange and the New York Stock Exchange;

*It is ordered*, That a hearing be held for such purpose before the officer of the Commission herein designated, beginning on the 15th day of August, 1939, at 10:00 o'clock A. M. in Room 1102, at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continuing thereafter at such times and places as said officer may determine; and

*It is further ordered*, That for the purpose of such proceeding James G. Ewell, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2324; Filed, July 5, 1939; 11:17 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of July, A. D. 1939.

[File 1–2510]

IN THE MATTER OF THE REGISTRATION OF SIEMENS & HALSKE AKTIENGESELLSCHAFT PARTICIPATING DEBENTURES, SERIES A

It appearing to the Commission,

That Siemens & Halske Aktiengesellschaft, a corporation organized under the laws of Germany, is the issuer of Participating Debentures, Series A; and

That said Siemens & Halske Aktiengesellschaft registered such security on the Boston Stock Exchange, a national securities exchange, by filing on or about March 17, 1936, an application on Form 21 with the said exchange and with the Commission, pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X–12B–1, as amended, formerly designated as Rule JB1, promulgated by the Commission thereunder; and

That pursuant to Section 13 (a) of said Securities Exchange Act of 1934, as amended, and Rules X–13A–1 and X–13A–2, formerly designated as Rules KA1 and KA2, respectively, promulgated by the Commission thereunder, said Siemens & Halske Aktiengesellschaft filed on or about December 15, 1937, its annual report on Form 21–K for the fiscal year ended September 30, 1936, and on or about October 29, 1938, its annual report on Form 21–K for the fiscal year ended September 30, 1937; and

That said Rule X–13A–1 did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That said Rule X–13A–2 did and does prescribe Form 21–K as the annual report form to be used for the annual reports of nationals of a foreign country, other than a North American country or Cuba, with respect to bonds or other evidences of indebtedness; and

II

The Commission having reason to believe,

That Siemens & Halske Aktiengesellschaft has failed to comply with said Section 13 (a) and the rules and regulations promulgated thereunder in that it has failed to file an annual report containing the information and documents required by said Rule X–13A–1, for the year ended September 30, 1938, on Form 21–K, as prescribed by Rule X–13A–2; and

III

The Commission being of the opinion that pursuant to Section 19 (a) (2) of the said Securities Exchange Act of 1934, as amended, a hearing should be held to determine whether said Siemens & Halske Aktiengesellschaft has so failed to comply with said Section 13 (a) and said rules and regulations promulgated by the Commission thereunder, and if so whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said Participating Debentures, Series A, on the said Boston Stock Exchange;

*It is ordered*, That a hearing be held for such purpose before the officer of the Commission herein designated, beginning on the 14th day of August, 1939, at 10:00 A. M. in Room 1102, at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., and continuing thereafter at such times and places as said officer may determine; and

*It is further ordered*, That for the purpose of such proceeding, James G. Ewell, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2323; Filed, July 5, 1939; 11:16 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of July, A. D. 1939.

[File No. 43–228]

IN THE MATTER OF SECURITIES CORPORATION GENERAL

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on July 11, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 10, 1939.

The matter concerned herewith is in regard to a declaration filed by Securities Corporation General, a subsidiary of a registered holding company, in regard to the extension on a demand basis of two promissory notes, one in the face amount of $50,000 which is due on July 11, 1939, and the other in the face amount of $35,000 which is due on August 23, 1939, both of which are held by the Guaranty Trust Company, New York, and bear interest at the rate of 1¾% per annum.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2325; Filed, July 5, 1939; 11:17 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of July, A. D. 1939.

[File No. 43–226]

IN THE MATTER OF THE DAKOTA POWER COMPANY, GENERAL PUBLIC UTILITIES, INC.

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to Section [illegible] of the Public Utility Holding Company Act of 1935 having been duly filed with this Commission by The Dakota Power Company, an application pursuant to Section 10 of the Public Utility Holding Company Act of 1935 having been filed with this Commission by General Public Utilities, Inc., and an application pursuant to Rule U–12D–1 having been duly filed with this Commission by General Public Utilities, Inc.;

*It is ordered*, That a hearing on such matters be held on July 19, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 15, 1939.

The matter concerned herewith is in regard to a declaration by The Dakota Power Company, a subsidiary of a registered holding company, pursuant to Section 7 regarding the issue and sale of $675,000 First Mortgage 4¼% serial bonds of which $658,000 are to be sold at par to the Equitable Life Assurance Society of United States and $17,000 to be sold at par to General Public Utilities, Inc., and the issue and sale to General Public Utilities, Inc., at par, $337,000 of 4% Unsecured Notes, due April 1, 1960; and

An application filed by General Public Utilities, Inc., pursuant to the provisions of Section 10 of the Public Utility Holding Company Act of 1935 for the acquisition of $17,000 of the First Mortgage 4¼% serial bonds proposed to be issued by its subsidiary The Dakota Power Company, and acquisition of $337,000 of 4% Unsecured Serial Notes, due April 1, 1960, proposed to be issued by its subsidiary, The Dakota Power Company; and

An application by General Public Utilities, Inc., pursuant to Rule U–12D–1 for the approval of the sale by General Public Utilities, Inc., to The Dakota Power Company of $266,500 of First Mortgage 7% bonds, due September 1, 1943, and $337,000 of 4% Unsecured Notes due April 1, 1956.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2327; Filed, July 5, 1939; 11:49 a. m.]

## UNITED STATES CIVIL SERVICE COMMISSION.

### CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS FRIDAY, JUNE 30, 1939

*Important.* Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

| State | Number of positions to which entitled | Number of positions occupied |
|---|---|---|
| **IN ARREARS** | | |
| 1. Puerto Rico | 617 | 41 |
| 2. Hawaii | 147 | 17 |
| 3. California | 2,268 | 795 |
| 4. Alaska | 24 | 9 |
| 5. Texas | 2,327 | 919 |
| 6. Louisiana | 840 | 397 |
| 7. Michigan | 1,935 | 916 |
| 8. Arizona | 174 | 88 |
| 9. New Jersey | 1,615 | 863 |
| 10. South Carolina | 695 | 391 |
| 11. Ohio | 2,655 | 1,596 |
| 12. Mississippi | 803 | 487 |
| 13. Oklahoma | 957 | 584 |
| 14. Alabama | 1,087 | 650 |
| 15. New Mexico | 169 | 106 |
| 16. Arkansas | 741 | 469 |
| 17. Georgia | 1,162 | 709 |
| 18. Kentucky | 1,045 | 702 |
| 19. North Carolina | 1,266 | 883 |
| 20. Tennessee | 1,045 | 902 |
| 21. Illinois | 3,049 | 2,352 |
| 22. Wisconsin | 1,174 | 909 |
| 23. Connecticut | 642 | 503 |
| 24. Indiana | 1,294 | 1,132 |
| 25. Delaware | 95 | 84 |
| 26. Oregon | 381 | 341 |
| 27. Nevada | 36 | 33 |
| 28. Florida | 386 | 542 |
| 29. Idaho | 178 | 167 |
| 30. New Hampshire | 186 | 175 |
| 31. Pennsylvania | 3,848 | 3,701 |
| 32. New York | 4,029 | 4,854 |
| 33. Maine | 219 | 313 |
| 34. Massachusetts | 1,008 | 1,088 |
| 35. Utah | 203 | 202 |
| 36. West Virginia | 691 | 690 |
| **QUOTA FILLED** | | |

| State | Number of positions to which entitled | Number of positions occupied | Net gain or loss since July 1, 1938 |
|---|---|---|---|
| **IN EXCESS** | | | |
| 37. Colorado | 414 | 418 | +6 |
| 38. Wyoming | 90 | 91 | +8 |
| 39. Missouri | 1,450 | 1,467 | −55 |
| 40. Vermont | 144 | 146 | −4 |
| 41. Washington | 625 | 635 | +37 |
| 42. Montana | 215 | 231 | −11 |
| 43. Kansas | 751 | 813 | +42 |
| 44. Rhode Island | 275 | 304 | +28 |
| 45. South Dakota | 277 | 310 | +5 |
| 46. North Dakota | 272 | 308 | +40 |
| 47. Minnesota | 1,024 | 1,169 | +52 |
| 48. Iowa | 987 | 1,130 | −13 |
| 49. Nebraska | 830 | 880 | +16 |
| 50. Virginia | 968 | 2,032 | +26 |
| 51. Maryland | 652 | 2,043 | +151 |
| 52. District of Columbia | 194 | 8,853 | +113 |

| | |
|---|---|
| **GAINS** | |
| By appointment | 237 |
| By reinstatement | 6 |
| By transfer | 49 |
| Total | 292 |
| **LOSSES** | |
| By separation | 69 |
| By transfer | 61 |
| By correction | 1 |
| Total | 131 |
| Total Appointments | 49,839 |

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's opinion of Aug. 25, 1934, 15,147.

By direction of the Commission:

[SEAL] L. A. MOYER,
*Executive Director and Chief Examiner.*

[F. R. Doc. 39–2321; Filed, July 5, 1939; 10:09 a. m.]

JUL 10 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 129

*Washington, Friday, July 7, 1939*


## *The President*

### EXECUTIVE ORDER

AMENDING THE FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes of the United States (22 U.S.C. § 132), it is ordered that the Foreign Service Regulations of the United States be, and they are hereby, amended by prescribing the following as Chapter IV thereof:

CHAPTER IV—ADMINISTRATION

IV–1. *Transfer of office.*

(a) *Permanent transfer.* A permanent transfer of office shall be effected under the following circumstances:

1. Upon the relinquishment of office by a principal officer who has been transferred
2. Upon the assumption of charge by a new principal officer
3. Upon the death of the principal officer
4. Upon specific instructions from the Department of State.

(b) *Temporary transfer.* A temporary transfer of office shall be effected:

1. Upon the departure of a principal officer on simple leave of absence
2. Upon the departure of a principal officer on home leave of absence, or home leave under orders
3. Upon specific instructions from the Department of State.

IV–2. *Assumption of charge of office.*

(a) *Transfer of Government-owned property.* Upon assuming charge of an office, the diplomatic representative or consular officer shall request the delivery to him of all Government-owned property in the possession of his predecessor or the subordinate in charge, with the exception of the public funds, for which the outgoing officer is responsible to the Government. The officer relinquishing charge may transfer public funds to his successor or forward them to the Department of State for deposit in the Treasury (sec. V–23). If he transfers them to his successor, he shall take proper receipts to be transmitted with his accounts.

(b) *Forms executed upon assumption of charge.* Upon every transfer of office, whether permanent or temporary, the officer assuming charge and his predecessor, if present, shall jointly execute and sign Form No. 5, Transfer of Office Certificate. When a permanent transfer of office takes place, or when the principal officer departs on home leave of absence, the officer assuming charge shall transmit with Form No. 5 a survey of the Government-owned realty or a report on Government-leased property, as the case may be (secs. IV–6 and IV–8 (d)), and Inventory Transfer Form No. 298 (sec. IV–7).

IV–3. *Responsibility of officer in charge for Government-owned property.* The officer in charge shall observe and shall require his subordinates to observe the regulations governing the occupation, preservation, and maintenance of Government-owned Foreign Service property prescribed by the Secretary of State, and shall be held liable for any damage thereto occasioned by waste, negligence, or improper usage.

The officer in charge shall also be held responsible for the safeguarding of official records, archives, codes, and devices bearing the insignia of office.

IV–4. *Submission of recommendations and estimates in connection with acquisition and maintenance of Government-owned realty.* The officer in charge shall make such recommendations and estimates in connection with the acquisition and maintenance of Government-owned realty as are advisable or necessary.

IV–5. *Submission of recommendations in connection with the acquisition, maintenance, and disposition of Government-owned property, other than realty.* The officer in charge shall make recommendations to the Department of State in connection with the acquisition, maintenance, and disposition of Government-owned property, other than realty, at such times and in such manner as may be prescribed by the Department of State.

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IV–6. *Survey of Government-owned realty.*

(a) *Survey to be submitted on transfer of office.* Whenever a permanent transfer of office takes place, or when the principal officer departs on home leave of absence, the officer assuming charge shall submit a report, in the form prescribed by the Department of State, on the condition of Government-owned buildings and grounds at the post, if there be any, noting therein any evidence of waste, negligence, or misuse of the property.

(b) *Survey to be submitted by Foreign Service inspectors.* Whenever a Foreign Service inspector inspects a post, he shall make a survey report to the Department of State.

IV–7. *Inventory of and reports on Government-owned property, other than realty.* A card inventory of all Government-owned property, other than realty, of a non-expendable and movable character, including records, archives, seals, and devices bearing the insignia of office, shall be maintained at each post in the Service. Whenever a permanent transfer of office takes place, or the principal officer departs on home leave of absence, the officer assuming charge and the officer relinquishing charge shall jointly check the personal property against the card inventory file and shall execute Form No. 298, which acknowledges the receipt of the personal property.

IV–8. *Leased Foreign Service quarters.*

(a) *Execution, renewal, and termination of leases.* The officer in charge is hereby authorized to execute a lease agreement for Foreign Service quarters in the name of the Secretary of State, provided the quarters selected, the rental to be paid therefor, and a draft of the proposed lease agreement shall have been approved by the Department of State.

In renewing or terminating a lease, an officer shall be guided by the rules and regulations prescribed by the Secretary of State.

(b) *Responsibility of officer in charge for leased quarters.* Subject to the terms of the lease agreement, the officer in charge shall observe and shall require his subordinates to observe the regulations prescribed by the Secretary of State for the occupation, preservation, and maintenance of leased Foreign Service property.

The officer in charge shall be held liable for any loss which the Government as lessee may sustain by reason of damage to leased property occasioned by waste, negligence, or improper usage.

(c) *Submission of recommendations and estimates in connection with the maintenance of leased quarters.* The officer in charge shall make such recommendations and estimates in connection with the maintenance of leased quarters as are in conformity with the terms of the lease agreement.

(d) *Report on leased quarters to be submitted on transfer of office and on visit of Foreign Service inspectors.* Whenever a permanent transfer of office takes place, or when the principal officer departs on home leave of absence, the officer assuming charge shall submit a report, in the form prescribed by the Department of State, on the condition of leased quarters, noting therein any evidence of waste, negligence, or misuse of the property. A similar report shall be submitted by a Foreign Service inspector whenever he inspects the post.

IV–9. *Restrictions on place of residence of diplomatic representatives and consular officers.*

(a) *Residence of diplomatic representative.* A diplomatic representative may establish a temporary residence at a place other than the seat of mission, provided that such residence is within the confines of the country to which he is accredited and at a point convenient to the mission, and provided that the office of the mission is opened daily by a secretary thereof. He shall report to the Department the location of such residence and the dates of his departure thereto and return therefrom.

(b) *Residence of consular officer.* A consular officer shall reside in the town or city in which his office is located, unless a special exemption has been made at a particular post. A consular officer shall not reside outside of his consular district.

IV–10. *Office hours.* Diplomatic and consular offices shall be kept open for the convenience of the public from 9:00 a. m. to 4:30 p. m. continuously from Monday to Friday, inclusive, and from 9:00 a. m. to 1:00 p. m. on Saturdays throughout the year except on days declared holidays by act of Congress or executive order. On national holidays of the country in which the office is located, the office shall be closed for the transaction of business of a routine nature, but shall be open to receive American citizens who may have urgent business with the office.

All officers and employees of the Foreign Service shall be required to work not less than seven hours a day from Monday to Friday, inclusive, and not less than four hours on Saturdays throughout the year except on holidays and during absence on annual or sick leave.



The Secretary of State may in his discretion order a rearrangement of office hours at particular posts where local custom, climatic conditions, or the exigencies of the Service warrant such rearrangement, but may not authorize a shorter working day for officers and employees of the Foreign Service.

IV–11. *Leaves of absence.* Officers and employees of the Foreign Service may avail themselves of statutory leave subject to regulations prescribed by the Secretary of State governing the granting of such leave.

IV–12. *Reports of leaves of absence.* The officer in charge shall report to the Department the absence from his post of any officer or employee, whether on leave or otherwise.

IV–13. *Submission of administrative reports.* The officer in charge shall submit such administrative reports as may be required by the Department of State. Instructions with reference to the time of submitting such reports and the form required shall be carefully observed. When printed forms are used, officers are enjoined to read carefully and to adhere strictly to any instructions appearing thereon.

IV–14. *Use of coat of arms of the United States.*

(a) *At missions.* The coat of arms of the mission shall be placed above the principal entrance of the diplomatic representative's residence, and the office of the mission, when these are separate from his residence, unless such procedure is in conflict with local custom.

(b) *At consulates.* The coat of arms of the consulate shall be placed over the entrance to the consulate unless specifically prohibited by the laws of the country.

(c) *At combined offices.* At combined offices only the coat of arms of the mission shall be displayed on the outside of the premises. If the consular section of the combined office is organized as a distinct unit occupying a suite of connecting rooms, the consular coat of arms may, in the discretion of the chief of mission, be displayed above the main entrance thereto from the waiting room or interior hallway.

IV–15. *Care and display of the flag.*

(a) *Care of flag.* Officers shall use and care for the flag of the United States in a manner indicative of deep respect for the national emblem. Every precaution shall be exercised for its preservation.

(b) *Display of flag.* The flag shall be flown over an American mission or consulate between the hours of sunrise and sunset on all American national holidays and flag days, on all holidays in the country in which the mission or consulate is located, and on such other occasions as the officer in charge may deem appropriate. When necessary, the flag may also be flown for purposes of protection.

IV–16. *Official mourning.* Upon the death of the President of the United States, the flag shall be flown at half-staff daily for one month.

Officers shall observe the usual symbols of mourning. They shall not entertain formally and shall excuse themselves from attendance at any formal social function. Mourning bands, black ties, or other mourning symbols may appropriately be worn.

*Cancellation of Regulations*

The following provisions of the Foreign Service Regulations of the United States are hereby canceled:

*Part I*

Sections V–6, VI–1, VI–2, VI–3, VI–5 to VI–11, inclusive, XVI–1, XVI–3, and XVII–1 to XVII–5, inclusive.

*Part II*

Sections III–57, III–59 to III–68, inclusive, III–79, VI–98, XXIV–429 to XXIV–433, inclusive, XXIV–464 to XXIV–470, inclusive, and XXIV–472 to XXIV–474, inclusive.

*Revocation of Executive Orders*

The following executive orders are hereby revoked:

Executive Order No. 5469 dated October 22, 1930

Executive Order No. 5624 dated May 15, 1931

Executive Order No. 5707 dated September 4, 1931

Executive Order No. 5825 dated March 26, 1932

Executive Order No. 7013 dated April 16, 1935

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
*July 5, 1939*

[No. 8189]

[F. R. Doc. 39–2349; Filed, July 6, 1939; 11:07 a. m.]

## EXECUTIVE ORDER

PLACING THE COMMITTEE FOR RECIPROCITY INFORMATION UNDER THE JURISDICTION AND CONTROL OF THE DEPARTMENT OF STATE

By virtue of the authority vested in me by the Act of June 12, 1934, entitled "An Act to amend the Tariff Act of 1930" (48 Stat. 943), as amended, the Committee for Reciprocity Information, created by Executive Order No. 6750 of June 27, 1934, is hereby placed under the jurisdiction and control of the Department of State, its functions to be exercised under the direction and supervision of the Secretary of State, who shall designate from the membership of the Committee the Chairman thereof.

The Executive Committee on Commercial Policy, created by Executive Letter of November 11, 1933, and continued by Executive Orders No. 6656 of March 27, 1934, and No. 7260 of December 31, 1935, shall continue to exercise its function of selecting certain members of the said Committee for Reciprocity Information.

This order shall become effective on July 1, 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 5, 1939.*

[No. 8190]

[F. R. Doc. 39–2345; Filed, July 6, 1939; 11:06 a. m.]

## EXECUTIVE ORDER

PLACING THE GOETHALS MEMORIAL COMMISSION UNDER THE JURISDICTION AND CONTROL OF THE WAR DEPARTMENT

Under and by virtue of the authority vested in me by the act of August 24, 1935, c. 636, 49 Stat. 743, the Goethals Memorial Commission, appointed by me under the authority of the said Act, is hereby placed under the jurisdiction and control of the War Department, its functions to be performed under the direction and supervision of the Secretary of War.

This order shall become effective on July 1, 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 5, 1939.*

[No. 8191]

[F. R. Doc. 39–2346; Filed, July 6, 1939; 11:06 a. m.]

## EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 2608 OF MAY 4, 1917, AND REWITHDRAWAL FOR USE BY THE FOREST SERVICE AS AN ADDITION TO AN EXISTING ADMINISTRATIVE SITE

ALASKA

By virtue of and pursuant to the authority vested in me by the act of March 12, 1914, c. 37, 38 Stat. 305, and the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 2608 of May 4, 1917, temporarily withdrawing certain lands along the Alaska Railroad for townsite purposes, is hereby revoked as to the following-described land:

Beginning at point for Corner No. 1, U. S. Survey 608, Alaska, on line of mean high water, Kenai Lake, thence N. 78°56' E., 11.07 chains to Corner No. 5; S. 11°04' E., 3.26 chains to Corner No. 4; S. 19°21' E., 6.95 chains to right bank of Ptarmigan Creek; southwesterly, down stream along the right bank of Ptarmigan Creek to line of mean high water, Kenai Lake; northwesterly, along line of mean high water, Kenai Lake, to point for Corner No. 1, U. S. Survey 608, the place of beginning, containing 12.5 acres.

SECTION 2. Subject to the conditions expressed in the above-mentioned acts and to valid existing rights, the land de-

scribed in section 1 of this order is hereby temporarily withdrawn from settlement, location, sale, or entry and reserved for use of the Forest Service, Department of Agriculture, as an addition to an existing administrative site.

SECTION 3. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 5, 1939.*

[No. 8192]

[F. R. Doc. 39-2347; Filed, July 6, 1939; 11:06 a. m.]

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## EXECUTIVE ORDER

### PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 5894 OF JULY 26, 1932, WITHDRAWING PUBLIC LAND

COLORADO

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, Executive Order No. 5894 of July 26, 1932, withdrawing public lands in Colorado pending a resurvey, is hereby revoked as to the following-described townships:

*New Mexico Principal Meridian*

Tps. 36 N., Rs. 5 and 6 E.

This order shall become effective upon the date of the official filing of the plats of the resurvey of the lands involved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
July 5, 1939.

[No. 8193]

[F. R. Doc. 39-2348; Filed, July 6, 1939; 11:06 a. m.]

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## EXECUTIVE ORDER

### PLACING THE FEDERAL FIRE COUNCIL UNDER THE FEDERAL WORKS AGENCY

By virtue of the authority vested in me as President of the United States, the Federal Fire Council, established by Executive Order No. 7397 of June 20, 1936, is hereby placed under the jurisdiction and control of the Federal Works Agency, its functions to be performed under the direction and supervision of the Federal Works Administrator. The Commissioner of Public Buildings is hereby designated as Chairman of the Governing Body of said Federal Fire Council.

This order shall become effective on July 1, 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 6, 1939.*

[No. 8194]

[F. R. Doc. 39-2344; Filed, July 6, 1939; 11:06 a. m.]

## MILITARY ORDER

By virtue of authority vested in me as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, it is hereby ordered that (1) the Joint Army and Navy Board, organized to secure complete cooperation and coordination in all matters and policies involving joint action of the Army and Navy relative to the national defense, (2) the Joint Economy Board organized for the purpose of effecting economies without loss of efficiency, by the elimination of overlap or the simplification of functions in those activities of the War and Navy Departments concerned with joint operations of the two services or which have approximately parallel functions, (3) the Aeronautical Board organized for the purpose of securing a more complete measure of cooperation and coordination in the development of aviation of the Army and of the Navy, and to provide an agency for consideration of aeronautical matters, and (4) the Joint Army and Navy Munitions Board organized for the purpose of harmonizing the plans of the Army and Navy for the procurement of munitions and supplies for war purposes, now functioning by understanding between the Secretary of War and the Secretary of the Navy, shall hereafter exercise their functions for the purposes aforesaid under the direction and supervision of the President as Commander-in-Chief of the Army and Navy of the United States.

This order shall become effective on July 1, 1939.

FRANKLIN D ROOSEVELT
*C. in C.*

THE WHITE HOUSE,
*July 5, 1939.*

[F. R. Doc. 39-2343; Filed, July 6, 1939; 11:06 a. m.]

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# *Rules, Regulations, Orders*

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER VI—ORGANIZED RESERVES

#### PART 63—REGULAR ARMY RESERVE[1]

§ 63.11 *Discharge before expiration of enlistment.* (a) When in an inactive status, a member of the Regular Army Reserve will not be discharged before the expiration of his term of enlistment except—

* * * * * * *

(2) By direction of the corps area commander—

* * * * * * *

(iii) To enlist in the Navy, Marine Corps, National Guard, or Coast Guard.

* * * * * * *

(4) To enlist in the Regular Army. See section 71.21.

* * * * * * *

(52 Stat. 221; 10 U.S.C. 343) [Par. 16a (1), AR 155-5, February 16, 1939, as amended by Sec. I, Cir. No. 43, WD, June 21, 1939]

### CHAPTER VII—PERSONNEL

#### PART 71—ENLISTMENT IN THE REGULAR ARMY[2]

§ 71.4 *Men with dependents, including married men.* (a) No man with a dependent, or dependents, in any of the following classes will be accepted for original enlistment in the Regular Army in time of peace:

(1) Lawful wife.

(2) Legitimate children, step children, or adopted children under twenty-one years of age, who are legally or in fact dependent upon the applicant for support.

(3) Mother, who is in fact dependent upon the applicant for her chief support.

(4) Any other persons who are in fact dependent upon the applicant for support.

(b) Marriage will not affect reenlistment of enlisted men in grades 1, 2, or 3.

(c) (1) Enlisted men except those in grades 1, 2, or 3, who marry without the written permission of the corps area commander after June 30, 1939, will be discharged without delay for the convenience of the Government and will not be reenlisted.

(2) Permission to marry may be granted in worthy cases to enlisted men in the fourth grade only who have completed eight or more years service in the Army. Such permission will be granted by corps area commanders and will be given in writing. Appropriate notation will be made under "Remarks" in the enlisted man's Service Record (WD, AGO Form No. 24), indicating the authority and date. For this purpose corps area commanders will have jurisdiction over all enlisted personnel stationed within their respective corps areas.

(d) Men who married in accordance with the conditions indicated in paragraphs (b) and (c) (2) above, but who have been reduced in grade or rating so that their status is below that specified may be reenlisted at the discretion of corps area commanders, due regard being had to the interests of the individual and the Government.

(e) The obtainment of a divorce will not render eligible for reenlistment an applicant who, under the provisions of these regulations was, at any time during his current or last enlistment, rendered ineligible for reenlistment.

(f) Marriage will not affect the reenlistment of the following classes of enlisted men now in the service:

(1) Those in the first three grades.

(2) Those who obtained permission to marry under the provisions of paragraph (c) (2) above.

(3) Those who can present to the corps area commander authentic evidence of having been granted military permission to marry prior to the effective date of these regulations, provided the enlisted man can maintain his dependents on his pay.

(4) Those who have previously been reenlisted as married men, even though military permission had not been obtained to marry, provided the enlisted man can maintain his dependents on his pay.

(g) Enlisted men of the Philippine Scouts and the 65th Infantry in Puerto Rico may be granted permission to marry, and their reenlistment may be authorized, under regulations prescribed by the commanding general, Philippine Department, and the commanding general, Puerto Rican Department, respectively, due consideration being given to the interests of the enlisted man and the Government.

(h) No man will be accepted for enlistment or reenlistment conditional upon any written, verbal, or implied promise that any portion of his pay will be allotted to a relative or other person. (41 Stat. 765; 10. U.S.C. 42) [Par. 14, AR 600-750, April 10, 1939, as amended by Sec. I, Cir. No. 43, WD, June 21, 1939]

§ 71.21 *Regular Army Reserve.* (a) When a member of the Regular Army Reserve, in an inactive status, applies for reenlistment in the Regular Army, he may be enlisted prior to the actual delivery of his certificate of discharge from the Regular Army Reserve, provided he meets the requirements for enlistment.

(b) Prior to enlistment the recruiting officer will inform the applicant that reenlistment in the Regular Army will officially constitute termination of his enlistment in the Regular Army Reserve, and that his certificate of discharge will be forwarded to him at a later date.

(c) Immediately after reenlistment in the Regular Army of a member of the Regular Army Reserve the recruiting officer will notify the corps area commander having custody of the Reservist's records informing him of the date of reenlistment, the organization or arm or service for which enlisted, and the station to which the enlisted man was forwarded.

(d) Upon receipt of notification of reenlistment in the Regular Army the corps area commander will cause the formal certificate of discharge to be prepared as of the date of reenlistment in the Regular Army and forwarded to the enlisted man through channels. (41 Stat. 765; 10 U.S.C. 42) [Par. 26, AR 600-750, April 10, 1939, as amended by Sec. I, Cir. No. 43, WD, June 21, 1939]

#### PART 74—ENLISTMENT OF FLYING CADETS[2]

§ 74.1 *Eligibility.*

* * * * * * *

(b) *Candidates must agree to serve.* Each applicant for appointment as a flying cadet will sign an agreement, with the consent of his parents or guardian, if a minor, by which he will agree—

(1) To enlist for 3 years as a flying cadet of the Air Corps, with the understanding that upon completion of the course of instruction, which normally will not require more than 1 year, he will be discharged as a flying cadet.

* * * * * * *

(41 Stat. 765; 10 U.S.C. 42) [Par. 1d, AR 615-160, July 20, 1938, as amended by Cir. No. 41, WD, June 19, 1939]

§ 74.5 *Training.* (a) The duration and scope of training will be as announced from time to time by the War Department.

* * * * * * *

(41 Stat. 765; 10 U.S.C. 42) [Par. 15a, AR 615-160, July 20, 1938, as amended by Cir. No. 41, WD, June 19, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-2340; Filed, July 6, 1939; 9:09 a. m.]

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[1] These regulations amend the indicated sections and paragraphs of Part 63, Title 10, Code of Federal Regulations.

[2] These regulations amend the indicated sections and paragraphs of Part 71, Title 10, Code of Federal Regulations.



## TITLE 24—HOUSING CREDIT

### FEDERAL HOUSING ADMINISTRATION

### SUBCHAPTER A—PROPERTY IMPROVEMENT LOANS

#### PART 501—PROPERTY IMPROVEMENT LOANS UNDER SECTION 2, TITLE I OF THE NATIONAL HOUSING ACT, AS AMENDED, EFFECTIVE JULY 1, 1939*†

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* These regulations amend the indicated sections and paragraphs of Part 74, Title 10, Code of Federal Regulations.

* §§ 501.1 to 501.21, inclusive, issued under the authority contained in Public, No. 111—76th Congress (H. R. 5324), Section 2.

† The source of §§ 501.1 to 501.21, inclusive, is regulations governing Property Improvement loans under section 2, Title I of the National Housing Act, as amended, effective July 1, 1939.

§ 501.1 *Citation.* The regulations in this part may be cited and referred to as "Regulations of the Federal Housing Administrator governing the insurance of qualified lending institutions against loss resulting from loans made under the provisions of Title I, Section 2, of the National Housing Act, as amended, effective July 1, 1939."

§ 501.2 *Definitions.* As used in the regulations in this part—

(a) The term "owner" includes, in addition to owners in fee, persons holding an equity under a mortgage, trust or contract.

(b) The term "note" includes a note, bond, mortgage, or other evidence of indebtedness.

(c) The term "payment" includes a deposit to an account or fund.

(d) The term "installment payment" includes that deposit to an account or fund which represents the partial repayment of an advance of credit.

(e) The term "loan" includes any loan, advance of credit, or purchase of an obligation representing a loan or advance of credit for the purpose of financing eligible repairs, alterations or improvements as authorized by the National Housing Act, as amended, effective July 1, 1939, and by the regulations in this part.

(f) The term "Administrator" means the Federal Housing Administrator.

(g) The term "borrower" means one who is an eligible owner or lessee of real property to be improved pursuant to the provisions of the Act and who applies for and receives an advance of credit in reliance upon the provisions of the Act.

(h) The term "Act" means the National Housing Act, as amended, effective July 1, 1939.

(i) The term "Contract of Insurance" includes all of the provisions of the regulations in this part and of the applicable provisions of the Act.

(j) The term "insured institution" means any bank, trust company, personal finance company, mortgage company, building and loan association, installment lending company or other such financial institution which the Administrator has found to be qualified by experience or facilities and has approved as eligible for credit insurance and to which he has issued a Contract of Insurance effective July 1, 1939.

§ 501.3 *Eligible notes.* Promissory notes in order to be eligible for insurance:

(a) Shall bear the genuine signature, as maker, of an owner of the real property to be improved, or of a lessee thereof

under a lease expiring not less than six calendar months after the maturity of the loan or advance of credit.

(b) Shall be in a form which is valid and enforceable in the jurisdiction in which they are issued.

(c) Shall be payable in equal monthly, semi-monthly, or weekly installments. The final installment may be slightly more or less than the other installments, subject to such exceptions as may be made by the Administrator. Notes may not provide for a first payment less than six days or more than two calendar months after the date of the note. However, if fifty-one percent or more of the income of the maker is derived directly from the sale of agricultural crops, commodities, or livestock produced by him, a note may be made payable in installments corresponding to income periods shown on the credit statement. In such cases, the first payment must be made within twelve months of the date of the note and at least one payment must be made during each calendar year thereafter and the proportion of total principal to be paid in later years must not exceed the proportion of total principal payable in earlier years.

(d) Shall contain a provision for acceleration of maturity, either automatic or at the option of the holder, in the event of default in the payment of any installment upon the due date thereof.

(e) Shall not have a final maturity in excess of three years and thirty-two days from the date thereof, except in the case of loans for the purpose of financing the building of new structures to be used in whole or in part for residential or agricultural purposes, in which event the final maturity of any such loan shall not be in excess of ten years and thirty-two days.

(f) May provide for a late charge, to be paid by the maker, not to exceed five cents (5¢) for each $1.00 of each installment more than fifteen days in arrears. In lieu of late charges, notes may provide for interest on past due installments at a rate not in excess of the contract rate in the jurisdiction in which the note is drawn. No late charge or interest on a past due installment may be accrued in excess of $5.00. The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the Contract of Insurance.

(g) May be in a series provided each is of an equal amount as provided in this section and that each note indicates on its face that it is one of a series signed by the same maker.

§ 501.4 *Maximum loan.* (a) A loan shall not involve a principal amount, exclusive of financing charges to the borrower in excess of $2,500.

(b) No loan shall involve a principal amount outstanding at any one time, with respect to any one piece of property, in excess of $2,500 exclusive of financing charges to the borrower.

(c) One borrower may obtain any number of loans to improve any number of separate pieces of property, subject to the credit requirements contained in section 501.6.

§ 501.5 *Maximum permissible financing charges.* (a) The maximum permissible financing charge which may be paid by the borrower for interest, discount and fees of all kinds in connection with the transaction may not be in excess of an amount equivalent to $5.00 discount per $100 original face amount of a one-year note, to be paid in equal monthly installments, calculated from the date of the note; except that in the case of loans for the purpose of financing the building of new structures for use in whole or in part for residential purposes, the maximum permissible charge which may be paid by the borrower for interest, discount and fees of all kinds in connection with the transaction (subject to the provisions of Section 501.16) may not be in excess of an amount equivalent to $3.50 discount per $100 original face amount of a one-year note, to be paid in equal monthly installments, calculated from the date of the note. Such charges correctly based on tables of calculations issued by the Federal Housing Administrator are deemed to comply with this Section.

(b) If the insured institution in purchasing a note takes the maximum charge permitted by this section, but employs a "holdback" and does not advance the entire proceeds of the note to the seller, it shall calculate its financing charge on the amount advanced and credit to the account of the seller the difference between the financing charge calculated on the face amount of the note and the financing charge calculated on the amount advanced.

(c) The acceptance of a voluntary payment of one or more installments prior to due date shall not be construed as increasing the maximum permissible financing charge as provided in paragraph (a) of this section. However, if the entire balance outstanding on the loan is paid in advance the insured institution must make a rebate as follows:

(1) If the maximum permissible financing charge in connection with the transaction is in an amount equivalent to $5.00 discount as provided in paragraph (a) of this section, the insured institution shall make a rebate at a rate not less than 5% per annum of the amounts so paid in advance of their due dates. If a lesser charge has been taken, the rebate shall be at not less than a proportional rate.

(2) If the maximum permissible financing charge in connection with the transaction is in an amount equivalent to $3.50 discount as provided in paragraph (a) of this section, the insured institution shall make a rebate at a rate not less than 3½% per annum of the amounts so paid in advance of their due dates. If a lesser charge has been taken, the rebate shall be not less than a proportional rate.

(d) An increase in the ratio of the charge to the average amount outstanding on the debt over the maximum provided in this section, which increase results from the first payment falling due less than thirty days after the date of the note as provided in section 501.3 (c), shall not be deemed to be in conflict with this section.

§ 501.6 *Credits.* (a) The insured institution shall obtain a signed and dated Credit Statement-Application from the borrower, on a form approved by the Administrator. The Credit Statement-Application must, in the judgment of the insured institution, clearly show the borrower to be solvent, with reasonable ability to pay the obligation and in other respects a reasonable credit risk.

(b) A separate Credit Statement-Application is required in connection with each loan made or note purchased.

(c) An insured institution acting in good faith may rely upon the statements of the borrower who signs the Credit Statement-Application. The Administrator does not place upon the insured institution the burden of verifying the truth of any such statements. Even if such statements are investigated after the loan is made and found to be false, this will not affect in any way the eligibility of the note for insurance. However, any borrower making such false statement or misusing the funds, or any dealer, contractor, or lender who knowingly assists in such a violation, will be committing a Federal offense under the provisions of the National Housing Act. In all cases where the insured institution discovers a material misstatement in the Credit Statement-Application, or misuse of the funds, it must promptly report such a discovery to the Administrator.

(d) A loan shall not be made to a borrower who is delinquent at the time the loan is made, as to either principal or interest, with respect to an obligation owing to or insured by any department or agency of the Federal Government.

(e) The prior credit approval of the Administrator shall be obtained on all loans which increase the net amount outstanding, exclusive of financing charges, to any individual borrower to an amount in excess of $2,500 with respect to any obligation incurred pursuant to the provisions of Title I of the National Housing Act since July 1, 1939.

§ 501.7 *Eligible improvements.* (a) A loan must be for the purpose of financing eligible improvements within the United States, its Territories and Possessions, commenced on or after July 1, 1939 and prior to July 1, 1941, in reliance upon the credit facilities afforded by Title I of the National Housing Act as approved June 3, 1939.

(b) The proceeds of a loan shall be used only to finance alterations, repairs and improvements upon urban, suburban or rural real property (including



the restoration, rehabilitation, rebuilding and replacement of such improvements which have been damaged or destroyed by earthquake, conflagration, tornado, cyclone, flood or other catastrophe). For the purpose of this section the following classes of improvements are deemed to be eligible:

*Class 1.* The repair, alteration or improvement of an existing structure, or the real property in connection therewith. For the purposes of this section, the term "existing structure" means a completed building that has or had a distinctive functional use. The alteration, repair or improvement shall not involve the completion of an unfinished structure.

*Class 2.* The erection of new structures, exclusive of those used wholly or in part for residential purposes, if;

(i) Used wholly for non-agricultural purposes;

(ii) Used wholly or in part for agricultural purposes.

*Class 3.* The erection of new structures used wholly or in part for residential purposes.

(c) The proceeds of a Class 2 or Class 3 loan shall not be used to supplement another loan or advance of credit not reported for insurance, the payment of which is secured by a prior lien created in connection with the building of such new structure.

(d) The proceeds of a loan shall not be used for the purchase of land.

(e) The proceeds of a loan may be used to pay for architectural and engineering services performed in connection with eligible alterations, repairs or improvements financed in accordance with the regulations in this part.

(f) The proceeds of a loan shall not be used for the purpose of refinancing existing obligations not previously reported for insurance pursuant to the regulations in this part.

(g) Where any doubt exists as to the eligibility of a transaction which is to be financed with an insured loan, the facts of the case should be submitted to the Administrator for a decision and ruling.

§ 501.8 *Effect of prior mortgages insured or held by the Administrator.* If the applicant's Credit Statement-Application reveals that the property to be improved, altered or repaired with proceeds of a loan applied for pursuant to the terms of Title I of the National Housing Act, as amended, is already the subject of a mortgage held by the Administrator or insured by him under the provisions of Title II of the National Housing Act, the loan application shall be submitted to the Administrator for prior approval only as to credit and as to the purpose for which the proceeds of the loan applied for are to be used; provided, however, that no such approval shall be deemed to be binding upon the Administrator with respect to compliance with any other provision of the regulations in this part or the eligibility of the proposed alterations, repairs or improvements for financing under Title I of the National Housing Act, as amended.

§ 501.9 *Completion certificate; statements.* (a) An insured institution may not disburse the proceeds of a loan to one other than the borrower or to the borrower and another jointly until it has first:

(1) Obtained a Completion or Installation Certificate signed by the borrower in the following, or a substantially similar, form:

BORROWER'S COMPLETION CERTIFICATE

*Notice to Borrower*[1]*—Do not sign this Certificate until the work is satisfactorily completed*

Dated at _____
_____ 19__

I (we) the undersigned hereby certify that all articles and materials have been furnished and installed and the work satisfactorily completed on premises at _____, in accordance with my application for a loan dated _____ pursuant to the provisions of Title I of the National Housing Act, as amended.

(Signature) _____
_____

(2) Obtained a statement signed by the dealer, contractor or applicator in the following, or a substantially similar, form:

DEALER/CONTRACTOR/APPLICATOR STATEMENT

_____ 19__

To the _____ (lending institution) of _____.

In consideration of your accepting the note of _____ (Name of borrower(s) for $_____, dated _____, we (I) hereby certify that all articles and materials contracted for have been furnished and installed and the work fully completed, that the signature(s) on the note and Completion Certificate are genuine, that the Completion or Installation Certificate was signed after the articles and materials contracted for had been furnished and installed and the work fully completed, and we (I) guarantee that all bills will be paid both for labor and materials, and that no liens have or will be filed against the improved property in connection with this work other than those which have been or may be filed as collateral security for the payment of this note.

(Signature) _____
(Name)
_____
(Title)

(3) A written authorization signed by the borrower authorizing payment of the proceeds to the person to whom paid, in the following, or a substantially similar, form:

BORROWER'S AUTHORIZATION FORM

_____ 19__

I (we) hereby authorize and direct the _____ (financial institution) to pay $____ of the proceeds of my (our) note dated _____, for $____ to _____.

(Signature) _____
_____

(b) For the purpose of this section, if there are two or more eligible borrowers involved in the transaction only one signature is required on the Completion Certificate or Authorization Form.

§ 501.10 *Refinancing.* (a) New obligations to liquidate loans previously reported for insurance pursuant to Title I of the Act effective July 1, 1939 which may or may not include an additional amount advanced will be covered by insurance, provided:

(1) They meet the requirements of all applicable regulations;

(2) Are reported to the Administrator on the proper form within 31 days from date of execution;

(3) Have a maturity not in excess of the maximum permitted under the regulations in this part from the date of the original obligation;

(4) If an additional advance is made, the full unearned charge on the original note shall be refunded to the borrower;

(5) If no additional advance is made, the full unearned charge on the original note shall be refunded to the borrower, except that a handling charge not in excess of $2.00 may be assessed to the borrower;

(6) They are evidenced by notes which meet with the requirements of section 501.3 and other applicable regulations.

(b) An agreement to defer payments on a note previously reported for insurance under the regulations in this part without rewriting the note will not affect the insurance coverage on the loan provided:

(1) That such agreement is evidenced in writing;

(2) That payments shall not be deferred for more than five months from the due date of the last fully-paid installment;

(3) That such agreement shall not extend the final maturity of the obligation beyond the maturity date of the obligation as provided by its original terms;

(4) That if the lending institution assesses the borrower for the cost of such deferment, such charge may not be in excess of an equivalent amount of late charges as provided in section 501.3 (f).

§ 501.11 *Report of loans.* Eligible loans shall be reported on the proper form to the Federal Housing Administration, Washington, D. C., within 31 days from the date of the note, or the date upon which it was purchased, in order to be covered by the insurance. All loans refinanced shall likewise be reported within 31 days, on the proper form. In any case, the Administrator may, in his discretion, accept a late report.

§ 501.12 *Claims.* (a) Claim for reimbursement for loss on a qualified loan shall be made as provided in this section.

(b) (1) Claim for reimbursement for loss on a qualified loan may be made to the Administrator after default on any installment, provided demand has been made upon the debtor for the full unpaid balance.

[1] (Insured Institution please note) The wording "Notice to borrower—Do not sign this Certificate until the work is satisfactorily completed." must be in type size at least three times the size of the next largest type appearing upon the form of Borrower's Completion Certificate.

(2) For the purpose of this section, any payment received on an account, including payments on a judgment predicated thereon, shall be applied to the earliest unpaid installment, and whenever any installment is six months in arrears claim shall be made within 31 days.

(3) In the case of yearly installment notes, whenever an installment is twelve months in arrears claim must be made within 31 days thereafter.

(4) Upon presentation to him of the facts of a particular case within the allowable claim period prescribed in this section, the Administrator may, in his discretion, extend the time within which claim must be made.

(c) Subject to section 501.17 claim may be made only for loss sustained by the insured institution itself, and may include:

(1) Net unpaid amount of advance actually made or the actual purchase price of the note, whichever is the lesser;

(2) Uncollected earned interest (after default interest is not to be claimed at a rate to exceed 4% per annum and will be calculated to the date the claim is approved for payment);

(3) Uncollected court costs, including fees paid for issuing, serving and filing summons;

(4) Attorney's fees not exceeding 15% of the amount collected by the attorney on the defaulted note;

(5) Handling fee of $5 for each loan, if judgment is secured, plus 5% of amounts collected subsequent to return of unsatisfied property execution;

(6) An insured institution may not waive its claim against the borrower for attorney fees and subsequently call upon the Administrator for payment of such an item.

(d) Claim shall be made on a form provided by the Administrator, filled out completely and executed in duplicate by a duly qualified officer of the insured institution. If the regulations in this part have been complied with, payment of the loss will be made on audit of the claim and upon proper assignment to the United States of America, of the note upon which the loss occurred, together with any security taken to secure payment thereof. Any security or judgment taken must be assigned, and if any claim has been filed in bankruptcy, insolvency or probate proceedings, such claim shall likewise be assigned to the United States of America.

(e) Where a real estate mortgage, deed of trust, or a conditional sales contract, chattel mortgage or any other security device has been used to secure the payment of loans for eligible purposes, the insured institution may not both proceed against such security and also make claim under its Contract of Insurance, but shall elect which method it desires to pursue. If claim is made, such security device shall be assigned, in its entirety, to the United States of America. If the security taken is non-assignable, all rights in such security shall be exhausted by the insured institution or the claim against the Administrator reduced by the full face amount of the security taken before claim will be paid by the Administrator.

(f) The following form of assignment properly dated shall be used in assigning a note, judgment, real estate mortgage, deed of trust, conditional sales contract, chattel mortgage or any other security device in event of claim:

All right, title and interest of the undersigned is hereby assigned (without warranty, except that the note qualifies for insurance) to the United States of America.

_____
Financial Institution

By _____

Title _____

_____ (date)

§ 501.13 *New dwelling structure loans.* A loan for the purpose of financing the building of a new structure to be used wholly or in part for residential purposes:

(a) Shall not be in excess of $2,500, exclusive of financing charges to the borrower.

(b) Shall not have a maturity in excess of ten years and thirty-two days from the date of the note.

(c) Shall be expended in erecting a new structure on real estate owned by the borrower in fee simple, or held by the borrower under a lease expiring not less than six months after the maturity of the loan.

(d) Shall be secured by collateral security in the form of a duly recorded first mortgage, first deed of trust, or similar instrument which constitutes a first lien upon such fee simple or leasehold interest in the property upon which the new structure is to be built and all buildings, appurtenances and improvements thereon, except that in the case of institutions publicly supervised and prohibited by law or regulation from advancing an amount equal to the full loan insurable under Title I of the National Housing Act, the requirement relative to collateral security may be disregarded and the taking of such security is left to the discretion of the insured institution.

(e) Shall be made to a borrower who has established to the satisfaction of the insured institution that after such mortgage, deed of trust or similar instrument has been recorded, such fee simple or leasehold interest which is covered thereby will be free and clear of all liens other than such mortgage, deed of trust or security instrument, and that there will not be outstanding any other unpaid obligation contracted in connection with the loan transaction except obligations which are secured by property or collateral owned by the borrower independently of the property upon which the new structure or new structures as provided by these regulations in this part are to be built.

(f) Shall be protected by fire insurance coverage which shall be obtained and kept in force by the insured institution in an amount at least equal to the unpaid principal of the loan, naming the lending institution as beneficiary. In event of loss or damage, the proceeds of such insurance shall be payable to the lending institution and shall either be applied to the reduction of the unpaid balance of the loan or, if the borrower desires to obtain the use of such proceeds for the purpose of repairing or reconstructing the damaged structure, the lending institution may release such proceeds to the borrower for such purposes. In areas where it is impossible to obtain full fire insurance coverage, the maximum allowed in that area will be acceptable.

(g) The insured institution may rely upon the statements made by the borrower on his signed Certificate of Conformity with respect to the collateral security requirements of paragraphs (c), (d), and (e) of this section.

§ 501.14 *New dwelling structure requirements.* A new structure which is to be used in whole or in part for residential purposes shall conform with the following conditions:

(a) Such new structure shall be erected in conformity with all applicable laws, ordinances and regulations, including codes, zoning ordinances, and health regulations.

(b) *Property requirements*—(1) *Minimum land area for any one dwelling.* (i) Where public water supply and public sewer are available the minimum land area for any one dwelling shall be 4,000 square feet, except in those areas wherein there is seasonal occupancy (examples of such areas are summer camps, resort properties, and those properties not generally used as year-round residences), or wherein the existing lots have been platted prior to February 3, 1938, with smaller land areas, in which cases there is no minimum land area.

(ii) Where public water supply is available and private sewage disposal system (cesspool or septic tank) is used, or where public water supply is not available but a public sewer is available, the minimum land area shall be 7,500 square feet. This area may be reduced when the installation of the proposed private sewage disposal system is in conformity with state regulations, and the written approval or acceptance is received from the local health officer, but, in no event, shall such land area be less than 4,000 square feet.

(iii) Where neither a public sewer nor a public water supply is available the minimum land area shall be 20,000 square feet. This area may be reduced when the private water supply and the proposed private sanitary facilities (cesspool, septic tank or outdoor toilet) are in conformity with state regulations and written approval or acceptance is received from the local health officer, but in no event shall such land area be less than 4,000 square feet.

(c) *Structural requirements*—(1) *Foundations.* (i) All foundations shall be of masonry and shall be pier, wall or slab construction.

(ii) Foundations other than slab foundation shall be carried below the frost line prevailing in the neighborhood.

(iii) No wood construction shall be less than 18 inches from the ground in unexcavated portions, and 8 inches from the ground on the exterior, except where masonry slab foundation is employed, in which case exterior wood construction shall be at least 8 inches above the finished grade.

(2) *Minimum Floor Area* of the dwelling shall be 360 square feet. In the case of seasonal occupancy, the requirement with respect to minimum floor area need not apply.

(3) *Windows.* All habitable rooms, including bathrooms, shall be provided with one or more windows to permit adequate natural light and ventilation.

(4) *Water supply.* (i) When public water supply is available, connection shall be made to public water main.

(ii) When public water supply is not available, a private water supply shall be on the mortgaged property and may be a drilled, driven or dug well or a natural spring.

(5) *Sewage disposal.* (i) When a water supply (private or public) and public sewer are available, a bathroom shall be provided and running water shall be piped and connected to all plumbing fixtures and the kitchen sink and connections shall be made to public sewer main.

(ii) When public water supply is available, but a public sewer is not available, a bathroom shall be provided and running water shall be piped and connected to all plumbing fixtures and the kitchen sink *and a cesspool or septic tank shall be installed.*

(iii) When public water supply is not available, the requirements of (2) are not applicable.

(iv) Prior to the start of construction, the borrower shall furnish the insured institution a signed Certificate of Conformity, approved as to form or supplied by the Administrator, clearly stating the necessary information, from which the institution can determine whether there is conformity with the required conditions set forth in this section. The insured institution may rely upon the statements made by the borrower on his signed Certificate of Conformity, with the exception that if the written approval or acceptance of the proposed improvement by the local health officer is required as provided in this section, such written acceptance or approval shall be delivered to the insured institution and retained in its file on the transaction.

(v) The above conditions may be varied under special circumstances and in certain areas upon prior approval of the Administrator.

§ 501.15 *Prior approval; new dwelling structure loans.* (a) A loan for the purpose of financing the building of a new structure, for use in whole or in part for residential purposes, will be eligible for insurance only if prior to the start of construction the lending institution obtains from the local Insuring Office of the Federal Housing Administration a certificate signed by the State or District Director and the Chief Underwriter approving the loan in relation to the provisions in paragraph (b) of this section.

(b) Disapproval shall be given:

(1) If the specific site is acceptable for development with the proceeds of a mortgage insurable under the provisions of Title II of the National Housing Act; except Section 203 (d), or

(2) If the proposed new structure is not substantially similar in type and size to existing typical structures in the neighborhood, or

(3) If, at the time and in the community, such large numbers of new single-family dwellings have been or are being erected as to jeopardize the levels of values and rents in the community or impair the continued marketability of such dwellings.

(c) The approval provided for in paragraph (a) of this section shall not be binding upon the Administrator with respect to compliance with any other provisions of the regulations in this part.

§ 501.16 *Allowable new dwelling structure fees.* (a) In addition to the maximum permissible financing charge which may be paid by the borrower in connection with a loan for the purpose of financing the building of a new structure for use in whole or in part for residential purposes as provided in section 501.5, the following allowable costs or expenses if incurred by the insured institution in connection with the transaction may be collected from the borrower, provided such costs or expenses are not paid from the net proceeds advanced to the borrower:

(1) Recording fees.
(2) Title examination fees.
(3) Fire Insurance Premiums.
(4) Total actual appraisal-inspection fee not in excess of $15.00.

(b) The borrower may pay to the lending institution and the lending institution may accept from the borrower a sum which will be sufficient to pay the ground rents, if any, and the estimated taxes and special assessments for the period beginning on the date to which such ground rents, taxes, and assessments were last paid and ending on their due date. The handling of such funds for the accommodation of the borrower shall not be construed as increasing the maximum permissible financing charge provided in section 501.5.

§ 501.17 *Insurance reserve.* (a) Subject to the limitation that his total liability which may be outstanding at any one time plus the amount of claims paid in respect of all insurance heretofore and hereafter granted shall not exceed $100,000,000, the Administrator, in accordance with section 501.12, will reimburse any insured institution for losses sustained by it up to a total aggregate amount equal to 10% of the total amount advanced by it during the time its Contract of Insurance is in force, on all eligible obligations previously reported for insurance, taken or purchased by it on and after July 1, 1939, and held by it, or on which it remains liable.

(b) If obligations previously reported for insurance under Contracts of Insurance issued pursuant to the National Housing Act, as amended, effective July 1, 1939, are sold to another insured institution endorsed with or without recourse, the buying and selling institutions may agree, with the prior approval of the Administrator, to transfer all or any part of the insurance reserve standing to the credit of the selling institution, to the purchasing institution. Where the parties agree to transfer an insurance reserve in excess of 10% of the actual purchase price of the obligations involved, or in excess of 10% of the net unpaid original advance on the obligations involved, whichever is the lesser, the entire insurance reserve transferred may be used to pay only those claims arising out of defaults occurring in the transferred obligations. When the obligations so transferred have all been fully paid to the purchasing institution, it shall so notify the Administrator, and any insurance reserve remaining unused shall thereupon revert to the institution from which it was originally transferred.

(c) Where the parties agree to transfer an insurance reserve not in excess of 10% of the actual purchase price of the obligations involved, or not in excess of 10% of the net unpaid original advance on the obligations involved, whichever is the lesser, the insurance reserve so transferred will be credited to the general reserve of the purchasing institution in the absence of any agreement to the contrary between the purchasing and selling institutions.

(d) The transfer of insurance reserve in cases of merger or consolidation of two or more insured institutions, or of an insured with an uninsured institution, will be provided for by the Administrator in accordance with the facts of the particular case.

(e) In all cases involving the transfer of insured obligation, the reports required by section 501.11 must be filed and shall indicate the intent of the parties with regard to the transfer of the insurance reserve, and must show that no note to be transferred is delinquent

more than one calendar month at the time of such transfer.

(f) Where the notes are transferred without recourse, guarantee, or repurchase agreement and the reports do not indicate the intent of the parties, the insurance reserve will be transferred to the general reserve of the purchasing institution on the basis of 10% of the actual purchase price of the obligations involved, or 10% of the net unpaid original advance on the obligations involved, whichever is the lesser.

(g) Where the transfer of the obligations is with recourse or under a guarantee or purchase agreement and the required reports do not show the intent of the parties, no insurance reserve will be transferred.

(h) The selling price on the transfer of an insured note between insured institutions will not affect the insurance on the note. The calculation of insured loss will be based on the original transaction of the institution first reporting the loan for insurance.

(i) Where notes reported for insurance by one insured institution are pledged to another insured institution as security for a loan, an assignment of the pledging institution's insurance reserve may be made with the prior consent of the Administrator provided requests for such consent are accompanied by a signed agreement between the two institutions.

(j) Amounts which may be salvaged by the Administrator with respect to a loan in connection with which an institution has been reimbursed under its Contract of Insurance shall not be added to the insurance reserve remaining to the credit of such institution.

§ 501.18 *Insurance charge.* (a) Insured institutions shall pay to the Administrator an insurance charge equal to three-fourths of 1 per centum per annum of the net proceeds of any loan reported for insurance; *Provided, however,* That such insurance charge shall be equal to one-half of 1 per centum per annum of the net proceeds of any loan which is for the purpose of financing the construction of a new structure for use in whole or in part for residential purposes.

(b) The insurance charge so calculated shall be paid by check or draft to the order of the Federal Housing Administrator, within twenty-five days of the date the Administrator acknowledges receipt of the report of any such loan to the insured institution.

(c) When the proceeds of any loan are used to liquidate a loan previously reported for insurance under the regulations in this part, there shall be deducted from the amount of the insurance charge the pro-rata share of the insurance charge paid on the original obligation.

(d) There shall not be refunded any portion of the insurance charge paid by the insured institution with respect to any loan, unless it is subsequently found to have been in whole or in part ineligible for insurance, in which event the insurance charge paid with respect to the ineligible portion of the advance shall be refunded by the Administrator to the insured institution.

(e) The purchaser of an insured obligation shall not be required to pay the insurance charge provided in this section with respect to the insurance of any obligation transferred under the provisions of section 501.17 with respect to which an insurance charge has previously been paid by the seller, and no refund shall be made to the seller as to any part of the insurance charge previously paid with respect to any obligation so transferred. Any adjustments of the insurance charge paid with respect to the insurance of any obligation transferred shall be made between the purchaser and the seller.

(f) No part of the insurance charge paid by the insured institution shall be passed on to the borrower either directly or indirectly nor shall it increase the maximum permissible charge which may be paid by the borrower for interest, discount and fees of all kinds in connection with the transaction as provided in the regulations in this part.

(g) Subject to the other provisions of the regulations in this part, the insurance granted under Title I of the National Housing Act, as amended, shall be effective with respect to any loan from the date of the report thereof to the Administrator provided that the insurance charge with respect to such loan has been paid as required by this section.

§ 501.19 *Administrative reports and examination.* The Administrator, in his discretion, may at any time or from time to time call for a report from any institution on the delinquency status of the obligations held by such institution and reported for insurance, or call for such reports as he may deem to be necessary in connection with the regulations in this part, or he or his authorized representative may inspect the books or accounts of the lending institution as they pertain to the loans reported for insurance.

§ 501.20 *Amendments.* The regulations in this part may be amended by the Administrator at any time and from time to time, in whole or in part, but such amendment shall not affect the insurance with respect to any loan made or obligation purchased prior to the issuance of such amendment.

§ 501.21 *Effective date.* The regulations in this part are effective July 1, 1939 and govern the insurance of property improvement loans under Title I of the National Housing Act, as amended by act of Congress, approved June 3, 1939, and shall have the same force and effect as if included in and made a part of each Contract of Insurance issued on and after their effective date. The regulations in this part supersede all regulations heretofore in effect, including Special Regulations and Questions and Answers governing Section 6 loans.[1]

Issued at Washington, D. C., June 20, 1939.

STEWART MCDONALD,
*Federal Housing Administrator.*

[F. R. Doc. 39-2304; Filed, July 1, 1939; 9:47 a. m.]

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RESTORATION AND REHABILITATION LOANS

REGULATIONS NO LONGER IN EFFECT

This is to certify that due to the repeal of Section 6, Title I of the National Housing Act (49 Stat. 1232, 1233, 50 Stat. 70; 12 U.S.C. Supp. IV 1706a) the Regulations covering restoration and rehabilitation loans,[2] effective April 23, 1937, are no longer in effect.

W. M. BRITTAIN.

[F. R. Doc. 39-2303; Filed, July 1, 1939; 9:47 a. m.]

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## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4910]

PARTS 2 AND 465—TAX ON UNJUST ENRICHMENT UNDER THE REVENUE ACT OF 1936

*To Collectors of Internal Revenue and Others Concerned:*

Paragraph (6) under the heading of "Method II" in article 13 of Regulations 95[3] (section 2.13, Method II, paragraph (6), of Title 26, Code of Federal Regulations), and that article as made applicable to the Internal Revenue Code by Treasury Decision 4885[4] (Part 465, Subpart B, of such Title 26), is amended to read as follows:

"The difference between each aggregate selling price computed as provided in paragraph (1), above, and the deductions specified in paragraph (2), above, shall be divided by the total number of units determined as provided in paragraps (4). The resulting amount per unit shall be the margin per unit except that in the case of a taxable year during all of which the Federal excise tax in question was in effect, the following adjustment, made in the return, will ordinarily be allowed pursuant to section 501 (i): A deduction from the amount per unit, computed as provided in the first sentence of this paragraph, of an amount equal to the amount obtained by dividing by the total number of units determined as provided in paragraph (4), the reimbursement to purchasers made as specified in section 501 (f) (3) with respect to the articles expressed in terms of units determined in each case under (A), (B), or (C), respectively, of paragraph (5), and the remainder, if any, in such case shall be the margin per unit."

(This Treasury Decision is prescribed pursuant to the following sections of law: Sections 700 (e) (2), 702 (a) and 62 of the Internal Revenue Code (53 Stat. Part 1); sections 501 (e) (2), 503 (a) and 62 of the Revenue Act of 1936 (49 Stat. 1734, 1738, 1673; 26 U.S.C. Sup. IV, 345 (e) (2), 345b (a), 62).)

[SEAL] HAROLD N. GRAVES,
*Acting Commissioner of Internal Revenue.*

Approved, July 1, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-2354; Filed, July 6, 1939; 11:53 a. m.]

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## TITLE 31—MONEY AND FINANCE: TREASURY

## CHAPTER I—MONETARY OFFICES

[1939—Department Circular No. 1]

PART 129—VALUES OF FOREIGN MONEYS

JULY 1, 1939.

§ 129.2 *Calendar year 1939—(c) Quarter beginning July 1, 1939.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning July 1, 1939, expressed in any such foreign monetary units: *Provided, however,* That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-2336; Filed, July 5, 1939; 4:19 p. m.]

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[1] 3 F.R. 407 DI.
[2] Appear as Part 511, CFR.
[3] 1 F.R. 1082.
[4] 4 F.R. 879 DI.



*Values of Foreign Monetary Units (at Par as Regards Gold Units; Nongold Units Have No Fixed Par With Gold)*

| Country | Monetary unit | Value in terms of U. S. money | Remarks |
|---|---|---|---|
| Argentine Republic | Peso | $1.6335 | Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929. |
| Australia | Pound | 8.2397 | Control of gold stocks and exports authorized Dec. 17, 1929. |
| Belgium | Belga | .1695 | By decree of Mar. 31, 1936. One belga equals 5 Belgian francs. |
| Bolivia | Boliviano | .6180 | Conversion of notes into gold suspended Sept. 23, 1931. |
| Brazil | Milreis | .0606 | Based upon official rate for milreis in terms of the dollar as announced by the Bank of Brazil. Conversion of Stabilization-Office notes into gold suspended Nov. 22, 1930. |
| British Honduras | Dollar | 1.6631 | Conversion of notes suspended. |
| Bulgaria | Lev | .0122 | Exchange control established Oct. 15, 1931. |
| Canada | Dollar | 1.6631 | Embargo on export of gold, Oct. 19, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933. |
| Chile | Peso | .2060 | Given valuation is of gold peso. Gold pesos are received for conversion at the rate of 4 paper pesos for one gold peso. Conversion of notes suspended July 30, 1931. |
| China | Yuan | ------ | Silver standard abandoned by decree of Nov. 3, 1935, bank notes made legal tender under Currency Board control; exchange rate for British currency primarily fixed at about 1 s. 2⅛ d., or about 29⅛¢ U. S., per yuan. |
| Hong Kong | Dollar | ------ | Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange fund created to control exchange rate. |
| Colombia | Peso | .5714 | Obligation to sell gold suspended Sept. 24, 1931. New gold content of .56424 grams of gold 9/10 fine established by monetary law of Nov. 19, 1938, effective Nov. 20, 1938. |
| Costa Rica | Colon | .7879 | Conversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1932. |
| Cuba | Peso | 1.0000 | By law of May 25, 1934. |
| Czechoslovakia | Koruna | ------ | |
| Denmark | Krone | .4537 | Conversion of notes into gold suspended Sept. 29 1931. |
| Dominican Republic | Dollar | 1.6631 | U. S. money is principal circulating medium. |
| Ecuador | Sucre | .3386 | Conversion of notes into gold suspended Feb. 9, 1932. |
| Egypt | Pound (100 piasters) | 8.3692 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Estonia | Kroon | .4537 | Conversion of notes into gold suspended June 28, 1933. |
| Finland | Markka | .0426 | Conversion of notes into gold suspended Oct. 12 1931. |
| France | Franc | ------ | Provisions of Monetary law of Oct. 1, 1936, providing for gold content of franc, superseded by decree of June 30, 1937, which stated that the gold content of the franc shall be fixed ultimately b a decree adopted by the Council of Ministers. Until issuance of such decree a stabilization fund shall regulate the relationship between the franc and foreign currencies. |
| Germany | Reichsmark | .4033 | Exchange control established July 13, 1931. |
| Great Britain | Pound Sterling | 8.2397 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Greece | Drachma | .0220 | Conversion of notes into gold suspended Apr. 26, 1932. |
| Guatemala | Quetzal | 1.6631 | Conversion of notes into gold suspended Mar. 6, 1933. |
| Haiti | Gourde | .2000 | National bank notes redeemable on demand in U. S. dollars. |
| Honduras | Lempira | .8466 | Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar. |
| Hungary | Pengö | .2961 | Exchange control established July 17, 1931. |
| India (British) | Rupee | .6180 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Indo-China | Piaster | ------ | Piaster pegged to French franc at the rate of 1 piaster=10 French francs; conversion of notes into gold suspended Oct. 2, 1936. |
| Ireland | Pound | 8.2397 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Italy | Lira | .0526 | New gold content of 46.77 milligrams of fine gold per lira established by monetary law of Oct. 5, 1936. |
| Japan | Yen | .8440 | Embargo on gold exports Dec. 13, 1931. |
| Latvia | Lat | ------ | Currency pegged to sterling Sept. 28, 1936, at 2,522 lati = £100. |
| Liberia | Dollar | 1.6631 | British money is principal circulating medium. |
| Lithuania | Litas | .1693 | Free export of gold suspended Oct. 1, 1935. |
| Mexico | Peso | ------ | Decree of Aug. 28, 1936, left the monetary unit, the peso, to be later defined by law. |
| Netherlands and colonies | Guilder (florin) | .6806 | Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 26 1936; gold export prohibition repealed by decree June 28, 1938. |
| Newfoundland | Dollar | 1.6631 | Newfoundland and Canadian notes legal tender. |
| New Zealand | Pound | 8.2397 | Conversion of notes into gold suspended and export of gold restricted, Aug. 5, 1914; exchange regulations Dec. 1931. |
| Nicaragua | Cordoba | 1.6633 | Embargo on gold exports Nov. 13, 1931. |
| Norway | Krone | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |

*Values of Foreign Monetary Units (at Par as Regards Gold Units; Nongold Units Have No Fixed Par With Gold)*—Continued

| Country | Monetary unit | Value in terms of U. S. money | Remarks |
|---|---|---|---|
| Panama | Balboa | $1.0000 | U. S. money is principal circulating medium. |
| Paraguay | Peso (Argentine) | 1.6335 | Paraguayan paper currency is used; exchange control established June 28, 1932. |
| Persia (Iran) | Rial | .0824 | Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936. |
| Peru | Sol | .4740 | Conversion of notes into gold suspended May 18, 1932. |
| Philippine Islands | Peso | .5000 | By act approved Mar 16, 1935. |
| Poland | Zloty | .1899 | Exchange control established Apr. 27, 1936. |
| Portugal | Escudo | .0749 | Gold exchange standard suspended Dec. 31, 1931. |
| Rumania | Leu | .0101 | Exchange control established May 18, 1932. |
| Salvador | Colon | .8466 | Conversion of notes into gold suspended Oct. 7, 1931. |
| Siam | Baht (Tical) | .7491 | Conversion of notes into gold suspended May 11, 1932. |
| Spain | Peseta | ------- | |
| Straits Settlements | Dollar | .9613 | British pound sterling and Straits dollar and half dollar legal tender. |
| Sweden | Krona | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Switzerland | Franc | ------- | Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold. |
| Turkey | Piaster | .0744 | 100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930. |
| Union of South Africa | Pound | 8.2397 | Conversion of notes into gold suspended Dec. 28, 1932. |
| Union of Soviet Republics | Chervonetz | 8.7123 | |
| Uruguay | Peso | .6583 | Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. New gold content of .385018 grams of pure gold per peso established by monetary law of Jan. 12, 1938. |
| Venezuela | Bolivar | .3267 | Exchange control established Dec. 12, 1936. |
| Yugoslavia | Dinar | .0296 | Exchange control established Oct. 7, 1931. |

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 552, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U.S.C. 372.)

JULY 1, 1939.

## TITLE 46—SHIPPING

## BUREAU OF MARINE INSPECTION AND NAVIGATION

### CUSTOMS PORTS AUTHORIZED TO ISSUE MARINE DOCUMENTS

§ 600.1[1] *Customs ports authorized to issue marine documents* is amended to read as follows:

ATLANTIC AND GULF COASTS

Maine and New Hampshire (1):
- Eastport.
- Calais.
- Jonesport.
- Bar Harbor.
- Bangor.
- Belfast.
- Rockland.
- Bath.
- *Portland.
- Portsmouth.

Massachusetts (4):
- Gloucester.
- Salem.
- *Boston.
- Provincetown.
- New Bedford.
- Fall River.

Rhode Island (5):
- *Providence.
- Newport.

Connecticut (6):
- New London.
- Hartford.
- New Haven.
- *Bridgeport.

New York (10):
- *New York.
- Albany.
- Newark.
- Perth Amboy.

Philadelphia (11):
- *Philadelphia.
- Wilmington.

Maryland (13):
- *Baltimore.
- Annapolis.
- Crisfield.
- Cambridge.
- Washington.

Virginia (14):
- Alexandria.
- Reedville.
- *Newport News.
- *Norfolk.
- Cape Charles.

North Carolina (15):
- Elizabeth City.
- Washington. (See text below.)
- Beaufort.
- *Wilmington.

South Carolina (16):
- Georgetown.
- *Charleston.

Georgia (17):
- *Savannah.
- Brunswick.

Florida (18):
- Fernandina.
- Jacksonville.
- St. Augustine.
- Miami.
- Key West.
- *Tampa.
- Apalachicola.
- Pensacola.

Mobile (19):
- *Mobile.
- Biloxi.
- Gulfport.
- See also Rivers.

New Orleans (20):
- *New Orleans.
- See also Rivers.

Sabine (21):
- *Port Arthur.
- Beaumont.
- Lake Charles, La.

Galveston (22):
- *Galveston.
- Houston.

San Antonio (23):
- *San Antonio.
- Corpus Christi.

Puerto Rico (49):
- *San Juan.

Virgin Islands:
- *St. Thomas.

WESTERN RIVERS

New Orleans (20):
- *New Orleans.
- Baton Rouge.
- See also Gulf.

Tennessee (43):
- *Memphis.
- Nashville.
- Chattanooga.

Mobile (19):
- *Mobile.
- See also Gulf.

Kentucky (42):
- *Louisville.

St. Louis (45):
- *St. Louis.
- Kansas City.
- Omaha (46):
  - *Omaha.

Dakota (34):
- *Pembina.

Montana and Idaho (33):
- *Great Falls.

Iowa (44):
- *Des Moines.

Minnesota (35):
- *Minneapolis.

Duluth and Superior (36):
- *Duluth.
- See also Lakes.

Wisconsin (37):
- *Milwaukee.
- See also Lakes.

Chicago (39):
- *Chicago.
- Peoria.
- See also Lakes.

Indiana (40):
- *Indianapolis.
- Evansville.

Ohio (41):
- Cincinnati.
- See also Lakes.

Pittsburgh (12):
- *Pittsburgh.

NORTHERN LAKES

Vermont (2):
- *St. Albans.
- Burlington.

St. Lawrence (7):
- Rouses Point.
- *Ogdensburg.
- Cape Vincent.

Rochester (8):
- Oswego.
- *Rochester.

Buffalo (9):
- *Buffalo.

Ohio (41):
- Erie.
- *Cleveland.
- Sandusky.
- Toledo.
- See also Rivers.

Michigan (36):
- *Detroit.
- Port Huron.
- Sault Ste. Marie.
- Grand Haven.

Chicago (39):
- *Chicago.
- See also Rivers.

Wisconsin (37):
- *Milwaukee.
- See also Rivers.

Duluth and Superior (36):
- *Duluth.
- See also Rivers.

PACIFIC COAST

San Diego (25):
- *San Diego.

Los Angeles (27):
- *Los Angeles.
- Port San Luis.

San Francisco (28):
- *San Francisco-Oakland.
- Eureka.

Oregon (29):
- Marshfield.
- Astoria.
- *Portland.

Washington (30):
- Tacoma.
- *Seattle.
- Bellingham.
- Port Townsend.
- Port Angeles.
- Aberdeen.

Alaska (31):
- Ketchikan.
- Hyder.
- Wrangell.
- Petersburg.
- Eagle.
- *Juneau.
- Sitka.
- Skagway.
- Cordova.
- Fairbanks.

Hawaii (32):
- *Honolulu.

The grand divisions are printed in capitals, the district names in small capitals, with the numbers enclosed in parentheses, and the ports in roman with asterisks (*) to indicate the headquarters ports. Marine documents are not issued at the headquarters ports of San Antonio, Indianapolis, and St. Albans, nor in the districts of El Paso (24), Arizona (26), Colorado (47), and Utah and Nevada (48).

Marine documents may be issued at the port of Washington, N. C. Washington is a customs station, but not a port of entry.

A duplicate of each marine document issued to a vessel, together with the surrendered original, if there is one, should be sent to the headquarters port for review. All duplicates, surrendered originals, and copies of lost originals must be forwarded from the headquarters port to the Director of the Bureau of Marine Inspection and Navigation at the end of each day.

A license may be renewed by endorsement by the collector at the headquarters port or by any deputy collector within that particular district, but a notice of such renewal, Cat. No. 1302, must be sent to the port at which the license was issued, to the port of last previous renewal, and to the home port.

Additional ports will be designated as ports of documentation when this action is required by the exigencies of the service.

[Section 161 R. S. (5 U.S.C. 22); Sections 2 and 3 of the Act of July 5, 1884 (23 Stat. 118) (46 U.S.C. 2 and 3)]

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

JULY 1, 1939.

[F. R. Doc. 39-2334; Filed, July 5, 1939; 12:34 p. m.]

[1] This section number corresponds with that used for this regulation appearing in the codified regulations of the Bureau of Marine Inspection and Navigation, Department of Commerce, filed with the Codification Board, June 30, 1938.

# TITLE 47—TELECOMMUNICATION

## FEDERAL COMMUNICATIONS COMMISSION

## PART 34—UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS*†

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NOTE: Number to the right of the decimal point is the account number.

*Communication Plant*

34.1000 Operated plant in carriers service.
34.1100 Operated plant leased to others.
34.1200 Improvements and replacements of operated plant leased from others.
34.1300 Plant under construction.
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34.1510 Plant acquisition adjustments.
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34.1610 Miscellaneous physical property.
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34.1630 Debt-redemption funds.
34.1635 Employees' provident funds.
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34.1645 Miscellaneous funds held by trustees.
34.1659 Other miscellaneous funds.
34.1698 Amortized discount and premium on investment securities.
34.1699 Allowance for doubtful investments.

*Current Assets*

34.1710 Cash.
34.1715 Special cash deposits.
34.1720 Working cash advances.
34.1725 Temporary investments.
34.1730 Operating revenues receivable from users.
34.1742 Traffic settlements receivable from affiliates.
34.1749 Other receivables from affiliates.
34.1751 Notes receivable.
34.1752 Traffic settlements receivable.
34.1753 Matured interest receivable.
34.1754 Declared dividends receivable.
34.1755 Matured rents receivable.
34.1759 Other accounts receivable.
34.1765 Allowance for uncollectible receivables.
34.1770 Unmatured accrued receivables.
34.1775 Subscriptions to capital stock.
34.1780 Deposits on subscriptions to capital stock.
34.1785 Subscriptions to bonds.
34.1790 Deposits on subscriptions to bonds.
34.1795 Material and supplies.
34.1799 Other current assets.

*Prepayments*

34.1810 Prepaid insurance.
34.1815 Prepaid rents.
34.1820 Prepaid taxes.
34.1899 Other prepayments.

*Deferred Charges*

34.1910 Extraordinary maintenance, depreciation, and retirements.
34.1915 Capital stock expense.
34.1920 Long-term debt expense.
34.1925 Discount on capital stock.
34.1930 Unamortized discount on debt.
34.1935 Preliminary survey and investigation charges.
34.1940 Debit balances in clearing accounts.
34.1999 Other deferred charges.

*Long-term Debt*

34.2010 Bonds actually issued.
34.2015 Bonds reacquired.
34.2020 Bonds subscribed—Unissued.
34.2025 Receivers' and trustees' securities.
34.2030 Advances from affiliates.
34.2099 Other long-term debt.

*Current Liabilities*

34.2110 Matured long-term debt.
34.2115 Customers' deposits.
34.2122 Traffic settlements payable to affiliates.
34.2129 Other payables to affiliates.
34.2131 Notes payable.
34.2132 Traffic settlements payable.
34.2133 Matured interest payable.
34.2134 Declared dividends.
34.2135 Matured rents payable.
34.2139 Other accounts payable.
34.2155 Advance billings.
34.2160 Installment-plan receipts on purchase of capital stock.

*Liability Accruals*

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34.2170 Rent accruals.
34.2175 Tax accruals.
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34.2515 Contributions of plant.
34.2599 Other capital surplus.

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Prescribed Accounts

NOTE: Number to the right of the decimal point is the account number.

*Real Estate*

34.11 Land.
34.12 Land improvements.
34.13 Drainage, sewerage, gas, and water systems.
34.14 Buildings.

*Fixed and Land Station Aerial Systems and Lines*

34.21 Towers and masts.
34.22 Antenna systems.
34.26 Control lines.
34.27 Power-supply lines.

*Fixed and Land Station Transmission Equipment*

34.31 Electron-tube transmitter equipment.
34.32 Other transmitter equipment.
34.33 Cooling apparatus.
34.34 Receiver equipment.
34.36 Power supply and distribution equipment.
34.40 Control apparatus.
34.41 Equipment on customers premises.

*Furniture and Office Equipment*

34.51 Furniture and office equipment.

*Mobile Station Equipment*

34.61 Ship station equipment.
34.69 Other mobile station equipment.

*Work Equipment*

34.71 Vehicles and draft animals.
34.72 Shop equipment, tools, and implements.
34.73 Store and warehouse equipment.

*Intangibles*

34.81 Organization.
34.82 Franchises.
34.83 Patent rights.
34.84 Leaseholds.
34.89 Other intangibles.

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Prescribed accounts

NOTE: Number to the right of the decimal point is the account number.

INCOME ACCOUNTS

*Ordinary Income—Communication*

34.3000 Operating revenues.

Operating revenue deductions

34.4000 Operating expenses.
34.4910 Depreciation.
34.4915 Amortization—Intangible operated plant.
34.4920 Amortization of plant acquisition adjustments.
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34.4940 Rent for lease of operated plant.
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34.4950 Revenue-contract payments.
34.4999 Other operating revenue deductions.

*Other Communication Income*

34.5010 Income from operated plant leased to others.
34.5015 Income from telephone, wire-telegraph, and ocean-cable plant leased to others.
34.5020 Profit from general services, licenses, and royalties.
34.5089 Income from foreign operations.
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*Ordinary Income—Noncommunication*

34.5110 Income from miscellaneous physical property.
34.5115 Income from merchandising, jobbing, and contracting.
34.5120 Dividend income.
34.5125 Interest income.
34.5135 Income from debt-redemption and other funds.
34.5140 Gain or loss on foreign currency exchange.
34.5199 Other noncommunication income.

*Deductions from Ordinary Income*

34.5210 Interest on long-term debt.
34.5215 Interest on indebtedness to affiliates.
34.5220 Amortization of debt discount.
34.5225 Interest charged to construction—Cr.
34.5230 Amortization of debt premium—Cr.
34.5235 Other interest charges.
34.5240 Taxes assumed on interest.
34.5245 Amortization of debt expense.
34.5250 Miscellaneous taxes.
34.5255 Amortization of plant acquisition adjustments.
34.5260 Revenue-contract payments.
34.5299 Other deductions from ordinary income.

*Extraordinary Income—Credits*

34.6110 Delayed income credits.
34.6199 Other extraordinary income credits.

*Extraordinary Income—Charges*

34.6210 Delayed income charges.
34.6299 Other extraordinary income charges.

*Deductions From Net Income*

34.7010 Taxes on net income.
34.7099 Other deductions from net income.

EARNED SURPLUS ACCOUNTS

*Earned Surplus—Credits*

34.8110 Balance transferred from income accounts.
34.8199 Miscellaneous credits to earned surplus.

*Earned Surplus—Charges*

34.8299 Miscellaneous charges to earned surplus.
34.8310 Contractual appropriations of earned surplus.
34.8315 Earned surplus employed in reacquisition of capital stock.
34.8320 Miscellaneous appropriations of earned surplus.
34.8399 Dividend appropriations of earned surplus.

OPERATING REVENUE ACCOUNTS

Instructions

34.31-1 Purpose of operating revenue accounts.
34.31-2 Basis of credits to operating revenue accounts.
34.31-3 Divisions of operating revenues.
34.31-4 Services furnished without direct charge.
34.31-99 Contemplated form of operating revenue statement.

Prescribed accounts

NOTE: Number to the right of the decimal point is the account number.

*Continental Fixed Radiotelegraph Revenues*

34.3113 Fixed message revenue—Continental.

*Insular Fixed Radiotelegraph Revenues*

34.3213 Fixed message revenue—Continental transmission.
34.3214 Fixed message revenue—Insular transmission.

*Foreign Fixed Radiotelegraph Revenues—Foreign-service Classification*

34.3313 Fixed message revenue—Continental transmission.
34.3315 Fixed message revenue—Foreign transmission.

*Foreign Fixed Radiotelegraph Revenues—Domestic-service Classification*

34.3413 Fixed message revenue—Continental transmission.
34.3416 Fixed message revenue—Foreign transmission.

*Marine Radiotelegraph Revenues*

34.3513 Marine message revenue—Continental transmission.
34.3517:1 Marine message revenue—Land station transmission.
34.3517:2 Marine message revenue—Ship station transmission.

*Other Radiotelegraph Transmission Revenues*

34.3618 Mobile (other than marine) message revenues.
34.3628 Facsimile or photogram service revenues.
34.3638 Broadcast-program service revenues.
34.3648 Telephone service revenues.
34.3698 Miscellaneous transmission revenues.

Foreign Exchange Adjustment

34.3709 Foreign exchange—Revenue differential.

*Nontransmission Revenues*

34.3818 Revenue from furnishing and servicing stations.
34.3828 Frequency-measuring revenue.
34.3838 Code-registration revenue.
34.3848 Other leased plant revenue.
34.3858 Errand-service revenue.
34.3898 Other nontransmission revenue.

*Other Telecommunication Revenues*

34.3918 Telephone revenue—Telephone systems.
34.3928 Wire-telegraph and ocean-cable revenue—Wire systems.

OPERATING EXPENSE ACCOUNTS

Instructions

34.41-1 Purpose of operating expense accounts.
34.41-2 Operating expenses applicable to leased plant.
34.41-3 Direct allocation of operating expenses to stations and city offices.
34.41-4 Expenses of holding or servicing departments.
34.41-5 Maintenance expenses.
34.41-6 Conducting-operations expenses.
34.41-7 Accounting for electron tubes.
34.41-99 Contemplated form of operating expense statement.

Prescribed Accounts

NOTE: Number to the right of the decimal point is the account number.

*Maintenance Expenses*

34.4110 Supervision of maintenance.
34.4115 Maintenance of real estate.
34.4120 Maintenance of fixed and land station aerial systems and lines.
34.4125 Maintenance of fixed and land station transmission equipment.
34.4130 Maintenance of furniture and office equipment.
34.4132 Electron-tube replacements.
34.4135 Maintenance of mobile station equipment.
34.4198 Maintenance-expense equalization.
34.4199 Other maintenance expenses.


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* Promulgated under the authority contained in Sec. 220, 48 Stat. 1078; 47 U.S.C. 220.

† Adopted by the FCC on June 27, 1939, to become effective Jan. 1, 1940.

*Conducting-operations Expenses*

Sec.
34.4210 Supervision of operations.
34.4215 Operators' wages.
34.4216 Wages of station attendants.
34.4222 Wages of operating-office clerks.
34.4225 Operating power.
34.4230 Traffic damages.
34.4235 Traffic-damage expense.
34.4240 Telephone service—Message transmission.
34.4243 Rent for operating offices.
34.4245 Rent for other facilities.
34.4250 Advertising.
34.4255 Soliciting.
34.4260 Obtaining stock and commercial news.
34.4270 Commissions—Dr.
34.4275 Commissions—Cr.
34.4281 Messengers' wages.
34.4283 Messengers' uniform expense.
34.4289 Other messenger service expense.
34.4290 Other employees' wages.
34.4295 Supplies—Operating offices.
34.4298 Foreign exchange—Expense differential.
34.4299 Other conducting-operations expenses.

*Administrative Expenses*

34.4310 Salaries of general officers and executives.
34.4315 Expenses of general officers and executives.
34.4320 Salaries of general office employees.
34.4325 Expenses of general office employees.
34.4399 Other administrative expenses.

*General Expenses*

34.4410 Legal services.
34.4415 General services, licenses, and royalties—Dr.
34.4420 General services, licenses, and royalties—Cr.
34.4425 Insurance.
34.4430 Injuries and damages.
34.4435 Relief and pensions.
34.4445 Rest and lunch room expenses.
34.4450 Rent for offices.
34.4455 Other rents.
34.4460 Franchise requirements—Dr.
34.4465 Franchise requirements—Cr.
34.4470 Supplies.
34.4475 Training employees.
34.4480 House service.
34.4499 Other general expenses.

CLEARING ACCOUNTS

Instructions

34.90–1 Purpose of clearing accounts.
34.90–2 Disposition of balances in clearing accounts.

Prescribed accounts

NOTE: Number to the right of the decimal point is the account number.

34.9010 Research and development—Undistributed.
34.9015 Vehicle expense—Undistributed.
34.9020 Shop, tool, and implement expense—Undistributed.
34.9025 Plant-supervision expense—Undistributed.
34.9030 Supply expense—Undistributed.
34.9035 House-service expense—Undistributed.

RETIREMENT UNITS

34.1–6–1 List of units to be used in connection with the accounting provided in Sec. 34.1–6.

APPLICABILITY

§ 34.01–1 *Carriers subject to this system of accounts.* This system of accounts applies to carriers engaged primarily in furnishing radiotelegraph service. (See also Sec. 34.03–8.) *†

§ 34.01–2 *Classification of carriers.* (a) For the purpose of applying this system of accounts radiotelegraph carriers are divided into two classes, as follows:

*Class A.* Carriers having average annual operating revenues exceeding $100,000. Such carriers shall keep all of the accounts that are applicable to their affairs.

*Class B.* Carriers having average annual operating revenues exceeding $50,000, but not exceeding $100,000. Such carriers shall keep all of the accounts that are applicable to their affairs, except that their accounts for operating revenues and operating expenses may be kept under the condensed primary classifications provided in Secs. 34.05–1 and 34.05–2.

(b) No uniform system of accounts has been prescribed for carriers having average annual operating revenues not exceeding $50,000. However, such carriers may keep the accounts prescribed in this system of accounts.*†

§ 34.01–3 *Determination of class.* (a) The class to which any carrier belongs shall be determined by the average of its annual operating revenues for the three years immediately preceding the effective date of this system of accounts. If at the close of any subsequent calendar year the average of its annual operating revenues for the latest three years is greater than the amount applicable to the class in which the carrier has been previously includible, the accounts applicable to the higher class shall be adopted.

(b) Carriers not engaged in furnishing radiotelegraph service over the three-year period immediately preceding the effective date of this system of accounts shall estimate the amount of their annual operating revenues and keep the accounts applicable to carriers having actual revenues in the amount estimated.*†

DEFINITIONS

§ 34.02–1 *Restrictive use of certain terms.* When used in this system of accounts, unless otherwise indicated:

"Accounts" or "these accounts" means the accounts prescribed in "this system of accounts."

"Acquisition cost" means the amount of money actually paid (or the then current money value of any consideration other than money given) by the "carrier" for property, including the preliminary expenses incurred in connection with the acquisition.

"Act" or "the Act" means the Communications Act of 1934 as amended.

"Actually issued," as applied to securities issued or assumed by the "carrier," means (1) those securities that have been sold to *bona-fide* purchasers for a valuable consideration (including those issued in exchange for other securities or other property), (2) those that have been issued in accordance with contractual requirements directly to trustees of debt-redemption and other funds, and (3) those that have been issued as payments of dividends on stock.

"Actually outstanding," as applied to securities issued or assumed by the "carrier," means those securities that have been "actually issued" and are neither retired nor held by or for the "carrier"; provided, however, that securities held by trustees of debt-redemption and other funds shall be regarded and treated as actually outstanding.

"Affiliate" means (and "affiliated" relates to) a "person" that, directly or indirectly, through one or more intermediaries, "controls," is "controlled by," or is "under common control with," the "carrier."

"Amortization" means the gradual extinguishment of an amount in an account by prorating such amount over a fixed period.

"Book amount," as applied to securities issued or assumed by the "carrier," means (1) the amount duly authorized for inclusion in account 2410, "Capital stock issued," for stock having no par value, and (2) the "face amount" of all other securities.

"Book cost" means the amount at which property is recorded in an account without the deduction of amounts in related or other accounts.

"Carrier" means the accounting carrier.

"Class," as applied to depreciable plant, means that portion of the total plant that is represented by a single primary plant account.

"Commission" means the Federal Communications Commission.

"Communication" or "communication service" means the "transmission of writing, signs, signals, pictures, and sounds of all kinds, by the aid of wire, cable, or radio, between the points of origin and reception of such "transmission," including all instrumentalities, facilities, apparatus, and services (among other things, the receipt, forwarding, and delivery of communications) incidental to such "transmission."

"Continental communication" means "communication" when both the point of origin and point of destination are located within the "continental United States."

"Continental terminus" means a "fixed station" or a "land station" located within the "continental United States" that is used for direct communication with stations located without the "continental United States."

"Contitnental transmission" means "transmission" of "communication" within the "continental United States."

"Continental United States" means the several states of the United States, the District of Columbia, and the Territory of Alaska.

"Contingent asset" means an item representing a possible source of value to the "carrier" dependent upon the fulfillment of conditions regarded as uncertain.



"Contingent liability" means an item representing a possible source of obligation of the "carrier" dependent upon the fulfillment of conditions regarded as uncertain.

"Control" means (and the terms "controlling," "controlled by," and "under common control with" relate to) the direct or indirect possession of the power (including the veto power) to direct or to cause the direction of the management, important acts, and policies of a "person," whether such power is exercised through one or more intermediary persons, or alone, or in conjunction with, or pursuant to an agreement with, one or more other persons, and whether such power is established through a majority or a minority ownership or voting of securities, common directors, officers, or stockholders, voting trusts, holding trusts, affiliates, contract, or any other direct or indirect means. Control shall not be viewed as altered by a new status of any person that may be occasioned by proceedings in bankruptcy or by any situation of receivership, trusteeship, or fiduciary relationship resulting from proceedings of a like nature.

"Cost," as applied to plant, means the "original cost" of plant acquired from predecessors as substantially complete operating systems or operating units and the "acquisition cost" of all other plant. Except as applied to plant, "cost" means the amount of money actually paid (or the then current money value of any consideration other than money given) by the "carrier" for property or services.

"Cost of removal" means the cost of demolishing, dismantling, tearing down, or otherwise removing plant, including the cost of transportation and handling incidental thereto.

"Date of installation," as applied to plant acquired from predecessors as substantially complete operating systems or operating units, means the date at which such plant was first dedicated to public use. As applied to all other plant, the term means the date at which such plant was placed in "communication service" by the "carrier."

"Date of retirement" means the date at which plant is retired from "communication service."

"Debt expense" means all expenses incurred by or for the "carrier" in connection with the issuance and sale of evidences of debt (exclusive of the sale of reacquired securities), such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other commercial paper; specific costs of obtaining governmental authority for issuance and filing notices thereunder; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges; and other like costs.

"Delayed items" means items relating to transactions that occurred during a prior calendar year and require further accounting treatment for a true statement. It includes adjustments of errors in the operating revenue, operating-expense, and other income accounts for prior years.

"Depreciation," as applied to depreciable "operated plant," means the loss in "service value" not restored by current maintenance, incurred in connection with the consumption or prospective retirement of such plant in the course of service from causes known to be in current operation against which the carrier is not protected by insurance and the effect of which can be forecast with a reasonable approach to accuracy. Among the causes to be given consideration are wear and tear, decay, action of the elements, obsolescence, inadequacy, changes in the art, changes in demand, and requirements of public authorities.

"Discount," as applied to securities issued or assumed by the "carrier," means the excess of (1) the "book amount" of the securities over (2) the then current money value of the consideration received from their sale less the amount included therein as dividends or interest accrued.

"Face amount," as applied to securities issued or assumed by the "carrier," means the amount of principal set forth in the documents themselves.

"Fixed communication" means "communication" when both the point of origin and the point of destination are "fixed stations."

"Fixed communication revenue" means revenue derived from "fixed transmission."

"Fixed station" means a "station" not capable of being moved that is used for communication with one or more other "fixed stations."

"Fixed transmission" means "transmission" of "fixed communication."

"Foreign communication" means "communication" when either the point of origin or the point of destination is located without the "United States."

"Foreign communication revenue" means revenue derived from "foreign transmission."

"Foreign transmission" means "transmission" among foreign stations and between foreign stations and the "continental terminus" of "foreign communication."

"Includible" means properly includible under the provisions of "this system of accounts."

"Insular communication" means "communication" between the insular territories or possessions of the United States (excluding the Philippine Islands and the Canal Zone), and the "continental United States," or among the insular territories or possessions of the United States (excluding the Philippine Islands and the Canal Zone).

"Insular transmission" means "transmission" between insular stations and the "continental terminus" of "insular communication" or among insular stations.

"Investment advances" means advances, represented by notes or book accounts only, which it is mutually agreed or intended between the creditor and the debtor shall be settled by the issuance of capital stock or evidences of long-term debt, or shall not be subject to current settlement. Advances with respect to which amounts have been included in the current accounts for more than one year will be considered not subject to current settlement.

"Land station" means a "station" not capable of being moved that is used for communication with "mobile stations."

"Marine communication" means "communication" when either the point of origin or the point of destination is a "ship station."

"Marine transmission" means "transmission" among "ship stations" or between "ship stations" and "land stations."

"Matured" means due and payable (or receivable) as at a date not later than the first day following the date of the balance sheet.

"Minor items," as applied to plant, means those items of depreciable "operated plant" not designated as "retirement units" in Sec. 34.1–6–1.

"Mobile communication" means "communication" when either the point of origin or the point of destination is a "mobile station."

"Mobile communication revenue" means revenue derived from "mobile transmission."

"Mobile station" means a "station" capable of being moved and which ordinarily does move.

"Mobile transmission" means "transmission" of "mobile communication." It includes transmission of such communication between stations that do not communicate directly with "mobile stations."

"Net book cost," as applied to a specific portion of plant, means the book cost of that portion minus that part of the related depreciation (or amortization) allowance account that is assignable to that portion of the plant.

"Net salvage value" means the "salvage value" of plant retired after deducting the "cost of removal" incidental to its retirement.

"Nominally issued," as applied to securities issued or assumed by the "carrier," means those securities that have been signed, certified, or otherwise executed, and placed with the proper officer for sale and delivery, or pledged or otherwise placed in some special fund of the carrier, but have not been sold or issued directly to trustees of debt-redemption and other funds.

"Nominally outstanding," as applied to securities issued or assumed by the "carrier," means those "actually issued" securities that have been reacquired by or for the "carrier" under circumstances that prohibit considering them retired:

provided, however, that securities held by trustees of debt-redemption and other funds shall be regarded and treated as "actually outstanding."

"Operated plant" means physical plant used in radiotelegraph service together with associated intangible items.

"Original cost," as applied to plant, means the actual money cost of (or the then current money value of any consideration other than money given for) property at the time it was first dedicated to the public use, whether by the "carrier" or by any other "person."

"Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or any other organized group, or any receiver or trustee.

"Plant retired" means plant that has been removed, sold, abandoned, destroyed, or for any cause withdrawn from "communication service."

"Premium," as applied to securities issued or assumed by the "carrier," means the excess of (1) the then current money value of the consideration received from their sale, less the amount included therein for dividends or interest accrued, over (2) their "book amount."

"Primary account" means (1) any account the name or title of which appears in the table of contents of "this system of accounts" or (2) any additional clearing account or experimental account optionally maintained pursuant to the provisions of Sec. 34.03–5.

"Radiotelegraph plant" means plant used or useful in furnishing "radiotelegraph service."

"Radiotelegraph service" means "communication service" furnished by means of radio telegraph, including incidental services so intimately related to such service as to make impracticable the determination of the extent to which plant, income, revenue, or expenses are related to such incidental services.

"Replacement" means the construction of installation of plant in place of "plant retired."

"Retirement." (See "Plant retired.")

"Retirement units" means the items of depreciable "operated plant" listed in Sec. 34.1–6–1 of "this system of accounts."

"Salvage value" means the amount received for "plant retired", if sold, less any expenses incurred in connection with such sale or in preparing the property for sale; or, if retained, the amount at which the material recovered is chargeable to account 1795, "Material and supplies," or other appropriate account.

"Service life" means the period between the "date of installation" of plant and the "date of retirement" thereof.

"Service value means the difference between the "cost" of plant and the "net salvage value."

"Ship station" means a "station" located on a ship, vessel, or other water craft (except aircraft) used or capable of being used as a means of transportation on water, whether or not it is actually afloat.

"Station" means a complete transmitting or receiving system or operating unit at a particular location, used in "radiotelegraph service."

"Stock expense" means all expenses incurred by or for the "carrier" in connection with the issuance and sale of capital stock (exclusive of the sale of reacquired capital stock), such as fees and commissions paid to promoters, underwriters, brokers, and salesmen; fees for legal services; cost of soliciting subscriptions for capital stock, including fees, commissions, and advertising; specific costs of obtaining governmental authority for issuance and filing notices thereunder; fees and taxes for issuance of capital stock and listing on exchanges; and the cost of preparing, engraving, printing, issuing, and distributing prospectus and stock certificates.

"Straight-line method," as applied to depreciation accounting, means the plan under which the "service value" of depreciable "operated plant" is charged to depreciation, clearing, and other accounts and credited to the depreciation allowance account through equal charges (as nearly as may be) during its "service life."

"Subclass," as applied to depreciable plant, means that portion of a "class" of plant, preferably corresponding to one or more "subprimary" plant accounts, to the cost of which a specific percentage rate of depreciation is applied in accounting for "depreciation," which percentage rate differs from those that are applied with respect to other subclasses of the same "class" of such plant.

"Subprimary account" means any account, required or permitted by "this system of accounts," the balance in which if combined with the balance in other such accounts, subprimary to the same account, will produce the balance in that "primary account."

"System of accounts" or "this system of accounts" means the rules embodied in this part (Part 34, Title 47, of the Code of Federal Regulations, Telecommunication).

"Transmission" means the movement of "communication." It includes the receiving, forwarding, and delivery of communications.

"United States" means the several States and Territories, the District of Columbia, and the possessions of the United States, but does not include the Philippine Islands or the Canal Zone.*†

INSTRUCTIONS—GENERAL

§ 34.03–1 *Classes of records.* The records to be maintained in accordance with the provisions of this system of accounts are divided into two classes: viz, (1) books of account, containing the primary and subprimary accounts defined in Sec. 34.02–1, and (2) supporting records. (See also Secs. 34.03–2 and 34.03–3.)

NOTE: The periods for which these records are to be retained are set forth in Part 25, "Destruction of records," under Title 47 of the Code of Federal Regulations, Telecommunication.*†

§ 34.03–2 *Basis of entries in books of account.* (a) Amounts entered in the books of account shall be in denominations of United States currency. When subsidiary records are kept in which entries are made in foreign currencies, the conversion to United States currency for entry in the books of account shall be effected as prescribed in Sec. 34.03–16.

(b) The books of account shall be so maintained that when the full information is not recorded therein the entries shall contain sufficient reference to the supporting records to permit ready identification.

(c) Each carrier shall keep its books of account on a calendar-month basis so that for each month all transactions applicable thereto, as nearly as may be ascertained, will be entered in the books. The final entries for any month shall be made not later than sixty days after the last day of the month for which the accounts are stated, except that the period within which the final entries for the month of December shall be made may be extended to such date as will not interfere with the preparation and filing of annual reports as required by Section 219 of the Act.

(d) The books of account shall be maintained independently for each carrier and shall not be combined with those of any other person.*†

§ 34.03–3 *Records supporting accounting entries.* Supporting records shall be maintained in which shall be shown the full details concerning any entry in the books of account for which the details are not shown in the accounts themselves. The supporting records referred to herein include, in addition to accounting records in a limited, technical sense, all records such as minute books, stock books, reports, correspondence, memoranda, and any and all other records that would be useful in developing the history of or the facts regarding any transaction. The detail records shall be so filed as to be readily accessible for examination by representatives of this Commission.*†

§ 34.03–4 *Transactions with affiliates.* Each carrier shall so maintain its accounts and records as to be able to furnish accurately and expeditiously a statement of all transactions with affiliates. This statement shall show the general nature of the transactions, the amounts involved therein, and the amounts included in each account prescribed herein with respect to such transactions.*†

§ 34.03–5 *Summary accounts, subaccounts, additional clearing accounts, and temporary or experimental accounts.* (a) Accounts that are clearly summaries of other accounts or subaccounts provided for herein are not required to be kept in the carrier's books of account. However, such accounts may be opened in the general books for control purposes.

(b) All accounts kept shall conform in number and title to those prescribed herein, except that:



(1) Carriers may subdivide any of the accounts, provided such subdivisions do not impair the integrity of the prescribed accounts. The titles of all such subdivisions shall refer by number or title to the account or accounts of which they are subdivisions.

(2) Clearing accounts (in addition to those prescribed) and temporary or experimental accounts may be kept, provided such additional accounts do not impair the integrity of the prescribed accounts.

(3) Within ninety days from the effective date of this system of accounts, the carrier shall notify this Commission of the nature and purpose of (i) the subdivisions of the prescribed accounts, (ii) the temporary accounts, (iii) experimental accounts, and (iv) additional clearing accounts, opened under authority of this section. The carrier shall continue to keep the Commission informed of all additional accounts (or subaccounts) of these types opened after such effective date.

NOTE: Only one item need be reported for a group of subaccounts that differ from each other only with respect to geographical location or type of material.*†

§ 34.03–6 *Transferring balances from accounts previously maintained.* As at the effective date of this system of accounts, the several accounts prescribed herein shall be opened by transferring thereto the balances carried in the accounts previously maintained by the carrier. The carrier is authorized to make such subdivisions, reclassifications, or consolidations of these balances as are necessary to meet the requirements of this system of accounts. Entries that require the determination of cost by estimates shall be supported by records showing in complete detail the methods used in arriving at or computing the amounts thereof. Copies of journal entries recorded to effect the transfers, and a detailed statement of the methods used in arriving at or computing estimated costs, shall be filed with this Commission within ninety days from the dates of the entries.*†

§ 34.03–7 *Charges to be just and reasonable.* All charges to the accounts prescribed in this system of accounts for plant, operating revenues and operating expenses, and other operating revenue deductions, shall be just and reasonable, and any payments by the carrier in excess of such just and reasonable charges shall be included in account 5299, "Other deductions from ordinary income."*†

§ 34.03–8 *Entries involving telephone, wire-telegraph, or ocean-cable service.* (a) When radiotelegraph carriers are engaged also in furnishing telephone, wire-telegraph, or ocean-cable services through the utilization of distinctive portions of their facilities devoted exclusively or primarily to such services, they shall maintain their accounts for plant, operating revenues, operating expenses, and other items applicable to each such service in conformity with the respective effective rules governing carriers engaged primarily in furnishing such service.

(b) The cost of distinctive telephone, wire-telegraph, or ocean-cable plant shall be reported in account 1530, "Telephone, wire-telegraph, and ocean-cable plant." The amounts in the allowance accounts for depreciation and amortization of such plant shall be reported in account 1535, "Allowance for depreciation and amortization—Telephone, wire-telegraph, and ocean-cable plant." The amount of revenue derived from the operation of such plant shall be reported in account 3918, "Telephone revenue—Telephone systems", or account 3928, "Wire-telegraph and ocean-cable revenue—Wire systems", as appropriate. The amounts of operating revenue deductions applicable to the operation of such plant shall be reported in account 4945, "Telephone, wire-telegraph, and ocean-cable operating revenue deductions."

(c) When the major use of a particular portion of the carrier's plant is in radiotelegraph service, but the same facilities are used also in other types of communication service in a manner preventing the distinction of the physical elements associable with such services, the distribution of the operating revenues, operating expenses, and other deductions from operating revenues among the several classes of communication service where directly applicable shall be accomplished by subdivisions of the prescribed accounts, except that revenues derived from telephone service rendered through the use of such plant shall be included in account 3648, "Telephone service revenues." (See also Sec. 34.03–17.)*†

§ 34.03–9 *Sequence of accounts not indicative of reports required.* The order in which the accounts are presented in this system of accounts is not to be considered as necessarily indicative of the order in which they will be scheduled at all times in reports to this Commission. The sequence contemplated (until further notice) will be as indicated in the respective forms which immediately precede the texts for the several groups of accounts.*†

§ 34.03–10 *Research and development.* (a) The cost of preliminary surveys, plans, and investigations made for the purpose of determining the feasibility of contemplated major projects shall be charged to account 1935, "Preliminary survey and investigation charges," and subsequently cleared therefrom in accordance with the text of that account.

(b) The cost of research and development work such as laboratory expenses and other research items that can not be assigned to specific construction projects shall be charged to account 9010, "Research and development—Undistributed", and subsequently cleared therefrom in accordance with the text of that account.*†

§ 34.03–11 *Interpretation of the prescribed accounting.* Responsible accounting officials of the carrier shall submit all questions involving interpretation of the prescribed accounting to this Commission for consideration and decision.*†

§ 34.03–12 *Interpretation of item lists.* The lists of items following the texts of the several accounts are for the purpose of indicating the application of the prescribed accounting in specific cases. The lists are not to be considered as comprising all the items includible in the several accounts, but merely representative of them. Inasmuch as the same item frequently appears in more than one list, the appearance of an item in a list warrants the inclusion of such item in the account concerned only when the text of the account also indicates its inclusion. The proper entry in each instance must be determined by the text of the account.*†

§ 34.03–13 *Delayed items.* Delayed items shall be charged or credited to the same accounts that would have been charged or credited if the items had not been delayed; provided that, when the amount of a delayed item is relatively so large that its inclusion in the accounts for a single year would seriously distort the accounts for that year, the carrier shall charge or credit the amount to account 6210, "Delayed income charges," or account 6110, "Delayed income credits," as appropriate. Within thirty days from the dates of the entries the carrier shall file with this Commission a statement showing the full particulars concerning each such item, including the accounts and years that would have been affected had the item not been delayed.*†

§ 34.03–14 *Unaudited items.* (a) When, at the end of a calendar year or at such other time as a financial statement may be required by this Commission, it is known that a transaction has occurred which affects these accounts but the amount involved in the transaction and its effect upon the accounts cannot be accurately determined, the amount shall be estimated and such estimated amount included in the appropriate accounts. The carrier is not required to anticipate minor items that would not appreciably affect these accounts.

(b) If, during the interval between the date of initial estimate of the item and the date on which it is audited, a substantial difference from the initial estimate is determined, appropriate adjustment to cover such difference shall be made in the accounts for the month in which the difference is determined.

(c) When the item is audited, the necessary adjustment shall be made in the appropriate account for the month in which the item is audited.

(d) Any substantial difference determined in accordance with paragraph (b) or (c) shall be accounted for as provided in Sec. 34.03–13 or Sec. 34.03–15, as appropriate.*†

§ 34.03–15 *Unusual items.* When the amount of any unusual item includible in an operating revenue, operating ex-

pense, or other income account for a single month is relatively so large that its inclusion in the accounts for that month would seriously distort those accounts, it may be included in account 1999, "Other deferred charges", or account 2399, "Other deferred credits", as appropriate, and distributed in equal amounts to the accounts for the current and remaining months of the calendar year.*†

§ 34.03–16 *Transactions involving foreign currency.* (a) Revenues from transmission when collected, billed, or for other reasons given initial treatment in the accounts in terms of foreign currency shall be stated in the operating revenue accounts (other than account 3709) in terms of United States currency on the basis of a fixed uniform rate of foreign exchange. Concurrently adjustments from such fixed uniform rate to the then current rate of exchange shall be recorded in account 3709, "Foreign exchange—Revenue differential."

(b) Under uniform practices adopted to the satisfaction of the Commission, operating expenses when paid, vouchered, or for other reason given initial treatment in the accounts in terms of foreign currency may be stated in the operating expense accounts (other than account 4298) in terms of United States currency on the basis of a fixed uniform rate of foreign exchange. Concurrently adjustments from such fixed uniform rate of exchange to the then current rate of exchange shall be recorded in account 4298, "Foreign exchange—Expense differential."

(c) Current assets and liabilities or net current assets, recorded in the first instance in terms of foreign currency, shall be recorded in terms of United States currency at the end of each month at the then current rate of exchange. The net difference arising out of such conversion at the beginning and end of the monthly accounting period shall be recorded as a charge or a credit to account 5140, "Gain or loss on foreign currency exchange."

(d) Differences in terms of United States currency between (1) amounts initially recorded in the asset or liability accounts and (2) amounts required for settlement or derived from conversion, by reason of such transactions as the effecting of traffic settlements, the payment of rentals, or the settlement of loans, shall be recorded in account 5140, "Gain or loss on foreign currency exchange."*†

§ 34.03–17 *Apportioning amounts among accounts.* (a) When it is necessary to apportion amounts among accounts, the carrier shall be prepared to describe the basis of such apportionment.

(b) The pay and expenses of officers or employees regularly assigned to specific duties who perform incidental services of a different nature involving small expense shall be included in the expense accounts appropriate for the duties to which such officers or employees are regularly assigned.

(c) The pay and expenses of officers or employees engaged in activities of a varying nature, such as a supervising engineer who may be assigned to construction, maintenance, or operation work, shall be included in the appropriate account upon basis of the actual time engaged in the respective classes of work, except that the pay and expenses of an officer or employee who performs substantially the same variety of duties from day to day may be distributed upon basis of a study of the time actually engaged during a representative period.*†

§ 34.03–18 *Transactions involving joint operations.* (a) In accounting for operating expenses incurred under arrangements for apportionment between persons concerned, the carrier shall distribute its portion of the entire expense to the appropriate operating expense accounts.

(b) Any amounts included in the settlement representing return on investment in the plant used under joint-operation arrangements shall be charged or credited, as the case may be, to the appropriate rent-expense account or to the appropriate rent-revenue account.

(c) The creditor shall show the distribution of the charges in its bills, and such distribution shall be adhered to in the accounts of the debtor.*†

INSTRUCTIONS—DEPRECIATION ACCOUNTING

§ 34.04–1 *Classes of depreciable operated plant.* The classes of depreciable operated plant and the accounts in which the cost of such plant is included are as follows:

Land improvements (account 12).
Drainage, sewerage, gas, and water systems (account 13).
Buildings (account 14).
Towers and masts (account 21).
Antenna systems (account 22).
Control lines (account 26).
Power-supply lines (account 27).
Electron-tube transmitter equipment (account 31).
Other transmitter equipment (account 32).
Cooling apparatus (account 33).
Receiver equipment (account 34).
Power supply and distribution equipment (account 36).
Control apparatus (account 40).
Equipment on customers' premises (account 41).
Furniture and office equipment (account 51).
Ship station equipment (account 61).
Other mobile station equipment (account 69).
Vehicles and draft animals (account 71).
Shop equipment, tools, and implements (account 72).
Store and warehouse equipment (account 73).*†

§ 34.04–2 *Computation of depreciation rates.* (a) Depreciation charges shall be computed by applying with respect to each month's accounts one-twelfth of the annual percentage rate considered applicable to the cost of each class or subclass of depreciable plant or to the cost of that portion of such plant with respect to which the estimated service value has not been completely accounted for through the aggregate of prior current allowances for depreciation. These percentage rates shall be based upon the estimated service values and service lives developed by a study of the carrier's history and experience and such engineering and other information as may be available with respect to prospective future conditions, but shall not include any allowance for loss in service value of property expected to be acquired in the future. These percentage rates shall be such that the loss in service value of plant, except losses excluded under the definition of depreciation, shall be accounted for under the straight-line method of depreciation accounting.

(b) The carrier shall keep such records of plant and plant retirements as will reflect the service life of plant that has been retired or will permit the determination of service-life indications by mortality, turnover, or other appropriate methods and also such records as will reflect the percentage of net salvage value for plant retired from each class of depreciable plant.

(c) When with respect to any class or subclass of plant the factors causing depreciation (and consequently occasioning the amount of the current net book cost and the rate of depreciation previously applied in the accounts) commence at any time (including the accounting period—year or month—immediately preceding retirement) to operate at a new rate, the fact shall be recognized in the accounts by applying (actually or in effect) such a new percentage rate to the cost of that plant or portion thereof as will dispose of the difference between its net book cost and its estimated net salvage value during the period (known or estimated) of its remaining life.*†

§ 34.04–3 *Depreciation charges.* (a) The current depreciation charges applicable to operated plant the cost of which is includible in account 1000, "Operated plant in carrier's service," and account 1200, "Improvements and replacements of operated plant leased from others," shall be recorded monthly in account 4910, "Depreciation," or in the clearing accounts, as appropriate, and corresponding credits shall be recorded in account 1515, "Allowance for depreciation—Radiotelegraph plant." (See also Sec. 34.1–5.)

(b) When, under the terms of a lease, the carrier, as lessor, is required to replace or to restore the condition of operated plant the cost of which is includible in account 1100, "Operated plant leased to others," the current depreciation charges shall be recorded monthly in account 5010, "Income from operated plant leased to others," and corresponding credits shall be recorded in account 1515, "Allowance for depreciation—Radiotelegraph plant." (See also Sec. 34.30–3.)

(c) When, under the terms of a lease, the carrier, as lessee, is required to replace or to restore the condition of operated plant leased from others, depreciation charges with respect to such original leased plant shall be computed and applied as provided in Sec. 34.1–5.

(d) Depreciation charges initially accounted for by the lessor shall be reported to and accounted for by the lessee as provided in paragraph (c) of Sec. 34.30–3.*†

§ 34.04–4 *Plant retired for causes not known to be in current operation.* (a) The accounting for operated plant retired for causes not known to be in current operation shall be as provided in paragraph (a) of Sec. 34.1–6 and account 4925, "Extraordinary plant losses."

(b) If the cause of the retirement is a loss covered by insurance for which provision has been made in account 2215, "Provision for self-carried insurance", the loss shall be charged to that account to the extent of the amount so provided. If the loss is not covered by insurance the carrier may, with the approval of this Commission, credit account 1515, "Allowance for depreciation—Radiotelegraph plant", and charge account 1910, "Extraordinary maintenance, depreciation, and retirements", with the unprovided-for loss in service value, and distribute it from the latter account to account 4925, "Extraordinary plant losses", over such period as this Commission may approve. The carrier's application to this Commission for permission to charge account 1910, shall give full particulars concerning the plant retired, the unprovided-for service loss, and the period over which, in its judgment, such charges should be distributed.*†

INSTRUCTIONS FOR CLASS B CARRIERS

§ 34.05–1 *Primary operating revenue accounts for class B carriers.* Class B carriers shall keep all the operating revenue accounts prescribed for class A carriers that are applicable to their affairs, except that they may keep the following account in lieu of the nontransmission revenue accounts:

3800 *Nontransmission revenues.*

This account shall include the carrier's portion of revenues from radiotelegraph operations other than transmission. It shall include all the operating revenues includible by class A carriers in accounts 3810 to 3899, inclusive.*†

§ 34.05–2 *Primary operating expense accounts for class B carriers.* Class B carriers shall keep all the operating expense accounts prescribed for class A carriers that are applicable to their affairs, except that certain accounts may be combined as follows:

4280 *Messenger service expense.*

This account shall include the amount of all expenses incurred in furnishing messenger service. It includes all expenses includible by class A carriers in accounts 4281 to 4289, inclusive.

4299 *Other conducting-operations expenses.*

This account shall include the amount of expenses incurred in conducting operations not provided for elsewhere. It includes all expenses includible by class A carriers in accounts 4210, 4225, 4235, 4240, 4250, 4255, 4260, 4270, 4275, and 4299.

4300 *Administrative expenses.*

This account shall include the administrative expenses of the carrier. It includes all expenses includible by class A carriers in accounts 4310 to 4399, inclusive.

4400 *General expenses.*

This account shall include the general expenses of the carrier. It includes all expenses includible by class A carriers in accounts 4410 to 4499, inclusive.*†

REPORTING REQUIREMENTS

§ 34.06–1 *Provisions that require specific approval of Commission before accounting is performed.* (a) Specific authority shall be obtained from this Commission before entering charges representing unprovided-for loss in service value in account 1910, "Extraordinary maintenance, depreciation, and retirements." (See paragraph (b) of Sec. 34.04–4.)

(b) A statement indicating the plan of accounting proposed to record the exchange of securities issued or assumed by the carrier shall be submitted to this Commission for consideration and approval prior to the recording of journal entries applicable thereto. (See Sec. 34.10–8.)

(c) A statement indicating the plan of accounting proposed to record the issuance of no-par stock, the appropriation of surplus for transfer to no-par capital stock account, the reduction of capital surplus through the use of the no-par capital stock account, or the reduction of account 2410, "Capital stock issued", through the creation of surplus or the reduction of book value of assets, shall be submitted to this Commission for consideration and approval prior to the recording of journal entries applicable thereto. (See paragraph (c) of Sec. 34.10–9.)

(d) Specific authority shall be obtained from the Commission if, in connection with the refinancing of an issue or series of bonds or other long-term debt, the carrier desires to amortize any of the discount, expense, or premium associated with the issuance or redemption of the prior issue over a period subsequent to the date of its redemption. (See paragraph (f) of Sec. 34.10–14.)



(e) Specific authority shall be obtained from this Commission before disposing of amounts entered in account 1510, "Plant acquisition adjustments." (See paragraph (e) of that account.)

(f) Carriers desiring to use accounts 1599, "Foreign investment in communication plant", and 5089, "Income from foreign operations", shall advise this Commission at least sixty days before the effective date of this system of accounts.

(g) Carriers desiring to change the optional procedure adopted for recording foreign investments and foreign income shall advise this Commission at least ninety days before the proposed date of such change. (See paragraph (d) of accounts 1599 and 5089.)

(h) Specific authority shall be obtained from this Commission before using account 2220, "Provisions for equalization of maintenance expenses", and account 4198, "Maintenance-expense equalization." (See paragraph (a) of each of those accounts.)

(i) Specific authority shall be obtained from this Commission before transferring any amounts credited to account 2515, "Contributions of plant", to another account. (See paragraph (b) of account 2515.)

(j) A statement indicating the plan of accounting proposed to record the acquisition of duplicate and other plant acquired from predecessors which is intended to be retired shall be submitted to this Commission for consideration and approval prior to the recording of journal entries applicable thereto. (See paragraph (d) (3) of Sec. 34.1–2.)

(k) Specific authority shall be obtained from this Commission before including in construction cost any interest covering a period of more than six months from the date of suspension of construction work. (See paragraph (c) (8) of Sec. 34.1–3.)

(l) Amounts included in account 1999, "Other deferred charges", and account 2399, "Other deferred credits", representing settlements with lessees upon termination of leases shall not be disposed of except upon the specific approval or direction of this Commission. (See paragraph (g) of Sec. 34.1–5.)

(m) Amounts included in account 2225, "Provisions for depreciation and replacement of operated plant leased from others", and account 2230, "Leased operated plan retire", with respect to expired leases shall not be disposed of except upon the specific approval or direction of this Commission. (See paragraph (f) of Sec. 34.1–6.)

(n) Specific authority shall be obtained from this Commission before recording amounts in accounts 4950, "Revenue-contract payments," and 5260, "Revenue-contract payments."

(o) Specific authority shall be obtained from this Commission before transferring any amounts charged to account 9010, "Research and development—Undistributed," to any account

other than account 6299, "Other extraordinary income charges." (See note to account 9010.)

(p) Specific authority shall be obtained from this Commission before the elimination of or substitution for retirement units. (See paragraph (b) of Sec. 34.1–6–1.) *†

§ 34.06–2 *Provisions that require certain special reports to be filed.* (a) A statement indicating the nature and purpose of subdivisions of the prescribed accounts, of experimental accounts, of temporary accounts, and of additional clearing accounts that have been opened in the books of account shall be filed with this Commission within ninety days of the effective date of this system of accounts. The carrier shall continue to keep the Commission informed of all additional accounts or subaccounts of these types subsequently opened. (See paragraph (b) (3) of Sec. 34.03–5.)

(b) Copies of journal entries recorded to effect the transfers of balances carried in accounts previously maintained by the carrier, and a detailed statement of the method used in computing estimated cost, shall be submitted to this Commission within ninety days from the dates of the actual entries. (See Sec. 34.03–6.)

(c) A statement showing the full particulars concerning any relatively large delayed item included in account 6110, "Delayed income credits," or account 6210, "Delayed income charges," shall be filed with this Commission within thirty days from the dates of the actual entries. (See Sec. 34.03–13.)

(d) A transcript of the capital surplus accounts, together with a summary statement of the charges and credits, maintained prior to the effective date of this system of accounts shall be filed with this Commission within ninety days of the effective date of this system of accounts. (See paragraph (c) of Sec. 34.10–10.)

(e) A statement showing the details concerning contingent assets and contingent liabilities shall be filed with the annual report to this Commission. (See Sec. 34.10–16 and paragraph (b) of account 1760, "Notes receivable.")

(f) Copies of journal entries recording the acquisition of certain major properties shall be submitted to this Commission within ninety days from the dates of the actual entries. (See paragraph (g) of Sec. 34.1–2.)

(g) Copies of journal entries recording the completion of the prescribed accounting for plant acquisitions shall be submitted to this Commission within ninety days from the date that the clearing entries relating to each acquisition are made. Within ninety days from the date of any entry recording an acquisition, the carrier shall submit to this Commission a statement indicating the approximate date contemplated for the completion of the clearing entries relating thereto. (See particularly paragraph (g) of Sec. 34.1–2 and paragraph (b) of account 91.)

(h) Not later than June 30, 1940, each carrier shall submit to this Commission for consideration and approval its plan for the establishment and maintenance of a continuous property record. (See paragraph (b) of Sec. 34.1–8.)

(i) A semiannual report shall be submitted to the Commission with respect to retirement units in accordance with the provisions of paragraph (d) of Sec. 34.1–6–1.*†

BALANCE-SHEET ACCOUNTS

Instructions

§ 34.10–1 *Purpose of balance-sheet accounts.* The balance-sheet accounts are designed to show the financial position of the carrier as at a given date.*†

§ 34.10–2 *Current assets.* (a) Current assets are cash, those assets that are readily convertible into cash or are held for current use in operations or construction, current claims against others the payment of which is reasonably assured, and amounts accruing to the carrier that are subject to current settlement, except that bonds and other obligations of others classified by the carrier in investment and fund accounts at the time of acquisition shall remain so classified until the date of payment, sale, or other disposition thereof.

(b) There shall not be included in the group of accounts designated as Current Assets any item the collectibility of which is not reasonably assured unless adequate allowance has been made therefore in account 1765, "Allowance for uncollectible receivables." Items of current character but of doubtful value may be reduced in amount and, for record purposes, carried in these accounts at nominal value. The amounts of such reductions, or the amounts provided for by credits to account 1765, shall be charged to account 4935, "Uncollectible revenues," account 5299, "Other deductions from ordinary income," or account 6299, "Other extraordinary income charges," as appropriate.*†

§ 34.10–3 *Prepayments.* (a) Prepayments are amounts paid by the carrier for services to be rendered during a subsequent accounting period.

(b) When advance payments are made, the appropriate account shall be charged with the amount of such payment. As the term expires for which the advance payments were made the prepayment account shall be credited at monthly intervals and the appropriate expense account or other account shall be charged with the amount applicable to the expired term.*†

§ 34.10–4 *Deferred charges.* Deferred charges are amounts representing (1) debit items held in suspense pending determination of their actual status, (2) costs of services that have been rendered to the carrier but are chargeable to future operations, and (3) items which for other reasons are allocable to other appropriate accounts for a succession of future periods.*†

§ 34.10–5 *Current liabilities.* (a) Current liabilities are those obligations that have become matured at the date of the balance sheet or that will become due within 1 year from the date thereof (except bonds, receivers' and trustees' securities, and similar obligations, which shall be classified as long-term debt until the date of maturity); matured taxes, such as income taxes, which shall be classified (in the balance sheet) as current liabilities even though payable more than 1 year from the balance-sheet date; compensation awards, which shall be classified as current liabilities regardless of the date due; and minor amounts payable in installments, which may be classified as current liabilities.

(b) The liability-accrual accounts shall include the amounts of interest, taxes, rents, and other items with respect to which amounts eventually payable have been recorded as deductions from revenue or income but which have not matured. (See also paragraph (a) of Sec. 34.03–17.) *†

§ 34.10–6 *Long-term debt.* (a) When evidences of debt that, according to their terms, do not mature until more than one year from date of issuance are issued or assumed by the carrier or by a receiver or an operating trustee of the carrier, the face amount of such evidences of debt shall be recorded in the appropriate account under the caption "Long-term debt." (See also Sec. 34.10–14.)

(b) If a liability, other than compensation awards or minor amounts payable in installments, is due more than one year from date of issuance or assumption by the carrier, it shall be credited to a long-term debt account appropriate for the transaction, but, for the purpose of classification in the balance sheet, a debt (except bonds, receivers' and trustees' securities, and similar obligations) shall be classified as a current liability if due within one year from the balance-sheet date.*†

§ 34.10–7 *Book cost of securities owned.* (a) Securities of others acquired by the carrier shall be recorded in these accounts at cost. Such cost shall not include any amount paid for dividends or for interest accrued.

(b) The carrier's records shall be so maintained as to show separately the cost of (1) common stock, (2) preferred stock, and (3) long-term debt.

(c) The carrier's records shall be so maintained that in the reports to this Commission the securities, classified as in paragraph (b) of this section, that are pledged as collateral security for any of the carrier's or other persons' long-term debt or short-term loans or to secure the performance of contracts may be shown separately from the securities, similarly classified, that are unpledged.



(d) There shall not be included in the accounts designated as investment and fund accounts any amount the ultimate realization of which is not reasonably assured unless adequate allowance has been made therefor in account 1699, "Allowance for doubtful investments." The book cost of securities includible in such accounts shall be reduced to a nominal amount if there is no reasonable prospect of substantial value, but fluctuations in market value shall not be recorded in the accounts. Amounts by which these securities are thus reduced or amounts provided for by credits to account 1699, shall be charged to account 6299, "Other extraordinary income charges."

(e) When securities authorized by state laws for inclusion in legal reserve funds required by such laws, and in other similar fiduciary funds requiring a qualification for investments thereof, and with a fixed maturity date (other than securities issued or assumed by affiliates), are purchased at a discount (i. e., when the total cost including brokerage fees, taxes, commissions, and similar costs is less than the face amount of the securities), such discount shall be amortized over the remaining life of the securities through periodic charges to account 1698, "Amortized discount and premium on investment securities", and credits to the account in which is recorded the interest from such securities. When such securities are purchased at a premium (i. e., when the total cost including brokerage fees, taxes, commissions, and similar costs is in excess of the face amount of the securities), such premium shall be amortized over the remaining life of the securities through credits to account 1698 and charges to the account in which is recorded the interest from such securities. No amounts shall be entered for amortization of discount or premium on securities with respect to which a reduction in book cost or a provision for doubtful value has been made. Any amounts in account 1698 representing the amortization of discount or premium on securities with respect to which a reduction in book cost or a provision for doubtful value is made shall be cleared by charges or credits, as appropriate, to the account in which is recorded the interest from such securities. (See also Sec. 34.03–13 and Sec. 34.03–15.)

(f) If securities actually issued or assumed by the carrier and reacquired by it are not retired, they shall be entered at book amount in account 2015, "Bonds reacquired," or account 2415, "Capital stock reacquired," as appropriate, unless it is required by contractual provision or by decision of a trustee not subject to control by the carrier that they be retained in debt-redemption or other funds. When so retained they shall be regarded and treated as actually outstanding, but not otherwise.

(g) When entries are made in account 2415, "Capital stock reacquired", recording the reacquisition of such stock, entries shall concurrently be made charging account 8315, "Earned surplus employed in reacquisition of capital stock," and crediting account 2615, "Reserve against impairment of stated capital", with amounts equal to the amount charged to account 2415. Upon the resale or retirement of such stock these latter entries shall be reversed.*†

§ 34.10–8 *Exchange of securities.* Before recording the journal entries that it is proposed to enter in the carrier's books to record the reacquisition of capital stock or other securities issued or assumed by the carrier under a plan for the issuance in exchange therefor of the carrier's securities, a statement indicating the plan of accounting proposed by the carrier shall be submitted to this Commission for consideration and approval. Such statement shall give complete information concerning the plan of exchange, the basis upon which the amounts have been determined, and a copy of the authorization issued by the regulatory body approving the plan.*†

§ 34.10–9 *Capital stock.* (a) All transactions relating to capital stock of the accounting carrier shall be recorded by class of stock. Stocks are of the same class only when they are issued under identical terms as to all of the following: par value, stated value, preferences in distribution of dividends and assets, voting rights, and conditions under which they may be retired. If the stocks of the carrier are of two or more classes, the carrier's records shall be so maintained as to distinguish the amount applicable to each class in each of the following accounts:

| | |
|---|---|
| 1775 | Subscriptions to capital stock. |
| 1780 | Deposits on subscriptions to capital stock. |
| 1915 | Capital stock expense. |
| 1925 | Discount on capital stock. |
| 2160 | Installment-plan receipts on purchase of capital stock. |
| 2410 | Capital stock issued. |
| 2415 | Capital stock reacquired. |
| 2420 | Capital stock subscribed unissued. |
| 2425 | Obligations for stock conversion. |
| 2510 | Premiums and assessments on capital stock. |

(b) When, by compliance with the laws of the state under which it is incorporated, a carrier is authorized to issue shares of capital stock, a memorandum entry in account 2410, "Capital stock issued," shall be made showing the number of shares, the par or the stated value of each share, and the total authorized capitalization.

(c) Before recording the journal entries that it is proposed to enter in the carrier's books to record (1) the issuance of no-par capital stock, (2) the appropriation of surplus for transfer to the no-par capital stock account, (3) the reduction of capital surplus through the use of the no-par capital stock account, or (4) the reduction of account 2410, "Capital stock issued," through the creation of surplus or the reduction of book value of assets, the plan of accounting shall be submitted to this Commission for consideration and approval. Such plan shall be accompanied by a statement giving complete information with respect to the basis upon which the amounts to be recorded have been determined and a copy of the authorization issued by the regulatory body approving the issuance of no-par stock or the change in the capital stock and surplus accounts.*†

§ 34.10–10 *Surplus.* (a) The accounts designated as capital surplus accounts are designed to show (1) paid-in surplus (i. e., proprietary contributions in excess of the stated capital included in the capital stock accounts), (2) donated surplus (i. e., contributions that increase the assets but do not increase the liabilities or the proprietary interests), (3) surplus arising from reacquisition or resale of, or otherwise trading in, the carrier's own capital stock, and (4) surplus due to the reduction of the stated value of capital stock due to such occasions as retirement, reorganization, or recapitalization.

(b) The balance-sheet accounts designated as earned surplus accounts are designed to show the accumulated undistributed surplus derived from the normal operations of the carrier, including the income from all sources other than the capital gains referred to in paragraph (a) of this section.

(c) Within ninety days from the effective date of this system of accounts the carrier shall submit to this Commission a transcript of its capital surplus account or accounts covering the entire period to the effective date of this system of accounts showing in detail the nature and amount of charges and credits, respectively, and the balance that was in the account at the close of each year. The transcript shall be accompanied by a summary statement in which the charges and credits for the entire period covered by the transcript have been classified according to their nature and summarized to show the aggregate amount of each class as well as the aggregate amount of charges and credits, respectively, for the period and the resulting balance in the account at the effective date of this system of accounts.*†

§ 34.10–11 *Provisions for future settlements.* When in anticipation of settlements or similar transactions it is required that certain amounts shall be charged to operating expenses or other accounts without a corresponding reduction in the assets of the carrier, such amounts shall be credited to the appropriate account under the caption, "Provisions for future settlements." The credit balances in these accounts should indicate the estimated amount of future settlements or other extinguishments subsequent to the date of the balance sheet with respect to amounts allocable to periods prior to that date.*†

§ 34.10–12 *Deferred credits.* Deferred credits are amounts representing (1)

credit items held in suspense pending determination of their actual status and (2) obligations (e. g., unamortized premium on debt) that have been incurred but are applicable to future operations or income.*†

§ 34.10–13 *Discount, expense, and premium on capital stock.* (a) An account shall be maintained for each class of capital stock issued by the carrier (separately from the capital stock accounts) and there shall be included in each such account both the discount and premium associated with the issuance and sale (exclusive of the sale of reacquired stock) of or subscription to each such class of stock.

(b) Stock expense shall not be added to discount, or deducted from premium, on capital stock, but shall be included in account 1915, "Capital stock expense."

(c) Only in stating the balance sheet, the total of the debit balances remaining in the discount and premium accounts shall be reported under account 1925, "Discount on capital stock," and the total of the credit balances shall be reported under account 2510, "Premiums and assessments on capital stock." Accounts with debit balances shall not be offset by accounts with credit balances.

(d) General levies or assessments against stockholders shall be credited to the discount and premium account for the particular class of stock assessed.

(e) Expenses on capital stock issued may be charged off to account 6299, "Other extraordinary income charges", in total or in installments or the amounts thereof may be retained in account 1915, "Capital stock expense", until the stock to which the expense applies is reacquired. Discount or premium on capital stock issued shall be retained in the discount and premium account until the stock is reacquired or until otherwise disposed of lawfully, except that inconsequential amounts of discount that would not appreciably affect the accounts may be charged off to account 8299, "Miscellaneous charges to earned surplus."

(f) When capital stock which has been actually issued by the carrier is reacquired, the difference between (1) the amount paid therefor upon reacquisition and (2) the book amount plus the premium or less the discount and expense originally entered in respect thereto and not charged off shall be charged or credited, as appropriate, to account 2599, "Other capital surplus"; provided, however, that such charges shall be made to account 8299, "Miscellaneous charges to earned surplus", if the amounts thereof exceed the balance in account 2599; and provided further, that in no event shall charges in excess of accumulated credits from the reacquisition, resale, or retirement of capital stock of the same class be charged to account 2599.

(g) Discount, expense, or premium on capital stock shall not be included in any account as a part of the cost of constructing or acquiring plant or as a part of the cost of operation.

(h) The carrier's records shall be so maintained that in the reports to this Commission there may be shown the extent to which the surplus accounts have been charged or credited in instances in which there is a possibility of further entry in those accounts in the event of resale of reacquired capital stock.*†

§ 34.10–14 *Discount, expense, and premium on long-term debt.* (a) An account shall be maintained for each issue or series of long-term debt issued or assumed by the carrier (separately from the long-term debt accounts) and there shall be included in each such account both the discount and premium associated with the issuance and sale of (exclusive of the sale of reacquired long-term debt) or subscription to each such issue or series of debt.

(b) Debt expense shall not be added to discount, or deducted from premium, on long-term debt, but shall be included in account 1920, "Long-term debt expense."

(c) Only in stating the balance sheet, the total of the debit balances remaining in the discount and premium accounts shall be reported under account 1930, "Unamortized discount on debt", and the total of the credit balances remaining in those accounts shall be reported under account 2310, "Unamortized premium on debt." Accounts with debit balances shall not be offset by accounts with credit balances.

(d) Discount, expense, and premium with respect to each issue or series of long-term debt shall be amortized under such a plan as will equitably distribute the amounts over the life of the securities. The amortization shall be on a monthly basis and the amounts thereof shall be charged to account 5220, "Amortization of debt discount," or account 5245, "Amortization of debt expense," or credited to account 5230, "Amortization of debt premium—Cr.," as appropriate. The carrier may, however, accelerate the writing off of debt expense and extinguish inconsequential amounts of discount (that it would be burdensome to amortize, and would not appreciably affect the accounts) by charges to account 6299, "Other extraordinary income charges." Where there is a definite plan to retire an issue without refunding prior to its maturity date, amortization may be accelerated to extinguish the balance in the discount and premium account at the date of contemplated retirement.

(e) When any long-term debt is reacquired without being converted into another form of long-term debt and when the transaction is not in connection with a refunding operation, the difference between the amount paid upon reacquirement and the book amount plus the unamortized premium or less the unamortized discount, as the case may be, applicable to the debt reacquired, shall be charged to account 6299, "Other extraordinary income charges," or credited to account 6199, "Other extraordinary income credits," as appropriate.

(f) When the redemption of one issue or series of bonds or other long-term obligations is financed by another issue or series before the date of maturity of the prior issue, any unamortized discount, expense, or premium on the prior issue and any premium paid or discount enjoyed upon reacquirement shall be debited or credited, as appropriate, to account 6299, "Other extraordinary income charges", or account 6199, "Other extraordinary income credits": *Provided, however,* That if the carrier desires to amortize any of the discount, expense, or premium associated with the issuance or redemption of the prior issue over a period subsequent to the date of redemption, the permission of the Commission must be obtained.

(g) Discount, expense or premium on long-term debt shall not be included in the cost of constructing or acquiring plant, except as provided for in Sec. 34.1–3.

(h) The carrier's records shall be so maintained that in the reports to this Commission there may be shown the extent to which the income accounts have been charged or credited in instances in which there is a possibility of further entry in those accounts in the event of resale of reacquired long-term debt.*†

§ 34.10–15 *Irrevocable trusts.* Funds relinquished from the control of the carrier that are irrevocably devoted to the establishment or continuation of any trust or fiduciary fund (such as pension or similar funds) shall not be included as items in the balance sheet, but their existence shall be indicated by an appropriate notation thereon showing the amount of such funds.*†

§ 34.10–16 *Contingent assets and liabilities.* In the carrier's reports to this Commission amounts representing contingent assets and contingent liabilities shall not be included as items in the balance sheet, but their existence shall be indicated by an appropriate notation thereon and the amounts shall be shown in detail in a supplementary statement.*†

§ 34.10–17 *Nominally issued securities.* (a) Each carrier shall maintain, in addition to the capital stock and long-term debt accounts prescribed herein, memorandum debit and credit accounts for securities which have been nominally but not actually issued.

(b) When no-par stock is nominally issued, the number of shares issued shall be shown in the memorandum accounts.

(c) A separate memorandum account, with appropriate title, shall be maintained for each class and issue or series of such securities.*†



BALANCE-SHEET ACCOUNTS

§ 34.10–99 *Contemplated form of balance sheet.* (See Sec. 34.03–9.)

*Balance Sheet*

Asset Side

| Account No. | Particulars | | |
|---|---|---|---|
| | COMMUNICATION PLANT | | |
| 1000 | Operated plant in carrier's service. | $------- | |
| 1100 | Operated plant leased to others. | ------- | |
| 1200 | Improvements and replacements of operated plant leased from others. | ------- | |
| 1300 | Plant under construction. | ------- | |
| 1400 | Plant held for future communication use. | ------- | |
| 1510 | Plant acquisition adjustments. | ------- | $------- |
| | Less: | | |
| 1515 | Allowance for depreciation—Radiotelegraph plant. | ------- | |
| 1520 | Allowance for amortization — Radiotelegraph plant. | ------- | ------- |
| | | | ------- |
| 1530 | Telephone, wire-telegraph, and ocean-cable plant. | ------- | |
| 1535 | Less: Allowance for depreciation and amortization—Telephone, wire-telegraph, and ocean-cable plant. | ------- | ------- |
| 1599 | Foreign investment in communication plant. | | ------- |
| | Total. | | ------- |
| | INVESTMENTS AND FUNDS | | |
| 1610 | Miscellaneous physical property. | $------- | |
| 1615 | Less: Allowance for depreciation — Miscellaneous physical property. | ------- | ------- |
| 1620 | Investments in affiliates. | ------- | |
| 1629 | Other investments. | ------- | |
| 1630 | Debt-redemption funds. | ------- | |
| 1635 | Employees' provident funds. | ------- | |
| 1640 | Insurance funds. | ------- | |
| 1645 | Miscellaneous funds held by trustees. | ------- | |
| 1659 | Other miscellaneous funds. | ------- | |
| | | | ------- |
| 1698 | Amortized discount and premium on investment securities. | ------- | |
| | | | ------- |
| 1699 | Less: Allowance for doubtful investments. | ------- | ------- |
| | Total. | | ------- |
| | CURRENT ASSETS | | |
| 1710 | Cash. | $------- | |
| 1715 | Special cash deposits. | ------- | |
| 1720 | Working cash advances. | ------- | |
| 1725 | Temporary investments. | ------- | |
| 1730 | Operating revenues receivable from users. | $------- | |
| 1742 | Traffic settlements receivable from affiliates. | ------- | |
| 1749 | Other receivables from affiliates. | ------- | |
| 1751 | Notes receivable. | ------- | |
| 1752 | Traffic settlements receivable. | ------- | |
| 1753 | Matured interest receivable. | ------- | |
| 1754 | Declared dividends receivable. | ------- | |
| 1755 | Matured rents receivable. | ------- | |
| 1759 | Other accounts receivable. | ------- | |
| | | $------- | |
| 1765 | Less: Allowance for uncollectible receivables. | ------- | $------- |
| 1770 | Unmatured accrued receivables. | | ------- |
| 1775 | Subscriptions to capital stock. | $------- | |
| 1780 | Less: Deposits on subscriptions to capital stock. | ------- | ------- |
| 1785 | Subscriptions to bonds. | $------- | |
| 1790 | Less: Deposits on subscriptions to bonds. | ------- | ------- |
| 1795 | Material and supplies. | | ------- |
| 1799 | Other current assets. | | ------- |
| | Total. | | $------- |
| | PREPAYMENTS | | |
| 1810 | Prepaid insurance. | $------- | |
| 1815 | Prepaid rents. | ------- | |
| 1820 | Prepaid taxes. | ------- | |
| 1899 | Other prepayments. | ------- | |
| | Total. | | $------- |
| | DEFERRED CHARGES | | |
| 1910 | Extraordinary maintenance, depreciation, and retirements. | $------- | |
| 1915 | Capital stock expense. | ------- | |
| 1920 | Long-term debt expense. | ------- | |
| 1925 | Discount on capital stock. | ------- | |
| 1930 | Unamortized discount on debt. | ------- | |
| 1935 | Preliminary survey and investigation charges. | ------- | |
| 1940 | Debit balances in clearing accounts. | ------- | |
| 1999 | Other deferred charges. | ------- | |
| | Total. | | $------- |
| | Total—asset side. | | $------- |

Liability Side

| Account No. | Particulars | | |
|---|---|---|---|
| | LONG-TERM DEBT | | |
| 2010 | Bonds actually issued. | $------- | |
| 2015 | Less: Bonds reacquired. | ------- | $------- |
| 2020 | Bonds subscribed—Unissued. | | ------- |
| 2025 | Receivers' and trustees' securities. | | ------- |
| 2030 | Advances from affiliates. | | ------- |
| 2099 | Other long-term debt. | | ------- |
| | Total. | | ------- |
| | CURRENT LIABILITIES | | |
| 2110 | Matured long-term debt. | | ------- |
| 2115 | Customers' deposits. | | ------- |
| 2122 | Traffic settlements payable to affiliates. | | ------- |
| 2129 | Other payables to affiliates. | | ------- |
| 2131 | Notes payable. | | ------- |
| 2132 | Traffic settlements payable. | $------- | |
| 2133 | Matured interest payable. | ------- | |
| 2134 | Declared dividends. | ------- | |
| 2135 | Matured rents payable. | ------- | |
| 2139 | Other accounts payable. | ------- | |
| 2155 | Advance billings. | ------- | |
| 2160 | Installment-plan receipts on purchase of capital stock. | ------- | |
| | LIABILITY ACCRUALS | | |
| 2165 | Interest accruals. | ------- | |
| 2170 | Rent accruals. | ------- | |
| 2175 | Tax accruals. | ------- | |
| 2180 | Other accruals. | ------- | |
| 2199 | Other current liabilities. | ------- | |
| | Total. | | ------- |
| | PROVISIONS FOR FUTURE SETTLEMENTS | | |
| 2210 | Provisions for employees' pensions and welfare. | | ------- |
| 2215 | Provisions for self-carried insurance. | | ------- |
| 2220 | Provisions for equalization of maintenance expenses. | | ------- |
| 2225 | Provisions for depreciation and replacement of operated plant leased from others. | | ------- |
| 2230 | Leased operated plant retired. | | ------- |
| 2299 | Other provisions for future settlements. | | ------- |
| | Total. | | ------- |
| | DEFERRED CREDITS | | |
| 2310 | Unamortized premium on debt. | $------- | |
| 2315 | Advances for construction. | ------- | |
| 2320 | Credit balances in clearing accounts. | ------- | |
| 2399 | Other deferred credits. | ------- | |
| | Total. | | ------- |
| | CAPITAL STOCK | | |
| 2410 | Capital stock issued. | $------- | |
| 2415 | Less: Capital stock reacquired. | ------- | ------- |
| 2420 | Capital stock subscribed—Unissued. | | ------- |
| 2425 | Obligations for stock conversion. | | ------- |
| | Total. | | ------- |
| | CAPITAL SURPLUS | | |
| 2510 | Premiums and assessments on capital stock. | | ------- |
| 2515 | Contributions of plant. | | ------- |
| 2599 | Other capital surplus. | | ------- |
| | Total. | | ------- |
| | EARNED SURPLUS | | |
| 2610 | Contractual reserves. | | ------- |
| 2615 | Reserve against impairment of stated capital. | | ------- |
| 2620 | Miscellaneous reserves. | | ------- |
| 2699 | Unappropriated earned surplus. | | ------- |
| | Total. | | ------- |
| | Total—liability side. | | ------- |

*†

Prescribed Accounts

NOTE: Number to the right of the demical point is the account number.

*Communication Plant*

§ 34.1000 *Operated plant in carrier's service.* This account shall include the total of the balances in the operated plant accounts applicable to plant owned and







1520:04 Allowance for amortization | shall be charged with the amount | each issue or series of long-term debt for

used by the carrier in its radiotelegraph operations, except such plant the cost of which is includible in account 1200, "Improvements and replacements of operated plant leased from others."*†

§ 34.1100 *Operated plant leased to others.* This account shall include the total of the balances in the operated plant accounts applicable to plant owned by the carrier and leased to others as substantially complete operating systems or operating units where the lessee has exclusive possession.

NOTE. When the lessor is given or retains the exclusive privileges to maintain, inspect, and service equipment, to handle and adjust traffic accounts, to perform other similar services, or to designate who may perform such services for the lessee, the lessee will be deemed not to have the exclusive possession of the plant, and its cost shall be included in account 1000, "Operated plant in carrier's service."*†

§ 34.1200 *Improvements and replacements of operated plant leased from others.* This account shall include the total of the balances in the operated plant accounts applicable to improvements and replacements of operated plant leased from others.*†

§ 34.1300 *Plant under construction.* (a) This account shall include the cost of construction of plant not completed ready for service.

(b) When any plant the cost of which is included in this account is completed ready for service, the cost thereof shall be credited to this account and charged to the operated plant accounts, account 1400, "Plant held for future communication use", or other accounts, as appropriate.*†

§ 34.1400 *Plant held for future communication use.* (a) This account shall include the cost of completed plant owned by the carrier and held for future use in communication service under a definite plan.

(b) The amounts included in this account shall be classified in accordance with the titles and texts of the appropriate plant accounts and the account shall be maintained in the same manner and detail as though the plant were in communication service.*†

§ 34.1510 *Plant acquisition adjustments.* (a) This account shall include the difference between (1) the acquisition cost of plant acquired from predecessors as substantially complete operating systems or operating units and (2) the original cost of such plant less the required allowances for depreciation and amortization of the plant at the date of acquisition. (See also Sec. 34.1–2.)

(b) This account shall include, under a separate subdivision, the difference between the original cost and the book cost of radiotelegraph plant at the effective date of this system of accounts, to the extent that such difference is not attributable to acquisitions from predecessors.

(c) This account shall be subdivided according to the character of the amounts included herein for each plant acquisition; and further subdivided to show the amounts applicable to operated plant in carrier's service, operated plant leased to others, and plant held for future communication use.

(d) If the actual original cost is not known, the entries in this account shall be based upon an estimate of such cost.

(e) The amounts recorded in this account shall be disposed of in such manner as this Commission may approve or direct.

NOTE: The provisions of this account shall not be construed as approving or authorizing the recording of appreciation of plant.*†

§ 34.1515 *Allowance for depreciation—Radiotelegraph plant.* (a) This account shall be credited with amounts charged to account 4910, "Depreciation," to account 5010, "Income from operated plant leased to others," to account 5299, "Other deductions from ordinary income," and to clearing accounts for currently accruing depreciation of radiotelegraph plant owned by the carrier; also amounts of depreciation applicable to plant contributed to the carrier, and plant acquired from predecessors as provided in Secs. 34.1–2 and 34.1–5. (See also Secs. 34.04–1, 34.04–2, 34.04–3, 34.04–4, and 34.30–3.)

(b) As at the effective date of this system of accounts, this account shall be credited with such amount as is necessary to create a credit balance herein equal to the estimated sustained depreciation of all depreciable operated plant owned by the carrier at that date. The amount thus credited shall, unless otherwise authorized by this Commission, be charged to account 6299, "Other extraordinary income charges."

(c) This account shall be regarded and treated as a single composite allowance account. For purposes of analysis, however, each carrier shall maintain records in which the balance in the account shall be segregated into component parts corresponding to the operated plant accounts and subdivisions thereof which include the cost of depreciable operated plant.

(d) This account shall be subdivided as follows:

| | |
|---|---|
| 1515:01 | Allowance for depreciation of operated plant owned and used in carrier's service. |
| 1515:02 | Allowance for depreciation of improvements and replacements of plant leased from others. |
| 1515:03 | Allowance for depreciation of operated plant leased to others. |
| 1515:04 | Allowance for depreciation of plant held for future communication use. |

NOTE: When plant is transferred from one class of communication service to another or from communication service to noncarrier operations, the accounting shall be as provided in Sec. 34.1–7.*†

§ 34.1520 *Allowance for amortization—Radiotelegraph plant.* (a) This account shall be credited with amounts charged to account 4915, "Amortization—Intangible operated plant," to account 5010, "Income from operated plant leased to others," and to account 5299, "Other deductions from ordinary income," to provide for the extinguishment of amounts included in accounts 82, "Franchises," 83, "Patent rights," 84, "Leaseholds," and 89, "Other intangibles," also amounts of amortization applicable to plant contributed to the carrier and plant acquired from predecessors as provided in Secs. 34.03–6 and 34.1–2. (See also Sec. 34.30–3.) It shall be credited with amounts charged to account 6299, "Other extraordinary income charges," to provide for the extinguishment of amounts included in account 81, "Organization."

(b) This account shall be credited or charged, as appropriate, with amounts authorized or directed by the Commission to be charged or credited to accounts 4920, "Amortization of plant acquisition, adjustments," and 5255, "Amortization of plant acquisition adjustments," to provide for the extinguishment of amounts included in account 1510, "Plant acquisition adjustments."

(c) As at the effective date of this system of accounts, this account shall be credited with such amount as is necessary to create a credit balance herein equal to the expired service value of intangibles (having a terminable life) the cost of which is includible in accounts 82, "Franchises," 83, "Patent rights," 84, "Leaseholds," and 89, "Other intangibles." The amount thus credited shall, unless otherwise authorized by this Commission, be charged to account 6299, "Other extraordinary income charges."

(d) When any franchise, patent right, leasehold, or other intangible item expires or is sold, relinquished, or otherwise retired from service, the cost thereof shall be credited to the appropriate plant account and this account shall be charged with the amount previously credited hereto with respect to such intangible item. The difference between the foregoing amounts, less the proceeds realized at retirement, shall be charged to account 6299, "Other extraordinary income charges," or credited to account 6199, "Other extraordinary income credits," as appropriate.

(e) The records supporting the entries in this account shall be so maintained as to show the amount applicable to each intangible item under the following subdivisions:

| | |
|---|---|
| 1520:01 | Allowance for amortization of intangibles in carrier's service. |
| 1520:02 | Allowance for amortization of intangibles leased to others. |
| 1520:03 | Allowance for amortization of plant acquisition adjustments. |



| | |
|---|---|
| 1520:04 | Allowance for amortization of intangibles held for future communication use. |

*†

§ 34.1530 *Telephone, wire-telegraph, and ocean-cable plant.* This account shall include the amount of the balances in the plant accounts for telephone, wire-telegraph, and ocean-cable plant in service. (See also Sec. 34.03–8.)*†

§ 34.1535 *Allowance for depreciation and amortization—Telephone, wire-telegraph, and ocean-cable plant.* This account shall include the amount of the balances in the allowance accounts for telephone, wire-telegraph, and ocean-cable plant in service. (See also Sec. 34.03–8.)*†

§ 34.1599 *Foreign investment in communication plant.* (a) This account may include the net amount of the acquisition cost of the carrier's communication plant that is located in foreign countries and the related allowances for depreciation and amortization, when the detailed amounts are required to be stated in terms of foreign currency or in a manner at variance with the requirements of this system of accounts.

(b) A separate subaccount with appropriate title shall be maintained for the plant located in each foreign country.

(c) The records supporting the entries in this account shall be so maintained that, in the reports to this Commission, a complete analysis of the transactions affecting each station may be shown.

(d) Each carrier that elects to use this account shall advise this Commission of the fact at least sixty days before the effective date of this system of accounts. Changes from this elective procedure to the alternative procedure prescribed for domestic plant, or vice versa, shall not be made thereafter without submitting to this Commission for its consideration and approval notice of the change at least ninety days before the proposed effective date of such change.*†

*Investment and Fund Accounts*

§ 34.1610 *Miscellaneous physical property.* This account shall include the carrier's investment in physical property other than that used in communication service, except property the cost of which is includible in account 1400, "Plant held for future communication use." It shall include the amount of all assessments for the construction of public improvements levied against miscellaneous physical property. (See also Sec. 34.1–7.)*†

§ 34.1615 *Allowance for depreciation—Miscellaneous physical property.* (a) This account shall be credited with amounts charged to account 5110, "Income from miscellaneous physical property," for the depreciation of depreciable property the cost of which is includible in account 1610, "Miscellaneous physical property."

(b) When miscellaneous physical property is disposed of, this account shall be charged with the amount previously credited hereto with respect to such property. The difference between the book cost of the property retired and the sum of the amount chargeable to this account and the amount of the salvage recovered (or the proceeds from the sale of the property) shall be charged to account 6299, "Other extraordinary income charges," or credited to account 6199, "Other extraordinary income credits," as appropriate. (See also Sec. 34.1–7.)*†

§ 34.1620 *Investments in affiliates.* (a) This account shall include the book cost of the carrier's investment in securities issued or assumed by affiliates, other than securities of affiliates held in special funds or as temporary investments. It shall include the amount of investment advances to affiliates.

(b) The records supporting the entries in this account shall be so maintained as to show each class of investment in each affiliate under the following subdivisions:

| | |
|---|---|
| 1620:01 | Investments in securities of affiliates. |
| 1620:02 | Investment advances to affiliates. |

NOTE A: The book cost of securities of affiliates owned by the carrier and held in special funds or as temporary investments shall be included in accounts 1630, 1635, 1640, 1645, 1650, or 1725, as appropriate.

NOTE B: Advances to affiliates that are subject to current settlement shall be included in account 1749, "Other receivables from affiliates."*†

§ 34.1629 *Other investments.* (a) This account shall include the book cost of the carrier's investment in securities issued or assumed by nonaffiliates, other than such securities held in special funds or as temporary investments. It shall include the amount of investment advances to nonaffiliates and other investments not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained as to show each class of investment in each nonaffiliate under the following subdivisions:

| | |
|---|---|
| 1629:01 | Investments in securities of nonaffiliates. |
| 1629:02 | Investment advances to nonaffiliates. |
| 1629:99 | Other. |

NOTE A: The book cost of securities of nonaffiliates owned by the carrier and held in special funds or as temporary investments, shall be included in accounts 1630, 1635, 1640, 1645, 1650, or 1725, as appropriate.

NOTE B: Advances to nonaffiliates that are subject to current settlement shall be included in account 1751, "Notes receivable," or account 1759, "Other accounts receivable," as appropriate.*†

§ 34.1630 *Debt-redemption funds.* (a) This account shall include the book cost of assets that have been segregated in special funds for the purpose of redeeming outstanding long-term debt of the carrier.

(b) A separate subaccount, with appropriate title, shall be maintained for each issue or series of long-term debt for the redemption of which a special fund is maintained.

NOTE: Nothing contained herein shall be construed as preventing the carrier from transferring applicable debt-redemption funds to account 1715, "Special cash deposits," for the purpose of paying matured long-term debt, or obligations called for redemption but not presented, or the interest thereon.*†

§ 34.1635 *Employees' provident funds.* This account shall include the amount of cash, the book cost of securities of others, and the book amount of nominally issued and nominally outstanding securities issued or assumed by the carrier and other assets held by trustees or managers of employees' pension funds, saving funds, relief, hospital, and other association funds (whether contributed by the carrier, by employees, or by others), when such trustees or managers are acting for the carrier in the administration of such funds. (See also Secs. 34.10–15 and 34.30–2.)*†

§ 34.1640 *Insurance funds.* (a) This account shall include the book cost of assets that have been segregated in special funds for the purpose of liquidating losses from accident, fire, flood, or other casualties.

(b) A separate subaccount, with appropriate title, shall be maintained for each class of funds.*†

§ 34.1645 *Miscellaneous funds held by trustees.* This account shall include the amount of cash and the cost of other assets deposited with trustees to be held until mortgaged property sold, destroyed, or otherwise disposed of is replaced; also cash realized from the sale of the carrier's securities and deposited with trustees to be held until invested in property for the carrier. When the purposes of such deposits are satisfied and the deposits are released, this account shall be credited with the amount released.*†

§ 34.1659 *Other miscellaneous funds.* (a) This account shall include the book cost of assets that have been segregated in special funds for specific purposes not provided for elsewhere.

(b) A separate subaccount, with appropriate title, shall be maintained for each class of funds.*†

§ 34.1698 *Amortized discount and premium on investment securities.* (a) This account shall include the amount of amortized discount and premium charged or credited as interest from securities held as long-term investments, as provided in paragraph (e) of Sec. 34.10–7.

(b) A separate subaccount with appropriate title shall be maintained for each class and issue or series of securities with respect to which amounts are entered herein, with an appropriate reference to the account in which the cost of the securities is recorded.*†

§ 34.1699 *Allowance for doubtful investments.* (a) This account shall be credited with amounts charged to account 6299, "Other extraordinary income charges," to provide for the doubtful value of investments.

(b) When securities are sold or otherwise disposed of, or their book cost is reduced to a nominal value, this account shall be charged with any amounts covered by credits hereto with respect to such securities.*†

*Current Assets*

§ 34.1710 *Cash.* This account shall include the amount of current funds available for use on demand, in the hands of financial officers and agents, or deposited in banks or with trust companies, and funds in transit for which managers and agents have received credit.*†

§ 34.1715 *Special cash deposits.* (a) This account shall include the amount of cash in special deposits, other than in debt-redemption and other funds, for the payment of interest, dividends, and other debts when such payments are due one year or less from the date of deposit; also the amount of cash deposited to insure the performance of contracts to be performed within one year from the date of deposit, and other cash deposits for specific purposes not provided for elsewhere. When the purposes of such deposits are satisfied and the deposits are released, this account shall be credited with the amount released.

(b) This account shall be subdivided as follows:

1715:01 Special deposits—Interest.
1715:02 Special deposits—Dividends.
1715:99 Special deposits—Other.

*†

§ 34.1720 *Working cash advances.* This account shall include the amount of cash advanced to officers, agents, employees, and others as petty cash or working funds.*†

§ 34.1725 *Temporary investments.* (a) This account shall include the book cost of securities acquired for the purpose of temporarily investing cash, such as demand and time loans, bankers' acceptances, United States Treasury certificates, and other similar investments.

(b) This account shall be subdivided as follows:

1725:01 Temporary investments—Affiliates.
1725:99 Temporary investments — Others.

*†

§ 34.1730 *Operating revenues receivable from users.* (a) This account shall include amounts receivable from customers for services rendered or billed and from agents and collectors authorized to make collections from customers.

(b) This account shall be subdivided as follows:

1730:03 Agents and collectors.
1730:99 Others.

(c) The records supporting the entries in this account shall be so maintained as to show separately (1) amounts due for services rendered and (2) amounts due for services to be rendered (see contra account 2155, "Advance billings").

NOTE A: Amounts representing revenues accrued but not due shall be included in account 1770, "Unmatured accrued receivables."

NOTE B: Amounts receivable from other carriers for participation in transmission shall be included in the accounts maintained in accordance with the provisions of paragraph (a) of Sec. 34.31–3.

NOTE C: Amounts due on notes accepted in settlement of customers' accounts shall be included in account 1751, "Notes receivable."*†

§ 34.1742 *Traffic settlements receivable from affiliates.* This account shall include the net amount receivable from affiliated carriers against each of which there is a net debit balance in the accounts maintained for traffic settlements. (See particularly paragraph (a) of Sec. 34.31–3.)*†

§ 34.1749 *Other receivables from affiliates.* (a) This account shall include amounts receivable from affiliates not provided for elsewhere. (See particularly accounts 1730, 1742, 1770, 1775, and 1785.)

(b) This account shall be subdivided as follows:

1749:01 Matured interest receivable.
1749:02 Declared dividends receivable.
1749:03 Matured rents receivable.
1749:04 Current notes receivable. (See also account 1620.)
1749:99 Other accounts receivable.

(c) In stating the balance sheet there may be included in this account the net amount receivable from affiliates against each of which there is a net debit balance between items applicable to a particular subdivision of this account and the comparable subdivision of account 2129, "Other payables to affiliates."*†

§ 34.1751 *Notes receivable.* (a) This account shall include amounts receivable from persons other than affiliates on notes, drafts, acceptances, and other evidences of indebtedness, payable on demand or not more than one year from the date of issuance. (See also account 1629, "Other investments.")

(b) The book amount of items includible herein that are discounted or sold without releasing the carrier from liability thereon, shall be credited to this account and reported as a contingent liability. (See particularly Sec. 34.10–16.)*†

§ 34.1752. *Traffic settlements receivable.* This account shall include the net amount receivable from persons other than affiliates against each of which there is a net debit balance in the accounts maintained for traffic settlements. (See particularly paragraph (a) of Sec. 34.31–3.)*†

§ 34.1753 *Matured interest receivable.* This account shall be charged with amounts credited to account 5125, "Interest income," or account 5135, "Income from debt-redemption and other funds," representing matured interest receivable from persons other than affiliates that is subject to current settlement.

NOTE A: Earned interest receivable that is accrued but unmatured shall be included in account 1770, "Unmatured accrued receivables."

NOTE B: Matured interest receivable that is not subject to current settlement shall be included in the account in which the principal amount is carried.*†

§ 34.1754 *Declared dividends receivable.* This account shall be charged with amounts credited to account 5120, "Dividend income," or to account 5135, "Income from debt-redemption and other funds," representing dividends declared on stocks of persons other than affiliates that become mature not later than the first day following the date of the balance sheet.

NOTE: Declared dividends receivable that do not mature until after the first day following the date of the balance sheet shall be included in account 1770, "Unmatured accrued receivables."

§ 34.1755 *Matured rents receivable.* This account shall be charged with amounts credited to the income accounts representing rentals receivable from persons other than affiliates that are matured and subject to current settlement.

NOTE A: Rentals receivable that are accrued but unmatured shall be included in account 1770, "Unmatured accrued receivables."

NOTE B: Amounts receivable for minor rentals shall be included in account 1730, "Operating revenues receivable from users."*†

§ 34.1759 *Other accounts receivable.* (a) This account shall include the net amount receivable from persons other than affiliates against each of whom there is a net debit balance in accounts maintained for transactions other than those includible in accounts 1730 and 1751 to 1755, inclusive. (See also accounts 1749, "Other receivables from affiliates," 1770, "Unmatured accrued receivables," 1775, "Subscriptions to capital stock," and 1785, "Subscriptions to bonds.")

(b) This account shall be subdivided as follows:

1759:02 Receivable from officers and employees.
1759:99 Receivable from others.

*†

§ 34.1765 *Allowance for uncollectible receivable.* (a) This account shall be credited with amounts charged to account 4935, "Uncollectible revenues," account 5299, "Other deductions from ordinary income," and account 6299, "Other extraordinary income charges," to provide for uncollectible receivables, under a plan consistently followed and adjusted for errors in estimates.

(b) This account shall be charged with any amounts covered herein that are determined to be impracticable of collection and shall be credited with amounts collected that previously were charged herein.

(c) The records supporting the entries in this account shall be so maintained as to show the amount applicable to each class of receivables for which allowances are established; also the account that was charged with each credit in this account.*†



§ 34.1770 *Unmatured accrued receivables.* (a) This account shall include the amount of revenue estimated to have accrued for services not billed but billable or not due under contract and the amount of interest, dividends, rent, and other items accrued to the date for which the balance sheet is made, but not receivable until after the first day following that date.

(b) This account shall be subdivided as follows:

1770:01 Accrued communication revenue.
1770:02 Accrued interest.
1770:03 Declared dividends.
1770:04 Accrued rents.
1770:99 Other accrued receivables.

*†

§ 34.1775 *Subscriptions to capital stock.* (a) The amount of each subscription to capital stock of the carrier shall be charged to this account at the time the subscription is accepted. The book amount of the stock subscribed shall be credited to account 2420, "Capital stock subscribed—Unissued." The difference between the foregoing amounts shall be charged or credited, as appropriate, to the discount and premium account maintained under the provisions of paragraph (a) of Sec. 34.10–13. (See also account 1780, "Deposits on subscriptions to capital stock.")

(b) This account shall be subdivided as follows:

1775:01 Amounts subscribed by affiliates.
1775:02 Amounts subscribed by officers and employees.
1775:04 Amounts subscribed by underwriters.
1775:99 Amounts subscribed by others.

*†

§ 34.1780 *Deposits on subscriptions to capital stock.* (a) This account shall be credited with amounts received as payments on subscriptions to capital stock.

(b) When payment for the total amount of a subscription has been received, this account shall be charged and account 1775, "Subscriptions to capital stock," shall be credited with such total amount.

(c) Any amounts in this account which become the property of the carrier by forfeiture shall be charged hereto and credited to account 2599, "Other capital surplus."

(d) This account shall be subdivided as follows:

1780:01 Deposits received from affiliates.
1780:02 Deposits received from officers and employees.
1780:04 Deposits received from underwriters.
1780:99 Deposits received from others.

*†

§ 34.1785 *Subscriptions to bonds.* (a) The amount of each subscription to bonds of the carrier shall be charged to this account at the time the subscription is accepted. The face amount of the bonds subscribed shall be credited to account 2020, "Bonds subscribed—Unissued." The difference between the foregoing amounts shall be charged or credited, as appropriate, to the discount and premium account maintained under the provisions of paragraph (a) of Sec. 34.10–14. (See also account 1790, "Deposits on subscriptions to bonds.")

(b) This account shall be subdivided as follows:

1785:01 Amounts subscribed by affiliates.
1785:02 Amounts subscribed by officers and employees.
1785:04 Amounts subscribed by underwriters.
1785:99 Amounts subscribed to others.

*†

§ 34.1790 *Deposits on subscriptions to bonds.* (a) This account shall be credited with amounts received as payments on subscription to bonds of the carrier.

(b) When payment for the total amount of a subscription has been received, this account shall be charged and account 1785, "Subscriptions to bonds," shall be credited with such total amount.

(c) Any amounts in this account which becomes the property of the carrier by forfeiture shall be charged hereto and credited to account 6199, "Other extraordinary income credits."

(d) This account shall be subdivided as follows:

1790:01 Deposits received from affiliates.
1790:02 Deposits received from officers and employees.
1790:04 Deposits received from underwriters.
1790:99 Deposits received from others.

*†

§ 34.1795 *Material and supplies.* (a) This account shall include the cost (consideration being given to the adjustments outlined in paragraphs (b), (c), (d), and (e) of this account) of unapplied material and supplies held for use in communication service (including plant supplies, unissued small tools, fuel, stationery, and other supplies) and of material and articles of the carrier in process of manufacture for supply stock.

(b) Cost shall include the purchase price at the point of free delivery, plus customs duties, excise taxes, and other taxes on purchases, insurance, cost of inspection, special tests prior to acceptance, loading and unloading, transportation, and other directly assignable charges. (Transportation and other charges impracticable of inclusion in the cost of the particular material to which they relate shall be charged to account 9030, "Supply expense—Undistributed.")

(c) Cash and other discounts on material shall be deducted from the cost of the particular material to which they relate or credited to the account to which the material is charged. (When impracticable of such treatment they shall be credited to account 9030, "Supply expense—Undistributed.")

(d) Material recovered in connection with construction, maintenance, or retirement of plant shall be included in this account as follows:

(1) Reusable material shall be included in the appropriate subdivision of this account at weighted average prices based upon the estimated reasonable second-hand value thereof.

(2) The cost of repairing reusable material shall be charged to this account. (When impracticable of such treatment, the cost of such repairing shall be charged to account 9030, "Supply expense—Undistributed.")

(3) Scrap and nonusable material shall be included in this account at the estimated net amount realizable therefrom. The differences between the amounts realized for scrap and nonusable material sold and the amount at which the material was included in this account shall be adjusted to the accounts credited when the material was charged to this account. (When impracticable of such treatment, the differences shall be adjusted to account 9030, "Supply expense—Undistributed.")

(e) Inventories of material and supplies shall be taken during each calendar year and the necessary adjustments shall be made to bring the balance in this account into agreement with the actual inventories. In effecting the adjustments, differences that can be assigned to important classes of material shall be equitably adjusted among the accounts to which such classes of material were charged since the previous inventory. Other differences shall be equitably apportioned among the accounts to which material has been charged since the last inventory or included in account 9030, "Supply expense—Undistributed."

(f) This account shall be subdivided as follows:

1795:01 Material held for use in the carrier's communication operations.
1795:02 Material in process of conversion.
1795:03 Merchandise known to be held predominantly for sale or resale, or for use in jobbing or contracting operations.

1795:04 Material and supplies held for other than communication operations.
1795:05 Undistributed supply expense.

NOTE A: This account shall not include amounts representing cost of material or articles the title to which is not vested in the carrier.

NOTE B: Interest on material bills, the payment of which has been delayed, shall be charged to account 5235, "Other interest charges."°†

§ 34.1799 *Other current assets.* (a) This account shall include the amount of current assets not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained as to show the nature of each class of assets included herein.°†

*Prepayments*

§ 34.1810 *Prepaid insurance.* This account shall be charged with the amounts of insurance premiums paid in advance. As the term expires for which the insurance premiums were paid, this account shall be credited at monthly intervals and the appropriate accounts charged.°†

§ 34.1815 *Prepaid rents.* This account shall be charged with the amounts of rents paid in advance. As the term expires for which the rents were paid, this account shall be credited at monthly intervals and the appropriate accounts charged.°†

§ 34.1820 *Prepaid taxes.* This account shall be charged with the amounts of taxes paid in advance. As the term expires for which the taxes were paid, this account shall be credited at monthly intervals and the appropriate accounts charged.°†

§ 34.1899 *Other prepayments.* This account shall be charged with the amounts of prepayments not provided for elsewhere. As the term expires for which the payments were made, this account shall be credited at monthly intervals and the appropriate accounts charged.°†

*Deferred Charges*

§ 34.1910 *Extraordinary maintenance, depreciation, and retirements.* This account shall include, when so authorized by this Commission, the unprovided-for loss in service value of plant retired for causes not factors in depreciation. (See also Sec. 34.04–4.) It shall include such other amounts as may be authorized or directed by this Commission.°†

§ 34.1915 *Capital stock expense.* (a) This account shall include the amount of stock expenses that have not been charged to account 6299, "Other extraordinary income charges." (See particularly Sec. 34.10–13.)

(b) A separate subaccount, with appropriate title, shall be maintained for stock expenses applicable to each class of capital stock.

NOTE: Expenses incurred in connection with the reacquisition and resale of capital stock shall be accounted for as provided in Sec. 34.10–13 and account 2415, "Capital stock reacquired."°†

§ 34.1920 *Long-term debt expense.* (a) This account shall include the amount of debt expenses that have not been charged to account 6299, "Other extraordinary income charges." (See particularly Sec. 34.10–14.)

(b) A separate subaccount, with appropriate title, shall be maintained for debt expenses applicable to each issue or series of long-term debt.

NOTE: Expenses incurred in connection with the reacquisition and resale of long-term debt shall be accounted for as provided in Sec. 34.10–14 and the text of account 2015, "Bonds reacquired."°†

§ 34.1925 *Discount on capital stock.* This account shall include the total of the debit balances in the capital stock discount and premium accounts. (See particularly Sec. 34.10–13.)°†

§ 34.1930 *Unamortized discount on debt.* This account shall include the total of the debit balances in the long-term debt discount and premium accounts. (See particularly Sec. 34.10–14.)°†

§ 34.1935 *Preliminary survey and investigation charges.* (a) This account shall be charged with all expenditures for preliminary surveys, plans, investigations, etc., made for the purpose of determining the feasibility of major projects under contemplation. If construction results, this account shall be credited and the appropriate plant account charged. If the work is abandoned, the charge shall be to account 6299, "Other extraordinary income charges", unless otherwise authorized or directed by the Commission.

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish complete information as to the nature and purpose of the survey, plans or investigations, and the nature and respective amounts of the charges.

NOTE: The amount of preliminary survey and investigation charges transferred to the plant accounts shall not exceed the expenditures which may reasonably be determined to contribute directly and immediately and without duplication to the plant. (See also Sec. 34.03–7.)°†

§ 34.1940 *Debit balances in clearing accounts.* This account shall include the total of the debit balances in all clearing accounts except account 9030, "Supply expense—Undistributed." (See also Sec. 34.90–2)°†

§ 34.1999 *Other deferred charges.* (a) This account shall include the amount of deferred charges not provided for elsewhere. (See also Sec. 34.03–15.)

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish complete information as to each item included herein.°†

*Long-term Debt*

§ 34.2010 *Bonds actually issued.* (a) This account shall include the face amount of actually issued and unmatured bonds that have not been retired or cancelled; also the face amount of such bonds issued by others the payment of which has been assumed by the carrier. (See particularly Secs. 34.10–7, 34.10–8, and 34.10–17.)

(b) A separate ledger account, with appropriate title, shall be maintained for each issue or series of long-term debt.

NOTE A: Discount, expense, and premium on bonds shall be accounted for as provided in Sec. 34.10–14.

NOTE B: Matured bonds shall be included in account 2110, "Matured long-term debt."°†

§ 34.2015 *Bonds reacquired.* (a) This account shall include the face amount of bonds actually issued or assumed by the carrier and reacquired by it and held under conditions that do not permit the carrier to treat such bonds as retired or cancelled but do permit their resale. It shall not include securities that are held by trustees of debt-redemption and other funds.

(b) When any issue of bonds, or portion thereof, is reacquired, the acquisition cost of the bonds and the amount of unamortized discount, expense, or premium applicable thereto shall be accounted for as provided in Sec. 34.10–14.

(c) When reacquired bonds are sold, the book amount of the bonds shall be credited to this account and the difference between such amount and the amount received from the sale less commissions and expenses incurred in the sale shall be charged to account 6299, "Other extraordinary income charges", or credited to account 6199, "Other extraordinary income credits", as appropriate.

(d) A separate subaccount, with appropriate title, shall be maintained for each issue or series of bonds reacquired.°†

§ 34.2020 *Bonds subscribed — Unissued.* (a) This account shall include the face amount of bonds for which legally enforceable subscriptions have been received but for which evidences of indebtedness have not been issued.

(b) When the amount of each subscription is received and evidences of indebtedness are issued, this account shall be charged and account 2010, "Bonds actually issued", shall be credited with the face amount of such bonds.

(c) Interest that has accrued on the evidences of indebtedness issued to subscribers shall be accounted for through the appropriate interest account.

(d) A separate subaccount, with appropriate title, shall be maintained for subscriptions to each issue or series of bonds.°†

§ 34.2025 *Receivers' and trustees' securities.* (a) This account shall include the book amount of evidences of indebtedness issued by receivers or trustees in possession of the property of the carrier and acting under the orders of a court.

(b) A separate subaccount, with appropriate title, shall be maintained for each class and issue or series of securities includible herein.°†



§ 34.2030 *Advances from affiliates.* (a) This account shall include amounts owed to affiliates on notes maturing more than one year from date of issuance or origin and the amount of open accounts representing investment advances from affiliates.

(b) This account shall be subdivided as follows:

2030:01 Notes payable to affiliates.
2030:02 Investment advances from affiliates.

NOTE: Notes and open accounts representing indebtedness to affiliates that are subject to current settlement shall be included in account 2129, "Other payables to affiliates."°†

§ 34.2099 *Other long-term debt.* (a) This account shall include the amount of all long-term debt not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish complete information as to each item included herein.°†

*Current Liabilities*

§ 34.2110 *Matured long-term debt.* This account shall include the amount of long-term debt and receivers' and trustees' securities, including any obligations for premiums, matured and unpaid without specific agreement for extension of maturity. It shall include bonds drawn or called for redemption but not presented.°†

§ 34.2115 *Customers' deposits.* This account shall include amounts deposited with the carrier by customers as security for the payment of bills. (See also account 2315, "Advances for construction.")°†

§ 34.2122 *Traffic settlements payable to affiliates.* This account shall include the net amount payable to affiliated carriers in favor of each of which there is a net credit balance in the accounts maintained for traffic settlements. (See particularly paragraph (a) of Sec. 34.31–3.)°†

§ 34.2129 *Other payables to affiliates.* (a) This account shall include amounts payable to affiliates not provided for elsewhere. (See particularly accounts 2110, 2122, and 2165 to 2180, inclusive.)

(b) This account shall be subdivided as follows:

2129:01 Matured interest payable.
2129:03 Matured rents payable.
2129:04 Current notes payable. (See also account 2099, "Other long-term debt.")
2129:99 Other accounts payable.

(c) In stating the balance sheet there may be included in this account the net amount payable to affiliates in favor of each of which there is a net credit balance between items applicable to a particular subdivision of this account and the comparable subdivision of account 1749, "Other receivables from affiliates."°†

§ 34.2131 *Notes payable.* (a) This account shall include amounts payable to persons other than affiliates on notes, drafts, acceptances, and other evidences of indebtedness payable on demand or not more than one year from the date of issuance. (See also paragraph (b) of account 1751, "Notes receivable," and account 2099, "Other long-term debt.")

(b) This account shall be subdivided as follows:

2131:02 Payable to officers and employees.
2131:99 Payable to others.

°†

§ 34.2132 *Traffic settlements payable.* This account shall include the net amount payable to persons other than affiliates in favor of each of which there is a net credit balance in the accounts maintained for traffic settlements. (See particularly paragraph (a) of Sec. 34.31–3.)°†

§ 34.2133 *Matured interest payable.* (a) This account shall include the amount of interest matured and payable to persons other than affiliates on long-term debt or other obligations of the carrier. (See also account 2165, "Interest accruals.")

(b) The records supporting the entries in this account shall be so maintained as to show separately the rate and amount of interest included herein by reference to the obligation to which the interest relates.

NOTE: Matured interest payable that is not subject to current settlement shall be included in the account in which the principal amount is recorded.°†

§ 34.2134 *Declared dividends.* (a) This account shall include the amount of dividends that have been declared but not paid.

(b) The records supporting the entries in this account shall be so maintained as to show the amount of dividends declared on each class of capital stock.°†

§ 34.2135 *Matured rents payable.* This account shall be credited with amounts charged to the income accounts and amounts of clearances from account 2170, "Rent accruals," representing matured rents payable to persons other than affiliates.°†

§ 34.2139 *Other accounts payable.* This account shall include the amount of unpaid vouchers, pay rolls, and other items including the net amount payable to persons other than affiliates in favor of each of whom there is a net credit balance in the accounts maintained for transactions with such persons other than the transactions includible in accounts 2132 to 2135, inclusive.°†

§ 34.2155 *Advance billings.* (a) This account shall include the amount of bills rendered for communication service to be furnished in future accounting periods. (See also account 2315, "Advances for construction.")

(b) This account shall be charged and the appropriate operating revenue or asset account shall be credited as the services are rendered or as adjustments are approved.°†

§ 34.2160 *Installment-plan receipts on purchase of capital stock.* (a) This account shall include the amount of receipts from employees and others, other than on subscriptions, as partial payment on capital stock of the carrier.

(b) When amounts so received equal the agreed purchase price for capital stock, this account shall be charged and account 2410, "Capital stock issued," or account 2415, "Capital stock reacquired," as appropriate, shall be credited with the book amount of such stock. Any discount or premium on original issues shall be included in the appropriate discount and premium account.

(c) When amounts included herein are forfeited by purchasers, this account shall be charged and account 2599, "Other capital surplus," shall be credited with the amounts so forfeited.

(d) When, for any reason, receipts under this plan are refunded to purchasers, this account shall be charged with the amount of such refunds, to the extent that the refunds represent amounts of principal installment receipts.

(e) Any amounts credited to purchasers as interest on installment receipts shall be charged to account 5235, "Other interest charges." Any amount by which refunds on uncompleted purchases fail to equal the amounts received from purchasers shall be charged to this account and credited to account 2599, "Other capital surplus."

(f) This account shall be subdivided as follows:

2160:02 Receipts from officers and employees.
2160:99 Receipts from others.

°†

*Liability accruals*

§ 34.2165 *Interest accruals.* (a) This account shall be credited monthly with amounts charged to accounts 5210, "Interest on long-term debt," 5215, "Interest on indebtedness to affiliates," and 5235, "Other interest charges," representing proportionate amounts, applicable to the period, of interest liabilities that have not matured.

(b) When any item of interest included herein has matured, the amount thereof shall be cleared by a charge to this account and a credit to account 2133, "Matured interest payable," or other appropriate account.°†

§ 34.2170 *Rent accruals.* (a) This account shall be credited monthly with amounts charged to accounts 4940, "Rent for lease of operated plant," 4243, "Rent for operating offices," 4245, "Rent for other facilities," 4450, "Rent for offices," and 4455, "Other rents," representing proportionate amounts applica-

ble to the period, of rent liabilities that have not matured.

(b) When the obligation with respect to which any item included herein has matured the amount of such item shall be cleared by charges to this account and credits to account 2135, "Matured rents payable," or other appropriate account.*†

§ 34.2175 *Tax accruals.* (a) This account shall be credited monthly with the amount of taxes considered applicable to the period, and corresponding charges shall be made to the appropriate accounts. Such credits may be based upon estimates, but from time to time, as the facts become known, the amounts of the periodic credits shall be adjusted so as to include, as nearly as can be determined in each year, the taxes applicable to that year. Any amounts representing a prepayment of taxes applicable to a subsequent period shall be included in account 1820, "Prepaid taxes."

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish information as to the amounts by classes of taxes and taxing authorities, the basis for each tax determination, and the accounts to which charged.*†

§ 34.2180 *Other accruals.* (a) This account shall be credited with the amounts of accruals not provided for elsewhere.

(b) When the obligation with respect to which any item included herein has matured the amount of such item shall be cleared by charges to this account and credits to the appropriate account according to the nature of the matured item.*†

§ 34.2199 *Other current liabilities.* (a) This account shall include the amount of current liabilities not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained as to show full details concerning each item included herein.*†

*Provisions For Future Settlements*

(See particularly Sec. 34.10–11)

§ 34.2210 *Provisions for employees' pensions and welfare.* (a) This account shall include specific appropriations of income and the amounts contributed by employees or others (whether carried in special trust funds or in the general funds of the carrier) for pensions, accident and death benefits, savings, relief, hospital, and other provident purposes, when administered by trustees or managers acting for the carrier.

(b) This account shall include also the amount accrued for pensions through charges to account 4435, "Relief and pensions." Amounts so credited shall, when actually paid to retired employees or paid into a trust fund irrevocably devoted to the payment of pensions, be charged hereto.*†

§ 34.2215 *Provisions for self-carried insurance.* (a) This account shall include provisions to cover self-carried risks for losses through accident, fire, flood, or other causes, other than provisions made in the allowance for depreciation.

(b) Amounts included in this account shall be computed upon a basis of rates which fairly cover the risks incurred. These rates shall be determined according to the carrier's experience and best estimate as to the hazard covered. A schedule of risks covered by this account shall be maintained giving a description of the property or the character of the risks covered.

(c) If the carrier reinsures with insurance companies risks initially covered in this account, the premiums for such reinsurance shall be charged hereto.

(d) To the extent that losses and damages sustained are covered by this account, an amount equal thereto shall be charged to this account and credited to the accounts appropriate for the losses and damages sustained.

NOTE: All losses and damages sustained, including those covered by commercial insurance or by this account, shall be charged in the first instance to the allowance for depreciation, construction, repair, accidents and damages, or other appropriate account according to the character of the loss. Insurance recovered or amounts chargeable to this account on account of losses and damages sustained shall be credited to the account in which the losses and damages stand charged.*†

§ 34.2220 *Provisions for equalization of maintenance expenses.* (a) This account shall be credited with such amounts as this Commission may authorize or direct to be charged to account 4198, "Maintenance-expense equalization," under a plan to equalize maintenance expenses.

(b) When maintenance work is performed for which provision has been made in this account, the cost of such work shall be charged to the appropriate maintenance accounts. Concurrently this account shall be charged and account 4198, "Maintenance-expense equalization," shall be credited with an amount equal to the provisions for the cost of such maintenance work.

(c) The carrier's application to this Commission for permission to institute an equalization program shall show full details as to the plan of administration of the program, the character of the work to which amounts accrued may subsequently be applied, and the amount of the monthly or annual accruals for equalization purposes.

(d) A separate subaccount, with appropriate title, shall be maintained for each project or program for which provision is made in this account.*†

§ 34.2225 *Provisions for depreciation and replacement of operated plant leased from others.* (a) This account shall be credited with amounts charged to Account 4910, "Depreciation," for currently accruing depreciation of operated plant leased from others when the carrier, as lessee, is required to replace or to restore the condition of such plant and when such amounts are not subject to current reimbursement to the lessor.

(b) This account shall be charged with the cost of leased plant retired and the cost of removal when, under the terms of the lease, the carrier, as lessee, is required to replace or to restore the condition of plant leased from others. It shall be credited with the salvage value and any other amounts recovered from such retired plant. (See also Sec. 34.1–5.)

(c) As at the effective date of this system of accounts, this account shall be credited with such amount as is necessary to record herein the service value of operated plant leased from others that has expired during the periods of effective leasing agreement under which the carrier, as lessee, is required to replace or to restore the condition of such plant, and when such amounts are not subject to current settlement with the lessor. This includes amounts with respect to depreciable operated plant that has been retired during the periods of such agreements and the expired service value of such plant still in the service of the carrier. The amount thus credited shall, unless otherwise authorized by this Commission, be charged to account 6299, "Other extraordinary income charges."

(d) The amount in this account with respect to each leasing agreement shall be cleared at the expiration of the lease as provided in Sec. 34.1–6.

(e) The records supporting the entries in this account shall be so maintained as to show the amount included herein with respect to each leasing agreement.*†

§ 34.2230 *Leased operated plant retired.* (a) This account shall be credited with the cost of leased operated plant retired when the carrier, as lessee, is required to replace or to restore the condition of plant leased from others. (See also Sec. 34.1–5.)

(b) As at the effective date of this system of accounts, this account shall be credited, and account 2225, "Provisions for depreciation and replacement of operated plant leased from others," shall be charged with the original cost of operated plant leased from others that has been retired since the date of each effective leasing agreement under which the carrier, as lessee, is required to replace or to restore the condition of such plant, and when the cost of such replacement or restoration is not subject to current settlement with the lessor.

(c) The amount in this account with respect to each leasing agreement shall be cleared at the expiration of the lease as provided in Sec. 34.1–6.

(d) The records supporting the entries in this account shall be so maintained as to show the amount included herein with respect to each leasing agreement.*†

§ 34.2299 *Other provisions for future settlements.* (a) This account shall include the amount of provisions for future settlements not provided for elsewhere.

(b) The records supporting the entries in this account shall be so maintained as to show complete details concerning each item included herein.*†

*Deferred Credits*

§ 34.2310 *Unamortized premium on debt.* This account shall include the total of the credit balances in the long-term debt discount and premium accounts. (See particularly paragraph (c) of Sec. 34.10–14.)*†

§ 34.2315 *Advances for construction.* (a) This account shall include the amount of such advances for construction as are to be repaid.

(b) When repayment is made of the entire amount to which the person making the advance is entitled, according to the agreement or rule under which the advance is made, the balance, if any, remaining in this account shall be transferred to account 2515, "Contributions of plant."

(c) This account shall be subdivided as follows:

2315:01 Amounts repayable in full.
2315:02 Amounts repayable in part.

*†

§ 34.2320 *Credit balances in clearing accounts.* This account shall include the total of the credit balances in all clearing accounts except account 9030, "Supply expense—Undistributed." (See also Sec. 34.90–2.)*†

§ 34.2399 *Other deferred credits.* (a) This account shall include the amount of deferred credits not provided for elsewhere. (See also Sec. 34.03–15.)

(b) The records supporting the entries in this account shall be so maintained that the carrier can furnish complete information as to each item included herein.*†

*Capital Stock*

§ 34.2410 *Capital stock issued.* (a) This account shall include the book amount of actually issued capital stock. (See particularly Secs. 34.10–7, 34.10–8, 34.10–9, 34.10–13, and 34.10–17.)

(b) When any class of capital stock or portion thereof is retired or cancelled, this account shall be charged with the amount at which such stock is carried herein.

(c) Separate subaccounts shall be maintained to show the book amount of stock with par value and stock with no-par value, classified according to preferences in distribution of dividends or assets, differences in voting rights, and differences in conditions under which they may be retired.

NOTE A: When a levy or assessment (not including a call for payment on subscriptions) is made against holders of capital stock, the amount collected upon such levy or assessment shall be accounted for in accordance with Sec. 34.10–13.

NOTE B: Discount, expense, and premium on capital stock shall be accounted for in accordance with Sec. 34.10–13.*†

§ 34.2415 *Capital stock reacquired.* (a) This account shall include the book amount of capital stock actually issued by the carrier and reacquired by it, except stock which is held by trustees of debt-redemption and other funds. No-par stock shall be included in this account at the proportionate amount at which the particular class of stock is included in account 2410, "Capital stock issued."

(b) When any class of capital stock or portion thereof is reacquired or retired, the acquisition cost of the stock and the amount of unamortized discount, expense, or premium applicable thereto shall be accounted for in accordance with Sec. 34.10–13.

(c) When reacquired capital stock is sold, the book amount of the stock shall be credited to this account and the difference between such amount and the amount received from the sale less commissions and expenses incurred in the sale shall be charged or credited, as appropriate, to account 2599, "Other capital surplus"; provided, however, that charges shall be made to account 8299, "Miscellaneous charges to earned surplus," to the extent that the amounts thereof exceed the balance in account 2599. In no event shall charges in excess of accumulated credits from the reacquisition, resale, or retirement of capital stock of the same class be charged to account 2599.

(d) A separate subaccount, with appropriate title, shall be maintained for each class of capital stock reacquired.*†

§ 34.2420 *Capital stock subscribed—Unissued.* (a) This account shall include the book amount of capital stock for which legally enforceable subscriptions have been received but for which stock certificates have not been issued. (See also account 2160, "Installment-plan receipts on purchase of capital stock.")

(b) When the amount of each subscription is received and stock certificates are issued, this account shall be charged and account 2410, "Capital stock issued," shall be credited with the book amount of such stock.

(c) A separate subaccount, with appropriate title, shall be maintained for each class of capital stock.*†

§ 34.2425 *Obligations for stock conversion.* (a) This account shall include the book amount of capital stock that the carrier has agreed to exchange for the outstanding securities of other companies which have not been surrendered for exchange. (See particularly Sec. 34.10–8.)

(b) When the securities of the other companies have been surrendered, this account shall be charged and account 2410, "Capital stock issued," shall be credited with the book account of the stock given in exchange.

(c) A separate subaccount, with appropriate title, shall be maintained for each class of capital stock.*†

*Capital Surplus*

§ 34.2510 *Premiums and assessments on capital stock.* This account shall include the total of the credit balances in the capital stock discount and premium accounts. (See particularly Sec. 34.10–13.)*†

§ 34.2515 *Contributions of plant.* (a) This account shall include the amounts of money or its equivalent contributed directly or indirectly to the carrier for the construction or acquisition of plant. (See also paragraph (b) of Sec. 34.1–2.)

(b) The amounts credited to this account shall not be transferred to any other account without the approval of this Commission.

(c) The records supporting the entries in this account shall be so maintained as to show complete information with respect to each contribution, including the amount and purpose, the conditions upon which it was made, and the name of donor.*†

§ 34.2599 *Other capital surplus.* (a) This account shall include all surplus not classified as earned surplus, as premiums and assessments on capital stock, or as contributions of plant. It shall include credits from sales by the carrier of its reacquired capital stock; surplus arising from the retirement and cancellation, from a reduction of the stated value, and from donations by stockholders, of the carrier's capital stock; surplus arising from forgiveness of debt of the carrier; and surplus recorded upon reorganization or recapitalization of the carrier. (See particularly Sec. 34.10–13 and account 2415, "Capital stock reacquired.")

(b) The records supporting the entries in this account shall be so maintained as to permit a ready analysis of the charges and credits.*†

*Earned Surplus*

§ 34.2610 *Contractual reserves.* (a) This account shall include the amount of earned surplus reserved or otherwise set aside, in accordance with the terms of mortgages, deeds of trust, orders of courts, contracts, or other agreements. (See also Sec. 34.30–2.)

(b) Separate subaccounts shall be maintained under such titles as will designate the obligation in support of which each reserve recorded hereunder was created.*†

§ 34.2615 *Reserve against impairment of stated capital.* (a) This account shall be credited with amounts charged to account 8315, "Earned surplus employed in reacquisition of capital stock," as provided in paragraph (g) of Sec. 34.10–7.

(b) Upon resale or retirement of such reacquired stock, this account shall be charged and account 8315, "Earned surplus employed in reacquisition of capital stock," shall be credited.*†

§ 34.2620 *Miscellaneous reserves.* (a) This account shall include the amount of reservations of earned surplus not provided for elsewhere.

(b) Separate subaccounts shall be maintained under such titles as will designate the purpose for which each reserve recorded hereunder was created.*†

§ 34.2699 *Unappropriated earned surplus.* This account shall include the

amount of net earned surplus after providing for reservations and appropriations. (See particularly Sec. 34.10–10.) *†

OPERATED PLANT ACCOUNTS

Instructions

§ 34.1–1 *Purpose and content of operated plant accounts.* (a) The operated plant accounts are designed to show the cost of the carrier's plant having a service life of more than one year, whether used by the carrier or others in radiotelegraph service. (Account 1400, "Plant held for future communication use," shall also be classified according to to the titles and texts provided for the several operated plant accounts.) (See also Sec. 34.03–8.)

(b) When operated plant ordinarily having a service life of more than one year is installed for temporary use in radiotelegraph service, it shall be accounted for in the same manner as other plant having a service life of more than one year.

(c) The cost of individual items of work equipment, such as hand and other portable tools that are likely to be lost or stolen, and other items of equipment that have relatively small value ($10.00 or less) or short life, shall be included in the operated plant accounts only when the investment in such property is relatively large and the correctness of the accounting therefor is verified by the current inventory. When not so verified the cost of such items shall be charged to the operating expense (or clearing) account appropriate for the use of such items.

(d) The cost of plant includible in the following balance-sheet accounts shall be classified according to the titles and texts of the several plant accounts in the manner indicated by the chart under Sec. 34.1–99, which also shows the method for combining balance-sheet and plant account numbers when it is desired to indicate both the use and the class of plant:

1000 Operated plant in carrier's service.
1100 Operated plant leased to others.
1200 Improvements and replacements of operated plant leased from others.
1400 Plant held for future communication use.

(e) The records supporting the entries in the operated plant accounts shall be so maintained as to show the cost of plant used at each station or city office.*†

§ 34.1–2 *Accounting for plant acquisitions.* (a) Plant previously in public use contributed to the carrier, or plant constructed by the carrier through expenditures of contributed money or its equivalent, shall be charged to the plant accounts on basis of original cost, and there shall be credited to the allowance for depreciation and allowance for amortization accounts the estimated amounts of depreciation and amortization requirements applicable to the plant at the date of acquisition. Plant not previously in public use contributed to the carrier shall be charged to the plant accounts at its estimated cost new at date of contribution and there shall be credited to the appropriate allowance for depreciation and allowance for amortization accounts the estimated amounts of such requirements applicable to the plant at that date. The difference between the amounts so includible in the plant and the allowance accounts shall be credited to account 2515, "Contributions of plant."

(b) Amounts received for construction which are ultimately to be repaid, wholly or in part, shall be credited to account 2315, "Advances for construction"; when final determination has been made as to the amount to be repaid, any amounts not subject to refund shall be transferred to account 2515, "Contributions of plants."

(c) When property that comprises a substantially complete operating system or operating unit is (or, prior to the effective date of this system of accounts, has been) acquired from predecessors by purchase, merger, consolidation, liquidation, or otherwise, that portion of the acquisition cost applicable to operated plant, plant under construction, and plant held for future communication use shall be charged to account 91, "Plant acquired—Undistributed charges."

(d) The accounting for the acquisition of such plant shall then be completed as follows:

(1) The original cost of such plant shall be charged to the plant accounts and account 1300, "Plant under construction", as appropriate, and credited to account 91, "Plant acquired—Undistributed charges." When the actual original cost cannot be determined and estimates are used, the carrier shall maintain records to show the particulars of such estimates.

(2) The required allowances for depreciation and amortization of such plant at date of acquisition shall be credited to accounts 1515, "Allowance for depreciation — Radiotelegraph plant", and 1520, "Allowance for amortization—Radiotelegraph plant", respectively, and charged to account 91, "Plant acquired—Undistributed charges."

(3) The amount remaining in account 91, "Plant acquired—Undistributed charges", applicable to such plant, upon the completion of the entries provided in the foregoing paragraphs (1) and (2), shall be transferred to account 1510, "Plant acquisition adjustments", except that, when any amount thus transferable to account 1510 applies to duplicate or other plant which is intended to be retired by the carrier in the reconstruction of the acquired plant and its consolidation with previously owned plant, a statement indicating the plan of the accounting proposed for the entire amount applicable to such plant shall be submitted for consideration and approval by this Commission.

(e) The accounting for radiotelegraph plant acquired from predecessors not provided for in paragraphs (c) and (d) hereof shall be upon basis of acquisition cost to the carrier.

(f) A memorandum record shall be kept of the amount of contributions applicable to the plant acquired, as shown by the accounts of the previous owner.

(g) Copies of journal entries recording the acquisition of (1) substantially complete operating systems, (2) substantially complete operating units, or (3) other plant (when the consideration paid for such other plant is $25,000 or more), and of the entries clearing the amounts originally charged to account 91, "Plant acquired—Undistributed charges", shall be submitted within 90 days from the respective dates of such original and clearing entries for consideration and approval by the Commission. The text of such entries shall give a complete description of the plant acquired and the bases upon which the amounts of the entries have been determined.

(h) In connection with the acquisition of substantially complete operating systems or operating units, the carrier shall procure from the grantor (and the grantor shall deliver) all existing records relating to the property acquired, or certified copies thereof.

(i) If the acquisition involves construction by the accounting carrier, the provisions of Sec. 34.1–3 and Sec. 34.1–4 shall be observed.

NOTE: The cost of valuations, inventories, and appraisals taken in connection with the contemplated acquisition of plant shall be charged to account 1935, "Preliminary survey and investigation charges." If the plant is acquired, the preliminary costs shall be accounted for as a part of the cost of acquisition. If the contemplated acquisition is abandoned, such costs including options paid, shall be charged to account 6299, "Other extraordinary income charges."*†

§ 34.1–3 *Components of construction cost.* (a) The cost of construction properly includible in the plant accounts shall include the applicable direct and overhead costs, listed and described in paragraph (c) of this section and in Sec. 34.1–4 and other analogous items in connection with such work.

(b) When a part only of a project is placed in operation or is completed ready for service and the construction work as a whole is incomplete, that part of the plant placed in operation or ready for service shall be accounted for as completed.

(c) The following is a description of the principal components of construction costs:

(1) The pay and the expenses in lieu of wages of employees engaged in construction work, including the pay and expenses of foremen and inspectors in charge thereof.

(2) The purchase price at the point of free delivery of material and supplies, plus customs duties and excise taxes; the cost of inspection and handling; transportation to first point of delivery to the carrier; an equitable portion of supply expense; the total cost of fabricated material from the carrier's shop; the book cost of reusable material; and the cost of tools consumed on a project.

NOTE: In determining the cost of material used, proper allowance shall be made for unused material and supplies, material recovered from temporary arrangements used in performing the work, salvage value of tools released from the project, and cash and other discounts realized in the purchase of material and supplies.

(3) The cost of transporting employees, material and supplies, tools, and work equipment not under its own power. Transportation of material and supplies includes transportation from point of first delivery to point of use. It includes amounts paid to others as well as the cost of operating the carrier's own transportation equipment.

(4) The cost of protecting the carrier's property from five or other casualties and the cost of preventing injury to others and damage to the property of others.

(5) Expenditures or losses on account of injuries to persons and damages to the property of others. (See also accounts 4430, "Injuries and damages," and 4435, "Relief and pensions.")

(6) Payments for and expenses incurred in securing temporary privileges, permits, or rights in connection with construction work, such as for the use of private or public property, streets, or highways.

(7) Taxes on physical property during construction and before the facilities are completed ready for service, assessed separately from taxes on operating property or under conditions which permit separate identification or allocation of the amount chargeable to construction; also the portion applicable to construction costs of taxes imposed under the Social Security Act and similar state statutes.

(8) The net cost of borrowed funds used for construction purposes and a reasonable rate upon the carrier's own funds when so used. Such amounts shall be charged to the individual project upon which the funds are expended and shall be credited to account 5225, "Interest charged to construction—Cr." The period for which interest may be included in the cost of construction shall be limited to the duration of the construction work. In case construction work is suspended, interest covering a period of more than six months from the date of such suspension shall not be included in the cost of construction except when authorized by this Commission. No interest costs for projects that have been abandoned shall be included in these accounts.

(9) Premiums paid or amounts provided as self-insurance for protection against loss and damage by fire and other casualties, injury to or death of employees or others, damage to property of others, defalcation of employees and agents, non-performance of contractual obligations of others, and the cost of workmen's compensation or similar insurance.

(10) The cost of telephone, water, electricity, power, office space, equipment, and analogous items allocable to the construction project; also similar items furnished by the carrier through its regular operating facilities.

(11) The pay and expenses of operators and helpers required for machine operation, material and supplies consumed, depreciation, and other expenses incurred in the maintenance, operation, and use of special machines such as steam shovels, pile drivers, and other labor-saving machines; also expenditures for rental, maintenance, and operation of such machines owned by others. When a particular construction project requires the purchase of special machines, the cost thereof, less the appraised or salvage value at the time of release from the project, shall be included in this component.

(12) The applicable portion of the pay and of the office and other expenses of the carrier's engineers and their staffs responsible primarily for technical features of construction work.

(13) Amounts paid to other companies, firms, or individuals engaged by the carrier to plan, design, prepare estimates, supervise, inspect, or give general advice and assistance in connection with construction work. A copy of the agreement or arrangement under which such services are rendered shall be preserved by the carrier.

(14) An equitable portion of the pay and of the office and other expenses of the general officers and their staffs. Such amounts shall be determined in accordance with Sec. 34.03–17.

(15) Amounts paid for work performed under contract by other persons. Costs incident to the award of such contracts, to the inspection of such work, and to any other work of any character performed by the carrier in connection with a contract-work project shall be included in the component of construction cost appropriate for the character of the service performed or the expense incurred.

(16) Any incidental revenues received or earned during the construction period, less the costs incident to producing the earnings, shall be credited to the cost of construction.*†

§ 34.1–4 *Overhead construction costs.* (a) All overhead construction costs, such as engineering, supervision, general office salaries and expenses, construction, engineering, and supervision by others than the carrier, law expenses, insurance, injuries and damages, relief and pensions, taxes, and interest, shall be charged to particular projects or units on the basis of the amounts of such overheads reasonably applicable thereto, to the end that each project or unit shall bear its equitable portion of such costs and that the entire cost of the unit, both direct and overhead, shall be deducted from the plant accounts at the time the unit of plant is retired.

(b) The records supporting the entries for overhead construction costs shall be so maintained as to show the nature of the expenditures, the individual projects and accounts charged, and the bases of the distribution of such costs.

(c) The instructions contained herein shall not be interpreted as permitting the inclusion in the operated plant accounts of arbitrary amounts to cover assumed overhead costs, but as requiring the assignment to particular projects and accounts of actual and reasonable overhead costs.*†

§ 34.1–5 *Improvements and replacements of operated plant leased from others.* (a) Except as provided in paragraphs (b) and (c) of this section, the cost of initial improvements (including repairs, rearrangements, and additions) to operated plant leased from others, made in the course of preparing the plant for service and the cost of any subsequent additions to and replacements of the leased plant, shall be charged to the operated plant accounts appropriate for the class of plant leased. (See also Sec. 34.1–2.)

(b) When, under the terms of a leasing agreement, the carrier, as lessee, is required to make specific improvements to leased plant, and such improvements revert to the lessor and constitute a part of the consideration paid for use of the plant, the cost of such improvements shall be charged by the lessee to account 1815, "Prepaid rents," and amortized over the life of the lease to the appropriate rent account. Such portion of the cost of the improvements as represents additions to the leased plant shall be charged by the lessor (if a radiotelegraph carrier) to the appropriate plant accounts and credited to an appropriate subaccount under account 2399, "Other deferred credits." Amounts thus credited to account 2399 shall be amortized over the life of the lease to the appropriate rent account.

(c) When improvements to leased plant otherwise chargeable to the plant accounts are of relatively minor cost or short life, or the period of the lease is not more than 1 year, the cost thereof shall be charged to the accounts appropriate for the cost of repairs of such plant.

(d) When, under the terms of a lease, the carrier, as lessee, is required to replace or to restore the condition of plant leased from others, depreciation charges on such original plant shall be computed on the same basis as for owned depreciable plant. Such amounts shall be charged to account 4910, "Depreciation", and (if not subject to current settlement with the lessor) credited to account 2225, "Provisions for depreciation and replacement of operated plant leased from others." (See also Sec. 34.04–3.)

(e) When, under the terms of a lease, the carrier, as lessee, is required to replace or to restore the condition of plant

leased from others, the cost of leased plant retired by the lessee shall be credited to account 2230, "Leased operated plant retired." Such amount, together with the cost of removal, shall be charged, and the salvage value and any other amounts recovered shall be credited to account 2225, "Provisions for depreciation and replacement of operated plant leased from others."

(f) The accounting for the retirement of improvements and replacements of leased plant made by the lessee shall be as provided in Sec. 34.1–6.

(g) Upon termination of a lease and surrender of the plant to the lessor, the accounting by the lessor (if a radio telegraph carrier) for improvements and replacements of the leased plant which were made by the lessee shall be as follows:

The plant accounts shall be so adjusted as to include the original cost of the plant returned at the termination of the lease, including the original cost of improvements and replacements made by the lessee, and (as so adjusted) appropriately classified in conformity with Sec. 34.1–2. Account 1515, "Allowance for depreciation—Radiotelegraph plant", and account 1520, "Allowance for amortization—Radiotelegraph plan", shall be so adjusted as to include the required allowances for depreciation and amortization of such plant. The difference between (1) the net amount of the foregoing adjustments, and (2) the amount of any settlement with the lessee with respect to such plant, shall be charged to account 1999, "Other deferred charges", or credited to account 2399, "Other deferred credits", as appropriate. The amounts recorded in account 1999, or account 2399, with respect to each leasing agreement shall be disposed of in such manner as this Commission may approve or direct.

(h) Each carrier, as lessee, shall maintain memorandum accounts entirely independent of these accounts in which are recorded the cost, and related allowances, of plant placed under its exclusive control by a leasing agreement, and subsequent retirements of such plant while under the control of the carrier. Separate memorandum accounts shall be maintained for each leasing agreement. The records supporting the memorandum accounts shall be maintained in the same manner and detail as for owned operated plant.*†

§ 34.1–6 *Operated plant retired.* (a) To the end that the operated plant accounts shall at all times disclose the cost of plant in service, the cost of retired plant whether replaced or not (except as provided in paragraph (b) (2) of this section), shall be credited to the account or accounts prescribed in this system of accounts to which such cost was charged. Every carrier shall take such measures and establish such procedure as will insure strict compliance with these requirements. When any item of plant is retired from service for any reason, the amount in the plant accounts applicable to that item shall be credited thereto and the retirement entry shall cite the original entry of cost of the item retired, by name and page of, or other definite identification of, book or other record in which maintained; except that when such entry cannot be identified or is not available, that fact shall be stated in the retirement entry. The records supporting retirement entries shall show also the aggregate quantity, in units of measure ordinarily used by the carrier, of each retirement unit retired. (See Sec. 34.1–6–1.)

(b) *Depreciable operated plant.* For the purpose of avoiding undue refinement, the accounting for retirements and replacements of depreciable operated plant shall be as follows:

(1) *Retirement units.* The cost of any unit retired (whether replaced or not) shall be credited to the appropriate plant account. Except as provided in paragraphs (e) and (f) of this section, the entire amount of such cost shall be charged to account 1515, "Allowance for depreciation — Radiotelegraph plant." (See also the text of that account.) The cost of plant installed in place of the plant retired shall be charged to the appropriate plant accounts.

(2) *Minor items.* Any minor item of plant retired and not replaced shall be accounted for as if it were a retirement unit except that, if the cost of a minor item of plant is accounted for through the retirement of a unit, no separate credit to the plant account is required when such an item is retired. If a minor item of plant is retired and replaced apart from the retirement unit of which it forms a part or with which it is associated, no adjustment shall be made in account 1515, "Allowance for depreciation—Radiotelegraph plant." The cost of the replacement shall be charged to the account appropriate for the cost of maintenance of the plant, except that, if the replacement effects a substantial betterment (the primary aim of which is to make the plant affected more useful, of greater durability, of greater capacity, or more economical in operation), the excess cost in place of the item installed over the cost of the item retired shall be charged to the appropriate plant account.

(c) *Land.* The cost of land retired shall be credited to account 11, "Land." If the land is sold, the difference between the cost of the land and the consideration received less commissions and other expenses of making the sale, shall be charged to account 6299, "Other extraordinary income charges", or credited to account 6199, "Other extraordinary income credits", as appropriate. If the land is retained by the carrier, its estimated fair value, not in excess of cost, shall be charged to account 1610, "Miscellaneous physical property." The difference, if any, between the amount credited to the plant account and the amount charged to account 1610 shall be charged to account 6299, "Other extraordinary income charges." (See also Sec. 34.1–7.)

(d) *Intangibles.* The accounting for franchises, patent rights, leaseholds, and other intangibles retired shall be as provided in the text of account 1520, "Allowance for amortization—Radiotelegraph plant."

(e) When operated plant is sold with the associated traffic, the cost of such plant shall be credited to the appropriate plant accounts and the amounts carried with respect thereto in the depreciation and amortization allowance accounts shall be charged to such allowance accounts. The difference between (1) the net of such charges and credits and (2) the consideration received less commissions and other expenses of making the sale shall be charged to account 6299, "Other extraordinary income charges", or credited to account 6199, "Other extraordinary income credits", as appropriate. The accounting for depreciable operated plant sold without the associated traffic shall be as provided in paragraph (b) of this section and account 1515, "Allowance for depreciation—Radiotelegraph plant."

(f) Upon termination of a lease and transfer of the plant to the lessor, the cost of improvements and replacements made by the lessee to plant leased from others shall be credited to the plant accounts of the lessee in which they stand charged. The amounts applicable to such plant in account 1515, "Allowance for depreciation—Radiotelegraph plant" and account 1520, "Allowance for amortization—Radiotelegraph plant," shall be cleared from such allowance accounts. The difference between the amounts of the foregoing charges and credits shall be charged or credited, as appropriate, to account 2225, "Provisions for depreciation and replacement of operated plant leased from others." The amount of any settlement with the lessor with respect to such plant shall be charged or credited, as appropriate, to account 2225. The balances in account 2225, and account 2230, "Leased operated plant retired", with respect to each such expired lease shall, upon completion of the foregoing entries, be disposed of in such manner as this Commission may approve or direct.

(g) If, after performing the accounting provided in the foregoing paragraphs of this section and in Sec. 34.04–3, a credit balance remains, because of underestimating net salvage value or for any other reason, in the portion of any depreciation or amortization allowance account assignable to the plant retired, the portion of such balance applicable to the calendar year in which the plant is retired shall be charged to that allowance account and credited to the operating revenue-deduction or other account originally charged with the estimated amount of current depreciation. The remainder of such balance shall be cleared from the allowance account as provided in Sec. 34.03–13.

NOTE A: The cost of valuations, inventories, and appraisals taken in connection with the contemplated sale of plant shall be charged to account 1935, "Preliminary survey and investigation charges." If the plant is sold, the preliminary costs shall be deducted from the sale price in accounting for the plant sold. If the contemplated sale is abandoned, such costs shall be charged to account 6299, "Other extraordinary income charges."

NOTE B: When the retirement of operated plant consisting of a complete operating unit or system or having a book cost of $25,000 or more is occasioned by a sale, all transactions relating thereto shall be initially recorded in account 92, "Plant sold—Undistributed credits."

*†

§ 34.1–7 *Transfers of plant.* (a) When plant is transferred from one class of communication service to another, the transfer shall be accounted for by transferring the book cost thereof to the appropriate accounts, and likewise any related amounts in the allowance for depreciation and allowance for amortization accounts shall be transferred to the appropriate allowance accounts.

(b) When depreciable operated plant is transferred to noncarrier operations, the transfer shall be accounted for by crediting the appropriate plant accounts and charging account 1515, "Allowance for depreciation — Radiotelegraph plant", with the cost of the plant transferred. Account 1515 shall then be credited and account 1610, "Miscellaneous physical property", shall be charged with the estimated fair value, not in excess of cost, of the plant transferred.*†

§ 34.1–8 *Continuous property record required.* (a) Not later than January 1, 1940, each carrier shall begin the preparation of a continuous property record relating to property of the classes represented in the balance-sheet accounts under the caption "Communication plant", and in account 1610, "Miscellaneous physical property." The record shall be completed not later than June 30, 1942, with respect to property as at December 31, 1939, and with respect to the changes effected therein between the dates of January 1, 1940 and December 31, 1941, provided, however, that such data shall not be used by the carrier in its permanent records until the approval by this Commission of a plan (and list of property units) and other details of a continuous property record procedure submitted in compliance with the provisions of paragraph (b) of this section.

(b) Not later than June 30, 1940, each carrier shall submit to this Commission for consideration and approval a complete plan of the methods to be used in the compilation of the continuous property record, the installation and maintenance of which is prescribed in paragraph (a) of this section. The plan shall include a list of the property units proposed for use, classified to conform with the operated plant accounts prescribed in this system of accounts, and include material lists for assemblies, together with the quantity-unit designation applicable to each property unit and to the integral or associated parts thereof. A narrative statement shall accompany the lists of proposed units, describing in detail the content and method of maintenance of all forms and other records which are designed for use in compiling the continuous property record, to the end that a ready analysis with respect to the sufficiency thereof may be made.

(c) The record shall be arranged in conformity with the operated plant accounts prescribed in this system of accounts. It shall be compiled on basis of original cost and shall contain such detailed description and classification of the property unit as will permit of ready verification.*†

§ 34.1–99 *Contemplated form of plant statement.* (See Sec. 34.03–9.)

*Radiotelegraph Plant*

| Account No. | Particulars | Operated plant | | | Plant held for future communication use | Total |
|---|---|---|---|---|---|---|
| | | In carrier's service | Leased to others | Leased from others—improvements and replacements | | |
| | | (1000) | (1100) | (1200) | (1400) | |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| | REAL ESTATE | | | | | |
| 11 | Land | (1) | | | | |
| 12 | Land improvements | | | | | |
| 13 | Drainage, sewerage, gas, and water systems | | | | | |
| 14 | Buildings | | | | | |
| | Total | | | | | |
| | FIXED AND LAND STATION AERIAL SYSTEMS AND LINES | | | | | |
| 21 | Towers and masts | | (2) | | | |
| 22 | Antenna systems | | | | | |
| 26 | Control lines | | | | | |
| 27 | Power-supply lines | | | | | |
| | Total | | | | | |
| | FIXED AND LAND STATION TRANSMISSION EQUIPMENT | | | | | |
| 31 | Electron-tube transmitter equipment | | | | | |
| 32 | Other transmitter equipment | | | (3) | | |
| 33 | Cooling apparatus | | | | | |
| 34 | Receiver equipment | | | | (4) | |
| 36 | Power supply and distribution equipment | | | | | |
| 40 | Control apparatus | | | | | |
| 41 | Equipment on customers' premises | | | | | |
| | Total | | | | | |
| | FURNITURE AND OFFICE EQUIPMENT | | | | | |
| 51 | Furniture and office equipment | | | | | |
| | MOBILE STATION EQUIPMENT | | | | | |
| 61 | Ship station equipment | | | | | |
| 69 | Other mobile station equipment | | | | | |
| | Total | | | | | |
| | WORK EQUIPMENT | | | | | |
| 71 | Vehicles and draft animals | | | | | |
| 72 | Shop equipment, tools, and implements | | | | | |
| 73 | Store and warehouse equipment | | | | | |
| | Total | | | | | |
| | INTANGIBLES | | | | | |
| 81 | Organization | | | | | |
| 82 | Franchises | | | | | |
| 83 | Patent rights | | | | | |
| 84 | Leaseholds | | | | | |
| 89 | Other intangibles | | | | | |
| | Total | | | | | |
| | Total classified plant | | | | | |
| 91 | Add: Plant acquired—Undistributed charges | | | | | |
| | Total | | | | | |
| 92 | Deduct: Plant sold—Undistributed credits | | | | | |
| | Total radiotelegraph plant | | | | | |

1 2 3 4 The accounts represented, if appropriate, at the four respective points bearing these symbols shall be numbered, for example, 1011, 1121, 1232, and 1434, respectively.

*†

Prescribed accounts

[NOTE: Number at the right of the decimal point is the account number]

*Real Estate*

§ 34.11 *Land.* (a) This account shall include the cost of land used in radiotelegraph service. (See also account 84, "Leaseholds.")

(b) When improved land is acquired, the cost shall be fairly apportioned among the land, the land improvements, the drainage, sewerage, gas, and water systems, and the buildings and accounted for accordingly. If the plan of acquisition contemplates the removal of any improvements (including buildings), the total cost of the land and the property to be removed shall be accounted for as the cost of the land, and the amount of salvage recovered from the property removed shall be deducted from the cost of the land.

ITEMS (SEE SEC. 34.03–12)

Assessments for the construction of public improvements. (See also note B to this account.)
Clearing or defending title against claim relating to a period prior to the purchase.
Commissions and fees to brokers, agents, and others.
Condemnation proceedings, including court costs and special counsel fees.
Conveyancer and notarial fees.
Examination and registration of titles.
Relocating property of others in the acquisition of such land.
Taxes assumed on land, applicable to a period prior to the date of acquisition.
Voiding leases to secure possession of land acquired.

NOTE A: When land is acquired in excess of that required for radiotelegraph purposes or is acquired without a definite plan for its use in communication service, its cost shall be charged in account 1610, "Miscellaneous physical property."

NOTE B: Installments of assessments for public improvements, including interest, that are deferred without option to the carrier shall be included in this account, only as they become due and payable. Interest on assessments that are not paid when due shall be included in account 5235, "Other interest charges."*†

§ 34.12 *Land improvements.* This account shall include the cost of improvements made or acquired by the carrier on land used in radiotelegraph service. (See also accounts 11, "Land", 13, "Drainage, sewerage, gas, and water systems", and 14, "Buildings.")

ITEMS (SEE SEC. 34.03–12)

Fences.
Hedges.
Lawns.
Retaining walls. (See also account 14, "Buildings.")
Roads.
Sidewalks.
Swimming pools (outdoor).
Tennis courts.
Yard lighting equipment.
*†

§ 34.13 *Drainage, sewerage, gas, and water systems.* (a) This account shall include the cost of drainage, sewerage, gas, and water systems used in radiotelegraph service. (See also account 11, "Land.")

(b) This account shall include also the cost of shelters used only for housing machinery used in connection with the operation of drainage, sewerage, gas, and water systems.

ITEMS (SEE SEC. 34.03–12)

Basins.
Hydrants.
Machinery used only for the operation of these systems.
Manholes and handholes.
Piping.
Reservoirs.
Tanks—septic, water.
Tiling.
Wells.

NOTE: This account shall not include the cost of piping or equipment located within and serving only one building includible in account 14, "Buildings."*†

§ 34.14 *Buildings.* This account shall include the cost of buildings, not specifically includible in other accounts, used in radiotelegraph service, and the cost of permanent fixtures, machinery, appurtenances, and appliances, installed as parts thereof. (See also account 11, "Land.")

ITEMS (SEE SEC. 34.03–12)

Awnings.
Boilers, furnaces, fixtures, and machinery for heating, lighting, and ventilating.
Cable vaults and conduits constructed as part of the building.
Commissions and fees to brokers, agents, architects, and others.
Door checks and door stops.
Drainage and sewerage, inside piping and equipment. (See also account 13, "Drainage, sewerage, gas, and water systems.")
Electric shielding.
Electric wiring.
Elevators.
Fire-extinguisher systems.
Garages, shops, and stables.
General and other office buildings.
Grading, excavating, and preparing grounds for buildings, including clearing of grounds after construction.
Ground systems (installed with buildings).
Improvements to leased buildings. (See particularly Sec. 34.1–5).
Linoleum and similar floor covering, excluding carpets and rugs.
Motors and generators.
Partitions, including movable.
Piers and foundations for machinery constructed as a permanent part of a building.
Platforms, storage or loading.
Refrigeration systems.
Retaining walls (erected in connection with buildings).
Screens, door and window.
Sheds.
Signs—permanent, attached to buildings.
Sprinkling systems.
Storm doors and windows.
Taxes assumed on buildings, applicable to the period prior to the date of acquisition.
Voiding leases to secure possession of buildings acquired.
Water, steam, and gas pipes.
Window shades and ventilators.

NOTE A: This account shall not include the cost of any equipment, apparatus, or wiring for generating or controlling electricity for operation of the communication system.

NOTE B: The cost of shelters used exclusively for housing, drainage, sewerage, gas, and water systems, tuning coils, power supply equipment, or sleet melting installations shall be included in accounts 13, "Drainage, sewerage, gas, and water systems", 22, "Antenna systems", or account 36, "Power supply and distribution equipment", as appropriate.*†

*Fixed and Land Station Aerial Systems and Lines*

§ 34.21 *Towers and masts.* This account shall include the cost of towers and masts (including pole-type masts) and other antenna-supporting structures and special fixtures used in radiotelegraph service; also the cost of beacon lights and their accessories.

ITEMS (SEE SEC. 3403–12)

Anchors.
Bolts, nuts, and braces.
Cost of initial clearing of area prior to construction.
Excavation.
Foundations.
Grading.
Guys.
Halyards—permanent.
Insulated bases.
Permits and privileges for construction. (See particularly paragraph (c) (6) of Sec. 34.1–3.)
Steel plates and angles.
Topmasts.
Tower or mast ground systems for protection against lightning.
Tower lighting systems.*†

§ 34.22 *Antenna systems.* This account shall include the cost of aerial wire and accessory items comprising the antenna systems used in radiotelegraph service, including the associated ground and counterpoise systems, radio-frequency transmission lines, tuning coils, and sleet melting installations.

ITEMS (SEE SEC. 34.03–12)

*Aerial Assemblies or Arrays*

Anchors.
Bridle rings and wire.
Insulators and thimbles.
Permits and privileges for construction. (See particularly paragraph (c) (6) of Sec. 34.1–3.)
Spreaders.
Switches.
Transportation brackets.
Wire and cable (aerial).



*Ground or Counterpoise Systems*

Clamps and rods.
Counterpoise supports.
Insulators and thimbles.
Plates and pipes.
Protectors and arresters.
Tie wires.
Wire and cable (ground).

*Radio Frequency Transmission Lines*

Anchors.
Bolts, nuts, and brackets.
Clearing routes and tree trimming prior to construction.
Guy clamps.
Guy wire or strand.
Harmonic tuning traps.
Insulators.
Lightning arrestors.
Permits and privileges for construction. (See particularly paragraph (c) (6) of Sec. 34.1–3.)
Pins.
Poles.
Wire.

*Tuning and Uncoupling Coils*

Bases.
Busses.
Coils.
Foundations.
Houses or shelters for coils.
Switches.

*Sleet Melting Installations*

Cables, conduits, and wires.
Circuit breakers.
Meters.
Panels.
Power boards.
Power-supply cables.
Shelters, housings, and platforms.
Switches.
Transformers.

NOTE A: The cost of ground systems installed with buildings shall be included in account 14, "Buildings."

NOTE B: The cost of loop or rod antennas which are integral with or essentially a part of receivers, field strength measuring sets, automobiles, or other similar devices or vehicles should not be included in this account.*†

§ 34.26 *Control lines.* This account shall include the cost of wire, cable, conduit, pole lines, and associated equipment used in radiotelegraph service for intercommunicating, dispatching, originating, terminating, tie lines to customers' premises, and other control purposes.

ITEMS (SEE SEC. 34.03–12)

Anchors.
Braces and brackets.
Cables.
Clearing routes and tree trimming, except maintenance of previous clearings.
Conduits.
Crossarms.
Ducts.
Field telephone systems.
Guys.
Insulators.
Manholes and handholes.
Permits and privileges for construction. (See particularly paragraph (c) (6) of Sec. 34.1–3.)
Poles.
Protectors and arresters.
Tie wires.
Wire.

NOTE A: The cost of interior wiring shall be included in the account appropriate for the cost of plant with which it is associated.

NOTE B: The amounts of payments made to other persons for extending their lines to the carrier's station or office, when such facilities remain the property of such other persons, and when the amounts paid are not subject to rebate, shall be included in account 89, "Other intangibles."*†

§ 34.27 *Power-supply lines.* (a) This account shall include the cost of wire, cable, conduit, pole lines, and associated equipment used in the transmission of power for the carrier's radiotelegraph service.

(b) This account shall include the cost of lines from the point of connection with the primary source of power to the point of termination in the main power-supply switchboard, fuse panel, or distribution box.

ITEMS (SEE SEC. 34.03–12)

Anchors.
Braces and brackets.
Cable.
Clearing routes and tree trimming, except maintenance of previous clearings.
Conduits.
Crossarms.
Ducts.
Guys.
Insulators.
Lightning arresters.
Manholes and handholes.
Permits and privileges for construction. (See particularly paragraph (c) (6) of Sec. 34.1–3.)
Poles.
Tie wires.
Wire.

NOTE: The amounts of payments made to other persons for extending their lines to the carrier's station or office, when such facilities remain the property of such other persons, and when the amounts paid are not subject to rebate, shall be included in account 89, "Other intangibles."*†

*Fixed and Land Station Transmission Equipment*

§ 34.31 *Electron-tube transmitter equipment.* This account shall include the cost of electron-tube transmitters and associated transmitter equipment used in radiotelegraph service. (See accounts 22, "Antenna systems," 26, "Control lines," 36, "Power supply and distribution equipment," and 40, "Control apparatus.")

ITEMS (SEE SEC. 34.03–12)

Air ducts and oil coolers.
Amplifiers—power, audio.
Antenna coupling devices (inside).
Circulating pumps and blowers.
Crystal oscillators.
Electron tubes (see Sec. 34.41–7).
Exciters and drivers.
Filament motor generators.
Meters (permanently installed).
Rectifiers (if a part of the transmitter).
Steel mesh partitions.
Transmitter control panels.
Voltage regulators.
*†

§ 34.32 *Other transmitter equipment.* This account shall include the cost of alternators, spark transmitters, arc transmitters, and other transmitters the cost of which is not includible in account 31, "Electron-tube transmitter equipment," and accessory equipment used exclusively in connection with such transmitters in radiotelegraph service.

ITEMS (SEE SEC. 34.03–12)

Amplifiers.
Coils—induction and saturation.
Compressors.
Condensers.
Converters.
Electron tubes (see Sec. 34.41–7).
Foundations.
Meters (permanently installed).
Motor generators.
Motors.
Oil filtering systems.
Panels.
Pumps.
Resistance grids.
Rheostats.
Steel mesh partitions.
Switchboards.
Switches.
Transformers.
Wiring.
*†

§ 34.33 *Cooling apparatus.* This account shall include the cost of cooling towers and ponds and other apparatus for cooling transmitter and power supply equipment used in radiotelegraph service. (See also account 13, "Drainage, sewerage, gas, and water systems.")

ITEMS (SEE SEC. 34.03–12)

Air ducts.
Blowers.
Brine tanks.
Connecting pipes.
Cooling ponds.
Cooling towers.
Fans.
Meters.
Pumps.
Radiators.
Sumps.
Water storage tanks.

NOTE: The cost of cooling apparatus that forms an integral part of transmitter or power-supply equipment shall be included in accounts 31, "Electron-tube transmitter equipment", 32, "Other transmitter equipment", or 36, "Power supply and distribution equipment", as appropriate.*†

§ 34.34 *Receiver equipment.* This account shall include the cost of receivers and associated receiver equipment used in radiotelegraph service.

ITEMS (SEE SEC. 34.03–12)

Amplifiers.
Control units.
Converters.
Diversity and other equipment racks.
Electron tubes (see Sec. 34.41–7).
Filters.
Meters (permanently installed).
Oscillators.
Resistors.
Switch and control panels.
Tables, pedestals, and other supports (permanently attached).
Tone keyers.
Transformers.
Tuners.

*†

§ 34.36 *Power supply and distribution equipment.* (a) This account shall include the cost of all power supply and distribution equipment serving as or associated with the prime source of power used in radiotelegraph service.

(b) This account shall include also the cost of power rectifiers or motor generator installations (not forming an integral part of a transmitter) that are provided as a common source of power for a multiplicity of transmitters or other equipment. (See also account 31, "Electron-tube transmitter equipment", and account 32, "Other transmitter equipment.")

(c) This account shall include also the cost of storage battery equipment used in radiotelegraph service for the purpose of supplying main, emergency, or auxiliary power.

ITEMS (SEE SEC. 34.03–12)

*Other Than Storage Battery Equipment*

Alternators.
Armatures.
Circuit breakers.
Compensators.
Control panels.
Electron tubes (see Sec. 34.41–7).
Fuse panels.
Generators.
Indicators.
Meters.
Motors.
Power factor correction capacitors.
Rectifiers.
Shelters or housing.
Starters.
Switchboards.
Transformers.

*Storage Battery Equipment*

Batteries.
Battery cases and racks.
Battery room connections.
Charging equipment.
Shelters and housings.
Switching equipment used exclusively for storage batteries.
Tanks and tank insulators.

NOTE A: The cost of lines leading from the main power switchboard, fuse panels, or distribution boxes to the power-supply lines, shall be included in account 27, "Power-supply lines."

NOTE B: The cost of dry cells shall be charged to the appropriate operating expense account.*†

§ 34.40 *Control apparatus.* (a) This account shall include the cost of telephone, telegraph, and other control apparatus, and associated interior wiring, in transmitting and receiving stations and in city or control offices, used for intercommunicating, dispatching, originating, terminating, and other control purposes in radiotelegraph service.

(b) This account shall include also the cost of frequency-measuring installations used for control purposes by the carrier or in the rendition of a commercial frequency-measuring service for others.

(c) This account shall include also the cost of photogram, facsimile, television, and similar equipment, not includible in other accounts, used in radiotelegraph service.

ITEMS (SEE SEC. 34.03–12)

*Frequency-Measuring Equipment*

Equipment racks.
Filament and plate supply regulators.
Frequency meters.
Frequency standard check equipment.
Frequency standards.
Harmonic generators and amplifiers.
Multivibrator units.
Oscillator units.
Pedestals and foundations.
Radio receivers.
Special rooms designed for frequency measuring.
Synchronous clocks and amplifiers.
Time signal recorders and comparators.

*Message Transmitting and Receiving Apparatus*

Automatic transmitters.
Desks or tables fitted with apparatus or used as mountings for apparatus.
Error detectors.
Facsimile machines.
Ink recorders and undulators.
Photoradio operating tables, receiving recorders, scanner units, and transmitting and receiving machines.
Printers, keyboard, page, or tape.
Tape pullers and tape perforators.
Time stamps.
Teletypewriters.
Typewriters, traffic.
Water copy wringers or presses.

*Message-Conveyor Equipment*

Conveyor belts.
Metal chutes.
Pneumatic tubes and associated equipment.

*Calling and Order-Dispatching Equipment*

Annunciator systems.
Microphone and loud speaker equipment.
Public address equipment.
Registers and call boxes.
Telautograph equipment.

*Terminal equipment*

Amplifiers and associated equipment.
Control or switching equipment.
Electron tubes. (See Sec. 34.41–7.)
Filters and filter racks.
Fuse, lamp, and mixer panels.
Microphone equipment.
Modulators.
Mountings for line terminal equipment.
Photoradio facsimile and multiplex terminals.
Radio transmitter frequency control equipment.
Relay test panels.
Tone generating equipment.
Volume indicators.

*Monitoring equipment*

Loud speakers.
Monitor receivers and recorders.
Multiple pen recorders.
Telephone head sets, hand sets, and breast sets.

NOTE A: The cost of outside wiring shall be included in account 26, "Control lines."

NOTE B: The amounts of payments made to other persons for extending their lines (such as pneumatic tube lines) to the carrier's station or office, when such facilities remain the property of such other persons, and when the amounts paid are not subject to rebate, shall be included in account 89, "Other intangibles."

NOTE C: The cost of equipment installed on customers' premises shall be included in account 41, "Equipment on customers' premises."*†

§ 34.41 *Equipment on customer's premises.* (a) This account shall include the cost of equipment installed on customers' premises for use in radiotelegraph service.

(b) This account shall be subdivided as follows:

41:01 Printer equipment.
41:02 Call boxes.
41:99 Other equipment.

ITEMS (SEE SEC. 34.03–12)

Call boxes.
Morse sets.
Printer tables.
Printers (keyboard, page or tape).
Telephones.

NOTE: The cost of outside wiring shall be included in account 26, "Control lines."*†

*Furniture and Office Equipment*

§ 34.51 *Furniture and office equipment.* This account shall include the cost of furniture, office equipment, and portable fixtures used in radiotelegraph service in stations, offices, storerooms, shops, and other quarters.

ITEMS (SEE SEC. 34.03–12)

Beds, cots, and couches.
Bins, counters, and shelves.
Bookcases.
Cabinets and filing cases.
Cages, cashiers' (not part of building).
Chairs, carpets, and rugs.
Clocks.
Davenports.
Desks.
Electric heaters.
Equipment in kitchens and in rest, dining, recreation, and medical rooms.
Fans, electric, portable.
Fire-extinguisher equipment, portable.
Floor scrubbing and polishing machines.



Gas and electric fixtures, portable.
Lockers and wardrobes, portable.
Mirrors, portable.
Motion-picture equipment.
Office devices, including addressing, billing, blueprinting, computing, dating, duplicating, mailing, photostat and recording machines, cash registers, check writers, postage-meter machines, typewriters, and similar items.
Pianos and phonographs.
Radio sets.
Racks—magazine, newspaper, umbrella, and clothing.
Refrigerators, portable.
Safes.
Sewing machines.
Signs, portable.
Shoe-shining equipment.
Stoves.
Tables.
Vacuum sweepers.
Water coolers.

NOTE A: The cost of fixtures attached to and constituting a part of buildings shall be charged to account 14, "Buildings."

NOTE B: The cost of traffic typewriters is includible in account 40, "Control apparatus."*†

*Mobile Station Equipment*

§ 34.61 *Ship station equipment.* (a) This account shall include the cost of equipment used in radiotelegraph service at ship stations.

(b) The records supporting the entries in this account shall be so maintained as to indicate the cost of equipment at each ship station.

ITEMS (SEE SEC. 34.03–12)

Antenna systems.
Control panels.
Electron tubes (see Sec. 34.41–7).
Emergency power supply.
Motor generators.
Receivers.
Transmitters.

*†

§ 34.69 *Other mobile station equipment.* (a) This account shall include the cost of equipment used in radiotelegraph service at mobile stations, other than ship stations.

(b) This account shall be subdivided as follows:

69:01 Aircraft station equipment.
69:02 Equipment at mobile stations other than ship or aircraft.

(c) The records supporting the entries in this account shall be so maintained as to indicate the cost of equipment at each such mobile station.

ITEMS (SEE SEC. 34.03–12)

Antenna systems.
Control panels.
Electron tubes (see Sec. 34.41–7).
Emergency power supply.
Motor generators.
Receivers.
Transmitters.

*†

*Work Equipment*

§ 34.71 *Vehicles and draft animals.* This account shall include the cost of transportation equipment such as motor-driven and animal-drawn vehicles, animals, harness, and appurtenances, used in radiotelegraph service.

ITEMS (SEE SEC. 34.03–12)

Automobiles and airplanes.
Bicycles and scooter-bikes.
Boats and barges.
Camp wagons.
Draft animals.
Hand trucks and carts.
Harness.
Motor cycles.
Mounted kitchens.
Saddles.
Trailers.
Trucks and tractors (including those equipped with earth-boring machines, pumps, winches, and similar items).
Wagons.

*†

§ 34.72 *Shop equipment, tools and implements.* This account shall include the cost of machinery, instruments, tools, appliances, and implements, located at stations, city offices, or shops, and used in testing, maintaining, and constructing radiotelegraph plant.

ITEMS (SEE SEC. 34.03–12)

*Testing and Adjusting Equipment*

Crystal testing equipment.
Electron tubes (see Sec. 34.41–7).
Linemen's test sets.
Megger test sets.
Meters.
Oil testing sets.
Oscillographs and oscilloscopes.
Precision gauges.
Relay testers.
Test panels.
Thermocouples.
Vacuum-tube gas-detector.

*Portable Tools and Implements*

Air compressors, mobile.
Back-filling machines.
Blowers, power.
Compressed-air tools.
Concrete mixers and breakers.
Cranes, mobile.
Derricks, mobile.
Drills and hammers, power.
Earth-boring machines (not part of truck or tractor).
Forges, portable.
Fuse tongs.
Hand tools (see particularly paragraph (c) of Sec. 34.1–1).
Hand trucks, carts, and barrows.
Loaders, power.
Tents and tarpaulins.
Torches.
Trenching machines.

*Other Equipment*

Air compressors.
Blowers.
Boring mills.
Compressed-air tools.
Cranes.
Derricks.
Electric ovens.
Engines.
Forges.
Gasoline pumps and tanks.
Generators, electric and gas.
Lathes.
Milling machines.
Motors.
Oil filter presses.
Oil pumps and tanks.
Planers.
Power drills.
Power hammers.
Power loaders.
Presses.
Pumps.
Winches.
Wire-measuring machines.

NOTE A: The cost of chairs, desks, tables, and other items of furniture used in shops shall be included in account 51, "Furniture and office equipment."

NOTE B: Tools carried as supplies unissued shall be charged to account 1795, "Material and supplies," and small hand tools shall be charged to account 9020, "Shop, tool, and implement expense—Undistributed."*†

§ 34.73 *Store and warehouse equipment.* This account shall include the cost of equipment and appurtenances in storerooms, warehouses, and material yards used in storing, handling, and packing material and supplies held for use in radiotelegraph service.

ITEMS (SEE SEC. 34.03–12)

Barrows.
Bins, portable.
Cabinets, movable.
Conveyors.
Counters, movable.
Cranes.
Furniture and office equipment (located in storerooms and warehouses defined in note A under this account, as distinguished from furniture and office equipment located at stations and city offices).
Gasoline pumps.
Gasoline tanks.
Hand trucks and carts.
Hoists.
Oil pumps.
Oil tanks.
Shelving, movable.
Tools.
Wire-measuring machines.

NOTE A: The storerooms and warehouses to which this account relates are those serving as general distribution centers for materials and supplies and which normally are not located at stations or city offices.

NOTE B: The cost of fixtures attached to and constituting a part of buildings shall be included in account 14, "Buildings."*†

*Intangibles*

§ 34.81 *Organization.* This account shall include the cost of organizing and incorporating the carrier.

ITEMS (SEE SEC. 34.03–12)

Cost of obtaining certificates authorizing the carrier to engage in the public communication business.

Fees and expenses of incorporation.

Fees and expenses of mergers or consolidations.

Office expenses incident to organizing the carrier.

NOTE A: This account shall not include any discounts upon securities issued or assumed, costs incident to negotiating loans or selling bonds or other evidences of indebtedness, or expenses in connection with the authorization, issuance, sale, or resale of capital stock.

NOTE B: This account shall not include the cost of preparing and filing papers in connection with the extension of the term of incorporation unless the first organization costs have been written off.

NOTE C: This account shall not include any organization costs of companies retiring as a result of mergers, consolidations, or reorganizations.°†

§ 34.82 *Franchises.* (a) This account shall include the cost of franchises, consents, and certificates, running in perpetuity or for a specified term of more than one year, issued by a national government, a state, or any other political entity.

(b) When any franchise, consent, or certificate expires, is sold, relinquished, or otherwise retired from service, the accounting shall be as provided in account 1520, "Allowance for amortization—Radiotelegraph plant."

(c) This account shall be subdivided as follows:

82:01 Perpetual franchises.
82:02 Limited-term franchises.

ITEMS (SEE SEC. 34.03–12)

Amounts, other than those includible in account 81, "Organization," paid to a national government, a state, or any other political entity as a condition precedent to engaging in communication business, whether or not the right to occupy public property, streets, or highways is obtained in connection therewith. (See particularly paragraph (c) (6) of Sec. 34.1–3.)

Cost of franchises acquired by assignment.

Cost of plant, material, supplies, and equipment given as the initial consideration for franchises.

Election costs assumed by the carrier for government consent.

NOTE A: The cost of franchises running for one year or less after acquisition shall be charged to account 4460, "Franchise requirements—Dr.," or, if such franchises extend beyond the current calendar year, to account 1800, "Other prepayments," to the extent of its proper portion. Franchises acquired at small cost may be charged to account 4460, irrespective of their term of life.

NOTE B: Franchise taxes payable annually or more frequently shall be charged to account 4932, "Other taxes—Operating."°†

§ 34.83 *Patent rights.* (a) This account shall include the cost of patent rights having a life of more than one year from date of acquisition, acquired for use in connection with the carrier's radiotelegraph operations.

(b) When any patent right expires, is sold, or is otherwise retired from service, the accounting shall be as provided in account 1520, "Allowance for amortization—Radiotelegraph plant."

ITEMS (SEE SEC. 34.03–12)

Costs incident to defending title.

Fees of patent attorneys and other legal expenses.

Filing and registration fees.

Research and development expenses directly assignable.

NOTE: The cost of patent rights having an estimated service life of one year or less, or acquired at small cost, shall be included in account 4499, "Other general expenses."°†

§ 34.84 *Leaseholds.* (a) This account shall include the cost of leaseholds, easements, and similar rights in land and other property having a term of more than one year.

(b) When any leasehold expires, is sold, or is otherwise retired from service, the accounting shall be as provided in account 1520, "Allowance for amortization—Radiotelegraph plant."

(c) This account shall be subdivided as follows:

84:01 Rights of way.
84:99 Other leaseholds.

ITEMS (SEE SEC. 34.03–12)

Conveyancer and notarial fees.

Relocating property of others.

Special counsel and other fees and expenses incurred in connection with leaseholds.

Taxes assumed on leased property applicable to the period prior to the date of the lease.

NOTE A: The cost of permits to erect poles and to place conduit when the expected period of occupancy under such permits does not exceed the estimated life of the initial plant installed, also the cost of other permits not includible in this account, such as those to place cable and wire on buildings and fences, and the related pay and expenses of employees and other costs incident to acquiring such permits, shall be included in the account appropriate for the cost of the plant constructed. (See particularly paragraph (c) (6) of Sec. 34.1–3.)

NOTE B: Annual or more frequent payments for leaseholds shall be charged to account 4940, "Rent for lease of operated plant," account 4245, "Rent for other facilities," account 4450, "Rent for offices," or account 4455, "Other rents," as appropriate.°†

§ 34.89 *Other intangibles.* (a) This account shall include the cost of assets of an intangible nature not provided for elsewhere, such as the amounts of payments made to other persons for extending their lines to the carrier's station or office, when such facilities remain the property of such other persons, and when the amounts paid are not subject to rebate.

(b) When any intangible item the cost of which is included in this account expires or is otherwise retired from service, the accounting shall be as provided in account 1520, "Allowance for amortization—Radio-telegraph plant."

(c) The records supporting the entries in this account shall be so maintained that in the reports to this Commission complete information can be furnished with respect to any amounts included herein.°†

*Other Plant Accounts*

§ 34.91 *Plant Acquired — Undistributed charges.* (a) This account shall be charged temporarily with the acquisition cost of plant acquired by the carrier, under any of the circumstances provided for in Sec. 34.1–2, pending distribution thereof to the appropriate accounts.

(b) Within ninety days from the date of any entry herein recording an acquisition, the carrier shall submit to this Commission a statement indicating the approximate date that clearance is contemplated.°†

§ 34.92 *Plant sold — Undistributed credits.* This account shall be credited temporarily with the selling price of plant, pending distribution thereof to the appropriate accounts. (See particularly paragraph (c) of Sec. 34.1–6.)°†

INCOME AND EARNED SURPLUS ACCOUNTS

Instructions

§ 34.30–1 *Purpose of income accounts.* The income accounts are designed to show for each month and each calendar year the amounts of (1) ordinary income, comprising operating revenues, operating revenue deductions, other communication income, noncommunication income, and deductions from ordinary income, (2) extraordinary income charges and credits, and (3) deductions from net income, comprising taxes on net income and other deductions.°†

§ 34.30–2 *Income from debt-redemption and other funds.* (a) Interest, dividends, and other income derived from funds classified in accounts 1630 to 1659, inclusive, shall be credited to account 5135, "Income from debt-redemption and other funds."

(b) When the income is required by contractual or other provisions to be held in the fund from which the income arises, an amount equal to the income shall be included in the fund to which it is applicable.

(c) When income derived from these funds is required to be retained in the fund and the fund is represented by a reserve, amounts equal to such income shall be charged to account 8310, "Contractual appropriations of earned surplus", or account 8320, "Miscellaneous appropriations of earned surplus", as appropriate, and credited to the appropriate reserve account. (See also accounts 2610, "Contractual reserves", and 2620, "Miscellaneous reserves.")°†

§ 34.30–3 *Rents includible in income accounts.* (a) Rents which the carrier receives from others for operated plant the cost of which is includible in account 1100, "Operated plant leased to others," shall be credited to account 5010, "Income from operated plant leased to others."



NOTE: Rents from operated plant the cost of which is includible in account 1000, "Operated plant in carrier's service," or account 1200, "Improvements and replacements of operated plant leased from others," shall be credited to account 3818, "Revenue from furnishing and servicing stations," or account 3848, "Other leased plant revenue," as appropriate.

(b) All taxes, maintenance, depreciation, amortization, uncollectible rents, or other expenses applicable to plant the income from which is includible in account 5010, "Income from operated plant leased to others," shall be charged to that account by the lessor. When it is necessary to apportion any such amounts between plant owned and used and plant leased to others, the carrier shall be prepared to describe the basis of such apportionment.

(c) Rents paid by the carrier for the exclusive use of substantially complete operating systems or operating units leased from others shall be charged to account 4940, "Rent for lease of operated plant." When taxes, depreciation, amortization, or other expenses applicable to the leased plant are initially accounted for by the lessor, such amounts shall be charged to the appropriate tax, depreciation, amortization, or other accounts by the lessee and credited to account 4940. The lessor shall inform the lessee of the appropriate distribution of such charges.

(d) Taxes, maintenance, depreciation, amortization, and other expenses applicable to leased plant, initially accounted for by the lessee, shall be charged by the lessee to the appropriate tax, maintenance, depreciation, amortization, or other accounts. (See also Sec. 34.1–5.)°†

§ 34.30–4 *Disposition of balances in income accounts.* The net balance of the income account (after deductions provided for in accounts 7010 to 7099, inclusive) shall be transferred to account 8110, "Balance transferred from income accounts," at the end of each calendar year.°†

§ 34.30–5 *Purpose of earned surplus accounts.* The earned surplus accounts are designed to show the changes relating to earned surplus, during each calendar year, resulting from (1) the net amount of profit or loss during the period as reflected in the income accounts, (2) accounting adjustments (usually confined to changes in the stated capital of the corporation or to transactions in its own capital stock) not attributable to income under the provisions of this system of accounts, (3) appropriations of earned surplus for specific purposes, and (4) appropriations for dividends.°†

§ 34.30–6 *Disposition of balances in earned surplus accounts.* The net balance of the earned surplus accounts shall be transferred to account 2699, "Unappropriated earned surplus," at the end of each calendar year.°†

§ 34.30–99 *Contemplated form of income and earned surplus statement.* (See particularly Sec. 34.03–9.)

*Income and Earned Surplus Statement*

| Account No. | Particulars | | |
|---|---|---|---|
| | ORDINARY INCOME—COMMUNICATION | | |
| 3000 | Operating revenues | $ | |
| | OPERATING REVENUE DEDUCTIONS | | |
| 4000 | Operating expenses | $ | |
| 4910 | Depreciation | | |
| 4915 | Amortization—Intangible operated plant | | |
| 4920 | Amortization of plant acquisition adjustments | | |
| 4925 | Extraordinary plant losses | | |
| 4931 | Social security taxes—Operating | | |
| 4932 | Other taxes—Operating | | |
| 4935 | Uncollectible revenues | | |
| 4940 | Rent for lease of operated plant | | |
| 4945 | Telephone, wire-telegraph, and ocean-cable operating revenue deductions | | |
| 4950 | Revenue-contract payments | | |
| 4999 | Other operating revenue deductions | | |
| | | | |
| | OTHER COMMUNICATION INCOME | | |
| 5010 | Income from operated plant leased to others | | |
| 5015 | Income from telephone, wire-telegraph, and ocean-cable plant leased to others | | |
| 5020 | Profit from general services, licenses, and royalties | | |
| 5089 | Income from foreign operations | | |
| 5099 | Other communication income | | |
| | Operating income | | |
| | ORDINARY INCOME—NONCOMMUNICATION | | |
| 5110 | Income from miscellaneous physical property | | |
| 5115 | Income from merchandising, jobbing, and contracting | | |
| 5120 | Dividend income | | |
| 5125 | Interest income | | |
| 5135 | Income from debt-redemption and other funds | | |
| 5140 | Gain or loss on foreign currency exchange (if loss, in red) | | |
| 5199 | Other noncommunication income | | |
| | Gross ordinary income | | |
| | DEDUCTIONS FROM ORDINARY INCOME | | |
| 5210 | Interest on long-term debt | | |
| 5215 | Interest on indebtedness to affiliates | | |
| 5220 | Amortization of debt discount | | |
| 5225 | Interest charged to construction—Cr.—(red) | | |
| 5230 | Amortization of debt premium—Cr.—(red) | | |
| 5235 | Other interest charges | | |
| 5240 | Taxes assumed on interest | $ | |
| 5245 | Amortization of debt expense | | |
| 5250 | Miscellaneous taxes | | |
| 5255 | Amortization of plant acquisition adjustments | | |
| 5260 | Revenue-contract payments | | |
| 5260 | Revenue-contract from ordinary income | | |
| | | | $ |
| | Net ordinary income | | |
| | EXTRAORDINARY INCOME—CREDITS | | |
| 6110 | Delayed income credits | | |
| 6199 | Other extraordinary income credits | | |
| | | | |
| | EXTRAORDINARY INCOME—CHARGES | | |
| 6210 | Delayed income charges | | |
| 6299 | Other extraordinary income charges | | |
| | | | |
| | Net income | | |
| | DEDUCTIONS FROM NET INCOME | | |
| 7010 | Taxes on net income | | |
| 7099 | Other deductions from net income | | |
| | Net income, transferred to account 8110, "Balance transferred from income accounts" | | |
| | EARNED SURPLUS | | |
| 2699 | Unappropriated earned surplus (at beginning of year) | | |
| | Add: | | |
| | EARNED SURPLUS—CREDITS | | |
| 8110 | Balance transferred from income accounts | | |
| 8199 | Miscellaneous credits to earned surplus | | |
| | Total | | |
| | Deduct: | | |
| | EARNED SURPLUS—CHARGES | | |
| 8299 | Miscellaneous charges to earned surplus | | |
| | Earned surplus available for reservation or appropriation | | |
| | Deduct: | | |
| 8310 | Contractual appropriations of earned surplus | | |
| 8315 | Earned surplus employed in reacquisition of capital stock | | |
| 8320 | Miscellaneous appropriations of earned surplus | | |
| | Earned surplus available for dividends | | |

| *Account No.* | *Particulars* | |
|---|---|---|
| | Deduct: | |
| 8399 | Dividend appropriations of earned surplus | 0 |
| 2699 | Unappropriated earned surplus (at end of year) | |

*†

Prescribed Accounts

[NOTE: Number to the right of the decimal point is the account number]

INCOME ACCOUNTS

*Ordinary Income—Communication (See Particularly Sec. 34.03–8)*

§ 34.3000 *Operating revenues.* This account shall include the total operating revenues shown in the operating revenue accounts, derived by the carrier during the accounting period from the furnishing of communication service and services incidental thereto.*†

Operating Revenue Deductions

§ 34.4000 *Operating expenses.* This account shall include the total operating expenses shown in the operating expense accounts, incurred by the carrier during the accounting period for maintenance of its radiotelegraph plant, and for conducting-operations, administrative, and general expenses incurred in furnishing radiotelegraph service and services incidental thereto.*†

§ 34.4910 *Depreciation.* (a) This account shall include the amount of depreciation charges applicable to the accounting period for all classes of operated plant owned by the carrier except such depreciation as is chargeable to clearing accounts, to account 1300, "Plant under construction," and to account 5010, "Income from operated plant leased to others." It shall include also the amount of depreciation charges applicable to the accounting period for all classes of operated plant used but not owned by the carrier, as provided in Sec. 34.30–3. (See also Secs. 34.04–1 to 34.04–3, inclusive, and Sec. 34.1–5.)

(b) This account shall be subdivided as follows:

4910:01 Depreciation—Operated plant owned and used.
4910:02 Depreciation—Operated plant leased from others.

(c) The records supporting the entries in this account shall be so maintained as to show the amounts applicable to (1) transmission service for each station and (2) nontransmission service.*†

§ 34.4915 *Amortization — Intangible operated plant.* (a) This account shall include the amount of amortization charges applicable to the accounting period for intangibles (having a terminable life) the cost of which is includible in operated plant accounts 82, "Franchises," 83, "Patent rights," 84, "Leaseholds," and 89, "Other intangibles," except such amortization as is chargeable to account 5010, "Income from operated plant leased to others." It shall include also the amount of amortization charges applicable to the accounting period for such intangibles used but not owned by the carrier, as provided in Sec. 34.30–3.

(b) The charges to this account shall be such that the cost of each intangible will be amortized, as evenly as may be, over the period of its benefit to the carrier.

(c) This account shall be subdivided as follows:

4915:01 Amortization — Intangibles owned and used.
4915:02 Amortization — Intangibles leased from others.

*†

§ 34.4920 *Amortization of plant acquisition adjustments.* (a) This account shall be charged or credited, as the case may be, with such amounts as this Commission may authorize or direct to be included in operating revenue deductions under a plan to amortize the amounts in account 1510, "Plant acquisition adjustments."

(b) Amounts recorded in this account shall be credited or charged, as the case may be, to account 1520, "Allowance for amortization—Radiotelegraph plant."*†

§ 34.4925 *Extraordinary plant losses.* (a) This account shall be charged and account 1910, "Extraordinary maintenance, depreciation, and retirements", or account 1515, "Allowance for depreciation—Radiotelegraph plant", as appropriate, shall be credited with the unprovided-for loss in service value of plant retired for causes not factors in depreciation. (See also Sec. 34.04–4.)

(b) The records supporting the entries in this account shall be so maintained as to show the amounts applicable to (1) transmission service for each station and (2) nontransmission service.*†

§ 34.4931 *Social security taxes—Operating.* (a) This account shall include the amounts for which the carrier is liable on its own behalf for taxes imposed under the Social Security Act and similar State statutes that are properly chargeable to radiotelegraph operations.

(b) This account shall be charged and account 2175, "Tax accruals", shall be credited each month with the amount of taxes that are applicable to the month. When it is not possible to determine the exact amount of taxes for the month, the amount shall be estimated and adjustments shall be made as the actual tax levies become known.

NOTE: The amounts of such taxes not applicable to radiotelegraph operations shall be equitably apportioned among the operated plant accounts and account 5250, "Miscellaneous taxes."*†

§ 34.4932 *Other taxes—Operating.* (a) This account shall include, other than taxes on net income and taxes imposed under the Social Security Act and similar State statutes, the amounts of all national, State, municipal, and other taxes that are properly chargeable to radiotelegraph operations. (See also account 4931, "Social security taxes—Operating," and account 7010, "Taxes on net income.")

(b) This account shall be charged and account 2175, "Tax accruals," shall be credited each month with the amount of taxes that are applicable to the month. When it is not possible to determine the exact amount of taxes for the month, the amount shall be estimated and adjustments shall be made as the actual tax levies become known.

(c) When it is necessary to apportion taxes to radiotelegraph operations, full details as to the methods of and facts considered in the apportionment shall be recorded.

(d) Taxes on plant leased from others, the rent for which is includible in account 4940, "Rent for lease of operated plant," shall be charged to this account by the lessee. Taxes on plant leased to others, the rent from which is includible in account 5010, "Income from operated plant leased to others," when assumed by the lessor, shall be charged to that account by the lessor. (See particularly Sec. 34.30–3.)

(e) The records supporting the entries in this account shall be so maintained as to show the amount of each kind of tax and the basis upon which each charge is made; also the amount of taxes directly assignable to each station and the aggregate amount of taxes not directly assignable.

NOTE A: Taxes assumed by the carrier on interest shall be charged to account 5240, "Taxes assumed on interest."

NOTE B: Taxes on nonoperating property the income from which is includible in account 5110, "Income from miscellaneous physical property," shall be charged to account 5250, "Miscellaneous taxes." Taxes on property the income from which is includible in account 5115, "Income from merchandising, jobbing, and contracting," shall also be charged to account 5250.

NOTE C: Special assessments for the construction of street and other improvements shall be included in the appropriate plant accounts. Special assessments for maintenance thereof and special benefit taxes, such as water taxes, shall be included in the appropriate operating expense accounts.

NOTE D: Discounts allowed for payment of taxes before due shall be treated as reductions of taxes assessed.

NOTE E: The accounting for taxes on plant under construction shall be as provided in subparagraph (7) of paragraph (c) of Sec. 34.1–3.*†

§ 34.4935 *Uncollectible revenues.* (a) This account shall be charged with amounts due from customers and agents for radiotelegraph services rendered which are considered to be uncollectible.

(b) This account may include, in lieu of the amounts of direct charges prescribed in paragraph (a) of this account, monthly charges based upon estimates to make provision for uncollectible revenues due from customers and agents. Such amounts shall be credited to account 1765, "Allowance for uncollectible receivables." There shall be recorded full details as to the methods used and the facts considered in estimating the amounts so credited.

NOTE: Uncollectible receivables, other than from customers and agents, shall be charged to account 5299, "Other deductions from ordinary income", account 6299, "Other extraordinary income charges," or other appropriate account.*†

§ 34.4940 *Rent for lease of operated plant.* (a) This account shall be charged with the amounts of rents payable for the exclusive possession of operated plant comprising substantially complete operating systems or operating units.

(b) This account shall be credited with the amounts of taxes, depreciation, amortization, and other expenses initially accounted for by the lessor on operated plant the rent for which is chargeable to this account. (See particularly Sec. 34.30–3.)

(c) The records supporting the entries in this account shall be so maintained as to show separately the following items for each station:

(1) Rents.
(2) Items initially accounted for by the lessor:
(i) Taxes.
(ii) Depreciation.
(iii) Amortization.
(iv) Other expenses.

NOTE A: Rent for lease of ducts, conduit, land, pole lines, circuits, conductors, transmitting and receiving equipment, and similar facilities comprising a part only of a system or unit shall be charged to account 4245, "Rent for other facilities."

NOTE B: Rent for lease of an office or a building shall be charged to account 4243, "Rent for operating offices", account 4450, "Rent for offices", or account 4455, "Other rents", as appropriate.*†

§ 34.4945 *Telephone, wire-telegraph, and ocean-cable operating revenue deductions.* This account shall include the amounts of operating expenses, depreciation, amortization, taxes, uncollectible revenue, and rents incidental to the carrier's telephone, wire-telegraph, and ocean-cable operations. (See also Sec. 34.03–8.) *†

§ 34.4950 *Revenue-contract payments.* This account shall include amounts (authorized or directed by this Commission to be included in operating revenue deductions) that represent payments to common carriers or other persons under the terms of contracts or agreements which provide that such common carriers or other persons shall receive amounts measured by the revenue or traffic of the accounting carrier, although such persons do not participate in the revenue service or transmission of such traffic. (See also Sec. 34.31–3.) *†

§ 34.4999 *Other operating revenue deductions.* This account shall include amounts representing operating revenue deductions that are not includible elsewhere.*†

Other Communication Income

§ 34.5010 *Income from operated plant leased to others.* (a) This account shall be credited with the amounts of rentals received from operated plant comprising substantially complete operating systems or operating units leased to others where the lessee has exclusive possession.

(b) This account shall be charged with the amounts of taxes, depreciation, amortization, and other expenses initially accounted for by the lessor on operated plant the rental from which is creditable to this account. (See particularly Sec. 34.30–3.)

(c) The records supporting the entries in this account shall be so maintained as to show separately the following items for each station:

(1) Rentals.
(2) Items initially accounted for by the lessor:
(i) Taxes.
(ii) Depreciation.
(iii) Amortization.
(iv) Other expenses.
(3) Uncollectible rentals.

*†

§ 34.5015 *Income from telephone, wire-telegraph, and ocean-cable plant leased to others.* This account shall be credited with the amounts of rentals received from telephone, wire-telegraph, and ocean-cable plant comprising complete operating systems or operating unit leased to others where the lessee has exclusive possession.*†

§ 34.5020 *Profit from general services, licenses, and royalties.* (a) This account shall include the amounts of profits realized from services rendered others under a license agreement, a general service contract, or other arrangements providing for the furnishing of general accounting, engineering, financial, legal, patent, and other general services. (See also Sec. 34.41–4 and account 4420, "General services, licenses, and royalties—Cr.")

(b) Minor amounts of profits from such arrangements may be included in account 4420, "General services, licenses, and royalties—Cr."*†

§ 34.5089 *Income from foreign operations.* (a) This account may include the net amount of income of the carrier when the detailed amounts are required to be stated in terms of foreign currency or in a manner at variance with the requirements of this system of accounts.

(b) A separate subaccount with appropriate title shall be maintained for the amount of such income from each foreign country.

(c) The records supporting the entries in this account shall be so maintained that, in the reports to this Commission, a complete analysis of the transactions affecting each station may be shown.

(d) Each carrier that elects to use this account shall advise this Commission of the fact at least sixty days before the effective date of this system of accounts. Changes from this elective procedure to the alternative procedure prescribed for domestic income, or vice versa, shall not be made thereafter without submitting to this Commission for its consideration and approval notice of the change at least ninety days before the proposed effective date of such change.*†

§ 34.5099 *Other communication income.* This account shall include the amount of communication income not provided for elsewhere.*†

*Ordinary Income—Noncommunication*

§ 34.5110 *Income from miscellaneous physical property.* (a) This account shall include the amounts received and the expenses incurred in connection with the operation of property the investment in which is includible in account 1610, "Miscellaneous physical property," and the property of others leased by the carrier for other than communication operations.

(b) The expenses shall include every element of cost (except taxes) incurred in such operations, including depreciation, amortization, insurance, assessments against such property for maintenance of public improvements, an equitable portion of administration expenses, uncollectible rentals, and any other costs incident to the operation of miscellaneous physical property.

NOTE: Taxes applicable to miscellaneous physical property and its operation shall be charged to account 5250, "Miscellaneous taxes."*†

§ 34.5115 *Income from merchandising, jobbing, and contracting.* (a) This account shall include the amounts received and the expenses (except taxes) incurred in connection with the sale of merchandise, including any amounts accruing to the carrier on jobbing and contracting work performed by employees.

(b) This account shall be subdivided as follows:

5115:01 Income from merchandising, jobbing, and contracting.
5115:02 Costs and expenses of merchandising, jobbing, and contracting.

(c) This account shall be further subdivided to show amounts of income from and the costs and expenses of merchandising, jobbing, and contracting with respect to:

(1) Fixed and land station equipment.
(2) Ship station equipment.
(3) Other mobile station equipment.
(4) Other radio equipment.
(5) Other merchandising, jobbing, and contracting.

NOTE A: Periodic charges for the use of plant includible in account 1000, "Operated plant in carrier's service" (see particularly the note following account 1100, "Operated plant leased to others"), and for installing, maintaining, inspecting, and servicing such plant, shall be included in account 3818, "Revenue from furnishing and servicing stations."

NOTE B: Taxes applicable to merchandising, jobbing, and contracting shall be charged to account 5250, "Miscellaneous taxes."*†

§ 34.5120 *Dividend income.* This account shall include the amounts of in-

come received from dividends declared on stocks of other persons other than dividends received on securities includible in accounts 1630 to 1650, inclusive.

NOTE A: Dividends on nominally issued and nominally outstanding capital stock shall not be included in these accounts.

NOTE B: No amounts shall be entered in these accounts representing value assigned to stock dividends received by the carrier on stocks of other persons. The proceeds realized from subsequent sale or disposal of the stock received as a dividend, or of the stock with respect to which the dividend was paid, shall be appropriately accounted for, proper credit being given to the investment account for the portion of the book cost assignable to the shares sold or disposed of. Any profit or loss resulting from the transaction shall be credited to account 6199, "Other extraordinary income credits," or charged to account 6299, "Other extraordinary income charges," as appropriate.*†

§ 34.5125 *Interest income.* (a) This account shall include the amounts of interest income on investments in securities of other persons other than interest on securities includible in accounts 1630 to 1659, inclusive. It shall include interest income on investment advances and on other loans, notes, special deposits, and other interest-bearing assets. (See also Sec. 34.10–7.)

(b) This account shall be subdivided as follows:

5125:01 Interest income on securities.
5125:02 Interest income on investment advances.
5125:99 Other interest income.

NOTE A: Interest on nominally issued and nominally outstanding long-term debt shall not be included in these accounts.

NOTE B: Interest that has accrued shall not be credited to this account unless its payment is reasonably assured.*†

§ 34.5135 *Income from debt-redemption and other funds.* (a) This account shall include the amounts of income (whether interest or dividends) accrued on cash, securities issued by other persons, or other assets held in accounts 1630 to 1659, inclusive. (See particularly Secs. 34.10–7 and 34.30–2.)

(b) Expenses, losses, and fees payable by the carrier from such funds or income therefrom, and incurred in connection with the operation of the fund, shall be charged to this account.

(c) The records supporting the entries in this account shall be so maintained as to show separately the income from each fund.*†

§ 34.5140 *Gain or loss on foreign currency exchange.* (a) This account shall be credited or charged, as appropriate, with amounts representing the gain or loss resulting from the actual conversion of United States currency into foreign currency, or vice versa, in accordance with the provisions of paragraph (c) and (d) of Sec. 34.03–16.

(b) The records supporting the entries in this account shall be so maintained as to permit ready analysis of the amount applicable to any transaction.*†

§ 34.5199 *Other noncommunication income.* This account shall include the amount of noncommunication income not provided for elsewhere.*†

*Deductions From Ordinary Income*

§ 34.5210 *Interest on long-term debt.* (a) This account shall include the amounts of interest accrued on outstanding long-term debt issued or assumed by the carrier, the liability for which is included in account 2010, "Bonds actually issued", account 2025, "Receivers' and trustees' securities", and account 2099, "Other long-term debt."

(b) The records supporting the entries in this account shall be so maintained as to show the interest accruals on each issue or series of long-term debt.

NOTE: Interest on nominally issued and nominally outstanding long-term debt shall not be included in these accounts.*†

§ 34.5215 *Interest on indebtedness to affiliates.* (a) This account shall include the amounts of interest accrued on indebtedness to affiliates included in accounts such as account 2030, "Advances from affiliates", and account 2129, "Other payables to affiliates."

(b) The records supporting the entries in this account shall be so maintained as to show to whom the interest is payable, the nature and amount of the principal obligation, and the rate of interest, under the following subdivisions:

5215:01 Interest on advances.
5215:02 Interest on open accounts.

*†

§ 34.5220 *Amortization of debt discount.* (a) This account shall include for each accounting period the portion of unamortized debt discount on outstanding long-term debt that is applicable to the period. Such amounts shall be determined in accordance with Sec. 34.10–14.

(b) Amounts charged to this account shall be credited to account 1930, "Unamortized discount on debt." *†

§ 34.5225 *Interest charged to construction—Cr.* This account shall be credited with amounts charged to account 1300, "Plant under construction", as provided in paragraph (c) (8) of Sec. 34.1–3.*†

§ 34.5230 *Amortization of debt premium—Cr.* (a) This account shall include for each accounting period the portion of unamortized premium on outstanding long-term debt that is applicable to the period. Such amounts shall be determined in accordance with Sec. 34.10–14.

(b) Amounts credited to this account shall be charged to account 2310, "Unamortized premium on debt."*†

§ 34.5235 *Other interest charges.* (a) This account shall include the amount of interest charges not provided for elsewhere. Among the items of indebtedness the interest on which is chargeable to this account are (1) assessments for public improvements—past due, (2) claims and judgments, (3) customers' deposits, (4) notes payable on demand or maturing less than one year from date of issuance, except notes payable to affiliates, (5) open accounts, except with affiliates, and (6) tax assessments—past due.

(b) The records supporting the entries in this account shall be so maintained as to show to whom the interest is payable, the nature and amount of the principal obligation, and the rate of interest.*†

§ 34.5240 *Taxes assumed on interest.* This account shall include amounts paid to holders of bonds (or other evidences of indebtedness of the carrier), and amounts paid to governmental agencies in their behalf, with respect to income and other taxes levied against the income from such debt or levied as a tax on ownership of the debt, when such taxes are assumed by the carrier.*†

§ 34.5245 *Amortization of debt expense.* (a) This account shall include for each accounting period the portion of unamortized debt expense on outstanding long-term debt that is applicable to the period. Such amounts shall be determined in accordance with Sec. 34.10–14.

(b) Amounts charged to this account shall be credited to account 1920, "Long-term debt expense."

NOTE: The carrier may accelerate the writing off of debt expense by charges to account 6299, "Other extraordinary income charges."*†

§ 34.5250 *Miscellaneous taxes.* (a) This account shall include the amounts of taxes not provided for elsewhere. Among the items that shall be charged hereto are taxes applicable to miscellaneous physical property and the operation thereof, and taxes applicable to merchandising, jobbing, and contracting.

(b) Amounts charged to this account prior to payment shall be credited to account 2175, "Tax accruals."*†

§ 34.5255 *Amortization of plant acquisition adjustments.* (a) This account shall be charged or credited, as the case may be, with such amounts as this Commission may authorize or direct to be included in deductions from ordinary income under a plan to amortize amounts in account 1510, "Plant acquisition adjustments."

(b) Amounts recorded in this account shall be credited or charged, as the case may be, to account 1520, "Allowance for amortization—Radiotelegraph plant."*†

§ 34.5260 *Revenue-contract payments.* This account shall include amounts (authorized or directed by this Commission to be included in deductions from ordinary income) that represent payments to common carriers or other persons under the terms of contracts or agreements which provide that such common carriers or other persons shall receive amounts measured by the revenue or traffic of the accounting carrier, although such persons do not participate in the revenue service or transmission of such traffic. (See also Sec. 34.31–3.)*†



§ 34.5299 *Other deductions from ordinary income.* This account shall include deductions from ordinary income not provided for elsewhere. Among the items that shall be charged hereto are contributions for charitable, social, or community-welfare purposes and membership fees and dues in associations other than those of the carrier itself in associations of communication carriers and of employees in professional organizations; also amounts of depreciation and amortization on radiotelegraph plant other than operated plant. (See also Sec. 34.03–7.)*†

*Extraordinary Income-Credits*

§ 34.6110 *Delayed income credits.* This account shall include the amount of extraordinary and nonrecurring delayed items, as provided in Sec. 34.03–13.*†

§ 34.6199 *Other extraordinary income credits.* This account shall include the amount of extraordinary income credits not provided for elsewhere.

ITEMS (SEE SEC. 34.03–12)

Forfeitures of amounts deposited with the carrier under options for the sale or lease of property.

Profits derived from the sale of property the cost of which is includible in account 1610, "Miscellaneous physical property."

Profits derived from the sale of reacquired securities other than capital stock.

Profits derived from the sale of securities of other persons.

Profits from the sale of plant. (See also Sec. 34.1–6.)

Unclaimed customers' deposits.

Unclaimed wages and dividends written off.

*†

*Extraordinary Income—Charges*

§ 34.6210 *Delayed income charges.* This account shall include the amount of extraordinary and nonrecurring delayed items, as provided in Sec. 34.03–13.*†

§ 34.6299 *Other extraordinary income charges.* This account shall include the amount of extraordinary income charges that are not includible in account 6210, "Delayed income charges."

ITEMS (SEE SEC. 34.03–12)

Amounts charged to corporate income to provide for the extinguishment of amounts includible in account 81, "Organization."

Amounts charged to income in recognition of decline in value of current assets and securities owned. (See also Secs. 34.10–2 and 34.10–7.)

Capital stock expense written off. (See also paragraph (e) of Sec. 34.10–13.)

Forfeitures of amounts deposited by the carrier under options for the purchase or lease of property.

Inventory, appraisal, and other costs incident to the acquisition, sale, or lease of property when the projects are abandoned.

Long-term debt expense written off. (See also paragraph (e) of Sec. 34.10–14.)

Losses of funds due to bank failures.

Losses on the sale of plant. (See also Sec. 34.1–6.)

Losses resulting from the sale, destruction, or retirement of property the cost of which is includible in account 1610, "Miscellaneous physical property."

Losses resulting from the sale of reacquired securities other than capital stock.

Losses resulting from the sale of securities of other persons.

*†

*Deductions From Net Income*

§ 34.7010 *Taxes on net income.* (a) This account shall include the amount of national, State, and local government taxes on taxable net income including additional assessments of such taxes.

(b) The records supporting the entries in this account shall be so maintained as to show the amounts included herein with respect to each taxing authority.*†

§ 34.7099 *Other deductions from net income.* This account shall include the amount of deductions from net income not provided for elsewhere.*†

EARNED SURPLUS ACCOUNTS

*Earned Surplus-Credits*

§ 34.8110 *Balance transferred from income accounts.* This account shall include the net balance transferred from the income accounts for the current year. (See particularly Sec. 34.30–4.)*†

§ 34.8199 *Miscellaneous credits to earned surplus.* (a) This account shall include the amount of credits affecting earned surplus not provided for elsewhere. Among the items that shall be credited hereto are increments from the reacquisition and resale of the carrier's capital stock. (See also Sec. 34.10–13.)

(b) The records supporting the entries in this account shall be so maintained that an analysis thereof may be shown in the reports to this Commission.*†

*Earned Surplus-Charges*

§ 34.8299 *Miscellaneous charges to earned surplus.* (a) This account shall include the amount of charges affecting earned surplus not provided for elsewhere. Among the items that shall be charged hereto are discount on capital stock written off and losses from the reacquisition and resale of the carrier's capital stock. (See also Sec. 34.10–13 and account 2415, "Capital stock reacquired.")

(b) The records supporting the entries in this account shall be so maintained that an analysis thereof may be shown in the reports to this Commission.*†

§ 34.8310 *Contractual appropriations of earned surplus.* (a) This account shall include the amount of earned surplus reserved in accordance with the terms of mortgages, deeds of trust, orders of courts, contracts, or other agreements.

(b) Amounts charged to this account shall be credited to account 2610, "Contractual reserves."*†

§ 34.8315 *Earned surplus employed in reacquisition of capital stock.* (a) This account shall be charged and account 2615, "Reserve against impairment of stated capital," shall be credited with the book amount of capital stock reacquired by the carrier and not retired.

(b) Upon resale or retirement of capital stock, this account shall be credited and account 2615, "Reserve against impairment of stated capital," shall be charged with the amounts included herein applicable to such stock.*†

§ 34.8320 *Miscellaneous appropriations of earned surplus.* (a) This account shall include the amount of reservations of earned surplus not provided for elsewhere.

(b) Amounts charged to this account shall be credited to account 2620, "Miscellaneous reserves."*†

§ 34.8399 *Dividend appropriations of earned surplus.* (a) This account shall include the amount of earned surplus appropriated for dividends on the actually outstanding capital stock of the carrier.

(b) The records supporting the entries in this account shall be so maintained as to show the amount of dividends declared on each class of capital stock. If dividends are not payable in cash, the medium of payment shall be described with sufficient particularity to identify it.*†

OPERATING REVENUE ACCOUNTS

Instructions

§ 34.31–1 *Purpose of operating revenue accounts.* The operating revenue accounts are designed to show the carrier's portion of amounts received or receivable for the furnishing of radiotelegraph service. (See also Secs. 34.03–8 and 34.03–17.)*†

§ 34.31–2 *Basis of credits to operating revenue accounts.* (a) Credits to the operating revenue accounts shall be based upon the actual amounts chargeable for services rendered by the carrier.

NOTE A: Corrections of overcharges, overcollections, and collections on behalf of others previously credited to the operating revenue accounts shall be charged to the account or accounts previously credited.

NOTE B: Authorized refunds and adjustments on account of failures in service shall be charged to account 4230, "Traffic damages."

(b) The appropriate operating revenue accounts shall be credited with:

(1) Amounts charged for installations, for restoration and termination of service, for inside and outside moves, for instrument changes, and for similar service requirements.

(2) Amounts of initial nonrecurring charges for special or auxiliary plant or equipment furnished in rendering service to a customer, except that charges for the cost of such plant or equipment the

ownership of which rests with or will revert to the customer shall be credited to the accounts charged with the cost of such plant or equipment.

(3) Amounts of initial nonrecurring charges for installation of special or auxiliary plant or equipment furnished by a customer.

(4) Amounts of service charges for supplemental or auxiliary equipment furnished in rendering service to a customer.

(5) Amounts collected from users as costs of delivery beyond the free delivery zones adjacent to terminals of the carrier. (See also note C under Sec. 34.31–3.)

(c) A separate subaccount shall be maintained for revenue derived from each circuit used in foreign transmission. (For the purpose of compliance with this instruction, all stations in a single foreign country may be viewed as a single terminus of any particular circuits affording transmission with that country.) *†

§ 34.31–3 *Divisions of operating revenues.* (a) An account shall be maintained with each communication carrier with which traffic settlements are made (separately from the accounts maintained for other transactions with such carriers) and there shall be included in each such account both the amounts of revenues receivable from such carriers for the accounting carrier's participation and the amounts payable to such carriers for participation by others in such transmission. In stating the balance sheet the total of the debit balances remaining in such accounts shall be reported in accounts 1742, "Traffic settlements receivable from affiliates," and 1752, "Traffic settlements receivable," as appropriate, and the total of the credit balances remaining in such accounts shall be reported in accounts 2122, "Traffic settlements payable to affiliates," and 2132, "Traffic settlements payable," as appropriate.

(b) Amounts representing the carrier's portion of revenues receivable from other carriers for participation in the transmission of communication shall be credited to the appropriate revenue accounts and charged to the account maintained in accordance with paragraph (a) of this section.

(c) Amounts payable for participation by others in the transmission of communication shall be excluded from (or if previously credited thereto—charged to) the revenue accounts and credited to the account maintained in accordance with paragraph (a) of this section.

NOTE A: Commissions paid to transportation companies, hotels, service stations, or any person other than employees of the carrier for services rendered in originating and terminating messages or for other commercial communication services shall be charged to account 4270, "Commissions—Dr." Commissions paid to employees in lieu of or in addition to salaries or other compensation for similar services rendered shall be charged to the operating expense account appropriate for the salaries of such employees.

NOTE B: Commissions received by the carrier for services rendered in originating or terminating messages or for other commercial communication services shall be credited to account 4275, "Commissions—Cr."

NOTE C: Amounts (other than those representing commissions or participation in transmission) payable to common carriers or other persons under the terms of contracts or agreements which provide that such common carriers or other persons shall receive amounts measured by revenues or traffic of the accounting carrier shall be charged to account 4050, "Revenue-contract payments", or account 5260, "Revenue-contract payments," as appropriate. Amounts payable for services performed for the carrier, such as tolls or rental charges, including those collected from users as costs of delivery beyond the free delivery zones adjacent to the terminals of the carrier shall be charged to the appropriate operating expense accounts.*†

§ 34.31–4 *Services furnished without direct charge.* (a) Amounts representing radiotelegraph services furnished to a national government, a state, or political subdivision thereof without direct compensation, in accordance with franchise requirements, shall be charged to account 4460, "Franchise requirements—Dr.", and credited to account 4465, "Franchise requirements—Cr."

(b) Records shall be maintained to show amounts representing any other radiotelegraph services carried on especially for the needs of a specific service of general interest and not open to public correspondence and for which no direct compensation is received.*†

§ 34.31–99 *Contemplated form of operating revenue statement.* (See Sec. 34.03–9.)

*Operating Revenues*

| Account No. | Particulars | Domestic | | Foreign | | Marine | Other revenues | Total |
|---|---|---|---|---|---|---|---|---|
| | | Continental | Insular | Foreign-service classification | Domestic-service classification | | | |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
| | Continental Fixed Radiotelegraph Revenues: | | | | | | | |
| 3113 | Fixed message revenue—Continental | $ | $ | $ | $ | $ | $ | $ |
| | Insular Fixed Radiotelegraph Revenues: | | | | | | | |
| 3213 | Fixed message revenue—Continental transmission | | | | | | | |
| 3214 | Fixed message revenue—Insular transmission | | | | | | | |
| | Total | | | | | | | |
| | Foreign Fixed Radiotelegraph Revenues—Foreign-service classification: | | | | | | | |
| 3313 | Fixed message revenue—Continental transmission | | | | | | | |
| 3315 | Fixed message revenue—Foreign transmission | | | | | | | |
| | Total | | | | | | | |
| | Foreign Fixed Radiotelegraph Revenues—Domestic-service classification: | | | | | | | |
| 3413 | Fixed message revenue—Continental transmission | | | | | | | |
| 3416 | Fixed message revenue—Foreign transmission | | | | | | | |
| | Total | | | | | | | |
| | Marine Radiotelegraph Revenues: | | | | | | | |
| 3513 | Marine message revenue—Continental transmission | | | | | | | |
| 3517:1 | Marine message revenue—Land station transmission | | | | | | | |
| 3517:2 | Marine message revenue—Ship station transmission | | | | | | | |
| | Total | | | | | | | |
| | Other Radiotelegraph Transmission Revenues: | | | | | | | |
| 3618 | Mobile (other than marine) message revenues | | | | | | | |
| 3628 | Facsimile or photogram service revenues | | | | | | | |
| 3638 | Broadcast-program service revenues | | | | | | | |
| 3648 | Telephone service revenues | | | | | | | |
| 3698 | Miscellaneous transmission revenues | | | | | | | |
| | Total | | | | | | | |
| | Total Transmission Revenue | | | | | | | |
| 3709 | Foreign exchange—Revenue differential | | | | | | | |
| | Total—after adjustment | | | | | | | |
| | Nontransmission revenues: | | | | | | | |
| 3818 | Revenue from furnishing and servicing stations | | | | | | | |
| 3828 | Frequency-measuring revenue | | | | | | | |
| 3838 | Code-registration revenue | | | | | | | |
| 3848 | Other leased plant revenue | | | | | | | |
| 3868 | Errand-service revenue | | | | | | | |
| 3898 | Other nontransmission revenue | | | | | | | |
| | Total nontransmission revenues | | | | | | | |



*Operating Revenues*—Continued

| Account No. | Particulars | Domestic | | Foreign | | Marine | Other revenues | Total |
|---|---|---|---|---|---|---|---|---|
| | | Continental | Insular | Foreign-service classification | Domestic-service classification | | | |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
| | Other Telecommunication Revenues: | | | | | | | |
| 3918 | Telephone revenue—Telephone systems | | | | | | | |
| 3928 | Wire-telegraph and ocean-cable revenue—Wire systems | | | | | | | |
| | Total other telecommunication revenues | | | | | | | |
| | Total, this page | | | | | | | |
| | Total, preceding page | | | | | | | |
| | Total operating revenues | | | | | | | [1] |

[1] Amount transferred to account 3000, "Operating revenues." *†

## Prescribed Accounts

[NOTE: Number to the right of the decimal point is the account number]

*Continental Fixed Radiotelegraph Revenues*

§ 34.3113 *Fixed message revenue—Continental.* (a) This account shall include the carrier's portion of revenue from the transmission of continental fixed communication.

(b) A memorandum record supporting the entries in this account shall be prepared by Class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services as follows:

(1) *General message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the general public, of the following and similar classes of messages:

Full rate messages.
Day letters.
Night letters.

including multiple-address or book messages, and similar services related to the above classes.

(2) *Serial service message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the general public, of messages transmitted at rates established to apply when more than one message or section of a message is sent to the original addressee at the same address within a specified period of relatively short duration.

(3) *Timed service message revenue.* This classification shall include the carrier's portion of revenue from the transmission of messages when the basis of the published tariff rates is the time employed, required, or allowed for such transmission, whether such time is computed on basis of the number of words transmitted converted into equivalent minutes, or on basis of the actual time required for transmission.

(4) *Greetings and other flat-rate message revenue.* (i) This classification shall include the carrier's portion of revenue from the transmission, at flat or fixed published tariff rates (applicable regardless of distance), of classes of fixed-text messages and messages of sender's composition such as holiday-greeting messages, including multiple-address or book messages and similar services related to these classes.

(ii) Allocations to this classification shall reflect due consideration of the effect of the abnormal traffic existing upon special occasions such as holidays.

(5) *Press message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available only to newspapers, press associations, and persons similarly engaged, that are less than the rates for comparable service to the general public or classes of messages restricted as to text.

(6) *United States government message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the United States government, or any department or agency thereof, of classes of official messages such as the following:

Government full rate messages.
Government day letters.
Government night letters.
Government weather bureau messages.

(7) *Other governments message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to governments other than the United States, that are less than the rates for comparable service to the general public, of classes of messages similar to those listed under classification (6), immediately preceding, relating to United States government message revenue.

(99) *Other radiotelegraph revenue.* This classification shall include the carrier's portion of revenue from the transmission includible in this account and not provided for elsewhere.*†

*Insular Fixed Radiotelegraph Revenues*

§ 34.3213 *Fixed message revenue—Continental transmission.* (a) This account shall include the carrier's portion of revenue from the continental transmission of insular fixed communication.

(b) A memorandum record supporting the entries in this account shall be prepared by Class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services as follows:

(1) *General message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the general public, of the following and similar classes of messages:

Urgent messages.
Urgent CDE messages.
Ordinary messages.
Ordinary CDE messages.
Letter (DLT and NLT) messages.
Deferred (LC) messages.
Radiomail.

including multiple-address or book messages and similar services related to the above classes.

(4) *Greetings and other flat-rate message revenue.* (i) This classification shall include the carrier's portion of revenue from the transmission, at flat or fixed published tariff rates (applicable regardless of distance), of classes of fixed-text messages and messages of sender's composition such as holiday-greeting messages, including multiple-address or book messages, and similar services related to these classes.

(ii) Allocations to this classification shall reflect due consideration of the effect of the abnormal traffic existing upon special occasions such as holidays.

(5) *Press message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available only to newspapers, press associations, and persons similarly engaged that are less than the rates for comparable service to the general public, of classes of messages restricted as to text.

(6) *United States government message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the United States government, or any department or agency thereof, of classes of official messages such as the following:

Government ordinary messages.
Government CDE messages.
Government full rate messages.
Government day letters.
Government night letters.
Government weather bureau messages.

(7) *Other governments message revenue.* This classification shall include the

carrier's portion of revenue from the transmission, at published tariff rates available to governments other than the United States, that are less than the rates for comparable service to the general public, of classes of messages similar to those listed under classification (6), immediately preceding, relating to United States government message revenue.

(8) *News service revenue.* This classification shall include the carrier's portion of revenue from the transmission of news disseminated by the carrier to its subscribers.

(99) *Other radiotelegraph revenue.* This classification shall include the carrier's portion of revenue from transmission includible in this account and not provided for elsewhere.*†

§ 34.3214 *Fixed message revenue—Insular transmission.* (a) This account shall include the carrier's portion of revenues from the insular transmission of insular fixed communication.

(b) A memorandum record supporting the entries in this account shall be prepared by Class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services listed under paragraph (b) of account 3213.*†

*Foreign Fixed Radiotelegraph Revenues—Foreign-service Classification*

§ 34.3313 *Fixed message revenue—Continental transmission* (a) This account shall include the carrier's portion of revenue from the continental transmission of foreign fixed communication involving effective service classifications differing in general from those applicable to revenue messages transmitted wholly within the continental United States.

(b) A memorandum record supporting the entries in this account shall be prepared by Class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services listed under paragraph (b) of account 3213.*†

§ 34.3315 *Fixed message revenue—Foreign transmission.* (a) This account shall include the carrier's portion of revenue from the foreign transmission of foreign fixed communication involving effective service classifications differing in general from those applicable to revenue messages transmitted wholly within the continental United States.

(b) A memorandum record supporting the entries in this account shall be prepared by Class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services listed under paragraph (b) of account 3213.

NOTE: Paragraph (b) is not applicable to revenues from wholly foreign transmission.*†

*Foreign Fixed Radiotelegraph Revenues—Domestic-service Classification*

§ 34.3413 *Fixed message revenue—Continental transmission.* (a) This account shall include the carrier's portion of revenue from the continental transmission of foreign fixed communication involving effective service classifications also applicable to revenue messages transmitted wholly within the continental United States.

(b) A memorandum record supporting the entries in this account shall be prepared by Class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services as follows:

(1) *General message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the general public, of the following and similar classes of messages:

Urgent messages.
Urgent CDE messages.
Ordinary messages.
Ordinary CDE messages.
Night radiotelegrams (NRT).
Sea letter telegrams (SLT).
Short cruise radiotelegrams.
Harbor radiotelegrams.

including multiple-address or book messages and similar services related to the above classes.

(4) *Greetings and other flat-rate message revenue.* (i) This classification shall include the carrier's portion of revenue from the transmission, at flat or fixed published tariff rates (applicable regardless of distance), of classes of fixed-text messages and messages of sender's composition such as holiday-greeting messages, including multiple-address or book messages and similar services related to these classes.

(ii) Allocations to this classification shall reflect due consideration of the effect of the abnormal traffic existing upon special occasions such as holidays.

(5) *Press message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available only to newspapers, press associations, and persons similarly engaged, that are less than the rates for comparable service to the general public, of classes of messages restricted as to text.

(6) *United States government message revenue.* This classification shall include the carrier's portion of revenue from the transmission, at published tariff rates available to the United States government, or any department or agency thereof, of classes of official messages such as the following:

Government ordinary messages.
Government ordinary CDE messages.
Government weather bureau messages.

(8) *News service revenue.* This classification shall include the carrier's portion of revenue from the transmission of news disseminated by the carrier to its subscribers.

(99) *Other radiotelegraph revenue.* This classification shall include the carrier's portion of revenue from transmission includible in this account and not provided for elsewhere.*†

§ 34.3517:1 *Marine message revenue—Land station transmission.* (a) This account shall include the carrier's portion of revenue from the land station transmission of marine communication.

(b) A memorandum record supporting the entries in this account shall be prepared by Class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services listed under paragraph (b) of account 3513.*†

§ 34.3517:2 *Marine message revenue—Ship station transmission.* (a) This account shall include the carrier's portion of revenue from the ship station transmission of marine communication.

(b) A memorandum record supporting the entries in this account shall be prepared by Class A carriers on a monthly basis from statistical records of revenues derived from the several classifications of services listed under paragraph (b) of account 3513.*†

*Other Radiotelegraph Transmission Revenues*

§ 34.3618 *Mobile (other than marine) message revenues.* This account shall include the carrier's portion of revenue from the mobile transmission (other than marine) of all classes of messages.

NOTE: The revenue derived from transmission between ship stations and other mobile stations shall be included in account 3517.2, "Marine message revenue—Ship station transmission."*†

§ 34.3628 *Facsimile or photogram service revenues.* This account shall include the carrier's portion of revenue from the transmission of any matter involving the use of facsimile or other reproducing equipment.*†



§ 34.3638 *Broadcast-program service revenues.* This account shall include the carrier's portion of revenue from the furnishing of services or facilities utilized in (1) broadcast-program transmission and (2) activities incidentally associated therewith.*†

§ 34.3648 *Telephone service revenues.* This account shall include the carrier's portion of revenue from telephone operations when such operations involve the use of plant primarily devoted to radiotelegraph service. (See also Sec. 34.03–8 and account 3918, "Telephone revenue—Telephone systems.")*†

§ 34.3698 *Miscellaneous transmission revenues.* This account shall include the carrier's portion of revenue from transmission services not provided for elsewhere.*†

Foreign Exchange Adjustment

§ 34.3709 *Foreign exchange—Revenue differential.* (a) This account shall include amounts representing the revenue differential determined in accordance with the provisions of Sec. 34.03–16.

(b) A separate subaccount with appropriate title shall be maintained for amounts applicable to each of the following general classes of revenues:

3709:01 Foreign fixed—Foreign-service classification.
3709:02 Foreign fixed—Domestic-service classification.
3709:03 Marine.
3709:04 Mobile (other than marine) and other transmission.

*†

*Nontransmission Revenues*

§ 34.3818 *Revenue from furnishing and servicing stations.* (a) This account shall include the carrier's portion of periodic charges for equipment furnished radiotelegraph stations and revenue from installing, maintaining, inspecting, and servicing equipment, auditing and adjusting traffic accounts, and other similar services not connected with the transmission of messages or with merchandising, jobbing, or contract work rendered to radiotelegraph stations.

(b) This account shall be subdivided as follows:

3818:01 Fixed and land stations.
3818:02 Ship stations.
3818:03 Other mobile stations.

(c) The records supporting the entries in this account shall be so maintained as to show separately the amounts applicable to the following sources of revenue:

(1) Installation subsequent to initial installation.
(2) Servicing.
(3) Rentals.
(4) Clerical and administrative services.
(5) General service agreements, not specifying the amounts applicable to the foregoing sources.

NOTE: Rental from plant comprising complete operating systems or operating units where the lessee has exclusive possession shall be included in account 5010, "Income from operated plant leased to others." (See also Sec. 34.30–3.)*†

§ 34.3828 *Frequency-measuring revenue.* This account shall include the carrier's portion of revenue from measuring and checking frequencies, adjusting control equipment, and calibrating frequency-measuring equipment for broadcast, police, commercial, and other radio stations.*†

§ 34.3838 *Code-registration revenue.* This account shall include the carrier's portion of revenue from the registration of code names, titles, symbols, and addresses, and other similar code-registration services.*†

§ 34.3848 *Other leased plant revenue.* This account shall include the carrier's portion of revenue from the use by others of leased operated plant not provided for elsewhere. (See also Sec. 34.30–3 and account 3818, "Revenue from furnishing and servicing stations.")*†

§ 34.3858 *Errand-service revenue.* This account shall include the carrier's portion of revenue from the utilization of messengers in services not connected with the transmission of messages.*†

§ 34.3898 *Other nontransmission revenue.* This account shall include the carrier's portion of revenue from nontransmission services not provided for elsewhere.*†

*Other Telecommunication Revenues*

§ 34.3918 *Telephone revenue — Telephone systems.* This account shall include the carrier's revenue from the operation of telephone systems as provided in Sec. 34.03–8. (See also account 3648, "Telephone service revenues.")*†

§ 34.3928 *Wire-telegraph and ocean-cable revenue—Wire systems.* This account shall include the carrier's revenue from the operation of wire-telegraph and ocean-cable systems as provided in Sec. 34.03–8.*†

OPERATING EXPENSE ACCOUNTS

Instructions

§ 34.41–1 *Purpose of operating expense accounts.* The operating expense accounts are designed to show the expenses of maintaining and operating radiotelegraph plant and the other expenses incurred in providing radiotelegraph service. (See also Secs. 34.03–8 and 34.03–17.)*†

§ 34.41–2 *Operating expenses applicable to leased plant.* Operating expenses applicable to leased plant shall be charged by the lessee to the appropriate operating expense accounts, as provided in paragraphs (c) and (d) of Sec. 34.30–3.*†

§ 34.41–3 *Direct allocation of operating expenses to stations and city offices.* The records supporting the entries in the operating expense accounts shall be so maintained as to show the amounts of expenses directly applicable to:

Each fixed station.
Each land station.
Each city office.
Ship stations (collectively).
Other mobile stations (collectively).

*†

§ 34.41–4 *Expenses of holding or servicing departments.* The records supporting such portions of the charges to each operating expense or other account as are incurred or recorded by departments performing holding company activities or furnishing services (other than radiotelegraph services performed at published tariff rates) to other carriers or affiliates under license agreements, general service contracts, or other arrangements providing for the furnishing of general accounting, engineering, financial, legal, patent, or other general services, shall be so maintained that the carrier can report separately the amount of charges included therein applicable to each such carrier or affiliate.*†

§ 34.41–5 *Maintenance expenses.* (a) The cost of maintenance chargeable to the various operating expense accounts and to clearing accounts includes labor, materials, overhead, and other expenses incurred in maintenance work, such as:

(1) Inspecting, testing, and reporting on the condition of plant to determine the need for repairs, replacements, and rearrangements.

(2) Replacing minor items of operated plant, except when such items are replaced through the replacement of retirement units. (See also Sec. 34.1–6.)

(3) Rearranging and changing the location of plant not retired.

(4) Repairing materials for reuse. (See also account 1795, "Material and supplies".)

(5) Restoring the condition of plant damaged by storm, flood, fire, accident, or other casualty. (See also account 2215, "Provisions for self-carried insurance.")

(6) Restoring the condition of plant damaged by wear and tear, decay, or action of the elements.

(7) Training employees for maintenance work. (See also account 4475, "Training employees.")

(8) Inspecting and testing after repairs have been made.

(9) Portion of local plant supervision attributable to maintenance.

(10) Cost of transportation, shop and store expenses, and use of tools and implements.

(11) Cost of installations, equipment changes, and similar services, for which the carrier is reimbursed in whole or in part, or for which a charge is made by the carrier.

(12) Routine work to prevent service interruptions and to obtain the highest possible service efficiency from the operated plant performed by such employees as maintenance engineers, maintenance men, repair men, and their helpers, and by other employees whose duties include the full time or part time performance of analogous maintenance functions.

(b) The cost of maintenance does not include the cost of replacing items of plant designated as "retirement units." (See also Sec. 34. 1–6–1.)

(c) The records supporting the entries in these accounts shall be so maintained that in the reports to this Commission the maintenance expenses may be shown separately for (1) plant owned and operated by the carrier and (2) plant leased from others. When it is necessary to apportion the maintenance expenses between plant owned and used and plant leased, the carrier shall be prepared to describe the basis of such apportionment.

NOTE: Expenses incurred on account of property of others damaged in connection with maintenance work (except for the cost of incidentally repairing the property of others in the course of such work) shall be included in account 4430, "Injuries and damages."*†

§ 34.41–6 *Conducting-operations expenses.* The expenses of conducting radiotelegraph operations shall be charged to the appropriate accounts during the month when such expenses are incurred. When it is impracticable to determine the amount of expenses applicable to a particular account, the amount shall be entered in an appropriate clearing account and the portion considered applicable to conducting operations shall be cleared as at the end of the month by transfer to the appropriate account. (See also Sec. 34.03–17.)*†

§ 34.41–7 *Accounting for electron tubes.* (a) When electron tubes are placed into service, the account that includes the cost of the plant with which the electron tubes are associated shall be charged with the cost of the tubes.

(b) When electron tubes are replaced, without retirement and replacement of any unit of plant of which such tubes form a part, the cost of the new tubes shall be charged to accounts 4132, "Electron-tube replacements," or 4135, "Maintenance of mobile station equipment," as appropriate. Electron tubes shall be considered as minor items for retirement purposes. (See also Sec. 34.03–15.)

(c) If electron tubes are repaired, the cost of such repairs shall be charged to account 4125, "Maintenance of fixed and land station transmission equipment," or account 4135, "Maintenance of mobile station equipment," as appropriate.*†

§ 34.41–99 *Contemplated form of operating expense statement.* (See Sec. 34.03–9.)

*Operating Expenses*

MAINTENANCE EXPENSES

| Account No. (1) | Particulars (2) | Amount (3) |
|---|---|---|
| 4110 | Supervision of maintenance | $ |
| 4115 | Maintenance of real estate | |
| 4120 | Maintenance of fixed and land station aerial systems and lines | |
| 4125 | Maintenance of fixed and land station transmission equipment | |
| 4130 | Maintenance of furniture and office equipment | |
| 4132 | Electron-tube replacements | |
| 4135 | Maintenance of mobile station equipment | |
| 4198 | Maintenance-expense equalization | |
| 4199 | Other maintenance expenses | |
| | Total maintenance expenses | |

CONDUCTING-OPERATIONS EXPENSES

| | | |
|---|---|---|
| 4210 | Supervision of operations | $ |
| 4215 | Operators' wages | |
| 4216 | Wages of station attendants | |
| 4222 | Wages of operating-office clerks | |
| 4225 | Operating power | |
| 4230 | Traffic damages | |
| 4235 | Traffic-damage expense | |
| 4240 | Telephone service—Message transmission | |
| 4243 | Rent for operating offices | |
| 4245 | Rent for other facilities | |
| 4250 | Advertising | |
| 4255 | Soliciting | |
| 4260 | Obtaining stock and commercial news | |
| 4270 | Commissions—Dr. | |
| 4275 | Commissions—Cr. | (Red) |
| 4281 | Messengers' wages | |
| 4283 | Messengers' uniform expense | |
| 4289 | Other messenger service expense | |
| 4290 | Other employees' wages | |
| 4295 | Supplies—Operating offices | |
| 4299 | Other conducting-operations expenses | |
| | Total conducting-operations expenses | |

ADMINISTRATIVE EXPENSES

| | | |
|---|---|---|
| 4310 | Salaries of general officers and executives | $ |
| 4315 | Expenses of general officers and executives | |
| 4320 | Salaries of general office employees | |
| 4325 | Expenses of general office employees | |
| 4390 | Other administrative expenses | |
| | Total administrative expenses | |

GENERAL EXPENSES

| | | |
|---|---|---|
| 4410 | Legal services | $ |
| 4415 | General services, licenses, and royalties—Dr. | |
| 4420 | General services, licenses, and royalties—Cr. | (Red) |
| 4425 | Insurance | |
| 4430 | Injuries and damages | |
| 4435 | Relief and pensions | |
| 4445 | Rest and lunch room expenses | |
| 4450 | Rent for offices | |
| 4455 | Other rents | |
| 4460 | Franchise requirements—Dr. | |
| 4465 | Franchise requirements—Cr. | (Red) |
| 4470 | Supplies | |
| 4475 | Training employees | |
| 4480 | House service | |
| 4499 | Other general expenses | |
| | Total general expenses | |
| | Total operating expenses | |
| 4298 | Foreign exchange—Expense differential | |
| | Total operating expenses including adjustment of foreign expense differential | [1] |

[1] Amount transferred to account 4000, "Operating expenses."

*†

Prescribed Accounts

[NOTE: Number to the right of the decimal point is the account number]

*Maintenance Expenses*

§ 34.4110 *Supervision of maintenance.* (a) This account shall include the salaries and the office and other expenses of officers, superintendents, engineers, architects, special consultants, and field supervisors engaged exclusively in supervising or directing maintenance work; also similar expenses of the office and field forces of such supervisory personnel, including assistants, clerks, stenographers, and other immediate subordinates.

(b) This account shall include the amounts of expenses applicable to maintenance that are transferred from the clearing accounts. (See also Sec. 34.90–2.)

(c) This account shall be subdivided as follows:

4110:01 Salaries and wages.
4110:99 Other expenses.

ITEMS (SEE SEC. 34.03–12)

Automobile service, including charges through clearing account 9015, "Vehicle expense—Undistributed."

Meals, including payments therefor on account of overtime work.

Postage, printing, and stationery.

Salaries and wages.

Supplies.

Travel expenses.

*†

§ 34.4115 *Maintenance of real estate.* (a) This account shall include the amount of expenses incurred in maintaining plant the cost of which is includible in the accounts provided for real estate (accounts 11 to 14, inclusive) and similar operated plant leased from others.

(b) This account shall be subdivided as follows:

4115:01 Salaries and wages.
4115:02 Materials and supplies.
4115:99 Other expenses.

ITEMS (SEE PARTICULARLY SECS. 34.03–12 AND 34.41–5)

*Land*

Maintaining public improvements, including assessments covering such work.

Maintaining soil conservation (anti-erosion) methods and devices.

Minor improvements to land.

Restoring the condition of land damaged in the course of repairs, replacements, additions, or betterments.

Restoring the grade and similar repairs occasioned by floods and other action of the elements.

*Land Improvements*

Maintaining fences and retaining walls.

Maintaining fountains, pools, and ponds.



Maintaining hedges, shrubbery, and trees.

Maintaining lawns, flower plots, and ornamental plants.

Maintaining non-permanently-surfaced paths, walks, or other passageways.

Maintaining ornamental terraces and statuary.

Maintaining roads and sidewalks.

Maintaining tennis courts, outdoor swimming pools, or other recreational equipment on company owned (or maintained) grounds when primarily for the use of company employees.

Maintaining yard lighting equipment.

Maintaining yards and grounds.

*Drainage, Sewerage, Gas, and Water Systems*

Flushing.

Inspecting.

Minor improvements and rearrangements.

Repairing structures, machinery, pipe lines, reservoirs, and similar items.

Restoring condition of drainage, sewerage, gas, and water systems damaged in the course of repairs, replacements, additions, or betterments.

*Buildings*

Changing location of partitions. (See also Notes D and E to this account.)

Minor alterations to buildings and quarters. (See also Note F to this account.)

Repainting and repapering buildings, including redecorating interiors of buildings.

Repairing building machinery, fixtures, appurtenances, and appliances, such as elevators, plumbing, and equipment for heating, lighting, and ventilating.

Repairing rented buildings and quarters, except when the rented property is used in operations the expense of which is chargeable to other accounts. (See also section 34.1–5.)

Replacing and repairing awnings, screens, window shades and ventilators, storm doors, storm windows, movable partitions, and similar movable minor items of buildings. (See also Note E to this account.)

Restoring condition of buildings damaged in the course of repairs, replacements, or additions. (See also Note F to this account.)

NOTE A: The cost of initial improvements in the preparation for service of either leased or purchased land; land improvements; drainage, sewerage, gas, and water systems; and buildings shall be charged to the appropriate operated plant account, except when such improvements are of relatively minor cost or short life or the period of the lease is less than one year. (See also sections 34.1–1, 34.1–2, and 34.1–5.)

NOTE B: The cost of maintenance of land; land improvements; drainage, sewerage, gas, and water systems; and buildings, the investment in which is includible in account 1610, "Miscellaneous physical property", shall be charged to account 5110, "Income from miscellaneous physical property."

NOTE C: The cost of maintenance of land used for right-of-way shall be charged to account 4120, "Maintenance of fixed and land station aerial systems and lines."

NOTE D: Any substantial increase or decrease in partitions resulting from such changes therein shall be accounted for as additions or retirements, as appropriate.

NOTE E: When partitions of a movable type are replaced by partitions of a permanent type or vice versa, the costs involved shall be accounted for through the plant and depreciation allowance accounts.

NOTE F: The cost of minor building alterations incident to the installation of equipment, such as opening and closing holes in ceilings, partitions, walls, and floors to permit installation of equipment, power conduit and wiring, shall be charged to the account appropriate for the class of equipment installed.*†

§ 34.4120 *Maintenance of fixed and land station aerial systems and lines.* (a) This account shall include the amount of expenses incurred in maintaining (1) plant the cost of which is includible in accounts provided for fixed and land station aerial systems and lines (accounts 21 to 27, inclusive), (2) similar operated plant leased from others, and (3) the right of way therefor.

(b) This account shall be subdivided as follows:

4120:01 Salaries and wages.
4120:02 Materials and supplies.
4120:99 Other expenses.

ITEMS (SEE PARTICULARLY SECS. 34.03–12 AND 34.41–5)

Cutting out or cutting in slack in wires.

Moving plant in connection with road and street changes. (See also section 34.1–6.)

Painting and treating towers, masts, poles, foundations, markers, and similar items subsequent to their installation.

Repairs to tuning coil shelters and sleet-melting equipment.

Relocating poles.

Respacing poles and crossarms.

Right-of-way adjustments, cost of, when no additional rights are acquired.

Straightening poles and crossarms.

Tightening anchors, guys, and other appurtenances and raking guy poles.

Transferring wire in connection with replacement of towers, masts, and poles.

Trenching poles.

Trimming trees, cutting underbrush, and other work to maintain previous clearance of right-of-way.

Work on the property of others in connection with maintenance of aerial systems and lines.

*†

§ 34.4125 *Maintenance of fixed and land station transmission equipment.* (a) This account shall include the amount of expenses incurred in maintaining plant the cost of which is includible in the accounts provided for fixed and land station transmission equipment (accounts 31 to 41, inclusive) and similar operated plant leased from others.

(b) This account shall be subdivided as follows:

4125:01 Salaries and wages.
4125:02 Materials and supplies.
4125:99 Other expenses.

ITEMS (SEE PARTICULARLY SECS. 34.03–12 AND 34.41–5)

Adding acid and water to batteries and reading specific gravity, current drain, and voltage of batteries.

Calibrating thermocouples and other instruments.

Cleaning, lubricating, and adjusting the equipment.

Grinding used crystals for reuse.

Inspecting and testing after repairs have been made.

Refinishing and repairing used equipment for reuse.

Relocating and rearranging equipment.

Removing sediment from storage batteries.

Repairing and adjusting meters.

Repairing electron tubes.

Repairing storage batteries, including replacing of minor items.

Replacing fuses, indicating-lights, and cords.

Servicing message-conveyor equipment.

Tools and other individual items of equipment—items of small cost or short life, cost and repairs of.

*†

§ 34.4130 *Maintenance of furniture and office equipment.* (a) This account shall include the amount of expenses incurred in maintaining plant the cost of which is includible in account 51, "Furniture and office equipment," and similar operated plant leased from others.

(b) This account shall be subdivided as follows:

4130:01 Salaries and wages.
4130:02 Materials and supplies.
4130:99 Other expenses.

*†

§ 34.4132 *Electron-tube replacements.* This account shall include the amount of expenses incurred in replacing electron tubes, the initial cost of which is includible in the operated plant accounts provided for fixed and land station transmission equipment. (See also Sec. 34.41–7 and account 4135.)*†

§ 34.4135 *Maintenance of mobile station equipment.* (a) This account shall include the amount of expenses incurred in maintaining plant the cost of which is includible in the accounts provided for mobile station equipment (accounts 61 to 69, inclusive) and similar operated plant leased from others.

(b) This account shall include also the amount of expenses incurred in replacing electron tubes, the initial cost of which is includible in the operated plant accounts provided for mobile station equipment. (See also Sec. 34.41–7.)

(c) This account shall be subdivided as follows:

4135:01 Salaries and wages.
4135:02 Materials and supplies.
4135:99 Other expenses.

ITEMS (SEE PARTICULARLY SECS. 34.03–12 AND 34.41–5)

Lists given under accounts 4125 and 4130 with respect to comparable equipment are applicable to this account.*†

§34.4198 *Maintenance-expense equalization.* (a) This account shall be charged with such amounts as this Commission may authorize or direct to be credited to account 2220, "Provisions for equalization of maintenance expenses", under a plan to equalize maintenance expenses.

(b) When maintenance work for which provision has been made in this account is performed, the cost of such work shall be charged to the appropriate maintenance accounts. Concurrently this account shall be credited and account 2220, "Provisions for equalization of maintenance expenses", shall be charged with an amount equal to the cost of such maintenance work.*†

§ 34.4199 *Other maintenance expenses.* (a) This account shall include the amount of maintenance expenses not provided for elsewhere.

(b) This account shall be subdivided as follows:

4199:01 Salaries and wages.
4199:02 Materials and supplies.
4199:99 Other expenses.

*†

*Conducting-operations Expenses*

§ 34.4210 *Supervision of operations.* This account shall include the salaries of officers, superintendents, engineers, special consultants, and field supervisors engaged exclusively in supervising or directing operations. (See also paragraph (b) of Sec. 34.03–17.) *†

§ 34.4215 *Operators' wages.* This account shall include the salaries and wages of operators (including printer operators) engaged in the transmission of messages; also commissions paid in lieu of or in addition to such salaries or wages.

NOTE: The amount of salaries and wages of traffic employees attending supplemental training or postgraduate operating schools shall be charged to account 4475, "Training employees."*†

§ 34.4216 *Wages of station attendants.* This account shall include the salaries and wages of station attendants, whether designated as attendants, operators, engineers, or electricians, whose principal duties consist of watching and regulating the operation of transmission equipment.*†

§ 34.4222 *Wages of operating-office clerks.* This account shall include the pay of bookkeepers, clerks, and attendants engaged in the receiving and delivering of messages at counters or telephones, quoting rates, collecting charges, keeping accounts, and performing other clerical duties in operating offices.*†

§ 34.4225 *Operating power.* (a) This account shall include the cost of power for transmitting traffic and operating signals. It shall include the cost of electricity purchased, the cost of fuel and other supplies used, and the expenses incurred in the generation, conversion, and storage of current for operating the carrier's transmission equipment, battery-charging machines, and for other operating power requirements; also the salaries, wages, and expenses of engineers, and other attendants and employees engaged in the generation, conversion, and storage of such current.

(b) This account shall be subdivided as follows:

4225:01 Power purchased.
4225:02 Power generated.

NOTE A: Payments for installation of permanent power circuits for emergency use shall be charged to the appropriate plant account.

NOTE B: The cost of power used for house service purposes shall be charged to account 9035, "House-service expense—Undistributed," or other account, as appropriate.*†

§ 34.4230 *Traffic damages.* (a) This account shall include the amount of obligations incurred in settlement of damages arising out of claims of delays and errors in service, including amounts of revenues refunded in partial or complete settlement of such claims.

(b) The records supporting the entries in this account shall be so maintained as to show the amounts of settlements made during the accounting period with respect to delayed-delivery, non-delivery, error, and other causes under the following subdivisions:

4230:01 Amounts with respect to messages.
4230:02 Amounts with respect to money transfers.

(c) There shall be classed as delayed-delivery claims those arising from delays in transmission or delivery; as non-delivery claims, those arising from failure to deliver; as error claims, those arising from error in transmission or delivery, except such as may be classified as delayed-delivery or non-delivery claims; and as other types of claims, those arising from causes not shown above, such as libel, fraud, and similar bases.

NOTE: Payments on account of injuries to persons or damage to property of others shall be charged to account 1300, "Plant under construction," or account 4430, "Injuries and damages," as appropriate.*†

§ 34.4235 *Traffic-damage expense.* This account shall include the amount of expenses incurred in connection with closing claims for traffic damages, including court costs, the pay and expenses of witnesses, and the legal and other expenses or costs incurred in connection with investigating, defending, or settling traffic damage claims.*†

§ 34.4240 *Telephone service—Message transmission.* This account shall include the amount of expenses incurred for telephone service used in the receiving, forwarding, or terminating of radiotelegraph messages. (See also paragraph (a) of Sec. 34.03–17 and account 4222, "Wages of operating-office clerks.")

NOTE: Amounts of expenses relating to telephone service used primarily for other purposes shall be included in the expense account appropriate to the predominant use of such service (with the option of more detailed distribution).*†

§ 34.4243 *Rent for operating offices.* This account shall include the amount of expenses incurred as rents for space used for operating offices. (See also subparagraph (1) of paragraph (b) of Sec. 34.03–5 and accounts 4245, "Rent for other facilities", 4450, "Rent for offices", and 4940, "Rent for lease of operated plant.") *†

§ 34.4245 *Rent for other facilities.* This account shall include the amount of expenses incurred as rents for the use of facilities other than space or leased plant (comprising substantially complete operating systems or operating units held in exclusive possession by the lessee). It shall include rents for such equipment as ducts, conduit, lands, pole lines, circuits, conductors, and transmitting and receiving equipment. (See also accounts 4243, 4450, and 4940.) *†

§ 34.4250 *Advertising.* This account shall include the amount of expenses incurred in connection with commercial advertising for promoting the further use of radiotelegraph service, such as the cost of newspaper advertisements, literature, and similar expenses.

ITEMS (SEE SEC. 34.03–12)

Announcements of rate changes. (See also note A to this account.)
Commercial advertisements in newspapers and magazines. (See also note A to this account.)
Commercial advertising matter, such as posters, bulletins, booklets, and related items. (See also note A to this account.)
Electric current consumed in illuminating signs.
Exhibits in connection with industrial expositions, expenses of.
Lecture and demonstration tours for traffic promotion purposes.
Managers and their office forces in charge of advertising, expense of.
Radio advertising programs.
Window displays.

NOTE A: The cost of newspaper advertisements, literature, and similar expenses other than for commercial advertising purposes, such as advertisements of stock and bond issues, advertising for employees, and notices of dividends declared, shall be charged to the accounts appropriate for such costs.

NOTE B: The cost of flags, bunting, and similar expenses of decorating buildings shall be charged to account 9035, "House-service expense—Undistributed."*†

§ 34.4255 *Soliciting.* (a) This account shall include the salaries, wages, and expenses of solicitors engaged in canvassing for business and interviewing customers for promoting the further use of radiotelegraph service, and shall include also expenses in connection with furnishing copies of tariffs and notices of changes to the public.



(b) This account shall be subdivided as follows:

4255:01 Salaries and wages of solicitors.
4255:99 Other expenses.

ITEMS (SEE SEC. 34.03–12)

Canvassers and solicitors, pay and expenses of.
Managers and their office forces in charge of solicitors, expenses of.
Public distribution of tariffs and notices of changes—expenses of.
Travel expenses.*†

§ 34.4260 *Obtaining stock and commercial news.* This account shall include the amount of expenses incidental to the gathering of information relative to stock and other market quotations, transactions in securities, sporting news, election returns, marine reports, and similar items subsequently disseminated as stock and commercial news to subscribers.*†

§ 34.4270 *Commissions—Dr.* (a) This account shall include the amount of commissions (including flat-rate payments per metropolitan zone for terminal messenger service) paid to communication carriers, transportation carriers, hotels, service stations, or other persons other than employees, for services rendered in originating and terminating radiotelegraph messages or for similar commercial communication services. (See also Sec. 34.31–3.)

(b) This account shall be subdivided as follows:

4270:01 Commissions paid to communication carriers.
4270:02 Commissions paid to transportation carriers.
4270:03 Commissions paid to other types of public utilities.
4270:99 Commissions paid to others.

*†

§ 34.4275 *Commissions—Cr.* This account shall include the amount of commissions (including flat-rate charges per metropolitan zone for terminal messenger service) received from other carriers for services rendered in originating and terminating messages or for similar commercial communication services. (See also Sec. 34.31–3.) *†

§ 34.4281 *Messengers' wages.* This account shall include the wages of messengers and commissions paid to messengers in lieu of or in addition to wages. (See also account 4270, "Commissions—Dr.")

NOTE: The amount of salaries, wages, and expenses of employees attending supplemental training or post-graduate schools shall be charged to account 4475, "Training employees."*†

§ 34.4283 *Messengers' uniform expense.* (a) This account shall include the cost of messenger uniforms purchased for use by the carrier in communication service.

(b) This account shall be charged with the amounts of expenses incurred in altering, repairing, cleaning, and pressing uniforms.*†

§ 34.4289 *Other messenger service expense.* This account shall include the amount of expenses incurred in furnishing messenger service not provided for elsewhere.

ITEMS (SEE SEC. 34.03–12)

Automobile service, including charges through clearing account 9015, "Vehicle expense—Undistributed."
Carfare.
Licenses for bicycles and other vehicles used in messenger service.
Meals, including payments therefor on account of overtime work.
Messengers, expenses of. (See also account 4283.)
Registration fees for vehicles used in messenger service.

*†

§ 34.4290 *Other employees' wages.* This account shall include the wages and the expense for subsistence furnished employees in lieu of wages of employees engaged in any phase of conducting operations not provided for elsewhere.*†

§ 34.4295 *Supplies—Operating offices.* This account shall include the cost of supplies used in conducting operations.

ITEMS (SEE SEC. 34.03–12)

Message blanks.
Postage, stationery, and printing.
Printer tape.

*†

§ 34.4298 *Foreign exchange—Expense differential.* (a) This account shall be charged or credited, as appropriate, with amounts representing the differential applicable to operating expenses as provided in paragraph (b) of Sec. 34.03–16.

(b) A separate subaccount with appropriate title shall be maintained for amounts applicable to each of the following general classes of operating expenses:

4298:01 Maintenance expenses.
4298:02 Conducting-operations.
4298:03 Administrative.
4298:04 General.

(c) The records supporting the entries in this account shall be so maintained as to permit analysis by subdivisions on basis of the amounts applicable to each primary operating expense account.*†

§ 34.4299 *Other conducting-operations expenses.* This account shall include the expenses of operators, station attendants, and operating-office clerks whose wages and salaries are included in accounts 4215, 4216, and 4222, respectively, and the amount of other expenses incurred in conducting operations not provided for elsewhere.*†

*Administrative Expenses*

§ 34.4310 *Salaries of general officers and executives.* This account shall include the compensation (salaries, bonuses, and other consideration for services) of officers and executives of the carrier, properly chargeable to radiotelegraph operations and not chargeable directly to a particular function. (See also Sec. 34.03–17.)

NOTE: Fees and expenses of directors who are also officers or executives shall be charged to account 4499, "Other general expenses."*†

§ 34.4315 *Expenses of general officers and executives.* This account shall include the expenses incurred for the benefit of the carrier in its radiotelegraph operations by officers and executives whose compensation is includible in account 4310, "Salaries of general officers and executives", and which are not chargeable directly to a particular function.

ITEMS (SEE SEC. 34.03–12)

Hotel expenses.
Meals, including payment therefor on account of overtime work.
Travel expenses.

*†

§ 34.4320 *Salaries of general office employees.* This account shall include the compensation (salaries, bonuses, and other consideration for services) of employees engaged in the general offices of the carrier properly chargeable to radiotelegraph operations and not chargeable directly to a particular function. (See also Sec. 34.03–17.) *†

§ 34.4325 *Expenses of general office employees.* This account shall include the expenses incurred for the benefit of the carrier in its radiotelegraph operations by general office employees whose compensation is includible in account 4320, "Salaries of general office employees," and which are not chargeable directly to a particular function.

ITEMS (SEE SEC. 34.03–12)

Hotel expenses.
Meals, including payment therefor on account of overtime work.
Travel expenses.

*†

§ 34.4399 *Other administrative expenses.* This account shall include the amount of expenses incurred in carrying out administrative functions not provided for elsewhere.*†

*General Expenses*

§ 34.4410 *Legal services.* This account shall include amounts payable to persons, other than officers and employees of the carrier, for legal services and related expenses that are not chargeable to other operating expense accounts or to clearing or plant accounts.

NOTE: The pay and expenses of the legal staff of the carrier shall be included in account 4310, "Salaries of general officers and executives," account 4315, "Expenses of general officers and executives," account 4320, "Salaries of general office employees," or account 4325, "Expenses of general office employees," as appropriate.*†

§ 34.4415 *General services, licenses, and royalties—Dr.* (a) This account shall include the amount of expenses incurred for services received under a license agreement, a general service contract, or other arrangement providing for

the furnishing of general management, supervision, purchasing, accounting, engineering, financial, legal, patent, or other general services.

(b) The records supporting the entries in this account shall be so maintained as to show the respective amounts paid to each furnisher of the service with respect to each class of service furnished. If the costs incurred in the first instance by the person furnishing the service are apportioned to several recipients thereof, the records of the carrier served shall indicate the aggregate cost of the furnishing person and the method of apportionment to the recipient carrier.*†

§ 34.4420 *General services, licenses, and royalties—Cr.* (a) This account shall be credited with amounts accruing (other than profits realized) from services rendered others under a license agreement, a general service contract, or other arrangement providing for the furnishing of general management, supervision, purchasing, accounting, engineering, financial, legal, patent, or other general services.

(b) Minor amounts of profits from such arrangements may be included in this account. (See also account 5020, "Profit from general services, licenses, and royalties.")

NOTE: Revenue from the maintaining and servicing of station equipment shall be included in account 3818, "Revenue from furnishing and servicing stations."*†

§ 34.4425 *Insurance.* (a) This account shall include the cost of insurance to protect the carrier against losses and damages to owned or leased property used in its radiotelegraph services, and the amount of insurance premiums paid in compliance with statutes requiring the carrier to provide for workmen's compensation or similar employee protection, except such costs as are includible in the clearing accounts. There shall be included in this account the amounts of premiums payable to insurance companies for other than reinsurance of self-carried insurance, and amounts credited to account 2215, "Provisions for self-carried insurance", for fire, storm, burglary, boiler explosion, lightning, and other insurance; special costs incurred in procuring insurance, such as insurance inspection service; and the pay, travel, and other expenses of officers, clerks, and other employees of an insurance department.

(b) Amounts received from insurance companies as insurance dividends or refunds of premiums shall be credited to this account.

(c) The records supporting the entries in this account shall be so maintained as to show the amount of coverage for each class of insurance carried, the property covered, and the applicable premiums.

(d) This account shall be subdivided as follows:

4425:01 Property insurance premiums.
4425:02 Other insurance premiums.
4425:03 Provisions for self-carried insurance.
4425:99 Other insurance costs.

NOTE A: Recoveries from insurance companies or others shall be accounted for as provided in account 2215, "Provisions for self-carried insurance."

NOTE B: Premiums on life insurance and annuities of officers and employees where the carrier is not the beneficiary shall be included in account 4435, "Relief and pensions."*†

§ 34.4430 *Injuries and damages.* (a) This account shall include losses, not covered by insurance, on account of injuries to or deaths of employees or others, which occur in connection with radiotelegraph operations, and payments and expenses on account of damages to the property of others whether the loss be occasioned by fire, flood, storm, or other cause. This account may be charged monthly with amounts sufficient to meet the probable liability for such losses, concurrent credits being made to account 2215, "Provisions for self-carried insurance", in which case losses sustained shall be charged to that account.

(b) This account shall include (1) the pay and expenses of officers and employees regularly engaged in or specifically assigned to work in connection with injuries to employees or others and damages to property of others, (2) payments to attorneys, investigators, and adjusters, and (3) court costs and similar items, except such items as are provided for in the clearing accounts.

(c) Amounts in reimbursement of payments for injuries and damages charged to this account shall be credited hereto.

NOTE A: Payments to or on behalf of employees, including accident and death benefits, hospital expenses, and medical supplies; also salaries, fees, and expenses of surgeons, doctors, nurses, and similar payments or amounts provided for such payments through a plan for employees' benefits, shall be charged to account 4435, "Relief and pensions."

NOTE B: There shall not be included in this account the amounts of premiums for insurance of the lives of officers and employees or the cost of injuries and damages chargeable directly to the operated plant, clearing, or other accounts.*†

§ 34.4435 *Relief and pensions.* (a) This account shall include pensions or other benefits paid to active and retired employees, their representatives or beneficiaries, and salaries and expenses incurred in conducting relief, benefit, and general medical departments. It shall include payments to or on behalf of employees on account of injuries or accidental death when such payments come within the scope of a carrier's general provision for employees' benefits.

(b) If the carrier has definitely undertaken by contract to pay pensions to employees when regularly retired for superannuation or disability and has established a fund to be held in trust for such pension purposes, the carrier shall charge to this account monthly amounts determined through the application of equitable actuarial factors to the current pay rolls, which together with interest accruals on the trust funds, will as nearly as may be, provide for the payment of such pensions, or for the purchase of annuities corresponding thereto. The amounts so charged shall be concurrently credited to account 2210, "Provisions for employees' pensions and welfare." The amounts accrued in each year shall correspond to the aggregate of the amounts expended directly by the carrier for pensions or annuities during the year and amounts paid into the trust fund. The carrier shall maintain a complete record of the actuarial computations through which the accrual each month of its pension liabilities is established.

(c) Upon the adoption of the accrual plan of accounting, pension payments to employees retired before the adoption of such plan shall be charged to an existing pension reserve or to account 6299, "Other extraordinary income charges." If a carrier pays into its pension trust fund the amount of its existing pension reserve, any such amounts in excess of provision for pensions granted prior to the adoption of the accrual plan may be applied in whole or in part to the adjustment of future accrual charges.

(d) Before adopting the accrual plan of accounting for pensions the carrier shall inform this Commission of the details of its pension plan giving full statement of the facts which in its judgment establish a contractual obligation for pension payments together with the actuarial formula under which it proposes to create its pension trust fund, and also a copy of the declaration of trust under which the fund is established. Each carrier that has adopted the accrual plan of accounting for pensions shall make no change in the accounting therefor or in the method of computing the amounts of the accruals recorded in the accounts under the plan without first submitting full particulars of the proposed changes and a detailed statement of the reasons therefor to this Commission for its consideration and approval.

(e) No charges to this account shall be made in anticipation of discretionary pension payments in the future.

(f) This account shall include also, under a separate subaccount, amounts accrued to provide for the payment of termination allowances or similar benefits to employees of the carrier when such employees are laid off because of lack of work, and to provide necessary and warranted relief to former employees. Charges to this subaccount shall be made only after approval by this Commission of the carrier's plan for administering payments for these purposes and of the amount of the accruals. Amounts charged to this subaccount shall be concurrently credited to account 2210, "Provisions for employees' pensions and welfare."

(g) There shall be credited to this account that portion of each class of relief and pensions assigned to construction and custom work labor.



ITEMS (SEE SEC. 34.03–12)

Accident, sickness, death, and other disability benefits to employees, their representatives or beneficiaries.

Employees of relief, benefit, and general medical departments, pay and expenses of.

Expenses in connection with employees' disability cases, such as hospital, nursing, and medical attendance.

Fees and retainers for medical and similar services incurred by relief, benefit, and general medical departments.

Medical supplies.

Office supplies.

Postage, printing and stationery.

Premiums paid for group insurance for the benefit of employees or their beneficiaries.

Repairs of furniture and equipment, and cost and repairs of individual items of small value or short life.

Travel expenses.*†

§ 34.4445 *Rest and lunch room expenses.* (a) This account shall be charged with the amount of expenses incurred in operating rest and lunch rooms for employees, including the cost of meals provided. This includes the cost of operating such facilities as rest rooms, quiet rooms, reading rooms, medical rooms, locker rooms, check rooms, sleeping rooms, and dormitories.

(b) This account shall be credited with amounts paid to the carrier for meals and other services the expense of which is included in this account.

ITEMS (SEE SECS. 34.03–12 AND 34.03–17)

Bedding.

Dishes.

Electric power for cooking, refrigeration, or operating kitchen equipment.

Food supplies.

Fuel for cooking.

Handling orders and bills for supplies.

Ice for refrigeration.

Laundry.

Linen.

Lunch room managers, cooks, cashiers, waiters, and other employees, pay and expense of.

Medical supplies, including first-aid materials.

Newspapers, magazines, phonograph records, and radio-tube replacements.

Nurses, matrons, and attendants for employees' quarters, pay and expenses of.

Postage, printing, and stationery.

Silverware.

Uniforms.*†

§ 34.4450 *Rent for offices.* This account shall include the amount of expenses incurred as rent for the use of space in buildings occupied by the carrier for general purposes. (See also subparagraph (1) of paragraph (b) of Sec. 34.03–5 and accounts 4243, "Rent for operating offices" 4245, "Rent for other facilities", and 4940, "Rent for lease of operated plant.") *†



§ 34.4455 *Other rents.* This account shall include amounts payable for operating rents not provided for elsewhere.*†

§ 34.4460 *Franchise requirements—Dr.* (a) This account shall include the cost, not provided for in account 82, "Franchises", of services, plant, material and supplies, and similar items furnished to governmental authorities in compliance with franchises, ordinances, or similar requirements and for which no direct compensation is received by the carrier. It shall include the cost of paving and of premiums on indemnity or similar bonds required under the general terms of a franchise or ordinance and not in connection with specific construction or maintenance work.

(b) This account shall include amounts paid for franchises running for 1 year or less after acquisition and may include direct charges for franchises acquired at small cost.

(c) There shall be charged to this account and credited to account 4465, "Franchise requirements—Cr.", an amount equal to the revenues that would be derived at published tariff rates from radiotelegraph services furnished to governmental agencies in compliance with franchises, ordinances, or similar requirements that require that services be furnished without direct compensation.

NOTE A: The cost of plant, supplies, and similar items given as an initial consideration for a franchise running for more than 1 year shall be charged to account 82, "Franchises."

NOTE B: Franchise taxes paid annually or more frequently shall be charged to account 4932, "Other taxes—Operating."

NOTE C: The cost of operated plant furnished to a governmental agency without charge or used by the carrier in rendering services to a governmental agency without charge, shall be included in the appropriate plant accounts and the maintenance expenses incurred in connection with such operated plant shall be charged to the appropriate maintenance accounts.

NOTE D: The cost of reconstructing, or of changing the location of, operated plant to conform with governmental requirements, including such work required under the provisions of a franchise or ordinance, shall be charged to the maintenance-expense, operated plant, and allowance-for-depreciation accounts appropriate for the work performed.*†

§ 34.4465 *Franchise requirements—Cr.* This account shall be credited with amounts charged to account 4460, "Franchise requirements—Dr.", under the provisions of paragraph (c) of that account.*†

§ 34.4470 *Supplies.* This account shall include the cost of supplies used in connection with the general functions of the carrier's radiotelegraph operations. (See account 4295, "Supplies—Operating offices," and subparagraph (1) of paragraph (b) of Sec. 34.03–5.)

ITEMS (SEE SEC. 34.03–12)

Office supplies.

Postage, stationery, and printing.

*†

§ 34.4475 *Training employees.* This account shall include the amount of expenses incurred in the employment and training of employees of the carrier.

ITEMS (SEE SEC. 34.03–12 AND 34.03–17)

Advertising for employees, cost of.

Employees attending supplemental training or post-graduate schools, pay and expenses of.

Instructors, messengers, supervisors, and others employed in training schools, pay and expenses of.

Personnel officers and employees engaged in interviewing applicants and hiring employees, pay and expenses of.

Supplies.

*†

§ 34.4480 *House service.* (a) This account shall include the amount of expenses incurred in the operation of offices and buildings (whether owned or rented) used in connection with the general functions of the carrier's radiotelegraph operations.

(b) This account shall include the amounts of house service expenses applicable to general functions that are transferred from account 9035, "House-service expense—Undistributed." (See also paragraph (b) of Sec. 34.03–5.)*†

§ 34.4499 *Other general expenses.* This account shall include the amount of operating expenses not includible in other accounts.

ITEMS (SEE SEC. 34.03–12)

Commissions paid agents for leasing space to others in buildings partly occupied by the carrier in connection with its communication operations.

Conventions and meetings of the industry, contributions for.

Fees and expenses of directors.

Patents having an estimated service life of 1 year or less and patents acquired at small cost, amounts paid for.

Research and development work, not includible in other accounts, cost of. (See also Sec. 34.03–10.) *†

CLEARING ACCOUNTS

Instructions

§ 34.90–1 *Purpose of clearing accounts.* The clearing accounts are provided as a medium for the distribution of certain amounts which affect more than one account.*†

§ 34.90–2 *Disposition of balances in clearing accounts.* (a) The balances in the clearing accounts shall be distributed to the appropriate supervision or other accounts not later than the close of the calendar year unless amounts included therein appropriately affect the accounting for future periods.

(b) Undistributed balances (other than the balance in account 9030, "Supply expense—Undistributed") shall be included in the balance sheet under account 1940, "Debit balances in clearing accounts," or account 2320, "Credit bal-

ances in clearing accounts," as appropriate.

(c) The carrier's records shall be so maintained that an analysis of undistributed items in clearing accounts at the close of the calendar year may be shown in the reports to this Commission. (Prescribed accounts) *†

NOTE: Number to the right of the decimal point is the account number.

§ 34.9010 *Research and development—Undistributed.* (a) This account shall be charged with the costs incurred in maintaining laboratories and experimental stations for the development of equipment, the costs of research conducted for the purpose of improving operations, and other analogous items. (See also Sec. 34.03–10.)

(b) This account shall be cleared by charging the appropriate accounts with the applicable amounts contained herein.

(c) The records supporting the entries in this account shall be so maintained as to show the amount and nature of each transaction recorded herein.

ITEMS (SEE SEC. 34.03–12)

Depreciation.
Electron tubes.
Heat, light, and power.
Maintenance.
Material and supplies.
Rent.
Repairs.
Royalties.
Salaries, wages, and expenses of employees.
Small tools.

NOTE: Amounts included in this account applicable to projects that have been abandoned shall be cleared by charges to account 6299, "Other extraordinary income charges", unless otherwise authorized or directed by the Commission.*†

§ 34.9015 *Vehicle expense—Undistributed.* (a) This account shall include maintenance, depreciation, and other expenses applicable to vehicles that are not included in other accounts at the time they are incurred.

(b) This account shall be cleared by apportionment to operating-expense, plant, or other accounts benefited on such basis as will equitably distribute the amounts contained herein.

ITEMS (SEE SEC. 34.03–12)

Depreciation.
Heat, light, and power.
Maintenance.
Material and Supplies.
Rent.
Repairs.
Salaries, wages, and expenses of employees.
Small tools.

*†

§ 34.9020 *Shop, tool, and implement expense—Undistributed.* (a) This account shall include maintenance, depreciation, and other expenses applicable to shop equipment, tools, and implements and the cost of material, labor, supplies, and other items incidental to repair work in the carrier's own shops that are not included in other accounts at the time they are incurred. (See also subparagraph (2) of paragraph (c) of Sec. 34.1–3.)

(b) This account shall be cleared by apportionment to operating-expense, plant, or other accounts benefited on such basis as will equitably distribute the amounts contained herein.

ITEMS (SEE SEC. 34.03–12)

Depreciation.
Heat, light, and power.
Maintenance.
Material and supplies.
Rent.
Repairs.
Salaries, wages, and expenses of employees.
Small tools.

*†

§ 34.9025 *Plant-supervision expense—Undistributed.* (a) This account shall be charged initially with the salaries and the office and other expenses of officers, superintendents, engineers, architects, special consultants, and field supervisors engaged exclusively in supervising and directing both maintenance and construction work; also the similar expenses of the office and field forces of such officers and employees.

(b) This account shall be cleared by allocation to the operated plant accounts, to account 4110, "Supervision of maintenance," and to other appropriate accounts, on such basis as will equitably distribute the amounts contained herein.

NOTE: The salaries and the office and other expenses of foremen and inspectors in direct charge of maintenance, construction, or removal work shall not be included in this account but shall be charged direct to the accounts appropriate for the class of work performed.

ITEMS (SEE SEC. 34.03–12)

Books and periodicals.
Plant supervising officers and their staffs, including engineers, office and field forces charged with planning for and superintending maintenance, construction, and plant removal work—pay and expenses of.
Postage, printing, and stationery.
Rent and repairs of offices.
Supplies.
Tools and instruments of small value or short life.*†

§ 34.9030 *Supply expense—Undistributed.* (a) This account shall include the amount of expenses and costs incurred in connection with the purchase, storage, handling, and distribution of material and supplies that are not included in other accounts at the time they are incurred and the amount of depreciation and maintenance applicable to the equipment of storerooms.

(b) Cash and other discounts on material shall be deducted from the cost of the particular material to which they relate or credited to the account to which the material is charged. When impracticable of such treatment they shall be credited to this account.

(c) Transportation charges on material purchased shall be included as a part of the cost of the particular material to which they relate. When impracticable of such treatment they shall be charged to this account. Transportation charges on material recovered from plant retired shall be accounted for as a part of the cost of removal.

(d) This account shall be cleared by adding to the cost of material and supplies a suitable loading charge that will equitably distribute the amounts contained herein.

ITEMS (SEE SEC. 34.03–12)

Books and periodicals.
Customs duties and excise taxes.
Depreciation and maintenance of storeroom equipment.
Insurance against losses and damages to material and supply stock. (See also account 4425, "Insurance.")
Inventory differences in material and supplies that cannot be assigned to specific accounts. (See also account 1795, "Material and supplies.")
Losses due to breakage, leakage, evaporation, and fire and other casualties to supply stock not assigned to specific accounts or distributed through the pricing of material and supplies disbursed.
Postage, printing, and stationery.
Purchasing agents, superintendents and supervisors of supplies, managers of stores, storekeepers, clerks, and laborers—pay and expenses of.
Rent and repairs of storehouses, storerooms, storage yards, and other quarters.
Supplies used.
Transportation charges, undistributed.

*†

§ 34.9035 *House-service expense—Undistributed.* (a) This account shall include the amount of expenses incurred in operating offices and buildings (whether owned or rented) that are not included in other accounts at the time they are incurred.

(b) This account shall be cleared by apportionment to operating-expense or other accounts benefited on such basis as will equitably distribute the amounts contained herein.

ITEMS (SEE SEC. 34.03–12)

Building superintendents and others engaged in supervising house service operations—pay and expenses of.
Cleaning supplies.
Elevator service.
Heat.
Janitor service.
Light.
Postage, printing, and stationery.
Power. (See also account 4225, "Operating power.")
Refrigeration.
Rent and repairs of quarters used in the supervision of general house-service operations other than space used by janitors and similar employees in furnishing house service for a particular building.
Supplies.

*†



RETIREMENT UNITS

§ 34.1–6–1 *List of units to be used in connection with the accounting provided in Sec. 34.1–6.* (a) The following list of retirement units shall not be considered as items determining the classification of plant (see Sec. 34.03–12) or as property units for use in continuous property records (see Sec. 34.1–8) but shall be used in connection with the accounting for operated plant retired (see Sec. 34.1–6).

(b) Elimination of or substitution for retirement units listed herein may not be performed without specific authority by the Commission except that items which are not combinations of the listed retirement units may be added without such authority and carriers may account for listed units as maintenance when of small cost and not complete units of operated plant.

(c) This list shall be expanded by the carrier to include complete units of operated plant not shown herein.

(d) The carrier shall report to the Commission, within forty-five days after June 30 and December 31 of each year, and as at those dates, all additions which have been made to the list under this authority, all items included in the list which have become obsolete, either as to technical titles or use in the communication service, and the items which the experience of the carrier has shown to involve a small cost only. These reports should include such other information concerning the list as the carrier may desire to place before the Commission with requests for appropriate action by the Commission in the matters described.

(e) The article "a," "an," or "the," as appropriate, should be read in connection with each retirement unit listed herein.

*Land Improvements (Account 12)*

Billboard or sign.
Boundary fence, wall, or hedge—continuous length of 50 feet or more.
Branch or spur extending from a main roadway or sidewalk—complete.
Bridge or trestle (foot or road).
Fencing, serving for other than boundary purposes—complete, or continuous length of 50 feet or more.
Gate, ornamental (not associated with fence or wall).
Hard-surface road—complete system, or continuous length of 20 feet or more.
Lawn—complete.
Loading platform.
Railroad spur or siding.
Roadway, curbing, and sidewalk—complete system, or continuous length of 50 feet or more.
Snow barrier or fence.
Store yard—complete.
Swimming pool, tennis court, or similar unit of recreational equipment—complete.

*Drainage, Sewerage, Gas, and Water Systems (Account 13)*

Basin.
Branch or main extending from drain or sewer—complete.
Branch or spur extending from main or secondary water pipe—complete, or continuous length of 20 feet or more.
Cesspool or septic tank.
Drain or spillway.
Dike or levee—section of.
Drainage or sewerage system.
Drain or sewer—continuous length of 20 feet or more.
Engine.
Filtration plant.
Gas supply and distribution system serving more than a single building.
Hydrant.
Hydraulic ram—complete installation.
Lawn sprinkler system.
Manhole or handhole.
Motor (2 or more h.p.).
Piping or other water-conducting system—complete, or continuous length of 20 feet or more.
Reservoir.
Shelter or housing for machinery.
Sub-surface drain bed.
Water or gas main.
Water pump.
Water system.
Water tank, with or without tower or other support.
Well.
Windmill or windmill tower.

*Buildings (Account 14)*

Air-conditioning or ventilating system.
Automatic stoker.
Boiler.
Building.
Coal or ash conveying system.
Elevator—complete, with operating mechanism.
Fire escape.
Floor-covering for one room.
Furnace.
Gas-burner system.
Heating system.
Hot-water heater.
House-lighting or power board.
Metal window—complete, with box, frame, and sash.
Motor (2 or more h. p.), generator, engine, turbine, pump, compressor, ventilating fan, air washer, elevator drum, or similar item of equipment, with or without associated wiring, control equipment, etc.
Oil-burner system.
Oil tank.
Roof—with or without supporting structures. (A building of irregular shape having more than one roof level may have several isolated roofs, each of which shall be considered an entire roof. In the case of buildings to which lateral extensions have been made, even though having but one roof level, that part of the roof covering an entire section built at one time shall be considered an entire roof.)

NOTE: In addition to the foregoing retirement units, material (i. e., portions of buildings, equipment, fixtures, etc.) installed and retired, and the labor and incidental costs involved in connection with work of the following character, shall be handled through the plant and depreciation-allowance accounts:

Changes in the type of operation of elevator systems, e. g., a change from manual to automatic control of cars, from manual to power operation of doors, from low speed to high speed, from direct to alternating current, from hydraulic to electric operation, from one type of signaling or dispatching system to another.

Relocation of toilet rooms, battery rooms, kitchens, terminal rooms, machine rooms, transformer vaults, etc.

Structural changes, such as: Reinforcements of floors, roofs, bearing walls, footings, and foundations; additions or relocations of elevator shafts, stairways, fire exits; and vaults, but excluding switchboard cable holes and slots; and building alterations required for fire protection and other safety measures.

Changes in the type of electric current supply, or of ventilating, air-conditioning, or similar systems.

Building enlargements.

Replacements of plumbing or heating pipes (with or without associated valves), except when necessitated by minor repairs or minor relocations of fixtures.

Replacements of all or substantially all the lighting fixtures (with or without associated wiring and conduit) in one operating or equipment room or, in the case of office space, on one floor of a building.

General replacements (throughout a building or throughout an entire portion erected at one time) of items such as supply, return, or air valves in heating systems; hot or cold water valves or faucets; and plumbing, heating or drainage traps.

*Towers and Masts (Account 21)*

Beacon light, with or without accessories.
Crossarm or bridge.
Guy and anchor—complete.
Halyard, permanent.
Mast, pole-type of A-frame structure.
Topmast.
Tower.
Tower-lighting system.
Triatic system.
Winch, with or without foundation.

*Antenna Systems (Account 22)*

Antennas

Antenna—complete.
Single or multiple antenna wire (with or without associated spacers, supporting insulators, and catenary wires, if integral parts of span)—continuous span.

Single "panel" of antenna wire, with supporting wire and insulators.

Ground or Counterpoise Systems

Counterpoise system.
Ground system.
Overhead transmission line for distribution of the current to the ground, wires, or plates.

Radio Frequency Transmission Lines

Filter assembly.
Inside transmission line system.
Transmission branch line.
Transmission line system.

Tuning and Uncoupling Coils

Long-wave tuning coil or uncoupling coil.
Shelter or housing.

Sleet-Melting Installations

Power board.
Power-supply cable.
Shelter, housing, or platform.
Sleet-melting system.
Transformer or bank of transformers.

*Control Lines (Account 26) and Power-Supply Lines (Account 27)*

Buried cable—a section of 300 feet or more, or a section between manholes, splicing boxes, or pedestals.
Cable, with or without associated suspension strand, clamps, or rings.
Case of equipment, such as loading coils, building-out condensers, carrier-line filters, or auto-transformers.
Field telephone system.
Gas-pressure fault-indicating system.
Manhole.
Pole (i. e., line pole, brace pole, guy pole, or pole forming part of an A or H frame), with or without associated anchors, guys, steps, or other appurtenances.
Special fixtures (i. e., a bridge fixture, a tower, or other special river-crossing or long-span fixture), with or without associated anchors, guys, or other appurtenances.
Underground conduit—a section between a manhole, handhole, or service box and a pole or building.
Underground conduit—a section between two manholes, handholes, or service boxes.
Underground conduit dips between two poles, between a pole and a building, or between two buildings.
Wire, with or without associated insulators or other hardware—two or more continuous spans.

*Electron-Tube Transmitter Equipment (Account 31)*

Air ducts system.
Amplifier unit.
Antenna coupling device.
Blower.
Control panel.
Driver or exciter unit.
Generator.
Modulator unit.
Motor (2 or more h. p.).
Oil cooler.
Oscillator unit.
Radiator.
Rectifier unit.
Transformer (25 or more Kv-a).
Transmitter—complete, with or without associated wiring or conduits.
Water pump.

*Other Transmitter Equipment (Account 32)*

Alternator, radio frequency.
Amplifier, magnetic.
Arc transmitter.
Armature (associated with main machine of 25 or more h. p.).
Compressor.
Condensers, battery of.
Foundation.
Oil tank.
Pump.
Motor (2 or more h. p.).
Motor generator.
Panel or switchboard.
Rotor.
Spark transmitter.
Transformer (25 or more Kv-a).

*Cooling Apparatus (Account 33)*

Air duct.
Blower.
Brine tank.
Cooling pond.
Cooling pond louvre or wind break.
Cooling tower.
Fan, exhaust.
Heat exchanger.
Machine foundation.
Motor (2 or more h. p.).
Pump.
Radiator.
Refrigerating unit.
Spray tower.
Sump.
System of pipes from pump and cooling device to a transmitter or rectifier.
Water Still.
Water storage tank.

*Receiver Equipment (Account 34)*

Amplifier unit.
Antenna combining or coupling unit.
Coil box.
Converter unit.
Demodulator or detector unit.
Oscillator unit.
Power-supply panel or unit.
Receiver rack.
Receiving set—complete.
Rejector coupling unit.
Table or desk used as a mounting.
Tone keyer unit.
Tuner unit.

*Power Supply and Distribution Equipment (Account 36)*

Other than storage battery equipment

Alternator.
Ash or coal conveyor.
Boiler.
Circuit breaker.
Compensator.
Concrete vault.
Control panel.
Feed water condenser.
Generator.
Housing or shelter for pump.
Machine foundation.
Mercury tank.
Motor generator unit.
Motor (2 or more h. p.).
Power plant—complete.
Power substation—complete.
Prime mover.
Pump-fuel oil or feed water.
Rectifier, power.
Switchboard, power.
Starter.
Tank—fuel oil, feed water, or compressed air.
Transformer (25 or more Kv-a).
Voltage regulator.

Storage Battery Equipment

Battery—complete, with or without rack, cabinet, or counter.
Battery plates—complete.
Battery rack or cabinet (storage or dry).
Electric motive cells.
Filter assembly, battery charging.
Group of bus bars, cable, or wiring, with or without conduit, such as between: Battery and fuse panel and Power switchboard and equipment.
Motor generator.
Rectifier, battery charging.
Switchboard, storage battery.
Tanks or jars—complete set.

*Control Apparatus (Account 40)*

Frequency-Measuring Equipment

Amplifier unit.
Comparator.
Equipment rack.
Equipment table.
Frequency standard.
Frequency standard check equipment unit.
Harmonic generator or distortion amplifier unit.
Multi-vibrator unit.
Oscillator unit.
Power supply unit.
Radio receiver or unit.
Recorder, time-signal.
Regulator unit.
Shielded frequency-measuring room or booth (not part of a building).
Synchronous clock.
Temperature controlled box.

Message Transmitting and Receiving Apparatus

Automatic transmitter unit or base.
Desk or table fitted with radiotelegraph or other telegraph apparatus.
Error detector unit.
Facsimile machine (transmitting, receiving, or combination).
Ink recorder or undulator.
Photoradio operating table—complete, with wiring, outlets, compressor, etc.
Photoradio receiving recorder.
Photoradio universal transmitting and receiving machine.
Printer (keyboard, page, or tape).



Table or stand used as a mounting for automatic telegraph apparatus or for keyboard printer.
Tape perforator or reperforator, with or without cover or case.
Tape puller.
Tape puller foot control assembly—integral with operating table.
Teletypewriter.
Time stamp (a. c. or d. c.), or entire time-stamp installation.
Typewriter, traffic.
Water copy wringer or press.

Message Conveyor Equipment

Conveyor belt installation.
Metal chute.
Pneumatic tubing, with or without protective covering—section of.
Tubing blower motor.

Calling and Order-dispatching Equipment

Annunciator system.
Call register.
Microphone and loud-speaker order-dispatching and intercommunicating system.
Microphone—complete, with mounting, connecting cord, etc.
Public-address system.
Telautograph installation.
Telegraph or telephone order-dispatching and intercomunicating system.

Terminal Equipment

Amplifier rectifier unit.
Amplifier unit.
Board-printer-control, relay, amplifier, line-test, or keyer.
Concentrator for radio or wire-line telegraph circuits, printer circuit, or telephones.
Control booth.
Control desk or console.
Control or switching box.
Converter unit.
Desk or table fitted with radiotelegraph or other telegraph apparatus.
Electrically shielded control room.
Filter-rack installation.
Filter unit.
Fuse panel, with or without associated wiring.
Lamp panel, with or without associated wiring.
Microphone—complete, with mounting, connecting cord, etc.
Mixer panel.
Modulator unit.
Mounting for line-terminal equipment—table, desk, or rack.
Multiplex terminal.
Oscillator unit.
Photoradio or facsimile terminal.
Radio transmitter frequency control installation.
Relay test panel, with or without associated wiring.
Remote control board, transmitter or receiver.
Single bay of relay rack or other supporting structure for terminal or other equipment.
Telegraph, telephone, or program control board.
Telegraph test board.
Telephone modulator (portable) or telephone modulator installation.
Tone-generator installation.
Volume-indicator unit.

Monitoring Equipment

Monitor loud speaker, portable.
Monitor receiver, portable.
Monitor recorder, portable.
Multiple pen recorder.
Telephone head set, hand set, or breast set.
Telephone receiver or transmitter, operator's, portable.

*Equipment on Customers' Premises (Account 41)*

Call box.
Morse set.
Printer.
Telephone.

*Furniture and Office Equipment (Account 51)*

Each principal item of equipment, such as: Accounting, adding, addressing, billing, blueprinting, calculating, or listing machine; Bed, cot, couch, davenport, or lounge; Cabinet; Counter installation; Desk; Piano or phonograph; Refrigerator; Safe; Typewriter; Vacuum cleaner; Washing machine; Water cooler.

*Ship Station Equipment (Account 61) and Other Mobile Station Equipment (Account 69)*

Each applicable item of equipment as listed under the preceding captions.

*Vehicles and Draft Animals (Account 71)*

Each principal item of equipment such as: Air compressor, mobile; Aeroplane; Automobile; Boat or barge; Draft animal; Motorcycle; Motortruck body; Motor truck, with or without body; Mounted kitchen; Pole dolly or dinky; Set of harness; Sled; Tractor or trailer; Wagon.

*Shop Equipment, Tools, and Implements (Account 72)*

Testing and Adjusting Equipment

Ammeter.
Bridge (capacity, resistance, inductance, or combination thereof).
Circuit tester or analyzer.
Crystal testing installation.
Decade resistance box.
Decremeter.
Dummy antenna or dummy load.
Field intensity measuring installation.
Harmonic generator or distortion amplifier unit.
Linemen's test set.
Meter—capacity, conductance, field intensity (including antenna), portable flow, or light intensity.
Magneto test set.
Oil testing set.
Oscillator unit, portable.
Oscillograph or oscilloscope.
Portable telephone outfit.
Pyrometer, portable.
Relay test panel, with or without associated wiring.
Stroboscope.
Temperature controlled oven.
Test amplifier unit, portable.
Test meter, with or without associated external thermocouple or multiplier.
Test table.
Thermocouple.
Vacuum-tube gas detector.
Vacuum-tube temperature measuring meter.
Vacuum-tube tester, portable.
Vacuum-tube testing installation—complete.
Volt meter.
Volume or power level indicator, portable.
Wave meter, portable.

Portable Tools and Implements

Each principal item of equipment, such as: Air compressor, mobile; Back-filling machine; Blower, power; Concrete mixer; Compressed air tool; Crane or derrick, mobile; Earth-boring machine (not part of a truck or tractor); Farm implement; Forge; Paint spray outfit; Pole-treating installation; Power drill or hammer; Surveyor's transit; Tower erection cage; Trenching machine; Wire-measuring machine.

Other Equipment

Each principal item of equipment, such as: Acetylene torch outfit; Boring mill; Chain hoist; Lathe; Milling machine; Oil filter press, with associated equipment; Power planer, drill press, grinder, or saw; Shop motor (2 or more h. p.); Welding outfit; Work bench or table.

*Store and Warehouse Equipment (Account 73)*

Each principal item of store and warehouse equipment, such as: Barrel; Cart; Counter, movable; Crane; Gasoline pump or tank; Hand cart or hand truck; Ladder; Oil pump; Oil tank; Tool rack or tool case; Truck; Wire-measuring machine.

*†

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2305; Filed, July 1, 1939; 9:54 a. m.]

## *Notices*

### CIVIL AERONAUTICS AUTHORITY.

[Docket Nos. 1-401 (B)-1, 4-401 (B)-1, 9-401 (B)-3, 11-401 (B)-4]

IN THE MATTER OF THE APPLICATIONS OF BRANIFF AIRWAYS, INC., CHICAGO & SOUTHERN AIR LINES, INC., EASTERN AIR LINES, INC., MISSOURI CENTRAL AIRLINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (b) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 6, 1939, 10 o'clock a. m. (Eastern Stand-

ard Time), at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., June 30, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-2360; Filed, July 6, 1939; 12:09 p. m.]

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[Docket Nos. 12-401 (B)-1, 195]

IN THE MATTER OF THE APPLICATIONS OF TRANS-SOUTHERN AIRLINES, INC., BRANIFF AIRWAYS, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (b) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 18, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Raleigh Hotel, 12th Street and Pennsylvania Avenue NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., June 30, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-2361; Filed, July 6, 1939; 12:10 p. m.]

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[Docket Nos. 11-401 (B)-2, 11-401 (B)-3, 9-401 (B)-4, 9-401 (B)-5, 230]

IN THE MATTER OF THE APPLICATIONS OF MISSOURI CENTRAL AIRLINES, INC. EASTERN AIR LINES, INC. FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (b) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 27, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Mayflower Hotel, Connecticut Avenue and De Sales Street NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., June 30, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-2356; Filed, July 6, 1939; 12:09 p. m.]

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[Docket Nos. 162, 224, 244]

IN THE MATTER OF THE APPLICATIONS OF DELTA AIR CORPORATION, PENNSYLVANIA-CENTRAL AIRLINES CORP. FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (b) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on October 9, 1939, 10 o'clock a. m. (Eastern Standard Time), in Conference Room B of the Departmental Auditorium, Washington, D. C., before an Examiner.

Dated Washington, D. C., June 30, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-2359; Filed, July 6, 1939; 12:09 p. m.]

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[Docket Nos. 192, 251]

IN THE MATTER OF THE APPLICATIONS OF BRANIFF AIRWAYS, INC., KANSAS CITY SOUTHERN TRANSPORT CO., INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (b) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on October 18, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., June 30, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-2357; Filed, July 6, 1939; 12:09 p. m.]

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[Docket No. 245]

IN THE MATTER OF THE APPLICATION OF PENNSYLVANIA-CENTRAL AIRLINES CORP. FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (b) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on October 30, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Mayflower Hotel, Connecticut Avenue and De Sales Street NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., June 30, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-2358; Filed, July 6, 1939; 12:09 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5672]

INVESTIGATION OF ENLARGEMENT BY SOUTHWESTERN BELL TELEPHONE COMPANY OF KANSAS CITY EXCHANGE AREA

NOTICE OF HEARING

At a session of the Federal Communications Commission, held in its offices at Washington, D. C., on the 27th day of June 1939,

Whereas, the Commission having heretofore entered upon an informal investigation of the enlargement by the Southwestern Bell Telephone Company of the Kansas City Exchange Area and the circumstances connected therewith; and

It appearing, that a formal hearing upon the questions involved in said investigation is desirable; it is

*Ordered*, That the Commission, upon its own motion and without formal pleadings, enter upon a hearing concerning the enlargement by the Southwestern Bell Telephone Company of the Kansas City Exchange Area, and particularly concerning the failure of the Southwestern Bell Telephone Company to have on file with this Commission the Interstate telephone rates, particularly the interstate-interzone message rates, as are applied to the said Kansas City area; and whether said failure to file such rates is in violation of any provisions of the Communications Act of 1934, as amended.

*It is further ordered*, That this order be served upon Southwestern Bell Telephone Company, and that this carrier be, and it hereby is, made respondent to this proceeding, and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission.

*It is further ordered*, That this proceeding be, and it hereby is, assigned for hearing on the 18th day of September 1939, at 10:00 a. m., at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2341; Filed, July 6, 1939; 9:10 a. m.]

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## FEDERAL DEPOSIT INSURANCE CORPORATION.

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION

Pursuant to the provisions of paragraph (3) of subsection (k) of Section 12B of the Federal Reserve Act, as amended, be it resolved that each insured State nonmember bank, except a District bank, be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Friday, June 30, 1939, on Form No. 64—Call No. 11. Said report of condition shall be prepared in accordance with the booklet entitled "Instructions for the Preparation of Reports of Condition on Form 64."[1]

Adopted by the Board of Directors of the Federal Deposit Insurance Corporation on July 1, 1939.

[SEAL] E. F. DOWNEY, *Secretary.*

[F. R. Doc. 39-2335; Filed July 5, 1939; 3:36 p. m.]

[1] Filed as a part of the original document; copies available upon request to the Federal Deposit Insurance Corporation.



## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3769]

IN THE MATTER OF S & K SALES, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, July 10, 1939, at ten o'clock in the forenoon of that day (central standard time) in Room 516, Federal Building, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2342; Filed, July 6, 1939; 9:38 a. m.]

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## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 367]

ALLOCATION OF FUNDS FOR LOANS

JUNE 30, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Arkansas R9014C1 A. P. & L. | $200,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 39-2337; Filed, July 6, 1939; 9:09 a. m.]

[Administrative Order No. 368]

ALLOCATION OF FUNDS FOR LOANS

JUNE 30, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Alabama 0027W1 Conecuh | $10,000 |
| Alabama 0030W1 Autauga | 5,000 |
| California 0018W1 San Diego | 2,000 |
| Idaho 0011W1 Kootenai | 5,000 |
| Idaho 0017W2 Fremont | 10,000 |
| Indiana 0040W1 Knox | 6,000 |
| Indiana 0055W1 Tippecanoe | 6,000 |
| Indiana 0072W1 Clark | 6,000 |
| Iowa 0051W1 Winnebago | 5,000 |
| Kansas 0026W1 Coffey | 3,000 |
| Kansas 0030W1 Nemaha | 10,000 |
| Kansas 0033W1 Pratt | 5,000 |
| Kentucky 0003W1 Jackson | 5,000 |
| Kentucky 0046W2 Harrison | 5,000 |
| Mississippi 0039W1 Jackson | 6,000 |
| Missouri 0038W1 Reynolds | 5,000 |
| New Mexico 0008W1 Roosevelt | 5,000 |
| Pennsylvania 0013W2 Tioga | 5,000 |
| South Carolina 0019W1 Laurens | 7,000 |
| Texas 0011W1 Kaufman | 3,000 |
| Texas 0050W1 Grayson | 5,000 |
| Texas 0085W1 Wise | 4,000 |
| Texas 0101W1 Parker | 4,000 |
| Washington 0028W1 Kittitas | 5,000 |
| Wyoming 0014W1 Laramie | 8,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 39-2338; Filed, July 6, 1939; 9:09 a. m.]

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[Administrative Order No. 369]

ALLOCATION OF FUNDS FOR LOANS

JUNE 30, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Alabama 0025B1 Bullock | $107,000 |
| Arizona 0014G1 Cochise | 120,000 |
| Arkansas 0027A1 Ouachita | 126,000 |
| Georgia 0039C1 Hart | 162,000 |
| Georgia 0088B1 Telfair | 90,000 |
| Illinois 0044G1 Carroll | 75,000 |
| Illinois 0046A1 Madison | 339,000 |
| Iowa 0021B1 Guthrie | 255,000 |
| Kentucky 0021E1 Nelson | 19,000 |
| Kentucky 0031C1 Union | 64,000 |
| Kentucky 0038B1 Fulton | 16,000 |
| Kentucky 0040B2 Jessamine | 12,000 |
| Minnesota 0035C1 Brown | 128,000 |
| Mississippi 0023D1 Copiah | 62,000 |
| Missouri 0026B1 Ralls | 57,000 |
| North Carolina 0021C1 Sampson | 90,000 |
| Ohio 0086C1 Guernsey | 170,000 |
| Pennsylvania 0022A1 Jefferson | 212,000 |
| South Carolina 0023A1 Dorchester | 149,000 |
| Texas 0038D1 Hill | 42,000 |
| Wyoming 0017A1 S. E. | 24,000 |

JOHN M. CARMODY, *Administrator.*

[F. R. Doc. 39-2339; Filed, July 6, 1939; 9:09 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of June, A. D. 1939.

[File Nos. 31-140, 31-390, 31-391]

IN THE MATTER OF THE APPLICATIONS OF NORTHERN NATURAL GAS COMPANY

ORDER DENYING APPLICATIONS

Northern Natural Gas Company, having filed applications under Section 2 (a) (8) of the Public Utility Holding Company Act of 1935 for orders declaring it not to be a subsidiary of Lone Star Gas Corporation, The United Light and Railways Company and The United Light and Power Company, and North American Light & Power Company and The North American Company; a joint hearing on said applications having been duly held;[1] the record in these matters having been duly considered; and the Commission having made appropriate findings;

*It is ordered*, That each of said applications be and hereby is denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2350; Filed, July 6, 1939; 11:25 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1939.

[File No. 37-38]

IN THE MATTER OF SUBSIDIARY SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 13 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on July 24, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to

[1] 3 F.R. 2912, 2913 DL

preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 19, 1939.

The matter concerned herewith is in regard to a declaration on Form U–13–1 seeking Commission approval of its conduct of business as a subsidiary service company for certain associate companies in the Midland United Company System.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2351; Filed, July 6, 1939; 11:25 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1939.

[File No. 37–3]

IN THE MATTER OF MIDLAND SUBSIDIARY CORPORATION

NOTICE OF AND ORDER FOR HEARING

An amended declaration on Form U–13–1 pursuant to section 13 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party; and

The Commission having reason to believe that the conditions which led to its order of approval dated July 31, 1936 have changed and that said order should be amended, modified, or rescinded;

*It is ordered*, That a hearing on such matter be held on July 25, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 20, 1939.

The matter concerned herewith is in regard to an amended declaration setting forth, and requesting approval of, certain changes effected by Midland Subsidiary Corporation which render its present organization and conduct of business different from its organization and conduct of business as approved by the Commission in its order of approval dated July 31, 1936; and an action by the Commission to determine whether, by reason of the changes in the conditions which led to its order of approval and the changes in organization and conduct of business of Midland Subsidiary Corporation, said order should be amended, modified, or rescinded.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2352; Filed, July 6, 1939; 11:25 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of June, A. D. 1939.

[File No. 32–133]

IN THE MATTER OF NORTHWESTERN ILLINOIS UTILITIES, AMERICAN UTILITIES SERVICE CORPORATION

ORDER RELATIVE TO ISSUE AND SALE OF NOTES, ETC.

Northwestern Illinois Utilities, a subsidiary of American Utilities Service Corporation, a registered holding company, having filed an amended application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, regarding the issuance to American Utilities Service Corporation, of its 6% unsecured note, or notes, in the principal amount of $500,000, to be dated as of November 1, 1938 and to mature November 1, 1964;

American Utilities Service Corporation having filed an application pursuant to Section 10 for approval of the acquisition by it of the aforesaid note or notes;

American Utilities Service Corporation having also filed an application pursuant to Rule U–12D–1 of the General Rules and Regulations under said Act for approval of the pledge by it of the aforesaid note or notes;

A hearing upon said applications as amended having been held [1] after appropriate notice, and the Commission having considered the record in this matter and having made and filed its findings herein;

*It is ordered*, That the issue and sale of the aforesaid 6% unsecured note or notes in the principal amount of $500,000 by Northwestern Illinois Utilities be, and the same hereby is, exempted from the provisions of Section 6 (a) of the Act;

*It is further ordered*, That the acquisition and pledge of the aforesaid note or notes by American Utilities Service Corporation be, and the same hereby is, approved;

*It is further ordered*, That this Order be subject to the following terms and conditions:

(1) That all acts in connection with said applications as amended shall be performed in all respects as set forth in, and for the purposes represented by, said applications; and

(2) That in the event that the order of the Illinois Commerce Commission authorizing the issuance of the aforesaid note or notes and the delivery of such note or notes to American shall be revoked, rescinded, or otherwise terminated the exemption granted herein shall immediately terminate without further notice or order of this Commission; and

(3) That within ten days after the issuance of the note or notes referred to herein and the acquisition and pledge of such note or notes by American the applicants shall respectively file with this Commission certificates of notification showing that such issuance and sale and acquisition and pledge have been effected in accordance with the terms and conditions of, and for the purposes represented by, said applications.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2353; Filed, July 6, 1939; 11:26 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1939.

[File No. 32–154]

IN THE MATTER OF NEW ENGLAND POWER COMPANY, CONNECTICUT RIVER POWER COMPANY, BELLOWS FALLS HYDRO-ELECTRIC CORP., NEW ENGLAND POWER ASSOCIATION

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to sections 6 (b), 10 and Rule U–12F–1 of the Public

[1] 4 F.R. 1188 DI.



Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on July 24, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Raoul Berger or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 19, 1939.

The matter concerned herewith is in regard to the following applications:

(1) An application by New England Power Company, a Massachusetts corporation and a subsidiary of New England Power Association, a registered holding company, pursuant to Section 6 (b) of said Act concerning the issue and sale of applicant's First Mortgage Bonds, Series B (bearing interest at a rate not exceeding 3½%), due August 15, 1969, in the principal amount of $9,650,000 and not exceeding 112,724 shares of applicant's common capital stock, $25 par value. The bonds will be sold following a published invitation for proposals for purchase made pursuant to Chapter 164, Section 15 of the General Laws of Massachusetts. The net proceeds of the sale of the bonds will be used by said applicant:

(a) as part of the purchase price of the fixed property and franchises of Bellows Falls Hydro-Electric Corporation, a Vermont corporation and a subsidiary of New England Power Association, and

(b) to purchase the portion of the so-called Bellows Falls-Pratts Junction Transmission Line, owned by Connecticut River Power Company, a New Hampshire corporation and also a subsidiary of New England Power Association and located in the state of New Hampshire.

The proposed stock will be issued to Bellows Falls Hydro-Electric Corporation on the basis of $30 a share as the remainder of the purchase price for the property of that company to be acquired.

(2) An application by Bellows Falls Hydro-Electric Corporation pursuant to Rule U–12F–1 under said Act for approval of the sale of its assets to New England Power Company as described above.

(3) An application by Bellows Falls Hydro-Electric Corporation pursuant to Section 10 of said Act for approval of the acquisition by it of the shares of common stock of New England Power Company proposed to be issued.

(4) An application by Connecticut River Power Company pursuant to Rule U–12F–1 under said Act for approval of the sale of certain of its assets to New England Power Company as described above.

(5) Applications by New England Power Association for any orders with respect to it which the Securities and Exchange Commission may deem necessary in connection with the sales by Bellows Falls Hydro-Electric Corporation and Connecticut River Power Company as described above.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2355; Filed, July 6, 1939; 12:01 p. m.]

JUL 10 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 130

*Washington, Saturday, July 8, 1939*


## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### BUREAU OF AGRICULTURAL ECONOMICS

PART 26—AMENDMENT OF REGULATIONS UNDER THE UNITED STATES GRAIN STANDARDS ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Grain Standards Act, approved August 11, 1916 (39 Stat. 485; 7 U.S.C. 84), the regulations of the Secretary of Agriculture, S.R.A.–B.A.E. 148, approved April 2, 1935 (Part 26 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service" and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2375; Filed, July 6, 1939; 12:45 p. m.]

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PART 27—AMENDMENT OF REGULATIONS UNDER THE UNITED STATES COTTON FUTURES ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Cotton Futures Act, approved August 11, 1916 (39 Stat. 477; 26 U.S.C. 1092), the regulations of the Secretary of Agriculture, S.R.A.–B.A.E. 152, approved July 6, 1936[1] (Part 27 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service" and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2382; Filed, July 6, 1939; 12:46 p. m.]

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PART 28—AMENDMENT OF REGULATIONS UNDER THE UNITED STATES COTTON STANDARDS ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Cotton Standards Act, approved March 4, 1923 (42 Stat. 1519; 7 U.S.C. 61), the regulations of the Secretary of Agriculture, S.R.A.–B.A.E. 153, approved July 6, 1936,[1] (Part 28 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2381; Filed, July 6, 1939; 12:46 p. m.]

[1] 1 F.R. 1179.

[1] 1 F.R. 1187.

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FEDERAL REGISTER

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PART 29—AMENDMENT OF RULES AND REGULATIONS UNDER THE TOBACCO INSPECTION ACT

Pursuant to the authority vested in the Secretary of Agriculture by the Tobacco Inspection Act, approved August 23, 1935 (49 Stat. 734; 7 U.S.C. Sup. IV, 511m), the rules and regulations of the Secretary of Agriculture, S.R.A.–B.A.E. 149, Revised, approved December 17, 1935 (Part 29 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2380; Filed, July 6, 1939; 12:46 p. m.]

PART 31—AMENDMENT OF RULES AND REGULATIONS UNDER THE WOOL STANDARDS ACT

Pursuant to the authority vested in the Secretary of Agriculture by the Wool Standards Act, approved May 17, 1928 (45 Stat. 594; 7 U.S.C. 415d), the rules and regulations of the Secretary of Agriculture, S.R.A.–B.A.E. 135, approved August 29, 1931, (Part 31 of Title 7 of the Code of Federal Regulations), are hereby amended by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2379; Filed, July 6, 1939; 12:46 p. m.]

PART 33—AMENDMENT OF GRADES, REQUIREMENTS AND REGULATIONS UNDER THE EXPORT APPLE AND PEAR ACT

Pursuant to the authority vested in the Secretary of Agriculture by the Export Apple and Pear Act, approved June 10, 1933 (48 Stat. 124; 7 U.S.C. 587), the grades, requirements and regulations of the Secretary of Agriculture, S.R.A.–B.A.E. 143, Revised, approved March 30, 1938[1] (Part 33 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said grades, requirements and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said grades, requirements and regulations and inserting in lieu thereof the word "Service."

These grades, requirements and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2363; Filed, July 6, 1939; 12:43 p. m.]

[1] 3 F.R. 788 DI.



PART 41—AMENDMENT OF RULES AND REGULATIONS UNDER THE UNITED STATES STANDARD CONTAINER ACT OF 1928

Pursuant to the authority vested in the Secretary of Agriculture by the United States Standard Container Act of 1928, approved May 21, 1928 (45 Stat. 687; 15 U.S.C. 257h), the rules and regulations of the Secretary of Agriculture, S.R.A.–B.A.E. 116, approved October 10, 1928 (Part 41 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2376; Filed, July 6, 1939; 12:45 p. m.]

PART 46—AMENDMENT OF RULES AND REGULATIONS UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

Pursuant to the authority vested in the Secretary of Agriculture by the Perishable Agricultural Commodities Act, approved June 10, 1930 (46 Stat. 537; 7 U.S.C. 499–o), the rules and regulations of the Secretary of Agriculture, 3 F.R. 585 DI, approved March 1, 1938 (Part 46 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2378; Filed, July 6, 1939; 12:45 p. m.]

PART 47—AMENDMENT OF RULES AND REGULATIONS UNDER THE PRODUCE AGENCY ACT

Pursuant to the authority vested in the Secretary of Agriculture by the Produce Agency Act, approved March 3, 1927 (44 Stat. 1355; 7 U.S.C. 494), the rules and regulations of the Secretary of Agriculture, S.R.A.–B.A.E. 107, approved May 17, 1927 (Part 47 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2377; Filed, July 6, 1939; 12:45 p. m.]

PART 51—AMENDMENT OF RULES AND REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF FRUITS, VEGETABLES, AND OTHER PRODUCTS

Pursuant to the authority vested in the Secretary of Agriculture by Section 414, 7 U.S.C., Supp. IV, the Rules and Regulations of the Secretary of Agriculture Governing the Inspection and Certification of Fruits, Vegetables and Other Products, S.R.A.–B.A.E. 93, approved June 24, 1936[1] (Part 51 of Title 7 of the Code of Federal Regulations) are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2384; Filed, July 6, 1939; 12:46 p. m.]

[1] 1 F.R. 654.

PART 52—AMENDMENT OF RULES AND REGULATIONS GOVERNING THE GRADING AND CERTIFICATION OF CANNED FRUITS AND VEGETABLES

Pursuant to the authority vested in the Secretary of Agriculture by Section 414, 7 U.S.C., Supp. IV, the Rules and Regulations of the Secretary of Agriculture Governing the Grading and Certification of Canned Fruits and Vegetables, approved October 10, 1935 (Part 52 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2385; Filed, July 6, 1939; 12:47 p. m.]

PART 53—AMENDMENT OF RULES AND REGULATIONS GOVERNING THE GRADING AND CERTIFICATION OF MEATS, PREPARED MEATS, MEAT FOOD PRODUCTS AND MEAT BY-PRODUCTS FOR CLASS, QUALITY AND CONDITION

Pursuant to the authority vested in the Secretary of Agriculture by Section 414, 7 U.S.C., Supp. IV, the rules and regulations of the Secretary of Agriculture governing the grading and certification of meats, prepared meats, meat food products and meat by-products for class, quality and condition, S.R.A.–B.A.E. 98, approved December 8, 1936[1] (Part 53 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service";

[1] 1 F.R. 2126.

and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2386; Filed, July 6, 1939; 12:47 p. m.]

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PART 54—AMENDMENT OF RULES AND REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF LIVE POULTRY AND LIVE DOMESTIC RABBITS FOR CLASS, QUALITY AND CONDITION

Pursuant to the authority vested in the Secretary of Agriculture by Section 414, 7 U.S.C., Supp. IV, the rules and regulations of the Secretary of Agriculture governing the inspection and certification of live poultry and live domestic rabbits for class, quality and condition, S.R.A.-B.A.E. 103, approved August 17, 1937[1] (Part 54 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2387; Filed, July 6, 1939; 12:47 p. m.]

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PART 55—AMENDMENT OF RULES AND REGULATIONS GOVERNING THE GRADING AND CERTIFICATION OF BUTTER, CHEESE, EGGS, DRESSED POULTRY AND DRESSED DOMESTIC RABBITS FOR CLASS, QUALITY AND CONDITION

Pursuant to the authority vested in the Secretary of Agriculture by Section 414, 7 U.S.C., Supp. IV, the rules and regulations of the Secretary of Agriculture governing the grading and certification of butter, cheese, eggs, dressed poultry and dressed domestic rabbits for class, quality and condition, S.R.A.-B.A.E. 137, approved September 13, 1932 (Part 55 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2388; Filed, July 6, 1939; 12:47 p. m.]

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PART 56—AMENDMENT OF RULES AND REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF DRESSED POULTRY AND DRESSED DOMESTIC RABBITS FOR EXTERNAL CONDITION AND OF DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PORTIONS THEREOF FOR CONDITION AND WHOLESOMENESS

Pursuant to the authority vested in the Secretary of Agriculture by Section 414, 7 U.S.C., Supp. IV, the rules and regulations of the Secretary of Agriculture governing the inspection and certification of dressed poultry and dressed domestic rabbits for external condition and of dressed poultry and dressed domestic rabbits and edible portions thereof for condition and wholesomeness, S.R.A.-B.A.E. 131, approved August 17, 1937[1] (Part 56 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2389; Filed, July 6, 1939; 12:47 p. m.]

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PART 57—AMENDMENT OF RULES AND REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF HAY AND STRAW FOR CLASS AND GRADE

Pursuant to the authority vested in the Secretary of Agriculture by Section 414, 7 U.S.C., Supp. IV, the rules and regulations of the Secretary of Agriculture governing the inspection and certification of hay and straw for class and grade, approved December 13, 1935 (Part 57 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2390; Filed, July 6, 1939; 12:47 p. m.]

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PART 58—AMENDMENT OF RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE GOVERNING THE INSPECTION AND CERTIFICATION OF BEANS AND PEAS

Pursuant to the authority vested in the Secretary of Agriculture by Section 414, 7 U.S.C., Supp. IV, the rules and regulations of the Secretary of Agriculture governing the inspection and certification of beans and peas, approved September 8, 1932 (Part 58 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2391, Filed, July 6, 1939; 12:48 p. m.]

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PART 59—AMENDMENT OF RULES AND REGULATIONS GOVERNING ORIGIN VERIFICATION OF SEED

Pursuant to the authority vested in the Secretary of Agriculture by Section 414, 7 U.S.C., Supp. IV, the rules and regulations of the Secretary of Agriculture governing origin verification of seed, approved July 25, 1933 (Part 59 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2393; Filed, July 6, 1939; 12:48 p. m.]

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PART 60—AMENDMENT OF REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF RICE

Pursuant to the authority vested in the Secretary of Agriculture by Section 414, 7 U.S.C., Supp. IV, the regulations of the Secretary of Agriculture governing the inspection and certification of rice, approved January 15, 1936 (Part 60 of Title 7 of Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C. this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2392; Filed, July 6, 1939; 12:48 p. m.]

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PART 61—AMENDMENT OF RULES AND REGULATIONS GOVERNING THE INSPECTION, SAMPLING AND CERTIFICATION OF COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES

Pursuant to the authority vested in the Secretary of Agriculture by Section 414, 7 U.S.C., Supp. IV, the rules and regulations of the Secretary of Agriculture governing the inspection, sampling and certification of cottonseed sold or offered for sale for crushing purposes, approved June 7, 1938[1] (Part 61 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2394; Filed, July 6, 1939; 12:48 p. m.]

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PART 101—AMENDMENT OF REGULATIONS FOR COTTON WAREHOUSES UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Cotton Warehouses, S.R.A.-B.A.E. 126, approved April 27, 1931 (Part 101 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2362; Filed, July 6, 1939; 12:43 p. m.]

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PART 102—AMENDMENT OF REGULATIONS FOR WAREHOUSEMEN STORING GRAIN UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Warehousemen Storing Grain, S.R.A.-B.A.E. 127, approved May 9, 1931 (Part 102 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2364; Filed, July 6, 1939; 12:43 p. m.]

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PART 103—AMENDMENT OF REGULATIONS FOR WAREHOUSEMEN STORING TOBACCO UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Warehousemen Storing Tobacco, S.R.A.-B.A.E. 129, approved August 3, 1935 (Part 103 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said

[1] 2 F.R. 1414.

[1] 2 F.R. 1417.

[1] 3 F.R. 1361 DI.

[1] 3 F.R. 2436 DI.

regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2366; Filed, July 6, 1939; 12:49 p. m.]

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PART 104—AMENDMENT OF REGULATIONS FOR WAREHOUSEMEN STORING WOOL UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Warehousemen Storing Wool, S.R.A.-B.A.E. 128, approved May 12, 1931, (Part 104 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2365; Filed, July 6, 1939; 12:43 p. m.]

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PART 105—AMENDMENT OF REGULATIONS FOR WAREHOUSEMEN STORING BROOMCORN UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Warehousemen Storing Broomcorn, S.R.A.-B.A.E. 84, approved May 16, 1924 (Part 105 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2367; Filed, July 6, 1939; 12:43 p. m.]

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PART 106—AMENDMENT OF REGULATIONS FOR WAREHOUSEMEN STORING DRY BEANS UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, aproved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Warehousemen Storing Dry Beans, S.R.A.-B.A.E. 130, approved June 2, 1931 (Part 106 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2368; Filed, July 6, 1939; 12:43 p. m.]

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PART 107—AMENDMENT OF REGULATIONS FOR WAREHOUSEMEN STORING NUTS UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Warehousemen Storing Nuts, S.R.A.-B.A.E. 119, approved October 22, 1929 (Part 107 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2369; Filed, July 6, 1939; 12:44 p. m.]

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PART 108—AMENDMENT OF REGULATIONS FOR WAREHOUSEMEN STORING SIRUPS UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Warehousemen Storing Sirups, S.R.A.-B.A.E. 89, approved December 2, 1924 (Part 108 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2369; Filed, July 6, 1939; 12:44 p. m.]

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PART 109—AMENDMENT OF REGULATIONS FOR WAREHOUSEMEN STORING DRIED FRUIT UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Warehousemen Storing Dried Fruit, S.R.A.-B.A.E. 88, approved March 30, 1934 (Part 109 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2370; Filed, July 6, 1939; 12:44 p. m.]

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PART 110—AMENDMENT OF REGULATIONS FOR WAREHOUSEMEN STORING CANNED FOODS UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Warehousemen Storing Canned Foods, S.R.A.-B.A.E. 132, approved April 29, 1932 (Part 110 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2397; Filed, July 6, 1939; 12:49 p. m.]

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PART 111—AMENDMENT OF REGULATIONS FOR WAREHOUSEMEN STORING COTTONSEED FOR COMMERCIAL BUT NOT FOR SEED STOCK PURPOSES UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Warehousemen Storing Cottonseed for Commercial but not for Seed Stock Purposes, S.R.A.-B.A.E. 102, approved August 24, 1926 (Part 111 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2371; Filed, July 6, 1939; 12:44 p. m.]

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PART 112—AMENDMENT OF REGULATIONS FOR WAREHOUSEMEN STORING COLD PACK FRUIT UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Warehousemen Storing Cold Pack Fruit, S.R.A.-B.A.E. 111, approved May 26, 1928 (Part 112 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2372; Filed, July 6, 1939; 12:44 p. m.]

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PART 113—AMENDMENT OF REGULATIONS FOR WAREHOUSEMEN STORING SEEDS UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Warehousemen Storing Seeds, S.R.A.-B.A.E. 122, approved November 21, 1930 (Part 113 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2373; Filed, July 6, 1939; 12:45 p. m.]

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PART 114—AMENDMENT OF REGULATIONS FOR WAREHOUSEMEN STORING CHERRIES IN SULPHUR DIOXIDE BRINE UNDER THE UNITED STATES WAREHOUSE ACT

Pursuant to the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268), the Regulations of the Secretary of Agriculture for Warehousemen Storing Cherries in Sulphur Dioxide Brine, S.R.A.-B.A.E. 134, approved May 3, 1932 (Part 114 of Title 7 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Agricultural Economics" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said regulations and inserting in lieu thereof the word "Service."

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2374; Filed, July 6, 1939; 12:45 p. m.]

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## BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 485 Second Revision]

### WHITE-FRINGED BEETLE QUARANTINE RESTRICTIONS MODIFIED

SEC. 301.72A—ADMINISTRATIVE INSTRUCTIONS, REMOVAL OF WHITE-FRINGED BEETLE CERTIFICATION REQUIREMENTS UNTIL FEBRUARY 1, 1940, FOR SPECIFIED ARTICLES CONSIGNED FROM DESIGNATED PORTIONS OF THE REGULATED AREAS

*Approved July 7, 1939; effective July 7, 1939*

Circular B.E.P.Q. 485 revised, issued May 6, 1939,[1] effective May 8, 1939, waived certification requirements until July 1, 1939, for specified articles consigned from certain parts of the areas regulated under quarantine No. 72. The present revision extends the period of exemption from regulation for certain articles from areas hereinafter specified to February 1, 1940.

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[1] 4 F.R. 1977 DI.

Under authorization provided in Notice of Quarantine No. 72 (Sec. 301.72), all certification requirements are hereby waived during the regulated periods from July 1, 1939, to January 31, 1940, inclusive, of the following articles enumerated in Regulation 3 (*a*) and (*b*), (Sec. 301.72–3) when free from soil, it having been determined that sanitary measures and natural conditions have so reduced the risk of contamination with the egg or adult stage of the white-fringed beetle as to render certification unnecessary during the period indicated:

1. When consigned from the regulated areas in *Alabama*—Mobile County; *Florida*—Escambia County; *Louisiana*—Parish of East Baton Rouge; *Mississippi*—Jackson County, certification requirements are waived on the following articles:

Potatoes and sweetpotatoes.
Sweetpotato vines, draws, and cuttings.
Cordwood, pulpwood, stumpwood, and logs.
Used or unused lumber, timbers, posts, poles, crossties, and other building materials.
Hay, roughage of all kinds, straw, leaves, and leafmold.
Peas, beans, and peanuts in shells, or the shells of any of these products.
Seed cotton, cottonseed, baled cotton lint, and linters.
Used implements and machinery, scrap metal, junk, and utensils or containers coming in contact with the ground.
Brick, tiling, stone, and concrete slabs and blocks.
Nursery stock and other plants, which are free from soil.

2. When consigned from the regulated areas in *Mississippi*—Counties of Hinds and Pearl River, certification requirements are waived on the following articles:

Potatoes and sweetpotatoes.
Sweetpotato vines, draws, and cuttings.
Cordwood, pulpwood, stumpwood, and logs.
Used or unused lumber, timbers, posts, poles, crossties, and other building materials.
Hay, roughage of all kinds, straw, leaves, and leafmold.
Peas, beans, and peanuts in shells, or the shells of any of these products.
Used implements and machinery, scrap metal, junk, and utensils or containers coming in contact with the ground.
Brick, tiling, stone, and concrete slabs and blocks.
Nursery stock and other plants, which are free from soil.

3. When consigned from the regulated areas in *Louisiana*—Parishes of Jefferson, Orleans (including the City of New Orleans), and Plaquemines, certification requirements are waived on the following articles:

Potatoes and sweetpotatoes.
Sweetpotato vines, draws, and cuttings.
Cordwood, pulpwood, stumpwood, and logs.
Unused lumber, timber, posts, poles, and crossties.
Hay, roughage of all kinds, straw, leaves, and leafmold.
Peas, beans, and peanuts in the shells, or the shells of any of these products.
Seed cotton, cottonseed, baled cotton lint, and linters.

All articles, designated in paragraphs (*a*) and (*b*) of Regulation 3 of Quarantine No. 72[1] (Sec. 301.72–3) for which certification requirements are not hereinabove waived, shall remain under the restrictions of the quarantine during the period covered by this document.

(Issued under Sec. 301.72) [B.E.P.Q. 485, Second Revision, July 7, 1939]

[SEAL] AVERY S. HOYT,
*Acting Chief.*

[F. R. Doc. 39–2414; Filed, July 7, 1939; 11:58 a. m.]

## FEDERAL CROP INSURANCE CORPORATION

[F.C.I.R.—Series 1, No. 1, Supp. 8[1]]

### PART 401—WHEAT CROP INSURANCE REGULATIONS

#### AMENDMENTS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended by Public Law No. 691 of the 75th Congress, approved June 22, 1938, the Regulations Relating to Wheat Crop Insurance, as amended, are hereby further amended, as follows:

By amending section 151, Part 15, to read, as follows:

Refund of any premium or portion thereof which has been paid to the Corporation by means of an advance from the Secretary of Agriculture shall be made to the Secretary of Agriculture. The amount of any such refund shall be determined in the manner provided for in Part 9 of these Regulations except that the cash equivalent of the amount of wheat to be refunded shall be determined using the basic market price and price differentials applicable as of the date of the advance from the Secretary of Agriculture; *Provided, however*, That in the case of the refund of a supplemental advance the cash equivalent of the amount of wheat to be refunded shall be determined using the basic market price and price differentials applicable as of the date of such supplemental advance.

Adopted by the Board of Directors on June 2, 1939.

[SEAL] M. L. WILSON,
*Chairman.*

Approved, July 6, 1939.

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2415; Filed, July 7, 1939; 11:58 a. m.]

[1] 4 F.R. 2750 DI.
[2] 3 F.R. 3003 DI.

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### BUREAU OF ANIMAL INDUSTRY

PARTS 201, 202, 203 AND 204—AMENDMENT OF RULES AND REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Pursuant to the authority vested in the Secretary of Agriculture by the Packers and Stockyards Act, approved August 15, 1921 (42 Stat. 169; 7 U.S.C. 228), the rules and regulations of the Secretary of Agriculture, B.A.I. order 364,[1] approved February 17, 1938 (Parts 201, 202, 203, and 204 of Title 9 of the Code of Federal Regulations), are hereby amended (1) by striking out the words "Bureau of Animal Industry" wherever they appear in said rules and regulations and inserting in lieu thereof the words "Agricultural Marketing Service"; and (2) by striking out the word "Bureau" wherever it appears in said rules and regulations and inserting in lieu thereof the word "Service."

These rules and regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 6th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2383; Filed, July 6, 1939; 12:46 p. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER IV—MILITARY EDUCATION

PART 45—AVIATION INSTRUCTION AT NON-FEDERAL ESTABLISHMENTS[2]

§ 45.1 *Specific application of these regulations.* These regulations apply specifically to aviation instruction given military personnel in regularly established civil flying schools and in civil technical schools. Training at other educational institutions, industrial plants, or places under the authority of the act of April 3, 1939, will be as prescribed by the Chief of the Air Corps and approved by the Secretary of War. (Sec. 2, Act April 3, 1939) [Par. 2, AR 350–3500, June 15, 1939]

§ 45.2 *Duties of the Chief of the Air Corps.* The Chief of the Air Corps is responsible for coordination of instruction. He will exercise supervision over all military personnel at institutions. He will determine the numbers of officers and enlisted men required for administrative and supervisory duties and the numbers of students that are to be trained, and will recommend the detail or relief of such personnel to the War Department. He is charged with the issuance of necessary instructions not provided for in these regulations. (Sec. 2, Act April 3, 1939) [Par. 3, AR 350–3500, June 15, 1939]

§ 45.3 *Selection of institutions.* The selection of an institution to give instruction to military students will be made by the Secretary of War, upon recommendation of the Chief of the Air Corps.

(a) The primary requirement for selection will be the suitability of an institution to accomplish satisfactorily the training projected by the Air Corps. A prerequisite to the selection of a civil school is the holding of a rating or letter of recognition from the Civil Aeronautics Authority covering pertinent courses and subjects where the Authority takes cognizance of such instruction.

(b) The following factors when applicable will have special importance:

(1) Geographical location as it influences the cost of Government transportation or other expense, and the functioning of the system of supply and repair of Government property.

(2) Capacity for instruction of military personnel insofar as it warrants the maintenance of the requisite governmental supervisory and administrative establishment thereat.

(3) Ability to maintain output of trained military personnel at a uniform rate.

(4) Ability to conduct the desired training without undue hazard to personnel or property.

(5) Conditions affecting health and safety of military personnel, and the preservation and maintenance of Government property.

(6) Availability of suitable housing and messing facilities adjacent to place of instruction.

(7) Adequacy of instructional facilities and methods, and quality of instruction.

(8) Adequacy of facilities for maintenance and preservation of Government property.

(9) Provisions for maintaining the governmental supervisory and administrative establishment. (Sec. 2, Act April 3, 1939) [Par. 4, AR 350–3500, June 15, 1939]

§ 45.4 *Responsibilities of institutions.* In addition to functions provided for elsewhere in these regulations, institutions will be required to agree to the following prior to the assignment of military personnel thereat for instruction:

(a) To provide adequate and satisfactory housing and messing facilities or make arrangements therefor at a reasonable cost to personnel concerned, for all military students assigned for instruction.

(b) To provide adequate and satisfactory office and other space required by Government administrative personnel in the performance of their assigned duties.

(c) To comply with regulations prescribed by proper civil authorities to insure safety and with such supplementary instructions issued by the Chief of the Air Corps, or his representatives, in regard thereto and not in conflict therewith as may be deemed necessary in the premises.

(d) To save the Government harmless from liability for any injury or damage to persons and property, except Government personnel.

(e) To keep in the office of the school registrar and available to the Chief of the Air Corps or his representatives complete records pertaining to the training and progress of each military student. Records should be kept as prescribed by the Chief of the Air Corps.

(f) To give representatives of the Government access to books of account and records at such time as it may be necessary for the Government to determine actual cost of instruction.

(g) To open to inspection by Government representatives at any time all facilities employed for the training of military personnel. (Sec. 2, Act April 3, 1939) [Par. 5, AR 350–3500, June 15, 1939]

§ 45.5 *Agreements with institutions for instruction.* Services of schools will be procured by a contract in writing which will embody the terms and conditions governing the furnishing of the instruction contemplated herein. The cost of tuition for courses of instruction as authorized in these regulations will be established by negotiation (Sec. 2, Act April 3, 1939) [Par. 6, AR 350–3500, June 15, 1939]

§ 45.6 *Military organization*—(a) *Organization*—(1) *Air Corps training detachments.* A military detachment will be formed at institutions operating under the provisions of these regulations. All military personnel on duty at or assigned as students at each such school will be attached to this detachment. Detachments so organized will be designated as Air Corps training detachments. The geographical location will form the last part of the designation of each detachment. The senior Air Corps officer on duty with each detachment will be designated the Air Corps supervisor, and will command the detachment.

(2) *Districts.* For the purpose of properly supervising the training being conducted at schools in accordance with these regulations and properly coordinating activities of training and supply, the Chief of the Air Corps is authorized to divide the schools conducting military training into not to exceed three districts and to appoint a district supervisor in charge of each district. The duties and responsibilities of district supervisors will be as directed by the Chief of the Air Corps.

(b) *Exemption from command.* Detachments formed under the provisions of these regulations will be exempt from corps area supervision and control except for disciplinary matters and routine supply. (Sec. 2, Act April 3, 1939) [Par. 7, AR 350–3500, June 15, 1939]

§ 45.7 *Duties of Air Corps supervisor.* (a) The Air Corps supervisor will be an intermediary in all relations between the War Department and the institution at which he is assigned in matters pertaining to the instruction of military students thereat.

(b) In addition to his duties as commander of his detachment and such other duties as may be assigned by proper authority he will—

(1) Determine the continued adequacy and suitability of contractors' facilities and methods as they apply to the instruction of military students.

(2) Maintain contact with progress of military students and pass upon the eligibility of any student to receive a certificate of graduation.

(3) Determine the proficiency of students in their assignments at any time during the course of instruction.

(4) Be responsible for the discipline of military students at all times.

(5) Suspend the instruction of any military student when such action is necessary.

(6) Insure that no officer or enlisted man is conducting or pursuing any course of instruction at the school without proper authority of the War Department.

(7) Render reports prescribed by the Chief of the Air Corps and by pertinent Army Regulations. A special report will be submitted in writing covering any serious breach of contract or agreement on the part of any school or school representative, concerning which adequate corrective action has not been taken within a reasonable length of time. (Sec. 2, Act April 3, 1939) [Par. 8, AR 350–3500, June 15, 1939]

§ 45.8 *Termination of status as student.* (a) An academic board composed of officers will be appointed as directed by the Chief of the Air Corps at each institution which has been designated to give flying instruction to military personnel. This board will consider all cases that are referred to it by the Air Corps supervisor which involve the fitness of a student to continue instruction for any reason whatsoever and will make appropriate recommendations relating to the disqualification, discharge, or reinstatement of any student. If at any time the board decides that a military student is not qualified to continue the course, the Air Corps supervisor will—

(1) *In case of an officer.* Forward board proceedings in triplicate to the Chief of the Air Corps, who will take final action and will return one copy to the Air Corps supervisor and forward one copy to the Commanding Officer, Air Corps Training Center.

(2) *In case of a flying cadet.* Comply with the provisions of paragraph 18, AR 615–160.[3]

(b) If at any time a student enlisted man, other than a flying cadet, shall be deemed unfitted for any reasons to continue the course, the Air Corps super-

[1] 3 F.R. 499 DI.
[2] Part 45 is supplementary to Title 10, Chapter IV, of the Code of Federal Regulations.
[3] Administrative regulations of the War Department relative to enlistment of flying cadets.

visor will immediately relieve him as a student and report the facts to the Commandant, Air Corps Technical School, for necessary action. (Sec. 2, Act April 3, 1939) [Par. 9, AR 350–3500, June 15, 1939]

§ 45.9 *Property.* All Government owned property required at institutions regardless of the purpose for which intended will be consigned to the commanding officer of the local Air Corps training detachment. Property transactions between the Air Corps supervisor and a school will be governed by paragraph (e) (2) (i), section 45.10. An accountable officer will be designated by the Chief of the Air Corps who will account for all Government property located at each institution. The Chief of the Air Corps will furnish each corps area commander concerned with the name or designation of the accountable officer. (Sec. 2, Act April 3, 1939) [Par. 10, AR 350–3500, June 15, 1939]

§ 45.10 *Loan of Government property*—(a) *General.* Property subject to loan will comprise any Government owned property mentioned and described in section 4, act of April 3, 1939. All loans of Government property will be made subject to return upon call of the Government, and without obligations upon the part of the Government to repair or replace the same in whole or in part unless otherwise specifically provided for by agreement in writing with the institution concerned.

(b) *Accredited aviation schools defined.* The term accredited aviation schools is defined as those flying schools or aviation mechanics schools that have been selected by the Secretary of War in accordance with section 45.3.

(c) *Eligibility for loans.* (1) The institution must be an accredited school within the definition of paragraph (b) above and under contractual obligations with the Government for the training of personnel of the Military Establishment pursuant to section 2, act of April 3, 1939.

(2) The detail of military personnel as students at institutions will not create any obligation on the part of the Government to provide property for the instruction of military students except as set forth in formal agreements that may be entered into by the Government with the institution concerned.

(d) *Administrative provisions.* (1) Loans of Government property, except serviceable aircraft, necessary for proper instruction at accredited aviation schools will be made at the discretion of the Chief of the Air Corps. The quantity and nature of the property, and the conditions under which loans will be made, will be as determined by the Chief of the Air Corps, except as otherwise provided for herein.

(2) The Chief of the Air Corps will secure the approval of the Secretary of War for the loan of all aircraft available for this purpose. The Chief of the Air Corps will make such allocations to institutions of serviceable aircraft approved for loan by the Secretary of War as are deemed necessary for the proper instruction of military personnel.

(3) Administrative details not inconsistent with these regulations respecting the loan of Government property and the maintenance thereof, including the extent to which an institution will be held responsible for replacement, repair, and overhaul, will be matters for determination by the Chief of the Air Corps.

(e) *Procedure*—(1) *Requisitions.* Requests for the issue of Government property will be submitted by the institution to the Air Corps supervisor. When authorized, the issue to the institution will be made by the Air Corps supervisor, or if not on hand will be obtained by him on requisition.

(2) *Loans.* (i) Government property will be loaned to institutions by the Air Corps supervisor on memorandum receipt. Credit memorandum receipt will be furnished the institution by the Air Corps supervisor for property returned to the War Department.

(ii) The responsible head or corresponding executive of the institution will designate in writing a representative who will sign all property papers for the school in the name of the institution.

(iii) Reports concerning the quantity and condition of Government property in its possession will be rendered by the institution as required by the Chief of the Air Corps.

(iv) The institution will make settlement for property held on memorandum receipt as required by the Air Corps supervisor.

(3) *Accounting.* Property will be accounted for as prescribed in section 45.9.

(f) *Transportation.* (1) Property authorized to be loaned under the provisions of paragraph (a) above will be delivered to an institution through the Air Corps supervisor by air, rail, or motor transportation as the interests of the Government may require, at the expense of the Government, except for drayage as provided for in subparagraph (2) below. The return of such property as requires rail or motor transportation, including property in the possession of the Air Corps supervisor, will be accomplished by the institution making delivery f. o. b. cars or motor truck, city of the institution concerned, properly packed, boxed, crated, and prepared for domestic shipment to such destination as may be determined by the Government. The return of airplanes in condition for flight will be accomplished by the institution, set up, serviced, and made ready for flight at the flying field of the institution concerned.

(2) All drayage of Government property to and from air or rail terminal, city of institution concerned, will be furnished by and at the expense of the institutions.

(3) The cost of transportation chargeable to the Government will be paid from funds allocated to the Chief of the Air Corps.

(g) *Lost, damaged, or destroyed property.* (1) Government property which becomes unserviceable through fair wear and tear incident to the proper and authorized use thereof will occasion no liability to the institution. Such property may be returned to the Government for replacement or credit or should be repaired by the institution in accordance with the terms of the written agreement that is entered into with the Government for the instruction of military personnel.

(2) Government property lost, destroyed, or damaged by fire, flood, theft, tornado, aircraft accident, or other similar causes, without fault or neglect on the part of the institution, its servants, or employees, will occasion no liability to the institution. To determine whether such loss, destruction, or damage was without fault or neglect on the part of the institution, its servants, or employees, a survey will be made as provided in paragraphs 6 and 8, AR 35–6640.[2] The surveying officer will be appointed in accordance with instructions issued by the Chief of the Air Corps. Reports of survey for property in the possession of an institution will be prepared by the Air Corps supervisor.

(3) All other loss, damage, or deterioration of Government property for which an institution is responsible will be made good by the institution. The Chief of Finance will take the necessary action to secure reimbursement to the United States for such loss, destruction, damage, or deterioration.

(4) The Air Corps supervisor will report to the authorities of the institution in writing any facts, circumstances, or conditions which he believes to be prejudicial to the proper protection of Government property against loss through fire, flood, theft, tornado, accident, or other similar causes. In the event that proper corrective action is not taken by the institution as the result of such communication, report thereof will be made to the Chief of the Air Corps. Access to all such reports will be afforded to surveying officers appointed under the provisions of subparagraph (2) above.

(5) The relief of institutions from liability in connection with property referred to above will in no way render inoperative any written agreement made by them with the Government for repairs and maintenance.

(h) *Maintenance and repair.* (1) The institution will keep and maintain property loaned to it in good repair and in the same condition as when received by it, usual wear, tear and usage excepted, unless otherwise specifically provided for in a written agreement made with the institution for the instruction of military personnel.

(2) Authorized Government representatives will have free access to all Government property loaned to an institution for the purpose of ascertaining the condition of such property and the manner in which it is being safeguarded, stored, maintained, and repaired.

[2] Administrative regulations of the War Department relative to survey of lost, destroyed, or unserviceable property.

(3) The Chief of the Air Corps may prescribe regulations that will facilitate proper inspection and maintenance of loaned Government property, when such regulations are consistent with the contractual obligations of the institution.

(i) *Care and safekeeping.* (1) None of the property owned by the Government and furnished to an institution under these regulations will be removed by the institution from the continental limits of the United States nor utilized by it for any other purpose than the instruction of military personnel or the performance of formal contracts pertaining to such instruction.

(2) Proper storage facilities will be furnished by the institution for all Government property in its possession and in the possession of the Air Corps supervisor. The place and manner of storage will provide satisfactorily for the care and safekeeping of Government property and will be such as to prevent undue and avoidable deterioration.

(3) Government parts, accessories, and supplies will in no case be stored or mingled with the articles of a like nature that belong to an institution. The manner of storage will permit ready identification of the property that is loaned by the Government and facilitate its inventory when such action is required. (Sec. 4, Act April 3, 1939) [Pars. 11 to 19, AR 350–3500, June 15, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–2401; Filed, July 7, 1939; 9:10 a. m.]

## TITLE 12—BANKS AND BANKING

### FEDERAL DEPOSIT INSURANCE CORPORATION

#### RESOLUTION APPROVING CERTIFIED STATEMENT FORMS

Paragraph (1) of subsection (h) of Section 12B of the Federal Reserve Act, as amended, provides in part:

> The certified statements required to be filed with the Corporation under paragraphs (2), (3), and (4) of this subsection shall be in such form and set forth such supporting information as the board of directors shall prescribe.

*Resolved,* That pursuant to the provisions of paragraph (1) of subsection (h) of Section 12B of the Federal Reserve Act, as amended, the following described certified statement forms be approved:

(1) Certified Statement—Part One, Based on Deposits for the Six Months Ending June 30, 1939, Form 545H, in quadruplicate.[1]

(2) Recapitulation of the Monthly Totals of Certified Statement—Part Two, for the Six Months Ending June 30, 1939, Form 555H, in triplicate.[1]

[1] Filed as a part of the original document; requests for copies should be addressed to the Federal Deposit Insurance Corporation.

Adopted by the Board of Directors of the Federal Deposit Insurance Corporation on July 1, 1939.

[SEAL] E. F. DOWNEY,
*Secretary.*

[F. R. Doc. 39–2408; Filed, July 7, 1939; 10:49 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3426]

#### IN THE MATTER OF EARL CHROME MANUFACTURING COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of radios, clocks, cocktail shakers, coffee sets, or any other merchandise, any merchandise so packed and assembled that sales thereof to the general public are to be, or may be, made by means of a lottery, gaming device, or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Earl Chrome Manufacturing Company, Docket 3426, June 26, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of radios, clocks, cocktail shakers, coffee sets, or any other merchandise, others with any merchandise, together with punchboards, push or pull cards, or any other lottery device, or separately, to enable said persons to sell or distribute said merchandise by the use of said punchboards, etc., prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Earl Chrome Manufacturing Company, Docket 3426, June 26, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of radios, clocks, cocktail shakers, coffee sets, or any other merchandise, any merchandise by means of a game of chance, gift enterprise, or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Earl Chrome Manufacturing Company, Docket 3426, June 26, 1939]

§ 3.69 (a) (4) *Misrepresenting oneself and goods—Business status, advantages or connections—Dealer as manufacturer:* § 3.96 (b) (5) *Using misleading name—Vendor—Producer or laboratory status of dealer.* Representing, in connection with offer, etc., in commerce, of radios, clocks, cocktail shakers, coffee sets, or any other merchandise, that respondent is the manufacturer of the merchandise which he sells and distributes, unless and until he owns and operates, or directly and absolutely controls, the plant or factory wherein said merchandise is manufactured by him, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Earl Chrome Manufacturing Company, Docket 3426, June 26, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of June, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF MORRIS L. RAUER, INDIVIDUALLY, AND TRADING AS EARL CHROME MANUFACTURING COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Charles F. Diggs, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, brief filed herein by counsel for the Commission (respondent having offered no proof, filed no brief, and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, Morris L. Rauer, individually, and trading as Earl Chrome Manufacturing Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of radios, clocks, cocktail shakers, coffee sets, or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed and assembled that sales of such merchandise to the general public are to be made, or may be made, by means of a lottery, gaming device, or gift enterprise;

(2) Supplying to or placing in the hands of others any merchandise together with punchboards, push or pull cards, or any other lottery device, or separately, for the purpose of enabling said persons to sell or distribute said merchandise by the use of said punchboards, push or pull cards, or any other lottery device;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme;

(4) Representing that respondent is the manufacturer of the merchandise which he sells and distributes unless and until he owns and operates or directly and absolutely controls the plant or fac-

[1] 3 F.R. 2491 DI.

tory wherein said merchandise is manufactured by him.

*It is further ordered*, That the respondent shall, within sixty days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2417; Filed, July 7, 1939; 12:55 p. m.]

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[Docket No. 3580]

IN THE MATTER OF BOBS CANDY & PECAN COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy and nut confections or any other merchandise, candy, etc., as aforesaid, so packed that sales of such candy, etc., are to be, or may be, made by means of a lottery, gaming device, or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Bobs Candy & Pecan Company, Docket 3580, June 26, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy and nut confections or any other merchandise, others with packages or assortments of candy, etc., as aforesaid, together with a push or pull card, punch board, or other lottery device, which push or pull card, etc., is to be, or may be, used in selling and distributing such candy, etc., to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Bobs Candy & Pecan Company, Docket 3580, June 26, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy and nut confections or any other merchandise, others with any lottery device, either with assortments of candy, etc., as aforesaid, or separately, which lottery device is to be, or may be, used in selling or distributing such candy, etc., as aforesaid, to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Bobs Candy & Pecan Company, Docket 3580, June 26, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy and nut confections or any other merchandise, any merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Bobs Candy & Pecan Company, Docket 3580, June 26, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of June, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Bobs Candy and Pecan Company, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy and nut confections or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy, nut confections or any other merchandise so packed and assembled that sales of such candy, nut confections or such merchandise, are to be made or may be made by means of a lottery, gaming device or gift enterprise;

(2) Supplying to or placing in the hands of others, packages or assortments of candy; nut confections or other merchandise together with a push or pull card, punch board, or other lottery device, which push or pull card, punch board or other lottery device is to be used or may be used in selling and distributing such candy, nut confections or other merchandise to the public;

(3) Supplying to or placing in the hands of others any lottery device either with assortments of candy, nut confections or other merchandise, or separately, which lottery device is to be used, or may be used in selling or distributing such candy, nut confections or other merchandise to the general public;

(4) Selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise or lottery scheme.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2418; Filed, July 7, 1939; 12:55 p. m.]

[1] 4 F.R. 1647 DI.

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## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T. D. 49009]

COUNTERVAILING DUTY, SILK GOODS FROM ITALY

COLLECTORS OF CUSTOMS INSTRUCTED TO SUSPEND LIQUIDATION OF ENTRIES COVERING SILK GOODS FROM ITALY PENDING DECLARATION OF AMOUNT OF COUNTERVAILING DUTY TO BE COLLECTED; DEPOSIT OF ESTIMATED COUNTERVAILING DUTIES REQUIRED

*To Collectors of Customs and Others Concerned:*

Official reports before the Department establish to its satisfaction that bounties or grants are paid or bestowed directly or indirectly in Italy on the export to the United States of silk goods which are dutiable under the provisions of the Tariff Act of 1930.

Notice is hereby given that pursuant to the provisions of section 303 of the Tariff Act of 1930 (U.S.C., title 19, sec. 1303), countervailing duties equal to any bounty or grant found to have been paid or bestowed will be collected on dutiable merchandise composed in whole or in part of silk and imported directly or indirectly from Italy, when entered for consumption or withdrawn from warehouse for consumption after thirty days after publication of this notice in a weekly issue of Treasury Decisions, whether imported in the condition in which exported from Italy or changed in condition by remanufacture or otherwise.

The liquidation of all entries covering merchandise described above and entered for consumption or withdrawn from warehouse for consumption after thirty days after publication of this notice in a weekly issue of Treasury Decisions shall be suspended pending the declaration of the net total amount of the bounty or grant determined or estimated to have been paid or bestowed and the net amount of the countervailing duties to be collected. A deposit of estimated countervailing duties shall be required at the time of entry. The foregoing instructions, however, shall not apply to importations consisting of gifts for the personal use of the donee or of articles purchased at retail for personal use. The amount to be deposited shall be calculated in accordance with the following table and predicated on the net weights of the silk (including schappe and bourrette) contained in the imported products, plus 33⅓% of such weights if the natural gum has been removed from the silk used in the production or manufacture of the imported product:

(a) Raw silk yarns, dyed, simple or twisted of double cocoons; lire 32.8 per kilogram.

(b) Yarns of silk waste (schappe) including sewing thread; lire 49.2 per kilogram.

(c) Yarns of combings (bourrette); lire 8.2 per kilogram.

(d) Raw silk doubled and twisted, drawn, dyed silk, silk sewing thread; lire 84.5 per kilogram.

(e) Woven materials, velvets, ribbons, tulles, crepes, knit goods and stockings, in raw state; lire 87 per kilogram, subject to the following variations:

(1) For every kilogram of double yarn lire 34.8.

(2) For every kilogram of yarn of waste content lire 52.2.

(3) For every kilogram of yarn of bourrette content lire 8.2.

(f) Woven materials, velvets, ribbons, tulles, crepes, knit goods and stockings, exported in the dyed or finished state; lire 89.5 per kilogram of silk content (not weighted), subject to the following variations:

(1) For every kilogram of double yarn content lire 36.8.

(2) For every kilogram of yarn of waste content lire 55.2.

(3) For every kilogram of yarn of bourrette content lire 9.2.

The facts in regard to each importation shall be reported promptly to the Bureau of Customs. The entry and related papers shall accompany the report.

[SEAL] JAMES H. MOYLE,
*Commissioner of Customs.*

Approved, 3:35 p. m., July 5th, 1939.

H. MORGENTHAU, Jr.,
*Secretary of the Treasury.*

[F. R. Doc. 39-2399; Filed, July 6, 1939; 3:13 p. m.]

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## TITLE 31—MONEY AND FINANCE: TREASURY

### CHAPTER I—MONETARY OFFICES

PART 80—THE NEWLY-MINED DOMESTIC SILVER REGULATIONS OF JULY 6, 1939*

Sec.


80.1 Scope.
80.2 Authority for regulations.
80.3 Definitions.
80.4 Forms.
80.5 Revocation or modification.
80.6 Silver which will be received.
80.7 Affidavits.
80.8 Evidence which may be demanded.
80.9 Settlement for silver delivered.
80.10 Records.
80.11 Reports.
80.12 Agreement relating to records.


*Sections 80.1 to 80.12, inclusive, issued under the authority contained in Section 4 of the Act of July 6, 1939.

§ 80.1 *Scope.* These regulations relate to the receipt and coinage by the United States coinage mints of silver mined in the United States or any place subject to the jurisdiction thereof pursuant to the provisions of section 4 of the Act of July 6, 1939.*

§ 80.2 *Authority for regulations.* These regulations are issued under section 4 of the Act of July 6, 1939.*

§ 80.3 *Definitions.* As used in these regulations—

The term "person" means an individual, partnership, association, or corporation.

The term "United States coinage mints" means the following mints: United States Mint, Philadelphia, Pa.; United States Mint, San Francisco, Calif.; United States Mint, Denver, Colo. And whenever authority is conferred in these regulations upon a "mint" such authority is conferred upon the person locally in charge of the mint, acting in accordance with instructions of the Director of the Mint or the Secretary of the Treasury.*

§ 80.4 *Forms.* Any form, the use of which is prescribed in these regulations, may be obtained at any United States mint or assay office or at the Treasury Department, Washington, D. C.*

§ 80.5 *Revocation or modification.* The provisions of these regulations may be revoked or modified at any time.*

§ 80.6 *Silver which will be received.* The United States coinage mints, under the conditions hereinafter specified, and subject to the appropriate regulations governing the mints, will receive silver which any such mint is satisfied has been mined subsequently to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof.

Such mints will also receive silver which forms a part of a mixture of domestic, secondary and/or foreign silver provided such mints are satisfied that the aggregate amount of such mixture so received does not exceed the amount of such mixture which has been mined subsequently to July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof.*

§ 80.7 *Affidavits.* Every person delivering silver under the provisions of these regulations shall file with each delivery a properly executed affidavit on form TSA–1 and supporting affidavit or affidavits of the miner or miners on form TSA–2 or TSA–2A, whichever is appropriate, containing the information called for in such forms and executed under oath before an officer duly authorized to administer oaths.*

§ 80.8 *Evidence which may be demanded.* Persons delivering silver under the provisions of these regulations shall furnish such further evidence as may from time to time be requested by any United States coinage mint or the Director of the Mint, including affidavits, sworn reports, and sworn abstracts from books of account of any mines or any or all smelters or refineries handling such silver.*

§ 80.9 *Settlement for silver delivered.* The Director of the Mint, pursuant to the consent of the owner as given in the agreement executed on form TSA–1, shall retain of the silver so delivered, 45 per cent as seigniorage for services performed by the Government of the United States, and the balance of such silver so received, that is, 55 per cent thereof, shall be coined into standard silver dollars and the same, or an equal number of other standard silver dollars (or, at the option of the owner of the silver so delivered, silver certificates or any other coin or currency of the United States in an amount in dollars equal to such standard silver dollars), shall be delivered to the owner of such silver. Any fractional part of one dollar due hereunder shall be returned in any legal tender coin of the United States.*

§ 80.10 *Records.* Every person delivering silver under these regulations, and every person owning or operating a smelter or refinery at which silver to be delivered under these regulations is mixed with secondary or foreign silver, or both, shall keep accurate records of all acquisitions, by mining or otherwise, and of all dispositions of silver mined subsequently to July 1, 1939, including, among other things, records of the date when such silver was mined, acquired, and disposed of. Such records shall be preserved for at least 1 year after the last delivery and made available for examination by a representative of the Director of the Mint upon the request of such representative.*

§ 80.11 *Reports.* Every person delivering silver under these regulations shall file with the Director of the Mint, on or before the 25th day of each month after the date the first delivery is made, a report on form TSA–3 covering the preceding calendar month, provided that the first report shall cover the period from July 1, 1939, to the end of the calendar month preceding the date of the report. Such reports shall be executed under oath before an officer duly authorized to administer oaths and shall contain all of the information called for in such form.*

§ 80.12 *Agreement relating to records.* Every person delivering under these regulations, silver which has been mixed with secondary or foreign silver, or both, at a smelter or refinery other than that of the person making the delivery, shall, upon request by any United States coinage mint or the Director of the Mint, also filed with each delivery of such silver an agreement properly executed under oath by a duly authorized officer of such other smelter or refinery, that the records will be kept as provided in these regulations, and that such records will be available for examination by a representative of the Director of the Mint for at least 1 year after the last delivery.*

[SEAL] H. MORGENTHAU, Jr.,
*Secretary of the Treasury.*

[F. R. Doc. 39-2400; Filed, July 6, 1939; 5:21 p. m.]

## TITLE 47—TELECOMMUNICATION

### FEDERAL COMMUNICATIONS COMMISSION

**STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS (550–1600 kc)**

APPROVED JUNE 23, 1939; EFFECTIVE AUGUST 1, 1939

*Introduction*

There are presented herein the Standards of Good Engineering Practice giving interpretations and further considerations concerning the Rules and Regulations of the Communications Commission governing standard broadcast stations.[1] While the Rules and Regulations form the basis of good engineering practice, these standards may go beyond the Rules and Regulations and set up engineering principles for consideration of various allocation problems. These standards have been approved by the Commission and thus are considered as reflecting the opinion of the Commission in all matters involved.

The Rules and Regulations contain references to these standards, however, as further standards may be issued after the Rules and Regulations are published, the absence of such references does not relieve the responsibility of meeting the requirements specified herein. The Standards of Good Engineering Practic are collected in this publication for the convenience of all considering broadcast station operation and problems.

The Standards of Good Engineering Practice set forth herein are those deemed necessary for the construction and operation of standard broadcast stations to meet the requirements of technical regulations and for operation in public interest along technical lines not specifically enunciated in the Regulations. These standards are based on the best engineering data available from evidence supplied in formal and informal hearings and extensive surveys conducted in the field by the Commission's personnel. Numerous informal conferences have been held with radio engineers, manufacturers of radio equipment and others for the guidance of the Commission in the formulation of these standards.

These standards are complete in themselves and supersede any previous announcements or policies which may have been enunciated by the Commission on engineering matters concerning standard broadcast stations.

While these standards provide for flexibility and set forth the conditions under which they are applicable, it is not expected that material deviation therefrom as to fundamental principles will be recognized unless full information is submitted as to the reasonableness of such departure and the need therefor.

[1] 4 F.R. 2714 DI.

These Standards of Good Engineering Practice will necessarily change as progress is made in the art and accordingly it will be necessary to make revisions from time to time. The Commission will accumulate and analyze engineering data available as to the progress of the art so that its standards may be kept current with the developments.

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*[Figures 1–7, inclusive, referred to hereinafter, were filed as a part of the original document; requests for copies should be addressed to the Federal Communications Commission.]*

### 1. ENGINEERING STANDARDS OF ALLOCATION

Section 3.28 requires that individual broadcast station assignments shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission. These standards for each class of station are set out below.

Sections 3.21 to 3.34, inclusive, govern the allocation of facilities in the standard broadcast band of 550 to 1600 kc., inclusive. Section 3.21 establishes three classes of channels in this band, namely, clear channels for the use of high-powered stations, regional channels for the use of medium-powered stations, and local channels for the use of low-powered stations. The classes and power of standard broadcast stations which will be assigned to the various channels are set forth in Section 3.22. The classification of the standard broadcast stations are as follows:

Class I stations are dominant stations operating on clear channels as follows:

(1) Class I stations operate with powers of not less than 10 or more than 50 kw. These stations are designed to render primary and secondary service over an extended area and at relatively long distances, hence have their primary service areas[2] free from objectionable interference from other stations on the same and adjacent channels and secondary service areas free from objectionable interference from stations on the same channels.[3] [4]

(2) From an engineering point of view Class I stations may be divided into two groups:

(a) The Class I stations in Group 1 are those assigned to the channels allocated by Section 3.25, paragraph (a), on which duplicate nighttime operation is not permitted, that is, no other station is permitted to operate on a channel with a Class I station of this group within the limits of the United States (the Class II stations assigned the channels operate limited time or daytime only) and during daytime the Class I station is protected to the 100 uv/m ground wave contour. Protection is given this class of station to the 500 uv/m ground wave contour from adjacent channel stations for both day and nighttime operation.[5] The power of each Class I station shall not be less than 50 kw.

(b) The Class I stations in Group 2 are those assigned to the channels allocated by Section 3.25, paragraph (b), on which duplicate operation is permitted, that is, other Class I or Class II stations operating unlimited time may be assigned to such channels. During nighttime hours of operation a Class I station of this group is protected to the 500 uv/m 50% sky wave contour and during daytime hours of operation to the 100 uv/m ground wave contour from stations on the same channel. Protection is given to the 500 uv/m ground wave contour from stations on adjacent channels for both day and nighttime operation.[5] The operating powers of Class I stations on these frequencies shall be not less than 10 kw nor more than 50 kw.

[2] See Section 3.31 for the definitions of primary and secondary service areas.

[3] See Tables IV and V.

[4] The secondary service area of a Class I station is not protected from adjacent channel interference. However, in case of placing a station on an adjacent channel (10 kc removed) to a Class I station which would substitute a primary service for the secondary service, the matter of the program service as well as the signal service of the two stations should be given consideration. That is, at the 0.5 mv/m 50% sky wave contour of a Class I station purely for the determination of comparative service, the area bound by 1 mv/m contour of a Class II, Class III or Class IV station 10 kc removed may be taken as the area within which the secondary service of the Class I station is precluded. For higher values of 50% sky wave signal from a Class I station the ratio of the ground wave to sky wave shall be 2 to 1 and considered only within the 0.5 mv/m 50% sky wave contour of the Class I station.



Hereafter, for the purpose of convenience, the two groups of Class I stations will be termed Class Ia or Ib in accordance with the assignment to channels allocated by Section 3.25 (a) or 3.25 (b).

Class II stations are secondary stations which operate on clear channels with powers not less than 0.25 kw. or more than 50 kw. These stations are required to use a directional antenna or other means to avoid causing interference within the normally protected service areas of Class I stations or other Class II stations. These stations normally render primary service only, the area of which depends on the geographical location, power and frequency. This may be relatively large but is limited by and subject to such interference as may be received from Class I stations. However, it is recommended that Class II stations be so located that the interference received from Class I stations will not limit the service area to greater than the 2500 uv/m ground wave contour which is the value for the mutual protection of this class of station with other stations of the same class.[3]

Class III stations operate on regional channels and normally render primary service to the metropolitan district and the rural area contained therein and contiguous thereto and are subdivided into two classes:

(a) Class III–A stations which operate with powers not less than 1 kw. or more than 5 kw. are normally protected to the 2500 uv/m ground wave contour nighttime and the 500 uv/m ground wave contour daytime.[3]

(b) Class III–B stations which operate with powers not less than 0.5 kw. or more than 1 kw. nighttime and 5 kw. daytime are normally protected to the 4000 uv/m ground wave contour nighttime and 500 uv/m ground wave contour daytime.[3]

Class IV stations operate on local channels normally rendering primary service only to a city or town and the suburban and rural areas contiguous thereto with powers not less than 0.1 kw. or more than 0.25 kw. These stations are normally protected to the 4000 uv/m ground wave contour nighttime and 500 uv/m ground wave contour daytime. On local channels the separation required for the daytime protection shall also determine the nighttime separation. Class IV stations may be assigned to regional channels on condition that interference will not be caused to any Class III station in accordance with the above and that the channel is used adequately and properly for Class III stations [5] and that the Class IV station will be subject to such interference as may be received from the Class III stations. That is, the Class IV station assigned to a regional channel shall protect the Class III station to the required contour but the Class III station is under no obligation to protect the Class IV station so assigned. However, it is recommended that the Class IV stations be so located that the interference received will not be greater than to the 4000 uv/m ground wave contour night and 500 uv/m daytime.

[3] See Tables IV and V.

[5] The assignment of a Class IV station to a regional channel normally is not considered as making the best usage of the assignment and will be made only when it is shown among other things that

1. There is no other transmission facilities in the town or towns in the proposed service area.
2. There is no local channel assignment available for that area.
3. Adequate economic support is not available for a Class III station.
4. It is not practical from an engineering point of view to establish a Class III station and it would not prevent the establishment of any Class III station on that channel or an adjacent channel.

The class of any station is determined by the channel assignment, the power, and the field intensity contour to which it renders service free of interference from other stations as determined by these standards. No station will be permitted to change to a class normally protected to a contour of less intensity than the contour to which the station actually renders interference free service. Any station of a class normally protected to a contour of less intensity than that to which the station actually renders interference free service, will be automatically reclassified according to the class normally protected the minimum consistent with its power and channel assignment. Likewise any station to which the interference is reduced so that service is rendered to a contour normally protected for a higher class will be automatically changed to that class if consistent with its power and channel assignment.

When it is shown that primary service is rendered by any of the above classes of stations, beyond the normally protected contour, and when primary service to approximately 90% of the population (population served with adequate signal) of the area between the normally protected contour and the contour to which such station actually serves, is not supplied by any other station or stations carrying the same general program service, the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration.

A Class II, III–B or IV station may be assigned to a channel available for such class, when a need therefor is shown, even though objectionable interference will be received to a field intensity contour greater than that specified as the normally protected contour for its class, provided that no objectionable interference will be caused by it to existing stations, and provided further, that the population residing in the area between the normally protected contour for its class and the contour to which objectionable interference will be received, does not exceed approximately 10% of the population in its actual primary service area.

When a station is already limited by interference from other stations to a contour of higher value than that normally protected for its class, this contour shall be the established standard for such station with respect to interference from all other stations.

Tables IV and V give a complete summary of the protected service contours and permissible interference signals for broadcast stations on the same and adjacent channels, respectively.

The several classes of broadcast stations have in general three service areas;[6] namely, primary, secondary, and intermittent service areas. Class I stations render service to all three service areas. Class II stations render service to a primary area but the secondary and intermittent service areas may be materially limited or destroyed due to interference from other stations depending on the station assignments involved. Class III and IV stations usually have only primary service areas as interference from other stations generally prevents any secondary service and may limit the intermittent[7] service area. However, complete intermittent service may be obtained in many cases depending on the station assignments involved.

The signals necessary to render the different types of service are listed below.

TABLE I.—*Primary Service*

| Area: | *Field intensity ground-wave*[8] |
|---|---|
| City business or factory areas | 10 to 50 mv/m. |
| City residential areas | 2 to 10 mv/m. |
| Rural—all areas during winter or northern areas during summer | 0.1 to 0.5 mv/m. |
| Rural—southern areas during summer | 0.25 to 1.0 mv/m. |

[8] See Appendix I for curves showing distance to various ground wave field intensity contours for different frequencies, ground conductivity, and power.

All these values are based on an absence of objectionable fading either in changing intensity or selective fading, the usual noise level in the areas[7] and an absence of limiting interference from other broadcast stations. The values apply both day and night but generally fading or interference from other stations limits the primary service at night

[6] See Section 3.31 for definitions of these service areas.

[7] See third footnote following.

in all rural areas to higher values of field intensity than the values given.

In determining the population of the primary service area, it may be considered that the following signals are satisfactory to overcome man-made noise in towns of the population given.

TABLE II

| Population: | *Field intensity groundwave* |
|---|---|
| Up to 2,500 | 0.5 mv/m. |
| 2,500 to 10,000 | 2.0 mv/m. |
| 10,000 and up | Values given in Table I. |

These values are subject to wide variations in individual areas and especial attention must be given to interference from other stations. The values are not considered satisfactory in any case for service to the city in which the main studio of the station is located. The values in Table I shall apply except as individual consideration may determine.

All classes of broadcast stations have primary service areas subject to limitation by fading and noise, and interference from other stations to the contours set out for each class of station.

*Secondary Service*

Secondary service is delivered in the areas where the sky wave for 50% or more of the time has a field intensity of 500 uv/m or greater.[5] It is not considered that satisfactory secondary service can be rendered to cities unless the sky wave approaches in value the ground wave required for primary service. The secondary service is necessarily subject to some interference and extensive fading whereas the primary service area of a station is subject to no objectionable interference or fading.[5] Class I stations only are assigned on the basis of rendering secondary service.

*Intermittent Service*

The intermittent service is rendered by the ground wave and begins at the outer boundary of the primary service area and extends to the value of signal where it may be considered as having no further service value. This may be down to only a few microvolts in certain areas and up to several millivolts in other areas of high noise level, interference from other stations, or objectionable fading at night. The intermittent service area may vary widely from day to night and generally varies from time to time as the name implies. Only Class I stations are assigned for protection from interference from other stations into the intermittent service area.

Section 3.23 provides that the several classes of broadcast stations may be licensed to operate unlimited time, limited time, daytime, sharing time and specified hours, with full explanation given in the Section.

Section 3.24 sets out the general requirements for obtaining an increase in facilities of a licensed station and for a new station. Paragraph 2 concerns the matter of interference that may be caused by a new assignment or increase in facilities of an existing assignment.

Objectionable interference from another broadcast station [10] is the degree of interference produced when, at a specified field intensity contour with respect to the desired station, the field intensity of an undesired station (or the root-sum-square value of field intensities of two or more stations on the same frequency) exceeds for ten (10) per cent or more of the time the values set forth in these standards.

With respect to the root-sum-square values of interfering field intensities referred to herein, it shall be understood to apply in determining the interference between existing stations.[11] It is not considered that increased objectionable interference is caused when (in the case where interference is predominantly from a single station) a signal from another station is added which does not have an intensity greater than 70% of the value of the highest signal already causing interference. In case such highest value of signal can not be determined separately, then the maximum value of any signal that can be added without considering that an increase in objectionable interference results, should be determined as follows: For two interfering signals of approximately the same value the signal added should not exceed 85% of the computed value of a single signal from the estimated or measured RSS value. For more than two interfering signals of approximately the same value, the added signal should not exceed the value of a single signal computed from the RSS value. This formula should be used to compute the value of the single signal.

$$E = \sqrt{\frac{F^2}{N}}$$

where $E$ is the value of a single signal,
$F$ is RSS field intensity as measured by the usual field intensity meter.
$N$ is the number of interfering signals of approximately the same value.

Objectionable interference from a station on the same channel shall be considered to exist to a station when, at the field intensity contour specified in Table I with respect to the class to which the station belongs, the field intensity of an interfering station (or the root-sum-square value of the field intensities of two or more interfering stations) operating on the same channel, exceeds for ten (10) percent or more of the time the value of the permissible interfering signal set forth opposite such class in Table IV.

Objectionable interference from a station on an adjacent channel shall be considered to exist to a station when, at the normally protected contour of a desired station, the field intensity of the ground wave of an undesired station operating on an adjacent channel (or the root-sum-square value of the field intensities of two or more such undesired stations operating on the same adjacent channel) exceeds a value specified in Table V.

For the purpose of calculating the presence and the degree of objectionable interference, stations of the several classes shall be assumed, in the absence of actual measurements or data on the design of the antenna system, to produce effective fields, for one kilowatt of input power to the antenna, as follows:

TABLE III

| Class of station: | *Effective field* |
|---|---|
| I | 225 mv/m. |
| II and III | 175 mv/m. |
| IV | 150 mv/m. |

In case a directional antenna is employed, the interfering signal of a broadcasting station will vary in different directions, being greater than the above values in certain directions and less in others, depending upon the design and adjustment of the directional antenna system. To determine the interference in any direction, in the absence of actual interference measurements, the horizontal and vertical field intensity patterns of the directional antenna must be calculated and compared with the appropriate vectors in the horizontal or vertical patterns of a non-directional antenna having the same effective field. Thus the interfering signal toward any other station can be expressed in terms of kilowatts. This rating in kilowatts shall be applied in the use of mileage separation tables or in computing interference from the propagation curves.[12]

The existence or absence of objectionable interference from stations on the same or adjacent channels shall be determined by one of the following methods:

(a) By actual measurements made according to the method hereafter described;

or, in the absence of such measurements:

(b) By reference to the propagation curves in Figures 1 and 2, or

(c) By reference to the distance tables set forth in Tables VI, VII and VIII.

The existence or absence of objectionable interference may be proved by field intensity measurements or recordings made with suitable apparatus, duly calibrated. Such field intensity measurements of sky wave shall be made for a period of time not less than 10 days and an adequate check shall be made on the sky wave signal of other stations to determine the general conditions of propagation while such measurements are taken.[13]

In computing the distance to the 50 per cent sky wave field intensity contour of a Class I Station of a given power, and also in computing the 10 per cent sky wave field intensity of an alleged interfering station, of any class and given power, at a specified distance, use shall be made of the appropriate graphs set forth in Figure 1 entitled "Average Sky-wave Field Intensity" (corresponding to the second hour after sunset at the receiving station). The curves are drawn for an effective field of 100 millivolts per meter at one mile.

The distance to any specified ground wave field intensity contour may be determined from appropriate ground wave curves plotted for the frequency under consideration and the conductivity and dielectric constant of the earth between the station and desired contour. The frequency and the conductivity of the earth must be considered in every case and where the distance is great due allowance must be made for loss due to curvature of the earth. Figure 2 entitled "Groundwave Field Intensity" drawn for a frequency of 1000 kc, conductivity of $10^{-13}$, dielectric constant 15, and an effective field of 100 millivolts per meter at one mile, may be employed when applicable.

Table VI gives the required day separation in miles between broadcast stations on the same channel. Table VII gives the required separation in miles between broadcast stations on adjacent channels during both daytime and nighttime. Table VIII gives the required night separation in miles between broadcast stations operating on the same channel. The assumed conditions of operation are given on the first page of the tables.

The tables are based upon the use of nondirective antennas but, in case a directive antenna is employed at a particular station, it will be necessary to consider the radiation distribution of the directional antenna involved and to modify the mileage separation accordingly.[14] [15]

The night separation tables for stations on the same frequency are computed from the sky wave curve given in Figure 1. These curves are based on extensive measurements of the sky wave produced by broadcasting stations and shall be considered as accurate in all cases unless proof to the contrary is supplied. Such proof must be based on field intensity measurements taken in accordance with requirements set out in Annex III and must show what condition prevails that causes the signal to depart from the average.

The mileage separation tables for the same channel during daytime and for adjacent channels day and night are computed from the ground wave curves in Figure 2. These tables apply only in case the frequency is 1000 kc and the assumed soil conductivity and dielectric constant prevail. Since these values vary in every case the tables for daytime and adjacent channel separation cannot be used except as a general guide. In any case under consideration an estimate of the mileage separation required may be made from the operating frequency and known or assumed soil conditions.[16]

TABLE IV.—*Protected Service Contours and Permissible Interference Signals for Broadcast Stations*

| Class of station | Class of channel used | Permissible power | Signal intensity contour of area protected from objectionable interference [1] | | Permissible interfering signal on same channel [2] | |
|---|---|---|---|---|---|---|
| | | | Day [4] | Night | Day [4] | Night [3] |
| Ia | Clear | 50 kw | SC 100 uv/m.<br>AC 500 uv/m. | Not duplicated | 5 uv/m. | Not duplicated. |
| Ib | Clear | 10 kw to 50 kw | SC 100 uv/m.<br>AC 500 uv/m. | 500 uv/m (50% sky wave). | 5 uv/m. | 25 uv/m. |
| II | Clear | 0.25 kw to 50 kw | 500 uv/m | 2500 uv/m [5] (ground wave). | 25 uv/m. | 125 uv/m.[5] |
| III-A | Regional | 1 kw to 5 kw | 500 uv/m | 2500 uv/m (ground wave). | 25 uv/m. | 125 uv/m. |
| III-B | Regional | 0.5 to 1 kw night and 5 kw day. | 500 uv/m | 4000 uv/m (ground wave). | 25 uv/m. | 200 uv/m. |
| IV | Local [6] | 0.1 kw to 0.25 kw | 500 uv/m | 4000 uv/m (ground wave). | 25 uv/m. | 200 uv/m. |

SC=Same channel.
AC=Adjacent channel.

[1] When it is shown that primary service is rendered by any of the above classes of stations, beyond the normally protected contour, and when primary service to approximately 90% of the population (population served with adequate signal) of the area between the normally protected contour and the contour to which such station actually serves, is not supplied by any other station or stations, the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration. When a station is already limited by interference from other stations to a contour of higher value than that normally protected for its class, this contour shall be the established standard for such station with respect to interference from all other stations.

[2] For adjacent channels see Table II.

[3] Sky wave field intensity for 10% or more of the time.

[4] Ground wave.

[5] These values are with respect to interference from all stations except Class Ib, which stations may cause interference to a field intensity contour of higher value. However, it is recommended that Class II stations be so located that the interference received from Class Ib stations will not exceed these values. If the Class II stations are limited by Class Ib stations to higher values, then such values shall be the established standard with respect to protection from all other stations.

[6] Class IV stations may also be assigned to regional channels according to Section 3.29.

TABLE V.—*Adjacent Channel Interference*

| Channel separation between desired and undesired stations: | *Maximum ground wave field intensity of undesired station* |
|---|---|
| 10 kc | 0.25 mv/m. |
| 20 kc | 5.0 mv/m. |
| 30 kc | 25.0 mv/m. |

The undesired ground wave signal shall be determined at or within the 0.5 mv/m ground wave contour of the desired station. These values apply to all classes of stations both day and night and are based on ground waves which hold for an effective power up to 50 kw. Above this effective power, when an interfering sky wave signal for 10 per cent or more of the time exceeds five times the desired signal 10 kc removed in frequency (or undesired exceeds 25 times the desired signal 20 kc removed in frequency), interference will be produced. This may result from the use of a directional antenna and in such cases the interference shall be determined from the 10% sky wave of an interfering station to the normally protected ground

[7] The secondary service area of a Class Ia station should be considered as having this limit only for determination of service in comparison with other stations.

[8] Standards have not been established for objectionable fading as such standards would necessarily depend on the receiver characteristics which have been changed considerably in this regard during the last several years. Selective fading causing audio distortion and the signal fading below the noise level are the objectionable characteristics of fading on modern design receivers. Th AVC circuits in the better designed modern receivers in general maintain the audio output sufficiently constant to be satisfactory during most fading.

[9] Standards have not been established for interference from atmospherics or man-made electric noise as no uniform method of measuring noise as static has been established. In any individual case objectionable interference from any source, except other broadcast signals, may be determined by comparing the actual noise interference reproduced during reception of a desired broadcast signal to the degree of interference that would be caused by another broadcast signal within 20 cycles of the desired signal and having a carrier ratio of 20 to 1 with both signals modulated 100% on peaks of usual programs. Standards of noise measurements and interference ratio for noise are now being studied.

[10] In computing interference to any station only the RSS value of all signals which are within 70% of the highest signal shall be considered.

[11] See Annex II for further discussion and solution of a typical directional antenna case.

[12] See Annex III for detailed requirements and also Section on "Field Intensity Measurements in Allocation."

[13] See Annex II for method of modification.

[14] The Commission will not authorize a directive antenna for a Class IV Station assigned a local channel.

[15] See Annex I for a determination of interference from ground waves when actual measurements are not available.

wave or to a sky wave of a desired station, on the basis of a ratio of 1 to 5 (or 1 to 25 for 20 kc) for desired signal to the undesired sky wave signal for 10 per cent or more of the time.

The mileages given in Table VII are based on ground waves only and do not apply for night operation where the 10 per cent sky wave of an undesired station exceeds five times (or 25 times for 20 kc) the normally protected field intensity of a desired station.

*Mileage Separation Tables*

The required mileage separations between broadcasting stations as tabulated below are based upon the following conditions:

1. The use of nondirectional antennas in the horizontal plane and the vertical pattern of a 0.311 wavelength antenna.
2. Effective field in mv/m at one mile for one kilowatt.

Class I—225 mv/m.
Class II and III—175 mv/m.
Class IV—150 mv/m.

3. Frequency, 1000 kc.
4. Soil conductivity, $s=10^{-13}$.
5. Soil dielectric constant, $e=15$.
6. Ground wave transmission as shown on chart in Figure 2.
7. Sky wave transmission as shown on chart in Figure 1.
8. Protection to service areas as shown in Table IV.
9. Ratio of desired to undesired signal:

| Channel separation: | *Ratio of desired to undesired* |
|---|---|
| Same frequency | 20:1 ground wave or 10% skywave. |
| Synchronized carriers | 4:1.[1] |

[1] Two stations are considered to be operated synchronously when the carriers are maintained within one-fifth of a cycle per second of each other, either automatically or manually and they transmit the identical program. While observations have been made on several synchronized stations, no definite standards as to ratio of desired carrier to undesired carriers have been established, inasmuch as the methods of operations have not been standardized and results vary appreciably. From the observations it would appear that for most types of synchronous operation a ratio of about four to one between desired and undesired carriers is necessary to avoid distortion. This ratio holds only when the audio modulation is in sufficiently close time phase to avoid echo effects. In computing the interference in the primary service areas between the ground waves of two synchronously operated stations the ratio of four to one should be used. No complete information is available as to the required ratio between skywaves; however, it would appear that a ratio less than four to one can be tolerated without objectionable interference, first because the standard of acceptance of a signal as satisfactory is lower for secondary service and second, because several waves with random relative phases usually make up each skywave and the combination of two such synchronized waves generally causes less distortion. Synchronous operation of two or more stations may enable an extension of the coverage and service on a channel without any material increased interference range beyond that one station would produce.

| Channel separation: | *Ratio of desired to undesired* |
|---|---|
| 10 kc | 2:1 ground wave.[1] |
| | 1:5 sky wave. |
| 20 kc | 1:10 ground wave. |
| | 1:25 sky wave. |
| 30 kc | 1:50. |
| 40 kc and above | No restriction.[2] |

[1] This ratio of desired to undesired signal is not based on the characteristics of the average receiver but upon what the characteristics of an ideal receiver would be which would permit high fidelity reception of a station in the high fidelity primary service area (primary area where no interference would be caused to a receiver responding faithfully to a band 15 kc wide or 7.5 kc audio response). The ratio of desired to undesired (1 to 5 and 1 to 25) for interference from a sky wave 10 and 20 kc removed in frequency respectively is based on the characteristics of most good receivers placed in operation since 1936 and operated as most listeners adjust variable selectivity receivers where the signal is one millivolt or less.

[2] Two stations, one with a frequency twice that of the other, should not be assigned in the same primary service area unless special precautions are taken to avoid interference from the second harmonic of the lower frequency.

10. Service and Interference Radii—Night.

| Class—Power and field at mile | Service radii | | | Interference radii | | |
|---|---|---|---|---|---|---|
| | 2.5 mv/m G.W. | 4.0 mv/m G.W. | 500 uv/m 50% S.W. | 200 uv/m 10% S.W. | 125 uv/m 10% S.W. | 25 uv/m 10% |
| *Class IV* | | | | | | |
| 100 w: 47.5 mv/m | | 8.5 | | G.W. | 190 | |
| 250 w: 75 mv/m | | 11.5 | | G.W. | 370 | |
| *Class III* | | | | | | |
| 500 w: 124 mv/m | | 15 | | 380 | 500 | |
| 1000 w: 175 mv/m | 25 | 20 | | 535 | 710 | |
| 5 kw: 392 mv/m | 39 | | | 840 | 1000 | |
| *Class II* | | | | | | |
| 250 w: 87.5 mv/m | 17 | | | 210 | 440 | 1040 |
| 500 w: 124 mv/m | 21 | | | 330 | 590 | 1170 |
| 1000: 175 | 25 | | | 535 | 710 | 1335 |
| 5 kw: 392 | 39 | | | 840 | 1000 | 1840 |
| 10 kw: 554 | 42 | | | 960 | 1125 | 2120 |
| 25 kw: 875 mv/m | 56 | | | 1120 | 1320 | 2570 |
| 50 kw: 1238 mv/m | 65 | | | 1265 | 1510 | |
| *Class I* | | | | | | |
| 10 kw: 712 mv/m | | | 345 | 1045 | 1225 | 2345 |
| 25 kw: 1125 mv/m | | | 575 | 1225 | 1460 | |
| 50 kw: 1592 mv/m | | | 715 | 1395 | 1685 | |

G. W.=Ground wave. S. W.=Sky wave.

TABLE VI.—*Required Day Separation in Miles Between Broadcast Stations on the Same Channel* [1]

| Class and power | Class IV | | Classes II and III | | | | | | | Class I | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 100 w | 250 w | 0.25 kw | 0.5 kw | 1 kw | 5 kw | 10 kw | 25 kw | 50 kw | 10 kw | 25 kw | 50 kw |
| *Class IV* | | | | | | | | | | | | |
| 100 w | 143 | 165 | 172 | 192 | 213 | 265 | 285 | 310 | 335 | 390 | 417 | 437 |
| 250 w | 165 | 173 | 180 | 200 | 221 | 273 | 293 | 318 | 343 | 415 | 442 | 462 |
| *Classes II and III* | | | | | | | | | | | | |
| 0.25 kw | 172 | 180 | 183 | 203 | 224 | 276 | 296 | 321 | 346 | 418 | 446 | 465 |
| 0.5 kw | 192 | 200 | 203 | 210 | 231 | 283 | 303 | 328 | 353 | 446 | 473 | 493 |
| 1 kw | 213 | 221 | 224 | 231 | 239 | 291 | 311 | 336 | 361 | 467 | 494 | 514 |
| 5 kw | 265 | 273 | 276 | 283 | 291 | 313 | 333 | 356 | 383 | 520 | 547 | 567 |
| 10 kw | 285 | 293 | 296 | 303 | 311 | 333 | 345 | 370 | 395 | 540 | 567 | 587 |
| 25 kw | 310 | 318 | 321 | 328 | 336 | 358 | 370 | 389 | 414 | 565 | 592 | 612 |
| 50 kw | 335 | 343 | 346 | 353 | 361 | 383 | 395 | 414 | 430 | 587 | 614 | 634 |
| *Class I* | | | | | | | | | | | | |
| 10 kw | 390 | 415 | 418 | 446 | 467 | 520 | 540 | 565 | 587 | 556 | 585 | 605 |
| 25 kw | 417 | 442 | 446 | 473 | 494 | 547 | 567 | 592 | 614 | 585 | 612 | 632 |
| 50 kw | 437 | 462 | 465 | 493 | 514 | 567 | 587 | 612 | 634 | 605 | 632 | 652 |

[1] See discussion page 1.8 before using in any specific case.



TABLE VII.—*Required Day and Night Separation in Miles Between Broadcast Stations on Adjacent Channels* [1]

| Class and power | Class IV | | | | | | Classes II and III | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 0.1 kw | | | 0.25 kw | | | 0.25 kw | | | 0.5 kw | | | 1 kw | | | 5 kw | | | 10 kw | | |
| | 10 kc | 20 kc | 30 kc | 10 kc | 20 kc | 30 kc | 10 kc | 20 kc | 30 kc | 10 kc | 20 kc | 30 kc | 10 kc | 20 kc | 30 kc | 10 kc | 20 kc | 30 kc | 10 kc | 20 kc | 30 kc |
| *Class IV* | | | | | | | | | | | | | | | | | | | | | |
| 0.1 kw | 73 | 37 | 32 | 82 | 45 | 40 | 86 | 47 | 42 | 94 | 55 | 50 | 105 | 63 | 58 | 133 | 84 | 79 | 149 | 98 | 93 |
| 0.25 kw | 82 | 45 | 40 | 90 | 48 | 41 | 94 | 50 | 43 | 102 | 58 | 51 | 113 | 66 | 59 | 141 | 87 | 80 | 157 | 101 | 94 |
| *Classes II and III* | | | | | | | | | | | | | | | | | | | | | |
| 0.25 kw | 86 | 47 | 42 | 94 | 50 | 43 | 96 | 51 | 43 | 104 | 59 | 51 | 115 | 67 | 59 | 143 | 88 | 80 | 159 | 102 | 94 |
| 0.5 kw | 94 | 55 | 50 | 102 | 58 | 51 | 104 | 59 | 51 | 112 | 62 | 52 | 123 | 70 | 60 | 151 | 91 | 81 | 167 | 105 | 95 |
| 1 kw | 105 | 63 | 58 | 113 | 66 | 59 | 115 | 67 | 59 | 123 | 70 | 60 | 131 | 73 | 62 | 159 | 94 | 83 | 175 | 108 | 97 |
| 5 kw | 133 | 84 | 79 | 141 | 87 | 80 | 143 | 88 | 80 | 151 | 91 | 81 | 159 | 94 | 83 | 180 | 104 | 87 | 196 | 118 | 101 |
| 10 kw | 149 | 98 | 93 | 157 | 101 | 94 | 159 | 102 | 94 | 167 | 105 | 95 | 175 | 108 | 97 | 196 | 118 | 101 | 210 | 123 | 104 |
| 25 kw | 172 | 115 | 110 | 180 | 118 | 111 | 182 | 119 | 111 | 190 | 122 | 112 | 198 | 125 | 114 | 219 | 135 | 118 | 233 | 140 | 121 |
| 50 kw | 190 | 131 | 126 | 198 | 134 | 127 | 200 | 135 | 127 | 208 | 138 | 128 | 216 | 141 | 130 | 237 | 151 | 134 | 251 | 156 | 137 |
| *Class I* | | | | | | | | | | | | | | | | | | | | | |
| 10 kw | 162 | 107 | 102 | 170 | 110 | 103 | 172 | 111 | 103 | 180 | 114 | 104 | 188 | 117 | 106 | 209 | 127 | 110 | 223 | 132 | 113 |
| 25 kw | 183 | 126 | 121 | 191 | 129 | 122 | 193 | 130 | 122 | 201 | 133 | 123 | 209 | 136 | 125 | 230 | 146 | 129 | 244 | 151 | 132 |
| 50 kw | 203 | 144 | 139 | 211 | 147 | 140 | 213 | 148 | 140 | 221 | 151 | 141 | 229 | 154 | 143 | 250 | 164 | 147 | 264 | 169 | 150 |

[1] See discussion, before using in any specific case.

| Class and power | Class II | | | | | | Class I | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 25 kw | | | 50 kw | | | 10 kw | | | 25 kw | | | 50 kw | | |
| | 10 kc | 20 kc | 30 kc | 10 kc | 20 kc | 30 kc | 10 kc | 20 kc | 30 kc | 10 kc | 20 kc | 30 kc | 10 kc | 20 kc | 30 kc |
| *Class IV* | | | | | | | | | | | | | | | |
| 0.1 kw | 172 | 115 | 110 | 190 | 131 | 126 | 162 | 107 | 102 | 183 | 126 | 121 | 203 | 144 | 139 |
| 0.25 kw | 180 | 118 | 111 | 198 | 134 | 127 | 170 | 110 | 103 | 191 | 129 | 122 | 211 | 147 | 140 |
| *Classes II and III* | | | | | | | | | | | | | | | |
| 0.25 kw | 182 | 119 | 111 | 200 | 135 | 127 | 172 | 111 | 103 | 193 | 130 | 122 | 213 | 148 | 140 |
| 0.5 kw | 190 | 122 | 112 | 208 | 138 | 128 | 180 | 114 | 104 | 201 | 133 | 123 | 221 | 151 | 141 |
| 1 kw | 198 | 125 | 114 | 216 | 141 | 130 | 188 | 117 | 106 | 209 | 136 | 125 | 229 | 154 | 143 |
| 5 kw | 219 | 135 | 118 | 237 | 151 | 134 | 209 | 127 | 110 | 230 | 146 | 129 | 250 | 164 | 147 |
| 10 kw | 233 | 140 | 121 | 251 | 156 | 137 | 223 | 132 | 113 | 244 | 151 | 132 | 264 | 169 | 150 |
| 25 kw | 250 | 149 | 125 | 268 | 165 | 141 | 242 | 145 | 123 | 261 | 160 | 136 | 281 | 178 | 154 |
| 50 kw | 268 | 165 | 141 | 284 | 172 | 145 | 260 | 161 | 139 | 279 | 163 | 144 | 297 | 185 | 158 |
| *Class I* | | | | | | | | | | | | | | | |
| 10 kw | 242 | 145 | 123 | 260 | 161 | 139 | 232 | 137 | 115 | 253 | 156 | 134 | 273 | 174 | 152 |
| 25 kw | 261 | 160 | 136 | 279 | 168 | 144 | 253 | 156 | 134 | 272 | 163 | 139 | 292 | 181 | 157 |
| 50 kw | 281 | 178 | 154 | 297 | 185 | 158 | 273 | 174 | 152 | 292 | 181 | 157 | 310 | 190 | 161 |

TABLE VIII.—*Required Night Separation in Miles Between Broadcast Stations on the Same Channels*

The following tables indicate the mileage protection each class must give all other classes.

TABLE VIII–A

Class Ia should protect Class II stations as shown:

| Class Ia: | *Class II—All Powers* |
|---|---|
| 50 kw | Not duplicated at night. |

TABLE VIII–B

Class Ib should protect other Class Ib stations as shown below.

| Class Ib | Class Ib | | |
|---|---|---|---|
| | 10 kw | 25 kw | 50 kw |
| 10 kw | 2665 | 3010 | |
| 25 kw | 3010 | (1) | (1) |
| 50 kw | | (1) | (1) |

[1] Cannot be duplicated without directional antenna and then this Table does not apply.

TABLE VIII–C

Class II should protect other classes as shown below—non-directional antenna.

| Class II | Class II | | | | | | | Class Ib | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 0.25 kw | 0.5 kw | 1 kw | 5 kw | 10 kw | 25 kw | 50 kw | 10 kw | 25 kw | 50 kw |
| 0.25 kw | 455 | [1] 460 | 465 | 480 | 485 | 495 | 505 | 1,385 | 1,615 | 1,755 |
| 0.5 kw | 605 | 610 | 615 | 630 | 635 | 645 | 655 | 1,515 | 1,745 | 1,885 |
| 1 kw | 725 | 730 | 735 | 750 | 755 | 765 | 775 | 1,670 | 1,900 | 2,040 |
| 5 kw | 1,015 | 1,020 | 1,025 | 1,040 | 1,045 | 1,055 | 1,065 | 2,185 | 2,415 | 2,555 |
| 10 kw | 1,140 | 1,145 | 1,150 | 1,165 | 1,170 | 1,180 | 1,190 | 2,455 | 2,685 | 2,835 |
| 25 kw | 1,335 | 1,340 | 1,345 | 1,360 | 1,365 | 1,375 | 1,385 | 2,915 | 3,145 | |
| 50 kw | 1,525 | 1,530 | 1,535 | 1,550 | 1,555 | 1,565 | 1,575 | | | |

[1] The mileages in the upper right-hand half of this Section of this Table do not provide for protection to the lower power Class II station. Thus, if a 0.25 kw Class II station operated 460 miles from a 0.5 kw Class II station, it would receive interference to greater than the 2.5 mv/m ground wave contour unless the 0.5 kw Class II station used an appropriate directional antenna.

TABLE VIII–D

Class III–A should protect other classes as shown below.

| Class III–A | Class III–A | | Class III–B | |
|---|---|---|---|---|
| | 1 kw | 5 kw | 0.5 kw | 1 kw |
| 1 kw | 735 | 750 | 550 | 555 |
| 5 kw | 1,025 | [1] 1,025 / 1,040 | 855 | 860 |

[1] Where double figures are given, the lower and larger figure is the mileage required to protect the station in the left hand column to its normally protected contour.

TABLE VIII–E

Class III–B should protect other classes as shown below.

| Class III–B | Class III–A | | Class III–B | |
|---|---|---|---|---|
| | 1 kw | 5 kw | 0.5 kw | 1 kw |
| 0.5 kw | 615 | 630 / [1] 855 | 395 | 400 / 550 |
| 1 kw | 735 | 750 / 860 | 550 | 555 |

[1] Where double figures are given, the lower and larger figure is the mileage required to protect the station in the left hand column to its normally protected contour.

TABLE VIII–F

Class IV should protect other classes as shown below.

| Class IV | Class III–A | | Class III–B | | Class IV | |
|---|---|---|---|---|---|---|
| | 1 kw | 5 kw[1] | 0.5 kw | 1 kw | 0.1 kw | 0.25 kw |
| 0.1 kw | [2] 300 | [2] 300 | (3) | (3) | (3) | (3) |
| 0.25 kw | 395 | 410 | (3) | (3) | (3) | (3) |

[1] Where double figures are given, the lower and larger figure is the mileage required to protect the station in the left hand column to its normally protected contour.
[2] The distance based on the minimum practical values.
[3] Daytime separation determines.

TABLE VIII–G

Distance Class II Stations should be from Class Ib Stations to obtain recommended protection to Class II Station (2.5 mv/m ground wave contour).

| Class II[1] | Class Ib | | |
|---|---|---|---|
| | 10 kw. | 25 kw. | 50 kw. |
| 0.25 kw | 1240 | 1475 | 1700 |
| 0.5 kw | 1245 | 1480 | 1705 |
| 1 kw | 1250 | 1485 | 1710 |
| 5 kw | 1265 | 1500 | 1725 |
| 10 kw | 1265 | 1505 | 1730 |
| 25 kw | 1280 | 1515 | 1740 |
| 50 kw | 1290 | 1525 | 1750 |

[1] The Class II Station should use a directional antenna to protect dominant station or stations with these separations.

TABLE VIII–H

Distance Class IV Stations should be from Class III–A and III–B Station to obtain recommended protection to Class

IV Station (4.0 mv/m ground wave contour).

| Class IV—Power | Class III-A or III-B | | |
|---|---|---|---|
| | 0.5 | 1.0 | 5.0 |
| 0.10 | 388 | 543 | 850 |
| 0.25 | 391 | 546 | 852 |

ANNEX I

*Interference From Ground Wave Signals*

Interference that may be caused by a proposed assignment or an existing assignment during daytime should always be determined, when possible, by measurements on the frequency involved or on another frequency over the same terrain and by means of the curves in Figure 4, interpolate for the desired frequency.

In determining the interference from field intensity measurements, two general steps are necessary: First, establish the outer boundary of the protected service area of the desired station in the direction of the station that may cause interference with it. Second, at this boundary, measure the interfering signal from the undesired station. The ratio of the desired to the undesired signal given on the first page of the separation should be applied to the measured signals and if the required ratio is observed, then no interference is contemplated. The effective field of the antenna in the pertinent directions of the stations must be established and all measurements must be made in accordance with the section on "Field Intensity Measurements in Allocation."

In all cases where measurements taken in accordance with the requirements are not available,[17] the ground wave intensity must be determined by means of the conductivity of the terrain and the ground wave curves of field intensity vs. distance. The conductivity of a given terrain may be determined by measurements of any broadcast signal traversing the terrain involved or in case such measurements are not available, then conductivity must be taken from the map of ground conductivity in the United States, Figure 3. This map shows the conductivity throughout the entire United States by general areas of reasonably uniform conductivity. In areas of limited size, or over a particular path, the conductivity may vary widely from the values given. This map is to be used only when accurate and acceptable measurements have not been made.

If an interfering signal traverses areas for which more than one conductivity is given by the map, then conductivity for ⅔ the distance should be taken and in case this involves more than one value, then the highest predominating value should be assumed to prevail. Where the conductivity along a given path varies over wide limits the previous method may give erroneous results in which case the signal at any given point for a given value of field intensity at one mile from the antenna in the direction concerned may be determined by determining and adding the attenuation in decibels of each section of the intervening path."

Figure 4 gives the ground wave field intensity curves with field intensity plotted against distance for various values of conductivity and by blocks of frequencies. To cover the standard broadcast band some 20 graphs in all are required and are attached as Appendix II. In all cases the curves are plotted on the basis of 100 mv/m effective field at a mile. An example of determining the interference by this method follows:

It is desired to find the interference that a 5 kw Class III station on 920 kc may cause to a 1 kw Class III station on 930 kc. The stations are separated by 175 miles. It is assumed that both stations use non-directional antennas[18] having such height as to produce an effective field for 1 kw of 175 mv/m.[19] From Figure 3, the conductivity at each station and intervening terrain is determined as $6\times10-14$. The protection to Class III during daytime is to the 500 uv/m contour. The distance to the 500 uv/m ground wave contour of the 1 kw station is determined by the use of the curves in Figure 4 as being 44 miles. Since these curves are plotted for 100 mv/m at a mile to find the distance to the 500 uv/m contour of the 1 kw station, it is necessary to determine the distance on the appropriate curve to the

$$\left(\frac{100\times500}{175}=285\right)$$

285 uv/m contour. Thus, the estimated radius of the service area for the desired station is established as 44 miles. Subtract this distance from the distance between the two stations leaving 131 miles for the interfering signal to travel. Again from the appropriate curve in Figure 4 it is found that the signal from the 5 kw station at this distance would be 96 uv/m. Since the stations are separated by 10 kc the undesired signal at that point can have a value up to 250 uv/m without interference, but if the interference signal had been found to be greater than this value, then interference would have been determined. For other channel separations the appropriate ratio of desired to undesired signal would have been used. This principle holds for all cases except where a sky wave signal 10 per cent or more of the time from the undesired station is in excess of 5 times the desired signal when the frequency separation is 10 kc or 25 times when the frequency separation is 20 kc. In this case the interference must be estimated on the basis of the sky wave interference and the propagation curve in Figure 1 used to determine the interfering signals rather than Figure 4 for the ground wave signals.

ANNEX II

*Computation on Interfering Signal from a Directional Antenna*

In case of an antenna directional in the horizontal plane, the ground wave interference can be readily computed from the calculated horizontal pattern by determining the vectors toward the service area of the station to be protected and apply these values to the ground wave curves set out in Annex I.

In case of determining sky wave interference from an antenna with a vertical pattern different from that on which Figure 1 is predicated (the basis of the night mileage separation tables) it is necessary to compare the appropriate vectors in the vertical plane.

The sky wave curves entitled "Average Sky Wave Field Intensity" (corresponding to the second hour after sunset at the recording station) as shown in Figure 1 are based on antenna systems having height of 0.311 wave length (112°) and producing a vertical pattern as shown at Figure 5. A nondirectional antenna system as well as a directional antenna system having vertical patterns other than essentially the same as shown, must be converted to the pattern of an 0.311 wave length antenna having the same field intensity at the critical angle as does the pattern of the antenna involved. Example:

Figure 6 is a graph entitled "Variation with Distance of Two Important Parameters in the Theory of Sky Wave Propagation." The curve for $\theta$ showing the angle above the horizon at which radiation occurs plotted against distance, must be used for this purpose. For instance, assuming the station with which interference may be expected is located at a distance of 450 miles from a proposed station, the critical angle of radiation as determined from this curve is approximately 15°. Therefore, if the vertical pattern of the proposed station in the direction of the other station is such that at 15° above the horizon the radiation is 1.3 times that from an antenna having a vertical pattern as shown at Figure 5 and producing the same field intensity at one mile in the horizontal plane, the interfering signal would be 1.3 times that determined from Figure 1 for an antenna having the same field intensity in the horizontal plane. That is, if the field intensity in the horizontal plane of the proposed station is 124 mv/m, the interfering field intensity exceeded 10% of the time at the other station would be $140\times1.30\times\frac{124}{100}$ or 225 uv/m and would cause interference to the 4.5 mv/m ground wave contour of the existing station.

When the distance is large, more than one reflection may be involved and due consideration must be given each appropriate vector in the vertical pattern as well as the constants of the earth where reflection takes place between the transmitting station and the service area to which interference may be caused.

ANNEX III

*Interference From Sky Wave Signals*

Set out below is the detailed method of making measurements of the sky wave signals to determine an interfering signal for 10 per cent of the time.

The signal must be received on an approved field intensity meter duly calibrated and recorded on a continuous recording meter of suitable accuracy and sensitivity. Measurements at distances less than 350 miles from the station should be made with a vertical antenna only. At greater distances either a vertical antenna, loop, or other suitable antenna may be used. Two complete recording units are required so that two signals can be recorded simultaneously.

A monitor station on which interference free measurements can be made must be selected for simultaneous recordings. This station should be in the general direction of the principal station to be recorded. Preferably such monitor station should have known antenna characteristics and the conductivity of the surrounding terrain should be known. The transmitters should be located in the same general area and the frequencies of the stations as close as possible. The reception of the two stations should be on the same antenna or on antennas in the same area so that both are influenced by the same surrounding objects.

Recordings may be made on both stations from sundown over the entire path until midnight at the recording station. These records should be analyzed for each night and for the entire period of recording and graphs drawn which show field intensity versus per cent time. The 10 per cent signal determined for the principal station for the entire period must be modified by a propagation factor determined from a comparison of the 10 per cent signal from the monitor station to the value determined from the 10 per cent curve of Figure 1 for the same distance, power, and pertinent antenna characteristic. Thus, if the 10 per cent signal from the Figure 1 10 per cent curve is 500 uv/m and the measured 10 per cent signal on the monitor station 350 uv/m, then the 10 per cent signal from the principal station should be increased by 45 per cent to determine the interfering signal. Recordings for at least 10 nights are required. If it is not practical to follow this procedure, due to interference to the reception of the principal station recorded, the following procedure is required:

Record the monitor station beginning one and one-half hours, to within fifteen minutes, after sundown over the entire path and continue recording for one hour. Then record the monitor station and the principal station during the earliest later hour that the principal station can be recorded. The measurements on the principal station must be for at least one hour each night and preferably not less than two hours each night. In all cases the monitor station must be recorded simultaneously. These measurements must be taken for at least 10 nights. Establish the 10 per cent value of the field during the second hour and also the 10 per cent value of both stations during the period when both are measured. The 10 per cent value of the field for the principal station must be corrected in the following manner:

First: Compare the 10 per cent value of the signal for the monitor station during the second hour after sunset with the 10 per cent value determined from Figure 1 for the same distance and reduce to the same power for comparable radiation at the appropriate angle. This establishes the propagation factor which assume is found to be 30 per cent low for the nights of recordings.

Second: Compare the signal on the monitor station during simultaneous operation with the value during the second hour after sunset and obtain the correction for difference in propagation between the second hour and the actual time of measuring the principal station. Thus, a time factor is established by which the actual value of the field intensity on the principal station is to be further modified. If the propagation factor is 30 per cent low and the time factor 70 per cent high, the actual readings on the principal station would be first decreased by 70 per cent and then the result increased by 30 percent. The value obtained in this way is to be considered the interference value of signals for use in all allocation problems.

When it is claimed that the propagation over the path involved is normally less than the average, measurements must be made on two or more other stations of different paths for at least 30 days and the signals of all stations involved recorded in the above manner to establish that propagation conditions in general were normal and that the path under consideration was low as claimed due to some natural conditions. A full explanation of the theory or practical findings must be made.

In all other cases where the signal is substantially greater or less than the average determined from Figure 1, complete information must be supplied as to why the signal measured has departed from the average. If the reason this condition is based on the location of the antenna, its characteristics, the conductivity of the surrounding area or other natural limitations, a full explanation of the nature and character of such conditions must be supplied and also information as to whether the licensee could by moving its station or by making other changes within its control alter the situation so that the abnormal condition of propagation would no longer exist.

The interference signal determined by the above methods should be used to determine interference to a station in the same manner as the ground wave signals were employed as set out in Annex I. These methods of measurement should be used to determine skywave service signal for 50 per cent of the time.

2. FIELD INTENSITY MEASUREMENTS IN ALLOCATION

*A. Field Intensity Measurements to Establish Effective Field Intensity at One Mile*

Section 3.45 provides that certain minimum field intensities are acceptable in lieu of the required minimum physical vertical heights of the antennas proper. Also in other allocation problems, it is necessary to determine the effective field at one mile. The following requirements shall govern the taking and submission of data on the field intensity produced:

Beginning as near to the antenna as possible without including the induction field and to provide for the fact that a broadcast antenna not being a point source of radiation (not less than one wave-length or five times the vertical height in the case of a single element, i. e. nondirectional antenna or 10 times the spacing between the elements of a directional antenna), measurements shall be made on eight or more radials, at intervals of approximately one-tenth mile up to two miles from the antenna, at intervals of approximately one-half mile from two miles to six miles from the antenna, at intervals of approximately two miles from six miles to 15 or 20 miles from the antenna, and a few additional measurements if needed at greater distances from the antenna. Where the antenna is rurally located and unobstructed measurements can be made, there shall be as many as 18 or 20 measurements on each radial. However, where the antenna is located in a city where unobstructed measurements are difficult to make, measurements shall be made on each radial at as many unobstructed locations as possible even though the intervals are considerably less than stated above, particularly within two miles of the antenna. In cases where it is not possible to obtain accurate measurements at the closer distances (even out to 5 or 6 miles due to the character

[17] The Commission will *not* authorize operation on a proposed assignment for the purpose of making measurements.

[18] For example, assuming three values of conductivity prevail such that for the frequency and distances concerned the signal is attenuated over the given conductivities 6, 8, and 14 db respectively or a total of 28 db over the entire path, then the signal at the point concerned for 100mv/m at one mile would be $\frac{100}{25.119 \text{ (voltage ratio for 28 db)}}$, or 3.98 mv/m.

[19] See Annex II in case of use of directional antennas.

[20] In all cases the effective field should be established from the dimensions of the radiating system. The value assumed here is in accordance with Section 3.45 and the Standards of Good Engineering Practice promulgated pursuant thereto.

of the intervening terrain), the measurements at greater distances should be made at closer intervals.[21]

These data should be plotted for each radial in accordance with either of the two methods set forth below:

1. Using log-log coordinate paper plot field intensities as ordinate and distance as abscissa.

2. Using semi-log coordinate paper plot field intensity times distance as ordinate on the log scale and distance as abscissa on the linear scale.

However, regardless of which of these methods is employed, the proper curve to be drawn through the points plotted shall be determined by comparison with theoretical curves as follows: Plot theoretical curves (see paper by Mr. K. A. Norton, October 1936, Proc. I.R.E.) for several values of conductivities and dielectric constants, approximating the conductivity and dielectric constants indicated by the measurements on another sheet of the same coordinate paper. Place this sheet over the sheet on which the actual points have been plotted, hold to the light if necessary and adjust until the curve most closely matching the points is found. This curve should then be drawn on the sheet on which the points were plotted together with the inverse distance curve corresponding to that curve. The field at one mile for the radial concerned shall be the ordinate on the inverse distance curve at one mile.

When all radials have been analyzed in this manner, a curve shall be plotted on polar coordinate paper from the fields obtained, which gives the inverse distance field pattern at one mile. The radius of a circle, the area of which is equal to the area bounded by this pattern, is the effective field. (See Section 3.16.)

While making the field intensity survey, the output power of the station shall be maintained at the licensed power as determined by the direct method. To do this it is necessary to determine accurately the total antenna resistance (the resistance variation method, the substitution method or bridge method is acceptable) and to measure the antenna current by means of an ammeter of acceptable accuracy.[22]

Complete data taken in conjunction with the field intensity measurements shall be submitted to the Commission in affidavit form including the following:

1. Tabulation by number of each point of measurement to agree with the map required in (2) below and the field intensity meter reading, the attenuation constant, the field intensity (E), the distance from the antenna (D) and the product of the field intensity and distance (ED) (if data for each radial is plotted on semi-logarithmic paper, see above) for each point of measurement.

2. Map showing each point of measurement numbered to agree with tabulation required above.

3. Description of method used to take field intensity measurements.

4. The family of theoretical curves used in determining the curve for each radial properly identified by conductivity and dielectric constants.

5. The curves drawn for each radial and the field intensity pattern (see subsection B 5 a, b and c).

6. Antenna resistance measurement:
a. Antenna resistance at operating frequency.
b. Description of method employed.
c. Tabulation of complete data.
d. Curve showing antenna resistance versus frequency.

7. Antenna current or currents maintained during field intensity measurements.

8. Description, accuracy, date and by whom each instrument was last calibrated.

9. Name, address and qualifications of the engineer making the measurements.

10. Any other pertinent information.

*B. Field Intensity Measurements to Establish Performance of Directional Antennas*

Section 3.33 (b) requires that proof of performance of directional antenna systems be submitted before any operation during the regular broadcast day may be permitted. These data shall be taken upon proper request and authorization therefor during the experimental period and shall show that the pattern obtained is essentially the same as that predicted by the application and required by terms of the authorization and that any specific requirements set out are fully met.

To establish this performance measurements shall be made in accordance with the preceding Section A along sufficient number of radials to establish the effective field from the antenna system. In the case of a relatively simple directional antenna pattern, approximately eight radials in addition to the radials in the directions the field intensity values are specified by the authorization are sufficient. However, when more complicated patterns are involved, that is, patterns having several or sharp lobes or nulls, measurements shall be taken along as many additional radials as necessary to definitely establish the pattern.

In cases where the authorization requires a showing that actual field intensities of specified values be obtained in the various portions of the service area, sufficient measurements throughout these areas shall be made to show that at least the values specified are obtained. (See Paragraph 2d of this section.)

In either of the above cases the following information shall be submitted in triplicate even though such information was submitted with the original application:

1. Complete description of antenna array.

a. Number of elements.
b. Manufacturer's name and type of each element (i. e., guyed or self-supporting, triangular or square, uniform cross-section or tapered, etc.).
c. If top loaded, give details.
d. Height of vertical lead of each element in feet (height above base insulator or base, if grounded).
e. Overall height in feet of each element above ground level.
f. Overall height in feet of each element above mean sea level.
g. Orientation of array with respect to true north and time (specify degrees leading or lagging) and space phasing of elements. (Space phasing should be given in feet as well as in degrees.)
h. Details of ground system for each element (length and number of radials, dimensions of ground screen, if used, and depth buried).
i. Current in each element (at point where antenna ammeter is located) and current and resistance at point of common input to the antenna system.[1]
j. Schematic sketch and description of method of feeding power to elements, including phasing and coupling equipment and locations of antenna ammeters (both regular, point of common input and remote) in the circuits.
k. If not fully described above, give complete details and sketches if needed.
l. Full description of painting and lighting installed on each element.
m. If phase monitor is employed state phase readings (specifying whether leading or lagging) and ratio of current indications for each element.[2]

2. Horizontal field intensity patterns for each power involved showing:

a. Directional Field Intensity at one mile and effective field intensity from the antenna determined from the field intensity measurements as set forth above.
b. Direction true north shall be shown at zero azimuth.
c. Direction of each station or city specified in the instrument of authorization in which direction a limiting field was specified and the actual field intensity obtained in each of such directions (all directions shall be determined by accurate calculation or from Lambert Conformal Conic Projection Map such as U. S. Coast and Geodetic Survey Map No. 3060, a, or map of equal accuracy, and all distances shall be determined by accurate calculation or from U. S. Albers Equal Area Projection Map, Scale $\frac{1}{2{,}500{,}000}$ or map of equal accuracy. These may be obtained from the United States Coast and Geodetic Survey and from the United States Department of Interior, Geological Survey, for the sums of forty cents and one dollar, respectively).
d. Actual field intensity contours for 25, 10 and 5 mv/m and any other contours specified by the instrument of authorization on a map having the largest practical scale. These contours need not be shown for distances over 15 miles from the antenna except that the field intensity contours on the far sides of the business and residential areas of the city in which the main studio is located shall be shown. This does not waive the requirement for measurements at greater distances under A above.

3. Complete tabulation of all data used in plotting the above patterns.

4. Any other pertinent information.

5. Plotting of field intensity patterns:

a. All patterns shall be plotted on standard letter-size polar co-ordinate paper (main engraving approximately 7" x 10").
b. All patterns shall be plotted to the largest scale possible on the paper specified in (a) above using divisions and subdivisions having values of 1, 2, 2.5 or 5 times $10^x$. (No other values shall be used.)
c. All values of field intensity less than 10 percent of the r. m. s. field intensity of the pattern shall be shown on an enlarged scale in accordance with (a & b) above.

As a check on the shape of the field intensity pattern obtained in accordance with the above it is suggested that measurements be taken on each of the radials at approximately one mile from the antenna system for operation, both directional and non-directional and the ratios of these values plotted on polar coordinate paper in accordance with the above specifications.

*C. Measurement of the Field Intensity of Broadcast Stations for Presentation in Support of Applications or Evidence at Hearings Before the Commission*

Section 3.24 requires that among other things an application for a new standard broadcast station or increase in facilities of an existing station make a satisfactory showing that objectionable interference will not be caused to an existing station or stations.

In the determination of such interference in accordance with section 3.28 actual measurements will take precedence over theoretical values provided such measurements are properly taken and presented.

When measurements of either ground wave signal intensity or sky wave signal intensity are presented in evidence, they shall be supported by a field intensity survey of the station observed, which survey should be sufficiently complete in accordance with Sections A and B above to determine the field at one mile in the pertinent directions for that station.

When measurements are made on sky wave signal intensity (either service or interference) they shall be graphic recordings as follows:

1. Recordings shall be made on 10 or more nights for sufficient periods each night to obtain reasonable average values.[23]

2. Observations shall be made on other stations to determine whether sky wave transmission conditions are of propagation.

3. Scales on the graphic paper shall be such as to permit easy reading of both time and field intensity and calibration shall be clearly indicated.

4. Pertinent notes such as predominance of signal of a certain station when recording composite signals shall be made on the recording.

5. Full description shall be given the point where recordings were made (geographically as well as field intensity of the station to which interference is being determined).

6. Full explanation of to what extent signals from other stations on the same channel affected the accuracy of the recordings and what steps, if any, were taken to eliminate or compensate for such signals.

If the observed station is owned or controlled by the party on whose behalf the measurements are made, then, in addition to the above, detail reports on the measurement of the antenna resistance and on the amount of power actually radiated (as determined by the direct method) during the course of the field intensity measurements shall be presented. The applicant (or participant) shall also furnish a complete description of the antenna and ground system in use at the transmitting station during the period of observations and a statement as to whether or not this is the identical equipment regularly used by the station.

When measurements of both the "desired" and "undesired" station are made in one area to determine the point where objectionable interference from ground wave signals occurs, several measurements of each station shall be made within a few miles of the point where the ratio of signals is that selected as the appropriate ratio for the determination of objectionable interference.

All information on the above, including description and accuracy of equipment used, when and by whom last calibrated, and the name and qualifications of the engineer making the measurements, when filed with an application, shall be in affidavit form. At the time of the hearing on applications involving such observations, the applicant should be prepared to present, as sworn testimony, complete data on the above.

3. DATA REQUIRED WITH APPLICATIONS INVOLVING DIRECTIONAL ANTENNA SYSTEMS

Section 3.33 (a) requires that an application for authority to install a directional antenna specify a definite site and that full details of the directional antenna are given with the application. Any application not complete in these details will be returned to the applicant as "defective" under Section 4.02.

In order to comply with the above and to permit proper consideration of any application involving a directional antenna, the following shall be submitted in triplicate, properly verified by the engineer designing the antenna, with each such application:

1. Name, address and qualifications of the engineer.

2. Complete description of the proposed antenna system.

a. Number of elements.
b. Type of each element [i. e., guyed or self-supporting, uniform cross-section or tapered (specify base width), ground or insulated, etc.].
c. If top loaded give details.
d. Height of vertical lead of each element in feet (height above base insulator or base if grounded).
e. Overall height in feet of each element above ground level.
f. Overall height in feet of each element above mean sea level.
g. Orientation of array with respect to true north and time phasing of fields from elements (specify degrees leading or lagging) and space phasing of elements (identifying elements). (Space phasing should be given in feet, as well as in degrees.)
h. Details of ground system for each element (length and number of radials, dimensions of ground screen, if used, and depth buried).
i. Ratio of fields from elements (identifying elements).
j. If not fully described above, give complete details and sketches if needed.

3. Caluclated horizontal field intensity patterns for each power involved showing:

a. Directional field intensity at one mile and effective field.
b. Direction true north shall be shown at zero azimuth.
c. Direction and distance to each existing station with which interference may be involved operating either directional or non-directional (all directions shall be determined by accurate calculation or from Lambert Conformal Conic

[21] It is suggested that "Wave Tilt" measurements may be made to determine and compare locations for taking field intensity measurements, particularly to determine that there are no abrupt changes in ground conductivity or that reflected waves are not causing abnormal intensities.

[22] See Section 3.54 and "Further Requirements for Direct Measurement of Power" and "Indicating Instruments Pursuant to Section 3.58."

[1] See "Further Requirements for Direct Measurement of Power" and "Construction, General Operation and Safety of Life Requirements."

[2] See "Indicating Instruments Pursuant to Section 3.58."

[23] See Annex III in Section "Engineering Standards of Allocation" for detailed requirements.

Projection Map such as U. S. Coast and Geodetic Survey Map No. 3060a, or map of equal accuracy, and all distances shall be determined by accurate calculation or from U. S. Albers Equal Area Projection May, scale $\frac{1}{2,500,000}$, or map of equal accuracy. These may be obtained from the U. S. Coast and Geodetic Survey and the United States Department of Interior, Geological Survey, for the sums of forty cents and one dollar, respectively).

d. Calculated field intensity contours for 250, 25, and 5 mv/m and the population residing within each of such contours in addition to the information required by Section 29 (d) of FCC Form 301, on a map having the largest practical scale.

4. Calculated vertical field intensity patterns (for nighttime power) in the directions of each minimum and the maximum and in the direction of each station with which nighttime interference may be involved, operating either directional or non-directional for angles from 0° to 90° above the ground plane, based on the ground wave field intensity at one mile from the antenna for the direction involved.

5. Data used in computing the above patterns including:

a. Formula used for calculating both horizontal and vertical patterns, and sample calculations. (Derivation of formula if other than standard is used.)

b. All assumptions made and basis therefor, including electrical height, current distribution and efficiency of each element and ground conductivities.

c. Complete tabulation of calculation data used in plotting patterns, including data for determination of r. m. s. value of horizontal and directional patterns.

6. Any other pertinent information.

7. Plotting of field intensity patterns:

a. All patterns shall be plotted on standard letter-size polar co-ordinate paper (main engraving approximately 7"×10").

b. All patterns shall be plotted to the largest scale possible on the paper specified in Section (a) above using scale divisions and sub-divisions having values of 1, 2, 2.5 or 5 times $10^n$. (No other values shall be used.)

c. All values of field intensity less than 10 percent of the effective field intensity of the pattern shall be shown on an enlarged scale in accordance with (a & b) above.

d. In the event actual inverse distance field intensities expected to be determined in practice (that is, the values determined from actual measurements particularly in sharp nulls) are different from the above calculated values, the expected values as well as the calculated values shall be shown on both the full patterns and the enlarged sections.

### 4. LOCATIONS OF TRANSMITTERS OF STANDARD BROADCAST STATIONS

Section 3.24 (e) requires that the location of the transmitter shall comply with the requirements of good engineering practice. There are set out below the general requirements considered appropriate at this time. These standards will change as the art progresses and changes will be made in accordance with the best information available.

All applications for approval of transmitter sites for regular broadcast stations must be submitted on FCC Form 301. In some cases the applicant may be required to submit additional information, including the results of a field intensity survey, particularly where there is any question as to whether the area can be served properly from the proposed location or where the population of the blanket area is too large.

FCC Form 301 requires that triplicate copies of the following be submitted:

(1) Map having scale not less than one inch to a mile clearly showing (by symbols, cross hatching, colored crayons or other means) present location, proposed location, character of surrounding area (retail or wholesale business, manufacturing, residential, or unpopulated), the heights of all tall buildings or other structures, if any, in the vicinity of the antenna indicating the distance and direction thereof from the proposed site and how marked for air navigation; also, density and distribution of population, the 250, 25 and 5 mv/m contours and the population residing within the 250 mv/m contour and the type of soil and terrain and the location of airports, airways, and other radio stations, including receiving stations, except broadcast or amateur.

(2) Aerial photograph or photographs (ordinary snapshots, if clear) taken from the proposed location of the antenna in at least eight directions (every 45°, North, Northeast, East, etc.) such as to clearly show the character of the immediate surrounding area.

Where available, United States Geological Survey Topography Quadrangle Sheets should be submitted. In the event the map submitted does not give the topography, the height above sea level of the proposed location, hills, ridges and other obstructions should be shown. A statement as to whether or not other obstructions in the vicinity are painted and lighted or otherwise marked should always be made. In some cases additional maps, sketches or descriptions may be necessary to clearly show the conditions. Attention is invited to the fact that the submission of complete and accurate information will materially expedite action on a proposed location as well as enable the Commission to reach a correct decision thereon.

Aerial photographs of adequate scale are normally considerably superior to photographs taken from the proposed site. However, if the latter clearly show the character of the surrounding area they are acceptable. Photographs taken from a location lower than the surrounding terrain or where the view is obstructed by immediately surrounding objects are of little value. Taking the photographs from a step ladder or other support will aid materially.

As a guide the Engineering Department has established certain engineering principles based on the extensive experience of the Engineering Department and all data available along this line, including that presented at the informal engineering hearings of October 5, 1936, January 18, 1937, and June 6, 1938.

The four primary objectives to be obtained in the selection of a site for a transmitter of a broadcast station are as follows:

1. To serve adequately the center of population in which the studio is located and to give maximum coverage to adjacent areas.
2. To cause and experience minimum interference to and from other stations.
3. To present a minimum hazard to air navigation consistent with objectives 1 and 2.
4. To fulfill certain other requirements given below.

The following table is offered as a general guide to be used in determining the approximate site of broadcast transmitters:

TABLE A

| Power of station | Population of city or metropolitan area [1] | Approximate radius of blanket area 250 mv/m [2] | Site-distance from center of city to business district or downtown [3] | Maximum percentage of total population in blanket area [1] |
|---|---|---|---|---|
| | | *Miles* | *Miles* | *Per cent* |
| 100 watts | 5,000–50,000 | 0.15 | ½–1 | 1 |
| 100 watts | 50,000 or more | .15 | (?) | |
| 250–500 watts | 5,000–150,000 | .3– .5 | 1–3 | 1 |
| 250–500 watts | 150,000 or more | .3– .5 | (?) | |
| 1 kilowatt | 5,000 to 200,000 | .6– .9 | 2–6 | 1 |
| 1 kilowatt | 200,000 or more | .6– .9 | (?) | |
| 5–10 kilowatts | All | 1.5–2.5 | 5–10 | 1 |
| 25–50 kilowatts | All | 3.0–4.5 | 10–15 | 1 |

[1] The total population is the population of the city sought to be served except in those instances when the station is to be located in an area classified by the Department of Commerce, Bureau of Census, as a metropolitan area, in which case the population of the metropolitan area shall apply, provided, however, that when the power of the station is such that all the metropolitan area cannot be served, the population that will actually be served shall determine. The population figures are those determined by the latest official census and where greater population is claimed, the burden of proof is on the applicant.

[2] In these instances it is usually necessary to locate the station within the city in order to render satisfactory service throughout the city. Such sites shall be in or near the center of the business district and under no circumstances will a site in the residential area be approved.

[3] These radii are only approximate and the actual blanket area (area within the 250 mv/m contour) may be materially different depending on the antenna employed and other factors.



In case the power and the population of the city are such that it should be located at some distance from the center of the city, the approximate distance is given as well as the population of the so-called "blanket area." The "blanket area" of a broadcast station is defined as that area adjacent to the transmitter in which the usual broadcast receiver would be subject to some type of interference to the reception of other stations due to the strong signal from the station. The normal blanket area of a broadcast station is that area lying within the 250 millivolt per meter contour line. The average radii of the blanket areas for broadcast stations of the various powers are given in the above table.

In those cases where it is impossible or impractical to locate a station in accordance with the above specifications, the Commission will give consideration to approving locations where not more than one percent of the population (as above specified) is included within the 500 millivolt per meter contour, provided the applicant submits an affidavit setting forth the reasons why the normal specifications cannot be complied with, and further that the applicant will assume full responsibility for adjustment of any reasonable complaints arising from the excessively strong signals of the applicant's station. Particular attention must be given to avoiding cross modulation.

In this connection, attention is invited to the fact that it has been found very unsatisfactory to locate broadcast stations so that high signal intensities occur in areas with over-head electric power or telephone distribution systems and sections where the wiring and plumbing are old or improperly installed. These areas are usually found in the older or poorer sections of a city. These conditions give rise to cross modulation interference due to the non-linear conductivity characteristics of contacts between wiring, plumbing or other conductors. This type of interference is independent of the selectivity characteristics of the receiver and normally can be eliminated only by correction of the condition causing the interference. Cross modulation tends to increase with frequency and in some areas it has been found impossible to eliminate all sources of cross modulation, resulting in an unsatisfactory condition for both licensee and listeners.

Broadcast station transmitters will not be permitted to be located in these areas even though the population is within the requirements of Table A, unless the licensee assumes full responsibility for and it appears it can adjust all complaints satisfactorily.

If the city under consideration is of irregular shape, the station is of high power, a directional antenna system is employed, or if other unusual conditions obtain, the table may not apply and special consideration must be given. However, the general principles set out will still apply.

In selecting a site in the center of a city it is usually necessary to place the radiating system on the top of a building. This building should be large enough to permit the installation of a satisfactory ground and/or counterpoise system. Great care must be taken to avoid selecting a building surrounded by taller buildings or where any nearby building higher than the antenna is located in the direction which it is desired to serve. Such a building will tend to cast "radio shadows" which may materially reduce the coverage of the station in that direction. Irrespective of the height of surrounding buildings, the building on which the antenna is located should not have height of approximately one quarter wavelength. A study of antenna systems located on buildings tends to indicate that where the building is approximately a quarter wavelength in height, the efficiency of radiation may be materially reduced.

If from Table A it is determined that a site should be selected removed from the city, there are several general conditions to be followed in determining the exact site. The table gives the approximate distance from the center of the city. Three maps should be given consideration if available:

1. Map of the density of population and number of people by sections in the area.
2. Geographical contour map with contour intervals of 20 to 50 feet.
3. Map showing the type, nature and depth of the soil in the area with special reference to the condition of the moisture throughout the year. (See Table B.)

From these maps a site should be selected that is approximately the required distance from the city with a minimum population in the "blanket area" and with a minimum number of intervening hills between it and the center of the city. In general, because of ground conditions, it is better to select a site in a low area rather than on top of a hill, and the only condition under which a site on top of a hill should be selected is that it is only possible by this means to avoid a substantial number of hills, between the site and the center of a city with the resulting radio shadows. If a site is to be selected to serve a city which is on a general sloping area, it is generally better to select a site below the city than above the city.

If a compromise must be made between probable radio shadows from intervening hills and locating the transmitter on top of a hill, it is generally better to compromise in favor of the low area where an efficient radiating system may be installed which will more than compensate for losses due to shadows being caused by the hills if not too numerous or too high. Several transmitters have been located on top of hills, but so far as data has been supplied not a single installation has given superior efficiency of propagation and coverage.

The ideal location of a broadcast transmitter is in a low area of marshy or "crawfishy" soil or area which is damp the maximum percentage of time and from which a clear view over the entire center of population may be had, and the tall buildings in the business section of the city would cast a shadow across the minimum residential area.

The type and condition of the soil or earth immediately around a site is very important. Important, to an equal extent, is the soil or earth between the site and the principal area to be served. Sandy soil is considered the worst type with glacial deposits and mineral ore areas next. Alluvial, marshy areas and salt water bogs have been found to have the least absorption of the signal. One is fortunate to have available such an area and, if not available, the next best condition must be selected.

Table B indicates the values of inductivity and conductivity which it is recommended be used for various types of country in the absence of surveys over the particular area involved. Naturally, values obtained from the use of these figures will be only approximate and should, if possible, be replaced by actual measurements in the area under consideration.

TABLE B

| Type of terrain | Inductivity | Conductivity | Absorption factor at 50 miles, 1000 kc.[1] |
|---|---|---|---|
| Sea water, minimum attenuation. | 81 | $4.64 \times 10^{-11}$ | 1.0 |
| Pastoral, low hills, rich soil, typical of Dallas, Texas, Lincoln, Nebraska and Wolf Point, Montana, areas. | 20 | $3 \times 10^{-13}$ | 0.50 |
| Pastoral, low hills, rich soil, typical of Ohio and Illinois. | 14 | $10^{-13}$ | 0.17 |
| Flat country, marshy, densely wooded, typical of La. near Mississippi River. | 12 | $7.5 \times 10^{-14}$ | 0.13 |
| Pastoral, medium hills, and forestation, typical of Md., Pa., N. Y., exclusive of mountainous territory and sea coasts. | 13 | $6 \times 10^{-14}$ | 0.09 |
| Pastoral, medium hills and forestation, heavy clay soil, typical of central Va. | 13 | $4 \times 10^{-14}$ | 0.05 |
| Rocky soil, steep hills, typical of New England. | 14 | $2 \times 10^{-14}$ | 0.025 |
| Sandy, dry, flat, typical of coastal country. | 10 | $2 \times 10^{-14}$ | 0.024 |
| City, industrial areas, average attenuation. | 5 | $10^{-14}$ | 0.011 |
| City, industrial areas, maximum attenuation. | 3 | $10^{-13}$ | 0.003 |

[1] This figure is stated for comparison purposes in order to indicate at a glance which values of conductivity and inductivity represent the higher absorption. This figure is the ratio between field intensity obtained with the soil constants given and with no absorption.

Careful consideration must be given to selecting a site so that the number of people in the blanket area is a minimum. The last column of Table A gives the per-

centage of the total population of the city or metropolitan area that may be permitted in the blanket area. In general, broadcast transmitters operating with approximately the same power can be grouped in the same approximate area and thereby reduce the interference between them.

If the city is of irregular shape, it is often possible to take advantage of this in selecting a suitable location that will give a maximum coverage and at the same time maintain a minimum of people within the blanket area. The maps giving the density of population will be a key to this. The map giving the elevation by contours will be a key to the obstructing hills between the site and city. The map of the soil conditions will assist in determining the efficiency of the radiating system that may be erected and the absorption of the signal encountered in the surrounding area.

Another factor to be considered is the relation of the site to airports and airways. There are no regulations or laws with respect to distance from airports and airways, but a distance of three miles from each is used as a guide. In case a suitable location is found at less distance than this, it may be satisfactory if the towers are suitably painted and lighted in conformity with the requirements of the Civil Aeronautics Authority, or if the towers are not higher than the surrounding objects. The latter is normally considered poor engineering practice, however, in selecting a site the local aeronautical authorities should always be consulted if there is any question concerning erecting a hazard to aviation, and in case of towers over 200 feet high this should always be done. In passing on a location and antenna installation, the Engineering Department refers each case to the Civil Aeronautics Authority for its recommendation. The action of the Authority will be materially expedited by the District Airline Inspector and local representatives of the airports and airlines forwarding their approval or comments to the Civil Aeronautics Authority, Washington, D. C.

In finally selecting the site, consideration must be given to the required space for erecting an efficient radiating system, including the ground or counterpoise (see Section 3.45). It is the general practice to use direct grounds consisting of a radial buried wire system. If the area is such that it is not possible to get such a ground system in soil that remains moist throughout the year, it probably will be found better to erect a counterpoise. (Such a site should be selected only as a last resort.) It, like the antenna itself, must of course be designed properly for the operating frequency and other local conditions.

While an experienced engineer can sometimes select a satisfactory site for a 100-watt station by inspection, it is necessary for a higher power station to make a field intensity survey to determine that the site selected will be entirely satisfactory. There are several facts that cannot be determined by inspection that make a survey very desirable for all locations removed from the city. Often two or more sites may be selected that appear to be of equal promise. It is only by means of field intensity surveys taken with a transmitter at the different sites or from measurements on the signal of nearby stations traversing the terrain involved that the most desirable site can be determined. There are many factors regarding site efficiency that cannot be determined by any other method.

The site selected should meet the following conditions:

1. A minimum field intensity of 25 to 50 millivolts per meter will be obtained over the business or factory areas of the city.

2. A minimum field intensity of 5 to 10 millivolts per meter will be obtained over the most distant residential section.

3. The absorption of the signal is the minimum for any obtainable sites in the area. As a guide in this respect the absorption of the signals from other stations in that area should be followed as well as the results of tests on other sites.

4. The population within the blanket radius (250 mv/m) does not exceed that specified by Table A.

When making the final selection of a site, the need for a field intensity survey to establish the exact conditions cannot be stressed too strongly. The selection of a proper site for a broadcast station is an important engineering problem and can only be done properly by experienced radio engineers.

### 5. MINIMUM ANTENNA HEIGHTS OR FIELD INTENSITY REQUIREMENTS

Section 3.45 requires that all applicants for new, additional or different broadcast facilities and all licensees requesting authority to move the transmitter of an existing station, shall specify a radiating system, the efficiency of which complies with the requirements of good engineering practice for the class and power of the station.

The specifications deemed necessary to meet the requirements of good engineering practice at the present state of the art are set out in detail below.

The licensee of a standard broadcast station requesting a change in power, time of operation, frequency or transmitter location must also request authority to install a new antenna system or to make changes in the existing antenna system which will meet the minimum height requirements, or submit evidence [24] that the present antenna system meets the minimum requirements with respect to field intensity, before favorable consideration will be given thereto. In the event it is proposed to make substantial changes in an existing antenna system, the changes shall be such as to meet the minimum height requirements or will be permitted subject to the submission of field intensity measurements showing that it meets the minimum requirements with respect to effective field intensity.

These minimum actual physical vertical heights of antennas permitted to be installed are shown by curves A, B, and C of Figure 7 as follows:

A. Class IV stations, 150 feet [25] or a minimum effective field intensity of 150 mv/m for 1 kilowatt. (100 watts 47.5 mv/m and 250 w, 75 mv/m).

B. Class II and III stations, or a minimum effective field intensity of 175 mv/m for 1 kilowatt.

C. Class I stations, or a minimum effective field intensity of 225 mv/m for one kilowatt.

The heights given on the graph for the antenna apply regardless of whether the antenna is located on the ground or on a building. Except for the reduction of shadows locating the antenna on a building does not necessarily increase the efficiency and where the height of the building is in the order of a quarter wave the efficiency may be materially reduced.

To obtain the maximum efficiency of which any antenna is capable a good ground system must be employed (a counterpoise may be substituted under certain conditions).

At the present development of the art, it is considered that where a vertical radiator is employed with its base on the ground, the ground system should consist of buried radial wires at least ¼ wavelength long. There should be as many of these radials evenly spaced as practicable and in no event less than 90. (120 radials of 0.35 to 0.4 of a wavelength in length and spaced 3° is considered an excellent ground system and in case of high base voltage, a base screen of suitable dimensions should be employed).

It should be borne in mind that the above specifications are the minimum and where possible better antenna and ground systems should be installed.

In case it is contended that the required antenna efficiency can be obtained with an antenna of height or ground system less than the minimum specified, a complete field intensity survey [24] must be supplied to the Commission showing that the field intensity at a mile without absorption fulfills the minimum requirements. This field survey must be made by a qualified engineer using equipment of acceptable accuracy.

The main element or elements of a directional antenna system shall meet the above minimum requirements with

[24] See "Field Intensity Measurements in Broadcast Allocation," Section A.

[25] This height applies to a Class IV station on a local channel only. In case a Class IV station is assigned a regional channel curve A shall apply.

[24] See "Field Intensity Measurements in Broadcast Allocation," Section A.



respect to height or effective field intensity. No directional antenna system will be approved which is so designed that the effective field of the array is less than the minimum prescribed for the class of station concerned or in case of a Class I station less than 90 percent of the ground wave field which would be obtained from a perfect antenna of the height specified by Fig. 7 for operation on frequencies below 1000 kilocycles and in the case of a Class II or III station less than 90 percent of the ground wave field which would be obtained from a perfect antenna of the height specified by Fig. 7 for operation on frequencies below 750 kc.

In all cases of new construction where concentric transmission line used between the transmitter and antenna is buried or cannot be readily opened throughout its entire length for immediate repair in case of failure, such line shall be installed in duplicate with adequate switching facilities for immediate connection of the second line in case of failure of the first line or permanently installed auxiliary facilities such as an auxiliary transmitter and antenna system, auxiliary antenna system or other means whereby operation may be continued in the event of failure of the transmission line.

Before any changes are made in the antenna system, it is necessary to submit full details to the Commission for approval. These data may be submitted by letter.

### 6. STANDARD LAMPS AND PAINTS

Section 3.45 (d) requires that the antenna and supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to Section 303 (q) of the Communications Act of 1934.

These individual specifications are issued for and attached to each authorization for an installation.[27] The details of the specifications depend on the degree of hazard presented by the particular installation. The following standard lamps and paints shall be used for the type of marking specified:

(a) Type A–21, 100-watt traffic signal, clear, medium screw base lamps enclosed in aviation red prismatic obstruction light globes shall be employed in all cases where 100-watt lamps are specified.

(b) Type PS–30, 200-watt general lighting service, clear, mogul prefocus base lamps shall be employed in all cases where code beacons with 200-watt lamps are specified.

(c) Type PS–40, 500-watt general lighting service, clear, mogul prefocus base lamps shall be employed in all cases where code beacons with 500-watt lamps are specified.

(d) Type T–24, 500-watt aviation lighting service, clear, mogul bi-post base lamps shall be employed in all cases where rotating beacons with 500-watt lamps are specified.

(e) Type T–20, 1000-watt aviation lighting service, clear, mogul bi-post base lamps shall be employed in all cases where rotating beacons with 1000-watt lamps are specified.

(f) The tower paint shall be kept in good condition and repainted as often as necessary to maintain this condition. Towers now painted black and yellow shall, when repainting is necessary be painted in accordance with the present standards.[27]

[27] Specifications normally attached to authorization:

(a) *Painting.* Each tower shall be painted throughout its height with alternate horizontal bands of international orange and white, terminating with orange bands at both top and bottom. (Orange yellow No. 5 color card, supplement to U. S. Army Quartermaster Corps Specifications No. 3–1, color chip below.) The width of the orange bands shall be approximately one-seventh of the height of any structure less than 250 feet in height, and between 30 and 40 feet for structures over 250 feet in height. The width of the white bands shall be one-half that of the orange bands.

(b) *Lighting.* (1) Towers, the overall heights of which do not exceed 200 feet, shall be lighted as follows:

SPECIFICATION "A"

At the top of each tower there shall be installed two 100-watt lamps, enclosed in aviation red prismatic obstruction light globes. At least one of these lamps shall burn continuously from sunset to sunrise. When only one lamp is operated, the circuit shall be equipped with a relay for instant automatic switchover to the other lamp in case of lamp failure.

At both the one-third and two-thirds levels of each tower there shall be installed two 100-watt lamps enclosed in aviation red prismatic obstruction light globes, at each level, one each on diagonally opposite corners of the structure.

All 100-watt lamps shall be Type A–21 Clear Bulb Traffic Signal Lamps (2000 hours or equal).

All lamps shall be enclosed in aviation red prismatic obstruction light globes and all lighting shall be exhibited from sunset to sunrise.

* * * * *

Special conditions of terrain and location with respect to airports or airways may require additional lighting of the character hereinafter specified for towers the overall height of which exceeds 200 feet.

* * * * *

(2) Towers, the overall heights of which exceed 200 feet but do not exceed 300 feet, shall be lighted as follows:

SPECIFICATION "B"

At the top of each tower there shall be installed a hazard beacon similar and equal in effectiveness to the standard 300 m/m airways electric lantern. This beacon shall flash and shall be equipped with two 500-watt lamps (both lamps to burn simultaneously) and aviation red color shades. The 300 m/m electric code beacon shall be equipped with a flashing mechanism producing 40 flashes per minute, having a luminous period of one second, and a period of darkness of one-half second.

The one-third and two-thirds levels of the tower shall be marked by 100-watt obstruction lights the same as specified for towers not exceeding 200 feet in height.

* * * * *

Towers over 300 feet in height (and less than 300 feet in height where special conditions obtain) may be required to install additional marking as indicated below.

GENERAL

Under particularly hazardous conditions and in areas of heavy air traffic, it may be necessary to add a 24-inch 500 or 1000-watt red rotating beacon equipped with an automatic lamp changer, to mark the installation. The beacon may be installed on the roof of the transmitter building, provided the point will afford proper visibility, otherwise it may be necessary to install the beacon on a separate tower of proper height or on the radio tower itself. The recommended setting of this rotating beacon is such that the center line of the light beam shall be approximately 3 degrees above horizontal.

Adequate red warning lights shall be placed on the structure or structures during the period of construction and until the specified obstruction lights are installed and in operation.

Under certain conditions it may be required to have the lighting controlled by a light sensitive control device, the adjustment being such that lights will be turned on at a north sky light intensity level of 20-foot candles and turned off at a north sky light intensity level of 40-foot candles.

Under certain conditions it may be required to install and operate a radio obstruction marker of a type to be specified.

Specifications A and B require that at both the one-third and two-thirds levels of the structure there shall be installed two 100-watt lamps enclosed in aviation red prismatic obstruction light globes, at each level, one each on diagonally opposite corners of the structure.

Under certain conditions and in the case of triangular and other towers of unusual design, it may be required to install 100-watt lamps enclosed in aviation red prismatic obstruction light globes at various corners and levels throughout the height of the structure in such a manner so that adequate visibility and definition would be obtained from all angles of approach.

Towers of excessive height or peculiar (unusual) design will be made the subject of special investigation and analysis to determine proper marking and lighting.

In addition to the standard marking and lighting of the main structure, towers using guy wires will be made the subject of special study to determine proper marking and lighting of the guy wires.

The specifications relative to obstruction marking and lighting of radio towers of a certain height are general, and in locations of extreme hazard to air navigation, it may be required to install additional equipment on any height tower, in order to obtain suitable protection.

### 7. FURTHER REQUIREMENTS FOR POWER MEASUREMENTS OF POWER

Section 3.54 states that the antenna input power determined by direct measurement is the square of the antenna current times the antenna resistance at the point where the current is measured and at the operating frequency, and sets forth certain requirements relative to the determination of the resistance and measurement of the antenna current.

The Commission does not specify any particular method of making antenna resistance measurements. Measurements made by any standard method will be accepted provided satisfactory evidence is submitted in accordance with the following as to the procedure used, accuracy of the instruments and qualifications of the engineer conducting the measurements.

The resistance variation method, substitution method and bridge method are acceptable methods for measuring the total antenna resistance and the follow-

ing general instructions are given as a guide.

The apparatus required is as follows:

(a) Radio frequency generator to cover the frequency range necessary, power 50 watts or required power when using bridge method.

(b) Wavemeter for broadcasting frequency, accuracy 0.25%.

(c) Decade resistor having steps of units, tens and hundreds ohms resistance, or equivalent, accuracy 1.0%.

(d) Radio frequency galvanometer or milliammeter of approved type, accuracy 2.0%.

(e) Approved tuning condenser of approximately 0.001 MFD capacity and tuning inductance of approximately 60 MH.

(f) Or suitable bridge if this method is used.

The broadcast transmitter is not usually satisfactory for use as the source of radio frequencies. The maximum power dissipated in the antenna while making measurements should not be over 10% of the power available from the radio frequency generator.

An accurate determination of the antenna resistance can only be made by taking a series of measurements each for a different frequency. From 10 to 12 resistance measurements covering a band 50 to 60 kc wide with the operating frequency near the middle of the band must be made to give data from which accurate results may be obtained. The values measured should be plotted with frequency as abscissa and resistance in ohms as ordinate and a smooth curve drawn. The point on the ordinate where this curve intersects the operating frequency gives the value of the antenna resistance.

In order to comply with the provisions of Rule 33.06 the following data should be submitted in duplicate to the Commission in affidavit form, accompanied by duplicate copies of FCC Form 306 properly executed:

1. Complete data taken.
2. The graph drawn.
3. Description of method used to take readings (include schematic circuit diagrams of the measurement circuit and of the antenna system showing point of measurement and location in circuit of both regular and remote antenna ammeters).
4. Manufacturer's name of each calibrated instrument used and manufacturer's rated accuracy.
5. Accuracy, date and by whom each instrument was last calibrated.
6. Qualifications of engineer making measurements.

Licensees of broadcast stations authorized to employ directional antenna systems desiring to determine the operating power by direct measurement of the antenna power shall determine the resistance by the following method:

Measure the resistance at the point of common radio frequency input to the directional antenna system. The following conditions and procedure shall obtain:

(a) The antenna shall be finally adjusted for the required pattern.

(b) The reactance at the operating frequency and at the point of measurement shall be adjusted to zero or as near thereto as practical.

(c) Suitable radio frequency bridge or other method shall be employed to determine the resistance and reactance at the point of common radio frequency input in the same manner as set forth above for a single antenna.

(d) Resistance and reactance measurements at approximately 5, 10, 15 and 20 kc on each side of the operating frequency shall be made. The values measured shall be plotted and the resistance at the operating frequency determined in the same manner as for a single element antenna.

(e) A permanently installed antenna ammeter shall be placed in each element of the system as well as at the point of measurement of resistance with the remote reading ammeters [2] located in the transmitter room. The application for authority to determine power by the direct method shall specify not only the current at the point of resistance measurement for the authorized input power (TR in accordance with Section 3.54 and (f) below), but also the current of each element of the system when adjusted for the required pattern and for the authorized operating power.

(f) The license for a station of power of 5 kw or under, which employs a directional antenna and determines the power by the direct method, will specify the antenna resistance as 92.5% of that determined at the point of common input in accordance with the above. The resistance specified for stations of a power over 5 kw will be 95% of that determined at the point of common input.

[2] In all cases regular antenna ammeters and remote antenna ammeters shall comply with the requirements of Section 3.58 and "Indicating Instruments Pursuant to Section 3.58."

### 3. POWER RATING OF VACUUM TUBES

Section 3.42 requires that the maximum rated carrier power of a standard broadcast transmitter shall be determined as the sum of the applicable power ratings of the vacuum tubes employed in the last radio stage. The approved power ratings of vacuum tubes for operation in the last radio stages of broadcast transmitters are fixed as set out in the following tables:

TABLE A.[1]—*Power Rating of Vacuum Tubes for High-Level Modulation or Plate Modulation in the Last Radio Stage*

| Power rating (watts) | Amperex | Collins | DeForest | Eitel McCullough | Federal Telegraph | Heintz & Kaufman | Hygrade Sylvania | RCA Mfg. Co. | Raytheon Production Corp. | United Electronics | Western Electric | Taylor Tubes, Inc. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 50 | | | | 35T | | HK-54 | | 808 | | | 211D | T55 |
| | | | | 50T | | | | | RK-32 | | 211E | 841A |
| | | | | | | | | | RK-35 | | 248A | |
| | | | | | | | | | RK-37 | | 276A | |
| | | | | | | | | | RK-47 | | | |
| | | | | | | | | | RK-51 | | | |
| | | | | | | | | | RK-52 | | | |
| 75 | HF-100 | C-203A | 503-A | | F-303-A | 154 | 203-A | 203-A | RK-58 | 303-A | 242A | 203A |
| | 203-A | C-211 | 511 | | F-311-A | | 211 | 211 | | 311 | 242B | 211 |
| | 211 | | 552 | | F-352-A | | 852 | 838 | | 361-A | 242C | 211C |
| | 838 | | 560 | | | | 860 | 850 | | 938 | 260A | |
| | 852 | | | | | | | 852 | | 952 | 261A | |
| | 860 | | | | | | | 860 | | | 284A | |
| | | | | | | | | | | | 295A | |
| 100 | | | | 100TH | F-102-A | 254 | | | RK-36 | | | |
| | | | | 100TL | F-108-A | | | | RK-38 | | | |
| | | | | | | | | | RK-48 | | | |
| 125 | HF-200 | C-200 | | 150-T | F-123-A | | | 803 | RK-57 | 905 | | T-155 |
| | 203-H | C-201 | | | | | | 805 | RK-28A | | | HD-203A |
| | 211-C | C-211-D | | | | | | 810 | | | | |
| | 211-D | | | | | | | | | | | |
| | 211-H | | | | | | | | | | | |
| | 805 | | | | | | | | | | | |
| 250 | 204-A | C-204-A | 504-A | | F-204-A | 354 | 204-A | 204A | RK-63 | 304-A | 212-D | T200 |
| | HF-300 | C-300 | 561 | | F-212-E | HK354A | 212-D | 806 | | 312-E | 212-E | 204A |
| | 212-E | | 571 | | F-331-A | HK354C | 831 | 831 | | | | 814 |
| | | | | | | HK354D | 861 | 861 | | | | 822 |
| | | | | | | HK354E | | | | | | |
| | | | | | | HK354F | | | | | | |
| 350 | 270-A | | 549 | 250TH | F-100-A | | 849 | 849 | | 949 | 270-A | |
| | 849 | | | 250TL | F-849 | | | | | | | |
| | | | | 300T | | | | | | | | |
| 500 | 251-A | | | 450TL | | 255 | | 833 | | | 251-A | |
| | | | | 450TH | | 854 | | | | | | |
| 750 | 279-A | C-849-A | 551 | 500T | F-121-A | 2054-A | 851 | 851 | | 951 | 279A | |
| | 849-A | C-849-H | | | F-351-A | | | | | | | |
| | 849-H | | | | | | | | | | | |
| | 851 | | | | | | | | | | | |

See footnotes at end of table.



TABLE B.[1]—*Power Rating of Vacuum Tubes for Low-Level Modulation or Last Radio Stage Operating as Linear Power Amplifier*—Continued

| Power rating (watts) | Amperex | Collins | DeForest | Eitel McCullough | Federal Telegraph | Heintz & Kaufman | Hygrade Sylvania | RCA Mfg. Co. | Raytheon Production Cor. | United Electronics | Western Electric | Taylor Tubes, Inc. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 75 | HF-100 | C-203A | 503-A | | F-303-A | 154 | 203-A | 203-A | RK-58 | 303-A | 242A | 203A |
| | 203-A | C-211 | 511 | | F-311-A | | 211 | 211 | | 311 | 242B | 211 |
| | 211 | | 552 | | F-352-A | | 852 | 838 | | 361-A | 242C | 211C |
| | 838 | | 560 | | | | 860 | 850 | | 938 | 260A | |
| | 852 | | | | | | | 852 | | 952 | 261A | |
| | 860 | | | | | | | 860 | | | 284A | |
| | | | | | | | | | | | 295A | |
| 100 | | | | 100TH | F-102-A | 254 | | | RK-36 | | | |
| | | | | 100TL | F-108-A | | | | RK-38 | | | |
| | | | | | | | | | RK-48 | | | |
| 125 | HF-200 | C-200 | | 150-T | F-123-A | | | 803 | RK-57 | 905 | | T-155 |
| | 203-H | C-201 | | | | | | 805 | RK-28A | | | HD-203A |
| | 211-C | C-211-D | | | | | | 810 | | | | |
| | 211-D | | | | | | | | | | | |
| | 211-H | | | | | | | | | | | |
| | 805 | | | | | | | | | | | |
| 250 | 204-A | C-204-A | 504-A | | F-204-A | 354 | 204-A | 204A | RK-63 | 304-A | 212-D | T200 |
| | HF-300 | C-300 | 561 | | F-212-E | HK354A | 212-D | 806 | | 312-E | 212-E | 204A |
| | 212-E | | 571 | | F-331-A | HK354C | 831 | 831 | | | | 814 |
| | | | | | | HK354D | 861 | 861 | | | | 822 |
| | | | | | | HK354E | | | | | | |
| | | | | | | HK354F | | | | | | |
| 350 | 270-A | | 549 | 250TH | F-100-A | | 849 | 849 | | 949 | 270-A | |
| | 849 | | | 250TL | F-849 | | | | | | | |
| | | | | 300T | | | | | | | | |
| 500 | 251-A | | | 450TL | | 255 | | 833 | | | 251-A | |
| | | | | 450TH | | 854 | | | | | | |
| 750 | 279-A | C-849-A | 551 | 500T | F-121-A | 2054-A | 851 | 851 | | 951 | 279A | |
| | 849-A | C-849-H | | | F-351-A | | | | | | | |
| | 849-H | | | | | | | | | | | |
| | 851 | | | | | | | | | | | |
| 1,000 | 276-A | | | 750TL | F-346-A | 2054-A | 846 | 846 | | 946 | 279A | |
| | 846 | | | 750TH | F-346-B | 3054 | | | | | | |
| 1,000 | 228-A | | 520-B | | F-328-A | | 820-B | 1903 | | 928-A | 228A | |
| | 1652 | | 520-M | | F-328-B | | | 1652 | | | | |
| | | | | | F-3652-A | | | | | | | |
| 2,500 | 207 | | 507 | | F-126-A | | 207 | 207 | | 907 | 220-B | |
| | 220-C | | 548 | | F-307-A | | 848 | 848 | | 948 | 220-C | |
| | 863 | | 563 | | F-320-A | | 863 | 863 | | 963 | 343-A | |
| | 892 | | | | F-320-B | | | 892 | | | | |
| | | | | | F-363-A | | | 892R | | | | |
| 5,000 | F-862 | | | | F-862 | | | | | | | |
| | F-338-A | | | | | | | 838 | | | 338-A | |
| 10,000 | F-101-B | | | | F-101-B | | | | | | | |
| | F-110-A | | | | F-110-A | | | | | | | |
| | F-110-X | | | | F-110-X | | | | | | | |
| | F-116-A | | | | F-116-A | | | | | | | |
| | F-332-A | | | | F-332-A | | | | | | | |
| | F-332-B | | | | F-332-B | | | | | | | |
| | F-332-C | | | | F-332-C | | | | | | | |
| | F-339-A | | | | F-339-A | | | | | | | |
| 25,000 | F-117-B | | | | F-117-B | | | | | | | |
| | F-124-A | | | | F-124-A | | | | | | | |
| 40,000 | | | | | | | | 862 | | | 298-A | |
| | | | | | | | | 866 | | | | |
| 100,000 | | | | | | | | | | | 320-A | |

[1] These tables apply only to tube ratings for use in the last radio stage of broadcast transmitters and may not be applicable to any other service.

For an application to the Commission a vacuum tube of a type number and power rating not given in the foregoing tables may be employed in the last radio stage of a broadcast transmitter if the tube has been found to and approved by the Commission the manufacturer's rating of the vacuum tube for the system of modulation or class of service contemplated. These data shall be supplied by the manufacturer. (See section 3.42 and "Requirements for Approval of Power Rating of Vacuum Tubes.")

TABLE B[1]—*Power Rating of Vacuum Tubes for Low-Level Modulation or Last Radio Stage Operating as Linear Power Amplifier*

| Power rating (watts) | Amperex | Collins | DeForest | Eitel McCullough | Federal Telegraph | Heintz & Kaufman | Hygrade Sylvania | RCA Mfg. Co. | Raytheon Production Cor. | United Electronics | Western Electric | Taylor Tubes, Inc. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 25 | | | | | | 154 | | 203A | RK-32 | | 203A | |
| | | | | | | | | | RK-35 | | 211 | |
| | | | | | | | | | RK-37 | | 211C | |
| | | | | | | | | | RK-47 | | 841A | |
| | | | | | | | | | RK-51 | | | |
| 50 | HF-200 | | | | F-123-A | 354 | | 803 | RK-36 | | 242B | HD203-A |
| | 203-H | | | | | | | 810 | RK-38 | | 242C | |
| | 211-H | | | | | | | | RK-47 | | | |
| | 242-C | | | | | | | | RK-48 | | | |
| | | | | | | | | | RK-28A | | | |
| | | | | | | | | | RK-48 | | | |

[1] HK354.

TABLE C.[1]—*Power Rating of Vacuum Tubes for Grid Modulation in the Last Radio Stage (Operating Efficiency 25%)*

| Power rating (watts) | Amperex | Collins | De Forest | Eitel McCullough | Federal Telegraph | Heintz & Kaufman | Hygrade Sylvania | RCA Mfg. Co. | Raytheon Production Cor. | United Electronics | Western Electric | Taylor Tubes, Inc. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 50 | 212-E<br>241-B<br>270-A | | | 250TH<br>250TL | F-212-E | 354<br>HK354<br>A&C | | | RK-63 | | 212-E<br>270-A | |
| 100 | | | | 300T | | 654 | | | | | | |
| 125 | | | | 450TL<br>500T<br>750TL | | 255 | | | | | | |
| 250 | | | | | | 1554 | | | | | | |
| 500 | | | | | | 3054 | | | | | | |

See footnotes, Table A, page 2877.

TABLE D.[1]—*Power Rating of Vacuum Tubes for Grid Modulation in the Last Radio Stage (Operating Efficiency 35%)*

| Power rating (watts) | Amperex | Collins | De Forest | Eitel McCullough | Federal Telegraph | Heintz & Kaufman | Hygrade Sylvania | RCA Mfg. Co. | Raytheon Production Corp. | United Electronics | Western Electric | Taylor Tubes, Inc. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 250 | 849-A<br>849-H | | | | | | | | | | | |
| 1000 | | | | | F-328-A | | | | | | 228-A | |
| 2500 | 892 | | | | F-307-A<br>F-892 | | | | | | | |

See footnotes, Table A, page 2877.

### 9. REQUIREMENTS FOR APPROVAL OF POWER RATING OF VACUUM TUBES

Section 3.42 (c) requires that only vacuum tubes of approved rating be employed in the last radio stages of standard broadcast transmitters and that such approved ratings will be given only upon submission of the ratings by the manufacturer.

These ratings shall be supplied under oath in the following table form:

TABLE (A B C or D)—*Class of Operation*

[State whether for plate modulation in the last radio stage, low level modulation, or grid modulation in the last radio stage. See Section 3.52]

| Type of tube | Epn | Epmn | Ipn | Ipmn | Rp | Ec | Power rating |
|---|---|---|---|---|---|---|---|
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

The value of Epn and Ipn are those values that are recommended by the manufacturers for operation at the power rating specified. The values of Epmn and Ipmn are the maximum continuous operating values that the manufacturers will stand by their guarantee on the tube specified when used in the class of service above set out.

The power ratings given above are to apply when the following conditions and limitations as to operation prevail:

1. The vacuum tubes are to be used in the last radio stage of standard broadcast transmitters.

2. On the broadcast frequencies of 550 to 1600 kilocycles, inclusive.

3. The percentage of amplitude distortion or harmonic generation by the entire transmitter (from microphone terminals to antenna outputs) is not to be over 10 percent at 100 percent modulation. The radio harmonics are not to exceed the amount considered in accordance with good engineering practice. (See Section 3.46 and "Construction, General Operation and Safety of Life Requirements to comply with Section 3.46").

4. The ventilation, cooling, general condition of circuits with respect to tuning, impedance match and maintenance are to be that encountered in the average broadcast station and in accordance with good engineering practice. The operation, general maintenance and adjustments are to be those ordinarily encountered in a broadcast station.

5. The regulation of the power supply is to be that which has been found to exist throughout the United States where broadcast stations are located or may be located.

6. Table A should give the power rating for use in transmitter employing plate modulation in last radio stage under the above specified conditions. See Section 3.52, Table A.

7. Table B should give the rating for use in transmitter employing low level modulation under the above specified conditions. See Section 3.52, Table B.

8. Tables C and D should give the power rating for use in transmitter employing grid modulation in the last radio stage under the above specified conditions and plate efficiencies of 22 and 33 percent, respectively. (Request for approval of ratings for grid modulation in the last radio stage should specify whether the operating efficiency is to be 22 percent or 33 percent. No tube will be approved for both efficiencies. See Section 3.52, Table C.)

9. The operating power of the transmitter is to be determined by Sections 3.51, 3.52, 3.53 and 3.54.

10. Due consideration will be given to the general standard of rating so that tubes manufactured by different firms but having practically the same absolute characteristics will have approximately the same power rating.

11. The power rating should be an even power step as recognized by the Commission's plan of allocation (100 watts, 250 watts, 500 watts, 1,000 watts, 5 kw, 10 kw, 25 kw, 50 kw), or other ratings established in "Power Rating of Vacuum Tubes." If any other rating is desired, it will be necessary to support the request with satisfactory reasons therefor.

### 10. PLATE EFFICIENCY OF LAST RADIO STAGE

Section 3.53 requires that in computing the operating power of standard broadcast stations by the indirect method the efficiency factors specified in Section 3.52 shall apply in all cases and no distinction will be recognized due to the operating power being less than the maximum rated carrier power.[20]

In compliance with this rule standard broadcast stations permitted to determine the operating power by the indirect method in accordance with Section 3.51 (b) and to employ greater daytime power than nighttime power shall maintain the same operating efficiency for both daytime and nighttime operation.[20]

To determine whether this condition obtains, the following procedure should be used:

The apparent antenna resistance should be computed from the daytime (highest power) operating constants and then the nighttime power in the antenna determined from the $I^2R$ using the apparent resistance previously determined. If this computed antenna power agrees with the nighttime operating power determined by the indirect method within plus or minus five percent, the station is considered as complying with the requirement of maintaining the same operating efficiency. In case the antenna current is subject to variation due to weather or other conditions, an attempt should be made to arrive at an average value for the purpose of the computations referred to herein.

[20] See Section 3.52, Table A.

[20] When different last radio stages with different systems of modulation are employed for the two powers, the same principle shall apply, that is, the power shall be determined by the plate input times the proper efficiency factor and the antenna current shall change in proportion to the square root of the change in power within 5 percent.



### 11. OPERATING POWER TOLERANCE

Section 3.57 requires that except in case of emergency beyond the control of the licensee, the operating power of each standard broadcast station shall be maintained within the prescribed limits of the licensed power.

Each station shall be operated at all times as near to the authorized power as practicable. However, in order to provide for variations in the power supply or other factors affecting the operating power which would necessitate continual adjustment to keep the operating power exactly the same as the authorized power, the operating power may be permitted to vary from 5 percent above to 10 percent below the authorized power for periods of short duration.

In addition, to maintaining the operating power within the above limitations, broadcast stations employing directional antenna systems shall maintain the ratio of the antenna currents in the elements of the arrangement within 5 percent of that specified by the terms of the license or other instrument of authorization.

### 12. CONSTRUCTION, GENERAL OPERATION AND SAFETY OF LIFE REQUIREMENTS

Section 3.46 requires that the transmitter proper and associated transmitting equipment of each broadcast station shall be designed, constructed and operated in accordance with the standards of good engineering practice in addition to the specific requirements of the Rules and Regulations of the Commission.

The specifications deemed necessary to meet the requirements of the Rules and Regulations and good engineering practice with respect to design, construction and operation of standard broadcast stations are set forth below. These specifications will be changed from time to time as the state of the art and the need arises for modified or additional specifications.

A. *Design.* The general design of standard broadcast transmitting equipment [main studio microphone (including telephone lines if used as to performance only[21]) to antenna output] shall be in accordance with the following specifications. For the points not specifically covered below, the principles set out shall be followed:

The equipment shall be so designed that:

1. The maximum rated carrier power (determined by Section 3.42) is in accordance with the requirements of Section 3.41.

2. The equipment is capable of satisfactory operation at the authorized operating power or the proposed operating power with modulation of at least 85 to 95 percent with no more distortion than given in (3) below.

3. The total audio frequency distortion from microphone terminals, including microphone amplifier, to antenna output does not exceed 5 percent harmonics (voltage measurements of arithmetical sum or r. s. s.) when modulated from 0 to 84 percent, and not over 7.5 percent harmonics (voltage measurements of arithmetical sum or r. s. s.) when modulating 85 percent to 95 percent (distortion shall be measured with modulating frequencies of 50, 100, 400, 1000, 5000 and 7500 cycles up to tenth harmonic or 16000 cycles or any intermediate frequency that readings on these frequencies indicate is desirable).

4. The audio frequency transmitting characteristics of the equipment from the microphone terminals (including microphone amplifier unless microphone frequency correction is included in which event proper allowance shall be made accordingly) to the antenna output does not depart more than 2 decibels from that at 1000 cycles between 100 and 5000 cycles.

5. The carrier shift (current) at any percentage of modulation does not exceed 5 percent.

6. The carrier hum and extraneous noise (exclusive of microphone and studio noises) level (unweighted r. s. s.) is at least 50 decibels below 100 percent modulation for the frequency band of 150 to 5000 cycles and at least 40 decibels down outside this range.

7. The transmitter shall be equipped with suitable indicating instruments in accordance with the requirements of Section 3.58 and any other instruments necessary for the proper adjustment and operation of the equipment.

8. Adequate provision is made for varying the transmitter power output between sufficient limits to compensate for excessive variations in line voltage, or other factors which may affect the power output.

9. The transmitter is equipped with automatic frequency control equipment capable of maintaining the operating frequency within the limit specified by Section 3.59.

a. The maximum temperature variation[22] at the crystal from the normal operating temperature shall not be greater than:

1. Plus or minus 0.1 degree Centigrade when an X or Y cut crystal is employed, or

2. Plus or minus 1.0 degree Centigrade when low temperature coefficient crystal[23] is employed

b. Unless otherwise authorized, a thermometer shall be installed in such manner that the temperature at the crystal can be accurately measured within 0.05 degree Centigrade for X or Y cut crystal or 0.5 degree for low temperature coefficient crystal.

c. It is preferable that the tank circuit of the oscillator tube be installed in the temperature controlled chamber.

10. Means are provided for connection and continuous operation of approved modulation monitor and approved frequency monitor.

a. The radio frequency energy for operation of the approved frequency monitor shall be obtained from a radio frequency stage prior to the modulated stage unless the monitor is of such design as to permit satisfactory operation when otherwise connected and the monitor circuits shall be such that the carrier is not heterodyned thereby.

11. Adequate margin is provided in all component parts to avoid over-heating at the maximum rated power output.

B. *Construction.* In general, the transmitter shall be constructed either on racks and panels or in totally enclosed frames[24] protected as required by Article 810 of the National Electrical Code,[25] and as set forth below:

1. Means shall be provided for making all tuning adjustments, requiring voltages in excess of 350 volts to be applied to the circuit, from the front of the panels with all access doors closed.

2. Proper bleeder resistors or other automatic means shall be installed across all the condenser banks to remove any charge which may remain after the high voltage circuit is opened (in certain instances the plate circuit of the tubes may provide such protection, however,

[21] In cases where telephone lines are not available to give the performance as required in these specifications a relay transmitter may be authorized to supersede the lines.

[22] Explanations of excessive frequency deviations will not be accepted when temperature variations are in excess of the values specified below.

[23] See "Use of Low Temperature Coefficient Crystal."

[24] The final stages of high power transmitters may be assembled in open frames provided the equipment is enclosed by a protective fence.

[25] The pertinent sections of Article 810 of the National Electrical Code read as follows:

8191. *General.* Transmitters shall comply with the following:

a. *Enclosing.* The transmitter shall be enclosed in a metal frame or grille, or separated from the operating space by a barrier or other equivalent means, all metallic parts of which are effectually connected to ground.

b. *Grounding of controls.* All external metallic handles and controls accessible to the operating personnel shall be effectually grounded. No circuit in excess of 150 volts should have any parts exposed to direct contact. A complete dead-front type of switchboard is preferred.

c. *Interlocks on doors.* All access doors shall be provided with interlocks which will disconnect all voltages in excess of 350 volts when any access door is opened.

individual approval of such shall be obtained by the manufacturer in case of standard equipment and the licensee in case of composite equipment).

3. All plate supply and other high voltage equipment, including transformers, filters, rectifiers and motor generators, shall be protected so as to prevent injury to operating personnel.

a. Commutator guards shall be provided on all high voltage rotating machinery (coupling guards on motor generators, although desirable, are not required).

b. Power equipment and control panels of the transmitter shall meet the above requirements (exposed 220 volt AC switching equipment on the front of the power control panels is not recommended, however, is not prohibited).

c. Power equipment located at a broadcast station but not directly associated with the transmitter (not purchased as part of same), such as power distribution panels, control equipment on indoor or outdoor stations and the sub-stations associated therewith, are not under the jurisdiction of the Commission, therefore, Rule 32.06 does not apply.

d. It is not necessary to protect the equipment in the antenna tuning house and the base of the antenna with screens and interlocks, provided the doors to the tuning house and antenna base are fenced and locked at all times with the keys in the possession of the operator on duty at the transmitter. Ungrounded fencing or wires should be effectively grounded either directly or through proper static leaks. Lighting protection for the antenna system is not specifically required but should be installed.

e. The antenna, antenna lead-in, counterpoise (if used), etc., shall be installed so as not to present a hazard. The antenna may be located close by or at a distance from the transmitter building. A properly designed and terminated transmission line should be used between the transmitter and the antenna when located at a distance.[34]

4. Metering Equipment.[35]

a. All instruments having more than 1000 volts potential to ground on the movement shall be protected by a cage or cover in addition to the regular case—(Some instruments are designed by the manufacturer to operate safely with voltages in excess of 1000 volts on the movement. If it can be shown by the manufacturer's rating that the instrument will operate safely at the applied potential, additional protection is not necessary).

b. In case the plate voltmeter is located on the low potential side of the multiplier resistor with one terminal of the instrument at or less than 1000 volts above ground, no protective case is required. However, it is good practice to protect voltmeters subject to more than 5000 volts with suitable over-voltage protective devices across the instrument terminals in case the winding opens.

c. The antenna ammeters (both regular and remote and any other radio frequency instrument which it is necessary for the operator to read) shall be so installed as to be easily and accurately read without the operator having to risk contact with circuits carrying high potential radio frequency energy.

C. *Wiring and shielding.* 1. The transmitter panels or units shall be wired in accordance with standard switchboard practice, either with insulated leads properly cabled and supported or with rigid bus bar properly insulated and protected.

2. Wiring between units of the transmitter, with the exception of circuits carrying radio frequency energy, shall be installed in conduits or approved fiber or metal raceways to protect it from mechanical injury.

3. Circuits carrying low level radio frequency energy between units shall be either concentric tube, two wire balanced lines or properly shielded to prevent the pickup of modulated radio frequency energy from the output circuits.

4. Each stage (including the oscillator) preceding the modulated stage shall be properly shielded and filtered to prevent unintentional feedback from any circuit following the modulated stage (an exception to this requirement may be made in the case of high level modulated transmitters of approved manufacture which have been properly engineered to prevent reaction).

5. The crystal chamber, together with the conductor or conductors to the oscillator circuit, shall be totally shielded.

6. The monitors and the radio frequency lines to the transmitter shall be thoroughly shielded.

D. *Installation.* 1. The installation shall be made in suitable quarters.

2. Since an operator must be on duty during operation, suitable facilities for his welfare and comfort shall be provided.

E. *Spare tubes.* A spare tube of every type employed in the transmitter and frequency and modulation monitors shall be kept on hand. When more than one tube of any type are employed, the following table determines the number of spares of that type required:

| Number of each type employed: | Spares required |
|---|---|
| 1 or 2 | 1 |
| 3 to 5 | 2 |
| 6 to 8 | 3 |
| 9 or more | 4 |

F. *Operation.* In addition to the specific requirements of the rules governing standard broadcast stations, the following operating requirements shall be observed:

1. The maximum percentage of modulation shall be maintained at as high level as practicable without causing undue audio frequency harmonics which shall not be in excess of 10 percent when operating with 85 percent modulation.

2. Spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at as low a level as practicable at all times in accordance with good engineering practice.

3. In the event interference is caused to other stations by modulating frequencies in excess of 7500 cycles or spurious emissions, including radio frequency harmonics and audio frequency harmonics outside the band plus or minus 7500 cycles of the authorized carrier frequency, the licensee shall install equipment or make adjustments which limit the emissions to within this band or to such an extent above 7500 cycles as to reduce the interference to where it is no longer objectionable.

4. The operating power shall be maintained within the limits of 5 percent above and 10 percent below the authorized operating power and shall be maintained as near as practicable to the authorized operating power.

5. Licensees of broadcast stations employing directional antenna systems shall maintain the ratio of the currents in the elements of the array within 5 percent of that specified by the terms of the license or other instrument of authorization.

6. In case of excessive shift in operating frequency during warm-up periods, the crystal oscillator shall be operated continuously. The automatic temperature control circuits should be operated continuously under all circumstances.

G. *Studio equipment.* The studio equipment shall be subject to all the above requirements where applicable except as follows:

1. If it is properly covered by an underwriter's certificate, it will be considered as satisfying the safety requirements.

2. Section 8191 of Article 810 of the National Electrical Code shall apply for voltages only when in excess of 500 volts.

No specific requirements are made relative to the design and acoustical treatment. However, the studios and particularly the main studio should be in accordance with the standard practice for the class of station concerned, keeping the noise level as low as reasonably possible.

13. INDICATING INSTRUMENTS PURSUANT TO SECTION 3.58

Section 3.58 requires that each standard broadcast station shall be equipped with suitable indicating instruments of accepted accuracy to measure the antenna current, direct plate circuit voltage, and the direct plate circuit current of the last radio stage.

The following requirements and specifications shall apply to indicating instruments used by standard broadcast stations in compliance with this rule:

A. Instruments indicating the plate current or plate voltage of the last radio stage, (linear scale instruments) shall meet the following specifications:

1. Length of scale shall be not less than 2⅗ inches.

2. Accuracy shall be at least two percent of the full scale reading.

3. The maximum rating of the meter shall be such that it does not read off scale during modulation.

4. Scale shall have at least 40 divisions.

5. Full scale reading shall not be greater than five times the minimum normal indication.

B. Instruments indicating the antenna current shall meet the following specifications:

1. Instruments having logarithmic or square law scales.

(a) Shall meet same requirements as 1, 2 and 3 above for linear scale instruments.

(b) Full scale reading shall not be greater than three times the minimum normal indication.

(c) No scale division above one-third full scale reading (in amperes) shall be greater than 1/30 of the full scale reading. (Example: An ammeter meeting requirement (a) above having full scale reading of six amperes is acceptable for reading currents from two to six amperes provided no scale division between two and six amperes is greater than 1/30 of six amperes, 0.2 ampere.)

2. Radio frequency instruments having expanded scales.

(a) Shall meet same requirements as 1, 2 and 3 for linear scale instruments.

(b) Full scale reading shall not be greater than five times the minimum normal indication.

(c) No scale division above 1/5 full scale reading (in amperes) shall be greater than 1/50 of the full scale reading. (Example: An ammeter meeting the requirement (a) above is acceptable for indicating currents from one to five amperes provided no division between one and five amperes is greater than 1/50 of five amperes, 0.1 ampere.)

(d) Manufacturers of instruments of the expanded scale type must submit data to the Commission showing that these instruments have acceptable expanded scales, and the type number of these instruments must include suitable designation.

3. Remote reading antenna ammeters may be employed and the indications logged as the antenna current in accordance with the following:

(a) Remote reading antenna ammeters may be provided by:

1. Inserting second thermocouple directly in the antenna circuit with remote leads to the indicating instrument.

2. Inductive coupling to thermocouple or other device for providing direct current to indicating instrument.

3. Capacity coupling to thermocouple or other device for providing direct current to indicating instrument.

4. Current transformer connected to second thermocouple or other device for providing direct current to indicating instrument.

5. Using transmission line current meter at transmitter as remote reading ammeter. See paragraph (h) below.

6. Using indications of phase monitor for determining the ratio of antenna currents in the case of directional antennas provided the indicating instruments in the unit are connected directly in the current sampling circuits with no other shunt circuits of any nature.

(b) A thermocouple type ammeter meeting the above requirements shall be permanently installed in the antenna circuit. (This thermocouple ammeter may be so connected that it is short circuited or open circuited when not actually being read. If open circuited a make before break switch must be employed.)

(c) The remote ammeter shall be connected at the same point in the antenna circuit as the thermocouple ammeter or shall be so connected and calibrated as to read in amperes within two percent of this meter over the entire range above one-third or one-fifth full scale. See Sections B 1 (c) and B 2 (c) above respectively.

(d) The regular antenna ammeter shall be above the coupling to the remote meter in the antenna circuit so it does not read the current to ground through the remote meter.

(e) All remote meters shall meet the same requirements as the regular antenna ammeter with respect to scale accuracy etc.

(f) Calibration shall be checked against the regular meter at least once a week.

(g) All remote meters shall be provided with shielding or filters as necessary to prevent any feed-back from the antenna to the transmitter.

(h) In the case of shunt excited antennas, the transmission line current meter at the transmitter may be considered as the remote antenna ammeter provided the transmission line is terminated directly into the excitation circuit feed line which shall employ series tuning only (no shunt circuits of any type shall be employed) and insofar as practicable, the type and scale of the transmission line meter should be the same as those of the excitation circuit feed line meter (meter in slant wire feed line or equivalent).

(i) Remote reading antenna ammeters employing vacuum tube rectifier are acceptable provided:

1. The indicating instruments shall meet all the above requirements for linear scale instruments.

2. Data are submitted under oath showing the unit has an overall accuracy of at least 2 percent of the full scale reading.

3. The installation, calibration and checking are in accordance with the above requirements.

(j) In the event there is any question as to the method of providing or the accuracy of the remote meter, the burden of proof of satisfactory performance shall be upon the licensee and the manufacturer of the equipment.

C. Stations determining power by the indirect method may log the transmission line current in lieu of the antenna current provided the instrument meets the above requirements for antenna ammeters, and further provided that the ratio between the transmission line current and the antenna current is entered each time in the log. In case the station is authorized for the same operating power for both day and nighttime operation this ratio shall be checked at least once daily. Stations which are authorized to operate with nighttime power different from the daytime power shall check the ratio for each power at least once daily.

D. No instrument indicating the plate current or plate voltage of the last radio stage, the antenna current or the transmission line current when logged in lieu of the antenna current shall be changed or replaced without written authority of the Commission, except by instruments of the same make, type, maximum scale reading and accuracy. Requests for authority to change an instrument may be made by letter or telegram giving the manufacturer's name, type number, serial number and full scale reading of the proposed instrument and the values of current or voltage the instrument will be employed to indicate. Requests for temporary authority to operate without an instrument or with a substitute instrument may be made by letter or telegram stating the necessity therefor and the period involved.

E. No instrument, the seal of which has been broken, or the accuracy of which is questionable, shall be employed. Any instrument which was not originally sealed by the manufacturer that has been opened shall not be used until it has been recalibrated and sealed in accordance with the following: Repairs and recalibration of instruments shall be made by the manufacturer, by an authorized instrument repair service of the manufacturer or by some other properly

[34] In all cases of new construction where a concentric transmission line used between the transmitter and antenna is buried or cannot be readily opened throughout its entire length for immediate repair in case of failure, such line shall be installed in duplicate with adequate switching facilities for immediate connection of the second line in case of failure of the first line or permanently installed auxiliary facilities such as an auxiliary transmitter and antenna system, auxiliary antenna system or other means whereby operation may be continued in the event of failure of the transmission line. It is also recommended that spare antenna and transmission line ammeters identical with those installed be kept on hand.

[35] In addition to the following requirements, instruments shall meet the requirements of Section 3.58 and "Indicating Instruments Pursuant to Section 3.58."

qualified and equipped instrument repair service. In either case the instrument must be resealed with the symbol or trade mark of the repair service and a certificate of calibration supplied therewith.

F. Since it is usually impractical to measure the actual antenna current of a shunt excited antenna system, the current measured at the input of the excitation circuit feed line is accepted as the antenna current.

G. Recording instruments may be employed in addition to the indicating instruments to record the antenna current and the direct plate current and direct plate voltage of the last radio stage provided that they do not affect the operation of the circuits or accuracy of the indicating instruments. If the records are to be used in any proceedings before the Commission as representation of operation with respect to plate or antenna current and plate voltage only, the accuracy must be the equivalent of the indicating instruments and the calibration shall be checked at such intervals as to insure the retention of the accuracy.

H. The function of each instrument shall be clearly and permanently shown on the instrument itself or on the panel immediately adjacent thereto.

### 14. REQUIREMENTS FOR TYPE APPROVAL OF BROADCAST TRANSMITTERS AND AUTOMATIC FREQUENCY CONTROL EQUIPMENTS

Sections 3.41 to 3.64 govern the design, construction, and technical operation of standard broadcast equipment. In order to facilitate filing of and action on applications for construction permits specifying equipment of standard manufacture, the Commission will approve, as complying with the technical requirements, such equipment by type subject to the following conditions and in accordance with the following procedure:

(a) Approval of equipment by the Commission is only to the effect that insofar as can be determined from the data supplied the equipment complies with the current requirements of good engineering practice and the technical Rules and Regulations of the Commission. The approval may be withdrawn upon subsequent inspection or operation showing the equipment is not as represented or does not comply with the technical Rules and Regulations of the Commission and the requirements of good engineering practice.

(b) Such approval shall not be construed to mean that the equipment will be satisfactory as the state of the art progresses and/or as the Rules and Regulations of the Commission may be changed as deemed advisable.

(c) Applicants specifying equipment of approved manufacture need not submit detailed descriptions and diagrams where the correct type number is specified provided the equipment, including the antenna tuning unit, is identical with that approved.

(d) In passing on equipment, no consideration is given by the Commission to patent rights.

(e) For approval of standard broadcast transmitters, manufacturers shall submit F. C. C. Form 301, completed with respect to all pertinent sections and the data set forth below, both of which shall be verified before a notary public.

1. Photograph or drawings or any other evidence that construction is in accordance with the requirements of good engineering practice.

2. Data and curves showing overall audio frequency response from 30 to 7500 cycles for approximately 25, 50, 85 and 100 (if obtainable) per cent modulation (reference frequency, 1000 cycles).

3. Data on audio frequency harmonics for 25, 50, 85 and 100 per cent modulation for the fundamental frequencies of 50, 100, 400, 1,000, 5,000 and 7,500 cycles (either arithmetical sum or root-sum-square values up to 10th harmonic or 16,000 cycles).

4. Percentage carrier shift (current) for 25, 50, 85 and 100 per cent modulation.

5. Carrier hum and extraneous noise generated within the equipment and measured as the level below 100 per cent modulation throughout audio spectrum or by bands.

6. Percentage of each measurable radio frequency harmonic generated under expected normal operating conditions or in the first installation.

7. How output power is varied to compensate for power supply voltage variations.

8. Data and curves on frequency stability for variations in ambient temperatures over the range encountered in practice.

9. Data and curves on frequency stability for variations in power supply voltage from 85 to 115 per cent normal values.

10. Net sale price.

(f) For approval of automatic frequency control equipment or automatic temperature control chambers, manufacturers shall complete F. C. C. Form 305 with respect to all pertinent sections and the data set forth below, both of which shall be verified before a notary public.

1. Photograph or drawings or any other evidence.

2. Data and curves on frequency stability for variations in ambient temperatures over maximum range encountered in practice.

3. Data and curves on frequency stability for variations in power supply voltage from 85 to 115 per cent normal values.

4. Net sale price.

### 15. REQUIREMENTS FOR APPROVAL OF FREQUENCY MONITORS

Section 3.60 requires that the licensee of each standard broadcast station have in operation at the transmitter a frequency monitor independent of the frequency control of the transmitter. The frequency monitor shall be approved by the Commission and shall have a stability and accuracy at least five parts per million.

*A. General Requirements and Approval*

There are several ways or means by which it can be determined whether the frequency of the omitted carrier wave is within the required limits of the assigned frequency. However, one of the commonest ways is by means of a local piezo oscillator of known frequency producing a beat with the omitted wave used in conjunction with an instrument to indicate the resultant beat frequency. The visual indicator [*] is the only method now in common use by which it is considered that the frequency of the beat may be determined with the required degree of accuracy. Approval of a frequency monitor will be given based upon data taken at the Bureau of Standards. However, the Bureau of Standards does not approve or disapprove the monitor as this is entirely in the hands of the Commission. Any manufacturer desiring to submit a monitor for approval shall supply the Commission with full details. If the specifications appear to meet the requirements, the Commission will request the Bureau of Standards to issue shipping instructions. The cost of tests as well as the shipping charges shall be paid by the manufacturer.

In approving a frequency monitor, based upon the tests at the Bureau of Standards, the Commission merely recognizes that the type of monitor has the inherent capability of functioning in compliance with Section 3.60, if properly constructed, maintained, and operated. The Commission accepts no responsibility beyond this and further realizes that these monitors may have a limited range over which the visual indicator will determine deviations. Accordingly, it is necessary that adjunct quipment be used to determine major deviations."

No change whatsoever will be permitted in the monitors sold under approval number issued by the Commission except when the licensee or the manufacturer is specifically authorized to make such changes.

When it is desired to make any change, either mechanical or electrical, the details shall be submitted to the Commission for its consideration.

Approval is given subject to withdrawal if the unit proves defective in service and can not be relied upon under usual conditions of maintenance and operation encountered in the average standard broadcast station. Withdrawal

[*] In addition to the visual indicator the range of which is necessarily limited in order to obtain the required accuracy, an aural indicator should also be employed to indicate frequency deviations beyond the range of the visual indicator particularly where the visual indicator is so designed that the indication becomes zero when the deviations become considerably greater than the range of the instrument. When it is desired to make any change, either mechanical or electrical, the details shall be submitted to the Commission for its consideration.



of approval means that no further units may be installed by standard broadcast stations for the purpose of complying with Section 3.60, but will not affect units already sold, unless it is found that there has been an unauthorized change in design or construction, or the material or workmanship is defective. All manufacturers of approved frequency monitors shall keep a list of sale numbers of the monitors sold to licensees of standard broadcast stations under the assigned approval number, and shall advise the Commission upon shipment of the monitor to the standard broadcast station.

*B. General Specifications*

The general specifications that frequency monitors shall meet before they will be approved by the Commission are as follows:

1. The unit shall have an accuracy of at least five parts per million under ordinary conditions (temperature, humidity, power supply, and other conditions which may affect its accuracy) encountered in standard broadcast stations throughout the United States.

2. The range of the indicating device shall be at least from fifty cycles below to fifty cycles above the assigned frequency.

3. The scale of the indicating device shall be so calibrated as to be accurately read within at least one cycle.

4. The unit shall be equipped with an automatic temperature control chamber (preferably enclosing the tank circuits of the oscillator) such that the maximum temperature variation at the crystal from the normal operating temperature shall not be greater than,

(a) Plus or minus 0.05° Centigrade when *X* or *Y* cut crystal is employed, or

(b) Plus or minus 0.5° Centigrade when low temperature coefficient crystal is employed.

5. Unless otherwise specifically authorized the instrument shall be equipped with a thermometer such that the temperature can be accurately measured within 0.025° Centigrade for *X* or *Y* cut crystal or 0.25° Centigrade for low temperature coefficient crystal.

6. The monitor circuit shall be such that it may be continuously operated and the omitted carrier of the station is not heterodyned thereby.

7. Means shall be provided for adjustment of the temperature or other means for correction of the indications of the monitor to agree with the external standard.

*C. Tests to be made by the Bureau of Standards*

The tests to be made at the Bureau of Standards will include the determination of the following:

1. *Accuracy.* (a) Oscillator frequency, as received.

(b) Constancy of oscillator frequency, as measured several times in one month.

(c) Accuracy of readings of frequency-difference instrument.

(d) Functioning of frequency adjustment device.

(e) Effects on frequency of changing tubes and of voltage variations.

2. *Temperature control stability.* (a) Effect on frequency of variation of room temperature through a range not to exceed 10° to 35° C.

3. *Sensitivity.* (a) Response of indicating instrument to small changes of frequency.

4. *General construction.* (a) Inspection to determine ability to stand shipment and service.

(b) Special tests to determine quality of construction, such as effect of tilting or tipping on frequency.

5. *Miscellaneous performance.* (a) Various, depending on character of apparatus (e. g., changes after stopping and starting, effect of varying coupling with transmitter, etc.)

The equipment will be operated in a test in the same way and the same conditions under which it will be used in service as specified by the manufacturer. The manufacturer shall supply to the Bureau of Standards all instructions or services which will be supplied to the purchaser of the equipment. The equipment, as submitted, shall be adjusted for operation in connection with broadcast stations operating on 1600 kilocycles.

### 16. REQUIREMENTS FOR APPROVAL OF MODULATION MONITORS

Section 3.55 (b) requires all broadcast stations to have in operation a modulation monitor approved by the Commission and Section 3.55 (d) states that the Commission will from time to time publish the specifications, requirements and list of approved modulation monitors. The specifications and requirements for approval are set out below. For a list of approved modulation monitors, attention is invited to Commission release "List of Approved Modulation Monitors."

Approval will be given based on the test data taken at the Bureau of Standards. However, the Bureau of Standards does not approve or disapprove the monitor as this is entirely in the hands of the Commission. Any manufacturer desiring to submit a monitor for approval shall supply the Commission with full details and if the specifications appear to meet the requirements, the Commission will request the Bureau of Standards to issue shipping instructions. The cost of tests, as well as the shipping charge, shall be paid by the manufacturer.

The specifications that the modulation monitor shall meet before it will be approved by the Commission are as follows:

1. A DC meter for setting the average rectified carrier at a specific value and to indicate changes in carrier intensity during modulation.

2. A peak indicating light or similar device that can be set at any predetermined value from 50 to 120 percent modulation to indicate on positive peaks, and/or from 50 to 100 percent negative modulation.

3. A semi-peak indicator with a meter having the characteristics given below shall be used with a circuit such that peaks of modulation of duration between 40 and 90 milliseconds are indicated to 90 percent of full value and the discharge rate adjusted so that the pointer returns from full reading to 10 percent of zero within 500 to 800 milliseconds. A switch shall be provided so that this meter will read either positive or negative modulation and, if desired, in the center position it may read both in a full-wave circuit.

The characteristics of the indicating meter are as follows:

Speed—The time for one complete oscillation of the pointer shall be 290 to 350 milliseconds. The damping factor shall be between 16 and 200. The useful scale length shall be at least 2.3 inches. The meter shall be calibrated for modulation from 0 to 110 percent and in decibels below 100 percent with 100 percent being 0 DB.

The accuracy of the reading on percentage of modulation shall be ±2 percent for 100 percent modulation, and ±4 percent of full scale reading at any other percentage of modulation.

4. The frequency characteristics curve shall not depart from a straight line more than ±½ DB from 30 to 10,000 cycles. The amplitude distortion or generation of audio harmonics shall be kept to a minimum.

5. The modulation meter shall be equipped with appropriate terminals so that an external peak counter can be readily connected.

6. Modulation will be tested at 115 volts ±5 percent and 60 cycles, and the above accuracies shall be applicable under these conditions.

7. All specifications not already covered above, and the general design, construction, and operation of these units must be in accordance with good engineering practice.

### 17. USE OF LOW TEMPERATURE COEFFICIENT CRYSTALS BY BROADCAST STATIONS

Section 3.62 requires that authority from the Commission shall be obtained before installing new automatic frequency control equipment or making changes in existing automatic frequency control equipment that may affect the precision of the frequency control. Therefore, licensees of standard broadcast stations desiring to install crystals of the low temperature coefficient type must obtain authorization therefor from the Commission. Requests for such authority may be made by letter specifying the manufacturer's name (see list of

manufacturers of approved crystals below) and the guaranteed temperature coefficient and accuracy of calibration.

Use of a properly ground low temperature coefficient crystal normally materially increases the frequency stability, particularly where the equipment is subject to wide variations in ambient temperature. Where a crystal of this type is installed in the automatic frequency control unit but not in the approved frequency monitor, the stability of the control unit becomes considerably better than that of the monitor and unless care is exercised in making frequency adjustments, off frequency operation may occur. Therefore, it is recommended that when the crystal in the frequency control unit is changed to one of the low temperature coefficient type, a crystal of equal or better temperature coefficient and accuracy be installed in the monitor, authority for which may be requested by letter in the same manner as for installation in the automatic frequency control unit.

Manufacturers desiring approval of crystals of the low temperature coefficient type must submit under oath data on several such typical crystals manufactured by them showing that the temperature coefficient is not in excess of three parts per million per degree Centigrade, and further affirming that no crystal of this type having a temperature coefficient in excess of this value will be supplied to any broadcast station and that all crystals so supplied will be ground to within five parts per million of the assigned frequency of the station for the normal operating temperature specified.

*Manufacturers of Low Temperature Coefficient Crystals Which Have Been Accepted by the Commission*

Bellefonte Eng. Labs., Bellefonte, Pa.
Premier Crystal Labs. Inc., 53–63 Park Row, New York City.
RCA Mfg. Co., Camden, New Jersey.
Precision Piezo Service, Baton Rouge, La.
Scientific Research Laboratories, Hyattsville, Md.
Commercial Radio Equipment Co., 216 E. 74th Street, Kansas City, Missouri.
Hollister Crystal Co., Merriam, Kansas.
Piezo Electric Laboratories, New Dorp, New York.
Collins Radio Co., Cedar Rapids, Ia.
Western Electric Co., New York, N. Y.
William W. L. Burnett, San Diego, Calif.
American Piezo Supply Co., Kansas City, Mo.
Bliley Electric Co., Union Station Bldg., Erie, Pennsylvania.
Hipower Crystal Co., 2035 W. Charleston Street, Chicago, Illinois.
Precision Crystal Laboratories, P. O. Box 326, Springfield, Massachusetts.

18. MONEY REQUIRED TO CONSTRUCT AND COMPLETE ELECTRICAL TESTS OF STATIONS OF DIFFERENT CLASSES AND POWERS

Section 3.24 (c) requires that an applicant for a standard broadcast station show that it is financially qualified to construct and operate the proposed station.

It is considered that the money specified below is required to construct and complete electrical tests of a new standard broadcast station of the class and power indicated, in accordance with the requirements of the Rules and Regulations of the Commission and good engineering practice.

| Power and class of station: | Money required |
|---|---|
| 100 Watts, Class IV | $6,500 |
| 250 Watts, Class IV | 8,500 |
| 250 Watts, Class II | 10,000 |
| 500 Watts, Class II or III | 22,500 |
| 1,000 Watts, Class II or III | 25,000 |
| 5 kw, Class II or III | 40,000 |
| 10 kw, Class I or II | 65,000 |
| 25 kw, Class I or II | 175,000 |
| 50 kw, Class I or II | 200,000 |

Attention is invited to the fact that the above figures are considered the minimum required for satisfactory installation, including the transmitter, antenna system, monitoring equipment and equipment for one large and one small studio of average dimensions and equipment including microphones, speech input equipment, and usual acoustical treatment, but exclusive of the cost of land and buildings and organization and development costs in more elaborate installations including directional antenna would increase the cost accordingly.

19. USE OF COMMON ANTENNA BY STANDARD BROADCAST STATIONS OR ANOTHER RADIO STATION

Section 3.45 (e) permits the simultaneous use of the same antenna or antenna structure by two standard broadcast stations or a standard broadcast station and a station of another service or class only when both are licensed to the same licensee.

Such simultaneous use may be authorized to the same licensee provided:

1. Complete verified engineering data are submitted showing that satisfactory operation of each station will be obtained without adversely affecting the operation of the other station.

2. The requirements of Section 3.45 (a) and (b) are met with respect to the minimum antenna height or field intensity for each standard broadcast station concerned.

20. USE OF FREQUENCY AND MODULATION MONITORS AT AUXILIARY BROADCAST TRANSMITTERS

Sections 3.60 and 3.55 (b) require that each standard broadcast station have approved frequency and modulation monitors in operation at the transmitter.

The following shall govern the installation of approved *frequency* and *modulation* monitors at auxiliary transmitters of standard broadcast stations in compliance with these rules:

In case the auxiliary transmitter location is at a site different from that of the main transmitter, an approved *frequency* monitor shall be installed at the auxiliary transmitter except when the frequency of the auxiliary transmitter can be monitored by means of the frequency monitor at the main transmitter.

The licensee will be held strictly responsible for any frequency deviation of the auxiliary transmitter in excess of fifty cycles from the assigned frequency, even though exempted by the above from installing an approved frequency monitor. Furthermore, whenever the auxiliary transmitter is operated without a frequency monitor under this exemption, it shall be monitored by means of the frequency monitor at the main transmitter.

Installation of an approved *modulation* monitor at the location of the auxiliary transmitter, when different from that of the main transmitter, is optional with the licensee. However, when it is necessary to operate the auxiliary transmitter beyond two calendar days, a modulation monitor shall be installed and operated at the auxiliary transmitter. The monitor (if taken from the main transmitter) shall be reinstalled at the main transmitter immediately upon resumption of operation of the *main transmitter*.

In all cases where the auxiliary transmitter and the main transmitter have the same location, the same frequency and modulation monitors may be used for monitoring both transmitters, provided they are so arranged as to be readily switched from one transmitter to the other.

Standard broadcast stations not complying with these requirements cannot be considered as operating in compliance with the rules governing such operation.

21. APPROVED FREQUENCY MONITORS

Section 3.60 requires that each standard broadcast station shall have in operation at the transmitter an approved frequency monitor [*] independent of the frequency control of the transmitter.

The following frequency monitors have been approved as in compliance with the specifications issued pursuant to Section 3.60:

[*] These monitors have a limited range over which the visual indicator will operate and accordingly it is necessary that auxiliary aural means be provided in conjunction with the monitor to indicate deviations, if considerably in excess of 50 cycles, such as may occur because of defective transmitting apparatus or other causes. In approving the monitors the Commission expects that this auxiliary equipment will be used by all broadcast licensees and will not accept as satisfactory explanations of any frequency deviation which may occur simply on the basis that it was not indicated by the monitor.



| Manufacturer's name | Type | Approval No. |
|---|---|---|
| DeForest Radio Company. | A B M – 106, Model A. | 1451 |
| General Radio Company. | Oscillator, Type 475–A or B. | 1452 |
| | Deviation Meter, Type 681. | |
| | Quartz Plate, Type 376–J or L. | |
| Western Electric Company. | 1–A | 1453 |
| | Oscillator, 700–A modified. | |
| RCA Victor Company | EX–4180 | 1454 |
| Doolittle and Falknor, Inc. | FD–1 | 1455 |
| Bremer Broadcasting Corp. | A | 1456 |
| H. O. Boehme, Inc. | 5–M | 1456 |
| International Broadcasting Equipment Company. | Type 60 | 1457 |
| Piezo Electric Laboratories. | PM–125–A | 1458 |
| Pillar of Fire | A | 1459 |
| Hygrade Sylvania Corporation. | Model 30 J | 1460 |

22. APPROVED MODULATION MONITORS AND LOGGING OF INDICATIONS

Section 3.55 (b) requires that each standard broadcast station shall have an approved modulation monitor in operation at the transmitter.

The following modulation monitors have been approved as in compliance with the specifications issued pursuant to Section 3.55 (d):

| Manufacturer's name | Type No. | Approval No. |
|---|---|---|
| General Radio Company | 731–A | 1551 |
| RCA Manufacturing Company | 66–A | 1552 |
| RCA Manufacturing Company | 66–B | 1553 |

23. APPROVED EQUIPMENT

Sections 3.41 to 3.64 govern the design, construction, and technical operation of standard broadcast equipment. There is listed below the equipments which have been approved as in compliance with these rules in accordance with the provisions of "Requirements for Type Approval of Broadcast Transmitters and Automatic Frequency Control Equipment."

American Piezo Supply Company, 40th & Woodland Ave., Kansas City, Mo.:

Type No. C–X–1, Automatic Frequency Control Unit.
Type No. C–X–1–P, Automatic Frequency Control Unit with Power Supply.
Type No. C–X–7–C, Automatic Frequency Control Unit.

American Sales Company, 44 W. 18th St., New York City:

Catalogue No. 601, 50 watt Broadcast Transmitter (includes REL Cat. No. 285 AFCU).

Bliley Electric Company, 203 Union Station Building, Erie, Pa.:

Type No. BC 46, Automatic Temperature Control Unit.

Collins Radio Company, Cedar Rapids, Iowa:

Type No. 10L, Automatic Frequency Control Unit.
Type No. 10S, Automatic Frequency Control Unit.
Type No. 10S–1, Automatic Frequency Control Unit.
Type No. 20A, 500-watt Broadcast Transmitter.
Type No. 20C, 1,000-watt Broadcast Transmitter.
Type No. 20C–1, 1,000-watt Broadcast Transmitter.
Type No. 20C–2, 1,000-watt Broadcast Transmitter.
Type No. 20D, 1,000-watt Broadcast Transmitter.
Type No. 20E, 1,000-watt Broadcast Transmitter.
Type No. 20H, 1,000-watt Broadcast Transmitter.
Type No. 20J, 1,000-watt Broadcast Transmitter.
Type No. 21C, 5,000-watt Broadcast Transmitter.
Type No. 21D, 5,000-watt Broadcast Transmitter.
Type No. 40A, Automatic Frequency Control Unit.
Type No. 40A–1, Automatic Frequency Control Unit.
Type No. 40C, Automatic Frequency Control Unit.
Type No. 40D, Automatic Frequency Control Unit.
Type No. 300B–100w, 100-watt Broadcast Transmitter.
Type No. 300B–250w, 250-watt Broadcast Transmitter.
Type No. 300C, 250-watt Broadcast Transmitter.
Type No. 300C–1, 250-watt Broadcast Transmitter.
Type No. 300D, 100-watt Broadcast Transmitter.
Type No. 300D–1, 100-watt Broadcast Transmitter.
Type No. 300D–2, 100-watt Broadcast Transmitter.
Type No. 300D–3, 100-watt Broadcast Transmitter.
Type No. 300E, 100-watt Broadcast Transmitter.
Type No. 300F, 250-watt Broadcast Transmitter.

Commercial Radio Equipment Company, 7205 Baltimore St., Kansas City, Mo.:

Type No. FC–2, Automatic Frequency Control Unit.

DeForest Radio Company (Now owned by RCA Victor Co., Inc., Camden, N. J.):

Type No. ABM 104, automatic Frequency Control Unit Model B.
Type No. 107–A, 50-watt Broadcast Transmitter Model TBM 104.
Type No. 107–B, 100-watt Broadcast Transmitter Model TBM 105.
Type No. 109–C, 250-watt Broadcast Transmitter.
Type No. 104–A, 500-watt Broadcast Transmitter.
Type No. 116–A, 1,000-watt Broadcast Transmitter.
Type No. 105–B, 5,000-watt Broadcast Transmitter.

Doolittle and Falknor Inc., 1306 W. 74th St., Chicago, Ill.:

Type No. OB–1, Automatic Frequency Control Oscillator and Amplifier Unit (includes Type 1–B ATCC).
Type No. OB–2, Automatic Frequency Control Unit (includes Type 1–B ATCC).
Type No. OB–5, Automatic Frequency Control Unit (includes Type TC–1 ATCU).
Type No. TC–1, Automatic Temperature Control Unit (includes Type 2–A ATCC).
Type No. 100–B, 100-watt Broadcast Transmitter (includes Type OB–2 or OB–5 AFCU).
Type No. 250–B, 250-watt Broadcast Transmitter (includes Type OB–2 or OB–5 AFCU).

Gates American Corp., Quincy, Illinois:

Type No. 25–A, Automatic Frequency Control Unit.
Type No. 100–A, 100-watt Broadcast Transmitter.
Type No. 250–A, 250-watt Broadcast Transmitter.

Hygrade Sylvania Corp., Electronics Dept., Clifton, N. J.:

Type No. 120–A, 100-watt Broadcast Transmitter (only one built for WNRA).
Type No. 121–A, 100-watt Broadcast Transmitter.
Type No. 162–A, 250-watt Broadcast Transmitter.
Type No. 190–A, 500-watt Broadcast Transmitter.
Type No. 210–A, 750-watt Broadcast Transmitter (Rated 500 watt for Broadcast Service).
Type No. 241–A, 1-kw Broadcast Transmitter.
Type No. 260–A, 5-kw Broadcast Transmitter.
Type No. 270–A, 10-kw Broadcast Transmitter.

International Broadcasting Equipment Co., 312 W. 51st Street, Chicago, Illinois:

Type No. 6–B, Automatic Frequency Control Unit (for use WE equipment).
Type No. 52–A, Automatic Frequency Control Unit.
Type No. 52–B, Automatic Frequency Control Unit.
Type No. 100–250–38, 250-watt Broadcast Transmitter.

Kluge Radio Company, 1041 North Bonnie Brae, Los Angeles, Calif. (formerly National Broadcasting Equipment Co., Scottsbluff, Nebr.):

Type No. 4–B, 100-watt Broadcast Transmitter.
Type No. 4–C, 250-watt Broadcast Transmitter.

Type No. 4–D, 100-watt Broadcast Transmitter.

Piezoelectric Laboratories, 612 Rockland Ave., New Dorp, N. Y.:

Type No. TC–210, Automatic Temperature Control Oven and Relay Unit.
Type No. TC–350, Automatic Temperature Control Oven and Relay Unit.
Type No. OB–10, Oscillator and Amplifier Unit (Oscillator and first buffer, no ATCU or crystal).
Type No. OB–20, Amplifier Unit (second buffer).

Precision Piezo Service, 427 Asia St., Baton Rouge, La.:

Type No. 50–M, Automatic Temperature Control Unit.

Premier Crystal Laboratories, Inc., 53–63 Park Row, New York, N. Y.:

Type No. 350–A, Automatic Frequency Control Unit.

RCA Victor Inc., Camden, New Jersey:

Type No. EX–4170, Automatic Frequency Control Unit.
Type No. UL–4252–A, Automatic Frequency Control Unit.
Type No. UL–4252–X, Automatic Frequency Control Unit.
Type No. UL–4292, Automatic Frequency Control Unit.
Type No. OA–1A, Automatic Frequency Control Unit.
Type No. OA–1B, Automatic Frequency Control Unit.
Type No. 100–E, 100-watt Broadcast Transmitter.
Type No. 100–G, 100-watt Broadcast Transmitter.
Type No. 100–H, 100-watt Broadcast Transmitter.
Type No. 100–W, 100-watt Broadcast Transmitter.
Type No. 250–D, 250-watt Broadcast Transmitter.
Type No. 250–E, 250-watt Broadcast Transmitter.
Type No. 250–F, 250-watt Broadcast Exciter Unit.
Type No. 250–G, 250-watt Broadcast Transmitter.
Type No. 250–W, 100/250-watt Broadcast Transmitter.
Type No. ET–4230, 100-watt Broadcast Transmitter.
Type No. ET–4240, 100-watt Broadcast Transmitter.
Type No. ET–4240–A, 100-watt Broadcast Transmitter.
Type No. ET–4250, 250-watt Broadcast Transmitter.
Type No. ET–4250–A, 250-watt Broadcast Transmitter.
Type No. 1001–C, 500/1,000-watt Broadcast Transmitter (NG 250 watts).
Type No. 1001–D (1–D), 500- and 1,000-watt Broadcast Transmitter.
Type No. ET–4251AA, 1-kw. Amplifier Unit.
Type No. AA–4251, 1-kw. Power Amplifier and Modulator Unit (added to Type ET–4250 makes Type 1001–D.)
Type No. 1–D–A, 500-watt Broadcast Transmitter (modified for 500 watts).
Type No. 1–D–A, 1,000-watt Broadcast Transmitter.
Type No. 1–D–B, 1,000-watt Broadcast Transmitter.
Type No. 1–E–A, 1,000-watt Broadcast Transmitter.
Type No. 1–G, 1,000-watt Broadcast Transmitter.
Type No. 1005–B, 5-kw Broadcast Transmitter.
Type No. 1005–C (5–C), 5-kw Broadcast Transmitter.
Type No. 5–C–1, 5-kw Broadcast Transmitter.
Type No. 5–C–B, 5-kw Broadcast Transmitter.
Type No. 5–D, 5-kw Broadcast Transmitter.
Type No. 5–D–1, 5-kw Broadcast Transmitter.
Type No. 5–D–2, 5-kw Broadcast Transmitter.
Type No. 5–DX, 5-kw Broadcast Transmitter.
Type No. A–10–A, 10-kw Power Amplifier.
Type No. 10–C, 10-kw Broadcast Transmitter.
Type No. 10–C–A, 10-kw Broadcast Transmitter.
Type No. 10–C–B, 10-kw Broadcast Transmitter.
Type No. 10–D, 10-kw Broadcast Transmitter.
Type No. 1050–B, 50-kw Broadcast Transmitter.
Type No. 50–C, 50-kw Power Amplifier.
Type No. 50–D, 50-kw Power Amplifier.
Type No. 50–C, 50-kw Broadcast Transmitter.
Type No. 50–D, 50-kw Broadcast Transmitter.
Type No. 500–A, 500-kw Power Amplifier and Modulator Unit.

Radio Engineering Laboratories Inc., 100 Wilbur Ave., Long Island City, N. Y.:

Catalogue No. 285, Automatic Frequency Control Unit.
Catalogue No. 256, 100-watt Broadcast Transmitter.

R. C. Powell & Co. Inc. (No longer in business.)

Type No. 3–K, Automatic Temperature Control Chamber.
Type No. 1–K, Automatic Frequency Control Unit.
Type No. 43–B, 100-watt Broadcast Transmitter.
Type No. 21–K, 250-watt Broadcast Transmitter.
Type No. 8–K, 1,000-watt Broadcast Transmitter.

D. V. Tostenson, Moorhead, Minn.:

Type No. 1–C, Automatic Frequency Control Unit.
Type No. 2–C, Automatic Frequency Control Unit.
Type No. 3–B, Automatic Temperature Control Chamber.
Type No. 101–B, 100-watt Broadcast Transmitter.
Type No. 250–B, 250-watt Broadcast Transmitter.

Western Electric Company, 195 Broadway, New York City:

Type No. 700–A, Automatic Frequency Control Unit.
Type No. 700–B, Automatic Frequency Control Unit.
Type No. 702–A, Automatic Frequency Control Unit.
Type No. D–90684, Automatic Frequency Control Unit.
Type No. 20–A, 100/250-watt Broadcast Transmitter.
Type No. 301–A, 100-watt Broadcast Transmitter.
Type No. 12–A, former code number.
Type No. 302–A, 250-watt Broadcast Transmitter.
Type No. 303–A, 500-watt Broadcast Transmitter.
Type No. 304–A, 1-kw. Broadcast Transmitter.
Type No. 301–B, 100-watt Broadcast Transmitter.
Type No. 12–B, former code number.
Type No. 302–B, 250-watt Broadcast Transmitter.
Type No. 303–B, 500-watt Broadcast Transmitter.
Type No. 304–B, 1-kw Broadcast Transmitter.
Type No. 302–C, 250-watt Broadcast Transmitter.
Type No. 303–C, 500-watt Broadcast Transmitter.
Type No. 304–C, 1,000-watt Broadcast Transmitter.
Type No. 306–A, 50-kw Broadcast Transmitter.
Type No. 306–B, 50-kw Broadcast Transmitter.
Type No. 310–A, 100-watt Broadcast Transmitter.
Type No. 310–B, 250-watt Broadcast Transmitter.
Type No. 310–C, 500-watt Broadcast Transmitter.
Type No. 310–D, 1,000-watt Broadcast Transmitter.
Type No. 350C–1, 100-watt Broadcast Transmitter.
Type No. 351E–1, 250-watt Broadcast Transmitter.
Type No. 352E–1, 500-watt Broadcast Transmitter.
Type No. 353A–1, 1-kw Broadcast Transmitter.
Type No. 353B–1, 1-kw Broadcast Transmitter.
Type No. 353C–1, 1-kw Broadcast Transmitter.
Type No. 353D–1, 1-kw Broadcast Transmitter.
Type No. 353E–1, 1-kw Broadcast Transmitter.
Type No. 355B–1, 5-kw Broadcast Transmitter (Type No. 301B transmitter with D–97088 amplifier).
Type No. 355D–1, 5-kw Broadcast Transmitter (Former Type No. 5-kw AC).



Type No. 355E–1, 5-kw Broadcast Transmitter.
Type No. 403A–1, 1-kw Broadcast Transmitter.
Type No. 405A–1, 5-kw Broadcast Transmitter.
Type No. 405B–1, 5-kw Broadcast Transmitter.
Type No. 406A–1, 10-kw Broadcast Transmitter.
Type No. 407–A–1, 50-kw Broadcast Transmitter.
Type No. 407–A–2, 50-kw Broadcast Transmitter.
Type No. 407–A–3, 50-kw Broadcast Transmitter.
Type No. 407–A–4, 50-kw Broadcast Transmitter.
Type No. D94989, 5-kw Broadcast Transmitter.
Type No. D–94990, 5-kw Broadcast Transmitter.
Type No. D–94991, 5-kw Broadcast Transmitter.
Type No. D–94992, 5-kw Broadcast Transmitter.
Type No. D–94993, 1-kw Broadcast Transmitter.
Type No. D–94994, 1-kw Broadcast Transmitter.
Type No. D–94995, 50-kw Broadcast Transmitter.
Type No. D–96020, 1-kw Broadcast Transmitter.
Type No. D–96021, 1-kw Broadcast Transmitter.
Type No. D–97088, 5-kw Power Amplifier (may be used with 301–A or B, 302–A or B, 303–A or B or 304–A or B).
Type No. D–97088, Modified for 2½ kw Broadcast Transmitter.
Type No. D–96847, 5-kw Broadcast Transmitter.
Type No. D–96847, Modified 2½-kw Broadcast Transmitter.

Western Radio Engineering Company Inc., 5th and St. Peter St., St. Paul, Minn.:

Type No. F–100–A, Automatic Frequency Control Unit.

### 24. STANDARD BROADCAST APPLICATION FORMS

The Communications Act of 1934, as amended, and the Rules and Regulations of the Commission require that an application be made to the Commission for various authorizations. In order to be of aid to applicants there is set out below the correct forms to be submitted in making application for various authorizations applicable to standard broadcast stations.

In general, these forms shall be completed in full, answering each specific section. The only exception is in the technical sections when in the case of standard equipment which has been approved by type number by the Commission or when no change in such equipment is involved, in which cases, the manufacturer's name and type number of the approved equipment may be stated, or should be answered "no change" in each section applicable. All applications involving actual operation, such as license to cover construction permit, renewal of license, etc., shall be completed in full, regardless of whether such information has been previously filed with the Commission.

F. C. C. Form 301—Application for Standard Broadcast Station, Construction Permit or Modification Thereof shall be used for all applications for authority:

(1) To erect a new standard broadcast station.
(2) For any change in assignment involving construction as listed in (3) to (9) below:
(3) To install new transmitter.
(4) To make changes in existing equipment with respect to system of modulation.
(5) To change type of vacuum tubes in the last radio stage except to tubes of the same rating in accordance with Release "Power Rating of Vacuum Tubes."
(6) To change number of vacuum tubes in the last radio stage.
(7) To make any other change affecting the maximum-rated carrier power or type number of equipment.
(8) To change location of an existing transmitter or for approval of location previously authorized to be determined subject to Commission approval.
(9) To install directional antenna system.
(10) For modification of any outstanding construction permit which has not been covered by license.

F. C. C. Form 302—Application for Standard Broadcast Station License shall be used for all applications for license:

(1) To cover construction permit.
(2) To use the former main transmitter as the auxiliary transmitter when no new construction is involved.
(3) For regular authorization covering special experimental authorization.

F. C. C. Form 303—Application for Renewal of Standard Broadcast Station License shall be used for all applications for renewal of regular licenses of all standard broadcast stations.

F. C. C. Form 304—Application for Modification of Standard Broadcast Station License shall be used for all applications for modification of any term of an existing regular license of a standard broadcast station where a construction permit is not required:

(1) Change of frequency.
(2) Change of power where the equipment at present installed is capable of satisfactory operation at the proposed power.
(3) Change of time of operation.
(4) Change of location of main studio. (See Rule 31.11.)
(5) Change name of licensee where no change of ownership is involved.

F. C. C. Form 305—Application for Authorization to Install Automatic Frequency Control shall be used in making application for authority:

(1) To install new automatic frequency control equipment.
(2) To install new automatic temperature control chamber.
(3) Any other change affecting the accuracy or stability of the operating frequency of a standard broadcast station where an application for construction permit as above listed is not required.

F. C. C. Form 306—Application to Determine Operating Power of Broadcast Station by Direct Measurement of Antenna Power shall be used in making all applications for authority to determine power by the direct method.

F. C. C. Form 307—Application for Standard Broadcast Station Experimental Authorization or Extension Thereof shall be used in making application for—

(1) Any special experimental authorization under Rule 31.12.
(2) Any extension thereof.

NOTE: Attention is invited to Note 2 of F. C. C. Form 307 which reads: "Give detailed description by completing F. C. C. Forms 301, Sections 17, 18, 19 and 20, or 305, Sections 6 and 7, and any other form if more complete engineering description of proposed equipment can be given thereby."

F. C. C. Form 308—Application for Permit to Locate, Maintain or use Studio Apparatus for Production of Programs to be Transmitted or Delivered to Foreign Radio Stations shall be used in making application for all authorizations under Section 325 (b) of the Communications Act of 1934.

F. C. C. Form 327—Supplemental Statement of Facts Required under Section 308 of the Communications Act of 1934 regarding Station Equipment shall be submitted:

(1) Upon change of frequency authorized by modification of license or special experimental authorization.
(2) With all applications for license to cover construction permits made on F. C. C. Form 302 of issue prior to August 25, 1936.

NOTE: The information required under Sections (e), (f), (g) and (h) shall be obtained from operation during the experimental period and no operation shall occur during the regular broadcast day until the Commission has approved this information, which may be submitted by telegram, provided, F. C. C. Form 327, properly completed and executed, has been deposited in the United States mail and the telegram so states.

F. C. C. Form 701—Application for Additional Time to Construct a Radio Station shall be submitted for all extensions of commencement and/or completion dates of construction permits.

F. C. C. Form 314—Application for Consent to Assignment of Radio Station Construction Permit or License shall be used in all such cases in accordance with Rule 15.14.

F. C. C. Form 315—Application for Consent to Transfer of Control of Corporation Holding Construction Permit or Station License shall be used in all such cases in accordance with Rule 15.14.

F. C. C. Form 316—Inventory of Station Property shall be submitted with and as part of F. C. C. Forms 314 and 315 in accordance with requirements of Rule 15.14.

F. C. C. Form 705—Profit and Loss Statement shall be submitted with F. C. C. Forms 314 and 315 in accordance with the requirements of Rule 15.14.

F. C. C. Form 706—Balance Sheet shall be submitted with applications:

(1) For Construction Permit for a new Broadcast Station.

(2) For substantial changes for Existing Station.

(3) For consent to Assignment of Radio Station Construction Permit or License by

(a) the Assignor and
(b) the Assignee

(4) For Consent to Transfer of Control of a Licensed Corporation by

(a) the Licensed Corporation and
(b) the Transferee

Informal requests (letters or telegrams) may be filed for requests:

(a) To operate additional time.

(b) To discontinue operation or services not covered by Rule 34.01.

(c) To operate with additional power.

(d) To operate with reduced power not covered by Rule 33.10.

(e) To operate for test purposes (to determine site, etc.).

(f) To rebroadcast programs of stations of other classes.

(g) Other special temporary operation beyond terms of existing license.

(h) Temporary operation without specified items of equipment, or with temporary, substitute or auxiliary equipment.

(1) Operation without an approved frequency monitor.

(2) Operation without an approved modulation monitor.

(3) Operation without thermometer in automatic temperature control chamber.

(4) Operation without antenna ammeter, plate voltmeter or plate ammeter.

(5) Operation with substitute ammeter, plate voltmeter or plate ammeter.

(6) Operation with temporary antenna system.

(7) Operation with auxiliary transmitter as main transmitter.

(i) Operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application.

(j) Where formal application is not required, application for new or modified equipment or antenna system.

(k) Change of specifications for painting and lighting antenna towers where formal application is not required.

(l) Operation to determine power by direct method during program test period.

(m) Relocation of transmitter in same building.

(n) Operation with reduced power or time under Rules 33.10 and 34.01.

(o) Approval of types of equipment as to compliance with outstanding rules or standards.

(p) All authorizations for equipment and program tests, or extensions thereof, where it appears that compliance has been had with the terms of the construction permit.

(q) Denial of requests for equipment and program tests where specifications of construction permit have not been met.

(r) Withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorizations it appears that the terms of the construction permit have not been met.

(s) Extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission.

(t) Representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications).

(u) Operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location.

### 25. FIELD OFFICES OF THE COMMISSION

Section 3.57 and other rules of the Commission require that in certain instances, the Inspector in Charge of the district in which the station is located, be advised of the conditions existing at the station. The following is a list of the radio districts giving the address of each field office of the Commission and the territory embraced in each district:

| Radio district | Address of the inspector in charge | Territory within district: States | Territory within district: Counties |
|---|---|---|---|
| 1 | Customhouse, 7th Floor, Boston, Mass. | Connecticut | All counties. |
| | | Maine | Do. |
| | | Massachusetts | Do. |
| | | New Hampshire | Do. |
| | | Rhode Island | Do. |
| | | Vermont | Do. |
| 2 | 748 Federal Bldg., 641 Washington St., New York, N. Y. | New Jersey | Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren. |
| | | New York | Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester. |
| 3 | Room 1200, New U. S. Customhouse, 2nd & Chestnut Sts., Philadelphia, Pa. | Delaware | Newcastle. |
| | | New Jersey | Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem. |
| | | Pennsylvania | Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York. |
| 4 | Fort McHenry, Baltimore, Md. | Delaware | Kent and Sussex. |
| | | District of Columbia | All counties. |
| | | Maryland | Do. |
| | | Virginia | Arlington, Clark, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince, William Rappahannock, Shenandoah, and Warren. |
| 5 | Room 402, New P. O. Bldg., Norfolk, Va. | North Carolina | All except district 6. |
| | | Virginia | All except district 4. |
| 6 | 411 Federal Annex, Atlanta, Ga. | Alabama | All counties except Baldwin and Mobile. |
| | | Georgia | Do. |
| | | North Carolina | Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey. |
| | | South Carolina | All counties. |
| | | Tennessee | Do. |
| | Suboffice, 208 P. O. Bldg., Savannah, Ga. | | |
| 7 | P. O. Box 150, Miami, Fla. | Florida | All counties except Escambia. |
| | Suboffice, 203 Post Office Bldg., Tampa, Fla. | | |
| 8 | 326 Customhouse, New Orleans, La. | Alabama | Baldwin and Mobile. |
| | | Arkansas | All counties. |
| | | Florida | Escambia. |
| | | Louisiana | All counties. |
| | | Mississippi | Do. |
| | | Texas | City of Texarkana only. |
| 9 | Room 404, Federal Bldg., Galveston, Texas. | Texas | Aransas, Brazoria, Brooks, Calhoun, Cameron, Chambers, Fort Bend, Galveston, Goliad, Harris, Hidalgo, Jackson, Jefferson, Jim Wells, Kenedy, Kleberg, Matagorda, Nueces, Refugio, San Patricio, Victoria, Wharton, and Willacy. |
| 10 | 302 U. S. Terminal Annex Bldg., Dallas, Texas. | New Mexico | All counties. |
| | | Oklahoma | Do. |
| | | Texas | All except district 9 and the city of Texarkana. |



| Radio district | Address of the inspector in charge | Territory within district: States | Territory within district: Counties |
|---|---|---|---|
| 11 | 1105 Rives-Strong Bldg., Los Angeles, Calif. | Arizona | All counties. |
| | | California | Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura. |
| | | Nevada | Clarke. |
| | Suboffice, Room 503, New California Bldg., San Diego, Calif. | | |
| 12 | 328 Customhouse, San Francisco, Calif. | California | All except district 11. |
| | | Nevada | All except Clarke. |
| | | Guam. | |
| | | Midway. | |
| | | Wake. | |
| | | American Samoa | |
| 13 | 207 New U. S. Courthouse, Portland, Oregon. | Idaho | All except district 14. |
| | | Oregon | All counties. |
| 14 | 808 Federal Office Bldg., Seattle, Wash. | Alaska. | |
| | | Idaho | Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone. |
| | | Montana | Beaverhead, Broadwater, Cascade, Deerlodge, Flathead, Gallatin, Glacier, Granite, Jefferson, Lake, Lewis and Clark, Lincoln, Madison, Meagher, Mineral, Missoula, Pondera, Powell, Ravalli, Sanders, Silver Bow, Teton, and Toole. |
| | | Washington | All counties. |
| | Suboffice, P. O. Box 2719 (313 Federal Bldg.), Juneau, Alaska. | | |
| 15 | 504 Customhouse, Denver, Colo. | Colorado | Do. |
| | | Montana | All except District 14. |
| | | Utah | All counties. |
| | | Wyoming | Do. |
| 16 | 927 Main P. O. Bldg., St. Paul, Minn. | Minnesota | Do. |
| | | Michigan | Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft. |
| | | North Dakota | All counties. |
| | | South Dakota | Do. |
| | | Wisconsin | All except district 18. |
| 17 | 609 Pickwick Bldg., 903 McGee St., Kansas City, Mo. | Iowa | Do. |
| | | Kansas | All counties. |
| | | Missouri | Do. |
| | | Nebraska | Do. |
| 18 | 246 U. S. Courthouse Bldg., Chicago, Ill. | Illinois | All counties. |
| | | Indiana | Do. |
| | | Iowa | Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winneshiek. |
| | | Wisconsin | Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk, Walworth, Washington, and Waukesha. |
| 19 | 1025 New Federal Bldg., Detroit, Mich. | Kentucky | All counties. |
| | | Michigan | All except district 16. |
| | | Ohio | All counties. |
| | | West Virginia | Do. |
| 20 | 518 Federal Bldg., Buffalo, N. Y. | New York | All except district 2. |
| | | Pennsylvania | All except district 3. |
| 21 | Aloha Tower, Honolulu, T. H. | Territory of Hawaii. | |
| 22 | P. O. Box 1353 (303 Ochoa Bldg.) San Juan, Puerto Rico. | Puerto Rico. | |
| | | Virgin Islands. | |

### 26. AVERAGE SUNSET TIME

Section 3.8 states that the term "sunset" means for each particular station during any particular month, the average time of sunset as specified in the license of a broadcast station. The following is a tabulation of the average time of sunset for each month at various points:

(E) Eastern standard time, (C) Central, (M) Mountain, (P) Pacific.

| | Month: January | February | March | April | May | June | July | August | September | October | November | December |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Aberdeen, S. Dak. (C) | 5:15 | 6:00 | 6:45 | 7:15 | 8:00 | 8:30 | 8:15 | 7:45 | 6:45 | 5:45 | 5:00 | 4:45 |
| Aberdeen, Wash. (P) | 4:45 | 5:45 | 6:15 | 7:00 | 7:45 | 8:15 | 8:15 | 7:30 | 6:30 | 5:30 | 4:45 | 4:30 |
| Abilene, Kans. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 5:45 | 5:15 | 5:15 |
| Abilene, Tex. (C) | 6:00 | 6:30 | 6:45 | 7:15 | 7:30 | 7:45 | 7:45 | 7:30 | 6:45 | 6:15 | 5:45 | 5:30 |
| Ada, Okla. (C) | 5:45 | 6:15 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 6:00 | 5:30 | 5:15 |
| Akron, Ohio (C) | 4:15 | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:00 | 6:30 | 5:30 | 4:45 | 4:15 | 4:00 |
| Albany, Ga. (C) | 5:00 | 5:30 | 5:45 | 6:00 | 6:30 | 6:45 | 6:45 | 6:15 | 5:45 | 5:00 | 4:45 | 4:30 |
| Albany, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:15 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:30 | 4:15 |
| Albert Lea, Minn. (C) | 5:00 | 5:45 | 6:15 | 7:00 | 7:30 | 8:00 | 8:00 | 7:15 | 6:30 | 5:30 | 4:45 | 4:30 |
| Albuquerque, N. Mex. (M) | 5:15 | 5:45 | 6:15 | 6:45 | 7:00 | 7:15 | 7:15 | 7:00 | 6:15 | 5:30 | 5:00 | 5:00 |
| Alexandria, La. (C) | 5:30 | 6:00 | 6:15 | 6:30 | 7:00 | 7:15 | 7:15 | 7:00 | 6:15 | 5:45 | 5:15 | 5:15 |
| Altoona, Pa. (E) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:30 | 5:00 | 4:45 |
| Americus, Ga. (E) | 6:00 | 6:30 | 6:45 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:45 | 6:00 | 5:30 | 5:30 |
| Ames, Iowa (C) | 5:00 | 5:45 | 6:15 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:30 | 5:00 | 4:45 |
| Anderson, Ind. (C) | 4:45 | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:15 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Annapolis, Md. (E) | 5:00 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Anniston, Ala. (C) | 5:00 | 5:30 | 5:45 | 6:15 | 6:30 | 7:00 | 7:00 | 6:30 | 5:45 | 5:15 | 4:45 | 4:30 |
| Ardmore, Okla. (C) | 5:45 | 6:15 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 6:00 | 5:30 | 5:15 |
| Ashland, Ky. (C) | 4:30 | 5:15 | 5:30 | 6:00 | 6:30 | 7:00 | 7:00 | 6:30 | 5:45 | 5:00 | 4:15 | 4:15 |
| Ashtabula, Ohio (E) | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:30 | 5:45 | 5:00 | 5:00 |
| Astoria, Oreg. (P) | 5:00 | 5:45 | 6:15 | 7:00 | 7:45 | 8:15 | 8:00 | 7:30 | 6:30 | 5:30 | 4:45 | 4:30 |
| Atchison, Kans. (C) | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:00 | 5:00 |
| Athens, Ga. (E) | 5:45 | 6:15 | 6:45 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:45 | 6:00 | 5:30 | 5:30 |
| Atlanta, Ga. (C) | 4:45 | 5:15 | 5:45 | 6:15 | 6:30 | 6:45 | 6:45 | 6:30 | 5:45 | 5:00 | 4:30 | 4:30 |
| Atlantic City, N. J. (E) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| Auburn, N. Y. (E) | 5:00 | 5:30 | 6:15 | 6:45 | 7:15 | 7:45 | 7:45 | 7:15 | 6:15 | 5:30 | 4:45 | 4:30 |
| Augusta, Ga. (E) | 5:45 | 6:15 | 6:30 | 7:00 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 6:00 | 5:30 | 5:15 |
| Augusta, Maine (E) | 4:30 | 5:00 | 5:45 | 6:15 | 7:00 | 7:30 | 7:15 | 6:45 | 5:45 | 5:00 | 4:15 | 4:00 |
| Aurora, Ill. (C) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:30 | 4:30 |
| Austin, Tex. (C) | 5:45 | 6:15 | 6:45 | 7:00 | 7:15 | 7:30 | 7:30 | 7:15 | 6:45 | 6:00 | 5:30 | 5:30 |
| Baker, Oreg. (P) | 4:30 | 5:15 | 6:00 | 6:30 | 7:15 | 7:45 | 7:30 | 7:00 | 6:00 | 5:15 | 4:30 | 4:15 |
| Baltimore, Md. (E) | 5:00 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Bangor, Maine (E) | 4:15 | 5:00 | 5:45 | 6:15 | 7:00 | 7:15 | 7:15 | 6:45 | 5:45 | 4:45 | 4:15 | 4:00 |
| Baton Rouge, La. (C) | 5:30 | 5:45 | 6:15 | 6:30 | 6:45 | 7:15 | 7:15 | 6:45 | 6:15 | 5:30 | 5:15 | 5:00 |
| Bay City, Mich. (E) | 5:30 | 6:00 | 6:45 | 7:15 | 8:00 | 8:15 | 8:15 | 7:45 | 6:45 | 6:00 | 5:15 | 5:30 |
| Beaumont, Tex. (C) | 5:45 | 6:00 | 6:30 | 6:45 | 7:00 | 7:15 | 7:15 | 7:00 | 6:30 | 5:45 | 5:15 | 5:15 |
| Beckley, W. Va. (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:15 |
| Bend, Oreg. (P) | 4:45 | 5:30 | 6:15 | 6:45 | 7:30 | 7:45 | 7:45 | 7:15 | 6:15 | 5:30 | 4:45 | 4:30 |
| Berkeley, Calif. (P) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Berrien Springs, Mich. (E) | 5:30 | 6:15 | 6:45 | 7:30 | 8:00 | 8:15 | 8:15 | 7:45 | 7:00 | 6:00 | 5:30 | 5:15 |
| Beverly Hills, Calif. (P) | 5:00 | 5:30 | 6:00 | 6:30 | 6:45 | 7:00 | 7:00 | 6:45 | 6:00 | 5:15 | 4:45 | 4:45 |
| Billings, Mont. (M) | 5:00 | 5:45 | 6:15 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:30 | 5:30 | 4:45 | 4:30 |
| Binghamton, N. Y. (E) | 5:00 | 5:30 | 6:15 | 6:45 | 7:15 | 7:45 | 7:45 | 7:00 | 6:15 | 5:30 | 4:45 | 4:30 |
| Birmingham, Ala. (C) | 5:00 | 5:30 | 6:00 | 6:15 | 6:45 | 7:00 | 7:00 | 6:30 | 6:00 | 5:15 | 4:45 | 4:45 |
| Bismarck, N. Dak. (C) | 5:15 | 6:00 | 6:45 | 7:30 | 8:15 | 8:45 | 8:30 | 8:00 | 7:00 | 6:00 | 5:15 | 5:00 |
| Bluefield, W. Va. (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:15 |
| Blytheville, Ark. (C) | 5:15 | 5:45 | 6:00 | 6:30 | 7:00 | 7:15 | 7:15 | 6:45 | 6:15 | 5:30 | 5:00 | 4:45 |
| Boise, Idaho (M) | 5:30 | 6:15 | 6:45 | 7:30 | 8:00 | 8:30 | 8:30 | 7:45 | 7:00 | 6:00 | 5:15 | 5:15 |
| Boston, Mass. (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:15 | 7:15 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Bozeman, Mont. (M) | 5:00 | 5:45 | 6:30 | 7:15 | 7:45 | 8:15 | 8:15 | 7:30 | 6:45 | 5:45 | 5:00 | 4:45 |
| Brady, Tex. (C) | 6:00 | 6:30 | 6:45 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:45 | 6:00 | 5:45 | 5:30 |
| Bridgeport, Conn. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:30 | 4:30 |
| Bridgeton, N. J. (E) (Upper Deerfield) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 4:45 | 4:45 |
| Bronx, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:45 | 4:30 |
| Brookings, S. Dak. (C) | 5:15 | 6:00 | 6:30 | 7:15 | 7:45 | 8:15 | 8:15 | 7:30 | 6:45 | 5:45 | 5:00 | 4:45 |

| | January | February | March | April | May | June | July | August | September | October | November | December |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Brooklyn, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:45 | 4:30 |
| Buffalo, N. Y. (E) | 5:00 | 5:45 | 6:15 | 7:00 | 7:30 | 8:00 | 8:00 | 7:15 | 6:30 | 5:30 | 5:00 | 4:45 |
| Burlington, Vt. (E) | 4:45 | 5:15 | 6:00 | 6:30 | 7:15 | 7:45 | 7:30 | 7:00 | 6:00 | 5:15 | 4:30 | 4:15 |
| Butte, Mont. (M) | 5:15 | 6:00 | 6:30 | 7:15 | 8:00 | 8:15 | 8:15 | 7:45 | 6:45 | 5:45 | 5:00 | 4:45 |
| Calumet, Mich. (C) | 4:30 | 5:15 | 6:00 | 6:45 | 7:30 | 7:45 | 7:45 | 7:00 | 6:15 | 5:15 | 4:15 | 4:00 |
| Cambridge, Mass. (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:15 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Camden, N. J. (E) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| Canton, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:45 | 7:15 | 7:45 | 7:45 | 7:00 | 6:15 | 5:15 | 4:30 | 4:15 |
| Canton, Ohio (E) | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:30 | 5:45 | 5:15 | 5:00 |
| Carbondale, Pa. (E) | 5:00 | 5:30 | 6:15 | 6:45 | 7:15 | 7:45 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| Carlsbad, N. Mex. (M) | 5:15 | 5:45 | 6:00 | 6:30 | 6:45 | 7:00 | 7:00 | 6:45 | 6:00 | 5:30 | 5:00 | 5:00 |
| Carson City, Nev. (P) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| Carthage, Ill. (C) | 5:00 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 4:45 | 4:45 |
| Cedar Rapids, Iowa (C) | 5:00 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 7:45 | 7:15 | 6:15 | 5:30 | 4:45 | 4:30 |
| Champaign, Ill. (C) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:15 | 6:45 | 6:00 | 5:15 | 4:45 | 4:30 |
| Charleston, W. Va. (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:15 |
| Charlotte, N. C. (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:15 |
| Charlottesville, Va. (E) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 7:30 | 7:15 | 6:30 | 5:45 | 5:00 | 5:00 |
| Chattanooga, Tenn. (C) | 4:45 | 5:30 | 5:45 | 6:15 | 6:30 | 7:00 | 7:00 | 6:30 | 5:45 | 5:15 | 4:30 | 4:30 |
| Cheyenne, Wyo. (M) | 5:00 | 5:30 | 6:00 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| Chicago, Ill. (C) | 4:45 | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 6:45 | 6:00 | 5:15 | 4:30 | 4:15 |
| Chickasha, Okla. (C) | 5:45 | 6:15 | 6:45 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:45 | 6:00 | 5:30 | 5:15 |
| Chico, Calif. (P) | 5:00 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Cicero, Ill. (C) | 4:45 | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 6:45 | 6:00 | 5:15 | 4:30 | 4:15 |
| Cincinnati, Ohio (E) | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Clarinda, Iowa (C) | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 7:45 | 7:15 | 6:30 | 5:45 | 5:00 | 5:00 |
| Clarksburg, W. Va. (E) | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Clay Center, Nebr. (C) | 5:30 | 6:00 | 6:45 | 7:15 | 7:45 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:15 | 5:00 |
| Clayton, Mo. (C) | 5:00 | 5:45 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 4:45 | 4:45 |
| Clearwater, Fla. (E) | 6:00 | 6:15 | 6:45 | 7:00 | 7:15 | 7:30 | 7:30 | 7:15 | 6:30 | 6:00 | 5:45 | 5:30 |
| Cleveland, Ohio (E) | 5:15 | 6:00 | 6:30 | 7:00 | 7:45 | 8:00 | 8:00 | 7:30 | 6:45 | 5:45 | 5:15 | 5:00 |
| Clovis, N. Mex. (M) | 5:30 | 5:45 | 6:00 | 6:15 | 6:30 | 6:45 | 6:45 | 6:30 | 6:00 | 5:30 | 5:00 | 5:00 |
| Coffeyville, Kans. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Columbia, Mo. (C) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Columbia, S. C. (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:15 | 7:30 | 7:30 | 7:15 | 6:30 | 5:45 | 5:15 | 5:15 |
| Columbus, Ga. (C) | 5:00 | 5:30 | 5:45 | 6:15 | 6:30 | 6:45 | 6:45 | 6:30 | 5:45 | 5:15 | 4:45 | 4:30 |
| Columbus, Ohio (E) | 5:30 | 6:00 | 6:45 | 7:15 | 7:45 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:15 | 5:15 |
| Concord, N. H. (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:30 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Connersville, Ind. (C) | 4:45 | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:00 | 6:30 | 5:45 | 5:00 | 4:30 | 4:15 |
| Corpus Christi, Tex. (C) | 6:00 | 6:15 | 6:45 | 7:00 | 7:15 | 7:30 | 7:30 | 7:15 | 6:30 | 6:00 | 5:45 | 5:30 |
| Corsicana, Tex. (C) | 5:45 | 6:15 | 6:30 | 7:00 | 7:15 | 7:30 | 7:30 | 7:15 | 6:30 | 6:00 | 5:30 | 5:30 |
| Council Bluffs, Iowa (C) | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:30 | 5:45 | 5:00 | 5:00 |
| Couer D'Alene, Idaho (P) | 4:15 | 5:15 | 5:45 | 6:30 | 7:15 | 7:45 | 7:45 | 7:00 | 6:00 | 5:00 | 4:15 | 4:00 |
| Culver City, Calif. (P) | 5:00 | 5:30 | 6:00 | 6:30 | 6:45 | 7:00 | 7:00 | 6:45 | 6:00 | 5:15 | 4:45 | 4:45 |
| Cumberland, Md. (E) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:30 | 5:00 | 4:45 |
| Dallas, Tex. (C) | 5:45 | 6:15 | 6:30 | 7:00 | 7:15 | 7:30 | 7:30 | 7:15 | 6:30 | 6:00 | 5:30 | 5:15 |
| Danville, Ill. (C) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:15 | 7:15 | 6:45 | 6:00 | 5:15 | 4:30 | 4:30 |
| Danville, Va. (E) | 5:30 | 6:00 | 6:30 | 6:45 | 7:15 | 7:30 | 7:30 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Davenport, Iowa (C) | 5:00 | 5:30 | 6:15 | 6:45 | 7:15 | 7:45 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| Dayton, Ohio (E) | 5:30 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:15 | 5:15 |
| Daytona Beach, Fla. (E) | 5:45 | 6:15 | 6:30 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:30 | 6:00 | 5:30 | 5:30 |
| Decatur, Ala. (C) | 5:00 | 5:30 | 6:00 | 6:15 | 6:45 | 7:00 | 7:00 | 6:30 | 6:00 | 5:15 | 4:45 | 4:45 |
| Decorah, Iowa (C) | 5:00 | 5:30 | 6:15 | 6:45 | 7:30 | 7:45 | 7:45 | 7:15 | 6:15 | 5:30 | 4:45 | 4:30 |
| Denton, Tex. (C) | 5:45 | 6:15 | 6:30 | 7:00 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 6:00 | 5:30 | 5:30 |
| Denver, Colo. (M) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| Des Moines, Iowa (C) | 5:00 | 5:45 | 6:15 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:30 | 5:00 | 4:45 |
| Detroit, Mich. (E) | 5:30 | 6:00 | 6:45 | 7:15 | 7:45 | 8:15 | 8:15 | 7:30 | 6:45 | 5:45 | 5:15 | 5:00 |
| Devils Lake, N. Dak. (C) | 5:15 | 6:00 | 6:45 | 7:30 | 8:00 | 8:30 | 8:30 | 7:45 | 6:45 | 5:45 | 5:00 | 4:45 |
| Dothan, Ala. (C) | 5:00 | 5:30 | 5:45 | 6:15 | 6:30 | 6:45 | 6:45 | 6:30 | 5:45 | 5:15 | 4:45 | 4:45 |
| Dover, Del. (E) | 5:00 | 5:45 | 6:15 | 6:45 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 4:45 | 4:45 |
| Dublin, Tex. (C) | 5:45 | 6:15 | 6:45 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:45 | 6:00 | 5:30 | 5:30 |
| Dubuque, Iowa (C) | 5:00 | 5:30 | 6:15 | 6:45 | 7:15 | 7:45 | 7:45 | 7:00 | 6:15 | 5:30 | 4:45 | 4:30 |
| Duluth, Minn. (C) | 4:45 | 5:30 | 6:15 | 7:00 | 7:30 | 8:00 | 8:00 | 7:15 | 6:15 | 5:30 | 4:30 | 4:15 |
| Durham, N. C. (E) | 5:30 | 6:00 | 6:30 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:30 | 5:45 | 5:15 | 5:00 |
| East Dubuque, Ill. (C) | 5:00 | 5:30 | 6:15 | 6:45 | 7:15 | 7:45 | 7:45 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| East Lansing, Mich. (E) | 5:30 | 6:15 | 6:45 | 7:15 | 8:00 | 8:15 | 8:15 | 7:45 | 6:45 | 6:00 | 5:15 | 5:00 |
| Easton, Pa. (E) | 5:00 | 5:30 | 6:00 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| E. St. Louis, Ill. (C) | 5:00 | 5:45 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 4:45 | 4:45 |
| Eau Claire, Wisc. (C) | 4:45 | 5:30 | 6:15 | 6:45 | 7:30 | 8:00 | 7:45 | 7:15 | 6:15 | 5:30 | 4:45 | 4:30 |
| Elizabeth, N. J. (E) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| Elkhart, Ind. (C) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:15 | 7:15 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Elkins Park, Pa. (E) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| El Paso, Tex. (C) | 6:30 | 6:45 | 7:15 | 7:30 | 8:00 | 8:15 | 8:15 | 7:45 | 7:15 | 6:30 | 6:00 | 6:00 |
| Elmira, N. Y. (E) | 5:00 | 5:15 | 6:15 | 6:45 | 7:15 | 7:45 | 7:45 | 7:15 | 6:15 | 5:30 | 4:45 | 4:30 |

TOPRIGHT



| | January | February | March | April | May | June | July | August | September | October | November | December |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Jackson, Mich. (E) | 5:30 | 6:15 | 6:45 | 7:15 | 7:45 | 8:15 | 8:15 | 7:45 | 6:45 | 6:00 | 5:15 | 5:00 |
| Jackson, Miss. (C) | 5:30 | 6:00 | 6:15 | 6:30 | 7:00 | 7:15 | 7:15 | 6:45 | 6:15 | 5:30 | 5:15 | 5:00 |
| Jackson, Tenn. (C) | 5:00 | 5:30 | 6:00 | 6:30 | 6:45 | 7:15 | 7:15 | 6:45 | 6:00 | 5:15 | 4:45 | 4:45 |
| Jacksonville, Fla. (E) | 5:45 | 6:15 | 6:30 | 7:00 | 7:15 | 7:30 | 7:30 | 7:15 | 6:30 | 6:00 | 5:30 | 5:30 |
| Jamestown, N. Y. (E) | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 8:00 | 7:45 | 7:15 | 6:30 | 5:30 | 5:00 | 4:45 |
| Janesville, Wis. (C) | 4:45 | 5:30 | 6:00 | 6:30 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:30 | 4:30 |
| Jamestown, N. Dak. (C) | 5:15 | 6:00 | 6:45 | 7:15 | 8:00 | 8:30 | 8:30 | 7:45 | 6:45 | 5:45 | 5:00 | 4:45 |
| Jefferson City, Mo. (C) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Jerome, Ariz. (M) | 5:45 | 6:15 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 6:00 | 5:30 | 5:15 |
| Jersey City, N. J. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:45 | 4:30 |
| Joliet, Ill. (C) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:30 | 4:30 |
| Johnson City, Tenn. (C) | 4:30 | 5:15 | 5:30 | 6:00 | 6:30 | 6:45 | 6:45 | 6:15 | 5:45 | 5:00 | 4:45 | 4:45 |
| Johnstown, Pa. (E) | 5:15 | 5:45 | 6:15 | 7:15 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:30 | 5:00 | 4:45 |
| Joplin, Mo. (C) | 5:30 | 6:00 | 6:30 | 6:45 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Kalamazoo, Mich. (E) | 5:30 | 6:15 | 6:45 | 7:15 | 8:00 | 8:15 | 8:15 | 7:45 | 7:00 | 6:00 | 5:15 | 5:15 |
| Kansas City, Mo. (C) | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:00 | 5:00 |
| Kearney, Nebr. (C) | 5:30 | 6:15 | 6:45 | 7:15 | 7:45 | 8:15 | 8:00 | 7:30 | 6:45 | 6:00 | 5:15 | 5:15 |
| Kilgore, Tex. (C) | 5:30 | 6:00 | 6:30 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:30 | 5:45 | 5:15 | 5:15 |
| Kinston, N. C. (E) | 5:15 | 6:00 | 6:15 | 6:45 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 5:00 |
| Knoxville, Tenn. (C) | 4:45 | 5:15 | 5:45 | 6:15 | 6:30 | 7:00 | 7:00 | 6:30 | 5:45 | 5:00 | 4:30 | 4:30 |
| Kosciusko, Miss. (C) | 5:15 | 5:45 | 6:00 | 6:30 | 6:45 | 7:15 | 7:15 | 6:45 | 6:00 | 5:30 | 5:00 | 5:00 |
| LaCrosse, Wis. (C) | 4:45 | 5:30 | 6:15 | 6:45 | 7:30 | 7:45 | 7:45 | 7:15 | 6:15 | 5:30 | 4:45 | 4:30 |
| Lafayette, La. (C) | 5:30 | 6:00 | 6:15 | 6:30 | 7:00 | 7:15 | 7:15 | 6:45 | 6:15 | 5:45 | 5:15 | 5:15 |
| La Grande, Oreg. (P) | 4:30 | 5:15 | 6:00 | 6:30 | 7:15 | 7:45 | 7:45 | 7:00 | 6:00 | 5:15 | 4:30 | 4:15 |
| Lake Charles, La. (C) | 5:30 | 6:00 | 6:15 | 6:45 | 7:00 | 7:15 | 7:15 | 7:00 | 6:15 | 5:45 | 5:15 | 5:15 |
| Lakeland, Fla. (E) | 6:00 | 6:15 | 6:30 | 6:45 | 7:15 | 7:30 | 7:30 | 7:15 | 6:30 | 6:00 | 5:30 | 5:30 |
| Lansing, Mich. (E) | 5:30 | 6:15 | 6:45 | 7:15 | 8:00 | 8:15 | 8:15 | 7:45 | 6:45 | 6:00 | 5:15 | 5:00 |
| Lapeer, Mich. (E) | 5:15 | 6:00 | 6:45 | 7:15 | 7:45 | 8:15 | 8:15 | 7:30 | 6:45 | 5:45 | 5:15 | 5:00 |
| Laredo, Tex. (C) | 6:00 | 6:30 | 6:45 | 7:00 | 7:15 | 7:30 | 7:30 | 7:15 | 6:45 | 6:15 | 5:45 | 5:45 |
| La Salle, Ill. (C) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| Las Vegas, Nev. (P) | 4:45 | 5:15 | 5:45 | 6:15 | 6:30 | 7:00 | 7:00 | 6:30 | 5:45 | 5:00 | 4:30 | 4:30 |
| Laurel, Miss. (C) | 5:15 | 5:45 | 6:00 | 6:30 | 6:45 | 7:00 | 7:00 | 6:45 | 6:00 | 5:30 | 5:00 | 5:00 |
| Lawrence, Kans. (C) | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Lawrence, Mass. (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:15 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Lewiston, Mont. (M) | 5:00 | 5:45 | 6:15 | 7:00 | 7:15 | 8:15 | 8:15 | 7:30 | 6:30 | 5:30 | 4:45 | 4:30 |
| Lexington, Ky. (C) | 4:45 | 5:15 | 5:45 | 6:15 | 6:45 | 7:00 | 7:00 | 6:30 | 5:45 | 5:00 | 4:30 | 4:15 |
| Lexington, Mass. (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:15 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Lima, Ohio (E) | 5:30 | 6:15 | 6:45 | 7:15 | 7:45 | 8:15 | 8:00 | 7:30 | 6:45 | 6:00 | 5:15 | 5:15 |
| Lincoln, Nebr. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 5:45 | 5:15 | 5:00 |
| Little Rock, Ark. (C) | 5:15 | 5:45 | 6:15 | 6:45 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 5:00 |
| Longview, Tex. (C) | 5:30 | 6:00 | 6:30 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:30 | 5:45 | 5:15 | 5:15 |
| Longview, Wash. (P) | 4:45 | 5:30 | 6:15 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:30 | 5:30 | 4:45 | 4:30 |
| Los Angeles, Calif. (P) | 5:00 | 5:30 | 6:00 | 6:30 | 6:45 | 7:00 | 7:00 | 6:45 | 6:00 | 5:15 | 4:45 | 4:45 |
| Louisville, Ky. (C) | 4:45 | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:00 | 6:45 | 6:00 | 5:00 | 4:30 | 4:30 |
| Lowell, Ariz. (M) | 5:45 | 6:00 | 6:30 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:30 | 5:45 | 5:15 | 5:15 |
| Lowell, Mass. (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:15 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Lubbock, Tex. (C) | 6:00 | 6:30 | 7:00 | 7:15 | 7:45 | 8:00 | 8:00 | 7:30 | 7:00 | 6:15 | 5:45 | 5:45 |
| Lufkin, Tex. (C) | 5:45 | 6:00 | 6:30 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:30 | 5:45 | 5:15 | 5:15 |
| Lynchburg, Va. (E) | 5:15 | 6:00 | 6:30 | 6:45 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:00 | 5:00 |
| Lynn, Mass. (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:15 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Macon, Ga. (E) | 5:45 | 6:15 | 6:45 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:45 | 6:00 | 5:30 | 5:30 |
| Madison, Wis. (C) | 4:45 | 5:30 | 6:00 | 6:45 | 7:15 | 7:45 | 7:30 | 7:00 | 6:15 | 5:15 | 4:30 | 4:30 |
| Manchester, N. H. (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:30 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Manhattan, Kans. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 7:45 | 7:30 | 6:30 | 5:45 | 5:15 | 5:00 |
| Manhattan, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:45 | 4:30 |
| Mankato, Minn. (C) | 5:00 | 5:45 | 6:15 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:30 | 5:30 | 4:45 | 4:45 |
| Marquette, Mich. (C) | 4:30 | 5:15 | 6:00 | 6:30 | 7:15 | 7:45 | 7:45 | 7:00 | 6:00 | 5:00 | 4:15 | 4:00 |
| Marshalltown, Iowa (C) | 5:00 | 5:45 | 6:15 | 6:45 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:30 | 4:45 | 4:45 |
| Mason City, Iowa (C) | 5:00 | 5:45 | 6:15 | 7:00 | 7:30 | 8:00 | 7:45 | 7:15 | 6:30 | 5:30 | 4:45 | 4:45 |
| Mayaguez, P. R. (A) | 6:15 | 6:30 | 6:45 | 6:45 | 7:00 | 7:00 | 7:15 | 7:00 | 6:30 | 6:00 | 5:45 | 6:00 |
| Memphis, Tenn. (C) | 5:15 | 5:45 | 6:00 | 6:30 | 7:00 | 7:15 | 7:15 | 6:45 | 6:15 | 5:30 | 5:00 | 4:45 |
| Merced, Calif. (P) | 5:15 | 5:45 | 6:15 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Meridian, Miss. (C) | 5:15 | 5:45 | 6:00 | 6:30 | 6:45 | 7:00 | 7:00 | 6:45 | 6:00 | 5:30 | 5:00 | 4:45 |
| Miami, Fla. (E) | 5:45 | 6:15 | 6:30 | 6:45 | 7:00 | 7:15 | 7:15 | 7:00 | 6:30 | 6:00 | 5:30 | 5:30 |
| Middlesboro, Ky. (C) | 4:45 | 5:15 | 5:45 | 6:15 | 6:30 | 7:00 | 7:00 | 6:30 | 5:45 | 5:00 | 4:30 | 4:15 |
| Midland, Tex. (C) | 6:00 | 6:30 | 7:00 | 7:15 | 7:45 | 8:00 | 8:00 | 7:30 | 7:00 | 6:15 | 5:45 | 5:45 |
| Milford, Kans. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 5:45 | 5:15 | 5:00 |
| Milwaukee, Wis. (C) | 4:45 | 5:15 | 6:00 | 6:30 | 7:15 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:30 | 4:15 |
| Minneapolis, Minn. (C) | 5:00 | 5:45 | 6:15 | 7:00 | 7:30 | 8:00 | 8:00 | 7:15 | 6:30 | 5:30 | 4:45 | 4:30 |
| Minot, N. Dak. (C) | 5:15 | 6:00 | 6:45 | 7:30 | 8:15 | 8:45 | 8:45 | 8:00 | 7:00 | 6:00 | 5:15 | 4:45 |
| Mississippi City, Miss. (C) | 5:15 | 5:45 | 6:00 | 6:15 | 6:45 | 7:00 | 7:00 | 6:45 | 6:00 | 5:30 | 5:00 | 5:00 |
| Missoula, Mont. (M) | 5:15 | 6:00 | 6:45 | 7:30 | 8:00 | 8:30 | 8:30 | 7:45 | 6:45 | 5:45 | 5:00 | 4:45 |
| Mobile, Ala. (C) | 5:15 | 5:45 | 6:00 | 6:15 | 6:45 | 7:00 | 7:00 | 6:30 | 6:00 | 5:30 | 5:00 | 5:00 |
| Monroe, La. (C) | 5:30 | 6:00 | 6:15 | 6:30 | 7:00 | 7:15 | 7:15 | 7:00 | 6:15 | 5:30 | 5:00 | 5:00 |

| | January | February | March | April | May | June | July | August | September | October | November | December |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Montgomery, Ala. (C) | 5:00 | 5:30 | 6:00 | 6:15 | 6:30 | 7:00 | 7:00 | 6:30 | 6:00 | 5:15 | 4:45 | 4:45 |
| Montpelier, Vt. (E) | 4:30 | 5:15 | 6:00 | 6:30 | 7:15 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:30 | 4:15 |
| Moorhead, Minn. (C) | 5:00 | 5:45 | 6:30 | 7:15 | 8:00 | 8:30 | 8:15 | 7:45 | 6:45 | 5:45 | 5:00 | 4:45 |
| Mooseheart, Ill. (C) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:30 | 4:30 |
| Muncie, Ind. (C) | 4:45 | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:15 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Muscatine, Iowa (C) | 5:00 | 5:30 | 6:15 | 6:45 | 7:15 | 7:45 | 7:30 | 7:00 | 6:15 | 5:30 | 4:45 | 4:30 |
| Muscle Shoals City, Ala. (C) | 5:00 | 5:30 | 6:00 | 6:30 | 6:45 | 7:00 | 7:00 | 6:45 | 6:00 | 5:15 | 4:45 | 4:45 |
| Muskegon, Mich. (E) | 5:30 | 6:15 | 6:45 | 7:30 | 8:00 | 8:30 | 8:30 | 7:45 | 7:00 | 6:00 | 5:15 | 5:15 |
| Nampa, Idaho (M) | 5:30 | 6:15 | 6:45 | 7:30 | 8:00 | 8:30 | 8:30 | 7:45 | 7:00 | 6:00 | 5:15 | 5:15 |
| Nashville, Tenn. (C) | 5:00 | 5:30 | 6:00 | 6:15 | 6:45 | 7:00 | 7:00 | 6:45 | 6:00 | 5:15 | 4:45 | 4:30 |
| Needham, Mass. (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:15 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| New Albany, Ind. (C) | 4:45 | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:00 | 6:45 | 6:00 | 5:00 | 4:30 | 4:30 |
| Newark, N. J. (E) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| New Bedford, Mass. (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:15 | 7:15 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Newburg, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| New Castle, Pa. (E) | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:15 | 6:30 | 5:45 | 5:00 | 5:00 |
| New Haven, Conn. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:30 | 4:30 |
| New London, Conn. (E) | 4:45 | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 7:15 | 6:45 | 6:00 | 5:15 | 4:30 | 4:15 |
| New Orleans, La. (C) | 5:15 | 5:45 | 6:15 | 6:30 | 6:45 | 7:00 | 7:00 | 6:45 | 6:00 | 5:30 | 5:00 | 5:00 |
| Newport, R. I. (E) | 4:45 | 5:15 | 5:45 | 6:30 | 7:00 | 7:15 | 7:15 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Newport News, Va. (E) | 5:15 | 5:45 | 6:15 | 6:45 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| New York, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:45 | 4:30 |
| Norfolk, Nebr. (C) | 5:15 | 6:00 | 6:30 | 7:15 | 7:45 | 8:00 | 8:00 | 7:30 | 6:45 | 5:45 | 5:15 | 5:00 |
| Norfolk, Va. (E) | 5:15 | 5:45 | 6:15 | 6:45 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Normal, Ill. (C) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| Norman, Okla. (C) | 5:45 | 6:15 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:45 | 6:00 | 5:30 | 5:15 |
| North Platte, Nebr. (C) | 5:45 | 6:15 | 6:45 | 7:15 | 8:00 | 8:15 | 8:15 | 7:45 | 7:00 | 6:00 | 5:30 | 5:15 |
| Oakland, Calif. (P) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Ogden, Utah (M) | 5:30 | 6:00 | 6:30 | 7:00 | 7:45 | 8:00 | 8:00 | 7:30 | 6:45 | 5:45 | 5:15 | 5:00 |
| Oil City, Pa. (E) | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 8:00 | 7:45 | 7:15 | 6:30 | 5:45 | 5:00 | 4:45 |
| Oklahoma City, Okla. (C) | 5:45 | 6:15 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:45 | 6:00 | 5:30 | 5:15 |
| Okmulgee, Okla. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:15 |
| Olean, N. Y. (E) | 5:00 | 5:45 | 6:15 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:30 | 5:00 | 4:45 |
| Olympia, Wash. (P) | 4:45 | 5:30 | 6:15 | 7:00 | 7:45 | 8:15 | 8:00 | 7:30 | 6:30 | 5:30 | 4:45 | 4:15 |
| Omaha, Nebr. (C) | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:30 | 5:45 | 5:00 | 5:00 |
| Orlando, Fla. (E) | 5:45 | 6:15 | 6:30 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:30 | 6:00 | 5:30 | 5:30 |
| Owensboro, Ky. (C) | 5:00 | 5:30 | 6:00 | 6:30 | 6:45 | 7:15 | 7:15 | 6:45 | 6:00 | 5:15 | 4:45 | 4:30 |
| Paducah, Ky. (C) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:15 | 7:15 | 6:45 | 6:00 | 5:15 | 4:45 | 4:45 |
| Palestine, Tex. (C) | 5:45 | 6:15 | 6:30 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:30 | 5:45 | 5:30 | 5:15 |
| Pampa, Tex. (C) | 6:00 | 6:30 | 6:45 | 7:15 | 7:45 | 8:00 | 8:00 | 7:30 | 7:00 | 6:15 | 5:45 | 5:30 |
| Paragould, Ark. (C) | 5:15 | 5:45 | 6:15 | 6:30 | 7:00 | 7:15 | 7:15 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Paris, Tex. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:15 | 7:30 | 7:30 | 7:15 | 6:30 | 5:45 | 5:15 | 5:15 |
| Paterson, N. J. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| Pensacola, Fla. (C) | 5:15 | 5:30 | 6:00 | 6:15 | 6:30 | 6:45 | 7:00 | 6:30 | 6:00 | 5:15 | 4:45 | 4:45 |
| Peoria Heights, Ill. (C) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:15 | 4:45 | 4:30 |
| Petersburg, Va. (E) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 5:00 |
| Philadelphia, Pa. (E) | 5:00 | 5:30 | 6:00 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 4:45 | 4:30 |
| Phoenix, Ariz. (M) | 5:45 | 6:15 | 6:30 | 7:00 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 6:00 | 5:30 | 5:15 |
| Pierre, S. Dak. (C) | 5:30 | 6:15 | 6:45 | 7:30 | 8:00 | 8:30 | 8:30 | 7:45 | 7:00 | 6:00 | 5:15 | 5:00 |
| Pittsburg, Kansas (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Pittsburgh, Pa. (E) | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:00 | 5:00 |
| Pittsfield, Mass. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:30 | 4:15 |
| Plattsburg, N. Y. (E) | 4:45 | 5:15 | 6:00 | 6:30 | 7:15 | 7:45 | 7:45 | 7:00 | 6:00 | 5:15 | 4:30 | 4:14 |
| Pocatello, Idaho (M) | 5:15 | 6:00 | 6:30 | 7:15 | 7:45 | 8:15 | 8:00 | 7:30 | 6:45 | 5:45 | 5:15 | 5:00 |
| Ponca City, Okla. (C) | 5:30 | 6:15 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:45 | 6:00 | 5:15 | 5:15 |
| Ponce, P. R. (AST) | 6:15 | 6:30 | 6:30 | 6:45 | 6:45 | 7:00 | 7:00 | 7:00 | 6:30 | 6:00 | 5:45 | 6:00 |
| Poplar Bluff, Mo. (C) | 5:15 | 5:45 | 6:15 | 6:30 | 7:00 | 7:15 | 7:15 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Portland, Maine (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:15 | 6:45 | 6:00 | 5:00 | 4:15 | 4:00 |
| Portland, Ore. (P) | 4:45 | 5:30 | 6:15 | 7:00 | 7:30 | 8:00 | 8:00 | 7:15 | 6:30 | 5:30 | 4:45 | 4:30 |
| Portsmouth, N. H. (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:15 | 6:45 | 6:00 | 5:00 | 4:15 | 4:15 |
| Poynette, Wis. (C) | 4:45 | 5:30 | 6:00 | 6:45 | 7:15 | 7:45 | 7:45 | 7:00 | 6:15 | 5:15 | 4:30 | 4:15 |
| Prescott, Ariz. (M) | 5:45 | 6:15 | 6:45 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:45 | 6:00 | 5:30 | 5:30 |
| Providence, R. I. (E) | 4:45 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:15 | 6:45 | 6:00 | 5:00 | 4:30 | 4:15 |
| Pueblo, Colo. (M) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:15 | 7:00 | 6:15 | 5:15 | 4:45 | 4:45 |
| Pullman, Wash. (P) | 4:30 | 5:15 | 6:00 | 6:30 | 7:15 | 7:45 | 7:45 | 7:00 | 6:00 | 5:00 | 4:15 | 4:00 |
| Queens, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:45 | 4:30 |
| Quincy, Ill. (C) | 5:00 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 4:45 | 4:45 |
| Racine, Wis. (C) | 4:45 | 5:15 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:30 | 4:15 |
| Raleigh, N. C. (E) | 5:30 | 6:00 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:30 | 5:45 | 5:15 | 5:00 |
| Rapid City, S. Dak. (M) | 4:45 | 5:15 | 6:00 | 6:30 | 7:15 | 7:45 | 7:30 | 7:00 | 6:00 | 5:15 | 4:30 | 4:15 |
| Reading, Pa. (E) | 5:00 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 4:45 | 4:45 |
| Rice Lake, Wis. (C) | 4:45 | 5:30 | 6:15 | 6:45 | 7:30 | 8:00 | 8:00 | 7:15 | 6:15 | 5:30 | 4:45 | 4:30 |
| Richmond, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:00 | 5:15 | 4:45 | 4:30 |
| Richmond, Va. (E) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 5:00 |

| Month | January | February | March | April | May | June | July | August | September | October | November | December |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Tucson, Ariz. (M) | 5:45 | 6:15 | 6:30 | 7:00 | 7:15 | 7:30 | 7:30 | 7:15 | 6:30 | 6:00 | 5:30 | 5:15 |
| Tulsa, Okla. (C) | 5:30 | 6:00 | 6:00 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:15 |
| Tupelo, Miss. (C) | 5:15 | 5:45 | 6:00 | 6:30 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:15 |
| Tupper Lake, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:30 | 5:15 |
| Rockford, Ill. (C) | 4:45 | 5:30 | 6:00 | 6:30 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:30 | 5:15 |
| Rock Island, Ill. (C) | 5:00 | 5:45 | 6:15 | 6:45 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Rock Springs, Wyo. (M) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Rome, Ga. (C) (F) | 5:00 | 5:30 | 5:45 | 6:15 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Roseburg, Ore. (P) | 5:45 | 6:15 | 6:30 | 7:00 | 7:30 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Roswell, N. Mex. (M) | 4:45 | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Sacramento, Calif. (P) | 5:15 | 5:45 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Safford, Ariz. (M) | 5:30 | 6:00 | 6:30 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Salem, Ore. (P) | 5:00 | 5:45 | 6:15 | 6:45 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Salina, Kans. (C) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Salisbury, N. C. (E) | 5:15 | 5:45 | 6:15 | 6:45 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Salisbury, Md. (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:45 | 8:15 | 8:15 | 7:45 | 7:00 | 6:15 | 5:45 | 5:30 |
| Salt Lake City, Utah (M) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| San Angelo, Tex. (C) | 6:00 | 6:30 | 6:45 | 7:15 | 7:45 | 8:15 | 8:15 | 7:45 | 7:00 | 6:15 | 5:45 | 5:30 |
| San Antonio, Tex. (C) | 6:00 | 6:30 | 6:45 | 7:15 | 7:45 | 8:15 | 8:15 | 7:45 | 7:00 | 6:15 | 5:45 | 5:30 |
| San Diego, Calif. (P) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| San Francisco, Calif. (P) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| San Juan, P. R. (AST) | 6:15 | 6:30 | 6:30 | 6:45 | 7:00 | 7:00 | 7:00 | 6:45 | 6:30 | 6:00 | 5:45 | 5:45 |
| San Luis Obispo, Calif. (P) | 5:15 | 5:45 | 6:00 | 6:30 | 7:00 | 7:15 | 7:15 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Santa Barbara, Calif. (P) | 5:15 | 5:45 | 6:00 | 6:30 | 7:00 | 7:15 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Santa Fe, N. Mex. (M) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Santa Rosa, N. Mex. (M) | 4:45 | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Sarnia Lake, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Schenectady, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Scottsbluff, Nebr. (M) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Scranton, Pa. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Seattle, Wash. (P) | 5:30 | 6:00 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Sheridan, Wyo. (M) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Sherman, Tex. (C) | 5:45 | 6:15 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Shreveport, La. (C) | 5:30 | 6:00 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Siloam Springs, Ark. (C) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Sioux City, Iowa (C) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Sioux Falls, S. Dak. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Snowflake, Ariz. (M) | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 8:15 | 8:15 | 7:45 | 7:00 | 6:15 | 5:45 | 5:30 |
| South Bend, Ind. (C) | 4:45 | 5:15 | 5:45 | 6:30 | 7:00 | 7:15 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| South Madison, Wis. (C) | 5:45 | 6:15 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Spartanburg, S. C. (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Spokane, Wash. (P) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Springfield, Mass. (E) | 4:45 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Springfield, Mo. (C) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Springfield, Vt. (E) | 4:45 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| St. Albans, Vt. (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| St. Cloud, Minn. (C) | 5:00 | 5:45 | 6:15 | 6:45 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| St. Joseph, Mo. (C) | 5:15 | 5:45 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| St. Louis, Mo. (C) | 5:00 | 5:30 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| State College, N. Mex. (M) | 4:45 | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| State College, Wash. (E) | 4:45 | 5:30 | 5:45 | 6:00 | 6:45 | 7:15 | 7:45 | 7:30 | 6:45 | 6:00 | 5:30 | 5:00 |
| Staunton, Va. (C) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Stockton, Calif. (P) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Superior, Wis. (C) | 4:45 | 5:30 | 6:15 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Syracuse, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Tacoma, Wash. (P) | 5:30 | 6:00 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Tallahassee, Fla. (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Tallmadge, Ohio (E) | 5:15 | 5:45 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Tampa, Fla. (E) | 6:00 | 6:15 | 6:45 | 7:00 | 7:30 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Temple, Tex. (C) | 5:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Terre Haute, Ind. (C) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Texarkana, Tex. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Toledo, Ohio (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Topeka, Kans. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Trenton, N. J. (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Troy, N. Y. (E) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Troy, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Roanoke, Va. (E) | 5:00 | 5:30 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Rochester, Minn. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Rochester, N. Y. (E) | 5:00 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Rockford, Ill. (C) | 4:45 | 5:30 | 6:00 | 6:30 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:30 | 5:15 |
| Rock Island, Ill. (C) | 5:00 | 5:45 | 6:15 | 6:45 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Rock Springs, Wyo. (M) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Rome, Ga. (C) (F) | 5:00 | 5:30 | 5:45 | 6:15 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Roseburg, Ore. (P) | 5:45 | 6:15 | 6:30 | 7:00 | 7:30 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Roswell, N. Mex. (M) | 4:45 | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Sacramento, Calif. (P) | 5:15 | 5:45 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Safford, Ariz. (M) | 5:30 | 6:00 | 6:30 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Salem, Ore. (P) | 5:00 | 5:45 | 6:15 | 6:45 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Salina, Kans. (C) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Salisbury, N. C. (E) | 5:15 | 5:45 | 6:15 | 6:45 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Salisbury, Md. (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:45 | 8:15 | 8:15 | 7:45 | 7:00 | 6:15 | 5:45 | 5:30 |
| Salt Lake City, Utah (M) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| San Angelo, Tex. (C) | 6:00 | 6:30 | 6:45 | 7:15 | 7:45 | 8:15 | 8:15 | 7:45 | 7:00 | 6:15 | 5:45 | 5:30 |
| San Antonio, Tex. (C) | 6:00 | 6:30 | 6:45 | 7:15 | 7:45 | 8:15 | 8:15 | 7:45 | 7:00 | 6:15 | 5:45 | 5:30 |
| San Diego, Calif. (P) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| San Francisco, Calif. (P) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| San Juan, P. R. (AST) | 6:15 | 6:30 | 6:30 | 6:45 | 7:00 | 7:00 | 7:00 | 6:45 | 6:30 | 6:00 | 5:45 | 5:45 |
| San Luis Obispo, Calif. (P) | 5:15 | 5:45 | 6:00 | 6:30 | 7:00 | 7:15 | 7:15 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Santa Barbara, Calif. (P) | 5:15 | 5:45 | 6:00 | 6:30 | 7:00 | 7:15 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Santa Fe, N. Mex. (M) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Santa Rosa, N. Mex. (M) | 4:45 | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Sarnia Lake, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Schenectady, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Scottsbluff, Nebr. (M) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Scranton, Pa. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Seattle, Wash. (P) | 5:30 | 6:00 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Sheridan, Wyo. (M) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Sherman, Tex. (C) | 5:45 | 6:15 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Shreveport, La. (C) | 5:30 | 6:00 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Siloam Springs, Ark. (C) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Sioux City, Iowa (C) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Sioux Falls, S. Dak. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Snowflake, Ariz. (M) | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 8:15 | 8:15 | 7:45 | 7:00 | 6:15 | 5:45 | 5:30 |
| South Bend, Ind. (C) | 4:45 | 5:15 | 5:45 | 6:30 | 7:00 | 7:15 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| South Madison, Wis. (C) | 5:45 | 6:15 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Spartanburg, S. C. (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Spokane, Wash. (P) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Springfield, Mass. (E) | 4:45 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Springfield, Mo. (C) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Springfield, Vt. (E) | 4:45 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| St. Albans, Vt. (E) | 4:30 | 5:15 | 5:45 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| St. Cloud, Minn. (C) | 5:00 | 5:45 | 6:15 | 6:45 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| St. Joseph, Mo. (C) | 5:15 | 5:45 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| St. Louis, Mo. (C) | 5:00 | 5:30 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| State College, N. Mex. (M) | 4:45 | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| State College, Wash. (E) | 4:45 | 5:30 | 5:45 | 6:00 | 6:45 | 7:15 | 7:45 | 7:30 | 6:45 | 6:00 | 5:30 | 5:00 |
| Staunton, Va. (C) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Stockton, Calif. (P) | 5:15 | 5:45 | 6:15 | 6:45 | 7:15 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Superior, Wis. (C) | 4:45 | 5:30 | 6:15 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Syracuse, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Tacoma, Wash. (P) | 5:30 | 6:00 | 6:15 | 6:45 | 7:15 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Tallahassee, Fla. (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Tallmadge, Ohio (E) | 5:15 | 5:45 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Tampa, Fla. (E) | 6:00 | 6:15 | 6:45 | 7:00 | 7:30 | 7:45 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Temple, Tex. (C) | 5:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Terre Haute, Ind. (C) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Texarkana, Tex. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 8:00 | 8:00 | 7:30 | 6:45 | 6:00 | 5:30 | 5:15 |
| Toledo, Ohio (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Topeka, Kans. (C) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Trenton, N. J. (E) | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:45 | 7:45 | 7:15 | 6:30 | 5:45 | 5:15 | 5:00 |
| Troy, N. Y. (E) | 5:00 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |
| Troy, N. Y. (E) | 4:45 | 5:30 | 6:00 | 6:30 | 7:00 | 7:30 | 7:30 | 7:00 | 6:15 | 5:30 | 5:00 | 4:45 |

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2328; Filed, July 5, 1939; 11:38 a. m.]



## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

[No. M-17310]

WAIVE TARIFF RULES

AUTOMATIC POSTPONEMENT

[*Corrected Order* [1]]

JUNE 29, 1939.

Permission under Section 217 or 218 of the Motor Carrier Act, 1935, to depart from the requirements of the Commission's tariff regulations.

Present: John L. Rogers, Commissioner, to whom the above entitled matter has been assigned for action thereon.

*Ordered*, That all carriers by motor vehicle, subject to the Motor Carrier Act, 1935, and their duly appointed agents are hereby authorized to publish the following provisions in supplements announcing resuspension of the rates and other tariff provisions:

"If this supplement is not cancelled on or before (here insert date to which resuspended) the effective date of the above-described suspended schedules remaining under suspension on that date is hereby postponed to the date upon which this supplement is cancelled. The rates, charges, classifications, rules, regulations, practices, and other provisions, continued in force by the above-mentioned order of suspension, will apply during the period of this postponement unless changed under authority of special permission or order of the Interstate Commerce Commission."

*Provided*, That any supplement filed under this authority shall not include the announcement of suspension in more than one I. and S. Docket,

*Provided further*, That the authority granted hereby may be used only to postpone the effective date of suspended matter beyond the date of expiration of the second period of suspension,

*And provided further*, That the continuance of this authorization is made subject to the condition, that subject to the decision of the Commission in I. and S. Docket proceedings involved, carriers or their agents shall, with reasonable promptness, file schedules making final disposition of the matter under suspension or postponement.

*It is further ordered*, That supplements filed under this authority must bear the following notation:

"Departure from the Commission's tariff rules is authorized under special permission of the Interstate Commerce Commission No. M-17310 of June 29, 1939."

Dated at Washington, D. C., this 29th day of June 1939.

[1] 4 F.R. 2772 DI.

By the Commission, Commissioner Rogers.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39-2416; Filed, July 7, 1939; 12:16 p. m.]

## *Notices*

### FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3720]

IN THE MATTER OF BENJAMIN GREEN AND HARRY L. MINCH, TRADING AS B. GREEN & COMPANY; ISADOR RUDO AND BARNETTE H. RUDO, TRADING AS THE ATLANTIC GROCERY COMPANY; MORRIS KOLKER, HARRY MARK, AND SAMUEL GUTTMAN, TRADING AS THE MARYLAND GROCERY COMPANY; MICHAEL JOFFEE AND REUBIN JOFFEE, TRADING AS JOFFEE BROTHERS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Lewis C. Russell, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, July 13, 1939, at nine o'clock in the forenoon of that day (eastern standard time) in Room 352, Post Office Building, Baltimore, Maryland.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2402; Filed, July 7, 1939; 9:43 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3763]

IN THE MATTER OF CHARLES E. HERCHENROEDER, INDIVIDUALLY AND TRADING AS PREMIUM SALES SERVICE

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717, 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, July 20, 1939, at one o'clock in the afternoon of that day (central standard time), in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2403; Filed, July 7, 1939; 9:43 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3767]

IN THE MATTER OF JEAN LAWRENCE, INDIVIDUALLY, AND TRADING AS WELLS SALES COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in

this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, July 19, 1939, at one o'clock in the afternoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2404; Filed, July 7, 1939; 9:43 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3780]

IN THE MATTER OF DAVID KRITZIK, INDIVIDUALLY, AND TRADING AS GENERAL MERCHANDISE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, July 17, 1939, at ten o'clock in the forenoon of that day (central standard time) in Room 322, Federal Building, Milwaukee, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2405; Filed, July 7, 1939; 9:43 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3806]

IN THE MATTER OF ISAAC S. FRIEDMAN, AN INDIVIDUAL, TRADING AS WRIGHT PRODUCTS COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, July 19, 1939, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, new Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2406; Filed, July 7, 1939; 9:44 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3807]

IN THE MATTER OF ILLINOIS NUT PRODUCTS COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, July 24, 1939, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2407; Filed, July 7, 1939; 9:44 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of July, A. D. 1939.

[File No. 43-227]

IN THE MATTER OF GENERAL WATER GAS & ELECTRIC COMPANY, INTERNATIONAL UTILITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by General Water Gas & Electric Company; an application pursuant to section 10 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by General Water Gas & Electric Company; and an application pursuant to section 10 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by International Utilities Corporation;

*It is ordered*, That a hearing on such matters be held on July 24, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 19, 1939.

The matter concerned herewith is in regard to—

(a) A declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 by General Water Gas & Electric Company, a subsidiary of a registered holding company, with regard to the issue and sale at par of two promissory notes, (1) in the face amount of $1,200,000, with interest at the rate of 3%, to be sold to Chase National Bank, New York City, and (2) in the face amount of $1,000,000, with interest at the rate of 6%, to be sold to International Utilities Corporation, the parent of General Water Gas & Electric Company, such note to be subordinated to the note in the face amount of $1,200,000, which is to be sold to Chase National Bank; and

(b) An application by General Water Gas & Electric Company pursuant to Section 10 of the Public Utility Holding Company Act of 1935, with regard to the acquisition of 24,142 shares of the common stock, of the par value of $100 each, of California Water Service Company from Federal Water Service Corporation, a registered holding company, for a total price of $3,200,000; and

(c) An application by International Utilities Corporation pursuant to Section 10 of the Public Utility Holding Company Act of 1935, with regard to the acquisition by it of a promissory note in the face amount of $1,000,000 issued by General Water Gas & Electric Company to bear interest at the rate of 6% and to be subordinated to a note in the face amount of $1,300,000 to be issued and sold by General Water Gas & Electric Company to Chase National Bank.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2412; Filed, July 7, 1939; 10:58 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of July, A. D. 1939.

[File No. 58-16]

IN THE MATTER OF NORTHERN INDIANA PUBLIC SERVICE COMPANY

ORDER APPROVING SALE OF STOCK

Northern Indiana Public Service Company, a subsidiary of the Trustees of Midland Utilities Company, a registered holding company, having duly filed with this Commission an application pursuant to Rule U-12F-1 of the General Rules and Regulations under the Public Utility Holding Company Act of 1935 for approval of the sale of the 215,280 shares of the common capital stock of Chicago District Electric Generating Corporation, which it owns, to Commonwealth Edison Company of Chicago, Illinois, for the sum of $2,513,734.73, plus interest at the rate of 5% per annum from January 1, 1939 to the date of payment of the purchase price, plus an amount equal to 18.44% of any excess of the reserve for taxes on the books of Chicago District Electric Generating Corporation as at December 31, 1938 over the actual aggregate liability for taxes for the year 1938, less the amount of any reasonable expenses incurred by Chicago District Electric Generating Corporation in the determination of such liability; the Trustees of Midland Utilities Company having joined in and adopted said application of Northern Indiana Public Service Company;

A public hearing on said application having been held [1] after appropriate notice; the Applicant having waived a Trial Examiner's report, submission to it of proposed findings of fact by the Commission or requested findings of fact by counsel to the Commission, and the right to file briefs and make oral argument before the Commission prior to the making of the Commission's findings and the entry of its order herein; and the Commission having as of the date hereof made and filed its findings herein;

*It is ordered*, That said sale by Northern Indiana Public Service Company of said 215,280 shares of common capital stock of Chicago District Electric Generating Corporation, which it owns, to Commonwealth Edison Company be, and the same is hereby approved, subject, however, to the following conditions:

(1) That said sale shall be effected in accordance with the terms and conditions of, and for the purposes represented by, said application;

(2) That concurrently with said sale of said stock the proposed Electric Service Agreement between Applicant and Chicago District Electric Generating Corporation, marked Applicant's Exhibit #2 in these proceedings, shall be executed and delivered;

(3) That if the express approval and authorization of the sale by the Public Service Commission of the State of Indiana shall be revoked or otherwise terminated, this approval of said sale shall terminate immediately without further order of this Commission; and

(4) That within ten days after the consummation of said sale, Applicant shall file with this Commission a Certificate of Notification showing that said sale has been effected in accordance with the terms and conditions of, and for the purposes represented by, said application, and that said Electric Service Agreement was executed and delivered concurrently with said sale.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2413; Filed, July 7, 1939; 10:57 a. m.]

[1] 4 F.R. 2126 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1939.

[File No. 43-223]

IN THE MATTER OF PEOPLES NATURAL GAS COMPANY

ORDER FOR POSTPONEMENT

It appearing to the Commission that a hearing in the matter of the declaration of Peoples Natural Gas Company, filed pursuant to section 7 of the Public Utility Holding Company Act of 1935, has been set [1] for the 17th day of July, 1939 at 10:00 o'clock in the forenoon, in room 1102 of the offices of the Securities and Exchange Commission in Washington, D. C., and

It further appearing to the Commission that said hearing should be postponed for the reason that it will thus be possible to hold it on the day preceding another hearing to be held with respect to the same holding company system

*It is therefore ordered*, That the hearing in the above mentioned matter be and the same is hereby postponed until the 24th day of July, 1939, at 10:00 o'clock in the A. M. at the offices of the Securities and Exchange Commission, Washington, D. C., before Willis E. Monty, Trial Examiner. On such day the hearing room clerk in room 1102 will advise as to the room where the hearing will be held. All interested parties or persons will govern themselves accordingly and any and all witnesses heretofore subpoenaed in this matter, unless excused, shall appear and be present at said last mentioned time and place without further subpoena.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2410; Filed, July 7, 1939; 10:58 a. m.]

[1] 4 F.R. 2725 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 6th day of July, A. D. 1939.

[File No. 43-224]

IN THE MATTER OF ARGUS NATURAL GAS COMPANY, INC.

ORDER FOR POSTPONEMENT

It appearing to the Commission that a hearing in the matter of the declaration of Argus Natural Gas Company, Inc., filed pursuant to section 7 of the Public Utility Holding Company Act of 1935, has been set [1] for the 17th day of July, 1939 at 10:00 o'clock in the forenoon, in room 1102 of the offices of the Securities and Exchange Commission in Washington, D. C., and

It further appearing to the Commission that said hearing should be postponed for the reason that it will thus be possible to hold it on the day preceding another hearing to be held with respect to the same holding company system

*It is therefore ordered*, That the hearing in the above mentioned matter be and the same is hereby postponed until the 24th day of July, 1939, at 10:00 o'clock in the A. M. at the offices of the Securities and Exchange Commission, Washington, D. C., before Willis E. Monty, Trial Examiner. On such day the hearing room clerk in room 1102 will advise as to the room where the hearing will be held. All interested parties or persons will govern themselves accordingly and any and all witnesses heretofore subpoenaed in this matter, unless excused, shall appear and be present at said last mentioned time and place without further subpoena.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2411; Filed, July 7, 1939; 10:58 a. m.]

[1] 4 F.R. 2726 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1939.

[File No. 43-229]

IN THE MATTER OF NORTHERN NATURAL GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on July 25, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 20, 1939.

The matter concerned herewith is in regard to the proposed issue and sale by declarant, a registered holding company, at private sale, of its First Mortgage and First Lien Bonds, Series A, 3¼% due July 1, 1954, in the amount of $16,000,000; and the issue and sale of its unsecured promissory notes bearing interest at 2½%, in the aggregate amount of $6,000,000, maturing serially in principal amounts of $500,000 on January 1 and July 1, commencing July 1, 1940, the last note maturing on January 1, 1946, to The Chase National Bank of the City of New York. Declarant states that the proceeds of the bonds are to be used for the retirement of all of the declarant's presently outstanding funded debt, and that the proceeds of the notes are to be used for the construction of a transmission line from near Sioux City, Iowa, to a point near Minneapolis, Minnesota, compressor station property, lateral pipe lines and distribution system incidental to the said extension and additions and improvements to declarant's present property, including distribution property of subsidiaries, gasoline manufacturing plant, telephone system, compressor station property, etc.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2409; Filed, July 7, 1939; 10:57 a. m.]

JUL 2 1939


# FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 4 NUMBER 131

*Washington, Tuesday, July 11, 1939*


## *The President*

TO THE PEOPLE OF THE UNITED STATES:

Claude Augustus Swanson, Secretary of the Navy, died at his camp on the Rapidan River in the Shenandoah National Forest on the morning of Friday, July 7, 1939, at six minutes after eight o'clock.

Greatly loved by those who were privileged to know him and widely honored for his many years of faithful public service, this distinguished member of the President's Cabinet will be mourned throughout the nation.

Born and educated in the Old Dominion, he represented Virginia in Congress from 1893 until he resigned to become governor in 1906. Four years later he became a member of the United States Senate where he continued to serve until he was appointed Secretary of the Navy by President Roosevelt in 1933. It was a career which exemplifies the finest traditions of American public life.

As an expression of national mourning, the President directs that the flag of the United States be displayed at half-mast until sunset of the day of interment on all public buildings and at all military posts and naval stations and on all vessels of the United States.

By direction of the President,

[SEAL] CORDELL HULL *Secretary of State*

DEPARTMENT OF STATE,
*Washington, July 7, 1939.*

[F. R. Doc. 39-2448; Filed, July 8, 1939; 12:27 p. m.]

## EXECUTIVE ORDER

ASSIGNMENT OF FREQUENCIES TO GOVERNMENT RADIO STATIONS

By virtue of and pursuant to the authority vested in me by section 305 of the Communications Act of 1934 as amended (48 Stat. 1083, 47 U.S.C. Sec. 305), I hereby assign frequencies to Government radio stations and classes of stations as follows:

| Frequency (kc) | Government Agency | Class of Station |
|---|---|---|
| 17.8 | Navy | Fixed |
| 18.0 | " | Do. |
| 18.6 | " | Do. |
| 19.8 | " | Do. |
| 22.9 | " | Do. |
| 24.0 | " | Do. |
| 26.1 | " | Do. |
| 28.5 | " | Do. |
| 30.6 | " | Do. |
| 42.8 | " | Do. |
| 56 | " | Do. |
| 58 | " | Do. |
| 64 | " | Do. |
| 66 | " | Do. |
| 75 | War | Do. |
| 83 | " | Do. |
| 94 | " | Do. |
| 100 | " | Do. |
| 102 | Navy | Coast, Fixed |
| 104 | " | Do. |
| 106 | " | Do. |
| 108 | " | Do. |
| 113 | " | Coast |
| 115 | " | Do. |
| 1120 | War | Do. |
| 1120 | " | Fixed |
| 122 | Navy | Coast |
| 128 | " | Do. |
| 132 | " | Do. |
| 1133 | War | Do. |
| 1133 | " | Fixed |
| *159 | " | Coast, Ship |

*159 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.

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| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| *166 | A3 | War | Fixed |
| *172 | | " | Do. |
| 175 | | Treasury (Coast Guard) | Coast, Ship |
| *178 | | War | Fixed |
| 180 | | Commerce (Lighthouses) | Ship |
| *188 | | War | Land, Fixed |
| 188 | | Treasury (Coast Guard) | Fixed (For use at Grays Harbor, Washington, only) |
| 1190 | | Commerce (Lighthouses) | Ship |
| *192 | | War | Fixed, Land |
| *194 | | " | Land, Fixed |
| *196 | | " | Fixed |
| *197 | | " | Do. |
| 200 | A3 | " | Aeronautical, Aeronautical fixed, Fixed (Outside continental U. S.) |
| t*201 | | " | Fixed, Aeronautical fixed |
| s201 | A2 | " | Aeronautical marker |
| 201 | A3 | " | Aeronautical, Airport traffic control |
| t*203 | | " | Fixed (Outside continental U. S.) |
| s**203 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical marker |
| s*206 | A3 | " | Do. |
| s*209 | A3 | " | Do. |
| s*212 | A3 | " | Do. |
| s*215 | N A3 | " | Do. |
| s*215 | N A3 | War | Do. |
| t*216 | | " | Fixed (Outside continental U. S.) |
| 1216 | | " | Do. |
| 1219 | | " | Fixed, Aeronautical fixed |
| s219 | A2 | " | Aeronautical marker |
| 219 | A3 | " | Aeronautical, Airport traffic control |
| t220 | | " | Fixed, Aeronautical fixed (Outside continental U. S.) |
| *220 | A3 | " | Aeronautical (Outside continental U. S.) |
| s*221 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s*224 | A3 | " | Do. |
| 1225 | | War | Fixed (Outside continental U. S.) |
| s*227 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s230 | A3 | " | Do. |
| s230 | A3 | War | Do. |
| s233 | A3 | Civil Aeronautics Authority | Do. |
| s236 | A3 | " | Do. |
| s239 | A3 | " | Do. |
| s*242 | A3 | " | Do. |
| 245 | N A3 | Treasury (Coast Guard) | Ship |
| s*245 | N A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s*248 | A3 | " | Do. |
| s*248 | A3 | War | Do. |
| s*251 | A3 | Civil Aeronautics Authority | Do. |
| s*254 | A3 | " | Do. |
| s*254 | A3 | War | Do. |
| s*257 | A3 | Civil Aeronautics Authority | Do. |

*166 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.
Non-Government priority recognized for operations on 165 and 167kc in the vicinity of the Great Lakes.

*172 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.

*178 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.
Non-Government priority recognized for operations on 177 kc in the vicinity of the Great Lakes.
Temporarily used by non-Government stations in Alaska for point to point telegraph communication between non-Government stations, as provided in Federal Communications Commission Rule 171.01.

*188 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.

*192 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.

*194 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.

*196 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.

*197 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.

*201 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.

*203 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.

**203 kc: War Department priority recognized for operations on 201 kc.

*206 kc: War Department priority recognized for operations on 201 kc.

*209 kc: 209 and 210 kc used by non-Government stations in Alaska for point-to-point communication in Alaska, as provided in Federal Communications Commission Rules 171.01 and 171.02.

*212 kc: 210, 212 and 214 kc used by non-Government stations in Alaska for point-to-point telegraph communication in Alaska, as provided in Federal Communications Commission Rules 171.01 and 171.02.
Navy Department priority recognized for operations on 215 kc.

*215 kc: 214 kc used by non-Government stations in Alaska for point-to-point telegraph communication in Alaska, as provided in Federal Communications Commission Rule 171.01.
War Department priority recognized for operations on 219 kc.

*216 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.

*220 kc: Civil Aeronautics Authority priority recognized for operations on 224 kc, as regards War Department A3 operations on 220 kc.

*221 kc: War Department priority recognized for operations on 219 kc.

*224 kc: Special coordination required with War Department operations on 219 kc.

*227 kc: Used by non-Government stations in Alaska for point-to-point telegraph communication in Alaska, as provided in Federal Communications Commission Rule 171.01.

*242 kc: Navy Department priority recognized for operations on 245 kc.

*245 kc: 246 kc used by non-Government stations in Alaska for point-to-point telegraph communication in Alaska, as provided in Federal Communications Commission Rules 171.01 and 171.02.

*248 kc: 246 kc used by non-Government stations in Alaska for point to point telegraph communication in Alaska, as provided in Federal Communications Commission Rules 171.01 and 171.02.
Navy Department priority recognized for operations on 245 kc.

*251 kc: 252 kc used by non-Government stations in Alaska for point to point telegraph communication in Alaska, as provided in Federal Communications Commission Rule 171.01.

*254 kc: 252 and 256 kc used by non-Government stations in Alaska primarily for point to point telegraph communication in Alaska, as provided in Federal Communications Commission Rules 171.01 and 171.02.

*257 kc: 258 kc used by non-Government stations in Alaska primarily for point to point telegraph communication in Alaska, as provided in Federal Communications Commission Rules 171.01 and 171.03.



| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| s*326 | A3 | War | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s329 | A3 | Civil Aeronautics Authority | Do. |
| s332 | A3 | " | Do. |
| j*333 | A3 | All Government Agencies | Aircraft |
| s335 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s338 | A3 | " | Do. |
| s341 | A3 | " | Do. |
| s341 | A3 | War | Do. |
| 1343 | | " | Fixed (Outside continental U. S.) |
| 343 | A3 | " | Land, Airport traffic control (Outside continental U. S.) |
| s*344 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s344 | A3 | War | Do. |
| s347 | A3 | Civil Aeronautics Authority | Do. |
| s350 | A3 | " | Do. |
| s*353 | A3 | Navy | Coast |
| *353 | | Treasury (Coast Guard) | Coast, Ship |
| *355 | | Commerce | Ship |
| s*356 | A3 | Civil Aeronautics Authority | Do. |
| s*356 | A3 | " | Do. |
| s360 | | Navy | Coast (Samoan Group) |
| 360 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s362 | A3 | War | Do. |
| s365 | A3 | Civil Aeronautics Authority | Do. |
| s365 | A3 | War | Do. |
| s1371 | A3 | Civil Aeronautics Authority | Do. |
| 1375 | A2 | All Government Agencies | Direction finding, Mobile (direction finding service) |
| s1376 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s1379 | A3 | " | Do. |
| s1379 | A3 | War | Aeronautical, Aeronautical fixed (Hawaii only) |
| 1380 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s1382 | A3 | " | Do. |
| s1385 | A3 | " | Do. |
| s1385 | A3 | " | Do. |
| s1394 | A3 | War | Do. |
| s*1394 | A3 | Civil Aeronautics Authority | Do. |
| 1396 | A3 | War | Do. |
| s*1396 | A3 | " | Land, Ship, Aircraft |
| s*1396 | A3 | " | Airport traffic control |
| s*1396 | A3 | " | Fixed |
| s*1396 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone (Arlington, Oregon, only) |
| 1410 | | All Government Agencies | Mobile (Distress and calling on Great Lakes) |
| 1410 | | Commerce (Lighthouses) | Ship |
| 1410 | | Navy | Coast (Outside continental U. S.) |
| n1410 | A2 | Commerce (Lighthouses) | Fixed |
| 1425 | | " | Coast, Ship |
| 1425 | | " | Coast, Ship (In Alaska) |
| j*425 | | Treasury (Coast Guard) | Coast (For handling safety, urgent and hydrographic traffic only) |

*326 kc: Navy Department priority recognized for operations on 323 kc.
C.A.A recognizes the priority of the Marine Radiobeacon Service in the band 285–315 kc.
Navy Department use to be coordinated with the Civil Aeronautics Authority system of airway navigational aids.

*333 kc: To be used only as indicated in Section 5, Inter-American Arrangement in Habana, 1937.

*344 kc: War Department priority recognized for use of 343 kc for Fixed, Land and Airport traffic control operations outside the continental U. S.

*353 kc: Navy Department priority recognized for operations on 355 kc.

*355 kc: Available for non-Government stations for assignment to the U. S. Maritime Commission vessels for communication with Government stations.

*356 kc: Navy Department priority recognized for operations on 355 kc.

*360 kc: Subject to agreement with the Civil Aeronautics Authority.

*391 kc: Non-Government priority recognized for operations on 392 and 394 kc.

*396 kc: Non-Government priority recognized for operations on 396 kc.

*425 kc: Government priority recognized for existing maritime services on 394 kc, as regards the A3 operation on 396 kc.

*425 kc: A2 emission will be used only when absolutely necessary.

| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| s*260 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s*260 | A3 | War | Do. |
| s*263 | A3 | Civil Aeronautics Authority | Do. |
| s*263 | A3 | War | Do. |
| s*266 | A3 | Civil Aeronautics Authority | Do. |
| s*269 | A3 | " | Do. |
| s*272 | A3 | " | Do. |
| s*272 | A3 | War | Aeronautical (Outside continental U. S.) |
| *272 | A3 | " | Aeronautical, Airport traffic control |
| t*272 | | " | Fixed, Aeronautical fixed (Outside continental U. S.) |
| t*272 | N | Commerce (Fisheries) | Fixed (For communication with ACS only) |
| *275 | A3 | Coast Guard (Proposed) | Ships |
| s*278 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| 1*278 | A3 | War | Airport traffic control |
| s*281 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s*284 | A3 | " | Do. |
| s*284 | A2 | Commerce (Lighthouses) | Marine radiobeacon |
| s288 | A2 | " | Do. |
| s290 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s1290 | A3 | Commerce (Lighthouses) | Marine radiobeacon |
| s292 | A2 | " | Do. |
| s294 | A2 | " | Do. |
| s296 | A2 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s1296 | A3 | Commerce (Lighthouses) | Marine radiobeacon |
| s298 | A2 | " | Do. |
| s300 | A2 | " | Do. |
| s302 | A2 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s304 | A3 | Commerce (Lighthouses) | Marine radiobeacon |
| s1304 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s306 | A2 | Commerce (Lighthouses) | Marine radiobeacon |
| s308 | A2 | " | Do. |
| s1308 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s310 | A2 | Commerce (Lighthouses) | Marine radiobeacon |
| s312 | A2 | " | Do. |
| s314 | A2 | " | Do. |
| s1314 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| 316 | | Navy | Aeronautical (Canal Zone only) |
| s*317 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone, Aeronautical, Aeronautical Marker |
| s*320 | A3 | " | Do. |
| s*320 | A3 | War | Aeronautical |
| s*323 | A3 | Navy | Aeronautical range and telephone, Aeronautical, Aeronautical Marker. |
| s*326 | A3 | " | Do. |
| s*326 | A3 | Navy | Do. |

*260 kc: 262 kc used by non-Government stations in Alaska primarily for point to point telegraph communication in Alaska, as provided in Federal Communications Commission Rules 171.01, 171.02, and 171.03.

*263 kc: 262 kc used by non-Government stations in Alaska primarily for point to point telegraph communication in Alaska, as provided in Federal Communications Commission Rules 171.01, 171.02, and 171.03.

*266 kc: 265 kc used by non-Government stations in Alaska for point-to-point telegraph communication in Alaska, as provided in Federal Communications Commission Rules 171.01 and 171.02.

*269 kc: 268 kc used by non-Government stations in Alaska for point-to-point telegraph communication in Alaska, as provided in Federal Communications Commission Rules 171.01 and 171.02.

*272 kc: 274 kc used by non-Government stations in Alaska for point to point telegraph communication in Alaska, as provided in Federal Communications Commission Rules 171.01 and 171.02.
Navy Department priority recognized for operations on 275 kc.
War Department priority recognized for Aeronautical, Aeronautical fixed, Fixed, Airport traffic control operations outside the continental U. S.

*278 kc: Navy Department priority recognized for operations on 275 kc.

*281 kc: Marine Radiobeacon Service priority recognized for operations in the band 285–315 kc.

*284 kc: Marine Radiobeacon Service priority recognized for operations in the band 285–315 kc.

*317 kc: Marine Radiobeacon Service priority recognized for operations in the band 285–315 kc.

*320 kc: Navy Department priority recognized for operations on 323 kc.

*326 kc: Marine Radiobeacon Service priority recognized for operations in the band 285–315 kc.

| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| *428 | | War | Land, Ship, Aircraft |
| t*428 | | " | Fixed |
| 440 | | Navy | Land |
| 444 | | " | Do. |
| *444 | | War | Land, Ship |
| t*444 | | " | Fixed |
| *446 | | " | Land, Ship |
| t*446 | | " | Fixed |
| 450 | | Navy | Land |
| 454 | | War | Coast (Outside continental U. S.) |
| 464 | | Navy | Coast, Ship |
| 464 | | Commerce (Fisheries) | Coast |
| 464 | | Treasury (Coast Guard) | Coast, Ship |
| 470 | | War | Coast |
| t470 | | " | Fixed |
| 478 | | " | Coast |
| t480 | | " | Fixed (Alaska) |
| 480 | | Treasury (Coast Guard) | Mobile (For calibrating direction finders) |
| 480 | | War | Coast (Alaska) |
| 480 | | Navy | Mobile (For calibrating direction finders) |
| *480 | | Navy; Treasury (Coast Guard); War | Coast, Ship |
| 500 | A2 | All Government Agencies | Mobile, Land (Distress and calling) |
| 518 | A3 | Navy | Aeronautical, Aircraft |
| 522 | A3 | " | Aeronautical, Aeronautical range and telephone, Aircraft, Airport traffic control |
| *526 | | War | Aeronautical |
| 528 | A3 | " | Do. |
| *530 | | " | Do. |
| *534 | | " | Do. |
| 536 | A3 | " | Do. |
| *538 | | " | Do. |
| 542 | A3 | Navy | Aeronautical, Aircraft |
| 542 | A3 | " | Fixed (Samoan Group) |
| j*600 | | " | Broadcasting |
| n1610 | A3 | Justice (Investigation) | Mobile |
| n1614 | A3 | Labor (Immigration and Naturalization). | Do. |
| n1626 | A3 | Treasury (Customs) | Land |
| n1626 | A3 | Justice (Investigation) | Mobile |
| n1634 | A3 | " | Do. |
| *1638 | A3 | Navy | Aeronautical, Aircraft |
| n1642 | A3 | Justice (Investigation) | Mobile |
| *1652 | A3 | War | Fixed (ACS public telephone service in Alaska only) |
| n1658 | A3 | Justice (Investigation) | Mobile |
| *1666 | A3 | War | Fixed (ACS public telephone service in Alaska only) |
| n1666 | A3 | Justice (Investigation) | Mobile |
| n1674 | A3 | " Do. " | Do. |
| *1682 | A3 | War | Fixed (ACS public telephone service in Alaska only) |

*428 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.

*444 kc: Secondary and intermittent operation with A2 emission authorized. Adjacent channel priority recognized as regards this A2 operation.

*446 kc: Non-Government priority recognized for operations on 448 kc at New Orleans, La. A2 emission will be used only when absolutely necessary.

*480 kc: War Department priority recognized on the Mississippi River and its tributaries, including an area within a radius of 300 miles from the mouth of the Mississippi River; the Navy and Treasury Departments have equal priority elsewhere, except in Alaska.
Non-Government priority recognized for operations on 478 kc at Galveston, Texas; Baltimore, Maryland; and Portland, Oregon; and on 428 kc at Hialeah, Florida.
A2 emission will be used only when absolutely necessary.

*526 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*530 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*534 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*538 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*600 kc: Not limited to a band width of 6000 cycles.

*1638 kc: Navy Department priority recognized in the Canal Zone only; non-Government in the United States.

*1652 kc: War Department priority recognized in Alaska only; non-Government in the United States, except in Alaska.

*1666 kc: War Department priority recognized in Alaska only; non-Government in the United States, except in Alaska.

*1682 kc: War Department priority recognized in Alaska only; non-Government in the United States, except in Alaska.

| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| n1682 | A3 | Justice (Investigation) | Mobile |
| **1682 | A3 | Navy | Aeronautical |
| n1690 | A3 | Justice (Investigation) | Mobile |
| n1698 | A3 | " | Do. |
| n1706 | A3 | " | Do. |
| *1712 | A3 | War | Fixed (ACS public telephone service in Alaska only) |
| n1712 | A3 | Justice (Investigation) | Mobile |
| *1738 | A3 | War | Land, Fixed |
| *1738 | | Commerce (Coast and Geodetic Survey). | Portable, Ship |
| 1742 | A3 | War | Land, Fixed |
| 1742 | | Commerce (Coast and Geodetic Survey). | Portable, Ship |
| 1746 | A3 | War | Land, Fixed |
| 1746 | | Commerce (Coast and Geodetic Survey). | Portable, Ship |
| *2066 | A3 | War | Aeronautical, Aeronautical fixed |
| *2072 | A3 | Treasury (Coast Guard) | Coast, Fixed, Land, Mobile, Portable |
| *2082 | A3 | War | Aeronautical, Aeronautical fixed |
| *2084 | | " | Fixed (National Guard) |
| *2096 | | Navy | Fixed (Naval Reserve Communications) |
| j2110 | A3 | War | Ship (Ship Harbor Telephone Service) |
| *2118 | A3 | Labor (Immigration and Naturalization). | Land, Mobile (Mexican Border only) |
| j2118 | A3 | War | Ship (Ship Harbor Telephone Service) |
| t*2118 | A3 | Labor (Immigration and Naturalization). | Fixed (Mexican Border only) |
| j2126 | A3 | War | Ship (Ship Harbor Telephone Service) |
| j2142 | A3 | " | Do. |
| *2182 | A3 | Labor (Immigration and Naturalization). | Land, Mobile (Mexican Border only) |
| t**2182 | A3 | " | Fixed (Mexican Border only) |
| j2198 | A3 | War | Ship (Ship Harbor Telephone Service) |
| f*2206 | A3 | " | Coast, Fixed, Ship |
| f2220 | A3 | " | Aeronautical |
| f*2222 | A3 | Interior (Reclamation) | Fixed |
| f2226 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| f2240 | A3 | War | Aeronautical |
| f2248 | | " | Fixed (Low-power automatic measuring or control devices). |
| f2248 | | Interior (Geological Survey) | Do. |
| f2258 | A3 | War | Land, Fixed, Ship |
| f*2274 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| f2280 | A3 | War | Aeronautical |
| f2286 | | " | Fixed (Low-power automatic measuring or control devices) |
| f2296 | | " | Do. |
| f2296 | | Interior (Geological Survey) | Do. |
| f2310 | A3 | War | Coast, Ship |
| f2310 | A3 | " | Fixed |
| f2320 | A3 | " | Aeronautical |
| j2326 | A3 | Agriculture (Weather Bureau) | Fixed (Cape Henry, Virginia) |
| f2340 | A3 | War | Aeronautical |
| f2356 | A3 | Navy | Aeronautical, Aircraft (Naval Reserve Communications) |
| f2356 | | " | Fixed (Naval Reserve Communications) |
| f2360 | A3 | War | Aeronautical |
| n2366 | A3 | Justice (Investigation) | Mobile |
| f2374 | A3 | War | Aeronautical |

**1682 kc: Navy Department priority recognized in the Canal Zone only; non-Government in the United States, except Alaska.

*1712 kc: War Department priority recognized in Alaska only; non-Government in the United States, except Alaska.

*1738 kc: Canadian priority recognized for operations on 1734 kc in the Great Lakes area, as regards A3 emission on 1738 kc.

*2066 kc: Available for non-Government assignment to experimental visual broadcasting.

*2072 kc: Available for non-Government assignment to experimental visual broadcasting.

*2082 kc: Available for non-Government assignment to experimental visual broadcasting.

*3384 kc: Available for non-Government assignment to experimental visual broadcasting.
Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*2096 kc: Available for non-Government assignemnt to experimental visual broadcasting.

*2118 kc: Non-Government priority recognized for ship harbor telephone service.

*2182 kc: Non-Government priority recognized for ship harbor telephone service.

*2206 kc: Non-Government priority recognized for ship harbor telephone service on the coasts of the continental United States.

*2222 kc: War Department priority recognized for operations on 2220 kc.

*2274 kc: Navy Department priority recognized for operations on 2272 kc.



| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| n*2382 | A3 | Justice (Investigation) | Mobile |
| *2384 | A3 | Navy | Aeronautical, Aircraft (Naval Reserve Communications) |
| t2384 | | " | Fixed (Naval Reserve Communications) |
| n2390 | A3 | Justice (Investigation) | Mobile |
| n2406 | A3 | " | Do. |
| n2414 | A3 | " | Do. |
| n2422 | A3 | " | Do. |
| n2430 | A3 | " | Do. |
| 2436 | A3 | Navy | Aeronautical, Aircraft (Naval Reserve Communications) |
| t2436 | | " | Fixed (Naval Reserve Communications) |
| n2442 | A3 | Treasury (Mint) | Fixed, Land (For communication with police in the vicinity of Louisville, Kentucky) |
| n2442 | A3 | Justice (Investigation) | Mobile |
| n2450 | A3 | Navy | Land (Emergency police service in New York City) |
| n2450 | A3 | War | Mobile (For communication with police in the vicinity of Fort Sill, Oklahoma) |
| n2450 | A3 | Justice (Investigation) | Mobile |
| n2458 | A3 | " | Do. |
| n2466 | A3 | " | Do. |
| n2474 | A3 | Tennessee Valley Authority | Portable (For communication with police in the vicinity of Norris, Tennessee) |
| n2474 | A3 | Justice (Investigation) | Mobile |
| n*2482 | A3 | " | Do. |
| t2484 | | Navy | Fixed (Naval Reserve Communications) |
| t2484 | | Interior (Geological Survey) | Fixed (Low-power automatic measuring or control devices) |
| t2484 | | War | Do. |
| n2490 | A3 | Justice (Investigation) | Mobile |
| 2492 | A3 | War | Aeronautical |
| 2492 | | Commerce (Coast and Geodetic Survey). | Portable, Ship |
| 2496 | A3 | War | Aeronautical |
| 2496 | | Commerce (Coast and Geodetic Survey). | Portable, Ship |
| 2496 | A3 | Interior (National Park Service) | Portable |
| t2496 | A3 | " | Fixed |
| 2500 | A3 | War | Aeronautical |
| 2500 | | Commerce (Coast and Geodetic Survey). | Portable, Ship |
| t*2516 | | Interior (Geological Survey) | Fixed (Low-power automatic measuring or control devices) |
| t*2522 | A3 | War | Fixed |
| f*2538 | A3 | " | Coast, Ship, Mobile |
| t*2538 | A3 | " | Fixed |
| t*2558 | A3 | Interior (National Park Service) | Fixed, Mobile, Portable |
| *2572 | A3 | Commerce (Lighthouses) | Coast (Hydrographic, weather and notice to mariners broadcasts only) |
| *2572 | A3 | Treasury (Coast Guard) | Do. |
| *2576 | | Navy | Aeronautical, Aircraft (Naval Reserve Communications) |
| t2576 | | " | Fixed (Naval Reserve Communications) |
| 2604 | N A3 | War | Coast, Ship |
| t2604 | N A3 | " | Fixed |
| 2604 | N A3 | Interior (National Park Service) | Portable |
| t2604 | N A3 | " | Fixed |
| t*2616 | A3 | Commerce (Fisheries) | Fixed (Alaska only) |
| 2618 | A3 | War | Land, Mobile, Portable |
| t*2624 | | " | Aeronautical fixed |
| 2624 | A3 | " | Land, Ship |

*2382 kc: Navy Department priority recognized for operations on 2384 kc.

*2384 kc: Non-Government priority recognized for operations on 2382 kc.

*2482 kc: Navy Department priority recognized for operations on 2484 kc.

*2516 kc: Non-Government priority recognized for coastal harbor telephone serivce on frequency 2514 kc.

*2522 kc: Non-Government priority recognized for coastal harbor telephone service.

*2538 kc: Non-Government priority recognized for coastal harbor telephone service, and for ship stations in Alaskan waters.

*2558 kc: Non-Government priority recognized for coastal harbor telephone service.
To be used on the North Carolina coast where no Coast Guard telephone service is available.

*2572 kc: Non-Government priority recognized for coastal harbor telephone service.

*2576 kc: Secondary and intermittent operation with A3 emission authorized. Adjacent channel priority recognized as regards this A3 operation.

*2616 kc: Temporarily used by non-Government stations in Alaska, as provided in Federal Communications Commission Rules 171.05, 172.01 and 173.02.

**2624 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| *2630 | A3 | Labor (Immigration and Naturalization). | Land, Mobile (On Canadian and Mexican Borders only) |
| t*2630 | A3 | " | Fixed (On Canadian and Mexican Borders only) |
| *2652 | A3 | War | Aeronautical |
| t2652 | | Interior (Geological Survey) | Fixed (Low-power automatic measuring or control devices) |
| t2656 | | Navy | Fixed (Naval Reserve Communications) |
| 2660 | | Treasury (Coast Guard) | Aeronautical, Land, Mobile, Portable |
| t2660 | | " | Fixed, Aeronautical fixed |
| 2662 | A3 | " | Land, Mobile, Portable |
| 2662 | A3 | Commerce (Lighthouses) | Coast (Hydrographic, weather and notice to mariners broadcasts only) |
| 2664 | A3 | Treasury (Coast Guard) | Aeronautical, Land, Mobile, Portable |
| t2664 | A3 | " | Fixed, Aeronautical fixed |
| 2670 | A3 | " | Aeronautical, Land, Mobile, Portable |
| t2670 | A3 | " | Fixed, Aeronautical fixed |
| 2670 | A3 | Commerce (Lighthouses) | Coast, Ship (For communication with Coast Guard stations only) |
| t2670 | A3 | " | Fixed (For communication with Coast Guard stations only) |
| 2670 | A3 | Treasury (Customs) | Portable, Ship, Vehicular (For communication with Coast Guard stations only) |
| 2670 | A3 | Commerce (Fisheries) | Coast (For communication with Coast Guard stations in Alaska only) |
| 2670 | A3 | War | Ship (For communication with Coast Guard stations only) |
| 2676 | A3 | Treasury (Coast Guard) | Aeronautical, Land, Mobile, Portable |
| t2676 | A3 | " | Fixed, Aeronautical fixed |
| 2680 | A3 | " | Aeronautical, Land, Mobile, Portable |
| t2680 | A3 | " | Fixed, Aeronautical fixed |
| 2684 | A3 | " | Aeronautical, Land, Mobile, Portable |
| t2684 | A3 | " | Fixed, Aeronautical fixed |
| 2688 | A3 | " | Aeronautical, Land, Mobile, Portable |
| t2688 | A3 | " | Fixed, Aeronautical fixed |
| 2688 | A3 | Treasury (Customs) | Portable, Ship, Vehicular (For communication with Coast Guard stations only) |
| 2692 | A3 | Treasury (Coast Guard) | Aeronautical, Land, Mobile, Portable |
| t2692 | A3 | " | Fixed, Aeronautical fixed |
| 2698 | A3 | " | Aeronautical, Land, Mobile, Portable |
| t2698 | A3 | " | Fixed, Aeronautical fixed |
| 2698 | A3 | Agriculture (Soil Conservation Service) | Portable, Mobile (For use in Idaho and Minnesota only) |
| 2704 | | Treasury (Coast Guard) | Aeronautical, Land, Mobile, Portable |
| t2704 | | " | Fixed, Aeronautical fixed |
| 2710 | A3 | Labor (Immigration and Naturalization) | Land, Mobile (On Canadian and Mexican Borders only) |
| t2710 | A3 | " | Fixed (On Canadian and Mexican Borders only) |
| *2716 | A3 | Navy | Coast |
| *2716 | A3 | Interior (Grazing Control) | Fixed |
| *2716 | A3 | Interior (Reclamation) | Do. |
| j2738 | A3 | All Government Agencies | Ship (For communication with coastal harbor and commercial ship stations only) |
| j2738 | A3 | Treasury (Coast Guard) | Coast (White Fish Point only) |
| *2744 | A3 | Navy | Aeronautical, Aircraft, Fixed (Naval Reserve Communications) |
| 2754 | A3 | War | Aeronautical |
| *2764 | | " | Fixed (National Guard) |
| 2770 | A3 | Labor (Immigration and Naturalization) | Fixed, Land, Mobile (On Canadian and Mexican Borders only) |
| 2770 | A3 | Interior (Indian Service) | Fixed, Portable |
| 2770 | A3 | Interior (National Park Service) | Do. |
| 2772 | | Navy | Fixed (Naval Reserve Communications) |
| *2792 | A3 | " | Aeronautical, Aircraft, Fixed (Naval Reserv Communications) |
| *2796 | | War | Aeronautical fixed |
| 2798 | A3 | " | Aeronautical, Aeronautical fixed |
| *2800 | | " | Aeronautical fixed |

*2630 kc: Non-Government priority recognized for operations on 2632 kc in Alaska.

*2652 kc: Aeronautical Orange Chain priority recognized for operations on 2648 kc as regards A3 operation on 2652 kc.

*2716 kc: Aeronautical Blue Chain priority recognized for operations on 2720 kc, as regards A3 operation on 2716 kc.

*2744 kc: Aeronautical Green Chain priority recognized for operations on 2748 kc, as regards A3 operation on 2744 kc.

*2764 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*2792 kc: Non-Government priority recognized for operations on 2790 kc.

*2796 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*2800 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

| Frequency (kc) | | | Government Agency | Class of Station |
|---|---|---|---|---|
| n2804 | | | Labor (Immigration and Naturalization) | Fixed (For communication with non-Government police stations only) |
| n2806 | | | " | Do. |
| n2812 | | | " | Do. |
| *2816 | | | War | Fixed (National Guard) |
| 2820 | | | Navy | Fixed (Naval Reserve Communications) |
| 2822 | | A3 | Labor (Immigration and Naturalization) | Fixed, Land, Mobile (On Canadian and Mexican Borders only) |
| 2822 | | A3 | Interior (National Park Service) | Fixed, Mobile, Portable |
| 2844 | | A3 | Navy | Aeronautical, Aircraft, Fixed (Naval Reserve Communications) |
| 2844 | | | Interior (Geological Survey) | Fixed (Low-power automatic measuring or control devices) |
| 2844 | | | War | Do. |
| *2852 | | A3 | Interior (Indian Service) | Fixed, Portable |
| f2892 | | A3 | War | Aeronautical |
| f2878 | | A3 | " | Do. |
| 2884 | | A3 | Navy | Aeronautical, Aircraft (Naval Reserve Communications) |
| t2884 | | | Navy | Fixed (Naval Reserve Communications) |
| f2890 | | A3 | War | Aeronautical |
| *2912 | | A3 | Civil Aeronautics Authority | Aeronautical, Aeronautical fixed |
| *2916 | | | Navy | Aeronautical, Aircraft (Naval Reserve Communications) |
| t*2916 | | | " | Fixed (Naval Reserve Communications) |
| 2932 | N | A3 | Agriculture (Forest Service) | Land, Portable, Mobile |
| 2950 | | | Civil Aeronautics Authority | Aeronautical fixed |
| t*2960 | | A3 | War | Fixed (ACS public telephone service in Alaska only) |
| 2964 | | | Civil Aeronautics Authority | Aeronautical fixed |
| 2968 | | | " | Do. |
| t*2970 | | A3 | War | Fixed (ACS public telephone service in Alaska only) |
| 2972 | | | Civil Aeronautics Authority | Aeronautical fixed |
| 2976 | | | " | Do. |
| 2980 | | | " | Do. |
| t*2980 | | A3 | War | Fixed (ACS public telephone service in Alaska only) |
| *2994 | | A3 | Interior (Indian Service) | Fixed, Portable |
| *2994 | | A3 | Interior (National Park Service) | Coast, Fixed, Portable, Ship |
| *2994 | | | Navy | Coast, Ship (San Pedro, California only) |
| *3017.5 | | A3 | War | Aeronautical, Aeronautical fixed |
| *3037.5 | | A3 | " | Do. |
| *3052.5 | | A3 | " | Do. |
| 3065 | | A3 | Navy | Aeronautical |
| *3070 | | | " | Aeronautical, Aeronautical fixed, Aircraft |
| *3082.5 | | | " | Do. |
| *3085 | | A3 | Agriculture (Forest Service) | Mobile, Portable |
| *3095 | N,W | A3 | " | Fixed, Mobile, Portable |

*2816 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*2852 kc: Department of the Interior priority recognized in the Rocky Mountain states, and west thereof; non-Government priority recognized east of these points.

*2912 kc: Priority recognized for Navy Department operations on 2916 kc. Temporarily available for non-Government assignments in Alaska.

*2916 kc: Aeronautical communications priority recognized for Green Chain operations on 2922 kc.

*2960 kc: May be used by the War Department provided no interference will be caused with the Civil Aeronautics Authority stations in the continental United States.

*2970 kc: May be used by the War Department provided no interference will be caused with the Civil Aeronautics Authority stations in the continental United States.

*2980 kc: May be used by the War Department provided no interference will be caused with the Civil Aeronautics Authority stations in the continental United States.

*2994 kc: Department of the Interior priority recognized in the southwest United States and Alaska; non-Government aeronautical services priority recognized in the remaining portions of the United States.
May be used by non-Government stations in Alaska where originally authorized prior to March 1, 1937.

*3017.5 kc: Canadian priority recognized for operations on 3012.5 and 3022.5 kc.

*3037.5 kc: Foreign priority recognized for operations on 3040 kc.

*3052.5 kc: Canadian priority recognized for operations on 3050 and 3055 kc.

*3070 kc: Navy Department priority recognized in Canal Zone and vicinity only; non-Government in the United States.

*3082.5 kc: Navy Department priority recognized in Canal Zone and vicinity only; non-Government in the United States.

*3085 kc: Non-Government aeronautical priority recognized for Orange Chain operation on 3082.5 kc, and for Blue Chain operation on 3088 kc.

*3095 kc: 3092.5 kc used by non-Government stations in Alaska, as provided in Federal Communications Commission Rules 171.05, 172.01, and 173.02.

| Frequency (kc) | | | Government Agency | Class of Station |
|---|---|---|---|---|
| j3105 | | A3 | All Government Agencies | Aircraft |
| j3120 | | | Navy | Ship (To communicate with commercial coast stations only) |
| j3120 | | | " | Coast (Canal Zone only for communication with commercial ship stations) |
| j3120 | | | War | Coast (Inland waterways only) |
| n3120 | | A3 | All Government Agencies | Aircraft |
| 3155 | N, W | A3 | Agriculture (Forest Service) | Fixed, Mobile, Portable |
| g3195 | N, W | A3 | " | Do. |
| f3202.5 | | A3 | Agriculture (Forest Service) | Mobile, Portable |
| fn3212.5 | | A3 | " | Do. |
| g3235 | N, W | A3 | Interior (National Park Service) | Fixed, Portable |
| g3235 | N, W | A3 | Agriculture (Forest Service) | Fixed, Mobile, Portable |
| g3235 | | A3 | Navy | Fixed, Coast (Dahlgren, Virginia only) |
| *3265 | N, W | A3 | Agriculture (Forest Service) | Fixed, Mobile, Portable |
| *3265 | N, W | A3 | Interior (Indian Service) | Fixed |
| 3295 | N, W | A3 | Agriculture (Forest Service) | Fixed, Mobile, Portable |
| 3295 | N, W | A3 | Agriculture (Agricultural Engineering) | Portable |
| *3307.5 | | A3 | War | Aeronautical, Aeronautical fixed |
| *3332.5 | | A3 | " | Aeronautical |
| 3340 | | | Civil Aeronautics Authority | Aeronautical fixed |
| 3345 | | N | " | Do. |
| 3345 | | N | Agriculture (Forest Service) | Fixed, Portable |
| *3350 | | A3 | Civil Aeronautics Authority | Aeronautical fixed |
| 3355 | | | " | Do. |
| 3360 | | | " | Do. |
| 3365 | | | " | Do. |
| 3380 | | | " | Do. |
| 3385 | | N | " | Do. |
| 3385 | | N | Agriculture (Forest Service) | Fixed, Mobile, Portable |
| 3385 | | N | Interior (Alaska Railroad) | Coast, Ship (Alaska only) |
| 3385 | | N | Interior (Indian Service) | Fixed (Alaska only) |
| 3385 | | N | Agriculture (Weather Bureau) | Aeronautical fixed |
| 3390 | | | Civil Aeronautics Authority | Do. |
| 3390 | | A2 | Commerce (Lighthouses) | Coast, Fixed, Ship (Great Lakes only) |
| 3395 | | | Civil Aeronautics Authority | Aeronautical fixed |
| *3397.5 | | A3 | Agriculture (Forest Service) | Mobile, Portable (West of Longitude 103° W) |
| *3400 | | | Civil Aeronautics Authority | Aeronautical fixed |
| *3402.5 | | A3 | Commerce (Lighthouses) | Coast, Fixed, Ship (Great Lakes only) |
| 3405 | | | Civil Aeronautics Authority | Aeronautical fixed |
| 3410 | | A3 | Commerce (Lighthouses) | Coast, Fixed, Ship |
| *3415 | | A3 | War | Aeronautical |
| 3415 | | NA3 | Interior (National Park Service) | Fixed, Portable |
| f3422.5 | | A3 | War | Aeronautical, Aeronautical fixed |
| *3427.5 | | A3 | Agriculture (Forest Service) | Mobile, Portable |
| f*3437.5 | | A3 | " | Do. |
| g3445 | N, W | A3 | " | Fixed, Mobile, Portable |
| 3475 | | | Navy | Fixed |
| n3485 | | | War | Do. |
| t3497.5 | | | " | Do. |
| nt*3535 | | | Navy | Aeronautical |
| nt*3785 | | | " | Do. |
| 4005 | | | " | Fixed |
| 4010 | | | " | Do. |
| 4015 | | | " | Do. |
| *4020 | | | War | Do. |
| 4025 | | A3 | " | Do. |
| 4030 | | A3 | " | Do. |

*3265 kc: May be used for non-Government services in Alaska where originally authorized prior to March 1, 1937 The Indian Service recognizes the priority of these non-Government stations.

*3307.5 kc: Canadian priority recognized for operations on 3305 and 3310 kc.

*3332.5 kc: Canadian priority recognized for operations on 3330 and 3335 kc.

*3350 kc: Temporarily available for license by the Federal Communications Commission to the Alaska Communication Commission.

*3397.5 kc: Civil Aeronautics Authority priority recognized for operations on 3395 and 3400 kc.

*3400 kc: Temporarily available for license by the Federal Communications Commission to the Alaska Communication Commission.

*3402.5 kc: Civil Aeronautics Authority priority recognized for operations on 3400 and 3405 kc.

*3415 kc: Department of Commerce (Lighthouses) priority recognized for operations on 3410 kc, as regards A3 operation on 3415 kc.

*3427.5 kc: Non-Government aeronautical priority recognized for Yellow Chain operation on 3432.5 kc.

*3437.5 kc: Non-Government aeronautical priority recognized for Yellow Chain operation on 3432.5 kc.

*3535 kc: Secondary and intermittent operation with A3 emission authorized. Adjacent channel priority recognized as regards this A3 operation.

*3785 kc: Secondary and intermittent operation with A3 emission authorized. Adjacent channel priority recognized as regards this A3 operation.

*4020 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.



| Frequency (kc) | | | Government Agency | Class of Station |
|---|---|---|---|---|
| *4035 | | | War | Fixed (National Guard) |
| 4040 | | | Navy | Fixed |
| 4045 | | | " | Do. |
| *4050 | | | Treasury (Coast Guard) | Aeronautical fixed, Fixed, Land, Mobile, Portable |
| *4055 | | | Civil Aeronautics Authority | Aeronautical fixed |
| 4060 | | | " | Do. |
| 4065 | | | " | Do. |
| 4070 | | | " | Do. |
| 4075 | | | " | Do. |
| *4075 | | | Navy | Fixed |
| 4080 | | | War | Do. |
| 4085 | | A3 | " | Do. |
| 4090 | | | " | Do. |
| 4105 | | | Navy | Coast |
| *4130 | | | War | Fixed |
| 4135 | | | Navy | Coast |
| 4135 | | | Commerce (Coast and Geodetic Survey) | Portable, Ship |
| 4135 | | A3 | Agriculture (Forest Service) | Fixed, Mobile, Portable |
| j4150 | | | Navy | Coast |
| 4155 | | | " | Do. |
| n4160 | | A3 | Commerce (Coast and Geodetic Survey) | Portable, Ship |
| n4160 | | | Navy | Mobile |
| j4165 | | | War | Aeronautical |
| *4200 | | | Treasury (Coast Guard) | Aeronautical fixed, Fixed, Land, Mobile, Portable |
| 4205 | | | Navy | Coast |
| *4210 | | | War | Fixed (National Guard) |
| 4215 | | | " | Aeronautical |
| 4220 | | A3 | War | Aeronautical, Aeronautical fixed |
| 4225 | | | " | Aeronautical |
| *4230 | | | Treasury (Coast Guard) | Aeronautical fixed, Fixed, Land, Mobile, Portable |
| **4230 | | | Navy | Aeronautical, Aeronautical fixed |
| 4235 | | | " | Coast |
| *4240 | | | War | Aeronautical fixed |
| 4255 | | A3 | " | Land, Ship, Aircraft |
| 4265 | | | Navy | Coast |
| *4265 | | A3 | " | Aeronautical |
| n4280 | | | War | Do. |
| n4282.5 | | A3 | Tennessee Valley Authority | Fixed, Portable (Tennessee Valley only) |
| n4287.5 | | | War | Aeronautical |
| 4290 | | | " | Do. |
| 4295 | | | Navy | Coast |
| *4295 | | | Interior (Territories and Island Possessions) | Fixed, Portable (Virgin Islands only) |
| *4300 | | | War | Fixed, Aeronautical, Aircraft |
| 4305 | | A3 | " | Do. |
| *4310 | | | " | Do. |
| 4317.5 | | A3 | " | Aeronautical, Aeronautical fixed |

*4035 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4050 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4055 kc: Temporarily available for license by the Federal Communications Commission to the Alaska Communication Commission.

*4075 kc: Civil Aeronautics Authority priority recognized in the continental United States.

*4130 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4200 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4210 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4230 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

**4230 kc: Secondary and intermittent operation with A3 emission authorized. Adjacent channel priority recognized as regards this A3 operation.

*4240 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4265 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4295 kc: Secondary and intermittent operation with A3 emission authorized. Adjacent channel priority recognized as regards this A3 operation.

*4300 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4310 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

| Frequency (kc) | | | Government Agency | Class of Station |
|---|---|---|---|---|
| *4327.5 | | A3 | War | Aeronautical, Aeronautical fixed |
| *4330 | | | " | Aeronautical |
| *4357.5 | | A3 | " | Aeronautical, Aeronautical fixed |
| *4360 | | | " | Fixed, Aeronautical, Aircraft |
| 4365 | | A3 | " | Do. |
| 4370 | | A3 | " | Do. |
| 4375 | | A3 | " | Do. |
| *4380 | | | " | Do. |
| 4385 | | A3 | Navy | Aeronautical, Aeronautical fixed, Coast, Fixed |
| 4390 | | | " | Coast, Fixed |
| 4427.5 | | A3 | War | Aeronautical, Aeronautical fixed |
| 4430 | | | " | Aeronautical |
| 4435 | | | Navy | Coast |
| *4435 | | | " | Aeronautical |
| *4440 | | | War | Fixed, Aeronautical, Aircraft |
| *4445 | | | " | Do. |
| *4450 | | A3 | " | Aeronautical, Aeronautical fixed |
| *4467.5 | | A3 | " | Do. |
| *4470 | | | " | Aeronautical |
| *4475 | | | Civil Aeronautics Authority | Aeronautical, Aeronautical fixed |
| *4480 | | | " | Do. |
| 4487.5 | | A3 | War | Do. |
| *4490 | | | " | Aeronautical, Aircraft |
| s4495 | | A3 | " | Aircraft, Aeronautical |
| 4500 | | | " | Do. |
| 4507.5 | | A3 | " | Aeronautical, Aeronautical fixed |
| 4515 | | | Navy | Fixed |
| 4525 | | | " | Do. |
| *4565 | | | War | Fixed, Aeronautical |
| *4580 | | | " | Aeronautical fixed |
| *4587.5 | | A3 | " | Aeronautical, Aeronautical fixed |
| 4590 | | A3 | " | Do. |
| *4595 | | A3 | " | Do. |
| 4600 | | A3 | " | Do. |
| *4602.5 | | A3 | " | Do. |
| 4610 | | | " | Fixed |
| 4610 | | A3 | Agriculture (Forest Service) | Fixed, Land, Mobile (Alaska only) |
| 4617.5 | | A3 | Labor (Immigration and Naturalization) | Fixed, Land, Mobile (Canadian and Mexican Borders only) |
| 4625 | | | Navy | Fixed |
| 4625 | | | Commerce (Fisheries) | Fixed (St. Paul Island, Alaska, only for emergency communication with Naval stations) |

*4327.5 kc: Non-Government priority recognized for aviation operations on 4335 kc on the Gulf and Florida coasts East of 91° W insofar as it concerns War Department aviation operations on 4327.5 kc East of 95° W and South of 35° N.
4330 kc received at Riverhead, Long Island from Paris, France.

*4330 kc: Received at Riverhead, Long Island from Paris, France.

*4357.5 kc: Adjacent channel priority recognized as regards this A3 operation.
4318 kc received at New York from Montreal and 4355 kc received at New Orleans from Panama.

*4360 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4390 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4435 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4440 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4445 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4450 kc: Adjacent channel priority recognized as regards this A3 operation.
Non-Government priority recognized on coasts for ship telephone service on 4457.5.

*4467.5 kc: Priority recognized for reception of ship telephone frequency 4457.5 kc at New York and Florida.

*4470 kc: Received in Puerto Rico from the Dominican Republic.

*4475 kc: Priority recognized for War Department operations on 4467.5, 4487.5 and 4495 kc.

*4480 kc: Priority recognized for War Department operations on 4467.5, 4487.5 and 4495 kc.

*4490 kc: Received at New Orleans, Louisiana from Cuba.

*4565 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4580 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.

*4587.5 kc: Adjacent channel priority recognized as regards this A3 operation. 4585 kc received at New York from Germany for A1, A2 and A4 emission.

*4595 kc: Received at Riverhead, Long Island, from Holland.

*4602.5 kc: Adjacent channel priority recognized as regards this A3 operation. 4605 kc received at New York from Belgium.

| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| *4630 | | War | Aeronautical fixed |
| *4697.5 | A3 | " | Aeronautical, Aeronautical fixed |
| *4760 | A3 | " | Do. |
| *4765 | | " | Aeronautical fixed |
| *4772.5 | A3 | " | Aeronautical, Aeronautical fixed |
| *4815 | A3 | " | Do. |
| 4820 | | " | Aeronautical |
| 4835 | A3 | " | Aeronautical, Aeronautical fixed |
| 4845 | A3 | " | Do. |
| 4850 | A3 | " | Aeronautical |
| 4870 | | " | Do. |
| 4875 | A3 | " | Aeronautical, Aeronautical fixed |
| *4890 | | " | Aeronautical fixed |
| 4897.5 | A3 | " | Aeronautical, Aeronautical fixed |
| *4907.5 | A3 | " | Do. |
| 4910 | | " | Aeronautical |
| 4927.5 | A3 | " | Fixed (ACS public telephone service) |
| *4975 | | Navy | Fixed |
| 5000 | A3 | Commerce (Standards) | Special |
| 5020 | | War | Aeronautical |
| *5065 | | " | Aeronautical fixed |
| 5090 | | " | Aeronautical |
| n5135 | | Labor (Immigration and Naturalization). | Fixed (Canadian and Mexican Borders only) |
| n5140 | | " | Do. |
| n5195 | | " | Do. |
| *5200 | | War | Aeronautical fixed |
| n5207.5 | A3 | Commerce (Fisheries) | Fixed (Alaska only) |
| *5260 | | War | Fixed, Aeronautical |
| 5287.5 | A3 | Interior (Reclamation) | Fixed (Yakima and Bumping Lake, Washington only) |
| 5295 | | Navy | Fixed |
| 5327.5 | A3 | War | Fixed (ACS public telephone service in Alaska only) |
| *5375 | | Navy | Aeronautical, Aeronautical fixed, Aircraft. |
| *5422.5 | A3 | Treasury (Coast Guard) | Aeronautical fixed, Land, Mobile, Portable. |
| *5457.5 | A3 | " | Do. |
| *5457.5 | A3 | War | Aeronautical. |
| *5475 | | Navy | Aeronautical, Aeronautical fixed, Aircraft |
| *5505 | | " | Coast |
| 5735 | A3 | War | Aeronautical fixed |
| t5737.5 | A3 | Treasury (Customs) | Land, Vehicular, Ship |
| 5742.5 | A3 | War | Aeronautical fixed |
| 5775 | A3 | " | Do. |

*4630 kc: Received at Riverhead, Long Island from Poland.
*4697.5 kc: Adjacent channel priority recognized as regards this A3 operation. Non-Government priority recognized for aviation service operations on 4690 kc. 4700 kc received at New Orleans and Hingham from Nicaragua.
*4760 kc: Adjacent channel priority recognized as regards this A3 operation. Priority of non-Government coastal service on 4752.5 kc recognized on the Atlantic Coast.
*4765 kc: Non-Government priority recognized in the Philippine Islands.
Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.
*4772.5 kc: Adjacent channel priority recognized as regards this A3 operation.
Priority of Non-Government coastal service recognized on 4780 kc.
*4815 kc: Adjacent channel priority recognized as regards this A3 operation.
Priority recognized for reception of telephone communications from England at New York on 4810 kc and 4820 kc and for telegraph transmissions at Hingham and Hialeah from Colombia on 4814 kc.
*4890 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.
*4907.5 kc: Adjacent channel priority recognized as regards this A3 operation.
Non-Government priority recognized for aviation service operations on 4917.5 kc
*4975 kc: Received at Netcong, N. J., from Rugby, England.
*5065 kc: For daytime use only.
Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.
*5200 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.
*5260 kc: Secondary and intermittent operation with A3 omission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.
*5375 kc: Navy Department priority recognized in Canal Zone and vicinity only; non-Government in the United States.
*5422.5 kc: 5425 kc received by Pan American at Brownsville, Texas.
*5457.5 kc: 5455 kc received by Pan American at Brownsville, Texas.
*5467.5 kc: Adjacent channel priority recognized as regards this A3 operation. 5460 kc received by Pan American at Brownsville, Texas.
*5475 kc: Navy Department priority recognized in Canal Zone and vicinity only; non-Government in the United States.
*5505 kc: Navy Department priority recognized in Canal Zone only; non-Government in the United States.

| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| 5815 | A3 | War | Aeronautical fixed |
| *5835 | | " | Fixed |
| 5845 | | Navy | Do. |
| *5875 | | War | Do. |
| 5920 | | Civil Aeronautics Authority | Aeronautical fixed |
| *5920 | A3 | War | Fixed (ACS in Alaska only) |
| 5925 | | Civil Aeronautics Authority | Aeronautical fixed |
| 5925 | A3 | Agriculture (Weather Bureau) | Do. |
| 5930 | | Civil Aeronautics Authority | Do. |
| 5930 | | War | Fixed (ACS at Anchorage, Alaska only) |
| 5935 | | Civil Aeronautics Authority | Aeronautical fixed |
| 5940 | | " | Do. |
| *5940 | A3 | War | Fixed (ACS in Alaska only) |
| 5945 | | Civil Aeronautics Authority | Aeronautical fixed |
| 5950 | | " | Do. |
| 5955 | | " | Do. |
| 5960 | | " | Do. |
| *5960 | A3 | War | Fixed (ACS in Alaska only) |
| 5965 | | Navy | Fixed |
| 5995 | A3 | War | Do. |
| *6120 | A3 | Navy | Broadcasting |
| nt6155 | N A3 | Interior (Alaska Railroad) | Coast, Ship (Alaska waters only) |
| j6210 | A3 | All Government Agencies | Aeronautical, Aircraft (General calling frequency for aeronautical services) |
| 6225 | A3 | War | Aeronautical |
| j6250 | | " | Coast (Inland waterways only) |
| 6290 | A3 | " | Aeronautical |
| 6355 | A3 | " | Do. |
| 6385 | A3 | " | Do. |
| n6390 | A3 | Navy | Do. |
| 6105 | A3 | War | Do. |
| 6420 | A3 | " | Do. |
| 6430 | A3 | " | Do. |
| 6445 | A3 | " | Do. |
| 6465 | A3 | " | Do. |
| 6475 | A3 | " | Do. |
| 6500 | A3 | " | Do. |
| *6510 | A3 | " | Do. |
| 6620 | A3 | " | Do. |
| 6625 | A3 | " | Do. |
| 6630 | A3 | Navy | Do. |
| 6635 | A3 | War | Do. |
| 6640 | A3 | " | Do. |
| 6645 | A3 | " | Do. |
| 6655 | A3 | " | Do. |
| 6665 | A3 | " | Do. |
| 6690 | A3 | Navy | Aeronautical fixed |
| 6747 | A3 | War | Do. |
| *6910 | A3 | " | Do. |
| t**6910 | A3 | Interior (National Park Service) | Fixed |
| *6940 | | War | Do. |
| 6970 | A3 | " | Aeronautical fixed |
| 6990 | A3 | " | Fixed. |
| 7305 | A3 | " | Aeronautical fixed |
| 7330 | A3 | " | Do. |
| 7385 | A3 | " | Do. |
| *7455 | A3 | " | Do. |
| 7460 | A3 | " | Do. |
| *7500 | A3 | " | Do. |
| 7530 | A3 | " | Do. |
| 7535 | A3 | " | Do. |
| 7540 | A3 | " | Do. |

*5835 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.
*5875 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.
*5920 kc: May be used by the War Department provided no interference will be caused with Civil Aeronautics Authority stations in the continental United States.
*5940 kc: May be used by the War Department provided no interference will be caused with Civil Aeronautics Authority stations in the continental United States.
*5960 kc: May be used by the War Department provided no interference will be caused with Civil Aeronautics Authority stations in the continental United States.
*6120 kc: Available for temporary assignment to non-Government stations.
*6910 kc: Non-Government priority recognized in the Hawaiian Islands.
*6910 kc: 6905 kc received at Netcong from England with A3 emission.
**6910 kc: To be used on the North Carolina coast where no Coast Guard telephone service is available.
*6940 kc: Non-Government priority recognized for operations on 6942.5 kc.
*7455 kc: Received at Southampton, New York from Cuba.
*7500 kc: Received at the Philippine and Hawaiian Islands from China.





| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| *7585 | | War | Fixed |
| t*7595 | A3 | Navy | Aeronautical |
| 7645 | A3 | War | Aeronautical fixed |
| *7680 | A3 | " | Do. |
| t*7690 | A3 | Navy | Aeronautical |
| t*7785 | A3 | " | Do. |
| *7860 | | War | Aeronautical fixed |
| t*7895 | A3 | Navy | Aeronautical |
| *7920 | | War | Aeronautical fixed |
| t*7965 | A3 | Navy | Aeronautical |
| *7995 | | " | Fixed |
| *8010 | | " | Do. |
| *8015 | | " | Aeronautical, Aeronautical fixed, Aircraft |
| 8030 | | " | Fixed |
| 8040 | A3 | War | Do. |
| 8050 | A3 | " | Do. |
| 8060 | A3 | " | Do. |
| 8060 | | Navy | Do. |
| 8080 | | Commerce (Fisheries) | Fixed (St. Paul Island, Alaska, only for emergency communication with Naval stations) |
| 8090 | | Navy | Fixed |
| 8100 | | Civil Aeronautics Authority | Aeronautical fixed |
| 8100 | | Treasury (Coast Guard) | Fixed |
| *8110 | | Civil Aeronautics Authority | Aeronautical fixed |
| 8120 | | " | Do. |
| *8130 | | " | Do. |
| 8140 | | " | Do. |
| 8150 | | Navy | Fixed. |
| 8160 | A3 | War | Do. |
| 8170 | A3 | " | Do. |
| 8180 | A3 | " | Do. |
| *8200 | A3 | " | Aeronautical fixed |
| 8210 | | Navy | Coast. |
| 8270 | | " | Do. |
| 8270 | | Commerce (Coast and Geodetic Survey). | Portable, Ship |
| j8300 | | Navy | Coast |
| 8310 | | " | Do. |
| n8320 | A3 | Commerce (Coast and Geodetic Survey) | Portable, Ship |
| n8330 | | War | Fixed |
| 8400 | A3 | Treasury (Coast Guard) | Land, Mobile, Portable |
| t8400 | | " | Fixed |
| 8410 | | Navy | Coast |
| 8460 | A3 | Treasury (Coast Guard) | Land, Mobile, Portable |
| t8460 | | " | Fixed |
| 8470 | | Navy | Coast |
| *8500 | | " | Do. |
| 8510 | A3 | War | Land, Ship, Aircraft |

*7585 kc: Subject to no interference resulting to reception on frequencies 7580 and 7590 kc at Akron, Ohio and Riverhead, Long Island.
*7959 kc: 7590 kc received at Riverhead from England with A1, A2 and A4 emission.
7585 kc received from the Philippines at Lobitas, California.
7600 kc received at New York, Hingham and New Orleans from Nicaragua.
Non-Government priority recognized for point-to-point telephone services on 7610 kc.
*7680 kc: 7685 kc received at New York, New Orleans, Hingham and Hialeah from Costa Rica.
*7690 kc: 7685 kc received at New York, New Orleans, Hingham and Hialeah from Costa Rica.
7692 kc received at New York from Dutch West Indies. Non-Government priority recognized for aviation service operations on 7700 kc.
*7785 kc: 7790 kc received at New Orleans from Nicaragua.
7797 kc received at New York from Switzerland with A1, A2 and A3 emission.
*7860 kc: Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.
*7895 kc: Received at New York from France.
*7920 kc: 7917.5 kc received at Riverhead, Long Island from Germany. Secondary and intermittent operation with A3 emission authorized for communication with and between aircraft only. Adjacent channel priority recognized as regards this A3 operation.
*7965 kc: Non-Government priority recognized for operations on 7955 kc and for point-to-point telephone operations on 7977.5 kc.
7970 kc received at Point Reyes, California from China.
*7995 kc: Received at Point Reyes, California and Luzon, P. I., from Bandoeng, Dutch East Indies.
*8010 kc: Non-Government priority recognized for aviation chain operations on 8015 kc.
8005 kc received at Riverhead from England.
*8015 kc: Navy Department priority recognized in the Canal Zone only; non-Government in the United States.
*8110 kc: Temporarily available for license by the Federal Communications Commission to the Alaska Communication Commission.
*8130 kc: Available for temporary assignment to non-Government stations upon approval by the Civil Aeronautics Authority.
*8200 kc: 8195 kc received at New York from San Salvador.
*8500 kc: Navy Department priority recognized in the Canal Zone only; non-Government in the United States.

| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| 8520 | A3 | War | Aeronautical |
| *8530 | A3 | Navy | Coast, Aeronautical |
| 8590 | | " | Do. |
| 8600 | A3 | War | Fixed |
| 8610 | A3 | " | Do. |
| 8620 | A3 | " | Do. |
| 8730 | A3 | " | Do. |
| 8740 | A3 | " | Do. |
| 8750 | A3 | " | Do. |
| 8760 | A3 | " | Do. |
| 8770 | A3 | Navy | Aeronautical, Aeronautical fixed, Coast, Fixed |
| 8780 | A3 | War | Aeronautical |
| *8790 | | Labor (Immigration and Naturalization) | Fixed, Mobile (Canadian and Mexican Borders only) |
| 8860 | A3 | War | Fixed |
| 8870 | A3 | Navy | Aeronautical, Coast |
| 8880 | A3 | War | Fixed |
| 8885 | | Navy | Aeronautical, Aeronautical fixed (Canal Zone only) |
| 8890 | | War | Fixed |
| 8920 | | Navy | Do. |
| 9030 | | " | Do. |
| 9040 | A3 | War | Aeronautical fixed |
| 9050 | | Navy | Fixed |
| 9090 | | " | Do. |
| 9100 | | War | Fixed (ACS only) |
| 9120 | | " | Fixed |
| *9150 | | " | Do. |
| 9180 | | " | Do. |
| 9250 | | Navy | Fixed (Special Service) |
| *9285 | | " | Fixed |
| 9300 | | War | Fixed (ACS only) |
| 9320 | A3 | " | Aeronautical fixed |
| 9425 | | Navy | Special |
| *9550 | A3 | " | Broadcasting |
| 9710 | A3 | War | Aeronautical fixed |
| 9730 | A3 | " | Do. |
| 9740 | A3 | " | Fixed (ACS public telephone service) |
| 9920 | A3 | " | Do. |
| 10000 | A3 | Commerce (Standards) | Special |
| *10035 | | Navy | Fixed |
| 10140 | A3 | War | Aeronautical fixed |
| *10205 | A3 | " | Do. |
| 10255 | | Navy | Fixed |
| *10280 | A3 | War | Aeronautical fixed |
| *10720 | A3 | " | Do. |
| n11090 | A3 | Navy | Aeronautical |
| n11240 | A3 | " | Do. |
| n11290 | A3 | " | Do. |
| *11330 | A3 | " | Do. |
| *11390 | A3 | " | Do. |
| t*11430 | A3 | " | Do. |
| 11445 | A3 | War | Aeronautical fixed |
| 11475 | | Navy | Fixed |
| 11550 | A3 | War | Do. |
| *11570 | A3 | Navy | Aeronautical |
| 11580 | | " | Fixed |
| 11610 | A3 | War | Aeronautical fixed |
| *11655 | A3 | " | Do. |

*8530 kc: 8538 kc may be used at North American terminals of Europe-North American aeronautical route.
*8790 kc: Priority recognized for reception of telephone transmissions from Costa Rica at Hialeah.
*9150 kc: 9147 kc received at Riverhead, Long Island from Venezuela.
*9285 kc: Non-Government priority recognized for operations on 9280 and 9290 kc.
*9550 kc: Available for temporary assignment to non-Government stations.
*10035 kc: 10033 kc received at New York from Europe.
*10205 kc: Non-Government priority recognized for point-to-point aviation service operations on 10190 kc.
Non-Government priority recognized for reception of telephone service at New York from Brazil on 10220 kc.
*10280 kc: 10270 kc received at New York, New Orleans, Hialeah and Hingham from Panama.
10290 kc received at New York from Germany with A1, A2, A3 and A4 emission.
*10720 kc: 10735 kc received at New York from the Netherlands.
*11330 kc: Non-Government priority recognized for operations on 11340 kc. Priority of aeronautical route frequency 11331 kc for the Europe-North American route recognized.
*11390 kc: Priority of 11394 kc recognized for the Inter-American air route.
*11430 kc: 11425 kc received at New York from Poland.
*11570 kc: Received at Riverhead, New York from England.
11580 kc received at New Orleans from Guatemala.
*11655 kc: Non-Government priority recognized for operations on 11640 kc.
11650 kc received at New York from France.

| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| n†*11710 | A3 | Navy | Aeronautical |
| *11730 | A3 | " | Broadcasting |
| n†*11850 | A3 | " | Aeronautical |
| 11940 | A3 | War | Fixed |
| *11975 | A3 | " | Aeronautical fixed |
| *12015 | | Navy | Fixed |
| 12045 | | " | Do. |
| 12060 | A3 | War | Do. |
| 12075 | A3 | " | Do. |
| 12090 | A3 | " | Do. |
| 12135 | | Navy | Do. |
| *12150 | | Civil Aeronautics Authority | Aeronautical fixed |
| *12150 | | Treasury (Coast Guard) | Fixed |
| 12165 | | Civil Aeronautics Authority | Aeronautical fixed |
| 12180 | | " | Do. |
| 12195 | | " | Do. |
| 12210 | | " | Do. |
| 12225 | | Navy | Fixed |
| 12240 | A3 | War | Do. |
| 12255 | A3 | " | Do. |
| 12315 | | Navy | Coast |
| *12330 | | " | Aeronautical |
| †*12330 | | " | Aeronautical fixed |
| *12360 | | " | Coast |
| 12405 | | " | Do |
| 12405 | | Commerce (Coast and Geodetic Survey) | Portable, Ship |
| ‖12450 | | Navy | Coast |
| 12465 | | " | Do. |
| n12490 | A3 | Commerce (Coast and Geodetic Survey) | Portable, Ship |
| *12510 | | Navy | Coast |
| 12540 | | " | Coast (Special Service) |
| 12600 | A3 | Treasury (Coast Guard) | Land, Mobile, Portable |
| ‖12600 | | " | Fixed |
| 12615 | | Navy | Coast |
| ‖12630 | | " | Coast (Special Service) |
| 12660 | A3 | Treasury (Coast Guard) | Land, Mobile, Portable |
| ‖12660 | | " | Fixed |
| 12705 | | Navy | Coast |
| 12765 | A3 | War | Land, Ship, Aircraft |
| *12780 | | Navy | Coast |
| 12795 | A3 | " | Aeronautical, Coast |
| 12885 | | " | Coast |
| 12900 | A3 | War | Fixed |
| *12915 | | Navy | Do. |
| 13065 | A3 | War | Do. |
| 13110 | A3 | " | Do. |
| 13125 | A3 | " | Do. |
| 13140 | A3 | " | Do. |
| 13155 | A3 | Navy | Aeronautical, Aeronautical fixed, Coast, Fixed |
| 13290 | A3 | War | Fixed |
| 13305 | A3 | Navy | Aeronautical, Coast |
| 13320 | A3 | War | Fixed, Aeronautical, Aeronautical fixed, Aircraft |
| 13335 | A3 | " | Do. |
| *13380 | | Navy | Fixed. |
| 13545 | | " | Do. |
| 13575 | | " | Do. |
| *14650 | A3 | War | Aeronautical fixed |
| *14905 | A3 | " | Do. |

*11710 kc: This frequency to be used only on a non-interference basis with the international broadcast services which have priority, and transmissions on this frequency will be discontinued upon the reception of notification to the effect that interference is being experienced.
*11730 kc: Available for temporary assignments to non-Government stations.
*11850 kc: This frequency to be used only on a non-interference basis with the international broadcast services which have priority, and transmissions on this frequency will be discontinued upon the reception of notification to the effect that interference is being experienced.
*11975 kc: Non-Government priority recognized for point-to-point aviation service operation on 11960 kc. 11980 kc received at New York from England and at San Francisco and Point Reyes from Japan.
*12015 kc: 12020 kc received at Point Reyes, California from Australia.
*12150 kc: Received at Netcong, N. J., from Rugby, England.
‡12330 kc: Navy Department priority recognized in the Canal Zone only; non-Government in the United States.
*12360 kc: Ship Telegraph Service priority recognized for operations on 12375 kc.
*12510 kc: Navy Department priority recognized in the Canal Zone only; non-Government in the United States.
*12780 kc: Received at Netcong, N. J., from Rugby, England, with intermittent service.
*12915 kc: 12910 kc received on the east coast from Europe.
*13380 kc: Received at New Orleans, La., and Hingham, Mass., from Guatemala.
*14650 kc: Non-Government priority recognized for operations on 14635 kc.
*14905 kc: Non-Government priority recognized for operations on 14890 kc and 14920 kc.



| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| 15000 | A3 | Commerce (Standards) | Special |
| *15130 | A3 | Navy | Broadcasting |
| *15515 | A3 | War | Aeronautical fixed |
| *15715 | A3 | " | Do. |
| *15805 | A3 | " | Do. |
| *15870 | A3 | " | Do. |
| *16020 | | Navy | Fixed |
| 16060 | | " | Do. |
| 16080 | A3 | War | Do. |
| 16100 | A3 | " | Do. |
| 16120 | A3 | " | Do. |
| 16140 | A3 | " | Aeronautical fixed |
| 16150 | | Navy | Fixed |
| 16160 | | " | Do. |
| 16180 | | " | Do. |
| 16217.5 | | Civil Aeronautics Authority | Aeronautical fixed |
| 16220 | | " | Do. |
| 16225 | | Navy | Fixed |
| 16232.5 | | Civil Aeronautical Authority | Aeronautical fixed |
| n16240 | | " | Do. |
| 16247.5 | | " | Do. |
| 16255 | | " | Do. |
| 16260 | | " | Do. |
| *16260 | | " | Do. |
| 16300 | | Navy | Fixed |
| 16320 | A3 | War | Do. |
| 16340 | A3 | " | Do. |
| 16420 | | Navy | Coast |
| 16540 | | " | Do. |
| 16540 | | Commerce (Coast and Geodetic Survey). | Portable, Ship |
| ‖16600 | | Navy | Coast |
| 16620 | | " | Do. |
| n16640 | | Commerce (Coast and Geodetic Survey) | Portable, Ship |
| 16820 | | Navy | Coast |
| *16920 | | " | Do. |
| 16940 | | " | Do. |
| 16960 | A3 | Treasury (Coast Guard) | Coast, Ship |
| ‖16960 | | " | Fixed |
| 17020 | A3 | War | Land, Ship, Aircraft |
| 17040 | A3 | " | Aeronautical fixed |
| 17060 | A3 | Navy | Aeronautical, Coast |
| 17180 | | " | Coast |
| 17200 | A3 | War | Fixed |
| 17240 | A4 | " | Do. |
| 17370 | | Navy | Coast (Special Service) |
| 17460 | A3 | War | Fixed |
| 17480 | A3 | " | Do. |
| 17500 | A3 | " | Do. |
| 17510 | | Navy | Do. |
| 17540 | A3 | " | Aeronautical, Aeronautical fixed, Coast, Fixed |
| 17720 | A3 | War | Fixed |
| *17740 | A3 | Navy | Aeronautical, Coast |
| n18060 | | " | Fixed |
| 18100 | | " | Do. |
| 20000 | A3 | Commerce (Standards) | Special |
| 20025 | | Navy | Fixed |
| 20075 | | " | Do. |
| 20125 | A3 | War | Do. |
| 20150 | A3 | " | Do. |
| 20225 | | Navy | Do. |
| 20375 | | " | Do. |
| 20400 | A3 | War | Do. |
| 20425 | | " | Do. |

*15130 kc: Available for temporary assignment to non-Government stations.
*15515 kc: 15505 kc received at New York and New Orleans from Cuba.
*15715 kc: Non-Government priority recognized for operation on 15700 and 15730 kc.
*15805 kc: 15795 kc received at Point Reyes from China, A3 omission. 15820 kc received at New York from Halifax.
*15870 kc: Non-Government priority recognized for operations on 15880 kc and for reception of telephone transmissions at Point Reyes from Japan on 15860 kc.
*16020 kc: Non-Government priority recognized for operations on 16015 kc. Non-Government priority recognized for operations on 16030 kc in the Hawaiian Islands for point-to-point telephone service to the continental United States and the Philippine Islands.
*16280 kc: Non-Government priority recognized for point-to-point telephone communication on 16270 kc, and point-to-point telegraph communication on 16285 kc.
*16920 kc: Navy Department priority recognized in the Canal Zone only; non-Government in the United States.
*17740 kc: Received at Point Reyes, California from Siam.



| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| 20675 | | Navy | Fixed |
| 20775 | | " | Do. |
| *21025 | | " | Do. |
| 21175 | | " | Do. |
| ‡21325 | A3 | " | Aeronautical |
| *21500 | A3 | " | Broadcasting |
| 21925 | A3 | " | Aeronautical, Coast |
| ‡21925 | A3 | " | Aeronautical fixed |
| 22175 | A3 | " | Aeronautical, Coast |
| 22575 | | " | Coast. |
| 22925 | | " | Do. |
| 23400 | A4 | War | Fixed |
| 23500 | A4 | " | Do. |
| 23600 | A4 | " | Do. |
| 23700 | A4 | " | Do. |
| 23900 | A4 | " | Do. |
| 24030 | | Navy | Do. |
| 24090 | | " | Do. |
| 24120 | A3 | War | Do. |
| 24150 | A3 | " | Do. |
| 24180 | A3 | " | Do. |
| 24270 | | Navy | Do. |
| 24450 | | Navy | Fixed |
| 24480 | A3 | War | Do. |
| 24510 | A3 | " | Do. |
| 24540 | A3 | " | Do. |
| 24810 | | Navy | Coast |
| 24930 | | " | Do. |
| 25000 | A3 | Commerce (Standards) | Special |
| n‡25000 to 27000 | A3 | All Government Agencies | Stations in the Mobile Service, not to exceed 10 watts in power |
| n‡25230 | | Navy | Coast |
| n‡25410 | | " | Do. |
| n‡25590 | A3 | " | Aeronautical |
| n‡25770 | | " | Coast |
| n‡25810 | A3 | " | Aeronautical, Aeronautical fixed |
| n‡25910 | A3 | " | Aeronautical, Coast |
| ‡27300 | | War | Fixed |
| ‡27700 | | " | Do. |
| 30020 | A3 | Agriculture (Biological Survey); Interior (Geological Survey) | Fixed, Land, Mobile, Portable |
| 30060 | A3 | " | Do. |
| 30180 | A3 | Interior (National Park Service) | Do. |
| 30220 | A3 | " | Do. |
| 30260 | A3 | " | Do. |
| 30340 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| 30380 | A3 | " | Do. |
| 30420 | A3 | " | Do. |
| 32020 | A3 | Interior (Indian Service) | Fixed, Land, Mobile, Portable |
| 32140 | A3 | Treasury (Coast Guard) | Do. |
| 32180 | A3 | " | Do. |
| 32220 | A3 | " | Do. |
| | A3 | Treasury (Customs) | Land, Mobile |
| 32260 | A3 | Agriculture (Forest Service) | Fixed, Land, Mobile, Portable |
| 32300 | A3 | " | Do. |
| 32340 | A3 | " | Do. |
| 32380 | A3 | " | Do. |
| *32420 | A2 | Navy | Fixed (Keying Circuit) |
| 32420 | N, W A3 | Agriculture (Forest Service) | Fixed, Land, Mobile, Portable |
| *32460 | A2 | Navy | Fixed (Keying Circuit) |
| 32460 | N, W A3 | Agriculture (Forest Service) | Fixed, Land, Mobile, Portable |
| 32500 | W, N A3 | " | Do. |
| 32540 | A3 | " | Do. |
| 32580 | A3 | " | Do. |
| 32620 | A3 | " | Do. |
| 32660 | N, W A3 | " | Do. |

*21025 kc: 21020 kc received at Netcong, New Jersey, from Argentina, for point-to-point telephone service.
*21500 kc: Available for temporary assignment to non-Government stations.
*32420 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*32460 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.

For those frequencies in the band 30 to 42 Mc, after which N or W or both appear, which may be now or hereafter used by either the War Department and the Navy Department, separately or jointly, it is understood that the Department of Agriculture may use such frequencies on the basis of non-interference to stations which may be on these frequencies now or which may be placed thereon in the future.

For those frequencies in the band 30 to 42 Mc, after which A appears, which may be now or hereafter used by the Department of Agriculture, it is understood that the War Department and the Navy Department may use such frequencies on the basis of noninterference to stations which may be on these frequencies now or which may be placed thereon in the future.



| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| 32700 | A3 | Agriculture (Forest Service) | Fixed, Land, Mobile, Portable |
| 32740 | A3 | " | Do. |
| 32780 | A3 | " | Do. |
| 32820 | A3 | " | Do. |
| 32860 | N, W A3 | " | Do. |
| 32900 | W, N A3 | " | Do. |
| 32940 | A3 | Agriculture (Biological Survey) | Do. |
| 32980 | A3 | " | Do. |
| 34020 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| 34060 | A3 | " | Fixed, Land, Mobile, Portable, Ships |
| | A3 | Treasury (Customs) | Land, Mobile |
| 34100 | W, N A3 | Agriculture (Forest Service) | Fixed, Land, Mobile, Portable |
| 34140 | N, W A3 | " | Do. |
| 34180 | A3 | " | Do. |
| 34220 | A3 | " | Do. |
| 34260 | A3 | " | Do. |
| 34300 | A3 | " | Do. |
| 34340 | N, W A3 | " | Do. |
| 34380 | A3 | " | Do. |
| 34420 | A3 | " | Do. |
| 34460 | A3 | " | Do. |
| 34500 | W, N A3 | " | Do. |
| 34540 | N, W A3 | " | Do. |
| 34580 | A3 | " | Do. |
| 34620 | A3 | " | Do. |
| 34660 | A3 | " | Do. |
| 34700 | A3 | " | Do. |
| 34740 | N, W A3 | " | Do. |
| 34780 | A3 | Interior (National Park Service) | Do. |
| 34820 | A3 | " | Do. |
| 34860 | A3 | " | Do. |
| 34960 | A3 | Labor | Mobile |
| 34980 | A3 | Tennessee Valley Authority | Aircraft, Fixed, Land, Portable |
| 36020 | A3 | Agriculture (Public Roads); Interior (Reclamation Service) | Fixed, Land, Mobile, Portable |
| 36020 | A3 | Agriculture (National Agricultural Research Center) | Do. |
| 36060 | A3 | Agriculture (Public Roads) | Do. |
| 36060 | A3 | Agriculture (National Agricultural Research Center) | Do. |
| 36060 | A3 | Labor | Fixed, Mobile |
| 36180 | A3 | Interior (Indian Service) | Fixed, Land, Mobile, Portable |
| 36220 | A3 | Treasury (Coast Guard) | Do. |
| | A3 | Treasury (Mint) | Fixed |
| | A3 | Interior (Indian Service) | Fixed, Land, Mobile, Portable |
| 36260 | A3 | Treasury (Coast Guard) | Do. |
| | A3 | Interior (Indian Service) | Do. |
| 36300 | A3 | Treasury (Coast Guard) | Do. |
| 36340 | A3 | " | Do. |
| | A3 | Treasury (Customs) | Land, Mobile |
| 36380 | A3 | Agriculture (Forest Service) | Fixed, Land, Mobile, Portable |
| 36420 | A3 | " | Do. |
| 36460 | A3 | " | Do. |
| 36500 | W, N A3 | " | Do. |
| *36540 | A2 | Navy | Fixed (Keying Circuit) |
| 36540 | N, W A3 | Agriculture (Forest Service) | Fixed, Land, Mobile, Portable |
| *36580 | A2 | Navy | Fixed (Keying Circuit) |
| 36580 | N A3 | Agriculture (Forest Service) | Fixed, Land, Mobile, Portable |
| 36620 | A3 | " | Do. |
| 36660 | A3 | " | Do. |
| 36700 | A3 | " | Do. |
| 36740 | A3 | " | Do. |
| 36780 | A3 | " | Do. |
| 36820 | A3 | " | Do. |
| 36860 | N, W A3 | " | Do. |
| 36900 | W, N A3 | " | Do. |
| 36940 | A3 | " | Do. |
| 36940 | A A3 | War | Fixed, Coast, Ship |
| 36980 | A3 | Agriculture (Forest Service) | Fixed, Land, Mobile, Portable |
| *38020 | A3 | Labor | Mobile |
| *38020 | A3 | Interior (Geological Survey) | Fixed, Land, Mobile, Portable |
| 38140 | A3 | Treasury (Coast Guard) | Do. |
| | A3 | Treasury (Customs) | Land, Mobile |
| | A3 | Interior (National Park Service) | Fixed, Land, Mobile, Portable |

*36540 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*36580 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*38020 kc: The Cairo Radio Regulations provide: The different administrations undertake to protect, in their respective countries, the frequencies of 33.3 Mc, 38 Mc, 75 Mc, 94.3 Mc and 110.3 Mc, used for the protection of navigation on international air lines.

| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| 38180 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| | A3 | Interior (National Park Service) | Do. |
| 38220 | A3 | Treasury (Coast Guard) | Do. |
| | A3 | Interior (National Park Service) | Do. |
| 38260 | A3 | Treasury (Coast Guard) | Do. |
| 38300 N, W | A3 | Agriculture (Forest Service) | Do. |
| 38340 | A3 | " | Do. |
| 38380 | A3 | " | Do. |
| 38420 | A3 | " | Do. |
| 38460 N, W | A3 | " | Do. |
| 38500 W, N | A3 | " | Do. |
| 38540 | A3 | " | Do. |
| 38540 A | A3 | War | Fixed, Coast, Ship |
| 38560 | A3 | Agriculture (Forest Service) | Fixed, Land, Mobile, Portable |
| 38580 | A3 | Agriculture (National Agricultural Research Center). | Do. |
| 38620 | A3 | Agriculture (Forest Service) | Do. |
| 38620 | A3 | Agriculture (National Agricultural Research Center). | Do. |
| 38660 | A3 | Agriculture (Forest Service) | Do. |
| 38700 N,W | A3 | " | Do. |
| 38740 | A3 | " | Do. |
| 38780 | A3 | " | Do. |
| 38820 | A3 | " | Do. |
| 38860 | A3 | " | Do. |
| 38900 W,N | A3 | " | Do. |
| 38940 N,W | A3 | " | Do. |
| 38980 | A3 | Interior (Geological Survey) | Do. |
| 40020 | A3 | Agriculture (Biological Survey) | Do. |
| 40060 | A3 | " | Do. |
| 40100 W,N | A3 | " | Do. |
| 40180 | A3 | Agriculture (Public Roads) | Do. |
| 40180 | A3 | Agriculture (National Agricultural Research Center); Interior (Reclamation Service). | Do. |
| 40220 | A3 | Agriculture (Public Roads) | Do. |
| 40220 | A3 | Agriculture (National Agricultural Research Center). | Do. |
| 40220 | A3 | Agriculture (Forest Service) | Do. |
| 40260 | A3 | Agriculture (Public Roads) | Do. |
| 40260 | A3 | Agriculture (National Agricultural Research Center). | Do. |
| 40260 | A3 | Agriculture (Forest Service) | Do. |
| 40300 | A3 | Agriculture (Public Roads) | Do. |
| 40300 | A3 | Agriculture (National Agricultural Research Center). | Do. |
| 40340 | A3 | Treasury (Coast Guard) | Do. |
| 40380 | A3 | " | Do. |
| | A3 | Interior (National Park Service) | Do. |
| 40420 | A3 | Treasury (Coast Guard) | Do. |
| | A3 | Interior (National Park Service) | Do. |
| 40460 | A3 | Treasury (Coast Guard) | Do. |
| | A3 | Interior (National Park Service) | Do. |
| 40580 | A3 | Justice | |
| 40580 | A3 | Interior (Geological Survey) | Fixed, Land, Mobile, Portable |
| 40620 | A3 | Commerce (Lighthouses) | Fixed, Coast, Ship |
| | A3 | Tennessee Valley Authority | Aircraft, Fixed, Land, Portable |
| 40660 | A3 | Commerce (Lighthouses) | Fixed, Coast, Ship |
| | A3 | Interior (Grazing Control) | Fixed, Land, Mobile, Portable |
| 40700 | A3 | Commerce (Lighthouses) | Fixed, Coast, Ship |
| | A3 | Interior (Indian Service) | Fixed, Land, Mobile, Portable |
| 40740 | A3 | Commerce (Lighthouses) | Fixed, Coast, Ship |
| | A3 | Interior (Indian Service) | Fixed, Land, Mobile, Portable |
| *40780 | A2 | Navy | Fixed (Keying Circuit) |
| *40820 | A2 | " | Do. |
| 40860 | A3 | Interior (Geological Survey) | Fixed, Land, Mobile, Portable |
| *40940 | A2 | War | Fixed |
| *40980 | A2 | " | Do. |
| *60020 | A2 | " | Do. |
| *60060 | A2 | " | Do. |
| 60180 | A4 | Civil Aeronautics Authority | Aeronautical. |
| 60220 | A3 | Labor | Fixed, Mobile |
| 60260 | A4 | Civil Aeronautics Authority | Aeronautical |

*40780 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*40820 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*40940 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*40980 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*60020 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*60060 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.

| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| 60300 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile ,Portable |
| 60340 | A3 | " | Do. |
| 60420 | A4 | Civil Aeronautics Authority | Aeronautical |
| 60580 | A4 | " | Do. |
| 60620 | A3 | Labor | Fixed, Mobile |
| 60660 | A4 | Civil Aeronautics Authority | Aeronautical |
| 60700 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| 60780 | A3 | " | Do. |
| 60820 | A4 | Civil Aeronautics Authority | Aeronautical |
| *60860 | A2 | War | Fixed |
| 60980 | A4 | Civil Aeronautics Authority | Aeronautical |
| 61020 | A3 | Interior (National Park Service) | Fixed, Land, Mobile, Portable |
| 61060 | A4 | Civil Aeronautics Authority | Aeronautical |
| 61100 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| 61180 | A3 | " | Do. |
| 61220 | A4 | Civil Aeronautics Authority | Aeronautical |
| 61380 | A4 | " | Do. |
| 61460 | A4 | " | Do. |
| *61580 | A2 | Navy | Fixed (Keying Circuit) |
| 61620 | A4 | Civil Aeronautics Authority | Aeronautical |
| 61780 | A4 | " | Do. |
| 61860 | A4 | " | Do. |
| 62020 | A4 | " | Do. |
| 62180 | A4 | " | Do. |
| 62260 | A4 | " | Do. |
| 62300 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| 62380 | A3 | " | Do. |
| 62420 | A4 | Civil Aeronautics Authority | Aeronautical |
| 62580 | A4 | " | Do. |
| 62660 | A4 | " | Do. |
| 62700 | A3 | Interior (National Park Service) | Fixed, Land, Mobile, Portable |
| *62780 | A2 | Navy | Fixed (Keying Circuit) |
| 62820 | A4 | Civil Aeronautics Authority | Aeronautical |
| 62980 | A4 | " | Do. |
| 63060 | A4 | " | Do. |
| 63100 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| 63180 | A3 | " | Do. |
| 63220 | A4 | Civil Aeronautics Authority | Aeronautical |
| 63380 | A4 | " | Do. |
| 63460 | A4 | " | Do. |
| 63500 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| 63580 | A3 | " | Do. |
| 63620 | A4 | Civil Aeronautics Authority | Aeronautical |
| *63660 | A2 | War | Fixed |
| 63780 | A4 | Civil Aeronautics Authority | Aeronautical |
| 63860 | A4 | " | Do. |
| 64020 | A4 | " | Do. |
| 64180 | A4 | " | Do. |
| 64260 | A4 | " | Do. |
| 64300 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| 64380 | A3 | " | Do. |
| 64430 | A4 | Civil Aeronautics Authority | Aeronautical |
| 64580 | A4 | " | Do. |
| 64660 | A4 | " | Do. |
| *64700 | A3 | All Government Agencies | Aerological Sounding |
| 64820 | A4 | Civil Aeronautics Authority | Aeronautical |
| 65060 | A4 | " | Do. |
| *65100 | A3 | All Government Agencies | Aerological Sounding |
| 65220 | A4 | Civil Aeronautics Authority | Aeronautical |
| 65340 | A4 | " | Do. |
| 65460 | A4 | " | Do. |
| *65500 | A3 | All Government Agencies | Aerological Sounding |
| 65620 | A4 | Civil Aeronautics Authority | Aeronautical |
| 65780 | A3 | Commerce (Lighthouses) | Coast, Fixed, Marine radiobeacon, Ship |
| *65780 | A4 | Civil Aeronautics Authority | Aeronautical |
| 65820 | A3 | Commerce (Lighthouses) | Coast, Fixed, Marine radiobeacon, Ship |
| 65860 | A3 | " | Do. |

*40860 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*61580 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*62780 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*63660 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*64700 kc: Aerological Sounding Stations may operate on any frequency in the band 64500 to 65700 kc provided they cause no interference to any other use of the frequencies by the government departments.
*65100 kc: Aerological Sounding Stations may operate on any frequency in the band 64500 to 65700 kc provided they cause no interference to any other use of the frequencies by the government departments.
*65500 kc: Aerological Sounding Stations may operate on any frequency in the band 64500 to 65700 kc provided they cause no interference to any other use of the frequencies by the government departments.
*65780 kc: Commerce (Lighthouses) priority recognized within the normal service area of aids to marine navigation.



| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| *65860 | A4 | Civil Aeronautics Authority | Aeronautical |
| 65900 | A3 | Commerce (Lighthouses) | Coast, Fixed, Marine radiobeacon, Ship |
| 72040 | A3 | Tennessee Valley Authority | Aircraft, Fixed, Land, Portable |
| *72800 | A2 | War | Fixed |
| 73200 | A3 | Labor | Fixed, Mobile |
| 73480 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| 73500 | A3 | " | Do. |
| 73640 | A3 | " | Do. |
| 73960 | A3 | Commerce (Lighthouses) | Coast, Fixed, Marine radiobeacon, Ship |
| 74040 | A3 | " | Do. |
| 74120 | A3 | " | Do. |
| 74200 | A3 | " | Do. |
| 74280 | A3 | " | Do. |
| 74360 | A3 | " | Do. |
| 74440 | A3 | " | Do. |
| 74520 | A3 | " | Do. |
| 74600 | | All Government Agencies | Guard |
| 74680 | | " | Do. |
| 74760 | | " | Do. |
| 74840 | | " | Do. |
| 74920 | | " | Do. |
| s*75000 | A2 | " | Aeronautical marker |
| 75080 | | " | Guard |
| 75160 | | " | Do. |
| 75240 | | " | Do. |
| 75320 | | " | Do. |
| 75400 | | " | Do. |
| 75480 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| 75560 | A3 | " | Do. |
| 75640 | A3 | " | Do. |
| 75680 | A3 | Commerce (Lighthouses) | Coast, Fixed, Marine radiobeacon, Ship |
| 75960 | A3 | " | Do. |
| 76040 | A3 | " | Do. |
| 76120 | A3 | " | Do. |
| *76800 | A2 | War | Fixed |
| 77240 | A3 | Tennessee Valley Authority | Aircraft, Fixed, Land, Portable |
| 77480 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| 77560 | A3 | " | Do. |
| 77640 | A3 | " | Do. |
| 90300 | A3 | " | Do. |
| 91500 | A3 | Labor | Fixed, Land, Mobile |
| 91900 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| s*93500 | | Civil Aeronautics Authority (Secondary) | Instrument landing glidepath |
| s*93900 | | Civil Aeronautics Authority (Primary) | Do. |
| s*94300 | | Civil Aeronautics Authority (Tertiary) | Do. |
| 94700 | A3 | Treasury (Coast Guard) | Fixed, Land, Mobile, Portable |
| 94800 | A3 | " | Do. |
| 94900 | A3 | " | Do. |
| 95000 | A3 | Commerce (Lighthouses) | Coast, Fixed, Marine radiobeacon, Ship |
| 95100 | A3 | " | Do. |
| 95200 | A3 | " | Do. |
| 95300 | A3 | " | Do. |
| 95400 | A3 | " | Do. |
| 95500 | A3 | " | Do. |
| 95600 | A3 | " | Do. |

*65860 kc: Commerce (Lighthouses) priority recognized within the normal service area of aids to marine navigation
*72800 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*75000 kc: May be authorized for temporary assignment by the Federal Communications Commission in conformity with limitations and restrictions established for non-military marker service by the Civil Aeronautics Authority.
*76800 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*93500 kc: May be authorized for temporary assignments by the Federal Communications Commission in conformity with limitations and restrictions established for non-military marker service by the Civil Aeronautics Authority.
*93900 kc: May be authorized for temporary assignments by the Federal Communications Commission in conformity with limitations and restrictions established for non-military marker service by the Civil Aeronautics Authority.
*94300 kc: May be authorized for temporary assignments by the Federal Communications Commission in conformity with limitations and restrictions established for non-military marker service by the Civil Aeronautics Authority.

| Frequency (kc) | | Government Agency | Class of Station |
|---|---|---|---|
| 95700 | A3 | Commerce (Lighthouses) | Coast, Fixed, Marine radiobeacon, ship |
| 95800 | A3 | " | Do. |
| 95900 | A3 | " | Do. |
| s*109500 | | Civil Aeronautics Authority (Secondary) | Instrument landing localizer |
| s*109900 | | Civil Aeronautics Authority (Primary) | Do. |
| s*110300 | | Civil Aeronautics Authority (Tertiary) | Do. |
| *110700 | A2 | War | Fixed. |
| *111100 | A2 | Navy | Fixed (Keying Circuit). |
| *111500 | A2 | War | Fixed. |
| *111900 | A2 | Navy | Fixed (Keying Circuit). |
| 123000 | A3 | Civil Aeronautics Authority | Aeronautical range and telephone. |
| 123100 | A3 | " | Do. |
| 123200 | A3 | " | Do. |
| 123300 | A3 | " | Do. |
| 123400 | A3 | " | Do. |
| 123500 | A3 | " | Do. |
| 123600 | A3 | " | Do. |
| 123700 | A3 | " | Do. |
| 123800 | A3 | " | Do. |
| 123900 | A3 | " | Do. |
| 124000 | A3 | " | Do. |
| 124100 | A3 | " | Do. |
| 124200 | A3 | " | Do. |
| 124300 | A3 | " | Do. |
| 124400 | A3 | " | Do. |
| 124500 | A3 | " | Do. |
| 124600 | A3 | " | Do. |
| 124700 | A3 | " | Do. |
| 124800 | A3 | " | Do. |
| 124900 | A3 | " | Do. |
| 125000 | A3 | " | Do. |
| 125100 | A3 | " | Do. |
| 125200 | A3 | " | Do. |
| 125300 | A3 | " | Do. |
| 125400 | A3 | " | Do. |
| 125500 | A3 | " | Do. |
| 125600 | A3 | " | Do. |
| 125700 | A3 | " | Do. |
| 125800 | A3 | " | Do. |
| 125900 | A3 | " | Do. |
| 126000 | A3 | " | Do. |
| 126100 W | A3 | " | Do. |
| 126200 W | A3 | " | Do. |
| 126300 N | A3 | " | Do. |
| 126400 W | A3 | " | Do. |
| 126500 W | A3 | " | Do. |
| 126600 W | A3 | " | Do. |
| 126700 N | A3 | " | Do. |
| 126800 W | A3 | " | Do. |
| 126900 W | A3 | " | Do. |
| 127000 W | A3 | " | Do. |
| 127100 N | A3 | " | Do. |

*109500 kc: May be authorized for temporary assignments by the Federal Communications Commission in conformity with limitations and restrictions established for non-military marker service by the Civil Aeronautics Authority.
*109900 kc: May be authorized for temporary assignments by the Federal Communications Commission in conformity with limitations and restrictions established for non-military marker service by the Civil Aeronautics Authority.
*110300 kc: May be authorized for temporary assignments by the Federal Communications Commission in conformity with limitations and restrictions established for non-military marker service by the Civil Aeronautics Authority.
*110700 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*111100 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*111500 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.
*111900 kc: Comprises a multiplicity of modulations resulting in a band width of the order of A4 emission.

For those frequencies in the band 126,100 to 127,100 kc, wherever W or N appears after a frequency, it is the understanding that the Civil Aeronautics Authority may use such frequency only on the basis of noninterference to present or future Army and Navy stations which may employ them.

1. Such frequencies as are herein assigned to classes of stations for use in the Canal Zone are approved in conformity with section 305 of the Communications Act of 1934 as amended, or other applicable laws or treaties.

2. The symbols used in this Executive Order have the following meanings:

f. Foreign rights recognized in accordance with international agreements in force.

g. May be authorized for non-Government assignments provided no interference to Government assignments, present or future.

j. May be authorized for both Government and non-Government assignments.

n. May be authorized for Government assignments provided no interference to non-Government assignments, present or future.

s. Used continually for Government navigational aids for protection of life and property.

t. Not to interfere with assignments conforming to international treaties, regulations, or arrangements in force.

3. In this Executive Order the abbreviation "ACS" is used to indicate the Alaska Communication Sytem.

4. In this Executive Order the term "United States" shall be understood to include the forty-eight states, the District of Columbia, the territories and the possessions, except the Canal Zone.

5. In this Executive Order the term "outside the continental limits of the United States" shall be understood to include any United States area, such as Alaska, which is not within the forty-eight states and the District of Columbia.

6. In this Executive Order the term "Day Only" is defined as follows: From two hours after local sunrise until two hours before local sunset.

7. In this Executive Order the word "priority" means "not to cause objectionable interference."

8. In this Executive Order, unless otherwise indicated, when more than one agency is assigned the same frequency, relative priority between agencies, if existing, is indicated by the order of listing the frequency repeated on separate lines. When two or more agencies have equal priority the frequency itself is listed only once.

9. The Classes of Stations used in this Executive Order are defined as follows:

| | *No. of Paragraph of Definition in Cairo Regulations* |
|---|---|
| (1) *Fixed Station:* A station not capable of being moved, and communicating by radio with one or more stations established in the same manner | 26 |
| (2) *Land Station:* A station not capable of being moved, carrying on a mobile service | 27 |
| (3) *Coast Station:* A land station carrying on a service with ship stations. This may be a fixed station assigned also to communication with ship stations; in this case, it shall be considered as a coast station only for the duration of its service with ship stations | 31 |
| (4) *Aeronautical Station:*[1] A land station carrying on a service with aircraft stations. This may be a fixed station assigned also to communication with aircraft stations; in this case it shall be considered as an aeronautical station only for the duration of its service with aircraft stations. (For the purposes of this Order, an aeronautical station may be a mobile or portable station. An aeronautical station may also communicate with other aeronautical stations) | 32 |
| (5) *Mobile Station:*[2] A station capable of being moved and which ordinarily does move | 33 |
| (6) *Ship Station:* A station on board a ship which is not permanently moored. (This is a type of mobile station) | 35 |
| (7) *Aircraft Station:* A station on board any aircraft.[3] (This is a type of mobile station) | 36 |
| (8) *Vehicular Station:* A station on board a land vehicle. (This is a type of mobile station.) | |
| (9) *Portable Station:*[2] A station intended to be conveniently moved, but which is not usually used while in motion | 37 |
| (10) *Radio Direction Finding Station:* A station equipped with special apparatus for determining the direction of emissions of other stations | 39 |
| (11) *Special Station:* A station carrying on a special service. | |
| (12) *Aeronautical Fixed Station:* A fixed station used for the transmission, to one or more stations established in the same manner, of messages relating solely to the actual aviation needs of the operating agency. | |
| (13) *Aeronautical Marker Station:* A special station which is used to mark a definite point to assist in the guidance of aircraft. | |
| (14) *Aeronautical Range and Telephone Station:* A special station which provides radio range courses and radiotelephone information with respect to aircraft operations. | |
| (15) *Airport Traffic Control Station:* An aeronautical station used in connection with the movement of aircraft within the airport control area. | |
| (16) *Instrument Landing Glidepath Station:* A special station which is located at an airport and projects a radio glidepath for the purpose of assisting aircraft to make landings. | |
| (17) *Instrument Landing Localizer Station:* A special station which projects a radio range course across an airport for the purpose of facilitating landing. | |
| (18) *Marine Radiobeacon Station:*[4] A radiobeacon station established primarily for the service of ships. | |
| (19) *Aeronautical Radiobeacon Station:*[4] A radiobeacon station established primarily for the service of aircraft. | |
| (20) *Aerological Sounding Station:* A special station sent aloft for the purpose of obtaining information regarding atmospheric conditions. | |

[1] This definition is the same as contained in paragraph No. 32 of the Cairo Regulations except for the addition given in parentheses.

[2] A mobile station differs from a portable station in that the former ordinarily carries on communication while in motion.

[3] "Aircraft" is a general term including airplanes, dirigibles, free or captive balloons, etc.

[4] One class of radiobeacon station which is defined in paragraph No. 38 of the Cairo Regulations.

10. Unless otherwise specifically indicated, the maximum width of the frequency band of emission shall be as follows:

| Type of Emission | Carrier Frequency | Maximum width of Frequency Band of Emission |
|---|---|---|
| A1 | 10–100 kc | 0.100 kc |
| | 100–1,600 kc | 0.250 " |
| | 1,600–6,000 kc | 0.500 " |
| | 6,000 and above | 1.000 " |
| A2 | 100–6,000 kc | 2.000 kc |
| | 6,000–30,000 kc | 3.000 " |
| | 30,000 and above | 6.000 " |
| A3 | 100–6,000 kc | [1] 6.000 kc |
| | 6,000 and above | 10.000 " |
| A4 and A5 | | To be specified in each case. |

[1] Below 6,000 kc, A3 emission is considered to fall within plus and minus three kilocycles of the carrier frequency assigned.

11. The type of emission shown opposite a frequency is that of the maximum band width authorized. If the type of emission is not shown, A1 emission only is authorized.

12. The following Government experimental radio stations are authorized to use miscellaneous frequencies from time to time provided no interference is caused with other authorized services:

Navy Department: Naval Research Laboratory, Bellevue, D. C.; Annapolis, Md.

War Department: Fort Monmouth, N. J.; Wright Field, Ohio.

Department of Commerce: National Bureau of Standards, Washington, D. C.; Beltsville, Md.; Meadows, Md.

13. A radio station in any class to which a frequency is assigned herein may use such frequency in accordance with the terms of that assignment, only after approval by the Interdepartment Radio Advisory Committee, except that such approval is not required for mobile and portable stations, nor for stations of other classes when the station power is below limits specified for each class by the Interdepartmental Radio Advisory Committee.

14. A Government station may operate, during a period not exceeding two months, on frequencies other than those assigned to it for the purpose of selecting a frequency more suitable for a particular service before requesting authority for a change in frequency, provided that it first gives notice as to such use to the Interdepartment Radio Advisory Committee, and also to the Federal Communications Commission if the frequency is not assigned by Executive Order, and provided further that it will cease operation on notice of interference from the Interdepartment Radio Advisory Committee or the Federal Communications Commission. Such operation may be extended or renewed upon approval by the Interdepartment Radio Advisory Committee.

15. The Interdepartment Radio Advisory Committee may authorize any Government radio station to conduct experimental operations upon a frequency assigned to some other Government station by Executive Order, or upon any frequency in the bands 144,000–156,000 kc, 168,000–180,000 kc, 192,000–204,000 kc, 216,000–224,000 kc, 230,000–234,000 kc, 246,000–258,000 kc, 270,000–282,000 kc, 294,000–300,000 kc, or upon any frequency above 300,000 kc, or to conduct manufacturing tests on any frequency, for such period as the Committee may deem necessary, provided that such station shall cease such operations upon receipt of notice of interference from the Interdepartment Radio Advisory Committee. The Interdepartment Radio Advisory Committee may also authorize interim operation on any frequency, pending issuance of a new Executive Order, with the same proviso.

16. Any frequency authorized by the Federal Communications Commission for ship service may be employed by Government mobile stations when communicating with non-Government stations.

17. Any mobile station may operate on a frequency assigned to a Government station in the mobile service when directed to do so by the latter.

18. No department shall close a station no longer needed by it which is serving other Government departments without first giving due notification to the other Government departments concerned.

This Executive Order supersedes Executive Order No. 7251 of December 19, 1935.

This order shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 5, 1939.*

[No. 8193–A]

[F. R. Doc. 39–2398; Filed, July 6, 1939; 2:50 p. m.]

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## EXECUTIVE ORDER

### AMENDING THE FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes of the United States (22 U.S.C. § 132), it is ordered that the Foreign Service Regulations of the United States be, and they are hereby, amended by prescribing the following as Chapter IX thereof:

#### CHAPTER IX—RELATIONS WITH OTHER DEPARTMENTS

#### *Attachés*

IX–1. *Assignment and commissioning of attachés.* Attachés shall be assigned by the Secretaries of their respective departments and commissioned by the Secretary of State to reside at the seats of the various missions as the public interests demand. A diplomatic representative shall promptly inform the Foreign Office of the country to which he is accredited of the designation of an attaché to his mission.

IX–2. *Duties of attachés.* The duties of attachés are such as may be assigned to them by the heads of their respective departments, from whom they receive their instructions and to whom they shall report. These duties, while not under the direction or control of the chief of mission, shall be subject to his supervision.

In ceremonial matters, attachés are subject to the direction of the chief of mission, and are responsible to him for their personal conduct. The diplomatic representative shall report to the Department of State any conduct of the attachés which he considers unbecoming or embarrassing to the mission.

#### *Relative Rank*

IX–3. *Relative rank.* The rules of precedence to be observed as between officers of the Department of State, officers of other departments, and other officials of the Government of the United States assigned abroad shall be such as are prescribed by the President.

#### *Navy*

IX–4. *Classification of visits of American naval vessels to foreign ports.* The term "visits of courtesy" shall be used to designate visits of a more or less formal nature of naval vessels to ports in foreign countries in which there is an exchange of official entertainment.

Visits in which formalities are restricted to the usual salutes and customary calls shall be designated "informal visits".

Unless specifically designated as visits of courtesy, all visits of United States naval vessels shall be regarded as informal visits.

IX–5. *Official calls between naval officers and officers of the Foreign Service.*

(a) *Calls between naval officers and diplomatic officers.* Upon the arrival of a naval vessel of the United States in a foreign port where there are diplomatic officers of the United States, the following procedure in regard to official calls shall be observed:

(1) A flag officer will pay the first visit to a diplomatic officer of, or above, the rank of chargé d'affaires.

(2) A commanding officer will pay the first visit to a diplomatic officer of, or above, the rank of chargé d'affaires.

The senior naval officer present shall, if necessary, arrange to furnish a suitable boat to enable a diplomatic representative to pay official visits afloat. Official visits shall be returned within 24 hours.

(b) *Calls between naval officers and consular officers.* When a naval vessel visits a port where there is a consular officer, the procedure in paying official calls shall be as follows:

(1) A flag officer receives the first visit from a consular officer regardless of the latter's rank.

(2) A captain commanding a vessel pays the first call to a consul general and receives the first call from other consular officers.

(3) A commanding officer below the rank of captain pays the first visit to a consular officer in charge of a consulate.

When the consular officer pays the first visit, the commanding officer shall send a boat ashore with an officer on board to call on the consular officer and tender him a passage to the ship at such time as he may select. The consular officer shall accept the invitation to visit the commanding officer within 24 hours, and shall tender to him his official services.

When the commanding officer pays the first visit to a consular officer, the latter shall return the visit within 24 hours.

IX–6. *Services for the Navy.* Foreign Service officers shall cooperate with officers of the United States Navy to the fullest possible extent. However, in matters involving the expenditure of funds



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they shall be governed by the provisions of section V–45.

Consular officers shall extend necessary relief and assistance to personnel of naval vessels left under their care by reason of illness, injury, or for other causes, or who desert or straggle in foreign ports, *provided* that the consular officer has first received such express written authorization from a commanding officer of the Navy or the Navy Department as will enable him to obtain reimbursement from the Navy Department for any outlay made.

IX–7. *Presence of naval force in foreign port not to be requested except in public emergency.* Diplomatic representatives and consular officers shall not request the presence of a naval force in a foreign port unless a public emergency so necessitates. The request may be addressed to the officers in command of the naval force, in which event responsibility of action rests with them, or it may be addressed to the Department of State. In either case, the request should contain detailed reasons for its submission.

*Treasury*

IX–8. *Quarantine laws and regulations.* Consular officers shall familiarize themselves with and shall perform the duties prescribed for them by the provisions of the Quarantine Act of February 15, 1893, as amended (42 U.S.C. §§ 82, 92, 93, 94), and by the regulations promulgated thereunder by the Secretary of the Treasury, appearing in the current edition of the pamphlet entitled "Quarantine Laws and Regulations", as amended, or elsewhere.

IX–9. *Relief extended personnel of Coast Guard stranded in foreign ports.* Consular officers shall extend relief to members of the Coast Guard on active duty (not on leave status) who become stranded in foreign ports as follows:

(a) When a vessel of the Coast Guard is based in a foreign port, relief shall be afforded until the arrival of a Coast Guard cutter in port, when the person concerned shall be delivered to the commanding officer of the vessel.

(b) When a vessel of the Coast Guard has permanently cleared from a foreign port, relief shall be afforded, and the Department of State shall be immediately notified and instructions awaited relative to the disposition to be made of the person concerned.

Expenses incurred for the relief of Coast Guard personnel shall be included as a separate item supported by proper vouchers in the regular accounts of the office extending relief.

*Veterans' Administration*

IX–10. *Duties of consular officers in connection with Veterans' Administration activities abroad.* Consular officers shall perform such duties for and submit such reports through the Department of State to the Veterans' Administration as may from time to time be required of them. They are also charged with the general supervision of Veterans' Administration activities abroad and in connection therewith shall report immediately through the Department of State any information which may assist the Veterans' Administration in the efficient discharge of its responsibilities to its beneficiaries who reside in foreign countries.

*Cancellation of Regulations*

The following provisions of the Foreign Service Regulations of the United States are hereby canceled:

*Part I*

Sections IV–1 to IV–7 inclusive.

*Part II*

Sections IV–76, XV–270, XXII–375, XXII–376, XXII–377, XXII–379, XXII–380, XXIV–441, and XXIV–477.

Chapter VIII.

*Revocation of Executive Orders*

Executive Order No. 724, dated January 3, 1908, and No. 2483, dated November 5, 1916, are hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 8, 1939.*

[No. 8196]

[F. R. Doc. 39–2453; Filed, July 10, 1939; 10:20 a. m.]

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[P–5]

PART 741—1939 PRICE ADJUSTMENT PROGRAM REGULATIONS

SUPPLEMENT NO. 4

By virtue of the authority vested in the Secretary of Agriculture by the Price Adjustment Act of 1938, approved June 21, 1938 (Title V of Public Res. No. 122, 75th Congress; 52 Stat. 819), and pursuant to the provisions of Sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 43, 45), and the second paragraph of Section 15 of the Soil Conservation and Domestic Allotment Act, as amended by Section 104 of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 35), the 1939 Price Adjustment Program Regulations, as amended,[1] are hereby amended as follows:

Section 741.6 (d)[2] is hereby further amended to read as follows:

"(d) *Payment restricted to effectuation of purposes of the program.* All or any part of any payment which would otherwise be made to any person under the 1939 Price Adjustment Program may be withheld if the county committee finds that (1) he has overplanted or caused the overplanting of the acreage allotment which was or could have been established for a separately-owned tract of land included in a combination farm and refuses to cooperate with other producers having an interest in the farm in making equitable adjustments with respect thereto, or (2) he has adopted any practices which the Secretary determines tend to defeat any of the purposes of the 1939 Price Adjustment Payment Program."

Done at Washington, D. C., this 8th day of July, 1939.[3] Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary.*

[F. R. Doc. 39–2451; Filed, July 10, 1939; 9:35 a. m.]

### SUGAR DIVISION

[G.S.Q.R. Series 6, No. 1, Rev. 1, Supp. 1]

PART 821—SUGAR QUOTAS

PRORATION OF 1939 DEFICIT FOR PHILIPPINE ISLANDS

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, approved September 1, 1937, I, H. A. Wallace, Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations (constituting a supplement to General Sugar Quota Regulations, Series 6, No. 1, Revision 1, issued March 31, 1939[1]), which have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

I

Sec. 821.23 of General Sugar Quota Regulations, Series 6, No. 1, Revision 1, is hereby amended by adding the following new paragraph:

(b) *Deficit in quota for Commonwealth of Philippine Islands.* It is hereby determined, pursuant to subsection (a) of section 204 of the said act, that for the calendar year 1939 the Commonwealth of the Philippine Islands will be unable, by an amount of 118,222,000 pounds of sugar, raw value, to market the quota established for that area in paragraph (a) of this section. (Sec. 204, 50 Stat. 905; 7 U.S.C., Sup. IV, 1114)

II

Sec. 821.24 of General Sugar Quota Regulations, Series 6, No. 1, Revision 1, is hereby amended by adding the following new paragraph:

(b) *Additional prorations.* An amount of sugar equal to the deficit determined in paragraph (b) of Sec. 821.23 hereof is hereby prorated, pursuant to subsection (a) of section 204 of the said act, to foreign countries other than Cuba as follows:

| Country: | *Additional prorations (in terms of pounds, raw value)* |
|---|---|
| Argentina | 34,844 |
| Australia | 487 |
| Belgium | 703,533 |
| Brazil | 2,861 |
| British Malaya | 63 |
| Canada | 1,348,706 |
| China & Hongkong | 688,726 |
| Colombia | 639 |
| Costa Rica | 49,238 |
| Czechoslovakia | 629,411 |
| Dominican Republic | 15,940,700 |
| Dutch East Indies | 505,305 |
| Dutch West Indies | 16 |
| France | 418 |
| Germany | 279 |
| Guatemala | 800,567 |
| Haiti, Republic of | 2,203,076 |
| Honduras | 8,205,398 |
| Italy | 4,188 |
| Japan | 9,583 |
| Mexico | 14,418,927 |
| Netherlands | 520,796 |
| Nicaragua | 24,432,846 |
| Peru | 26,567,754 |
| Salvador | 19,622,148 |
| United Kingdom | 838,254 |
| Venezuela | 693,235 |
| Total | 118,222,000 |

(Sec. 204, 50 Stat. 905; 7 U.S.C., Sup. IV, 1114.)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 7th day of July 1939.

[SEAL] H. A. WALLACE,
*Secretary.*

[F. R. Doc. 39–2441; Filed, July 8, 1939; 9:17 a. m.]

### TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3202]

IN THE MATTER OF FEE & STEMWEDEL, INC.

§ 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Imported product or parts as domestic.* Representing, in connection with offer, etc., in commerce, of barometers having movements or mechanisms of foreign origin, or manufacture, whether sold as single instruments or as part of combination instruments, by the use of the term "Made in U. S. A.", or any other term indicative of American manufacture, that such barometers are wholly of American manufacture, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Fee & Stemwedel, Inc., Docket 3202, July 6, 1939]

§ 3.69 (b) (16) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Imported product or parts as domestic.* Causing, in connection with offer, etc., in commerce, of barometers having movements or mechanisms of foreign origin, or manufacture, whether sold as single instruments or as part of combination instruments, the brands, or marks on imported barometer movements or other parts, or on other similar products, which indicate the foreign origin or manufacture thereof, to be removed, erased or concealed so as to mislead or deceive ultimate purchasers with reference to the foreign origin or manufacture thereof, unless the removal or erasure or concealment of said brands or marks is necessary to the further manufacture or processing of said products, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Fee & Stemwedel, Inc., Docket 3202, July 6, 1939]

§ 3.66 (g) *Misbranding or mislabeling—Producer status of dealer.* Representing, in connection with offer, etc., in commerce, of barometers having movements or mechanisms of foreign origin, or manufacture, whether sold as single instruments or as part of combination instruments, by the use of the term "Made by", or any other term of similar import or meaning, or in any other manner, that respondent is the manufacturer of said barometers, or is other than the assembler thereof, unless and until it actually manufactures such barometers and the movements or mechanisms thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Fee & Stemwedel, Inc., Docket 3202, July 6, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

MODIFIED ORDER TO CEASE AND DESIST

This matter having been heard by the Federal Trade Commission upon the motion of Frank T. O'Brien, attorney for the respondent, to modify the order to cease and desist issued in this proceeding on May 2, 1939,[1] and the Commission having considered said motion and the record and being now fully advised in the premises:

*It is ordered*, That the order to cease and desist issued herein on May 2, 1939, be modified so as to read as follows:

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Arthur F. Thomas and John W. Addison, Examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by Joseph C. Fehr, Counsel for the Commission, and by Frank T. O'Brien, Counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Fee & Stemwedel, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of barometers having movements or mechanisms of foreign origin, or manufacture, whether sold as single instruments or as part of combination instruments, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, by use of the term "Made in U. S. A.", or any other term indicative of American manufacture, that such barometers are wholly of American manufacture;

2. Causing the brands or marks on imported barometer movements or other parts, or on other similar products, which indicate the foreign origin or manufacture thereof to be removed, erased or concealed so as to mislead or deceive ultimate purchasers with reference to the foreign origin or manufacture thereof, unless the removal or erasure or concealment of said brands or marks is necessary to the further manufacture or processing of said products;

3. Representing, by the use of the term "Made by", or any other term of similar import or meaning, or in any other manner, that it is the manufacturer of said barometers, or is other than the assembler thereof, until and unless it actually manufactures such barometers and the movements or mechanisms thereof.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39–2449; Filed, July 10, 1939; 9:35 a. m.]

[1] 4 F.R. 254, 2027 DI.
[2] 4 F.R. 1685 DI.
[3] 4 F.R. 1412 DI.
[1] 4 F.R. 2001 DI.

## TITLE 30—MINERAL RESOURCES

### OFFICE OF THE SECRETARY OF THE INTERIOR

ADOPTION OF REGULATIONS, ETC., OF THE NATIONAL BITUMINOUS COAL COMMISSION

JULY 1, 1939.

1. All regulations, orders, instructions, forms, and notices heretofore issued, promulgated or adopted by the National Bituminous Coal Commission are hereby adopted, ratified, and continued in effect until further order, as regulations, orders, instructions, forms and notices of the Bituminous Coal Division, Department of the Interior.

2. The term "National Bituminous Coal Commission", wherever used in such regulations, orders, instructions, forms, and notices, shall be deemed to mean the Bituminous Coal Division, Department of the Interior, or the Director of such Division, as may be appropriate.

This Order is issued pursuant to the Reorganization Act of 1939 and to Reorganization Plan No. II issued by the President pursuant to the said Act.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 39-2452; Filed, July 10, 1939; 9:49 a. m.]

## TITLE 35—PANAMA CANAL

[Supplement No. 14]

RULES AND REGULATIONS GOVERNING NAVIGATION OF THE PANAMA CANAL AND ADJACENT WATERS

GOVERNOR'S REGULATIONS [1]

*Amending Regulations 12.1 and 106.1, and Adding Regulations 12.2, 13.1, 32.1 and 106.2*

JUNE 13, 1939.

By virtue of and pursuant to the authority vested in me by Rules 9, 12, and 106 of Executive Order No. 4314 of September 25, 1925, the regulations of the Governor of August 1, 1931, establishing regulations governing the navigation of the Panama Canal and adjacent waters, are hereby amended in the following respects:

1. Regulation 12.1 is hereby amended to read as follows:

"Regulation 12.1 *Papers required by boarding party, list of* All documents listed below as being required of a ship should be ready for immediate delivery to the boarding party:

| Documents required | For ships which transit Canal but do not take on or discharge passengers or cargo at Canal ports | For ships taking on or discharging passengers or cargo at Canal ports |
|---|---|---|
| (a) Ship's information sheet (Panama Canal form) | 1 | 1 |
| (b) Clearance from last port | [2] 1 | [2] 1 |
| (c) Bills of health (U. S. Consular bill issued at port of departure and at each port of call enroute, as provided in Regulation 106.2) | [2] 1 | [2] 1 |
| (d) Quarantine declaration (International Standard form) | 3 | 3 |
| (e) All other certificates of a sanitary nature | [2] 1 | [2] 1 |
| (f) Passenger list (on Panama Canal form) | 4 | 4 |
| (g) Chinese descriptive list, passengers and crew | [2] 1 | [2] 2 |
| (h) Crew list | 3 | 3 |
| (i) Store list | [4] 1 | 1 |
| (j) Cargo declaration (Panama Canal form) | 1 | [2] 1 |
| (k) Manifest of local cargo | 0 | 4 |
| (l) Declaration of explosive cargo carried | [2] 1 | [2] 1 |
| (m) Declaration of inflammable or combustible liquids in bulk carried as cargo | [2] 1 | [2] 1 |
| (n) Statement of fuel account (for vessels in ballast only) | 1 | [2] 1 |
| (o) Panama Canal tonnage certificate | 1 | [2] 1 |
| (p) National register | [2] 1 | [2] 1 |
| (q) General arrangement plan of vessel | [2] 1 | [2] 1 |
| (r) Report of structural alterations and of changes in use of tanks or other spaces since last transit | 1 | [2] 1 |

[1] For examination only.
[2] One copy of each required bill.
[3] Not required unless such persons or cargo are carried.
[4] Required if ship during transit is laid up for repairs, regardless of whether passengers or cargo are taken on or discharged.
[5] Not required unless ship transits Canal.
[6] For taking up and subsequent return through agent or otherwise.

NOTE: In case a ship takes on or discharges passengers or cargo at only one Canal Zone port and does not transit the Canal, the documents to the number indicated in the second column are required. In case a ship docks or takes on or discharges passengers or cargo at both Cristobal and Balboa, or at a port other than the port of entry, all documents to the number indicated in the second column will be required at the first port and in addition documents (f), (g), (h), (i), and (k) to the number indicated in the second column will be required at the second port.

2. Regulation 12.2 is hereby added, reading as follows:

"Regulation 12.2. *Incoming passenger list.* The four copies of the incoming passenger list, required by Regulation 12.1, shall be accurate and legible and shall be delivered to the customs officer in the boarding party. In the event that any passengers destined to local ports fail to disembark, or that passengers in transit do disembark at local ports, notice thereof shall be given promptly to the chief of customs and the quarantine officer at the port, and four copies of a supplementary passenger list showing the names of such passengers shall be furnished promptly to the chief of customs."

3. Regulation 13.1 is hereby added, reading as follows:

"Regulation 13.1. *Outgoing passenger list.* Four accurate and legible copies of the outgoing passenger list must be furnished to the chief of customs before clearance will be issued. Four copies of a supplementary passenger list shall be furnished for passengers embarking at the second Canal port after a vessel has sailed from the other port. Notice shall be given promptly to the chief of customs of any outgoing passengers who fail to depart on the vessel, and a list of such passengers shall be furnished in quadruplicate."

4. Regulation 32.1 is hereby added, reading as follows:

"Regulation 32.1. *Discharge, or signing on, of crew members.* As to members of the crew of vessels of United States registry, see Regulation 152.2. No member of the crew of any vessel, other than a vessel of United States registry, shall be discharged in the Canal Zone without the consent of the quarantine officer at the port. Before such consent is given the quarantine officer shall be furnished a memorandum in triplicate showing the name, age, nationality, and rating of the crew member discharged. When crew members are signed on a vessel, other than a vessel of United States registry, at a Canal Zone port, a similar memorandum in triplicate shall be furnished to the chief of customs at the port, at the time when request is made for a bill of health."

5. Regulation 106.1 is hereby amended to read as follows:

"Regulation 106.1. *Assemblage of passengers and crew for inspection.* The master at the time his vessel is boarded shall be prepared to assemble the passengers and crew for immediate inspection by the quarantine officer in case such inspection should be required."

6. Regulation 106.2 is hereby added, reading as follows:

"Regulation 106.2. *Bills of health.* Masters of vessels arriving in the Canal Zone or in the ports of Panama or Colon, Republic of Panama, shall deliver to the quarantine officer of The Panama Canal at the port of entry a bill of health, in the form prescribed by the Secretary of the Treasury for vessels clearing from a foreign port for a port of the United States, issued by the Consul, Vice Consul or other consular officer of the United States, or by the medical officer where such officer has been detailed by the President for that purpose, at the port of departure and at each subsequent port of call before arrival at the Canal Zone; provided, that no such bill of health will be required from a port in the United States, but masters of vessels clearing from ports of the United States for ports of the Canal Zone, for the ports of Panama or Colon, Republic of Panama, or for passing through the Panama Canal, must obtain a port sanitary statement signed by the officer authorized under the laws of the United States to issue such statements, and must present such statement to the quarantine officer of The Panama Canal at the port of entry.

"The term 'port of departure' as used in this section shall be the first port from which a vessel clears or departs on a voyage to the Canal Zone and the term 'port of call' as used in this section shall be any port subsequent to the port of departure at which the vessel officially entered or in any other manner had direct contact with the shore.

"A vessel on a definite voyage from port of departure to foreign countries and return to port of departure shall be required to present an American bill of health as specified herein, from the port of departure and from each port subsequent to its clearance from the port of departure provided the voyage is of thirty days' duration or less; if the voyage is of more than thirty days' duration, a vessel shall present a bill of health from a port at which the vessel calls not less than thirty days previous to intended arrival at the Canal Zone, which port shall be considered the port of departure, and from each subsequent port of call.

"In the case of a vessel touching at a port where there is no Consul or consular agent of the United States, a bill of health issued by the Consul or consular agent of a friendly government at such port, authorized to issue bills of health to vessels departing for ports of the United States, will be accepted, on entry into a port of the Canal Zone, in lieu of an American bill of health.

"Any vessel arriving in the Canal Zone or in the ports of Panama or Colon, Republic of Panama, without the bills of health required by this section, shall be subject to such quarantine measures as may be determined necessary by the Canal authorities, and may be subjected to such delay as may be necessary to determine to the satisfaction of the Canal authorities the sanitary status of the vessel and of the ports of departure and of call. Any expense incident to the failure to submit bills of health as provided herein shall be charged to the vessel."

7. The regulations amended and added, as aforesaid, shall be effective as to all vessels arriving in the Canal Zone on or after August 15, 1939.

C. S. RIDLEY,
*Governor.*

[F. R. Doc. 39-2444; Filed, July 8, 1939; 10:20 a. m.]

[1] These regulations amend and make additions to regulations appearing in Parts 4 and 24 of Title 35, Code of Federal Regulations.



## *Notices*

### WAR DEPARTMENT.

[Bulletin No. 8]

RULES AND REGULATIONS FOR THE NATIONAL MATCHES, 1939 [1]

JUNE 28, 1939.


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SECTION I—AUTHORIZATION, SCOPE, AND DATE OF MATCHES

1. *General conditions.* The rules and regulations for the national matches, except as provided for and published in this bulletin, will be found in the Official Program of the national matches, Basic Field Manual, Volume III, Part One, Chapters 1 and 1A (Rifle Marksmanship), Chapter 2 (Automatic Rifle Marksmanship), Chapter 3 (Automatic Pistol Marksmanship), AR 600–75, AR 740–10, and the Official Rules for Rifle and Pistol Shooting, National Rifle Association (latest revision).

2. *Date and place at which National Matches will be held.* For the year 1939 the national matches will be held at Camp Perry, Ohio, for a period of 21 days beginning Sunday, August 20, 1939, and ending Saturday, September 9, 1939, both dates inclusive. They will include:

a. *Small arms firing school.* The Small Arms Firing School will be held from Sunday, August 20, 1939 to Friday, August 25, 1939 (6 days), both dates inclusive. The period designated above will be devoted primarily to the school. The Small Arms Firing School will include the following:

(1) Caliber .30 rifle training, including musketry.
(2) Pistol training:
(a) Pistol school.
(b) Police school.
(3) Junior rifle school.

[1] See Section 43.4, Title 10, Code of Federal Regulations for composition and duties of National Board for the Promotion of Rifle Practice.

[*] These regulations are promulgated under the authority contained in Section 1, 45 Stat. 786; 32 U.S.C. 181a.

b. *National Rifle Association matches.* The matches for which medals and trophies are awarded by the National Rifle Association will be held from Saturday, August 26 to Friday, September 1 (7 days) both dates inclusive. The National Rifle Association matches will consist of—

(1) Caliber .30 rifle matches.
(2) Small-bore rifle matches.
(3) Pistol and revolver matches.
(4) Junior matches.

c. *National trophy matches.* The matches for which the national trophies, medals, and other badges are awarded by the National Board for the Promotion of Rifle Practice will be held from Saturday, September 2 to Saturday, September 9 (8 days), both dates inclusive. The national trophy matches will consist of the following:

(1) Infantry Match.
(2) National Individual Rifle Match.
(3) Citizens' Military Championship Match.
(4) National Individual Pistol Match.
(5) National Pistol Team Match.
(6) National Rifle Team Match.

3. *Executive officer may change program.* The foregoing dates and periods prescribed for the national matches will govern unless weather conditions interfere to such an extent as to make changes necessary. In that case the executive officer will make the required alterations in the program.

SECTION II—PAY ALLOWANCES, TRAVEL, AND SUBSISTENCE OF AUTHORIZED RIFLE TEAMS

4. *Authorized teams.*

a. *Service teams.* (1) Regular Army, from the Infantry, Cavalry, and Corps of Engineers, 1 each.
(2) United States Navy, 1.
(3) United States Marine Corps, 1.
(4)* United States Coast Guard, 1.

b. *National Guard and Reserve teams.* (1) Federally recognized active National Guard of the several States and Territories, including the District of Columbia, 1 each.
(2) Naval Reserve, 2 teams as designated by the Navy Department.
(3) Marine Corps Reserve, not more than 2 teams as designated by the Navy Department.
(4) Organized Reserves, 1 team.

c. *Civilian teams.* (1) One civilian team from each of the several States and Territories, including the District of Columbia, to be selected by competition.
(2) Reserve Officers' Training Corps, 1 from each corps area.
(3) Citizens' Military Training Camps, 1 from each corps area.
(4) American Legion, 3 teams.

5. *Strength of rifle teams.* The strength of authorized rifle teams participating in the national rifle team match 1939 is fixed as follows:

a. *Service teams.* One team captain, 1 team coach, 10 principals, 2 alternates; total 14.

b. *National Guard teams.* One team captain, 1 team coach, 10 principals, 2 alternates; total 14.

c. *Organized Reserves teams.* One team captain, 1 team coach, 10 principals, 2 alternates; total 14.

d. *Reserve Officers' Training Corps and Citizens' Military Training Camp teams.* One team captain, 10 principals, 2 alternates, 1 coach to be an officer of the Regular Army; total 14.

e. *Civilian teams.* One team captain, 10 principals, 2 alternates; total 13. (See par. 51 (*f*) relating to coaches.)

6. *Pay, allowances, travel, and subsistence.*—a. *Members of rifle teams* as listed in paragraph 4a will be entitled to travel from points of try-out to Camp Perry, Ohio, and from Camp Perry to their home stations upon completion of the matches. Subsistence allowance for enlisted men while traveling will be at the rate of $1.50 per day. While participating in the national matches, enlisted members of these teams will be entitled to subsistence allowances at the rate of $1.20 per day for not to exceed 21 days from August 20, to September 9, 1939.

b. *Members of authorized rifle teams* as listed in paragraph 4b will receive pay, allowances, and travel for the period while attending the national matches. This period will include the time consumed in traveling the shortest usually traveled route from their homes to Camp Perry, Ohio, and return to their homes.

c. The *enlisted members of the rifle teams* listed in paragraph 4b will be entitled to a subsistence allowance of $1.50 per day while traveling from their homes to Camp Perry, Ohio, and return to their homes, and to $1.20 per day while at the national matches for not to exceed 21 days from August 20 to September 9, 1939.

d. The *members of the rifle teams* listed in paragraph 4c will be entitled to travel including subsistence at the rate of 5 cents per mile while en route from their homes to Camp Perry, Ohio, and return. While participating in the national matches, they will be entitled to a subsistence allowance of $1.20 per day for not to exceed 21 days from August 20, 1939, to September 9, 1939. When travel is performed by privately owned conveyance, distances will be computed on the basis of the shortest usually traveled highway distance between the points of travel as shown by standard highway mileage guides, such as the Rand Mc-Nally Standard Highway Mileage Guide, provided that where such distances are in excess of those shown in the Official Mileage Tables or W. D., F. D. Form No. 46 (Request for Official Distance) the latter distance will govern.

7. *Pay, allowances, travel, or subsistence* will not be furnished to any competitor, except as listed in paragraph 6. The executive officer of the matches, however, will furnish tentage and bedding to not more than 1,200 unattached individuals at the 1939 national matches.

SECTION III—OFFICIALS OF THE NATIONAL MATCHES AND THEIR DUTIES

8. The *officials of the national matches* and their assistants are charged with duties as follows:

a. The *executive officer* will have command of the camp and general charge of the national matches.

b. The *assistant executive officers* will perform such duties as the executive officer may direct.

c. The *adjutant* will discharge the duties of adjutant to the executive officer.

d. The *quartermaster* will have charge of rail and motor transportation, the operation of all necessary camp utilities, and the issue of stores and supplies of his own department to officials, troops, and competitors during the matches. He will discharge such other duties as may be assigned to him by the executive officer.

e. The *range director* will have general supervision of the supply, maintenance, and operation of all ranges prior to and during the national matches. He will have charge of all permanent and daily details of range personnel. Previous to the matches, he will establish and conduct such schools for range personnel as the executive officer may deem necessary. He will be assisted by chief range officers, one of whom will have charge of the operation of each of the several rifle, pistol, and small-bore ranges.

f. The *director of the Small Arms Firing School* will be charged with the establishment and operation of the various subdivisions of this school.

g. The *statistical officer* will keep the record of all match firing. He will keep the records of eligibility and assign the competitors to targets and to relays for firing. He will verify the additions of the scores as reported by the scorekeepers when necessary, grade the scores in order of excellence, prepare and publish in official bulletins the results of all matches, and announce the awards of trophies, medals, and other prizes.

h. The *mess officer* will establish and operate the competitors' mess and such other messes as the executive officer may direct.

i. The *surgeon* will have charge of the health and sanitary conditions of the camp and rifle range, conduct necessary physical examinations, and perform such other duties as pertain to his profession.

j. The *ordnance officer*, under the direction of the executive officer, national matches, will establish and maintain the ordnance depot, national matches, from which all issues and sales will be made under existing regulations. He will make timely requisitions for all supplies not previously requisitioned by the executive officer, National Board for the Promotion of Rifle Practice, and will maintain such records of transactions as will permit of rendering timely reports for use in settlement of accounts between the Ordnance Department and the National Board for the Promotion of Rifle Practice.

The ordnance officers assigned as technical advisers will perform such duties as are delegated or assigned by the executive officer, national matches.

k. The *inspector* will inspect the camp, the ranges, and all activities, agencies, and installations connected therewith for police and sanitation, as well as for the safety and comfort of all. In addition, he will perform the usual duties of a division and post inspector and will audit such funds as the executive officer may direct.

l. The *camp director* will prepare and execute plans for the reception and quartering of persons attending the national matches. He will have charge of the registration and billeting of all personnel; supervision of issue and turning in of quartermaster supplies to individuals and competitors; transportation, delivery, and collection of ordnance and quartermaster supplies and personal and team baggage to tent areas; operation of a camp information service; reception of distinguished visitors; administration of the Reserve Officers' Training Corps, Citizens' Military Training Camps, and unattached civilian areas; the striking of camp; and the storage of property. He will keep a directory of all persons in the camp.

m. The *signal officer* will have charge of the electrical equipment of the range and of the property of the Signal Corps and will perform the duties of signal officer for the camp and the range. He will provide adequate signal communication for the national matches.

n. The *provost marshal* will also perform the duties of *police officer* and *fire marshal*. He will maintain good order and provide for the proper police of the camp. He will regulate traffic and post such signs as may be necessary. He will have general supervision and control of all fire-prevention measures and all available fire-fighting equipment at Camp Perry during the period allotted to the national matches.

o. The *finance officer* will have charge of all receipts, disbursements, and accounts, and render the necessary reports and returns, and perform such other duties as the executive officer may direct.

p. The *publicity officer* is charged with the dissemination of information pertaining to the national matches through the newspapers and radio.

q. The *commanding officer of troops* will have command of all Regular Army troops on duty at the national matches. Pursuant to directives from the executive officer, he will assign commissioned and enlisted personnel from his command to various fatigue duties and special duties pertaining to the conduct of the national matches.

r. The *recreation officer* will have charge of all recreational activities in the camp.



SECTION IV—SMALL ARMS FIRING SCHOOL

9. The *missions of the Small Arms Firing School* are to teach correct principles of marksmanship and to present a logical and uniform method of instruction with a view of improving individual and group shooting ability and developing competent instructors. A part of the instruction with the caliber .30 rifle will be devoted to musketry training.

10. *Each person satisfactorily completing the school course* will receive a certificate of proficiency. For requirements as to attendance by members of teams participating in the national rifle team match, see paragraph 51c. The attendance of all other persons not in the Regular services, including those who have previously received certificates of proficiency, is invited but is not required.

11. *During the period of the Small Arms Firing School*, the executive officer may permit competitors who are excused from attending the school to practice on targets which he considers available and in excess of the number required for the school.

12. *During the period of the school*, a musketry problem will be fired. The object of this problem will be to qualify the various military teams attending the school as demonstration units in this type of firing.

SECTION V—NATIONAL RIFLE ASSOCIATION MATCHES

13. The *matches of the National Rifle Association* will consist of the following parts:

a. Caliber .30 rifle matches.
b. Small-bore rifle matches.
c. Pistol and revolver matches.
d. Junior matches.

14. *Detailed information* concerning these matches will be found in the program of the national matches.

SECTION VI—NATIONAL TROPHY MATCHES

*Infantry Match*

15. *When fired.* September 4, 1939.

16. *Open to.* Teams consisting of a squad of 8 men including 7 riflemen and 1 automatic rifleman selected from the members eligible to fire in the National Rifle Team Match of each national match rifle team. One rifleman (designated corporal) will be the leader.

Entry of service, National Guard, and Reserve teams is compulsory; entry of civilian teams and other teams of individual civilian competitors as approved by the executive officer, optional.

The match will involve fire and movement. Team captains of teams entering the match (except National Guard and service teams), will be given authority to draw one automatic rifle per team from the ordnance warehouse.

17. *Entries close.* Saturday, September 2, 1:30 p. m.

18. *A musketry problem*—a. *Course and conditions.* Same as in 1938 as follows: Each team will consist of a rifle squad of eight (8) men, armed with seven (7) service rifles and one automatic rifle. Riflemen, including the leader, will wear cartridge belts and automatic riflemen the magazine belt, autorifle. The leader (designated corporal) will be armed with the rifle and shall command the squad. One rifleman shall be designated substitute automatic rifleman.

Each corporal will report his team to the range officer at the hour and place indicated for the drawing. When the range officer is satisfied by inspection and oral certificate of the corporal that no ammunition is in possession of the team, he will cause 180 rounds of ammunition to be issued to each squad as follows: 20 rounds to each rifleman, and 40 rounds to the automatic rifleman. Ammunition issued to men armed with the rifle may be fired by any other team member, but ammunition issued to the automatic rifleman may be fired only in the automatic rifle.

Teams will be deployed in skirmish line at four (4) paces interval between men in rear of a 600-yard firing point, with slings adjusted and pieces loaded and locked, and move forward upon command of the corporal when the range officer indicates the problem has started. All movement during the match will be at a walk.

Whenever targets are exposed above the parapet, teams must halt and may fire at the discretion of the corporal, who will issue the necessary commands in each case. Teams must remain halted when targets are exposed. They will continue their advance when targets disappear. The first halt will be made near the 600-yard firing point, and subsequent halts near the 500-, 300-, and 200-yard firing points. At the 600- and 500-yard halts, targets hit in the black will be pulled at once. Targets not hit in the black at these ranges will remain exposed 45 seconds. At the 300-yard and the 200-yard halts all targets will be exposed for 45 seconds.

At the end of the problem pieces will be unloaded and inspected and all unfired cartridges turned in to the range personnel. Each squad will then clear the range promptly for the succeeding team.

b. *Targets.* Eight (8) D targets will be exposed at each halt in the regular target frames.

c. *Scoring.* All scoring will be done in the pit. Each hit on the figure shall count two points, and each hit in the next highest scoring space (4 space) shall count one point. No other hits on the targets shall be counted. No adjustments will be made for misfires, disabled pieces, or other failure of material or personnel.

d. *Bonus.* To the total score made by a team at each halt will be added, as a bonus for distribution, the square of the number of figures hit and this sum will constitute the score for that halt.

e. *Deduction.* The total number of hits made on each figure throughout the problem, if less than 15, will be subtracted from 15, and the total of all such differences will be deducted from the aggregate of the scores made at all halts to determine the final score. The team making the highest final score will be the winner. Ties will be decided as prescribed for team matches.

f. *The final score.* As thus computed the final score embodies not only a reward for good distribution throughout the match as to targets hit but a penalty, as well, for those teams whose volume of fire throughout is not both accurate and well distributed. Score cards may be signed and examined at the firing point at the conclusion of the match.

g. *Arm.* The service rifle and an automatic rifle.

h. *Sights.* Service.

i. *Ammunition.* Only that ammunition which is issued at the beginning of the match will be fired.

j. *Drawing targets.* A drawing for zones will take place at a point designated by the range director about one-half hour previous to the time set for firing the match, and after marking details have entered the pits. The team captain or his authorized representative will be present and draw for his team. Care will be taken that no information concerning the assignment of zones is conveyed by telephone or otherwise to the pits during the firing of the match.

k. *Prizes.* To the winning team, the Infantry Trophy. To each member of the highest one-fourth of teams completing the match, a bronze badge.

*Individual Matches*

19. *Open to.* The national individual rifle match and the national individual pistol match are open to any citizen of the United States 16 years of age or over on the date of the match.

20. *Entries.* a. Each team captain in the national rifle team match will see that entries for all members of his team desiring to enter the national individual rifle match and the national individual pistol match are properly made out and delivered to the statistical officer at one time on the special entry form provided for this purpose.

b. Individual competitors not members of regularly accredited teams may make entry in person or by mail addressed to the statistical officer, national matches, Camp Perry, Ohio.

c. Entries will close not later than 48 hours prior to the hour the match is scheduled to start.

*National Individual Rifle Match*

21. *When fired.* September 5 and 6, 1939.

22. *Open to.* Any citizen of the United States 16 years of age or over on the date of the match.

23. *Elimination of competitors.* The executive officer, at his discretion, at any time after the first stage of the match, may eliminate from further participation in the match any number of competitors of lowest standing in excess of 500 competitors.

24. *Course of fire.* The course of fire and rules in regard to arms and ammunition are the same as for the national rifle team match.

25. *Trophies and medals.* The "Daniel Boone" trophy will be awarded to the winner, to be held until the next national matches. A miniature of the "Daniel Boone" trophy will also be awarded to the individual winning the original trophy, this miniature trophy to be the permanent property of the winner. Medal awards will be as follows:

a. *To each of the 15 competitors,* not distinguished marksmen, making the highest aggregate scores, a gold medal.

b. *To each of the 25 competitors,* not distinguished marksmen, making the next highest aggregate scores, a silver medal.

c. *To each of the 100 competitors,* not distinguished marksmen, making the next highest aggregate scores, a bronze medal.

d. *Distinguished marksmen* will be placed according to their respective scores among the foregoing medal winners. Only one medal of each class will be awarded any medal winner, regardless of the year in which won. After one medal of any class (gold, silver, or bronze) has been issued, a medal winner in the same class thereafter will be issued an appropriate bar in lieu of a medal.

e. If the number of competitors starting in the national individual rifle match is less than 1,400, the total number of medals will be 1 for each 10 competitors, disregarding fractions and exclusive of distinguished marksmen; the gold, silver, and bronze medals to be in the ratio given above.

26. *Qualification badges.* An appropriate badge representing qualification in the Regular Army course will be issued to each civilian who qualifies as expert rifleman, sharpshooter, or marksman in the national individual rifle match. The qualifying scores will be expert rifleman, 255; sharpshooter, 230; marksman, 210. In case any competitors are eliminated from firing the 1,000-yard stage, the 1,000-yard stage will not be counted in the computation of qualifying scores for expert rifleman, sharpshooter, and marksman, and the qualifying scores will be expert rifleman, 170; sharpshooter, 154; marksman, 140.

All civilians, including members of the Reserve Officers' Training Corps and Citizens' Military Training Camps, will obtain their qualification badges from the Director of Civilian Marksmanship.

*Citizen's Military Championship Match*

27. *When fired.* This match is fired as a part of the national individual rifle match. Scores made in the national individual rifle match are counted for medals.

28. *Open to.* All citizens of the United States 16 years of age or over on the date of the match, except members of the Regular services.

29. *Course and conditions.* Same as national individual rifle match.

30. *Entry not required.* Entries made in the national individual rifle match count as entries in this match.

31. *Medals.* To the 10 highest competitors, gold medals. To the next highest 15 competitors, silver medals.

*National Individual Pistol Match*

32. *When fired.* September 2, 1939.

33. *Open to.* Any citizen of the United States 16 years of age or over on the date of the match who has demonstrated his ability to fire a score of at least 180 over the national match pistol course by scores of record in National Rifle Association files or in match or qualification firing at Camp Perry in 1939, 1938, 1937, or 1936.

34. *Elimination of competitors.* The executive officer may, in his discretion and by such standards as he may prescribe, eliminate competitors after each stage of the national individual pistol match.

35. *Course of fire.* The course of fire and rules in regard to arms and ammunition are the same as for the national pistol team match.

36. *Trophies and medals.* The "Custer" trophy will be awarded to the winner, to be held until the next national matches.

A *miniature of the "Custer" trophy* will also be awarded to the individual winning the original trophy, this miniature trophy to be the permanent property of the winner. Medal awards will be as follows:

a. *To each of the 12 competitors,* not distinguished pistol shots, making the highest aggregate scores, a gold medal.

b. *To each of the 24 competitors,* not distinguished pistol shots, making the next highest aggregate scores, a silver medal.

c. *To each of the 36 competitors,* not distinguished pistol shots, making the next highest aggregate scores, a bronze medal.

d. *Distinguished pistol shots* will be placed according to their respective scores among the above medal winners. Only one medal of each class will be awarded any medal winner, regardless of the year in which won. After one medal of any class (gold, silver, or bronze) has been issued, a medal winner in the same class thereafter will be issued an appropriate bar in lieu of a medal.

37. *Qualification badges.* An appropriate badge representing qualifications in the Regular Army course will be issued to each civilian and policeman who qualifies as pistol expert, pistol sharpshooter, or pistol marksman in the national individual pistol match. Qualifying scores: Pistol expert, 240; pistol sharpshooter, 225; pistol marksman, 210. Police and civilians, including members of the Reserve Officers' Training Corps and Citizens' Military Training Camps, will obtain their qualification badges from the Director of Civilian Marksmanship.

*National Pistol Team Match*

38. *When fired.* September 4, 1939.

39. *Open to.* Teams consisting of a team captain, 5 principals, and 1 alternate from the following:

a. *Service teams.* (1) Regular Army, from the several arms, 1 each.
(2) United States Navy, 1.
(3) United States Marine Corps, 1.
(4) United States Coast Guard, 1.

b. *National Guard and Reserve teams.* (1) Federally recognized National Guard of the several States and Territories, including the District of Columbia, 1 each.
(2) Federally recognized Naval Militia, 1.
(3) The Naval Reserve, 1.
(4) The Marine Corps Reserve, not more than 2.
(5) Organized Reserves, 1.

c. *Civilian and police teams.* (1) One civilian team from each of the several States and Territories, including the District of Columbia.
(2) Reserve Officers' Training Corps, 1 or more.
(3) Citizens' Military Training Camps, 1 or more.
(4) Any organization composed of veterans of any war or wars in which the United States has been engaged, 1 or more.
(5) Any organized police or constabulary force in the United States, 1.

40. *Eligibility requirements.* a. At least 20 percent of the shooting members of each pistol team will be men who have never before fired as members of any national match pistol team.

b. No pistol team may have as a shooting member or alternate any man who has been a shooting member of any team in three of the four national pistol team matches immediately preceding. (The last four national matches were 1935, 1936, 1937, and 1938.)

c. No team will have as a team captain, or as a shooting member or alternate, anyone who was less than 16 years of age on his last birthday and who is not a male citizen of the United States.

41. *Course of fire—First stage.* Slow fire, 50 yards—Standard American 50-yard target, 2 scores (5 shots each); 1 minute per shot.

*Second stage.* Timed fire, 25 yards—Standard American 50-yard target with only the 9 and 10 rings blacked, known as the "25-yard rapid-fire pistol target," 2 scores (5 shots each); 20 seconds per score.

*Third stage.* Rapid fire, 25 yards—Standard American 50-yard target with only the 9 and 10 rings blacked, known as the "25-yard rapid-fire pistol target," 2 scores (5 shots each); 10 seconds per score.

42. *Positions.* Standing without body or artificial rest; one hand only to be used.



43. *Trophies and medals.* The Gold Cup trophy will be awarded to the winning team to be held until the next national matches. A medal will be awarded to each member of the highest one-third of the competing teams.

A miniature of the "gold cup" trophy will also be awarded to the team winning the original trophy, this miniature trophy to be the permanent property of the winning team.

44. *Allowances for members of pistol teams.* Allowances or reimbursements for transportation and subsistence will not be paid to any member of a pistol team unless he is entitled thereto as a properly certified member of a national match rifle team. All other members of the several national match pistol teams must provide for their own expenses, except that the executive officer is authorized to furnish all such members with tentage and such other equipment as may be available. See paragraphs 6 and 7.

45. *Entries.* Not later than the time mentioned in the match programs, each team captain will submit to the statistical officer at his office on blank score cards, in duplicate, furnished for the purpose, a legible list of the members of his team certifying as to their eligibility, and showing the correct first name, middle initial, last name, grade, and organization of the team. (Team captain, 5 principals, and one alternate.) At the same time he will submit to the statistical officer the team eligibility list on the blank form furnished by the chief statistical officer. The alternate listed, and no other, may be substituted as a principal at any time previous to the beginning of the score of the last principal of the initial stage of the match. Thereafter, substitution may be made only on surgeon's certificate of disability approved by the executive officer. The team captain may serve as a shooting member provided he has been listed as a shooting member or alternate and is otherwise eligible.

*National Rifle Team Match*

46. *When fired.* Friday and Saturday, September 8 and 9, 1939.

47. *Open to.* Authorized teams listed in paragraph 4. All teams present at Federal expense are required to enter.

48. *Strength of rifle teams.* As shown in paragraph 5.

49. *Course of fire—First stage.* Slow fire, 200 yards—target A. Ten shots standing. Time limit, 1 minute per shot. No sighting shots.

*Second stage.* Rapid fire, 200 yards—target A. Ten shots. Kneeling or sitting, from standing. Time limit, 1 minute.

*Third stage.* Rapid fire, 300 yards—target A. Ten shots. Prone from standing. Time limit, 1 minute, 10 seconds.

*Fourth stage.* Slow fire, 600 yards—target B. Ten shots. Prone. No sighting shots. Time limit, 1 minute per shot.

*Fifth stage.* Slow fire, 1,000 yards—target C. Twenty shots. Prone. No sighting shots. Time limit, 1½ minutes per shot.

50. *Team eligibility requirements.* a. At least 50 percent of the shooting members of each team representing the several arms of the Army, Navy, Marine Corps, and Coast Guard will be men who have never before fired as members of any national match rifle team.

b. *Teams other than those* representing the several arms of the Army, Navy, Marine Corps, and Coast Guard will be subject to the following elimination rules:

(1) A team listed in class A after the last national matches in which such team competed will have at least 40 percent of its shooting members composed of men who have never before fired on any national match rifle team.

(2) A team listed in class B after the last national matches in which such team competed will have at least 30 percent of its shooting members composed of men who have never before fired on any national match rifle team.

(3) A team listed in class C after the last national matches in which such team competed will have at least 20 percent of its shooting members composed of men who have never before fired on any national match rifle team.

(4) A team listed as "unclassified" after the last national matches in which such team competed will have at least 10 percent of its shooting members composed of men who have never before fired on any national match rifle team.

c. *Participation as a shooting member* of a Reserve Officers' Training Corps or Citizens' Military Training Camp team will not be considered as previous participation within the above eligibility requirements.

d. No individual may be a member of any of the authorized rifle teams listed in paragraph 4 unless he has been a bona fide member of that particular class from which the team is selected for at least sixty days previous to the opening date of the national matches. This provision shall not change the present operation of paragraph 51h referring to Reserve Officers' Training Corps and Citizens' Military Training Camp teams.

51. *Individual eligibility in national rifle team match.* a. No team may have as a team captain, team coach, shooting member, or alternate, anyone who was less than 16 years of age on his last birthday, or who is not a male citizen of the United States.

b. No rifle team may have as a shooting member or alternate any man who has been a shooting member of any team in three of the four national rifle team matches immediately preceding. (The last four national matches were 1935, 1936, 1937, and 1938.)

c. All team members to be eligible to shoot in the national rifle team match shall have been selected through *open rifle* competition before arrival at the national match camp and will be so certified to the executive officer in proper credentials. *The rifle to be used in the competition will be the service type rifle, caliber .30 with iron sights.* All team members will attend the full course of the Small Arms Firing School unless they have received a certificate of proficiency from it or from a similar service school of the Regular Army, Navy, Marine Corps, or Coast Guard, or can furnish satisfactory evidence of completing such a course.

d. Members of civilian teams must be confined to bona fide citizens of the State which the team represents who have lived in that State for at least one year prior to the opening date of the national matches.

e. *Upon arrival at Camp Perry,* each team captain, exclusive of service teams, will present to the executive officer of the national matches an order in quintuplicate issued by the adjutant general of the State or other proper authority designating the team officials and other members of the team, giving their home addresses and certifying as to their eligibility under these rules and regulations. The list will contain the names of not to exceed 14 eligibles, from among whom the team, including the team captain and team coach, will be finally selected. This order will state by name the members who are graduates of the Small Arms Firing School. In the case of service teams listed under paragraph 4a, a list will be submitted to the executive officer by team captains not later than noon on the opening day of instruction of the Small Arms Firing School, properly certifying to the eligibility of the members of their teams.

f. *Any person, regardless of his classification,* is eligible to act as coach for a civilian team other than Reserve Officers' Training Corps and Citizens' Military Training Camp teams, which teams will be coached by Regular Army officers only. A civilian team reporting at the national matches without a coach may request the executive officer to assign a coach, and upon such request the executive officer will assign a coach from any officers, enlisted men, or civilians available. A coach selected after arrival at Camp Perry will not be entitled to any change in previous status as to pay and allowances from the United States, nor will he be eligible to fire as a member of any team unless he fulfills all other eligibility requirements.

g. Members of the Regular Army, Navy, Marine Corps, Coast Guard, the National Guard, and all Reserve components will shoot only as members of their respective components.

h. *Former members* of the Reserve Officers' Training Corps and of the Citizens' Military Training Camps who have joined

any other component of the Army may compete as members of a Reserve Officers' Training Corps team or Citizens' Military Training Camp team, provided that they were in attendance as trainees at and were selected from 1939 camps.

52. *Entries.* Not later than time mentioned in match program, each rifle team captain will submit to the statistical officer at his office, on blank score cards in duplicate, furnished for the purpose, a legible list of the members of his team, showing the correct first name, middle initial, last name, grade of members, and organization of the team. (Team captain, team coach, principals, and alternates.) Any or all of the alternates listed, and no others, may be substituted as shooting members at any time prior to the beginning of the score of the last pair of the initial stage of the match. Thereafter, substitution may be made only on surgeon's certificate of disability approved by the executive officer.

Each team captain will submit to the statistical officer with the score cards the team eligibility lists on the blank forms furnished by the chief statistical officer.

Either the team captain or the coach or both, if otherwise eligible under the rules, may serve as shooting members provided they have been listed as shooting members or alternates.

53. *Drawing targets.* In the national rifle team match, targets will be drawn for each half day's firing, or whenever the firing has been interrupted and the pits unsealed. This drawing will take place at a point designated by the range director about one-half hour previous to the time set for firing to begin. The team captain or his authorized substitute will be present and draw for his team. A team representative will accompany each team captain to the place designated for the drawing and will report to the range director's assistant for duty in the pits. Thereafter, no person will enter the pits until firing is interrupted and the pits unsealed. Care will be taken that no information concerning the assignment of target is conveyed by telephone or otherwise to the pits while they are sealed. The drawing of targets will not take place until all persons who are to enter the pits have passed out of sight behind the butts.

54. *Team representatives in the pits.* In the national rifle team match, each team will furnish a team representative for duty in the pits from its team personnel or from personnel furnished by the executive officer of the matches upon request. The team representatives will assemble at the times and places ordered. They will be sent to the pits before the drawing for targets is made by team captains. (See par. 53.) They will be assigned to targets without regard to the assignments at the firing points. They will be subject to the orders of the pit officers on duty in the pits and will make with a pencil, before each shot is marked or pasted, a small circle around each shot hole. They will call any irregularity or question of doubt to the attention of a pit officer whose decision will be final.

55. *Classification.* After the national rifle team match the teams will be classified in descending sequence as class A, class B, class C, and "unclassified." In each of the first three classes there will be listed in order of standing 10 teams exclusive of service teams. Service teams will be placed in class A, class B, class C, or "unclassified" according to their total score regardless of the number of teams then resulting in each class.

56. *Medals.* A distinctive medal will be awarded each member of each classified team. Each team officer, principal, and alternate herein provided for will be awarded a medal. No individual will receive more than one medal by reason of having acted in a dual capacity.

57. *Award of trophies.* One trophy will be awarded to the highest team representing the Regular services. One trophy will be awarded to the highest team from the National Guard or State troops of the several States and Territories. One trophy will be awarded to the highest team representing the Organized Reserves, the Naval Reserve, the Marine Corps Reserve, and the American Legion. One trophy will be awarded to the highest team representing the Reserve Officers' Training Corps and the Citizens' Military Training Camps. One trophy will be awarded to the highest civilian team.

Among the above-stated trophy teams, the "National Trophy" will be awarded to the highest team. The "Hilton Trophy" will be awarded to the highest team of National Guard or State troops. The "Soldier of Marathon Trophy" will be awarded to the highest civilian team, exclusive of Reserve Officers' Training Corps, Citizens' Military Training Camps, and American Legion teams. The "Minuteman Trophy" will be awarded to the highest team of the Reserve Officers' Training Corps and Citizens' Military Training Camps. The "Rattlesnake Trophy" will be awarded to the highest team from the Naval Reserve, the Marine Corps Reserve, the Organized Reserves, and the American Legion. In case a team wins two trophies under the foregoing distribution, it will be entitled to the National Trophy only and the other trophy will be awarded to the highest team of the class not otherwise provided for.

To the highest individual competitor in the national rifle team match will be awarded the "Pershing Trophy," to be held until the next national match, and the Pershing Trophy gold medal, to be the permanent property of the winner.

A miniature of each of the above-named trophies will also be awarded in each case where the original trophy is awarded, such miniature trophy to be the permanent property of the team or individual winning the original trophy.

SECTION VII—GENERAL REGULATIONS APPLICABLE TO ALL MATCHES

58. *General.* The executive officer may, in his discretion, in order to operate the range efficiently, change the order of firing the stages of any match.

59. *Firing areas.* The firing areas on each range will be organized into a firing line, a ready line, and an assembly line.

60. *Duties of range officers.* a. The chief range officer of each range will be responsible at all times to the range director for the proper equipment and operation of the range to which he is assigned.

b. *All other officers* assigned to duty as range officers will function directly under the chief range officer on the range to which they are assigned. As assistants on any range their duties will be—

(1) To insure that all competitors comply with range and match regulations.

(2) To supervise scoring.

(3) To verify the scores on the score card with the blackboard and to see that they agree; to verify the totals and certify their correctness.

(4) To make any necessary changes on score cards and to initial them.

(5) To require the competitor, or in case of team matches, the team captain, to sign the score card when firing is finished.

(6) To deliver the completed score cards to the chief scorer.

61. *Duties of pit officers.* The chief pit officer on each range is an assistant to the chief range officer on that range. Other pit officers will function directly under the chief pit officer. During match firing, a pit officer will be assigned from four to eight targets, and will be responsible for the proper operation and marking of all targets to which he is assigned. Only a pit officer will signal misses in slow fire.

62. *Coaching.* Coaching will be permitted in team matches, but not in individual matches. In team matches, any member of the team (captain, coach, principal, or alternate) may function as coach. Officers or enlisted men of the Regular services may act as coaches for teams of their respective services, and for civilian, Reserve Officers' Training Corps, and Citizens' Military Training Camp teams. National Guard teams may be coached only by officers or enlisted men of the National Guard. Upon application of the team captain of a civilian team, the executive officer may assign as coach of that team any available person requested by the team captain. A coach once assigned will not be changed except for cogent reasons.

63. *Station of team captain.* In team matches, the team captain and one assistant may be seated in front of the assembly line but not in advance of a line established three paces in rear of the line of scorers. They may not make any remark from this position loud enough to be heard at the firing point. A team captain may coach, but only if he removes his coach from the line and himself actually occupies the coaching position.

64. *Station of team coach.* In team matches, a coach may take his place on the firing line and between the men of the pair firing. In pistol team matches one coach will be allowed for each target assigned to the team. He cannot shift his position nor shift the position of the men of the pair firing for the purpose of forming a windshield for the firer. He must confine himself to the normal position of a coach and his activities to those normally expected of a coach. The coach will not assist the firer in any manner in loading his piece.

65. *Station of competitors.* Each competitor will remain on or in rear of the assembly line in rear of the firing point until called by the range officer to take his position at the ready line or firing point.

66. *Station of noncompetitors.* No one except the officials of the range, members of the National Board for the Promotion of Rifle Practice, the competitors on the firing points, and scorers and others on duty will be permitted in front of the assembly line without special permission of the officer in charge of the range.

*Instructions to Competitors*

67. *Mass-squadding.* When any range is available for practice firing, competitors reporting to that range will be mass-squadded on the range by the chief range officer or an assistant.

68. *Competitors present punctually.* Competitors will be present at the firing points punctually at the time stated on their squadding tickets. In team matches, the first pair only need be present at the hour set for firing to begin. No application on the part of a competitor for an alteration of his squadding assignment will be entertained, except that in team matches team captains may change the sequence of firing of the members of their teams if they so desire.

69. *Competitors called in advance.* In slow-fire stages of individual matches the competitor next to fire may be called to the ready line when the competitor firing has five remaining shots to fire and called to the firing point when the competitor firing has completed his score. Any competitor will forfeit his right to fire if he appears at the proper target after the time shown on his score card for him to appear unless he presents satisfactory evidence that he is late through no fault of his own. If he does not appear when called, any competitor present and assigned to the target, taken in order, may be called to the firing point.

70. *Time limit.* In individual slow fire, competitors may fire with the deliberation they deem necessary, provided the firing time at that particular range is not exceeded. Competitors will take their places promptly on the firing line. Time will begin when they are ready to fire. However, any time in excess of 3 minutes used for preparation will be deducted from firing time.

71. *Time allowance for teams.* In team matches, a total team time is allotted for each stage. The time is determined by adding the total number of shots at each stage, multiplying by the time as indicated above, and adding three minutes for each change of relays. The time will be taken from the command to "commence firing" to the firing of the last shot required at each range; no time credit will be carried back from one range to another. When the firing of a stage is to be interrupted by an intermission, the executive officer will decide the number of pairs to fire before the intermission and assign the time proportionately.

72. *Extensions of time.* If an accident to the target, difficulty in operating it, or any other reason over which the competitor or team has no control causes delay, such time credit as the range officer may decide will be allowed and immediately entered on the scoreboard and score card, the effect of which will be to extend the time limit by that amount.

73. *Challenges.* If a competitor desires to challenge his shot just fired for alleged incorrect marking, he will pay one dollar to the range officer.

a. *On the rifle range* the range officer will go to the telephone, call the pit officer on the target and say "Re-mark Target No. —, it is challenged." The pit officer will call the nearest available pit officer and both will carefully recheck the target and cause it to be remarked. If the competitor's challenge is sustained and it is shown that the marking is incorrect, the money will be returned to him immediately; otherwise it is forfeited.

b. *On the pistol range* the target will be reexamined. If the competitor's challenge is sustained, the money will be refunded to him.

c. *If for any reason the competitor's target is not re-marked* when challenged, his money will be returned to him immediately, but he will not be allowed to fire over.

d. *If a competitor desires to challenge* the correctness of an official bulletin, he will pay one dollar to the chief statistical officer. If the challenge of the competitor is sustained and it is decided that the bulletin in question is incorrect, the money will be returned to him immediately; otherwise the money will be forfeited.

e. *Repeated challenges* of the same shot, target, or bulletin will not be permitted.

f. *Each chief range officer* will deliver the challenge money collected on his range to the range director at the end of each day's firing.

g. *All challenge money* of every nature will be delivered to the executive officer for use in the improvement of the recreational program of the camp.

74. *Competitors to sign score cards.* Competitors will check and sign the score card in individual matches, and team captains will check and sign the score cards in team matches.

75. *Safety precautions.* No arms will be loaded except at the firing point. During and after loading, the pistol will be kept at raised pistol until unloaded except when aimed at the target for firing. Pistols will have their magazines withdrawn and the sides pulled back except when the competitor is at the firing point in the act of firing or ready to fire. During and after loading, the muzzle of the rifle will be kept pointed in the direction of the target until unloaded. Rifles will be carried at all times with bolts open except when the competitor is at the firing point in the act of firing or ready to fire.

76. *Ammunition, unauthorized.* Any competitors having any ammunition in his belt or about his person when he takes his place at the firing line, other than that authorized, will be immediately disqualified.

77. *Firing, unauthorized.* No firing except at the targets in prescribed competition or practice will be allowed. Any violation of this rule will disqualify the offending competitor for the period of the matches.

78. *Piece, unserviceable.* An unserviceable or disabled piece is a rifle or pistol which is pronounced by a range officer as unsuitable for match competition.

79. *Cartridge, defective.* A defective rifle cartridge is one which bears the mark of the firing pin on the primer and which, when tried *once* under the direction of a range officer in the same rifle, still remains unfired. A defective pistol cartridge is one which clearly shows the imprint of the firing pin on the primer. No retest of a pistol cartridge will be made.

80. *Competitors may be required to score, mark targets, or act as range officers.* Any competitor who is detailed to perform any of these duties and fails to do so in a manner satisfactory to the range director will forfeit his right to compete in that match and, in the discretion of the executive officer, may be disqualified during the remainder of the matches from further participation in any match or any practice. In team matches, teams may be required to furnish scorers for teams firing on adjacent targets. Members of a team may perform this duty in turn.

81. *Protests.* Protests and appeals may not be submitted directly to the executive officer, but will be submitted to the range officer of the firing point concerned. In case a competitor considers the decision of the latter unwarranted by the facts presented, he may appeal orally to the range director through the

chief range officer of that range and then to the executive officer in writing before 9 p. m. of the day of the occurrence. On questions of rules or conditions of National Rifle Association matches, the executive officer will accept the opinion of the executive committee of the National Rifle Association and base his decision thereon. Appeals from the decisions of the executive officer may be made in writing and forwarded through that officer to the appeals board, which will consist of those members of the National Board for the Promotion of Rifle Practice, not less than three in number, who are present at the national matches at the time of the protest. The decisions of this appeals board will be final.

82. *Penalties.* a. Any person interfering with a competitor on the firing point or annoying him in any way will be warned to desist, and if he repeats the offense, he will be ordered off the range at once.

b. Any competitor who shall—

(1) Fire under a name other than that under which he entered, or who shall fire twice for the same prize, or

(2) Be guilty of any conduct considered by the executive officer to be discreditable, or

(3) Be guilty of falsifying his score or being accessory thereto, or

(4) Offer a bribe of any kind to any official or other person, or

(5) Be detected in an evasion of the conditions prescribed for the conducting of any match, or

(6) Refuse to obey any instructions of the executive officer or a range officer, or

(7) Be guilty of disorderly conduct

may, upon the offense being proved to the satisfaction of the executive officer, be disqualified from competing further in the matches and may be denied any prize won by him during the current matches. He may be barred from Camp Perry.

83. *Awards by the National Board for the Promotion of Rifle Practice.* Distribution of medals and trophies won in the national trophy matches will be made at the office of the National Board for the Promotion of Rifle Practice at the national matches during the time such office is open at Camp Perry, Ohio, and thereafter at the office of that board in Washington, D. C. All correspondence concerning such medals and other badges will be conducted with the Washington office. Qualification insignia will be issued from the Washington office of the National Board after the close of the matches.

SECTION VIII—RULES GOVERNING RIFLE MATCHES

84. *Status of competitors.* a. A rifle competitor can have but a single status with respect to rifle competition: Regular service, National Guard, Reserve, or civilian.

b. Members of the Regular services may compete only in such status and in the arm or service to which they actually belong. Individuals of the Regular services holding Reserve appointments will be eligible to shoot in their Regular status only. Retired officers and retired enlisted men of the Regular services are classified as "service" individuals.

c. A civilian competitor is one who is without any Regular service, National Guard, or Reserve affiliation whatsoever. Members of the Reserve Officers' Training Corps and trainees of the Citizens' Military Training Camp teams are classified as civilians. However, advanced course students in the Reserve Officers' Training Corps are not eligible for membership on State civilian teams.

d. Any competitor entering or firing in any match in any but his proper status may be disqualified, and a team will be disqualified in which any of its members or alternates have entered in a false status.

85. *Two competitors on the firing point.* In team competition, two competitors will occupy a firing point and fire alternately at the target, the competitor on the right firing first. A shot fired out of turn will be scored a miss. When in his opinion it is necessary, a range officer may require a left-handed firer to be on the left of a pair.

86. *Drawing targets.* In all team matches, except the national rifle team match, targets will be assigned by lot in advance by the statistical officer. These assignments may be obtained from the statistical officer after 6 p. m. of the day before the match is scheduled.

87. *Changing arms.* No two competitors will fire in the national trophy matches with the same rifle. In National Rifle Association matches in which more than one competitor is permitted to fire the same rifle, the program will definitely so state. No competitor will change his rifle during any competition unless his first piece has become unserviceable through accident. Such contingency will be verified by a range officer. Violation of this rule will be cause for disqualification.

88. *Competitors on firing point in individual competitions.* In individual competitions, one competitor may be required to complete his score before the next competitor begins to fire, or two competitors may be required to occupy a single firing point and fire alternately, the competitor on the right firing first.

89. *Time allowance on firing point.* In the absence of specific protest to the range officer by the competitor prior to the completion of his score, and in ample time to enable the range officer to check the time used by the competitor and by the target operator, it will be assumed that the target is being satisfactorily operated. If protest is made by the competitor, the range officer will check the time used by the competitor and by the target operator and make such adjustment as in his judgment is warranted. A competitor may appeal verbally from the decision of the range officer through the chief range officer to the range director, whose decision will be final, except on written appeal to the executive officer.

90. *Time allowance calculations.* The time allowance for slow-fire rifle competitions is at the rate of one minute per shot at ranges up to and including 600 yards. At ranges over 600 yards, the time allowance is at the rate of one and a half minutes per shot.

In rapid fire the time limit at 200 yards is one minute for ten shots, the competitor to be in a standing position when the target starts to appear.

At 300 yards the time limit is one minute ten seconds for ten shots, the competitor to be in a standing position when the target starts to appear.

91. *Shots fired after expiration of time scored misses.* All shots fired after expiration of the time limit will be recorded as marked, but circles will be drawn around any such shots, and notation will be made on the score card of such shots as may be fired after the expiration of the time limit. Such shots will be considered as having been misses and will not be added to the score.

92. *Changing value of shot.* The record value of any shot will not be changed after the following shot has been fired, unless some special message with reference to it is received from one of the pit officers.

93. *Competitors pay attention to score.* Competitors will pay attention to the score as announced and recorded, so that any error may be promptly investigated.

94. *Field glasses and telescopes.* Competitors may use field glasses or telescopes on the firing point. They may also use a watch, a micrometer, a rifle fork, small individual score book, blacking lamp, pencil, and shooting bag or box. During rapid fire stages in individual rifle matches, the use of telescopes by any individual on the ready line, on the assembly line, or in the vicinity thereof is forbidden.

95. *Wind flags.* For purposes of instruction in practice and in the matches, two streamers will be put up over each target pit, except on range A. The executive officer of the matches is authorized to lower these flags during the infantry match.

96. *Challenges.* When the scoring of a shot is challenged, the range officer will receive the dollar, go to the telephone, call the pit officer on the target and say "Re-mark Target No. —, it is challenged."

The pit officer will call the nearest available pit officer and both will carefully recheck the target and cause it to be re-marked. If the competitor's challenge is sustained and it is shown that the original marking was incorrect, the money will be returned to him immediately; otherwise it is forfeited. Repeated challenges of the same shot are not permitted.



97. *Gun sling, pads, and gloves.* a. The *gun sling* may be used at all ranges except 200 yards standing, as an auxiliary to steady the piece in connection with one arm only. No knot will be tied in the sling and the sling itself will not be added to or modified except that an empty cartridge case or small article that does not mutilate the sling in any way may be used between the keepers for the purpose of adjustment. The use of a hook or roll on the sleeve of a shooting coat or shirt to keep the sling in place on the arm is prohibited.

b. *Pads* of moderate size and thickness may be worn on both elbows, on the right or left shoulder, and upper arm. Shoulder pads so designed as to aid materially in retaining the rifle butt in the firing position against the shoulder are prohibited. Pads of such size or thickness as to form artificial support are prohibited.

c. *No gloves may be worn* which in any way form an artificial support.

d. The *making or use of holes* on the firing point is prohibited.

98. *Authorized positions.* The authorized positions are standing, kneeling, sitting, and prone, and are defined as follows:

a. *Standing.* Erect on both feet. No other portion of the body receiving artificial support. The rifle will be supported by both hands and one shoulder only. The forward hand will be extended, so that the arm will be entirely free from touching or resting against the body. The gun sling may not be used and will be adjusted to what is known as the "parade" position. Including the sling within the grasp of the hand will be optional.

b. *Kneeling.* Weight of the body supported on right knee and foot and left foot, or left knee and foot and right foot; no other part of the body to touch the ground. Sitting on the side of the foot instead of the heel will be permitted. The rifle will be supported by both hands and one shoulder only. The elbow supporting the piece will be approximately on or just inside the knee. The elbow of the trigger arm will be free from all support.

c. *Sitting.* Weight of the body supported on buttocks and feet. No other portion of the body to touch the ground. Rifle to be supported by both hands and one shoulder only. The left hand (or in the case of a left-handed shooter, the right hand) must not rest on leg or knee. Elbows resting approximately on or just inside the knee. Legs to be apart or crossed at the option of the firer.

d. *Prone.* Body extended on the ground, head toward the target, rifle supported by both hands and one shoulder only, both elbows on the ground. No portion of the arms below the elbow will rest on the ground or any artificial support. No part of the rifle will touch the ground.

e. The *method of assuming any position* will be optional with the firer.

99. *Ties in the National Individual Rifle Match.* a. Ties will be decided by the highest numerical score at—

(1) 1,000 yards.
(2) 600 yards.
(3) 300 yards rapid fire.
(4) 200 yards rapid fire.
(5) 200 yards slow fire.

b. *In the event the tie is not broken,* the scores at each range in the above order will be ranked by—

(1) The fewest misses.
(2) The fewest hits of the lowest value.
(3) The fewest hits of the next lowest value, etc.
(4) In slow fire, by the inverse order of the hits, counted singly from the last to the first.

c. *If still a tie,* the competitors concerned will fire single shots at the longest range until the tie is broken.

100. *Ties in the National Rifle Team match.* a. Ties will be decided by the highest total numerical team score at—

(1) 1,000 yards.
(2) 600 yards.
(3) 300 yards rapid fire.
(4) 200 yards rapid fire.
(5) 200 yards slow fire.

b. *In the event the tie is not broken,* the score at each range in the above order will be ranked by the—

(1) Fewest misses.
(2) Fewest hits of lowest value.
(3) Fewest hits of the next lowest value, etc.

101. *Ties in the Infantry Match* will be decided—

a. By the highest total numerical team score at the longest range.

b. By the highest total numerical team score at the next longest range, etc.

c. Thereafter, by the fewest hits of lowest value.

102. *Ties in National Rifle Association matches.* Ties in all other rifle matches will be decided as provided for in Official Rules for Rifle and Pistol Shooting, National Rifle Association, latest revision.

103. *In small bore rifle matches,* the rules of the National Rifle Association will govern.

SECTION IX—RULES GOVERNING PISTOL MATCHES

104. *Status of competitors.* a. A *pistol or revolver competitor* can have but a single status with respect to pistol or revolver competition: Regular service, National Guard, Reserve, police, or civilian.

b. *Members of the Regular services* may compete only in such status and in the arm or service to which they actually belong. Individuals of the Regular services holding Reserve appointments will be eligible to shoot in their Regular status only. Retired officers and retired enlisted men of the Regular services are classified as service individuals.

c. A *police competitor* is one who is a bona fide member of a regularly constituted law enforcement agency, including Highway Patrol, Railroad and Bank Guard, Armored Truck, and Express Companies, from which Department or Company he receives full time pay for such work.

d. A *civilian competitor* is one who is without any Regular service, National Guard, Reserve, or police affiliation whatsoever. Members of the Reserve Officers' Training Corps and trainees of the Citizens' Military Training Camp teams are classified as civilians.

e. *Members of the National Guard* or *Reserve* may fire as police, either as individuals or as team members, provided they are bona fide members of organized police or constabulary forces or other law-enforcing agencies, as described in c above.

f. *Any competitor entering or firing in any match in any but his proper status* may be disqualified, and a team will be disqualified in which any of its members or alternates have entered in a false status.

105. *Two or more competitors may use* the same pistol in any competition. However, the application of this rule will not be permitted to interfere with the routine squadding of pistol matches; and no squadding changes will be made to adjust conflicts caused by this practice.

106. *Pistol range procedure.* The procedure for pistol and revolver firing will follow generally that laid down in Rules for Pistol and Revolver Matches published by the National Rifle Association, latest revision and chapter 3, part one, BFM, volume III. Such modification of these rules as may be necessary to provide for the special conditions existing at Camp Perry may be authorized by the executive officer.

107. *Too many hits on a target.* If more than the required number of hits appear on the target, any shots which can be identified as having been fired by some competitor other than the competitor assigned to that target will be disregarded. If more than the required number of hits then remain on the target a complete new score will be fired and the original score will be disregarded, except that if all such hits are of equal value the score will be recorded as the required number of hits of that value.

108. *If a competitor fires less* than the prescribed number of shots through his own fault, and there should be more hits on the target than he fired shots, he will be scored the number of shots of highest value equal to the number he fired and given a miss for each unfired cartridge.

109. *Malfunction.* When a competitor claims inability to complete his score at timed or rapid fire within the time limit because of a defective cartridge or disabled piece, the range officer, if satisfied that conditions are as claimed by the competitor, will permit him to refire a complete string as soon as may be practicable. No competitor will refire any record string more than once because of a defective cartridge or disabled piece. Such shots as may have been fired in the original string will not be marked or scored.

In case of malfunction for any reason whatsoever, the competitor will immediately assume and hold the position of "raise pistol" and call a range officer, whose duty it will be to draw back the slide and investigate the malfunction. The competitor will not clear the malfunction nor draw the slide to the rear.

110. *Misfires.* The imprint of the firing pin on the primer of a pistol cartridge will clearly constitute a misfire without any further test.

111. *Ties in National Individual Pistol Match.* Ties will be decided by the highest numerical score at—

(1) Rapid fire.
(2) Timed fire.
(3) Slow fire.

b. *In the event the tie is still unbroken,* the scores at each stage in the above order will be ranked by the—

(1) Fewest misses.
(2) Fewest hits of lowest value.
(3) Fewest hits of next lowest value, etc.

112. *Ties in the National Pistol Team match.* a. Ties will be decided by the highest total numerical team score at—

(1) Rapid fire.
(2) Timed fire.
(3) Slow fire.

b. *In the event the tie is still unbroken,* the scores at each stage in the above order will be ranked by the—

(1) Fewest misses.
(2) Fewest hits of lowest value.
(3) Fewest hits of next lowest value, etc.

113. *Ties in National Rifle Association matches.* Ties in all other pistol matches will be decided as provided for in Official Rules for Rifle and Pistol Shooting, National Rifle Association, latest revision.

SECTION X—DESCRIPTION OF ARMS AND AMMUNITION

114. *Rifle.*—a. *National Trophy matches.* Rifle, United States, caliber .30, M1903, having not less than 3-pound trigger pull, equipped with either the old service model stock or the pistol grip, type C, modified stock, with the knurled head cocking piece with either regular or reversed safety lock. Modification of the rifle to permit the use of the telescopic sight or receiver sight is permitted.

b. *National Rifle Association matches* as prescribed in the conditions of the match.

c. The *headless cocking piece* will be permitted on service rifles only when used with telescopic sights. It will be permitted in rifles of a commercial manufacture when these rifles are designed for a headless cocking piece.

115. *Rifles available.* National match type rifles, current model, furnished by the Ordnance Department, will be made available upon arrival of teams and individuals participating in the matches, under rules and regulations announced by the executive officer thereof. Such necessary orders and instructions regarding the issue of arms and equipment to, and return thereof by, all teams and individuals attending the national matches as are necessary to provide adequate protection to the United States will be published by the executive officer of the national matches.

116. *Rifle ammunition.* Rifle ammunition furnished at the national matches will be issued by the range personnel to the competitors at the firing points for practice and for match firing. No rifle ammunition other than that issued will be used in the national trophy matches. In those rifle matches of the National Rifle Association in which any ammunition may be used, the program will definitely so state.

117. *Pistols and revolvers.*—a. *National Trophy matches.* Arm: Pistol, U. S., caliber .45, M1911 or M1911A1, having not less than 4-pound trigger pull, issued by the Army Ordnance Department, or the same type and caliber of pistol as manufactured by Colt Patent Fire Arms Co., privately owned, which must be equipped with fixed sights, the front sight, blade type (not undercut), and the rear sight an open U or rectangular notch, and issue or Colt factory standard stocks. Except as above, the parts of the pistol may be specially fitted and include alterations which will improve the functioning and accuracy of the arm, provided such alterations do not interfere with the functioning of the safety devices as manufactured.

b. *National Rifle Association matches.* As prescribed in the conditions of each match.

118. *Pistol ammunition.* Pistol ammunition furnished at the national matches will be issued by the range personnel to competitors at the firing points for practice and for match firing. No pistol ammunition other than that issued will be used in the national trophy matches. In those revolver or pistol matches of the National Rifle Association in which any ammunition may be used, the program will definitely so state.

119. *Changing arms.* No competitor will change his pistol during any competition unless his first piece has become unserviceable through accident. Such contingency will be verified by a range officer. Violation of this rule will be cause for disqualification.

120. *Marking of equipment.* Marking of any equipment in a manner that will deface it is forbidden.

SECTION XI—SCORERS AND THEIR DUTIES

121. *Field glasses.* Scorers at ranges greater than 200 yards will be supplied with field glasses.

122. *Scorers will confine their language strictly to their duties.* Scorers will not enter into disputes with competitors or others. If any question should arise, the scorer will promptly call: "Range officer, number —," stating the number of his target.

123. *In individual matches,* as soon as he receives the score cards, the scorer will enter on the scoreboard the names of all competitors in the order of the relays, placing the number of the relay before each name and leaving blank spaces on the scoreboard when there are vacancies in the relays.

124. *In team matches,* the scorer will enter on the scoreboard the names of the members of the team in the order in which the team captain desires that the competitors fire.

125. *If a competitor is not present* when it is his turn to fire, or when his name is called, or in case competitors arrive after their relays are due and have been called, the scorer will report the fact to the range officer.

126. *When a competitor is going to or leaving the firing point,* with the chamber of his rifle closed, the scorer will require him to open the bolt.

127. *If a scorer or a competitor desires a target disked, semaphored, redisked, or re-marked,* the scorer will call the range officer.

128. A *scorer will not be permitted* to make any erasures, corrections, or changes on the score card. If a correction is necessary, it will be made and initialed by the range officer.

129. *Scores on the blackboard will not be erased* without orders from a range officer.

130. *When a target is marked, the scorer will announce the score* in a tone sufficiently loud to be heard by the firer. No alteration will be made in the recorded score after a succeeding shot has been fired except by the range officer on notification from the pit.

131. The *scorer will write upon the scoreboard* the value of each hit as soon as he shall have announced it, and then, unless the shot is challenged, he will enter it upon the score card.

132. *Care will be taken to enter the slow-fire scores* in exactly the order in which the shots are fired.

133. *In slow fire, if more than one hit is found* on a target after a competitor has just fired from the firing point of that target, that competitor will receive the highest value, and no record will be made of the other hits.



134. *In slow fire the score is announced thus.* "(Title, name); first (second, etc.) shot, a 5."

135. *In rapid fire the score will be announced,* for example, thus: "Target number—(title, name) 1 five, 2 fives, 3 fives, 4 fives, 5 fives; 1 four, 2 fours, 1 three, 1 two, 1 miss." The score will be recorded on the blackboard in the same manner as in slow fire.

136. *When the target is improperly operated,* or in case of a misfire, disabled piece, or any other unusual occurrence, the scorer will promptly report the facts to the range officer.

137. *All shots fired count.* All shots fired by a competitor after he has taken his place at the firing point will be considered in his score, even if his piece is not directed toward the target or is accidentally discharged. Exceptions to this rule will not be made for any reason except as provided in paragraph 138. In team firing a shot fired out of turn will be scored a miss. A shot fired by a competitor after taking his place at the firing point and before the order "commence firing" will be scored a miss.

138. *Target withdrawn while firing.* In slow fire, if the target is withdrawn from the firing position just as the shot is fired, the scorer at that firing point will at once report the fact to the range officer, who, if satisfied upon investigation that the case is as represented, will direct that the shot fired be not considered, that the competitor fire another shot, and that credit be given for time lost.

139. *Hits on the wrong target* will be scored as misses.

140. *In rapid fire, any unfired cartridges will count as misses,* except that in case of a defective cartridge or a disabled piece the hits will not be recorded and another score may be fired.

141. *In rapid fire, if a competitor should fire less than the prescribed number* of shots through his own fault, and there should be more hits marked on his target than the number of shots he fired, he will be scored the number of hits of highest value equal to the number he fired and a miss for each unfired cartridge.

142. *In rapid fire, if there are more than ten hits* on a target, the target will not be marked, the hits will not be recorded, and another score will be fired, except that if all the hits are of equal value the competitor assigned to that target will be scored with 10 hits.

143. *In an individual slow-fire match, when a competitor has made a possible score* at all stages, he will continue to fire at the longest range until he has made a hit of less than the highest value. Each extra shot will be scored on the board and on the face of the score card, beginning under the first shot at that range.

144. *Use of the telephone.* a. *Messages on the telephone* will be brief and clear.

b. *"Mark" a target* will mean that the competitor at the firing point has fired and the target has not been pulled.

c. *"Disk," "semaphore," or "redisk"* a target will mean that the target must be disked, semaphored, or redisked without being pulled. It will not be necessary to call the pit officer of the target.

d. The *use of the telephone* will be confined strictly to necessary business. No other conversation or information of any kind whatsoever will be permitted.

145. *When a competitor has fired and the target has not been pulled,* the scorer will call to the telephone, "Mark number —," but must call the range officer when a message to disk, semaphore, redisk, re-mark, or any other message is to be telephoned.

146. *During matches, no communication will be transmitted to the pit* from anyone except range officers or other officers of the match, except that scorers may send messages to mark a target, but not to disk or redisk.

147. *Scorers will direct their attention to the competitor* on their target while he is aiming and firing and will be prepared to state at any time whether competitor has fired, and in rapid fire, now many shots he has fired. They will report all irregularities observed to the range officer.

148. *When a competitor has finished his string,* the scorer will place the total on the scoreboard and announce thus: "(Title, name); total score 92." He will then enter the total on the score card, sign it, and exhibit it to the competitor or team captain who will check and sign the card in the space provided.

149. *Upon the completion of the scores at any range,* score cards will be verified, signed, and collected by the range officers, and by them delivered to the chief scorer at the earliest practicable moment.

SECTION XII—PIT PERSONNEL AND THEIR DUTIES

150. A *shot hole, the leaded edge of which comes in contact* with the outside of bull's-eye or figure or the rings or lines of a target, will receive the higher value as if it had struck inside the line.

151. *Ricochets.*—A hole made by a ricochet bullet will be market and scored as a miss: A bullet that "keyholes" is not necessarily a ricochet. If there is doubt as to whether a hole is caused by a ricochet bullet, the pit officer will be called to make a decision.

152. A *target is at "half-mast"* when the center of the bull's-eye or figure is opposite the top of the parapet. When targets are at half-mast the marker will remain at his station ready to serve the target immediately. No targets will be placed at half-mast until all firing at that range is completed.

153. *"Secure" a target* means that the target is no longer needed for service. It should be pulled down, the spotters removed, and all shot holes pasted.

154. *Use of spotters.* The use of spotters in marking slow fire will be *mandatory.* In marking targets only 3-inch or 5-inch spotters will be used. Competitors may request that a larger or a smaller spotter (within the above limits) be substituted when the target is down for marking, but the target will not be pulled for the sole purpose of changing a spotter except that a spotter will be removed upon request of a competitor made before firing his first shot.

155. *Marker must watch the target attentively.* In slow fire when the target is hit, the marker will pull it down and remove the spotter from the old shot hole and place one in the new shot hole. If the hit is in the bull's-eye the white side of the spotter will be shown. If the hit is elsewhere on the target the black side of the spotter will be shown. The hole from which the spotter has been removed will be pasted and the target raised and disked by placing the center of the disk over the shot hole. In lieu of disks, semaphores may be used for marking.

156. *In slow fire, if more than one hit is found on a target,* spotters will be placed in each hole. The hit of the highest value will be signaled and the pit officer called. He will cause a report to be telephoned to the firing line.

157. *Before a miss is signaled,* the edge of the bull's eye, the rings, the outer boundary lines, and the numbers will be carefully examined by moving the fingers over them. If no hit is found, a pit officer will be called to inspect the target. He will repeat this operation. In slow fire, red flags for signaling misses will not be furnished to markers but to pit officers only, who will personally signal all misses.

158. *Misses in rapid fire* will be signaled by the marker as directed by the pit officer.

159. *No attempt will be made in marking misses* to indicate on which side of the target the miss was made, or whether the shot was high or low. To mark a miss the red flag will be moved once only across the center of the target from right to left and then withdrawn into the pit.

160. *Special instructions in rapid fire procedure.*—a. *For rapid fire,* all targets on a particular range (or subdivision) will be operated as a unit under control of the chief pit officer.

b. The *chief pit officer* will take his post at the center of his group near a telephone and the control key of the bell system.

c. *On receiving a message* from the firing line "Ready on the firing line" the chief pit officer will signal "stand by" on the bell system. All target operators will stand by with their hands on their targets. The red flag in front of the center of the pit will be waved three times and then withdrawn.

d. *Five seconds after the flag has disappeared* below the parapet, the chief pit officer will signal "up" on the bell system.

All targets will be run up together and will be fully exposed above the parapet for the prescribed time.

e. *To expedite the location of all shot holes* after the targets shall have been withdrawn, target operators will watch their respective targets during the firing and count the hits as they come on the target.

f. *Ten seconds before the lapse of the specified time* the chief pit officer will caution by voice, "stand by." At the proper time he will ring the bell to signal "down" and all targets will be pulled down together.

g. *When exactly ten hits are found on the target* it will be run up promptly and the score disked. Fives will be marked first then fours then threes, then twos. Misses will be signaled last. In disking rapid fire scores, the center of the disk will be placed over the shot holes. The scores will be disked slowly. When disking rapid fire scores, the disk will be brought on the target from the right to mark fives and fours and from the left to mark threes and twos. The disk will be withdrawn toward the bottom of the target after marking the last shot of a group of a certain value. A brief time interval will be allowed between marking hits of different value. The red flag will be moved slowly from right to left once across the face of the target for each miss.

h. *If more than ten hits are found on a target*, the pit officer assigned to that target will be called to examine the target while it is still down. The pit officer will call the range officer on the firing line by telephone and inform him that there are more than ten hits on the target. The target will be marked only if all hits are of equal value.

i. *If less than ten hits are found* on a target, the pit officer will verify the misses before they are signaled.

j. *Spotters* will not be used in rapid fire.

k. *After the targets are marked*, they will remain up until the command "paste all targets" is received from the firing line and the signal to paste has been given by the chief pit officer. A target that has been challenged will not be pasted or run up except on message from the firing line. In pasting, a check will be made to insure that all shot holes are pasted, counting the fives, fours, threes, and twos as when disking.

l. *Discovery of errors in the pit.* A target operator who discovers that he has made an error in marking will immediately call it to the attention of a pit officer. A pit officer who shall learn that an error has been made in marking will immediately call by telephone the range officer on the firing point in charge of the target and explain the error.

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-2443; Filed, July 8, 1939; 10:20 a. m.]

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[General Docket No. 15]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS: IN RE MINIMUM PRICES AS COORDINATED FOR DISTRICTS NOS. 1 TO 15, BOTH INCLUSIVE

AN ORDER RATIFYING AND CONTINUING IN EFFECT ORDERS FOR AND NOTICES OF FINAL HEARINGS IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES OF THE COALS PRODUCED IN DISTRICTS NOS. 1 TO 15, BOTH INCLUSIVE, DATED JUNE 23, 1939 AND JUNE 28, 1939; TRANSFERRING PLACE OF HEARING; DESIGNATING EXAMINERS TO CONDUCT SAID HEARINGS; AND PROVIDING FOR THE FILING OF PROTESTS

The National Bituminous Coal Commission having, by Orders for and Notices of Final Hearings in the Matter of the Establishment of Minimum Prices for the coals produced in Districts Nos. 1 to 8, inclusive,[1] and Districts Nos. 9 to 15, inclusive,[2] dated June 23, 1939 and June 28, 1939, respectively, noticed final hearings before Examiners to be duly designated, commencing on July 24, 1939 and August 7, 1939, respectively, at the Hearing Room of the Commission, Washington, D. C., for the purpose of receiving evidence to enable the Commission to establish minimum prices f. o. b. transportation facilities at the mines for the kinds, qualities, and sizes of coal produced in each of said Districts, as provided by Section 4 II (b) of the Bituminous Coal Act of 1937;

*It is ordered*, That the aforesaid Orders for and Notices of Hearings be, and the same are, hereby adopted, ratified and continued in effect as the Orders for and Notices of Hearings of the Bituminous Coal Division. Any party dissatisfied with any proposed minimum price or prices as published and made a part of the aforesaid notices of hearings, and desiring to be heard thereon, shall file with the Bituminous Coal Division of the Department of the Interior at its offices, 734 15th St., NW., Washington, D. C., on or before the date of hearing, a protest setting forth the interest of the protestant and a concise statement of the matter or matters complained of, and

*It is further ordered*, That said hearings shall be held at the Auditorium, North Interior Building, 18th and F Streets, NW., Washington, D. C., before Thurlow G. Lewis, Presiding Examiner, and Examiners Chas O. Fowler and Samuel Jaffee, who are hereby designated to conduct said hearings, to administer oaths and affirmations, to examine witnesses, receive evidence, subpoena witnesses, require the production of records by subpoena duces tecum, to continue said hearings from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of appropriate orders in the premises, and to perform such other duties as may be necessary in the proper conduct of such hearings.

Dated this 8th day of July 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-2450; Filed, July 10, 1939; 9:33 a. m.]

[1] 4 F.R. 2520 DI.

[2] To appear in the FEDERAL REGISTER in the issues for Thursday, Friday, and Saturday, July 13-15, inclusive.

## DEPARTMENT OF COMMERCE.

### Office of the Secretary.

### INLAND WATERWAYS CORPORATION

DELEGATION OF AUTHORITY TO ASSISTANT SECRETARY OF COMMERCE

*Ordered*, Pursuant to the authority vested in the Secretary of Commerce by the Act of May 20, 1926 (Sec. 8, 44 Stat. 573; 5 U.S.C. 592a), and Section 9, Executive Order No. 6166, dated June 10, 1933, it is hereby ordered and directed that John Monroe Johnson, Assistant Secretary of Commerce, shall perform all duties and exercise all powers and functions now vested in the Secretary of Commerce in the administration of the affairs of the Inland Waterways Corporation.

In the exercise of the above duties, powers and functions the Assistant Secretary shall be governed by the precedents which have been established by the Secretary of Commerce in the determination of similar matters, together with such modifications as the Secretary may now or hereafter find proper to indicate. Any matters which require the application of new principles or departure from old ones are to be brought to the attention of the Secretary for final determination. Likewise any change or modification in existing regulations or the promulgation of new regulations should be brought to the Secretary's attention for approval.

[SEAL] HARRY L. HOPKINS,
*Secretary of Commerce.*

Approved July 1, 1939.

[F. R. Doc. 39-2447; Filed, July 8, 1939; 12:07 p. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates for the employment of learners at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the following employers, subject to the following terms:



| Name of firm | Number of learners | Occupation | Period | Beginning | Percent of minimum wage |
|---|---|---|---|---|---|
| Westmoreland Garment Corp., Norvelt, Westmoreland Co., Pa. | 40 | Stitching | 8 weeks | July 11, 1939 | 80 |
| Metro Pants Company, Harrisonburg, Virginia | 6 | Stitching | 8 weeks | July 11, 1939 | 75 |
| Julius Leventhal & Bros., Lykens, Pennsylvania | 20 | Stitching | 8 weeks | July 11, 1939 | 75 |
| Dunhill Shirt Company, 9th & Franklin Streets, Lexington, Missouri. | 62 | Stitching | 8 weeks | July 11, 1939 | 75 |
| Southern Waistband Co., Midland Avenue, Winder, Georgia. | 1 | Stitching | 8 weeks | July 11, 1939 | 75 |

These Special Certificates are issued ex parte under section 14 of the said Act and Section 522.5 (b)[1] of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b) such Special Certificates, or any of them, may be cancelled as of the date of their issuance and if so cancelled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 10th day of July 1939.

MERLE D. VINCENT,
*Chief of Hearings and Exemptions Section.*

[F. R. Doc. 39-2457; Filed, July 10, 1939; 12:13 p. m.]

[1] 4 F.R. 2088 DI.

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 43-402 (C)-1]

IN THE MATTER OF THE APPLICATION OF IMPERIAL AIRWAYS (BERMUDA), LTD., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 402 (C) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on July 19, 1939, 10 o'clock a. m. (Eastern Standard Time) in Room 5044, Department of Commerce Building, Washington, D. C., before the Authority.

Dated Washington, D. C., July 8, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2458; Filed, July 10, 1939; 12:48 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5354]

IN RE APPLICATION OF CHARLES LEO LINTZENICH (KLCN)

*Dated July 22, 1938, for renewal of license; class of service—Broadcast; class of station—Broadcast; location—Blytheville, Ark.; operating assignment specified—Frequency, 1290 kc; power, 100 watts day; hours of operation, daytime.*

[File No. B3-R-711]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether, particularly on, to wit, February 21, 1937, August 22, 1937, February 21, 1938, and August 17, 1938, the transmitter proper and associated transmitting equipment of the station was designed, constructed, maintained and operated in accordance with the provisions of Rule 132 and interpretations of good engineering practice issued pursuant thereto.

2. To determine whether on, to wit, August 17, 1938, transmitting apparatus of the station was capable of delivering satisfactorily the authorized power with a modulation of at least 85 per cent, in accordance with the requirements of Rule 139 (a).

3. To determine whether the station was operated subsequent to December 10, 1936, and particularly on, to wit, February 21, 1937, without having in operation a modulation monitor approved by the Commission, in violation of the provisions of Rule 139 (b).

4. To determine whether on, to wit, August 17, 1938, the station was equipped with suitable indicating instruments of accepted accuracy to measure the final amplifier plate voltage in accordance with the requirements of Rule 143.

5. To determine whether on, to wit, August 22, 1937 and February 21, 1938, the antenna ammeter associated with the transmitting apparatus of the station was replaced without authority from the Commission, in violation of the provisions of Rule 143.

6. To determine whether the station has been so operated that the frequency has been maintained between the limits of 50 cycles per second above to 50 cycles per second below the assigned frequency, particularly on, to wit, August 14, 1937, October 13, 1937, May 14, 1938 and June 13, 1938, in accordance with the requirements of Rule 144.

7. To determine whether the station remained silent during the period, to wit, November 12, 1936, to November 18, 1936, without previously securing authority therefor from the Commission, as contemplated by the provisions of Rule 151.

8. To determine whether during the period, to wit, from August 13, 1934, to October 8, 1934, a licensed operator of appropriate class was on duty during all periods of actual operation of the transmitting apparatus of the station, at the place where the transmitting equipment was located, in accordance with the requirements of Rule 170.

9. To determine whether during the period, to wit, from August 13, 1934, to October 8, 1934, the transmitting apparatus of the station was operated by any person not then holding a valid operator's license of appropriate class, in violation of the provisions of Section 318 of the Communications Act of 1934.

10. To determine whether on or about, to wit, June 10, 1936, February 21, 1937, February 21, 1938, and August 17, 1938, proper entries were made each thirty minutes in the station operating log, in accordance with the requirements of Rule 172 B-d.

11. To determine whether the program log, to wit, for February 21, 1937, and for the periods October 8, 1935 to November 8, 1935, and February 15, 1938, to February 21, 1938, and the operating log for February 21, 1937, were kept in an orderly manner and in such detail that the information required was readily available; and whether the operating log for the period, to wit, October 8, 1935, to November 8, 1935, showed the year of such log; in accordance with the requirements of Rules 172 and 174.

12. To determine whether the program and operating logs of the station for, to wit, the period October 8, 1935, to November 8, 1935, and for August 17, 1938, were signed by the operator, or other person competent to do so, at the time such person started duty and again when going off duty, in accordance with the requirements of Rule 173.

13. To determine whether the granting of the application for renewal of license of the station and its continued operation will serve public interest, convenience and necessity.

The attention of the applicant is directed to the fact that while his application constitutes a part of the record, it is not a part of the testimony and he

should be prepared, at the hearing, to introduce testimony to prove the allegations contained in his application.

The specific grounds mentioned are not to be considered as exclusive of other grounds for the action and eventual decision of the Commission.

Attention is invited to Paragraph 104.6, subparagraphs b, c, and e of the Rules and Regulations of the Federal Communications Commission, which are as follows:

"104.6 b. In order to avail himself of the opportunity to be heard, the applicant shall, within 15 days of the mailing of the notice by the Secretary, file with the Commission a written appearance and statement of his desire to be heard, in accordance with Rule 105.25. Within 25 days of the mailing of the notice of hearing as aforesaid, any respondent who desires to participate in the hearing, shall file with the Commission his answer to any such appearance in accordance with Rule 105.26.

"c. In case no appearance or statement in writing of the facts to be proved upon such hearing is filed by the applicant within the time so specified, the hearing will be cancelled, the applicant deemed in default, his application denied, and the secretary shall so notify the applicant and other parties to the hearing.

"e. If at the date set for hearing, the applicant does not appear and offer evidence in support of his said application, a default will be entered, and the Commission will deny the application."

Attention is also called to the following: Rules and Regulations of the Federal Communications Commission, Paragraphs 105.25, 105.26, 105.34, 105.35, 106.22, 106.24, 106.26, 103.2, 103.3, 103.5, 103.8, 106.5, 106.8, 106.9, 106.10, 106.11, 106.12, 106.13, 106.15, 100.12, and such other said rules as may be applicable.

A copy of Practice and Procedure of the Federal Communications Commission may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D. C., for a charge of ten cents a copy.

The hearing on the above mentioned application will be held on September 6, 1939, at the hour of 10:00 A. M., at the offices of the Commission, Washington, D. C.

Dated at Washington, D. C., December 27, 1938.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2421; Filed, July 7, 1939; 1:10 p. m.]

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[Docket No. 5357]

IN RE APPLICATION OF CHARLES C. CARLSON (WJBW)

*Dated March 18, 1938, for renewal of license; class of service—Broadcast; class of station—Broadcast; location—New Orleans, La.; operating assignment specified—Frequency, 1200 kc; power, 100 watts night; 100 watts day; hours of operation, shares WBNO.*

[File No. B3-R-444]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the technical and financial qualifications of the applicant to continue station operation under the terms of the license.

2. To determine the nature and character of the program service rendered.

3. To determine whether the station at all times has been operated in accordance with the standards of good engineering practice, as required by Rule 132.

4. To determine whether there has been maintained in the operation of the station a transmitter modulation below 55 percent, in violation of Rule 139.

5. To determine whether the power output of the station has been in excess of the amount specified in the license, contrary to Rule 142.

6. To determine whether provision has at all times been maintained by the station for accurately ascertaining the frequency of the transmitter wave independently of the frequency control unit, in accordance with Rule 145.

7. To determine the basis for all entries made in the station's operating log concerning the exact frequency in cycles used while its frequency monitor was inoperative.

8. To determine whether all entries made in the station's logs have been in accordance with Rules 172 and 173.

9. To determine whether any of the rights granted in the license of the station have been assigned or otherwise transferred in violation of Sections 301 and 310 of the Communications Act of 1934.

10. To determine whether the granting of the application for renewal of the license of the station and its continued operation will serve public interest, convenience and necessity.

The attention of the applicant is directed to the fact that while his application constitutes a part of the record, it is not a part of the testimony and he should be prepared, at the hearing, to introduce testimony to prove the allegations contained in his application.

The specific grounds mentioned are not to be considered as exclusive of other grounds for the action and eventual decision of the Commission.

The hearing on the above mentioned application will be held on September 8, 1939, at the hour of 10:00 a. m., at the offices of the Commission, Washington, D. C.

Dated at Washington, D. C., November 16, 1938.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2424; Filed, July 7, 1939; 1:11 p. m.]

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[Docket No. 5366]

IN RE APPLICATION OF JOHN F. ARRINGTON, JR. (NEW)

*Dated August 25, 1938, for construction permit; class of service—Broadcast; class of station—Broadcast; location—Valdosta, Ga.; operating assignment specified—Frequency, 1230 kc; power, 250 w night; 250 w day; hours of operation, unlimited.*

[File No. B3-P-2217]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the need for service in the area proposed to be served; and whether the granting of this application will tend toward a fair, efficient and equitable distribution of radio service.

3. To determine the availability of economic support and talent for program material.

4. To determine whether the interests of Stations KGBX, WFBM, WOL and WPAX may be adversely affected by reason of interference.

5. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., Fountain of Youth Properties, Inc., (WFOY), St. Augustine, Florida, (File No. B3-P-2249).

6. To determine whether the site at which the applicant proposes to construct and operate the station will be satisfactory.

7. To determine whether the transmitting equipment which the applicant proposes to use will comply in all respects with the Rules and Regulations of the Commission, particularly Rules 131, 132 and 139, and will render proper service.

8. To determine whether the granting of the application will serve public interest, convenience, and necessity.

Attention is invited to Section 15.31, subparagraphs b, c, d and e, and Section 9.02, of the Commission's Rules of Practice and Procedure, which are as follows:

§ 15.31 (b) *Appearances.* In order to avail himself of the opportunity to be heard the applicant in person or by his attorney shall, within fifteen days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission one additional copy of the application and all papers incorporated as a part thereof and a written appearance, under oath, stating that he will appear and present evidence in support of his application on such date as may be fixed for hearing. Copies of such written appearance (not including the application and supporting documents) shall be served upon all other parties named in the notice of designation for hearing and accompanied by proof of service as provided in Section 9.01.

"Within twenty-five days of the mailing of the notice of designation for hearing by the Secretary, any respondent named in said notice who desires to participate in the hearing shall file in person or by his attorney with the Commission his written appearance, under oath, stating facts showing a substantial interest in the proceeding, the manner in which his interest may be aggrieved or adversely affected, and that he intends to appear at the hearing on the application on such date as may be fixed for the hearing. Copies of such appearance shall be served upon the applicant and accompanied by proof of service as provided in Section 9.01.

"(c) *Default for failure to file statement.* In case no such statement is filed by the applicant within the time specified, the applicant will be deemed in default, his application denied, and the Secretary shall notify the applicant and other parties.

"(d) *Notice of time and place.* In such case appearance is filed by the applicant within the time specified, the application will be entered upon the hearing docket and notice of the time and place for hearing shall be given by the Secretary.

"(e) *Default for failure to appear.* If, at the date set for hearing, the applicant does not appear and offer evidence in support of his application, a default will be entered, and the Commission will deny the application.

"§ 9.02 *Copies.* A party filing a petition or motion that, under Section 13.01, will be placed on the Motions Docket for action will furnish an original and eight copies thereof. An original and fourteen copies of all other pleadings or documents must be filed unless otherwise specifically provided for in these rules."

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D. C., February 18, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2429; Filed, July 7, 1939; 1:14 p. m.]

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[Docket No. 5373]

IN RE APPLICATION OF UNIVERSITY OF WISCONSIN (WHA)

*Dated September 2, 1938, for construction permit; class of service—Broadcast; class of station—Broadcast; location—Studio, Madison, Wis.; transmitter, Arlington, Wis.; operating assignment specified—Frequency, 670 kc; power, 50 kw night; 50 kw day; hours of operation, unlimited, requesting the facilities of WMAQ.*

[File No. B4-P-2225]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether applicant is financially and otherwise qualified to install the new equipment and the antenna.

2. To determine the need for additional service in the area proposed to be served and whether the granting of this application will tend toward a fair, efficient and equitable distribution of radio service.

3. To determine whether the interests of Station WLW may be adversely affected by reason of interference.

4. To determine whether it would better serve public interest, convenience and necessity to grant the applicant herein the facilities of Station WMAQ as requested in the instant application.

5. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., KFEQ (B4-ML-549).

6. To determine whether the site at which the applicant proposes to construct and operate the station will be satisfactory.

7. To determine whether the equipment which the applicant proposes to use will comply in all respects with the rules and regulations of the Commission, particularly Rules 132 and 139, and will render proper service.

8. To determine whether the antenna system which the applicant proposes to use will comply in all respects with the rules and regulations of the Commission, particularly Rule 131, and will render proper service.

9. To determine whether the economic interests of any stations or applicants may be adversely affected, particularly the following:

Existing stations: WCLO, WIBU, WEMP, WISN, WTMJ, KFIZ and WIBA.

10. To determine whether the granting of this application will serve public interest, convenience and necessity.

The attention of the applicant is directed to the fact that while his application constitutes a part of the record, it is not a part of the testimony and he should be prepared, at the hearing, to introduce testimony to prove the allegations contained in his application.

The specific grounds mentioned are not to be considered as exclusive of other grounds for the action and eventual decision of the Commission.

The hearing on the above mentioned application will be held on September 11, 1939, at the hour of 10:00 a. m., at the offices of the Commission, Washington, D. C.

Dated at Washington, D. C., December 27, 1938.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2426; Filed, July 7, 1939; 1:12 p. m.]

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[Docket No. 5380]

IN RE APPLICATION OF CHARLES C. CARLSON (WJBW)

*Dated October 18, 1937, for modification of license; class of service—Broadcast; class of station—Broadcast; location—New Orleans, La.; operating assignment specified—Frequency, 1,200 kc; power, 100 w night; 100 w day; hours of operation, unlimited.*

[File No. B3-ML-502]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the need for additional service in the area proposed to be served and whether the granting of this application will tend toward a fair, efficient and equitable distribution of radio service.

2. Because of the pendency of the renewal application of this station.

3. Because of the pendency of other applications with which conflict may be had by reason of interference, i. e., S. B. Quigley (B3-P-1983) and McComb Broadcasting Corporation (B3-P-2002).

4. To determine whether the economic interests of any stations or applicants may be adversely affected, particularly the following:

Existing stations: WWL, WBNO, WDSU and WSMB.

Pending applications: WDSU (B3-P-1675).

mailing of the notice of designation for hearing by the Secretary, file with the Commission one additional copy of the application and all papers incorporated as a part thereof and a written appearance, under oath, stating that he will appear and present evidence in support of his application on such date as may be fixed for hearing. Copies of such written appearance (not including the application and supporting documents) shall be served upon all other parties named in the notice of designation for hearing and accompanied by proof of service as provided in Section 9.01.

"Within twenty-five days of the mailing of the notice of designation for hearing by the Secretary, any respondent named in said notice who desires to participate in the hearing shall file in person or by his attorney with the Commission his written appearance, under oath, stating facts showing a substantial interest in the proceeding, the manner in which his interest may be aggrieved or adversely affected, and that he intends to appear at the hearing on the application on such date as may be fixed for the hearing. Copies of such appearance shall be served upon the applicant and accompanied by proof of service as provided in Section 9.01.

"(c) *Default for failure to file statement.* In case no such statement is filed by the applicant within the time specified, the applicant will be deemed in default, his application denied, and the Secretary shall notify the applicant and other parties.

"(d) *Notice of time and place.* In such case appearance is filed by the applicant within the time specified, the application will be entered upon the to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D. C., February 18, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2429; Filed, July 7, 1939; 1:14 p. m.]

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[Docket No. 5373]

IN RE APPLICATION OF UNIVERSITY OF WISCONSIN (WHA)

*Dated September 2, 1938, for construction permit; class of service—Broadcast; class of station—Broadcast; location—Studio, Madison, Wis.; transmitter, Arlington, Wis.; operating assignment specified—Frequency, 670 kc; power, 50 kw night; 50 kw day; hours of operation, unlimited, requesting the facilities of WMAQ.*

[File No. B4-P-2225]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether applicant is financially and otherwise qualified to install the new equipment and the antenna.

2. To determine the need for additional service in the area proposed to be served and whether the granting of this application will tend toward a fair, efficient and may be adversely affected, particularly the following:

Existing stations: WCLO, WIBU, WEMP, WISN, WTMJ, KFIZ and WIBA.

10. To determine whether the granting of this application will serve public interest, convenience and necessity.

The attention of the applicant is directed to the fact that while his application constitutes a part of the record, it is not a part of the testimony and he should be prepared, at the hearing, to introduce testimony to prove the allegations contained in his application.

The specific grounds mentioned are not to be considered as exclusive of other grounds for the action and eventual decision of the Commission.

The hearing on the above mentioned application will be held on September 11, 1939, at the hour of 10:00 a. m., at the offices of the Commission, Washington, D. C.

Dated at Washington, D. C., December 27, 1938.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2426; Filed, July 7, 1939; 1:12 p. m.]

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[Docket No. 5380]

IN RE APPLICATION OF CHARLES C. CARLSON (WJBW)

*Dated October 18, 1937, for modification of license; class of service—Broadcast; class of station—Broadcast; location—New Orleans, La.; operating*

5. To determine whether the granting of this application will serve public interest, convenience and necessity.

6. Because of the pendency of the application for construction permit (B3–P–2244) of Station WJBW.

The attention of the applicant is directed to the fact that while his application constitutes a part of the record, it is not a part of the testimony and he should be prepared, at the hearing, to introduce testimony to prove the allegations contained in his application.

The specific grounds mentioned are not to be considered as exclusive of other grounds for the action and eventual decision of the Commission.

The hearing on the above mentioned application will be held on September 8, 1939, at the hour of 10:00 A. M., at the offices of the Commission, Washington, D. C.

Dated at Washington, D. C., November 16, 1938.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2425; Filed, July 7, 1939; 1:12 p. m.]

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[Docket No. 5442]

IN RE APPLICATION OF NATIONAL BROADCASTING CO., INC. (WMAQ)

*Dated November 7, 1938, for renewal of license; class of service—Broadcast; class of station—Broadcast; location—Chicago, Ill.; operating assignment specified—Frequency, 670 kc; power, 50 kw night; 50 kw day; hours of operation, unlimited; facilities requested by WHA.*

[File No. B4–R–548]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. Because of the pendency of an application (B4–P–2225) filed by the University of Wisconsin (Station WHA) requesting, among other things, the facilities of Station WMAQ.

2. To determine whether the granting of the application will serve public interest, convenience and necessity.

The attention of the applicant is directed to the fact that while his application constitutes a part of the record, it is not a part of the testimony and he should be prepared, at the hearing, to introduce testimony to prove the allegations contained in his application.

The specific grounds mentioned are not to be considered as exclusive of other grounds for the action and eventual decision of the Commission.

The hearing on the above mentioned application will be held on September 11, 1939, at the hour of 10:00 a. m., at the offices of the Commission, Washington, D. C.

Dated at Washington, D. C., December 27, 1938.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2427; Filed, July 7, 1939; 1:13 p. m.]

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[Docket No. 5510]

IN RE APPLICATION OF MASON CITY GLOBE GAZETTE CO. (KGLO)

*Dated January 28, 1939, for construction permit; class of service—Broadcast; class of station—Broadcast; location—Mason City, Iowa; operating assignment specified—Frequency, 1270 kc.; power, 1 kw (employing directional antenna system for nighttime operation) night 1 kw day; hours of operation unlimited; (requests facilities of Stations KWLC & KGCA).*

[File No. B4–P–2329]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether applicant is financially and otherwise qualified to install the new equipment and the directional antenna system.

2. To determine the need for additional service in the area proposed to be served and whether the granting of this application will tend toward a fair, efficient and equitable distribution of radio service.

3. To determine whether the interests of any other stations may be adversely affected by reason of interference, particularly Stations WOOD, WASH, WFBR, WJDX, KVOR, WIBA, KOIL, WTCN and KROC.

4. To determine whether it would better serve the public interest, convenience and necessity to grant to the applicant herein the facilities now licensed to Stations KWLC and KGCA as requested in the instant application.

5. Because of the pendency of another application with which conflict may be had by reason of interference, i. e. WFBR (B1–SA–295).

6. To determine whether the site at which the applicant proposes to construct and operate the station will be satisfactory.

7. To determine whether the equipment which the applicant proposes to use will comply in all respects with the rules and regulations of the Commission, particularly Rules 132 and 139, and will render proper service.

8. To determine whether the directional antenna system which the applicant proposes to use will comply in all respects with the rules and regulations of the Commission, particularly Rule 131, and will render proper service.

9. To determine whether the granting of the application will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D. C., April 13, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2437; Filed, July 7, 1939; 1:18 p. m.]

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[Docket No. 5525]

IN RE APPLICATION OF K. E. SCHONERT D/B AS (W9XTA) SCHONERT RADIO SERVICE

*Dated January 23, 1939, for renewal of license; class of service — Television broadcast (experimental); class of station—Broadcast; location—Harrisburg, Ill.; operating assignment requested—Frequency, 26500 kc; power, 500 watts, emission A3; hours of operation, unlimited time acc. Rule 983.*

[File No. B4–RHB–41]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the technical qualifications of the applicant to continue the operation of this station.

2. To determine whether adequate funds have been and will be allocated by applicant for (a) the maintenance of the station and (b) the carrying forward of a program of research and experimentation.

3. To determine the nature and character of the applicant's program of research and experimentation; and whether the same has been and will be conducted in the manner required by the Commission's rules governing high frequency broadcast stations.

4. To determine whether the reports rendered by the applicant with reference to his program of research and experimentation are in compliance with Rule 1056.



5. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D. C., April 4, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2434; Filed, July 7, 1939; 1:16 p. m.]

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[Docket No. 5533]

IN RE APPLICATION OF LUTHER COLLEGE (KWLC)

*Dated January 25, 1939, for renewal of license; class of service—Broadcast; class of station—Broadcast; location—Decora, Iowa; operating assignment specified—Frequency, 1270 Kc; power, 100 watts day; hours of operation, shares KGCA daytime.*

[File No. B4–R–520]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. Because of the pendency of the application (B4–P–2329) of the Mason City Globe Gazette Company (KGLO), requesting the facilities of Station KWLC.

2. To determine whether the station's antenna system complies with Rule 131 of the Commission's Rules and Regulations.

3. To determine whether the granting of the application and the continued operation of the station will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D. C., April 13, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2419; Filed, July 7, 1939; 1:09 p. m.]

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[Docket No. 5534]

IN RE APPLICATION OF CHARLES WALTER GREENLEY (KGCA)

*Dated January 25, 1939, for renewal of license; class of service—Broadcast; class of station—Broadcast; location—Decorah, Iowa; operating assignment specified—frequency, 1270 kc; power, 100 watts day; hours of operation, shares KWLC daytime.*

[File No. B4–R–519]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the technical and financial qualifications of the applicant to operate the station.

2. To determine whether the antenna system used by applicant complies with Rule 131 of the Commission's Rules and Regulations.

3. Because of the pendency of the application (B4–P–2329) of the Mason City Globe Gazette Company (KGLO), requesting the facilities of Station KGCA.

4. To determine whether the granting of the application and the continued operation of the station will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

Attention is invited to Section 15.31, subparagraphs b, c, d and e, and Section 9.02, of the Commission's Rules of Practice and Procedure, which are as follows:

"§ 15.31 (b) *Appearances.* In order to avail himself of the opportunity to be heard the applicant in person or by his attorney shall, within fifteen days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission one additional copy of the application and all papers incorporated as a part thereof and a written appearance, under oath, stating that he will appear and present evidence in support of his application on such date as may be fixed for hearing. Copies of such written appearance (not including the application and supporting documents) shall be served upon all other parties named in the notice of designation for hearing and accompanied by proof of service as provided in Section 9.01.

"Within twenty-five days of the mailing of the notice of designation for hearing by the Secretary, any respondent named in said notice who desires to participate in the hearing shall file in person or by his attorney with the Commission his written appearance, under oath, stating facts showing a substantial interest in the proceeding, the manner in which his interest may be aggrieved or adversely affected, and that he intends to appear at the hearing on the application on such date as may be fixed for the hearing. Copies of such appearance shall be served upon the applicant and accompanied by proof of service as provided in Section 9.01.

"(c) *Default for failure to file statement.* In case no such statement is filed by the applicant within the time specified, the applicant will be deemed in default, his application denied, and the Secretary shall notify the applicant and other parties.

"(d) *Notice of time and place.* In such case appearance is filed by the applicant within the time specified, the application will be entered upon the hearing docket and notice of the time and place for hearing shall be given by the Secretary.

"(e) *Default for failure to appear.* If, at the date set for hearing, the applicant does not appear and offer evidence in support of his application, a default will be entered, and the Commission will deny the application.

"§ 9.02 *Copies.* A party filing a petition or motion that, under Section 13.01, will be placed on the Motions Docket for action will furnish an original and eight copies thereof. An original and fourteen copies of all other pleadings or documents must be filed unless otherwise specifically provided for in these rules."

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D. C., April 13, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2420; Filed, July 7, 1939; 1:09 p. m.]

[Docket No. 5550]

IN RE APPLICATION OF BEN S. MCGLASHAN (W6XKG)

*Dated January 28, 1939, for renewal of license; class of service—High frequency broadcast (experimental); class of station—Broadcast; location—Los Angeles, Calif.; operating assignment specified—Frequency, 25950 kc; power 1000 w night; 1000 w day; emission A–3; hours of operation Acc. rule 983 (a).*

[File No. B5–RHB–6]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development of high frequency broadcasting, within the purview of Section 44.02 (1) of the Commission's regulations governing high frequency broadcast stations.

2. To determine whether substantial data will be taken on the propagation characteristics of the frequencies involved herein; on noise levels; on the field intensity necessary to render good broadcast service; on antenna design and characteristics with respect to propagation; and on other allied phases of broadcast coverage within the purview of Section 44.02 (2) of the Commission's regulations governing high frequency broadcast stations.

3. To determine whether the proposed research and experimentation will be conducted by qualified engineers, as required by Section 44.02 (3) of the Commission's regulations governing high frequency broadcast stations.

4. To determine whether adequate funds have been, or will be, allocated by the applicant for (a) the maintenance and operation of the station, and (b) the carrying forward of a definite program of research and experimentation.

5. To determine whether the applicant is technically qualified and possesses adequate technical facilities to carry forward the proposed program of research and experimentation.

Attention is invited to Section 15.31, subparagraphs b, c, d and e, and Section 9.02, of the Commission's Rules of Practice and Procedure, which are as follows:

"§ 15.31 (b) *Appearances.* In order to avail himself of the opportunity to be heard the applicant in person or by his attorney shall, within fifteen days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission one additional copy of the application and all papers incorporated as a part thereof and a written appearance, under oath, stating that he will appear and present evidence in support of his application on such date as may be fixed for hearing. Copies of such written appearance (not including the application and supporting documents) shall be served upon all other parties named in the notice of designation for hearing and accompanied by proof of service as provided in Section 9.01.

"Within twenty-five days of the mailing of the notice of designation for hearing by the Secretary, any respondent named in said notice who desires to participate in the hearing shall file in person or by his attorney with the Commission his written appearance, under oath, stating facts showing a substantial interest in the proceeding, the manner in which his interest may be aggrieved or adversely affected, and that he intends to appear at the hearing on the application on such date as may be fixed for the hearing. Copies of such appearance shall be served upon the applicant and accompanied by proof of service as provided in Section 9.01.

"(c) *Default for failure to file statement.* In case no such statement is filed by the applicant within the time specified, the applicant will be deemed in default, his application denied, and the Secretary shall notify the applicant and other parties.

"(d) *Notice of time and place.* In such case appearance is filed by the applicant within the time specified, the application will be entered upon the hearing docket and notice of the time and place for hearing shall be given by the Secretary.

"(e) *Default for failure to appear.* If, at the date set for hearing, the applicant does not appear and offer evidence in support of his application, a default will be entered, and the Commission will deny the application.

"§ 9.02 *Copies.* A party filing a petition or motion that, under Section 13.01, will be placed on the Motions Docket for action will furnish an original and eight copies thereof. An original and fourteen copies of all other pleadings or documents must be filed unless otherwise specifically provided for in these rules."

6. To determine whether the supplemental reports filed by the applicant with reference to its program of research and experimentation are adequate within the purview of Section 44.07 of the Commission's Rules and Regulations governing high frequency broadcast stations.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D. C., May 26, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2435; Filed, July 7, 1939; 1:17 p. m.]

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[Docket No. 5551]

IN RE APPLICATION OF BEN S. MCGLASHAN (W6XRE)

*Dated January 28, 1939, for renewal of license; class of service—High frequency broadcast (experimental); class of station—Broadcast; location—Los Angeles, Calif.; operating assignment specified—Frequency, 88000, 120000, 240000 and 500000 kc; power, 500 w night; 500 w day; emission A–3; hours of operation, Acc. Rule 983(a).*

[File No. B5–RHB–29]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development of high frequency broadcasting, within the purview of Section 44.02(1) of the Commission's regulations governing high frequency broadcast stations.

2. To determine whether substantial data will be taken on the propagation characteristics of the frequencies involved herein; on noise levels; on the field intensity necessary to render good broadcast service; on antenna design and characteristics with respect to propagation; and on other allied phases of broadcast coverage within the purview of Section 44.02(2) of the Commission's regulations governing high frequency broadcast stations.

3. To determine whether the proposed research and experimentation will be conducted by qualified engineers, as required by Section 44.02(3) of the Commission's regulations governing high frequency broadcast stations.

4. To determine whether adequate funds have been, or will be, allocated by the applicant for (a) the maintenance and operation of the station, and (b) the carrying forward of a definite program of research and experimentation.

5. To determine whether the applicant is technically qualified, and possesses adequate technical facilities to carry forward the proposed program of research and experimentation.

6. To determine whether the supplemental reports filed by the applicant with reference to its program of research and experimentation are adequate within the purview of Section 44.07 of the Commission's rules and regulations governing high frequency broadcast stations.



The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D. C., May 26, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2432; Filed, July 7, 1939; 1:15 p. m.]

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[Docket No. 5553]

IN RE APPLICATION OF NATIONAL BROADCASTING CO., INC. (W9XBS)

*Dated January 31, 1939, for renewal of license; class of service—High frequency broadcast (experimental); class of station—Broadcast; location—Chicago, Ill.; operating assignment specified—Frequency, 31600, 35600, 38600 and 41000 kc; power, 100 w night; 100 w day; emission A–3; hours of operation, Acc. rule 983 (a).*

[File No. B4–RHB–10]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the applicant has a program of research and experimentation which indicates reasonable promise of substantial contribution to the development of high frequency broadcasting, within the purview of Section 44.02 (1) of the Commission's regulations governing high frequency broadcast stations.

2. To determine whether substantial data will be taken on the propagation characteristics of the frequencies involved herein; on noise levels; on the field intensity necessary to render good broadcast service; on antenna design and characteristics with respect to propagation; and on other allied phases of broadcast coverage within the purview of Section 44.02 (2) of the Commission's regulations governing high frequency broadcast stations.

3. To determine whether adequate funds have been, or will be, allocated by the applicant for (a) the maintenance and operation of the station, and (b) the carrying forward of a definite program of research and experimentation.

4. To determine whether the supplemental reports filed by the applicant with reference to its program of research and experimentation are adequate within the purview of Section 44.07 of the Commission's rules and regulations governing high frequency broadcast stations.

Attention is invited to Section 15.31, subparagraphs b, c, d and e, and Section 9.02, of the Commission's Rules of Practice and Procedure, which are as follows:

"§ 15.31 (b) *Appearances.* In order to avail himself of the opportunity to be heard the applicant in person or by his attorney shall, within fifteen days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission one additional copy of the application and all papers incorporated as a part thereof and a written appearance, under oath, stating that he will appear and present evidence in support of his application on such date as may be fixed for hearing. Copies of such written appearance (not including the application and supporting documents) shall be served upon all other parties named in the notice of designation for hearing and accompanied by proof of service as provided in Section 9.01.

"Within twenty-five days of the mailing of the notice of designation for hearing by the Secretary, any respondent named in said notice who desires to participate in the hearing shall file in person or by his attorney with the Commission his written appearance, under oath, stating facts showing a substantial interest in the proceeding, the manner in which his interest may be aggrieved or adversely affected, and that he intends to appear at the hearing on the application on such date as may be fixed for the hearing. Copies of such appearance shall be served upon the applicant and accompanied by proof of service as provided in Section 9.01.

"(c) *Default for failure to file statement.* In case no such statement is filed by the applicant within the time specified, the applicant will be deemed in default, his application denied, and the Secretary shall notify the applicant and other parties.

"(d) *Notice of time and place.* In such case appearance is filed by the applicant within the time specified, the application will be entered upon the hearing docket and notice of the time and place for hearing shall be given by the Secretary.

"(e) *Default for failure to appear.* If, at the date set for hearing, the applicant does not appear and offer evidence in support of his application, a default will be entered, and the Commission will deny the application.

"§ 9.02 *Copies.* A party filing a petition or motion that, under Section 13.01, will be placed on the Motions Docket for action will furnish an original and eight copies thereof. An original and fourteen copies of all other pleadings or documents must be filed unless otherwise specifically provided for in these rules."

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D. C., May 26, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2436; Filed, July 7, 1939; 1:17 p. m.]

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[Docket No. 5568]

IN RE APPLICATION OF JACK POWERS, DAVID G. SMITH, (KUTA) FRANK C. CARMAN & GRANT WRATHALL, D/B AS UTAH BROADCASTING COMPANY

*Dated March 6, 1939, for construction permit; class of service—Broadcast; class of station—Broadcast; location—Salt Lake City, Utah; operating assignment specified—Frequency, 570 kc; power, 1 kw day; 1 kw night; hours of operation, unlimited; directional antenna day and night.*

[File No. B5–P–2342]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether applicant is financially and otherwise qualified to move the transmitter site as proposed, make changes in composite equipment and install the directional antenna system.

2. To determine the need for additional service in the area proposed to be served, and whether the granting of this application will tend toward a fair, efficient and equitable distribution of radio service.

3. To determine whether the interests of any other stations may be adversely affected by reason of interference, particularly Stations KVI, KMTR, WNAX and KGKO.

4. To determine whether the site at which the applicant proposes to construct and operate the station will be satisfactory.

5. To determine whether the equipment which the applicant proposes to use will comply in all respects with the rules and regulations of the Commission, particularly Rules 132 and 139, and will render proper service.

6. To determine whether the directional antenna system which the applicant proposes to use will comply in all respects with the rules and regulations of the Commission, particularly with Rule 131, and will render proper service.

7. To determine whether the granting of the application will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D. C., April 17, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2422; Filed, July 7, 1939; 1:10 p. m.]

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[Docket No. 5593]

IN RE APPLICATION OF SAMUEL M. EMISON (NEW)

*Dated March 23, 1939, for construction permit; class of service—Broadcast; class of station—Broadcast; location—Vincennes, Ind.; operating assignment specified—Frequency, 1420 kc; power, 100 w night; 100 w day; hours of operation, unlimited.*

[File No. B4-P-2350]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the need for service in the area proposed to be served; and whether the granting of this application will tend toward a fair, efficient and equitable distribution of radio service.

3. To determine the availability of economic support and talent for program material.

4. To determine whether the interests of Stations WCBS, WPAD and WIRE may be adversely affected by reason of interference.

5. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., Vincennes Newspapers, Inc., Vincennes, Indiana (B4-P-1243).

6. To determine whether the site at which the applicant proposes to construct and operate the station will be satisfactory.

7. To determine whether the transmitting equipment which the applicant proposes to use will comply in all respects with the Rules and Regulations of the Commission, particularly Rules 131, 132 and 139, and will render proper service.

8. To determine whether the granting of the application will serve public interest, convenience, and necessity.

Attention is invited to Section 15.31, subparagraphs b, c, d and e, and Section 9.02, of the Commission's Rules of Practice and Procedure, which are as follows:

"§ 15.31 (b) *Appearances.* In order to avail himself of the opportunity to be heard the applicant in person or by his attorney shall, within fifteen days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission one additional copy of the application and all papers incorporated as a part thereof and a written appearance, under oath, stating that he will appear and present evidence in support of his application on such date as may be fixed for hearing. Copies of such written appearance (not including the application and supporting documents) shall be served upon all other parties named in the notice of designation for hearing and accompanied by proof of service as provided in Sec. 9.01.

"Within twenty-five days of the mailing of the notice of designation for hearing by the Secretary, any respondent named in said notice who desires to participate in the hearing shall file in person or by his attorney with the Commission his written appearance, under oath, stating facts showing a substantial interest in the proceeding, the manner in which his interest may be aggrieved or adversely affected, and that he intends to appear at the hearing on the application on such date as may be fixed for the hearing. Copies of such appearance shall be served upon the applicant and accompanied by proof of service as provided in Sec. 9.01.

"(c) *Default for failure to file statement.* In case no such statement is filed by the applicant within the time specified, the applicant will be deemed in default, his application denied, and the Secretary shall notify the applicant and other parties.

"(d) *Notice of time and place.* In such case appearance is filed by the applicant within the time specified, the application will be entered upon the hearing docket and notice of the time and place for hearing shall be given by the Secretary.

"(e) *Default for failure to appear.* If, at the date set for hearing, the applicant does not appear and offer evidence in support of his application, a default will be entered, and the Commission will deny the application.

"§ 9.02 *Copies.* A party filing a petition or motion that, under Sec. 13.01 will be placed on the Motions Docket for action will furnish an original and eight copies thereof. An original and fourteen copies of all other pleadings or documents must be filed unless otherwise specifically provided for in these rules."

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Secs. 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Secs. 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Dated at Washington, D. C., April 24, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2438; Filed, July 7, 1939; 1:18 p. m.]

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[Docket No. 5609]

IN RE APPLICATION OF CLARENCE H. FREY AND ROBERT O. GREEVER (NEW)

*Dated February 17, 1939; for construction permit; class of service—Broadcast; class of station—Broadcast; location—Logan, W. Va.; operating assignment specified—Frequency, 1200 kc; power, 100 watts; hours of operation, daytime.*

[File No. B2-P-2340]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the public need for broadcast service in the area proposed to be served, and whether a grant of this application will tend toward a fair, efficient and equitable distribution of broadcast service.

3. To determine the availability of economic support and of program talent.

4. To determine whether the interests of Stations WSAZ, WCPO, WJHL and WLVA would be adversely affected by reason of interference.

5. To determine whether the transmitting equipment which the applicant proposes to use will comply in all respects with Rules 131, 132 and 139, and

6. To determine whether a grant of the application will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Attention is invited to Section 15.31, subparagraphs b, c, d and e, and Section 9.02, of the Commission's Rules of Practice and Procedure, which are as follows:

"§ 15.31 (b) *Appearances.* In order to avail himself of the opportunity to be heard the applicant in person or by his attorney shall, within fifteen days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission one additional copy of the application and all papers incorporated as a part thereof and a written appearance, under oath, stating that he will appear and present evidence in support of his application on such date as may be fixed for hearing. Copies of such written appearance (not including the application and supporting documents) shall be served upon all other parties named in the notice of designation for hearing and accompanied by proof of service as provided in Section 9.01. Within twenty-five days of the mailing of the notice of designation for hearing by the Secretary, any respondent named in said notice who desires to participate in the hearing shall file in person or by his attorney with the Commission his written appearance, under oath, stating facts showing a substantial interest in the proceeding, the manner in which his interest may be aggrieved or adversely affected, and that he intends to appear at the hearing on the application on such date as may be fixed for the hearing. Copies of such appearance shall be served upon the applicant and accompanied by proof of service as provided in Section 9.01.

"(c) *Default for failure to file statement.* In case no such statement is filed by the applicant within the time specified, the applicant will be deemed in default, his application denied, and the Secretary shall notify the applicant and others parties.

"(d) *Notice of time and place.* In such case appearance is filed by the applicant within the time specified, the application will be entered upon the hearing docket and notice of the time and place for hearing shall be given by the Secretary.

"(e) *Default for failure to appear.* If, at the date set for hearing, the applicant does not appear and offer evidence in support of his application, a default will be entered, and the Commission will deny the application.

"§ 9.02 *Copies.* A party filing a petition or motion that, under Section 13.01, will be placed on the Motions Docket for action will furnish an original and eight copies thereof. An original and fourteen copies of all other pleadings or documents must be filed unless otherwise specifically provided for in these rules."

Dated at Washington, D. C., May 1, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2423; Filed, July 7, 1939; 1:11 p. m.]

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[Docket No. 5629]

IN RE APPLICATION OF LAKELAND BROADCASTING CO. (NEW)

*Dated April 15, 1939, for construction permit; class of service—Broadcast; class of station—Broadcast; location—Willmar, Minn.; operating assignment specified—Frequency, 680 kc; power 250 w day; hours of operation, limited.*

[File No. B4-P-2370]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the financial qualifications of the applicant to construct and operate the proposed station.

2. To determine whether the interests of Stations KFEQ, WMAQ and WPTF may be adversely affected by reason of interference.

3. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., University of Wisconsin (WHA), Madison, Wisconsin (B4-P-2225).

4. To determine whether the site at which the applicant proposes to construct and operate the station will be satisfactory.

5. To determine whether the transmitting equipment which the applicant proposes to use will comply in all respects with the Rules and Regulations of the Commission, particularly Rules 131, 132 and 139, and will render proper service.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Attention is invited to Section 15.31, subparagraphs b, c, d and e, and Section 9.02 of the Commission's Rules of Practice and Procedure, which are as follows:

"§ 15.31 (b) *Appearances.* In order to avail himself of the opportunity to be heard the applicant in person or by his attorney shall, within fifteen days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission one additional copy of the application and all papers incorporated as a part thereof and a written appearance, under oath, stating that he will appear and present evidence in support of his application on such date as may be fixed for hearing. Copies of such written appearance (not including the application and supporting documents) shall be served upon all other parties named in the notice of designation for hearing and accompanied by proof of service as provided in Section 9.01.

"Within twenty-five days of the mailing of the notice of designation for hearing by the Secretary, any respondent named in said notice who desires to participate in the hearing shall file in person or by his attorney with the Commission his written appearance, under oath, stating facts showing a substantial interest in the proceeding, the manner in which his interest may be aggrieved or adversely affected, and that he intends to appear at the hearing on the application on such date as may be fixed for the hearing. Copies of such appearance shall be served upon the applicant and accompanied by proof of service as provided in Section 9.01.

"(c) *Default for failure to file statement.* In case no such statement is filed by the applicant within the time specified, the applicant will be deemed in default, his application denied, and the Secretary shall notify the applicant and other parties.

"(d) *Notice of time and place.* In such case appearance is filed by the applicant within the time specified, the application will be entered upon the hearing docket and notice of the time and place for hearing shall be given by the Secretary.

"(e) *Default for failure to appear.* If, at the date set for hearing, the applicant does not appear and offer evidence in support of his application, a default will

be entered, and the Commission will deny the application.

"§ 9.02 *Copies.* A party filing a petition or motion that, under Section 13.01, will be placed on the Motions Docket for action will furnish an original and eight copies thereof. An original and fourteen copies of all other pleadings or documents must be filed unless otherwise specifically provided for in these rules."

Dated at Washington, D. C., May 22, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2428; Filed, July 7, 1939; 1:13 p. m.]

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[Docket No. 5630]

IN RE APPLICATION OF NATIONAL BROADCASTING CO., INC. (W9XBS)

*Dated April 20, 1939, for modification of license; class of service—High frequency broadcast (experimental); class of station—Broadcast; location—Chicago, Ill.; operating assignment specified—Frequency, 42,180 kc; power, 100 w night; 100 w day; emission A-3; hours of operation, unlimited; Acc. rule 983 (a).*

[File No. B4-MLHB-17]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. Because of the pendency of the renewal application of this station and the issues raised thereby.

2. To determine whether the applicant has complied in all respects with the rules and regulations of the Commission governing the operation of high frequency broadcast stations, particularly Section 44.02.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Attention is invited to Section 15.31, subparagraphs b, c, d and e, and Section 9.02, of the Commission's Rules of Practice and Procedure, which are as follows:

"§ 15.31 (b) *Appearances.* In order to avail himself of the opportunity to be heard the applicant in person or by his attorney shall, within fifteen days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission one additional copy of the application and all papers incorporated as a part thereof and a written appearance, under oath, stating that he will appear and present evidence in support of his application on such date as may be fixed for hearing. Copies of such written appearance (not including the application and supporting documents) shall be served upon all other parties named in the notice of designation for hearing and accompanied by proof of service as provided in Section 9.01.

"Within twenty-five days of the mailing of the notice of designation for hearing by the Secretary, any respondent named in said notice who desires to participate in the hearing shall file in person or by his attorney with the Commission his written appearance, under oath, stating facts showing a substantial interest in the proceeding, the manner in which his interest may be aggrieved or adversely affected, and that he intends to appear at the hearing on the application on such date as may be fixed for the hearing. Copies of such appearance shall be served upon the applicant and accompanied by proof of service as provided in Section 9.01.

"(c) *Default for failure to file statement.* In case no such statement is filed by the applicant within the time specified, the applicant will be deemed in default, his application denied, and the Secretary shall notify the applicant and other parties.

"(d) *Notice of time and place.* In such case appearance is filed by the applicant within the time specified, the application will be entered upon the hearing docket and notice of the time and place for hearing shall be given by the Secretary.

"(e) *Default for failure to appear.* If, at the date set for hearing, the applicant does not appear and offer evidence in support of his application, a default will be entered, and the Commission will deny the application.

"§ 9.02 *Copies.* A party filing a petition or motion that, under Section 13.01, will be placed on the Motions Docket for action will furnish an original and eight copies thereof. An original and fourteen copies of all other pleadings or documents must be filed unless otherwise specifically provided for in these rules."

Dated at Washington, D. C., May 26, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2433; Filed, July 7, 1939; 1:16 p. m.]

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[Docket No. 5638]

IN RE APPLICATION OF AMERICAN BROADCASTING CORPORATION OF KENTUCKY (WLAP)

*Dated April 13, 1939, for special experimental authorization; class of service—Broadcast; class of station—Broadcast; location—Lexington, Ky.; operating assignment specified—Frequency, 1420 kc; power, 250 w night; hours of operation, 1:05 to 2:15 A. M. C. S. T.*

[File No. B2-SA-345]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the applicant has complied in all respects with the rules and regulations of the Commission governing the operation of facsimile broadcast stations, particularly Section 43.31.

2. To determine whether the applicant will comply with the order of the Commission of January 31, 1938, governing the monitoring schedule of broadcast stations.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Attention is invited to Section 15.31, subparagraphs b, c, d and e, and Section 9.02, of the Commission's Rules of Practice and Procedure, which are as follows:

"§ 15.31 (b) *Appearances.* In order to avail himself of the opportunity to be heard the applicant in person or by his attorney shall, within fifteen days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission one additional copy of the application and all papers incorporated as a part thereof and a written appearance, under oath, stating that he will appear and present evidence in support of his application on such date as may be fixed for hearing. Copies of such written appearance (not including the application and supporting documents) shall be served upon all other parties named in the notice of designation for hearing and accompanied by proof of service as provided in Section 9.01.

"Within twenty-five days of the mailing of the notice of designation for hearing by the Secretary, any respondent named in said notice who desires to participate in the hearing shall file in person or by his attorney with the Commission his written appearance, under oath, stating facts showing a substantial interest in the proceeding, the manner in which his interest may be aggrieved or adversely affected, and that he intends to appear at the hearing on the application on such date as may be fixed for the hearing. Copies of such appearance shall be served upon the applicant and accompanied by proof of service as provided in Section 9.01.

"(c) *Default for failure to file statement.* In case no such statement is filed by the applicant within the time specified, the applicant will be deemed in default, his application denied, and the Secretary shall notify the applicant and other parties.

"(d) *Notice of time and place.* In such case appearance is filed by the applicant within the time specified, the application will be entered upon the hearing docket and notice of the time and place for hearing shall be given by the Secretary.

"(e) *Default for failure to appear.* If, at the date set for hearing, the applicant does not appear and offer evidence in support of his application, a default will be entered, and the Commission will deny the application.

"§ 9.02 *Copies.* A party filing a petition or motion that, under Sec. 13.01, will be placed on the Motions Docket for action will furnish an original and eight copies thereof. An original and fourteen copies of all other pleadings or documents must be filed unless otherwise specifically provided for in these rules."

Dated at Washington, D. C., June 7, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2439; Filed, July 7, 1939; 1:19 p. m.]

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[Docket No. 5642]

IN RE APPLICATION OF CLYDE E. WILSON & HOWARD A. SHUMAN, D/B AS HOT SPRINGS BROADCASTING CO. (NEW)

*Dated April 24, 1939, for construction permit; class of service—Broadcast; class of station—Broadcast; location—Hot Springs, Ark.; operating assignment specified—Frequency, 1310 kc; power, 100 w night; 250 w day; hours of operation, unlimited.*

[File No. B3-P-2380]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the interests of Station KRMD may be adversely affected by reason of interference; and

2. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., John R. Pepper, Greenville, Miss., (File No. B3-P-2312).

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who



"Within twenty-five days of the mailing of the notice of designation for hearing by the Secretary, any respondent named in said notice who desires to participate in the hearing shall file in person or by his attorney with the Commission his written appearance, under oath, stating facts showing a substantial interest in the proceeding, the manner in which his interest may be aggrieved or adversely affected, and that he intends to appear at the hearing on the application on such date as may be fixed for the hearing. Copies of such appearance shall be served upon the applicant and accompanied by proof of service as provided in Section 9.01.

"(c) *Default for failure to file statement.* In case no such statement is filed by the applicant within the time specified, the applicant will be deemed in default, his application denied, and the Secretary shall notify the applicant and other parties.

"(d) *Notice of time and place.* In such case appearance is filed by the applicant within the time specified, the application will be entered upon the hearing docket and notice of the time and place for hearing shall be given by the Secretary.

"(e) *Default for failure to appear.* If, at the date set for hearing, the applicant does not appear and offer evidence in support of his application, a default will be entered, and the Commission will deny the application.

"§ 9.02 *Copies.* A party filing a petition or motion that, under Section 13.01, will be placed on the Motions Docket for action will furnish an original and eight copies thereof. An original and fourteen copies of all other pleadings or documents must be filed unless otherwise specifically provided for in these rules."

Dated at Washington, D. C., May 31, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2431; Filed, July 7, 1939; 1:15 p. m.]

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[Docket No. 5639]

IN RE APPLICATION OF UNION BROADCASTING CO. (NEW)

*Dated April 8, 1939; for construction permit; class of service—Broadcast; class of station—Broadcast; location—Scranton, Pa.; operating assignment specified—Frequency, 1370 kc; Power, 100 w night; 250 w day; Hours of Operation, unlimited.*

[File No. B2-P-2366]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the interests of Stations WABY, WDAS, WCBM, WFBL, WAWZ and WRAK may be adversely affected by reason of interference.

2. Because of the pendency of other applications with which conflict may be had by reason of interference, i. e., WBNX Broadcasting Company, Inc. (WBNX) New York, New York, (B1-P-1527) and Lackawanna Broadcasting Co. Inc. (New) Scranton, Pennsylvania, (B2-P-2392).

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Secs. 15.31 and 9.02 of the Commission's Rules of Practice and Procedure. Parties, other than the applicant, who desire to be heard must file a written appearance in accordance with the provisions of Secs. 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Attention is invited to Sec. 15.31, subparagraphs b, c, d and e, and Sec. 9.02, of the Commission's Rules of Practice and Procedure, which are as follows:

"§ 15.31 (b) *Appearances.* In order to avail himself of the opportunity to be heard the applicant in person or by his attorney shall, within fifteen days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission one additional copy of the application and all papers incorporated as a part thereof and a written appearance, under oath, stating that he will appear and present evidence in support of his application on such date as may be fixed for hearing. Copies of such written appearance (not including the application and supporting documents) shall be served upon all other parties named in the notice of designation for hearing and accompanied by proof of service as provided in Sec. 9.01.

"Within twenty-five days of the mailing of the notice of designation for hearing by the Secretary, any respondent named in said notice who desires to participate in the hearing shall file in person or by his attorney with the Commission his written appearance, under oath, stating facts showing a substantial interest in the proceeding, the manner in which his interest may be aggrieved or adversely affected, and that he intends to appear at the hearing on the application on such date as may be fixed for the hearing. Copies of such appearance shall be served upon the applicant and accompanied by proof of service as provided in Section 9.01.

"(c) *Default for failure to file statement.* In case no such statement is filed by the applicant within the time specified, the applicant will be deemed in default, his application denied, and the

desire to be heard must file a written appearance in accordance with the provisions of Sections 15.31 and 9.02 of the Commission's Rules of Practice and Procedure.

Attention is invited to Section 15.31, subparagraphs b, c, d and e, and Section 9.02, of the Commission's Rules of Practice and Procedure, which are as follows:

"§15.31 (b) *Appearances.* In order to avail himself of the opportunity to be heard the applicant in person or by his attorney shall, within fifteen days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission one additional copy of the application and all papers incorporated as a part thereof and a written appearance, under oath, stating that he will appear and present evidence in support of his application on such date as may be fixed for hearing. Copies of such written appearance (not including the application and supporting documents) shall be served upon all other parties named in the notice of designation for hearing and accompanied by proof of service as provided in Section 9.01.

"Within twenty-five days of the mailing of the notice of designation for hearing by the Secretary, any respondent named in said notice who desires to participate in the hearing shall file in person or by his attorney with the Commission his written appearance, under oath, stating facts showing a substantial interest in the proceeding, the manner in which his interest may be aggrieved or adversely affected, and that he intends to appear at the hearing on the application on such date as may be fixed for the hearing. Copies of such appearance shall be served upon the applicant and accompanied by proof of service as provided in Section 9.01.

"(c) *Default for failure to file statement.* In case no such statement is filed by the applicant within the time specified, the applicant will be deemed in default, his application denied, and the Secretary shall notify the applicant and other parties.

"(d) *Notice of time and place.* In such case appearance is filed by the applicant within the time specified, the application will be entered upon the hearing docket and notice of time and place for hearing shall be given by the Secretary.

"(e) *Default for failure to appear.* If, at the date set for hearing, the applicant does not appear and offer evidence in support of his application, a default will be entered and the Commission will deny the application.

"§ 9.02 *Copies.* A party filing a petition or motion that, under Section 13.01, will be placed on the Motions Docket for action will furnish an original and eight copies thereof. An original and fourteen copies of all other pleadings or documents must be filed unless otherwise specifically provided for in these rules."

Dated at Washington, D. C., June 7, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2430; Filed, July 7, 1939; 1:14 p. m.]

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## FEDERAL POWER COMMISSION.

[Docket No. ID-893]

IN THE MATTER OF APPLICATION OF CHARLES MILLIKEN TENNEY

ORDER FIXING DATE OF HEARING

JULY 6, 1939.

Commissioners: Clyde L. Seavey, Actnig Chairman; Claude L. Draper, Basil Manly, John W. Scott.

It appearing to the Commission that:

(a) Upon application filed June 21, 1939, by the above named applicant, pursuant to Section 305 (b) of the Federal Power Act, for authorization to hold certain interlocking positions within the purview of said Section 305 (b), and for whom no authorization has as yet been granted;

(b) It is in the public interest that the above named applicant make further showing that neither public nor private interests will be adversely affected by reason of his holding said positions;

(c) Such further showing can best be made in the form and manner of a public hearing held for that purpose;

The Commission orders that:

A public hearing on said application be held beginning the 6th day of September, 1939, at 10 a. m. in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., and that at said hearing the above named applicant make further showing that neither public nor private interests will be adversely affected by reason of his holding of positions within the purview of Section 305 (b) of the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-2442; Filed, July 8, 1939; 10:20 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3784]

IN THE MATTER OF UNITED STATES BUSINESS CARD COMPANY, A CORPORATION; UNITED STATES STATIONARY CORPORATION, A CORPORATION; LEWIS WEISMAN, INDIVIDUALLY, AND TRADING AS INCOME RECORD PUBLISHING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered,* That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Monday, July 17, 1939, at nine o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2440; Filed, July 8, 1939; 9:08 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of July, A. D. 1939.

[File No. 7-375]

IN THE MATTER OF APPLICATION BY THE NEW YORK CURB EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN THE OHIO POWER COMPANY, FIRST MORTGAGE BONDS, 3¼% SERIES, DUE OCTOBER 1, 1968

ORDER GRANTING APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The New York Curb Exchange, having made application to the Commission pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges to The Ohio Power Company

First Mortgage Bonds, 3¼% Series, due October 1, 1968; and

A hearing having been held in this matter after appropriate notice,[1] and the Commission having this day made and filed its findings herein;

*It is ordered*, That the application of the New York Curb Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges to The Ohio Power Company First Mortgage Bonds, 3¼% Series, due October 1, 1968, be and the same hereby is granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2445; Filed, July 8, 1939; 11:20 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of July A. D. 1939.

[File No. 31-389]

IN THE MATTER OF UNION ELECTRIC COMPANY OF MISSOURI

ORDER DENYING EXEMPTION

Union Electric Company of Missouri having made application for exemption from the provisions of the Public Utility Holding Company Act of 1935 pursuant to Section 3 (a) (2) thereof; notice and opportunity for hearing on said application having been duly given;[2] a hearing having been held on said application; requests for specific findings of fact and briefs having been filed; oral argument having been had before the Commission; the record having been duly considered by the Commission, and the Commission having made appropriate findings of fact as fully set forth in the Commission's Findings of Fact and Opinion this day issued;

*It is ordered*, That the application for exemption be and is hereby denied.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2446; Filed, July 8, 1939; 11:20 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of July, A. D. 1939.

[File No. 43-219]

IN THE MATTER OF GULF STATES UTILITIES COMPANY

CORRECTION ORDER

The Commission having heretofore on the 27th day of June, 1939 issued its findings and opinion in the above matter, pursuant to Section 7 of the Public Utility Holding Company Act of 1935;

It now appearing to the Commission that said findings and opinion should be amended in the following respects:

In the eighth paragraph of said findings and opinion there should be substituted for the words "calendar year" the words "four year period."

In the ninth paragraph of said findings and opinion there should be substituted for the words "not less than" the words "not exceeding":

*It is ordered*, That said findings and opinion be, and the same hereby are, amended in the above respects.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2456; Filed, July 10, 1939; 10:58 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1939.

[File No. 47-36]

IN THE MATTER OF EBASCO SERVICES INCORPORATED AND EBASCO INTERNATIONAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to sections 6 (b), 10 (a) (3), 10 (a) (1), and 12 (c) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matters be held on July 25, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 20, 1939.

The matters concerned herewith are in regard to a series of transactions by which it is contemplated that Phoenix Engineering Corporation, a subsidiary of Ebasco Services Incorporated, in turn a subsidiary of Electric Bond and Share Company, a registered holding company, will be eliminated following the transference by it to Ebasco Services Incorporated of all its assets, including the stock of its present Chilean subsidiary service company; that all of the property and assets of Ebasco Services Incorporated now used in its foreign business, together with all of the stock of the Chilean company and a Brazilian service company, will be transferred to Ebasco International Corporation, a newly organized wholly-owned subsidiary of Ebasco Services Incorporated in consideration for all of the remaining authorized but unissued shares of capital stock of said subsidiary company; and that said Ebasco International Corporation will then become a directly owned subsidiary of Electric Bond and Share Company through the transference of all of its shares of capital stock to such holding company, accompanied by a reduction in the capital of Ebasco Services Incorporated through the return to it for cancellation of an equal number of shares of its capital stock now owned by Electric Bond and Share Company.

The parties referred to hereinabove have filed the following described applications in regard to the proposed transactions:

Ebasco Services Incorporated has filed an application pursuant to Section 10 (a) (3) of the Act for approval of the acquisition of the business and assets of Phoenix Engineering Corporation, a wholly-owned subsidiary company.

Ebasco International Corporation has filed an application pursuant to Section 6 (b) for exemption from the provisions of Section 6 (a) for the issue and sale of 6,990 shares of its capital stock to Ebasco Services Incorporated, and an application pursuant to Section 10 (a) (1) for the acquisition from Ebasco Services Incorporated of the stock of Compania Constructora del Pacifico, S. A. and Emprezas Electricas Brasileiras, S. A.

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[1] 4 F.R. 1365 DI.
[2] 4 F.R. 1546 DI.

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(foreign servicing companies) and the assets now used by the International Division of Ebasco Services Incorporated in foreign servicing.

Ebasco Services Incorporated has filed an application pursuant to Section 10 (a) (1) for the acquisition of 6,990 shares of capital stock of Ebasco International Corporation.

Ebasco Services Incorporated has filed an application pursuant to Section 12 (c) for the acquisition from Electric Bond and Share Company for the purpose of cancellation of 7,000 shares of its outstanding capital stock now owned by such parent company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2455; Filed, July 10, 1939; 10:58 a. m.]

JUL 13 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 132

*Washington, Wednesday, July 12, 1939*


## *Rules, Regulations, Orders*

### TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 5—SAFEGUARDING TECHNICAL INFORMATION [1]

§ 5.1 *Definitions.* To facilitate an understanding of these regulations, the following terms are defined:

(a) *Classified military information.* Classified military information includes all information concerning documents, cryptographic devices, development projects, and matériel classified as *secret, confidential,* or *restricted,* as well as the items themselves. All other military information, documents, development projects, and matériel are regarded as unclassified.

(b) *Document.* The term "document" includes printed, mimeographed, typed, photostated, and written matter of all kinds; maps, photomaps, and serial photographs and mosaics; drawings, sketches, notes, and blueprints, or photostatic copies thereof; photographs and photographic negatives; engineering data; correspondence and plans relating to research and development projects; and all other similar matter.

(c) *Foreign government.* The term "foreign government" includes any recognized or nonrecognized government and any faction or body of insurgents within a country with which the United States is at peace.

(d) *Matériel.* The term "matériel" comprises military arms, armament, equipment, and supplies of all classes, both complete and in process of development and construction, models that show features in whole or in part, designs, mockups, jigs, fixtures, and dies, and all other components or accessories of military equipment.

(e) *Reserved area.* A reserved area is an area on the surface of the land or water designated and set apart by executive order of the President for purposes of national defense, admittance to which is either prohibited or restricted.

(f) *Visitor.* As used in these regulations a visitor is any person admitted to a Government or commercial manufacturing establishment engaged in classified work or project for the War Department except—

(1) A person employed on the work or project, or

(2) A person directly and officially concerned with the work or project. (R.S. 161; 5 U.S.C. 22) [Par. 1, A.R. 380-5, June 10, 1939]

§ 5.2 *Responsibility.* (a) The safeguarding of classified military information is the responsibility of all military personnel, of civilian employees of the War Department, and of the management and employees of all commercial firms engaged in classified work or projects for the War Department. Classified military information will be discussed only with military or civilian personnel having a legitimate interest therein.

(b) Commanding officers, administrative officers, and procurement agencies are responsible that military personnel, civilian employees of the War Department, and the management and employees of commercial firms engaged in classified projects or developments for the War Department are familiar with the pertinent provisions of these regulations. (R.S. 161; 5 U.S.C. 22) [Par. 2, A.R. 380-5, June 10, 1939]

§ 5.3 *Right to possess classified military information.* (a) No person in the military service or employed by it is entitled to classified military information solely by virtue of his commission or official position. Such information will be entrusted only to those who need it in the performance of their official duties and to insure teamwork and efficient instruction of personnel, proper planning, or proper maintenance of equipment.

(b) Photographs of classified features of military equipment or of other classified items will be made by members of the military service or by civilian employees of the War Department only when neces-

[1] These regulations supersede Part 5, Chapter I, Title 10, of the Code of Federal Regulations.

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defense of the United States within the

§ 5.9 *Classification of information*



print, plan, map, model, instrument, appli-

contractors. (R.S. 161; 5 U.S.C. 22)

§ 5.17 *Classification of visitors.* (a)

FEDERAL REGISTER

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sary in the conduct of their official duties and if made will not be developed or printed in commercial establishments or retained in their personal possession. (R.S. 161; 5 U.S.C. 22) [Par. 3, A.R. 380–5, June 10, 1939]

§ 5.4 *Dissemination of classified military information.* When classified military information is disseminated under the provisions of these regulations to persons not subject to military law, they will be informed that it affects the national defense of the United States within the meaning of the Espionage Act and that its transmission to an unauthorized person is prohibited. (R.S. 161; 5 U.S.C. 22) [Par. 4*a*, A.R. 380–5, June 10, 1939]

§ 5.5 *Requests for military information.* (a) Requests from private individuals or firms for classified military information will be referred through channels to the corps area commander or chief of the arm or service concerned, who, if unable to make reply or if another agency is interested, will refer the matter to The Adjutant General for appropriate action.

(b) Requests for military information by foreign nationals, including representatives of foreign governments, such as military and air attaches, will be referred to the Military Intelligence Division, War Department General Staff, for necessary action. (R.S. 161; 5 U.S.C. 22) [Par. 5, A.R. 380–5, June 10, 1939]

§ 5.6 *Dissemination of restricted matter.* The information contained in restricted documents and the essential characteristics of restricted matériel will not be communicated to the public or to the press, but may be given to any person known to be in the service of the United States and to persons of undoubted loyalty and discretion who are cooperating in Government work. (R.S. 161; 5 U.S.C. 22) [Par. 10*d*, A.R. 380–5, June 10, 1939]

§ 5.7 *Loss or subjection to compromise.* Any person in the military service or in its employ who may have knowledge of the loss or subjection to compromise of a secret or confidential document or article of matériel will promptly report that fact to the custodian of the document or matériel. The proper commanding officer will then make a thorough investigation of the circumstances, fix the responsibility, and send to The Adjutant General, through military channels, a report with his recommendation in the case. (R.S. 161; 5 U.S.C. 22) [Par. 14, A.R. 380–5, June 10, 1939]

§ 5.8 *Responsibility for safeguarding technical information.* (a) Chiefs of arms and services engaged in the preparation of plans, research, and development work, or new design, test, production, procurement, storage, or use of classified matériel are responsible for the promulgation of such additional instructions as may be required for the safeguarding of information in the offices, establishments, laboratories, shops, or army posts under their jurisdiction.

(b) All secret, confidential, or restricted models, exhibits, dies, machines, and other similar items which are to be loaned, leased, or given to a commercial organization will be properly marked to indicate classification when practicable. If such marking is impracticable, the commercial organization will be specifically notified in writing of the classification of such items and of the pertinent provisions of the Espionage Act. (R.S. 161; 5 U.S.C. 22) [Par. 47, A.R. 380–5, June 10, 1939]

§ 5.9 *Classification of information from commercial firms.* Information obtained from civilian manufacturers concerning proprietary processes will be classified as *confidential* unless otherwise authorized by the firm concerned. (R.S. 161; 5 U.S.C. 22) [Par. 48, A.R. 380–5, June 10, 1939]

§ 5.10 *Dissemination of classified technical information.* Classified information concerning technical projects or developments may be imparted only to persons in the military and naval services of the United States, including civilian employees, who have a legitimate interest therein, and to American citizens of known loyalty and discretion who of necessity must be informed because of their cooperation in the work, project, or development. (R.S. 161; 5 U.S.C. 22) [Par. 49, A.R. 380–5, June 10, 1939]

§ 5.11 *Invitations for bids and contracts.* Prior to furnishing a prospective bidder with drawings, specifications, or other pertinent information concerning projects of a secret, confidential, or restricted nature, an agreement reading substantially as follows will be signed by the individual or by a responsible officer of the firm or corporation:

In consideration of the receipt of the referenced ---------- (secret, confidential, or restricted) drawings, specifications, and accompanying inclosures, and models or matériel, I agree on behalf of the undersigned individual, firm, or corporation, its representatives, agents, and/or subbidders to the following:

a. The undersigned will neither supply nor disclose any information regarding the drawings, specifications, and accompanying inclosures, or models or matériel referred to herein to any unauthorized person, or incorporate in other projects special features of design or construction peculiar to the article or articles specified herein.

b. The undersigned will not permit any alien employed or to be employed by the bidder or contractor or by any of its subbidders or subcontractors to have access to the drawings, specifications, and accompanying inclosures, or models or matériel referred to herein, or to engineering principles, composition, subassemblies, or assemblies which are vital to the functioning or use of the article without the written consent beforehand of the Secretary of War.

c. The undersigned will not make or permit to be made reproductions of the drawings, specifications, and accompanying papers, or of the models or matériel except as specifically authorized by the contracting officer or his agent.

d. If no bid is submitted on the subject proposal, if a bid is made and not accepted, or, in case award is made, upon the completion of the contract, the undersigned will promptly return by hand, by registered mail, or by insured express, the referenced drawings, specifications, and accompanying papers or models or materiel, together with all copies thereof, to the office from which the originals were received.

e. The undersigned and/or subbidder agrees to bring to the attention of all persons engaged in the preparation of the bid the following pertinent provisions of the Espionage Act (sec. I, act June 15, 1917 (40 Stat. 217); U.S.C. 50: 31). The successful bidder shall also bring to the attention of all persons engaged in the contract, including persons employed on subcontracts, these provisions of the Espionage Act.

"• • • (d) whoever, lawfully or unlawfully having possession of, access to, control over, or being intrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, instrument, appliance, or note relating to the national defense, willfully communicates or transmits or attempts to communicate or transmit the same to any person not entitled to receive it • • • or (e) whoever, being intrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, or information, relating to the national defense, through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, shall be punished by a fine or not more than $10,000 or by imprisonment for not more than two years, or both."

f. The undersigned further agrees that no information in connection with the contract will be given to any person not in the contractor's and/or subcontractor's employ except upon the written consent beforehand of the contracting officer or his agent. (R.S. 161; 5 U.S.C. 22) [Par. 50, A.R. 380–5, June 10, 1939]

§ 5.12 *Consultations with responsible manufacturers.* The commanding officers of arsenals and depots and other officers engaged in work on Government contracts are authorized to consult with all interested manufacturers or their representatives, inventors, and other persons concerning technical matters in which they have a legitimate interest. They will, however, inform all such persons of the classification of the projects, works, and developments. (R.S. 161; 5 U.S.C. 22) [Par. 51, A.R. 380–5, June 10, 1939]

§ 5.13 *Responsibility of Army representatives or inspectors.* (a) Army representatives or inspectors of the supply arms or services are the local representatives of the War Department and will take the necessary measures to insure the safeguarding of classified information or projects in the hands of the contractors or in process of manufacture in their plants.

(b) Army representatives or inspectors will advise contractors as to their responsibilities and the practicable measures to be taken to safeguard secret, confidential, and restricted matters and will act favorably, if practicable, on any suggestion or request of the company tending to preserve secrecy. If at any time conditions at any plant, or any action of a company or its employees, jeopardize the security of classified matter pertaining to the War Department or violate the provisions of the Espionage Act, the Army representative or inspector will request the contractor to take prompt remedial action. If adequate precautionary measures are not taken immediately, he will report promptly to the chief of the arm or service concerned and, if the situation requires, to the commanding general of the corps area in which the item is in process of manufacture.

(c) When Army and Navy inspectors are on duty at the same plant, the Army inspector will coordinate all security measures with the Navy inspector in order to avoid conflicting demands upon contractors. (R.S. 161; 5 U.S.C. 22) [Par. 52, A.R. 380–5, June 10, 1939]

§ 5.14 *Responsibility of Government contractors.* (a) A private individual, firm, or corporation which enters into a contract to engage in technical work for the War Department becomes responsible in matters within his or its control for the safeguarding of all secret, confidential, or restricted matters that may be disclosed or that may be developed in connection therewith. A clause to this effect will be included in such a contract, but its omission will not release the contractor from his responsibility under the Espionage Act.

(b) Contractors are responsible that all classified projects allotted to subcontractors or agents are fully protected by a similar agreement.

(c) Whenever for any reason a contract agreement or subcontract has been made which does not include a security clause but later is found to involve secret, confidential, or restricted matter, the supply arm or service concerned will take the necessary steps to insure that the project or work is properly classified and that the contractor, agent, or subcontractor is informed of the classification and of his responsibility in the matter. (R.S. 161; 5 U.S.C. 22) [Par. 53, A.R. 380–5, June 10, 1939]

§ 5.15 *Public display of classified matériel.* (a) Commanding officers are responsible that all classified parts, components, or features of matériel are properly safeguarded during maneuvers, drills, parades, ceremonies, assemblages, demonstrations, or exhibitions open to the general public.

(b) (1) Photographs of equipment while in process of development or those revealing processes of manufacture are prohibited unless authorized by the chief of supply arm or service concerned. After an article of equipment has been issued to combat units, release of photographs is permissible unless specifically prohibited by the instructions issued therewith.

(2) Requests for permission to take photographs of classified matériel, projects, or processes of manufacture will be referred to the War Department through the proper chief of supply arm or service. If authority is granted, it will be with the understanding that the resulting photographs will be submitted to the War Department for review prior to release. (R.S. 161; 5 U.S.C. 22) [Par. 55, A.R. 380–5, June 10, 1939]

§ 5.16 *Release of information or sale of matériel.* Domestic sale, divulging information in connection with negotiations for foreign sale, foreign sale, and foreign manufacture of items of Army and Navy Matériel and equipment are not permitted unless the War and Navy Departments are agreed that military secrecy is not compromised thereby. (R.S. 161; 5 U.S.C. 22) [Par. 56*a*, A.R. 380–5, June 10, 1939]

§ 5.17 *Classification of visitors*—(a) *Foreign nationals.* For the purpose of these regulations foreign nationals include—

(1) Representatives, officials, or employees of a foreign government having an official status.

(2) All other foreign nationals and citizens of the United States representing a foreign government, firm or corporation.

(b) *United States citizens.* All citizens of the United States not included in paragraph (a) above. (R.S. 161; 5 U.S.C. 22) [Par. 57, A.R. 380–5, June 10, 1939]

§ 5.18 *Authority for admission*—(a) *General.* Correspondence and communications relating to visits will be routed direct between the various offices concerned.

(b) *Foreign nationals.* (1) Foreign nationals (see sec. 5.17, par. (a)) will be admitted to Government or commercial manufacturing establishments and experimental laboratories engaged on classified work or projects only on written authority of the Assistant Chief of Staff, G–2, War Department General Staff. Their applications will be made through the appropriate diplomatic representative and will include the following information:

(i) Name in full.
(ii) Official title or position.
(iii) Name of plant or plants to which admission is desired.
(iv) Date of visit or dates between which visits are desired.
(v) Purpose of visit.

(2) Prior to authorizing a visit to a War Department or commercial manufacturing establishment engaged in classified work or projects, the Assistant Chief of Staff, G–2, War Department General Staff, will secure the recommendations of the Navy Department and the chief of the supply arm or service concerned.

(c) *United States citizens.* Subject to the approval of the commanding officer or the contractor, United States citizens, except those representing a foreign government, firm, or corporation, may be admitted to War Department or commercial manufacturing establishments engaged on classified work or projects under the following conditions.

(1) Casual visitors may be admitted provided no secret, confidential, or restricted work or project is shown or discussed.

(2) Representatives of other United States Government agencies, manufacturers, or their representatives, engineers, and inventors cooperating in War Department work and having a legitimate interest therein may be shown such works or projects as are considered necessary and desirable by the responsible chief of supply arm or service. Authority for admission will be in writing.

(3) Accredited reporters, photographers, and other representatives of publicity agencies may be admitted to manufacturing establishments engaged on work for the War Department provided classified matters, projects, or processes of manufacture are not shown or discussed with them. News items, photographs, and motion pictures resulting from the visit must be submitted to the Assistant Chief of Staff, G–2, War Department General Staff, for release prior to publication. (R.S. 161; 5 U.S.C. 22) [Par. 58, A.R. 380–5, June 10, 1939]

§ 5.19 *Responsibility of commanding officer, Army representative, or inspector.* The commanding officer of a military manufacturing establishment or the Army representative or inspector at a commercial manufacturing establishment is the local representative of the War Department in all matters regarding the admission of visitors. If in his opinion the situation at the time makes the admission of a visitor inadvisable, he is empowered to postpone the visit and request instructions from the office which authorized it. (R.S. 161; 5 U.S.C. 22) [Par. 59a, A.R. 380–5, June 10, 1939]

§ 5.20 *Responsibility of Government contractors.* (a) Contractors or subcontractors engaged in work for the War Department must place such restrictions on the movements of persons employed or entering their plants or offices as will give adequate security to secret, confidential, or restricted matters in their possession. In view of the wide differences in organization, arrangement, and physical make-up of individual plants, no specific rules are practicable. Therefore, local conditions at the plant and the classification of the project will determine the security measures to be adopted.

(b) The following general procedure in regard to visitors at establishments or plants engaged in classified projects for the War Department is prescribed:

(1) Visitors will be accompanied during their stay at the plant by the inspector or Army representative, a member of his office, or some responsible person who is specifically informed as to the necessary limitations or restrictions, the scope of the visit, and the information which may be furnished.

(2) Unless specifically authorized by the authorities mentioned in section 5.18, visitors will not be allowed in any shop, laboratory, drafting room, or section of a plant where secret, confidential, or restricted material is located or where classified work is in progress, nor will they be permitted to take photographs.

(c) (1) War Department contractors will submit to the contracting officer at the end of each month, and upon the completion of the work or project, a report of all visitors who have gained information concerning the classified work or projects. These reports will include the following information:

(i) Name, official position, and nationality.

(ii) Address.

(iii) Authority for visit.

(2) The contracting officer will submit the reports to the Assistant Chief of Staff, G–2, War Department General Staff, through the appropriate chief of supply arm or service. (R.S. 161; 5 U.S.C. 22) [Par. 60, A.R. 380–5, June 10, 1939]

§ 5.21 *Restricted areas*—(a) *Designation.* The commanding officer of a post, camp, station, or installation is responsible for the designation and proper safeguarding of restricted areas. If local conditions dictate, he will mark all ordinary entrances or approaches to such areas with a sign reading as follows:

WARNING

RESTRICTED AREA

It is unlawful to enter within this _____ (Area, _____ without written permission building, etc.) of _____ (Authority)

(b) *Procedure in case of violation.* (1) The commanding officer of a military reservation, post, camp, station, or installation will cause any person not subject to military law who enters a restricted area or building to be detained, warned of his rights, and interrogated by proper authority. If it is a first offense and there is no evidence of deliberate intent, the offender may be warned against repetition and released upon the surrender of any unlawful photograph, sketch, picture, drawing, map, or graphic representation in his possession. Otherwise the offender will be delivered without unnecessary delay to the nearest United States marshal with a written statement of the facts, the names and addresses of the witnesses, and such pertinent exhibits as may be available.

(2) When an investigation reveals that a person not subject to military law has entered such a restricted area or building, custody of the individual not having been effected, the commanding officer will promptly forward in writing to the nearest United States district attorney a report of all the facts, including the names and addresses of the witnesses.

(3) A report will be made through military channels to the corps area commander of each case brought to the attention of civil authority and will include a brief of all the facts and copies of all pertinent communications. (R.S. 161; 5 U.S.C. 22) [Par. 62, AR 380–5, June 10, 1939]

PART 9—SECRECY SURROUNDING TROOP MOVEMENTS IN WAR [2]

§ 9.1 *General.* (a) The provisions of this section apply only in time of war.

(b) Officers and men will avoid talk or discussion of military matters while in any public place and will view with suspicion any person asking questions about military subjects or discussing such topics where there is even a remote possibility that the information may reach the enemy.

(c) All persons connected with the military service who receive information of proposed inland or overseas movements of organizations, detachments, or individuals are forbidden to make public the details of such movements.

(d) (1) The names of organizations, ports of embarkation, or ships to be used in troop movements, or the date of departure, arrival, or embarkation will not be disclosed.

(2) When it is necessary to advise relatives or other civilians of approaching departure, persons connected with the military service will not convey any information in regard to rail routing, probable time and date of departure from or arrival at any station, names of ships, ports of embarkation, or the destination of organizations.

(e) In time of war commanding officers are responsible that their commands are instructed in the provisions of this section of the regulations and in the dangers involved in leakage of information concerning troop movements. (R.S. 161; 5 U.S.C. 22) [Par. 63, A.R. 380–5, June 10, 1939]

§ 9.2 *Rail movements.* The marking of cars or baggage to indicate an oversea destination, the date of departure, or the name of the ship is forbidden. Baggage for oversea shipment will be addressed to the commanding officer of the port or, where a port of embarkation or debarkation has been established, to the port storage officer. (R.S. 161; 5 U.S.C. 22) [Par. 64. A.R. 380–5, June 10, 1939]

§ 9.3 *Embarkation*—(a) *Admission to piers.* (1) All persons not on official business will be excluded from the piers at all times.

(2) Only official photographers will be permitted to take cameras within the limits of the pier or overseas.

(3) Arrangements will be made to have farewells completed before arrival at the piers. No members of families, relatives, or friends of those sailing will be allowed at the piers or thereabouts on the day of sailing. Should any such persons be found there, they will be ordered away summarily by the guard and report will be made of the officer or enlisted man with whom they were seen or with whom they attempted to communicate.

(b) *Movement of troops.* At ports of embarkation troop movements will be made insofar as practicable without attracting undue attention. Troops will be held at ease, bands will not play, colors will be cased, and no noise of any kind will be permitted. (R.S. 161; 5 U.S.C. 22) [Par. 65, A.R. 380–5, June 10, 1939]

[2] These regulations supplement Chapter I, Title 10, Code of Federal Regulations.



§ 9.4 *Movements of vessels.* In harbors, vessels loaded with troops or supplies will be moved under cover of darkness, whenever possible. If vessels must be moved during daylight, the commanding officer of troops will hold his men below deck or within deck superstructures to prevent attracting attention. Signals by flags or whistles should be limited to those necessary for safe navigation. (R.S. 161; 5 U.S.C. 22) [Par. 66, A.R. 380–5, June 10, 1939]

§ 9.5 *Overseas.* After arrival overseas no information will be given concerning names or destinations of organizations, names of vessels, data concerning convoys, routes pursued, measures taken to avoid attack, dates of arrival, debarkation, or departure, or number of troops or kind of cargoes carried. (R.S. 161; 5 U.S.C. 22) [Par. 67, A.R. 380–5, June 10, 1939]

CHAPTER IX—TRANSPORT

PART 91—GENERAL TRANSPORT REGULATIONS

Sections 91.8 and 91.9, Part 91, Title 10, Code of Federal Regulations are rescinded. (R.S. 161; 5 U.S.C. 22) [A.R. 380–5, June 10, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–2476; Filed, July 11, 1939; 9:24 a. m.]

## TITLE 12—BANKS AND BANKING

## FEDERAL DEPOSIT INSURANCE CORPORATION

PART 307—INSURANCE OF TRUST FUNDS

§ 307.1 *Claim by fiduciary insured bank for insured deposits of trust estates.* In the event of the closing of an insured bank for inability to meet the demands of its depositors, the claim for insured deposits made by a fiduciary insured bank which, in the exercise of its trust powers, had deposited trust funds therein will be determined as follows:

(a) *Allocated funds of a trust estate.* If trust funds of a particular trust estate are allocated by the fiduciary and deposited, the deposit with respect to such estate will be determined by ascertaining the amount of its funds allocated, deposited and remaining to the credit of the claimant as fiduciary in the closed insured bank.

(b) *Interest of a trust estate in unallocated trust funds.* If trust funds of a particular trust estate be mingled [1] with trust funds of other trust estates and deposited by the fiduciary bank in one or more banks to the credit of the depositing bank as fiduciary, without allocation of specific amounts from the particular trust estate to an account in such bank or banks, the deposit with respect to such estate in any closed insured bank will be the amount which will bear the same ratio to all unallocated funds of the estate for which the fiduciary is accountable as the entire unallocated trust funds to the credit of the fiduciary bank in the closed insured bank will bear to the entire amount of such funds so deposited by the fiduciary in all depositories.[2]

(c) *Claims for funds of corporate trusts determined on basis of allocation.* The rule stated in paragraph (b) hereof will not be applied to funds of an insured bank held as fiduciary under a type of trust created to facilitate the issuance, distribution, or servicing of corporate bonds, debentures or stock issues, commonly known as corporate trusts. The claim of the fiduciary bank with respect to deposits of such funds will be determined according to allocations of the funds of particular estates to particular deposit accounts.

(d) *Insured deposit of a trust estate.* In arriving at the total insured deposit of an insured fiduciary bank with respect to any trust estate, the deposit of such estate as determined in accordance with any paragraph hereof shall be combined with that determined under any other paragraph and the insured deposit shall be the total less any amount thereof in excess of $5,000. (Sec. 101 (c) (15), (h) (9) and (m) (3), 49 Stat. 686, 690, 697; 12 U.S.C., Sup., 264 (c) (13), (h) (9) and (m) (3)). [Approved, Res. July 8, 1939]

Approved by the Board of Directors of the Federal Deposit Insurance Corporation on July 8, 1939.

[SEAL] E. F. DOWNEY,
*Secretary.*

[F. R. Doc. 39–2480; Filed, July 11, 1939; 10:39 a. m.]

[1] This Section is not to be construed as an express or implied approval of such commingling of trust funds as may be involved in the maintaining of general trust accounts.

[2] In determining claims under this paragraph, unallocated trust funds in the insured fiduciary bank will be included in the totals of such funds.

## TITLE 24—HOUSING CREDIT

## HOME OWNERS' LOAN CORPORATION

PART 413—RENTAL AND CONTRACTS

CANCELLATION OF RENTAL AGREEMENTS

Amending Part 413 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 413.03 is amended to read as follows:

§ 413.03 When the rented office space for a Regional, State, Division, District, Field Station or Collection Office is released in whole or in part, written notice on forms provided therefor as required under the terms of the lease shall be given by the official directly supervising such office or station to the lessor or his agent, identifying the space to be released and designating the effecting date for the operation of the release. The Treasurer shall submit a statement of the space to be released and the space to be retained and the cost thereof to the General Manager, who is authorized to approve the same.

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

Adopted by the Federal Home Loan Bank Board on June 30, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39–2485; Filed, July 11, 1939; 12:29 p. m.]

[Administrative Order No. 1307]

PART 413—RENTAL AND CONTRACTS

FORMS FOR RELEASE OF SPACE

Amending Part 413 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 413.03–2 is amended to read as follows:

§ 413.03–2 On the effective date for the release of space, in whole or in part, the Manager of the office concerned shall cause to be executed by the lessor Form 147, 147–A, 147–B or 147–C for space to be released in whole or in part, and forward the original and two copies thereof to the Treasurer in Washington.

(Effective July 15, 1939.)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k).)

Promulgated by the General Counsel and General Manager of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39–2486; Filed, July 11, 1939; 12:29 p. m.]

## TITLE 25—INDIANS

## OFFICE OF INDIAN AFFAIRS

[Irrigation 9001–36–S]

PART 130—AMENDMENT OF ORDER FIXING OPERATION AND MAINTENANCE CHARGES, SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

JUNE 28, 1939.

Sections 130.62 to 130.69, inclusive, of Title 25, Chapter I, Part 130, CFR, Fixing Operation and Maintenance Charges, San Carlos Indian Irrigation Project, Arizona, which read:

§ 130.62 *General.* In compliance with the provisions of the Act of June 7,





[Order No. 1400]

Further notice is hereby given that

1924 (43 Stat., 476), and acts supplementary thereto and the repayment contract of June 8, 1931, between the United States and the San Carlos Irrigation and Drainage District made pursuant to said act, the maintenance and operation charges assessable against the 50,000 acres of privately owned lands of the San Carlos project within the boundary of said San Carlos Irrigation and Drainage District for the calendar year 1938, based upon a total project area of 100,000 acres under constructed works, are hereby fixed as follows:

A fixed or basic charge of $1.65 per acre which shall entitle each acre in the District to have delivered for use thereon two acre feet of water per acre or its proportionate share of the available water supply. This fixed or basic charge shall be paid whether or not the land is in cultivation and whether or not the landowner uses any water.

Fifty cents per acre foot or fraction thereof for the first acre foot of water delivered in excess of the two acre feet provided for by the basic charge and one dollar per acre foot or fraction thereof for water delivered in excess of three (3) acre feet per acre, except such free water as may be delivered in accordance with the provisions of the repayment contract whenever such free water is available.

§ 130.63 *Basic charge.* The fixed or basic charge of $1.65 per acre shall be paid for each assessable acre within the San Carlos Irrigation and Drainage District on or before March 1, 1938.

§ 130.64 *Excess water charges.* Payments for excess water as herein provided for shall be made at the time of request for delivery thereof.

§ 130.65 *Receiving officer.* Payments made on account of the 50,000 acres of lands within the San Carlos Irrigation and Drainage District shall be paid to the Project Engineer of the Indian Irrigation Service, or other proper officer, by the San Carlos Irrigation and drainage District.

§ 130.66 *Payment for Indian lands.* The United States will make available for expenditure on account of the maintenance and operation of this project the $1.65 per acre fixed or basic charge for the 50,000 acres of Indian land in the project, and also the charge for excess water.

§ 130.67 *Operation by district.* The San Carlos Irrigation and Drainage District upon request of its Board of Directors may continue for the period of this order to operate the canals serving lands in private and public ownership within its boundary, and in the event said District elects to continue such operation a credit of 70 cents per acre shall be allowed from the said basic charge for the area of district lands so operated and the basic charge to be paid to the Government by the District will accordingly be reduced to $0.95 per acre.

§ 130.68 *Restriction of Government obligation.* It should be understood that the provisions of this order requiring funds to be made available by the United States are dependent upon appropriations being made by Congress therefor; that the charges based upon the conditions defined shall apply to the calendar year 1938 only, and that nothing herein shall be construed as establishing a precedent for future years.

§ 130.69 *District obligations.* Should the San Carlos Irrigation and Drainage District, through its Board of Directors, request and be granted the privilege of maintaining certain of the works of the project designated in the said repayment contract as "Works of the District," the rights and obligations of the District shall be prescribed and governed by the departmental order turning over the maintenance of such works to the District.

are amended to read:

ORDER FIXING OPERATION AND MAINTENANCE CHARGES FOR THE JOINT WORKS OF THE SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA, AND WATER DELIVERY CHARGES FOR STATE AND FEDERAL AGENCIES, VILLAGES, TOWNS, AND SCHOOL LANDS, NOT UNDER THE PROJECT

§ 130.62 *Assessment, joint works, fiscal year 1939.* Pursuant to the provisions of the Act of June 7, 1924 (43 Stat., 476), and supplementary acts, and the Repayment Contract of June 8, 1931, as amended, between the United States and the San Carlos Irrigation and Drainage District, and in accordance with the Order of June 15, 1938 (3 F.R. 2006 DI), which defined the joint works of the San Carlos Irrigation Project, the cost of the operation and maintenance of such joint works, for the fiscal year 1939, was estimated at $60,000 including the administration of the Gila Decree, and in accordance therewith the assessment for the last six months of that fiscal year is hereby fixed on the basis of Sixty Cents ($0.60) for each acre of the 100,000 acres of project lands under constructed works.

Provision shall be made for the payment of this assessment by the San Carlos Irrigation and Drainage District for the District lands on or before June 30, 1939.

§ 130.63 *Assessment, joint works, fiscal year 1940 and until further order.* Pursuant to the Acts of Congress, Repayment Contracts and the Order of June 15, 1938, cited in Section 130.62 hereof, the cost of the operation and maintenance of the joint works of the San Carlos Irrigation Project, for the fiscal year 1940, is estimated to be $60,000, and the rate of assessment for the fiscal year 1940, and subsequent years until further order, is hereby fixed at Sixty Cents ($0.60) for each acre of land, as follows:

This per acre rate shall be assessed against the entire 100,000 acres of project lands under constructed works and shall include the cost of the administration of the Gila Decree but shall be exclusive of the costs of operating and maintaining the Electric Power Generating Plants at Coolidge Dam, the Diesel Plant at Coolidge, and the Power Transmission and Distribution Systems, which costs are payable from power revenues.

The assessment against the lands of the San Carlos Irrigation and Drainage District, for the fiscal year 1940 and subsequent years until further order, is payable on March 1, in advance of each fiscal year as provided in the Order of June 15, 1938 (3 F.R. 2006 DI). [Payment of the assessment against the 50,000 acres of Indian land will be handled as provided in Part 130, Sec. 130.110–130.116 (4 F.R. 2055 DI)]

§ 130.64 *Assessment, State and Federal agencies.* Pursuant to the provisions of the Act of March 7, 1928 (45 Stat., 210), and Article 12 of the Repayment Contract of June 8, 1931, and in accordance with the Order of June 15, 1938 (3 F.R. 2006 DI), the State Lands and Federal Agencies may be delivered water, out of such project water as may be set aside for that purpose, for the calendar year 1939, and until further order, upon the payment of $2.10 per acre per annum, payable in advance each year of the delivery of water. Such payment shall entitle the lands to receive two acre-feet of water per acre per annum or such lesser amount as represents the proportionate share of the available supply of water. Any water delivered to such lands in excess of two acre-feet per acre shall be paid for on the same terms under which excess water is furnished to the project lands.

The water service to the State Lands and Federal Agencies shall be made by:

(a) The San Carlos Irrigation and Drainage District shall serve the State Lands for which service the District shall collect and retain $2.10 per acre.

(b) The Indian Unit of the project, as defined in the Order of June 15, 1938 (3 F.R. 2006 DI), shall serve the Federal Agencies for which it shall collect and retain $2.10 per acre.

The collections for the sale of excess water, as defined in the Order of June 15, 1938 (3 F.R. 2006 DI) to the State Lands and Federal Agencies shall be made by the District and Indian Unit, respectively, in advance of the delivery of water, and shall be paid on or before December 31, 1939, as provided in said Order of June 15, 1938.

§ 130.65 *Assessment, villages, towns and schools.* Such project water as shall be available may be delivered to the Villages, Towns and Schools, not included in the designated area of the San Carlos Irrigation Project, for the irrigation of lawns and gardens. The charge for such service for the calendar year 1939, and until further order, shall be $2.50 per acre-foot of water delivered, payable in advance of delivery.



The delivery of water and the collection therefor shall be made by the San Carlos Irrigation and Drainage District. It is agreed that, for the season of 1939, the District shall retain $1.25 per acre-foot, for each acre-foot on which collection shall be made, as its compensation for rendering the service. The remainder of the collections shall be paid to the Project Engineer for the San Carlos Irrigation Project for the benefit of the Joint Works. This order is subject to modification for future years by the issuance and publication of changes hereto.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 39–2477; Filed, July 11, 1939; 9:24 a. m.]

## TITLE 30—MINERAL RESOURCES

### OFFICE OF THE SECRETARY OF THE INTERIOR

[Order No. 1399]

ESTABLISHMENT OF BITUMINOUS COAL DIVISION IN THE DEPARTMENT OF THE INTERIOR

JULY 5, 1939.

I hereby amend Order No. 1394 issued by me on June 16, 1939, to read as follows:

"1. In order to carry out the provisions of subsections (a) and (b) of section 4 of Reorganization Plan No. II, transmitted by the President to the Congress May 9, 1939, pursuant to the provisions of the Reorganization Act of 1939, there is hereby established in the Department of the Interior a Bituminous Coal Division, under the charge of a Director.

"2. The aforesaid Division shall administer the functions vested in the National Bituminous Coal Commission (including the functions of the members thereof) by the Bituminous Coal Act of 1937, approved April 26, 1937 (50 Stat. 72), exclusive of the power to appoint and fix the compensation and duties of personnel and exclusive of the power to make contracts for personal services (both of which powers are vested in said Commission by Section 2 (a) of the Bituminous Coal Act of 1937), which powers shall be exercised by the Office of the Secretary of the Interior; and shall assist the Secretary in winding up the affairs of the National Bituminous Coal Commission.

"3. The functions administered by the aforesaid Division shall be performed by and through its Director, who shall exercise all of the power and authority of the Division in the premises.

"This order shall be effective July 1, 1939."

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 39–2478; Filed, July 11, 1939; 9:24 a. m.]

[Order No. 1400]

ESTABLISHMENT OF A CONSUMERS' COUNSEL DIVISION IN THE OFFICE OF THE SOLICITOR

JULY 7, 1939.

In order to carry out the provisions of subsection (c) of section 4 of Reorganization Plan No. II, transmitted by the President to the Congress May 9, 1939 pursuant to the provisions of the Reorganization Act of 1939, there is hereby established in the Office of the Solicitor a Consumers' Counsel Division, under the immediate charge of a Director.

The Division shall administer the functions vested in the office of the Consumers' Counsel of the National Bituminous Coal Commission (including the functions vested in the Consumers' Counsel in charge of that office) by the Bituminous Coal Act of 1937, approved April 26, 1937 (50 Stat. 72), exclusive of the power to appoint and fix the compensation and duties of personnel (vested in said Consumers' Counsel by section 2 (b) of the Bituminous Coal Act of 1937), which power shall be exercised in the Office of the Secretary.

This order shall be effective as of July 1, 1939.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 39–2479; Filed, July 11, 1939; 9:24 a. m.]

## *Notices*

### DEPARTMENT OF AGRICULTURE.

#### Food and Drug Administration.

IN THE MATTER OF PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED AMENDING "REGULATIONS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR THE LISTING OF COAL-TAR COLORS, CERTIFICATION OF BATCHES THEREOF, AND PAYMENT OF FEES FOR SUCH SERVICE," BY CHANGING CERTAIN LISTED COLORS AND THE LISTING OF CERTAIN OTHER COAL-TAR COLORS

NOTICE OF CERTIFICATION AND FILING OF TRANSCRIPT OF EVIDENCE AND OF TIME ALLOWED FOR FILING PROPOSED FINDINGS OF FACT, CONCLUSIONS, ARGUMENTS, AND BRIEFS

Notice is hereby given to all interested parties whose appearances were entered as matters of record that on Wednesday, July 12, 1939, there will be certified to and filed with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0310, South Building, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., the transcript of evidence of the above-entitled hearing, held July 5 and 6, 1939, pursuant to notice which was published in the FEDERAL REGISTER issued June 3, 1939, at pages 2255–2259.

Further notice is hereby given that written arguments, proposed findings of fact, together with suggestions and conclusions, based solely on the evidence adduced at the said hearing, may be filed with said Hearing Clerk not later than July 20, 1939.

This the 11th day of July 1939.

[SEAL] FRANK S. HASSELL,
*Presiding Officer.*

[F. R. Doc. 39–2482; Filed, July 11, 1939; 12 m.]

### FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1734]

IN THE MATTER OF THE SEA SLED CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

*It is ordered,* That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39–2460; Filed, July 10, 1939; 4:08 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles

H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1735]

IN THE MATTER OF LOUIS BOSSERT & SONS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered* That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2461; Filed, July 10, 1939; 4:08 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1736]

IN THE MATTER OF BLACK & YATES, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2462; Filed, July 10, 1939; 4:08 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1737]

IN THE MATTER OF PACIFIC DOOR & SASH COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2463; Filed, July 10, 1939; 4:08 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1738]

IN THE MATTER OF FRANK PAXTON LUMBER COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered* That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2464; Filed, July 10, 1939; 4:09 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1739]

IN THE MATTER OF F. H. GILLESPIE, M. L. GILLESPIE, AND A. F. MACDOUGALL, PARTNERS, TRADING AS GILLESPIE FURNITURE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2465; Filed, July 10, 1939; 4:09 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1740]

IN THE MATTER OF E. J. STANTON AND SON

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2466; Filed, July 10, 1939; 4:09 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1741]

IN THE MATTER OF CARL WENDELSTEIN TRADING AS CARL WENDELSTEIN & CO.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2467; Filed, July 10, 1939; 4:10 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1742]

IN THE MATTER OF CHICAGO WAREHOUSE LUMBER COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2468; Filed, July 10, 1939; 4:10 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Edwin L. Davis, William A. Ayres.

[Docket No. 1743]

IN THE MATTER OF WESTERN HARDWOOD LUMBER COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2469; Filed, July 10, 1939; 4:10 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1744]

IN THE MATTER OF CADWALLADER-GIBSON COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon on that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2470; Filed, July 10, 1939; 4:10 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1751]

IN THE MATTER OF THE MATTHEWS COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2471; Filed, July 10, 1939; 4:11 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1768]

IN THE MATTER OF DART BOATS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2472; Filed, July 10, 1939; 4:11 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1906]

IN THE MATTER OF BOYD-MARTIN BOAT COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2473; Filed, July 10, 1939; 4:11 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the thirtieth day of June 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 1916]

IN THE MATTER OF GILLESPIE FURNITURE COMPANY, AND FURNITURE CORPORATION OF AMERICA, LTD.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),



*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, Sixth Street and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2474; Filed, July 10, 1939; 4:12 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 6th day of July A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3594]

IN THE MATTER OF SAMUEL RAVID, INDIVIDUALLY, AND TRADING AS OHIO NOVELTY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, July 26, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in the Portage Hotel, Akron, Ohio.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2475; Filed, July 11, 1939; 9:18 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 7th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[File No. 21-339]

IN THE MATTER OF PROPOSED REVISION OF TRADE PRACTICE RULES FOR THE MARKING DEVICES INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), or other applicable provisions of law administered by the Commission;

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, groups or other parties affected by or having an interest in the proposed revision of the trade practice rules for the Marking Devices Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of such matters should be filed with the Commission not later than July 27, 1939. Opportunity for oral hearing and presentation will be afforded at 10 a. m., July 27, 1939, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups or other parties as may desire to appear and be heard. After giving due consideration to all matters submitted concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2459; Filed, July 10, 1939; 1:24 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of July A. D. 1939.

[File No. 43-230]

IN THE MATTER OF STONEWALL ELECTRIC COMPANY AND THE TUCSON GAS, ELECTRIC LIGHT AND POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration and applications pursuant to sections 7, 10 and 12 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on July 17, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 15th, 1939.

The matter concerned herewith is in regard to a declaration regarding the issue and sale by Stonewall Electric Company to the Rural Electrification Administration of a $65,000 mortgage note pursuant to Section 7 of the Act, the proceeds to be used in construction of rural distribution lines, and an application regarding a lease of and an option to buy said distribution lines to The Tucson Gas, Electric Light and Power Company pursuant to Section 12 of the Act and an application regarding the acquisition of said lease and option agreement by The Tucson Gas, Electric Light and Power Company pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2481; Filed, July 11, 1939; 11:11 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 10th day of July, A. D. 1939.

IN THE MATTER OF ARTHUR HAYS & COMPANY, INC., 521 COLORADO BUILDING, WASHINGTON, D. C.

ORDER REVOKING REGISTRATION

The registration of Arthur Hays & Company, Inc., as a broker and dealer under Section 15 (b) of the Securities Exchange Act of 1934, as amended, having come on for hearing before the Commission upon the question of revocation or suspension; and

A hearing having been held in this matter after appropriate notice and the Commission having this day made and filed its findings herein;

*It is ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Arthur Hays & Company, Inc., be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2483; Filed, July 11, 1939; 12:01 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of July, A. D. 1939.

[File No. 51-21]

IN THE MATTER OF SECURITIES CORPORATION GENERAL

NOTICE OF AND ORDER FOR HEARING

An Application pursuant to section 12 (c) and Rule U-12C-2 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on July 27, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 22, 1939.

The matter concerned herewith is in regard to an application pursuant to Rule U-12C-2 by Securities Corporation General, a subsidiary of a registered holding company, International Utilities Corporation, with regard to the payment of a dividend by Securities Corporation General in the amount of $1.75 per share, payable August 1, 1939, on the 1,843 shares of Cumulative Preferred Stock, $7.00 Series, which it has outstanding, and with regard to the payment of a dividend by Securities Corporation General in the amount of $1.50 per share, payable August 1, 1939, on the 4,731 shares of Cumulative Preferred Stock, $6.00 Series, which it has outstanding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2484; Filed, July 11, 1939; 12:01 p. m.]

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# FEDERAL REGISTER

VOLUME 4 NUMBER 133

*Washington, Thursday, July 13, 1939*

## *The President*

### EXECUTIVE ORDER

REGULATIONS PERTAINING TO THE ADMINISTRATION OF THE ACT OF MAY 3, 1939, PUBLIC NO. 63, 76TH CONGRESS, 1ST SESSION

By virtue of the power vested in me as President of the United States and by the act approved May 3, 1939, entitled "An Act to amend the act entitled 'An Act authorizing the temporary detail of United States employees, possessing special qualifications, to governments of American republics and the Philippines, and for other purposes', approved May 25, 1938", I hereby prescribe the following regulations pertaining to the administration of the said act of May 3, 1939:

1. Requests of foreign governments for the services of United States Government officers and employees having special scientific or other technical or professional qualifications shall be made through diplomatic channels to the Secretary of State.

2. If the United States is unable to comply with the request of the foreign government because of lack of facilities or qualified personnel, the Secretary of State shall so inform the foreign government.

3. If the United States is able to comply with the request of the foreign government, but the Secretary of State, after consultation with the department or agency concerned, concludes that compliance therewith would not be in the public interest, he shall submit the request to the President with his recommendation and reasons therefor. If the Secretary deems compliance with such request to be in the public interest, he shall submit the matter to the department or agency concerned, indicating in his submission the nature of the services to be rendered, the probable length of the detail or assignment, and such other relative information as may be available, and requesting such department or agency to furnish the names of the officers or employees available, together with information as to their previous experience and special qualifications (including language qualifications), their basic salaries, their family status, and such other information as may in the opinion of the Secretary of State be necessary or desirable.

4. Upon receipt of the requested information from the department or agency concerned, the Secretary of State shall submit, with pertinent information and data, the request of the foreign government to the President with his recommendations, which shall include recommendations as to (1) length of detail or assignment, (2) amount of additional compensation, if any, of officer or employee detailed, (3) amount of monthly allowances to detailed officer or employee for quarters and subsistence, (4) amount of reimbursement for travel expenses of detailed officer or employee to and from the place of detail, and (5) acceptance from the interested foreign government of reimbursement, in whole or in part, of the cost involved. If the President determines that the request of the foreign government shall be granted by the United States, the Secretary of State shall so notify the foreign government, and shall in his discretion inform it as to the cost involved and request it to indicate whether it desires to reimburse the United States in whole or in part for such cost.

5. The Secretary of State shall establish for administrative purposes such forms as may be necessary for the maintenance of uniform records which shall include full information with respect to each detail or assignment. Upon completion of arrangements for each detail, the Secretary of State shall furnish a copy of the completed form to the agency lending the services of the officer or employee concerned.

6. The Secretary of State may prescribe such regulations not inconsistent herewith as he may deem necessary or

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desirable for carrying out the provisions of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 11, 1939.*

[No. 8197]

[F. R. Doc. 39-2498; Filed, July 12, 1939; 11:27 a. m.]

## EXECUTIVE ORDER

SUSPENSION OF EIGHT-HOUR LAW AS TO CONSTRUCTION OF CERTAIN EMERGENCY AIR BASES

WHEREAS the act of April 25, 1939, Public, No. 43, 76th Congress, 1st Session, authorizes the Secretary of the Navy to establish, develop, or increase naval aviation facilities at or in the vicinity of certain places mentioned therein, including Midway Island, Johnston Island, Palmyra Island, Kodiak, Alaska, and Sitka, Alaska; and

WHEREAS it appears that the interests of the national defense require the establishment of naval aviation bases at such places at the earliest practicable date; and

WHEREAS it further appears that it will be impossible to accomplish the work required in the establishment of such naval aviation bases at Midway Island, Johnston Island, Palmyra Island, Kodiak, Alaska, and Sitka, Alaska, because of the isolation of such places from sources of labor supply, within the time required by the interests of the national defense unless the provisions of law prohibiting more than eight hours labor in any one day of persons engaged upon work covered by contracts with the United States are suspended as to such work; and

WHEREAS the act of March 4, 1917, 39 Stat. 1168, 1192 (U. S. C., title 40, sec. 326), provides "That in case of national emergency the President is authorized to suspend provisions of law prohibiting more than eight hours labor in any one day of persons engaged upon work covered by contracts with the United States"; and

WHEREAS I find that by reason of the foregoing a national emergency exists:

NOW, THEREFORE, under and by virtue of the authority vested in me by the above-quoted provisions of the said act of March 4, 1917, I hereby suspend the provisions of law prohibiting more than eight hours labor in any one day of persons engaged upon work covered by contracts with the United States as to all work authorized and performed under the said act of April 25, 1939, at or in the vicinity of the following places: Midway Island, Johnston Island, Palmyra Island, Kodiak, Alaska, and Sitka, Alaska.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 11, 1939.*

[No. 8198]

[F. R. Doc. 39-2499; Filed, July 12, 1939; 11:27 a. m.]

## EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDERS OF JULY 9, 1910, MAY 18, 1911, AUGUST 25, 1915, AND MAY 22, 1917, CREATING, RESPECTIVELY, COAL LAND WITHDRAWALS NOS. 1, 6, 8, AND 10

COAL LAND RESTORATION, NEW MEXICO NO. 54

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, the Executive Orders of July 9, 1910, creating Coal Land Withdrawal, New Mexico No. 1; of May 18, 1911, creating Coal Land Withdrawal, New Mexico No. 6; of August 25, 1915, creating Coal Land Withdrawal, New Mexico No. 8; and of May 22, 1917, creating Coal Land Withdrawal, New Mexico No. 10, are hereby revoked as to the following-described lands:

*New Mexico Meridian*

T. 19 N., R. 1 W., all, including all segregated tracts within its outboundary.
T. 20 N., R. 1 W., all, including all segregated tracts within its outboundary.
T. 21 N., R. 1 W.,
sec. 1, all;
sec. 2, lot 4, SW¼NW¼ and W½SW¼;
secs. 3 to 36, inclusive;
all segregated tracts within the township outboundary.
T. 22 N., R. 1 W., all, including all segregated tracts within its outboundary.
T. 18 N., R. 2 W., all.
T. 19 N., R. 2 W., all, including all segregated tracts within its outboundary.
T. 20 N., R. 2 W., all, including all segregated tracts within its outboundary.
T. 21 N., R. 2 W., all.
T. 18 N., R. 3 W., all.
T. 19 N., R. 3 W., all.
T. 20 N., R. 3 W., all.
T. 21 N., R. 3 W., all.
T. 18 N., R. 4 W., all.
T. 19 N., R. 4 W., all.
T. 20 N., R. 4 W., all, including all segregated tracts within its outboundary.
T. 21 N., R. 4 W., all.
T. 18 N., R. 5 W., all.
T. 19 N., R. 5 W.,
secs. 1 to 29, inclusive;
secs. 31 to 36, inclusive.
T. 20 N., R. 5 W., all.
T. 21 N., R. 5 W., all.
T. 18 N., R. 6 W.,
sec. 1, all;
sec. 2, S½N½ and S½;
secs. 3, 5, and 7;
secs. 9 to 13, inclusive;
sec. 14, W½ and SE¼;
secs. 15 to 27, inclusive;
secs. 29 and 31;
secs. 33 to 35, inclusive;
sec. 36, SE¼.
T. 20 N., R. 6 W., all.
T. 21 N., R. 6 W., all.
T. 22 N., R. 6 W., all.
T. 18 N., R. 7 W.,
secs. 1 to 3, inclusive;
secs. 5 to 19, inclusive;
sec. 21, all;
secs. 23 to 25, inclusive;
secs. 27 and 29;
sec. 30, lots 1, 2, 3, and 4, E½W½;
secs. 31, 33, 35, and 36.
T. 21 N., R. 7 W., all.
T. 22 N., R. 7 W., all.
T. 19 N., R. 8 W.,
secs. 1 to 3, inclusive;
secs. 5 and 7;
secs. 9 to 36, inclusive.
T. 22 N., R. 8 W., all.
T. 21 N., R. 9 W.,
secs. 1, 3, 5, 7, 9, 11, and 13;
secs. 15 to 17, inclusive;
secs. 19, 21, 23, 25, 27, and 29;
secs. 31 to 33, inclusive;
secs. 35 and 36.
T. 22 N., R. 9 W., all.
T. 21 N., R. 10 W.,
secs. 1 to 9, inclusive;
secs. 11 and 13;
secs. 15 to 36, inclusive.
T. 22 N., R. 10 W., all.
T. 21 N., R. 11 W.,
secs. 1 to 25, inclusive;
secs. 27 to 31, inclusive;
sec. 32, N½ and SE¼;
secs. 33 to 36, inclusive;
tracts 37 and 38.
T. 22 N., R. 11 W., all.
T. 22 N., R. 12 W., all.
T. 22 N., R. 13 W., all.
T. 14 N., R. 18 W., sec. 1, all.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 11, 1939.*

[No. 8199]

[F. R. Doc. 39-2500; Filed, July 12, 1939; 11:27 a. m.]

## EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 5886 OF JULY 12, 1932, WITHDRAWING PUBLIC LANDS

WYOMING

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, Executive Order No. 5886 of July 12, 1932, withdrawing public lands in Wyoming pending a resurvey, is hereby revoked as to the following-described township:

*Sixth Principal Meridian*

T. 26 N., R. 116 W.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the above-described township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 11, 1939.*

[No. 8200]

[F. R. Doc. 39-2501; Filed, July 12, 1939; 11:27 a. m.]

## EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 7302 OF FEBRUARY 21, 1936, TRANSFERRING CERTAIN LANDS TO THE CONTROL AND JURISDICTION OF THE SECRETARY OF THE NAVY

VIRGIN ISLANDS

By virtue of the authority vested in me by the act of March 3, 1917, c 171, 39 Stat. 1132, and the Second Deficiency Act, Fiscal Year 1931 (46 Stat. 1552, 1570), and as President of the United States, Executive Order No. 7302 of February 21, 1936, transferring certain lands in the Virgin Islands from the control and jurisdiction of the Secretary of the Interior to the control and jurisdiction of the Secretary of the Navy for use in the establishment, construction, and operation of aviation facilities, as amended by Executive Orders No. 7686 of August 5, 1937, No. 7790 of January 12, 1938, and No. 8103 of May 2, 1939,[1] is hereby further amended by adding thereto the following:

"It is further ordered that the following tract of land embracing the east beach and bath house fronting on Lindbergh Bay, St. Thomas, Virgin Islands, more particularly described below by metes and bounds, be, and it is hereby, subject to valid existing rights, transferred from the control and jurisdiction of the Secretary of the Interior to the control and jurisdiction of the Secretary of the Navy for use in the establishment, construction and operation of aviation facilities at the Naval Air Station, St. Thomas, Virgin Islands.

"Beginning at a point marked '1' on Public Works Drawing No. 28, on file in the Navy Department, thence North 25°5' East, 210.06 feet to a point marked '2'; thence North 64°55' West, 282.21 feet, to a point marked '3'; thence South 25°5' West 172.22 feet to a point marked '4'; thence along the shore line of Lindbergh Bay to the point of beginning."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 11, 1939.*

[No. 8201]

[F. R. Doc. 39-2502; Filed, July 12, 1939; 11:27 a. m.]

[1] 2 F.R. 1374, 3 F.R. 99 DI, 4 F.R. 1771 DI.



## *Rules, Regulations, Orders*

## TITLE 22—FOREIGN RELATIONS

## DEPARTMENT OF STATE

[Departmental Order No. 796]

PART 44—STUDY AND RESEARCH IN THE DEPARTMENT

REGULATIONS GOVERNING USE OF THE RECORDS OF THE DEPARTMENT OF STATE

Section 91, Title 20, of the United States Code reads in part as follows: "The facilities for study research and illustration in the Government departments * * * shall be accessible, under such rules and restrictions as the officers in charge of each department or collection may prescribe, subject to such authority as is now or may hereafter be permitted by law, to the scientific investigators and to duly qualified individuals, students and graduates of any institution of learning in the several States and Territories and the District of Columbia * * *" Pursuant to the provisions quoted and in order to clarify the present procedure in the Department, the following regulations, superseding those contained in Departmental Order No. 751 dated April 5, 1938 and all previous Departmental orders on the subject, are hereby prescribed to govern the use of the original records of the Department of State.

In view of the contemporary international situation it will not be possible to make the confidential or unpublished files and records of the Department of a date later than December 31, 1918 available to persons who are not officials of the United States Government. In order that the Department's records may be made available as liberally as circumstances permit, the Department each year will give consideration to the situation then existing with a view to advancing the date fixed whenever such action is deemed possible. The use of these records by Government officials will be subject to such conditions as the chiefs of the appropriate policy divisions in the Department of State may deem it advisable to prescribe.

The confidential or unpublished records of the Department of a date prior to December 31, 1918, or such subsequent date as may be fixed by the Department, may be made available to persons who are not officials of the United States Government, subject to the following conditions:

Files which are in current use in the Department or which cannot be made public without the disclosure of confidences reposed in the Department or without adversely affecting the public interest should not be made available to inquirers. Papers received by the Department from a foreign government which have not been released for publication by that government should not be made available to inquirers without the consent of the government concerned. If there is reason to believe a foreign government may be willing to permit the use of the papers in question under certain conditions the permission may, in the discretion of the appropriate officials of the Department, be requested. If such permission is requested, the expenses of communicating with the foreign government (cost of telegrams, postage, et cetera) will be met by the person desiring to consult the papers.

Permission to consult the records of the Department through the date fixed by the Department may be granted, subject to the limitations set forth in this order, to such persons as lawyers, publicists, historians, instructors and professors in accredited colleges and universities, and holders of the doctor's de-

gree (or its equivalent) in foreign relations or allied subjects from such colleges and universities, provided that they are authorities of recognized standing in the field to which the records relate and that they have an important and definite use for the information desired. Due to lack of personnel the Department is not in a position to assemble large quantities of papers or extensive files for consultation by persons not officials of the Government and requests for permission to consult material should therefore be definitely limited in scope and confined to specific subjects or particular papers.

An application from an alien to consult the Department's records under this order shall be considered only if accompanied by a letter from the head of the Embassy or Legation at Washington of the country of which the alien is a citizen, subject or national. Such a letter must show that the applicant is favorably known to the appropriate embassy or legation and that the mission is familiar with the purpose of the applicant's work

All applications to consult the original records of the Department of date prior to the one fixed by the Department shall be referred to the Chief of the Division of Research and Publication. If the Chief of the Division of Research and Publication is of the opinion that the applicant possesses the requisite qualifications as set forth in this order, he shall have assembled and shall submit to the chief of the policy division charged with the consideration of questions in the field which is the object of the research or inquiry all of the relevant papers and files which the applicant desires to consult, with the exceptions hereinafter noted. If the applicant is permitted to use all or part of the papers desired, the chief of the policy division concerned will inform the Chief of the Division of Research and Publication under what conditions the papers may be examined, that is, whether copies may be made of the relevant documents or whether only notes may be taken and whether the copies or notes may be published in whole or in part or used only for background information, or any other conditions which the chief of the policy division mentioned may deem it advisable to prescribe. This decision will be final except in cases of unusual importance where the question may be referred to an Assistant Secretary of State or higher officer. Documents or papers previously released or published, and unpublished papers clearly involving no question of policy, may be made available to qualified applicants by the Chief of the Division of Research and Publication without reference to other officials.

Upon receiving the decision of the chief of the policy division mentioned, with the conditions therein deemed advisable and necessary to prescribe, the Chief of the Division of Research and Publication will thereupon arrange for the applicant to consult the files subject to the conditions mentioned. After the papers have been consulted the applicant will submit all notes, copies of documents, et cetera, which he has made to the Chief of the Division of Research and Publication. The latter, when necessary, will refer these notes, copies, et cetera, to the chief of the policy division concerned for examination if desired by the chief of the latter division. The chief of this policy division may, after such examination, return the papers to the Chief of the Division of Research and Publication for transmittal to the applicant or he may, in his discretion, retain the notes and refuse the applicant permission to use them.

The provisions of this order are to be interpreted as liberally as possible. In this regard it is to be borne in mind that the further it is possible to go in the way of promoting legitimate historical research and the study of the foreign policy of the United States without violating the confidences necessary for the transaction of diplomatic affairs, the more likely the Department will be to receive the support and trust of the intelligent public.

CORDELL HULL.

June 19, 1939.

[F. R. Doc. 39-2488; Filed, July 11, 1939; 3:17 p. m.]

## *Notices*

### DEPARTMENT OF THE INTERIOR.

**Geological Survey.**

ORDER GRANTING AND DIRECTING A HEARING IN THE MATTER OF A MINIMUM PRICE FIXED AND ESTABLISHED BY THE SECRETARY OF THE INTERIOR FOR COMPUTING ROYALTIES DUE TO THE UNITED STATES ON CRUDE OIL PRODUCED FROM LANCE CREEK FIELD, WYOMING.

1. Under date of May 22, 1939, the Geological Survey submitted a report on a study of crude oil prices currently paid for oil produced from the Salt Creek and Lance Creek fields, Wyoming, and various Mid-Continent fields, and recommended that a minimum price be established for the purpose of computing royalties due to the United States on crude oil produced from Federal lands in the Lance Creek field, Wyoming, on the basis of a price per barrel which is four cents (4¢) per barrel above the price regularly posted by the major purchasers of crude oil in the Mid-Continent area for crude oil of 40° A. P. I. gravity, or currently $1.14 per barrel.

2. The report and recommendations submitted by the Geological Survey were carefully considered by me, and on May 31, 1939, under authority conferred upon the Secretary of the Interior by the Act of February 25, 1920 (Sec. 32, 41 Stat. 450; 30 U.S.C. 189), and in the exercise of the inherent power of the Secretary of the Interior over lands of the public domain, I approved the recommendations of the Geological Survey and fixed and established, effective July 1, 1939, for the purpose of computing royalties due to the United States on crude oil produced from Federal lands in the Lance Creek field, Wyoming, a minimum price of four cents (4¢) per barrel above the price per barrel regularly posted by the major purchasers of crude oil in the Mid-Continent area for crude oil of 40° A. P. I. gravity, or currently $1.14 per barrel.

3. Subsequently, the oil and gas supervisor of the Northwestern District notified the parties concerned of the action taken by me in the premises.

4. Under date of June 26, 1939, Continental Oil Company, The Buck Creek Oil Company, The Ohio Oil Company, and Argo Oil Corporation submitted a joint application for a hearing in the matter of a minimum price fixed and established for the Lance Creek field, Wyoming, and under date of June 28, 1939, Adams Oil and Gas Company and Fremont Corporation submitted a similar joint application for a hearing.

5. The hearing requested will be granted to afford all interested parties an opportunity to present oral arguments and file written briefs.

6. The Assistant Secretary of the Interior is hereby designated to conduct the hearing at Washington, D. C., said hearing to commence at 10 a. m., July 27, 1939.

7. The Director of the Geological Survey is instructed to promulgate this order to all interested parties by registered mail.

8. Effective July 1, 1939, and until further notice, the oil and gas supervisor of the Northwestern District will bill lessees and operators in the Lance Creek field, Wyoming, at the minimum price as fixed and established by me and will cause the following notation to be placed on each monthly royalty statement: "Subject to adjustment upon adjudication of appeals to the Secretary of the Interior."

HAROLD L. ICKES,
*Secretary of the Interior.*

JULY 11, 1939.

[F. R. Doc. 39-2493; Filed, July 12, 1939; 10:30 a. m.]



### DEPARTMENT OF THE INTERIOR.

**National Bituminous Coal Commission.**

[General Docket No. 15]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS: IN RE MINIMUM PRICES AS COORDINATED FOR DISTRICTS Nos. 9, 10, 11, 12, 13, 14 AND 15

AN ORDER FOR AND NOTICE OF FINAL HEARING IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS PRODUCED IN DISTRICTS NOS. 9, 10, 11, 12, 13, 14 AND 15

Whereas, pursuant to Order No. 249[1] of the Commission and Section 4, II (a) of the Bituminous Coal Act of 1937, the District Boards for each of Districts Nos. 9, 10, 11, 12, 13, 14 and 15 proposed and submitted to the Commission minimum prices for the kinds, qualities, and sizes of coal produced in their respective districts, and

Whereas, pursuant to hearings[2] heretofore held in this Docket No. 15, the Commission made Findings of Fact and Conclusions,[3] relating to said proposals, and approved or modified such proposed minimum prices, as provided by Section 4, II (a) of the Act, to serve as the basis for the coordination orovided for in Section 4 II (b) of the Act, and

Whereas, pursuant to Order No. 270,[4] the District Boards for each of Districts Nos. 9, 10, 11, 12, 13, 14 and 15 proposed the price classification of each kind, quality, and size of coal produced by each code member within their respective districts for which no classification had been proposed pursuant to Order No. 249 and which were not included in the schedules approved by the Commission to serve as a basis for coordination, and

Whereas, the Commission, by its Orders Nos. 254, 255, 256, 260, 264 and 266,[5] directed the District Boards for each of Districts Nos. 9, 10, 11, 12, 13, 14 and 15 to coordinate in common consuming market areas upon a fair competitive basis the minimum prices as approved by the Commission for the respective districts to serve as a basis for coordination, and

The District Board for District No. 14, having reported to the Commission, pursuant to Order No. 269, that the approved minimum prices for said district had been coordinated as to all consuming market areas common to District No. 14 and all other districts with which it competes, and having submitted a schedule of such coordinated minimum prices, together with the data upon which they are predicated, to the Commission, and

The District Boards for Districts Nos. 9, 10, 11, 12, 13 and 15 having failed to coordinate said approved minimum prices as to all of their consuming market areas common to any two or more of said districts or common to any of said districts and any other district or districts, and

The Commission, in lieu of said District Boards for Districts Nos. 9, 10, 11, 12, 13 and 15 pursuant to Section 6 (a) of the Act and Order No. 267[6] of the Commission, having coordinated the approved minimum prices for said Districts Nos. 9, 10, 11, 12, 13 and 15 in all of the consuming market areas of each of said districts, and

Whereas, included in said schedules of coordinated minimum prices as coordinated by the Commission, are proposed coordinated minimum prices for the coals of the code members of their respective districts, the price classifications of which were proposed pursuant to Order No. 270, and

Whereas, the consuming market areas in which the aforesaid minimum prices have been coordinated, as above set forth, are numerically designated and geographically described in a document entitled "Consuming Market Areas as Proposed by the National Bituminous Coal Commission Pursuant to Section 4 of the Bituminous Coal Act of 1937", dated April 24, 1939, which document is on file in the Office of the Secretary of the Commission, Washington, D. C., together with a comparison of the descriptions of the former market areas and the present proposed market areas entitled "Comparison of Numbers Designating Former Market Areas (revoked), Market Areas as Coordinated, and Proposed New Numbers therefor", and which documents were published in the FEDERAL REGISTER in its issue of May 4, 1939 at Pages 1831 to 1854, both inclusive, and were also mailed, under date of May 1, 1939, to the Consumers' Counsel, to the Secretary of each District Board and to each code member, and which, by this reference are incorporated herein and made a part hereof, and which will be offered at a final hearing, as hereinafter provided, as the proposals of the Commission, and

Whereas, the aforesaid minimum prices for District No. 14 as coordinated by the District Boards, and the aforesaid minimum prices for Districts Nos. 9, 10, 11, 12, 13 and 15, as coordinated by the Commission, schedules of which are on file in the Office of the Secretary of the Commission, Washington, D. C., and by this reference incorporated herein and made a part hereof, will be offered at a final hearing, as hereinafter provided, as the proposals of the District Board for District No. 14 and as the proposals of the Commission for District Nos. 9, 10, 11, 12, 13 and 15, respectively, and

Whereas, the Commission has found the weighted average of the total costs per net ton produced in each of the minimum Price areas in the calendar year 1936, adjusted as provided by Section 4, II (a) of the Act, to be as follows:

| | Per net ton |
|---|---|
| Minimum Price Area 2 (District Nos. 9, 10, 11 and 12) | $1.762 |
| Minimum Price Area 3 (District No. 13) | 2.438 |
| Minimum Price Area 4 (District No. 14) | 3.608 |
| Minimum Price Area 5 (District No. 15) | 2.039 |

Now, therefore, pursuant to the provisions of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That notice be, and the same is hereby given, that a final hearing will be held before examiners, to be duly designated,[7] commencing at 10 a. m. on the 7th day of August, 1939, at the hearing room of the Commission, 734 15th Street, N. W., Washington, D. C., for the purpose of receiving evidence to enable the Commission to establish minimum prices f. o. b. transportation facilities at the mines for the kinds, qualities and sizes of coal produced in Districts Nos. 9, 10, 11, 12, 13, 14 and 15, as provided by Section 4, II (b) of the Bituminous Coal Act of 1937.

2. That at said hearing, the aforesaid description of consuming market areas, and the aforesaid minimum prices for District No. 14 as coordinated by the District Boards, and the aforesaid minimum prices for Districts 9, 10, 11, 12, 13 and 15, as coordinated by the Commission, respectively, will be offered as proposals, and all interested parties will be afforded an opportunity to present evidence relating to the conformity or nonconformity of said proposed minimum prices with the standards prescribed by Sections 4, II (a) and (b) of the Act, and such other evidence as would enable the Commission to establish minimum prices in conformity with the procedure and standards set forth in Sections 4, II (a) and (b) of the Bituminous Coal Act of 1937. Said proposals shall be subject to such modification as may be warranted by the evidence adduced at the hearing to conform them to the requirements of said Sections 4, II (a) and (b) of the Act.

3. That the record of all proceedings heretofore held in this Docket No. 15, pertaining to the matter of the proposals of minimum prices submitted by the several District Boards, upon which the Commission's prior approval of the minimum prices to serve as a basis for coordination was based, will be made a part of the record of this final hearing.

4. That the Secretary of the Commission be and he is hereby directed to cause the reports of the producers within Minimum Price Areas Nos. 2, 3, 4 and 5, submitted to the Commission pursuant to Order No. 239[8] on Commission Forms D-1 and D-2, relating to the distribution of coal in the calendar year 1937, to be made available for inspection by those interested parties who have filed appearances in this proceeding, during business

[1] 3 F.R. 2057 DI.
[2] 3 F.R. 2597 DI.
[3] 3 F.R. 3074 DI.
[4] 4 F.R. 1287 DI.
[5] 3 F.R. 3059, 3127, 3128 DI; 4 F.R. 261, 1010, 1087 DI.
[6] 4 F.R. 1286 DI.
[7] 4 F.R. 2926 DI.
[8] 3 F.R. 899 DI.

hours on and after June 29th, 1939, at the offices of the Commission, Walker Building, Washington, D. C., or at such other place as may be hereafter designated upon proper public notice. Notices of appearance may be filed with the Commission at the office of the Secretary, Washington, D. C., or at such other place as may be hereafter designated upon public notice.

Coded listings of invoices for specified periods showing the sizes of coal shipped to certain destinations in the States of Indiana, Illinois, Missouri, Kansas, Nebraska, Minnesota, Tennessee and South Dakota; and the sales prices thereof, will be made available for inspection during business hours at the Offices of the Commission, 734 15th Street NW., Washington, D. C., commencing on July 5th, 1939, by those interested parties who have filed appearances in this proceeding.

5. That the Secretary of the Commission be and he is hereby directed to cause a copy of this Order for and Notice of Hearing, together with a copy of each of the aforesaid proposed coordinated minimum price schedules for Districts Nos. 9, 10, 11, 12, 13, 14 and 15 to be published forthwith in the FEDERAL REGISTER; and to cause copies thereof to be mailed to the Consumers' Counsel and to the Secretary of each District Board; and shall cause to be mailed to each code member a copy of this Order and Notice, and shall cause to be mailed to each code member within Districts Nos. 9, 10, 11, 12, 13, 14 and 15 a copy of the schedule of proposed coordinated minimum prices for the district of such code member; and shall cause to be made available for inspection by all interested parties at the proper Statistical Bureau of the Commission copies of the schedule for the respective district.

By order of the Commission.
Dated this 28th day of June 1939.

[SEAL] F. WITCHER MCCULLOUGH.
*Secretary.*

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## SCHEDULE OF PROPOSED COORDINATED MINIMUM PRICES FOR DISTRICT NO. 9

### FOR ALL SHIPMENTS EXCEPT TRUCK

*Listing of Code Members, Mines, Mine Index Nos., Seam, and Freight Origin Group—(For Shipment by Railroad)*

| Mine index no. | Code member | Mine | Seam | Freight origin group |
|---|---|---|---|---|
| 1 | Beech Creek Coal Company. | Beech Creek | 9 | 30 |
| 3 | Bevier Lamb Mining Company. | 1 and 3 | 9 | 30 |
| 81 | Blue Grass Coal Products Co. | Waco | 9 | 20 |
| 8 | Blue Valley Coal Corp. | Blue Valley | 9 | 10 |
| 60 | Bridges, R. A. Coal Co. | Roberta | 14 | 30 |
| 6 | Bridges, W. W. Receiver, (Black Diamond Coal Co.). | No. 2 | 9 | 30 |
| 7 | Bridges, W. W. Receiver, (Black Diamond Coal Co.) | No. 3 | 9 | 30 |
| 11 | Brown Mines, M. B. | M. B. Brown | 6 | 10 |
| 67 | Carbon Valley Coal Co. | Carbon Valley | 11 | 10 |
| 13 | Charleston Collieries. | | 6 | 10 |
| 16 | Crescent Coal Company. | Crescent No. 2 | 9 | 30 |
| 20 | Dawson Daylight Coal Co. | Dawson Daylight No. 9. | 9 | 10 |
| 19 | Dawson Daylight Coal Co. | Dawson Daylight No. 6. | 6 | 10 |
| 18 | Dawson Collieries Inc. | Dawson Collieries | 6 | 10 |
| 22 | Diamond Coal Company. | No. 1 | 9 | 50 |
| 23 | Diamond Coal Company. | No. 2 | 9 | 50 |
| 25 | Duvin Coal Company. | Duvin | 9 | 50 |
| 27 | Empire Mining Co. | Empire | 6 | 30 |
| 90 | Flat Creek Coal Co. | Flat Creek | 9 | 10 |
| 5 | Fort Hartford Coal Co. | Tichenor | 14 | 30 |
| 36 | Grapevine Coal Company. | Grapevine | 9 | 40 |
| 55 | Greenville Coal Co. | Martwick | 9 | 10 |
| 58 | Hart Coal Company. | Moss Hill | 9 | 40 |
| 79 | Hart Coal Company. | Victoria | 11 | 40 |
| 10 | Highland Creek Coal Co. | Highland Creek | 11 | 20 |
| 38 | High View Mining Co. | Hamilton 1 and 2. | 14 | River |
| 44 | Kirk Coal Mining Co. | Kirk | 9 | 30 |
| 46 | Lakeview Coal Company. | Lakeview Coal Co. | 6 | 10 |
| 47 | Lakeview Coal Company. | Lakeview Coal Co. No. 2. | 6 | 10 |
| 48 | Lakeview Coal Company. | Lakeview Coal Co. No. 3. | 6 | 10 |
| 49 | Lakeview Coal Company. | Lakeview Coal Co. No. 4 | 6 | 10 |
| 14 | Lick Creek Coal Co. | Charleston | 6 | 10 |
| 26 | Louisville Gas & Elec. Co | Echols | 9 | 10 |
| 32 | Luton, C. B. | Gem | 9 | 30 |
| 77 | Luton Mining Company. | Tulno | 9 | 30 |
| 51 | Luzerne Graham Mng. Corp. | Luzerne | 9 | 10 |
| 35 | Luzerne Graham Mng. Corp. | Graham | 9 | 10 |
| 88 | Maginnis Coal Company. | Maginnis No. 1 | 9 | 20 |
| 53 | Maddox Coal Company. | Maddox | 9 | 10 |
| 56 | Morgan Coal Co., F. C. | Morgan | 6 | 10 |
| 59 | Nelson Creek Coal Co. | Nelson | 9 | 10 |
| 60 | Newcoal Corporation. | Newcoal | 11 | 30 |
| 15 | Norton Coal Corporation. | Crabtree | 11 | 10 |
| 63 | Norton Coal Corporation. | Nortonville No. 1. | 9 | 40 |
| 64 | Pacific Coal Company. | Pacific | 9 | 10 |
| 65 | Providence Coal Mng. Co. | Providence No. 3. | 9 | 50 |
| 28 | Reinecke Coal Mining Co. | Eureka | 11 | 30 |
| 72 | Sentry Coal Company. | Sentry | 14 | 10 |
| 2 | Shearn Coal Company. | Belcano | 6 | 30 |
| 73 | Sixth Vein Coal Company. | Sixth Vein | 6 | 10 |
| 42 | Southland Mining Co. | Keystone | 9 | 30 |
| 17 | Sterling Coal Co. of Ky. | Daniel Boone No. 9. | 9 | 10 |
| 76 | Trio Coal Co. of Kentucky. | Trio | 11 | 30 |
| 24 | Vencill, A. B. | Vencill | 9 | 30 |
| 80 | Victory Coal Company. | Victory | 11 | 30 |
| 45 | West Kentucky Coal Company. | Kentucky Block No. 2. | 11 | 40 |
| 82 | West Kentucky Coal Company. | West Kentucky No. 2 | 9 | 20 |
| 83 | West Kentucky Coal Company. | West Kentucky No. 3 | 11 | 20 |
| 84 | West Kentucky Coal Company. | West Kentucky No. 6 | 9 | 20 |
| 85 | West Kentucky Coal Company. | West Kentucky No. 8 | 9 | 20 |
| 86 | West Kentucky Coal Company. | West Kentucky No. 10 | 9 | 20 |
| 62 | West Kentucky Coal Company. | West Kentucky North Diamond | 9 | 40 |
| 31 | West Kentucky Coal Company. | West Kentucky Fox Run | 9 | 10 |
| 10 | Wickliffe Coal Company. | Browder | 9 | 30 |
| 87 | Williams Coal Company. | Williams | 6 | 30 |

### PRICE INSTRUCTIONS AND EXCEPTIONS (FOR SHIPMENT BY RAILROAD)

1. All prices shown herein are in cents per net ton of 2,000 pounds and apply f. o. b. transportation facilities at mines.

2. All prices are subject to the effective Marketing Rules and Regulations and the Rules and Regulations governing distributors.

3. All size designations are for round hole screens. When screens having other types of openings are used and the percentage of over-size, as determined in accordance with the method of test prescribed by A. S. T. M. designation D-410-38, exceeds 5% the price for the next higher Size Group Classification for that mine shall apply.

4. The Market Areas used in this schedule are those areas numerically designated and geographically described in the document entitled, "Consuming Market Areas as Proposed by the National Bituminous Coal Commission pursuant to Section 4 of the Bituminous Coal Act of 1937," dated April 24, 1939.

5. The prices herein established for mines shipping by railways shall be applicable to all coal shipped by conveyances other than trucks or wagons.

6. Railway Locomotive Fuel prices herein designated shall not be used in the sale of coal to railways other than those recognized as common carriers by the Interstate Commerce Commission or by the Canadian Railways Commission.

7. All lump or double screened coal subjected to any chemical, oil or wax process for allaying dust shall be priced at not less than 10 cents per net ton above the prices shown herein.

8. The term *"Industrial Coal"* as used in this schedule is coal used in industrial plants which buy and receive coal in carload quantities for their own use.

9. The term *"Domestic Coal"* as used in this schedule is coal other than that defined as "Industrial Coal."



*Size Group Description—(For Shipment by Railroad)*

| Size group No. | Lump and M/R | Double screened |
|---|---|---|
| 1 | All Lump coal larger than 4". | All Egg coal with bottom size larger than 4". |
| 2 | All Lump coal 4" and smaller but larger than 3". | All Egg coal with a top size larger than 6" and a bottom size 3" and larger, but not larger than 4", and includes 6" x 4" Egg. |
| 3 | All Lump coal 3" and smaller, but larger than 2". | All Egg coal with a bottom size larger than 2" but not larger than 3", and a top size not larger than 6". |
| 4 | All Lump coal 2" and smaller, but larger than 1½". | All Egg coal with a bottom size larger than 1½" but not larger than 2", and a top size larger than 4". |
| 5 | | All Double Screened coals with a bottom size larger than 1¼" but not larger than 2", and a top size larger than 3" but not larger than 4". |
| 6 | | All Double Screened coals with a bottom size larger than 1¼" but not larger than 2", and a top size larger than 2" but not larger than 3". |
| 7 | All Lump coal 1½" or smaller. | All Double Screened coals with a top size larger than 3" and a bottom size not larger than 1½". |
| 8 | | All Double Screened coals with a top size larger than 2" but not larger than 3" and a bottom size not larger than 1½". |
| 9 | Straight Mine Run, no fines removed. Mine Run, modified by the removal of any intermediate size or sizes, no fines removed. All Resultants larger than 2", no fines removed. | |
| 10 | | All Double Screened coal *not* mechanically cleaned with a top size not larger than 2" but larger than 1½", and a bottom size larger than ⅜". |
| 11 | | All Double Screened coals *not* mechanically cleaned with a top size not larger than 2" but larger than 1½", and a bottom size not larger than ¾" or 10 mesh. |
| 12 | | All Double Screened coals *not* mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size larger than ⅜". |
| 13 | | All Double Screened coals *not* mechanically cleaned with a top size not larger than 1½", and a bottom size ⅜" and smaller. |

### Screenings

Size group No. 14.—Modified Screenings having a top size 2" and smaller but larger than 1½", and a bottom size not larger than 8 mesh.

Size group No. 15.—Modified Screenings having a top size 1½" and smaller but larger than 1¼", and a bottom size not larger than 8 mesh.

Size group No. 16.—Modified Screenings having a top size 1¼" and smaller but larger than 1", and a bottom size not larger than 8 mesh.

Size group No. 17.—Modified Screenings having a top size 1" and smaller, and a bottom size not larger than 8 mesh.

Size group No. 18.—All Screenings *not* mechanically cleaned having a top size 2" and smaller, but larger than 1½", no fines removed.

Size group No. 19.—All Screenings *not* mechanically cleaned having a top size 1½" and smaller, but larger than 1¼", no fines removed.

Size group No. 20.—All Screenings *not* mechanically cleaned having a top size 1¼" and smaller but larger than 1", no fines removed.

Size group No. 21.—All Screenings *not* mechanically cleaned having a top size 1" and smaller but larger than ⅜", no fines removed.

Size group No. 22.—All Screenings *not* mechanically cleaned having a top size ⅜" and smaller but larger than ¼", no fines removed.

Size group No. 23.—Carbon—All Screenings *not* mechanically cleaned having a top size ¼" and smaller.

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel Subject to Price Instructions and Exceptions and Notes Shown Below*

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 200, 201, 202, 203, 204, 205, 206, 207, and Omaha, Nebraska (58) | 1 | 2 | 3 | 4 | 5, 6 | 7, 8 | 9 | 10 | 11, 12, 13 | 14 | 15, 16, 17 | 18 | 19, 20, 21 | 22, 23 |
| Mine index Nos. | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 230 | 230 | 230 | 210 | 205 | 195 | 185 | 190 | 170 | 180 | 170 | 170 | 160 | 110 |
| 72 | 230 | 225 | 220 | 210 | 205 | 195 | 185 | 180 | 160 | 155 | 145 | 135 | 135 | 85 |
| 72 | [2] 230 | [2] 225 | [2] 220 | [2] 210 | [2] 205 | [2] 195 | ---- | [2] 190 | [2] 170 | ---- | ---- | [2] 160 | [2] 150 | [2] 130 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 205 | 200 | 195 | 190 | 180 | 170 | 165 | 155 | 135 | 120 | 110 | 110 | 100 | 50 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 185 | [3] 185 | [3] 180 | [3] 175 | [3] 165 | 165 | 165 | 155 | 135 | 120 | 110 | 110 | 100 | 50 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 205 | [3] 200 | [3] 195 | [3] 190 | [3] 180 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."

| Market areas | Prices and size group Nos. | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 31 | 1, 2 | 3 | 4 | 5, 6 | 7, 8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine index Nos. | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 230 | 215 | 190 | 190 | 190 | 180 | 185 | 180 | 200 | 190 | 185 | 180 | 150 | 140 |
| 72 | 230 | 205 | 190 | 190 | 190 | 180 | 175 | 170 | 175 | 165 | 160 | 155 | 125 | 115 |
| 72 | [2] 230 | [2] 205 | [2] 190 | [2] 190 | [2] 190 | ---- | [2] 185 | [2] 180 | ---- | ---- | [2] 175 | [2] 170 | [2] 170 | [2] 160 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 205 | 180 | 170 | 165 | 165 | 160 | 150 | 145 | 140 | 130 | 125 | 120 | 90 | 80 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 185 | [3] 165 | [3] 155 | [3] 150 | 160 | 160 | 150 | 145 | 140 | 130 | 125 | 120 | 90 | 80 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 205 | [3] 180 | [3] 170 | [3] 165 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Industrial Coal."
[3] The prices shown are applicable only to "Domestic Coal."

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 34 | 1 | 2 | 3 | 4 | 5, 6 | 7, 8 | 9 | 10 | 11 | 12, 13 | 14 | 15, 16, 17 | 18 | 19, 20, 21 | 22, 23 |
| Mine index Nos. | | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 266 | 266 | 266 | 246 | 241 | 231 | 221 | 226 | 206 | 206 | 216 | 206 | 206 | 196 | 146 |
| 72 | 266 | 261 | 256 | 246 | 241 | 231 | 221 | 216 | 196 | 196 | 191 | 181 | 171 | 171 | 121 |
| 72 | [2] 266 | [2] 261 | [2] 256 | [2] 246 | [2] 241 | [2] 231 | ---- | [2] 226 | [2] 206 | [2] 206 | ---- | ---- | [2] 196 | [2] 186 | [2] 166 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 241 | 236 | 231 | 226 | 216 | 206 | 201 | 191 | 171 | 171 | 156 | 146 | 146 | 136 | 86 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 221 | [3] 221 | [3] 216 | [3] 211 | [3] 201 | 201 | 201 | 191 | 171 | 171 | 156 | 146 | 146 | 136 | 86 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 241 | [3] 236 | [3] 231 | [3] 226 | [3] 216 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel Subject to Price Instructions and Exceptions and Notes Shown Below*—Continued

| Market Areas | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 60,° 52,° 53° and 54° | 1 | 2 | 3 | 4 | 5, 6 | 7, 8 | 9 | 10 | 11, 12, 13 | 14 | 15, 16, 17 | 18 | 19, 20, 21 | 22, 23 |
| Mine index Nos. | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 230 | 230 | 230 | 230 | 225 | 215 | 205 | 210 | 190 | 200 | 190 | 190 | 180 | 130 |
| 72 | 230 | 245 | 240 | 230 | 225 | 215 | 205 | 200 | 180 | 175 | 165 | 155 | 155 | 105 |
| 72 | 230 | 245 | 240 | 230 | 225 | 215 | 205 | 210 | 190 | 165 | 165 | 180 | 170 | 150 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 225 | 220 | 215 | 210 | 200 | 190 | 185 | 175 | 155 | 140 | 130 | 130 | 120 | 70 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 225 | 205 | 195 | 185 | 185 | 185 | 185 | 175 | 155 | 140 | 130 | 130 | 120 | 70 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 225 | 225 | 215 | 210 | 200 | 190 | 185 | 175 | 155 | 140 | 130 | 130 | 120 | 70 |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."
[4] The prices shown are applicable only to "Industrial Coal" in Market Areas 50, 52, 53 and 54, a code member mine may reduce the prices shown herein for such sizes shipped by an amount not exceeding 20 cents per net ton.

Market Area 50: Bellevue, Cameron, Clayton, Dubuque, Eckards, Edmond, Elk River Jct., Gordon's Ferry, Green Island, Harper's Ferry, Heytman's Kaing, Lansing, Lyons, McGregor, Marquette, New Alhin, North Bellevue, North Buena Vista, Oak Springs, Pleasant Creek, Sabula, Smith's Bay Magill, Spebt's Ferry, Turkey River Jct., Turkey River Junction, Wingate, Yellow River Jct.
Market Area 52: Buffalo, Bryant, Illinois, Milton Jct.
Market Area 53: Burlington, West Kethsburg.
Market Area 54: Beck, Bullard, Ft. Madison, Keokuk, Montrose, Sandusky, Spring Grove, Wever, Viele.

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 59°, 57°, 58°, 59° and 66° | 1 | 2 | 3 | 4 | 5, 6 | 7, 8 | 9 | 10 | 11, 12, 13 | 14 | 15, 16, 17 | 18 | 19, 20, 21 | 22, 23 |
| Mine Index Nos. | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 230 | 230 | 230 | 230 | 225 | 215 | 205 | 210 | 190 | 200 | 190 | 190 | 180 | 130 |
| 72 | 230 | 245 | 240 | 230 | 225 | 215 | 205 | 200 | 180 | 175 | 165 | 155 | 155 | 105 |
| 72 | 230 | 245 | 240 | 230 | 225 | 215 | 205 | 210 | 190 | 165 | 165 | 180 | 170 | 150 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 225 | 220 | 215 | 210 | 200 | 190 | 185 | 175 | 155 | 140 | 130 | 130 | 120 | 70 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 225 | 205 | 195 | 185 | 185 | 185 | 185 | 175 | 155 | 140 | 130 | 130 | 120 | 70 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 225 | 225 | 215 | 210 | 200 | 190 | 185 | 175 | 155 | 140 | 130 | 130 | 120 | 70 |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."
[4] The prices shown are applicable only to "Industrial Coal" in Market Areas 56, 57, 58, 59 and 66, a code member mine may reduce the prices shown herein for such sizes shipped by an amount not exceeding 20 cents per net ton:

Market Area 56: Sloux City.
Market Area 57: Ascoli, Blenco, California Jct., Clara, Missouri Valley, Modale, Mondamin, Onawa and River Sloux.
Market Area 58: Council Bluffs.
Market Area 59: Folsom and Island Park.
Market Area 66: Bartlett, Crosby, Hamburg, McPaul, Pacific Jct., Payne and Percival.

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel Subject to Price Instructions and Exceptions and Notes Shown Below*—Continued

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| To destinations in *Illinois* only, in Market Area 40* | 1 | 2 | 3 | 4 | 5, 6 | 7, 8 | 9 | 10 | 11, 12, 13 | 14 | 15, 16, 17 | 18 | 19, 20, 21 | 22, 23 |
| Mine index Nos. | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 222 | 222 | 222 | 202 | 197 | 187 | 177 | 182 | 162 | 172 | 162 | 162 | 152 | 102 |
| 72 | 222 | 217 | 212 | 202 | 197 | 187 | 177 | 172 | 152 | 147 | 137 | 127 | 117 | 77 |
| 72 | 223 | 217 | 212 | 202 | 197 | 187 | 177 | 163 | 152 | 152 | 152 | 152 | 142 | 122 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 197 | 192 | 187 | 182 | 172 | 162 | 157 | 147 | 127 | 112 | 102 | 102 | 92 | 42 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 197 | 177 | 172 | 167 | 157 | 157 | 157 | 147 | 127 | 112 | 102 | 102 | 92 | 42 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 197 | 192 | 187 | 182 | 172 | 162 | 157 | 147 | 127 | 112 | 102 | 102 | 92 | 47 |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."
*When shipments are made to destinations in *Missouri* only, in Market Area 40, a code member mine may reduce the price shown for the size of coal shipped in an amount not exceeding 5 cents per net ton.

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 47, 48, 49, 55, 60, 61, 62, 63, 64, 65, 67, 68 | 1 | 2 | 3 | 4 | 5, 6 | 7, 8 | 9 | 10 | 11, 12, 13 | 14 | 15, 16, 17 | 18 | 19, 20, 21 | 22, 23 |
| Mine index Nos. | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 230 | 230 | 230 | 230 | 225 | 215 | 205 | 210 | 190 | 200 | 190 | 190 | 180 | 130 |
| 72 | 230 | 245 | 240 | 230 | 225 | 215 | 205 | 200 | 180 | 175 | 165 | 155 | 155 | 105 |
| 72 | 230 | 245 | 240 | 230 | 225 | 215 | 205 | 210 | 190 | 165 | 165 | 180 | 170 | 150 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 225 | 220 | 215 | 210 | 200 | 190 | 185 | 175 | 155 | 140 | 130 | 130 | 120 | 70 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 225 | 205 | 195 | 185 | 185 | 185 | 185 | 175 | 155 | 140 | 130 | 130 | 120 | 70 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 225 | 225 | 215 | 210 | 200 | 190 | 185 | 175 | 155 | 140 | 130 | 130 | 120 | 70 |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."



*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel Subject to Price Instructions and Exceptions and Notes Shown Below*—Continued

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 69, 70, 72, 74, 75 | 1 | 2 | 3 | 4 | 5, 6 | 7, 8 | 9 | 10 | 11, 12, 13 | 14 | 15, 16, 17 | 18 | 19, 20, 21 | 22, 23 |
| Mine Index Nos. | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 225 | 225 | 225 | 205 | 200 | 190 | 180 | 185 | 165 | 175 | 165 | 165 | 155 | 105 |
| 72 | 225 | 220 | 225 | 205 | 200 | 190 | 180 | 175 | 155 | 150 | 140 | 130 | 130 | 80 |
| 72 | [3] 225 | [3] 220 | [3] 215 | [3] 205 | [3] 200 | [3] 190 | ---- | [3] 185 | [3] 165 | ---- | ---- | [3] 155 | [3] 145 | [3] 125 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 200 | 195 | 190 | 185 | 175 | 165 | 160 | 150 | 130 | 115 | 105 | 105 | 95 | 45 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [2] 180 | [2] 180 | [2] 175 | [2] 170 | [2] 160 | 160 | 160 | 150 | 130 | 115 | 105 | 105 | 95 | 45 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [2] 200 | [2] 195 | [2] 190 | [2] 185 | [2] 175 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 71° and 73° | 1 | 2 | 3 | 4 | 5, 6 | 7, 8 | 9 | 10 | 11, 12, 13 | 14 | 15, 16, 17 | 18 | 19, 20, 21 | 22, 23 |
| Mine Index Nos. | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 230 | 230 | 230 | 210 | 205 | 195 | 185 | 190 | 170 | 180 | 170 | 170 | 160 | 110 |
| 72 | 230 | 225 | 220 | 210 | 205 | 195 | 185 | 180 | 160 | 155 | 145 | 135 | 135 | 85 |
| 72 | [3] 230 | [3] 225 | [3] 220 | [3] 210 | [3] 205 | [3] 195 | ---- | [3] 190 | [3] 170 | ---- | ---- | [3] 160 | [3] 150 | [3] 130 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 205 | 200 | 195 | 190 | 180 | 170 | 165 | 155 | 135 | 120 | 110 | 110 | 100 | 50 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [2] 185 | [2] 185 | [2] 180 | [2] 175 | [2] 165 | 165 | 165 | 155 | 135 | 120 | 110 | 110 | 100 | 50 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [2] 205 | [2] 200 | [2] 195 | [2] 190 | [2] 180 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |

[1] The prices shown are applicable only to "Domestic Coal".
[2] The prices shown are applicable only to "Industrial Coal".
[3] The prices shown are applicable to coal when washed.
*See Tables Nos. 1 and 2 for differentials applicable to prices shown herein when shipments are made to destinations in Market Areas 71 and 73, as shown in Tables Nos. 1 and 2.

TABLE No. 1 (*see prices—Market area 73*).—*Differentials in Cents per Net Ton Applicable to F. O. B. Mine Prices Shown for Market Area 73 When Shipments Are Made From Any Mine to the Following Destinations in Market Area 73*

[Subject to price instructions and exceptions]

| Destination | Applicable to size groups | |
|---|---|---|
| Advance | −30 | ---- |
| Alfalfa Center | ---- | +10 |
| Alfreys | −40 | ---- |
| Allenville | ---- | +10 |
| Ancell | −34 | ---- |
| Angus | ---- | +10 |
| Amiston | −45 | ---- |
| Arbor | −30 | ---- |
| Ash Hill (Butler Co.) | ---- | +10 |
| Avert | −40 | ---- |
| Bainbridge (Cape Girardeau Co.) | −15 | ---- |
| Bell City (Stoddard Co.) | −30 | ---- |
| Bernie | −35 | ---- |
| Bertrand | ---- | +10 |
| Besseville | ---- | +10 |
| Big River | −50 | ---- |
| Bird's Point (Hardy's Landing) | ---- | +10 |
| Bird's Point | ---- | +10 |
| Bismark | −30 | ---- |
| Blodgett | ---- | +10 |
| Blomeyer | −34 | ---- |
| Blum | ---- | +10 |
| Bonne Terre | −34 | ---- |
| Boston-Elvins | −4 | ---- |
| Brickeys | −14 | ---- |
| Brooks Jct | −40 | ---- |
| Broseley | −30 | ---- |
| Browns (New Madrid Co.) | ---- | +10 |
| Brownwood | −30 | ---- |
| Buckeye | ---- | +10 |
| Buffington | ---- | +10 |
| Campbell (Dunklin Co.), SLSF | −55 | ---- |
| Campbell (Dunklin Co.), STLSW | −55 | ---- |
| Canalou | −50 | ---- |
| Caney Creek | ---- | +10 |
| Cape Girardeau | −34 | ---- |
| Catalpa | ---- | +10 |
| Catron | −55 | ---- |
| Central | −34 | ---- |
| Chaffee | −34 | ---- |
| Champion | −20 | ---- |
| Chaonia | −35 | ---- |
| Charleston | ---- | +10 |
| Charter Oak | −25 | ---- |
| Clarkton | −55 | ---- |
| Como | −55 | ---- |
| Cornwall | ---- | +10 |
| Crosno | ---- | +10 |
| Crowder | −50 | ---- |
| Crystal City, M-I | −14 | ---- |
| Crystal City, SLSF | −14 | ---- |
| Crystal Jct., M-I | −14 | ---- |
| Dale (Stoddard Co.) | −30 | ---- |
| Delta, MP | ---- | +10 |
| Delta, SLSF & StLSW | −34 | ---- |
| Derby | −34 | ---- |
| Desloge | −34 | ---- |
| Deventer | ---- | +10 |
| Dexter, MP | ---- | +10 |
| Dexter, STLSW | −45 | ---- |
| Dexter Jct., STLSW CRSG | ---- | +10 |
| Diehlstadt | ---- | +10 |
| Dodds | −55 | ---- |
| Doe Run | −45 | ---- |
| Doe Run Jct. | −45 | ---- |
| Donlphan | ---- | +10 |
| Doubling Track (Wayne Co.) | −35 | ---- |
| Dudley | ---- | +10 |
| Dutch Town | ---- | +10 |
| Eaglette | −30 | ---- |

TABLE No. 1 (*see prices—Market area 73*).—*Differentials in Cents per Net Ton Applicable to F. O. B. Mine Prices Shown for Market Area 73 When Shipments Are Made From Any Mine to the Following Destinations in Market Area 73*—Continued

| Destination | Applicable to size groups | |
|---|---|---|
| East Prairie | −45 | ---- |
| Elvins | −34 | ---- |
| Empire Spur | ---- | +10 |
| Essex | ---- | +10 |
| Esther | −34 | ---- |
| Fague | −30 | ---- |
| Farmington | −92 | ---- |
| Festus, MI | −14 | ---- |
| Festus, SLSF | −14 | ---- |
| Fisk | ---- | +10 |
| Flat River | −34 | ---- |
| Flucos | −50 | ---- |
| Fornfelt | −34 | ---- |
| Fredericktown | ---- | +10 |
| Fuget | ---- | +10 |
| Gibson | −55 | ---- |
| Gideon, SLSF | −55 | ---- |
| Gideon, STLSW | −55 | ---- |
| Glen Allen | ---- | +10 |
| Gordonville | ---- | +10 |
| Gray Ridge | ---- | +10 |
| Green Cox | −30 | ---- |
| Grisham | ---- | +10 |
| Grant | −40 | ---- |
| Hallett | ---- | +10 |
| Harviell, MP | ---- | +10 |
| Harviell, SLSF | −40 | ---- |
| Henderson Mound | −45 | ---- |
| Hendrickson | ---- | +10 |
| Henson | ---- | +10 |
| Herculaneum | −50 | ---- |
| Hilliard | ---- | +10 |
| Holcomb | −45 | ---- |
| Hough (Miss. Co.) | ---- | +10 |
| Howe | −50 | ---- |
| Hubbelle | ---- | +10 |
| Hunterville | ---- | +10 |
| Hurryville | −34 | ---- |
| Idalia | −40 | ---- |
| Idlewild | −30 | ---- |
| Illmo, MP | ---- | +10 |
| Illmo, STLSW | −31 | ---- |
| Ives | ---- | +10 |
| Jackson (Cape Gir. Co.) | ---- | +10 |
| Juanita | −20 | ---- |
| Junland | ---- | +10 |
| Kaechels | −34 | ---- |
| Keeners | ---- | +10 |
| Kewanee | −25 | ---- |
| Kinder | −30 | ---- |
| Kyger Spur | ---- | +10 |
| Laflin | ---- | +10 |
| La Forre | −45 | ---- |
| La Valle | −25 | ---- |
| Leadwood | −34 | ---- |
| Lilbourn, SLSF | −55 | ---- |
| Lilbourn, STLSW | −55 | ---- |
| Linstead | −30 | ---- |
| Little River | ---- | +10 |
| Lorwood | −55 | ---- |
| Lutesville | ---- | +10 |
| McBride | −14 | ---- |
| McCredie | −14 | ---- |
| McGilles | −55 | ---- |
| McMullin | −50 | ---- |
| Malden, SLSF | −55 | ---- |
| Malden, STLSW | −55 | ---- |
| Marbleton | −14 | ---- |
| Marie (Perry Co.) | −14 | ---- |
| Marlo | −44 | ---- |
| Marquand | ---- | +10 |
| Marquette | −34 | ---- |
| Marston | −25 | ---- |
| Matthews (New Madrid Co.) | −25 | ---- |
| Melby | −55 | ---- |
| Melon Switch | ---- | +10 |
| Menfro | −14 | ---- |
| Mesler | −30 | ---- |
| Millers (Ste Genevieve Co.) | −34 | ---- |
| Miner | ---- | +10 |
| Mingo | −30 | ---- |
| Morehouse, MP | ---- | +10 |
| Morehouse, SLSF | −50 | ---- |
| Morley | ---- | +10 |
| Mosher | −24 | ---- |
| Naylor, MP | ---- | +10 |
| Naylor, SLSF | −40 | ---- |
| Neelys | −14 | ---- |
| Neelyville | ---- | +10 |
| New Offenburg | −44 | ---- |
| Nowall | −25 | ---- |
| O'Neill | −55 | ---- |
| Ogborn | −34 | ---- |
| Ojibway | −35 | ---- |
| Oran, MP | ---- | +10 |
| Oran, SLSF | −40 | ---- |

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel Subject to Price Instructions and Exceptions and Notes Shown Below*

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 103 | 1,2 | 3 | 4 | 5 | 6 | 7,8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine index Nos. | | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 238 | 233 | 208 | 208 | 198 | 193 | 183 | 198 | 193 | 213 | 203 | 198 | 193 | 163 | 153 |
| 72 | 238 | 233 | 208 | 208 | 198 | 193 | 183 | 198 | 193 | 183 | 178 | 178 | 178 | 138 | 138 |
| 72 | 1 238 | 1 223 | 1 208 | 1 208 | 1 198 | 1 193 | | 1 198 | 1 193 | | | 1 183 | 1 183 | 1 183 | 1 173 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 213 | 198 | 188 | 183 | 173 | 168 | 163 | 163 | 163 | 153 | 143 | 138 | 133 | 103 | 93 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 1 213 | 1 198 | 1 188 | 1 173 | 1 158 | 1 153 | 1 153 | 1 153 | 1 153 | 1 153 | 1 143 | 1 138 | 1 133 | 1 103 | 93 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 1 213 | 1 198 | 1 188 | 1 173 | 1 158 | 1 153 | 1 153 | 1 153 | 1 153 | 1 153 | 1 143 | 1 138 | 1 133 | 1 103 | 93 |

1 The prices shown are applicable to coal when washed.
2 The prices shown are applicable only to "Domestic Coal."
3 The prices shown are applicable only to "Industrial Coal."

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 104, 112, 113, 114, 115, 116, 117, 151, 154, 155, 156, 157 | 1,2 | 3 | 4 | 5 | 6 | 7,8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine index Nos. | | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 250 | 250 | 250 | 250 | 205 | 195 | 185 | 190 | 185 | 200 | 190 | 180 | 175 | 145 | 135 |
| 72 | 250 | 250 | 250 | 250 | 205 | 195 | 185 | 190 | 185 | 200 | 190 | 180 | 175 | 145 | 135 |
| 72 | 1 240 | 1 230 | 1 220 | 1 205 | 1 195 | 1 190 | | 1 190 | 1 185 | | | 1 170 | 1 165 | 1 155 | 1 145 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 225 | 205 | 195 | 180 | 170 | 165 | 165 | 155 | 155 | 145 | 135 | 125 | 120 | 90 | 80 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 1 205 | 1 185 | 1 175 | 1 165 | 1 155 | 1 150 | 1 150 | 1 150 | 1 150 | 1 150 | 1 140 | 1 130 | 1 120 | 1 90 | 80 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 1 225 | 1 205 | 1 195 | 1 185 | 1 170 | 1 165 | 1 165 | 1 165 | 1 165 | 1 165 | 1 155 | 1 145 | 1 135 | 1 105 | 95 |

1 The prices shown are applicable to coal when washed.
2 The prices shown are applicable only to "Domestic Coal."
3 The prices shown are applicable only to "Industrial Coal."

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 147, 148 | 1, 2, 3, 4 | 5 | 6 | 7 | 8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine index Nos. | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 225 | 215 | 210 | 200 | 190 | 185 | 185 | 170 | 160 | 185 | 175 | 150 | 120 | 110 |
| 72 | 225 | 215 | 210 | 200 | 190 | 185 | 185 | 170 | 160 | 175 | 165 | 140 | 110 | 100 |
| 72 | 1 225 | 1 215 | 1 210 | 1 200 | 1 190 | | 1 180 | 1 170 | 1 160 | | | 1 130 | 1 100 | 1 90 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 195 | 185 | 175 | 165 | 165 | 165 | 165 | 145 | 135 | 125 | 115 | 95 | 80 | 70 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 1 195 | 1 185 | 1 175 | 1 165 | 1 165 | 1 165 | 1 165 | 1 145 | 1 135 | 1 125 | 1 115 | 1 95 | 1 80 | 1 70 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 1 195 | 1 185 | 1 175 | 1 165 | 1 165 | 1 165 | 1 165 | 1 145 | 1 135 | 1 125 | 1 115 | 1 95 | 1 80 | 1 70 |

1 The prices shown are applicable to coal when washed.
2 The prices shown are applicable only to "Domestic Coal."
3 The prices shown are applicable only to "Industrial Coal."

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 149 | 1, 2, 3, 4 | 5 | 6 | 7 | 8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine index Nos. | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 230 | 220 | 215 | 205 | 195 | 185 | 195 | 185 | 200 | 190 | 180 | 175 | 145 | 135 |
| 72 | 230 | 220 | 215 | 205 | 195 | 185 | 195 | 175 | 175 | 165 | 155 | 150 | 120 | 110 |
| 72 | 1 230 | 1 220 | 1 215 | 1 205 | 1 195 | | 1 195 | 1 185 | | | 1 170 | 1 165 | 1 165 | 1 155 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 200 | 195 | 190 | 180 | 170 | 165 | 160 | 150 | 140 | 130 | 120 | 115 | 85 | 75 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 1 185 | 180 | 1 175 | 175 | 165 | 165 | 160 | 150 | 140 | 130 | 120 | 115 | 85 | 75 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 1 200 | | 1 190 | | | | | | | | | | | |

1 The prices shown are applicable to coal when washed.
2 The prices shown are applicable only to "Domestic Coal."
3 The prices shown are applicable only to "Industrial Coal."

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 212 | 1, 2, 3, 4 | 5 | 6 | 7 | 8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine index Nos. | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 255 | 245 | 240 | 230 | 220 | 185 | 210 | 200 | 215 | 205 | 185 | 180 | 150 | 140 |
| 72 | 255 | 245 | 240 | 230 | 220 | 185 | 200 | 190 | 190 | 180 | 160 | 155 | 125 | 115 |
| 72 | 1 255 | 1 245 | 1 240 | 1 230 | 1 220 | | 1 210 | 1 200 | | | 1 175 | 1 170 | 1 170 | 1 160 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 225 | 220 | 215 | 205 | 195 | 165 | 175 | 165 | 155 | 145 | 125 | 120 | 90 | 80 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 1 210 | 205 | 1 200 | 200 | 190 | 165 | 175 | 165 | 155 | 145 | 125 | 120 | 90 | 80 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 1 225 | | 1 215 | | | | | | | | | | | |

1 The prices shown are applicable to coal when washed.
2 The prices shown are applicable only to "Domestic Coal."
3 The prices shown are applicable only to "Industrial Coal."

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Prices applicable to destinations in any Market Area not specifically shown in this Price Schedule | 1, 2 | 3 | 4 | 5 | 6 | 7, 8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine Index Nos. | | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 250 | 230 | 205 | 205 | 195 | 190 | 185 | 190 | 185 | 200 | 190 | 180 | 175 | 145 | 135 |
| 72 | 250 | 220 | 205 | 205 | 195 | 190 | 185 | 180 | 175 | 175 | 165 | 155 | 150 | 120 | 110 |
| 72 | 1 250 | 1 220 | 1 205 | 1 205 | 1 195 | 1 190 | | 1 190 | 1 185 | | | 1 170 | 1 165 | 1 165 | 1 155 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 155 | 150 | 140 | 130 | 120 | 115 | 85 | 75 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 2 205 | 3 180 | 3 170 | 165 | 3 155 | 160 | 165 | 155 | 150 | 140 | 130 | 120 | 115 | 85 | 75 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | 2 225 | 2 195 | 2 185 | | 2 170 | | | | | | | | | | |

1 The prices shown are applicable to coal when washed.
2 The prices shown are applicable only to "Domestic Coal."
3 The prices shown are applicable only to "Industrial Coal."

TABLE No. 1 (*see prices—Market area 73*).—*Differentials in Cents per Net Ton Applicable to F. O. B. Mine Prices Shown for Market Area 73 When Shipments Are Made From Any Mine to the Following Destinations in Market Area 73*—Continued

| Destination | Applicable to size groups | |
|---|---|---|
| Owenmont | | +10 |
| Owens | | +10 |
| Ozly | | +10 |
| Painton | | —30 |
| Parma | | —35 |
| Perkins | | —30 |
| Perryville Jct. | | —14 |
| Pit | | —14 |
| Platin | | —50 |
| Poplar Bluff (Butler Co.), MP | | +10 |
| Poplar Bluff (Butler Co.), SLSF | | —30 |
| Portageville (Dunklin Co.) | | —55 |
| Pulaski | | +10 |
| Puxico | | —30 |
| Quarry | | —34 |
| Quilin | | —30 |
| Ramsdale | | —40 |
| Rice | | —55 |
| Risco | | —45 |
| Ristine | | —34 |
| Rivermines | | —34 |
| Rockview | | +10 |
| Rockwoods | | —30 |
| Rombauer | | —45 |
| Rudd | | +10 |
| Rumsey Spur | | —14 |
| Rush Tower | | —34 |
| St. Francois | | —14 |
| Ste. Genevieve, MP | | —14 |
| Ste. Genevieve, SLSF | | —14 |
| St. Joseph Lead Co., Federal Plant | | —34 |
| St. Marys | | —14 |
| Saldeo | | —50 |
| Samoa, MP | | +10 |
| Samoa, STL&W | | —45 |
| Sand Pit | | —14 |
| Sand Spur | | +10 |
| Sargent (Scott Co.) | | +10 |
| Sawyer (Butler Co.) | | —30 |
| Scenery | | —14 |
| Seventy-Six | | |
| Sheehan | | +10 |
| Sikeston, MP | | +10 |
| Sikeston, SLSF | | —50 |
| Sinsabaugh | | —10 |
| Smith | | —34 |
| Sturdivant | | —30 |
| Tallipoosa | | —55 |
| Tanner | | —50 |
| Tasker | | —35 |
| Thompson | | —14 |
| Townley | | —34 |
| Tram Switch | | —50 |
| Tunnel (St. Francois Co.) | | —14 |
| Tyrpur | | +10 |
| Valles Mines | | —50 |
| Vanduser | | —14 |
| Wahlite Spur | | +10 |
| Wappapello | | —35 |
| Welgarten | | —44 |

TABLE No. 2 (*see prices—Market area 71*).—*Differentials in Cents per Net Ton Applicable to F. O. B. Mine Prices Shown for Market Area 71 When Shipments Are Made From Any Mine to the Following Destinations in Market Area 71*

[Subject to price instructions and exceptions]

| Destination | Applicable to size groups | |
|---|---|---|
| | 1 to 9, inclusive | 10 to 23, inclusive |
| Blyse | —5 | —5 |
| Firma | —5 | —5 |
| Kumpville | —5 | —5 |
| Maywood | —5 | —5 |
| Old Monroe | —5 | —5 |
| Orchard Farm | —5 | —5 |
| Perique | —5 | —5 |
| White Bear | —5 | —5 |
| Whiteoorn | —5 | —5 |
| Wilkie | —5 | —5 |
| Wilber's Mill | —5 | —5 |

Note: A code member mine may reduce the price by the amount shown for the size of coal shipped where the minus amount in cents per ton is shown opposite such destination.



*All Railroad Fuel Prices F. O. B. Mines Subject to Price Instructions and Exceptions*

[Prices in cents per net ton of 2,000 pounds]

| Mine | Railroad | Size of coal | Price |
|---|---|---|---|
| Any mine | Any railroad. | Any lump or double-screened coal. | 180 |
| Any mine | Any railroad. | Mine run coal | 165 |
| Any mine | Any railroad. | Any screenings, 2" or less, from which no fines have been removed. | 100 |

RIVER AND EX-RIVER SECTION

The prices in the following section are applicable to any mine, shown at the beginning of this document, shipping either totally or partially by river.

NOTE 1: Rail or truck transportation charges to river loading ports from the mines are included in the base rates shown throughout the river or ex-river section.

NOTE 2: The specific deductions shown must be rebated by the producer of the coal to the ex-river forwarder upon proper showing (railroad waybills) that a specific tonnage was shipped to a specific destination. This information must be filed with the Statistical Bureau of the Commission. Further, on coals 1½" and larger that have been rescreened at the river dock, degradation removed, a further rebate may be made on this degradation. Such degradation shall be determined on the basis of the 1½" x 0 price of the coal ordered and is measured on the basis of the screening percentages of the sizes loaded into transportation facilities mines, and screening percentages of the same size shipped off the dock. The practice of rescreening mine run or resultants at the dock is not restricted in any manner provided, however, that rescreening does not permit the movement to destination of any size at a lower price than the effect of these coordinated prices. Rebates are also permitted on mine run and resultants over 2" if rescreened at dock or elevator as provided in the preceding sentence if the return based on the coordinated price for the size is less than the purchase price of the original size. Mixing of coals is not prohibited; however, the mine price for individual coals shall not be used as a basis for averaging prices for resale, but the mixture (any proportion) shall take the coordinated price of the higher priced coal f. o. b. mines as classified.

NOTE 3: Transportation charges within the industrial switching limits of any river destination may be absorbed from the f. o. b. mine prices but the absorption must not exceed the published rail industrial switching rates (coal). Absorption will not be permitted beyond the extent permitted in Note 2 when the ex-river movement is via transportation other than rail to a consumer with no rail connection. If a consumer has rail connections and takes ex-river delivery via transportation facilities other than rail, the rail industrial switching charge may be absorbed from the f. o. b. mine price.

*Prices F. O. B. Mines, for River and Ex-River Shipment, Applicable for All Uses Except Railroad Locomotive Fuel Subject to Price Instructions and Exceptions and Notes Shown Below*

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ohio River destinations from Newburg, Indiana, to but not including Henderson, Ky.* | 1 | 2 | 3 | 4 | 5, 6 | 7, 8 | 9 | 10 | 11 | 12, 13 | 14 | 15, 16, 17 | 18 | 19, 20, 21 | 22, 23 |
| Mine index Nos. | | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 293 | 293 | 293 | 273 | 268 | 258 | 248 | 243 | 233 | 233 | 243 | 233 | 233 | 223 | 173 |
| 72 | 293 | 288 | 283 | 273 | 268 | 258 | 248 | 243 | 223 | 223 | 218 | 208 | 198 | 198 | 148 |
| 72 | [1] 268 | [1] 288 | [1] 283 | [1] 273 | [1] 268 | [1] 258 | ..... | [1] 253 | [1] 233 | [1] 233 | ..... | ..... | [1] 223 | [1] 213 | [1] 193 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 268 | 263 | 258 | 253 | 243 | 233 | 228 | 218 | 198 | 198 | 183 | 173 | 173 | 163 | 113 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [1] 248 | [1] 248 | [1] 243 | [1] 238 | [1] 228 | 228 | 228 | 218 | 198 | 198 | 183 | 173 | 173 | 163 | 113 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [1] 268 | [2] 263 | [1] 258 | [2] 253 | [1] 243 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."
*The above prices are based on a base river charge (including all charges necessary to reload coal in cars docks—See Note 1) of 65 cents per net ton. If the base river rate exceeds 65 cents per ton the exact difference between the actual rate and the base rate may be deducted from the above prices. If the base river rate is less than 65 cents per ton, the exact difference between 65 cents and the actual rate shall be added to the above prices. These flexible f. o. b. mine prices are subject to the notes listed hereinbefore.

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mississippi River destinations north of Cairo, Illinois, to but not including Claryville, Missouri* | 1 | 2 | 3 | 4 | 5, 6 | 7, 8 | 9 | 10 | 11, 12, 13 | 14 | 15, 16, 17 | 18 | 19, 20, 21 | 22,23 | |
| Mine index Nos. | | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 250 | 250 | 250 | 230 | 225 | 215 | 205 | 210 | 190 | 200 | 190 | 190 | 180 | 130 | |
| 72 | 250 | 245 | 240 | 230 | 225 | 215 | 205 | 200 | 180 | 175 | 165 | 155 | 155 | 105 | |
| 72 | [1] 250 | [1] 245 | [1] 240 | [1] 230 | [1] 225 | [1] 215 | ..... | [1] 210 | [1] 190 | ..... | ..... | [1] 180 | [1] 170 | [1] 150 | |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 225 | 220 | 215 | 210 | 200 | 190 | 185 | 175 | 155 | 140 | 130 | 130 | 120 | 70 | |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [2] 205 | [2] 205 | [2] 200 | [2] 195 | [2] 185 | 185 | 185 | 175 | 155 | 140 | 130 | 130 | 120 | 70 | |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 225 | [3] 220 | [3] 215 | [3] 210 | [3] 200 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."
*The above prices are based on a base river charge (including all charges necessary to reload coal in cars docks—See Note 1) of $1.15 per net ton. If the base river rate exceeds $1.15 per ton the exact difference between the actual rate and the base rate may be deducted from the above prices. If the base river rate is less than $1.15 per ton, the exact difference between $1.15 and the actual rate shall be added to the above prices. These flexible f. o. b. mine prices are subject to the notes listed hereinbefore.

*Prices F. O. B. Mines, for River and Ex-River Shipment, Applicable for All Uses Except Railroad Locomotive Fuel Subject to Price Instructions and Exceptions and Notes Shown Below*—Continued

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ohio River destinations from Henderson, Ky., to but not including Mound City, Illinois* | 1, 2 | 3 | 4 | 5 | 6 | 7, 8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine index Nos. | | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 330 | 310 | 285 | 285 | 275 | 270 | 265 | 248 | 243 | 258 | 248 | 238 | 233 | 203 | 193 |
| 72 | 330 | 300 | 285 | 285 | 275 | 270 | 265 | 238 | 233 | 233 | 223 | 213 | 208 | 178 | 168 |
| 72 | [1] 330 | [1] 300 | [1] 285 | [1] 285 | [1] 275 | [1] 270 | ..... | [1] 248 | [1] 243 | ..... | ..... | [1] 228 | [1] 223 | [1] 223 | [1] 213 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 305 | 275 | 265 | 260 | 250 | 245 | 245 | 213 | 208 | 198 | 188 | 178 | 173 | 143 | 133 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [2] 285 | [2] 260 | [2] 250 | [2] 245 | [2] 235 | 240 | 245 | 213 | 208 | 198 | 188 | 178 | 173 | 143 | 133 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 305 | [3] 275 | [3] 265 | ..... | [3] 250 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."
*The above prices are based on a base river charge (including all charges necessary to reload coal in cars docks—See Note 1) of 65 cents per net ton. If the base river rate exceeds 65 cents per ton the exact difference between the actual rate and the base rate may be deducted from the above prices. If the base river rate is less than 65 cents per ton, the exact difference between 65 cents and the actual rate shall be added to the above prices. These flexible f. o. b. mine prices are subject to the notes listed hereinbefore.

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ohio River and Mississippi River destinations from Mound City, Illinois, to but not including Luxora, Arkansas* | 1, 2 | 3 | 4 | 5 | 6 | 7, 8 | 9 | 10, 11 | 12, 13 | 14, 15, 16, | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine index Nos. | | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 330 | 310 | 285 | 285 | 275 | 270 | 265 | 248 | 243 | 258 | 248 | 238 | 233 | 203 | 193 |
| 72 | 330 | 300 | 285 | 285 | 275 | 270 | 265 | 238 | 233 | 233 | 223 | 213 | 208 | 178 | 168 |
| 72 | [1] 330 | [1] 300 | [1] 285 | [1] 285 | [1] 275 | [1] 270 | ..... | [1] 248 | [1] 243 | ..... | ..... | [1] 228 | [1] 223 | [1] 223 | [1] 213 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 305 | 275 | 265 | 260 | 250 | 245 | 245 | 213 | 208 | 198 | 188 | 178 | 173 | 143 | 133 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [2] 285 | [2] 260 | [2] 250 | [2] 245 | [2] 235 | 240 | 245 | 213 | 208 | 198 | 198 | 178 | 173 | 143 | 133 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 305 | [3] 275 | [3] 265 | ..... | [3] 250 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."
*The above prices are based on a base river charge (including all charges necessary to reload coal in cars docks—See Note 1) of $1.15 per net ton. If the base river rate exceeds $1.15 per ton the exact difference between the actual rate and the base rate may be deducted from the above prices. If the base river rate is less than $1.15 per ton, the exact difference between $1.15 and the actual rate shall be added to the above prices. These flexible f. o. b. mine prices are subject to the notes listed hereinbefore.

*Prices F. O. B. Mines, for River and Ex-River Shipment, Applicable for All Uses Except Railroad Locomotive Fuel Subject to Price Instructions and Exceptions and Notes Shown Below*—Continued

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mississippi River destinations from Luxora, Arkansas, to but not including Helena, Arkansas* | 1, 2 | 3 | 4 | 5 | 6 | 7, 8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine Index Nos. | | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 310 | 290 | 265 | 265 | 260 | 250 | 245 | 250 | 245 | 260 | 250 | 240 | 235 | 205 | 195 |
| 72 | 310 | 280 | 265 | 265 | 260 | 250 | 245 | 240 | 235 | 235 | 225 | 215 | 210 | 180 | 170 |
| 72 | [1] 310 | [1] 280 | [1] 265 | [1] 265 | [1] 260 | [1] 250 | ..... | [1] 250 | [1] 245 | ..... | ..... | [1] 230 | [1] 225 | [1] 225 | [1] 215 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 285 | 255 | 245 | 240 | 230 | 225 | 225 | 215 | 210 | 200 | 190 | 180 | 175 | 145 | 135 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [2] 285 | [2] 255 | [2] 245 | ..... | [2] 235 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 285 | [3] 255 | [3] 245 | ..... | [3] 235 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."
*The above prices are based on a base river charge (including all charges necessary to reload coal in cars docks—See Note 1) of $1.50 per net ton. If the base river rate exceeds $1.50 per ton the exact difference between the actual rate and the base rate may be deducted from the above prices. If the base river rate is less than $1.50 per ton, the exact difference between $1.50 and the actual rate shall be added to the above prices. These flexible f. o. b. mine prices are subject to the notes listed hereinbefore.

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mississippi River destinations from Helena, Arkansas, to but not including Grand Lake, Arkansas* | 1, 2 | 3 | 4 | 5 | 6 | 7, 8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine Index Nos. | | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87. | 310 | 290 | 265 | 265 | 260 | 250 | 245 | 250 | 245 | 260 | 250 | 240 | 235 | 205 | 195 |
| 72 | 310 | 280 | 265 | 265 | 260 | 250 | 245 | 240 | 235 | 235 | 225 | 215 | 210 | 180 | 170 |
| 72 | [1] 310 | [1] 280 | [1] 265 | [1] 265 | [1] 260 | [1] 250 | ..... | [1] 250 | [1] 245 | ..... | ..... | [1] 230 | [1] 225 | [1] 225 | [1] 215 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88. | 285 | 255 | 245 | 240 | 235 | 225 | 225 | 215 | 210 | 200 | 190 | 180 | 175 | 145 | 135 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [2] 265 | [2] 240 | [2] 230 | 225 | [2] 220 | 220 | 225 | 215 | 210 | 200 | 190 | 180 | 175 | 145 | 135 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 285 | [3] 255 | [3] 245 | ..... | [3] 235 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal".
[3] The prices shown are applicable only to "Industrial Coal".
*The above prices are based on a base river charge (including all charges necessary to reload coal in cars docks—See Note 1) of $2.08 per net ton. If the base river rate exceeds $2.08 per ton the exact difference between the actual rate and the base rate may be deducted from the above prices. If the base river rate is less than $2.08 per ton, the exact difference between $2.08 and the actual rate shall be added to the above prices. These flexible f. o. b. mine prices are subject to the notes listed hereinbefore.

*Prices F. O. B. Mines, for River and Ex-River Shipment, Applicable for All Uses Except Railroad Locomotive Fuel Subject to Price Instructions and Exceptions and Notes Shown Below*—Continued

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mississippi River destinations from Grand Lake, Arkansas, to but not including Natchez, Mississippi* | 1, 2 | 3 | 4 | 5 | 6 | 7, 8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine Index Nos. | | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 310 | 290 | 265 | 265 | 255 | 250 | 245 | 250 | 245 | 260 | 250 | 240 | 235 | 205 | 195 |
| 72 | 310 | 280 | 265 | 265 | 255 | 250 | 245 | 240 | 235 | 235 | 225 | 215 | 210 | 180 | 170 |
| 72 | [1] 310 | [1] 280 | [1] 265 | [1] 265 | [1] 255 | [1] 250 | ..... | [1] 250 | [1] 245 | ..... | ..... | [1] 230 | [1] 225 | [1] 225 | [1] 215 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 285 | 255 | 245 | 240 | 230 | 225 | 225 | 215 | 210 | 200 | 190 | 180 | 175 | 145 | 135 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [2] 265 | [2] 240 | [2] 230 | 225 | [2] 215 | 220 | 225 | 215 | 210 | 200 | 190 | 180 | 175 | 145 | 135 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 285 | [3] 255 | [3] 245 | ..... | [3] 230 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."
*The above prices are based on a base river charge (including all charges necessary to reload coal in cars docks—See Note 1) of $2.24 per net ton. If the base river rate exceeds $2.24 per ton the exact difference between the actual rate and the base rate may be deducted from the above prices. If the base river rate is less than $2.24 per ton, the exact difference between $2.24 and the actual rate shall be added to the above prices. These flexible f. o. b. mine prices are subject to the notes listed hereinbefore.

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mississippi River destinations from Natchez, Mississippi, to but not including Bayou Sara, La.* | 1, 2 | 3 | 4 | 5 | 6 | 7, 8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine index Nos. | | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 300 | 280 | 255 | 255 | 245 | 240 | 235 | 240 | 235 | 250 | 240 | 230 | 225 | 195 | 185 |
| 72 | 300 | 270 | 255 | 255 | 245 | 240 | 235 | 230 | 225 | 225 | 215 | 205 | 200 | 170 | 160 |
| 72 | [1] 300 | [1] 270 | [1] 255 | [1] 255 | [1] 245 | [1] 240 | ..... | [1] 240 | [1] 235 | ..... | ..... | [1] 220 | [1] 215 | [1] 215 | [1] 205 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 275 | 245 | 235 | 230 | 220 | 215 | 215 | 205 | 200 | 190 | 180 | 170 | 165 | 135 | 125 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [2] 255 | [2] 230 | [2] 220 | 215 | [2] 205 | 210 | 215 | 205 | 200 | 190 | 180 | 170 | 165 | 135 | 125 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 275 | [3] 245 | [3] 235 | ..... | [3] 220 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal".
[3] The prices shown are applicable only to "Industrial Coal".
*The above prices are based on a base river charge (including all charges necessary to reload coal in cars docks—See Note 1) of $2.32 per net ton. If the base river rate exceeds $2.32 per ton the exact difference between the actual rate and the base rate may be deducted from the above prices. If the base river rate is less than $2.32 per ton, the exact difference between $2.32 and the actual rate shall be added to the above prices. These flexible f. o. b. mine prices are subject to the notes listed hereinbefore.

***Prices F. O. B. Mines, for River and Ex-River Shipment, Applicable for All Uses Except Railroad Locomotive Fuel Subject to Price Instructions and Exceptions and Notes Shown Below*—Continued**

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mississippi River destinations from Bayou Sara, La., to but not including New Orleans, La.* | 1, 2 | 3 | 4 | 5 | 6 | 7, 8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine Index Nos. | | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 280 | 260 | 235 | 235 | 225 | 220 | 215 | 220 | 215 | 230 | 220 | 210 | 205 | 175 | 165 |
| 72 | 280 | 250 | 235 | 235 | 225 | 220 | 215 | 210 | 205 | 205 | 195 | 185 | 180 | 150 | 140 |
| 72 | [2] 280 | [1] 250 | [1] 235 | [1] 235 | [1] 225 | [1] 220 | ----- | [1] 220 | [1] 215 | ----- | ----- | [1] 200 | [1] 195 | [1] 195 | [1] 185 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 255 | 225 | 215 | 210 | 200 | 195 | 195 | 185 | 180 | 170 | 160 | 150 | 145 | 115 | 105 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [2] 245 | [1] 210 | [1] 200 | 195 | [1] 185 | 190 | 195 | 185 | 180 | 170 | 160 | 150 | 145 | 115 | 105 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 255 | [3] 225 | [3] 215 | ----- | [3] 200 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal".
[3] The prices shown are applicable only to "Industrial Coal".
*The above prices are based on a base river charge (including all charges necessary to reload coal in cars docks—See Note 1) of $2.52 per net ton. If the base river rate exceeds $2.52 per ton the exact difference between the actual rate and the base rate may be deducted from the above prices. If the base river rate is less than $2.52 per ton, the exact difference between $2.52 and the actual rate shall be added to the above prices. These flexible f. o. b. mine prices are subject to the notes listed hereinbefore.

| Market areas | Prices and size group Nos. | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mississippi River destinations from New Orleans, La., to Gulf of Mexico* | 1, 2, 3, 4 | 5 | 6 | 7 | 8 | 9 | 10, 11 | 12, 13 | 14, 15, 16 | 17 | 18, 19, 20 | 21 | 22 | 23 |
| Mine Index Nos. | | | | | | | | | | | | | | |
| 2, 11, 13, 14, 18, 19, 27, 46, 47, 48, 49, 56, 73, 87 | 240 | 230 | 225 | 215 | 205 | 185 | 195 | 185 | 200 | 190 | 170 | 165 | 135 | 125 |
| 72 | 240 | 230 | 225 | 215 | 205 | 185 | 185 | 175 | 175 | 165 | 145 | 140 | 110 | 110 |
| 72 | [2] 240 | [1] 230 | [1] 225 | [1] 215 | [1] 205 | ----- | [1] 195 | [1] 185 | ----- | ----- | [1] 160 | [1] 155 | [1] 155 | [1] 145 |
| 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88 | 210 | 205 | 200 | 190 | 180 | 165 | 160 | 150 | 140 | 130 | 110 | 105 | 75 | 65 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [2] 195 | 190 | [2] 185 | 185 | 175 | 165 | 160 | 150 | 140 | 130 | 110 | 105 | 75 | 65 |
| 28, 40, 45, 60, 67, 76, 79, 80, 81 | [3] 210 | ----- | [3] 200 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |

[1] The prices shown are applicable to coal when washed.
[2] The prices shown are applicable only to "Domestic Coal."
[3] The prices shown are applicable only to "Industrial Coal."
*The above prices are based on a base river charge (including all charges necessary to reload coal in cars docks—See Note 1) of $2.85 per net ton. If the base river rate exceeds $2.85 per ton the exact difference between the actual rate and the base rate may be deducted from the above prices. If the base river rate is less than $2.85 per ton, the exact difference between $2.85 and the actual rate shall be added to the above prices. These flexible f. o. b. mine prices are subject to the notes listed hereinbefore.

## SCHEDULE OF PROPOSED COORDINATED MINIMUM PRICES FOR DISTRICT NO. 9

### TRUCK SHIPMENTS ONLY

### *Price Instructions and Exceptions*

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members within District No. 9.

2. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

3. All prices are subject to the effective Marketing Rules and Regulations and the Rules and Regulations governing Distributors.

4. Invoices shall be paid in full in United States currency, or funds equivalent thereto, not later than the due date.

5. All size designations are for round hole screens. When screens having other types of openings are used and the percentage of over-size, as determined in accordance with the method of test prescribed by A. S. T. M. designation D 410–38, exceeds 5%, the price for the next higher size group classification for that mine shall apply.

6. All Lump or Double Screened coal subjected to any chemical, oil or wax process for allaying dust shall be priced at not less than 10 cents per net ton above the prices shown herein.

7. Not *less* than the actual cost of transporting coal from the ordinary loading facilities at the mines to any consumer shall be added to the established minimum price f. o. b. transportation facilities at the mine.

The cost of such transportation is subject to review by the Commission on complaint or upon its own motion. In every case reviewed by the Commission the Code Member shall have the burden of establishing or proving that the cost so charged was not less than the actual cost of transportation.

### *Size Group Description—(For Truck Shipment)*

| Size Group | Lump and M/R | Double screened |
|---|---|---|
| 1 | All Lump coal larger than 4". | All Egg coal with bottom size larger than 4". |
| 2 | All Lump coal 4" and smaller but larger than 3". | All Egg coal with a top size larger than 6" and a bottom size 3" and larger, but not larger than 4", and includes 6" x 4" EGG. |
| 3 | All Lump coal 3" and smaller, but larger than 2". | All Egg coal with a bottom size than 2" but not larger than 3", and a top size not larger than 6". |
| 4 | All Lump coal 2" and smaller, but larger than 1½". | All Egg coal with a bottom size larger than 1½" but not larger than 2", and a top size larger than 4". |
| 5 | ----- | All Double Screened coals with a bottom size larger than 1½" but not larger than 2", and a top size larger than 3" but not larger than 4". |
| 6 | ----- | All Double Screened coal with a bottom size larger than 1½" but not larger than 2", and a top size larger than 2" but not larger than 3". |
| 7 | All Lump coal 1½" or smaller. | All Double Screened coals with a top size larger than 3" and a bottom size not larger than 1½". |
| 8 | ----- | All Double Screened coals with a top size larger than 2" but not larger than 3" and a bottom size not larger than 1½". |
| 9 | Straight Mine Run, no fines removed. Mine Run, modified by the removal of any intermediate size or sizes, no fines removed. All Resultants larger than 2", no fines removed. | ----- |
| 10 | ----- | All Double Screened coal *not* mechanically cleaned with a top size not larger than 2" but larger than 1½", and a bottom size larger than ⅜". |
| 11 | ----- | All Double Screened coals *not* mechanically cleaned with a top size not larger than 2" but larger than 1½", and a bottom size not larger than ⅜" but larger than ⅜"or 10 mesh. |
| 12 | ----- | All Double Screened coals *not* mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size larger than ⅜" |
| 13 | ----- | All Double Screened coals *not* mechanically cleaned with a top size not larger than 1½", and a bottom size ⅜" and smaller. |

### Screenings

Size group 14.—Modified Screenings having a top size 2" and smaller but larger than 1½", and a bottom size not larger than 8 mesh.

Size group 15.—Modified Screenings having a top size 1½" and smaller but larger than 1¼", and a bottom size not larger than 8 mesh.

Size group 16.—Modified Screenings having a top size 1¼" and smaller but larger than 1", and a bottom size not larger than 8 mesh.

Size group 17.—Modified Screenings having a top size 1" and smaller, and a bottom size not larger than 8 mesh.



Size group 21.—All screenings *not* mechanically cleaned having a top size 1", and smaller but larger than ¾", no fines removed.

Size group 22.—All screenings *not* mechanically cleaned having a top size ¾", and smaller but larger than ⅜", no fines removed.

Size group 23.—All screenings *not* mechanically cleaned having a top size ⅜", and smaller but larger than ¼", no fines removed.

Size group 18.—All screenings *not* mechanically cleaned having a top size 2", and smaller, but larger than 1½", no fines removed.

Size group 19.—All screenings *not* mechanically cleaned having a top size 1½", and smaller but larger than 1¼", no fines removed.

Size group 20.—All screenings *not* mechanically cleaned having a top size 1¼", and smaller but larger than 1", no fines removed.

Size group 23.—Carbon—All Screenings *not* mechanically cleaned having a top size ¼" and smaller.

### *For Truck Shipment Only—Prices in Cents per Ton for Shipments Into All Market Areas*

| Code member index—Name | Mine | Seam | Prices and size group Nos. | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| *Butler County* | | | | | | | | | | | | | | | | | | | | | | | | | |
| Baize, C. T. | Baize | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Barrow, Elbert | Melton 1 | No. 14 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Burden, G. W. | Burden | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Butler County Coal Co. (W. D. Armstrong) | Alabama | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Cardwell, Rado | Cardwell No. 3 | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Clark, Tilford | Cardwell | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Coots, O. E. | Whitaker | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Coots, Clyde | Coots Mines | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Eberman, Harry | Burden | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Eberman, Harry | Eberman Mines | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Fields, D. B. | Fields Mines | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Flener, J. E. | Flener Mines | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Haney, J. C. | Haney | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Hatcher, O. E. | Hatcher Mines | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Hawes, Sherman & Ret. | Hawes Mines | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Haynes, W. L. | Haynes | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Hunt, C. A. | Hunts | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Hunt, Clifford | Clifford Hunt | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Hunt, Thos. C. | Hunt Mines | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Johnson & Brothers, J. W. | Tayloe's Mines | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Johnson & Chatman | Johnson & Chatman | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Johnson, Claude | Claude Johnson | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Johnson & Embry | A and J | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Johnson & Woolcock | Johnson & Woolcock | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Johnson, N. E. | Johnson Mines | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Martin, C. E. | Romans | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Martin, E. Ivan | Martin | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| McCormack, C. | McCormack | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Melton, Thos. (Melton Coal Co.) | Melton No. 3 | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Morris, Hettie (Mrs.) | Green River Coal | No. 6 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Phelps, J. O. | Phelps | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| *Christian County* | | | | | | | | | | | | | | | | | | | | | | | | | |
| Adams, Floyd & Coy | Adams | No. 6 | 250 | 250 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 175 | 135 | 135 |
| Brown, Omer | Brown | No. 6 | 250 | 250 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 175 | 135 | 135 |
| Empire Mining Co. | Empire | No. 6 | 250 | 250 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 175 | 135 | 135 |
| Franklin, Thomas and Shelby Brown | Lion & coal mines | No. 6 | 250 | 250 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 175 | 135 | 135 |
| K. C. & Coal Mines | K. C. & Stanley | No. 6 | 250 | 250 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 175 | 135 | 135 |
| Riddout, Paul (Tuddin Head Mine) | Tuddin Head | No. 6 | 250 | 250 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 205 | 175 | 135 | 135 |
| *Daviess County* | | | | | | | | | | | | | | | | | | | | | | | | | |
| Airey Bros. | Aireys | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Airey, Otha | Airey | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Blackaby, R. J. | Whitaker | No. 8 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Bolcat, Bernett and C. G. Morris | Bolcat & Morris | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Corum, Gordie | J. H. Corum | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| English, Pines | English Pines | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Howell, Jimmie and Chester | Howell Bros. | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Howell, John | West Louisville Coal | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Jobe, L. O. (Daviess Co. Coal Co.) | J. Lee Rudy | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Kurz Coal Co., Inc. | Kurz Coal Co. | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Lily Meadle Coal & Land Co., Inc. | Lily Meadle | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Miller, T. P. | Thomas and T. P. | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Miller, T. P. | T. P. Miller | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Nation, John | No. 1 | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| Nation, John | No. 2 | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| O'Bryan, J. F. | O'Bryan | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |
| O'Bryan, J. M. | O'Bryan | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 130 | 120 | 120 | 115 | 85 | 75 |

*For Truck Shipment Only—Prices in Cents per Ton for Shipments Into All Market Areas—Continued*

| Code member index—Name | Mine | Seam | Prices and size group Nos. | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| Rafferty, E. D. | Rafferty | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Rudy & Co., Inc. George H | Geo. H. Rudy | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Scott, Nathan | Scott | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Stallings, H. C | Stallings | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Vanover Bros. (Robert and Pruitt) | Vanover Bros | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Walls, Esile | Spinks | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Williams, Ezra | Ezra Williams | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| *Hancock County* | | | | | | | | | | | | | | | | | | | | | | | | | |
| Aldridge, J. C | Black Diamond | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Bruner, J | Bruner | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Butler Bros | Butler Bros | No. 2 Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| DeJarnette, Lafe and Hughes | Lafe-Hughes | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Howard, Lawrence | Lawrence Howard | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Kennedy, J. K | Peacock | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Rice, O. T. and Ben DeJarnette | Rice-DeJarnette | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Semi-Cannel Coal Co. (F. J. Alsop and F. C. Stokes) | Semi-Cannel | No. 2 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Trumbo, Morgan C | Trumbo | Stray | 275 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| *Henderson County* | | | | | | | | | | | | | | | | | | | | | | | | | |
| Anthoston Coal Co., Inc | Anthoston | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Community Coal Co | Community C. C | No. 14 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Connolly Coal Co | Connolly C. C | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Eastin, George S. (Eastin Coal Co.) | Eastin Coal Co | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Graham Hill Coal Co | Graham Hill | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Hebbardsville Coal Co. (C. C. Blanford) | Hebbardsville C. C | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Nicholson & Sons, Inc. J. L | Hot Stuff | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Patterson, John B | Chinn | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Peach Orchard Coal Co., Inc | Peach Orchard C. C. Inc | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Risley Coal Co. (James Risley) | Risley | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Robard, B. N | Hebbardsville | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Southland Mining Co | Keystone | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Walker, W. O. (Robards Coal Co.) | Robards, C. C | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Zion Coal Co., Inc | Zion Coal Co. Inc | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| *Hopkins County* | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ayers & Browning | Chamberlain | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Barnes, Austin | Rector Kirkwood | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Beshear, O. N | Beshear | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Bivins, C. C | Bivins | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Blanchard & Sons, J. J | Blanchard | No. 14 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Blue Valley Coal Corp | Blue Valley | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Bowles, Karl | Bowles | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Brown, Claude L | Brown's | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Brown Mine, M. B | M. B. Brown | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Brown, Rayburn | Brown Mines | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Cariel, Pearl | Ridley | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Clayton, Scott | Clayton | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Coats, M. P | Coats | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Cunningham, Eli | Bill Bailey 2 | No. 6 | 205 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Davis, R. L | R. L. Davis | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Dawson Collieries, Inc | Dawson Collieries | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Dawson Daylight Coal Co | Dawson Daylight No. 6 | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Dawson Daylight Coal Co | Dawson Daylight No. 9 | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Dillingham, Emmett & Dell | Morton | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Dockery, Thurman | Dockery | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| F. C. H. Coal Co. (Chesley Franklin) | F. C. H. Coal Co | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Flat Creek Coal Co | Flat Creek | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Fox, F. H | Carbondale | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Fugate, F. G | Old Curtis | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Gamblin, Elmer & Douglas | Moss Hill No. 2 | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Gamblin, Etna | Dempster Strip | No. 9 | 226 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Gillard, Herman | Gillard | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Goodacre & Howton (Volney Goodacre) | Parrish | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Goodloe, Elgie | Goodloe | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Grapevine Coal Co | Grapevine C. C | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Hall-Luton Coal Mng. Co | Hall-Luton C. Mng. Co | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Hart Coal Co | Moss Hill | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Hart Coal Co | Victoria | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Hoffman, J. W | Peacock | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Jenkins & Patterson | Jenkins & Patterson | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Kington, H. L | No. 14 | No. 14 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Laffoon, Robert | Laffoon | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Lakeview Coal Co., Inc | Lakeview Coal Co | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |



*For Truck Shipment Only—Prices in Cents per Ton for Shipments Into All Market Areas—Continued*

| Code member index—Name | Mine | Seam | Prices and size group Nos. | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| Lakeview Coal Co., Inc | Lakeview Coal No. 2 | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Lakeview Coal Co., Inc | Lakeview Coal No. 3 | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Lakeview Coal Co., Inc | Lakeview Coal No. 4 | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Lee, Tom | Lee | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Lick Creek Coal Co | Charleston | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Long, Dick & Charlie Ell | Needmore | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Long, Thomas O. & Chester Barnes | Pennywinkle | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Lucas, C. O | Lucas | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Manire, B. L | B. L. Manire | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Merrell & Dillingham | Oak Hill | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Merrill, Louis | Oak Hill | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Moore, B. D | Moores | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Morris, Basil and Arthur | Morris Bros | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Myers, D. M | Myers | No. 14–11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Nantz, B. C | Nantz | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Newcoal Corporation | Newcoal | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Ninth Vein Coal Co | Ninth Vein C. C | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Norton Coal Corp | Nortonville No. 1 | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Norton Coal Corp | Crabtree | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Offutt, Audie | Offutt's | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Penrod & Williams (J. H. Penrod) | Tarey Mines | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Pressley, Bently | Pressley No. 1 | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Ratliff Bros. (Arthur & Lucian Ratliff) | Lone Pine | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Rector, Leamon | Rector | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 102 | 115 | 85 | 75 |
| Reinecke Coal Mining Co., The | Eureka | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Robinson, R. E | Robinson | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Rogers, Lonnie | Sunnyside | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Rogers, Lonnie | New Rex | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Sentry Coal Mining Co.* | Sentry | No. 14 | 250 | 250 | 220 | 205 | 205 | 195 | 190 | 190 | 185 | 180 | 180 | 175 | 175 | 175 | 175 | 175 | 165 | 155 | 155 | 155 | 150 | 120 | 110 |
| Sisk, W. T. (Mrs.) | Sisk | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Sixth Vein Coal Corp | Sixth Vein | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Stirling Coal Co. of Ky | Daniel Boone No. 9 | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Stokes, Noble | Cummins | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Styles, T. A | Styles | No 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Thomas, G. E | Purdy | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Trio Coal Co. of Ky | Trio Mines | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Walker, J. B | Walker | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Watson, R. T | Watson | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| West Kentucky Coal Co | North Diamond | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| West Kentucky Coal Co | Fox Run | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| West Kentucky Coal Co | Ky. Block No. 2 | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Williams Coal Co | Williams | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Williams, John | Beech Hollow | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Winstead, I. E | Martin | No. 11 | 205 | 205 | 180 | 170 | 165 | 155 | 160 | 160 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Workman, Mae D. (Mrs.) | J. H. Workman | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| *McLean County* | | | | | | | | | | | | | | | | | | | | | | | | | |
| Baldwin, L. W | Baldwins | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Blades & Rector | Blades & Rector | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Brown, Roy | Halls | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Dwire, Buck | Fox Hollow | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Greenlee, John W | Greenlee | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Hall, Dan | Hall's | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Hall, J. D | Hall's | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Howell, Edgar | Woods | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Jarvis, William H | Jarvis | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Maddox & Baldwin | Maddox & Baldwin | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Penrod, O. C | Penrod | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Swentner, Wolf | SWentner | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Taylor & Kirtley (Perry Taylor) | Taylor | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Wood & Bowman | Harrison | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Wood, Marvin & John Greenlee | Priest | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Wood & Wilkey (Haynes Wood) | Lone Oak | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Wood Bros | Woods | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Wood, Walter | Walter Wood | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| *Muhlenberg County* | | | | | | | | | | | | | | | | | | | | | | | | | |
| Atkinson, Leland | Atkinson | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Baker & Thomson (Estil Baker) | Baker & Tomson | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Barton, B. B | Barton | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Beadnell, G. C | Beadnell | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Beech Creek Coal Co | Beech Creek | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |

*For washed coal in Size Groups 10-11-12-13 add 10¢ per ton. For washed coal in Size Groups 18-19-20-21 add 15¢ per ton. For washed coal in Size Groups 22-23 add 45¢ per ton.

*For Truck Shipment Only—Prices in Cents per Ton for Shipments Into All Market Areas*—Continued

| Code member index—Name | Mine | Seam | Prices and size group Nos. | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| Bevier Lamb Mining Co. | Nos. 1 and 3 | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Blackwell, John | Blackwell C. C. | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Bowles, W. H. | Bowles | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Bridges, W. W., Rec., (Black Diamond Coal Mining Co.). | Black Diamond No. 2 | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Bridges, W. W., Rec., (Black Diamond Coal Mining Co.). | Black Diamond No. 3 | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Buck Knob Coal Co. | Buck Knob Coal Co. | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| C & P Mining Co. | C & P Mining | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Carter, W. J. | W. J. Carter | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Casebier Bros. (W. L. Casebier) | Old Casebier | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Clark Bros. | Clarks | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Courtney, B. R. | Courtney | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Crescent Coal Co. | Crescent No. 2 | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Croxton, H. R. | Noemwell | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Deering, Douglas | Fisher | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Devine, Will | Nonel | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Doss, George R. | Doss | No. 14 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Dukes Bros. | No. 1 | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Dukes Bros. | No. 2 | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Finley & Stovall | Good Night Hill | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Fortney, M. L. | M. L. Fortney | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Fox, W. K. | Clark | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Greely, R. E. | Greely-Gibbs C. C. | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Greenville Coal Co. | Martwick | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Haden, D. J. & T. R. Cessna | Haden & Cessna | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Hall, Earl | Isabell | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Hill, W. J. | Hill | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Jarvis, Edgar | Ed. Jarvis | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Jernigan, H. A. | Sylvey | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Jernigan, O. S. | O. S. Jernigan | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Kirk Coal Mining Co. | Kirk | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Kirtley, Frank | Frank Kirtley | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Knight, C. B. | Knights | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Knight, K. | Knight | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Lile, C. L. | Snodgrass | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Luzerne-Graham Mng. Corp. | Luzerne | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Luzerne-Graham Mng. Corp. | Graham | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Mallory, Melvin | Mallory | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Mercer & Son, J. D. | J. D. Mercer | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Mohon, R. A. and L. R. Bradley | Mohon & Bradley | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Morris, Kermit | | No. 14-12 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Murphy, J. W. | Murphy | No. 14 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Nelson Creek Coal Co. | Nelson | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Pacific Coal Co. | Pacific | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Parsons Bros. | No. 1 | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Perry, R. | Perry | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Pinley Mines (Bun. Bartlett) | Pinley Mines | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Proctor & Ewing (O. W. Ewing) | Proctor & Ewing | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Rhoades, Richard | Rhoades | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Richardson Bros. (O. Richardson) | Richardson | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Roark, B. R. | Roark's | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Rogers, Lonnie | Sugar Camp | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Roof Coal Co. | Roof Coal Co. | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Scroggins, Walter | Johnson | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Shearn Coal Co. | Belcano | No. 6 | 250 | 250 | 230 | 205 | 205 | 195 | 190 | 190 | 185 | 190 | 190 | 185 | 185 | 200 | 200 | 200 | 190 | 180 | 180 | 180 | 175 | 145 | 135 |
| Skipworth, Barney | Richardson | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Steele, F. J. | F. J. Steele | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Steele, John | Steele | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Steward, Dee | Harps Hill | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Sullivan, S. L. | Sullivan | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Thompson, J. M. | Thompson | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Turner, Glen | Turner | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Turner, Melvin & Denzel | Gibbs | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Vencill, Ray | Vencill Coal Co. | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Vincent, Russell | Russell Vincent | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Walton, Percy | Lacefield | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Webb, Noel and Floyd Knight | Webb & Knight | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Wells, John | John Wells | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Whitfield, I. K. | Whitfield | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Wickliff, Alney | Wickliff | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Wickliffe Coal Co. | Browder | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Willow Creek Coal Co. | Willow Creek C. C. | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Young, R. E. | Blackwell | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |



*For Truck Shipment Only—Prices in Cents per Ton for Shipments Into All Market Areas*—Continued

| Code member index—Name | Mine | Seam | Prices and size group Nos. | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| *Ohio County* | | | | | | | | | | | | | | | | | | | | | | | | | |
| Albin, V. M. | Laurence Baize | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Alvey, H. H. (Alvey Mines) | Alvey Mines | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Blankenship, E. | Blankenship | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Bratcher, Claude B. (Claude B. Bratcher C. Mine) | Bratcher Coal | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Camp, Ira and Loney McDaniels | Wiley Woodruff | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Chapman, John | Chapman | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Coffman, Roy C. | Coffman | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Cooper, Cecil (Cooper Mines) | Cooper | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Crick, W. W. | Cricks | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Daniel, Charles E. | Daniel | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Deanfield Coal Co. | Deanfield | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Dockery & Sons, H. C. | Dockery | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 1 0 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Dockery, N. W. | N. W. Dockery | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Doyal, W. R. | Doyal | No. 14 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 1 0 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Ellis, Charlie and Alex Bozworth (T. R. Miller Coal Mine). | J. T. Miller | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Embry, Newton (Embry Coal Co.) | Embry | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Faught, N. | Faught Mines | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Ford, J. S. | J. S. Fords Mines | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Ford, Sam | Sam Ford Mines | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Fort Hartford Coal Co. | Tichenor | No. 14 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Frizzell & Wilkerson | Wilkerson | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Griffin, John | John Griffin | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Growbarger, Geo. and Rodney Fulton | Scott | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Haskins, John (Haskins Mines) | Haskins Mines | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| High View Mining Co. | Hamilton Nos. 1 and 2 | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Hodges, A. W. | Hodges Mines | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Hoheimer, George | Horton Coal Mng. Co. | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Hudnall, W. T. | Hudnall Mines | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Hudnall, Will and Henry Martin | Martin | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| James, Jesse | Jesse James | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Kendall Bros. | Kendall | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Lloyd, I. J. | Bettinger | Stray | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Lloyd, Marshall | Roma Free | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Louisville Gas & Electric Co. | Echols | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Maddox, L. E. (Maddox Coal Co.) | Maddox Coal | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Millard, Scott | Millard Mines | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Mitchell, Jim | Mitchells | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Moorman, C. H. | Moorman Mines | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Morris, L. E. | Horton Coal Co. | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Oglesby & Bennett | Oglesby & Bennett | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Porter, F. D. | Porters Mines | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Sheffield, Jesse | Sheffield | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Stevens & Son, W. H. | Stevens | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Stone, Eddie | Grant Pollard | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Stone, Teddy | Stone | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Taylor & Dockery | Dockery | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Taylor, Henry | Taylor | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Tyra, R. T. | Howard | No. 6-7 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Whitten, James | Truman | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Willett, J. E. | Willett | No. 2 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Williams, Leonard | Williams | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Woodruff, Wiley (Woodruff C. C.) | Woodruff Coal Co. | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| *Union County* | | | | | | | | | | | | | | | | | | | | | | | | | |
| Andre, James C. | Rhemes | No. 10 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Blue Grass Coal Products Corp. | Waco | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Callaway, R. W. | Calloway | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Carter, W. M. | Ames | No. 10 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Farmers Coal Co. (W. E. Bridwell, Jr. & W. B. Buchanan). | Spring Grove | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Felts & Son, Geo. H. (Arthur Felts) | Wilson | | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Highland Creek Coal Co. | Highland Creek | No. 11 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Lovan, G. V. | G. V. Lovan | No. 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| McGraw, Robert | McGraw | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Syers, John | Syers | No. 10 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| West Ky. Coal Co. | No. 2 | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| West Ky. Coal Co. | No. 8 | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Williams, S. B. | S. B. Williams | | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| *Webster County* | | | | | | | | | | | | | | | | | | | | | | | | | |
| Allen, Roy E. | Allen | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Babb, Lee | Babb | No. 11 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Brown, R. L. | Wynn | No. 11 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |

*For Truck Shipment Only—Prices in Cents per Ton for Shipments Into All Market Areas*—Continued

| Code member index—Name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Burton, J. J. | Burton | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Coffman, Cleo | Stony Point | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Diamond Coal Co | Diamond Coal No. 1 | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Diamond Coal Co | Diamond Coal No. 2 | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Duvin Coal Co | Duvin (Ruckman) | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Harris, J. F | Harris | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Johnson, T. W. (Johnson Coal Co.) | Johnson | No. 6 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Lucas, Lawson | Hankins | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Luton, C. B | Gem | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Lupon Mining Co | Tulno | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Marks, Ross & J. C. Nisbett | Marks & Nisbett | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Montezuma Coal Co | Montezuma C. C | No. 6 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Phelps, J. H. and J. R. Roberts | Comback | No. 11 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Providence Coal Mining Co | Providence No. 3 | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Prow, D. A | Golds Store | No. 6 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Siglar, Ray | Siglar's | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Starlite Mining Co | Gem | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Tandy, Edgar | Babb | No. 11 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Victory Coal Co | Victory Coal Co | No. 11 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Wanless & Williams (Tom Wanless) | Wanless | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| West Kentucky Coal Co | No. 3 | No. 11 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| West Kentucky Coal Co | No. 6 | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| West Kentucky Coal Co | No. 10 | No. 9 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |
| Woods, J. R. | J. R. Woods | No. 11 | 225 | 225 | 195 | 180 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |

## SCHEDULE OF PROPOSED COORDINATED MINIMUM PRICES FOR DISTRICT NO. 10
FOR ALL SHIPMENTS EXCEPT TRUCKS

### *Alphabetical List of Producers Shipping via Railroad*

| Producer | Mine | Price group No. | Mine index No. | Mine origin group No. | N. B. C. C. Sub-district | Post office address of producer |
|---|---|---|---|---|---|---|
| Bailey Bros. Coal Co | Diamond | 16 | 58 | 80 | Belleville | R. F. D. No. 4, DuQuoin, Ill. |
| Beaucoup Coal Company, Inc. | Beaucoup No. 6 | 16 | 5 | 25 | Belleville | Pinckneyville, Ill. |
| Beckemeyer Coal Company | Beckemeyer | 20 | 6 | 20 | Belleville | Beckemeyer, Ill. |
| Bell & Zoller Coal & Mining Co. | Zeigler No. 1 | 1 | 191 | 140 | Southern | 307 N. Michigan Ave., Chicago, Ill. |
| Bell & Zoller Coal & Mining Co. | Zeigler No. 2 | 1 | 192 | 140 | Southern | 307 N. Michigan Ave., Chicago, Ill. |
| Blakley Coal Company | Blakley | 28 | 13 | 91 | Fulton-Peoria | Canton, Ill. |
| Blue Bird Coal Co | Blue Bird No. 5 | 2 | 14 | 133 | Southern | Carrier Mills, Ill. |
| Bois Coal Company | Bois | 20 | 16 | 80 | Belleville | DuBois, Ill. |
| Buffalo Rock Coal Company | Buffalo Rock | 32 | 19 | 114 | Northern | 230 N. Michigan Ave., Chicago, Ill. |
| Burn-Well Coal Co | Bullock | 21 | 20 | 27 | Belleville | Collinsville, Ill. |
| Carter & Redmour Coal Co | C. & R | 16 | 22 | 25 | Belleville | Cutler, Ill. |
| Central Illinois Coal Mining Co. | Central Ill. "A" | 13 | 28 | 46 | Central | Box 396, Springfield, Ill. |
| Central State Collieries, Inc. | Little Sister | 24 | 87 | 91 | Fulton-Peoria | 1706 Arcade Bldg., St. Louis, Mo. |
| Centralia Coal Company | Centralia No. 5 | 13 | 29 | 62 | Central | 307 N. Michigan Ave., Chicago Ill. |
| Chicago, Wilmington & Franklin Coal Co. | New Orient | 2 | 108 | 138 | Southern | 332 S. Michigan Ave., Chicago, Ill. |
| Chicago, Wilmington & Franklin Coal Co. | Orient No. 1 | 2 | 124 | 138 | Southern | 332 S. Michigan Ave., Chicago, Ill. |
| Chicopee Coal Company | Troy | 20 | 173 | 22 | Belleville | Troy, Ill. |
| Citizens Coal Company | East Mine | 20 | 43 | 20 | Belleville | Breese, Ill. |
| Conant Coal Company | Conant | 20 | 31 | 25 | Belleville | Conant, Ill. |
| Consolidated Coal Company, The. | Buckhorn | 2 | 18 | 142 | Southern | 2060 Railway Exc. Bldg., St. Louis, Mo. |

### *Alphabetical List of Producers Shipping via Railroad*—Continued

| Producer | Mine | Price group No. | Mine index No. | Mine origin group No. | N. B. C. C. Sub-district | Post office address of producer |
|---|---|---|---|---|---|---|
| Consolidated Coal Company, The. | Consolidated No. 7. | 12 | 32 | 58 | Central | 2060 Railway Exc. Bldg., St. Louis, Mo. |
| Consolidated Coal Company, The. | Consolidated No. 15. | 12 | 33 | 51 | Central | 2060 Railway Exc. Bldg., St. Louis, Mo. |
| Consolidated Coal Company, The. | Jefferson County, Mine No. 20. | 2 | 75 | 143 | Southern | 2060 Railway Exc. Bldg., St. Louis, Mo. |
| Consolidated Coal Company, The. | New Monarch | 2 | 106 | 140 | Southern | 2060 Railway Exc. Bldg., St., Louis, Mo. |
| Coulterville Coal Company | Perco | 16 | 135 | 30 | Belleville | Coulterville, Ill. |
| Crain Coal Company | Crain | 20 | 34 | 25 | Belleville | Percy, Ill. |
| Crescent Mining Co | LaMarsh No. 1 | 26 | 81 | 126 | Fulton-Peoria | 307 N. Michigan Ave., Chicago, Ill. |
| Crescent Mining Co | LaMarsh No. 6 | 26 | 82 | 126 | Fulton-Peoria | 307 N. Michigan Ave., Chicogo, Ill. |
| Cutler Coal Company, Inc. | New Wilson | 20 | 110 | 25 | Belleville | Cutler, Ill. |
| Delta Coal Mining Co | Delta | 3 | 36 | 134 | Southern | 1012 Baltimore Ave., Kansas City, Mo. |
| Diamond Coal Company (Augustine Colonl, Prop.). | Diamond No. 2 | 4 | 40 | 132 | Southern | 215 N. 18th St., Herrin, Ill. |
| Edgar Coal Company (Wm. T. Edgar, Prop.). | Little Muddy | 16 | 85 | 80 | DuQuoin | Tamaroa, Ill. |
| Forsyth-Carterville Coal Co | Forsyth-Carterville. | 4 | 50 | 134 | Southern | 807 Fullerton Bldg., St. Louis, Mo. |
| Franklin County Coal Corp | Energy No. 5 | 1 | 44 | 140 | Southern | 135 S. LaSalle St., Chicago, Ill. |
| Franklin County Coal Corp | Royalton No. 7 | 1 | 151 | 140 | Southern | 135 S. LaSalle St., Chicago, Ill. |
| Freeburg Coal Company | Freeburg | 20 | 53 | 21 | Belleville | Freeburg, Ill. |
| Freeman Coal Mining Co | Freeman | 2 | 54 | 139 | Southern | 332 S. Michigan Ave., Chicago, Ill. |
| Gill Coal Corporation | Lyle | 20 | 89 | 21 | Belleville | Marissa, Ill. |
| Gillespie Coal Co | Gillespie | 13 | 57 | 49 | Central | 1409 Boatmens Bank Bldg., St. Louis, Mo. |
| Golden Rule Coal Co | Golden Rule | 20 | 59 | 21 | Belleville | Lenzburg, Ill. |

### *Alphabetical List of Producers Shipping via Railroad*—Continued

| Producer | Mine | Price group No. | Mine index No. | Mine origin group No. | N. B. C. C. Sub-district | Post office address of producer |
|---|---|---|---|---|---|---|
| Golden Rule Coal Co | Golden Rule | 25 | 60 | 93 | Fulton-Peoria | Middle Grove, Ill. |
| Groom Coal Co | Richland | 20 | 149 | 21 | Belleville | 1906 W. Main St., Belleville, Ill. |
| Gundlach Coal Company | Gundlach | 20 | 61 | 20 | Belleville | Edgemont Station, East St. Louis, Ill. |
| Hillsboro Mining Company | Hillsboro | 13 | 68 | 47 | Central | 1123 School St., Hillsboro, Ill. |
| Home Coal Company (Townsend Blanchard, Prop.). | Victory | 16 | 178 | 80 | Belleville | Tamaroa, Ill. |
| Illinois Colliery Co | Illinois Colliery | 25 | 71 | 91 | Fulton-Peoria | Farmington, Ill. |
| Illinois-Missouri Coal Co (H. W. Bradbury, Prop.) | Ill-Mo | 16 | 72 | 24 | Belleville | Sparta, Ill. |
| Illinois Pocahontas Coal Co | Pocahontas | 21 | 138 | 27 | Belleville | 320 N. 4th St., St. Louis, Mo. |
| Jones Bros. Coal Mining Co | Eureka No. 2 | 16 | 45 | 21 | Belleville | Marissa, Ill. |
| Lake Erie Mining Co | Lake Erie | 26 | 80 | 125 | Fulton-Peoria | Box 33, Peoria, Ill. |
| Lenzburg Coal Company | Lenzburg | 20 | 83 | 21 | Belleville | Lenzburg, Ill. |
| Little John Coal Co | Little John | 28 | 84 | 92 | Fulton-Peoria | 1016 Merchants Bank Bldg., Indianapolis, Ind. |
| Livingston-Mt. Olive Coal Co., The. | Livingston No. 1. | 13 | 88 | 56 | Central | Livingston, Ill. |
| Lumaghi Coal Company | Cantine No. 2 | 22 | 23 | 32 | Belleville | 406 Olive St., St. Louis, Mo. |
| Lumaghi Coal Company | Cantine No. 3 | 22 | 24 | 32 | Belleville | 408 Olive St., St. Louis, Mo. |
| Macon County Coal Co | Macon County | 13 | 90 | 48 | Central | 700 S. Main St., Decatur, Ill. |
| Madison County Coal & Mining Co. | Thermal | 23 | 170 | 49 | Belleville | R. R. No. 4, Edwardsville, Ill. |
| Marion County Coal Co | Glenridge | 13 | 58 | 62 | Central | Old National Bank Bldg., Centralia, Ill. |
| Marissa Coal Company | O. K | 20 | 114 | 21 | Belleville | Marissa, Ill. |
| Marvel Coal Company | Marvel | 5 | 92 | 135 | Southern | Pittsburg, Ill. |
| Mascoutah Coal & Mining Co | Mascoutah | 20 | 93 | 23 | Belleville | Mascoutah, Ill. |
| McLaren Coal Company | McLaren | 6 | 94 | 134 | Southern | Gas Building, Marion, Ill. |
| Midland Electric Coal Corp | Atkinson | 34 | 2 | 10 | Northern | 1320 Fletcher Trust Bldg., Indianapolis, Ind. |
| Midland Electric Coal Corp | Middle Grove | 27 | 95 | 95 | Fulton-Peoria | 1320 Fletcher Trust Bldg., Indianapolis, Ind. |
| Midwest Smokeless Fuel Corp. | Midwest Smokeless. | 19 | 96 | 26 | Belleville | 408 Olive St., St. Louis, Mo. |
| Mine "B" Coal Co., The | Mine "B" | 13 | 97 | 46 | Central | Box 311, Springfield, Ill. |
| Moffat Coal Company | Moffat | 19 | 99 | 26 | Belleville | Sparta, Ill. |
| Morgan Coal Company, F. C. (Ray Morgan, Prop.). | Morgan | 19 | 100 | 26 | Belleville | 411 Underwriters Bldg., Indianapolis, Ind. |
| Morgan Coal Company, F. C. (Ray Morgan, Prop.). | Old Vermilion | 14 | 123 | 71 | Central | 411 Underwriters Bldg., Indianapolis, Ind. |
| Mt. Olive Coal Company | Hoosier | 13 | 70 | 48 | Central | Mt. Olive, Ill. |
| Mt. Olive & Staunton Coal Co. | Mt. Olive & Staunton No. 2. | 12 | 101 | 50 | Central | 806 Laclede Gas Bldg., St. Louis, Mo. |
| Mulberry Hill Coal Co | Mulberry Hill | 20 | 102 | 21 | Belleville | R. R. No. 1, Feeeburg, Ill. |
| New Galum Coal Corporation | New Galum | 20 | 105 | 25 | Belleville | c/o Holly Landfried, Secy. Cutler, Ill. |
| Trustees for Employees of Nokomis Coal Co. | Reliance | 13 | 147 | 42 | Central | 1123 School St., Nokomis, Ill. |
| Northern Illinois Coal Corp | Wilmington No. 10. | 29 | 189 | 116 | Northern | 310 S. Michigan Ave., Chicago, Ill. |
| Number 5 Pinckneyville Mining Co. | Pinckneyville No. 5. | 16 | 137 | 31 | Belleville | Pinckneyville, Ill. |
| Old Ben Coal Corporation | Old Ben No. 8 | 2 | 118 | 138 | Southern | 230 S. Clark St., Chicago, Ill. |
| Old Ben Coal Corporation | Old Ben No. 11 | 2 | 119 | 132 | Southern | 230 S. Clark St., Chicago, Ill. |
| Old Ben Coal Corporation | Old Ben No. 14 | 2 | 120 | 140 | Southern | 230 S. Clark St., Chicago, Ill. |
| Old Ben Coal Corporation | Old Ben No. 15 | 2 | 121 | 137 | Southern | 230 S. Clark St., Chicago, Ill. |
| Osage Coal Company | Osage | 30 | 125 | 114 | Northern | 314 Nat'l Bank Bldg., Pittsburg, Kan. |
| Pana Coal Company | Pana No. 1 | 13 | 127 | 57 | Central | 5 N. State St., Pana, Ill. |
| Panther Creek Mines, Inc. | Panther Creek No. 2. | 13 | 129 | 52 | Central | 225½ S. 6th St., Springfield, Ill. |
| Panther Creek Mines, Inc. | Panther Creek No. 4. | 13 | 130 | 41 | Central | 225½ S. 0th St., Springfield, Ill. |
| Panther Creek Mines, Inc. | Panther Creek No. 5. | 13 | 131 | 41 | Central | 225½ S. 6th St., Springfield, Ill. |
| Peabody Coal Company | Black Arrow No. 18. | 1 | 9 | 137 | Southern | 231 S. LaSalle St., Chicago, Ill. |

### *Alphabetical List of Producers Shipping via Railroad*—Continued

| Producer | Mine | Price group No. | Mine index No. | Mine origin group No. | N. B. C. C. Sub-district | Post office address of producer |
|---|---|---|---|---|---|---|
| Peabody Coal Company | Capitol No. 57 | 12 | 25 | 55 | Central | 231 S. LaSalle St., Chicago, Ill. |
| Peabody Coal Company | Carter Process Plant. | 12 | 27 | 43 | Central | 231 S. LaSalle St., Chicago, Ill. |
| Peabody Coal Company | Harco No. 47 | 1 | 62 | 133 | Southern | 231 S. LaSalle St., Chicago, Ill. |
| Peabody Coal Company | Hawthorn No. 7 | 12 | 63 | 43 | Central | 231 S. LaSalle St., Chicago, Ill. |
| Peabody Coal Company | Hawthorn No. 8 | 12 | 64 | 43 | Central | 231 S. LaSalle St., Chicago, Ill. |
| Peabody Coal Company | Hawthorn No. 9 | 12 | 65 | 43 | Central | 231 S. LaSalle St., Chicago, Ill. |
| Peabody Coal Company | Hawthorn No. 58. | 12 | 66 | 43 | Central | 231 S. LaSalle St., Chicago, Ill. |
| Peabody Coal Company | Majestic No. 14 | 8 | 91 | 80 | DuQuoin | 231 S. LaSalle St., Chicago, Ill. |
| Peabody Coal Company | Peerless No. 59 | 12 | 132 | 40 | Central | 231 S. LaSalle St., Chicago, Ill. |
| Peabody Coal Company | Premium No. 43 | 1 | 141 | 133 | Southern | 231 S. LaSalle St., Chicago, Ill. |
| Peabody Coal Company | Westville No. 24 | 15 | 189 | 74 | Central | 231 S. LaSalle St., Chicago, Ill. |
| Peabody Coal Company | Woodside No. 33. | 12 | 190 | 51 | Central | 231 S. LaSalle St., Chicago, Ill. |
| Penwell Coal Mining Company. | Penwell | 13 | 134 | 54 | Central | 4th & Chestnut, Pana, Ill. |
| Perfection Coal Company | Perfection | 9 | 136 | 80 | DuQuoin | DuQuoin, Ill. |
| Perry Coal Company | Carbon | 20 | 26 | 20 | Belleville | 1409 Boatmens Bank Bldg., St. Louis, Mo. |
| Perry Coal Company | St. Ellen | 19 | 153 | 22 | Belleville | 1409 Boatmens Bank Bldg., St. Louis, Mo. |
| Peru Deep Vein Coal Co | Ill. Zinc No. 3 | 31 | 73 | 118 | Northern | 1111 Water St., Peru, Ill. |
| Prairie Coal Company | Prairie | 20 | 139 | 22 | Belleville | 611 Olive St., St. Louis, Mo. |
| Pschirrer & Sons Coal Co | Kildee No. 3 | 25 | 78 | 96 | Fulton-Peoria | R. R. No. 4, Canton, Ill. |
| Pyramid Coal Corporation | Pyramid | 17 | 142 | 31 | Belleville | 230 N. Michigan Ave., Chicago, Ill. |
| Rex Coal Company | Rex No. 2 | 2 | 148 | 141 | Southern | 332 S. Michigan Ave., Chicago, Ill. |
| Roanoke Coal Company | Roanoke | 31 | 150 | 111 | Northern | Roanoke, Ill. |
| Sahara Coal Company | Bankston Creek No. 6. | 7 | 4 | 141 | Southern | 59 E. Van Buren St., Chicago, Ill. |
| Sahara Coal Company | Sahara No. 1 | 1 | 154 | 133 | Southern | 59 E. Van Buren St., Chicago, Ill. |
| Sahara Coal Company | Sahara No. 3 | 1 | 155 | 133 | Southern | 59 E. Van Buren St., Chicago, Ill. |
| Sahara Coal Company | Sahara No. 5 | 1 | 156 | 141 | Southern | 59 E. Van Buren St., Chicago, Ill. |
| Sahara Coal Company | Sahara No. 10 | 1 | 157 | 141 | Southern | 59 E. Van Buren St., Chicago, Ill. |
| Sahara Coal Company | Sahara No. 12 | 1 | 158 | 133 | Southern | 59 E. Van Buren St., Chicago, Ill. |
| St. Louis & O'Fallon Coal Co | Black Eagle No. 2. | 20 | 11 | 28 | Belleville | 2927 S. Broadway, St. Louis, Mo. |
| St. Louis Coal Company | Florida | 19 | 48 | 31 | Belleville | 1104 Fullerton Bldg., St. Louis, Mo. |
| Service Coal & Mining Co | Service | 20 | 159 | 23 | Belleville | Box 205, Belleville, Ill. |
| Seymour Coal Mining Company. | Freeman Spur | 2 | 55 | (140) (134) | Southern | 332 S. Michigan Ave., Chicago, Ill. |
| Shuler Coal Mining Company | Alpha No. 2 | 33 | 1 | 91 | Northern | 609 Kahl Building, Davenport, Iowa. |
| Skelton Coal Company, J. G. | Skelton | 14 | 162 | 72 | Central | 625 Warrington Ave., Danville, Ill. |
| South Mine Company | South Mine | 13 | 163 | 49 | Central | Carlinville Nat'l. Bank, Carlinville, Ill. |
| Southern Coal, Coke & Mining Co. | Avery No. 1 | 19 | 3 | 29 | Belleville | 319 N. Fourth St., St. Louis, Mo. |
| Southern Coal, Coke & Mining Co. | Little Oak No. 7 | 19 | 86 | 29 | Belleville | 319 N. Fourth St., St. Louis, Mo. |
| Southern Coal, Coke & Mining Co. | Muren No. 6 | 19 | 103 | 29 | Belleville | 319 N. Fourth St., St. Louis, Mo. |
| Southern Coal, Coke & Mining Co. | New Baden No. 9. | 19 | 104 | 29 | Belleville | 319 N. Fourth St., St. Louis, Mo. |
| Southern Coal, Coke & Mining Co. | Shiloh No. 8 | 19 | 161 | 29 | Belleville | 319 N. Fourth St., St. Louis, Mo. |
| Southwestern Illinois Coal Corporation. | Streamline | 18 | 165 | 33 | Belleville | 1317 Fletcher Trust Bldg., Indianapolis, Ind. |
| Spring Valley Coal Mining Co., The. | Spring Valley No. 3. | 31 | 164 | 112 | Northern | R. F. D. No. 1, Box 75B, Spring Valley, Ill. |
| Superior Coal Company | Superior No. 1 | 13 | 166 | 44 | Central | 400 W. Madison St., Chicago, Ill. |

## Alphabetical List of Producers Shipping via Railroad—Continued

| Producer | Mine | Price group No. | Mine index No. | Mine origin group No. | N. B. C. C. Sub-district | Post office address of producer |
|---|---|---|---|---|---|---|
| Superior Coal Company | Superior No. 2 | 13 | 167 | 44 | Central | 400 W. Madison St., Chicago, Ill. |
| Superior Coal Company | Superior No. 3 | 13 | 168 | 44 | Central | 400 W. Madison St., Chicago, Ill. |
| Superior Coal Company | Superior No. 4 | 13 | 169 | 44 | Central | 400 W. Madison St., Chicago Ill. |
| Sutton, W. G | Minonk | 31 | 98 | 117 | Northern | Box 207, Minonk, Ill. |
| Tilton Mining Company | Tilton | 14 | 171 | 73 | Central | Station C, Danville, Ill. |
| Truax-Traer Coal Company | Fiatt | 24 | 46 | 91 | Fulton-Peoria | 8 S. Michigan Ave., Chicago, Ill. |
| Truax-Traer Coal Company | Forsyth No. 1 | 10 | 49 | 82 | DuQuoin | 8 S. Michigan Ave., Chicago, Ill. |
| Truax-Traer Coal Company | St. David | 24 | 152 | 91 | Fulton-Peoria | 8 S. Michigan Ave., Chicago, Ill. |
| Union Coal Company | Union | 31 | 175 | 118 | Northern | 112 E. Fifth St., Peru, Ill. |
| Union Colliery Company | Kathleen | 11 | 77 | 80 | DuQuoin | 315 N. 12th Blvd., St. Louis, Mo. |
| United Electric Coal Cos., The | Buckheart | 24 | 17 | 91 | Fulton-Peoria | 307 N. Michigan Ave., Chicago, Ill. |
| United Electric Coal Cos., The | Cuba | 24 | 35 | 91 | Fulton-Peoria | 307 N. Michigan Ave., Chicago, Ill. |
| United Electric Coal Cos., The | Fidelity | 17 | 47 | 31 | Belleville | 307 N. Michigan Ave., Chicago, Ill. |
| United Electric Coal Cos., The | Red Ray | 19 | 145 | 21 | Belleville | 307 N. Michigan Ave., Chicago, Ill. |
| United States Fuel Company | Bunsenville | 14 | 21 | 70 | Central | 208 S. LaSalle St., Chicago, Ill. |
| Valier Coal Company | Valier No. 1 | 2 | 176 | 132 | Southern | 547 W. Jackson Blvd., Chicago, Ill. |
| Vinegar Hill Coal Company | Vinegar Hill | 20 | 179 | 21 | Belleville | Lenzburg, Ill. |
| Virden Mining Corporation | Virden | 13 | 180 | 53 | Central | Virden, Ill. |
| Wallace Coal Company | Wallace | 5 | 182 | 135 | Southern | 300 Public Square, Marion, Ill. |
| Wasson Coal Company | Wasson "A" | 2 | 183 | 133 | Southern | Harrisburg, Ill. |
| Wasson Coal Company | Wasson No. 1 | 2 | 184 | 141 | Southern | Harrisburg, Ill. |
| White Coal Company, Inc | White | 19 | 188 | 23 | Belleville | Box 303, Belleville, Ill. |
| Wilmington Coal Mines, Inc | Ottawa | 32 | 126 | 114 | Northern | Box 311, Morris, Ill. |

## Mine Index Nos. of Mines Shipping via Railroad

| Mine index No. | Mine | Producer | Price group No. | Mine origin group No. | Shipping point | Railroad |
|---|---|---|---|---|---|---|
| 1 | Alpha No. 2 | Shuler Coal Mining Company | 33 | 91 | Alpha | CB&Q. |
| 2 | Atkinson | Midland Electric Coal Corp | 34 | 10 | Atkinson | CRI&P. |
| 3 | Avery No. 1 | Southern Coal, Coke & Mining Co | 19 | 29 | Belleville | Sou. |
| 4 | Bankston Creek No. 6 | Sahara Coal Company | 7 | 141 | Harrisburg | CCC&StL-IC. |
| 5 | Beaucoup No. 6 | Beaucoup Coal Company, Inc | 16 | 25 | Pinckneyville | MP. |
| 6 | Beckemeyer | Beckemeyer Coal Company | 20 | 80 | Beckemeyer | B&O. |
| 9 | Black Arrow No. 18 | Peabody Coal Company | 1 | 137 | West Frankfort | C&EI-CB&Q-IC. |
| 11 | Black Eagle No. 2 | St. Louis & O'Fallon Coal Co | 20 | 28 | Black Eagle | StL&O'F. |
| 13 | Blakley | Blakley Coal Company | 25 | 91 | Canton | CB&Q. |
| 14 | Blue Bird No. 5 | Blue Bird Coal Co | 2 | 133 | Carrier Mills | CCC&StL. |
| 16 | Bois | Bois Coal Company | 20 | 80 | Bois | IC. |
| 17 | Buckheart | United Electric Coal Cos., The | 24 | 91 | Canton | CB&Q. |
| 18 | Buckhorn | Consolidated Coal Company, The | 2 | 142 | Buckhorn Mine | IC-MP. |
| 19 | Buffalo Rock | Buffalo Rock Coal Company | 32 | 114 | Ottawa | CRI&P. |
| 20 | Bullock | Burn-Well Coal Co | 21 | 27 | Collinsville | PRR. |
| 21 | Bunsenville | United States Fuel Company | 14 | 70 | Westville | C&EI. |
| 22 | C. & R | Carter & Redmour Coal Co | 16 | 25 | Cutler | MP. |
| 23 | Cantine No. 2 | Lumaghi Coal Company | 22 | 32 | Collinsville | PT-PRR. |
| 24 | Cantine No. 3 | Lumaghi Coal Company | 22 | 32 | Cantine | PT-PRR. |
| 25 | Capitol No. 57 | Peabody Coal Company | 12 | 55 | Springfield | B&O-IC. |
| 26 | Carbon | Perry Coal Company | 20 | 20 | O'Fallon | B&O. |

## Mine Index Nos. of Mines Shipping via Railroad—Continued

| Mine index No. | Mine | Producer | Price group No. | Mine origin group No. | Shipping point | Railroad |
|---|---|---|---|---|---|---|
| 27 | Carter Process Plant | Peabody Coal Company | 12 | 43 | Carter | C&IM. |
| 28 | Central Ill. "A" | Central Illinois Coal Mining Co | 13 | 46 | Hurd | CS&STL. |
| 29 | Centralia No. 5 | Centralia Coal Company | 13 | 62 | Centralia | CB&Q-IC. |
| 31 | Conant | Conant Coal Company | 20 | 25 | Conant | MP. |
| 32 | Consolidated No. 7 | Consolidated Coal Company, The | 12 | 58 | Staunton | L&M-Wab. |
| 33 | Consolidated No. 15 | Consolidated Coal Company, The | 12 | 51 | Mt. Olive | Wab. |
| 34 | Crain | Crain Coal Company | 20 | 25 | Percy | MP. |
| 35 | Cuba | United Electric Coal Cos., The | 24 | 91 | Lewiston | CB&Q. |
| 36 | Delta | Delta Coal Mining Co | 3 | 134 | Delta | IC. |
| 38 | Diamond | Bailey Bros. Coal Co | 16 | 80 | DuQuoin | IC. |
| 40 | Diamond No. 2 | Diamond Coal Company (Augustine Coloni, Prop.). | 4 | 132 | Herrin | CB&Q. |
| 43 | East Mine | Citizens Coal Company | 20 | 20 | Breese | B&O. |
| 44 | Energy No. 5 | Franklin County Coal Corp | 1 | 140 | Energy | CB&Q-IC-MP. |
| 45 | Eureka No. 2 | Jones Bros. Coal Mining Co | 16 | 21 | Marissa | IC. |
| 46 | Fiatt | Truax-Traer Coal Company | 24 | 91 | St. David | CB&Q. |
| 47 | Fidelity | United Electric Coal Cos., The | 17 | 31 | Fidelity | IC-MP. |
| 48 | Florida | St. Louis Coal Company | 19 | 31 | Coulterville | IC-MP. |
| 49 | Forsyth No. 1 | Truax-Traer Coal Company | 10 | 82 | Hallidayboro | IC-MP. |
| 50 | Forsyth-Carterville | Forsyth-Carterville Coal Co | 4 | 134 | Carterville | IC. |
| 53 | Freeburg | Freeburg Coal Company | 20 | 21 | Freeburg | IC. |
| 54 | Freeman | Freeman Coal Mining Co | 2 | 139 | Freeman | CB&Q-IC. |
| 55 | Freeman Spur | Seymour Coal Mining Company | 2 | 140 | Freeman Spur Mine. | CB&Q-IC-MP. |
| 57 | Gillespie | Gillespie Coal Co | 13 | 49 | Gillespie | IT. |
| 58 | Glenridge | Marion County Coal Co | 13 | 62 | Centralia & Glenridge. Centralia | CB&Q. IC. |
| 59 | Golden Rule | Golden Rule Coal Co | 20 | 21 | Lenzburg | IC. |
| 60 | Golden Rule | Golden Rule Coal Co | 25 | 93 | Middle Grove | M&StL. |
| 61 | Gundlach | Gundlach Coal Company | 20 | 20 | Caseyville | B&O. |
| 62 | Harco No. 47 | Peabody Coal Company | 1 | 133 | Harrisburg | CCC&StL. |
| 63 | Hawthorn No. 7 | Peabody Coal Company | 12 | 43 | Kincaid | C&IM. |
| 64 | Hawthorn No. 8 | Peabody Coal Company | 12 | 43 | Humphrey | C&IM. |
| 65 | Hawthorn No. 9 | Peabody Coal Company | 12 | 43 | Calloway | C&IM. |
| 66 | Hawthorn No. 58 | Peabody Coal Company | 12 | 43 | Taylorville | C&IM. |
| 68 | Hillsboro | Hillsboro Mining Company | 13 | 47 | Hillsboro | CCC&StL. |
| 70 | Hoosier | Mt. Olive Coal Company | 13 | 48 | Mt. Olive | IC. |
| 71 | Illinois Colliery | Illinois Colliery Co | 25 | 91 | Farmington | CB&Q. |
| 72 | Ill-Mo | Illinois-Missouri Coal Co. (H. W. Bradbury, Prop.). | 16 | 24 | Sparta | M-I. |
| 73 | Ill Zinc No. 3 | Peru Deep Vein Coal Co | 31 | 118 | Peru | CRI&P. |
| 75 | Jefferson County, Mine No. 20. | Consolidated Coal Company, The | 2 | 143 | LaSalle | CB&Q. JSW (C&EI-MP). |
| 77 | Kathleen | Union Colliery Company | 11 | 80 | Nason | IC. |
| 78 | Kildee No. 3 | Pschirrer & Sons Coal Co | 25 | 96 | Dowell | IC. |
| 80 | Lake Erie | Lake Erie Mining Co | 26 | 125 | Canton | CB&Q-TP&W. |
| 81 | LaMarsh No. 1 | Crescent Mining Co | 26 | 126 | East Peoria | P&PU. |
| 82 | LaMarsh No. 6 | Crescent Mining Co | 26 | 126 | LaMarsh | PT. |
| 83 | Lenzburg | Lenzburg Coal Company | 20 | 21 | LaMarsh | PT. |
| 84 | Little John | Little John Coal Co | 28 | 92 | Lenzburg | IC. |
| 85 | Little Muddy | Edgar Coal Company (Wm. T. Edgar, Prop.). | 16 | 80 | Victoria | G&GE. |
| 86 | Little Oak No. 7 | Southern Coal, Coke & Mining Co | 19 | 29 | Tamaroa | IC. |
| 87 | Little Sister | Central State Collieries, Inc | 24 | 91 | Belleville | Sou. |
| 88 | Livingston No. 1 | Livingston-Mt. Olive Coal Co., The | 13 | 56 | St. David | CB&Q. |
| 89 | Lyle | Gill Coal Corporation | 20 | 21 | Livingston | C&EI-CCC&StL. |
| 90 | Macon County | Macon County Coal Co | 13 | 48 | Marissa | IC. |
| 91 | Majestic No. 14 | Peabody Coal Company | 8 | 80 | Decatur | IC. |
| 92 | Marvel | Marvel Coal Company | 5 | 135 | Clinch | IC. |
| 93 | Mascoutah | Mascoutah Coal & Mining Co | 20 | 23 | Pittsburg | MP. |
| 94 | McLaren | McLaren Coal Company | 6 | 134 | Mascoutah | L&N. |
| 95 | Middle Grove | Midland Electric Coal Corp | 27 | 95 | Carterville | IC |
| 96 | Midwest Smokeless | Midwest Smokeless Fuel Corp | 19 | 26 | Middle Grove | C&NW-M&StL. |
| 97 | Mine "B" | Mine "B" Coal Co., The | 13 | 46 | Millstadt | M&O. |
| 98 | Minonk | Sutton, W. G | 31 | 117 | Springfield | CS&StL. |
| 99 | Moffat | Moffat Coal Company | 19 | 26 | Minonk | AT&SF-IC. |
| 100 | Morgan | Morgan Coal Company, F. C. (Ray Morgan, Prop.). | 19 | 26 | Sparta | M&O. |
| 101 | Mt. Olive and Staunton No. 2. | Mt. Olive & Staunton Coal Co | 12 | 50 | Millstadt | M&O. |
| 102 | Mulberry Hill | Mulberry Hill Coal Co | 20 | 21 | Staunton | L&M. |

## Mine Index Nos. of Mines Shipping via Railroad—Continued

| Mine index No. | Mine | Producer | Price group No. | Mine origin group No. | Shipping point | Railroad |
|---|---|---|---|---|---|---|
| 103 | Muren No. 6 | Southern Coal, Coke & Mining Co | 19 | 29 | Belleville | Sou. |
| 104 | New Baden No. 9 | Southern Coal, Coke & Mining Co | 19 | 29 | New Baden | Sou. |
| 105 | New Galum | New Galum Coal Corporation, Trustees for Employees of. | 20 | 25 | Cutler | MP. |
| 106 | New Monarch | Consolidated Coal Company, The | 2 | 140 | New Monarch Mine. | CB&Q-IC-MP. |
| 108 | New Orient | Chicago, Wilmington & Franklin Coal Co. | 2 | 138 | Orient | C&EI-CB&Q-IC-MP. |
| 110 | New Wilson | Cutler Coal Company, Inc | 20 | 25 | Cutler | MP. |
| 114 | O. K | Marissa Coal Company | 20 | 21 | Marissa | IC. |
| 118 | Old Ben No. 8 | Old Ben Coal Corporation | 2 | 138 | West Frankfort | C&EI-CB&Q-IC-MP. |
| 119 | Old Ben No. 11 | Old Ben Coal Corporation | 2 | 132 | West Frankfort | CB&Q. |
| 120 | Old Ben No. 14 | Old Ben Coal Corporation | 2 | 140 | Christopher | CB&Q-IC-MP. |
| 121 | Old Ben No. 15 | Old Ben Coal Corporation | 2 | 137 | West Frankfort | C&EI-CB&Q-IC. |
| 123 | Old Vermilion | Morgan Coal Company, F. C. (Ray Morgan, Prop.). | 14 | 71 | Oakwood | CCC&StL. |
| 124 | Orient No. 1 | Chicago, Wilmington & Franklin Coal Co. | 2 | 138 | Orient | C&EI-CB&Q-IC-MP. |
| 125 | Osage | Osage Coal Company | 30 | 114 | Ottawa | CRI&P. |
| 126 | Ottawa | Wilmington Coal Mines, Inc | 32 | 114 | Marseilles | CRI&P. |
| 127 | Pana No. 1 | Pana Coal Company | 13 | 57 | Pana | C&EI - CCC&StL-IC. |
| 129 | Panther Creek No. 2 | Panther Creek Mines, Inc | 13 | 52 | Springfield | B&O. |
| 130 | Panther Creek No. 4 | Panther Creek Mines, Inc | 13 | 41 | Springfield | B&O. |
| 131 | Panther Creek No. 5 | Panther Creek Mines, Inc | 13 | 41 | Sherman | B&O. |
| 132 | Peerless No. 59 | Peabody Coal Company | 12 | 40 | Springfield | Alton. |
| 134 | Penwell | Penwell Coal Mining Company | 13 | 54 | Pana | B&O-CCC&StL-IC. |
| 135 | Perco | Coulterville Coal Company | 16 | 30 | Coulterville | IC-M&I. |
| 136 | Perfection | Perfection Coal Company | 9 | 80 | DuQuoin | IC. |
| 137 | Pinckneyville No. 5 | Number 5 Pinckneyville Mining Co | 16 | 31 | Pinckneyville | IC-MP. |
| 138 | Pocahontas | Illinois Pocahontas Coal Co | 21 | 27 | Pocahontas | PRR. |
| 139 | Prairie | Prairie Coal Company | 20 | 22 | O'Fallon | IT. |
| 141 | Premium No. 43 | Peabody Coal Company | 1 | 133 | Harrisburg | CCC&StL. |
| 142 | Pyramid | Pyramid Coal Corporation | 17 | 31 | Pinckneyville | IC-MP. |
| 145 | Red Ray | United Electric Coal Cos., The | 19 | 21 | Freeburg | IC. |
| 147 | Reliance | Nokomis Coal Co | 13 | 42 | Nokomis | C&EI. |
| 148 | Rex No. 2 | Rex Coal Company | 2 | 141 | Eldorado | CCC&StL-IC. |
| 149 | Richland | Groom Coal Co | 20 | 21 | Belleville | IC. |
| 150 | Roanoke | Roanoke Coal Company | 31 | 111 | Roanoke | AT&SF. |
| 151 | Royalton No. 7 | Franklin County Coal Corp | 1 | 140 | Royalton | CB&Q-IC-MP |
| 152 | St. David | Truax-Traer Coal Company | 24 | 91 | St. David | CB&Q. |
| 153 | St. Ellen | Perry Coal Company | 19 | 22 | O'Fallon | IT. |
| 154 | Sahara No. 1 | Sahara Coal Company | 1 | 133 | Harrisburg | CCC&StL. |
| 155 | Sahara No. 3 | Sahara Coal Company | 1 | 133 | Harrisburg | CCC&StL. |
| 156 | Sahara No. 5 | Sahara Coal Company | 1 | 141 | Harrisburg | CCC&StL-IC. |
| 157 | Sahara No. 10 | Sahara Coal Company | 1 | 141 | Eldorado | CCC&StL-IC. |
| 158 | Sahara No. 12 | Sahara Coal Company | 1 | 137 | Harrisburg | CCC&StL. |
| 159 | Service | Service Coal & Mining Co | 20 | 23 | Belleville | L&N. |
| 161 | Shiloh No. 8 | Southern Coal, Coke & Mining Co | 19 | 29 | Shiloh | Sou. |
| 162 | Skelton | Skelton Coal Company, J. O | 14 | 72 | Danville | IT. |
| 163 | South Mine | South Mine Company | 13 | 49 | Carlinville | IT. |
| 164 | Spring Valley No. 3 | Spring Valley Coal Mining Co., The | 31 | 112 | Spring Valley | C&NW. |
| 165 | Streamline | Southwestern Illinois Coal Corporation. | 18 | 37 | Percy<br>Steelville | M&O.<br>MP. |
| 166 | Superior No. 1 | Superior Coal Company | 13 | 44 | Benld | C&NW. |
| 167 | Superior No. 2 | Superior Coal Company | 13 | 44 | Benld | C&NW. |
| 168 | Superior No. 3 | Superior Coal Company | 13 | 44 | Benld | C&NW. |
| 169 | Superior No. 4 | Superior Coal Company | 13 | 44 | Benld | C&NW. |
| 170 | Thermal | Madison County Coal & Mining Co | 23 | 49 | Edwardsville | IT. |
| 171 | Tilton | Tilton Mining Company | 14 | 73 | Danville | Wab. |
| 173 | Troy | Chicopee Coal Company | 20 | 22 | Troy | IT. |
| 175 | Union | Union Coal Company | 31 | 118 | Peru<br>LaSalle | CRI&P.<br>CB&Q. |
| 176 | Valier No. 1 | Valier Coal Company | 2 | 132 | Valier | CB&Q. |
| 178 | Victory | Home Coal Company (Townsend Blanchard, Prop.). | 16 | 80 | Tamaroa | IC. |
| 179 | Vinegar Hill | Vinegar Hill Coal Company | 20 | 21 | Lenzburg | IC. |
| 180 | Virden | Virden Mining Corporation | 13 | 53 | Virden | Alton-CB&Q. |
| 182 | Wallace | Wallace Coal Company | 5 | 135 | Bush | MP. |
| 183 | Wasson "A" | Wasson Coal Company | 2 | 133 | Wasson Junction | CCC&StL. |

## Mine Index Nos. of Mines Shipping via Railroad—Continued

| Mine index No. | Mine | Producer | Price group No. | Mine origin group No. | Shipping point | Railroad |
|---|---|---|---|---|---|---|
| 184 | Wasson No. 1 | Wasson Coal Company | 2 | 141 | Harrisburg-Wasson. | CCC&StL-IC. |
| 186 | Westville No. 24 | Peabody Coal Company | 15 | 74 | Westville | C&EI-CCC&StL-Wab. |
| 188 | White | White Coal Company, Inc | 19 | 23 | Belleville | L&N. |
| 189 | Wilmington No. 10 | Northern Illinois Coal Corp | 29 | 116 | Wilmington<br>Wilmington Mine. | Alton.<br>AT&SF. |
| 190 | Woodside No. 53 | Peabody Coal Company | 12 | 51 | Springfield | Wab. |
| 191 | Zeigler No. 1 | Bell & Zoller Coal & Mining Co | 1 | 140 | Zeigler | CB&Q-IC-MP. |
| 192 | Zeigler No. 2 | Bell & Zoller Coal & Mining Co | 1 | 140 | Zeigler | CB&Q-IC-MP. |

## Price Groups of Mines Shipping via Railroad

| Price group No. | Producer | Mine | Mine index No. | Mine origin group No. | Shipping point | Railroad |
|---|---|---|---|---|---|---|
| 1 | Peabody Coal Company | Harco No. 47 | 62 | 133 | Harrisburg | CCC&StL. |
| | Peabody Coal Company | Premium No. 43 | 141 | 133 | Harrisburg | CCC&StL. |
| | Sahara Coal Company | Sahara No. 1 | 154 | 133 | Harrisburg | CCC&StL. |
| | Sahara Coal Company | Sahara No. 3 | 155 | 133 | Harrisburg | CCC&StL. |
| | Sahara Coal Company | Sahara No. 12 | 158 | 133 | Harrisburg | CCC&StL. |
| | Peabody Coal Company | Black Arrow No. 18 | 9 | 137 | West Frankfort | C&EI-CB&Q-IC. |
| | Franklin County Coal Corp | Energy No. 5 | 44 | 140 | Energy | CB&Q-IC-MP. |
| | Franklin County Coal Corp | Royalton No. 7 | 151 | 140 | Royalton | CB&Q-IC-MP. |
| | Bell & Zoller Coal & Mining Co | Zeigler No. 1 | 191 | 140 | Zeigler | CB&Q-IC-MP. |
| | Bell & Zoller Coal & Mining Co | Zeigler No. 2 | 192 | 140 | Zeigler | CB&Q-IC-MP. |
| | Sahara Coal Company | Sahara No. 5 | 156 | 141 | Harrisburg | CCC&StL-IC. |
| | Sahara Coal Company | Sahara No. 10 | 157 | 141 | Eldorado | CCC&StL-IC. |
| 2 | Old Ben Coal Corporation | Old Ben No. 11 | 119 | 132 | West Frankfort | CB&Q. |
| | Valier Coal Company | Valier No. 1 | 176 | 132 | Valier | CB&Q. |
| | Blue Bird Coal Co | Blue Bird No. 5 | 14 | 133 | Carrier Mills | CCC&StL. |
| | Wasson Coal Company | Wasson "A" | 183 | 133 | Wasson Junction | CCC&StL. |
| | Old Ben Coal Corporation | Old Ben No. 15 | 121 | 137 | West Frankfort | C&EI-CB&Q-IC. |
| | Chicago, Wilmington & Franklin Coal Co. | New Orient | 108 | 138 | Orient | C&EI-CB&Q-IC-MP. |
| | Old Ben Coal Corporation | Old Ben No. 8 | 118 | 138 | West Frankfort | C&EI-CB&Q-IC-MP. |
| | Chicago, Wilmington & Franklin Coal Co. | Orient No. 1 | 124 | 138 | Orient | C&EI-CB&Q-IC-MP. |
| | Freeman Coal Mining Co | Freeman | 74 | 139 | Freeman | CB&Q-IC. |
| | Seymour Coal Mining Company | Freeman Spur | 55 | 140 | Freeman Spur Mine. | CB&Q-IC-MP. |
| | Consolidated Coal Company, The | New Monarch | 106 | 140 | New Monarch Mine. | CB&Q-IC-MP. |
| | Old Ben Coal Corporation | Old Ben No. 14 | 120 | 140 | Christopher | CB&Q-IC-MP. |
| | Rex Coal Company | Rex No. 2 | 148 | 141 | Eldorado | CCC&StL-IC. |
| | Wasson Coal Company | Wasson No. 1 | 184 | 141 | Harrisburg-Wasson. | CCC&StL-IC. |
| | Consolidated Coal Company, The | Buckhorn | 18 | 142 | Buckhorn Mine | IC-MP. |
| | Consolidated Coal Company, The | Jefferson County Mine No. 20. | 75 | 143 | Nason | JSW (C&EI-MP). |
| 3 | Delta Coal Mining Co | Delta | 36 | 134 | Delta | IC. |
| 4 | Diamond Coal Company (Augustine Coloni, Prop.). | Diamond No. 2 | 40 | 132 | Herrin | CB&Q. |
| | Forsyth-Carterville Coal Co | Forsyth-Carterville. | 50 | 134 | Carterville | IC. |
| 5 | Marvel Coal Company | Marvel | 92 | 135 | Pittsburg | MP. |
| | Wallace Coal Company | Wallace | 182 | 135 | Bush | MP. |
| 6 | McLaren Coal Company | McLaren | 94 | 134 | Carterville | IC. |
| 7 | Sahara Coal Company | Bankston Creek No. 6. | 4 | 141 | Harrisburg | CCC&StL-IC. |
| 8 | Peabody Coal Company | Majestic No. 14 | 91 | 80 | Clinch | IC. |
| 9 | Perfection Coal Company | Perfection | 136 | 80 | DuQuoin | IC. |
| 10 | Truax-Traer Coal Company | Forsyth No. 1 | 49 | 82 | Hallidayboro | IC-MP. |
| 11 | Union Colliery Company | Kathleen | 77 | 80 | Dowell | IC. |

## Price Groups of Mines Shipping via Railroad—Continued

| Price group No. | Producer | Mine | Mine index No. | Mine origin group No. | Shipping point | Railroad |
|---|---|---|---|---|---|---|
| 12 | Peabody Coal Company | Peerless No. 59 | 132 | 40 | Springfield | Alton. |
| | Peabody Coal Company | Carter Process Plant. | 27 | 43 | Carter | C&IM. |
| | Peabody Coal Company | Hawthorn No. 7 | 63 | 43 | Kincaid | C&IM. |
| | Peabody Coal Company | Hawthorn No. 8 | 64 | 43 | Humphrey | C&IM. |
| | Peabody Coal Company | Hawthorn No. 9 | 65 | 43 | Calloway | C&IM. |
| | Peabody Coal Company | Hawthorn No. 58 | 66 | 43 | Taylorville | C&IM. |
| | Mt. Olive & Staunton Coal Co | Mt. Olive & Staunton No. 2. | 101 | 50 | Staunton | L&M. |
| | Consolidated Coal Company, The | Consolidated No. 15 | 33 | 51 | Mt. Olive | Wab. |
| | Peabody Coal Company | Woodside No. 53 | 190 | 51 | Springfield | Wab. |
| | Peabody Coal Company | Capitol No. 57 | 25 | 55 | Springfield | B&O-IC. |
| | Consolidated Coal Company, The | Consolidated No. 7 | 32 | 58 | Staunton | L&M-Wab. |
| 13 | Panther Creek Mines, Inc | Panther Creek No. 4. | 130 | 41 | Springfield | B&O. |
| | Panther Creek Mines, Inc | Panther Creek No. 5. | 131 | 41 | Sherman | B&O. |
| | Nokomis Coal Co | Reliance | 147 | 42 | Nokomis | C&EI. |
| | Superior Coal Company | Superior No. 1 | 166 | 44 | Benld | C&NW. |
| | Superior Coal Company | Superior No. 2 | 167 | 44 | Benld | C&NW. |
| | Superior Coal Company | Superior No. 3 | 168 | 44 | Benld | C&NW. |
| | Superior Coal Company | Superior No. 4 | 169 | 44 | Benld | C&NW. |
| | Central Illinois Coal Mining Co | Central Ill. "A" | 28 | 46 | Hurd | CS&StL. |
| | Mine "B" Coal Co., The | Mine "B" | 97 | 46 | Springfield | CS&StL. |
| | Hillsboro Mining Company | Hillsboro | 68 | 47 | Hillsboro | CCC&StL. |
| | Mt. Olive Coal Company | Hoosier | 70 | 48 | Mt. Olive | IC. |
| | Macon County Coal Co | Macon County | 90 | 48 | Decatur | IC. |
| | Gillespie Coal Co | Gillespie | 57 | 49 | Gillespie | IT. |
| | South Mine Company | South Mine | 163 | 49 | Carlinville | IT. |
| | Panther Creek Mines, Inc | Panther Creek No. 2. | 129 | 52 | Springfield | B&O. |
| | Virden Mining Corporation | Virden | 190 | 53 | Virden | Alton-CB&Q. |
| | Penwell Coal Mining Company | Penwell | 134 | 54 | Pana | B&O-CCC&StL. -IC. |
| | Livingston-Mt. Olive Coal Co., The | Livingston No. 1 | 88 | 56 | Livingston | C&EI-CCC&StL. |
| | Pana Coal Company | Pana No. 1 | 127 | 57 | Pana | C&EI-CCC&StL. -IC. |
| | Centralia Coal Company | Centralia No. 5 | 29 | 62 | Centralia | CB&Q-IC. |
| | Marion County Coal Co | Glenridge | 58 | 62 | Centralia & Glenridge. (Centralia | CB&Q. IC. |
| 14 | United States Fuel Company | Bunsenville | 21 | 70 | Westville | C&EI. |
| | Morgan Coal Company, F. C. (Ray Morgan, Prop.) | Old Vermilion | 123 | 71 | Oakwood | CCC&StL. |
| | Skelton Coal Company, J. G | Skelton | 162 | 72 | Danville | IT. |
| | Tilton Mining Company | Tilton | 171 | 73 | Danville | Wab. |
| 15 | Peabody Coal Company | Westville No. 24 | 186 | 74 | Westville | C&EI-CCC&StL. -Wab. |
| 16 | Jones Bros. Coal Mining Co | Eureka No. 2 | 45 | 21 | Marissa | IC. |
| | Illinois-Missouri Coal Co. (H. W. Bradbury, Prop.) | Ill.-Mo | 72 | 24 | Sparta | M-I. |
| | Beaucoup Coal Company, Inc | Beaucoup No. 6 | 5 | 25 | Pinckneyville | MP. |
| | Carter & Rednour Coal Co | C. & R | 22 | 25 | Cutler | MP. |
| | Coulterville Coal Company | Perco | 135 | 30 | Coulterville | IC-M&I. |
| | Number 5 Pinckneyville Mining Co | Pinckneyville No. 5 | 137 | 31 | Pinckneyville | IC-MP. |
| | Bailey Bros. Coal Co | Diamond | 38 | 80 | DuQuoin | IC. |
| | Edgar Coal Company (Wm. T. Edgar, Prop.) | Little Muddy | 85 | 80 | Tamaroa | IC. |
| | Home Coal Company (Townsend Blanchard, Prop.) | Victory | 178 | 80 | Tamaroa | IC. |
| 17 | United Electric Coal Cos., The | Fidelity | 47 | 31 | Fidelity | IC-MP. |
| | Pyramid Coal Corporation | Pyramid | 142 | 31 | Pinckneyville | IC-MP. |
| | | | | | Percy | M&O. |
| 18 | Southwestern Illinois Coal Corporation | Streamline | 165 | 33 | Steeleville | MP. |
| 19 | United Electric Coal Cos., The | Red Ray | 145 | 21 | Freeburg | IC. |
| | Perry Coal Company | St. Ellen | 153 | 22 | O'Fallon | IT. |
| | White Coal Company, Inc | White | 188 | 23 | Belleville | L&N. |
| | Midwest Smokeless Fuel Corp | Midwest Smokeless | 96 | 26 | Millstadt | M.&O |



## Price Groups of Mines Shipping via Railroad—Continued

| Price group No. | Producer | Mine | Mine index No. | Mine origin group No. | Shipping point | Railroad |
|---|---|---|---|---|---|---|
| 19 | Moffat Coal Company | Moffat | 99 | 26 | Sparta | M.&O. |
| | Morgan Coal Company, F. C. (Ray Morgan, Prop.). | Morgan | 100 | 26 | Millstadt | M.&O. |
| | Southern Coal, Coke & Mining Co | Avery No. 1 | 3 | 29 | Belleville | Sou. |
| | Southern Coal, Coke & Mining Co | Little Oak No. 7 | 86 | 29 | Belleville | Sou. |
| | Southern Coal, Coke & Mining Co | Muren No. 6 | 103 | 29 | Belleville | Sou. |
| | Southern Coal, Coke & Mining Co | New Baden No. 9 | 104 | 29 | New Baden | Sou. |
| | Southern Coal, Coke & Mining Co | Shiloh No. 8 | 161 | 29 | Shiloh | Sou. |
| | St. Louis Coal Company | Florida | 48 | 31 | Coulterville | IC-MP. |
| 20 | Beckemeyer Coal Company | Beckemeyer | 6 | 20 | Beckemeyer | B&O |
| | Perry Coal Company | Carbon | 20 | 20 | O'Fallon | B&O. |
| | Citizens Coal Company | East Mine | 43 | 20 | Breese | B&O. |
| | Gundlach Coal Company | Gundlach | 61 | 20 | Caseyville | B&O. |
| | Freeburg Coal Company | Freeburg | 53 | 21 | Freeburg | IC. |
| | Golden Rule Coal Co | Golden Rule | 59 | 21 | Lenzburg | IC. |
| | Lenzburg Coal Company | Lenzburg | 83 | 21 | Lenzburg | IC. |
| | Gill Coal Corporation | Lyle | 89 | 21 | Marissa | IC. |
| | | Mulberry Hill | 102 | 21 | Freeburg | IC. |
| | Mulberry Hill Coal Co | O. K | 114 | 21 | Marissa | IC. |
| | Marissa Coal Company | Richland | 149 | 21 | Belleville | IC. |
| | Groom Coal Co | Vinegar Hill | 179 | 21 | Lenzburg | IC. |
| | Vinegar Hill Coal Company | Prairie | 139 | 22 | O'Fallon | IT. |
| | Prairie Coal Company | Troy | 173 | 22 | Troy | IT. |
| | Chicopee Coal Company | Mascoutah | 93 | 23 | Mascoutah | L&N. |
| | Mascoutah Coal & Mining Co | Service | 159 | 23 | Belleville | L&N |
| | Service Coal & Mining Co | Conant | 31 | 25 | Conant | MP. |
| | Conant Coal Company | Crain | 34 | 25 | Percy | MP. |
| | Crain Coal Company | New Galum | 105 | 25 | Cutler | MP. |
| | New Galum Coal Corporation, Trustees for Employees of. | | | | | |
| | Cutler Coal Company, Inc | New Wilson | 110 | 25 | Cutler | MP. |
| | St. Louis & O'Fallon Coal Co | Black Eagle No. 2 | 11 | 28 | Black Eagle | StL&O'F. |
| | Bois Coal Company | Bois | 16 | 80 | Bois | IC. |
| 21 | Burn-Well Coal Co | Bullock | 20 | 27 | Collinsville | PRR. |
| | Illinois Pocahontas Coal Co | Pocahontas | 138 | 27 | Pocahontas | PRR. |
| 22 | Lumaghi Coal Company | Cantine No. 2 | 23 | 32 | Collinsville | IT-PRR. |
| | Lumaghi Coal Company | Cantine No. 3 | 24 | 32 | Cantine | IT-PRR. |
| 23 | Madison County Coal & Mining Co | Thermal | 170 | 49 | Edwardsville | IT. |
| 24 | United Electric Coal Cos., The | Buckheart | 17 | 91 | Canton | CB&Q. |
| | United Electric Coal Cos., The | Cuba | 35 | 91 | Lewiston | CB&Q. |
| | Truax-Traer Coal Company | Flatt | 46 | 91 | St. David | CB&Q. |
| | Central States Collieries, Inc | Little Sister | 87 | 91 | St. David | CB&Q. |
| | Truax-Traer Coal Company | St. David | 152 | 91 | St. David | CB&Q. |
| 25 | Blakley Coal Company | Blakley | 13 | 91 | Canton | CB&Q. |
| 25 | Illinois Colliery Co | Illinois Colliery | 71 | 91 | Farmington | CB&Q. |
| | Golden Rule Coal Co | Golden Rule | 60 | 93 | Middle Grove | M&StL. |
| | Pschirrer & Sons Coal Co | Kildee No. 3 | 78 | 96 | Canton | CB&Q-TP&W. |
| 26 | Lake Erie Mining Co | Lake Erie | 80 | 125 | East Peoria | P&PU. |
| | Crescent Mining Co | LaMarsh No. 1 | 81 | 126 | LaMarsh | PT. |
| | Crescent Mining Co | LaMarsh No. 6 | 82 | 126 | LaMarsh | PT. |
| 27 | Midland Electric Coal Corp | Middle Grove | 95 | 95 | Middle Grove | C&NW-M&StL.K |
| 28 | Little John Coal Co | Little John | 84 | 92 | Victoria | C&GE. |
| 29 | Northern Illinois Coal Corp | Wilmington No. 10 | 189 | 116 | Wilmington | Alton. |
| | | | | | Wilmington Mine. | AT&SF. |
| 30 | Osage Coal Company | Osage | 125 | 114 | Ottawa | CRI&P. |
| 31 | Roanoke Coal Company | Roanoke | 150 | 111 | Roanoke | AT&SF. |
| | Spring Valley Coal Mining Co., The | Spring Valley No. 3 | 101 | 112 | Spring Valley | C&NW. |
| | Sutton, W. G | Minonk | 98 | 117 | Minonk | AT&SF-IC. |
| | Union Coal Company | Union | 175 | 118 | Peru | CRI&P. |
| | | | | | LaSalle | CB&Q. |
| | Peru Deep Vein Coal Co | Ill. Zinc No. 3 | 73 | 118 | Peru | CRI&P. |
| | | | | | LaSalle | CB&Q. |
| 32 | Buffalo Rock Coal Company | Buffalo Rock | 19 | 114 | Ottawa | CRI&P. |
| | Wilmington Coal Mines, Inc | Ottawa | 126 | 114 | Marseilles | CRI&P. |
| 33 | Shuler Coal Mining Company | Alpha No. 2 | 1 | 91 | Alpha | CB&Q. |
| 34 | Midland Electric Coal Corp | Atkinson | 2 | 10 | Atkinson | CRI&P. |



## Mine Origin Group Nos. of Mines Shipping via Railroad

| Mine Origin Group No. | Railroads | Freight Rate Group | Producer | Mine | Price Group No. | Mine Index No. |
|---|---|---|---|---|---|---|
| 10 | CRI&P | Atkinson | Midland Electric Coal Corp | Arkinson | 34 | 2 |
| 20 | B&O | Belleville | Beckemeyer Coal Company | Beckemeyer | 20 | 6 |
| | | | Citizens Coal Company | East Mine | 20 | 43 |
| | | | Gundlach Coal Company | Gundlach | 20 | 61 |
| | | | Perry Coal Company | Carbon | 20 | 26 |
| 21 | IC | Belleville | Freeburg Coal Company | Freeburg | 20 | 53 |
| | | | Gill Coal Corporation | Lyle | 20 | 89 |
| | | | Golden Rule Coal Co | Golden Rule | 20 | 59 |
| | | | Groom Coal Company | Richland | 20 | 149 |
| | | | Jones Bros. Coal Mining Co | Eureka No. 2 | 16 | 45 |
| | | | Lenzburg Coal Company | Lenzburg | 20 | 83 |
| | | | Marissa Coal Company | O. K | 20 | 114 |
| | | | Mulberry Hill Coal Co | Mulberry Hill | 20 | 102 |
| | | | United Electric Coal Cos., The | Red Ray | 19 | 145 |
| | | | Vinegar Hill Coal Company | Vinegar Hill | 20 | 179 |
| 22 | Ill. T | Belleville | Chicopee Coal Company | Troy | 20 | 173 |
| | | | Perry Coal Company | St. Ellen | 19 | 153 |
| | | | Prairie Coal Company | Prairie | 20 | 139 |
| 23 | L&N | Belleville | Mascoutah Coal & Mining Co | Mascoutah | 20 | 93 |
| | | | Service Coal & Mining Co | Service | 20 | 159 |
| | | | White Coal Company, Inc | White | 19 | 188 |
| 24 | M-I | Belleville | Illinois-Missouri Coal Co | H. W. Bradbury, Prop. | 16 | 72 |
| 25 | M-P | Belleville | Beaucoup Coal Company, Inc | Beaucoup No. 6 | 16 | 5 |
| | | | Carter & Rednour Coal Co | C. & R | 16 | 22 |
| | | | Conant Coal Company | Conant | 20 | 34 |
| | | | Crain Coal Company | Crain | 20 | 30 |
| | | | Cutler Coal Company, Inc | New Wilson | 20 | 111 |
| | | | New Galum Coal Corporation, Trustees for Employees of. | New Galum | 20 | 105 |
| 26 | M&O | Belleville | Midwest Smokeless Fuel Corp | Midwest Smokeless | 19 | 96 |
| | | | Moffat Coal Company | Moffat | 19 | 99 |
| | | | Morgan Coal Company, F. C., (Ray Morgan, Prop.) | Morgan | 19 | 100 |
| 27 | PRR | Belleville | Burn-Well Coal Co | Bullock | 21 | 20 |
| | | | Illinois Pocahontas Coal Co | Pocahontas | 21 | 138 |
| 28 | StL&O'F | Belleville | St. Louis & O'Fallon Coal Co | Black Eagle No. 2 | 20 | 11 |
| 29 | Sou | Belleville | Southern Coal, Coke & Mining Co | Avery No. 1 | 19 | 3 |
| | | | Southern Coal, Coke & Mining Co | Shiloh No. 8 | 19 | 161 |
| | | | Southern Coal, Coke & Mining Co | Little Oak No. 7 | 19 | 86 |
| | | | Southern Coal, Coke & Mining Co | Muren No. 6 | 19 | 103 |
| | | | Southern Coal, Coke & Mining Co | New Baden No. 9 | 19 | 104 |
| 30 | IC-M&I | Belleville | Coulterville Coal Company | Perco | 16 | 135 |
| 31 | IC-MP | Belleville | Number 5 Pinckneyville Mining Co | Pinckneyville No. 5 | 16 | 137 |
| | | | Pyramid Coal Corporation | Pyramid | 17 | 142 |
| | | | St. Louis Coal Company | Florida | 19 | 48 |
| | | | United Electric Coal Cos., The | Fidelity | 17 | 47 |
| 32 | Ill. T.-PRR | Belleville | Lumaghi Coal Company | Cantine No. 2 | 22 | 23 |
| | | | Lumaghi Coal Company | Cantine No. 3 | 22 | 24 |
| 33 | MP-M&O | Belleville | Southwestern Illinois Coal Corporation | Streamline | 18 | 165 |
| 40 | Alton | Springfield | Peabody Coal Company | Peerless No. 59 | 12 | 132 |
| 41 | B&O | Springfield | Panther Creek Mines, Inc | Panther Creek No. 4 | 13 | 130 |
| | | | Panther Creek Mines, Inc | Panther Creek No. 5 | 13 | 131 |
| 42 | C&EI | Springfield | Nokomis Coal Co | Reliance | 13 | 147 |
| 43 | C&IM | Springfield | Peabody Coal Company | Hawthorn No. 7 | 12 | 63 |
| | | | Peabody Coal Company | Hawthorn No. 8 | 12 | 64 |
| | | | Peabody Coal Company | Hawthorn No. 9 | 12 | 65 |
| | | | Peabody Coal Company | Hawthorn No. 58 | 12 | 66 |
| | | | Peabody Coal Company | Carter Process Plant. | 12 | 27 |
| 44 | C&NW | Springfield | Superior Coal Company | Superior No. 1 | 13 | 166 |
| | | | Superior Coal Company | Superior No. 2 | 13 | 167 |
| | | | Superior Coal Company | Superior No. 3 | 13 | 168 |
| | | | Superior Coal Company | Superior No. 4 | 13 | 169 |
| 46 | CS&StL | Springfield | Central Illinois Coal Mining Co | Central Ill. "A" | 13 | 28 |
| | | | Mine "B" Coal Company, The | Mine "B" | 13 | 97 |
| 47 | CCC&StL | Springfield | Hillsboro Mining Company | Hillsboro | 13 | 68 |
| 48 | IC | Springfield | Macon County Coal Co | Macon County | 13 | 90 |
| | | | Mt. Olive Coal Company | Hoosier | 13 | 70 |
| 49 | Ill. T | Springfield | Gillespie Coal Co | Gillespie | 13 | 57 |
| | | | Madison County Coal & Mining Co | Thermal | 23 | 170 |
| | | | South Mine Company | South Mine | 13 | 163 |
| 50 | L&M | Springfield | Mt. Olive & Staunton Coal Co | Mt. Olive & Staunton No. 2. | 12 | 101 |

## Mine Origin Group Nos. of Mines Shipping via Railroad—Continued

| Mine Origin Group No. | Railroads | Freight Rate Group | Producer | Mine | Price Group No. | Mine Index No. |
|---|---|---|---|---|---|---|
| 51 | Wab | Springfield | Consolidated Coal Company, The | Consolidated No. 15 | 12 | 33 |
| | | | Peabody Coal Company | Woodside No. 53 | 12 | 190 |
| 52 | Alton-B&O | Springfield | Panther Creek Mines, Inc | Panther Creek No. 2 | 13 | 129 |
| 53 | Alton-CB&Q | Springfield | Virden Mining Corporation | Virden | 13 | 180 |
| 54 | B&O-CCC&StL-IC. | Springfield | Penwell Coal Mining Company | Penwell | 13 | 134 |
| 55 | B&O-IC | Springfield | Peabody Coal Company | Capitol No. 57 | 12 | 25 |
| 56 | C&EI-CCC&StL. | Springfield | Livingston-Mt. Olive Coal Co., The | Livingston No. 1 | 13 | 88 |
| 57 | C&EI-CCC&StL-IC. | Springfield | Pana Coal Company | Pana No. 1 | 13 | 127 |
| 58 | L&M-Wab | Springfield | Consolidated Coal Company, The | Consolidated No. 7 | 12 | 32 |
| 62 | CB&Q-IC | Centralia | Centralia Coal Company | Centralia No. 5 | 13 | 29 |
| | | | Marion County Coal Co | Glenridge | 13 | 58 |
| 70 | C&EI | Danville | United States Fuel Company | Bunsenville | 14 | 21 |
| 71 | CCC&StL | Danville | Morgan Coal Company, F. C. (Ray Morgan, Prop.). | Old Vermilion | 14 | 123 |
| 72 | Ill. T | Danville | Skelton Coal Company, J. G | Skelton | 14 | 162 |
| 73 | Wab | Danville | Tilton Mining Company | Tilton | 14 | 171 |
| 74 | C&EI-CCC&StL-Wab. | Danville | Peabody Coal Company | Westville No. 24 | 15 | 186 |
| 80 | IC | DuQuoin | Bailey Bros. Coal Co | Diamond | 16 | 38 |
| | | | Bois Coal Company | Bois | 20 | 16 |
| | | | Edgar Coal Company (Wm. T. Edgar, Prop.). | Little Muddy | 16 | 85 |
| | | | Home Coal Company (Townsend Blanchard, Prop.). | Victory | 16 | 178 |
| | | | Peabody Coal Company | Majestic No. 14 | 8 | 91 |
| | | | Perfection Coal Company | Perfection | 9 | 136 |
| | | | Union Colliery Company | Kathleen | 11 | 77 |
| 82 | IC-MP | DuQuoin | Truax-Traer Coal Company | Forsyth No. 1 | 10 | 49 |
| 91 | CB&Q | Fulton | Blakley Coal Company | Blakley | 25 | 13 |
| | | | Central State Collieries, Inc | Little Sister | 24 | 87 |
| | | | Illinois Colliery Co | Illinois Colliery | 25 | 71 |
| | | | Shuler Coal Mining Company | Alpha No. 2 | 33 | 1 |
| | | | Truax-Traer Coal Company | Flatt | 24 | 46 |
| | | | Truax-Traer Coal Company | St. David | 24 | 152 |
| | | | United Electric Coal Cos., The | Buckheart | 24 | 17 |
| | | | United Electric Coal Cos., The | Cuba | 24 | 35 |
| 92 | G&GE | Fulton | Little John Coal Co | Little John | 28 | 84 |
| 93 | M&StL | Fulton | Golden Rule Coal Co | Golden Rule | 25 | 60 |
| 95 | C&NW-M&StL | Fulton | Midland Electric Coal Corp | Middle Grove | 27 | 95 |
| 96 | CB&Q-TP&W | Fulton | Pschirrer & Sons Coal Co | Kildee No. 3 | 25 | 78 |
| 111 | AT&SF | Northern | Roanoke Coal Company | Roanoke | 31 | 150 |
| 112 | C&NW | Northern | Spring Valley Coal Mining Co., The | Spring Valley No. 3 | 31 | 164 |
| 114 | CRI&P | Northern | Buffalo Rock Coal Company | Buffalo Rock | 32 | 19 |
| | | | Osage Coal Company | Osage | 30 | 125 |
| | | | Wilmington Coal Mines, Inc | Ottawa | 32 | 126 |
| 116 | Alton-AT&SF | Northern | Northern Illinois Coal Corp | Wilmington No. 10 | 29 | 189 |
| 117 | AT&SF-IC | Northern | Sutton, W. G | Minonk | 31 | 98 |
| 118 | CB&Q-CRI&P | Northern | Peru Deep Vein Coal Co | Ill. Zinc No. 3 | 31 | 73 |
| | | | Union Coal Company | Union | 31 | 175 |
| 125 | P&PU | Peoria | Lake Erie Mining Co | Lake Erie | 26 | 80 |
| 126 | PT Co | Peoria | Crescent Mining Co | LaMarsh No. 1 | 26 | 81 |
| | | | Crescent Mining Co | LaMarsh No. 6 | 26 | 82 |
| 127 | CB&Q-CRI&P | Peoria | Peru Deep Vein Coal Co | Ill. Zinc No. 3 | 31 | 73 |
| | | | Union Coal Company | Union | 31 | 175 |
| 132 | CB&Q | Southern | Diamond Coal Company (Augustine Colonl, Prop.) | Diamond No. 2 | 4 | 40 |
| | | | Old Ben Coal Corporation | Old Ben No. 11 | 2 | 119 |
| | | | Valier Coal Company | Valier No. 1 | 2 | 176 |
| 133 | CCC&StL | Southern | Blue Bird Coal Company | Blue Bird No. 5 | 2 | 14 |
| | | | Peabody Coal Company | Harco No. 47 | 1 | 62 |
| | | | Peabody Coal Company | Premium No. 43 | 1 | 141 |
| | | | Sahara Coal Company | Sahara No. 1 | 1 | 154 |
| | | | Sahara Coal Company | Sahara No. 3 | 1 | 155 |
| | | | Sahara Coal Company | Sahara No. 12 | 1 | 158 |
| | | | Wasson Coal Company | Wasson "A" | 2 | 183 |
| 134 | IC | Southern | Delta Coal Mining Co | Delta | 3 | 36 |
| | | | Forsyth-Carterville Coal Co | Forsyth-Carterville | 4 | 50 |
| | | | McLaren Coal Company | McLaren | 6 | 94 |
| | | | Seymour Coal Mining Company | Freeman Spur | 2 | 55 |
| 135 | MP | Southern | Marvel Coal Company | Marvel | 5 | 92 |
| | | | Wallace Coal Company | Wallace | 5 | 182 |

*Mine Origin Group Nos. of Mines Shipping via Railroad*—Continued

| Mine Origin Group No. | Railroads | Freight Rate Group | Producer | Mine | Price Group No. | Mine Index No. |
|---|---|---|---|---|---|---|
| 137 | C&EI–CB&Q–IC | Southern | Old Ben Coal Corporation | Old Ben No. 15 | 2 | 121 |
| | | | Peabody Coal Company | Black Arrow No. 18 | 1 | 9 |
| 138 | C&EI–CB&Q–IC MP. | Southern | Chicago, Wilmington & Franklin Coal Co. | New Orient | 2 | 108 |
| | | | Chicago, Wilmington & Franklin Coal Co. | Orient No. 1 | 2 | 124 |
| | | | Old Ben Coal Corporation | Old Ben No. 8 | 2 | 118 |
| 139 | CB&Q–IC | Southern | Freeman Coal Mining Co. | Freeman | 2 | 54 |
| 140 | CB&Q–IC–MP. | Southern | Bell & Zoller Coal & Mining Co. | Zeigler No. 1 | 1 | 191 |
| | | | Bell & Zoller Coal & Mining Co. | Zeigler No. 2 | 1 | 192 |
| | | | Consolidated Coal Company, The | New Monarch | 2 | 106 |
| | | | Franklin County Coal Corp. | Energy No. 5 | 1 | 44 |
| | | | Franklin County Coal Corp. | Royalton No. 7 | 1 | 151 |
| | | | Old Ben Coal Corporation | Old Ben No. 14 | 2 | 120 |
| | | | Seymour Coal Mining Company | Freeman Spur | 2 | 55 |
| 141 | CCC&StL–IC | Southern | Rex Coal Company | Rex No. 2 | 2 | 148 |
| | | | Sahara Coal Company | Bankston Creek No. 6 | 7 | 4 |
| | | | Sahara Coal Company | Sahara No. 5 | 1 | 156 |
| | | | Sahara Coal Company | Sahara No. 10 | 1 | 157 |
| | | | Wasson Coal Company | Wasson No. 1 | 2 | 184 |
| 142 | IC–MP | Southern | Consolidated Coal Company, The | Buckhorn | 2 | 18 |
| 143 | JSW (C&EI–MP) | Southern | Consolidated Coal Company, The | Jefferson County Mine No. 20. | 2 | 75 |

*Price Instructions and Exceptions*

Item No. 1. The prices published herein are in cents per net ton of 2,000 pounds and apply f. o. b. transportation facilities at mines on all coal produced by code members at mines located in the district shown on the title page hereof.

Item No. 2. The prices published in this schedule are subject to the established Marketing Rules and Regulations and the Rules and Regulations governing distributors.

Item No. 3. All size designations are for round hole screens. When screens having other types of openings are used and the percentage of over-size, as determined in accordance with the method of test prescribed by A.S.T.M. designation D–410–38, exceeds 5%, the price for the next higher Size Group Classification for that mine shall apply.

Item No. 4. *Calcium chloride and oil treated coal.* All coals in Size Groups Nos. 1 to 12, inclusive, and 17 to 20, inclusive, treated with oil, wax, calcium chloride, or other dust-allaying or anti-freezing agents, shall be priced 10 cents per ton higher than the same size untreated;

On coal in all other size groups, the increase of 10 cents per ton shall apply only during the period April 1st to November 15, inclusive, in each year, and shall not apply during the period November 16th to March 31st, inclusive;

*Provided*, The above provisions do not apply to coals in Size Groups 1 to 8, inclusive, from Mine Index Nos. 118, 119, 120, and 121, from which impurities have been removed by the use of calcium chloride solution and which have been subjected to a rinsing spray, unless afterwards treated with dust-allaying or anti-freezing agents.

Item No. 5. The prices herein established for mines shipping by railways shall be applicable to all coal shipped by conveyances other than trucks or wagons.

Item No. 6. Railroad Locomotive Fuel prices herein designated shall not be used in the sale of coal to railroads other than those recognized as common carriers by the Interstate Commerce Commission or by the Canadian Railways Commission.

Item No. 7. The Market Areas used in this schedule are those areas numerically designated and geographically described in the document entitled, "Consuming Market Areas as Proposed by the National Bituminous Coal Commission pursuant to Section 4 of the Bituminous Coal Act of 1937", dated April 24, 1939.

Item No. 8. Prices shall be increased for all coals loaded in box or stock cars, other than railroad locomotive fuel, and for two or more sizes loaded in the same car, as follows:

(a) For coal loaded in box or stock cars, other than railroad locomotive fuel, 10¢ per ton;

(b) For two or more sizes loaded in the same car, 15¢ per ton;

*Provided*, The above provisions do not apply on shipments into Market Areas Nos. 43, 44, 45, 200, and 201.

Item No. 9. Prices f. o. b. mines for shipment to destinations in market areas where price adjustments apply shall be determined by adding to or deducting from, as the case may be, the price shown in the base price chart for the size at the mine from which shipment is to be made, the + or − amount shown in the column for the Mine Origin Group No. in which the mine is located.

*Example*

*Question.* What is the price f. o. b. mine for 6" x 3" Egg coal for shipment to Afton, Wis., from Midland Electric Coal Corp., Atkinson Mine?

*Answer.* Midland Electric Coal Corp., Atkinson Mine, is in Price Group No. 34, Mine Index No. 2, Mine Origin Group No. 10; 6" x 3" Egg is in Size Group No. 3; Base Price is $2.22; Price Adjustment is +22¢.

Applicable f. o. b. mine price is $2.22+22¢ or $2.44.

Item No. 10. Prices to all market areas for Midwest Smokeless Fuel Corporation, Midwest Smokeless Mine, Mine Index No. 96, are based on freight rates applicable from Mine Origin Group No. 26. If actual transportation charges on coal from this mine are greater or less to any destination than the published freight rate, prices shall be increased or decreased accordingly.

*Description of Size Groups*

Raw or Mechanically Cleaned Sizes

Size group No. 1. All Lump coal larger than 4". Also—All Egg coal with a bottom size larger than 4".

Size group No. 2. All Lump coal 4" and smaller, but larger than 3". Also—All Egg coal with a bottom size larger than 3" but not larger than 4".

Size group No. 3. All Lump coal 3" and smaller, but larger than 2". Also—All Egg coal with a bottom size larger than 2" but not larger than 3".

Size group No. 4. All Lump coal 2" and smaller, but larger than 1½". Also—All Egg coal with a bottom size larger than 1½" and not larger than 2" and with a top size larger than 4".

Size group No. 5. All Double Screened coal with a bottom size larger than 1½" but not larger than 2" and a top size larger than 2" but not larger than 4".

Size group No. 6. All Lump coal 1½" or smaller. All Double Screened coal with a top size larger than 2" and a bottom size not larger than 1½".

Size group No. 7. Straight Mine Run, no fines removed. Mine Run, modified by the removal of any intermediate size or sizes, no fines removed. All Resultants larger than 2", no fines removed.

Size group No. 8. All Double Screened coals with a top size not larger than 2" but larger than 1½", and a bottom size larger than ⅜".

Raw Sizes

Size Group No. 9. All Double Screened coals *not* mechanically cleaned with a top size not larger than 2" but larger than 1½", and a bottom size not larger than ⅜" but larger than 3/32" or 10 mesh.

Size Group No. 10. All Double Screened coals *not* mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size larger than ⅜".

Size Group No. 11. All Double Screened coals *not* mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size not larger than ⅜" but larger than 10 mesh or 3/32".

Size Group No. 12. All Double Screened coals *not* mechanically cleaned with a top size ¾" and smaller, and a bottom size larger than 3/32" or 10 mesh.

Size Group No. 13. All Screenings *not* mechanically cleaned having a top size 2" and smaller, but larger than 1½", no fines removed.



Size Group No. 14. All Screenings *not* mechanically cleaned having a top size 1½" and smaller but larger than ⅜", no fines removed.

Size Group No. 15. All Screenings *not* mechanically cleaned having a top size ⅜" and smaller but larger than 10 mesh or 3/32", no fines removed.

Size Group No. 16. (Dust) All Screenings *not* mechanically cleaned having a top size 10 mesh or 3/32" and smaller, no fines removed.

Washed or Air Cleaned Sizes

Size Group No. 17. All Double Screened coals mechanically cleaned with a top size not larger than 2" but larger than 1½", and a bottom size not larger than ⅜", but larger than 3/32" or 10 mesh.

Size Group No. 18. All Double Screened coals mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size larger than ⅜".

Size Group No. 19. All Double Screened coals mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size not larger than ⅜", but larger than 3/32" or 10 mesh.

Size Group No. 20. All Double Screened coals mechanically cleaned with a top size ¾" and smaller, and a bottom size larger than 3/32" or 10 mesh.

Size Group No. 21. All Double Screened coals mechanically cleaned with a top size not larger than 1½" but larger than ¼" and a bottom size not larger than 10 mesh.

Size Group No. 22. All Screenings, mechanically cleaned, having a top size 2" and smaller but larger than 1½", and a bottom size for wet cleaning 1 millimeter or equivalent, and for air cleaning shall contain at least 10% that will pass through a 10 mesh screen.

Size Group No. 23. All Screenings, mechanically cleaned, having a top size 1½" and smaller but larger than ⅜", and a bottom size for wet cleaning 1 millimeter or equivalent, and for air cleaning shall contain at least 10% that will pass through a 10 mesh screen.

Size Group No. 24. All Screenings, mechanically cleaned, having a top size ⅜" and smaller, and a bottom size for wet cleaning 1 millimeter or equivalent, and for air cleaning shall contain at least 10% that will pass through a 10 mesh screen.

Dry Dedusted Sizes

Size Group No. 25. Dry Dedusted Screenings having a top size 2" and smaller but larger than 1½". Fines are defined as the resultant coal passing through the dedusting screen used to dedust, and in no case shall the dedusting screen exceed ⅜". Not more than 50% of the fines may be removed by dedusting screens. However, standard mechanical dedusting equipment may use not larger than 8 mesh screens to remove the fines with no limit to percentage of fines removed.

Size Group No. 26. Dry Dedusted Screenings having a top size 1½" and smaller but larger than ⅜". Fines are defined as the resultant coal passing through the dedusting screen used to dedust, and in no case shall the dedusting screen exceed ⅜". Not more than 50% of the fines may be removed by dedusting screens. However, standard mechanical dedusting equipment may use not larger than 8 mesh screens to remove the fines with no limit to percentage of fines removed.

Size Group No. 27. (10 Mesh Special Stoker) Dry Dedusted Screenings having a top size ¾" and smaller. Standard mechanical dedusting equipment may use not larger than 8 mesh but larger than 48 mesh screens to remove the fines.

Size Group No. 28. (Carbon) Dry Dedusted Screenings having a top size ⅜" and smaller. Standard mechanical dedusting equipment may use not larger than 28 mesh screens to remove the fines.

Size Group Nos. 29, 30, 31, 32, 33. Sizes embraced in these size groups not produced in District No. 10.

Size Group No. 34. Picking Table Refuse not passed through a breaker.

*Table of Sizes in Size Groups—Sizes Shipped in 1937 as Reported on D–1 Forms*

Over 2" Raw, Washed or Air Cleaned

Size

Size group 1:
Lump:
10".
9".
8".
7".
6".
Egg:
9" x 6".
8" x 5".
Size group 2:
Lump:
4".
Egg:
9" x 4".
8" x 4".
7" x 4".
6" x 4".
Size group 3:
Lump:
3".
2½".
Egg:
8" x 3".
7" x 3".
7" x 2½".
6" x 3".
6" x 2½".
5" x 3".
4" x 3".
4" x 2½".
Size group 4:
Lump:
2".
1⅞".
Egg:
9" x 2".
8" x 2".
7" x 2".
6" x 2".
5" x 2".

*Table of Sizes in Size Groups—Sizes Shipped in 1937 as Reported on D–1 Forms*—Continued

Size group 5:
Egg:
4" x 2".
3" x 2".
Size group 6:
Lump:
1½".
1¼".
Egg:
8" x 1½".
8" x 1¼".
7" x 1½".
7" x 1¼".
6" x 1½".
6" x 1¼".
6" x 1".
6" x ¾".
6" x ½".
5" x 1½".
5" x ¾".
4" x 1½".
4" x 1¼".
4" x ¾".
4" x ¼".
3" x 1½".
3" x 1¼".
3" x ¾".
3" x 5/16".
Nut:
2½" x 1½".
2½" x 1¼".
2½" x 1".
Size group 7:
Straight Mine Run.
Mine Run Crushed.
Mine Run 6".
Mine Run 6" Crushed.
Mine Run 5" Crushed.
Mine Run 4".
Mine Run 3".
Mine Run 2½".
Size group 8:
Nut:
2" x 1½".
2" x 1¼".
2" x 1".
2" x ¾".
2" x 5/8".
2" x 7/16".

Under 2" Raw

Size group 9:
2" x ⅛".
2" x 5/16".
1¾" x 5/16".
Size group 10:
1½" x 1¼".
1½" x 1".
1½" x ¾".
1⅜" x ¾".
1¼" x 1".
1¼" x ¾".
1½" x 5/8".
1½" x ½".
1½" x 7/16".
1" x ½".
1" x 7/16".
Size group 11:
1½" x ⅜".
1½" x 5/16".
1½" x ¼".
1½" x ⅛".
1¼" x ⅜".

*Table of Sizes in Size Groups—Sizes Shipped in 1937 as Reported on D–1 Forms*—Continued

Size group 11—Continued
- 1¼" x 5/16".
- 1¼" x ¼".
- 1¼" x 3/16".
- 1" x ⅜".
- 1" x 5/16".
- 1" x ¼".
- ⅞" x 5/16".
- ⅞" x 1/16".

Size group 12:
- ¾" x ½".
- ¾" x ⅜".
- ¾" x 5/16".
- ¾" x ¼".
- ¾" x ⅛".
- ⅝" x ⅜".

Size group 13:
- 2" x 0.
- 1⅞" x 0.

Size group 14:
- 1½" x 0.
- 1⅜" x 0.
- 1⅛" x 0.
- 1" x 0.
- ¾" x 0.
- ⅝" x 0.
- ½" x 0.
- 7/16" x 0.

*Table of Sizes in Size Groups—Sizes Shipped in 1937 as Reported on D–1 Forms*—Continued

Size group 15:
- ⅜" x 0.
- 5/16" x 0.
- ¼" x 0.
- 3/16" x 0.
- ⅛" x 0.
- 6 Mesh x 0.

Size group 16:
- 1/16" x 0.
- 10 Mesh x 0.
- 28 Mesh x 0.
- 48 Mesh x 0.

Under 2" Washed or Air Cleaned Size

Size group 17:
- 2" x 5/16".

Size group 18:
- 1½" x 1".
- 1½" x ¾".
- 1¼" x 1".
- 1¼" x ¾".
- 1¼" x 13/16".

Size group 19:
- 1½" x 5/16".
- 1½" x ¼".
- 1¼" x 5/16".
- 1¼" x ¼".
- 1" x ⅜".
- 1" x 5/16".

*Table of Sizes in Size Groups—Sizes Shipped in 1937 as Reported on D–1 Forms*—Continued

Size group 20:
- ¾" x ½".
- ¾" x 5/16".
- ¾" x ¼".
- ⅜" x 5/16".
- ⅜" x 4 Mesh.

Size group 21:
- 1½" x 10 Mesh.
- 1" x 10 Mesh.
- ⅜" x 10 Mesh.
- 5/16" x 10 Mesh.
- 5/16" x 48 Mesh.

Size group 22:
- 2" x 28 Mesh.
- 2" x 0–W.

Size group 23:
- 1½" x 28 Mesh.
- 1¼" x 28 Mesh.
- 1" x 28 Mesh.
- ¾" x 28 Mesh.
- 1½" x 0–W.
- 1¼" x 0–W.
- 1" x 0–W.
- ¾" x 0–W.
- 7/16" x 0–W.

Size group 24:
- ⅜" x 0–W.
- 5/16" x 0–W.
- ¼" x 0–W.
- 10 Mesh x 0–W.

*Table of Sizes in Size Groups—Sizes Shipped in 1937 as Reported on D–1 Forms*—Continued

Dry Dusted Sizes

Size group 25:
- 2" x 6 Mesh.
- 2" x 10 Mesh.
- 2" Modified.
- 1¾" x 1/16".

Size group 26:
- 1½" Modified.
- 1½" x 10 Mesh.
- 1½" x 28 Mesh.
- 1¼" Modified.
- 1¼" x 10 Mesh.
- 1" x 10 Mesh.
- 1" x 28 Mesh.
- ¾" x ⅛".
- ¾" x 1/16".
- ¾" x 10 Mesh.
- ¾" x 28 Mesh.
- ⅝" x 10 Mesh.
- ½" x ½ MM.
- 7/16" x 10 Mesh.

Size group 27:
- ⅜" x 10 Mesh.
- 5/16" x 10 Mesh.
- ⅜" x 1/16".

Size group 28:
- ⅜" x 48 Mesh.
- 5/16" x 48 Mesh.

Size group 34:
- Reclaimed Lump.

***Prices for All-Rail Shipment Into Market Area No. 29 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions***

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9 | 137 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 205 | 150 | 170 | 120 | 60 | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | | | | | | | | | 160 | 150 | | | 225 |
| | 50 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | | | | | | | | | 160 | 150 | | | 200 |
| 6 | 94 | 136 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | | | | | | | | | 160 | 150 | | | 190 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | | | | | | | | | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | | | | | 200 |
| 8 | 91 | 80 | 265 | 265 | 265 | 255 | 245 | 235 | 210 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 70 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | | | 235 |
| 9 | 136 | 80 | | | | | | | 210 | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 49 | 82 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 130 | 120 | 60 | 40 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 140 | 130 | 140 | | 175 |
| 11 | 77 | 80 | 250 | 250 | 250 | 240 | 230 | 220 | 200 | 210 | 180 | 180 | 180 | 180 | 130 | 120 | 70 | 40 | 200 | 200 | 200 | 200 | 190 | 155 | 145 | 115 | 140 | 130 | 140 | | 220 |

***Prices for All-Rail Shipment Into Market Area No. 29 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*—Continued**

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 135 | 125 | 145 | 135 | | | 185 |
| | 33, 190 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| | 129 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 20, 58 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | 21 | 70 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 123 | 71 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | | | | | | | | | | 175 | 165 | | | 215 |
| | 162 | 72 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 186 | 74 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | | 205 | 205 | 205 | 205 | 195 | 195 | 185 | 155 | 175 | 165 | | | 215 |
| 16 | 45 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 25 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | | | | | | | | | | 125 | 115 | | | 175 |
| | 135 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 85, 178 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 47, 142 | 31 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | | | 175 |
| 18 | 165 | 33 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | | | | | | | | | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | | | 175 |
| 19 | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 125 | 115 | | | 165 |
| | 96, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 26, 43, 61 | 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 159 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | | | | | | | | | | 125 | 115 | | | 165 |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 20, 138 | 27 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 125 | 115 | 50 | | | | | | | | | | 135 | 125 | | | 175 |
| 22 | 23, 24 | 32 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 125 | 115 | 50 | | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 135 | 125 | | | 175 |
| 23 | 170 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| 24 | 17, 35, 46, 87, 152 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | | | 185 |
| 25 | 13, 71 | 91 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 60 | 93 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | | | | | | | | | | 155 | 145 | | | 185 |
| | 78 | 96 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 80 | 125 | 227 | 222 | 217 | 207 | 202 | 197 | 197 | 197 | 187 | 187 | 187 | 187 | 157 | 147 | 82 | | | | | | | | | | 167 | 157 | | | 197 |
| | 81, 82 | 126 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 27 | 95 | 95 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | | | 185 |
| 28 | 84 | 92 | 221 | 216 | 211 | 201 | 196 | 191 | 191 | 191 | | | | | | | | | 191 | 191 | 191 | 191 | 181 | 181 | 171 | 141 | | | | | 191 |
| 29 | 189 | 116 | 310 | 305 | 300 | 290 | 285 | 275 | 260 | 265 | | | | | | | | | 260 | 260 | 260 | 260 | 250 | 250 | 240 | 210 | | | | | 275 |
| 30 | 125 | 114 | 300 | 295 | 290 | 280 | 275 | 265 | 250 | 255 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | | 220 | 220 | 220 | 220 | 210 | 210 | 200 | 170 | 190 | 180 | | | 265 |
| 31 | 150 | 111 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 164 | 112 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 98 | 117 | 300 | 295 | 290 | 280 | 275 | 265 | 250 | 255 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | | | | | | | | | | 190 | 180 | | | 265 |
| | 73, 175 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | 19 | 114 | 260 | 255 | 250 | 240 | 235 | 230 | 225 | 220 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | | | | | | | | | | 190 | 180 | | | 230 |
| | 126 | 114 | 270 | 265 | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | 200 | 190 | | | 240 |
| 33 | 1 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | | | | | | | | | | 155 | 145 | | | 185 |
| 34 | 2 | 10 | 232 | 227 | 222 | 212 | 207 | 202 | 202 | 202 | 192 | 192 | 192 | 192 | 162 | 152 | 87 | | 197 | 197 | 197 | 197 | 187 | 187 | 177 | 147 | 172 | 162 | | | 202 |

*Prices for All-Rail Shipment Into Market Area No. 40 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9 | 137 | 265 | 265 | 265 | 255 | 215 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 610 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | | | | | | | | | 160 | 150 | | | 225 |
| | 50 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | | | | | | | | | 160 | 150 | | | 200 |
| 6 | 94 | 134 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | | | | | | | | | 160 | 150 | | | 190 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | | | | | | | | | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | | | | | 200 |
| 8 | 91 | 80 | 270 | 270 | 270 | 260 | 250 | 240 | 215 | 230 | 210 | 210 | 210 | 210 | 185 | 175 | 125 | 75 | 220 | 220 | 220 | 220 | 205 | 205 | 195 | 175 | 195 | 185 | | | 240 |
| 9 | 136 | 80 | | | | | | | 215 | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 49 | 82 | 215 | 210 | 205 | 195 | 190 | 180 | 170 | 175 | 150 | 150 | 150 | 150 | 135 | 125 | 65 | 45 | 170 | 170 | 170 | 170 | 160 | 160 | 160 | 120 | 145 | 135 | 145 | | 180 |
| 11 | 77 | 80 | 255 | 255 | 255 | 245 | 235 | 225 | 205 | 215 | 185 | 185 | 185 | 185 | 135 | 125 | 75 | 45 | 205 | 205 | 205 | 205 | 195 | 160 | 150 | 120 | 145 | 135 | 145 | | 225 |
| 12 | 132 (East St. Louis) [1] | 40 | 197 | 192 | 187 | 177 | 172 | 167 | 162 | 157 | 147 | 147 | 147 | 147 | 117 | 107 | 42 | | 157 | 157 | 157 | 157 | 147 | 147 | 137 | 107 | 127 | 117 | | | 167 |
| | 25 (St. Louis) [2] | 55 | 189 | 184 | 179 | 169 | 164 | 159 | 154 | 149 | 139 | 139 | 139 | 139 | 109 | 99 | 34 | | 149 | 149 | 149 | 149 | 139 | 139 | 129 | 99 | 119 | 109 | | | 159 |
| | 27, 63, 64, 65, 66: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | (East St. Louis) [1] | 43 | 201 | 196 | 101 | 181 | 176 | 171 | 166 | 161 | 151 | 151 | 151 | 151 | 121 | 111 | 46 | | 161 | 161 | 161 | 161 | 151 | 151 | 141 | 111 | 131 | 121 | | | 171 |
| | (St. Louis) [2] | | 203 | 198 | 193 | 183 | 178 | 173 | 168 | 162 | 153 | 153 | 153 | 153 | 123 | 113 | 48 | | 163 | 163 | 163 | 163 | 153 | 153 | 143 | 113 | 133 | 123 | | | 173 |
| | 101 | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 33 | 51 | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 160 | 160 | 160 | 130 | 120 | 55 | | 170 | 170 | 170 | 170 | 160 | 160 | 150 | 120 | 140 | 130 | | | 180 |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70 | 48 | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 160 | 160 | 160 | 130 | 120 | 55 | | | | | | | | | | 140 | 130 | | | 180 |
| | 57, 163 | 49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 58 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 97: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | (East St. Louis) [1] | 46 | 163 | 177 | 172 | 162 | 157 | 152 | 147 | 142 | 132 | 132 | 132 | 132 | 102 | 92 | 27 | | | | | | | | | | 112 | 102 | | | 152 |
| | (St. Louis) [2] | | 174 | 169 | 164 | 154 | 149 | 144 | 139 | 134 | 124 | 124 | 124 | 124 | 94 | 84 | 19 | | | | | | | | | | 104 | 94 | | | 144 |
| | 180 [1] | 53 | 203 | 198 | 193 | 183 | 178 | 173 | 168 | 163 | 153 | 153 | 153 | 153 | 123 | 113 | 48 | | | | | | | | | | 133 | 123 | | | 173 |
| | 134 (East St. Louis) [1] | 54 | 191 | 186 | 181 | 171 | 166 | 161 | 156 | 151 | 141 | 141 | 141 | 141 | 111 | 101 | 36 | | | | | | | | | | 121 | 111 | | | 161 |
| | 127 (St. Louis) [2] | 57 | 177 | 172 | 167 | 157 | 152 | 147 | 142 | 137 | 127 | 127 | 127 | 127 | 97 | 87 | 22 | | | | | | | | | | 107 | 97 | | | 147 |
| 16 | 45 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 25 | 225 | 220 | 215 | 205 | 200 | 190 | 180 | 185 | 160 | 160 | 160 | 160 | 130 | 120 | 55 | | | | | | | | | | 140 | 130 | | | 190 |
| | 135 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 85, 178 | 80 | 215 | 210 | 205 | 195 | 190 | 180 | 170 | 175 | 150 | 150 | 150 | 150 | 120 | 110 | 45 | | | | | | | | | | 130 | 120 | | | 180 |
| 17 | 47, 142 | 31 | 225 | 220 | 215 | 205 | 200 | 190 | 180 | 185 | 160 | 160 | 160 | 160 | 130 | 120 | 55 | | 180 | 180 | 180 | 180 | 170 | 170 | 160 | 130 | 140 | 130 | | | 190 |
| 18 | 165 | 33 | 225 | 220 | 215 | 205 | 200 | 190 | 180 | 185 | | | | | | | | | 180 | 180 | 180 | 180 | 170 | 170 | 160 | 130 | 140 | 130 | | | 190 |
| 19 | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 96, 99, 100 | 26 | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 160 | 160 | 160 | 130 | 120 | 55 | | 170 | 170 | 170 | 170 | 160 | 160 | 150 | 120 | 140 | 130 | | | 180 |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 22 | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 160 | 160 | 160 | 130 | 120 | 55 | | 170 | 170 | 170 | 170 | 160 | 160 | 150 | 120 | 140 | 130 | | | 180 |
| 20 | 6, 26, 43, 61 | 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 159 | 23 | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 160 | 160 | 160 | 130 | 120 | 55 | | | | | | | | | | 140 | 130 | | | 180 |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | [3] 22 | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 160 | 160 | 160 | 130 | 120 | 55 | | | | | | | | | | 140 | 130 | | | 180 |
| | 16 | 80 | 200 | 195 | 190 | 180 | 175 | 170 | 165 | 160 | 150 | 150 | 150 | 150 | 120 | 110 | 45 | | | | | | | | | | 130 | 120 | | | 170 |
| 21 | 20, 138 | [3] 27 | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 160 | 160 | 160 | 130 | 120 | 55 | | | | | | | | | | 140 | 130 | | | 180 |
| 22 | 23, 24 | [3] 32 | 210 | 205 | 200 | 190 | 185 | 180 | 178 | 170 | 160 | 160 | 160 | 160 | 130 | 120 | 55 | | 170 | 170 | 170 | 170 | 160 | 160 | 150 | 120 | 140 | 130 | | | 180 |
| 23 | 170 | [3] 40 | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 160 | 160 | 160 | 130 | 120 | 55 | | | | | | | | | | 140 | 130 | | | 180 |

[1] Applicable to Illinois destinations in Market Area No. 40; except as shown in Price Adjustments No. 1 to 6, incl.
[2] Applicable to Missouri destinations in Market Area No. 40.
[3] Except as shown in Price Adjustments No. 7.



*Price Adjustments to F. O. B. Mine Prices Necessary To Maintain Delivered Differentials at Destinations in Market Area No. 40*

| Destination | No. 1 | No. 2 | No. 3 | No. 4 | No. 5 | No. 6 | No. 7 |
|---|---|---|---|---|---|---|---|
| Alton, Ill | +13 | +13 | +9 | 0 | +19 | +8 | +25 |
| Alton Hospital, Ill | −3 | N | N | N | N | +3 | −11 |
| Alton Summit, Ill | +13 | N | +9 | +19 | +19 | N | N |
| East Alton, Ill | +13 | N | +9 | N | +19 | N | 0 |
| Edwardsville, Ill | N | N | +9 | N | N | N | +43 |
| Edwardsville Junction, Ill | N | +13 | +9 | N | N | N | +25 |
| Federal, Ill | +13 | +13 | +9 | 0 | +19 | +8 | +25 |
| Glass Works, Ill | +13 | +13 | +9 | 0 | 0 | +8 | +25 |
| Hartford, Ill | +13 | +13 | +9 | 0 | 0 | +8 | +25 |
| Nameoki, Ill | +13 | N | 0 | +19 | +19 | 0 | 0 |
| Reuters, Ill | N | +13 | +9 | 0 | 0 | +8 | +25 |
| Roxana, Ill | +13 | +13 | +9 | 0 | 0 | +8 | +25 |
| South Wood River, Ill | +13 | N | +9 | 0 | 0 | N | +25 |
| Upper Alton, Ill | +13 | N | +9 | +19 | +19 | N | N |
| Wanda, Ill | N | +13 | +9 | 0 | 0 | +8 | +25 |
| Wann, Ill | +13 | N | +9 | +19 | +19 | N | N |
| Wood River, Ill | +13 | +13 | +9 | 0 | +19 | +8 | +25 |
| St. Louis Switching District, Mo | 0 | 0 | 0 | 0 | 0 | 0 | +25 |

N—Indicates "no rate."

No. 1. Applicable on shipments from Mine Index Nos. 132 and 180 originating on the Alton Railroad. Increase or decrease f. o. b. mine prices for destinations as shown in cents per ton.

No. 2. Applicable on shipments from Mine Index No. 25 originating on the Illinois Central Railroad. Increase or decrease f. o. b. mine prices for destinations as shown in cents per ton.

No. 3. Applicable on shipments from Mine Index Nos. 27, 63, 64, 65 and 66 originating on the CI&M Railroad. Increase or decrease f. o. b. mine prices for destinations as shown in cents per ton.

No. 4. Applicable on shipments from Mine Index Nos. 127 and 134 originating on the CCC&StL Railroad for delivery via the Illinois Terminal Railroad. Increase or decrease f. o. b. mine prices for destinations as shown in cents per ton.

No. 5. Applicable on shipments from Mine Index Nos. 127 and 134 originating on the CCC&StL Railroad for delivery via the Alton Railroad. Increase or decrease f. o. b. mine prices for destinations as shown in cents per ton.

No. 6. Applicable on shipments from Mine Index No. 127 originating on the C&EI Railroad. Increase or decrease f. o. b. mine prices for destinations as shown in cents per ton.

No. 7. Applicable on shipments from Mine Index Nos. 20, 23, 24, 139, 153, 170 and 173 originating and delivered on the Illinois Terminal Railroad. Increase or decrease f. o. b. mine prices for destinations as shown in cents per ton.

*Prices for All-Rail Shipment Into Market Areas Nos. 35, 36, 37, 38, 39 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 1 | 62, 141, 154, 155, 158 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9 | 137 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | 160 | 150 | | | 225 |
| | 50 | 134 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | | | | | | | | | 160 | 150 | | | 200 |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | | | | | | | | | 160 | 150 | | | 190 |
| 6 | 94 | 134 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | | | | | | | | | | | | | 200 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | | | | | | | | | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | | | | | 225 |
| 8 | 91 | 80 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 195 | 195 | 195 | 195 | 170 | 160 | 110 | 60 | 205 | 205 | 205 | 205 | 190 | 190 | 180 | 160 | 180 | 170 | | | |
| 9 | 136 | 80 | | | | | | | 200 | | | | | | | | | | | | | | | | | | | | | |
| 10 | 49 | 82 | 230 | 225 | 220 | 210 | 205 | 195 | 185 | 190 | 165 | 165 | 165 | 165 | 150 | 140 | 80 | 30 | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 160 | 150 | 160 | | 195 |
| 11 | 77 | 80 | 250 | 250 | 250 | 240 | 230 | 220 | 200 | 210 | 170 | 170 | 170 | 170 | 150 | 140 | 90 | 30 | 190 | 190 | 190 | 190 | 180 | 175 | 165 | 135 | 160 | 150 | 160 | | 220 |
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| | 33, 190 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| | 120 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 58 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | 21 | 70 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 123 | 71 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| | 162 | 72 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 186 | 74 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| | 45 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16 | 5, 22 | 25 | 230 | 225 | 220 | 210 | 205 | 195 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 195 |
| | 135 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 85, 178 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 47, 142 | 31 | 230 | 225 | 220 | 210 | 205 | 195 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 145 | 135 | | | 195 |
| 18 | 165 | 33 | 230 | 225 | 220 | 210 | 205 | 195 | 185 | 190 | | | | | | | | | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 145 | 135 | | | 195 |
| | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19 | 188 | 23 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| | 96, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 6, 26, 43, 61 | 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 93, 159 | 23 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Prices for All-Rail Shipment Into Market Areas Nos. 35, 36, 37, 38, 39 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*—Con.

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 21 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 1 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 22 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 2 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 23 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 3 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 24 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 4 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 25 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 5 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 26 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 6 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 27 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 7 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 28 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 8 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 29 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 9 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 30 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 10 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 31 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 11 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 32 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 12 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 33 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 13 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 34 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 14 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 35 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 15 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 36 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 16 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 37 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 17 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 38 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 18 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 39 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 19 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 40 | 42, 45, 46, 47, 52, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192 | 20 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |

*Prices for All-Rail Shipment Into Market Areas Nos. 35, 36, 37, 38, 39 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*—Con.

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 21 | 20, 138 | 27 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 145 | 135 | ----- | ----- | 185 |
| 22 | 23, 24 | 32 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ----- | ----- | 185 |
| 23 | 170 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 145 | 135 | ----- | ----- | 185 |
| 24 | 17, 25, 46, 87, 152 | 91 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | 175 | 175 | 175 | 175 | 165 | 165 | 165 | 125 | 145 | 135 | ----- | ----- | 175 |
| 25 | 12, 71 | 91 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 60 | 93 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 145 | 135 | ----- | ----- | 175 |
| | 78 | 96 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 80 | 125 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 145 | 135 | ----- | ----- | 175 |
| | 80, 82 | 126 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 27 | 96 | 95 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | ----- | ----- | ----- | ----- | 175 |
| 28 | 84 | 92 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | ----- | ----- | ----- | ----- | 175 |
| 29 | 169 | 116 | 310 | 305 | 300 | 290 | 285 | 275 | 260 | 265 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 260 | 260 | 260 | 260 | 250 | 250 | 240 | 210 | ----- | ----- | ----- | ----- | 275 |
| 30 | 126 | 114 | 310 | 305 | 300 | 290 | 285 | 275 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | ----- | 230 | 230 | 230 | 230 | 220 | 220 | 210 | 180 | 200 | 190 | ----- | ----- | 275 |
| 31 | 150 | 111 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 164 | 112 | 310 | 305 | 300 | 290 | 285 | 275 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 200 | 190 | ----- | ----- | 275 |
| | 98 | 117 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73, 175 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | 19, 126 | 114 | 270 | 265 | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 200 | 190 | ----- | ----- | 240 |
| 33 | 1 | 91 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 145 | 135 | ----- | ----- | 175 |
| 34 | 2 | 10 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | 170 | 170 | 170 | 170 | 160 | 160 | 150 | 120 | 145 | 135 | ----- | ----- | 175 |

*Prices for All-Rail Shipment Into Market Area No. 41 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions and Subject to Price Adjustments to Specific Destinations as Shown Hereinafter*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 1 | 62, 141, 154, 155, 188 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9 | 137 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 136 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 190 | 180 | 190 | 155 | 235 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 160 | 150 | ----- | ----- | 225 |
| | 50 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 160 | 150 | ----- | ----- | 200 |
| 6 | 94 | 134 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 160 | 150 | ----- | ----- | 190 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | ----- | ----- | ----- | ----- | 200 |
| 8 | 91 | 80 | 265 | 265 | 265 | 255 | 245 | 235 | 210 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 70 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | ----- | ----- | 235 |
| 9 | 136 | 80 | ----- | ----- | ----- | ----- | ----- | ----- | 210 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| 10 | 49 | 82 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 130 | 120 | 60 | 40 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 140 | 130 | 140 | ----- | 175 |
| 11 | 77 | 80 | 250 | 250 | 250 | 240 | 230 | 220 | 200 | 210 | 180 | 180 | 180 | 180 | 130 | 120 | 70 | 40 | 200 | 200 | 200 | 200 | 190 | 155 | 145 | 115 | 140 | 130 | 140 | ----- | 220 |
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ----- | ----- | 185 |
| | 33, 190 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Prices for All-Rail Shipment Into Market Area No. 41 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions and Subject to Price Adjustments to Specific Destinations as Shown Hereinafter*—Continued

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 66 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 80 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 145 | 135 | ..... | ..... | 1 |
| | 129 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 58 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | 21 | 70 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 123 | 71 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 175 | 165 | ..... | ..... | 21 |
| | 162 | 72 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 166 | 74 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | ..... | 205 | 205 | 205 | 205 | 195 | 195 | 185 | 155 | 175 | 165 | ..... | ..... | 2 |
| 16 | 45 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 25 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 125 | 115 | ..... | ..... | 1 |
| | 135 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 85, 178 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 47, 142 | 31 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ..... | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ..... | ..... | 1 |
| 18 | 165 | 33 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ..... | ..... | 1 |
| 19 | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 155 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ..... | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 125 | 115 | ..... | ..... | 1 |
| | 96, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 81 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 26, 43, 61 | 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 175 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 139 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 125 | 115 | ..... | ..... | 1 |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 20, 138 | 27 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 125 | 115 | 50 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 135 | 125 | ..... | ..... | 1 |
| 22 | 23, 24 | 32 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 125 | 115 | 50 | ..... | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 135 | 125 | ..... | ..... | 1 |
| 23 | 170 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 145 | 135 | ..... | ..... | 1 |
| 24 | 17, 35, 46, 87, 152 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ..... | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | ..... | ..... | 1 |
| | 13, 71 | 91 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 25 | 60 | 28 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 155 | 145 | ..... | ..... | 1 |
| | 78 | 90 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 80 | 125 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 81, 82 | 126 | 227 | 222 | 217 | 207 | 202 | 197 | 197 | 197 | 187 | 187 | 187 | 187 | 157 | 147 | 82 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 167 | 157 | ..... | ..... | 1 |
| 27 | 95 | 95 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ..... | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | ..... | ..... | 1 |
| 28 | 84 | 92 | 221 | 216 | 211 | 201 | 196 | 191 | 191 | 191 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 191 | 191 | 191 | 191 | 181 | 181 | 171 | 141 | ..... | ..... | ..... | ..... | 1 |
| 29 | 169 | 116 | 310 | 305 | 300 | 290 | 285 | 275 | 265 | 255 | 245 | 245 | 245 | 245 | 210 | 195 | 105 | ..... | 260 | 260 | 260 | 260 | 250 | 250 | 240 | 210 | ..... | ..... | ..... | ..... | 2 |
| 30 | 125 | 114 | 300 | 295 | 290 | 280 | 275 | 265 | 250 | 255 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | ..... | 220 | 220 | 220 | 220 | 210 | 210 | 200 | 170 | 190 | 180 | ..... | ..... | 2 |
| 31 | 150 | 111 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 164 | 112 | 300 | 295 | 290 | 280 | 275 | 265 | 250 | 255 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 190 | 180 | ..... | ..... | 2 |
| | 98 | 117 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73, 175 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | 19 | 114 | 260 | 255 | 250 | 240 | 235 | 230 | 225 | 220 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 190 | 180 | ..... | ..... | 2 |
| | 126 | 114 | 270 | 265 | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 200 | 190 | ..... | ..... | 2 |
| 33 | 1 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | ..... | 155 | 145 | ..... | ..... | 1 |
| 34 | 2 | 10 | 232 | 227 | 222 | 212 | 207 | 202 | 202 | 202 | 192 | 192 | 192 | 192 | 162 | 152 | 87 | ..... | 197 | 197 | 197 | 197 | 187 | 187 | 177 | 147 | 173 | 162 | ..... | ..... | 2 |

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Addison | N | N | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | +10 | +15 | N | +10 | 0 | +10 | 0 | +10 | N | N | N | +10 | +10 | +10 | +10 |
| Adeline | +4 | 0 | 0 | +10 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | 0 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Agnew (L) | −11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Agnew (F) | −11 | 0 | 0 | 0 | 0 | 0 | +6 | −10 | N | 0 | 0 | 0 | 0 | −10 | +6 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Aiken (L) | N | 0 | 0 | N | +10 | +10 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aiken (F) | N | 0 | 0 | N | +10 | +10 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Albany (L) | +63 | 0 | 0 | −11 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Albany (F) | +63 | 0 | 0 | −7 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Albany Pit (L) | +63 | 0 | 0 | −11 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −21 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Albany Pit (F) | +63 | 0 | 0 | −7 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −17 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Alden | −14 | 0 | 0 | 0 | N | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Algonquin | −6 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Almora | −22 | −5 | −5 | −12 | −5 | −5 | N | −5 | −15 | N | −5 | −5 | −5 | −15 | −5 | +5 | +5 | +5 | +5 | N | +5 | +5 | +5 | N | +10 | +10 | +5 | +5 | +5 | +5 | +5 | +5 |
| Alpine | N | N | N | N | 0 | N | 0 | 0 | −10 | 0 | N | 0 | 0 | −10 | 0 | N | N | N | 0 | N | N | 0 | N | N | 0 | 0 | N | 0 | N | N | N | N |
| Alworth | +48 | N | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 |
| Amboy | N | N | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Anders | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Antioch | N | 0 | 0 | 0 | N | 0 | N | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Apple River | N | 0 | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | N | 0 | 0 |
| Aptakisic | N | 0 | 0 | N | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Addison | 0 | −27 | −27 | N | N | −27 | 0 | 0 | N | N | N | +21 | +21 | 0 | N | −19 | −10 | 0 | −5 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Adeline | −20 | −15 | −15 | N | −15 | −15 | −10 | −10 | +21 | +15 | N | +21 | +21 | 0 | N | −19 | −10 | 0 | 0 | +9 | +9 | +9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Agnew (L) | −20 | −41 | −37 | N | −47 | −37 | −10 | −10 | +6 | 0 | N | +52 | +6 | −21 | −16 | N | −34 | −16 | −38 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Agnew (F) | −20 | −41 | −37 | N | −47 | −37 | −10 | −10 | +6 | 0 | N | +52 | +6 | −7 | −2 | N | −17 | −7 | −38 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aiken (L) | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +35 | +29 | N | +35 | +35 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 |
| Aiken (F) | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +34 | +28 | N | +34 | +34 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 |
| Albany (L) | −20 | −47 | −47 | N | −47 | −47 | −10 | −10 | +35 | +29 | N | +35 | +52 | −11 | N | −21 | −21 | −11 | −11 | +9 | +9 | +9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Albany (F) | −20 | −41 | −41 | N | −41 | −41 | −10 | −10 | +35 | +29 | N | +35 | +52 | −7 | N | −17 | −17 | −7 | −7 | +9 | +9 | +9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Albany Pit (L) | −20 | −47 | −47 | N | −47 | −47 | −10 | −10 | +35 | +29 | N | +35 | +52 | −11 | N | −21 | −21 | −11 | −11 | +9 | +9 | +9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Albany Pit (F) | −20 | −41 | −41 | N | −41 | −41 | −10 | −10 | +35 | +29 | N | +35 | +52 | −7 | N | −17 | −17 | −7 | −7 | +9 | +9 | +9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alden | −20 | N | −20 | N | −20 | −20 | −5 | −5 | −2 | −8 | N | −2 | +3 | 0 | N | −10 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Algonquin | −20 | −25 | −25 | N | −25 | −25 | −5 | −5 | +11 | +5 | N | +11 | +11 | +30 | +30 | N | +20 | +30 | +30 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Almora | −30 | −30 | −20 | N | −30 | −20 | −10 | −10 | 0 | −5 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alpine | 0 | N | N | N | 0 | 0 | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alworth | −20 | −47 | −30 | N | N | −30 | −5 | −5 | +6 | 0 | N | N | +6 | −15 | N | N | −25 | −15 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Amboy | −20 | N | N | N | N | −10 | −10 | +10 | +14 | N | N | N | +10 | +20 | N | N | +10 | +20 | −5 | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Anders | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | N | N | N | N | −5 | N | N | −15 | −5 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Antioch | −20 | −22 | −22 | N | −22 | −22 | 0 | 0 | +13 | +7 | N | 0 | +13 | +20 | N | +18 | +18 | +28 | +28 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Apple River | −20 | −30 | −30 | N | N | −30 | −7 | −7 | N | N | N | N | N | N | N | N | N | −5 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aptakisic | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | N | −15 | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Arlington | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Arlington Hts | −11 | 0 | 0 | 0 | N | 0 | N | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Armsby | −17 | 0 | 0 | 0 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ashton | −38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aurora | −32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Baileyville | N | N | −5 | 0 | −5 | −5 | 0 | N | N | N | 0 | −5 | 0 | −10 | 0 | N | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | N | 0 | N | 0 |
| Bakers | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | 0 | N | N | N | N |
| Ballou | N | N | N | N | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | −10 | 0 | N | N | N | 0 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N |
| Banks | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | N | N | N | N | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N |
| Barrington | −26 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −15 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | −15 | 0 | 0 | −15 | 0 | 0 | 0 | −15 | −15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barstow | N | 0 | −4 | N | 0 | −5 | 0 | N | −10 | N | N | −4 | −4 | −10 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | N | N | N | 0 | 0 | N | N | N | N |
| Bartlett | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Batavia | −33 | 0 | 0 | −9 | 0 | 0 | −9 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beach | N | N | −8 | N | N | −8 | 0 | N | −10 | N | N | −8 | −8 | −10 | 0 | 0 | 0 | N | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beecher | N | 0 | N | 0 | N | N | 0 | N | 0 | N | 0 | N | 0 | 0 | N | N | N | 0 | 0 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N |
| Belden | −17 | 0 | 0 | 0 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Belmont | N | N | −32 | N | N | N | N | N | N | N | N | −32 | −32 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Belvidere | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bensenville | +17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +19 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Arlington | −5 | N | N | N | N | N | −45 | −45 | +20 | +14 | N | N | +20 | N | N | N | N | N | +15 | N | N | −27 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −25 | −25 | N |
| Arlington Hts | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +6 | 0 | N | +6 | +6 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Armsby | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | 0 | 0 | +22 | N | +12 | +12 | +22 | +22 | +5 | +5 | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ashton | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | +10 | +10 | a−25 | −15 | N | −35 | −25 | −25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aurora | 0 | −25 | −25 | N | −27 | −25 | 0 | 0 | +15 | +14 | N | +15 | +15 | b+20 | −10 | −10 | b+10 | 0 | 0 | N | N | −22 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Baileyville | −25 | −47 | N | N | N | −47 | −5 | −5 | N | N | N | N | N | c+30 | N | N | +20 | +30 | N | N | N | N | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −25 | −25 | N |
| Bakers | −20 | N | N | N | N | N | −45 | −45 | +25 | +19 | N | N | +25 | N | N | N | N | N | +8 | N | N | −40 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −25 | −25 | N |
| Ballou | 0 | N | N | N | 0 | 0 | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Banks | 0 | N | N | N | 0 | 0 | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Barrington | 0 | −27 | −27 | N | −27 | −27 | 0 | 0 | 0 | −8 | N | −8 | 0 | +10 | +10 | −15 | 0 | +10 | +10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barstow | −15 | N | N | N | N | N | −10 | −10 | +45 | +44 | N | N | +45 | N | N | N | N | N | +10 | N | N | +33 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Bartlett | 0 | −27 | −20 | N | −27 | −20 | 0 | 0 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Batavia | −15 | −39 | −35 | N | −39 | −35 | 0 | 0 | 0 | −6 | N | +15 | 0 | −5 | −5 | N | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beach | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | −13 | N | −20 | −15 | −10 | −10 | −15 | −15 | −15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beecher | N | +10 | N | 0 | N | +10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | N |
| Belden | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | 0 | 0 | +22 | N | +12 | +12 | +22 | +22 | +5 | +5 | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Belmont | 0 | N | N | N | N | N | −32 | −32 | 0 | 0 | N | N | 0 | N | N | N | N | N | 0 | N | N | −22 | 0 | N | −32 | N | 0 | 0 | 0 | 0 | −32 | −32 | N |
| Belvidere | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +14 | N | +20 | +20 | +25 | 0 | N | +15 | +25 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bensenville | 0 | −27 | −20 | N | −27 | −20 | 0 | 0 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

a: From Wilmington Mine, Illinois, only. Other Points: L −49 F −32.
b: From Wilmington Mine, Illinois, only. Other Points: −27.
c: From Wilmington Mine, Illinois, only.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Arlington | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Arlington Hts | −11 | 0 | 0 | 0 | N | 0 | N | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Armsby | −17 | 0 | 0 | 0 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ashton | −38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aurora | −32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Baileyville | N | N | −5 | 0 | −5 | −5 | 0 | N | N | N | 0 | −5 | 0 | −10 | 0 | N | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | N | 0 | N | 0 |
| Bakers | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | 0 | N | N | N | N |
| Ballou | N | N | N | N | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | −10 | 0 | N | N | N | 0 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N |
| Banks | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | N | N | N | N | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N |
| Barrington | −26 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −15 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | −15 | 0 | 0 | −15 | 0 | 0 | 0 | −15 | −15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barstow | N | 0 | −4 | N | 0 | −5 | 0 | N | −10 | N | N | −4 | −4 | −10 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | N | N | N | 0 | 0 | N | N | N | N |
| Bartlett | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Batavia | −33 | 0 | 0 | −9 | 0 | 0 | −9 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beach | N | N | −8 | N | N | −8 | 0 | N | −10 | N | N | −8 | −8 | −10 | 0 | 0 | 0 | N | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beecher | N | 0 | N | 0 | N | N | 0 | N | 0 | N | 0 | N | 0 | 0 | N | N | N | 0 | 0 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N |
| Belden | −17 | 0 | 0 | 0 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Belmont | N | N | −32 | N | N | N | N | N | N | N | N | −32 | −32 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Belvidere | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bensenville | +17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +19 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Arlington | −5 | N | N | N | N | N | −45 | −45 | +20 | +14 | N | N | +20 | N | N | N | N | N | +15 | N | N | −27 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −25 | −25 | N |
| Arlington Hts | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +6 | 0 | N | +6 | +6 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Armsby | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | 0 | 0 | +22 | N | +12 | +12 | +22 | +22 | +5 | +5 | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ashton | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | +10 | +10 | a−25 | −15 | N | −35 | −25 | −25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aurora | 0 | −25 | −25 | N | −27 | −25 | 0 | 0 | +15 | +14 | N | +15 | +15 | b+20 | −10 | −10 | b+10 | 0 | 0 | N | N | −22 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Baileyville | −25 | −47 | N | N | N | −47 | −5 | −5 | N | N | N | N | N | c+30 | N | N | +20 | +30 | N | N | N | N | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −25 | −25 | N |
| Bakers | −20 | N | N | N | N | N | −45 | −45 | +25 | +19 | N | N | +25 | N | N | N | N | N | +8 | N | N | −40 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −25 | −25 | N |
| Ballou | 0 | N | N | N | 0 | 0 | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Banks | 0 | N | N | N | 0 | 0 | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Barrington | 0 | −27 | −27 | N | −27 | −27 | 0 | 0 | 0 | −8 | N | −8 | 0 | +10 | +10 | −15 | 0 | +10 | +10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barstow | −15 | N | N | N | N | N | −10 | −10 | +45 | +44 | N | N | +45 | N | N | N | N | N | +10 | N | N | +33 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Bartlett | 0 | −27 | −20 | N | −27 | −20 | 0 | 0 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Batavia | −15 | −39 | −35 | N | −39 | −35 | 0 | 0 | 0 | −6 | N | +15 | 0 | −5 | −5 | N | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beach | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | −13 | N | −20 | −15 | −10 | −10 | −15 | −15 | −15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beecher | N | +10 | N | 0 | N | +10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | N |
| Belden | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | 0 | 0 | +22 | N | +12 | +12 | +22 | +22 | +5 | +5 | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Belmont | 0 | N | N | N | N | N | −32 | −32 | 0 | 0 | N | N | 0 | N | N | N | N | N | 0 | N | N | −22 | 0 | N | −32 | N | 0 | 0 | 0 | 0 | −32 | −32 | N |
| Belvidere | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +14 | N | +20 | +20 | +25 | 0 | N | +15 | +25 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bensenville | 0 | −27 | −20 | N | −27 | −20 | 0 | 0 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 20 | 30 | 30 | 30 | 20 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bettendorf (L) | +78 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Bettendorf (F) | +78 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Big Rock | N | N | N | N | N | −5 | N | N | N | N | N | −5 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | N | N | N | N | N |
| Bird's (L) | +12 | 0 | 0 | N | N | 0 | 0 | N | −5 | N | 0 | 0 | 0 | −5 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bird's (F) | +12 | 0 | 0 | N | N | 0 | 0 | N | −5 | N | 0 | 0 | 0 | −5 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blakes | N | N | N | N | −10 | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Blanding (L) | N | N | −16 | N | 0 | −10 | N | N | −15 | N | N | +10 | −16 | −15 | N | 0 | N | N | 0 | N | 0 | N | N | 0 | N | N | 0 | 0 | N | N | N | N | N |
| Blanding (F) | N | N | −16 | N | 0 | −10 | N | N | −15 | N | N | +10 | −16 | −15 | N | 0 | N | N | 0 | N | 0 | N | N | 0 | N | N | 0 | 0 | N | N | N | N | N |
| Blodgett (Lake County) | −17 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bolton | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bowes | N | N | 0 | −7 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −17 | 0 | N | N | +10 | +10 | N | +10 | +10 | +10 | −7 | +10 | N | N | N | N | +10 | +10 | +10 | +10 | +10 |
| Bradley | N | N | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bradt | N | N | 0 | N | 0 | 0 | N | N | −10 | N | N | 0 | 0 | −10 | N | +4 | +4 | +4 | +4 | +4 | +4 | +4 | +4 | N | +4 | +4 | +4 | +4 | +4 | +4 | +4 | +4 | +4 |
| Braeside | −17 | N | N | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brayson | N | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brickton | +32 | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 |
| Briergate | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brisbane | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bristol | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Bruceville | N | 0 | 0 | N | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bettendorf (L) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | c+60 | +59 | +60 | +60 | +60 | d−29 | −24 | +15 | +15 | +25 | +25 | +48 | +48 | +48 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bettendorf (F) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | c+60 | +59 | +60 | +60 | +60 | d−12 | −7 | +15 | +15 | +25 | +25 | +48 | +48 | +48 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Big Rock | −15 | N | N | N | N | N | −45 | −45 | +20 | +19 | N | N | +20 | N | N | N | N | N | +5 | N | N | −23 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Birds (L) | 0 | −22 | −22 | N | N | −22 | 0 | 0 | 0 | −6 | N | N | 0 | +30 | N | a+45 | +20 | +30 | +31 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Birds (F) | 0 | −22 | −22 | N | N | −22 | 0 | 0 | 0 | −6 | N | N | 0 | +30 | N | a+45 | +20 | +30 | +31 | +20 | +20 | +20 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Blakes | −20 | N | N | N | N | N | −45 | −45 | +25 | +19 | N | N | +25 | N | N | N | N | N | +3 | N | N | −42 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Blanding (L) | −20 | N | N | N | N | N | −26 | −26 | +30 | +24 | N | N | +30 | N | N | N | N | N | −5 | N | N | −8 | 0 | N | −16 | N | 0 | 0 | 0 | 0 | −16 | −16 | N |
| Blanding (F) | −20 | N | N | N | N | N | −26 | −26 | +30 | +24 | N | N | +30 | N | N | N | N | N | −5 | N | N | +3 | 0 | N | −16 | N | 0 | 0 | 0 | 0 | −16 | −16 | N |
| Blodgett (Lake County) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | −5 | N | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Bolton | −20 | N | −25 | N | N | −25 | −5 | −5 | +20 | +14 | N | +20 | +20 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Bowes | −20 | −30 | −30 | N | N | −30 | 0 | 0 | N | N | N | N | N | b−5 | N | N | −15 | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Bradley | 0 | +15 | N | −5 | N | +15 | 0 | 0 | N | N | N | N | N | b+5 | N | N | −5 | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Bradt | −20 | −26 | −26 | N | N | −26 | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Braeside | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | e+13 | −5 | N | −15 | +13 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Brayson | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | −10 | −16 | N | +17 | −10 | −36 | +30 | N | −46 | −7 | −36 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Brickton | −5 | −37 | N | N | N | −37 | −10 | −10 | +14 | +8 | +20 | +20 | +20 | b+20 | N | +52 | +10 | +20 | +60 | +30 | +30 | +30 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N |
| Briergate | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | +10 | +4 | +10 | +10 | +10 | −5 | N | −15 | −15 | −5 | −5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brisbane | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | b−5 | N | −10 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bristol | 0 | N | N | N | N | N | +20 | +20 | +55 | +54 | N | N | +55 | N | N | N | N | −45 | +3 | N | N | −22 | 0 | N | −30 | N | 0 | 0 | 0 | 0 | −30 | −30 | 0 | 0 |
| Bruceville | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +20 | +14 | N | +20 | +20 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

a: From Marseilles, Illinois. From Ottawa, Illinois: +35.
b: From Wilmington Mine, Illinois, only.
c: From Alpha, Illinois: +95.
d: From Wilmington Mine, Illinois: +25.
e: From Wilmington Mine, Illinois: −5.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Buena Vista | N | 0 | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Bureau | +56 | 0 | 0 | N | N | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Burgess Jct. | N | N | N | N | N | N | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Burlington | N | N | N | N | N | N | 0 | N | N | N | 0 | 0 | 0 | −16 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Byron | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −17 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Caledonia | N | N | 0 | N | N | 0 | 0 | N | N | N | N | 0 | 0 | −10 | N | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Cavalry | −40 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Camanche (L) | +51 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Camanche (F) | +51 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Camp Grant | N | 0 | 0 | N | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Camp Logan | −17 | N | 0 | 0 | N | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Capron | −6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Carbon Cliff | +85 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Carpentersville | −6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Cary | −6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Caton Farm | N | N | 0 | N | N | N | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Chadwick | N | N | 0 | N | N | −10 | 0 | N | N | N | 0 | −10 | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Chana | N | N | 0 | N | N | −10 | 0 | N | N | N | 0 | −10 | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Charter Grove | N | N | 0 | N | N | −10 | 0 | N | N | N | 0 | −10 | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Chase | N | N | 0 | N | 0 | 0 | N | N | −10 | N | N | 0 | 0 | 0 | N | N | N | +10 | +10 | N | +10 | +10 | +10 | +10 | −7 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 |
| | N | N | 0 | −7 | N | 0 | 0 | N | −10 | N | N | 0 | 0 | 0 | N | N | N | +10 | +10 | N | +10 | +10 | +10 | +10 | −7 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 40 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Buena Vista | −20 | −30 | −30 | N | N | N | −5 | −5 | −21 | −27 | N | N | −21 | a−5 | N | N | N | −15 | 0 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bureau | −5 | −50 | N | N | N | N | −50 | −10 | +42 | +36 | +42 | +42 | +42 | N | N | b+30 | N | +10 | +20 | +50 | +56 | +56 | +56 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bureau | −20 | N | N | N | N | N | N | −10 | +42 | N | N | +42 | +25 | N | N | N | N | N | +5 | +12 | N | N | −41 | 0 | N | −25 | 0 | 0 | 0 | 0 | 0 | −25 | −25 | 0 |
| Burgess Jct. | −20 | N | N | N | N | N | N | −45 | +25 | +19 | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burlington | −20 | −30 | −30 | N | N | N | −30 | −10 | −10 | N | N | N | N | a−5 | N | N | N | −15 | −5 | N | N | N | −5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Byron | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +6 | 0 | +6 | +6 | +6 | −15 | N | −25 | −25 | −15 | −15 | −6 | N | −6 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Caledonia | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +25 | +19 | N | +25 | +25 | +30 | +30 | N | N | +20 | +30 | +30 | N | −23 | −23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Calvary | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −6 | N | −13 | 0 | +10 | N | −10 | 0 | +10 | 0 | −23 | −23 | −23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Camanche (L) | −20 | −47 | −47 | N | N | N | −47 | −10 | −10 | b+92 | +51 | +52 | +52 | +52 | −29 | N | N | −29 | −29 | −29 | −6 | −6 | +40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Camanche (F) | −20 | −47 | −47 | N | N | N | −47 | −10 | −10 | b+92 | +51 | +52 | +52 | +52 | −12 | N | N | −22 | −12 | +11 | +11 | +11 | +40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Camp Grant | −20 | −30 | −30 | N | N | N | −30 | −5 | −5 | +20 | +19 | N | +20 | N | N | N | N | −7 | +30 | +5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Camp Logan | 0 | −27 | −27 | N | −27 | −27 | 0 | 0 | 0 | −6 | N | 0 | 0 | c−5 | −2 | N | N | −7 | −2 | −2 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Capron | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | +30 | +30 | N | +10 | +20 | +30 | +30 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Carbon Cliff | −20 | −47 | −47 | N | N | N | −47 | −10 | −10 | +55 | +49 | +55 | +55 | a+20 | N | +10 | N | +10 | +20 | +20 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Carpentersville | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | d+20 | +30 | N | N | +20 | +30 | +30 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cary | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | e−14 | +30 | N | N | +20 | +30 | +30 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Caton Farm | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | 0 | N | 0 | 0 | f−10 | N | N | +35 | +45 | 0 | +10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chadwick | −20 | N | N | N | N | N | N | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chana | −30 | N | N | N | N | N | −45 | −45 | +18 | +12 | N | N | N | a−5 | N | N | N | −16 | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Charter Grove | −20 | −30 | −30 | N | N | N | −30 | −10 | −10 | N | N | N | N | N | N | N | N | −16 | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chase | −20 | −26 | N | −26 | N | −26 | −10 | −10 | N | N | N | N | +15 | N | N | N | N | N | −3 | N | N | −41 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Wilmington Mine, Illinois, only.
b: From Marseilles, Illinois. From Ottawa: +40.
c: From Wilmington Mine, Illinois: −2.
d: From Wilmington Mine, Illinois: +15.
e: From Wilmington Mine, Illinois: +30.
f: From Wilmington Mine, Illinois: +55.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Chemung | −6 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cherry | +3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | −27 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Cherry Valley | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −16 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chicago Golf | N | N | N | N | N | N | N | N | N | N | 0 | N | N | 0 | N | 0 | N | 0 | N | N | 0 | 0 | N | N | N | N | N | 0 | 0 | 0 | N | 0 | 0 | N |
| Chicago Heights | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Chittenden | N | N | 0 | N | N | 0 | N | N | −10 | N | N | 0 | 0 | −10 | N | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Churchill | N | N | 0 | −27 | N | 0 | −27 | −27 | −37 | N | −27 | 0 | 0 | −37 | −27 | 0 | −27 | 0 | 0 | −27 | 0 | 0 | 0 | 0 | −27 | −27 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Clare | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Clarendon Hills | N | N | −28 | N | N | −10 | N | N | N | N | N | −10 | −28 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N |
| Clarion | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N |
| Cleveland | N | 0 | −4 | N | 0 | −5 | N | N | −10 | N | N | −4 | −4 | −10 | N | 0 | 0 | N | 0 | N | 0 | N | N | N | N | N | N | 0 | 0 | N | N | N | N |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Clinton (L) | +51 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Clinton (F) | +51 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cloverdale | N | N | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | +10 | +10 | N | +10 | +10 | +10 | 0 | +10 | N | N | N | +10 | +10 | +10 | +10 | +10 |
| Coal City | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Coleman | N | N | 0 | −7 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −17 | 0 | N | N | +10 | +10 | N | +10 | +10 | +10 | +10 | −7 | +10 | N | N | N | +10 | +10 | +10 | +10 |
| Colona | +85 | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 |
| Columbia | N | N | 0 | N | 0 | N | N | N | N | N | 0 | 0 | 0 | N | N | +10 | N | +10 | +10 | N | +10 | +10 | +10 | N | N | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 |
| Colvin Park | N | N | 0 | −7 | N | −7 | 0 | N | N | N | 0 | 0 | 0 | −17 | 0 | N | N | +10 | +10 | N | +10 | +10 | +10 | −7 | +10 | N | N | N | +10 | +10 | +10 | +10 | +10 |
| Compton | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | +10 | +10 | N | +10 | +10 | +10 | 0 | N | N | N | N | +10 | +10 | +10 | +10 | +10 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 40 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Chemung | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | +30 | +30 | N | +20 | +30 | +30 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cherry | −20 | −37 | −37 | N | N | −37 | −10 | −10 | −4 | −10 | N | +20 | +20 | N | N | N | N | +20 | N | +18 | +18 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cherry Valley | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +14 | N | +20 | +20 | −15 | −15 | N | −25 | −15 | −15 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chicago Golf | 0 | −27 | N | N | N | −27 | 0 | 0 | N | N | N | N | N | a−5 | N | N | −15 | N | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chicago Heights | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | a+10 | N | −10 | 0 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chittenden | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | +10 | N | N | 0 | +10 | −17 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Churchill | −5 | −37 | −37 | N | −37 | −37 | −10 | −10 | +20 | +14 | N | −10 | +20 | a−35 | N | N | N | −45 | −7 | −21 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clare | −20 | −30 | −30 | N | N | −30 | −5 | −5 | 0 | −6 | N | 0 | 0 | −15 | −15 | −25 | −25 | −15 | −15 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clarendon Hill | 0 | N | N | N | N | N | −28 | −28 | 0 | 0 | N | N | 0 | N | N | N | N | N | 0 | N | N | N | 0 | 0 | −28 | N | 0 | 0 | 0 | 0 | −28 | −28 | N | N |
| Clarion | −5 | N | N | N | N | N | −45 | −45 | b+20 | +19 | N | N | +20 | N | N | N | N | N | +15 | N | N | N | −27 | 0 | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N | N |
| Cleveland | −15 | N | N | N | N | N | −10 | −10 | +45 | +54 | N | N | +45 | N | N | N | N | N | +10 | N | N | N | +33 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Clinton (L) | −20 | −45 | −45 | N | N | −45 | −10 | −10 | c+52 | +51 | +52 | +52 | +52 | d−24 | +17 | −82 | −34 | +3 | −29 | −6 | −6 | +40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clinton (F) | −20 | −45 | −45 | N | N | −45 | −10 | −10 | c+52 | +51 | +52 | +52 | +52 | +8 | +17 | −82 | −7 | +3 | −12 | +11 | +11 | +40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cloverdale | 0 | −27 | −27 | N | N | −27 | 0 | 0 | N | N | N | N | N | N | N | N | N | −5 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Coal City | −15 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | e+31 | N | N | +57 | +31 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Coleman | −20 | −30 | −30 | N | N | −30 | 0 | 0 | N | N | N | N | N | a−5 | N | N | −15 | −5 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Colona | −20 | −47 | −47 | N | N | −47 | −10 | −10 | +55 | +49 | +55 | +55 | +55 | a+20 | N | +10 | +10 | N | +20 | +43 | +43 | +43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Columbia | −14 | −27 | −27 | −20 | N | −27 | −20 | 0 | 0 | −6 | N | N | N | N | N | N | −7 | N | −12 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Colvin Park | −25 | −37 | −37 | N | N | −37 | −10 | −10 | N | N | N | N | N | a−5 | N | N | N | −5 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Compton | −20 | N | N | N | N | N | −45 | −45 | +15 | +14 | N | N | +15 | N | N | N | N | N | −3 | N | N | −41 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N | N |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Wilmington Mine, Illinois, only.
b: From Alpha, Illinois: +55.
c: From Alpha, Illinois: +68.
d: From Monunk, Illinois: +2.
e: From Wilmington Mine, Illinois: +67.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 45 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cordova (L) | +71 | 0 | 0 | −11 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | N | +15 | +10 | +10 | +10 | +10 | +10 | +10 | +15 |
| Cordova (F) | +71 | 0 | 0 | −7 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | N | +15 | +10 | +10 | +10 | +10 | +10 | +10 | +15 |
| Cortland | +38 | 0 | 0 | −14 | N | −14 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | b | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Council Hill | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | b | 0 | N | 0 | 0 | 0 | 0 | 0 |
| Coynes | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | b | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Creston | −38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | b | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Crete | N | 0 | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | N | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | +10 |
| Crown | N | N | 0 | 0 | 0 | N | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | +10 | N | +10 | +10 | N | +10 | +10 | +10 | 0 | N | +10 | 0 | +10 | +10 | +10 | +10 | 0 |
| Crystal Lake | −6 | N | 0 | 0 | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | N | 0 | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 |
| Culton | N | N | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | N | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | N | 0 |
| Cumberland | −11 | N | 0 | 0 | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | N | 0 | N | 0 | 0 | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 |
| Daggetts | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | 0 | N | N | N | N | N | N | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 |
| Dakota | −6 | N | N | N | N | N | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dalzell | N | −27 | 0 | −27 | N | 0 | −27 | 0 | −27 | N | −23 | 0 | 0 | −37 | 0 | −27 | −27 | −27 | 0 | −27 | 0 | −7 | 0 | −27 | −27 | −27 | −27 | 0 | 0 | 0 | −7 | 0 | −27 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Davenport (L) | −47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Davenport (F) | −47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Davis | −6 | +5 | +5 | +5 | +5 | +5 | N | +5 | −5 | N | 0 | +5 | +5 | −5 | +5 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Davis Junction | +3 | 0 | 0 | 0 | −10 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Day's Siding | +17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −16 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dayton | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 99 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 40 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cordova (L) | −20 | −47 | −47 | N | −47 | −47 | −10 | −10 | a+35 | +29 | N | +35 | +52 | −11 | N | −21 | −9 | −9 | −9 | +9 | +9 | +9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cordova (F) | −20 | −41 | −41 | N | −41 | −47 | −10 | −10 | a+35 | a+29 | N | +35 | +72 | +6 | N | −17 | −4 | +6 | −7 | +9 | N | +9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cortland | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | −5 | −11 | N | +10 | −5 | c−15 | −4 | N | −15 | −15 | −25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Council Hill | −20 | −30 | −30 | N | −30 | −30 | −7 | −7 | N | N | N | N | N | N | N | +35 | +45 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Coynes | 0 | −25 | −25 | N | −30 | −25 | 0 | 0 | 0 | 0 | N | N | 0 | d−5 | N | −35 | −35 | −25 | −25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Creston | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | +10 | +10 | −25 | −15 | N | −35 | −25 | −25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 |
| Crete | N | 0 | N | 0 | N | 0 | N | N | N | N | N | N | N | N | N | N | +7 | N | −8 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Crown | −20 | −30 | −20 | N | −30 | −20 | −10 | −10 | 0 | −6 | N | N | N | N | N | +30 | N | +20 | +30 | −30 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Crystal Lake | −20 | −30 | −30 | N | −30 | −30 | −8 | −5 | +11 | +5 | N | N | +11 | −14 | N | +30 | N | +20 | +30 | −30 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Culton | −5 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | +20 | N | N | +10 | 0 | +23 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cumberland | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +9 | +6 | N | +9 | +6 | −10 | N | +25 | N | N | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Daggetts | −20 | N | N | N | N | −35 | −35 | +10 | +4 | N | N | +10 | N | N | N | N | N | N | +4 | N | N | N | −11 | 0 | N | −25 | N | 0 | 0 | 0 | −25 | −25 | N | 0 |
| Dakota | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | 0 | N | N | +10 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −27 | 0 | 0 | 0 | 0 | 0 | −27 | 0 |
| Dalzell | −20 | −37 | −37 | N | −37 | −37 | −10 | −10 | +20 | +14 | N | −10 | +20 | −64 | N | N | −74 | −21 | −21 | N | N | N | 0 | 0 | 0 | −32 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Davenport (L) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | e+60 | +59 | +60 | +60 | +60 | f+20 | +24 | +16 | +16 | +25 | +25 | +48 | +48 | +48 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Davenport (F) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | e+60 | +59 | +60 | +60 | +60 | f+12 | +7 | +15 | +15 | +25 | +25 | +48 | +48 | +48 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Davis | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | 0 | N | −10 | −10 | 0 | 0 | −1 | −1 | −1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Davis Junction | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +19 | N | +20 | +20 | 0 | N | −20 | −10 | +30 | +30 | +5 | +5 | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Day's Siding | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +30 | +30 | N | N | +20 | +30 | N | N | N | −48 | 0 | N | N35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Dayton | −5 | N | N | N | N | N | −45 | −45 | +20 | +14 | N | N | +20 | N | N | N | N | N | +23 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Alpha, Illinois: +55.
b: Does not apply from Springfield, Illinois.
c: From Wilmington Mine, Illinois: −10.
d: From Wilmington Mine, Illinois: +55.
e: From Alpha, Illinois: +95.
f: From Wilmington Mine, Illinois: +26.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41*—Continued

No. 133—9

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 45 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Deerfield | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Deer Grove | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Deer Path | N | N | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| De Kalb | +38 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | b | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Delmar | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | +4 | N | N | +4 | N | +4 | +4 | N | N | N | N | N | +4 | +4 | N | N | N | N | N | 0 |
| Denrock | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | +4 | N | N | +4 | N | +4 | +4 | N | N | N | N | N | +4 | +4 | N | N | N | N | N | 0 |
| Depue (L) | +51 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −27 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Depue (F) | +52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −27 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Diamond Lake | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | N | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dimmick | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | −10 | 0 | N | N | N | 0 | N | N | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Divine | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dixon (L) | −32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dixon (F) | −32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Downers Grove | N | N | −32 | N | N | −10 | N | N | N | N | N | 0 | 0 | −32 | N | N | 0 | N | N | N | N | N | 0 | N | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 |
| Drummond | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Duffin | N | N | 0 | −6 | 0 | 0 | N | N | −10 | N | N | 0 | 0 | −10 | 0 | +4 | +4 | +4 | 0 | +4 | 0 | +4 | 0 | +4 | 0 | +4 | +4 | +4 | +4 | +4 | +4 | +4 | +4 | +4 | 0 |
| Dundee | −6 | 0 | 0 | 0 | N | 0 | 0 | 0 | −17 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 99 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 1412 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 40 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Deerfield | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | N | −15 | −15 | −5 | −5 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Deer Grove | −20 | N | N | N | N | N | −45 | +37 | +36 | N | N | +37 | N | N | N | N | N | N | +59 | N | N | +24 | 0 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Deer Path | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | 0 | 0 | 0 | a−5 | N | −15 | −15 | −5 | −5 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| De Kalb | −20 | +40 | +40 | N | +40 | +40 | −10 | −10 | +10 | +4 | N | +10 | +10 | −25 | −4 | −35 | −35 | −25 | −25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Delmar | N | N | +15 | N | −20 | +15 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 |
| Denrock | −11 | N | N | N | N | N | −33 | −33 | +46 | +45 | N | N | +46 | N | N | N | N | N | +39 | N | N | +34 | 0 | N | −23 | N | 0 | 0 | 0 | 0 | 0 | +23 | −23 | N |
| Depue (L) | −5 | −37 | −37 | N | N | −37 | −10 | −10 | +20 | +14 | +42 | +42 | +42 | a−35 | N | c+40 | +10 | +20 | +30 | +49 | +49 | +49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Depue (F) | −5 | −37 | −37 | N | N | −37 | −10 | −10 | +20 | +14 | +42 | +42 | +42 | a−35 | N | c+40 | +10 | +20 | +30 | +49 | +49 | +49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Diamond Lake | 0 | −23 | −23 | N | −23 | −23 | 0 | 0 | 0 | −6 | N | N | 0 | −5 | N | −15 | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dimmick | −5 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | a+20 | N | N | +10 | +40 | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Divine | 0 | −27 | −27 | N | −27 | −27 | 0 | 0 | N | N | N | N | N | d+10 | N | −10 | +20 | −10 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dixon (L) | −20 | −44 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | N | +10 | a+20 | −16 | N | +10 | +20 | −60 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dixon (F) | −20 | −44 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | N | +10 | a+20 | −16 | N | +10 | +20 | −42 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Downers Grove | 0 | N | N | N | N | −32 | −32 | 0 | 0 | 0 | N | N | N | N | N | N | N | N | 0 | N | N | N | −27 | 0 | N | −32 | N | 0 | 0 | 0 | 0 | −32 | −32 | 0 |
| Drummond | −16 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | c+19 | N | N | N | +57 | +19 | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Duffin | −20 | −26 | −26 | N | N | −26 | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dundee | −20 | −28 | −26 | N | −26 | −26 | −6 | −5 | +11 | +5 | N | +11 | +11 | f+30 | +36 | N | +26 | +30 | +30 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: Applies from Wilmington Mine, Illinois, only.
b: Does not apply from Springfield, Illinois.
c: From Marseilles, Illinois: +30.
d: From Wilmington Mine, Illinois.: +30.
e: From Wilmington Mine, Illinois: +67.
f: From Wilmington Mine, Illinois: +36.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dunes Park | −20 | N | N | N | +5 | N | N | N | N | N | N | N | N | N | N | N | N | +5 | N | +5 | N | +5 | N | +5 | +5 | N | N | +5 | +5 | N | +5 | +5 | +5 |
| Durand | −5 | 0 | 0 | 0 | 0 | N | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Earlville | N | −22 | −22 | −22 | N | −10 | −22 | −22 | −32 | N | −22 | −10 | −22 | −32 | −22 | −22 | −22 | −22 | −22 | −22 | −22 | −22 | −22 | −27 | −27 | −27 | b0 | 0 | 0 | −22 | −22 | −22 | −22 | −27 |
| East Batavia | −33 | 0 | 0 | −22 | 0 | 0 | −9 | 0 | −10 | N | 0 | 0 | N | −10 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Clinton (L) | N | N | N | +5 | N | N | N | N | N | N | N | N | N | −5 | N | +10 | N | N | +10 | N | +10 | N | N | +10 | N | N | N | +10 | +10 | N | N | N | N | N |
| East Clinton (F) | N | N | N | +5 | N | N | N | N | N | N | N | N | N | −5 | N | +10 | N | N | +10 | N | +10 | N | N | +10 | N | N | N | +10 | +10 | N | N | N | N | N |
| East Dubuque (L) | N | −5 | 0 | −5 | 0 | 0 | 0 | 0 | −12 | N | −5 | 0 | 0 | −12 | 0 | 0 | −5 | N | N | N | N | N | N | −5 | 0 | N | N | 0 | 0 | −5 | 0 | 0 | 0 | 0 |
| East Dubuque (F) | N | −5 | 0 | −5 | 0 | 0 | 0 | 0 | −12 | N | −5 | 0 | 0 | −12 | 0 | 0 | −5 | N | N | N | N | N | N | −5 | 0 | N | N | 0 | 0 | −5 | 0 | 0 | 0 | 0 |
| East Joliet | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 |
| East Moline (L) | −85 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| East Moline (F) | −85 | 0 | 0 | +6 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | −4 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Eddy | N | N | 0 | N | N | 0 | N | N | N | N | N | 0 | 0 | N | N | N | N | 0 | N | N | N | 0 | N | 0 | N | N | N | 0 | N | 0 | N | 0 | N | 0 | 0 |
| Edgetown | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N | b0 | N | 0 | N | N | N | N | 0 | 0 |
| Egan | N | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elburn | −38 | 0 | 0 | −14 | N | −14 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | b0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Eldena | N | N | 0 | 0 | 0 | 0 | N | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | N | 0 | 0 | 0 | 0 |
| Eldridge Siding | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dunes Park | +5 | −17 | −17 | N | −17 | −17 | +5 | +5 | +5 | −1 | N | +5 | +5 | a−8 | 0 | N | −10 | −5 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Durand | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | 0 | N | −10 | −10 | 0 | 0 | −1 | −1 | −1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Earlville | 0 | −52 | −52 | N | −52 | −52 | −27 | −27 | +25 | +24 | N | +10 | +25 | −49 | +48 | N | −59 | −29 | +20 | N | N | −22 | 0 | −22 | −23 | −22 | 0 | 0 | 0 | 0 | −22 | −23 | −23 |
| East Batavia | −15 | −52 | −35 | N | −35 | −35 | 0 | 0 | +14 | +13 | N | +15 | +14 | c+23 | −5 | N | −15 | −5 | −5 | N | N | −49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Clinton (L) | −20 | N | N | N | N | N | −40 | −40 | d+52 | +51 | N | +52 | +52 | N | N | N | N | N | −15 | N | N | +42 | 0 | 0 | −20 | 0 | 0 | 0 | 0 | 0 | −20 | −20 | N |
| East Clinton (F) | −20 | N | N | N | N | N | −40 | −40 | d+52 | +52 | N | +52 | +52 | N | N | N | N | N | −15 | N | N | +42 | 0 | 0 | −19 | 0 | 0 | 0 | 0 | 0 | 0 | −19 | N |
| East Dubuque (L) | −20 | −20 | −30 | N | N | −30 | −5 | −5 | +31 | +25 | +31 | +31 | +36 | N | N | N | N | +1 | +1 | N | N | −11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Dubuque (F) | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +31 | +25 | +31 | +31 | +36 | N | N | N | N | +1 | +1 | N | N | −6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Joliet | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | e−5 | N | +35 | +45 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Moline (L) | −20 | −47 | −47 | N | −47 | −47 | −10 | −10 | f+55 | +54 | +55 | +55 | +55 | g+20 | N | −10 | +10 | +20 | +20 | +43 | +43 | +43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Moline (F) | −20 | −47 | −47 | N | −47 | −47 | −10 | −10 | f+55 | +54 | +55 | +55 | +55 | g+20 | N | +10 | +10 | +20 | +20 | +43 | +43 | +43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eddy | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | N | 0 | N | N | N | N | −17 | N | N | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Edgetown | N | N | +15 | N | −20 | +15 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Egan | −20 | −30 | −30 | N | N | −30 | −5 | −5 | −8 | −14 | N | −8 | −8 | −15 | N | −25 | −25 | −15 | −15 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elburn | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | −5 | −11 | N | +10 | −5 | b−15 | −4 | N | −20 | −15 | −15 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eldena | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | g+20 | N | N | +10 | +15 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eldridge Siding | −5 | +15 | +15 | N | N | +15 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Wilmington Mine, Illinois: 0
b: Does not apply from Springfield, Illinois.
c: From Wilmington Mine, Illinois: −5
d: From Alpha, Illinois: +68
e: From Wilmington Mine, Illinois: +55
f: From Alpha, Illinois: +102
g: From Wilmington Mine, Illinois, only
h: From Wilmington Mine, Illinois: −10



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Electric Junction | N | N | N | N | N | N | 0 | N | N | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elcroy | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | N | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 |
| Elgin | −17 | 0 | 0 | −7 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Elgin Junction | N | N | 0 | N | N | 0 | 0 | 0 | N | N | N | 0 | 0 | N | 0 | +10 | N | +10 | +10 | N | +10 | +10 | +10 | +10 | −7 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Elizabeth (L) | N | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | −19 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elizabeth (F) | N | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | −8 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elmhurst | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elva | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elwood | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eola | N | N | −40 | N | −10 | 0 | N | N | N | N | 0 | −10 | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Erie | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | +4 | N | N | +4 | N | +4 | N | N | N | N | N | N | +4 | +4 | N | N | N | N | N |
| Esmond | N | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Evanston | −17 | 0 | 0 | 0 | 0 | 0 | e−10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Evarts | N | N | −8 | 0 | 0 | −5 | N | N | N | N | −5 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | N | 0 | N | N | N | 0 | N | N | 0 | 0 | 0 | 0 |
| Exline | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | 0 | N | N | 0 | N | N | N | N | N | 0 | N | 0 | N | 0 | 0 | 0 | 0 |
| Fairdale | −17 | 0 | 0 | −7 | 0 | 0 | N | N | −10 | N | N | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | N | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Fairview Avenue | N | N | −28 | N | N | −10 | N | N | N | N | N | N | −10 | −28 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N |
| Faithorn | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Fay | −8 | 0 | 0 | −7 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Feehanville | N | 0 | 0 | 0 | −3 | 0 | −3 | −3 | −10 | N | 0 | 0 | 0 | −10 | −3 | −3 | −3 | 0 | 0 | −3 | 0 | 0 | 0 | 0 | 0 | −3 | 0 | −3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Electric Junction | 0 | −25 | −25 | N | −30 | −25 | 0 | 0 | N | N | N | N | N | a−5 | N | +15 | +15 | −5 | −20 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elcroy | −20 | −30 | −30 | N | N | −30 | −5 | −5 | N | N | N | N | N | N | N | N | N | −5 | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elgin | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | 0 | −8 | N | 0 | 0 | b+10 | +18 | 0 | +30 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elgin Junction | −14 | −27 | −30 | N | −27 | −30 | 0 | 0 | 0 | −6 | N | N | 0 | N | N | N | N | −7 | −5 | −12 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elizabeth (L) | −20 | −30 | −30 | N | N | −30 | −7 | −7 | +35 | +29 | N | +35 | +35 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elizabeth (F) | −20 | −30 | −30 | N | N | −30 | −7 | −7 | +35 | +29 | N | +35 | +35 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elmhurst | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | 0 | −6 | N | 0 | 0 | c−12 | 0 | −15 | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elva | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | −9 | −15 | N | +32 | −9 | −20 | +60 | N | −30 | −7 | −20 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elwood | 0 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | d0 | N | N | +57 | 0 | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eola | 0 | −28 | N | N | −30 | −25 | 0 | 0 | 0 | 0 | N | N | 0 | e−5 | N | N | +15 | −5 | 0 | N | N | N | −22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Erie | −11 | N | N | N | N | N | −27 | −27 | +46 | +45 | N | N | +46 | N | N | N | N | N | +39 | N | N | N | +34 | 0 | N | −17 | N | 0 | 0 | 0 | 0 | −17 | −17 | N | 0 |
| Esmond | −20 | −30 | −30 | N | N | −30 | −5 | −5 | 0 | −6 | N | 0 | 0 | −15 | N | −25 | −25 | −15 | −15 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Evanston | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −6 | N | −23 | 0 | +10 | 0 | −10 | 0 | +10 | 0 | −23 | −23 | −23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Evarts | −35 | −47 | −30 | N | N | −30 | −5 | −5 | +20 | +14 | N | N | +20 | f−15 | N | N | −25 | +30 | N | N | N | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Exline | −5 | +15 | +15 | N | N | +15 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fairdale | −20 | +20 | +20 | N | +37 | +20 | −10 | −10 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fairview Avenue | 0 | N | N | N | N | N | −28 | −28 | 0 | 0 | N | N | N | N | N | N | N | N | N | 0 | N | −27 | N | 0 | N | −28 | N | N | 0 | 0 | 0 | −28 | −28 | N | N |
| Faithorn | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Fay | −20 | −30 | −20 | N | −30 | −20 | −10 | −10 | +11 | +5 | N | +11 | +11 | −7 | N | −17 | −17 | −7 | −7 | +9 | +9 | +9 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Feehanville | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | −8 | 0 | −29 | −8 | N | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Wilmington Mine, Illinois: +25.
b: From Wilmington Mine, Illinois: +40.
c: From Wilmington Mine, Illinois: −5.
d: From Wilmington Mine, Illinois: +67.
e: From Pinckneyville, Ill.: 0.
f: From Wilmington Mine, Illinois, only.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47† | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fenton | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | +4 | N | N | +4 | N | +4 | N | N | N | N | N | +4 | +4 | N | N | N | N | N |
| Fitchmoor | +3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −27 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Five Points | N | 0 | 0 | N | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Flagg (L) | −38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Flagg (F) | −38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Flag Center | +3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Florence | −6 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Flossmoor | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Forreston | +3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ft. Sheridan | −17 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Fox | N | N | N | N | N | −10 | 0 | N | N | N | N | −10 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fox Lake | −17 | 0 | 0 | 0 | N | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fox River Grove | −6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Frankfort | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Franklin Grove (L) | −38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Franklin Grove (F) | −38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Freeport | +3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Frontenac | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fenton | −20 | N | N | N | N | N | −33 | −33 | e+46 | +45 | N | N | +46 | N | N | N | N | N | 0 | N | N | +34 | 0 | N | −23 | N | 0 | 0 | 0 | 0 | −23 | −23 | N |
| Fitchmoor | −20 | −37 | −37 | N | N | −37 | −10 | −10 | −4 | −10 | N | +20 | +20 | −28 | N | +10 | −35 | +20 | +30 | N | N | +5 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Five Points | −20 | +20 | N | N | N | +20 | −5 | −5 | N | N | N | +10 | +10 | c−40 | −16 | N | −25 | −15 | −25 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Flagg (L) | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | +10 | +10 | c−22 | −16 | N | −35 | −22 | −25 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Flagg (F) | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | +10 | +10 | c−22 | −16 | N | −35 | −22 | −25 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Flag Center | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +19 | N | +20 | +20 | −15 | N | +20 | −25 | +30 | +30 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Florence | −20 | −13 | −13 | N | −13 | −13 | −5 | −5 | +11 | +5 | N | +11 | +11 | +7 | N | −2 | −2 | +7 | 0 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Flossmoor | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | d0 | N | +10 | 0 | 0 | 0 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Forreston | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +14 | N | +20 | +20 | +30 | N | +20 | +20 | +30 | +30 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fort Sheridan | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | −5 | −5 | N | N | 0 | −5 | N | −5 | −15 | −5 | −5 | N | N | +3 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | 0 |
| Fox | −20 | N | N | N | N | N | −45 | −45 | +10 | +12 | N | N | +19 | N | N | +20 | N | +20 | +30 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fox Lake | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −5 | N | N | 0 | +22 | N | +12 | +12 | +22 | +30 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fox River Grove | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | e−14 | −30 | N | +20 | +30 | +30 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Frankfort | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | +10 | +10 | N | 0 | 0 | +10 | 0 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Franklin Grove (L) | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | +10 | +10 | e−46 | −18 | N | −35 | −25 | −25 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Franklin Grove (F) | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | +10 | +10 | e−52 | −18 | N | −35 | −25 | −25 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Freeport | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +14 | N | +20 | +20 | f−30 | +30 | +20 | +20 | +30 | +30 | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Frontenac | 0 | −25 | −25 | N | −25 | −25 | 0 | 0 | 0 | 0 | N | N | 0 | f−5 | N | +15 | +15 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Alpha, Illinois: +68.
b: From Wilmington Mine, Illinois: −38.
c: From Alpha, Illinois: +62.
d: From Wilmington Mine, Illinois: +42.
e: From Wilmington Mine, Illinois: −10.
f: From Wilmington Mine, Illinois: −5.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fulton (L) | +50 | 0 | 0 | 0 | +5 | 0 | 0 | +5 | −10 | N | +5 | 0 | 0 | −10 | +5 | +10 | +10 | +10 | +10 | +10 | +10 | +15 | +10 | +15 | +10 | +15 | +10 | +10 | +15 | +10 | +15 | +15 | +15 |
| Fulton (F) | +50 | 0 | 0 | 0 | +5 | 0 | 0 | +11 | −10 | N | +5 | 0 | 0 | −10 | +11 | +10 | +10 | +10 | +10 | +10 | +10 | +15 | +10 | +15 | +10 | +15 | +10 | +10 | +15 | +10 | +15 | +15 | +15 |
| Galina (L) | −57 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −15 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −79 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Galina (F) | −57 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −15 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −79 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Galina Junction (L) | N | 0 | −16 | 0 | 0 | −10 | N | 0 | −15 | N | −19 | −10 | −16 | −10 | 0 | 0 | −19 | −19 | 0 | N | 0 | −19 | −19 | 0 | N | −19 | 0 | 0 | −19 | −19 | −19 | −19 | −19 |
| Galina Junction (F) | N | 0 | −16 | 0 | 0 | −10 | N | 0 | −15 | N | −8 | −10 | −16 | −10 | 0 | 0 | −8 | −8 | 0 | N | 0 | −8 | −8 | 0 | N | −8 | 0 | 0 | −8 | −8 | −8 | −8 | −8 |
| Galt (L) | −11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Galt (F) | −11 | 0 | 0 | 0 | 0 | 0 | 0 | +5 | −10 | N | N | 0 | 0 | −10 | +5 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Garden Plain | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | +4 | N | N | +4 | N | +4 | N | N | N | N | N | +4 | +4 | N | N | N | N | N |
| Garden Prairie | −11 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | +17 | 0 | 0 | +17 | 0 | 0 | +17 | 0 | 0 | 0 | 0 | +17 | +17 | +17 | 0 | 0 | 0 | 0 | +17 |
| Geneva | −38 | 0 | 0 | −14 | N | −14 | −5 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Geneva Junction | N | N | 0 | N | 0 | N | N | N | N | N | N | 0 | 0 | N | N | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Genoa | −17 | 0 | 0 | −7 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | −7 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| German Valley | −27 | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gilberts | −11 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +17 | 0 | 0 | +17 | 0 | +17 | 0 | 0 | 0 | 0 | +17 | +17 | +17 | 0 | 0 | 0 | 0 | +17 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fulton (L) | −20 | −41 | −41 | N | −41 | −41 | −10 | −10 | a+52 | +51 | N | +52 | +52 | −11 | −11 | −21 | −21 | −11 | −11 | +9 | +9 | +40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fulton (F) | −20 | −37 | −37 | N | −37 | −37 | −10 | −10 | a+52 | +51 | N | +52 | +52 | +6 | +6 | −4 | −4 | +6 | +6 | +9 | +9 | +40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Galina (L) | −20 | −30 | −30 | N | −92 | −30 | −7 | −7 | +30 | +24 | N | −40 | +30 | −54 | −54 | N | −84 | −5 | −5 | N | N | −12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Galina (F) | −20 | −30 | −30 | N | −92 | −30 | −7 | −7 | +30 | +24 | N | −40 | +30 | −54 | −54 | N | −84 | −5 | −5 | N | N | +6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Galina Junction (L) | −20 | −49 | −49 | N | N | −49 | −24 | −24 | +30 | +24 | N | +11 | +30 | −19 | N | −29 | −29 | −19 | −5 | N | N | −11 | 0 | −19 | −16 | N | 0 | 0 | 0 | 0 | −16 | −16 | −19 |
| Galina Junction (F) | −20 | −38 | −38 | N | N | −38 | −13 | −18 | +30 | +24 | N | +22 | +30 | −8 | N | −18 | −18 | −8 | −8 | N | N | +8 | 0 | −8 | −16 | N | 0 | 0 | 0 | 0 | −8 | −16 | −8 |
| Galt (L) | −20 | −41 | −41 | N | −47 | −41 | −10 | −10 | +6 | 0 | N | +52 | +6 | b−24 | +4 | N | −48 | −9 | −48 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Galt (F) | −20 | −37 | −37 | N | −47 | −37 | −10 | −10 | +6 | 0 | N | +52 | +6 | b−7 | +4 | N | −48 | −7 | −48 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Garden Plain | −20 | N | N | N | −33 | −33 | c+46 | +45 | N | N | +46 | N | N | N | N | N | N | N | N | N | N | +34 | 0 | 0 | −23 | N | 0 | 0 | 0 | 0 | 0 | −23 | N |
| Garden Prairie | −20 | −30 | −30 | N | −39 | −30 | −5 | −5 | +7 | +1 | N | +5 | +7 | d+17 | +17 | N | +32 | +17 | +17 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Geneva | −30 | −40 | −40 | N | −44 | −40 | −10 | −10 | −5 | −11 | N | +10 | −5 | e−15 | −4 | N | −20 | −10 | −10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Geneva Junction | −20 | −27 | −27 | N | −30 | −27 | N | N | 0 | −6 | N | N | 0 | −5 | N | N | −15 | −5 | −5 | N | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Genoa | −20 | −30 | −20 | N | −30 | −20 | −10 | −10 | 0 | −6 | N | 0 | 0 | f+10 | N | 0 | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| German Valley | −20 | −30 | −30 | N | N | −30 | −8 | −8 | −8 | −14 | N | −8 | −8 | −15 | N | −25 | −25 | −15 | −15 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gilberts | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +7 | +1 | N | +6 | d+7 | d+17 | +17 | N | +32 | +17 | +17 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Alpha, Illinois: +68.
b: From Wilmington Mine, Illinois: −38.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Gilmer | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Glencoe | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Glen Ellyn | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Glen Oak | N | N | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Glenwood Park | N | N | −4 | 0 | −4 | 0 | 0 | 0 | N | N | N | −4 | −4 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Glenview | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Golf | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Goodenow | N | 0 | N | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Goose Lake | N | 0 | N | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Grant Park | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Grays Lake | −17 | N | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Great Lakes | N | N | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Greenhouse Siding | N | N | N | 0 | N | 0 | −10 | 0 | −10 | N | N | −10 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Green Oak | N | N | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Gretna | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Gurnee | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Hahnaman | N | 0 | 0 | −10 | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Haldane | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Hammonds | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Hampshire | −17 | 0 | 0 | −7 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Gilmer | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | −8 | N | −15 | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Glencoe | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −6 | N | N | 0 | −5 | N | −15 | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Glen Ellyn | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | 0 | −6 | N | N | −2 | −5 | N | −15 | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Glen Oak | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | 0 | −6 | N | N | 0 | N | N | −18 | −18 | −5 | −22 | N | N | N | 0 | 0 | −4 | 0 | −4 | 0 | 0 | 0 | −4 | 0 | ● |
| Glenwood Park | −20 | −34 | −30 | N | −40 | −30 | −14 | −14 | −2 | −8 | N | N | 0 | +10 | N | −19 | 0 | +10 | 0 | −13 | −13 | −13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Glenview | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −6 | N | N | −13 | +10 | N | −19 | 0 | +10 | 0 | −13 | −13 | −13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Golf | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −6 | N | N | −13 | +10 | N | −19 | 0 | +10 | 0 | −13 | −13 | −13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Goodenow | N | +10 | N | N | −27 | +10 | N | N | N | N | N | N | N | b−10 | N | −19 | −25 | −10 | N | N | N | N | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | ● |
| Goose Lake | N | N | −27 | N | −27 | −27 | N | N | N | N | N | N | N | N | N | −19 | N | −10 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Grant Park | N | +10 | N | N | N | +10 | N | N | N | N | N | N | N | +22 | N | +11 | +11 | +23 | +22 | +5 | +5 | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Grays Lake | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | N | 0 | −5 | N | −18 | −18 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Great Lakes | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | −5 | N | −18 | −18 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Greenhouse Siding | 0 | −22 | −22 | N | −37 | −22 | 0 | 0 | 0 | −6 | N | N | +38 | N | N | −18 | −18 | −5 | +50 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | +35 | −25 | ● |
| Green Oak | −20 | N | N | N | −27 | −27 | N | −45 | −45 | c+38 | +32 | N | 0 | −5 | N | −18 | −18 | −5 | +5 | N | N | N | −27 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Gretna | 0 | −27 | −27 | N | −27 | −27 | 0 | 0 | 0 | −6 | N | N | 0 | +5 | N | −5 | −5 | +5 | +5 | N | N | N | −7 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Gurnee | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | +2 | −47 | N | −25 | −15 | −47 | −47 | N | N | N | −7 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Hahnaman | −20 | −57 | −57 | N | −57 | −57 | −10 | −10 | −15 | −21 | N | N | −15 | N | N | N | +20 | +20 | +20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Haldane | −30 | −47 | N | N | −47 | −47 | −5 | −5 | N | −6 | N | N | 0 | d+10 | N | N | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Hammonds | −20 | −27 | −20 | N | −27 | −20 | −5 | −5 | 0 | −6 | N | N | 0 | +10 | N | N | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Hampshire | −20 | −30 | −20 | N | −30 | −20 | −10 | −10 | 0 | −6 | N | N | 0 | +10 | N | N | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |

a: From Wilmington Mine, Illinois: +10.
b: From Wilmington Mine, Illinois: +30.
c: From Alpha, Illinois: +65.
d: From Wilmington Mine, Illinois: +40.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hampton (L) | −22 | 0 | 0 | −11 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | |
| Hampton (F) | −22 | 0 | 0 | −11 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | |
| Harmon | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | |
| Harmswoods | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | −13 | N | −13 | 0 | −13 | 0 | −13 | 0 | N | N | −13 | −13 | −13 | 0 | −13 | 0 | −13 | −13 | |
| Harper | +1 | +10 | 0 | +10 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | 0 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | |
| Hart | N | N | 0 | −7 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −17 | 0 | N | N | +10 | +10 | N | +10 | +10 | +10 | +10 | −7 | +10 | N | N | +10 | +10 | +10 | +10 | +10 | |
| Hartland | −6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | +5 | 0 | 0 | 0 | 0 | 0 | 0 | +5 | |
| Harvard | −6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Hazelhurst | N | N | N | N | −10 | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | |
| Hebron | −14 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Hebron Tower | −17 | 0 | 0 | 0 | N | 0 | N | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Hegeler | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | |
| Henkel | N | N | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | |
| Henrietta | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Herbert | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Hickory Grove (L) | +16 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Hickory Grove (F) | +1 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| High Lake | N | N | 0 | 0 | 0 | N | N | N | N | N | 0 | 0 | 0 | −10 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Highland Lake | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Highland Park | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hampton (L) | −20 | −42 | −42 | N | −42 | −42 | −10 | −10 | a+35 | +29 | N | +35 | +52 | −11 | N | −21 | −21 | −11 | −11 | +9 | +9 | +9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hampton (F) | −20 | −36 | −36 | N | −36 | −36 | −10 | −10 | a+35 | +29 | N | +35 | +52 | −7 | N | −17 | −17 | −7 | −7 | +9 | +9 | +9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Harmon | −20 | N | N | N | N | N | −45 | −45 | b+29 | +28 | N | N | +29 | N | N | N | N | N | +11 | N | N | −32 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Harmswoods | 0 | −35 | −35 | N | −35 | −35 | 0 | 0 | −7 | −13 | −7 | −7 | −7 | −18 | N | −28 | −28 | 0 | −18 | −13 | −13 | −13 | −18 | −13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Harper | −20 | −20 | −20 | N | −20 | −20 | −10 | −10 | +21 | +15 | N | +21 | +21 | 0 | N | +10 | +10 | 0 | +45 | +9 | +9 | +9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hart | −25 | −37 | −37 | N | N | −37 | −10 | −10 | N | N | N | N | N | −8 | N | N | −15 | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hartland | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | +30 | +30 | N | +20 | +30 | +30 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Harvard | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | +30 | +30 | N | +20 | +30 | +30 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hazelhurst | −20 | N | N | N | N | N | −45 | −45 | +15 | +9 | N | N | +15 | N | N | N | N | N | +15 | N | N | −34 | 0 | 0 | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Hebron | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | −2 | −8 | N | −2 | +3 | 0 | 0 | N | +12 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hebron Tower | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | 0 | 0 | +22 | N | +12 | +12 | +22 | +22 | +5 | +5 | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hegeler | −5 | N | N | N | N | N | −45 | −45 | +35 | +29 | N | N | +35 | N | N | N | N | N | +45 | N | N | −40 | 0 | N | −25 | N | 0 | 0 | 0 | 0 | −35 | −25 | N |
| Henkel | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | c+20 | N | N | +10 | +26 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Henrietta | −20 | −47 | −30 | N | −30 | −30 | −5 | −5 | +20 | +14 | N | +20 | d−22 | 0 | N | −25 | −15 | −15 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Herbert | −20 | −47 | −30 | N | −30 | −30 | −5 | −5 | +20 | +14 | N | +20 | +20 | d−22 | 0 | N | −25 | −15 | −15 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hickory Grove (L) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +35 | +29 | N | +35 | +35 | 0 | N | −10 | −10 | 0 | 0 | +23 | +23 | +23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hickory Grove (F) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +31 | +25 | N | +35 | +31 | 0 | N | −10 | −10 | 0 | 0 | +23 | +23 | +23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| High Lake | 0 | −22 | −22 | N | −30 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | e−5 | N | N | −14 | N | −5 | N | N | N | −9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Highland Lake | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | N | 0 | +22 | N | +12 | +12 | +22 | +22 | +5 | +5 | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Highland Park | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | −5 | N | −15 | −5 | −5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Alpha, Illinois: +95.
b: From Alpha, Illinois: +64.
c: Applies from Wilmington Mine, Illinois, only.
d: From Wilmington Mine, Illinois: +15.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Highmoor | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Highwood | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Hillsdale | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | +4 | N | N | 0 | N | 0 | +4 | N | N | −9 | N | N | +4 | +4 | N | 0 | 0 | 0 |
| Hillside | +13 | N | 0 | −9 | 0 | 0 | 0 | 0 | −10 | N | N | −9 | 0 | −10 | N | N | N | 0 | N | N | 0 | N | 0 | 0 | N | N | N | N | N | 0 | 0 | 0 | 0 |
| Hinckley | N | N | N | N | N | −5 | N | N | N | N | N | N | −5 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Hinsdale | N | N | −28 | N | N | −10 | N | N | N | N | N | −10 | −10 | −28 | N | N | N | N | N | N | N | 0 | N | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Holcomb | +3 | 0 | 0 | N | N | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | N | N | N | N | N | N | N | 0 | N | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Honey Creek | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | 0 | N | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Horse Creek | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | N | N | 0 | N | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Howe | +3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hubbard Woods | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | −13 | −13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Huntley | −11 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | +17 | N | 0 | +17 | N | 0 | +17 | N | 0 | 0 | +17 | +17 | N | +17 | N | 0 | 0 | +17 |
| Illinoi | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N | N | N | 0 | N | 0 | 0 | N | N | 0 | N | N | N | 0 | 0 | 0 | 0 |
| Indian Oaks | N | N | 0 | 0 | N | 0 | 0 | N | N | N | N | 0 | 0 | −10 | 0 | N | N | N | 0 | N | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | N | 0 | 0 |
| Ingalton | N | 0 | 0 | −15 | 0 | 0 | 0 | N | −10 | 0 | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ingleside | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Iowana (L) | +78 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Iowana (F) | +78 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Irene | N | N | 0 | −7 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −17 | 0 | N | N | +10 | +10 | N | +10 | +10 | +10 | −7 | +10 | N | N | N | N | +10 | +10 | +10 | +10 |
| Itasca | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Highmoor | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | 0 | 0 | 0 | a −5 | N | −15 | −15 | −5 | −5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Highwood | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | −5 | N | −15 | −5 | −5 | 0 | N | 0 | 0 | N | −17 | N | 0 | 0 | 0 | 0 | −17 | −17 | N |
| Hillsdale | −11 | N | N | N | N | N | +7 | +7 | b+47 | +46 | N | N | +47 | N | N | N | N | N | +39 | N | N | +35 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Hillside | 0 | −27 | −27 | N | N | −27 | 0 | 0 | N | N | N | N | N | N | N | N | N | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hinckley | −15 | N | N | N | N | N | −45 | −45 | +20 | +19 | N | N | +20 | N | N | N | N | N | N | N | N | −23 | 0 | 0 | −35 | N | 0 | 0 | 0 | 0 | 0 | −25 | −25 | N |
| Hinsdale | 0 | N | N | N | N | N | −28 | −28 | 0 | 0 | N | N | 0 | N | N | N | N | N | −60 | N | N | −22 | 0 | 0 | −28 | 0 | 0 | 0 | 0 | 0 | 0 | −28 | −28 | 0 |
| Holcomb | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +19 | N | +20 | +20 | −15 | N | +20 | −15 | +30 | +30 | +8 | +8 | +8 | 0 | 0 | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Honey Creek | −30 | N | N | N | N | N | −45 | −45 | +17 | +11 | N | N | +17 | N | N | N | N | N | −5 | N | N | −44 | 0 | 0 | −35 | N | 0 | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Horse Creek | 0 | N | N | N | 0 | N | 0 | 0 | N | N | N | 0 | N | N | N | N | N | 0 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Howe | −8 | −37 | −37 | N | N | −37 | −10 | −10 | −4 | −10 | N | +20 | +20 | e −35 | N | N | −45 | +20 | 0 | +8 | +8 | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hubbard Woods | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −6 | N | 0 | 0 | c0 | −18 | N | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Huntley | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +7 | +1 | N | +8 | +7 | d +17 | +17 | N | +32 | +17 | +17 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Illinois | N | N | +15 | N | −30 | +15 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N | N | N | N | N | N |
| Indian Oaks | 0 | N | N | N | N | N | 0 | 0 | N | N | N | N | 0 | N | N | N | N | 0 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ingalton | −20 | −27 | −27 | N | −20 | −27 | 0 | 0 | 0 | 0 | N | 0 | 0 | e −8 | N | −15 | +45 | −5 | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ingleside | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | 0 | 0 | +22 | N | +12 | +12 | +22 | +22 | +5 | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Iowana (L) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | f +60 | +54 | +60 | +35 | +60 | a +25 | −24 | +15 | +15 | +25 | +25 | +48 | +48 | +48 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iowana (F) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | f +60 | +54 | +60 | +35 | +60 | a +25 | −7 | +15 | +15 | +25 | +25 | +48 | +48 | +48 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Irene | −25 | −37 | −37 | N | N | −37 | −10 | −10 | N | N | N | N | N | −5 | N | N | −15 | −5 | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Itasca | 0 | −27 | −20 | N | −27 | −20 | 0 | 0 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: Applies from Wilmington Mine, Illinois, only.
b: From Alpha, Illinois: +94.
c: From Wilmington Mine, Illinois: +10.
d: From Wilmington Mine, Illinois: +42.
e: From Wilmington Mine, Illinois: +26.
f: From Alpha, Illinois: +66.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Joliet | +12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Joslin | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | +4 | N | N | N | N | +4 | N | N | N | N | N | +4 | +4 | N | N | N | N | N |
| Judy | N | N | N | N | N | N | −5 | N | N | N | N | N | N | N | −5 | 0 | N | N | N | N | N | 0 | N | N | N | N | N | N | N | N | N | N | N |
| Kankakee | N | N | N | N | N | −10 | N | N | N | N | N | 0 | 0 | −10 | N | N | N | N | N | N | N | 0 | N | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Kasbeer | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | 0 | N | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Kenilworth | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | −13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kent | N | 0 | N | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | N | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kings | +8 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kingston | −17 | 0 | 0 | −7 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Kirkland | −17 | 0 | 0 | −7 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Knollwood | N | N | 0 | N | N | 0 | 0 | N | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | N | 0 | 0 | 0 | N | 0 | N |
| Ladd | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | −27 | 0 | 0 | 0 | −27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 96 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Joliet | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | a +12 | N | b +35 | +45 | +12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Joslin | −11 | N | N | N | N | N | −27 | −27 | c +49 | +48 | N | N | +49 | N | N | N | N | N | +34 | N | N | +34 | 0 | N | −17 | N | N | 0 | 0 | 0 | −17 | −17 | N |
| Judy | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Kankakee | 0 | +15 | +15 | +15 | N | +15 | 0 | 0 | −5 | −11 | N | N | −5 | d +7 | N | N | −15 | +7 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kasbeer | −20 | N | N | N | N | N | −45 | −45 | e +47 | +41 | N | N | +47 | N | N | N | N | N | +54 | N | N | −21 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Kenilworth | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −6 | N | 0 | 0 | f 0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kent | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +26 | +20 | N | +26 | +26 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Kings | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +19 | N | +20 | +20 | −15 | N | +20 | −25 | +30 | +30 | +8 | +8 | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kingston | −20 | −30 | −20 | N | −30 | −20 | −10 | −10 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kirkland | −20 | −20 | −20 | N | −37 | −20 | −10 | −10 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Knollwood | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | N | 0 | g +7 | N | +12 | −3 | +22 | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ladd | −8 | −37 | −37 | N | −57 | −37 | −10 | −10 | h +35 | +29 | N | +20 | +35 | −64 | +55 | N | −45 | +20 | +43 | +8 | +8 | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

a: From Wilmington Mine, Illinois: +55.
b: From Marseilles, Ill. From Ottawa: +28.
c: From Alpha, Illinois: +94.
d: From Wilmington Mine, Illinois: −5.
e: From Alpha, Illinois: +74.
f: From Wilmington Mine, Illinois: +10.
g: From Wilmington Mine, Illinois, only.
h: From Alpha, Illinois: +66.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| La Fox | −38 | 0 | 0 | −14 | N | −14 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | a0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Bluff | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Forest | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Villa | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Zurich | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | N | N | N | N | N | N | N |
| La Moille | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Lanark | −6 | 0 | 0 | −7 | N | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | N | +10 | N | +10 | +10 | +10 | +10 | +10 | N |
| Langham | +18 | 0 | 0 | N | N | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 | 0 | 0 | −14 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Langley | N | N | 0 | −10 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −20 | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 |
| La Salle | +44 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| La Salle Jct | N | N | N | −27 | N | N | −27 | N | −37 | N | −27 | N | −27 | −37 | −27 | −27 | −27 | −27 | 0 | −27 | 0 | −27 | −27 | −27 | −27 | −27 | −27 | 0 | 0 | 0 | −27 | −27 | −27 | −27 |
| Latham Park | −6 | 0 | 0 | 0 | −23 | 0 | N | 0 | −33 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lawrence | −6 | 0 | 0 | −27 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leaf River | +4 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Le Claire (L) | +63 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Le Claire (F) | +63 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lee | N | N | N | N | N | −5 | N | N | N | N | N | −5 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | 0 |
| Leithton | N | 0 | 0 | 0 | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leland | N | N | N | N | 0 | −10 | N | 0 | N | N | N | −10 | N | N | N | 0 | N | 0 | 0 | N | N | 0 | N | 0 | N | 0 | N | 0 | 0 | N | 0 | N | 0 | 0 |
| Lemont | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| La Fox | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | −5 | −11 | N | +10 | −5 | b−15 | −4 | N | −20 | −15 | −25 | N | N | N | e | e | e | e | e | e | e | e | e | e | e |
| Lake Bluff | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | −5 | −15 | −15 | −5 | −5 | e | e | e | e | e | e | e | e | e | e | e | e | e | e |
| Lake Forest | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | −5 | −15 | −15 | −5 | −5 | e | e | e | e | e | e | e | e | e | e | e | e | e | e |
| Lake Villa | −20 | −22 | −22 | N | −22 | −22 | 0 | 0 | +13 | +7 | N | N | +15 | +26 | N | +15 | +15 | +25 | +25 | N | N | N | e | e | e | e | e | e | e | e | e | e | e |
| Lake Zurich | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | −5 | N | −15 | −15 | −5 | −5 | N | N | N | e | e | e | e | e | e | e | e | e | e | e |
| La Moille | −20 | N | N | N | N | N | −45 | −45 | e+30 | +32 | N | N | +30 | N | N | N | N | N | +17 | N | N | −22 | e | e | −25 | e | e | e | e | −25 | −25 | e | e |
| Lanark | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +11 | +8 | N | N | +11 | −7 | N | −17 | −17 | −7 | −7 | +9 | +9 | +9 | e | e | e | e | e | e | e | e | e | e | e |
| Langham | −5 | N | N | N | N | N | −10 | −10 | +8 | 0 | N | 0 | +6 | +25 | N | d+32 | +10 | +20 | +15 | +16 | +16 | +16 | e | e | e | e | e | e | e | e | e | e | e |
| Langley | −20 | −37 | −37 | N | −37 | −37 | −10 | −10 | −15 | −21 | N | +27 | −15 | −47 | −47 | N | −37 | −47 | −47 | N | −47 | N | e | e | e | e | e | e | e | e | e | e | e |
| La Salle | −5 | −37 | −37 | N | N | −37 | −5 | −5 | +35 | +29 | +35 | +35 | +35 | +15 | N | +40 | +10 | +40 | N | +37 | +37 | +37 | e | e | e | e | e | e | e | e | −27 | −27 | e |
| La Salle Jct | −20 | −37 | −37 | N | −37 | −37 | −32 | −32 | +20 | +14 | N | −10 | +20 | −64 | N | N | −74 | −44 | −21 | N | N | N | e | e | −27 | −27 | e | e | e | e | e | e | e |
| Latham Park | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +17 | +11 | N | +11 | +21 | +22 | N | +12 | +12 | +22 | +22 | +5 | +5 | +5 | e | e | e | e | e | e | e | e | e | e | e |
| Lawrence | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | +30 | +30 | N | +20 | +30 | +30 | N | N | N | e | e | e | e | e | e | e | e | e | e | e |
| Leaf River | −20 | −15 | −15 | N | −15 | −15 | −10 | −10 | +21 | +15 | N | +21 | +21 | 0 | N | −10 | −10 | 0 | +15 | +9 | +9 | +9 | e | e | e | e | e | e | e | e | e | e | e |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Le Claire (L) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | e+52 | +51 | +52 | +38 | +52 | −29 | −29 | N | −39 | −29 | −29 | −6 | −6 | +46 | e | e | e | e | e | e | e | e | e | e | e |
| Le Claire (F) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | e+52 | +51 | +52 | +35 | +52 | −13 | −13 | N | −22 | −13 | −13 | +11 | +11 | +46 | e | e | e | e | e | e | e | e | e | e | e |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lee | −15 | N | N | N | N | N | −45 | −45 | +20 | +19 | N | N | +20 | N | N | N | N | N | +5 | N | N | −22 | e | e | N | −35 | N | e | e | e | −35 | −35 | N |
| Leithton | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | N | −15 | −15 | −5 | −5 | N | N | N | e | e | 0 | 0 | e | e | e | e | 0 | 0 | N |
| Leland | 0 | N | N | N | N | N | −40 | −40 | +25 | +24 | N | +25 | N | N | N | N | N | −45 | +5 | N | N | −22 | e | e | N | −35 | N | e | e | e | −30 | −30 | N |
| Lemont | 0 | 0 | 0 | N | N | N | 0 | 0 | N | N | N | N | N | f0 | N | N | +45 | 0 | N | N | N | N | e | N | 0 | 0 | e | e | e | e | 0 | 0 | N |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: Does not apply from Springfield, Illinois.
b: From Wilmington Mine, Illinois, −10.
c: From Alpha, Illinois: +74.
d: From Marseilles. From Ottowa: +60.
e: From Alpha, Illinois: +75.
f: From Wilmington Mine, Illinois: +55.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lena | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 |
| Liberty Lake | N | N | 0 | N | N | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 |
| Libertyville | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lilly Lake | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lincoln Fields | N | 0 | N | 0 | 0 | N | N | 0 | 0 | N | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | N | N | N | 0 | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 |
| Lindenwood | N | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Lisle | N | N | −32 | N | N | −10 | N | N | N | N | N | −10 | −32 | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | 0 | N | N | N | N |
| Lockport | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lombard | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Long Lake | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −20 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lorenzo | N | 0 | 0 | 0 | N | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | −10 | N | N | 0 | N | N | N | N |
| Lovells Crossing | N | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lydon | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | N | N | 0 | N | N | 0 | N | N |
| McConnell | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| McGirr | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McHenry | −8 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McQueen | −17 | 0 | 0 | −7 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Main St. (Evanston) | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Malden | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | N | N |
| Malta | −38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lena | −20 | −30 | −30 | N | N | −30 | −5 | −5 | N | N | N | N | N | N | N | N | N | −5 | N | N | N | N | | | | | | | | | | | |
| Liberty Lake | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | N | 0 | +7 | N | +12 | −5 | +22 | +22 | +5 | +5 | +5 | | | | | | | | | | | |
| Libertyville | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | 0 | 0 | +22 | N | +12 | +12 | +22 | +22 | +5 | +5 | +5 | | | | | | | | | | | |
| Lilly Lake | −20 | −35 | −35 | N | N | −35 | −10 | −10 | −5 | −11 | N | −5 | −5 | −20 | N | −30 | −30 | −20 | −20 | N | N | N | | | | | | | | | | | |
| Lincoln Fields | N | 0 | N | 0 | N | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | | | | | | | | | | | |
| Lindenwood | −20 | −30 | −30 | N | N | −30 | −5 | −5 | 0 | −6 | N | N | 0 | −15 | N | −25 | −25 | −15 | −15 | N | N | N | | | | | | | | | | | |
| Lisle | 0 | N | N | N | N | N | −32 | −32 | 0 | 0 | N | N | 0 | N | N | N | N | N | 0 | N | N | −22 | | | | | | | | | | | |
| Lockport | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | N | N | N | N | a0 | N | N | +45 | 0 | N | N | N | N | | | | | | | | | | | |
| Lombard | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | 0 | −6 | N | 0 | 0 | b−5 | 0 | −15 | −15 | −5 | −5 | N | N | N | | | | | | | | | | | |
| Long Lake | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | 0 | 0 | +22 | N | +12 | +12 | +22 | +22 | +5 | +5 | +5 | | | | | | | | | | | |
| Lorenzo | −15 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | c+9 | N | N | +37 | +9 | N | N | N | N | | | | | | | | | | | |
| Lovells Crossing | −20 | −35 | −35 | N | N | −35 | 0 | 0 | N | N | N | −5 | N | −20 | N | −30 | −30 | −20 | −20 | N | N | N | | | | | | | | | | | |
| Lydon | −11 | N | N | N | N | N | −33 | −33 | +46 | +40 | N | N | +46 | N | N | N | N | N | +2 | N | N | −26 | | | | | | | | | | | |
| McConnell | −20 | −30 | −30 | N | N | −30 | −5 | −5 | N | N | N | N | N | N | N | N | N | −5 | N | N | N | N | | | | | | | | | | | |
| McGirr | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | −9 | −15 | N | +32 | −9 | −25 | +60 | N | −35 | −7 | −25 | N | N | N | | | | | | | | | | | |
| McHenry | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +9 | +3 | N | +9 | +9 | +9 | +9 | N | 1 | +9 | +9 | N | N | N | | | | | | | | | | | |
| McQueen | −20 | −30 | −20 | N | −30 | −20 | −10 | −10 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | +10 | +10 | +10 | 0 | 0 | 0 | | | | | | | | | | | |
| Main St. (Evanston) | 0 | 0 | 0 | N | 0 | 0 | −10 | −10 | 0 | −6 | N | 0 | 0 | +10 | 0 | −10 | 0 | +10 | 0 | −23 | −23 | −23 | | | | | | | | | | | |
| Malden | −5 | N | N | N | N | N | −45 | −45 | d+35 | +34 | N | N | +35 | N | N | N | N | N | +11 | N | N | −27 | | | | | | | | | | | |
| Malta | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | −10 | +10 | −25 | −15 | N | −35 | −25 | −25 | N | N | N | | | | | | | | | | | |

a: From Wilmington Mine, Illinois: +55.
b: From Wilmington Mine, Illinois, only.
c: From Wilmington Mine, Illinois: +67.
d: From Alpha, Illinois: +65.
e: Does not apply from Springfield, Illinois.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Manhattan | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manlius | N | 0 | 0 | −10 | 0 | 0 | −10 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −14 | N | 0 | 0 | 0 | N | 0 | 0 |
| Manteno | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | −10 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | N | 0 | 0 |
| Manteno Hospital | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | −10 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | N | 0 | 0 |
| Maple Park | −23 | 0 | 0 | −14 | N | −14 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marcus (L) | N | N | −16 | N | 0 | −10 | N | N | −15 | N | N | −10 | −16 | −15 | N | 0 | N | N | 0 | N | N | 0 | N | N | N | N | +17 | +17 | +17 | 0 | N | N | N |
| Marcus (F) | N | N | −16 | N | 0 | −10 | N | N | −15 | N | N | −10 | −16 | −15 | N | 0 | 0 | 0 | 0 | N | N | 0 | N | N | N | N | N | 0 | 0 | 0 | N | N | N |
| Marengo | −11 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +17 | 0 | 0 | +17 | 0 | 0 | +17 | 0 | 0 | 0 | 0 | 0 | +17 | +17 | 0 | 0 | 0 | +17 |
| Marquette | +51 | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | N | N | N | N | N | 0 | 0 | 0 | N | N | N |
| Marseilles | +25 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | N | N | N | N | N | 0 | 0 | 0 | N | N | N |
| Matteson | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | N | 0 | N | N | 0 | N | N | N | N | N | 0 | 0 | 0 | N | N | N |
| Medinah | −17 | N | N | N | 0 | N | N | N | N | N | N | N | N | N | N | +10 | +10 | +10 | +10 | N | N | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Melody | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Manhattan | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | N | N | N | N | −8 | N | N | −15 | −8 | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manlius | −20 | −57 | −57 | N | −57 | −57 | −10 | −10 | −15 | −21 | N | +37 | −15 | −47 | N | −47 | −57 | −47 | −47 | N | N | −47 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manteno | 0 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manteno Hospital | 0 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Maple Park | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | −5 | −11 | N | +10 | −5 | b−18 | −4 | N | −20 | −15 | −28 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marcus (L) | −20 | N | N | N | N | N | −26 | −26 | +30 | +24 | N | N | +30 | N | N | N | N | N | −5 | N | N | N | 0 | N | N | −16 | N | 0 | 0 | 0 | 0 | −16 | −16 | N |
| Marcus (F) | −20 | N | N | N | N | N | −26 | −26 | +30 | +24 | N | N | +30 | N | N | N | N | N | −5 | N | N | N | 0 | N | N | −16 | N | 0 | 0 | 0 | 0 | −16 | −16 | N |
| Marengo | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +7 | +1 | N | +4 | +7 | c+17 | N | N | +32 | +17 | +17 | N | N | +17 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marquette | −5 | −37 | −37 | N | N | −37 | −10 | −10 | +35 | +29 | +42 | +42 | +42 | N | d+46 | +10 | −21 | +2 | +49 | N | N | +49 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marseilles | −5 | −37 | N | N | N | −37 | −10 | −10 | +6 | 0 | +6 | +6 | +6 | e+20 | N | f+52 | +10 | −2 | +50 | N | N | +27 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Matteson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | e+10 | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Medinah | 0 | −27 | −20 | N | −27 | −20 | 0 | 0 | 0 | −8 | N | 0 | 0 | +19 | N | 0 | 0 | +10 | +10 | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Melody | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −8 | N | 0 | 0 | −5 | N | −15 | −15 | −5 | −5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: Does not apply from Springfield, Illinois.
b: From Wilmington Mine, Illinois: −10.
c: From Wilmington Mine, Illinois: +42.
d: From Ottawa. From Marseilles: +30.
e: From Wilmington Mine, Illinois, only.
f: From Ottawa, Illinois, only.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mendota | +3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | −27 | 0 | N | 0 | 0 | 0 | 0 | −8 | N | N | 0 | N | 0 | 0 | 0 | N |
| Menominee | N | −8 | 0 | −5 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −15 | 0 | N | N | 0 | 0 | N | N | 0 | N | 0 | N | N | N | N | 0 | 0 | N | 0 | N |
| Meriden | N | N | N | N | N | −10 | N | N | N | N | N | −10 | 0 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N | N |
| Midlothian | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milbrig | +22 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Millbrook | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Milledgeville | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Millington | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Millsdale | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mendota | −5 | −57 | −40 | N | N | −40 | −10 | −10 | a+20 | +19 | N | +20 | +20 | b−25 | N | +10 | +10 | +33 | +20 | +8 | +8 | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Menominee | −20 | −30 | −30 | N | N | −30 | −5 | −5 | N | N | N | N | N | N | N | N | N | −4 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Meriden | 0 | N | N | N | N | N | −40 | −40 | +25 | +24 | N | N | +25 | N | N | N | N | −45 | +25 | N | N | −22 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | −30 | −30 | 0 |
| Midlothian | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | −6 | N | N | 0 | c+10 | N | d+21 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milbrig | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +13 | N | +30 | +30 | +25 | +25 | N | +15 | +25 | +25 | N | N | −43 | 0 | N | 0 | −25 | N | 0 | 0 | 0 | 0 | −25 | −25 | N |
| Millbrook | −20 | N | N | N | N | N | −45 | −45 | +19 | +13 | N | N | +19 | N | N | N | N | N | +3 | N | N | −43 | 0 | N | 0 | −25 | N | 0 | 0 | 0 | 0 | −25 | −25 | N |
| Milledgeville | −20 | N | N | N | N | N | −45 | −45 | +15 | +9 | N | N | +15 | N | N | N | N | N | +15 | N | N | −22 | 0 | N | 0 | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Millington | −20 | N | N | N | N | N | −45 | −45 | +19 | +13 | N | N | +19 | N | N | N | N | N | +3 | N | N | −43 | 0 | N | 0 | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Millsdale | −15 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | e+19 | N | N | +57 | +19 | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

a: From Alpha, Illinois: +55.
b: From Wilmington Mine, Illinois: +20.
c: From Wilmington Mine, Illinois, only.
d: From Marseilles, Illinois. From Ottawa, Illinois: +9.
e: From Wilmington Mine, Illinois: +67.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minooka (L) | +16 | 0 | 0 | 0 | 0 | 0 | 0 | N | −5 | N | 0 | 0 | 0 | −5 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minooka (F) | +16 | 0 | 0 | 0 | 0 | 0 | 0 | N | −5 | N | 0 | 0 | 0 | −5 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mokena | 0 | 0 | 0 | N | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Moline (L) | +85 | 0 | 0 | −11 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Moline (F) | +85 | 0 | 0 | +6 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | 0 | −4 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Momence | N | −5 | N | −5 | 0 | N | 0 | 0 | −5 | N | 0 | N | 0 | −5 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | −5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Monee | N | N | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | N | 0 | N | N | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Monroe Center | −17 | 0 | 0 | −7 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −16 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Montgomery | N | N | N | N | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Mooseheart | N | N | −40 | N | N | −10 | N | N | N | N | N | −10 | −40 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Morris (L) | +37 | 0 | 0 | N | N | 0 | N | N | −5 | N | 0 | 0 | 0 | −5 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morris (F) | +37 | 0 | 0 | N | N | 0 | N | N | −5 | N | 0 | 0 | 0 | −5 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morrison (L) | −11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Morrison (F) | −11 | 0 | 0 | 0 | 0 | 0 | 0 | +6 | −10 | 0 | 0 | 0 | 0 | −10 | +5 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Morton Grove | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mt. Carmel (Cook Co.) | N | N | 0 | N | 0 | N | N | N | N | N | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mt. Carroll (L) | +18 | 0 | 0 | 0 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mt. Carroll (F) | +1 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mt. Morris | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N | N | N | N | N |
| Mt. Prospect | −11 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minooka (L) | 0 | −27 | −27 | N | −27 | −27 | 0 | 0 | 0 | 0 | N | N | 0 | a −10 | N | b +45 | +20 | 0 | +38 | +3 | +3 | +3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minooka (F) | 0 | −27 | −27 | N | −27 | −27 | 0 | 0 | 0 | 0 | N | N | 0 | a −10 | N | b +45 | +20 | 0 | +38 | +20 | +20 | +20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mokena | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | −6 | N | N | 0 | c −5 | N | d +28 | 0 | −5 | +19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Moline (L) | −20 | −47 | −47 | N | −47 | −47 | −10 | −10 | +55 | +54 | +55 | +55 | +55 | +20 | N | +10 | +10 | +20 | +20 | +43 | +43 | +43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Moline (F) | −20 | −47 | −47 | N | −47 | −47 | −10 | −10 | +55 | +54 | +55 | +55 | +55 | +20 | N | +10 | +10 | +20 | +20 | +43 | +43 | +43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Momence | +5 | +15 | +15 | −5 | N | +15 | 0 | 0 | N | N | N | N | N | −47 | N | N | N | −57 | −47 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Monee | 0 | N | N | 0 | N | N | 0 | 0 | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Monroe Center | −20 | −20 | −20 | N | −20 | −20 | −10 | −10 | 0 | −6 | N | N | 0 | +10 | N | N | 0 | +10 | +10 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Montgomery | 0 | N | N | N | N | N | −40 | −40 | +25 | +24 | N | N | +25 | N | N | N | N | −45 | +3 | −22 | −22 | −22 | 0 | 0 | N | −30 | N | 0 | 0 | 0 | −30 | −28 | N | N |
| Mooseheart | −15 | N | N | N | N | N | −44 | −44 | +13 | +12 | N | N | +14 | N | N | N | N | N | −5 | N | N | −49 | 0 | 0 | N | −44 | N | 0 | 0 | 0 | −44 | −42 | 0 | 0 |
| Morris (L) | 0 | −32 | N | N | N | −32 | 0 | 0 | 0 | −6 | N | N | 0 | e +30 | N | +45 | +20 | 0 | +45 | +21 | +21 | +21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morris (F) | 0 | −32 | N | N | N | −32 | 0 | 0 | 0 | −6 | N | N | 0 | e +30 | N | +57 | +40 | 0 | +45 | +21 | +21 | +21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morrison (L) | −20 | −41 | −41 | N | −47 | −41 | −10 | −10 | +6 | 0 | N | +32 | +6 | −24 | −23 | N | −34 | −24 | −38 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morrison (F) | −20 | −37 | −37 | N | −47 | −37 | −10 | −10 | +6 | 0 | N | +32 | +6 | −7 | −2 | N | −17 | −7 | −38 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morton Grove | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −6 | N | N | 0 | +10 | N | −10 | 0 | +10 | 0 | −13 | −13 | −13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mt. Carmel (Cook Co.) | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | 0 | −6 | N | N | 0 | e −5 | N | N | −15 | N | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mt. Carroll (L) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +35 | +29 | N | +35 | +35 | 0 | N | −10 | −10 | 0 | 0 | +23 | +23 | +23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mt. Carroll (F) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +31 | +25 | N | +35 | +31 | 0 | N | −10 | −10 | 0 | 0 | +23 | +23 | +23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mt. Morris | −20 | N | N | N | N | −45 | −45 | +6 | 0 | N | N | +6 | N | N | N | N | N | N | +5 | N | N | −30 | 0 | 0 | −25 | 0 | 0 | 0 | 0 | −25 | −25 | 0 | 0 |
| Mt. Prospect | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +6 | 0 | N | +6 | +6 | a +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Wilmington Mine, Illinois: +30.
b: From Marseilles, Illinois. From Ottawa, Illinois: +35.
c: From Wilmington Mine, Illinois: +10.
d: From Marseilles, Illinois. From Ottawa, Illinois: +21.
e: From Wilmington Mine, Illinois, only.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mundelein | N | 0 | 0 | 0 | N | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Munger | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Myrtle | N | 0 | 0 | N | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nachusa (L) | −38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | b 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nachusa (F) | −38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | b 0 | 0 | 0 | 0 | 0 | N | N | N | N |
| Naperville | N | N | −35 | N | N | −10 | N | N | N | N | N | −10 | −35 | N | N | N | N | N | N | N | N | N | N | N | N | b 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nelson (L) | −22 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nelson (F) | −22 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | b 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Lebanon | −17 | 0 | 0 | −7 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| New Lenox | 0 | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Milford | N | N | N | N | N | N | N | N | N | N | −17 | −10 | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N | N | N | N | N | N |
| Nichols | N | N | 0 | N | 0 | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Niles | N | N | −40 | N | N | −10 | N | N | N | N | N | −10 | −40 | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | 0 | 0 | 0 | N | N | N | N |
| Niles Center | −30 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nora | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 |
| Normandy | N | 0 | 0 | −10 | 0 | 0 | −10 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | −14 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mundelein | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | +7 | +1 | N | 0 | +7 | +22 | N | +12 | +12 | +22 | +22 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Munger | 0 | −27 | −20 | N | −27 | −20 | 0 | 0 | 0 | −5 | N | N | 0 | a −5 | N | +30 | +30 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Myrtle | −20 | −30 | −30 | N | N | −30 | −5 | −5 | −8 | −14 | N | −8 | −5 | −15 | N | −25 | −25 | −15 | −15 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nachusa (L) | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | +10 | +10 | c −49 | −16 | N | −35 | −25 | −25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nachusa (F) | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | +10 | +10 | c −32 | −16 | N | −35 | −25 | −25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Naperville | 0 | N | N | N | N | N | −25 | −25 | 0 | 0 | N | N | 0 | N | N | N | N | N | 0 | N | N | −22 | 0 | N | −25 | N | 0 | 0 | 0 | 0 | −25 | −25 | N |
| Nelson (L) | −20 | −44 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | +27 | +10 | d −49 | −17 | N | −63 | −34 | −60 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Nelson (F) | −20 | −44 | −40 | N | −44 | −40 | −10 | −10 | +10 | +4 | N | +27 | +10 | d −32 | −17 | N | −63 | −32 | −42 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| New Lebanon | −20 | −30 | −20 | N | −30 | −20 | −10 | −10 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Lenox | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | −6 | N | N | 0 | e −5 | N | f +35 | 0 | −5 | +19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Milford | −20 | N | N | N | N | N | −10 | −10 | +20 | +19 | N | N | +20 | N | N | N | N | N | +30 | N | N | −6 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N |
| Nichols | −20 | −20 | −20 | N | N | −20 | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Niles | −15 | N | N | N | N | N | −44 | −44 | +14 | +13 | N | N | +14 | N | N | N | N | N | −5 | N | N | −49 | 0 | N | −44 | N | 0 | 0 | 0 | 0 | −44 | −44 | N | N |
| Niles Center | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −6 | −13 | 0 | 0 | −18 | −18 | −28 | −25 | 0 | −5 | −13 | −13 | −13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nora | −20 | −30 | −30 | N | N | −30 | −7 | −7 | N | N | N | N | N | N | N | N | N | −5 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Normandy | −20 | −57 | −57 | N | −57 | −57 | −10 | −10 | −15 | −21 | N | +27 | −15 | −47 | −47 | N | −57 | −47 | −47 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Wilmington Mine, Illinois: +40.
b: Does not apply from Springfield, Illinois.
c: From Wilmington Mine, Illinois: −25.
d: From Wilmington Mine, Illinois: −33.
e: From Wilmington Mine, Illinois: +10.
f: From Marseilles, Illinois. From Ottawa, Ill.: +31.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago Freight Differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Normantown | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Aurora | −23 | 0 | 0 | −9 | 0 | 0 | −22 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Northbrook | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Chicago | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | −10 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 |
| North Dixon | N | N | 0 | 0 | 0 | 0 | 0 | −3 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | −3 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Northfield | −17 | −3 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Glen Ellyn | N | 0 | 0 | N | 0 | 0 | 0 | 0 | −10 | N | −19 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Hanover (L) | N | 0 | 0 | N | 0 | 0 | 0 | 0 | −10 | N | −8 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Hanover (F) | N | 0 | 0 | N | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Noyes St. | N | N | 0 | 0 | 0 | 0 | e−10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Normantown | 0 | −25 | −25 | N | −30 | −25 | 0 | 0 | 0 | 0 | N | N | 0 | a+5 | N | +35 | +45 | +5 | +10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Aurora | −15 | −52 | −35 | N | −30 | −35 | 0 | 0 | +14 | +13 | N | +15 | +14 | c−27 | −5 | N | −15 | −5 | −5 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Northbrook | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −5 | N | 0 | 0 | −5 | N | −15 | −15 | −5 | −5 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Chicago | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −5 | N | N | N | d+20 | N | N | +10 | +20 | N | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Dixon | −20 | −44 | N | N | N | −44 | −10 | −10 | N | N | N | N | 0 | 0 | 0 | −18 | 0 | 0 | 0 | −3 | −3 | −3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Northfield | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | −5 | −3 | +20 | 0 | 0 | N | −15 | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Glen Ellyn | 0 | −27 | −27 | N | N | −27 | 0 | 0 | 0 | −5 | 0 | 0 | +35 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Hanover (L) | −20 | −30 | −30 | N | N | −30 | −7 | −7 | +35 | +29 | N | +35 | +35 | N | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Hanover (F) | −20 | −30 | −30 | N | N | −30 | −7 | −7 | +35 | +29 | N | +35 | +35 | N | N | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Noyes St. | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | −5 | N | N | 0 | N | N | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Wilmington Mine, Illinois: +55.
b: Does not apply from Springfield, Illinois.
c: From Wilmington Mine, Illinois: −5.
d: From Wilmington Mine, Illinois, only.
e: From Pinckneyville, Illinois: 0.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Oak Forest | 0 | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oak Ridge | N | N | 0 | N | 0 | N | N | N | N | N | 0 | 0 | 0 | N | N | 0 | N | 0 | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Oakton (L) | −11 | 0 | 0 | −42 | 0 | 0 | 0 | 0 | −52 | N | 0 | 0 | 0 | −52 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | + 10 | +10 |
| Oakton (F) | +6 | 0 | 0 | −22 | 0 | 0 | 0 | 0 | −33 | N | 0 | 0 | 0 | −32 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ohio | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | 0 | N | N | N | N | N |
| Oliver | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | +4 | N | N | +4 | N | +4 | N | N | N | N | N | +4 | +4 | N | N | N | N | N |
| Ontarioville | −17 | N | N | N | N | N | N | N | −10 | N | N | N | N | −10 | N | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Orangeville | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | N | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 |
| Oregon | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N |
| Orland Park | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | N | 0 | N | N | N | N | 0 | N | 0 | N | 0 | N | N | N | 0 |
| Osborn | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | +4 | N | N | +4 | N | +4 | N | N | N | N | N | N | +4 | +4 | 0 | N | N | N | N |
| Oswego | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Oak Forest | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | −6 | N | N | 0 | a−5 | N | b+21 | 0 | −5 | +12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oak Ridge | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | 0 | −6 | N | N | 0 | c−5 | N | N | −15 | N | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Oakton (L) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | d+6 | 0 | +6 | +6 | +6 | −29 | N | N | −39 | −29 | N | −6 | −6 | −6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oakton (F) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | d+23 | +17 | +23 | +23 | +23 | −12 | N | N | −22 | −12 | N | +11 | +11 | +11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ohio | −20 | N | N | N | N | N | −45 | −45 | e+39 | +38 | N | N | +39 | N | N | N | N | N | +17 | N | N | −24 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Oliver | −20 | N | N | N | N | N | −33 | −33 | +35 | +29 | N | N | +35 | N | N | N | N | N | 0 | N | N | −27 | 0 | 0 | −22 | N | 0 | 0 | 0 | 0 | −23 | −23 | N |
| Ontarioville | 0 | −27 | −20 | N | −27 | −20 | 0 | 0 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Orangeville | −20 | −30 | −30 | N | N | −30 | −5 | −5 | −21 | −27 | N | N | −21 | c−5 | N | N | −15 | −5 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oregon | −30 | N | N | N | N | N | −45 | −45 | +15 | +9 | N | N | +15 | N | N | N | N | N | +5 | N | N | −45 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Orland Park | 0 | N | N | N | 0 | 0 | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Osborn | −11 | N | N | N | N | N | −27 | −27 | f+54 | +53 | N | N | +54 | N | N | N | N | N | +39 | N | N | +34 | 0 | N | −17 | N | 0 | 0 | 0 | 0 | −17 | −17 | N |
| Oswego | −20 | N | N | N | N | N | −45 | −45 | +19 | +13 | N | N | +19 | N | N | N | N | N | +3 | N | N | −47 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Wilmington Mine, Illinois: +10.
b: From Marseilles, Illinois. From Ottawa, Illinois+9.
c: Applies from Wilmington Mine, Illinois, only.
d: From Alpha, Illinois: +26.
e: From Alpha, Illinois: +74.
f: From Alpha, Illinois: +94.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ottawa | +32 | 0 | 0 | N | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Palatine | −11 | 0 | 0 | N | N | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Palisades | N | N | 0 | N | −32 | N | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | N | 0 | N |
| Palos Park | N | N | N | N | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | N | 0 | N |
| Paw Paw | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | 0 | N | 0 | N | N | N | 0 | 0 | 0 | N | N | 0 | N |
| Pearl City | N | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | N | 0 | N |
| Pecatonica | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | N | 0 | N |
| Peotone | N | N | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | N | 0 | N |
| Pequot | N | 0 | 0 | N | 0 | N | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | N | 0 | N |
| Perryville | N | N | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | +10 | +10 | N | N | +10 | +10 | +10 | +10 | +10 | N | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ottawa | −8 | −37 | −37 | N | N | −37 | −10 | −10 | +20 | +14 | +20 | +20 | +20 | a+20 | N | b+29 | +10 | +11 | +50 | +30 | +30 | +30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Palatine | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +6 | 0 | N | +6 | +6 | c−19 | +25 | N | +18 | +36 | +25 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Palisades | −20 | N | 0 | N | N | 0 | −10 | −10 | N | N | N | N | N | d 0 | N | N | +45 | 0 | N | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Palos Park | 0 | N | N | N | 0 | 0 | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Paw Paw | −20 | N | N | N | N | N | −45 | −45 | e+15 | +14 | N | N | +15 | N | N | N | N | +20 | N | N | N | −28 | 0 | N | −36 | N | 0 | 0 | 0 | 0 | −25 | −25 | 0 | N |
| Pearl City | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +20 | +14 | N | +20 | +20 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Pecatonica | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +14 | N | +20 | +20 | −15 | −15 | N | −28 | −15 | −15 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Peotone | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | N | N | N | N | −5 | N | N | −15 | 0 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pequot | −15 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | f+31 | N | N | +57 | +31 | N | N | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Perryville | −25 | −37 | −37 | N | N | −37 | −10 | −10 | N | N | N | N | N | a−5 | N | N | −18 | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

a: Applies from Wilmington Mine, Illinois, only.
b: From Marseilles, Illinois, only.
c: From Wilmington Mine, Illinois: +25
d: From Wilmington Mine, Illinois: +55
e: From Alpha, Illinois: +5
f: From Wilmington Mine, Illinois: +67



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Peru (L) | +44 | N | N | N | N | N | N | N | −10 | N | N | N | N | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Peru (F) | +52 | N | N | N | N | N | N | N | −10 | N | N | N | N | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Peterstown | +3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | −27 | 0 | N | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pingree Grove | −17 | 0 | 0 | 0 | −7 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | N | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Plaines | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | N | N | N | 0 | N | 0 | −10 | −10 | N | 0 | 0 | 0 | 0 | 0 | −10 | 0 |
| Plainfield | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | 0 | 0 | 0 | N | N | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Plano | N | N | N | N | N | −10 | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N | N | N | N | N | N | N | N |
| Plato Center | N | N | 0 | −7 | N | 0 | 0 | N | N | N | N | 0 | 0 | −17 | 0 | N | N | +10 | +10 | N | N | +10 | +10 | +10 | −7 | +10 | N | N | N | +10 | +10 | +10 | +10 | +10 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pleasant Valley (L) | +71 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Pleasant Valley (F) | +71 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Polk | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Polo | N | N | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Poplar Grove | −6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 |
| Portage | N | N | 0 | N | N | N | N | N | N | N | N | 0 | 0 | N | N | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | N | N | N | 0 | 0 | 0 | 0 | 0 |
| Port Byron (L) | +68 | +5 | +5 | −2 | +5 | +5 | N | +5 | −5 | N | +5 | +5 | +5 | −5 | +5 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Port Byron (F) | +68 | +5 | +5 | −2 | +5 | +5 | N | +5 | −5 | N | +5 | +5 | +5 | −5 | +5 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Prairie Creek | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prairie View | N | 0 | 0 | 0 | N | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prince Crossing | N | N | 0 | N | N | 0 | N | N | N | N | N | 0 | 0 | N | N | +4 | N | +4 | +4 | N | N | +4 | +4 | +4 | N | N | +4 | N | +4 | N | +4 | +4 | +4 | +4 |
| Princeton | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Peru (L) | −5 | −37 | −37 | N | N | −37 | −10 | −10 | b+35 | +29 | +35 | +35 | +35 | a+15 | N | +40 | +5 | −21 | +53 | +37 | +37 | +37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Peru (F) | −5 | −37 | −37 | N | N | −37 | −10 | −10 | b+35 | +29 | +35 | +35 | +20 | a+15 | N | +40 | +19 | −21 | +58 | +37 | +37 | +37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Peterstown | −20 | −37 | −37 | N | N | −37 | −10 | −10 | −4 | −10 | N | +20 | +20 | −25 | N | +10 | −35 | +30 | +20 | +8 | +8 | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pingree Grove | −20 | −30 | −20 | N | −30 | −20 | −10 | −10 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Plaines | −15 | −20 | N | N | N | −20 | 0 | 0 | N | N | N | N | N | N | N | N | +45 | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Plainfield | 0 | −25 | −25 | N | −30 | −25 | 0 | 0 | 0 | 0 | 0 | N | N | e−5 | N | +35 | +45 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Plano | 0 | N | N | N | N | N | −40 | −40 | +25 | +24 | N | N | N | N | N | N | N | −45 | +3 | N | N | −22 | 0 | N | −30 | N | 0 | 0 | 0 | 0 | −30 | −30 | N | 0 |
| Plato Center | −20 | −30 | −30 | N | N | −30 | 0 | 0 | N | N | N | N | N | a−5 | N | N | −15 | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pleasant Valley (L) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | d+52 | +51 | +52 | +52 | +52 | −29 | −24 | N | −39 | −29 | −29 | −6 | −6 | −6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pleasant Valley (F) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | d+52 | +51 | +52 | +52 | +52 | −12 | −7 | N | −22 | −12 | −12 | +11 | +11 | +11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Polk | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Polo | −20 | −47 | N | N | N | −47 | −5 | −5 | +6 | 0 | N | N | +6 | a+30 | N | N | +20 | +30 | +5 | N | N | −49 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Poplar Grove | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | +30 | +30 | N | +20 | +30 | +30 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Portage | −20 | −30 | −30 | N | N | −30 | −5 | −5 | N | N | N | N | N | N | N | N | N | −4 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Port Byron (L) | −20 | −47 | −47 | N | −47 | −47 | −10 | −10 | e+35 | +29 | N | +35 | +52 | −11 | N | −21 | −21 | −11 | −11 | +8 | +8 | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Port Byron (F) | −20 | −41 | −41 | N | −41 | −41 | −10 | −10 | e+35 | +29 | N | +35 | +52 | −7 | N | −17 | −17 | −7 | −7 | +8 | +8 | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prairie Creek | 0 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | N | N | N | +57 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prairie View | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | N | −15 | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prince Crossing | −20 | −30 | −26 | N | −30 | −30 | −10 | −10 | −6 | −12 | N | N | −6 | N | N | N | −13 | N | −18 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Princeton | −5 | N | N | N | N | N | −45 | −45 | f+35 | +34 | N | N | +35 | N | N | N | N | N | +11 | N | N | −27 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: Applies from Wilmington Mine, Illinois, only.
b: From Alpha, Illinois: +55.
c: From Wilmington Mine, Illinois: +55.
d: From Alpha, Illinois: +85.
e: From Alpha, Illinois: +95.
f: From Alpha, Illinois: +65.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Princeton (L) | +63 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Princeton (F) | +63 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Prophetstown | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Proving Ground | N | N | −15 | N | 0 | −10 | N | N | −15 | N | N | −10 | −16 | −15 | N | 0 | N | N | 0 | N | N | 0 | N | 0 | N | N | 0 | N | 0 | N | N | 0 | N |
| Puder | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Quarry | N | N | 0 | N | 0 | N | N | N | N | N | N | 0 | N | N | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 | N |
| Radley | N | N | N | 0 | −10 | N | N | N | N | N | N | −10 | N | −21 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Rapid City (L) | +78 | 0 | 0 | −11 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −21 | N | 0 | 0 | 0 | 0 | N | +10 | 0 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rapid City (F) | +78 | 0 | 0 | −11 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −21 | N | 0 | 0 | 0 | 0 | N | +10 | 0 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ravinia | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Red Oak | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | N | 0 | 0 | −10 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Renwick | N | N | 0 | 0 | 0 | 0 | 0 | N | N | N | N | 0 | 0 | −10 | N | +10 | 0 | 0 | +10 | 0 | +10 | 0 | +10 | 0 | 0 | +10 | 0 | +10 | 0 | +10 | 0 | +10 | 0 | +10 |
| Rice (L) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rice (F) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Richardson | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | +8 | −10 | N | 0 | 0 | −10 | +8 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Richmond | −4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Richton | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ridgefield | −6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ridott | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ringwood | −4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 82 | 82 | 82 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Princeton (L) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | b+52 | +51 | +52 | +52 | +52 | −29 | −24 | N | −39 | −29 | N | −6 | −6 | +40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Princeton (F) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | b+52 | +51 | +52 | +52 | +52 | −12 | −7 | N | −22 | −12 | N | +11 | +11 | +40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Prophetstown | −20 | N | N | N | N | N | −45 | −45 | c+46 | +40 | N | N | +46 | N | N | N | N | N | N | +54 | N | N | −26 | 0 | −35 | 0 | 0 | 0 | 0 | 0 | −35 | 0 | N | N |
| Proving Ground | −20 | N | N | N | N | N | −26 | −26 | +30 | +24 | N | N | +30 | N | N | N | N | N | N | +5 | N | N | −6 | 0 | −16 | 0 | 0 | 0 | 0 | 0 | −16 | 0 | N | N |
| Puder | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | d−5 | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N | N | N | N | N |
| Quarry | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | −5 | N | N | N | N | 0 | d−5 | N | N | N | N | +28 | N | N | −28 | 0 | −35 | 0 | 0 | 0 | 0 | 0 | −35 | 0 | N | N |
| Radley | −20 | N | N | N | N | −45 | −45 | c+16 | +15 | N | N | N | +14 | N | N | N | N | N | N | +11 | +9 | +9 | +9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rapid City (L) | −20 | −47 | −47 | N | −47 | −47 | −10 | −10 | c+35 | +29 | N | +35 | +32 | −11 | −7 | −21 | −17 | −11 | −7 | +9 | +9 | +9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rapid City (F) | −20 | −41 | −41 | N | −41 | −41 | −10 | −10 | c+35 | +29 | N | +35 | +32 | −8 | −5 | N | −18 | −8 | N | +9 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ravinia | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | d−5 | d−5 | N | N | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Red Oak | −20 | −30 | −30 | N | N | −30 | −5 | −5 | −25 | −31 | N | N | −26 | 0 | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Renwick | −14 | −27 | −20 | N | −27 | −27 | 0 | 0 | −5 | −6 | N | N | 0 | 0 | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rice (L) | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +35 | +29 | N | +35 | +35 | 0 | 0 | −10 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rice (F) | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +35 | +29 | N | +35 | +35 | 0 | 0 | −10 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Richardson | −20 | −35 | −35 | N | N | −35 | −10 | −10 | N | N | N | −5 | N | −20 | −22 | N | −20 | −20 | −20 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Richmond | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +8 | +2 | N | +8 | N | +13 | +22 | N | +12 | +2 | +22 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Richton | 0 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | +11 | +30 | N | +20 | +30 | +30 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ridgefield | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | N | +11 | +20 | −15 | N | −25 | −15 | −15 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ridott | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +14 | N | +20 | +20 | −15 | −22 | N | +12 | +2 | +22 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ringwood | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +8 | +2 | N | +8 | +13 | +22 | +22 | N | +12 | +13 | +22 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 24.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Alpha, Illinois: +35.
b: From Alpha, Illinois: +80.
c: From Alpha, Illinois: +89.
d: From Wilmington Mine, Illinois, only.
e: From Alpha, Illinois: +21.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ritchie | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | N | 0 | N | N | N | 0 | 0 | N | 0 | N | N | N | N | 0 |
| Rochelle | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rock City | −8 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rockdale | N | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 |
| Rock Falls (see Sterling also) | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | 0 | N | N | 0 | N | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 |
| Rockford | +3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rock Island | +35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | N | 0 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Rockton | −8 | 0 | 0 | 0 | −23 | 0 | 0 | 0 | −23 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rodden (L) | N | 0 | 0 | 0 | 0 | 0 | 0 | N | +1 | N | 0 | 0 | 0 | +1 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rodden (F) | N | 0 | 0 | 0 | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rollo | N | 0 | 0 | 0 | N | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Romeo | −27 | N | 0 | 0 | −32 | N | N | N | N | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rondout | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Roscoe | −8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Roscoe Siding | −8 | 0 | 0 | 0 | −23 | 0 | 0 | N | −23 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Roselle | −14 | 0 | 0 | 0 | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Roxbury | −7 | 0 | 0 | 0 | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | −27 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Round Grove (L) | −11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Round Grove (F) | −11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | +8 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Round Lake | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 82 | 82 | 82 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ritchie | 0 | N | N | N | 0 | 0 | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rochelle | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | +10 | +6 | N | +10 | +10 | +15 | +15 | +10 | +5 | +20 | +20 | −2 | −2 | −2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rock City | −20 | −30 | −30 | N | −44 | −40 | −5 | −5 | +11 | +5 | N | +11 | +11 | 0 | N | −10 | −10 | 0 | 0 | −1 | −1 | −1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rockdale | 0 | −20 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0–5 | N | +35 | +45 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rock Falls (see Sterling also) | −25 | N | N | N | N | N | −45 | −45 | b+27 | +21 | N | N | +27 | N | N | N | N | N | −7 | N | N | −48 | 0 | 0 | −35 | 0 | 0 | 0 | 0 | 0 | −35 | 0 | N | N |
| Rockford | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +19 | +20 | +20 | +20 | +30 | +25 | +20 | +20 | +30 | +30 | +8 | +8 | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rock Island | −20 | −47 | −47 | N | −47 | −47 | −10 | −10 | c+55 | +54 | +55 | +55 | +55 | +20 | N | +10 | +10 | +20 | +20 | +43 | +43 | +43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rockton | −20 | −30 | −28 | N | −28 | −25 | −18 | −18 | +17 | +11 | N | +11 | +17 | +22 | N | +12 | +12 | +22 | +22 | +2 | +2 | +2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rodden (L) | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +35 | +29 | N | +35 | +35 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Rodden (F) | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +35 | +29 | N | +35 | +35 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Rollo | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | −10 | −16 | N | +32 | −10 | −27 | +47 | N | −37 | −7 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Romeo | −20 | N | 0 | N | N | 0 | −10 | −10 | N | N | N | N | N | a0 | N | N | +45 | 0 | N | N | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | e |
| Rondout | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | N | −15 | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Roscoe | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +35 | +19 | N | +35 | +35 | +20 | +30 | +20 | +20 | +30 | +30 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Roscoe Siding | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +17 | +11 | N | +11 | +17 | +22 | N | +12 | +12 | +22 | +22 | +5 | +5 | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Roselle | 0 | −27 | −20 | N | −27 | −20 | 0 | 0 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Roxbury | −20 | −37 | −40 | N | N | −40 | −10 | −10 | +10 | +4 | N | +10 | +10 | −25 | N | +10 | −35 | +20 | +20 | −2 | N | −2 | −2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Round Grove (L) | −20 | −41 | −41 | N | −47 | −41 | −10 | −10 | +6 | 0 | N | +52 | +6 | d−24 | −28 | N | −48 | −24 | −38 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Round Grove (F) | −20 | −37 | −37 | N | −47 | −37 | −10 | −10 | +6 | 0 | N | +52 | +6 | d−7 | −3 | N | −46 | −7 | −38 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Round Lake | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | 0 | 0 | +22 | N | +12 | +12 | +22 | +22 | N | N | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 24.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Wilmington Mine, Illinois: +55.
b: From Alpha, Illinois: +55.
c: From Alpha, Illinois: +102.
d: From Wilmington Mine, Illinois: −38.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Russell | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −16 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Charles | N | 0 | 0 | −14 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Sands | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Sandwich | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Santa Fe Park | N | N | 0 | N | −32 | N | N | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Savanna (L) | +47 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Savanna (F) | +50 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Scales Mound | N | 0 | 0 | 0 | 0 | N | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | N | 0 | N | 0 | N | 0 | N | 0 | 0 | 0 | 0 |
| Scarboro | −7 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −27 | 0 | N | N | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Schlicks Crossing | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | +10 | 0 | N | N | +10 | 0 | N | +10 | 0 | N | N | N | +10 | +10 | +10 | +10 | +10 |
| Scioto Mills | N | 0 | 0 | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 |
| Sears (L) | +35 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Sears (F) | +35 | 0 | 0 | +6 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −4 | 0 | +10 | +10 | +10 | +10 | N | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Seatonville | +2 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | −27 | 0 | 0 | 0 | 0 | −27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Seneca | +26 | 0 | 0 | 0 | N | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | N | 0 | N | 0 | N | 0 | 0 | 0 | N |
| Serena | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | 0 | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N | N | N | N | N |
| Seward | N | N | −5 | 0 | −5 | 0 | N | N | N | N | 0 | −5 | 0 | −10 | 0 | N | N | 0 | N | N | N | 0 | N | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 | N |
| Shabbona | N | N | N | N | −5 | N | N | N | N | N | N | −5 | N | N | 0 | N | N | N | N | N | N | N | N | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 | N |
| Shabbona Grove | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 185 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Russell | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +5 | N | −5 | −5 | +5 | +5 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Charles | −20 | −40 | −40 | N | −44 | −40 | −10 | −10 | −10 | −16 | N | −5 | −10 | −17 | −32 | −27 | −27 | −17 | −10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Sands | −11 | N | N | N | N | N | −33 | a+45 | +10 | N | N | N | +45 | N | N | N | N | N | +2 | N | N | −27 | 0 | N | −23 | N | 0 | 0 | 0 | 0 | −22 | −28 | 0 | N |
| Sandwich | 0 | N | N | N | N | N | −40 | −40 | +28 | +24 | N | N | +35 | N | N | N | N | −45 | +8 | N | N | −22 | 0 | N | −30 | N | 0 | 0 | 0 | 0 | −30 | −36 | 0 | N |
| Santa Fe Park | −20 | N | +20 | N | N | +20 | −10 | −10 | N | N | N | N | N | b0 | N | N | +45 | 0 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Savanna (L) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +35 | +29 | N | +35 | +35 | 0 | N | −10 | −10 | 0 | 0 | +23 | +23 | +23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Savanna (F) | −20 | −30 | −20 | N | −30 | −30 | −10 | −10 | +35 | +29 | N | +18 | +35 | 0 | N | −10 | −10 | 0 | 0 | +6 | +6 | +6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Scales Mound | −20 | −30 | −30 | N | N | −30 | −7 | −7 | N | N | N | N | N | N | N | N | N | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Scarboro | −20 | −57 | −40 | N | N | −40 | −10 | −10 | +10 | +4 | N | +10 | +10 | −26 | N | +10 | −35 | +20 | +20 | −2 | −2 | −2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Schlicks Crossing | 0 | N | −27 | N | N | −27 | 0 | 0 | N | N | N | N | N | N | N | N | N | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Scioto Mills | −20 | −30 | −30 | N | N | −30 | −5 | −5 | −25 | −31 | N | N | −25 | c−5 | N | N | −15 | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sears (L) | −20 | −47 | −47 | N | −47 | −47 | −10 | −10 | +55 | +49 | +55 | +55 | +55 | +20 | N | +10 | +10 | +20 | +20 | +43 | +43 | +43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sears (F) | −20 | −47 | −47 | N | −47 | −47 | −10 | −10 | +55 | +49 | +55 | +55 | +55 | +20 | N | +10 | +10 | +20 | +20 | +43 | +43 | +43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Seatonville | −6 | −37 | −37 | N | −57 | −37 | −10 | −10 | −6 | −10 | N | +20 | +20 | d−54 | N | N | −45 | +20 | −54 | +8 | +8 | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Seneca | −6 | −37 | N | N | N | −37 | −10 | −10 | 0 | −6 | 0 | 0 | 0 | e+20 | N | e+52 | +10 | −2 | +52 | +23 | +23 | +23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Serena | −20 | N | N | N | N | −45 | −45 | +25 | +19 | N | N | N | +25 | N | N | N | N | N | +3 | N | N | −41 | 0 | N | −35 | 0 | 0 | 0 | 0 | 0 | −52 | −35 | 0 | N |
| Seward | −33 | −20 | −47 | N | N | −20 | −5 | −5 | +20 | +14 | N | N | +20 | c−15 | N | N | N | −25 | +30 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shabbona | −15 | N | N | N | N | −45 | −45 | +20 | +19 | N | N | N | +20 | N | N | N | N | N | N | +5 | N | N | +23 | 0 | N | −25 | 0 | 0 | 0 | 0 | 0 | −25 | −25 | 0 |
| Shabbona Grove | −20 | −20 | −20 | N | −30 | −20 | −5 | −5 | −10 | −16 | N | +32 | −10 | −27 | +67 | N | −37 | −7 | −27 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Alpha, Illinois: +64.
b: From Wilmington Mine, Illinois: +45.
c: From Wilmington Mine, Illinois, only.
d: From Wilmington Mine, Illinois, −35.
e: From Marseilles, Ill. From Ottawa, Illinois: L +42; F +52.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Shafton (L) | +56 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Shafton (F) | +56 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Shannon | −6 | 0 | 0 | 0 | +2 | 0 | N | N | −8 | N | 0 | 0 | 0 | −8 | 0 | N | N | 0 | 0 | N | N | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Shaws | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Sheridan | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sheridan Elms | N | N | 0 | N | 0 | 0 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sheridan Road Farm (L) | +57 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sheridan Road Farm (F) | +60 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shirland | −6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Silvis | +35 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | 0 | 0 | −10 | 0 | 0 | +10 | +10 | +10 | N | N | +10 | +10 | +10 | N | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | N |
| Silvis Shops | +35 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | −10 | 0 | 0 | +10 | +10 | +10 | N | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Silvis Transfer (L) | +35 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | −10 | 0 | 0 | +10 | +10 | +10 | N | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Silvis Transfer (F) | +35 | 0 | 0 | +6 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −4 | 0 | +10 | +10 | +10 | +10 | N | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Sollitt | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | −10 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | N | 0 | N | 0 | N | 0 | N | 0 | N |
| Sollars | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | +4 | N | N | +4 | N | N | +4 | N | N | N | N | N | +4 | +4 | N | N | N | N | N |
| Solon Mills | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | N | 0 | N | 0 | N | 0 | 0 | 0 | N |
| Somonauk | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| South Addison | N | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | −10 | 0 | N | N | 0 | +10 | N | N | +10 | +10 | +10 | 0 | +10 | N | N | N | +10 | +10 | +10 | +10 | N |
| South Beloit | −11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | N | 0 | −15 | 0 | −15 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| South Elgin | −18 | 0 | 0 | −7 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Shafton (L) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | a+52 | +51 | N | N | +52 | −29 | N | N | −39 | −29 | −29 | −9 | −6 | +40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shafton (F) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | a+52 | +51 | N | N | +52 | −12 | N | N | −22 | −12 | −12 | +11 | +11 | +40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Shannon | 0 | −13 | −13 | N | −13 | −13 | −5 | −5 | +6 | 0 | N | +11 | +6 | +7 | N | −3 | −3 | +7 | +7 | −1 | −1 | −1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −35 | −35 | 0 | N |
| Shaws | −20 | N | N | N | N | N | −45 | −45 | b+15 | +14 | N | N | +15 | N | N | N | N | N | +3 | N | N | +41 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | 0 | −35 | −35 | 0 |
| Sheridan | −20 | N | N | N | N | N | −45 | −45 | +19 | +13 | N | N | +19 | N | N | N | N | N | +3 | N | N | N | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sheridan Elms | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | 0 | 0 | 0 | c−5 | N | −15 | −15 | −5 | −5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sheridan Road Farm (L) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | d+35 | +29 | N | +35 | +35 | 0 | N | −10 | −10 | 0 | 0 | +23 | +23 | +23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sheridan Road Farm (F) | −30 | −30 | −30 | N | −30 | −30 | −10 | −10 | d+35 | +29 | N | +18 | +35 | 0 | N | −10 | −10 | 0 | 0 | +6 | +6 | +6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shirland | −20 | −20 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | 0 | N | −10 | −10 | 0 | 0 | −1 | −1 | −1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Silvis | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +55 | +49 | +55 | +55 | +55 | +20 | N | +10 | +10 | +20 | +20 | +43 | +43 | +43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Silvis Shops | −20 | N | N | N | N | −10 | −10 | −10 | N | N | N | N | N | +20 | N | +10 | +10 | +20 | +20 | +43 | +43 | +43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Silvis Transfer (L) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +55 | +49 | +55 | +55 | +55 | +20 | N | +10 | +10 | +20 | +20 | +43 | +43 | +43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Silvis Transfer (F) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +55 | +49 | +55 | +55 | +55 | +20 | N | +10 | +10 | +20 | +20 | +43 | +43 | +43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sollitt | N | +10 | N | 0 | N | +10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −27 | 0 | N | −23 | N | 0 | 0 | 0 | 0 | −23 | −23 | 0 | N |
| Sollars | −20 | N | N | N | N | N | −33 | −33 | e+35 | +29 | N | N | +35 | N | N | N | N | N | N | −5 | N | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Solon Mills | −20 | −22 | −22 | N | −22 | −22 | −5 | −5 | 0 | −6 | N | N | 0 | +22 | N | N | N | −45 | +3 | N | N | −22 | 0 | N | −30 | N | 0 | 0 | 0 | 0 | −30 | −30 | 0 | N |
| Somonauk | 0 | N | N | N | N | N | −40 | −40 | +25 | +24 | N | N | +25 | N | N | N | N | −5 | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Addison | 0 | −27 | −27 | N | N | −27 | 0 | 0 | N | N | N | N | +20 | N | N | N | N | +25 | +25 | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Beloit | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +14 | N | +5 | +20 | +25 | +10 | 0 | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Elgin | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | 0 | −6 | N | −1 | 0 | f+10 | +14 | N | +25 | +10 | +10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Alpha, Illinois: +68.
b: From Alpha, Illinois: +60.
c: From Wilmington Mine, Illinois, only.
d: From Alpha, Illinois: L +64; F +77.
e: From Alpha, Illinois: +64.
f: From Wilmington Mine, Illinois: +35.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| South Freeport | N | 0 | N | N | 0 | N | N | 0 | −10 | N | 0 | N | N | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Holland | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Upton | −17 | 0 | 0 | N | 0 | 0 | N | N | −10 | N | N | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Spaulding | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Spring Grove | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Spring Valley (L) | +51 | 0 | 0 | −27 | 0 | 0 | −27 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −27 | N | 0 | 0 | −27 | N | 0 | −27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Spring Valley (F) | +52 | 0 | 0 | −27 | 0 | 0 | −27 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −27 | N | 0 | 0 | −27 | N | 0 | −27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Starks | −17 | 0 | 0 | −7 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | +10 | +10 | +10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Stateville | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | N | 0 | 0 | −10 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Steele | N | N | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Steger | N | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 |
| Sterling (see also Rock Falls) | −32 | −20 | −20 | −20 | 0 | −10 | 0 | 0 | −10 | N | 0 | −10 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Steward | N | N | N | N | 0 | −10 | 0 | N | N | N | N | −10 | 0 | N | 0 | N | 0 | N | 0 | N | 0 | 0 | 0 | N | N | 0 | N | 0 | 0 | N | N | N | 0 |
| Steward Junction | −7 | 0 | 0 | 0 | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | N | 0 | −27 | 0 | N | 0 | 0 | 0 | N | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 |
| Stillman Valley | −11 | 0 | 0 | 0 | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 |
| Stockdale | +18 | 0 | 0 | 0 | N | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stockton | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stones | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | 0 | N | N | 0 | N | N | 0 | 0 | N | N | 0 | N | 0 |
| Storey | N | N | 0 | N | N | N | N | 0 | N | N | 0 | 0 | 0 | N | 0 | N | N | 0 | N | N | N | 0 | N | N | 0 | N | N | 0 | 0 | 0 | N | 0 | N | 0 |
| Stratford | N | N | N | N | N | −10 | N | N | N | N | N | −10 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | 0 | N | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| South Freeport | −29 | −30 | −30 | N | N | −30 | N | N | −8 | −14 | N | −8 | −8 | −15 | N | −25 | −25 | −15 | −15 | N | N | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | N | 0 |
| South Holland | N | 0 | N | 0 | N | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Upton | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | −5 | N | −15 | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Spaulding | 0 | −27 | −20 | N | −27 | −20 | 0 | 0 | 0 | −5 | N | 0 | 0 | a+10 | N | +30 | +30 | +10 | −5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Spring Grove | −29 | −22 | −22 | N | −22 | −22 | −6 | −6 | 0 | −6 | N | 0 | 0 | +22 | N | +12 | +12 | +22 | +22 | +5 | +5 | +5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Spring Valley (L) | −5 | −37 | −37 | N | −37 | −37 | −10 | −10 | +35 | +29 | +35 | +35 | +35 | −64 | N | +40 | +10 | −21 | +62 | +49 | +49 | +49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Spring Valley (F) | −5 | −37 | −37 | N | −37 | −37 | −10 | −10 | +35 | +29 | +35 | +35 | +35 | −64 | N | +40 | +10 | −21 | +62 | +49 | +49 | +49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Starks | −20 | −30 | −20 | N | −30 | −20 | −10 | −10 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stateville | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | b−5 | N | N | +45 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Steele | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −6 | N | N | 0 | +10 | N | −38 | 0 | +10 | −28 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Steger | N | 0 | N | 0 | N | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sterling (see also Rock Falls) | −29 | −44 | −40 | N | −37 | −40 | −10 | −10 | +27 | +21 | N | +27 | +27 | c−49 | −17 | N | −73 | −34 | −17 | N | N | −48 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Steward | −25 | N | N | N | N | N | −20 | −20 | +10 | +9 | N | N | +10 | N | N | N | N | N | +15 | N | N | −16 | 0 | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | −10 | N |
| Steward Junction | −20 | −37 | −40 | N | −40 | −10 | −10 | N | N | N | N | +10 | +10 | −25 | N | +10 | −35 | +20 | +20 | −2 | −2 | −2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stillman Valley | −20 | −30 | −20 | N | −30 | −30 | −5 | −5 | +6 | 0 | N | +6 | +6 | −15 | N | −25 | −25 | −15 | −30 | −6 | −6 | −6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stockdale | −5 | −37 | N | N | N | −37 | −10 | −10 | 0 | −6 | 0 | 0 | 0 | +20 | N | +40 | +10 | +20 | +40 | +16 | +16 | +19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stockton | −20 | −30 | −30 | N | −30 | −7 | −7 | −7 | +35 | +29 | N | +35 | +35 | 0 | N | −10 | 0 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stones | −20 | N | N | N | N | N | −40 | −40 | d+29 | +28 | N | N | +29 | N | N | N | N | N | −2 | N | N | −21 | 0 | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | −30 | −30 | N |
| Storey | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | e0 | N | N | +35 | 0 | N | N | N | N | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Stratford | −30 | N | N | N | N | N | −45 | −45 | +11 | +5 | N | N | +11 | N | N | N | N | N | +5 | N | N | −47 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | 0 | −35 | −35 | N |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Wilmington Mine, Illinois: +40.
b: From Wilmington Mine, Illinois: +55.
c: From Wilmington Mine, Illinois: +63.
d: From Alpha, Illinois: +30.
e: From Wilmington Mine, Illinois: +34.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sublette | N | N | 0 | 0 | 0 | −5 | 0 | N | N | N | 0 | −5 | 0 | −10 | 0 | N | N | N | 0 | N | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Sugar Grove | N | N | 0 | −52 | 0 | −5 | 0 | N | N | N | 0 | 0 | −52 | 0 | 0 | N | N | N | 0 | N | N | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Sutton | N | N | 0 | N | 0 | N | 0 | N | N | N | 0 | N | N | −10 | 0 | N | N | N | 0 | N | N | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Swift | N | N | 0 | N | 0 | N | 0 | N | N | N | 0 | N | N | −10 | 0 | N | N | +10 | 0 | N | N | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Sycamore | −38 | N | 0 | N | 0 | N | 0 | 0 | −10 | N | 0 | N | N | 0 | 0 | N | N | 0 | 0 | N | N | +10 | N | 0 | N | 0 | 0 | N | 0 | +10 | 0 | 0 | 0 | 0 |
| Symerton | N | N | 0 | N | 0 | N | 0 | N | N | N | 0 | N | N | . N | 0 | N | N | 0 | 0 | N | N | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Tampico | N | N | 0 | N | 0 | −10 | 0 | N | N | N | 0 | N | −10 | −10 | 0 | N | N | 0 | 0 | N | N | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Techny | −17 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Terra Cotta | −17 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | +10 | N | 0 | −11 | N | 0 | −11 | N | 0 | −11 | 0 | 0 | +4 | +4 | 0 | 0 | 0 | 0 | 0 |
| Thomson (L) | N | N | N | N | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | +4 | 0 | 0 | −9 | N | 0 | −9 | N | 0 | −9 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 |
| Thomson (F) | N | N | N | N | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | N | +5 | 0 | 0 | 0 | 0 | N | 0 | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Thornton | N | 0 | N | 0 | 0 | 0 | 0 | +5 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | N | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 |
| Thornton Junction | N | 0 | N | 0 | 0 | N | 0 | +5 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | N | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Tile Works (L) | +63 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Tile Works (F) | +63 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Timbuctoo (L) | +67 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | +13 | 0 | 0 | 0 | N | +13 | 0 | 0 | N | N | 0 | 0 | +13 | +13 | 0 | 0 | 0 | 0 | 0 |
| Timbuctoo (F) | +50 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tinley Park | 0 | 0 | 0 | 0 | N | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Triumph | N | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Troy Grove | N | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sublette | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | +20 | N | N | N | +10 | + 26 | N | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Sugar Grove | −15 | N | N | N | N | N | −45 | −45 | +20 | +19 | N | N | N | N | N | N | N | N | +5 | N | N | N | 0 | N | 0 | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | e |
| Sutton | 0 | −27 | −27 | N | −27 | −27 | 0 | 0 | 0 | −6 | N | N | N | N | N | N | N | N | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Swift | 0 | −27 | −27 | N | −27 | −27 | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Sycamore | −20 | −40 | −40 | N | −40 | −40 | −10 | −10 | +10 | +4 | N | +10 | +10 | −25 | −10 | −35 | −35 | −25 | −25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Symerton | 0 | N | N | N | 0 | 0 | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Tampico | −20 | N | N | N | N | N | −45 | −45 | a+39 | +38 | N | N | +39 | N | N | N | N | −5 | −5 | N | N | N | 0 | 0 | 0 | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | e |
| Techny | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | N | N | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Terra Cotta | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | −38 | N | −15 | −5 | −32 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Thomson (L) | −31 | N | N | N | N | N | −40 | −10 | b+24 | +18 | N | N | +24 | N | N | N | N | N | −11 | N | N | N | 0 | −11 | 0 | −30 | 0 | −11 | 0 | −11 | 0 | −6 | 0 | e |
| Thomson (F) | −20 | N | N | N | N | N | −43 | −16 | b+35 | +29 | N | N | +35 | N | N | N | N | N | 0 | N | N | N | 0 | 0 | −6 | −23 | −6 | 0 | 0 | 0 | N | 0 | −6 | e |
| Thornton | N | 0 | N | 0 | N | 0 | N | N | N | N | N | N | N | +10 | N | N | N | N | +10 | N | N | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | 0 | e |
| Thornton Junction | N | 0 | N | 0 | N | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Tile Works | −20 | −47 | −47 | N | N | −47 | −10 | −10 | +52 | +51 | +52 | +52 | +52 | −29 | −29 | N | −29 | −29 | −29 | −6 | −6 | +40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Tile Works | −20 | −47 | −47 | N | N | −47 | −10 | −10 | +52 | +51 | +52 | +52 | +52 | −12 | −12 | N | −22 | −12 | −12 | +11 | +11 | +40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Timbuctoo (L) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +35 | +29 | N | +35 | +35 | 0 | N | −10 | −10 | 0 | 0 | +23 | +23 | +23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Timbuctoo (F) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +35 | +29 | N | +18 | +35 | 0 | N | −10 | −10 | 0 | 0 | +6 | +6 | +6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Tinley Park | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | −6 | N | N | N | 0 | d+21 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Triumph | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | −10 | −16 | N | +17 | −10 | −34 | +77 | N | −44 | −7 | −34 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |
| Troy Grove | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | −10 | −16 | N | +17 | −10 | −33 | +77 | N | −43 | −7 | −33 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | e |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Alpha, Illinois: +94.
b: From Alpha, Illinois: L +68; F +62.
c: From Alpha, Illinois: +80.
d: From Marseilles, Illinois. From Ottawa, Ill.: −1.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Troxel | N | N | 0 | N | 0 | 0 | N | N | −10 | N | N | 0 | 0 | −10 | N | +4 | +4 | +4 | N | +4 | +4 | +4 | +4 | +4 | N | +4 | +4 | +4 | +4 | +4 | +4 | +4 | +4 | +4 |
| Union | −11 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | N | +17 | 0 | 0 | +17 | 0 | 0 | +17 | 0 | 0 | 0 | +17 | +17 | +17 | +17 | 0 | 0 | 0 | +17 |
| Union Grove (L) | −11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Union Grove (F) | −11 | 0 | 0 | 0 | 0 | 0 | 0 | +11 | −10 | N | N | 0 | 0 | −10 | +11 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Upton | N | N | N | N | N | 0 | 0 | N | N | N | N | 0 | 0 | N | N | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Utica | +44 | 0 | 0 | N | N | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | N | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | N | N |
| Van Orin | N | N | N | N | N | −10 | N | N | N | N | N | −10 | 0 | N | N | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Van Petten | N | 0 | 0 | −10 | 0 | 0 | −10 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | −14 | 0 | N | 0 | 0 | 0 | 0 |
| Villa Park | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 |
| Virgil | N | 0 | 0 | 0 | N | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 |
| Waddams Grove | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Wadsworth | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Walker | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Troxel | −20 | −26 | N | 26 | N | −26 | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Union | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +7 | +1 | N | +6 | +7 | a+17 | +17 | N | +32 | +17 | +17 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Union Grove (L) | −20 | −41 | −41 | N | −47 | −41 | −10 | −10 | +6 | 0 | N | +52 | +6 | b−24 | −29 | N | −48 | −24 | −38 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Union Grove (F) | −20 | −37 | −37 | N | −47 | −37 | −10 | −10 | +6 | 0 | N | +52 | +6 | b−24 | −29 | N | −48 | −24 | −38 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Upton | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | −5 | N | −15 | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Utica | −5 | −37 | N | N | N | −37 | −10 | −10 | +14 | +8 | +28 | +28 | +28 | c+20 | N | d+52 | +10 | +11 | +62 | +37 | +37 | +37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Van Orin | −20 | N | N | N | N | N | −40 | −40 | e+39 | +38 | N | +28 | +39 | N | N | N | N | N | +12 | N | N | +24 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Van Petten | −20 | −57 | −57 | N | −57 | −57 | −10 | −10 | −15 | −21 | N | +27 | −15 | −47 | −47 | N | −57 | −47 | −47 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Villa Park | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | 0 | −6 | N | N | 0 | −5 | 0 | −30 | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Virgil | −20 | −35 | −35 | N | N | −35 | −10 | −10 | −5 | −11 | N | −5 | −5 | −20 | N | −30 | −30 | −20 | −20 | N | N | −20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waddams Grove | −20 | −30 | −30 | N | N | −30 | −7 | −7 | N | 0 | N | N | 0 | N | N | −5 | −5 | +5 | +5 | N | N | −7 | −7 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wadsworth | 0 | −22 | −22 | N | N | −22 | 0 | 0 | N | −6 | N | N | f+5 | N | N | +35 | +45 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Walker | 0 | −25 | −25 | N | N | −25 | 0 | 0 | N | N | N | 0 | 0 | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Wilmington Mine, Illinois: +42.
b: From Wilmington Mine, Illinois: −38.
c: From Wilmington Mine, Illinois, only.
d: From Ottawa, Ill. From Marseilles, Ill.: +40.
e: From Alpha, Illinois: +74.
f: From Wilmington Mine, Illinois: +55.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Walnut (Bureau County) | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | +10 | N | N | −11 | N | N | −11 | N | N | −11 | N | N | +10 | 0 | N | N | N | N | N |
| Ware's Siding (L) | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | +4 | N | N | −9 | 0 | N | −9 | 0 | N | −9 | 0 | N | +4 | +10 | N | N | N | N | N |
| Ware's Siding (F) | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | N | 0 | 0 | −10 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | N | +10 | 0 | 0 | 0 | 0 | 0 |
| Warren | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 |
| Warrenhurst | N | 0 | 0 | −9 | 0 | 0 | 0 | N | N | N | N | 0 | 0 | −19 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 |
| Warrenville | N | 0 | 0 | 0 | N | 0 | N | N | N | N | N | 0 | 0 | −10 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 |
| Wasco | N | 0 | 0 | N | 0 | 0 | N | N | 0 | −10 | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | N | 0 | N | 0 | N | 0 | 0 | 0 |
| Waterman | N | N | N | N | N | −5 | N | N | N | N | N | −5 | 0 | N | N | N | N | N | N | N | N | N | 0 | 0 | N | 0 | N | 0 | N | 0 | N | 0 | 0 | 0 |
| Watertown | +85 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Walnut (Bureau County) | −20 | N | N | N | N | N | −45 | −45 | a+29 | +29 | N | N | +29 | N | N | N | N | N | +59 | N | N | −22 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Ware's Siding (L) | −31 | N | N | N | N | N | −40 | −10 | b+24 | +18 | N | N | +24 | N | N | N | N | N | −11 | N | N | −25 | −11 | 0 | −30 | 0 | −11 | 0 | −11 | 0 | 0 | 0 | 0 |
| Ware's Siding (F) | −20 | N | N | N | N | N | −43 | −16 | b+35 | +29 | N | N | +35 | N | N | N | N | N | 0 | N | N | −26 | 0 | −8 | −33 | −6 | 0 | 0 | 0 | 0 | −6 | −6 | −6 |
| Warren | −20 | −30 | −30 | N | N | −30 | −7 | −7 | N | N | N | N | N | N | N | N | N | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Warrenhurst | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | 0 | 0 | N | N | 0 | c−20 | N | +15 | +15 | −20 | −20 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Warrenville | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | 0 | −6 | N | N | 0 | d−5 | N | N | −15 | N | −5 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wasco | −20 | −35 | −35 | N | N | −35 | −10 | −10 | −5 | −11 | N | −5 | −5 | −20 | N | −30 | −30 | −20 | −20 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waterman | −15 | N | N | N | N | N | −45 | −45 | +20 | +19 | N | N | +20 | N | N | N | N | N | +5 | N | N | −23 | 0 | N | −35 | 0 | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Watertown | −20 | −47 | −47 | N | −47 | −47 | −10 | −10 | e+55 | +49 | N | 55 | +55 | +20 | N | +10 | +10 | +20 | +20 | +43 | +43 | +43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Alpha, Illinois: +74.
b: From Alpha, Illinois: L +68; F +62.
c: From Wilmington Mine, Illinois: +25.
d: From Wilmington Mine, Illinois, only.
e: From Alpha, Illinois: +90.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | c10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Watertown Hospital (L) | N | 0 | 0 | −11 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | N | +10 | N | +10 | +10 | +10 | +10 | N | a+10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Watertown Hospital (F) | N | 0 | 0 | +6 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −4 | 0 | +10 | +10 | N | +10 | N | +10 | +10 | +10 | +10 | N | a+10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Waukegan | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wayne | −18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | +6 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Wedron | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Welland | −7 | N | N | N | N | N | N | 0 | N | N | N | −10 | N | N | N | 0 | 0 | −27 | N | N | 0 | 0 | 0 | 0 | N | N | N | N | N | N | N | N | N |
| Wendell | +12 | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | 0 | N | N | N | N | N | N | N | N | N |
| West Brooklyn | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Westchester | N | N | 0 | N | 0 | N | N | N | N | N | 0 | 0 | 0 | N | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Chicago | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| West Clinton (L) | +51 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| West Clinton (F) | +51 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Watertown Hospital (L) | −20 | N | N | N | N | N | −10 | −10 | b+55 | +54 | +19 | +19 | +55 | N | N | N | N | −16 | +20 | N | N | +47 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Watertown Hospital (F) | −20 | N | N | N | N | N | −10 | −10 | b+55 | +54 | +36 | +36 | +55 | N | N | N | N | −12 | +20 | N | N | +47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waukegan | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | 0 | 0 | 0 | −5 | −5 | −15 | −15 | −5 | −5 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wayne | 0 | −27 | −27 | N | −27 | −27 | 0 | 0 | 0 | −6 | N | −1 | 0 | c+10 | +5 | +30 | +30 | +10 | +10 | N | N | N | 0 | 0 | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | 0 |
| Wedron | −5 | N | N | N | N | N | −45 | −45 | +20 | +14 | N | N | +20 | N | N | N | N | N | +23 | N | N | −47 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Welland | −20 | −57 | −40 | N | N | −40 | −10 | −10 | +10 | +4 | N | +10 | +10 | −25 | N | +10 | −35 | +20 | +20 | N | N | −2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −35 | −35 | 0 |
| Wendell | −20 | N | N | N | N | N | −45 | −45 | d+39 | +38 | N | N | +39 | N | N | N | N | N | +17 | N | N | −22 | 0 | 0 | −35 | 0 | 0 | 0 | 0 | 0 | −35 | −35 | 0 |
| West Brooklyn | −20 | N | N | N | N | N | −45 | −45 | d15 | +14 | N | N | +15 | N | N | N | −15 | N | −5 | N | N | −42 | 0 | 0 | −35 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Westchester | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | 0 | −6 | N | N | 0 | e−5 | N | N | −15 | N | −5 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Chicago | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | +10 | +9 | N | +10 | +10 | f−10 | +1 | +15 | −15 | −5 | −5 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iowa: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| West Clinton (L) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | g+52 | +46 | N | +30 | +52 | −7 | +27 | N | −17 | −7 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Clinton (F) | −20 | −47 | −47 | N | N | −47 | −10 | −10 | g+52 | +46 | N | +30 | +52 | −7 | +27 | N | −17 | −7 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: Does not apply from Springfield, Illinois.
b: From Alpha, Illinois: +100.
c: From Wilmington Mine, Illinois: +40.
d: From Alpha, Illinois: +74.
e: From Wilmington Mine, Illinois, only.
f: From Wilmington Mine, Illinois: −5.
g: From Alpha, Illinois: +68.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Western Springs | N | N | −21 | N | N | −10 | N | N | N | N | N | −10 | −21 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| West Kankakee | N | N | N | 0 | N | N | N | N | N | N | 0 | N | N | −10 | N | 0 | N | 0 | N | N | 0 | N | N | N | N | N | 0 | N | 0 | N | 0 | N | 0 |
| West Lake Forest | −17 | N | 0 | N | N | 0 | N | N | N | N | N | −10 | 0 | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Westmont | N | N | −28 | N | N | −10 | N | N | N | N | N | N | N | 0 | −10 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Westmore | N | N | 0 | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Waukegan | −17 | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | −10 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wheaton | −7 | 0 | 0 | N | 0 | N | N | 0 | N | N | N | −10 | N | N | −10 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wheeling | N | 0 | 0 | N | 0 | N | N | N | N | N | N | N | N | N | −10 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Whitaker | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Whitton | N | N | −26 | 0 | 0 | −10 | N | N | −15 | N | N | −10 | −26 | −15 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Willow Springs | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilmette | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilmington | N | 0 | 0 | 0 | 0 | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilmington Mine | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilmot Spur | N | 0 | 0 | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Wilkinson | N | 0 | 0 | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Wilson | −17 | N | N | N | N | N | N | N | −10 | N | N | N | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilton | N | N | N | N | N | N | N | N | −10 | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Winfield | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Winnebago | −28 | 0 | 0 | 0 | 0 | c | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Western Springs | 0 | N | N | N | N | N | −21 | −21 | 0 | 0 | N | N | 0 | N | N | N | −15 | N | 0 | N | N | −22 | 0 | N | −21 | N | 0 | 0 | 0 | 0 | −21 | −21 | N |
| West Kankakee | −5 | +15 | +15 | N | N | +15 | N | N | N | N | N | N | N | a−5 | −5 | −5 | −15 | −5 | −5 | N | N | −22 | 0 | 0 | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| West Lake Forest | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | 0 | −5 | N | −15 | N | 0 | N | N | −22 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | −28 | −28 | 0 |
| Westmont | 0 | N | N | N | N | N | −28 | −28 | 0 | 0 | N | N | 0 | 0 | N | N | N | N | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Westmore | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | 0 | −6 | N | N | 0 | a−5 | −5 | N | N | N | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Waukegan | −15 | −22 | −22 | N | −22 | −22 | 0 | 0 | N | −6 | N | N | 0 | 0 | −5 | N | −15 | N | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wheaton | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | 0 | −6 | N | N | 0 | b−12 | 0 | N | −15 | N | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −16 | −16 | 0 |
| Wheeling | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | −5 | N | N | −15 | N | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Whitaker | 0 | 0 | 0 | N | N | N | 0 | 0 | N | N | N | N | N | N | N | N | N | N | −5 | N | N | N | 0 | 0 | −16 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Whitton | −20 | N | N | N | N | N | −26 | −26 | +30 | +24 | N | N | +30 | N | N | N | N | +35 | 0 | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Willow Springs | 0 | −20 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | N | N | N | c0 | N | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilmette | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | −6 | N | N | N | d0 | N | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilmington | 0 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilmington Mine | −20 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | e+19 | N | +18 | +18 | +28 | +28 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilmot Spur | −20 | −22 | −22 | N | −22 | −22 | 0 | 0 | +13 | +7 | N | N | +13 | +28 | N | −15 | −15 | −5 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilkinson | −20 | −30 | −30 | N | N | −30 | +5 | +5 | N | N | N | N | 0 | −5 | +5 | −5 | −5 | +5 | +5 | N | N | N | −7 | N | −7 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilson | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | N | −5 | N | N | −15 | −5 | −5 | N | N | N | −7 | N | −7 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilton | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | N | N | 0 | b−12 | 0 | N | −15 | −5 | −5 | N | N | N | −7 | N | −7 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Winfield | 0 | −27 | −27 | N | −30 | −27 | 0 | 0 | 0 | −6 | N | N | 0 | −10 | −15 | N | −15 | −5 | −15 | N | N | N | −7 | N | −7 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Winnebago | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +14 | N | +20 | +20 | −15 | −15 | N | −5 | −15 | −15 | N | N | N | −7 | N | −7 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

a: From Wilmington Mine, Illinois, only.
b: From Wilmington Mine, Illinois: −5.
c: From Wilmington Mine, Illinois: +45.
d: From Wilmington Mine, Illinois: +10.
e: Does not apply from Wilmington Mine, Illinois.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 41—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Winnetka | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Winthrop Harbor | −17 | N | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Winslow | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 |
| Winston (L) | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | +1 | N | 0 | 0 | +1 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Winston (F) | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wolfs | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodale | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | +10 | +10 | +10 | +10 | N | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Woodbine (L) | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | −12 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodbine (F) | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | −8 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodridge | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodstock | −6 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woosung | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Worth | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Wyanet | N | N | N | N | N | N | N | N | N | N | N | −10 | N | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Yaeger | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Yorkville | N | N | N | N | N | N | N | N | N | N | N | −10 | N | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Youngsdale | N | N | 0 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −27 | 0 | N | N | +10 | +10 | N | N | +10 | +10 | +10 | −7 | +10 | N | N | N | N | +10 | +10 | +10 |
| Zearing | N | N | 0 | N | N | −10 | N | N | N | N | N | 0 | 0 | N | N | N | N | 0 | 0 | N | N | N | 0 | 0 | N | N | N | N | N | N | N | N | N |
| Zion | −25 | 0 | 0 | −8 | 0 | 0 | 0 | 0 | −10 | N | −8 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Winnetka | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −6 | N | 0 | 0 | a0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Winthrop Harbor | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | b−5 | −2 | −12 | −7 | −2 | −2 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Winslow | −30 | −30 | −30 | N | N | −30 | −5 | −5 | N | N | N | N | N | N | N | N | N | N | −5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Winston (L) | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +35 | +29 | N | +35 | +35 | N | N | N | N | +19 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Winston (F) | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +35 | +29 | N | +35 | +35 | N | N | N | N | +5 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wolfs | 0 | −25 | −25 | N | −27 | −25 | 0 | 0 | 0 | 0 | N | 0 | 0 | c+5 | N | −10 | +10 | +5 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodale | 0 | −27 | −20 | N | −27 | −29 | 0 | 0 | 0 | −6 | N | 0 | 0 | +10 | N | 0 | 0 | +10 | +10 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodbine (L) | −20 | −30 | −30 | N | N | −30 | −7 | −7 | +35 | +29 | N | +35 | +35 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodbine (F) | −20 | −30 | −30 | N | N | −30 | −7 | −7 | +35 | +29 | N | +35 | +35 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodridge | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −5 | N | −15 | −15 | −5 | −5 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodstock | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +11 | +5 | N | +11 | +11 | +30 | +30 | N | +20 | +30 | +30 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woosung | −20 | −47 | N | N | N | −47 | −5 | −5 | N | N | N | N | N | +30 | N | N | +20 | +39 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Worth | 0 | N | N | N | 0 | 0 | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wyanet | −5 | N | N | N | N | N | −45 | −45 | d+35 | +34 | N | +35 | N | N | N | N | N | N | +11 | N | N | −27 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Yaeger | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | N | N | N | N | −5 | N | N | N | −15 | −5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Yorkville | −20 | N | N | N | N | N | −45 | −45 | +19 | +13 | N | N | N | N | N | N | N | N | +3 | N | N | −45 | 0 | N | −35 | N | 0 | 0 | 0 | 0 | −35 | −35 | N |
| Youngsdale | −20 | −30 | −20 | N | N | −20 | 0 | 0 | N | N | N | N | N | −5 | N | N | N | −5 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Zearing | −5 | −37 | −37 | N | N | −37 | −10 | −10 | d+35 | +34 | N | N | N | N | N | N | N | −7 | +40 | N | N | −27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Zion | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | e−13 | −5 | −20 | −15 | −10 | −5 | −15 | −15 | −15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Wilmington Mine, Illinois: +10.
b: From Wilmington Mine, Illinois: −2.
c: From Wilmington Mine, Illinois: +20.
d: From Alpha, Illinois: +65.
e: From Wilmington Mine, Illinois: −5.

*Prices for All-Rail Shipment Into Market Area No. 42 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions and Subject to Price Adjustments to Specific Destinations as Shown Hereinafter*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9 | 137 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | 190 | 155 | 235 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 225 |
| | 50 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 200 |
| 6 | 94 | 134 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 190 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | ---- | ---- | ---- | ---- | 200 |
| 8 | 91 | 80 | 265 | 265 | 265 | 255 | 245 | 235 | 210 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 70 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | ---- | ---- | 235 |
| 9 | 136 | 80 | ---- | ---- | ---- | ---- | ---- | ---- | 210 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| 10 | 49 | 83 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 130 | 120 | 60 | 40 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 140 | 130 | 140 | ---- | 175 |
| 11 | 77 | 80 | 250 | 250 | 250 | 240 | 230 | 220 | 200 | 210 | 180 | 180 | 180 | 180 | 130 | 120 | 70 | 40 | 200 | 200 | 200 | 200 | 190 | 155 | 145 | 115 | 140 | 130 | 140 | ---- | 220 |
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 33, 190 | 51 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ---- | ---- | 185 |
| | 26 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| | 129 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 58 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | 21 | 70 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 123 | 71 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 162 | 72 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 175 | 165 | ---- | ---- | 215 |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 196 | 74 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | ---- | 205 | 205 | 205 | 205 | 195 | 195 | 185 | 155 | 175 | 165 | ---- | ---- | 215 |
| 16 | 45 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 135 | 30 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 125 | 115 | ---- | ---- | 175 |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 85, 178 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 47, 142 | 31 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ---- | ---- | 175 |
| 18 | 165 | 33 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ---- | ---- | 175 |
| 19 | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 96, 99, 100 | 26 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 125 | 115 | ---- | ---- | 165 |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 26, 43, 61 | 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 159 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 125 | 115 | ---- | ---- | 165 |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 20, 138 | 27 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 125 | 115 | 50 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 135 | 125 | ---- | ---- | 175 |
| 22 | 23, 24 | 32 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 125 | 115 | 50 | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 135 | 125 | ---- | ---- | 175 |
| 23 | 170 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| 24 | 17, 35, 46, 87, 152 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | ---- | ---- | 185 |
| 25 | 13, 71 | 91 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 60 | 93 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 155 | 145 | ---- | ---- | 185 |
| | 78 | 96 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Prices for All-Rail Shipment Into Market Area No. 42 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions and Subject to Price Adjustments to Specific Destinations as Shown Hereinafter*—Continued

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 26 | 80 | 125 | 227 | 222 | 217 | 207 | 202 | 197 | 197 | 197 | 187 | 187 | 187 | 187 | 157 | 147 | 82 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 167 | 157 | ---- | ---- | 197 |
| | 81, 82 | 126 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 27 | 95 | 95 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | ---- | ---- | 185 |
| 28 | 84 | 92 | 221 | 216 | 211 | 201 | 196 | 191 | 191 | 191 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 191 | 191 | 191 | 191 | 181 | 181 | 171 | 141 | ---- | ---- | ---- | ---- | 191 |
| 29 | 189 | 116 | 310 | 305 | 300 | 290 | 285 | 275 | 260 | 265 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 260 | 160 | 260 | 260 | 250 | 250 | 240 | 210 | ---- | ---- | ---- | ---- | 275 |
| 30 | 125 | 115 | 300 | 295 | 290 | 280 | 275 | 265 | 250 | 255 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | ---- | 220 | 220 | 220 | 220 | 210 | 210 | 200 | 170 | 190 | 180 | ---- | ---- | 265 |
| 31 | 150 | 111 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 104 | 112 | 300 | 295 | 290 | 280 | 275 | 265 | 250 | 255 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | ---- | ---- | 265 |
| | 98 | 117 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73, 175 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | 19 | 114 | 260 | 255 | 250 | 240 | 235 | 230 | 225 | 220 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | ---- | ---- | 230 |
| | 126 | 114 | 270 | 265 | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 200 | 190 | ---- | ---- | 240 |
| 33 | 1 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 155 | 145 | ---- | ---- | 185 |
| 34 | 2 | 10 | 232 | 227 | 222 | 212 | 207 | 202 | 202 | 202 | 192 | 192 | 192 | 192 | 162 | 152 | 87 | ---- | 197 | 197 | 197 | 197 | 187 | 187 | 177 | 147 | 172 | 162 | ---- | ---- | 202 |



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42*



| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Afton | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | −N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Air Line (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alaska | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Albany | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allen's Grove | +22 | 0 | 0 | 0 | 0 | 0 | N | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allenton | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | −18 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arena | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Argyle | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 |
| Arlington | +20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Astico | +19 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ashippum | +13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Avalon | −3 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Avoca | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N |
| Bagley | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Bardwell | +22 | N | 0 | 0 | 0 | 0 | N | N | −10 | N | N | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barneveld | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barton | N | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barnum | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Basco | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 |
| Bassetts | +4 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Afton | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | N | +39 | +55 | +55 | +45 | +45 | +55 | +55 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Air Line (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | +6 | N | 0 | 0 | +8 | N | +2 | +2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alaska | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Albany | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allen's Grove | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | +39 | +39 | +40 | N | +30 | +30 | +40 | + 40 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allenton | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | N | +30 | 0 | N | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arena | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Argyle | −20 | −30 | −30 | N | N | −30 | −5 | −5 | N | N | N | N | N | N | N | N | N | +25 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arlington | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +37 | +31 | N | +37 | +37 | +27 | N | +17 | +17 | +27 | +27 | +25 | +25 | +25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Astico | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +36 | +30 | N | +36 | +36 | +22 | N | +12 | +12 | +22 | +22 | +24 | +24 | +24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ashippum | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | 0 | 0 | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Avalon | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +14 | +8 | N | +14 | +14 | +40 | N | +30 | +30 | +40 | +40 | +18 | +18 | +18 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Avoca | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bagley | −20 | N | −30 | N | N | −30 | −10 | −10 | +35 | +21 | +35 | +35 | +35 | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bardwell | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +40 | N | +30 | +30 | +40 | +40 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barneveld | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barton | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +18 | +18 | N | +8 | +18 | +18 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barnum | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Basco | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +21 | +15 | N | N | +21 | +25 | N | N | +15 | +25 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bassetts | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +40 | +40 | N | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bayview (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Belleville | N | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Belmont | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | −15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Beloit | −11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Benton | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Berryville | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Bethesda | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Big Bend | N | N | 0 | N | N | N | 0 | N | 0 | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Birch Road | N | N | 0 | N | N | N | 0 | N | 0 | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Black Earth | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Blanchardville | N | −5 | −5 | −5 | N | −5 | −5 | N | 0 | N | −5 | −5 | −5 | −15 | −5 | N | 0 | −5 | −5 | 0 | −5 | −5 | −5 | −5 | −5 | N | −5 | N | −5 | −5 | −5 | −5 | ● |
| Blue Mounds | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Blue River | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Boscobel | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Bridgeport | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Bristol | +14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Brodhead | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Brookfield | +4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Brooklyn | +4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Brownsville | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bayview (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | +6 | N | 0 | 0 | +8 | N | +2 | +2 | +8 | +8 | −7 | −7 | −7 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Belleville | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +21 | +15 | N | +21 | +21 | +25 | N | N | +15 | +25 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Belmont | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Beloit | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +20 | +14 | N | +20 | +20 | +25 | +10 | +15 | +15 | +25 | +25 | +8 | +8 | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Benton | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Berryville | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −10 | −10 | −20 | −20 | −10 | −10 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Bethesda | −20 | −30 | N | N | −30 | −30 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Big Bend | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Birch Road | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | −10 | N | −20 | −20 | −10 | −10 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Black Earth | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Blanchardville | −25 | −35 | −35 | N | −35 | −35 | −10 | −10 | N | N | N | N | N | N | N | N | N | +20 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Blue Mounds | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Blue River | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Boscobel | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | +25 | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Bridgeport | −20 | −30 | −30 | N | −30 | −30 | 0 | 0 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Bristol | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +40 | +40 | N | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Brodhead | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | N | +39 | +35 | N | +25 | +25 | +35 | +35 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Brookfield | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Brooklyn | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +21 | +15 | N | +21 | +21 | +25 | +25 | N | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Brownsville | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +18 | N | +8 | +8 | +18 | +18 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Browntown | +22 | N | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Buncombe | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Burke | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Burlington | +4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Burlington Road | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Burnett | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Butler | N | N | N | 0 | 0 | N | 0 | N | −10 | N | 0 | N | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Byron | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Calamine | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Caledonia | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Calhoun | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Campbellsport | N | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Camp Lake | N | 0 | 0 | 0 | N | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Canal Yard (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | N | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Carrollville | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Carrollville Road | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Cary | +22 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | N | N | N | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Cassville | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Chambers St. (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Charme | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Browntown | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | N | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Buncombe | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Burke | −20 | −30 | N | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Burlington | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +40 | N | +30 | +30 | +40 | +40 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Burlington Road | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | −10 | N | −20 | −20 | −10 | −10 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Burnett | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +12 | +12 | +2 | +2 | +12 | +12 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Butler | −20 | −22 | N | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | +8 | N | −2 | +8 | +8 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Byron | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | N | +24 | N | N | +30 | +18 | N | +8 | +8 | +18 | +18 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Calamine | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Caledonia | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | +6 | N | 0 | 0 | +8 | N | +2 | +2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Calhoun | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Campbellsport | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | N | +24 | N | +30 | +30 | +18 | +18 | N | +8 | +18 | +18 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Camp Lake | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | N | +30 | +40 | N | +30 | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Canal Yard (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | +6 | N | 0 | 0 | +8 | N | +2 | +2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Carrollville | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | +6 | N | 0 | 0 | +8 | N | +2 | +2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Carrollville Road | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | +6 | N | 0 | 0 | +8 | N | +2 | +2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Cary | −20 | N | N | N | N | N | N | N | +39 | +33 | N | N | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Cassville | −20 | −30 | N | N | N | −30 | −10 | −10 | +30 | +24 | +30 | +30 | +30 | N | N | N | N | +25 | N | N | N | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Chambers St. (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | +6 | N | 0 | 0 | +8 | N | +2 | +2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Charme | −20 | N | −30 | N | N | −30 | 0 | 0 | +52 | +46 | +30 | +30 | +52 | N | N | N | N | +17 | N | N | N | +40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Chestnut St. (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chicory Switch | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clarno | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | N | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Clinton Junction | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clyman | +21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clyman Junction | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cobb | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Colgate | +N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Columbus | +15 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cottage Grove | +13 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| County Line | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Crawford | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cross Plains | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cuba City | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cudahy | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dales Siding | 0 | N | 0 | 0 | 0 | 0 | N | N | N | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Darien | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dane | +14 | 0 | 0 | 0 | 0 | 0 | 0 | −9 | −9 | N | −9 | 0 | 0 | −9 | 0 | 0 | −9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Darlington | +17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Darwin | +29 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Chestnut St. (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | +6 | N | 0 | 0 | +8 | N | +2 | +2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chicory Switch | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −10 | −10 | N | −20 | −10 | −10 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clarno | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +21 | +13 | N | N | +21 | +35 | N | N | +25 | +35 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clinton Junction | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | N | +39 | +55 | +55 | +45 | +45 | +55 | +55 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clyman | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +38 | +32 | N | +38 | +38 | +3 | +3 | −7 | −7 | +3 | +3 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clyman Junction | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +25 | +19 | N | +25 | +25 | 0 | 0 | −10 | −10 | 0 | 0 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cobb | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Colgate | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +38 | +32 | N | N | +38 | +15 | N | +5 | +5 | +15 | +17 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Columbus | −20 | −30 | −30 | N | −30 | −30 | 0 | 0 | +32 | +27 | N | +32 | +32 | +17 | N | +7 | +7 | +17 | +17 | +20 | +20 | +20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cottage Grove | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | −30 | −24 | N | −30 | −30 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| County Line | −20 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | +6 | N | 0 | 0 | +8 | +8 | N | +2 | +8 | +8 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Crawford | −20 | −30 | −30 | N | −30 | −30 | 0 | 0 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cross Plains | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cuba City | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +26 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cudahy | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | +6 | N | 0 | +6 | +8 | +8 | N | +2 | +8 | +8 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dales Siding | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | +17 | +11 | N | +17 | +17 | +40 | N | +30 | +30 | +40 | +40 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Darien | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +40 | N | +30 | +30 | +40 | +40 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dane | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +40 | +34 | N | +40 | +40 | +5 | +5 | −5 | −5 | +5 | +5 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Darlington | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +34 | +28 | N | +34 | +34 | +25 | N | +15 | +15 | 25 | +25 | +22 | +22 | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Darwin | −20 | −30 | −30 | N | −30 | −30 | 0 | 0 | +46 | +40 | N | +46 | +46 | +32 | N | +22 | +22 | +32 | +32 | +34 | +34 | +34 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Deansville | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Deerfield | +13 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| De Forest | +20 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Delafield | N | N | 0 | N | N | 0 | N | N | N | N | 0 | 0 | 0 | N | N | 0 | N | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Delevan | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| De Soto | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Dill | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dodgeville | −3 | 0 | 0 | 0 | −25 | 0 | 0 | −25 | −35 | N | 0 | 0 | 0 | −10 | 0 | −25 | −25 | 0 | 0 | −25 | 0 | 0 | 0 | 0 | 0 | −25 | −25 | −25 | 0 | 0 | 0 | 0 | 0 | N |
| Dousman | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Doylestown | +15 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dunbarton | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Duplainville | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eagle | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Troy | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Waupon | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eden | N | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Edgerton | +4 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Edmund | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elkhorn | −3 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elm Grove | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Deansville | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Deerfield | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| De Forest | −20 | −30 | −30 | N | −30 | −30 | 0 | 0 | +37 | +31 | N | +37 | +37 | +27 | N | +17 | +17 | +27 | +27 | +25 | +25 | +25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Delafield | −20 | −30 | N | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Delevan | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +40 | N | +30 | +30 | +40 | +40 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| De Soto | −20 | N | −30 | N | N | −30 | 0 | 0 | +36 | +30 | +30 | +30 | +36 | N | N | N | N | N | +1 | N | N | +24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dill | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | +30 | +36 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dodgeville | −20 | −30 | −30 | N | −35 | −30 | −5 | −5 | +14 | +5 | N | +14 | +14 | 0 | 0 | N | −10 | +25 | 0 | N | N | N | −25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dousman | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Doylestown | −20 | −30 | −30 | N | −30 | −30 | 0 | 0 | +32 | +26 | N | +32 | +32 | +7 | N | −3 | −3 | +7 | +7 | +20 | +20 | +20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dunbarton | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Duplainville | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +39 | +33 | N | N | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eagle | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Troy | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Waupon | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +18 | +18 | +8 | +8 | +18 | +18 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eden | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +18 | +18 | N | +8 | +18 | +18 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Edgerton | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +21 | +15 | N | +21 | +21 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Edmund | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elkhorn | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +14 | +8 | N | +14 | +14 | +40 | N | +30 | +30 | +40 | +40 | +18 | +18 | +18 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elm Grove | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Elmo | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Evansville | +4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fall River | +15 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fellows | +17 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fennimore | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ferryville | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | N | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | N |
| Fitchburg | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 |
| Fonda | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −42 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fond Du Lac | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −5 | 0 | 0 | 0 | 0 | 0 | 0 |
| Footville | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fort Atkinson | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Four Mile Road | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fox River | +4 | 0 | 0 | 0 | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Franksville | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gatliff | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gay Mills | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Genesee | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Genoa City | +14 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Germantown | +20 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gibson (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Elmo | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Evansville | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +27 | +21 | N | +27 | +27 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fall River | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +32 | +26 | N | +32 | +32 | +12 | N | +2 | +2 | +12 | +12 | +20 | +20 | +20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fellows | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +34 | +28 | N | +34 | +34 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fennimore | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ferryville | −20 | N | −30 | N | N | −30 | −10 | −10 | +42 | +36 | +30 | +42 | +42 | N | N | N | N | N | N | N | N | +20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fitchburg | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +21 | +15 | N | N | +21 | +25 | N | N | N | +15 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fonda | 0 | −22 | −22 | N | −64 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | +8 | N | −2 | +8 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fond du Lac | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | +25 | N | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Footville | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +27 | +21 | N | +27 | +27 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fort Atkinson | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +27 | +21 | N | +27 | +27 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Four Mile Road | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | +8 | +8 | N | −2 | +8 | +8 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fox River | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +40 | +40 | N | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Franksville | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gatliff | −20 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −10 | N | −20 | −20 | −10 | −10 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gay Mills | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Genesee | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Genoa City | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +31 | +25 | N | +31 | +31 | +40 | +40 | N | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Germantown | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +37 | +31 | N | +37 | +37 | +35 | N | +25 | +25 | +35 | +35 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gibson (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Glen Haven | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Gotham | +13 | 0 | 0 | 0 | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grand Ave. (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grange | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Granville | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gratiot | +16 | 0 | 0 | 0 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 |
| Greenfield | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | N | 0 | N | 0 | N | N | 0 | N | N | N | N | 0 | N | N | N | 0 |
| Hamilton | N | 0 | 0 | 0 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hanley Switch | −17 | 0 | 0 | 0 | 0 | 0 | N | N | N | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hanover | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hartford | +23 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hartland | +22 | 0 | 0 | 0 | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hartman | +20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hazel Green | +22 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Helenville | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Hollendale | +10 | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Honey Creek | N | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Horicon | +13 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | −10 | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Howard | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hubbleton | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Glen Haven | −20 | N | −30 | N | N | −30 | −10 | −10 | +35 | +29 | +35 | +35 | +35 | N | N | N | N | N | +25 | N | N | +23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gotham | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +31 | +25 | N | +31 | +31 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grand Ave. (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grange | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Granville | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | 0 | 0 | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gratiot | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | −33 | −27 | N | −33 | −33 | +25 | N | +15 | +15 | +25 | +25 | +21 | +21 | +21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Greenfield | −20 | N | N | N | N | N | N | N | +17 | +17 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +10 | +10 | +10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 |
| Hamilton | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | N | +30 | +18 | N | +8 | +8 | +18 | +18 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hanley Switch | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +5 | N | −5 | −5 | +5 | +5 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Henover | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | +39 | +39 | +35 | +35 | N | +25 | +35 | +35 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hartford | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +40 | +34 | N | +40 | +40 | +11 | N | +1 | +1 | +11 | +11 | +28 | +28 | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hartland | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hartman | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +37 | +31 | N | +37 | +37 | +10 | N | 0 | 0 | +10 | +10 | +25 | +25 | +25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hazel Green | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | +39 | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Helenville | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hollendale | −20 | −30 | −30 | N | N | −30 | −5 | −5 | N | N | N | N | N | N | N | N | N | +25 | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Honey Creek | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Horicon | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +6 | N | −4 | −4 | +6 | +6 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Howard | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hubbleton | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Humboldt Ave. (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ipswitch | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iron Ridge | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ives | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ixonia | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jackson | N | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Janesville | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jefferson | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jefferson Jct | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Johnson Creek | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jones Crossing | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jonesdale | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Juda | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Juneau | +13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4−10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kansasville | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Keesus | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kenosha | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kewaskum | N | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Klevenville | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Klinkert Road | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 45 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Humboldt Ave. (Milw. Dist.) | −20 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ipswitch | −20 | −20 | −30 | N | −20 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iron Ridge | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +6 | N | −4 | −4 | +8 | +8 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ives | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −10 | −10 | N | −20 | −10 | −10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ixonia | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jackson | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | +25 | +15 | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Janesville | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +40 | +40 | N | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jefferson | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +27 | +21 | N | +27 | +27 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jefferson Jct | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +27 | +21 | N | +27 | +27 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Johnson Creek | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jones Crossing | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | −30 | −24 | N | −30 | −30 | +18 | N | +8 | +8 | +18 | +18 | + 18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jonesdale | −20 | −30 | −30 | N | N | −30 | −5 | −5 | N | N | N | N | N | N | N | N | N | +25 | N | N | +25 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Juda | −20 | −20 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | +39 | +39 | +25 | N | +25 | +25 | +35 | +35 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Juneau | −20 | −30 | −30 | N | −30 | −30 | 0 | 0 | +30 | +24 | N | +30 | +30 | +2 | +2 | −8 | −8 | +2 | +2 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kansasville | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | +17 | +11 | N | +17 | +17 | +40 | N | +30 | +30 | +40 | +40 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Keesus | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | 0 | 0 | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kenosha | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −2 | −2 | −12 | −12 | −2 | −2 | −9 | −9 | −9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kewaskum | −30 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +18 | +18 | N | +8 | +18 | +18 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Klevenville | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Klinkert Road | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | −10 | N | −20 | −20 | −10 | −10 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Knowles | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Koskonong | +13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| La Farge | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Beulah | N | 0 | 0 | 0 | N | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Elizabeth | +4 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Geneva | +4 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Mills | +13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeside | N | N | 0 | 0 | N | N | N | N | N | N | N | 0 | 0 | −10 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lancaster | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lancaster Jct | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lannon | +29 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Layton Park (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lebanon | +13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leslie | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leyden | +17 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Liberty | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lima Center | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lincoln Ave. (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Livingston | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 45 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Knowles | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +18 | N | +8 | +8 | +18 | +18 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Koskonong | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +27 | +21 | N | +27 | +27 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| La Farge | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Beulah | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Elizabeth | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +40 | +40 | N | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Geneva | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +31 | +25 | N | +31 | +31 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Mills | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeside | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lancaster | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | +15 | +15 | +25 | +25 | N | N | +48 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lancaster Jct | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | +15 | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lannon | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +36 | +30 | N | +36 | +36 | +10 | N | 0 | 0 | +10 | +10 | +24 | +24 | +24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Layton Park (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | +8 | N | −2 | +8 | +8 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lebanon | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | 0 | 0 | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leslie | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leyden | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +34 | +28 | N | +34 | +34 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Liberty | −20 | N | N | N | N | N | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | +15 | +15 | +25 | +25 | N | N | +48 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lima Center | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lincoln Ave. (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +55 | +55 | N | +45 | +55 | +55 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Livingston | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lomira | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| London | +13 | 0 | 0 | 0 | N | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lone Rock | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lower Fowler (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Lynxville | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Lyons | −3 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Madison | +4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Magnolia | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mapleton | −27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marshall | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Martintown | N | 0 | 0 | 0 | N | 0 | N | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mayville | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mazomanie | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McCartney | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McFarland | +4 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mendota | +29 | 0 | — | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Menomonee Falls | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Merton | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Middleton | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milton | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lomira | −20 | −22 | −22 | N | −22 | −22 | 0 | 0 | +30 | +24 | N | N | +30 | +18 | N | +8 | +8 | +18 | +18 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| London | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +26 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lone Rock | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lower Fowler (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lynxville | −20 | N | −30 | N | N | −30 | −10 | −10 | +47 | +41 | +30 | +36 | +47 | N | N | N | N | N | N | N | N | +35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lyons | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +14 | +8 | N | +14 | +14 | +40 | N | +30 | +30 | +40 | +40 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Madison | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +21 | +15 | N | +21 | +21 | +25 | +25 | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Magnolia | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +27 | +21 | N | +27 | +27 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mapleton | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | 0 | 0 | −10 | −10 | 0 | 0 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marshall | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | 0 | N | −10 | −10 | 0 | 0 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Martintown | −20 | −30 | −30 | N | N | −30 | −5 | −5 | N | N | N | N | N | N | N | N | N | +25 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mayville | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +18 | N | +8 | +8 | +18 | +18 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mazomanie | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McCartney | −20 | N | −30 | N | N | −30 | −10 | −10 | +30 | +24 | +30 | +30 | N | N | N | N | N | N | N | N | N | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McFarland | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +21 | +15 | N | +21 | +21 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mendota | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | +29 | +29 | +29 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Menomonee Falls | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Merton | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | 0 | N | −10 | −10 | 0 | 0 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Middleton | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milton | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Milton Junction | +13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milwaukee | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milwaukee Shops (Milw.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milwaukee Stock Yards (Milw.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mineral Point | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minnesota Junction | +23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Monroe | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Montfort | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Monticello | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morgans Farm | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morrisonville | +20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mt. Horeb | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mukwanago | N | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Muscoda | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Muskego Center | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Muskego Yard (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nashbro | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nashotah | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nashotah Road | N | N | 0 | N | N | N | N | N | N | N | N | 0 | 0 | N | N | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| National Home | −17 | N | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Milton Jct | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +27 | +21 | N | +30 | +30 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milwaukee | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milwaukee Shops (Milw.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milwaukee Stock Yards (Milw.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mineral Point | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minnesota Jct | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +12 | +12 | +2 | +2 | +12 | +12 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Monroe | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | +39 | +39 | +35 | N | +25 | +25 | +35 | +35 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Montfort | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Monticello | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morgans Farm | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | +39 | +39 | +55 | N | +45 | +45 | +55 | +55 | +27 | +27 | +27 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morrisonville | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +47 | +41 | N | +47 | +47 | +27 | N | +17 | +17 | +27 | +27 | +25 | +25 | +25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mt. Horeb | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mukwanago | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +10 | +10 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Muscoda | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Muskego Center | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Muskego Yard (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | −10 | −10 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nashbro | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +18 | N | +8 | +8 | +18 | +18 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nashotah | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nashotah Road | −20 | −30 | N | N | −30 | −30 | −10 | −10 | +39 | +33 | N | N | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| National Home | 0 | N | −22 | N | N | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Neda | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Glarus | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Ice House Spur | 0 | N | 0 | 0 | 0 | 0 | N | N | N | N | N | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nine Springs | +4 | N | 0 | 0 | 0 | 0 | N | N | N | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Ave. (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Fond du Lac | N | 0 | 0 | 0 | N | N | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Lake | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Milwaukee (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Prairie | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oak Center | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oak Field | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oakwood | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oconomowoc | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Okauchee | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Old Ice House Spur | 0 | N | 0 | 0 | 0 | 0 | N | N | N | N | N | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oliver | N | 0 | 0 | 0 | 0 | 0 | N | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oregon | +4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Orfordville | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Palmyra | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pell Lake | +4 | N | 0 | 0 | N | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Neda | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +18 | N | +8 | +8 | +18 | +18 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Glarus | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Ice House Spur | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +40 | N | +30 | +30 | +40 | +40 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nine Springs | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +21 | +15 | N | +21 | +21 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Ave. (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Fond Du Lac | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | N | +30 | +25 | N | +15 | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Lake | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | 0 | 0 | −10 | −10 | 0 | 0 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Milwaukee (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Prairie | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oak Center | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +18 | +18 | +8 | +8 | +18 | +18 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oak Field | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +18 | +18 | +8 | +8 | +18 | +18 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oakwood | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oconomowoc | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Okauchee | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Old Ice House Spur | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +40 | N | +30 | +30 | +40 | +40 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oliver | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +18 | N | +8 | +8 | +18 | +18 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oregon | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +21 | +15 | N | +21 | +21 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Orfordville | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | +39 | +39 | +35 | N | +25 | +25 | +35 | +35 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Palmyra | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pell Lake | −20 | N | N | N | −30 | −30 | −10 | −10 | +31 | +25 | N | +31 | +31 | +25 | +15 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*From Roanoke, Ill. −5.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | *30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Perrigo spur | +22 | N | 0 | 0 | 0 | 0 | N | N | N | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Petersburg | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pewaukee | +22 | 0 | 0 | 0 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pipers | N | N | 0 | N | N | N | 0 | N | N | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pipersville Road | N | N | 0 | N | N | N | 0 | N | N | −10 | N | N | 0 | −10 | N | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Platteville | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pleasant Prairie | +4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Portage | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Porters | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Potosi | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Powerton | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Poynette | +20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prairie Du Chien | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prairie Du Sac | +14 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Preston | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Racine | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Racine Jct | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Racine Quarry | N | N | 0 | N | N | N | 0 | N | N | N | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Racine "Y" | N | N | 0 | N | N | N | 0 | N | N | N | N | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ranney | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Perrigo Spur | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +39 | +33 | N | +39 | +39 | +55 | N | +45 | +45 | +55 | +55 | +27 | +27 | +27 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Petersburg | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pewaukee | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pipers | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −5 | N | N | 0 | −10 | N | −20 | −20 | −10 | −10 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pipersville Road | −20 | −30 | N | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +25 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Platteville | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pleasant Prairie | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +40 | +40 | N | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Portage | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +27 | N | +17 | +17 | +27 | +27 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Porters | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | +39 | +39 | N | N | N | N | N | N | +25 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Potosi | −20 | N | −30 | N | N | −30 | −10 | −10 | +30 | +24 | +30 | +30 | +30 | N | N | N | N | N | N | +25 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Powerton | −20 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Poynette | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +37 | +31 | N | +37 | +37 | +17 | N | +7 | +7 | +17 | +17 | +25 | +25 | +25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prairie du Chien | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +52 | +46 | +52 | +52 | +52 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prairie du Sac | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +31 | +25 | N | +31 | +31 | +25 | N | +15 | +15 | +25 | +25 | +19 | +19 | +19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Preston | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Racine | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −10 | −10 | −20 | −20 | −10 | −10 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Racine Jct | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | −10 | −10 | −20 | −20 | −10 | −10 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Racine Quarry | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | *+8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Racine "Y" | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | *−10 | N | −20 | −20 | −10 | −10 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ranney | 0 | −22 | N | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +5 | N | −5 | −5 | +5 | +5 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Applies from Wilmington Mine, Ill., only.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 16 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Rawson | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Readstown | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Reed Street (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Reeseville | +24 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rewey | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Richfield | +20 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Richland Center | +14 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Richwood | +39 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Ridgeway | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rileys | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rio | +15 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Riton | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rockfield | N | 0 | 0 | 0 | N | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rosewood | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rubicon | +19 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rugby Jct. | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| St. Francis | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| St. Hubert | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| St. Martins | N | N | 0 | N | N | 0 | 0 | N | N | N | N | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Salem | +4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Rawson | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | •+8 | •N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Readstown | 0 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Reed Street (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Reeseville | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +41 | +35 | N | +41 | +41 | +27 | N | +17 | +17 | +27 | +27 | +29 | +29 | +29 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rewey | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Richfield | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +37 | +31 | N | +37 | +37 | +25 | N | +15 | +15 | +25 | +25 | +30 | +30 | +30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Richland Center | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +31 | +25 | N | +31 | +31 | +25 | N | +15 | +15 | +25 | +25 | +19 | +19 | +19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Richwood | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +46 | +40 | N | +46 | +46 | +32 | N | +22 | +22 | +32 | +32 | +34 | +34 | +34 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Ridgeway | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rileys | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rio | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +32 | +26 | N | +32 | +32 | +2 | N | −8 | −8 | +2 | +2 | +20 | +20 | +20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Riton | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +39 | +33 | N | +39 | +39 | +55 | N | +45 | +45 | +55 | +55 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rockfield | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | x0 | 0 | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rosewood | −20 | −22 | −22 | N | −22 | −22 | 0 | 0 | +17 | +11 | N | +17 | +17 | +40 | N | +30 | +30 | +40 | +40 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rubicon | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +36 | +30 | N | +36 | +36 | +6 | N | −4 | −4 | +6 | +6 | +24 | +24 | +24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Rugby Jct. | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +38 | +32 | N | N | +38 | +15 | N | +5 | +5 | +15 | +15 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| St. Francis | 0 | −22 | −22 | N | −22 | −22 | −10 | −10 | 0 | −6 | N | 0 | 0 | +8 | +8 | N | −2 | +8 | +8 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| St. Hubert | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +38 | +32 | N | N | +38 | +15 | N | +5 | +5 | +15 | +15 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| St. Martins | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Salem | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +40 | +40 | N | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |

•Applies from Wilmington Mine, Ill., only.
x From Roanoke, Ill.: −5.





*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sauk City | +14 | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | ● |
| Schultz | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | ● |
| Sharon | −28 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −10 | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | −45 | 0 | 0 | 0 | −45 | −45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Shorewood | N | 0 | 0 | N | N | 0 | 0 | 0 | −5 | N | 0 | 0 | 0 | −5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Shullsburg | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Silver Lake | +4 | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Six Mile Road | N | N | 0 | N | N | N | 0 | N | N | N | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Slateford | +22 | N | N | N | N | N | N | N | −10 | N | N | N | N | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Slinger | +21 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Soldiers Grove | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Somers | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| South Byron | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| South Kenosha | N | N | 0 | N | N | 0 | 0 | N | N | N | 0 | 0 | 0 | N | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | N | ● |
| South Milwaukee | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| South Wayne | +16 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Springfield | −3 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Spring Green | +13 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| State Home Spur | 0 | N | 0 | 0 | 0 | 0 | N | 0 | −10 | N | N | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | ● |
| Stearns | N | 0 | 0 | 0 | N | N | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Steuben | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sauk City | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +31 | +25 | N | +31 | +31 | +25 | N | +15 | +15 | +25 | +25 | +19 | +19 | +19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Schultz | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +21 | +15 | N | N | +21 | •+25 | N | N | +15 | +25 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Sharon | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +8 | 0 | N | −26 | +8 | x+25 | +5 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Shorewood | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | •0 | 0 | −10 | −10 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Shullsburg | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Silver Lake | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +40 | +40 | +30 | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Six Mile Road | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | •+8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Slateford | 0 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Slinger | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +36 | +30 | N | +36 | +36 | +25 | N | +15 | +15 | +25 | +25 | +26 | +26 | +26 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Soldiers Grove | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Somers | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +5 | N | −5 | −5 | +5 | +5 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| South Byron | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | +18 | N | +8 | +8 | +18 | +18 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| South Kenosha | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | −2 | N | −12 | −12 | −2 | −2 | −9 | −9 | −9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| South Milwaukee | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | +8 | N | −2 | +8 | +8 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| South Wayne | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +33 | +27 | N | +33 | +33 | +25 | N | +15 | +15 | +25 | +25 | +21 | +21 | +21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Springfield | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +14 | +8 | N | +14 | +14 | +40 | N | +30 | +30 | +40 | +40 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Spring Green | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| State Home Spur | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | +17 | +11 | N | +17 | +17 | +40 | N | +30 | +30 | +40 | +40 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Stearns | −20 | −30 | −30 | N | N | −30 | −5 | −5 | +21 | +15 | N | N | +21 | +25 | N | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |
| Steuben | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | ● |

•Applies from Wilmington Mine, Ill, only.
x From Minonk, Ill.: +5.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Stitzer | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stone Quarry | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stoughton | +4 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stowell (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Strawbridge | −22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sturtevant | N | 0 | 0 | 0 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sullivan | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Summit | N | 0 | 0 | 0 | N | N | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 |
| Summit Center Road | N | N | 0 | N | 0 | N | 0 | N | N | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sun Prairie | +22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sussex | +13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Swift Ice House Spur | 0 | N | 0 | 0 | 0 | 0 | N | N | N | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Syene | −1 | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −15 | N | −5 | −5 | −5 | −15 | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −5 |
| Sylvania | 0 | 0 | 0 | −5 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Theresa | N | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tiffany | +22 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Trevor | N | 0 | 0 | 0 | N | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Truesdell | +17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Twin Bluffs | +14 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Twin Lakes | +4 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Stitzer | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | +15 | +15 | +25 | +25 | N | N | +48 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stone Quarry | −20 | N | N | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stoughton | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +21 | +15 | N | +21 | +21 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stowell (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Strawbridge | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sturtevant | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | +8 | N | −5 | −5 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sullivan | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Summit | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +21 | +15 | N | N | +21 | +26 | N | N | +15 | +25 | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Summit Center Road | −20 | −30 | N | N | −30 | −30 | −10 | −10 | +39 | +33 | N | N | +39 | +25 | N | N | +15 | +15 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sun Prairie | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sussex | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +38 | +32 | N | +32 | +38 | +15 | N | +5 | +5 | +15 | +15 | +20 | +20 | +20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Swift Ice House Spur | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | +17 | +11 | N | +17 | +17 | +40 | N | +30 | +30 | +40 | +40 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Syene | −25 | −35 | −35 | N | −35 | −35 | −10 | −10 | +17 | +11 | N | +17 | +17 | +20 | +20 | N | +10 | +20 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sylvania | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | +17 | +11 | N | +17 | +17 | +40 | N | +30 | +30 | +40 | +40 | +10 | +10 | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Theresa | −20 | −22 | −22 | N | −17 | −17 | −10 | −10 | +30 | +24 | N | N | +30 | +18 | +18 | +8 | +8 | +18 | +18 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tiffany | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +55 | +55 | N | +48 | +55 | +55 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Trevor | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +17 | +40 | N | +30 | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Truesdell | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | +30 | +24 | N | +30 | +30 | +5 | N | −5 | −5 | +5 | +5 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Twin Bluffs | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +31 | +25 | N | +31 | +31 | +25 | N | +15 | +15 | +25 | +25 | +19 | +19 | +19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Twin Lakes | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +30 | +24 | N | +30 | +30 | +40 | +40 | N | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Applies from Wilmington Mine, Ill., only.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Union Grove | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Upper Fowler (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Vernon | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Verona | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Viola | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wales | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Walworth | −2 | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waterloo | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Watertown | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waukesha | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waukesha Beach | N | N | 0 | N | 0 | N | 0 | N | −10 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 |
| Waunakee | +2 | 0 | 0 | 0 | 0 | 0 | 0 | −8 | −10 | N | −9 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wauwatosa (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wauzeka | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Allis (Milw. Dist.) | −17 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Bend | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Jct | N | N | 0 | 0 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wheatland | N | 0 | 0 | 0 | 0 | N | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Whitewater | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilcox | −8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Union Grove | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | +17 | +11 | N | +17 | +17 | +40 | N | +30 | +30 | +40 | +40 | N | N | +10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Upper Fowler (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | 0 | 0 | +8 | N | −2 | −2 | +8 | +8 | N | N | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Vernon | −20 | −22 | −22 | N | −22 | −22 | 0 | 0 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Verona | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Viola | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wales | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | +25 | N | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Walworth | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +14 | +8 | N | +14 | +14 | +40 | N | +30 | +30 | +40 | +40 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waterloo | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Watertown | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waukesha | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | +25 | N | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waukesha Beach | −20 | −30 | N | N | −30 | −30 | −10 | −10 | +39 | +33 | N | N | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waunakee | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wauwatosa (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wauzeka | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Allis (Milw. Dist.) | 0 | −22 | −22 | N | −22 | −22 | 0 | 0 | 0 | −6 | N | N | 0 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Bend | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +30 | +24 | N | +30 | +30 | x+8 | x+8 | −2 | −2 | +8 | +8 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Jct | −20 | −22 | −22 | N | −22 | −22 | 0 | 0 | +30 | +24 | N | +30 | +30 | +8 | N | −2 | −2 | +8 | +8 | −7 | −7 | −7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wheatland | −20 | −22 | −22 | N | −22 | −22 | −10 | −10 | +17 | +11 | N | +17 | +17 | +40 | N | +30 | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Whitewater | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +17 | +11 | N | +17 | +17 | +25 | N | +15 | +15 | +25 | +25 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilcox | −20 | −30 | −30 | N | −30 | −30 | −5 | −5 | +14 | +8 | N | +14 | +14 | +30 | N | +20 | +20 | +30 | +30 | N | N | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

° From Roanoke, Ill. +6.
x From Roanoke, Ill. −8.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 42*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Williams Bay | +4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -10 | N | 0 | 0 | 0 | -10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Windsor | +21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -10 | 0 | 0 | 0 | 0 | -10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodford | N | 0 | 0 | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | -10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodland | +23 | 0 | 0 | 0 | 0 | 0 | N | 0 | -10 | 0 | 0 | 0 | 0 | -10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodman | +22 | 0 | 0 | 0 | 0 | 0 | N | 0 | -10 | N | 0 | 0 | 0 | -10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodworth | +4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -10 | N | 0 | 0 | 0 | -10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wyalusing | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | -10 | N | 0 | 0 | 0 | -10 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wyocena | +15 | 0 | 0 | 0 | 0 | 0 | N | 0 | -10 | N | 0 | 0 | 0 | -10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Zenda | -3 | 0 | 0 | 0 | 0 | 0 | N | 0 | -10 | N | 0 | 0 | 0 | -10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 72 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wisconsin: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Williams Bay | -20 | -30 | -30 | N | -30 | -30 | -10 | -10 | +31 | +25 | N | +31 | +31 | +25 | +25 | N | +15 | +25 | +25 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Windsor | -20 | -30 | -30 | N | -30 | -30 | -10 | -10 | +41 | +35 | N | +41 | +41 | +27 | N | +17 | +17 | +27 | +27 | +29 | +29 | +29 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodford | -20 | -30 | -30 | N | N | -30 | -5 | -5 | N | N | N | N | N | N | N | N | N | +25 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodland | -20 | -22 | -22 | N | -22 | -22 | -10 | -10 | +30 | +24 | N | +30 | +30 | +6 | N | -4 | -4 | +6 | +6 | +18 | +18 | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodman | -20 | -30 | -30 | N | -30 | -30 | -10 | -10 | +39 | +33 | N | +39 | +39 | +25 | N | +15 | +15 | +25 | +25 | +27 | +27 | +27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodworth | -20 | -22 | -22 | N | -22 | -22 | -10 | -10 | +30 | +24 | N | N | +30 | +40 | +40 | N | +30 | +40 | +40 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wyalusing | -20 | N | -30 | N | N | -30 | -10 | -10 | +35 | +29 | +35 | +35 | +35 | N | N | N | N | N | N | N | N | +23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wyocena | -20 | -30 | -30 | N | -30 | -30 | -10 | -10 | +32 | +26 | N | +32 | +32 | -3 | N | -13 | -13 | -3 | -3 | +20 | +20 | +20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Zenda | -20 | -30 | N | N | -30 | -30 | -5 | -5 | +14 | +8 | N | +14 | +14 | +40 | N | +30 | +30 | +40 | +40 | +18 | +18 | +18 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Prices for All-Rail Shipment Into Market Areas Nos. 43, 44, 45, 200, 201, 202, 203, 213 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group Nos. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | 62, 141, 154, 155, 158 | 133 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 9 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 190 | 180 | 190 | 155 | 235 |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 160 | 150 | ----- | ----- | 225 |
| | 50 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 160 | 140 | 85 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 160 | 150 | ----- | ----- | 200 |
| 6 | 94 | 134 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 160 | 150 | ----- | ----- | 190 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | ----- | ----- | ----- | ----- | 200 |
| 8 | 91 | 80 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 195 | 195 | 195 | 195 | 170 | 160 | 110 | 60 | 205 | 205 | 205 | 205 | 190 | 190 | 180 | 160 | 180 | 170 | ----- | ----- | 225 |
| 9 | 136 | 80 | ----- | ----- | ----- | ----- | ----- | ----- | 200 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| 10 | 49 | 82 | 200 | 195 | 190 | 180 | 175 | 165 | 155 | 160 | 135 | 135 | 135 | 135 | 120 | 110 | 50 | 30 | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 130 | 120 | 130 | ----- | 165 |
| 11 | 77 | 80 | 240 | 240 | 240 | 230 | 220 | 210 | 190 | 200 | 170 | 170 | 170 | 170 | 120 | 110 | 60 | 30 | 190 | 190 | 190 | 190 | 180 | 145 | 135 | 105 | 130 | 120 | 130 | ----- | 210 |



*Prices for All-Rail Shipment Into Market Areas Nos. 43, 44, 45, 200, 201, 202, 203, 213 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*—Continued

| Price group No. | Mine index Nos. | Mine origin group Nos. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12 | 132 | 40 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ----- | ----- | 185 |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 33, 190 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 145 | 135 | ----- | ----- | 185 |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 129 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 58 | 62 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 125 | 115 | ----- | ----- | 165 |
| 14 | 21 | 70 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 148 | 135 | ----- | ----- | 185 |
| | 123 | 71 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 162 | 72 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 186 | 74 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ----- | ----- | 185 |
| 16 | 45 | 21 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 125 | 115 | ----- | ----- | 175 |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 135 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 85, 178 | 80 | 200 | 195 | 190 | 180 | 175 | 165 | 155 | 160 | 135 | 135 | 135 | 135 | 105 | 95 | 30 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 115 | 105 | ----- | ----- | 165 |
| 17 | 47, 142 | 31 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ----- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ----- | ----- | 175 |
| 18 | 165 | 33 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ----- | ----- | 175 |
| 19 | 145 | 21 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ----- | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 125 | 115 | ----- | ----- | 165 |
| | 153 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 96, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 26, 43, 61 | 20 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 125 | 115 | ----- | ----- | 165 |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 159 | 23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | 185 | 180 | 175 | 165 | 160 | 155 | 150 | 145 | 135 | 135 | 135 | 135 | 105 | 95 | 30 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 115 | 105 | ----- | ----- | 155 |
| 21 | 20, 138 | 27 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 125 | 115 | ----- | ----- | 165 |
| 22 | 23, 24 | 32 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ----- | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 125 | 115 | ----- | ----- | 165 |
| 23 | 170 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 145 | 135 | ----- | ----- | 185 |
| 24 | 17, 35, 46, 87, 152 | 91 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | 215 | 215 | 215 | 215 | 205 | 205 | 195 | 165 | 185 | 175 | ----- | ----- | 215 |
| 25 | 13, 71 | 91 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 185 | 175 | ----- | ----- | 215 |
| | 60 | 93 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 78 | 96 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 80 | 125 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 185 | 175 | ----- | ----- | 215 |
| | 81, 82 | 126 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 27 | 95 | 95 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | 215 | 215 | 215 | 215 | 205 | 205 | 195 | 165 | 185 | 175 | ----- | ----- | 215 |
| 28 | 84 | 92 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 215 | 215 | 215 | 215 | 205 | 205 | 195 | 165 | ----- | ----- | ----- | ----- | 215 |
| 29 | 189 | 116 | 295 | 290 | 285 | 275 | 270 | 260 | 245 | 250 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 245 | 245 | 245 | 245 | 235 | 235 | 225 | 195 | ----- | ----- | ----- | ----- | 260 |
| 30 | 125 | 114 | 295 | 290 | 285 | 275 | 270 | 260 | 245 | 250 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | 215 | 215 | 215 | 215 | 205 | 205 | 195 | 165 | 185 | 175 | ----- | ----- | 260 |
| 31 | 150 | 111 | 295 | 290 | 285 | 275 | 270 | 260 | 245 | 250 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 185 | 175 | ----- | ----- | 260 |
| | 164 | 112 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 98 | 117 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 175 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | 10, 126 | 114 | 255 | 250 | 245 | 235 | 230 | 225 | 220 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 185 | 175 | ----- | ----- | 225 |
| 33 | 1 | 91 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 185 | 175 | ----- | ----- | 215 |
| 34 | 2 | 10 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | 210 | 210 | 210 | 210 | 200 | 200 | 190 | 160 | 180 | 170 | ----- | ----- | 215 |

*Prices for All-Rail Shipment Into Market Area No. 46 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions and Excluding Destinations Listed Hereinafter*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 1 | 62, 141, 154, 155, 158 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9 | 137 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 109, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | 190 | 155 | 235 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 225 |
| | 50 | 34 | | | | | | | | | | | | | | | | | | | | | | | | | 160 | 150 | ---- | ---- | 200 |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 190 |
| 6 | 94 | 134 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 200 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | 160 | 150 | ---- | ---- | 190 |
| 8 | 91 | 80 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 195 | 195 | 195 | 195 | 170 | 160 | 110 | 60 | 205 | 205 | 205 | 205 | 190 | 190 | 180 | 160 | 180 | 170 | ---- | ---- | 225 |
| 9 | 136 | 80 | | | | | | | 200 | | | | | | | | | | | | | | | | | | | | |
| 10 | 49 | 82 | 200 | 195 | 190 | 180 | 175 | 165 | 155 | 160 | 135 | 135 | 135 | 135 | 120 | 110 | 50 | 30 | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 130 | 120 | 130 | ---- | 165 |
| 11 | 77 | 80 | 240 | 240 | 240 | 230 | 220 | 210 | 190 | 200 | 170 | 170 | 170 | 170 | 120 | 110 | 60 | 30 | 190 | 190 | 190 | 190 | 180 | 145 | 135 | 105 | 130 | 120 | 130 | ---- | 210 |
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ---- | ---- | 185 |
| | 33, 190 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| | 129 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 58 | 62 | 105 | 100 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 125 | 115 | ---- | ---- | 165 |
| 14 | 21 | 70 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 123 | 71 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| | 162 | 72 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 186 | 74 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ---- | ---- | 185 |
| 16 | 45 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 25 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 125 | 115 | ---- | ---- | 175 |
| | 135 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 85, 178 | 80 | 200 | 195 | 190 | 180 | 175 | 165 | 155 | 160 | 135 | 135 | 135 | 135 | 105 | 95 | 30 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 115 | 105 | ---- | ---- | 165 |
| 17 | 47, 142 | 31 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ---- | ---- | 175 |
| 18 | 165 | 33 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ---- | ---- | 175 |
| 19 | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 138 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 125 | 115 | ---- | ---- | 165 |
| | 96, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 26, 43, 61 | 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 159 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 125 | 115 | ---- | ---- | 165 |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 20, 138 | 27 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | | | | | | | | | | | | | |
| 22 | 23, 24 | 32 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 125 | 115 | ---- | ---- | 165 |
| 23 | 170 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | | | | | | | | | | | | | |
| 24 | 17, 35, 46, 87, 152 | 91 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ---- | 215 | 215 | 215 | 215 | 205 | 205 | 195 | 165 | 185 | 175 | ---- | ---- | 215 |
| 25 | 13, 71 | 91 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 60 | 93 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 78 | 96 | | | | | | | | | | | | | | | | | | | | | | | | | | | |



*Prices for All-Rail Shipment Into Market Area No. 46 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions and Excluding Destinations Listed Hereinafter*—Continued

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 26 | 80 | 125 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 81, 82 | 126 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ---- | | | | | | | | | 185 | 175 | ---- | ---- | 215 |
| 27 | 95 | 95 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ---- | 215 | 215 | 215 | 215 | 205 | 205 | 195 | 165 | 185 | 175 | ---- | ---- | 215 |
| 28 | 84 | 92 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 215 | 215 | 215 | 215 | 205 | 205 | 195 | 165 | 185 | 175 | ---- | ---- | 215 |
| 29 | 189 | 116 | 295 | 290 | 285 | 275 | 270 | 260 | 245 | 250 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 245 | 245 | 245 | 245 | 235 | 235 | 225 | 195 | ---- | ---- | ---- | ---- | 260 |
| 30 | 125 | 114 | 295 | 290 | 285 | 275 | 270 | 260 | 245 | 250 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ---- | 215 | 215 | 215 | 215 | 205 | 205 | 195 | 165 | 185 | 175 | ---- | ---- | 260 |
| 31 | 150 | 111 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 164 | 112 | 295 | 290 | 285 | 275 | 270 | 260 | 245 | 250 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 185 | 175 | ---- | ---- | 260 |
| | 98 | 117 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73, 175 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | 19, 126 | 114 | 255 | 250 | 245 | 235 | 230 | 225 | 220 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 185 | 175 | ---- | ---- | 225 |
| 33 | 1 | 91 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 185 | 175 | ---- | ---- | 215 |
| 34 | 2 | 10 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ---- | 210 | 210 | 210 | 210 | 200 | 200 | 190 | 160 | 185 | 175 | ---- | ---- | 215 |

*Prices for All-Rail Shipment to Destinations in Market Area No. 46 (Except for Railroad Locomotive Fuel) Listed Hereinafter, Subject to Price Adjustments Shown Thereon; and Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 1 | 62, 141, 154, 155, 158 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9 | 137 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 109, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | 190 | 155 | 235 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 225 |
| | 50 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 200 |
| 6 | 94 | 134 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 190 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | ---- | ---- | ---- | ---- | 200 |
| 8 | 91 | 80 | 265 | 265 | 265 | 255 | 245 | 235 | 210 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 70 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | ---- | ---- | 235 |
| 9 | 136 | 80 | | | | | | | 210 | | | | | | | | | | | | | | | | | | | | |
| 10 | 49 | 82 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 130 | 120 | 60 | 40 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 140 | 130 | 140 | ---- | 175 |
| 11 | 77 | 80 | 250 | 250 | 250 | 240 | 230 | 220 | 200 | 210 | 180 | 180 | 180 | 180 | 130 | 120 | 70 | 40 | 200 | 200 | 200 | 200 | 190 | 155 | 145 | 115 | 140 | 130 | 140 | ---- | 220 |
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ---- | ---- | 185 |
| | 33, 190 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| | 129 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 58 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Prices for All-Rail Shipment to Destinations in Market Area No. 46 (Except for Railroad Locomotive Fuel) Listed Hereinafter, Subject to Price Adjustments Shown Thereon; and Subject to Price Instructions and Exceptions*—Continued

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 14 | 21 | 70 | | | | | | | | | | | | | | | | | | | | | | | | | 175 | 165 | | | 215 |
| | 123 | 71 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | | | | | | | | | | | | | | |
| | 162 | 72 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 215 |
| 15 | 186 | 74 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | | 205 | 205 | 205 | 205 | 195 | 195 | 185 | 155 | 175 | 165 | | | |
| 16 | 45 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 25 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | | | | | | | | | | 125 | 115 | | | 175 |
| | 135 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 81 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 55, 178 | 90 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 47, 142 | 31 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | | | 175 |
| 18 | 168 | 33 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | | | | | | | | | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | | | 175 |
| 19 | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 198 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 125 | 115 | | | 165 |
| | 96, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 26, 43, 61 | 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | 125 | 115 | | | 165 |
| | 88, 150 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | | | | | | | | | | | | | | |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | 135 | 125 | | | 175 |
| 21 | 20, 138 | 27 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 125 | 115 | 50 | | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 135 | 125 | | | 175 |
| 22 | 23, 24 | 32 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 125 | 115 | 50 | | | | | | | | | | 135 | 125 | | | 175 |
| 23 | 170 | 40 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| 24 | 17, 35, 46, 87, 152 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | | | 185 |
| 25 | 13–71 | 91 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 60 | 93 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | | | | | | | | | | 155 | 145 | | | 185 |
| | 78 | 96 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 80 | 125 | 227 | 222 | 215 | 207 | 202 | 197 | 197 | 197 | 187 | 187 | 187 | 187 | 157 | 147 | 82 | | | | | | | | | | 167 | 157 | | | 197 |
| | 81–82 | 126 | | | | | | | | | | | | | | | | | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | | | 185 |
| 27 | 95 | 95 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | | 191 | 191 | 191 | 191 | 181 | 181 | 171 | 141 | | | | | 191 |
| 28 | 84 | 92 | 221 | 216 | 211 | 201 | 196 | 191 | 191 | 191 | | | | | | | | | 260 | 260 | 260 | 260 | 250 | 250 | 240 | 210 | | | | | 275 |
| 29 | 189 | 116 | 310 | 305 | 300 | 290 | 285 | 275 | 270 | 265 | | | | | | | | | 230 | 230 | 230 | 230 | 210 | 210 | 200 | 170 | 190 | 180 | | | 265 |
| 30 | 125 | 114 | 300 | 295 | 290 | 280 | 275 | 265 | 250 | 255 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | | | | | | | | | | | | | | |
| 31 | 150 | 111 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 164 | 112 | 300 | 295 | 290 | 280 | 275 | 265 | 250 | 255 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | | | | | | | | | | 190 | 180 | | | 265 |
| | 98 | 117 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73, 175 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | 190 | 180 | | | 230 |
| 32 | 19 | 114 | 260 | 255 | 250 | 240 | 235 | 230 | 225 | 220 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | | | | | | | | | | 200 | 190 | | | 240 |
| | 126 | 114 | 270 | 265 | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | 155 | 145 | | | 185 |
| 33 | 1 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | | 197 | 197 | 197 | 197 | 187 | 187 | 177 | 147 | 172 | 162 | | | 202 |
| 34 | 2 | 10 | 232 | 227 | 222 | 212 | 207 | 202 | 202 | 202 | 192 | 192 | 192 | 192 | 162 | 152 | 87 | | | | | | | | | | | | | | |

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 46*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Afton (1) | +28 | N | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Afton (2) | +28 | N | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Antlers Park (1) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Antlers Park (2) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arcola (1) | N | 0 | N | N | 0 | N | N | 0 | −10 | N | 0 | N | N | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 |
| Arcola (2) | N | 0 | N | N | 0 | N | N | 0 | −10 | N | 0 | N | N | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 |
| Argonne (1) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Argonne (2) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Atwood (1) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Atwood (2) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bald Eagle (1) | +28 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 |
| Bald Eagle (2) | +28 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | N | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 |
| Barden (1) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barden (2) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bayport (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bayport (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bloomington (1) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bloomington (2) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brookside (1) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brookside (2) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Afton, (1) | −30 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Afton (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Antlers Park, (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Antlers Park (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arcola (1) | N | −30 | N | N | −30 | −30 | N | N | N | N | N | N | N | +10 | N | 0 | 0 | +10 | +10 | N | N | N | N | N | N | N | 0 | 0 | 0 | N | N | N | 0 |
| Arcola (2) | N | −30 | N | N | −30 | −30 | N | N | N | N | N | N | N | +10 | N | 0 | 0 | +10 | +10 | N | N | N | N | N | N | N | 0 | 0 | 0 | N | N | N | 0 |
| Argonne (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Argonne (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Atwood (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Atwood (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bald Eagle (1) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bald Eagle (2) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barden (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barden (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bayport (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bayport (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +25 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bloomington (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +55 | +39 | +45 | +45 | +25 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bloomington (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brookside (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brookside (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

(1) Applicable to Size Groups 1 to 8, incl., and 34.
(2) Applicable to Size Groups 9 to 28, incl.
(3) Applicable to Size Groups 8 to 12, incl., and 17 to 20, incl.
(4) Applicable to Size Groups 13 to 16, incl., and 21 to 28, incl.
*Applies from Wilmington Mine, Ill. only.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 46*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Busch (1) | +8 | N | 0 | 0 | N | 0 | N | N | N | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Busch (2) | +8 | N | 0 | N | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cahill (1) | +28 | N | 0 | N | 0 | 0 | N | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cahill (2) | +28 | N | 0 | N | 0 | 0 | N | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Camden Place (1) | N | N | N | N | N | N | 0 | 0 | N | N | 0 | N | 0 | N | 0 | N | N | N | N | N | 0 | N | N | N | N | N | 0 | N | 0 | N | 0 | N | N |
| Camden Place (3) | N | N | N | N | N | N | 0 | 0 | N | N | 0 | N | 0 | N | 0 | N | N | N | N | N | 0 | N | N | N | N | N | 0 | N | 0 | N | 0 | N | N |
| Camden Place 4) | N | N | N | N | N | N | −40 | −40 | N | N | −40 | N | −40 | N | −40 | N | N | N | N | N | 0 | N | N | N | N | N | 0 | N | −40 | N | 0 | N | N |
| Carver (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Carver (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chaska (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chaska (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Coates (1) | +28 | 0 | 0 | N | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Coates (2) | +28 | 0 | 0 | N | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Credit River (1) | +28 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Credit River (2) | +28 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dayton's Bluff (1) | N | N | 0 | 0 | 0 | N | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | N | 0 | N | 0 | 0 | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 |
| Dayton's Bluff (3) | N | N | 0 | 0 | 0 | N | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | N | 0 | N | 0 | 0 | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 |
| Dayton's Bluff (4) | N | N | 0 | 0 | 0 | N | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | N | N | 0 | N | 0 | 0 | N | N | +40 | 0 | 0 | N | 0 | +40 | +40 | 0 | 0 |
| Eden Prairie (1) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eden Prairie (2) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Busch (1) | −20 | −52 | N | N | −47 | −47 | −10 | −10 | +30 | +24 | +30 | +30 | +30 | N | N | −20 | N | −5 | −5 | +13 | +13 | +13 | 0 | 0 | 0 | −5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Busch (2) | −20 | −52 | N | N | −47 | −47 | −10 | −10 | +30 | +24 | +30 | +30 | +30 | N | N | −20 | N | −5 | −5 | +13 | +13 | +13 | 0 | 0 | 0 | −5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cahill (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | *+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cahill (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | *+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Camden Place (1) | −20 | N | N | N | N | N | N | −10 | +45 | +45 | N | N | +45 | +10 | N | 0 | 0 | +10 | +10 | N | N | N | 0 | N | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 |
| Camden Place (3) | −20 | N | N | N | N | N | N | −10 | +45 | +45 | N | N | +45 | +10 | N | 0 | 0 | +10 | +10 | N | N | N | 0 | N | N | N | 0 | 0 | 0 | 0 | N | 0 | 0 |
| Camden Place (4) | −60 | N | N | N | N | N | N | −10 | +5 | +5 | N | N | +5 | −30 | N | −40 | −40 | −30 | −30 | N | N | N | 0 | −40 | N | N | 0 | −40 | 0 | −40 | 0 | N | 0 | 0 |
| Carver (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Carver (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chaska (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chaska (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Coates (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Coates (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Credit River (1) | −20 | N | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Credit River (2) | −20 | N | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dayton's Bluff (1) | −20 | N | N | N | N | N | N | −10 | +45 | +39 | N | N | +45 | N | N | N | N | N | +10 | N | N | N | +33 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dayton's Bluff (3) | −20 | N | N | N | N | N | N | −10 | +45 | +39 | N | N | +45 | N | N | N | N | N | +10 | N | N | N | +33 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dayton's Bluff (4) | −20 | N | N | N | N | N | N | −10 | +45 | +39 | N | N | +45 | N | N | N | N | N | +10 | N | N | N | +33 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eden Prairie (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eden Prairie (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

(1) Applicable to Size Groups 1 to 8, incl., and 34.
(2) Applicable to Size Groups 9 to 28, incl.
(3) Applicable to Size Groups 8 to 12, incl., and 17 to 20, incl.
(4) Applicable to Size Groups 13 to 16, inc., and 21 to 28, incl.
*Applies from Wilmington Mine, Ill. only.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 46*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Edgewater (1) | N | N | 0 | 0 | N | 0 | 0 | N | N | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Edgewater (2) | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elevator Bay (1) | +28 | N | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elevator Bay (2) | +28 | N | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Empire (1) | +28 | 0 | 0 | N | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Empire (2) | +28 | 0 | 0 | N | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Farmington (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | −17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Farmington (3) | +51 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −27 | 0 | 0 | 0 | 0 | −27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Farmington (4) | +28 | 0 | 0 | −40 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fordson (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −40 |
| Fordson (3) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fordson (4) | +28 | −40 | −40 | *−40 | −40 | −40 | −40 | N | −50 | N | −40 | 0 | −40 | −50 | −40 | 0 | 0 | 0 | 0 | N | 0 | 0 | −40 | −40 | −40 | −40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fort Snelling (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fort Snelling (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Glenwood Jct. (1) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Glenwood Jct. (2) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gloster (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gloster (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grainwood (1) | +28 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grainwood (2) | +28 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Edgewater (1) | −20 | N | −47 | N | N | −47 | −10 | −10 | +30 | +24 | +30 | +30 | +30 | N | N | N | −15 | N | −15 | N | N | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Edgewater (2) | −20 | N | −47 | N | N | −47 | −10 | −10 | +30 | +24 | +30 | +30 | +30 | N | N | N | −15 | N | −15 | N | N | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elevator Bay (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elevator Bay (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Empire (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Empire (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Farmington (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | +23 | +10 | +23 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Farmington (3) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Farmington (4) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fordson (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fordson (3) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | −30 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fordson (4) | −60 | −30 | −70 | N | N | −30 | −50 | −50 | +5 | −1 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fort Snelling (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fort Snelling (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | *+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | −15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Glenwood Junction (1) | −20 | −30 | −30 | N | −62 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | *+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | −34 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Glenwood Junction (2) | −20 | −30 | −30 | N | −81 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | N | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gloster | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | N | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gloster (2) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grainwood (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grainwood (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

(1) Applicable to Size Groups 1 to 8, incl., and 34.
(2) Applicable to Size Groups 9 to 28, incl.
(3) Applicable to Size Groups 8 to 12, incl., and 17 to 20, incl.
(4) Applicable to Size Groups 13 to 16, incl., and 21 to 28, incl.
*Applies from Wilmington Mine, Ill. only.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 46—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hastings (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hastings (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hazel Park (1) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hazel Park (2) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hopkins (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hopkins (3) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hopkins (4) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Invergrove (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Invergrove (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Elmo (1) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Elmo (2) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeland (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeland (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeland Junction (1) | N | N | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeland Junction (2) | N | N | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeville (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeville (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Langdon (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Langdon (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hastings (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hastings (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hazel Park (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | N | N | +45 | *+10 | N | N | 0 | +10 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hazel Park (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | N | N | +45 | *+10 | N | N | 0 | +10 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hopkins (1) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hopkins (3) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hopkins (4) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Invergrove (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Invergrove (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | N | N | N | N | +45 | *+10 | +10 | N | 0 | +10 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Elmo (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | N | N | N | N | +45 | *+10 | +10 | N | 0 | +10 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lake Elmo (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | N | N | N | N | +45 | *+10 | +10 | N | 0 | +10 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeland (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeland (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeland Jct. (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | N | N | N | N | +45 | *+10 | +10 | N | 0 | +10 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeland Jct. (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | N | N | N | N | +45 | *+10 | +10 | N | 0 | +10 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeville (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lakeville (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Langdon (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Langdon (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

(1) Applicable to Size Groups 1 to 8, incl., and 34.
(2) Applicable to Size Groups 9 to 28, incl.
(3) Applicable to Size Groups 8 to 12, incl., and 17 to 20, incl.
(4) Applicable to Size Groups 13 to 16, inc., and 21 to 28, incl.
*Applies from Wilmington Mine, Ill. only.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 46—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Masonic Home (1) | +28 | N | 0 | N | N | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Masonic Home (2) | +28 | N | 0 | N | N | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mendota (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mendota (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Merriam Park (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Merriam Park (3) | +28 | −40 | −40 | −40 | −40 | −40 | −40 | −40 | −50 | N | −40 | −40 | −40 | −50 | −40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −40 | 0 | −40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Merriam Park (4) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minneapolis (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minneapolis (3) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minneapolis (4) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minnehaha (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minnehaha (3) | +28 | −40 | −40 | −40 | −40 | 0 | 0 | −40 | −50 | N | −40 | 0 | 0 | −50 | 0 | 0 | 0 | −40 | −40 | N | −40 | −40 | −40 | −40 | −40 | −40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −40 |
| Minnehaha (4) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minnesota Transfer (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minnesota Transfer (3) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minnesota Transfer (4) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nelson | N | N | 0 | N | N | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nesbitt (1) | +28 | N | 0 | N | N | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nesbitt (2) | +28 | N | 0 | N | N | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Masonic Home (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | *+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Masonic Home (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | *+10 | +10 | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mendota (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mendota (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Merriam Park (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Merriam Park (3) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | −40 | −40 | −40 | −40 | 0 | 0 | 0 | 0 | −40 | −40 | −40 | 0 |
| Merriam Park (4) | −60 | −30 | −30 | N | N | −30 | −50 | −50 | +5 | +5 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minneapolis (1) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minneapolis (3) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minneapolis (4) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minnehaha (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minnehaha (3) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | N | 0 | +10 | N | +33 | +33 | +33 | −40 | −40 | −40 | 0 | 0 | 0 | 0 | −40 | 0 | −40 | 0 | 0 |
| Minnehaha (4) | −60 | −30 | −70 | N | N | −30 | −50 | −10 | +5 | −1 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minnesota Transfer (1) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minnesota Transfer (3) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minnesota Transfer (4) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | −15 | N | −5 | N | N | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nelson | −20 | N | −47 | N | N | −47 | −10 | −10 | +30 | +24 | +30 | +30 | +30 | *+10 | +10 | N | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nesbitt (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | *+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nesbitt (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | *+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

(1) Applicable to Size Groups 1 to 8, incl., and 34.
(2) Applicable to Size Groups 9 to 28, incl.
(3) Applicable to Size Groups 8 to 12, incl., and 17 to 20, incl.
(4) Applicable to Size Groups 13 to 16, inc., and 21 to 28, incl.
*Applies from Wilmington Mine, Ill., only.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 46*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Newport (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Newport (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nicollet Avenue (1) | +28 | N | N | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nicollet Avenue (3) | +28 | N | N | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nicollet Avenue (4) | −12 | N | N | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nicols (1) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Nicols (2) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| No. St. Paul (1) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| No. St. Paul (3) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| No. St. Paul (4) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −50 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Orchard Gardens (1) | +28 | N | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Orchard Gardens (2) | +28 | N | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Orchard Lake (1) | +28 | N | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Orchard Lake (2) | +28 | N | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oxboro (1) | +28 | N | 0 | N | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oxboro (2) | +28 | N | 0 | N | N | 0 | 0 | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Palmer (1) | +8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Palmer (2) | +8 | 0 | 0 | 0 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prior Lake (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prior Lake (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Newport (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Newport (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nicollet Avenue (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nicollet Avenue (3) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nicollet Avenue (4) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nicols (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | N | N | N | +45 | +45 | •+10 | +10 | N | 0 | +10 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nicols (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | N | N | N | +45 | +45 | •+10 | +10 | N | 0 | +10 | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| No. St. Paul (1) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | N | N | +45 | N | N | N | 0 | +10 | +10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| No. St. Paul (3) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | N | N | +45 | N | N | N | 0 | +10 | +10 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| No. St. Paul (4) | −20 | −34 | −70 | N | −34 | −34 | −10 | −10 | +45 | +39 | N | N | +45 | N | N | N | +10 | +10 | +10 | N | N | N | 0 | −46 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Orchard Gardens (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | •+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Orchard Gardens (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | •+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Orchard Lake (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | •+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Orchard Lake (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | •+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oxboro (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | •+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oxboro (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | •+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Palmer (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +30 | +24 | −30 | +30 | +30 | N | N | −15 | −15 | −5 | −5 | +13 | +13 | +13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Palmer (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +30 | +24 | −30 | +30 | +30 | N | N | −15 | −15 | −5 | −5 | +13 | +13 | +13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prior Lake (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prior Lake (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

(1) Applicable to Size Groups 1 to 8, incl., and 34.
(2) Applicable to Size Groups 9 to 28, incl.
(3) Applicable to Size Groups 8 to 12, incl., and 17 to 20, incl.
(4) Applicable to Size Groups 13 to 16, incl., and 21 to 28, incl.
•Applies from Wilmington Mine, Ill., only.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 46*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pullman Avenue (1) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Pullman Avenue (2) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Rich Valley (1) | N | 0 | 0 | N | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rich Valley (2) | N | 0 | 0 | N | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Riedel | N | N | 0 | 0 | N | 0 | 0 | 0 | N | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Rosemont (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Rosemont (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| St. Louis Park (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Louis Park (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Paul (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Paul (3) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Paul (4) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Paul Park (1) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| St. Paul Park (2) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | N | 0 | N | 0 | 0 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | 0 | N |
| Savage (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Savage (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shakopee (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shakopee (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Pullman Avenue (1) | −20 | N | −30 | N | N | −30 | −10 | −10 | +45 | +39 | N | N | +45 | N | N | N | N | N | +10 | N | N | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pullman Avenue (2) | −20 | N | −30 | N | N | −30 | −10 | −10 | +45 | +39 | N | N | +45 | N | N | N | N | N | +10 | N | N | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rich Valley (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rich Valley (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Riedel | −20 | N | −47 | N | N | −47 | −10 | −10 | +30 | +24 | +30 | +30 | +30 | N | N | N | −15 | N | −5 | N | N | +18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rosemont (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rosemount (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Louis Park (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Louis Park (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Paul (1) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Paul (3) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Paul (4) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Paul Park (1) | −20 | N | −30 | N | N | −30 | −10 | −10 | +45 | +39 | N | N | +45 | N | N | N | N | N | +10 | N | N | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Paul Park (2) | −20 | N | −30 | N | N | −30 | −10 | −10 | +45 | +39 | N | N | +45 | N | N | N | N | N | +10 | N | N | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Savage (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | •+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Savage (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | •+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shakopee (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shakopee (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | N | 0 | +10 | N | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

(1) Applicable to Size Groups 1 to 8, incl., and 34.
(2) Applicable to Size Groups 9 to 28, incl.
(3) Applicable to Size Groups 8 to 12, incl., and 17 to 20, incl.
(4) Applicable to Size Groups 13 to 16, incl., and 21 to 28, incl.
•Applies from Wilmington Mine, Ill., only.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 46—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| South St. Paul (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| South St. Paul (3) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| South St. Paul (4) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Stillwater (1) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Stillwater (2) | +28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Superior Boulevard (1) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Superior Boulevard (2) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| White Bear (1) | +28 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | • |
| White Bear (2) | +28 | 0 | 0 | 0 | 0 | 0 | N | 0 | −10 | N | 0 | 0 | 0 | −10 | 0 | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | • |
| Wilson (1) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Wilson (2) | +28 | N | 0 | N | 0 | 0 | 0 | N | −10 | N | N | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Winnetka | +8 | N | 0 | 0 | N | 0 | N | 0 | N | N | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Withrow (1) | +28 | 0 | 0 | 0 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | N | N | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Withrow (2) | +28 | 0 | 0 | 0 | 0 | 0 | N | N | −10 | N | 0 | 0 | 0 | −10 | N | 0 | 0 | N | N | 0 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | • |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 40 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Minnesota: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| So. St. Paul (1) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| So. St. Paul (3) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| So. St. Paul (4) | −20 | −30 | −30 | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Stillwater (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Stillwater (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Superior Boulevard (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | *+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Superior Boulevard (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | *+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| White Bear (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | * N | N | N | N | +10 | +10 | N | N | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| White Bear (2) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | * N | N | N | N | +10 | +10 | N | N | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Wilson (1) | −20 | −30 | −30 | N | N | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | *+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Wilson (2) | −20 | −30 | −30 | N | N | −20 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | *+10 | +10 | 0 | 0 | +10 | +10 | +33 | +33 | +33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Winnetka | −20 | −47 | N | N | −47 | −47 | −10 | −10 | +30 | +24 | +30 | +30 | +30 | N | N | −20 | N | −5 | −5 | +13 | +13 | +13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Withrow (1) | −20 | N | N | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | N | 0 | +10 | +10 | +33 | +33 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |
| Withrow (2) | −20 | N | N | N | −30 | −30 | −10 | −10 | +45 | +39 | +45 | +45 | +45 | +10 | N | N | N | 0 | +10 | +10 | +33 | +33 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | • |

(1) Applicable to Size Groups 1 to 8, incl., and 34.
(2) Applicable to Size Groups 9 to 25, incl.
(3) Applicable to Size Groups 8 to 12, incl., and 17 to 20, incl.
(4) Applicable to Size Groups 13 to 16, incl., and 21 to 28, incl.
*Applies from Wilmington Mine, Ill., only.

*Prices for All-Rail Shipment Into Market Areas Nos. 47, 48, 49, 50, 52, 53, 54, 61, 64, 67, 68 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions; and Subject to Price Adjustments to Specific Destinations as Shown Hereinafter*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 44, 151, 191, 192 | 140 | 285 | 285 | 285 | 275 | 265 | 255 | 240 | 245 | 225 | 225 | 225 | 225 | 200 | 190 | 140 | 80 | 235 | 235 | 235 | 235 | 220 | 220 | 210 | 190 | 210 | 200 | 210 | 175 | 255 |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 134 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 285 | 285 | 285 | 275 | 265 | 255 | 240 | 245 | 225 | 225 | 225 | 225 | 200 | 190 | 140 | 80 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 210 | 200 | 210 | 175 | 255 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 260 | 285 | 285 | 275 | 265 | 255 | 240 | 245 | 225 | 225 | 225 | 225 | 200 | 190 | 140 | 80 | 235 | 235 | 235 | 235 | 220 | 220 | 210 | 190 | 210 | 200 | 210 | 175 | 255 |
| 4 | 40 | 132 | 275 | 275 | 275 | 265 | 255 | 245 | 230 | 235 | 195 | 195 | 195 | 195 | 170 | 160 | 105 | 80 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 180 | 170 | ---- | ---- | 245 |
| | 50 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 92, 182 | 135 | 245 | 245 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 195 | 195 | 195 | 170 | 160 | 105 | 80 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 180 | 170 | ---- | ---- | 220 |
| 6 | 94 | 134 | 235 | 235 | 235 | 225 | 220 | 210 | 195 | 200 | 195 | 195 | 195 | 195 | 170 | 160 | 105 | 80 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 180 | 170 | ---- | ---- | 210 |
| 7 | 4 | 141 | 245 | 245 | 245 | 235 | 230 | 220 | 205 | 215 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 210 | 210 | 210 | 210 | 200 | 200 | 190 | 170 | ---- | ---- | ---- | ---- | 220 |
| 8 | 91 | 80 | 285 | 285 | 285 | 275 | 265 | 255 | 230 | 245 | 225 | 225 | 225 | 225 | 200 | 190 | 140 | 90 | 235 | 235 | 235 | 235 | 220 | 220 | 210 | 190 | 210 | 200 | ---- | ---- | 255 |
| 9 | 136 | 80 | | | | | | | 230 | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 49 | 82 | 230 | 225 | 220 | 210 | 205 | 195 | 185 | 190 | 165 | 165 | 165 | 165 | 150 | 140 | 80 | 60 | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 160 | 150 | 160 | ---- | 195 |
| 11 | 77 | 80 | 270 | 270 | 270 | 260 | 250 | 240 | 220 | 230 | 200 | 200 | 200 | 200 | 150 | 140 | 90 | 60 | 220 | 220 | 220 | 220 | 210 | 175 | 165 | 135 | 160 | 150 | 160 | ---- | 240 |
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 33, 190 | 51 | 240 | 235 | 230 | 220 | 215 | 210 | 205 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | ---- | 200 | 200 | 200 | 200 | 190 | 190 | 180 | 150 | 170 | 160 | ---- | ---- | 210 |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 22 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 49 | 240 | 235 | 230 | 220 | 215 | 210 | 205 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 170 | 160 | ---- | ---- | 210 |
| | 129 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 58 | 62 | 220 | 215 | 210 | 200 | 195 | 190 | 185 | 180 | 170 | 170 | 170 | 170 | 140 | 130 | 65 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 150 | 140 | ---- | ---- | 190 |
| 14 | 21 | 70 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 123 | 71 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 162 | 72 | 240 | 235 | 230 | 220 | 215 | 210 | 205 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 170 | 160 | ---- | ---- | 210 |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 186 | 74 | 240 | 235 | 230 | 220 | 215 | 210 | 205 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | ---- | 200 | 200 | 200 | 200 | 190 | 190 | 180 | 150 | 170 | 160 | ---- | ---- | 21 |
| 16 | 45 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 6-22 | 25 | 235 | 230 | 225 | 215 | 210 | 200 | 190 | 195 | 170 | 170 | 170 | 170 | 140 | 130 | 65 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 150 | 140 | ---- | ---- | 200 |
| | 135 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 85, 178 | 80 | 230 | 225 | 220 | 210 | 205 | 195 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 190 | 190 | 190 | 190 | 180 | 180 | 170 | ---- | 145 | 135 | ---- | ---- | 195 |
| 17 | 47-142 | 31 | 235 | 230 | 225 | 215 | 210 | 200 | 190 | 195 | 170 | 170 | 170 | 170 | 140 | 130 | 65 | ---- | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 140 | 150 | 140 | ---- | ---- | 200 |
| 18 | 165 | 33 | 235 | 230 | 225 | 215 | 210 | 200 | 190 | 195 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 140 | 150 | 140 | ---- | ---- | 200 |
| 19 | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 23 | 220 | 215 | 210 | 200 | 195 | 190 | 185 | 180 | 170 | 170 | 170 | 170 | 140 | 130 | 65 | ---- | 180 | 180 | 180 | 180 | 170 | 170 | 160 | 130 | 150 | 140 | ---- | ---- | 190 |
| | 96, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 86, 103, 104, 101 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 26, 43, 61 | 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 159 | 23 | 220 | 215 | 210 | 200 | 195 | 190 | 185 | 190 | 170 | 170 | 170 | 170 | 140 | 130 | 65 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 150 | 140 | ---- | ---- | 190 |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| 21 | 20, 138 | 27 | 220 | 215 | 210 | 200 | 195 | 190 | 185 | 180 | 170 | 170 | 170 | 170 | 140 | 130 | 65 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 150 | 140 | ---- | ---- | 190 |
| 22 | 23, 24 | 32 | 220 | 215 | 210 | 200 | 195 | 190 | 185 | 180 | 170 | 170 | 170 | 170 | 140 | 130 | 65 | ---- | 180 | 180 | 180 | 180 | 170 | 170 | 160 | 130 | 150 | 140 | ---- | ---- | 190 |
| 23 | 170 | 49 | 240 | 235 | 230 | 220 | 215 | 210 | 205 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 170 | 160 | ---- | ---- | 210 |
| 24 | 17, 35, 46, 87, 152 | 91 | 265 | 260 | 255 | 245 | 240 | 235 | 235 | 235 | 225 | 225 | 225 | 225 | 195 | 185 | 120 | ---- | 235 | 235 | 235 | 235 | 225 | 225 | 215 | 185 | 205 | 195 | ---- | ---- | 235 |
| 25 | 13, 71 | 91 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 60 | 93 | 265 | 260 | 255 | 245 | 240 | 235 | 235 | 235 | 225 | 225 | 225 | 225 | 195 | 185 | 120 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 205 | 195 | ---- | ---- | 235 |
| | 78 | 96 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Prices for All-Rail Shipment Into Market Areas Nos. 47, 48, 49, 50, 52, 53, 54, 61, 64, 67, 68 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions; and Subject to Price Adjustments to Specific Destinations as Shown Hereinafter*—Continued

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 26 | 80 | 125 | 265 | 260 | 255 | 245 | 240 | 235 | 235 | 235 | 225 | 225 | 225 | 225 | 195 | 185 | 120 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 205 | 195 | ----- | ----- | 235 |
| | 81, 82 | 126 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93 | 126 | 265 | 260 | 255 | 245 | 240 | 235 | 235 | 235 | 225 | 225 | 225 | 225 | 195 | 185 | 120 | ----- | 235 | 235 | 235 | 235 | 225 | 225 | 215 | 185 | 205 | 195 | ----- | ----- | 235 |
| 27 | 95 | 92 | 265 | 260 | 255 | 245 | 240 | 235 | 235 | 235 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 235 | 235 | 235 | 235 | 225 | 225 | 215 | 185 | ----- | ----- | ----- | ----- | 235 |
| 28 | 84 | 116 | 310 | 305 | 300 | 290 | 285 | 278 | 260 | 265 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 260 | 260 | 260 | 260 | 250 | 250 | 240 | 210 | ----- | ----- | ----- | ----- | 275 |
| 29 | 189 | 114 | 310 | 305 | 300 | 290 | 285 | 278 | 260 | 265 | 230 | 230 | 230 | 230 | 190 | 180 | 115 | ----- | 230 | 230 | 230 | 230 | 220 | 220 | 210 | 180 | 200 | 190 | ----- | ----- | 275 |
| 30 | 126 | 114 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 150 | 111 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 164 | 112 | 310 | 305 | 300 | 290 | 285 | 278 | 260 | 265 | 230 | 230 | 230 | 230 | 190 | 180 | 115 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 200 | 190 | ----- | ----- | 275 |
| 31 | 96 | 117 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73, 175 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | 19 | 114 | 270 | 265 | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 200 | 190 | ----- | ----- | 240 |
| | 126 | 114 | | | | | | | | | | | | | | | | | | | | | | | | | 205 | 195 | ----- | ----- | 235 |
| 33 | 1 | 91 | 265 | 260 | 255 | 245 | 240 | 235 | 235 | 235 | 225 | 225 | 225 | 225 | 195 | 185 | 120 | ----- | 230 | 230 | 230 | 230 | 220 | 220 | 210 | 180 | 205 | 195 | ----- | ----- | 235 |
| 34 | 2 | 10 | 265 | 260 | 255 | 245 | 240 | 235 | 235 | 235 | 225 | 225 | 225 | 225 | 195 | 185 | 120 | ----- | 230 | 230 | 230 | 230 | 220 | 220 | 210 | 180 | 205 | 195 | ----- | ----- | 235 |

*Price Adjustments to FOB Mine Prices for All-Rail Shipment to Specific Destinations in Market Areas Nos. 50, 52, 53, 54, and 68*

Applicable on shipments from all mines, the f. o. b. mine prices to destinations in Market Areas Nos. 50, 52, 53, 54, and 68 located on the Mississippi River shall be twenty cents (20¢) per ton less than the f. o. b. mine prices listed above.

Iowa

*Market Area No. 50.* Bellevue, Cameron, Clayton, Dubuque, Eckards, Edmore, Elk River Junction, Gordon's Ferry, Green Island, Harper's Ferry, Heytman's, Kains, Lansing, Lyons, McGregor, Marquette, New Albin, North Bellevue, North Buena Vista, Oak Spring, Pleasant Creek, Sabula, Smith's, Soy Magill, Specht's Ferry, Turkey River, Turkey River Junction, Wankon Junction, Waupeton, Wilkins.

*Market Area No. 52.* Buffalo, Fairport, Linwood, Montpelier, Muscatine.

*Market Area No. 53.* Burlington and West Keithsburg.

*Market Area No. 54.* Beck, Bullard, Fort Madison, Montrose, Sandusky, Spring Grove, Viele, Wever.

*Market Area No. 68.* Keokuk.

*Prices for All-Rail Shipment Into Market Areas Nos. 55, 56, 57, 60, 62 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions; and Subject to Price Adjustments to Specific Destinations as Shown Below*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9 | 137 | 285 | 285 | 285 | 275 | 265 | 255 | 240 | 245 | 225 | 225 | 225 | 225 | 200 | 190 | 140 | 80 | 235 | 235 | 235 | 235 | 220 | 220 | 210 | 190 | 210 | 200 | 210 | 175 | 255 |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | 210 | 200 | 210 | 175 | 255 |
| | 54 | 139 | 285 | 285 | 285 | 275 | 265 | 255 | 240 | 245 | 225 | 225 | 225 | 225 | 200 | 190 | 140 | 80 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | | | | | |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 260 | 285 | 285 | 275 | 265 | 255 | 240 | 245 | 225 | 225 | 225 | 225 | 200 | 190 | 140 | 80 | 235 | 235 | 235 | 235 | 220 | 220 | 210 | 190 | 210 | 200 | 210 | 175 | 255 |
| 4 | 40 | 132 | 275 | 275 | 275 | 265 | 255 | 245 | 230 | 235 | 195 | 195 | 195 | 195 | 170 | 160 | 105 | 80 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 180 | 170 | ----- | ----- | 245 |
| | 50 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | 180 | 170 | ----- | ----- | 220 |
| 5 | 92, 182 | 135 | 245 | 245 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 195 | 195 | 195 | 170 | 160 | 105 | 80 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 180 | 170 | ----- | ----- | 210 |
| 6 | 94 | 134 | 235 | 235 | 235 | 225 | 220 | 210 | 195 | 200 | 195 | 195 | 195 | 195 | 170 | 160 | 105 | 80 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 230 |
| 7 | 4 | 141 | 245 | 245 | 245 | 235 | 230 | 220 | 205 | 215 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 210 | 210 | 210 | 210 | 200 | 200 | 190 | 170 | ----- | ----- | ----- | ----- | 230 |
| 8 | 91 | 90 | 290 | 290 | 280 | 270 | 260 | 250 | 225 | 240 | 230 | 230 | 230 | 230 | 195 | 185 | 135 | 85 | 230 | 230 | 230 | 230 | 215 | 215 | 205 | 185 | 205 | 195 | ----- | ----- | 250 |
| 9 | 136 | 90 | | | | | | | 225 | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 40 | 87 | 225 | 220 | 215 | 205 | 200 | 190 | 180 | 185 | 180 | 180 | 180 | 180 | 145 | 135 | 75 | 55 | 180 | 180 | 180 | 180 | 170 | 170 | 160 | 130 | 155 | 145 | 155 | ----- | 190 |
| 11 | 77 | 90 | 265 | 265 | 265 | 255 | 245 | 235 | 215 | 225 | 195 | 195 | 195 | 195 | 145 | 135 | 85 | 55 | 215 | 215 | 215 | 215 | 205 | 170 | 160 | 130 | 155 | 145 | 155 | ----- | 235 |
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | 235 | 230 | 225 | 215 | 210 | 205 | 200 | 195 | 185 | 185 | 185 | 185 | 155 | 145 | 80 | ----- | 195 | 195 | 195 | 195 | 185 | 185 | 175 | 145 | 165 | 155 | ----- | ----- | 205 |
| | 33, 190 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |





*Price Adjustments to F. O. B. Mine Prices for All-Rail Shipment to Specific Destinations in Market Areas Nos. 56 and 57*

Applicable on shipments from all mines, the f. o. b. mine prices to destinations in Market Areas Nos. 56 and 57 located on the Missouri River shall be twenty cents (20¢) per ton less than the f. o. b. mine prices listed above.

Iowa

*Market Area No. 56.* Sioux City.

*Market Area No. 57.* Ascol, Blencoe, Clara, California Junction, Missouri Valley, Modale, Mondamin, Onawa, River Sioux, Sergeants Bluff.

*Prices for All-Rail Shipment Into Market Areas Nos. * 58, 59, 63, 65, 66 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions; and Subject to Price Adjustments to Specific Destinations as Shown Below*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 133 | 285 | 285 | 285 | 275 | 265 | 255 | 240 | 245 | 225 | 225 | 225 | 225 | 200 | 190 | 140 | 80 | 235 | 235 | 235 | 235 | 220 | 220 | 210 | 190 | 210 | 200 | 210 | 175 | 255 |
| | 9 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 285 | 285 | 285 | 275 | 265 | 255 | 240 | 245 | 225 | 225 | 225 | 225 | 200 | 190 | 140 | 80 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 210 | 200 | 210 | 175 | 255 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 260 | 285 | 285 | 275 | 265 | 255 | 240 | 245 | 225 | 225 | 225 | 225 | 200 | 190 | 140 | 80 | 235 | 235 | 235 | 235 | 220 | 220 | 210 | 190 | 210 | 200 | 210 | 175 | 255 |
| 4 | 40 | 132 | 275 | 275 | 275 | 265 | 255 | 245 | 220 | 235 | 195 | 195 | 195 | 195 | 170 | 160 | 105 | 80 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 180 | 170 | ----- | ----- | 245 |
| | 50 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | 180 | 170 | ----- | ----- | 220 |
| 5 | 92, 182 | 135 | 245 | 245 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 195 | 195 | 195 | 170 | 160 | 105 | 80 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 180 | 170 | ----- | ----- | 210 |
| 6 | 94 | 134 | 235 | 235 | 235 | 225 | 220 | 210 | 195 | 200 | 195 | 195 | 195 | 195 | 170 | 160 | 105 | 80 | 210 | 210 | 210 | 210 | 200 | 200 | 190 | 170 | ----- | ----- | ----- | ----- | 220 |
| 7 | 4 | 141 | 245 | 245 | 245 | 235 | 230 | 220 | 205 | 215 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 230 | 230 | 230 | 230 | 215 | 215 | 205 | 185 | 205 | 195 | ----- | ----- | 205 |
| 8 | 91 | 80 | 280 | 280 | 280 | 270 | 260 | 250 | 225 | 240 | 220 | 220 | 220 | 220 | 195 | 185 | 135 | 85 | 180 | 180 | 180 | 180 | 170 | 170 | 160 | 130 | 155 | 145 | 155 | ----- | 190 |
| 9 | 136 | 80 | | | | | | | 225 | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 49 | 82 | 225 | 220 | 215 | 205 | 200 | 190 | 180 | 185 | 160 | 160 | 160 | 160 | 145 | 135 | 75 | 55 | 215 | 215 | 215 | 215 | 205 | 170 | 160 | 130 | 155 | 145 | 155 | ----- | 235 |
| 11 | 77 | 80 | 265 | 265 | 265 | 255 | 245 | 235 | 215 | 225 | 195 | 195 | 195 | 195 | 145 | 135 | 85 | 55 | | | | | | | | | | | | | |
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ----- | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | ----- | ----- | 195 |
| | 33, 190 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 66 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | 155 | 145 | ----- | ----- | 195 |
| | 70, 90 | 48 | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ----- | | | | | | | | | | | | | |
| | 57, 163 | 49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 129 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 98 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | 150 | 140 | ----- | ----- | 190 |
| | 29, 58 | 62 | 220 | 215 | 210 | 200 | 195 | 190 | 185 | 190 | 170 | 170 | 170 | 170 | 140 | 130 | 65 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| 14 | 21 | 70 | | | | | | | | | | | | | | | | | | | | | | | | | 155 | 145 | ----- | ----- | 195 |
| | 123 | 71 | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 174 | 175 | 175 | 175 | 145 | 135 | 70 | ----- | | | | | | | | | | | | | |
| | 162 | 72 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 186 | 74 | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ----- | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | ----- | ----- | 195 |
| 16 | 45 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | 150 | 140 | ----- | ----- | 200 |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 25 | 235 | 230 | 225 | 215 | 210 | 200 | 190 | 195 | 170 | 170 | 170 | 170 | 140 | 130 | 65 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| | 135 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | 140 | 130 | ----- | ----- | 190 |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | 150 | 140 | ----- | ----- | 200 |
| | 38, 85, 178 | 80 | 225 | 220 | 215 | 205 | 200 | 190 | 180 | 185 | 160 | 160 | 160 | 160 | 130 | 120 | 55 | ----- | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 140 | 150 | 140 | ----- | ----- | 200 |
| 17 | 47, 142 | 81 | 235 | 230 | 225 | 215 | 210 | 200 | 190 | 195 | 170 | 170 | 170 | 170 | 140 | 130 | 65 | ----- | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 140 | 150 | 140 | ----- | ----- | 200 |
| 18 | 165 | 33 | 235 | 230 | 225 | 215 | 210 | 200 | 190 | 195 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| 19 | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 23 | 230 | 215 | 210 | 200 | 195 | 190 | 185 | 180 | 170 | 170 | 170 | 170 | 140 | 130 | 65 | ----- | 180 | 180 | 180 | 180 | 170 | 170 | 160 | 130 | 150 | 140 | ----- | ----- | 190 |
| | 96, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 26, 43, 64 | 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | 220 | 215 | 210 | 200 | 195 | 190 | 185 | 190 | 170 | 170 | 170 | 170 | 140 | 130 | 65 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| | 93, 159 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | 140 | 130 | ----- | ----- | 180 |
| | 16 | 80 | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 160 | 160 | 160 | 130 | 120 | 55 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 150 | 140 | ----- | ----- | 190 |
| | 20, 138 | 27 | 220 | 215 | 210 | 200 | 195 | 190 | 185 | 180 | 170 | 170 | 170 | 170 | 140 | 130 | 65 | ----- | 180 | 180 | 180 | 180 | 170 | 170 | 160 | 130 | 150 | 140 | ----- | ----- | 190 |
| 21 | 23, 24 | 32 | 220 | 215 | 210 | 200 | 195 | 190 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ----- | | | | | | | | | 155 | 145 | ----- | ----- | 195 |
| 22 | 170 | 49 | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ----- | | | | | | | | | 155 | 145 | ----- | ----- | 195 |
| 23 | 17, 35, 46, 87, 152 | 91 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | 215 | 215 | 215 | 215 | 205 | 205 | 195 | 165 | 185 | 175 | ----- | ----- | 215 |
| 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Excluding Omaha, Nebraska, and all points within the switching limits thereof.



*Prices for All-Rail Shipment Into Market Areas Nos. * 58, 59, 63, 65, 66 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions; and Subject to Price Adjustments to Specific Destinations as Shown Below*—Continued

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 25 | 13, 71 | 91 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 185 | 175 | ----- | ----- | 215 |
| | 60 | 93 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 78 | 96 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 80 | 125 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 185 | 175 | ----- | ----- | 215 |
| | 81, 82 | 126 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 27 | 95 | 95 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | 215 | 215 | 215 | 215 | 205 | 205 | 195 | 165 | 185 | 175 | ----- | ----- | 215 |
| 28 | 84 | 92 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 215 | 215 | 215 | 215 | 205 | 205 | 195 | 165 | ----- | ----- | ----- | ----- | 215 |
| 29 | 189 | 116 | 310 | 305 | 300 | 290 | 285 | 275 | 260 | 265 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 260 | 260 | 260 | 260 | 250 | 250 | 240 | 210 | ----- | ----- | ----- | ----- | 275 |
| 30 | 125 | 114 | 285 | 280 | 275 | 265 | 260 | 250 | 235 | 240 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | ----- | 205 | 205 | 205 | 205 | 195 | 195 | 185 | 155 | 175 | 165 | ----- | ----- | 250 |
| 31 | 150 | 111 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 164 | 112 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 96 | 117 | 285 | 280 | 275 | 265 | 260 | 250 | 235 | 240 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 175 | 165 | ----- | ----- | 250 |
| | 73, 175 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | 19 | 114 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 126 | 114 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 175 | 165 | ----- | ----- | 215 |
| 33 | 1 | 91 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | | | | | | | | | 185 | 175 | ----- | ----- | 215 |
| 34 | 2 | 10 | 245 | 240 | 235 | 225 | 220 | 215 | 215 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ----- | 210 | 210 | 210 | 210 | 200 | 200 | 190 | 160 | 185 | 175 | ----- | ----- | 215 |

*Excluding Omaha, Nebraska, and all points within the switching limits thereof.

***Price Adjustments to F. O. B. Mine Prices for All-Rail Shipment to Specific Destinations in Market Areas Nos. 58–59 and 66***

Applicable on shipments from all mines, the f. o. b. mine prices to destinations in Market Areas Nos. 58-59 and 66 located on the Missouri River shall be twenty cents (20¢) per ton less than the f. o. b. mine prices listed above.

Iowa

*Market Area No. 58.* Council Bluffs.

*Market Area No. 59.* Folsom and Island Park.

*Market Area No. 66.* Bartlett, Crosby, Hamburg, McPaul, Pacific Junction, Payne, Percival.

*Prices for All-Rail Shipment Into Market Areas Nos. * 58, 204, 205, 206, 207 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 28 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 133 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 9 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 190 | 180 | 190 | 155 | 235 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 160 | 150 | ----- | ----- | 225 |
| | 50 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 160 | 150 | ----- | ----- | 200 |
| 6 | 94 | 134 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 160 | 150 | ----- | ----- | 190 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | ----- | ----- | ----- | ----- | 200 |
| 8 | 91 | 80 | 270 | 270 | 270 | 260 | 250 | 240 | 215 | 230 | 210 | 210 | 210 | 210 | 185 | 175 | 125 | 75 | 220 | 220 | 220 | 220 | 205 | 205 | 195 | 175 | 195 | 185 | ----- | ----- | 240 |
| 9 | 136 | 80 | | | | | | | 215 | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 49 | 82 | 215 | 210 | 205 | 195 | 190 | 180 | 170 | 175 | 150 | 150 | 150 | 150 | 135 | 125 | 65 | 45 | 170 | 170 | 170 | 170 | 160 | 160 | 150 | 120 | 145 | 135 | 145 | ----- | 180 |
| 11 | 77 | 80 | 255 | 255 | 255 | 245 | 235 | 225 | 205 | 215 | 185 | 185 | 185 | 185 | 135 | 125 | 75 | 45 | 205 | 205 | 205 | 205 | 195 | 160 | 150 | 120 | 145 | 135 | 145 | ----- | 225 |
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 33, 190 | 51 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ----- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ----- | ----- | 185 |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Prices apply *only* to Omaha, Nebraska, and all points within the switching limits thereof in Market Area No. 58.

*Prices for All-Rail Shipment Into Market Areas Nos. * 58, 204, 205, 206, 207 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*—Continued

| Price group No. | Mine index Nos. | Mine origin group No. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 185 |
| | 147 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 26 | 45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 26, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 129 | 49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 20, 38 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 21 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | 123 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 163 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 171 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 164 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16 | 72 | 59 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 60 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 135 | 61 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 38, 85, 176 | 63 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 18 | 47, 143 | 64 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19 | 101 | 65 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 145 | 66 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 67 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 68 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 99, 100 | 69 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 34, 103, 104, 161 | 70 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 4, 29, 45, 61 | 71 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 33, 39, 83, 86, 102, 114, 149, 179 | 72 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 19, 173 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 84, 144, 154, 155, 159 | 74 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 11 | 75 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 22 | 14 | 76 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 23 | 106, 118, 124 | 77 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 24 | 64 | 78 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 25 | 53, 166, 120 | 79 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 164 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 15 | 81 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 82 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 36 | 83 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 40 | 84 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 132 | 85 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 82 | 86 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 27 | 134 | 87 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 28 | 94 | 88 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 29 | 24 | 89 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 30 | 135 | 90 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 31 | 153 | 91 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 164 | 92 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 98 | 93 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73, 175 | 94 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | 19, 126 | 95 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 33 | 2 | 96 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 34 | | 97 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Prices apply only to Omaha, Nebraska and all points within the switching limits thereof in Market Area No. 58.



*Prices for All-Rail Shipment Into Market Areas Nos. 69 and 70 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group No. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 253 |
| | 9 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 44, 151, 161, 162 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 119, 170 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 1, 169 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 164 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 253 | 245 | 235 | 220 | 205 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 200 | 200 | 200 | 190 | 170 | 180 | 180 | 185 | 253 | 253 |
| 4 | 40 | 132 | 245 | 265 | 265 | 253 | 245 | 235 | 220 | 215 | 215 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 200 | 200 | 200 | 190 | 170 | 180 | 180 | 185 | 253 | 253 |
| 5 | 94 | 134 | 225 | 225 | 225 | 211 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 165 | 140 | 85 | 80 | 180 | 180 | 180 | 180 | 180 | 160 | 160 | 160 | 160 | 160 | 160 | 160 | 200 |
| 6 | 4 | 133 | 215 | 215 | 215 | 205 | 205 | 195 | 190 | 180 | 175 | 175 | 175 | 175 | 160 | 140 | 85 | 60 | 180 | 180 | 180 | 180 | 180 | 160 | 160 | 160 | 160 | 160 | 160 | 160 | 200 |
| 7 | 91 | 141 | 205 | 205 | 205 | 195 | 190 | 180 | 175 | 165 | 165 | 165 | 165 | 165 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 190 |
| 8 | 136 | 143 | 175 | 175 | 175 | 175 | 180 | 170 | 165 | 175 | 175 | 175 | 175 | 175 | 135 | 125 | 65 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 80 | 144 | 215 | 215 | 215 | 205 | 205 | 195 | 190 | 180 | 175 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 9 | 83 | 135 | 210 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 10 | 49 | 136 | 206 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 11 | 77 | 137 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 12 | 132 | 138 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 27, 63, 64, 65, 66 | 139 | 225 | 245 | 245 | 225 | 220 | 210 | 205 | 200 | 190 | 185 | 185 | 185 | 145 | 135 | 85 | 53 | 180 | 180 | 180 | 180 | 180 | 160 | 160 | 160 | 160 | 160 | 160 | 160 | 200 |
| | 101 | 140 | 225 | 245 | 245 | 225 | 220 | 210 | 205 | 200 | 190 | 185 | 185 | 185 | 145 | 135 | 85 | 53 | 180 | 180 | 180 | 180 | 180 | 160 | 160 | 160 | 160 | 160 | 160 | 160 | 200 |
| | 83, 166 | 141 | 205 | 225 | 225 | 205 | 205 | 195 | 190 | 180 | 175 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 52 | 142 | 205 | 225 | 225 | 205 | 205 | 195 | 190 | 180 | 175 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 13 | 130, 131 | 41 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 147 | 42 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 148, 167, 168, 169 | 44 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 26, 97 | 45 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 70, 90 | 46 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 57, 163 | 47 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 129 | 48 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 130 | 49 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 88 | 50 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 127 | 51 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 14 | 20, 38 | 52 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 21 | 53 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 123 | 54 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 163 | 55 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 171 | 56 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 15 | 164 | 58 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 16 | 72 | 59 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 5, 22 | 60 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 135 | 61 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 137 | 62 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 17 | 38, 85, 176 | 63 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 18 | 47, 143 | 64 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 19 | 101 | 65 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 145 | 66 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 153 | 67 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 18 | 68 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 99, 100 | 69 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 20 | 34, 103, 104, 161 | 70 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 4, 29, 45, 61 | 71 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 33, 39, 83, 86, 102, 114, 149, 179 | 72 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 19, 173 | 73 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 84, 144, 154, 155, 159 | 74 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 21 | 11 | 75 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 22 | 14 | 76 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 23 | 106, 118, 124 | 77 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 24 | 64 | 78 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 25 | 53, 166, 120 | 79 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 148, 164 | 80 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 15 | 81 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 75 | 82 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 26 | 40 | 84 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 132 | 85 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 82 | 86 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 27 | 134 | 87 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 28 | 94 | 88 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 29 | 24 | 89 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 30 | 135 | 90 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 31 | 153 | 91 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 164 | 92 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 98 | 93 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| | 73, 175 | 94 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 32 | 19, 126 | 95 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 33 | 2 | 96 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |
| 34 | | 97 | 215 | 235 | 235 | 215 | 210 | 200 | 195 | 190 | 180 | 175 | 175 | 175 | 135 | 125 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 167 | 157 | 127 | 137 | 137 | 145 | 145 | 187 |

*Prices for All-Rail Shipment Into Market Area No. 71 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions; and Subject to Price Adjustments to Specific Destinations as Shown Hereinafter*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 133 | 265 | 265 | 265 | 265 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 180 | 170 | 190 | 180 | 180 | 155 | 235 |
| | 4, 44, 151, 161, 192 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 155, 157 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 110, 176 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 11, 183 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101, 137 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 180 | 170 | 190 | 180 | 180 | 155 | 235 |
| | 54 | 139 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 184 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 180 | 170 | 190 | 180 | 180 | 155 | 235 |
| 4 | 40 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 60 | 134 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 190 | 180 | 160 | 160 | 160 | 160 | 150 | 100 | 60 | 195 | 195 | 195 | 195 | 180 | 180 | 160 | 150 | 160 | 160 | 160 | 155 | 200 |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 205 | 200 | 185 | 175 | 165 | 165 | 165 | 165 | 160 | 150 | 100 | 60 | 195 | 195 | 195 | 195 | 180 | 180 | 160 | 150 | 160 | 160 | 160 | 155 | 200 |
| 6 | 34 | 136 | 225 | 225 | 225 | 215 | 205 | 200 | 185 | 175 | 165 | 165 | 165 | 165 | 160 | 150 | 100 | 60 | 195 | 195 | 195 | 195 | 180 | 180 | 160 | 150 | 160 | 160 | 160 | 155 | 200 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 205 | 200 | 185 | 175 | 165 | 165 | 165 | 165 | 160 | 150 | 100 | 70 | 195 | 195 | 195 | 195 | 180 | 180 | 160 | 150 | 160 | 160 | 160 | 155 | 200 |
| 8 | 91 | 136 | 210 | 250 | 250 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 145 | 120 | 60 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 145 | 145 | 145 | 145 | 145 | 175 |
| 9 | 49 | 132 | 210 | 250 | 250 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 145 | 120 | 60 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 145 | 145 | 145 | 145 | 145 | 175 |
| 10 | 40 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 132 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 33, 190 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 23 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 145 | 135 | 90 | 40 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 135 | 145 | 125 | 125 | 115 | 175 |
| | 147 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 167, 169, 186 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 69, 90 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 67, 168 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 145 | 135 | 90 | 40 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 135 | 145 | 125 | 125 | 115 | 175 |
| | 129 | 33 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 34 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 84 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 56 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | 21 | 70 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 175 | 165 | 90 | 40 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 135 | 145 | 125 | 125 | 115 | 175 |
| | 123 | 71 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 122 | 72 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 188 | 74 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 175 | 165 | 90 | 40 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 135 | 145 | 125 | 125 | 115 | 175 |
| 16 | 45 | 75 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 76 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 72 | 77 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 85, 178 | 81 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 47, 142 | 82 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 18 | 165 | 83 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19 | 143 | 84 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 85 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 96, 99, 100 | 86 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 8, 98, 103, 104, 161 | 87 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| — | 68, 95, 97, 101 | 88 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 53, 59, 83, 99, 102, 114, 149, 179 | 89 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 90 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 169 | 91 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 31, 34, 105, 110 | 92 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 111 | 93 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 10, 138 | 94 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 20, 139 | 95 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 135 | 125 | 90 | 40 | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 125 | 135 | 115 | 115 | 105 | 165 |
| 22 | 23, 24 | 96 | 203 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 135 | 125 | 90 | 40 | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 125 | 135 | 115 | 115 | 105 | 165 |
| 23 | 170 | 97 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 145 | 135 | 90 | 40 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 135 | 145 | 125 | 125 | 115 | 175 |
| 24 | 17, 35, 45, 87, 162 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 145 | 135 | 90 | 40 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 135 | 145 | 125 | 125 | 115 | 175 |



*Prices for All-Rail Shipment Into Market Area No. 71 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions; and Subject to Price Adjustments to Specific Destinations as Shown Hereinafter*—Continued

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 25 | 13, 71 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 155 | 165 | 145 | | | 185 |
| | 60 | 93 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73 | 94 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 80 | 125 | 227 | 222 | 217 | 207 | 202 | 197 | 197 | 197 | 187 | 187 | 187 | 187 | 147 | 133 | 82 | | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 155 | 165 | 145 | 145 | | 197 |
| | 61, 82 | 126 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 27 | 64 | 95 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 155 | 165 | 145 | 145 | | 185 |
| 28 | 189 | 97 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 155 | 165 | 145 | 145 | | 185 |
| 29 | 126 | 110 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 155 | 165 | 145 | 145 | | 185 |
| 30 | 160 | 114 | 300 | 295 | 290 | 280 | 275 | 265 | 260 | 255 | 245 | 245 | 245 | 245 | 205 | 185 | 106 | | 275 | 275 | 275 | 275 | 265 | 265 | 245 | 235 | 245 | 225 | 225 | | 265 |
| 31 | 184 | 111 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 64 | 112 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73, 175 | 117 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | 10 | 126 | 260 | 255 | 250 | 240 | 235 | 230 | 225 | 220 | 210 | 210 | 210 | 210 | 175 | 165 | 105 | | 245 | 245 | 245 | 245 | 235 | 235 | 220 | 210 | 220 | 200 | 200 | | 250 |
| 33 | 1 | 114 | 270 | 265 | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 220 | 220 | 180 | 170 | 113 | | 255 | 255 | 255 | 255 | 245 | 245 | 230 | 220 | 230 | 210 | 210 | | 260 |
| 34 | 2 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 135 | 125 | 70 | | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 155 | 165 | 145 | 145 | | 185 |
| | | 10 | 222 | 227 | 222 | 212 | 207 | 202 | 202 | 202 | 192 | 192 | 192 | 192 | 152 | 142 | 87 | | 192 | 192 | 192 | 192 | 182 | 182 | 172 | 162 | 172 | 152 | 152 | | 192 |

## Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 71

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 48 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Alexandria (L) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | N | +10 | N | +10 | +10 | −42 | −20 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Alexandria (F) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | N | +10 | N | +10 | +10 | −44 | −20 | +10 | c+10 | N | −35 | +10 | N | +10 | +10 | +10 |
| Annada (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +10 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | N | N | −13 | N | N | N | +10 | N | 0 | +10 | c+10 | N | −35 | +10 | N | +6 | +6 | +6 |
| Annada (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | N | N | −22 | N | N | N | +6 | N | −4 | +6 | c+6 | N | −50 | +6 | N | +6 | +6 | +6 |
| Apex (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | N | N | −13 | N | N | N | +10 | N | 0 | +10 | c+10 | N | −35 | +10 | N | +10 | +10 | +10 |
| Apex (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | N | N | −22 | N | N | N | +6 | N | −4 | +6 | c+6 | N | −50 | +6 | N | +6 | +6 | +6 |
| Ashburn (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | +10 | +10 | −15 | +10 | N | +10 | +10 | N | 0 | +10 | c+10 | +10 | +10 | +10 | −10 | −10 | −10 | −10 |
| Ashburn (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | +6 | +6 | −38 | +6 | N | +6 | +6 | N | −4 | +6 | c+6 | +6 | +6 | +6 | −10 | +6 | +6 | +6 |
| Blase (L) | N | +12 | +12 | −16 | +12 | +5 | +12 | +12 | −25 | +12 | +12 | +12 | +12 | −25 | +12 | −20 | N | −20 | N | N | −20 | −20 | N | −7 | −4 | c−4 | −20 | −20 | −4 | N | −4 | −4 | −4 | −4 |
| Blase (F) | N | +12 | +12 | +6 | +12 | +5 | +12 | +12 | −4 | +12 | +12 | +12 | +12 | −4 | +12 | −20 | N | −20 | N | N | −20 | −4 | N | −7 | −4 | c−4 | −20 | −20 | −4 | N | −4 | −4 | −4 | −4 |
| Bowling Green (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | +10 | N | −32 | +10 | N | +10 | a+10 | b−50 | 0 | +10 | +10 | +10 | +10 | a+10 | −50 | +10 | a+10 | +10 | +10 |
| Bowling Green (F) | N | +16 | +16 | +16 | −5 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | +6 | N | −41 | +6 | N | +6 | a+6 | −50 | −4 | +6 | +6 | +6 | +6 | a+6 | b | +6 | a+6 | +6 | +6 |
| Braham (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | +10 | N | −18 | N | N | +10 | a+10 | N | N | N | N | +10 | +10 | a+10 | N | +10 | a+10 | +10 | +10 |
| Braham (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | +6 | N | −38 | +6 | N | +6 | a+6 | N | N | N | N | +6 | +6 | a+6 | N | +6 | a+6 | +6 | +6 |
| Brevator (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | +10 | N | −18 | N | N | N | +10 | N | 0 | +10 | c+10 | N | −35 | +10 | N | +10 | +10 | +10 | +10 |
| Brevator (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | +6 | N | −22 | N | N | N | +6 | N | −4 | +6 | c+6 | N | −50 | +6 | N | +10 | +10 | +10 | +10 |
| Busch (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | +10 | +10 | −16 | +10 | N | +10 | +10 | N | 0 | +10 | c+10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Busch (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | +6 | +6 | −38 | +6 | N | +6 | +6 | N | −4 | +6 | c+6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Canton (L) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | N | +10 | N | +10 | +10 | −42 | −20 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Canton (F) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | N | +10 | N | +10 | +10 | −44 | −20 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Alexandria (L) | −20 | N | N | N | N | N | −10 | −10 | −5 | −11 | N | N | −5 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alexandria (F) | −20 | N | N | N | N | N | −10 | −10 | +3 | −3 | N | N | +3 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Annada (L) | −20 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Annada (F) | −25 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Apex (L) | −20 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Apex (F) | −25 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ashburn (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ashburn (F) | −25 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blase (L) | −15 | N | N | N | N | N | −5 | −5 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blase (F) | −15 | N | N | N | N | N | −5 | −5 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bowling Green (L) | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bowling Green (F) | −25 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Braham (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Braham (F) | −25 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brevator (L) | −20 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brevator (F) | −25 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Busch (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Busch (F) | −25 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Canton (L) | −20 | N | N | N | N | N | −10 | −10 | −5 | −11 | N | N | −5 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Canton (F) | −20 | N | N | N | N | N | −10 | −10 | +3 | −3 | N | N | +3 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Pana, Illinois: L 0; F −4.
b: Does not apply from Decatur, Illinois.
c: Does not apply from Springfield, Illinois.





## Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 71—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Clarksville (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | N | N | −13 | N | N | N | +10 | N | 0 | +10 | c+10 | N | −35 | +10 | N | +10 | +10 | +10 |
| Clarksville (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | N | N | −22 | N | N | N | +6 | N | −4 | +6 | c+6 | N | −50 | +6 | N | +6 | +6 | +6 |
| Dameron (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | N | N | −13 | N | N | N | +10 | N | 0 | +10 | c+10 | N | −35 | +10 | N | +10 | +10 | +10 |
| Dameron (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | N | N | −22 | N | N | N | +6 | N | −4 | +6 | c+6 | N | −50 | +6 | N | +6 | +6 | +6 |
| Dardanelle (L) | N | +12 | N | −10 | +12 | +5 | N | N | −20 | +12 | N | +5 | N | −20 | N | −15 | N | −15 | N | N | −15 | −15 | N | N | −7 | N | −15 | −15 | −15 | N | −15 | −7 | −7 |
| Dardanelle (F) | N | +12 | N | +11 | +12 | +5 | N | N | +1 | +11 | N | +5 | N | +1 | N | −15 | N | −15 | N | N | −15 | +1 | N | N | +1 | N | −15 | −15 | +1 | N | +1 | +1 | +1 |
| Elsberry (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | N | N | −13 | N | N | N | +10 | N | 0 | +10 | c+10 | N | −35 | +10 | N | +10 | +10 | +10 |
| Elsberry (F) | N | 16 | 16 | 16 | 16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | N | N | −22 | N | N | N | +6 | N | −4 | +6 | c+6 | N | −50 | +6 | N | +6 | +6 | +6 |
| Fenway (L) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | N | +10 | N | +10 | +10 | −42 | −20 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Fenway (F) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | N | +10 | N | +10 | +10 | −44 | −20 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Firma (L) | N | N | +12 | −5 | +12 | +5 | +12 | +12 | −15 | +12 | +12 | +12 | +12 | −15 | +12 | −10 | N | −10 | N | N | −10 | −10 | N | −7 | −7 | c−7 | −10 | −10 | −10 | N | −10 | −10 | −7 |
| Firma (F) | N | N | +16 | +16 | +16 | +5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | −10 | N | −10 | N | N | −10 | +6 | N | −4 | +6 | c+6 | −10 | −10 | +6 | N | +6 | +6 | +6 |
| Foley (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | N | N | −13 | N | N | N | +10 | N | 0 | +10 | c+10 | N | −35 | +10 | N | +10 | +10 | +10 |
| Foley (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | N | N | −38 | N | N | N | +6 | N | −4 | +6 | c+6 | N | −50 | +6 | N | +6 | +6 | +6 |
| Frankford (L) | N | +20 | +20 | +20 | +20 | N | +20 | +20 | +10 | N | +20 | +20 | +20 | +10 | +20 | +10 | +10 | b−5 | +10 | N | +10 | a+10 | N | 0 | +10 | +10 | +10 | +10 | a+10 | +10 | +10 | a+10 | +10 | +10 |
| Frankford (F) | N | +16 | +16 | +16 | +16 | N | +16 | +16 | +6 | N | +16 | +16 | +16 | +6 | +16 | +6 | +6 | b−30 | +6 | N | +6 | a+6 | N | −4 | +6 | +6 | +6 | +6 | a+6 | +6 | +6 | a+6 | +6 | +6 |
| Gregory (L) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | N | +10 | N | +10 | +10 | −42 | −20 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Gregory (F) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | N | +10 | N | +10 | +10 | −44 | −20 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Hannibal (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | +10 | +10 | +10 | +10 | N | +10 | a+10 | N | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Hannibal (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | +6 | +6 | +6 | +6 | N | +6 | a+6 | N | −4 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Clarksville (L) | −20 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clarksville (F) | −25 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dameron (L) | −20 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dardanelle (L) | −15 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | N | N |
| Dardanelle (F) | −15 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | 0 | N | N |
| Elsberry (L) | −20 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elsberry (F) | −25 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fenway (L) | −20 | N | N | N | N | N | −10 | −10 | −5 | −11 | N | N | −5 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fenway (F) | −20 | N | N | N | N | N | −10 | −10 | +3 | −3 | N | N | +3 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Firma (L) | −15 | N | N | N | N | N | +5 | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Firma (F) | −15 | N | N | N | N | N | +5 | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Foley (L) | −20 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Foley (F) | −25 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Frankford (L) | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Frankford (F) | −25 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gregory (L) | −20 | N | N | N | N | N | −10 | −10 | −5 | −11 | N | N | −5 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gregory (F) | −20 | N | N | N | N | N | −10 | −10 | +4 | −2 | N | N | +4 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hannibal (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hannibal (F) | −25 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −45 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Pana, Illinois; L 0; F −4.
b: From Pana, Illinois; L −15; F −40.
c. Does not apply from Springfield, Illinois.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 71—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Helton (L) | N | +5 | +5 | +5 | +5 | 0 | 0 | +5 | −5 | +5 | +5 | +5 | +5 | −5 | +5 | +10 | +10 | N | −10 | N | +10 | a+10 | N | −15 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Helton (F) | N | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −30 | −5 | −5 | −5 | −5 | −15 | −5 | +6 | +6 | N | +10 | N | +10 | a+10 | N | N | +10 | c+10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Huiskamp (L) | N | +5 | +5 | +5 | +5 | 0 | 0 | +5 | −5 | +5 | +5 | +5 | +5 | −5 | +5 | +10 | +10 | N | +10 | N | +10 | a+10 | N | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Huiskamp (F) | N | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −30 | −5 | −5 | −5 | −5 | −15 | −5 | +6 | +6 | N | +10 | N | +10 | a+10 | N | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Ilasco Junction (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | +10 | +10 | −15 | +10 | N | +10 | a+10 | N | −4 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Ilasco Junction (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | +6 | +6 | −38 | +6 | N | +10 | a+10 | N | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Jones (L) | N | +20 | +20 | +20 | +20 | N | +20 | +20 | +10 | N | +20 | +20 | +20 | +10 | +20 | +10 | +10 | b−5 | +10 | N | +10 | a+10 | N | −4 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Jones (F) | N | +16 | +16 | +16 | +16 | N | +16 | +16 | +6 | N | +16 | +16 | +16 | +6 | +16 | +6 | +6 | b−30 | +6 | N | +6 | a+6 | N | −7 | −7 | c−7 | −15 | −15 | −15 | N | −15 | −15 | −7 |
| Kampville (L) | N | +12 | +12 | +10 | +12 | +5 | +12 | +12 | −20 | +12 | +12 | +12 | +12 | +1 | +12 | −15 | N | −15 | N | N | −15 | +1 | N | +1 | +1 | c+1 | −15 | −15 | +1 | N | +1 | +1 | +1 |
| Kampville (F) | N | +12 | +12 | +11 | +12 | +5 | +12 | +12 | +1 | +12 | +12 | +12 | +12 | +1 | +12 | −15 | N | −15 | N | N | N | +10 | N | 0 | +10 | c+10 | N | −35 | +10 | N | +10 | +10 | +10 |
| Kissenger (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | N | N | −13 | N | N | N | +6 | N | −4 | +6 | c+6 | N | −50 | +6 | N | +6 | +6 | +6 |
| Kissenger (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | N | N | −58 | N | N | +10 | +10 | −42 | −20 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Lagrange (L) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | N | +10 | N | +10 | +10 | −44 | −20 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Lagrange (F) | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 | 0 | 0 | −10 | 0 | +10 | +10 | N | +10 | N | +10 | a+10 | N | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Lamb (L) | N | +5 | +5 | +5 | +5 | 0 | 0 | +5 | −5 | +5 | +5 | +5 | +5 | −5 | +5 | +10 | +10 | N | +10 | N | +6 | a+6 | N | −4 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Lamb (F) | N | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −30 | −5 | −5 | −5 | −5 | −15 | −5 | +6 | +6 | N | +6 | N | +10 | a+10 | N | 0 | +10 | c+10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| La Motte (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | +10 | +10 | −15 | +10 | N | +6 | a+6 | N | −6 | +6 | c+6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| La Motte (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | +6 | +6 | −38 | +6 | N | +10 | a+10 | N | −4 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Louisiana (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | +10 | +10 | −38 | +10 | N | +6 | a+6 | N | −4 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Louisiana (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | +6 | +6 | −38 | +6 | N | +6 | a+6 | N | −4 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Helton (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Helton (F) | −25 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | −16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Huiskamp (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Huiskamp (F) | −25 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ilasco Junction (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ilasco Junction (F) | −25 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jones (L) | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jones (F) | −25 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kampville (L) | −15 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kampville (F) | −15 | N | N | N | N | N | +5 | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kissenger (L) | −20 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kissenger (F) | −25 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lagrange (L) | −20 | N | N | N | N | N | −10 | −10 | −5 | −11 | N | N | −5 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lagrange (F) | −20 | N | N | N | N | N | −10 | −10 | −1 | −7 | N | N | −1 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lamb (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | −16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lamb (F) | −25 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| La Motte (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| La Motte (F) | −25 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Louisiana (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Louisiana (F) | −25 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Pana, Illinois,: L 0; F −4.
b: From Pana, Illinois,: L −15; F −40.
c: Does not apply from Springfield, Illinois.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 71—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Machens (L) | N | +12 | +12 | −19 | +12 | +5 | +12 | +12 | −29 | +12 | +12 | +12 | +12 | −29 | +12 | −24 | N | −24 | N | N | −24 | −24 | N | −7 | −7 | a−7 | −24 | −24 | −24 | N | −24 | −24 | −7 |
| Machens (F) | N | +12 | +12 | +2 | +12 | +5 | +12 | +12 | −8 | +12 | +12 | +12 | +12 | −8 | +12 | −24 | N | −24 | N | N | −24 | −8 | N | −7 | −7 | a−7 | −24 | −24 | −8 | N | −8 | −8 | −7 |
| McCune (L) | N | +20 | +20 | +20 | +20 | N | +20 | +20 | +10 | N | +20 | +20 | +20 | +10 | +20 | +10 | +10 | b+1 | +10 | N | +10 | c+10 | N | 0 | +10 | a+10 | N | +15 | +10 | N | +10 | +10 | +10 | +10 |
| McCune (F) | N | +16 | +16 | +16 | +16 | N | +16 | +16 | +6 | N | +16 | +16 | +16 | +6 | +16 | +6 | +6 | b−24 | +6 | N | +6 | c+6 | N | −4 | +6 | a+6 | N | −10 | +6 | N | +6 | +6 | +6 | +6 |
| McIntosh (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | N | N | −7 | N | N | N | +10 | N | 0 | +10 | a+10 | N | +15 | +10 | N | +10 | +10 | +10 | +10 |
| McIntosh (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | N | N | −28 | N | N | N | +6 | N | −4 | +6 | a+6 | N | −10 | +6 | N | +6 | +6 | +6 | +6 |
| Mark (L) | N | +5 | +5 | +5 | +5 | 0 | 0 | +5 | −5 | +5 | +5 | +5 | +5 | −5 | +5 | +10 | +10 | N | +10 | N | +10 | c+10 | N | −15 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Mark (F) | N | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −15 | −5 | −5 | −5 | −5 | −15 | −5 | +6 | +6 | N | +6 | N | +6 | c+6 | N | −25 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Maywood (L) | N | +12 | +12 | +12 | +12 | −15 | +12 | +12 | −17 | N | −7 | +12 | +12 | +2 | +12 | 0 | N | +10 | N | N | N | 0 | N | N | 0 | a0 | 0 | 0 | 0 | N | 0 | 0 | 0 |
| Maywood (F) | N | +12 | +12 | +12 | +12 | −15 | +12 | +12 | −17 | N | −7 | +12 | +12 | +2 | +12 | 0 | N | +10 | N | N | N | 0 | N | N | 0 | a0 | 0 | 0 | 0 | N | 0 | 0 | 0 |
| Mungers Switch (L) | N | +5 | +5 | +5 | +5 | 0 | 0 | +5 | +5 | +5 | +5 | +5 | +5 | −5 | +5 | +10 | +10 | N | +10 | N | +10 | c+10 | N | −13 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Mungers Switch (F) | N | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −20 | −5 | −5 | −5 | −5 | −15 | −5 | +6 | +6 | N | +6 | N | +6 | c+6 | N | −25 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| New London (L) | N | +20 | +20 | +20 | +20 | N | +20 | +20 | +10 | N | +20 | +20 | +20 | +10 | +20 | +10 | +10 | −32 | +10 | N | +10 | c+10 | N | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| New London (F) | N | +16 | +16 | +16 | −5 | N | +16 | +16 | +6 | N | +16 | +16 | +16 | +6 | +16 | +6 | +6 | −41 | +6 | N | +6 | c+6 | N | −4 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Oakwood (L) | N | +20 | +20 | +20 | +20 | N | +20 | +20 | +10 | N | +20 | +20 | +20 | +10 | +20 | +10 | +10 | −32 | +10 | N | +10 | c+10 | N | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Oakwood (F) | N | +16 | +16 | +16 | −5 | N | +16 | +16 | +6 | N | +16 | +16 | +16 | +6 | +16 | +6 | +6 | 41 | 41 | N | +6 | c+6 | N | −4 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Old Monroe (L) | N | +12 | +12 | −3 | +12 | −8 | +12 | +12 | −13 | +12 | +12 | +12 | +12 | −13 | +12 | −8 | N | −8 | N | N | −41 | c+6 | N | −4 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Old Monroe (F) | N | +16 | +16 | +16 | +16 | +3 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | −10 | N | −10 | N | N | −8 | −8 | N | −7 | −7 | a−7 | −8 | −8 | −8 | N | −8 | −8 | −7 |
| Orchard Farm (L) | N | +12 | +12 | −19 | +12 | +5 | +12 | +12 | −29 | +12 | +12 | +12 | +12 | −29 | +12 | −24 | N | −24 | N | N | −10 | +6 | N | −4 | +6 | a+6 | −10 | −10 | +6 | N | +6 | +6 | +6 | +6 |
| Orchard Farm (F) | N | +12 | +12 | +2 | +12 | +5 | +12 | +12 | −8 | +12 | +12 | +12 | +12 | −8 | +12 | −24 | N | −24 | N | N | −24 | −24 | N | −7 | −7 | a−7 | −24 | −24 | −24 | N | −24 | −24 | −7 |
| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Machens (L) | −15 | N | N | N | N | N | +5 | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Machens (F) | −15 | N | N | N | N | N | +5 | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McCune (L) | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McCune (F) | −25 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McIntosh (L) | −20 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McIntosh (F) | −25 | N | N | N | N | N | −10 | −10 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mark (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mark (F) | −25 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Maywood (L) | −15 | N | N | N | N | N | +5 | +5 | −30 | −36 | N | N | −30 | N | N | N | N | N | −50 | N | N | −37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Maywood (F) | −15 | N | N | N | N | N | +5 | +5 | −30 | −36 | N | N | −30 | N | N | N | N | N | −50 | N | N | −37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mungers Switch (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mungers Switch (F) | −25 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | −16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New London (L) | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New London (F) | −25 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oakwood (L) | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oakwood (F) | −25 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Old Monroe (L) | −15 | N | N | N | N | N | +5 | +5 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Old Monroe (F) | −17 | N | N | N | N | N | +3 | +3 | −50 | −50 | N | N | −50 | N | N | N | N | N | −50 | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Orchard Farm (L) | −15 | N | N | N | N | N | +5 | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Orchard Farm (F) | −15 | N | N | N | N | N | +5 | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: Does not apply from Springfield, Illinois.
b: From Pana, Illinois,: L −9; F −34.
c: From Pana, Illinois,: L 0; F −4.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 71*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Orrwood (L) | N | +12 | N | +12 | N | N | N | N | N | N | N | N | N | +2 | N | −7 | N | o−7 | −7 | N | −7 | b−7 | N | −7 | −7 | −7 | −7 | −7 | N | −7 | c−7 | −7 |
| Orrwood (F) | N | +12 | N | +12 | N | N | N | N | N | N | N | N | N | +2 | N | −7 | N | c−7 | −7 | N | −7 | b−7 | N | −7 | −7 | −7 | −7 | −7 | N | −7 | c−7 | −7 |
| Owendale (L) | N | +12 | N | +12 | N | N | N | N | N | N | −9 | N | N | +2 | N | −7 | N | c−7 | −7 | N | −7 | c−7 | N | −7 | −7 | −7 | −7 | −7 | c−7 | N | c−7 | −7 |
| Owendale (F) | N | +12 | N | +12 | N | N | N | N | N | N | −9 | N | N | +2 | N | −7 | N | c−7 | −7 | N | −7 | c−7 | N | −7 | −7 | −7 | −7 | −7 | c−7 | N | c−7 | −7 |
| Peno (L) | N | +20 | +20 | +20 | +20 | N | +20 | +20 | +10 | N | +20 | +20 | +20 | +10 | +20 | +10 | +10 | d−5 | +10 | N | +10 | a+10 | N | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Peno (F) | N | +16 | +16 | +16 | −5 | N | +16 | +16 | +6 | N | +16 | +16 | +16 | +6 | +16 | +6 | +6 | d−20 | +6 | N | +6 | a+6 | N | −4 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Perry (L) | N | +12 | +12 | N | +12 | N | N | N | N | N | −15 | +12 | +12 | N | N | −7 | N | c−7 | −7 | N | −7 | c−7 | N | −7 | −7 | −7 | −7 | −7 | c−7 | N | −7 | c−7 | −7 |
| Perry (F) | N | +12 | +12 | N | +12 | N | N | N | N | N | −15 | +12 | +12 | N | N | −7 | N | c−7 | −7 | N | −7 | c−7 | N | −7 | −7 | −7 | −7 | −7 | c−7 | N | −7 | c−7 | −7 |
| Perugue (L) | N | +12 | +12 | −5 | +12 | +5 | +12 | +12 | −15 | +12 | +12 | +12 | +12 | −15 | +12 | −10 | N | −10 | N | N | −10 | −10 | N | −7 | −7 | e−7 | −10 | −10 | −10 | N | −10 | −10 | −7 |
| Peruque (F) | N | +16 | +16 | +16 | +16 | +5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | −10 | N | −10 | N | N | −10 | +6 | N | −4 | −4 | e−4 | −10 | −10 | +6 | N | +6 | +6 | −4 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Orrwood (L) | −14 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | N | N |
| Orrwood (F) | −14 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | N | N |
| Owendale (L) | −20 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | N | N |
| Owendale (F) | −20 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | N | N |
| Peno (L) | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | N | N |
| Peno (F) | −25 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | N | N |
| Perry (L) | −14 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | N | N |
| Perry (F) | −14 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | N | N |
| Perugue (L) | −15 | N | N | N | N | N | +5 | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | N | N |
| Peruque (F) | −15 | N | N | N | N | N | +5 | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | N | N | 0 | 0 | 0 | 0 | N | N | N |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Pana, Illinois: L 0; F −4.
b: From Edwardsville, Illinois, only.
c: From Pana, Illinois: −17.
d: From Pana, Illinois: L −15; F −40.
e: Does not apply from Springfield, Illinois.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 71*—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Plum Creek (L) | N | +20 | +20 | +20 | +20 | N | +20 | +20 | +10 | N | +20 | +20 | +20 | +10 | +20 | +10 | +10 | −32 | +10 | N | +10 | a+10 | N | N | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Plum Creek (F) | N | +16 | +16 | +16 | −5 | N | +16 | +16 | +6 | N | +16 | +16 | +16 | +6 | +16 | +6 | +6 | −41 | +6 | N | +6 | a+6 | N | N | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Reading (L) | N | +10 | +10 | +10 | +10 | −10 | +10 | +10 | 0 | +10 | +10 | +10 | +10 | 0 | +10 | +6 | +6 | −25 | +6 | N | +6 | a+6 | N | N | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Reading (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | +6 | +6 | −38 | +6 | N | +6 | b+6 | N | −4 | +6 | c+6 | +6 | +6 | +6 | +6 | +6 | +6 | b+6 | +6 |
| Riverland (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | +20 | +20 | +20 | +10 | +20 | +10 | +10 | −5 | +10 | N | +10 | +10 | N | 0 | +10 | c+10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Riverland (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | +6 | +6 | −28 | +6 | N | +6 | +6 | N | −4 | +6 | c+6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Salt River (L) | N | +20 | +20 | +20 | +20 | N | +20 | +20 | +10 | N | +20 | +20 | +20 | +10 | +20 | +10 | +10 | −32 | +10 | N | +10 | a+10 | N | 0 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Salt River (F) | N | +16 | +16 | +16 | −5 | N | +16 | +16 | +6 | N | +16 | +16 | +16 | +6 | +16 | +6 | +6 | −41 | +6 | N | +6 | a+6 | N | −4 | +6 | c+6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Saverton (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | +10 | +20 | N | +20 | +20 | +10 | +20 | +10 | +10 | −15 | +10 | N | +10 | +10 | N | 0 | +10 | c+10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | +10 |
| Saverton (F) | N | +16 | +16 | +16 | +16 | −5 | +16 | +16 | +6 | +16 | +16 | +16 | +16 | +6 | +16 | +6 | +6 | −38 | +6 | N | +6 | +6 | N | −4 | +6 | c+6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | +6 |
| Seeburger (L) | N | +12 | +12 | −15 | +12 | +5 | +12 | +12 | −25 | +12 | +12 | +12 | +12 | −25 | +12 | −20 | N | −20 | N | N | −20 | −20 | N | −7 | −7 | e−7 | −20 | −20 | −20 | −20 | N | −20 | −20 | −7 |
| Seeburger (F) | N | +12 | +12 | +6 | +12 | +5 | +12 | +12 | −4 | +12 | +12 | +12 | +12 | −4 | +12 | −20 | N | −20 | N | N | −20 | −4 | N | −7 | −4 | e−4 | −20 | −20 | −20 | −4 | N | −4 | −4 | −4 |
| Stockyards (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | −7 | +20 | +3 | +20 | +20 | +10 | +20 | +10 | N | −32 | N | N | +10 | a+10 | d+8 | 0 | +10 | −32 | +10 | +10 | +10 | N | +10 | +10 | +10 |
| Stockyards (F) | N | +16 | +16 | +16 | −6 | +5 | +16 | +16 | −25 | +16 | −15 | +16 | +16 | +6 | +16 | +6 | +6 | −41 | N | N | +6 | a+6 | d−50 | −4 | +6 | −41 | +6 | +6 | +6 | N | +6 | +6 | +6 |
| Taylor | N | +17 | +17 | +17 | +17 | −14 | +17 | +17 | −16 | N | −6 | +17 | +17 | +7 | +17 | +5 | N | N | +5 | N | N | N | +6 | N | −19 | +5 | +5 | +5 | +5 | +6 | N | +5 | +5 | +5 |
| Vera (L) | N | +20 | +20 | +20 | +20 | 0 | +20 | +20 | −7 | +20 | +3 | +20 | +20 | +10 | +20 | +10 | N | −32 | N | N | +10 | a+10 | d−8 | 0 | +10 | −32 | +10 | +10 | +10 | N | +10 | +10 | +10 |
| Vera (F) | N | +16 | +16 | +16 | −5 | +5 | +16 | +16 | −25 | +16 | −15 | +16 | +16 | +6 | +16 | +6 | N | −41 | N | N | +6 | a+6 | d−50 | −4 | +6 | −41 | +6 | +6 | +6 | N | +6 | +6 | +6 |
| West Quincy (L) | N | +5 | +5 | +5 | +5 | 0 | +5 | +5 | −5 | +5 | +5 | +5 | +5 | −5 | +5 | +10 | +10 | N | +10 | N | N | +10 | a+10 | −34 | −15 | +10 | +10 | +10 | +10 | +10 | +10 | +10 | b+10 | +10 |
| West Quincy (F) | N | −5 | −5 | −5 | −5 | −5 | −5 | −5 | −15 | −5 | −5 | −5 | −5 | −15 | −5 | +6 | +6 | N | +6 | N | N | +6 | a+6 | −50 | −25 | +6 | +6 | +6 | +6 | +6 | +6 | +6 | b+6 | +6 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Plum Creek (L) | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | c | 0 | 0 | 0 | 0 | 0 | 0 | c |
| Plum Creek (F) | −25 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Reading (L) | −30 | N | N | N | N | N | −20 | −20 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Reading (F) | −25 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Riverland (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Riverland (F) | −25 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Salt River (L) | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Salt River (F) | −25 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Saverton (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Saverton (F) | −25 | N | N | N | N | N | −10 | −10 | −45 | −50 | N | N | −45 | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Seeburger (L) | −15 | N | N | N | N | N | −5 | −5 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Seeburger (F) | −15 | N | N | N | N | N | −5 | −5 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stockyards (L) | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | −42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stockyards (F) | −25 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taylor | −34 | N | N | N | N | N | +5 | +5 | −29 | −35 | N | N | −29 | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Vera (L) | −20 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | −42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Vera (F) | −25 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Quincy (L) | −20 | N | N | N | N | N | −10 | −10 | −25 | −31 | N | N | −25 | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Quincy (F) | −25 | N | N | N | N | N | −10 | −10 | −17 | −23 | N | N | −17 | N | N | N | N | N | N | N | N | −50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.
a: From Pana, Illinois: L 0; F −4.
b: From Pana, Illinois: L −10; F −4.
c: Does not apply from Springfield, Illinois.
d: From Mt. Olive, Illinois only.

## *Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 71—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 |
| *Destination* | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | |
| White Bear (L) | | NZ | +12 | −7 | NZ | −2 | +12 | NZ | NZ | NZ | +12 | +12 |
| White Bear (F) | | NZ | +12 | −7 | NZ | −2 | +12 | NZ | NZ | NZ | +12 | +12 |
| White Corn (L) | | NZ | +12 | −19 | NZ | +5 | +12 | −10 | −28 | NZ | +12 | +12 |
| White Corn (F) | | NZ | +12 | −19 | NZ | +5 | +12 | −10 | −28 | NZ | +12 | +12 |
| White Rock (L) | | NZ | +20 | +20 | NZ | 0 | +20 | +10 | +26 | NZ | +20 | +20 |
| White Rock (F) | | NZ | +16 | +16 | NZ | −5 | +16 | −10 | −31 | NZ | +16 | +16 |
| Wilkie (L) | | NZ | +12 | −10 | NZ | +5 | +12 | −10 | −28 | NZ | +12 | +12 |
| Wilkie (F) | | NZ | +20 | +20 | NZ | +5 | +20 | −10 | −40 | NZ | +20 | +20 |
| Winfield (L) | | NZ | +15 | +20 | NZ | −5 | +26 | −10 | +26 | NZ | +26 | +26 |
| Winfield (F) | | NZ | +12 | +12 | NZ | +5 | +12 | −10 | +2 | NZ | +12 | +12 |
| Witherspill | | NZ | +12 | +12 | NZ | +5 | +12 | −10 | +2 | NZ | +12 | +12 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 45 | 40 | 40 |
| *Destination* | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | |
| White Bear (L) | −22 | NZ | NZ | NZ | NZ | NZ | +5 | NZ | −30 | −36 | NZ | NZ |
| White Bear (F) | −22 | NZ | NZ | NZ | NZ | NZ | +5 | NZ | −30 | −36 | NZ | NZ |
| White Corn (L) | −15 | NZ | NZ | NZ | NZ | NZ | +5 | NZ | NZ | NZ | NZ | NZ |
| White Corn (F) | −15 | NZ | NZ | NZ | NZ | NZ | +5 | NZ | NZ | NZ | NZ | NZ |
| White Rock (L) | −20 | NZ | NZ | NZ | NZ | NZ | −10 | NZ | −40 | −50 | NZ | NZ |
| White Rock (F) | −26 | NZ | NZ | NZ | NZ | NZ | −10 | NZ | NZ | NZ | NZ | NZ |
| Wilkie (L) | −15 | NZ | NZ | NZ | NZ | NZ | +5 | NZ | −30 | −36 | NZ | NZ |
| Wilkie (F) | −20 | NZ | NZ | NZ | NZ | NZ | −10 | NZ | −50 | −50 | NZ | NZ |
| Winfield (L) | −26 | NZ | NZ | NZ | NZ | NZ | −10 | NZ | −50 | −50 | NZ | NZ |
| Winfield (F) | −15 | NZ | NZ | NZ | NZ | NZ | +5 | NZ | −26 | −31 | NZ | NZ |
| Witherspill | | NZ | NZ | NZ | NZ | NZ | | NZ | | | NZ | NZ |

| Mine origin group No. | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| White Bear (L) | +12 | +12 | −17 | +12 | +12 | +12 | +12 | +12 | +12 | +12 | 0 | +12 | +12 | −28 | NZ | NZ | 0 | bo | NZ | −7 | −7 | 0 | bo | 0 | 0 | 0 | bo | 0 | 0 |
| White Bear (F) | +12 | +12 | −28 | +12 | +12 | +12 | +12 | +12 | +12 | +12 | 0 | +12 | +12 | −28 | NZ | NZ | 0 | bo | NZ | −7 | −7 | 0 | bo | 0 | 0 | 0 | bo | 0 | 0 |
| White Corn (L) | +12 | +12 | −10 | +12 | +12 | +12 | +12 | +12 | +12 | +12 | −24 | +12 | +12 | −24 | NZ | NZ | −24 | −24 | NZ | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 |
| White Corn (F) | +12 | +12 | −16 | +12 | +12 | +12 | +12 | +12 | +12 | +12 | −24 | +12 | +12 | −24 | NZ | NZ | −24 | −24 | NZ | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 |
| White Rock (L) | +20 | +16 | −28 | +16 | +16 | +16 | +16 | +16 | +16 | +16 | −24 | +20 | +20 | −24 | NZ | NZ | −24 | −24 | NZ | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 |
| White Rock (F) | +16 | +16 | −28 | +16 | +16 | +16 | +16 | +16 | +16 | +16 | −24 | +16 | +16 | −24 | NZ | NZ | −24 | −24 | NZ | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 |
| Wilkie (L) | +12 | +12 | −16 | +12 | +12 | +12 | +12 | +12 | +12 | +12 | −24 | +12 | +12 | −24 | NZ | NZ | −24 | −24 | NZ | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 |
| Wilkie (F) | +12 | +12 | −16 | +12 | +12 | +12 | +12 | +12 | +12 | +12 | −24 | +12 | +12 | −24 | NZ | NZ | −24 | −24 | NZ | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 |
| Winfield (L) | +12 | +12 | −16 | +12 | +12 | +12 | +12 | +12 | +12 | +12 | −24 | +12 | +12 | −24 | NZ | NZ | −24 | −24 | NZ | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 |
| Winfield (F) | +12 | +12 | −16 | +12 | +12 | +12 | +12 | +12 | +12 | +12 | −24 | +12 | +12 | −24 | NZ | NZ | −24 | −24 | NZ | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 |
| Witherspill | +12 | +12 | −16 | +12 | +12 | +12 | +12 | +12 | +12 | +12 | −24 | +12 | +12 | −24 | NZ | NZ | −24 | −24 | NZ | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 | −24 |

| Mine origin group No. | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 97 | 98 | 99 | 100 | 101 | 102 | 103 | 104 | 105 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 45 | 40 | 40 | 65 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 | 40 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| White Bear (L) | −22 | −22 | −22 | −22 | −22 | −22 | −22 | −22 | NZ | NZ | NZ | NZ | NZ | +5 | NZ | −30 | −36 | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ |
| White Bear (F) | −22 | −22 | −22 | −22 | −22 | −22 | −22 | −22 | NZ | NZ | NZ | NZ | NZ | +5 | NZ | −30 | −36 | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ |
| White Corn (L) | −15 | −15 | −15 | −15 | −15 | −15 | −15 | −15 | NZ | NZ | NZ | NZ | NZ | +5 | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ |
| White Corn (F) | −15 | −15 | −15 | −15 | −15 | −15 | −15 | −15 | NZ | NZ | NZ | NZ | NZ | +5 | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ |
| White Rock (L) | −20 | −20 | −20 | −20 | −20 | −20 | −20 | −20 | NZ | NZ | NZ | NZ | NZ | −10 | NZ | −40 | −50 | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ |
| White Rock (F) | −26 | −26 | −26 | −26 | −26 | −26 | −26 | −26 | NZ | NZ | NZ | NZ | NZ | −10 | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ |
| Wilkie (L) | −15 | −15 | −15 | −15 | −15 | −15 | −15 | −15 | NZ | NZ | NZ | NZ | NZ | +5 | NZ | −30 | −36 | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ |
| Wilkie (F) | −20 | −20 | −20 | −20 | −20 | −20 | −20 | −20 | NZ | NZ | NZ | NZ | NZ | −10 | NZ | −50 | −50 | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ |
| Winfield (L) | −26 | −26 | −26 | −26 | −26 | −26 | −26 | −26 | NZ | NZ | NZ | NZ | NZ | −10 | NZ | −50 | −50 | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ |
| Winfield (F) | −15 | −15 | −15 | −15 | −15 | −15 | −15 | −15 | NZ | NZ | NZ | NZ | NZ | +5 | NZ | −26 | −31 | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ |
| Witherspill | | | | | | | | | NZ | NZ | NZ | NZ | NZ | | NZ | | | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ | NZ |

L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 33, inclusive.
c: Does not apply from Springfield, Illinois.
b: From Pana, Illinois, −10.



## *Prices for All-Rail Shipment Into Market Areas Nos. 72 and 74 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*

| Price group Nos. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 133 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| | 0 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 44, 131, 191, 192 | 140 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 143 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 214 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 84 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| | 145, 166, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 146, 194 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 30 | 240 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| 4 | 40 | 255 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 185 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| | 30 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 92, 182 | 151 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| 6 | 94 | 124 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| 7 | 141 | 225 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| 8 | 80 | 225 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| 9 | 4 | 225 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| 10 | 91 | 225 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| 11 | 136 | 225 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| 12 | 40 | 225 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| | 77 | 225 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| | 132 | 225 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 190 | 180 | 155 | 155 | 235 |
| | 27, 63, 64, 65, 66 | 43 | 215 | 215 | 215 | 205 | 195 | 190 | 175 | 180 | 165 | 165 | 165 | 165 | 140 | 130 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 160 | 150 | 145 | 160 | 150 | 130 | 130 | 178 |
| | 101 | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 35, 190 | 51 | 208 | 203 | 198 | 188 | 183 | 178 | 173 | 183 | 165 | 165 | 165 | 165 | 140 | 130 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 160 | 150 | 145 | 160 | 150 | 130 | 130 | 178 |
| | 22 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 160, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 23, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 49 | 208 | 203 | 198 | 188 | 183 | 178 | 173 | 183 | 165 | 165 | 165 | 165 | 140 | 130 | 75 | 45 | 177 | 177 | 177 | 177 | 167 | 160 | 150 | 145 | 160 | 150 | 130 | 130 | 178 |
| | 129 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 189 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 93 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16 | 45 | 62 | 200 | 195 | 190 | 180 | 175 | 170 | 165 | 177 | 150 | 150 | 150 | 150 | 118 | 110 | 60 | 45 | 177 | 177 | 177 | 177 | 167 | 160 | 150 | 145 | 160 | 150 | 130 | 130 | 178 |
| | 72 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 22 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 135 | 25 | 222 | 217 | 212 | 202 | 197 | 187 | 177 | 182 | 157 | 157 | 157 | 157 | 127 | 117 | 65 | 45 | 177 | 177 | 177 | 177 | 167 | 160 | 150 | 145 | 160 | 150 | 130 | 130 | 178 |
| | 137 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 85, 178 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 47, 142 | 31 | 215 | 210 | 205 | 195 | 190 | 180 | 170 | 175 | 150 | 150 | 150 | 150 | 120 | 110 | 60 | 45 | 177 | 177 | 177 | 177 | 167 | 160 | 150 | 145 | 160 | 150 | 130 | 130 | 178 |
| 18 | 145 | 33 | 222 | 217 | 212 | 202 | 197 | 187 | 177 | 182 | 157 | 157 | 157 | 157 | 127 | 117 | 65 | 45 | 177 | 177 | 177 | 177 | 167 | 160 | 150 | 145 | 160 | 150 | 130 | 130 | 178 |
| 19 | 153 | 21 | 222 | 217 | 212 | 202 | 197 | 187 | 177 | 182 | 157 | 157 | 157 | 157 | 127 | 117 | 65 | 45 | 177 | 177 | 177 | 177 | 167 | 160 | 150 | 145 | 160 | 150 | 130 | 130 | 178 |
| | 188 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 96, 99, 100 | 23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 98, 102, 104, 161 | 29 | 207 | 202 | 197 | 187 | 182 | 177 | 172 | 177 | 157 | 157 | 157 | 157 | 127 | 117 | 65 | 45 | 177 | 177 | 177 | 177 | 167 | 160 | 150 | 145 | 160 | 150 | 130 | 130 | 178 |
| 20 | 45 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 6, 26, 43, 61 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 140, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | 207 | 202 | 197 | 187 | 182 | 177 | 172 | 177 | 157 | 157 | 157 | 157 | 127 | 117 | 65 | 45 | 177 | 177 | 177 | 177 | 167 | 160 | 150 | 145 | 160 | 150 | 130 | 130 | 178 |
| | 93, 159 | 23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 31, 94, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 1 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 20, 138 | 80 | 200 | 195 | 190 | 180 | 175 | 170 | 165 | 170 | 145 | 145 | 145 | 145 | 120 | 110 | 60 | 45 | 177 | 177 | 177 | 177 | 167 | 160 | 150 | 145 | 160 | 150 | 130 | 130 | 178 |
| 22 | 25, 24 | 27 | 207 | 202 | 197 | 187 | 182 | 177 | 172 | 177 | 157 | 157 | 157 | 157 | 127 | 117 | 65 | 45 | 177 | 177 | 177 | 177 | 167 | 160 | 150 | 145 | 160 | 150 | 130 | 130 | 178 |
| 23 | 170 | 32 | 207 | 202 | 197 | 187 | 182 | 177 | 172 | 177 | 157 | 157 | 157 | 157 | 127 | 117 | 65 | 45 | 177 | 177 | 177 | 177 | 167 | 160 | 150 | 145 | 160 | 150 | 130 | 130 | 178 |
| | | 49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Prices for All-Rail Shipment Into Market Area No. 73 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions; and Subject to Price Adjustments to Specific Destinations as Shown Hereinafter*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 1 | 62, 141, 154, 155, 158 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9 | 137 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | 190 | 155 | 235 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 39 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 180 | 150 | ---- | ---- | 225 |
| | 50 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 180 | 150 | ---- | ---- | 190 |
| 6 | 94 | 134 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | ---- | ---- | ---- | ---- | 200 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | | | | | | | | | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | ---- | ---- | 235 |
| 8 | 91 | 80 | 265 | 265 | 265 | 255 | 245 | 235 | 210 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 70 | | | | | | | | | | | | | |
| 9 | 136 | 80 | | | | | | | 210 | | | | | | | | | | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| 10 | 49 | 82 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 130 | 120 | 60 | 40 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 140 | 130 | 140 | ---- | 175 |
| 11 | 77 | 80 | 250 | 250 | 250 | 240 | 230 | 220 | 200 | 210 | 180 | 180 | 180 | 180 | 130 | 120 | 70 | 40 | 200 | 200 | 200 | 200 | 190 | 155 | 145 | 115 | 140 | 130 | 140 | ---- | 220 |
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ---- | ---- | 185 |
| | 33, 190 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | 145 | 135 | ---- | ---- | 185 |
| | 57, 163 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | | | | | |
| | 129 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 58 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | 21 | 70 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 123 | 71 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 175 | 165 | ---- | ---- | 215 |
| | 162 | 72 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 188 | 74 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | ---- | 205 | 205 | 205 | 205 | 195 | 195 | 185 | 155 | 175 | 165 | ---- | ---- | 215 |
| 16 | 45 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 25 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 125 | 115 | ---- | ---- | 175 |
| | 135 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 36, 85, 178 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 47, 142 | 31 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ---- | ---- | 175 |
| 18 | 165 | 33 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ---- | ---- | 175 |
| 19 | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 125 | 115 | ---- | ---- | 165 |
| | 96, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 81 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 26, 43, 61 | 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 130, 173 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | 125 | 115 | ---- | ---- | 165 |
| | 93, 159 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | | | | | |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 20, 138 | 27 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 125 | 115 | 50 | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 135 | 125 | ---- | ---- | 175 |
| 22 | 39, 74 | 32 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 125 | 115 | 50 | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 135 | 125 | ---- | ---- | 175 |
| 23 | 170 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| 24 | 17, 35, 46, 87, 152 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | ---- | ---- | 185 |



*Prices for All-Rail Shipment Into Market Area No. 73 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions; and Subject to Price Adjustments to Specific Destinations as Shown Hereinafter*—Continued

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 25 | 13, 71 | 91 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 60 | 93 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 155 | 145 | ---- | ---- | 185 |
| | 78 | 96 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 80 | 125 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 81, 82 | 126 | 227 | 222 | 217 | 207 | 202 | 197 | 197 | 197 | 187 | 187 | 187 | 187 | 157 | 147 | 82 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 167 | 157 | ---- | ---- | 197 |
| 27 | 95 | 95 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | 185 | 185 | 185 | 185 | 175 | 175 | 145 | 135 | 155 | 145 | ---- | ---- | 185 |
| 28 | 84 | 92 | 221 | 216 | 211 | 201 | 196 | 191 | 191 | 191 | | | | | | | | | 191 | 191 | 191 | 191 | 181 | 181 | 171 | 141 | | | | | 191 |
| 29 | 189 | 116 | 310 | 305 | 300 | 290 | 285 | 275 | 260 | 265 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 260 | 260 | 260 | 260 | 250 | 250 | 240 | 210 | ---- | ---- | ---- | ---- | 275 |
| 30 | 126 | 114 | 300 | 295 | 290 | 280 | 275 | 265 | 250 | 255 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | ---- | 220 | 220 | 220 | 220 | 210 | 210 | 200 | 170 | 190 | 180 | ---- | ---- | 265 |
| 31 | 150 | 111 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 164 | 112 | 300 | 295 | 290 | 280 | 275 | 265 | 250 | 255 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | ---- | ---- | 265 |
| | 98 | 117 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73, 175 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | 19 | 114 | 260 | 255 | 250 | 240 | 235 | 230 | 225 | 220 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | ---- | ---- | 230 |
| | 126 | 114 | 270 | 265 | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 200 | 190 | ---- | ---- | 240 |
| 33 | 1 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 155 | 145 | ---- | ---- | 185 |
| 34 | 2 | 10 | 232 | 227 | 222 | 212 | 207 | 202 | 202 | 202 | 192 | 192 | 192 | 192 | 162 | 152 | 87 | ---- | 197 | 197 | 197 | 197 | 187 | 187 | 177 | 147 | 172 | 162 | ---- | ---- | 202 |

## Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Adelbert Spur (L) | N | −30 | −30 | −30 | −35 | −30 | −30 | −30 | −35 | −30 | −35 | −30 | −30 | −35 | −30 | N | N | −35 | N | N | N | N | −35 | −35 | −35 | N | N | N | −35 | −35 | −35 | | |
| Advance (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | −35 | N | N | N | N | −35 | *−35 | N | N | N | N | −35 | −35 | N | | |
| Alfalfa Center (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | −35 | N | N | N | N | N | −35 | −35 | N | | |
| Alfreys (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | −35 | −35 | −35 | −35 | N | N | −35 | −35 | −35 | | |
| Allen Mills Spur (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | −35 | −35 | −35 | N | N | −35 | −35 | −35 | | |
| Allen Mills Spur (F) | N | −24 | −24 | −24 | −24 | −24 | −10 | −24 | −34 | −24 | −24 | −35 | −10 | −34 | −10 | N | N | −35 | N | N | N | N | −35 | −30 | −30 | *−35 | N | N | N | −30 | −30 | | |
| Allenville (L) | N | −15 | −10 | −10 | −34 | −10 | −10 | −10 | −35 | −2 | −34 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | −30 | −30 | *−35 | N | N | N | −30 | −30 | | |
| Allenville (F) | N | −15 | −10 | −10 | −34 | −10 | −10 | −10 | −35 | −2 | −34 | −10 | −10 | −20 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | | |
| Ancell (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | −35 | −35 | *−35 | N | N | N | −35 | −35 | | |
| Angus (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | −25 | −35 | −35 | *−35 | N | N | −35 | −35 | −35 | | |
| Annapolis (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −34 | −34 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | −35 | −35 | −35 | *−35 | N | N | −35 | −35 | −35 | | |
| Annapolis (F) | N | −34 | −34 | −34 | −34 | −34 | −10 | −34 | −35 | −34 | −34 | −34 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | | |
| Anniston (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | N | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | −35 | −35 | *−35 | N | N | −35 | −35 | −35 | | |
| Arbor (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | | |
| Arbyrd (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | | |
| Arcadia (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | −35 | −35 | *−35 | N | N | −35 | −35 | −35 | | |
| Arcadia (F) | N | −29 | −29 | −29 | −29 | −29 | −10 | −29 | −29 | −29 | −29 | −29 | −10 | −35 | −10 | N | N | −35 | −33 | N | N | N | −35 | −30 | −30 | *−30 | N | N | −35 | −35 | −35 | | |
| Arnold (L) | N | N | N | N | N | N | N | N | −20 | N | N | N | N | −20 | N | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | | |
| Ash Hill (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | | |
| Avert (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | | |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Adelbert Spur (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −20 | N | 0 | N | 0 | N | 0 | N | N | 0 |
| Advance (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | N | −35 | 0 | 0 | −35 |
| Alfalfa Center (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | N | 0 | N | −35 | 0 | 0 | 0 | 0 | 0 |
| Alfreys (L) | −30 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −14 | N | 0 | N | −35 | 0 | 0 | 0 | 0 | −25 |
| Allen Mills Spur (L) | N | N | N | N | N | N | −34 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −14 |
| Allen Mills Spur (F) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allenville (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allenville (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ancell (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | N | −35 | 0 | 0 | −35 |
| Angus (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | N | 0 | −35 | 0 | N | −35 | 0 | 0 | −35 |
| Annapolis (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −24 | N | 0 | −35 | 0 | N | −35 | 0 | 0 | −24 |
| Annapolis (F) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Anniston (L) | −30 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −33 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arbor (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | N | 0 | −35 | 0 | N | −35 | 0 | 0 | −30 |
| Arbyrd (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −29 | N | 0 | −35 | 0 | N | −35 | 0 | 0 | −29 |
| Arcadia (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | −35 | 0 | N | −35 | 0 | 0 | −35 |
| Arcadia (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arnold (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | −35 | 0 | N | −35 | 0 | 0 | −35 |
| Ash Hill (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.



## Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bainbridge (L) | N | N | −10 | −35 | −35 | 0 | −10 | 0 | −35 | −35 | −35 | 0 | −10 | −35 | 0 | N | N | N | −35 | N | N | −35 | N | −35 | −35 | −35 | N | N | −35 | N | −35 | −35 | −35 |
| Baker (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Bakerville (L) | N | N | −10 | −10 | N | −10 | −10 | N | N | N | −10 | −10 | −10 | −20 | −10 | N | N | N | −35 | N | N | N | N | N | N | *−35 | N | N | N | N | N | N | N |
| Barlow (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 | −35 |
| Barnhart (L) | N | −20 | −10 | −20 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −30 | −10 | N | N | −35 | −35 | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Barnhart (F) | N | −20 | −10 | −20 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −30 | −10 | N | N | −35 | −35 | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Barrettville (L) | N | N | N | N | N | N | N | N | −20 | N | N | N | N | −20 | N | N | N | −35 | −35 | N | N | N | N | N | −35 | −35 | N | N | N | N | N | N | N |
| Beck (L) | N | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Bell City (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Bernie (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | −34 | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Bessville (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | N | *−35 | N | N | −35 | −35 | −35 | −35 | −35 |
| Bessville (F) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | N | *−35 | N | N | −35 | −35 | −35 | −35 | −35 |
| Big River (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | N | N | N | N | −35 | −35 | −35 | −35 |
| Big River (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | N | −35 | N | N | −35 | −35 | −35 | −35 |
| Bird's Point (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | *−35 | N | N | −35 | −35 | −35 | −35 | −35 |
| Bismarck (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | *−35 | N | N | −35 | −35 | −35 | −35 | −35 |
| Blackwell (L) | N | −20 | −20 | −20 | −35 | −20 | −10 | −20 | −35 | −20 | −35 | −20 | −10 | −80 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | *−35 | N | N | N | −35 | N | −35 | −35 |
| Blazer (L) | N | N | −10 | −35 | −35 | −10 | −10 | −10 | −35 | N | −35 | −10 | −10 | −35 | −10 | N | N | N | −35 | N | N | N | N | N | −35 | *−35 | N | N | N | −35 | N | −35 | −35 |
| Blodgett (L) | N | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | N | −35 | N | N | N | N | N | −35 | *−35 | N | N | N | N | N | −35 | −35 |
| Blomeyer (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bainbridge (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Baker (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | 0 | N | 0 | 0 | N | 0 | 0 |
| Bakerville (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barlow (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | −35 | −35 | 0 | −35 | 0 | 0 | −35 | 0 | −35 |
| Barnhart (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barnhart (F) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barrettville (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beck (L) | −25 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −34 | −34 | 0 | −34 | 0 | 0 | −34 | 0 | −34 |
| Bell City (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bernie (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bessville (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bessville (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Big River (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Big River (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bird's Point (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | 0 | −35 | 0 | −35 |
| Bismarck (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −26 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blackwell (L) | N | N | N | N | N | N | −30 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | N | 0 | N | 0 | 0 | 0 | −10 | 0 |
| Blazer (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blodgett (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | 0 | −35 | 0 | −35 |
| Blomeyer (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Blum (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −35 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Bonne Terre (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | N | −35 | N | N | −35 | N | −35 | −35 | −35 |
| Bonne Terre (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | N | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | N | −35 | N | N | −35 | N | −35 | −35 | −35 |
| Boston-Elvins (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | N | −35 | N | −35 | +5 | −10 | −35 | −10 | N | N | N | N | N | N | N | −35 | N | −35 | N | −35 | N | N | N | N | N | N | N |
| Boston-Elvins (F) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Bowers (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | −10 | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Braggadocio (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | −10 | −10 | −10 | N | −10 | N | N | N | N | N | N | N | −35 | N | −35 | *−35 | N | N | −35 | N | −35 | −10 | −35 | −10 |
| Bragg City (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | −10 | −10 | −10 | N | −10 | N | N | −35 | −35 | N | N | N | −35 | N | −35 | *−35 | N | N | N | N | N | N | N | N |
| Brickeys (L) | N | −20 | −10 | −20 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −30 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Brooks Junction (L) | N | N | −10 | −35 | N | −10 | −10 | −35 | N | −35 | N | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Broseley (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | −10 | −10 | −10 | −12 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | *−35 | N | N | N | N | N | −35 | −35 | −35 |
| Browns (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | −35 | *−35 | N | N | N | N | N | −35 | −35 | −35 |
| Brownwood (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | −10 | −10 | −10 | N | −10 | N | N | −35 | N | N | N | N | N | N | −35 | *−35 | N | N | N | N | N | N | N | N |
| Buckeye (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | −35 | *−35 | N | N | N | N | N | −35 | −35 | −35 |
| Bucoda (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | −10 | −10 | −10 | N | −10 | N | N | −35 | N | N | N | N | N | N | −35 | *−35 | N | N | N | N | N | −35 | −35 | −35 |
| Buffington (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | N | −35 | N | N | N | N | N | −35 | −35 |
| Burnside (L) | N | N | N | N | N | +5 | −10 | N | N | N | N | +5 | −10 | N | −10 | N | N | −35 | N | N | N | N | N | N | −35 | N | −35 | N | N | N | N | N | −30 | −30 |
| Burnside (F) | N | −10 | −10 | N | N | +5 | −10 | N | −10 | −10 | −10 | +5 | −10 | −20 | N | N | N | −30 | N | N | N | N | −30 | N | −20 | −30 | *−30 | N | N | −20 | N | −30 | −30 | −30 |
| Bussen Spur (L) | N | −10 | −10 | N | N | N | N | N | N | N | −10 | N | −10 | −20 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Cable (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Blum (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 |
| Bonne Terre (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bonne Terre (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Boston-Elvins (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Boston-Elvins (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bowers (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Braggadocio (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bragg City (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brickeys (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brooks Junction (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 |
| Broseley (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Browns (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 |
| Brownwood (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Buckeye (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 |
| Bucoda (L) | −30 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Buffington (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 |
| Burnside (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burnside (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Bussen Spur (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Cable (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.





*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cadet (L) | N | −25 | −25 | −25 | −35 | −25 | −10 | −25 | −35 | −25 | −35 | −25 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Campbell (L) | N | N | −10 | −35 | −35 | −10 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Canady (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Canalou (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Caney Creek (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Capedeau Junction (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Cape Girardeau (L) | N | N | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | N | −35 | N | N | −35 | N | N | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Cardwell (L) | N | N | −10 | N | N | −13 | −13 | N | N | N | −13 | −10 | −10 | N | −13 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Carters (L) | N | −10 | −35 | −10 | −35 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | N | −30 | *−30 | N | N | N | N | −30 | −30 | −30 |
| Carters (F) | N | +10 | −35 | +10 | −35 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | 0 | −10 | N | N | −30 | N | N | N | N | N | N | −30 | *−30 | N | N | N | N | −30 | −30 | −30 |
| Carutbersville (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | −10 | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Catalpa (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | −35 | N | N | N | −35 | −35 | −35 |
| Catron (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Central (L) | N | −30 | 0 | N | −35 | +15 | 0 | −35 | N | N | −35 | +15 | 0 | N | 0 | N | N | N | N | N | N | N | N | N | −35 | N | −35 | N | N | N | N | N | 35 |
| Central (F) | N | −30 | 0 | N | −35 | +15 | 0 | −28 | N | N | −28 | +15 | 0 | N | 0 | N | N | N | N | N | N | N | N | N | −35 | N | −35 | N | N | N | N | N | −35 |
| Chaffee (L) | N | N | N | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | N | −35 | *−35 | N | N | N | N | N | N | −35 |
| Champion (L) | N | N | −10 | −35 | −35 | +20 | −10 | −35 | −35 | N | −35 | +20 | −10 | −35 | −10 | N | N | N | N | N | N | −35 | N | N | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Chaonia | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Charleston (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Charter Oak (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cadet (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −15 | N | 0 | N | 0 | N | 0 | −15 | 0 | 0 |
| Campbell (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Canady (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Canalou (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Caney Creek (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Capedeau Junction (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −34 | −34 | 0 | −34 | 0 | −34 | 0 | −34 | 0 | 0 |
| Cape Girardeau (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cardwell (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Carters (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Carters (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Carutbersville (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Catalpa (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Catron (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Central (L) | −20 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Central (F) | −20 | N | N | N | N | N | 0 | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chaffee (L) | −35 | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | N | 0 | −35 | 0 | −35 | 0 | 0 | 0 | 0 |
| Champion (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chaonia (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Charleston (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Charter Oak (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Chloride (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | N | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Chloride (F) | N | −34 | −34 | −34 | −34 | −34 | −10 | −34 | −35 | N | N | −34 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Clarkton (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | N | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Claude (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | N | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Como (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | N | N | −10 | −10 | −10 | N | N | −35 | −33 | N | N | −35 | N | −30 | −30 | *−30 | N | N | −35 | N | −35 | −35 | −30 | −35 |
| Coral (L) | N | N | N | N | N | N | N | N | −10 | N | N | N | −10 | N | −20 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 | −35 |
| Cornwall (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 | −35 |
| Cornwall (F) | N | −27 | −10 | −27 | −25 | −10 | −10 | −27 | −35 | −27 | −27 | −27 | −10 | −10 | −35 | −10 | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 | N |
| Corridon (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | N | −35 | N | N | N | N | −35 | −35 | −35 | −35 |
| Crosno (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | −35 | N | N | N | N | N | −35 | N | −35 | N | N | N | N | −35 | −35 | −35 | N |
| Crowder (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | −35 | −35 | −35 | N | N | N | N | −35 | −35 | −35 | −35 |
| Crystal City (L) | N | −20 | −10 | −20 | −20 | +5 | −10 | −20 | −30 | −20 | −20 | −20 | +5 | −10 | −30 | −10 | N | N | −25 | −25 | N | N | N | −35 | −35 | −35 | N | N | N | N | −35 | −35 | −35 | −35 |
| Crystal Junction (L) | N | N | −10 | −20 | −20 | +5 | −10 | −20 | −30 | −20 | −20 | −20 | +5 | −10 | −30 | −10 | N | N | N | N | N | N | N | −35 | −35 | −35 | N | N | N | N | −35 | −35 | −35 | −35 |
| Crystal Junction (F) | N | N | −10 | −20 | −20 | +5 | −10 | −20 | −30 | −20 | −20 | −20 | +5 | −10 | −30 | −10 | N | N | N | N | N | N | N | −35 | −35 | −35 | N | N | N | N | −35 | −35 | −35 | −35 |
| Cunningham (L) | N | N | −20 | N | N | −20 | −20 | N | N | N | N | N | −20 | −20 | N | −20 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Dale (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Daley (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Dayton (L) | N | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Deering (L) | N | N | −10 | −10 | N | −10 | −10 | N | N | N | N | N | −10 | −20 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | N |
| De Lassus (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | N | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Chloride (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | N | 0 | −35 | 0 | 0 | N | 0 | −35 | 0 |
| Chloride (F) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −24 | 0 | 0 | −24 | 0 | 0 | 0 | 0 | −24 | 0 |
| Clarkton (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Claude (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Como (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Coral (L) | −30 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cornwall (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cornwall (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Corridon (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Crosno (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Crowder (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Crystal City (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Crystal Junction (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Crystal Junction (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cunningham (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 |
| Dale (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Daley (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Dayton (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Deering (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | 0 | 0 | 0 | −35 | 0 |
| De Lassus (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −28 | −35 | 0 | −35 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Delta (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −25 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Derby (L) | N | −30 | −10 | −30 | −35 | +5 | −10 | −35 | N | −35 | N | +5 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | −35 | N | −35 | N | N | N | N | N | N | N |
| Derby (F) | N | −30 | −10 | −30 | −35 | +5 | −10 | −35 | N | −35 | N | +5 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | −35 | N | −35 | N | N | N | N | N | N | N |
| Des Arc (L) | N | −10 | −10 | −10 | −35 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | −20 | −10 | N | N | N | −30 | N | N | N | N | −30 | −30 | *−30 | N | N | N | N | −30 | −30 | −30 |
| Desloge (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | N | −35 | N | N | N | −35 | N | −35 | N | −35 | N | N | N | −35 | −35 | −35 |
| Desloge (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | N | −35 | N | N | N | −35 | N | −35 | N | −35 | N | N | N | −35 | −35 | −35 |
| De Soto (L) | N | −25 | −25 | −25 | −25 | −25 | −10 | −25 | −35 | −25 | −25 | −25 | −10 | −35 | −10 | N | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 |
| Deventer (L) | N | −22 | −10 | −22 | −25 | −10 | −10 | −22 | −35 | −22 | −22 | −10 | −10 | −32 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Dexter (L) | N | −35 | −10 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Dexter Junction (L) | N | −35 | −10 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Diehlstadt (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Divide (L) | N | −35 | −10 | −30 | −35 | +5 | −10 | N | N | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | N | −35 | N | N | N | N | −35 | −35 | −35 |
| Divide (F) | N | −35 | −10 | −30 | −35 | +5 | −10 | N | N | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | N | −35 | N | N | N | N | −35 | −35 | −35 |
| Dodds (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | −35 | N | −35 | N | N | N | N | −35 | −35 | N |
| Doe Run (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | N | −35 | N | N | N | N | −35 | −35 | −35 |
| Doe Run (F) | N | −33 | −10 | −33 | −33 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | N | −35 | N | N | N | N | −35 | −35 | −35 |
| Doe Run Junction (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | −35 | −35 | −35 | N | N | N | −35 | −35 | −35 | −35 |
| Doe Run Junction (F) | N | −33 | −10 | −33 | −33 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | −35 | −35 | −35 | N | N | N | −35 | −35 | −35 | −35 |
| Doe Run Lead Co's Mill (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | −35 | −35 | −35 | N | N | N | −35 | −35 | −35 | −35 |
| Doe Run Lead Co's Mill (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | −35 | −35 | −35 | N | N | N | −35 | −35 | −35 | −35 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ***Destination*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Delta (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Derby (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Derby (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Des Arc (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Desloge (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Desloge (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| De Soto (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −15 | N | 0 | N | 0 | N | 0 | −15 | 0 |
| Deventer (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dexter (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dexter Junction (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Diehlstadt (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | 0 | −35 | 0 | 0 |
| Divide (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Divide (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dodds (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Doe Run (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Doe Run (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Doe Run Junction (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Doe Run Junction (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Doe Run Lead Co.'s Mill (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Doe Run Lead Co.'s Mill (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −28 | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dolly Siding (L) | N | N | −10 | N | N | +5 | −10 | N | N | N | N | +5 | −10 | N | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | −35 | N | N | −35 | N | −35 | −35 | −35 |
| Dolly Siding (F) | N | N | −10 | N | N | +5 | −10 | N | N | N | N | +5 | −10 | N | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | −35 | N | N | −35 | N | −35 | −35 | −35 |
| Doniphan (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | −30 | N | −30 | −30 | N | N | −30 | N | −35 | −35 | −35 |
| Donnell (L) | N | −10 | −10 | −10 | −35 | −10 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | −35 | N | N | −30 | N | −30 | −30 | −30 |
| Dudley (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | −35 | N | N | −35 | N | −35 | −35 | −35 |
| Flat River (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | N | −35 | −35 | +5 | −10 | −35 | −10 | N | N | N | N | N | N | N | −35 | N | −35 | N | −35 | N | N | N | −35 | −35 | −35 |
| Flucom (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | N | −35 | N | N | N | −35 | −35 | −35 |
| Flucom (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | N | −35 | N | N | N | −35 | −35 | −35 |
| Fornfelt (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | −35 | −35 | −35 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Fredericktown (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | −35 | N | N | N | −35 | −35 | −35 |
| Fredericktown (F) | N | −27 | −10 | −27 | −35 | −10 | −10 | −27 | −35 | −27 | −27 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 |
| Freese (L) | N | N | −10 | −35 | −35 | 0 | −10 | 0 | −35 | −35 | −35 | 0 | −10 | −35 | 0 | N | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 |
| Frisbee (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Fruit City (L) | N | N | N | N | N | N | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Fruto (L) | N | −20 | −10 | −20 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −30 | −10 | N | N | −35 | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 |
| Fruto (F) | N | −20 | −10 | −20 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −30 | −10 | N | N | −35 | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 |
| Fuget (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 |
| Gad's Hill (L) | N | −10 | −35 | −10 | −35 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | −30 | −10 | N | N | −30 | N | N | N | N | N | N | −30 | −30 | *−30 | N | N | N | −30 | −30 | −30 |
| Garwood (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Gibbons (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Gibson (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Dolly Siding (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dolly Siding (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Doniphan (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Donnell (L) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dudley (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dunn (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dutch Town (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eaglette (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Prairie (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Ellington (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elvins (L) | −30 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elvins (F) | −30 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Empire Spur (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Essex (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Esther (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | −10 | 0 | 0 | 0 | 0 | 0 | 0 | −10 | 0 | 0 |
| Esther (F) | −30 | N | N | N | N | N | −30 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Evergreen Spur (L) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fagus (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Farmington (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Festus (L) | N | −20 | −10 | −20 | −20 | +5 | −10 | −20 | −30 | −10 | −10 | +5 | −10 | −30 | −10 | N | N | −35 | −35 | N | N | −35 | N | −35 | −35 | −35 | N | N | −35 | N | −35 | −35 | −35 |
| Festus (F) | N | −20 | −10 | −20 | −20 | +5 | −10 | −20 | −30 | −10 | −10 | +5 | −10 | −30 | −10 | N | N | −35 | −35 | N | N | −35 | N | −35 | −35 | −35 | N | N | −35 | N | −35 | −35 | −35 |
| Fisk (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Flat River (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | N | −35 | −35 | +5 | −10 | −35 | −10 | N | N | N | N | N | N | −35 | N | N | −35 | N | −35 | N | N | N | −35 | −35 | −35 |
| Flat River (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | N | −35 | N | −35 | N | N | N | −35 | −35 | −35 |
| Flucom (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | N | −35 | N | −35 | N | N | N | −35 | −35 | −35 |
| Flucom (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | N | −35 | N | −35 | N | N | N | −35 | −35 | −35 |
| Fornfelt (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | −35 | −35 | −35 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Fredericktown (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | −35 | N | N | N | −35 | −35 | −35 |
| Fredericktown (F) | N | −27 | −10 | −27 | −35 | −10 | −10 | −27 | −35 | −27 | −27 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 |
| Freese (L) | N | N | −10 | −35 | −35 | 0 | −10 | 0 | −35 | −35 | −35 | 0 | −10 | −35 | 0 | N | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 |
| Frisbee (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Fruit City (L) | N | N | N | N | N | N | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Fruto (L) | N | −20 | −10 | −20 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −30 | −10 | N | N | −35 | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 |
| Fruto (F) | N | −20 | −10 | −20 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −30 | −10 | N | N | −35 | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 |
| Fuget (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 |
| Gad's Hill (L) | N | −10 | −35 | −10 | −35 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | −30 | −10 | N | N | −30 | N | N | N | N | N | N | −30 | −30 | *−30 | N | N | N | −30 | −30 | −30 |
| Garwood (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Gibbons (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Gibson (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Festus (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Festus (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fisk (L) | −30 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Flat River (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Flat River (F) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Flucom (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Flucom (F) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fornfelt (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fredericktown (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fredericktown (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Freese (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Frisbee (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fruit City (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Fruto (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fruto (F) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fuget (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gad's Hill (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Garwood (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Gibbons (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gibson (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | * | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Gideon (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Glen Allen (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Glen Allen (F) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Glen Park (L) | N | −20 | −20 | −20 | −20 | −20 | −10 | −30 | −20 | −20 | −20 | −20 | −10 | −30 | −10 | N | N | −35 | N | N | N | *−35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Glover (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Glover (F) | N | −34 | −34 | −34 | −34 | −34 | −10 | −34 | −35 | −34 | −34 | −34 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Gobler (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | −30 | −30 | *−35 | N | N | N | N | −30 | −30 | −30 |
| Gordonville (L) | N | −34 | −10 | −10 | −34 | −10 | −10 | −10 | −35 | −10 | −34 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Grady (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Granite Bend (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Granite Bend (F) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Gray Ridge (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | N | −35 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Green Cox (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Grisham (L) | N | N | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Grisham (F) | N | N | −10 | −27 | −35 | −10 | −10 | −27 | −35 | −27 | −27 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Guam (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Hallett (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Hartzell (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | N | −10 | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Harviell (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | N | N | −35 | −35 | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Hayti (L) | N | N | −10 | −35 | −35 | −10 | −10 | −10 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Gideon (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Glen Allen (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Glen Allen (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Glen Park (L) | N | N | N | N | N | N | −20 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Glover (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Glover (F) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gobler (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gordonville (L) | −30 | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grady (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Granite Bend (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Granite Bend (F) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Gray Ridge (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Green Cox (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grisham (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grisham (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Guam (L) | −30 | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Hallett (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hartzell (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Harviell (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hayti (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hematite (L) | N | −20 | −20 | −20 | −35 | −20 | −10 | −20 | −35 | −20 | −35 | −20 | −10 | −30 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Henderson Mound (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Hendrickson (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Henson (L) | N | −22 | −10 | −22 | −35 | −10 | −10 | −22 | −35 | −22 | −22 | −10 | −10 | −32 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Herculaneum (L) | N | −20 | −10 | −20 | −20 | +5 | −10 | −20 | −30 | −20 | −20 | +5 | −10 | −30 | −10 | N | N | −35 | N | N | N | N | N | −35 | N | −35 | N | N | N | N | −35 | −35 | −35 |
| Herculaneum (F) | N | −20 | −10 | −20 | −20 | +5 | −10 | −20 | −30 | −20 | −20 | +5 | −10 | −30 | −10 | N | N | −35 | N | N | N | N | N | −35 | N | −35 | N | N | N | N | −35 | −35 | −35 |
| Hermondale (L) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | −30 | N | −30 | −30 | *−30 | N | N | N | −30 | −30 | −30 | −30 |
| Hill Crest (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Hobart (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Hogan (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | −35 | N | N | N | −35 | −35 | −35 | −35 |
| Hogan (F) | N | −34 | −34 | −34 | −34 | −34 | −10 | −34 | −35 | −34 | −34 | −34 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | −35 | N | N | N | −35 | −35 | −35 | −35 |
| Holcomb (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Holland (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Hollywood (L) | N | N | −10 | N | N | −13 | −13 | N | N | N | −13 | −10 | −10 | N | −13 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Hondin (L) | N | N | −10 | N | N | −35 | −10 | N | N | N | −35 | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Hopewell (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 | −35 |
| Horine (L) | N | −20 | −10 | −20 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −30 | −10 | N | N | −35 | −35 | N | N | −35 | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 | −35 |
| Hornersville (L) | N | N | −10 | N | N | −13 | −13 | N | N | N | −13 | −10 | −10 | N | −13 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Hough (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hematite (L) | N | N | N | N | N | N | −30 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | N | 0 | N | 0 | N | 0 | −10 | 0 | 0 |
| Henderson Mound (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hendrickson (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Henson (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Herculaneum (L) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Herculaneum (F) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hermondale (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hill Crest (L) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hilliard (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Hobart (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Hogan (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | N | 0 | N | 0 | N | 0 | −30 | 0 | 0 |
| Hogan (F) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −24 | N | 0 | N | 0 | N | 0 | −24 | 0 | 0 |
| Holcomb (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Holland (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hollywood (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hondin (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hopewell (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −26 | N | 0 | N | 0 | N | 0 | −26 | 0 | 0 |
| Horine (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hornersville (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hough (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive.
F: Applicable to Size Groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Howe (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | −35 | −35 | −35 | N | N | N | N | −35 | −35 | −35 |
| Howe (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | −35 | −35 | −35 | N | N | N | N | −35 | −35 | −35 |
| Hubbells (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | −35 | −35 | −35 | N | N | N | N | −35 | −35 | −35 |
| Huntersville (L) | N | −35 | −10 | N | −35 | +5 | −5 | N | N | N | N | +5 | −5 | N | −5 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Hurryville (L) | N | −35 | −10 | N | −35 | +5 | −5 | N | N | N | N | +5 | −5 | N | −5 | N | N | N | N | N | N | N | N | N | −30 | −30 | N | N | N | N | −35 | −35 | −30 |
| Hurryville (F) | N | −35 | −10 | N | −35 | +5 | −5 | N | N | N | N | +5 | −5 | N | −5 | N | N | N | N | N | N | N | N | N | −30 | −30 | N | N | N | N | −35 | −35 | −30 |
| Hydraulic (L) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | −35 | −33 | N | N | N | −35 | N | N | N | N | N | N | N | N | N | N |
| Hydraulic (F) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | −35 | −33 | N | N | N | −35 | N | N | N | N | N | N | N | N | N | N |
| Idalia (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | N | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Idlewild (L) | N | −10 | N | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Illmo (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −35 | −10 | −35 | −10 | N | N | −35 | −35 | N | N | N | −35 | N | −35 | −35* | −35 | N | N | N | −35 | −35 | −35 |
| Imperial (L) | N | −20 | −10 | −20 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −30 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | −35* | −35 | N | N | N | −35 | −35 | −35 |
| Imperial (F) | N | −20 | −10 | −20 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −30 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | −35* | −35 | N | N | N | −35 | −35 | −35 |
| Irondale (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | −35 | −35 | N | N | N | −35 | −35 | −35 |
| Iron Mountain (L) | N | −30 | −30 | −30 | −30 | −30 | −10 | −30 | −35 | −30 | −30 | −30 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | −35 | −35 | N | N | N | −35 | −35 | −35 |
| Ironton (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | −35* | −35 | N | N | N | −35 | −35 | −35 |
| Ironton (F) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −30 | N | N | N | N | −30 | N | −30 | −30* | −35 | N | N | N | −30 | −30 | −30 |
| Ives (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −30 | N | N | N | N | −30 | N | −30 | −30* | −30 | N | N | N | −30 | −30 | −30 |
| Jackson (L) | N | −34 | −10 | −10 | −34 | −10 | −10 | −10 | −35 | −10 | −34 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | −30 | N | N | −30 | −30* | −30 | N | N | N | −30 | −30 | −30 |
| Jefferson Barracks (L) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | N | −30 | −30 | −30 | N | N | N | −30 | −30 | −30 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Howe (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | N | N | N | 0 | N | 0 | N | 0 | N | 0 |
| Howe (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hubbells (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Huntersville (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | 0 | −35 | 0 | 0 |
| Hurryville (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hurryville (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | 0 | −35 | 0 | 0 |
| Hydraulic (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Hydraulic (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Idalia (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Idlewild (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Illmo (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Imperial (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | N | N | N | N | N | N | N | N | N | N |
| Imperial (F) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −10 |
| Irondale (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iron Mountain (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ironton (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ironton (F) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ives (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Jackson (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Jefferson Barracks (L) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Jerseydale (L) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | −30 | −30* | −30 | N | N | N | N | −30 | −30 | −30 |
| Jewell (L) | N | N | N | N | N | −10 | −10 | N | N | N | N | N | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Juanita (L) | N | N | −10 | −35 | −35 | +20 | −10 | −35 | −35 | N | −35 | +20 | −10 | −35 | −10 | N | N | N | −35 | N | N | −35 | N | N | −35 | −35 | *35 | N | N | −35 | N | −35 | −35 | −35 |
| Juniland (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *35 | N | N | −35 | N | −35 | −35 | −35 |
| Kaechels (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Keeners (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | N | −35 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Kennett (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | N | −10 | N | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *35 | N | N | N | N | −35 | −35 | −35 |
| Kewanee (L) | N | N | −10 | −35 | −35 | +20 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | N | −35 | N | N | −35 | N | N | −35 | −35 | *35 | N | N | −35 | N | −35 | −35 | −35 |
| Killian (L) | N | N | N | −35 | −35 | 0 | −10 | N | N | −35 | −35 | 0 | −10 | −35 | −10 | N | N | N | −35 | N | N | −35 | N | N | −35 | −35 | *35 | N | N | −35 | N | −35 | −35 | −35 |
| Kimmswick (L) | N | −20 | −20 | −20 | −20 | −20 | −10 | −20 | −30 | −20 | −20 | −20 | −10 | −30 | −10 | N | N | −35 | N | N | N | −35 | N | N | −35 | −35 | *35 | N | N | −35 | N | −35 | −35 | −35 |
| Kinder (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | −30 | N | N | N | −35 | N | N | −30 | −30 | *35 | N | N | −30 | N | −30 | −30 | −30 |
| Knob Lick (L) | N | −20 | −35 | −10 | −35 | −10 | −10 | −10 | −35 | −10* | −35 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | N | −30 | −30 | *35 | N | N | −30 | N | −30 | −30 | −30 |
| Koch (L) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | N | N | −10 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | −30 | N | N | −30 | −30 | *30 | N | N | −30 | N | −30 | −30 | −30 |
| Kyger Spur (L) | N | N | −10 | −10 | N | −10 | −10 | −10 | N | −10 | N | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | N | −30 | −30 | *35 | N | N | −30 | N | −30 | −30 | −30 |
| Kyger Spur (F) | N | N | −10 | −10 | N | −10 | −10 | −10 | N | −10 | N | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | N | −30 | −30 | *35 | N | N | −30 | N | −30 | −30 | −30 |
| Laflin (L) | N | −15 | −10 | −15 | −35 | −10 | −10 | −5 | −35 | −5 | −35 | −10 | −10 | −15 | −10 | N | N | −25 | N | N | N | N | N | N | −25 | −25 | *35 | N | N | −25 | N | −25 | −25 | −25 |
| Laflin (F) | N | −15 | −10 | −15 | −35 | −10 | −10 | −5 | −35 | −5 | −35 | −10 | −10 | −15 | −10 | N | N | −25 | N | N | N | N | N | N | −25 | −25 | *35 | N | N | −25 | N | −25 | −25 | −25 |
| La Farge (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| La Valle (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Leadanna (L) | N | −10 | −10 | −10 | −35 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | N | −30 | −30 | *30 | N | N | N | N | −30 | −30 | −30 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Jerseydale (L) | −30 | N | N | N | N | N | −20 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | N | 0 | N | 0 | 0 |
| Jewell (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Juanita (L) | +35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Juniland (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Kaechels (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Keeners (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Kennett (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kewanee (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Killian (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kimmswick (L) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Kinder (L) | −30 | N | N | N | N | N | −20 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | −10 | 0 | −10 | 0 | −10 | 0 | 0 | 0 | 0 |
| Knob Lick (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Koch (L) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kyger Spur (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kyger Spur (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Laflin (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Laflin (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| La Farge (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| La Valle (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leadanna (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Leadwood (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | N | −35 | N | N | −35 | N | −35 | −35 | −35 |
| Leadwood (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | N | −35 | N | N | −35 | N | −35 | −35 | −35 |
| Leeper (L) | N | −5 | −35 | −10 | −35 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | −30 | N | −30 | −30 | •−35 | N | N | N | N | −30 | −30 | −30 |
| Le May (L) | N | −20 | −20 | −10 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −20 | −10 | N | N | −35 | −35 | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| Le May (F) | N | −20 | −20 | −10 | −20 | −10 | −10 | −10 | −30 | −20 | −20 | −10 | −10 | −20 | −10 | N | N | −35 | −35 | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| Lilbourn (L) | N | N | −10 | −35 | −35 | +20 | −10 | −35 | −35 | −35 | −35 | +20 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Linstead (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | •−35 | N | N | N | N | −35 | −35 | −35 |
| Little River (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| Lopez (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| Lopez (F) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | N | N | N | N | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Lorwood (L) | N | N | −10 | −35 | −35 | −35 | −10 | N | N | N | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| Loughboro (L) | N | −20 | −20 | −20 | −35 | −20 | −10 | −20 | −35 | −20 | N | −20 | −10 | −30 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| Lovett (L) | N | N | N | −35 | N | −35 | −10 | −35 | N | −35 | N | −35 | −10 | −20 | −10 | N | N | −30 | N | N | N | −30 | N | −30 | −30 | •−35 | N | N | −30 | N | −30 | −30 | −30 |
| Lumtie (L) | N | −10 | −10 | −10 | −35 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | −30 | N | −30 | −30 | •−35 | N | N | −30 | N | −30 | −30 | −30 |
| Lutesville (L) | N | −10 | −10 | −10 | −35 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| Lutesville (F) | N | N | −10 | −35 | −35 | 0 | −10 | 0 | −35 | −35 | −35 | 0 | −10 | −35 | 0 | N | N | N | −35 | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| McBride (L) | N | −20 | −20 | −10 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −20 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | N | N | N | N | N | N | N | N | N |
| McCoy (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | N | −10 | −10 | −10 | N | N | N | −35 | N | N | N | N | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| McQuires (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | N | −10 | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| McMullin (L) | N | N | −10 | −35 | −35 | −10 | −10 | −35 | −33 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | N | −35 | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Leadwood (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leadwood (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leeper (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Le May (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Le May (F) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lilbourn (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Linstead (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | −35 | −35 | 0 | −35 | −35 | −35 | 0 | 0 |
| Little River (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | N | N | N | 0 | N | 0 | −25 | 0 | 0 |
| Lopez (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | N | N | N | 0 | N | 0 | −25 | 0 | 0 |
| Lopez (F) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lorwood (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | −35 | −35 | 0 | −35 | −35 | −35 | 0 | 0 |
| Loughboro (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −15 | N | N | N | 0 | N | 0 | −15 | 0 | 0 |
| Lovett (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | N | N | N | 0 | N | 0 | −35 | 0 | 0 |
| Lumtie (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lutesville (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lutesville (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McBride (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McCoy (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McQuires (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McMullin (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mackeys (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Malden (L) | N | N | −10 | −35 | −35 | −10 | −10 | −35 | N | −35 | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Marbleton (L) | N | N | −10 | −35 | N | +30 | −10 | N | N | −35 | −35 | +30 | −10 | −35 | −10 | N | N | N | −35 | N | N | N | −35 | N | −35 | −35 | •−35 | N | N | N | −35 | N | −35 | −35 |
| Marie (L) | N | N | −10 | −35 | −35 | 0 | −10 | 0 | −35 | −35 | −35 | 0 | −10 | −35 | 0 | N | N | N | −35 | N | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| Marlo (L) | N | N | +5 | N | N | +20 | +5 | N | N | N | −34 | +20 | +5 | N | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Marquand (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | −35 | −35 | −35 |
| Marquand (F) | N | −27 | −10 | −27 | −35 | −10 | −10 | −27 | −35 | −27 | −27 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | −35 | −35 | −35 |
| Marquette (L) | N | N | −10 | N | N | −10 | −10 | N | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | N | −35 | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | N | N | −35 |
| Marston (L) | N | N | −10 | −85 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | N | −35 | N | N | −35 | N | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| Matthews (L) | N | N | −10 | −35 | −35 | −10 | −10 | −10 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | N | −35 | N | N | −35 | N | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| Maulsby (L) | N | N | N | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Melby (L) | N | N | −10 | −35 | −35 | −35 | N | −35 | N | N | −35 | −10 | −10 | −35 | −35 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Melon Switch (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | N | −35 | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | −35 | −35 | −35 |
| Menfro (L) | N | N | −10 | −35 | −35 | 0 | −10 | 0 | −35 | N | −35 | 0 | −10 | −35 | 0 | N | N | N | −35 | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| Mengo (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | N | −35 | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | −35 | −35 | −35 |
| Mesler (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Micola (L) | N | N | −10 | N | N | −10 | −10 | −10 | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Middlebrook (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| Middlebrook (F) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mackeys (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Malden (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marbleton (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marie (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marlo (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marquand (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marquand (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marquette (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marston (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Matthews (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Maulsby (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Melby (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Melon Switch (L) | −35 | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Menfro (L) | −30 | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mengo (L) | −35 | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | −30 | 0 | −30 | 0 | −30 | 0 | −30 | 0 | 0 |
| Mesler (L) | −30 | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Micola (L) | −30 | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Middlebrook (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | N | 0 | N | 0 | N | 0 | −25 | 0 | 0 |
| Middlebrook (F) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | N | 0 | N | 0 | N | 0 | −25 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Millers (L) | N | −35 | +5 | N | −35 | +15 | +5 | −35 | N | N | −35 | +15 | +5 | N | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Millers (F) | N | −35 | +5 | N | −35 | +15 | +5 | −35 | N | N | −35 | +15 | +5 | N | +5 | N | N | N | N | N | N | N | N | −30 | −30 | −30 | •−35 | N | N | N | −30 | −30 | −30 | N |
| Mill Spring (L) | N | −5 | −35 | −10 | −35 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | −30 | −30 | •−35 | N | N | N | N | −30 | −30 | −30 |
| Mine La Motte (L) | N | −35 | −32 | −10 | −35 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | −30 | −30 | •−35 | N | N | N | N | −30 | −30 | −30 |
| Mine La Motte (F) | N | −28 | −14 | −10 | −35 | −10 | −10 | −10 | −35 | −10 | −27 | −10 | −10 | −20 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | N | −35 | −35 | −35 |
| Miner (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | N | •−35 | N | N | N | −35 | N | N | N |
| Mineral Point (L) | N | −30 | −30 | −30 | −35 | −30 | −10 | −30 | −35 | −30 | −30 | −30 | −10 | −35 | −10 | N | N | N | N | N | N | −35 | N | N | N | N | N | N | −35 | N | N | N | N |
| Mingo (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | −30 | −30 | •−30 | N | N | N | N | −30 | −30 | −30 | N |
| Montebello (L) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | N | −35 | −35 | −35 | N |
| Morehouse (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | N | −35 | −35 | −35 | N |
| Morley (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Mosher (L) | N | −35 | −10 | N | −35 | +5 | −10 | −35 | N | N | −35 | +5 | −10 | N | −10 | N | N | −30 | N | N | N | N | N | −20 | −20 | •−20 | N | N | N | N | −20 | −20 | −20 | N |
| Munsons (L) | N | 0 | +10 | 0 | 0 | 0 | −10 | 0 | −10 | 0 | 0 | +10 | +10 | −10 | 0 | N | N | −30 | N | N | N | −35 | N | −30 | −30 | •−30 | N | N | −35 | N | −30 | −30 | −30 | N |
| Mutual (L) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | −35 | N | −30 | −30 | •−30 | N | N | −35 | N | −30 | −30 | −30 | N |
| Mutual (F) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | N | −35 | −35 | −35 | N |
| Nash (L) | N | N | N | −35 | −35 | −10 | −10 | N | N | N | N | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | N | −35 | −35 | −35 | N |
| Naylor (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | N | −35 | −35 | −35 | N |
| Neelys (L) | N | N | −10 | −35 | −35 | 0 | −10 | 0 | −35 | −35 | −35 | 0 | −10 | −35 | 0 | N | N | −35 | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | N | −35 | −35 | −35 | N |
| Neelyville (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | N | N | N | N | N |
| Netherlands (L) | N | N | N | −35 | −35 | −10 | −10 | −10 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | N | −35 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 45 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Millers (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Millers (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mill Spring (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mine La Motte (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mine La Motte (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Miner (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mineral Point (L) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mingo (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Montebello (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morehouse (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morley (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Mosher (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Munsons (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mutual (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mutual (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nash (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Naylor (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Neeleys | −30 | N | N | N | N | N | −25 | −25 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Neelyville (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | 0 | 0 | 0 |
| Netherlands (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Goups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| New Offenberg (L) | N | −35 | +5 | N | −35 | +10 | +5 | −35 | N | N | −35 | +10 | +5 | N | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| New Yama (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Nilo (L) | N | N | N | N | N | −10 | −10 | N | N | N | −10 | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Noxall (L) | N | N | −10 | −35 | −35 | +20 | −10 | −35 | −35 | −35 | −35 | +20 | −10 | −35 | −10 | N | N | N | N | −35 | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 |
| Nyssa (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| O'Meara (L) | N | −20 | −35 | −10 | −25 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | N | −30 | −30 | •−35 | N | N | N | −30 | −30 | −30 | −30 |
| O'Neil (L) | N | N | −10 | N | N | −35 | −10 | N | N | N | −35 | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Oakley (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Oeta (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Ogborn (L) | N | −35 | 0 | N | −35 | +10 | 0 | −35 | N | N | −35 | +10 | 0 | N | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Ogborn (F) | N | −35 | 0 | N | −35 | +10 | 0 | −35 | N | N | −35 | +10 | 0 | N | 0 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Ohlman (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Ojibway (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Oran (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | −35 | N | N | −35 | N | −35 | −35 | •−35 | N | N | −35 | N | −35 | −35 | −35 | N |
| Owenmont (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −30 | −30 | •−30 | N | N | N | N | −35 | −35 | −35 | N |
| Owens (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Oxly (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | •−35 | N | N | N | N | −35 | −35 | −35 | N |
| Painton (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Parma (L) | N | N | −10 | −35 | −35 | −10 | −10 | −35 | −35 | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Pascola (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| New Offenburg (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Yama (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nilo (L) | −30 | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 |
| Noxall (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nyssa (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| O'Meara (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| O'Neil (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oakley (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Oeta (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ogborn (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ogborn (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ohlman (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | N | 0 | 0 | 0 | 0 |
| Ojibway (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oran (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Owenmont (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | 0 | 0 | 0 |
| Owens (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oxly (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | 0 | 0 | 0 |
| Painton (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Parma (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pascola (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Ill.
L: Applicable to size groups 1 to 7, inclusive, and 34.
F: Applicable to size groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Payer (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Peach Orchard (L) | N | N | −10 | −10 | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Perkins (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | N | −35 | −10 | −10 | −35 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Pevely (L) | N | −20 | −20 | −20 | −20 | −20 | −10 | −20 | −30 | −20 | −20 | −20 | −10 | −30 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 |
| Piedmont (L) | N | −10 | −35 | −10 | −35 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | N | −30 | −30 | *−30 | N | N | N | −30 | −30 | −30 |
| Pilot Knob (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 |
| Pilot Knob (F) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 |
| Platow (L) | N | −10 | −35 | −10 | −35 | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | −30 | N | N | N | N | N | N | −30 | −30 | *−30 | N | N | N | −30 | −30 | −30 |
| Plattin (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 |
| Plattin (F) | N | −10 | −35 | −10 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −30 | N | N | N | N | N | N | −30 | −30 | *−30 | N | N | N | −30 | −30 | −30 |
| Platow (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | N | −35 | N | N | N | −35 | −35 | −35 |
| Plattin (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | N | −35 | N | N | N | −35 | −35 | −35 |
| Plattin (F) | N | N | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 |
| Poplar Bluff (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Poplar Junction (L) | N | N | −10 | −35 | −35 | −10 | −10 | −10 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Portageville (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Potosi (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | 0 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Power House (L) | N | −35 | −10 | N | N | 0 | −10 | −35 | N | N | N | N | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Providence (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Pulaski (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 |
| Puxico (L) | N | N | N | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Quarry (L) | N | +10 | −10 | −35 | −35 | −35 | −10 | −35 | N | N | N | −35 | −10 | −10 | −35 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Quin (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Payer (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Peach Orchard (L) | −30 | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | 0 | N | 0 | N | 0 | 0 |
| Perkins (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | 0 | N | 0 | N | 0 | 0 |
| Pevely (L) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Piedmont (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pilot Knob (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | N | 0 | −35 | 0 | 0 | 0 | −25 | 0 | 0 | 0 |
| Pilot Knob (F) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | 0 | 0 | −35 | 0 | 0 | 0 | −25 | 0 | 0 | 0 |
| Platow (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Plattin (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Plattin (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Poplar Bluff (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Poplar Junction (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Portageville (L) | −30 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | −35 | 0 | 0 | 0 |
| Potosi (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Power House (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Providence (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pulaski (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | −35 | 0 | 0 | 0 | 0 | −35 | 0 | 0 | 0 |
| Puxico (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Quarry (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Quin (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to Size Groups 1 to 7, inclusive, and 34.
F: Applicable to Size Groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Randles (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Raymond (L) | N | N | N | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Reynolds (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Risco (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Ristine (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Rivermines (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | N | −35 | N | N | N | −35 | −35 | −35 |
| Rivermines (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | N | −35 | N | N | N | −35 | −35 | −35 |
| Riverside (L) | N | −20 | −10 | −20 | −20 | +5 | −10 | −20 | −20 | −20 | −20 | +5 | −10 | −30 | −10 | N | N | −35 | N | N | N | −35 | N | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Rives (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Rockview (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | −35 | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Rodney (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 |
| Rombauer (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Ruble (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Rumsey Spur (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | −35 | −35 | −35 |
| Rush Tower (L) | N | −20 | −10 | −20 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −30 | −10 | N | N | −35 | −35 | N | N | −35 | N | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| St. Francois (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | N | −35 | N | −35 | N | N | −35 | N | −35 | −35 | −35 |
| St. Francois (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | N | −35 | N | −35 | N | N | −35 | N | −35 | −35 | −35 |
| Ste. Genevieve (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| St. Joseph Lead Co. (L) | N | −35 | −10 | −35 | −35 | N | −30 | −35 | N | −35 | −35 | −10 | −10 | −35 | −30 | N | N | −35 | N | N | N | N | N | N | −35 | N | −35 | N | N | N | N | −35 | −35 | −35 |
| St. Joseph Lead Co. (F) | N | −35 | −10 | −35 | −35 | N | −30 | −35 | N | −35 | −35 | −10 | −10 | −35 | −30 | N | N | −35 | N | N | N | N | N | N | −35 | N | −35 | N | N | N | N | −35 | −35 | −35 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Randles (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Raymond (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | N | 0 | N | 0 | 0 |
| Reynolds (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | N | 0 | N | 0 | 0 |
| Risco (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ristine (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rivermines (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rivermines (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Riverside (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rives (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rockview (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rodney (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | 0 | −35 | 0 | 0 | 0 | 0 |
| Rombauer (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ruble (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | 0 | 0 | N | 0 | 0 | 0 |
| Rumsey Spur (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | 0 | −35 | 0 | 0 | 0 | 0 |
| Rush Tower (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Francois (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Francois (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ste. Genevieve (L) | −30 | N | N | N | N | N | −25 | −25 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | −15 | −15 | −15 | 0 | 0 | 0 | 0 | −15 | −15 | −15 | −15 |
| St. Joseph Lead Co. (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −30 | 0 | −30 | 0 | 0 | 0 | 0 | 0 | 0 | −30 | −30 |
| St. Joseph Lead Co. (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −28 | −30 | 0 | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | −30 |

*Does not apply from Springfield, Illinois.
L: Applicable to size groups 1 to 7, inclusive, and 34.
F: Applicable to size groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| St. Marys (L) | N | N | −10 | −35 | −35 | +20 | −10 | −21 | −35 | −35 | −35 | +20 | −10 | −35 | −10 | N | N | N | −35 | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Sabula (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Sabula (F) | N | −34 | −34 | −34 | −34 | −34 | −10 | −34 | −35 | −34 | −34 | −34 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | −30 |
| Salcedo (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Samos (L) | N | −35 | −10 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Sand Pit (L) | N | N | −10 | −20 | N | +5 | −10 | N | −35 | −20 | −35 | +5 | −10 | −30 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Sand Pit (F) | N | N | −10 | −20 | N | +5 | −10 | N | −35 | −20 | −35 | +5 | −10 | −30 | −10 | N | N | N | N | N | N | N | N | −30 | −30 | *−35 | N | N | N | N | −30 | −30 | −30 |
| Sand Spur (L) | N | −34 | −10 | −10 | −34 | −10 | −10 | −10 | −35 | −10 | −34 | −10 | −10 | −30 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Sarcy Spur (L) | N | −35 | N | −35 | N | −10 | −35 | −35 | N | −35 | N | −10 | −35 | −35 | −35 | N | N | −35 | N | N | N | N | N | −35 | −35 | −35 | N | N | N | N | −35 | −35 | −35 |
| Sargent (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Sawyer (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Senath (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | −35 | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Seventy-six (L) | N | N | −10 | −35 | −35 | 0 | −10 | 0 | N | −35 | −35 | 0 | −10 | −35 | −10 | N | N | N | −35 | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Shade (L) | N | N | −10 | −35 | −35 | −10 | −10 | −10 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | N | −35 | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Sheehan (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | N | −35 | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Sikeston (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −30 | N | N | N | N | N | −30 | −30 | *−30 | N | N | −30 | N | −30 | −30 | −30 |
| Silica (L) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | N | N | N | N | N | N | −30 | −30 | *−30 | N | N | N | N | −30 | −30 | −30 |
| Simsabaugh (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | −35 | −33 | N | N | −35 | N | −30 | −30 | *−30 | N | N | −35 | N | −35 | −35 | −30 |
| Skillman (L) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | −35 | −33 | N | N | −35 | N | −30 | −30 | *−30 | N | N | −35 | N | −35 | −35 | −35 |
| Skillman (F) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| St. Marys (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sabula (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −24 | −35 | N | 0 | 0 | −35 | 0 | 0 | −35 | 0 | 0 |
| Sabula (F) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Salcedo (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Samos (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sand Pit (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sand Pit (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sand Spur (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | N | −35 | 0 | −35 | 0 | 0 | 0 | 0 | 0 |
| Sarcy Spur (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | 0 | −35 | 0 | 0 | 0 |
| Sargent (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sawyer (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Senath (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Seventy-Six (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shade (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | 0 | −35 | 0 | 0 | 0 |
| Sheehan (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sikeston (L) | −30 | N | N | N | N | N | −20 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Silica (L) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Simsabaugh (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | −10 | 0 | −10 | 0 | −10 | 0 | −10 | 0 | 0 |
| Skillman (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −20 | N | 0 | N | 0 | N | 0 | −20 | 0 | 0 |
| Skillman (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | N | 0 | −35 | 0 | N | 0 | −35 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to size Groups 1 to 7, inclusive.
F: Applicable to Size Groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sprott (L) | N | −35 | +5 | N | −35 | +15 | +5 | −35 | N | N | −35 | +15 | +5 | N | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Sprott (F) | N | −35 | +5 | N | −35 | +15 | +5 | −35 | N | N | −35 | +15 | +5 | N | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Starland (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | N | N | N | N | −36 | −33 | *−33 | N | N | N | N | N | N | −33 |
| Steele (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Sturdivant (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | −35 | −35 | N | N | N | N | N | N | N | N |
| Sulphur Springs (L) | N | −20 | −20 | −20 | −20 | −20 | −10 | −20 | −30 | −20 | −20 | −20 | −10 | −30 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | N | −35 | N | −35 | −35 |
| Summit (L) | N | −30 | −30 | −30 | −35 | −30 | −10 | −30 | −35 | −30 | −35 | −30 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | N | −35 | N | −35 | −35 |
| Sunnyside (L) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | −30 | N | −30 | −30 | *−30 | N | N | N | −30 | N | −30 | −30 |
| Swift (L) | N | N | −10 | −35 | −35 | −10 | −10 | −10 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | N | −35 | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Swink (L) | N | −35 | −10 | N | −35 | 0 | −10 | −35 | N | N | −35 | 0 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Tallipoosa (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | −30 | −30 | *−35 | N | N | N | N | −30 | −30 | −30 |
| Tanner (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Taskee (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Ten Brook (L) | N | −20 | −10 | −20 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −30 | −10 | N | N | −35 | −35 | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Ten Brook (F) | N | −20 | −10 | −20 | −20 | −10 | −10 | −20 | −30 | −20 | −20 | −10 | −10 | −30 | −10 | N | N | −35 | −35 | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Thomure (L) | N | −30 | +5 | N | −30 | +20 | +5 | N | N | N | −30 | +20 | +5 | N | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Tiff (L) | N | −25 | −25 | −25 | −35 | −25 | −10 | −25 | −35 | −25 | −35 | −25 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −25 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Tip Top (L) | N | −30 | −30 | −30 | −35 | −30 | −10 | −30 | −35 | −30 | −35 | −30 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Tip Top (F) | N | −24 | −24 | −24 | −24 | −24 | −10 | −24 | −34 | −24 | −24 | −24 | −10 | −34 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Torch (L) | N | N | N | N | N | N | −10 | N | N | N | N | N | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sprott (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sprott (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Starland (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Steele (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sturdivant (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sulphur Springs (L) | N | N | N | N | N | N | −20 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | −10 | 0 | −10 | 0 | −10 | 0 | −10 | 0 | 0 |
| Summit (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −20 | N | 0 | N | 0 | N | 0 | −20 | 0 | 0 |
| Sunnyside (L) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Swift (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Swink (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tallipoosa (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tanner (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taskee (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ten Brook (L) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ten Brook (F) | −35 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Thomure (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tiff (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −15 | N | 0 | N | 0 | N | 0 | −15 | 0 | 0 |
| Tip Top (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −20 | N | 0 | −35 | 0 | N | 0 | −20 | 0 | 0 |
| Tip Top (F) | N | N | N | N | N | N | −34 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −14 | N | 0 | −35 | 0 | N | 0 | −14 | 0 | 0 |
| Torch (L) | −35 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | N | 0 | 0 | 0 | −35 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to size groups 1 to 7, inclusive, and 34.
F: Applicable to size groups 8 to 28, inclusive.

*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Townley (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Trego (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Tunnel (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | N | −35 | N | N | −35 | N | −35 | −35 | −35 |
| Tunnel (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | N | −35 | N | N | −35 | N | −35 | −35 | −35 |
| Tyspur (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Valles Mines (L) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | −35 | N | −35 | −35 | N | N | N | −35 | −35 | −35 | −35 |
| Valles Mines (F) | N | −35 | −10 | −35 | −35 | +5 | −10 | −35 | −35 | −35 | −35 | +5 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | N | −35 | N | −35 | N | −35 | −35 | −35 |
| Vanduser (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Victoria (L) | N | −25 | −25 | −25 | −35 | −25 | −10 | −25 | −35 | −25 | −35 | −25 | −10 | −35 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Vineland (L) | N | −20 | −20 | −20 | −35 | −20 | −10 | −20 | −35 | −20 | −35 | −20 | −10 | −30 | −10 | N | N | −35 | N | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Vulcan (L) | N | −10 | −10 | −10 | −35 | −10 | −10 | −10 | −35 | −10 | −35 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | N | N | −30 | −30 | *−30 | N | N | N | N | −30 | −30 | −30 |
| Wahite Spur (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Walsh (L) | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Wappapello (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Weingarten (L) | N | −35 | 0 | N | −35 | +10 | 0 | −35 | N | N | −35 | +10 | 0 | N | 0 | N | N | N | N | N | N | N | N | N | N | *−30 | N | N | N | N | −30 | −30 | −30 |
| Weingarten (F) | N | −35 | 0 | N | −35 | +10 | 0 | −35 | N | N | −35 | +10 | 0 | N | 0 | N | N | N | N | N | N | N | N | N | N | *−30 | N | N | N | N | −30 | −30 | −30 |
| White House (L) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | −30 | N | −30 | −30 | *−30 | N | N | N | N | −30 | −30 | −30 |
| White Oak (L) | N | N | −10 | N | N | −10 | −10 | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| White Water (L) | N | −15 | −10 | −15 | −35 | −10 | −10 | −15 | −35 | −15 | −35 | −10 | −10 | −25 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| White Water (F) | N | −15 | −10 | −15 | −35 | −10 | −10 | −15 | −35 | −15 | −35 | −10 | −10 | −25 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Townley (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Trego (L) | N | N | N | N | N | N | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Tunnel (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tunnel (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tyspur (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | 0 | −35 | 0 |
| Valles Mines (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Valles Mines (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Vanduser (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Victoria (L) | N | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −15 | N | 0 | N | 0 | N | 0 | −15 | 0 | 0 |
| Vineland (L) | N | N | N | N | N | N | −30 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −10 | N | 0 | N | 0 | N | 0 | −10 | 0 | 0 |
| Vulcan (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| White Spur (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Walsh (L) | N | N | N | N | N | N | −25 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −15 | −15 | 0 | −15 | 0 | −15 | 0 | −15 | 0 | 0 |
| Wappapello (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Weingarten (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Weingarten (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| White House (L) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| White Oak (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| White Water (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| White Water (F) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to size groups 1 to 7, inclusive, and 34.
F: Applicable to size groups 8 to 28, inclusive.



*Price Adjustments to F. O. B. Mine Prices Necessary to Maintain Delivered Differentials at Destinations in Market Area No. 73—Continued*

| Mine origin group No. | 10 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 40 | 41 | 42 | 43 | 44 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 57 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wickes (L) | N | −10 | −10 | −10 | −10 | −10 | −10 | −10 | −20 | −10 | −10 | −10 | −10 | −20 | −10 | N | N | −30 | N | N | N | −30 | N | −30 | −30 | *−30 | N | N | −30 | N | −30 | −30 | −30 |
| Wilby (L) | N | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −35 | −35 | −35 | −35 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Williamsville (L) | N | −35 | −10 | −35 | −35 | −10 | −10 | −35 | −35 | −35 | −35 | −10 | −10 | −35 | −10 | N | N | −35 | N | N | N | N | N | −35 | −35 | *−35 | N | N | N | N | −35 | −35 | −35 |
| Wittenberg (L) | N | N | −10 | −35 | −35 | 0 | −10 | 0 | −35 | −35 | −35 | 0 | −10 | −35 | 0 | N | N | N | −35 | N | N | −35 | N | −35 | −35 | *−35 | N | N | −35 | N | −35 | −35 | −35 |
| Wyatt (L) | N | N | −10 | −35 | −35 | −35 | −10 | −35 | N | N | −35 | −10 | −10 | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Yama (L) | N | N | −10 | N | N | −10 | N | N | N | N | N | −10 | −10 | N | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Zell (L) | N | −34 | +5 | N | −34 | +10 | +5 | −34 | N | N | −34 | +10 | +5 | N | +5 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N |

| Mine origin group No. | 62 | 70 | 71 | 72 | 73 | 74 | 80 | 82 | 91 | 92 | 93 | 95 | 96 | 111 | 112 | 114 | 116 | 117 | 118 | 125 | 126 | 127 | 132 | 133 | 134 | 135 | 137 | 138 | 139 | 140 | 141 | 142 | 143 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Chicago freight differential | 30 | 60 | 60 | 60 | 60 | 60 | 10 | 10 | 40 | 46 | 40 | 40 | 40 | 75 | 75 | 85 | 85 | 75 | 75 | 52 | 52 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| *Destination* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Missouri: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wickes (L) | N | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilby (L) | −35 | N | N | N | N | N | −35 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | −35 | 0 | −35 | 0 | −35 | 0 | −35 | 0 | 0 |
| Williamsville (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wittenberg (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wyatt (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Yama (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | N | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Zell (L) | −30 | N | N | N | N | N | −10 | −10 | N | N | N | N | N | N | N | N | N | N | N | N | N | N | −24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Does not apply from Springfield, Illinois.
L: Applicable to size groups 1 to 7, inclusive, and 34.
F: Applicable to size groups 8 to 28, inclusive.

*Prices for All-Rail Shipment Into Market Area No. 75 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 1 | 62, 141, 154, 155, 158 | 133 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 100 | 155 | 235 |
| | 9 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 119, 175 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 14, 183 | 143 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 100 | 155 | 235 |
| | 121 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 106, 118, 124 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 34 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54, 106, 120 | 139 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 143 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 100 | 155 | 235 |
| 4 | 40 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 92, 182 | 135 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 94 | 144 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | 4 | 145 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 | 91 | 146 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 | 138 | 80 | 210 | 250 | 250 | 240 | 230 | 225 | 210 | 210 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 100 | 155 | 235 |
| 9 | 77 | 81 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 132 | 82 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 27, 63, 64, 65, 66 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12 | 101, 190 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 33 | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 61 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 99 | 49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 120 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16 | 29, 58 | 62 | 200 | 190 | 190 | 190 | 175 | 170 | 165 | 160 | 150 | 150 | 150 | 150 | 130 | 120 | 110 | 45 | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 155 | 165 | 155 | 95 | 145 | 225 |
| | 21 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 138 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 36, 85, 178 | 80 | 210 | 240 | 240 | 240 | 230 | 225 | 210 | 210 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 100 | 155 | 235 |
| 17 | 47, 142 | 81 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 18 | 145 | 82 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19 | 153 | 83 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 84 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 94, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 96, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 46 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 76, 43, 61 | 31 | 210 | 250 | 250 | 240 | 230 | 225 | 210 | 210 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 100 | 155 | 235 |
| | 53, 59, 83, 86, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 159 | 23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 20, 138 | 27 | 190 | 220 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 70 | 40 | 165 | 165 | 165 | 165 | 150 | 150 | 140 | 110 | 140 | 130 | 85 | 135 | 215 |
| 22 | 23, 24 | 32 | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 85 | 60 | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | 95 | 145 | 225 |
| 23 | 170 | 49 | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 85 | 60 | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | 95 | 145 | 225 |





*Prices for All-Rail Shipment Into Market Areas Nos. 208, 209, 210, 211 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 1 | 62, 141, 154, 155, 158 | 133 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 100 | 155 | 235 |
| | 9 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 119, 175 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 14, 183 | 143 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 100 | 155 | 235 |
| | 121 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 106, 118, 124 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 34 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54, 106, 120 | 139 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 143 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 100 | 155 | 235 |
| 4 | 40 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 92, 182 | 135 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 94 | 144 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | 4 | 145 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 | 91 | 146 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 | 138 | 80 | 210 | 250 | 250 | 240 | 230 | 225 | 210 | 210 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 100 | 155 | 235 |
| 9 | 77 | 81 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 132 | 82 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 11 | 27, 63, 64, 65, 66 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 12 | 101, 190 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 33 | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 61 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 45 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 99 | 49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 120 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16 | 29, 58 | 62 | 200 | 190 | 190 | 190 | 175 | 170 | 165 | 160 | 150 | 150 | 150 | 150 | 130 | 120 | 110 | 45 | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 155 | 165 | 155 | 95 | 145 | 225 |
| | 21 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 138 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 36, 85, 178 | 80 | 210 | 240 | 240 | 240 | 230 | 225 | 210 | 210 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 100 | 155 | 235 |
| 17 | 47, 142 | 81 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 18 | 145 | 82 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 19 | 153 | 83 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 84 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 94, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 96, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 46 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 76, 43, 61 | 31 | 210 | 250 | 250 | 240 | 230 | 225 | 210 | 210 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 100 | 155 | 235 |
| | 53, 59, 83, 86, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 159 | 23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 20, 138 | 27 | 190 | 220 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 70 | 40 | 165 | 165 | 165 | 165 | 150 | 150 | 140 | 110 | 140 | 130 | 85 | 135 | 215 |
| 22 | 23, 24 | 32 | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 85 | 60 | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | 95 | 145 | 225 |
| 23 | 170 | 49 | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 85 | 60 | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | 95 | 145 | 225 |

*Prices for All-Rail Shipment Into Market Areas Nos. 104, 115, 116, 147, 148, 150, 151, 152, 153, 154, 155, 156, 157, 212 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group Nos. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 133 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 9 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | 190 | 155 | 235 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 225 |
| | 50 | 134 | | | | | | | | | | | | | | | | | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 200 |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 190 |
| 6 | 94 | 134 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | 180 | 170 | ---- | ---- | 200 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 205 | 205 | 205 | 205 | 190 | 190 | 180 | 160 | ---- | ---- | ---- | ---- | 220 |
| 8 | 91 | 80 | 225 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 195 | 195 | 195 | 195 | 170 | 160 | 110 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | |
| 9 | 136 | 80 | | | | | | | 200 | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 49 | 82 | 200 | 195 | 190 | 180 | 175 | 165 | 155 | 160 | 135 | 135 | 135 | 135 | 120 | 110 | 60 | 30 | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 130 | 120 | 130 | ---- | 165 |
| 11 | 77 | 80 | 240 | 240 | 240 | 230 | 220 | 210 | 190 | 200 | 170 | 170 | 170 | 170 | 120 | 110 | 60 | 30 | 190 | 190 | 190 | 190 | 180 | 145 | 135 | 105 | 130 | 120 | 130 | ---- | 210 |
| 13 | 29, 58 | 62 | 185 | 180 | 175 | 165 | 160 | 155 | 150 | 145 | 135 | 135 | 135 | 135 | 105 | 95 | 30 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 115 | 105 | ---- | ---- | 165 |
| 16 | 45 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 25 | 200 | 195 | 190 | 180 | 175 | 165 | 155 | 160 | 135 | 135 | 135 | 135 | 105 | 95 | 30 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 115 | 105 | ---- | ---- | 165 |
| | 135 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 65, 178 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 47, 142 | 31 | 200 | 195 | 190 | 180 | 175 | 165 | 155 | 160 | 135 | 135 | 135 | 135 | 105 | 95 | 30 | ---- | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 115 | 105 | ---- | ---- | 165 |
| 18 | 165 | 33 | 200 | 195 | 190 | 180 | 175 | 165 | 155 | 160 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 115 | 105 | ---- | ---- | 165 |
| 19 | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 23 | 185 | 180 | 175 | 165 | 160 | 155 | 150 | 145 | 135 | 135 | 135 | 135 | 105 | 95 | 30 | ---- | 145 | 145 | 145 | 145 | 135 | 135 | 125 | 95 | 115 | 105 | ---- | ---- | 155 |
| | 96, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 159 | 23 | 185 | 180 | 175 | 165 | 160 | 155 | 150 | 145 | 135 | 135 | 135 | 135 | 105 | 95 | 30 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 115 | 105 | ---- | ---- | 155 |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 90 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Prices for Shipment Into Market Area Nos. 20–21 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group Nos. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 133 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 9 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 155–157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | 190 | 155 | 235 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 218 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 225 |
| | 50 | 134 | | | | | | | | | | | | | | | | | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 200 |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 190 |
| 6 | 94 | 134 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | | | | | 200 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | | | | | | | | | | | | | | | | | | | | | |



*Prices for Shipment Into Market Area Nos. 20–21 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions—Continued*

| Price group No. | Mine index Nos. | Mine origin group Nos. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 8 | 91 | 80 | 265 | 265 | 265 | 255 | 245 | 235 | 210 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 70 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | ---- | ---- | 235 |
| 9 | 136 | 80 | | | | | | | 210 | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 49 | 82 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 130 | 120 | 60 | 40 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 140 | 130 | 140 | ---- | 175 |
| 11 | 77 | 80 | 250 | 250 | 250 | 240 | 230 | 220 | 200 | 210 | 180 | 180 | 180 | 180 | 130 | 120 | 70 | 40 | 200 | 200 | 200 | 200 | 190 | 155 | 145 | 115 | 140 | 130 | 140 | ---- | 220 |
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ---- | ---- | 185 |
| | 33, 190 | 51 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| | 129 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 58 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | 21 | 70 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 123 | 71 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 162 | 72 | 223 | 218 | 213 | 203 | 198 | 193 | 188 | 183 | 173 | 173 | 173 | 173 | 143 | 133 | 68 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 153 | 143 | ---- | ---- | 193 |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 186 | 74 | 223 | 218 | 213 | 203 | 198 | 193 | 188 | 183 | 173 | 173 | 173 | 173 | 143 | 133 | 68 | ---- | 183 | 183 | 183 | 183 | 173 | 173 | 163 | 133 | 153 | 143 | ---- | ---- | 193 |
| 16 | 45 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 135 | 30 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 125 | 115 | ---- | ---- | 175 |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 85, 178 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 47, 142 | 31 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ---- | ---- | 175 |
| 18 | 165 | 33 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ---- | ---- | 175 |
| 19 | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 23 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 96, 99, 100 | 26 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 125 | 115 | ---- | ---- | 165 |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 26, 43, 61 | 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 159 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 125 | 115 | ---- | ---- | 165 |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 20, 138 | 27 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 125 | 115 | ---- | ---- | 165 |
| 22 | 23, 24 | 32 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 125 | 115 | ---- | ---- | 165 |
| 23 | 170 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| 24 | 17, 35, 46, 87, 152 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | ---- | ---- | 185 |
| 25 | 13, 71 | 91 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 60 | 93 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 155 | 145 | ---- | ---- | 185 |
| | 78 | 96 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 80 | 125 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 155 | 145 | ---- | ---- | 185 |
| | 81, 82 | 126 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 27 | 95 | 95 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | ---- | ---- | 185 |
| 28 | 84 | 92 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | ---- | ---- | ---- | ---- | 185 |
| 29 | 189 | 116 | 295 | 290 | 285 | 275 | 270 | 260 | 245 | 250 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 245 | 245 | 245 | 245 | 235 | 235 | 225 | 195 | ---- | ---- | ---- | ---- | 260 |
| 30 | 125 | 114 | 295 | 290 | 285 | 275 | 270 | 260 | 245 | 250 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ---- | 215 | 215 | 215 | 215 | 205 | 205 | 195 | 165 | 185 | 175 | ---- | ---- | 260 |
| 31 | 150 | 111 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 164 | 112 | 295 | 290 | 285 | 275 | 270 | 260 | 245 | 250 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 185 | 175 | ---- | ---- | 260 |
| | 98 | 117 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73, 175 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | 19, 126 | 114 | 255 | 250 | 245 | 235 | 230 | 225 | 220 | 215 | 205 | 205 | 205 | 205 | 175 | 165 | 100 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 185 | 175 | ---- | ---- | 225 |
| 33 | 1 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 155 | 145 | ---- | ---- | 185 |
| 34 | 2 | 10 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | 180 | 180 | 180 | 180 | 170 | 170 | 160 | 130 | 155 | 145 | ---- | ---- | 185 |

*Prices for All-Rail Shipment Into Market Areas Nos. 22, 23, 30 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9 | 137 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | 190 | 155 | 235 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 225 |
| | 50 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 200 |
| 6 | 94 | 134 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 190 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | ---- | ---- | ---- | ---- | 200 |
| 8 | 91 | 80 | 265 | 265 | 265 | 255 | 245 | 235 | 210 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 70 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | ---- | ---- | 235 |
| 9 | 136 | 80 | | | | | | | 210 | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 49 | 82 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 130 | 120 | 60 | 40 | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 140 | 130 | 140 | ---- | 176 |
| 11 | 77 | 80 | 250 | 250 | 250 | 240 | 230 | 220 | 200 | 210 | 180 | 180 | 180 | 180 | 130 | 120 | 70 | 40 | 200 | 200 | 200 | 200 | 190 | 155 | 145 | 115 | 140 | 130 | 140 | ---- | 220 |
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 33, 190 | 51 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ---- | ---- | 185 |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| | 129 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 58 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 14 | 21 | 70 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 123 | 71 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 175 | 165 | ---- | ---- | 215 |
| | 162 | 72 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 186 | 74 | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | ---- | 205 | 205 | 205 | 205 | 195 | 195 | 185 | 155 | 175 | 165 | ---- | ---- | 215 |
| 16 | 45 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 25 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 125 | 115 | ---- | ---- | 175 |
| | 135 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 85, 178 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 47, 142 | 31 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ---- | ---- | 175 |
| 18 | 165 | 33 | 210 | 205 | 200 | 190 | 185 | 175 | 165 | 170 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 125 | 115 | ---- | ---- | |
| 19 | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | 155 | 155 | 155 | 155 | 145 | 145 | 135 | 105 | 125 | 115 | ---- | ---- | 165 |
| | 96, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 26, 43, 61 | 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 159 | 23 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 145 | 145 | 145 | 115 | 105 | 40 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 125 | 115 | ---- | ---- | 165 |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 20, 138 | 27 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 125 | 115 | 50 | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 135 | 125 | ---- | ---- | 175 |
| 22 | 23, 24 | 32 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 155 | 155 | 155 | 125 | 115 | 50 | ---- | 165 | 165 | 165 | 165 | 155 | 155 | 145 | 115 | 135 | 125 | ---- | ---- | 175 |
| 23 | 170 | 40 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| 24 | 17, 35, 46, 87, 152 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | ---- | ---- | 185 |

*Prices for All-Rail Shipment Into Market Areas Nos. 22, 23, 30 (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*—Continued

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 25 | 13, 71 | 91 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 60 | 93 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 155 | 145 | ---- | ---- | 185 |
| | 78 | 96 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 80 | 125 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 81, 82 | 126 | 227 | 222 | 217 | 207 | 202 | 197 | 197 | 197 | 187 | 187 | 187 | 187 | 157 | 147 | 82 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 167 | 157 | ---- | ---- | 197 |
| 27 | 95 | 95 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 155 | 145 | ---- | ---- | 185 |
| 28 | 84 | 92 | 221 | 216 | 211 | 201 | 196 | 191 | 191 | 191 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 191 | 191 | 191 | 191 | 181 | 181 | 171 | 141 | ---- | ---- | ---- | ---- | 191 |
| 29 | 189 | 116 | 310 | 305 | 300 | 290 | 285 | 275 | 290 | 265 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 260 | 260 | 260 | 260 | 250 | 250 | 240 | 210 | ---- | ---- | ---- | ---- | 275 |
| 30 | 122 | 114 | 300 | 295 | 290 | 280 | 275 | 265 | 250 | 255 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | ---- | 220 | 220 | 220 | 220 | 210 | 210 | 200 | 170 | 190 | 180 | ---- | ---- | 265 |
| 31 | 150 | 111 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 164 | 112 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 98 | 117 | 300 | 295 | 290 | 280 | 275 | 265 | 250 | 255 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | ---- | ---- | 265 |
| | 175 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 32 | 19, 126 | 114 | 260 | 255 | 250 | 240 | 235 | 230 | 225 | 220 | 210 | 210 | 210 | 210 | 180 | 170 | 105 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | ---- | ---- | 230 |
| 33 | 1 | 91 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 175 | 175 | 175 | 145 | 135 | 70 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 155 | 145 | ---- | ---- | 185 |
| 34 | 2 | 10 | 232 | 227 | 222 | 212 | 207 | 202 | 202 | 202 | 192 | 192 | 192 | 192 | 162 | 152 | 87 | ---- | 197 | 197 | 197 | 197 | 187 | 187 | 177 | 147 | 172 | 162 | ---- | ---- | 202 |

*Prices for All-Rail Shipment Into Market Areas Nos. 15, 17, 19, 24, 25, 27, 28, 32, and All Other Market Areas for Which Prices Have Not Been Specifically Published Herein (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 62, 141, 154, 155, 158 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 9 | 137 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| | 44, 151, 191, 192 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 156, 157 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 119, 176 | 132 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 14, 183 | 133 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 121 | 137 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 108, 118, 124 | 138 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 54 | 139 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 180 | 190 | 155 | 235 |
| | 55, 106, 120 | 140 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 148, 184 | 141 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 18 | 142 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 75 | 143 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 36 | 134 | 240 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| 4 | 40 | 132 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 225 |
| | 50 | 134 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 92, 182 | 135 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 200 |
| 6 | 94 | 134 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 160 | 150 | ---- | ---- | 190 |
| 7 | 4 | 141 | 225 | 225 | 225 | 215 | 210 | 200 | 185 | 195 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | ---- | ---- | ---- | ---- | 200 |
| 8 | 91 | 80 | 255 | 255 | 255 | 245 | 235 | 225 | 200 | 215 | 195 | 195 | 195 | 195 | 170 | 160 | 110 | 60 | 205 | 205 | 205 | 205 | 190 | 190 | 180 | 160 | 180 | 170 | ---- | ---- | 225 |
| 9 | 136 | 80 | | | | | | | 200 | | | | | | | | | | | | | | | | | | | | | | |
| 10 | 49 | 82 | 230 | 225 | 220 | 210 | 205 | 195 | 185 | 190 | 165 | 165 | 165 | 165 | 150 | 140 | 80 | 30 | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 160 | 150 | 160 | ---- | 195 |
| 11 | 77 | 80 | 250 | 250 | 250 | 240 | 230 | 220 | 200 | 210 | 170 | 170 | 170 | 170 | 150 | 140 | 90 | 30 | 190 | 190 | 190 | 190 | 180 | 175 | 165 | 135 | 160 | 150 | 160 | ---- | 220 |
| 12 | 132 | 40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 27, 63, 64, 65, 66 | 43 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 101 | 50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 33, 190 | 51 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ---- | ---- | 185 |
| | 25 | 55 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 32 | 58 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 13 | 130, 131 | 41 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 147 | 42 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 166, 167, 168, 169 | 44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 28, 97 | 46 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 68 | 47 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 70, 90 | 48 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 57, 163 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| | 129 | 52 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 180 | 53 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 134 | 54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 88 | 56 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 127 | 57 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 29, 58 | 62 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Prices for All-Rail Shipment Into Market Areas Nos. 15, 17, 19, 24, 25, 27, 28, 32, and All Other Market Areas for Which Prices Have Not Been Specifically Published Herein (Except for Railroad Locomotive Fuel); Subject to Price Instructions and Exceptions*—Continued

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 14 | 21 | 70 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 123 | 71 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| | 162 | 72 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 171 | 73 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 15 | 186 | 74 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ---- | ---- | 185 |
| 16 | 48 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 72 | 24 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 5, 22 | 25 | 230 | 225 | 220 | 210 | 205 | 195 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 195 |
| | 135 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 137 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 38, 85, 178 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 17 | 47, 142 | 31 | 230 | 225 | 220 | 210 | 205 | 195 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 145 | 135 | ---- | ---- | 195 |
| 18 | 165 | 33 | 230 | 225 | 220 | 210 | 205 | 195 | 185 | 190 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 145 | 135 | ---- | ---- | 195 |
| 19 | 145 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 153 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 188 | 23 | 215 | 210 | 205 | 195 | 190 | 185 | 150 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ---- | ---- | 185 |
| | 96, 99, 100 | 26 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 3, 86, 103, 104, 161 | 29 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 48 | 31 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 20 | 6, 26, 43, 61 | 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 53, 59, 83, 89, 102, 114, 149, 179 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 139, 173 | 22 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 93, 159 | 23 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| | 31, 34, 105, 110 | 25 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 11 | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 16 | 80 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21 | 20, 138 | 27 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ---- | ---- | 185 |
| 22 | 23, 24 | 32 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 185 |
| 23 | 170 | 49 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 175 |
| 24 | 17, 35, 46, 87, 152 | 91 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | ---- | ---- | 175 |
| 25 | 13, 71 | 91 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 60 | 93 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 175 |
| | 78 | 96 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26 | 80 | 125 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 145 | 135 | ---- | ---- | 175 |
| | 81, 82 | 126 | | | | | | | | | | | | | | | | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | ---- | ---- | ---- | ---- | 175 |
| 27 | 95 | 95 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | ---- | ---- | ---- | ---- | 175 |
| 28 | 84 | 92 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 260 | 260 | 260 | 260 | 250 | 250 | 240 | 210 | ---- | ---- | ---- | ---- | 275 |
| 29 | 189 | 116 | 310 | 305 | 300 | 290 | 285 | 275 | 260 | 265 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 230 | 230 | 230 | 230 | 220 | 220 | 210 | 180 | 200 | 190 | ---- | ---- | 275 |
| 30 | 125 | 114 | 310 | 305 | 300 | 290 | 285 | 275 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | ---- | | | | | | | | | | | | | |
| 31 | 150 | 111 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 164 | 112 | 310 | 305 | 300 | 290 | 285 | 275 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 200 | 190 | ---- | ---- | 275 |
| | 98 | 117 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | 73, 175 | 118 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | | | | | | 200 | 190 | ---- | ---- | 240 |
| 32 | 19, 126 | 114 | 270 | 265 | 260 | 250 | 245 | 240 | 235 | 230 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | ---- | | | | | | | | | 145 | 135 | ---- | ---- | 175 |
| 33 | 1 | 91 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | 170 | 170 | 170 | 170 | 160 | 160 | 150 | 120 | 145 | 135 | ---- | ---- | 175 |
| 34 | 2 | 10 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | ---- | | | | | | | | | | | | | |

*Prices for Rail and River Shipment via Alton or East St. Louis, Ill., to Minneapolis and St. Paul, Minn., Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | All mines | ---- | 390 | 390 | 390 | 380 | 370 | 360 | 345 | 331 | 311 | 311 | 311 | 311 | 246 | 236 | 186 | 126 | 321 | 321 | 321 | 321 | 266 | 266 | 256 | 236 | 256 | 246 | 256 | 221 | ---- |
| 2 | All mines | ---- | 390 | 390 | 390 | 380 | 370 | 360 | 345 | 331 | 311 | 311 | 311 | 311 | 246 | 236 | 186 | 126 | | | | | | | | | 256 | 246 | 256 | 221 | ---- |
| 3 | All mines | ---- | 365 | 390 | 390 | 380 | 370 | 360 | 345 | 331 | 311 | 311 | 311 | 311 | 246 | 236 | 186 | 126 | 321 | 321 | 321 | 321 | 266 | 266 | 256 | 236 | 256 | 246 | 256 | 221 | ---- |
| 4 | All mines | ---- | 380 | 380 | 380 | 370 | 360 | 350 | 325 | 321 | 281 | 281 | 281 | 281 | 216 | 206 | 151 | 126 | | | | | | | | | 226 | 216 | ---- | ---- | ---- |
| 5 | All mines | ---- | 350 | 350 | 350 | 340 | 335 | 325 | 310 | 296 | 281 | 281 | 281 | 281 | 216 | 206 | 151 | 126 | | | | | | | | | 226 | 216 | ---- | ---- | ---- |
| 6 | All mines | ---- | 340 | 340 | 340 | 340 | 325 | 315 | 300 | 286 | 281 | 281 | 281 | 281 | 216 | 206 | 151 | 126 | | | | | | | | | 226 | 216 | ---- | ---- | ---- |
| 7 | All mines | ---- | 350 | 350 | 350 | 350 | 335 | 325 | 310 | 301 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 296 | 296 | 296 | 296 | 246 | 246 | 236 | 216 | ---- | ---- | ---- | ---- | ---- |
| 8 | All mines | ---- | 380 | 380 | 380 | 370 | 360 | 350 | 325 | 321 | 301 | 301 | 301 | 301 | 236 | 226 | 176 | 126 | 311 | 311 | 311 | 311 | 256 | 256 | 246 | 226 | 246 | 236 | ---- | ---- | ---- |
| 9 | All mines | ---- | | | | | | | 325 | | | | | | | | | | | | | | | | | | | | | | |
| 10 | All mines | ---- | 325 | 320 | 315 | 305 | 300 | 290 | 280 | 266 | 241 | 241 | 241 | 241 | 186 | 176 | 116 | 96 | 261 | 261 | 261 | 261 | 211 | 211 | 201 | 171 | 196 | 186 | 196 | ---- | ---- |
| 11 | All mines | ---- | 365 | 365 | 365 | 355 | 345 | 335 | 315 | 306 | 276 | 276 | 276 | 276 | 186 | 176 | 126 | 96 | 296 | 296 | 296 | 296 | 246 | 211 | 201 | 171 | 196 | 186 | 196 | ---- | ---- |
| 12 | All mines | ---- | 310 | 305 | 300 | 290 | 285 | 280 | 275 | 251 | 241 | 241 | 241 | 241 | 171 | 161 | 96 | ---- | 251 | 251 | 251 | 251 | 201 | 201 | 191 | 161 | 181 | 171 | ---- | ---- | ---- |
| 13 | All mines | ---- | 310 | 305 | 300 | 290 | 285 | 280 | 275 | 251 | 241 | 241 | 241 | 241 | 171 | 161 | 96 | ---- | | | | | | | | | 181 | 171 | ---- | ---- | ---- |
| 16 | All mines | ---- | 325 | 320 | 315 | 305 | 300 | 290 | 280 | 266 | 241 | 241 | 241 | 241 | 171 | 161 | 96 | ---- | | | | | | | | | 181 | 171 | ---- | ---- | ---- |
| 17 | All mines | ---- | 325 | 320 | 315 | 305 | 300 | 290 | 280 | 266 | 241 | 241 | 241 | 241 | 171 | 161 | 96 | ---- | 261 | 261 | 261 | 261 | 211 | 211 | 201 | 171 | 181 | 171 | ---- | ---- | ---- |
| 18 | All mines | ---- | 325 | 320 | 315 | 305 | 300 | 290 | 280 | 266 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 261 | 261 | 261 | 261 | 211 | 211 | 201 | 171 | ---- | ---- | ---- | ---- | ---- |
| 19 | All mines | ---- | 310 | 305 | 300 | 290 | 285 | 280 | 275 | 251 | 241 | 241 | 241 | 241 | 171 | 161 | 96 | ---- | 251 | 251 | 251 | 251 | 201 | 201 | 191 | 161 | 181 | 171 | ---- | ---- | ---- |
| 20 | All mines | ---- | 310 | 305 | 300 | 290 | 285 | 280 | 275 | 251 | 241 | 241 | 241 | 241 | 171 | 161 | 96 | ---- | | | | | | | | | 181 | 171 | ---- | ---- | ---- |
| 21 | All mines | ---- | 310 | 305 | 300 | 290 | 285 | 280 | 275 | 251 | 241 | 241 | 241 | 241 | 171 | 161 | 96 | ---- | | | | | | | | | 181 | 171 | ---- | ---- | ---- |
| 22 | All mines | ---- | 310 | 305 | 300 | 290 | 285 | 280 | 275 | 251 | 241 | 241 | 241 | 241 | 171 | 161 | 96 | ---- | 251 | 251 | 251 | 251 | 201 | 201 | 191 | 161 | 181 | 171 | ---- | ---- | ---- |
| 23 | All mines | ---- | 310 | 305 | 300 | 290 | 285 | 280 | 275 | 251 | 241 | 241 | 241 | 241 | 171 | 161 | 96 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |

The above prices are based on a base river transportation charge (including reloading at docks and transportation to the river loading docks and reloading on transportation facilities receiving docks) of 265 cents per net ton. If the actual transportation charge is greater than 265 cents, the exact difference between the actual rate and the 265-cent base rate may be deducted from the base mine prices shown above. If the actual transportation charge is less than 265 cents, the exact difference between the actual rate and the 265-cent base rate must be added to the base mine prices shown above. The producer may absorb the actual switching charge from the dock to "on-track" industries at destination. No absorption shall be made to "off-track" industries or deliveries.

*Prices for Rail and River Shipment via Alton or East St. Louis, Illinois, to La Crosse, Wisconsin, Subject to Price Instructions and Exceptions*

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | All mines | ---- | 340 | 340 | 340 | 330 | 320 | 310 | 295 | 283 | 263 | 263 | 263 | 263 | 238 | 228 | 178 | 118 | 273 | 273 | 273 | 273 | 258 | 258 | 248 | 228 | 248 | 238 | 248 | 213 | ---- |
| 2 | All mines | ---- | 340 | 340 | 340 | 330 | 320 | 310 | 295 | 283 | 263 | 263 | 263 | 263 | 238 | 228 | 178 | 118 | | | | | | | | | 248 | 238 | 248 | 213 | ---- |
| 3 | All mines | ---- | 315 | 340 | 340 | 330 | 320 | 310 | 295 | 283 | 263 | 263 | 263 | 263 | 238 | 228 | 178 | 118 | 273 | 273 | 273 | 273 | 258 | 258 | 248 | 228 | 248 | 238 | 248 | 213 | ---- |
| 4 | All mines | ---- | 330 | 330 | 330 | 320 | 310 | 300 | 275 | 273 | 233 | 233 | 233 | 233 | 208 | 198 | 143 | 118 | | | | | | | | | 218 | 208 | ---- | ---- | ---- |
| 5 | All mines | ---- | 300 | 300 | 300 | 290 | 285 | 275 | 260 | 248 | 233 | 233 | 233 | 233 | 208 | 198 | 143 | 118 | | | | | | | | | 218 | 208 | ---- | ---- | ---- |
| 6 | All mines | ---- | 290 | 290 | 290 | 280 | 275 | 265 | 250 | 238 | 233 | 233 | 233 | 233 | 208 | 198 | 143 | 118 | | | | | | | | | 218 | 208 | ---- | ---- | ---- |
| 7 | All mines | ---- | 300 | 300 | 300 | 290 | 285 | 275 | 260 | 253 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 248 | 248 | 248 | 248 | 238 | 238 | 228 | 208 | ---- | ---- | ---- | ---- | ---- |
| 8 | All mines | ---- | 330 | 330 | 330 | 320 | 310 | 300 | 275 | 273 | 253 | 253 | 253 | 253 | 228 | 218 | 168 | 118 | 263 | 263 | 263 | 263 | 248 | 248 | 238 | 218 | 238 | 228 | ---- | ---- | ---- |
| 9 | All mines | ---- | | | | | | | 275 | | | | | | | | | | | | | | | | | | | | | | |
| 10 | All mines | ---- | 275 | 270 | 265 | 255 | 250 | 240 | 230 | 218 | 193 | 193 | 193 | 193 | 178 | 168 | 108 | 88 | 213 | 213 | 213 | 213 | 203 | 203 | 193 | 163 | 188 | 178 | 188 | ---- | ---- |
| 11 | All mines | ---- | 315 | 315 | 315 | 305 | 295 | 285 | 265 | 258 | 228 | 228 | 228 | 228 | 178 | 168 | 118 | 88 | 248 | 248 | 248 | 248 | 238 | 203 | 193 | 163 | 188 | 178 | 188 | ---- | ---- |
| 12 | All mines | ---- | 290 | 255 | 250 | 240 | 235 | 230 | 225 | 203 | 193 | 193 | 193 | 193 | 163 | 153 | 88 | ---- | 203 | 203 | 203 | 203 | 193 | 193 | 183 | 153 | 173 | 163 | ---- | ---- | ---- |
| 13 | All mines | ---- | 290 | 255 | 250 | 240 | 235 | 230 | 225 | 203 | 193 | 193 | 193 | 193 | 163 | 153 | 88 | ---- | | | | | | | | | 173 | 163 | ---- | ---- | ---- |
| 16 | All mines | ---- | 275 | 270 | 265 | 255 | 250 | 240 | 230 | 218 | 193 | 193 | 193 | 193 | 163 | 153 | 88 | ---- | | | | | | | | | 173 | 163 | ---- | ---- | ---- |
| 17 | All mines | ---- | 275 | 270 | 265 | 255 | 250 | 240 | 230 | 218 | 193 | 193 | 193 | 193 | 163 | 153 | 88 | ---- | 213 | 213 | 213 | 213 | 203 | 203 | 193 | 163 | 173 | 163 | ---- | ---- | ---- |
| 18 | All mines | ---- | 275 | 270 | 265 | 255 | 250 | 240 | 230 | 218 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 213 | 213 | 213 | 213 | 203 | 203 | 193 | 163 | 173 | 163 | ---- | ---- | ---- |
| 19 | All mines | ---- | 260 | 255 | 250 | 240 | 235 | 230 | 225 | 203 | ---- | 193 | 193 | 193 | 163 | 153 | 88 | ---- | 203 | 203 | 203 | 203 | 193 | 193 | 183 | 153 | 173 | 163 | ---- | ---- | ---- |
| 20 | All mines | ---- | 260 | 255 | 250 | 240 | 235 | 230 | 225 | 203 | 193 | 193 | 193 | 193 | 163 | 153 | 88 | ---- | | | | | | | | | 173 | 163 | ---- | ---- | ---- |
| 21 | All mines | ---- | 260 | 255 | 250 | 240 | 235 | 230 | 225 | 203 | 193 | 193 | 193 | 193 | 163 | 153 | 88 | ---- | | | | | | | | | 173 | 163 | ---- | ---- | ---- |
| 22 | All mines | ---- | 260 | 255 | 250 | 240 | 235 | 230 | 225 | 203 | 193 | 193 | 193 | 193 | 163 | 153 | 88 | ---- | 203 | 203 | 203 | 203 | 193 | 193 | 183 | 153 | 173 | 163 | ---- | ---- | ---- |
| 23 | All mines | ---- | 260 | 255 | 250 | 240 | 235 | 230 | 225 | 203 | 193 | 193 | 193 | 193 | 163 | 153 | 88 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | 173 | 163 | ---- | ---- | ---- |

The above prices are based on a base river transportation charge (including reloading at docks and transportation to the river loading docks and reloading on transportation facilities receiving docks) of 265 cents per net ton. If the actual transportation charge is greater than 265 cents, the exact difference between the actual rate and the 265 cent base rate may be deducted from the base mine prices shown above. If the actual transportation charge is less than 265 cents, the exact difference between the actual rate and the 265 cent base rate must be added to the base mine prices shown above. The producer may absorb the actual switching charge from the dock to "on-track" industries at destination. No absorption shall be made to "off-track" industries or deliveries.

*Prices for Rail and River Shipment via Mississippi River to Linwood, Iowa, and Cape Girardeau, Missouri, Subject to Price Instructions and Exceptions*

The f. o. b. mine prices for shipments destined to Linwood, Iowa, will be priced the same as All-Rail shipments to Market Area #40.

The f. o. b. mine prices for shipment to Cape Girardeau, Missouri, will be priced the same as All-Rail shipments to Market Area #35.

### Prices for Rail or Truck and River Shipment via Illinois River to La Salle, Illinois, Subject to Price Instructions and Exceptions

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 24 | All mines | ------- | 290 | 285 | 280 | 270 | 265 | 260 | 260 | 260 | 250 | 250 | 250 | 250 | 220 | 210 | 145 | ----- | 260 | 260 | 260 | 260 | 250 | 250 | 240 | 210 | 230 | 220 | ----- | ----- | ----- |
| 25 | All mines | ------- | 290 | 285 | 280 | 270 | 265 | 260 | 260 | 260 | 250 | 250 | 250 | 250 | 220 | 210 | 145 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 230 | 220 | ----- | ----- | ----- |

The above prices are based on a base river transportation charge (including dumping and transportation charges to the river loading docks and reloading on transportation facilities receiving docks) of 85 cents per net ton. If the actual transportation charge is greater than 85 cents, the exact difference between the actual rate and the 85 cent base rate may be deducted from the base mine prices shown above. If the actual transportation charge is less than 85 cents, the exact difference between the actual rate and the 85 cent base rate must be added to the base mine prices shown above. The producer may absorb the actual switching charge from the dock to on-track industries at destination. No absorption shall be made to off-track industries or deliveries.

### Prices for Rail or Truck and River Shipment via Illinois River to Chicago, Ill.; Subject to Price Instructions and Exceptions

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 24 | All mines | ------- | 265 | 260 | 255 | 245 | 240 | 235 | 235 | 235 | 225 | 225 | 225 | 225 | 195 | 185 | 120 | ----- | 235 | 235 | 235 | 235 | 225 | 225 | 215 | 185 | 205 | 195 | ----- | ----- | ----- |
| 25 | All mines | ------- | 265 | 260 | 255 | 245 | 240 | 235 | 235 | 235 | 225 | 225 | 225 | 225 | 195 | 185 | 120 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 205 | 195 | ----- | ----- | ----- |

The above prices are based on a base river transportation charge (including dumping and transportation charges to the river loading docks and reloading on transportation facilities receiving docks) of 115 cents per net ton. If the actual transportation charge is greater than 115 cents the exact difference between the actual rate and the 115-cent base rate may be deducted from the base mine prices shown above. If the actual transportation charge is less than 115 cents, the exact difference between the actual rate and the 115-cent base rate must be added to the base mine prices shown above. The producer may absorb the actual switching charge from the dock to on-track industries at destination. No absorption shall be made to off-track industries or deliveries.

### Prices for Rail and River Shipment via Havana, Ill., to Chicago, Ill.; Subject to Price Instructions and Exceptions

| Price group No. | Mine index Nos. | Mine origin group Nos. | Price and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| 12 | All mines | ------- | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | ----- | 205 | 205 | 205 | 205 | 195 | 195 | 185 | 155 | 175 | 165 | ----- | ----- | ----- |
| 13 | All mines | ------- | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 195 | 195 | 195 | 195 | 165 | 155 | 90 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 175 | 165 | ----- | ----- | ----- |

The above prices are based on a base river transportation charge (including dumping and transportation charges to the river loading docks and reloading on transportation facilities receiving docks) of 145 cents per net ton. If the actual transportation charge is greater than 145 cents the exact difference between the actual rate and the 145-cent base rate may be deducted from the base mine prices shown above. If the actual transportation charge is less than 145 cents, the exact difference between the actual rate and the 145-cent base rate must be added to the base mine prices shown above. The producer may absorb the actual switching charge from the dock to on-track industries at destination. No absorption shall be made to off-track industries or deliveries.



### Prices for Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions at Beginning of Document and Following This Table

| Producer | Mine | Mine index No. | Mine origin group No. | Prices: 6" x 1¼" egg | Prices: Mine run | Prices: Mod. mine run | Prices: Segs. | Exceptions |
|---|---|---|---|---|---|---|---|---|
| Bailey Bros. Coal Co. | Diamond | 38 | 80 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Beaucoup Coal Company | Beaucoup No. 6 | 5 | 25 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Beckemeyer Coal Company | Beckemeyer | 6 | 20 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Bell & Zoller Coal & Mining Co. | Zeigler No. 1 | 191 | 140 | ----- | 225 | ----- | 170 | |
| Bell & Zeller Coal & Mining Co. | Zeigler No. 2 | 192 | 140 | ----- | 225 | ----- | 170 | |
| Blakley Coal Company | Blakley | 13 | 91 | ----- | 200 | ----- | 140 | 1-F, 2-A, 6, 7, 8. |
| Blue Bird Coal Co. | Blue Bird No. 5 | 14 | 133 | ----- | 225 | ----- | 170 | 9. |
| Bois Coal Company | Bois | 16 | 80 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Buffalo Rock Coal Company | Buffalo Rock | 19 | 114 | ----- | 230 | ----- | 195 | 1-J, 2-G. |
| Burn-Well Coal Co. | Bullock | 20 | 27 | 175 | 170 | ----- | 140 | 1-E, 2-D, 3-C, 23, 4, 38. |
| Carter & Rednour Coal Co. | C. & R. | 22 | 25 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Central Illinois Coal Mining Co. | Central Ill. "A" | 28 | 46 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 10, 11, 12. |
| Central State Collieries, Inc. | Little Sister | 87 | 91 | ----- | 200 | ----- | 140 | 1-F, 2-A, 6, 7, 8. |
| Centralia Coal Company | Centralia No. 5 | 29 | 62 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 4, 14, 15, 16. |
| Chicago, Wilmington & Franklin Coal Co. | New Orient | 108 | 138 | ----- | 225 | ----- | 170 | |
| Chicago, Wilmington & Franklin Coal Co. | Orient No. 1 | 124 | 138 | ----- | 225 | ----- | 170 | |
| Chicopee Coal Company | Troy | 173 | 22 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4, 38. |
| Citizens Coal Company | East Mine | 43 | 20 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Conant Coal Company | Conant | 31 | 25 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Consolidated Coal Company, The | Buckhorn | 18 | 142 | ----- | 225 | ----- | 170 | |
| Consolidated Coal Company, The | Consolidated #7 | 32 | 58 | ----- | 195 | 200 | 140 | 1-C, 2-B, 3-A, 4, 17. |
| Consolidated Coal Company, The | Consolidated #15 | 33 | 51 | ----- | 195 | 200 | 140 | 1-C, 2-B, 3-A, 4, 17. |
| Consolidated Coal Company, The | Jefferson County | 75 | 143 | ----- | 225 | ----- | 170 | |
| Consolidated Coal Company, The | New Monarch | 109 | 140 | ----- | 225 | ----- | 170 | |
| Coulterville Coal Company | Perco | 135 | 30 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Crain Coal Company | Crain | 34 | 25 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Crescent Mining Co | LaMarsh No. 1 | 81 | 126 | ----- | 205 | ----- | ----- | |
| Crescent Mining Co. | LaMarsh No. 6 | 82 | 126 | ----- | 205 | ----- | ----- | |
| Cutler Coal Company, Inc. | New Wilson | 110 | 25 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Delta Coal Mining Co. | Delta | 36 | 134 | ----- | 225 | ----- | 170 | |
| Diamond Coal Company (Augustine Colonl, Prop.) | Diamond No. 2 | 40 | 132 | ----- | 225 | ----- | 170 | |
| Edgar Coal Company (Wm. T. Edgar, Prop.) | Little Muddy | 85 | 80 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Forsyth-Carterville Coal Co. | Forsyth-Carterville | 50 | 134 | ----- | 225 | ----- | 170 | |
| Franklin County Coal Corp. | Energy No. 5 | 44 | 140 | ----- | 225 | ----- | 170 | 18. |
| Franklin County Coal Corp. | Royalton No. 7 | 151 | 140 | ----- | 225 | ----- | 170 | |
| Freeburg Coal Company | Freeburg | 53 | 21 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4. |
| Freeman Coal Mining Co. | Freeman | 54 | 139 | ----- | 225 | ----- | 170 | |
| Gill Coal Corporation | Lyle | 89 | 21 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4. |
| Gillespie Coal Co. | Gillespie | 57 | 49 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 4, 19. |
| Golden Rule Coal Co. | Golden Rule | 59 | 21 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4. |
| Golden Rule Coal Co. | Golden Rule | 60 | 93 | ----- | 200 | ----- | 140 | 1-F, 2-A, 8. |
| Groom Coal Co. | Richland | 149 | 21 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4. |
| Gundlach Coal Company | Gundlach | 61 | 20 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4. |
| Hillsboro Mining Company | Hillsboro | 68 | 47 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 4, 20. |
| Home Coal Company (Townsend Blanchard, Prop.). | Victory | 178 | 80 | 185 | ----- | 180 | 140 | 1-D, 2-C, 3-B. |
| Illinois Colliery Co. | Illinois Colliery | 71 | 91 | ----- | 200 | ----- | 140 | 1-F, 2-A, 21, 8. |
| Illinois-Missouri Coal Co. (H. W. Bradbury, Prop.). | Ill.-Mo. | 72 | 24 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Illinois Pocahontas Coal Co. | Pocahontas | 138 | 27 | 175 | 170 | ----- | 140 | 1-E, 2-D, 3-C, 4. |
| Jones Bros. Coal Mining Co. | Eureka No. 2 | 45 | 21 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4. |
| Lake Erie Mining Co. | Lake Erie | 80 | 125 | ----- | ----- | ----- | ----- | |
| Lenzburg Coal Company | Lenzburg | 83 | 21 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4. |
| Little John Coal Co. | Little John | 84 | 92 | ----- | 200 | ----- | 140 | 1-G, 2-E, 22. |
| Livingston-Mt. Olive Coal Co., The. | Livingston No. 1 | 88 | 50 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 4, 20. |
| Lumaghi Coal Company | Cantine No. 2 | 23 | 32 | 175 | 170 | ----- | 140 | 1-E, 2-D, 3-C, 23, 4, 38. |

### Prices for Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions at Beginning of Document and Following This Table—Continued

| Producer | Mine | Mine index No. | Mine origin group No. | Prices: 6" x 1¼" egg | Prices: Mine run | Prices: Mod. mine run | Prices: Segs. | Exceptions |
|---|---|---|---|---|---|---|---|---|
| Lumaghi Coal Company | Cantine No. 3 | 24 | 32 | 175 | 170 | ----- | 140 | 1-E, 2-D, 3-C, 4, 38. |
| Macon County Coal Co. | Macon County | 90 | 48 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A. |
| Madison County Coal & Mining Co. | Thermal | 170 | 49 | 175 | 170 | ----- | 140 | 1-B, 2-B, 3-A, 4, 38. |
| Marion County Coal Co. | Glenridge | 58 | 62 | 225 | 195 | 200 | 140 | 1-B, 2-B, 3-A, 4, 14, 15, 16. |
| Marissa Coal Company | O. K. | 114 | 21 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4. |
| Marvel Coal Company | Marvel | 92 | 135 | ----- | 225 | ----- | 170 | |
| Mascoutah Coal & Mining Co. | Mascoutah | 93 | 23 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4. |
| McLaren Coal Company | McLaren | 94 | 134 | ----- | 225 | ----- | 170 | |
| Midland Electric Coal Corp. | Atkinson | 2 | 10 | ----- | 200 | ----- | 140 | 1-K. |
| Midland Electric Coal Corp. | Middle Grove | 95 | 95 | ----- | 200 | ----- | 140 | 1-F, 2-A. |
| Midwest Smokeless Fuel Corp. | Midwest Smokeless | 96 | 26 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4, 37. |
| Mine "B" Coal Co., The | Mine "B" | 97 | 46 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 10, 11, 12. |
| Moffat Coal Company | Moffat | 99 | 26 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B, 15. |
| Morgan Coal Company, F. C. (Ray Morgan, Prop.). | Morgan | 100 | 26 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4. |
| Morgan Coal Company, F. Q. (Ray Morgan, Prop.). | Old Vermillion | 123 | 71 | ----- | 195 | 200 | 140 | 1-A. |
| Mt. Olive Coal Company | Hoosier | 70 | 48 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 4. |
| Mt. Olive & Staunton Coal Co. | Mt. Olive & Staunton No. 2. | 101 | 50 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 4, 24, 25, 26. |
| Mulberry Hill Coal Co. | Mulberry Hill | 102 | 21 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4. |
| New Galum Coal Corporation, Trustees for Employees of. | New Galum | 105 | 23 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Nokomis Coal Co. | Reliance | 147 | 42 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 4. |
| Northern Illinois Coal Corp. | Wilmington No. 10 | 189 | 116 | ----- | 230 | ----- | 195 | 1-H, 2-F, 5. |
| Number 5 Pinckneyville Mining Co. | Pinckneyville No. 5 | 137 | 31 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Old Ben Coal Corporation | Old Ben No. 8 | 118 | 138 | ----- | 225 | ----- | 170 | 27, 18. |
| Old Ben Coal Corporation | Old Ben No. 11 | 119 | 132 | ----- | 225 | ----- | 170 | |
| Old Ben Coal Corporation | Old Ben No. 14 | 120 | 140 | ----- | 225 | ----- | 170 | |
| Old Ben Coal Corporation | Old Ben No. 15 | 121 | 137 | ----- | 225 | ----- | 170 | 18. |
| Osage Coal Company | Osage | 125 | 114 | ----- | 230 | ----- | 195 | 1-H, 2-F. |
| Pana Coal Company | Pana No. 1 | 127 | 57 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 20. |
| Panther Creek Mines, Inc. | Panther Creek No. 2 | 129 | 52 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 28. |
| Panther Creek Mines, Inc. | Panther Creek No. 4 | 130 | 41 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 28. |
| Panther Creek Mines, Inc. | Panther Creek No. 5 | 131 | 41 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 28. |
| Peabody Coal Company | Black Arrow No. 18 | 9 | 137 | ----- | 225 | ----- | 170 | 13. |
| Peabody Coal Company | Capitol No. 57 | 25 | 55 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 29. |
| Peabody Coal Company | Carter Process Plant | 27 | 43 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 30, 31, 32. |
| Peabody Coal Company | Harco No. 47 | 62 | 133 | ----- | 225 | ----- | 170 | 9. |
| Peabody Coal Company | Hawthorn No. 7 | 63 | 43 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 30, 31, 32. |
| Peabody Coal Company | Hawthorn No. 8 | 64 | 43 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 30, 31, 32. |
| Peabody Coal Company | Hawthorn No. 9 | 65 | 43 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 30, 31, 32. |
| Peabody Coal Company | Hawthorn No. 58 | 66 | 43 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A. |
| Peabody Coal Company | Majestic No. 14 | 91 | 80 | ----- | 225 | ----- | 170 | |
| Peabody Coal Company | Peerless No. 59 | 132 | 40 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 33. |
| Peabody Coal Company | Premium No. 43 | 141 | 133 | ----- | 225 | ----- | 170 | 9. |
| Peabody Coal Company | Westville No. 24 | 186 | 74 | ----- | 195 | 200 | 140 | 1-A, 20. |
| Peabody Coal Company | Woodside No. 53 | 190 | 51 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 34. |
| Penwell Coal Mining Company | Penwell | 134 | 54 | ----- | 195 | 200 | 140 | 1-B, 2-B, 3-A, 20. |
| Perfection Coal Company | Perfection | 136 | 80 | ----- | 225 | ----- | ----- | |
| Perry Coal Company | Carbon | 26 | 20 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4. |
| Perry Coal Company | St. Ellen | 153 | 22 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4, 38. |
| Peru Deep Vein Coal Company | Ill. Zinc No. 3 | 73 | 118 | ----- | 230 | ----- | 195 | 1-J, 2-G. |
| Prairie Coal Company | Prairie | 139 | 22 | 175 | 170 | ----- | 140 | 1-D, 2-C, 3-B, 4, 38. |
| Pschirrer & Sons Coal Co. | Kildee No. 3 | 78 | 96 | ----- | 200 | ----- | 140 | 1-F, 2-A, 6, 8. |
| Pyramid Coal Corporation | Pyramid | 142 | 31 | 185 | 180 | ----- | 140 | 1-D, 2-C, 3-B. |
| Rex Coal Company | Rex. No. 2 | 148 | 141 | ----- | 225 | ----- | 170 | 9. |
| Roanoke Coal Company | Roanoke | 150 | 111 | ----- | 230 | ----- | 195 | 1-J, 2-G. |

*Prices for Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions at Beginning of Document and Following This Table*—Continued

| Producer | Mine | Mine Index No. | Mine origin group No. | Prices: 6" x 1¼" egg | Prices: Mine run | Prices: Mod. mine run | Prices: Scgs. | Exceptions |
|---|---|---|---|---|---|---|---|---|
| Sahara Coal Company | Bankston Creek No. 6 | 4 | 141 | ---- | 225 | ---- | 170 | 9. |
| Sahara Coal Company | Sahara No. 1 | 151 | 133 | 183 | 225 | ---- | 170 | 9. |
| Sahara Coal Company | Sahara No. 5 | 156 | 141 | 183 | 225 | ---- | 170 | 9. |
| Sahara Coal Company | Sahara No. 10 | 157 | 141 | 183 | 225 | ---- | 170 | 9. |
| Sahara Coal Company | Sahara No. 12 | 158 | 133 | 183 | 225 | ---- | 170 | 9. |
| St. Louis & O'Fallon Coal Co. | Black Eagle No. 2 | 11 | 21 | 183 | 180 | ---- | 140 | 1-D, 2-C, 3-B, 15. |
| St. Louis Coal Company | Florida | 46 | 21 | 175 | 170 | ---- | 140 | 1-D, 2-C, 3-B, 4. |
| Service Coal & Mining Co | Rushton | 159 | 55 | (140) | 225 | ---- | 170 | 1-F, 2-A. |
| Seymour Coal Mining Company | Freeman Spur | 1 | | 134 | | ---- | 140 | 1-B, 2-B, 3-A, 4. |
| Shuler Coal Mining Company | Alpha No. 2 | 91 | | 200 | 200 | 200 | 140 | 1-A. |
| Skelton Coal Company, J. G | Skelton | 163 | | 73 | 195 | 200 | 140 | 1-D, 2-C, 3-B, 4. |
| South Mine Company | Bonnie Mine | 3 | | 29 | 170 | ---- | 140 | 1-D, 2-C, 3-B, 4. |
| Southern Coal, Coke & Mining Co. | Avery No. 1 | 6 | | 29 | 170 | ---- | 140 | 1-D, 2-C, 3-B, 4. |
| Southern Coal, Coke & Mining Co. | Little Oak No. 7 | 86 | | 29 | 175 | ---- | 140 | 1-D, 2-C, 3-B, 4. |
| Southern Coal, Coke & Mining Co. | Maren No. 6 | 103 | | 29 | 175 | ---- | 140 | 1-D, 2-C, 3-B, 4. |
| Southern Coal, Coke & Mining Co. | New Baden No. 9 | 104 | | 29 | 175 | ---- | 140 | 1-D, 2-C, 3-B, 4. |
| Southern Coal, Coke & Mining Co. | Shiloh No. 4 | 161 | | 29 | 175 | ---- | 140 | 1-D, 2-C, 3-B, 4. |
| Southern Coal, Coke & Mining Co. | Streamline | 165 | | 83 | 180 | ---- | 140 | 1-D, 2-C, 3-B, 4. |
| Southwestern Illinois Coal Co., The | Spring Valley No. 3 | 164 | | 112 | 230 | ---- | 195 | 1-F, 2-G. |
| Spring Valley Coal Company | Superior No. 1 | 166 | | 44 | 195 | 200 | 140 | 1-A, 2-A, 6, 7, 8, 35. |
| Superior Coal Company | Superior No. 2 | 167 | | 44 | 195 | 200 | 140 | 1-A, 2-A, 6, 7, 8, 35. |
| Superior Coal Company | Superior No. 3 | 168 | | 44 | 195 | 200 | 140 | 1-A, 2-A, 6, 7, 8, 35. |
| Superior Coal Company | Superior No. 4 | 169 | | 44 | 195 | 200 | 140 | 1-A, 2-A, 6, 7, 8, 35. |
| Sutton, W. C | Milmont | 117 | | 73 | 195 | 200 | 140 | 1-A, 2-A, 6, 7, 8, 35. |
| Tilton Mining Company | Tilton | 171 | | 91 | 190 | 200 | 140 | 1-D, 2-C, 3-B. |
| Trust-Tiner Coal Company | Flatt | 45 | | 91 | 190 | ---- | 140 | 1-D, 2-C, 3-B. |
| Trust-Tiner Coal Company | Forsyth No. 1 | 49 | | 82 | 200 | ---- | 140 | 1-D, 2-C, 3-B, 4. |
| Trust-Tiner Coal Company | St. David | 175 | | 118 | 230 | ---- | 193 | 1-F, 2-A, 6, 7, 8, 35. |
| Union Coal Company | Dolan | 176 | | 90 | 225 | ---- | 170 | 1-F, 2-G. |
| United Electric Coal Co., The | Kathleen | 177 | | 91 | 225 | ---- | 170 | 1-F, 2-A, 6, 7, 8, 35. |
| United Electric Coal Cos., The | Buckheart | 35 | | 91 | 200 | ---- | 140 | 1-D, 2-C, 3-B. |
| United Electric Coal Cos., The | Cub | 91 | | 91 | 190 | ---- | 140 | 1-D, 2-C, 3-B. |
| United Electric Coal Cos., The | Fidelity | 145 | | 21 | 170 | ---- | 140 | 1-D, 2-C, 3-B, 4. |
| United Electric Coal Cos., The | Hurst Ray | 174 | | 183 | 190 | ---- | 140 | 1-A. |
| Valier Coal Company | Buntsenville | 21 | | 70 | 193 | 200 | 140 | 1-A. |
| Vinegar Hill Coal Company | Valier No. 1 | 178 | 132 | 175 | 225 | ---- | 170 | 1-D, 2-C, 3-B, 4. |
| Virden Mining Corporation | Virden | 179 | 21 | 175 | 170 | 200 | 140 | 1-B, 2-B, 3-A. |
| Wallace Coal Company | Wason "A" | 182 | 135 | ---- | 225 | ---- | 170 | 9. |
| Wason Coal Company | Wason No. 1 | 183 | 133 | ---- | 225 | ---- | 170 | 9. |
| White Coal Company, Inc. | White | 184 | 141 | 175 | 170 | ---- | 140 | 1-D, 2-C, 3-B, 4. |
| Wilmington Coal Mines, Inc. | Ottawa | 7 | 23 | 175 | 170 | ---- | 193 | 1-H, 2-F. |
| | | 126 | 114 | | 230 | | | |

*Railroad Locomotive Fuel Prices—Instructions*

A. Mine run is the combination of all sizes as produced, without the addition or removal of any size or portion thereof. D. Sizes in size groups 1 to 8, inclusive and 34 may be applied, at the option of the code member, on orders for railroad locomotive fuel specifying nut (3" x 5/16"), modified mine run, mine run, or resultant mine run (6" x 0").

B. Modified mine run shall contain 15 percent, with a tolerance of 2 percent up or down, of coal that will pass through screens with round hole openings 1¼" in diameter or other shaped openings equivalent in area (1¼" screenings). C. Screenings is coal that will pass through screens with round hole openings 2" or less in diameter, or other shaped openings equivalent in area, without the addition or removal of any size or portion thereof. E. Sizes in size groups 8 to 28, inclusive, may be applied, at the option of the code member, on orders for railroad locomotive fuel specifying screenings.

*Railroad Locomotive Fuel Prices—Exceptions*

EXCEPTION NO. 1: PRICES FOR RAILROAD LOCOMOTIVE FUEL COAL SHIPPED TO RAILROADS LISTED BELOW SHALL APPLY F. O. B. MINES AS INDICATED IN COLUMNS 1-A TO 1-K, INCLUSIVE, AS FOLLOWS

[Instructions A, B, and D apply]

| Railroads | No. 1-A | No. 1-B | No. 1-C | No. 1-D | No. 1-E | No. 1-F | No. 1-G | No. 1-H | No. 1-J | No. 1-K |
|---|---|---|---|---|---|---|---|---|---|---|
| | All mines in price groups 14 and 15 | All mines in price groups 21, 22 and 23 except mines Nos. 32 and 33 in price group 12 | Mines Nos. 32 and 33 in price group 12 | All mines in price groups 16, 17, 18, 19 and 20 | All mines in price groups 21 and 22 | All mines in price groups 24, 25, 27 and 33 | All mines in price group 26 | All mines in price groups 29 and 30 and Mine No. 126 in price group 32 | All mines in price groups 31 and 32 except Mine No. 126 in price group 32 | All mines in price group 34 |
| | M. MR | M. MR | M. MR | M. MR | M. MR | M. MR | M. MR | M. MR | M. MR | M. MR |
| | MR | MR | MR | MR | MR | MR | MR | MR | MR | MR |
| Baltimore & Ohio Chicago Terminal R. R. | 195 | 200 | 170 | 145 | 160 | 175 | 181 | 220 | 210 | 192 |
| Belt Ry of Chicago (The) | | | | | | | | | | 215 |
| Chicago & Calumet River R. R. Co. | | | | | | | | | | 197 |
| Chicago Junction Ry | | | | | | | | | | |
| Chicago River & Indiana R. R. | | | | | | | | | | |
| Chicago Short Line Ry. Co. | | | | | | | | | | |
| Chicago, West Pullman & Southern R. R. | | | | | | | | | | |
| Chicago & Western Indiana R. R. | | | | | | | | | | |
| Indiana Harbor Belt R. R. | | | | | | | | | | |
| Illinois Northern Ry | | | | | | | | | | |
| Manufacturers Junction Ry. Co. | | | | | | | | | | |
| Pullman R. R. Co. | | | | | | | | | | |

EXCEPTION NO. 2: PRICES FOR RAILROAD LOCOMOTIVE FUEL COAL SHIPPED TO RAILROAD LISTED BELOW SHALL APPLY F. O. B. MINES AS INDICATED IN COLUMNS 2-A TO 2-G, INCLUSIVE, AS FOLLOWS

[Instructions A, C, and D apply]

| Railroad | No. 2-A: All mines in price groups 24, 25, 27 and 33 | | No. 2-B: All mines in price groups 12, 13 and 23 | | No. 2-C: All mines in price groups 10, 16, 17, 18, 19 and 20 | | No. 2-D: All mines in price groups 21 and 22 | | No. 2-E: All mines in price group 28 | | No. 2-F: All mines in price groups 29 and 30 and Mine No. 126 in price group 32 | | No. 2-G: All mines in price groups 31 and 32 except Mine No. 126 in price group 32 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | MR | Scgs. | MR | Scgs. | MR | Scgs. | MR | Scgs. | MR | Scgs. | MR | Scgs. | MR | Scgs. |
| Chicago, Great Western R. R.* | 200 | 140 | 178 | 114 | 170 | 105 | 170 | 105 | 200 | 140 | 190 | 125 | 190 | 125 |

*Mines located in the same rate group may absorb a sufficient amount to enable them to meet the lowest division applicable from that rate group in order that all mines in the same rate group may make the same delivered price.

EXCEPTION NO. 3: PRICES FOR RAILROAD LOCOMOTIVE FUEL COAL SHIPPED TO RAILROAD LISTED BELOW SHALL APPLY F. O. B. MINES AS INDICATED IN COLUMNS 3-A TO 3-C, INCLUSIVE, AS FOLLOWS

[Instructions A, C, and D apply]

| Railroad | No. 3-A: All mines in price groups 12, 13 and 23 | | No. 3-B: All mines in price groups 10, 16, 17, 18, 19 and 20 | | No. 3-C: All mines in price groups 21 and 22 | |
|---|---|---|---|---|---|---|
| | MR | Scgs. | MR | Scgs. | MR | Scgs. |
| Minneapolis, St. Paul & Sault Ste. Marie Ry. (Soo Line)* | 180 | 135 | 161 | 84 | 161 | 84 |

*Mines located in the same rate group may absorb a sufficient amount to enable them to meet the lowest division applicable from that rate group in order that all mines in the same rate group may make the same delivered price.
MR—Mine Run coal as described in Instruction No. A.
M. MR—Modified Mine Run coal as described in Instruction No. B.
Scgs.—Screenings Coal as described in Instruction No. C.

*Explanation*

Exception No. 4. The following price will apply on railroad locomotive fuel for the MK&T RR, the StL&SF Ry., the CRI&P Ry. (St. Louis Division), the Alton & Southern RR, the Terminal Railroad Association of St. Louis, the StL&SW Ry., and the Manufacturers Ry. from mines bearing reference to Exception No. 4:

| | |
|---|---|
| Mine Run | $1.80 |
| 6" x 1¼" Egg | 1.85 |
| 2" Screenings or smaller | 1.40 |

Exception No. 5. The price on 6" x 1¼" Egg Coal from this mine for locomotive use on the Alton RR is $2.15 per ton.

Exception No. 6. The producer may absorb the actual division of the freight rate not to exceed 43.6 cents per ton on railroad locomotive fuel for the M&StL RR.

Exception No. 7. The producer may absorb the actual division of the freight rate but not to exceed 22 cents per ton on railroad locomotive fuel for the TP&W RR.

Exception No. 8. The producer may absorb the actual division of the freight rate but not to exceed 48 cents per ton on railroad locomotive fuel for the C&NW RR.

Exception No. 9. The following prices will apply on railroad locomotive fuel for the NYC System:

| | |
|---|---|
| Mine Run | $2.10 |
| 6" Mine Run | 1.85 |
| Nut (Top 3", Bottom 5/16") | 2.25 |
| Screenings, 2" or less | 1.70 |

Instruction No. E will not apply on the above prices.

Exception No. 10. The producer may absorb the actual switching charge but not to exceed 25 cents per ton on railroad locomotive fuel for the B&O RR, IC RR, and the Illinois Terminal Railroad.

Exception No. 11. The producer may absorb the actual switching charge but not to exceed $8.25 per car on railroad locomotive fuel for the Alton RR.

Exception No. 12. The producer may absorb the actual switching charge but not to exceed $8.80 per car on railroad locomotive fuel for the Wabash Railway.

Exception No. 13. The producer may absorb the actual switching charge but not to exceed $6.20 per car on railroad locomotive fuel for the CB&Q RR.

Exception No. 14. The producer may absorb the actual division of the freight rate but not to exceed 30 cents per ton on railroad locomotive fuel for the C&NW Ry.

Exception No. 15. The producer may absorb the actual switching charge but not to exceed 14 cents per ton with a minimum of $2.97 and a maximum of $5.45 per car on railroad locomotive fuel for the Missouri and Illinois Railroad.



Exception No. 16. The producer may absorb the actual switching charge but not to exceed $5.95 per car on railroad locomotive fuel for the Southern Railway.

Exception No. 17. The producer may absorb the actual division of the freight rate but not to exceed 15 cents per ton on railroad locomotive fuel for the C&NW Ry.

Exception No. 18. The producer may absorb the actual switching charge but not to exceed $6.05 per car on railroad locomotive fuel for the MOPAC RR.

Exception No. 19. The producer may absorb the actual division of the freight rate but not to exceed 12 cents per ton on railroad locomotive fuel for the C&NW Ry.

Exception No. 20. The following prices apply on railroad locomotive fuel for the NYC System:

| | |
|---|---|
| Mine Run | $1.85 |
| Modified Egg | 1.85 |

Exception No. 21. The producer may absorb the actual switching charge but not to exceed $6.95 a car on railroad locomotive fuel for the M&STL RR.

Exception No. 22. The producer may absorb the actual switching charge of the G&GE RR but not to exceed 15 cents per ton on railroad locomotive fuel for the CB&Q RR.

Exception No. 23. The producer may absorb the actual switching charge but not to exceed 16c per ton on railroad locomotive fuel for the Illinois Terminal Railroad.

Exception No. 24. The producer may absorb the actual division of the freight rate but not to exceed 35 cents per ton on railroad locomotive fuel for the IC RR.

Exception No. 25. The producer may absorb the actual division of the freight rate but not to exceed 34 cents per ton on railroad locomotive fuel for the C&NW Ry.

Exception No. 26. The producer may absorb the actual division of the freight rate but not to exceed 22 cents per ton on railroad locomotive fuel for the Wabash Ry.

Exception No. 27. The producer may absorb the actual switching charge but not to exceed $6.50 per car on railroad locomotive fuel for the IC RR.

Exception No. 28. The producer may absorb the actual switching charge but not to exceed 14 cents per ton with a minimum of $2.97 and a maximum of $5.45 per car on railroad locomotive fuel for the IC RR, the Illinois Terminal RR, Wabash Ry, and Alton RR.

Exception No. 29. The producer may absorb the actual switching charge but not to exceed 14 cents per ton with a minimum of $2.97 and a maximum of $5.45 per car on railroad locomotive fuel for the Illinois Terminal RR, Wabash Ry, and the Alton RR.

Exception No. 30. The producer may absorb the actual switching charge but not to exceed 14.6 cents per ton on railroad locomotive fuel for the Alton RR.

Exception No. 31. The producer may absorb the actual division of the freight rate but not to exceed 22 cents per ton on railroad locomotive fuel for the Wabash Ry and the IC RR.

Exception No. 32. The producer may absorb the actual division of the freight rate but not to exceed 12 cents per ton on railroad locomotive fuel for the C&NW Ry.

Exception No. 33. The producer may absorb the actual division of the freight rate but not to exceed 22 cents per ton on railroad locomotive fuel for the Alton RR, the IC RR, the Wabash Ry, and the Illinois Terminal RR.

Exception No. 34. The producer may absorb the actual switching charge but not to exceed 14 cents per ton with a minimum of $2.97 and a maximum of $5.45 per car on railroad locomotive fuel for the Alton RR, the IC RR, the B&O RR, and the Illinois Terminal RR.

Exception No. 35. The producer may absorb up to a maximum of 25 cents per ton on railroad locomotive fuel for the Santa Fe RR.

Exception No. 36:

| On railroad locomotive coal for— | Delivered price | | F. o. b. mine price to be obtained by deducting from the delivered price the actual divisions of the rate subject to the following maximum absorption: |
|---|---|---|---|
| | MR | Mod. MR | |
| Alton RR | 195 | 200 | 0.426 |
| CB&Q RR | 195 | 200 | .48 |
| C&EI Ry | 195 | 200 | .48 |
| MOPAC RR | 180 | *185 | .48 |
| NYC System | 185 | 185 | .48 |
| PRR | 180 | *185 | .48 |
| Wabash Ry | 195 | 200 | .48 |

*6" x 1¼" Egg.

Exception No. 37. The price on railroad locomotive fuel for railroads shown below shall be based on the freight rate or the division of the freight rate from Belleville, Illinois. The f. o. b. mine price is to be increased the difference between the Belleville, Illinois-rate or division of the rate and the actual transportation charge applicable from Mine Index No. 96.

MK&T RR.
StL&SF Ry.
CRI&P Ry (St. Louis Division).
Alton & Southern RR.
Terminal RR Assn. of St. Louis.
StL&SW Ry.
Manufacturers Ry.

Exception No. 38. The delivered price on railroad locomotive fuel when delivered to the following railroads at St. Louis, Missouri, shall be based on the freight rate or the division of the freight rate from Belleville, Illinois. The f. o. b. mine price is to be increased the difference between the Belleville rate or the division of the rate and the actual freight rate or division applicable from mines bearing reference to Exception No. 38 when routed by the Illinois Terminal RR:

MK&T RR.
StL&SF Ry.
CRI&P Ry (St. Louis Division).
Terminal RR Assn. of St. Louis.
StL&SW Ry.
Manufacturers Ry.

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## Schedule of Proposed Coordinated Minimum Prices for District No. 10

### Truck Shipments Only

*Identification of Sub-districts—Mines Shipping by Truck*

Counties

Section Number 1. Grundy, Livingston, and Will.

Section Number 2. Bureau, LaSalle, Marshall, Putnam and Woodford.

Section Number 3. Henry, Knox, Stark, Mercer, Rock Island and Warren.

Section Number 4. Fulton, Logan, Peoria and Tazewell.

Section Number 5. Adams, Brown, Cass, Greene, Jersey, Hancock, Macoupin, McDonough, Pike, Schuyler and Scott.

Section Number 6. Christian, Macon, Menard, Montgomery, Morgan, Sangamon and Shelby.

Section Number 7. Crawford, Edgar, Jasper, Richland, Vermilion and Wabash.

Section Number 8. Madison, Monroe and St. Clair.

Section Number 9. Bond, Clinton, Jackson, Jefferson, Marion, Perry, Randolph and Washington.

Section Number 10. Franklin, Gallatin, Johnson, Pope, Saline, White and Williamson.

*Price Instructions and Exceptions—Truck Shipment Only*

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members within District No. 10.

2. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mine unless otherwise designated.

3. All prices are subject to the effective Marketing Rules and Regulations and the Rules and Regulations governing Distributors.

4. Invoices shall be paid in full in United States currency, or funds equivalent thereto, not later than the due date.

5. All size designations are for round hole screens. When screens having other types of openings are used and the percentage of over-size, as determined in accordance with the method of test prescribed by A. S. T. M. designation D 410–38, exceeds 5%, the price for the next higher size group classification for that mine shall apply.

6. *Calcium chloride and oil treated coal.* All coals in Size Groups Nos. 1 to 12, inclusive, and 17 to 20, inclusive, treated with oil, wax, calcium chloride, or other dust-allaying or anti-freezing agents, shall be priced 10 cents per ton higher than the same size untreated; On coal in all other size groups, the increase of 10 cents per ton shall apply only during the period April 1st to November 15, inclusive, in each year, and shall not apply during the period November 16th to March 31st, inclusive.

7. Not *less* than the actual cost of transporting coal from the ordinary loading facilities at the mines to any consumer shall be added to the established minimum price f. o. b. transportation facilities at the mine.

The cost of such transportation is subject to review by the Commission on complaint or upon its own motion. In every case reviewed by the Commission the Code Member shall have the burden of establishing or proving that the cost so charged was not less than the actual cost of transportation.

*Description of Size Groups*

Raw or Mechanically Cleaned Sizes

Size group No. 1. All LUMP coal larger than 4". Also—All EGG coal with a bottom size larger than 4".

Size group No. 2. All LUMP coal 4" and smaller, but larger than 3". Also—All EGG coal with a bottom size larger than 3" but not larger than 4".

Size group No. 3. All LUMP coal 3" and smaller, but larger than 2". Also—All EGG coal with a bottom size larger than 2" but not larger than 3".

Size group No. 4. All LUMP coal 2" and smaller, but larger than 1½". Also—All EGG coal with a bottom size larger than 1½" and not larger than 2" and with a top size larger than 4".

Size group No. 5. All DOUBLE SCREENED coal with a bottom size larger than 1½" but not larger than 2" and a top size larger than 2" but not larger than 4".

Size group No. 6. All LUMP coal 1½" or smaller. All DOUBLE SCREENED coal with a top size larger than 2" and a bottom size not larger than 1½".

Size group No. 7. STRAIGHT MINE RUN, no fines removed. MINE RUN, modified by the removal of any intermediate size or sizes, no fines removed. All RESULTANTS larger than 2", no fines removed.

Size group No. 8. All DOUBLE SCREENED coals with a top size not larger than 2" but larger than 1½", and a bottom size larger than ⅜".

Raw Sizes

Size group No. 9. All double screened coals *not* mechanically cleaned with a top size not larger than 2" but larger than 1½", and a bottom size not larger than ⅜" but larger than $\frac{3}{32}$" or 10 mesh.

Size group No. 10. All double screened coals *not* mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size larger than ⅜".

Size group No. 11. All double screened coals *not* mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size not larger than ⅜" but larger than 10 mesh or $\frac{3}{32}$".

Size group No. 12. All double screened coals *not* mechanically cleaned with a top size ¾" and smaller, and a bottom size larger than $\frac{3}{32}$" or 10 mesh.

Size group No. 13. All screenings *not* mechanically cleaned having a top size 2" and smaller, but larger than 1½", no fines removed.

Size group No. 14. All screenings *not* mechanically cleaned having a top size 1½" and smaller but larger than ⅜", no fines removed.

Size group No. 15. All screenings *not* mechanically cleaned having a top size ⅜" and smaller but larger than 10 mesh or $\frac{3}{32}$", no fines removed.

Size group No. 16. (Dust) All screenings *not* mechanically cleaned having a top size 10 mesh or $\frac{3}{32}$" and smaller, no fines removed.

Washed or Air Cleaned Sizes

Size group No. 17. All double screened coals mechanically cleaned with a top size not larger than 2" but larger than 1½", and a bottom size not larger than ⅜", but larger than 3/32" or 10 mesh.

Size group No. 18. All double screened coals mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size larger than ⅜".

Size group No. 19. All double screened coals mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size not larger than ⅜", but larger than 3/32" or 10 mesh.

Size group No. 20. All double screened coals mechanically cleaned with a top size ¾" and smaller, and a bottom size larger than 3/32" or 10 mesh.

Size group No. 21. All double screened coals mechanically cleaned with a top size not larger than 1½" but larger than ¼" and a bottom size not larger than 10 mesh.

Size group No. 22. All screenings, mechanically cleaned, having a top size 2" and smaller but larger than 1½", and a bottom size for wet cleaning 1 millimeter or equivalent, and for air cleaning shall contain at least 10% that will pass through a 10 mesh screen.

Size group No. 23. All screenings, mechanically cleaned, having a top size 1½" and smaller but larger than ⅜", and a bottom size for wet cleaning 1 millimeter or equivalent, and for air cleaning shall contain at least 10% that will pass through a 10 mesh screen.

Size group No. 24. All screenings, mechanically cleaned, having a top size ⅜" and smaller, and a bottom size for wet cleaning 1 millimeter or equivalent, and for air cleaning shall contain at least 10% that will pass through a 10 mesh screen.

Dry Dedusted Sizes

Size Group No. 25. Dry Dedusted Screenings having a top size 2" and smaller but larger than 1½". Fines are defined as the resultant coal passing through the dedusting screen used to dedust, and in no case shall the dedusting screen exceed ⅜". Not more than 50% of the fines may be removed by dedusting screens. However, standard mechanical dedusting equipment may use not larger than 8 mesh screens to remove the fines with no limit to percentage of fines removed.

Size Group No. 26. Dry Dedusted Screenings having a top size 1½" and smaller but larger than ⅜". Fines are defined as the resultant coal passing through the dedusting screen used to dedust, and in no case shall the dedusting screen exceeds ⅜". Not more than 50% of the fines may be removed by dedusting screens. However, standard mechanical dedusting equipment may use not larger than 8 mesh screens to remove the fines with no limit to percentage of fines removed.

Size Group No. 27. (10 mesh special stoker) Dry Dedusted Screenings having a top size ⅜" and smaller. Standard mechanical dedusting equipment may use not larger than 8 mesh but larger than 48 mesh screens to remove the fines.

Size Group No. 28. (Carbon) Dry Dedusted Screenings having a top size ⅜" and smaller. Standard mechanical dedusting equipment may use not larger than 28 mesh screens to remove the fines.

Size Group No. 29. Sizes embraced in these size groups not produced in District No. 10.

Size Group No. 30. Sizes embraced in these size groups not produced in District No. 10.

Size Group No. 31. Sizes embraced in these size groups not produced in District No. 10.

Size Group No. 32. Sizes embraced in these size groups not produced in District No. 10.

Size Group No. 33. Sizes embraced in these size groups not produced in District No. 10.

Size Group No. 34. Picking table refuse not passed through a breaker.

*Table of Sizes in Size Groups*

Over 2" Raw, Washed or Air Cleaned

Size

Size group 1:
Lump:
10".
9".
8".
7".
6".
Egg:
9" x 6".
8" x 5".
Size group 2:
Lump:
4".
Egg:
9" x 4".
8" x 4".
7" x 4".
6" x 4".

*Table of Sizes in Size Groups*—Contd.

Size group 3:
Lump:
3".
2½".
Egg:
8" x 3".
7" x 3".
7" x 2½".
6" x 3".
6" x 2½".
5" x 3".
4" x 3".
4" x 2½".
Size group 4:
Lump:
2".
1⅞".
Egg:
9" x 2".
8" x 2".
7" x 2".
6" x 2".
5" x 2".
Size group 5:
Egg:
4" x 2".
3" x 2".
Size group 6:
Lump:
1½".
1¼".
Egg:
8" x 1½".
8" x 1¼".
7" x 1½".
7" x 1¼".
6" x 1½".
6" x 1¼".
6" x 1".
6" x ¾".
6" x ½".
5" x 1½".
5" x ¾".
4" x 1½".
4" x 1¼".
4" x ¾".
4" x ¼".
3" x 1½".
3" x 1¼".
3" x ¾".
3" x 5/16".
Nut:
2½ x 1½".
2½" x 1¼".
2½" x 1".
Size group 7:
Straight mine run.
Mine run crushed.
Mine run 6".
Mine run 6" crushed.
Mine run 5" crushed.
Mine run 4".
Mine run 3".
Mine run 2½".

Under 2" Raw, Washed or Air Cleaned

Size

Size group 8:
Nut:
2" x 1½".
2" x 1¼".
2" x 1".
2" x ¾".
2" x ⅝".
2" x 7/16".





Size group 9:
Nut:
1½" x 1".
1½" x ¾".
1½" x ⅝".
1½" x 7/16".
Size group 10:
Nut:
1¼" x 1".
1¼" x ¾".
1¼" x ⅝".
1¼" x 7/16".
Size group 11:
Nut:
1" x ¾".
1" x ⅝".
1" x 7/16".
Size group 12:
Nut:
¾" x ⅝".
¾" x 7/16".
Size group 13:
Nut:
⅝" x 7/16".
Size group 14:
Nut:
½" x 3/16".
Size group 15:
Nut:
3/16" x 0.
Size group 16:
Dust:
½" x 0.

Prices

Size group No. 1. $3.25 per net ton.

Size group No. 2. $3.10 per net ton.

Size group No. 3. $2.95 per net ton.

Size group No. 4. $2.80 per net ton.

Size group No. 5. $2.65 per net ton.

Size group No. 6. $2.50 per net ton.

Size group No. 7. $2.35 per net ton.

Size group No. 8. $2.20 per net ton.

Size group No. 9. $2.05 per net ton.

Size group No. 10. $1.90 per net ton.

Size group No. 11. $1.75 per net ton.

Size group No. 12. $1.60 per net ton.

Size group No. 13. $1.45 per net ton.

Size group No. 14. $1.30 per net ton.

Size group No. 15. $1.15 per net ton.

Size group No. 16. $1.00 per net ton.

Size group No. 17. $2.20 per net ton.

Size group No. 18. $2.05 per net ton.

Size group No. 19. $1.90 per net ton.

Size group No. 20. $1.75 per net ton.

Size group No. 21. $1.60 per net ton.

Size group No. 22. $1.45 per net ton.

Size group No. 23. $1.30 per net ton.

Size group No. 24. $1.15 per net ton.

Size group No. 25. $2.20 per net ton.

Size group No. 26. $2.05 per net ton.

Size group No. 27. $1.90 per net ton.

Size group No. 28. $1.75 per net ton.

Size group No. 29. $1.60 per net ton.

Size group No. 30. $1.45 per net ton.

Size group No. 31. $1.30 per net ton.

Size group No. 32. $1.15 per net ton.

Size group No. 33. $1.00 per net ton.

Size group No. 34. $0.85 per net ton.

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## Schedule of Proposed Coordinated Minimum Prices for District No. 11

### Truck Shipments Only

*Identification of Sub-districts—Mines Shipping by Truck*

Counties

Section Number 1. Boone, Calhoun, Carroll, Cook, DeKalb, DeWitt, Douglas, Du Page, Ford, Grundy, Iroquois, Kane, Kankakee, Kendall, Lake, La Salle, Lee, Livingston, Marshall, McHenry, Ogle, Piatt, Putnam, Stephenson, Will, Winnebago and Woodford.

Section Number 2. Bureau, Henry, Knox, Mercer, Rock Island, Stark and Warren.

Section Number 3. Fulton, Hancock, Henderson, McDonough, Peoria, Schuyler, Tazewell and Warren.

Section Number 4. Adams, Brown, Cass, Christian, Greene, Jersey, Logan, Macon, Macoupin, Menard, Montgomery, Morgan, Pike, Sangamon, Scott and Shelby.

Section Number 5. Champaign, Clark, Clay, Coles, Crawford, Cumberland, Edgar, Effingham, Fayette, Jasper, Lawrence, Moultrie, Richland, Vermilion and Wabash.

Section Number 6. Alexander, Bond, Clinton, Edwards, Franklin, Gallatin, Hamilton, Jackson, Jefferson, Johnson, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Saline, Union, Wabash, Washington, White and Williamson.

*Price Instructions and Exceptions—Truck Shipment Only*

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members within District No. 11.

2. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mine unless otherwise designated.

3. All prices are subject to the effective Marketing Rules and Regulations and the Rules and Regulations governing Distributors.

4. Invoices shall be paid in full in United States currency, or funds equivalent thereto, not later than the due date.

5. All size designations are for round hole screens. When screens having other types of openings are used and the percentage of over-size, as determined in accordance with the method of test prescribed by A. S. T. M. designation D 410–38, exceeds 5%, the price for the next higher size group classification for that mine shall apply.

6. *Calcium chloride and oil treated coal.* All coals in Size Groups Nos. 1 to 12, inclusive, and 17 to 20, inclusive, treated with oil, wax, calcium chloride, or other dust-allaying or anti-freezing agents, shall be priced 10 cents per ton higher than the same size untreated; On coal in all other size groups, the increase of 10 cents per ton shall apply only during the period April 1st to November 15, inclusive, in each year, and shall not apply during the period November 16th to March 31st, inclusive.

7. Not *less* than the actual cost of transporting coal from the ordinary loading facilities at the mines to any consumer shall be added to the established minimum price f. o. b. transportation facilities at the mine.

The cost of such transportation is subject to review by the Commission on complaint or upon its own motion. In every case reviewed by the Commission the Code Member shall have the burden of establishing or proving that the cost so charged was not less than the actual cost of transportation.

*Description of Size Groups*

Raw or Mechanically Cleaned Sizes

Size group No. 1. All LUMP coal larger than 4". Also—All EGG coal with a bottom size larger than 4".

Size group No. 2. All LUMP coal 4" and smaller, but larger than 3". Also—All EGG coal with a bottom size larger than 3" but not larger than 4".

Size group No. 3. All LUMP coal 3" and smaller, but larger than 2". Also—All EGG coal with a bottom size larger than 2" but not larger than 3".

Size group No. 4. All LUMP coal 2" and smaller, but larger than 1½". Also—All EGG coal with a bottom size larger than 1½" and not larger than 2" and with a top size larger than 4".

Size group No. 5. All DOUBLE SCREENED coal with a bottom size larger than 1½" but not larger than 2" and a top size larger than 2" but not larger than 4".

Size group No. 6. All LUMP coal 1½" or smaller. All DOUBLE SCREENED coal with a top size larger than 2" and a bottom size not larger than 1½".

Size group No. 7. STRAIGHT MINE RUN, no fines removed. MINE RUN, modified by the removal of any intermediate size or sizes, no fines removed. All RESULTANTS larger than 2", no fines removed.

Size group No. 8. All DOUBLE SCREENED coals with a top size not larger than 2" but larger than 1½", and a bottom size larger than ⅜".

Raw Sizes

Size group No. 9. All double screened coals *not* mechanically cleaned with a top size not larger than 2" but larger than 1½", and a bottom size not larger than ⅜" but larger than $\frac{3}{32}$" or 10 mesh.

Size group No. 10. All double screened coals *not* mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size larger than ⅜".

Size group No. 11. All double screened coals *not* mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size not larger



than ⅜" but larger than 10 mesh or $\frac{3}{32}$".

Size group No. 12. All double screened coals *not* mechanically cleaned with a top size ¾" and smaller, and a bottom size larger than $\frac{3}{32}$" or 10 mesh.

Size group No. 13. All screenings *not* mechanically cleaned having a top size 2" and smaller, but larger than 1½", no fines removed.

Size group No. 14. All screenings *not* mechanically cleaned having a top size 1½" and smaller but larger than ⅜", no fines removed.

Size group No. 15. All screenings *not* mechanically cleaned having a top size ⅜" and smaller but larger than 10 mesh or $\frac{3}{32}$", no fines removed.

Size group No. 16. (Dust) All screenings *not* mechanically cleaned having a top size 10 mesh or $\frac{3}{32}$" and smaller, no fines removed.

Washed or Air Cleaned Sizes

Size group No. 17. All double screened coals mechanically cleaned with a top size not larger than 2" but larger than 1½", and a bottom size not larger than ⅜", but larger than 3/32" or 10 mesh.

Size group No. 18. All double screened coals mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size larger than ⅜".

Size group No. 19. All double screened coals mechanically cleaned with a top size not larger than 1½" but larger than ¾", and a bottom size not larger than ⅜", but larger than 3/32" or 10 mesh.

Size group No. 20. All double screened coals mechanically cleaned with a top size ¾" and smaller, and a bottom size larger than 3/32" or 10 mesh.

Size group No. 21. All double screened coals mechanically cleaned with a top size not larger than 1½" but larger than ¼" and a bottom size not larger than 10 mesh.

Size group No. 22. All screenings, mechanically cleaned, having a top size 2" and smaller but larger than 1½", and a bottom size for wet cleaning 1 millimeter or equivalent, and for air cleaning shall contain at least 10% that will pass through a 10 mesh screen.

Size group No. 23. All screenings, mechanically cleaned, having a top size 1½" and smaller but larger than ⅜", and a bottom size for wet cleaning 1 millimeter or equivalent, and for air cleaning shall contain at least 10% that will pass through a 10 mesh screen.

Size group No. 24. All screenings, mechanically cleaned, having a top size ⅜" and smaller, and a bottom size for wet cleaning 1 millimeter or equivalent, and for air cleaning shall contain at least 10% that will pass through a 10 mesh screen.

Dry Dedusted Sizes

Size Group No. 25. Dry Dedusted Screenings having a top size 2" and smaller but larger than 1½". Fines are defined as the resultant coal passing through the dedusting screen used to dedust, and in no case shall the dedusting screen exceed ⅜". Not more than 50% of the fines may be removed by dedusting screens. However, standard mechanical dedusting equipment may use not larger than 8 mesh screens to remove the fines with no limit to percentage of fines removed.

Size Group No. 26. Dry Dedusted Screenings having a top size 1½" and smaller but larger than ⅜". Fines are defined as the resultant coal passing through the dedusting screen used to dedust, and in no case shall the dedusting screen exceeds ⅜". Not more than 50% of the fines may be removed by dedusting screens. However, standard mechanical dedusting equipment may use not larger than 8 mesh screens to remove the fines with no limit to percentage of fines removed.

Size Group No. 27. (10 mesh special stoker) Dry Dedusted Screenings having a top size ⅜" and smaller. Standard mechanical dedusting equipment may use not larger than 8 mesh but larger than 48 mesh screens to remove the fines.

Size Group No. 28. (Carbon) Dry Dedusted Screenings having a top size ⅜" and smaller. Standard mechanical dedusting equipment may use not larger than 28 mesh screens to remove the fines.

Size Group No. 29. Sizes embraced in these size groups not produced in District No. 11.

Size Group No. 30. Sizes embraced in these size groups not produced in District No. 11.

Size Group No. 31. Sizes embraced in these size groups not produced in District No. 11.

Size Group No. 32. Sizes embraced in these size groups not produced in District No. 11.

Size Group No. 33. Sizes embraced in these size groups not produced in District No. 11.

Size Group No. 34. Picking table refuse not passed through a breaker.

*Table of Sizes in Size Groups*

Over 2" Raw, Washed or Air Cleaned

Size

Size group 1:
Lump:
10".
9".
8".
7".
6".
Egg:
9" x 6".
8" x 5".
Size group 2:
Lump:
4".
Egg:
9" x 4".
8" x 4".
7" x 4".
6" x 4".

*Table of Sizes in Size Groups*—Contd.

Size group 3:
Lump:
3".
2½".
Egg:
8" x 3".
7" x 3".
7" x 2½".
6" x 3".
6" x 2½".
5" x 3".
4" x 3".
4" x 2½".
Size group 4:
Lump:
2".
1⅞".
Egg:
9" x 2".
8" x 2".
7" x 2".
6" x 2".
5" x 2".
Size group 5:
Egg:
4" x 2".
3" x 2".
Size group 6:
Lump:
1½".
1¼".
Egg:
8" x 1½".
8" x 1¼".
7" x 1½".
7" x 1¼".
6" x 1½".
6" x 1¼".
6" x 1".
6" x ¾".
6" x ½".
5" x 1½".
5" x ¾".
4" x 1½".
4" x 1¼".
4" x ¾".
4" x ¼".
3" x 1½".
3" x 1¼".
3" x ¾".
3" x 5/16".
Nut:
2½ x 1½".
2½" x 1¼".
2½" x 1".
Size group 7:
Straight mine run.
Mine run crushed.
Mine run 6".
Mine run 6" crushed.
Mine run 5" crushed.
Mine run 4".
Mine run 3".
Mine run 2½".

Under 2" Raw, Washed or Air Cleaned

Size

Size group 8:
Nut:
2" x 1½".
2" x 1¼".
2" x 1".
2" x ¾".
2" x ⅝".
2" x 7/16".

*Table of Sizes in Size Groups*—Contd.

Under 2" Raw

Size group 9:
2" x 1/8".
2" x 5/16".
1 3/4" x 5/16".
Size group 10:
1 1/2" x 1 1/4".
1 1/2" x 1".
1 1/2" x 3/4".
1 3/8" x 3/4".
1 1/4" x 1".
1 1/4" x 3/4".
1 1/2" x 5/8".
1 1/2" x 1/2".
1 1/2" x 7/16".
1" x 1/2".
1" x 7/16".
Size group 11:
1 1/2" x 3/8".
1 1/2" x 5/16".
1 1/2" x 1/4".
1 1/2" x 1/8".
1 1/4" x 3/8".
1 1/4" x 5/16".
1 1/4" x 1/4".
1 1/4" x 3/16".
1" x 3/8".
1" x 5/16".
1" x 1/4".
7/8" x 5/16".
7/8" x 1/16".
Size group 12:
3/4" x 1/2".
3/4" x 3/8".
3/4" x 5/16".
3/4" x 1/4".
3/4" x 1/8".
5/8" x 3/8".
Size group 13:
2" x 0.
1 7/8" x 0.
Size group 14:
1 1/2" x 0.
1 3/8" x 0.
1 1/4" x 0.
1" x 0.
3/4" x 0.
5/8" x 0.

*Table of Sizes in Size Groups*—Contd.

Size group 14—Continued.
1/2" x 0.
7/16" x 0.
Size group 15:
3/8" x 0.
5/16 x 0.
1/4" x 0.
3/16" x 0.
1/8" x 0.
6 Mesh x 0.
Size group 16:
1/16" x 0.
10 Mesh x 0.
28 Mesh x 0.
48 Mesh x 0.

Under 2" Washed or Air Cleaned

Size

Size group 17:
2" x 5/16".
Size group 18:
1 1/2" x 1".
1 1/2" x 3/4".
1 1/4" x 1".
1 1/4" x 3/4".
1 1/4" x 13/16".
Size group 19:
1 1/2" x 5/16".
1 1/2" x 1/4".
1 1/4" x 5/16".
1 1/4" x 1/4".
1" x 3/8".
1" x 5/16".
Size group 20:
3/4" x 1/2".
3/4" x 5/16".
3/4" x 1/4".
3/8" x 5/16".
3/8" x 4 mesh.
Size group 21:
1 1/2" x 10 mesh.
1" x 10 mesh.
3/8" x 10 mesh.
5/16" x 10 mesh.
5/16" x 48 mesh.
Size group 22:
2" x 28 mesh.
2" x 0–W.

*Table of Sizes in Size Groups*—Contd.

Size group 23:
1 1/2" x 28 mesh.
1 1/4" x 28 mesh.
1" x 28 mesh.
3/4" x 28 mesh.
1 1/2" x 0–W.
1 1/4" x 0–W.
1" x 0–W.
3/4" x 0–W.
7/16" x 0–W.
Size group 24:
3/8" x 0–W.
5/16" x 0–W.
1/4" x 0–W.
10 mesh x 0–W.

Dry Dedusted Sizes

Size group 25:
2" x 6 mesh.
2" x 10 mesh.
2" modified.
1 3/4" x 1/16".
Size group 26:
1 1/2" modified.
1 1/2" x 10 mesh.
1 1/2" x 28 mesh.
1 1/4" modified.
1 1/4" x 10 mesh.
1" x 10 mesh.
1" x 28 mesh.
3/4" x 1/8".
3/4" x 1/16".
3/4" x 10 mesh.
3/4" x 28 mesh.
3/8" x 10 mesh.
1/2" x 1/2 MM.
7/16" x 10 mesh.
Size group 27:
3/8" x 10 mesh.
5/16" x 10 mesh.
3/8" x 1/16".
Size group 28:
3/8" x 48 mesh.
5/16" x 48 mesh.
Size group 34:
Reclaimed lump.



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*

SECTION NO. 1

| Code member Index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ***Grundy County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Babcock, J. P. | Saratoga Mtg. Co. | 6 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | 275 | | | | | |
| Clark City Wlmington Coal Co. (John Sinetanko). | Seine | | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Condon, Robert. | Condon | | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Kyle, Joseph F. (Truckers Coal Co.) | Truckers | 2 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Morris Coal & Mining Co. | Morroo | 2 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Seneca Wlmington Coal Co. (Alex. Degnore). | Seneca | 2 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Verona Coal Mining Co. Inc. (Julius Remy). | Sheppard | 6 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Verona Coal Mining Co. | Verona | 6 | 300 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 175 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| ***Livingston County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| B & J Coal Co. (Steve Biroschik) | | 5 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Barry, John J. | | 5 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cronch & Company | | 5 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Gail & Wargo | | 5 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Guyon & Tyrlak | | 5 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hudik Brothers | Hudik Bros | 5 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Indian Creek Coal Co. (Geo. Kerr) | Indian Creek | 5 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Kaschak, Thomas L. | | 5 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Mill Dam Coal Co. (Thos. Hornsby, Jr.) | | 5 | 300 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| ***Will County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Northern Illinois Coal Corp. | No. 10 | 2 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Wlmington Coal Mining Corp. | Wilmington | 2 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |

SECTION NO. 2

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ***Bureau County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Brandt, D. O. | Indian Hill | 6 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Carlson, Oscar | Carlson | | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Comp, Harvey L. | Comp's Coal | | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Jones & Crandall | Bunn | 6 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Katcher & Lesak | | 6 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Moran & Son (Charles Moran) | Comp Mine | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pollock, Gilbert | Pollock | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Rowland, George (Sheffield Mtg. Co.) | Sheffield Mtg. Co. | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Shaw, Charles O. | Comp Mine | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Spring Valley Coal Mining Co. | No. 3 | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Watts, Chas. T. (Coal Creek C. C.) | Coal Creek | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| ***LaSalle County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Balett & Talbot Coal Co. | Coon Hollow | 6 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Baldoni Coal Co. (Anton Baldoni) | | | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bee & Hornick | Spring Lake | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Blue Eagle Coal Co. (Rob. Davidson) | Blue Eagle | 6 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Brown Brothers | Brown | 2 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Buffalo Rock Coal Co. | Buffalo Rock | 2 | 290 | 355 | 330 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Buffington, George | | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Coalville Coal Co. The (Elsworth Allen) | Coalville | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Costin, Coal Co. (Thirl Costin) | Costin | 2 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Dwight Coal Co. (George Davis) | | | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| French Coal Co. | French | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Huber, Elvin | 7th St. Mine | | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Illinois Valley Coal Co., Inc. | Illinois Valley | | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Kinsolving, C. G. (Oak Coal Co.) | Oak Coal Co. | 2 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Kuzel, Albert | Kuzel | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lowell Strip Mine (Michael Kusserick) | Lowell Strip | | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Matsey Brothers | | | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Mitchel & Brown Coal Co. | Mitchel & Brown | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Moran Coal Co., James | Mornn | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Noonan, J. Rider (Noonan Mtg. Co.) | | | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Oneco Coal Co. | Oneco | 2 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Peacock Coal Co. (E. Roy Meyers) | | 6 | 290 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Peru Deep Vein Coal Co. | No. 3 | 2 | 300 | 355 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pettigrew, William | | | 360 | 353 | 350 | 340 | 335 | 325 | 290 | 315 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 2—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Salt Well Mining Co. (Frank Roth) | Salt Well | | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Senko, Joe | Senko | 6 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Silver Clay & Coal Co., Inc | Same | 2 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | 275 |
| Starkey Coal Co. (Frank Fetters) | Starkey | | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | 200 | 190 | | | |
| Union Coal Co | Union | 2 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | 200 | 190 | | | 240 |
| West Side Coal Co. (Frank J. Kakara) | | | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Wilmington Coal Mines, Inc | Ottawa | 2 | 320 | 315 | 310 | 300 | 295 | 290 | 235 | 230 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Woods, William | | | 360 | 355 | 350 | 34 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Worthington, Carlin | Cummins & Sons | | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| ***Marshall County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Babington Brothers | | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Crew Coal Co. (Robt. E. Crew) | Crew Coal No. 2 | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Crew, Walter E | Crew Coal Mine | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Davis, C & L | C & L Davis | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Davis, George & Melvin | Owl Coal Co | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Dobrich, Vincent | | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Hilliman & Wren (Jennings Hilliman) | | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Hunt, Willis (Hunt Coal Co.) | | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Hunt & Moss Coal Co. (Willis Hunt) | | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Johnson & Wilkins | Same | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Kear, McKinley | Kear | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Krantz & Bervar (Barthel Bervar) | | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Lojeman, Elmer & Clifford | | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Owl Coal Co. (Melvin W. Davis) | | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Paolucci, Peter | Eagle | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Pearson, John H | Pearson | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| Simpson, W. H | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ***Putnam County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Prairie State Coal Co | Prairie State | 3 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |
| ***Woodford County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Roanoke Coal Co | Roanoke | 3 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | 200 | 190 | | | 275 |
| Sutton, W. G | Minouk | 2 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 | | | | | | | | | | | | | | |

SECTION NO. 3

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| ***Henry County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Allison, John | New Deal Coal Co | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| B & H Coal Co. (Jesse & Carp) | B & H Coal | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Beyer & Lyle Brothers | | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Black Hawk Coal Co. (T. C. Thompson) | Black Hawk | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Crescent Coal & Mining Co | Crescent | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Hodgett, Abb | Abb Hodgett | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Lamb, Wm. T. & Henry Powers | Rock Bottom | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | 175 |
| Long View Coal Co | Long View | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | 195 | 195 | 195 | 195 | 185 | 185 | 175 | 145 | 145 | 135 | | | |
| Lyle Brothers | Atkinson | 2 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Midland Electric Coal Corp | Rock River C. C | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Morgan, Harry (Rock River Coal Co.) | Same | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| New North East Coal Co | | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| New Square Deal Coal Co. (E. J. Meloen) | Tip Top | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Oltman & Sons, Charles | Pettitt & Head | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Pettitt, Clifford M & Andrew Head | Quality | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Quality Mining Co., Inc | Ratcliffe & Fricke | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Ratcliffe & Fricke | Crescent | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Ripka, Bates & Watzel (Crescent Coal Co.) | | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Ripka Coal Co. (Elmer Ripka) | No. 2 Alpha | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | 145 | 135 | | | 175 |
| Shuler Coal Mining Co | Star | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Star Coal Co. (Emil Lingwall) | Valley View | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Valley View Coal Co | Rex | 2 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Warner Coal Co. (Carlyle Peterson) | West Geneseo | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| West Geneseo Coal Co. (L. F. Juke) | | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Yalanke, Wm. E. (Edford Coal Mine) | | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 3—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ***Knox County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Armstrong, Walter | Armstrong | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Baker, A. G | Pervianee | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Barnes, Dwight & Frank Kling | Horn Back | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Bennett, Chester (Maple Leaf Coal Co.) | Dehm | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Charnock & Westfall | | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Davison, Aaron | J. F. Morse | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| DeLong Coal Co. (H. L. Salmonds) | | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Godsil & Strom | | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Gravitt, Lawrence | Etherly Coal Co | 6 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Johnson, Charlie | Johnson | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Knoxville Mining Co | Same | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Lillies Creek Coal Co. (Orville Scherts) | Lillies Creek | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Little Coal Co | Little Coal Co | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Little John Coal Co | Little John | 6 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | 200 | 200 | 200 | 200 | 190 | 190 | 180 | 150 | | | | | 175 |
| Mertz, William | Davis | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Mitchell, William | Hubbie | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Morse, Homer | Dehm | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Morse, Ray | Morse | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Murphy, Charley | | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Old Hickory Co-Operative Coal Co. (D. B. Dutton) | Old Hickory | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Peterson & Bangston | | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Peterson & Hainmerlund Coal Co | Same | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Purviance, L. S | Purviance | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Salmons Coal Co. (Glen Salmons) | | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Stegall, Leonard | Leonard Stegall | 6 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Strickland, David | Thurman | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Strom, Gerald | | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Thermal Coal Co | Thermal Coal Co | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Watasa Coal Co | Watasa | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Westfall Brothers | Westfall Bros | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Williams, Leslie W | Morse | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Yates City Mining Co. (Louis Messersmith) | Yates City Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| ***Stark County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bates, Henry | Henry Bates Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Catton & Willson | | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Curfman, W. J | Curfman | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Dilts, Harry & W. L. Moake | Downing | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Milburn, Leslie | Milburn Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Newton, Harold H | Newton | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Obman, G. A | G. A. Obman | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Plotner, Mark | Plotner | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Scott, James | Scott's Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| ***Mercer County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Brasmer & Lilliman | Lone Star | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Docherty Coal Co | Docherty | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Dorman, C. G | Dorman Coal Co | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Essley Coal Co | Black Diamond No. 2 | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Fanning, Willis | Lone Star | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Four in One Coal Co., The | Four-in-One | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Frye & Bollman | Frye & Bollman | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Guthrie Coal Mine, John | Guthrie | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Lee Brothers & Co | Lee | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Never Seen Coal Co. (Jas. O'Rourke) | | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Pease Coal Co | | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Richardson, Ethel | Richardson | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Skinner, Ethell | | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Smith & Co., T. H | T. H. Smith | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Spahnie, Amos J | A. J. Spahnie C. C | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| ***Rock Island County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mielke Brothers | Mielke Bros | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Poston, Maverick W | Rural Coal Co | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Pryce Coal Mine | Pryce Coal | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Stoehr & Sons, Edward | Blue Eagle No. 2 | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Utts, James F | Sunshine | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Wooley, Peters & Lawson | Hunky-Dory | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 3—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Warren County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Baker, George | | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Clayton, Frank | | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Howards Coal Mine | Howard's Coal | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Manuel Brothers | Manuel Bros | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |
| Manuel & Sons, A. E | | 1 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 200 | 190 | 190 | 190 | 190 | 160 | 150 | 85 | | | | | | | | | | | | | | |

SECTION NO. 4

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| *Fulton County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ackerson, William | Ackerson Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Banner Coal Co. (Clarence I. Ford) | Banner | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Barclay Coal Co. (Marion Barclay) | Barclay | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Baughman, Byrl | Byrl Baughman | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Baughman, George | Geo. Baughman | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bennett, Andrew | Bennett Mines | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bennett, Sam | Sam Bedwell | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Big Creek Coal Co. (Scott McGinnis) | Big Creek | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Birchfield, Dewey | Dewey Birchfield | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Black Eagle Coal Co | Black Eagle | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Blake, J | Dewey Birchfield | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | 145 | 135 | | | 175 | |
| Blakley Coal Co | Blakley | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Blue Eagle Coal Co. (Lewis Lee) | Blue Eagle | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Brock & Brinton Coal Co. (Lyle Brock) | Brock & Brinton | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Brons, Edsel | Brons Coal Co | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Brooks & Hayden (C. A. Brooks) | Copperhead | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Brooks, John | John Brooks | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bruketta & Sons Coal Co | Bruketta & Sons | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Brush & Son, H. B | | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Buckheart Creek Coal Co | Buckheart Creek | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Buel, D. W | Avon Coal Co | 1 | 280 | 275 | 270 | 260 | 255 | 250 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cape & Johnson Coal Co. (Ora Johnson) | Cape & Johnson | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Casler Coal Co | Gonnch Casler | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | 175 | |
| Central State Collieries, Inc | Little Sister | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cimo, John | Ball Mountain | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Clauson Coal Co., W. K | Clauson | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Clean Coal Co | Clean Coal Co | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Clearview Mine | Clearview | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Coal City Coal Co | Coal City Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cohen, Max | M. & C | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cripple Creek Coal Co. (Joe Zaborac) | Cripple Creek | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| D & D Coal Co | D & D | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| D. I. D. Coal Co. (Wm. F. Ingles) | D. I. D | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Dallefeld, Walter | Dallefeld Coal | 1 | 280 | 275 | 270 | 260 | 255 | 250 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Daniels, J. A. (G. O. Ehresman) | Turkey Creek | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Danner, Clarence | Clarence Danner | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Davis & Sons (Orville Davis) | Davis & Sons | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Diamond Coal Co. (Sam Sandler) | Diamond Coal Co | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Dilts & Son, William | Richard Ketcham | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Engle & Engle | Engle | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Fouts, Richard | Fouts | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Glore Coal Co | Glore Coal Co | 1 | 280 | 275 | 270 | 260 | 255 | 270 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | 145 | 135 |
| Golden Rule Coal Co. (Middle Grove) | Golden Rule | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Gorey, Dean & Dave | Gorey | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Green Valley Coal Co. (Ivan Hebb) | Green Valley | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hamilton, Lloyd | Little Gem | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hawk Valley Coal Co. (Barney Ruggeri) | Hawk Valley | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hendee Bros. Coal Co. (Howard Hendee) | Hendee | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hollandsworth, Albert | Hollandsworth | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hollandsworth, George A. (H & H Coal Co.) | H & H | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hornback, Clarence | Orwig | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | 145 | 135 | | | 175 | |
| Illinois Colliery Co | Ill. Colliery | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Jenkins, Thomas J | Jenkins Coal Co | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Johnson, Harry C | Reed | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Kauzlarich, Tony | Kauzlarich | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| L & S Coal Co. (Gus Stevenor) | L & S | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Leonard's Coal Co. (Clair Leonard) | Leonard's | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Ley, James W | Clean Burning Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 4—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lightbody, C. O | C. O. Lightbody | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Liverpool Coal Co | Liverpool | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Malmgren, Arthur (Malmgren Coal Co.) | Malmgren | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| McCracken, Bud | Bud McCracken | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| McGlaughlin Bros | McGlaughlin Bros | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Midland Electric Coal Corp | Middle Grove | 6 | 280 | 275 | 270 | 260 | 255 | 250 | 175 | 175 | | | | | | | | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | | | | | 175 |
| Mosher & Dilts Coal Co. (Floyd J. Mosher) | Mosher & Dilts | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Munson & Shaeffer (Clarence Shaeffer) | | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| New Midway Coal Co. (John Witcher) | New Midway | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Parr, LaVon | Parr | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Parrville Coal Co. (Fred Linzenfelier) | Parrville | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pearson Coal Co. (C. J. Pearson) | Pearson | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Peaco Coal Co | Cent. Ill. Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pheasant, Wilbur | White Ash | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pointer, Rolland M. (Premier White Ash C C) | Premier White Ash | 2 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pschirrer & Sons Coal Co | No. 3 Kildee | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | 175 | |
| Raker, Charles | Raker Coal Co | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Raker, Mrs. Della | Pine Ridge | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Rawalt Coal Co | Rawalt | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Reneau, C. C | C. C. Reneau | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Rice Lake Coal Co | Rice Lake | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Richard, Walter | Richard | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Rowden, C. F | C. F. Rowden | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| S & L Coal Co. (Lewis Shaw) | S & L | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| S & P Coal Mine (LaVon Parr-L. A. Simons) | S & P | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Seville Coal Mine (Dominic Prabotta) | Seville Mine | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Shaffer, Carl | Shaffer | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Smallberger, Walter | Smallberger | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stambaugh, George H | | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stevenson-Brown Mine (Ira W. Brown) | Brown | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stockham, Donald | Donald Stockham | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Street, George | Street-Fairview | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Strode, John L | Strode | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stufflebeam, Cal | Cal Stufflebeam | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Sugarville Coal Co | Sugarville | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Sunnyside Coal Co | Sunnyside | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Tarvin, Clinton (Turkey Branch Coal Co.) | Turkey Branch | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Thomas, A. H | Plainview | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Thompson Bros. Coal Co | Thompson | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Thompson, Deloss | Deloss Thompson | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Tiber Valley Coal Co. (H. H. Bitner) | Tiber Valley | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Traynor, Joe | Joe Traynor | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Triple "S" Mines, Inc. (David E. Rowland) | Triple "S" | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| United Electric Coal Corp | Buckheart | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | 175 | |
| United Electric Coal Corp | Cuba | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | 175 | |
| Van Ach, August | | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Walton & Mendenhall (E. Walton) | | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Westerby Brothers | Westerby | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Western Coal Co | Western | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Williams & Sons, Fred F | Fred Williams | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Truax-Traer Coal Co | Flatt | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | 175 | |
| Truax-Traer Coal Co | St. David | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | 175 | |
| Wrestler, Elbie | Bluff | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Yocum & Sons, Jerry | Jerry Yocum | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Zaborac, Albert & Bartol Zaborac | Zaborne Bros | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Zaborac, Stanley | Country Wide | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Logan County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Deer Creek Coal Co. (Steve Bennis) | Deer Creek | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Peoria County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A & T Coal Co | A. & T | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Angle, Edgar C. (Maple Ridge C. C.) | Maple Ridge | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Angle, Ronald (Maple Ridge C. C.) | Maple Ridge | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Becker, Harry | Becker | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Big 4 Coal Co. (John Hicks) | Big 4 | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Big Hollow Coal Co. (John Jose) | Big Hollow | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Black Jewel Coal Co | Black Jewel | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Blender Mining Co. (Wm. Blender) | Domino | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bondi & Vacca Coal Co. (Frank Bondi) | Bondi & Vacca | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Brady & White Coal Co | Brady & White | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Calhoun Coal Co | Evans Mill | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 4—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| Collins Brothers | Shamrock Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 175 |
| Crescent Mining Co | LaMarsh #1 | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 175 |
| Crescent Mining Co | LaMarsh #6 | | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cupi, Sam | Cupi | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cusack, Raymond (Cusack Coal Co.) | Fairmount | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cusack, Walter (West Point C. C.) | West Point | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Dawson, Lawrence | Nixon Run | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Dodd, John | Hilltop | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Dry Run Coal Co | Dry Run | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Frasca, John (John Frasca Coal Co.) | John Frasca | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| French, Forest | French's Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Glasford Coal Co | Glasford | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Gruber, Gruber & Henry | Gruber Bros | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hannigan Coal Co. (H. Hannigan) | Hannigan | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hoffman Coal Co. (Peter D. Hoffman) | Hoffman | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hoffman, Peter D | Kickapoo Valley C. C | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hunt, Thomas Sr | Hunt | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Johnson & Largent | Johnson & Largent | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Junker, William C | Junker | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Keefer, Glen (White Ash Coal Co.) | White Ash | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Kirkman, William | Kirkman | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Knaggs, Henry | Sunshine | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lea Bros. Coal Co | Lea Bros | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lightbody, Otto W | Lightbody | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lucky Strike Coal Mining Co | Lucky Strike | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Mapleton Coal & Mining Co | Mapleton | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Marteness Mining Co. (E. Marteness) | Marteness Mng. Co | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| McDaniel, T. T. (New Deal Coal Co.) | New Deal Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Middle Road Coal Co | Middle Road | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Miller, George W | Beverly Hills | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Mohn & Callear Coal Co | Blue Bell | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Mohn & Son, Edward | Mohn | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| P & H Coal Co. (Elijah Howe) | P & H | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pankey, Clarence E | Whip-Poor-Will | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pankey, J. H | Whip-Poor-Will | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Patton Coal Co. (Lee Patton) | Patton | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Price, Frank | Frank Price | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Price, John | Jay Bird | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Reed City Co-op. Coal Co | Reed City Co-op | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Renaldo Matthew Mining Co | Renaldo-Matthew | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Roberts Coal Co | Robert's | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Rowcliffe, James H | Rowcliffe | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Rudloff Brothers | Big Bear | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Schmidt, Henry F | Henry Schmidt | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Seghi Brothers | Sunnyside | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Snider Coal Co. (Fred Snider) | Snider Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Spring Hill Coal Co. (W. Cheesman & R. Kendall) | Spring Hill | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stear, James Lester | Stear | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stenstrom Coal Co., E. H | Stenstrom | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stever Coal Co. (David E. Kienbusch) | Stever | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Superior Mining Co. (Andrew Sepesi) | Superior | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Swords & Sons, George | G. Swords & Sons | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Treasure Coal Co | Treasure Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Turner & Son | Turner | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Vicary Bros | Vicary | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Walck & Son, Peter | Walck & Son | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Zahner, Theodore | Pleasant Hill | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Tazewell County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Lake Erie Mining Co | Lake Erie | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 175 |
| Lakeside Coal Co | Lakeside | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Manhattan Coal & Mng. Co. (Thos. W. Thompson) | Manhattan | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pekin Mining Co. (Fred Schaefer, Jr.) | Pekin | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 5

| Code member index and name | Mine | Seam | Prices and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
| *Adams County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hollembeak Coal Co | Hollembeak C. C | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Western Illinois Mining Corp | West. Illinois | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Brown County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Clingler, John M | Clingler | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cruser, A. L | Cruser | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Keltz & Rang | Keltz & Rang | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pearidge Mining Co. (Milton E. Howk) | Pearidge | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pruden, Charles | | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Salisbury, Walter | Walker | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Williams & Terrell | Williams-Terrell | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Cass County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Brandis & Sons (Newmanville Coal Co.) | Newmanville | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Morey, Thomas (Thievaght Coal Co.) | Thievaght | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Roloff, Fred | Roloff | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Greene County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Adkins, James T | Adkins | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Allen, W. H | W. H. Allen | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Armstrong, Ben | | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cummins & Sons | Cummins & Sons | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Elliott, Harry | Elliott | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Ferguson, O. L | Ferguson | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Goebelt, J. M | Community Coal | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Harbaugh, Hector | Harbaugh | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hopper, Frank & Jesse L | Hopper's Mine | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hopper, Theodore | Theodore Hopper | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Schofield, Everett | Schofield | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Simmons & Simmons | Simmons & Simmons | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Smith, Willis | Mehroff | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Steckel, Frederick H | Steckel | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Walker, O. S | Walker | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Warrell, George M | No. 1 | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Whitehead, Ralph | Whitehead | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Jersey County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Longfellow, George W | Old Huebener | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Yost, Kruse & Co. (John Kruse) | Brighton No. 1 | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Hancock County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Babb, Forrest | Forest Babb | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hiland, Eddie | Paradise | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Martin, Audra | Audra Martin | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Macoupin County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bauser Coal Mine | Bauser | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Challacombe, Walden & Walden | Rand's | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Consolidated Coal Co., The | No. 7 | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Consolidated Coal Co., The | No. 15 | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Gillespie Coal Co | Gillespie | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Lincoln Liquidating Corp | Virden | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Mt. Olive Coal Co | Hoosier | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Moore, Roscoe | Moore | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Poll, Mrs. Isabelle (Chesterfield Coal Co.) | | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Superior Coal Co | No. 1 | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Superior Coal Co | No. 2 | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Superior Coal Co | No. 3 | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Superior Coal Co | No. 4 | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| South Mine Company | South Mine | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Whitehead, John | Dams | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 5—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ***McDonough County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bexson Coal Co | Bexson | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Booth & Kipling Coal Co | Booth & Kipling | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bunt & Son, Earl | Bunt | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Featherlin, John | Featherlin | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Fox, Frank | Fox | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Fuller & Wagle Coal Co | Fuller & Wagle | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Henley & Son, M. L | Henley & Son | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hocker, Leland | Leland Hocker | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hocker & Co., Thomas | Thomas Hocker | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| McGrann, J. C | McGrann | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Miller, Elmer W | | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Nelson & Co., O | O. Nelson | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Porter, Fenton & McCoughly | P. F. & M | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stone Brothers | Stone Bros | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stoneking, Earnest C | Same | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stoneking, Olaf | Olaf Stoneking | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Swanson, Sture E | Swanson | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Teel, George E | Teel | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Vincent, William | Vincent | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Wayland & Co | Wayland | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Whalen & Flack | Whalen & Flack | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Willey, Link | Link Willey | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Willey, Eli | Eli Willey | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ***Pike County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Brown, W. V | Turkey Hill | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| ***Schuyler County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Baxter, W. B | Baxter | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Beebe & Wallace | Beebe & Wallace | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bell, F. P | F. P. Bell | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Big Four Coal Co | Big Four | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bowman, Homer E | | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bucher, E. G | Little Dog | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Buss, Dean (Buss Coal Co.) | Buss | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Carr Coal Co | | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cleavinger, Roosevelt | Cleavinger | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cunningham, Raymond | | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Derry, Ivan | Ivan Derry | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Eddington, O. F | | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Gorsuch, Otis | Gorsuch | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Grimm, Edward | Edward Grimm | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Helm, Ottie | Maguire | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Henricks, F. E | Hendricks | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hines, Clyde | Hines | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Johnson & Reeves | Same | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Jones, John W., Jr | Jones | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Kellum, Ernest | Ernest Kellum | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Kindhart, Harry C | Same | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lindsey, William | Maguire | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| McCormick & Sons, A. H | McCormick | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Monarch Coal Co | Monarch | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Newell & Crane | Newell & Crane | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Payne, Leo | | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Peterson, Benjamin F | Peterson | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Phillips Brothers | Phillips | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Phillips & Rebman | Same | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Reeder Brothers | Reeder | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Rinning & Son | Rinning | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Root Brothers | Root Bros | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Shanks, Archie | Shanks Coal Co | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stoneking & Rebman | Same | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Skiles, Homer | Homer Skiles | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stroup, James | Stroup | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Thompson & Sons | Thompson | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Tomlinson, C. A | Tomlinson | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Wheelhouse Coal Co | Wheelhouse | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Wilson, John A | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 5—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ***Scott County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Grey, Earl | Grey's | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hepworth, Josh | Hepworth | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hosking Brothers | Hosking Bros | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Watt, W. G. (Alsey Strip Mine) | Alsey Strip | 2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |

SECTION NO. 6

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ***Christian County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Edinburg Coal Co | Same | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Fana Coal Co | No. 1 | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Peabody Coal Co | Carter Process | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Peabody Coal Co | No. 7 Hawthorn | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Peabody Coal Co | No. 8 Hawthorn | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Peabody Coal Co | No. 9 Hawthorn | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Peabody Coal Co | No. 88 Hawthorn | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Penwell Coal Mining Co | Penwell | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| ***Macon County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Macon County Coal Co | Macon | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| ***Menard County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Crawford, Charles B. and Henry C | Perkens | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Greenview Mining Co | Greenview | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Indian Creek Coal Co. (W. F. Sewell) | Indian Creek | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Johnson Valley Coal Co | Johnson Valley | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lincoln Coal Mine (Emil Marsa) | Lincoln | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Mallergren, John W | Black Diamond | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Old Salem Coal Co | Old Salem | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Perkins Coal Co. (Harry A. Perkins) | Perkins | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pleasant Hill Coal Co. (A. R. Knodel) | Pleasant Hill | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Whitehurst, Charles | Lloyd | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| ***Montgomery County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Hillsboro Mining Co | Hillsboro | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Indiana & Illinois Coal Corp | No. 10 Nokomis | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Nokomis Coal Company | Reliance | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| ***Morgan County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Fisher, W. C. (Fisher Coal Co) | Fisher | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Wagstaff & Smith | Same | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| ***Sangamon County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Barr Coal Co | Barr | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bethel Coal Co | Bethel | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Brewerton Company, The | Jefferson | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cantrell Coal Co | Cantrell | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Central Illinois Coal Mng. Co | "A" | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Cosmo Coal Corp | Reynolds | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Denkert Coal Co | Denkert | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Eddy, Bryan | Fisher | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Enders, Tony (Lincoln Trail Coal Co.) | Lincoln Trail | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Farmingdale Coal Co. (Aldsoe Young) | Same | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Happy Hollow Coal Co. (Frank L. Miller) | Same | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Howard Coal Co. (Frank Howard) | Howard | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Mine "B" Coal Co | "B" | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Number Twelve Coal Co | Number Twelve | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Panther Creek Mines, Inc | No. 2 | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Panther Creek Mines, Inc | No. 4 West End | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Panther Creek Mines, Inc | No. 5 New North | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Peabody Coal Co | No. 53 Woodside | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Peabody Coal Co | No. 57 Capitol | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Peabody Coal Co | No. 59 Peerless | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Plains Mining Co | Plains | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Smith, George E | Same | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Springfield & Salisbury C. Co | Same | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Wanless Coal Co. (Edgar Wanless) | Wanless | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Wenneborg Coal Co | Wenneborg | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 6—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Shelby County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cox & Weakly | No. 1 and No. 2 | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cruit, James | Cruit | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Gallagher, Ralph | Gallagher | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Kingston, Ray | Kingston | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Nees, Homer | Nees | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Nees, Homer and Clyde Bly | Nees & Bly | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Miller & Brown (Roy Brown) | Same | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Root, J. G | Mochel | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Smith & Smith (Clifford Smith) | Smith | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stretch B. F | Stretch | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Tallman, Arch | Same | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

SECTION NO. 7

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Crawford County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Blair, Ray | Riverside No. 2 | 5 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Edgar County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Edgar County Coal Co | Edgar County | 8 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Greenwalt Coal Co | Greenwalt | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Martin Coal Co | Martin | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Jasper County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Brown, Andrew | Brown | 8 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Vermilion County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A. D. L. Coal Co | A. D. L | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Anderson Coal Co. (Alex Anderson) | Anderson | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| B. & B. Coal Co. (Fay Bales) | B. & B | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| B. & W. Coal Mine (Harry E. Wilson) | B. & W | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bales, Perry (M. & P. Mine) | M. & P | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Black Hawk Coal Co. (Louis Duquesnoy) | Black Hawk | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Blue Bird No. 3 (Steve & Frank Sporcich) | Blue Bird No. 3 | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Blue, Dale | | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bock Coal Co. (Louis F. Bock) | Bock | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Burgoyne Coal Co., Glen | Glen Burgoyne | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Catlin Coal Co. (V. E. Hires) | Catlin | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Central Coal Co. (Joseph H. Mauck) | Central | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cesena, Perry | | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cline, Russell & Walter (Russell Cline) | Cline Bros | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Collins Coal Co (Noble Collins) | | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Crawford Coal Co | Crawford | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Dedryvere Coal Co., Jules | Dedryvere | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Deep Valley Coal Co | Deep Valley | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Depratt, Emile | | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Diamond Coal Co. (Clint A. Larson) | Diamond | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Dragon Coal Co., The | Dragon | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| F. B. & M. Coal Co | F. B. & M | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Farnum Coal Co. Mine | Farnum | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| George Bros. Coal Co | George | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Gibson Coal Co., John | Gibson | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Harper Coal Co | Harper | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hunt & Son Coal Co. (Alfred Hunt) | Bert Hunt | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Jamison, Doswell | Thompson Hollow No. 1 | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Jonosik Coal Co., Steve | | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Johnson, Coal Co., Amiy (G. Taylor) | | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Johnson, J. M | J. M. Johnson | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Jones & Truax (B. Jones) | Jones & Truax | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Kedas Coal Co., Alex | Alex Kedas | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| King, Homer (King Coal Co.) | King | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| L. & S. Coal Co. (Henry E. Lacey) | L & S | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Larrew, Bert | | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Larson Coal Co., Chester W | Chester Larson | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Larson & Sons, John | John Larson | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lete & Sons Coal Co | Lete & Sons | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lind Coal Co | Lind | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lomax, Ralph R | North Catlin C. C | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lone Hill Coal Co | Lone Hill | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lovett & Sons, Ed | Ed. Lovett | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| M & M Coal Co. (Everett Mecker) | M & M | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Mcardle, Theresa | Pearson No. 2 | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Markunas, Peter | Markunas | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 7—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mauck & Sons | Mauck & Sons | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Miles Coal Co. (Leslie L. Miles & Walter McClure) | Miles | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Morgan Coal Co., F. C | Old Vermillion | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| N & H Coal Co. (Alfred Nelson) | N & H Coal Co | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Nixon, D. E | Nixon | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Oakwood Coal Co | Oakwood | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Peabody Coal Co | No. 24 Westville | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 120 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Pichon Coal Co., Joseph | Pichon | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pierce Coal Co., T. W | Pierce | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Povelones, Kastutis | Povelones Coal Co | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Quality Coal Co | Quality | 1 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Ramsey & Bracewell (Marion Ramsey) | | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Riggles & Hilton (Orville Riggles) | R & H | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Riverside Coal Co | Riverside | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Roberts, William | | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Ryan & Jones Coal Co. (D. W. Jones) | | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Salt Fork Coal Co. (George Moore) | Salt Fork | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Schafer Bros. Coal Co | Schafer | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Sheppard, Wm. C | Sheppard | | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Sheward Coal Co., J. P | Sheward | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Shroyer Coal Co | Shroyer | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Shuman Coal Co. (Wilbur Shuman) | | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Skelton Coal Co., J. G | Skelton | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Smith, Roy R. (M & B Coal Co.) | M & B | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Tilton Mining Co | Tilton | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| United States Fuel Co | Bun | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| W. B. Coal Co. (Alva Worley) | W. B | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| W. W. Coal Co. (Walter Mauck) | W. W | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Weir, William A | | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Wilson & McFarland Coal Co. (Nelson McFarland) | Wilson & McFarland | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Worley, Alva | Worley | 7 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Brown, W. V | Brier Hill | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Elkins, H. A | Hillicrest | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Elkins, H. A | Sunshine | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Goodman, Fred (White City Coal Co.) | White City | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Reel & Wilkinson | Friendsville | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Wilkinson, Erwin | Maud Station | 6 | 290 | 285 | 280 | 270 | 265 | 260 | 255 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |

SECTION NO. 8

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Madison County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Aulich, Joe, Sr | | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Burn-Well Coal Co | | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Bunker Hill Coal & Mining Co | Bunker Hill | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Chicopee Coal Co | Troy | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Coalfax Mine (John J. Aljets) | Coalfax | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Collinsville Coal Corp | Collinsville | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| East Side Coal Co. (Emil Michaleck) | East Side | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Glen Carbon Coal Co | Glen Carbon | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Goscher, Everett | | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hillside Coal Co. (Peter Sabeck(s)) | Hillside | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Huston, Ira (Seven Hills Coal Co.) | Seven Hills | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Klondike Coal Co | Klondike | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Livingston-Mt. Olive Coal Co | No. 1 Livingston | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Lumaghi Coal Co | No. 2 Cantine | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Lumaghi Coal Co | No. 3 Cantine | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Moro Coal Co. (Wm. H. Wilkening) | Moro | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Mt. Olive & Staunton Coal Co | No. 2 | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Madison County Coal & Mining Co | Thermal | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Prairietown Coal Co | | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Rink Brothers Coal Co | Rink | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Schoenewels, Paul | Hillside Coal Co | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Sugar Loaf Coal Corp | Sugar Loaf | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Sunrise Coal Co | Sunrise | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Sunset Hill Coal Co | Sunset Hill | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Truck Trade Coal Co | Truck Trade | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Monroe County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Puckett, William | C & W | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 8—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *St. Clair County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| A B & H Coal Co | A B & H | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bell Heat Coal & Mining Co | Bell Heat | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Crown Coal Coll | Crown | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Dewey Coal & Mining Co | Same | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Devil's Hole Mining Co | Devil's Hole | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| East Side Coal Co. (Edw. Martin) | East Side | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Edgemont Coal Co | Edgemont | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Freeburg Coal Co | Freeburg | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Fullerton Coal Co | Burdette | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| G. E. Coal Co | G. E. | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Gill Coal Corp | Lyle | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Grossman, Wilbert | Grossman | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Golden Rule Coal Co. (Lenzburg) | Golden Rule | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Groom Coal Co | Richland | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Guest Coal Co | Oak Hill | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Gundlach Coal Co | Gundlach | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Hill Coal Co. (Sam Hill) | Hill | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lenzburg Coal Co | Lenzburg | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Lill Coal Co | Lill | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Luster & Son, C. R | Luster | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Marissa Coal Co | O. K | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Mascoutah Coal Mining Co | Mascoutah | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Midway Coal Co | Midway | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Midwest Smokeless Fuel Corp | Same | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Morgan Coal Co., P. C | Morgan | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Mulberry Hill Coal Co | Mulberry Hill | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Neuwirth Coal Co. (Erwin Jung) | Neuwirth | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| New Athens Coal & Mining Co | New Athens | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| New National Coal & Mining Co | New National | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| New Royal Coal Co. (Chas. Polich) | New Royal | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| New St. Clair Coal Co | New St. Clair | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pep Coal Co | Pep | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Perry Coal Co | Carbon | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Perry Coal Co | St. Ellen | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Prairie Coal Co | Prairie | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | |
| Purity Coal Co. (Anthony Butta) | Purity | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Reinheimer Slope Mine (Aug. C. Stahlheber) | Reinheimer Slope | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| St. Louis & O'Fallon Coal Co | No. 2 Black Eagle | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Service Coal & Mining Co | Service | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Southern Coal, Coke & Mining Co | No. 1 Avery | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Southern Coal, Coke & Mining Co | No. 6 Muron | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Southern Coal, Coke & Mining Co | No. 7 Little Oak | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Southern Coal, Coke & Mining Co | No. 8 Shiloh | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Schubert Coal Co | Schubert | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Sporleder, Emil | | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Stiehl, C. G. (Belle Valley Coal Co) | Bell Valley | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Sugar Creek Coal Corp | Sugar Creek | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Summit Coal & Mining Co | Summit | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Quality Coal & Mining Co | Quality | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Tannenbaum, Wm | Turkey Hill | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Tower Grove Coal Co | Tower Grove | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| United Electric Coal Companies | Red Ray | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Vinegar Hill Coal Co | Vinegar Hill | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| West Side Coal Co. (G. C. Brown) | West Side | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| West Side Co-Operative Coal Co. (Wm. T. Hampton). | West Side | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| White Coal Co | White | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| White Rose Coal Co. of Belleville | White Rose | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Wildwood Coal Co | Wildwood | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Woodland Coal Co. (Chas. Davis) | Woodland | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Ziska, Fred | | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |

SECTION NO. 9

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Bond County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Illinois Pocahontas Coal Co | Pocahontas | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 9—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Clinton County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Beckemeyer Coal Co | Beckemeyer | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Citizens Coal Co | East Mine | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | 185 |
| Southern Coal Coke & Mining Co | No. 9 New Boden | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| *Jackson County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Best Coal Co., The (T. D. Sager) | The Best | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Birkner, E. H | Birkner | 1&2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Blair Big Muddy Coal Co | Blair No. 3 | 1&2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Cotton, Fred (M & E Coal Mine) | M & E | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Craig, Homer | Craig Coal Co | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| East Side Coal Co | East Side | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Elkville Coal Co | Elkville | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Johns, B. R. (Atlas Coal Co.) | Atlas | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| K. W. S. Coal Mine | K. W. S. | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Martin, Guy S | Desoto | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| McDonald, Louis L | East Side | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Monarch Coal Co. (W. R. Monroe) | Monarch | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Morgan, Jess | Morgan | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Moss, O. R | | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Patrick-McCormick Coal Co | Patrick-McCormick | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Phillips, Thos. G | Phillips Coal Co | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Replogle & Son | Replogle | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Swofford, J. C | No. 1 or "A" | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Swofford Coal Co. (J. C. Swofford) | No. 2 or "B" | 5 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Templeton Coal Co | Templeton | 1&2 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Truax-Traer Coal Co | Forsyth No. 1 | 6 | 280 | 275 | 270 | 260 | 255 | 245 | 185 | 190 | 165 | 165 | 165 | 165 | 150 | 140 | 80 | 30 | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 160 | 150 | 160 | | 195 |
| Union Colliery Co | Kathleen | 6 | 300 | 300 | 300 | 290 | 280 | 270 | 200 | 210 | 170 | 170 | 170 | 170 | 150 | 140 | 90 | 50 | 190 | 190 | 190 | 190 | 180 | 175 | 165 | 135 | 160 | 150 | 160 | | 220 |
| *Jefferson County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Consolidated Coal Co., The | Jeff. Co. Mine No. 20 | 6 | 265 | 265 | 265 | 255 | 245 | 235 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| Cole, Walter | | | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Hamson, Ed | Merrell Farm | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Shelton, J. M | | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Marion County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Marion County Coal Co | Glenridge | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| McCluskie, Alex | McCluskie | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Odin Coal Co | Odin | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Perry County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Andrews, George | Andrews | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Bailey Brothers Coal Co | Diamond | 6 | 280 | 275 | 270 | 260 | 255 | 245 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 195 |
| Beaucoup Coal Co | No. 6 | 6 | 280 | 275 | 270 | 260 | 255 | 245 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 195 |
| Bollnski Coal Co | Bollnski | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Burnett, Roy M | Burnett No. 2 | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| C & R Coal Co. (Carter & Rednour) | C & R | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 195 |
| Conant Coal Co | Conant | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Coulterville Coal Co | Perco | 6 | 280 | 275 | 270 | 260 | 255 | 245 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 195 |
| Cutler Coal Co., Inc | New Wilson | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Edgar Coal Co. (Wm. T. Edgar) | Little Muddy | 6 | 280 | 275 | 270 | 260 | 255 | 245 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 195 |
| Elm Grove Coal Co | Elm Grove | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Energy Coal & Supply Co | Black Bear | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Higgerson Brothers Coal Mine | Higgerson | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Home Coal Co | Victory | 6 | 280 | 275 | 270 | 260 | 255 | 245 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 195 |
| Howell Coal Co., T. J | New Moon | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| K & E Coal Co | Little Muddy | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lambert, Marvin J | Little White Ash C. C | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| New Galum Coal Corp | New Galum | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Number 5 Pinckneyville Coal Mining Company | No. 5 | 6 | 280 | 275 | 270 | 260 | 255 | 245 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 195 |
| Paradise Coal Co. (Harley Lemmon) | Paradise | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Peabody Coal Co | No. 14 Majestic | 6 | 305 | 305 | 305 | 295 | 285 | 275 | 200 | 215 | 195 | 195 | 195 | 195 | 170 | 160 | 110 | 60 | 205 | 205 | 205 | 205 | 190 | 190 | 180 | 160 | 180 | 170 | | | 225 |
| Perfection Coal Co | Perfection | 6 | | | | | | | 200 | | | | | | | | | | | | | | | | | | | | | | |
| Presswood Coal Co., H. E | Presswood Coal Co | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Pyramid Coal Corp | Pyramid | 6 | 280 | 275 | 270 | 260 | 255 | 245 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 165 | 165 | 165 | 165 | 175 | 175 | 165 | 135 | 145 | 135 | | | 195 |
| Ritter, Leo J | Red Fox | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Square Deal Coal Co | Semman | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Southwestern Illinois Coal Corp | Streamline | 6 | 280 | 275 | 270 | 260 | 255 | 245 | 185 | 190 | | | | | | | | | | | | | | | | | | | | | |
| United Electric Coal Companies | Fidelity | 6 | 280 | 275 | 270 | 260 | 255 | 245 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 185 | 185 | 185 | 185 | 175 | 175 | 165 | 135 | 145 | 135 | | | 195 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 9—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Wills, Fred H | Wills | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Venedy Coal Co | Venedy | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Randolph County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Baldwin Coal Co | Baldwin | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Beveridge Coal Co | No. 2 | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Blair Coal Co | Blair | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 195 |
| Bradbury, H. W | Ill-Mo | 6 | 280 | 275 | 270 | 260 | 255 | 248 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Crain Coal Co | Crain | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Home Fire Coal Co. (Maurice Beard) | Home Fire | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 195 |
| Jones Bros. Coal & Mining Co | Eureka No. 2 | 6 | 280 | 275 | 270 | 260 | 255 | 245 | 185 | 190 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Lemon & McKelvey Coal Co | Same | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| Moffat Coal Co | Moffat | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Schulina Coal Co. (Geo. E. Adamson) | | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | 175 | 175 | 175 | 175 | 165 | 165 | 155 | 125 | 145 | 135 | | | 185 |
| St. Louis Coal Co | Florida | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| *Washington County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bois Coal Co | Boise | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Centralia Coal Co | Centralia No. 5 | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | 145 | 135 | | | 185 |
| Clarkson Coal & Mining Co | Clarkson | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Darmstadt Coal Co | Same | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |
| Vendy Coal Co | Same | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 | | | | | | | | | | | | | | |

SECTION NO. 10

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Franklin County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bell & Zoller Coal & Mng. Co | Zeigler No. 1 | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 230 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 215 |
| Bell & Zoller Coal & Mng. Co | Zeigler No. 2 | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 230 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| Chicago, Wilmington & Franklin Coal Co | Orient No. 1 | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 215 |
| Chicago, Wilmington & Franklin Coal Co | New Orient | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| Chicago, Wilmington & Franklin Coal Co | Energy No. 5 | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| Franklin County Coal Corp | Royalton No. 7 | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| Franklin County Coal Corp | No. 8 | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| Old Ben Coal Corp | No. 11 | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| Old Ben Coal Corp | No. 14 | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| Old Ben Coal Corp | No. 15 | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| Peabody Coal Co | No. 18 Black Arrow | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| Valier Coal Co | No. 1 | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | | | | | |
| *Gallatin County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ashford, Artie & Guy Baggett | A. & B | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Baldwin, Billy | Lone Star | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Black, Samuel J | Sam Black | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Colbert, Thornton | | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Dickson, W. B | Frank Green | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Herrin, W. H | Cedar Hill C. Co | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Logan Highway Coal Co | Logan Highway | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| McCluskey & Barnett Coal Co. (Clyde McCluskey). | | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Mid-City Coal Co | #1 | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Moore, Clifford & Bernard Miles | R. A. Black | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Payne & Son Coal Co., Robert | Payne | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Pekin Coal Co | Pekin | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Scott, Edgar | Same | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Yates, Harry | Yates | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| *Johnson County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Treece & Son, Charles | Treece | 3 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| *Pope County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sistler & Son, Sam | No. 1 | 3 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

SECTION NO. 10—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Saline County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Blue Bird Coal Co | Blue Bird No. 5 | 5 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| Blue Blaze Coal Co. (W. K. Miller & Ed. Flannel) | Blue Blaze | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Carrier Mills Coal Co | Carrier Mills | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Clark, James W | Same | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Conger & McDonnal (M. T. Conger) | | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Gobin & Sons, William | Gobin | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Griffith, H. L | Sumerset Coal Mines | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Heato Coal Co | Heato | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Jones & Gill (Lee Jones) | Rocky Branch | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Kelly, Jack | | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Lone Star Coal Co | Lone Star | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| McNew & Son, C. C | McNew | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Miles & Smith (A. A. Miles) | Bert Ward | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Moore Coal Co. (Silas Moore) | Moore No. 3 | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Moore Coal Co. (Silas Moore) | Moore No. 4 | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Peabody Coal Co | No. 43 Premium | 5 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| Peabody Coal Co | No. 47 Harco | 5 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| Penrod, John (Gulley & Penrod) | Norman | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Pickford Coal Co., John J | Pickford | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Randall, Don | Randall | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Raulston, J. F | Cottage Grove | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Rex coal Co | Rex | 5 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| Sahara Coal Co | Bankston Crk. No. 6 | 6 | 275 | 275 | 275 | 265 | 260 | 250 | 185 | 195 | | | | | | | | | 190 | 190 | 190 | 190 | 180 | 180 | 170 | 150 | | | | | 200 |
| Sahara Coal Co | No. 1 | 5 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| Sahara Coal Co | No. 3 | 5 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| Sahara Coal Co | No. 5 | 5 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| Sahara Coal Co | No. 10 | 5 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| Sahara Coal Co | No. 12 | 5 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| Stunson, Jess F | Scroggins | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Sutton, C. A | Conway | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Vanmeter, Willard | Liberty | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Vaughn Bros. Coal Co. (W. L. Vaughn) | Pagsdale | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Wasson Coal Co | No. 1 | 5 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| Wasson Coal Co | "A" | 5 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| White Star Coal Mine (L. C. Wiedemann) | White Star | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| *Williamson County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Angel & Fry | Cedar Hill | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Atwood, Roy | Atwood | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| B. & L. Coal Co | B. & L | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Beltz, Elwin | Beltz No. 2 | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Bradley, Jack | Quality Coal Co | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Brayfield Coal Co | Brayfield | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Brown, David | Blue Ribbon No. 2 | | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Brown & Roberts Coal Co | B. & R | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Bruce Coal Co., Charles J | Bruce | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Cambria Coal Co | Cambria | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Carter, L. D | Carter's | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Carterville Mng. & Eng. Co | Normandie | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Chamness, Clyde | Blue Ribbon | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Chancy Coal Co | Chancy | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Cherry Hill Coal Co | Cherry Hill | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Consolidated Coal Co., The | Buckhorn | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| Consolidated Coal Co., The | New Monarch | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| Corder Coal Mine, Vallie | Vallie Corder | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Crab Orchard Coal Co | Smith | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Delta Coal Mining Co | Delta | 5 | 290 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | 215 | 215 | 215 | 215 | 200 | 200 | 190 | 170 | 190 | 180 | 190 | 155 | 235 |
| Diamond Coal Co. (Augustine Coloni, Prop.) | No. 2 | 6 | 305 | 305 | 305 | 295 | 285 | 275 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | | | | | | | | | 190 | 150 | | | 225 |
| Diamond Star Coal Co. (Loren Scott) | Diamond Star | | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Egypt Coal Co. (R. P. Stubblefield) | Egypt | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Equator Coal Co. (John Fitzgerald) | Equator | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Equator Coal Co. (C. B. Rhea) | Equator | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Farris, Sam (Herrin Coal Co.) | Herrin Coal Co | | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Forsyth Carterville Coal Co | Forsyth | 6 | 305 | 305 | 305 | 295 | 285 | 275 | 200 | 215 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | 60 | | | | | | | | | 190 | 150 | | | 225 |
| Franco Mining Corp | No. 1 | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Freeman Coal Mng. Co | Freeman | 6 | 315 | 315 | 315 | 305 | 295 | 285 | 220 | 225 | 205 | 205 | 205 | 205 | 180 | 170 | 120 | 60 | | | | | | | | | 190 | 180 | 190 | 155 | 235 |
| Gabriel Coal Co. (L. R. Gabriel) | Gabriel | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Green Valley Coal Co. (Cleve McNall) | Green Valley | | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Hagan & Bagget (Charles Hagan) | Rock Creek | | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Hausman & Lauder | Red Devil | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |
| Helm, R. E | Helm No. 3 | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | | | | | |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only—Continued*

SECTION NO. 10—Continued

| Code member index and name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hickey Coal Co. | Hickey | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Hill Coal Co. (J. W. Hill) | Hill Coal | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Howerton Bros. & O. (Howerton Coal Co) | Howerton | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Johnson Coal Co., W. H. | Sunrise | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Marvel Coal Co. | Marvel | 6 | 275 | 275 | 275 | 265 | 260 | 250 | 185 | 190 | 185 | 185 | 185 | 185 | 160 | 150 | 90 | | | | | | | | | | 200 | 170 | | | 210 |
| Matsinger & Harris | Nuna | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| McDonald, Kenneth | McDonald | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| McDonald & Matthews Coal Co. | Sane | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| McNeill, Bart | McLaren | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Mitchell Coal Co. (Ed. Mitchell & H. Lantrip) | McNeill Coal Co. | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Moore & Ron Coal Co. | Mitchell | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Moran Coal Co. | Moore | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Morgan Diamond Coal Co. (Ed Gentry) | Moran | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| New Muddy Valley Coal Co. (Oral Emery) | Morgan Diamond No. 4 | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Ogmore Coal Co. (W. E. Elkins) | No. 2 | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Parker, Clyde (Black Star Mine) | Ogmore | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Pea Ridge Coal Co. (W. N. Tripp) | Black Star | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Peerless Coal Co. | Pea Ridge | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Phillips, Vaughn & Snyder (M. B. Snyder) | Peerless | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Phillips & Yearick (Frank Yearick) | P. V. & S. | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Pinson, Sam & I. J. Rodden | Egyption | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Plumlee Coals, The (Arthur W. Plumlee) | Union | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Pulley Coal Co. (Jud Pulley) | Plumlee | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Rogers & Bruce Coal Co. (C. M. Rogers) | Pulley | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Rushing Coal Co. | R. & S. | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Seymour Coal Mining Co. | Rushing | 6 | 315 | 315 | 305 | 295 | 290 | 280 | 220 | 225 | 220 | 220 | 220 | 220 | 190 | 180 | 110 | | | | | | | | | | 240 | 200 | | | 250 |
| Sims Coal Co. | Freeman Spur | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Singley Coal Co., A. | Sims | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Stanton, John H. | Singley | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Southern Jewel Coal Co. (H. L. Wilson) | Stanmore | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Spillertown Mining Co. | Dogwood Coal Co. | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Springhart Coal Co. | Sou. Jewel No. 1 | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Steel Tipple Coal Co. (Claude Angel) | Spillertown | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Stroud, W. N. | Springhart | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Sunrise Coal Co. (W. H. Johns) | Steel Tipple | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Sunny Brook Coal Co. | Stroud | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Superior Coal Co. (Kenneth R. Absher) | Sunrise No. 2 | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Tanner & Ramsey (T. R. Tanner) | Sunny Brook No. 1 | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Thomas Mines | Black Diamond | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Tick Ridge Coal Co. | Thomas | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Union Mining Co. | Tick Ridge | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| W. H. B. Coal Co. | Union | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Wallace Coal Co. | Union No. 11 | 6 | 275 | 275 | 275 | 265 | 260 | 250 | 185 | 190 | 185 | 185 | 185 | 185 | 160 | 150 | 90 | | | | | | | | | | 200 | 170 | | | 210 |
| White Flame Coal Co. (C. F. Fry) | Walnut Valley | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| White Heat Coal Co. | White Heat | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Wilkinson, B. A. | Wilkinson | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Willow Spring Coal Co. | Willow Spring | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Wilson Coal Co., Bert | Wilson | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Wilson Coal Co., Jesse | Wilson No. 3 | 5 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Wilson, Harmon | Wolf | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |
| Young Brothers | Young's | 6 | 265 | 265 | 265 | 255 | 250 | 240 | 175 | 180 | 175 | 175 | 175 | 175 | 150 | 140 | 85 | | | | | | | | | | 190 | 160 | | | 200 |

*The schedules of proposed coordinated districts for the following districts will appear in the issue of the Federal Register for Friday, July 14, 1939:*

*District No. 11 (all shipments except truck)*

*District No. 11 (truck shipments only)*

*District No. 12 (rail shipments only)*

*District No. 12 (truck shipments only)*

*The schedules of proposed coordinated districts for the following districts will appear in the issue of the Federal Register for Saturday, July 15, 1939:*

*District No. 13 (all shipments except truck)*

*District No. 13 (truck shipments only.*

*Van Buren, Warren and McMinn Counties, Tenn.)*

*District No. 14*

*District No. 15 (all shipments except truck)*

*District No. 15 (truck shipments only)*

[P. R. Doc. 39-2454; Filed, July 10, 1939; 10:47 a. m.]



## DEPARTMENT OF AGRICULTURE.

### Farm Security Administration.

[F.S.A. Instruction 601.2]

### Delegations of Authority by the Administrator

I. *Authorizations to regional directors.* In carrying out the provisions of Title I and the related provisions of Title IV of the Bankhead-Jones Farm Tenant Act within the United States, the authorities listed below are delegated (3-25-38) by the Administrator to regional directors, and other regional personnel as specified, to be exercised in accordance with the terms given herein. All such redelegations of authority, as are authorized herein, must be in writing, designating by name, title and address the delegatee and specifying the authority delegated. A copy of the delegation of authority shall be made available to the regional FC manager. (In the case of Region I these authorities are delegated to the RR Supervisor for Region I.)

A. The following authority may not be redelegated by the regional directors:

1. *Wage rates.* To prescribe wage rates to be paid for construction work by contract carried on with TP loan funds.

2. *Release of security.* To authorize the release from the terms of the mortgage, such security as is necessary to enable the borrower to sell a part of the land for right-of-way for a road, building sites for public purposes, public utility easements or other purposes, provided that such sales are either necessary or desirable to make the farm a more satisfactory family-size unit and to execute the instruments for such sales when such instruments are approved by the regional attorney and when the proceeds from the sales are used to protect the security of the Government.

3. *Utilization of resettlement lands.* (1) To execute deeds in the sale of these lands to applicants for TP loans after these lands have been approved by the Administrator for such sales. (2) To determine the selling price of the resettlement lands in accordance with the established standards: *Provided, however,* That no land can be so utilized unless the county committee certifies with respect thereto as under regular procedure.

4. *Execution of affidavits affecting recorded instruments.* To execute and record affidavits or agreements in connection with or affecting instruments of record, pursuant to the provisions of state statutes.

5. *Release of controlled funds.* To order any depository of TP funds held in the controlled bank account, to pay such funds upon written demand to the Government or to any person or persons designated by the regional director. This authority shall be exercised only after the approval of the regional attorney.

B. The following authority may be redelegated by regional directors to state RR directors:

1. *State committee meetings.* To call meetings of state Farm Security Advisory committees within their states.

C. The following authorities may be redelegated by the regional directors to assistant regional directors in charge of RR (or assistant regional directors in charge of RP where there is no assistant regional director in charge of RR) and chiefs and assistant chiefs of regional TP sections:

1. *Approval of loans.* To approve TP loans and supplementary TP loans by executing the necessary documents and amendments thereto and by approving the vouchers.

2. *Approval of titles.* To determine whether or not easements, leases and other outstanding reservations and exceptions to, and minor defects in, the title to lands to be acquired through TP loans will interfere with the purpose for which the land is to be acquired.

3. *Variable payments.* To determine annually the amount of payment each borrower is to make under the variable payment plan.

4. *Releases.* To give the consent of the Government to releasing from the terms of the TP mortgage, timber and naval stores for commercial harvesting, stone, gravel, coal and other minerals for commercial disposal, and land for oil leasing, provided that: (1) The timber and naval stores are harvested in accordance with the approved farm management practices. (2) The quarrying of stone, removing of gravel, mining of coal and other minerals, and the leasing of land for oil does not interfere with the agricultural use and value of the farm or, if the agricultural use or value is impaired, compensating payments will be made to the Government for such losses. (3) The proceeds of sales from any of these transactions are to be divided equitably between the Government and the borrower, the part paid to the Government being in addition to the annual amortization payment due on the farm.

5. *Removal of buildings.* To give the consent of the Government to the removal of buildings from TP farms.

6. *Contracts and plans.* To approve plans and construction contracts for major repairs and new construction.

7. *Construction performed with TP loan funds.* To specify the methods by which construction work is to be done provided, however, that nothing contained in this paragraph or in paragraph I C 6 above shall be construed to authorize any official of the FSA to vary or modify or approve the variance or modification of the wage rates prescribed by the regional director in accordance with paragraph I A 1 of this Instruction or to vary or modify or approve the variance or modification of any of the labor provisions of the approved form of construction contract.

D. The following authorities may be redelegated to state RR directors, state TP specialists, assistant state TP specialists, district RR supervisors and county RR supervisors, in addition to the persons indicated in paragraph I C:

1. *Physical examination.* To make all necessary arrangements with physicians to give health examinations to tentatively approved TP applicants.

2. *Variable payments.* To execute variable payment agreements.

3. *Construction performed with TP loan funds.* To authorize payments when the work is completed on a contract basis, provided that the final inspection report indicates that the work is satisfactory.

E. The following authority may be redelegated by the regional directors to any designee:

1. *Approval of depositories.* To approve the bank or other depository (which must be insured under the Federal Deposit Insurance Corporation) in which the proceeds of TP loans shall be deposited by the borrower.

F. The following authorities may be delegated to the district RR supervisors or county RR supervisors by the regional directors:

1. *Countersignatures.* To countersign all withdrawals of TP loan proceeds from the bank or other depository by the borrower and to perform all of the functions ascribed to countersigning officers.

II. *Authorization to regional directors, assistant regional directors, chiefs and assistant chiefs of regional TP sections, State RR directors, State TP specialists, assistant State TP specialists, and district or county RR supervisors:*

A. *County committee meetings.* To call meetings of county committees for the purpose of considering applications for TP loans and performing related work.

III. *Authorization to regional directors and regional office managers, the business manager or assistant business manager:*

A. *Letters of authorization.* To issue a Letter of Authorization to each county RR supervisor authorizing him to direct travel of county committeemen within and outside of the county for the purpose of attending meetings called by the persons mentioned in par. II.

IV. *Authorizations to directors of extension service in Puerto Rico and the territory of Hawaii:*

A. The Secretary of Agriculture has authorized the Administrator of the FSA to delegate to the Director of Extension Service for the Territory of Hawaii and to the Director of Extension Service for Puerto Rico, such powers (to be exer-

cised within the territories) as have been previously, or may hereafter be, delegated to regional directors of the FSA and which may be necessary for the following purposes:

1. To make, service, collect, and liquidate loans pursuant to Title I of the Bankhead-Jones Farm Tenant Act.

2. To make, service, collect and liquidate rural rehabilitation loans to those individuals who receive loans pursuant to Title I of the Bankhead-Jones Farm Tenant Act: *Provided, however,* That no such delegation shall include any authority to make loans to individuals to enable them to engage in joint enterprises or cooperative activities.

3. In cases where the regional director has power to redelegate his functions to his subordinates, the Director of Extension Service may redelegate those powers to the TP specialist in charge of the TP program, within such limitations as are prescribed for regional directors.

4. In carrying out the powers which may be vested in him, the Director of Extension Service shall be subject to the general administrative supervision of the Administrator.

B. All such redelegations shall be in writing, addressed to the TP specialist and shall be signed in duplicate. The original of each such redelegation of authority shall be delivered to the TP specialist, and the signed copy shall be forwarded to the Administrator, Farm Security Administration, Washington, D. C., Refer to: Finance and Control Division.

V. *Exceptional cases.* The authorities herein delegated shall be executed in accordance with FSA Instructions. There is hereby reserved to the Administrator the power to consider exceptional cases with a view to determining whether the Instructions of the FSA may be waived with respect to such cases.

Approved, July 8, 1939.

[SEAL] WILL W. ALEXANDER,
*Administrator.*

[F. R. Doc. 39-2490; Filed, July 11, 1939; 4:16 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

[Docket No. 3843]

IN THE MATTER OF AMERICAN OIL COMPANY, AND GENERAL FINANCE, INC., RESPONDENTS

COMPLAINT

Pursuant to the provisions of an Act of Congress, approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (the Clayton Act—U.S.C. Title 15, Section 13), as amended, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that American Oil Company, a corporation, has violated the provisions of subsection (a) of Section 2 of said Clayton Act, as amended, and that General Finance, Inc., has violated the provisions of subsection (f) of Section 2 of said Clayton Act, as amended, hereby issues its complaint stating its charges in those respects as follows:

PARAGRAPH 1. Respondent American Oil Company is a corporation organized, existing and doing business under and by virtue of the laws of the State of Maryland, with principal office located in the American Building, Baltimore, Maryland. Said respondent is engaged chiefly in the business of producing, manufacturing, distributing and selling gasoline and other petroleum products in various states of the United States and in the District of Columbia. Gasoline manufactured and sold by said respondent is mostly of two grades, namely, a so-called "high test" gasoline sold under the trade name "Amoco", and a "standard" gasoline sold under the trade name "American" or "Orange American". Gasoline sold and delivered by said respondent to gasoline stations in the District of Columbia is transported into the District of Columbia in tank wagons from said respondent's bulk plants in the State of Virginia and delivered from said tank wagons.

PAR. 2. Respondent General Finance, Inc. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with principal office and place of business located at 2221 14th Street NW., Washington, D. C. Said respondent is engaged in the business, among other things, of selling and financing the sale of taxicabs, and also leases and operates two gasoline stations, one located at the corner of 14th Street and Florida Avenue NW., Washington, D. C., and another located at the corner of 6th Street and Rhode Island Avenue NW., Washington, D. C., at which stations it engages in the business of selling "Amoco" and "American" gasoline at retail to taxicab operators and to the public.

PAR. 3. The said gasoline stations operated by respondent General Finance, Inc., as set forth in Paragraph Two hereof, are engaged in competition in the sale of gasoline at retail with numerous other dealers in gasoline in the District of Columbia selling American Oil Company gasoline, and with gasoline dealers selling the gasoline of other producers.

PAR. 4. On or about July 17, 1936, respondent American Oil Company entered into a contract for the sale of gasoline with six corporations, four doing business in Washington, D. C., and two in Baltimore, Maryland, all engaged in the business or organizing, promoting and serving associations or groups of taxicab operators in those cities. A copy of said contract, marked "Exhibit A" is annexed hereto and made a part hereof.[1] The word "Corporation" in the name "City Cab Corporation, Inc." was inserted in said contract by mutual error of the parties and said name was intended to be and describe City Cab Association, Inc. of Washington, D. C.; and said contract has at all times been so understood and treated by the parties. Said contract provides for the sale of "Amoco" and "American Gas" by tank wagon delivery in the District of Columbia at a price of five and five-eighths cents (5⅝¢) per gallon below the current posted retail service station price for said products, said price being from one and five-eighths cents (1⅝¢) to two and one-eighth cents (2⅛¢) lower than the posted tank wagon prices charged by respondent American Oil Company for "Amoco" and "American Gas" sold by it to other retail gasoline station operators in the District of Columbia.

PAR. 5. The business policies and activities of all of the taxicab companies named in said contract were at the time of the execution of said contract controlled by respondent General Finance, Inc. or by its officers, Herbert Glassman and Edward C. Ostrow, through stock ownership or voting control and through ownership of the majority of the taxicabs operated under the names of said companies. The gasoline used in taxicabs which are owned by or operated under the names of said companies, is purchased by the operators of such taxicabs, and is not supplied by said companies or by respondent General Finance, Inc. except by sale.

PAR. 6. Subsequent to the execution of said contract, and during the years 1937, 1938 and 1939, respondent American Oil Company has sold and delivered large quantities of "Amoco" and "American" gasoline, pursuant to the terms of sale and at the prices specified in said contract of July 17, 1936, to respondent General Finance, Inc. Such deliveries have averaged more than 100,000 gallons per month during said period, and have been made at the retail gasoline stations operated by General Finance, Inc. at 14th Street and Florida Avenue NW., and 6th Street and Rhode Island Avenue NW., Washington, D. C., as aforesaid. American Oil Company has billed said gasoline to General Finance, Inc., and payemnt for the same has been made by General Finance, Inc. The gasoline so purchased by General Finance, Inc. has been resold by it at retail to taxicab operators and to the public generally. The fact of such resale has at all times been well known to respondent American Oil Company, although the said contract provides that the products purchased thereunder "are for Buyer's own consumption only and not for resale, in whole or in part, to Buyer's employees or any other person".

[1] Filed as a part of the original document.



PAR. 7. By selling its "Amoco" and "American" gasolines to respondent General Finance, Inc. at the prices stated in Paragraph Four hereof, and by contracting to sell its said gasolines in the District of Columbia to City Cab Association, Inc., General Taxicab, Inc., Prudom Cab Co., Inc., and Harlem Taxicab Association, Inc. at said prices, which prices are substantially lower than the prices charged by it for said gasolines, respectively, to other retail dealers in gasoline in the District of Columbia, respondent American Oil Company has discriminated in price, and is discriminating in price, between respondent General Finance, Inc., City Cab Asociation, Inc., General Taxicab, Inc., Prudom Cab Co., Inc., and Harlem Taxicab Association, Inc., respectively, and other retail gasoline dealers in the District of Columbia who purchase and deal in said American Oil Company products. The effect of such discrimination in price has been and may be substantially to lessen competition and tend to create a monopoly in commerce in and with the District of Columbia in the sale and distribution of gasoline, and to injure, destroy and prevent competition with respondent American Oil Company and with its said customers receiving the benefit of said discrimination.

PAR. 8. Said contract of July 17, 1936, was executed on behalf of five of the six taxicab companies named as buyers by Herbert Glassman and Edward C. Ostrow, who are President and Treasurer, respectively, of respondent General Finance, Inc. Respondent General Finance, Inc., and its said officers, at the time of the execution of said contract and at all times since that date, have well known that the prices for "Amoco" and "American" gasoline fixed in said contract and thereafter paid by said respondent to American Oil Company for said gasolines, as hereinbefore set forth, were and are from one and five-eighths cents (1⅝¢) to two and one-eighth cents (2⅛¢) lower than the prices at which "Amoco" and "American" gasoline have been sold by American Oil Company during the same period to other retail gasoline dealers in the District of Columbia, including many such dealers competing in the sale of "Amoco" and "American" gasoline with the stations operated by General Finance, Inc. Said discrimination in price was knowingly induced, and at all times herein mentioned has knowingly been received, by respondent General Finance, Inc. Said distribution in price, as more fully set forth in the preceding paragraphs hereof, is prohibited by subsection (a) of Section 2 of said Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 7th day of July, A. D., 1939, issues its complaint against said respondents.

*Notice*

Notice is hereby given you, American Oil Company, a corporation, and General Finance, Inc., respondents herein, that the 11th day of August, A. D. 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In the case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 7th day of July, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2491; Filed, July 12, 1939; 9:38 a. m.]

*United States of America—Before Federal Trade Commission*

[Docket No. 3844]

IN THE MATTER OF THE WILLIAMS AND WILKINS COMPANY, A CORPORATION

COMPLAINT

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly described, since June 19, 1936, has violated, and is now violating the provisions of subsection (a) of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. title 15, sec. 13), issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent, The Williams and Wilkins Company, is a corporation organized and existing under and by virtue of the laws of the State of Maryland, with its office and place of business at Mount Royal and Guilford Avenues, Baltimore, Maryland, and has been prior to June 19, 1936, and is now engaged in the publication, distribution and sale of medical and other scientific books. Respondent sells and distributes said books in commerce between and among the various states of the United States and the District of Columbia, causing said books to be shipped and transported from their place of publication in Baltimore, Maryland, to purchasers of said books located in the various states of the United States and the District of Columbia, for use and resale within said states and the District of Columbia.

PAR. 2. In the course and conduct of its business as aforesaid, respondent is now, and during the time herein mentioned, has been in substantial competition with other corporations, individuals, partnerships and firms engaged in the business of publishing, distributing and selling medical and scientific books in commerce between and among the various states of the United States and the District of Columbia.

PAR. 3. In the course and conduct of its business as above described, respondent has, since June 19, 1936, discriminated in price, and is now discriminating in price between different purchasers buying the same books for resale to retail dealers or ultimate users by giving and allowing to some of its purchasers of said books lower prices than those given or allowed other of its said purchasers competitively engaged, one with the other, in the resale of said books either to the retail book dealer or to the ultimate user within the United States. Said discriminations consist, for example, in granting and allowing price discounts of 20 per cent to some, 25 per cent to some, 30 per cent to others, and 35 per cent to still other purchasers of the same books for resale in the same area to the same prospective customers. The effect of such discriminatory discounts or prices is to enable some of said purchasers to buy said books at a lower price than competing purchasers to the injury of the less favored buyer.

PAR. 4. The general effect of said discriminations in price made by said respondent, as above set out, may be substantially to lessen competition with the favored purchasers; to tend to create a monopoly in the favored purchasers; to injure, destroy or prevent competition in the sale and distribution of said medical books between the said favored purchasers of said books receiving such discriminatory prices and other less favored competing purchasers of the same books not receiving said discriminatory prices.

PAR. 5. The foregoing alleged acts of said respondent are in violation of Section 2 (a) of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. title 15, sec. 13).

Therefore, the premises considered, the Federal Trade Commission on this 8th day of July, A. D. 1939, now issues its complaint against said respondent, stating its charges in that respect as hereinabove set out.

*Notice*

Notice is hereby given you, The Williams and Wilkins Company, a corporation, respondent herein, that the 11th day of August, A. D. 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 8th day of July, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2492; Filed, July 12, 1939; 9:38 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3736]

IN THE MATTER OF LUXOR, LTD., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., Section 41), and (49 Stat. 1526, U.S.C.A., Section 13, as amended)

*It is ordered*, That Webster Ballinger, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, July 19, 1939, at nine o'clock in the forenoon of that day (central standard time), Knickerbocker Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2487; Filed, July 11, 1939; 3:15 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of July 1939.

[File No. 1-2634]

IN THE MATTER OF NELLIE MEDA GOLD MINES NON-ASSESSABLE CAPITAL STOCK, PAR VALUE $1.00

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Salt Lake Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Non-Assessable Capital Stock, Par Value $1.00, of Nellie Meda Gold Mines; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Wednesday, August 16, 1939, at the office of the Securities & Exchange Commission, 1706 Welton Street, Denver, Colorado, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Howard N. Lary, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2495; Filed, July 12, 1939; 10:50 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1939.

[File No. 32-141]

IN THE MATTER OF THE LITCHFIELD ELECTRIC LIGHT AND POWER COMPANY

ORDER RELATIVE TO ISSUE AND SALE OF BONDS

The Litchfield Electric Light and Power Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company, having duly filed with this Commission an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of said Act with respect to the issue and sale by the applicant to John Hancock Mutual Life Insurance Company, at a cash price of 104, of its First Mortgage Bonds, 4% Series due 1964, in the principal amount of $450,000; the net proceeds to be applied in liquidating pro tanto an open account indebtedness due from the applicant to its parent company;

A hearing on said application as amended having been duly held after appropriate notice;[1] the record in this matter having been examined; and the Commission having made and filed its findings herein;

[1] 4 F.R. 2964 DI.



*It is ordered*, That the issue and sale of such bonds be and the same hereby are exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; subject, however, to the following conditions:

(1) That such issue and sale shall be in compliance with the terms and conditions of and for the purposes represented by said application as amended, and in full compliance with the terms and conditions imposed by the order of the Public Utilities Commission of the State of Connecticut;

(2) That such exemption shall immediately terminate without further order of this Commission if at any time the authorization by said State Commission shall be revoked or shall otherwise terminate;

(3) That within ten days after such issue and sale the applicant shall file with this Commission a Certificate of Notification showing that the transaction has been effected in accordance with the terms and conditions and for the purposes represented by said application as amended;

(4) That, when all fees and expenses in connection with the transaction have been finally determined, the applicant shall file with this Commission a certificate setting forth the actual amounts paid or to be paid, to whom, and the services rendered therefor; and the Commission specifically reserves the right to reopen this matter with respect thereto, if the amount of such fees should appear unreasonable.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2494; Filed, July 12, 1939; 10:50 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1939.

[File No. 37-39]

IN THE MATTER OF SOUTHERN UNION SERVICE COMPANY

TEMPORARY ORDER PERMITTING SERVICE COMPANY TO OPERATE UNDER SPECIAL OR UNUSUAL CIRCUMSTANCES

Southern Union Service Company, having filed an application pursuant to Section 13 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 13 of such Act and the rules promulgated thereunder prohibiting the applicant under existing circumstances from performing services or construction work for or selling goods to Southern Union Gas Company, a registered holding company, and subsidiary companies thereof, and having applied for a temporary order permitting it to so act as a subsidiary service company of such holding company until such time as a determination of a pending application by Southern Union Service Company for approval as a mutual service company shall have been made by the Commission, and it appearing that the circumstances are special or unusual and that it is in the interest of investors and consumers that such application shall be granted;

*It is ordered*, Pursuant to section 13 (b) of the Act that Southern Union Service Company be, and hereby is, permitted to operate as a subsidiary service company and to perform services or construction work for or sell goods to associate companies thereof, to the extent and in the manner set forth in the pending mutual service company application, upon condition, however,

(1) That this order shall terminate at such time as a Commission order may issue disposing of the pending mutual service company application;

(2) That the applicant, in operating under this order, shall comply with all the provisions of Section 13 of the Act and the rules and regulations thereunder relating to subsidiary companies found to meet the standards thereby established;

(3) That the Commission, in any hearing held on the application for approval of Southern Union Service Company as a mutual service company, may, without further notice, review the servicing functions of the applicant performed during the intervening period under this temporary order and may thereafter, by order, require any reallocation or reapportionment of costs, among the companies serviced, charged during such period, if it appears from the evidence adduced that the allocation of charges was inequitable.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2496; Filed, July 12, 1939; 10:50 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of July, A. D. 1939.

[File No. 2-3877]

IN THE MATTER OF INVESTMENT CORPORATION OF NORTH AMERICA

STOP ORDER

This matter coming on to be heard before the Commission on the registration statement of Investment Corporation of North America, a Delaware corporation, after confirmed telegraphic notice to said registrant that it appears

that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading; and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant; and

The registrant having filed a proposed amendment and having moved that the proposed amendment be declared effective and the stop order proceeding dismissed; and

The Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in Items 4a, 5, 6, 7, 24, 27, the balance sheet and the prospectus, and that the requirements of Section 7 of the Securities Act of 1933 and of Rule 670 of the General Rules and Regulations under that Act have not been complied with, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued; and

The Commission having duly considered the aforesaid motion and the proposed amendment; and

The Commission now being fully advised in the premises,

*It is ordered*, That the aforesaid motion to declare the proposed amendment effective and to dismiss the stop order proceeding be and the same hereby is denied; and

*It is further ordered*, Pursuant to Section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by Investment Corporation of North America, a Delaware corporation, be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2497; Filed, July 12, 1939; 10:50 a. m.]

FEDERAL REGISTER

VOLUME 4 NUMBER 134

*Washington, Friday, July 14, 1939*

## *Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### FEDERAL SURPLUS COMMODITIES CORPORATION

AMENDMENT TO REGULATIONS AND CONDITIONS GOVERNING ISSUANCE OF FOOD ORDER STAMPS

ESTABLISHING ELIGIBILITY OF HOLDERS THEREOF TO RECEIVE AGRICULTURAL COMMODITIES OR PRODUCTS THEREOF AND PROVIDING FOR PAYMENT OF CLAIMS MADE BY RETAILERS OF SUCH COMMODITIES AND PRODUCTS

Sections 100 and 202 of "Regulations and Conditions Governing the Issuance of Food Order Stamps, Establishing The Eligibility Of The Holders Thereof To Receive Agricultural Commodities Or The Products Thereof And Providing For The Payment Of Claims Made By Retailers Of Such Commodities And Products", made and prescribed on April 21, 1939, and amended on April 27, 1939,[1] are hereby amended as follows:

(1) Section 100 is amended by inserting at the end thereof the following:

"If the holder, because of failure to purchase or obtain food order stamps in any one pay period or in any period between relief payments, is unable to turn in the required stamp book covers, he shall be deemed eligible to receive further books only if the certifying agency certifies to the Corporation or its authorized representative that the holder refrained from purchasing or obtaining stamps because of a substantial and emergency need. If the certifying agency fails to make such certification the holder may appeal to the Corporation or its authorized representative and the holder shall be reinstated as eligible, if in the judgment of the Corporation or its authorized representative it is desirable to do so in order to effectuate the food distribution plan."

(2) Section 202 is amended by striking the word "No" at the beginning of the first sentence and inserting in lieu thereof the following:

"Except for eligible milk merchants, no".

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 12th day of July 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2516; Filed, July 12, 1939; 12:12 p. m.]

[1] 4 F.R. 1683, 1716 DI.

## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Amendment 17 of Civil Air Regulations]

STRIKING PARTS 91, 92, 93, 95, AND 96 OF THE CIVIL AIR REGULATIONS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 11th day of July 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective the 11th day of July, 1939, Parts 91, 92, 93, 95, and 96 of the Civil Air Regulations are stricken.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2517; Filed, July 12, 1939; 12:16 p. m.]

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[Amendment 18 of Civil Air Regulations]

PERMITTING A PRIVATE PILOT HAVING 200 SOLO HOURS TO CARRY PASSENGERS AT DUAL CONTROLS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 11th day of July 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective July 31, 1939, section 20.616 of the Civil Air Regulations is amended so as to read as follows:

"§20.616 *Dual controls.* Aircraft equipped with fully or partially functioning dual controls shall not be operated with both control seats occupied unless one of such control seats is occupied (a) by a person possessed of at least a valid commercial pilot certificate, or (b) by a person possessed of at least a valid private pilot certificate and a valid instructor rating, or (c) by a person possessed of at least a valid private pilot certificate who has proved to the satisfaction of a duly authorized representative of the Authority that he has logged at least 200 hours of solo flight time and is competent to exercise the privilege granted by this section: *Provided*, That two persons may occupy such control seats if each such person is possessed of at least a valid private pilot certificate."

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-2518; Filed, July 12, 1939; 12:16 p. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF RULES X-15AA-1 AND X-15AJ-1 AND FORMS X-15AA-1, X-15AJ-1 AND X-15AJ-2

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 15A and 23 (a) thereof, hereby adopts Forms X-15AA-1, X-15AJ-1 and X-15AJ-2 and Rules X-15AA-1 and X-15AJ-1, the rules to read as follows:

§ 240.X-15AA-1 (*Rule X-15AA-1*). *Registration of a National or an Affiliated Securities Association.* Any application for registration of an association as a national, or as an affiliated, securities association shall be made in triplicate on Form X-15AA-1 [Sec. 249.X-15AA-1] accompanied by three copies of the exhibits prescribed by the Commission to be filed in connection therewith.

Effective July 13, 1939. (C. 677, Sec. 15A, 52 Stat. 1070; 15 U. S. C. 780-3: C. 404, sec. 23, 48 Stat. 901; C. 462, sec. 8, 49 Stat. 1379; 15 U. S. C. 78w and Sup. III) [Rules and Regs., Rule X-15AA-1, effective July 13, 1939]

§ 240.X-15AJ-1 (*Rule X-15AJ-1*) *Amendments and Supplements to Registration Statements of Securities Associations.* Every association applying for registration or registered as a national securities association or as an affiliated securities association shall keep its registration statement up-to-date in the manner prescribed below:

(a) *Amendments.* Promptly after the discovery of any inaccuracy in the registration statement or in any amendment or supplement thereto the association shall file with the Commission an amendment correcting such inaccuracy.

(b) *Current Supplements.* Promptly after any change which renders no longer accurate any information contained or incorporated in the registration statement or in any amendment or supplement thereto the association shall file with the Commission a current supplement setting forth such change, except that—

(1) Supplements setting forth changes in the information called for in Exhibits C and D need not be filed until ten days after the calendar month in which the changes occur, and

(2) No current supplements need be filed with respect to changes in the information called for in Exhibit B.

(c) *Annual Supplements.* (1) Promptly after March 1 of each year, the association shall file with the Commission an annual consolidated supplement as of such date on Form X-15AJ-2 [Sec. 249.X-15AJ-2]

(2) Promptly after the close of each fiscal year of the association, it shall file with the Commission a supplement setting forth its balance sheet as of the close of such year and its income and expense statement for such year.

(d) Each amendment or supplement shall be filed in triplicate, at least one of which must be signed and attested, in the same manner as required in the case of the original registration statement, and must conform to the requirements of Rule X-2 [Sec. 240.X-2] and Form X-15AJ-1 [Sec. 249.X-15AJ-1], except that the annual consolidated supplement shall be filed on Form X-15AJ-2 [Sec. 249.X-15AJ-2]. All amendments and supplements shall be dated and numbered in order of filing. One amendment or supplement may include any number of changes. In addition to the formal filing of amendments and supplements above described, each association shall send to the Commission three copies of any notices, reports, circulars, loose-leaf insertions, riders, new additions, lists or other records of changes covered by amendments or supplements when, as and if such records are made available to members of the association.

Effective July 13, 1939. (C. 677, Sec. 15A, 52 Stat. 1070; 15 U.S.C. 780-3; C. 404, sec. 23, 48 Stat. 901; C. 462, Sec. 8, 49 Stat. 1379; 15 U.S.C. 78w and Sup. III) [Rules and ~~Regs., Rule~~ X-15AJ-1, effective July 13, 1939]

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2526; Filed, July 13, 1939; 11:05 a. m.]

## TITLE 29—LABOR

### NATIONAL LABOR RELATIONS BOARD

[Rules and Regulations, Series 2]

GENERAL RULES AND REGULATIONS

EFFECTIVE JULY 14, 1939

By virtue of the authority vested in it by the National Labor Relations Act, approved July 5, 1935, the National Labor Relations Board hereby issues the following Rules and Regulations—Series 2—(General Rules and Regulations), which it finds necessary to carry out the provisions of said Act. Said Rules and Regulations—Series 2—shall become effective upon the signature of the original by the members of the Board and upon the publication thereof in the FEDERAL REGISTER, and shall supersede the Rules and Regulations—Series 1 as amended[1] (General Rules and Regulations) signed by the Board on April 27, 1936, which are hereby rescinded. These Rules and Regulations—Series 2—(General Rules and Regulations) shall be in force and effect until amended or rescinded by rules and regulations hereafter made and published by the Board.

[1] 1 F.R. 277.



Signed at Washington, D. C., this 11th day of July 1939.

[SEAL] J. WARREN MADDEN, *Chairman.*
EDWIN S. SMITH, *Member.*
WM. M. LEISERSON, *Member.*

PARTS 201-208—GENERAL RULES AND REGULATIONS*†

Part
201 Definitions.
202 Procedure under Section 10 of the Act for the prevention of unfair labor practices.
203 Procedure under Section 9 (c) of the Act for the investigation and certification of representatives.
204 Designation of Regional Directors, examiners, and attorneys as agents of the Board.
205 Service of papers.
206 Certification and signature of documents.
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PART 201—DEFINITIONS

Sec.
201.1 Terms defined in Section 2 of the Act.
201.2 Act, Board.
201.3 Region.
201.4 Regional Director.
201.5 Trial examiner.
201.6 State.

§ 201.1 *Terms defined in section 2 of the Act.* The terms "person", "employer", "employee", "representatives", "labor organization", "commerce", "affecting commerce", and "unfair labor practice", as used herein, shall have the meanings set forth in Section 2 of the National Labor Relations Act, a copy of which Act is appended hereto.[1] *†

§ 201.2 *Act, Board.* The term "Act" as used herein shall mean the National Labor Relations Act, and the term "Board" shall mean the National Labor Relations Board.*†

§ 201.3 *Region.* The term "Region" as used herein shall mean that part of the United States or any Territory thereof fixed by the Board as a particular Region.*†

§ 201.4 *Regional Director.* The term "Regional Director" as used herein shall mean the agent designated by the Board as Regional Director for a particular Region.*†

§ 201.5 *Trial Examiner.* The term "Trial Examiner" as used herein shall mean the Board, its member, agent or agency conducting the hearing.*†

§ 201.6 *State.* The term "State" as used herein shall include all States, Territories, and possessions of the United States and the District of Columbia.*†

*All sections in Parts 201 to 208, inclusive, issued under the authority contained in sec. 6 (a), 49 Stat. 452; 29 U.S.C., Sup. IV, 156.

†The source of all sections in Parts 201 to 208, inclusive, is Rules and Regulations, Series 2, (General Rules and Regulations) issued by the Board July 11, 1939.

[1] Not appended to original document. *See* 49 Stat. 449; 29 U.S.C., Sup. IV, Chapter 7.

PART 202—PROCEDURE UNDER SECTION 10 OF THE ACT FOR THE PREVENTION OF UNFAIR LABOR PRACTICES

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202.10 Answer to complaint; time for filing; contents; allegations not denied deemed admitted.
202.11 Where to file; form; jurat; service upon other parties.
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202.37 Procedure before Board in cases over which it has assumed jurisdiction.

202.38 Modification or setting aside of order of Board before record filed in court; action thereafter.


*Charge*

§ 202.1 *Who may file; withdrawal and dismissal.* A charge that any person has engaged in or is engaging in any unfair labor practice affecting commerce may be made by any person or labor organization. A charge may be withdrawn only with the consent of the Regional Director with whom such charge was filed or of the Board. Upon withdrawal of any charge, any complaint based thereon shall be dismissed by the Regional Director issuing the complaint, by the Trial Examiner designated to conduct the hearing, or by the Board.*†

§ 202.2 *Where to file.* Except as provided in section 202.36 such charge shall be filed with the Regional Director for the Region in which the alleged unfair labor practice has occurred or is occurring. A charge alleging that an unfair labor practice has occurred or is occurring in two or more Regions may be filed with the Regional Director for any of such Regions.*†

§ 202.3 *Form; jurat; blank forms provided.* Such charge shall be in writing, the original being signed and sworn to before any notary public or other person duly authorized by law to administer oaths and take acknowledgments or any agent of the Board authorized to administer oaths or acknowledgments. Three additional copies of such charge shall be filed.[1]*†

§ 202.4 *Contents.* Such charge shall contain the following:

(a) The full name and address of the person or labor organization making the charge.

(b) The full name and address of the person against whom the charge is made (hereinafter referred to as the "respondent").

(c) A clear and concise statement of the facts constituting the alleged unfair labor practices affecting commerce.*†

*Complaint*

§ 202.5 *When and by whom issued; contents; service.* After a charge has been filed, if it appears to the Regional Director that formal proceedings in respect thereto should be instituted, he shall issue and cause to be served upon the respondent and the person or labor organization making the charge (hereinafter referred to as the "parties") a formal complaint in the name of the Board stating the charges and containing a notice of hearing before a Trial Examiner at a place therein fixed and at a time not less than ten days after the service of the complaint. A copy of the charge upon which the complaint is based shall be attached to the complaint.

Whenever the complaint contains allegations under Section 8 (2) of the Act, any labor organization referred to in such allegations shall be duly served with a copy of the complaint and notice of hearing. Whenever any labor organization, not the subject of any 8 (2) allegation in the complaint, is a party to any contract with the respondent the legality of which is put in issue by any allegation of the complaint, such labor organization shall be made a party to the proceeding.*†

§ 202.6 *Hearing; extension.* Upon his own motion or upon proper cause shown by any of the parties the Regional Director issuing the complaint may extend the date of such hearing.*†

§ 202.7 *Amendment.* Any such complaint may be amended upon such terms as may be deemed just: prior to the hearing, by the Regional Director issuing the complaint; at the hearing and until the case has been transferred to the Board pursuant to section 202.32, upon motion, by the Trial Examiner designated to conduct the hearing; and after the case has been transferred to the Board pursuant to section 202.32 at any time prior to the issuance of an order based thereon, by the Board.*†

§ 202.8 *Withdrawal.* Any such complaint may be withdrawn before the hearing by the Regional Director on his own motion.*†

§ 202.9 *Review by Board of refusal to issue.* If, after the charge has been filed, the Regional Director declines to issue a complaint, the person or labor organization making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., and filing a copy of such request with the Regional Director. This request shall contain a complete statement setting forth the facts and reasons upon which the request is based.*†

*Answer*

§ 202.10 *Answer to complaint; time for filing; contents; allegations not denied deemed admitted.* The respondent shall have the right, within ten days from the service of the complaint, to file an answer thereto. Such answer shall contain a short and simple statement of the facts which constitute the grounds of defense. The respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. Any allegation in the complaint not specifically denied in the answer, unless the respondent shall state in the answer that the respondent is without knowledge, shall be deemed to be admitted to be true and may be so found by the Board.*†

§ 202.11 *Where to file; form; jurat; service upon other parties.* The answer shall be filed with the Regional Director issuing the complaint. It shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney affixed, and shall contain the post-office address of the respondent. The respondent shall file three additional copies of the answer. Immediately upon filing his answer the respondent shall serve a copy thereof upon each of the other parties.*†

§ 202.12 *Extension of time for filing.* Upon his own motion or upon proper cause shown by the respondent the Regional Director issuing the complaint may by written order extend the time within which the answer shall be filed.*†

§ 202.13 *Amendment.* The respondent may amend his answer at any time prior to the hearing. During the hearing or subsequent thereto, he may amend his answer in any case where the complaint has been amended, within such period as may be fixed by the Trial Examiner or the Board. Whether or not the complaint has been amended, the answer may, in the discretion of the Trial Examiner or the Board, upon motion, be amended upon such terms and within such periods as may be fixed by the Trial Examiner or the Board.*†

*Motions*

§ 202.14 *Motions; where to file prior to hearing and during hearing; contents; service on other parties.* All motions made prior to the hearing shall be filed in writing with the Regional Director issuing the complaint, and shall briefly state the order or relief applied for and the grounds for such motion. The moving party shall file an original and four additional copies of all such motions. Immediately upon the filing of such motion, the moving party shall serve a copy thereof upon each of the other parties. All motions made at the hearing (except motions to intervene, as provided in section 202.19) shall be made in writing to the Trial Examiner or stated orally on the record.*†

§ 202.15 *Rulings on motions; where to file motion after hearing and before transfer of case to Board.* The Trial Examiner designated to conduct the hearing shall rule upon all motions (except as provided in sections 202.6, 202.12, 202.19 and 202.34). The Trial Examiner may, before the hearing, rule on motions filed prior to the hearing, and shall file his ruling, and any order in connection therewith, with the Regional Director issuing the complaint. The Regional Director shall cause copies thereof to be served upon the parties. All motions filed subsequent to the hearing, but before the transfer of the case to the Board pursuant to section 202.32, shall be filed with the Trial Examiner by filing with the Chief Trial Examiner in Washington, D. C., and a copy thereof shall be served upon each of the parties. Rulings by the Trial Examiner on motions, and any orders in connection therewith, if announced at the hearing, shall be stated orally on the record; in all other cases such rulings and orders shall be issued in writing and filed with the Regional Director, who shall cause a copy of the same to be served upon each of the parties, or shall be contained in the Intermediate Report. Whenever the Trial Examiner has reserved his ruling on any motion, and the proceeding is thereafter transferred to and continued before the Board pursuant to section 202.36, the Board shall rule on such motion.*†

§ 202.16 *Motions, rulings and orders part of record; rulings not to be appealed directly to Board without special permission.* All motions, rulings, and orders shall become part of the record. Rulings by the Regional Director and by the Trial Examiner on motions, and by the Trial Examiner on objections, and orders in connection therewith, shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board in reviewing the record, if exception is taken to the rulings or order when made and included in the statement of exceptions filed with the Board, pursuant to section 202.33.*†

§ 202.17 *Review of granting of motion to dismiss entire complaint; reopening of record.* If any motion in the nature of a motion to dismiss the complaint in its entirety is granted by the Trial Examiner, the party making the charge may obtain a review of such action by filing a request therefor with the Board in Washington, D. C., stating the grounds for review, and filing a copy of such request with the Regional Director and serving copies upon the parties. Unless such request for review is filed within ten days from the date of the order of dismissal, the case shall be considered closed. The Board may, upon motion made within a reasonable period and for good cause shown, reopen the record for further proceedings.*†

§ 202.18 *Filing of answer or other participation in proceedings not a waiver of rights.* The right to make motions or to make objection to rulings upon motions shall not be deemed waived by the filing of an answer or by other participation in the proceedings before the Trial Examiner or the Board.*†

*Intervention*

§ 202.19 *Intervention; requisites; rulings on motions to intervene.* Any person or labor organization desiring to intervene in any proceeding shall file a motion in writing setting out the grounds upon which such person or organization claims to be interested. Prior to the hearing such motion shall be filed with the Regional Director issuing the complaint; during the hearing such motion shall be filed with the Trial Examiner. The original of such motion shall be signed and sworn to by the person or labor organization filing the motion, and shall be accompanied by four additional copies. Immediately upon filing such motion, the moving party shall serve a copy thereof upon each of the other parties. The Regional Director shall rule upon all such motions filed prior to the hearing, and shall cause a copy of said ruling to be served upon each of the parties, or shall refer the motion to the Trial Examiner for ruling. The Trial Examiner shall rule upon all such motions filed at the hearing or referred to him by the Regional Director, in the manner set forth in section 202.15. The Regional Director or the Trial Examiner, as the case may be, may by order permit intervention in person or by counsel to such extent and upon such terms as he shall deem just.*†

*Witnesses and Subpenas*

§ 202.20 *Examination of witnesses; depositions.* Witnesses shall be examined orally under oath, except that for good and exceptional cause the Chief Trial Examiner or the Trial Examiner may permit their testimony to be taken by deposition under oath. Any such deposition shall be taken in accordance with the procedural requirements for the taking of depositions provided by the law of the State in which the hearing is pending.*†

§ 202.21 *Issuance of subpenas; requisites of application for.* Any member of the Board may issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence, or documents that relate to any matter under investigation or in question, before the Board, its member, agent, or agency, conducting the hearing or investigation. Applications for subpenas may be filed by any party prior to the hearing with the Regional Director. The Regional Director may grant or deny the application, or may refer it to the Trial Examiner, who may thereafter grant or deny the application. Application for subpenas made during the hearing shall be made to the Trial Examiner who may grant or deny the application. Such applications shall be timely, and shall specify the name of the witness and the nature of the facts to be proved by him, and, if calling for documents, must specify the same with such particularity as will enable them to be identified for purposes of production.*†

§ 202.22 *Payment of witness fees and mileage; fees of persons taking depositions.* Witnesses summoned before the Trial Examiner shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and the person taking the deposition shall be paid by the party at whose instance the deposition is taken.*†

*Hearing*

§ 202.23 *Who shall conduct; to be public unless otherwise ordered.* The hearing for the purpose of taking evidence upon a complaint shall be conducted by a Trial Examiner designated by the Board or the Chief Trial Examiner. At any time a Trial Examiner may be designated to take the place of the Trial Examiner previously designated to conduct the hearing. Such hearings shall be public, unless otherwise ordered by the Trial Examiner.*†

§ 202.24 *Duty of trial examiner; powers of Board counsel and trial examiner.* It shall be the duty of the Trial Examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice affecting commerce as set forth in the complaint or amended complaint. Counsel for the Board, and the Trial Examiner, shall have power to call, examine, and cross-examine witnesses and to introduce into the record documentary or other evidence*†

§ 202.25 *Rights of parties.* Any party shall have the right to appear at such hearing in person, by counsel, or otherwise, to call, examine, and cross-examine witnesses, and to introduce into the record documentary or other evidence.*†

§ 202.26 *Rules of evidence not controlling.* In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling.*†

§ 202.27 *Stipulations of fact admissible.* In any such proceeding stipulations of fact may be introduced in evidence with respect to any issue.*†

§ 202.28 *Objections to conduct of hearing; how made; objections not waived by further participation.* Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing; accompanied by a short statement of the grounds of such objection, and included in the record No such objection shall be deemed waived by further participation in the hearing*†

§ 202.29 *Filing of briefs with trial examiner and oral argument at hearing.* Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall not be included in the stenographic report of the hearing unless the Trial Examiner so directs. Any party shall be entitled, upon request made at or before the close of the hearing, to file a brief with the Trial Examiner, who may fix the time for such filing.*†

§ 202.30 *Continuance and adjournment.* In the discretion of the Trial Examiner, the hearing may be continued from day to day, or adjourned to a later date or to a different place, by announcement thereof at the hearing by the Trial Examiner, or by other appropriate notice. The Chief Trial Examiner may, at any time prior to the service of the Intermediate Report, upon appropriate notice to the parties, direct that the hearing be reopened.*†

[1] A blank form for making a charge will be supplied by the Regional Director upon request.

§ 202.31 *Contemptuous conduct; refusal of witness to answer questions.* Contemptuous conduct at any hearing before a Trial Examiner or before the Board shall be ground for exclusion from the hearing. The refusal of a witness at any such hearing to answer any question which has been ruled to be proper shall, in the discretion of the Trial Examiner, be ground for the striking out of all testimony previously given by such witness on related matters.*†

*Intermediate Report and Transfer of Case to the Board*

§ 202.32 *Intermediate report; contents; service; transfer of case to Board.* After a hearing for the purpose of taking evidence upon a complaint, the Trial Examiner shall prepare an Intermediate Report. Such report shall contain (a) findings of fact, and (b) recommendations as to what disposition of the case should be made, which may include, if it be found that the respondent has engaged in or is engaging in the alleged unfair labor practice, a recommendation for such affirmative action by the respondent as will affectuate the policies of the Act. The Intermediate Report shall be filed with the Regional Director issuing the complaint, who will thereafter transmit the original of the Intermediate Report to the Board in Washington, D. C., and cause a copy thereof to be served upon each of the parties. Immediately upon receipt by the Board in Washington, D. C., from the Regional Director of the Intermediate Report, the Board shall enter an order transferring the case to the Board and shall serve copies of the order, setting forth the date of such transfer, upon each of the parties and the Regional Director. Immediately upon receipt of the order issued by the Board, the Regional Director shall forward to the Board in Washington, D. C., the charge upon which the complaint was issued and any amendments thereto, the complaint and any amendments thereto, notice of hearing, answer and any amendments thereto, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which, together with the Intermediate Report and exceptions, shall constitute the record in the case.*†

*Exceptions to the Record and Proceeding*

§ 202.33 *Exceptions; time for filing; where to file; service on parties; extension of time; effect of failure to include matter in exception.* Within twenty days from the date of the entry of the order transferring the case to the Board, pursuant to section 202.32, any party may file with the Board at Washington, D. C., an original and four copies of a statement in writing setting forth such exceptions to the Intermediate Report or to any other part of the record or proceeding (including rulings upon all motions or objections) as he relies upon. Immediately upon the filing of the statement of exceptions the party filing the same shall serve a copy thereof upon each of the other parties and shall file a copy with the Regional Director. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions.

No matter not included in a statement of exceptions may thereafter be objected to before the Board, and failure to file a statement of exceptions shall operate as a submission of the case to the Board on the record.*†

§ 202.34 *Filing of motion after transfer of case to Board.* All motions filed after the case has been transferred to the Board, pursuant to section 202.32, shall be filed with the Board in Washington, D. C., by transmitting an original and three copies thereof and serving additional copies upon the Regional Director and upon each of the parties.*†

*Procedure Before the Board*

§ 202.35. *Action of Board upon expiration of time to file exception to intermediate report; oral arguments before, and filing of briefs with Board; action of Board where trial examiner finds no unfair labor practices and no exceptions filed; reopening of record.* Upon the expiration of the period for filing a statement of exceptions, as provided in section 202.33, the Board may decide the matter forthwith upon the record, or after the filing of briefs, or after oral argument, or may reopen the record and receive further evidence before a member of the Board or other agent or agency, or may close the case upon compliance with the recommendations of the Intermediate Report, or may make other disposition of the case. Should any party desire permission to argue orally before the Board or permission to file brief with the Board, request therefor must be made in writing to the Board within twenty days after the date of the order transferring the case to the Board pursuant to section 202.32. The Board shall notify the parties of the time and place for the submission of briefs or oral argument, if such permission is granted, and shall notify the parties of the time and place for the taking of further evidence.

Where the Trial Examiner has found in his Intermediate Report that the respondent has not engaged in and is not engaging in any of the alleged unfair labor practices affecting commerce, and no exceptions have been filed within the period for filing a statement of exceptions, as provided for in section 202.33, the case shall be considered closed. The Board may, upon motion made within a reasonable period and upon proper cause shown, reopen the record for further proceedings in accordance with this section.*†

§ 202.36 *Proceedings before Board; filing charges with Board; transfer of charge and proceedings from Region to Board or to another Region; consolidation of proceedings in same Region; severance.* Whenever the Board deems it necessary in order to effectuate the purposes of the Act, it may permit a charge to be filed with it, in Washington, D. C., or may, at any time after a charge has been filed with a Regional Director pursuant to section 202.2, order that such charge, and any proceeding which may have been instituted in respect thereto—

(a) be transferred to and continued before it, for the purpose of consolidation with any other proceeding which may have been instituted by the Board, or for any other purpose; or

(b) be consolidated for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same Region; or

(c) be transferred to and continued in any other Region, for the purpose of consolidation with any proceeding which may have been instituted in or transferred to such other Region, or for any other purposes.

(d) be severed from any other proceeding with which it may have been consolidated pursuant to this Section.

The provisions of sections 202.3 to 202.31, inclusive, shall, in so far as applicable, apply to proceedings before the Board pursuant to this section, and the powers granted to Regional Directors in such provisions shall, for the purpose of this section, be reserved to and exercised by the Board. After the transfer of any charge and any proceeding which may have been instituted in respect thereto from one Region to another pursuant to this section, the provisions of sections 202.3 to 202.35, inclusive, shall apply to such charge and such proceeding as if the charge had originally been filed in the Region to which the transfer is made.*†

§ 202.37 *Procedure before Board in cases over which it has assumed jurisdiction.* After a hearing for the purpose of taking evidence upon the complaint in any proceeding over which the Board has assumed jurisdiction in accordance with section 202.36, the Board may—

(a) direct that the Trial Examiner prepare an Intermediate Report, in which case the provisions of sections 202.32 to 202.35, inclusive, shall in so far as applicable govern subsequent procedure, and the powers granted to Regional Directors in such provisions shall for the purpose of this section be reserved to and exercised by the Board; or

(b) reopen the record and receive further evidence, or require the taking of further evidence before a member of the Board, or other agent or agency; or

(c) issue proposed findings of fact, proposed conclusions of law and proposed order; or

(d) make other disposition of the case.

If any party desires to take exception to the proposed findings of fact, proposed conclusions of law, and proposed order, issued pursuant to paragraph (c) of this section, he shall, within twenty days from the date of receipt thereof, file with the Board at Washington, D. C., an original and three copies of a statement in writing setting forth such exceptions as he relies upon and shall serve a copy thereof upon each of the other parties and the Regional Director. Upon proper cause shown, the Board may extend the period within which to file a statement of exceptions.

Should any party desire permission to argue orally before the Board or to file a brief with the Board, request therefor must be made in writing to the Board within twenty days after the receipt of the proposed findings of fact, proposed conclusions of law, and proposed order. The Board shall notify the parties of the time and place for any such submission of briefs and oral argument. Thereafter the Board shall forthwith decide the matter or make other disposition of the case.*†

§ 202.38 *Modification or setting aside of order of Board before record filed in court; action thereafter.* Until a transcript of the record in a case shall have been filed in a court, within the meaning of Section 10 of the Act, the Board may at any time upon reasonable notice modify or set aside, in whole or in part, any findings of fact, conclusions of law, or order made or issued by it. Thereafter the Board may proceed pursuant to section 202.36 or 202.37, or make any other disposition of the case.*†



PART 203—PROCEDURE UNDER SECTION 9 (C) OF THE ACT FOR THE INVESTIGATION AND CERTIFICATION OF REPRESENTATIVES

Sec.


203.1 Petition for investigation and certification of representatives; who may file; where to file; form; jurat; blank forms provided.
203.2 Same; contents.
203.3 Same; investigation by Regional Director upon direction of Board; proviso affecting employer petition; notice of hearing; service of notice.
203.4 Same; motions; interventions; witnesses; subpenas.
203.5 Conduct of hearing.
203.6 Introduction of evidence and rights of parties at hearing.
203.7 Record; what constitutes; transmission to Board.
203.8 Proceedings before Board; oral argument; briefs; further hearing; direction of election; certification of representatives.
203.9 Election procedure; Election Report; Objections; Report on Objections; hearing on Objection; contents of record; action of Board on Objection and hearing.
203.10 Proceedings before Board; filing petition with Board; investigation upon motion of Board; transfer of petition and proceeding from Region to Board or to another Region; consolidation of proceedings in same Region; severance; procedure before Board in cases over which it has assumed jurisdiction.


§ 203.1 *Petition for investigation and certification of representatives; who may file; where to file; form; jurat; blank forms provided.* A petition requesting the Board to investigate and certify under Section 9 (c) of the Act the name or names of the representatives designated or selected for the purpose of collective bargaining may be filed by an employee or any person or labor organization acting on behalf of employees, or by an employer. Except as provided in section 203.10, such petition shall be filed with the Regional Director for the Region wherein the contemplated bargaining unit exists, or, if the contemplated bargaining unit exists in two or more Regions, with the Regional Director for any of such Regions. Such petition shall be in writing, the original being signed and sworn to before any notary public or other person duly authorized by law to administer oaths and take acknowledgments or any agent of the Board authorized to administer oaths or acknowledgments. Three additional copies of the petition shall be filed.[1] *†

§ 203.2 *Same; contents.* (a) Such petition, when filed by an employee or any person or labor organization acting on behalf of employees, shall contain the following:

(1) The name and address of the petitioner.

(2) The name and address of the employer or employers involved, the general nature of their businesses, and the approximate number of their employees.

(3) A description of the bargaining unit which petitioner claims is appropriate and the approximate number of employees in such unit.

(4) The number or percentage of employees in such unit who have designated or selected petitioner to be their representative for collective bargaining.

(5) The names of any other known individuals or labor organizations which claim to represent any of the employees in the alleged bargaining unit.

(6) A brief statement setting forth the nature of the question that has arisen concerning representation.

(7) Any other relevant facts.

(b)—Such petition, when filed by an employer, shall contain the following:

(1) The name and address of the petitioner.

(2) The general nature of the business and the approximate number of employees.

(3) A description of the bargaining unit or units claimed by competing labor organizations to be appropriate, and the approximate number of employees in such unit or units.

(4) The names of all known individuals or labor organizations which claim to represent any of the employees in the claimed bargaining unit or units.

(5) A brief statement setting forth that a question or controversy affecting commerce has arisen concerning the representation of employees in that two or more such labor organizations have presented to the employer conflicting claims that each represents a majority of the employees in the unit or units set forth above in paragraph (b) (3).

(6) Any other relevant facts.*†

§ 203.3 *Same; investigation by Regional Director upon direction of Board; proviso affecting employer petition; notice of hearing; service of notice.* If it appears to the Board that an investigation should be instituted it shall so direct and (except as provided in section 203.10) shall authorize the Regional Director to undertake such investigation, and to provide for an appropriate hearing upon due notice, either in conjunction with a proceeding instituted pursuant to section 202.5 of Part 202 of these Rules and Regulations, or otherwise, provided that the Board shall not direct an investigation on a petition filed by an employer unless it appears to the Board that two or more labor organizations have presented to the employer conflicting claims that each represents a majority of the employees in the bargaining unit or units claimed to be appropriate. The Regional Director shall thereupon proceed with such investigation and in connection therewith shall prepare and cause to be served upon the petitioners, upon the employer or employers involved, and upon any known individuals or labor organizations purporting to act as representatives of any employees directly affected by such investigation (all of whom are hereinafter referred to as "the parties"), a notice of hearing upon the question of representation before a Trial Examiner at a time and place fixed therein. A copy of the petition shall be served with such notice of hearing.*†

§ 203.4 *Same; motions; interventions; witnesses; subpenas.* All matters relating to motions, intervention, witnesses and subpenas shall be governed by the provisions of sections 202.14 to 202.22, inclusive, of Part 202 of these Rules and Regulations in so far as applicable, except that references to "the Regional Director issuing the complaint" shall for the purposes of this Article mean the Regional Director issuing the notice of hearing. Motions to dismiss petitions and requests for the withdrawal of petitions, if made prior to the hearing, shall be filed with the Regional Director, and, if made during the hearing, with the Trial Examiner, and shall be referred to the Board for approximate action.*†

§ 203.5 *Conduct of hearing.* The hearing upon the question of representation shall be conducted by a Trial Examiner designated by the Board or the Chief Trial Examiner, and shall be open to the public unless otherwise ordered by the Trial Examiner. At any time a Trial Examiner may be designated to take the place of the Trial Examiner previously designated to conduct the hearing. It shall be the duty of the Trial Examiner to inquire fully into the question of representation. Counsel for the Board, and the Trial Examiner, shall have power to call, examine, and cross-examine witnesses and to introduce into the record documentary and other evidence.*†

§ 203.6 *Introduction of evidence and rights of parties at hearing.* The introduction of evidence at the hearing and the rights of the parties shall be governed by sections 202.25, 202.26, 202.27,

[1] Blank forms for filing such petitions will be supplied by the Regional Director upon request.

202.28, 202.30, and 202.31 of Part 202 of these Rules and Regulations, in so far as applicable.*†

§ 203.7 *Record; what constitutes; transmission to Board.* Upon the close of the hearing the Regional Director shall forward to the Board in Washington, D. C., the petition, notice of hearing, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, documentary evidence, and depositions, all of which shall constitute the record in the proceeding.*

§ 203.8 *Proceedings before Board; oral argument; briefs; further hearing; direction of election; certification of representatives.* The Board shall thereupon proceed, either forthwith upon the record, or after oral argument or the submission of briefs, or after further hearing, as it may determine, to direct a secret ballot of the employees in order to complete the investigation, or to certify to the parties the name or names of the representatives that have been designated or selected, or to make other disposition of the matter. Should any party desire permission to argue orally before the Board or to file a brief with the Board, request therefor must be made in writing to the Board within five days after the close of the hearing.*†

§ 203.9 *Election procedure; Election Report; Objections; Report on Objections; hearing on Objection; contents of record; action of Board on Objection and hearing.* Where the Board determines that a secret ballot should be taken, it shall direct such ballot to be conducted by a designated agent upon such terms as it may specify. Upon the conclusion of such ballot the agent conducting the ballot shall prepare an Election Report containing a tally of the ballots, his rulings, if any, upon challenged ballots, and his findings and recommendations, which he shall cause to be served upon the parties. Within five days thereafter the parties may file with the agent conducting the ballot an original and three copies of Objections to the conduct of the ballot or the Election Report. Copies thereof shall be served upon each of the other parties.

If no Objections are filed, the agent conducting the ballot shall forward to the Board in Washington, D. C., his Election Report which, together with the record previously made, shall constitute the record in the case.

If Objections are duly filed, the agent conducting the ballot shall investigate the matters contained in the Objections and shall prepare and serve upon the parties his Report on Objections based upon such investigation which, together with the Election Report and Objections, he shall forward to the Board in Washington, D. C.

If it appears to the Board that any such Objections raise substantial and material issues with respect to the conduct of the ballot, the Board shall direct the agent conducting the ballot to issue and cause to be served upon the parties a notice of hearing on said Objections before a Trial Examiner designated by the Board or the Chief Trial Examiner. The hearing shall be conducted in accordance with the provisions of sections 203.4, 203.5 and 203.6, in so far as applicable. Upon the close of the hearing, the agent conducting the ballot shall forward to the Board in Washington, D. C., the notice of hearing, motions, rulings, orders, stenographic report of the hearing, stipulations, exceptions, documentary evidence, all of which, together with the Election Report, the Objections, the Report on Objections, and the record previously made, shall constitute the record in the case. The Board shall thereupon proceed pursuant to section 203.8.

If it appears to the Board that such Objections do not raise substantial and material issues with respect to the conduct of the ballot or the Election Report, the Election Report and Objections filed thereto, together with the Report on Objections and the record previously made, shall constitute the record in the case. The Board shall thereupon proceed as set forth in section 203.8.*†

§ 203.10 *Proceedings before Board; filing petition with Board; investigation upon motion of Board; transfer of petition and proceeding from region to Board or to another Region; consolidation of proceedings in same Region; severance; procedure before Board in cases over which it has assumed jurisdiction.* Whenever the Board deems it necessary in order to effectuate the purposes of the Act, it may—

(a) permit a petition requesting an investigation and certification to be filed with it, and may upon the filing of such petition proceed to conduct an investigation under Section 9 (c) of the Act, or direct any Regional Director, or other agent or agency, to conduct such an investigation; or

(b) upon its own motion conduct, or direct any member, Regional Director, or other agent or agency to conduct an investigation under Section 9 (c) of the Act; or

(c) at any time after a petition has been filed with a Regional Director pursuant to section 203.1, order that such petition, and any proceeding which may have been instituted in respect thereto—

(1) be transferred to and continued before it, for the purpose of consolidation with any proceeding which may have been instituted by the Board, or for any other purpose; or

(2) be consolidated, for the purpose of hearing, or for any other purpose, with any other proceeding which may have been instituted in the same Region; or

(3) be transferred to and continued in any other Region, for the purpose of consolidation with any proceeding which may have been instituted in such other Region, or for any other purpose,

(4) be severed from any other proceeding with which it may have been consolidated.

The provisions of sections 203.1 to 203.10, inclusive, shall, in so far as applicable, apply to proceedings conducted pursuant to paragraphs (a), (b), and (c) (1) of this section, and the powers granted to Regional Directors in such provisions shall for the purpose of this section be reserved to and exercised by the Board, or by the Regional Director, or other agent or agency, directed to conduct the investigation. After the transfer of any petition and any proceeding which may have been instituted in respect thereto from one Region to another pursuant to subparagraph (c) (3) of this section, the provisions of sections 203.1 to 203.10, inclusive, shall apply to such proceeding as if the Board had originally directed that the investigation be conducted in the Region to which the transfer is made.*†

PART 204—DESIGNATION OF REGIONAL DIRECTORS, EXAMINERS, AND ATTORNEYS AS AGENTS OF THE BOARD

Sec.
204.1 Powers and duties of Regional Directors.
204.2 Powers and duties of examiners.
204.3 Powers and duties of attorneys.
204.4 Special designation of agents.

§ 204.1 *Powers and duties of Regional Directors.* All Regional Directors now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigations, in accordance with Section 9 (c) of the Act.

(c) To issue and cause to be served complaints, to amend complaints, and to conduct hearings upon such complaints, in accordance with Section 10 (b) of the Act.

(d) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with Section 11 (1) of the Act.*†

§ 204.2 *Powers and duties of examiners.* All Examiners now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.

(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees), in accordance with Section 9 (c) of the Act.

(c) To have access to and the right to copy evidence, and to administer oaths and affirmations, in accordance with Section 11 (1) of the Act.*†

§ 204.3 *Powers and duties of attorneys.* All attorneys now or hereafter in the employ of the Board are herewith designated by the Board as its agents:

(a) To prosecute any inquiry necessary to the functions of the Board, in accordance with Section 5 of the Act.



(b) To investigate concerning the representation of employees (including the taking of secret ballots of employees) and conduct hearings in connection with such investigation, in accordance with Section 9 (c) of the Act.

(c) To amend complaints issued under Section 10 (b) of the Act and to conduct hearings upon complaints issued in accordance with Section 10 (b) of the Act.

(d) To have access to and the right to copy evidence, to administer oaths and affirmations, to examine witnesses, and to receive evidence, in accordance with Section 11 (1) of the Act.*†

§ 204.4 *Special designation of agents.* The foregoing designations shall not be construed to limit the power of the Board to make such special designation of agents as may in its discretion be necessary or proper to effectuate the purposes of the Act.*†

PART 205—SERVICE OF PAPERS

Sec.
205.1 Service of process and papers; proof of service.
205.2 Same; by parties; proof of service.

§ 205.1 *Service of process and papers; proof of service.* Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service shall be proof of the same, and the return post-office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same.*†

§ 205.2 *Same; by parties; proof of service.* Service of papers by a party on other parties shall be made by registered mail or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. When service is made by registered mail, the return post-office receipt shall be proof of service. When service is made in any manner provided by such law, proof of service shall be made in accordance with such law.*†

PART 206—CERTIFICATION AND SIGNATURE OF DOCUMENTS

Sec.
206.1 Certification of papers and documents.
206.2 Signature of orders and complaints.

§ 206.1 *Certification of papers and documents.* The Secretary of the Board, or in the event of his absence or disability, the Assistant Secretary of the Board, shall certify copies of all papers and documents which are a part of any of the files or records of the Board as may be necessary or desirable from time to time.*†

§ 206.2 *Signature of orders and complaints.* The Secretary of the Board, or in the event of his absence or disability, the Assistant Secretary of the Board, is hereby authorized to sign all orders of the Board, and sign and issue all complaints authorized to be issued by the Board.*†

PART 207—CONSTRUCTION OF RULES

§ 207.1 *Rules to be liberally construed.* These Rules and Regulations in Parts 201 to 208, inclusive, shall be liberally construed to effectuate the purposes and provisions of the Act.*†

PART 208—AMENDMENTS

§ 208.1 *Amendment or rescission of rules.* Any rule or regulation may be amended or rescinded by the Board at any time.*†

[F. R. Doc. 39-2489; Filed, July 11, 1939; 4:01 p. m.]

## TITLE 43—PUBLIC LANDS

### OFFICE OF THE SECRETARY

[Order No. 1397]

ORDER AMENDING THE REGULATIONS COVERING ADMISSION OF ATTORNEYS AND AGENTS TO PRACTICE BEFORE THE DEPARTMENT

JUNE 29, 1939.

Under the authority conferred upon the Secretary of the Interior by section 5 of the act of July 4, 1884 (23 Stat. 101, 5 U.S.C. 493), and Section 161 of the Revised Statutes (5 U.S.C. 22), and in the exercise of the inherent power of the Secretary of the Interior, the following regulation is hereby promulgated and ordered to be inserted between the eighth and ninth regulations heretofore promulgated on September 27, 1917 (46 L.D. 206), and in substitution of Regulation 8-a promulgated by me on March 24, 1933, in Order No. 615 (54 I.D. 194):

8-a. (1) No person shall appear before the Department or before any bureau, board, division or other agency thereof as attorney, agent or practitioner in any matter to which as an officer or employee of the United States he gave personal consideration or as to the facts of which he gained knowledge while in the Government service. No person shall knowingly (a) assist a person who has been employed by a client to represent him before the Department of the Interior in connection with any matter to which such person gave personal consideration or as to the facts of which such person gained personal knowledge while in the Government service, (b) accept assistance from any such person in connection with any such matter, or (c) share fees with any such person in connection with any such matter.

(2) No former officer, clerk or employee of the Department of the Interior shall act as attorney, agent or practitioner or as the employee of an attorney, agent or practitioner within two years after the termination of such employment with the Department in any matter pending in such Department during the period of his employment therein, unless he shall first obtain the written consent thereto of the Secretary of the Interior or his duly authorized representative. Such applicant shall file an application in the form of an affidavit to the effect that he gave no personal consideration to such matter, and had no knowledge of the facts involved in such matter while he was employed in the Department, and that he is not now associated with, and will not be associated with, any former employee who has gained knowledge of the case while employed by the Department of the Interior, and his employment is not prohibited by Title 5, section 99, United States Code, or other law, or by the regulations of the Department of the Interior. The statements contained in such affidavit shall not be sufficient if disproved by an examination of the files, records and facts pertaining to the case. Such affidavit should state the former connection of the applicant with the Department and identify the matter in which the applicant desires to appear. The application should be directed to the Secretary of the Interior. The applicant shall be promptly advised as to his privilege to appear in the particular matter, and this notice shall be filed by him in the record of the case.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 39-2520; Filed, July 13, 1939; 9:17 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

POSTPONEMENT OF EFFECTIVE DATE OF SECOND PARAGRAPH OF RULE 27 OF TARIFF CIRCULAR 20

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the eleventh day of July, A. D. 1939.

The Commission having under consideration the petition dated May 25, 1939, filed on behalf of all carriers by B. T. Jones, their duly authorized agent, requesting further postponement from July 20, 1939, of the effective date of the second paragraph of Rule 27[1] of Tariff Circular 20 in all tariffs containing routing in accordance with Plan (2) of Rule 4 (k) of Tariff Circular 20;

*It is ordered*, That the date shown in the second paragraph of Rule 27 of Tariff Circular 20 as heretofore extended to read July 20, 1939, is hereby further extended until July 20, 1940: *Provided, however*, That such extension shall be effective only as to tariffs which publish routing in the manner provided in Plan (2) of Rule 4 (k) of Tariff Circular 20.

By the Commission, division 2.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-2527; Filed, July 13, 1939 12:08 p. m.]

[1] 3 F.R. 1719 DI.

## *Notices*

### DEPARTMENT OF THE INTERIOR.

**National Bituminous Coal Commission.**

[General Docket No. 15]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS: IN RE MINIMUM PRICES AS COORDINATED FOR DISTRICTS NOS. 9, 10, 11, 12, 13, 14 AND 15

AN ORDER FOR AND NOTICE OF FINAL HEARING IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS PRODUCED IN DISTRICTS NOS. 9, 10, 11, 12, 13, 14 AND 15

[*The Order for and Notice of Final Hearing and the schedules of proposed coordinated minimum prices for Districts Nos. 9 and 10 appeared in the Federal Register for Thursday, July 13, 1939.*]

SCHEDULE OF PROPOSED COORDINATED MINIMUM PRICES FOR DISTRICT NO. 11

FOR ALL SHIPMENTS EXCEPT TRUCK

*Explanatory*

This schedule of prices is designed to show an f. o. b. mine price for all sizes of coal, from all mines in District No. 11, to all destinations in all market areas.

Wherever expedient, differences in freight rates between mines are absorbed in the f. o. b. mine prices shown on the price tables. In such cases the price tables are captioned "Based on actual freight rates."

In cases where the destination points in an area could be segregated into two or more groups, this was done and a separate price table made for each group and such tables as are captioned "Based on actual freight rates" reflect the differences in freight rates between mines.

Where freight rate differences to numerous destination points within a market area are not uniform it was necessary to set up deduction tables. In these tables the destination points are arranged alphabetically and the amount of deduction for each mine by index number, or each group of mines by mine origin group number, is shown. The caption of each of these tables shows whether the deduction is set up by mine index number or by mine origin group number.

The price tables for such areas as have freight rate adjustments are captioned "Subject to deductions for freight rate differentials."

In all areas where there are deductions for freight rate differences, such deductions are set out on the page or pages immediately following the price table.

Price Instructions and Exceptions

Item No. 1. The prices published herein are in cents per net ton of 2,000 pounds and apply f. o. b. transportation facilities at mines on all coal produced by code members at mines located in the district shown on the title page hereof.

Item No. 2. The prices published in this schedule are subject to the established Marketing Rules and Regulations and the Rules and Regulations governing distributors.

Item No. 3. All prices shown herein are for payment in United States funds.

Item No. 4. All size designations are for round hole screens. When screens having other types of openings are used and the percentage of over-size, as determined in accordance with the method of test prescribed by A.S.T.M. designation D 410–38, exceeds 5%, the price for the next higher size group classification for that mine shall apply.

Item No. 5. The prices herein established for mines shipping by railways shall be applicable to all coal shipped by conveyances other than trucks or wagons.

Item No. 6. Railway Locomotive Fuel prices shall not be used in the sale of coal to railways other than those recognized as common carriers by the Interstate Commerce Commission or by the Canadian Railways Commission.

Item No. 7. The market areas used in this schedule are those areas numerically designated and geographically described in the document entitled "Consuming Market Areas as Proposed by the National Bituminous Coal Commission pursuant to Section 4 of the Bituminous Coal Act of 1937," dated April 24. 1939.

Item No. 8. *Calcium chloride and oil treated coal.* All coals in Size Groups Nos. 1 to 12, inclusive, and 17 to 20, inclusive, treated with oil, wax, calcium chloride, or other dust-allaying or anti-freezing agents, shall be priced 10 cents per ton higher than the same size untreated. On coal in all other size groups, the increase of 10 cents per ton shall apply only during the period April 1 to November 15, inclusive, in each year, and shall not apply during the period November 16 to March 31, inclusive.

Item No. 9. For the mines with Index Numbers 3, 21, and 22, the prices published herein for Size Group No. 14 shall apply to coals included in Size Group No. 26.

Item No. 10. For the mines with Index Numbers 5, 48, and 49, the prices published herein for Size Group No. 14 shall apply to air-cleaned Breaker Screenings included in Size Group No. 33.

Item No. 11. For the mine with Index No. 1, the prices applicable to Size Groups Nos. 1, 2, and 3 shall be 10 cents per ton less than the prices published herein for those size groups.

Item No. 12. For the mine with Index No. 90, the price of dedusted washed screenings, dedusted over screens with openings not larger than 10 mesh shall be 5 cents per ton higher than the price established for Size Groups Nos. 22 and 23.

### *Description of Size Groups*

| Size group No. | Grade | Size dimensions | |
|---|---|---|---|
| | | Top size | Bottom size |
| 1 | Lump | Larger than 4 inches. | |
| | Egg | 9" and larger than 8" | 7" and larger than 6". |
| | Egg | 9" and larger than 8" | 6" and larger than 5". |
| | Egg | 9" and larger than 8" | 5" and larger than 4". |
| | Egg | 8" and larger than 7" | 6" and larger than 5". |
| | Egg | 8" and larger than 7" | 5" and larger than 4". |
| | Egg | 7" and larger than 6" | 5" and larger than 4". |
| | Egg | 6" and larger than 5" | 5" and larger than 4". |
| 2 | Lump | Larger than 3" but not exceeding 4". | |
| | Egg | 9" and larger than 8" | 4" and larger than 3". |
| | Egg | 8" and larger than 7" | 4" and larger than 3". |
| | Egg | 7" and larger than 6" | 4" and larger than 3". |
| | Egg | 6" and larger than 5" | 4" and larger than 3". |
| | Egg | 5" and larger than 4" | 4" and larger than 3". |
| 3 | Lump | Larger than 2" but not exceeding 3". | |
| | Egg | 9" and larger than 8" | 3" and larger than 2". |
| | Egg | 8" and larger than 7" | 3" and larger than 2". |
| | Egg | 7" and larger than 6" | 3" and larger than 2". |
| | Egg | 6" and larger than 5" | 3" and larger than 2". |
| | Egg | 5" and larger than 4" | 3" and larger than 2". |
| | Egg | 4" and larger than 3" | 3" and larger than 2". |
| | Egg | | |
| | Lump | Larger than 1¼" but not exceeding 2". | |
| | Egg | 9" and larger than 8" | 2" and larger than 1¼". |
| | Egg | 8" and larger than 7" | 2" and larger than 1¼". |
| | Egg | 7" and larger than 6" | 2" and larger than 1¼". |
| | Egg | 6" and larger than 5" | 2" and larger than 1¼". |
| | Egg | 5" and larger than 4" | 2" and larger than 1¼". |
| | Egg | 4" and larger than 3" | 2" and larger than 1¼". |
| 5 | Nut | 3" and larger than 2" | 2" and larger than 1¼". |
| 6 | Lump | 1¼" and smaller. | |



*Description of Size Groups*—Continued

| Size group No. | Grade | Size dimensions | |
|---|---|---|---|
| | | Top size | Bottom size |
| 26 | Screenings (Dry Dedusted) | 1¼" and larger than ¾" | Fines are the resultant coal which passes through a screen with openings not larger than ¾". Not more than 50 per cent of ¾" minus shall be removed, except that there shall be no limit to the per cent of fines removed through the use of fixed grizzly bars or screens with openings not larger than 8 mesh. |
| 27 | Special stoker (Dry Dedusted) | ¾" and smaller | 8 Mesh and larger than 28 Mesh. |
| 28 | Carbon (Dry Dedusted) | ¾" and smaller (District No. 11 produces no coal applicable to this size group.) | Not larger than 28 Mesh. |
| | | Top Size | Bottom Size |
| 29 | Screenings (Water Dedusted) | 2" and larger than 1¼" | 10 Mesh and smaller. |
| 30 | Screenings (Water Dedusted) | 1¼" and larger than ¾" | 10 Mesh and smaller. |
| 31 | Carbon (Water Dedusted) | ¾" and smaller | 10 Mesh and smaller. |
| 32 | Breaker Screenings (Washed or air-cleaned). | Raw Screenings made by crushing or breaking, in a Bradford or similar type of breaker, only such coal as is rejected from the picking tables in the hand-picking process of cleaning coarse sizes. | |
| 33 | Breaker Screenings (Washed or air-cleaned). | Washed or air-cleaned Screenings made by crushing or breaking, in a Bradford or similar type of breaker, only such coal as is rejected from the picking tables, in the hand-picking process of cleaning coarse sizes, and which are subsequently washed or air-cleaned. | |
| 34 | Picking Table Refuse | Coal rejected from the picking tables, in the hand-picking process of cleaning coarse sizes, and which has not passed through a breaker. | |

*Identification of Symbols for Subdistricts and Veins of Coal*

| Subdistrict symbol: | *Identification* |
|---|---|
| BC | Brazil-Clinton district. |
| LS | Linton-Sullivan district. |
| PA | Princeton-Ayrshire district. |
| BO | Boonville district. |
| EV | Evansville district. |

*Identification of Symbols for Subdistricts and Veins of Coal*—Con.

| Coal vein symbol: | *Identification* |
|---|---|
| III | Third vein. |
| IV | Fourth vein. |
| V | Fifth vein. |
| VI | Sixth vein. |
| VII | Seventh vein. |
| B | Brazil Block vein. |
| C | Cannel vein. |
| M | Minshall vein. |
| 8B | Semi-Brazil Block vein. |

*Alphabetical List of Code Members*

| Name of code member | Mine | Seam | Subdistrict | Mine Index No. | Mine origin group |
|---|---|---|---|---|---|
| Anka Co., Inc., The | Anka | B | LS | 2 | 60 |
| Arnold Coal Co., Inc. | Arnold | V | LS | 69 | 63 |
| Big Bend Coal & Clay Co. | Big Bend | V | BC | 63 | 53 |
| Binkley Mining Co. | Bobolink | IV | BC | 11 | 45 |
| Binkley Mining Co. | Lucky Strike | V | BO | 57 | 20 |
| Binkley Mining Co. | Mimmi No. 10 | IV | BC | 59 | 52 |
| Birch Creek Coal Co. | Birch Creek | V | BC | 8 | 33 |
| Black Beauty Coal Corp. | Black Beauty | B | PA | 64 | 71 |
| Blackfoot Coal Corp. | Blackfoot | V | PA | 9 | 67 |
| Black Hawk Coal Corp. | Black Hawk | V | LA | 10 | 61 |
| Blanford Coal Mines, Inc. | Blanford | VI | BC | 99 | 40 |
| Bledsoe, Walter & Co. | Saxton | V | BC | 75 | 31 |
| Bronite Ink Coal Sales Corp. | Star Hill No. 2 | V | BO | 81 | 51 |
| Brown Block Coal & Clay Co. | Brown Block | V | BO | 14 | 20 |
| Briggs, Lemuel | Brazil Block | B | BC | 13 | 30 |
| Bucksin Coal Corp. | Bucksin | V | PA | 15 | 71 |
| Central Block Coal Mining Co. | Old Brazil | B | LS | 67 | 80 |

*Description of Size Groups*—Continued

| Size group No. | Grade | Size dimensions | |
|---|---|---|---|
| | | Top size | Bottom size |
| 6 | Egg | 9" and larger than 8" | 1¼" and smaller. |
| | Egg | 8" and larger than 7" | 1¼" and smaller. |
| | Egg | 7" and larger than 6" | 1¼" and smaller. |
| | Egg | 6" and larger than 5" | 1¼" and smaller. |
| | Egg | 5" and larger than 4" | 1¼" and smaller. |
| | Egg | 4" and larger than 3" | 1¼" and smaller. |
| | Nut | Straight nut, 2" x 2" fines removed. | |
| 7 | Mine Run and Resultants | Mine run, modified by the removal of any intermediate size or sizes; no fines removed. All resultants larger than 2 inches; no fines removed. | |
| | | Top size | Bottom size |
| 8 | Nut | 2" and larger than 1¼" | Larger than ¾". |
| 9 | Nut (Not cleaned). Washed or air-cleaned) | 2" and larger than 1¼" | ¾" and larger than ⅜2" or 10 Mesh. |
| 10 | Nut (Not cleaned). | 1¼" and larger than ¾" | Larger than ¾". |
| 11 | Nut (Not cleaned). Washed or air-cleaned). | ¾" and larger than ⅜2" | ⅜2" and larger than ⅜2" or 10 Mesh. |
| | | NOTE.—This size group will also include 1¼" x ¾" air-cleaned breaker nut. | |
| | | Top size | Bottom size |
| 12 | Nut (Not cleaned). Washed or air-cleaned) | ¾" and smaller | Larger than ⅜2" or 10 Mesh. |
| 13 | Screenings (Not cleaned). Washed or air-cleaned) | 2" and larger than 1¼"; no fines removed. | |
| 14 | Screenings (Not cleaned). Washed or air-cleaned) | 1¼" and larger than ¾"; no fines removed. | |
| 15 | Carbon (Not cleaned). Washed or air-cleaned) | ¾" and smaller, but larger than ⅜2" or 10 Mesh; no fines removed. | |
| 16 | Dust (Not cleaned). Washed or air-cleaned) | ⅜2" or 10 Mesh and smaller; no fines removed. | |
| | | Top size | Bottom size |
| 17 | Nut (Washed or air-cleaned) | 2" and larger than 1¼" | ¼" and larger than ⅜2" or 10 Mesh. |
| 18 | Nut (Washed or air-cleaned) | 1¼" and larger than ¾" | Larger than ¼". |
| 19 | Nut (Washed or air-cleaned) | ¾" and smaller | Larger than ⅜2" or 10 Mesh. |
| 20 | Nut (Washed or air-cleaned) | 1¼" and larger than ¾" | Not larger than 10 Mesh. |
| 21 | | | *Water-Cleaned Coal:* One millimeter or equivalent thereof. |
| 22 | Screenings (Washed or air-cleaned). | 2" and larger than 1¼" | *Air-Cleaned Coal:* Shall contain at least 10 per cent of fines that will pass through a 10-mesh screen. |
| 23 | Screenings (Washed or air-cleaned). | 1¼" and larger than ¾" | *Water-Cleaned Coal:* One millimeter or equivalent thereof. *Air-Cleaned Coal:* Shall contain at least 10 per cent of fines that will pass through a 10-mesh screen. |
| 24 | Carbon (Washed or air-cleaned). | ¾" and smaller | *Water-Cleaned Coal:* One millimeter or equivalent thereof. *Air-Cleaned Coal:* Shall contain at least 10 per cent of fines that will pass through a 10-mesh screen, which passes through a declusting screen with openings not larger than ¾". Not more than 50 per cent of ¾" minus shall be removed, except that there shall be no limit to the per cent of fines removed through the use of standard declusters equipped with screens with openings not larger than 8 mesh. |
| 25 | Screenings (Dry Dedusted) | 2" and larger than 1¼" | |

## Alphabetical List of Code Members—Continued

| Name of code member | Mine | Seam | Subdistrict | Mine index No. | Mine origin group |
|---|---|---|---|---|---|
| Central City Mining Co | Central City | IV | LS | 19 | 61 |
| Central Indiana Coal Co | Allendale [1] | VI | LS | 1 | 60 |
| Clinton Coal Co | Crown Hill No. 6 | V | BC | 28 | 40 |
| Clinton Coal Co | Subaurine No. 2 | IV | BC | 86 | 40 |
| Collieries Coal & Coke Co | No. 7 | VII | BC | 24 | 30 |
| Crescent Coal Co | Crescent | V | EV | 27 | 52 |
| Dixon Block Coal Co., Inc | No. 2 | B | LS | 30 | 60 |
| Donihue Creek Coal Co | Donihue Creek | V | PA | 31 | 71 |
| Dugger Domestic Coal Co | No. 2 | VI | LS | 32 | 62 |
| Edgewood Coal Corp | Edgewood | V | BC | 34 | 40 |
| Electric Shovel Coal Corp | Ayrshire [1] | V | PA | 5 | 12 |
| Electric Shovel Coal Corp | Clinton [1] | VI | BC | 22 | 42 |
| Electric Shovel Coal Corp | Staunton | B | BC | 82 | 33 |
| Enos Coal Mining Co., The | Enos | V | PA | 36 | 10 |
| Ferndale Coal Corp | Vermillion No. 1 | V | BC | 93 | 32 |
| G. & F. Coal Co | Staunton | III | BC | 83 | 33 |
| G. & F. Coal Co | Stearley | B | BC | 84 | 35 |
| Glendora Coal Co | No. 28 | V | LS | 40 | 61 |
| Grafe Coal Co | Hoosierville | B | BC | 42 | 33 |
| Hickory Grove Coal Mining Corp | Minnehaha | VI | LS | 60 | 61 |
| Hill Coal Co | Horton | V | EV | 43 | 51 |
| Ingle Coal Co | Wick | V | PA | 96 | 71 |
| Keystone Coal Co | Central City | IV | LS | 20 | 61 |
| Knox Consolidated Coal Corp | No. 1 [1] | V | LS | 48 | 63 |
| Knox Consolidated Coal Corp | No. 2 [1] | V | LS | 49 | 63 |
| Lincoln City Coal Co., Inc | Lone Eagle | VI | BC | 54 | 40 |
| Linton-Summit Coal Co., Inc | Templeton No. 4 | IV | LS | 91 | 61 |
| Linton-Summit Coal Co., Inc | No. 6 | IV | LS | 101 | 61 |
| Linton-Summit Coal Co., Inc | New Hope | V | LS | 63 | 61 |
| Little Daisy Coal Corp | Little Daisy | V | LS | 52 | 61 |
| Lohr-Young Coal Co | Lohr-Young | IV | LS | 53 | 61 |
| Lone Star Coal Co., Inc | Lone Star | III | BC | 55 | 33 |
| Lost Forty Coal Corp | Queen No. 4 | IV | LS | 72 | 61 |
| Mariah Hill Super Block Coal Co | Mariah Hill No. 1 | B | BO | 58 | 20 |
| Mariah Hill Super Block Coal Co | Commodore | B | LS | 26 | 80 |
| Maumee Collieries Co., The | Old Glory No. 17 | B | LS | 68 | 60 |
| Maumee Collieries Co., The | Antioch No. 1 [4] | V | LS | 3 | 64 |
| Maumee Collieries Co., The | Chieftain No. 20 [2] | V | LS | 21 | 61 |
| Maumee Collieries Co | Linton No. 23 | IV | LS | 51 | 61 |
| Maumee Collieries Co | Spon-ler No. 24 | V | LS | 78 | 61 |
| Monarch Coal Co | Monarch | B | LS | 62 | 80 |
| Morgan, Ray | Butler | B | BC | 16 | 33 |
| Morgan, Ray | Linton | VI | LS | 50 | 62 |
| New Liberty Coal Co | New Liberty | V | PA | 64 | 10 |
| Patoka Coal Co | Globe | V | PA | 41 | 10 |
| Peabody Coal Co | No. 48 | IV | LS | 70 | 64 |
| Possum Hollow Coal Co., Inc | Hoosier Queen | SB | LS | 100 | 62 |
| Possum Hollow Coal Co., Inc | Queen | V | LS | 71 | 61 |
| Possum Hollow Mining Corp | Queen Special | III | LS | 56 | 61 |
| Princeton Mining Co | King Station | V | PA | 47 | 72 |
| Rockhill Coal & Clay Co | Rockhill | B | BC | 74 | 33 |
| Sherwood-Templeton Coal Co | Friar Tuck | VI | LS | 38 | 64 |
| Sherwood-Templeton Coal Co | Robin Hood | VI | LS | 73 | 64 |
| Siepman, H. A. Coal Co | Clipper Block | B | LS | 23 | 60 |
| Siepman, H. A. Coal Co | Ebony | VI | LS | 33 | 61 |
| Siepman, H. A. Coal Co | Kingkol | V | LS | 46 | 61 |
| Siepman, H. A. Coal Co | Oak Leaf | V | LS | 65 | 61 |
| Snow Hill Coal Corp | Fayette | IV | BC | 6 | 40 |
| Snow Hill Coal Corp | Talleydale [4] | III | BC | 90 | 40 |
| Spencer Coal Co | Spencer | VI | LS | 77 | 60 |
| Standard Coal Co | Standard | V | PA | 79 | 10 |
| Sternberg Coal Corp | Star Hill No. 1 | V | BO | 80 | 21 |
| Striteimeier, Henry W | Striteimeier | IV | LS | 85 | 61 |
| Sunlight Coal Co | Sunlight No. 11 | V | BO | 87 | 20 |
| Superior Products, Inc | Superior | B | BC | 89 | 33 |
| Super Five, Inc | Super Five | V | BO | 88 | 20 |
| Templeton Coal Co | Glendora No. 27 | V | LS | 99 | 61 |
| 20th Century Coal Co., Inc | 20th Century | V | PA | 92 | 10 |
| Warfield Coal Co | Elberfeld | V | PA | 35 | 71 |
| Western Coal & Supply Co | Miami No. 5 | V | BC | 94 | 32 |
| Winslow Coal Corp | Winslow | V | PA | 97 | 10 |

[1] See price instructions and exceptions Item No. 11.
[2] See price instructions and exceptions Item No. 10.
[3] See price instructions and exceptions Item No. 9.
[4] See price instructions and exceptions Item No. 12.

## Index to Price Tables

| Market area | Destination group No. | Price table No. | Page No. [1] |
|---|---|---|---|
| 15 | All destinations | 17 | |
| 18 | All destinations | 17 | |
| 19 | All destinations | 17 | |
| 20 | All destinations | 1 | |
| 21 | All destinations | 1 | |
| 22 | All destinations | 17 | |
| 23 | 1 | 17 | |
| | 2 | 17 | |
| 24 | All destinations | 17 | |
| 25 | All destinations | 17 | |
| 26 | 1 | 17 | |
| | 2 | 17 | |
| | 3 | 17 | |
| | 4 | 17 | |
| | 5 | 17 | |
| 27 | All destinations | 17 | |
| 28 | All destinations | 17 | |
| 29 | All destinations | 2 | |
| 30 | 1 | 18 | |
| | 2 | 20 | |
| | 3 | 20 | |
| | 4 | 19 | |
| | 5 | 20 | |
| 31 | 1 | 21 | |
| | 2 | 22 | |
| 32 | All destinations | 17 | |
| 33 | All destinations | 23 | |
| 34 | All destinations | 24 | |
| 35 | All destinations | 25 | |
| 36 | All destinations | 25 | |
| 37 | All destinations | 25 | |
| 38 | All destinations | 25 | |
| 39 | All destinations | 25 | |
| 40 | All destinations | 6 | |
| 41 | 1 | 26 | |
| | 2 | 27 | |
| | 3 | 28 | |
| | 4 | 29 | |
| | 5 | 30 | |
| | 6 | 31 | |
| | 7 | 32 | |
| | 8 | 33 | |
| | 9 | 34 | |
| 42 | 1 | 9 | |
| | 2 | 10 | |
| 43 | All destinations | 3 | |
| 44 | All destinations | 3 | |

[1] For prices see tables following:

## Index to Price Tables—Continued

| Market area | Destination group No. | Price table No. | Page No. [1] |
|---|---|---|---|
| 45 | All destinations | 7 | |
| 46 | All destinations | 3 | |
| 47 | All destinations | 5 | |
| 48 | All destinations | 4 | |
| 49 | 1 | 11 | |
| | 2 | 12 | |
| 50 | 1 | 13 | |
| | 2 | 14 | |
| 52 | All destinations | 5 | |
| 53 | All destinations | 5 | |
| 54 | All destinations | 5 | |
| 55 | All destinations | 5 | |
| 56 | All destinations | 7 | |
| 57 | All destinations | 5 | |
| 58 | All destinations | 7 | |
| 59 | All destinations | 5 | |
| 60 | All destinations | 5 | |
| 61 | All destinations | 5 | |
| 62 | All destinations | 5 | |
| 63 | All destinations | 5 | |
| 64 | All destinations | 5 | |
| 65 | All destinations | 5 | |
| 66 | All destinations | 5 | |
| 67 | All destinations | 5 | |
| 68 | All destinations | 5 | |
| 69 | All destinations | 6 | |
| 70 | 1 | 15 | |
| | 2 | 16 | |
| 71 | All destinations | 6 | |
| 72 | All destinations | 6 | |
| 73 | All destinations | 6 | |
| 74 | All destinations | 6 | |
| 103 | All destinations | 8 | |
| 200 | All destinations | 7 | |
| 201 | All destinations | 7 | |
| 202 | All destinations | 7 | |
| 203 | All destinations | 7 | |
| 204 | All destinations | 7 | |
| 205 | All destinations | 7 | |
| 206 | All destinations | 7 | |
| 207 | All destinations | 7 | |
| 208 | All destinations | 7 | |
| 209 | All destinations | 7 | |
| 210 | All destinations | 7 | |
| 211 | All destinations | 7 | |
| All other areas | All destinations | 6 | |



**PRICE TABLE No. 1.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, for All Destinations in Market Areas Nos. 20 and 21; Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

| Mine index number | Subdistrict | Size groups and prices applicable in market areas Nos. 20 and 21 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 10, 21, 48, 49, 63, 65, 69, 71, 78 | LS | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 150 | 140 | 75 | 45 | 180 | 170 | 160 | 130 | 160 | 150 | 110 | | | | 115 | 150 | 180 |
| 5, 9, 15, 31, 35, 36, 41, 64, 79, 92, 96, 97 | PA | 203 | 198 | 193 | 183 | 178 | 173 | 168 | 163 | 153 | 143 | 133 | 68 | 38 | 173 | 163 | 153 | 123 | 153 | 143 | 103 | 158 | 148 | 118 | 108 | 143 | 173 |
| 57, 80, 81, 87, 88 | BO | 200 | 195 | 190 | 180 | 175 | 170 | 165 | 160 | 150 | 140 | 130 | 65 | 35 | 170 | 160 | 150 | 120 | 150 | 140 | 100 | 155 | 145 | 115 | 105 | 140 | 170 |
| 27, 43 | EV | 200 | 195 | 190 | 180 | 175 | 170 | 165 | 160 | 150 | 140 | 130 | 65 | 35 | 170 | | | | 150 | 140 | 100 | | | | 105 | 140 | 170 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | LS | 250 | 245 | 240 | 230 | 225 | 215 | 200 | 205 | 185 | 165 | 155 | 100 | 70 | 200 | 190 | 180 | 150 | 175 | 165 | 125 | | | | 130 | | 215 |
| 47 | PA | 268 | 258 | 253 | 248 | 248 | 213 | 203 | 213 | 178 | 158 | 148 | 98 | 68 | | | | | 168 | 158 | 118 | | | | 123 | 153 | 213 |
| 7, 8, 13, 14, 16, 42, 74, 82, 84, 89, 98 | BC | 285 | 285 | 250 | 240 | 235 | 225 | 210 | 215 | 200 | 165 | 155 | 65 | 45 | | | | | 175 | 165 | 100 | | | | 130 | | 225 |
| 2, 23, 26, 30, 62, 67, 68, 100 | LS | 275 | 245 | 240 | 230 | 225 | 215 | 200 | 205 | 190 | 155 | 145 | 55 | 35 | | | | | 165 | 155 | 90 | | | | 120 | | 215 |
| 58 | BO | 265 | 235 | 230 | 220 | 215 | 205 | 190 | 195 | 180 | 145 | 135 | 45 | 25 | | | | | 155 | 145 | 80 | | | | 110 | | 205 |

**PRICE TABLE No. 2.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, for All Destinations in Market Area No. 29; Subject to Price Instructions an dExceptions but Based on Actual Freight Rates*

| Mine index number | Subdistrict | Size groups and prices applicable in market area No. 29 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 83, 99 | BC | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 145 | 135 | 70 | 50 | | | | | 155 | 145 | 105 | | | | 130 | | 185 |
| 56 | LS | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| 11, 24, 28, 34, 93, 94 | BC | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 145 | 135 | 70 | 60 | | | | | 155 | 145 | 105 | | | | 130 | | 195 |
| 3, 46 | LS | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| 6, 59, 75, 86 | BC | 265 | 260 | 255 | 245 | 240 | 230 | 215 | 220 | 205 | 185 | 175 | 120 | 90 | 215 | 205 | 195 | 165 | 195 | 185 | 145 | | | | 150 | 185 | 230 |
| 39, 40 | LS | 280 | 280 | 280 | 270 | 260 | 250 | 235 | 225 | 195 | 175 | 165 | 115 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | | | | 140 | | 250 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | LS | 255 | 250 | 245 | 240 | 205 | 195 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 165 | 135 | 145 | 125 | 95 | | | | 120 | | 195 |
| 90 | BC | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | | | 90 | 60 | 195 | 185 | 175 | 145 | | | 125 | | | | | | 195 |
| 10, 21, 48, 49, 63, 65, 69, 71, 78 | LS | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 165 | 135 | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| 5, 9, 15, 31, 35, 36, 41, 64, 79, 92, 96, 97 | PA | 203 | 198 | 193 | 183 | 178 | 173 | 168 | 163 | 153 | 143 | 133 | 68 | 38 | 173 | 163 | 153 | 123 | 153 | 143 | 103 | 158 | 148 | 118 | 108 | 143 | 173 |
| 57, 80, 81, 87, 88 | BO | 200 | 195 | 190 | 180 | 175 | 170 | 165 | 160 | 150 | 140 | 130 | 65 | 35 | 170 | 160 | 150 | 120 | 150 | 140 | 100 | 155 | 145 | 115 | 105 | 140 | 170 |
| 27, 43 | EV | 185 | 180 | 175 | 165 | 160 | 155 | 150 | 145 | 135 | 125 | 115 | 50 | 20 | | | | | 135 | 125 | 85 | | | | 90 | 125 | 155 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | LS | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 185 | 155 | 180 | 170 | 130 | | | | 135 | | 220 |
| 47 | PA | 268 | 258 | 253 | 248 | 248 | 213 | 203 | 213 | 178 | 158 | 148 | 98 | 68 | | | | | 168 | 158 | 118 | | | | 123 | 153 | 213 |
| 7, 8, 13, 14, 16, 42, 74, 82, 84, 89, 98 | BC | 290 | 290 | 255 | 245 | 240 | 230 | 215 | 220 | 205 | 170 | 160 | 70 | 50 | | | | | 180 | 170 | 105 | | | | 135 | | 230 |
| 2, 23, 26, 30, 62, 67, 68, 100 | LS | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| 58 | BO | 265 | 235 | 230 | 220 | 215 | 205 | 190 | 195 | 180 | 145 | 135 | 45 | 25 | | | | | 155 | 145 | 80 | | | | 110 | | 20 |

**PRICE TABLE No. 3.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Locomotive Fuel, for All Destinations in Market Areas Nos. 43, 44, 46; Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

| Mine index number | Subdistrict | Size groups and prices applicable in market areas Nos. 43, 44, 46 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 83, 99 | BC | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | 145 | 135 | 95 | | | | 125 | | 175 |
| 56 | LS | 195 | 190 | 185 | 175 | 170 | 165 | 165 | 165 | 155 | 125 | 115 | 50 | 30 | | | | | 135 | 125 | 85 | | | | 110 | | 165 |
| 11, 24, 28, 34, 93, 94 | BC | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| 3, 46 | LS | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 125 | 115 | 50 | 40 | | | | | 135 | 125 | 85 | | | | 110 | | 175 |
| 6, 59, 75, 86 | BC | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| 39, 40 | LS | 270 | 270 | 270 | 260 | 250 | 240 | 225 | 215 | 185 | 165 | 155 | 105 | 70 | 195 | 185 | 175 | 145 | 175 | 165 | 125 | | | | 130 | | 240 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | LS | 245 | 240 | 235 | 200 | 195 | 185 | 175 | 180 | 155 | 125 | 115 | 50 | 30 | 175 | 165 | 155 | 125 | 135 | 115 | 85 | | | | 110 | | 185 |
| 90 | BC | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | | | 80 | 50 | 185 | 175 | 165 | 135 | | | 115 | | | | | | 185 |
| 10, 21, 48, 49, 63, 65, 69, 71, 78 | LS | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 145 | 135 | 70 | 40 | 175 | 165 | 155 | 125 | 155 | 145 | 105 | | | | 110 | 145 | 175 |
| 5, 9, 15, 31, 35, 36, 41, 64, 79, 92, 96, 97 | PA | 198 | 193 | 188 | 178 | 173 | 168 | 163 | 158 | 148 | 138 | 128 | 63 | 33 | 168 | 158 | 148 | 118 | 148 | 138 | 98 | 153 | 143 | 113 | 103 | 138 | 168 |
| 57, 80, 81, 87, 88 | BO | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 135 | 125 | 60 | 30 | 165 | 155 | 145 | 115 | 145 | 135 | 95 | 150 | 140 | 110 | 100 | 135 | 165 |
| 27, 43 | EV | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 135 | 125 | 60 | 30 | 165 | 155 | 145 | 115 | 145 | 135 | 95 | 150 | 140 | 110 | 100 | 135 | 165 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | LS | 245 | 240 | 235 | 225 | 220 | 210 | 195 | 200 | 180 | 160 | 150 | 95 | 65 | 195 | 185 | 175 | 145 | 170 | 160 | 120 | | | | 125 | | 210 |
| 47 | PA | 263 | 253 | 248 | 243 | 243 | 208 | 198 | 208 | 173 | 153 | 143 | 93 | 63 | | | | | 163 | 153 | 113 | | | | 118 | 148 | 208 |
| 7, 8, 13, 14, 16, 42, 74, 82, 84, 89, 98 | BC | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| 2, 23, 26, 30, 62, 67, 68, 100 | LS | 270 | 240 | 235 | 225 | 220 | 210 | 195 | 200 | 185 | 160 | 140 | 50 | 30 | | | | | 160 | 150 | 85 | | | | 115 | | 210 |
| 58 | BO | 260 | 230 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 140 | 130 | 40 | 20 | | | | | 150 | 140 | 75 | | | | 105 | | 200 |

**PRICE TABLE No. 4.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, for All Destinations in Market Area No. 48; Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

| Mine index number | Subdistrict | Size groups and prices applicable in market area No. 48 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 83, 99 | BC | 225 | 220 | 215 | 205 | 200 | 195 | 195 | 195 | 185 | 155 | 145 | 80 | 60 | | | | | 165 | 155 | 115 | | | | 140 | | 195 |
| 56 | LS | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 145 | 135 | 70 | 50 | | | | | 155 | 145 | 105 | | | | 130 | | 185 |
| 11, 24, 28, 34, 93, 94 | BC | 235 | 230 | 225 | 215 | 210 | 205 | 200 | 195 | 185 | 155 | 145 | 80 | 70 | | | | | 165 | 155 | 115 | | | | 140 | | 205 |
| 3, 46 | LS | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 145 | 135 | 70 | 60 | | | | | 155 | 145 | 105 | | | | 130 | | 195 |
| 6, 59, 75, 86 | BC | 275 | 270 | 265 | 255 | 250 | 240 | 225 | 230 | 215 | 195 | 185 | 130 | 100 | 225 | 215 | 205 | 175 | 205 | 195 | 155 | | | | 160 | 195 | 240 |
| 39, 40 | LS | 290 | 290 | 290 | 280 | 270 | 260 | 245 | 235 | 205 | 185 | 175 | 125 | 90 | 215 | 205 | 195 | 165 | 195 | 185 | 145 | | | | 150 | | 260 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | LS | 265 | 260 | 255 | 220 | 215 | 205 | 195 | 200 | 175 | 145 | 135 | 70 | 50 | 195 | 185 | 175 | 145 | 155 | 135 | 105 | | | | 130 | | 205 |
| 90 | BC | 245 | 230 | 225 | 215 | 210 | 205 | 200 | 195 | 185 | | | 100 | 70 | 205 | 195 | 185 | 155 | | | 135 | | | | | | 205 |
| 10, 21, 48, 49, 63, 65, 69, 71, 78 | LS | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 165 | 155 | 90 | 60 | 195 | 185 | 175 | 145 | 175 | 165 | 125 | | | | 130 | 165 | 195 |

**PRICE TABLE No. 4.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, for All Destinations in Market Area No. 48; Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*—Continued

| Mine index number | Subdistrict | Size groups and prices applicable in market area No. 48 | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 5, 9, 15, 31, 35, 36, 41, 64, 79, 92, 96, 97 | PA | 218 | 213 | 208 | 198 | 193 | 188 | 183 | 178 | 168 | 168 | 148 | 83 | 53 | 188 | 178 | 168 | 138 | 108 | 158 | 118 | 173 | 163 | 123 | 123 | 158 | 188 |
| 57, 80, 81, 87, 88 | BO | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| 27, 43 | EV | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | LS | 265 | 260 | 255 | 245 | 240 | 230 | 215 | 220 | 200 | 180 | 170 | 115 | 85 | 215 | 205 | 195 | 165 | 190 | 180 | 140 | ... | ... | ... | 145 | ... | 230 |
| 47 | PA | 283 | 273 | 268 | 263 | 263 | 228 | 218 | 228 | 193 | 173 | 163 | 113 | 83 | ... | ... | ... | ... | 183 | 173 | 133 | ... | ... | ... | 138 | 168 | 228 |
| 7, 8, 13, 14, 16, 42, 74, 82, 84, 89, 98 | BC | 300 | 270 | 265 | 255 | 250 | 240 | 225 | 230 | 215 | 180 | 170 | 80 | 60 | ... | ... | ... | ... | 190 | 180 | 115 | ... | ... | ... | 145 | ... | 240 |
| 2, 23, 26, 30, 62, 67, 68, 100 | LS | 290 | 260 | 255 | 245 | 240 | 230 | 215 | 220 | 205 | 170 | 160 | 70 | 50 | ... | ... | ... | ... | 180 | 170 | 105 | ... | ... | ... | 135 | ... | 230 |
| 58 | BO | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | ... | ... | ... | ... | 170 | 160 | 95 | ... | ... | ... | 125 | ... | 220 |

**PRICE TABLE No. 5.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Locomotive Fuel, for All Destinations in Market Areas Nos. 47, 52, 53, 54, 55, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68; Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

| Mine index number | Subdistrict | Size groups and prices applicable in market areas Nos. 47, 52, 53, 54, 55, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68 | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 83, 99 | BC | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | ... | ... | ... | ... | 145 | 135 | 95 | ... | ... | ... | 120 | ... | 175 |
| 56 | LS | 195 | 190 | 185 | 175 | 170 | 165 | 165 | 165 | 155 | 125 | 115 | 50 | 30 | ... | ... | ... | ... | 135 | 125 | 85 | ... | ... | ... | 110 | ... | 165 |
| 11, 24, 28, 34, 93, 94 | BC | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | ... | ... | ... | ... | 145 | 135 | 95 | ... | ... | ... | 120 | ... | 185 |
| 3, 46 | LS | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 125 | 115 | 50 | 40 | ... | ... | ... | ... | 135 | 125 | 85 | ... | ... | ... | 110 | ... | 175 |
| 6, 59, 75, 86 | BC | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | ... | ... | ... | 140 | 175 | 220 |
| 39, 40 | LS | 270 | 270 | 270 | 260 | 250 | 240 | 225 | 215 | 185 | 165 | 155 | 105 | 70 | 195 | 185 | 175 | 145 | 175 | 165 | 125 | ... | ... | ... | 130 | ... | 240 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | LS | 245 | 240 | 235 | 200 | 195 | 185 | 175 | 180 | 155 | 125 | 115 | 50 | 30 | 175 | 165 | 155 | 125 | 135 | 115 | 85 | ... | ... | ... | 110 | ... | 185 |
| 90 | BC | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | ... | ... | 80 | 50 | 185 | 175 | 165 | 135 | ... | ... | 115 | ... | ... | ... | ... | ... | 185 |
| 10, 21, 48, 49, 63, 65, 69, 71, 78 | LS | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 145 | 135 | 70 | 40 | 175 | 165 | 155 | 125 | 155 | 145 | 105 | ... | ... | ... | 110 | 145 | 175 |
| 5, 9, 15, 31, 35, 36, 41, 64, 79, 92, 96, 97 | PA | 198 | 193 | 188 | 178 | 173 | 168 | 163 | 158 | 148 | 138 | 128 | 63 | 33 | 168 | 158 | 148 | 118 | 148 | 138 | 98 | 153 | 143 | 113 | 103 | 138 | 168 |
| 57, 80, 81, 87, 88 | BO | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 135 | 125 | 60 | 30 | 165 | 155 | 145 | 115 | 145 | 135 | 95 | 150 | 140 | 110 | 100 | 135 | 165 |
| 27, 43 | EV | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 135 | 125 | 60 | 30 | 165 | 155 | 145 | 115 | 145 | 135 | 95 | 150 | 140 | 110 | 100 | 135 | 165 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | LS | 245 | 240 | 235 | 225 | 220 | 210 | 195 | 200 | 180 | 160 | 150 | 95 | 65 | 195 | 185 | 175 | 145 | 170 | 160 | 120 | ... | ... | ... | 125 | ... | 210 |
| 47 | PA | 263 | 253 | 248 | 243 | 243 | 208 | 198 | 208 | 173 | 153 | 143 | 93 | 63 | ... | ... | ... | ... | 163 | 153 | 113 | ... | ... | ... | 118 | 148 | 208 |
| 7, 8, 13, 14, 16, 42, 74, 82, 84, 89, 98 | BC | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | ... | ... | ... | ... | 170 | 160 | 95 | ... | ... | ... | 125 | ... | 220 |
| 2, 23, 26, 30, 62, 67, 68, 100 | LS | 270 | 240 | 235 | 225 | 220 | 210 | 195 | 200 | 185 | 150 | 140 | 50 | 30 | ... | ... | ... | ... | 160 | 150 | 85 | ... | ... | ... | 115 | ... | 210 |
| 58 | BO | 260 | 230 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 140 | 130 | 40 | 20 | ... | ... | ... | ... | 150 | 140 | 75 | ... | ... | ... | 105 | ... | 200 |

**PRICE TABLE No. 6.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 40, 69, 71, 72, 73, 74 and Any Other Market Areas not Specifically Named in This Schedule Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

| Mine index number | Size groups and prices applicable in market areas Nos. 40, 69, 71, 72, 73, 74, and any other market areas not specifically named in this schedule | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 205 | 190 | 185 | 175 | 175 | 170 | 165 | 155 | 145 | 135 | 125 | 65 | 45 | ... | ... | ... | ... | ... | ... | 145 | 135 | 85 | ... | ... | ... | 115 | 150 | 170 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 215 | 200 | 195 | 185 | 185 | 180 | 175 | 165 | 160 | 135 | 125 | 65 | 45 | ... | ... | ... | ... | ... | ... | 145 | 135 | 95 | ... | ... | ... | 115 | 150 | 180 |
| 6, 59, 75, 86 | 240 | 225 | 220 | 210 | 210 | 205 | 200 | 190 | 175 | 165 | 155 | 95 | 75 | 185 | 190 | 180 | 170 | 140 | 175 | 165 | 125 | ... | ... | ... | 130 | 165 | 205 |
| 39, 40 | 250 | 235 | 230 | 215 | 215 | 210 | 205 | 195 | 175 | 165 | 155 | 95 | 75 | 185 | 190 | 180 | 170 | 140 | 175 | 165 | 125 | ... | ... | ... | 130 | 165 | 210 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 240 | 225 | 220 | 185 | 185 | 180 | 175 | 165 | 160 | 135 | 125 | 65 | 45 | 170 | 180 | 170 | 160 | 130 | 145 | 125 | 85 | ... | ... | ... | 115 | 150 | 180 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 215 | 200 | 195 | 185 | 185 | 180 | 175 | 165 | 160 | 150 | 140 | 80 | 60 | 170 | 180 | 170 | 160 | 130 | 160 | 150 | 110 | 165 | 155 | 125 | 115 | 150 | 180 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 240 | 225 | 220 | 210 | 210 | 205 | 200 | 190 | 170 | 160 | 150 | 90 | 70 | 185 | 190 | 180 | 170 | 140 | 170 | 160 | 120 | ... | ... | ... | 130 | 165 | 205 |
| 47 | 250 | 240 | 225 | 215 | 215 | 205 | 200 | 190 | 170 | 160 | 150 | 90 | 70 | ... | ... | ... | ... | ... | 170 | 160 | 120 | ... | ... | ... | 125 | 160 | 205 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 250 | 225 | 220 | 210 | 210 | 205 | 200 | 190 | 175 | 155 | 145 | 65 | 45 | ... | ... | ... | ... | ... | 165 | 155 | 95 | ... | ... | ... | 120 | 155 | 205 |

**PRICE TABLE No. 7.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Locomotive Fuel, for All Destinations in Market Areas Nos. 45, 56, 58, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211; Subject to Price Instruction and Exceptions but Based on Actual Freight Rates*

| Mine index number | Subdistrict | Size groups and prices applicable in market areas Nos. 45, 56, 58, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, and 211 | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 83, 99 | BC | 185 | 180 | 175 | 165 | 160 | 155 | 155 | 155 | 145 | 115 | 105 | 40 | 20 | ... | ... | ... | ... | 125 | 115 | 75 | ... | ... | ... | 100 | ... | 155 |
| 56 | LS | 175 | 170 | 165 | 155 | 150 | 145 | 145 | 145 | 135 | 105 | 95 | 30 | 10 | ... | ... | ... | ... | 115 | 105 | 65 | ... | ... | ... | 90 | ... | 145 |
| 11, 24, 28, 34, 93, 94 | BC | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 115 | 105 | 40 | 30 | ... | ... | ... | ... | 125 | 115 | 75 | ... | ... | ... | 100 | ... | 165 |
| 3, 46 | LS | 185 | 180 | 175 | 165 | 160 | 155 | 150 | 145 | 135 | 105 | 95 | 30 | 20 | ... | ... | ... | ... | 115 | 105 | 65 | ... | ... | ... | 90 | ... | 155 |
| 6, 59, 75, 86 | BC | 235 | 230 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 155 | 145 | 90 | 60 | 185 | 175 | 165 | 135 | 165 | 155 | 115 | ... | ... | ... | 120 | 155 | 200 |
| 39, 40 | LS | 250 | 250 | 250 | 240 | 230 | 220 | 205 | 195 | 165 | 145 | 135 | 85 | 50 | 175 | 165 | 155 | 125 | 155 | 145 | 105 | ... | ... | ... | 110 | ... | 220 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | LS | 225 | 220 | 215 | 180 | 175 | 165 | 155 | 160 | 135 | 105 | 95 | 30 | 10 | 155 | 145 | 135 | 105 | 115 | 95 | 61 | ... | ... | ... | 90 | ... | 165 |
| 90 | BC | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | ... | ... | 60 | 30 | 165 | 155 | 145 | 115 | ... | ... | 95 | ... | ... | ... | ... | ... | 165 |
| 10, 21, 48, 49, 63, 65, 69, 71, 78 | LS | 185 | 180 | 175 | 165 | 160 | 155 | 150 | 145 | 135 | 125 | 115 | 50 | 20 | 155 | 145 | 135 | 105 | 135 | 125 | 85 | ... | ... | ... | 90 | 125 | 155 |
| 5, 9, 15, 31, 35, 36, 41, 64, 79, 92, 96, 97 | PA | 178 | 173 | 168 | 158 | 153 | 148 | 143 | 138 | 128 | 118 | 108 | 43 | 13 | 148 | 138 | 128 | 98 | 128 | 118 | 78 | 133 | 123 | 93 | 83 | 118 | 148 |
| 57, 80, 81, 87, 88 | BO | 175 | 170 | 165 | 155 | 150 | 145 | 140 | 135 | 125 | 115 | 105 | 40 | 10 | 145 | 135 | 125 | 95 | 125 | 115 | 75 | 130 | 120 | 90 | 80 | 115 | 145 |
| 27, 43 | EV | 175 | 170 | 165 | 155 | 150 | 145 | 140 | 135 | 125 | 115 | 105 | 40 | 10 | 145 | 135 | 125 | 95 | 125 | 115 | 75 | 130 | 120 | 90 | 80 | 115 | 145 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | S | 252 | 202 | 152 | 052 | 00 | | | 8 | 016 | 010 | 130 | 75 | 45 | 175 | 165 | 155 | 125 | 150 | 140 | 100 | ... | ... | ... | 105 | ... | 190 |
| 47 | L | 243 | 233 | 228 | 2 | | | | | | | | | | | | | | | | 143 | 133 | 91 | ... | ... | ... | 98 | 128 | 183 |
| 7, 8, 13, 14, 16, 42, 74, 82, 84, 89, 98 | BC | 260 | 230 | 225 | 215 | 210 | 200 | 195 | 190 | 175 | 140 | 130 | 40 | 20 | ... | ... | ... | ... | 150 | 140 | 75 | ... | ... | ... | 105 | ... | 200 |
| 2, 23, 26, 30, 62, 67, 68, 100 | LS | 250 | 220 | 215 | 205 | 200 | 190 | 175 | 180 | 165 | 130 | 120 | 30 | 10 | ... | ... | ... | ... | 140 | 130 | 65 | ... | ... | ... | 95 | ... | 190 |
| 58 | HO | 240 | 210 | 205 | 195 | 190 | 180 | 165 | 170 | 155 | 120 | 110 | 20 | ... | ... | ... | ... | ... | 130 | 120 | 55 | ... | ... | ... | 85 | ... | 180 |

**PRICE TABLE No. 8.**—*Prices F. O. B. Mines for Shipment by Railroad Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 103 Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

| Mine index number | Size groups and prices applicable in market area No. 103 | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 160 | 175 | 170 | 160 | 155 | 150 | 150 | 150 | 140 | 98 | 98 | 68 | 68 | ... | ... | ... | ... | ... | 118 | 118 | 93 | ... | ... | ... | 93 | ... | 150 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 190 | 185 | 180 | 170 | 165 | 160 | 155 | 150 | 140 | 98 | 98 | 68 | 78 | ... | ... | ... | ... | ... | 118 | 118 | 93 | ... | ... | ... | 93 | ... | 160 |
| 6, 59, 75, 86 | 230 | 225 | 220 | 210 | 205 | 195 | 180 | 185 | 170 | 138 | 138 | 118 | 108 | 180 | 175 | 168 | 168 | 138 | 158 | 158 | 133 | ... | ... | ... | 113 | 138 | 195 |
| 39, 40 | 255 | 255 | 255 | 245 | 235 | 225 | 210 | 200 | 170 | 138 | 138 | 123 | 108 | 180 | 175 | 168 | 168 | 138 | 158 | 158 | 133 | ... | ... | ... | 113 | ... | 225 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 230 | 225 | 220 | 185 | 180 | 170 | 160 | 165 | 140 | 98 | 98 | 68 | 68 | 160 | 155 | 148 | 148 | 118 | 118 | 108 | 93 | ... | ... | ... | 93 | ... | 170 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 190 | 185 | 180 | 170 | 165 | 160 | 155 | 150 | 140 | 118 | 118 | 88 | 78 | 160 | 155 | 148 | 148 | 118 | 118 | 138 | 113 | 133 | 133 | 103 | 93 | 118 | 160 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 230 | 225 | 220 | 210 | 205 | 195 | 180 | 185 | 165 | 133 | 133 | 113 | 103 | 180 | 175 | 168 | 168 | 138 | 153 | 153 | 128 | ... | ... | ... | 108 | ... | 195 |
| 47 | 255 | 245 | 240 | 235 | 235 | 200 | 190 | 200 | 165 | 133 | 133 | 118 | 108 | ... | ... | ... | ... | ... | 153 | 153 | 128 | ... | ... | ... | 108 | 128 | 300 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 255 | 225 | 220 | 210 | 205 | 195 | 180 | 185 | 170 | 123 | 123 | 68 | 68 | ... | ... | ... | ... | ... | 143 | 143 | 93 | ... | ... | ... | 98 | ... | 195 |

**PRICE TABLE No. 9.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 42 Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

[Owing to the fact that differentials in freight rates are not uniform to this area, it is divided into two destination groups, prices for which follow in consecutive order in price tables Nos. 9 and 10. All destination points assigned to each destination group in this area are listed alphabetically hereinafter]

| Mine index number | Subdistrict | Size groups and prices applicable in destination group No. 1 in market area No. 42 | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 83, 99 | BC | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | ... | ... | ... | ... | 145 | 135 | 95 | ... | ... | ... | 120 | ... | 175 |
| 56 | LS | 195 | 190 | 185 | 175 | 170 | 165 | 165 | 165 | 155 | 125 | 115 | 50 | 30 | ... | ... | ... | ... | 135 | 125 | 85 | ... | ... | ... | 110 | ... | 165 |
| 11, 24, 28, 34, 93, 94 | BC | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | ... | ... | ... | ... | 145 | 135 | 95 | ... | ... | ... | 120 | ... | 185 |
| 3, 46 | LS | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 125 | 115 | 50 | 40 | ... | ... | ... | ... | 135 | 125 | 85 | ... | ... | ... | 110 | ... | 175 |
| 6, 59, 75, 86 | BC | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | ... | ... | ... | 140 | 175 | 220 |
| 39, 40 | LS | 270 | 270 | 270 | 260 | 250 | 240 | 225 | 215 | 185 | 165 | 155 | 105 | 70 | 195 | 185 | 175 | 145 | 175 | 165 | 125 | ... | ... | ... | 130 | ... | 240 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | LS | 245 | 240 | 235 | 200 | 195 | 185 | 175 | 180 | 155 | 125 | 115 | 50 | 30 | 175 | 165 | 155 | 125 | 135 | 115 | 85 | ... | ... | ... | 110 | ... | 185 |
| 90 | BC | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | ... | ... | 80 | 50 | 185 | 175 | 165 | 135 | ... | ... | 115 | ... | ... | ... | ... | ... | 185 |
| 10, 21, 48, 49, 63, 65, 69, 71, 78 | LS | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 145 | 135 | 70 | 40 | 175 | 165 | 155 | 125 | 155 | 145 | 105 | ... | ... | ... | 110 | 145 | 175 |
| 5, 9, 15, 31, 35, 36, 41, 64, 79, 92, 96, 97 | PA | 198 | 193 | 188 | 178 | 173 | 168 | 163 | 158 | 148 | 138 | 128 | 63 | 33 | 168 | 158 | 148 | 118 | 148 | 138 | 98 | 153 | 143 | 113 | 103 | 138 | 168 |
| 57, 80, 81, 87, 88 | BO | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 135 | 125 | 60 | 30 | 165 | 155 | 145 | 115 | 145 | 135 | 95 | 150 | 140 | 110 | 100 | 135 | 165 |
| 27, 43 | EV | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 135 | 125 | 60 | 30 | 165 | 155 | 145 | 115 | 145 | 135 | 95 | 150 | 140 | 110 | 100 | 135 | 165 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | LS | 245 | 240 | 235 | 225 | 220 | 210 | 195 | 200 | 180 | 160 | 150 | 95 | 65 | 195 | 185 | 175 | 145 | 170 | 160 | 120 | ... | ... | ... | 125 | ... | 210 |
| 47 | PA | 263 | 253 | 248 | 243 | 243 | 208 | 198 | 208 | 173 | 153 | 143 | 93 | 63 | ... | ... | ... | ... | 163 | 153 | 113 | ... | ... | ... | 118 | 148 | 208 |
| 7, 8, 13, 14, 16, 42, 74, 82, 84, 89, 98 | BC | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | ... | ... | ... | ... | 170 | 160 | 95 | ... | ... | ... | 125 | ... | 220 |
| 2, 23, 26, 30, 62, 67, 68, 100 | LS | 270 | 240 | 235 | 225 | 220 | 210 | 195 | 200 | 185 | 150 | 140 | 50 | 30 | ... | ... | ... | ... | 160 | 150 | 85 | ... | ... | ... | 115 | ... | 210 |
| 58 | BO | 260 | 230 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 140 | 130 | 40 | 20 | ... | ... | ... | ... | 150 | 140 | 75 | ... | ... | ... | 105 | ... | 200 |

**PRICE TABLE No. 10.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 42 Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

[Owing to the fact that differentials in freight rates are not uniform to this area, it is divided into two destination groups, prices for which follow in consecutive order in price tables Nos. 9 and 10. All destination points assigned to each destination group in this area are listed alphabetically hereinafter]

| Mine index number | Subdistrict | Size groups and prices applicable in destination group No. 2 in market area No. 42 | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 83, 99 | BC | 210 | 205 | 200 | 190 | 185 | 180 | 180 | 180 | 170 | 140 | 130 | 65 | 45 | ... | ... | ... | ... | 150 | 140 | 100 | ... | ... | ... | 125 | ... | 180 |
| 56 | LS | 200 | 195 | 190 | 180 | 175 | 170 | 170 | 170 | 160 | 130 | 120 | 55 | 35 | ... | ... | ... | ... | 140 | 130 | 90 | ... | ... | ... | 115 | ... | 170 |
| 11, 24, 28, 34, 93, 94 | BC | 220 | 215 | 210 | 200 | 195 | 190 | 185 | 180 | 170 | 140 | 130 | 65 | 55 | ... | ... | ... | ... | 150 | 140 | 100 | ... | ... | ... | 125 | ... | 190 |
| 3, 46 | LS | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 130 | 120 | 55 | 45 | ... | ... | ... | ... | 140 | 130 | 90 | ... | ... | ... | 115 | ... | 180 |
| 6, 59, 75, 86 | BC | 260 | 255 | 250 | 240 | 235 | 225 | 215 | 215 | 200 | 180 | 170 | 115 | 85 | 210 | 200 | 190 | 160 | 190 | 180 | 140 | ... | ... | ... | 145 | 180 | 225 |
| 39, 40 | LS | 275 | 275 | 275 | 265 | 255 | 245 | 230 | 220 | 190 | 170 | 160 | 110 | 75 | 200 | 190 | 180 | 150 | 180 | 170 | 130 | ... | ... | ... | 135 | ... | 245 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | LS | 250 | 245 | 240 | 205 | 200 | 190 | 180 | 185 | 160 | 130 | 120 | 55 | 35 | 180 | 170 | 160 | 130 | 140 | 120 | 90 | ... | ... | ... | 115 | ... | 190 |
| 90 | BC | 220 | 215 | 210 | 200 | 195 | 190 | 185 | 180 | 170 | ... | ... | 85 | 55 | 190 | 180 | 170 | 140 | ... | ... | 120 | ... | ... | ... | ... | ... | 190 |
| 10, 21, 48, 49, 63, 65, 69, 71, 78 | LS | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 150 | 140 | 75 | 45 | 180 | 170 | 160 | 130 | 160 | 150 | 110 | ... | ... | ... | 115 | 150 | 180 |
| 5, 9, 15, 31, 35, 36, 41, 64, 79, 92, 96, 97 | PA | 203 | 198 | 193 | 183 | 178 | 173 | 168 | 163 | 153 | 143 | 133 | 68 | 38 | 173 | 163 | 153 | 123 | 153 | 143 | 103 | 158 | 148 | 118 | 108 | 143 | 170 |
| 57, 80, 81, 87, 88 | BO | 200 | 195 | 190 | 180 | 175 | 170 | 165 | 160 | 150 | 140 | 130 | 65 | 35 | 170 | 160 | 150 | 120 | 150 | 140 | 100 | 155 | 145 | 115 | 105 | 140 | 170 |
| 27, 43 | EV | 200 | 195 | 190 | 180 | 175 | 170 | 165 | 160 | 150 | 140 | 130 | 65 | 35 | 170 | 160 | 150 | 120 | 150 | 140 | 100 | 155 | 145 | 115 | 105 | 140 | 173 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | LS | 250 | 245 | 240 | 230 | 225 | 215 | 200 | 205 | 185 | 165 | 155 | 100 | 70 | 200 | 190 | 180 | 150 | 175 | 165 | 125 | ... | ... | ... | 130 | ... | 215 |
| 47 | PA | 268 | 258 | 253 | 248 | 248 | 213 | 203 | 213 | 178 | 158 | 148 | 98 | 68 | ... | ... | ... | ... | 168 | 158 | 118 | ... | ... | ... | 123 | 153 | 213 |
| 7, 8, 13, 14, 16, 42, 74, 82, 84, 89, 98 | BC | 285 | 255 | 250 | 240 | 235 | 225 | 210 | 250 | 200 | 165 | 155 | 65 | 45 | ... | ... | ... | ... | 175 | 165 | 100 | ... | ... | ... | 130 | ... | 225 |
| 2, 23, 26, 30, 62, 67, 68, 100 | LS | 275 | 245 | 240 | 230 | 225 | 215 | 200 | 205 | 190 | 155 | 145 | 55 | 35 | ... | ... | ... | ... | 165 | 155 | 90 | ... | ... | ... | 120 | ... | 215 |
| 58 | BO | 265 | 235 | 230 | 220 | 215 | 205 | 190 | 195 | 180 | 145 | 135 | 45 | 25 | ... | ... | ... | ... | 155 | 145 | 80 | ... | ... | ... | 110 | ... | 205 |

*List of Points in Destination Group No. 1 in Market Area No. 42*

Afton.
Alaska.
Albany.
Arena.
Argyle.
Arlington.
Astico.
Ashippun.
Avalon.
Avoca.
Bagley.
Bardwell.
Barneveld.
Barnum.
Basco.
Bassetts.
Belleville.
Belmont.
Beloit.
Benton.
Bethesda.
Black Earth.
Blanchardville.
Blue Mounds.
Blue River.
Boscobel.
Bridgeport.
Broadhead.
Brooklyn.
Browntown.
Buncombe.
Burke.
Calamine.
Carey.
Cassville.
Charme.
Clarno.
Clinton Junction.
Clyman.
Clyman Junction.
Cobb.
Columbus.
Cottage Grove.
Crawford.
Cross Plains.
Cuba City.
Darien.
Darlington.
Darwin.
Deansville.
Deerfield.
De Forest.
Delafield.
Delavan.
De Soto.
Dill.
Dodgeville.
Dousman.
Doylestown.
Dunbarton.
Eagle.
Edgerton.
Edmund.
Elkhorn.
Elmo.
Evansville.
Fall River.
Fellows.
Fennimore.
Ferryville.
Fitchburg.
Footville.
Fort Atkinson.
Fox River.
Gays Mills.
Genesee.
Genoa City.
Glen Haven.
Gotham.
Gratiot.
Hanover.
Hartland.
Hartman.
Hazel Green.
Helenville.
Hollandale.
Hubbellton.
Ipswich.
Ironia.
Janesville.
Jefferson.
Jefferson Junction.
Johnson Creek.
Jonesdale.
Juda.
Juneau.
Kievenville.
Koshkonog.
La Farge.
Lake Elizabeth.
Lake Geneva.
Lake Mills.
Lancaster.
Lannon.
Leslie.
Lewiston.
Leyden.
Lima Center.
Livingston.
London.
Lone Rock.
Lynville.

*List of Points in Destination Group No. 1 in Market Area No. 42*—Continued

Lyons.
Madison.
Magnolia.
Martintown.
Mazomanie.
McCartney.
McFarland.
Marshall.
Mendota.
Merton.
Middleton.
Milton.
Milton Junction.
Mineral Point.
Monroe.
Montfort.
Monticella.
Morgans Farm.
Morrisonville.
Mount Horeb.
Muscoda.
Nashotah.
Nashotah Road.
New Glarus.
Nine Springs.
North Lowell.
North Prairie.
Coonomowoc.
Okauchee.
Oregon.
Orfordville.
Palmyra.
Pell Lake.
Perrigo Spur.
Pewaukee.
Pipersville Road.
Platteville.
Portage.
Porters.
Potosi.
Poynette.
Prairie Du chien.
Prairie Du Sac.
Preston.
Readstown.
Reeseville.
Rewey.
Richland Center.
Richwood.
Ridgeway.
Rileys.
Rio.
Riton.
Soldiers Grove.
South Wayne.
Springfield.
Spring Green.
Stearns.
Steuben.
Stitzer.
Stoughton.
Strawbridge.
Sullivan.
Summit.
Summit Center Road.
Sun Prairie.
Tiffany.
Twin Bluffs.
Twin Lakes.
Verona.
Viola.
Wales.
Walworth.
Waterloo.
Watertown.
Waukesha Beach.
Waunakee.
Wauneka.
Whitewater.
Williams Bay.
Windsor.
Woodford.
Woodman.
Wyalusing.
Wyocena.
Zenda.

*List of Points in Destination Group No. 2 in Market Area No. 42*

Allenton.
Barton.
Berryville.
Big Bend.
Birch Road.
Bristol.
Brookfield.
Brown Deer.
Brownsville.
Burlington.
Burnett.
Butler.
Byron.
Caledonia.

*List of Points in Destination Group No. 2 in Market Area No. 42*—Continued

Calhoun.
Campbellsport.
Camp Lake.
Carrollville.
Carrollville Road.
Cedarburg.
Chicory Switch.
Colgate.
Concrete Products.
County Line.
Cudahy.
Dales Siding.
Duplainville.
East Troy.
East Waupun.
Eden.
Elm Grove.
Fonda.
Fond du Lac.
Four Mile Road.
Franksville.
Gatliff.
German Town.
Grange.
Granville.
Hales Corners.
Hamilton.
Hanley Switch.
Hartford.
Holtz Spur.
Honey Creek.
Horicon.
Howard.
Iron Ridge.
Ives.
Jackson.
Jones Crossing.
Kansasville.
Keesus.
Kenosha.
Kewaskum.
Klinkert Road.
Knowles.
Lake.
Lake Beulah.
Lakeside.
Lebanon.
Lomira.
Mapleton.
Mayville.
Menomonee Falls.
Milwaukee.
Minnesota Junction.
Mukwonago.
Muskego Center.
Nasbro.
National Home.
Neda.
New Ice House Spur.
North Lake.
Oak Center.
Oakfield.
Oakwood.
Old Ice House Spur.
Oliver.
Pipers.
Pleasant Prairie.
Racine.
Racine Junction.
Racine Quarry.
Racine Y.
Ranney.
Rawson.
Richfield.
Rockfield.
Rosewood.
Rubicon.
Rugby Junction.
St. Hubert.
St. Martins.
Salem.
Silver Lake.
Six Mile Road.
Slinger.
Somers.
South Byron.
South Kenosha.
South Milwaukee.
Spur 21.
State Home Spur.
Stone Quarry.
Stowell.
Sturtevant.
Swift Ice House Spur.
Sylvania.
Theresa.
Thiensville.
Trevor.
Truessdell.
Union Grove.
Vernon.
Waukesha.
Wauwatosa.
West Bend.
Wheatland.
Woodland.
Woodworth.





PRICE TABLE No. 12.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 49 Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

[Owing to the fact that differentials in freight rates are not uniform to this area it is divided into two destination groups, prices for which follow in consecutive order on price tables Nos. 11 and 12]

| Mine index number | Subdistrict | Size groups and prices applicable to destination group No. 2 in market area No. 49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 83, 99 | BC | 225 | 220 | 215 | 205 | 200 | 195 | 195 | 185 | 155 | 145 | 80 | 60 | | | | | | 105 | 155 | 115 | | | | 140 | | 105 |
| 56 | LS | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 175 | 145 | 135 | 70 | 50 | | | | | | 155 | 145 | 105 | | | | 130 | | 185 |
| 11, 24, 28, 34, 46, 94 | BC | 235 | 230 | 225 | 215 | 210 | 205 | 200 | 195 | 165 | 155 | 80 | 70 | | | | | | 165 | 155 | 115 | | | | 140 | | 205 |
| 3, 45 | LS | 225 | 220 | 215 | 205 | 200 | 195 | 195 | 185 | 155 | 145 | 80 | 60 | | | | | | 155 | 145 | 105 | | | | 130 | | 185 |
| 6, 59, 75, 86 | HC | 275 | 270 | 260 | 255 | 245 | 240 | 225 | 230 | 215 | 195 | 130 | 100 | 225 | 215 | 205 | 175 | 205 | 195 | 195 | 155 | | | | 160 | 195 | 240 |
| 30, 40 | LS | 290 | 290 | 280 | 280 | 270 | 260 | 245 | 235 | 205 | 185 | 175 | 125 | 90 | 215 | 205 | 195 | 165 | 185 | 185 | 145 | | | | 150 | | 200 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | LS | 265 | 260 | 255 | 250 | 245 | 235 | 215 | 205 | 195 | 200 | 175 | 145 | 135 | 70 | 50 | 195 | 185 | 175 | 145 | 155 | 135 | | | 130 | | 205 |
| | BC | 255 | 250 | 245 | 240 | 235 | 225 | 210 | 205 | 200 | 195 | 165 | --- | --- | 100 | 70 | 205 | 195 | 185 | 155 | --- | 135 | | | --- | | 205 |
| 90 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10, 21, 48, 49, 63, 65, 69, 71, 78 | LS | 235 | 230 | 225 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 165 | 155 | 90 | 60 | 50 | 195 | 185 | 175 | 145 | 165 | 125 | | | 130 | 165 | 195 |
| 5, 9, 15, 31, 35, 36, 41, 64, 79, 92, 96, 97 | PA | 218 | 213 | 208 | 198 | 193 | 188 | 185 | 178 | 168 | 158 | 149 | 83 | 53 | 188 | 178 | 168 | 138 | 108 | 158 | 118 | 173 | 163 | 133 | 123 | 158 | 188 |
| 57, 80, 81, 87, 88 | BO | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 165 | 135 | 105 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| 27, 43, 53, 70, 72, 85, 91 | EV | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 165 | 135 | 105 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| 47, 7, 8, 13, 14, 16, 42, 74, 82, 84, 89, 98 | LS | 265 | 260 | 255 | 245 | 240 | 230 | 215 | 220 | 200 | 190 | 170 | 115 | 85 | 215 | 205 | 195 | 165 | 190 | 180 | 140 | | | | 145 | | 220 |
| | PA | 283 | 273 | 268 | 263 | 253 | 228 | 228 | 193 | 173 | 153 | 113 | 83 | | | | | | 183 | 173 | 133 | | | | 138 | 166 | 228 |
| 2, 22, 26, 30, 62, 67, 68, 100 | BC | 300 | 270 | 265 | 255 | 230 | 240 | 223 | 220 | 215 | 180 | 170 | 90 | 60 | 195 | 185 | 175 | 145 | 165 | 125 | --- | | | | 145 | | 240 |
| | LS | 290 | 280 | 265 | 245 | 240 | 240 | 230 | 215 | 220 | 205 | 170 | 100 | 70 | 50 | 30 | --- | --- | 190 | 180 | 115 | --- | --- | --- | 135 | --- | 220 |
| 58 | BO | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | 170 | 160 | 150 | 120 | 170 | 160 | 95 | --- | --- | --- | 125 | --- | 220 |

*List of Points in Destination Group No. 2 in Market Area No. 49*

Destination group No. 2 in market area No. 49 consists of all points in that area not specifically listed in destination group No. 1.

PRICE TABLE No. 11.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 49 Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

[Owing to the fact that differentials in freight rates are not uniform to this area it is divided into two destination groups, prices for which follow in consecutive order on price tables Nos. 11 and 12]

| Mine index number | Subdistrict | Size groups and prices applicable to destination group No. 1 in market area No. 49 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 83, 99 | BC | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 135 | 125 | 60 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| 56 | LS | 195 | 190 | 185 | 175 | 170 | 165 | 165 | 165 | 155 | 125 | 115 | 50 | | | | | | 135 | 125 | 85 | | | | 110 | | 165 |
| 11, 24, 28, 34, 46, 94 | BC | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| 3, 45 | LS | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 125 | 115 | 50 | 40 | | | | | 135 | 125 | 85 | | | | 110 | | 165 |
| 6, 59, 75, 86 | BC | 255 | 250 | 245 | 235 | 230 | 220 | 210 | 195 | 175 | 165 | 155 | 110 | 80 | 205 | 195 | 185 | 155 | 175 | 165 | 125 | | | | 140 | 175 | 210 |
| 30, 40 | LS | 270 | 270 | 270 | 260 | 250 | 240 | 225 | 215 | 185 | 165 | 155 | 105 | 70 | 195 | 185 | 175 | 145 | 165 | 155 | 125 | | | | 130 | | 195 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | LS | 245 | 240 | 235 | 200 | 195 | 185 | 175 | 190 | 155 | 125 | 115 | 50 | 30 | 175 | 165 | 155 | 125 | 135 | 115 | 85 | | | | 110 | | 165 |
| | BC | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | --- | --- | 80 | 50 | 185 | 175 | 165 | 135 | --- | --- | 115 | --- | --- | --- | --- | --- | --- |
| 90 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10, 21, 48, 49, 63, 65, 69, 71, 78 | LS | 205 | 200 | 195 | 185 | 180 | 180 | 175 | 170 | 165 | 155 | 145 | 135 | 70 | 40 | 175 | 165 | 155 | 155 | 125 | 155 | 145 | 105 | --- | 110 | 145 | 175 |
| 5, 9, 15, 31, 35, 36, 41, 64, 79, 92, 96, 97 | PA | 198 | 193 | 188 | 178 | 173 | 168 | 163 | 158 | 148 | 138 | 128 | 63 | 33 | 168 | 158 | 148 | 118 | 148 | 148 | 118 | 138 | 98 | 158 | 143 | 113 | 168 |
| 57, 80, 81, 87, 88 | BO | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 135 | 125 | 60 | 30 | 165 | 155 | 145 | 115 | 145 | 135 | 95 | 150 | 140 | 110 | 100 | 135 | 165 |
| 27, 43, 53, 70, 72, 85, 91 | EV | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 135 | 125 | 60 | 30 | 165 | 155 | 145 | 115 | 145 | 135 | 95 | 150 | 140 | 110 | 100 | 135 | 165 |
| 47, 7, 8, 13, 14, 16, 42, 74, 82, 84, 89, 98 | LS | 245 | 240 | 235 | 225 | 220 | 210 | 195 | 200 | 180 | 160 | 150 | 95 | 65 | 195 | 185 | 175 | 145 | 170 | 160 | 120 | 170 | 160 | 130 | 120 | 145 | 195 |
| | PA | 263 | 253 | 248 | 243 | 243 | 208 | 208 | 173 | 153 | 133 | 93 | 63 | | | | | | 163 | 153 | 113 | | | | 118 | 148 | 208 |
| 2, 22, 26, 30, 62, 67, 68, 100 | BC | 280 | 260 | 245 | 235 | 230 | 230 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | --- | --- | --- | --- | 170 | 160 | 95 | --- | --- | --- | 125 | --- | 210 |
| | LS | 270 | 240 | 235 | 225 | 220 | 210 | 195 | 200 | 185 | 150 | 140 | 50 | 30 | --- | --- | --- | --- | 160 | 150 | 85 | --- | --- | --- | 115 | --- | 200 |
| 58 | BO | 260 | 230 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 140 | 130 | 40 | 20 | --- | --- | --- | --- | 150 | 140 | 75 | --- | --- | --- | 105 | --- | 190 |

*List of Points in Destination Group No. 1 in Market Area No. 49*

Clutler.
Dinsdale.
Dysart.
Elberon.
Garrison.
Garwin.
Gladbrook.
Green Mountain.
Hicks.
Hudson.
Irving.
Le Grand.
Lincoln.
Minerva.
Montezuma.
Montour.
Quarry.
Reinbeck.
Toledo.
Traer.

**PRICE TABLE NO. 13.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 50 Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

[This area is divided into two destination groups, prices for which follow in consecutive order on price tables Nos. 13 and 14]

| Mine index number | Subdistrict | Size groups and prices applicable to destination group No. 1 in market area No. 50 | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 83, 99 | BC | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | --- | --- | --- | --- | 145 | 135 | 95 | --- | --- | --- | 120 | --- | 175 |
| 56 | LS | 195 | 190 | 185 | 175 | 170 | 165 | 165 | 165 | 155 | 125 | 115 | 50 | 30 | --- | --- | --- | --- | 135 | 125 | 85 | --- | --- | --- | 110 | --- | 165 |
| 11, 24, 28, 34, 93, 94 | BC | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | --- | --- | --- | --- | 145 | 135 | 95 | --- | --- | --- | 120 | --- | 185 |
| 3, 46 | LS | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 125 | 115 | 50 | 40 | --- | --- | --- | --- | 135 | 125 | 85 | --- | --- | --- | 110 | --- | 175 |
| 6, 59, 75, 86 | BC | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | --- | --- | --- | 140 | 175 | 220 |
| 39, 40 | LS | 270 | 270 | 270 | 260 | 250 | 240 | 225 | 215 | 185 | 165 | 155 | 105 | 70 | 195 | 185 | 175 | 145 | 175 | 165 | 125 | --- | --- | --- | 130 | --- | 240 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | LS | 245 | 240 | 235 | 200 | 195 | 185 | 175 | 180 | 155 | 126 | 115 | 50 | 30 | 175 | 165 | 155 | 125 | 135 | 115 | 85 | --- | --- | --- | 110 | --- | 185 |
| 90 | BC | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | --- | --- | 80 | 50 | 185 | 175 | 165 | 135 | --- | --- | 115 | --- | --- | --- | --- | --- | 185 |
| 10, 21, 48, 49, 63, 65, 69, 71, 78 | LS | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 145 | 135 | 70 | 40 | 175 | 165 | 155 | 125 | 155 | 145 | 105 | --- | --- | --- | 110 | 145 | 175 |
| 5, 9, 15, 31, 35, 36, 41, 64, 79, 92, 96, 97 | PA | 198 | 193 | 188 | 178 | 173 | 168 | 163 | 158 | 148 | 138 | 128 | 63 | 33 | 168 | 158 | 148 | 118 | 148 | 138 | 98 | 153 | 143 | 113 | 103 | 138 | 168 |
| 57, 80, 81, 87, 88 | BO | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 135 | 125 | 60 | 30 | 165 | 155 | 145 | 115 | 145 | 135 | 95 | 150 | 140 | 110 | 100 | 135 | 165 |
| 27, 43 | EV | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 135 | 125 | 60 | 30 | 165 | 155 | 145 | 115 | 145 | 135 | 95 | 150 | 140 | 110 | 100 | 135 | 165 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | LS | 245 | 240 | 235 | 225 | 220 | 210 | 195 | 200 | 180 | 160 | 150 | 95 | 65 | 195 | 185 | 175 | 145 | 170 | 160 | 120 | --- | --- | --- | 125 | --- | 210 |
| 47 | PA | 263 | 253 | 248 | 243 | 243 | 233 | 208 | 198 | 208 | 173 | 153 | 143 | 93 | 63 | --- | --- | --- | --- | 163 | 153 | 113 | --- | --- | 118 | 148 | 208 |
| 7, 8, 13, 14, 16, 42, 74, 82, 84, 89, 98 | BC | 260 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | --- | --- | --- | --- | 170 | 160 | 95 | --- | --- | --- | 125 | --- | 220 |
| 2, 23, 26, 30, 62, 67, 68, 100 | LS | 270 | 240 | 235 | 225 | 220 | 210 | 195 | 200 | 185 | 150 | 140 | 80 | 30 | --- | --- | --- | --- | 160 | 150 | 85 | --- | --- | --- | 115 | --- | 210 |
| 88 | BO | 260 | 230 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 140 | 130 | 40 | 20 | --- | --- | --- | --- | 150 | 140 | 75 | --- | --- | --- | 105 | --- | 200 |

*List of Points in Destination Group No. 1 in Market Area No. 50*

| | | | |
|---|---|---|---|
| Bellevue. | Green Island. | New Albin. | Sny Magill. |
| Cameron. | Harpers Ferry. | North Bellevue. | Spechts Ferry. |
| Clayton. | Heytmans. | North Buena Vista. | Turkey River. |
| Dubuque. | Kaing. | Oak Springs. | Turkey River Jct. |
| Eckards. | Lansing. | Pleasant Creek. | Waukon Jct. |
| Edmore. | Lyons. | Sabula. | Waupeton. |
| Elk River Jct. | McGregor. | Smiths. | Wilkins. |
| Gordons Ferry. | Marquette. | | |

**PRICE TABLE NO. 14.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 50 Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

[This area is divided into two destination groups, prices for which follow in consecutive order on price tables Nos. 13 and 14]

| Mine index number | Subdistrict | Size groups and prices applicable in destination group No. 2 in market area No. 50 | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 83, 99 | BC | 225 | 220 | 215 | 205 | 200 | 195 | 195 | 195 | 185 | 155 | 145 | 80 | 60 | --- | --- | --- | --- | 165 | 155 | 115 | --- | --- | --- | 140 | --- | 195 |
| 56 | LS | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 145 | 135 | 70 | 50 | --- | --- | --- | --- | 155 | 145 | 105 | --- | --- | --- | 130 | --- | 185 |
| 11, 24, 28, 34, 93, 94 | BC | 235 | 230 | 225 | 215 | 210 | 205 | 200 | 195 | 185 | 155 | 145 | 80 | 70 | --- | --- | --- | --- | 165 | 155 | 115 | --- | --- | --- | 140 | --- | 205 |
| 3, 46 | LS | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 145 | 135 | 70 | 60 | --- | --- | --- | --- | 155 | 145 | 105 | --- | --- | --- | 130 | --- | 195 |
| 6, 59, 75, 86 | BC | 275 | 270 | 265 | 255 | 250 | 240 | 225 | 230 | 215 | 195 | 185 | 130 | 100 | 225 | 215 | 205 | 175 | 205 | 195 | 155 | --- | --- | --- | 150 | --- | 260 |
| 39, 40 | LS | 290 | 290 | 290 | 280 | 270 | 260 | 245 | 235 | 205 | 185 | 175 | 125 | 90 | 215 | 205 | 195 | 165 | 195 | 185 | 145 | --- | --- | --- | --- | --- | --- |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | LS | 265 | 260 | 255 | 220 | 215 | 205 | 195 | 200 | 175 | 145 | 135 | 70 | 50 | 195 | 185 | 175 | 145 | 155 | 135 | 105 | --- | --- | --- | 130 | --- | 205 |
| 90 | BC | 235 | 230 | 225 | 215 | 210 | 205 | 200 | 195 | 185 | --- | --- | 100 | 70 | 205 | 195 | 185 | 155 | --- | --- | 135 | --- | --- | --- | --- | --- | 205 |
| 10, 21, 48, 49, 63, 65, 69, 71, 78 | LS | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 165 | 155 | 90 | 60 | 195 | 185 | 175 | 145 | 175 | 165 | 125 | --- | --- | --- | 130 | 165 | 195 |
| 5, 9, 15, 31, 35, 36, 41, 64, 79, 92, 96, 97 | PA | 218 | 213 | 208 | 198 | 193 | 188 | 183 | 178 | 168 | 158 | 148 | 83 | 53 | 188 | 178 | 168 | 138 | 168 | 158 | 118 | 173 | 163 | 133 | 123 | 158 | 188 |
| 57, 80, 81, 87, 88 | BO | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| 27, 43 | EV | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | LS | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 185 | 155 | 180 | 170 | 130 | --- | --- | --- | 135 | --- | 220 |
| 47 | PA | 280 | 270 | 265 | 260 | 260 | 225 | 215 | 223 | 190 | 170 | 160 | 110 | 80 | --- | --- | --- | --- | 180 | 170 | 130 | --- | --- | --- | 135 | 165 | 225 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | BC | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | --- | --- | --- | --- | 170 | 160 | 95 | --- | --- | --- | 125 | --- | 220 |

*Points in Destination Group No. 2 in Market Area No. 50*

Destination group No. 2 in Market Area No. 50 consists of all points in that area not specifically listed in destination group No. 1.

**PRICE TABLE NO. 15.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 70 Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

This area is divided into two destination groups, prices for which follow in consecutive order on price tables Nos. 15 and 16]

| Mine index number | Size groups and prices applicable to destination group No. 1 in market area No. 70 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 5, 36, 41, 57, 64, 80, 81, 87, 88, 92, 97 | 175 | 170 | 165 | 155 | 150 | 145 | 140 | 135 | 125 | 115 | 105 | 40 | 10 | 145 | 135 | 135 | 125 | 95 | 125 | 115 | 75 | 130 | 120 | 90 | 80 | 115 | 145 |
| 22, 54, 55, 56, 83, 99 | 205 | 190 | 185 | 175 | 175 | 170 | 165 | 153 | 145 | 135 | 125 | 65 | 45 | --- | --- | --- | --- | --- | 145 | 135 | 85 | --- | --- | --- | 115 | 150 | 170 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 215 | 200 | 195 | 185 | 185 | 180 | 175 | 165 | 160 | 135 | 125 | 65 | 45 | --- | --- | --- | --- | --- | 145 | 135 | 95 | --- | --- | --- | 115 | 150 | 180 |
| 6, 59, 75, 86 | 240 | 225 | 220 | 210 | 210 | 205 | 200 | 190 | 175 | 165 | 155 | 95 | 75 | 185 | 190 | 180 | 170 | 140 | 175 | 165 | 125 | --- | --- | --- | 130 | 165 | 205 |
| 39, 40 | 250 | 235 | 230 | 215 | 215 | 210 | 205 | 190 | 175 | 165 | 155 | 95 | 75 | 185 | 190 | 180 | 170 | 140 | 175 | 165 | 125 | --- | --- | --- | 130 | 165 | 210 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 240 | 225 | 220 | 185 | 185 | 180 | 175 | 165 | 160 | 135 | 125 | 65 | 45 | 170 | 180 | 170 | 160 | 130 | 145 | 125 | 85 | --- | --- | --- | 115 | 150 | 180 |
| 9, 10, 15, 21, 27, 31, 35, 43, 48, 49, 63, 64, 65, 69, 71, 78, 79, 90, 92, 96, 97 | 215 | 200 | 195 | 185 | 185 | 180 | 175 | 165 | 160 | 150 | 140 | 80 | 60 | 170 | 180 | 170 | 160 | 130 | 160 | 150 | 110 | 165 | 155 | 125 | 115 | 150 | 180 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 240 | 225 | 220 | 210 | 210 | 205 | 200 | 190 | 170 | 160 | 150 | 90 | 70 | 185 | 190 | 180 | 170 | 140 | 170 | 160 | 120 | --- | --- | --- | 130 | 165 | 205 |
| 47 | 250 | 230 | 225 | 215 | 215 | 205 | 200 | 190 | 170 | 160 | 150 | 90 | 70 | --- | --- | --- | --- | --- | 170 | 160 | 120 | --- | --- | --- | 125 | 160 | 205 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 250 | 225 | 220 | 210 | 210 | 205 | 200 | 190 | 175 | 155 | 145 | 65 | 45 | --- | --- | --- | --- | --- | 165 | 155 | 95 | --- | --- | --- | 120 | 155 | 205 |

*List of Points in Destination Group No. 1 in Market Area No. 70*

| | | | |
|---|---|---|---|
| Farber. | Galloway. | Vandalia. | Wellsville. |
| Fulton. | New Florence. | | |

**PRICE TABLE NO. 16.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 70; Subject to Price Instructions and Exceptions but Based on Actual Freight Rates*

This area is divided into two destination groups, prices for which follow in consecutive order in price tables Nos. 15 and 16]

| Mine index number | Size groups and prices applicable to destination group No. 2 in market area No. 70 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 205 | 190 | 185 | 175 | 175 | 170 | 165 | 155 | 145 | 135 | 125 | 65 | 45 | --- | --- | --- | --- | --- | 145 | 135 | 85 | --- | --- | --- | 115 | 150 | 170 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 215 | 200 | 195 | 185 | 185 | 180 | 175 | 165 | 160 | 135 | 125 | 65 | 45 | --- | --- | --- | --- | --- | 145 | 135 | 95 | --- | --- | --- | 115 | 150 | 180 |
| 6, 59, 75, 86 | 240 | 225 | 220 | 210 | 210 | 205 | 200 | 190 | 175 | 165 | 155 | 95 | 75 | 185 | 190 | 180 | 170 | 140 | 175 | 165 | 125 | --- | --- | --- | 130 | 165 | 205 |
| 39, 40 | 250 | 235 | 230 | 215 | 215 | 210 | 205 | 190 | 175 | 165 | 155 | 95 | 75 | 185 | 190 | 180 | 170 | 140 | 175 | 165 | 125 | --- | --- | --- | 130 | 165 | 210 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 240 | 225 | 220 | 185 | 185 | 180 | 175 | 165 | 160 | 135 | 125 | 65 | 45 | 170 | 180 | 170 | 160 | 130 | 145 | 125 | 85 | --- | --- | --- | 115 | 150 | 180 |
| 8, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 215 | 200 | 195 | 185 | 185 | 180 | 175 | 165 | 160 | 150 | 140 | 80 | 60 | 170 | 180 | 170 | 160 | 130 | 160 | 150 | 110 | 165 | 155 | 125 | 115 | 150 | 180 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 240 | 225 | 220 | 210 | 210 | 205 | 200 | 190 | 170 | 160 | 150 | 90 | 70 | 185 | 190 | 180 | 170 | 140 | 170 | 160 | 120 | --- | --- | --- | 130 | 165 | 205 |
| 47 | 250 | 230 | 225 | 215 | 215 | 205 | 200 | 190 | 170 | 160 | 150 | 90 | 70 | --- | --- | --- | --- | --- | 170 | 160 | 120 | --- | --- | --- | 125 | 160 | 205 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 250 | 225 | 220 | 210 | 210 | 205 | 200 | 190 | 175 | 155 | 145 | 65 | 45 | --- | --- | --- | --- | --- | 165 | 155 | 95 | --- | --- | --- | 120 | 155 | 205 |

*Points in Destination Group No. 2 in Market Area No. 70*

Destination group No. 2 in Market Area No. 70 consists of all points in that area not specifically listed in destination group No. 1.

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 15, 18, 19, 22, 23, 24, 25, 26, 27, 28, and 32 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated on Table Below*

[Deductions for freight rate differences to the various market areas covered by the price table shown on this page may be ascertained by the following table]

| Market area number | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | |
|---|---|---|---|---|---|
| | BC | LS | PA | BO | EV |
| | 30, 31, 32, 33, 34, 40, 41, 42, 43 | 60, 61; 62, 63, 64, 65, 66, 80, 81 | 10, 11, 12, 70, 71, 72, 75 | 20, 21 | 51, 52, 53 |
| 15 | None | None | None | None | None |
| 18 | None | None | None | None | None |
| 19 | None | None | None | None | None |
| 22 | None | 10 | 17 | 20 | 28 |
| 23[1] | | | | | |
| 24 | None | None | 7 | 10 | 18 |
| 25 | None | None | 7 | 10 | 18 |
| 26[1] | | | | | |
| 27 | None | None | 7 | 10 | 18 |
| 28 | None | None | 7 | 10 | 26 |
| 32[1] | | | | | |

*Price Table No. 17*

| Mine Index Number | Size groups and prices applicable in market areas Nos. 15, 18, 19, 22, 23, 24, 25, 26, 27, 28, and 32 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | --- | --- | --- | --- | 145 | 135 | 95 | --- | --- | --- | 120 | --- | 175 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | --- | --- | --- | --- | 145 | 135 | 95 | --- | --- | --- | 120 | --- | 185 |
| 6, 59, 75, 86 | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | --- | --- | --- | 140 | 175 | 220 |
| 39, 40 | 280 | 280 | 280 | 270 | 260 | 250 | 235 | 225 | 195 | 175 | 165 | 115 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | --- | --- | --- | 140 | --- | 250 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 235 | 230 | 225 | 210 | 205 | 195 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 165 | 135 | 145 | 125 | 95 | --- | --- | --- | 120 | --- | 195 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 185 | 155 | 180 | 170 | 130 | --- | --- | --- | 135 | --- | 220 |
| 47 | 280 | 270 | 265 | 260 | 260 | 225 | 215 | 223 | 190 | 170 | 160 | 110 | 80 | --- | --- | --- | --- | 180 | 170 | 130 | --- | --- | --- | 135 | 165 | 225 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | --- | --- | --- | --- | 170 | 160 | 95 | --- | --- | --- | 125 | --- | 220 |

[1] See tables for deductions to individual destinations.

*Market Area No. 23*

| Destination group No. | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination group as listed below | | | | |
|---|---|---|---|---|---|
| | BC | LS | PA | BO | EV |
| | 30, 31, 32, 33, 34, 40, 41, 42, 43 | 60, 61, 62, 63, 64, 65, 66, 80, 81 | 10, 11, 12, 70, 71, 72, 75 | 20, 21 | 51, 52, 53 |
| 1 | None | None | 7 | 10 | 18 |
| 2 | None | 10 | 17 | 20 | 28 |

*List of All Points in Market Area No. 23 Showing Destination Group Assigned to Each Point*

Destination Group No. 1

Albany.
Alexandria.
Amboy.
Anderson.
Anthony.
Bennett (Miami County).
Bethevan.
Blaine.
Blountsville.
Bryce.
Bunker Hill.
Cammack.
Cassville.
Centre.
Chesterfield.
Collett.
Converse.
Cowan.
Curtisville.
Daleville.
De Soto.
Dundee.
Dunkirk.
Eaton.
Elwood.
Emporia.
Fairfield.
Fairmount.
Farmland.
Florida.
Fowlerton.
Frankton.
Gas City.
Gaston.
Gilman.
Greentown.
Hartford City.
Hemlock.
Herbst.
Hobbs.
Honey Creek.
Industry.
Jacksons.
Jonesboro.
Kokomo.
Linwood.
Loree.
McGrawsville.
Marion.
Markleville.
Matthews (Grant County).
Medford.
Miami.
Middletown.
Mier.
Mill Grove.
Mt. Summit.
Muncie.
Nevada.
North Grove.
Oakville.
Orestes.
Parker City.
Portland.
Powers.
Red Key.
Roseburg.
Royerton.
Selma.
Sharpsville.
Shidlers.
Sims.
Springfield.
Stockport.
Sulphur Springs
Summitville.
Swayzee.
Sweetser.
Sycamore.
Tipton.
Upland.
Vermont.
Wheeling.
Windfall.
Yorktown.

*List of All Points in Market Area No. 23 Showing Destination Group Assigned to Each Point*—Continued

Destination Group No. 2

Albion.
Andrews.
Andrews Yard.
Ari.
Arnolds.
Benton.
Berne.
Bippus
Bluffton.
Bolivar.
Boyd Park.
Briant.
Bristol.
Buckeye.
Churubusco.
Claypool.
Coesse.
Collins.
Columbia City.
Craigville.
Cromwell.
Decatur.
Dunfee.
Dunlaps.
Elkhart.
Elkhart Shops.
Geneva.
Goshen.
Hartman.
Huntington.
Keystone.
Kimmell.
Kingsland.
La Fontaine.
La Gro.
Landress.
Larwill.
Leeland.
Leesburg.
Liberty Center.
Liberty Mills.
Magley.
Markle.
Menzie.
Middlebury.
Milford.
Milford Junction.
Millersburg.
Monroe.
Montpelier.
Morehouse.
New Paris.
North Manchester.
Packertown.
Peabody.
Peru.
Peterson.
Pierceton.
Pleasant Mills.
Poneto.
Preble.
Raber.
Rich Valley.
Rivare.
Santa Fe.
Servia.
Silver Lake.
Sidney.
Simpson.
Speicher.
South Whitley.
Syracuse.
Tocsin.
Treaty.
Uniondale.
Urbana.
Van Buren.
Vistula.
Wabash.
Warren.
Warsaw.
Wawasee.
Winona Lake.

*Market Area No. 26*

| Destination group No. | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination group as listed below | | | | |
|---|---|---|---|---|---|
| | BC | LS | PA | BO | EV |
| | 30, 31, 32, 33, 34, 40, 41, 42, 43 | 60, 61, 62, 63, 64, 65, 66, 80, 81 | 10, 11, 12, 70, 71, 72, 75 | 20, 21 | 51, 52, 53 |
| 1 | 14 | None | None | None | 19 |
| 2 | 28 | 7 | None | None | 21 |
| 3 | 3 | None | None | None | 8 |
| 4 | 17 | 7 | None | None | 10 |
| 5 | None | None | 7 | 10 | 18 |

*List of All Points in Market Area No. 26 Showing Destination Group Assigned to Each Point*

Destination Group No. 1

Cortland.
Freetown.
Kurtz.
Lehigh Spur.
Norman.
Seymour.
Surprise.
Zelma.

Destination Group No. 2

Austin.
Crothersville.
Scottsburg.
Vienna.

Destination Group No. 3

Alert.
Azalia.
Brewersville.
Elizabethtown.
Fleming.
Grammer.
Hayden.
Jonesville.
North Vernon.
Queensville.
Reddington.
Rockford (Jackson County).
Sardinia.
Scipio.
Walesboro.
Waynesville.
Westport.
Whitcomb.

Destination Group No. 4

Blocher.
Butlerville.
Cochran.
Cold Springs.
Commiskey.
Dabney.
Delaware.
Deputy.
Dillsboro.
Dupont.
Grayford.
Holton.
Lexington.
Lovett.
Madison.
Middle Fork.
Milan.
Moores Hill.
Nebraska.
North Madison.
Osgood.
Paris.
Pierceville.
Vernon.
Wirt.

Destination Group No. 5

Aurora.
Dearborn.
Lawrenceburg.
Lawrenceburg Jct.



*List of All Points in Market Area No. 32*

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 1 | 2 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 30 | 31 | 33 | 34 | 35 | 36 | 38 | 39 | 40 | 41 | 42 | 43 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Abbott | 22 | 22 | 0 | 47 | 22 | 32 | 32 | 42 | 0 | 22 | 32 | 32 | 42 | 32 | 0 | 0 | 0 | 22 | 22 | 32 | 42 | 32 | 0 | 0 | 22 | 42 | 0 | 32 | 42 | 0 | 0 | 32 | 0 | 0 | 32 | 0 | 0 | 42 | 32 | 32 | 32 | 32 | 32 | 32 |
| Adams (Monroe County) | 0 | 0 | 0 | 22 | 15 | 10 | 10 | 22 | 15 | 15 | 15 | 15 | 22 | 10 | 15 | 15 | 15 | 15 | 0 | 15 | 22 | 15 | 35 | 0 | 0 | 22 | 15 | 15 | 22 | 22 | 0 | 15 | 15 | 22 | 10 | 35 | 15 | 22 | 15 | 15 | 15 | 15 | 15 | 15 |
| Albright | 42 | 42 | 37 | 42 | 42 | 42 | 42 | 22 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 49 | 42 | 42 | 42 | 37 | 37 | 37 |
| Allison | 0 | 0 | 5 | 0 | 5 | 0 | 0 | 25 | 0 | 0 | 0 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 5 | 5 |
| Alta | 0 | 0 | 13 | 13 | 13 | 13 | 13 | 30 | 13 | 13 | 13 | 13 | 30 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 30 | 13 | 30 | 13 | 13 | 30 | 13 | 13 | 30 | 30 | 13 | 13 | 13 | 30 | 13 | 30 | 13 | 30 | 13 | 13 | 13 | 13 | 13 | 13 |
| Ames | 0 | 0 | 13 | 22 | 22 | 22 | 13 | 30 | 22 | 22 | 22 | 22 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 30 | 22 | 30 | 22 | 22 | 30 | 22 | 22 | 30 | 30 | 22 | 22 | 22 | 30 | 22 | 30 | 22 | 30 | 22 | 22 | 22 | 22 | 22 | 22 |
| Andromeda | 0 | 0 | 13 | 22 | 22 | 22 | 13 | 30 | 22 | 22 | 22 | 22 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 30 | 22 | 30 | 22 | 22 | 30 | 22 | 22 | 30 | 30 | 22 | 22 | 22 | 30 | 22 | 30 | 22 | 30 | 22 | 22 | 22 | 22 | 22 | 22 |
| Armstrong (Vanderburg County) | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 |
| Ashby (Pike County) | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 0 | 7 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 7 | 0 | 7 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Atkinson | 20 | 20 | 0 | 45 | 37 | 0 | 0 | 27 | 20 | 0 | 0 | 0 | 27 | 0 | 0 | 0 | 0 | 32 | 32 | 0 | 27 | 0 | 32 | 0 | 0 | 32 | 0 | 0 | 32 | 32 | 0 | 0 | 0 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 0 |
| Attica | 22 | 22 | 0 | 32 | 15 | 0 | 0 | 32 | 5 | 0 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 5 | 5 | 0 | 32 | 0 | 37 | 0 | 0 | 37 | 0 | 0 | 37 | 37 | 0 | 0 | 0 | 37 | 0 | 37 | 0 | 37 | 0 | 0 | 0 | 0 | 0 | 0 |
| Averitt | 20 | 20 | 0 | 0 | 13 | 0 | 0 | 15 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 0 | 0 | 15 | 15 | 0 | 15 | 0 | 15 | 0 | 0 | 15 | 0 | 0 | 15 | 15 | 0 | 0 | 0 | 15 | 0 | 15 | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 0 |
| Avoca | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 27 | 0 | 0 | 0 | 0 | 27 | 0 | 0 | 0 | 0 | 27 | 27 | 0 | 27 | 0 | 27 | 0 | 0 | 27 | 0 | 0 | 27 | 27 | 0 | 0 | 0 | 27 | 0 | 27 | 0 | 27 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aylesworth (Fountain County) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ayrshire | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 20 | 20 | 0 | 20 | 0 | 20 | 0 | 0 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 0 | 20 | 0 | 20 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 |
| Baldridge | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barnard | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barrett | 30 | 30 | 0 | 22 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beamer | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 0 | 7 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 7 | 0 | 7 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bedford | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bellmeade | 22 | 22 | 0 | 44 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bennett (Pike County) | 50 | 50 | 0 | 47 | 22 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bicknell | 50 | 50 | 0 | 44 | 22 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Birdseye | 50 | 50 | 0 | 32 | 0 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 32 | 0 | 0 | 32 | 32 | 0 | 0 | 0 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blackhawk | 50 | 50 | 0 | 32 | 0 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 32 | 0 | 0 | 32 | 32 | 0 | 0 | 0 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 0 |
| Black Oak | 37 | 37 | 0 | 47 | 32 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 32 | 0 | 0 | 32 | 32 | 0 | 0 | 0 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blanford | 10 | 10 | 0 | 25 | 15 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blankenship | 22 | 22 | 0 | 37 | 22 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bloomfield | 15 | 15 | 0 | 37 | 22 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bloomingdale | 0 | 0 | 0 | 22 | 15 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bloomington | 50 | 50 | 0 | 22 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Boonville | 50 | 50 | 0 | 22 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Boswell | 13 | 13 | 0 | 22 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bradshaw | 37 | 37 | 0 | 47 | 32 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 32 | 0 | 0 | 32 | 32 | 0 | 0 | 0 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brazil | 10 | 10 | 0 | 42 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bretzville | 47 | 47 | 0 | 50 | 0 | 0 | 0 | 30 | 0 | 0 | 0 | 0 | 30 | 0 | 0 | 0 | 0 | 30 | 30 | 0 | 30 | 0 | 30 | 0 | 0 | 30 | 0 | 0 | 30 | 30 | 0 | 0 | 0 | 30 | 0 | 30 | 0 | 30 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brevoorts | 50 | 50 | 0 | 25 | 0 | 0 | 0 | 45 | 0 | 0 | 0 | 0 | 45 | 0 | 0 | 0 | 0 | 45 | 45 | 0 | 45 | 0 | 45 | 0 | 0 | 45 | 0 | 0 | 45 | 45 | 0 | 0 | 0 | 45 | 0 | 45 | 0 | 45 | 0 | 0 | 0 | 0 | 0 | 0 |
| Browns Valley | 38 | 38 | 0 | 38 | 15 | 0 | 0 | 38 | 0 | 0 | 0 | 0 | 38 | 0 | 0 | 0 | 0 | 38 | 38 | 0 | 38 | 0 | 38 | 0 | 0 | 38 | 0 | 0 | 38 | 38 | 0 | 0 | 0 | 38 | 0 | 38 | 0 | 38 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bruceville | 32 | 32 | 0 | 37 | 22 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 32 | 0 | 0 | 32 | 32 | 0 | 0 | 0 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 0 |
| Buffaloville | 50 | 50 | 0 | 44 | 15 | 0 | 0 | 30 | 0 | 0 | 0 | 0 | 30 | 0 | 0 | 0 | 0 | 30 | 30 | 0 | 30 | 0 | 30 | 0 | 0 | 30 | 0 | 0 | 30 | 30 | 0 | 0 | 0 | 30 | 0 | 30 | 0 | 30 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burnett | 37 | 37 | 0 | 37 | 22 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 32 | 0 | 0 | 32 | 32 | 0 | 0 | 0 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burns City | 10 | 10 | 0 | 32 | 15 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bushrod | 32 | 37 | 0 | 44 | 15 | 0 | 0 | 30 | 0 | 0 | 0 | 0 | 30 | 0 | 0 | 0 | 0 | 30 | 30 | 0 | 30 | 0 | 30 | 0 | 0 | 30 | 0 | 0 | 30 | 30 | 0 | 0 | 0 | 30 | 0 | 30 | 0 | 30 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cale | 10 | 10 | 0 | 25 | 15 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 22 | 22 | 0 | 0 | 0 | 22 | 0 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 |
| Campbellsburg | 10 | 10 | 0 | 37 | 15 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 32 | 0 | 0 | 32 | 32 | 0 | 0 | 0 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cannelton | 50 | 50 | 0 | 47 | 22 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 32 | 0 | 0 | 32 | 32 | 0 | 0 | 0 | 32 | 0 | 32 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 0 |

## List of All Points in Market Area No. 32—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 62 | 63 | 64 | 65 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 77 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Abbott | 22 | 32 | 22 | 47 | 47 | 32 | 0 | 32 | 0 | 47 | 0 | 32 | 22 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 22 |
| Adams (Monroe County) | 15 | 10 | 0 | 25 | 25 | 15 | 15 | 15 | 15 | 22 | 15 | 15 | 0 | 15 | 0 | 15 | 15 | 0 | 10 | 10 | 0 |
| Albright | 42 | 42 | 42 | 50 | 50 | 42 | 37 | 22 | 37 | 37 | 37 | 22 | 42 | 42 | 37 | 37 | 37 | 37 | 42 | 42 | 42 |
| Allison | 0 | 0 | 0 | 50 | 50 | 0 | 5 | 5 | 5 | 25 | 5 | 5 | 0 | 5 | 5 | 5 | 5 | 5 | 0 | 0 | 0 |
| Ambia | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 13 | 0 | 0 |
| Ames | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 20 | 13 | 13 | 13 | 0 | 13 | 13 | 13 | 13 | 0 | 0 | 13 |
| Andromeda | 37 | 37 | 0 | 47 | 47 | 37 | 22 | 32 | 22 | 44 | 22 | 32 | 0 | 0 | 0 | 22 | 22 | 0 | 37 | 37 | 0 |
| Armstrong (Vanderburg County) | 50 | 50 | 50 | 42 | 42 | 50 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Ashby (Pike County) | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Atkinson | 0 | 10 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Attica | 0 | 0 | 20 | 48 | 48 | 0 | 20 | 20 | 20 | 45 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 0 | 0 | 20 |
| Averitt | 37 | 37 | 22 | 47 | 47 | 37 | 0 | 32 | 0 | 47 | 0 | 32 | 22 | 22 | 0 | 0 | 0 | 0 | 37 | 37 | 22 |
| Avoca | 15 | 15 | 0 | 5 | 5 | 15 | 5 | 5 | 5 | 5 | 5 | 5 | 0 | 5 | 0 | 5 | 5 | 0 | 15 | 15 | 0 |
| Aylesworth (Fountain County) | 0 | 0 | 20 | 0 | 0 | 0 | 20 | 20 | 20 | 27 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 0 | 0 | 20 |
| Ayrshire | 50 | 50 | 50 | 32 | 10 | 50 | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Bainbridge | 15 | 10 | 15 | 25 | 25 | 15 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 10 | 15 | 15 | 15 | 15 | 10 | 10 | 15 |
| Barnard | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barrett | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Beamer | 37 | 37 | 0 | 47 | 47 | 37 | 32 | 22 | 32 | 44 | 32 | 22 | 0 | 0 | 0 | 32 | 32 | 0 | 37 | 37 | 0 |
| Bedford | 10 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 |
| Beehunter | 37 | 37 | 22 | 47 | 47 | 37 | 0 | 22 | 0 | 44 | 0 | 22 | 22 | 0 | 0 | 0 | 0 | 0 | 37 | 37 | 22 |
| Bennett (Pike County) | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Bicknell | 37 | 50 | 32 | 47 | 47 | 37 | 32 | 32 | 32 | 44 | 32 | 32 | 37 | 0 | 32 | 32 | 32 | 32 | 50 | 37 | 32 |
| Birdseye | 50 | 50 | 50 | 22 | 0 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Blackburn | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Blackhawk | 22 | 32 | 22 | 47 | 47 | 32 | 0 | 32 | 0 | 47 | 0 | 32 | 22 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 22 |
| Black Oak | 47 | 47 | 37 | 47 | 47 | 47 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 37 | 47 | 47 | 37 |
| Blanford | 0 | 32 | 37 | 47 | 47 | 32 | 22 | 37 | 22 | 47 | 22 | 37 | 37 | 37 | 22 | 22 | 22 | 22 | 32 | 32 | 37 |
| Blankenship | 15 | 15 | 10 | 25 | 25 | 15 | 0 | 15 | 0 | 25 | 0 | 15 | 10 | 10 | 0 | 0 | 0 | 0 | 15 | 15 | 10 |
| Bloomfield | 37 | 37 | 22 | 50 | 50 | 37 | 22 | 0 | 22 | 50 | 22 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 37 | 37 | 22 |
| Bloomingdale | 10 | 10 | 15 | 28 | 28 | 0 | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 33 | 15 | 15 | 15 | 15 | 10 | 0 | 15 |
| Bloomington | 15 | 15 | 0 | 25 | 25 | 15 | 10 | 10 | 10 | 22 | 10 | 10 | 0 | 10 | 0 | 10 | 10 | 0 | 15 | 15 | 0 |
| Boonville | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Boswell | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 0 | 13 |
| Bradshaw | 0 | 32 | 37 | 47 | 47 | 32 | 22 | 37 | 22 | 47 | 22 | 37 | 37 | 37 | 22 | 22 | 22 | 22 | 32 | 32 | 37 |
| Braxtons | 20 | 20 | 10 | 0 | 0 | 20 | 10 | 10 | 10 | 0 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 20 | 10 |
| Brazil | 42 | 0 | 47 | 50 | 50 | 10 | 42 | 42 | 42 | 50 | 42 | 42 | 47 | 50 | 42 | 42 | 42 | 42 | 10 | 10 | 47 |
| Bretzville | 50 | 50 | 50 | 22 | 0 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Brevoorts | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Browns Valley | 25 | 10 | 38 | 48 | 48 | 25 | 38 | 38 | 38 | 45 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 10 | 0 | 38 |
| Bruceville | 37 | 50 | 32 | 47 | 47 | 37 | 32 | 37 | 32 | 44 | 32 | 37 | 37 | 0 | 32 | 32 | 32 | 32 | 50 | 37 | 32 |
| Buckskin | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Buffaloville | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Burnett | 22 | 22 | 37 | 47 | 47 | 22 | 32 | 0 | 32 | 44 | 32 | 0 | 37 | 37 | 32 | 32 | 32 | 32 | 22 | 22 | 37 |
| Burns City | 15 | 15 | 10 | 25 | 25 | 15 | 10 | 15 | 0 | 25 | 0 | 15 | 10 | 0 | 0 | 0 | 0 | 0 | 15 | 15 | 10 |
| Bushrod | 37 | 50 | 32 | 47 | 47 | 37 | 22 | 22 | 22 | 44 | 22 | 22 | 32 | 0 | 22 | 22 | 22 | 22 | 50 | 37 | 32 |
| Cale | 15 | 15 | 10 | 25 | 25 | 15 | 0 | 15 | 0 | 25 | 0 | 15 | 10 | 0 | 0 | 0 | 0 | 0 | 15 | 15 | 10 |
| Campbellsburg | 39 | 39 | 0 | 0 | 0 | 39 | 0 | 29 | 0 | 0 | 0 | 29 | 0 | 0 | 0 | 0 | 0 | 0 | 39 | 30 | 0 |
| Cannelburg | 47 | 47 | 37 | 47 | 47 | 47 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 47 | 47 | 37 |
| Cannelton | 50 | 50 | 50 | 15 | 0 | 50 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |

| Destinations | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 96 | 97 | 98 | 99 | 100 | 101 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Abbott | 0 | 42 | 47 | 47 | 32 | 32 | 32 | 0 | 22 | 47 | 47 | 32 | 22 | 0 | 0 | 32 | 32 | 42 | 0 | 32 | 22 | 22 | 0 |
| Adams (Monroe County) | 15 | 22 | 25 | 25 | 10 | 10 | 10 | 15 | 13 | 25 | 25 | 10 | 15 | 15 | 22 | 15 | 15 | 22 | 22 | 10 | 15 | 15 | 15 |
| Albright | 37 | 22 | 50 | 50 | 42 | 42 | 42 | 37 | 42 | 50 | 50 | 42 | 42 | 37 | 32 | 42 | 42 | 22 | 32 | 42 | 42 | 50 | 37 |
| Allison | 5 | 25 | 50 | 50 | 0 | 0 | 0 | 5 | 0 | 50 | 50 | 0 | 0 | 5 | 25 | 0 | 0 | 25 | 25 | 0 | 0 | 5 | 5 |
| Ambia | 0 | 20 | 23 | 23 | 13 | 13 | 13 | 0 | 0 | 23 | 23 | 13 | 0 | 0 | 20 | 0 | 0 | 20 | 20 | 13 | 0 | 13 | 0 |
| Ames | 13 | 20 | 23 | 23 | 0 | 0 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| Andromeda | 22 | 44 | 47 | 47 | 37 | 37 | 37 | 22 | 37 | 47 | 47 | 37 | 37 | 22 | 44 | 37 | 37 | 44 | 44 | 37 | 37 | 22 | 22 |
| Armstrong (Vanderburg County) | 50 | 50 | 42 | 42 | 50 | 50 | 50 | 50 | 50 | 42 | 42 | 50 | 50 | 50 | 0 | 50 | 50 | 37 | 0 | 50 | 50 | 0 | 50 |
| Ashby (Pike County) | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 |
| Atkinson | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Attica | 20 | 27 | 48 | 48 | 0 | 0 | 0 | 20 | 0 | 48 | 48 | 0 | 0 | 20 | 27 | 0 | 0 | 27 | 27 | 0 | 0 | 20 | 20 |
| Averitt | 0 | 44 | 47 | 47 | 37 | 37 | 37 | 0 | 37 | 47 | 47 | 37 | 37 | 0 | 0 | 37 | 37 | 32 | 0 | 37 | 37 | 22 | 0 |
| Avoca | 5 | 5 | 5 | 5 | 15 | 15 | 15 | 5 | 15 | 5 | 5 | 15 | 15 | 5 | 5 | 15 | 15 | 5 | 5 | 15 | 15 | 0 | 5 |
| Aylesworth (Fountain County) | 20 | 27 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 20 | 27 | 0 | 0 | 27 | 27 | 0 | 0 | 20 | 20 |
| Ayrshire | 50 | 50 | 32 | 32 | 50 | 50 | 50 | 50 | 50 | 32 | 32 | 50 | 50 | 50 | 32 | 50 | 50 | 32 | 32 | 50 | 50 | 50 | 50 |
| Bainbridge | 15 | 22 | 25 | 25 | 10 | 10 | 10 | 15 | 15 | 25 | 25 | 10 | 15 | 15 | 22 | 15 | 15 | 22 | 22 | 10 | 15 | 15 | 15 |
| Barnard | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Barrett | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 50 | 50 | 0 | 50 |
| Beamer | 32 | 44 | 47 | 47 | 37 | 37 | 37 | 32 | 37 | 47 | 47 | 37 | 37 | 32 | 44 | 37 | 37 | 44 | 44 | 37 | 37 | 32 | 32 |
| Bedford | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 10 | 0 | 0 |
| Beehunter | 0 | 32 | 47 | 47 | 37 | 37 | 37 | 0 | 37 | 47 | 47 | 37 | 37 | 0 | 44 | 37 | 37 | 32 | 44 | 37 | 37 | 22 | 0 |
| Bennett (Pike County) | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 |
| Bicknell | 32 | 22 | 47 | 47 | 50 | 50 | 50 | 32 | 37 | 47 | 47 | 50 | 37 | 32 | 44 | 37 | 37 | 44 | 44 | 50 | 37 | 32 | 32 |
| Birdseye | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 |
| Blackburn | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 |
| Blackhawk | 0 | 42 | 47 | 47 | 32 | 32 | 32 | 0 | 22 | 47 | 47 | 32 | 22 | 0 | 0 | 32 | 32 | 42 | 0 | 32 | 22 | 32 | 0 |
| Black Oak | 37 | 0 | 47 | 47 | 47 | 47 | 47 | 37 | 47 | 47 | 47 | 47 | 47 | 37 | 37 | 47 | 47 | 32 | 37 | 47 | 47 | 37 | 37 |
| Blanford | 22 | 47 | 47 | 47 | 32 | 32 | 32 | 22 | 0 | 47 | 47 | 32 | 0 | 22 | 0 | 32 | 32 | 47 | 0 | 32 | 0 | 37 | 22 |
| Blankenship | 0 | 22 | 25 | 25 | 15 | 15 | 15 | 0 | 15 | 25 | 25 | 15 | 15 | 0 | 0 | 15 | 15 | 22 | 0 | 15 | 15 | 10 | 0 |
| Bloomfield | 22 | 37 | 50 | 50 | 37 | 37 | 37 | 22 | 37 | 50 | 50 | 37 | 37 | 22 | 0 | 37 | 37 | 49 | 0 | 37 | 37 | 0 | 22 |
| Bloomingdale | 15 | 25 | 28 | 28 | 10 | 10 | 10 | 15 | 10 | 28 | 28 | 10 | 10 | 15 | 25 | 0 | 0 | 25 | 25 | 10 | 10 | 15 | 15 |
| Bloomington | 10 | 22 | 25 | 25 | 15 | 15 | 15 | 10 | 15 | 25 | 25 | 15 | 15 | 10 | 22 | 15 | 15 | 22 | 22 | 15 | 15 | 0 | 10 |
| Boonville | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 |
| Boswell | 13 | 20 | 23 | 23 | 0 | 0 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| Bradshaw | 22 | 47 | 47 | 47 | 32 | 32 | 32 | 22 | 0 | 47 | 47 | 32 | 0 | 22 | 0 | 32 | 32 | 47 | 0 | 32 | 0 | 37 | 22 |
| Braxtons | 10 | 10 | 0 | 0 | 20 | 20 | 20 | 10 | 20 | 0 | 0 | 20 | 20 | 10 | 10 | 20 | 20 | 10 | 10 | 20 | 20 | 10 | 10 |
| Brazil | 42 | 50 | 50 | 50 | 0 | 0 | 0 | 42 | 42 | 50 | 50 | 0 | 42 | 42 | 50 | 10 | 10 | 50 | 50 | 0 | 42 | 47 | 42 |
| Bretzville | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 22 | 50 | 50 | 37 | 22 | 50 | 50 | 50 | 50 |
| Brevoorts | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Browns Valley | 38 | 45 | 48 | 48 | 10 | 10 | 10 | 38 | 25 | 48 | 48 | 10 | 25 | 38 | 45 | 25 | 25 | 45 | 45 | 10 | 25 | 38 | 38 |
| Bruceville | 32 | 22 | 47 | 47 | 50 | 50 | 50 | 32 | 37 | 47 | 47 | 50 | 37 | 32 | 44 | 37 | 37 | 44 | 44 | 50 | 37 | 32 | 32 |
| Buckskin | 50 | 37 | 37 | 37 | 50 | 50 | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 |
| Buffaloville | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 |
| Burnett | 32 | 44 | 47 | 47 | 22 | 22 | 22 | 32 | 22 | 47 | 47 | 22 | 22 | 32 | 44 | 22 | 22 | 44 | 44 | 22 | 22 | 37 | 32 |
| Burns City | 0 | 22 | 25 | 25 | 15 | 15 | 15 | 0 | 15 | 25 | 25 | 15 | 15 | 0 | 0 | 15 | 15 | 22 | 0 | 15 | 15 | 10 | 0 |
| Bushrod | 22 | 32 | 47 | 47 | 50 | 50 | 50 | 22 | 37 | 47 | 47 | 50 | 37 | 22 | 44 | 37 | 37 | 44 | 44 | 50 | 37 | 22 | 22 |
| Cale | 0 | 22 | 25 | 25 | 15 | 15 | 15 | 0 | 15 | 25 | 25 | 15 | 15 | 0 | 0 | 15 | 15 | 22 | 0 | 15 | 15 | 10 | 0 |
| Campbellsburg | 0 | 0 | 0 | 0 | 39 | 39 | 39 | 0 | 39 | 0 | 0 | 39 | 39 | 0 | 0 | 39 | 39 | 0 | 0 | 39 | 39 | 29 | 0 |
| Cannelburg | 37 | 0 | 47 | 47 | 47 | 47 | 47 | 37 | 47 | 47 | 47 | 47 | 47 | 37 | 37 | 47 | 47 | 32 | 37 | 47 | 47 | 37 | 37 |
| Cannelton | 50 | 50 | 15 | 15 | 50 | 50 | 50 | 50 | 50 | 15 | 15 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 50 |



## List of All Points in Market Area No. 32—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 1 | 2 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 19 | 20 | 21 | 22 | 23 | 24 | 26 | 27 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Carbon | 37 | 37 | 32 | 44 | 32 | 32 | 32 | 44 | 32 | 32 | 0 | 0 | 44 | 32 | 32 | 32 | 32 | 32 | 37 | 0 | 44 | 50 |
| Carlisle | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 42 | 37 | 37 | 32 | 32 | 42 | 37 | 37 | 37 | 37 | 37 | 37 | 32 | 37 | 50 |
| Carpentersville | 15 | 0 | 15 | 22 | 15 | 10 | 10 | 22 | 15 | 10 | 10 | 10 | 22 | 10 | 15 | 15 | 15 | 15 | 0 | 10 | 15 | 50 |
| Cass | 0 | 0 | 0 | 44 | 32 | 37 | 37 | 44 | 22 | 32 | 37 | 37 | 44 | 37 | 22 | 22 | 22 | 32 | 0 | 37 | 44 | 50 |
| Catlin | 37 | 37 | 32 | 44 | 32 | 22 | 22 | 44 | 32 | 0 | 22 | 22 | 44 | 22 | 32 | 32 | 32 | 32 | 37 | 22 | 32 | 50 |
| Cataract | 22 | 0 | 22 | 44 | 37 | 32 | 32 | 44 | 32 | 32 | 37 | 37 | 44 | 32 | 32 | 32 | 32 | 37 | 0 | 37 | 32 | 47 |
| Cates | 23 | 23 | 23 | 30 | 0 | 10 | 10 | 30 | 23 | 0 | 23 | 23 | 30 | 10 | 23 | 23 | 23 | 0 | 23 | 23 | 21 | 50 |
| Cayuga | 50 | 50 | 50 | 50 | 22 | 42 | 42 | 50 | 50 | 22 | 42 | 42 | 50 | 42 | 50 | 50 | 50 | 0 | 50 | 42 | 50 | 50 |
| Centre Point | 37 | 37 | 32 | 44 | 32 | 0 | 0 | 44 | 32 | 32 | 32 | 32 | 44 | 0 | 32 | 32 | 32 | 32 | 37 | 32 | 32 | 50 |
| Chandler | 50 | 50 | 50 | 27 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Chase | 13 | 13 | 13 | 20 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 | 13 | 31 |
| Chatterton | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 | 13 | 31 |
| Cherry Grove | 23 | 23 | 23 | 30 | 0 | 0 | 0 | 30 | 23 | 0 | 0 | 0 | 30 | 0 | 23 | 23 | 23 | 0 | 23 | 0 | 21 | 41 |
| Chrisney | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Clay City | 0 | 0 | 0 | 44 | 37 | 32 | 32 | 49 | 22 | 32 | 0 | 0 | 49 | 32 | 22 | 22 | 22 | 32 | 0 | 0 | 0 | 47 |
| Clear Creek | 15 | 0 | 15 | 22 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 15 | 15 | 0 | 15 | 15 | 35 |
| Clinton | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 0 |
| Cloverdale | 22 | 0 | 22 | 44 | 37 | 32 | 32 | 44 | 32 | 32 | 32 | 32 | 44 | 32 | 32 | 32 | 32 | 37 | 0 | 32 | 32 | 50 |
| Coal Bluff | 37 | 37 | 32 | 44 | 22 | 22 | 22 | 44 | 32 | 22 | 0 | 0 | 44 | 22 | 32 | 32 | 32 | 27 | 37 | 0 | 22 | 50 |
| Coalmont | 22 | 22 | 0 | 47 | 22 | 32 | 32 | 42 | 0 | 22 | 32 | 32 | 42 | 32 | 0 | 0 | 0 | 22 | 22 | 32 | 32 | 0 |
| Coal City | 22 | 22 | 22 | 44 | 37 | 32 | 32 | 44 | 37 | 32 | 22 | 22 | 44 | 32 | 37 | 37 | 37 | 37 | 32 | 22 | 0 | 50 |
| Cory | 32 | 32 | 32 | 44 | 32 | 32 | 32 | 49 | 32 | 32 | 0 | 0 | 49 | 32 | 32 | 32 | 32 | 32 | 32 | 0 | 0 | 50 |
| Cottrell | 37 | 37 | 37 | 47 | 0 | 32 | 32 | 47 | 37 | 0 | 32 | 32 | 47 | 32 | 37 | 37 | 37 | 0 | 37 | 32 | 37 | 0 |
| Covington | 20 | 20 | 20 | 27 | 0 | 0 | 0 | 27 | 20 | 0 | 0 | 0 | 27 | 0 | 20 | 20 | 20 | 0 | 20 | 0 | 20 | 48 |
| Coxton | 5 | 5 | 5 | 15 | 5 | 5 | 5 | 12 | 5 | 5 | 5 | 5 | 12 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 0 |
| Coxville | 15 | 15 | 15 | 25 | 10 | 0 | 0 | 25 | 15 | 0 | 0 | 0 | 25 | 0 | 15 | 15 | 15 | 0 | 15 | 0 | 15 | 50 |
| Crawfordsville | 23 | 23 | 23 | 30 | 10 | 0 | 0 | 30 | 23 | 0 | 10 | 10 | 30 | 0 | 23 | 23 | 23 | 10 | 23 | 10 | 23 | 50 |
| Crystal | 37 | 37 | 37 | 22 | 47 | 47 | 47 | 37 | 37 | 47 | 47 | 47 | 37 | 47 | 37 | 37 | 37 | 47 | 37 | 47 | 37 | 37 |
| Cuzco | 15 | 15 | 15 | 0 | 25 | 25 | 25 | 15 | 15 | 25 | 25 | 25 | 15 | 25 | 15 | 15 | 15 | 25 | 15 | 25 | 15 | 15 |
| Cynthiana | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 48 | 50 | 50 | 50 | 50 | 48 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 |
| Davy | 50 | 50 | 50 | 26 | 50 | 50 | 50 | 15 | 50 | 50 | 50 | 50 | 15 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 |
| Dagget | 22 | 22 | 22 | 44 | 37 | 32 | 32 | 49 | 37 | 32 | 22 | 22 | 49 | 32 | 37 | 37 | 37 | 37 | 22 | 22 | 0 | 50 |
| Dale | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Dona | 15 | 15 | 15 | 25 | 0 | 10 | 10 | 25 | 15 | 10 | 10 | 10 | 25 | 10 | 15 | 15 | 15 | 0 | 15 | 10 | 15 | 50 |
| Dark Hollow | 0 | 0 | 0 | 5 | 15 | 15 | 15 | 5 | 5 | 15 | 15 | 15 | 5 | 15 | 5 | 5 | 5 | 15 | 0 | 15 | 5 | 13 |
| Daylight | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 |
| Decker | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 47 | 50 | 50 | 50 | 50 | 47 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 32 |
| Diamond | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 |
| Dickason | 35 | 35 | 35 | 45 | 20 | 20 | 20 | 45 | 35 | 20 | 20 | 20 | 45 | 20 | 35 | 35 | 35 | 0 | 35 | 20 | 35 | 0 |
| Douglas | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Dubois | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Duff | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Dugger | 22 | 22 | 22 | 47 | 37 | 0 | 0 | 44 | 22 | 37 | 37 | 37 | 44 | 0 | 22 | 22 | 22 | 37 | 22 | 37 | 32 | 50 |
| Eckerty | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Edwardsport | 42 | 47 | 32 | 50 | 47 | 50 | 50 | 50 | 32 | 47 | 50 | 50 | 50 | 50 | 32 | 32 | 32 | 47 | 47 | 50 | 42 | 50 |
| Eel River | 0 | 0 | 37 | 44 | 37 | 32 | 32 | 49 | 37 | 32 | 0 | 0 | 49 | 32 | 37 | 37 | 37 | 32 | 0 | 0 | 0 | 50 |
| Ehrmandale | 37 | 37 | 32 | 47 | 32 | 0 | 0 | 44 | 32 | 0 | 22 | 22 | 44 | 0 | 32 | 32 | 32 | 0 | 37 | 22 | 32 | 0 |
| Elberfeld | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 |
| Ellettsville | 0 | 0 | 0 | 22 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 15 | 15 | 0 | 15 | 15 | 35 |
| Elliston | 0 | 0 | 32 | 44 | 37 | 37 | 37 | 49 | 32 | 37 | 22 | 22 | 49 | 37 | 32 | 32 | 32 | 37 | 0 | 22 | 0 | 50 |

| Destinations | 28 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 38 | 39 | 40 | 41 | 42 | 43 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Carbon | 32 | 37 | 44 | 37 | 32 | 32 | 44 | 44 | 32 | 32 | 32 | 44 | 32 | 50 | 32 | 44 | 37 | 37 | 37 | 32 | 32 | 32 |
| Carlisle | 37 | 37 | 42 | 22 | 37 | 37 | 42 | 47 | 37 | 0 | 37 | 47 | 37 | 50 | 37 | 32 | 32 | 32 | 22 | 37 | 37 | 37 |
| Carpentersville | 15 | 0 | 22 | 15 | 15 | 15 | 22 | 22 | 15 | 15 | 15 | 22 | 10 | 50 | 15 | 22 | 15 | 15 | 15 | 15 | 15 | 15 |
| Cass | 32 | 0 | 44 | 0 | 22 | 32 | 44 | 44 | 0 | 22 | 22 | 44 | 37 | 47 | 22 | 44 | 22 | 22 | 0 | 22 | 22 | 22 |
| Catlin | 32 | 37 | 44 | 50 | 32 | 37 | 44 | 44 | 32 | 32 | 32 | 44 | 22 | 50 | 32 | 44 | 50 | 50 | 50 | 32 | 32 | 32 |
| Cataract | 37 | 0 | 44 | 32 | 32 | 37 | 44 | 44 | 22 | 0 | 32 | 44 | 32 | 47 | 32 | 0 | 0 | 0 | 32 | 32 | 32 | 32 |
| Cates | 0 | 23 | 30 | 23 | 23 | 0 | 30 | 30 | 23 | 23 | 23 | 30 | 10 | 50 | 23 | 30 | 23 | 23 | 23 | 23 | 23 | 23 |
| Cayuga | 22 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 42 | 50 | 50 | 42 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Centre Point | 32 | 37 | 44 | 50 | 32 | 32 | 44 | 44 | 32 | 32 | 32 | 44 | 0 | 50 | 32 | 44 | 50 | 50 | 50 | 32 | 32 | 32 |
| Chandler | 50 | 50 | 37 | 50 | 50 | 50 | 37 | 42 | 50 | 50 | 50 | 42 | 50 | 0 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 |
| Chase | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 20 | 0 | 31 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Chatterton | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 20 | 0 | 31 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Cherry Grove | 0 | 23 | 30 | 23 | 23 | 0 | 30 | 30 | 23 | 23 | 23 | 30 | 0 | 41 | 23 | 30 | 23 | 23 | 23 | 23 | 23 | 23 |
| Chrisney | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 32 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Clay City | 37 | 0 | 49 | 22 | 22 | 37 | 49 | 49 | 0 | 32 | 22 | 49 | 32 | 47 | 22 | 44 | 32 | 32 | 22 | 22 | 22 | 22 |
| Clear Creek | 15 | 15 | 22 | 15 | 15 | 15 | 22 | 22 | 15 | 15 | 15 | 22 | 15 | 35 | 15 | 22 | 15 | 15 | 15 | 15 | 15 | 15 |
| Clinton | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Cloverdale | 37 | 22 | 44 | 32 | 32 | 37 | 44 | 44 | 22 | 37 | 32 | 44 | 32 | 50 | 32 | 44 | 32 | 32 | 32 | 32 | 32 | 32 |
| Coal Bluff | 32 | 37 | 44 | 37 | 32 | 32 | 44 | 44 | 32 | 32 | 32 | 44 | 22 | 50 | 32 | 44 | 37 | 37 | 37 | 32 | 32 | 32 |
| Coalmont | 22 | 22 | 42 | 22 | 0 | 22 | 42 | 0 | 0 | 32 | 0 | 0 | 32 | 0 | 0 | 42 | 32 | 32 | 22 | 0 | 0 | 0 |
| Coal City | 37 | 22 | 44 | 37 | 37 | 37 | 44 | 44 | 32 | 32 | 37 | 44 | 32 | 50 | 37 | 44 | 32 | 32 | 37 | 37 | 37 | 37 |
| Cory | 32 | 32 | 49 | 37 | 32 | 32 | 49 | 49 | 32 | 32 | 32 | 49 | 32 | 50 | 32 | 32 | 32 | 32 | 37 | 32 | 32 | 32 |
| Cottrell | 0 | 37 | 47 | 37 | 37 | 0 | 47 | 0 | 37 | 37 | 37 | 0 | 32 | 0 | 37 | 47 | 37 | 37 | 37 | 37 | 37 | 37 |
| Covington | 0 | 20 | 27 | 20 | 20 | 0 | 27 | 27 | 20 | 20 | 20 | 27 | 0 | 48 | 20 | 27 | 20 | 20 | 20 | 20 | 20 | 20 |
| Coxton | 5 | 5 | 12 | 5 | 5 | 5 | 12 | 0 | 5 | 5 | 5 | 0 | 5 | 0 | 5 | 12 | 0 | 0 | 5 | 5 | 5 | 5 |
| Coxville | 10 | 15 | 25 | 15 | 15 | 10 | 25 | 25 | 15 | 15 | 15 | 15 | 0 | 50 | 15 | 25 | 33 | 33 | 15 | 15 | 15 | 15 |
| Crawfordsville | 10 | 23 | 30 | 21 | 23 | 10 | 30 | 30 | 23 | 23 | 23 | 30 | 0 | 50 | 23 | 30 | 23 | 23 | 23 | 23 | 23 | 23 |
| Crystal | 47 | 37 | 37 | 37 | 37 | 47 | 37 | 32 | 37 | 37 | 37 | 32 | 47 | 0 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 |
| Cuzco | 25 | 15 | 15 | 15 | 15 | 25 | 15 | 10 | 15 | 15 | 15 | 10 | 25 | 0 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Cynthiana | 50 | 50 | 48 | 50 | 50 | 50 | 48 | 48 | 50 | 50 | 50 | 48 | 50 | 37 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 |
| Davy | 50 | 50 | 15 | 50 | 50 | 50 | 15 | 15 | 50 | 50 | 50 | 15 | 50 | 0 | 50 | 15 | 50 | 50 | 50 | 50 | 50 | 50 |
| Dagget | 37 | 22 | 49 | 37 | 37 | 37 | 49 | 49 | 22 | 37 | 37 | 49 | 32 | 50 | 37 | 44 | 32 | 32 | 37 | 37 | 37 | 37 |
| Dale | 50 | 50 | 37 | 50 | 50 | 50 | 37 | 32 | 50 | 50 | 50 | 32 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Dona | 0 | 15 | 25 | 15 | 15 | 0 | 25 | 25 | 15 | 15 | 15 | 25 | 10 | 50 | 15 | 25 | 33 | 33 | 15 | 15 | 15 | 15 |
| Dark Hollow | 15 | 0 | 5 | 0 | 5 | 15 | 5 | 5 | 0 | 5 | 5 | 5 | 15 | 15 | 5 | 5 | 5 | 5 | 0 | 5 | 5 | 5 |
| Daylight | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 22 | 50 | 22 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 |
| Decker | 50 | 50 | 47 | 42 | 50 | 50 | 47 | 50 | 50 | 32 | 50 | 50 | 50 | 37 | 50 | 0 | 37 | 37 | 42 | 50 | 50 | 50 |
| Diamond | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 7 | 0 | 20 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dickason | 20 | 35 | 45 | 35 | 35 | 20 | 45 | 45 | 35 | 35 | 35 | 45 | 20 | 0 | 35 | 50 | 35 | 35 | 35 | 35 | 35 | 85 |
| Douglas | 50 | 50 | 22 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 22 | 50 | 0 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 |
| Dubois | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 32 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Duff | 50 | 50 | 37 | 50 | 50 | 50 | 37 | 22 | 50 | 50 | 50 | 22 | 50 | 0 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 |
| Dugger | 37 | 22 | 44 | 0 | 22 | 37 | 44 | 0 | 22 | 22 | 22 | 0 | 0 | 50 | 22 | 44 | 22 | 22 | 0 | 22 | 22 | 22 |
| Eckerty | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 10 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Edwardsport | 47 | 47 | 50 | 32 | 32 | 47 | 50 | 50 | 32 | 47 | 32 | 50 | 50 | 50 | 32 | 50 | 0 | 0 | 32 | 32 | 32 | 32 |
| Eel River | 37 | 0 | 49 | 37 | 37 | 37 | 49 | 49 | 37 | 32 | 37 | 49 | 32 | 50 | 37 | 44 | 32 | 32 | 37 | 37 | 37 | 37 |
| Ehrmandale | 32 | 37 | 44 | 32 | 32 | 32 | 44 | 0 | 32 | 22 | 32 | 0 | 0 | 0 | 32 | 49 | 0 | 0 | 32 | 32 | 32 | 32 |
| Elberfeld | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 22 | 50 | 37 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 |
| Ellettsville | 15 | 0 | 22 | 15 | 15 | 15 | 22 | 22 | 0 | 15 | 15 | 22 | 15 | 35 | 15 | 22 | 15 | 15 | 15 | 15 | 15 | 15 |
| Elliston | 37 | 0 | 49 | 37 | 32 | 37 | 49 | 49 | 32 | 37 | 32 | 49 | 37 | 50 | 32 | 44 | 32 | 32 | 37 | 32 | 32 | 32 |

### List of All Points in Market Area No. 32—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 62 | 63 | 64 | 65 | 67 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Carbon | 32 | 32 | 37 | 47 | 47 | 32 | 32 | 22 | 32 | 44 | 32 | 22 |
| Carlisle | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 | 37 | 47 | 37 | 37 |
| Carpentersville | 15 | 10 | 15 | 25 | 25 | 15 | 15 | 15 | 15 | 22 | 15 | 15 |
| Cass | 32 | 37 | 0 | 47 | 47 | 37 | 22 | 32 | 22 | 44 | 22 | 32 |
| Catlin | 32 | 22 | 37 | 47 | 47 | 32 | 32 | 32 | 32 | 44 | 32 | 32 |
| Cataract | 37 | 32 | 22 | 47 | 47 | 37 | 32 | 32 | 32 | 44 | 32 | 32 |
| Cates | 0 | 10 | 23 | 33 | 33 | 0 | 23 | 23 | 23 | 30 | 23 | 23 |
| Cayuga | 22 | 42 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 |
| Centre Point | 32 | 0 | 37 | 47 | 47 | 32 | 32 | 32 | 32 | 44 | 32 | 32 |
| Chandler | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 32 | 50 | 50 |
| Chase | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 20 | 13 | 13 |
| Chatterton | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 13 | 13 | 0 | 13 | 13 |
| Cherry Grove | 0 | 0 | 23 | 33 | 33 | 0 | 23 | 23 | 23 | 30 | 23 | 23 |
| Chrisney | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 32 | 50 | 50 |
| Clay City | 37 | 32 | 0 | 47 | 47 | 32 | 22 | 0 | 22 | 44 | 22 | 0 |
| Clear Creek | 15 | 15 | 15 | 25 | 25 | 15 | 15 | 15 | 15 | 22 | 15 | 15 |
| Clinton | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 |
| Cloverdale | 37 | 32 | 22 | 47 | 47 | 37 | 32 | 32 | 32 | 44 | 32 | 32 |
| Coal Bluff | 32 | 22 | 37 | 47 | 47 | 27 | 32 | 22 | 32 | 44 | 32 | 22 |
| Coalmont | 22 | 32 | 22 | 47 | 47 | 32 | 0 | 32 | 0 | 47 | 0 | 32 |
| Coal City | 37 | 32 | 32 | 47 | 47 | 37 | 37 | 0 | 37 | 44 | 37 | 0 |
| Cory | 32 | 32 | 32 | 47 | 47 | 32 | 32 | 0 | 32 | 44 | 32 | 0 |
| Cottrell | 0 | 32 | 37 | 47 | 47 | 37 | 37 | 37 | 37 | 47 | 37 | 37 |
| Covington | 0 | 0 | 20 | 40 | 40 | 0 | 20 | 20 | 20 | 27 | 20 | 20 |
| Coxton | 5 | 5 | 5 | 15 | 15 | 5 | 5 | 5 | 5 | 15 | 5 | 5 |
| Coxville | 10 | 0 | 15 | 25 | 25 | 0 | 15 | 15 | 15 | 25 | 15 | 15 |
| Crawfordsville | 10 | 0 | 23 | 33 | 33 | 10 | 23 | 23 | 23 | 30 | 23 | 23 |
| Crystal | 47 | 47 | 37 | 22 | 0 | 47 | 37 | 37 | 37 | 22 | 37 | 37 |
| Cuzco | 25 | 25 | 15 | 5 | 0 | 25 | 15 | 15 | 15 | 5 | 15 | 15 |
| Cynthiana | 50 | 50 | 50 | 48 | 48 | 50 | 50 | 50 | 50 | 37 | 50 | 50 |
| Davy | 50 | 50 | 50 | 26 | 26 | 50 | 50 | 50 | 50 | 26 | 50 | 50 |
| Dagget | 37 | 32 | 22 | 47 | 47 | 37 | 37 | 0 | 37 | 44 | 37 | 0 |
| Dale | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 22 | 50 | 50 |
| Dana | 0 | 10 | 15 | 28 | 28 | 0 | 15 | 15 | 15 | 25 | 15 | 15 |
| Dark Hollow | 15 | 15 | 0 | 5 | 5 | 15 | 5 | 5 | 5 | 5 | 5 | 5 |
| Daylight | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 50 | 37 | 50 | 50 |
| Decker | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 50 | 50 |
| Diamond | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 0 |
| Dickason | 20 | 20 | 35 | 48 | 48 | 0 | 35 | 35 | 35 | 45 | 35 | 35 |
| Douglas | 50 | 50 | 50 | 32 | 22 | 50 | 50 | 50 | 50 | 0 | 50 | 50 |
| Dubois | 50 | 50 | 50 | 22 | 0 | 50 | 50 | 50 | 50 | 22 | 50 | 50 |
| Duff | 50 | 50 | 50 | 17 | 0 | 50 | 50 | 50 | 50 | 0 | 50 | 50 |
| Dugger | 37 | 0 | 22 | 47 | 47 | 37 | 22 | 32 | 22 | 47 | 22 | 32 |
| Eckerty | 50 | 50 | 50 | 10 | 0 | 50 | 50 | 50 | 50 | 0 | 50 | 50 |
| Edwardsport | 47 | 50 | 42 | 50 | 50 | 47 | 32 | 42 | 32 | 50 | 32 | 42 |
| Eel River | 37 | 32 | 0 | 47 | 47 | 32 | 37 | 0 | 37 | 44 | 37 | 0 |
| Ehrmandale | 32 | 0 | 37 | 0 | 0 | 0 | 32 | 32 | 32 | 47 | 32 | 32 |
| Elberfeld | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 37 | 50 | 50 |
| Elletsville | 15 | 15 | 0 | 25 | 25 | 15 | 15 | 15 | 15 | 22 | 15 | 15 |
| Elliston | 37 | 37 | 0 | 47 | 47 | 37 | 32 | 0 | 32 | 44 | 32 | 0 |

| Destinations | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 77 | 78 | 79 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Carbon | 37 | 37 | 32 | 32 | 32 | 32 | 32 | 32 | 37 | 32 | 44 |
| Carlisle | 37 | 32 | 37 | 37 | 37 | 37 | 37 | 22 | 37 | 37 | 32 |
| Carpentersville | 15 | 10 | 15 | 15 | 15 | 15 | 10 | 10 | 15 | 15 | 22 |
| Cass | 0 | 22 | 0 | 22 | 22 | 0 | 37 | 37 | 0 | 22 | 37 |
| Catlin | 37 | 50 | 32 | 32 | 32 | 32 | 22 | 0 | 37 | 32 | 44 |
| Cataract | 0 | 0 | 22 | 32 | 32 | 22 | 32 | 32 | 22 | 32 | 44 |
| Cates | 23 | 23 | 23 | 23 | 23 | 23 | 10 | 0 | 23 | 23 | 30 |
| Cayuga | 50 | 50 | 50 | 50 | 50 | 50 | 42 | 22 | 50 | 50 | 50 |
| Centre Point | 37 | 50 | 32 | 32 | 32 | 32 | 0 | 0 | 37 | 32 | 44 |
| Chandler | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Chase | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 0 | 13 | 13 | 20 |
| Chatterton | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 0 | 13 | 13 | 20 |
| Cherry Grove | 23 | 23 | 23 | 23 | 23 | 23 | 0 | 0 | 23 | 23 | 30 |
| Chrisney | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Clay City | 0 | 32 | 0 | 22 | 22 | 0 | 32 | 32 | 0 | 22 | 44 |
| Clear Creek | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 22 |
| Clinton | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 35 | 50 | 50 | 50 |
| Cloverdale | 22 | 32 | 22 | 32 | 32 | 22 | 32 | 32 | 22 | 32 | 44 |
| Coal Bluff | 37 | 37 | 32 | 32 | 32 | 32 | 22 | 22 | 37 | 32 | 44 |
| Coalmont | 22 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 22 | 0 | 42 |
| Coal City | 32 | 32 | 32 | 37 | 37 | 32 | 32 | 32 | 32 | 37 | 44 |
| Cory | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 44 |
| Cottrell | 37 | 37 | 37 | 37 | 37 | 37 | 32 | 32 | 37 | 37 | 47 |
| Covington | 20 | 20 | 20 | 20 | 20 | 20 | 0 | 0 | 20 | 20 | 27 |
| Coxton | 5 | 0 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 12 |
| Coxville | 15 | 33 | 15 | 15 | 15 | 15 | 0 | 0 | 15 | 15 | 25 |
| Crawfordsville | 23 | 23 | 23 | 23 | 23 | 23 | 0 | 0 | 23 | 23 | 30 |
| Crystal | 37 | 37 | 37 | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 |
| Cuzco | 15 | 15 | 15 | 15 | 15 | 15 | 25 | 25 | 15 | 15 | 15 |
| Cynthiana | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Davy | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Dagget | 22 | 32 | 22 | 37 | 37 | 22 | 32 | 32 | 22 | 37 | 44 |
| Dale | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Dana | 15 | 33 | 15 | 15 | 15 | 15 | 10 | 0 | 15 | 15 | 25 |
| Dark Hollow | 0 | 5 | 0 | 5 | 5 | 0 | 15 | 15 | 0 | 5 | 5 |
| Daylight | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 49 |
| Decker | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 |
| Diamond | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 |
| Dickason | 35 | 35 | 35 | 35 | 35 | 35 | 20 | 0 | 35 | 35 | 45 |
| Douglas | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Dubois | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Duff | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Dugger | 22 | 22 | 22 | 22 | 22 | 22 | 0 | 37 | 22 | 22 | 37 |
| Eckerty | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Edwardsport | 47 | 0 | 32 | 32 | 32 | 32 | 50 | 47 | 42 | 32 | 42 |
| Eel River | 0 | 32 | 37 | 37 | 37 | 37 | 32 | 32 | 0 | 37 | 44 |
| Ehrmandale | 37 | 0 | 32 | 32 | 32 | 32 | 0 | 0 | 37 | 32 | 44 |
| Elberfeld | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 49 |
| Elletsville | 0 | 15 | 0 | 15 | 15 | 0 | 15 | 15 | 0 | 15 | 22 |
| Elliston | 0 | 32 | 32 | 32 | 32 | 32 | 37 | 37 | 0 | 32 | 32 |

| Destinations | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Carbon | 47 | 47 | 32 | 32 | 32 | 32 | 32 | 47 | 47 | 32 | 32 | 32 |
| Carlisle | 47 | 47 | 37 | 37 | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 |
| Carpentersville | 25 | 25 | 10 | 10 | 10 | 15 | 15 | 25 | 25 | 10 | 15 | 15 |
| Cass | 47 | 47 | 37 | 37 | 37 | 22 | 32 | 47 | 47 | 37 | 32 | 22 |
| Catlin | 47 | 47 | 22 | 0 | 22 | 32 | 32 | 47 | 47 | 22 | 32 | 32 |
| Cataract | 47 | 47 | 32 | 32 | 32 | 32 | 37 | 47 | 47 | 32 | 37 | 32 |
| Cates | 33 | 33 | 10 | 10 | 10 | 23 | 0 | 33 | 33 | 10 | 0 | 23 |
| Cayuga | 50 | 50 | 42 | 42 | 42 | 50 | 22 | 50 | 50 | 42 | 22 | 50 |
| Centre Point | 47 | 47 | 0 | 0 | 0 | 32 | 32 | 47 | 47 | 0 | 32 | 32 |
| Chandler | 0 | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 |
| Chase | 23 | 23 | 0 | 0 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 |
| Chatterton | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 13 |
| Cherry Grove | 33 | 33 | 0 | 0 | 0 | 23 | 0 | 33 | 33 | 0 | 0 | 23 |
| Chrisney | 0 | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 |
| Clay City | 47 | 47 | 32 | 32 | 32 | 22 | 37 | 47 | 47 | 32 | 37 | 22 |
| Clear Creek | 25 | 25 | 15 | 15 | 15 | 15 | 15 | 25 | 25 | 15 | 15 | 15 |
| Clinton | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Cloverdale | 47 | 47 | 32 | 32 | 32 | 32 | 37 | 47 | 47 | 32 | 37 | 32 |
| Coal Bluff | 47 | 47 | 22 | 22 | 22 | 32 | 32 | 47 | 47 | 22 | 32 | 32 |
| Coalmont | 47 | 47 | 32 | 32 | 32 | 0 | 22 | 47 | 47 | 32 | 22 | 0 |
| Coal City | 47 | 47 | 32 | 32 | 32 | 37 | 37 | 47 | 47 | 32 | 37 | 37 |
| Cory | 47 | 47 | 32 | 32 | 32 | 32 | 32 | 47 | 47 | 32 | 32 | 32 |
| Cottrell | 47 | 47 | 32 | 32 | 32 | 37 | 0 | 47 | 47 | 32 | 0 | 37 |
| Covington | 40 | 40 | 0 | 0 | 0 | 20 | 0 | 40 | 40 | 0 | 0 | 20 |
| Coxton | 15 | 15 | 5 | 5 | 5 | 5 | 5 | 15 | 15 | 5 | 5 | 5 |
| Coxville | 25 | 25 | 0 | 0 | 0 | 15 | 10 | 25 | 25 | 0 | 10 | 15 |
| Crawfordsville | 33 | 33 | 0 | 0 | 0 | 23 | 10 | 33 | 33 | 0 | 10 | 23 |
| Crystal | 22 | 22 | 47 | 47 | 47 | 37 | 47 | 22 | 22 | 47 | 47 | 37 |
| Cuzco | 5 | 5 | 25 | 25 | 25 | 15 | 25 | 5 | 5 | 25 | 25 | 15 |
| Cynthiana | 48 | 48 | 50 | 50 | 50 | 50 | 50 | 48 | 48 | 50 | 50 | 50 |
| Davy | 26 | 26 | 50 | 50 | 50 | 50 | 50 | 26 | 26 | 50 | 50 | 50 |
| Dagget | 47 | 47 | 32 | 32 | 32 | 37 | 37 | 47 | 47 | 32 | 37 | 37 |
| Dale | 0 | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 |
| Dana | 28 | 28 | 10 | 10 | 10 | 15 | 0 | 28 | 28 | 10 | 0 | 15 |
| Dark Hollow | 5 | 5 | 15 | 15 | 15 | 5 | 15 | 5 | 5 | 15 | 15 | 5 |
| Daylight | 22 | 22 | 50 | 50 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 |
| Decker | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Diamond | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 |
| Dickason | 48 | 48 | 20 | 20 | 20 | 35 | 20 | 48 | 48 | 20 | 20 | 35 |
| Douglas | 32 | 32 | 50 | 50 | 50 | 50 | 50 | 32 | 32 | 50 | 50 | 50 |
| Dubois | 22 | 22 | 50 | 50 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 |
| Duff | 17 | 17 | 50 | 50 | 50 | 50 | 50 | 17 | 17 | 50 | 50 | 50 |
| Dugger | 47 | 47 | 0 | 0 | 0 | 22 | 37 | 47 | 47 | 0 | 37 | 22 |
| Eckerty | 10 | 10 | 50 | 50 | 50 | 50 | 50 | 10 | 10 | 50 | 50 | 50 |
| Edwardsport | 50 | 50 | 50 | 50 | 50 | 32 | 47 | 50 | 50 | 50 | 47 | 32 |
| Eel River | 47 | 47 | 32 | 32 | 32 | 37 | 37 | 47 | 47 | 32 | 37 | 37 |
| Ehrmandale | 0 | 0 | 0 | 0 | 0 | 32 | 32 | 0 | 0 | 0 | 32 | 32 |
| Elberfeld | 37 | 37 | 50 | 50 | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 |
| Elletsville | 25 | 25 | 15 | 15 | 15 | 15 | 15 | 25 | 25 | 15 | 15 | 15 |
| Elliston | 47 | 47 | 37 | 37 | 37 | 32 | 37 | 47 | 47 | 37 | 37 | 32 |

| Destinations | 92 | 93 | 94 | 96 | 97 | 98 | 99 | 100 | 101 |
|---|---|---|---|---|---|---|---|---|---|
| Carbon | 44 | 32 | 32 | 44 | 44 | 32 | 32 | 37 | 32 |
| Carlisle | 47 | 37 | 37 | 42 | 47 | 37 | 37 | 22 | 37 |
| Carpentersville | 22 | 15 | 15 | 22 | 22 | 10 | 15 | 15 | 15 |
| Cass | 44 | 37 | 37 | 44 | 44 | 37 | 32 | 0 | 22 |
| Catlin | 44 | 32 | 32 | 44 | 44 | 22 | 32 | 50 | 32 |
| Cataract | 44 | 37 | 37 | 44 | 44 | 32 | 37 | 32 | 32 |
| Cates | 30 | 0 | 0 | 30 | 30 | 10 | 0 | 23 | 23 |
| Cayuga | 50 | 0 | 0 | 50 | 50 | 42 | 22 | 50 | 50 |
| Centre Point | 44 | 32 | 32 | 44 | 44 | 0 | 32 | 50 | 32 |
| Chandler | 42 | 50 | 50 | 37 | 42 | 50 | 50 | 50 | 50 |
| Chase | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| Chatterton | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| Cherry Grove | 30 | 0 | 0 | 30 | 30 | 0 | 0 | 23 | 23 |
| Chrisney | 32 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 |
| Clay City | 49 | 32 | 32 | 49 | 49 | 32 | 37 | 22 | 22 |
| Clear Creek | 22 | 15 | 15 | 22 | 22 | 15 | 15 | 15 | 15 |
| Clinton | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 50 | 50 |
| Cloverdale | 44 | 37 | 37 | 44 | 44 | 32 | 37 | 32 | 32 |
| Coal Bluff | 44 | 27 | 27 | 44 | 44 | 22 | 32 | 37 | 32 |
| Coalmont | 0 | 32 | 32 | 42 | 0 | 32 | 22 | 22 | 0 |
| Coal City | 44 | 37 | 37 | 44 | 44 | 32 | 37 | 37 | 37 |
| Cory | 49 | 32 | 32 | 49 | 49 | 32 | 32 | 37 | 32 |
| Cottrell | 0 | 37 | 37 | 47 | 0 | 32 | 0 | 37 | 37 |
| Covington | 27 | 0 | 0 | 27 | 27 | 0 | 0 | 20 | 20 |
| Coxton | 0 | 5 | 5 | 12 | 0 | 5 | 5 | 5 | 5 |
| Coxville | 25 | 0 | 0 | 25 | 25 | 0 | 10 | 15 | 15 |
| Crawfordsville | 30 | 10 | 10 | 30 | 30 | 0 | 10 | 23 | 23 |
| Crystal | 32 | 47 | 47 | 37 | 32 | 47 | 47 | 37 | 37 |
| Cuzco | 10 | 25 | 25 | 15 | 10 | 25 | 25 | 15 | 15 |
| Cynthiana | 48 | 50 | 50 | 48 | 48 | 50 | 50 | 50 | 50 |
| Davy | 15 | 50 | 50 | 15 | 15 | 50 | 50 | 50 | 50 |
| Dagget | 49 | 37 | 37 | 49 | 49 | 32 | 37 | 37 | 37 |
| Dale | 32 | 50 | 50 | 37 | 32 | 50 | 50 | 50 | 50 |
| Dana | 25 | 0 | 0 | 25 | 25 | 10 | 0 | 15 | 15 |
| Dark Hollow | 5 | 15 | 15 | 5 | 5 | 15 | 15 | 0 | 5 |
| Daylight | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 |
| Decker | 50 | 50 | 50 | 47 | 50 | 50 | 50 | 50 | 50 |
| Diamond | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Dickason | 45 | 0 | 0 | 45 | 45 | 20 | 20 | 35 | 35 |
| Douglas | 22 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 50 |
| Dubois | 32 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 |
| Duff | 22 | 50 | 50 | 37 | 22 | 50 | 50 | 50 | 50 |
| Dugger | 0 | 37 | 37 | 44 | 0 | 0 | 37 | 0 | 22 |
| Eckerty | 10 | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 50 |
| Edwardsport | 50 | 47 | 47 | 50 | 50 | 50 | 47 | 32 | 32 |
| Eel River | 49 | 32 | 32 | 49 | 49 | 32 | 37 | 37 | 37 |
| Ehrmandale | 0 | 0 | 0 | 44 | 0 | 0 | 32 | 32 | 32 |
| Elberfeld | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 |
| Elletsville | 22 | 15 | 15 | 22 | 22 | 15 | 15 | 15 | 15 |
| Elliston | 49 | 37 | 37 | 49 | 49 | 37 | 37 | 37 | 32 |



### List of All Points in Market Area No. 32—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 1 | 2 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Elnora | 22 | 22 | 0 | 44 | 37 | 37 | 37 | 49 | 0 | 37 | 37 | 37 |
| Elwren | 10 | 10 | 10 | 25 | 15 | 15 | 15 | 22 | 10 | 15 | 15 | 15 |
| Emisson | 27 | 27 | 27 | 37 | 27 | 27 | 27 | 32 | 27 | 27 | 27 | 27 |
| English | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Evanston | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Farmersburg | 47 | 47 | 42 | 50 | 42 | 42 | 42 | 50 | 42 | 42 | 32 | 32 |
| Fern | 37 | 37 | 32 | 44 | 32 | 32 | 32 | 44 | 32 | 32 | 0 | 0 |
| Fillmore | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 |
| Finney | 15 | 15 | 15 | 40 | 0 | 0 | 0 | 35 | 15 | 0 | 0 | 0 |
| Flint | 13 | 13 | 13 | 20 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 |
| Fontanet | 37 | 37 | 32 | 44 | 22 | 22 | 22 | 44 | 32 | 22 | 0 | 0 |
| Forest (Vigo County) | 37 | 37 | 22 | 44 | 22 | 22 | 22 | 44 | 22 | 22 | 0 | 0 |
| Fort Branch | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 47 | 50 | 50 | 50 | 50 |
| Foster | 20 | 20 | 20 | 27 | 0 | 0 | 0 | 27 | 20 | 0 | 0 | 0 |
| Francisco | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 |
| Freedom | 10 | 15 | 10 | 22 | 15 | 33 | 33 | 22 | 10 | 15 | 33 | 33 |
| French Lick | 15 | 15 | 15 | 0 | 25 | 25 | 25 | 15 | 15 | 25 | 25 | 25 |
| Frichton | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 37 |
| Garvin | 50 | 50 | 50 | 27 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 |
| Gentryville | 50 | 50 | 50 | 15 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Georgia | 15 | 15 | 15 | 25 | 25 | 25 | 25 | 15 | 15 | 25 | 25 | 25 |
| Gessie | 35 | 35 | 35 | 50 | 20 | 20 | 20 | 50 | 35 | 20 | 20 | 20 |
| Gilmour | 22 | 22 | 0 | 47 | 22 | 32 | 32 | 42 | 0 | 22 | 32 | 32 |
| Gladstone | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 |
| Glendora | 22 | 22 | 0 | 47 | 22 | 32 | 32 | 42 | 0 | 22 | 22 | 22 |
| Glezen | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 |
| Gosport | 22 | 0 | 22 | 44 | 37 | 32 | 32 | 44 | 37 | 32 | 37 | 37 |
| Gosport Junction | 5 | 5 | 5 | 12 | 5 | 23 | 23 | 12 | 5 | 23 | 23 | 23 |
| Graham | 42 | 42 | 37 | 37 | 42 | 42 | 42 | 22 | 42 | 42 | 42 | 42 |
| Gravel Pit (Knox Co.) | 27 | 27 | 27 | 37 | 27 | 27 | 27 | 32 | 27 | 27 | 27 | 27 |
| Greencastle | 32 | 22 | 32 | 44 | 32 | 0 | 0 | 44 | 32 | 0 | 0 | 0 |
| Greenmound | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 |
| Griff | 32 | 32 | 22 | 44 | 22 | 22 | 22 | 44 | 22 | 22 | 0 | 0 |
| Griffin | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Gudgel | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 |
| Guion | 5 | 5 | 5 | 15 | 0 | 0 | 0 | 15 | 5 | 0 | 0 | 0 |
| Guthrie | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 |
| Handy | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 |
| Harrodsburg | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 |
| Hartwell Junction | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 |
| Haubstadt | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 47 | 50 | 50 | 50 | 50 |
| Hawton | 22 | 22 | 0 | 47 | 22 | 32 | 32 | 42 | 0 | 22 | 32 | 32 |
| Hazelton | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 47 | 50 | 50 | 50 | 50 |
| Heddrick | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hillsboro | 13 | 13 | 13 | 20 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 |
| Hillsdale | 22 | 37 | 37 | 47 | 32 | 32 | 32 | 47 | 37 | 22 | 32 | 32 |
| Hollowell | 15 | 15 | 15 | 25 | 0 | 10 | 10 | 25 | 15 | 0 | 10 | 10 |
| Hosmer Siding | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 |
| Hovey | 50 | 50 | 50 | 30 | 50 | 50 | 50 | 30 | 50 | 50 | 50 | 50 |
| Howesville | 0 | 0 | 0 | 49 | 32 | 37 | 37 | 49 | 22 | 32 | 37 | 37 |

| Destinations | 15 | 16 | 19 | 20 | 21 | 22 | 23 | 24 |
|---|---|---|---|---|---|---|---|---|
| Elnora | 49 | 37 | 0 | 0 | 0 | 37 | 22 | 37 |
| Elwren | 22 | 15 | 10 | 10 | 10 | 15 | 10 | 15 |
| Emisson | 32 | 27 | 27 | 27 | 27 | 27 | 27 | 27 |
| English | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Evanston | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Farmersburg | 50 | 42 | 42 | 42 | 42 | 32 | 47 | 32 |
| Fern | 44 | 32 | 32 | 32 | 32 | 32 | 37 | 0 |
| Fillmore | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Finney | 35 | 0 | 0 | 0 | 0 | 0 | 15 | 0 |
| Flint | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 |
| Fontanet | 44 | 22 | 32 | 32 | 32 | 22 | 37 | 0 |
| Forest (Vigo County) | 44 | 22 | 22 | 22 | 22 | 22 | 37 | 0 |
| Fort Branch | 47 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Foster | 27 | 0 | 20 | 20 | 20 | 0 | 20 | 0 |
| Francisco | 32 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Freedom | 22 | 33 | 10 | 10 | 10 | 15 | 15 | 33 |
| French Lick | 15 | 25 | 15 | 15 | 15 | 25 | 15 | 25 |
| Frichton | 32 | 37 | 37 | 37 | 37 | 37 | 37 | 37 |
| Garvin | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Gentryville | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Georgia | 15 | 25 | 15 | 15 | 15 | 25 | 15 | 25 |
| Gessie | 50 | 20 | 35 | 35 | 35 | 0 | 35 | 20 |
| Gilmour | 42 | 32 | 0 | 0 | 0 | 22 | 22 | 32 |
| Gladstone | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Glendora | 42 | 32 | 0 | 0 | 0 | 22 | 22 | 22 |
| Glezen | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Gosport | 44 | 32 | 37 | 37 | 37 | 37 | 0 | 37 |
| Gosport Junction | 12 | 23 | 5 | 5 | 5 | 23 | 5 | 23 |
| Graham | 22 | 42 | 37 | 37 | 37 | 42 | 42 | 42 |
| Gravel Pit (Knox Co.) | 32 | 27 | 27 | 27 | 27 | 27 | 27 | 27 |
| Greencastle | 44 | 0 | 32 | 32 | 32 | 32 | 22 | 22 |
| Greenmound | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Griff | 44 | 22 | 22 | 22 | 22 | 22 | 32 | 0 |
| Griffin | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Gudgel | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Guion | 15 | 0 | 5 | 5 | 5 | 0 | 5 | 0 |
| Guthrie | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Handy | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Harrodsburg | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hartwell Junction | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Haubstadt | 47 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Hawton | 42 | 32 | 0 | 0 | 0 | 22 | 22 | 32 |
| Hazelton | 47 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Heddrick | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hillsboro | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 |
| Hillsdale | 47 | 32 | 37 | 37 | 37 | 0 | 37 | 32 |
| Hollowell | 25 | 10 | 15 | 15 | 15 | 0 | 15 | 10 |
| Hosmer Siding | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Hovey | 30 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Howesville | 49 | 37 | 22 | 22 | 22 | 32 | 0 | 37 |

| Destinations | 26 | 27 | 28 | 30 | 31 | 32 | 33 | 34 | 35 |
|---|---|---|---|---|---|---|---|---|---|
| Elnora | 22 | 50 | 37 | 22 | 49 | 22 | 0 | 37 | 49 |
| Elwren | 10 | 35 | 15 | 10 | 22 | 0 | 10 | 15 | 22 |
| Emisson | 27 | 32 | 27 | 27 | 32 | 22 | 27 | 27 | 32 |
| English | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Evanston | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Farmersburg | 42 | 50 | 42 | 47 | 50 | 32 | 42 | 42 | 50 |
| Fern | 44 | 50 | 32 | 37 | 44 | 37 | 32 | 32 | 44 |
| Fillmore | 0 | 18 | 0 | 0 | 7 | 0 | 0 | 0 | 7 |
| Finney | 15 | 0 | 0 | 15 | 35 | 15 | 0 | 0 | 35 |
| Flint | 13 | 31 | 0 | 13 | 20 | 13 | 13 | 0 | 20 |
| Fontanet | 0 | 50 | 22 | 37 | 44 | 37 | 32 | 22 | 44 |
| Forest (Vigo County) | 0 | 50 | 22 | 37 | 44 | 37 | 22 | 22 | 44 |
| Fort Branch | 50 | 15 | 50 | 50 | 47 | 50 | 50 | 50 | 50 |
| Foster | 20 | 48 | 0 | 20 | 27 | 20 | 20 | 0 | 27 |
| Francisco | 50 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 32 |
| Freedom | 0 | 35 | 15 | 15 | 22 | 0 | 10 | 15 | 22 |
| French Lick | 15 | 15 | 25 | 15 | 15 | 15 | 15 | 25 | 15 |
| Frichton | 37 | 47 | 37 | 37 | 32 | 37 | 37 | 37 | 32 |
| Garvin | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 37 |
| Gentryville | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Georgia | 15 | 15 | 25 | 15 | 15 | 15 | 15 | 25 | 15 |
| Gessie | 35 | 0 | 20 | 35 | 50 | 35 | 35 | 20 | 50 |
| Gilmour | 32 | 0 | 22 | 22 | 42 | 22 | 0 | 22 | 42 |
| Gladstone | 50 | 32 | 50 | 50 | 0 | 50 | 50 | 50 | 0 |
| Glendora | 32 | 0 | 22 | 22 | 42 | 32 | 0 | 22 | 42 |
| Glezen | 50 | 22 | 50 | 50 | 0 | 50 | 50 | 50 | 0 |
| Gosport | 32 | 50 | 37 | 22 | 44 | 32 | 37 | 37 | 44 |
| Gosport Junction | 0 | 25 | 5 | 23 | 12 | 0 | 5 | 5 | 12 |
| Graham | 37 | 42 | 42 | 42 | 22 | 50 | 37 | 42 | 22 |
| Gravel Pit (Knox Co.) | 27 | 32 | 27 | 27 | 32 | 22 | 27 | 27 | 32 |
| Greencastle | 32 | 50 | 32 | 32 | 44 | 32 | 32 | 32 | 44 |
| Greenmound | 50 | 37 | 50 | 50 | 0 | 50 | 50 | 50 | 22 |
| Griff | 0 | 50 | 22 | 32 | 44 | 37 | 22 | 22 | 44 |
| Griffin | 50 | 0 | 50 | 50 | 50 | 0 | 50 | 50 | 50 |
| Gudgel | 50 | 10 | 50 | 50 | 0 | 50 | 50 | 50 | 0 |
| Guion | 5 | 50 | 0 | 5 | 15 | 5 | 5 | 0 | 15 |
| Guthrie | 0 | 20 | 0 | 0 | 7 | 0 | 0 | 0 | 7 |
| Handy | 0 | 31 | 0 | 0 | 20 | 0 | 0 | 0 | 20 |
| Harrodsburg | 0 | 20 | 0 | 0 | 7 | 0 | 0 | 0 | 7 |
| Hartwell Junction | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 22 |
| Haubstadt | 50 | 10 | 50 | 50 | 47 | 50 | 50 | 50 | 47 |
| Hawton | 32 | 0 | 22 | 22 | 42 | 22 | 0 | 22 | 42 |
| Hazelton | 50 | 32 | 50 | 50 | 47 | 42 | 50 | 50 | 47 |
| Heddrick | 0 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hillsboro | 13 | 40 | 0 | 13 | 20 | 13 | 13 | 0 | 20 |
| Hillsdale | 37 | 50 | 22 | 37 | 47 | 37 | 37 | 22 | 47 |
| Hollowell | 15 | 50 | 0 | 15 | 25 | 15 | 15 | 0 | 25 |
| Hosmer Siding | 50 | 22 | 50 | 50 | 0 | 50 | 50 | 50 | 0 |
| Hovey | 50 | 0 | 50 | 50 | 30 | 0 | 50 | 50 | 30 |
| Howesville | 22 | 50 | 32 | 0 | 49 | 22 | 22 | 37 | 49 |

| Destinations | 36 | 38 | 39 | 40 | 41 | 42 | 43 | 46 |
|---|---|---|---|---|---|---|---|---|
| Elnora | 49 | 0 | 37 | 0 | 49 | 37 | 50 | 0 |
| Elwren | 0 | 10 | 10 | 10 | 0 | 15 | 35 | 10 |
| Emisson | 37 | 27 | 0 | 27 | 37 | 27 | 37 | 27 |
| English | 20 | 50 | 50 | 50 | 20 | 50 | 0 | 50 |
| Evanston | 32 | 50 | 50 | 50 | 32 | 50 | 0 | 50 |
| Farmersburg | 50 | 42 | 10 | 42 | 50 | 42 | 50 | 42 |
| Fern | 44 | 32 | 32 | 32 | 44 | 32 | 50 | 32 |
| Fillmore | 7 | 0 | 0 | 0 | 7 | 0 | 18 | 0 |
| Finney | 0 | 15 | 15 | 0 | 0 | 0 | 0 | 0 |
| Flint | 20 | 13 | 13 | 13 | 20 | 0 | 31 | 13 |
| Fontanet | 44 | 32 | 22 | 32 | 44 | 22 | 50 | 32 |
| Forest (Vigo County) | 44 | 22 | 22 | 22 | 44 | 22 | 50 | 22 |
| Fort Branch | 0 | 50 | 50 | 50 | 0 | 50 | 37 | 50 |
| Foster | 27 | 20 | 20 | 20 | 27 | 0 | 48 | 20 |
| Francisco | 32 | 50 | 50 | 50 | 32 | 50 | 0 | 50 |
| Freedom | 22 | 10 | 15 | 10 | 22 | 33 | 35 | 10 |
| French Lick | 15 | 15 | 15 | 15 | 15 | 35 | 0 | 15 |
| Frichton | 37 | 37 | 32 | 37 | 37 | 37 | 47 | 37 |
| Garvin | 42 | 50 | 50 | 50 | 42 | 50 | 0 | 50 |
| Gentryville | 32 | 50 | 50 | 50 | 32 | 50 | 0 | 50 |
| Georgia | 15 | 15 | 15 | 15 | 15 | 25 | 35 | 15 |
| Gessie | 50 | 35 | 35 | 35 | 50 | 20 | 0 | 35 |
| Gilmour | 0 | 0 | 32 | 0 | 0 | 32 | 0 | 0 |
| Gladstone | 22 | 50 | 50 | 50 | 22 | 50 | 47 | 50 |
| Glendora | 0 | 0 | 32 | 0 | 0 | 32 | 0 | 0 |
| Glezen | 22 | 50 | 50 | 50 | 22 | 50 | 42 | 50 |
| Gosport | 44 | 22 | 37 | 37 | 44 | 32 | 50 | 37 |
| Gosport Junction | 12 | 5 | 5 | 5 | 12 | 23 | 25 | 5 |
| Graham | 32 | 37 | 50 | 37 | 32 | 42 | 47 | 37 |
| Gravel Pit (Knox Co.) | 37 | 27 | 0 | 27 | 37 | 27 | 37 | 27 |
| Greencastle | 44 | 32 | 32 | 32 | 44 | 0 | 50 | 32 |
| Greenmound | 22 | 50 | 50 | 50 | 22 | 50 | 47 | 50 |
| Griff | 44 | 22 | 22 | 22 | 44 | 22 | 50 | 22 |
| Griffin | 0 | 50 | 50 | 50 | 0 | 50 | 37 | 50 |
| Gudgel | 22 | 50 | 50 | 50 | 22 | 50 | 37 | 50 |
| Guion | 15 | 5 | 5 | 5 | 15 | 0 | 50 | 5 |
| Guthrie | 7 | 0 | 0 | 0 | 7 | 0 | 20 | 0 |
| Handy | 20 | 0 | 0 | 0 | 20 | 0 | 31 | 0 |
| Harrodsburg | 7 | 0 | 0 | 0 | 7 | 0 | 20 | 0 |
| Hartwell Junction | 22 | 50 | 50 | 50 | 22 | 50 | 0 | 50 |
| Haubstadt | 0 | 50 | 50 | 50 | 0 | 50 | 37 | 50 |
| Hawton | 0 | 0 | 32 | 0 | 0 | 32 | 0 | 0 |
| Hazelton | 50 | 50 | 32 | 50 | 50 | 50 | 37 | 50 |
| Heddrick | 0 | 0 | 0 | 0 | 0 | 0 | 35 | 0 |
| Hillsboro | 20 | 13 | 13 | 0 | 20 | 0 | 40 | 13 |
| Hillsdale | 47 | 37 | 22 | 37 | 47 | 32 | 50 | 37 |
| Hollowell | 25 | 15 | 15 | 15 | 25 | 10 | 50 | 15 |
| Hosmer Siding | 22 | 50 | 50 | 50 | 22 | 50 | 37 | 50 |
| Hovey | 0 | 50 | 50 | 50 | 0 | 50 | 25 | 50 |
| Howesville | 49 | 0 | 0 | 22 | 49 | 37 | 50 | 22 |

| Destinations | 47 | 48 | 49 | 50 | 51 | 52 | 53 |
|---|---|---|---|---|---|---|---|
| Elnora | 44 | 22 | 22 | 22 | 0 | 0 | 0 |
| Elwren | 22 | 10 | 10 | 0 | 10 | 10 | 10 |
| Emisson | 22 | 22 | 22 | 22 | 27 | 27 | 27 |
| English | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Evanston | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Farmersburg | 50 | 47 | 47 | 32 | 42 | 42 | 42 |
| Fern | 44 | 37 | 37 | 37 | 32 | 32 | 32 |
| Fillmore | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Finney | 35 | 15 | 15 | 15 | 0 | 0 | 0 |
| Flint | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Fontanet | 44 | 37 | 37 | 37 | 32 | 32 | 32 |
| Forest (Vigo County) | 44 | 37 | 37 | 37 | 22 | 22 | 22 |
| Fort Branch | 0 | 50 | 50 | 50 | 50 | 50 | 50 |
| Foster | 27 | 20 | 20 | 20 | 20 | 20 | 20 |
| Francisco | 32 | 50 | 50 | 50 | 50 | 50 | 50 |
| Freedom | 22 | 0 | 0 | 0 | 10 | 10 | 10 |
| French Lick | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Frichton | 32 | 22 | 22 | 37 | 37 | 37 | 37 |
| Garvin | 22 | 50 | 50 | 50 | 50 | 50 | 50 |
| Gentryville | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Georgia | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Gessie | 50 | 35 | 35 | 35 | 35 | 35 | 35 |
| Gilmour | 42 | 32 | 32 | 22 | 0 | 0 | 0 |
| Gladstone | 49 | 50 | 50 | 50 | 50 | 50 | 50 |
| Glendora | 42 | 32 | 32 | 32 | 0 | 0 | 0 |
| Glezen | 49 | 50 | 50 | 50 | 50 | 50 | 50 |
| Gosport | 44 | 37 | 37 | 32 | 37 | 37 | 37 |
| Gosport Junction | 12 | 5 | 5 | 0 | 5 | 5 | 5 |
| Graham | 49 | 42 | 42 | 50 | 37 | 37 | 37 |
| Gravel Pit (Knox Co.) | 12 | 12 | 12 | 22 | 27 | 27 | 27 |
| Greencastle | 44 | 32 | 32 | 32 | 32 | 32 | 32 |
| Greenmound | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Griff | 44 | 37 | 37 | 37 | 22 | 22 | 22 |
| Griffin | 22 | 50 | 50 | 0 | 50 | 50 | 50 |
| Gudgel | 37 | 50 | 50 | 50 | 50 | 50 | 50 |
| Guion | 15 | 0 | 0 | 5 | 5 | 5 | 5 |
| Guthrie | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Handy | 20 | 0 | 0 | 0 | 0 | 0 | 0 |
| Harrodsburg | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hartwell Junction | 37 | 50 | 50 | 50 | 50 | 50 | 50 |
| Haubstadt | 0 | 50 | 50 | 50 | 50 | 50 | 50 |
| Hawton | 42 | 32 | 32 | 22 | 0 | 0 | 0 |
| Hazelton | 0 | 37 | 37 | 42 | 50 | 50 | 50 |
| Heddrick | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hillsboro | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Hillsdale | 50 | 37 | 37 | 37 | 37 | 37 | 37 |
| Hollowell | 25 | 33 | 33 | 15 | 15 | 15 | 15 |
| Hosmer Siding | 49 | 50 | 50 | 50 | 50 | 50 | 50 |
| Hovey | 15 | 50 | 50 | 0 | 50 | 50 | 50 |
| Howesville | 0 | 0 | 0 | 22 | 22 | 22 | 22 |

## List of All Points in Market Area No. 32—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 | 101 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Elnora | 37 | 37 | 22 | 47 | 47 | 37 | 0 | 47 | 22 | 0 | 44 | 0 | 22 | 22 | 22 | 37 | 0 | 0 | 0 | 0 | 37 | 37 | 37 | 22 | 0 | 22 | 35 | 47 | 49 | 37 | 37 | 0 | 37 | 47 | 37 | 37 | 37 | 0 | 49 | 0 | 37 | 37 | 49 | 0 | 37 | 37 | 22 | 37 |
| Elwren | 15 | 15 | 27 | 23 | 23 | 27 | 10 | 25 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 15 | 15 | 27 | 27 | 27 | 12 | 27 | 25 | 25 | 27 | 27 | 27 | 27 | 23 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 |
| Emerson | 37 | 37 | 27 | 37 | 0 | 37 | 0 | 37 | 27 | 37 | 27 | 37 | 27 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 |
| English | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Evanston | 47 | 42 | 47 | 47 | 47 | 47 | 42 | 47 | 42 | 42 | 42 | 42 | 42 | 42 | 47 | 47 | 47 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 |
| Farmersburg | 32 | 32 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fern | 0 | 0 | 0 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fillmore | 0 | 0 | 0 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Finley | 0 | 0 | 0 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Flint | 22 | 22 | 13 | 37 | 37 | 22 | 22 | 22 | 13 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Fontanet | 22 | 22 | 22 | 47 | 47 | 22 | 22 | 22 | 22 | 22 | 44 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Forest (Vigo Co.) | 50 | 50 | 37 | 37 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Fort Branch | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Foster | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Francisco | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Freedom | 50 | 50 | 33 | 10 | 10 | 33 | 10 | 25 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| French Lick | 25 | 25 | 13 | 5 | 5 | 13 | 25 | 0 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 |
| Frichton | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 |
| Garvin | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Gentryville | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Geneva | 25 | 25 | 13 | 25 | 25 | 13 | 25 | 0 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 |
| Gesse | 22 | 22 | 22 | 50 | 50 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Gilmour | 22 | 22 | 22 | 47 | 47 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Gladstone | 50 | 50 | 33 | 22 | 22 | 33 | 50 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| Glendora | 22 | 22 | 22 | 47 | 47 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Gleon | 50 | 50 | 33 | 22 | 22 | 33 | 50 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| Glenwood | 50 | 50 | 33 | 22 | 22 | 33 | 50 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| Goodpt Junction | 5 | 5 | 33 | 5 | 5 | 33 | 50 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| Graham | 42 | 42 | 13 | 5 | 5 | 13 | 25 | 0 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 |
| Gravel Pit (Knox County) | 27 | 27 | 37 | 37 | 37 | 27 | 37 | 27 | 37 | 27 | 37 | 27 | 37 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 |
| Greenesville | 27 | 27 | 37 | 37 | 37 | 27 | 37 | 27 | 37 | 27 | 37 | 27 | 37 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 | 27 |
| Greenwood | 22 | 22 | 22 | 47 | 47 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Grif | 22 | 22 | 22 | 47 | 47 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Griffin | 50 | 50 | 33 | 22 | 22 | 33 | 50 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| Gudgel | 50 | 50 | 33 | 22 | 22 | 33 | 50 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| Guion | 50 | 50 | 33 | 22 | 22 | 33 | 50 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| Hadley | 50 | 50 | 33 | 22 | 22 | 33 | 50 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| Harrisburg | 50 | 50 | 33 | 22 | 22 | 33 | 50 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| Hartwell Junction | 50 | 50 | 33 | 22 | 22 | 33 | 50 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| Haubstadt | 50 | 50 | 33 | 22 | 22 | 33 | 50 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| Hawton | 22 | 22 | 22 | 47 | 47 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Hazleton | 50 | 50 | 33 | 22 | 22 | 33 | 50 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 33 |
| Hedrick | 25 | 25 | 13 | 5 | 5 | 13 | 25 | 0 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 |
| Hillsboro | 37 | 37 | 32 | 37 | 37 | 32 | 37 | 32 | 37 | 32 | 37 | 32 | 37 | 32 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 |
| Hillsdale | 15 | 15 | 6 | 15 | 15 | 6 | 15 | 6 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Hollowell | 50 | 50 | 30 | 30 | 30 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Homer Siding | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 |
| Howe | 32 | 32 | 37 | 0 | 0 | 37 | 32 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 |
| Howesville | 32 | 32 | 37 | 0 | 0 | 37 | 32 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 |



## List of All Points in Market Area No. 32—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 1 | 2 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 19 | 20 | 21 | 22 | 23 | 24 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hubbell | 22 | 22 | 22 | 44 | 37 | 37 | 37 | 49 | 37 | 37 | 22 | 22 | 49 | 37 | 37 | 37 | 37 | 37 | 22 | 22 |
| Hunters | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Huntingburg | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 27 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Huron | 15 | 15 | 15 | 37 | 25 | 25 | 15 | 25 | 15 | 25 | 25 | 25 | 15 | 25 | 15 | 15 | 15 | 25 | 15 | 15 |
| Hyatt | 42 | 42 | 37 | 37 | 42 | 42 | 42 | 22 | 42 | 42 | 42 | 42 | 25 | 42 | 37 | 37 | 42 | 42 | 42 | 42 |
| Hymera | 22 | 22 | 0 | 32 | 37 | 15 | 32 | 42 | 0 | 22 | 22 | 22 | 32 | 22 | 22 | 0 | 0 | 22 | 22 | 22 |
| Indian Springs | 22 | 22 | 0 | 32 | 37 | 15 | 32 | 42 | 0 | 22 | 22 | 22 | 32 | 22 | 22 | 0 | 0 | 22 | 22 | 22 |
| Ingle | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Jackson | 47 | 47 | 42 | 47 | 42 | 42 | 42 | 55 | 42 | 42 | 32 | 32 | 50 | 42 | 42 | 42 | 42 | 42 | 32 | 32 |
| Jasonville | 22 | 22 | 22 | 47 | 22 | 22 | 22 | 37 | 22 | 22 | 22 | 22 | 37 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Jasper | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Jonesboro | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 44 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 |
| Johnson | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 35 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Johnsonville | 26 | 26 | 26 | 43 | 26 | 26 | 26 | 43 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 |
| Jordan (Owen Co.) | 22 | 22 | 22 | 44 | 37 | 32 | 32 | 44 | 32 | 32 | 37 | 37 | 44 | 32 | 37 | 37 | 37 | 37 | 37 | 37 |
| Judson | 37 | 37 | 37 | 41 | 37 | 32 | 32 | 53 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 |
| Judyville | 22 | 22 | 15 | 41 | 22 | 22 | 22 | 53 | 0 | 22 | 22 | 22 | 32 | 22 | 22 | 0 | 0 | 22 | 22 | 22 |
| Kappa | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 27 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Kern | 20 | 20 | 20 | 27 | 0 | 0 | 20 | 27 | 20 | 0 | 0 | 0 | 20 | 0 | 20 | 20 | 13 | 20 | 20 | 20 |
| Kickapoo | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 0 | 0 | 0 |
| Kline (Daviess County) | 42 | 42 | 37 | 27 | 43 | 42 | 42 | 22 | 42 | 42 | 42 | 42 | 23 | 42 | 37 | 37 | 37 | 42 | 42 | 42 |
| Kline (Gibson County) | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Kingman | 13 | 13 | 13 | 26 | 13 | 15 | 15 | 28 | 13 | 15 | 15 | 15 | 20 | 15 | 13 | 13 | 13 | 15 | 13 | 13 |
| Kirby | 10 | 10 | 10 | 25 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 15 | 22 | 15 | 10 | 10 | 10 | 15 | 10 | 10 |
| Knightsville | 47 | 47 | 42 | 40 | 42 | 42 | 42 | 47 | 42 | 42 | 42 | 42 | 50 | 42 | 42 | 42 | 42 | 42 | 42 | 42 |
| Ladoga Junction | 25 | 25 | 25 | 50 | 0 | 0 | 30 | 28 | 0 | 0 | 0 | 0 | 30 | 0 | 22 | 22 | 22 | 22 | 22 | 22 |
| La Fayette | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Lamar | 22 | 22 | 22 | 44 | 37 | 32 | 32 | 49 | 37 | 32 | 32 | 32 | 49 | 32 | 32 | 32 | 32 | 32 | 32 | 32 |
| Lancaster | 22 | 22 | 22 | 47 | 22 | 32 | 32 | 42 | 0 | 32 | 32 | 32 | 42 | 32 | 32 | 0 | 0 | 32 | 22 | 22 |
| Latta | 37 | 37 | 37 | 44 | 37 | 32 | 32 | 49 | 37 | 32 | 32 | 32 | 49 | 32 | 32 | 32 | 32 | 32 | 37 | 37 |
| Leah | 32 | 32 | 32 | 44 | 37 | 37 | 37 | 49 | 37 | 37 | 37 | 37 | 49 | 37 | 32 | 32 | 32 | 37 | 32 | 32 |
| Lester | 32 | 32 | 32 | 44 | 37 | 32 | 32 | 49 | 37 | 32 | 32 | 32 | 49 | 32 | 32 | 32 | 32 | 32 | 32 | 32 |
| Lewis | 22 | 22 | 22 | 47 | 22 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 44 | 32 | 32 | 0 | 0 | 32 | 22 | 22 |
| Lewis Pit | 37 | 37 | 32 | 47 | 32 | 32 | 32 | 44 | 32 | 32 | 32 | 32 | 44 | 32 | 32 | 0 | 0 | 32 | 32 | 32 |
| Limerick | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 44 | 32 | 32 | 32 | 32 | 44 | 32 | 32 | 0 | 0 | 32 | 32 | 32 |
| Linden City | 13 | 13 | 13 | 26 | 0 | 0 | 13 | 28 | 0 | 0 | 0 | 0 | 30 | 0 | 13 | 13 | 0 | 0 | 0 | 0 |
| Linden | 22 | 22 | 22 | 47 | 22 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 42 | 32 | 22 | 0 | 0 | 32 | 22 | 22 |
| Linton | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Little | 15 | 15 | 15 | 32 | 15 | 15 | 15 | 32 | 15 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Livingston | 37 | 37 | 32 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 47 | 32 | 32 | 0 | 0 | 32 | 37 | 37 |
| Logan | 47 | 47 | 42 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 |
| Logootee | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 37 | 37 | 37 | 37 |
| Lyles | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Lyons (Green County) | 32 | 47 | 22 | 44 | 37 | 50 | 50 | 44 | 22 | 37 | 50 | 50 | 44 | 50 | 22 | 22 | 22 | 37 | 37 | 30 |

List of All Points in Market Area No. 32—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 51 | 55 | 56 | 57 | 58 | 59 | 60 | 62 | 63 | 64 | 65 | 67 | 68 | 69 | 70 | 71 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hubbell | 37 | 37 | 22 | 47 | 47 | 37 | 37 | 0 | 37 | 44 | 37 | 0 | 22 | 22 | 22 | 37 |
| Hunters | 15 | 15 | 0 | 25 | 25 | 15 | 15 | 15 | 15 | 22 | 15 | 15 | 0 | 15 | 0 | 15 |
| Huntingburg | 50 | 50 | 50 | 15 | 0 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 |
| Huron | 25 | 25 | 15 | 25 | 25 | 25 | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 15 | 15 | 15 |
| Hyatt | 42 | 42 | 42 | 50 | 50 | 42 | 37 | 22 | 37 | 37 | 37 | 22 | 42 | 42 | 37 | 37 |
| Hymera | 22 | 32 | 22 | 47 | 47 | 32 | 0 | 32 | 0 | 47 | 0 | 32 | 22 | 32 | 0 | 0 |
| Ilene | 37 | 37 | 22 | 47 | 47 | 37 | 0 | 32 | 0 | 47 | 0 | 32 | 22 | 22 | 0 | 0 |
| Indian Springs | 15 | 15 | 10 | 25 | 25 | 15 | 0 | 15 | 0 | 25 | 0 | 15 | 10 | 0 | 0 | 0 |
| Ingle | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 |
| Jackson | 42 | 42 | 47 | 50 | 50 | 0 | 42 | 42 | 42 | 50 | 42 | 42 | 47 | 47 | 42 | 42 |
| Jasonville | 22 | 42 | 22 | 47 | 47 | 32 | 0 | 32 | 0 | 47 | 0 | 32 | 22 | 32 | 0 | 0 |
| Jasper | 50 | 50 | 50 | 22 | 0 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 |
| Jessups | 32 | 0 | 37 | 47 | 47 | 32 | 32 | 32 | 32 | 44 | 32 | 32 | 37 | 50 | 32 | 32 |
| Johnsburg | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 15 | 50 | 50 | 50 | 50 | 50 | 50 |
| Johnson | 50 | 50 | 50 | 26 | 26 | 50 | 50 | 50 | 50 | 26 | 50 | 50 | 50 | 50 | 50 | 50 |
| Johnsonville | 0 | 20 | 20 | 48 | 48 | 0 | 20 | 20 | 20 | 45 | 20 | 20 | 20 | 20 | 20 | 20 |
| Jordan (Owen County) | 37 | 32 | 22 | 47 | 47 | 37 | 32 | 32 | 32 | 44 | 32 | 32 | 0 | 0 | 22 | 32 |
| Judson | 37 | 22 | 37 | 47 | 47 | 32 | 37 | 37 | 37 | 44 | 37 | 37 | 37 | 50 | 37 | 37 |
| Judyville | 0 | 0 | 15 | 40 | 40 | 0 | 0 | 15 | 0 | 40 | 0 | 15 | 15 | 15 | 15 | 0 |
| Keller | 22 | 22 | 22 | 47 | 47 | 32 | 0 | 32 | 0 | 47 | 0 | 32 | 22 | 32 | 0 | 0 |
| Kennedy | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 |
| Kern | 0 | 0 | 20 | 40 | 40 | 0 | 20 | 20 | 20 | 27 | 20 | 20 | 20 | 20 | 20 | 20 |
| Kickapoo | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 13 | 13 | 0 | 13 | 13 | 13 | 13 | 13 | 13 |
| King (Daviess County) | 42 | 42 | 42 | 50 | 50 | 42 | 37 | 22 | 37 | 37 | 37 | 22 | 42 | 42 | 37 | 37 |
| King (Gibson County) | 50 | 50 | 50 | 47 | 47 | 50 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 | 50 | 50 |
| Kingman | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 13 | 13 | 0 | 13 | 13 | 13 | 13 | 13 | 13 |
| Kirby | 15 | 15 | 10 | 25 | 25 | 15 | 10 | 10 | 10 | 25 | 10 | 10 | 10 | 10 | 10 | 10 |
| Knightsville | 42 | 10 | 47 | 50 | 50 | 42 | 42 | 42 | 42 | 50 | 42 | 42 | 47 | 50 | 42 | 42 |
| Kolsem Junction | 0 | 32 | 37 | 47 | 47 | 32 | 22 | 37 | 22 | 47 | 22 | 37 | 37 | 37 | 22 | 22 |
| Ladoga | 10 | 0 | 23 | 33 | 33 | 10 | 23 | 23 | 23 | 30 | 23 | 23 | 23 | 23 | 23 | 23 |
| La Fayette | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Lamar | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 |
| Lancaster | 37 | 32 | 22 | 47 | 47 | 32 | 37 | 0 | 37 | 44 | 37 | 0 | 22 | 32 | 22 | 37 |
| Latta | 22 | 32 | 22 | 47 | 47 | 32 | 0 | 32 | 0 | 47 | 0 | 32 | 22 | 32 | 0 | 0 |
| Leipsic | 39 | 39 | 0 | 0 | 0 | 39 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lena | 32 | 32 | 37 | 47 | 47 | 32 | 32 | 22 | 32 | 44 | 32 | 22 | 37 | 37 | 32 | 32 |
| Lester | 37 | 37 | 32 | 47 | 47 | 37 | 32 | 0 | 32 | 44 | 32 | 0 | 32 | 32 | 32 | 33 |
| Lewis | 22 | 32 | 22 | 47 | 47 | 32 | 0 | 32 | 0 | 47 | 0 | 32 | 22 | 32 | 0 | 0 |
| Lewis Pit | 32 | 32 | 37 | 50 | 50 | 0 | 32 | 32 | 32 | 47 | 32 | 32 | 37 | 37 | 32 | 32 |
| Limedale | 32 | 0 | 32 | 47 | 47 | 32 | 32 | 32 | 32 | 44 | 32 | 32 | 22 | 32 | 32 | 32 |
| Lincoln City | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 |
| Linden | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Linton | 32 | 37 | 22 | 47 | 47 | 37 | 0 | 32 | 0 | 47 | 0 | 32 | 22 | 0 | 0 | 0 |
| Little | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 |
| Livingston | 15 | 15 | 15 | 25 | 25 | 15 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 15 | 15 | 15 |
| Locan | 32 | 32 | 37 | 50 | 50 | 0 | 32 | 32 | 32 | 47 | 32 | 32 | 37 | 37 | 32 | 32 |
| Logan | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Loogootee | 47 | 47 | 37 | 47 | 47 | 47 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 37 | 37 | 37 |
| Lyles | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 60 | 50 | 50 |
| Lyons (Green County) | 37 | 50 | 32 | 47 | 47 | 37 | 22 | 22 | 22 | 44 | 22 | 22 | 32 | 0 | 22 | 22 |

| Destinations | 72 | 73 | 74 | 75 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hubbell | 37 | 22 | 37 | 37 | 22 | 37 | 44 | 47 | 47 | 37 | 37 | 37 | 37 | 37 |
| Hunters | 15 | 0 | 15 | 15 | 0 | 15 | 22 | 25 | 25 | 15 | 15 | 15 | 15 | 15 |
| Huntingburg | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 15 | 15 | 50 | 50 | 50 | 50 | 50 |
| Huron | 15 | 15 | 25 | 25 | 15 | 15 | 0 | 25 | 25 | 25 | 25 | 25 | 15 | 25 |
| Hyatt | 37 | 37 | 43 | 42 | 42 | 37 | 22 | 50 | 50 | 42 | 42 | 42 | 37 | 42 |
| Hymera | 0 | 0 | 32 | 32 | 22 | 0 | 42 | 47 | 47 | 32 | 32 | 32 | 0 | 22 |
| Ilene | 0 | 0 | 37 | 37 | 22 | 0 | 44 | 47 | 47 | 37 | 37 | 37 | 0 | 37 |
| Indian Springs | 0 | 0 | 15 | 15 | 10 | 0 | 22 | 25 | 25 | 15 | 15 | 15 | 0 | 15 |
| Ingle | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 50 | 50 |
| Jackson | 42 | 42 | 42 | 10 | 47 | 42 | 50 | 50 | 50 | 42 | 42 | 42 | 42 | 42 |
| Jasonville | 0 | 0 | 32 | 32 | 22 | 0 | 42 | 47 | 47 | 32 | 32 | 32 | 0 | 22 |
| Jasper | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 50 | 50 |
| Jessups | 32 | 32 | 22 | 0 | 37 | 32 | 44 | 47 | 47 | 0 | 0 | 22 | 32 | 32 |
| Johnsburg | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 50 |
| Johnson | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 26 | 20 | 50 | 50 | 50 | 50 | 50 |
| Johnsonville | 20 | 20 | 20 | 0 | 20 | 20 | 45 | 48 | 48 | 20 | 20 | 20 | 20 | 0 |
| Jordan (Owen County) | 32 | 22 | 32 | 32 | 22 | 32 | 44 | 47 | 47 | 32 | 32 | 32 | 32 | 37 |
| Judson | 37 | 37 | 32 | 0 | 37 | 37 | 44 | 47 | 47 | 22 | 22 | 32 | 37 | 37 |
| Judyville | 0 | 15 | 0 | 0 | 15 | 0 | 35 | 40 | 40 | 0 | 0 | 0 | 0 | 0 |
| Keller | 0 | 0 | 22 | 22 | 22 | 0 | 42 | 47 | 47 | 22 | 22 | 22 | 0 | 22 |
| Kennedy | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 50 |
| Kern | 20 | 20 | 0 | 0 | 20 | 20 | 27 | 40 | 40 | 0 | 0 | 0 | 20 | 0 |
| Kickapoo | 13 | 13 | 0 | 0 | 13 | 13 | 20 | 0 | 0 | 0 | 0 | 0 | 13 | 0 |
| King (Daviess County) | 37 | 37 | 42 | 42 | 42 | 37 | 22 | 50 | 50 | 42 | 42 | 42 | 37 | 42 |
| King (Gibson County) | 50 | 50 | 50 | 50 | 50 | 50 | 47 | 47 | 47 | 50 | 50 | 50 | 50 | 50 |
| Kingman | 13 | 13 | 0 | 0 | 13 | 13 | 20 | 0 | 0 | 0 | 0 | 0 | 13 | 0 |
| Kirby | 10 | 10 | 15 | 15 | 22 | 10 | 22 | 25 | 25 | 15 | 15 | 15 | 10 | 15 |
| Knightsville | 42 | 42 | 10 | 10 | 47 | 42 | 50 | 50 | 50 | 10 | 10 | 0 | 42 | 42 |
| Kolsem Junction | 22 | 22 | 32 | 32 | 37 | 22 | 47 | 47 | 47 | 32 | 32 | 32 | 22 | 0 |
| Ladoga | 23 | 23 | 0 | 0 | 23 | 23 | 30 | 33 | 33 | 0 | 0 | 0 | 23 | 10 |
| La Fayette | 13 | 13 | 0 | 0 | 13 | 13 | 29 | 23 | 23 | 0 | 0 | 0 | 13 | 0 |
| Lamar | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 50 |
| Lancaster | 37 | 22 | 32 | 32 | 22 | 37 | 44 | 47 | 47 | 32 | 32 | 32 | 37 | 37 |
| Latta | 0 | 0 | 32 | 32 | 22 | 0 | 42 | 47 | 47 | 32 | 32 | 32 | 0 | 22 |
| Leipsic | 0 | 0 | 39 | 39 | 0 | 0 | 0 | 0 | 0 | 39 | 39 | 39 | 0 | 39 |
| Lena | 32 | 32 | 32 | 32 | 37 | 32 | 44 | 47 | 47 | 32 | 32 | 32 | 32 | 32 |
| Lester | 32 | 32 | 37 | 37 | 32 | 32 | 32 | 47 | 47 | 37 | 37 | 37 | 32 | 37 |
| Lewis | 0 | 0 | 32 | 32 | 22 | 0 | 42 | 47 | 47 | 32 | 32 | 32 | 0 | 22 |
| Lewis Pit | 32 | 32 | 32 | 0 | 37 | 32 | 47 | 50 | 50 | 32 | 32 | 32 | 32 | 32 |
| Limedale | 32 | 32 | 0 | 22 | 32 | 32 | 44 | 47 | 47 | 0 | 0 | 0 | 32 | 32 |
| Lincoln City | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 50 |
| Linden | 13 | 13 | 0 | 0 | 13 | 13 | 20 | 23 | 23 | 0 | 0 | 0 | 13 | 0 |
| Linton | 0 | 0 | 37 | 37 | 22 | 0 | 42 | 47 | 47 | 37 | 37 | 37 | 0 | 32 |
| Little | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Livingston | 15 | 15 | 15 | 15 | 15 | 15 | 22 | 25 | 25 | 15 | 15 | 15 | 15 | 15 |
| Locan | 32 | 32 | 32 | 0 | 37 | 32 | 47 | 50 | 50 | 32 | 32 | 32 | 32 | 32 |
| Logan | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Loogootee | 37 | 37 | 47 | 47 | 37 | 37 | 0 | 47 | 47 | 47 | 47 | 47 | 37 | 47 |
| Lyles | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 50 |
| Lyons (Green County) | 22 | 22 | 50 | 37 | 32 | 22 | 32 | 47 | 47 | 50 | 50 | 50 | 22 | 37 |

| Destinations | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 96 | 97 | 98 | 99 | 100 | 101 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Hubbell | 47 | 47 | 37 | 37 | 37 | 49 | 37 | 37 | 49 | 49 | 37 | 37 | 37 | 37 |
| Hunters | 25 | 25 | 15 | 15 | 15 | 22 | 15 | 15 | 22 | 22 | 15 | 15 | 15 | 15 |
| Huntingburg | 15 | 15 | 50 | 50 | 50 | 22 | 50 | 50 | 37 | 22 | 50 | 50 | 50 | 50 |
| Huron | 25 | 25 | 25 | 25 | 15 | 15 | 25 | 25 | 15 | 15 | 25 | 25 | 15 | 15 |
| Hyatt | 50 | 50 | 42 | 42 | 37 | 32 | 42 | 42 | 22 | 32 | 42 | 42 | 50 | 37 |
| Hymera | 47 | 47 | 32 | 22 | 0 | 0 | 32 | 32 | 42 | 0 | 32 | 22 | 22 | 0 |
| Ilene | 47 | 47 | 37 | 37 | 0 | 0 | 37 | 37 | 32 | 0 | 37 | 37 | 22 | 0 |
| Indian Springs | 25 | 25 | 15 | 15 | 0 | 0 | 15 | 15 | 22 | 0 | 15 | 15 | 10 | 0 |
| Ingle | 22 | 22 | 50 | 50 | 50 | 0 | 50 | 50 | 37 | 0 | 50 | 50 | 50 | 50 |
| Jackson | 50 | 50 | 42 | 42 | 42 | 50 | 0 | 0 | 50 | 50 | 42 | 42 | 42 | 42 |
| Jasonville | 47 | 47 | 32 | 22 | 0 | 0 | 32 | 32 | 42 | 0 | 32 | 22 | 22 | 0 |
| Jasper | 22 | 22 | 50 | 50 | 50 | 32 | 50 | 50 | 37 | 32 | 50 | 50 | 50 | 50 |
| Jessups | 47 | 47 | 0 | 32 | 32 | 44 | 32 | 32 | 44 | 44 | 0 | 32 | 50 | 32 |
| Johnsburg | 0 | 0 | 50 | 50 | 50 | 32 | 50 | 50 | 37 | 32 | 50 | 50 | 50 | 50 |
| Johnson | 26 | 26 | 50 | 50 | 50 | 20 | 50 | 50 | 26 | 26 | 50 | 50 | 50 | 50 |
| Johnsonville | 48 | 48 | 20 | 0 | 20 | 45 | 0 | 0 | 45 | 45 | 20 | 0 | 20 | 20 |
| Jordan (Owen County) | 47 | 47 | 32 | 37 | 32 | 44 | 37 | 37 | 44 | 44 | 32 | 37 | 32 | 32 |
| Judson | 47 | 47 | 22 | 37 | 37 | 44 | 32 | 32 | 44 | 44 | 22 | 37 | 50 | 37 |
| Judyville | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 35 | 0 | 0 | 0 | 15 | 0 |
| Keller | 47 | 47 | 22 | 22 | 0 | 0 | 32 | 32 | 42 | 0 | 22 | 22 | 32 | 0 |
| Kennedy | 0 | 0 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 |
| Kern | 40 | 40 | 0 | 0 | 20 | 27 | 0 | 0 | 27 | 27 | 0 | 0 | 20 | 20 |
| Kickapoo | 0 | 0 | 0 | 0 | 13 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| King (Daviess County) | 50 | 50 | 42 | 42 | 37 | 32 | 42 | 42 | 22 | 32 | 42 | 42 | 50 | 37 |
| King (Gibson County) | 47 | 47 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 |
| Kingman | 0 | 0 | 0 | 0 | 13 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| Kirby | 25 | 25 | 15 | 15 | 10 | 0 | 15 | 15 | 22 | 0 | 15 | 15 | 0 | 10 |
| Knightsville | 50 | 50 | 10 | 42 | 42 | 50 | 42 | 42 | 50 | 50 | 10 | 42 | 50 | 42 |
| Kolsem Junction | 47 | 47 | 32 | 0 | 22 | 0 | 32 | 32 | 47 | 0 | 32 | 0 | 37 | 22 |
| Ladoga | 33 | 33 | 0 | 10 | 23 | 30 | 10 | 10 | 30 | 30 | 0 | 10 | 23 | 23 |
| La Fayette | 23 | 23 | 0 | 0 | 13 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| Lamar | 0 | 0 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 |
| Lancaster | 47 | 47 | 32 | 37 | 37 | 49 | 32 | 32 | 49 | 49 | 32 | 37 | 37 | 37 |
| Latta | 47 | 47 | 32 | 22 | 0 | 0 | 32 | 32 | 42 | 0 | 32 | 22 | 22 | 0 |
| Leipsic | 0 | 0 | 39 | 39 | 0 | 0 | 39 | 39 | 0 | 0 | 39 | 39 | 29 | 0 |
| Lena | 47 | 47 | 32 | 32 | 32 | 44 | 32 | 32 | 44 | 44 | 32 | 32 | 37 | 32 |
| Lester | 47 | 47 | 37 | 37 | 32 | 49 | 37 | 37 | 49 | 49 | 37 | 37 | 37 | 32 |
| Lewis | 47 | 47 | 32 | 22 | 0 | 0 | 32 | 32 | 42 | 0 | 32 | 22 | 22 | 0 |
| Lewis Pit | 50 | 50 | 32 | 32 | 32 | 47 | 0 | 0 | 47 | 47 | 32 | 32 | 32 | 32 |
| Limedale | 47 | 47 | 0 | 32 | 32 | 44 | 32 | 32 | 44 | 44 | 0 | 32 | 32 | 32 |
| Lincoln City | 0 | 0 | 50 | 50 | 50 | 32 | 50 | 50 | 37 | 32 | 50 | 50 | 50 | 50 |
| Linden | 23 | 23 | 0 | 0 | 13 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| Linton | 47 | 47 | 37 | 32 | 0 | 44 | 37 | 37 | 42 | 44 | 37 | 32 | 0 | 0 |
| Little | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 |
| Livingston | 25 | 25 | 15 | 15 | 15 | 22 | 15 | 15 | 22 | 22 | 15 | 15 | 15 | 15 |
| Locan | 50 | 50 | 32 | 32 | 32 | 47 | 0 | 0 | 47 | 47 | 32 | 32 | 32 | 32 |
| Logan | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Loogootee | 47 | 47 | 47 | 47 | 37 | 37 | 47 | 47 | 32 | 37 | 47 | 47 | 37 | 37 |
| Lyles | 37 | 37 | 50 | 50 | 50 | 22 | 50 | 50 | 37 | 22 | 50 | 50 | 50 | 50 |
| Lyons (Green County) | 47 | 47 | 50 | 37 | 22 | 44 | 37 | 37 | 44 | 44 | 50 | 37 | 22 | 22 |



List of All Points in Market Area No. 32—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 1 | 2 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 19 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mackey | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 0 | 50 | 50 |
| Mancourt | 22 | 22 | 22 | 44 | 37 | 32 | 32 | 49 | 37 | 32 | 22 | 22 | 40 | 32 | 37 |
| Mandabach | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 22 | 37 | 50 | 50 | 50 | 22 | 50 | 37 |
| Marco | 32 | 37 | 22 | 44 | 37 | 50 | 50 | 44 | 22 | 37 | 50 | 50 | 44 | 50 | 22 |
| Marengo | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Marshall | 15 | 15 | 15 | 25 | 10 | 10 | 10 | 25 | 10 | 10 | 10 | 10 | 25 | 10 | 15 |
| Marshfield | 20 | 20 | 20 | 45 | 0 | 20 | 20 | 45 | 20 | 0 | 0 | 0 | 45 | 20 | 20 |
| Martin (Martin County) | 37 | 37 | 37 | 47 | 47 | 47 | 47 | 32 | 37 | 47 | 47 | 47 | 32 | 17 | 37 |
| Martin (Vanderburgh County) | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 37 | 50 | 50 |
| Martinsville | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 | 0 | 0 |
| Marts | 22 | 22 | 0 | 47 | 22 | 32 | 32 | 42 | 0 | 22 | 22 | 22 | 42 | 32 | 0 |
| Massey | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 0 | 50 | 50 |
| Matthews (Owen County) | 22 | 22 | 22 | 44 | 37 | 32 | 32 | 49 | 37 | 32 | 22 | 22 | 49 | 32 | 37 |
| Maysville | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 22 | 37 | 50 | 50 | 50 | 22 | 50 | 37 |
| Mecca | 15 | 15 | 15 | 25 | 0 | 0 | 0 | 25 | 15 | 0 | 0 | 0 | 25 | 0 | 15 |
| Melcher | 15 | 15 | 15 | 25 | 10 | 10 | 10 | 25 | 15 | 10 | 10 | 10 | 25 | 10 | 15 |
| Mellott | 23 | 23 | 23 | 30 | 0 | 0 | 0 | 30 | 23 | 0 | 0 | 0 | 30 | 0 | 23 |
| Mentor | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Merom | 22 | 22 | 22 | 47 | 37 | 37 | 37 | 44 | 32 | 37 | 37 | 37 | 44 | 37 | 32 |
| Midland | 0 | 0 | 0 | 44 | 22 | 32 | 32 | 42 | 0 | 22 | 32 | 32 | 42 | 32 | 0 |
| Miller (Gibson County) | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 47 | 50 | 50 |
| Milligan | 5 | 5 | 5 | 15 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 15 | 0 | 5 |
| Milltown | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Mitchell | 15 | 15 | 15 | 15 | 25 | 25 | 25 | 15 | 15 | 25 | 25 | 25 | 15 | 25 | 15 |
| Montclair | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 | 0 | 0 |
| Montezuma (Park County) | 15 | 15 | 15 | 25 | 0 | 10 | 10 | 25 | 15 | 10 | 10 | 10 | 25 | 10 | 15 |
| Montgomery | 37 | 37 | 37 | 47 | 47 | 47 | 47 | 32 | 37 | 47 | 47 | 47 | 32 | 47 | 37 |
| Montmorence | 13 | 13 | 13 | 20 | 0 | 0 | 0 | 23 | 13 | 0 | 0 | 0 | 20 | 0 | 13 |
| Mt. Olive (Martin County) | 10 | 10 | 0 | 25 | 15 | 15 | 15 | 22 | 0 | 15 | 15 | 15 | 22 | 15 | 0 |
| Mounts | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Mt. Silica | 42 | 42 | 42 | 50 | 32 | 32 | 32 | 50 | 42 | 32 | 32 | 32 | 50 | 32 | 42 |
| Mt. Vernon | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Murdock | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Newberry | 32 | 32 | 22 | 44 | 37 | 37 | 37 | 49 | 22 | 37 | 37 | 37 | 49 | 37 | 22 |
| New Goshen | 32 | 32 | 22 | 47 | 0 | 32 | 32 | 47 | 22 | 0 | 22 | 22 | 47 | 32 | 22 |
| New Harmony | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 0 |
| New Lebanon | 22 | 22 | 22 | 47 | 37 | 37 | 37 | 44 | 32 | 37 | 37 | 37 | 44 | 37 | 32 |
| New Market | 38 | 38 | 38 | 45 | 25 | 10 | 10 | 45 | 38 | 0 | 25 | 25 | 45 | 10 | 38 |
| Newport | 42 | 42 | 42 | 50 | 37 | 32 | 32 | 50 | 42 | 32 | 32 | 32 | 50 | 32 | 42 |
| New Richmond | 18 | 18 | 18 | 25 | 0 | 0 | 0 | 25 | 25 | 0 | 0 | 0 | 25 | 0 | 18 |
| Nisbet | 50 | 50 | 50 | 26 | 50 | 50 | 50 | 26 | 50 | 50 | 50 | 50 | 26 | 50 | 50 |
| North Salem | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 | 0 | 0 |
| North Terre Haute | 47 | 47 | 32 | 50 | 32 | 10 | 10 | 50 | 32 | 10 | 32 | 32 | 50 | 10 | 32 |
| Norton | 15 | 15 | 15 | 0 | 25 | 25 | 25 | 15 | 15 | 25 | 25 | 25 | 15 | 25 | 15 |
| Oakland City | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 0 | 50 | 50 |
| Oaktown | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 42 | 37 | 37 |
| Odon | 32 | 32 | 0 | 32 | 37 | 37 | 37 | 32 | 0 | 37 | 37 | 37 | 32 | 37 | 0 |
| Oliver | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Oolitic | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 |
| Orleans | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 |

| Destinations | 20 | 21 | 22 | 23 | 24 | 26 | 27 | 28 | 30 | 31 | 32 | 33 | 34 | 35 | 36 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mackey | 50 | 50 | 50 | 50 | 50 | 50 | 10 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 22 |
| Mancourt | 37 | 37 | 37 | 22 | 22 | 0 | 50 | 37 | 22 | 49 | 37 | 37 | 37 | 49 | 49 |
| Mandabach | 37 | 37 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 22 | 50 | 37 | 50 | 22 | 22 |
| Marco | 22 | 22 | 37 | 37 | 50 | 32 | 50 | 37 | 37 | 44 | 22 | 22 | 37 | 44 | 37 |
| Marengo | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 20 |
| Marshall | 15 | 15 | 0 | 15 | 10 | 15 | 50 | 10 | 15 | 25 | 15 | 15 | 10 | 25 | 25 |
| Marshfield | 20 | 20 | 0 | 20 | 0 | 20 | 50 | 0 | 20 | 45 | 20 | 20 | 0 | 45 | 45 |
| Martin (Martin County) | 37 | 37 | 47 | 37 | 0 | 37 | 50 | 47 | 37 | 32 | 37 | 37 | 47 | 32 | 37 |
| Martin (Vanderburgh County) | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 37 | 0 | 50 | 50 | 37 | 0 |
| Martinsville | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 7 |
| Marts | 0 | 0 | 22 | 22 | 22 | 32 | 0 | 22 | 22 | 42 | 32 | 0 | 22 | 42 | 0 |
| Massey | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 22 |
| Matthews (Owen County) | 37 | 37 | 37 | 22 | 22 | 0 | 50 | 37 | 22 | 49 | 37 | 37 | 37 | 49 | 49 |
| Maysville | 37 | 37 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 22 | 50 | 37 | 50 | 22 | 32 |
| Mecca | 15 | 15 | 0 | 15 | 0 | 15 | 50 | 0 | 15 | 25 | 15 | 15 | 0 | 25 | 25 |
| Melcher | 15 | 15 | 0 | 15 | 10 | 15 | 50 | 10 | 15 | 25 | 15 | 15 | 10 | 25 | 25 |
| Mellott | 23 | 23 | 0 | 23 | 0 | 23 | 41 | 0 | 23 | 30 | 23 | 23 | 0 | 30 | 30 |
| Mentor | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 32 |
| Merom | 32 | 32 | 37 | 22 | 27 | 37 | 50 | 37 | 22 | 44 | 0 | 32 | 37 | 44 | 0 |
| Midland | 0 | 0 | 22 | 0 | 32 | 22 | 50 | 22 | 0 | 42 | 22 | 0 | 22 | 42 | 44 |
| Miller (Gibson County) | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 47 | 42 | 50 | 50 | 47 | 50 |
| Milligan | 5 | 5 | 0 | 5 | 0 | 5 | 50 | 0 | 5 | 15 | 5 | 5 | 0 | 15 | 15 |
| Milltown | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 10 |
| Mitchell | 15 | 15 | 25 | 15 | 25 | 15 | 25 | 25 | 15 | 15 | 15 | 15 | 25 | 15 | 15 |
| Montclair | 0 | 0 | 0 | 0 | 0 | 0 | 27 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 7 |
| Montezuma (Park County) | 15 | 15 | 0 | 15 | 10 | 15 | 50 | 0 | 15 | 25 | 15 | 15 | 0 | 25 | 25 |
| Montgomery | 37 | 37 | 47 | 37 | 47 | 37 | 50 | 47 | 37 | 32 | 37 | 37 | 47 | 32 | 37 |
| Montmorence | 13 | 13 | 0 | 13 | 0 | 13 | 31 | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 |
| Mt. Olive (Martin County) | 0 | 0 | 15 | 10 | 15 | 15 | 0 | 15 | 10 | 22 | 0 | 0 | 15 | 22 | 0 |
| Mounts | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 |
| Mt. Silica | 42 | 42 | 0 | 42 | 32 | 42 | 0 | 32 | 42 | 50 | 42 | 42 | 32 | 50 | 50 |
| Mt. Vernon | 50 | 50 | 50 | 50 | 50 | 50 | 47 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 |
| Murdock | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Newberry | 22 | 22 | 37 | 32 | 37 | 22 | 50 | 37 | 32 | 49 | 37 | 22 | 37 | 49 | 49 |
| New Goshen | 22 | 22 | 0 | 32 | 22 | 37 | 0 | 0 | 32 | 47 | 32 | 22 | 0 | 47 | 0 |
| New Harmony | 0 | 0 | 50 | 0 | 50 | 0 | 0 | 50 | 0 | 50 | 0 | 0 | 50 | 50 | 0 |
| New Lebanon | 32 | 32 | 37 | 22 | 37 | 37 | 50 | 37 | 22 | 44 | 0 | 32 | 37 | 44 | 0 |
| New Market | 38 | 38 | 25 | 38 | 25 | 38 | 50 | 25 | 38 | 45 | 38 | 38 | 25 | 45 | 45 |
| Newport | 42 | 42 | 0 | 42 | 32 | 42 | 0 | 37 | 42 | 50 | 42 | 42 | 37 | 50 | 50 |
| New Richmond | 18 | 18 | 0 | 18 | 0 | 18 | 36 | 0 | 18 | 25 | 18 | 18 | 0 | 25 | 25 |
| Nisbet | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 26 | 50 | 50 | 50 | 26 | 26 |
| North Salem | 0 | 0 | 0 | 0 | 0 | 0 | 27 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 7 |
| North Terre Haute | 32 | 32 | 10 | 47 | 32 | 32 | 50 | 32 | 50 | 50 | 42 | 32 | 32 | 50 | 50 |
| Norton | 15 | 15 | 25 | 15 | 25 | 15 | 15 | 25 | 15 | 15 | 15 | 15 | 25 | 15 | 10 |
| Oakland City | 50 | 50 | 50 | 50 | 50 | 50 | 12 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 22 |
| Oaktown | 37 | 37 | 37 | 37 | 37 | 37 | 50 | 37 | 37 | 42 | 22 | 37 | 37 | 42 | 47 |
| Odon | 0 | 0 | 37 | 32 | 37 | 32 | 0 | 37 | 32 | 32 | 22 | 0 | 37 | 32 | 0 |
| Oliver | 50 | 50 | 50 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 |
| Oolitic | 0 | 0 | 10 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 10 | 0 | 0 |
| Orleans | 0 | 0 | 10 | 0 | 10 | 0 | 8 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| Destinations | 38 | 39 | 40 | 41 | 42 | 43 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mackey | 50 | 50 | 50 | 22 | 50 | 37 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 |
| Mancourt | 22 | 32 | 37 | 49 | 32 | 50 | 37 | 44 | 32 | 32 | 37 | 37 | 37 | 36 |
| Mandabach | 37 | 50 | 37 | 22 | 50 | 47 | 37 | 50 | 50 | 50 | 50 | 37 | 37 | 37 |
| Marco | 22 | 37 | 22 | 44 | 50 | 50 | 22 | 41 | 0 | 0 | 22 | 22 | 22 | 22 |
| Marengo | 50 | 50 | 50 | 20 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Marshall | 15 | 15 | 15 | 25 | 10 | 50 | 15 | 25 | 33 | 33 | 15 | 15 | 15 | 15 |
| Marshfield | 20 | 20 | 20 | 45 | 20 | 50 | 20 | 45 | 20 | 20 | 45 | 20 | 20 | 20 |
| Martin (Martin County) | 37 | 37 | 37 | 37 | 47 | 50 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 |
| Martin (Vanderburgh County) | 50 | 50 | 50 | 0 | 50 | 37 | 50 | 22 | 50 | 50 | 0 | 50 | 50 | 50 |
| Martinsville | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marts | 0 | 32 | 0 | 0 | 32 | 0 | 0 | 42 | 32 | 32 | 22 | 0 | 0 | 0 |
| Massey | 50 | 50 | 50 | 22 | 50 | 37 | 50 | 49 | 50 | 50 | 50 | 50 | 50 | 50 |
| Matthews (Owen County) | 22 | 37 | 37 | 49 | 32 | 50 | 37 | 44 | 32 | 32 | 37 | 37 | 37 | 37 |
| Maysville | 37 | 50 | 37 | 32 | 50 | 47 | 37 | 50 | 50 | 50 | 50 | 37 | 37 | 37 |
| Mecca | 15 | 15 | 0 | 25 | 0 | 50 | 15 | 25 | 33 | 33 | 15 | 15 | 15 | 15 |
| Melcher | 15 | 15 | 15 | 25 | 10 | 50 | 15 | 0 | 33 | 33 | 15 | 15 | 15 | 15 |
| Mellott | 23 | 23 | 23 | 30 | 0 | 41 | 23 | 30 | 23 | 23 | 23 | 23 | 23 | 23 |
| Mentor | 50 | 50 | 50 | 32 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Merom | 22 | 22 | 32 | 0 | 37 | 50 | 32 | 44 | 32 | 32 | 0 | 32 | 32 | 32 |
| Midland | 0 | 32 | 0 | 44 | 32 | 50 | 0 | 42 | 32 | 32 | 22 | 0 | 0 | 0 |
| Miller (Gibson County) | 50 | 32 | 50 | 50 | 50 | 37 | 50 | 0 | 37 | 37 | 42 | 50 | 50 | 50 |
| Milligan | 5 | 5 | 5 | 15 | 0 | 50 | 5 | 15 | 23 | 23 | 5 | 5 | 5 | 5 |
| Milltown | 50 | 47 | 50 | 10 | 50 | 0 | 50 | 47 | 50 | 50 | 50 | 50 | 50 | 50 |
| Mitchell | 15 | 15 | 15 | 15 | 25 | 25 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Montclair | 0 | 0 | 0 | 7 | 0 | 27 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Montezuma (Park County) | 15 | 15 | 15 | 25 | 10 | 50 | 15 | 25 | 33 | 33 | 15 | 15 | 15 | 15 |
| Montgomery | 37 | 37 | 37 | 37 | 47 | 50 | 37 | 37 | 32 | 32 | 37 | 37 | 37 | 37 |
| Montmorence | 13 | 13 | 13 | 20 | 0 | 31 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Mt. Olive (Martin County) | 0 | 15 | 0 | 0 | 15 | 0 | 0 | 22 | 0 | 0 | 10 | 0 | 0 | 0 |
| Mounts | 50 | 50 | 50 | 0 | 50 | 37 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 |
| Mt. Silica | 42 | 22 | 42 | 50 | 32 | 0 | 42 | 50 | 42 | 42 | 42 | 42 | 42 | 42 |
| Mt. Vernon | 50 | 50 | 50 | 0 | 50 | 47 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 |
| Murdock | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Newberry | 22 | 42 | 22 | 49 | 37 | 50 | 22 | 44 | 32 | 32 | 37 | 22 | 22 | 22 |
| New Goshen | 22 | 32 | 22 | 0 | 32 | 0 | 22 | 47 | 37 | 37 | 32 | 22 | 22 | 22 |
| New Harmony | 0 | 50 | 0 | 0 | 50 | 37 | 0 | 22 | 50 | 50 | 0 | 0 | 0 | 0 |
| New Lebanon | 22 | 22 | 32 | 0 | 37 | 50 | 32 | 44 | 32 | 32 | 0 | 32 | 32 | 32 |
| New Market | 38 | 38 | 38 | 45 | 10 | 50 | 38 | 45 | 38 | 38 | 38 | 38 | 38 | 38 |
| Newport | 42 | 37 | 42 | 50 | 32 | 0 | 42 | 50 | 42 | 42 | 42 | 42 | 42 | 42 |
| New Richmond | 18 | 18 | 18 | 25 | 0 | 36 | 18 | 25 | 18 | 18 | 18 | 18 | 18 | 18 |
| Nisbet | 50 | 50 | 50 | 26 | 50 | 0 | 50 | 26 | 50 | 50 | 50 | 50 | 50 | 50 |
| North Salem | 0 | 0 | 0 | 7 | 0 | 27 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Terre Haute | 32 | 10 | 32 | 50 | 10 | 50 | 32 | 50 | 47 | 47 | 42 | 32 | 32 | 32 |
| Norton | 15 | 15 | 15 | 10 | 25 | 0 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Oakland City | 50 | 50 | 50 | 22 | 50 | 37 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 |
| Oaktown | 37 | 0 | 37 | 47 | 37 | 47 | 37 | 22 | 32 | 32 | 22 | 37 | 37 | 37 |
| Odon | 0 | 37 | 0 | 0 | 37 | 0 | 0 | 44 | 22 | 22 | 22 | 0 | 0 | 0 |
| Oliver | 50 | 50 | 50 | 0 | 50 | 42 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 |
| Oolitic | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Orleans | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*List of All Points in Market Area No. 32*—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 62 | 63 | 64 | 65 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 96 | 97 | 98 | 99 | 100 | 101 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mackey | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 37 | 37 | 50 | 50 | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 |
| Mancourt | 37 | 32 | 22 | 47 | 47 | 37 | 37 | 0 | 37 | 44 | 37 | 0 | 22 | 32 | 22 | 37 | 37 | 22 | 32 | 32 | 22 | 37 | 44 | 47 | 47 | 32 | 32 | 32 | 37 | 37 | 47 | 47 | 32 | 37 | 37 | 49 | 37 | 37 | 49 | 49 | 32 | 37 | 37 | 37 |
| Mandabach | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 22 | 37 | 37 | 37 | 22 | 50 | 50 | 37 | 37 | 37 | 37 | 50 | 50 | 50 | 37 | 22 | 50 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 37 | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 37 |
| Marco | 37 | 50 | 32 | 47 | 47 | 37 | 22 | 32 | 22 | 44 | 22 | 32 | 37 | 0 | 22 | 22 | 22 | 22 | 50 | 37 | 32 | 22 | 32 | 47 | 47 | 50 | 50 | 50 | 22 | 37 | 47 | 47 | 50 | 37 | 22 | 44 | 37 | 37 | 44 | 44 | 50 | 37 | 22 | 22 |
| Marengo | 50 | 50 | 50 | 10 | 0 | 50 | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 10 | 10 | 50 | 50 | 50 | 50 | 50 | 10 | 10 | 50 | 50 | 50 | 20 | 50 | 50 | 50 | 20 | 50 | 50 | 50 | 50 |
| Marshall | 10 | 10 | 15 | 28 | 28 | 0 | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 33 | 15 | 15 | 15 | 15 | 10 | 10 | 15 | 15 | 25 | 28 | 28 | 10 | 10 | 10 | 15 | 10 | 28 | 28 | 10 | 10 | 15 | 25 | 0 | 0 | 25 | 25 | 10 | 10 | 15 | 15 |
| Marshfield | 0 | 20 | 20 | 48 | 48 | 0 | 20 | 20 | 20 | 45 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 0 | 20 | 20 | 45 | 48 | 48 | 20 | 20 | 20 | 20 | 0 | 48 | 48 | 20 | 0 | 20 | 45 | 0 | 0 | 45 | 45 | 20 | 0 | 20 | 20 |
| Martin (Martin County) | 47 | 47 | 37 | 47 | 47 | 47 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 0 | 47 | 47 | 47 | 37 | 37 | 37 | 47 | 47 | 47 | 47 | 47 | 37 | 37 | 47 | 47 | 32 | 37 | 47 | 47 | 37 | 37 |
| Martin (Vanderburgh County) | 50 | 50 | 50 | 42 | 42 | 50 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 42 | 42 | 50 | 50 | 50 | 50 | 50 | 42 | 42 | 50 | 50 | 50 | 0 | 50 | 50 | 37 | 0 | 50 | 50 | 0 | 50 |
| Martinsville | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Marts | 22 | 32 | 22 | 47 | 47 | 32 | 0 | 32 | 0 | 47 | 0 | 0 | 22 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 22 | 0 | 42 | 47 | 47 | 32 | 32 | 32 | 0 | 22 | 47 | 47 | 32 | 22 | 0 | 0 | 32 | 32 | 42 | 0 | 32 | 22 | 22 | 0 |
| Massey | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 |
| Matthews (Owen County) | 37 | 32 | 22 | 47 | 47 | 37 | 37 | 0 | 37 | 44 | 37 | 37 | 22 | 32 | 22 | 37 | 22 | 22 | 32 | 32 | 22 | 22 | 44 | 47 | 47 | 32 | 32 | 32 | 37 | 37 | 47 | 47 | 32 | 37 | 37 | 49 | 37 | 37 | 49 | 49 | 32 | 37 | 37 | 37 |
| Maysville | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 22 | 37 | 37 | 37 | 37 | 50 | 50 | 37 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 32 | 50 | 50 | 22 | 32 | 50 | 50 | 50 | 37 |
| Mecca | 0 | 0 | 15 | 25 | 25 | 0 | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 33 | 15 | 15 | 15 | 15 | 0 | 0 | 15 | 15 | 25 | 25 | 25 | 0 | 0 | 0 | 15 | 0 | 25 | 25 | 0 | 0 | 15 | 25 | 0 | 0 | 25 | 25 | 0 | 0 | 15 | 15 |
| Melcher | 10 | 10 | 15 | 28 | 28 | 0 | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 33 | 15 | 15 | 15 | 15 | 10 | 0 | 15 | 15 | 25 | 28 | 28 | 10 | 10 | 10 | 15 | 10 | 28 | 28 | 10 | 10 | 15 | 25 | 0 | 0 | 25 | 25 | 10 | 10 | 15 | 15 |
| Mellott | 0 | 0 | 23 | 33 | 33 | 0 | 23 | 23 | 23 | 30 | 23 | 23 | 23 | 23 | 23 | 23 | 23 | 23 | 0 | 0 | 23 | 23 | 30 | 33 | 33 | 0 | 0 | 0 | 23 | 0 | 33 | 33 | 0 | 0 | 23 | 30 | 0 | 0 | 30 | 30 | 0 | 0 | 23 | 23 |
| Mentor | 50 | 50 | 50 | 22 | 0 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 |
| Merom | 37 | 37 | 22 | 47 | 47 | 37 | 32 | 37 | 32 | 47 | 32 | 37 | 22 | 32 | 22 | 32 | 22 | 22 | 37 | 37 | 22 | 22 | 44 | 47 | 47 | 37 | 37 | 37 | 32 | 37 | 47 | 47 | 37 | 37 | 32 | 0 | 37 | 37 | 44 | 0 | 37 | 37 | 0 | 32 |
| Midland | 22 | 32 | 0 | 47 | 47 | 32 | 0 | 22 | 0 | 41 | 0 | 22 | 0 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 0 | 0 | 42 | 47 | 47 | 32 | 32 | 32 | 0 | 22 | 47 | 47 | 32 | 22 | 0 | 44 | 32 | 32 | 42 | 44 | 32 | 22 | 22 | 0 |
| Miller (Gibson County) | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | -50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 47 | 50 | 50 | 50 | 50 | 50 |
| Milligan | 0 | 0 | 5 | 18 | 18 | 0 | 5 | 5 | 5 | 15 | 5 | 5 | 5 | 23 | 5 | 5 | 5 | 5 | 0 | 0 | 5 | 5 | 15 | 18 | 18 | 0 | 0 | 0 | 5 | 0 | 18 | 18 | 0 | 0 | 5 | 15 | 0 | 0 | 50 | 15 | 0 | 0 | 5 | 5 |
| Milltown | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 50 |
| Mitchell | 25 | 25 | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 25 | 25 | 15 | 15 | 0 | 15 | 15 | 25 | 25 | 25 | 15 | 25 | 15 | 15 | 25 | 25 | 15 | 15 | 25 | 25 | 15 | 15 | 25 | 25 | 15 | 15 |
| Montclair | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | |
| Montezuma (Park County) | 0 | 10 | 15 | 28 | 28 | 0 | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 33 | 15 | 15 | 15 | 15 | 10 | 0 | 15 | 15 | 25 | 28 | 28 | 10 | 10 | 10 | 15 | 0 | 28 | 28 | 10 | 0 | 15 | 25 | 0 | 0 | 25 | 25 | 10 | 0 | 15 | 15 |
| Montgomery | 47 | 47 | 37 | 47 | 47 | 47 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 0 | 47 | 47 | 47 | 47 | 47 | 37 | 47 | 47 | 47 | 47 | 47 | 37 | 37 | 47 | 47 | 32 | 37 | 47 | 47 | 37 | 37 |
| Montmorence | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 | 3 | 13 | 0 | 0 | 13 | 13 | 20 | 23 | 23 | 0 | 0 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| Mt. Olive (Martin County) | 15 | 15 | 10 | 25 | 25 | 15 | 0 | 15 | 0 | 25 | 0 | 15 | 10 | 15 | 0 | 0 | 10 | 0 | 15 | 15 | 10 | 10 | 22 | 25 | 25 | 15 | 15 | 15 | 0 | 15 | 25 | 25 | 15 | 15 | 0 | 0 | 15 | 15 | 22 | 0 | 15 | 15 | 10 | 0 |
| Mounts | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 |
| Mt. Silica | 32 | 32 | 42 | 50 | 50 | 0 | 42 | 42 | 42 | 50 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 32 | 22 | 42 | 42 | 50 | 50 | 50 | 32 | 32 | 32 | 42 | 32 | 50 | 50 | 32 | 32 | 42 | 50 | 0 | 0 | 50 | 50 | 32 | 32 | 42 | 42 |
| Mt. Vernon | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 |
| Murdock | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Newberry | 37 | 37 | 32 | 47 | 47 | 37 | 22 | 0 | 22 | 44 | 22 | 0 | 32 | 32 | 22 | 22 | 32 | 22 | 37 | 37 | 32 | 32 | 32 | 47 | 47 | 37 | 37 | 37 | 22 | 37 | 47 | 47 | 37 | 37 | 22 | 49 | 37 | 37 | 49 | 49 | 37 | 37 | 37 | 22 |
| New Goshen | 0 | 32 | 32 | 47 | 47 | 32 | 22 | 37 | 22 | 47 | 22 | 37 | 32 | 37 | 22 | 22 | 32 | 22 | 32 | 32 | 32 | 32 | 47 | 47 | 47 | 32 | 32 | 32 | 22 | 0 | 47 | 47 | 32 | 0 | 22 | 0 | 32 | 32 | 47 | 0 | 32 | 0 | 33 | 22 |
| New Harmony | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 0 | 50 | 50 | 0 | 0 |
| New Lebanon | 37 | 37 | 22 | 47 | 47 | 37 | 32 | 37 | 32 | 47 | 32 | 37 | 22 | 32 | 22 | 32 | 22 | 22 | 37 | 37 | 22 | 22 | 44 | 47 | 47 | 37 | 37 | 37 | 32 | 37 | 47 | 47 | 37 | 37 | 32 | 0 | 37 | 37 | 44 | 0 | 37 | 37 | 0 | 32 |
| New Market | 25 | 10 | 38 | 48 | 48 | 25 | 38 | 38 | 38 | 45 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 38 | 10 | 0 | 38 | 38 | 45 | 48 | 48 | 10 | 10 | 10 | 38 | 25 | 48 | 48 | 10 | 25 | 38 | 45 | 25 | 25 | 45 | 45 | 10 | 25 | 38 | 38 |
| Newport | 37 | 37 | 42 | 50 | 50 | 0 | 42 | 42 | 42 | 50 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 32 | 22 | 42 | 42 | 50 | 50 | 50 | 32 | 32 | 32 | 42 | 37 | 50 | 50 | 32 | 37 | 42 | 50 | 0 | 0 | 50 | 50 | 32 | 37 | 42 | 42 |
| New Richmond | 0 | 0 | 18 | 28 | 28 | 0 | 18 | 18 | 18 | 25 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 0 | 0 | 18 | 18 | 25 | 28 | 28 | 0 | 0 | 0 | 18 | 0 | 28 | 28 | 0 | 0 | 18 | 25 | 0 | 0 | 25 | 25 | 0 | 0 | 18 | 18 |
| Nisbet | 50 | 50 | 50 | 26 | 26 | 50 | 50 | 50 | 50 | 26 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 26 | 26 | 50 | 50 | 50 | 50 | 50 | 26 | 26 | 50 | 50 | 50 | 26 | 50 | 50 | 26 | 26 | 50 | 50 | 50 | 50 |
| North Salem | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| North Terre Haute | 32 | 10 | 47 | 50 | 50 | 10 | 32 | 32 | 32 | 50 | 32 | 32 | 47 | 47 | 32 | 32 | 47 | 32 | 10 | 0 | 47 | 47 | 50 | 50 | 50 | 10 | 10 | 10 | 32 | 32 | 50 | 50 | 10 | 32 | 32 | 50 | 10 | 10 | 50 | 50 | 10 | 32 | 42 | 32 |
| Norton | 25 | 25 | 15 | 5 | 0 | 25 | 15 | 15 | 15 | 5 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 25 | 25 | 15 | 15 | 15 | 5 | 5 | 25 | 25 | 25 | 15 | 25 | 5 | 5 | 25 | 25 | 15 | 10 | 25 | 25 | 15 | 10 | 25 | 25 | 15 | 15 |
| Oakland City | 50 | 50 | 50 | 27 | 22 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 27 | 27 | 50 | 50 | 50 | 50 | 50 | 27 | 27 | 50 | 50 | 50 | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 |
| Oaktown | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 37 | 37 | 22 | 37 | 37 | 22 | 47 | 47 | 37 | 37 | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 | 47 | 37 | 37 | 42 | 47 | 37 | 37 | 22 | 37 |
| Odon | 37 | 37 | 32 | 47 | 47 | 37 | 0 | 32 | 0 | 47 | 0 | 32 | 32 | 22 | 0 | 0 | 0 | 0 | 37 | 37 | 32 | 0 | 44 | 47 | 47 | 37 | 37 | 37 | 0 | 37 | 47 | 47 | 37 | 37 | 0 | 0 | 37 | 37 | 32 | 0 | 37 | 37 | 22 | 0 |
| Oliver | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 |
| Oolitic | 10 | 10 | 0 | 10 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 10 | 0 | 0 |
| Orleans | 10 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 10 | 0 | 0 |



*List of All Points in Market Area No. 32*—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 1 | 2 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 19 | 20 | 21 | 22 | 21 | 24 | 23 | 27 | 28 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 38 | 39 | 40 | 41 | 42 | 43 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Otterbein | 13 | 13 | 13 | 20 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 | 13 | 31 | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 20 | 0 | 31 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Otter Creek Junction | 37 | 37 | 32 | 47 | 22 | 22 | 22 | 44 | 32 | 22 | 22 | 22 | 41 | 22 | 32 | 32 | 32 | 0 | 37 | 22 | 32 | 0 | 22 | 37 | 41 | 32 | 32 | 22 | 44 | 47 | 32 | 22 | 0 | 47 | 22 | 0 | 32 | 50 | 37 | 37 | 32 | 32 | 32 | 32 |
| Owensville | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 50 | 37 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 |
| Oxford | 13 | 13 | 13 | 20 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 | 13 | 31 | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 20 | 0 | 31 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Paoli | 10 | 10 | 10 | 0 | 20 | 20 | 20 | 10 | 10 | 20 | 20 | 20 | 10 | 20 | 10 | 10 | 10 | 20 | 10 | 20 | 10 | 18 | 20 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 20 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 |
| Palmerton | 20 | 20 | 20 | 27 | 0 | 0 | 0 | 27 | 20 | 0 | 0 | 0 | 27 | 0 | 20 | 20 | 20 | 0 | 20 | 0 | 20 | 48 | 0 | 20 | 27 | 20 | 20 | 0 | 27 | 27 | 20 | 20 | 20 | 27 | 0 | 48 | 20 | 27 | 20 | 20 | 20 | 20 | 20 | 20 |
| Paragon | 5 | 5 | 5 | 12 | 5 | 23 | 23 | 12 | 5 | 23 | 23 | 23 | 12 | 23 | 5 | 5 | 5 | 23 | 5 | 23 | 0 | 25 | 5 | 5 | 12 | 5 | 5 | 5 | 12 | 12 | 5 | 5 | 5 | 12 | 23 | 25 | 5 | 12 | 5 | 5 | 5 | 5 | 5 | 5 |
| Patoka | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 47 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 47 | 42 | 50 | 50 | 47 | 50 | 50 | 32 | 50 | 50 | 50 | 37 | 50 | 0 | 37 | 37 | 42 | 50 | 50 | 50 |
| Patricksburg | 0 | 0 | 0 | 44 | 37 | 37 | 37 | 44 | 32 | 37 | 37 | 37 | 44 | 37 | 32 | 32 | 32 | 37 | 0 | 37 | 22 | 47 | 37 | 0 | 44 | 32 | 32 | 37 | 44 | 44 | 0 | 44 | 32 | 44 | 37 | 47 | 32 | 0 | 0 | 0 | 32 | 32 | 32 | 32 |
| Paxton | 37 | 37 | 37 | 47 | 32 | 32 | 32 | 42 | 37 | 32 | 32 | 32 | 42 | 32 | 37 | 37 | 37 | 32 | 37 | 32 | 37 | 50 | 32 | 37 | 42 | 22 | 37 | 32 | 42 | 47 | 37 | 0 | 37 | 47 | 32 | 50 | 37 | 32 | 32 | 32 | 22 | 37 | 37 | 37 |
| Pence | 15 | 15 | 15 | 40 | 0 | 0 | 0 | 35 | 15 | 0 | 0 | 0 | 35 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 15 | 0 | 0 | 15 | 35 | 15 | 0 | 0 | 35 | 0 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 35 | 15 | 15 | 15 | 0 | 0 | 0 |
| Perkins | 32 | 32 | 0 | 47 | 0 | 0 | 22 | 42 | 0 | 0 | 22 | 22 | 42 | 22 | 0 | 0 | 0 | 0 | 32 | 22 | 32 | 0 | 0 | 32 | 42 | 32 | 0 | 0 | 42 | 0 | 0 | 22 | 0 | 0 | 22 | 0 | 0 | 42 | 32 | 32 | 32 | 0 | 0 | 0 |
| Perrysville | 35 | 35 | 35 | 0 | 20 | 20 | 20 | 50 | 35 | 20 | 20 | 20 | 50 | 20 | 35 | 35 | 35 | 0 | 35 | 20 | 35 | 0 | 20 | 35 | 50 | 35 | 35 | 20 | 50 | 50 | 35 | 35 | 35 | 50 | 20 | 0 | 35 | 50 | 35 | 35 | 35 | 35 | 35 | 35 |
| Petersburg | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 32 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 22 | 50 | 47 | 50 | 49 | 50 | 50 | 50 | 50 | 50 | 50 |
| Pimento | 47 | 47 | 42 | 50 | 42 | 32 | 32 | 50 | 42 | 32 | 32 | 32 | 50 | 32 | 42 | 42 | 42 | 32 | 47 | 32 | 42 | 50 | 42 | 47 | 50 | 32 | 42 | 42 | 50 | 50 | 42 | 10 | 42 | 50 | 32 | 50 | 42 | 50 | 47 | 47 | 32 | 42 | 42 | 42 |
| Pine Village | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 | 13 | 31 | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 20 | 0 | 31 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Plainville | 42 | 42 | 22 | 37 | 42 | 42 | 42 | 22 | 22 | 42 | 42 | 42 | 22 | 42 | 22 | 22 | 22 | 42 | 42 | 42 | 22 | 47 | 42 | 42 | 22 | 50 | 22 | 42 | 49 | 32 | 22 | 50 | 22 | 32 | 42 | 47 | 22 | 49 | 42 | 42 | 50 | 22 | 22 | 22 |
| Plummer | 32 | 32 | 32 | 44 | 37 | 37 | 37 | 49 | 32 | 37 | 37 | 37 | 49 | 37 | 32 | 32 | 32 | 37 | 32 | 37 | 22 | 50 | 37 | 32 | 49 | 37 | 32 | 37 | 49 | 49 | 32 | 37 | 32 | 49 | 37 | 50 | 32 | 44 | 32 | 32 | 37 | 32 | 32 | 32 |
| Poseyville | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 50 | 37 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 |
| Prairie | 37 | 37 | 22 | 41 | 22 | 0 | 0 | 44 | 22 | 0 | 22 | 22 | 44 | 0 | 22 | 22 | 22 | 22 | 37 | 22 | 22 | 50 | 22 | 37 | 41 | 50 | 22 | 22 | 44 | 44 | 22 | 22 | 22 | 44 | 0 | 50 | 22 | 0 | 50 | 50 | 50 | 22 | 22 | 22 |
| Princeton | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 32 | 50 | 50 | 32 | 50 | 50 | 50 | 32 | 32 | 50 | 42 | 50 | 32 | 50 | 47 | 50 | 0 | 37 | 37 | 50 | 50 | 50 | 50 |
| Prosser Spur | 15 | 15 | 15 | 25 | 25 | 25 | 25 | 15 | 15 | 25 | 25 | 25 | 15 | 25 | 15 | 15 | 15 | 25 | 15 | 25 | 15 | 35 | 25 | 15 | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 15 | 15 | 15 | 25 | 35 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Purcell | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 42 | 32 | 50 | 50 | 42 | 47 | 50 | 22 | 50 | 47 | 50 | 37 | 50 | 0 | 22 | 22 | 32 | 50 | 50 | 50 |
| Putnamville | 10 | 0 | 0 | 22 | 15 | 0 | 0 | 22 | 10 | 0 | 10 | 10 | 22 | 0 | 10 | 10 | 10 | 15 | 0 | 10 | 10 | 35 | 15 | 0 | 22 | 10 | 10 | 15 | 22 | 22 | 0 | 15 | 10 | 22 | 0 | 35 | 10 | 22 | 10 | 10 | 10 | 10 | 10 | 10 |
| Quarry Junction | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 50 | 15 | 15 | 22 | 15 | 15 | 15 | 22 | 0 | 15 | 15 | 15 | 0 | 15 | 35 | 15 | 22 | 15 | 15 | 0 | 15 | 15 | 15 |
| Quincy | 22 | 0 | 0 | 44 | 37 | 32 | 32 | 44 | 37 | 32 | 32 | 32 | 44 | 32 | 37 | 37 | 37 | 37 | 0 | 32 | 32 | 50 | 37 | 0 | 44 | 37 | 37 | 37 | 44 | 44 | 22 | 44 | 37 | 44 | 32 | 50 | 37 | 44 | 32 | 32 | 37 | 37 | 37 | 37 |
| Raccoon | 5 | 5 | 5 | 15 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 15 | 0 | 5 | 5 | 5 | 0 | 5 | 0 | 5 | 50 | 0 | 5 | 15 | 5 | 5 | 0 | 15 | 15 | 5 | 5 | 5 | 15 | 0 | 50 | 5 | 15 | 23 | 23 | 5 | 5 | 5 | 5 |
| Randall | 37 | 37 | 37 | 47 | 0 | 37 | 37 | 47 | 37 | 0 | 32 | 32 | 47 | 37 | 37 | 37 | 37 | 0 | 37 | 32 | 37 | 0 | 0 | 37 | 47 | 37 | 37 | 0 | 47 | 0 | 37 | 37 | 37 | 0 | 37 | 0 | 37 | 47 | 37 | 37 | 37 | 37 | 37 | 37 |
| Raney Spur | 15 | 15 | 15 | 25 | 25 | 25 | 25 | 15 | 15 | 25 | 25 | 25 | 15 | 25 | 15 | 15 | 15 | 25 | 15 | 25 | 15 | 35 | 25 | 15 | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 15 | 15 | 15 | 25 | 35 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Range Road | 13 | 13 | 13 | 20 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 | 13 | 40 | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 20 | 0 | 40 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Reeds (Lawrence County) | 0 | 0 | 0 | 5 | 15 | 15 | 15 | 5 | 5 | 15 | 15 | 15 | 5 | 15 | 5 | 5 | 5 | 15 | 0 | 15 | 5 | 13 | 15 | 0 | 5 | 0 | 5 | 15 | 5 | 5 | 0 | 5 | 5 | 5 | 15 | 15 | 5 | 5 | 5 | 5 | 0 | 5 | 5 | 5 |
| Reelsville | 37 | 37 | 32 | 44 | 32 | 0 | 0 | 44 | 32 | 0 | 32 | 32 | 44 | 0 | 32 | 32 | 32 | 32 | 37 | 32 | 32 | 50 | 32 | 37 | 41 | 50 | 32 | 32 | 44 | 44 | 32 | 32 | 32 | 44 | 0 | 50 | 32 | 44 | 50 | 50 | 50 | 32 | 32 | 32 |
| Riceville | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 59 | 32 | 50 | 32 | 50 | 32 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Riley | 32 | 32 | 32 | 44 | 32 | 22 | 22 | 49 | 32 | 22 | 0 | 0 | 49 | 0 | 32 | 32 | 32 | 32 | 32 | 0 | 0 | 50 | 32 | 32 | 49 | 37 | 32 | 32 | 49 | 49 | 32 | 22 | 32 | 49 | 22 | 50 | 32 | 32 | 37 | 37 | 37 | 32 | 32 | 32 |
| Rileysburg | 35 | 35 | 35 | 50 | 20 | 20 | 20 | 50 | 35 | 20 | 20 | 20 | 50 | 20 | 35 | 35 | 35 | 0 | 35 | 20 | 35 | 0 | 20 | 35 | 50 | 35 | 35 | 20 | 50 | 50 | 35 | 35 | 35 | 50 | 20 | 0 | 35 | 50 | 35 | 35 | 35 | 35 | 35 | 35 |
| Rincon | 32 | 32 | 32 | 44 | 37 | 37 | 37 | 49 | 32 | 37 | 22 | 22 | 49 | 37 | 32 | 32 | 32 | 37 | 32 | 22 | 0 | 50 | 37 | 32 | 49 | 37 | 32 | 37 | 49 | 49 | 32 | 37 | 32 | 49 | 37 | 50 | 32 | 44 | 32 | 32 | 37 | 32 | 32 | 32 |
| Riverside (Fountain County) | 13 | 13 | 13 | 20 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 | 13 | 31 | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 20 | 0 | 31 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Riverton | 32 | 32 | 32 | 47 | 37 | 37 | 37 | 44 | 32 | 37 | 37 | 37 | 44 | 37 | 32 | 32 | 32 | 37 | 32 | 37 | 37 | 50 | 37 | 32 | 44 | 0 | 32 | 37 | 44 | 0 | 32 | 22 | 32 | 0 | 37 | 50 | 32 | 44 | 32 | 32 | 0 | 32 | 32 | 32 |
| Roachdale | 23 | 23 | 23 | 30 | 0 | 0 | 0 | 30 | 23 | 0 | 0 | 0 | 30 | 0 | 23 | 23 | 23 | 0 | 23 | 0 | 23 | 50 | 0 | 23 | 30 | 23 | 23 | 0 | 30 | 30 | 23 | 23 | 23 | 30 | 0 | 50 | 23 | 30 | 23 | 23 | 23 | 23 | 23 | 23 |
| Rob Roy | 20 | 20 | 20 | 0 | 0 | 0 | 0 | 27 | 20 | 0 | 0 | 0 | 27 | 0 | 20 | 20 | 20 | 0 | 20 | 0 | 20 | 48 | 0 | 20 | 27 | 20 | 20 | 0 | 27 | 27 | 20 | 20 | 20 | 27 | 0 | 48 | 20 | 27 | 20 | 20 | 20 | 20 | 20 | 20 |
| Rock Hill | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 37 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Rockport | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 37 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Rockville | 37 | 37 | 32 | 44 | 32 | 22 | 22 | 44 | 32 | 0 | 22 | 22 | 44 | 22 | 32 | 32 | 32 | 32 | 37 | 22 | 32 | 50 | 32 | 37 | 44 | 50 | 32 | 37 | 44 | 44 | 32 | 32 | 32 | 44 | 22 | 50 | 32 | 44 | 50 | 50 | 50 | 32 | 32 | 32 |
| Rogers | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 32 | 50 | 50 | 0 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 22 | 50 | 47 | 50 | 49 | 50 | 50 | 50 | 50 | 50 | 50 |
| Romney | 13 | 13 | 13 | 20 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 | 13 | 31 | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 20 | 0 | 31 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Romona | 10 | 15 | 10 | 22 | 15 | 33 | 33 | 22 | 15 | 15 | 33 | 33 | 22 | 33 | 15 | 15 | 15 | 15 | 15 | 33 | 10 | 35 | 15 | 15 | 22 | 10 | 15 | 15 | 22 | 22 | 10 | 15 | 15 | 22 | 33 | 35 | 15 | 22 | 15 | 15 | 10 | 15 | 15 | 15 |
| Rosebud | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 22 | 50 | 37 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 |
| Rosedale | 37 | 37 | 32 | 44 | 32 | 22 | 22 | 44 | 32 | 0 | 22 | 22 | 44 | 22 | 32 | 32 | 32 | 22 | 37 | 22 | 32 | 37 | 32 | 37 | 44 | 50 | 32 | 32 | 44 | 44 | 32 | 32 | 32 | 44 | 0 | 50 | 32 | 44 | 50 | 50 | 37 | 32 | 32 | 32 |
| Russellville | 5 | 5 | 5 | 15 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 15 | 0 | 5 | 5 | 5 | 0 | 5 | 0 | 5 | 50 | 0 | 5 | 15 | 5 | 5 | 0 | 15 | 15 | 5 | 5 | 5 | 15 | 0 | 50 | 5 | 15 | 23 | 23 | 5 | 5 | 5 | 5 |
| St. Anthony | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 37 | 32 | 50 | 50 | 50 | 32 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |

## List of All Points in Market Area No. 32—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 62 | 63 | 64 | 65 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 77 | 78 | 79 | 80 | 81 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 96 | 97 | 98 | 99 | 100 | 101 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Otterbein | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 13 | 13 | 13 | 20 | 13 | 32 | 32 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 30 | 0 | 0 | 30 | 30 | 0 | 0 | 13 | 13 |
| Otter Creek Junction | 22 | 22 | 37 | 50 | 50 | 50 | 32 | 32 | 32 | 47 | 32 | 32 | 37 | 47 | 32 | 32 | 32 | 32 | 22 | 32 | 32 | 32 | 47 | 32 | 47 | 47 | 22 | 32 | 22 | 50 | 50 | 22 | 22 | 32 | 47 | 22 | 22 | 47 | 47 | 22 | 22 | 32 | 32 |
| Owensville | 50 | 0 | 13 | 23 | 37 | 37 | 13 | 13 | 13 | 28 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 13 | 13 | 13 | 28 | 13 | 32 | 32 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 28 | 0 | 0 | 28 | 28 | 0 | 0 | 13 | 13 |
| Ozark | 0 | 20 | 20 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 20 | 20 | 0 | 0 |
| Paoli | 0 | 20 | 20 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 20 | 20 | 0 | 0 |
| Palmerton | 3 | 23 | 23 | 3 | 3 | 23 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 23 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 23 | 3 | 23 | 3 | 3 | 23 | 23 | 3 | 3 | 23 | 23 | 3 | 3 | 23 | 23 | 3 | 3 |
| Parason | 30 | 37 | 50 | 15 | 15 | 37 | 30 | 30 | 30 | 44 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 37 | 30 | 30 | 30 | 44 | 30 | 44 | 44 | 37 | 30 | 37 | 50 | 50 | 37 | 37 | 30 | 44 | 37 | 37 | 44 | 44 | 37 | 37 | 30 | 30 |
| Patoka | 32 | 32 | 47 | 37 | 37 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 47 | 32 | 47 | 47 | 32 | 32 | 32 | 47 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 47 | 47 | 32 | 32 | 32 | 32 |
| Patricksburg | 32 | 32 | 47 | 37 | 37 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 47 | 32 | 47 | 47 | 32 | 32 | 32 | 47 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 47 | 47 | 32 | 32 | 32 | 32 |
| Patton | 0 | 0 | 22 | 32 | 32 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 0 | 32 | 32 | 32 | 47 | 32 | 47 | 47 | 0 | 32 | 0 | 32 | 32 | 0 | 0 | 32 | 47 | 0 | 0 | 47 | 47 | 0 | 0 | 32 | 32 |
| Peace | 20 | 20 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 20 | 32 | 32 | 32 | 47 | 32 | 47 | 47 | 20 | 32 | 20 | 32 | 32 | 20 | 20 | 32 | 47 | 20 | 20 | 47 | 47 | 20 | 20 | 32 | 32 |
| Perkins | 0 | 20 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 20 | 32 | 32 | 32 | 47 | 32 | 47 | 47 | 20 | 32 | 20 | 32 | 32 | 20 | 20 | 32 | 47 | 20 | 20 | 47 | 47 | 20 | 20 | 32 | 32 |
| Perrysville | 20 | 20 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 20 | 32 | 32 | 32 | 47 | 32 | 47 | 47 | 20 | 32 | 20 | 32 | 32 | 20 | 20 | 32 | 47 | 20 | 20 | 47 | 47 | 20 | 20 | 32 | 32 |
| Petersburg | 32 | 32 | 47 | 37 | 37 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 47 | 32 | 47 | 47 | 32 | 32 | 32 | 47 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 47 | 47 | 32 | 32 | 32 | 32 |
| Pevely | 40 | 40 | 42 | 42 | 42 | 50 | 42 | 42 | 42 | 37 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 40 | 42 | 42 | 42 | 37 | 42 | 37 | 37 | 40 | 42 | 40 | 42 | 42 | 40 | 40 | 42 | 37 | 40 | 40 | 37 | 37 | 40 | 40 | 42 | 42 |
| Pine Village | 47 | 47 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 32 | 37 | 32 | 32 | 47 | 37 | 47 | 37 | 37 | 47 | 47 | 37 | 32 | 47 | 47 | 32 | 32 | 47 | 47 | 37 | 37 |
| Plainville | 22 | 22 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 28 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 13 | 13 | 13 | 28 | 13 | 32 | 32 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 28 | 0 | 0 | 28 | 28 | 0 | 0 | 13 | 13 |
| Plummer | 42 | 42 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 37 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 42 | 32 | 32 | 32 | 37 | 32 | 37 | 37 | 42 | 32 | 42 | 32 | 32 | 42 | 42 | 32 | 37 | 42 | 42 | 37 | 37 | 42 | 42 | 32 | 32 |
| Poseyville | 47 | 47 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 32 | 37 | 32 | 32 | 47 | 37 | 47 | 37 | 37 | 47 | 47 | 37 | 32 | 47 | 47 | 32 | 32 | 47 | 47 | 37 | 37 |
| Prairie | 22 | 22 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 28 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 13 | 13 | 13 | 28 | 13 | 32 | 32 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 28 | 0 | 0 | 28 | 28 | 0 | 0 | 13 | 13 |
| Princeton | 25 | 25 | 13 | 25 | 25 | 32 | 25 | 25 | 25 | 40 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 40 | 25 | 40 | 40 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 40 | 25 | 25 | 40 | 40 | 25 | 25 | 25 | 25 |
| Prosser Spur | 30 | 30 | 15 | 25 | 25 | 37 | 25 | 25 | 25 | 40 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 30 | 25 | 25 | 25 | 40 | 25 | 40 | 40 | 30 | 25 | 30 | 25 | 25 | 30 | 30 | 25 | 40 | 30 | 30 | 40 | 40 | 30 | 30 | 25 | 25 |
| Purcell | 10 | 10 | 22 | 32 | 32 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 10 | 32 | 32 | 32 | 47 | 32 | 47 | 47 | 10 | 32 | 10 | 32 | 32 | 10 | 10 | 32 | 47 | 10 | 10 | 47 | 47 | 10 | 10 | 32 | 32 |
| Putnamville | 15 | 15 | 32 | 42 | 42 | 57 | 42 | 42 | 42 | 37 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 15 | 42 | 42 | 42 | 37 | 42 | 37 | 37 | 15 | 42 | 15 | 42 | 42 | 15 | 15 | 42 | 37 | 15 | 15 | 37 | 37 | 15 | 15 | 42 | 42 |
| Quarry Junction | 37 | 37 | 22 | 42 | 42 | 57 | 42 | 42 | 42 | 37 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 37 | 42 | 42 | 42 | 37 | 42 | 37 | 37 | 37 | 42 | 37 | 42 | 42 | 37 | 37 | 42 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 42 | 42 |
| Quinn | 15 | 15 | 32 | 42 | 42 | 57 | 42 | 42 | 42 | 37 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 15 | 42 | 42 | 42 | 37 | 42 | 37 | 37 | 15 | 42 | 15 | 42 | 42 | 15 | 15 | 42 | 37 | 15 | 15 | 37 | 37 | 15 | 15 | 42 | 42 |
| Racoon | 0 | 0 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 0 | 37 | 37 | 37 | 32 | 37 | 32 | 32 | 0 | 37 | 0 | 37 | 37 | 0 | 0 | 37 | 32 | 0 | 0 | 32 | 32 | 0 | 0 | 37 | 37 |
| Randall | 25 | 25 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 28 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 25 | 13 | 13 | 13 | 28 | 13 | 32 | 32 | 25 | 13 | 25 | 23 | 23 | 25 | 25 | 13 | 28 | 25 | 25 | 28 | 28 | 25 | 25 | 13 | 13 |
| Raney Spur | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 28 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 13 | 13 | 13 | 28 | 13 | 32 | 32 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 28 | 0 | 0 | 28 | 28 | 0 | 0 | 13 | 13 |
| Range Road | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 28 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 13 | 13 | 13 | 28 | 13 | 32 | 32 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 28 | 0 | 0 | 28 | 28 | 0 | 0 | 13 | 13 |
| Red Lawrence County) | 15 | 0 | 37 | 47 | 47 | 6 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 15 | 32 | 32 | 32 | 47 | 32 | 47 | 47 | 15 | 32 | 15 | 47 | 47 | 15 | 15 | 32 | 47 | 15 | 15 | 47 | 47 | 15 | 15 | 32 | 32 |
| Redelyffe | 33 | 50 | 47 | 0 | 22 | 47 | 32 | 32 | 32 | 44 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 33 | 32 | 32 | 32 | 44 | 32 | 50 | 50 | 33 | 32 | 33 | 50 | 50 | 33 | 33 | 32 | 44 | 33 | 33 | 50 | 50 | 33 | 33 | 32 | 32 |
| Riverville | 50 | 32 | 32 | 47 | 47 | 47 | 32 | 32 | 32 | 44 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 50 | 32 | 32 | 32 | 44 | 32 | 50 | 50 | 50 | 32 | 50 | 32 | 32 | 50 | 50 | 32 | 44 | 50 | 50 | 50 | 50 | 50 | 50 | 32 | 32 |
| Riley | 33 | 22 | 47 | 47 | 47 | 47 | 37 | 37 | 37 | 50 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 33 | 37 | 37 | 37 | 50 | 37 | 50 | 50 | 33 | 37 | 33 | 47 | 47 | 33 | 33 | 37 | 50 | 33 | 33 | 50 | 50 | 33 | 33 | 37 | 37 |
| Rileysburg | 32 | 32 | 47 | 47 | 47 | 47 | 37 | 37 | 37 | 50 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 50 | 37 | 50 | 50 | 32 | 37 | 32 | 47 | 47 | 32 | 32 | 37 | 50 | 32 | 32 | 50 | 50 | 32 | 32 | 37 | 37 |
| Riverside(Fountain County) | 37 | 37 | 13 | 23 | 23 | 47 | 37 | 0 | 13 | 32 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 37 | 13 | 13 | 13 | 32 | 13 | 32 | 32 | 37 | 13 | 37 | 23 | 23 | 37 | 37 | 13 | 32 | 37 | 37 | 32 | 32 | 37 | 37 | 13 | 13 |
| Riverton | 37 | 37 | 13 | 23 | 23 | 47 | 37 | 0 | 13 | 32 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 37 | 13 | 13 | 13 | 32 | 13 | 32 | 32 | 37 | 13 | 37 | 23 | 23 | 37 | 37 | 13 | 32 | 37 | 37 | 32 | 32 | 37 | 37 | 13 | 13 |
| Roachdale | 0 | 0 | 22 | 32 | 32 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 0 | 32 | 32 | 32 | 47 | 32 | 47 | 47 | 0 | 32 | 0 | 32 | 32 | 0 | 0 | 32 | 47 | 0 | 0 | 47 | 47 | 0 | 0 | 32 | 32 |
| Rock Hill | 0 | 0 | 22 | 32 | 32 | 47 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 0 | 32 | 32 | 32 | 47 | 32 | 47 | 47 | 0 | 32 | 0 | 32 | 32 | 0 | 0 | 32 | 47 | 0 | 0 | 47 | 47 | 0 | 0 | 32 | 32 |
| Rockport | 50 | 50 | 32 | 42 | 42 | 57 | 42 | 42 | 42 | 37 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 50 | 42 | 42 | 42 | 37 | 42 | 37 | 37 | 50 | 42 | 50 | 42 | 42 | 50 | 50 | 42 | 37 | 50 | 50 | 37 | 37 | 50 | 50 | 42 | 42 |
| Rockville | 32 | 32 | 13 | 23 | 23 | 37 | 23 | 23 | 23 | 28 | 23 | 23 | 23 | 23 | 23 | 23 | 23 | 23 | 32 | 23 | 23 | 23 | 28 | 23 | 32 | 32 | 32 | 23 | 32 | 23 | 23 | 32 | 32 | 23 | 28 | 32 | 32 | 28 | 28 | 32 | 32 | 23 | 23 |
| Rogers | 50 | 50 | 32 | 42 | 42 | 57 | 42 | 42 | 42 | 37 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 50 | 42 | 42 | 42 | 37 | 42 | 37 | 37 | 50 | 42 | 50 | 42 | 42 | 50 | 50 | 42 | 37 | 50 | 50 | 37 | 37 | 50 | 50 | 42 | 42 |
| Romney | 15 | 15 | 32 | 42 | 42 | 57 | 42 | 42 | 42 | 37 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 15 | 42 | 42 | 42 | 37 | 42 | 37 | 37 | 15 | 42 | 15 | 42 | 42 | 15 | 15 | 42 | 37 | 15 | 15 | 37 | 37 | 15 | 15 | 42 | 42 |
| Rosebud | 50 | 50 | 37 | 47 | 47 | 32 | 47 | 47 | 47 | 32 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 47 | 50 | 47 | 47 | 47 | 32 | 47 | 32 | 32 | 50 | 47 | 50 | 47 | 47 | 50 | 50 | 47 | 32 | 50 | 50 | 32 | 32 | 50 | 50 | 47 | 47 |
| Rosedale | 32 | 32 | 15 | 25 | 25 | 40 | 25 | 25 | 25 | 40 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 32 | 25 | 25 | 25 | 40 | 25 | 40 | 40 | 32 | 25 | 32 | 25 | 25 | 32 | 32 | 25 | 40 | 32 | 32 | 40 | 40 | 32 | 32 | 25 | 25 |
| Russellville | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 28 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 13 | 13 | 13 | 28 | 13 | 32 | 32 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 28 | 0 | 0 | 28 | 28 | 0 | 0 | 13 | 13 |
| St. Anthony | 50 | 50 | 37 | 50 | 50 | 50 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 50 | 37 | 37 | 37 | 32 | 37 | 32 | 32 | 50 | 37 | 50 | 37 | 37 | 50 | 50 | 37 | 32 | 50 | 50 | 32 | 32 | 50 | 50 | 37 | 37 |

## List of All Points in Market Area No. 32—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 1 | 2 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| St. Bernice | 37 | 37 | 22 | 47 | 0 | 32 | 32 | 47 | 22 | 0 | 32 | 32 | 47 | 32 | 22 | 22 | 22 | 37 | 37 | 32 | 37 | 37 | 0 | 0 |
| St. Marys of the Woods | 32 | 32 | 22 | 44 | 22 | 22 | 22 | 44 | 22 | 22 | 0 | 0 | 44 | 22 | 22 | 22 | 22 | 37 | 37 | 0 | 0 | 0 | 22 | 22 |
| Salem City | 0 | 0 | 22 | 44 | 22 | 22 | 22 | 44 | 22 | 22 | 0 | 0 | 44 | 22 | 22 | 22 | 22 | 37 | 37 | 0 | 0 | 0 | 22 | 22 |
| Salillo | 32 | 37 | 37 | 32 | 0 | 32 | 32 | 37 | 0 | 0 | 32 | 32 | 47 | 32 | 22 | 22 | 22 | 37 | 37 | 32 | 37 | 37 | 0 | 0 |
| Sandborn | 37 | 37 | 37 | 32 | 0 | 32 | 32 | 37 | 0 | 0 | 32 | 32 | 47 | 32 | 22 | 22 | 22 | 37 | 37 | 32 | 37 | 37 | 0 | 0 |
| Sand Creek | 50 | 50 | 22 | 22 | 22 | 7 | 22 | 7 | 22 | 22 | 22 | 22 | 44 | 22 | 22 | 22 | 22 | 37 | 37 | 0 | 0 | 0 | 22 | 22 |
| Sandford | 50 | 50 | 22 | 22 | 22 | 7 | 22 | 7 | 22 | 22 | 22 | 22 | 44 | 22 | 22 | 22 | 22 | 37 | 37 | 0 | 0 | 0 | 22 | 22 |
| Sanford Ford | 37 | 37 | 37 | 47 | 37 | 44 | 37 | 44 | 37 | 37 | 37 | 37 | 44 | 37 | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 | 37 | 37 |
| Seelyville | 47 | 47 | 37 | 47 | 37 | 44 | 37 | 44 | 37 | 37 | 37 | 37 | 44 | 37 | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 | 37 | 37 |
| Selfert | 50 | 50 | 22 | 22 | 22 | 7 | 22 | 7 | 22 | 22 | 22 | 22 | 44 | 22 | 22 | 22 | 22 | 37 | 37 | 0 | 0 | 0 | 22 | 22 |
| Shadeland | 22 | 22 | 37 | 47 | 37 | 44 | 37 | 44 | 37 | 37 | 37 | 37 | 44 | 37 | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 | 37 | 37 |
| Shady Grove | 22 | 22 | 37 | 47 | 37 | 44 | 37 | 44 | 37 | 37 | 37 | 37 | 44 | 37 | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 | 37 | 37 |
| Shelby Co. | 37 | 37 | 37 | 47 | 37 | 44 | 37 | 44 | 37 | 37 | 37 | 37 | 44 | 37 | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 | 37 | 37 |
| Shoals | 50 | 50 | 22 | 22 | 22 | 7 | 22 | 7 | 22 | 22 | 22 | 22 | 44 | 22 | 22 | 22 | 22 | 37 | 37 | 0 | 0 | 0 | 22 | 22 |
| Shops | 0 | 0 | 22 | 44 | 22 | 22 | 22 | 44 | 22 | 22 | 0 | 0 | 44 | 22 | 22 | 22 | 22 | 37 | 37 | 0 | 0 | 0 | 22 | 22 |
| Silverwood | 50 | 50 | 22 | 22 | 22 | 7 | 22 | 7 | 22 | 22 | 22 | 22 | 44 | 22 | 22 | 22 | 22 | 37 | 37 | 0 | 0 | 0 | 22 | 22 |
| Skelton | 0 | 0 | 22 | 44 | 22 | 22 | 22 | 44 | 22 | 22 | 0 | 0 | 44 | 22 | 22 | 22 | 22 | 37 | 37 | 0 | 0 | 0 | 22 | 22 |
| Smith (Knox County) | 27 | 27 | 5 | 27 | 27 | 27 | 27 | 27 | 5 | 27 | 27 | 27 | 27 | 5 | 5 | 5 | 5 | 27 | 27 | 27 | 27 | 27 | 5 | 5 |
| Smithville | 37 | 37 | 22 | 47 | 0 | 32 | 32 | 47 | 22 | 0 | 32 | 32 | 47 | 32 | 22 | 22 | 22 | 37 | 37 | 32 | 37 | 37 | 0 | 0 |
| Smythe | 50 | 50 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 |
| Solitude | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Somerville | 32 | 32 | 37 | 50 | 0 | 20 | 13 | 20 | 13 | 0 | 33 | 33 | 47 | 33 | 13 | 13 | 13 | 33 | 33 | 13 | 13 | 13 | 13 | 13 |
| South Raub | 13 | 13 | 13 | 22 | 13 | 33 | 22 | 33 | 22 | 13 | 0 | 0 | 33 | 0 | 13 | 13 | 13 | 33 | 33 | 13 | 13 | 13 | 13 | 13 |
| Spencer | 50 | 50 | 37 | 50 | 0 | 20 | 13 | 20 | 13 | 0 | 33 | 33 | 47 | 33 | 13 | 13 | 13 | 33 | 33 | 13 | 13 | 13 | 13 | 13 |
| Staker | 50 | 50 | 37 | 50 | 0 | 20 | 13 | 20 | 13 | 0 | 33 | 33 | 47 | 33 | 13 | 13 | 13 | 33 | 33 | 13 | 13 | 13 | 13 | 13 |
| Stale Line (Warren County) | 20 | 20 | 43 | 50 | 42 | 20 | 43 | 20 | 0 | 0 | 45 | 45 | 45 | 20 | 20 | 20 | 20 | 50 | 50 | 20 | 20 | 20 | 20 | 20 |
| Steuuton | 47 | 47 | 32 | 32 | 32 | 50 | 32 | 42 | 32 | 32 | 32 | 32 | 32 | 10 | 42 | 42 | 42 | 32 | 32 | 42 | 47 | 42 | 42 | 42 |
| Stearleys | 37 | 37 | 32 | 43 | 32 | 50 | 32 | 42 | 32 | 32 | 32 | 32 | 32 | 10 | 42 | 42 | 42 | 32 | 32 | 42 | 47 | 42 | 42 | 42 |
| Stevenson | 50 | 50 | 37 | 50 | 37 | 50 | 37 | 50 | 37 | 37 | 37 | 37 | 37 | 37 | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 50 |
| Stewartsville | 13 | 13 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Stilesville | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Stone Bluff | 20 | 20 | 20 | 20 | 0 | 20 | 13 | 20 | 13 | 0 | 33 | 33 | 47 | 33 | 13 | 13 | 13 | 33 | 33 | 13 | 13 | 13 | 13 | 13 |
| Straight Line Junction | 50 | 50 | 37 | 50 | 37 | 50 | 37 | 50 | 37 | 37 | 37 | 37 | 37 | 37 | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 50 |
| Sullivan | 27 | 27 | 5 | 27 | 27 | 27 | 27 | 27 | 5 | 27 | 27 | 27 | 27 | 5 | 5 | 5 | 5 | 27 | 27 | 27 | 27 | 27 | 5 | 5 |
| Summit Grove | 37 | 37 | 22 | 47 | 0 | 32 | 32 | 47 | 22 | 0 | 32 | 32 | 47 | 32 | 22 | 22 | 22 | 37 | 37 | 32 | 37 | 37 | 0 | 0 |
| Swanington | 27 | 27 | 5 | 27 | 27 | 27 | 27 | 27 | 5 | 27 | 27 | 27 | 27 | 5 | 5 | 5 | 5 | 27 | 27 | 27 | 27 | 27 | 5 | 5 |
| Switz City | 22 | 22 | 0 | 22 | 22 | 22 | 22 | 22 | 0 | 22 | 22 | 22 | 22 | 0 | 0 | 0 | 0 | 22 | 22 | 22 | 22 | 22 | 0 | 0 |
| Talbot | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 |
| Tangier | 50 | 50 | 37 | 50 | 37 | 50 | 37 | 50 | 37 | 37 | 37 | 37 | 37 | 37 | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 50 |
| Teaswell | 13 | 13 | 0 | 13 | 0 | 13 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 13 | 0 | 0 | 13 | 13 | 13 | 13 | 13 |
| Taylors | 50 | 50 | 37 | 50 | 37 | 50 | 37 | 50 | 37 | 37 | 37 | 37 | 37 | 37 | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 50 |
| Tell City | 13 | 13 | 0 | 13 | 0 | 13 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 13 | 0 | 0 | 13 | 13 | 13 | 13 | 13 |
| Templeton | 50 | 50 | 37 | 50 | 37 | 50 | 37 | 50 | 37 | 37 | 37 | 37 | 37 | 37 | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 50 |
| | 13 | 13 | 0 | 13 | 0 | 13 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 13 | 0 | 0 | 13 | 13 | 13 | 13 | 13 |

*List of All Points in Market Area No. 32*—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 62 | 63 | 64 | 65 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 77 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| St. Bernice | 0 | 32 | 37 | 47 | 47 | 37 | 22 | 37 | 22 | 47 | 22 | 37 | 37 | 37 | 22 | 22 | 22 | 22 | 32 | 37 | 37 |
| St. Marys of the Woods | 22 | 22 | 32 | 47 | 47 | 22 | 22 | 0 | 22 | 44 | 22 | 0 | 32 | 37 | 22 | 22 | 22 | 22 | 22 | 22 | 32 |
| Saline City | 37 | 32 | 22 | 47 | 47 | 32 | 32 | 0 | 32 | 44 | 32 | 0 | 22 | 32 | 22 | 32 | 32 | 22 | 32 | 32 | 22 |
| Saltillo | 39 | 39 | 0 | 0 | 0 | 39 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 39 | 39 | 0 |
| Sandborn | 37 | 50 | 32 | 47 | 47 | 37 | 22 | 32 | 22 | 44 | 22 | 32 | 37 | 0 | 22 | 22 | 22 | 22 | 50 | 37 | 32 |
| Sand Creek | 32 | 22 | 37 | 47 | 47 | 32 | 37 | 37 | 37 | 44 | 37 | 37 | 37 | 50 | 37 | 37 | 37 | 37 | 32 | 0 | 37 |
| Sanders | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sandy Hook | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Sanford | 22 | 22 | 32 | 47 | 47 | 22 | 22 | 0 | 22 | 44 | 22 | 0 | 32 | 37 | 22 | 22 | 22 | 22 | 22 | 22 | 32 |
| Seelyville | 22 | 0 | 37 | 47 | 47 | 22 | 32 | 32 | 32 | 44 | 32 | 32 | 37 | 50 | 32 | 32 | 32 | 32 | 0 | 0 | 37 |
| Seifert | 42 | 42 | 47 | 50 | 50 | 32 | 42 | 42 | 42 | 50 | 42 | 42 | 47 | 47 | 42 | 42 | 42 | 12 | 42 | 10 | 47 |
| Shadeland | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 0 | 13 |
| Shady Grove | 22 | 32 | 22 | 47 | 47 | 32 | 0 | 32 | 0 | 47 | 0 | 32 | 22 | 32 | 0 | 0 | 0 | 0 | 32 | 32 | 22 |
| Shelburn | 32 | 32 | 37 | 47 | 47 | 22 | 32 | 32 | 32 | 47 | 32 | 32 | 37 | 37 | 32 | 32 | 32 | 32 | 32 | 0 | 37 |
| Shoals | 47 | 47 | 37 | 47 | 47 | 47 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 47 | 47 | 37 |
| Shops | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 37 | 37 | 37 | 37 |
| Silverwood | 0 | 10 | 23 | 33 | 33 | 0 | 23 | 23 | 23 | 30 | 23 | 23 | 23 | 23 | 23 | 23 | 23 | 23 | 10 | 0 | 23 |
| Skelton | 50 | 50 | 50 | 26 | 26 | 50 | 50 | 50 | 50 | 26 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Sloan | 0 | 0 | 0 | 50 | 50 | 0 | 5 | 5 | 5 | 25 | 5 | 5 | 0 | 5 | 5 | 5 | 5 | 5 | 0 | 0 | 0 |
| Smith (Knox Co.) | 27 | 27 | 27 | 37 | 37 | 27 | 27 | 27 | 27 | 22 | 27 | 27 | 27 | 12 | 27 | 27 | 27 | 27 | 27 | 27 | 27 |
| Smithville | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Smythe | 50 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Solitude | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Solsberry | 37 | 37 | 32 | 47 | 47 | 37 | 32 | 32 | 32 | 47 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 37 | 37 | 32 |
| Somerville | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| South Raub | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 0 | 13 |
| Spencer | 15 | 33 | 10 | 25 | 25 | 15 | 10 | 10 | 10 | 22 | 10 | 10 | 15 | 0 | 10 | 10 | 10 | 10 | 33 | 15 | 10 |
| Stacer | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Stapleton | 50 | 50 | 50 | 17 | 0 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| State Line (Warren Co.) | 0 | 20 | 20 | 48 | 48 | 0 | 20 | 20 | 20 | 45 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 0 | 20 |
| Staunton | 42 | 10 | 47 | 50 | 50 | 32 | 42 | 42 | 42 | 50 | 42 | 42 | 47 | 50 | 42 | 42 | 42 | 42 | 10 | 10 | 47 |
| Sterleys | 32 | 0 | 37 | 47 | 47 | 32 | 32 | 32 | 32 | 44 | 32 | 32 | 37 | 50 | 32 | 32 | 32 | 32 | 0 | 0 | 37 |
| Stevenson | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Stewart | 0 | 0 | 13 | 45 | 45 | 0 | 0 | 0 | 0 | 45 | 0 | 0 | 13 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 13 |
| Stewartsville | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Stinesville | 15 | 10 | 0 | 25 | 25 | 15 | 15 | 10 | 15 | 22 | 15 | 10 | 0 | 15 | 0 | 15 | 15 | 0 | 10 | 10 | 0 |
| Stone Bluff | 0 | 0 | 20 | 0 | 0 | 0 | 20 | 20 | 20 | 27 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 0 | 0 | 20 |
| Straight Line Junction | 50 | 50 | 50 | 22 | 22 | 0 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 20 |
| Sullivan | 22 | 32 | 22 | 47 | 47 | 0 | 0 | 32 | 0 | 47 | 0 | 32 | 22 | 32 | 0 | 0 | 0 | 0 | 32 | 22 | 22 |
| Summit Grove | 32 | 32 | 37 | 50 | 50 | 0 | 32 | 32 | 32 | 47 | 32 | 32 | 37 | 37 | 32 | 32 | 32 | 32 | 32 | 0 | 37 |
| Swanington | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Switz City | 37 | 50 | 22 | 47 | 47 | 37 | 22 | 22 | 22 | 44 | 22 | 22 | 32 | 0 | 22 | 22 | 22 | 22 | 50 | 37 | 22 |
| Tab | 0 | 0 | 0 | 45 | 45 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Talbot | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 0 | 13 |
| Tangier | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 13 | 13 | 0 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 0 | 13 |
| Taswell | 50 | 50 | 50 | 10 | 0 | 50 | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 20 |
| Taylors | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 0 | 13 |
| Tell City | 50 | 50 | 50 | 15 | 0 | 50 | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Temple | 50 | 50 | 50 | 10 | 0 | 50 | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Templeton | 0 | 0 | 13 | 23 | 23 | 0 | 13 | 13 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 0 | 0 | 14 |

| Destinations | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 96 | 97 | 98 | 99 | 100 | 101 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| St. Bernice | 22 | 47 | 47 | 47 | 32 | 32 | 32 | 22 | 0 | 47 | 47 | 32 | 0 | 22 | 0 | 37 | 37 | 47 | 0 | 32 | 0 | 37 | 22 |
| St. Marys of the Woods | 22 | 44 | 47 | 47 | 22 | 22 | 22 | 22 | 22 | 47 | 47 | 22 | 22 | 22 | 44 | 22 | 22 | 44 | 44 | 22 | 22 | 37 | 22 |
| Saline City | 32 | 44 | 47 | 47 | 32 | 32 | 32 | 32 | 37 | 47 | 47 | 32 | 37 | 32 | 49 | 32 | 32 | 49 | 49 | 32 | 37 | 37 | 32 |
| Saltillo | 0 | 0 | 0 | 0 | 39 | 39 | 39 | 0 | 39 | 0 | 0 | 39 | 39 | 0 | 0 | 39 | 39 | 0 | 0 | 39 | 39 | 29 | 0 |
| Sandborn | 22 | 32 | 47 | 47 | 50 | 50 | 50 | 22 | 37 | 47 | 47 | 50 | 37 | 22 | 44 | 37 | 37 | 44 | 44 | 50 | 37 | 22 | 22 |
| Sand Creek | 37 | 44 | 47 | 47 | 22 | 22 | 22 | 37 | 32 | 47 | 47 | 22 | 32 | 37 | 44 | 32 | 32 | 44 | 44 | 22 | 32 | 50 | 37 |
| Sanders | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Sandy Hook | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 |
| Sanford | 22 | 44 | 47 | 47 | 22 | 22 | 22 | 22 | 22 | 47 | 47 | 22 | 22 | 22 | 44 | 22 | 22 | 44 | 44 | 22 | 22 | 37 | 22 |
| Seelyville | 32 | 44 | 47 | 47 | 0 | 0 | 0 | 32 | 22 | 47 | 47 | 0 | 22 | 32 | 44 | 22 | 22 | 44 | 44 | 0 | 22 | 50 | 32 |
| Seifert | 42 | 50 | 50 | 50 | 42 | 42 | 42 | 42 | 42 | 50 | 50 | 42 | 42 | 42 | 50 | 32 | 32 | 50 | 50 | 42 | 42 | 32 | 42 |
| Shadeland | 13 | 20 | 23 | 23 | 0 | 0 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| Shady Grove | 0 | 42 | 47 | 47 | 32 | 32 | 32 | 0 | 22 | 47 | 47 | 32 | 22 | 0 | 0 | 32 | 32 | 42 | 0 | 32 | 22 | 32 | 0 |
| Shelburn | 32 | 32 | 47 | 47 | 32 | 32 | 32 | 32 | 32 | 47 | 47 | 32 | 32 | 32 | 47 | 22 | 22 | 42 | 47 | 32 | 32 | 22 | 32 |
| Shoals | 37 | 0 | 47 | 47 | 47 | 47 | 47 | 37 | 47 | 47 | 47 | 47 | 47 | 37 | 37 | 47 | 47 | 37 | 37 | 47 | 47 | 37 | 37 |
| Shops | 37 | 0 | 47 | 47 | 37 | 37 | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 | 37 | 37 | 37 | 22 | 37 | 37 | 37 | 37 | 37 |
| Silverwood | 23 | 30 | 33 | 33 | 10 | 10 | 10 | 23 | 0 | 33 | 33 | 10 | 0 | 23 | 30 | 0 | 0 | 30 | 30 | 10 | 0 | 23 | 23 |
| Skelton | 50 | 50 | 26 | 26 | 50 | 50 | 50 | 50 | 50 | 26 | 26 | 50 | 50 | 50 | 26 | 50 | 50 | 26 | 26 | 50 | 50 | 50 | 50 |
| Sloan | 5 | 25 | 50 | 50 | 0 | 0 | 0 | 5 | 0 | 50 | 50 | 0 | 0 | 5 | 25 | 0 | 0 | 25 | 25 | 0 | 0 | 5 | 5 |
| Smith (Knox Co.) | 27 | 12 | 37 | 37 | 27 | 27 | 27 | 27 | 27 | 37 | 37 | 27 | 27 | 27 | 37 | 27 | 27 | 32 | 37 | 27 | 27 | 22 | 27 |
| Smithville | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Smythe | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 0 | 50 | 50 | 37 | 0 | 50 | 50 | 50 | 50 |
| Solitude | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 |
| Solsberry | 32 | 47 | 47 | 47 | 37 | 37 | 37 | 32 | 32 | 47 | 47 | 37 | 32 | 32 | 0 | 37 | 37 | 44 | 0 | 37 | 32 | 22 | 32 |
| Somerville | 50 | 37 | 37 | 37 | 50 | 50 | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 |
| South Raub | 13 | 23 | 23 | 23 | 0 | 0 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| Spencer | 10 | 22 | 25 | 25 | 33 | 33 | 33 | 10 | 15 | 25 | 25 | 33 | 15 | 10 | 22 | 15 | 15 | 0 | 22 | 33 | 15 | 0 | 10 |
| Stacer | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 50 | 50 | 37 | 37 | 50 | 50 | 50 | 0 | 50 | 50 | 47 | 0 | 50 | 50 | 50 | 50 |
| Stapleton | 50 | 50 | 17 | 17 | 50 | 50 | 50 | 50 | 50 | 17 | 17 | 50 | 50 | 50 | 22 | 50 | 50 | 37 | 22 | 50 | 50 | 50 | 50 |
| State Line (Warren Co.) | 20 | 45 | 48 | 48 | 20 | 20 | 20 | 20 | 0 | 48 | 48 | 20 | 0 | 20 | 45 | 0 | 0 | 45 | 45 | 20 | 0 | 20 | 20 |
| Staunton | 42 | 50 | 50 | 50 | 10 | 0 | 10 | 42 | 42 | 50 | 50 | 10 | 42 | 42 | 50 | 32 | 32 | 50 | 50 | 10 | 42 | 50 | 42 |
| Sterleys | 32 | 44 | 47 | 47 | 0 | 0 | 0 | 32 | 32 | 47 | 47 | 0 | 32 | 32 | 44 | 32 | 32 | 44 | 44 | 0 | 32 | 50 | 32 |
| Stevenson | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 42 | 50 | 50 | 37 | 42 | 50 | 50 | 50 | 50 |
| Stewart | 0 | 20 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 45 | 45 | 0 | 0 | 0 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 0 |
| Stewartsville | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 50 | 50 | 0 | 50 |
| Stinesville | 15 | 22 | 25 | 25 | 10 | 10 | 10 | 15 | 15 | 25 | 25 | 10 | 15 | 15 | 22 | 15 | 15 | 22 | 22 | 10 | 15 | 15 | 15 |
| Stone Bluff | 20 | 27 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 20 | 27 | 0 | 0 | 48 | 27 | 0 | 0 | 20 | 20 |
| Straight Line Junction | 50 | 49 | 22 | 22 | 50 | 50 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 22 | 0 | 0 | 0 | 22 | 50 | 50 | 50 | 50 |
| Sullivan | 0 | 32 | 47 | 47 | 32 | 32 | 32 | 0 | 22 | 47 | 47 | 32 | 22 | 0 | 47 | 0 | 0 | 42 | 47 | 32 | 22 | 0 | 0 |
| Summit Grove | 32 | 47 | 50 | 50 | 32 | 32 | 32 | 32 | 32 | 50 | 50 | 32 | 32 | 32 | 47 | 0 | 0 | 47 | 47 | 32 | 32 | 32 | 32 |
| Swanington | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Switz City | 22 | 32 | 47 | 47 | 50 | 50 | 50 | 22 | 37 | 47 | 47 | 50 | 37 | 22 | 44 | 37 | 37 | 44 | 44 | 50 | 37 | 0 | 22 |
| Tab | 0 | 20 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 45 | 45 | 0 | 0 | 0 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 0 | 0 |
| Talbot | 13 | 20 | 23 | 23 | 0 | 0 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| Tangier | 13 | 20 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 | 13 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| Taswell | 50 | 50 | 10 | 10 | 50 | 50 | 50 | 50 | 50 | 10 | 10 | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 50 |
| Taylors | 13 | 20 | 23 | 23 | 0 | 0 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |
| Tell City | 50 | 50 | 15 | 15 | 50 | 50 | 50 | 50 | 50 | 15 | 15 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 50 |
| Temple | 50 | 50 | 10 | 10 | 50 | 50 | 50 | 50 | 50 | 10 | 10 | 50 | 50 | 50 | 20 | 50 | 50 | 50 | 20 | 50 | 50 | 50 | 50 |
| Templeton | 13 | 20 | 23 | 23 | 0 | 0 | 0 | 13 | 0 | 23 | 23 | 0 | 0 | 13 | 20 | 0 | 0 | 20 | 20 | 0 | 0 | 13 | 13 |



*List of All Points in Market Area No. 32*—Continued

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 1 | 2 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 19 | 20 | 21 | 22 | 23 | 24 | 26 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Tennyson | 50 | 50 | 50 | 17 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Thomas | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Tighe | 37 | 37 | 22 | 47 | 0 | 32 | 32 | 47 | 22 | 0 | 32 | 32 | 47 | 32 | 22 | 22 | 22 | 0 | 37 | 32 | 37 |
| Tile Siding | 13 | 13 | 13 | 20 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 | 13 |
| Troy | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Tulip | 32 | 32 | 22 | 47 | 37 | 37 | 37 | 44 | 22 | 37 | 37 | 37 | 44 | 37 | 22 | 22 | 22 | 37 | 32 | 37 | 32 |
| Union | 32 | 32 | 0 | 32 | 37 | 37 | 37 | 32 | 0 | 37 | 37 | 37 | 32 | 37 | 0 | 0 | 0 | 37 | 32 | 37 | 32 |
| Veedersburg | 20 | 20 | 20 | 27 | 0 | 0 | 0 | 27 | 20 | 0 | 0 | 0 | 27 | 0 | 20 | 20 | 20 | 0 | 20 | 0 | 20 |
| Velpen | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Vicksburg | 0 | 0 | 0 | 44 | 32 | 32 | 32 | 42 | 0 | 32 | 32 | 32 | 42 | 32 | 0 | 0 | 0 | 32 | 0 | 32 | 22 |
| Victor | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Victoria | 0 | 0 | 22 | 47 | 37 | 37 | 37 | 44 | 22 | 37 | 37 | 37 | 44 | 37 | 22 | 22 | 22 | 37 | 0 | 37 | 32 |
| Vincennes | 37 | 37 | 32 | 32 | 37 | 37 | 37 | 32 | 32 | 37 | 37 | 37 | 32 | 37 | 32 | 32 | 32 | 37 | 37 | 37 | 37 |
| Vollmer | 50 | 50 | 50 | 32 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Wadesville | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Wallace Junction | 22 | 0 | 0 | 44 | 37 | 32 | 32 | 44 | 32 | 32 | 32 | 32 | 44 | 32 | 32 | 32 | 32 | 37 | 0 | 32 | 32 |
| Walnut Grove | 50 | 50 | 50 | 50 | 42 | 42 | 42 | 50 | 50 | 42 | 37 | 37 | 50 | 42 | 50 | 50 | 50 | 0 | 50 | 37 | 50 |
| Wansford | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Washington | 42 | 42 | 37 | 37 | 42 | 42 | 42 | 22 | 42 | 42 | 42 | 42 | 22 | 42 | 37 | 37 | 37 | 42 | 42 | 43 | 37 |
| Waveland | 33 | 33 | 20 | 40 | 20 | 10 | 10 | 40 | 20 | 0 | 10 | 10 | 40 | 10 | 20 | 20 | 20 | 20 | 33 | 10 | 20 |
| Waynetown | 13 | 13 | 13 | 20 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 18 | 0 | 13 |
| Wendel | 50 | 50 | 50 | 47 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| West Baden | 15 | 15 | 15 | 0 | 25 | 25 | 25 | 15 | 15 | 25 | 25 | 25 | 15 | 25 | 15 | 15 | 15 | 25 | 15 | 25 | 15 |
| West Clinton | 37 | 37 | 22 | 47 | 0 | 32 | 32 | 47 | 22 | 0 | 32 | 32 | 47 | 32 | 22 | 22 | 22 | 37 | 37 | 32 | 37 |
| West Dana | 37 | 37 | 37 | 47 | 0 | 37 | 37 | 47 | 37 | 0 | 32 | 32 | 47 | 37 | 37 | 37 | 37 | 0 | 37 | 32 | 37 |
| West Lebanon | 20 | 20 | 20 | 45 | 0 | 20 | 20 | 45 | 20 | 0 | 0 | 0 | 45 | 20 | 20 | 20 | 20 | 0 | 20 | 0 | 20 |
| West Melcher | 15 | 15 | 15 | 25 | 0 | 10 | 10 | 25 | 15 | 10 | 10 | 10 | 25 | 10 | 15 | 15 | 15 | 0 | 15 | 10 | 15 |
| Westphalia | 32 | 37 | 22 | 44 | 37 | 50 | 50 | 44 | 22 | 37 | 50 | 50 | 44 | 50 | 22 | 22 | 22 | 37 | 37 | 50 | 32 |
| West Point | 13 | 13 | 13 | 20 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 | 13 |
| West Terre Haute | 42 | 42 | 10 | 50 | 10 | 10 | 10 | 50 | 10 | 0 | 10 | 10 | 50 | 10 | 10 | 10 | 10 | 10 | 42 | 10 | 10 |
| West Union | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 | 13 |
| Wheatland | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 0 | 15 | 15 | 15 | 15 | 0 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Whitaker | 5 | 5 | 5 | 12 | 5 | 23 | 23 | 12 | 5 | 23 | 23 | 23 | 12 | 23 | 5 | 5 | 5 | 23 | 5 | 23 | 0 |
| Whitesville | 23 | 23 | 23 | 30 | 0 | 0 | 0 | 30 | 23 | 0 | 10 | 10 | 30 | 0 | 23 | 23 | 23 | 10 | 23 | 10 | 23 |
| Williams (Lawrence County) | 10 | 10 | 0 | 25 | 15 | 15 | 15 | 22 | 0 | 15 | 15 | 15 | 22 | 15 | 0 | 0 | 0 | 15 | 10 | 15 | 15 |
| Williamsport | 20 | 20 | 20 | 45 | 0 | 20 | 20 | 45 | 20 | 0 | 0 | 0 | 45 | 20 | 20 | 20 | 20 | 0 | 20 | 0 | 20 |
| Willow Valley | 15 | 15 | 15 | 25 | 25 | 25 | 25 | 15 | 15 | 25 | 25 | 25 | 15 | 25 | 15 | 15 | 15 | 25 | 15 | 25 | 15 |
| Wingate | 23 | 23 | 23 | 30 | 0 | 0 | 0 | 30 | 23 | 0 | 0 | 0 | 30 | 0 | 23 | 23 | 23 | 0 | 23 | 0 | 23 |
| Winslow | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Winthrop | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 | 13 |
| Worthington | 22 | 37 | 22 | 44 | 37 | 37 | 37 | 49 | 32 | 37 | 22 | 22 | 22 | 37 | 32 | 32 | 32 | 37 | 37 | 22 | 0 |
| Worthy | 42 | 42 | 42 | 50 | 32 | 32 | 32 | 50 | 42 | 32 | 32 | 32 | 50 | 32 | 42 | 42 | 42 | 0 | 42 | 32 | 42 |
| Yeddo | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 20 | 13 | 0 | 0 | 0 | 20 | 0 | 13 | 13 | 13 | 0 | 13 | 0 | 13 |
| Young | 37 | 37 | 32 | 47 | 22 | 22 | 22 | 42 | 32 | 22 | 22 | 22 | 42 | 22 | 32 | 32 | 32 | 22 | 37 | 22 | 32 |

| Destinations | 27 | 28 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 38 | 39 | 40 | 41 | 42 | 43 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Tennyson | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 10 | 50 | 50 | 50 | 32 | 50 | 0 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 |
| Thomas | 37 | 50 | 50 | 22 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 22 | 50 | 47 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Tighe | 0 | 0 | 37 | 47 | 37 | 22 | 0 | 47 | 0 | 22 | 32 | 22 | 0 | 32 | 0 | 22 | 47 | 37 | 37 | 37 | 22 | 22 | 22 |
| Tile Siding | 40 | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 20 | 0 | 40 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Troy | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 37 | 50 | 50 | 50 | 37 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Tulip | 50 | 37 | 32 | 44 | 0 | 22 | 37 | 44 | 0 | 22 | 22 | 22 | 0 | 37 | 50 | 22 | 44 | 22 | 22 | 0 | 22 | 22 | 22 |
| Union | 0 | 37 | 32 | 32 | 22 | 0 | 37 | 32 | 0 | 0 | 37 | 0 | 0 | 37 | 0 | 0 | 44 | 22 | 22 | 22 | 0 | 0 | 0 |
| Veedersburg | 48 | 0 | 20 | 27 | 20 | 20 | 0 | 27 | 27 | 20 | 20 | 20 | 27 | 0 | 48 | 20 | 27 | 20 | 20 | 20 | 20 | 20 | 20 |
| Velpen | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 22 | 50 | 0 | 50 | 37 | 50 | 50 | 50 | 50 | 50 | 50 |
| Vicksburg | 47 | 32 | 0 | 42 | 22 | 0 | 32 | 42 | 44 | 0 | 32 | 0 | 44 | 32 | 47 | 0 | 42 | 22 | 22 | 22 | 0 | 0 | 0 |
| Victor | 50 | 15 | 15 | 22 | 15 | 15 | 15 | 22 | 0 | 15 | 15 | 15 | 0 | 15 | 35 | 15 | 22 | 15 | 15 | 0 | 15 | 15 | 15 |
| Victoria | 50 | 37 | 0 | 44 | 0 | 22 | 37 | 44 | 0 | 22 | 22 | 22 | 0 | 37 | 50 | 22 | 22 | 22 | 22 | 0 | 22 | 22 | 22 |
| Vincennes | 37 | 37 | 37 | 32 | 32 | 32 | 37 | 32 | 37 | 32 | 10 | 32 | 37 | 37 | 47 | 32 | 0 | 0 | 0 | 32 | 32 | 32 | 32 |
| Vollmer | 32 | 50 | 50 | 42 | 32 | 50 | 50 | 42 | 47 | 50 | 32 | 50 | 47 | 50 | 32 | 50 | 0 | 32 | 32 | 32 | 50 | 50 | 50 |
| Wadesville | 32 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 0 | 50 | 37 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 |
| Wallace Junction | 50 | 37 | 0 | 44 | 32 | 32 | 37 | 44 | 44 | 22 | 44 | 32 | 44 | 32 | 50 | 32 | 44 | 32 | 32 | 32 | 32 | 32 | 32 |
| Walnut Grove | 0 | 42 | 50 | 50 | 50 | 50 | 42 | 50 | 50 | 50 | 42 | 50 | 50 | 42 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 |
| Wansford | 0 | 50 | 50 | 37 | 50 | 50 | 50 | 37 | 0 | 50 | 50 | 50 | 0 | 50 | 22 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 |
| Washington | 42 | 42 | 42 | 22 | 50 | 37 | 42 | 22 | 32 | 37 | 37 | 37 | 32 | 42 | 42 | 37 | 37 | 32 | 32 | 50 | 37 | 37 | 37 |
| Waveland | 50 | 20 | 33 | 40 | 33 | 20 | 20 | 40 | 40 | 20 | 20 | 20 | 40 | 10 | 50 | 20 | 40 | 33 | 33 | 33 | 20 | 20 | 20 |
| Waynetown | 40 | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 20 | 0 | 40 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Wendel | 0 | 50 | 50 | 42 | 0 | 50 | 50 | 42 | 0 | 50 | 50 | 50 | 0 | 50 | 37 | 50 | 22 | 50 | 50 | 0 | 50 | 50 | 50 |
| West Baden | 15 | 25 | 15 | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 15 | 15 | 15 | 25 | 0 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| West Clinton | 0 | 0 | 37 | 47 | 37 | 22 | 0 | 47 | 47 | 22 | 32 | 22 | 47 | 32 | 0 | 22 | 47 | 37 | 37 | 37 | 22 | 22 | 22 |
| West Dana | 0 | 0 | 37 | 47 | 37 | 37 | 0 | 47 | 0 | 37 | 37 | 37 | 0 | 37 | 0 | 37 | 47 | 37 | 37 | 37 | 37 | 37 | 37 |
| West Lebanon | 50 | 0 | 20 | 45 | 20 | 20 | 0 | 45 | 45 | 20 | 20 | 20 | 45 | 20 | 50 | 20 | 45 | 20 | 20 | 20 | 20 | 20 | 20 |
| West Melcher | 50 | 0 | 15 | 25 | 15 | 15 | 0 | 25 | 25 | 15 | 15 | 15 | 25 | 10 | 50 | 15 | 25 | 15 | 15 | 15 | 15 | 15 | 15 |
| Westphalia | 50 | 37 | 37 | 44 | 22 | 22 | 37 | 44 | 44 | 22 | 37 | 22 | 44 | 50 | 50 | 22 | 44 | 0 | 0 | 22 | 22 | 22 | 22 |
| West Point | 31 | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 20 | 0 | 31 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| West Terre Haute | 50 | 10 | 42 | 50 | 50 | 10 | 10 | 50 | 50 | 10 | 10 | 10 | 50 | 10 | 50 | 10 | 50 | 50 | 50 | 50 | 10 | 10 | 10 |
| West Union | 40 | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 20 | 0 | 40 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Wheatland | 25 | 15 | 15 | 0 | 15 | 15 | 15 | 0 | 15 | 15 | 10 | 15 | 15 | 15 | 25 | 15 | 10 | 10 | 10 | 15 | 15 | 15 | 15 |
| Whitaker | 25 | 5 | 5 | 12 | 5 | 5 | 5 | 12 | 12 | 5 | 5 | 5 | 12 | 23 | 25 | 5 | 12 | 5 | 5 | 5 | 5 | 5 | 5 |
| Whitesville | 50 | 10 | 23 | 30 | 23 | 23 | 10 | 30 | 30 | 23 | 23 | 23 | 30 | 0 | 50 | 23 | 30 | 23 | 23 | 23 | 23 | 23 | 23 |
| Williams (Lawrence County) | 0 | 15 | 10 | 22 | 0 | 0 | 15 | 22 | 0 | 0 | 15 | 0 | 0 | 15 | 0 | 0 | 22 | 0 | 0 | 10 | 0 | 0 | 0 |
| Williamsport | 50 | 0 | 20 | 45 | 20 | 20 | 0 | 45 | 45 | 20 | 20 | 20 | 45 | 20 | 50 | 20 | 45 | 20 | 20 | 20 | 20 | 20 | 20 |
| Willow Valley | 35 | 25 | 15 | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 15 | 15 | 15 | 25 | 35 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Wingate | 41 | 0 | 23 | 30 | 23 | 23 | 0 | 30 | 30 | 23 | 23 | 23 | 30 | 0 | 41 | 23 | 30 | 23 | 23 | 23 | 23 | 23 | 23 |
| Winslow | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 22 | 22 | 50 | 50 | 50 | 22 | 50 | 0 | 50 | 22 | 50 | 50 | 50 | 50 | 50 | 50 |
| Winthrop | 31 | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 13 | 0 | 31 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Worthington | 50 | 37 | 32 | 49 | 22 | 32 | 37 | 49 | 49 | 22 | 37 | 32 | 49 | 37 | 50 | 32 | 44 | 22 | 22 | 22 | 32 | 32 | 32 |
| Worthy | 0 | 32 | 42 | 50 | 42 | 42 | 32 | 50 | 50 | 42 | 22 | 42 | 50 | 32 | 0 | 42 | 50 | 42 | 42 | 42 | 42 | 42 | 42 |
| Yeddo | 40 | 0 | 13 | 20 | 13 | 13 | 0 | 20 | 20 | 13 | 13 | 13 | 20 | 0 | 40 | 13 | 20 | 13 | 13 | 13 | 13 | 13 | 13 |
| Young | 50 | 22 | 37 | 42 | 22 | 32 | 22 | 42 | 47 | 32 | 0 | 32 | 47 | 22 | 50 | 32 | 42 | 37 | 37 | 22 | 32 | 32 | 32 |

*List of All Points in Market Area No. 32—Continued*

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 62 | 63 | 64 | 65 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 | 101 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Tennyson | 30 | 30 | 30 | 37 | 0 | 30 | 30 | 30 | 30 | 27 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 0 | 30 | 30 | 30 | 30 | 30 | 32 | 30 | 30 | 30 | 32 | 37 | 32 | 30 | 30 | 30 |
| Thomas | 32 | 32 | 32 | 37 | 0 | 32 | 32 | 32 | 32 | 27 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 0 | 32 | 32 | 32 | 32 | 32 | 22 | 32 | 32 | 32 | 22 | 0 | 22 | 32 | 32 | 32 |
| Tiplie | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tile Siding | 37 | 37 | 37 | 37 | 0 | 37 | 37 | 37 | 37 | 27 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 0 | 37 | 37 | 37 | 37 | 37 | 22 | 37 | 37 | 37 | 22 | 0 | 22 | 37 | 37 | 37 |
| Top | 37 | 37 | 37 | 37 | 0 | 37 | 37 | 37 | 37 | 27 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 0 | 37 | 37 | 37 | 37 | 37 | 22 | 37 | 37 | 37 | 22 | 0 | 22 | 37 | 37 | 37 |
| Tulip | 32 | 32 | 32 | 37 | 0 | 32 | 32 | 32 | 32 | 27 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 0 | 32 | 32 | 32 | 32 | 32 | 22 | 32 | 32 | 32 | 22 | 0 | 22 | 32 | 32 | 32 |
| Union | 30 | 30 | 30 | 37 | 0 | 30 | 30 | 30 | 30 | 27 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 0 | 30 | 30 | 30 | 30 | 30 | 22 | 30 | 30 | 30 | 22 | 0 | 22 | 30 | 30 | 30 |
| Veedersburg | 32 | 32 | 32 | 37 | 0 | 32 | 32 | 32 | 32 | 27 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 0 | 32 | 32 | 32 | 32 | 32 | 22 | 32 | 32 | 32 | 22 | 0 | 22 | 32 | 32 | 32 |
| Velpen | 32 | 32 | 32 | 37 | 0 | 32 | 32 | 32 | 32 | 27 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 0 | 32 | 32 | 32 | 32 | 32 | 22 | 32 | 32 | 32 | 22 | 0 | 22 | 32 | 32 | 32 |
| Vincennes | 37 | 37 | 37 | 37 | 0 | 37 | 37 | 37 | 37 | 27 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 0 | 37 | 37 | 37 | 37 | 37 | 22 | 37 | 37 | 37 | 22 | 0 | 22 | 37 | 37 | 37 |
| Wallace | 30 | 30 | 30 | 37 | 0 | 30 | 30 | 30 | 30 | 27 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 0 | 30 | 30 | 30 | 30 | 30 | 22 | 30 | 30 | 30 | 22 | 0 | 22 | 30 | 30 | 30 |
| Wallace Junction | 32 | 32 | 32 | 37 | 0 | 32 | 32 | 32 | 32 | 27 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 0 | 32 | 32 | 32 | 32 | 32 | 22 | 32 | 32 | 32 | 22 | 0 | 22 | 32 | 32 | 32 |
| Walnut Grove | 32 | 32 | 32 | 37 | 0 | 32 | 32 | 32 | 32 | 27 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 0 | 32 | 32 | 32 | 32 | 32 | 22 | 32 | 32 | 32 | 22 | 0 | 22 | 32 | 32 | 32 |
| Wanford | 30 | 30 | 30 | 37 | 0 | 30 | 30 | 30 | 30 | 27 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 0 | 30 | 30 | 30 | 30 | 30 | 22 | 30 | 30 | 30 | 22 | 0 | 22 | 30 | 30 | 30 |
| Washington | 42 | 42 | 42 | 47 | 10 | 42 | 42 | 42 | 42 | 37 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 42 | 10 | 42 | 42 | 42 | 42 | 42 | 32 | 42 | 42 | 42 | 32 | 10 | 32 | 42 | 42 | 42 |
| Waveland | 20 | 20 | 20 | 25 | 20 | 20 | 20 | 20 | 20 | 15 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 10 | 20 | 20 | 20 | 10 | 20 | 10 | 20 | 20 | 20 |
| Waymansburg | 32 | 32 | 32 | 37 | 0 | 32 | 32 | 32 | 32 | 27 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 0 | 32 | 32 | 32 | 32 | 32 | 22 | 32 | 32 | 32 | 22 | 0 | 22 | 32 | 32 | 32 |
| Wayne City | 30 | 30 | 30 | 37 | 0 | 30 | 30 | 30 | 30 | 27 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 0 | 30 | 30 | 30 | 30 | 30 | 22 | 30 | 30 | 30 | 22 | 0 | 22 | 30 | 30 | 30 |
| West Baden | 22 | 22 | 22 | 27 | 0 | 22 | 22 | 22 | 22 | 17 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 0 | 22 | 22 | 22 | 22 | 22 | 12 | 22 | 22 | 22 | 12 | 0 | 12 | 22 | 22 | 22 |
| West Clinton | 37 | 37 | 37 | 37 | 0 | 37 | 37 | 37 | 37 | 27 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 0 | 37 | 37 | 37 | 37 | 37 | 22 | 37 | 37 | 37 | 22 | 0 | 22 | 37 | 37 | 37 |
| West Dana | 30 | 30 | 30 | 37 | 0 | 30 | 30 | 30 | 30 | 27 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 0 | 30 | 30 | 30 | 30 | 30 | 22 | 30 | 30 | 30 | 22 | 0 | 22 | 30 | 30 | 30 |
| West Lebanon | 30 | 30 | 30 | 37 | 0 | 30 | 30 | 30 | 30 | 27 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 0 | 30 | 30 | 30 | 30 | 30 | 22 | 30 | 30 | 30 | 22 | 0 | 22 | 30 | 30 | 30 |
| West Middleton | 32 | 32 | 32 | 37 | 0 | 32 | 32 | 32 | 32 | 27 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 0 | 32 | 32 | 32 | 32 | 32 | 22 | 32 | 32 | 32 | 22 | 0 | 22 | 32 | 32 | 32 |
| Westphalia | 37 | 37 | 37 | 37 | 0 | 37 | 37 | 37 | 37 | 27 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 0 | 37 | 37 | 37 | 37 | 37 | 22 | 37 | 37 | 37 | 22 | 0 | 22 | 37 | 37 | 37 |
| West Point | 30 | 30 | 30 | 37 | 0 | 30 | 30 | 30 | 30 | 27 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 0 | 30 | 30 | 30 | 30 | 30 | 22 | 30 | 30 | 30 | 22 | 0 | 22 | 30 | 30 | 30 |
| West Terre Haute | 10 | 10 | 10 | 15 | 20 | 10 | 10 | 10 | 10 | 5 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 20 | 10 | 10 | 10 | 10 |
| West Union | 13 | 13 | 13 | 18 | 25 | 13 | 13 | 13 | 13 | 8 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 25 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 13 | 25 | 13 | 13 | 13 | 13 |
| Whitehall | 15 | 15 | 15 | 20 | 5 | 15 | 15 | 15 | 15 | 10 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 5 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 5 | 15 | 15 | 15 | 15 |
| Whiteville | 20 | 20 | 20 | 25 | 10 | 20 | 20 | 20 | 20 | 15 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 10 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 10 | 20 | 20 | 20 | 20 |
| Williams (Lawrence Co.) | 13 | 20 | 13 | 28 | 33 | 13 | 13 | 23 | 23 | 0 | 23 | 25 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 25 | 10 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 33 | 20 | 25 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 33 | 20 | 20 | 20 | 20 |
| Williamsport | 0 | 20 | 0 | 25 | 33 | 0 | 0 | 23 | 23 | 0 | 23 | 25 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 25 | 10 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 33 | 20 | 25 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 33 | 20 | 20 | 20 | 20 |
| Willow Valley | 20 | 20 | 20 | 25 | 33 | 20 | 20 | 23 | 23 | 0 | 23 | 25 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 25 | 10 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 33 | 20 | 25 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 33 | 20 | 20 | 20 | 20 |
| Winslow | 30 | 30 | 30 | 37 | 22 | 30 | 30 | 30 | 30 | 27 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 30 | 22 | 30 | 30 | 30 | 30 | 30 | 22 | 30 | 30 | 30 | 22 | 22 | 22 | 30 | 30 | 30 |
| Wintrop | 37 | 37 | 37 | 47 | 47 | 37 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 37 | 47 | 37 | 37 | 37 | 37 | 37 | 32 | 37 | 37 | 37 | 32 | 47 | 32 | 37 | 37 | 37 |
| Worthington | 32 | 32 | 32 | 42 | 42 | 32 | 32 | 32 | 32 | 27 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 42 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 42 | 32 | 32 | 32 | 32 |
| Worthy | 32 | 32 | 32 | 42 | 42 | 32 | 32 | 32 | 32 | 27 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 42 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 32 | 42 | 32 | 32 | 32 | 32 |
| Wyatt | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Young | 22 | 22 | 22 | 27 | 0 | 22 | 22 | 22 | 22 | 17 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 0 | 22 | 22 | 22 | 22 | 22 | 12 | 22 | 22 | 22 | 12 | 0 | 12 | 22 | 22 | 22 |



PRICE TABLE No. 19.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 30 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

[Owing to the fact that differentials in freight rates are not uniform to this area, it is divided into five destination groups. Prices for destination group No. 1 follow on price table No. 18 and are based on actual freight rates. Prices for destination group No. 4 follow on price table No. 19 and are based on actual freight rates. Prices for destination groups 2, 3, and 5 follow on price table No. 20 and are subject to deductions for freight rate differentials as shown hereinafter]

| Mine index No. | Subdist. | Site groups and prices applicable to destination group No. 4 in market area No. 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 | | | | | | | | | | | | | | | | | | |
| 22, 54, 55, 83, 96 | BC | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 175 | 145 | 135 | 70 | 50 | | | | | 155 | 145 | 105 | | | | | 130 | | 185 | | | | | | | | | | | | | | | | | | |
| 11, 24, 28, 34, 93, 94 | LS | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | 145 | 135 | 95 | | | | | 120 | | 175 | | | | | | | | | | | | | | | | | | |
| 3, 46, 75, 86 | BC | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 145 | 135 | 70 | 60 | | | | 155 | 145 | 105 | | | | | 130 | | 185 | | | | | | | | | | | | | | | | | | |
| 4, 50, 74, 80 | LS | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 145 | 135 | 70 | 60 | | | | | 145 | 135 | 95 | | | | | 120 | | 175 | | | | | | | | | | | | | | | | | | |
| 30, 40 | BC | 245 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 175 | 165 | 100 | 80 | 215 | 205 | 195 | 185 | 175 | 165 | 125 | | | | | 150 | | 200 | | | | | | | | | | | | | | | | | | |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | LS | 255 | 250 | 245 | 235 | 230 | 225 | 220 | 215 | 185 | 175 | 110 | 90 | 225 | 215 | 205 | 195 | 185 | 175 | 135 | | | | | 160 | | 210 | | | | | | | | | | | | | | | | | | |
| 90 | BC | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | | 90 | 60 | 195 | 185 | 175 | 165 | 145 | 135 | 95 | | | | | 120 | | 195 | | | | | | | | | | | | | | | | | | |
| 10, 21, 45, 49, 63, 65, 69, 71, 78 | LS | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 145 | 135 | 80 | 60 | 185 | 175 | 165 | 155 | 135 | 125 | 95 | | | | | 120 | | 185 | | | | | | | | | | | | | | | | | | |
| 5, 9, 13, 31, 35, 36, 41, 64, 70, 92, 95, 97, 98 | LS | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 145 | 135 | 80 | 50 | 185 | 175 | 165 | 155 | 135 | 125 | 95 | | | | | 120 | 155 | 185 | | | | | | | | | | | | | | | | | | |
| 57, 58, 81, 87, 88 | PA | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 135 | 125 | 70 | 40 | 175 | 165 | 155 | 145 | 125 | 115 | 85 | | | | | 110 | 145 | 175 | | | | | | | | | | | | | | | | | | |
| | RO | 200 | 195 | 190 | 180 | 175 | 170 | 165 | 160 | 130 | 120 | 65 | 35 | 170 | 160 | 150 | 140 | 120 | 110 | 80 | | | | | 105 | 140 | 170 | | | | | | | | | | | | | | | | | | |
| 27, 43, 48, 52, 62, 66, 67, 76, 85, 91 | EV | 185 | 180 | 175 | 165 | 160 | 155 | 150 | 145 | 115 | 105 | 50 | 20 | 160 | 150 | 140 | 130 | 110 | 100 | 70 | | | | | 95 | 125 | 155 | | | | | | | | | | | | | | | | | | |
| 47, 7, 8, 13, 14, 16, 42, 74, 82, 84, 89–94, 2, 23, 26, 30, 62, 67, 68, 100, 58 | LS | 255 | 250 | 245 | 235 | 230 | 225 | 220 | 215 | 185 | 175 | 110 | 90 | 225 | 215 | 205 | 195 | 185 | 175 | 135 | | | | | 160 | | 210 | | | | | | | | | | | | | | | | | | |
| | PA | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 135 | 125 | 70 | 40 | 175 | 165 | 155 | 145 | 125 | 115 | 85 | | | | | 110 | 145 | 175 | | | | | | | | | | | | | | | | | | |
| | BC | 260 | 260 | 255 | 245 | 240 | 230 | 215 | 220 | 205 | 170 | 100 | 70 | 50 | | | | 180 | 170 | 105 | | | | | 135 | | 230 | | | | | | | | | | | | | | | | | | |
| | LS | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 90 | 60 | 40 | | | | 170 | 160 | 95 | | | | | 125 | | 220 | | | | | | | | | | | | | | | | | | |
| | BO | 265 | 235 | 230 | 225 | 215 | 205 | 190 | 195 | 180 | 145 | 85 | 45 | 25 | | | | 155 | 145 | 80 | | | | | 110 | | 205 | | | | | | | | | | | | | | | | | | |

PRICE TABLE No. 18.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 30 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

[Owing to the fact that differentials in freight rates are not uniform to this area, it is divided into five destination groups. Prices for destination group No. 1 follow on price table No. 18 and are based on actual freight rates. Prices for destination group No. 4 follow on price table No. 19 and are based on actual freight rates. Prices for destination groups 2, 3, and 5 follow on price table No. 20 and are subject to deductions for freight rate differentials as shown hereinafter]

| Mine index number | Subdist. | Site groups and prices applicable to destination group No. 1 in market area No. 30 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 | | | | | | | | | | | | | | | | | | |
| 22, 54, 55, 83, 96 | BC | 213 | 210 | 205 | 195 | 190 | 185 | 185 | 175 | 145 | 135 | 70 | 50 | | | | | 155 | 145 | 105 | | | | | 130 | | 185 | | | | | | | | | | | | | | | | | | |
| 11, 24, 28, 34, 93, 94 | LS | 203 | 200 | 195 | 185 | 180 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | 145 | 135 | 95 | | | | | 120 | | 175 | | | | | | | | | | | | | | | | | | |
| 3, 46, 75, 86 | BC | 223 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 145 | 135 | 70 | 60 | | | | 155 | 145 | 105 | | | | | 130 | | 185 | | | | | | | | | | | | | | | | | | |
| 4, 50, 74, 80 | LS | 213 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 145 | 135 | 70 | 60 | | | | | 145 | 135 | 95 | | | | | 120 | | 175 | | | | | | | | | | | | | | | | | | |
| 30, 40 | BC | 243 | 240 | 235 | 225 | 220 | 215 | 210 | 205 | 175 | 165 | 100 | 80 | 215 | 205 | 195 | 185 | 175 | 165 | 125 | | | | | 150 | | 200 | | | | | | | | | | | | | | | | | | |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | LS | 253 | 250 | 245 | 235 | 230 | 225 | 220 | 215 | 185 | 175 | 110 | 90 | 225 | 215 | 205 | 195 | 185 | 175 | 135 | | | | | 160 | | 210 | | | | | | | | | | | | | | | | | | |
| 90 | BC | 223 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | | 90 | 60 | 195 | 185 | 175 | 165 | 145 | 135 | 95 | | | | | 120 | | 195 | | | | | | | | | | | | | | | | | | |
| 10, 21, 45, 49, 63, 65, 69, 71, 78 | LS | 213 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 145 | 135 | 80 | 60 | 185 | 175 | 165 | 155 | 135 | 125 | 95 | | | | | 120 | 155 | 185 | | | | | | | | | | | | | | | | | | |
| 5, 9, 13, 31, 35, 36, 41, 64, 70, 92, 95, 97, 98 | LS | 213 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 145 | 135 | 80 | 50 | 185 | 175 | 165 | 155 | 135 | 125 | 95 | | | | | 120 | 155 | 185 | | | | | | | | | | | | | | | | | | |
| 57, 58, 81, 87, 88 | PA | 203 | 198 | 193 | 183 | 178 | 173 | 168 | 163 | 133 | 123 | 65 | 35 | 173 | 163 | 153 | 123 | 153 | 143 | 103 | 158 | 144 | 118 | 108 | 143 | 173 | | | | | | | | | | | | | | | | | | |
| | RO | 200 | 195 | 190 | 180 | 175 | 170 | 165 | 160 | 130 | 120 | 65 | 35 | 170 | 160 | 150 | 140 | 120 | 110 | 80 | 155 | 115 | 115 | 105 | 140 | 170 | | | | | | | | | | | | | | | | | | |
| 27, 43, 48, 52, 62, 66, 67, 76, 85, 91 | EV | 185 | 180 | 175 | 165 | 160 | 155 | 150 | 145 | 115 | 105 | 50 | 20 | 160 | 150 | 140 | 130 | 110 | 100 | 70 | | | | | 95 | 125 | 155 | | | | | | | | | | | | | | | | | | |
| 47, 7, 8, 13, 14, 16, 42, 74, 82, 84, 89–94, 2, 23, 26, 30, 62, 67, 68, 100, 58 | LS | 253 | 250 | 245 | 235 | 230 | 225 | 220 | 215 | 185 | 175 | 110 | 90 | 225 | 215 | 205 | 195 | 185 | 175 | 135 | | | | | 160 | | 210 | | | | | | | | | | | | | | | | | | |
| | PA | 203 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 135 | 125 | 70 | 40 | 175 | 165 | 155 | 145 | 125 | 115 | 85 | | | | | 110 | 145 | 175 | | | | | | | | | | | | | | | | | | |
| | BC | 260 | 260 | 255 | 245 | 240 | 230 | 215 | 220 | 205 | 170 | 100 | 70 | 50 | | | | 180 | 170 | 105 | | | | | 135 | | 230 | | | | | | | | | | | | | | | | | | |
| | LS | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 90 | 60 | 40 | | | | 170 | 160 | 95 | | | | | 125 | | 220 | | | | | | | | | | | | | | | | | | |
| | BO | 265 | 235 | 230 | 225 | 215 | 205 | 190 | 195 | 180 | 145 | 85 | 45 | 25 | | | | 155 | 145 | 80 | | | | | 110 | | 205 | | | | | | | | | | | | | | | | | | |

**PRICE TABLE No. 20.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 30 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

[Owing to the fact that differentials in freight rates are not uniform to this area, it is divided into five destination groups. Prices for destination group No. 1 follow on price table No. 18 and are based on actual freight rates. Prices for destination group No. 4 follow on price table No. 19 and are based on actual freight rates. Prices for destination groups 2–3 and 5 follow on price table No. 20 and are subject to deductions for freight rate differentials as shown hereinafter]

| Mine index number | Size groups and prices applicable in destination groups Nos. 2, 3, and 5 in market area No. 30 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | --- | --- | --- | --- | 145 | 135 | 95 | --- | --- | --- | 120 | --- | 175 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | --- | --- | --- | --- | 145 | 135 | 95 | --- | --- | --- | 120 | --- | 185 |
| 6, 59, 75, 86 | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | --- | --- | --- | 140 | 175 | 220 |
| 39, 40 | 280 | 280 | 280 | 270 | 260 | 250 | 235 | 225 | 195 | 175 | 165 | 115 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | --- | --- | --- | 140 | --- | 250 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 275 | 250 | 245 | 210 | 205 | 195 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 165 | 135 | 145 | 125 | 95 | --- | --- | --- | 120 | --- | 195 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 185 | 155 | 180 | 170 | 130 | --- | --- | --- | 135 | --- | 220 |
| 47 | 280 | 270 | 265 | 260 | 260 | 225 | 215 | 225 | 190 | 170 | 160 | 110 | 80 | --- | --- | --- | --- | 180 | 170 | 130 | --- | --- | --- | 135 | 165 | 225 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | --- | --- | --- | --- | 170 | 160 | 95 | --- | --- | --- | 125 | --- | 220 |

*Market Area No. 30*

| Destination group No. | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | |
|---|---|---|---|---|---|
| | BC | LS | PA | BO | EV |
| | 30, 31, 32 33, 34, 40 41, 42, 43 | 60, 61, 62 63, 64, 65 66, 80, 81 | 10, 11, 12 70, 71, 72 75 | 20, 21 | 51, 52, 53 |
| 1 | None | None | None | None | None |
| 2[1] | None | None | 7 | 10 | 18 |
| 3 | None | None | None | None | None |
| 4 | None | None | None | 25 | 40 |
| 5 | None | 10 | 22 | | |

[1] See tables for deductions to individual destinations.

*List of All Points in Destination Group No. 1 in Market Area No. 30*

Alco.
Belshaw.
Cedar Lake.
Clarke.
Cook.
Crown Point.
East Gary.
Gary.
Grassmere.
Griffith.
Hartsdale.
Hays (Lake County).
Highlands.
Hobart.
Ivanhoe.
Le Roy.
Liverpool.
Lowell.
Maynard.
Merrillville.
Miller (Lake County).
Millers.
North Hayden.
Palmer.
Prairie View.
Ross.
St. John.
Schererville.
Schneider.
Scott.
Shelby.
South Gary.
Tolleston.
Van Loon.
West Gary.
Winfield.

*List of All Points in Destination Group No. 3 in Market Area No. 30*

Advance.
Amo.
Augusta.
Avery.
Avon.
Bowers.

*List of All Points in Destination Group No. 3 in Market Area No. 30*—Con.

Boyleston.
Bridgeport.
Bringhurst.
Brownsburg.
Buck Creek.
Cambria.
Camden.
Carmel.
Carter.
Cartersburg.
Clarks Hill.
Clayton.
Clermont.
Coatesville.
Colburn.
Colfax.
Crane.
Crawfordsville Jct.
Cutler.
Cyclone.
Danville.
Darlington.
Dayton.
Delphi.
East Yard.
Fickle.
Flora.
Forest (Clinton County).
Frankfort.
Gadson.
Galveston.
Garfield.
Goldsmith.
Hadley.
Hazelrigg.
Herr.
Hillisburg.
Horton.
Indiana Girls School.
Jamestown.
Jefferson.
Jolietville.
Kempton.
Kirklin.
Kirkpatrick.
Lebanon.
Lincoln.
Linnsburg.
Lizton.
Manson.
Maplewood.
Max.
Michigantown.
Middleton's.
Mooresville.
Moran.
Mulberry.
New Ross.
Nora.
Ockley.
Onward.
Owasco.
Pike.
Pittsboro.
Plainfield.
Radnor.
Reagan.
Reno.
Rosston.
Rossville.
Russiaville.
Scircleville.
Sedalia.
Sheridan.
Stockwell.
Tecoma.
Terhune.
Thorntown.
Tilden.
Walton.
Westfield.
Whitetown.
Zionsville.

*List of All Points in Destination Group No. 4 in Market Area No. 30*

Ackerman.
Adamsboro.
Ade.
Ainsworth.
Akron.
Aldine.
Alida.
Anoka.
Anthonys.
Argos.
Ash Grove.
Athens.
Atwood.
Baileytown.
Barce.
Battle Ground.
Beardstown.
Beaver City.
Belfast.
Bourbon.
Bremen.
Brems.
Brook.
Brookston.
Bruce Lake.
Burdick.
Burkes.
Burket.
Burnettsville.
Burr Oak.
Burrows.
Chalmers.
Chesterton.
Chili.
Clanricarde.
Clarks.
Clymers.
Coburg.
Conrad.
Creston.
Crisman.
Crocker.
Crumstown.
Culver.
Davis.
Deeds.
De Long.
De Motte.
Denham.
Denver.
Dillon.
Disko.
Donaldson.
Dunn.
Dunns.
Durham.
Earl Park.
Effner.
Elmer.
English Lake.
Enos.
Etna Green.
Fair Oaks.
Farm Siding.
Foraker.
Foresman.
Fowler.
Francesville.
Free.
Freeland Park.
Fulton.
Furnessville.
Garden City.
Gilead.
Ginger Hill.
Gleason.
Goodland.
Granger.
Grass Creek.
Gravel Hill.
Gravelton.
Grovertown.
Guernsey.
Hamlet.
Hanna.
Haskells.
Hawkins Spur.
Hayville.
Helm's.
Hibbard.
Hilt.
Hoover.
Hoovers.
Idaville.
Inwood.
Julian.
Kankakee.
Keeport.
Kenneth.
Kentland.



*List of All Points in Destination Group No. 4 in Market Area No. 30*—Con.

Kents.
Kewanna.
Kingsbury.
Kniman.
Knox.
Kouts.
La Crosse.
Lake Bruce.
Lake Ciecott.
Laketon.
Lake Village.
Lakeville.
La Paz.
La Paz Junction.
La Porte.
Lawton.
Lee.
Leiters.
Lena Park.
Lochiel.
Logansport.
Long Cliff.
Lottaville.
Lucerne.
Lydick.
Macy.
Magee.
McCool.
McCoysburg.
Medaryville.
Mentone.
Mexico.
Michigan City.
Mill Creek.
Mishawaka.
Monon.
Monterey.
Monticello.
Morocco.
Morris (Porter County).
Mt. Ayr.
Nappanee.
New Carlisle.
Newton.
New Waverly.
Nickel.
North Judson.
North Liberty.
Notre Dame.
Nutwood.
Ober.
Olivers.
Ora.
Osceola.
Otis.
Parr.
Penn.
Percy Junction.
Perkins Spur.
Pershing (Fulton County).
Pinola.
Pleasant Ridge.
Plymouth.
Pogue.
Porter.
Quinns.
Raub.
Remington.
Rensselaer.
Reynolds.
Ripley.
Roann.
Rochester.
Rockfield.
Rolling Prairie.
Rose Lawn.
Royal Center.
Runnymede.
Rupel.
Rutland.
Rye.
San Pierre.
Seafield.
Sedley.
Sheff.
Smithson.
South Bend.
South Wanatah.
Springville (La Porte County).
S. S. & S. Junction.
Star City.
State Line Junction.
Steenburg.
Stillwell.
Stoutsburg.
Suman.
Surrey.
Teegarden.
Tefft.
Terre Coupee.
Thayer.
Thomaston.
Thornhope.
Tiosa.
Tippecanoe.
Tremont.
Twelve Mile.
Twin Lakes.
Tyner.
Union Centre.
Union Mills.
Valpariso.
Verona.
Virgie.
Wadena.
Walkerton.
Walnut.
Wakarusa.
Wanatah.
Webster (St. Joseph County).
Welshaars.
Wellsboro.
West Peru.
Westville.
Wheatfield.
Wilders.
Willow Creek.
Winamac.
Wollcott.
Woodville.
Wyatt.
Yeoman.
York Switch.
Youngs.
Zadoc.

*List of All Points in Destination Group No. 5 in Market Area No. 30*

Aysleworth (Porter County).
Beatrice.
Boone Grove.
C. I. & S. Crossing.
Dune Park.
Hebron.
Hornbeck.
Hurlburt.
Liberty View.
Malden.
Pine.
Servier.
Wheeler.

## MARKET AREA NO. 30.—*List of All Points in Destination Group No. 2 in Market Area No. 30*

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 1 | 2 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 19 | 20 | 21 | 22 | 23 | 24 | 26 | 27 | 28 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 38 | 39 | 40 | 41 | 42 | 43 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Brooklyn | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 18 | 18 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 25 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 7 | 0 | 20 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brownstown | 26 | 26 | 26 | 26 | 40 | 40 | 40 | 26 | 26 | 40 | 40 | 40 | 26 | 7 | 40 | 26 | 26 | 40 | 26 | 40 | 26 | 45 | 40 | 26 | 0 | 26 | 0 | 0 | 26 | 0 | 0 | 0 | 0 | 0 | 0 | 45 | 26 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Campbells | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 18 | 18 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 25 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 7 | 0 | 20 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Centretown | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 18 | 18 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 25 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 7 | 0 | 20 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Corydon Junction | 29 | 29 | 29 | 0 | 39 | 39 | 39 | 22 | 29 | 39 | 39 | 39 | 22 | 39 | 29 | 29 | 29 | 39 | 29 | 39 | 29 | 35 | 39 | 29 | 22 | 29 | 29 | 29 | 39 | 22 | 0 | 29 | 29 | 29 | 0 | 39 | 0 | 29 | 22 | 29 | 29 | 29 | 29 | 29 |
| Crandall | 29 | 29 | 29 | 0 | 39 | 39 | 39 | 22 | 29 | 39 | 39 | 39 | 22 | 39 | 29 | 29 | 29 | 39 | 29 | 39 | 29 | 35 | 39 | 29 | 22 | 29 | 29 | 29 | 39 | 22 | 0 | 29 | 29 | 29 | 0 | 39 | 0 | 29 | 22 | 29 | 29 | 29 | 29 | 29 |
| De Pauw | 29 | 29 | 29 | 0 | 39 | 39 | 39 | 22 | 29 | 39 | 39 | 39 | 22 | 39 | 29 | 29 | 29 | 39 | 29 | 39 | 29 | 35 | 39 | 29 | 22 | 29 | 29 | 29 | 39 | 22 | 0 | 29 | 29 | 29 | 0 | 39 | 0 | 29 | 22 | 29 | 29 | 29 | 29 | 29 |
| Fort Ritner | 27 | 27 | 27 | 27 | 47 | 47 | 47 | 27 | 27 | 47 | 47 | 47 | 27 | 47 | 27 | 27 | 27 | 47 | 27 | 47 | 27 | 50 | 47 | 27 | 27 | 27 | 27 | 27 | 47 | 27 | 0 | 27 | 27 | 27 | 0 | 47 | 0 | 27 | 27 | 27 | 27 | 27 | 27 | 27 |
| Helmsburg | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 44 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Heltonville | 24 | 24 | 0 | 24 | 38 | 38 | 38 | 24 | 0 | 38 | 38 | 38 | 24 | 38 | 0 | 0 | 0 | 0 | 0 | 38 | 24 | 38 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hitchcock | 0 | 0 | 0 | 0 | 39 | 39 | 39 | 0 | 0 | 0 | 39 | 39 | 39 | 0 | 0 | 0 | 0 | 39 | 0 | 39 | 29 | 30 | 39 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mahalasville | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Medora | 20 | 20 | 20 | 20 | 40 | 40 | 40 | 20 | 20 | 40 | 40 | 40 | 20 | 40 | 20 | 20 | 20 | 40 | 20 | 40 | 20 | 45 | 40 | 20 | 20 | 20 | 20 | 20 | 40 | 20 | 0 | 20 | 20 | 20 | 0 | 40 | 7 | 20 | 20 | 20 | 20 | 20 | 20 | 20 |
| Morgantown | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 44 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Norris | 0 | 0 | 0 | 0 | 39 | 39 | 39 | 0 | 29 | 39 | 39 | 39 | 0 | 39 | 29 | 29 | 29 | 39 | 0 | 39 | 29 | 30 | 39 | 0 | 7 | 0 | 29 | 29 | 39 | 0 | 0 | 29 | 29 | 29 | 0 | 39 | 0 | 29 | 22 | 29 | 29 | 29 | 29 | 29 |
| Pekin (Washington County) | 0 | 0 | 0 | 0 | 39 | 39 | 39 | 0 | 29 | 39 | 39 | 39 | 0 | 39 | 29 | 29 | 29 | 39 | 0 | 39 | 29 | 30 | 39 | 0 | 7 | 0 | 29 | 29 | 39 | 0 | 0 | 29 | 29 | 29 | 0 | 39 | 0 | 29 | 22 | 29 | 29 | 29 | 29 | 29 |
| Ramsey | 29 | 29 | 29 | 0 | 39 | 39 | 39 | 22 | 29 | 39 | 39 | 39 | 22 | 39 | 29 | 29 | 29 | 39 | 0 | 39 | 29 | 35 | 39 | 29 | 22 | 29 | 29 | 29 | 39 | 22 | 0 | 29 | 29 | 29 | 0 | 39 | 0 | 29 | 22 | 29 | 29 | 29 | 29 | 29 |
| Riverdale | 28 | 28 | 28 | 28 | 50 | 50 | 50 | 28 | 28 | 50 | 50 | 50 | 28 | 50 | 28 | 28 | 28 | 50 | 28 | 50 | 28 | 50 | 50 | 28 | 0 | 28 | 28 | 28 | 50 | 28 | 0 | 28 | 28 | 28 | 0 | 50 | 0 | 28 | 28 | 28 | 28 | 28 | 28 | 28 |
| Salem | 0 | 0 | 0 | 0 | 39 | 39 | 39 | 0 | 0 | 39 | 39 | 39 | 0 | 39 | 0 | 0 | 0 | 39 | 0 | 39 | 29 | 30 | 39 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shawswick | 24 | 24 | 0 | 24 | 38 | 38 | 38 | 24 | 0 | 38 | 38 | 38 | 24 | 38 | 0 | 0 | 0 | 38 | 24 | 38 | 0 | 50 | 47 | 27 | 27 | 27 | 27 | 27 | 47 | 27 | 0 | 27 | 27 | 27 | 0 | 47 | 0 | 27 | 27 | 27 | 27 | 27 | 27 | 27 |
| Sparksville | 27 | 27 | 27 | 27 | 47 | 47 | 47 | 27 | 27 | 47 | 47 | 47 | 27 | 47 | 27 | 27 | 27 | 47 | 27 | 47 | 27 | 50 | 47 | 27 | 0 | 27 | 0 | 0 | 27 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Treviac | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 44 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tunnelton | 28 | 28 | 28 | 28 | 50 | 50 | 50 | 28 | 28 | 50 | 50 | 50 | 28 | 50 | 28 | 28 | 28 | 50 | 28 | 50 | 28 | 50 | 50 | 28 | 15 | 28 | 28 | 28 | 50 | 28 | 0 | 28 | 28 | 28 | 0 | 50 | 0 | 28 | 28 | 28 | 28 | 28 | 28 | 28 |
| Unionville | 15 | 15 | 15 | 25 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 15 | 22 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 50 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Vallonia | 26 | 26 | 26 | 26 | 40 | 40 | 40 | 26 | 26 | 40 | 40 | 40 | 26 | 40 | 26 | 26 | 26 | 40 | 26 | 40 | 26 | 45 | 40 | 26 | 26 | 26 | 26 | 26 | 40 | 26 | 0 | 26 | 26 | 26 | 0 | 40 | 0 | 26 | 26 | 26 | 26 | 26 | 26 | 26 |

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 62 | 63 | 64 | 65 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 96 | 97 | 98 | 99 | 100 | 101 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Brooklyn | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 26 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Brownstown | 40 | 40 | 26 | 26 | 26 | 40 | 26 | 26 | 26 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Campbells | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Centretown | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Corydon Junction | 39 | 39 | 29 | 0 | 0 | 0 | 39 | 29 | 29 | 29 | 0 | 29 | 29 | 29 | 29 | 29 | 29 | 29 | 39 | 39 | 29 | 29 | 22 | 0 | 0 | 39 | 39 | 39 | 29 | 39 | 0 | 0 | 39 | 39 | 29 | 0 | 39 | 39 | 22 | 0 | 39 | 39 | 29 | 29 |
| Crandall | 39 | 39 | 29 | 0 | 0 | 0 | 39 | 29 | 29 | 29 | 0 | 29 | 29 | 29 | 29 | 29 | 29 | 29 | 39 | 39 | 29 | 29 | 22 | 0 | 0 | 39 | 39 | 39 | 29 | 39 | 0 | 0 | 39 | 39 | 29 | 0 | 39 | 39 | 22 | 0 | 39 | 39 | 29 | 29 |
| DePauw | 39 | 39 | 29 | 0 | 0 | 0 | 39 | 29 | 29 | 29 | 0 | 29 | 29 | 29 | 29 | 29 | 29 | 29 | 47 | 47 | 27 | 27 | 0 | 27 | 27 | 47 | 47 | 47 | 27 | 47 | 0 | 0 | 47 | 47 | 27 | 0 | 47 | 47 | 27 | 0 | 47 | 47 | 27 | 0 |
| Fort Ritner | 47 | 47 | 27 | 27 | 27 | 47 | 27 | 27 | 27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Helmsburg | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 24 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Heltonville | 38 | 38 | 24 | 24 | 24 | 38 | 0 | 0 | 24 | 0 | 0 | 24 | 24 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hitchcock | 39 | 39 | 0 | 0 | 0 | 39 | 0 | 0 | 29 | 0 | 0 | 29 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 39 | 0 | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Mahalasville | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 0 | 20 | 20 | 0 | 20 | 20 | 40 | 40 | 40 | 20 | 40 | 20 | 20 | 40 | 40 | 20 | 0 | 40 | 40 | 20 | 0 | 40 | 40 | 20 | 0 |
| Medora | 40 | 40 | 20 | 20 | 20 | 40 | 20 | 20 | 20 | 20 | 0 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 40 | 0 | 20 | 20 | 0 | 20 | 20 | 40 | 40 | 40 | 20 | 40 | 20 | 20 | 40 | 40 | 20 | 0 | 40 | 40 | 20 | 0 | 40 | 40 | 20 | 0 |
| Morgantown | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Norris | 39 | 39 | 0 | 0 | 0 | 39 | 29 | 29 | 29 | 0 | 0 | 29 | 29 | 29 | 0 | 0 | 0 | 0 | 39 | 39 | 0 | 29 | 22 | 0 | 0 | 39 | 39 | 39 | 29 | 39 | 0 | 0 | 39 | 39 | 29 | 0 | 39 | 39 | 22 | 0 | 39 | 39 | 29 | 29 |
| Pekin (Washington County) | 39 | 39 | 0 | 0 | 0 | 39 | 29 | 29 | 29 | 0 | 0 | 29 | 29 | 29 | 0 | 0 | 0 | 0 | 39 | 39 | 0 | 29 | 22 | 0 | 0 | 39 | 39 | 39 | 29 | 39 | 0 | 0 | 39 | 39 | 29 | 0 | 39 | 39 | 22 | 0 | 39 | 39 | 29 | 29 |
| Ramsey | 39 | 39 | 29 | 0 | 0 | 39 | 29 | 29 | 29 | 0 | 0 | 29 | 29 | 29 | 29 | 29 | 29 | 29 | 50 | 50 | 29 | 29 | 22 | 0 | 0 | 39 | 39 | 39 | 29 | 50 | 28 | 0 | 50 | 50 | 29 | 0 | 50 | 50 | 28 | 0 | 50 | 50 | 29 | 28 |
| Riverdale | 50 | 50 | 28 | 28 | 28 | 50 | 28 | 28 | 28 | 0 | 0 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 50 | 50 | 28 | 28 | 0 | 28 | 28 | 50 | 50 | 50 | 28 | 50 | 28 | 0 | 50 | 50 | 28 | 0 | 50 | 50 | 28 | 0 | 50 | 50 | 28 | 28 |
| Salem | 39 | 39 | 0 | 24 | 24 | 38 | 0 | 0 | 24 | 0 | 0 | 24 | 24 | 24 | 0 | 0 | 0 | 0 | 38 | 39 | 24 | 27 | 0 | 24 | 24 | 38 | 38 | 38 | 27 | 38 | 0 | 0 | 38 | 38 | 27 | 0 | 38 | 38 | 24 | 0 | 38 | 38 | 27 | 27 |
| Shawswick | 38 | 38 | 24 | 24 | 24 | 38 | 0 | 0 | 24 | 0 | 0 | 24 | 24 | 24 | 0 | 0 | 0 | 0 | 38 | 39 | 24 | 27 | 0 | 24 | 24 | 38 | 38 | 38 | 27 | 38 | 0 | 0 | 38 | 38 | 27 | 0 | 38 | 38 | 24 | 0 | 38 | 38 | 27 | 27 |
| Sparksville | 47 | 47 | 27 | 27 | 27 | 47 | 27 | 27 | 27 | 0 | 0 | 27 | 27 | 27 | 0 | 0 | 0 | 0 | 47 | 47 | 27 | 27 | 0 | 27 | 27 | 47 | 47 | 47 | 27 | 47 | 0 | 0 | 47 | 47 | 27 | 0 | 47 | 47 | 27 | 0 | 47 | 47 | 27 | 27 |
| Treviac | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| Tunnelton | 28 | 28 | 28 | 28 | 28 | 50 | 28 | 28 | 28 | 0 | 0 | 28 | 28 | 28 | 28 | 28 | 28 | 28 | 50 | 50 | 28 | 28 | 0 | 28 | 28 | 50 | 50 | 50 | 28 | 50 | 28 | 0 | 50 | 50 | 28 | 0 | 50 | 50 | 28 | 0 | 50 | 50 | 28 | 28 |
| Unionville | 15 | 15 | 15 | 25 | 25 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 0 | 22 | 25 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 0 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 |
| Vallonia | 40 | 40 | 26 | 26 | 26 | 40 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 40 | 40 | 26 | 26 | 0 | 26 | 26 | 40 | 40 | 40 | 26 | 40 | 26 | 26 | 40 | 40 | 26 | 0 | 40 | 40 | 26 | 26 | 40 | 40 | 26 | 26 |





## PRICE TABLE NO. 21.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 31 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

Size groups and prices applicable to destination group No. 1 in market area No. 31

| Mine index No. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 22, 54, 55, 56, 83, 99 | 190 | 175 | 170 | 160 | 160 | 155 | 155 | 150 | 145 | 95 | 95 | 45 | 35 | --- | --- | --- | --- | --- | 105 | 105 | 55 | --- | --- | --- | 90 | --- | 155 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 200 | 185 | 180 | 170 | 170 | 165 | 160 | 150 | 145 | 95 | 95 | 45 | 45 | --- | --- | --- | --- | --- | 105 | 105 | 55 | --- | --- | --- | 90 | --- | 165 |
| 6, 59, 75, 86 | 240 | 225 | 220 | 210 | 210 | 200 | 185 | 185 | 175 | 135 | 135 | 95 | 75 | 155 | 155 | 155 | 155 | 115 | 145 | 145 | 95 | --- | --- | --- | 110 | 135 | 200 |
| 39, 40 | 265 | 255 | 255 | 245 | 240 | 230 | 215 | 200 | 175 | 135 | 135 | 100 | 75 | 155 | 155 | 155 | 155 | 115 | 145 | 145 | 95 | --- | --- | --- | 110 | --- | 230 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 240 | 225 | 220 | 185 | 185 | 175 | 165 | 165 | 145 | 95 | 95 | 45 | 35 | 135 | 135 | 135 | 135 | 95 | 105 | 95 | 55 | --- | --- | --- | 90 | --- | 175 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 200 | 185 | 180 | 170 | 170 | 165 | 160 | 150 | 145 | 115 | 115 | 65 | 45 | 135 | 135 | 135 | 135 | 95 | 125 | 125 | 75 | 130 | 130 | 90 | 90 | 115 | 165 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 240 | 225 | 220 | 210 | 210 | 200 | 185 | 185 | 170 | 130 | 130 | 90 | 70 | 155 | 155 | 155 | 155 | 115 | 140 | 140 | 90 | --- | --- | --- | 105 | --- | 200 |
| 47 | 265 | 245 | 240 | 235 | 240 | 205 | 195 | 200 | 170 | 130 | 130 | 95 | 75 | --- | --- | --- | --- | --- | 140 | 140 | 90 | --- | --- | --- | 105 | 125 | 205 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 265 | 225 | 220 | 210 | 210 | 200 | 185 | 185 | 175 | 120 | 120 | 45 | 35 | --- | --- | --- | --- | --- | 130 | 130 | 55 | --- | --- | --- | 95 | --- | 200 |

## PRICE TABLE NO. 22.—*Market Area No. 31*

Size groups and prices applicable to destination group No. 2 in market area No. 31

| Mine index No. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 22, 54, 55, 56, 83, 99 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | --- | --- | --- | --- | --- | 145 | 135 | 95 | --- | --- | --- | 120 | --- | 175 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | --- | --- | --- | --- | --- | 145 | 135 | 95 | --- | --- | --- | 120 | --- | 185 |
| 6, 59, 75, 86 | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | --- | --- | --- | --- | 140 | 175 | 220 |
| 39, 40 | 280 | 280 | 280 | 270 | 260 | 250 | 235 | 225 | 195 | 175 | 165 | 115 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | --- | --- | --- | --- | 140 | --- | 250 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 255 | 250 | 245 | 210 | 205 | 195 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 165 | 135 | 145 | 125 | 95 | --- | --- | --- | --- | 120 | --- | 195 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 185 | 155 | 180 | 170 | 130 | --- | --- | --- | --- | 135 | --- | 220 |
| 47 | 280 | 270 | 265 | 260 | 260 | 225 | 215 | 225 | 190 | 170 | 160 | 110 | 80 | --- | --- | --- | --- | 180 | 170 | 130 | --- | --- | --- | --- | 135 | 165 | 225 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | --- | --- | --- | --- | 170 | 160 | 95 | --- | --- | --- | --- | 125 | --- | 220 |

*List of All Points in Market Area No. 31*

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | Destination Group No. | 1 | 2 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 26 | 27 | 28 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 38 | 39 | 40 | 41 | 42 | 43 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Borden | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Charlestown | 2 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Duncan (Floyd Co.) | 3 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Georgetown | 5 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Henryville | 6 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Jeffersonville | 7 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Marysville | 8 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Memphis | 9 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Nabb | 10 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| New Albany | 11 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Otisco | 12 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Prather | 13 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| St. Joseph (Clark Co.) | 14 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Sellersburg | 15 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Smith's | 16 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Speeds | 19 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Underwood | 20 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Watson (Clark Co.) | 21 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Wilson | 22 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destination | Destination Group No. | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 62 | 63 | 64 | 65 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 96 | 97 | 98 | 99 | 100 | 101 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Borden | 1 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Charlestown | 2 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Duncan (Floyd Co.) | 3 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Georgetown | 5 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Henryville | 6 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Jeffersonville | 7 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Marysville | 8 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Memphis | 9 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Nabb | 10 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| New Albany | 11 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Otisco | 12 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Prather | 13 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| St. Joseph (Clark Co.) | 14 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Sellersburg | 15 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Smith's | 16 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Speeds | 19 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Underwood | 20 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Watson (Clark Co.) | 21 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Wilson | 22 | 30 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |



**Price Table No. 24.**—*Prices F. O. B. Mines for Shipment by Railroad. Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 34; Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

Size groups and prices applicable in market area No. 34

| Mine index number | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 10 11 12 | 13 | 14 | 15 | 16 | 17 18 19 20 | 21 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 27 (For dely. on C&EI-Penna). | 240 | 244 | 239 | 229 | 224 | 219 | 214 | 209 | 199 | 189 | 179 | 114 | 84 | | | | | 199 | 189 | 149 | | | | 154 | | 219 |
| 27 (For dely. on NYC). | 246 | 241 | 236 | 226 | 221 | 216 | 211 | 206 | 196 | 186 | 176 | 111 | 81 | | | | | 196 | 186 | 146 | | | | 151 | | 216 |
| 27 (For dely. on O M S T P & P-NYC). | 253 | 248 | 243 | 233 | 228 | 223 | 218 | 213 | 203 | 193 | 183 | 116 | 86 | | | | | 201 | 191 | 151 | | | | 156 | | 221 |
| 27 (For dely. on Es&N). | 203 | 247 | 242 | 232 | 227 | 222 | 217 | 212 | 202 | 192 | 182 | 117 | 87 | | | | | 202 | 192 | 152 | | | | 157 | | 222 |
| 27 (For dely. on C). | 260 | 255 | 250 | 240 | 235 | 230 | 225 | 220 | 210 | 200 | 190 | 125 | 95 | | | | | 210 | 200 | 160 | | | | 165 | | 230 |
| 27 (For dely. on C&EI, E&OV, C, L&N-Southern to all destinations other than State Hosp.). | 253 | 250 | 245 | 235 | 230 | 225 | 220 | 215 | 205 | 195 | 185 | 120 | 90 | | | | | 205 | 195 | 155 | | | | 160 | | 225 |
| 27 (For dely. on Southern to State Hosp.). | 242 | 237 | 232 | 222 | 217 | 212 | 207 | 202 | 192 | 182 | 172 | 107 | 77 | | | | | 192 | 182 | 142 | | | | 147 | | 213 |
| 27 (For dely. on Southern to all destinations other than State Hosp.). | 230 | 245 | 240 | 230 | 225 | 220 | 215 | 210 | 200 | 190 | 180 | 115 | 85 | | | | | 200 | 190 | 150 | | | | 155 | | 220 |
| 80-81 (For dely on C&EI, E&OV, C, L&N-Southern to all destinations other than State Hosp.). | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | 165 | 155 | 115 | | | | 120 | | 185 |
| 80-81 (For dely. on Southern to State Hosp.). | 207 | 202 | 197 | 187 | 182 | 177 | 172 | 167 | 157 | 147 | 137 | 72 | 42 | | | | | 157 | 147 | 107 | | | | 112 | | 177 |
| 80-81 (For dely on Es&N). | 223 | 218 | 213 | 203 | 198 | 193 | 188 | 183 | 173 | 163 | 153 | 88 | 58 | | | | | 173 | 163 | 123 | | | | 128 | | 193 |
| 80-81 (For dely on Southern to all destinations other than State Hosp.). | 204 | 199 | 194 | 184 | 179 | 174 | 169 | 164 | 154 | 144 | 134 | 69 | 39 | | | | | 154 | 144 | 104 | | | | 109 | | 174 |
| 43 (For dely. on C&EI, Southern to State Hosp.). | 212 | 207 | 202 | 192 | 187 | 182 | 177 | 172 | 162 | 152 | 142 | 77 | 47 | | | | | 162 | 152 | 112 | | | | 117 | | 183 |
| 43 (For dely. on Es&N, NYC, Southern to all destinations other than State Hosp.). | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | 165 | 155 | 115 | | | | 120 | | 185 |
| 43 (For dely. on E&OV) dely. on | 223 | 218 | 213 | 203 | 198 | 193 | 188 | 183 | 173 | 163 | 153 | 88 | 58 | | | | | 173 | 163 | 123 | | | | 128 | | 193 |
| 22, 54, 55, 56, 83, 90 | 203 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 145 | 135 | 80 | 40 | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| 3, 11, 24, 28, 34, 46, 63, 94 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | 165 | 155 | 115 | | | | 120 | | 185 |
| 6, 59, 75, 86 | 253 | 250 | 245 | 235 | 230 | 225 | 220 | 215 | 205 | 195 | 185 | 120 | 90 | | | | | 205 | 195 | 155 | | | | 160 | | 225 |
| 39, 40 | 280 | 280 | 270 | 260 | 250 | 245 | 240 | 235 | 225 | 215 | 205 | 140 | 110 | | | | | 225 | 215 | 175 | | | | 180 | | 245 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | 165 | 155 | 115 | | | | 120 | | 185 |
| 8, 9, 10, 15, 21, 27, 31, 35, 36, 41, 42, 43, 46, 47, 48, 49, 51, 52, 53, 65, 67, 68, 69, 71, 72, 74, 75, 77, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | 165 | 155 | 115 | | | | 120 | | 185 |
| 19, 20, 61, 62, 63, 64, 70, 72, 85, 91 | 253 | 250 | 245 | 235 | 230 | 225 | 220 | 215 | 205 | 195 | 185 | 120 | 90 | | | | | 205 | 195 | 155 | | | | 160 | | 225 |
| 47, 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 66, 67, 68, 74, 82, 84, 89, 98, 100 | 280 | 270 | 260 | 250 | 240 | 235 | 230 | 225 | 215 | 205 | 195 | 130 | 100 | | | | | 215 | 205 | 165 | | | | 170 | | 235 |

*List of All Points in Market Area No. 33*

Mine index numbers and the amount of deduction for freight rate differences for coal shipped from each mine to each destination shown

| Destinations | Destination Group No. | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 10 11 12 | 13 | 14 | 15 | 16 | 17 18 19 20 | 21 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Borden | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Charlestown | 2 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Duncan (Floyd Co.) | 3 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Georgetown | 5 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Henryville | 6 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Jeffersonville | 7 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Marysville | 8 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Memphis | 9 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Nabb | 10 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| New Albany | 11 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Otisco | 12 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Prather | 13 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| St. Joseph (Clark Co.) | 14 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Sellersburg | 15 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Smith's | 16 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Speeds | 19 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Underwood | 20 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Watson (Clark Co.) | 21 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |
| Wilson | 22 | 0 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | | | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 | 22 |

**Price Table No. 23.**—*Prices F. O. B. Mines for Shipment by Railroad. Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 33; Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

Size groups and prices applicable in market area No. 33

| Mine index number | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 10 11 12 | 13 | 14 | 15 | 16 | 17 18 19 20 | 21 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 75 (For dely. on C&EI-Penna). | 298 | 293 | 288 | 278 | 273 | 263 | 248 | 232 | 238 | 218 | 208 | 153 | 123 | 248 | 238 | 228 | 198 | 228 | 218 | 178 | | | | 183 | 218 | 263 |
| 75 (For dely. on O M S T P & P-NYC). | 283 | 283 | 278 | 268 | 263 | 253 | 238 | 243 | 228 | 208 | 198 | 143 | 113 | 238 | 228 | 218 | 188 | 218 | 208 | 168 | | | | 173 | 208 | 253 |
| 11 (for dely. on in-bnd R). | 231 | 246 | 241 | 231 | 226 | 221 | 216 | 211 | 201 | 171 | 161 | 96 | 86 | | | | | 181 | 171 | 131 | | | | 136 | | 221 |
| 11 (for dely. on C&EI-CMStP &P-NYC-Penna) | 210 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| 24 (For dely. on NYC) dely. on | 238 | 233 | 248 | 228 | 233 | 228 | 222 | 218 | 208 | 178 | 168 | 103 | 93 | | | | | 168 | 178 | 138 | | | | 163 | | 225 |
| 24 (For dely. on C&EI-CMStP &P-Penna). | 248 | 243 | 238 | 228 | 223 | 218 | 213 | 208 | 198 | 168 | 158 | 93 | 83 | | | | | 178 | 168 | 128 | | | | 153 | | 218 |
| 22, 54, 55, 56, 83, 90 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| 3, 28, 34, 46, 63, 94 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | 165 | 155 | 115 | | | | 120 | | 185 |
| 6, 59, 75, 86 | 253 | 250 | 245 | 235 | 230 | 225 | 220 | 215 | 205 | 195 | 185 | 120 | 90 | | | | | 205 | 195 | 155 | | | | 160 | | 225 |
| 39, 40 | 280 | 280 | 270 | 260 | 250 | 245 | 235 | 225 | 215 | 195 | 175 | 115 | 80 | | | | | 205 | 195 | 155 | | | | 140 | | 250 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 165 | 155 | 135 | 105 | 165 | 155 | 115 | 170 | 160 | 120 | 155 | 185 | |
| 8, 9, 10, 15, 21, 27, 31, 35, 36, 41, 42, 43, 46, 47, 48, 49, 51, 52, 53, 65, 67, 68, 69, 71, 72, 74, 75, 77, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 165 | 155 | 115 | 105 | 165 | 155 | 115 | 170 | 160 | 120 | 155 | 185 | |
| 19, 20, 61, 62, 63, 64, 70, 72, 85, 91 | 253 | 250 | 245 | 235 | 230 | 225 | 220 | 215 | 205 | 195 | 185 | 120 | 90 | 185 | 175 | 165 | 135 | 185 | 175 | 135 | 190 | 170 | 130 | 170 | 220 | |
| 47, 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 66, 67, 68, 74, 82, 84, 89, 98, 100 | 280 | 270 | 260 | 250 | 245 | 235 | 230 | 225 | 215 | 205 | 195 | 130 | 100 | 205 | 195 | 185 | 145 | 195 | 185 | 145 | 210 | 190 | 150 | 180 | 225 | |

### Market Area No. 33

[Deductions for freight rate differences for coal shipped from each mine to all deliveries in the Terre Haute switching limits]

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mine index No. | 1 | 2 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 19 | 20 | 21 | 22 | 23 | 24[1] | 26 | 27 | 28 | 30 | 31 | 32 | 33 | 34 | 35 | |
| Deduction | 42 | 42 | 10 | 50 | 0 | 10 | 10 | 50 | 0 | 0 | 10 | 10 | 50 | 10 | 10 | 10 | 0 | 10 | 42 | | 10 | 50 | 10 | 12 | 50 | 42 | 10 | 0 | 50 | |
| Mine index No. | 36 | 38 | 39 | 40 | 41 | 42 | 43 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 62 | 63 | 64 | 65 | 67 | 68 | 69 | 70 |
| Deduction | 50 | 10 | 10 | 10 | 50 | 10 | 50 | 10 | 50 | 42 | 42 | 42 | 10 | 10 | 10 | 10 | 10 | 42 | 50 | 50 | 10 | 10 | 32 | 10 | 50 | 10 | 32 | 20 | 42 | 10 |
| Mine index No. | 71 | 72 | 73 | 74 | 75[1] | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 96 | 97 | 98 | 99 | 100 | 101 | |
| Deduction | 10 | 10 | 10 | 10 | ... | 42 | 10 | 50 | 50 | 50 | 0 | 0 | 10 | 10 | 10 | 50 | 50 | 10 | 0 | 10 | 50 | 10 | 10 | 50 | 50 | 10 | 10 | 42 | 10 | |

[1] The f. o. b. mine prices published in Price Table No. 23, for Mines Nos. 24 and 75, for application in Market Area No. 33, are predicated on transportation charges computed on the basis of a net weight of 70 tons per car. When shipments are made in cars of less than 70 tons capacity, there may be deducted, from the prices published for such mines in Price Table No. 23, the amounts shown below, in the respective deduction tables, opposite the terminal carrier in the car capacity bracket within which the net weight of the car would fall.

#### Deduction Table for Mine No. 24

| When for delivery in market area No. 33 on carriers shown below | Deductions based on following weights per car | | | | | | |
|---|---|---|---|---|---|---|---|
| | 65 tons and under 70 tons | 60 tons and under 65 tons | 55 tons and under 60 tons | 50 tons and under 55 tons | 45 tons and under 50 tons | 40 tons and under 45 tons | Less than 40 tons |
| NYC | 1 | 2 | 3 | 4 | 5 | 7 | 10 |
| C&EI, CMStP&P and PENNA | 2 | 4 | 6 | 8 | 10 | 14 | 20 |

#### Deduction Table for Mine No. 75

| When for delivery in market area No. 33 on carriers shown below | Deductions based on following weights per car | | | | | | |
|---|---|---|---|---|---|---|---|
| | 65 tons and under 70 tons | 60 tons and under 65 tons | 55 tons and under 60 tons | 50 tons and under 55 tons | 45 tons and under 50 tons | 40 tons and under 45 tons | Less than 40 tons |
| C&EI, PENNA | 1 | 2 | 3 | 4 | 5 | 7 | 10 |
| CMStP&P, NYC | 2 | 4 | 6 | 8 | 10 | 14 | 20 |

### Market Area No. 34

[Deductions for freight rate differences for coal shipped from each mine to all deliveries in the Evansville switching limits]

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Mine index No. | 1 | 2 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 14 | 15 | 16 | 19 | 20 | 21 | 22 | 23 | 24 | 26 | 27[1] | 28 | 30 | 31 | 32 | 33 | 34 | 35 | |
| Deduction | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | ... | 50 | 50 | 0 | 50 | 50 | 50 | 0 | |
| Mine index No. | 36 | 38 | 39 | 40 | 41 | 42 | 43 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 62 | 63 | 64 | 65 | 67 | 68 | 69 | 70 |
| Deduction | 22 | 50 | 50 | 50 | 22 | 50 | 0 | 50 | 0 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 | 22 | 50 | 50 | 50 | 50 | 50 |
| Mine index No. | 71 | 72 | 73 | 74 | 75 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 96 | 97 | 98 | 99 | 100 | 101 | |
| Deduction | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 49 | 0 | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 50 | 50 | 50 | 22 | 50 | 50 | 0 | 22 | 50 | 50 | 50 | 50 | |

[1] The f. o. b. mine prices published in Price Table No. 24 for Mine No. 27 for application in Market Area No. 34, are predicated on transportation charges computed on the basis of a net weight of 70 tons per car. When shipments are made in cars of less than 70 tons capacity, there may be deducted, from the prices published for Mine No. 27 in Price Table No. 24, the amount shown opposite the terminal carrier in the car capacity bracket within which the net weight of the car would fall.

| When for delivery in market area No. 34 on carriers shown below | Deductions based on following weights per car | | | | | | |
|---|---|---|---|---|---|---|---|
| | 65 tons and under 70 tons | 60 tons and under 65 tons | 55 tons and under 60 tons | 50 tons and under 55 tons | 45 tons and under 50 tons | 40 tons and under 45 tons | Less than 40 tons |
| C. & E. I. | 2 | 5 | 8 | 12 | 16 | 22 | 29 |
| N. Y. C. | 2 | 5 | 9 | 13 | 18 | 24 | 32 |
| E. & O. V. | 2 | 4 | 7 | 11 | 15 | 20 | 27 |
| E. S. & N. | 2 | 4 | 6 | 10 | 14 | 19 | 28 |
| I. C. | 1 | 3 | 5 | 7 | 10 | 13 | 18 |
| L. & N. | 2 | 4 | 6 | 9 | 12 | 17 | 23 |
| Southern (State hospital) | 3 | 6 | 10 | 14 | 20 | 0 | 35 |
| Southern (all other deliveries) | 2 | 4 | 7 | 11 | 18 | 21 | 28 |



**Price Table No. 25.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter***

| Mine index number | Size groups and prices applicable in market areas Nos. 35, 36, 37, 38, and 39 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | ... | ... | ... | ... | 145 | 135 | 95 | ... | ... | ... | 120 | ... | 175 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | ... | ... | ... | ... | 145 | 135 | 95 | ... | ... | ... | 120 | ... | 185 |
| 6, 59, 75, 86 | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | ... | ... | ... | 140 | 175 | 220 |
| 39, 40 | 280 | 280 | 280 | 270 | 260 | 250 | 235 | 225 | 195 | 175 | 165 | 115 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | ... | ... | ... | 140 | ... | 250 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 255 | 250 | 245 | 210 | 205 | 195 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 165 | 135 | 145 | 125 | 95 | ... | ... | ... | 120 | ... | 195 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 185 | 155 | 180 | 170 | 130 | ... | ... | ... | 135 | ... | 220 |
| 47 | 280 | 270 | 265 | 260 | 260 | 225 | 215 | 225 | 190 | 170 | 160 | 110 | 80 | ... | ... | ... | ... | 180 | 170 | 130 | ... | ... | ... | 135 | 165 | 225 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | ... | ... | ... | ... | 170 | 160 | 95 | ... | ... | ... | 125 | ... | 220 |

LIST OF ALL POINTS IN MARKET AREA NO. 35

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Adenmoor | 45 | 0 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 12 | 12 | 12 | 45 | 45 | 45 | 12 | 12 |
| Albers | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Albion | 0 | 0 | 0 | 28 | 28 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 0 | 0 | 0 | 48 | 0 | 0 | 48 | 48 | 0 | 21 | 0 | 48 | 48 |
| Alderson | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allendale | 0 | 14 | 0 | 33 | 33 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 23 | 21 | 23 | 33 | 0 | 0 | 33 | 33 | 0 | 0 | 0 | 33 | 33 |
| Allison Branch | 0 | 0 | 0 | 26 | 26 | 26 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alma | 0 | 0 | 0 | 11 | 11 | 0 | 11 | 11 | 11 | 0 | 11 | 11 | 0 | 0 | 0 | 6 | 0 | 6 | 6 | 6 | 6 | 0 | 6 | 0 | 6 |
| Altamont | 12 | 12 | 12 | 23 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 6 | 6 | 12 | 12 | 12 | 6 | 6 |
| America | 0 | 0 | 0 | 0 | 0 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 0 | 0 | 0 |
| Avena | 11 | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 11 | 11 | 0 | 0 |
| Aviston | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 25 |
| Bakers Lane | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 14 | 14 | 0 | 14 | 14 | 35 | 33 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 |
| Bannister | 0 | 0 | 0 | 12 | 12 | 17 | 17 | 17 | 17 | 0 | 17 | 17 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 0 | 0 | 0 | 12 | 12 |
| Barn Hill | 0 | 0 | 0 | 6 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bartelso | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bartley | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beckemeyer | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 25 |
| Belknap | 0 | 0 | 0 | 0 | 0 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 0 | 0 | 0 |
| Bellmont | 0 | 0 | 0 | 28 | 28 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 0 | 0 | 0 | 35 | 0 | 35 | 35 | 35 | 0 | 2 | 0 | 35 | 35 |
| Belleville | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Benco | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 44 | 42 | 44 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 0 | 0 |
| Bethalto | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 | 0 | 25 | 0 | 5 | 0 |
| Bethel | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Billet | 0 | 0 | 0 | 19 | 19 | 39 | 39 | 30 | 39 | 0 | 39 | 39 | 9 | 7 | 9 | 19 | 0 | 0 | 19 | 19 | 0 | 0 | 0 | 19 | 10 |
| Birds | 26 | 26 | 26 | 33 | 33 | 26 | 26 | 26 | 26 | 0 | 26 | 26 | 23 | 21 | 23 | 0 | 0 | 0 | 0 | 0 | 26 | 26 | 26 | 0 | 0 |
| Bloomfield | 0 | 6 | 6 | 6 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 0 | 0 |
| Bluff City | 11 | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 11 | 0 | 0 |
| Bluford | 0 | 0 | 0 | 9 | 9 | 43 | 43 | 43 | 43 | 0 | 43 | 43 | 50 | 50 | 50 | 33 | 0 | 0 | 33 | 33 | 0 | 10 | 0 | 33 | 33 |
| Bone Gap | 0 | 0 | 0 | 7 | 7 | 0 | 26 | 26 | 26 | 0 | 26 | 26 | 15 | 13 | 15 | 7 | 0 | 7 | 7 | 7 | 0 | 0 | 0 | 0 | 7 |
| Boos | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 13 | 0 | 13 | 13 | 14 | 12 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Boulder | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Boyleston | 0 | 0 | 0 | 9 | 9 | 43 | 43 | 43 | 43 | 0 | 43 | 43 | 0 | 0 | 0 | 33 | 0 | 0 | 33 | 33 | 0 | 10 | 0 | 33 | 33 |
| Breese | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 25 |
| Bridgeport (Lawrence Co.) | 0 | 0 | 0 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 0 | 0 | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 0 | 0 | 12 | 12 |
| Browns | 0 | 0 | 0 | 28 | 28 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 41 | 39 | 41 | 35 | 35 | 35 | 35 | 35 | 0 | 2 | 0 | 35 | 35 |
| Brownstown | 11 | 11 | 11 | 21 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 11 | 11 | 0 | 0 |

**Price Table No. 25.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued**

LIST OF ALL POINTS IN MARKET AREA NO. 35—Continued

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Brownsville | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 0 | 0 |
| Brubaker | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 5 | 5 | 0 | 5 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brydens | 25 | 25 | 25 | 35 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Calvin | 0 | 36 | 36 | 36 | 36 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Cairo | 0 | 0 | 0 | 0 | 0 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 0 | 0 | 0 |
| Calhoun | 0 | 0 | 0 | 7 | 7 | 0 | 26 | 26 | 26 | 0 | 26 | 26 | 0 | 0 | 0 | 7 | 0 | 7 | 7 | 7 | 0 | 0 | 0 | 0 | 7 |
| Carlyle | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 25 | 0 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 0 |
| Carmi | 0 | 48 | 48 | 48 | 48 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Carrier Mills | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Carter | 0 | 0 | 0 | 0 | 0 | 0 | 27 | 0 | 27 | 0 | 27 | 0 | 0 | 0 | 0 | 17 | 0 | 0 | 0 | 17 | 0 | 0 | 0 | 0 | 17 |
| Casey | 45 | 45 | 45 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 12 | 12 | 12 | 45 | 45 | 45 | 12 | 12 |
| Caseyville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 20 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 36 | 0 | 36 |
| Catlin | 47 | 47 | 47 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 20 | 20 | 20 | 47 | 47 | 47 | 20 | 20 |
| Central City | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Centralia | 0 | 0 | 0 | 9 | 9 | 33 | 33 | 33 | 33 | 33 | 33 | 33 | 0 | 0 | 0 | 33 | 33 | 33 | 33 | 33 | 22 | 22 | 0 | 33 | 33 |
| Cisne | 0 | 0 | 0 | 6 | 6 | 23 | 23 | 23 | 23 | 0 | 23 | 23 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 0 | 0 | 0 | 6 | 0 |
| Claremont | 0 | 0 | 0 | 7 | 7 | 20 | 20 | 20 | 20 | 0 | 20 | 20 | 0 | 0 | 0 | 7 | 0 | 7 | 7 | 7 | 0 | 0 | 0 | 7 | 7 |
| Clay City | 0 | 0 | 0 | 6 | 6 | 18 | 18 | 18 | 18 | 0 | 18 | 18 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 0 | 0 | 0 | 6 | 6 |
| Coal Dock Switch | 46 | 0 | 46 | 0 | 0 | 26 | 0 | 26 | 26 | 0 | 0 | 26 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 46 | 46 | 0 | 0 | 0 |
| Collinsville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 5 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 50 | 0 | 0 | 0 | 0 |
| Cowling | 0 | 3 | 3 | 3 | 3 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Creeds | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 14 | 14 | 0 | 14 | 14 | 32 | 30 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 |
| Crossville | 0 | 36 | 36 | 36 | 36 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Dennison | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 7 | 50 | 50 | 50 | 7 | 7 |
| Dexter | 12 | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 0 | 6 | 6 | 18 | 12 | 12 | 6 | 6 |
| Dietreich | 19 | 19 | 19 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 0 | 0 |
| Dix | 0 | 0 | 0 | 9 | 9 | 43 | 43 | 43 | 43 | 0 | 43 | 43 | 0 | 0 | 0 | 33 | 0 | 0 | 33 | 33 | 0 | 22 | 0 | 33 | 33 |
| Duncan (Gallatin Co.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Duncanville | 26 | 26 | 26 | 33 | 33 | 26 | 26 | 26 | 26 | 0 | 26 | 26 | 23 | 21 | 23 | 0 | 0 | 0 | 0 | 0 | 26 | 26 | 26 | 0 | 0 |
| Dundas | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 13 | 0 | 13 | 13 | 14 | 12 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eldorado | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Ellery | 0 | 0 | 0 | 7 | 7 | 44 | 44 | 44 | 44 | 0 | 44 | 44 | 0 | 0 | 0 | 27 | 0 | 0 | 27 | 27 | 0 | 0 | 0 | 27 | 27 |
| Enfield | 0 | 0 | 0 | 19 | 19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Evers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Exermont | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 48 | 0 | 50 | 0 | 0 | 0 | 0 |
| Fairfield | 0 | 0 | 0 | 7 | 7 | 44 | 44 | 44 | 44 | 44 | 44 | 44 | 0 | 0 | 0 | 0 | 27 | 27 | 27 | 27 | 0 | 0 | 0 | 27 | 27 |
| Falmouth | 20 | 20 | 20 | 32 | 32 | 0 | 7 | 7 | 7 | 0 | 7 | 7 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 |
| Fairman | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Farrington | 50 | 47 | 47 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 7 | 50 | 50 | 50 | 7 | 7 |
| Ferrin | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 25 |
| Flat Rock | 26 | 26 | 26 | 33 | 33 | 26 | 26 | 26 | 26 | 0 | 26 | 26 | 23 | 21 | 23 | 0 | 0 | 0 | 0 | 0 | 26 | 26 | 26 | 0 | 0 |
| Flora | 0 | 0 | 0 | 6 | 6 | 18 | 18 | 18 | 18 | 18 | 18 | 18 | 0 | 0 | 0 | 6 | 6 | 6 | 6 | 6 | 0 | 0 | 0 | 6 | 6 |
| Forman | 0 | 27 | 27 | 27 | 27 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 32 | 0 | 0 | 0 | 0 |
| Furman | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 36 | 0 | 36 |
| Funkhouser | 12 | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 0 | 6 | 6 | 18 | 12 | 12 | 6 | 6 |
| Geff | 0 | 0 | 0 | 6 | 6 | 23 | 0 | 23 | 23 | 0 | 0 | 23 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 0 | 0 | 0 | 6 | 0 |
| Germantown | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gilmore | 6 | 6 | 6 | 17 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 6 | 0 | 0 |
| Glenridge | 0 | 0 | 0 | 5 | 5 | 0 | 5 | 5 | 5 | 0 | 5 | 5 | 0 | 0 | 0 | 5 | 0 | 5 | 5 | 5 | 0 | 0 | 0 | 0 | 5 |
| Golden Gate | 0 | 0 | 0 | 7 | 7 | 44 | 44 | 44 | 44 | 0 | 44 | 44 | 0 | 0 | 0 | 27 | 0 | 0 | 27 | 27 | 0 | 0 | 0 | 27 | 27 |
| Gordons | 33 | 33 | 33 | 46 | 46 | 0 | 26 | 26 | 26 | 0 | 26 | 26 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 33 | 0 | 0 |
| Gossett | 0 | 45 | 45 | 45 | 45 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Grand Chain | 0 | 16 | 16 | 16 | 16 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 0 | 0 | 0 |
| Grassland | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Grayville | 29 | 29 | 29 | 29 | 29 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Greendale | 0 | 0 | 0 | 12 | 12 | 17 | 17 | 17 | 17 | 0 | 17 | 17 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 0 | 0 | 0 | 12 | 12 |
| Greenup | 27 | 27 | 27 | 39 | 39 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 7 | 7 | 7 | 7 | 7 | 27 | 27 | 27 | 7 | 7 |
| Greenville | 50 | 0 | 50 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 10 | 5 | 50 | 50 | 50 | 48 | 10 |
| Hagerstown | 50 | 0 | 50 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 10 | 5 | 50 | 50 | 50 | 48 | 10 |
| Harrisburg | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 0 | 0 | 0 | 0 |
| Hidalgo | 20 | 20 | 20 | 32 | 32 | 0 | 7 | 7 | 7 | 0 | 7 | 7 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 |
| Highland | 50 | 0 | 50 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 10 | 5 | 50 | 50 | 50 | 48 | 10 |
| Higgins | 0 | 0 | 0 | 6 | 6 | 18 | 18 | 18 | 18 | 0 | 18 | 18 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 0 | 0 | 0 | 6 | 6 |
| Hoffman | 0 | 0 | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hookdale | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hubbard | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 0 | 0 |
| Huey | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 25 |
| Hutsonville | 46 | 0 | 46 | 0 | 0 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 46 | 46 | 46 | 0 | 0 |
| Idlewood | 0 | 0 | 0 | 9 | 9 | 43 | 43 | 0 | 0 | 0 | 43 | 0 | 0 | 0 | 0 | 33 | 0 | 0 | 0 | 33 | 0 | 22 | 0 | 33 | 33 |

PRICE TABLE No. 25.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 35—Continued

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Iola | 0 | 0 | 0 | 12 | 12 | 0 | 12 | 12 | 12 | 0 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Iuka | 0 | 0 | 0 | 12 | 12 | 17 | 17 | 17 | 17 | 0 | 17 | 17 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 0 | 0 | 0 | 12 | 12 |
| Jewett | 19 | 19 | 19 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 19 | 0 | 0 |
| Jonathon | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 0 | 13 | 14 | 12 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Junction | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Karnak | 0 | 15 | 15 | 15 | 15 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 0 | 0 | 0 |
| Keenes | 0 | 0 | 0 | 9 | 9 | 43 | 43 | 43 | 43 | 0 | 43 | 43 | 0 | 0 | 0 | 33 | 0 | 0 | 33 | 33 | 0 | 10 | 0 | 33 | 33 |
| Keensburg | 0 | 3 | 3 | 3 | 3 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Kell | 0 | 0 | 0 | 0 | 0 | 0 | 27 | 27 | 27 | 0 | 27 | 27 | 0 | 0 | 0 | 17 | 0 | 0 | 17 | 17 | 0 | 0 | 0 | 0 | 17 |
| Kenner | 0 | 0 | 0 | 12 | 12 | 17 | 17 | 17 | 17 | 0 | 17 | 17 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 0 | 0 | 0 | 12 | 12 |
| Keyesport | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kinmundy | 6 | 6 | 6 | 11 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 0 | 6 | 6 | 6 | 0 | 0 |
| Lawrenceville | 0 | 0 | 0 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 9 | 7 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lebanon | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 25 |
| Ledford | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Levings | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lis | 19 | 19 | 19 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 33 | 31 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 0 | 0 |
| Loogootee | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 |
| Louis | 0 | 0 | 0 | 12 | 12 | 0 | 12 | 12 | 12 | 0 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lutz Spur | 50 | 0 | 50 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 50 | 50 | 50 | 48 | 10 |
| McKeen | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 7 |
| Marlow | 0 | 0 | 0 | 9 | 9 | 43 | 43 | 43 | 43 | 0 | 43 | 43 | 0 | 0 | 0 | 33 | 0 | 0 | 33 | 33 | 0 | 10 | 0 | 33 | 33 |
| Marshall | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 7 | 7 | 7 | 26 | 7 | 50 | 50 | 50 | 7 | 7 |
| Martinsville | 45 | 45 | 45 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 12 | 12 | 12 | 45 | 45 | 45 | 12 | 12 |
| Mason | 6 | 6 | 6 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 0 | 0 |
| Maude | 0 | 0 | 0 | 28 | 28 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 0 | 0 | 0 | 35 | 35 | 0 | 35 | 35 | 0 | 2 | 0 | 35 | 35 |
| Merriam | 0 | 0 | 0 | 7 | 7 | 44 | 41 | 44 | 41 | 0 | 44 | 41 | 0 | 0 | 0 | 27 | 27 | 0 | 27 | 27 | 0 | 0 | 0 | 27 | 27 |
| Mill Shoals | 0 | 0 | 0 | 6 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Montrose | 19 | 19 | 19 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 19 | 0 | 0 |
| Mound City | 0 | 0 | 0 | 0 | 0 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 0 | 0 | 0 |
| Mt. Carmel | 0 | 0 | 0 | 21 | 21 | 50 | 50 | 50 | 50 | 50 | 50 | 50 | 23 | 21 | 23 | 33 | 33 | 33 | 33 | 33 | 0 | 0 | 0 | 33 | 33 |
| Mt. Vernon | 0 | 0 | 0 | 9 | 9 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 0 | 0 | 0 | 33 | 33 | 33 | 33 | 33 | 10 | 10 | 0 | 33 | 33 |
| Mulberry Grove | 50 | 0 | 50 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 5 | 48 | 0 | 10 | 5 | 50 | 50 | 50 | 10 | 10 |
| New Baden | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Burnside | 0 | 40 | 40 | 40 | 40 | 38 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Newton | 14 | 14 | 14 | 27 | 27 | 14 | 14 | 14 | 14 | 14 | 14 | 14 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 14 | 14 | 14 | 0 | 0 |
| Noble | 0 | 0 | 0 | 6 | 6 | 18 | 18 | 18 | 18 | 0 | 18 | 18 | 0 | 0 | 0 | 6 | 6 | 0 | 6 | 6 | 0 | 0 | 0 | 6 | 6 |
| Norris City | 0 | 9 | 9 | 9 | 9 | 26 | 0 | 26 | 26 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oblong | 14 | 14 | 14 | 21 | 21 | 0 | 14 | 0 | 14 | 0 | 14 | 14 | 35 | 33 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 |
| Odin | 0 | 0 | 0 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 |
| O'Fallon | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 6 | 6 | 0 | 0 | 25 | 0 | 25 |
| Olmsted | 0 | 0 | 0 | 0 | 0 | 28 | 0 | 28 | 28 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 0 | 0 | 0 |
| Olney | 0 | 0 | 0 | 7 | 7 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 21 | 19 | 21 | 7 | 7 | 7 | 7 | 7 | 0 | 0 | 0 | 7 | 7 |
| Omaha | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Palestine | 33 | 33 | 33 | 46 | 46 | 26 | 26 | 26 | 26 | 0 | 26 | 26 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 33 | 33 | 0 | 0 |
| Parker | 0 | 40 | 40 | 40 | 40 | 38 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Parkersburg | 0 | 0 | 0 | 7 | 7 | 0 | 26 | 26 | 26 | 0 | 26 | 26 | 15 | 13 | 15 | 7 | 0 | 7 | 7 | 7 | 0 | 0 | 0 | 0 | 7 |
| Patoka | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Patton | 0 | 14 | 0 | 33 | 33 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 23 | 21 | 23 | 33 | 0 | 0 | 33 | 33 | 0 | 0 | 0 | 33 | 33 |
| Peters | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pierron | 50 | 0 | 50 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 10 | 5 | 50 | 50 | 50 | 48 | 10 |
| Pinckneyville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pinkstaff | 26 | 26 | 26 | 33 | 33 | 26 | 26 | 26 | 26 | 0 | 26 | 26 | 23 | 21 | 23 | 0 | 0 | 0 | 0 | 0 | 26 | 26 | 26 | 0 | 0 |
| Pocahontas | 50 | 0 | 50 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 10 | 5 | 50 | 50 | 50 | 48 | 5 |
| Posey | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ridgway | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Riffle | 0 | 0 | 0 | 12 | 12 | 0 | 12 | 12 | 12 | 0 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rinard | 0 | 0 | 0 | 6 | 6 | 17 | 0 | 17 | 17 | 0 | 0 | 17 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 0 | 0 | 0 | 6 | 6 |
| Robinson | 33 | 33 | 33 | 40 | 40 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 30 | 28 | 30 | 0 | 0 | 0 | 0 | 0 | 33 | 33 | 33 | 0 | 0 |
| Rockhill Switch | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 |
| Roland | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rose Hill | 20 | 20 | 20 | 32 | 32 | 0 | 7 | 7 | 7 | 0 | 7 | 7 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 |
| Sacramento | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| St. Elmo | 12 | 12 | 12 | 27 | 27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 12 | 12 | 12 | 0 | 0 |
| St. Francesville | 0 | 14 | 0 | 33 | 33 | 50 | 50 | 50 | 50 | 0 | 50 | 50 | 3 | 21 | 23 | 33 | 0 | 0 | 33 | 33 | 0 | 0 | 0 | 33 | 33 |
| St. Jacob | 50 | 0 | 50 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 10 | 5 | 50 | 50 | 50 | 48 | 10 |
| St. James | 0 | 6 | 0 | 0 | 0 | 0 | 6 | 6 | 6 | 0 | 6 | 6 | 0 | 0 | 0 | 6 | 0 | 6 | 0 | 6 | 0 | 0 | 12 | 0 | 6 |

PRICE TABLE No. 25.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 35—Continued

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| St. Peter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 |
| Salem | 0 | 0 | 0 | 12 | 12 | 17 | 17 | 17 | 17 | 17 | 17 | 17 | 0 | 0 | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 0 | 0 | 12 | 12 |
| Sandoval | 0 | 0 | 0 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 11 | 0 | 0 | 0 | 11 | 11 | 11 | 11 | 11 | 0 | 0 | 0 | 11 | 11 |
| Schroits | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Scott Field | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Seigert | 29 | 29 | 29 | 29 | 29 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shattuc | 0 | 14 | 14 | 14 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 18 |
| Shawneetown | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shiloh | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shields | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shobonier | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Simpson | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Sims | 0 | 0 | 0 | 9 | 9 | 43 | 43 | 43 | 43 | 0 | 43 | 43 | 0 | 0 | 0 | 33 | 0 | 0 | 33 | 33 | 10 | 10 | 0 | 33 | 33 |
| Smithboro | 50 | 16 | 16 | 16 | 16 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 10 | 5 | 50 | 50 | 50 | 48 | 10 |
| Snyder | 46 | 46 | 46 | 50 | 50 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 46 | 46 | 46 | 0 | 0 |
| Springer | 0 | 0 | 0 | 13 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stalling | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Staunton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stokes | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stonefort | 0 | 39 | 39 | 39 | 39 | 38 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Stoy | 14 | 14 | 14 | 21 | 21 | 0 | 14 | 11 | 14 | 0 | 14 | 14 | 35 | 33 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 |
| Stubblefield | 50 | 0 | 50 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 5 | 10 | 0 | 10 | 5 | 50 | 50 | 50 | 48 | 10 |
| Summerfield | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 |
| Sumner (Lawrence Co.) | 0 | 0 | 0 | 14 | 14 | 20 | 20 | 20 | 20 | 0 | 20 | 20 | 0 | 0 | 0 | 7 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 7 | 0 |
| Tabor | 31 | 0 | 31 | 0 | 0 | 10 | 10 | 0 | 10 | 17 | 10 | 17 | 0 | 0 | 0 | 23 | 23 | 0 | 20 | 23 | 50 | 31 | 31 | 23 | 23 |
| Tamalco | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Teutopolis | 19 | 19 | 19 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 19 | 0 | 0 |
| Texas City | 0 | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Texico | 0 | 0 | 0 | 0 | 0 | 0 | 27 | 27 | 27 | 0 | 27 | 27 | 0 | 0 | 0 | 17 | 0 | 0 | 17 | 17 | 0 | 0 | 0 | 0 | 17 |
| Tonti | 0 | 0 | 0 | 11 | 11 | 0 | 11 | 11 | 11 | 0 | 11 | 11 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 6 | 0 | 6 | 0 | 6 |
| Trenton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 25 |
| Trimble | 46 | 46 | 46 | 50 | 50 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 46 | 46 | 46 | 0 | 0 |
| Tunnel Hill | 0 | 41 | 41 | 41 | 41 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Vandalia | 11 | 11 | 11 | 21 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 11 | 11 | 0 | 0 |
| Vernon | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Vevay Park | 33 | 0 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 7 | 33 | 33 | 33 | 7 | 0 |
| Vienna | 0 | 44 | 44 | 44 | 44 | 38 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Walnut Hill | 0 | 0 | 0 | 9 | 9 | 43 | 43 | 43 | 43 | 0 | 43 | 43 | 0 | 0 | 0 | 33 | 0 | 0 | 33 | 33 | 0 | 22 | 0 | 33 | 33 |
| Walnut Prairie | 0 | 0 | 0 | 0 | 0 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Washington Park | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wayne City | 0 | 0 | 0 | 9 | 9 | 43 | 43 | 43 | 43 | 43 | 43 | 43 | 0 | 0 | 0 | 33 | 0 | 0 | 33 | 33 | 0 | 10 | 0 | 33 | 33 |
| Wells | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Liberty | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 13 | 0 | 13 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Martinsville | 45 | 0 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 0 | 12 | 12 | 45 | 45 | 45 | 12 | 12 |
| West Salem | 0 | 0 | 0 | 7 | 7 | 0 | 26 | 26 | 26 | 0 | 26 | 26 | 15 | 13 | 15 | 7 | 0 | 7 | 7 | 7 | 0 | 0 | 0 | 0 | 7 |
| West Union | 46 | 46 | 46 | 50 | 50 | 26 | 26 | 0 | 26 | 26 | 26 | 26 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 46 | 46 | 46 | 0 | 0 |
| West York | 46 | 46 | 46 | 50 | 50 | 26 | 26 | 26 | 26 | 26 | 26 | 26 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 46 | 46 | 46 | 0 | 0 |
| Wheeler | 19 | 19 | 19 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 33 | 31 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 0 | 0 |
| Whites Siding (White Co.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Willow Hill | 14 | 14 | 14 | 21 | 21 | 0 | 14 | 14 | 14 | 0 | 14 | 14 | 32 | 30 | 32 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 14 | 0 | 0 |
| Woodbury | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 0 | 0 |
| Xenia | 0 | 0 | 0 | 12 | 12 | 17 | 17 | 17 | 17 | 0 | 17 | 17 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 0 | 0 | 0 | 12 | 12 |
| Zachary | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

LIST OF ALL POINTS IN MARKET AREA NO. 36

| Destinations | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Edgewood | 0 | 0 | 0 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Effingham | 19 | 19 | 19 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 19 | 0 | 0 |
| Farina | 6 | 6 | 6 | 11 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 0 | 0 |
| Laclede | 6 | 6 | 6 | 11 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 0 | 0 |
| Watson | 6 | 6 | 6 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 0 | 0 |



PRICE TABLE No. 25.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 37

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Ashmore | 34 | 34 | 34 | 49 | 49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 7 | 7 | 0 | 7 | 7 | 34 | 34 | 34 | 7 | 7 |
| Borton | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 19 | 19 | 19 | 50 | 50 | 50 | 19 | 19 |
| Bradbury | 19 | 19 | 19 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 27 | 25 | 27 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 19 | 0 | 13 |
| Charleston | 39 | 39 | 39 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 7 | 7 | 7 | 7 | 7 | 39 | 39 | 39 | 7 | 7 |
| Cherry Point | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 0 | 19 | 19 | 50 | 50 | 50 | 19 | 19 |
| Chrisman | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 26 | 26 | 26 | 26 | 26 | 50 | 50 | 50 | 26 | 26 |
| Conlogue | 46 | 46 | 46 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 12 | 0 | 12 | 12 | 46 | 46 | 46 | 12 | 12 |
| Dudley | 46 | 46 | 46 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 12 | 0 | 12 | 12 | 46 | 46 | 46 | 12 | 12 |
| Edgar | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 26 | 26 | 0 | 26 | 26 | 50 | 50 | 50 | 26 | 20 |
| Embarrass | 34 | 0 | 34 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 7 | 7 | 0 | 7 | 7 | 0 | 34 | 34 | 7 | 7 |
| Ferrell | 50 | 47 | 47 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 7 | 50 | 50 | 50 | 7 | 7 |
| Garnes | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 0 | 19 | 19 | 50 | 50 | 50 | 19 | 19 |
| Harris Spur | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 26 | 0 | 0 | 26 | 26 | 50 | 50 | 0 | 26 | 0 |
| Horace | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 26 | 26 | 0 | 26 | 26 | 50 | 50 | 0 | 26 | 0 |
| Humrick | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 31 | 31 | 31 | 31 | 31 | 50 | 50 | 50 | 31 | 31 |
| Isabel | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 0 | 12 | 12 | 50 | 50 | 50 | 12 | 12 |
| Janesville | 19 | 19 | 19 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 27 | 25 | 27 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 19 | 0 | 13 |
| Jones | 20 | 20 | 20 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 20 | 0 | 13 |
| Kansas | 46 | 46 | 46 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 12 | 12 | 12 | 12 | 46 | 46 | 46 | 12 | 12 |
| Lerna | 19 | 19 | 19 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 13 | 13 | 13 | 19 | 19 | 19 | 13 | 13 |
| Marley | 0 | 47 | 47 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 7 |
| Mays | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 0 | 19 | 19 | 50 | 50 | 50 | 19 | 19 |
| Midland | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 0 | 14 | 50 | 50 | 50 | 26 | 0 | 0 | 26 | 26 | 0 | 0 | 0 | 26 | 26 |
| Nevins | 50 | 47 | 47 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 7 | 50 | 50 | 50 | 7 | 7 |
| Newby | 20 | 20 | 20 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 20 | 0 | 13 |
| Oliver | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 7 | 7 | 0 | 26 | 7 | 50 | 50 | 50 | 7 | 7 |
| Paris | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 7 | 7 | 7 | 7 | 7 | 50 | 50 | 50 | 7 | 7 |
| Quaker | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 31 | 31 | 0 | 0 | 31 | 0 | 50 | 0 | 31 | 0 |
| Raven | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 26 | 20 | 26 | 26 | 50 | 50 | 50 | 26 | 26 |
| Redmon | 50 | 50 | 50 | 50 | 50 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 0 | 19 | 19 | 50 | 50 | 50 | 19 | 19 |
| Ridge Farm | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 19 | 19 | 19 | 19 | 19 | 50 | 50 | 50 | 19 | 19 |
| Scotland | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 26 | 0 | 26 | 26 | 50 | 50 | 50 | 26 | 26 |
| Scotts Switch | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 19 | 0 | 0 | 19 | 19 | 50 | 50 | 0 | 19 | 0 |
| Toledo | 19 | 19 | 19 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 27 | 25 | 27 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 19 | 0 | 13 |
| Trilla | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 25 | 25 | 25 | 13 | 13 |
| Vermillion | 50 | 40 | 40 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 7 | 7 | 7 | 7 | 7 | 50 | 50 | 50 | 7 | 7 |
| Wetzel | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 26 | 26 | 0 | 26 | 26 | 50 | 50 | 50 | 26 | 26 |
| Woodyard | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 19 | 19 | 0 | 19 | 19 | 50 | 50 | 50 | 19 | 19 |

LIST OF ALL POINTS IN MARKET AREA NO. 38

| Destinations | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Abingdon (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Abingdon (M&StL dely.) | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 0 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Adams | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 0 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Aetna | 25 | 25 | 25 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 13 | 13 | 13 | 0 | 0 | 25 | 0 | 13 |
| Ahern | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Akron | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 17 | 19 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Alladin | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aledo | 0 | 20 | 20 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Alexander | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alexis Junction | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Algers (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 | 0 |
| Algers (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Allentown (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| Allentown (Penna dely.) | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 50 | 21 | 21 | 13 | 13 |
| Allenville | 33 | 33 | 33 | 33 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 48 | 46 | 48 | 6 | 0 | 6 | 6 | 6 | 0 | 33 | 33 | 6 | 6 |
| Allerton | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 35 | 35 | 35 | 13 | 13 |
| Alonzo | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 0 | 30 | 0 | 15 |
| Alta | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 10 |
| Altic | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Altmar | 22 | 22 | 22 | 25 | 25 | 5 | 5 | 0 | 0 | 5 | 5 | 0 | 50 | 50 | 50 | 15 | 15 | 0 | 10 | 15 | 0 | 22 | 22 | 15 | 15 |
| Altona | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alvin (C&EI dely.) | 39 | 39 | 39 | 42 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 19 | 19 | 19 | 19 | 19 | 39 | 39 | 39 | 19 | 19 |

PRICE TABLE No. 25.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

| Destination | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Alvin (IC dely.) | 20 | 20 | 20 | 23 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 0 | 0 | 20 | 0 | 0 | 0 | 20 | 0 | 0 | 0 |
| Amenia | 0 | 37 | 37 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 12 | 12 | 12 | 0 | 0 | 37 | 0 | 12 |
| Anchor | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ancona | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 25 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Annawan | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Appleton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arcola (Penna dely.) | 42 | 42 | 42 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 7 | 42 | 42 | 42 | 7 | 7 |
| Arcola (IC dely.) | 42 | 42 | 42 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 7 | 7 | 7 | 0 | 7 | 42 | 42 | 42 | 7 | 7 |
| Arden | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Argenta | 37 | 37 | 37 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 12 | 12 | 12 | 37 | 0 | 37 | 0 | 12 |
| Armington | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 50 | 21 | 21 | 13 | 13 |
| Armstrong | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 18 | 18 | 18 | 18 | 18 | 50 | 50 | 50 | 18 | 18 |
| Arnold | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aroma Park | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Arrowsmith | 31 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 20 | 0 | 20 | 20 | 31 | 31 | 31 | 20 | 20 |
| Arthur (C&EI dely.) | 40 | 40 | 40 | 50 | 50 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 7 | 13 | 7 | 40 | 40 | 40 | 7 | 7 |
| Arthur (Penna dely.) | 40 | 40 | 40 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 7 | 7 | 7 | 40 | 40 | 40 | 7 | 7 |
| Ashkum | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ashland | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 13 |
| Assumption | 26 | 26 | 26 | 36 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | [illegible] | 6 | 0 | 0 | 26 | 0 | 6 |
| Athol | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Atkinson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Atlanta (Penna dely.) | 31 | 0 | 31 | 0 | 0 | 10 | 10 | 0 | 0 | 17 | 10 | 0 | 0 | 0 | 0 | 23 | 23 | 0 | 20 | 23 | 50 | 31 | 31 | 23 | 23 |
| Atlanta (Alton dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Atwater | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Atwood | 0 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 0 | 19 | 19 | 40 | 40 | 40 | 19 | 19 |
| Bailey | 35 | 0 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 0 | 0 | 19 | 19 | 0 | 0 | 50 | 0 | 19 |
| Barclay | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Barnes | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barnett | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barry | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bartlett (Peoria Co.) | 11 | 11 | 11 | 14 | 14 | 0 | 2 | 0 | 0 | 0 | 2 | 0 | 30 | 28 | 30 | 2 | 0 | 2 | 9 | 2 | 0 | 11 | 15 | 2 | 6 |
| Batestown | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 13 | 13 | 0 | 0 | 45 | 13 | 13 |
| Baxter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bayle | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 49 | 49 | 0 | 0 | 49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Baylis | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bear | 37 | 0 | 37 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 0 | 12 | 12 | 0 | 37 | 37 | 12 | 12 |
| Bear Creek | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 0 | 0 |
| Beardstown | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 13 |
| Beardsdale | 21 | 21 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 0 |
| Beason | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 38 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Beaverville | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Beecher City | 11 | 11 | 11 | 21 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 11 | 11 | 0 | 0 |
| Bell | 8 | 8 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 38 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Belleflower | 42 | 42 | 42 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 21 | 0 | 21 | 21 | 21 | 0 | 0 | 42 | 0 | 21 |
| Belsley | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 21 | 21 | 0 | 13 | 13 |
| Bement (IT dely.) | 43 | 43 | 43 | 50 | 50 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 12 | 12 | 18 | 12 | 43 | 43 | 43 | 12 | 12 |
| Bement (Wab. dely.) | 43 | 43 | 43 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 12 | 12 | 12 | 43 | 43 | 43 | 12 | 12 |
| Bennett | 45 | 45 | 45 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 13 | 13 | 13 | 0 | 45 | 45 | 13 | 13 |
| Benson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bentley | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Berry | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 0 | 24 |
| Berwick | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 0 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Bethany | 32 | 32 | 32 | 37 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 48 | 46 | 48 | 6 | 0 | 6 | 6 | 6 | 27 | 0 | 32 | 0 | 6 |
| Biggs | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Biggsville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Big Rock (Vermillion Co.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bingham | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 49 | 49 | 0 | 0 | 49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Birkbeck | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 0 | 15 | 15 | 15 | 0 | 0 | 35 | 0 | 15 |
| Bismark | 39 | 39 | 39 | 42 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 0 | 19 | 19 | 39 | 39 | 39 | 19 | 19 |
| Bishop Hill | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 0 | 0 | 10 | 0 | 17 | 0 | 10 | 10 |
| Bissell | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Blackhawk | 0 | 31 | 31 | 31 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Blackland | 21 | 0 | 21 | 0 | 0 | 0 | 15 | 0 | 15 | 15 | 15 | 15 | 0 | 0 | 0 | 27 | 27 | 0 | 0 | 27 | 0 | 21 | 36 | 12 | 27 |
| Blacks | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blackstone | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Blair | 17 | 0 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 5 | 0 | 0 | 5 | 5 | 0 | 17 | 12 | 10 | 5 |
| Blandinsville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 15 | 15 | 0 | 0 |

**PRICE TABLE NO. 25.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown

| Destinations | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Block | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 0 | 50 | 50 | 13 | 13 |
| Bloomington | 31 | 31 | 31 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 20 | 20 | 20 | 20 | 20 | 31 | 31 | 31 | 20 | 20 |
| Blue Ridge | 41 | 41 | 41 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 0 | 0 | 11 | 11 | 0 | 41 | 41 | 11 | 11 |
| Bluff Hall (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 | 0 |
| Bluff Hall (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bluffs | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bluff Springs | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 13 |
| Bodman | 37 | 0 | 37 | 0 | 0 | 6 | 0 | 0 | 0 | 6 | 0 | 0 | 50 | 50 | 50 | 12 | 12 | 0 | 12 | 12 | 37 | 37 | 37 | 12 | 12 |
| Bolivia | 21 | 0 | 21 | 0 | 0 | 0 | 15 | 0 | 15 | 15 | 15 | 15 | 0 | 0 | 0 | 27 | 27 | 0 | 0 | 27 | 0 | 21 | 33 | 12 | 27 |
| Bondville (IT dely.) | 37 | 37 | 37 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 0 | 12 | 12 | 0 | 37 | 37 | 12 | 12 |
| Bondville (IC dely.) | 37 | 37 | 37 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 12 | 12 | 12 | 0 | 0 | 37 | 0 | 12 |
| Bongard | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 0 | 50 | 50 | 13 | 13 |
| Boody | 21 | 0 | 21 | 0 | 0 | 0 | 15 | 0 | 15 | 15 | 15 | 15 | 0 | 0 | 0 | 27 | 27 | 0 | 0 | 27 | 0 | 21 | 33 | 12 | 27 |
| Bourbon | 40 | 40 | 40 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 12 | 13 | 10 | 40 | 40 | 7 | 13 |
| Boren | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Bowen | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Boyers Siding | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 22 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Braceville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 |
| Bradfordton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 13 |
| Braidwood | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 |
| Breckenridge | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 0 | 21 |
| Breeds | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 10 | 10 | 0 | 31 | 31 | 10 | 12 |
| Brewer | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 26 | 0 | 26 | 26 | 50 | 50 | 50 | 26 | 26 |
| Brick City | 0 | 20 | 20 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 0 |
| Broadmoor | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 17 | 19 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Broadwell (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Broadwell (Alton dely.) | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Broadlands | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 35 | 35 | 35 | 13 | 13 |
| Brocton | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 19 | 19 | 19 | 50 | 50 | 50 | 19 | 19 |
| Brokaw | 31 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 20 | 0 | 20 | 20 | 0 | 31 | 31 | 20 | 20 |
| Bronson (C&EI-CCC&StL dely.) | 45 | 45 | 45 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 13 | 13 | 13 | 45 | 45 | 45 | 13 | 13 |
| Bronson (IT dely.) | 45 | 45 | 45 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 13 | 0 | 25 | 0 | 45 | 0 | 13 | 0 |
| Brothers | 45 | 45 | 45 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 45 | 45 | 45 | 13 | 13 |
| Bruce | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 6 | 6 | 0 | 0 | 33 | 0 | 6 |
| Bryce | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 25 | 25 | 10 | 10 |
| Buckhart | 21 | 0 | 21 | 0 | 0 | 0 | 15 | 0 | 15 | 15 | 15 | 15 | 0 | 0 | 0 | 27 | 27 | 0 | 0 | 27 | 0 | 21 | 36 | 12 | 27 |
| Buckingham | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 28 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Buckley | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bucks | 31 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 20 | 0 | 0 | 20 | 20 | 0 | 31 | 31 | 20 | 20 |
| Buda | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 17 | 19 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Budd | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 0 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Buffalo (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 6 | 10 | 0 | 0 | 20 | 0 | 10 |
| Buffalo (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Buffalo Hart | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Burgess | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burlingame | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burnside (Hancock Co.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 15 | 15 | 0 | 0 |
| Burrowsville | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 12 | 12 | 12 | 32 | 22 | 32 | 12 | 12 |
| Burt | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Burtonview | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bushell Siding | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bushnell | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 6 | 20 | 6 | 0 | 21 | 21 | 6 | 6 |
| Bushton | 44 | 0 | 44 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 7 | 44 | 44 | 44 | 7 | 7 |
| Butler's | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 0 |
| Cabery | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 28 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cadwell | 33 | 33 | 33 | 43 | 43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 33 | 33 | 33 | 6 | 6 |
| Caldwell | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| Caldwell (Champaign County) | 37 | 37 | 37 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 0 |
| Camargo | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 13 | 13 | 13 | 35 | 35 | 35 | 13 | 13 |
| Cambridge | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 17 | 0 | 10 | 10 |
| Cameron (AT&SF dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

**PRICE TABLE NO. 25.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO 38—Continued

Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown

| Destinations | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Cameron (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cameron (RIS dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 0 |
| Campbell | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 5 | 30 | 28 | 30 | 45 | 5 | 0 | 0 | 45 | 0 | 25 | 25 | 5 | 5 |
| Camp Grove | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 17 | 19 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Campus | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cantine | 50 | 0 | 50 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 10 | 10 | 50 | 50 | 50 | 48 | 10 |
| Canton (TP&W dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 10 | 10 | 0 | 31 | 31 | 10 | 12 |
| Canton (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Carle Springs | 31 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 20 | 0 | 0 | 20 | 20 | 0 | 31 | 31 | 20 | 20 |
| Carlinville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Carlocks | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 20 | 0 | 10 |
| Carlock | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Cash | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Carthage | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Casner | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 0 | 12 | 12 | 32 | 22 | 32 | 12 | 12 |
| Cass | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 13 |
| Cedar Point | 0 | 17 | 17 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Center | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 50 | 21 | 21 | 13 | 13 |
| Cereal | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cerro Gordo (IT dely.) | 37 | 37 | 37 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 0 | 12 | 12 | 32 | 37 | 37 | 12 | 12 |
| Cerro Gordo (Wab. dely.) | 37 | 37 | 37 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 0 | 0 | 37 | 0 | 12 |
| Champaign | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 19 | 19 | 19 | 19 | 19 | 50 | 50 | 50 | 19 | 19 |
| Champlin | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 |
| Chapin | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chapman | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 40 | 0 | 0 | 49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Charlotte | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 28 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chatsworth (TP&W dely.) | 0 | 21 | 21 | 24 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 48 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Chatsworth (IC dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chatton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chebanse | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cheneyville (CMStP&P dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 30 | 30 | 0 | 30 | 50 | 50 | 50 | 30 | 30 |
| Cheneyville (NYC&StL dely.) | 32 | 32 | 32 | 35 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 32 | 32 | 32 | 12 | 12 |
| Chenoa | 0 | 21 | 21 | 24 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 48 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Chestervale | 21 | 21 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 0 |
| Chesterville | 40 | 40 | 40 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 7 | 40 | 40 | 40 | 7 | 7 |
| Chesnut | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 17 | 19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chillicothe (CRI&P dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 5 | 5 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 22 | 0 | 15 |
| Chillicothe (AT&SF dely.) | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chipps | 33 | 0 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 6 | 6 | 33 | 33 | 33 | 6 | 6 |
| Cissna Park | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 36 | 25 | 25 | 15 |
| Cissna Junction | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 0 | 20 |
| Cisco | 37 | 37 | 37 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 12 | 12 | 12 | 0 | 0 | 0 | 0 | 0 |
| Civer | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 6 | 20 | 6 | 0 | 21 | 21 | 6 | 6 |
| Clarence | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 18 | 18 | 18 | 18 | 50 | 50 | 50 | 23 | 18 |
| Clarksburg | 18 | 18 | 18 | 33 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 0 | 0 | 23 | 0 | 6 |
| Clay | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Clayton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Claytonville | 36 | 0 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 36 | 20 | 25 | 5 |
| Clifton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clinton | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 15 | 15 | 15 | 15 | 35 | 35 | 35 | 15 | 15 |
| Coal City | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Coal Shaft | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Coal Valley | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Colfeen | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 0 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Coles | 33 | 33 | 33 | 33 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 48 | 46 | 48 | 6 | 0 | 6 | 6 | 6 | 0 | 33 | 33 | 6 | 6 |
| Colfax | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Collison | 45 | 45 | 45 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 45 | 45 | 45 | 13 | 13 |
| Colona | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 14 | 14 | 14 | 0 | 14 | 0 | 17 | 17 | 14 | 14 |
| Combs Switch | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 0 | 15 | 15 | 15 | 0 | 0 | 35 | 0 | 15 |
| Community | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Condit | 37 | 37 | 37 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 0 | 12 | 12 | 32 | 37 | 37 | 12 | 12 |



**PRICE TABLE NO. 25.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown

| Destinations | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Cones | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 0 | 10 | 0 |
| Congerville | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Converse Branch | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cooksville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cooper | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cornell | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 |
| Cornland | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Cowden | 11 | 11 | 11 | 21 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 11 | 0 | 0 |
| Cox | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 5 | 0 | 0 | 5 | 5 | 0 | 25 | 25 | 5 | 5 |
| Craig | 35 | 0 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 0 | 0 | 15 | 15 | 35 | 35 | 35 | 15 | 15 |
| Craigs | 40 | 40 | 40 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 0 | 40 | 40 | 7 | 13 |
| Cramers | 9 | 9 | 9 | 12 | 12 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 9 | 0 | 0 | 9 | 13 | 0 | 4 |
| Crampton | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 10 | 10 | 0 | 17 | 0 | 10 | 10 |
| Crandall (AT&SF dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Crandall (NYC&StL) | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Crawfold | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 5 | 0 | 0 | 5 | 5 | 0 | 25 | 25 | 5 | 5 |
| Crescent City | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 27 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Cropsey | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cruger | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 48 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Crumbaugh | 36 | 36 | 36 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 0 | 15 | 15 | 15 | 0 | 0 | 36 | 0 | 15 |
| Cuba (Fulton County) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 6 | 20 | 6 | 0 | 21 | 21 | 6 | 6 |
| Cullom | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 28 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Curran | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cushman | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 0 | 0 | 33 | 0 | 6 |
| Custer | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cutmer | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Dalley | 43 | 43 | 43 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 43 | 43 | 6 | 18 |
| Dahinda | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dallas City | 0 | 36 | 36 | 36 | 36 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Dalton City | 32 | 32 | 32 | 37 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 48 | 46 | 48 | 6 | 0 | 6 | 6 | 6 | 27 | 32 | 32 | 0 | 6 |
| Dana | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Danforth | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Danvers (CCC&StL dely.) | 21 | 21 | 21 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 21 | 21 | 21 | 13 | 13 |
| Danvers (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| Danville | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 26 | 26 | 26 | 26 | 26 | 50 | 50 | 50 | 28 | 26 |
| Darrow | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Dawson (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Dawson (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dawson Park | 39 | 0 | 39 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 39 | 30 | 30 | 15 |
| Day | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 5 | 0 | 0 | 5 | 5 | 25 | 25 | 25 | 5 | 5 |
| Decatur (B&O-IC-Penna dely.) | 32 | 32 | 32 | 42 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 12 | 12 | 12 | 12 | 32 | 32 | 32 | 12 | 12 |
| Decatur (IT dely.) | 32 | 32 | 32 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 12 | 0 | 0 | 12 | 0 | 32 | 37 | 12 | 12 |
| Decatur (Wab. dely.) | 37 | 37 | 37 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 0 | 0 | 12 | 0 | 37 | 37 | 12 | 12 |
| Decorra | 0 | 26 | 26 | 26 | 26 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Deer Creek | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Deer's | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 0 | 0 | 19 | 19 | 0 | 50 | 0 | 19 | 0 |
| Deland | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 0 | 15 | 15 | 15 | 0 | 35 | 0 | 0 | 15 |
| Delevan | 8 | 8 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 38 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| De Long | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 13 | 13 | 0 | 50 | 50 | 13 | 13 |
| Del Ray | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Denver | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Derby | 31 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 20 | 0 | 20 | 20 | 0 | 31 | 31 | 20 | 20 |
| Derry Farm | 21 | 0 | 21 | 0 | 0 | 0 | 15 | 0 | 15 | 15 | 15 | 15 | 0 | 0 | 0 | 27 | 27 | 0 | 0 | 27 | 0 | 21 | 36 | 12 | 27 |
| Dewey | 41 | 41 | 41 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 11 | 0 | 11 | 11 | 11 | 0 | 41 | 41 | 11 | 11 |
| De Witt | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 0 | 15 | 15 | 15 | 0 | 0 | 35 | 0 | 15 |
| Dickerson | 41 | 41 | 41 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 11 | 0 | 11 | 11 | 11 | 0 | 0 | 41 | 0 | 11 |
| Dickeys | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 28 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dillsburg | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 18 | 0 | 18 | 18 | 18 | 0 | 15 | 50 | 0 | 18 |
| Disco | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 17 | 15 | 0 | 0 |
| Divine | 0 | 17 | 17 | 20 | 20 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 45 | 17 | 10 | 10 |
| Dolan | 45 | 0 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 13 | 13 | 50 | 0 | 45 | 13 | 13 |
| Doney | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Donnellson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 0 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Donovan | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Dora | 42 | 0 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 7 | 42 | 42 | 42 | 7 | 7 |
| Dorans | 42 | 42 | 42 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 7 | 0 | 7 | 7 | 7 | 42 | 0 | 42 | 0 | 7 |

**PRICE TABLE NO. 25.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown

| Destinations | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Douglas | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Downs | 31 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 20 | 0 | 20 | 20 | 20 | 31 | 31 | 31 | 20 | 20 |
| Dressor | 15 | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 15 | 15 | 0 | 0 |
| Duey | 31 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 20 | 0 | 0 | 20 | 20 | 0 | 31 | 31 | 20 | 20 |
| Dunkel | 26 | 26 | 26 | 36 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 6 | 6 | 26 | 0 | 26 | 0 | 6 |
| Dunlap | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 0 | 10 | 10 |
| Dunn | 32 | 32 | 32 | 37 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 48 | 46 | 48 | 6 | 0 | 6 | 6 | 6 | 0 | 0 | 32 | 0 | 6 |
| Duvall | 33 | 0 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 33 | 33 | 33 | 6 | 6 |
| Dwight (NYC dely.) | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 0 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Dwight (Alton dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 |
| Earls | 31 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 20 | 0 | 0 | 20 | 20 | 0 | 31 | 31 | 20 | 20 |
| Easthurn | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 24 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| East Decatur | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 12 | 12 | 12 | 0 | 0 | 37 | 0 | 12 |
| East Ft. Madison | 0 | 20 | 20 | 20 | 20 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| East Galesburg | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Hannibal (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Hannibal (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 0 | 0 | 0 | 26 | 0 | 0 | 0 | 0 | 0 |
| East Keokuk | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 15 | 0 | 0 | 0 | 0 |
| East Lynn | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 18 | 0 | 18 | 18 | 50 | 50 | 50 | 18 | 18 |
| Easton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Peoria (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| East Peoria (NYC&StL dely.) | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 50 | 13 | 0 | 21 | 21 | 13 | 13 |
| East Springfield | 21 | 0 | 21 | 0 | 0 | 0 | 15 | 0 | 15 | 15 | 15 | 15 | 0 | 0 | 0 | 27 | 27 | 0 | 0 | 27 | 0 | 21 | 36 | 12 | 27 |
| Eden | 9 | 9 | 9 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 9 | 0 | 0 | 9 | 13 | 0 | 4 |
| Edelstein | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Edinburg | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 0 | 24 |
| Edwards | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Effner | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 34 | 0 | 10 | 0 | 22 | 22 | 10 | 10 |
| Elders | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Eleanor | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 0 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Elkhart (Alton dely.) | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elkhart (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Elkins | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| Elliott | 42 | 0 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 21 | 21 | 0 | 21 | 21 | 42 | 42 | 42 | 21 | 21 |
| Ellis | 43 | 43 | 43 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 53 | 43 | 6 | 18 |
| Elmwood | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| El Paso (TP&W dely.) | 0 | 21 | 21 | 24 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| El Paso (IC dely.) | 18 | 18 | 18 | 23 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 45 | 43 | 45 | 6 | 0 | 5 | 6 | 6 | 0 | 0 | 0 | 0 | 0 |
| Ellsworth | 31 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 20 | 0 | 20 | 20 | 31 | 31 | 31 | 20 | 20 |
| Elveston (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Elveston (TP&W dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 15 | 15 | 0 | 0 |
| Elwin | 26 | 26 | 26 | 36 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 6 | 6 | 26 | 0 | 26 | 0 | 6 |
| Emden | 9 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 38 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Emery | 25 | 25 | 25 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 5 | 0 | 5 | 5 | 5 | 0 | 25 | 25 | 5 | 5 |
| Empiro | 36 | 0 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 15 | 0 | 15 | 15 | 36 | 36 | 36 | 15 | 15 |
| Ennis | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Enright | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 48 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Eureka (TP&W dely.) | 0 | 21 | 21 | 24 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 48 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Eureka (AT&SF dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Evans | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Eylar | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 22 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fairbanks | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 40 | 40 | 40 | 13 | 13 |
| Fairbury (TP&W dely.) | 0 | 21 | 21 | 24 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 48 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Fairbury (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fair Orange | 44 | 44 | 44 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 7 | 44 | 44 | 44 | 7 | 7 |
| Fairgrounds | 33 | 0 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 33 | 33 | 33 | 6 | 6 |
| Fairland | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 35 | 35 | 35 | 13 | 13 |
| Fairmount | 40 | 40 | 40 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 50 | 50 | 50 | 13 | 13 |
| Fall Creek (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fall Creek (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 | 0 |
| Fancher | 11 | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 11 | 0 | 0 |

**PRICE TABLE NO. 25.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Farmdale (Penna dely.) | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 50 | 21 | 21 | 13 | 13 |
| Farmdale (NYC&StL dely.) | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 31 | 13 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| Farmdale (TP&W dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 45 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| Farmer City | 41 | 41 | 41 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 11 | 11 | 11 | 11 | 11 | 41 | 41 | 41 | 11 | 11 |
| Farmingdale | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 13 |
| Farmington (M&StL dely.) | 9 | 9 | 9 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 25 | 28 | 0 | 0 | 0 | 9 | 0 | 0 | 9 | 13 | 0 | 4 |
| Farmington (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Ferndale | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ferris | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 15 | 15 | 0 | 0 |
| Ficklin | 40 | 0 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 0 | 19 | 19 | 40 | 40 | 40 | 19 | 19 |
| Fillmore | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 49 | 49 | 0 | 0 | 49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Filson | 42 | 42 | 42 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 7 | 7 | 7 | 42 | 42 | 47 | 7 | 7 |
| Findlay | 33 | 33 | 33 | 43 | 43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 33 | 33 | 33 | 6 | 6 |
| Fisher | 41 | 41 | 41 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 11 | 0 | 11 | 11 | 11 | 0 | 41 | 41 | 11 | 11 |
| Fithian | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 0 | 13 | 13 | 50 | 50 | 50 | 13 | 13 |
| Flanagan | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 49 | 50 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 0 |
| Fletcher | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fogarty | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Foosland | 42 | 42 | 42 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 0 | 0 | 30 | 30 | 0 | 42 | 42 | 30 | 30 |
| Ford Woods | 36 | 0 | 36 | 0 | 0 | 0 | 5 | 5 | 5 | 5 | 5 | 5 | 50 | 50 | 50 | 15 | 25 | 0 | 25 | 15 | 36 | 36 | 36 | 15 | 25 |
| Forrest (TP&W dely.) | 0 | 21 | 21 | 24 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 45 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Forrest (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 |
| Forsyth | 25 | 25 | 25 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 5 | 0 | 5 | 5 | 5 | 0 | 0 | 25 | 0 | 5 |
| Fountain Creek | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 25 | 25 | 10 | 10 |
| Fravert | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Full | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 19 | 0 | 0 | 19 | 19 | 0 | 50 | 50 | 19 | 19 |
| Fullerton | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 0 | 15 | 15 | 15 | 0 | 0 | 35 | 0 | 15 |
| Funk's Grove | 0 | 31 | 31 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 31 | 0 | 0 | 0 | 0 |
| Gales | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 0 | 10 | 0 | 0 | 17 | 10 | 0 |
| Galesburg (RIS dely.) | 0 | 20 | 20 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 17 | 0 | 10 | 10 |
| Galesburg (AT&SF dely.) | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Galesburg (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gales Farm | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Galesville | 47 | 47 | 47 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 0 | 47 | 47 | 12 | 12 |
| Galton | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 35 | 0 | 13 |
| Galva (CRI&P dely.) | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 10 |
| Galva (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Garber | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 |
| Gardena | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| Gardner | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 |
| Garrett | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 19 | 0 | 19 | 19 | 40 | 40 | 40 | 19 | 19 |
| Gays | 30 | 0 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 7 | 30 | 30 | 30 | 7 | 7 |
| Geneseo | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Georgetown (CCC&StL dely.) | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 26 | 26 | 0 | 26 | 26 | 50 | 50 | 50 | 26 | 26 |
| Georgetown (IT dely.) | 25 | 25 | 25 | 28 | 28 | 0 | 2 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 15 |
| Gepford | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 5 | 5 | 0 | 0 | 0 | 0 | 0 |
| Gerald | 43 | 43 | 43 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 43 | 43 | 6 | 18 |
| Gibson City | 42 | 42 | 42 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 21 | 21 | 21 | 21 | 21 | 42 | 42 | 42 | 21 | 21 |
| Gifford | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 18 | 18 | 18 | 18 | 18 | 0 | 50 | 50 | 18 | 18 |
| Gilbirds | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gilchrist | 0 | 20 | 20 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Gillum | 31 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 20 | 20 | 0 | 20 | 20 | 31 | 31 | 31 | 20 | 20 |
| Gilman (TP&W dely.) | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Gilman (IC dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gilson | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gladstone | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Glasford | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 10 | 10 | 0 | 31 | 31 | 10 | 12 |
| Glen Carbon | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Glenovan | 36 | 36 | 36 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 0 | 15 | 15 | 15 | 0 | 36 | 36 | 15 | 15 |
| Glover (IT-CCC&StL dely.) | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 13 | 13 | 13 | 0 | 50 | 50 | 13 | 13 |
| Glover (C&EI dely.) | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 13 | 13 | 13 | 0 | 50 | 50 | 13 | 13 |

**PRICE TABLE NO. 25.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Golden | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Goodfield | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Good Hope | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 15 | 15 | 0 | 0 |
| Goodrich | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 0 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Goodwine | 46 | 0 | 46 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 46 | 30 | 35 | 15 |
| Gordons (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 | 0 |
| Gordons (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gorman | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Granville (NYC dely.) | 22 | 22 | 22 | 25 | 25 | 5 | 5 | 0 | 0 | 5 | 5 | 0 | 47 | 45 | 47 | 15 | 15 | 0 | 10 | 15 | 0 | 22 | 22 | 15 | 15 |
| Granville (CMStP&P dely.) | 0 | 17 | 17 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 17 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Grape Creek | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 26 | 0 | 26 | 26 | 50 | 50 | 50 | 26 | 26 |
| Gravel | 37 | 0 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 0 | 12 | 12 | 37 | 37 | 37 | 12 | 12 |
| Gray | 45 | 0 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 13 | 13 | 0 | 45 | 45 | 13 | 13 |
| Graymont | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 49 | 50 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 0 |
| Green | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| Green River | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Greens Switch | 37 | 37 | 37 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 0 | 0 | 12 | 12 | 0 | 0 | 0 | 37 | 0 | 12 |
| Green Valley | 8 | 8 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 38 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Greenwich | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 0 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Greer | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 20 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 |
| Gridley | 0 | 21 | 21 | 21 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 48 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Griggs | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Griggsville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Griswold | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 22 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Groveland | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Gundy | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 30 | 0 | 0 | 30 | 0 | 50 | 50 | 30 | 30 |
| Gurney (Cass Co.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 13 |
| Guthrie | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 35 | 33 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hadley | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hallock | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 35 | 15 | 0 | 0 | 15 | 0 | 0 | 47 | 0 | 0 |
| Hallville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 38 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hamilton (Hancock Co.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 15 | 15 | 0 | 0 |
| Hamilton (Wab. dely.) | 15 | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 0 |
| Hammond | 40 | 40 | 40 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 19 | 19 | 19 | 40 | 40 | 40 | 19 | 19 |
| Hanna | 9 | 9 | 9 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 9 | 0 | 0 | 9 | 13 | 0 | 4 |
| Hanson (IT dely.) | 15 | 15 | 15 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 |
| Hanson (IC dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Harpster | 42 | 42 | 42 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 21 | 0 | 21 | 21 | 21 | 0 | 0 | 42 | 0 | 21 |
| Harris | 41 | 0 | 41 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 11 | 11 | 0 | 11 | 11 | 41 | 41 | 41 | 11 | 11 |
| Harristown (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 19 | 0 | 10 |
| Harristown (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hartsburg | 8 | 8 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 38 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hastings | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 35 | 35 | 35 | 13 | 13 |
| Havana | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hayes | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 13 | 13 | 13 | 0 | 50 | 50 | 13 | 13 |
| Haynes | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 19 | 0 | 10 |
| Heaton | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 30 | 0 | 0 | 30 | 0 | 50 | 50 | 30 | 30 |
| Heman | 21 | 21 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 0 |
| Hendrix (IT dely.) | 31 | 40 | 31 | 49 | 49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 20 | 0 | 0 | 20 | 20 | 0 | 31 | 31 | 20 | 20 |
| Hendrix (IC dely.) | 31 | 31 | 31 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 20 | 0 | 20 | 20 | 20 | 0 | 0 | 31 | 0 | 20 |
| Henning | 45 | 45 | 45 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 45 | 0 | 13 |
| Henry | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 10 | 10 | 0 | 42 | 40 | 42 | 10 | 20 | 20 | 10 | 10 | 0 | 0 | 22 | 0 | 25 |
| Henry (Tazewell County) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| Hermon | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 0 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Herrick | 15 | 0 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 15 | 15 | 0 | 0 |
| Herscher | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 28 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hersman | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hervey City | 32 | 32 | 32 | 37 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 6 | 6 | 6 | 6 | 6 | 32 | 32 | 32 | 6 | 6 |
| Hessar | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Heyworth | 31 | 40 | 31 | 49 | 49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 20 | 0 | 0 | 20 | 20 | 31 | 31 | 31 | 20 | 20 |
| Hickman | 46 | 0 | 46 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 46 | 30 | 35 | 15 |
| Hicks | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Hight | 32 | 32 | 32 | 37 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 6 | 0 | 6 | 6 | 6 | 0 | 0 | 32 | 0 | 6 |
| Hilliary | 45 | 0 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 0 | 13 | 13 | 45 | 45 | 45 | 13 | 13 |



**PRICE TABLE NO. 25.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Hindsboro | 42 | 42 | 42 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 7 | 42 | 42 | 42 | 7 | 7 |
| Holder | 31 | 31 | 31 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 20 | 0 | 20 | 20 | 31 | 31 | 31 | 20 | 20 |
| Holland | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 12 | 0 | 0 |
| Holliday | 11 | 11 | 11 | 21 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 11 | 0 | 0 |
| Holmes | 8 | 8 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 38 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Homer | 40 | 40 | 40 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 50 | 50 | 50 | 13 | 13 |
| Hooper | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Hoopeston (C&EI dely.) | 32 | 32 | 32 | 35 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 12 | 12 | 12 | 32 | 32 | 32 | 12 | 12 |
| Hoopeston (NYC&StL dely.) | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 12 | 12 | 12 | 0 | 50 | 0 | 32 | 0 |
| Hopkins Park | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 17 | 5 | 10 |
| Hudson | 18 | 18 | 18 | 23 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 43 | 41 | 43 | 6 | 0 | 5 | 6 | 6 | 0 | 0 | 0 | 0 | 0 |
| Hulls (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hulls (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Humbolt | 42 | 42 | 42 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 7 | 0 | 7 | 7 | 7 | 0 | 0 | 42 | 0 | 7 |
| Hume | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 26 | 26 | 26 | 26 | 63 | 63 | 63 | 26 | 26 |
| Hurlburt | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Hustle (C&EI dely.) | 43 | 43 | 43 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 18 | 18 | 0 | 18 | 0 | 43 | 43 | 18 | 18 |
| Hustle (NYC&StL dely.) | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 18 | 18 | 18 | 18 | 0 | 50 | 50 | 18 | 18 |
| Iles | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Illiopolis (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 19 | 0 | 10 |
| Illiopolis (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Indianola | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 0 | 0 | 26 | 26 | 50 | 50 | 50 | 26 | 26 |
| Iroquois | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Irwin | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 44 | 42 | 44 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Island Grove | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ivesdale | 43 | 43 | 43 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 0 | 43 | 43 | 12 | 12 |
| Jacksonville (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | 8 | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jacksonville (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 0 | 0 | 0 |
| Jacksonville Junction | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jamaica | 47 | 47 | 47 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 20 | 20 | 47 | 47 | 47 | 20 | 20 |
| Jamesburg | 45 | 45 | 45 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 45 | 45 | 45 | 13 | 13 |
| Jenkins | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 38 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Johannott | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 30 | 0 | 0 | 30 | 0 | 50 | 50 | 30 | 30 |
| Joy Prairie | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kappa | 18 | 18 | 18 | 23 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 43 | 41 | 43 | 6 | 0 | 5 | 6 | 6 | 0 | 0 | 0 | 0 | 0 |
| Keithsburg | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 0 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Keller | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 10 |
| Keller (Macon Co.) | 37 | 0 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 0 | 12 | 12 | 0 | 37 | 37 | 12 | 12 |
| Kemp | 42 | 42 | 42 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 7 | 7 | 42 | 42 | 42 | 7 | 7 |
| Kempton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 28 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kenney (Penna dely.) | 31 | 0 | 31 | 0 | 0 | 8 | 10 | 0 | 0 | 17 | 10 | 0 | 0 | 0 | 0 | 23 | 23 | 0 | 20 | 23 | 50 | 31 | 31 | 23 | 23 |
| Kenney (IC dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 17 | 19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kernan | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kerrick | 18 | 18 | 18 | 23 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 43 | 41 | 43 | 6 | 0 | 5 | 6 | 6 | 0 | 0 | 0 | 0 | 0 |
| Keys | 21 | 0 | 21 | 0 | 0 | 0 | 15 | 0 | 15 | 15 | 15 | 15 | 0 | 0 | 0 | 27 | 27 | 0 | 0 | 27 | 0 | 21 | 36 | 12 | 27 |
| Kinderhook | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kingman | 18 | 0 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 0 | 6 | 6 | 18 | 18 | 18 | 6 | 6 |
| Kings | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 0 |
| King's Crossing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 0 | 0 | 19 | 19 | 0 | 0 | 50 | 0 | 19 |
| Kinsman | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kirk | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 0 | 0 | 0 | 0 | 0 |
| Kirkwood | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kirksville | 37 | 0 | 37 | 0 | 0 | 6 | 0 | 6 | 0 | 0 | 0 | 6 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 37 | 37 | 37 | 6 | 6 |
| Knowles | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 30 | 0 | 0 | 30 | 0 | 50 | 50 | 30 | 30 |
| Knox | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Knoxville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Koster | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 0 | 22 | 17 | 10 | 10 |
| Kruger | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kumler | 42 | 12 | 42 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 21 | 0 | 11 | 11 | 21 | 0 | 0 | 41 | 0 | 11 |
| La Crosse | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 15 | 15 | 0 | 0 |
| La Fayette | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 10 |
| La Harpe | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 15 | 15 | 0 | 0 |
| La Hogue | 0 | 21 | 21 | 21 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 48 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Lake City | 32 | 32 | 32 | 37 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 0 | 6 | 6 | 32 | 32 | 32 | 6 | 6 |
| Lake Fork | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |

**PRICE TABLE NO. 25.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Lakewood (Shelby Co.) | 27 | 27 | 27 | 37 | 37 | 0 | 6 | 6 | 6 | 0 | 6 | 6 | 0 | 0 | 0 | 6 | 0 | 0 | 6 | 6 | 27 | 27 | 27 | 6 | 6 |
| Lanes | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 0 | 15 | 15 | 15 | 35 | 0 | 35 | 0 | 15 |
| Lanesville (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 19 | 0 | 10 |
| Lanesville (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Langham | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 0 |
| Lanton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 0 | 0 | 19 | 19 | 0 | 0 | 0 | 0 | 0 |
| La Place | 22 | 22 | 22 | 32 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 0 | 12 | 12 | 32 | 22 | 32 | 12 | 12 |
| Lark | 37 | 0 | 37 | 0 | 0 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 0 | 12 | 12 | 0 | 37 | 37 | 12 | 12 |
| La Rose | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Latham | 21 | 21 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 0 |
| Laura | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Laurette | 41 | 0 | 41 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 21 | 0 | 0 | 41 | 0 | 11 | 0 |
| Lawndale | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Laws Switch | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 22 | 17 | 10 | 10 |
| Leeds | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lehigh (NYC dely.) | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 0 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Lehigh (IC dely.) | 1 | 1 | 1 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 44 | 42 | 44 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leonard | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 27 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Le Roy | 36 | 36 | 36 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 15 | 15 | 15 | 15 | 36 | 36 | 36 | 15 | 15 |
| Leslie | 21 | 21 | 21 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 0 | 13 | 13 | 21 | 21 | 21 | 13 | 13 |
| Leverett | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 18 | 0 | 18 | 18 | 18 | 0 | 50 | 50 | 18 | 18 |
| Lilly (CCC&StL dely.) | 21 | 21 | 21 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 0 | 13 | 13 | 21 | 21 | 21 | 13 | 13 |
| Lilly (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| Lincoln (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Lincoln (IC dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 0 | 50 | 50 | 50 | 13 | 13 | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 48 |
| Lincoln (Alton dely.) | 0 | 21 | 21 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 21 | 0 | 0 | 0 | 0 |
| Lintner | 32 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 0 | 12 | 12 | 42 | 32 | 42 | 12 | 12 |
| Lipsey | 33 | 33 | 33 | 33 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 48 | 46 | 48 | 6 | 0 | 6 | 6 | 6 | 0 | 33 | 0 | 6 | 0 |
| Little York | 17 | 20 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 0 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Loda | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lodemia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 |
| Lodge | 37 | 37 | 37 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 12 | 12 | 12 | 12 | 37 | 37 | 37 | 12 | 12 |
| Lomax (AT&SF dely.) | 0 | 26 | 26 | 26 | 26 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lomax (TP&W dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 0 | 0 | 0 | 0 |
| London Mills | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 0 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Long Creek | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 12 | 12 | 12 | 32 | 22 | 32 | 12 | 12 |
| Long Point (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 19 | 0 | 10 |
| Long Point (AT&SF dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Long View | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 35 | 35 | 35 | 13 | 13 |
| Lorenzo | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lostant (IC dely.) | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Lostant (NYC dely.) | 22 | 22 | 22 | 25 | 25 | 5 | 5 | 0 | 0 | 5 | 5 | 0 | 50 | 50 | 50 | 15 | 15 | 0 | 10 | 15 | 0 | 22 | 22 | 15 | 15 |
| Lotus | 41 | 41 | 41 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 11 | 11 | 11 | 11 | 11 | 41 | 41 | 41 | 11 | 11 |
| Lovington | 40 | 40 | 40 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 13 | 13 | 13 | 40 | 40 | 40 | 13 | 13 |
| Loxa | 27 | 27 | 27 | 42 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 7 | 7 | 7 | 7 | 7 | 27 | 27 | 27 | 7 | 7 |
| Lucas | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Ludlow | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 18 | 0 | 18 | 18 | 18 | 0 | 50 | 50 | 18 | 18 |
| McCall | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 15 | 15 | 0 | 0 |
| McCown | 35 | 0 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 35 | 35 | 35 | 13 | 13 |
| McDowell | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 |
| McGowans Crossing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| McIntosh | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| McLean | 0 | 31 | 31 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 31 | 0 | 0 | 0 | 0 |
| McNabb | 22 | 22 | 22 | 25 | 25 | 5 | 5 | 0 | 0 | 5 | 5 | 0 | 50 | 50 | 50 | 15 | 15 | 0 | 10 | 15 | 0 | 22 | 22 | 15 | 15 |
| McNulta | 42 | 42 | 42 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 21 | 0 | 21 | 21 | 21 | 0 | 0 | 42 | 0 | 21 |
| McVey | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mabel | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 0 | 19 | 19 | 50 | 50 | 50 | 19 | 19 |
| Mackinaw (Penna dely.) | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 50 | 21 | 21 | 13 | 13 |
| Mackinaw (CCC&StL dely.) | 21 | 21 | 21 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 0 | 0 | 13 | 21 | 21 | 21 | 13 | 13 |
| Mackinaw (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 0 | 0 | 21 | 0 | 13 |
| Mackinaw Junction | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 21 | 0 | 13 |
| Macomb | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Macon | 26 | 26 | 26 | 36 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 6 | 6 | 0 | 0 | 26 | 0 | 6 |
| Magner | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

PRICE TABLE NO. 25.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Magnet | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 25 | 0 | 0 | 0 | 0 |
| Mahomet | 47 | 0 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 12 | 0 | 12 | 12 | 47 | 47 | 47 | 12 | 12 |
| Maizetown | 47 | 47 | 47 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 20 | 20 | 47 | 47 | 47 | 20 | 20 |
| Mansfield | 47 | 47 | 47 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 12 | 12 | 12 | 12 | 47 | 47 | 47 | 12 | 12 |
| Manville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 |
| Mapleton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 10 | 10 | 0 | 31 | 31 | 10 | 12 |
| Maquon | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marblehead (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marblehead (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 48 | 48 | 0 | 0 | 0 | 0 | 50 | 50 | 0 | 0 | 50 | 0 | 0 | 0 | 0 | 0 |
| Marietta | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 6 | 20 | 6 | 0 | 21 | 21 | 6 | 6 |
| Markham | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Maroa (IC-IT dely.) | 25 | 25 | 25 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 5 | 5 | 5 | 0 | 5 | 25 | 25 | 25 | 5 | 5 |
| Maroa (Penna dely.) | 25 | 25 | 25 | 35 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 5 | 5 | 5 | 5 | 25 | 25 | 25 | 5 | 5 |
| Martin | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 5 | 0 | 0 | 5 | 5 | 0 | 25 | 25 | 5 | 5 |
| Martinton | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 0 | 22 | 17 | 10 | 10 |
| Mason (Piatt Co.) | 37 | 0 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 0 | 12 | 12 | 0 | 37 | 37 | 12 | 12 |
| Mason City | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Matherville | 0 | 20 | 20 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Mattoon | 27 | 27 | 27 | 42 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 7 | 7 | 7 | 7 | 7 | 27 | 27 | 27 | 7 | 7 |
| Maxwell | 9 | 9 | 9 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 9 | 0 | 0 | 9 | 13 | 0 | 4 |
| Maysville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mayview | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 0 | 19 | 19 | 50 | 50 | 50 | 19 | 19 |
| Mazon | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Meadows (McLean Co.) | 0 | 21 | 21 | 24 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 48 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Mechanicsburg | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Media | 0 | 26 | 26 | 26 | 26 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Meeks | 0 | 0 | 0 | 0 | 0 | 10 | 4 | 0 | 4 | 10 | 4 | 10 | 0 | 0 | 0 | 20 | 20 | 0 | 0 | 20 | 0 | 50 | 50 | 20 | 30 |
| Meharry | 42 | 42 | 42 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 21 | 0 | 11 | 21 | 21 | 0 | 0 | 0 | 0 | 0 |
| Melvin | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 35 | 33 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Melwood | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 19 | 19 | 19 | 50 | 50 | 50 | 19 | 19 |
| Menert | 21 | 21 | 21 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 0 | 13 | 13 | 21 | 21 | 21 | 13 | 13 |
| Meredosia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Merna | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Metcalfe | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 19 | 19 | 19 | 50 | 50 | 50 | 19 | 19 |
| Middle Grove | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 0 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Middlesworth | 23 | 0 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 0 | 6 | 6 | 23 | 23 | 23 | 6 | 6 |
| Midland City (IC dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 38 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

PRICE TABLE NO. 25.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Monmouth (RIS dely.) | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Monticello | 37 | 37 | 37 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 12 | 12 | 12 | 12 | 37 | 37 | 37 | 12 | 12 |
| Moon | 0 | 7 | 7 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morgan | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Moronts (CMStP&P dely.) | 0 | 17 | 17 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Moronts (NYC dely.) | 22 | 22 | 22 | 25 | 25 | 5 | 5 | 0 | 0 | 5 | 5 | 0 | 0 | 0 | 0 | 15 | 15 | 0 | 10 | 15 | 0 | 22 | 22 | 15 | 15 |
| Morse | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 17 | 19 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Mortimer | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 19 | 19 | 19 | 19 | 0 | 50 | 50 | 19 | 19 |
| Morton (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| Morton (Penna dely.) | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 50 | 21 | 21 | 13 | 13 |
| Morton (AT&SF dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mossville | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 5 | 5 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 22 | 0 | 15 |
| Mt. Auburn | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 15 | 15 | 15 | 15 | 0 | 0 | 0 | 27 | 27 | 0 | 21 | 27 | 0 | 21 | 36 | 12 | 27 |
| Mt. Fulcher | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Mt. Joy | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 50 | 21 | 21 | 13 | 13 |
| Mt. Pulaski | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 0 |
| Mt. Sterling | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mt. Zion | 32 | 32 | 32 | 42 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 12 | 12 | 12 | 12 | 32 | 32 | 32 | 12 | 12 |
| Moweaqua | 26 | 26 | 26 | 36 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 6 | 6 | 0 | 0 | 26 | 0 | 6 |
| Munce Switch | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Muncie (CCC&StL dely.) | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 50 | 50 | 50 | 13 | 13 |
| Muncie (IT dely.) | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 13 | 13 | 0 | 50 | 50 | 13 | 13 |
| Mungers (CB&Q dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mungers (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 | 0 |
| Murdock | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 35 | 35 | 35 | 13 | 13 |
| Myron | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 20 | 0 | 0 | 20 | 0 | 50 | 35 | 20 | 30 |
| Naples | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Narita | 21 | 21 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 0 |
| Neeleys | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nelson (Iroquois Co.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Nemo (AT&SF dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Nemo (M&StL dely.) | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 0 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Neoga | 25 | 25 | 25 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 13 | 13 | 13 | 25 | 25 | 25 | 13 | 13 |
| Nevada | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| New Berlin | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Newell | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 35 | 25 | 0 | 0 | 25 | 0 | 0 | 50 | 0 | 30 |
| New Holland | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Newman | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 35 | 35 | 35 | 13 | 13 |
| New Philadelphia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 6 | 20 | 6 | 0 | 21 | 21 | 6 | 6 |
| New Salem | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Niantic (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 19 | 0 | 10 |
| Niantic (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Normal | 31 | 31 | 31 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 20 | 20 | 20 | 20 | 20 | 31 | 31 | 31 | 20 | 20 |
| Norris | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| North Hampton | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Hooper | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Norwood | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oak Hill | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Oakland (NYC&StL dely.) | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 12 | 12 | 0 | 19 | 50 | 50 | 50 | 12 | 19 |
| Oakland (Penna dely.) | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 12 | 12 | 12 | 12 | 50 | 50 | 50 | 12 | 12 |
| Oaklawn | 41 | 41 | 41 | 44 | 44 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 26 | 0 | 26 | 26 | 41 | 41 | 41 | 26 | 26 |
| Oakley | 37 | 37 | 37 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 0 | 12 | 12 | 0 | 37 | 37 | 12 | 12 |
| Oakwood | 45 | 45 | 45 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 0 | 13 | 13 | 45 | 45 | 45 | 13 | 13 |
| Oconee | 15 | 15 | 15 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 15 | 0 | 0 |
| Ogden | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 0 | 13 | 13 | 50 | 50 | 50 | 13 | 13 |
| Ogle | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 0 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Oglesby (CMSTP&P dely.) | 0 | 17 | 17 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 22 | 10 | 10 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Oglesby (IC dely.) | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Oil City | 0 | 20 | 20 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 0 |
| Olin | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Onarga | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |



PRICE TABLE NO. 25.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

PRICE TABLE NO. 25.—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

**PRICE TABLE NO. 25.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Selbytown | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Seville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 6 | 20 | 6 | 0 | 21 | 21 | 6 | 6 |
| Seymour (IT dely.) | 37 | 0 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 0 | 12 | 12 | 0 | 37 | 37 | 12 | 12 |
| Seymour (IC dely.) | 37 | 37 | 37 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 12 | 12 | 12 | 0 | 0 | 37 | 0 | 12 |
| Shale City | 0 | 20 | 20 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Sharpsburg (Christian County) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 0 | 24 |
| Shaws | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sheffield | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Sheldon (CCC&StL dely.) | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Sheldon (TP&W dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 24 | 10 | 10 | 0 | 0 | 22 | 0 | 10 |
| Shelbyville | 23 | 23 | 23 | 43 | 43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 6 | 6 | 6 | 23 | 0 | 23 | 6 | 6 |
| Shepards | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sherman (Alton dely.) | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sherman (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Sherrard | 17 | 20 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 0 |
| Shirley | 0 | 31 | 31 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 31 | 0 | 0 | 0 | 0 |
| Shops | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shumway | 18 | 18 | 18 | 23 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 18 | 0 | 0 |
| Sibley | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 |
| Sickmans | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 6 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 0 |
| Sidell | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 26 | 26 | 26 | 26 | 50 | 50 | 50 | 26 | 26 |
| Sidney | 40 | 40 | 40 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 50 | 50 | 50 | 13 | 13 |
| Sigel | 25 | 25 | 25 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 13 | 13 | 13 | 25 | 0 | 25 | 0 | 13 |
| Skelton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 38 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sloan | 43 | 43 | 43 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 0 | 0 | 0 | 0 | 0 |
| Smithdale | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Smithfield | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 6 | 20 | 6 | 0 | 21 | 21 | 6 | 6 |
| Smithshire | 0 | 23 | 23 | 23 | 23 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Snells | 31 | 0 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 20 | 0 | 0 | 20 | 20 | 31 | 31 | 31 | 20 | 20 |
| Southern Junction | 17 | 0 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 17 | 10 | 10 |
| South Pekin | 8 | 8 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 38 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sparland | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 10 | 10 | 0 | 42 | 40 | 42 | 10 | 20 | 20 | 10 | 10 | 0 | 0 | 22 | 0 | 25 |
| Spaulding (Sangamon Co.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Speer | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 17 | 19 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Spencers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Spires | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 49 | 50 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 0 |
| Springfield (B&O dely.) | 12 | 0 | 12 | 0 | 0 | 0 | 15 | 0 | 15 | 15 | 15 | 15 | 0 | 0 | 0 | 27 | 27 | 0 | 0 | 27 | 0 | 21 | 36 | 12 | 27 |
| Springfield (IC-IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 20 | 0 | 10 |
| Springfield (Wab. dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Springfield (CP&StL dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Staleys | 37 | 37 | 37 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 12 | 12 | 12 | 0 | 0 | 37 | 0 | 12 |
| Standard | 0 | 17 | 17 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Stark | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 10 |
| Starnes | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Starnes Siding | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Starr | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 30 | 0 | 0 | 30 | 0 | 50 | 50 | 30 | 30 |
| Steelton | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 0 | 0 | 26 | 26 | 0 | 50 | 50 | 26 | 26 |
| Stewardson (NYC&StL dely.) | 18 | 18 | 18 | 23 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 0 | 0 | 6 | 18 | 18 | 18 | 0 | 0 |
| Stewardson (Wab. dely.) | 18 | 18 | 18 | 23 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 43 | 0 | 0 |
| Stillwell | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 0 | 13 | 0 |
| Strasburg | 18 | 23 | 18 | 33 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 23 | 0 | 0 |
| Stockland (C&EI dely.) | 49 | 0 | 49 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 | 49 | 35 | 40 | 15 |
| Stockland (CMStP&P dely.) | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 10 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 |
| Stoddards | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Strawn | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 0 |
| Streator | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Stronghurst | 0 | 26 | 26 | 26 | 26 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

**PRICE TABLE NO. 25.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Stuckey | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| Suffren | 32 | 32 | 32 | 42 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 12 | 12 | 12 | 12 | 32 | 32 | 32 | 12 | 12 |
| Sullivan | 33 | 33 | 33 | 33 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 48 | 46 | 48 | 6 | 6 | 6 | 6 | 6 | 33 | 33 | 33 | 6 | 6 |
| Sullivan (Warren Co.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 0 |
| Sullivan (Moultrie Co.) | 33 | 33 | 33 | 33 | 33 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 0 | 6 | 6 | 0 | 33 | 33 | 6 | 6 |
| Summit | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Sunbury | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 0 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Surrey | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Sutter | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Swartz | 37 | 0 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 0 | 12 | 12 | 0 | 37 | 37 | 12 | 12 |
| Swygert | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 22 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tallmadge (C&EI dely.) | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 17 | 5 | 10 |
| Tallmadge (CMStP&P dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Taylor Ridge | 0 | 31 | 31 | 31 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Tazewell | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 50 | 21 | 21 | 13 | 13 |
| Teheran | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Thawville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 35 | 33 | 35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Thomas | 39 | 39 | 39 | 42 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 19 | 0 | 19 | 19 | 19 | 0 | 0 | 0 | 0 | 0 |
| Thomasboro | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 18 | 0 | 18 | 18 | 18 | 0 | 50 | 50 | 18 | 18 |
| Tilton | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 0 | 26 | 26 | 26 | 50 | 50 | 50 | 26 | 26 |
| Timewell | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tipton | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 0 | 50 | 50 | 13 | 13 |
| Tiskilwa | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Tolono | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 13 | 13 | 13 | 50 | 50 | 50 | 13 | 13 |
| Toluca | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Tomlinson | 41 | 41 | 41 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 11 | 0 | 11 | 11 | 11 | 0 | 41 | 41 | 11 | 11 |
| Tonica | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 0 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Toulon | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 10 |
| Tower Hill (B&O dely.) | 27 | 27 | 27 | 37 | 37 | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 6 | 6 | 6 | 27 | 27 | 27 | 6 | 6 |
| Tower Hill (CCC&StL dely.) | 27 | 27 | 27 | 37 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 6 | 6 | 6 | 27 | 27 | 27 | 6 | 6 |
| Tremont | 21 | 21 | 21 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 0 | 13 | 13 | 21 | 21 | 21 | 13 | 13 |
| Trivoli | 9 | 9 | 9 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 28 | 26 | 28 | 0 | 0 | 0 | 9 | 0 | 0 | 9 | 13 | 0 | 4 |
| Troster | 42 | 42 | 42 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 21 | 0 | 11 | 21 | 21 | 0 | 0 | 0 | 0 | 0 |
| Trowbridge | 18 | 0 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 0 | 6 | 6 | 18 | 18 | 18 | 6 | 6 |
| Turney | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Turpin | 32 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 12 | 0 | 12 | 12 | 32 | 32 | 32 | 12 | 12 |
| Tuscola | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 13 | 13 | 13 | 35 | 35 | 35 | 13 | 13 |
| Twin Grove | 21 | 21 | 21 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 0 | 13 | 13 | 21 | 21 | 21 | 13 | 13 |
| Tyler | 32 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 21 | 0 | 0 | 21 | 21 | 0 | 32 | 0 | 21 | 0 |
| Ulah | 0 | 17 | 17 | 20 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 17 | 0 | 10 | 10 |
| Ullrich | 32 | 0 | 32 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 6 | 0 | 6 | 6 | 32 | 32 | 32 | 6 | 6 |
| Union | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Union Hill | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 0 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Unz | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 22 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Urbana | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 19 | 19 | 19 | 19 | 19 | 50 | 50 | 50 | 19 | 10 |
| Valley City | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Vera | 15 | 15 | 15 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 0 |
| Vermilion Grove | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 26 | 26 | 0 | 26 | 26 | 50 | 50 | 50 | 21 | 26 |
| Verona | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Versailles | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Villa Grove | 35 | 35 | 35 | 45 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 35 | 35 | 35 | 13 | 13 |
| Virginia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 13 |
| Virginia Junction | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Voorhies | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 0 | 0 | 43 | 0 | 12 |
| Vulcan Works | 22 | 22 | 22 | 25 | 25 | 5 | 5 | 0 | 0 | 5 | 5 | 0 | 50 | 50 | 50 | 15 | 15 | 0 | 10 | 15 | 0 | 22 | 22 | 15 | 15 |
| Wady Petra | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 10 |
| Wagner (IT dely.) | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 25 | 0 | 0 | 13 | 25 | 0 | 50 | 50 | 13 | 13 |
| Wagner (RIS dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 17 | 10 | 10 |
| Waite Spur | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 20 | 0 | 0 | 20 | 0 | 0 | 50 | 0 | 30 |
| Walker | 26 | 26 | 26 | 36 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 0 | 6 | 6 | 6 | 0 | 0 | 26 | 0 | 6 |
| Walnut | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Wapella | 31 | 31 | 31 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 20 | 0 | 20 | 20 | 20 | 31 | 31 | 31 | 20 | 20 |
| Warrensburg | 21 | 21 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 13 | 13 | 13 | 0 | 0 | 0 | 0 | 0 |
| Warsaw | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 0 | 0 | 15 | 15 | 0 | 0 |



**PRICE TABLE NO. 25.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Washburn | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 0 | 0 | 0 | 13 | 0 | 21 | 21 | 13 | 13 |
| Washington (TP&W dely.) | 0 | 21 | 21 | 24 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 48 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Washington (AT&SF dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wataga | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Watkins | 36 | 0 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 15 | 0 | 15 | 15 | 36 | 36 | 36 | 15 | 15 |
| Watseka (C&EI dely.) | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 0 | 22 | 17 | 10 | 10 |
| Watseka (TP&W dely.) | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 30 | 10 | 10 | 0 | 22 | 0 | 10 | 0 |
| Wayside Park | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waynesville | 31 | 0 | 31 | 0 | 0 | 10 | 10 | 0 | 0 | 17 | 10 | 0 | 0 | 0 | 0 | 23 | 23 | 0 | 20 | 23 | 50 | 31 | 31 | 23 | 23 |
| Webster | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Weedman | 42 | 42 | 42 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 11 | 0 | 11 | 11 | 11 | 0 | 0 | 41 | 0 | 11 |
| Weldon | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 15 | 0 | 15 | 15 | 15 | 0 | 0 | 35 | 0 | 15 |
| Wellington | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 20 | 20 | 0 | 50 | 40 | 50 | 20 |
| Wenona | 15 | 15 | 15 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 5 | 0 | 5 | 5 | 5 | 0 | 0 | 0 | 0 | 0 |
| Westcart (Alton dely.) | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Westcart (IC dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| West Galesburg | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 0 |
| West Kankakee | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| West Newell | 39 | 39 | 39 | 42 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 0 | 0 | 19 | 19 | 39 | 39 | 39 | 19 | 19 |
| Weston | 0 | 21 | 21 | 24 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 48 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| West Ridge | 35 | 35 | 35 | 45 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 0 | 13 | 13 | 35 | 35 | 35 | 13 | 13 |
| Westville | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 16 | 16 | 16 | 16 | 16 | 50 | 50 | 50 | 16 | 16 |
| White Heath | 37 | 37 | 37 | 47 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 12 | 0 | 12 | 12 | 12 | 37 | 37 | 37 | 12 | 12 |
| Wichert | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 0 | 22 | 17 | 10 | 10 |
| Wilbern | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Williamsburg | 40 | 0 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 40 | 40 | 40 | 13 | 13 |
| Williamsfield | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Williamsville (Alton dely.) | 0 | 0 | 0 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Williamsville (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 20 | 0 | 10 |
| Windsor | 30 | 30 | 30 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 7 | 7 | 7 | 7 | 7 | 30 | 30 | 30 | 7 | 7 |
| Wing | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Woodruff | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 13 | 13 | 0 | 13 | 13 | 21 | 21 | 21 | 13 | 13 |
| Woodford | 18 | 18 | 18 | 23 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 45 | 43 | 45 | 8 | 0 | 8 | 8 | 8 | 0 | 0 | 0 | 0 | 0 |
| Woodland | 47 | 0 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 0 | 15 | 15 | 0 | 47 | 40 | 35 | 15 |
| Woodvale | 0 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wyckles (IT dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 29 | 0 | 10 |
| Wyckles (Wabash dely.) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wyoming | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 10 |
| Yates City | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Yuton | 21 | 0 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 13 | 0 | 13 | 13 | 0 | 21 | 21 | 13 | 13 |
| Alhambra | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alsey | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ayers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barrow | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Berdan | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brewster | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brighton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bunker Hill | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 | 0 | 25 | 0 | 5 | 0 |

**PRICE TABLE NO. 25.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Areas Nos. 35, 36, 37, 38, and 39 Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Indicated Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 38—Continued

| Destinations | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Butler | 20 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 | 0 | 20 | 0 | 5 | 0 |
| Dollville | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 25 | 25 | 25 | 12 | 12 |
| Dorchester | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 | 0 | 25 | 0 | 5 | 0 |
| Dorseys | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 | 0 | 25 | 0 | 5 | 0 |
| Formosa Junction | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 |
| Franklin | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fruit | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gillespie | 50 | 50 | 50 | 50 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | 18 | 18 | 18 | 0 | 50 | 50 | 18 | 18 |
| Girard | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Greenfield | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Henderson | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 | 0 | 25 | 0 | 5 | 0 |
| Henton | 27 | 27 | 27 | 37 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 27 | 27 | 27 | 12 | 12 |
| Hillsboro | 50 | 50 | 50 | 50 | 50 | 25 | 0 | 29 | 0 | 35 | 0 | 29 | 0 | 0 | 0 | 30 | 41 | 0 | 0 | 30 | 0 | 50 | 0 | 30 | 41 |
| Hornsby | 25 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 | 0 | 25 | 0 | 5 | 0 |
| Hertons | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Irving | 50 | 0 | 50 | 0 | 0 | 25 | 0 | 29 | 0 | 35 | 0 | 29 | 0 | 0 | 0 | 30 | 41 | 0 | 0 | 30 | 0 | 50 | 0 | 30 | 41 |
| Jerseyville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kaufman | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kemper | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Litchfield | 25 | 16 | 16 | 16 | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 | 0 | 25 | 25 | 5 | 5 |
| Livingston | 50 | 0 | 50 | 0 | 0 | 25 | 0 | 29 | 0 | 35 | 0 | 29 | 0 | 0 | 0 | 30 | 41 | 0 | 0 | 30 | 0 | 50 | 0 | 30 | 41 |
| Loami | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lowder | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Maxwell | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Medora | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Millersville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 0 | 30 |
| Moores | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Moro | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 5 | 0 | 25 | 0 | 5 | 0 |
| New Canton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Douglas | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nokomis | 50 | 0 | 50 | 0 | 0 | 25 | 0 | 29 | 0 | 35 | 0 | 29 | 0 | 0 | 0 | 30 | 41 | 0 | 0 | 30 | 0 | 50 | 0 | 30 | 41 |
| Ohlman | 50 | 0 | 50 | 0 | 0 | 0 | 0 | 29 | 0 | 35 | 0 | 29 | 0 | 0 | 0 | 30 | 41 | 0 | 0 | 30 | 0 | 50 | 0 | 30 | 41 |
| Owaneco | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 80 | 0 | 30 |
| Pisgah | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pittsfield | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Reno | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rock Bridge | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rockport | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rosamond | 50 | 0 | 50 | 0 | 0 | 25 | 0 | 29 | 0 | 35 | 0 | 29 | 0 | 0 | 0 | 30 | 41 | 0 | 0 | 30 | 0 | 50 | 0 | 30 | 41 |
| Shinn | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sorento | 0 | 11 | 11 | 11 | 11 | 0 | 0 | 50 | 0 | 0 | 0 | 50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Taylorville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 0 | 30 |
| Troy | 50 | 0 | 50 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 10 | 10 | 50 | 50 | 50 | 48 | 10 |
| Velma | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 0 | 30 |
| Virden | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Washville | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waverly | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Westervelt | 27 | 27 | 27 | 37 | 37 | 0 | 2 | 6 | 2 | 0 | 2 | 6 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 12 | 27 | 27 | 27 | 12 | 12 |
| West Roodhouse | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Whitehall | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Witt | 50 | 0 | 50 | 0 | 0 | 25 | 0 | 29 | 0 | 0 | 0 | 29 | 0 | 0 | 0 | 30 | 41 | 0 | 0 | 30 | 0 | 50 | 0 | 30 | 41 |
| Wrights | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

**PRICE TABLE NO. 26.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

[Owing to the fact that differentials in freight rates are not uniform to this area, it is divided into nine destination groups, prices for which follow in consecutive order on price tables Nos. 26 to 34. These prices are based on and adjusted to the lowest published freight rate from mines in the Brazil-Clinton subdistrict. Following the price tables, all destination points in this area are listed alphabetically, showing the destination group assigned to each point, together with the exact amount of the deduction which shall be made by each mine from the prices herein published, for the purpose of adjusting such prices to the actual differentials in published freight rates existing between each mine and the lowest published Brazil-Clinton rate]

[*Example.* To find the net minimum price for the Binkley Mining Co., Lucky Strike mine, size group No. 3 for shipment to Moline, Illinois: Alphabetical list of code members shows that the mine is Index No. 57 and is in mine origin group No. 20. Alphabetical list of destinations in this area shows that Moline, Illinois, is in destination group No. 1 and that the freight rate differential to be deducted between mine origin group No. 20 and the Brazil-Clinton rate is 20 cents per ton. Price table No. 26 for destination group No. 1 shows price for mine index No. 57 in size group No. 3 to be 180 cents per net ton. Deduct the freight differential of 20 cents per ton from that figure and the result is 160 cents, which is the net minimum price for coal in size group No. 3 for the Lucky Strike mine of the Binkley Mining Co. for shipment to Moline, Illinois]

| Mine index No. | Size groups and prices applicable to destination group No. 1 in market area No. 41 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 180 | 175 | 170 | 160 | 155 | 150 | 150 | 150 | 140 | 110 | 100 | 35 | 15 | ... | ... | ... | ... | 120 | 110 | 70 | ... | ... | ... | 95 | ... | 150 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 190 | 185 | 180 | 170 | 165 | 160 | 155 | 150 | 140 | 110 | 100 | 35 | 25 | ... | ... | ... | ... | 120 | 110 | 70 | ... | ... | ... | 95 | ... | 160 |
| 6, 59, 75, 86 | 230 | 225 | 220 | 210 | 205 | 195 | 180 | 185 | 170 | 150 | 140 | 85 | 55 | 180 | 170 | 160 | 130 | 160 | 150 | 110 | ... | ... | ... | 115 | 150 | 195 |
| 39, 40 | 255 | 255 | 255 | 245 | 235 | 225 | 210 | 200 | 170 | 150 | 140 | 90 | 55 | 180 | 170 | 160 | 130 | 160 | 150 | 110 | ... | ... | ... | 115 | ... | 225 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 230 | 225 | 220 | 185 | 180 | 170 | 160 | 165 | 140 | 110 | 100 | 35 | 15 | 160 | 150 | 140 | 110 | 120 | 100 | 70 | ... | ... | ... | 96 | ... | 170 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 190 | 185 | 180 | 170 | 165 | 160 | 155 | 150 | 140 | 130 | 120 | 55 | 25 | 160 | 150 | 140 | 110 | 140 | 130 | 90 | 145 | 135 | 105 | 95 | 130 | 160 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 230 | 225 | 220 | 210 | 205 | 195 | 180 | 185 | 165 | 145 | 135 | 80 | 50 | 180 | 170 | 160 | 130 | 155 | 145 | 105 | ... | ... | ... | 110 | ... | 195 |
| 47 | 255 | 245 | 240 | 235 | 235 | 200 | 190 | 200 | 165 | 145 | 135 | 85 | 55 | ... | ... | ... | ... | 155 | 145 | 105 | ... | ... | ... | 110 | 140 | 200 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 255 | 225 | 220 | 210 | 205 | 195 | 180 | 185 | 170 | 135 | 125 | 35 | 15 | ... | ... | ... | ... | 145 | 135 | 70 | ... | ... | ... | 100 | ... | 195 |

**PRICE TABLE NO. 27.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

| Mine index No. | Size groups and prices applicable to destination group No. 2 in market area No. 41 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 185 | 180 | 175 | 165 | 160 | 155 | 155 | 155 | 145 | 115 | 105 | 40 | 20 | ... | ... | ... | ... | 125 | 115 | 75 | ... | ... | ... | 100 | ... | 155 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 115 | 105 | 40 | 30 | ... | ... | ... | ... | 125 | 115 | 75 | ... | ... | ... | 100 | ... | 165 |
| 6, 59, 75, 86 | 235 | 230 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 155 | 145 | 90 | 60 | 185 | 175 | 165 | 135 | 165 | 155 | 115 | ... | ... | ... | 120 | 155 | 200 |
| 39, 40 | 260 | 260 | 260 | 250 | 240 | 230 | 215 | 205 | 175 | 155 | 145 | 95 | 60 | 185 | 175 | 165 | 135 | 165 | 155 | 115 | ... | ... | ... | 120 | ... | 230 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 235 | 230 | 225 | 190 | 185 | 175 | 165 | 170 | 145 | 115 | 105 | 40 | 20 | 165 | 155 | 145 | 115 | 125 | 105 | 75 | ... | ... | ... | 100 | ... | 175 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 195 | 190 | 185 | 175 | 170 | 165 | 160 | 155 | 145 | 135 | 125 | 60 | 30 | 165 | 155 | 145 | 115 | 145 | 135 | 95 | 150 | 140 | 110 | 100 | 135 | 165 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 235 | 230 | 225 | 215 | 210 | 200 | 185 | 190 | 170 | 150 | 140 | 85 | 55 | 185 | 175 | 165 | 135 | 160 | 150 | 110 | ... | ... | ... | 115 | ... | 200 |
| 47 | 260 | 250 | 245 | 240 | 240 | 205 | 195 | 205 | 170 | 150 | 140 | 90 | 60 | ... | ... | ... | ... | 160 | 150 | 110 | ... | ... | ... | 115 | 145 | 205 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 260 | 230 | 225 | 215 | 210 | 200 | 185 | 190 | 175 | 140 | 130 | 40 | 20 | ... | ... | ... | ... | 150 | 140 | 75 | ... | ... | ... | 105 | ... | 200 |

**PRICE TABLE NO. 28.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

| Mine index No. | Size groups and prices applicable to destination group No. 3 in market area No. 41 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 188 | 183 | 178 | 168 | 163 | 158 | 158 | 158 | 148 | 118 | 108 | 43 | 23 | ... | ... | ... | ... | 128 | 118 | 78 | ... | ... | ... | 103 | ... | 158 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 198 | 193 | 188 | 178 | 173 | 168 | 163 | 158 | 148 | 118 | 108 | 43 | 33 | ... | ... | ... | ... | 128 | 118 | 78 | ... | ... | ... | 103 | ... | 168 |
| 6, 59, 75, 86 | 238 | 233 | 228 | 218 | 213 | 203 | 188 | 193 | 178 | 158 | 148 | 93 | 63 | 188 | 178 | 168 | 138 | 168 | 158 | 118 | ... | ... | ... | 123 | 158 | 203 |
| 39, 40 | 263 | 263 | 263 | 253 | 243 | 233 | 218 | 208 | 178 | 158 | 148 | 98 | 63 | 188 | 178 | 168 | 138 | 168 | 158 | 118 | ... | ... | ... | 123 | ... | 233 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 238 | 233 | 228 | 193 | 188 | 178 | 168 | 173 | 148 | 118 | 108 | 43 | 23 | 168 | 158 | 148 | 118 | 128 | 108 | 78 | ... | ... | ... | 103 | ... | 178 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 198 | 193 | 188 | 178 | 173 | 168 | 163 | 158 | 148 | 138 | 128 | 63 | 33 | 168 | 158 | 148 | 118 | 148 | 138 | 98 | 153 | 143 | 113 | 103 | 138 | 168 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 238 | 233 | 228 | 218 | 213 | 203 | 188 | 193 | 173 | 153 | 143 | 88 | 58 | 188 | 178 | 168 | 138 | 163 | 153 | 113 | ... | ... | ... | 118 | ... | 203 |
| 47 | 263 | 253 | 248 | 243 | 243 | 208 | 198 | 208 | 173 | 153 | 143 | 93 | 63 | ... | ... | ... | ... | 163 | 153 | 113 | ... | ... | ... | 118 | 148 | 208 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 263 | 233 | 228 | 218 | 213 | 203 | 188 | 193 | 178 | 143 | 133 | 43 | 23 | ... | ... | ... | ... | 153 | 143 | 78 | ... | ... | ... | 108 | ... | 203 |



**PRICE TABLE NO. 29.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

| Mine index number | Size groups and prices applicable to destination group No. 4 in market area No. 41 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 191 | 186 | 181 | 171 | 166 | 161 | 161 | 161 | 151 | 121 | 111 | 46 | 26 | ... | ... | ... | ... | 131 | 121 | 81 | ... | ... | ... | 106 | ... | 161 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 201 | 196 | 191 | 181 | 176 | 171 | 166 | 161 | 151 | 121 | 111 | 46 | 36 | ... | ... | ... | ... | 131 | 121 | 81 | ... | ... | ... | 106 | ... | 171 |
| 6, 59, 75, 86 | 241 | 236 | 231 | 221 | 216 | 206 | 191 | 196 | 181 | 161 | 151 | 96 | 66 | 191 | 181 | 171 | 141 | 171 | 161 | 121 | ... | ... | ... | 126 | 161 | 206 |
| 39, 40 | 266 | 266 | 266 | 256 | 246 | 236 | 221 | 211 | 181 | 161 | 151 | 101 | 66 | 191 | 181 | 171 | 141 | 171 | 161 | 121 | ... | ... | ... | 126 | ... | 236 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 241 | 236 | 231 | 196 | 191 | 181 | 171 | 176 | 151 | 121 | 111 | 46 | 26 | 171 | 161 | 151 | 121 | 131 | 111 | 81 | ... | ... | ... | 106 | ... | 181 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 201 | 196 | 191 | 181 | 176 | 171 | 166 | 161 | 151 | 141 | 131 | 66 | 36 | 171 | 161 | 151 | 121 | 151 | 141 | 101 | 156 | 146 | 116 | 106 | 141 | 171 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 241 | 236 | 231 | 221 | 216 | 206 | 191 | 196 | 176 | 156 | 146 | 91 | 61 | 191 | 181 | 171 | 141 | 166 | 156 | 116 | ... | ... | ... | 121 | ... | 206 |
| 47 | 266 | 256 | 251 | 246 | 246 | 211 | 201 | 211 | 176 | 156 | 146 | 96 | 66 | ... | ... | ... | ... | 166 | 156 | 116 | ... | ... | ... | 121 | 151 | 211 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 266 | 236 | 231 | 221 | 216 | 206 | 191 | 196 | 181 | 146 | 136 | 46 | 26 | ... | ... | ... | ... | 156 | 146 | 81 | ... | ... | ... | 111 | ... | 206 |

**PRICE TABLE NO. 30.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

| Mine index No. | Size groups and prices applicable to destination group No. 5 in market area No. 41 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 195 | 190 | 185 | 175 | 170 | 165 | 165 | 165 | 155 | 125 | 115 | 50 | 30 | ... | ... | ... | ... | 135 | 125 | 85 | ... | ... | ... | 110 | ... | 165 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 125 | 115 | 50 | 40 | ... | ... | ... | ... | 135 | 125 | 85 | ... | ... | ... | 110 | ... | 175 |
| 6, 59, 75, 86 | 245 | 240 | 235 | 225 | 220 | 210 | 195 | 200 | 185 | 165 | 155 | 100 | 70 | 195 | 185 | 175 | 145 | 175 | 165 | 125 | ... | ... | ... | 130 | 165 | 210 |
| 39, 40 | 270 | 270 | 270 | 260 | 250 | 240 | 225 | 215 | 185 | 165 | 155 | 105 | 70 | 195 | 185 | 175 | 145 | 175 | 165 | 125 | ... | ... | ... | 130 | ... | 240 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 245 | 240 | 235 | 200 | 195 | 185 | 175 | 180 | 155 | 125 | 115 | 50 | 30 | 175 | 165 | 155 | 125 | 135 | 115 | 85 | ... | ... | ... | 110 | ... | 185 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 205 | 200 | 195 | 185 | 180 | 175 | 170 | 165 | 155 | 145 | 135 | 70 | 40 | 175 | 165 | 155 | 125 | 155 | 145 | 105 | 160 | 150 | 120 | 110 | 145 | 175 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 245 | 240 | 235 | 225 | 220 | 210 | 195 | 200 | 180 | 160 | 150 | 95 | 65 | 195 | 185 | 175 | 145 | 170 | 160 | 120 | ... | ... | ... | 125 | ... | 210 |
| 47 | 270 | 260 | 255 | 250 | 230 | 215 | 205 | 215 | 180 | 160 | 150 | 100 | 70 | ... | ... | ... | ... | 170 | 160 | 120 | ... | ... | ... | 125 | 155 | 215 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 270 | 240 | 235 | 225 | 220 | 210 | 195 | 200 | 185 | 150 | 140 | 50 | 30 | ... | ... | ... | ... | 160 | 150 | 85 | ... | ... | ... | 115 | ... | 210 |

**PRICE TABLE NO. 31.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

| Mine index No. | Size groups and prices applicable to destination group No. 6 in market area No. 41 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 200 | 195 | 190 | 180 | 175 | 170 | 170 | 170 | 160 | 130 | 120 | 55 | 35 | ... | ... | ... | ... | 140 | 130 | 90 | ... | ... | ... | 115 | ... | 170 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 130 | 120 | 55 | 45 | ... | ... | ... | ... | 140 | 130 | 90 | ... | ... | ... | 115 | ... | 180 |
| 6, 59, 75, 86 | 250 | 245 | 240 | 230 | 225 | 215 | 200 | 205 | 190 | 170 | 160 | 105 | 75 | 200 | 190 | 180 | 150 | 180 | 170 | 130 | ... | ... | ... | 135 | 170 | 215 |
| 39, 40 | 275 | 275 | 275 | 265 | 255 | 245 | 230 | 220 | 190 | 170 | 160 | 110 | 75 | 200 | 190 | 180 | 150 | 180 | 170 | 130 | ... | ... | ... | 135 | ... | 245 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 250 | 245 | 240 | 205 | 200 | 190 | 180 | 185 | 160 | 130 | 120 | 55 | 35 | 180 | 170 | 160 | 130 | 140 | 120 | 90 | ... | ... | ... | 115 | ... | 190 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 210 | 205 | 200 | 190 | 185 | 180 | 175 | 170 | 160 | 150 | 140 | 75 | 45 | 180 | 170 | 160 | 130 | 160 | 150 | 110 | 165 | 155 | 125 | 115 | 150 | 180 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 250 | 245 | 240 | 230 | 225 | 215 | 200 | 205 | 185 | 165 | 155 | 100 | 70 | 200 | 190 | 180 | 150 | 175 | 165 | 125 | ... | ... | ... | 130 | ... | 215 |
| 47 | 275 | 265 | 260 | 255 | 255 | 220 | 210 | 220 | 185 | 165 | 155 | 105 | 75 | ... | ... | ... | ... | 175 | 165 | 125 | ... | ... | ... | 130 | 160 | 220 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 275 | 245 | 240 | 230 | 225 | 215 | 200 | 205 | 190 | 155 | 145 | 55 | 35 | ... | ... | ... | ... | 165 | 155 | 90 | ... | ... | ... | 120 | ... | 215 |

**PRICE TABLE NO. 32.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

| Mine index No. | Size groups and prices applicable to destination group No. 7 in market area No. 41 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 205 | 200 | 195 | 185 | 180 | 175 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | ... | ... | ... | ... | 145 | 135 | 95 | ... | ... | ... | 120 | ... | 175 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | ... | ... | ... | ... | 145 | 135 | 95 | ... | ... | ... | 120 | ... | 185 |
| 6, 59, 75, 86 | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | ... | ... | ... | 140 | 175 | 220 |
| 39, 40 | 280 | 280 | 280 | 270 | 260 | 250 | 235 | 225 | 195 | 175 | 165 | 115 | 80 | 205 | 195 | 185 | 155 | 185 | 175 | 135 | ... | ... | ... | 140 | ... | 250 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 255 | 250 | 245 | 210 | 205 | 195 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 165 | 135 | 145 | 125 | 95 | ... | ... | ... | 120 | ... | 195 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 215 | 210 | 205 | 195 | 190 | 185 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 255 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 185 | 155 | 180 | 170 | 130 | ... | ... | ... | 135 | ... | 220 |
| 47 | 280 | 270 | 265 | 260 | 260 | 225 | 215 | 225 | 190 | 170 | 160 | 110 | 80 | ... | ... | ... | ... | 180 | 170 | 130 | ... | ... | ... | 135 | 165 | 225 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 280 | 250 | 245 | 235 | 230 | 220 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | ... | ... | ... | ... | 170 | 160 | 95 | ... | ... | ... | 125 | ... | 220 |

**PRICE TABLE No. 33.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

| Mine index No. | Size groups and prices applicable to destination group No. 8 in market area No. 41 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 210 | 205 | 200 | 190 | 185 | 180 | 180 | 180 | 170 | 140 | 130 | 65 | 45 | ... | ... | ... | ... | 150 | 140 | 100 | ... | ... | ... | 125 | ... | 180 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 220 | 215 | 210 | 200 | 195 | 190 | 185 | 180 | 170 | 140 | 130 | 65 | 55 | ... | ... | ... | ... | 150 | 140 | 100 | ... | ... | ... | 125 | ... | 190 |
| 6, 59, 75, 86 | 260 | 255 | 250 | 240 | 235 | 225 | 210 | 215 | 200 | 180 | 170 | 115 | 85 | 210 | 200 | 190 | 160 | 190 | 180 | 140 | ... | ... | ... | 145 | 180 | 225 |
| 39, 40 | 285 | 285 | 285 | 275 | 265 | 255 | 240 | 230 | 200 | 180 | 170 | 120 | 85 | 210 | 200 | 190 | 160 | 190 | 180 | 140 | ... | ... | ... | 145 | ... | 255 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 260 | 255 | 250 | 215 | 210 | 200 | 190 | 195 | 170 | 140 | 130 | 65 | 45 | 190 | 180 | 170 | 140 | 150 | 130 | 100 | ... | ... | ... | 125 | ... | 200 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 220 | 215 | 210 | 200 | 195 | 190 | 185 | 180 | 170 | 160 | 150 | 85 | 55 | 190 | 180 | 170 | 140 | 170 | 160 | 120 | 175 | 165 | 135 | 125 | 160 | 190 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 260 | 255 | 250 | 240 | 235 | 225 | 210 | 215 | 195 | 175 | 165 | 110 | 80 | 210 | 200 | 190 | 160 | 185 | 175 | 135 | ... | ... | ... | 140 | ... | 225 |
| 47 | 285 | 275 | 270 | 265 | 265 | 230 | 220 | 230 | 195 | 175 | 165 | 115 | 85 | ... | ... | ... | ... | 185 | 175 | 135 | ... | ... | ... | 140 | 170 | 230 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 285 | 255 | 250 | 240 | 235 | 225 | 210 | 215 | 200 | 165 | 155 | 65 | 45 | ... | ... | ... | ... | 175 | 165 | 100 | ... | ... | ... | 130 | ... | 225 |

**PRICE TABLE No. 34.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*

| Mine index No. | Size groups and prices applicable to destination group No. 9 in market area No. 41 | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22 | 23 | 21 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| 22, 54, 55, 56, 83, 99 | 215 | 210 | 205 | 195 | 190 | 185 | 185 | 185 | 175 | 145 | 135 | 70 | 50 | ... | ... | ... | ... | 155 | 145 | 105 | ... | ... | ... | 130 | ... | 185 |
| 3, 11, 24, 28, 34, 46, 93, 94 | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 145 | 135 | 70 | 60 | ... | ... | ... | ... | 155 | 145 | 105 | ... | ... | ... | 130 | ... | 195 |
| 6, 59, 75, 86 | 265 | 260 | 255 | 245 | 240 | 230 | 215 | 220 | 205 | 185 | 175 | 120 | 90 | 215 | 205 | 195 | 165 | 195 | 185 | 145 | ... | ... | ... | 150 | 185 | 230 |
| 39, 40 | 290 | 290 | 290 | 280 | 270 | 260 | 245 | 235 | 205 | 185 | 175 | 125 | 90 | 215 | 205 | 195 | 165 | 195 | 185 | 145 | ... | ... | ... | 150 | ... | 260 |
| 1, 32, 33, 38, 50, 60, 73, 77, 101 | 265 | 260 | 255 | 220 | 215 | 205 | 195 | 200 | 175 | 145 | 135 | 70 | 50 | 195 | 185 | 175 | 145 | 155 | 135 | 105 | ... | ... | ... | 130 | ... | 205 |
| 5, 9, 10, 15, 21, 27, 31, 35, 36, 41, 43, 48, 49, 57, 63, 64, 65, 69, 71, 78, 79, 80, 81, 87, 88, 90, 92, 96, 97 | 225 | 220 | 215 | 205 | 200 | 195 | 190 | 185 | 175 | 165 | 155 | 90 | 60 | 195 | 185 | 175 | 145 | 175 | 165 | 125 | 180 | 170 | 140 | 130 | 165 | 195 |
| 19, 20, 51, 52, 53, 70, 72, 85, 91 | 265 | 260 | 255 | 245 | 240 | 230 | 215 | 220 | 200 | 180 | 170 | 115 | 85 | 215 | 205 | 195 | 165 | 190 | 180 | 140 | ... | ... | ... | 145 | ... | 230 |
| 47 | 290 | 280 | 275 | 270 | 270 | 235 | 225 | 235 | 200 | 180 | 170 | 120 | 90 | ... | ... | ... | ... | 190 | 180 | 140 | ... | ... | ... | 145 | 175 | 235 |
| 2, 7, 8, 13, 14, 16, 23, 26, 30, 42, 58, 62, 67, 68, 74, 82, 84, 89, 98, 100 | 290 | 260 | 255 | 245 | 240 | 230 | 215 | 220 | 205 | 170 | 160 | 70 | 50 | ... | ... | ... | ... | 180 | 170 | 105 | ... | ... | ... | 135 | ... | 230 |

**PRICE TABLE No. 34.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 41

| Destinations | Destination group No. | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| *Iowa* | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bettendorf | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 32 | 30 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Commanche | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 32 | 30 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Clinton | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 32 | 30 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Davenport | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 32 | 30 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Le Claire | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 32 | 30 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Pleasant Valley | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 32 | 30 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Princeton | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 32 | 30 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Shaffton | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 32 | 30 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Tile Works | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 32 | 30 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| *Illinois* | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Addison | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Adeline | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 17 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 22 | 5 | 0 | 22 | 22 | 15 | 15 |
| Aiken | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Agnew | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 45 | 43 | 45 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Albany | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Albany Pit | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 0 |
| Alden | 8 | 0 | 17 | 17 | 20 | 20 | 5 | 0 | 5 | 5 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 12 | 17 | 0 | 10 | 0 |
| Algonquin | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 38 | 40 | 10 | 5 | 10 | 10 | 5 | 0 | 17 | 17 | 10 | 10 |
| Almora | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Alworth | 3 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Amboy | 4 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 45 | 43 | 45 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Andres | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 0 | 10 | 0 | 22 | 22 | 10 | 10 |
| Antioch | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Apple River | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Aptakisic | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Arlington | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arlington Heights | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Armsby | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Ashton | 4 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 30 | 17 | 17 | 10 | 10 |
| Aurora (CA&E Dely.) | 8 | 0 | 20 | 20 | 20 | 20 | 5 | 0 | 27 | 0 | 14 | 0 | 14 | 37 | 35 | 37 | 10 | 19 | 10 | 32 | 10 | 17 | 17 | 17 | 10 | 10 |
| Aurora (C&NW Dely.) | 8 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Aurora (CMStP&P Dely.) | 8 | 0 | 17 | 17 | 20 | 20 | 5 | 5 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 0 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Aurora (EJ&E) | 8 | 0 | 17 | 17 | 20 | 20 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Aurora Junction | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 17 | 0 | 10 |
| Baileyville | 3 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 0 | 5 | 0 | 0 | 12 | 0 | 5 |
| Baker | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bakers | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 0 | 0 | 10 | 0 | 22 | 22 | 10 | 10 |
| Bakers Switch | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Ballou | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Barrington (C&NW Dely.) | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Barrington (EJ&E Dely.) | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Barstow | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Bartlett (Cook County) | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Batavia (C&NW Dely.) | 5 | 0 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Batavia (CA&E Dely.) | 5 | 0 | 15 | 15 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Beach | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Beecher | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 10 | 0 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Belden | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Belmont | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Belvidere | 3 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 17 | 12 | 12 | 5 | 5 |
| Bensenville | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Big Rock | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Birds | 6 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 15 | 47 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Blakes | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blanding | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Blodgett (Lake County) | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Blodgett (Will County) | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bolton | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Bowes | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Bradley | 8 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 40 | 40 | 10 | 10 | 10 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Bradt | 8 | 0 | 21 | 21 | 24 | 24 | 10 | 4 | 4 | 4 | 0 | 0 | 0 | 32 | 30 | 32 | 9 | 5 | 0 | 0 | 5 | 0 | 22 | 16 | 15 | 9 |
| Braeside | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 27 | 25 | 27 | 10 | 0 | 0 | 0 | 10 | 0 | 17 | 0 | 10 | 0 |
| Brayson | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Brickton | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 10 | 10 | 0 | 0 | 17 | 0 | 10 |
| Briergate | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Brisbane | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |



**PRICE TABLE No. 34.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 41—Continued

| Destinations | Destination group No. | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Bristow | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Brock | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Bruceville | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Buena Vista | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Bureau | 5 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 10 | 0 | 42 | 40 | 42 | 10 | 20 | 20 | 10 | 10 | 0 | 27 | 27 | 20 | 20 |
| Burgess Junction | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burlington | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Byron (CMStP&P Dely.) | 7 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 17 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 22 | 5 | 0 | 22 | 22 | 15 | 15 |
| Byron (CGW Dely.) | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Caledonia | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Calvary (CMStP&P Dely.) | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Calvary (C&NW Dely.) | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Camp Grant | 3 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 0 | 5 | 0 | 12 | 12 | 5 | 5 |
| Camp Logan | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 0 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 0 |
| Capron | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Carbon Cliff | 1 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Carpentersville | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 5 | 10 | 10 | 5 | 0 | 17 | 17 | 10 | 10 |
| Cary | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Caton Farm | 8 | 0 | 17 | 17 | 20 | 20 | 5 | 5 | 5 | 5 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Chadwick | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Chana | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Charter Grove | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Chase | 8 | 0 | 16 | 16 | 19 | 19 | 4 | 4 | 4 | 4 | 0 | 0 | 0 | 36 | 34 | 36 | 9 | 5 | 0 | 0 | 5 | 0 | 16 | 16 | 9 | 9 |
| Chemung | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Cherry | 5 | 0 | 17 | 17 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Cherry Valley | 3 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 17 | 12 | 12 | 5 | 5 |
| Chicago Golf | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Chicago Heights (B&OCT Dely.) | 9 | 0 | 30 | 30 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 0 | 22 | 0 | 10 | 0 |
| Chicago Heights (CMStP&P Dely.) | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Chicago Heights (C&EI-MC-EJ&E Dely.) | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Chittenden | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 0 | 10 | 17 | 17 | 17 | 10 | 10 |
| Churchill (NYC Dely.) | 5 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 0 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Churchill (C&NW Dely.) | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 17 | 17 | 0 | 17 | 17 | 47 | 45 | 47 | 22 | 0 | 10 | 22 | 22 | 0 | 17 | 29 | 10 | 22 |
| Clare | 3 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 17 | 19 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Clarion | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cleveland | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cloverdale | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Coleman | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Colvin Park | 6 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Compton | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cordova | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Council Hill | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Courtland | 4 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Coynes | 8 | 0 | 17 | 17 | 20 | 20 | 5 | 0 | 5 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 15 | 10 | 17 | 17 | 17 | 10 | 10 |
| Creston | 4 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 30 | 17 | 17 | 10 | 10 |
| Crete | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 10 | 0 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Crown | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 15 | 17 | 5 | 5 | 0 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Crystal Lake | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Culton | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 43 | 41 | 43 | 6 | 6 | 6 | 6 | 6 | 0 | 0 | 0 | 0 | 0 |
| Cumberland | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 0 | 10 | 0 |
| Custer Park | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Daggetts | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dakota | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Dalzell | 5 | 0 | 17 | 17 | 32 | 32 | 0 | 17 | 17 | 17 | 17 | 17 | 17 | 47 | 45 | 47 | 22 | 22 | 10 | 22 | 22 | 0 | 17 | 29 | 10 | 22 |
| Davis | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Davis Junction | 7 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 17 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 22 | 5 | 0 | 22 | 22 | 15 | 15 |
| Days Siding | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 0 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Dayton | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Deerfield | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Deer Grove | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Deerpath | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| De Kalb (CMStP&P dely.) | 5 | 0 | 16 | 16 | 19 | 19 | 4 | 4 | 4 | 4 | 0 | 0 | 0 | 32 | 30 | 32 | 9 | 5 | 0 | 0 | 5 | 0 | 16 | 16 | 9 | 9 |
| De Kalb (C&NW dely.) | 5 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 30 | 12 | 12 | 5 | 5 |
| De Kalb (CGW dely.) | 5 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Delmar (CMStP&P dely.) | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 0 | 10 | 0 | 22 | 22 | 10 | 10 |
| Delmar (NYC dely.) | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 22 | 0 | 0 | 10 |
| De Pue (CMStP&P dely.) | 5 | 0 | 17 | 17 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| De Pue (CRI&P dely.) | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 0 | 0 | 17 | 0 | 10 |
| De Pue (NYC dely.) | 5 | 22 | 22 | 22 | 25 | 25 | 5 | 5 | 0 | 0 | 5 | 5 | 0 | 47 | 45 | 47 | 15 | 15 | 0 | 10 | 15 | 0 | 22 | 22 | 15 | 15 |
| Diamond Lake | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Diminick | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 43 | 41 | 43 | 6 | 6 | 6 | 6 | 6 | 0 | 0 | 0 | 0 | 0 |
| Dixon (C&NW dely.) | 4 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 45 | 43 | 45 | 10 | 10 | 0 | 10 | 10 | 30 | 17 | 17 | 10 | 10 |
| Dixon (IC dely.) | 4 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 45 | 43 | 45 | 10 | 10 | 10 | 17 | 10 | 0 | 17 | 17 | 10 | 10 |
| Downers Grove | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Drummond | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Duffin | 8 | 0 | 16 | 16 | 19 | 19 | 4 | 4 | 4 | 4 | 0 | 0 | 0 | 32 | 30 | 32 | 9 | 5 | 0 | 0 | 5 | 0 | 16 | 16 | 9 | 9 |
| Dundee | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 36 | 34 | 36 | 9 | 5 | 9 | 9 | 5 | 0 | 16 | 16 | 9 | 9 |
| Dunes Park | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Durand | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 0 | 5 |
| Earlville | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| East Batavia | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 0 | 5 | 0 | 12 | 12 | 5 | 5 |
| East Clinton | 2 | 0 | 8 | 8 | 11 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Dubuque (IC dely.) | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 15 | 10 | 0 | 17 | 17 | 10 | 10 |
| East Dubuque (CB&Q dely.) | 7 | 0 | 0 | 0 | 25 | 25 | 0 | 0 | 5 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| East Joliet | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| East Moline (CB&Q dely.) | 1 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 18 | 0 | 10 | 0 |
| East Moline (CMStP&P-CRI&P dely.) | 1 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Eddy | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 0 | 10 | 17 | 17 | 17 | 10 | 10 |
| Edgetown | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Egan | 3 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Elburn | 4 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Eldena | 4 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 45 | 43 | 45 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Eldridge Siding | 9 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 0 | 10 | 0 | 22 | 0 | 10 | 0 |
| Electric Junction (EJ&E dely.) | 8 | 0 | 17 | 17 | 20 | 20 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 10 | 0 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Electric Junction (CA&E dely.) | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 5 | 5 | 0 | 0 | 0 | 0 | 0 |
| Eleroy | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 20 | 10 | 10 |
| Elgin (CMStP&P dely.) | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Elgin (C&NW-CA&E dely.) | 9 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Elgin Junction | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 0 | 5 | 12 | 12 | 12 | 5 | 5 |
| Elgin State Hospital | 7 | 0 | 19 | 19 | 22 | 22 | 0 | 7 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 19 | 0 | 12 |
| Elizabeth | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Elmhurst | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Elva | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Elwood | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 |
| Eola | 8 | 0 | 17 | 17 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 0 | 10 |
| Erie | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Esmond | 3 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Evanston | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Evarts | 3 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Exline | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Fairdale | 9 | 0 | 22 | 22 | 52 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Faithorn | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Fay | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Feehanville (MSPSS&M dely.) | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Feehanville (C&NW dely.) | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Fenton | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fitchmoor | 5 | 0 | 17 | 17 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Five Points | 6 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 13 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 18 | 5 | 12 | 12 | 12 | 5 | 5 |
| Flagg | 4 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 30 | 10 | 10 |
| Flag Center | 3 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Florence | 9 | 0 | 29 | 29 | 32 | 32 | 17 | 17 | 17 | 17 | 0 | 0 | 0 | 49 | 47 | 49 | 22 | 5 | 22 | 22 | 5 | 0 | 29 | 29 | 22 | 22 |
| Flossmoor | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ft. Sheridan | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Forreston (CMStP&P dely.) | 7 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 17 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 22 | 5 | 0 | 22 | 22 | 15 | 15 |
| Forreston (IC Dely.) | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 23 | 25 | 5 | 5 | 5 | 0 | 5 | 0 | 0 | 12 | 0 | 5 |
| Fox | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fox Lake | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Fox River Grove | 7 | 17 | 0 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 5 | 0 | 10 | 0 | 5 | 0 | 17 | 0 | 10 | 0 |
| Franklin Grove | 4 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 30 | 17 | 17 | 10 | 10 |
| Frankfort | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Freeport (CMStP&P Dely.) | 7 | 0 | 29 | 29 | 32 | 32 | 17 | 17 | 17 | 17 | 0 | 0 | 0 | 49 | 47 | 49 | 22 | 5 | 22 | 22 | 5 | 0 | 29 | 29 | 22 | 22 |
| Freeport (C&NW Dely.) | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 17 | 12 | 12 | 5 | 5 |
| Freeport (IC Dely.) | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Frontenac | 8 | 0 | 17 | 17 | 20 | 20 | 5 | 0 | 5 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 15 | 10 | 0 | 17 | 17 | 10 | 10 |
| Fulton (C& NW Dely.) | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 26 | 17 | 17 | 10 | 10 |

**PRICE TABLE NO. 34.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 41—Continued

| Destinations | Destination group No. | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Fulton (CB&Q Dely.) | 6 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 9 | 0 | 0 | 0 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 0 | 10 |
| Fulton (CMStP&P Dely.) | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Galena (IC Dely.) | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Galena (C&NW Dely.) | 7 | 0 | 17 | 17 | 60 | 60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 0 | 10 | 10 | 0 | 17 | 17 | 10 | 0 |
| Galena (CB&Q Dely.) | 7 | 0 | 0 | 0 | 3 | 3 | 0 | 0 | 8 | 8 | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Galena Junction (CGW Dely.) | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Galena Junction (CB&Q Dely.) | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Galt | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 26 | 17 | 17 | 10 | 10 |
| Garden Plain | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Garden Prairie | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Geneva | 4 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Geneva Junction | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 0 | 10 | 10 | 10 | 17 | 17 | 17 | 0 | 10 |
| Genoa (CMStP&P Dely.) | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Genoa (IC Dely.) | 9 | 12 | 12 | 12 | 16 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| German Valley | 8 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Gilberts | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Gilmer | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Glen Ellyn | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Glencoe | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Glen Oak | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 0 | 10 | 17 | 17 | 17 | 10 | 10 |
| Glenview | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Glenwood (B&OCT Dely.) | 9 | 0 | 22 | 22 | 22 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Glenwood (C&EI Dely.) | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 10 | 0 | 0 | 10 | 22 | 22 | 22 | 10 | 10 |
| Glenwood (CMStP&P Dely.) | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Glenwood Park | 7 | 0 | 15 | 15 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 0 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Golf | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 0 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Goodenow | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Goose Lake | 8 | 0 | 17 | 17 | 20 | 20 | 5 | 0 | 5 | 5 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 0 | 10 | 0 |
| Grant Park | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Gray's Lake | 8 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Green Oak | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Greenhouse Siding | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Greenwood Boulevard | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 10 | 10 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Gretna | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Gurnee | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Hahnaman | 1 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 17 | 19 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Haldane | 1 | 7 | 7 | 7 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 34 | 32 | 34 | 10 | 10 | 10 | 0 | 10 | 0 | 0 | 17 | 10 | 10 |
| Hammond's | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Hampshire | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Hampton | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 24 | 26 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Harmon | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Harper | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 17 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 22 | 5 | 0 | 22 | 22 | 15 | 15 |
| Hart | 6 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Hartland | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Harvard | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Hazelhurst | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hebron | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 0 | 12 | 0 | 5 |
| Hegeler | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Henkel | 4 | 16 | 16 | 16 | 16 | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 43 | 41 | 43 | 6 | 6 | 6 | 6 | 6 | 0 | 0 | 0 | 0 | 0 |
| Henrietta | 3 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 17 | 12 | 12 | 5 | 5 |
| Herbert | 3 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 17 | 12 | 12 | 5 | 5 |
| Hickory Grove | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Highland Lake | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 0 | 10 | 10 | 10 | 0 | 17 | 0 | 10 | 10 |
| Highland Park | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Highmoor | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 0 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Highwood | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Hillsdale | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hillside | 7 | 17 | 21 | 17 | 24 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 14 | 0 | 10 | 10 | 14 | 0 | 17 | 17 | 10 | 10 |
| Hinckley | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hinsdale | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Honey Creek | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Howe (CMStP&P Dely.) | 5 | 0 | 17 | 17 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Howe (NYC Dely.) | 5 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 0 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Holcomb | 3 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Hubbard Woods | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Huntley | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Illinois | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 10 | 10 | 10 | 10 | 0 | 22 | 17 | 10 | 10 |
| Ingalton | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |

**PRICE TABLE NO. 34.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 41—Continued

| Destinations | Destination group No. | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Indian Oaks | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ingleside | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Irene | 6 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Itasca | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Joliet | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Joslin | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Judy | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Kangley | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kankakee (IC-NYC Dely.) | 8 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Kankakee (CCC&StL Dely.) | 8 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Kasbeer | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Kenilworth | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Kent | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Kings | 3 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Kingston | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Kirkland | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| LaFox | 4 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Ladd (NYC Dely.) | 5 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 0 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Ladd (CMStP&P Dely.) | 5 | 0 | 17 | 17 | 32 | 32 | 0 | 0 | 17 | 17 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Ladd (C&NW Dely.) | 5 | 0 | 19 | 19 | 22 | 22 | 7 | 0 | 7 | 7 | 7 | 7 | 7 | 30 | 28 | 30 | 12 | 12 | 0 | 12 | 12 | 0 | 19 | 19 | 12 | 12 |
| Lake Bluff | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Lake Forest | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Lake Villa | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Lake Zurich | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Lambert | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| La Moille | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lanark | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Lansing | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 22 | 0 | 10 |
| La Salle | 5 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| La Salle Junction | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 17 | 17 | 0 | 17 | 17 | 49 | 47 | 49 | 22 | 0 | 22 | 22 | 22 | 0 | 17 | 29 | 10 | 22 |
| Latham Park | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 0 | 5 | 0 | 12 | 12 | 5 | 5 |
| Lawrence | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Leaf River | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 17 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 22 | 5 | 0 | 22 | 22 | 15 | 15 |
| Lee | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Leithton | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Leland | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lemont | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Lena | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Libertyville | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Lilly Lake | 5 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Lincoln Fields | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 22 | 0 | 10 |
| Lindenwood | 3 | 12 | 12 | 12 | 16 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Lisle | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Lockport | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 25 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Lombard | 7 | 17 | 17 | 17 | 20 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Long Lake | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Lovelle Crossing | 5 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Lyndon | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| McConnell | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| McGirr | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| McHenry | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| McQueen | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Malden | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Malta | 4 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 30 | 17 | 17 | 10 | 10 |
| Manhattan | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 0 | 10 | 0 | 22 | 22 | 10 | 10 |
| Manlius | 1 | 0 | 25 | 25 | 28 | 28 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 19 | 17 | 19 | 18 | 18 | 0 | 18 | 18 | 25 | 25 | 25 | 18 | 18 |
| Manteno | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Maple Park | 4 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Marcus | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Marengo | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Marquette | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Marseilles | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Matteson | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Mazonia | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 |
| Medinah | 9 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 0 | 0 | 5 | 0 | 22 | 0 | 15 | 0 |
| Melody | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Mendota (CMStP&P Dely.) | 5 | 0 | 21 | 21 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 0 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Mendota (IC Dely.) | 5 | 16 | 16 | 16 | 16 | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 43 | 41 | 43 | 6 | 6 | 6 | 6 | 6 | 0 | 0 | 0 | 0 | 0 |



**PRICE TABLE NO. 34.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 41—Continued

| Destinations | Destination group No. | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Menominee | 6 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 15 | 10 | 0 | 17 | 17 | 10 | 10 |
| Meriden | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Midlothian | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Millbrig | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 0 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Mill Brook | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Milledgeville | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Millington | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Millsdale | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Minooka (EJ&E Dely.) | 8 | 0 | 17 | 17 | 20 | 20 | 5 | 5 | 5 | 5 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Minooka (CRI&P Dely.) | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Mokena | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Moline | 1 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Momence | 8 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 22 | 22 | 17 | 10 | 10 |
| Momence Transfer | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Monee | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 40 | 40 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Monroe Center | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Montgomery | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mooseheart | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Morris | 6 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Morrison | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 26 | 17 | 17 | 10 | 10 |
| Morton Grove | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Mt. Carroll | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Mt. Prospect | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Mt. Morris | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mundelein | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Munger | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Myrtle | 3 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Nachusa | 4 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 30 | 17 | 17 | 10 | 10 |
| Naperville | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nelson | 4 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 30 | 17 | 17 | 10 | 10 |
| New Lebanon | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| New Lenox | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| New Milford | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nichols | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 0 | 5 | 0 | 22 | 22 | 15 | 15 |
| Nifa | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Niles Center (C&CNW Dely.) | 9 | 0 | 35 | 35 | 38 | 38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Niles Center (CNS&M Dely.) | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 0 | 10 | 10 | 0 | 22 | 22 | 0 | 10 | 0 |
| Nora | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Normandy | 1 | 0 | 25 | 25 | 28 | 28 | 8 | 8 | 8 | 8 | 8 | 8 | 8 | 19 | 17 | 19 | 18 | 18 | 0 | 18 | 18 | 25 | 25 | 25 | 18 | 18 |
| Normantown | 8 | 0 | 17 | 17 | 20 | 20 | 5 | 0 | 5 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 15 | 10 | 17 | 17 | 17 | 10 | 10 |
| North Aurora | 5 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Northbrook | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| North Chicago | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| North Dixon | 4 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 45 | 43 | 45 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Northfield | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Oak Forest | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Oak Glen | 9 | 0 | 30 | 30 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 0 | 10 | 0 | 10 | 0 | 22 | 0 | 10 | 0 |
| Ohio | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Glen Ellyn | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| North Hanover | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Oliver | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ontarioville | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Orangeville | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Oregon | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Osborn | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Oswego | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ottawa | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Palatine | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Palisades | 9 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 22 | 0 | 10 | 0 |
| Paw Paw | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pearl City | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Pecatonica | 3 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 17 | 12 | 12 | 5 | 5 |
| Peotone | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 0 | 10 | 0 | 22 | 22 | 10 | 10 |
| Perryville | 6 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Peru | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Peterstown | 5 | 0 | 17 | 17 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Pingree Grove | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Plainfield | 8 | 0 | 17 | 17 | 20 | 20 | 5 | 0 | 5 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 15 | 10 | 17 | 17 | 17 | 10 | 10 |

**PRICE TABLE NO. 34.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 41—Continued

| Destinations | Destination group No. | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Plano | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Plato Center | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Polk | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Polo | 3 | 14 | 14 | 14 | 22 | 22 | 0 | 2 | 2 | 2 | 0 | 2 | 2 | 25 | 23 | 25 | 7 | 7 | 0 | 0 | 7 | 0 | 0 | 14 | 0 | 7 |
| Poplar Grove | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Portage | 7 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 0 | 10 | 0 |
| Port Byron | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Prairie Creek | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 |
| Prairie View | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Prince Crossing | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Princeton | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Prophetstown | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Proving Ground | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Puder | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Quarry | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 0 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Radley | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rapid City | 2 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 0 | 10 | 0 |
| Ravinia | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Red Oak | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Renwick | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Rice | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 0 | 5 | 0 | 12 | 12 | 5 | 5 |
| Richton | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Richardson | 5 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Richmond | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Ridgefield | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Ridott | 3 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 17 | 12 | 12 | 5 | 5 |
| Ringwood | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Rochelle (C&NW Dely.) | 4 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 30 | 17 | 17 | 10 | 10 |
| Rochelle (CMStP&P Dely.) | 4 | 0 | 17 | 17 | 28 | 28 | 0 | 0 | 13 | 13 | 0 | 0 | 0 | 45 | 43 | 45 | 10 | 10 | 10 | 18 | 10 | 0 | 17 | 0 | 10 | 0 |
| Rock City | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Rockdale | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Rock Falls | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rockford (CMStP&P Dely.) | 7 | 29 | 29 | 29 | 32 | 32 | 17 | 17 | 17 | 17 | 0 | 0 | 0 | 49 | 47 | 49 | 22 | 5 | 22 | 22 | 5 | 0 | 29 | 29 | 22 | 22 |
| Rockford (C&NW-IC Dely.) | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 17 | 12 | 12 | 5 | 5 |
| Rock Island (RIS Dely.) | 1 | 0 | 31 | 31 | 31 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 0 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Rock Island (CRI&P Dely.) | 1 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Rockton | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Rodden | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Rollo | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Romeo | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Rondout | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Roscoe | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Roscoe Siding | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 0 | 5 | 0 | 12 | 12 | 5 | 5 |
| Roselle | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Round Grove | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 26 | 17 | 17 | 10 | 10 |
| Round Lake | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Roxbury | 5 | 0 | 21 | 21 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 49 | 47 | 49 | 10 | 10 | 14 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Russell | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| St. Charles | 4 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Sands | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sandwich | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sante Fe Park | 9 | 22 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 0 | 10 | 0 | 22 | 0 | 10 | 0 |
| Savanna (CMStP&P Dely.) | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Savanna (CB&Q Dely.) | 7 | 0 | 0 | 0 | 26 | 26 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Scales Mound | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Scarboro | 5 | 0 | 21 | 21 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 49 | 47 | 49 | 10 | 10 | 14 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Scioto Mills | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Seatonville (CMStP&P Dely.) | 5 | 0 | 17 | 17 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Seatonville (C&NW Dely.) | 5 | 0 | 19 | 19 | 22 | 22 | 7 | 7 | 7 | 7 | 7 | 7 | 0 | 30 | 28 | 30 | 12 | 12 | 0 | 12 | 12 | 0 | 19 | 19 | 12 | 12 |
| Seatonville (NYC Dely.) | 5 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 0 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Seneca | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Serena | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Seward | 3 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Shabbona | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Shabbona Grove | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Shannon | 9 | 0 | 29 | 29 | 32 | 32 | 17 | 17 | 17 | 17 | 0 | 0 | 0 | 49 | 47 | 49 | 22 | 5 | 22 | 22 | 5 | 0 | 29 | 29 | 22 | 22 |
| Shaws | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sheridan Elms | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |

**PRICE TABLE No. 34.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 41—Continued

| Destinations | Destination group No. | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Sheridan Road Farm | 6 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 0 | 10 |
| Shirland | 7 | 0 | 12 | 12 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Silvis | 1 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Sollars | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sollitt | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Solon Mills | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Somonauk | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| South Addison | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| South Elgin | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| South Freeport | 3 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 5 | 0 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| South Holland | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 10 | 0 | 0 | 10 | 22 | 22 | 22 | 10 | 10 |
| South Upton | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 10 | 10 | 0 | 10 | 17 | 17 | 17 | 10 | 10 |
| Spaulding (CMStP&P Dely.) | 9 | 22 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Spaulding (EJ&E Dely.) | 9 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Spencer | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 0 | 10 | 0 | 22 | 22 | 10 | 10 |
| Spring Grove | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Spring Valley (C&NW Dely.) | 5 | 0 | 17 | 17 | 32 | 32 | 0 | 17 | 17 | 17 | 17 | 17 | 17 | 47 | 45 | 47 | 22 | 22 | 10 | 22 | 22 | 0 | 17 | 29 | 10 | 22 |
| Spring Valley (CRI&P Dely.) | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Starks | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Steele | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 0 | 10 | 0 | 22 | 22 | 10 | 10 |
| Steger | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Sterling | 4 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 45 | 43 | 45 | 10 | 10 | 10 | 10 | 10 | 30 | 17 | 17 | 10 | 10 |
| Steward | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Steward Junction | 5 | 0 | 21 | 21 | 32 | 32 | 0 | 0 | 17 | 17 | 0 | 0 | 0 | 49 | 47 | 49 | 10 | 10 | 14 | 22 | 10 | 0 | 17 | 0 | 10 | 0 |
| Stillman Valley (CMStP&P Dely.) | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 17 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 22 | 5 | 0 | 22 | 22 | 15 | 15 |
| Stillman Valley (CGW Dely.) | 9 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Stockdale | 5 | 14 | 17 | 14 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Stockton | 7 | 0 | 14 | 14 | 17 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 34 | 32 | 34 | 7 | 7 | 7 | 7 | 7 | 14 | 14 | 14 | 7 | 7 |
| Stones | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stratford | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sublette | 4 | 16 | 16 | 16 | 16 | 16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 43 | 41 | 43 | 6 | 6 | 6 | 6 | 6 | 0 | 0 | 0 | 0 | 0 |
| Sugar Grove | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sulton | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Swift | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 5 | 0 | 0 | 5 | 0 | 12 | 12 | 5 | 5 |
| Sycamore (C&NW Dely.) | 4 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 30 | 12 | 12 | 5 | 5 |
| Sycamore (CGW Dely.) | 4 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Tampico | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Techny | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Terra Cotta | 7 | 0 | 12 | 12 | 12 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Thomson (CMStP&P Dely.) | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 16 | 16 | 16 | 16 | 16 | 0 | 17 | 17 | 16 | 16 |
| Thomson (CB&Q Dely.) | 7 | 0 | 0 | 0 | 3 | 3 | 0 | 0 | 10 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Thornton (B&OCT Dely.) | 9 | 0 | 30 | 30 | 30 | 30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Thornton (C&EI Dely.) | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 10 | 0 | 0 | 10 | 22 | 22 | 22 | 10 | 10 |
| Thornton (CMStP&P Dely.) | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 0 | 0 | 0 | 0 |
| Thornton Junction | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 22 | 22 | 10 | 10 |
| Timbucto | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Tinley Park | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Triumph | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Troxel | 8 | 0 | 12 | 12 | 15 | 15 | 4 | 4 | 4 | 4 | 0 | 0 | 0 | 36 | 34 | 36 | 9 | 5 | 0 | 0 | 5 | 0 | 12 | 12 | 9 | 9 |
| Troy Grove | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Union (McHenry Co.) | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Union Grove | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 26 | 17 | 17 | 10 | 10 |
| Upton | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 10 | 0 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Utica | 5 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Van Orin | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Van Petten | 1 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 17 | 19 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Van's Siding | 6 | 12 | 0 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 0 | 5 | 5 | 0 | 12 | 0 | 5 | 0 |
| Villa Park | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Virgil | 5 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |

**PRICE TABLE No. 34.**—*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel for All Destinations in Market Area No. 41, Subject to Price Instructions and Exceptions and to Deductions for Freight Rate Differentials as Shown Hereinafter*—Continued

LIST OF ALL POINTS IN MARKET AREA NO. 41—Continued

| Destinations | Destination group No. | Mine origin group numbers and the amount of deduction for freight rate differences for coal shipped from mines included in each mine origin group to each destination shown | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 10 | 11 | 12 | 20 | 21 | 30 | 32 | 33 | 34 | 40 | 42 | 43 | 51 | 52 | 53 | 60 | 61 | 62 | 63 | 64 | 70 | 71 | 72 | 80 | 81 |
| Waddams Grove | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Waddsworth | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Walker | 8 | 0 | 17 | 17 | 20 | 20 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 10 | 0 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Walnut | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Walton | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ward | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 10 | 0 | 0 | 22 | 0 | 10 |
| Warren | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Warrenhurst | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Warrenville | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Wasco | 5 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Waterman | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Watertown | 1 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Watertown Hospital | 1 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 0 | 0 | 10 | 10 | 0 | 0 | 0 | 0 | 0 |
| Waukegan | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Wayne (EJ&E dely.) | 7 | 0 | 6 | 6 | 9 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 0 | 5 | 5 | 0 | 5 | 12 | 12 | 12 | 5 | 5 |
| Wayne (CA&E-C&NW (dely.) | 7 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Wedron | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Welland | 5 | 0 | 21 | 21 | 32 | 32 | 0 | 17 | 17 | 17 | 0 | 0 | 0 | 49 | 47 | 49 | 10 | 10 | 14 | 22 | 10 | 0 | 17 | 29 | 10 | 22 |
| Wendel | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Batavia | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Brooklyn | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Westchester | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| West Chicago | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| West Lake Forest | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 0 | 10 |
| Westmore | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 0 | 10 | 10 | 10 | 17 | 17 | 17 | 0 | 10 |
| West Waukegan | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 25 | 0 | 0 | 0 | 25 | 32 | 17 | 0 | 10 | 0 |
| Wheaton | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Wheeling | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Whitaker | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 0 | 10 | 0 | 22 | 22 | 10 | 10 |
| Whitton | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wilkinson (CMStP&P Dely.) | 7 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 0 | 5 | 0 | 22 | 22 | 15 | 15 |
| Wilkinson (CGW Dely.) | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 26 | 24 | 26 | 5 | 5 | 5 | 5 | 5 | 12 | 12 | 12 | 5 | 5 |
| Willow Springs | 9 | 22 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 10 | 10 | 0 | 22 | 22 | 10 | 10 |
| Wilmette | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Wilmington | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 10 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | 0 |
| Wilmot Spur | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 0 | 10 | 10 | 10 | 0 | 17 | 0 | 10 | 0 |
| Wilson | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Wilton | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 10 | 0 | 10 | 0 | 22 | 22 | 10 | 10 |
| Winfield | 7 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 41 | 39 | 41 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Winnebago | 3 | 0 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 17 | 12 | 12 | 5 | 5 |
| Winnetka | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 0 | 10 | 10 | 10 | 10 | 22 | 22 | 22 | 10 | 10 |
| Winslow | 7 | 17 | 0 | 17 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Winston | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Winthrop Harbor | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Wits | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wolfe | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wolfs | 8 | 0 | 17 | 17 | 20 | 20 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Woodbine | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |
| Wooddale | 9 | 0 | 22 | 22 | 25 | 25 | 10 | 10 | 10 | 10 | 0 | 0 | 0 | 42 | 40 | 42 | 15 | 5 | 15 | 15 | 5 | 0 | 22 | 22 | 15 | 15 |
| Woodridge | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 37 | 35 | 37 | 0 | 10 | 10 | 0 | 10 | 0 | 17 | 17 | 10 | 10 |
| Woodstock | 7 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 46 | 44 | 46 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Woosung | 3 | 12 | 12 | 12 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 23 | 25 | 5 | 5 | 5 | 0 | 5 | 0 | 0 | 12 | 0 | 5 |
| Wyanet | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 10 | 10 | 10 | 10 | 10 | 0 | 17 | 17 | 10 | 10 |
| Yeager | 9 | 0 | 22 | 22 | 25 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 40 | 42 | 10 | 10 | 0 | 0 | 10 | 0 | 22 | 22 | 10 | 10 |
| Yorkville | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Youngsdale | 7 | 12 | 12 | 12 | 15 | 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 32 | 30 | 32 | 5 | 5 | 5 | 5 | 5 | 0 | 12 | 12 | 5 | 5 |
| Zearing | 5 | 17 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 45 | 47 | 0 | 0 | 0 | 0 | 0 | 0 | 17 | 17 | 10 | 10 |
| Zion | 8 | 0 | 17 | 17 | 20 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 50 | 50 | 50 | 10 | 10 | 10 | 10 | 10 | 17 | 17 | 17 | 10 | 10 |



*Prices F. O. B. Mines for Shipment to Railroads, as Indicated, for Locomotive Fuel Only*

| Mine index numbers | Size dimensions | Name of railroad | Prices f. o. b. mine |
|---|---|---|---|
| 5, 36, 41, 92, 97 | Mine run [a] | AW&W RY | 185 |
| 5, 36, 41, 92, 97 | Mine run [a] | NYC RR | 173 |
| | Modified egg [b] | NYC RR | 173 |
| | Lump and double screened coal | NYC RR | 188 |
| 9, 13, 14, 15, 19, 24, 26, 31, 35, 62, 67, 96 | Mine run [a] | NYC RR | 185 |
| | Modified egg [b] | NYC RR | 185 |
| | Lump and double screened coal | NYC RR | 200 |
| 79 | Mine run [a] | B&O RY | 185 |
| 22, 39, 47, 59, 75, 93, 94 | Mine run [a] | C&EI RY | 195 |
| | Lump and double screened coal | C&EI RY | 210 |
| | Screenings (any size up to 2″) | C&EI RY | 140 |
| 1, 2, 3, 23, 30, 38, 56, 68, 70, 73, 77 | Mine run [a] | CI&L RY | 190 |
| | Modified egg [b] | CI&L RY | 190 |
| | Double screened coal with top size 2″ and smaller. | CI&L RY | 190 |
| 7, 8, 11, 16, 42, 48, 49, 55, 69, 74, 75, 82, 83, 84, 89, 98. | Lump and double screened coal | Penna RR | 185 |
| 5, 57, 58, 64, 80, 81, 87, 88 | Mine run [1] | SOU RY | 185 |
| 3, 6, 10, 19, 20, 21, 22, 28, 33, 34, 38, 40, 46, 51, 52, 53, 54, 60, 63, 65, 70, 71, 72, 73, 78, 85, 86, 90, 91, 99, 101. | Double screened coal 8″ x 2″ down to 6″ x 1¼″ and intermediate sizes. | CMStP&P RR | 210 |
| | Mine run | CMStP&P RR | 195 |
| | Modified egg [2] | CMStP&P RR | 195 |
| | Double screened coal with a bottom size ¾″ and smaller. | CMStP&P RR | 195 |
| 11 | Double screened coal 8″ x 2″ down to 6″ x 1¼″ and intermediate sizes. | CMStP&P RR | 200 |
| | Mine run | CMStP&P RR | 185 |
| | Modified egg [2] | CMStP&P RR | 185 |
| | Double screened coal with a bottom size ¾″ and smaller. | CMStP&P RR | 185 |
| 27, 32, 50, 100 | Mine run [1] | IC RR | 195 |
| | Modified egg [2] | IC RR | 200 |
| | Screenings (any size up to 2″) | IC RR | 140 |

| Mine index numbers | Size dimensions | Central Indiana Ry. | Indianapolis Union Ry. | Ky. & Ind. Terminal Ry. | Halt & switching lines in Chicago switching dist.[3] |
|---|---|---|---|---|---|
| 6, 7, 8, 11, 13, 14, 16, 22, 24, 28, 34, 42, 54, 55, 59, 74, 75, 82, 83, 81, 86, 89, 90, 93, 94, 98, 99. | Mine run [1]<br>Screenings (any size up to 2″) | 185 | 185 | 185 | 175 |
| 1, 2, 3, 10, 19, 20, 21, 23, 26, 30, 32, 33, 38, 39, 40, 46, 48, 49, 50, 51, 52, 53, 56, 60, 62, 63, 65, 67, 68, 69, 70, 71, 72, 73, 77, 78, 85, 91, 100, 101. | Mine run [1]<br>Screenings (any size up to 2″) | 185 | 185 | 185 | 165 |
| 5, 9, 15, 31, 35, 36, 41, 47, 64, 79, 92, 96, 97. | Mine run [1]<br>Screenings (any size up to 2″) | 178 | 178 | 185 | 153 |
| 57, 58, 80, 81, 87, 88 | Mine run [1]<br>Screenings (any size up to 2″) | 175 | 175 | 185 | 150 |

[1] On sales of coal to those railroads in connection with whose prices reference is made to this note, code members may, at their option, apply sizes of coal in size groups Nos. 1 to 12, inclusive, on orders for mine run. No substitution of mine run, lump or double screened coal will be permitted on orders for screenings.

[2] Modified egg shall contain not less than 15 per cent of 1¼″ x 0 screenings.

[3] Includes the following railroads: Baltimore & Ohio Chicago Terminal Railroad, Belt Railway of Chicago, Chicago & Calumet River Railroad, Chicago & Western Indiana Railroad, Chicago Short Line Railway, Chicago Junction Railway, Chicago River & Indiana Railroad, Chicago, West Pullman & Southern Railroad, Illinois Northern Railroad, Indiana Harbor Belt Railroad, Manufacturers Junction Railway, Pullman Railroad.

GENERAL NOTES.—An additional charge of 15 cents per net ton shall be added to the prices shown for locomotive fuel when locomotives are coaled at mine tipples.

The price of coal for shipment to any railroad other than those railroads specifically mentioned in this schedule shall be 185 per ton f. o. b. mines.

Any coal furnished to railroads for power plants, station heating or other uses shall be sold at prices shown on the price tables of this schedule applicable for all uses other than railroad locomotive fuel.

**SCHEDULE OF PROPOSED COORDINATED MINIMUM PRICES FOR DISTRICT No. 11**

TRUCK SHIPMENTS ONLY

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members within District No. 11.

2. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mine unless otherwise designated.

3. All prices are subject to the effective Marketing Rules and Regulations and the Rules and Regulations governing Distributors.

4. Invoices shall be paid in full in United States currency, or funds equivalent thereto, not later than the due date.

5. All size designations are for round hole screens. When screens having other types of openings are used and the percentage of over-size, as determined in accordance with the method of test prescribed by A.S.T.M. designation D 410–38, exceeds 5%, the price for the next higher size group classification for that mine shall apply.

6. *Calcium chloride and oil treated coal.* All coals in Size Groups Nos. 1 to 12, inclusive, and 17 to 20, inclusive, treated with oil, wax, calcium chloride, or other dust-allaying or anti-freezing agents, shall be priced 10 cents per ton higher than the same size untreated.

On coal in all other size groups, the increase of 10 cents per ton shall apply only during the period April 1st to November 15, inclusive, in each year, and shall not apply during the period November 16th to March 31st, inclusive.

7. Not *less* than the actual cost of transporting coal from the ordinary loading facilities at the mines to any consumer shall be added to the established minimum price f. o. b. transportation facilities at the mine.

The cost of such transportation is subject to review by the Commission on complaint or upon its own motion. In every case reviewed by the Commission the Code Member shall have the burden of establishing or proving that the cost so charged was not less than the actual cost of transportation.

*Description of Size Groups*

| Size group No. | Grade | Size dimensions | |
|---|---|---|---|
| 1 | Lump | Larger than 4 inches. | |
| | | Top size | Bottom size |
| | Egg | 9″ and larger than 8″ | 7″ and larger than 6″. |
| | Egg | 9″ and larger than 8″ | 6″ and larger than 5″. |
| | Egg | 9″ and larger than 8″ | 5″ and larger than 4″. |
| | Egg | 8″ and larger than 7″ | 6″ and larger than 5″. |
| | Egg | 8″ and larger than 7″ | 5″ and larger than 4″. |
| | Egg | 7″ and larger than 6″ | 5″ and larger than 4″. |
| | Egg | 6″ and larger than 5″ | 5″ and larger than 4″. |
| 2 | Lump | Larger than 3″ but not exceeding 4″. | |
| | | Top size | Bottom size |
| | Egg | 9″ and larger than 8″ | 4″ and larger than 3″. |
| | Egg | 8″ and larger than 7″ | 4″ and larger than 3″. |
| | Egg | 7″ and larger than 6″ | 4″ and larger than 3″. |
| | Egg | 6″ and larger than 5″ | 4″ and larger than 3″. |
| | Egg | 5″ and larger than 4″ | 4″ and larger than 3″. |
| 3 | Lump | Larger than 2″ but not exceeding 3″. | |

### Description of Size Groups—Continued

| Size group No. | Grade | Size dimensions | |
|---|---|---|---|
| | | Top size | Bottom size |
| 3 | Egg | 9" and larger than 8" | 3" and larger than 2". |
| | Egg | 8" and larger than 7" | 3" and larger than 2". |
| | Egg | 7" and larger than 6" | 3" and larger than 2". |
| | Egg | 6" and larger than 5" | 3" and larger than 2". |
| | Egg | 5" and larger than 4" | 3" and larger than 2". |
| | Egg | 4" and larger than 3" | 3" and larger than 2". |
| 4 | Lump | Larger than 1½" but not exceeding 2". | |
| | | Top Size | Bottom Size |
| | Egg | 9" and larger than 8" | 2" and larger than 1½". |
| | Egg | 8" and larger than 7" | 2" and larger than 1½". |
| | Egg | 7" and larger than 6" | 2" and larger than 1½". |
| | Egg | 6" and larger than 5" | 2" and larger than 1½". |
| | Egg | 5" and larger than 4" | 2" and larger than 1½". |
| | Egg | 4" and larger than 3" | 2" and larger than 1½". |
| 5 | Egg | 3" and larger than 2" | 2" and larger than 1½". |
| 6 | Nut, Lump | 1½" and smaller. | |
| | | Top Size | Bottom Size |
| | Egg | 9" and larger than 8" | 1½" and smaller. |
| | Egg | 8" and larger than 7" | 1½" and smaller. |
| | Egg | 7" and larger than 6" | 1½" and smaller. |
| | Egg | 6" and larger than 5" | 1½" and smaller. |
| | Egg | 5" and larger than 4" | 1½" and smaller. |
| | Egg | 4" and larger than 3" | 1½" and smaller. |
| | Egg | 3" and larger than 2" | 1½" and smaller. |
| | Nut | (Straight mine run; no fines removed. | |
| 7 | Mine Run and Resultants | Mine run, modified by the removal of any intermediate size or sizes; no fines removed. | |
| | | All resultants larger than 2 inches; no fines removed. | |
| | | Top Size | Bottom Size |
| 8 | Nut | 2" and larger than 1¼" | Larger than 5/16". |
| 9 | Nut (Not Washed or air-cleaned). | 2" and larger than 1¼" | 5/16" and larger than 3/32" or 10 Mesh. |
| 10 | Nut (Not Washed or air-cleaned). | 1½" and larger than ¾" | Larger than 3/16". |
| [1] 11 | Nut (Not Washed or air-cleaned). | 1½" and larger than ¾" | 3/16" and larger than 3/32" or 10 Mesh. |
| 12 | Nut (Not Washed or air-cleaned). | ¾" and smaller | Larger than 3/32" or 10 Mesh. |
| 13 | Screenings (not washed or air-cleaned). | 2" and larger than 1½"; no fines removed. | |
| 14 | Screenings (not washed or air-cleaned). | 1½" and larger than 3/16"; no fines removed. | |
| 15 | Carbon (not washed or air-cleaned). | ¾" and smaller, but larger than 3/32" or 10 Mesh; no fines removed. | |
| 16 | Dust (not washed or air-cleaned). | 3/32" or 10 Mesh and smaller; no fines removed. | |

[1] This size group will also include 1¼" by 5/16" air-cleaned breaker nut.

### Description of Size Groups—Continued

| Size group No. | Grade | Size dimensions | |
|---|---|---|---|
| | | Top Size | Bottom Size |
| 17 | Nut (washed or air-cleaned) | 2" and larger than 1¼" | ¾" and larger than 5/32" or 10 Mesh. |
| 18 | Nut (washed or air-cleaned) | 1¼" and larger than 5/16" | Larger than ¾". |
| 19 | Nut (washed or air-cleaned) | 1¼" and larger than 5/16" | ¾" and larger than 5/32" or 10 Mesh. |
| 20 | Nut (Washed or air-cleaned) | ¾" and smaller | Larger than 5/32" or 10 Mesh. |
| 21 | Nut (Washed or air-cleaned) | 1½" and larger than ¾" | Not larger than 10 Mesh. |
| 22 | Screenings (Washed or air-cleaned). | 2" and larger than 1½" | (Water-Cleaned Coal: One millimeter or equivalent thereof. Air-Cleaned Coal: Shall contain at least 10 percent of fines that will pass through a 10-mesh screen. |
| 23 | Screenings (Washed or air-cleaned). | 1½" and larger than 3/16" | (Water-Cleaned Coal: One millimeter or equivalent thereof. Air-Cleaned Coal: Shall contain at least 10 percent of fines that will pass through a 10-mesh screen. |
| 24 | Carbon (Washed or air-cleaned). | 3/16" and smaller | (Water-Cleaned Coal: One millimeter or equivalent thereof. Air-Cleaned Coal: Shall contain at least 10 percent of fine sthat will pass through a 10-mesh screen. |
| 25 | Screenings (Dry Dedusted) | 2" and larger than 1½" | Fines are the resultant coal which passes through a dedusting screen with openings not larger than ½". Not more than 50 percent of ¼" minus shall be removed, except that there shall be no limit to the percent of fines removed through the use of standard dedusters equipped with screens with openings not larger than 8 mesh. |
| 26 | Screenings (Dry Dedusted) | 1½" and larger than 3/16" | Fines are the resultant coal which passes through a dedusting screen with openings not larger than ¾". Not more than 50 percent of ¾" minus shall be removed, except that there shall be no limit to the percent of fines removed through the use of standard dedusters equipped with screens with openings not larger than 8 mesh. |
| 27 | Special stoker (Dry Dedusted) | ¾" and smaller | 8 Mesh and larger than 28 Mesh. |
| [1] 28 | Carbon (Dry Dedusted) | 3/16" and smaller | Not larger than 28 Mesh. |
| 29 | Screenings (Water Dedusted) | 2" and larger than 1½" | 10 Mesh and smaller. |
| 30 | Screenings (Water Dedusted) | 1½" and larger than 3/16" | 10 Mesh and smaller. |
| 31 | Carbon (Water Dedusted) | ¾" and smaller | 10 Mesh and smaller. |
| 32 | Breaker screenings (Not Washed or air-cleaned). | Raw Screenings made by crushing or breaking, in a Bradford or similar type of breaker, only such coal as is rejected from the picking tables in the hand-picking process of cleaning coarse sizes. | |
| 33 | Breaker screenings (Washed or air-cleaned). | Washed or air-cleaned breaker screenings made by crushing or breaking, in a Bradford or similar type of breaker, only such coal as is rejected from the picking tables, in the hand-picking process of cleaning coarse sizes, and which are subsequently washed or air-cleaned. | |
| 34 | Picking table refuse | Coal rejected from the picking tables, in the hand-picking process of cleaning coarse sizes, and which has not passed through a breaker. | |

[1] District No. 11 produces no coal applicable to this size group.

### Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only

| No. 134—9 | Code member index—Name | Mine | Seam | Prices and size group Nos. | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
| | *Clay County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Baker, Richard Coal Co | Baker | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Beadling Bros. Coal Co | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Bell, Risler Coal Co | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Big Bend Coal & Clay Co | Big Bend | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Biggins & Costa | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Birchcreek Coal Co | Birchcreek | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Black Beauty Coal Corp | Clay Products | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Bradway Coal Co | Bradway | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Brazil Block Coal & Clay Co | Brazil Block | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Brazil Block 59 Coal Co | Brazil Block | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Brazil Lower Vein Coal Co | Dewey | 3 | 290 | 250 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| | Brazil Minshall Coal Co | Brazil Minshall | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 96 | | | | 125 | | 220 |
| | Briggs, Lemuel | Briggs | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Boyce, Henry | Girton | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Brown, John F | Brown | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Brown & Phegley | Same | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| | Burger Coal Co | Burger | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Burton, Joe & Son Coal Co | Burton | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Butler & Black Coal Co | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Cade & Patterson Coal Co | Same | SB | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Carlin, Hallo & Sons | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Courtney, Thomas | Courtney | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 96 | | | | 126 | | 220 |
| | Delacca, Don Coal Co | Delacca | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 96 | | | | 126 | | 220 |
| | Delacca, John Coal Co | Delacca | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 96 | | | | 126 | | 220 |
| | Dixon Block Coal Co., Inc | 2 | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 120 | | 220 |
| | Dixon, Millard Coal Co | Briggs Pit | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Dixon, Millard Coal Co | G & F Pit | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Dollana, Leonard | Dollana | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Donham & Grantham Coal Co | Same | 3 | 290 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| | Durkin, J. F | Durkin | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 126 | | 220 |
| | Egener Bros. (Chas. Egener) | Egener | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Electric Shovel Coal Corp | Staunton | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Everwine, Clifford & Troy | Everwine Bros. | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Fox Den Coal Co | Fox Den | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Fox & Targett Coal Co | Same | 3 | 290 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| | G. & F. Coal Co | Harmony | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | G. & F. Coal Co | Stearley | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | G. & F. Coal Co | National | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | G. & F. Coal Co | Staunton | 3 | 290 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| | Galbraith, Claude & Son Coal Co | Same | 3 | 290 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| | Galbraith, Robert | Galbraith | 3 | 290 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| | Gerber, George Coal Co | Gerber | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 96 | | | | 125 | | 220 |
| | Greenwood, A. D | Greenwood | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| | Griffith, Cale | Griffith | 5 | 210 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 188 |
| | Gordon Coal Co. (J. W. Edmondson) | Gordon | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| | Grafe Coal Co | Hoosierville | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Hallett, Walter | White Rabbit 2 | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Head & Brown | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Heiliger, Rice & Heiliger | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 96 | | | | 125 | | 220 |
| | Hickory Mining Co | Hickory | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Highland Coal Co | Highland | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Hofmann, Wm. M | Northwest | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Hofmann Bros. Coal Co | Hofmann | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | James-Knox Coal Co., Inc | James-Knox | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Jenkins, Albert E. Coal Co | Jenkins | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Job, Green & Lawson Coal Co | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Jones-Gibson Coal Co | Same | 3 | 290 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| | Lone Star Coal Co | Lone Star | 3 | 290 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| | Lowe Coal Co | Lowe | 3 | 290 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| | Mackey Coal & Clay Corp | Mackey | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Menkin, Hezekiah | Menkin | 3 | 290 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| | Maesch, Charles H | Maesch | 3 | 290 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| | Mager Coal Co | Mager | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Martin, Lanam & Ferry | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Maumee Collieries Co | Old Glory 17 | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | McKinney, James J. & Peter | McKinney | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Miller Bros. Coal Co | Miller Bros. | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Miller, James Coal Co | Miller | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Nelson Coal Co | Nelson | 3 | 290 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| | Olsen Block Coal Co | Olsen Block | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| | Pell, Ben F. Coal Co | Pell | 3 | 290 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Perfection Coal Co | Prairie | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Price Mine, George | Price | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Purcell, Ben & Sons | Purcell | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Reynolds, Lattler & Schied | Same | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Rio Grande Coal Corp | Rio Grande | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Rock Hill Coal & Clay Co | Rock Hill | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Row-Sluder Coal Co | Row-Sluder | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Schauwecker Coal Co | Schauwecker | SB | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Shur Fire Coal Co | Shur-Fire | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Siepman, H. A., Coal Co | Oak Leaf | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Stearley, Ed | Girton | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Stearley, Roy, Coal Co | Stearley Rib | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Stoelting Coal Co | Stoelting | SB | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Sugar Valley Coal Co | 1 | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Summerlot, John | Stang Brazil Block | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Summers & Hooplngarner Coal Co | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Superior Products, Inc | Superior | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Stiffler, Wm., & Harold Dickey | Stiffler | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Travis, Marshal | Walter Lily | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Tucker, Wm. Coal Co | Tucker | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Victory Coal Co | Victory | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Vinardi, John Coal Co | Vinardi | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Wassel, John | Wassel | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| West End Coal Co | West End | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| ***Daviess County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Archbold, Howard | Archbold | SB | 295 | 265 | 260 | 250 | 245 | 235 | 200 | 200 | 185 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 210 |
| Chesser Coal Corp | Chesser | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Cosgrove Coal Co | Cosgrove | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Dant Mine, The | Dant | SB | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Daviess County Coal Co | Daviess County | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Edwards, Ralph- Doyle- William | Edwards | SB | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Enkoff Coal Company | Enkoff | C | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Fisher, Roy L. & Earl Perry | O'Maley | SB | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Hash, Albert & Mary | Hash | SB | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Kidwell, Frank H | Kidwell | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Miller Brothers | Miller | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| McGuire, C. & C. Standley | McGuire | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Nielsen, A. M | Egni | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Overton, J. A | Overton | SB | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| O'Maley, Herbert | O'Maley | SB | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Phipps & Potts (Terrance O. Phipps) | Sugar Creek | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Schnarr, Robert C | Schnarr | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Simonas Brothers | Simonas | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| South Washington Coal Co | Sunnyside | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Three R. Mine | Three R | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Wratten, H. V | Wratten | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| ***Dubois County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bellner, Joe F | Bellner | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Birk, Otto | Birk | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Briggs Coal Co | Briggs | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Eckerle, Frank | Eckerle | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Eckert, Gust | Eckert | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Kieffner Coal Co | Kieffner | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Mehringer, Karl H | Mehringer | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Rees, Henry | Rees | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Schuetter, Henry | Schuetter | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Steinhart Bros | Steinhart | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| ***Fountain County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Abernathy, Homes & Son | Abernathy | 5 | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Alex Coal Mine (B. J. Schefke) | Alex | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Allen, Cleo & Schuyler | Allen | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Allen, Willard & Son | Allen | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Allen, W. E | Allen | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Allen, Zimmie | Allen | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Black Bear Coal Mine | Black Bear | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Black Cat Coal Co | Black Cat | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Brock, John | Brock | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bywley, John | Silver Island | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Crabb, R. H. Coal Co | Cade | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Crabb & Sulters | Black Cat | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Crowder, Faustin | Crowder | 5 | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Davis, Earl | Davis | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Duncan, W. H | Duncan | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| East Yeddo Mine | East Yeddo | SB | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Hall, James P | Hall | SB | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Hankins, Harry V | Hankins | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Hawn, John F | Hawn | 4 | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Holt & Beck Coal Co | Holt & Beck | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Jarred Bros. Coal Co | Jarred | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Johnson & Towell | Same | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Kite, Clarence | Kite | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Martin, Lawrence | Martin | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Mathews, Ernest | Mathews | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| McMahon, Marvin | McMahan | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Mill Creek Coal Co | Mill Creek | SB | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Mycroft, James H | Snoddy | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Nave, Wm. & Son | Same | SB | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Richardson, Noah | Richardson | 5 | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Stoup & Son | Stoup | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Swem, Wm | Swem | SB | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Swim, Henry | The Swim | 6 | 305 | 275 | 270 | 260 | 255 | 245 | 20 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Tipton & Haselwood | Same | SB | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Towell & Towell | Towell | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Troike, W. H | Black Bear | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Warrick & Son Coal Co | Warrick | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| ***Gibson County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Buckskin Coal Corp | Buckskin | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Donihue Creek Coal Co | Donihue Creek | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| New Liberty Coal Co | New Liberty | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Princeton Mining Co | Deep Vein | 5 | 305 | 295 | 290 | 285 | 285 | 280 | 215 | 225 | 190 | 170 | 160 | 110 | 80 | | | | | | 180 | 170 | 130 | | | | 135 | 165 | 225 |
| ***Greene County*** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Baise & Chapman | Same | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Bennett Brothers | Bennet | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Buck Creek Coal Co | Buck Creek | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Cairns & Johnson Coal Co | O. & J. | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Central City Mining Co | Central City | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 195 | 185 | 155 | 180 | 170 | 130 | | | | 135 | | 220 |
| Corbin, Ellsworth | Corbin | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Corns, Ben & Sons Coal Co | Corns | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Critchfield Coal Co | Critchfield | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Ferguson, Frank | Ferguson | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Fougerousse, Joe | B & B | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Gall & Wheeler | Same | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Gilliatt & Hostettler | Same | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Haag Coal Co | Haag | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Hi-Grade Coal Co | Hi-Grade | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Hale, Ralph | Hale | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Ham, Homer & Marion Myers | Isenogle | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Hayes, Sam & Sons | Same | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Haviland, Wm | Haviland Rib | SB | 295 | 265 | 260 | 250 | 245 | 235 | 200 | 200 | 185 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 210 |
| Hickory Grove Coal Mng. Co | Minnehahe | 6 | 280 | 275 | 270 | 235 | 230 | 220 | 185 | 190 | 185 | 135 | 125 | 60 | 40 | 185 | 175 | 175 | 165 | 135 | 145 | 125 | 95 | | | | 120 | | 195 |
| Inman & Borders | Same | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Jackson, Robert | Jackson | SB | 295 | 265 | 260 | 250 | 245 | 235 | 200 | 200 | 185 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 210 |
| Jasonville 4th Vein Coal Co | Jasonville | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Keller Troy C | Keystone | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Keystone Coal Co | Central City | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 195 | 185 | 155 | 180 | 170 | 130 | | | | 135 | | 220 |
| Lawyer, Ralph N | Lawyer | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Lenning, Fred & Frank | Lenning | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Linton Summit Coal Co | New Hope | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Little Daisy Coal Co | Little Daisy | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 195 | 185 | 155 | 180 | 170 | 130 | | | | 135 | | 220 |
| Lohr-Young Coal Co | Lohr-Young | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 195 | 185 | 155 | 180 | 170 | 130 | | | | 135 | | 220 |
| Lost Forty Coal Co | Queen 4 | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 195 | 185 | 155 | 180 | 170 | 130 | | | | 135 | | 220 |
| Linton Summit Coal Co | No. 6 | 6 | 290 | 275 | 270 | 235 | 230 | 220 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 175 | 165 | 135 | 145 | 125 | 95 | | | | 120 | | 195 |
| Maumee Collieries Co., The | Antioch 18 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | | 185 |
| Maumee Collieries Co., The | 23 | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 195 | 185 | 155 | 180 | 170 | 130 | | | | 135 | | 220 |
| Maumee Collieries Co., The | 24 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Meek, Robert | Morgan Rib | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Miller, Clovie | Morgan Rib | 6 | 290 | 270 | 265 | 235 | 220 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Miller, Chas. & Wm. Porter | Same | 8B | 295 | 285 | 260 | 250 | 245 | 235 | 200 | 200 | 165 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 210 |
| Miller, Dean | Morgan Rib | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Morgan, Ray | Butler | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Morgan, Ray | Linton | 6 | 290 | 275 | 270 | 235 | 230 | 220 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 175 | 165 | 135 | 145 | 125 | 95 | | | | 125 | | 195 |
| Nicolson, James L | Nicolson | 8B | 295 | 285 | 290 | 250 | 245 | 235 | 200 | 200 | 185 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 210 |
| Page Bros. Coal Co | R & G 4th Vein | 4 | 240 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Pine Knot Coal Co | Pine Knot | 8B | 295 | 285 | 290 | 250 | 245 | 235 | 200 | 200 | 185 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 210 |
| Possum Hollow Mining Corp | Hoosier-Queen | 8B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Possum Hollow Mining Corp | Queen Special | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Possum Hollow Mining Corp | Queen | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Richardson Bros. Coal Co | Richardson | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Rodman, Bert | Morgan Rib | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Russell Coal Co | Russell | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Sherwood-Templeton Coal Co | Friar Tuck | 6 | 290 | 275 | 270 | 235 | 230 | 220 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 175 | 165 | 135 | 145 | 125 | 95 | | | | 120 | | 195 |
| Sherwood-Templeton Coal Co | Robin Hood | 6 | 290 | 275 | 270 | 235 | 230 | 220 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 175 | 165 | 135 | 145 | 125 | 95 | | | | 120 | | 195 |
| Streletelmeier, Henry W | Streletelmeier | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 195 | 185 | 155 | 180 | 170 | 130 | | | | 135 | | 220 |
| Strouse & McHenry | Same | 8B | 295 | 285 | 290 | 250 | 245 | 235 | 200 | 200 | 185 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 210 |
| Sun-Lite Coal Co | Sun-Lite | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| Utterback & Crabb | Stevenson | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Wright, Ben & Wayne | Wright | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Young, John A | Young Rib | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 135 | | 220 |
| *Knox County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bicknell Coal Co | Pan Handle 2 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Calmuck Mining Co | Calmuck | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | | 125 | 85 | | | | 120 | | 175 |
| Gillespie, Thomas (Domestic C. Co.) | Domestic | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | | 125 | 85 | | | | 120 | | 175 |
| Jones & Brown Coal Mine | Same | 7 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | | 125 | 85 | | | | 120 | | 175 |
| Knox Cons. Coal Corp | 1 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Knox Cons. Coal Corp | 2 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Linn Coal Co | Linn | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | | 125 | 85 | | | | 120 | | 175 |
| North Side Mining Co | North Side | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | | 125 | 85 | | | | 120 | | 175 |
| Powell Bros | Peacock | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | | 125 | 85 | | | | 120 | | 175 |
| Powell Bros | White Ash | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | | 125 | 85 | | | | 120 | | 175 |
| Richardson & May Coal & Mng. Corp | Sunshine | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | | 125 | 85 | | | | 120 | | 175 |
| Rinsch, Elmer | New Black Diamond | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | | 125 | 85 | | | | 120 | | 175 |
| Rodarmel & Ricketts | Same | 7 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | | 125 | 85 | | | | 120 | | 175 |
| Small Mine | Small | 7 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | | 125 | 85 | | | | 120 | 155 | 185 |
| Standard Coal Co | Standard | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Superior Coal Co | Superior | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | | 125 | 85 | | | | 120 | | 175 |
| Wolfe, John & John Koenig | Bunker Hill | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | | 125 | 85 | | | | 120 | | 175 |
| *Martin County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Abel, George F | Abel | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Baugh & Goldsberry | Baugh | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Booker, Homer | Booker No. 2 | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Bruner, Wm. J. & Chas. W | Bruner | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Chastain & Baker | Sipes | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Dillon, Dan W | Dillon | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Dobson, H. J | Dobson & Sims | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Downs, Wilson | Downs | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Felton, George | Felton | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Ferguson, Noble | Sampson Hill | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| French & Son | French | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| George, Opal | Payton | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Gibbs Bros | Gibbs | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Hirth, Ralph | Hirth | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Hoffman, J.—Otto Braun & L. Dixon | White Ash | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Holland, J. L | Franklin | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Holland & Norris | Fegan | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Jackman, Lebert | Jackman | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Johnson, Charles L | Johnson | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Jones, Arthur | Jones | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Kidwell & Tharp | Same | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Lagenour, J. H | Lagenour | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Martin County Coal Co | Martin | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Maze, Baker & Williams | Maze | H | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Nicholson, Harry | Nicholson | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Porter, Hady | Porter | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Qualkenbush, Henry & James | Shaw | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Quinn, Cecil & Amos Quinn | Quinn | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rollins, Alvin E | Rollins | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Scott & Holtz | Kate Holtz | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Sherfick, Ben O | Sherfick | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Simmons, George | Simmons | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Tedrow & Purkhiser | Same No. 1 | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Tedrow & Purkhiser | Same No. 2 | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Tedrow & Purkhiser | Same No. 3 | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Tedrow, Van | Tedrow | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Walters Coal Co | Walters | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Wraley, Harvey W | Wraley | 5 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | | | | | | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| *Owen County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Anka Coal Co., Inc | Anka | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Bond & Hochstetler | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Bond, Ross C | Black Diamond | 8B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Bonham & Gentry Rib Coal Co | Old Brazil Rib | 8B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Boyer, Clint | Locust Grove | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Central Block Coal Mng. Co | Old Brazil | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Duncan, L. H | Beech | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Edelman Mine (Paul) | Edelman | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Monarch Coal Co | Monarch | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Shouse, Harl | Shouse | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Siepman, H. A. Coal Co | Clipper Block | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| *Parke County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Ace Coal Co | Ace | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Adams & Warren | Sunbeam | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Allen, William & Son | Allen | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Ames, Lawrence | Ames | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Armstrong Coal Co | Armstrong | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Batty, Charles Coal Co | Batty | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Beaty, William | Beaty | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Becker & Miller Coal Co | Same | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Bramblett Mine | Brambleee | 8B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Brown, Milo G | Brown | 8B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Burton & Daniels | Same | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Chaney, Mahlon | Chaney | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Conrad, Alfred Coal Co | Blue Goose | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Crabb, Merrill W | Black Diamond | 8B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Craig Bros. Coal Co | Craig | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Dehart, Calvin | Dehart | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Elinich Bros Coal Co | Elinich | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Fullman, John (Maple Valley C. Co.) | Maple Valley | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Galey & Shipley | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Grasick, Albert | McNorton | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Haltom & Maden | Same | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Harsh, Clarence | Harsh | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Heaton, W. A | Lloyd | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Hoagland Mine | Hoagland | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Johnson Coal Co | Lloyd | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Jones Coal Co | Jones | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Law, Stewart Coal Co | Law | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Law, Stewart & Ray Seebode | Law & Seebode | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Lindsey, Robert | Frog Pond | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Lowe & Nevins Coal Co | Same | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Mankins & Kent | Same | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Midland Coal Co | Midland | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Miller Coal Co | Miller | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Mitchell Coal Co., F. I | Mitchell | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Mogan & Hardin | Diamond | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 150 | 95 | | | | 125 | | 220 |
| Morlan, Eliza | Morlan | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| McMasters, Sowers & Drake | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Norman, Dora & Sons Coal Co | Norman 5 | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Pell, Clarence A | Pell | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Presley, Roy & Claude Adams | "Sun Beam" | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Raccoon Coal Co | Raccoon | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Randall & Jones | Same | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Reeser, Frank | Reeser | SB | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Riso, Agatino | Riso | SB | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Scorza & Isconette | Lyford | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 165 | 135 | 95 | | | | 120 | | 185 |
| Servia Coal Co | Servia | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Smockville Coal Co. (Ingolds) | Everhart | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Sneath, Pearl | Klondike | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Summers Coal Co | Summers | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Warren, Harry | Folsom | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Wimmer Mine | Wimmer | | | | | | | | | | | | | | | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Wimsett Coal Co | Wimsett | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Yowell Bros. Coal Co | Yowell Bros | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Yowell, Burns & Maden | Same | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Youmans & Cliver | Same | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Zachman Coal Co | Zachman | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | | | | | | | | | |
| *Perry County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Bettinger, Elmer C | Bettinger | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Bolin, Alton P | Bolin | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Bolin, Beunie | Bolin | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Bolin, Frank P | Bolin | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Bolin, George | Lehman | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Bolin, James A | Foster | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Bolin, James A | Bolin's | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Bolin, Willis L | Briggeman | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Briggeman, C. Urban | Carter | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Carter, Andrew E | Clark | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Clark, Stevie | Eckert Bros | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Eckert Bros. Coal Co | Evrard | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Evrard, Herman | Fischer | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Fischer Bros. Coal Co | Foster | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Foster, Melvin | Taylor | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Greier & Schlachter Coal Co | Gunn | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Gunn, W. C | Hagedorn | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Hagedorn Bros | 1 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Harpeneau Bros | 2 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Harpeneau Bros | 3 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Harpeneau Bros | Howell | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Howell, H. L | Huck | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Huck, Charles | Huff | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Huff, John | Huff | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Huff, Sherman | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Howell & Gotlinet | Krieg | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Krieg, Andrew | Lanman | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Lanman, James L | Luecke | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Luecke, Edward | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Miller-Jones | S. O. S | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| McDaniel & Smith | New Year | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Otto, Robert H | Pekinpaugh | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Pekinpaugh, Lewis E | Peter Bros | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Peter Bros. Coal Co | Pfeiffer | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Pfeiffer, Henry | Poehlein | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Poehlein Coal Co | Reed | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Reed, Maurice | Ranger No. 1 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Rengers, Huber | Schaefer | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Schaefer, Edward A | Schwartz | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Schwartz, Edward | Shaw | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 151 | | | | 120 | 155 | 185 |
| Shaw, Ralph | Sims | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 115 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Sims, Thomas | Summers | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Summers & Basham | Reter | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Sutcliffe, Floyd | Taylor | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 115 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Taylor, Adial E | Taylor | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Taylor, James A | Peter | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Terry-Durbin | Vaal | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 115 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Vaal, Albert | Werner No. 1 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Werner Bros | Werner No. 2 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | | | | | | | | | |
| Werner Bros | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| *Pike County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Arbuckle, E. T | Arbuckle | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Barnett, Floyd B | Barnett | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Benham, Ray | Benham | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Blackfoot Coal Corp | Blackfoot | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Boger Coal Co | Boger | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Bradfield, C. A. Coal Co | Bradfield | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Bradfield, H. E | Bradfield | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Brittain, Bobbie | Brittain | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Chesser, Alonzo | Chesser | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Davidson, Wilbur | Davidson | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Davis, Clyde | Davis | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Davis & Hardin | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Electric Shovel Coal Corp | Ayrshire | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Enos Coal Mng. Co | Enos | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Erwin, Roscoe | Apex | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Everly, Ralph | Everly | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| H. & E. Coal Co | Red Onion | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Ingle Coal Co | Wick | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Jacobs Bros. Coal Co | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Lynch, Eddie | Lynch | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Maple Grove Coal Co | Maple Grove | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Maple Hill Coal Co | Maple Hill | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Marshall, Roy | Marshall | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Mason, Henry L | Mason | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Miley, Henry J | Bradfield No. 1 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Morning, Linzy | Morning | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| McRoberts, Russell | Clay Hill | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| New Muren Coal Co | New Muran | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Norrington Bros | Norrington | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Olinger, R. P | Olinger No. 1 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Patoka Coal Co | Globe | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Patton, James H | Patton | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Petersburg Mining Corp | Rosebud | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Pike Coal Co | Pike | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Richardson, John | Richardson's | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Shawnee Creek Coal Co | Shawnee Creek | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Taylor Bros | Ridge Top | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| 20th Century Coal Co., Inc | 20th Century | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Winslow Coal Corp | Winslow | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Wood, Everett | Wood | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Wood, Miles & Raymond | Wood | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| *Spencer County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Altman, Joseph | Lambert | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Beard, Wm. L | Beard | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Bolin, William | Bolin | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Bolin, Willis | Bolin | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Cameron, Lawrence | Cameron | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Cotton, Earl | Cotton | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Doyle, J. O | Raaft | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Foertsch, George | Foertsch | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Gentry, George | Rumple | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Hancock, C. I | Hancock | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Harris, Earl | Harris | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Harris, James R | Harris | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 166 | 155 | 115 | | | | 120 | 155 | 185 |
| Hauser, Joseph F | Cedar Grove | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Hurst & Adye Coal Co | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Jones Bros. Coal Co | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Kelley, Wm | Kelley | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Leistner, Edgar | Leistner | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Lincoln Coal Co | Lincoln | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Mann, Fred | Mann | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Mariah Hill Super Block Coal Corp | Mariah Hill | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Mariah Hill Super Block Coal Corp | Cummodore | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Mehling, Mike | Mehling's | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Meier, Raymond | Meier's | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Meyers, Wm. H | Meyers | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Neyenhaus, Alfred | Neyenhaus | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Petry, Herman | Petry | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Peters, Frank | Peters | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Quick, Wm. L | Quick | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Ranger, Everett | Ranger | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Rumpel Bros | Rumpel | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Stephens, Archie | Stephens | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Tucker, Charles E | Tucker | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Vaal, Oscar B | Vaal | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Vaeth, John S | Christmas | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Van Dyke, William | Van Dyke | 6 | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Wilmes, Joe H | Wilmes | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Wolf, Walter L | Wolf | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| Woodward, Waldo | Woodward | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | | | | 165 | 155 | 115 | | | | 120 | 155 | 185 |
| *Sullivan County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Alumbaugh Bros | Scott City | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Arnold, L. F., & Sons | Arnold 6 | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Bridwell, John | Bridwell | 7 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Central Indiana Coal Co | Allendale | 6 | 280 | 275 | 270 | 235 | 230 | 220 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 175 | 165 | 135 | 145 | 125 | 95 | | | | 120 | | 195 |
| Cooksey, Arthur | Cooksey | 7 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Dugger-Domestic Coal Co | 2 | 6 | 280 | 275 | 270 | 235 | 230 | 220 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 175 | 165 | 135 | 145 | 125 | 95 | | | | 120 | | 195 |
| Fox Coal Co | Fox | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Glenburne Coal Co | Linda Lu | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Glendora Coal Co | 28 | 5 | 305 | 305 | 305 | 295 | 285 | 275 | 235 | 225 | 195 | 175 | 165 | 115 | 80 | 205 | 195 | 195 | 185 | 155 | 185 | 175 | 135 | | | | 140 | | 250 |
| Hagerman Coal Corp | Hagerman | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Helsel, D. J | Helsel | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Ingham & Martin | Tennis | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Jackson Coal Co | Jackson | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| King, J. Everett | Hoosier 1 | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| King, J. Everett | Hoosier 3 | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Little Wonder Coal Co | Little Wonder | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Mahan Bros. Coal Co | Mahan | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Morgan, Levi | Spencer Rib | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Morris, Oliver P | Morris | 7 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Morris & Campbell | Rock Hollow | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Myers, Joe H. & Son | Hutchison | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| McGinnis Coal Co | McGinnis | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| New Hillside Coal Co., Inc | New Hillside | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| North Wilford Coal Co | North Wilford | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Peabody Coal Co | 48 | 4 | 280 | 275 | 270 | 250 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 195 | 185 | 155 | 180 | 170 | 130 | | | | 135 | | 220 |
| Red Bird No. 5 Coal Co | Red Bird | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Sheffler Coal Corp | Sheffler | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Siepman, H. A. Coal Co | Ebony | 6 | 280 | 275 | 270 | 235 | 230 | 220 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 175 | 165 | 135 | 145 | 125 | 95 | | | | 120 | | 195 |
| Siepman, H. A. Coal Co | Kingkol | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Smith, Steve | Smith | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Spencer Coal Co | Spencer | 6 | 280 | 275 | 270 | 235 | 230 | 220 | 185 | 190 | 165 | 135 | 125 | 60 | 40 | 185 | 175 | 175 | 165 | 135 | 145 | 125 | 95 | | | | 120 | | 195 |
| Templeton Coal Co | Glendora 27 | 5 | 305 | 305 | 305 | 295 | 285 | 275 | 235 | 225 | 195 | 175 | 165 | 115 | 80 | 205 | 195 | 195 | 185 | 155 | 185 | 175 | 135 | | | | 140 | | 250 |
| Terhune, Baty & Ollie | Terhune | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| Tipton, Joe | Tipton | 6 | 290 | 270 | 265 | 235 | 230 | 220 | 180 | 185 | 180 | 140 | 130 | 60 | 40 | | | | | | 150 | 130 | 85 | | | | 120 | | 195 |
| York, Robert W | York | 7 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| *Vanderburgh County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Crescent Coal Co | Crescent | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| *Vermillion County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Abernathy & Purlhiere | Fern Hill | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Barnes & Hinkle Coal Co | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Biggs, James W | Biggs | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Blanford Coal Mines, Inc | Blanford | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Boswell, Tryon & Simpson Coal Co | Simpson | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Brentlinger, Robert | Oak Grove | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Briggs-Louden | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Burton Bros. Coal Co | Burton Bros | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Carter, A. J | Fox | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Clear View Coal Co | Clear View | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Clinton Coal Co | Crown Hill 6 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Clinton Coal Co | Submarine 2 | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | 205 | 195 | 195 | 185 | 155 | 165 | 175 | 135 | | | | 140 | 175 | 220 |
| Craft, Bentley & Runyan | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 18 |
| Ditto, Roy | Ditto | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Duchene, Paul Coal Co | Happy Hollow | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Duchene, Noah | White Rabbit | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Dugger, Charles F | Dugger | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Easter, L. C | Little Wonder | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Electric Shovel Coal Corp | Clinton | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Ellis, White & Myers | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Gebhart, Joe | Gebhart | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Hardesty, Burl L. Coal Co | Hardesty | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Harris Coal Co | Harris | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Heskes Mine | Heskes | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Johnson Coal Co | Johnson | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Kelley Bros. Coal Co | Kelley | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Kelsheimer Coal Co | Lone Ranger | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Lincoln City Coal Co | Lone Eagle | 6 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | 205 | 195 | 195 | 185 | 155 | 180 | 170 | 130 | | | | 135 | | 220 |
| Linton-Summit Coal Co | Templeton 4 | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 180 | 170 | 130 | | | | 120 | | 185 |
| Little & Davis | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Little Wonder Coal Co | Little Wonder | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Lorenzo Coal Co | Lorenzo | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Maffett, Floyd | Maffett | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Newport Mining Co., Inc | Newport | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| North West Coal Co | North West | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Norton Creek Coal Co | Norton Creek | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Pender & Davis | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Perry & Company Coal Co | Perry & Co | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Pierce, Sam, Paul & Stacey | Pierce | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Reeder Hill Coal Co | Reeder Hill | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Shannon Coal Co | Shannon | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Shull, Stephen D | Shull-1 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Square Deal Coal Co | Square Deal | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Spring Valley Coal Co | Spring Valley | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| State Line Coal Co | State Line | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Ugo, Anthony | Range Line | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Watson & Co | Watson | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| West, Charles, Coal Co | West | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Yocum, Virgil & Frank | Yocum | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| *Vigo County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Barnard, William & Son | Barnard | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Bennett, Gene | Bennett | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Binkley Coal Mining Co | Miami 10 | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | 205 | 195 | 195 | 185 | 155 | 185 | 175 | 135 | | | | 140 | 175 | 220 |
| Binkley Coal Mining Co | Bobolink | 4 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Black Giant Coal Co | Black Giant | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Black Hawk Coal Corp | Black Hawk | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Boling, Ray M | Chieftain A | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Brown & Carter Coal Co | Same | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Buckeye Coal Co | Buckeye | 6 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Busy Valley Coal Co | Busy Valley | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Collieries Coal & Coke Co | 7 | 7 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Cook, Aubrey | Davis Hill | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Dixie Bee Mng. Corp. (R. J. Smith) | Dixie Bee | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Dunn, Claude N | Rock Top | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 190 | 170 | 160 | 105 | 75 | | | | | | 170 | 160 | 120 | | | | 120 | | 185 |
| Edgewood Coal Corp | Edgewood | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Eppert Coal Co., John | Eppert | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Ferndale Coal Corp | Vermillion 1 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Fick Bros. Coal Co | Fick | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Fields, Clarence | Fields | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Fleschner, George | Fleschner | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Frazier, George | Frazier | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Froschauer, Merlin | Froschauer | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Gilliatt, Sam Coal Co | Naumee No. 20 Rib | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Hall, Lloyd L | Hall | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Hoffman, Jacob & Ova | Hoffman | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Horton, Ed | Horton | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Huffman, Lloyd Coal Co | Huffman | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Huffman & Peterson | Huffman | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Hulman St. Mining Co., Inc | Hulman St | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Jeffers, Vernie, Coal Co | Jeffers | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Kerns, Harry | Spring Hill | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Koch, Alvin | Koch | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Larimar Hill Coal Co | Larimar Hill | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Leek, Sam | Leek | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Light Ash Coal Co | Light Ash | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Livingston & Son Coal Co | Livingston | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Lone Maple Coal Co | Lone Maple | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | | | | 170 | 160 | 95 | | | | 125 | | 220 |
| Lone Oak Coal Co | Lone Oak | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Maumee Collieries Co., The | Chieftain 20 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Mogan & Rardin | Ehrmandale | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | | | | | | 145 | 135 | 95 | | | | 120 | | 175 |
| Mopps, Harry, Coal Co | Salt Creek | 7 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Mt. Olive Coal Co | Mt. Olive | 7 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Mt. Pleasant Coal Co | Mt. Pleasant | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | | | | 145 | 135 | 95 | | | | 120 | | 185 |
| Navin, James | Navin | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 180 | 160 | 150 | 95 | 65 | | | | | | 170 | 160 | 120 | | | | 120 | | 220 |
| Non-Clinker Coal Co | Same | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 180 | 160 | 150 | 95 | 65 | | | | | | 170 | 160 | 120 | | | | 120 | | 220 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Otter Valley Coal Co | Otter Valley | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 175 |
| Quilliam & Sons Coal Co | Same | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 175 |
| Riley Coal Corp | Christy | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 185 |
| Scank, A. W. Coal Co | Scank | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 185 |
| Shadylane Coal Co | Shadylane | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 175 |
| Sharpe Coal Co | Mt. Olive | 7 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 185 |
| Snow Hill Coal Corp | Fayette | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | 205 | 195 | 195 | 185 | 155 | 185 | 175 | 135 | ---- | ---- | ---- | 140 | 175 | 220 |
| Snow Hill Coal Corp | Tallydale | 3 | 210 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Standard Fuel Co., Inc | Same | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 180 | 160 | 150 | 95 | 65 | ---- | ---- | ---- | ---- | ---- | 170 | 160 | 120 | ---- | ---- | ---- | 120 | ---- | 220 |
| State Line Coal Co | Robinson | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 185 |
| Stephens Coal Co | Hot Flash | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 185 |
| Success Coal Co | Success | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 185 |
| Tipton Coal Co | Tipton | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 175 |
| Tip-Top Coal Co | Tip-Top | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 40 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 185 |
| Trinity Coal Co | Trinity | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 140 | 175 | 220 |
| Walter Bledsoe & Co | Saxton 1 | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 175 | 165 | 110 | 80 | 205 | 195 | 195 | 185 | 155 | 185 | 175 | 135 | ---- | ---- | ---- | 140 | 175 | 220 |
| Western Coal & Supply Co | Miami 5 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 185 |
| White & Urbas Coal Co | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 175 |
| Wood, William Coal Co | Oak Hill | 3 | 230 | 225 | 220 | 210 | 205 | 200 | 175 | 175 | 165 | 135 | 125 | 60 | 50 | ---- | ---- | ---- | ---- | ---- | 145 | 135 | 95 | ---- | ---- | ---- | 120 | ---- | 175 |
| *Warren County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Carlson, John A | Luppold | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | ---- | ---- | ---- | ---- | ---- | 170 | 160 | 95 | ---- | ---- | ---- | 125 | ---- | 220 |
| Hewitt, John H | Hewitt | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | ---- | ---- | ---- | ---- | ---- | 170 | 160 | 95 | ---- | ---- | ---- | 125 | ---- | 220 |
| Neal, M. H | Fall Creek | M | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | ---- | ---- | ---- | ---- | ---- | 170 | 160 | 95 | ---- | ---- | ---- | 125 | ---- | 220 |
| *Warrick County* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Allen Coal Co | Allen | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 55 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Allen, Otis | Sharon | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 55 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Austin, Fred | Hopper No. 2 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Bass, Louis V | Bass | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Big Four Coal Co | Big Four | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Binkley Mining Co | Lucky Strike | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Blue Blaze Coal Co | Blue Blaze | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Boonville Coal Sales Corp | Star Hill 2 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Boyles, Jack & Sons | Boyles | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Boyles, James | Boyles | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Bratcher, Robert | Bratcher | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Burgess, Oliver A | Parker | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Byers, J. U | Byers | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Carter, Willie Coal Co | Steraberg | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Cox, O. P | Cox | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Decker, Oscar F | Decker | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Dempsey, Bert | Dempsey | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Dorsey, Wm | Dorsey | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Eble, Edward A | Happy Hollow | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Elliott & Williamson | Elliott | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Era Coal Co | Era | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Fischer, A. W | Wonderland | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Goebel, Ed & John Steinkuhl | G. & S | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Hart, Oma | Hart | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Hess, Edward | Hess | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Hill Coal Co | Horton | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Hill Crest Coal Co | Hill Crest | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Hillenbrand Coal Co. (Henry F. Hillenbrand) | Hillenbrand | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Hopper, Jodie | Hopper | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Houston Coal Co | Houston | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Howard, L. S | Howard | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Howes, Monroe Coal Co | Howes | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Huffman, L. B | Red Brush | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Husk, Wm. S | Walnut Grove | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Hutchinson, Fred | Hutchinson | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Jackson & Allen | Same | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Jacobs, David L | Jacobs | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Jones, Lawrence & Son | L. Jones & Son | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Julian Coal Co | Julian | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Koressel, Adam Coal Co | Koressel | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 102 | 155 | 185 |
| Lerch Bros. Coal Co | Lerch | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Libbert Mining Co | Libbert | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Lynch, Eutace | Lynch | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Marshall, Walter | Marshall's | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Mickel, E. F | Mickel | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |





*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Miller, C. U | Miller | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Modlin, Robert | Modlin | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Mt. Nebo Coal Co | Mt. Nebo | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Nixon, Ezra | Nixon | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Osha, Henry, Sr | Osha | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Peacock Mining Co | Peacock | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Reder & Seed | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Rhoades, Clarence | Rhoades | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Risley, Roscoe | Kelley | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Robertson, Frank | Robertson & Garrison | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Ross Coal Co | Ross | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Ryan, Frank | Square Deal | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| St. Clair, Ira J | St. Clair | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Simpson, Oliver | Simpson | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Shade, A. F | Shade | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Sharp, Henry T | Sharp's | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Sims, Timothy | Sims | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Southeastern Coal Co | Southeastern | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Spradlin, L. O | Spradlin | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Sternberg Coal Corp | Star Hill 1 | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Stuart, Charles | Stuart | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Suhrkamp, Carl | Suhrkamp | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Sunlight Coal Co | Sunlight | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Super Five, Inc | Super Five | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | 170 | 160 | 130 | 120 | 155 | 185 |
| Stone Mining Co. Inc | S & S | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Warfeld Coal Co | Elberfield | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | 185 | 175 | 175 | 165 | 135 | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Wilder, Donald | Wilder | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Wilson Coal Co | Wilson | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Wonderland Coal Co | Wonderland | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Woolsey, Cleo | Woolsey | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Wiers, Tilden | Wiers | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Zieman, John | Zieman | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |
| Yoakum, Lawrence I | Yoakum | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ---- | ---- | ---- | ---- | ---- | 165 | 155 | 115 | ---- | ---- | ---- | 120 | 155 | 185 |

SCHEDULE OF PROPOSED COORDINATED MINIMUM PRICES FOR RAIL SHIPMENT ONLY FOR DISTRICT No. 12

DIRECTIONS TO CODE MEMBERS FOR THE APPLICATION OF PRICES SHOWN IN THIS PRICE SCHEDULE

To illustrate manner in which a code member may locate its mine price for shipment by railroad to a point of delivery in the State of Iowa, attention is directed to the following:

Norwood-White Coal Company, in order to locate its f. o. b. mine price for small egg coal, 2 x 4" in size, for shipment from No. 7 Moran mine to Council Bluffs, Iowa, would turn to "Listing of Code Members" and note that Mine Index 38, Mine Origin Group No. 15, Moran Origin Group, applies to No. 7 Moran mine. Prices to Iowa destinations listed in alphabetical order are shown hereinafter. However, under Size Group 4, which includes small egg sizes, and opposite Council Bluffs appears note "(a)". Note "(a)" indicates prices for Small Egg coal can be located on a table hereinafter, from which it is noted Mine Price of $3.06 per net ton is applicable to shipments of 2 x 4" Egg coal from rail mines in Mine Origin Group No. 15, Moran Origin Group, to Council Bluffs, Iowa. $3.06 per net ton, f. o. b. mines is therefore the Mine Price for 2 x 4" Egg coal, produced at No. 7 Moran mine, for shipment by railroad to Council Bluffs, Iowa, and this price applies for all uses except Railroad Locomotive Fuel; Railroad Locomotive Fuel prices are shown by Mine Index Numbers.

McConville Coal Company, in order to locate its f. o. b. mine price for Small Egg coal, 2 x 4" in size, for shipment from No. 1 Dennis mine to Council Bluffs, Iowa, would proceed in the above manner. "Listing of Code Members" indicates Mine Index 29, Mine Origin Group No. 5, Centerville Origin Group, applies to No. 1 Dennis mine. The table indicates that to Council Bluffs Mine Price of $3.06 and Base Freight Rate of $1.59 apply only to 2 x 4" Egg coals produced in Mine Origin Group No. 15, Moran Origin Group. As No. 1 Dennis mine is in Mine Origin Group No. 5, Centerville Origin Group, from which group a freight rate of $1.92 per net ton applies to 2 x 4" Egg coal for shipment to Council Bluffs, Iowa, it is necessary to see Note 3, "Price Instructions and Exceptions". Note No. 3 permits McConville Coal Company to decrease the Mine Price of $3.06, shown for Base Origin Group No. 15, Moran Origin Group, by 33 cents, an amount equal to the difference of the actual freight rate of $1.92, from No. 1 Dennis mine to Council Bluffs, and the Base Rate of $1.59, resulting in an f. o. b. mine price of $2.73 per net ton for 2 x 4" Egg coal shipped by railroad from No. 1 Dennis mine to Council Bluffs, Iowa. McConville Coal Company's mine price of $2.73 for 2 x 4" Egg coal from No. 1 Dennis mine is applicable for all uses except Railroad Locomotive Fuel.

New Market Coal Company, in order to locate its f. o. b. mine price for Small Egg coal, 2 x 4" in size, for shipment from New Market mine to Council Bluffs, would turn to "Listing of Code Members" which indicates Mine Index 36, Mine Origin Group No. 17, New Market Origin Group, applies to this mine. As New Market mine is in Mine Origin Group No. 17, New Market Origin Group, from which group a freight rate of $1.26 per net ton applies to 2 x 4" Egg coal for shipment to Council Bluffs, Iowa, applying Note No. 3 "Price Instructions and Exceptions", the New Market Coal Company shall increase Mine Price of $3.06, to Council Bluffs, Iowa, by 33 cents, an amount equal to the difference of the actual freight rate of $1.26, from New Market mine to Council Bluffs, and the Base Rate of $1.59, resulting in an f. o. b. mine price of $3.39 per net ton for 2 x 4" Egg coal shipped by railroad from New Market mine to Council Bluffs, Iowa, which price is applicable for all uses except Railroad Locomotive Fuel.

Norwood-White Coal Company, McConville Coal Company, or New Market Coal Company, in order to locate their respective mine prices for any size of coal for shipment by railroad to points of delivery in Kansas, Missouri, Nebraska, North Dakota, South Dakota, or Minnesota, would turn to the table where f. o. b. mine prices are shown in cents per net ton of 2,000 pounds, applicable to all Code Member mines for all uses except Railroad Locomotive Fuel.

All prices are subject to "Price Instructions and Exceptions".

PRICE INSTRUCTIONS AND EXCEPTIONS (FOR SHIPMENT BY RAILROAD)

1. All prices shown herein are in cents per net ton of 2,000 pounds and apply f. o. b. transportation facilities at mines.

2. All prices are subject to the effective Marketing Rules and Regulations and the Rules and Regulations governing distributors.

3. The Market Areas used in this schedule are those areas numerically designated and geographically described in the document entitled, "Consuming Market Areas as Prosposed by the National Bituminous Coal Commission pursuant to Section 4 of the Bituminous Coal Act of 1937," dated April 24, 1939.

4. The prices herein established for mines shipping by railways shall be applicable to all coal shipped by conveyances other than trucks or wagons.

5. Railway Locomotive Fuel Prices herein designated shall not be used in the sale of coal to railways other than those recognized as common carriers by the Interstate Commerce Commission or by the Canadian Railways Commission.

6. The f. o. b. mine prices shown result from designated base rail freight rate shown to each destination from a base origin group. Any producer having a contemporaneous rail rate that is higher than that shown to destination listed, may decrease the f. o. b. mine price shown by an amount equal to the difference of the actual rate of the individual producer mine and that of the base rate listed. Any producer mine having a contemporaneous rail rate that is less than the base rail rate shown to the destination listed, shall increase the f. o. b. mine price shown by an amount equal to the difference of the listed base rail rate and the actual rail rate of the individual producer mine.

7. No adjustment shall be made in the prices shown herein due to the assessment of a switching charge by any railroad, which is an addition to the rail through line haul rate for effecting a specified delivery.

8. All size designations herein are for round hole screens, or their equivalent.

8-inch round hole equals 5¼-inch bar.
6-inch round hole equals 4⅛-inch bar.
4-inch round hole equals 2¾-inch bar.
2-inch round hole equals 1⅜-inch bar.
1½-inch round hole equals 1¼-inch bar.
1¼-inch round hole equals ⅞-inch bar.
⅞-inch round hole equals ¼-inch bar.

9. When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled, then such coal must be included in the next higher priced size group and priced accordingly.

10. When coal is subjected to any chemical, oil or wax process or otherwise specially treated, an additional charge of not less than ten cents (10¢) per ton shall be made for each such treatment. When coal has been washed, a twenty-cent (20¢) per ton additional charge shall be made.

11. Coal trucked or hauled by a Code Member or his representative to a railroad siding or ramp, or

Coal trucked or hauled by a Code Member to a purchaser having privately owned or leased railway facilities, shall be governed by the following additional instructions:

Such coal shall be sold at not less than the minimum f. o. b. mine price established in this price schedule for shipment by railroad.





*Listing of Code Members, Mines, Mine Index Numbers and Mine Origin Groups (For Shipment by Railroad)*

| Mine index No. | Code member | Mine | Mine origin group | Mine origin group No. |
|---|---|---|---|---|
| 1 | Acme Coal Company | Acme | Lovilia | 40 |
| 2 | Arkoal Coal Company | Arkoal | Lovilia | 40 |
| 3 | Atlas Coal Company | Atlas | Givin | 10 |
| 4 | Battle Creek Coal Company | Battle Creek | Mystic | 16 |
| 5 | Big Six Coal Company | Big Six | Lovilia | 40 |
| 6 | Blackstone Coal Company | Blackstone | Lovilia | 40 |
| 7 | Boone Coal Inc | Boone | Boone Coal Inc., Iowa | 3 |
| 8 | Bradley Bros. Coal Co | Bradley | Knoxville | 39 |
| 9 | Burk Bros | Burk Bros | Lovilia | 40 |
| 10 | Casady Coal Co., A. L | Casady | Exline | 34 |
| 11 | Dallas Fuel Company | Dallas | Dallas Mine | 11 |
| 12 | Eagle Point Coal Company | Eagle Point | Bussey | 31 |
| 13 | Eldon Star Coal Company | Eldon Star | Eldon | 7 |
| 14 | Ellis Coal Company, A. M | Ellis | Harvey | 37 |
| 15 | Ellis (Roy C.) Mining Company | No. 3 | Oskaloosa | 29 |
| 16 | Ellis (Roy C.) Mining Company | No. 4 | Oskaloosa | 29 |
| 17 | Empire Fuel Company | Empire | Centerville | 5 |
| 18 | Enterprise Coal Company | Enterprise | Rathbun | 20 |
| 19 | Erin Coal Company, Inc | Erin | Bussey | 31 |
| 20 | Four Star Coal Company | Four Star | Lovilia | 40 |
| 21 | Graham Coal Company | Graham | Avery | 1 |
| 22 | Greene County Coal & Mng. Company | No. 1 | Grand Junction | 35 |
| | | | Rippey | 41 |
| | | | Winkelman's | 42 |
| 23 | Haines Coal Company | Haines | Eldon | 7 |
| 24 | Houghton Coal Company | Houghton No. 1 | Bussey | 31 |
| 25 | Karpan Coal Company | Karnan | Lovilia | 40 |
| 26 | Liberty Coal Company | Liberty | Mystic | 16 |
| 27 | Liter Coal Company | Liter | Bussey | 31 |
| 28 | Lowden, Frank O., Gorman, Jas. F., & Fleming, Jos. B., Trustees in Bankruptcy of Estate of C. R. I. & P. Rwy. Co. | No. 3 | Williamson | 24 |
| 29 | McConville Coal Company | No. 1 (Dennis) | Centerville | 5 |
| 30 | McConville Coal Company | No. 3 (Midway) | Centerville | 5 |
| 31 | McConville Coal Company | Dunreath | Dunreath | 6 |
| 32 | National Coal Company | National | Bussey | 31 |
| 33 | National Coal Company, Inc | National No. 1 | Fosterdale | 8 |
| 34 | New Block Coal Company | New Block | Centerville | 5 |
| 35 | New Everist Coal Company | New Everist | Bussey | 31 |
| 36 | New Market Coal Company | New Market | New Market | 17 |
| 37 | New Star Coal Company | New Star | Brazil | 4 |
| 38 | Norwood-White Coal Company | No. 7 Moran | Moran | 15 |
| 39 | Norwood-White Coal Company | No. 8 Herrold | Herrold | 12 |
| 40 | Numa Coal Company | Garfield | Garfield | 9 |
| 41 | Onder Coal Company | Onder | Lovilia | 40 |
| 42 | Ogden Superior Coal Company | Ogden Superior | North Ogden | 18 |
| 43 | Old King Coal Company | Old King | Brazil | 4 |
| 44 | Orillia Coal Company | Orillia No. 1 | Orillia | 19 |
| 45 | Oskaloosa Coal Company | Oskaloosa No. 2 | Beacon | 2 |
| 46 | Patik Coal Company | Patik | Givin | 10 |
| 47 | Pee Wee Coal Company | Pee Wee | Hamilton | 36 |
| | | | Lovilia | 40 |
| 48 | Pershing Fuel Company | Pershing No. 14 | Tracy | 22 |
| 49 | Ramsay Dooms Coal Company | Ramsay Dooms | Harvey | 37 |
| 50 | Rathbun Coal Company | Rathbun No. 3 | Rathbun | 20 |
| 51 | Rathbun Coal Company | Diamond | Centerville | 5 |
| 52 | Rider Co-operative Coal Company | Rider | Rider | 21 |
| 53 | Rigren Coal Company | Rigren | Harvey | 37 |
| 54 | Scandia Coal Company | No. 4 | Madrid | 14 |
| 55 | Scandia Coal Company | No. 6 | Madrid | 14 |
| 56 | Shafer Coal Company | Shafer | Bussey | 31 |
| 57 | Shuler Coal Company | Shuler | Shuler Mine | 23 |
| 58 | Simpson Bros. Coal Company | Simpson | Kirkville | 38 |
| 59 | Smoky Hollow Coal Company | Smoky Hollow No. 12 | Halpin | 27 |
| 60 | Stub Coal Company | Stub | Bussey | 31 |
| 61 | Sumpter Coal Company | Sumpter | Flagler | 26 |
| 62 | Sunshine Coal Company | No. 1 | Brazil | 4 |
| 63 | Sunshine Coal Company | No. 2 | Centerville | 5 |
| 64 | Sunshine Coal Company | No. 3 | Centerville | 5 |
| 65 | U. S. Mining Company | U. S. M. C | Lovilia | 40 |
| 66 | Villont Coal Company | Villont | Bussey | 31 |
| 67 | Whalan Coal Company | Whalan | Knoxville | 39 |
| 68 | White Ash Coop. Mining Company | White Ash | Albia | 30 |
| 69 | White Eagle Coal Company | White Eagle | Hamilton | 36 |
| 70 | Wignall Bros. Coal Company | Wignall | Dawson | 32 |

SIZE GROUPS AND SPECIFICATIONS

(FOR SHIPMENT BY RAILROAD)

Size group No. 1. *Chunk.* (All Lump above 2") Includes 2½", 3", 4", 5", and 6" Lump. (8" x 4") Includes all coal, the largest sizes of which are capable of passing through an 8" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 4" round hole screen or its equivalent. (6" x 4") Includes all coal, the largest sizes of which are capable of passing through a 6" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 4" round hole screen or its equivalent. (6" x 3") Includes all coal, the largest sizes of which are capable of passing through a 6" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 3" round hole screen or its equivalent.

Size group No. 2. *Lump.* (2" and under) Includes ¾", 1", 1¼", 1½", 1⅝" and 2" Lump.

Size group No. 3. *Egg or range.* (8" x 2") Includes all coal, the largest sizes of which are capable of passing through an 8" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 2" round hole screen or its equivalent. (6" x 2") Includes all coal, the largest sizes of which are capable of passing through a 6" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 2" round hole screen or its equivalent.

Size group No. 4. *Small egg.* (4" x 2") Includes all coal capable of passing through a 4" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 2" round hole screen or its equivalent. (3" x 1½") Includes all coal capable of passing through a 3" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 1½" round hole screen or its equivalent.

Size group No. 5. *Mine run.* Includes all coal as it comes from the mine, from which no portion thereof has been removed, and which has received no preparation or treatment.

Size group No. 6. *Nut.* (2" x 1¼") Includes all coal capable of passing through a 2" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 1¼" round hole screen or its equivalent. (1¼" x ¾") Includes all coal capable of passing through a 1¼" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a ¾" round hole screen or its equivalent.

Size group No. 7. *Domestic stoker.* Includes all coal, either crushed or raw, the largest sizes of which are capable of passing through a 1¼" or smaller round hole screen or its equivalent, from which has been removed only that portion capable of passing through a ⅜" round hole screen or its equivalent.

Size group No. 8. *Screenings.* Includes all uncrushed, raw coal, the largest sizes of which are capable of passing through a 2" or smaller round hole screen or its equivalent, and from which no fines have been removed.

Size group No. 9. *Crushed industrial stoker.* Includes all coal, the resultant of crushing mine-run so that the largest sizes are capable of passing through a 2" round hole screen or its equivalent, and from which no fines have been removed.

Size group No. 10. *Carbon.* (⅜" x 0) Includes all coal, the largest sizes of which are capable of passing through a ⅜" round hole screen or its equivalent, and from which no fines have been removed.

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*

| Iowa destination | Market area | Mine origin group | 1 Chunks | | | 2 Standard lump | | | 3 Egg | | | 4 Small egg | | | 5 M/R | | | Mine origin group | 6 Nut | | | 7 Domestic stoker | | | Mine origin group | 8 Scrgs. | | | 9 Industrial stoker | | | 10 Carbon | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price |
| Abbott Crossing | 49 | 5 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 5 | 275 | 149 | 424 | 275 | 149 | 424 | 14 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Ackley | 49 | 5 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 5 | 275 | 152 | 427 | 275 | 152 | 427 | 14 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Ackworth | 65 | 19 | 310 | 90 | 400 | 300 | 90 | 390 | 290 | 90 | 380 | 280 | 90 | 370 | 270 | 90 | 360 | 19 | 275 | 82 | 357 | 280 | 82 | 362 | 19 | 200 | 82 | 282 | 260 | 82 | 342 | 100 | 82 | 182 |
| Acme (Howard) | 50 | 14 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Acme (Polk) | 60 | 12 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 12 | 319 | 60 | 379 | 319 | 60 | 379 | 12 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Adair | 59 | 23 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 23 | 325 | 103 | 428 | 325 | 103 | 428 | 23 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Adaza | 55 | 15 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 15 | 325 | 92 | 417 | 325 | 92 | 417 | 15 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 207 |
| Adel | 55 | 23 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 23 | 325 | 60 | 385 | 325 | 60 | 385 | 23 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Afton | 66 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 5 | 200 | 130 | 330 | 260 | 130 | 390 | 100 | 130 | 230 |
| Agency City | 67 | 7 | 310 | 71 | 381 | 300 | 71 | 371 | 290 | 71 | 361 | 280 | 71 | 351 | 270 | 71 | 341 | 7 | 275 | 65 | 340 | 280 | 65 | 345 | 7 | 200 | 65 | 265 | 260 | 65 | 325 | 100 | 65 | 165 |
| Ainsworth | 53 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Akron | 55 | 14 | 375 | 200 | 575 | 365 | 200 | 565 | 355 | 200 | 555 | 345 | 200 | 545 | 285 | 200 | 485 | 14 | 325 | 181 | 506 | 325 | 181 | 506 | 14 | 215 | 181 | 396 | 275 | 181 | 456 | 115 | 181 | 296 |
| Aladdin | 49 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 14 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Albert City | 47 | 14 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 14 | 325 | 121 | 446 | 325 | 121 | 446 | 14 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Albia | 65 | 27 | 304 | 66 | 370 | 294 | 66 | 360 | 284 | 66 | 350 | 274 | 66 | 340 | 264 | 66 | 330 | 27 | 269 | 60 | 329 | 274 | 60 | 334 | 27 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Albion | 49 | 5 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 14 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Alburnett | 50 | 7 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 7 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Alden | 48 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Alexander | 48 | 14 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 14 | 325 | 125 | 450 | 325 | 125 | 450 | 14 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Algona | 47 | 14 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 14 | 325 | 128 | 453 | 325 | 128 | 453 | 14 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Alleman | 60 | 14 | 344 | 71 | 415 | 334 | 71 | 405 | 324 | 71 | 395 | 314 | 71 | 385 | 289 | 71 | 360 | 14 | 314 | 65 | 379 | 314 | 65 | 379 | 14 | 189 | 65 | 254 | 249 | 65 | 314 | 89 | 65 | 154 |
| Allendorf | 47 | 14 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 14 | 325 | 155 | 480 | 325 | 155 | 480 | 14 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Allerton | 66 | 5 | 295 | 81 | 376 | 285 | 81 | 366 | 275 | 81 | 356 | 270 | 81 | 351 | 285 | 81 | 366 | 5 | 275 | 74 | 349 | 275 | 74 | 349 | 5 | 200 | 74 | 274 | 260 | 74 | 334 | 100 | 74 | 174 |
| Allison | 49 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 14 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Almont | 50 | 7 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 7 | 275 | 155 | 430 | 275 | 155 | 430 | 7 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Almoral | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Alta | 47 | 15 | 375 | 144 | 519 | 365 | 144 | 509 | 355 | 144 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 15 | 325 | 130 | 455 | 325 | 130 | 455 | 15 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| Alta Vista | 50 | 14 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 14 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Alton | 55 | 15 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 15 | 325 | 159 | 484 | 325 | 159 | 484 | 15 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Altoona | 63 | 19 | 344 | 71 | 415 | 334 | 71 | 405 | 324 | 71 | 395 | 314 | 71 | 385 | 289 | 71 | 360 | 19 | 314 | 65 | 379 | 314 | 65 | 379 | 19 | 189 | 65 | 254 | 249 | 65 | 314 | 89 | 65 | 154 |
| Alvord | 55 | 15 | 375 | 200 | 575 | 365 | 200 | 565 | 355 | 200 | 555 | 345 | 200 | 545 | 285 | 200 | 485 | 15 | 325 | 181 | 506 | 325 | 181 | 506 | 15 | 215 | 181 | 396 | 275 | 181 | 456 | 115 | 181 | 296 |
| Amana | 49 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 2 | 200 | 114 | 314 | 255 | 114 | 369 | 100 | 114 | 214 |
| Amber | 50 | 7 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 7 | 275 | 144 | 419 | 275 | 144 | 419 | 7 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Ames | 55 | 14 | 375 | 71 | 446 | 365 | 71 | 436 | 355 | 71 | 426 | 345 | 71 | 416 | 285 | 71 | 356 | 14 | 325 | 65 | 390 | 325 | 65 | 390 | 14 | 215 | 65 | 280 | 275 | 65 | 340 | 115 | 65 | 180 |
| Anamosa | 50 | 2 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 2 | 275 | 141 | 416 | 275 | 141 | 416 | 2 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Anderson | 66 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 5 | 200 | 170 | 370 | 260 | 170 | 430 | 100 | 170 | 270 |
| Andover | 50 | 7 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 7 | 275 | 155 | 430 | 275 | 155 | 430 | 7 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Angus | 55 | 15 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 15 | 325 | 60 | 385 | 325 | 60 | 385 | 15 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Anita | 59 | 23 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 23 | 325 | 107 | 432 | 325 | 107 | 432 | 23 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Ankeny | 60 | 19 | 344 | 71 | 415 | 334 | 71 | 405 | 324 | 71 | 395 | 314 | 71 | 385 | 289 | 71 | 360 | 19 | 314 | 65 | 379 | 314 | 65 | 379 | 19 | 189 | 65 | 254 | 249 | 65 | 314 | 89 | 65 | 154 |
| Anthon | 55 | 15 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 15 | 325 | 146 | 471 | 325 | 146 | 471 | 15 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Aplington | 49 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Appanoose | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Arcadia | 55 | 15 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 15 | 325 | 103 | 428 | 325 | 103 | 428 | 15 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Archer | 47 | 15 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 15 | 325 | 155 | 480 | 325 | 155 | 480 | 15 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Ardon | 53 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Aredale | 49 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Argon | 48 | 14 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Argyle | 54 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Arion | 55 | 15 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 15 | 325 | 118 | 443 | 325 | 118 | 443 | 15 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Arispe | 66 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 5 | 200 | 128 | 328 | 260 | 128 | 388 | 100 | 128 | 228 |
| Arlington | 60 | 19 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 19 | 275 | 163 | 438 | 275 | 163 | 438 | 19 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Armstrong | 47 | 14 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 14 | 325 | 159 | 484 | 325 | 159 | 484 | 14 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Arnold | 47 | 14 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 14 | 325 | 114 | 439 | 325 | 114 | 439 | 14 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |
| Arnolds Park | 47 | 14 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 14 | 325 | 146 | 471 | 325 | 146 | 471 | 14 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Arthur | 55 | 15 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 15 | 325 | 121 | 446 | 325 | 121 | 446 | 15 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Ascalon | 49 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 2 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Ascot | 57 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Ashawa | 60 | 23 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 23 | 319 | 60 | 379 | 319 | 60 | 379 | 23 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Ashton | 47 | 15 | 375 | 180 | 555 | 365 | 180 | 545 | 355 | 180 | 535 | 345 | 180 | 525 | 285 | 180 | 465 | 15 | 325 | 163 | 488 | 325 | 163 | 488 | 15 | 215 | 163 | 378 | 275 | 163 | 438 | 115 | 163 | 278 |
| Aspinwall | 55 | 15 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 15 | 325 | 103 | 428 | 325 | 103 | 428 | 15 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Astor | 55 | 15 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 15 | 325 | 107 | 432 | 325 | 107 | 432 | 15 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Atalissa | 50 | 7 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 7 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Atkins | 49 | 5 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 5 | 275 | 152 | 427 | 275 | 152 | 427 | 2 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Atlantic | 59 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 19 | 200 | 118 | 318 | 260 | 118 | 378 | 100 | 118 | 218 |
| Atwood | 53 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 2 | 200 | 65 | 265 | 255 | 65 | 320 | 100 | 65 | 165 |
| Auburn | 55 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Audubon | 55 | 15 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 15 | 325 | 121 | 446 | 325 | 121 | 446 | 15 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Aurelia | 47 | 15 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 15 | 325 | 133 | 458 | 325 | 133 | 458 | 15 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |



*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes—Continued*

| Iowa destination | Market area | Mine origin group | 1 Chunks | | | 2 Standard lump | | | 3 Egg | | | 4 Small egg | | | 5 M/R | | | Mine origin group | 6 Nut | | | 7 Domestic stoker | | | Mine origin group | 8 Scrgs. | | | 9 Industrial stoker | | | 10 Carbon | | |
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| | | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price |
| Aurora | 50 | 14 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 14 | 275 | 146 | 421 | 275 | 146 | 421 | 14 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Austin | 55 | 15 | 375 | 244 | 619 | 365 | 244 | 609 | 355 | 244 | 599 | 345 | 244 | 589 | 285 | 244 | 529 | 15 | 325 | 244 | 569 | 325 | 244 | 569 | 15 | 215 | 244 | 459 | 275 | 244 | 519 | 115 | 244 | 359 |
| Austinville | 49 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 114 | 314 | 255 | 114 | 369 | 100 | 114 | 214 |
| Avery | 65 | 27 | 310 | 60 | 370 | 300 | 60 | 360 | 290 | 60 | 350 | 280 | 60 | 340 | 270 | 60 | 330 | 27 | 275 | 54 | 329 | 280 | 54 | 334 | 27 | 200 | 54 | 254 | 260 | 54 | 314 | 100 | 54 | 154 |
| Avoca | 50 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 19 | 200 | 130 | 330 | 260 | 130 | 390 | 100 | 130 | 230 |
| Avon | 63 | 19 | 344 | 71 | 415 | 334 | 71 | 405 | 324 | 71 | 395 | 314 | 71 | 385 | 289 | 71 | 360 | 19 | 314 | 65 | 379 | 314 | 65 | 379 | 19 | 189 | 65 | 254 | 249 | 65 | 314 | 89 | 65 | 154 |
| Ayrshire | 47 | 14 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 14 | 325 | 128 | 453 | 325 | 128 | 453 | 14 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Badger | 47 | 14 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Bagley | 55 | 15 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 285 | 81 | 366 | 15 | 325 | 74 | 399 | 325 | 74 | 399 | 15 | 215 | 74 | 289 | 275 | 74 | 349 | 115 | 74 | 189 |
| Bailey | 50 | 14 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 14 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 170 | 370 | 255 | 170 | 425 | 100 | 170 | 270 |
| Baker's | 60 | 12 | 344 | 71 | 415 | 334 | 71 | 405 | 324 | 71 | 395 | 314 | 71 | 385 | 289 | 71 | 360 | 12 | 314 | 65 | 379 | 314 | 65 | 379 | 12 | 189 | 65 | 254 | 249 | 65 | 314 | 89 | 65 | 154 |
| Baldwin | 50 | 7 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 7 | 275 | 155 | 430 | 275 | 155 | 430 | 7 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Bancroft | 47 | 14 | 375 | 150 | 525 | 365 | 150 | 515 | 355 | 150 | 505 | 345 | 150 | 495 | 285 | 150 | 435 | 14 | 325 | 136 | 461 | 325 | 136 | 461 | 14 | 215 | 136 | 351 | 275 | 136 | 411 | 115 | 136 | 251 |
| Bard | 53 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Barnes City | 67 | 7 | 310 | 114 | 424 | 300 | 114 | 414 | 290 | 114 | 404 | 280 | 114 | 394 | 270 | 114 | 384 | 7 | 275 | 103 | 378 | 280 | 103 | 383 | 7 | 200 | 103 | 303 | 260 | 103 | 363 | 100 | 103 | 203 |
| Barney | 59 | 5 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 5 | 275 | 138 | 413 | 275 | 138 | 413 | 19 | 200 | 78 | 278 | 260 | 78 | 338 | 100 | 78 | 178 |
| Barnum | 47 | 15 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 15 | 325 | 100 | 425 | 325 | 100 | 425 | 15 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Bartlett | 66 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 5 | 200 | 173 | 373 | 260 | 173 | 433 | 100 | 173 | 273 |
| Baskins | 50 | 14 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 14 | 275 | 136 | 411 | 275 | 136 | 411 | 14 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Bassett | 50 | 14 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 14 | 275 | 152 | 427 | 275 | 152 | 427 | 14 | 200 | 152 | 352 | 255 | 152 | 407 | 100 | 152 | 252 |
| Batavia | 53 | 5 | 295 | 102 | 397 | 285 | 102 | 387 | 275 | 102 | 377 | 270 | 102 | 372 | 285 | 102 | 387 | 5 | 275 | 92 | 367 | 275 | 92 | 367 | 7 | 200 | 65 | 265 | 255 | 65 | 320 | 100 | 65 | 165 |
| Battle Creek | 55 | 15 | 375 | 144 | 519 | 365 | 144 | 509 | 355 | 144 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 15 | 325 | 130 | 455 | 325 | 130 | 455 | 15 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| Baxter | 47 | 19 | 375 | 94 | 469 | 365 | 94 | 459 | 355 | 94 | 449 | 345 | 94 | 439 | 285 | 94 | 379 | 19 | 325 | 85 | 410 | 325 | 85 | 410 | 19 | 215 | 85 | 300 | 275 | 85 | 360 | 115 | 85 | 200 |
| Bayard | 47 | 15 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 15 | 325 | 78 | 403 | 325 | 78 | 403 | 15 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 193 |
| Beacon | 65 | 10 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 10 | 275 | 60 | 335 | 280 | 60 | 340 | 10 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Beaconsfield | 66 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 5 | 200 | 107 | 307 | 260 | 107 | 367 | 100 | 107 | 207 |
| Beaman | 49 | 5 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 5 | 275 | 149 | 424 | 275 | 149 | 424 | 14 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Bear Creek | 65 | 7 | 310 | 71 | 381 | 300 | 71 | 371 | 290 | 71 | 361 | 280 | 71 | 351 | 270 | 71 | 341 | 7 | 275 | 65 | 340 | 280 | 65 | 345 | 7 | 200 | 65 | 265 | 260 | 65 | 325 | 100 | 65 | 165 |
| Beaver | 47 | 14 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 285 | 81 | 366 | 14 | 325 | 74 | 399 | 325 | 74 | 399 | 14 | 215 | 74 | 289 | 275 | 74 | 349 | 115 | 74 | 189 |
| Beaver Park | 60 | 15 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 15 | 319 | 60 | 379 | 319 | 60 | 379 | 15 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Beck | 54 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Beckwith | 53 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 7 | 200 | 69 | 269 | 255 | 69 | 324 | 100 | 69 | 169 |
| Bedford | 66 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 5 | 200 | 136 | 336 | 260 | 136 | 396 | 100 | 136 | 236 |
| Beach | 65 | 24 | 310 | 68 | 378 | 300 | 68 | 368 | 290 | 68 | 358 | 280 | 68 | 348 | 270 | 68 | 338 | 24 | 275 | 60 | 335 | 280 | 60 | 340 | 24 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Belfast | 68 | 5 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 5 | 275 | 110 | 385 | 275 | 110 | 385 | 7 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Belknap | 66 | 5 | 295 | 68 | 363 | 285 | 68 | 353 | 275 | 68 | 343 | 270 | 68 | 338 | 285 | 68 | 353 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Belle Plaine | 49 | 5 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 5 | 275 | 146 | 421 | 275 | 146 | 421 | 10 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Bellevue | 50 | 7 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 7 | 275 | 163 | 438 | 275 | 163 | 438 | 7 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Belmond | 48 | 14 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 14 | 325 | 118 | 443 | 325 | 118 | 443 | 14 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Beloit | 47 | 15 | 375 | 244 | 619 | 365 | 244 | 609 | 355 | 244 | 599 | 345 | 244 | 589 | 285 | 244 | 529 | 15 | 325 | 244 | 569 | 325 | 244 | 569 | 15 | 215 | 244 | 459 | 275 | 244 | 519 | 115 | 244 | 359 |
| Bennett | 50 | 7 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 7 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Benson | 49 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Bentley | 59 | 5 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 5 | 275 | 181 | 456 | 275 | 181 | 456 | 19 | 200 | 152 | 352 | 260 | 152 | 412 | 100 | 152 | 252 |
| Benton | 66 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 5 | 200 | 125 | 325 | 260 | 125 | 385 | 100 | 125 | 225 |
| Bentonsport | 68 | 5 | 295 | 114 | 409 | 285 | 114 | 399 | 275 | 114 | 389 | 270 | 114 | 384 | 285 | 114 | 399 | 5 | 275 | 103 | 378 | 275 | 103 | 378 | 7 | 200 | 69 | 269 | 255 | 69 | 324 | 100 | 69 | 169 |
| Berges Siding | 50 | 7 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 7 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Berne | 47 | 15 | 375 | 150 | 525 | 365 | 150 | 515 | 355 | 150 | 505 | 345 | 150 | 495 | 285 | 150 | 435 | 15 | 325 | 136 | 461 | 325 | 136 | 461 | 15 | 215 | 136 | 351 | 275 | 136 | 411 | 115 | 136 | 251 |
| Bernhart | 53 | 5 | 295 | 106 | 401 | 285 | 106 | 391 | 275 | 106 | 381 | 270 | 106 | 376 | 285 | 106 | 391 | 5 | 275 | 96 | 371 | 275 | 96 | 371 | 7 | 200 | 69 | 269 | 255 | 69 | 324 | 100 | 69 | 169 |
| Bertram | 50 | 7 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 7 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Berwick | 61 | 19 | 344 | 71 | 415 | 334 | 71 | 405 | 324 | 71 | 395 | 314 | 71 | 385 | 289 | 71 | 360 | 19 | 314 | 65 | 379 | 314 | 65 | 379 | 19 | 189 | 65 | 254 | 249 | 65 | 314 | 89 | 65 | 154 |
| Bettendorf | 51 | 7 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 7 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Beulah | 50 | 19 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 19 | 275 | 173 | 448 | 275 | 173 | 448 | 19 | 200 | 173 | 373 | 255 | 173 | 428 | 100 | 173 | 273 |
| Bevington | 59 | 5 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 19 | 200 | 82 | 282 | 260 | 82 | 342 | 100 | 82 | 182 |
| Bidwell | 65 | 7 | 310 | 71 | 381 | 300 | 71 | 371 | 290 | 71 | 361 | 280 | 71 | 351 | 270 | 71 | 341 | 7 | 275 | 65 | 340 | 280 | 65 | 345 | 7 | 200 | 65 | 265 | 260 | 65 | 325 | 100 | 65 | 165 |
| Big Rock | 50 | 7 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 7 | 275 | 141 | 416 | 275 | 141 | 416 | 7 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Bingham | 66 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 5 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Birmingham | 54 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 7 | 200 | 65 | 265 | 255 | 65 | 320 | 100 | 65 | 165 |
| Blackhawk | 49 | 5 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 5 | 275 | 152 | 427 | 275 | 152 | 427 | 14 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Blairsburg | 55 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Blairstown | 49 | 5 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 5 | 275 | 152 | 427 | 275 | 152 | 427 | 10 | 200 | 114 | 314 | 255 | 114 | 369 | 100 | 114 | 214 |
| Blakesburg | 67 | 5 | 310 | 68 | 378 | 300 | 68 | 368 | 290 | 68 | 358 | 280 | 68 | 348 | 270 | 68 | 338 | 5 | 275 | 60 | 335 | 280 | 60 | 340 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Blanchard | 66 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 5 | 200 | 170 | 370 | 260 | 170 | 430 | 100 | 170 | 270 |
| Blanden | 55 | 14 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Blencoe | 57 | 5 | 295 | 212 | 507 | 285 | 212 | 497 | 275 | 212 | 487 | 270 | 212 | 482 | 285 | 212 | 497 | 5 | 275 | 191 | 466 | 275 | 191 | 466 | 19 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Blockley | 66 | 5 | 295 | 114 | 409 | 285 | 114 | 399 | 275 | 114 | 389 | 270 | 114 | 384 | 285 | 114 | 399 | 5 | 275 | 103 | 378 | 275 | 103 | 378 | 5 | 200 | 103 | 303 | 260 | 103 | 363 | 100 | 103 | 203 |
| Blockton | 66 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 5 | 200 | 130 | 330 | 260 | 130 | 390 | 100 | 130 | 230 |
| Bloomfield | 66 | 5 | 295 | 81 | 376 | 285 | 81 | 366 | 275 | 81 | 356 | 270 | 81 | 351 | 285 | 81 | 366 | 5 | 275 | 74 | 349 | 275 | 74 | 349 | 5 | 200 | 74 | 274 | 260 | 74 | 334 | 100 | 74 | 174 |
| Blue Grass | 52 | 7 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 7 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Bluff Springs | 50 | 19 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 19 | 275 | 181 | 456 | 275 | 181 | 456 | 19 | 200 | 181 | 381 | 255 | 181 | 436 | 100 | 181 | 281 |

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | 1 Chunks: Base rate | 1 Chunks: Del'd price | 2 Standard lump: Mine price | 2 Standard lump: Base rate | 2 Standard lump: Del'd price | 3 Egg: Mine price | 3 Egg: Base rate | 3 Egg: Del'd price | 4 Small egg: Mine price | 4 Small egg: Base rate | 4 Small egg: Del'd price | 5 M/R: Mine price | 5 M/R: Base rate | 5 M/R: Del'd price | Mine origin group | 6 Nut: Mine price | 6 Nut: Base rate | 6 Nut: Del'd price | 7 Domestic stoker: Mine price | 7 Domestic stoker: Base rate | 7 Domestic stoker: Del'd price | Mine origin group | 8 Scrgs.: Mine price | 8 Scrgs.: Base rate | 8 Scrgs.: Del'd price | 9 Industrial stoker: Mine price | 9 Industrial stoker: Base rate | 9 Industrial stoker: Del'd price | 10 Carbon: Mine price | 10 Carbon: Base rate | 10 Carbon: Del'd price |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bode | 52 | 14 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 14 | 325 | 121 | 446 | 325 | 121 | 446 | 14 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Bolan | 49 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 14 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Bonair | 50 | 14 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 14 | 275 | 173 | 448 | 275 | 173 | 448 | 14 | 200 | 173 | 373 | 255 | 173 | 428 | 100 | 173 | 273 |
| Bonaparte | 68 | 5 | 295 | 114 | 409 | 285 | 114 | 399 | 275 | 114 | 389 | 270 | 114 | 384 | 285 | 114 | 399 | 5 | 275 | 103 | 378 | 275 | 103 | 378 | 7 | 200 | 74 | 274 | 255 | 74 | 329 | 100 | 74 | 174 |
| Bondurant | 61 | 10 | 339 | 76 | 415 | 329 | 76 | 405 | 319 | 76 | 395 | 309 | 76 | 385 | 284 | 76 | 360 | 19 | 310 | 69 | 379 | 310 | 69 | 379 | 19 | 185 | 69 | 254 | 245 | 69 | 314 | 85 | 69 | 154 |
| Boone | 47 | 14 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 14 | 325 | 60 | 385 | 325 | 60 | 385 | 14 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Booneville | 50 | 23 | 375 | 76 | 451 | 365 | 76 | 441 | 355 | 76 | 431 | 345 | 76 | 421 | 285 | 76 | 361 | 23 | 325 | 69 | 394 | 325 | 69 | 394 | 23 | 215 | 69 | 284 | 275 | 69 | 344 | 115 | 69 | 184 |
| Border Plains | 55 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Bolna | 55 | 15 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 15 | 325 | 114 | 439 | 325 | 114 | 439 | 15 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |
| Bouton | 55 | 15 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 15 | 325 | 60 | 385 | 325 | 60 | 385 | 15 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Bowsher | 61 | 12 | 344 | 71 | 415 | 334 | 71 | 405 | 324 | 71 | 395 | 314 | 71 | 385 | 289 | 71 | 360 | 12 | 314 | 65 | 379 | 314 | 65 | 379 | 12 | 189 | 65 | 254 | 249 | 65 | 314 | 89 | 65 | 154 |
| Boxholm | 55 | 14 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 14 | 325 | 78 | 403 | 325 | 78 | 403 | 14 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 193 |
| Boyd | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Boyden | 47 | 14 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 14 | 325 | 159 | 484 | 325 | 159 | 484 | 14 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Boyer | 58 | 15 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 15 | 325 | 121 | 446 | 325 | 121 | 446 | 15 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Braddyville | 66 | 5 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 5 | 275 | 149 | 424 | 275 | 149 | 424 | 5 | 200 | 149 | 349 | 260 | 149 | 409 | 100 | 149 | 249 |
| Bradford | 48 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Bradgate | 47 | 15 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 15 | 325 | 121 | 446 | 325 | 121 | 446 | 15 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Brainard | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Brandon | 50 | 14 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 14 | 275 | 141 | 416 | 275 | 141 | 416 | 14 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Brayton | 55 | 19 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 19 | 325 | 128 | 453 | 325 | 128 | 453 | 19 | 215 | 128 | 343 | 280 | 128 | 408 | 115 | 128 | 243 |
| Brazil | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 8 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Breda | 58 | 15 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 15 | 325 | 107 | 432 | 325 | 107 | 432 | 15 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Bremer | 50 | 14 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 14 | 275 | 141 | 416 | 275 | 141 | 416 | 14 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Bricker | 54 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 108 | 308 | 255 | 108 | 363 | 100 | 108 | 208 |
| Bridge Switch | 66 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 8 | 200 | 170 | 370 | 260 | 170 | 430 | 100 | 170 | 270 |
| Bridgewater | 50 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 27 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Brighton | 52 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 8 | 275 | 107 | 382 | 275 | 107 | 382 | 7 | 200 | 78 | 278 | 255 | 78 | 333 | 100 | 78 | 178 |
| Bristow | 49 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 14 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Britt | 47 | 14 | 375 | 144 | 519 | 365 | 144 | 509 | 355 | 144 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 14 | 325 | 130 | 455 | 325 | 130 | 455 | 14 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| Broadmoor | 68 | 12 | 353 | 62¼ | 415 | 343 | 62¼ | 405 | 333 | 62¼ | 395 | 323 | 62¼ | 385 | 298 | 62¼ | 360 | 12 | 323 | 56¼ | 379 | 323 | 56¼ | 379 | 12 | 198 | 56¼ | 254 | 258 | 56¼ | 314 | 98 | 56¼ | 154 |
| Brogan | 55 | 14 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 14 | 325 | 121 | 446 | 325 | 121 | 446 | 14 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Bromley | 62 | 14 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 14 | 325 | 92 | 417 | 325 | 92 | 417 | 14 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 207 |
| Brompton | 65 | 20 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 20 | 275 | 60 | 335 | 280 | 60 | 340 | 20 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Bronson | 55 | 15 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 15 | 325 | 159 | 484 | 325 | 159 | 484 | 15 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Brooklyn | 49 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 2 | 200 | 80 | 280 | 264 | 80 | 344 | 100 | 80 | 180 |
| Brooks | 66 | 5 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 5 | 275 | 149 | 424 | 275 | 149 | 424 | 8 | 200 | 149 | 349 | 260 | 149 | 409 | 100 | 149 | 249 |
| Browns | 50 | 2 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 2 | 275 | 159 | 434 | 275 | 159 | 434 | 2 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Brunsville | 55 | 15 | 375 | 184 | 559 | 365 | 184 | 549 | 355 | 184 | 539 | 345 | 184 | 529 | 285 | 184 | 469 | 15 | 325 | 166 | 491 | 325 | 166 | 491 | 15 | 215 | 166 | 381 | 275 | 166 | 441 | 115 | 166 | 281 |
| Brushy | 55 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Bryant | 50 | 7 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 7 | 275 | 155 | 430 | 275 | 155 | 430 | 7 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Bryantsburg | 50 | 14 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 14 | 275 | 144 | 419 | 275 | 144 | 419 | 14 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Buchanan | 50 | 7 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 7 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Buckeye | 62 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Buck Grove | 55 | 15 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 15 | 325 | 114 | 439 | 325 | 114 | 439 | 15 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |
| Buckingham | 49 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 10 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Bucknam | 50 | 19 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 19 | 275 | 163 | 438 | 275 | 163 | 438 | 19 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Buffalo | 52 | 7 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 7 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Buffalo Center | 47 | 14 | 375 | 168 | 543 | 365 | 168 | 533 | 355 | 168 | 523 | 345 | 168 | 513 | 285 | 168 | 453 | 14 | 325 | 152 | 477 | 325 | 152 | 477 | 14 | 215 | 152 | 367 | 275 | 152 | 427 | 115 | 152 | 267 |
| Bullard | 54 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Burch | 63 | 19 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 19 | 319 | 60 | 379 | 319 | 60 | 379 | 19 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Burchinal | 48 | 14 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 14 | 325 | 133 | 458 | 325 | 133 | 458 | 14 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |
| Burdette | 48 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Burk | 50 | 14 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 14 | 275 | 133 | 408 | 275 | 133 | 408 | 14 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Burlington | 63 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Burt | 47 | 14 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 14 | 325 | 133 | 458 | 325 | 133 | 458 | 14 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |
| Bussey | 65 | 22 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Butler | 53 | 5 | 295 | 102 | 397 | 285 | 102 | 387 | 275 | 102 | 377 | 270 | 102 | 372 | 285 | 102 | 387 | 5 | 275 | 92 | 367 | 275 | 92 | 367 | 2 | 200 | 65 | 265 | 255 | 65 | 320 | 100 | 65 | 165 |
| Calamus | 60 | 7 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 7 | 275 | 149 | 424 | 275 | 149 | 424 | 7 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Caldwells | 55 | 23 | 375 | 76 | 451 | 365 | 76 | 441 | 355 | 76 | 431 | 345 | 76 | 421 | 285 | 76 | 361 | 23 | 325 | 69 | 394 | 325 | 69 | 394 | 23 | 215 | 69 | 284 | 275 | 69 | 344 | 115 | 69 | 184 |
| California Jct. | 57 | 5 | 295 | 204 | 499 | 285 | 204 | 489 | 275 | 204 | 479 | 270 | 204 | 474 | 285 | 204 | 489 | 5 | 275 | 184 | 459 | 275 | 184 | 459 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Callender | 55 | 14 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 14 | 325 | 89 | 414 | 325 | 89 | 414 | 14 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Calmar | 50 | 14 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 14 | 275 | 166 | 441 | 275 | 166 | 441 | 14 | 200 | 166 | 366 | 255 | 166 | 421 | 100 | 166 | 266 |
| Calumet | 47 | 15 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 15 | 325 | 146 | 471 | 325 | 146 | 471 | 15 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Camanche | 50 | 7 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 7 | 275 | 146 | 421 | 275 | 146 | 421 | 7 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Cambria | 66 | 5 | 295 | 90 | 385 | 285 | 90 | 375 | 275 | 90 | 365 | 270 | 90 | 360 | 285 | 90 | 375 | 5 | 275 | 82 | 357 | 275 | 82 | 357 | 5 | 200 | 82 | 282 | 260 | 82 | 342 | 100 | 82 | 182 |
| Cambridge | 62 | 14 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 14 | 325 | 60 | 385 | 325 | 60 | 385 | 14 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Cameron | 50 | 14 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 14 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 177 | 377 | 255 | 177 | 432 | 100 | 177 | 277 |
| Campbell | 60 | 23 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 23 | 319 | 60 | 379 | 319 | 60 | 379 | 23 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |



*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | 1 Chunks: Base rate | 1 Chunks: Del'd price | 2 Standard lump: Mine price | 2 Standard lump: Base rate | 2 Standard lump: Del'd price | 3 Egg: Mine price | 3 Egg: Base rate | 3 Egg: Del'd price | 4 Small egg: Mine price | 4 Small egg: Base rate | 4 Small egg: Del'd price | 5 M/R: Mine price | 5 M/R: Base rate | 5 M/R: Del'd price | Mine origin group | 6 Nut: Mine price | 6 Nut: Base rate | 6 Nut: Del'd price | 7 Domestic stoker: Mine price | 7 Domestic stoker: Base rate | 7 Domestic stoker: Del'd price | Mine origin group | 8 Scrgs.: Mine price | 8 Scrgs.: Base rate | 8 Scrgs.: Del'd price | 9 Industrial stoker: Mine price | 9 Industrial stoker: Base rate | 9 Industrial stoker: Del'd price | 10 Carbon: Mine price | 10 Carbon: Base rate | 10 Carbon: Del'd price |
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| Camp Dodge | 60 | 12 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 12 | 319 | 60 | 379 | 319 | 60 | 379 | 12 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Campus | 55 | 14 | 375 | 71 | 446 | 365 | 71 | 436 | 355 | 71 | 426 | 345 | 71 | 416 | 285 | 71 | 356 | 14 | 325 | 65 | 390 | 325 | 65 | 390 | 14 | 215 | 65 | 280 | 275 | 65 | 340 | 115 | 65 | 180 |
| Cantril | 68 | 5 | 295 | 98 | 393 | 285 | 98 | 383 | 275 | 98 | 373 | 270 | 98 | 368 | 285 | 98 | 383 | 5 | 275 | 89 | 364 | 275 | 89 | 364 | 5 | 200 | 89 | 289 | 255 | 89 | 344 | 100 | 89 | 189 |
| Carbon | 66 | 5 | 295 | 86 | 381 | 285 | 86 | 371 | 275 | 86 | 361 | 270 | 86 | 356 | 285 | 86 | 371 | 5 | 275 | 78 | 353 | 275 | 78 | 353 | 5 | 200 | 78 | 278 | 260 | 78 | 338 | 100 | 78 | 178 |
| Carlisle | 65 | 22 | 310 | 68 | 378 | 300 | 68 | 368 | 290 | 68 | 358 | 280 | 68 | 348 | 270 | 68 | 338 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Carlson | 50 | 7 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 7 | 275 | 146 | 421 | 275 | 146 | 421 | 7 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Carnarvon | 55 | 15 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 15 | 325 | 110 | 435 | 325 | 110 | 435 | 15 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Carnes | 55 | 15 | 375 | 180 | 555 | 365 | 180 | 545 | 355 | 180 | 535 | 345 | 180 | 525 | 285 | 180 | 465 | 15 | 325 | 163 | 488 | 325 | 163 | 488 | 15 | 215 | 163 | 378 | 275 | 163 | 438 | 115 | 163 | 278 |
| Carnforth | 49 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 2 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Carnforth Xing | 49 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 2 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Carpenter | 49 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Carroll | 55 | 15 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 15 | 325 | 96 | 421 | 325 | 96 | 421 | 15 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Carrville | 50 | 14 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 14 | 275 | 146 | 421 | 275 | 146 | 421 | 14 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Carson | 59 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 19 | 200 | 141 | 341 | 260 | 141 | 401 | 100 | 141 | 241 |
| Cartersville | 49 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 14 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Casey | 59 | 23 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 23 | 325 | 96 | 421 | 325 | 96 | 421 | 23 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Castalia | 50 | 14 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Castana | 47 | 15 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 15 | 325 | 144 | 469 | 325 | 144 | 469 | 15 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Cattle Siding | 60 | 19 | 339 | 76 | 415 | 329 | 76 | 405 | 319 | 76 | 395 | 309 | 76 | 385 | 284 | 76 | 360 | 19 | 310 | 69 | 379 | 310 | 69 | 379 | 19 | 185 | 69 | 254 | 245 | 69 | 314 | 85 | 69 | 154 |
| Cedar Falls | 49 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Cedar Falls Jct. | 49 | 5 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 5 | 275 | 152 | 427 | 275 | 152 | 427 | 14 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Cedar Heights | 49 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Cedar Rapids | 50 | 2 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 2 | 275 | 125 | 400 | 275 | 125 | 400 | 2 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Centerdale | 50 | 7 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 7 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Center Jct. | 50 | 7 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 7 | 275 | 146 | 421 | 275 | 146 | 421 | 7 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Center Point | 50 | 7 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 7 | 275 | 138 | 413 | 275 | 138 | 413 | 7 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Centerville | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Central City | 50 | 7 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 7 | 275 | 138 | 413 | 275 | 138 | 413 | 7 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Chamberlain | 60 | 15 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 15 | 319 | 60 | 379 | 319 | 60 | 379 | 15 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Chapin | 49 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Chariton | 65 | 24 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 24 | 275 | 60 | 335 | 280 | 60 | 340 | 24 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Charles City | 50 | 14 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 14 | 275 | 146 | 421 | 275 | 146 | 421 | 14 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Charlotte | 50 | 7 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 7 | 275 | 159 | 434 | 275 | 159 | 434 | 7 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Charter Oak | 55 | 15 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 15 | 325 | 125 | 450 | 325 | 125 | 450 | 15 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Chatsworth | 55 | 14 | 375 | 196 | 571 | 365 | 196 | 561 | 355 | 196 | 551 | 345 | 196 | 541 | 285 | 196 | 481 | 14 | 325 | 177 | 502 | 325 | 177 | 502 | 14 | 215 | 177 | 392 | 275 | 177 | 452 | 115 | 177 | 292 |
| Chatauqua | 59 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 149 | 349 | 260 | 149 | 409 | 100 | 149 | 249 |
| Chelsea | 49 | 5 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 5 | 275 | 144 | 419 | 275 | 144 | 419 | 14 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Cheney | 50 | 7 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 7 | 275 | 141 | 416 | 275 | 141 | 416 | 7 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Cherokee | 47 | 15 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 15 | 325 | 138 | 463 | 325 | 138 | 463 | 15 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Chester | 50 | 14 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 14 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 177 | 377 | 255 | 177 | 432 | 100 | 177 | 277 |
| Chillicothe | 65 | 1 | 310 | 60 | 370 | 300 | 60 | 360 | 290 | 60 | 350 | 280 | 60 | 340 | 270 | 60 | 330 | 1 | 275 | 54 | 329 | 280 | 54 | 334 | 1 | 200 | 54 | 254 | 260 | 54 | 314 | 100 | 54 | 154 |
| Churchville | 65 | 19 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 19 | 275 | 60 | 335 | 280 | 60 | 340 | 19 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Churdan | 55 | 15 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 15 | 325 | 89 | 414 | 325 | 89 | 414 | 15 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Cincinnati | 66 | 5 | 295 | 71 | 366 | 285 | 71 | 356 | 275 | 71 | 346 | 270 | 71 | 341 | 285 | 71 | 356 | 5 | 275 | 65 | 340 | 275 | 65 | 340 | 5 | 200 | 65 | 265 | 260 | 65 | 325 | 100 | 65 | 165 |
| Clara | 57 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 155 | 355 | 260 | 155 | 415 | 100 | 155 | 255 |
| Clare | 47 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Clarence | 50 | 7 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 7 | 275 | 146 | 421 | 275 | 146 | 421 | 7 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Clarinda | 66 | 5 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 5 | 275 | 144 | 419 | 275 | 144 | 419 | 5 | 200 | 144 | 344 | 260 | 144 | 404 | 100 | 144 | 244 |
| Clarion | 48 | 14 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 14 | 325 | 110 | 435 | 325 | 110 | 435 | 14 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Clark | 66 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 5 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Clarkson | 65 | 22 | 310 | 68 | 378 | 300 | 68 | 368 | 290 | 68 | 358 | 280 | 68 | 348 | 270 | 68 | 338 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Clarksville | 49 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Clayton | 50 | 19 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 19 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 177 | 377 | 255 | 177 | 432 | 100 | 177 | 277 |
| Clearfield | 66 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 5 | 200 | 125 | 325 | 260 | 125 | 385 | 100 | 125 | 225 |
| Clear Lake | 47 | 11 | 375 | 150 | 525 | 365 | 150 | 515 | 355 | 150 | 505 | 345 | 150 | 495 | 285 | 150 | 435 | 14 | 325 | 136 | 461 | 325 | 136 | 461 | 14 | 215 | 136 | 351 | 275 | 136 | 411 | 115 | 136 | 251 |
| Clear Lake Jct. | 47 | 11 | 375 | 144 | 519 | 365 | 144 | 509 | 355 | 144 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 14 | 325 | 130 | 455 | 325 | 130 | 455 | 14 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| Cleghorn | 55 | 15 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 15 | 325 | 144 | 469 | 325 | 144 | 469 | 15 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Clemons Grove | 62 | 14 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 14 | 325 | 92 | 417 | 325 | 92 | 417 | 14 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 207 |
| Clermont | 50 | 14 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 14 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Cleves | 49 | 5 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 5 | 275 | 152 | 427 | 275 | 152 | 427 | 14 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Cliffland | 65 | 7 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 7 | 275 | 60 | 335 | 280 | 60 | 340 | 7 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Clinton | 41 | 7 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 7 | 275 | 149 | 424 | 275 | 149 | 424 | 7 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Clio | 66 | 5 | 295 | 90 | 385 | 285 | 90 | 375 | 275 | 90 | 365 | 270 | 90 | 360 | 285 | 90 | 375 | 5 | 275 | 82 | 357 | 275 | 82 | 357 | 5 | 200 | 82 | 282 | 260 | 82 | 342 | 100 | 82 | 182 |
| Clive | 60 | 23 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 23 | 319 | 60 | 379 | 319 | 60 | 379 | 23 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Cloverdale | 47 | 14 | 375 | 168 | 543 | 365 | 168 | 533 | 355 | 168 | 523 | 345 | 168 | 513 | 285 | 168 | 453 | 14 | 325 | 152 | 477 | 325 | 152 | 477 | 14 | 215 | 152 | 367 | 275 | 152 | 427 | 115 | 152 | 267 |
| Clutier | 49 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 10 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Coalfield | 65 | 13 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 13 | 275 | 60 | 335 | 280 | 60 | 340 | 13 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Coburg | 66 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 5 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | 1 Chunks: Base rate | 1 Chunks: Del'd price | 2 Standard lump: Mine price | 2 Standard lump: Base rate | 2 Standard lump: Del'd price | 3 Egg: Mine price | 3 Egg: Base rate | 3 Egg: Del'd price | 4 Small egg: Mine price | 4 Small egg: Base rate | 4 Small egg: Del'd price | 5 M/R: Mine price | 5 M/R: Base rate | 5 M/R: Del'd price | Mine origin group | 6 Nut: Mine price | 6 Nut: Base rate | 6 Nut: Del'd price | 7 Domestic stoker: Mine price | 7 Domestic stoker: Base rate | 7 Domestic stoker: Del'd price | Mine origin group | 8 Scrgs.: Mine price | 8 Scrgs.: Base rate | 8 Scrgs.: Del'd price | 9 Industrial stoker: Mine price | 9 Industrial stoker: Base rate | 9 Industrial stoker: Del'd price | 10 Carbon: Mine price | 10 Carbon: Base rate | 10 Carbon: Del'd price |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Coal City | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Coggon | 50 | 7 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 7 | 275 | 141 | 416 | 275 | 141 | 416 | 7 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Coin | 66 | 5 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 5 | 275 | 152 | 427 | 275 | 152 | 427 | 5 | 200 | 152 | 352 | 260 | 152 | 412 | 100 | 152 | 252 |
| Colfax | 64 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 19 | 200 | 78 | 278 | 260 | 78 | 338 | 100 | 78 | 178 |
| Collett | 54 | 5 | 295 | 106 | 401 | 285 | 106 | 391 | 275 | 106 | 381 | 270 | 106 | 376 | 285 | 106 | 391 | 5 | 275 | 96 | 371 | 275 | 96 | 371 | 7 | 200 | 60 | 260 | 255 | 60 | 315 | 100 | 60 | 160 |
| Collins | 62 | 14 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 285 | 81 | 366 | 14 | 325 | 74 | 399 | 325 | 74 | 399 | 14 | 215 | 74 | 289 | 275 | 74 | 349 | 115 | 74 | 189 |
| Colo | 62 | 14 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 14 | 325 | 78 | 403 | 325 | 78 | 403 | 14 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 193 |
| Colonial | 60 | 12 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 12 | 319 | 60 | 379 | 319 | 60 | 379 | 12 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Columbus Jct | 53 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 12 | 400 | 275 | 125 | 400 | 7 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Colwell | 50 | 19 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 19 | 275 | 159 | 434 | 275 | 159 | 434 | 19 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Commerce | 63 | 23 | 344 | 71 | 415 | 334 | 71 | 405 | 324 | 71 | 395 | 314 | 71 | 385 | 289 | 71 | 360 | 23 | 314 | 65 | 379 | 314 | 65 | 379 | 23 | 189 | 65 | 254 | 249 | 65 | 314 | 89 | 65 | 154 |
| Cone | 53 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Conger | 65 | 19 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 10 | 275 | 60 | 335 | 280 | 60 | 340 | 19 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Conover | 50 | 14 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 14 | 275 | 166 | 441 | 275 | 166 | 441 | 14 | 200 | 166 | 366 | 255 | 166 | 421 | 100 | 166 | 266 |
| Conrad | 49 | 5 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 5 | 275 | 146 | 421 | 275 | 146 | 421 | 14 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Conroy | 49 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 2 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Consumers Switch | 60 | 23 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 23 | 319 | 60 | 379 | 319 | 60 | 379 | 23 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Conway | 66 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 5 | 200 | 130 | 330 | 260 | 130 | 390 | 100 | 130 | 230 |
| Coon Rapids | 55 | 15 | 375 | 94 | 469 | 365 | 94 | 459 | 355 | 94 | 449 | 345 | 94 | 439 | 285 | 94 | 379 | 15 | 325 | 85 | 410 | 325 | 85 | 410 | 15 | 215 | 85 | 300 | 275 | 85 | 360 | 115 | 85 | 200 |
| Cooper | 55 | 15 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 285 | 81 | 366 | 15 | 325 | 74 | 399 | 325 | 74 | 399 | 15 | 215 | 74 | 289 | 275 | 74 | 349 | 115 | 74 | 189 |
| Coppock | 53 | 5 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 5 | 275 | 110 | 385 | 275 | 110 | 385 | 7 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Cora | 47 | 15 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 15 | 325 | 118 | 443 | 325 | 118 | 443 | 15 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Coralville | 50 | 7 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 7 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Cordova | 65 | 22 | 310 | 68 | 378 | 300 | 68 | 368 | 290 | 68 | 358 | 280 | 68 | 348 | 270 | 68 | 338 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Corley | 55 | 14 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 14 | 325 | 133 | 458 | 325 | 133 | 458 | 14 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |
| Cornelia | 48 | 14 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 14 | 325 | 114 | 439 | 325 | 114 | 439 | 14 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |
| Corning | 66 | 5 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 5 | 275 | 146 | 421 | 275 | 146 | 421 | 5 | 200 | 146 | 346 | 260 | 146 | 406 | 100 | 146 | 246 |
| Correctionville | 55 | 15 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 15 | 325 | 146 | 471 | 325 | 146 | 471 | 15 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Corinth | 47 | 14 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 14 | 325 | 125 | 450 | 325 | 125 | 450 | 14 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Corydon | 66 | 5 | 295 | 81 | 376 | 285 | 81 | 366 | 275 | 81 | 356 | 270 | 81 | 351 | 285 | 81 | 366 | 5 | 275 | 74 | 349 | 275 | 74 | 349 | 5 | 200 | 74 | 274 | 260 | 74 | 334 | 100 | 74 | 174 |
| Cotter | 53 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Cottonwood | 54 | 5 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 5 | 275 | 110 | 385 | 275 | 110 | 385 | 7 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Cou Falls | 50 | 7 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 7 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Coulter | 48 | 14 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 14 | 325 | 118 | 443 | 325 | 118 | 443 | 14 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Council Bluffs | 58 | 15 | 331 | 159 | 490 | 321 | 159 | 480 | 321 | 159 | 480 | (a) | (a) | (a) | 291 | 159 | 450 | 15 | (a) | (a) | (a) | 261 | 144 | 405 | 15 | 181 | 144 | 325 | 241 | 144 | 385 | 81 | 144 | 225 |
| County | 50 | 14 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 14 | 275 | 128 | 403 | 275 | 128 | 403 | 14 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| County Line | 54 | 5 | 295 | 98 | 393 | 285 | 98 | 383 | 275 | 98 | 373 | 270 | 98 | 368 | 285 | 98 | 383 | 5 | 275 | 89 | 364 | 275 | 89 | 364 | 7 | 200 | 60 | 260 | 255 | 60 | 315 | 100 | 60 | 160 |
| Covington | 49 | 5 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 5 | 275 | 149 | 424 | 275 | 149 | 424 | 3 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Craig | 65 | 15 | 375 | 188 | 563 | 365 | 188 | 553 | 355 | 188 | 543 | 345 | 188 | 533 | 285 | 188 | 473 | 15 | 325 | 170 | 495 | 325 | 170 | 495 | 15 | 215 | 170 | 385 | 275 | 170 | 445 | 115 | 170 | 285 |
| Cram's Sand Pit | 60 | 19 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 19 | 319 | 60 | 379 | 319 | 60 | 379 | 19 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Crandic | 50 | 7 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 7 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Cranston | 53 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Crawfordsville | 53 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Crescent | 57 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 155 | 355 | 260 | 155 | 415 | 100 | 155 | 255 |
| Cresco | 60 | 14 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 14 | 275 | 173 | 448 | 275 | 173 | 448 | 14 | 200 | 173 | 373 | 255 | 173 | 428 | 100 | 173 | 273 |
| Creston | 66 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 5 | 200 | 136 | 336 | 260 | 136 | 396 | 100 | 136 | 236 |
| Crippen | 47 | 15 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 15 | 325 | 138 | 463 | 325 | 138 | 463 | 15 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Crocker | 60 | 14 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 14 | 319 | 60 | 379 | 319 | 60 | 379 | 14 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Cromwell | 66 | 5 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 5 | 275 | 138 | 413 | 275 | 138 | 413 | 5 | 200 | 138 | 338 | 260 | 138 | 398 | 100 | 138 | 238 |
| Crosby | 66 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 5 | 200 | 177 | 377 | 260 | 177 | 437 | 100 | 177 | 277 |
| Croton | 68 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 7 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Crown | 66 | 5 | 295 | 106 | 401 | 285 | 106 | 391 | 275 | 106 | 381 | 270 | 106 | 376 | 285 | 106 | 391 | 5 | 275 | 96 | 371 | 275 | 96 | 371 | 8 | 200 | 96 | 296 | 260 | 96 | 356 | 100 | 96 | 196 |
| Crystal Lake | 47 | 14 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 14 | 325 | 141 | 466 | 325 | 141 | 466 | 14 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| Cumberland | 59 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 27 | 200 | 144 | 344 | 260 | 144 | 404 | 100 | 144 | 244 |
| Cumming | 65 | 19 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 19 | 275 | 60 | 335 | 280 | 60 | 340 | 19 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Curlew | 47 | 14 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 14 | 325 | 125 | 450 | 325 | 125 | 450 | 14 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Cushing | 55 | 15 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 15 | 325 | 144 | 469 | 325 | 144 | 469 | 15 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Custodial Farm | 60 | 23 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 23 | 319 | 60 | 379 | 319 | 60 | 379 | 23 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Cylinder | 47 | 15 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 15 | 325 | 144 | 469 | 325 | 144 | 469 | 15 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Dailey's | 60 | 19 | 339 | 76 | 415 | 329 | 76 | 405 | 319 | 76 | 395 | 309 | 76 | 385 | 284 | 76 | 360 | 19 | 310 | 69 | 379 | 310 | 69 | 379 | 19 | 185 | 69 | 254 | 245 | 69 | 314 | 85 | 69 | 154 |
| Dakota City | 47 | 14 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 14 | 325 | 118 | 443 | 325 | 118 | 443 | 14 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Dallas Center | 55 | 23 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 23 | 325 | 60 | 385 | 325 | 60 | 385 | 23 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Dana | 55 | 15 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 15 | 325 | 78 | 403 | 325 | 78 | 403 | 15 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 193 |
| Danbury | 55 | 15 | 375 | 150 | 525 | 365 | 150 | 515 | 355 | 150 | 505 | 345 | 150 | 495 | 285 | 150 | 435 | 15 | 325 | 136 | 461 | 325 | 136 | 461 | 15 | 215 | 136 | 351 | 275 | 136 | 411 | 115 | 136 | 251 |
| Danville | 53 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Davenport | 41 | 7 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 7 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |

(a) See next table for prices to Council Bluffs.



*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | 1 Chunks: Base rate | 1 Chunks: Del'd price | 2 Standard lump: Mine price | 2 Standard lump: Base rate | 2 Standard lump: Del'd price | 3 Egg: Mine price | 3 Egg: Base rate | 3 Egg: Del'd price | 4 Small egg: Mine price | 4 Small egg: Base rate | 4 Small egg: Del'd price | 5 M/R: Mine price | 5 M/R: Base rate | 5 M/R: Del'd price | Mine origin group | 6 Nut: Mine price | 6 Nut: Base rate | 6 Nut: Del'd price | 7 Domestic stoker: Mine price | 7 Domestic stoker: Base rate | 7 Domestic stoker: Del'd price | Mine origin group | 8 Scrgs.: Mine price | 8 Scrgs.: Base rate | 8 Scrgs.: Del'd price | 9 Industrial stoker: Mine price | 9 Industrial stoker: Base rate | 9 Industrial stoker: Del'd price | 10 Carbon: Mine price | 10 Carbon: Base rate | 10 Carbon: Del'd price |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| David | 50 | 19 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 19 | 275 | 166 | 441 | 275 | 166 | 441 | 19 | 200 | 166 | 366 | 255 | 166 | 421 | 100 | 166 | 266 |
| Davis City | 66 | 5 | 295 | 114 | 409 | 285 | 114 | 399 | 275 | 114 | 389 | 270 | 114 | 384 | 285 | 114 | 399 | 5 | 275 | 103 | 378 | 275 | 103 | 378 | 5 | 200 | 103 | 303 | 260 | 103 | 363 | 100 | 103 | 203 |
| Dawson | 55 | 15 | 375 | 71 | 446 | 365 | 61 | 436 | 355 | 71 | 426 | 345 | 71 | 416 | 285 | 71 | 356 | 15 | 325 | 65 | 390 | 325 | 65 | 390 | 15 | 215 | 65 | 280 | 275 | 65 | 340 | 115 | 65 | 180 |
| Dayton | 55 | 14 | 375 | 94 | 469 | 365 | 94 | 459 | 355 | 94 | 449 | 345 | 94 | 439 | 285 | 94 | 379 | 14 | 325 | 85 | 410 | 325 | 85 | 410 | 14 | 215 | 85 | 300 | 275 | 85 | 360 | 115 | 85 | 200 |
| Dean | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Dean's Spur | 63 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Decatur City | 66 | 5 | 295 | 114 | 409 | 285 | 114 | 399 | 275 | 114 | 389 | 270 | 114 | 384 | 285 | 114 | 399 | 5 | 275 | 103 | 378 | 275 | 103 | 378 | 5 | 200 | 103 | 303 | 260 | 103 | 363 | 100 | 103 | 203 |
| Decorah | 50 | 14 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 14 | 275 | 166 | 441 | 275 | 166 | 441 | 14 | 200 | 166 | 366 | 255 | 166 | 421 | 100 | 166 | 266 |
| Dedham | 55 | 15 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 15 | 325 | 89 | 414 | 325 | 89 | 414 | 15 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Deep River | 49 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 10 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Defiance | 55 | 15 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 15 | 325 | 110 | 434 | 325 | 110 | 435 | 15 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| DeKalb | 66 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 5 | 200 | 100 | 300 | 260 | 100 | 360 | 100 | 100 | 200 |
| Delaware | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Delhi | 50 | 2 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 2 | 275 | 155 | 430 | 275 | 155 | 430 | 2 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Delmar | 50 | 2 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 2 | 275 | 155 | 430 | 275 | 155 | 430 | 2 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Deloit | 55 | 15 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 15 | 325 | 125 | 450 | 325 | 125 | 450 | 15 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Delaphos | 66 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 5 | 200 | 128 | 328 | 260 | 128 | 388 | 100 | 128 | 228 |
| Delray | 66 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 5 | 200 | 100 | 300 | 260 | 100 | 360 | 100 | 100 | 200 |
| Delta | 63 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 2 | 200 | 65 | 265 | 255 | 65 | 320 | 100 | 65 | 165 |
| Denhart | 55 | 14 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 14 | 325 | 128 | 453 | 325 | 128 | 453 | 14 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Denison | 55 | 15 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 15 | 325 | 118 | 443 | 325 | 118 | 443 | 15 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Denis | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Denver | 50 | 14 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 14 | 275 | 133 | 408 | 275 | 133 | 408 | 14 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Derby | 65 | 27 | 310 | 90 | 400 | 300 | 90 | 390 | 290 | 90 | 380 | 280 | 90 | 370 | 270 | 90 | 360 | 27 | 275 | 82 | 357 | 280 | 82 | 362 | 27 | 200 | 82 | 282 | 260 | 82 | 342 | 100 | 82 | 182 |
| Des Moines | 63 | 12 | 353 | 62½ | 415 | 343 | 62½ | 405 | 333 | 62½ | 395 | 323 | 62½ | 385 | 298 | 62½ | 360 | 12 | 323 | 56½ | 379 | 323 | 56½ | 379 | 12 | 198 | 56½ | 254 | 258 | 56½ | 314 | 98 | 56½ | 154 |
| De Soto | 59 | 23 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 285 | 81 | 366 | 23 | 325 | 74 | 399 | 325 | 74 | 399 | 23 | 215 | 74 | 289 | 275 | 74 | 349 | 115 | 74 | 189 |
| Devon | 50 | 14 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 14 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| De War | 50 | 14 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 14 | 275 | 130 | 405 | 275 | 130 | 405 | 14 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| De Witt | 50 | 2 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 2 | 275 | 149 | 424 | 275 | 149 | 424 | 2 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Dexter | 59 | 23 | 375 | 94 | 469 | 365 | 94 | 459 | 355 | 94 | 449 | 345 | 94 | 439 | 285 | 94 | 379 | 23 | 325 | 85 | 410 | 325 | 85 | 410 | 23 | 215 | 85 | 300 | 275 | 85 | 360 | 115 | 85 | 200 |
| Diagonal | 66 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 5 | 200 | 121 | 321 | 260 | 121 | 381 | 100 | 121 | 221 |
| Dickens | 47 | 15 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 15 | 325 | 138 | 463 | 325 | 138 | 463 | 15 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Dike | 49 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 10 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Dillon | 49 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 2 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Dinsdale | 49 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Divide Spur | 47 | 14 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 14 | 325 | 155 | 480 | 325 | 155 | 480 | 14 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Dixon | 50 | 7 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 7 | 275 | 141 | 416 | 275 | 141 | 416 | 7 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Dolliver | 47 | 14 | 375 | 165 | 540 | 365 | 165 | 530 | 355 | 165 | 520 | 345 | 165 | 510 | 285 | 165 | 450 | 14 | 325 | 149 | 474 | 325 | 149 | 474 | 14 | 215 | 149 | 364 | 275 | 149 | 424 | 115 | 149 | 264 |
| Donahue | 50 | 7 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 7 | 275 | 138 | 413 | 275 | 138 | 413 | 7 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Donnan | 50 | 14 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 14 | 275 | 149 | 424 | 275 | 149 | 424 | 14 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Donnellson | 54 | 5 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 5 | 275 | 110 | 385 | 275 | 110 | 385 | 7 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Donnelly | 65 | 22 | 310 | 68 | 378 | 300 | 68 | 368 | 290 | 68 | 358 | 280 | 68 | 348 | 270 | 68 | 338 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Doon | 55 | 14 | 375 | 200 | 575 | 365 | 200 | 565 | 355 | 200 | 555 | 345 | 200 | 545 | 285 | 200 | 485 | 14 | 325 | 181 | 506 | 325 | 181 | 506 | 14 | 215 | 181 | 396 | 275 | 181 | 456 | 115 | 181 | 296 |
| Doris | 50 | 14 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 14 | 275 | 141 | 416 | 275 | 141 | 416 | 14 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Dotson | 47 | 19 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 285 | 81 | 366 | 19 | 325 | 74 | 399 | 325 | 274 | 399 | 19 | 215 | 74 | 289 | 275 | 74 | 349 | 115 | 74 | 189 |
| Doubleday | 50 | 14 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 14 | 275 | 149 | 424 | 275 | 149 | 424 | 14 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Douds | 68 | 5 | 295 | 102 | 397 | 285 | 102 | 387 | 275 | 102 | 377 | 270 | 102 | 372 | 285 | 102 | 387 | 5 | 275 | 92 | 307 | 275 | 92 | 367 | 7 | 200 | 60 | 260 | 255 | 60 | 315 | 100 | 60 | 160 |
| Dougherty | 49 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Dow City | 55 | 15 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 15 | 325 | 118 | 443 | 325 | 118 | 443 | 15 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Downey | 50 | 7 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 7 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Dows | 48 | 14 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 14 | 325 | 114 | 439 | 325 | 114 | 439 | 14 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |
| Drakesville | 66 | 5 | 295 | 76 | 371 | 285 | 76 | 361 | 275 | 76 | 351 | 270 | 76 | 346 | 285 | 76 | 361 | 5 | 275 | 69 | 344 | 275 | 69 | 344 | 5 | 200 | 69 | 269 | 260 | 69 | 329 | 100 | 69 | 169 |
| Dubuque | 50 | 14 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 14 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 170 | 370 | 255 | 170 | 425 | 100 | 170 | 270 |
| Dubuque Shops | 50 | 14 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 14 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 170 | 370 | 255 | 170 | 425 | 100 | 170 | 270 |
| Dudley | 65 | 1 | 310 | 60 | 370 | 300 | 60 | 360 | 290 | 60 | 350 | 280 | 60 | 340 | 270 | 60 | 330 | 1 | 275 | 54 | 329 | 280 | 54 | 334 | 1 | 200 | 54 | 254 | 260 | 54 | 314 | 100 | 54 | 154 |
| Dumfries | 59 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 19 | 200 | 155 | 355 | 260 | 155 | 415 | 100 | 155 | 255 |
| Dumont | 49 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Dunbar | 49 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 2 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Duncan | 47 | 14 | 375 | 153 | 528 | 365 | 153 | 518 | 315 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 14 | 325 | 138 | 463 | 325 | 138 | 463 | 14 | 215 | 138 | 853 | 275 | 138 | 413 | 115 | 138 | 253 |
| Duncombe | 47 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Dundee | 50 | 14 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 14 | 275 | 152 | 427 | 275 | 152 | 427 | 14 | 200 | 152 | 352 | 255 | 152 | 407 | 100 | 152 | 252 |
| Dunkerton | 50 | 14 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 14 | 275 | 133 | 408 | 275 | 113 | 408 | 14 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Dunlap | 47 | 15 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 15 | 325 | 125 | 450 | 325 | 125 | 450 | 15 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Dunreath | 65 | 22 | 310 | 64 | 374 | 300 | 64 | 364 | 290 | 64 | 354 | 280 | 64 | 344 | 270 | 64 | 334 | 22 | 275 | 56 | 331 | 280 | 56 | 336 | 22 | 200 | 56 | 256 | 260 | 56 | 316 | 100 | 56 | 156 |
| Durango | 50 | 14 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 14 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 170 | 370 | 255 | 170 | 425 | 100 | 170 | 270 |
| Durant | 50 | 7 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 7 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Durham | 65 | 22 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Dyersville | 50 | 14 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 14 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks | | | 2 Standard lump | | | 3 Egg | | | 4 Small egg | | | 5 M/R | | | Mine origin group | 6 Nut | | | 7 Domestic stoker | | | Mine origin group | 8 Scrgs. | | | 9 Industrial stoker | | | 10 Carbon | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price |
| Dysart | 49 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Eagle Grove | 47 | 1 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Earlham | 50 | 23 | 375 | 90 | 465 | 365 | 90 | 455 | 355 | 90 | 445 | 345 | 90 | 435 | 285 | 90 | 375 | 23 | 325 | 82 | 407 | 325 | 82 | 407 | 23 | 215 | 82 | 297 | 275 | 82 | 357 | 115 | 82 | 199 |
| Earling | 55 | 15 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 15 | 325 | 114 | 439 | 325 | 114 | 439 | 15 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 227 |
| Earlville | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Early | 55 | 15 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 15 | 325 | 125 | 450 | 325 | 125 | 450 | 15 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Easley | 55 | 14 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 14 | 325 | 89 | 414 | 325 | 89 | 414 | 14 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| East Pleasant (Plain) | 53 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 7 | 200 | 74 | 274 | 255 | 74 | 329 | 100 | 74 | 174 |
| East Switch | 59 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 19 | 200 | 155 | 355 | 260 | 155 | 415 | 100 | 155 | 255 |
| Eddyville | 65 | 10 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 10 | 275 | 60 | 335 | 280 | 60 | 340 | 10 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Edgewood | 50 | 14 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 14 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Edna | 47 | 15 | 375 | 184 | 559 | 365 | 184 | 549 | 355 | 184 | 539 | 345 | 184 | 529 | 285 | 184 | 469 | 15 | 325 | 166 | 491 | 325 | 166 | 491 | 15 | 215 | 166 | 381 | 275 | 166 | 441 | 115 | 166 | 281 |
| Ehler | 50 | 7 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 7 | 275 | 144 | 419 | 275 | 144 | 419 | 7 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Elberon | 49 | 5 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 5 | 275 | 138 | 413 | 275 | 138 | 413 | 2 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Eldon | 65 | 7 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 436 | 270 | 66 | 336 | 7 | 275 | 60 | 335 | 280 | 60 | 340 | 7 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Eldora | 49 | 5 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 5 | 275 | 144 | 419 | 275 | 144 | 419 | 14 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Eldridge Jct | 50 | 7 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 7 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Eleanor | 49 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 10 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Elgin | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Elkader | 50 | 19 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 19 | 275 | 181 | 456 | 275 | 181 | 456 | 19 | 200 | 181 | 381 | 255 | 181 | 436 | 100 | 181 | 281 |
| Elkhart | 61 | 15 | 339 | 76 | 415 | 329 | 76 | 405 | 319 | 76 | 395 | 309 | 76 | 385 | 284 | 76 | 360 | 15 | 310 | 69 | 379 | 310 | 69 | 379 | 15 | 185 | 69 | 254 | 245 | 69 | 314 | 85 | 69 | 154 |
| Elk River Jct | 50 | 7 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 7 | 275 | 155 | 430 | 275 | 155 | 430 | 7 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Elliott | 59 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 19 | 200 | 133 | 333 | 260 | 133 | 393 | 100 | 133 | 233 |
| Ellis | 55 | 14 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 14 | 325 | 125 | 450 | 325 | 125 | 450 | 14 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 245 |
| Ellston | 66 | 5 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 5 | 275 | 110 | 385 | 275 | 110 | 385 | 5 | 200 | 110 | 310 | 260 | 110 | 370 | 100 | 110 | 210 |
| Ellsworth | 47 | 14 | 375 | 94 | 469 | 365 | 94 | 459 | 355 | 94 | 449 | 345 | 94 | 439 | 285 | 94 | 379 | 14 | 325 | 85 | 410 | 325 | 85 | 410 | 14 | 215 | 85 | 300 | 275 | 85 | 360 | 115 | 85 | 200 |
| Elma | 50 | 14 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Elmira | 50 | 7 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 7 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Elm Springs | 47 | 15 | 375 | 244 | 619 | 365 | 244 | 609 | 355 | 244 | 599 | 345 | 244 | 589 | 285 | 244 | 529 | 15 | 325 | 244 | 569 | 325 | 244 | 569 | 15 | 215 | 244 | 459 | 275 | 244 | 519 | 115 | 244 | 359 |
| Elrick Junction | 53 | 5 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Elwell | 62 | 14 | 375 | 71 | 446 | 365 | 71 | 436 | 355 | 71 | 426 | 345 | 71 | 416 | 285 | 71 | 356 | 14 | 325 | 65 | 390 | 325 | 65 | 390 | 14 | 215 | 65 | 280 | 275 | 65 | 340 | 115 | 65 | 180 |
| Elwood | 50 | 2 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 2 | 275 | 155 | 430 | 275 | 155 | 430 | 2 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Ely | 50 | 7 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 7 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Emerson | 66 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 5 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Emery | 47 | 14 | 375 | 150 | 525 | 365 | 150 | 515 | 355 | 150 | 505 | 345 | 150 | 495 | 285 | 150 | 435 | 14 | 325 | 136 | 461 | 325 | 136 | 461 | 14 | 215 | 136 | 351 | 275 | 136 | 411 | 115 | 136 | 251 |
| Emmetsburg | 47 | 14 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 14 | 325 | 138 | 463 | 325 | 138 | 463 | 14 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Emmons | 47 | 14 | 375 | 165 | 540 | 365 | 165 | 530 | 355 | 165 | 520 | 345 | 165 | 510 | 285 | 165 | 450 | 14 | 325 | 149 | 474 | 325 | 149 | 474 | 14 | 215 | 149 | 364 | 275 | 149 | 424 | 115 | 149 | 264 |
| Enterprise | 61 | 19 | 339 | 76 | 415 | 329 | 76 | 405 | 319 | 76 | 395 | 309 | 76 | 385 | 284 | 76 | 360 | 19 | 310 | 69 | 379 | 310 | 69 | 379 | 19 | 185 | 69 | 254 | 245 | 69 | 314 | 85 | 69 | 154 |
| Epworth | 50 | 14 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Ericson | 55 | 14 | 375 | 71 | 446 | 365 | 71 | 436 | 355 | 71 | 426 | 345 | 71 | 416 | 285 | 71 | 356 | 14 | 325 | 65 | 390 | 325 | 65 | 390 | 14 | 215 | 65 | 280 | 275 | 65 | 340 | 115 | 65 | 180 |
| Essex | 66 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 5 | 200 | 163 | 363 | 260 | 163 | 423 | 100 | 163 | 263 |
| Estherville | 47 | 14 | 375 | 165 | 540 | 365 | 165 | 530 | 355 | 165 | 520 | 345 | 165 | 510 | 285 | 165 | 450 | 14 | 325 | 149 | 474 | 325 | 149 | 474 | 14 | 215 | 149 | 364 | 275 | 149 | 424 | 115 | 149 | 264 |
| Etta | 50 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 181 | 451 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 19 | 200 | 146 | 346 | 260 | 146 | 406 | 100 | 146 | 246 |
| Euclid | 57 | 5 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 5 | 275 | 181 | 456 | 275 | 181 | 456 | 19 | 200 | 155 | 355 | 260 | 155 | 415 | 100 | 155 | 255 |
| Evander | 47 | 14 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 14 | 325 | 155 | 480 | 325 | 155 | 480 | 14 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Evans | 65 | 2 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 2 | 275 | 60 | 335 | 280 | 60 | 340 | 2 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Evanston | 47 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Everly | 47 | 14 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 14 | 325 | 144 | 469 | 325 | 144 | 469 | 14 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Exira | 55 | 19 | 375 | 144 | 519 | 365 | 144 | 509 | 355 | 144 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 19 | 325 | 130 | 455 | 325 | 130 | 455 | 19 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| Exline | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Fairbank | 50 | 14 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 14 | 275 | 136 | 411 | 275 | 136 | 411 | 14 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Fairfax | 49 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 2 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Fairfield | 53 | 5 | 295 | 106 | 401 | 285 | 106 | 391 | 275 | 106 | 381 | 270 | 106 | 376 | 285 | 106 | 391 | 5 | 275 | 96 | 371 | 275 | 96 | 371 | 7 | 200 | 65 | 265 | 255 | 65 | 320 | 100 | 65 | 165 |
| Fairmont | 64 | 5 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 5 | 275 | 110 | 385 | 275 | 110 | 385 | 19 | 200 | 82 | 282 | 260 | 82 | 342 | 100 | 82 | 182 |
| Fairport | 52 | 7 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 7 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Farley | 50 | 14 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 14 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Farlin | 55 | 15 | 375 | 94 | 469 | 365 | 94 | 459 | 355 | 94 | 449 | 345 | 94 | 439 | 285 | 94 | 379 | 15 | 325 | 85 | 410 | 325 | 85 | 410 | 15 | 215 | 85 | 300 | 275 | 85 | 360 | 115 | 85 | 200 |
| Farmer | 50 | 14 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 14 | 275 | 130 | 405 | 275 | 130 | 405 | 14 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Farmersburg | 50 | 19 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 19 | 275 | 173 | 448 | 275 | 173 | 448 | 19 | 200 | 173 | 373 | 255 | 173 | 428 | 100 | 173 | 273 |
| Farmington | 68 | 5 | 295 | 114 | 409 | 285 | 114 | 399 | 275 | 114 | 389 | 270 | 114 | 384 | 285 | 114 | 399 | 5 | 275 | 103 | 378 | 275 | 103 | 378 | 7 | 200 | 78 | 278 | 255 | 78 | 333 | 100 | 78 | 178 |
| Farnhamville | 55 | 14 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 14 | 325 | 89 | 414 | 325 | 89 | 414 | 14 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Farragut | 66 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 5 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Farson | 67 | 7 | 310 | 81 | 391 | 300 | 81 | 381 | 290 | 81 | 371 | 280 | 81 | 361 | 270 | 81 | 351 | 7 | 275 | 74 | 349 | 280 | 74 | 354 | 7 | 200 | 74 | 274 | 260 | 74 | 334 | 100 | 74 | 174 |
| Faulkner | 49 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 114 | 314 | 255 | 114 | 369 | 100 | 114 | 214 |
| Fayette | 50 | 19 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 19 | 275 | 159 | 434 | 275 | 159 | 434 | 19 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Fenton | 47 | 14 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 14 | 325 | 138 | 463 | 325 | 138 | 463 | 14 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Ferguson | 62 | 14 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 14 | 325 | 92 | 417 | 325 | 92 | 417 | 14 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 203 |
| Fernald | 62 | 14 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 14 | 325 | 78 | 403 | 325 | 78 | 403 | 14 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 197 |



*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks | | | 2 Standard lump | | | 3 Egg | | | 4 Small egg | | | 5 M/R | | | Mine origin group | 6 Nut | | | 7 Domestic stoker | | | Mine origin group | 8 Scrgs. | | | 9 Industrial stoker | | | 10 Carbon | | |
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| | | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price |
| Fifield | 65 | 22 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Findley | 57 | 5 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 5 | 275 | 181 | 456 | 275 | 181 | 456 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Flagler | 65 | 22 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Flanders | 59 | 5 | 295 | 220 | 515 | 285 | 220 | 505 | 275 | 220 | 495 | 270 | 220 | 490 | 285 | 220 | 505 | 5 | 275 | 199 | 474 | 275 | 199 | 474 | 19 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Fleming | 60 | 19 | 344 | 71 | 415 | 334 | 71 | 405 | 324 | 71 | 395 | 314 | 71 | 385 | 289 | 71 | 360 | 19 | 314 | 65 | 379 | 314 | 65 | 379 | 19 | 189 | 65 | 254 | 249 | 65 | 314 | 89 | 65 | 154 |
| Flint | 47 | 14 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 14 | 325 | 128 | 453 | 325 | 128 | 453 | 14 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Flint Junction | 60 | 12 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 12 | 319 | 60 | 379 | 319 | 60 | 379 | 12 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Florence | 47 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Floris | 68 | 5 | 295 | 86 | 381 | 285 | 86 | 371 | 275 | 86 | 361 | 270 | 86 | 356 | 285 | 86 | 371 | 5 | 275 | 78 | 353 | 275 | 78 | 353 | 7 | 200 | 60 | 260 | 255 | 60 | 315 | 100 | 60 | 160 |
| Floyd | 50 | 14 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 14 | 275 | 152 | 427 | 275 | 152 | 427 | 14 | 200 | 152 | 352 | 255 | 152 | 407 | 100 | 152 | 252 |
| Floyd Crossing | 49 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Flugstad | 47 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Folsom | 59 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Fonda | 47 | 14 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 14 | 325 | 110 | 435 | 325 | 110 | 435 | 14 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Fontanelle | 59 | 5 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 5 | 275 | 149 | 425 | 275 | 149 | 424 | 27 | 200 | 133 | 333 | 260 | 133 | 393 | 100 | 133 | 233 |
| Ford | 65 | 22 | 310 | 68 | 378 | 300 | 68 | 368 | 290 | 68 | 358 | 280 | 68 | 348 | 270 | 68 | 338 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Forest City | 47 | 14 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 14 | 325 | 138 | 463 | 325 | 138 | 463 | 14 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Fort Atkinson | 50 | 14 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Ft. Des Moines | 63 | 19 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 19 | 319 | 60 | 379 | 319 | 60 | 379 | 19 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Fort Dodge | 47 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Fort Madison | 54 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Fosselman | 50 | 14 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 14 | 275 | 128 | 403 | 275 | 128 | 403 | 14 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Fosterdale | 65 | 22 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Fostoria | 47 | 14 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 14 | 325 | 141 | 466 | 325 | 141 | 466 | 14 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| Franklin | 51 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 89 | 289 | 255 | 89 | 344 | 100 | 89 | 189 |
| Fraser | 55 | 14 | 375 | 76 | 451 | 365 | 76 | 441 | 355 | 76 | 431 | 345 | 76 | 421 | 285 | 76 | 361 | 14 | 325 | 69 | 394 | 325 | 69 | 394 | 14 | 215 | 69 | 284 | 275 | 69 | 344 | 115 | 69 | 184 |
| Frederic | 65 | 1 | 310 | 60 | 370 | 300 | 60 | 360 | 290 | 60 | 350 | 280 | 60 | 340 | 270 | 60 | 330 | 1 | 275 | 54 | 329 | 280 | 54 | 334 | 1 | 200 | 54 | 254 | 260 | 54 | 314 | 100 | 54 | 154 |
| Fredericksburg | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Fredonia | 53 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Freeman | 49 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Fremont | 67 | 2 | 310 | 71 | 381 | 300 | 71 | 371 | 290 | 71 | 361 | 280 | 71 | 351 | 270 | 71 | 341 | 2 | 275 | 65 | 340 | 280 | 65 | 345 | 2 | 200 | 65 | 265 | 260 | 65 | 325 | 100 | 65 | 165 |
| Froelich | 50 | 19 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 19 | 275 | 173 | 448 | 275 | 173 | 448 | 19 | 200 | 173 | 373 | 255 | 173 | 428 | 100 | 173 | 273 |
| Fruitland | 53 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Galbraith | 47 | 14 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 14 | 325 | 121 | 446 | 325 | 121 | 440 | 14 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Galt | 48 | 14 | 375 | 130 | 505 | 265 | 130 | 495 | 255 | 130 | 485 | 245 | 130 | 475 | 285 | 130 | 415 | 14 | 325 | 118 | 443 | 325 | 118 | 443 | 14 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Galva | 65 | 15 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 15 | 325 | 133 | 458 | 325 | 133 | 458 | 15 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |
| Garden City | 62 | 14 | 375 | 94 | 469 | 365 | 94 | 459 | 355 | 94 | 449 | 345 | 94 | 439 | 285 | 94 | 379 | 14 | 325 | 85 | 410 | 325 | 85 | 410 | 14 | 215 | 85 | 300 | 275 | 85 | 360 | 115 | 85 | 200 |
| Garden Grove | 66 | 5 | 295 | 98 | 393 | 285 | 98 | 383 | 275 | 98 | 373 | 270 | 98 | 368 | 285 | 98 | 383 | 5 | 275 | 89 | 364 | 275 | 89 | 364 | 5 | 200 | 89 | 289 | 260 | 89 | 349 | 100 | 89 | 189 |
| Gardiner | 55 | 15 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 15 | 325 | 60 | 385 | 325 | 60 | 385 | 15 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Garfield | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Garland | 53 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Garner | 47 | 14 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 14 | 325 | 133 | 458 | 325 | 133 | 458 | 14 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |
| Garrison | 49 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Garwin | 49 | 5 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 5 | 275 | 144 | 419 | 275 | 144 | 419 | 14 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Gaza | 47 | 15 | 375 | 165 | 540 | 365 | 165 | 530 | 355 | 165 | 520 | 315 | 165 | 510 | 285 | 165 | 450 | 15 | 325 | 149 | 474 | 325 | 149 | 474 | 15 | 215 | 149 | 364 | 275 | 149 | 424 | 115 | 149 | 264 |
| Gehlen | 55 | 14 | 375 | 176 | 551 | 305 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 14 | 325 | 159 | 484 | 325 | 159 | 484 | 14 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Geneva | 49 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| George | 47 | 15 | 375 | 180 | 555 | 365 | 180 | 545 | 355 | 180 | 535 | 345 | 180 | 525 | 285 | 180 | 465 | 15 | 325 | 163 | 488 | 325 | 163 | 488 | 15 | 215 | 163 | 378 | 275 | 163 | 438 | 115 | 163 | 278 |
| Gibson | 67 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Gifford | 49 | 5 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 5 | 275 | 141 | 416 | 275 | 141 | 416 | 14 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Gilbert | 55 | 14 | 375 | 76 | 451 | 365 | 76 | 441 | 355 | 76 | 431 | 345 | 76 | 421 | 285 | 76 | 361 | 14 | 325 | 69 | 394 | 325 | 69 | 394 | 14 | 215 | 69 | 284 | 275 | 69 | 344 | 115 | 69 | 184 |
| Gilbertville | 50 | 14 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 14 | 275 | 133 | 408 | 275 | 133 | 408 | 14 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Gilleas Pit | 47 | 15 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 15 | 325 | 141 | 466 | 325 | 141 | 466 | 15 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| Gillett Grove | 47 | 14 | 375 | 144 | 519 | 365 | 144 | 509 | 355 | 144 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 14 | 325 | 130 | 455 | 325 | 130 | 455 | 14 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| Gilliat | 59 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 155 | 355 | 260 | 155 | 415 | 100 | 155 | 255 |
| Gillman | 49 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 2 | 200 | 89 | 289 | 255 | 89 | 344 | 100 | 89 | 189 |
| Gilmore City | 47 | 14 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 14 | 325 | 110 | 435 | 325 | 110 | 435 | 14 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Givin | 65 | 2 | 310 | 60 | 370 | 300 | 60 | 360 | 290 | 60 | 350 | 280 | 60 | 340 | 270 | 60 | 330 | 2 | 275 | 54 | 329 | 280 | 54 | 334 | 2 | 200 | 54 | 254 | 260 | 54 | 314 | 100 | 54 | 154 |
| Gladbrook | 49 | 5 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 5 | 275 | 138 | 413 | 275 | 138 | 413 | 14 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Gladstone | 49 | 5 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 2 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Gladwin | 53 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Glendale | 53 | 5 | 295 | 114 | 409 | 285 | 114 | 399 | 275 | 114 | 389 | 270 | 114 | 384 | 285 | 114 | 399 | 5 | 275 | 103 | 378 | 275 | 103 | 378 | 7 | 200 | 74 | 274 | 255 | 74 | 329 | 100 | 74 | 174 |
| Glendon | 55 | 19 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 19 | 325 | 96 | 421 | 325 | 96 | 421 | 19 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Glen Ellen | 57 | 5 | 295 | 220 | 515 | 285 | 220 | 505 | 275 | 220 | 495 | 270 | 220 | 490 | 285 | 220 | 505 | 5 | 275 | 199 | 474 | 275 | 199 | 474 | 19 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Glenwood | 66 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 5 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Glidden | 55 | 15 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 15 | 325 | 92 | 417 | 325 | 92 | 417 | 15 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 207 |
| Glory | 50 | 14 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 14 | 275 | 138 | 413 | 275 | 138 | 413 | 14 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Golden | 50 | 7 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 7 | 275 | 146 | 421 | 275 | 146 | 421 | 7 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | Base rate | Del'd price | 2 Standard lump: Mine price | Base rate | Del'd price | 3 Egg: Mine price | Base rate | Del'd price | 4 Small egg: Mine price | Base rate | Del'd price | 5 M/R: Mine price | Base rate | Del'd price | Mine origin group | 6 Nut: Mine price | Base rate | Del'd price | 7 Domestic stoker: Mine price | Base rate | Del'd price | Mine origin group | 8 Scrgs.: Mine price | Base rate | Del'd price | 9 Industrial stoker: Mine price | Base rate | Del'd price | 10 Carbon: Mine price | Base rate | Del'd price |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Goldfield | 47 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Godell | 47 | 14 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 14 | 325 | 128 | 453 | 325 | 128 | 453 | 14 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Goose Lake | 50 | 7 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 7 | 275 | 159 | 434 | 275 | 159 | 434 | 7 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Gordon's Ferry | 50 | 7 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 7 | 275 | 166 | 441 | 275 | 166 | 441 | 7 | 200 | 166 | 366 | 255 | 166 | 421 | 100 | 166 | 266 |
| Gowrie | 55 | 14 | 375 | 94 | 469 | 365 | 94 | 459 | 355 | 94 | 449 | 345 | 94 | 439 | 285 | 94 | 379 | 14 | 325 | 85 | 410 | 325 | 85 | 410 | 14 | 215 | 85 | 300 | 275 | 85 | 360 | 115 | 85 | 200 |
| Grable | 57 | 5 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 5 | 275 | 181 | 456 | 275 | 181 | 456 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Graettinger | 47 | 14 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 14 | 325 | 144 | 469 | 325 | 144 | 469 | 14 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Graf | 50 | 14 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 14 | 275 | 166 | 441 | 275 | 166 | 441 | 14 | 200 | 166 | 366 | 255 | 166 | 421 | 100 | 166 | 266 |
| Grafton | 49 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 14 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Grand | 47 | 14 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 14 | 325 | 110 | 435 | 325 | 110 | 435 | 14 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Grand Junction | 55 | 15 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 285 | 81 | 366 | 15 | 325 | 74 | 399 | 325 | 74 | 399 | 15 | 215 | 74 | 289 | 275 | 74 | 349 | 115 | 74 | 189 |
| Grand Mound | 50 | 7 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 7 | 275 | 152 | 427 | 275 | 152 | 427 | 7 | 200 | 152 | 352 | 255 | 152 | 407 | 100 | 152 | 252 |
| Grand River | 66 | 5 | 295 | 114 | 409 | 285 | 114 | 399 | 275 | 114 | 389 | 270 | 114 | 384 | 285 | 114 | 399 | 5 | 275 | 103 | 378 | 275 | 103 | 378 | 5 | 200 | 103 | 303 | 260 | 103 | 363 | 100 | 103 | 203 |
| Granger | 55 | 11 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 11 | 325 | 60 | 385 | 325 | 60 | 385 | 11 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Granite | 55 | 14 | 375 | 196 | 571 | 365 | 196 | 561 | 355 | 196 | 551 | 345 | 196 | 541 | 285 | 196 | 481 | 14 | 325 | 177 | 502 | 325 | 177 | 502 | 14 | 215 | 177 | 392 | 275 | 177 | 452 | 115 | 177 | 292 |
| Grant Center | 47 | 15 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 15 | 325 | 141 | 466 | 325 | 141 | 466 | 15 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| Granville | 55 | 15 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 15 | 325 | 155 | 480 | 325 | 155 | 480 | 15 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Gravity | 66 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 5 | 200 | 136 | 336 | 260 | 136 | 396 | 100 | 136 | 236 |
| Gray | 55 | 15 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 15 | 325 | 114 | 439 | 325 | 114 | 439 | 15 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |
| Grayson | 55 | 14 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 14 | 325 | 60 | 385 | 325 | 60 | 385 | 14 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Greeley | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Greene | 49 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Greenfield | 59 | 5 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 5 | 275 | 146 | 421 | 275 | 146 | 421 | 27 | 200 | 130 | 330 | 260 | 130 | 390 | 100 | 130 | 230 |
| Green Island | 50 | 7 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 7 | 275 | 159 | 434 | 275 | 159 | 434 | 7 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Green Mountain | 49 | 5 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 14 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Gridley | 47 | 14 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 14 | 325 | 146 | 471 | 325 | 146 | 471 | 14 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Grimes | 66 | 11 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 11 | 319 | 60 | 379 | 319 | 60 | 379 | 11 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Grinnell | 49 | 5 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 5 | 275 | 110 | 385 | 275 | 110 | 385 | 2 | 200 | 78 | 278 | 255 | 78 | 333 | 100 | 78 | 178 |
| Griswold | 59 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 19 | 200 | 128 | 328 | 260 | 128 | 388 | 100 | 128 | 228 |
| Grundy Center | 49 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Gruver | 47 | 14 | 375 | 168 | 543 | 365 | 168 | 533 | 355 | 168 | 523 | 345 | 168 | 513 | 285 | 168 | 453 | 14 | 325 | 152 | 477 | 325 | 152 | 477 | 14 | 215 | 152 | 367 | 275 | 152 | 427 | 115 | 152 | 267 |
| Guernsey | 49 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 10 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Guthrie Center | 55 | 23 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 23 | 325 | 103 | 428 | 325 | 103 | 428 | 28 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Guttenberg | 50 | 19 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 19 | 275 | 181 | 456 | 275 | 181 | 456 | 19 | 200 | 181 | 381 | 255 | 181 | 436 | 100 | 181 | 281 |
| Gypsum | 47 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Hadden Hill | 47 | 23 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 23 | 325 | 60 | 385 | 325 | 60 | 385 | 23 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Halbur | 55 | 15 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 15 | 325 | 103 | 428 | 325 | 103 | 428 | 15 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Hale | 50 | 2 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 2 | 275 | 144 | 419 | 275 | 144 | 419 | 2 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Halfa | 47 | 14 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 14 | 325 | 144 | 469 | 325 | 144 | 469 | 14 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Halpin | 65 | 1 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 1 | 275 | 60 | 335 | 280 | 60 | 340 | 1 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Hamburg | 66 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 5 | 200 | 170 | 370 | 260 | 170 | 430 | 100 | 170 | 270 |
| Hamill | 54 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Hamilton | 65 | 22 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Hamlin | 55 | 14 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 14 | 325 | 128 | 453 | 325 | 128 | 453 | 14 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Hamm | 66 | 5 | 295 | 76 | 371 | 285 | 76 | 361 | 275 | 76 | 351 | 270 | 76 | 346 | 285 | 76 | 361 | 5 | 275 | 69 | 344 | 275 | 69 | 344 | 5 | 200 | 69 | 269 | 260 | 69 | 329 | 100 | 69 | 169 |
| Hampton | 49 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 114 | 314 | 255 | 114 | 369 | 100 | 114 | 214 |
| Hancock | 59 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 19 | 200 | 136 | 336 | 260 | 136 | 396 | 100 | 136 | 236 |
| Hanford | 49 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Hanley | 59 | 5 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 5 | 275 | 138 | 413 | 275 | 138 | 413 | 19 | 200 | 65 | 265 | 260 | 65 | 325 | 100 | 65 | 165 |
| Hanlontown | 47 | 14 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 14 | 325 | 138 | 463 | 325 | 138 | 463 | 14 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Hanna | 47 | 14 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 14 | 325 | 121 | 446 | 325 | 121 | 446 | 14 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Hansell | 49 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Harcourt | 55 | 14 | 375 | 90 | 465 | 365 | 90 | 455 | 355 | 90 | 445 | 345 | 90 | 435 | 285 | 90 | 375 | 14 | 325 | 82 | 407 | 325 | 82 | 407 | 14 | 215 | 82 | 297 | 275 | 82 | 357 | 115 | 82 | 197 |
| Hardy | 47 | 14 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 14 | 325 | 114 | 439 | 325 | 114 | 439 | 14 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |
| Harl | 47 | 14 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 14 | 325 | 114 | 439 | 325 | 114 | 439 | 14 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |
| Harlan | 55 | 15 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 15 | 325 | 125 | 450 | 325 | 125 | 450 | 15 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Harmons | 51 | 7 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 7 | 275 | 146 | 421 | 275 | 146 | 421 | 7 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Harper | 53 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 2 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Harper's Ferry | 50 | 19 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 19 | 275 | 181 | 456 | 275 | 181 | 456 | 19 | 200 | 181 | 381 | 255 | 181 | 436 | 100 | 181 | 281 |
| Harris | 47 | 14 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 14 | 325 | 159 | 484 | 325 | 159 | 484 | 14 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Hartford | 65 | 24 | 310 | 68 | 378 | 300 | 68 | 368 | 290 | 68 | 358 | 280 | 68 | 348 | 270 | 68 | 338 | 24 | 275 | 60 | 335 | 280 | 60 | 340 | 24 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Hartley | 47 | 14 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 14 | 325 | 144 | 469 | 325 | 144 | 469 | 14 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Hartwick | 49 | 5 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 5 | 275 | 152 | 427 | 275 | 152 | 427 | 10 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Harvard | 66 | 5 | 295 | 76 | 371 | 285 | 76 | 361 | 275 | 76 | 351 | 270 | 76 | 346 | 285 | 76 | 361 | 5 | 275 | 69 | 344 | 275 | 67 | 344 | 5 | 200 | 69 | 269 | 260 | 69 | 329 | 100 | 69 | 169 |
| Harvey | 65 | 22 | 310 | 64 | 374 | 300 | 64 | 364 | 290 | 64 | 354 | 280 | 64 | 344 | 270 | 64 | 334 | 22 | 275 | 56 | 331 | 280 | 56 | 336 | 22 | 200 | 56 | 256 | 260 | 56 | 316 | 100 | 56 | 156 |
| Haskins | 53 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Hastie | 63 | 22 | 351 | 64 | 415 | 341 | 64 | 405 | 331 | 64 | 395 | 321 | 64 | 385 | 300 | 64 | 364 | 22 | 323 | 56 | 379 | 323 | 56 | 379 | 22 | 198 | 56 | 254 | 258 | 56 | 314 | 98 | 56 | 154 |
| Hastings | 66 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 5 | 200 | 103 | 303 | 260 | 103 | 363 | 100 | 103 | 203 |



*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | Base rate | Del'd price | 2 Standard lump: Mine price | Base rate | Del'd price | 3 Egg: Mine price | Base rate | Del'd price | 4 Small egg: Mine price | Base rate | Del'd price | 5 M/R: Mine price | Base rate | Del'd price | Mine origin group | 6 Nut: Mine price | Base rate | Del'd price | 7 Domestic stoker: Mine price | Base rate | Del'd price | Mine origin group | 8 Scrgs.: Mine price | Base rate | Del'd price | 9 Industrial stoker: Mine price | Base rate | Del'd price | 10 Carbon: Mine price | Base rate | Del'd price |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Haugenville | 50 | 14 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 14 | 275 | 170 | 445 | 275 | 14 | 170 | 44 | 200 | 170 | 370 | 255 | 170 | 425 | 100 | 170 | 270 |
| Havelock | 47 | 15 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 15 | 325 | 121 | 446 | 325 | 121 | 446 | 15 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Haverhill | 62 | 14 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 14 | 325 | 89 | 414 | 325 | 89 | 414 | 14 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Havre | 53 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 89 | 289 | 255 | 89 | 344 | 100 | 89 | 189 |
| Hawarden | 55 | 15 | 375 | 188 | 563 | 365 | 188 | 553 | 355 | 188 | 543 | 345 | 188 | 533 | 285 | 188 | 473 | 15 | 325 | 170 | 495 | 325 | 170 | 495 | 15 | 215 | 170 | 385 | 275 | 170 | 445 | 115 | 170 | 285 |
| Hawkeye | 50 | 19 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 19 | 275 | 159 | 434 | 275 | 159 | 434 | 19 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Hawkeye Portland Cement Quarry | 47 | 23 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 23 | 325 | 78 | 403 | 325 | 78 | 403 | 23 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 193 |
| Hawley | 47 | 14 | 375 | 150 | 525 | 365 | 150 | 515 | 355 | 150 | 505 | 345 | 150 | 495 | 285 | 150 | 435 | 14 | 325 | 136 | 461 | 325 | 136 | 461 | 11 | 215 | 136 | 351 | 275 | 136 | 411 | 115 | 136 | 251 |
| Hayesville | 53 | 5 | 295 | 106 | 401 | 285 | 106 | 391 | 275 | 106 | 381 | 270 | 106 | 376 | 285 | 106 | 391 | 5 | 275 | 96 | 371 | 275 | 96 | 571 | 2 | 200 | 78 | 278 | 255 | 78 | 333 | 100 | 78 | 178 |
| Hayfield | 47 | 14 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 14 | 325 | 138 | 463 | 325 | 138 | 463 | 14 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Hazelton | 50 | 14 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 14 | 275 | 141 | 416 | 275 | 141 | 416 | 14 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Hedrick | 53 | 5 | 295 | 98 | 393 | 285 | 98 | 383 | 275 | 98 | 373 | 270 | 98 | 368 | 285 | 98 | 383 | 5 | 275 | 89 | 364 | 275 | 89 | 364 | 2 | 200 | 69 | 269 | 255 | 69 | 324 | 100 | 69 | 169 |
| Henderson | 59 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 19 | 200 | 144 | 344 | 260 | 144 | 404 | 100 | 144 | 244 |
| Hepburn | 66 | 5 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 5 | 275 | 149 | 424 | 275 | 149 | 424 | 5 | 200 | 149 | 349 | 260 | 149 | 409 | 100 | 149 | 249 |
| Herndon | 55 | 15 | 375 | 76 | 451 | 365 | 76 | 441 | 355 | 76 | 431 | 345 | 76 | 421 | 285 | 76 | 361 | 15 | 325 | 69 | 394 | 325 | 69 | 394 | 15 | 215 | 69 | 284 | 275 | 69 | 344 | 115 | 69 | 184 |
| Herring | 55 | 15 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 15 | 325 | 114 | 439 | 325 | 114 | 439 | 15 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |
| Herrold | 60 | 14 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 14 | 319 | 60 | 379 | 319 | 60 | 379 | 14 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Hetzel | 50 | 7 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 7 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Hiattsville | 66 | 5 | 295 | 76 | 371 | 285 | 76 | 361 | 275 | 76 | 351 | 270 | 76 | 346 | 285 | 76 | 361 | 5 | 275 | 69 | 344 | 275 | 69 | 344 | 5 | 200 | 69 | 269 | 260 | 69 | 329 | 100 | 69 | 169 |
| High Bridge | 47 | 11 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 11 | 325 | 60 | 385 | 325 | 60 | 385 | 11 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Highland | 67 | 7 | 310 | 76 | 386 | 300 | 76 | 376 | 290 | 76 | 366 | 280 | 76 | 356 | 270 | 76 | 346 | 7 | 275 | 69 | 344 | 280 | 69 | 349 | 7 | 200 | 69 | 269 | 260 | 69 | 329 | 100 | 69 | 169 |
| Highland Park | 60 | 12 | 353 | 62½ | 415 | 343 | 62½ | 405 | 333 | 62½ | 395 | 323 | 62½ | 385 | 298 | 62½ | 360 | 12 | 323 | 56½ | 379 | 323 | 56½ | 379 | 12 | 198 | 56½ | 254 | 258 | 56½ | 314 | 98 | 56½ | 154 |
| Highley | 47 | 19 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 285 | 81 | 366 | 19 | 325 | 74 | 399 | 325 | 74 | 399 | 19 | 215 | 74 | 289 | 275 | 74 | 349 | 115 | 74 | 189 |
| Highview | 47 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Hills | 50 | 7 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 7 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Hillsboro | 53 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 7 | 200 | 78 | 278 | 255 | 78 | 333 | 100 | 78 | 178 |
| Hilton | 65 | 1 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 1 | 275 | 60 | 335 | 280 | 60 | 340 | 11 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Hinton | 55 | 15 | 375 | 180 | 555 | 365 | 180 | 545 | 355 | 180 | 535 | 345 | 180 | 525 | 285 | 180 | 465 | 15 | 325 | 163 | 488 | 325 | 163 | 488 | 15 | 215 | 163 | 378 | 275 | 163 | 438 | 115 | 163 | 278 |
| Hobarton | 47 | 15 | 375 | 165 | 540 | 365 | 165 | 530 | 355 | 165 | 520 | 345 | 165 | 510 | 285 | 165 | 450 | 15 | 325 | 149 | 474 | 325 | 149 | 474 | 15 | 215 | 149 | 364 | 275 | 149 | 424 | 115 | 149 | 264 |
| Holland | 49 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Holmes | 47 | 14 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 14 | 325 | 110 | 435 | 325 | 110 | 435 | 14 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Holstein | 55 | 15 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 15 | 325 | 138 | 463 | 325 | 138 | 463 | 15 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Homestead | 49 | 5 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 5 | 275 | 141 | 416 | 275 | 141 | 416 | 2 | 200 | 114 | 314 | 255 | 114 | 369 | 100 | 114 | 214 |
| Honey Creek | 57 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Hope | 47 | 14 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 11 | 325 | 78 | 403 | 325 | 78 | 403 | 14 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 193 |
| Hopkinton | 50 | 2 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 2 | 275 | 152 | 427 | 275 | 152 | 427 | 2 | 200 | 152 | 352 | 255 | 152 | 407 | 100 | 152 | 252 |
| Hopley | 59 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 19 | 200 | 125 | 325 | 260 | 125 | 385 | 100 | 125 | 225 |
| Hornick | 57 | 5 | 295 | 212 | 507 | 285 | 212 | 497 | 275 | 212 | 487 | 270 | 212 | 482 | 285 | 212 | 497 | 5 | 275 | 191 | 466 | 275 | 191 | 466 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Hospers | 55 | 15 | 375 | 180 | 555 | 365 | 180 | 545 | 355 | 180 | 535 | 345 | 180 | 525 | 285 | 180 | 465 | 15 | 325 | 163 | 488 | 325 | 163 | 488 | 15 | 215 | 163 | 378 | 275 | 163 | 438 | 115 | 163 | 278 |
| Houghton | 54 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Howell | 65 | 22 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Hubbard | 62 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Hudson | 49 | 5 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 5 | 275 | 149 | 424 | 275 | 149 | 424 | 14 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Hughes | 48 | 14 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 14 | 325 | 110 | 435 | 325 | 110 | 435 | 14 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Hull | 47 | 14 | 375 | 180 | 555 | 365 | 180 | 545 | 355 | 180 | 535 | 345 | 180 | 525 | 285 | 180 | 465 | 14 | 325 | 163 | 488 | 325 | 163 | 488 | 14 | 215 | 163 | 378 | 275 | 163 | 438 | 115 | 163 | 278 |
| Humboldt | 47 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Humeston | 66 | 5 | 295 | 94 | 389 | 285 | 94 | 379 | 275 | 94 | 369 | 270 | 94 | 364 | 285 | 94 | 379 | 5 | 275 | 85 | 360 | 275 | 85 | 360 | 5 | 200 | 85 | 285 | 260 | 85 | 345 | 100 | 85 | 185 |
| Huntington | 47 | 14 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 14 | 325 | 159 | 484 | 325 | 159 | 484 | 14 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Hurley | 48 | 14 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 14 | 325 | 128 | 453 | 325 | 128 | 453 | 14 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Hurst Mill Spur | 50 | 7 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 7 | 275 | 163 | 438 | 275 | 163 | 438 | 7 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Hutchins | 47 | 15 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 15 | 325 | 138 | 463 | 325 | 138 | 463 | 15 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Huxley | 62 | 14 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 14 | 325 | 60 | 385 | 325 | 60 | 385 | 14 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Hyperion | 60 | 12 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 12 | 319 | 60 | 379 | 319 | 60 | 379 | 12 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Ida Grove | 55 | 15 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 15 | 325 | 128 | 453 | 325 | 128 | 453 | 15 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Imogene | 66 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 5 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Independence | 50 | 14 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 14 | 275 | 138 | 413 | 275 | 138 | 413 | 14 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Indian Creek | 50 | 2 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 2 | 275 | 130 | 405 | 275 | 130 | 405 | 2 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Indianola | 65 | 19 | 310 | 86 | 396 | 300 | 86 | 386 | 290 | 86 | 376 | 280 | 86 | 366 | 270 | 86 | 356 | 19 | 275 | 78 | 353 | 280 | 78 | 358 | 19 | 200 | 78 | 278 | 260 | 78 | 338 | 100 | 78 | 178 |
| Industry | 47 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Ingersoll | 55 | 11 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 11 | 325 | 60 | 385 | 325 | 60 | 385 | 11 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Inwood | 47 | 14 | 375 | 188 | 563 | 365 | 188 | 553 | 355 | 188 | 543 | 345 | 188 | 533 | 285 | 188 | 473 | 14 | 325 | 170 | 495 | 325 | 170 | 495 | 14 | 215 | 170 | 385 | 275 | 170 | 445 | 115 | 170 | 285 |
| Ionia | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Iowa City | 50 | 7 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 7 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Iowa Falls | 48 | 14 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Iowana | 50 | 7 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 7 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Ira | 62 | 19 | 375 | 90 | 465 | 365 | 90 | 455 | 355 | 90 | 445 | 345 | 90 | 435 | 285 | 90 | 375 | 19 | 325 | 82 | 407 | 325 | 82 | 407 | 19 | 215 | 82 | 297 | 275 | 82 | 357 | 115 | 82 | 197 |
| Ireton | 55 | 15 | 375 | 184 | 559 | 365 | 184 | 549 | 355 | 184 | 539 | 345 | 184 | 529 | 285 | 184 | 469 | 15 | 325 | 166 | 491 | 325 | 166 | 491 | 15 | 215 | 166 | 381 | 275 | 166 | 441 | 115 | 166 | 281 |

**Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes—Continued**

| Iowa destination | Market area | Mine origin group | 1 Chunks | | | 2 Standard lump | | | 3 Egg | | | 4 Small egg | | | 5 M/R | | | Mine origin group | 6 Nut | | | 7 Domestic stoker | | | Mine origin group | 8 Scrgs. | | | 9 Industrial stoker | | | 10 Carbon | | |
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| | | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price |
| Irma | 50 | 14 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 14 | 275 | 136 | 411 | 275 | 136 | 411 | 14 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Irving | 49 | 5 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 5 | 275 | 149 | 424 | 275 | 149 | 424 | 10 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Irvington | 47 | 14 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 14 | 325 | 125 | 450 | 325 | 125 | 450 | 14 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Irwin | 55 | 15 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 15 | 325 | 118 | 443 | 325 | 118 | 443 | 15 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Island Park | 59 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 19 | 200 | 155 | 355 | 260 | 155 | 415 | 100 | 155 | 255 |
| Jackson Jct. | 50 | 14 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Jamaica | 55 | 15 | 375 | 76 | 451 | 365 | 76 | 441 | 355 | 76 | 431 | 345 | 76 | 421 | 285 | 76 | 361 | 15 | 325 | 69 | 394 | 325 | 69 | 394 | 15 | 215 | 69 | 284 | 275 | 69 | 344 | 115 | 69 | 184 |
| James | 55 | 15 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 15 | 325 | 159 | 484 | 325 | 159 | 484 | 15 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Jamison | 59 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 19 | 200 | 96 | 296 | 260 | 96 | 356 | 100 | 96 | 196 |
| Janesville | 50 | 14 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 14 | 275 | 130 | 405 | 275 | 130 | 405 | 14 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Jefferson | 55 | 15 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 15 | 325 | 78 | 403 | 325 | 78 | 403 | 15 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 193 |
| Jerome | 66 | 5 | 295 | 76 | 371 | 285 | 76 | 361 | 275 | 76 | 351 | 270 | 76 | 346 | 285 | 76 | 361 | 5 | 275 | 69 | 344 | 275 | 69 | 344 | 5 | 200 | 69 | 269 | 260 | 69 | 329 | 100 | 69 | 169 |
| Jessup | 50 | 14 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 14 | 275 | 133 | 408 | 275 | 133 | 408 | 14 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Jewell | 55 | 14 | 375 | 90 | 465 | 365 | 90 | 455 | 355 | 90 | 445 | 345 | 90 | 435 | 285 | 90 | 375 | 14 | 325 | 82 | 407 | 325 | 82 | 407 | 14 | 215 | 82 | 297 | 275 | 82 | 357 | 115 | 82 | 197 |
| Johnston | 60 | 12 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 12 | 319 | 60 | 379 | 319 | 60 | 379 | 12 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Joice | 47 | 14 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 14 | 325 | 144 | 469 | 325 | 144 | 469 | 14 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Jolley | 55 | 14 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Jordan | 55 | 14 | 375 | 71 | 446 | 365 | 71 | 436 | 355 | 71 | 426 | 345 | 71 | 416 | 285 | 71 | 356 | 14 | 325 | 65 | 390 | 325 | 65 | 390 | 14 | 215 | 65 | 280 | 275 | 65 | 340 | 115 | 65 | 180 |
| Judd | 47 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Julien | 50 | 14 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 14 | 275 | 166 | 441 | 275 | 166 | 441 | 14 | 200 | 166 | 366 | 255 | 166 | 421 | 100 | 166 | 266 |
| Juniata | 55 | 14 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 14 | 325 | 121 | 446 | 325 | 121 | 446 | 14 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Juvenile | 49 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 108 | 308 | 255 | 108 | 363 | 100 | 108 | 208 |
| Kalo | 55 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Kalona | 49 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Kamrar | 55 | 14 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 14 | 325 | 89 | 414 | 325 | 89 | 414 | 14 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Kanawha | 47 | 14 | 375 | 144 | 519 | 365 | 144 | 509 | 355 | 144 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 14 | 325 | 130 | 455 | 325 | 130 | 455 | 14 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| Keller | 47 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Kellerton | 66 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 5 | 200 | 118 | 318 | 260 | 118 | 378 | 100 | 118 | 218 |
| Kelley | 55 | 14 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 14 | 325 | 60 | 385 | 325 | 60 | 385 | 14 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Kellogg | 64 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 19 | 200 | 92 | 292 | 260 | 92 | 352 | 100 | 92 | 192 |
| Kennebec | 47 | 15 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 15 | 325 | 144 | 469 | 325 | 144 | 469 | 15 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Kennedy | 55 | 23 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 23 | 325 | 60 | 385 | 325 | 60 | 385 | 23 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Kensett | 49 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 14 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Kent | 66 | 5 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 5 | 275 | 138 | 413 | 275 | 138 | 413 | 5 | 200 | 138 | 338 | 260 | 138 | 398 | 100 | 138 | 238 |
| Kenwood | 55 | 15 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 15 | 325 | 121 | 446 | 325 | 121 | 446 | 15 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Kenwood Park | 50 | 2 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 2 | 275 | 128 | 403 | 275 | 128 | 403 | 2 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Keokuk | 66 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Keosauqua | 66 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 7 | 200 | 69 | 269 | 255 | 69 | 324 | 100 | 69 | 169 |
| Keota | 55 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 2 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Kesley | 49 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 10 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Keswick | 49 | 5 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 5 | 275 | 110 | 385 | 275 | 110 | 385 | 7 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Keystone | 49 | 5 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 5 | 275 | 141 | 416 | 275 | 141 | 416 | 2 | 200 | 114 | 314 | 255 | 114 | 369 | 100 | 114 | 214 |
| Kidder | 50 | 14 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Kilbourne | 68 | 5 | 295 | 106 | 401 | 285 | 106 | 391 | 275 | 106 | 381 | 270 | 106 | 376 | 285 | 106 | 391 | 5 | 275 | 96 | 371 | 275 | 96 | 371 | 7 | 200 | 65 | 265 | 255 | 65 | 320 | 100 | 65 | 165 |
| Killduff | 64 | 5 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 5 | 275 | 110 | 385 | 275 | 110 | 385 | 27 | 200 | 96 | 296 | 260 | 96 | 356 | 100 | 96 | 196 |
| Kimball | 65 | 24 | 310 | 68 | 378 | 300 | 68 | 368 | 290 | 68 | 358 | 280 | 68 | 348 | 270 | 68 | 338 | 24 | 275 | 60 | 335 | 280 | 60 | 340 | 24 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Kingsley | 55 | 15 | 375 | 168 | 543 | 365 | 168 | 533 | 355 | 168 | 523 | 345 | 168 | 513 | 285 | 168 | 453 | 15 | 325 | 152 | 477 | 325 | 152 | 477 | 15 | 215 | 152 | 367 | 275 | 152 | 427 | 115 | 152 | 267 |
| Kinross | 49 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Kirkman | 55 | 15 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 15 | 325 | 121 | 446 | 325 | 121 | 446 | 15 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Kirkville | 65 | 2 | 310 | 60 | 370 | 300 | 60 | 360 | 290 | 60 | 350 | 280 | 60 | 340 | 270 | 60 | 330 | 2 | 275 | 54 | 329 | 280 | 54 | 334 | 2 | 200 | 54 | 254 | 260 | 54 | 314 | 100 | 54 | 154 |
| Kiron | 56 | 15 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 15 | 325 | 125 | 450 | 325 | 125 | 450 | 15 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Klemme | 47 | 14 | 375 | 144 | 519 | 365 | 144 | 509 | 355 | 144 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 14 | 325 | 130 | 455 | 325 | 130 | 455 | 14 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| Knierim | 47 | 15 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 15 | 325 | 103 | 428 | 325 | 103 | 428 | 15 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Kniffin | 66 | 5 | 295 | 71 | 366 | 285 | 71 | 356 | 275 | 71 | 346 | 270 | 71 | 341 | 285 | 71 | 356 | 5 | 275 | 65 | 340 | 275 | 65 | 340 | 5 | 200 | 65 | 265 | 260 | 65 | 325 | 100 | 65 | 165 |
| Knoke | 55 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Knowles | 50 | 14 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 14 | 275 | 130 | 405 | 275 | 130 | 405 | 14 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Knoxville | 65 | 22 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Konigsmark | 50 | 7 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 7 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Lacey | 67 | 2 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 2 | 275 | 60 | 335 | 280 | 60 | 340 | 2 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Lacona | 65 | 27 | 310 | 94 | 404 | 300 | 94 | 394 | 290 | 94 | 384 | 280 | 94 | 374 | 270 | 94 | 364 | 27 | 275 | 85 | 360 | 280 | 85 | 365 | 27 | 200 | 85 | 285 | 260 | 85 | 345 | 100 | 85 | 185 |
| Laddsdale | 68 | 5 | 295 | 90 | 385 | 285 | 90 | 375 | 275 | 90 | 365 | 270 | 90 | 360 | 285 | 90 | 375 | 5 | 275 | 82 | 357 | 275 | 82 | 357 | 7 | 200 | 60 | 260 | 255 | 60 | 315 | 100 | 60 | 160 |
| Ladoga | 66 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 5 | 200 | 136 | 336 | 260 | 136 | 396 | 100 | 136 | 236 |
| Ladora | 49 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 2 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| La Fayette | 50 | 7 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 7 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Lake City | 55 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Lake Mills | 47 | 14 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 14 | 325 | 146 | 471 | 325 | 146 | 471 | 14 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Lake Park | 47 | 14 | 375 | 180 | 555 | 365 | 180 | 545 | 355 | 180 | 535 | 345 | 180 | 525 | 285 | 180 | 465 | 14 | 325 | 163 | 488 | 325 | 163 | 488 | 14 | 215 | 163 | 378 | 275 | 163 | 438 | 115 | 163 | 278 |
| Lake Side | 47 | 14 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 14 | 325 | 125 | 450 | 325 | 125 | 450 | 14 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Lake View | 55 | 15 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 16 | 325 | 114 | 439 | 325 | 114 | 439 | 15 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |



**Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes—Continued**

| Iowa destination | Market area | Mine origin group | 1 Chunks | | | 2 Standard lump | | | 3 Egg | | | 4 Small egg | | | 5 M/R | | | Mine origin group | 6 Nut | | | 7 Domestic stoker | | | Mine origin group | 8 Scrgs. | | | 9 Industrial stoker | | | 10 Carbon | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price |
| Lakota | 47 | 14 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 14 | 325 | 155 | 480 | 325 | 155 | 480 | 14 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Lamb | 50 | 14 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 14 | 275 | 138 | 413 | 275 | 138 | 413 | 14 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| LaMoille | 62 | 14 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 14 | 325 | 89 | 414 | 325 | 89 | 414 | 14 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Lamoni | 66 | 5 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 5 | 275 | 110 | 385 | 275 | 110 | 385 | 14 | 200 | 110 | 310 | 260 | 110 | 370 | 100 | 110 | 210 |
| Lamont | 50 | 14 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 14 | 275 | 149 | 424 | 275 | 149 | 424 | 14 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Lanedale | 55 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Lanesboro | 55 | 14 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Langdon | 47 | 14 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 14 | 325 | 144 | 469 | 325 | 144 | 469 | 14 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Langworthy | 50 | 2 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 2 | 275 | 144 | 419 | 275 | 144 | 419 | 2 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Lansing | 50 | 19 | 295 | 204 | 499 | 285 | 204 | 489 | 275 | 204 | 479 | 270 | 204 | 474 | 285 | 204 | 489 | 19 | 275 | 184 | 459 | 275 | 184 | 459 | 19 | 200 | 184 | 384 | 255 | 184 | 439 | 100 | 184 | 284 |
| Lanyon | 55 | 14 | 375 | 90 | 465 | 365 | 90 | 455 | 355 | 90 | 445 | 345 | 90 | 435 | 285 | 90 | 375 | 14 | 325 | 82 | 407 | 325 | 82 | 407 | 14 | 215 | 82 | 297 | 275 | 82 | 357 | 115 | 82 | 197 |
| La Porte City | 50 | 14 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 14 | 275 | 133 | 408 | 275 | 133 | 408 | 14 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Larchwood | 55 | 14 | 375 | 192 | 567 | 365 | 192 | 557 | 355 | 192 | 547 | 345 | 192 | 537 | 285 | 192 | 477 | 14 | 325 | 173 | 498 | 325 | 173 | 498 | 14 | 215 | 173 | 388 | 275 | 173 | 448 | 115 | 173 | 288 |
| Larrabee | 47 | 15 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 15 | 325 | 144 | 469 | 325 | 144 | 469 | 15 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Latimer | 48 | 14 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 14 | 325 | 121 | 446 | 325 | 121 | 446 | 14 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Laity | 53 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Laurel | 62 | 2 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 2 | 325 | 92 | 417 | 325 | 92 | 417 | 2 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 207 |
| Laurens | 47 | 14 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 14 | 325 | 121 | 446 | 325 | 121 | 446 | 14 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Lavinia | 55 | 14 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Lawler | 50 | 14 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 14 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Lawn Hill | 62 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Lawton | 55 | 15 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 15 | 325 | 159 | 484 | 325 | 159 | 484 | 15 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Le Claire | 51 | 7 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 7 | 275 | 138 | 413 | 275 | 138 | 413 | 7 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Ledyard | 47 | 14 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 14 | 325 | 141 | 466 | 325 | 141 | 466 | 14 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| Leeds | 56 | 15 | 336 | 176 | 512 | 326 | 176 | 502 | 326 | 176 | 502 | (b) | (b) | (b) | 316 | 176 | 492 | 15 | (b) | (b) | (b) | 260 | 159 | 419 | 15 | 185 | 159 | 344 | 245 | 159 | 404 | 85 | 159 | 244 |
| Le Grand | 40 | 5 | 295 | 147 | 412 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 14 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Lehigh | 55 | 14 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Leighton | 65 | 2 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 2 | 275 | 60 | 335 | 280 | 60 | 340 | 2 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Leland | 47 | 14 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 14 | 325 | 141 | 466 | 325 | 141 | 466 | 14 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| Le Mars | 55 | 15 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 15 | 325 | 155 | 480 | 325 | 155 | 480 | 15 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Lena | 55 | 15 | 375 | 90 | 465 | 365 | 90 | 455 | 355 | 90 | 445 | 345 | 90 | 435 | 285 | 90 | 375 | 15 | 325 | 82 | 407 | 325 | 82 | 407 | 15 | 215 | 82 | 297 | 275 | 82 | 357 | 115 | 82 | 197 |
| Lenox | 66 | 5 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 5 | 200 | 133 | 333 | 260 | 133 | 393 | 100 | 133 | 233 |
| Leon | 66 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 5 | 200 | 100 | 300 | 260 | 100 | 360 | 100 | 100 | 200 |
| Le Roy | 66 | 5 | 295 | 98 | 393 | 285 | 98 | 383 | 275 | 98 | 373 | 270 | 98 | 368 | 285 | 98 | 383 | 5 | 275 | 89 | 364 | 275 | 89 | 364 | 5 | 200 | 89 | 289 | 260 | 89 | 349 | 100 | 89 | 189 |
| Lester | 55 | 14 | 375 | 192 | 567 | 365 | 192 | 557 | 355 | 192 | 547 | 345 | 192 | 537 | 285 | 192 | 477 | 14 | 325 | 173 | 498 | 325 | 173 | 498 | 14 | 215 | 173 | 388 | 275 | 173 | 448 | 115 | 173 | 288 |
| Letts | 53 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Leverett | 47 | 15 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 14 | 325 | 125 | 450 | 325 | 125 | 450 | 14 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Levey | 63 | 22 | 351 | 64 | 415 | 341 | 64 | 405 | 331 | 64 | 395 | 321 | 64 | 385 | 296 | 64 | 360 | 22 | 323 | 56 | 379 | 323 | 56 | 379 | 22 | 198 | 56 | 254 | 258 | 56 | 314 | 98 | 56 | 154 |
| Lewis | 59 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 19 | 200 | 125 | 325 | 260 | 125 | 385 | 100 | 125 | 225 |
| Libertyville | 54 | 5 | 295 | 102 | 397 | 285 | 102 | 387 | 275 | 102 | 377 | 270 | 102 | 372 | 285 | 102 | 387 | 5 | 275 | 92 | 367 | 275 | 92 | 367 | 7 | 200 | 60 | 260 | 255 | 60 | 315 | 100 | 60 | 160 |
| Lida | 65 | 19 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 19 | 275 | 60 | 335 | 280 | 60 | 340 | 19 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Lidderdale | 55 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Lime Springs | 50 | 14 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 14 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 177 | 377 | 255 | 177 | 432 | 100 | 177 | 277 |
| Linby | 53 | 5 | 295 | 106 | 401 | 285 | 106 | 391 | 275 | 106 | 381 | 270 | 106 | 376 | 285 | 106 | 391 | 5 | 275 | 96 | 371 | 275 | 96 | 371 | 7 | 200 | 78 | 278 | 255 | 78 | 333 | 100 | 78 | 178 |
| Lincoln | 49 | 5 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 5 | 275 | 141 | 416 | 275 | 141 | 416 | 14 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Linden | 55 | 23 | 375 | 76 | 451 | 365 | 76 | 441 | 355 | 76 | 431 | 345 | 76 | 421 | 285 | 76 | 361 | 23 | 325 | 69 | 394 | 325 | 69 | 394 | 23 | 215 | 69 | 284 | 275 | 69 | 344 | 115 | 69 | 184 |
| Lineville | 66 | 5 | 295 | 94 | 389 | 285 | 94 | 379 | 275 | 94 | 369 | 270 | 94 | 364 | 285 | 94 | 379 | 5 | 275 | 85 | 360 | 275 | 85 | 360 | 5 | 200 | 85 | 285 | 260 | 85 | 345 | 100 | 85 | 185 |
| Linn | 50 | 7 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 7 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Linn Grove | 47 | 15 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 15 | 325 | 138 | 463 | 325 | 138 | 463 | 15 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Linwood | 52 | 7 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 7 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Lisbon | 50 | 7 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 7 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Liscomb | 49 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 14 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Little Cedar | 50 | 19 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 19 | 275 | 166 | 441 | 275 | 166 | 441 | 19 | 200 | 166 | 366 | 255 | 166 | 421 | 100 | 166 | 266 |
| Little Rock | 47 | 14 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 14 | 325 | 155 | 480 | 325 | 155 | 480 | 14 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Livermore | 47 | 14 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 14 | 325 | 118 | 443 | 325 | 118 | 443 | 14 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Lockman | 65 | 1 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 1 | 275 | 60 | 335 | 280 | 60 | 340 | 1 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Lockbridge | 53 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 7 | 200 | 74 | 274 | 255 | 74 | 329 | 100 | 74 | 174 |
| Logan | 57 | 5 | 295 | 204 | 499 | 285 | 204 | 489 | 275 | 204 | 479 | 270 | 204 | 474 | 285 | 204 | 489 | 5 | 275 | 184 | 459 | 275 | 184 | 459 | 19 | 200 | 155 | 355 | 260 | 155 | 415 | 100 | 155 | 255 |
| Lohrville | 55 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Lone Rock | 47 | 14 | 375 | 150 | 525 | 365 | 150 | 515 | 355 | 150 | 505 | 345 | 150 | 495 | 285 | 150 | 435 | 14 | 325 | 136 | 461 | 325 | 136 | 461 | 14 | 215 | 136 | 351 | 275 | 136 | 411 | 115 | 136 | 251 |
| Lone Tree | 50 | 7 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 7 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 114 | 314 | 255 | 114 | 369 | 100 | 114 | 214 |
| Long Grove | 50 | 7 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 7 | 275 | 138 | 413 | 275 | 138 | 413 | 7 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Long Point | 49 | 5 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 5 | 275 | 141 | 416 | 275 | 141 | 416 | 14 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Longview | 54 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 7 | 200 | 69 | 269 | 255 | 69 | 324 | 100 | 69 | 169 |
| Lorah | 55 | 19 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 19 | 325 | 125 | 450 | 325 | 125 | 450 | 19 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Lorimer | 59 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 19 | 200 | 82 | 282 | 260 | 82 | 342 | 100 | 82 | 182 |
| Lost Nation | 50 | 2 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 2 | 275 | 152 | 427 | 275 | 152 | 427 | 2 | 200 | 152 | 352 | 255 | 152 | 407 | 100 | 152 | 252 |

(b) See next table for prices to Leeds.

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks Mine price | 1 Chunks Base rate | 1 Chunks Del'd price | 2 Standard lump Mine price | 2 Standard lump Base rate | 2 Standard lump Del'd price | 3 Egg Mine price | 3 Egg Base rate | 3 Egg Del'd price | 4 Small egg Mine price | 4 Small egg Base rate | 4 Small egg Del'd price | 5 M/R Mine price | 5 M/R Base rate | 5 M/R Del'd price | Mine origin group | 6 Nut Mine price | 6 Nut Base rate | 6 Nut Del'd price | 7 Domestic stoker Mine price | 7 Domestic stoker Base rate | 7 Domestic stoker Del'd price | Mine origin group | 8 Scrgs. Mine price | 8 Scrgs. Base rate | 8 Scrgs. Del'd price | 9 Industrial stoker Mine price | 9 Industrial stoker Base rate | 9 Industrial stoker Del'd price | 10 Carbon Mine price | 10 Carbon Base rate | 10 Carbon Del'd price |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Louisa | 50 | 2 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 2 | 275 | 130 | 405 | 275 | 130 | 405 | 2 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Loveland | 57 | 5 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 5 | 275 | 181 | 456 | 275 | 181 | 456 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Lovilia | 65 | 22 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Lovington | 60 | 12 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 12 | 319 | 60 | 379 | 319 | 60 | 379 | 12 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Lowden | 50 | 7 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 7 | 275 | 149 | 424 | 275 | 149 | 424 | 7 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Low Moor | 50 | 7 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 7 | 275 | 149 | 424 | 275 | 149 | 424 | 7 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Luana | 50 | 19 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 19 | 275 | 170 | 445 | 275 | 170 | 445 | 19 | 200 | 170 | 370 | 255 | 170 | 425 | 100 | 170 | 270 |
| Lucas | 65 | 27 | 310 | 86 | 396 | 300 | 86 | 386 | 290 | 86 | 376 | 280 | 86 | 366 | 270 | 86 | 356 | 27 | 275 | 78 | 353 | 280 | 78 | 358 | 27 | 200 | 78 | 278 | 260 | 78 | 338 | 100 | 78 | 178 |
| Lundgren | 55 | 14 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 14 | 325 | 89 | 414 | 325 | 89 | 414 | 14 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Luray | 62 | 14 | 375 | 94 | 469 | 365 | 94 | 459 | 355 | 94 | 449 | 345 | 94 | 439 | 285 | 94 | 379 | 14 | 325 | 85 | 410 | 325 | 85 | 410 | 14 | 215 | 85 | 300 | 275 | 85 | 360 | 115 | 85 | 200 |
| Luther | 55 | 14 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 14 | 325 | 60 | 385 | 325 | 60 | 385 | 14 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Luton | 57 | 5 | 295 | 216 | 511 | 285 | 216 | 501 | 275 | 216 | 491 | 270 | 216 | 486 | 285 | 216 | 501 | 5 | 275 | 195 | 470 | 275 | 195 | 470 | 19 | 200 | 163 | 363 | 260 | 163 | 423 | 100 | 163 | 263 |
| Luverne | 47 | 14 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 14 | 325 | 118 | 443 | 325 | 118 | 443 | 14 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Luzerne | 49 | 5 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 5 | 275 | 149 | 424 | 275 | 149 | 424 | 10 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Lynnville | 61 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 27 | 200 | 92 | 292 | 260 | 92 | 352 | 100 | 92 | 192 |
| Lynnville Jct | 64 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 27 | 200 | 92 | 292 | 260 | 92 | 352 | 100 | 92 | 192 |
| Lyons | 50 | 7 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 7 | 275 | 149 | 424 | 275 | 149 | 424 | 7 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Lytton | 55 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| McCallsburg | 62 | 14 | 375 | 90 | 465 | 365 | 90 | 455 | 355 | 90 | 445 | 345 | 90 | 435 | 285 | 90 | 375 | 14 | 325 | 82 | 407 | 325 | 82 | 407 | 14 | 215 | 82 | 297 | 275 | 82 | 357 | 115 | 82 | 197 |
| McCausland | 50 | 7 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 7 | 275 | 152 | 427 | 275 | 152 | 427 | 7 | 200 | 152 | 352 | 255 | 152 | 407 | 100 | 152 | 252 |
| McChane | 50 | 14 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 14 | 275 | 138 | 413 | 275 | 138 | 413 | 14 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| McClelland | 59 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 155 | 355 | 260 | 155 | 415 | 100 | 155 | 255 |
| McCoy | 63 | 22 | 351 | 64 | 415 | 341 | 64 | 405 | 331 | 64 | 395 | 321 | 64 | 385 | 296 | 64 | 360 | 22 | 323 | 56 | 379 | 323 | 56 | 379 | 22 | 198 | 56 | 254 | 258 | 56 | 314 | 98 | 56 | 154 |
| McGregor | 50 | 19 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 19 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 177 | 377 | 255 | 177 | 432 | 100 | 177 | 277 |
| McIntyre | 50 | 14 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 14 | 275 | 166 | 441 | 275 | 166 | 441 | 14 | 200 | 166 | 366 | 255 | 166 | 421 | 100 | 166 | 266 |
| McNally | 55 | 15 | 375 | 188 | 563 | 365 | 188 | 553 | 355 | 188 | 543 | 345 | 188 | 533 | 285 | 188 | 473 | 15 | 325 | 170 | 495 | 325 | 170 | 495 | 15 | 215 | 170 | 385 | 275 | 170 | 445 | 115 | 170 | 285 |
| McPaul | 66 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 5 | 200 | 173 | 373 | 260 | 173 | 433 | 100 | 173 | 273 |
| McPherson | 66 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 5 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Macedonia | 59 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 19 | 200 | 141 | 341 | 260 | 141 | 401 | 100 | 141 | 241 |
| Maclay | 47 | 14 | 375 | 144 | 519 | 365 | 144 | 509 | 355 | 144 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 14 | 325 | 130 | 455 | 325 | 130 | 455 | 14 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| Macy | 48 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Madrid | 55 | 15 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 15 | 325 | 60 | 385 | 325 | 60 | 385 | 15 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Magill | 57 | 5 | 295 | 204 | 499 | 285 | 204 | 489 | 275 | 204 | 479 | 270 | 204 | 474 | 285 | 204 | 489 | 5 | 275 | 184 | 459 | 275 | 184 | 459 | 19 | 200 | 146 | 346 | 260 | 146 | 406 | 100 | 146 | 246 |
| Maine | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Malcom | 49 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 2 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Mallard | 47 | 14 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 14 | 325 | 121 | 446 | 325 | 121 | 446 | 14 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Malone | 50 | 7 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 7 | 275 | 152 | 427 | 275 | 152 | 427 | 7 | 200 | 152 | 352 | 255 | 152 | 407 | 100 | 152 | 252 |
| Maloy | 66 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 5 | 200 | 128 | 328 | 260 | 128 | 388 | 100 | 128 | 228 |
| Malvern | 66 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 5 | 200 | 163 | 363 | 260 | 163 | 423 | 100 | 163 | 263 |
| Manchester | 50 | 14 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 14 | 275 | 149 | 424 | 275 | 149 | 424 | 14 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Manilla | 55 | 15 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 15 | 325 | 107 | 432 | 325 | 107 | 432 | 15 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Manly | 49 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 14 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Manning | 55 | 15 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 15 | 325 | 100 | 425 | 325 | 100 | 425 | 15 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Manson | 47 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Maple Hill | 47 | 14 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 14 | 325 | 155 | 480 | 325 | 155 | 480 | 14 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Maple River | 55 | 15 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 15 | 325 | 100 | 425 | 325 | 100 | 425 | 15 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Mapleton | 55 | 15 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 15 | 325 | 133 | 458 | 325 | 133 | 458 | 15 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |
| Maquoketa | 50 | 7 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 7 | 275 | 159 | 434 | 275 | 159 | 434 | 7 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Marathon | 47 | 14 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 14 | 325 | 125 | 450 | 325 | 125 | 450 | 14 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Marble Rock | 49 | 5 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 5 | 275 | 181 | 456 | 275 | 181 | 456 | 14 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Marcus | 55 | 15 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 15 | 325 | 146 | 471 | 325 | 146 | 471 | 15 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Marengo | 49 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 2 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Marietta | 62 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Marion | 50 | 2 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 2 | 275 | 130 | 405 | 275 | 130 | 405 | 2 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Marne | 59 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 19 | 200 | 125 | 325 | 260 | 125 | 385 | 100 | 125 | 225 |
| Marquette | 50 | 19 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 19 | 275 | 173 | 448 | 275 | 173 | 448 | 19 | 200 | 173 | 373 | 255 | 173 | 428 | 100 | 173 | 273 |
| Marsh | 53 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Marshalltown | 49 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 14 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Martelle | 50 | 2 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 2 | 275 | 136 | 411 | 275 | 136 | 411 | 2 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Martensdale | 65 | 19 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 19 | 275 | 60 | 335 | 280 | 60 | 340 | 19 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Martins | 50 | 7 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 7 | 275 | 149 | 424 | 275 | 149 | 424 | 7 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Martinsburg | 53 | 5 | 295 | 102 | 397 | 285 | 102 | 387 | 275 | 102 | 377 | 270 | 102 | 372 | 285 | 102 | 387 | 5 | 275 | 92 | 367 | 275 | 92 | 367 | 2 | 200 | 74 | 274 | 255 | 74 | 329 | 100 | 74 | 174 |
| Mason City | 49 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Mason City Jct | 49 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Masonville | 50 | 11 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 11 | 275 | 146 | 421 | 275 | 146 | 421 | 14 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Massena | 59 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 27 | 200 | 141 | 341 | 260 | 141 | 401 | 100 | 141 | 241 |
| Massillon | 50 | 2 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 2 | 275 | 152 | 427 | 275 | 152 | 427 | 2 | 200 | 152 | 352 | 255 | 152 | 407 | 100 | 152 | 252 |
| Matlock | 47 | 15 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 15 | 325 | 159 | 484 | 325 | 159 | 484 | 15 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |



*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks Mine price | 1 Chunks Base rate | 1 Chunks Del'd price | 2 Standard lump Mine price | 2 Standard lump Base rate | 2 Standard lump Del'd price | 3 Egg Mine price | 3 Egg Base rate | 3 Egg Del'd price | 4 Small egg Mine price | 4 Small egg Base rate | 4 Small egg Del'd price | 5 M/R Mine price | 5 M/R Base rate | 5 M/R Del'd price | Mine origin group | 6 Nut Mine price | 6 Nut Base rate | 6 Nut Del'd price | 7 Domestic stoker Mine price | 7 Domestic stoker Base rate | 7 Domestic stoker Del'd price | Mine origin group | 8 Scrgs. Mine price | 8 Scrgs. Base rate | 8 Scrgs. Del'd price | 9 Industrial stoker Mine price | 9 Industrial stoker Base rate | 9 Industrial stoker Del'd price | 10 Carbon Mine price | 10 Carbon Base rate | 10 Carbon Del'd price |
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| Maurice | 55 | 15 | 375 | 180 | 555 | 365 | 180 | 545 | 355 | 180 | 535 | 345 | 180 | 525 | 285 | 180 | 465 | 15 | 325 | 163 | 488 | 325 | 163 | 488 | 15 | 215 | 163 | 378 | 275 | 163 | 438 | 115 | 163 | 278 |
| Max | 47 | 14 | 375 | 165 | 540 | 365 | 165 | 530 | 355 | 165 | 520 | 345 | 165 | 510 | 285 | 165 | 450 | 14 | 325 | 149 | 474 | 325 | 149 | 474 | 14 | 215 | 149 | 364 | 275 | 149 | 424 | 115 | 149 | 264 |
| Maxon | 65 | 1 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 1 | 275 | 60 | 335 | 280 | 60 | 340 | 1 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Maxwell | 62 | 14 | 375 | 76 | 451 | 365 | 76 | 441 | 355 | 76 | 431 | 345 | 76 | 421 | 285 | 76 | 361 | 14 | 325 | 69 | 394 | 325 | 69 | 394 | 14 | 215 | 69 | 284 | 275 | 69 | 344 | 115 | 69 | 184 |
| Maynard | 50 | 14 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 14 | 275 | 144 | 419 | 275 | 144 | 419 | 14 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Meadows | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Mechanicsville | 50 | 7 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 7 | 275 | 141 | 416 | 275 | 141 | 416 | 7 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Mediapolis | 53 | 5 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Melbourne | 62 | 14 | 375 | 90 | 465 | 365 | 90 | 455 | 355 | 90 | 445 | 345 | 90 | 435 | 285 | 90 | 375 | 14 | 325 | 82 | 407 | 325 | 82 | 407 | 14 | 215 | 82 | 297 | 275 | 82 | 357 | 115 | 82 | 197 |
| Melcher | 65 | 24 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 24 | 275 | 60 | 335 | 280 | 60 | 340 | 24 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Melrose | 65 | 27 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 27 | 275 | 60 | 335 | 280 | 60 | 340 | 27 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Meltonville | 49 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Melvin | 47 | 14 | 375 | 165 | 540 | 365 | 165 | 530 | 355 | 165 | 520 | 345 | 165 | 510 | 285 | 165 | 450 | 14 | 325 | 149 | 474 | 325 | 149 | 474 | 14 | 215 | 149 | 364 | 275 | 149 | 424 | 115 | 149 | 264 |
| Menlo | 59 | 23 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 23 | 325 | 92 | 417 | 325 | 92 | 417 | 23 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 207 |
| Meriden | 55 | 15 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 15 | 325 | 144 | 469 | 325 | 144 | 469 | 15 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Merle Junction | 66 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 5 | 200 | 130 | 330 | 260 | 130 | 390 | 100 | 130 | 230 |
| Merrill | 55 | 15 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 15 | 325 | 159 | 484 | 325 | 159 | 484 | 15 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Mertensville | 54 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Meservey | 48 | 14 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 14 | 325 | 125 | 450 | 325 | 125 | 450 | 11 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Metz | 64 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 19 | 200 | 82 | 282 | 260 | 82 | 342 | 100 | 82 | 182 |
| Middle Amana | 49 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 2 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Middletown | 53 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Midland | 47 | 14 | 375 | 188 | 563 | 365 | 188 | 553 | 355 | 188 | 543 | 345 | 188 | 533 | 285 | 188 | 473 | 14 | 325 | 170 | 495 | 325 | 170 | 495 | 14 | 215 | 170 | 385 | 275 | 170 | 445 | 115 | 170 | 285 |
| Midland Junction | 50 | 7 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 7 | 275 | 152 | 427 | 275 | 152 | 427 | 7 | 200 | 152 | 352 | 255 | 152 | 407 | 100 | 152 | 252 |
| Mid River | 50 | 7 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 7 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Midvale | 47 | 14 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 14 | 325 | 60 | 385 | 325 | 60 | 385 | 14 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Miles | 50 | 7 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 7 | 275 | 159 | 434 | 275 | 159 | 434 | 7 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Milford | 47 | 14 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 14 | 325 | 144 | 469 | 325 | 144 | 469 | 14 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Miller (Hancock) | 47 | 14 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 14 | 325 | 138 | 463 | 325 | 138 | 463 | 14 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Miller (Polk) | 60 | 12 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 12 | 319 | 60 | 379 | 319 | 60 | 379 | 12 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Millerton | 66 | 5 | 295 | 90 | 385 | 285 | 90 | 375 | 275 | 90 | 365 | 270 | 90 | 360 | 285 | 90 | 375 | 5 | 275 | 82 | 357 | 275 | 82 | 357 | 5 | 200 | 82 | 282 | 260 | 82 | 342 | 100 | 82 | 182 |
| Millman | 60 | 19 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 19 | 319 | 60 | 379 | 319 | 60 | 379 | 19 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Milo | 65 | 19 | 310 | 94 | 404 | 300 | 94 | 394 | 290 | 94 | 384 | 280 | 94 | 374 | 270 | 94 | 364 | 10 | 275 | 85 | 360 | 280 | 85 | 365 | 19 | 200 | 85 | 285 | 260 | 85 | 345 | 100 | 85 | 185 |
| Milton | 68 | 5 | 295 | 94 | 389 | 285 | 94 | 379 | 275 | 94 | 369 | 270 | 94 | 364 | 285 | 94 | 379 | 5 | 275 | 85 | 360 | 275 | 85 | 360 | 5 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Minburn | 55 | 23 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 23 | 325 | 60 | 385 | 325 | 60 | 385 | 23 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Minden | 59 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 19 | 200 | 138 | 338 | 260 | 138 | 398 | 100 | 138 | 238 |
| Mineola | 59 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Minerva | 62 | 14 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 14 | 325 | 92 | 417 | 325 | 92 | 417 | 14 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 207 |
| Minerva Jct | 49 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 14 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Mingo | 62 | 19 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 19 | 325 | 78 | 403 | 325 | 78 | 403 | 19 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 193 |
| Missouri Valley | 57 | 5 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 5 | 275 | 181 | 456 | 275 | 181 | 456 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Mitchell | 50 | 14 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 14 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Mitchellville | 63 | 19 | 334 | 81 | 415 | 324 | 81 | 405 | 314 | 81 | 395 | 304 | 81 | 385 | 279 | 81 | 360 | 19 | 305 | 74 | 379 | 305 | 74 | 379 | 19 | 180 | 74 | 254 | 240 | 74 | 314 | 80 | 74 | 154 |
| Modale | 59 | 5 | 295 | 204 | 499 | 285 | 204 | 489 | 275 | 204 | 479 | 270 | 204 | 474 | 285 | 204 | 489 | 5 | 275 | 184 | 459 | 275 | 184 | 459 | 19 | 200 | 163 | 363 | 260 | 163 | 423 | 100 | 163 | 263 |
| Mona | 50 | 14 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Mondamin | 57 | 5 | 295 | 208 | 503 | 285 | 208 | 493 | 275 | 208 | 483 | 270 | 208 | 478 | 285 | 208 | 493 | 5 | 275 | 188 | 463 | 275 | 188 | 463 | 19 | 200 | 163 | 363 | 260 | 163 | 423 | 100 | 163 | 263 |
| Moneta | 47 | 14 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 14 | 325 | 141 | 466 | 325 | 141 | 466 | 14 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| Monette | 59 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 19 | 200 | 85 | 285 | 260 | 85 | 345 | 100 | 85 | 185 |
| Monmouth | 50 | 7 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 7 | 275 | 155 | 430 | 275 | 155 | 430 | 7 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Monona | 50 | 19 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 19 | 275 | 170 | 445 | 275 | 170 | 445 | 19 | 200 | 170 | 370 | 255 | 170 | 425 | 100 | 170 | 270 |
| Monroe | 64 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 19 | 200 | 85 | 285 | 260 | 85 | 345 | 100 | 85 | 185 |
| Monteith | 55 | 23 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 23 | 325 | 100 | 425 | 325 | 100 | 425 | 23 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Montezuma | 49 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Montgomery | 47 | 14 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 14 | 325 | 159 | 484 | 325 | 159 | 484 | 14 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Monticello | 50 | 2 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 2 | 275 | 146 | 421 | 275 | 146 | 421 | 2 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Montour | 49 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 14 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Montpelier | 52 | 7 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 7 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Montrose | 54 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Mooar | 54 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Moore | 49 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 2 | 200 | 65 | 265 | 255 | 65 | 320 | 100 | 65 | 165 |
| Moorhead | 57 | 5 | 295 | 212 | 507 | 285 | 212 | 497 | 275 | 212 | 487 | 270 | 212 | 482 | 285 | 212 | 497 | 5 | 275 | 191 | 466 | 275 | 191 | 466 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Moorland | 55 | 14 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 14 | 325 | 92 | 417 | 325 | 92 | 417 | 14 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 207 |
| Moran | 55 | 12 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 12 | 325 | 60 | 385 | 325 | 60 | 385 | 12 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Moravia | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Morek | 49 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Morley | 50 | 2 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 2 | 275 | 138 | 413 | 275 | 138 | 413 | 2 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |

**Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes—Continued**

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | 1 Chunks: Base rate | 1 Chunks: Del'd price | 2 Standard lump: Mine price | 2 Standard lump: Base rate | 2 Standard lump: Del'd price | 3 Egg: Mine price | 3 Egg: Base rate | 3 Egg: Del'd price | 4 Small egg: Mine price | 4 Small egg: Base rate | 4 Small egg: Del'd price | 5 M/R: Mine price | 5 M/R: Base rate | 5 M/R: Del'd price | Mine origin group | 6 Nut: Mine price | 6 Nut: Base rate | 6 Nut: Del'd price | 7 Domestic stoker: Mine price | 7 Domestic stoker: Base rate | 7 Domestic stoker: Del'd price | Mine origin group | 8 Scrgs.: Mine price | 8 Scrgs.: Base rate | 8 Scrgs.: Del'd price | 9 Industrial stoker: Mine price | 9 Industrial stoker: Base rate | 9 Industrial stoker: Del'd price | 10 Carbon: Mine price | 10 Carbon: Base rate | 10 Carbon: Del'd price |
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| Morningside | 56 | 15 | 340 | 172 | 512 | 330 | 172 | 502 | 330 | 172 | 502 | (c) | (c) | (c) | 320 | 172 | 492 | 15 | (c) | (c) | (c) | 264 | 155 | 419 | 15 | 189 | 155 | 344 | 249 | 155 | 404 | 89 | 155 | 244 |
| Morning Sun | 53 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Morrison | 49 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 114 | 314 | 255 | 114 | 369 | 100 | 114 | 214 |
| Morse | 50 | 7 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 7 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Moscow | 50 | 7 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 7 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Moulton | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Mount Auburn | 50 | 14 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 14 | 275 | 138 | 413 | 275 | 138 | 413 | 14 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Mount Ayr | 66 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 5 | 200 | 125 | 325 | 260 | 125 | 385 | 100 | 125 | 225 |
| Mount Pleasant | 53 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Mount Sterling | 68 | 5 | 295 | 106 | 401 | 285 | 106 | 391 | 275 | 106 | 381 | 270 | 106 | 376 | 285 | 106 | 391 | 5 | 275 | 96 | 371 | 275 | 96 | 371 | 7 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Mount Union | 53 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Mount Vernon | 50 | 7 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 7 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Mount Zion | 68 | 5 | 295 | 106 | 401 | 285 | 106 | 391 | 275 | 106 | 381 | 270 | 106 | 376 | 285 | 106 | 391 | 5 | 275 | 96 | 371 | 275 | 96 | 371 | 7 | 200 | 65 | 265 | 255 | 65 | 320 | 100 | 65 | 165 |
| Moville | 55 | 15 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 15 | 325 | 155 | 480 | 325 | 155 | 480 | 15 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Murphy | 64 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 27 | 200 | 100 | 300 | 260 | 100 | 360 | 100 | 100 | 200 |
| Murray | 66 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 5 | 200 | 121 | 321 | 260 | 121 | 381 | 100 | 121 | 221 |
| Muscatine | 52 | 7 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 7 | 275 | 110 | 385 | 275 | 110 | 385 | 7 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Mystic | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Napier | 55 | 14 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 14 | 325 | 60 | 385 | 325 | 60 | 385 | 14 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Nashua | 50 | 14 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 14 | 275 | 144 | 419 | 275 | 144 | 419 | 14 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Nashville | 50 | 7 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 7 | 275 | 155 | 430 | 275 | 155 | 430 | 7 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Nells | 47 | 14 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 14 | 325 | 144 | 469 | 325 | 144 | 469 | 14 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Nemaha | 55 | 14 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 14 | 325 | 118 | 443 | 325 | 118 | 443 | 14 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Neoga | 59 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 19 | 200 | 155 | 355 | 260 | 155 | 415 | 100 | 155 | 255 |
| Neola | 59 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 141 | 341 | 260 | 141 | 401 | 100 | 141 | 241 |
| Nepas | 65 | 24 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 24 | 275 | 60 | 335 | 280 | 60 | 340 | 24 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Nevada | 62 | 14 | 375 | 76 | 451 | 365 | 76 | 441 | 355 | 76 | 431 | 345 | 76 | 421 | 285 | 76 | 361 | 14 | 325 | 69 | 394 | 325 | 69 | 394 | 14 | 215 | 69 | 284 | 275 | 69 | 344 | 115 | 69 | 184 |
| New Albin | 50 | 19 | 295 | 208 | 503 | 285 | 208 | 493 | 275 | 208 | 483 | 270 | 208 | 478 | 285 | 208 | 493 | 19 | 275 | 188 | 463 | 275 | 188 | 463 | 19 | 200 | 188 | 388 | 255 | 188 | 443 | 100 | 188 | 288 |
| New Boston | 54 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Newburg | 49 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 2 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Newell | 47 | 15 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 15 | 325 | 121 | 446 | 325 | 121 | 446 | 15 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Newhall | 49 | 5 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 5 | 275 | 149 | 424 | 275 | 149 | 424 | 2 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| New Hampton | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| New Hartford | 49 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| New Liberty | 50 | 7 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 7 | 275 | 138 | 413 | 275 | 138 | 413 | 7 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| New London | 53 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 89 | 289 | 255 | 89 | 344 | 100 | 89 | 189 |
| New Market | 66 | 5 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 5 | 275 | 138 | 413 | 275 | 138 | 413 | 5 | 200 | 138 | 338 | 260 | 138 | 398 | 100 | 138 | 238 |
| Newport | 53 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| New Sharon | 67 | 2 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 2 | 275 | 60 | 335 | 280 | 60 | 340 | 2 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Newton | 64 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 19 | 200 | 85 | 285 | 260 | 85 | 345 | 100 | 85 | 185 |
| New Virginia | 65 | 19 | 310 | 102 | 412 | 300 | 102 | 402 | 290 | 102 | 392 | 280 | 102 | 382 | 270 | 102 | 372 | 19 | 275 | 92 | 367 | 280 | 92 | 372 | 19 | 200 | 92 | 292 | 260 | 92 | 352 | 100 | 92 | 192 |
| Nichols | 52 | 7 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 7 | 275 | 110 | 385 | 275 | 110 | 385 | 7 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Niles | 55 | 14 | 375 | 76 | 451 | 365 | 76 | 441 | 355 | 76 | 431 | 345 | 76 | 421 | 285 | 76 | 361 | 14 | 325 | 69 | 394 | 325 | 69 | 394 | 14 | 215 | 69 | 284 | 275 | 69 | 344 | 115 | 69 | 184 |
| Nilesville | 50 | 19 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 19 | 275 | 159 | 434 | 275 | 159 | 434 | 19 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Nira | 49 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Nobleton | 60 | 19 | 334 | 81 | 415 | 324 | 81 | 405 | 314 | 81 | 395 | 304 | 81 | 385 | 279 | 81 | 360 | 19 | 305 | 74 | 379 | 305 | 74 | 379 | 19 | 180 | 74 | 254 | 240 | 74 | 314 | 80 | 74 | 154 |
| Nodaway | 66 | 5 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 5 | 275 | 152 | 427 | 275 | 152 | 427 | 5 | 200 | 152 | 352 | 260 | 152 | 412 | 100 | 152 | 252 |
| Noel | 50 | 7 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 7 | 275 | 146 | 421 | 275 | 146 | 421 | 7 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 241 |
| Nora Springs | 49 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 14 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Nora Springs Junction | 49 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 14 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Nordness | 50 | 14 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 14 | 275 | 166 | 441 | 275 | 166 | 441 | 14 | 200 | 166 | 366 | 255 | 166 | 421 | 100 | 166 | 266 |
| Normal | 49 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Norris | 49 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 14 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Northboro | 66 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 5 | 200 | 155 | 355 | 260 | 155 | 415 | 100 | 155 | 255 |
| North Buena Vista | 50 | 14 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 14 | 275 | 181 | 456 | 275 | 181 | 456 | 14 | 200 | 181 | 381 | 255 | 181 | 436 | 100 | 181 | 281 |
| North English | 49 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 2 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| North Liberty | 50 | 7 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 7 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| North Muscatine | 50 | 7 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 7 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 114 | 314 | 255 | 114 | 369 | 100 | 114 | 214 |
| North Ogden | 55 | 14 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 285 | 81 | 366 | 14 | 325 | 74 | 399 | 325 | 74 | 399 | 14 | 215 | 74 | 289 | 275 | 74 | 349 | 115 | 74 | 189 |
| Northwestern Gravel Co. Pit | 47 | 15 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 15 | 325 | 144 | 469 | 325 | 144 | 469 | 15 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Northwood | 49 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Norwalk | 65 | 19 | 310 | 71 | 381 | 300 | 71 | 371 | 290 | 71 | 361 | 280 | 71 | 351 | 270 | 71 | 341 | 19 | 275 | 65 | 340 | 280 | 65 | 345 | 19 | 200 | 65 | 265 | 260 | 65 | 325 | 100 | 65 | 165 |
| Norway | 49 | 5 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 5 | 275 | 149 | 424 | 275 | 149 | 424 | 10 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Norwich | 66 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 5 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Norwoodville | 60 | 19 | 344 | 71 | 415 | 334 | 71 | 405 | 324 | 71 | 395 | 314 | 71 | 385 | 289 | 71 | 360 | 19 | 314 | 65 | 379 | 314 | 65 | 379 | 19 | 189 | 65 | 254 | 249 | 65 | 314 | 89 | 65 | 154 |
| Nuel | 47 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Numa | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Oakdale | 50 | 7 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 7 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |

(c) See next table for prices to Morningside.



**Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes—Continued**

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | 1 Chunks: Base rate | 1 Chunks: Del'd price | 2 Standard lump: Mine price | 2 Standard lump: Base rate | 2 Standard lump: Del'd price | 3 Egg: Mine price | 3 Egg: Base rate | 3 Egg: Del'd price | 4 Small egg: Mine price | 4 Small egg: Base rate | 4 Small egg: Del'd price | 5 M/R: Mine price | 5 M/R: Base rate | 5 M/R: Del'd price | Mine origin group | 6 Nut: Mine price | 6 Nut: Base rate | 6 Nut: Del'd price | 7 Domestic stoker: Mine price | 7 Domestic stoker: Base rate | 7 Domestic stoker: Del'd price | Mine origin group | 8 Scrgs.: Mine price | 8 Scrgs.: Base rate | 8 Scrgs.: Del'd price | 9 Industrial stoker: Mine price | 9 Industrial stoker: Base rate | 9 Industrial stoker: Del'd price | 10 Carbon: Mine price | 10 Carbon: Base rate | 10 Carbon: Del'd price |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Oak Grove | 49 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 280 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 2 | 200 | 74 | 274 | 255 | 74 | 329 | 100 | 74 | 174 |
| Oakland | 50 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 19 | 200 | 138 | 338 | 260 | 138 | 398 | 100 | 138 | 238 |
| Oakley | 65 | 27 | 310 | 86 | 396 | 300 | 86 | 386 | 290 | 86 | 376 | 280 | 86 | 366 | 270 | 86 | 356 | 27 | 275 | 78 | 353 | 280 | 78 | 358 | 27 | 200 | 78 | 278 | 260 | 78 | 338 | 100 | 78 | 178 |
| Oak Springs | 50 | 19 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 19 | 275 | 181 | 456 | 275 | 181 | 456 | 19 | 200 | 181 | 381 | 255 | 181 | 436 | 100 | 181 | 281 |
| Oakton | 50 | 7 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 7 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Oakville | 53 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Oakwood | 49 | 5 | 295 | 216 | 511 | 285 | 216 | 501 | 275 | 216 | 491 | 270 | 216 | 486 | 285 | 216 | 501 | 5 | 275 | 195 | 470 | 275 | 195 | 470 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Oasis | 50 | 7 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 7 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Ocheyedan | 47 | 14 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 14 | 325 | 159 | 484 | 325 | 159 | 484 | 14 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Odebolt | 55 | 15 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 15 | 325 | 118 | 443 | 325 | 118 | 443 | 15 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Oelwein | 50 | 14 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 14 | 275 | 141 | 416 | 275 | 141 | 416 | 14 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Ogden | 55 | 14 | 375 | 76 | 451 | 365 | 76 | 441 | 355 | 76 | 431 | 345 | 76 | 421 | 285 | 76 | 361 | 14 | 325 | 69 | 394 | 325 | 69 | 394 | 14 | 215 | 69 | 284 | 275 | 69 | 344 | 115 | 69 | 184 |
| Okoboji | 47 | 14 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 14 | 325 | 146 | 471 | 325 | 146 | 471 | 14 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Olaf | 47 | 14 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 14 | 325 | 128 | 453 | 325 | 128 | 453 | 14 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Olds | 53 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 89 | 289 | 255 | 89 | 344 | 100 | 89 | 189 |
| Olin | 50 | 2 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 2 | 275 | 144 | 419 | 275 | 144 | 419 | 2 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Onawa | 57 | 5 | 295 | 216 | 511 | 285 | 216 | 501 | 275 | 216 | 491 | 270 | 216 | 486 | 285 | 216 | 501 | 5 | 275 | 195 | 470 | 275 | 195 | 470 | 19 | 200 | 163 | 363 | 260 | 163 | 423 | 100 | 163 | 263 |
| Oneida | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Onslow | 50 | 7 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 7 | 275 | 149 | 424 | 275 | 149 | 424 | 7 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Ontario | 55 | 14 | 375 | 76 | 451 | 365 | 76 | 441 | 355 | 76 | 431 | 345 | 76 | 421 | 285 | 76 | 361 | 14 | 325 | 69 | 394 | 325 | 69 | 394 | 14 | 215 | 69 | 284 | 275 | 69 | 344 | 115 | 69 | 184 |
| Oralabor | 60 | 10 | 344 | 71 | 415 | 334 | 71 | 405 | 324 | 71 | 395 | 314 | 71 | 385 | 289 | 71 | 364 | 10 | 314 | 65 | 379 | 314 | 65 | 379 | 10 | 189 | 65 | 254 | 249 | 65 | 314 | 89 | 65 | 154 |
| Oran | 50 | 14 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 14 | 275 | 144 | 419 | 275 | 144 | 419 | 14 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Orange City | 55 | 15 | 375 | 180 | 555 | 365 | 180 | 545 | 355 | 180 | 535 | 345 | 180 | 525 | 285 | 180 | 465 | 15 | 325 | 163 | 488 | 325 | 163 | 488 | 15 | 215 | 163 | 378 | 275 | 163 | 438 | 115 | 163 | 278 |
| Orchard | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Orient | 59 | 5 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 5 | 275 | 141 | 416 | 275 | 141 | 416 | 27 | 200 | 125 | 325 | 260 | 125 | 385 | 100 | 125 | 225 |
| Orillia | 65 | 10 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 19 | 275 | 60 | 335 | 280 | 60 | 340 | 19 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Orson | 57 | 5 | 295 | 208 | 503 | 285 | 208 | 493 | 275 | 208 | 483 | 270 | 208 | 478 | 285 | 208 | 493 | 5 | 275 | 188 | 463 | 275 | 188 | 463 | 10 | 200 | 163 | 363 | 260 | 163 | 423 | 100 | 163 | 263 |
| Ortonville | 55 | 23 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 23 | 325 | 60 | 385 | 325 | 60 | 385 | 23 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Osage | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Osceola | 66 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 5 | 200 | 114 | 314 | 260 | 114 | 374 | 100 | 114 | 214 |
| Osgood | 47 | 14 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 14 | 325 | 141 | 466 | 325 | 141 | 466 | 14 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| Oskaloosa | 65 | 2 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 2 | 275 | 60 | 335 | 280 | 60 | 340 | 2 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Ossian | 50 | 14 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Otley | 65 | 2 | 310 | 68 | 378 | 300 | 68 | 368 | 290 | 68 | 358 | 280 | 68 | 348 | 270 | 68 | 338 | 2 | 275 | 60 | 335 | 280 | 60 | 340 | 2 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Oto | 55 | 15 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 15 | 325 | 141 | 466 | 325 | 141 | 466 | 15 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| Otranto | 49 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Ottosen | 47 | 14 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 14 | 325 | 125 | 450 | 325 | 125 | 450 | 14 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Ottumwa | 65 | 2 | 310 | 60 | 370 | 300 | 60 | 360 | 290 | 60 | 350 | 280 | 60 | 340 | 270 | 60 | 330 | 2 | 275 | 54 | 329 | 280 | 54 | 334 | 2 | 200 | 54 | 254 | 260 | 54 | 314 | 100 | 54 | 154 |
| Owasa | 48 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Owego | 57 | 5 | 295 | 216 | 511 | 285 | 216 | 501 | 275 | 216 | 491 | 270 | 216 | 486 | 285 | 216 | 501 | 5 | 275 | 195 | 470 | 275 | 195 | 470 | 19 | 200 | 163 | 363 | 260 | 163 | 423 | 100 | 163 | 263 |
| Oxford | 49 | 5 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 5 | 275 | 144 | 419 | 275 | 144 | 419 | 2 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Oxford Junction | 50 | 2 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 2 | 275 | 149 | 424 | 275 | 149 | 424 | 2 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Oyens | 55 | 15 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 15 | 325 | 155 | 480 | 325 | 155 | 480 | 15 | 215 | 155 | 370 | 275 | 155 | 430 | 110 | 155 | 270 |
| Pacific Junction | 66 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 5 | 200 | 170 | 370 | 260 | 170 | 430 | 100 | 170 | 270 |
| Packard | 49 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Packwood | 53 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 2 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Page Centre | 66 | 5 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 5 | 275 | 146 | 421 | 275 | 146 | 421 | 5 | 200 | 146 | 346 | 260 | 146 | 406 | 100 | 146 | 246 |
| Palmer | 47 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Palm Grove | 55 | 14 | 375 | 94 | 469 | 365 | 94 | 459 | 355 | 94 | 449 | 345 | 94 | 439 | 285 | 94 | 379 | 14 | 325 | 85 | 410 | 325 | 85 | 410 | 14 | 215 | 85 | 300 | 275 | 85 | 360 | 115 | 85 | 200 |
| Palo | 56 | 7 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 7 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Palsville | 48 | 14 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 14 | 325 | 121 | 446 | 325 | 121 | 446 | 14 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Panama | 55 | 15 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 15 | 325 | 121 | 446 | 325 | 121 | 446 | 15 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Panora | 55 | 23 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 23 | 325 | 78 | 403 | 325 | 78 | 403 | 23 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 193 |
| Paralta | 50 | 2 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 2 | 275 | 133 | 408 | 275 | 133 | 408 | 2 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Paris | 66 | 5 | 295 | 71 | 366 | 285 | 71 | 356 | 275 | 71 | 346 | 270 | 71 | 341 | 285 | 71 | 356 | 5 | 275 | 65 | 340 | 275 | 65 | 340 | 5 | 200 | 65 | 265 | 260 | 65 | 325 | 100 | 65 | 165 |
| Parkersburg | 49 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Parnell | 49 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 2 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Paton | 55 | 15 | 375 | 90 | 465 | 365 | 90 | 455 | 355 | 90 | 445 | 345 | 90 | 435 | 285 | 90 | 375 | 15 | 325 | 82 | 407 | 325 | 82 | 407 | 15 | 215 | 82 | 297 | 275 | 82 | 357 | 115 | 82 | 197 |
| Patterson | 50 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 19 | 200 | 85 | 285 | 260 | 85 | 345 | 100 | 85 | 185 |
| Paullina | 55 | 15 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 15 | 325 | 155 | 480 | 325 | 155 | 480 | 15 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Payne | 66 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 5 | 200 | 173 | 373 | 260 | 173 | 433 | 100 | 173 | 273 |
| Pekay | 67 | 10 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 10 | 275 | 60 | 335 | 280 | 60 | 340 | 10 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Pekin | 53 | 5 | 295 | 106 | 401 | 285 | 106 | 391 | 275 | 106 | 381 | 270 | 106 | 376 | 285 | 106 | 391 | 5 | 275 | 96 | 371 | 275 | 96 | 371 | 2 | 200 | 78 | 278 | 255 | 78 | 333 | 100 | 78 | 178 |
| Pella | 65 | 2 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 2 | 275 | 60 | 335 | 280 | 60 | 340 | 2 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Peosta | 50 | 14 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Percival | 66 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 5 | 200 | 177 | 377 | 260 | 177 | 437 | 100 | 177 | 277 |
| Percy | 65 | 22 | 310 | 68 | 378 | 300 | 68 | 368 | 290 | 68 | 358 | 280 | 68 | 348 | 270 | 68 | 338 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Perkins | 55 | 15 | 375 | 196 | 571 | 365 | 196 | 561 | 355 | 196 | 551 | 345 | 196 | 541 | 285 | 196 | 481 | 15 | 325 | 177 | 502 | 325 | 177 | 502 | 15 | 215 | 177 | 392 | 275 | 177 | 452 | 115 | 177 | 292 |

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | 1 Chunks: Base rate | 1 Chunks: Del'd price | 2 Standard lump: Mine price | 2 Standard lump: Base rate | 2 Standard lump: Del'd price | 3 Egg: Mine price | 3 Egg: Base rate | 3 Egg: Del'd price | 4 Small egg: Mine price | 4 Small egg: Base rate | 4 Small egg: Del'd price | 5 M/R: Mine price | 5 M/R: Base rate | 5 M/R: Del'd price | Mine origin group | 6 Nut: Mine price | 6 Nut: Base rate | 6 Nut: Del'd price | 7 Domestic stoker: Mine price | 7 Domestic stoker: Base rate | 7 Domestic stoker: Del'd price | Mine origin group | 8 Scrgs.: Mine price | 8 Scrgs.: Base rate | 8 Scrgs.: Del'd price | 9 Industrial stoker: Mine price | 9 Industrial stoker: Base rate | 9 Industrial stoker: Del'd price | 10 Carbon: Mine price | 10 Carbon: Base rate | 10 Carbon: Del'd price |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Perlee | 53 | 5 | 295 | 114 | 409 | 285 | 114 | 399 | 275 | 114 | 389 | 270 | 114 | 384 | 285 | 114 | 399 | 5 | 275 | 103 | 378 | 275 | 103 | 378 | 7 | 200 | 69 | 269 | 255 | 69 | 324 | 100 | 69 | 169 |
| Perry | 55 | 15 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 15 | 325 | 60 | 385 | 325 | 60 | 385 | 15 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Persia | 57 | 5 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 5 | 275 | 181 | 456 | 275 | 181 | 456 | 19 | 200 | 144 | 344 | 260 | 144 | 404 | 100 | 144 | 244 |
| Peru | 59 | 5 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 5 | 275 | 141 | 416 | 275 | 141 | 416 | 19 | 200 | 74 | 274 | 260 | 74 | 334 | 100 | 74 | 174 |
| Petersburg | 50 | 14 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 14 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Peterson | 47 | 15 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 15 | 325 | 144 | 469 | 325 | 144 | 469 | 15 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Petersville | 50 | 7 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 7 | 275 | 159 | 434 | 275 | 159 | 434 | 7 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Pickering | 49 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 2 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Pierson | 55 | 15 | 375 | 165 | 540 | 365 | 165 | 530 | 355 | 165 | 520 | 345 | 165 | 510 | 285 | 165 | 450 | 15 | 325 | 149 | 474 | 325 | 149 | 474 | 15 | 215 | 149 | 364 | 275 | 149 | 424 | 115 | 149 | 264 |
| Pilot Grove | 51 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Pinney | 50 | 7 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 7 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Pioneer | 47 | 14 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Piper | 55 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Pisgah | 57 | 5 | 295 | 212 | 507 | 285 | 212 | 497 | 275 | 212 | 487 | 270 | 212 | 482 | 285 | 212 | 497 | 5 | 275 | 191 | 466 | 275 | 191 | 466 | 19 | 200 | 163 | 363 | 260 | 163 | 423 | 100 | 163 | 263 |
| Plainfield | 50 | 14 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 14 | 275 | 138 | 413 | 275 | 138 | 413 | 14 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Plano | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Plato | 50 | 7 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 7 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Pleasant Creek | 50 | 7 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 7 | 275 | 163 | 438 | 275 | 163 | 438 | 7 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Pleasanton | 66 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 5 | 200 | 107 | 307 | 260 | 107 | 367 | 100 | 107 | 207 |
| Pleasant Prairie | 52 | 7 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 7 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Pleasant Valley | 51 | 7 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 7 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Pleasantville | 65 | 22 | 310 | 68 | 378 | 300 | 68 | 368 | 290 | 68 | 358 | 280 | 68 | 348 | 270 | 68 | 338 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Plessis | 47 | 14 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 14 | 325 | 146 | 471 | 325 | 146 | 471 | 14 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Plover | 47 | 14 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 14 | 325 | 118 | 443 | 325 | 118 | 443 | 14 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Plum Creek | 47 | 14 | 375 | 144 | 519 | 365 | 144 | 509 | 355 | 144 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 14 | 325 | 130 | 455 | 325 | 130 | 455 | 14 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| Plymouth | 49 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 14 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Plymouth Junction | 49 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 14 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Pocahontas | 47 | 11 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 14 | 325 | 110 | 435 | 325 | 110 | 435 | 14 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Polk City | 60 | 11 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 14 | 319 | 60 | 379 | 319 | 60 | 379 | 14 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Pomeroy | 47 | 15 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 15 | 325 | 110 | 435 | 325 | 110 | 435 | 15 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Popejoy | 48 | 11 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 11 | 325 | 110 | 435 | 325 | 110 | 435 | 14 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Portland | 49 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Portsmouth | 55 | 15 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 15 | 325 | 125 | 450 | 325 | 125 | 450 | 15 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Poston | 50 | 7 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 7 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Postville | 50 | 14 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Potter | 49 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 2 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Potters Siding | 50 | 14 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 14 | 275 | 144 | 419 | 275 | 144 | 419 | 14 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Prairie City | 64 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 19 | 200 | 78 | 278 | 260 | 78 | 338 | 100 | 78 | 178 |
| Preparation | 57 | 5 | 295 | 212 | 507 | 285 | 212 | 497 | 275 | 212 | 487 | 270 | 212 | 482 | 285 | 212 | 497 | 5 | 275 | 191 | 466 | 275 | 191 | 466 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Prescott | 66 | 5 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 5 | 275 | 141 | 416 | 275 | 141 | 416 | 5 | 200 | 141 | 341 | 260 | 141 | 401 | 100 | 141 | 241 |
| Preston | 50 | 7 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 7 | 275 | 159 | 434 | 275 | 159 | 434 | 7 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Primghar | 47 | 15 | 375 | 168 | 543 | 365 | 168 | 533 | 355 | 168 | 523 | 345 | 168 | 513 | 285 | 168 | 453 | 15 | 325 | 152 | 477 | 325 | 152 | 477 | 15 | 215 | 152 | 367 | 275 | 152 | 427 | 115 | 152 | 267 |
| Princeton | 51 | 7 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 7 | 275 | 141 | 416 | 275 | 141 | 416 | 7 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Prole | 65 | 19 | 310 | 81 | 391 | 300 | 81 | 381 | 290 | 81 | 371 | 280 | 81 | 361 | 270 | 81 | 351 | 19 | 275 | 74 | 349 | 280 | 74 | 354 | 19 | 200 | 74 | 274 | 260 | 74 | 334 | 100 | 74 | 174 |
| Promise City | 66 | 5 | 295 | 71 | 366 | 285 | 71 | 356 | 275 | 71 | 346 | 270 | 71 | 341 | 285 | 71 | 356 | 5 | 275 | 65 | 340 | 275 | 65 | 340 | 5 | 200 | 65 | 265 | 260 | 65 | 325 | 100 | 65 | 165 |
| Pulaski | 68 | 5 | 295 | 90 | 385 | 285 | 90 | 375 | 275 | 90 | 365 | 270 | 90 | 360 | 285 | 90 | 375 | 5 | 275 | 82 | 357 | 275 | 82 | 357 | 5 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Purdy | 65 | 24 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 24 | 275 | 60 | 335 | 280 | 60 | 340 | 24 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Quarry | 49 | 5 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 14 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Quimby | 55 | 15 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 15 | 325 | 144 | 469 | 325 | 144 | 469 | 15 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Racine | 62 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Radcliffe | 55 | 14 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 14 | 325 | 89 | 414 | 325 | 89 | 414 | 14 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Radcliffe Xing | 47 | 14 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 14 | 325 | 89 | 414 | 325 | 89 | 414 | 14 | 215 | 89 | 301 | 275 | 89 | 364 | 115 | 89 | 204 |
| Radium | 60 | 19 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 19 | 319 | 60 | 379 | 319 | 60 | 379 | 19 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Rainbow | 50 | 7 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 7 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Rake | 47 | 14 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 14 | 325 | 159 | 484 | 325 | 159 | 484 | 14 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Raleigh | 47 | 14 | 375 | 168 | 543 | 365 | 168 | 533 | 355 | 168 | 523 | 345 | 168 | 513 | 285 | 168 | 453 | 14 | 325 | 152 | 477 | 325 | 152 | 477 | 14 | 215 | 152 | 367 | 275 | 152 | 427 | 115 | 152 | 267 |
| Ralston | 55 | 15 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 15 | 325 | 89 | 414 | 325 | 89 | 414 | 15 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Randalia | 50 | 14 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 14 | 275 | 146 | 421 | 275 | 146 | 421 | 14 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Randall | 55 | 14 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 14 | 325 | 78 | 403 | 325 | 78 | 403 | 14 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 193 |
| Randolph | 66 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 5 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Rands | 55 | 15 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 15 | 325 | 100 | 425 | 325 | 100 | 425 | 15 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Rathbun | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Raymond | 50 | 14 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 14 | 275 | 130 | 405 | 275 | 130 | 405 | 14 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Readlyn | 50 | 14 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 14 | 275 | 146 | 421 | 275 | 146 | 421 | 14 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Redding | 66 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 5 | 200 | 130 | 330 | 260 | 130 | 390 | 100 | 130 | 230 |
| Redfield | 55 | 23 | 375 | 71 | 446 | 365 | 71 | 436 | 355 | 71 | 426 | 345 | 71 | 416 | 285 | 71 | 356 | 23 | 325 | 65 | 390 | 325 | 65 | 390 | 23 | 215 | 65 | 280 | 275 | 65 | 340 | 115 | 65 | 180 |
| Red Oak | 66 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 5 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Reeve | 48 | 14 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 14 | 325 | 110 | 435 | 325 | 110 | 435 | 14 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |



*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | 1 Chunks: Base rate | 1 Chunks: Del'd price | 2 Standard lump: Mine price | 2 Standard lump: Base rate | 2 Standard lump: Del'd price | 3 Egg: Mine price | 3 Egg: Base rate | 3 Egg: Del'd price | 4 Small egg: Mine price | 4 Small egg: Base rate | 4 Small egg: Del'd price | 5 M/R: Mine price | 5 M/R: Base rate | 5 M/R: Del'd price | Mine origin group | 6 Nut: Mine price | 6 Nut: Base rate | 6 Nut: Del'd price | 7 Domestic stoker: Mine price | 7 Domestic stoker: Base rate | 7 Domestic stoker: Del'd price | Mine origin group | 8 Scrgs.: Mine price | 8 Scrgs.: Base rate | 8 Scrgs.: Del'd price | 9 Industrial stoker: Mine price | 9 Industrial stoker: Base rate | 9 Industrial stoker: Del'd price | 10 Carbon: Mine price | 10 Carbon: Base rate | 10 Carbon: Del'd price |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Reinbbeck | 49 | 5 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 5 | 275 | 144 | 419 | 275 | 144 | 419 | 14 | 200 | 114 | 314 | 255 | 114 | 369 | 100 | 114 | 214 |
| Reinecker | 47 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Rembrandt | 47 | 14 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 14 | 325 | 133 | 458 | 325 | 133 | 458 | 14 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |
| Remsen | 55 | 15 | 375 | 168 | 543 | 365 | 168 | 533 | 355 | 168 | 523 | 345 | 168 | 513 | 285 | 168 | 453 | 15 | 325 | 152 | 477 | 325 | 152 | 477 | 15 | 215 | 152 | 367 | 275 | 152 | 427 | 115 | 152 | 267 |
| Renwick | 47 | 14 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 14 | 325 | 114 | 439 | 325 | 114 | 439 | 14 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |
| Rhodes | 62 | 14 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 14 | 325 | 78 | 403 | 325 | 78 | 403 | 14 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 193 |
| Riceville | 50 | 14 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 14 | 275 | 166 | 441 | 275 | 166 | 441 | 14 | 200 | 166 | 366 | 255 | 166 | 421 | 100 | 166 | 266 |
| Richards | 55 | 14 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Richland | 53 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 7 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Ricketts | 55 | 15 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 15 | 325 | 133 | 458 | 325 | 133 | 458 | 15 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |
| Rider | 60 | 23 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 23 | 319 | 60 | 379 | 319 | 60 | 379 | 23 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Ridgeway | 50 | 14 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 14 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 170 | 374 | 255 | 170 | 425 | 100 | 170 | 270 |
| Riggs | 50 | 2 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 2 | 275 | 159 | 434 | 275 | 159 | 434 | 2 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Rinard | 58 | 14 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 14 | 325 | 92 | 417 | 325 | 92 | 417 | 14 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 207 |
| Ringsted | 47 | 14 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 14 | 325 | 141 | 466 | 325 | 141 | 466 | 14 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| Rippey | 55 | 15 | 375 | 71 | 446 | 365 | 71 | 436 | 355 | 71 | 426 | 345 | 71 | 416 | 285 | 71 | 356 | 15 | 325 | 65 | 390 | 325 | 65 | 390 | 15 | 215 | 65 | 280 | 275 | 65 | 340 | 115 | 65 | 180 |
| Ritter | 47 | 15 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 15 | 325 | 159 | 484 | 325 | 159 | 484 | 15 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Riverside | 49 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| River Sioux | 57 | 5 | 295 | 208 | 503 | 285 | 208 | 493 | 275 | 208 | 483 | 270 | 208 | 478 | 285 | 208 | 493 | 5 | 275 | 188 | 463 | 275 | 188 | 463 | 19 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Riverton | 66 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 5 | 200 | 170 | 370 | 260 | 170 | 430 | 100 | 170 | 270 |
| Roberts | 55 | 14 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 14 | 325 | 89 | 414 | 325 | 89 | 414 | 14 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Robertson | 48 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Robins | 50 | 7 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 7 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Rock Falls | 49 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Rockford | 49 | 5 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 5 | 275 | 181 | 456 | 275 | 181 | 456 | 14 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Rock Rapids | 47 | 15 | 375 | 184 | 559 | 365 | 184 | 549 | 355 | 184 | 539 | 345 | 184 | 529 | 285 | 184 | 469 | 15 | 325 | 166 | 491 | 325 | 166 | 491 | 15 | 215 | 166 | 381 | 275 | 166 | 441 | 115 | 166 | 281 |
| Rock Valley | 55 | 14 | 375 | 184 | 559 | 365 | 184 | 549 | 355 | 184 | 539 | 345 | 184 | 529 | 285 | 184 | 469 | 14 | 325 | 166 | 491 | 325 | 166 | 491 | 14 | 215 | 166 | 381 | 275 | 166 | 441 | 115 | 166 | 281 |
| Rockwell | 49 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 14 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Rockwell City | 55 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Rodman | 47 | 14 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 14 | 325 | 133 | 458 | 325 | 133 | 458 | 14 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |
| Rodney | 47 | 15 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 15 | 325 | 141 | 466 | 325 | 141 | 466 | 15 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| Roelyn | 55 | 15 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 15 | 325 | 96 | 421 | 325 | 96 | 421 | 15 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Rogers | 50 | 7 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 7 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Roland | 55 | 14 | 375 | 94 | 469 | 365 | 94 | 459 | 355 | 94 | 449 | 345 | 94 | 439 | 285 | 94 | 379 | 14 | 325 | 85 | 410 | 325 | 85 | 410 | 14 | 215 | 85 | 300 | 275 | 85 | 360 | 115 | 85 | 200 |
| Rolfe | 47 | 14 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 14 | 325 | 114 | 439 | 325 | 114 | 439 | 14 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |
| Rome | 53 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 7 | 200 | 78 | 278 | 255 | 78 | 333 | 100 | 78 | 178 |
| Roscoe | 53 | 5 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Rosebrook | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Rose Hill | 67 | 2 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 2 | 275 | 60 | 335 | 280 | 60 | 340 | 2 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Ross | 55 | 15 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 15 | 325 | 118 | 443 | 325 | 118 | 443 | 15 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Rossie | 47 | 14 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 14 | 325 | 133 | 458 | 325 | 133 | 458 | 14 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |
| Rossville | 50 | 19 | 295 | 204 | 499 | 285 | 204 | 489 | 275 | 204 | 479 | 270 | 204 | 474 | 285 | 204 | 489 | 19 | 275 | 184 | 459 | 275 | 184 | 459 | 19 | 200 | 184 | 384 | 255 | 184 | 439 | 100 | 184 | 284 |
| Rowan | 48 | 14 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 14 | 325 | 118 | 443 | 325 | 118 | 443 | 14 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Rowley | 50 | 7 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 7 | 275 | 144 | 419 | 275 | 144 | 419 | 7 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Royal | 47 | 14 | 375 | 150 | 525 | 365 | 150 | 515 | 355 | 150 | 505 | 345 | 150 | 495 | 285 | 150 | 435 | 14 | 325 | 136 | 461 | 325 | 136 | 461 | 14 | 215 | 136 | 351 | 275 | 136 | 411 | 115 | 136 | 251 |
| Rubio | 53 | 5 | 295 | 114 | 409 | 285 | 114 | 399 | 275 | 114 | 389 | 270 | 114 | 384 | 285 | 114 | 399 | 5 | 275 | 103 | 378 | 275 | 103 | 378 | 7 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Rudd | 49 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 14 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Runnells | 63 | 22 | 351 | 64 | 415 | 341 | 64 | 405 | 331 | 64 | 395 | 321 | 64 | 385 | 296 | 64 | 360 | 22 | 323 | 56 | 379 | 323 | 56 | 379 | 22 | 198 | 56 | 254 | 258 | 56 | 314 | 98 | 56 | 154 |
| Russell | 65 | 27 | 310 | 71 | 381 | 300 | 71 | 371 | 290 | 71 | 361 | 280 | 71 | 351 | 270 | 71 | 341 | 27 | 275 | 65 | 340 | 280 | 65 | 345 | 27 | 200 | 65 | 265 | 260 | 65 | 325 | 100 | 65 | 165 |
| Rust | 50 | 14 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 14 | 275 | 136 | 411 | 275 | 136 | 411 | 14 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Ruthven | 47 | 14 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 14 | 325 | 133 | 458 | 325 | 133 | 458 | 14 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |
| Rutland | 47 | 14 | 375 | 134 | 509 | 365 | 134 | 499 | 355 | 134 | 489 | 345 | 134 | 479 | 285 | 134 | 419 | 14 | 325 | 121 | 446 | 325 | 121 | 446 | 14 | 215 | 121 | 336 | 275 | 121 | 396 | 115 | 121 | 236 |
| Rutledge | 67 | 7 | 310 | 71 | 381 | 300 | 71 | 371 | 290 | 71 | 361 | 280 | 71 | 351 | 270 | 71 | 341 | 7 | 275 | 65 | 340 | 280 | 65 | 345 | 7 | 200 | 65 | 265 | 260 | 65 | 325 | 100 | 65 | 165 |
| Ryan | 50 | 7 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 7 | 275 | 146 | 421 | 275 | 146 | 421 | 7 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Sabula | 50 | 7 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 7 | 275 | 155 | 430 | 275 | 155 | 430 | 7 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Sac City | 55 | 14 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 14 | 325 | 110 | 435 | 325 | 110 | 435 | 14 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Sacton | 47 | 15 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 15 | 325 | 110 | 435 | 325 | 110 | 435 | 15 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Saint Ansgar | 50 | 14 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 14 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Saint Anthony | 47 | 14 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 14 | 325 | 89 | 414 | 325 | 89 | 414 | 14 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Saint Benedict | 47 | 14 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 14 | 325 | 128 | 453 | 325 | 128 | 453 | 14 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Saint Charles | 59 | 5 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 19 | 200 | 82 | 282 | 260 | 82 | 342 | 100 | 82 | 182 |
| Saint Mary's | 65 | 19 | 310 | 86 | 396 | 300 | 86 | 386 | 290 | 86 | 376 | 280 | 86 | 366 | 270 | 86 | 356 | 19 | 275 | 78 | 353 | 280 | 78 | 358 | 19 | 200 | 78 | 278 | 260 | 78 | 338 | 100 | 78 | 178 |
| Saint Olaf | 50 | 19 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 19 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 177 | 377 | 255 | 177 | 432 | 100 | 177 | 277 |
| Salem | 54 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Salix | 57 | 5 | 295 | 224 | 519 | 285 | 224 | 509 | 275 | 224 | 499 | 270 | 224 | 494 | 285 | 224 | 509 | 5 | 275 | 202 | 477 | 275 | 202 | 477 | 19 | 200 | 170 | 370 | 260 | 170 | 430 | 100 | 170 | 270 |
| Sanborn | 47 | 14 | 375 | 168 | 543 | 365 | 168 | 533 | 355 | 168 | 523 | 345 | 168 | 513 | 285 | 168 | 453 | 14 | 325 | 152 | 477 | 325 | 152 | 477 | 14 | 215 | 152 | 367 | 275 | 152 | 427 | 115 | 152 | 267 |
| Sand Prairie | 54 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 89 | 289 | 255 | 89 | 344 | 100 | 89 | 189 |
| Sand Springs | 50 | 2 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 2 | 275 | 149 | 424 | 275 | 149 | 424 | 2 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | 1 Chunks: Base rate | 1 Chunks: Del'd price | 2 Standard lump: Mine price | 2 Standard lump: Base rate | 2 Standard lump: Del'd price | 3 Egg: Mine price | 3 Egg: Base rate | 3 Egg: Del'd price | 4 Small egg: Mine price | 4 Small egg: Base rate | 4 Small egg: Del'd price | 5 M/R: Mine price | 5 M/R: Base rate | 5 M/R: Del'd price | Mine origin group | 6 Nut: Mine price | 6 Nut: Base rate | 6 Nut: Del'd price | 7 Domestic stoker: Mine price | 7 Domestic stoker: Base rate | 7 Domestic stoker: Del'd price | Mine origin group | 8 Scrgs.: Mine price | 8 Scrgs.: Base rate | 8 Scrgs.: Del'd price | 9 Industrial stoker: Mine price | 9 Industrial stoker: Base rate | 9 Industrial stoker: Del'd price | 10 Carbon: Mine price | 10 Carbon: Base rate | 10 Carbon: Del'd price |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Sandusky | 54 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Santiago | 61 | 19 | 334 | 81 | 415 | 324 | 81 | 405 | 314 | 81 | 395 | 304 | 81 | 385 | 279 | 81 | 360 | 19 | 305 | 74 | 379 | 305 | 74 | 379 | 19 | 180 | 74 | 254 | 240 | 74 | 314 | 80 | 74 | 154 |
| Sawyer | 54 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Saylor | 60 | 19 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 19 | 319 | 60 | 379 | 319 | 60 | 379 | 19 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Scarville | 47 | 14 | 375 | 165 | 540 | 365 | 165 | 530 | 355 | 165 | 520 | 345 | 165 | 510 | 285 | 165 | 450 | 14 | 325 | 149 | 474 | 325 | 149 | 474 | 14 | 215 | 149 | 364 | 275 | 149 | 424 | 115 | 149 | 264 |
| Schaller | 55 | 15 | 375 | 144 | 519 | 365 | 144 | 509 | 355 | 144 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 15 | 325 | 130 | 455 | 325 | 130 | 455 | 15 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| Schleswig | 55 | 15 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 15 | 325 | 128 | 453 | 325 | 128 | 453 | 15 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Scotch Grove | 50 | 2 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 2 | 275 | 149 | 424 | 275 | 149 | 424 | 2 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Scranton | 55 | 15 | 375 | 94 | 469 | 365 | 94 | 459 | 355 | 94 | 449 | 345 | 94 | 439 | 285 | 94 | 379 | 15 | 325 | 85 | 410 | 325 | 85 | 410 | 15 | 215 | 85 | 300 | 275 | 85 | 360 | 115 | 85 | 200 |
| Searsboro | 49 | 5 | 295 | 114 | 409 | 285 | 114 | 399 | 275 | 114 | 389 | 270 | 114 | 384 | 285 | 114 | 399 | 5 | 275 | 103 | 378 | 275 | 103 | 378 | 2 | 200 | 69 | 269 | 255 | 69 | 324 | 100 | 69 | 169 |
| Secor | 49 | 5 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 5 | 275 | 141 | 416 | 275 | 141 | 416 | 14 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Sedan | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Selection | 65 | 1 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 1 | 275 | 60 | 335 | 280 | 60 | 340 | 1 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Selma | 68 | 5 | 295 | 98 | 393 | 285 | 98 | 383 | 275 | 98 | 373 | 270 | 98 | 368 | 285 | 98 | 383 | 5 | 275 | 89 | 364 | 275 | 89 | 364 | 7 | 200 | 60 | 260 | 255 | 60 | 315 | 100 | 60 | 160 |
| Seney | 55 | 14 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 14 | 325 | 159 | 484 | 325 | 159 | 484 | 14 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Sergeant Bluffs | 57 | 5 | 295 | 228 | 523 | 285 | 228 | 513 | 275 | 228 | 503 | 270 | 228 | 498 | 285 | 228 | 513 | 5 | 275 | 206 | 481 | 275 | 206 | 481 | 19 | 200 | 173 | 373 | 260 | 173 | 433 | 100 | 173 | 273 |
| Sewal | 66 | 5 | 295 | 76 | 371 | 285 | 76 | 361 | 275 | 76 | 351 | 270 | 76 | 346 | 285 | 76 | 361 | 5 | 275 | 69 | 344 | 275 | 69 | 344 | 5 | 200 | 69 | 269 | 260 | 69 | 329 | 100 | 69 | 169 |
| Sexton | 47 | 15 | 375 | 159 | 534 | 365 | 159 | 524 | 355 | 159 | 514 | 345 | 159 | 504 | 285 | 159 | 444 | 15 | 325 | 144 | 469 | 325 | 144 | 469 | 15 | 215 | 144 | 359 | 275 | 144 | 419 | 115 | 144 | 259 |
| Seymour | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Shaffton | 50 | 7 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 7 | 275 | 144 | 419 | 275 | 144 | 419 | 7 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Shambaugh | 66 | 5 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 5 | 275 | 146 | 421 | 275 | 146 | 421 | 5 | 200 | 146 | 346 | 260 | 146 | 406 | 100 | 146 | 246 |
| Shannon | 66 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 5 | 200 | 125 | 325 | 260 | 125 | 385 | 100 | 125 | 225 |
| Sharpsburg | 66 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 5 | 200 | 130 | 330 | 260 | 130 | 390 | 100 | 130 | 230 |
| Shaver | 50 | 7 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 7 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Sheffield | 49 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Shehan Siding | 65 | 1 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 1 | 275 | 60 | 335 | 280 | 60 | 340 | 1 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Shelby | 59 | 5 | 295 | 192 | 487 | 285 | 192 | 477 | 275 | 192 | 467 | 270 | 192 | 462 | 285 | 192 | 477 | 5 | 275 | 173 | 448 | 275 | 173 | 448 | 19 | 200 | 136 | 336 | 260 | 136 | 396 | 100 | 136 | 236 |
| Sheldahl | 60 | 14 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 14 | 319 | 60 | 379 | 319 | 60 | 279 | 14 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Sheldon | 47 | 14 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 14 | 325 | 155 | 480 | 325 | 155 | 480 | 14 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Shell Rock | 49 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Shellsburg | 70 | 7 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 7 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Shenandoah | 66 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 5 | 200 | 163 | 363 | 260 | 163 | 423 | 100 | 163 | 263 |
| Shepard | 66 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 5 | 200 | 130 | 220 | 260 | 130 | 390 | 100 | 130 | 230 |
| Sherman | 62 | 14 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 14 | 325 | 92 | 417 | 325 | 92 | 417 | 14 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 207 |
| Sherwood | 55 | 14 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Shipley | 62 | 14 | 375 | 76 | 451 | 365 | 76 | 441 | 355 | 76 | 431 | 345 | 76 | 421 | 285 | 76 | 361 | 14 | 325 | 69 | 394 | 325 | 69 | 394 | 14 | 215 | 69 | 284 | 275 | 69 | 344 | 115 | 69 | 184 |
| Shopton | 54 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Sibley | 47 | 14 | 375 | 172 | 547 | 365 | 172 | 527 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 14 | 325 | 155 | 480 | 325 | 155 | 480 | 14 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Siding-A | 49 | 5 | 295 | 216 | 511 | 285 | 216 | 501 | 275 | 216 | 491 | 270 | 216 | 486 | 285 | 216 | 501 | 5 | 275 | 195 | 470 | 275 | 195 | 470 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Sidney | 66 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 5 | 200 | 170 | 370 | 260 | 170 | 430 | 100 | 170 | 270 |
| Sigourney | 53 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 2 | 200 | 74 | 274 | 255 | 74 | 329 | 100 | 74 | 174 |
| Silver City | 59 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Sinclair | 49 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Sioux Centre | 55 | 15 | 375 | 192 | 567 | 365 | 192 | 557 | 355 | 192 | 547 | 345 | 192 | 537 | 285 | 192 | 477 | 15 | 325 | 173 | 498 | 325 | 173 | 498 | 15 | 215 | 173 | 388 | 275 | 173 | 448 | 115 | 173 | 288 |
| Sioux City | 56 | 14 | 336 | 176 | 512 | 326 | 176 | 502 | 326 | 176 | 502 | (d) | (d) | (d) | 316 | 176 | 492 | 14 | (d) | (d) | (d) | 260 | 159 | 419 | 14 | 185 | 159 | 344 | 215 | 159 | 401 | 85 | 159 | 244 |
| Sioux Rapids | 47 | 15 | 375 | 150 | 525 | 365 | 150 | 515 | 355 | 150 | 505 | 345 | 150 | 495 | 285 | 150 | 435 | 15 | 325 | 136 | 461 | 325 | 136 | 461 | 15 | 215 | 136 | 351 | 275 | 136 | 411 | 115 | 136 | 251 |
| Slater | 55 | 14 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 14 | 325 | 60 | 385 | 325 | 60 | 385 | 14 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Slifer | 55 | 14 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 14 | 325 | 89 | 414 | 325 | 89 | 414 | 14 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Sloan | 57 | 5 | 295 | 224 | 519 | 285 | 224 | 509 | 275 | 224 | 499 | 270 | 224 | 491 | 285 | 224 | 509 | 5 | 275 | 202 | 477 | 275 | 202 | 477 | 19 | 200 | 170 | 370 | 260 | 170 | 430 | 100 | 170 | 270 |
| Smithland | 55 | 15 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 15 | 325 | 138 | 463 | 325 | 138 | 463 | 15 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Smith's Siding | 55 | 15 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 15 | 325 | 133 | 458 | 325 | 133 | 458 | 15 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |
| Snodgrass | 54 | 5 | 295 | 90 | 385 | 285 | 90 | 375 | 275 | 90 | 365 | 270 | 90 | 360 | 285 | 90 | 375 | 5 | 275 | 82 | 357 | 275 | 82 | 357 | 5 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Sny Magill | 50 | 19 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 19 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 177 | 377 | 255 | 177 | 432 | 100 | 177 | 277 |
| Solberg | 48 | 14 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 14 | 325 | 114 | 439 | 325 | 114 | 439 | 14 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 129 |
| Soldier | 47 | 15 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 15 | 325 | 141 | 466 | 325 | 141 | 466 | 15 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| Solomon | 66 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 5 | 200 | 170 | 370 | 260 | 170 | 430 | 100 | 170 | 270 |
| Solon | 50 | 7 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 7 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Somers | 55 | 14 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 14 | 325 | 92 | 417 | 325 | 92 | 417 | 14 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 207 |
| South Amana | 49 | 5 | 295 | 141 | 436 | 285 | 141 | 423 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 2 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| South English | 49 | 5 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 5 | 275 | 110 | 385 | 275 | 110 | 385 | 7 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Spaulding | 59 | 5 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 5 | 275 | 138 | 413 | 275 | 138 | 413 | 27 | 200 | 121 | 321 | 260 | 121 | 381 | 100 | 121 | 221 |
| Specht's Ferry | 50 | 14 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 14 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 177 | 377 | 255 | 177 | 432 | 100 | 177 | 277 |
| Spencer | 47 | 14 | 375 | 152 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 14 | 325 | 138 | 463 | 325 | 138 | 463 | 14 | 215 | 138 | 353 | 275 | 138 | 413 | 115 | 138 | 253 |
| Sperry | 53 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Spirit Lake | 47 | 14 | 375 | 165 | 540 | 365 | 165 | 530 | 355 | 165 | 520 | 345 | 165 | 510 | 285 | 165 | 450 | 14 | 325 | 149 | 474 | 325 | 149 | 474 | 14 | 215 | 149 | 364 | 275 | 149 | 424 | 115 | 149 | 264 |
| Spragueville | 50 | 7 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 7 | 275 | 163 | 438 | 275 | 163 | 438 | 7 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |

(d) See next table for prices to Sioux City.



*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | 1 Chunks: Base rate | 1 Chunks: Del'd price | 2 Standard lump: Mine price | 2 Standard lump: Base rate | 2 Standard lump: Del'd price | 3 Egg: Mine price | 3 Egg: Base rate | 3 Egg: Del'd price | 4 Small egg: Mine price | 4 Small egg: Base rate | 4 Small egg: Del'd price | 5 M/R: Mine price | 5 M/R: Base rate | 5 M/R: Del'd price | Mine origin group | 6 Nut: Mine price | 6 Nut: Base rate | 6 Nut: Del'd price | 7 Domestic stoker: Mine price | 7 Domestic stoker: Base rate | 7 Domestic stoker: Del'd price | Mine origin group | 8 Scrgs.: Mine price | 8 Scrgs.: Base rate | 8 Scrgs.: Del'd price | 9 Industrial stoker: Mine price | 9 Industrial stoker: Base rate | 9 Industrial stoker: Del'd price | 10 Carbon: Mine price | 10 Carbon: Base rate | 10 Carbon: Del'd price |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Spring Fountain | 50 | 14 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 14 | 275 | 149 | 424 | 275 | 149 | 424 | 14 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Spring Grove | 54 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Springhill | 65 | 19 | 310 | 86 | 396 | 300 | 86 | 386 | 290 | 86 | 376 | 280 | 86 | 366 | 270 | 86 | 356 | 19 | 275 | 78 | 353 | 280 | 78 | 358 | 19 | 200 | 78 | 278 | 260 | 78 | 338 | 100 | 78 | 178 |
| Springville | 50 | 2 | 295 | 150 | 445 | 275 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 2 | 275 | 136 | 411 | 275 | 136 | 411 | 2 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Stacyville | 50 | 14 | 295 | 180 | 475 | 275 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Stanhope | 55 | 14 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 14 | 325 | 89 | 414 | 325 | 89 | 414 | 14 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Stanley | 50 | 14 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 14 | 275 | 144 | 419 | 275 | 144 | 419 | 14 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Stanton | 66 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 5 | 200 | 155 | 355 | 260 | 155 | 415 | 100 | 155 | 255 |
| Stanwood | 50 | 7 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 7 | 275 | 144 | 419 | 275 | 144 | 419 | 7 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| State Center | 62 | 14 | 375 | 90 | 465 | 365 | 90 | 455 | 355 | 90 | 445 | 345 | 90 | 435 | 285 | 90 | 375 | 14 | 325 | 82 | 407 | 325 | 82 | 407 | 14 | 215 | 82 | 297 | 275 | 82 | 357 | 115 | 82 | 197 |
| Steamboat Rock | 49 | 5 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 5 | 275 | 146 | 421 | 275 | 146 | 421 | 14 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| Stennett | 59 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 19 | 200 | 136 | 336 | 260 | 136 | 396 | 100 | 136 | 236 |
| Steuben | 54 | 5 | 295 | 81 | 376 | 285 | 81 | 366 | 275 | 81 | 356 | 270 | 81 | 351 | 285 | 81 | 366 | 5 | 275 | 74 | 349 | 275 | 74 | 349 | 5 | 200 | 74 | 274 | 255 | 74 | 329 | 100 | 74 | 174 |
| Stevens | 47 | 14 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 14 | 325 | 155 | 480 | 325 | 155 | 480 | 14 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Stilson | 47 | 14 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 14 | 325 | 128 | 453 | 325 | 128 | 453 | 14 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Stockport | 54 | 5 | 295 | 114 | 409 | 285 | 114 | 399 | 275 | 114 | 389 | 270 | 114 | 384 | 285 | 114 | 399 | 5 | 275 | 103 | 378 | 275 | 103 | 378 | 7 | 200 | 69 | 269 | 255 | 69 | 324 | 100 | 69 | 169 |
| Stockton | 50 | 7 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 7 | 275 | 128 | 403 | 275 | 128 | 403 | 7 | 200 | 128 | 328 | 255 | 128 | 383 | 100 | 128 | 228 |
| Stone City | 50 | 2 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 2 | 275 | 138 | 413 | 275 | 138 | 413 | 2 | 200 | 138 | 338 | 255 | 138 | 393 | 100 | 138 | 238 |
| Stonega | 47 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Storm Lake | 47 | 14 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 14 | 325 | 125 | 450 | 325 | 125 | 450 | 14 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Story City | 55 | 14 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 285 | 81 | 366 | 14 | 325 | 74 | 399 | 325 | 74 | 399 | 14 | 215 | 74 | 289 | 275 | 74 | 349 | 115 | 74 | 189 |
| Stout | 49 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 10 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Stowe's Ranch | 60 | 12 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 12 | 319 | 60 | 379 | 319 | 60 | 379 | 12 | 194 | 60 | 254 | 254 | 60 | 314 | 92 | 60 | 154 |
| Strahan | 66 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 5 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Stratford | 55 | 14 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 14 | 325 | 92 | 417 | 325 | 92 | 417 | 14 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 207 |
| Strawberry Point | 50 | 14 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 14 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Struble | 55 | 15 | 375 | 188 | 563 | 365 | 188 | 553 | 355 | 188 | 543 | 345 | 188 | 533 | 285 | 188 | 473 | 15 | 325 | 170 | 495 | 325 | 170 | 495 | 15 | 215 | 170 | 385 | 275 | 170 | 445 | 115 | 170 | 285 |
| Stuart | 59 | 23 | 375 | 98 | 473 | 365 | 98 | 463 | 355 | 98 | 453 | 345 | 98 | 443 | 285 | 98 | 383 | 23 | 325 | 89 | 414 | 325 | 89 | 414 | 23 | 215 | 89 | 304 | 275 | 89 | 364 | 115 | 89 | 204 |
| Sugar Creek | 54 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Sully | 64 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 27 | 200 | 92 | 292 | 260 | 92 | 352 | 100 | 92 | 192 |
| Sulphur Springs | 55 | 15 | 375 | 138 | 513 | 365 | 138 | 503 | 355 | 138 | 493 | 345 | 138 | 483 | 285 | 138 | 423 | 15 | 325 | 125 | 450 | 325 | 125 | 450 | 15 | 215 | 125 | 340 | 275 | 125 | 400 | 115 | 125 | 240 |
| Summerset | 65 | 19 | 310 | 81 | 391 | 300 | 81 | 381 | 290 | 81 | 371 | 280 | 81 | 361 | 270 | 81 | 351 | 19 | 275 | 74 | 349 | 280 | 74 | 354 | 19 | 200 | 74 | 274 | 260 | 74 | 334 | 100 | 74 | 174 |
| Summit (Fremont) | 66 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 5 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Summit (Guthrie) | 55 | 15 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 15 | 325 | 78 | 403 | 325 | 78 | 403 | 15 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 193 |
| Sumner | 50 | 14 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 14 | 275 | 149 | 424 | 275 | 149 | 424 | 14 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Sunbury | 50 | 7 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 3 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Sunshine | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Superior | 47 | 14 | 375 | 172 | 547 | 365 | 172 | 537 | 355 | 172 | 527 | 345 | 172 | 517 | 285 | 172 | 457 | 14 | 325 | 155 | 480 | 325 | 155 | 480 | 14 | 215 | 155 | 370 | 275 | 155 | 430 | 115 | 155 | 270 |
| Sutherland | 47 | 15 | 375 | 165 | 540 | 365 | 165 | 530 | 355 | 165 | 520 | 345 | 165 | 510 | 285 | 165 | 450 | 15 | 325 | 149 | 474 | 325 | 149 | 474 | 15 | 215 | 149 | 364 | 275 | 149 | 424 | 115 | 149 | 264 |
| Swaledale | 48 | 14 | 375 | 144 | 510 | 365 | 144 | 509 | 355 | 141 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 14 | 325 | 130 | 455 | 325 | 130 | 455 | 14 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| Swan | 65 | 22 | 310 | 68 | 378 | 300 | 68 | 368 | 290 | 68 | 358 | 280 | 68 | 348 | 270 | 68 | 338 | 22 | 275 | 60 | 335 | 280 | 60 | 340 | 22 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Swank | 54 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 7 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Swanwood | 60 | 10 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 10 | 319 | 60 | 379 | 319 | 60 | 379 | 19 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Swea City | 47 | 14 | 375 | 176 | 551 | 365 | 176 | 541 | 355 | 176 | 531 | 345 | 176 | 521 | 285 | 176 | 461 | 14 | 325 | 159 | 484 | 325 | 159 | 484 | 14 | 215 | 159 | 374 | 275 | 159 | 434 | 115 | 159 | 274 |
| Sweetland | 52 | 7 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 7 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Swisher | 50 | 7 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 7 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Taintor | 67 | 2 | 310 | 76 | 386 | 300 | 76 | 376 | 290 | 76 | 366 | 280 | 76 | 356 | 270 | 76 | 346 | 2 | 275 | 69 | 344 | 280 | 69 | 349 | 2 | 200 | 69 | 269 | 260 | 69 | 329 | 100 | 69 | 169 |
| Talmage | 59 | 5 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 19 | 200 | 82 | 285 | 260 | 85 | 345 | 100 | 85 | 185 |
| Tama | 49 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 2 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Tara | 47 | 14 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 14 | 325 | 96 | 421 | 325 | 96 | 421 | 14 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Teeds Grove | 50 | 7 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 7 | 275 | 155 | 430 | 275 | 155 | 430 | 7 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Templeton | 55 | 15 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 15 | 325 | 96 | 421 | 325 | 96 | 421 | 15 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Tennant | 55 | 14 | 375 | 147 | 522 | 365 | 147 | 512 | 355 | 147 | 502 | 345 | 147 | 492 | 285 | 147 | 432 | 14 | 325 | 133 | 458 | 325 | 133 | 458 | 14 | 215 | 133 | 348 | 275 | 133 | 408 | 115 | 133 | 248 |
| Terril | 47 | 14 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 14 | 325 | 146 | 471 | 325 | 146 | 471 | 14 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Thayer | 66 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 5 | 200 | 125 | 325 | 260 | 125 | 385 | 100 | 125 | 225 |
| The Meadows | 47 | 15 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 15 | 325 | 60 | 385 | 325 | 60 | 385 | 15 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Thompson | 47 | 14 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 14 | 325 | 146 | 471 | 325 | 146 | 471 | 14 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Thor | 47 | 14 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 11 | 325 | 110 | 435 | 325 | 110 | 435 | 14 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Thornburg | 49 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Thornton | 48 | 14 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 14 | 325 | 128 | 453 | 325 | 128 | 453 | 14 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Thorpe | 50 | 14 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 14 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 155 | 355 | 255 | 155 | 410 | 100 | 155 | 255 |
| Thrall | 47 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Ticonic | 55 | 15 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 15 | 325 | 141 | 466 | 325 | 141 | 466 | 15 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| Tiffin | 49 | 5 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 5 | 275 | 141 | 416 | 275 | 141 | 416 | 2 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Tile Works | 50 | 7 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 7 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Tilton | 49 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 10 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Tingley | 66 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 5 | 200 | 114 | 314 | 260 | 114 | 374 | 100 | 114 | 214 |
| Tipton | 50 | 7 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 7 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |

Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | 1 Chunks: Base rate | 1 Chunks: Del'd price | 2 Standard lump: Mine price | 2 Standard lump: Base rate | 2 Standard lump: Del'd price | 3 Egg: Mine price | 3 Egg: Base rate | 3 Egg: Del'd price | 4 Small egg: Mine price | 4 Small egg: Base rate | 4 Small egg: Del'd price | 5 M/R: Mine price | 5 M/R: Base rate | 5 M/R: Del'd price | Mine origin group | 6 Nut: Mine price | 6 Nut: Base rate | 6 Nut: Del'd price | 7 Domestic stoker: Mine price | 7 Domestic stoker: Base rate | 7 Domestic stoker: Del'd price | Mine origin group | 8 Scrgs.: Mine price | 8 Scrgs.: Base rate | 8 Scrgs.: Del'd price | 9 Industrial stoker: Mine price | 9 Industrial stoker: Base rate | 9 Industrial stoker: Del'd price | 10 Carbon: Mine price | 10 Carbon: Base rate | 10 Carbon: Del'd price |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Titonka | 47 | 14 | 375 | 165 | 540 | 365 | 165 | 530 | 355 | 165 | 520 | 345 | 165 | 510 | 285 | 165 | 450 | 14 | 325 | 149 | 474 | 325 | 149 | 474 | 14 | 215 | 149 | 364 | 275 | 149 | 424 | 115 | 149 | 264 |
| Titus | 53 | 5 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 5 | 275 | 110 | 385 | 275 | 110 | 385 | 7 | 200 | 89 | 289 | 255 | 89 | 344 | 100 | 89 | 189 |
| Toddville | 50 | 7 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 7 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Toeterville | 50 | 14 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 14 | 275 | 163 | 438 | 275 | 163 | 438 | 7 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Togo | 66 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 5 | 200 | 107 | 307 | 260 | 107 | 367 | 100 | 107 | 207 |
| Toledo | 49 | 5 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 5 | 275 | 141 | 416 | 275 | 141 | 416 | 14 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Toronto | 50 | 7 | 295 | 165 | 460 | 285 | 165 | 450 | 275 | 165 | 440 | 270 | 165 | 435 | 285 | 165 | 450 | 7 | 275 | 149 | 424 | 275 | 149 | 421 | 7 | 200 | 149 | 349 | 255 | 149 | 404 | 100 | 149 | 249 |
| Tracy | 65 | 20 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 20 | 275 | 60 | 335 | 280 | 60 | 340 | 20 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Traer | 49 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 14 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| Trask | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Tripoli | 50 | 14 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 14 | 275 | 146 | 421 | 275 | 146 | 421 | 14 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Truesdale | 47 | 14 | 375 | 144 | 519 | 365 | 144 | 509 | 355 | 144 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 14 | 325 | 130 | 455 | 325 | 130 | 455 | 14 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| Truro | 59 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 138 | 403 | 275 | 128 | 403 | 19 | 200 | 85 | 285 | 260 | 85 | 345 | 100 | 85 | 185 |
| Tucker's | 60 | 19 | 339 | 76 | 415 | 329 | 76 | 405 | 319 | 76 | 395 | 309 | 76 | 385 | 284 | 76 | 360 | 19 | 310 | 69 | 379 | 310 | 69 | 379 | 19 | 185 | 69 | 254 | 215 | 69 | 314 | 85 | 69 | 154 |
| Turin | 57 | 5 | 295 | 216 | 511 | 285 | 216 | 501 | 275 | 216 | 491 | 270 | 216 | 486 | 285 | 216 | 501 | 5 | 275 | 195 | 470 | 275 | 195 | 470 | 19 | 200 | 159 | 359 | 260 | 159 | 419 | 100 | 159 | 259 |
| Turkey River | 50 | 19 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 19 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 177 | 377 | 255 | 177 | 432 | 100 | 177 | 277 |
| Turner | 64 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 19 | 200 | 96 | 296 | 260 | 96 | 356 | 100 | 96 | 196 |
| Tuskeego | 66 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 5 | 200 | 114 | 314 | 260 | 114 | 374 | 100 | 114 | 214 |
| Udell | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 5 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Ulmer | 55 | 14 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 14 | 325 | 110 | 435 | 325 | 110 | 435 | 14 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Underwood | 59 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 144 | 344 | 260 | 144 | 404 | 100 | 144 | 244 |
| Union | 49 | 5 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 5 | 275 | 138 | 413 | 275 | 138 | 413 | 14 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Unionville | 66 | 5 | 295 | 66 | 361 | 285 | 66 | 351 | 275 | 66 | 341 | 270 | 66 | 336 | 285 | 66 | 351 | 6 | 275 | 60 | 335 | 275 | 60 | 335 | 5 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| University | 50 | 7 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 7 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Urbana | 50 | 7 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 7 | 275 | 141 | 416 | 275 | 141 | 416 | 7 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Urbandale | 60 | 12 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 294 | 66 | 360 | 12 | 319 | 60 | 379 | 319 | 60 | 379 | 12 | 194 | 60 | 254 | 254 | 60 | 314 | 94 | 60 | 154 |
| Ute | 55 | 15 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 15 | 325 | 128 | 453 | 325 | 128 | 453 | 15 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Vail | 47 | 15 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 15 | 325 | 110 | 435 | 325 | 110 | 435 | 15 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Valdora | 50 | 19 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 19 | 275 | 170 | 445 | 275 | 170 | 445 | 19 | 200 | 170 | 370 | 255 | 170 | 425 | 100 | 170 | 270 |
| Valeria | 62 | 19 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 285 | 81 | 366 | 19 | 325 | 74 | 399 | 325 | 74 | 399 | 19 | 215 | 74 | 289 | 275 | 74 | 349 | 115 | 74 | 189 |
| Van Cleve | 62 | 2 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 2 | 325 | 96 | 421 | 325 | 96 | 421 | 2 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Van Horne | 49 | 5 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 5 | 275 | 146 | 421 | 275 | 146 | 421 | 2 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Van Meter | 59 | 23 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 285 | 81 | 366 | 23 | 325 | 74 | 399 | 325 | 74 | 399 | 23 | 215 | 74 | 289 | 275 | 74 | 349 | 115 | 74 | 189 |
| Van Wert | 66 | 5 | 295 | 106 | 401 | 285 | 106 | 391 | 275 | 106 | 381 | 270 | 106 | 376 | 285 | 106 | 391 | 5 | 275 | 96 | 371 | 275 | 96 | 371 | 5 | 200 | 96 | 296 | 260 | 96 | 356 | 100 | 96 | 196 |
| Varina | 47 | 14 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 14 | 325 | 114 | 439 | 325 | 114 | 439 | 14 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |
| Ventura | 47 | 14 | 375 | 153 | 528 | 365 | 153 | 518 | 355 | 153 | 508 | 345 | 153 | 498 | 285 | 153 | 438 | 14 | 325 | 138 | 463 | 325 | 138 | 463 | 14 | 215 | 138 | 353 | 275 | 138 | 433 | 115 | 138 | 253 |
| Veo | 53 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 7 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Vera | 49 | 5 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 5 | 275 | 141 | 416 | 275 | 141 | 416 | 2 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Verdi | 53 | 5 | 295 | 122 | 417 | 285 | 122 | 407 | 275 | 122 | 397 | 270 | 122 | 392 | 285 | 122 | 407 | 5 | 275 | 110 | 385 | 275 | 110 | 385 | 7 | 200 | 82 | 282 | 255 | 82 | 337 | 100 | 82 | 182 |
| Victor | 49 | 5 | 295 | 141 | 436 | 285 | 141 | 426 | 275 | 141 | 416 | 270 | 141 | 411 | 285 | 141 | 426 | 5 | 275 | 128 | 403 | 275 | 128 | 403 | 2 | 200 | 96 | 296 | 255 | 96 | 351 | 100 | 96 | 196 |
| Viele | 51 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Villisca | 66 | 5 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 5 | 275 | 152 | 427 | 275 | 152 | 427 | 5 | 200 | 152 | 352 | 260 | 152 | 412 | 100 | 152 | 252 |
| Vincent | 47 | 14 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Vining | 49 | 5 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 5 | 275 | 136 | 411 | 275 | 136 | 411 | 2 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Vinton | 50 | 14 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 14 | 275 | 136 | 411 | 275 | 136 | 411 | 14 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Viola | 50 | 2 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 2 | 275 | 136 | 411 | 275 | 136 | 411 | 2 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Voorhies | 49 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 5 | 275 | 163 | 438 | 275 | 163 | 438 | 10 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Waconia | 50 | 7 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 7 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Wadleigh | 55 | 15 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 15 | 325 | 103 | 428 | 325 | 103 | 428 | 15 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Wagner | 60 | 14 | 344 | 71 | 415 | 334 | 71 | 405 | 324 | 71 | 395 | 314 | 71 | 385 | 289 | 71 | 360 | 14 | 314 | 65 | 379 | 314 | 65 | 379 | 14 | 189 | 65 | 254 | 219 | 65 | 314 | 89 | 65 | 154 |
| Walcott | 50 | 7 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 7 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Wald | 50 | 7 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 7 | 275 | 146 | 421 | 275 | 146 | 421 | 7 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Walford | 49 | 5 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 2 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |
| Walker | 50 | 7 | 295 | 156 | 451 | 285 | 156 | 441 | 275 | 156 | 431 | 270 | 156 | 426 | 285 | 156 | 441 | 7 | 275 | 141 | 416 | 275 | 141 | 416 | 7 | 200 | 141 | 341 | 255 | 141 | 396 | 100 | 141 | 241 |
| Waller | 50 | 19 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 19 | 275 | 159 | 434 | 275 | 159 | 434 | 19 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Wallingford | 47 | 14 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 14 | 325 | 146 | 471 | 325 | 146 | 471 | 14 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Wall Lake | 55 | 15 | 375 | 126 | 501 | 365 | 126 | 491 | 355 | 126 | 481 | 345 | 126 | 471 | 285 | 126 | 411 | 15 | 325 | 114 | 439 | 325 | 114 | 439 | 15 | 215 | 114 | 329 | 275 | 114 | 389 | 115 | 114 | 229 |
| Walnut | 59 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 19 | 200 | 128 | 328 | 260 | 128 | 388 | 100 | 128 | 228 |
| Wapello | 53 | 5 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 5 | 275 | 133 | 408 | 275 | 133 | 408 | 7 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Wardville | 50 | 7 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 7 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Ware | 47 | 14 | 375 | 130 | 505 | 365 | 130 | 495 | 355 | 130 | 485 | 345 | 130 | 475 | 285 | 130 | 415 | 14 | 325 | 118 | 443 | 325 | 118 | 443 | 14 | 215 | 118 | 333 | 275 | 118 | 393 | 115 | 118 | 233 |
| Warren | 54 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 7 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Washburn | 50 | 14 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 14 | 275 | 130 | 405 | 275 | 130 | 405 | 14 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Washington | 53 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Washta | 55 | 15 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 15 | 325 | 146 | 471 | 325 | 146 | 471 | 15 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Waterloo | 50 | 14 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 14 | 275 | 125 | 400 | 275 | 125 | 400 | 14 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Waterville | 50 | 19 | 295 | 200 | 495 | 285 | 200 | 485 | 275 | 200 | 475 | 270 | 200 | 470 | 285 | 200 | 485 | 19 | 275 | 181 | 456 | 275 | 181 | 456 | 19 | 200 | 181 | 381 | 255 | 181 | 436 | 100 | 181 | 281 |
| Watkins | 49 | 5 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 5 | 275 | 152 | 427 | 275 | 152 | 427 | 10 | 200 | 118 | 318 | 255 | 118 | 373 | 100 | 118 | 218 |



Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks: Mine price | 1 Chunks: Base rate | 1 Chunks: Del'd price | 2 Standard lump: Mine price | 2 Standard lump: Base rate | 2 Standard lump: Del'd price | 3 Egg: Mine price | 3 Egg: Base rate | 3 Egg: Del'd price | 4 Small egg: Mine price | 4 Small egg: Base rate | 4 Small egg: Del'd price | 5 M/R: Mine price | 5 M/R: Base rate | 5 M/R: Del'd price | Mine origin group | 6 Nut: Mine price | 6 Nut: Base rate | 6 Nut: Del'd price | 7 Domestic stoker: Mine price | 7 Domestic stoker: Base rate | 7 Domestic stoker: Del'd price | Mine origin group | 8 Scrgs.: Mine price | 8 Scrgs.: Base rate | 8 Scrgs.: Del'd price | 9 Industrial stoker: Mine price | 9 Industrial stoker: Base rate | 9 Industrial stoker: Del'd price | 10 Carbon: Mine price | 10 Carbon: Base rate | 10 Carbon: Del'd price |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Waucoma | 50 | 19 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 270 | 180 | 450 | 285 | 180 | 465 | 19 | 275 | 163 | 438 | 275 | 163 | 438 | 19 | 200 | 163 | 363 | 255 | 163 | 418 | 100 | 163 | 263 |
| Waukee | 55 | 23 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 23 | 325 | 60 | 385 | 325 | 60 | 385 | 23 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Waukon | 50 | 19 | 295 | 208 | 503 | 285 | 208 | 493 | 275 | 208 | 483 | 270 | 208 | 478 | 285 | 208 | 493 | 19 | 275 | 188 | 463 | 275 | 188 | 463 | 19 | 200 | 188 | 388 | 255 | 188 | 443 | 100 | 188 | 288 |
| Waukon Jct | 50 | 19 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 19 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 177 | 377 | 255 | 177 | 432 | 100 | 177 | 277 |
| Waupeton | 50 | 14 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 14 | 275 | 177 | 452 | 275 | 177 | 452 | 14 | 200 | 177 | 377 | 255 | 177 | 432 | 100 | 177 | 277 |
| Waverly | 50 | 14 | 295 | 147 | 442 | 285 | 147 | 432 | 275 | 147 | 422 | 270 | 147 | 417 | 285 | 147 | 432 | 14 | 275 | 133 | 408 | 275 | 133 | 408 | 14 | 200 | 133 | 333 | 255 | 133 | 388 | 100 | 133 | 233 |
| Wayland | 53 | 5 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 5 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Wayside | 65 | 20 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 20 | 275 | 60 | 335 | 280 | 60 | 340 | 20 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Webb | 47 | 14 | 375 | 141 | 516 | 365 | 141 | 506 | 355 | 141 | 496 | 345 | 141 | 486 | 285 | 141 | 426 | 14 | 325 | 128 | 453 | 325 | 128 | 453 | 14 | 215 | 128 | 343 | 275 | 128 | 403 | 115 | 128 | 243 |
| Webster | 49 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 2 | 200 | 89 | 289 | 255 | 89 | 344 | 100 | 89 | 189 |
| Webster City | 47 | 14 | 375 | 102 | 477 | 365 | 102 | 467 | 355 | 102 | 457 | 345 | 102 | 447 | 285 | 102 | 387 | 14 | 325 | 92 | 417 | 325 | 92 | 417 | 14 | 215 | 92 | 307 | 275 | 92 | 367 | 115 | 92 | 207 |
| Weldon | 66 | 5 | 295 | 102 | 397 | 285 | 102 | 387 | 275 | 102 | 377 | 270 | 102 | 372 | 285 | 102 | 387 | 5 | 275 | 92 | 367 | 275 | 92 | 367 | 5 | 200 | 92 | 292 | 260 | 92 | 352 | 100 | 92 | 192 |
| Wellman | 49 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Wellsburg | 49 | 5 | 295 | 172 | 467 | 285 | 172 | 457 | 275 | 172 | 447 | 270 | 172 | 442 | 285 | 172 | 457 | 5 | 275 | 155 | 430 | 275 | 155 | 430 | 14 | 200 | 114 | 314 | 255 | 114 | 369 | 100 | 114 | 214 |
| Wellston | 53 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 7 | 200 | 89 | 289 | 255 | 89 | 344 | 100 | 89 | 189 |
| Welton | 50 | 2 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 2 | 275 | 159 | 434 | 275 | 159 | 434 | 2 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Wesley | 47 | 15 | 375 | 156 | 531 | 365 | 156 | 521 | 355 | 156 | 511 | 345 | 156 | 501 | 285 | 156 | 441 | 15 | 325 | 141 | 466 | 325 | 141 | 466 | 15 | 215 | 141 | 356 | 275 | 141 | 416 | 115 | 141 | 256 |
| West Bend | 47 | 14 | 375 | 144 | 519 | 365 | 144 | 509 | 355 | 144 | 499 | 345 | 144 | 489 | 285 | 144 | 429 | 14 | 325 | 130 | 455 | 325 | 130 | 455 | 14 | 215 | 130 | 345 | 275 | 130 | 405 | 115 | 130 | 245 |
| West Branch | 50 | 7 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 7 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 121 | 321 | 255 | 121 | 376 | 100 | 121 | 221 |
| West Burlington | 53 | 5 | 295 | 144 | 439 | 285 | 144 | 429 | 275 | 144 | 419 | 270 | 144 | 414 | 285 | 144 | 429 | 5 | 275 | 130 | 405 | 275 | 130 | 405 | 7 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| West Charles City | 49 | 5 | 295 | 216 | 511 | 285 | 216 | 501 | 275 | 216 | 491 | 270 | 216 | 486 | 285 | 216 | 501 | 5 | 275 | 195 | 470 | 275 | 195 | 470 | 14 | 200 | 159 | 359 | 255 | 159 | 414 | 100 | 159 | 259 |
| Westchester | 53 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 2 | 200 | 89 | 289 | 255 | 89 | 344 | 100 | 89 | 189 |
| West Clinton | 51 | 7 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 7 | 275 | 146 | 421 | 275 | 146 | 421 | 7 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| West Des Moines | 63 | 12 | 353 | 62½ | 415 | 343 | 62½ | 405 | 333 | 62½ | 395 | 323 | 62½ | 385 | 298 | 62½ | 360 | 12 | 323 | 56½ | 379 | 323 | 56½ | 379 | 12 | 198 | 56½ | 254 | 258 | 56½ | 314 | 98 | 56½ | 154 |
| Westfield | 55 | 14 | 375 | 200 | 575 | 365 | 200 | 565 | 355 | 200 | 555 | 345 | 200 | 545 | 285 | 200 | 485 | 14 | 325 | 181 | 506 | 325 | 181 | 506 | 14 | 215 | 181 | 396 | 275 | 181 | 456 | 115 | 181 | 296 |
| West Fort Dodge | 47 | 15 | 375 | 106 | 481 | 365 | 106 | 471 | 355 | 106 | 461 | 345 | 106 | 451 | 285 | 106 | 391 | 15 | 325 | 96 | 421 | 325 | 96 | 421 | 15 | 215 | 96 | 311 | 275 | 96 | 371 | 115 | 96 | 211 |
| Westgate | 50 | 14 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 14 | 275 | 144 | 419 | 275 | 144 | 419 | 14 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| West Grove | 66 | 5 | 295 | 71 | 366 | 285 | 71 | 356 | 275 | 71 | 346 | 270 | 71 | 341 | 285 | 71 | 356 | 5 | 275 | 65 | 340 | 275 | 65 | 340 | 5 | 200 | 65 | 265 | 260 | 65 | 325 | 100 | 65 | 165 |
| West Keithsburg | 53 | 5 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 5 | 275 | 138 | 413 | 275 | 138 | 413 | 7 | 200 | 110 | 310 | 255 | 110 | 365 | 100 | 110 | 210 |
| West LeMars | 55 | 15 | 375 | 184 | 559 | 365 | 184 | 549 | 355 | 184 | 539 | 345 | 184 | 529 | 285 | 184 | 469 | 15 | 325 | 166 | 491 | 325 | 166 | 491 | 15 | 215 | 166 | 381 | 275 | 166 | 441 | 115 | 166 | 281 |
| West Liberty | 50 | 7 | 295 | 126 | 421 | 285 | 126 | 411 | 275 | 126 | 401 | 270 | 126 | 396 | 285 | 126 | 411 | 7 | 275 | 114 | 389 | 275 | 114 | 389 | 7 | 200 | 114 | 314 | 255 | 114 | 369 | 100 | 114 | 214 |
| Weston | 59 | 5 | 295 | 196 | 491 | 285 | 196 | 481 | 275 | 196 | 471 | 270 | 196 | 466 | 285 | 196 | 481 | 5 | 275 | 177 | 452 | 275 | 177 | 452 | 19 | 200 | 146 | 346 | 260 | 146 | 406 | 100 | 146 | 246 |
| West Point | 54 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 89 | 289 | 255 | 89 | 344 | 100 | 89 | 189 |
| West Side | 55 | 15 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 15 | 325 | 107 | 432 | 325 | 107 | 432 | 15 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| West Union | 50 | 14 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 14 | 275 | 152 | 427 | 275 | 152 | 427 | 14 | 200 | 152 | 352 | 255 | 152 | 407 | 100 | 152 | 252 |
| Westview | 47 | 14 | 375 | 122 | 497 | 365 | 122 | 487 | 355 | 122 | 477 | 345 | 122 | 467 | 285 | 122 | 407 | 14 | 325 | 110 | 435 | 325 | 110 | 435 | 14 | 215 | 110 | 325 | 275 | 110 | 385 | 115 | 110 | 225 |
| Wever | 54 | 5 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 5 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| What Cheer | 53 | 5 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 270 | 130 | 400 | 285 | 130 | 415 | 5 | 275 | 118 | 393 | 275 | 118 | 393 | 7 | 200 | 100 | 300 | 255 | 100 | 355 | 100 | 100 | 200 |
| Wheatland | 50 | 7 | 295 | 162 | 457 | 285 | 162 | 447 | 275 | 162 | 437 | 270 | 162 | 432 | 285 | 162 | 447 | 7 | 275 | 146 | 421 | 275 | 146 | 421 | 7 | 200 | 146 | 346 | 255 | 146 | 401 | 100 | 146 | 246 |
| Wheelerwood | 47 | 14 | 375 | 150 | 525 | 365 | 150 | 515 | 355 | 150 | 505 | 345 | 150 | 495 | 285 | 150 | 435 | 14 | 325 | 136 | 461 | 325 | 136 | 461 | 14 | 215 | 136 | 351 | 275 | 136 | 411 | 115 | 136 | 251 |
| White Cloud | 66 | 5 | 295 | 184 | 479 | 285 | 184 | 469 | 275 | 184 | 459 | 270 | 184 | 454 | 285 | 184 | 469 | 5 | 275 | 166 | 441 | 275 | 166 | 441 | 5 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Whiting | 57 | 5 | 295 | 220 | 515 | 285 | 220 | 505 | 275 | 220 | 495 | 270 | 220 | 490 | 285 | 220 | 505 | 5 | 275 | 199 | 474 | 275 | 199 | 474 | 19 | 200 | 166 | 366 | 260 | 166 | 426 | 100 | 166 | 266 |
| Whittemore | 47 | 15 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 15 | 325 | 146 | 471 | 325 | 146 | 471 | 15 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Whitten | 49 | 5 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 5 | 275 | 144 | 419 | 275 | 144 | 419 | 14 | 200 | 107 | 307 | 255 | 107 | 362 | 100 | 107 | 207 |
| Wick | 65 | 19 | 310 | 86 | 396 | 300 | 86 | 386 | 290 | 86 | 376 | 280 | 86 | 366 | 270 | 86 | 356 | 19 | 275 | 78 | 353 | 280 | 78 | 358 | 19 | 200 | 78 | 278 | 260 | 78 | 338 | 100 | 78 | 178 |
| Wieston | 47 | 15 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 15 | 325 | 103 | 428 | 325 | 103 | 428 | 15 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Wightman | 55 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Wilke | 47 | 14 | 375 | 118 | 493 | 365 | 118 | 483 | 355 | 118 | 473 | 345 | 118 | 463 | 285 | 118 | 403 | 14 | 325 | 107 | 432 | 325 | 107 | 432 | 14 | 215 | 107 | 322 | 275 | 107 | 382 | 115 | 107 | 222 |
| Williams | 47 | 14 | 375 | 114 | 489 | 365 | 114 | 479 | 355 | 114 | 469 | 345 | 114 | 459 | 285 | 114 | 399 | 14 | 325 | 103 | 428 | 325 | 103 | 428 | 14 | 215 | 103 | 318 | 275 | 103 | 378 | 115 | 103 | 218 |
| Williamsburg | 49 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 2 | 200 | 103 | 303 | 255 | 103 | 358 | 100 | 103 | 203 |
| Williamson | 65 | 24 | 310 | 66 | 376 | 300 | 66 | 366 | 290 | 66 | 356 | 280 | 66 | 346 | 270 | 66 | 336 | 24 | 275 | 60 | 335 | 280 | 60 | 340 | 24 | 200 | 60 | 260 | 260 | 60 | 320 | 100 | 60 | 160 |
| Willitt | 68 | 5 | 295 | 110 | 405 | 285 | 110 | 395 | 275 | 110 | 385 | 270 | 110 | 380 | 285 | 110 | 395 | 5 | 275 | 100 | 375 | 275 | 100 | 375 | 7 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Wilten | 50 | 7 | 295 | 138 | 433 | 285 | 138 | 423 | 275 | 138 | 413 | 270 | 138 | 408 | 285 | 138 | 423 | 7 | 275 | 125 | 400 | 275 | 125 | 400 | 7 | 200 | 125 | 325 | 255 | 125 | 380 | 100 | 125 | 225 |
| Winfield | 53 | 5 | 295 | 134 | 429 | 285 | 134 | 419 | 275 | 134 | 409 | 270 | 134 | 404 | 285 | 134 | 419 | 5 | 275 | 121 | 396 | 275 | 121 | 396 | 7 | 200 | 92 | 292 | 255 | 92 | 347 | 100 | 92 | 192 |
| Winkelmans | 55 | 15 | 375 | 86 | 461 | 365 | 86 | 451 | 355 | 86 | 441 | 345 | 86 | 431 | 285 | 86 | 371 | 15 | 325 | 78 | 403 | 325 | 78 | 403 | 15 | 215 | 78 | 293 | 275 | 78 | 353 | 115 | 78 | 193 |
| Winslow | 49 | 5 | 295 | 188 | 483 | 285 | 188 | 473 | 275 | 188 | 463 | 270 | 188 | 458 | 285 | 188 | 473 | 5 | 275 | 170 | 445 | 275 | 170 | 445 | 14 | 200 | 130 | 330 | 255 | 130 | 385 | 100 | 130 | 230 |
| Winterset | 59 | 5 | 295 | 153 | 448 | 285 | 153 | 438 | 275 | 153 | 428 | 270 | 153 | 423 | 285 | 153 | 438 | 5 | 275 | 138 | 413 | 275 | 138 | 413 | 19 | 200 | 92 | 292 | 260 | 92 | 352 | 100 | 92 | 192 |
| Winthrop | 50 | 14 | 295 | 159 | 454 | 285 | 159 | 444 | 275 | 159 | 434 | 270 | 159 | 429 | 285 | 159 | 444 | 14 | 275 | 144 | 419 | 275 | 144 | 419 | 14 | 200 | 144 | 344 | 255 | 144 | 399 | 100 | 144 | 244 |
| Wiota | 59 | 5 | 295 | 176 | 471 | 285 | 176 | 461 | 275 | 176 | 451 | 270 | 176 | 446 | 285 | 176 | 461 | 5 | 275 | 159 | 434 | 275 | 159 | 434 | 19 | 200 | 114 | 314 | 260 | 114 | 374 | 100 | 114 | 214 |
| Witmer | 50 | 7 | 295 | 150 | 445 | 285 | 150 | 435 | 275 | 150 | 425 | 270 | 150 | 420 | 285 | 150 | 435 | 7 | 275 | 136 | 411 | 275 | 136 | 411 | 7 | 200 | 136 | 336 | 255 | 136 | 391 | 100 | 136 | 236 |
| Woden | 47 | 14 | 375 | 162 | 537 | 365 | 162 | 527 | 355 | 162 | 517 | 345 | 162 | 507 | 285 | 162 | 447 | 14 | 325 | 146 | 471 | 325 | 146 | 471 | 14 | 215 | 146 | 361 | 275 | 146 | 421 | 115 | 146 | 261 |
| Wolf | 55 | 14 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 285 | 81 | 366 | 14 | 325 | 74 | 399 | 325 | 74 | 399 | 14 | 215 | 74 | 289 | 275 | 74 | 349 | 115 | 74 | 189 |
| Woodbine | 57 | 5 | 295 | 204 | 499 | 285 | 204 | 489 | 275 | 204 | 479 | 270 | 204 | 474 | 285 | 204 | 489 | 5 | 275 | 184 | 459 | 275 | 184 | 459 | 19 | 200 | 149 | 349 | 260 | 149 | 409 | 100 | 149 | 249 |
| Woodburn | 66 | 5 | 295 | 118 | 413 | 285 | 118 | 403 | 275 | 118 | 393 | 270 | 118 | 388 | 285 | 118 | 403 | 5 | 275 | 107 | 382 | 275 | 107 | 382 | 5 | 200 | 107 | 307 | 260 | 107 | 367 | 100 | 107 | 207 |
| Woodward | 55 | 15 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 285 | 66 | 351 | 15 | 325 | 60 | 385 | 325 | 60 | 385 | 15 | 215 | 60 | 275 | 275 | 60 | 335 | 115 | 60 | 175 |
| Woolson | 53 | 5 | 295 | 114 | 409 | 285 | 114 | 399 | 275 | 114 | 389 | 270 | 114 | 384 | 285 | 114 | 399 | 5 | 275 | 103 | 378 | 275 | 103 | 378 | 7 | 200 | 85 | 285 | 255 | 85 | 340 | 100 | 85 | 185 |
| Woolstock | 47 | 14 | 375 | 110 | 485 | 365 | 110 | 475 | 355 | 110 | 465 | 345 | 110 | 455 | 285 | 110 | 395 | 14 | 325 | 100 | 425 | 325 | 100 | 425 | 14 | 215 | 100 | 315 | 275 | 100 | 375 | 115 | 100 | 215 |
| Worthington | 50 | 2 | 295 | 168 | 463 | 285 | 168 | 453 | 275 | 168 | 443 | 270 | 168 | 438 | 285 | 168 | 453 | 2 | 275 | 152 | 427 | 275 | 152 | 427 | 2 | 200 | 152 | 352 | 255 | 152 | 407 | 100 | 152 | 252 |

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*—Continued

| Iowa destination | Market area | Mine origin group | 1 Chunks | | | 2 Standard lump | | | 3 Egg | | | 4 Small egg* | | | 5 M/R | | | 6 Nut | | | 7 Domestic stoker | | | 8 Screenings | | | 9 Industrial stoker | | | 10 Carbon | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price |
| Wright | 67 | 2 | 310 | 60 | 370 | 300 | 60 | 360 | 290 | 60 | 350 | 280 | 60 | 340 | 270 | 60 | 330 | 275 | 60 | 335 | 290 | 60 | 350 | 280 | 60 | 340 | 290 | 60 | 350 | 100 | | 100 |
| Wyman | 63 | 5 | 295 | 128 | 423 | 285 | 128 | 413 | 275 | 128 | 403 | 265 | 128 | 393 | 255 | 128 | 383 | 260 | 128 | 388 | 275 | 128 | 403 | 265 | 128 | 393 | 275 | 128 | 403 | 100 | | 100 |
| Wyoming | 58 | 2 | 256 | 198 | 454 | 246 | 198 | 444 | 236 | 198 | 434 | 226 | 198 | 424 | 216 | 198 | 414 | 221 | 198 | 419 | 236 | 198 | 434 | 226 | 198 | 424 | 236 | 198 | 434 | 100 | | 100 |
| Yale | 55 | 15 | 375 | 81 | 456 | 365 | 81 | 446 | 355 | 81 | 436 | 345 | 81 | 426 | 335 | 81 | 416 | 340 | 81 | 421 | 355 | 81 | 436 | 345 | 81 | 426 | 355 | 81 | 436 | 100 | | 100 |
| Yauklown | 60 | 12 | 349 | 66 | 415 | 339 | 66 | 405 | 329 | 66 | 395 | 319 | 66 | 385 | 309 | 66 | 375 | 324 | 66 | 390 | 329 | 66 | 395 | 319 | 66 | 385 | 329 | 66 | 395 | 100 | | 100 |
| Yarmouth | 53 | 5 | 293 | 147 | 440 | 283 | 147 | 430 | 273 | 147 | 420 | 263 | 147 | 410 | 253 | 147 | 400 | 268 | 147 | 415 | 273 | 147 | 420 | 263 | 147 | 410 | 273 | 147 | 420 | 100 | | 100 |
| Yetter | 55 | 14 | 373 | 118 | 491 | 363 | 118 | 481 | 353 | 118 | 471 | 343 | 118 | 461 | 333 | 118 | 451 | 348 | 118 | 466 | 353 | 118 | 471 | 343 | 118 | 461 | 353 | 118 | 471 | 100 | | 100 |
| Yorkshire | 57 | 7 | 293 | 144 | 437 | 283 | 144 | 427 | 273 | 144 | 417 | 263 | 144 | 407 | 253 | 144 | 397 | 268 | 144 | 412 | 273 | 144 | 417 | 263 | 144 | 407 | 273 | 144 | 417 | 100 | | 100 |
| Young | 56 | 7 | 295 | 130 | 425 | 285 | 130 | 415 | 275 | 130 | 405 | 265 | 130 | 395 | 255 | 130 | 385 | 270 | 130 | 400 | 275 | 130 | 405 | 265 | 130 | 395 | 275 | 130 | 405 | 100 | | 100 |
| Zachary's | 64 | 5 | 295 | 180 | 475 | 285 | 180 | 465 | 275 | 180 | 455 | 265 | 180 | 445 | 255 | 180 | 435 | 270 | 180 | 450 | 275 | 180 | 455 | 265 | 180 | 445 | 275 | 180 | 455 | 100 | | 100 |
| Zaneta | 49 | 5 | 355 | 94 | 449 | 345 | 94 | 439 | 335 | 94 | 429 | 325 | 94 | 419 | 315 | 94 | 409 | 330 | 94 | 424 | 335 | 94 | 429 | 325 | 94 | 419 | 335 | 94 | 429 | 100 | | 100 |
| Zearing | 47 | 14 | 375 | 66 | 441 | 365 | 66 | 431 | 355 | 66 | 421 | 345 | 66 | 411 | 335 | 66 | 401 | 350 | 66 | 416 | 355 | 66 | 421 | 345 | 66 | 411 | 355 | 66 | 421 | 100 | | 100 |
| Zumwalt | 53 | 14 | 373 | 66 | 439 | 363 | 66 | 429 | 353 | 66 | 419 | 343 | 66 | 409 | 333 | 66 | 399 | 348 | 66 | 414 | 353 | 66 | 419 | 343 | 66 | 409 | 353 | 66 | 419 | 100 | | 100 |

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*

| Site groups and designations | 1 Chunks | 2 Standard lump | 3 Egg | 4 Small egg | | 5 M/R | 6 Nut | 7 Domestic stoker | 8 Screenings | 9 Industrial stoker | 10 Carbon |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 4 x 2 | 3 x 1½ | | 2 x 1¼ (1¼x¾) | | | | |
| Kansas, Missouri, and Nebraska (except Omaha, Nebraska, North Dakota, South Dakota, and Minnesota). Prices applicable to any destination not specified in this price schedule. | 220<br>220 | 270<br>240 | 270<br>240 | 270<br>259 | 270<br>244 | 270<br>210 | 290<br>229 | 340<br>400 | 290<br>280 | 290<br>255 | 100<br>100 |
| Omaha, Nebraska | 275 | 275 | 275 | 265 | 265 | 275 | 265 | 385<br>405 | 275<br>275 | 265 | 100 |
| North Dakota, South Dakota, and Minnesota | 275 | 275 | 275 | 265 | 265 | 275 | 265 | 385<br>405 | 275<br>275 | 265 | 103 |

*Prices F. O. B. Mines, for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel; Subject to Price Instructions and Exceptions and Notes*

| Iowa destination | Market area | Mine origin group | 4" x 2" egg | | | 3" x 1½" egg | | | 2" x 1¼" nut | | | 1¼" x ¾" nut | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price | Mine price | Base rate | Del'd price |
| Council Bluffs[1] | 58 | 15 | 306 | 159 | 465 | 291 | 159 | 450 | 291 | 144 | 435 | 271 | 144 | 415 |
| Lenox[2] | 58 | 15 | 311 | 176 | 487 | 301 | 176 | 477 | 298 | 159 | 457 | 278 | 159 | 437 |
| Morningside[3] | 56 | 15 | 312 | 172 | 484 | 302 | 172 | 474 | 302 | 155 | 457 | 282 | 155 | 437 |
| Sioux City[4] | 56 | 14 | 311 | 176 | 487 | 301 | 176 | 477 | 298 | 159 | 457 | 278 | 159 | 437 |

[1] Council Bluffs—See foregoing table for prices for sizes of coal other than those shown above.
[2] Lenox—See foregoing table for prices for sizes of coal other than those shown above.
[3] Morningside—See foregoing table for prices for sizes of coal other than those shown above.
[4] Sioux City—See foregoing table for prices for sizes of coal other than those shown above.



*All Railroad Fuel Prices F. O. B. Mines in Cents per Net Ton of 2,000 Pounds*

| Railroads: Prices apply to all sizes | For all railroads not specifically shown herein | | | C. B. & Q. RR | | C. M. St. P. & P. RR | | C. R. I. & P. Ry. | M. & St. L. RR | C. G. W. RR | C. & N. W. Ry. | Wabash Ry. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 265 | 270 | 350 | 265 | 350 | 265 | 350 | 265 | 265 | 350 | 350 | 270 |
| MINE INDEX NUMBERS. | 3 40 | 31 | 7 | 10 | 36 | 18 | 11 | 3 | 33 | 44 | 7 | 31 |
| | 10 43 | 45 | 11 | [1] 17 | ---- | 26 | 52 | 13 | ---- | [2] 38 | ---- | 48 |
| | 13 45 | ---- | 36 | 21 | ---- | 50 | 54 | 23 | ---- | [2] 39 | ---- | ---- |
| | 17 50 | ---- | 38 | [1] 29 | ---- | ---- | 55 | 28 | ---- | ---- | ---- | ---- |
| | 18 51 | ---- | 39 | [1] 30 | ---- | ---- | 57 | 34 | ---- | ---- | ---- | ---- |
| | 21 59 | ---- | 44 | 37 | ---- | ---- | [3] 38 | 45 | ---- | ---- | ---- | ---- |
| | 23 62 | ---- | 52 | 40 | ---- | ---- | [3] 39 | ---- | ---- | ---- | ---- | ---- |
| | 26 63 | ---- | 54 | 43 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| | 28 64 | ---- | 55 | 51 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| | 29 ---- | ---- | 57 | 59 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| | 30 ---- | ---- | ---- | 62 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| | 33 ---- | ---- | ---- | [1] 63 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| | 34 ---- | ---- | ---- | [1] 64 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| | 37 ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |

[1] Mines (Index Numbers 17, 29, 30, 63 and 64) may absorb from the F. O. B. mine price shown for rail shipment to the C. B. & Q. RR an amount equal to but not in excess of the actual amount allowed for the originating service rendered by the I. S. U. Co.
[2] Mines (Index Numbers 38 and 39) may absorb from the F. O. B. mine prices shown for rail shipment to the C. M. St. P. & P. R. R. and the C. G. W. R. R. 35.5 cents per net ton.

## SCHEDULE OF PROPOSED COORDINATED MINIMUM PRICES FOR DISTRICT NO. 12

### TRUCK SHIPMENTS ONLY

### *Identification of Price Groups*

| Price group | Location | County |
|---|---|---|
| 11A | Albia | Monroe. |
| 7 | Birmingham | Jefferson-Vanburen. |
| 8 | Bonaparte | Van Buren. |
| 31 | Boone | Boone. |
| 33 | Carbon | Adams. |
| 2 | Centerville | Appanoose. |
| 34 | Clarinda-New Market | Page-Taylor. |
| 1 | Coal City | Appanoose. |
| 27 | Colfax | Jasper. |
| 15 | Columbia | Monroe-Lucas. |
| 4 | Confidence | Appanoose-Wayne. |
| 25 | Des Moines | Polk-Warren. |
| 6 | Eldon | Wapello-Davis. |
| 1A | Exline | Appanoose. |
| 29 | Fanslears | Guthrie. |
| 32 | Fort Dodge | Adams. |
| 22 | Given | Mahaska. |
| 19A | Harvey | Marion. |
| 10 | Kirkville | Wapello. |
| 19 | Knoxville | Marion. |
| 13 | Lakonta | Monroe-Mahaska. |
| 12 | Lockman | Monroe. |
| 14 | Lovilia | Monroe. |
| 18 | Marysville | Marion. |
| 26 | Moran-Madrid | Dallas-Boone-Polk. |
| 11 | Munterville | Wapello. |
| 3 | Mystic | Appanoose. |
| 17 | Melcher-Lacona | Warren-Marion. |
| 23 | Oskaloosa | Mahaska. |
| 20 | Otley | Marion-Jasper. |
| 9 | Ottumwa | Wapello. |
| 28 | Rippey | Greene-Dallas. |
| 21 | Runnells-Hartford | Marion-Polk. |
| 5 | Seymour-Plano | Appanoose. |
| 30 | South Boone | Boone. |
| 24 | What Cheer | Keokuk-Mahaska. |
| 16 | Williamson | Lucas. |

### PRICE INSTRUCTIONS AND EXCEPTIONS

Item No. 1. The Schedule of Prices shown herein applies f. o. b. transportation facilities at mines on all coal shipped by Code Members in the District shown on the title page hereof.

Item No. 2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

Item No. 3. All size designations herein are for round hole screens, or their equivalent. When other types of screens are used, the District Board shall determine the actual size designation of the coal so prepared, with the approval of the Coal Commission.

Item No. 4. All prices herein are *in cents* per net ton of 2,000 pounds.

Item No. 5. When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled, then such coal must be included in the next higher priced size group and priced accordingly.

Item No. 6. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in United States funds.

Item No. 7. When coal is subjected to any chemical, oil or waxing process or otherwise specially treated, an additional charge of not less than 10 cents per ton shall be made for each such treatment. When coal has been washed, a 20 cents per ton additional charge shall be made.

Item No. 9. (a) Coal trucked or hauled by a Code Member or his representative, to a railroad siding or ramp, and then shipped by Railroad or (b) Coal trucked or hauled by a Code Member to a purchaser having privately owned or leased railway facilities, shall be governed by the following additional instruction:

Such coal shall be sold at not less than the established minimum price at the point of delivery for all rail coal. (See Rail Price Schedule.)

Item No. 10. The f. o. b. Mine Prices provided in the Rail Mine Schedule do not reflect railroad switching charges. When such charges exist the f. o. b. Mine Price shall be increased by not less than the exact amount of the switching charge.

### SIZE SPECIFICATIONS

Size Group No. 1. *Chunk.* (All Lump above 2") Includes 2½", 3", 4", 5", and 6" Lump. (8" x 4") Includes all coal, the largest sizes of which are capable of passing through an 8" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 4" round hole screen or its equivalent. (6" x 4") Includes all coal, the largest sizes of which are capable of passing through a 6" round hole screen or its equivalent and from which has been removed only that portion capable of passing through a 4" round hole screen or its equivalent. (6" x 3") Includes all coal, the largest sizes of which are capable of passing through a 6" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 3" round hole screen or its equivalent.

Size Group No. 2. *Lump.* (2" and under) Includes ¾", 1", 1¼", 1½", 1⅝" and 2" lump.

Size Group No. 3. *Egg or range.* (8" x 2") Includes all coal, the largest sizes of which are capable of passing through an 8" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 2" round hole screen or its equivalent. (6" x 2") Includes all coal, the largest sizes of which are capable of passing through a 6" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 2" round hole screen or its equivalent.

Size Group No. 4. *Small egg.* (4" x 2") Includes all coal capable of passing through a 4" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 2" round hole screen or its equivalent. (3" x 1½") Includes all coal capable of passing through a 3" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 1½" round hole screen or its equivalent.

Size Group No. 5. *Mine-run.* Includes all coal as it comes from the mine, from which no portion thereof has been removed, and which has received no preparation or treatment.

Size Group No. 6. *Nut.* (2" x 1¼") Includes all coal capable of passing through a 2" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a 1¼" round hole screen or its equivalent. (1¼" x ¾") Includes all coal capable of passing through a 1¼" round hole screen or its equivalent, and from which has been removed only that portion capable of passing through a ¾" round hole screen or its equivalent.

Size Group No. 7. *Domestic stoker.* Includes all coal, either crushed or raw, the largest sizes of which are capable of passing through a 1¼" or smaller round hole screen or its equivalent, from which has been removed only that portion capable of passing through a $\frac{5}{16}$" round hole screen or its equivalent.

Size Group No. 8. *Screenings.* Includes all uncrushed, raw coal, the largest sizes of which are capable of passing through a 2" or smaller round hole screen or its equivalent, and from which no fines have been removed.

Size Group No. 9. *Crushed industrial*

*stoker*. Includes all coal, the resultant of crushing mine-run so that the largest sizes are capable of passing through a 2" round hole screen or its equivalent, and from which no fines have been removed.

Size Group No. 10. *Carbon*. (5/16" x 0). Includes all coal the largest sizes of which are capable of passing through a 5/16" round hole screen, or its equivalent, and from which no fines have been removed.

*Prices in Cents per Ton for Shipment Into All Market Areas*

| Code member index, name | Mine No. | Group No. | County | Chunk 1 | Standard lump 2 | Egg 8 x 2", 6 x 2" 3 | Small egg 4 x 2", 3 x 1½" 4 | Mine run 5 | Nut 2 x 1¼", 1¼ x ¾" 6 | Dom. stoker 1¼, 1 x 5/16" 7 | Scgs. 2", 1½", 1¼" x 0 8 | Ind. stoker Cr. 2", 1½", 1¼" x 0 9 | 5/16" x 0 10 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| A & M Coal Company | 0 | 11 | Wapello | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 185 | 245 | 100 |
| Acme Coal Co | 4 | 14 | Monroe | 290 | 280 | 270 | 260 | 270 | 270 | 270 | 160 | 220 | 100 |
| Acton, C. A. & Son Coal Co | 15 | 33 | Adams | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| Adelphi Coal Co | 13 | 21 | Polk | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 180 | 240 | 100 |
| Agan & Gillespie Coal Co | 4 | 15 | Lucas | 295 | 285 | 275 | 265 | 270 | 270 | 270 | 160 | 220 | 100 |
| Albia Coal Co | 22 | 11A | Monroe | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 180 | 240 | 100 |
| Anderson & Robinson Coal Co. | 6 | 17 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 165 | 225 | 100 |
| Andreoli Coal Co | 0 | 28 | Greene | 385 | 375 | 365 | 355 | 315 | 325 | 330 | 210 | 270 | 100 |
| Angus Coal Mng. Co | 3 | 28 | Greene | 385 | 375 | 365 | 355 | 315 | 325 | 330 | 210 | 270 | 100 |
| Angus Coal Mng. Co | 12 | 23 | Mahaska | 320 | 310 | 300 | 290 | 275 | 275 | 275 | 170 | 230 | 100 |
| Apex Coal Co | 68 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Arkoal Coal Co | 51 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Atlas Coal Co | 20 | 22 | Mahaska | 315 | 305 | 295 | 285 | 275 | 275 | 275 | 170 | 230 | 100 |
| Attica Coal Co | 0 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Ault, J. W. Coal Co | 2 | 6 | Davis | 295 | 285 | 275 | 265 | 270 | 270 | 270 | 180 | 240 | 100 |
| Avery Valley Coal Co | 0 | 11A | Monroe | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 180 | 240 | 100 |
| Avon Coal Co | 17 | 25 | Polk | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Ballatak & Kraber Coal Co. | 38 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Banner Coal Co | 7 | 26 | Warren | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Barr Coal Co | 4 | 7 | Van Buren | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 180 | 240 | 100 |
| Barron Coal Co | 0 | 27 | Jasper | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 190 | 250 | 100 |
| Battle Creek Coal Co | 22 | 3 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Bean Coal Co. (John) | 2 | 34 | Taylor | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 100 |
| Bean Coal Co. (Ed J.) | 1 | 34 | Page | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| Beard Coal Co | 53 | 19 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 170 | 230 | 100 |
| Beck Coal Co | 4 | 32 | Webster | 395 | 385 | 375 | 365 | 385 | 325 | 330 | 220 | 280 | 100 |
| Beck Coal & Mining Co | 2 | 25 | Polk | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Belzer, A. C. Coal Co | 29 | 22 | Mahaska | 315 | 305 | 295 | 285 | 275 | 275 | 275 | 170 | 230 | 100 |
| Bennett Coal Mine | 0 | 23 | Mahaska | 320 | 310 | 300 | 290 | 275 | 275 | 275 | 170 | 230 | 100 |
| Bidwell Fuel Co | 26 | 11 | Wapello | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 185 | 245 | 100 |
| Big Five Coal Co | 15 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Big Six Coal Co | 22 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Big Walnut Coal Co | 24 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Birkenbine, Ralph H. Coal Co. | 22 | 9 | Wapello | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 200 | 260 | 100 |
| Bishop Bros. Coal Co | 8 | 17 | Warren | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 165 | 225 | 100 |
| Black Diamond Coal Co. (W. J. Douglas). | 43 | 18 | Marion | 298 | 288 | 278 | 268 | 268 | 268 | 268 | 158 | 228 | 100 |
| Black Diamond Coal Co. (F. Brozovicni) | 14 | 5 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Blackstone Coal Co | 5 | 14 | Monroe | 290 | 280 | 270 | 260 | 270 | 270 | 270 | 160 | 220 | 100 |
| Blakesburg Deep Vein Coal Co | 0 | 11 | Wapello | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 185 | 245 | 100 |
| Blue Blazes Coal Co | 8 | 8 | Van Buren | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 180 | 240 | 100 |
| Blue Flame Coal Co | 61 | 4 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Blue Jacket Coal Co | 0 | 8 | Van Buren | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 180 | 240 | 100 |
| Bluff Creek Coal Co | 2 | 31 | Boone | 385 | 375 | 365 | 355 | 375 | 325 | 330 | 210 | 270 | 100 |
| Boham Coal Co | 9 | 33 | Adams | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| Bolen, Sam, Coal Co | 1 | 27 | Jasper | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 190 | 250 | 100 |
| Bonnett Coal Co | 2 | 7 | Jefferson | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 180 | 240 | 100 |
| Boone Coal Co., Inc | 11 | 31 | Boone | 385 | 375 | 365 | 355 | 375 | 325 | 330 | 210 | 270 | 100 |
| Boyles Coal Co. | 0 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Bradley Bros. Coal Co | 10 | 19 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 170 | 230 | 100 |
| Bradshaw, Dan | 70 | 1 | Appanoose | 261 | 251 | 241 | 231 | 251 | 241 | 251 | 191 | 251 | 100 |
| Briggs, Tom, Coal Co | 1 | 15 | Monroe | 295 | 285 | 275 | 265 | 270 | 270 | 270 | 160 | 220 | 100 |
| Bryant Coal Co | 45 | 19A | Marion | 305 | 295 | 285 | 275 | 270 | 270 | 270 | 260 | 220 | 100 |
| Burk Bros. Coal Co | 67 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |

*Prices in Cents per Ton for Shipment Into All Market Areas*—Continued

| Code member index, name | Mine No. | Group No. | County | Chunk 1 | Standard lump 2 | Egg 8 x 2", 6 x 2" 3 | Small egg 4 x 2", 3 x 1½" 4 | Mine run 5 | Nut 2 x 1¼", 1¼ x ¾" 6 | Dom. stoker 1¼, 1 x 5/16" 7 | Scgs. 2", 1½", 1¼" x 0 8 | Ind. stoker Cr. 2", 1½", 1¼" x 0 9 | 5/16" x 0 10 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Buttler Coal Co | 0 | 29 | Guthrie | 385 | 375 | 365 | 355 | 375 | 325 | 330 | 210 | 270 | 100 |
| Caldwell Coal Co | 58 | 1A | Appanoose | 275 | 265 | 255 | 245 | 265 | 255 | 265 | 200 | 265 | 100 |
| Campbell Coal Co | 26 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Campbell, Wm. Coal Co | 0 | 3 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Carbon Hill Coal Co | 7 | 23 | Mahaska | 320 | 310 | 300 | 290 | 275 | 275 | 275 | 170 | 230 | 100 |
| Carbon Mining Co | 6 | 25 | Polk | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Carter Coal Co | 18 | 3 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | [illegible] | 275 | 100 |
| Casady, A. L. Coal Co | 0 | 1A | Appanoose | 275 | 265 | 255 | 245 | 265 | 255 | 265 | 200 | 265 | 100 |
| Caswell Coal Co | 47 | 19 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 170 | 230 | 100 |
| Cedar Bluff Coal Co | 39 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Cedar Coal Co | 1 | 7 | Jefferson | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 180 | 240 | 100 |
| Cedar Creek Coal Co | 6 | 15 | Lucas | 295 | 285 | 275 | 265 | 270 | 270 | 270 | 160 | 220 | 100 |
| Center Coal Co | 14 | 11A | Monroe | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 180 | 240 | 100 |
| Centerville Coal Co | 46 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Central Service Co | 9 | 25 | Polk | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Chatterton Coal Co | 17 | 33 | Adams | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| City Fuel Co | 0 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Clarinda Coal Co | 3 | 34 | Page | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| Clarke Coal Co | 47 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Coal Valley Coal Co | 10 | 31 | Boone | 385 | 375 | 365 | 355 | 375 | 375 | 330 | 210 | 270 | 100 |
| Colfax Coal Co | 5 | 27 | Jasper | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 190 | 250 | 100 |
| Columbus Coal Co | 48 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Confidence Hi-Test | 0 | 4 | Wayne | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Connor-Smith Coal Co | 5 | 15 | Lucas | 295 | 285 | 275 | 265 | 270 | 270 | 270 | 160 | 220 | 100 |
| Consolidated Indiana Coal Co. | 7 | 16 | Lucas | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Conway Coal Co | 13 | 31 | Boone | 385 | 375 | 365 | 355 | 375 | 325 | 330 | 210 | 270 | 100 |
| Corby Coal Co | 67 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Covey & Chambers Coal Co. | 15 | 22 | Mahaska | 315 | 305 | 295 | 285 | 275 | 275 | 275 | 170 | 230 | 100 |
| Crescent Coal Co | 3 | 27 | Jasper | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 190 | 250 | 100 |
| Crouse, F. C. Coal Co | 6 | 32 | Webster | 395 | 385 | 375 | 365 | 385 | 325 | 330 | 220 | 280 | 100 |
| Crowe Coal Co | 5 | 10 | Wapello | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 185 | 245 | 100 |
| Crozier Coal Co | 10 | 5 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Cummings, L. R., Mine | 6 | 8 | Van Buren | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 180 | 240 | 100 |
| Dallas Coal Co | 54 | 17 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 165 | 225 | 100 |
| Dallas Fuel Co | 4 | 26 | Dallas | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Davidson Coal Co | 30 | 9 | Wapello | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 200 | 260 | 100 |
| Davis Coal Co | 8 | 15 | Lucas | 295 | 285 | 275 | 265 | 270 | 270 | 270 | 160 | 220 | 100 |
| Davis, Wm. Coal Co | 13 | 23 | Mahaska | 320 | 310 | 300 | 290 | 275 | 275 | 275 | 170 | 230 | 100 |
| DeFrehn & Son Coal Co | 0 | 23 | Mahaska | 320 | 310 | 300 | 290 | 275 | 275 | 275 | 170 | 230 | 100 |
| Dhone Coal Co | 8 | 33 | Adams | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| Diamond Block Coal Co | 1 | 20 | Marion | 320 | 310 | 300 | 290 | 280 | 280 | 280 | 170 | 230 | 100 |
| Dove Coal Co | 1 | 4 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Drake Coal Co | 7 | 33 | Adams | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| Eagle Coal Co | 7 | 9 | Wapello | 307 | 297 | 287 | 277 | 267 | 267 | 267 | 197 | 257 | 100 |
| Eagle Point Coal Co | 23 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Economy Coal Co. #3 | 5 | 25 | Polk | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Economy Coal Co. #4 | 8 | 27 | Jasper | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 190 | 250 | 100 |
| Edwards Bros. Coal Co | 8 | 23 | Mahaska | 320 | 310 | 300 | 290 | 275 | 275 | 275 | 170 | 230 | 100 |
| Edwards, Thomas H., Coal Co. | 5 | 23 | Mahaska | 320 | 310 | 300 | 290 | 275 | 275 | 275 | 170 | 230 | 100 |
| Eldon-Star Coal Co | 11 | 6 | Wapello | 295 | 285 | 275 | 265 | 270 | 270 | 270 | 180 | 240 | 100 |
| Ellis, A. M. Coal Co | 0 | 19 | Mahaska | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 170 | 230 | 100 |
| Ellis, Roy C. Mng. Co. No. 4. | 18 | 22 | Mahaska | 315 | 305 | 295 | 285 | 275 | 275 | 275 | 170 | 230 | 100 |
| Ellis, Roy C. Mng. Co. No. 3. | 22 | 22 | Mahasla | 315 | 305 | 295 | 285 | 275 | 275 | 275 | 170 | 230 | 100 |
| Empire Fuel Co | 43 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Enterprise Coal Co | 17 | 3 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Erin Coal Co., Inc | 72 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Evans Coal Co | 2 | 34 | Page | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| Evans, J. H. & Son Coal Co. | 14 | 10 | Wapello | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 185 | 245 | 100 |
| Ex-L Coal Co | 46 | 19 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 170 | 230 | 100 |
| Fessler Coal Company | 0 | 32 | Webster | 395 | 385 | 375 | 365 | 385 | 325 | 330 | 220 | 280 | 100 |
| Fairlawn Coal Co | 44 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Fenton Coal Co | 3 | 4 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Ford Coal Co | 65 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Frey Coal Co | 0 | 14 | Monroe | 290 | 280 | 270 | 260 | 270 | 270 | 270 | 160 | 220 | 100 |



*Prices in Cents per Ton for Shipment Into All Market Areas*—Continued

| Code member index, name | Mine No. | Group No. | County | Chunk 1 | Standard lump 2 | Egg 8 x 2", 6 x 2" 3 | Small egg 4 x 2", 3 x 1½" 4 | Mine run 5 | Nut 2 x 1¼", 1¼ x ¾" 6 | Dom. stoker 1¼, 1 x 5/16" 7 | Scgs. 2", 1½", 1¼" x 0 8 | Ind. stoker Cr. 2", 1½", 1¼" x 0 9 | 5/16" x 0 10 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Fuller Coal Co | 5 | 32 | Webster | 395 | 385 | 375 | 365 | 385 | 325 | 330 | 220 | 280 | 100 |
| Four Star Coal Co | 16 | 13 | Mahaska | 290 | 280 | 270 | 260 | 270 | 270 | 270 | 160 | 220 | 100 |
| Gardner Coal Co | 24 | 9 | Wapello | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 200 | 260 | 100 |
| Garfield Coal Co | 0 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Gebbie Coal Co | 3 | 33 | Adams | 358 | 348 | 348 | 348 | 348 | 338 | 338 | 248 | 338 | 150 |
| Gibb Coal Co | 23 | 11A | Monroe | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 180 | 240 | 100 |
| Glenn Coal Co | 3 | 10 | Wapello | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 185 | 245 | 100 |
| Globe Coal Co | 0 | 10 | Wapello | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 185 | 245 | 100 |
| Graham Coal Co | 9 | 12 | Monroe | 290 | 280 | 270 | 260 | 270 | 270 | 270 | 160 | 220 | 100 |
| Greene Co. Coal & Mining | 1 | 28 | Greene | 385 | 375 | 365 | 355 | 315 | 325 | 330 | 210 | 270 | 100 |
| Green Valley Coal Co | 0 | 14 | Marion | 290 | 280 | 270 | 260 | 270 | 270 | 270 | 160 | 220 | 100 |
| Griffiths & Courtney | 0 | 9 | Wapello | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 200 | 260 | 100 |
| Grove Coal Co | 12 | 31 | Boone | 385 | 375 | 365 | 355 | 375 | 325 | 330 | 210 | 270 | 100 |
| Grudgings & Sons Coal Co | 2 | 24 | Keokuk | 325 | 315 | [illegible] | 295 | 275 | 275 | 275 | 175 | 235 | 100 |
| Guinn Coal Co | 69 | 1 | Appanoose | 261 | 251 | 241 | 231 | 251 | 241 | 251 | 191 | 251 | 100 |
| Gross Mine (Robt. Willis) | 74 | 17 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 165 | 225 | 100 |
| Haines Coal Co | 12 | 6 | Wapello | 295 | 285 | 275 | 265 | 270 | 270 | 270 | 180 | 240 | 100 |
| Hamlin Bros | 5 | 8 | Van Buren | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 180 | 240 | 100 |
| Hawkeye Coal Co | 27 | 9 | Wapello | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 200 | 260 | 100 |
| Hayes, Chas. & Son Coal Co. | 13 | 19 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 170 | 230 | 100 |
| Hayes, Ed Coal Co | 2 | 19 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 170 | 230 | 100 |
| Heggen Coal Co | 10 | 21 | Warren | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 180 | 240 | 100 |
| Hegwood, Loren I | 0 | 16 | Lucas | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Hendrickson Coal Co. (Runnell C. Co.). | 0 | 21 | Polk | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 180 | 240 | 100 |
| Hendrickson Coal Co | 5 | 33 | Adams | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| Henton Coal Co | 1 | 33 | Adams | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| Henton, Dave C., Coal Co. | 2 | 33 | Adams | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| Hewitt Coal Co | 7 | 32 | Webster | 395 | 385 | 375 | 365 | 385 | 325 | 330 | 220 | 280 | 100 |
| Hidden Hollow Coal Co | 37 | 18 | Marion | 298 | 288 | 278 | 268 | 268 | 268 | 268 | 158 | 228 | 100 |
| Hillside Coal Co | 20 | 3 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Hilltop Coal Co. (Keeny, Albert). | 12 | 25 | Warren | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Hopkins Coal Co. No. 3 | 4 | 27 | Jasper | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 190 | 250 | 100 |
| Hopkins Coal Co. No. 4 | 0 | 27 | Jasper | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 190 | 250 | 100 |
| Houghton Coal Co | 63 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Howard Coal Co., No. 1 | 20 | 9 | Wapello | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 200 | 260 | 100 |
| Howard Coal Co., No. 2 | 16 | 10 | Wapello | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 185 | 245 | 100 |
| Hunter Coal Co., John D | 13 | 33 | Adams | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| Hy-Lo Coal Co | 34 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Hynick Coal Co | 32 | 22 | Mahaska | 312 | 302 | 292 | 282 | 272 | 272 | 272 | 167 | 227 | 100 |
| Ideal Coal Co | 18 | 10 | Wapello | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 185 | 245 | 100 |
| Independent Coal Co | 11 | 25 | Polk | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Indian Hollow Coal Co | 2 | 25 | Warren | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Incline Coal Co. (Winters, Earl P. & Harold Kelly). | 0 | 31 | Boone | 385 | 375 | 365 | 355 | 375 | 325 | 330 | 210 | 270 | 100 |
| Jackson, Earl H. Mine | 24 | 15 | Monroe | 295 | 285 | 275 | 265 | 270 | 270 | 270 | 160 | 220 | 100 |
| Johns Bros., Coal Co | 25 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Johns Coal Co | 9 | 11 | Wapello | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 185 | 245 | 100 |
| Jones, Paul F. Coal Co | 13 | 17 | Warren | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 165 | 225 | 100 |
| Joplin Coal Co | 12 | 21 | Polk | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 180 | 240 | 100 |
| Karpan Coal Co | 17 | 14 | Monroe | 290 | 280 | 270 | 260 | 270 | 270 | 270 | 160 | 220 | 100 |
| Karsten Bros. Coal Co | 2 | 24 | Mahaska | 325 | 315 | 305 | 295 | 275 | 275 | 275 | 175 | 235 | 100 |
| Kaster Bros. Coal Co | 60 | 3 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Kauzlarich Coal Co | 0 | 1A | Appanoose | 275 | 265 | 255 | 245 | 265 | 255 | 265 | 200 | 265 | 100 |
| Kauzlarich, Julius Coal Co. | 19 | 3 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| King Fuel Co | 3 | 7 | Van Buren | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 180 | 240 | 100 |
| Kring Coal Co | 16 | 25 | Polk | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Lee-Z Coal Co | 35 | 18 | Marion | 298 | 288 | 278 | 268 | 268 | 268 | 268 | 158 | 218 | 100 |
| Lambert, Ferdinand | 0 | 29 | Guthrie | 385 | 375 | 365 | 355 | 375 | 325 | 330 | 210 | 270 | 100 |
| Level Coal Co. #2 | 9 | 17 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 165 | 225 | 100 |
| Level Coal Co. #3 | 8 | 17 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 165 | 225 | 100 |
| Levey Coal Co | 10 | 25 | Polk | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Liberty Coal Co | 23 | 3 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Linker & Landrus Coal Co. | 16 | 33 | Adams | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| Liter Coal Co | 60 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Locust Grove Coal Co. No. 1. | 4 | 10 | Wapello | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 185 | 245 | 100 |

*Prices in Cents per Ton for Shipment Into All Market Areas*—Continued

| Code member index, name | Mine No. | Group No. | County | Chunk 1 | Standard lump 2 | Egg 8 x 2", 6 x 2" 3 | Small egg 4 x 2", 3 x 1½" 4 | Mine run 5 | Nut 2 x 1¼", 1¼ x ¾" 6 | Dom. stoker 1¼, 1 x 5/16" 7 | Scgs. 2", 1½", 1¼" x 0 8 | Ind. stoker Cr. 2", 1½", 1¼" x 0 9 | 5/16" x 0 10 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Locust Grove Coal Co. No. 2. | 0 | 11 | Wapello | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 185 | 245 | 100 |
| Locust Valley Coal Co | 6 | 5 | Wayne | 280 | 270 | 260 | 250 | 270 | 260 | 270 | 195 | 270 | 100 |
| London Coal Co | 1 | 32 | Webster | 395 | 385 | 375 | 365 | 385 | 325 | 330 | 220 | 280 | 100 |
| Long & Agan Coal Co | 50 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Long & Smith Coal Co | 17 | 17 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 165 | 225 | 100 |
| Long Coal Co | 25 | 9 | Wapello | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 200 | 260 | 100 |
| Losee & McCarty Coal Co. | 11 | 21 | Warren | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 180 | 240 | 100 |
| Lowden, F. O.-J. E. Gorman & Jos. B. Fleming, Trustees in Bankruptcy of estate of C. R. I. & P. Railway Company. | 7 | 16 | Lucas | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Lowe Coal Co | 28 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Lowe, E. F. Coal Co | 0 | 1A | Appanoose | 275 | 265 | 255 | 245 | 265 | 255 | 265 | 200 | 265 | 100 |
| Larson & Fry | 0 | 22 | | 315 | 305 | 295 | 285 | 275 | 275 | 275 | 170 | 230 | 100 |
| Long Branch Coal Co | 0 | 1A | Appanoose | 275 | 265 | 255 | 245 | 265 | 255 | 265 | 200 | 265 | 100 |
| McConville Coal Co. No. 1 | 42 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| McConville Coal Co. No. 2 | 31 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| McConville Coal Co. No. 3 | 34 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| McConville Coal Co | 0 | 20 | Marion | 320 | 310 | 300 | 290 | 280 | 280 | 280 | 170 | 230 | 100 |
| McElhenney Coal Co | 2 | 28 | Greene | 385 | 375 | 365 | 355 | 315 | 325 | 330 | 210 | 270 | 100 |
| McGruder, Worth Coal Co. | 49 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| McKenzie Coal Co | 70 | 18 | Marion | 298 | 288 | 278 | 268 | 268 | 268 | 268 | 158 | 218 | 100 |
| Maddalozza Coal Co | 5 | 3 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Mahalovich Coal Co | 71 | 1A | Appanoose | 275 | 265 | 255 | 245 | 265 | 255 | 265 | 200 | 265 | 100 |
| Mahaska Coal Co | 19 | 22 | Mahaska | 315 | 305 | 295 | 285 | 275 | 275 | 275 | 170 | 230 | 100 |
| Maple Coal Co | 19 | 12 | Monroe | 288 | 278 | 268 | 258 | 268 | 268 | 268 | 158 | 218 | 100 |
| Marshall Coal Co | 7 | 20 | Jasper | 320 | 310 | 300 | 290 | 280 | 280 | 280 | 170 | 230 | 100 |
| Martin Coal Co | 6 | 31 | Boone | 385 | 375 | 365 | 355 | 375 | 325 | 330 | 210 | 270 | 100 |
| Mid West Coal Co | 14 | 25 | Polk | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Miller Creek Coal Co | 8 | 12 | Monroe | 290 | 280 | 270 | 260 | 270 | 270 | 270 | 160 | 220 | 100 |
| Mitrison, Jno. Coal Co | 24 | 22 | Mahaska | 315 | 305 | 295 | 285 | 275 | 275 | 275 | 170 | 230 | 100 |
| Mitten Creek Coal Co | 15 | 11A | Monroe | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 180 | 240 | 100 |
| Monark Coal Co | 0 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Monich Bros. Coal Co | 33 | 22 | Mahaska | 315 | 305 | 295 | 285 | 275 | 275 | 275 | 170 | 240 | 100 |
| Monitor Coal Co | 62 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Monohon Coal Co | 23 | 9 | Wapello | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 200 | 260 | 100 |
| Monroe Block Coal Co | 45 | 20 | Marion | 320 | 310 | 300 | 290 | 280 | 280 | 280 | 170 | 230 | 100 |
| Montgomery Coal Co | 11 | 23 | Mahaska | 320 | 310 | 300 | 290 | 275 | 275 | 275 | 170 | 230 | 100 |
| Moore, W. H | 57 | 1A | Appanoose | 273 | 263 | 253 | 243 | 263 | 253 | 263 | 198 | 263 | 100 |
| Morgan Valley Coal Co | 44 | 21 | Marion | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 180 | 240 | 100 |
| Mulgrew & Sons Co | 70 | 20 | Marion | 320 | 310 | 300 | 290 | 280 | 280 | 280 | 170 | 230 | 100 |
| Mystic Coal Co | 21 | 3 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Mesecher Coal Co | 52 | 21 | Marion | 345 | 335 | 325 | 315 | 300 | 300 | 300 | 180 | 240 | 100 |
| National Coal Co | 69 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| National Coal Co., Inc | 27 | 23 | Mahaska | 320 | 310 | 300 | 290 | 275 | 275 | 275 | 170 | 230 | 100 |
| Nelson Coal Co. No. 2 | 12 | 19 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 170 | 230 | 100 |
| Nelson Coal Co. No. 1 | 11 | 19 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 170 | 230 | 100 |
| New Black Diamond Coal Co. | 11 | 11A | Monroe | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 180 | 240 | 100 |
| New Block Coal Co | 40 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| New Citizens Coal Co | 45 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| New Deal Coal Co | 51 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| New Everist Coal Co | 27 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| New Market Coal Co | 1 | 34 | Taylor | 360 | 350 | 350 | 350 | 350 | 340 | 340 | 250 | 340 | 150 |
| New Milford Coal Co. No. 1. | 7 | 31 | Boone | 385 | 375 | 365 | 355 | 375 | 325 | 330 | 210 | 270 | 100 |
| New Milford Coal Co. No. 2. | 8 | 31 | Boone | 385 | 375 | 365 | 355 | 375 | 325 | 330 | 210 | 270 | 100 |
| New Riverside Coal Co | 4 | 28 | Greene | 383 | 373 | 363 | 353 | 313 | 323 | 328 | 208 | 268 | 100 |
| New Rock Valley Coal Co | 50 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| New Star Coal Co. (Van Pugh). | 63 | 1A | Appanoose | 275 | 265 | 255 | 245 | 265 | 225 | 265 | 200 | 265 | 100 |
| New Star Coal Co. (McVey). | 27 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Noble Coal Co | 3 | 5 | Wayne | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| North Chariton Coal Co | 0 | 4 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Norwalk Coal Co | 5 | 25 | Warren | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |

*Prices in Cents per Ton for Shipment Into All Market Areas*—Continued

| Code member index, name | Mine No. | Group No. | County | Cbunk | Standard lump | Egg 8 x 2", 6 x 2" | Small egg 4 x 2", 3 x 1½" | Mine run | Nut 2 x 1¼, 1¼ x ¾" | Dom. stoker 1¼, 1 x ⅝" | Scrs. 2", 1¼", 1¼" x 0 | Ind. stoker Cr. 2", 1¼", 1¼" x 0 | ⅝" x 0 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| White Ash Cooperative | 12 | 11A | Monroe | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 180 | 240 | 100 |
| White Bros. Coal Co | 3 | 24 | Mahaska | 325 | 315 | 305 | 295 | 275 | 275 | 275 | 175 | 235 | 100 |
| White Coal Co. (J. C.) | 56 | 19 | Marion | 310 | 300 | 290 | 280 | 270 | 270 | 270 | 170 | 230 | 100 |
| White Coal Co. (Jordison) | 3 | 32 | Webster | 395 | 385 | 375 | 365 | 385 | 325 | 330 | 220 | 280 | 100 |
| White Eagle Coal Co | 40 | 18 | Marion | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 160 | 220 | 100 |
| Wignall Bros. Coal Co | 1 | 28 | Dallas | 385 | 375 | 365 | 355 | 315 | 325 | 330 | 210 | 270 | 100 |
| Willhour, A. L. Coal Co | 4 | 24 | Mahaska | 325 | 315 | 305 | 295 | 275 | 275 | 275 | 175 | 235 | 100 |
| Williams, Thad Coal Co | 9 | 30 | Boone | 380 | 370 | 360 | 350 | 370 | 325 | 330 | 210 | 270 | 100 |
| Wilson Bridge Coal Co | 19 | 31 | Boone | 385 | 375 | 365 | 355 | 375 | 325 | 330 | 210 | 270 | 100 |
| Wolf Creek Coal & Mug. Co. | 8 | 25 | Polk | 370 | 360 | 350 | 340 | 300 | 325 | 330 | 200 | 260 | 100 |
| Wymore Coal Co | 0 | 2 | Mahaska | 320 | 310 | 300 | 290 | 275 | 275 | 275 | 170 | 230 | 100 |
| White Swan Coal Co. (John A. Sulentich) | 0 | 11A | Monroe | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 180 | 240 | 100 |
| Young Coal Co. (Joe) | 25 | 11A | Monroe | 300 | 290 | 280 | 270 | 270 | 270 | 270 | 180 | 240 | 100 |
| Young Coal Co. (Martin Fenton) | 2 | 4 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |
| Zaputil Coal Co | 65 | 2 | Appanoose | 285 | 275 | 265 | 255 | 275 | 265 | 275 | 200 | 275 | 100 |

*The schedules of proposed coordinated minimum prices for the following districts will appear in the issue of the Federal Register for Saturday, July 15, 1939:*

*District No. 13 (all shipments except truck).*

*District No. 13 (truck shipments only, Van Buren, Warren and McMinn Counties, Tenn.).*

*District No. 14.*

*District No. 15 (all shipments except truck).*

*District No. 15 (truck shipments only).*

[F. R. Doc. 39-2454; Filed, July 10, 1939; 10:47 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Farm Security Administration.

### Designation of Counties for Tenant Purchase Loans

#### ALABAMA

JULY 12, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Alabama State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: all counties previously designated for the fiscal year ending June 30, 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2503; Filed, July 12, 1939; 12:10 p. m.]





### Designation of Counties for Tenant Purchase Loans

#### ARKANSAS

JULY 12, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Arkansas State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Chicot, Cleburne, Crawford, Dallas, Fulton, Jefferson, Johnson, Lawrence, Lonoke, Madison, Perry, Poinsett, Polk, Phillips, Prairie, Saline, Searcy, Sebastian, Sharp, Stone, and Van Buren.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2504; Filed July 12, 1939; 12:10 p. m.]

### Designation of Counties for Tenant Purchase Loans

#### FLORIDA

JULY 12, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Florida State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Holmes, Madison, Broward, Hillsborough, Santa Rosa, Sumter, and Alachua.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2505; Filed, July 12, 1939; 12:10 p. m.]

### Designation of Counties for Tenant Purchase Loans

#### GEORGIA

JULY 12, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Georgia State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Calhoun, Clay, Columbia, Dawson, Evans, Floyd, Forsyth, Haralson, Heard, Montgomery, Murray, McDuffie, Newton, Pulaski, Screven, Seminole, Spalding, Stephens, Tattnall, Thomas, Treutlen, Upson, Walton, and Whitfield.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2506; Filed, July 12, 1939; 12:10 p. m.]

### Designation of Counties for Tenant Purchase Loans

#### KENTUCKY

JULY 12, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Kentucky State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Adair, Allen, Bracken, Breckinridge, Caldwell, Carlisle, Casey, Clark, Crittenden, Franklin, Grant, Harrison, Hart, Henderson, Henry, Hopkins, Knox, Laurel, Lawrence,

Lincoln, Mason, McLean, Monroe, Nelson, Nicholas, Ohio, Todd, Washington, Whitely, and Wolfe.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2507; Filed, July 12, 1939; 12:10 p. m.]

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DESIGNATION OF PARISHES FOR TENANT PURCHASE LOANS

LOUISIANA

JULY 12, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Louisiana State Farm Security Advisory Committee, the following parishes are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those parishes which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional parishes: Allen, Assumption, Beauregard, Bionville, Caldwell, Calsieu, Cameron, Catahoula, Concordia, East Carroll, Iberville, Jackson, Jefferson, Lafourche, LaSalle, Madison, Plaquemines, Sabine, St. Charles, St. Helena, St. James, St. Mary, St. Tammany, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, and Winn.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2508; Filed, July 12, 1939; 12:11 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MISSISSIPPI

JULY 12, 1939.

Pursuant to the provisions of Tile I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Mississippi State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Adams, Carroll, Chickasaw, George, Hancock, Hinds, Issaquena, Jackson, Noxubee, Perry, Stone, Sunflower, Tippah, Tishomingo, Tunica, Wayne, and Yalobusha.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2509; Filed, July 12, 1939; 12:11 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

NEW MEXICO

JULY 12, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the New Mexico State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional county: Chaves.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2510; Filed, July 12, 1939; 12:11 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

NORTH CAROLINA

JULY 12, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the North Carolina State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Allendale, Beaufort, Berkeley, Dorchester, Georgetown, Jasper, Lexington, McCormick, and Union.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2512; Filed, July 12, 1939; 12:12 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

TENNESSEE

JULY 12, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Tennessee State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Benton, Bledsoe, Blount, Campbell, Cannon, Carter, Cheatham, Claiborne, Cocke, Coffee, Cumberland, Davidson, Decatur, DeKalb, Dickson, Grainger, Grundy, Hamblen, Hamilton, Hancock, Hardin, Hawkins, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Johnson, Knox, Lake, Lewis, Lincoln, Macon, Madison, Marion, Marshall, Maury, Meigs, Monroe, Moore, Morgan, McMinn, Obion, Overton, Perry, Pickett, Polk, Rhea, Roane, Scott, Sequatchie, Sevier, Smith, Steward, Sullivan, Sumner, Trousdale, Unicoi, Union, VanBurean, Wilson, White, and Crockett.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2513; Filed, July 12, 1939; 12:12 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

VIRGINIA

JULY 12, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Virginia State Farm Security Advisory Committee, the following countries are hereby designated as those in which loans, pursuant to said Titles, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Appamattox, Buckingham, Culpeper, Cumberland, Dinwiddie, Essex, Franklin, Frederick, Greyson, Henry, Madison, Montgomery, Nottoway, Prince Edward, Prince George, Richmond, Rockingham, Russell, Shenandoah, Smythe, Surry, Sussex, Westmoreland, Wise, and Wythe.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2514; Filed, July 12, 1939; 12:12 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

WEST VIRGINIA

JULY 12, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the West Virginia State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Barbour, Braxton, Greenbrier, Hampshire, Lewis, Mason, Preston, Randolph, and Tyler.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2515; Filed, July 12, 1939; 12:12 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

REGION XII, EXCLUSIVE OF NEW MEXICO

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Farm Security Advisory Committee for the states in Region XII other than New Mexico, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939;[1] and (2) the following additional counties:

[1] 3 F.R. 1738, 1761, 1957 DL



Colorado, Elbert.

Kansas, Finney, and Thomas.

Texas, Dawson, Lamb, Lipscomb, and Lynn.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2523; Filed, July 13, 1939; 11:03 a. m.]

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## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 23-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF CONDOR AIR LINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 11, 1939, 10 o'clock a. m. (Pacific Standard Time) at the Palace Hotel, San Francisco, Calif., before Examiner C. Edward Leasure.

Dated Washington, D. C., July 12, 1939.
By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2528; Filed, July 13, 1939; 12:31 p. m.]

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[Docket No. 24-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF WILMINGTON-CATALINA AIRLINES, LTD., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 14, 1939, 10 o'clock a. m. (Pacific Standard Time) at the Chamber of Commerce Building, Los Angeles, Calif., before Examiner C. Edward Leasure.

Dated Washington, D. C., July 12, 1939.
By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2529; Filed, July 13, 1939; 12:31 p. m.]

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[Docket No. 261]

IN THE MATTER OF THE PETITION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ROUTE NO. 11, UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938, TO INCLUDE RED BLUFF, CALIF., AS AN INTERMEDIATE POINT

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 7, 1939, 10 o'clock a. m. (Pacific Standard Time) at the Palace Hotel, San Francisco, Calif., before Examiner C. Edward Leasure.

Dated Washington, D. C., July 12, 1939.
By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2530; Filed, July 13, 1939; 12:31 p. m.]

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[Docket No. 262]

IN THE MATTER OF THE APPLICATION OF DAKOTA AIR TRANSPORT CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 2, 1939, 10 o'clock a. m. (Central Standard Time) at the United States Court Rooms, Bismarck, N. Dak., before Examiner C. Edward Leasure.

Dated Washington, D. C., July 12, 1939.
By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2531; Filed, July 13, 1939; 12:31 p. m.]

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[Docket No. 268]

IN THE MATTER OF THE PETITION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ROUTE NO. 11, UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938, TO INCLUDE STOCKTON, CALIF., AS AN INTERMEDIATE POINT

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 7, 1939, 10 o'clock a. m. (Pacific Standard Time) at the Palace Hotel, San Francisco, Calif., before Examiner C. Edward Leasure.

Dated Washington, D. C., July 12, 1939.
By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2532; Filed, July 13, 1939; 12:32 p. m.]

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## FEDERAL POWER COMMISSION.

[Docket No. IT 5558]

IN THE MATTER OF THE MARYLAND PUBLIC SERVICE COMPANY

NOTICE OF APPLICATION

JULY 12, 1939.

Notice is hereby given that on July 8, 1939, an application was filed with the

Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by The Maryland Public Service Company, a corporation organized under the laws of the State of Maryland and doing business in said State with its principal office in Frederick, Maryland, seeking an order authorizing the sale to Consolidated Gas Electric Light and Power Company of Baltimore, a corporation organized under the laws of the State of Maryland, of all its franchises and property excepting cash, accounts receivable and customers' contributions for extensions, not refundable, including all its electric operating facilities, consisting of approximately seven miles of electric line and appurtenances, supplying 145 customers; for a cash consideration of $14,675; as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the said application should, on or before the 27th day of July, 1939, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-2519; Filed, July 13, 1939; 9:17 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3622]

IN THE MATTER OF STEPHENSON LABORATORIES TRUST, A MASSACHUSETTS TRUST, ALSO TRADING AND DOING BUSINESS UNDER THE NAME OF STEPHENSON LABORATORY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Lewis C. Russell, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, July 20, 1939, at nine o'clock in the forenoon of that day (eastern standard time) in Court Room Number Four, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2521; Filed, July 13, 1939; 9:39 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3729]

IN THE MATTER OF UNITED DRUG COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Lewis C. Russell, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, July 18, 1939, at nine o'clock in the forenoon of that day (eastern standard time) in Court Room Number Four, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2522; Filed, July 13, 1939; 9:39 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 11th day of July 1939.

[File No. 1-1787]

IN THE MATTER OF THE MICHIGAN CENTRAL RAILROAD COMPANY CAPITAL STOCK, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Capital Stock, $100 Par Value, of The Michigan Central Railroad Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Tuesday, August 15, 1939, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2524; Filed, July 13, 1939; 11:05 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 12th day of July, A. D. 1939.

[File No. 46-70]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION LIMITED, ET AL.

ORDER RELATIVE TO AUTHORITY TO ACQUIRE BONDS OF UTILITIES ELKHORN COAL CO.

The Commission having by order on May 20, 1939 (Holding Company Act Release No. 1548), authorized the Utilities Power & Light Corporation, Limited, a wholly-owned subsidiary of Utilities Power & Light Corporation, a registered holding company (presently in reorganization proceedings under Section 77B of the Bankruptcy Act, proceedings in which are pending in the District Court of the United States for the Northern District of Illinois, Eastern Division) and the Trustee for the estate of the debtor as



intervening applicant, to acquire the outstanding Twenty Year 6% First Mortgage Sinking Fund Gold Bonds of Utilities Elkhorn Coal Company, due July 1, 1943, with January 1, 1938 and subsequent coupons attached, at a price of 70% of the principal amount thereof subject to certain terms and conditions therein set forth including the condition that the offer of purchase shall expire thirty days from the date of mailing of the literature in which the offer to purchase and the solicitation of acceptances thereto were made;

The applicant and the intervening applicant having on July 10, 1939 filed a further amendment in this matter setting forth that at the close of business July 7, 1939 the applicant had acquired, pursuant to solicitation submitted after authority given by this Commission and the United States District Court for the Northern District of Illinois, Eastern Division, $803,000 principal amount of said bonds; that a balance of $210,000 principal amount of said bonds remain outstanding in the hands of the public; that under the order of this Commission the right to solicit the purchase of these bonds terminates July 13, 1939; that the applicant and intervening applicant believe that after an additional thirty days time is granted to said applicant and intervening applicant for the purpose of soliciting the acceptance of the offer to purchase such bonds from the remaining bondholders, all or substantially all of said remaining bonds can be acquired; and therefore requesting that this Commission extend the applicant's right to solicit acceptances of its offer to purchase Elkhorn bonds at a price of 70% of the principal amount subject to all of the terms and conditions of the previous order of this Commission heretofore mentioned.

It appearing to the Commission that it is in the public interest and in the interest of investors or consumers to grant an extension of time during which the applicant and intervening applicant may purchase said bonds; and the Commission having in its order, heretofore mentioned, reserved jurisdiction for the purpose, among others, of passing upon any question that might arise in connection with the purchase offer and solicitations of acceptances thereto;

*It is ordered*, That the authority of the applicant to acquire the Twenty Year 6% First Mortgage Sinking Fund Gold Bonds of Utilities Elkhorn Coal Company, due July 1, 1948, with January 1, 1938, and subsequent coupons attached, shall not terminate on July 13, 1939, but that such authority shall be and it hereby is extended to August 12, 1939, inclusive, subject in all other respects to the same terms and conditions of the original order of May 20, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2525; Filed, July 13, 1939; 11:05 a. m.]

Reference JUL 17 1939

Reference

JUL 17 1939

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 135

*Washington, Saturday, July 15, 1939*

## *The President*

### EXECUTIVE ORDER

AUTHORIZING AND REQUESTING THE FEDERAL POWER COMMISSION TO PERFORM CERTAIN FUNCTIONS RELATING TO THE TRANSMISSION OF ELECTRIC ENERGY BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES AND TO THE EXPORTATION AND IMPORTATION OF NATURAL GAS FROM AND INTO THE UNITED STATES

By virtue of the authority vested in me as President of the United States, and as an aid in effectuating the provisions of the Federal Power Act, approved August 26, 1935 (49 Stat. 838), and the Natural Gas Act, approved June 21, 1938 (52 Stat. 821), I hereby authorize and request the Federal Power Commission (1) to receive all applications for permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the transmission of electric energy between the United States and foreign countries, and for the exportation and importation of natural gas to or from foreign countries, and (2), after obtaining the recommendations of the Secretary of State and the Secretary of War thereon, to submit each such application to the President with a recommendation as to whether the permit applied for should be granted, and if so, upon what terms and conditions.

The Federal Power Commission may prescribe such regulations not inconsistent herewith as it may deem necessary or desirable for carrying out the provisions of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 13, 1939.*

[No. 8202]

[F. R. Doc. 39-2568; Filed, July 14, 1939; 12:56 p. m.]

### EXECUTIVE ORDER

TRANSFER OF JURISDICTION OVER CERTAIN LANDS FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF WAR

WISCONSIN

WHEREAS certain lands within the hereinafter-described areas have been acquired, or are in process of acquisition, under the authority of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), in connection with the Camp McCoy, LO-WI 16, Land-Utilization and Land-Conservation Project of the Department of Agriculture, in Wisconsin; and

WHEREAS by Executive Order No. 7908, dated June 9, 1938,[1] all the right, title, and interest of the United States in such lands, acquired or in process of acquisition, was transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), and the related provisions of Title IV thereof; and immediately upon the acquisition of legal title to those lands now in process of acquisition the said order, by the terms thereof, will become applicable to all the additional right, title, and interest thereby acquired by the United States; and

WHEREAS it appears that the use of such lands as a military reservation would be in the public interest:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 32 of Title III of the said Bankhead-Jones Farm Tenant Act, and upon recommendation of the Secretary of Agriculture, it is ordered that all lands within the hereinafter-described areas acquired or in process of acquisition by the United States, together with the improvements thereon, be, and they are hereby, transferred from the Secretary of Agriculture to the Secretary of War for use as a military reservation:

[1] 3 F.R. 1389 DI.

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FEDERAL REGISTER

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*Provided, however*, that the Secretary of Agriculture shall retain such jurisdiction over the lands now in process of acquisition by the United States as may be necessary to enable him to complete their acquisition.

MONROE COUNTY, WISCONSIN

*Fourth Principal Meridian*

T. 17 N., R. 2 W.,
sec. 16, S½, and S½NW¼;
sec. 17, S½S½, S½SE¼NE¼, and N½NE¼SE¼;
sec. 18, S½S½;
sec. 19, NE¼, N½NW¼, and NW¼SE¼;
secs. 20 and 21, all;
sec. 28, NW¼NW¼;
sec. 29, N½NE¼, and NE¼NW¼.
T. 17 N., R. 3 W.,
sec. 3, NW¼;
sec. 8, SE¼;
sec. 9, all;
sec. 10, SW¼SW¼;
sec. 13, S½SE¼, SW¼, and W½NW¼;
secs. 14 to 16, inclusive;
sec. 17, SE¼;
sec. 20, E½, and E½W½;
sec. 21, all;
sec. 22, N½, and NW¼SW¼;
sec. 23, N½, and N½S½;
sec. 24, NW¼, NE¼SW¼, and N½NE¼;
sec. 28, all;
sec. 29, E½, and E½W½;
sec. 32, N½NE¼;
sec. 33, N½, and N½SE¼;
sec. 34, NW¼, N½SW¼, SE¼, SE¼NE¼, and W½NE¼.
T. 18 N., R. 3 W.,
sec. 26, N½SE¼, and SW¼;
sec. 27, SE¼;
sec. 34, NE¼NW¼, S½SW¼, and E½;
sec. 35, W½.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 13, 1939.*

[No. 8203]

[F. R. Doc. 39-2569; Filed, July 14, 1939; 12:56 p. m.]

## *Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1938-28]

1938 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 25

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1938 Agricultural Conservation Program Bulletin, as amended,[1] is hereby further amended as follows:

Paragraph 1 of Section V, A is amended to read as follows:

(1) *Cotton.* 5 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton acreage allotment: *Provided*, That in any county where producers were unofficially notified of the approximate tilled acreage percentages to be used in computing the cotton allotments both on the basis of administrative areas in the county and on a county-wide basis, but were not officially notified of the final and correct acreage allotment until after the planting season had ended, the deduction will be made only with respect to the acreage in excess of the larger of the allotments so determined.

Done at Washington, D. C. this 14th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary.*

[F. R. Doc. 39-2561; Filed, July 14, 1939; 11:21 a. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS

*Appointment of Second Lieutenants, Regular Army, in the Arms, Except the Air Corps and Corps of Engineers, From Groups 2 and 5*[2]

§ 73.101 *Announcement of examination.* Under the provisions of section 24e, National Defense Act, as amended by section 7, of the Act approved April 3, 1939, examinations of applicants for appointment as second lieutenants in the Infantry, Cavalry, Field Artillery, Coast Artillery Corps, and Signal Corps, in accordance with the provisions of A.R. 605-5, and special conditions hereinafter set forth, will be held provided that

[1] 4 F.R. 2135 DI.
[2] These regulations supplement Part 73, Title 10, Code of Federal Regulations.



funds are made available under War Department appropriations, as follows:

(a) Preliminary examinations will be completed not later than July 15, 1939.

(b) Final examinations will be completed September 2, 1939.

(c) Selected candidates will be commissioned about November 1, 1939. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 2, A.R. 605-8, May 29, 1939]

§ 73.102 *Grades and arms.* Insofar as this examination is concerned, the appointments to be made under this authority will be limited to the filling of twenty-nine vacancies in the Infantry, Cavalry, Field Artillery, Coast Artillery Corps, and Signal Corps, Regular Army, for the fiscal year 1940. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 3, A.R. 605-8, May 29, 1939]

§ 73.103 *General information relative to appointments.* The general plan to be followed in making appointments will be as prescribed in paragraph 4, A.R. 605-5, except as follows:

(a) Warrant officers and enlisted men who qualify will not be commissioned ahead of all other applicants examined at the same time but will be given the same consideration as other qualified applicants. All selections for appointment will be made as provided in section 73.12.

(b) The final examination consists of—

(1) A written examination in educational and military subjects, a moral and general fitness test, and a physical examination which will be the same for all arms.

(2) An additional written examination applicable to the arm for which the applicant is applying.

In some cases exemption from all, or a part, of the examination in educational subjects may be granted. No exemptions from military subjects will be granted. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 4, A.R. 605-8, May 29, 1939]

§ 73.104 *Eligibility for appointment.* (a) In addition to the requirements contained in section II, A.R. 605-5, candidates must be single and not previously married. Candidates who have taken two written examinations for appointment in the Regular Army are ineligible to compete in subsequent examinations.

(b) In order to be eligible for appointment in the Signal Corps a candidate must be—

(1) A graduate in electrical engineering of an educational institution which maintains a four-year course in that subject and confers a bachelor degree for the successful completion thereof, or

(2) A graduate, who has majored in physics or electrical subjects, of an educational institution which maintains a four-year course and which confers a bachelor degree based on the successful completion of the above-mentioned major subjects, or

(3) A member of the senior class of an institution described in subparagraphs (1) and (2) above, who will graduate prior to his actual appointment as second lieutenant and whose graduation will place him in one or both of the categories prescribed in subparagraphs (1) and (2) above. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 5, A.R. 605-8, May 29, 1939]

§ 73.105 *Applications.* Candidates will submit applications in accordance with section III, A. R. 605-5, not later than June 20, 1939. These applications will be accompanied by a recent photograph approximately 3 inches by 5 inches in size. Each applicant will be required to confine his preference to one of the arms in which appointments are to be made as a result of the examination, and will be examined for appointment only in the arm for which he expresses a preference. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 6, A.R. 605-8, May 29, 1939]

§ 73.106 *Preliminary examination.* This examination will be conducted in accordance with the provisions of section IV, A.R. 605-5, except the medical member, if there is one, will not be excused from further participation in the proceedings of the board until completion of the determination as to moral character and general fitness. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 7, A.R. 605-8, May 29, 1939]

§ 73.107 *Final examination.* This examination will be conducted in accordance with section V, A.R. 605-5, except as provided below:

(a) The examination for moral character and general fitness will be conducted by the entire board. The board will rate each candidate as indicated on the General Fitness Report which will be furnished to corps area commanders for distribution to the examining boards.

To qualify in the moral character and general fitness examination for appointment, candidates will be required to attain a rating of satisfactory in moral character and not less than 240 points in the general fitness test.

(b) *Mental examination.* (1) The mental examination is divided into part I, which consists of educational subjects, and part II, which consists of military subjects. Each candidate is required to qualify either by examination or by an approved exemption in six subjects of part I. Each candidate is required to qualify by examination in all subjects of part II. Examinations will be written, and the candidate will certify on each examination paper that he has received or given no unauthorized assistance during the examination. Questions will be prepared and marks awarded by the War Department. Examination in any subject will be taken simultaneously by all candidates before any board. Reexaminations will not be permitted.

(2) *Part I.* Part I of the mental examination is designed to determine whether or not those candidates who are not graduates from a recognized college or university possess the educational requirements of an officer of the Regular Army. To qualify mentally for appointment, all candidates who are required to undergo part I of the examination must attain a general average of 75 percent on the entire part and a grade of not less than 65 percent in each subject. The subjects are divided into three groups as follows:

(i) *Group A.*
English rhetoric, composition, and literature.
History of modern Europe or history of the United States (choice of one).
General mathematics.
(ii) *Group B.*
Calculus.
Physics.
Chemistry.
Electricity.
Surveying.
Civil engineering.
Mechanical engineering.
(iii) *Group C.*
French.
Spanish.
Economics.
Political science.

Examinations must be taken in six different subjects, to be selected in the following manner: Unless exempted, all of group A must be taken with the choice of history indicated in (i) above, and three examinations are to be selected from groups B and C, provided that one must be selected from group B, one from group C, and the third from either group B or C.

(3) *Part II*—(i) *General duties of board.* The examination in part I having been completed, the qualifications of the candidate for appointment in the arm of his choice will be determined. The final examining board will require the candidate to file suitable evidence of his qualifications, including certified reports from colleges, universities, schools, or from Reserve Officers' Training Corps units. The board will conduct the special examinations prescribed in this subparagraph.

(ii) *Evidence of qualifications.* Every candidate will be informed that from the evidence submitted by him as required by (i) above, the chief of an arm must determine whether or not the candidate is suitable for appointment in that arm. The burden of submitting satisfactory evidence rests upon the candidate. Reports covering education should show the date of graduation, the courses satisfactorily completed, class standing, and such other information as will express the estimate that proper school authorities have formed of the student and his work. Any special military or civil expe-

rience qualifying for any arm should be stated.

(iii) *Infantry, Cavalry, Field Artillery, Coast Artillery Corps, and Signal Corps.* Each candidate for appointment in these arms will be required to take an examination in each of the subjects listed below. These examinations will be based on the texts prescribed for the 10-series of the Army Extension Courses for the arms indicated above.

Organization of the Army.
Administration.
Military law—the law of military offenses.
Military discipline, courtesies, and customs of the service.
Interior guard duty.
Maps and serial photograph reading.
Military sanitation and first aid.
Organization of the arm in which the candidate is competing for appointment.

(iv) To qualify mentally for appointment, all candidates will be required to attain a grade of not less than 50 percent in every subject in which examined in part II of the examination.

(c) *Exemptions.* (1) An arbitrary grade of 80 percent will be awarded in any subject in which advantage of exemption is taken.

(2) *Part I.* All exemptions from a subject or subjects of part I which are approved by corps area commanders will be recognized by the final board. The following exemptions are authorized:

(i) *From all subjects of part I.* Graduates of or members of the senior class in good standing who will graduate during the current academic year from recognized colleges and universities. The exemptions will be granted only upon submission by the candidate of satisfactory evidence to substantiate the claim.

(ii) *From individual subjects.* Exemption in a subject will be granted to persons who are not college graduates but who have attended a recognized college or university, only on satisfactory evidence from school records submitted by the candidate, showing qualification under school requirements in the subjects of part I, from which exemptions are requested.

The burden of submitting satisfactory evidence to substantiate the fulfillment of the conditions in (i) and (ii) above rests upon the candidate and will be submitted by him to the examining board prior to or upon reporting for the preliminary examination. A certified transcript of graduation record and class standing will serve to support condition in (i) above.

(3) *Part II.* No exemptions will be granted. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 8, A.R. 605–8, May 29, 1939]

§ 73.108 *General scope of subjects of examination*—(a) *Part I*—(1) *English rhetoric, composition, and literature.* The examination will require a thorough knowledge of the basic rules of rhetoric and their application, a knowledge of the meaning of words, familiarity with the rules of composition showing the ability to write a clear and well-organized theme, and general knowledge of the principal periods of American and English literature, together with familiarity with the principal writers of each period and their important works. The scope of the examination will be that covered in rhetoric and composition by Wooley and Scott's "College Handbook," or equivalent, and in literature by Long's "English Literature" and Pancoast's "Introduction to American Literature," or equivalents.

(2) *History of modern Europe.* The examination will require a knowledge of facts of modern European history from the Reformation to the present day, and the ability to analyze and interpret outstanding trends and developments—political, social, and economic—in that period. The scope will be that covered by Hayes' "Political and Cultural History of Modern Europe," Vols. I and II, or equivalent.

(3) *History of the United States.* The examination will cover the political, economic, social, and military developments of the United States from 1492 to the present, as presented in Muzzey's "United States of America," Revised Edition, 1933, Vols. I and II, or equivalent.

(4) *General mathematics.* The examination will require a thorough knowledge of algebra as covered by W. L. Hart's "College Algebra" or equivalent, together with a working knowledge of the principles of geometry and trigonometry as covered by Phillipps and Fisher's "Elements of Geometry" and W. L. Hart's "Plane Trigonometry," or equivalents.

(5) *Calculus.* The examination will require a knowledge of calculus as covered by Woods and Bailey's "Elementary Calculus," or equivalent.

(6) *Physics.* The examination will require a knowledge of physics as covered by Duff's "College Physics," or equivalent.

(7) *Chemistry.* The scope of this examination will be that of a final examination in this subject given by recognized colleges and technical schools at the end of sophomore or junior years in the scientific courses. The scope will be as covered in Alexander Smith's "College Chemistry" (Kendall), or equivalent.

(8) *Electricity.* The scope of this examination will be that of a final examination in this subject given by recognized colleges and technical schools at the end of the sophomore or junior years in the scientific courses. The scope of the subject will be as covered by Chester L. Dawes' "Electrical Engineering", Vol. I (Direct Currents), and by the first and second chapters only of Chester L. Dawes' "Electrical Engineering", Vol. II (Single Phase Alternating Currents), or equivalents.

(9) *Surveying.* The examination will cover the principles of plane, geodetic, and aerial photographic surveying and their application, and will require a knowledge of the following:

(i) Instruments, their adjustments and uses.

(ii) Plane surveying to include methods of computing areas of limited boundaries and volumes of irregular shape, and topographic surveying mapping.

(iii) Geodetic surveying.

Field astronomy, method of determining time, latitude, longitude, and azimuth.

Triangulation, field work, computations and adjustments.

Trigonometric and precise spirit leveling.

Projection of maps, especially polyconic projection.

(iv) Aerial surveys.

The examination may include an application of the above knowledge to the solution of problems in which the required forms, formulas, and tables will be furnished the candidate for use during the solution of the problems. The extent of the knowledge required will conform to the contents of Davis, Foote and Rayner's "Surveying, Theory and Practice" (latest edition), or equivalent.

(10) *Civil engineering.* Theory and practice of engineering construction, including buildings, highways, retaining walls, dams, foundations, water-supply and sewerage systems and materials of construction (equivalent to that covered by Mitchell's "Civil Engineering," Baker's "Treatise on Masonry Construction" (tenth edition), Spofford's "Theory of Structures," Merriman's "Elements of Sanitary Engineering," and Johnson's "Materials of Construction").

(11) *Mechanical engineering.* This examination will require a knowledge of—

(i) Advanced mechanics, and
(ii) A knowledge of either—

Hydraulics, or

Thermodynamics, such as is required in the final examination in each subject as given by recognized colleges and technical schools at the end of the sophomore or junior years, in the scientific courses and as covered by recognized standard textbooks such as the following:

For advanced mechanics: Seely and Ensign's "Analytical Mechanics for Engineers," latest edition; Maurer and Roark's "Technical Mechanics," latest edition; Frank L. Brown's "Engineering Mechanics," latest edition.

For hydraulics: Russell's "Textbook on Hydraulics," latest edition; Daugherty's "Hydraulics," latest edition; Kind and Wisler's "Hydraulics," latest edition; Hughes and Safford's "Hydraulics," latest edition; Schoder and Dawson's "Hydraulics," latest edition.



For thermodynamics: Meyer, Calderwood and Potter's "Elements of Engineering Thermodynamics," latest edition; William D. Ennis' "Thermodynamics Abridged," latest edition; V. W. and G. A. Young's "Elementary Engineering Thermodynamics," latest edition.

(12) *French.* The examination will require a knowledge of vocabulary, verb, grammar, composition, and idiomatic expression as covered in Morrison and Gauthier's "A French Grammar" and Martin and Russell's "At West Point" or any other recognized textbooks of similar scope of the grammar and composition of the French language.

(13) *Spanish.* The examination will require a knowledge of vocabulary, verb, grammar, composition, and idiomatic expression as covered in Torres' "Essentials of Spanish" and Seymour and Carnahan's "Short Spanish Review Grammar" or any other recognized textbooks of similar scope on the grammar and composition of the Spanish language.

(14) *Economics.* The scope of this examination will be equivalent to that given as a final examination in recognized colleges at the end of a year's course in elementary economics, including—

(i) The economic organization of modern society, with special reference to the United States.

(ii) A consideration of the part which money and credit play in the operation of this organization. Textbooks: Fairchild, Furniss, and Buck's "Elementary Economics," or equivalent.

(15) *Political science.* The scope of this examination will cover a survey of—

(i) Political forms from the prehistoric era to the present.

(ii) Political systems extant today.

(iii) An analysis of the organization and operation of Government in the United States. The scope will be that covered by Maxey's "The American Problem of Government," or equivalent.

(b) *Part II.* Subjects for candidates for appointment in the Infantry, Cavalry, Field Artillery, Coast Artillery Corps, and Signal Corps are as follows:

(1) *Organization of the Army.* The scope of the examination will be similar to that covered in Subcourse 10–1 (Common Subcourse No. 17) (Text 627). It includes general information about the composition of the Army of the United States and its territorial organization in peace and war; the general features of division, corps, and field army organization; a general picture of the military system of command and staff.

(2) *Administration.* The scope of the examination will be similar to that covered in Subcourse 10–3 (Common Subcourse No. 1) (Text 401). It includes company administration to include military correspondence; penalty envelopes and labels; use of the mails; and daily company reports.

(3) *Military law—The law of military offenses.* The scope of the examination will be similar to that covered in Subcourse 10–4 (Common Subcourse No. 14) (Texts 371 and 421). It includes the elementary principles of criminal law with particular reference to the crimes and offenses denounced by the punitive Articles of War.

(4) *Military discipline, courtesies, and customs of the service.* The scope of the examination will be similar to that covered in Subcourse 10–5 (Common Subcourse No. 12) (Texts 127 and 418). It includes the essentials of military discipline, courtesies, and customs of the service.

(5) *Interior guard duty.* The scope of the examination will be similar to that covered in Subcourse 10–6 (Common Subcourse No. 10) (Text 423). It includes the duties of officers in the conduct of an interior guard.

(6) *Map and aerial photograph reading.* The scope of the examination will be similar to that covered in Subcourse 10–7 (Common Subcourse No. 11) (Texts 206, 919, 978, 985, and 1011). It includes, in map reading, orientation; direction; distances, vertical and horizontal; slope; visibility; conventional signs; and coordinates of maps; and in aerial photograph reading, elementary interpretation; orientation; scales, distances; and the appearance of natural and artificial features in aerial photographs.

(7) *Military sanitation and first aid.* The scope of the examination will be similar to that covered in Subcourse 10–8 (Common Subcourse No. 15) (Text 419). It includes elementary sanitation with special reference to the protection and maintenance of the health and physical efficiency of personnel; and first-aid procedure.

(8) Organization of the arm in which the candidate is competing for examination as follows:

(i) *Infantry.* The scope of the examination will be similar to that covered in Subcourse 10–2 (Text 405) which includes a general knowledge of the organization of the Army, together with a detailed outline of the organization and equipment of infantry units.

(ii) *Cavalry.* The scope of the examination will be similar to that covered in Subcourse 10–2 (Text 859a), which includes the organization of cavalry units, beginning with the squad, to include a brief study of the organization of the cavalry regiment, both horse and mechanized.

(iii) *Field Artillery.* The scope of the examination will be similar to that covered in Subcourse 10–2 (Texts 745a and 745b), which includes a general outline of the higher echelons of field artillery; a detailed treatment of the organization of field artillery within the regiment; characteristics of field artillery weapons.

(iv) *Coast Artillery Corps.* The scope of the examination will be similar to that covered in Subcourse 10–2 (Text 429), which includes general artillery organization and organization of elements and units manned and serviced by coast artillery troops.

(v) *Signal Corps.* The scope of the examination will be similar to that covered in Subcourse 10–2 (Text 564), which includes the knowledge of Signal Corps units considered essential for junior officers of the Signal Corps; the organization and mission of the infantry division signal company and cavalry division signal troop. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 9, A.R. 605–8, May 29, 1939, as amended by C 1, June 14, 1939]

§ 73.109 *Selection, order of merit, and assignment of appointees*—(a) *Notification of acceptance or rejection.* Examination papers will be marked as indicated in sections 73.110 and 73.111. Appointees will be selected by the War Department. This work will be expedited as much as circumstances permit, and candidates will be notified, as early as practicable, of their acceptance or rejection. Prior to such notification, no information will be given concerning candidates under consideration.

(b) *Qualifying marks required on final examinations.* As prescribed in paragraphs (a), (b) (2) and (3) (iv), section 73.107. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 10, A.R. 605–8, May 29, 1939]

§ 73.110 *Preparation of final examinations, and correction of examination papers.* Final examinations will be prepared and examination papers will be corrected as follows:

(a) *Part I.* Under direction of the Superintendent, United States Military Academy.

(b) *Part II.*

| *Subject* | *Under direction of* |
|---|---|
| Organization of the Army | Command and General Staff School |
| Administration | The Adjutant General |
| Military law | The Judge Advocate General |
| Military discipline, courtesies, and customs of the service | Chief of Cavalry |
| Interior guard duty | Chief of Infantry |
| Map and aerial photograph reading | Chief of Engineers |
| Military sanitation and first aid | The Surgeon General |
| Organization of the Infantry | Chief of Infantry |
| Organization of the Cavalry | Chief of Cavalry |
| Organization of the Field Artillery | Chief of Field Artillery |
| Organization of the Coast Artillery Corps | Chief of Coast Artillery Corps |
| Signal Corps organization | Chief Signal Officer. |

(c) *Physical examination.* Physical examination report will be reviewed by The Surgeon General and recommendation will be made by him in each case as to physical eligibility of candidates. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 11, A.R. 605–8, May 29, 1939]

§ 73.111 *Weights of parts of examination.* (a) Part I will be given no weight other than to determine whether the candidate has or has not the general education required of an officer in the Regular Army.

(b) The number of points, in weight, allotted to each subject in part II will be as follows for candidates for appointment in the Infantry, Cavalry, Field Artillery, Coast Artillery Corps, and Signal Corps:

| *Subject* | *Weight* |
|---|---|
| Organization of the Army | 100 |
| Administration | 100 |
| Military law | 100 |
| Military discipline, courtesies, and customs of the service | 100 |
| Interior guard duty | 100 |
| Map and aerial photograph reading | 100 |
| Military sanitation and first aid | 100 |
| Organization of the Infantry<br>Organization of the Cavalry<br>Organization of the Field Artillery<br>Organization of the Coast Artillery Corps<br>Signal Corps organization | 100 |
| Total | 800 |

(c) The number of points, in weight, allotted to each subject in the moral character and general fitness test will be as follows:

(1) *Moral character test.* The moral character test will be given no weight other than to determine whether the candidate is qualified or disqualified morally for appointment in the Regular Army.

(2) *General fitness test.*

| *Subject* | *Weight* |
|---|---|
| Personality | 60 |
| Personal appearance | 30 |
| Demeanor | 10 |
| Voice | 10 |
| Bearing | 10 |
| Neatness | 10 |
| Civil experience | 20 |
| Mental alertness | 60 |
| Energy | 10 |
| Self confidence | 10 |
| Dependability | 20 |
| Tact | 10 |
| Force | 30 |
| Leadership | 60 |
| Cooperation | 20 |
| Knowledge of current problems in United States and abroad | 30 |
| Total | 400 |
| Unfavorable physical or mental traits in addition to those indicated above which, in the opinion of the board, would detract from the value of the candidate to the arm of the military service in which he seeks appointment—maximum deduction permitted by board | 100 |

(Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 12, A.R. 605–8, May 29, 1939]

§ 73.112 *Determination of successful candidates.* Selection of the successful candidates for appointment from among those eligible and qualified morally and physically for appointment will be determined as follows:

(a) The final grade (figure of merit) of each candidate will be determined by adding the grade attained on part II of the mental examination to the grade attained on the general fitness test.

(b) Candidates will be selected for appointment in each arm in which appointments are to be made, in accordance with quotas established by the Secretary of War and in the relative order of their final grades, determined as indicated in paragraph (a) above, beginning with the highest in each arm. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 13, A.R. 605–8, May 29, 1939]

§ 73.113 *Recommendations of chiefs of arms.* The complete examination report on each candidate will, after marks have been awarded, be referred to the chief of arm in which the candidate has expressed a choice for appointment. Each such chief will convene a board to consider the complete examination report and any War Department records of the candidate. Based upon such consideration, the chief of the arm will either approve or disapprove appointment in his arm. In case of disapproval, reasons fully establishing the propriety thereof will be stated by the disapproving office. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 14, A.R. 605–8, May 29, 1939]

§ 73.114 *Selection board.* (a) There will be appointed by War Department confidential orders a selection board to consist of one officer of the Adjutant General's Department and two other officers to be drawn by lot from among the arms, other than the Air Corps and Corps of Engineers.

(b) There will be transmitted to this board—

(1) Original application of candidate.

(2) Reports of preliminary and final examining boards, including—

(i) Evidence of exemption from part I, if candidate has been exempted.

(ii) Reports of physical examination.

(3) Marked examination papers.

(4) Recommendation of The Surgeon General as to physical qualification of candidates.

(5) Reports on moral and general fitness tests as provided for elsewhere.

(6) Recommendations of chiefs of arms concerned.

(c) The board will select the successful candidates in accordance with the provisions of these regulations and will forward its report in quadruplicate to the War Department. The report will include the lists provided for in section 73.115. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 15, A.R. 605–8, May 29, 1939]

§ 73.115 *Lists of selected and rejected candidates; order on promotion list.* (a) Selections having been completed, the selection board will prepare lists of selected and rejected candidates as follows:

(1) Selected candidates by arm in order of relative merit based on general fitness rating and standing on part II of the final examination.

(2) Rejected candidates in the various categories grouped as to cause for rejection.

(3) List of candidates who, while otherwise qualified, must be rejected because of lack of vacancies for appointment. This list will group the individuals by arm and service, showing for each candidate his relative position in accordance with his figure of merit.

(b) In the case of each rejected candidate, the specific reason for rejection will be stated.

(c) Appointees will be placed on the promotion list in order of merit based on general fitness rating and standing on part II of the final examination. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of April 3, 1939) [Par. 16, AR 605–8, May 29, 1939]

§ 73.116 *Appointment; notification of rejection.* When the selecting board has completed its duties, appointments will be tendered and rejected applicants will be notified of rejection. Appointees will be given a reasonable time to accept appointments. (Sec. 24e, 41 Stat. 774; as amended by sec. 7, Act of Apr. 3, 1939) [Par. 17, A.R. 605–8, May 29, 1939]

[SEAL] E. S. ADAMS,
*Major General*
*The Adjutant General.*

[F. R. Doc. 39–2546; Filed, July 14, 1939; 9:31 a. m.]

## TITLE 18—CONSERVATION OF POWER

### FEDERAL POWER COMMISSION

[Order No. 42–A]

PRESCRIBING ACCOUNTING WITH RESPECT TO ELECTRIC PLANT ACQUISITION ADJUSTMENTS ACCOUNTS

JULY 11, 1939.

Commissioners: Clyde L. Seavey, Chairman; Basil Manly, Leland Olds, John W. Scott. Claude L. Draper, not participating.

The Commission, having under consideration the matter of uniform systems of accounts, particularly the text of the account entitled "Electric Plant Acquisition Adjustments" of the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees by orders of the Commission adopted June 16, 1936 and December 31, 1936; and

It appearing to the Commission that:

(a) Electric Plant Accounts Instruction 2–A of the said Uniform System of Accounts provides that each utility[1] shall classify its electric plant in accordance with the Electric Plant Accounts as prescribed in said Uniform System of Accounts;

(b) Instruction 2–C of said Electric Plant Accounts provides that the detailed Electric Plant Accounts of each utility shall be stated on the basis of cost to the utility of electric plant constructed by it and on the basis of original cost, estimated if not known, of electric plant acquired by it as an operating unit or system; and further, that the difference between the original cost as above, and the cost to the utility of electric plant includible in Accounts 100.1 to 100.4, inclusive, for Class A and B Utilities (or Accounts 1100.1 and 1100.3 for Class C Utilities and Accounts 2100.1 and 2100.3 for Class D Utilities), after giving effect to any depreciation or amortization recorded by the accounting utility at the time of acquisition, shall be recorded in Electric Plant Acquisition Adjustments Account;

(c) Subdivision C of Electric Plant Acquisition Adjustments Account provides as follows:

The amounts recorded in this account with respect to each property acquisition shall be depreciated, amortized, or otherwise disposed of, as the Commission may approve or direct.

The Commission finds that:

(1) Studies of original cost, as provided for in paragraph (a) above, are being completed by utilities and amounts entered in the appropriate primary Electric Plant Accounts in accordance with Instruction 2–C above referred to, or will be so entered in said accounts in the near future;

(2) It is appropriate to consider the matter of disposition of such amounts as may be lodged in said Electric Plant Acquisition Adjustments Accounts; and

The Commission orders that:

(A) Debit amounts in an Electric Plant Acquisition Adjustments Account may be charged to Earned Surplus in whole or in part, or may be amortized over a reasonable period by charges to Miscellaneous Amortization without further order of the Commission;

(B) Should a utility desire to account for debit amounts in an Electric Plant Acquisition Adjustments Account in any manner different from that indicated in (A) above, it shall petition the Commission for authority to do so;

[1] The term "utility" as used herein means any public utility or licensee to which the Commission's Uniform System of Accounts is applicable.



(C) Debit balances shall not be determined by application of credit amounts thereto;

(D) Credit amounts in an Electric Plant Acquisition Adjustments Account shall be accounted for as directed by the Commission;

(E) Where a utility subject to both Federal and State regulations, petitions the Commission in accordance with paragraph (B) above, the cooperative procedure heretofore adopted between Federal and State Commission shall be invoked;

(F) Disposition of amounts in Electric Plant Acquisition Adjustments Accounts, as above directed, is for accounting purposes only and such disposition shall not be construed as determining or controlling the consideration to be accorded these items in rate or other proceedings, nor shall anything contained herein prevent the Commission from subsequently ordering the amounts to be charged directly to surplus or from modifying the adopted amortization period.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39–2548; Filed, July 14, 1939; 9:31 a. m.]

## TITLE 24—HOUSING CREDIT

### FEDERAL HOME LOAN BANK BOARD

AMENDMENT TO RULES AND REGULATIONS FOR THE FEDERAL SAVINGS AND LOAN SYSTEM

PROVIDING A METHOD FOR CREDITING VOLUNTARY RETIREMENTS OF INVESTMENTS IN FEDERAL SAVINGS AND LOAN ASSOCIATIONS BY THE SECRETARY OF THE TREASURY AND HOME OWNERS' LOAN CORPORATION.

*Be it resolved,* That subsection (d) of Section 203.8 of the Rules and Regulations for the Federal Savings and Loan System is amended, effective July 14, 1939, to read as follows:

"(d) *Retirement of investments by the Secretary of the Treasury or Home Owners' Loan Corporation.* Retirement of investments by the Secretary of the Treasury or by Home Owners' Loan Corporation in Federal associations may be effected in accordance with procedure and using forms approved by the Board, which procedure and forms may be obtained from the Federal home loan bank of which the Federal association is a member. No request for the privilege of retiring investments by the Secretary of the Treasury will be approved by the Board unless such request is received by the Board at its office in Washington, D. C. within 30 days subsequent to the last preceding dividend date, accompanied by a check, postal money order, or bank draft in the amount of the investment sought to be retired, together with any dividends declared but unpaid, on such investment to the last preceding dividend date. Any Federal association may request from time to time the voluntary repurchase of investments by the Secretary of the Treasury and by Home Owners' Loan Corporation in the same order as applications for repurchase of such investments may be made by the Secretary of the Treasury and Home Owners' Loan Corporation under subsection (j) of Section 5 and subsection (n) of Section 4 of Home Owners' Loan Act of 1933, as amended, so that all such voluntary repurchases shall be in direct anticipation of applications for repurchase which the Secretary of the Treasury or Home Owners' Loan Corporation is permitted by law to make."

(Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132, Sec. 5 (j) of H.O.L.A. of 1933, as added by Sec. 5, 48 Stat. 645, Sec. 4 (n) of H.O.L.A. of 1933, as added by Sec. 17 (a), 49 Stat. 297; 12 U.S.C. 1464 (a), (j), 12 U.S.C., Sup., 1463 (n)).

*Be it further resolved,* That this amendment is deemed to be of a procedural character within the provisions of subsection (c) of Section 201.2 of the Rules and Regulations for the Federal Savings and Loan System.

Adopted by the Federal Home Loan Bank Board on July 13, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39–2552; Filed, July 14, 1939; 11:15 a. m.]

AMENDMENT TO RULES AND REGULATIONS FOR INVESTMENT BY HOME OWNERS' LOAN CORPORATION IN SECURITIES OF SAVINGS AND LOAN ASSOCIATIONS

PROVIDING A METHOD FOR CREDITING VOLUNTARY RETIREMENTS OF INVESTMENTS IN SAVINGS AND LOAN ASSOCIATIONS BY HOME OWNERS' LOAN CORPORATION

*Be it resolved,* That paragraph (c) of Section 58 of the Rules and Regulations for Investment by Home Owners' Loan Corporation in Securities of Savings and Loan Associations is repealed, effective July 14, 1939, and paragraph (b) of said Rules and Regulations is amended, effective July 14, 1939, to read as follows:

"(b) Any institution may request the voluntary retirement of investments held by the Home Owners' Loan Corporation in the same order as applications for retirement of such investments may be made by the Home Owners' Loan Corporation under subsection (n) of Section 4 and subsection (j) of Section 5 of Home Owners' Loan Act of 1933, as

amended, so that all such voluntary retirements shall be in direct anticipation of applications for retirement which the Home Owners' Loan Corporation is permitted by law to make."

(Sec 4 (k) of H.O.L.A. of 1933, 48 Stat. 132, Sec. 4 (n) of H.O.L.A. of 1933, as added by Sec. 17 (a), 49 Stat. 297; Sec. 5 (j) of H.O.L.A. of 1933, as added by Sec. 5, 48 Stat. 645; 12 U.S.C. 1463 (k), 1464 (j), 12 U.S.C., Sup., 1463 (n))

Adopted by the Federal Home Loan Bank Board on July 13, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-2551; Filed, July 14, 1939; 11:15 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### WAR DEPARTMENT

### CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

### PART 203—BRIDGE REGULATIONS

§ 203.710 *State of California; bridge regulations for all navigable waterways of the United States within California, including San Francisco Bay and connected bays and river systems tributary thereto.*[1] Paragraph (b) of the rules and regulations to govern the operation of the drawbridges crossing all navigable waterways of the United States within the State of California approved March 4, 1936, is hereby amended by inserting the following subparagraph:

(14) *Petaluma Creek—Northwestern Pacific Bridge at Black Point.* (i) The owner of, or agency controlling, this bridge will not be required to keep a draw tender in constant attendance except when the swing span remains closed for the passage of railroad traffic. At all other times the swing span may remain in open position and unattended.

(ii) During foggy weather a bell shall be tolled continuously when the swing span is in open position. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Regs., Mar. 4, 1936 (E.D. 6374-343/2) • • • as amended June 27, 1939 (E.D. 6371 (Northwestern Pacific R. R. Co.-Petaluma Creek-Black Point, Calif.)-¼)]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-2545; Filed, July 14, 1939; 9:31 a. m.]

[1] These regulations are supplementary to Title 33, Chaper II, Part 203, of the Code of Federal Regulations.

## TITLE 45—PUBLIC WELFARE

### CIVILIAN CONSERVATION CORPS

### PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES[1]

§ 203.2 *Classes of enrollees*—(a) *Juniors.* Except as prescribed in paragraph (b) below, the office of the Director, Civilian Conservation Corps, through its State selecting agencies, selects for enrollment as juniors unmarried male citizens of the United States between the ages of 17 and 23, both inclusive, who are unemployed and in need of employment.

• • • • • •

(50 Stat. 319) [Par. 18a, C.C.C. Regs., W.D., Dec. 1, 1937; amended by C 30, July 5, 1939]

§ 203.3 *Eligibility for selection and reselection*—(a) *Selection*—(1) *Function of the selecting agencies.* Selection and reselection of enrollees are the responsibilities of the State selecting agencies. Junior and veteran applicants are selected and certified to the War Department under definite policies as to eligibility approved by the Director, Civilian Conservation Corps, and duly announced to their respective field agents by the Federal agencies concerned. Men so selected and certified will present properly executed application forms duly signed by the authorized selecting agents of the Director, Civilian Conservation Corps, or the Veterans Administration, as the case may be. The War Department does not participate in selection or reselection.

(2) The following classes of persons are excluded from selection and enrollment:

(i) Those who have been previously dishonorably or administratively discharged.

(ii) Those who have been convicted by a civil or military court of an offense which may be punished by death or imprisonment for a term exceeding 1 year.

(iii) Those serving a current term of probation or parole by reason of a sentence of a criminal court because of the commission of any crime or misdemeanor.

(iv) Civil law enforcement officers such as justices of the peace, sheriffs, game wardens, and their deputies.

(v) Members of the National Guard of a State, a territory, or the District of Columbia.

(vi) Unworthy enrollees.

• • • • • •

(50 Stat. 319) [Par. 19a, C.C.C. Regs., W.D., Dec. 1, 1937; amended by C 30, July 5, 1939]

§ 203.10 *Allotments and deposits.* Whenever "State selecting agency" is used in this section, the State Director of Selection representing the Director, Civilian Conservation Corps, in the State, of the senior representative of the Veterans Administration in the region, concerned with enrollments, is intended.

• • • • • •

(b) *Changes or termination.* (1) Subsequent to the certification of an allotment or deposit by the State selecting agency the designated allottee will not be subject to change, and the allotment will not be subject to reduction or cancelation, except upon approval by the State selecting agency. For stoppages of allotment or deposit upon final payment see section 203.16. Should the corps area commander not concur in the action taken by the State selecting agency, the matter will be referred to the office of the Director, Civilian Conservation Corps, or the Veterans Administration through the normal channels of command. The decision of the Director, Civilian Conservation Corps, or the Veterans Administration will be final. (See par. (g) below.) Request for change of allotment may be initiated either by the enrollee or the State selecting agency.

• • • • • •

(50 Stat. 319) [Pars. 36a (2) and c (1), C.C.C. Regs., W.D., Dec. 1, 1937; amended by C 30, July 5, 1939]

§ 203.18 *Transportation and travel allowances.*

• • • • • •

(b) *Transportation in kind from places of discharge*—(1) *Juniors.* Subject to subparagraphs (4), (5), (6), and (7) below and to subparagraph (3), paragraph (e), Section 203.21, to places of selection by the State selecting agency or to their homes if the distance thereto is equal to or shorter than that to the places of selection, irrespective of the factors which caused discharge, or to places nearer than to places of selection or their homes.

• • • • • •

(50 Stat. 319) [Par. 66b (4) (a), C.C.C. Regs., W.D., Dec. 1, 1937; amended by C 30, July 5, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-2547; Filed, July 14, 1939; 9:31 a. m.]

[1] These regulations amend the indicated sections and paragraphs of Title 45, of the Code of Federal Regulations.



## *Notices*

### DEPARTMENT OF THE INTERIOR.

### National Bituminous Coal Commission.

[General Docket No. 15]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS: IN RE MINIMUM PRICE AS COORDINATED FOR DISTRICTS Nos. 9, 10, 11, 12, 13, 14 AND 15

AN ORDER FOR AND NOTICE OF FINAL HEARING IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS PRODUCED IN DISTRICTS NOS. 9, 10, 11, 12, 13, 14 AND 15

[*The Order for and Notice of Final Hearing and the schedules of proposed coordinated minimum prices for Districts Nos. 9 and 10 appeared in the* FEDERAL REGISTER *for Thursday, July 13, 1939. The schedules of proposed coordinated minimum prices for Districts Nos. 11 and 12 appeared in the* FEDERAL REGISTER *for Friday, July 14, 1939.*]

SCHEDULE OF PROPOSED COORDINATED MINIMUM PRICES FOR DISTRICT No. 13

FOR ALL SHIPMENTS EXCEPT TRUCK

*Price Instructions and Exceptions Applicable to Mines in Subdistrict No. 1*

Item No. 1. The prices published herein are in cents per net ton of 2,000 pounds and apply f. o. b. transportation facilities at mines on all coal produced by code members at mines located in the district shown on the title page hereof.

Item No. 2. The prices published in this schedule are subject to the established Marketing Rules and Regulations and the rules and regulations governing distributors.

Item No. 3. All prices shown herein are for payment in United States funds.

Item No. 4. All size designations are for round hole screens. When screens having other types of openings are used and the percentage of over-size, as determined in accordance with the method of test prescribed by A.S.T.M. designation D 410-38 exceeds 5%, the price for the next higher size group classification for that mine shall apply.

Item No. 5. The prices herein established for mines shipping by railways shall be applicable to all coal shipped by conveyances other than trucks or wagons.

Item No. 6. Railway locomotive fuel prices designated on page 37 shall not be used in the sale of coal to railways other than those recognized as common carriers by the Interstate Commerce Commission or by the Canadian Railways Commission.

Item No. 7. The market areas used in this schedule are those areas numerically designated and geographically described in the document entitled, "Consuming Market Areas as Proposed by the National Bituminous Coal Commission Pursuant to Section 4 of the Bituminous Coal Act of 1937" dated April 24, 1939.

Item No. 8. All coal subjected to any chemical, oil or wax process for allaying dust shall be priced at not less than 15 cents per net ton above the prices shown herein.

Item No. 9. An extra charge of $2.50 per car must be made when more than one size of coal is shipped in the same railroad car.

Item No. 10a. Any producer mine located in subdistrict No. 1 with a contemporaneous through haul rate to any destination that is higher than the through haul rate applicable to any other mine in subdistrict No. 1 to such destination may reduce the f. o. b. mine price shown herein for said producer mine in the exact amount of the differential between the actual freight rate applicable to that particular producer mine and the lowest contemporaneous freight rate of any other producer mine in subdistrict No. 1. Such reduction shall not exceed 25 cents per net ton.

Item No. 10b. *Coking coal.* For shipment only to destinations within the state of Alabama. Prices shown for all mines in subdistrict No. 1 are based on lowest line haul coking-in-transit or lowest line haul Furnace raw material rates, whichever properly applies. Mines having lower transportation charges must plus their mine prices the amount of their transportation advantage, measured by that line haul rate which properly applies. Mines having higher than such base rates may absorb up to 25 cents per ton of such disadvantage. There shall be no adjustment of furnace material transportation charges to equalize with coking-in-transit transportation charges.

Item No. 11. *Industrial coal* The term "Industrial Coal" as used in this schedule is coal used in industrial plants which buy and receive coal in carload quantities for their own use.

Item No. 12. *Domestic coal* The term "Domestic Coal" as used in this schedule is coal other than defined as "Industrial Coal".

Item No. 13. For the mine with index No. 69 the price shown herein for size group No. 7 shall apply to 2" x ¾" nut coal.

Item No. 14. For mines with index numbers 1 to 23 inclusive, when top size of coal applicable to size group 2 does not exceed 5" the prices shown in this schedule may be reduced 10 cents per net ton.

Item No. 15. For the mine with index number 17 the prices shown herein for size groups 5, 7 and 20 shall apply to coal with a top size not larger than 4".

Item No. 16. For the mine with index number 1 the prices shown herein for size groups 5 and 20 may be reduced 25 cents per ton when 2" x 1" nut coal is applied.

Item No. 17. *Seasonal discounts* The following seasonal discounts may apply on coal when sold for domestic use only:

| Mine Index Nos. | Market areas in which discounts apply | Size group | Apr. | May | June | July | Aug. | Sept. | Oct. |
|---|---|---|---|---|---|---|---|---|---|
| 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23. | 69, 70, 71, 72, 73, 74, 117, 120, 122, 123, 124, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 212. | 1 | 75 | 65 | 55 | 45 | 35 | 25 | 15 |
| | | 2 | 75 | 65 | 55 | 45 | 35 | 25 | 15 |
| | | 5 | 65 | 55 | 45 | 35 | 25 | 15 | 0 |
| | All other market areas not shown above. | 1 | 50 | 40 | 30 | 20 | 10 | 0 | 0 |
| | | 2 | 25 | 20 | 15 | 10 | 5 | 0 | 0 |
| | | 5 | 10 | 10 | 10 | 10 | 5 | 0 | 0 |
| 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78. | 69, 70, 71, 72, 73, 74, 114, 115, 153. | 1 | 35 | 30 | 25 | 20 | 15 | 10 | 0 |
| | | 2 | 15 | 15 | 15 | 10 | 5 | 0 | 0 |
| | All other market areas not shown above. | 1 | 30 | 30 | 20 | 15 | 10 | 5 | 0 |
| | | 2 | 30 | 30 | 20 | 15 | 10 | 5 | 0 |
| | | 5 | 30 | 30 | 20 | 15 | 10 | 5 | 0 |

*Description of Size Groups—Size Groups Applicable to Alabama Rail and Truck Mines—Subdistricts 1 and 2*

| Size group No. | Grade | Size dimensions | |
|---|---|---|---|
| | | Top size | Bottom size |
| 1 | Lump | No limit | Larger than 2". |
| | Egg | Larger than 6" | No limit. |
| 2 | Egg | 6" and larger than 3". | No limit. |
| 4 | Lump | No limit | Not larger than 2". |
| 5 | Nut | 3" and larger than 1½". | 1½" and larger than ½". |
| 7 | Nut | 3" and larger than 1¼". | Not larger than ½". |
| 8 | Nut | Not larger than 1¼". | Not larger than ½". |
| 10 | Mine run | Straight mine run; no fines removed. | |
| | | Mine run, modified by the removal of any intermediate size or sizes; no fines removed. | |
| | | All resultant coals larger than 6". | |

*Description of Size Groups—Size Groups Applicable to Alabama Rail and Truck Mines—Subdistricts 1 and 2*—Con.

| Size group No. | Grade | Size dimensions | |
|---|---|---|---|
| | | Top size | Bottom size |
| 11 | 6" x 0 | All resultant coals larger than 5", but not larger than 6", no fines removed. | |
| 12 | 5" x 0 | All resultant coals larger than 3", but not larger than 5", no fines removed. | |
| | 4" x 0 | | |
| 13 | 3" x 0 | All resultant coals larger than 1½", but not larger than 3", no fines removed. | |
| | 2" x 0 | | |
| 14 | 1½" x 0 | All screenings 1½", and smaller. | |
| 19 | Industrial[1] | All lump and double screened coals with a bottom size 1" or larger. | |
| 20 | Industrial[1] | All double screened coals with a top size not larger than 3". | |

[1] See price instructions and exceptions Items Nos. 11 and 12 for definition of Industrial and Domestic coals.

*Identification of Subdistrict Numbers*

| Identification | |
|---|---|
| Subdistrict No. 1. Alabama Rail Connected Mines. | Subdistrict No. 2. Alabama Truck Mines. |
| | Subdistrict No. 3. Tennessee-Georgia Rail Connected Mines. |
| | Subdistrict No. 4 Tennessee-Georgia Truck Mines. |

*Alphabetical List of Code Members in Subdistrict No. 1*

| Name of code member | Mine | Seam | Subdistrict | Mine index No. | Mine origin group No. |
|---|---|---|---|---|---|
| Alabama By-Products Corp. | Barney | Mary Lee | 1 | 42 | 120 |
| Alabama By-Products Corp. | Bradford | Black Creek | 1 | 77 | 31 |
| Alabama By-Products Corp. | Colta | Mary Lee | 1 | 48 | 31 |
| Alabama By-Products Corp. | Praco | Mary Lee | 1 | 54 | 31 |
| Alabama By-Products Corp. | Sainoset | Mary Lee | 1 | 37 | 90 |
| Alabama Fuel & Iron Co. | Acmar | Henry Ellen | 1 | 41 | 10 |
| Alabama Fuel & Iron Co.[1] | Acton | Helena | 1 | 16 | 10 |
| Alabama Fuel & Iron Co. | Brookston | Harkness | 1 | 55 | 70 |
| Alabama Fuel & Iron Co. | Margaret | Harkness | 1 | 57 | 10 |
| Alabama Fuel & Iron Co. | Summit | Black Creek | 1 | 23 | 80 |
| Alta Coal Co.[1] | Belle Ellen No. 5 | Woodstock | 1 | 5 | 160 |
| Bessemer Coal Iron & Land Co.[1] | Thermal | Black Creek | 1 | 78 | 31 |
| Black Creek Coal & Coke Co. | Blocton No. 9 | Woodstock | 1 | 9 | 41 |
| Black Diamond Coal Mining Co.[1] | Johns | Blue Creek | 1 | 67 | 31 |
| Black Diamond Coal Mining Co. | Coleanor | Thompson | 1 | 3 | 160 |
| Blocton Cahaba Coal Co.[1] | Klondyke | Woodstock | 1 | 12 | 41 |
| Blocton Mining Co.[1] | Brilliant | Black Creek | 1 | 18 | 60 |
| Brilliant Coal Co.[1] | Calumet | Mary Lee | 1 | 32 | 100 |
| Brilliant Coal Co. | Blossburg E | Pratt | 1 | 71 | 50 |
| Brookside-Pratt Mining Co. | Lindbergh | Pratt | 1 | 72 | 80 |
| Brookside-Pratt Mining Co. | New River | Black Creek | 1 | 21 | 60 |
| Brookside-Pratt Mining Co.[1] | Warrior River | Mary Lee | 1 | 39 | 101 |
| Brookside-Pratt Mining Co. | Bankhead | Mary Lee | 1 | 34 | 100 |
| Cane Creek Mining Co. | Pratt No. 1 Slope | Pratt | 1 | 65 | 30 |
| Colonial Coal & Coke Co. | Bellona | Black Creek | 1 | 74 | 31 |
| Crane, W. H. | Corona No. 11 | Corona | 1 | 56 | 120 |
| DeBardeleben Coal Corp. | Empire | Black Creek | 1 | 22 | 80 |
| DeBardeleben Coal Corp.[1] | Hull | Mary Lee | 1 | 44 | 80 |
| DeBardeleben Coal Corp. | Townley | Jagger | 1 | 45 | 101 |
| DeBardeleben Coal Corp. | Cliff | Pratt | 1 | 59 | 31 |
| East Pratt Coal Co. | Powhatan | Mary Lee | 1 | 53 | 31 |
| Franklin Coal Mining Co. | Holly Grove | Jagger | 1 | 33 | 101 |
| Galloway Coal Co. | Hope | Black Creek | 1 | 14 | 101 |
| Galloway Coal Co.[1] | Mill Creek | Mary Lee | 1 | 36 | 101 |
| Galloway Coal Co. | Crick | Black Creek | 1 | 19 | 120 |
| Glen Allen Coal Co.[1] | Hills Creek | Woodstock | 1 | 11 | 170 |
| Hills Creek Coal Co.[1] | Kershaw | Mary Lee | 1 | 35 | 101 |
| Kershaw Mining Co. | Lehigh | Black Creek | 1 | 75 | 31 |
| Lehigh Coal Co. | Piper | Thompson | 1 | 4 | 160 |
| Little Cahaba Coal Co.[1] | Dogwood | Montevallo | 1 | 6 | 20 |
| Little Gem Coal Co.[1] | Montevallo | Montevallo | 1 | 8 | 20 |
| Montevallo Coal Mining Co.[1] | Carbon | Black Creek | 1 | 76 | 31 |
| Moss & McCormack | Howard | Jagger | 1 | 43 | 101 |
| Moss & McCormack | Radiant | Black Creek | 1 | 15 | 110 |
| Nauvoo Black Creek Coal Co.[1] | Newcastle No. 2 | Newcastle | 1 | 47 | 31 |
| Newcastle Coal Co. | Paramount No. 4 | Helena | 1 | 58 | 31 |
| Parsmount Coal Co. | Porter | Mary Lee | 1 | 68 | 50 |
| Porter Coal Co. | Red Diamond | Henry Ellen | 1 | 69 | 32 |
| Red Diamond Mining Co.[1] | Warner | Pratt | 1 | 73 | 50 |
| Republic Pratt Coal Co. | Sayreton | Mary Lee | 1 | 38 | 35 |
| Republic Steel Co. | Marvel | Clark | 1 | 7 | 160 |
| Roden Coal Co.[1] | Flat Top | Mary Lee | 1 | 49 | 50 |
| Sloss-Sheffield Steel & Iron Co. | Lewisburg | Mary Lee | 1 | 46 | 36 |
| Sloss-Sheffield Steel & Iron Co. | Southerland | Blue Creek | 1 | 2 | 101 |
| Southerland Coal Co.[1] | Boothton | Clark & Gholson | 1 | 17 | 160 |
| Southern Coal & Coke Co.[1][2] | Stephenson | America | 1 | 80 | 120 |
| Stephenson Brick Co. | Aldridge Drift | Pratt | 1 | 70 | 120 |
| Stith Coal Co. | Aldridge Shaft | Mary Lee | 1 | 31 | 120 |
| Stith Coal Co. | Sunlight | Jefferson | 1 | 1 | 130 |
| Sunlight Coal Co.[1][4] | Docena | Pratt | 1 | 61 | 33 |
| Tennessee Coal, Iron & Railroad Co. | Edgewater | Pratt/America | 1 | 63 | 33 |
| Tennessee Coal, Iron & Railroad Co. | Hamilton | Mary Lee | 1 | 51 | 33 |
| Tennessee Coal, Iron & Railroad Co. | Wylam No. 8 | Pratt/America | 1 | 66 | 33 |
| Woodward Iron Co. | Dolomite | Pratt | 1 | 62 | 34 |
| Woodward Iron Co. | Mulga | Pratt | 1 | 64 | 34 |

[1] See price instructions and exceptions—Item No. 14.
[2] See price instructions and exceptions—Item No. 13.
[3] See price instructions and exceptions—Item No. 15.
[4] See price instructions and exceptions—Item No. 16.

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Areas Nos. 101, 104, 110, 111, 112, 113, 114 and 116 Subject to Price Instructions and Exceptions*

| Mine index No. | Subdistrict No. | Size groups and prices applicable in market areas Nos. 101, 104, 110, 111, 112, 113, 114 and 116 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30[1] | 1 | | | | | | | | | | | | | 225 | | | | | 190 | |
| 31, 32[1] | 1 | 225 | 195 | 180 | | | 235 | 235 | 235 | 185 | 170 | | | | | | | | 190 | |
| 34, 37, 42, 44[1] | 1 | 225 | 195 | 180 | | 235 | 235 | 235 | 235 | 185 | 175 | | | | | | | | 190 | |
| 33, 35, 36, 39, 43, 45[1] | 1 | 230 | 200 | 180 | 235 | | 235 | 235 | 235 | 185 | 175 | | | | | | | | 190 | |
| 41[1] | 1 | 230 | 200 | 180 | | | 235 | 235 | 235 | 185 | 180 | | | | | | | | 190 | |
| 38, 49, 51[1] | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47[1] | 1 | 225 | 195 | 180 | | | 240 | 240 | 240 | 190 | 185 | | | | | | | | 195 | |
| 48, 53, 54[1] | 1 | 225 | 195 | 180 | | | 245 | 245 | 245 | 195 | 190 | | | | | | | | 200 | |
| 68 | 1 | 240 | 210 | 195 | | | 260 | 260 | 260 | 215 | 205 | | | | | | | | 220 | |
| 67 | 1 | 240 | 210 | 195 | 265 | 265 | | | | 215 | 205 | | | | | | | | 220 | |
| 71, 72, 73 | 1 | 250 | 220 | 205 | | | 275 | 275 | 275 | 225 | 220 | | | 265 | 265 | 265 | | 210 | 230 | |
| 59, 65 | 1 | 250 | 220 | 205 | | | | | | | | | | 265 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 265 | 235 | 205 | | | 260 | 260 | 260 | 210 | 205 | | | | | | | | 220 | |
| 74 | 1 | 270 | 240 | 225 | | | | | | | | | | 285 | | | 235 | 225 | | |
| 75 | 1 | 270 | 240 | 225 | | | | | | | | | | 275 | | | | | 265 | |
| 77, 78 | 1 | 270 | 240 | 225 | 305 | | 300 | | | 245 | 235 | | | | | | | | 265 | |
| 76 | 1 | 270 | 240 | 225 | 305 | | 290 | | | 235 | 225 | | | | | | | | 250 | |
| 69 | 1 | 295 | 265 | 235 | 285 | 275 | | | 275 | 220 | 210 | | | | | | | | 245 | |
| 58 | 1 | 295 | 265 | 235 | | | 285 | 270 | 270 | 215 | 205 | | | 270 | 265 | 265 | 215 | 210 | | |
| 5 | 1 | 285 | | | | | | | | | | | | | | | 200 | 185 | | 255 |
| 2 | 1 | 295 | 265 | 230 | | | | | | | | | | | | | | 185 | | 255 |
| 1 | 1 | 295 | 265 | 230 | | | | | | | | | | 290 | 275 | | | 210 | | |
| 12 | 1 | 315 | | | | | | | | | | | | 290 | 275 | | | | | 255 |
| 14, 15 | 1 | 310 | 280 | 245 | | 290 | | | | 225 | 215 | | | 290 | 275 | | | | | 260 |
| 17 | 1 | 315 | 285 | 245 | 300 | 290 | | | 285 | 230 | 220 | | | | | | | | | 255 |
| 9, 11 | 1 | 315 | 285 | 245 | | | | | | 220 | 210 | | | 290 | 275 | | | | | 245 |
| 7 | 1 | 315 | 295 | 245 | | 285 | | | 270 | 215 | 205 | | | | | | | | | 265 |
| 16 | 1 | 335 | 305 | 260 | | | | | | 230 | 220 | | | | | | | | | 265 |
| 18, 19, 21 | 1 | 335 | 305 | 260 | | | | | | 235 | 225 | | | | | | | | | 245 |
| 22, 23 | 1 | 335 | 305 | 260 | 285 | | | | 265 | 210 | 200 | | | 305 | | | | | | 265 |
| 4 | 1 | 335 | 305 | 260 | 305 | 295 | | | | 240 | 230 | | | | | | | | | 245 |
| 8, 6 | 1 | 350 | 320 | 260 | 285 | 280 | | | 270 | 210 | 200 | | | 305 | 275 | | | | | 245 |
| | 1 | 385 | 355 | 260 | | | | | | 215 | 205 | | | | | | | | | 250 |

[1] For shipment into market areas Nos. 114 and 116, mines with index numbers 30 to 54, inclusive, may apply the prices shown above for size group No. 2, to lumpcoal, when the bottom size of such lump coal does not exceed 3".

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Areas Nos. 107, 108, 109, 125, 126 and 127 Subject to Price Instructions and Exceptions*

| Mine index No. | Subdistrict No. | Size groups and prices applicable in market areas Nos. 107, 108, 109, 125, 126 and 127 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 175 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 185 | 185 | 185 | 180 | 165 | | | | | | | | 185 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 185 | 185 | 185 | 185 | 180 | 170 | | | | | | | | 185 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 185 | | 185 | 185 | 185 | 180 | 170 | | | | | | | | 185 | |
| 41 | 1 | 240 | 240 | 230 | | | 185 | 185 | 185 | 180 | 175 | | | | | | | | 185 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 255 | 235 | 230 | | | 190 | 190 | 190 | 185 | 180 | | | | | | | | 190 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 195 | 195 | 195 | 190 | 185 | | | | | | | | 195 | |
| 68 | 1 | 250 | 250 | 245 | | | 210 | 210 | 210 | 210 | 200 | | | | | | | | 210 | |
| 67 | 1 | 250 | 250 | 245 | 215 | 215 | | | | 210 | 200 | | | | | | | | 215 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 225 | 225 | 225 | 220 | 215 | | | 215 | 215 | 215 | | 205 | 225 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 215 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 210 | 210 | 210 | 205 | 200 | | | | | | | | 215 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 235 | | | 230 | 220 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 225 | | | | | 200 | |
| 77, 78 | 1 | 280 | 280 | 275 | 255 | | 250 | | | 240 | 230 | | | | | | | | 200 | |
| 76 | 1 | 280 | 280 | 275 | 255 | | 240 | | | 230 | 220 | | | | | | | | 200 | |
| 69 | 1 | 305 | 305 | 285 | 235 | 225 | | | 225 | 215 | 205 | | | | | | | | 245 | |
| 58 | 1 | 305 | 305 | 285 | | | 235 | 230 | 230 | 210 | 200 | | | | | | | | 240 | |
| 5 | 1 | 270 | | | | | | | | | | | | 220 | 215 | 210 | 210 | 205 | | |
| 2 | 1 | 280 | 250 | 225 | | | | | | | | | | | | | 195 | 180 | | 240 |
| 1 | 1 | 280 | 250 | 215 | | | | | | | | | | | | | | 180 | | 240 |
| 12 | 1 | 300 | | | | | | | | | | | | 240 | 225 | | | 205 | | |
| 14, 15 | 1 | 295 | 265 | 240 | | 240 | | | | 220 | 210 | | | 240 | 225 | | | | | 240 |
| 17 | 1 | 300 | 270 | 240 | 250 | 240 | | | 235 | 225 | 215 | | | | | | | | | 255 |
| 9, 11 | 1 | 300 | 270 | 240 | | | | | | 215 | 205 | | | 240 | 225 | | | | | 250 |
| 7 | 1 | 300 | 270 | 240 | | 235 | | | 220 | 210 | 200 | | | | | | | | | 240 |
| 16 | 1 | 320 | 290 | 255 | | | | | | 225 | 215 | | | | | | | | | 260 |
| 18, 19, 21 | 1 | 320 | 290 | 255 | | | | | | 230 | 220 | | | | | | | | | 260 |
| 3 | 1 | 320 | 290 | 255 | 235 | | | | 215 | 205 | 195 | | | 255 | | | | | | 240 |
| 22, 23 | 1 | 320 | 290 | 255 | 255 | 245 | | | | 225 | 225 | | | | | | | | | 260 |
| 4 | 1 | 335 | 305 | 255 | 235 | 230 | | | 220 | 205 | 195 | | | 255 | 225 | | | | | 240 |
| 8, 6 | 1 | 370 | 340 | 255 | | | | | | 210 | 200 | | | | | | | | | 245 |

[1] For shipment into market area No. 115, mines with index numbers 30 to 54, inclusive, may apply the prices shown above for size group No. 2, to lump coal, when the bottom size of such lump coal does not exceed 3".

*List of All Points in Destination Group No. 1 in Market Area No. 115*

| | | | |
|---|---|---|---|
| Ashwood. | Diana. | Lynnville. | Sandy Hook. |
| Aspen Hill. | Dunn. | Lesters. | Siglo. |
| Baugh. | Ethridge. | Lewisburg. | Speiden. |
| Brace. | Frankewing. | Milky Way. | Springers. |
| Bufords. | Glendale. | Mt. Pleasant. | St. Joseph. |
| Busby. | Howe. | Pleasant Grove. | Summertown. |
| Campbells. | Iron City. | Pulaski. | Trigg. |
| Columbia. | Lawrenceburg. | Prospect. | Wheelerton. |
| Cornersville. | Leoma. | Riversburg. | Woodrow. |
| Dellrose. | Loretto. | Rockdale. | Wales. |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Points in Destination Group No. 2 in Market Area No. 115 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable to destination group No. 2 in market area No. 115 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 6 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 [1] | 1 | | | | | | | | | | | | | 225 | | | | | | |
| 31, 32 [1] | 1 | 245 | 215 | 190 | | | 235 | 235 | 235 | 185 | 170 | | | | | | | | 190 | |
| 34, 37, 42, 44 [1] | 1 | 245 | 215 | 190 | | 235 | 235 | 235 | 235 | 185 | 175 | | | | | | | | 190 | |
| 33, 35, 36, 39, 43, 45 [1] | 1 | 250 | 220 | 190 | 235 | | 235 | 235 | 235 | 185 | 175 | | | | | | | | 190 | |
| 41 [1] | 1 | 250 | 220 | 190 | | | 235 | 235 | 235 | 185 | 180 | | | | | | | | | |
| 38, 49, 51 [1] | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 [1] | 1 | 245 | 215 | 190 | | | 240 | 240 | 240 | 190 | 185 | | | | | | | | 195 | |
| 48, 53, 54 [1] | 1 | 245 | 215 | 190 | | | 245 | 245 | 245 | 195 | 190 | | | | | | | | 200 | |
| 68 | | 260 | 230 | 205 | | | 260 | 260 | 260 | 215 | 205 | | | | | | | | 215 | |
| 67 | 1 | 290 | 230 | 205 | 265 | 265 | | | | 215 | 215 | | | | | | | | 220 | |
| 71, 72, 73 | 1 | 270 | 240 | 215 | | | 275 | 275 | 275 | 225 | 220 | | | 265 | 265 | 265 | | 210 | 230 | |
| 59, 65 | 1 | 270 | 240 | 215 | | | | | | | | | | 265 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | 220 | |
| 55, 56, 57, 70 | 1 | 285 | 255 | 215 | | | 260 | 260 | 260 | 210 | 205 | | | | | | | | | |
| 74 | 1 | 280 | 260 | 235 | | | | | | | | | | 245 | | | 235 | 225 | | |
| 75 | 1 | 290 | 260 | 235 | | | | | | | | | | 275 | | | | | 245 | |
| 77, 78 | 1 | 290 | 260 | 245 | 305 | | 300 | | | 245 | 235 | | | | | | | | 265 | |
| 76 | 1 | 290 | 260 | 235 | 305 | | 290 | | | 245 | 225 | | | | | | | | 250 | |
| 69 | 1 | 315 | 285 | 245 | 285 | 275 | | | 275 | 230 | 210 | | | | | | | | 245 | |
| 58 | 1 | 315 | 285 | 245 | | | 285 | 270 | 270 | 215 | 205 | | | 270 | 265 | 260 | 215 | 210 | | |
| 6 | 1 | 305 | | | | | | | | | | | | | | | 200 | 185 | | 255 |
| 2 | 1 | 315 | 285 | 250 | | | | | | | | | | | | | | 185 | | 255 |
| 1 | 1 | 315 | 285 | 240 | | | | | | | | | | | | | | 210 | | |
| 12 | 1 | 335 | | | | | | | | | | | | 290 | 275 | | | | | 255 |
| 14, 15 | 1 | 330 | 300 | 255 | | 290 | | | | 225 | 215 | | | 290 | 275 | | | | | 260 |
| 17 | 1 | 335 | 305 | 265 | 300 | 290 | | | 285 | 230 | 220 | | | | | | | | | 255 |
| 9, 11 | 1 | 335 | 305 | 265 | | | | | | 229 | 210 | | | 290 | 275 | | | | | 245 |
| 7 | 1 | 335 | 305 | 265 | | 285 | | | 270 | 215 | 205 | | | | | | | | | 265 |
| 16 | 1 | 355 | 325 | 280 | | | | | | 230 | 220 | | | | | | | | | 265 |
| 18, 19, 21 | 1 | 355 | 325 | 280 | | | | | | 235 | 225 | | | | | | | | | 245 |
| 3 | 1 | 355 | 325 | 280 | 285 | | | | 265 | 210 | 200 | | | 305 | 275 | | | | | 265 |
| 22, 23 | 1 | 355 | 325 | 280 | 305 | 295 | | | | 240 | 230 | | | | | | | | | 265 |
| 4 | 1 | 370 | 340 | 290 | 285 | 280 | | | 270 | 210 | 200 | | | 305 | 275 | | | | | 245 |
| 8, 6 | 1 | 405 | 375 | 290 | | | | | | 215 | 205 | | | | | | | | | 250 |

[1] For shipment into market area No. 115, mines with index numbers 30 to 54, inclusive, may apply the prices shown above for size group No. 2, to lump coal, when the bottom size of such lump does not exceed 3".

*Points in Destination Group No. 2 in Market Area No. 115*

Destination group No. 2 in market area No. 115 consists of all points in that area not specifically listed in destination group No. 1.

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 119 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 119 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 225 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 235 | 235 | 235 | 230 | 215 | | | | | | | | 235 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 235 | 235 | 235 | 235 | 230 | 220 | | | | | | | | 235 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 235 | | 235 | 235 | 235 | 230 | 220 | | | | | | | | 235 | |
| 41 | 1 | 240 | 240 | 230 | | | 235 | 235 | 235 | 230 | 225 | | | | | | | | 235 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 240 | 240 | 240 | 235 | 230 | | | | | | | | 240 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 245 | 245 | 245 | 210 | 235 | | | | | | | | 245 | |
| 68 | 1 | 250 | 250 | 215 | | | 260 | 260 | 260 | 200 | 250 | | | | | | | | 260 | |
| 67 | 1 | 250 | 250 | 245 | 265 | 265 | | | | 200 | 250 | | | | | | | | 265 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 275 | 275 | 275 | 270 | 265 | | | 265 | 265 | 265 | | 255 | 275 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 265 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | 265 | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 260 | 260 | 260 | 255 | 250 | | | | | | | | | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 285 | | | 280 | 270 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 275 | | | | | 310 | |
| 77, 78 | 1 | 280 | 280 | 275 | 305 | | 300 | | | 290 | 280 | | | | | | | | 310 | |
| 76 | 1 | 280 | 280 | 275 | 305 | | 290 | | | 280 | 270 | | | | | | | | 295 | |
| 69 | 1 | 305 | 305 | 285 | 285 | 275 | | | 275 | 265 | 255 | | | | | | | | 290 | |
| 58 | 1 | 305 | 305 | 285 | | | 285 | 270 | 270 | 260 | 250 | | | 270 | 265 | 260 | 260 | 255 | | |
| 5 | 1 | 350 | | | | | | | | | | | | | | | 245 | 230 | | 300 |
| 2 | 1 | 360 | 355 | 320 | | | | | | | | | | | | | | 230 | | 300 |
| 1 | 1 | 360 | 355 | 310 | | | | | | | | | | | | | | 230 | | 300 |
| 12 | 1 | 380 | | | | | | | | | | | | 290 | 275 | | | 255 | | |
| 14, 15 | 1 | 375 | 370 | 335 | | 290 | | | | 270 | 260 | | | 290 | 275 | | | | | 300 |
| 17 | 1 | 380 | 375 | 345 | 300 | 290 | | | 285 | 275 | 265 | | | | | | | | | 305 |
| 9, 11 | 1 | 380 | 375 | 335 | | | | | | 265 | 255 | | | 290 | 275 | | | | | 300 |
| 7 | 1 | 380 | 380 | 335 | | 285 | | | 270 | 260 | 250 | | | | | | | | | 290 |
| 16 | 1 | 400 | 400 | 350 | | | | | | 275 | 265 | | | | | | | | | 310 |
| 18, 19, 21 | 1 | 400 | 395 | 350 | | | | | | 280 | 270 | | | | | | | | | 310 |
| 3 | 1 | 400 | 395 | 350 | 285 | | | | 265 | 255 | 245 | | | 305 | | | | | | 290 |
| 22, 23 | 1 | 400 | 395 | 350 | 305 | 295 | | | | 285 | 275 | | | | | | | | | 310 |
| 4 | 1 | 415 | 410 | 350 | 285 | 280 | | | 270 | 255 | 245 | | | 305 | 275 | | | | | 290 |
| 8, 6 | 1 | 450 | 445 | 350 | | | | | | 260 | 250 | | | | | | | | | 295 |



*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 120 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 120 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 225 | | | | | | |
| 31, 32 | 1 | 250 | 250 | 240 | | | 235 | 235 | 235 | 230 | 215 | | | | | | | | 235 | |
| 34, 37, 42, 44 | 1 | 250 | 250 | 240 | | 235 | 235 | 235 | 235 | 230 | 220 | | | | | | | | 235 | |
| 33, 35, 36, 39, 43, 45 | 1 | 255 | 255 | 240 | 235 | | 235 | 235 | 235 | 230 | 220 | | | | | | | | 235 | |
| 41 | 1 | 255 | 255 | 240 | | | 235 | 235 | 235 | 230 | 225 | | | | | | | | 235 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 250 | 250 | 240 | | | 240 | 240 | 240 | 235 | 230 | | | | | | | | 240 | |
| 48, 53, 54 | 1 | 250 | 250 | 240 | | | 245 | 245 | 245 | 240 | 235 | | | | | | | | 245 | |
| 68 | 1 | 265 | 265 | 255 | | | 260 | 260 | 260 | 260 | 250 | | | | | | | | 260 | |
| 67 | 1 | 265 | 265 | 255 | 265 | 265 | | | | 260 | 250 | | | | | | | | 265 | |
| 71, 72, 73 | 1 | 275 | 275 | 263 | | | 275 | 275 | 275 | 270 | 265 | | | 265 | 265 | 265 | | 255 | 275 | |
| 59, 65 | 1 | 275 | 275 | 263 | | | | | | | | | | 265 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 290 | 290 | 265 | | | 260 | 260 | 260 | 255 | 250 | | | | | | | | 265 | |
| 74 | 1 | 295 | 295 | 285 | | | | | | | | | | 285 | | | 280 | 270 | | |
| 75 | 1 | 295 | 295 | 285 | | | | | | | | | | 275 | | | | | 310 | |
| 77, 78 | 1 | 295 | 295 | 285 | 305 | | 300 | | | 290 | 280 | | | | | | | | 310 | |
| 76 | 1 | 295 | 295 | 285 | 305 | | 290 | | | 280 | 270 | | | | | | | | 295 | |
| 69 | 1 | 320 | 320 | 295 | 285 | 275 | | | 275 | 265 | 255 | | | | | | | | 295 | |
| 58 | 1 | 320 | 320 | 295 | | | 285 | 270 | 270 | 260 | 250 | | | | | | | | 290 | |
| 5 | 1 | 350 | | | | | | | | | | | | 270 | 265 | 260 | 260 | 255 | | |
| 2 | 1 | 360 | 340 | 315 | | | | | | | | | | | | | 245 | 230 | | 300 |
| 1 | 1 | 360 | 340 | 305 | | | | | | | | | | | | | | 230 | | 300 |
| 12 | 1 | 380 | | | | | | | | | | | | 290 | 275 | | | 255 | | |
| 14, 15 | 1 | 375 | 355 | 330 | | 290 | | | | 270 | 260 | | | 290 | 275 | | | | | 300 |
| 17 | 1 | 380 | 360 | 345 | 300 | 290 | | | 285 | 275 | 265 | | | | | | | | | 305 |
| 9, 11 | 1 | 380 | 360 | 330 | | | | | | 265 | 255 | | | 290 | 275 | | | | | 300 |
| 7 | 1 | 380 | 360 | 330 | | 285 | | | 270 | 260 | 250 | | | | | | | | | 290 |
| 16 | 1 | 400 | 400 | 345 | | | | | | 275 | 265 | | | | | | | | | 310 |
| 18, 19, 21 | 1 | 400 | 380 | 345 | | | | | | 280 | 270 | | | | | | | | | 310 |
| 3 | 1 | 400 | 380 | 345 | 285 | | | | 265 | 255 | 245 | | | 305 | | | | | | 290 |
| 22, 23 | 1 | 400 | 380 | 345 | 305 | 295 | | | | 285 | 275 | | | | | | | | | 310 |
| 4 | 1 | 415 | 395 | 345 | 285 | 280 | | | 270 | 255 | 245 | | | 305 | 275 | | | | | 290 |
| 8, 6 | 1 | 450 | 430 | 355 | | | | | | 260 | 250 | | | | | | | | | 295 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Areas Nos. 117, 121, 122, 123, 124, 145, 147 and That Portion of 150 Located in Alabama Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market areas Nos. 117, 121, 122, 123, 124, 145, 147 and that portion of 150 located in Alabama | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 225 | | | | | | |
| 31, 32 | 1 | 250 | 250 | 240 | | | 235 | 235 | 235 | 230 | 215 | | | | | | | | 235 | |
| 34, 37, 42, 44 | 1 | 250 | 250 | 240 | | 235 | 235 | 235 | 235 | 230 | 220 | | | | | | | | 235 | |
| 33, 35, 36, 39, 43, 45 | 1 | 255 | 255 | 240 | 235 | | 235 | 235 | 235 | 230 | 220 | | | | | | | | 235 | |
| 41 | 1 | 255 | 255 | 240 | | | 235 | 235 | 235 | 230 | 225 | | | | | | | | 235 | |
| 38, 49, 51 | 1 | 250 | 250 | 240 | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 250 | 250 | 240 | | | 240 | 240 | 240 | 235 | 230 | | | | | | | | 240 | |
| 48, 53, 54 | 1 | 250 | 250 | 240 | | | 245 | 245 | 245 | 240 | 235 | | | | | | | | 245 | |
| 68 | 1 | 265 | 265 | 255 | | | 260 | 260 | 260 | 260 | 250 | | | | | | | | 260 | |
| 67 | 1 | 265 | 265 | 255 | 265 | 265 | | | | 260 | 250 | | | | | | | | 265 | |
| 71, 72, 73 | 1 | 275 | 275 | 265 | | | 275 | 275 | 275 | 270 | 265 | | | 265 | 265 | 265 | | 255 | 275 | |
| 59, 65 | 1 | 275 | 275 | 265 | | | | | | | | | | 265 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | 275 | 275 | 265 | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 290 | 290 | 265 | | | 260 | 260 | 260 | 255 | 250 | | | | | | | | 265 | |
| 74 | 1 | 295 | 295 | 285 | | | | | | | | | | 285 | | | 285 | 270 | | |
| 75 | 1 | 295 | 295 | 285 | | | | | | | | | | 275 | | | | | 310 | |
| 77, 78 | 1 | 295 | 295 | 285 | 305 | | 300 | | | 290 | 280 | | | | | | | | 310 | |
| 76 | 1 | 295 | 295 | 285 | 305 | | 290 | | | 280 | 270 | | | | | | | | 295 | |
| 69 | 1 | 320 | 320 | 295 | 285 | 275 | | | 275 | 265 | 255 | | | | | | | | 295 | |
| 58 | 1 | 320 | 320 | 295 | | | 285 | 270 | 270 | 260 | 250 | | | | | | | | 290 | |
| 5 | 1 | 350 | | | | | | | | | | | | 270 | 265 | 260 | 265 | 255 | | |
| 2 | 1 | 360 | 360 | 320 | | | | | | | | | | | | | 250 | 230 | | 300 |
| 1 | 1 | 360 | 360 | 310 | | | | | | | | | | | | | | 230 | | 300 |
| 12 | 1 | 380 | | | | | | | | | | | | 290 | 275 | | | 255 | | |
| 14, 15 | 1 | 375 | 375 | 335 | | 290 | | | | 270 | 260 | | | 290 | 275 | | | | | 300 |
| 17 | 1 | 380 | 380 | 350 | 300 | 290 | | | 285 | 275 | 265 | | | | | | | | | 305 |
| 9, 11 | 1 | 380 | 380 | 335 | | | | | | 265 | 255 | | | 290 | 275 | | | | | 300 |
| 7 | 1 | 380 | 380 | 335 | | 285 | | | 270 | 260 | 250 | | | | | | | | | 290 |
| 16 | 1 | 400 | 400 | 350 | | | | | | 275 | 265 | | | | | | | | | 310 |
| 18, 19, 21 | 1 | 400 | 400 | 350 | | | | | | 280 | 270 | | | | | | | | | 310 |
| 3 | 1 | 400 | 400 | 350 | 285 | | | | 265 | 255 | 245 | | | 305 | | | | | | 290 |
| 22, 23 | 1 | 400 | 400 | 350 | 305 | 295 | | | | 285 | 275 | | | | | | | | | 310 |
| 4 | 1 | 415 | 415 | 350 | 285 | 280 | | | 270 | 255 | 245 | | | 305 | 275 | | | | | 290 |
| 8, 6 | 1 | 450 | 450 | 360 | | | | | | 260 | 250 | | | | | | | | | 295 |

NOTE.—Market area No. 121: For shipment to Alabama City, Alabama only, the prices applicable to size group No. 14, either washed or unwashed, for coal from all mines, may be reduced 35 cents per ton.

Market area No. 147: For shipment to Panama City, Florida, only, the prices applicable to size group No. 14, either washed or unwashed, for coal from all mines, may be reduced 45 cents per ton.

For shipment to Tuscaloosa, Alabama, only, the prices applicable to size group No. 14, either washed or unwashed, for coal from all mines, may be reduced 15 cents per ton.

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in That Part of Market Area No. 150 Located in the State of Mississippi, Subject to Price Instruction and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in that part of market area No. 150 located in the State of Mississippi | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 210 | | | | | 220 | |
| 31, 32 | 1 | 250 | 250 | 240 | | | 220 | 220 | 220 | 215 | 200 | | | | | | | | 220 | |
| 34, 37, 42, 44 | 1 | 250 | 250 | 240 | | 220 | 220 | 220 | 220 | 215 | 205 | | | | | | | | 220 | |
| 33, 35, 36, 39, 43, 45 | 1 | 255 | 255 | 240 | 220 | | 220 | 220 | 220 | 215 | 205 | | | | | | | | 220 | |
| 41 | 1 | 255 | 255 | 240 | | | 220 | 220 | 220 | 215 | 210 | | | | | | | | 225 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | 230 | |
| 46, 47 | 1 | 250 | 250 | 240 | | | 225 | 225 | 225 | 220 | 215 | | | | | | | | 230 | |
| 48, 53, 54 | 1 | 250 | 250 | 240 | | | 230 | 230 | 230 | 225 | 220 | | | | | | | | 245 | |
| 68 | 1 | 265 | 265 | 255 | | | 245 | 245 | 245 | 245 | 235 | | | | | | | | 250 | |
| 67 | 1 | 265 | 265 | 255 | 250 | 250 | | | | 245 | 235 | | | | | | | | 260 | |
| 71, 72, 73 | 1 | 275 | 275 | 265 | | | 260 | 260 | 260 | 255 | 250 | | | 250 | 250 | 250 | | 240 | | |
| 59, 65 | 1 | 275 | 275 | 265 | | | | | | | | | | 250 | | | | | 250 | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 290 | 290 | 265 | | | 245 | 245 | 245 | 240 | 235 | | | 270 | | | 265 | 255 | | |
| 74 | 1 | 295 | 295 | 285 | | | | | | | | | | 280 | | | | | 295 | |
| 75 | 1 | 295 | 295 | 285 | | | | | | 275 | 265 | | | | | | | | 295 | |
| 77, 78 | 1 | 295 | 295 | 285 | 290 | | 285 | | | 265 | 255 | | | | | | | | 280 | |
| 76 | 1 | 305 | 305 | 285 | 290 | | 275 | | | 260 | 250 | 240 | | | | | | | 275 | |
| 69 | 1 | 320 | 320 | 295 | 270 | 260 | | 270 | 255 | 255 | 245 | 235 | | | | | | | | |
| 58 | 1 | 320 | 320 | 295 | | | | | | | | | | 255 | 250 | 245 | 245 | 240 | | |
| 5 | 1 | 330 | | | | | | | | | | | | | | | | 230 | 215 | 285 |
| 2 | 1 | 340 | 310 | 285 | | | | | | | | | | | | | | | 215 | 285 |
| 1 | 1 | 340 | 310 | 275 | | | | | | | | | | | | | | | 240 | |
| 12 | 1 | 360 | | | | | | | | | | | | 275 | 260 | | | | | 285 |
| 14, 15 | 1 | 353 | 325 | 300 | | | 275 | | | | 255 | 245 | | 275 | 260 | | | | | 290 |
| 17 | 1 | 360 | 330 | 315 | 285 | 275 | | | | 270 | 260 | 250 | | | | | | | | 285 |
| 9, 11 | 1 | 360 | 330 | 300 | | | 270 | | | 255 | 250 | 240 | | 275 | 260 | | | | | 275 |
| 7 | 1 | 360 | 330 | 300 | | | | | | | | 235 | | | | | | | | 295 |
| 16 | 1 | 380 | 350 | 315 | | | | | | | 260 | 250 | | | | | | | | 295 |
| 18, 19, 21 | 1 | 380 | 350 | 315 | | | | | | | 265 | 255 | | | | | | | | 275 |
| 3 | 1 | 380 | 350 | 315 | 270 | | | | | 250 | 240 | 230 | | 290 | | | | | | 295 |
| 22, 23 | 1 | 380 | 350 | 315 | 290 | 290 | | | | | 270 | 260 | | | | | | | | 275 |
| 4 | 1 | 395 | 365 | 315 | 270 | 265 | | | | 255 | 240 | 230 | | 290 | 260 | | | | | 278 |
| 8, 6 | 1 | 430 | 400 | 335 | | | | | | | 245 | 235 | | | | | | | | 280 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 144 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 144 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 225 | | | | | 235 | |
| 31, 32 | 1 | 250 | 250 | 240 | | | 235 | 235 | 235 | 230 | 215 | | | | | | | | 235 | |
| 34, 37, 42, 44 | 1 | 250 | 250 | 240 | | 235 | 235 | 235 | 235 | 230 | 220 | | | | | | | | 235 | |
| 33, 35, 36, 39, 43, 45 | 1 | 255 | 255 | 240 | 235 | | 235 | 235 | 235 | 230 | 220 | | | | | | | | 235 | |
| 41 | 1 | 255 | 255 | 240 | | | 235 | 235 | 235 | 230 | 225 | | | | | | | | 240 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | 245 | |
| 46, 47 | 1 | 250 | 250 | 240 | | | 240 | 240 | 240 | 235 | 230 | | | | | | | | 260 | |
| 48, 53, 54 | 1 | 250 | 250 | 240 | | | 245 | 245 | 245 | 240 | 235 | | | | | | | | 265 | |
| 68 | 1 | 265 | 265 | 255 | | | 260 | 260 | 260 | 260 | 250 | | | | | | | | 265 | |
| 67 | 1 | 265 | 265 | 255 | 265 | 260 | | | | 260 | 250 | | | | | | | | 275 | |
| 71, 72, 73 | 1 | 275 | 275 | 265 | | | 275 | 275 | 275 | 270 | 265 | | | 265 | 265 | 265 | | 255 | | |
| 59, 65 | 1 | 275 | 275 | 265 | | | | | | | | | | 265 | | | | | 265 | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 290 | 290 | 265 | | | 260 | 260 | 260 | 255 | 250 | | | 285 | | | 280 | 270 | | |
| 74 | 1 | 295 | 295 | 285 | | | | | | | | | | 275 | | | | | 310 | |
| 75 | 1 | 295 | 295 | 285 | | | | | | 290 | 280 | | | | | | | | 310 | |
| 77, 78 | 1 | 295 | 295 | 285 | 305 | | 300 | | | 280 | 270 | | | | | | | | 295 | |
| 76 | 1 | 295 | 295 | 285 | 305 | 275 | 290 | | 275 | 265 | 255 | | | | | | | | 290 | |
| 69 | 1 | 320 | 320 | 295 | 285 | | | 285 | 270 | 270 | 260 | 250 | | | | | | | | |
| 58 | 1 | 320 | 320 | 295 | | | | | | | | | | 270 | 265 | 260 | 260 | 255 | | |
| 5 | 1 | 350 | | | | | | | | | | | | | | | 245 | 230 | | 300 |
| 2 | 1 | 360 | 350 | 320 | | | | | | | | | | | | | | 230 | | 300 |
| 1 | 1 | 360 | 350 | 310 | | | | | | | | | | | | | | 255 | | |
| 12 | 1 | 380 | | | | | | | | | | | | 290 | 275 | | | | | 300 |
| 14, 15 | 1 | 375 | 365 | 335 | | | 290 | | | | 270 | 260 | | 300 | 275 | | | | | 305 |
| 17 | 1 | 380 | 370 | 350 | 300 | 290 | | | | 265 | 275 | 265 | | | | | | | | 300 |
| 9, 11 | 1 | 380 | 370 | 335 | | | | | | | 265 | 255 | | 290 | 275 | | | | | 300 |
| 7 | 1 | 380 | 370 | 335 | | 285 | | | | 270 | 260 | 250 | | | | | | | | 290 |
| 16 | 1 | 400 | 400 | 350 | | | | | | | 275 | 265 | | | | | | | | 310 |
| 18, 19, 21 | 1 | 400 | 390 | 350 | | | | | | | 280 | 270 | | | | | | | | 310 |
| 3 | 1 | 400 | 390 | 350 | 285 | | | | | 265 | 255 | 245 | | | | | | | | 290 |
| 22, 23 | 1 | 400 | 390 | 350 | 305 | 295 | | | | | 285 | 275 | | | | | | | | 310 |
| 4 | 1 | 415 | 405 | 350 | 285 | 280 | | | | 270 | 255 | 245 | | 305 | 275 | | | | | 290 |
| 8, 6 | 1 | 450 | 440 | 360 | | | | | | | 260 | 250 | | | | | | | | 295 |



*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 128 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 128 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 185 | | | | | 195 | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 195 | 195 | 195 | 190 | 175 | | | | | | | | 195 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 195 | 195 | 195 | 195 | 190 | 180 | | | | | | | | 195 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 195 | | 195 | 195 | 195 | 190 | 180 | | | | | | | | 195 | |
| 41 | 1 | 240 | 240 | 230 | | | 195 | 195 | 195 | 190 | 185 | | | | | | | | 195 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 200 | 200 | 200 | 195 | 190 | | | | | | | | 200 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 205 | 205 | 205 | 200 | 195 | | | | | | | | 205 | |
| 68 | 1 | 250 | 250 | 245 | | | 220 | 220 | 220 | 220 | 210 | | | | | | | | 220 | |
| 67 | 1 | 250 | 250 | 245 | 225 | 225 | | | | 220 | 210 | | | | | | | | 225 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 235 | 235 | 235 | 230 | 225 | | | 225 | 225 | 225 | | 215 | 235 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 225 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 220 | 220 | 220 | 215 | 210 | | | | | | | | 225 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 245 | | | 240 | 230 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 235 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 265 | | 260 | | | 250 | 240 | | | | | | | | 270 | |
| 76 | 1 | 280 | 280 | 275 | 265 | | 250 | | | 240 | 230 | | | | | | | | 270 | |
| 69 | 1 | 305 | 305 | 285 | 245 | 235 | | | 235 | 225 | 215 | | | | | | | | 255 | |
| 58 | 1 | 305 | 305 | 285 | | | 245 | 230 | 230 | 220 | 210 | | | | | | | | 250 | |
| 5 | 1 | 300 | | | | | | | | | | | | 230 | 225 | 220 | 220 | 215 | | |
| 2 | 1 | 300 | 270 | 245 | | | | | | | | | | | | | 205 | 190 | | 260 |
| 1 | 1 | 300 | 270 | 235 | | | | | | | | | | | | | | 190 | | 260 |
| 12 | 1 | 320 | | | | | | | | | | | | 250 | 235 | | | 215 | | |
| 14, 15 | 1 | 315 | 285 | 260 | | | 250 | | | 230 | 220 | | | 250 | 235 | | | | | 260 |
| 17 | 1 | 320 | 290 | 290 | 260 | 250 | | | 245 | 235 | 225 | | | | | | | | | 265 |
| 9, 11 | 1 | 320 | 290 | 260 | | | | | | 225 | 215 | | | 250 | 235 | | | | | 260 |
| 7 | 1 | 320 | 290 | 290 | | 245 | | | 230 | 220 | 210 | | | | | | | | | 250 |
| 10 | 1 | 340 | 340 | 275 | | | | | | 235 | 225 | | | | | | | | | 270 |
| 18,19,21 | 1 | 340 | 310 | 275 | | | | | | 240 | 230 | | | | | | | | | 270 |
| 8 | 1 | 340 | 310 | 275 | 245 | | | | 225 | 215 | 205 | | | 265 | | | | | | 250 |
| 22, 23 | 1 | 340 | 310 | 275 | 265 | 255 | | | | 245 | 235 | | | | | | | | | 270 |
| 4 | 1 | 355 | 325 | 275 | 245 | 240 | | | 230 | 215 | 205 | | | 265 | 235 | | | | | 250 |
| 8, 6 | 1 | 390 | 360 | 275 | | | | | | 220 | 210 | | | | | | | | | 255 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 129 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 129 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 180 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 190 | 190 | 190 | 185 | 170 | | | | | | | | 190 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 190 | 190 | 190 | 190 | 185 | 175 | | | | | | | | 190 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 190 | | 190 | 190 | 190 | 185 | 175 | | | | | | | | 190 | |
| 41 | 1 | 240 | 240 | 230 | | | 190 | 190 | 190 | 185 | 180 | | | | | | | | 190 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 195 | 195 | 195 | 190 | 185 | | | | | | | | 195 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 200 | 200 | 200 | 195 | 190 | | | | | | | | 200 | |
| 68 | 1 | 250 | 250 | 245 | | | 215 | 215 | 115 | 215 | 205 | | | | | | | | 215 | |
| 67 | 1 | 250 | 250 | 245 | 220 | 220 | | | | 215 | 205 | | | | | | | | 220 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 230 | 230 | 230 | 225 | 220 | | | 220 | 220 | 220 | | 210 | 230 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 220 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 215 | 215 | 215 | 210 | 205 | | | | | | | | 220 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 240 | | | 235 | 225 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 230 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 260 | | 255 | | | 245 | 235 | | | | | | | | 265 | |
| 76 | 1 | 280 | 280 | 275 | 260 | | 245 | | | 235 | 225 | | | | | | | | 265 | |
| 69 | 1 | 305 | 305 | 285 | 240 | 230 | | | 230 | 220 | 210 | | | | | | | | 250 | |
| 58 | 1 | 305 | 305 | 285 | | | 240 | 225 | 225 | 215 | 205 | | | | | | | | 245 | |
| 5 | 1 | 270 | | | | | | | | | | | | 225 | 220 | 215 | 215 | 210 | | |
| 2 | 1 | 280 | 250 | 225 | | | | | | | | | | | | | 200 | 185 | | 255 |
| 1 | 1 | 280 | 250 | 215 | | | | | | | | | | | | | | 185 | | 255 |
| 12 | 1 | 300 | | | | | | | | | | | | 245 | 230 | | | 210 | | |
| 14, 15 | 1 | 295 | 265 | 240 | | | 245 | | | 225 | 215 | | | 245 | 230 | | | | | 255 |
| 17 | 1 | 300 | 270 | 240 | 255 | 245 | | | | 240 | 230 | | | | | | | | | 260 |
| 9, 11 | 1 | 300 | 270 | 240 | | | | | | 230 | 210 | | | 245 | 230 | | | | | 255 |
| 7 | 1 | 300 | 270 | 240 | | 240 | | | 225 | 215 | 205 | | | | | | | | | 245 |
| 10 | 1 | 320 | 320 | 255 | | | | | | 230 | 220 | | | | | | | | | 265 |
| 18, 19, 21 | 1 | 320 | 290 | 255 | | | | | | 235 | 225 | | | | | | | | | 263 |
| 3 | 1 | 320 | 290 | 255 | 240 | | | | | 220 | 210 | | | 260 | | | | | | 245 |
| 22, 23 | 1 | 320 | 290 | 255 | 260 | 250 | | | | 240 | 230 | | | | | | | | | 265 |
| 4 | 1 | 335 | 305 | 255 | 240 | 235 | | | 225 | 210 | 200 | | | 260 | 230 | | | | | 245 |
| 8, 6 | 1 | 370 | 340 | 255 | | | | | | 215 | 205 | | | | | | | | | 250 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 130 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 130 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 225 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 235 | 235 | 235 | 230 | 190 | | | | | | | | 235 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 210 | 235 | 235 | 235 | 230 | 195 | | | | | | | | 235 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 235 | | 235 | 235 | 235 | 230 | 195 | | | | | | | | 235 | |
| 41 | 1 | 240 | 240 | 230 | | | 235 | 235 | 235 | 230 | 200 | | | | | | | | 235 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 240 | 240 | 240 | 235 | 205 | | | | | | | | 240 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 245 | 245 | 245 | 240 | 210 | | | | | | | | 245 | |
| 68 | 1 | 250 | 250 | 245 | | | 260 | 260 | 260 | 260 | 225 | | | | | | | | 260 | |
| 67 | 1 | 250 | 250 | 245 | 265 | 240 | | | | 260 | 225 | | | | | | | | 235 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 275 | 275 | 275 | 270 | 240 | | | 265 | 265 | 265 | | 230 | 275 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 265 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 260 | 260 | 260 | 255 | 225 | | | | | | | | 265 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 285 | | | 280 | 245 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 275 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 305 | | 300 | | | 290 | 255 | | | | | | | | 310 | |
| 76 | 1 | 280 | 280 | 275 | 305 | | 290 | | | 280 | 245 | | | | | | | | 310 | |
| 69 | 1 | 305 | 305 | 285 | 285 | 250 | | | 275 | 265 | 230 | | | | | | | | 295 | |
| 58 | 1 | 305 | 305 | 285 | | | 285 | 270 | 270 | 260 | 225 | | | | | | | | 290 | |
| 5 | 1 | 325 | | | | | | | | | | | | 270 | 265 | 260 | 260 | 230 | | |
| 2 | 1 | 335 | 305 | 280 | | | | | | | | | | | | | 245 | 205 | | 300 |
| 1 | 1 | 335 | 305 | 270 | | | | | | | | | | | | | | 205 | | 300 |
| 12 | 1 | 355 | | | | | | | | | | | | 290 | 275 | | | 230 | | |
| 14, 15 | 1 | 350 | 320 | 295 | | 295 | | | | 270 | 235 | | | 290 | 275 | | | | | 300 |
| 17 | 1 | 355 | 325 | 295 | 300 | 265 | | | 285 | 275 | 240 | | | | | | | | | 305 |
| 9, 11 | 1 | 355 | 325 | 295 | | | | | | 285 | 230 | | | 290 | 275 | | | | | 300 |
| 7 | 1 | 355 | 325 | 295 | | 260 | | | 270 | 260 | 225 | | | | | | | | | 290 |
| 16 | 1 | 375 | 375 | 310 | | | | | | 275 | 240 | | | | | | | | | 310 |
| 18, 19, 21 | 1 | 375 | 345 | 310 | | | | | | 280 | 245 | | | | | | | | | 310 |
| 3 | 1 | 375 | 345 | 310 | 285 | | | | 265 | 255 | 220 | | | 305 | | | | | | 290 |
| 22, 23 | 1 | 375 | 345 | 310 | 305 | 270 | | | | 285 | 250 | | | | | | | | | 310 |
| 4 | 1 | 390 | 390 | 310 | 285 | 255 | | | 270 | 255 | 220 | | | 305 | 275 | | | | | 290 |
| 8, 6 | 1 | 425 | 395 | 310 | | | | | | 260 | 225 | | | | | | | | | 295 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 134 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 134 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 180 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 190 | 190 | 190 | 185 | 170 | | | | | | | | 190 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 190 | 190 | 190 | 190 | 185 | 175 | | | | | | | | 190 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 190 | | 190 | 190 | 190 | 185 | 175 | | | | | | | | 190 | |
| 41 | 1 | 240 | 240 | 230 | | | 190 | 190 | 190 | 185 | 180 | | | | | | | | 190 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 195 | 195 | 195 | 190 | 185 | | | | | | | | 195 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 200 | 200 | 200 | 195 | 190 | | | | | | | | 200 | |
| 68 | 1 | 250 | 250 | 245 | | | 215 | 215 | 215 | 215 | 205 | | | | | | | | 215 | |
| 67 | 1 | 250 | 250 | 245 | 230 | 220 | | | | 215 | 205 | | | | | | | | 220 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 230 | 230 | 230 | 225 | 220 | | | 220 | 220 | 220 | | 210 | 230 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 220 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 215 | 215 | 215 | 210 | 205 | | | | | | | | 220 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 240 | | | 235 | 225 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 230 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 290 | | 255 | | | 245 | 235 | | | | | | | | 265 | |
| 76 | 1 | 280 | 280 | 275 | 290 | | 245 | | | 235 | 225 | | | | | | | | 265 | |
| 69 | 1 | 305 | 305 | 285 | 240 | 230 | | | 230 | 220 | 210 | | | | | | | | 250 | |
| 58 | 1 | 305 | 305 | 285 | | | 240 | 225 | 225 | 215 | 205 | | | | | | | | 245 | |
| 5 | 1 | 275 | | | | | | | | | | | | 225 | 220 | 215 | 215 | 210 | | |
| 2 | 1 | 285 | 255 | 230 | | | | | | | | | | | | | 200 | 185 | | 255 |
| 1 | 1 | 285 | 255 | 220 | | | | | | | | | | | | | | 185 | | 255 |
| 12 | 1 | 305 | | | | | | | | | | | | 245 | 230 | | | 210 | | |
| 14, 15 | 1 | 300 | 270 | 245 | | 245 | | | | 225 | 215 | | | 245 | 230 | | | | | 255 |
| 17 | 1 | 305 | 275 | 245 | 255 | 245 | | | 240 | 230 | 220 | | | | | | | | | 260 |
| 9, 11 | 1 | 305 | 275 | 245 | | | | | | 220 | 210 | | | 245 | 230 | | | | | 255 |
| 7 | 1 | 305 | 275 | 245 | | 240 | | | 225 | 215 | 205 | | | | | | | | | 245 |
| 16 | 1 | 325 | 325 | 290 | | | | | | 230 | 220 | | | | | | | | | 265 |
| 18, 19, 21 | 1 | 325 | 295 | 290 | | | | | | 235 | 225 | | | | | | | | | 265 |
| 3 | 1 | 325 | 295 | 290 | 240 | | | | 220 | 210 | 200 | | | 260 | | | | | | 245 |
| 22, 23 | 1 | 325 | 295 | 290 | 260 | 250 | | | | 240 | 230 | | | | | | | | | 265 |
| 4 | 1 | 340 | 310 | 290 | 240 | 235 | | | 225 | 210 | 200 | | | 260 | 230 | | | | | 245 |
| 8, 6 | 1 | 375 | 345 | 290 | | | | | | 215 | 205 | | | | | | | | | 250 |



*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Areas Nos. 131 and 135 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market areas Nos. 131 and 135 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 180 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 190 | 190 | 190 | 185 | 170 | | | | | | | | 190 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 190 | 190 | 190 | 190 | 185 | 175 | | | | | | | | 190 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 190 | | 190 | 190 | 190 | 185 | 175 | | | | | | | | 190 | |
| 41 | 1 | 240 | 240 | 230 | | | 190 | 190 | 190 | 185 | 180 | | | | | | | | 190 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 195 | 195 | 195 | 190 | 185 | | | | | | | | 195 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 200 | 200 | 200 | 195 | 190 | | | | | | | | 200 | |
| 68 | 1 | 250 | 250 | 245 | | | 215 | 215 | 215 | 215 | 205 | | | | | | | | 215 | |
| 67 | 1 | 250 | 250 | 245 | 220 | 220 | | | | 215 | 205 | | | | | | | | 220 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 230 | 230 | 230 | 225 | 220 | | | 220 | 220 | 220 | | 210 | 230 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 220 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 215 | 215 | 215 | 210 | 205 | | | | | | | | 220 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 240 | | | 235 | 225 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 230 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 290 | | 255 | | | 245 | 235 | | | | | | | | 265 | |
| 76 | 1 | 280 | 280 | 275 | 290 | | 245 | | | 235 | 225 | | | | | | | | 265 | |
| 69 | 1 | 305 | 305 | 285 | 240 | 230 | | | 230 | 220 | 210 | | | | | | | | 250 | |
| 58 | 1 | 305 | 305 | 285 | | | 240 | 225 | 225 | 215 | 205 | | | | | | | | 245 | |
| 5 | 1 | 275 | | | | | | | | | | | | 225 | 220 | 215 | 215 | 210 | | |
| 2 | 1 | 285 | 255 | 230 | | | | | | | | | | | | | 200 | 185 | | 255 |
| 1 | 1 | 285 | 255 | 220 | | | | | | | | | | | | | | 185 | | 255 |
| 12 | 1 | 305 | | | | | | | | | | | | 245 | 230 | | | 210 | | |
| 14, 15 | 1 | 300 | 270 | 245 | | 245 | | | | 225 | 215 | | | 245 | 230 | | | | | 255 |
| 17 | 1 | 305 | 275 | 245 | 255 | 245 | | | 240 | 230 | 220 | | | | | | | | | 260 |
| 9, 11 | 1 | 305 | 275 | 245 | | | | | | 220 | 210 | | | 245 | 230 | | | | | 255 |
| 7 | 1 | 305 | 275 | 245 | | 240 | | | 225 | 215 | 205 | | | | | | | | | 245 |
| 16 | 1 | 325 | 325 | 290 | | | | | | 230 | 220 | | | | | | | | | 265 |
| 18, 19, 21 | 1 | 325 | 295 | 290 | | | | | | 235 | 225 | | | | | | | | | 265 |
| 3 | 1 | 325 | 295 | 290 | 240 | | | | 220 | 210 | 200 | | | 260 | | | | | | 245 |
| 22, 23 | 1 | 325 | 295 | 290 | 260 | 250 | | | | 240 | 230 | | | | | | | | | 265 |
| 4 | 1 | 340 | 310 | 290 | 240 | 235 | | | 225 | 210 | 200 | | | 260 | 230 | | | | | 245 |
| 8, 6 | 1 | 375 | 345 | 290 | | | | | | 215 | 205 | | | | | | | | | 250 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Areas Nos. 132 and 138 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market areas Nos. 132 and 138 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 225 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 235 | 235 | 235 | 230 | 190 | | | | | | | | 235 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 210 | 235 | 235 | 235 | 230 | 195 | | | | | | | | 235 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 235 | | 235 | 235 | 235 | 230 | 195 | | | | | | | | 235 | |
| 41 | 1 | 240 | 240 | 230 | | | 235 | 235 | 235 | 230 | 200 | | | | | | | | 235 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 240 | 240 | 240 | 235 | 205 | | | | | | | | 240 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 245 | 245 | 245 | 240 | 210 | | | | | | | | 245 | |
| 68 | 1 | 250 | 250 | 245 | | | 260 | 260 | 260 | 260 | 225 | | | | | | | | 260 | |
| 67 | 1 | 250 | 250 | 245 | 265 | 240 | | | | 260 | 225 | | | | | | | | 265 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 275 | 275 | 275 | 270 | 240 | | | 265 | 265 | 265 | | 230 | 275 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 265 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 260 | 260 | 260 | 255 | 225 | | | | | | | | 265 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 285 | | | 280 | 245 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 275 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 305 | | 300 | | | 290 | 255 | | | | | | | | 310 | |
| 76 | 1 | 280 | 280 | 275 | 305 | | 290 | | | 280 | 245 | | | | | | | | 310 | |
| 69 | 1 | 305 | 305 | 285 | 285 | 250 | | | 275 | 265 | 230 | | | | | | | | 295 | |
| 58 | 1 | 305 | 305 | 285 | | | 285 | 270 | 270 | 260 | 225 | | | | | | | | 290 | |
| 5 | 1 | 315 | | | | | | | | | | | | 270 | 265 | 260 | 260 | 230 | | |
| 2 | 1 | 345 | 315 | 290 | | | | | | | | | | | | | 245 | 205 | | 300 |
| 1 | 1 | 345 | 315 | 280 | | | | | | | | | | | | | | 205 | | 300 |
| 12 | 1 | 365 | | | | | | | | | | | | 290 | 275 | | | 230 | | |
| 14, 15 | 1 | 360 | 330 | 305 | | 265 | | | | 270 | 235 | | | 290 | 275 | | | | | 300 |
| 17 | 1 | 365 | 335 | 315 | 300 | 265 | | | 285 | 275 | 240 | | | | | | | | | 305 |
| 9, 11 | 1 | 365 | 335 | 305 | | | | | | 265 | 230 | | | 290 | 275 | | | | | 300 |
| 7 | 1 | 365 | 335 | 305 | | 260 | | | 270 | 260 | 225 | | | | | | | | | 290 |
| 16 | 1 | 385 | 385 | 320 | | | | | | 275 | 240 | | | | | | | | | 310 |
| 18, 19, 21 | 1 | 385 | 355 | 320 | | | | | | 280 | 245 | | | | | | | | | 310 |
| 3 | 1 | 385 | 355 | 320 | 285 | | | | 265 | 255 | 220 | | | 305 | | | | | | 290 |
| 22, 23 | 1 | 385 | 355 | 320 | 305 | 270 | | | | 285 | 250 | | | | | | | | | 310 |
| 4 | 1 | 400 | 370 | 320 | 285 | 255 | | | 270 | 255 | 220 | | | 305 | 275 | | | | | 290 |
| 8, 6 | 1 | 435 | 405 | 320 | | | | | | 260 | 225 | | | | | | | | | 295 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 133 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 133 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 180 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 190 | 190 | 190 | 185 | 170 | | | | | | | | 190 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 190 | 190 | 190 | 190 | 185 | 175 | | | | | | | | 190 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 190 | | 190 | 190 | 190 | 185 | 175 | | | | | | | | 190 | |
| 41 | 1 | 240 | 240 | 230 | | | 190 | 190 | 190 | 185 | 180 | | | | | | | | 190 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 195 | 195 | 195 | 190 | 185 | | | | | | | | 195 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 200 | 200 | 200 | 195 | 190 | | | | | | | | 200 | |
| 68 | 1 | 250 | 250 | 245 | | | 215 | 215 | 215 | 215 | 205 | | | | | | | | 215 | |
| 67 | 1 | 250 | 250 | 245 | 220 | 220 | | | | 215 | 205 | | | | | | | | 220 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 230 | 230 | 230 | 225 | 220 | | | 220 | 220 | 220 | | 210 | 230 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 220 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 215 | 215 | 215 | 210 | 205 | | | | | | | | 220 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 240 | | | 235 | 225 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 230 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 260 | | 255 | | | 245 | 235 | | | | | | | | 265 | |
| 76 | 1 | 280 | 280 | 275 | 260 | | 245 | | | 235 | 225 | | | | | | | | 265 | |
| 69 | 1 | 305 | 305 | 285 | 240 | 230 | | | 230 | 220 | 210 | | | | | | | | 250 | |
| 58 | 1 | 305 | 305 | 285 | | | 240 | 225 | 225 | 215 | 205 | | | | | | | | 245 | |
| 5 | 1 | 285 | | | | | | | | | | | | 225 | 220 | 215 | 215 | 210 | | |
| 2 | 1 | 295 | 265 | 240 | | | | | | | | | | | | | 200 | 185 | | 255 |
| 1 | 1 | 295 | 265 | 230 | | | | | | | | | | | | | | 185 | | 255 |
| 12 | 1 | 315 | | | | | | | | | | | | 245 | 230 | | | 210 | | |
| 14, 15 | 1 | 310 | 280 | 255 | | 245 | | | | 225 | 215 | | | 245 | 230 | | | | | 255 |
| 17 | 1 | 315 | 285 | 255 | 255 | 245 | | | 240 | 230 | 220 | | | | | | | | | 260 |
| 9, 11 | 1 | 315 | 285 | 255 | | | | | | 220 | 210 | | | 245 | 230 | | | | | 255 |
| 7 | 1 | 315 | 285 | 255 | | 240 | | | 225 | 215 | 205 | | | | | | | | | 245 |
| 16 | 1 | 335 | 335 | 270 | | | | | | 230 | 220 | | | | | | | | | 265 |
| 18, 19, 21 | 1 | 335 | 305 | 270 | | | | | | 235 | 225 | | | | | | | | | 265 |
| 3 | 1 | 335 | 305 | 270 | 240 | | | | 220 | 210 | 200 | | | 260 | | | | | | 245 |
| 22, 23 | 1 | 335 | 305 | 270 | 260 | 250 | | | | 240 | 230 | | | | | | | | | 265 |
| 4 | 1 | 350 | 320 | 270 | 240 | 235 | | | 225 | 210 | 200 | | | 260 | 230 | | | | | 245 |
| 8, 6 | 1 | 365 | 355 | 270 | | | | | | 215 | 205 | | | | | | | | | 250 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 136 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 136 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 195 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 205 | 205 | 205 | 200 | 185 | | | | | | | | 205 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 205 | 205 | 205 | 205 | 200 | 190 | | | | | | | | 205 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 205 | | 205 | 205 | 205 | 200 | 190 | | | | | | | | 205 | |
| 41 | 1 | 240 | 240 | 230 | | | 205 | 205 | 205 | 200 | 195 | | | | | | | | 205 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 210 | 210 | 210 | 205 | 200 | | | | | | | | 210 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 215 | 215 | 215 | 210 | 205 | | | | | | | | 215 | |
| 68 | 1 | 250 | 250 | 245 | | | 230 | 230 | 230 | 230 | 220 | | | | | | | | 230 | |
| 67 | 1 | 250 | 250 | 245 | 235 | 235 | | | | 230 | 220 | | | | | | | | 235 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 245 | 245 | 245 | 240 | 235 | | | 235 | 235 | 235 | | 225 | 245 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 235 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 230 | 230 | 230 | 225 | 220 | | | | | | | | 235 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 255 | | | 250 | 240 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 245 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 275 | | 270 | | | 260 | 250 | | | | | | | | 280 | |
| 76 | 1 | 280 | 280 | 275 | 275 | | 260 | | | 250 | 240 | | | | | | | | 280 | |
| 69 | 1 | 305 | 305 | 285 | 255 | 245 | | | 245 | 235 | 225 | | | | | | | | 265 | |
| 58 | 1 | 305 | 305 | 285 | | | 255 | 240 | 240 | 230 | 220 | | | | | | | | 260 | |
| 5 | 1 | 290 | | | | | | | | | | | | 240 | 235 | 230 | 230 | 225 | | |
| 2 | 1 | 300 | 270 | 245 | | | | | | | | | | | | | 215 | 200 | | 270 |
| 1 | 1 | 300 | 270 | 235 | | | | | | | | | | | | | | 200 | | 270 |
| 12 | 1 | 320 | | | | | | | | | | | | 260 | 245 | | | 225 | | |
| 14, 15 | 1 | 315 | 285 | 260 | | 260 | | | | 240 | 230 | | | 260 | 245 | | | | | 270 |
| 17 | 1 | 320 | 290 | 260 | 270 | 260 | | | 255 | 245 | 235 | | | | | | | | | 275 |
| 9, 11 | 1 | 320 | 290 | 260 | | | | | | 235 | 225 | | | 260 | 245 | | | | | 270 |
| 7 | 1 | 320 | 290 | 260 | | 255 | | | 240 | 230 | 220 | | | | | | | | | 260 |
| 16 | 1 | 340 | 340 | 275 | | | | | | 245 | 235 | | | | | | | | | 280 |
| 18, 19, 21 | 1 | 340 | 310 | 275 | | | | | | 250 | 240 | | | | | | | | | 280 |
| 3 | 1 | 340 | 310 | 275 | 255 | | | | 235 | 225 | 215 | | | 275 | | | | | | 260 |
| 22, 23 | 1 | 340 | 310 | 275 | 275 | 265 | | | | 255 | 245 | | | | | | | | | 280 |
| 4 | 1 | 355 | 325 | 275 | 255 | 250 | | | 240 | 225 | 215 | | | 275 | 245 | | | | | 260 |
| 8, 6 | 1 | 390 | 360 | 275 | | | | | | 230 | 220 | | | | | | | | | 265 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 137; Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 137 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 185 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 195 | 195 | 195 | 190 | 175 | | | | | | | | 195 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 195 | 195 | 195 | 195 | 190 | 190 | | | | | | | | 195 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 195 | | 195 | 195 | 195 | 190 | 180 | | | | | | | | 195 | |
| 41 | 1 | 240 | 240 | 230 | | | 195 | 195 | 195 | 190 | 185 | | | | | | | | 195 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 200 | 200 | 200 | 195 | 190 | | | | | | | | 200 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 205 | 205 | 205 | 200 | 195 | | | | | | | | 205 | |
| 68 | 1 | 250 | 250 | 245 | | | 220 | 220 | 220 | 220 | 210 | | | | | | | | 220 | |
| 67 | 1 | 250 | 250 | 245 | 225 | 225 | | | | 220 | 210 | | | | | | | | 225 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 235 | 235 | 235 | 230 | 225 | | | 225 | 225 | 225 | | 215 | 235 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 225 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 220 | 220 | 220 | 215 | 210 | | | | | | | | 225 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 245 | | | 240 | 230 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 235 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 265 | | 260 | | | 250 | 240 | | | | | | | | 270 | |
| 76 | 1 | 280 | 280 | 275 | 265 | | 250 | | | 240 | 230 | | | | | | | | 270 | |
| 69 | 1 | 305 | 305 | 285 | 245 | 235 | | | 235 | 225 | 215 | | | | | | | | 255 | |
| 58 | 1 | 305 | 305 | 285 | | | 245 | 230 | 230 | 220 | 210 | | | | | | | | 250 | |
| 5 | 1 | 280 | | | | | | | | | | | | 230 | 225 | 220 | 220 | 215 | | |
| 2 | 1 | 290 | 260 | 235 | | | | | | | | | | | | | 205 | 190 | | 260 |
| 1 | 1 | 290 | 260 | 225 | | | | | | | | | | | | | | 190 | | 260 |
| 12 | 1 | 310 | | | | | | | | | | | | 250 | 235 | | | 215 | | |
| 14, 15 | 1 | 305 | 275 | 250 | | 250 | | | | 230 | 220 | | | 250 | 235 | | | | | 260 |
| 17 | 1 | 310 | 280 | 250 | 260 | 250 | | | 245 | 235 | 225 | | | | | | | | | 265 |
| 9, 11 | 1 | 310 | 280 | 250 | | | | | | 225 | 215 | | | 250 | 235 | | | | | 260 |
| 7 | 1 | 310 | 280 | 250 | | 245 | | | 230 | 220 | 210 | | | | | | | | | 250 |
| 16 | 1 | 330 | 330 | 265 | | | | | | 240 | 225 | | | | | | | | | 270 |
| 18, 19, 21 | 1 | 330 | 300 | 265 | | | | | | 240 | 230 | | | | | | | | | 270 |
| 3 | 1 | 330 | 300 | 265 | 245 | | | | 225 | 215 | 205 | | | 265 | | | | | | 250 |
| 22, 23 | 1 | 330 | 300 | 265 | 265 | 255 | | | | 245 | 235 | | | | | | | | | 270 |
| 4 | 1 | 345 | 315 | 265 | 245 | 240 | | | 230 | 215 | 205 | | | 265 | 235 | | | | | 250 |
| 8, 6 | 1 | 380 | 350 | 265 | | | | | | 220 | 210 | | | | | | | | | 255 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 139 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 139 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 210 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 220 | 220 | 220 | 215 | 200 | | | | | | | | 220 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | 220 | 220 | 220 | 220 | 220 | 215 | 205 | | | | | | | | 220 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 220 | | 220 | 220 | 220 | 215 | 205 | | | | | | | | 220 | |
| 41 | 1 | 240 | 240 | 230 | | | 220 | 220 | 220 | 215 | 210 | | | | | | | | 220 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 225 | 225 | 225 | 220 | 215 | | | | | | | | 225 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 230 | 230 | 230 | 225 | 220 | | | | | | | | 230 | |
| 68 | 1 | 250 | 250 | 245 | | | 245 | 245 | 245 | 245 | 235 | | | | | | | | 245 | |
| 67 | 1 | 250 | 250 | 245 | 250 | 250 | | | | 245 | 235 | | | | | | | | 250 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 260 | 260 | 260 | 255 | 250 | | | 250 | 250 | 250 | | 240 | 260 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 250 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 245 | 245 | 245 | 240 | 235 | | | | | | | | 250 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 270 | | | 265 | 255 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 260 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 290 | | 285 | | | 275 | 265 | | | | | | | | 295 | |
| 76 | 1 | 280 | 280 | 275 | 290 | | 275 | | | 265 | 255 | | | | | | | | 295 | |
| 69 | 1 | 305 | 305 | 285 | 270 | 260 | | | 260 | 250 | 240 | | | | | | | | 280 | |
| 58 | 1 | 305 | 305 | 285 | | | 270 | 255 | 255 | 245 | 235 | | | | | | | | 275 | |
| 5 | 1 | 305 | | | | | | | | | | | | 255 | 250 | 245 | 245 | 240 | | |
| 2 | 1 | 315 | 285 | 260 | | | | | | | | | | | | | 230 | 215 | | 285 |
| 1 | 1 | 315 | 285 | 250 | | | | | | | | | | | | | | 215 | | 285 |
| 12 | 1 | 335 | | | | | | | | | | | | 275 | 260 | | | 240 | | |
| 14, 15 | 1 | 330 | 300 | 275 | | 275 | | | | 255 | 245 | | | 275 | 260 | | | | | 285 |
| 17 | 1 | 335 | 305 | 275 | 285 | 275 | | | 270 | 260 | 250 | | | | | | | | | 290 |
| 9, 11 | 1 | 335 | 305 | 275 | | | | | | 250 | 240 | | | 275 | 260 | | | | | 285 |
| 7 | 1 | 335 | 305 | 275 | | 270 | | | 255 | 245 | 235 | | | | | | | | | 275 |
| 16 | 1 | 355 | 355 | 290 | | | | | | 260 | 250 | | | | | | | | | 295 |
| 18, 19, 21 | 1 | 355 | 325 | 290 | | | | | | 265 | 255 | | | | | | | | | 295 |
| 3 | 1 | 355 | 325 | 290 | 270 | | | | 250 | 240 | 230 | | | 290 | | | | | | 275 |
| 22, 23 | 1 | 355 | 325 | 290 | 290 | 280 | | | | 270 | 260 | | | | | | | | | 295 |
| 4 | 1 | 370 | 340 | 290 | 270 | 265 | | | 255 | 240 | 230 | | | 290 | 260 | | | | | 275 |
| 8, 6 | 1 | 405 | 375 | 290 | | | | | | 245 | 235 | | | | | | | | | 280 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 140 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 140 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 195 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 205 | 205 | 205 | 200 | 185 | | | | | | | | 205 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 205 | 205 | 205 | 205 | 200 | 190 | | | | | | | | 205 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 205 | | 205 | 205 | 205 | 200 | 190 | | | | | | | | 205 | |
| 41 | 1 | 240 | 240 | 230 | | | 205 | 205 | 205 | 200 | 195 | | | | | | | | 205 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 210 | 210 | 210 | 205 | 200 | | | | | | | | 210 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 215 | 215 | 215 | 210 | 205 | | | | | | | | 215 | |
| 68 | 1 | 250 | 250 | 245 | | | 230 | 230 | 230 | 230 | 220 | | | | | | | | 230 | |
| 67 | 1 | 250 | 250 | 245 | 235 | 235 | | | | 230 | 220 | | | | | | | | 235 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 245 | 245 | 245 | 240 | 235 | | | 235 | 235 | 235 | | 225 | 245 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 235 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 230 | 230 | 230 | 225 | 220 | | | | | | | | 235 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 255 | | | 250 | 240 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 245 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 275 | | 270 | | | 260 | 250 | | | | | | | | 280 | |
| 76 | 1 | 280 | 280 | 275 | 275 | | 260 | | | | 250 | 240 | | | | | | | 280 | |
| 60 | 1 | 305 | 305 | 285 | 255 | 245 | | | 245 | 235 | 225 | | | | | | | | 265 | |
| 58 | 1 | 305 | 305 | 285 | | | 255 | 240 | 240 | 230 | 220 | | | | | | | | 260 | |
| 5 | 1 | 310 | | | | | | | | | | | | 240 | 235 | 230 | 220 | 225 | | |
| 2 | 1 | 320 | 290 | 265 | | | | | | | | | | | | | 215 | 200 | | 270 |
| 1 | 1 | 320 | 290 | 255 | | | | | | | | | | | | | | 200 | | 270 |
| 12 | 1 | 340 | | | | | | | | | | | | 260 | 245 | | | 225 | | |
| 14, 15 | 1 | 335 | 305 | 280 | | 260 | | | | 240 | 230 | | | 260 | 245 | | | | | 270 |
| 17 | 1 | 340 | 310 | 280 | 270 | 260 | | | 255 | 245 | 235 | | | | | | | | | 275 |
| 9, 11 | 1 | 340 | 310 | 280 | | | | | | 235 | 225 | | | 260 | 245 | | | | | 270 |
| 7 | 1 | 340 | 310 | 280 | | 255 | | | 240 | 230 | 220 | | | | | | | | | 260 |
| 16 | 1 | 340 | 340 | 305 | | | | | | 245 | 235 | | | | | | | | | 260 |
| 18, 19, 21 | 1 | 340 | 340 | 295 | | | | | | 250 | 240 | | | | | | | | | 260 |
| 3 | 1 | 340 | 330 | 295 | 255 | | | | 235 | 225 | 215 | | | 275 | | | | | | 260 |
| 22, 23 | 1 | 360 | 330 | 305 | 275 | 265 | | | | 255 | 245 | | | | | | | | | 260 |
| 4 | 1 | 375 | 345 | 295 | 255 | 250 | | | 240 | 225 | 215 | | | 275 | 245 | | | | | 260 |
| 8, 6 | 1 | 410 | 380 | 295 | | | | | | 230 | 220 | | | | | | | | | 265 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 141 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 141 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 180 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 190 | 190 | 190 | 185 | 170 | | | | | | | | 190 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | 190 | 190 | 190 | 190 | 190 | 185 | 175 | | | | | | | | 190 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 190 | | 190 | 190 | 190 | 185 | 175 | | | | | | | | 190 | |
| 41 | 1 | 240 | 240 | 230 | | | 190 | 190 | 190 | 185 | 180 | | | | | | | | 190 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 195 | 195 | 195 | 190 | 185 | | | | | | | | 195 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 200 | 200 | 200 | 195 | 190 | | | | | | | | 200 | |
| 68 | 1 | 250 | 250 | 245 | | | 215 | 215 | 215 | 215 | 205 | | | | | | | | 215 | |
| 67 | 1 | 250 | 250 | 245 | 220 | 220 | | | | 215 | 205 | | | | | | | | 220 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 230 | 230 | 230 | 225 | 220 | | | 220 | 220 | 220 | | 210 | 230 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 220 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 215 | 215 | 215 | 210 | 205 | | | | | | | | 220 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 240 | | | 235 | 225 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 230 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 275 | | 255 | | | 215 | 205 | | | | | | | | 265 | |
| 76 | 1 | 280 | 280 | 275 | 275 | | 215 | | | 235 | 225 | | | | | | | | 265 | |
| 60 | 1 | 305 | 305 | 285 | 240 | 230 | | | 230 | 220 | 210 | | | | | | | | 240 | |
| 58 | 1 | 305 | 305 | 285 | | | 240 | 225 | 225 | 215 | 205 | | | | | | | | 245 | |
| 5 | 1 | 280 | | | | | | | | | | | | 225 | 220 | 215 | 215 | 210 | | |
| 2 | 1 | 290 | 290 | 235 | | | | | | | | | | | | | | 200 | 185 | | 255 |
| 1 | 1 | 290 | 290 | 225 | | | | | | | | | | | | | | | 185 | | 255 |
| 12 | 1 | 310 | | | | | | | | | | | | 245 | 230 | | | | 210 | |
| 14, 15 | 1 | 305 | 275 | 250 | | 245 | | | | 225 | 215 | | | 245 | 230 | | | | | 255 |
| 17 | 1 | 310 | 290 | 250 | 235 | 245 | | | 240 | 230 | 220 | | | | | | | | | 290 |
| 9, 11 | 1 | 310 | 290 | 250 | | | | | | 230 | 210 | | | 245 | 230 | | | | | 265 |
| 7 | 1 | 310 | 290 | 240 | | 240 | | | 225 | 215 | 205 | | | | | | | | | 245 |
| 16 | 1 | 330 | 330 | 265 | | | | | | 230 | 220 | | | | | | | | | 265 |
| 18, 19, 21 | 1 | 330 | 300 | 265 | | | | | | 235 | 225 | | | | | | | | | 265 |
| 3 | 1 | 330 | 300 | 285 | 240 | | | | 230 | 210 | 200 | | | 260 | | | | | | 245 |
| 22, 23 | 1 | 330 | 300 | 285 | 265 | 255 | | | | 240 | 230 | | | | | | | | | 265 |
| 4 | 1 | 345 | 315 | 295 | 240 | 235 | | | 225 | 210 | 200 | | | 260 | 250 | | | | | 245 |
| 8, 6 | 1 | 380 | 350 | 295 | | | | | | 215 | 205 | | | | | | | | | 250 |



*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Areas Nos. 118 and 142 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market areas Nos. 118 and 142 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 200 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 210 | 210 | 210 | 205 | 190 | | | | | | | | 210 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 210 | 210 | 210 | 210 | 205 | 195 | | | | | | | | 210 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 210 | | 210 | 210 | 210 | 205 | 195 | | | | | | | | 210 | |
| 41 | 1 | 240 | 240 | 230 | | | 210 | 210 | 210 | 205 | 200 | | | | | | | | 210 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 215 | 215 | 215 | 210 | 205 | | | | | | | | 215 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 220 | 220 | 220 | 215 | 210 | | | | | | | | 220 | |
| 68 | 1 | 250 | 250 | 245 | | | 235 | 235 | 235 | 235 | 225 | | | | | | | | 235 | |
| 67 | 1 | 250 | 250 | 245 | 240 | 240 | | | | 235 | 225 | | | | | | | | 240 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 250 | 250 | 250 | 245 | 240 | | | 240 | 240 | 240 | | 230 | 250 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 240 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 235 | 235 | 235 | 230 | 225 | | | | | | | | 240 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 260 | | | 255 | 245 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 250 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 280 | | 275 | | | 265 | 255 | | | | | | | | 285 | |
| 76 | 1 | 280 | 280 | 275 | 280 | | 265 | | | 255 | 245 | | | | | | | | 285 | |
| 60 | 1 | 305 | 305 | 285 | 260 | 250 | | | 250 | 240 | 230 | | | | | | | | 270 | |
| 58 | 1 | 305 | 305 | 285 | | | 260 | 245 | 245 | 235 | 225 | | | | | | | | 265 | |
| 5 | 1 | 295 | | | | | | | | | | | | 245 | 240 | 235 | 230 | | | |
| 2 | 1 | 305 | 275 | 250 | | | | | | | | | | | | | 220 | 205 | | 275 |
| 1 | 1 | 305 | 275 | 240 | | | | | | | | | | | | | | 205 | | 275 |
| 12 | 1 | 325 | | | | | | | | | | | | 265 | 250 | | | 230 | | |
| 14, 15 | 1 | 320 | 290 | 265 | | 265 | | | | 245 | 235 | | | 265 | 250 | | | | | 275 |
| 17 | 1 | 325 | 295 | 265 | 275 | 265 | | | 260 | 250 | 240 | | | | | | | | | 280 |
| 9, 11 | 1 | 325 | 295 | 265 | | | | | | 240 | 230 | | | 265 | 250 | | | | | 275 |
| 7 | 1 | 325 | 295 | 265 | | 260 | | | 245 | 235 | 225 | | | | | | | | | 265 |
| 16 | 1 | 345 | 345 | 280 | | | | | | 250 | 240 | | | | | | | | | 285 |
| 18, 19, 21 | 1 | 345 | 315 | 290 | | | | | | 255 | 245 | | | | | | | | | 285 |
| 3 | 1 | 345 | 315 | 280 | 260 | | | | 240 | 230 | 220 | | | 280 | | | | | | 265 |
| 22, 23 | 1 | 345 | 315 | 280 | 280 | 270 | | | | 260 | 250 | | | | | | | | | 285 |
| 4 | 1 | 360 | 330 | 280 | 260 | 255 | | | 245 | 230 | 220 | | | 280 | 250 | | | | | 265 |
| 8, 6 | 1 | 395 | 365 | 280 | | | | | | 235 | 225 | | | | | | | | | 270 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 143 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 143 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 185 | | | | | | |
| 31, 32 | 1 | 235 | 235 | 230 | | | 195 | 195 | 195 | 190 | 175 | | | | | | | | 195 | |
| 34, 37, 42, 44 | 1 | 235 | 235 | 230 | | 195 | 195 | 195 | 195 | 190 | 180 | | | | | | | | 195 | |
| 33, 35, 36, 39, 43, 45 | 1 | 240 | 240 | 230 | 195 | | 195 | 195 | 195 | 190 | 180 | | | | | | | | 195 | |
| 41 | 1 | 240 | 240 | 230 | | | 195 | 195 | 195 | 190 | 185 | | | | | | | | 195 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 235 | 235 | 230 | | | 200 | 200 | 200 | 195 | 190 | | | | | | | | 200 | |
| 48, 53, 54 | 1 | 235 | 235 | 230 | | | 205 | 205 | 205 | 200 | 195 | | | | | | | | 205 | |
| 68 | 1 | 250 | 250 | 245 | | | 220 | 220 | 220 | 220 | 210 | | | | | | | | 220 | |
| 67 | 1 | 250 | 250 | 245 | 225 | 225 | | | | 220 | 210 | | | | | | | | 225 | |
| 71, 72, 73 | 1 | 260 | 260 | 255 | | | 235 | 235 | 235 | 230 | 225 | | | 225 | 225 | 225 | | 215 | 235 | |
| 59, 65 | 1 | 260 | 260 | 255 | | | | | | | | | | 225 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 275 | 275 | 255 | | | 220 | 220 | 220 | 215 | 210 | | | | | | | | 225 | |
| 74 | 1 | 280 | 280 | 275 | | | | | | | | | | 245 | | | 240 | 230 | | |
| 75 | 1 | 280 | 280 | 275 | | | | | | | | | | 235 | | | | | | |
| 77, 78 | 1 | 280 | 280 | 275 | 265 | | 260 | | | 250 | 240 | | | | | | | | 270 | |
| 76 | 1 | 280 | 280 | 275 | 265 | | 250 | | | 240 | 230 | | | | | | | | 270 | |
| 60 | 1 | 305 | 305 | 285 | 245 | 235 | | | 235 | 225 | 215 | | | | | | | | 255 | |
| 58 | 1 | 305 | 305 | 285 | | 245 | 230 | 230 | 230 | 220 | 210 | | | | | | | | 250 | |
| 5 | 1 | 350 | | | | | | | | | | | | 230 | 225 | 220 | 220 | 215 | | |
| 2 | 1 | 360 | 340 | 315 | | | | | | | | | | | | | | 205 | 190 | | 260 |
| 1 | 1 | 360 | 340 | 305 | | | | | | | | | | | | | | | 190 | | 260 |
| 12 | 1 | 380 | | | | | | | | | | | | 250 | 235 | | | | 215 | |
| 14, 15 | 1 | 375 | 355 | 330 | | 250 | | | | 230 | 220 | | | 250 | 235 | | | | | 260 |
| 17 | 1 | 380 | 360 | 330 | 260 | 250 | | | 245 | 235 | 225 | | | | | | | | | 280 |
| 9, 11 | 1 | 380 | 360 | 330 | | | | | | 225 | 215 | | | 250 | 235 | | | | | 260 |
| 7 | 1 | 380 | 360 | 330 | | 245 | | | 230 | 220 | 210 | | | | | | | | | 250 |
| 16 | 1 | 400 | 400 | 345 | | | | | | 235 | 225 | | | | | | | | | 270 |
| 18, 19, 21 | 1 | 400 | 380 | 345 | | | | | | 240 | 230 | | | | | | | | | 270 |
| 3 | 1 | 400 | 380 | 345 | 245 | | | | 225 | 215 | 205 | | | 265 | | | | | | 250 |
| 22, 23 | 1 | 400 | 380 | 345 | 265 | 255 | | | | 245 | 235 | | | | | | | | | 270 |
| 4 | 1 | 415 | 395 | 345 | 245 | 240 | | | 230 | 215 | 205 | | | 265 | 235 | | | | | 250 |
| 8, 6 | 1 | 450 | 430 | 345 | | | | | | 220 | 210 | | | | | | | | | 255 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 146 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 146 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 225 | | | | | | |
| 31, 32 | 1 | 250 | 250 | 240 | | | 235 | 235 | 235 | 230 | 215 | | | | | | | | 235 | |
| 34, 37, 42, 44 | 1 | 250 | 250 | 240 | | 235 | 235 | 235 | 235 | 230 | 220 | | | | | | | | 235 | |
| 33, 35, 36, 39, 43, 45 | 1 | 255 | 255 | 240 | 235 | | 235 | 235 | 235 | 230 | 220 | | | | | | | | 235 | |
| 41 | 1 | 255 | 255 | 240 | | | 235 | 235 | 235 | 230 | 225 | | | | | | | | 235 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 250 | 250 | 240 | | | 240 | 240 | 240 | 235 | 230 | | | | | | | | 240 | |
| 48, 53, 54 | 1 | 250 | 250 | 240 | | | 245 | 245 | 245 | 240 | 235 | | | | | | | | 245 | |
| 68 | 1 | 265 | 265 | 255 | | | 260 | 260 | 260 | 260 | 250 | | | | | | | | 260 | |
| 67 | 1 | 265 | 265 | 255 | 265 | 265 | | | | 260 | 250 | | | | | | | | 265 | |
| 71, 72, 73 | 1 | 275 | 275 | 265 | | | 275 | 275 | 275 | 270 | 265 | | | 265 | 265 | 265 | | 255 | 275 | |
| 59, 65 | 1 | 275 | 275 | 265 | | | | | | | | | | 265 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 290 | 290 | 265 | | | 260 | 260 | 260 | 255 | 250 | | | | | | | | 265 | |
| 74 | 1 | 295 | 295 | 285 | | | | | | | | | | 285 | | | 280 | 270 | | |
| 75 | 1 | 295 | 295 | 285 | | | | | | | | | | 275 | | | | | | |
| 77, 78 | 1 | 295 | 295 | 285 | 305 | | 300 | | | 290 | 280 | | | | | | | | 310 | |
| 76 | 1 | 295 | 295 | 285 | 305 | | 290 | | | 280 | 270 | | | | | | | | 310 | |
| 69 | 1 | 320 | 320 | 295 | 285 | 275 | | | 275 | 265 | 255 | | | | | | | | 295 | |
| 58 | 1 | 320 | 320 | 295 | | | 285 | 270 | 270 | 260 | 250 | | | | | | | | 290 | |
| 5 | 1 | 350 | | | | | | | | | | | | 270 | 265 | 260 | 260 | 255 | | |
| 2 | 1 | 360 | 355 | 320 | | | | | | | | | | | | | 245 | 230 | | 300 |
| 1 | 1 | 360 | 355 | 310 | | | | | | | | | | | | | | 230 | | 300 |
| 12 | 1 | 380 | | | | | | | | | | | | 290 | 275 | | | 255 | | |
| 14, 15 | 1 | 375 | 370 | 335 | | 290 | | | | 270 | 260 | | | 290 | 275 | | | | | 300 |
| 17 | 1 | 380 | 375 | 350 | 300 | 290 | | | 285 | 275 | 265 | | | | | | | | | 305 |
| 9, 11 | 1 | 380 | 375 | 335 | | | | | | 265 | 255 | | | 290 | 275 | | | | | 300 |
| 7 | 1 | 380 | 375 | 335 | | 285 | | | 270 | 260 | 250 | | | | | | | | | 290 |
| 16 | 1 | 400 | 400 | 360 | | | | | | 275 | 265 | | | | | | | | | 310 |
| 18, 19, 21 | 1 | 400 | 395 | 350 | | | | | | 280 | 270 | | | | | | | | | 310 |
| 3 | 1 | 400 | 395 | 350 | 285 | | | | 265 | 255 | 245 | | | 305 | | | | | | 290 |
| 22, 23 | 1 | 400 | 395 | 350 | 305 | 295 | | | | 285 | 275 | | | | | | | | | 310 |
| 4 | 1 | 415 | 410 | 350 | 285 | 280 | | | 270 | 255 | 245 | | | 305 | 275 | | | | | 290 |
| 8, 6 | 1 | 450 | 445 | 360 | | | | | | 260 | 250 | | | | | | | | | 295 |

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Areas Nos. 148, 149, 152 and 153 Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market areas Nos. 148, 149, 152 and 153 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 225 | | | | | | |
| 31, 32 | 1 | 250 | 250 | 240 | | | 235 | 235 | 235 | 195 | 180 | | | | | | | | 200 | |
| 34, 37, 42, 44 | 1 | 250 | 250 | 240 | | 235 | 235 | 235 | 235 | 195 | 185 | | | | | | | | 200 | |
| 33, 35, 36, 39, 43, 45 | 1 | 255 | 255 | 240 | 235 | | 235 | 235 | 235 | 195 | 185 | | | | | | | | 200 | |
| 41 | 1 | 255 | 255 | 240 | | | 235 | 235 | 235 | 195 | 190 | | | | | | | | 200 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 250 | 250 | 240 | | | 240 | 240 | 240 | 200 | 195 | | | | | | | | 205 | |
| 48, 53, 54 | 1 | 250 | 250 | 240 | | | 245 | 245 | 245 | 205 | 200 | | | | | | | | 210 | |
| 68 | 1 | 265 | 265 | 255 | | | 260 | 260 | 260 | 225 | 215 | | | | | | | | 260 | |
| 67 | 1 | 265 | 265 | 255 | 265 | 265 | | | | 225 | 215 | | | | | | | | 265 | |
| 71, 72, 73 | 1 | 275 | 275 | 265 | | | 275 | 275 | 275 | 235 | 230 | | | 265 | 265 | 265 | | 220 | 275 | |
| 59, 65 | 1 | 275 | 275 | 265 | | | | | | | | | | 265 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 290 | 290 | 265 | | | 260 | 260 | 260 | 220 | 215 | | | | | | | | 265 | |
| 74 | 1 | 295 | 295 | 285 | | | | | | | | | | 285 | | | 245 | 235 | | |
| 75 | 1 | 295 | 295 | 285 | | | | | | | | | | 275 | | | | | | |
| 77, 78 | 1 | 295 | 295 | 285 | 305 | | 300 | | | 255 | 245 | | | | | | | | 310 | |
| 76 | 1 | 295 | 295 | 285 | 305 | | 290 | | | 245 | 235 | | | | | | | | 310 | |
| 69 | 1 | 320 | 320 | 295 | 285 | 275 | | | 275 | 230 | 220 | | | | | | | | 295 | |
| 58 | 1 | 320 | 320 | 295 | | | 285 | 270 | 270 | 225 | 215 | | | | | | | | 290 | |
| 5 | 1 | 350 | | | | | | | | | | | | 270 | 265 | 260 | 225 | 220 | | |
| 2 | 1 | 360 | 360 | 320 | | | | | | | | | | | | | 210 | 195 | | 300 |
| 1 | 1 | 360 | 360 | 310 | | | | | | | | | | | | | | 195 | | 300 |
| 12 | 1 | 380 | | | | | | | | | | | | 290 | 275 | | | 220 | | |
| 14, 15 | 1 | 375 | 375 | 335 | | 290 | | | | 235 | 225 | | | 290 | 275 | | | | | 300 |
| 17 | 1 | 380 | 380 | 350 | 300 | 290 | | | 285 | 240 | 230 | | | | | | | | | 305 |
| 9, 11 | 1 | 380 | 380 | 335 | | | | | | 230 | 220 | | | 290 | 275 | | | | | 300 |
| 7 | 1 | 380 | 380 | 335 | | 285 | | | 270 | 225 | 215 | | | | | | | | | 290 |
| 16 | 1 | 400 | 400 | 350 | | | | | | 240 | 230 | | | | | | | | | 310 |
| 18, 19, 21 | 1 | 400 | 400 | 350 | | | | | | 245 | 235 | | | | | | | | | 310 |
| 3 | 1 | 400 | 400 | 350 | 285 | | | | 265 | 220 | 210 | | | 305 | | | | | | 290 |
| 22, 23 | 1 | 400 | 400 | 350 | 305 | 295 | | | | 240 | 230 | | | | | | | | | 310 |
| 4 | 1 | 415 | 415 | 350 | 285 | 280 | | | 270 | 220 | 210 | | | 305 | 275 | | | | | 290 |
| 8, 6 | 1 | 450 | 450 | 360 | | | | | | 225 | 215 | | | | | | | | | 295 |

NOTE.—Market Area No. 148: For shipment to East Moss Point, Mississippi only, the prices applicable to size group No. 14, either washed or unwashed, for coal from all mines, may be reduced 10 cents per ton.



*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 151; Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 151 | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 [1] | 1 | | | | | | | | | | | | | 225 | | | | | | |
| 31, 32 [1] | 1 | 225 | 195 | 180 | | | 235 | 235 | 235 | 185 | 170 | | | | | | | | 190 | |
| 34, 37, 42, 44 [1] | 1 | 225 | 195 | 180 | | 235 | 235 | 235 | 235 | 185 | 175 | | | | | | | | 190 | |
| 33, 35, 36, 39, 43, 45 [1] | 1 | 230 | 200 | 180 | 235 | | 235 | 235 | 235 | 185 | 175 | | | | | | | | 190 | |
| 41 [1] | 1 | 230 | 200 | 180 | | | 235 | 235 | 235 | 185 | 180 | | | | | | | | 190 | |
| 38, 49, 51 [1] | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 [1] | 1 | 225 | 195 | 180 | | | 240 | 240 | 240 | 190 | 185 | | | | | | | | 195 | |
| 48, 53, 54 [1] | 1 | 225 | 195 | 180 | | | 245 | 245 | 245 | 195 | 190 | | | | | | | | 200 | |
| 68 | 1 | 240 | 210 | 195 | | | 260 | 260 | 260 | 215 | 205 | | | | | | | | 215 | |
| 67 | 1 | 240 | 210 | 195 | 265 | 265 | | | | 215 | 205 | | | | | | | | 220 | |
| 71, 72, 73 | 1 | 250 | 220 | 205 | | | 275 | 275 | 275 | 225 | 220 | | | 265 | 265 | 265 | | 210 | 230 | |
| 59, 65 | 1 | 250 | 220 | 205 | | | | | | | | | | 265 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 265 | 235 | 205 | | | 260 | 260 | 260 | 210 | 205 | | | | | | | | 220 | |
| 74 | 1 | 270 | 240 | 225 | | | | | | | | | | 285 | | | 235 | 225 | | |
| 75 | 1 | 270 | 240 | 225 | | | | | | | | | | 275 | | | | | | |
| 77, 78 | 1 | 270 | 240 | 225 | 305 | | 300 | | | 245 | 235 | | | | | | | | 265 | |
| 76 | 1 | 270 | 240 | 225 | 305 | | 290 | | | 235 | 225 | | | | | | | | 265 | |
| 69 | 1 | 295 | 265 | 235 | 285 | 275 | | | 275 | 220 | 210 | | | | | | | | 250 | |
| 58 | 1 | 295 | 265 | 235 | | | 285 | 270 | 270 | 215 | 205 | | | | | | | | 245 | |
| 5 | 1 | 350 | | | | | | | | | | | | 270 | 265 | 260 | 215 | 210 | | |
| 2 | 1 | 360 | 360 | 320 | | | | | | | | | | | | | 200 | 185 | | 255 |
| 1 | 1 | 360 | 360 | 310 | | | | | | | | | | | | | | 185 | | 255 |
| 12 | 1 | 380 | | | | | | | | | | | | 290 | 275 | | | 210 | | |
| 14, 15 | 1 | 375 | 375 | 335 | | 290 | | | | 225 | 215 | | | 290 | 275 | | | | | 295 |
| 17 | 1 | 380 | 380 | 350 | 300 | 290 | | | 285 | 230 | 220 | | | | | | | | | 290 |
| 9, 11 | 1 | 380 | 380 | 335 | | | | | | 220 | 210 | | | 290 | 275 | | | | | 295 |
| 7 | 1 | 380 | 380 | 335 | | 285 | | | 270 | 215 | 205 | | | | | | | | | 285 |
| 16 | 1 | 400 | 400 | 350 | | | | | | 230 | 220 | | | | | | | | | 305 |
| 18, 19, 21 | 1 | 400 | 400 | 350 | | | | | | 235 | 225 | | | | | | | | | 295 |
| 3 | 1 | 400 | 400 | 350 | 285 | | | | 265 | 210 | 200 | | | 305 | | | | | | 285 |
| 22, 23 | 1 | 400 | 400 | 350 | 305 | 295 | | | | 240 | 230 | | | | | | | | | 305 |
| 4 | 1 | 415 | 415 | 350 | 285 | 280 | | | 270 | 210 | 200 | | | 305 | 275 | | | | | 285 |
| 8, 6 | 1 | 450 | 450 | 360 | | | | | | 215 | 205 | | | | | | | | | 295 |

[1] For shipment into market area No. 151, mines with index numbers 30 to 54, inclusive, may apply the prices shown above for size group No. 2, to lump coal, when the bottom size of such lump does not exceed 3 inches.

*Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Areas Nos. 69, 70, 72, 73, 74, 75, 154, 155, 156 and Any Other Market Areas Not Specifically Named in This Schedule; Subject to Price Instructions and Exceptions*

| Mine index No. | Sub-district No. | Size groups and prices applicable in market areas Nos. 69, 70, 72, 73, 74, 75, 154, 155, 156 and any other market areas not specifically shown in this schedule | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 [1] | 1 | | | | | | | | | | | | | 225 | | | | | | |
| 31, 32 [1] | 1 | 225 | 195 | 180 | | | 235 | 235 | 235 | 185 | 175 | | | | | | | | 190 | |
| 34, 37, 42, 44 [1] | 1 | 225 | 195 | 180 | | 235 | 235 | 235 | 235 | 185 | 175 | | | | | | | | 190 | |
| 33, 35, 36, 39, 43, 45 [1] | 1 | 230 | 200 | 180 | 235 | | 235 | 235 | 235 | 185 | 175 | | | | | | | | 190 | |
| 41 [1] | 1 | 230 | 200 | 180 | | | 235 | 235 | 235 | 185 | 180 | | | | | | | | 190 | |
| 38, 49, 51 [1] | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 [1] | 1 | 225 | 195 | 180 | | | 240 | 240 | 240 | 190 | 185 | | | | | | | | 195 | |
| 48, 53, 54 [1] | 1 | 225 | 195 | 180 | | | 245 | 245 | 245 | 195 | 190 | | | | | | | | 200 | |
| 68 | 1 | 240 | 210 | 195 | | | 260 | 260 | 260 | 250 | 240 | | | | | | | | 260 | |
| 67 | 1 | 240 | 210 | 195 | 265 | 265 | | | | 260 | 250 | | | | | | | | 265 | |
| 71, 72, 73 | 1 | 250 | 220 | 205 | | | 275 | 275 | 275 | 270 | 265 | | | 265 | 265 | 265 | | 235 | 275 | |
| 59, 65 | 1 | 250 | 220 | 205 | | | | | | | | | | 265 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 265 | 235 | 205 | | | 260 | 260 | 260 | 255 | 250 | | | | | | | | 265 | |
| 74 | 1 | 270 | 240 | 225 | | | | | | | | | | 285 | | | 280 | 270 | | |
| 75 | 1 | 270 | 240 | 225 | | | | | | | | | | 275 | | | | | | |
| 77, 78 | 1 | 270 | 240 | 225 | 305 | | 300 | | | 290 | 280 | | | | | | | | 310 | |
| 76 | 1 | 270 | 240 | 225 | 305 | | 290 | | | 280 | 270 | | | | | | | | 310 | |
| 69 | 1 | 295 | 265 | 235 | 285 | 275 | | | 275 | 265 | 255 | | | | | | | | 295 | |
| 58 | 1 | 295 | 265 | 235 | | | 285 | 270 | 270 | 260 | 250 | | | | | | | | 290 | |
| 5 | 1 | 350 | | | | | | | | | | | | 270 | 265 | 260 | 260 | 255 | | |
| 2 | 1 | 360 | 360 | 320 | | | | | | | | | | | | | 245 | 230 | | 300 |
| 1 | 1 | 360 | 360 | 310 | | | | | | | | | | | | | | 230 | | 300 |
| 12 | 1 | 380 | | | | | | | | | | | | 290 | 275 | | | 255 | | |
| 14, 15 | 1 | 375 | 375 | 335 | | 290 | | | | 270 | 260 | | | 290 | 275 | | | | | 300 |
| 17 | 1 | 380 | 380 | 350 | 300 | 290 | | | 285 | 275 | 265 | | | | | | | | | 305 |
| 9, 11 | 1 | 380 | 380 | 335 | | | | | | 265 | 255 | | | 290 | 275 | | | | | 300 |
| 7 | 1 | 380 | 380 | 335 | | 285 | | | 270 | 260 | 250 | | | | | | | | | 290 |
| 16 | 1 | 400 | 400 | 350 | | | | | | 275 | 265 | | | | | | | | | 310 |
| 18, 19, 21 | 1 | 400 | 400 | 350 | | | | | | 280 | 270 | | | | | | | | | 310 |
| 3 | 1 | 400 | 400 | 350 | 285 | | | | 265 | 255 | 245 | | | 305 | | | | | | 290 |
| 22, 23 | 1 | 400 | 400 | 350 | 305 | 295 | | | | 285 | 275 | | | | | | | | | 310 |
| 4 | 1 | 415 | 415 | 350 | 285 | 280 | | | 270 | 255 | 245 | | | 305 | 275 | | | | | 290 |
| 8, 6 | 1 | 450 | 450 | 360 | | | | | | 260 | 250 | | | | | | | | | 295 |

[1] For shipment into market areas covered by the above price table, mines with index numbers 30 to 54, inclusive, may apply the prices shown above for size group No. 2, to lump coal, when the bottom size of such lump does not exceed 3".

### *Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Area No. 212; Subject to Price Instructions and Exceptions*

| Mine index No. | Subdistrict No. | Size groups and prices applicable in market area No. 212 | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Domestic | | | Washed steam | | | | | | | Unwashed steam | | | | | | Industrial | |
| | | 1 | 2 | 5 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 7 | 8 | 10 | 11 | 12 | 13 | 14 | 19 | 20 |
| 30 | 1 | | | | | | | | | | | | | 225 | | | | | | |
| 31, 32 | 1 | 250 | 240 | 225 | | | 235 | 235 | 235 | 195 | 180 | | | | | | | | 235 | |
| 34, 37, 42, 44 | 1 | 250 | 240 | 225 | | 235 | 235 | 235 | 235 | 195 | 185 | | | | | | | | 235 | |
| 33, 35, 36, 39, 43, 45 | 1 | 255 | 245 | 225 | 235 | | 235 | 235 | 235 | 195 | 185 | | | | | | | | 235 | |
| 41 | 1 | 255 | 245 | 225 | | | 235 | 235 | 235 | 195 | 190 | | | | | | | | 235 | |
| 38, 49, 51 | 1 | | | | | | | | | | | | | | | | | | | |
| 46, 47 | 1 | 250 | 240 | 225 | | | 240 | 240 | 240 | 200 | 195 | | | | | | | | 240 | |
| 48, 53, 54 | 1 | 250 | 240 | 225 | | | 245 | 245 | 245 | 205 | 200 | | | | | | | | 245 | |
| 68 | 1 | 265 | 255 | 240 | | | 260 | 260 | 260 | 225 | 215 | | | | | | | | 260 | |
| 67 | 1 | 265 | 255 | 240 | 265 | 265 | | | | 225 | 215 | | | | | | | | 265 | |
| 71, 72, 73 | 1 | 275 | 265 | 250 | | | 275 | 275 | 275 | 235 | 230 | | | 265 | 265 | 265 | | 220 | 275 | |
| 59, 65 | 1 | 275 | 265 | 250 | | | | | | | | | | 265 | | | | | | |
| 61, 62, 63, 64, 66 | 1 | | | | | | | | | | | | | | | | | | | |
| 55, 56, 57, 70 | 1 | 290 | 280 | 250 | | | 260 | 260 | 260 | 220 | 215 | | | | | | | | 265 | |
| 74 | 1 | 295 | 285 | 270 | | | | | | | | | | 285 | | | 245 | 235 | | |
| 75 | 1 | 295 | 285 | 270 | | | | | | | | | | 275 | | | | | | |
| 77, 78 | 1 | 295 | 285 | 270 | 305 | | 300 | | | 255 | 245 | | | | | | | | 310 | |
| 76 | 1 | 295 | 285 | 270 | 305 | | 290 | | | 245 | 235 | | | | | | | | 310 | |
| 69 | 1 | 320 | 310 | 280 | 285 | 275 | | | 275 | 230 | 220 | | | | | | | | 295 | |
| 58 | 1 | 320 | 310 | 280 | | | 285 | 270 | 270 | 225 | 215 | | | | | | | | 290 | |
| 5 | 1 | 350 | | | | | | | | | | | | 270 | 265 | 260 | 225 | 220 | | |
| 2 | 1 | 360 | 360 | 320 | | | | | | | | | | | | | 210 | 195 | | 300 |
| 1 | 1 | 360 | 360 | 310 | | | | | | | | | | | | | | 195 | | 300 |
| 12 | 1 | 380 | | | | | | | | | | | | 290 | 275 | | | 220 | | |
| 14, 18 | 1 | 375 | 375 | 335 | | 290 | | | | 235 | 225 | | | 300 | 275 | | | | | 300 |
| 17 | 1 | 380 | 380 | 350 | 300 | 290 | | | 285 | 240 | 230 | | | | | | | | | 305 |
| 9, 11 | 1 | 380 | 380 | 335 | | | | | | 230 | 220 | | | 300 | 275 | | | | | 300 |
| 7 | 1 | 380 | 380 | 335 | | 285 | | | 270 | 225 | 215 | | | | | | | | | 290 |
| 16 | 1 | 400 | 400 | 350 | | | | | | 240 | 230 | | | | | | | | | 310 |
| 18, 19, 21 | 1 | 400 | 400 | 350 | | | | | | 245 | 235 | | | | | | | | | 310 |
| 3 | 1 | 400 | 400 | 350 | 285 | | | | 265 | 230 | 210 | | | 305 | | | | | | 290 |
| 23, 23 | 1 | 400 | 400 | 350 | 305 | 295 | | | | 250 | 240 | | | | | | | | | 310 |
| 4 | 1 | 415 | 415 | 350 | 285 | 280 | | | 270 | 230 | 210 | | | 305 | 275 | | | | | 290 |
| 5, 6 | 1 | 450 | 450 | 360 | | | | | | 225 | 215 | | | | | | | | | 295 |

### *Prices F. O. B. Mines for Shipment by Railroad, Applicable Only for Blacksmithing Use for All Destinations in Market Areas As Listed Subject to Price Instructions and Exceptions*

| Mine index No. | Subdistrict No. | Market areas in which prices apply | Price |
|---|---|---|---|
| 17, 67, 68, 76,77,78 | 1 | 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 212. | 425 |
| | | All market areas not listed above. | 350 |
| | | For shipment to all railroads in all areas. | 425 |

### *Prices F. O. B. Mines for Shipment by Railroad, Applicable to All Coal Sold for Steamship Vessel Fuel Subject to Price Instructions and Exceptions*

| Mine index No. | Size groups and prices applicable for steamship vessel fuel | | | |
|---|---|---|---|---|
| | Mine group | Washed, 11, 12, 13, 14 | Washed, 10 | Unwashed, 10 |
| 1,[1] 2,[1] 14,[1] 15,[1] 18, 19, 21, 22, 23, 74, 75, 76, 77, 78 | Black Creek | 285 | 285 | ---- |
| 59, 65, 70, 71, 72, 73 | Pratt | 275 | 275 | 270 |
| 3,[1] 4,[1] 5, 6,[1] 7, 8,[1] 9, 11, 12, 17, 58, 69 | Cahaba | 270 | ---- | 270 |
| 67 | Blue Creek | 265 | 265 | 260 |
| 55, 56, 57 | Corona | 265 | ---- | ---- |
| 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 68. | Carbon Hill Big Seam. | 245 | ---- | ---- |

[1] Mines with index Nos. 1, 2, 3, 4, 6, 7, 8, 14, and 15 may reduce the prices shown above 10 cents per ton when sale is made to or through an American agent.

### *Prices F. O. B. Mines for Shipment to all Railroads for Locomotive Fuel Only*

The following prices apply for locomotive use only. For station heating, power plants, dining cars and other uses regular steam and/or domestic schedules apply except that where slack coal by such application is higher than locomotive fuel, proper locomotive fuel price may apply to slack coal]

| For all mines in subdistrict No. 1—Mine index No. | For all sizes customarily furnished railroads for locomotive fuel | | |
|---|---|---|---|
| | Central of Georgia [a] | Seaboard Air Line Railway | All other railroads not specifically shown |
| 41, 57 | 243 | ---- | 220 |
| 55 | ---- | 243 | 220 |
| 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 30, 31, 32[b], 33, 34[b], 35, 36, 37, 38, 39, 42, 43, 44[c], 45, 46[b], 47, 48, 49[b], 51, 52, 53, 54, 56, 58, 59, 61, 62[c], 63, 64[c], 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78 | 220 | 220 | 220 |

[a] Mines with index numbers 62 and 64 may deliver locomotive fuel to the A. B. & C. Railroad over the privately owned railway of the Woodward Iron Company at the price shown above.

[b] Mines with index numbers 46 and 49 may deliver locomotive fuel to the Southern Railroad over the privately owned railway of the Sloss-Sheffield Steel & Iron Co. at the price shown above.

[c] Mines with index number 44 may reduce the price shown above when for delivery to the Illinois Central Railroad by the amount of $10.75 per car, which amount is the contemporaneous weighing and switching charge.

[d] Mines with index numbers 32 and 34 may reduce the price shown above when for delivery to the Columbus and Greenville Railway by the exact amount per ton necessary to equalize actual freight division differentials with mines taking the Southern Railway group 4 freight rates.

[e] Prices shown for Central of Georgia and Seaboard Air Line Railways shall also apply to controlled subsidiaries whose purchases of coal are directly made by the controlling system. This includes steamship bunker coal for the Central of Georgia.

### *Price Instructions and Exceptions Applicable to Mines in Subdistrict No. 3*

Item No. 1. The prices published herein are in cents per net ton of 2,000 pounds and apply f. o. b. transportation facilities at mines on all coal produced by code members at mines located in the district shown on the title page hereof.

Item No. 2. The prices published in this schedule are subject to the established Marketing Rules and Regulations and the rules and regulations governing distributors.

Item No. 3. All prices shown herein are for payment in United States funds.

Item No. 4. All size designations are for round hole screens. When screens having other types of openings are used and the percentage of over-size, as determined in accordance with the method of test prescribed by A.S.T.M. designation D 410–38 exceeds 5%, the price for the next higher size group classification for that mine shall apply.

Item No. 5. The prices herein established for mines shipping by railways shall be applicable to all coal shipped by conveyances other than trucks or wagons.

Item No. 6. Railway locomotive fuel prices designated on page 45 shall not be used in the sale of coal to railways other than those recognized as common carriers by the Interstate Commerce Commission or by the Canadian Railways Commission.

Item No. 7. The market areas used in this schedule are those areas numerically designated and geographically described in the document entitled, "Consuming Market Areas as Proposed by the National Bituminous Coal Commission Pursuant to Section 4 of the Bituminous Coal Act of 1937" dated April 24, 1939.

Item No. 8. All coal subjected to any chemical, oil or wax process for allaying dust shall be priced at not less than 15 cents per net ton above the prices shown herein.

Item No. 9. Any producer mine located in subdistrict No. 3 with a contemporaneous through haul rate to any destination that is higher than the through haul rate applicable to any other mine in subdistrict No. 3 to such destination, may reduce the f. o. b. mine price shown herein for said producer mine, in the exact amount of the differential between the actual freight rate applicable to that particular producer mine, and the lowest contemporaneous freight rate of any other producer mine in subdistrict No. 3. Such reduction shall not exceed 35 cents per net ton. —

(This exception does not apply on shipments of coal from any mine to any destination point in market area No. 112.)

Item No. 10. *Industrial coal.* The term "Industrial Coal" as used in this schedule is coal used in industrial plants which buy and receive coal in carload quantities for their own use.

Item No. 11. *Domestic coal.* The term "Domestic Coal" as used in this schedule is coal other than defined as "Industrial Coal."



### *Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel and Blacksmithing, for All Destinations in Market Areas as Shown in Caption for Each Price Table; Subject to Price Instructions and Exceptions*

| Mine index No. | Subdistrict No. | Size groups and prices applicable in market area No. 112 | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 3 | 4 | 6 | 8 | 9 | 10 | 11 | 12 | 13 | 15 | 16 | 17 | 18 | 19 |
| 30 | 3 | 324 | 294 | 304 | 224 | 224 | 219 | 244 | 224 | 219 | 189 | 189 | 169 | 169 | 124 | 209 |
| 31, 32 | 3 | 285 | 255 | 245 | 201 | 199 | 185 | 220 | 199 | 185 | 145 | 145 | 145 | 140 | 123 | 210 |
| 34, 37, 42, 44 | 3 | 290 | 260 | 270 | 234 | 224 | 219 | 244 | 224 | 219 | 179 | 179 | 174 | 174 | 159 | 244 |
| 33, 35, 36, 39, 43, 45 | 3 | 253 | 223 | 240 | 195 | 190 | 183 | 220 | 190 | 185 | 145 | 145 | 145 | 140 | 125 | 205 |
| 41 | 3 | 299 | 269 | 279 | 254 | 224 | 219 | 244 | 224 | 219 | 174 | 174 | 174 | 164 | 149 | 244 |
| 38, 49, 51 | 3 | 289 | 259 | 274 | 229 | 224 | 219 | 244 | 224 | 219 | 174 | 174 | 174 | 164 | 149 | 239 |

| Mine index No. | Subdistrict No. | Size groups and prices applicable in market areas Nos. 118, 119, and 120 | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 3 | 4 | 6 | 8 | 9 | 10 | 11 | 12 | 13 | 15 | 16 | 17 | 18 | 19 |
| 46, 47 | 3 | 330 | 300 | 330 | 260 | 250 | 245 | 245 | 235 | 235 | 200 | 200 | 190 | 170 | 145 | 300 |
| 48, 53, 54 | 3 | 303 | 295 | 305 | 260 | 250 | 245 | 245 | 235 | 235 | 210 | 210 | 200 | 195 | 170 | 275 |
| 68 | 3 | 295 | 265 | 300 | 255 | 245 | 245 | 245 | 235 | 235 | 210 | 210 | 200 | 195 | 170 | 270 |
| 67 | 3 | 305 | 265 | 305 | 260 | 250 | 245 | 245 | 235 | 235 | 205 | 205 | 205 | 185 | 160 | 275 |
| 71, 72, 73 | 3 | 295 | 265 | 300 | 255 | 245 | 245 | 245 | 235 | 235 | 205 | 205 | 205 | 185 | 160 | 270 |

| Mine index No. | Subdistrict No. | Size groups and prices applicable in market areas Nos. 107, 109, 126, 136 and 137 | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 3 | 4 | 6 | 8 | 9 | 10 | 11 | 12 | 13 | 15 | 16 | 17 | 18 | 19 |
| 59, 65 | 3 | 283 | 260 | 265 | 205 | 190 | 190 | 220 | 205 | 205 | 160 | 160 | 145 | 125 | 120 | 235 |
| 70 | 3 | 290 | 253 | 265 | 205 | 190 | 190 | 220 | 205 | 205 | 160 | 160 | 135 | 150 | 145 | 225 |
| 61, 62, 63, 64, 66 | 3 | 290 | 253 | 265 | 205 | 190 | 190 | 220 | 205 | 205 | 160 | 160 | 150 | 150 | 145 | 225 |
| 55, 56, 57 | 3 | 290 | 253 | 245 | 205 | 190 | 190 | 220 | 205 | 205 | 160 | 160 | 150 | 150 | 145 | 225 |
| 58 | 3 | 250 | 225 | 235 | 200 | 190 | 190 | 220 | 205 | 205 | 160 | 155 | 150 | 140 | 133 | 225 |

| Mine index No. | Subdistrict No. | Size groups and prices applicable in market areas Nos. 101, 110, 111, 117, 123, 124, 125, 128, 129, 131, 133, 134, 135, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147 and 150 | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 3 | 4 | 6 | 8 | 9 | 10 | 11 | 12 | 13 | 15 | 16 | 17 | 18 | 19 |
| 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 30, 31, 32[b], 33, 34[b], 35, 36, 37, 38, 39, 42, 43, 44[c], 45, 46[b], 47, 48, 49[b], 51, 52, 53, 54, 56, 58, 59, 61, 62[c], 63, 64[c], 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78 | 3 | 295 | 270 | 275 | 215 | 200 | 200 | 220 | 210 | 210 | 160 | 160 | 155 | 135 | 130 | 205 |
| | 3 | 270 | 245 | 250 | 215 | 200 | 200 | 220 | 210 | 210 | 170 | 165 | 160 | 160 | 155 | 240 |
| | 3 | 290 | 255 | 245 | 210 | 200 | 200 | 220 | 210 | 210 | 170 | 165 | 160 | 155 | 155 | 235 |
| | 3 | 280 | 245 | 245 | 210 | 200 | 200 | 220 | 210 | 210 | 165 | 165 | 160 | 150 | 145 | 230 |
| | 3 | 260 | 235 | 240 | 210 | 200 | 200 | 220 | 210 | 210 | 165 | 165 | 160 | 150 | 145 | 230 |

| Mine index No. | Subdistrict No. | Size groups and prices applicable in market areas Nos. 121, 122 and any other market areas not specifically named in this schedule | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 3 | 4 | 6 | 8 | 9 | 10 | 11 | 12 | 13 | 15 | 16 | 17 | 18 | 19 |
| 91 | 3 | 273 | 253 | 260 | 190 | 180 | 175 | 220 | 190 | 190 | 160 | 160 | 155 | 135 | 130 | 225 |
| 93, 94, 95 | 3 | 250 | 230 | 235 | 190 | 180 | 175 | 220 | 190 | 190 | 160 | 160 | 160 | 135 | 130 | 205 |
| 96 | 3 | 240 | 220 | 230 | 185 | 180 | 175 | 220 | 190 | 190 | 160 | 160 | 160 | 135 | 130 | 195 |
| 97 | 3 | 240 | 220 | 230 | 185 | 180 | 175 | 220 | 190 | 190 | 160 | 165 | 160 | 135 | 130 | 195 |
| 98, 99 | 3 | | | | | | | | | | | | | | | |

[1] The prices shown for shipment to market area No. 112 are not subject to any deductions or additions for freight differentials.

### *Description of Size Groups—Size Groups Applicable to Tennessee and Georgia Rail and Truck Mines—Subdistricts Nos. 3 and 4*—Continued

| Size group No. | Grade | Size dimensions | | Mine index No. | Subdistrict | Seam | Mine origin group No. |
|---|---|---|---|---|---|---|---|
| | | Top size | Bottom size | | | | |
| 9 | Stoker | ¾" and smaller | 34" and smaller. | 91 | 3 | Battle Creek | 150 |
| 10 | Mine Run. 6" x 0 | Straight mine run; no fines removed. | Mine run, modified by the removal of any intermediate size or sizes; no fines removed. | 97 | 3 | Sewanee | 150 |
| 11 | 5" x 0 | All resultant coals larger than 5"; no fines removed. | | 90 | 3 | Sewanee | 150 |
| 12 | 4" x 0 | All resultant coals 5" and larger than 4". | | 96 | 3 | Coalmont | 140 |
| 13 | 2" x 0 | All resultant coals 4" and larger than 2". | | 94 | 3 | Sewanee | 140 |
| 18 | 2" x 0 | All screenings 2" and larger than 1¼"; (Includes specially prepared 2" x 0 nut and slack coal with part of the fines removed. Each ton of such coal must contain not less than 40 percent of fine coal including intermediate coal from washer which will pass through a ¾" screen.) | | 93 | 3 | Sewanee | 140 |
| 15 | 1¼" x 0 | All screenings 1¼" and larger than ¾". | | 98 | 3 | Sewanee | 150 |
| 16 | 1¼" x 0 | All screenings 1¼" and larger than ¾". | | 99 | 3 | Sewanee | 150 |
| 17 | ¾" x 0 | All screenings ¾" and larger than ¾". | | | | | |
| 18 | ¾" x 0 | All screenings ¾" and smaller than ¾". | | | | | |
| 19 | Industrial | All coal with a bottom size 1" and larger. | | | | | |
| | | All double screened coal with a top size larger than 2". | | | | | |

[1] See price instructions and exceptions, Items Nos. 10 and 11, for definition of Industrial and Domestic Coals

### *Description of Size Groups—Size Groups Applicable to Tennessee and Georgia Rail and Truck Mines—Subdistricts Nos. 3 and 4*

| Size group No. | Grade | Size dimensions | | Mine index Nos. | Market areas in which discounts apply | May | June | July | Aug. | Sept. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Top size | Bottom size | | | | | | | |
| 1 | Lump | No limit | Larger than 2". | 91, 93, 94, 95, 96, 97, 98, 99. | All market areas. | 50 | 40 | 30 | 20 | 10 |
| 3 | Egg | 5" and larger than 2". | No limit. larger than 1". | | | 50 | 40 | 30 | 20 | 10 |
| 4 | Lump | No limit | 2" and smaller. | | | 50 | 40 | 30 | 20 | 10 |
| 5 | Nut | 2" and larger than 1". | 1" and larger than ¾". | | | 50 | 40 | 30 | 20 | 10 |
| 8 | Stoker | 1¼" and larger than ¾". | ¾" and smaller. | | | 50 | 40 | 30 | 20 | 10 |

### *Alphabetical List of Code Members in Subdistrict No. 3*

| Name of code member | Mine | Seam | Subdistrict | Mine index No. | Mine origin group No. |
|---|---|---|---|---|---|
| Battle Creek Coal Company | Battle Creek | Battle Creek | 3 | 91 | 150 |
| Cumberland Coal Corporation | Cartwright | Sewanee | 3 | 97 | 150 |
| Pikeville Coal Company | College | Sewanee | 3 | 90 | 150 |
| Sewanee Fuel & Iron Company | Coalmont | Sewanee | 3 | 96 | 140 |
| Sewanee Fuel & Iron Company | Nyack | Sewanee | 3 | 94 | 140 |
| Tennessee Consolidated Coal Co. | Palmer | Sewanee | 3 | 93 | 140 |
| Tennessee Consolidated Coal Co. | Whitwell | Sewanee | 3 | 98 | 150 |
| Whitwell Coal Corporation | Dade | Sewanee | 3 | | |

***Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel and Blacksmithing, for All Destinations in Market Areas as Shown in Caption for Each Price Table; Subject to Price Instructions and Exceptions*—Continued**

| Mine index No. | Sub-district No. | Size groups and prices applicable in market areas Nos. 130 and 132 | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 3 | 4 | 6 | 8 | 9 | 10 | 11 | 12 | 13 | 15 | 16 | 17 | 18 | 19 |
| 91 | 3 | 290 | 275 | 285 | 220 | 200 | 200 | 220 | 210 | 210 | 170 | 170 | 165 | 130 | 125 | 260 |
| 93, 94, 95 | 3 | 265 | 250 | 260 | 220 | 200 | 200 | 220 | 210 | 210 | 180 | 180 | 175 | 155 | 150 | 235 |
| 96 | 3 | 255 | 240 | 255 | 215 | 200 | 200 | 220 | 210 | 210 | 180 | 180 | 175 | 155 | 150 | 230 |
| 97 | 3 | 265 | 250 | 260 | 220 | 200 | 200 | 220 | 210 | 210 | 175 | 175 | 170 | 145 | 140 | 235 |
| 98, 99 | 3 | 255 | 240 | 255 | 215 | 200 | 200 | 220 | 210 | 210 | 175 | 175 | 170 | 145 | 140 | 230 |

| Mine index No. | Sub-district No. | Size groups and prices applicable in market areas Nos. 73, 74, 102, 104, 114, 116, 148, 149, 151, 152, 153, 154, 155, 156, and 157 | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 3 | 4 | 6 | 8 | 9 | 10 | 11 | 12 | 13 | 15 | 16 | 17 | 18 | 19 |
| 91 | 3 | 300 | 255 | 255 | 200 | 190 | 190 | 220 | 215 | 205 | 150 | 145 | 145 | 115 | 75 | 275 |
| 93, 94, 95 | 3 | 275 | 230 | 230 | 200 | 190 | 190 | 220 | 215 | 205 | 160 | 155 | 155 | 140 | 100 | 250 |
| 96 | 3 | 265 | 220 | 225 | 195 | 190 | 190 | 220 | 215 | 205 | 160 | 155 | 155 | 140 | 100 | 245 |
| 97 | 3 | 275 | 230 | 230 | 200 | 190 | 190 | 220 | 215 | 205 | 155 | 150 | 150 | 130 | 90 | 250 |
| 98, 99 | 3 | 265 | 220 | 225 | 195 | 190 | 190 | 220 | 215 | 205 | 155 | 150 | 150 | 130 | 90 | 245 |

| Mine index No. | Sub-district No. | Size groups and prices applicable in market area No. 113 | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 3 | 4 | 6 | 8 | 9 | 10 | 11 | 12 | 13 | 15 | 16 | 17 | 18 | 19 |
| 91 | 3 | 310 | 340 | 330 | 260 | 250 | 245 | 235 | 235 | 235 | 205 | 205 | 195 | 175 | 140 | 285 |
| 93, 94, 95 | 3 | 315 | 315 | 305 | 260 | 250 | 245 | 235 | 235 | 235 | 215 | 215 | 205 | 200 | 165 | 260 |
| 96 | 3 | 305 | 305 | 300 | 255 | 250 | 245 | 235 | 235 | 235 | 215 | 215 | 205 | 200 | 165 | 255 |
| 97 | 3 | 315 | 315 | 305 | 260 | 250 | 245 | 235 | 235 | 235 | 210 | 210 | 200 | 190 | 155 | 260 |
| 98, 99 | 3 | 305 | 305 | 300 | 255 | 250 | 245 | 235 | 235 | 235 | 210 | 210 | 200 | 190 | 155 | 255 |

| Mine index No. | Sub-district No. | Size groups and prices applicable to destination group No. 1 in market area No. 115 | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 3 | 4 | 6 | 8 | 9 | 10 | 11 | 12 | 13 | 15 | 16 | 17 | 18 | 19 |
| 91 | 3 | 340 | 340 | 330 | 260 | 250 | 245 | 235 | 235 | 235 | 205 | 205 | 195 | 175 | 140 | 285 |
| 93, 94, 95 | 3 | 315 | 315 | 305 | 260 | 250 | 245 | 235 | 235 | 235 | 215 | 215 | 205 | 200 | 165 | 260 |
| 96 | 3 | 305 | 305 | 300 | 255 | 250 | 245 | 235 | 235 | 235 | 215 | 215 | 205 | 200 | 165 | 255 |
| 97 | 3 | 315 | 315 | 305 | 260 | 250 | 245 | 235 | 235 | 235 | 210 | 210 | 200 | 190 | 155 | 260 |
| 98, 99 | 3 | 305 | 305 | 300 | 255 | 250 | 245 | 235 | 235 | 235 | 210 | 210 | 200 | 190 | 155 | 255 |

***List of All Points in Destination Group No. 1 in Market Area No. 115***

Lewisburg.
Columbia.

| Mine index No. | Sub-district No. | Size groups and prices applicable to destination group No. 2 in market area No. 115 | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 3 | 4 | 6 | 8 | 9 | 10 | 11 | 12 | 13 | 15 | 16 | 17 | 18 | 19 |
| 91 | 3 | 300 | 255 | 255 | 200 | 190 | 190 | 220 | 210 | 200 | 150 | 145 | 145 | 115 | 75 | 275 |
| 93, 94, 95 | 3 | 275 | 230 | 230 | 200 | 190 | 190 | 220 | 210 | 200 | 160 | 155 | 155 | 140 | 100 | 250 |
| 96 | 3 | 265 | 220 | 225 | 195 | 190 | 190 | 220 | 210 | 200 | 160 | 155 | 155 | 140 | 100 | 245 |
| 97 | 3 | 275 | 230 | 230 | 200 | 190 | 190 | 220 | 210 | 200 | 155 | 150 | 150 | 130 | 90 | 250 |
| 98, 99 | 3 | 265 | 220 | 225 | 195 | 190 | 190 | 220 | 210 | 200 | 155 | 150 | 150 | 130 | 90 | 245 |

***Points in Destination Group No. 2 in Market Area No. 115***

Destination group No. 2 in market area No. 115 consists of all points in that area not specifically listed in destination group No. 1.

***Prices F. O. B. Mines for Shipment by Railroad, Applicable Only for Blacksmithing Use for All Destinations in Market Areas as Listed Subject to Price Instructions and Exceptions***

| Mine index No. | Sub-district No. | Market areas in which prices apply | Price |
|---|---|---|---|
| 93, 94, 95, 96 | 3 | 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 212. | 400 |
| | | All market areas not listed above. | 325 |
| | | For shipment to all railroads in all areas. | 400 |

***Prices F. O. B. Mines for Shipment to All Railroads for Locomotive Fuel, Station Heating, Power Plants and Other Uses***

| For all mines in subdistrict No. 3—Mine index No. | Size | Prices |
|---|---|---|
| 91, 93, 94, 95, 96, 97, 98, 99. | For all sizes except screenings. | 220 |
| | Screenings with top size not more than 2". | 215 |

**SCHEDULE OF PROPOSED COORDINATED MINIMUM PRICES FOR DISTRICT NO. 13**

**TRUCK SHIPMENTS ONLY**

***Identification of Subdistrict Numbers***

**Identification**

Subdistrict No. 1. Alabama Rail Connected Mines.

Subdistrict No. 2. Alabama Truck Mines.

Subdistrict No. 3. Tennessee-Georgia Rail Connected Mines.

Subdistrict No. 4. Tennessee-Georgia Truck Mines.

**PRICE INSTRUCTIONS AND EXCEPTIONS**

***Alabama Mines—Subdistricts 1 and 2—Truck Shipment Only***

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members within District No. 13.

2. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.



***Size Groups Applicable to Alabama Mines Shipping by Truck—Subdistricts 1 and 2*—Continued**

| Size group No. | Grade | Size dimensions: Top size | Size dimensions: Bottom size |
|---|---|---|---|
| 8 | Nut | Not larger than 1¼". | Not larger than ¾". |
| 10 | Mine run | Straight mine run; no fines removed. | |
| | | Mine run, modified by the removal of fines intermediate size or sizes; no fines removed. | |
| 11 | 6" x 0 | All resultant coals larger than 6", but not larger than 6"; no fines removed. | |
| | | All resultant coals larger than 5", but not larger than 6"; no fines removed. | |
| 12 | 5" x 0 | All resultant coals larger than 4", but not larger than 5"; no fines removed. | |
| 13 | 3" x 0 | All resultant coals larger than 1¼", but not larger than 3", no fines removed. | |
| | 2" x 0 | | |
| 14 | 1¼" x 0 | All screenings 1¼", and smaller. | |
| 19 | Industrial [1] | All lump and double screened coals with a horizontal cut as larger. | |
| 20 | Industrial [1] | All double screened coals with a top size not larger than 3". | |

[1] For Definition of Industrial Coal see Price Instructions and Exceptions, Item No. 7.

8. *Domestic coal.* The term "Domestic Coal" as used in this schedule is coal other than defined as "Industrial Coal".

9. All prices in size group 10 are for unwashed coal. Run of Mine coal when washed shall be sold 10c per ton higher.

10. *Seasonal discounts.* The following seasonal discounts may apply on coal when sold for domestic use only:

| Size group | April | May | June | July | August | September | October |
|---|---|---|---|---|---|---|---|
| All market areas | 75 | 65 | 55 | 45 | 35 | 25 | 15 |
| All market areas | 75 | 65 | 55 | 45 | 35 | 25 | 15 |
| All market areas | 65 | 53 | 45 | 33 | 23 | 15 | 0 |

11. Not *less* than the actual cost of transporting coal from the ordinary loading facilities at the mines to any consumer shall be added to the established minimum price f. o. b. transportation facilities at the mine.

***Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only***

| Code member index—Name | Mine | S. D. | Seam | Size group No. | Grade | Size dimensions: Top size | Size dimensions: Bottom size | Lump over 2" and under | Double screened top size 3" and under bottom size over 2" | Lump 2" and under | Double screened top size 3" and under bottom size over 2" | Double screened top size 3" and under bottom size 1½" and under | Double screened top size 1½" and under bottom size ¾" and under | Run of mine Modified R/M resultant over 6" | Resultant 3" and over | | Screenings 1½" and under | | Industrial coal [1] |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | Dry | Dry | Dry | Wash | Dry | Wash | Dry | Dry | Wash | Dry | Wash | 19, 20 |
| ALABAMA | | | | | | | | | | | | | | | | | | | |
| *Bibb County* | | | | | | | | | | | | | | | | | | | |
| Abbott & Co., J. B. | Camp Branch | 2 | Youngblood | 1 | Lump | Larger than 6". | No limit. | 365 | 365 | 340 | 335 | 290 | 290 | 275 | 225 | 200 | 215 | 240 | 275 |
| Abernathy, A. | Hamilton | 2 | Thompson | 2 | Egg | 6" and larger than 3". | No limit. | 365 | 365 | 340 | 335 | 290 | 290 | 275 | 190 | 200 | 175 | 250 | 275 |
| Bessemer Coal, Iron & Land Co. | Belle Ellen No. 5 | 2 | Woodstock | 2 | Egg | No limit. | No limit. | 365 | | | | | | | | | | | |
| Black Diamond Coal Mng. Co. | Blocton No. 9 | 1 | Woodstock | 1 | Egg | No limit. | Not larger than 3". | 395 | | | | | | | | | | | |
| Blocton Cahaba Coal Co. | Coleanor | 1 | Thompson | 1 | Lump | 3" and larger than 11½". | 11½" and larger than 1¼". | 385 | 385 | 365 | 335 | 290 | 290 | 275 | 225 | 200 | 215 | 240 | 300 |
| Bocock Mining Co. | Kimbrlyke | 1 | Woodstock | 1 | Egg | 3" and larger than. | Not larger than ¾". | 415 | 415 | 395 | 365 | 315 | 315 | 300 | 250 | 225 | 240 | 250 | 300 |
| Carroll, Albert | Carroll | 2 | Woodstock | 2 | Egg | 11½". | | 385 | | | | | | | | | | | |
| Dailey, C. V. | Thurmon | 2 | Thompson | 2 | Lump | | | 365 | 365 | 340 | 335 | 290 | 290 | 275 | 225 | 200 | 215 | 240 | 275 |
| Evans, David S. | No. 7 Minor | 2 | Thompson | 2 | Egg | | | 365 | 365 | 340 | 335 | 290 | 290 | 275 | 190 | 200 | 175 | 250 | 275 |
| Hills Creek Coal Co. | Hills Creek | 1 | Woodstock | 1 | Lump | | | 395 | | | | | | | | | | | |
| Lacey Coal Mng. Co. | Old Harprove | 2 | Thompson | 2 | Egg | | | 365 | 365 | 340 | 335 | 290 | 290 | 275 | 225 | 200 | 215 | 240 | 300 |
| Locke Cahaba Coal Co. | Piper | 1 | Thompson | 1 | Lump | | | 430 | | | | | | | | | | | |
| Murray, J. M. & J. R. Weaver | Youngblood | 2 | Youngblood | 2 | Egg | | | 365 | 365 | 340 | 335 | 290 | 290 | 275 | 225 | 200 | 215 | 240 | 275 |
| Nash & Roland | N. & R. | 2 | Thompson | 2 | Egg | | | 365 | 365 | 340 | 335 | 290 | 290 | 275 | 190 | 200 | 175 | 250 | 275 |
| Rodan Coal Co. | Marvel | 1 | Woodstock | 1 | Lump | | | 395 | | | | | | | | | | | |
| Smith, J. C. | Smith | 2 | Clark | 2 | Egg | | | 365 | 365 | 340 | 335 | 290 | 290 | 275 | 225 | 200 | 215 | 240 | 275 |
| Smith, Paul P. | Smith | 2 | Gibson | 2 | Egg | | | 365 | 365 | 340 | 335 | 290 | 290 | 275 | 190 | 200 | 175 | 250 | 275 |
| | | | Youngblood | 2 | Egg | | | 365 | 365 | 340 | 335 | 290 | 290 | 275 | 225 | 200 | 215 | 240 | 275 |

[1] For sizes included see size group table.

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | S. D. | Seam | Lump over 2" double screened 6" and over | Double screened top size 6" and under | Lump 2" and under | Double screened top size 3" and under bottom size over ½" | | Double screened top size 3" and under bottom size ½" and under | | Double screened top size 1½" and under bottom size ½" and under | | Run of mine modified R/M resultant over 6" | Resultant 3" and over | | Screenings 1½" and under | | Industrial coal |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Dry | Dry | Dry | Dry | Wash | Dry | Wash | Dry | Wash | Dry | Dry | Wash | Dry | Wash | |
| | | | | 1 | 2 | 4 | 5 | | 7 | | 8 | | 10 | 13 | | 14 | | 19, 20 |
| ***Blount County*** | | | | | | | | | | | | | | | | | | |
| Ashmore, J. C. | Fleming | 2 | Berry Mtn | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 265 | 275 | 250 | 265 | 275 |
| Blackwood, C. G. | Blackwood | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Brown, J. L. | Brown | 2 | Jagger | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Costlow, G. F. | Costlow Drift | 2 | Jagger | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Hawkins, W. E. | Hawkins | 2 | Berry Mtn | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 265 | 275 | 250 | 265 | 275 |
| Hensley & Perrin | Pine Mtn | 2 | Inland | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Ingles, Luther (Luther Ingles C. Co.) | Inland | 2 | Swanee | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Jett, Oscar | Jett | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Lehigh Coal Co. | Lehigh | 1 | Black Creek | 385 | 385 | | | 335 | | | | | 290 | | | | | |
| Lowe, Lee | Berry Mtn | 2 | Berry Mtn | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 265 | 275 | 250 | 265 | 275 |
| Mahaffey, J. W. | Mahaffey | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Moss & McCormack | Carbon | 1 | Black Creek | 385 | 385 | | | 335 | | 315 | | | 295 | | 280 | | 270 | 310 |
| McDaniel, A. | No. 54 | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| McGowan, J. H. | Inland No. 4 | 2 | Jagger | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Nichols, Garvis | No. 55 | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| Nickels, Osee | Nickels | 2 | Berry Mtn | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 265 | 275 | 250 | 265 | 275 |
| Parker, George C. | Parker | 2 | Berry Mtn | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 265 | 275 | 250 | 265 | 275 |
| Parker & Faucett Coal Co. | P. & F. | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Powers, G. C. Coal Co. | Armestead | 2 | Jagger | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Sand Creek Coal Mining Co. | Sand Creek | 2 | Tait's Gap | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Sheridan, Bramlett Coal Co. | Lehigh | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Shuff Engineering Co., Inc., H. | Wadsworth | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| Smith & Wald Coal Co. | Smith | 2 | Jagger | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Tidwell, Lon | Tidwell | 2 | Jagger | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Towns, T. M. | Tate's Gap | 2 | Tate's Gap | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Wilson, J. E. | J. Armestead | | Jagger | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Shuff Engineering Co., Inc., H. | Shirley | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| ***Cullman County*** | | | | | | | | | | | | | | | | | | |
| Allbritton, C. A. (Stouts Mtn. C. Co.) | Furnace | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Anderton, Jas. | Anderton | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Boyd, B. W. & J. D. Barnett | L. H. Smith | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Burton, Earl | Bohannon | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Crane, James | Beech Hollow | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Crane, W. L. & Sons | Crane | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Cullman Fuel Co. (P. G. Wood) | Cullman Fuel | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Davis, J. W. | Davis | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Elliott, J. F. | Garrett | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hann, Jesse | Hann | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hill Coal Co., I. M. | Old Parker | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| King, J. M. | J. M. King | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Nicols, O. G. | O. G. Nichols | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Trimble, J. T. | J. T. Trimble | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| ***De Kalb County*** | | | | | | | | | | | | | | | | | | |
| Baker, J. B. | Durham | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Baker, Pellio | Baker-Smith | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Caulfield, Webb | Payne | 2 | Yellow Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Chadwick, J. C. | Payne | 2 | Lookout Mtn | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hamilton, A. M. | Lafayette | 2 | Lafayette | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Killian, C. P. | Killian | 2 | Lookout Mtn | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| ***Etowah County*** | | | | | | | | | | | | | | | | | | |
| Atkins, W. D. | Atkins | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| Blanton, R. S. | Blanton | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| Boyles, Boyles & Powell | Coop | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| Bramlett, J. D. | Bramlett | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| Coffelt, L. | Nos. 8 & 1 | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| Dillard, Sam | Sam Dillard No. 45 | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| Leatherwood, J. V. | Egypt No. 12 | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| Leatherwood & Bramblett | Egypt No. 12 | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| Parker, L. C. | Parker | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | S. D. | Seam | Lump over 2" double screened 6" and over | Double screened top size 6" and under | Lump 2" and under | Double screened top size 3" and under bottom size over ½" | | Double screened top size 3" and under bottom size ½" and under | | Double screened top size 1½" and under bottom size ½" and under | | Run of mine modified R/M resultant over 6" | Resultant 3" and over | | Screenings 1½" and under | | Industrial coal |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Dry | Dry | Dry | Dry | Wash | Dry | Wash | Dry | Wash | Dry | Dry | Wash | Dry | Wash | |
| | | | | 1 | 2 | 4 | 5 | | 7 | | 8 | | 10 | 13 | | 14 | | 19, 20 |
| Spurling, R. | Spurling | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| Sullivan, J. R. | No. 44 Bull Hollow | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| Walker, B. K. | No. 17 | 2 | Underwood | 345 | 345 | 320 | 295 | 315 | 270 | 295 | 255 | 280 | 260 | 250 | 260 | 240 | 255 | 260 |
| ***Fayette County*** | | | | | | | | | | | | | | | | | | |
| Frost, Carlos | Frost | 2 | Cobb | 290 | 290 | 280 | 275 | 285 | | | 250 | 275 | 245 | 240 | 260 | 230 | 255 | 245 |
| Moss & McCormack | Howard | 1 | Jagger | 280 | 280 | | | 295 | | 280 | | | 225 | | 235 | | 230 | 235 |
| ***Jackson County*** | | | | | | | | | | | | | | | | | | |
| Baugh, Robert (Baugh Mines) | Baugh Mines | 2 | Cliff | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Smith & Champion | Hunter Smith | 2 | | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Stevenson Coal Co. | Stevenson | 2 | Porter | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| ***Jefferson County*** | | | | | | | | | | | | | | | | | | |
| Abney, K. D. | Abney | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Adcock, John L. | | 2 | Black Crk | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Alabama By-Products Corporation | Bradford | 1 | Black Crk | 355 | 355 | | | 345 | | 310 | | | 290 | | 280 | | 280 | 310 |
| Alabama By-Products Corporation | Colts | 1 | Mary Lee | 275 | 275 | | | 295 | | | | | 235 | | 240 | | 235 | 245 |
| Alabama By-Products Corporation | Praco | 1 | Mary Lee | 275 | 275 | | | 295 | | | | | 235 | | 240 | | 235 | 245 |
| Averhart, Pete (Averhart Coal Co.) | Averhart | 2 | Black Crk | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 255 | 285 |
| Bennett, J. W. | Cardiff | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Bibb, Clarence M. | Bibb | 2 | Jagger | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Black Creek Coal & Coke Co. | Thermal | 1 | Black Crk | 355 | 355 | | | 345 | | 310 | | | 290 | | 280 | | 280 | 310 |
| Black Diamond Coal Mining Co. | Johns | 1 | Blue Creek | 325 | 325 | | | 315 | | 270 | | | 290 | | 280 | | 280 | 310 |
| Black & Edmonson Coal Co. | Peggy B. Slope | 2 | Bragg | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Blue Jay Coal Co. | Blue Jay | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Bonds, A. E. | Blue Diamond | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Bowers, John | Blk. Shale No. 2 | 2 | Blk. Shale | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 150 | 250 | 275 |
| Bradley, C. W. | Powderly | 2 | Thompson | 265 | 265 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Brookside-Pratt Mining Co. | Blossburg E. | 1 | Pratt | 325 | 325 | | | 320 | | | | | 265 | | 270 | | 265 | 275 |
| Brookside-Pratt Mining Co. | Lindbergh | 1 | Pratt | 325 | 325 | | | 320 | | | | | 265 | | 270 | | 265 | 275 |
| Buckalew, J. D. | Nickel Plate | 2 | Nickel Plate | 290 | 290 | 280 | 275 | 285 | | | 250 | 275 | 245 | 240 | 260 | 230 | 255 | 245 |
| Buckhorn Coal Co. | Buckhorn | 2 | Black Crk | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Burch, J. E. (Blue Diamond Coal Co.) | Blue Diamond | 2 | Clark | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 150 | 250 | 275 |
| Cahaba Valley Coal Co. | Robertson | 2 | Lwr. Nunally | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Calloway, H. H. | Red Ash | 2 | Henry Ellen | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Carr & Abney Coal Co. | C. & A. | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Carr, W. C., Coal Co. | Abney | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Carr, W. C., Coal Co. | Hodges | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Carr, W. C., Coal Co. | Barret & Harding | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Center Coal Co. | Coalburg D | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Cobb, A. L. & John Adcock | | 2 | Black Crk | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Coffman, D. T. | Coffman | 2 | Black Shale | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 150 | 250 | 275 |
| Colonial Coal & Coke Co. (J. N. McHugh) | Pratt Slope No. 1 | 1 | Mary Lee | 325 | 325 | | | 320 | | | | | 265 | | 270 | | 265 | |
| Colsman, W. W. | Colsman | 2 | Black Crk | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Conner, Chas. (Conner Coal Co.) | Conner | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Crane, L. G. | Crane | 2 | Black Crk | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Crane, W. H. | Beltona | 1 | Black Crk | 355 | 355 | | | 345 | | | | | 285 | 265 | | 270 | | |
| Cranford Cahaba Coal Co. | Paul | 2 | Thompson | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Cross, Earl, Lake Purdy Coal Co. | Sicard No. 3 | 2 | Helena | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Davidson, H. S. | Davidson | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| DeVine, C. B. | Devine's | 2 | U. Nunnally | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Dewyer, G. W. | Blossburg | 2 | Nickel Plate | 290 | 290 | 280 | 275 | 285 | | | 250 | 275 | 245 | 240 | 260 | 230 | 255 | 245 |
| Eades, D. S. (Coal Yard) | | 2 | Acton | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Eady, R. L. | Eady | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| East Pratt Coal Co. | Cliff | 1 | Pratt | 325 | 325 | | | 320 | | | | | 265 | | 270 | | 265 | |
| Ellington, E. R. | Black Cat | 2 | Black Crk | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Elmore, Z. J. (Cahaba Coal Mng. Co.) | Elmore | 2 | Blk. Shale | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 180 | 250 | 275 |
| Emory, H. F. | Emory | 2 | Buck | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Etheridge Cahaba Coal Co. | Sicard No. 4 | 2 | Thompson | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Franklin Coal Mining Co. | Powhatan | 1 | Mary Lee | 275 | 275 | | | 295 | | | | | 235 | | 240 | | 235 | 245 |
| Franklin, J. M. | Franklin | 2 | Nickel Plate | 290 | 290 | 280 | 275 | 285 | | | 250 | 275 | 245 | 240 | 260 | 230 | 255 | 245 |
| Franklin, Lee | Franklin | 2 | Black Crk | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Gibbs, Jas. R. | Gibbs | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only—Continued*

| Code member index—Name | Mine | S. D. | Seam | Lump over 2" double screened 6" and over | Double screened top size 6" and under | Lump 2" and under | Double screened top size 3" and under bottom size over ½" | | Double screened top size 3" and under bottom size ½" and under | | Double screened top size 1½" and under bottom size ½" and under | | Run of mine modified R/M resultant over 6" | Resultant 3" and over | | Screenings 1½" and under | | Industrial coal |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Dry | Dry | Dry | Dry | Wash | Dry | Wash | Dry | Wash | Dry | Dry | Wash | Dry | Wash | |
| | | | | 1 | 2 | 4 | 5 | | 7 | | 8 | | 10 | 13 | | 14 | | 19, 20 |
| Gray, A. B | Gray | 2 | Clark | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 160 | 260 | 180 | 250 | 275 |
| H & H Coal Co | H & H | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Hale, E. R. (Hale Coal Co.) | Hale | 2 | Black Ork | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Hanson, Chas. W | Hanson | 2 | L. Nunnally | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Happy Hollow Coal Co | Happy Hollow | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Harris & Bailey C. Co | Sicard No. 3 | 2 | Thompson | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Hill, James A | Henry Ellen | 2 | Henry Ellen | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Hill, W. M | Doug Hill | 2 | Jagger | 290 | 290 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Hodge, R. P | R. P. Hodge | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Hodges, Howard | Hodges | 2 | Nickel Plate | 290 | 290 | 280 | 275 | 285 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Israel, S. E | No. 1 | 2 | Mary Lee | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| James, Claude | | 2 | Black Shale | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| James & Tidwell | Sicard No. 5 | 2 | Mary Lee | 265 | 265 | 240 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 160 | 260 | 180 | 250 | 275 |
| Jenkins, John | East Side | 2 | Black Creek | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Jet Black Coal Co | Jet Black | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Johnson, Richard & C. R. Cornelius | When Hollow | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Jones, Walter | Jones | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Knopf, Frank | Frank Knopf | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| | | 2 | America | 290 | 290 | 290 | 275 | 285 | | | 250 | 270 | 245 | 240 | 260 | 230 | 255 | 245 |
| Lacey Red Ash Coal & Clay Co | | 2 | U. Nunnally | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Layne, M. F | Keith | 2 | Harkness | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Layne, R. D | Bryant | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Layne, W. F. Coal Co | Layne | 2 | U. Nunnally | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Leath & Co., J. O | Hopend | 2 | Black Creek | 358 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Leslie & Norman | L&N | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Little, J. R | Little | 2 | Black Shale | 365 | 368 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 160 | 260 | 150 | 250 | 275 |
| Loftis, Guy W | Stewart | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Long & Early | L&E | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Long, Early & Goode | 5 Mile Creek | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| McCarty, David | Betty Ann | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| McClellan, H. O | McClellan | 2 | Black Shale | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| McCormack, John H | Mack's | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| McDanal Bros. (J B & WT) | McDanal No. 6 | 2 | Thompson | 365 | 368 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| McKeever, Mrs. Mary | McKeever | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| McMillan & Baker C. Co | McM & B | 2 | Jagger | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| McNutt, H. A | McNutt | 2 | Nunnally | 280 | 280 | 275 | 275 | 295 | | | 250 | 275 | 245 | 240 | 260 | 230 | 255 | 245 |
| Mitchell, Joe | Mitchell | 2 | Nickel Plate | 290 | 290 | 280 | 275 | 285 | | | 250 | 275 | 245 | 240 | 260 | 230 | 255 | 245 |
| Moreland, John | John Moreland | 2 | Jefferson | 358 | 358 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Murphy & Bradley | Bradley | 2 | Thompson | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Murphy Coal Co., W. O | W. O. Murphy | 2 | Thompson | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Myers, C. B | Myers | 2 | Clark | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 160 | 260 | 150 | 250 | 275 |
| Negron & Sons | Negron | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Nelll Coal Co | Nelll | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Newcastle Coal Co | Newcastle No. 2 | 1 | Newcastle | 275 | 275 | | | 295 | | | | | 230 | | 235 | | | 240 |
| O'Barr, J. W | O'Barr | 2 | Thompson | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Oliver, John S | Oliver | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Park, George, Sr | | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Penny Coal Co | Penny | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Porter-Coal Co | Porter | 1 | Mary Lee | 290 | 290 | | | 310 | | 315 | | 300 | 250 | | 260 | | 250 | 260 |
| Red Diamond Mining Co | Red Diamond | 1 | Henry Ellen | 365 | 320 | | | 335 | | | | | 265 | | 270 | | 265 | 275 |
| Republic-Pratt Coal Co | Warner | 1 | Pratt | 325 | 325 | | | 320 | | | | | | | | | | |
| Republic Steel Corp | Sayreton | 2 | Pratt | 275 | 275 | | | 295 | | | | | | | | | | |
| Riverside Coal Co | Riverside | 1 | Mary Lee | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Roberts, O. H | | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Robinson, Henry | Robinson | 2 | Jefferson | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Rock, J. D | Sunrise | 2 | Helena | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Rogers, L. S | Dixie | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Sheelor, Ed | Sheelor | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Sloss-Sheffield S & I Co | Flat Top | 2 | Nickel Plate | 290 | 290 | 280 | 275 | 285 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Sloss-Sheffield S & I Co | Lewisburg | 1 | Mary Lee | 275 | 275 | | | 295 | | | | | 230 | | 235 | | 230 | 240 |
| Smith, Ed. & Co | Annie Laura | 2 | L. Nunnally | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Smith, H. E., C. M. Co | H. E. Smith | 2 | Thompson | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Smith & Hyde | S&H No. 1 | 2 | Jagger | 290 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Smith, J. A | Smith | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Sorrells Mining Co. (H. H. McFerren) | Sorrell's | 2 | Black Shale | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 160 | 260 | 150 | 250 | 275 |
| Stephenson Brick Co | Stephenson | 1 | America | | | | | | | | | | 245 | | | | | |
| Stevenson, R. C | Helena No. 3 | 2 | Helena | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only—Continued*

| Code member index—Name | Mine | S. D. | Seam | Lump over 2" double screened 6" and over | Double screened top size 6" and under | Lump 2" and under | Double screened top size 3" and under bottom size over ½" | | Double screened top size 3" and under bottom size ½" and under | | Double screened top size 1½" and under bottom size ½" and under | | Run of mine Modified R/M resultant over 6" | Resultant 3" and over | | Screenings 1½" and under | | Industrial coal |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Dry | Dry | Dry | Dry | Wash | Dry | Wash | Dry | Wash | Dry | Dry | Wash | Dry | Wash | |
| | | | | 1 | 2 | 4 | 5 | | 7 | | 8 | | 10 | 13 | | 14 | | 19, 20 |
| Stewart, Harry | Stewart's | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Strickland & Lowe Mines | S&L | 2 | Clark | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 160 | 260 | 150 | 250 | 275 |
| Sunrise Coals (J. A. Acton) | Black Shale No. 2 | 2 | Black Shale | 365 | 368 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 160 | 260 | 150 | 250 | 275 |
| Tennessee Coal, Iron & R. R. Co | Docena | 1 | Pratt | 325 | 325 | | | 320 | | | | | | | | | | |
| Tennessee Coal, Iron & R. R. Co | Edgewater | 1 | Pratt-America | 325 | 325 | | | 320 | | | | | | | | | | |
| Tennessee Coal, Iron & R. R. Co | Wylam No. 8 | 1 | Pratt-America | 325 | 325 | | | 320 | | | | | | | | | | |
| Tennessee Coal, Iron & R. R. Co | Hamilton | 1 | Mary Lee | 275 | 275 | | | 295 | | | | | | | | | | |
| Tombrello, Joe (Tombrello C. Co.) | Tombrello | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Tombrello, Sam | Nickel Plate No. 1 | 2 | Nickel Plate | 290 | 290 | 280 | 275 | 285 | | | 250 | 275 | 245 | 240 | 260 | 230 | 255 | 245 |
| Tombrello, Sam | Nickel Plate No. 2 | 2 | Nickel Plate | 290 | 290 | 280 | 275 | 285 | | | 250 | 275 | 245 | 240 | 260 | 230 | 255 | 245 |
| Tombrello, Sam | Jett | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Trammell, G. T | Trammell | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Turner, J. N | Turner's | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Turner-Dycus Coal Co | Ward Creek | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Upper Gould Mining Co | Skipper | 2 | Gould | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Ward, H. W | Warrior B. C | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Weaver, J. G | Weaver | 2 | M. Nunnally | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| Whisonant, A. C | WC Co | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Wood, P. G. Coal Co | Greenwood | 2 | Black Creek | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Woodward Iron Co | Dolomite | 1 | Pratt | 325 | 325 | | | 320 | | | | | | | | | | |
| Woodward Iron Co | Mulga | 1 | Pratt | 325 | 326 | | | 320 | | | | | | | | | | |
| *Madison County* | | | | | | | | | | | | | | | | | | |
| Cochran, J. W | J. W. Cochran | 2 | Sewanee | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Lemly, W. D | Bennett | 2 | Sewanee | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| St. Clair, J. H | St. Clair | 2 | Sewanee | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| *Marion County* | | | | | | | | | | | | | | | | | | |
| Aldridge, Ezell | Muldrow | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Atkins, Belton | Atkins | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Atkins, Dewey | Atkins | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Beasley Bros | Beasley Bros | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Bell, J. B | Bell | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Benefield, C. T | Benefield | 2 | Jefferson | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Benson, John | Benson | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Bishop, Webb | Wheeler #1 | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Blaylock & Smith | Wheeler #100 | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Brilliant Coal Co | Brilliant | 1 | Black Creek | 410 | 410 | | | 350 | | | | | | | 285 | | 275 | 310 |
| Brock & Addison | B&A | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Brookside Pratt Mining Co | New River | 1 | Black Creek | 410 | 410 | | | 350 | | | | | | | 285 | | 275 | 310 |
| Burgess, J. H | Burgess | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Burnett, Jerry | Burnett | 2 | Glen Mary | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Clements & Guthrie | C&G | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Crane, Floyd | Hallmark | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Crow & Tittle | Crow & Tittle | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Davis, Rainey & Bird | DR&B | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Dodd & Gann | Bowlin No. 1 | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Dodd, Mayo & Joe | Bowlin No. 2 | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Dodd, Sherman C | Sun Set | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Downey, J. T | Miles & Holt No. 5 | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Downey, J. W | Ingle Springs | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Dutton, Robert | Butler No. 2 | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Dykes, B. O | Hallmark 11 and 12 | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Farris, Claud | Farris | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Fuller, F. M | Mix | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Galloway, Jesse | Wheeler No. 5 | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Garrett, Robert | Burgess No. 1 | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Glen Allen Coal Co | Crick | 1 | Black Creek | 410 | 410 | | | 350 | | | | | | | 285 | | 275 | 310 |
| Goddard, E. J | E. J. Goddard | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hallmark, Troy | Hallmark | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hall & Reed | Wheeler No. 7 | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Harbin, W. J | Boss Norris No. 2 | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hollis, Vester | Hollis No. 7 | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hubbard, Sam | Wheeler No. 3 | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hughes & Son, I. L | I. L. Hughes | 2 | Black Creek | 365 | 365 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only—Continued*

| Code member index—Name | Mine | S. D. | Seam | Lump over 2" double screened 6" and over | Double screened top size 6" and under | Lump 2" and under | Double screened top size 3" and under bottom size over ½" | | Double screened top size 3" and under bottom size ½" and under | | Double screened top size 1½" and under bottom size ½" and under | | Run of mine modified R/M resultant over 6" | Resultant 3" and over | | Screenings 1¼" and under | | Industrial coal |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Dry | Dry | Dry | Dry | Wash | Dry | Wash | Dry | Wash | Dry | Dry | Wash | Dry | Wash | |
| | | | | 1 | 2 | 4 | 5 | | 7 | | 8 | | 10 | 13 | | 14 | | 19, 20 |
| Huguley & Pridmore | Huguley | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Humphries & Lauderdale | Hager | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Ingram, J. B | Ingram | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Jenkins, I. A., & Son | Wheeler No. 2 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Kilgoar, T. B. & Co | Bowlin No. 7 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Lawler, P. L. (Lawler Bros.) | Lawler | 2 | Jefferson | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Leith, George | Leith | 2 | Jagger | 290 | 290 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |
| McWhirter, Alfred | Burgess No. 2 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Miles & Holt | M & H | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Miles, Isaac | Butler No. 1 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Miles, Roy | Roy Miles | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Miskelly, A. W | Miskelly | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Miskelly, D. U. & Son | Hollis No. 3 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Norris, Boss | Norris | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Odum & Edgie | Hollis No. 4 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| O'Mary & Sons | O'Mary | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Owen, C. P | Owen | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Painter, A. J | Painter | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Pate, S., & Son | Pate & Son | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Prescott & Beasley | Ingram No. 1 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Roberts, Ernest & W. E. Ward | Bowlin No. 5 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Rowell & Dodd | Bowling No. 6 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Segars, J. D | | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Sims, Hugh K | Butler No. 4 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Stidham, Robert M | Stidham | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Threadgill, Geo | Bowlin No. 9 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Tidwell, R. E. & M. E. Chastine | Bowlin No. 10 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Tyra & Burleson | Bowlin No. 3 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Webb, W. L | Webb | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Weeks, J. T | Weeks | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Weeks, M | M. Weeks | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| West, W. I. & Company | West | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Wheeler, R. O | | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Willcutt, Ander | Butler No. 5 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Willcutt, Marvin | Butler No. 3 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Wilson, Bill | Wilson | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Wood, Leon | Wood | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Young, K. N. | K. N. Young | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| *St. Clair County* | | | | | | | | | | | | | | | | | | |
| Alabama Fuel & Iron Co | Acmar | 1 | Henry Ellen | 280 | 280 | | | 295 | | | | | 225 | | 235 | | 230 | |
| Alabama Fuel & Iron Co | Acton | 1 | Helena | 410 | 410 | | | 350 | | | | | | | 280 | | 270 | 310 |
| Alabama Fuel & Iron Co | Brookston | 1 | Harkness | 325 | 325 | | | 320 | | | | | 265 | | 270 | | 265 | 265 |
| Alabama Fuel & Iron Co | Margaret | 1 | Harkness | 325 | 325 | | | 320 | | | | | 265 | | 270 | | 265 | 265 |
| Dollar's Mine (E. C. Dollar) | Dollar | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Pay Mining Co | Singleton | 2 | Marion | 310 | 310 | 300 | 275 | 295 | | | 255 | 280 | 240 | 190 | 260 | 175 | 250 | 240 |
| Lee, J. J | Lecal | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| McGuire, L. I | McGuire | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Palmer, R. F | Palmer | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Sprayberry, L. D | Sprayberry | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Wattsville Coal & Iron Co | No. 1 & 2 | 2 | Broken Arrow | 310 | 310 | 300 | 275 | 295 | | | 255 | 280 | 240 | 190 | 260 | 175 | 250 | 240 |
| *Shelby County* | | | | | | | | | | | | | | | | | | |
| Acton Coal Co | Acton Basin | 2 | Moyle | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Brewer & Martin | Brewer # 1 | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Campbell Coal Co | The Drift | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Central Cahaba Coal Co | Export | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Eades, D. S., Coal Yard | Eades | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Eureka Basin Coal Mng. Co. (J. E. Lowery) | Becks | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Fulmer Coal Co | Fulmer | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Glen Carbon Coal Co | Glen Carbon | 2 | Thompson | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Gulledge, H. C | Wilson | 2 | Nunnally | 280 | 280 | 275 | 275 | 295 | | | 250 | 270 | 230 | 200 | 235 | 180 | 230 | 230 |



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only—Continued*

| Code member index—Name | Mine | S. D. | Seam | Lump over 2" double screened 6" and over | Double screened top size 6" and under | Lump 2" and under | Double screened top size 3" and under bottom size over ½" | | Double screened top size 3" and under bottom size ½" and under | | Double screened top size 1½" and under bottom size ½" and under | | Run of mine Modified R/M resultant over 6" | Resultant 3" and over | | Screenings 1¼" and under | | Industrial coal |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Dry | Dry | Dry | Dry | Wash | Dry | Wash | Dry | Wash | Dry | Dry | Wash | Dry | Wash | |
| | | | | 1 | 2 | 4 | 5 | | 7 | | 8 | | 10 | 13 | | 14 | | 19, 20 |
| Heard-Cahaba Coal Co | McBride | 2 | Buck | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Little Gem Coal Co | Dogwood | 1 | Montevallo | 465 | 465 | | | 360 | | | | | | | 260 | | 250 | 295 |
| Martin, J. H | Martin | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Maylene Coal Co. (I. O. Hand) | Climax | 2 | Maylene-Climax | 405 | 405 | 380 | 335 | 355 | 295 | 320 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Montevallo Coal Mining Co | Montevallo | 1 | Montevallo | 465 | 465 | | | 360 | | | | | | | 260 | | 250 | 295 |
| Moore, B. C. Coal Co | Moore's | 2 | Dogwood | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Murphy, P. E | Murphy | 2 | Helena | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Nelson, C. B. (Cardinal Coal Co.) | Donaldson | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Paramount Coal Co | Paramount No. 4 | 1 | Helena | 365 | 365 | | | 335 | | | | | 275 | | 260 | | 250 | 295 |
| Pen Coal Co | Pen's Wadsworth | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Pickett Coal Co. (O. P. Pickett) | Pickett | 2 | Montevallo | 405 | 405 | 380 | 335 | 355 | 295 | 320 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Postel, G. W. (Monarch Coal Co.) | Fallston | 2 | Helena | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Roy Coal Company | Roy | 2 | Helena | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Shepherd & Smith | Ruffin | 2 | Black Shale | 365 | 365 | | | 335 | | | | 315 | | | 260 | | 250 | 275 |
| Southern Coal & Coke Co | Boothton | 1 | Clark-Gholson | 395 | 395 | | | 335 | | | | 315 | | | 275 | | 285 | 305 |
| Thomas Coal Co | Thomas | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Vincent & May Coal Co | V & M | 2 | Thompson | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Weaver, Dan | Weaver | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| Winslett & Sons, H. M | Brewer's | 2 | Wadsworth | 365 | 365 | 340 | 315 | 335 | 290 | 315 | 275 | 300 | 275 | 190 | 260 | 175 | 250 | 275 |
| *Tuscaloosa County* | | | | | | | | | | | | | | | | | | |
| Abston, Troy | Abston | 2 | Milldale | 355 | 355 | 340 | 326 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Avery, J. W. (Avery Coal Co.) | Avery Coal Co | 2 | Milldale | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Black Bros | Coaling | 2 | Johnson | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Black, Webster | Black | 2 | Weaver | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Bonnie Gentile Coal Co. (Vito Accardi) | Coal Branch | 2 | Milldale | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Boyd & Franklin | Blue Good | 2 | Milldale | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Church Brothers | | 2 | Milldale | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Clifton & Clifton | Clifton | 2 | Milldale | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Corley, Ed | Gilmore No. 2 | 2 | Brookwood | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Dill, William | Bill Dill | 2 | Brookwood | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Dill & McGee | Coal Valley | 2 | Brookwood | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Disney, A. R. (Disney Coal Co.) | Disney | 2 | Bowers | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Foster, Tom & John Spencer | Hurrican Creek | 2 | Chambers | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hannah, D. A | Hannah | 2 | Chambers | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Holt, W. M | Holt | 2 | Carter | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| House, C. N. (C. N. House Coal Co.) | Brookwood | 2 | Milldale | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Howard Coal Co | Howard | 2 | Chambers | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Key, Aubrey (Cripple Creek C. Co.) | Cripple Creek | 2 | Carter | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Kizziah, J. T | J. T. Kizziah | 2 | Carter | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Kizziah & Swann | Swann | 2 | Chambers | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Kuffner, Geo | Hobson | 2 | Bowers | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Lloyd, M. H | Lloyd | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| McBride, E. E | McBride C. Co | 2 | Carter | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Manderson, L. W | Manderson | 2 | Chambers | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Marsh, John | Marsh | 2 | Brookwood | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Nicholson, J. W | Nicholson | 2 | Milldale | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Ontes & Hayes | Ontes | 2 | Brookwood | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Parsons, Nute (Parsons C. Co.) | Parsons | 2 | Milldale | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Pinegar, E. J | E. J. Pinegar | 2 | Milldale | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Pinegar, Wm. J | Pumphrey | 2 | Milldale | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Perrin & Son, D. J | Perrin | 2 | Chambers | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Riley Coal Co | Riley | 2 | Brookwood | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Scott, Tom | Scott | 2 | Brookwood | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Seale & Keyzer | Seale-Kyzer | 2 | Carter | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Snider & Weaver | Cable Bridge | 2 | Carter | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Toxey Coal Co | Toxey | 2 | Milldale | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Twin Seam Mining Co | No. 5 Searles | 2 | Milldale & Brookwood | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Walker, M. E | M. E. Walker | 2 | Carter | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Walker Coal Co., M. V | M. V. Walker | 2 | Carter | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Watson Coal Co | Watson | 2 | Milldale | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Weaver, J. A | Hargrove | 2 | Chambers | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Williams, Chas. W | White Owl | 2 | Milldale | 355 | 355 | 340 | 325 | 345 | 300 | 310 | 285 | 295 | 285 | 265 | 275 | 250 | 265 | 285 |
| Young, E. L | White Owl | 2 | Brookwood | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | S. D. | Seam | Lump over 2" double screened 6" and over | Double screened top size 6" and under | Lump 2" and under | Double screened top size 3" and under bottom size over ½" | | Double screened top size 3" and under bottom size ½" and under | | Double screened top size 1½" and under bottom size ½" and under | | Run of mine modified R/M resultant over 6" | Resultant 3" and over | | Screenings 1½" and under | | Industrial coal |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Dry | Dry | Dry | Dry | Wash | Dry | Wash | Dry | Wash | Dry | Dry | Wash | Dry | Wash | |
| | | | | 1 | 2 | 4 | 5 | | 7 | | 8 | | 10 | 13 | | 14 | | 19, 20 |
| *Walker County* | | | | | | | | | | | | | | | | | | |
| Akridge & Jones | A&J | 2 | America | 290 | 290 | 280 | 275 | 285 | | | 250 | 275 | 245 | 240 | 260 | 230 | 255 | 245 |
| Alabama By-Products Corp | Barney | 1 | Mary Lee | 275 | 275 | | | 295 | | | | 270 | 225 | | 235 | | 230 | 235 |
| Alabama By-Products Corp | Samoset | 1 | Mary Lee | 275 | 275 | | | 295 | | | | 270 | 225 | | 235 | | 230 | 235 |
| Alta Coal Co | Summit | 1 | Black Creek | 410 | 410 | | | 350 | | 315 | | 315 | | | 290 | | 260 | 310 |
| Bland, C. H | Bland | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Bonner, George F | Bonner's | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Bonner, M. J | Bonner's | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Bowen, N. & Ed | Owen No. 3 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Bradford, George | Bradford | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Brilliant Coal Co | Calumet | 1 | Mary Lee | 275 | 275 | | | 295 | | | | 270 | 225 | | 235 | | 230 | 235 |
| Brookside-Pratt Mining Co | Warrior River | 1 | Mary Lee | 280 | 280 | | | 295 | | 280 | | | 225 | | 235 | | 230 | 235 |
| Brown, S. H | Brown | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Busby, Jeff | Mitchell No. 2 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Busey & Johnson | Johnson No. 2 | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Cane Creek Mining Co | Bankhead | 1 | Mary Lee | 275 | 275 | | | 295 | | | | 270 | 225 | | 235 | | 230 | 235 |
| Carr, W. C., Coal Co | Carr | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Castleberry, J. J | Blue Creek | 2 | Blue Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Clark, A. R | Clark | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Clark, V. C | V. C. Clark | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Cooley, G | G. Cooley | 2 | Black Crek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Creel, V. C | Creel | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Cupps, D. D | Cupps | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Daniel, Jas. C | Daniel | 2 | Mt. Carmel | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| DeBardeleben Coal Corp | Corona No. 11 | 1 | Corona | 325 | 325 | | | 320 | | | | | 265 | | 270 | | 265 | 265 |
| DeBardeleben Coal Corp | Empire | 1 | Black Creek | 410 | 410 | | | 350 | | 315 | | 315 | | | 290 | | 260 | 310 |
| DeBardeleben Coal Corp | Hull | 1 | Mary Lee | 275 | 275 | | | 295 | | | | 270 | 225 | | 235 | | 230 | 235 |
| DeBardeleben Coal Corp | Townley | 1 | Jagger | 280 | 280 | | | 295 | | 280 | | | 225 | | 235 | | 230 | 235 |
| Dixie Coal Co | Sarabelle | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Drummond, H. E | Drummond | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Drummond & Hale | D&H | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Drummond & Nichols (Johnny Drummond) | D&N | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Earnest, W. B | W. B. Earnest | 2 | Big | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Ellis, Walter (Walter Ellis Coal Co.) | Walter Ellis | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Ellison & White Coal Co | E&W C Co | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Elmore & Thomas | Thomas | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Fortenberry & Duncan | F&D | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Franklin, E. B | Tucker No. 16 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Galloway Coal Co | Holly Grove | 1 | Jagger | 280 | 280 | | | 295 | | 280 | | | 225 | | 235 | | 230 | 235 |
| Galloway Coal Co | Hope | 1 | Black Creek | 385 | 385 | | | 335 | | | | 310 | 290 | | 275 | | 265 | 300 |
| Galloway Coal Co | Mill Creek | 1 | Mary Lee | 280 | 280 | | | 295 | | 280 | | | 225 | | 235 | | 230 | 235 |
| Gilliland, J. S | Ellis | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Glover, Austin | Hambright & G | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Glover, N. E | People's | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Godfrey, Walter | Godfrey | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Gossett & Miller | Dilworth | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Grace, Clifford | Grace | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hambright, Alvin | Hambright | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hambright & Rouse | Hansen No. 2 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hannan, D. B | Hannan | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Harris, Coniel | Broome | 2 | Mt. Carmel | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Headrick, W. P | Headrick | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hendrix, Mrs. Wm | Hendrix | 2 | America | 290 | 290 | 280 | 275 | 285 | | | 250 | 275 | 245 | 240 | 260 | 230 | 255 | 245 |
| Hill, M. H | Hill | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Hyche, Moses | E. C. Dale | 2 | Mt. Carmel | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Jones Coal & Clay Co | Sulphur Spgs | 2 | Mt. Carmel | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Keeton & Russell | Owens | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Kershaw Mining Co | Kershaw | 1 | Mary Lee | 280 | 280 | | | 295 | | 280 | | | 225 | | 235 | | 230 | 235 |
| Key & Wright Coal Co | Owens | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Kilgore Mining Co., J. R | Kilgore | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Lee & Heard Coal Co | Wood | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Lockhart, W. H | Lockhart | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| McBride Brothers | Aycock 2 and 3 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| McCain & Knight | McKnight | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | S. D. | Seam | Lump over 2" double screened 6" and over | Double screened top size 6" and under | Lump 2" and under | Double screened top size 3" and undr bottom size over ½" | | Double screened top size 3" and under bottom size ½" and under | | Double screened top size 1½" and under bottom size ½" and under | | Run of mine modified R/M resultant over 6" | Resultant 3" and over | | Screenings 1½" and under | | Industrial coal |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Dry | Dry | Dry | Dry | Wash | Dry | Wash | Dry | Wash | Dry | Dry | Wash | Dry | Wash | |
| | | | | 1 | 2 | 4 | 5 | | 7 | | 8 | | 10 | 13 | | 14 | | 19, 20 |
| McGough, J. T. & Co | McGough | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Mitchell, R. M | Mitchell No. 3 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Mote, Oliver | Mote | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Murray, William | Murray's | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Myers, W. R | Mauldin | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Nauvoo Black Creek Coal Co | Radiant | 1 | Black Creek | 385 | 385 | | | 335 | | | | 310 | 290 | | 275 | | 265 | 300 |
| Norris, Gid | Queens Haller | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Norris, Marvin | Howard Phillips | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| O'Neal, J. H | O'Neal | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Owens, Winfred | W. Owens | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Phillips, Farlon | Phillips | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Phillips, Howard | Phillips | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Phillips, R. S | Phillips | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Poe, E. D | Ferguson | 2 | Corona | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Poe, M. C | Old Gains | 2 | Corona | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Pugh, W. W | Pugh | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Reeves, John | Reeves | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Rice, Albert | Rice No. 4 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Rice, Preston | Rice No. 1 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Robbins, Mack | Robbins Coal | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Robbins, Mickey, Chas. Warson & J. Robbins | Tucker No. 3 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Robbins, Sam | Robbins | 2 | Pratt | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Roberts, John & Oris Childers | Mitchell No. 8 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Segrest, D. H | Blue Rock C. Co | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Shipman, J. B | J. B. Shipman | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Sides & Sanders | S&S | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Smith, A. R. & L. A. Brakefield | S&B | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Southerland Coal Co | Southerland | 1 | Blue Creek | 385 | 385 | | | 345 | | | | | | 265 | | 250 | | 300 |
| Steelman, J. M | | 2 | Mt. Carmel | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| Stith Coal Co | Aldridge Drift | 1 | Pratt | 325 | 325 | | | 320 | | | | | 265 | | 270 | | 265 | 265 |
| Stith Coal Co | Aldridge Shaft | 1 | Mary Lee | 275 | 275 | | | 295 | | | | | 225 | | 235 | | 230 | 235 |
| Sunlight Coal Co | Sunlight | 1 | Jefferson | 385 | 385 | | | 335 | | | | | | | | 250 | | 300 |
| Taft, W. M | Taft | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Tucker, L. A | L. A. Tucker | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Tucker, S. C | Tucker | 2 | Corona | 325 | 325 | 325 | 310 | 320 | 295 | 310 | 290 | 305 | 265 | 250 | 270 | 240 | 265 | 265 |
| Watson Brothers | Howard Phillips | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Watson, Lloyd | Mitchell No. 1 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Williams, C. R | Owens No. 1 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Wilson, C. F | Wilson No. 2 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Wilson Coal Co | R. Wilson | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Wingo & Powell Coal Co | W&P | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Winn, D. F | Winn | 2 | America | 290 | 290 | 280 | 275 | 285 | | | 250 | 275 | 245 | 240 | 260 | 230 | 255 | 245 |
| Witherspoon, Mrs. S. J | Witherspoon | 2 | Mary Lee | 275 | 275 | 275 | 275 | 295 | 260 | 280 | 250 | 270 | 225 | 200 | 235 | 180 | 230 | 225 |
| *Winston County* | | | | | | | | | | | | | | | | | | |
| Aderholt, M. L | Aderholt | 2 | Glen Mary | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Garrett & Son, D. F | Lone Oak | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Gilbert Coal Co., W. E | Gilbert | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Hill & West | Coon Creek | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Oliver & Downey | Hickory Hollow | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Oliver & Ramey | Glen Mary | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Rowell, Amos & Leonard | Bowlin No. 9 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Rowell, Fred, Dill Davis & John Poore | Bowlin No. 6 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |
| Tittle, Owen & Wyatt | Bowlin No. 4 | 2 | Black Creek | 385 | 385 | 360 | 315 | 335 | 305 | 315 | 300 | 310 | 290 | 265 | 275 | 250 | 265 | 290 |

PRICE INSTRUCTIONS AND EXCEPTIONS

*Tennessee-Georgia Mines—Sub-Districts 3 and 4—Truck Shipment Only*

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members within District No. 13.

2. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

3. All prices are subject to the effective Marketing Rules and Regulations and the Rules and Regulations governing Distributors.

4. Invoices shall be paid in full in United States currency, or funds equivalent thereto, not later than the due date.

5. All size designations are for round hole screens. When screens having other types of openings are used and the percentage of over-size, as determined in accordance with the method of test prescribed by A.S.T.M. designation D 410-38, exceeds 5%, the price for the next higher size group classification for that mine shall apply.

6. All prices herein are for unwashed coal. Washed coal of any size shall be sold 10¢ per ton higher.

7. All coal subjected to any chemical, oil or wax process for allaying dust shall be priced at not less than 15¢ per net ton above the prices shown herein.

8. *Industrial coal.* The term "Industrial Coal" as used in this schedule is coal used in industrial plants which buy and receive coal in carload quantities for their own use.

9. *Domestic coal.* The term "Domestic Coal" as used in this schedule is coal other than defined as "Industrial Coal."

10. *Seasonal discounts.* The following seasonal discounts may apply on coal when sold for domestic use only:

| | Size group | May | June | July | August | September |
|---|---|---|---|---|---|---|
| All market areas | 1 | 50 | 40 | 30 | 20 | 10 |
| All market areas | 2 | 50 | 40 | 30 | 20 | 10 |
| All market areas | 4 | 50 | 40 | 30 | 20 | 10 |

11. Not *less* than the actual cost of transporting coal from the ordinary loading facilities at the mines to any consumer shall be added to the established minimum price f. o. b. transportation facilities at the mine.

The cost of such transportation is subject to reviow by the Commission on complaint or upon its own motion. In every case reviewed by the Commission the Code Member shall have the burden of establishing or proving that the cost so charged was not less than the actual cost of transportation.

*Size Groups Applicable to Tennessee and Georgia Mines Shipping by Truck—Sub-Districts Nos. 3 and 4*

| Size group No. | Grade | Size dimensions | |
|---|---|---|---|
| | | Top size | Bottom size |
| 1 | Lump | No limit | Larger than 2". |
| | Egg | Larger than 5" | No limit. |
| 3 | Egg | 5" and larger than 2" | 2" and larger than 1". |
| 4 | Lump | No limit | 2" and smaller. |
| 6 | Nut | 2" and larger than 1½". | 1" and larger than ½". |
| 8 | Stoker | 1½" and larger than ¾". | ½" and larger than ⅜". |
| 9 | Stoker | ¾" and smaller | ⅜" and smaller. |

*Size Groups Applicable to Tennessee and Georgia Mines Shipping by Truck—Sub-Districts Nos. 3 and 4*—Continued

| Size group No. | Group | Size dimensions |
|---|---|---|
| 10 | Mine Run. | Straight mine run; no fines removed. |
| | 6" x 0 | Mine run, modified by the removal of any intermediate size or sizes; no fines removed. |
| | | All resultant coals larger than 5"; no fines removed. |
| 11 | 5" x 0 | All resultant coals 5" and larger than 4". |
| 12 | 4" x 0 | All resultant coals 4" and larger than 2". |
| | 3" x 0 | |
| 13 | 2" x 0 | All screenings 2" and larger than 1¼" (includes specially prepared 2" x 0 nut and slack coal with part of the fines removed. Each car of such coal must contain not less than 40% of fine coal including intermediate coal from washer which will pass through a ¾" screen). |
| 15 | 1¼" x 0 | All screenings 1¼" and larger than 1¼". |
| 16 | 1¼" x 0 | All screenings 1¼" and larger than ¾". |
| 17 | ¾" x 0 | All screenings ¾" and larger than ¾". |
| 18 | ¾" x 0 | All screenings ¾" and smaller. |
| 19 | Industrial[1] | All lump coal with a bot tom size 1" and larger. |
| | | All double screened coal with a top size larger than 2". |

[1] For Definition of Industrial Coal see Price Instructions and Exceptions, Item No. 8.

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*

| Code member index—Name | Mine | S. D. | Seam | Lump over 2", double screened top size over 5" | Double screened top size 5" and under, bottom size 2" and under | Lump 2" and under | Double screened top size 2" and under, bottom size 1" and under | Double screened top size 1½" and under, bottom size ½" and under | Double screened top size ¾" and under, bottom size ⅜" and under | Straight M/R modified | Resultants 5" and under | Screenings 2" and under | Screenings 1½" and under | Screenings 1¼" and under | Screenings ¾" and under | Screenings ¾" and under | Lump 1", bottom size and larger, double screened top size 2" and over |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 3 | 4 | 6 | 8 | 9 | 10 | 12 | 13 | 15 | 16 | 17 | 18 | 19 |
| TENNESSEE–GEORGIA | | | | | | | | | | | | | | | | | |
| *Bledsoe County, Tenn.* | | | | | | | | | | | | | | | | | |
| Pikeville Coal Co | College | 3 | Sewanee | 305 | 305 | 300 | 255 | 250 | 245 | 235 | 235 | 210 | 210 | 200 | 190 | 165 | 255 |
| *Grundy County, Tenn.* | | | | | | | | | | | | | | | | | |
| Nunley, Marvin | M. Nunley | 4 | Sewanee | | | 305 | | | | 235 | 235 | 205 | 205 | | | | 260 |
| Lockhart, Thos. M | Fremont | 4 | Sewanee | | | 305 | | | | 235 | 235 | 205 | 205 | | | | 260 |
| Sewanee Fuel & Iron Co | Coalmont | 3 | Sewanee | 305 | 305 | 300 | 255 | 250 | 245 | 235 | 235 | 215 | 215 | 205 | 200 | 165 | 255 |
| Sewanee Fuel & Iron Co | Niack | 3 | Sewanee | 315 | 315 | 305 | 260 | 250 | 245 | 235 | 235 | 215 | 215 | 205 | 200 | 165 | 260 |
| Tenn. Consolidated Coal Co | Palmer | 3 | Sewanee | 315 | 315 | 305 | 260 | 250 | 245 | 235 | 235 | 215 | 215 | 205 | 200 | 165 | 260 |
| *Hamilton County, Tenn.* | | | | | | | | | | | | | | | | | |
| Barnes & McClain | Suck Creek | 4 | No. 10 | 305 | 305 | 295 | 250 | | | 225 | 225 | 205 | 205 | 195 | | | 250 |
| Bennett, Chas. H. (Trustee) | Bennett | 4 | Soddy No. 10 | | | 295 | 270 | | | 225 | 225 | 205 | 205 | 195 | | | 250 |
| Carlisle, Johnson, Millsaps & Ables | Millsaps | 4 | No. 10 | | | 295 | | | | 225 | 225 | 205 | 205 | | | | 250 |
| Dempsey, B. C | Simons | 4 | Soddy No. 10 | | | 295 | | | | 225 | 225 | 205 | 205 | | | | 250 |
| Dicks Coal Mining Co | Dick's | 4 | Walden's Ridge No. 10 | | | 295 | | | | 225 | 225 | 205 | 205 | | | | 250 |
| Gothard, Elsea & Alexander | J. A. Coleman | 4 | SoddyNo. 13 | | | 295 | | | | 225 | 225 | 205 | 205 | | | | 250 |
| Hassler Bros | Connor Creek | 4 | Soddy No. 10 | | | 295 | | | | 225 | 225 | 205 | 205 | | | | 250 |
| Kelly Coal Co | No. 2 | 4 | Sewanee No. 9 | | | 305 | | | | 235 | 235 | 225 | 225 | | | | 260 |
| Ledford, J. H | Ledford | 4 | No. 12 | | | 295 | 250 | | | 225 | 225 | 205 | 205 | | | | 250 |
| Levi, Cecil V | Levi | 4 | Soddy No. 10 | | | 295 | | | | 225 | 225 | 205 | 205 | | | | 250 |
| Levi, William F | Levi | 4 | Soddy No. 10 | | | 295 | | | | 225 | 225 | 205 | 205 | | | | 250 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | S. D. | Seam | Lump over 2", double screened top size over 5" | Double screened top size 5" and under, bottom size 2" and under | Lump 2" and under | Double screened top size 2" and under, bottom size 1" and under | Double screened top size 1½" and under, bottom size ½" and under | Double screened top size ¾" and under, bottom size ⅜" and under | Straight M/R modified | Resultants 5" and under | Screenings 2" and under | Screenings 1½" and under | Screenings 1¼" and under | Screenings ¾" and under | Screenings ¾" and under | Lump 1", bottom size and larger, double screened top size 2" and over |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 3 | 4 | 6 | 8 | 9 | 10 | 12 | 13 | 15 | 16 | 17 | 18 | 19 |
| TENNESSEE—GEORGIA—continued | | | | | | | | | | | | | | | | | |
| Mary Glen Coal Co | Mary Glen | 4 | Soddy No. 7 | 315 | 315 | 305 | 260 | 250 | 220 | 235 | 235 | 205 | 205 | 195 | 190 | 155 | 260 |
| Pickett, W. F | Pickett | 4 | Soddy No. 10 | | | 295 | | | | 225 | 225 | 205 | 205 | | | | 250 |
| Southern Tenn. Coals | Chickamauga | 4 | Soddy No. 7 | 315 | 315 | 305 | 260 | 250 | 220 | 235 | 235 | 205 | 205 | 195 | 190 | 155 | 260 |
| Sunshine Coal & Coke Co | Signal Mt | 4 | Soddy No. 10 | | | 295 | | | | 225 | 225 | 205 | 205 | | | | 250 |
| Thomas, H. R | H. R. Thomas | 4 | Soddy No. 10 | | | 295 | | | | 225 | 225 | 205 | 205 | | | | 250 |
| *Marion County, Tenn.* | | | | | | | | | | | | | | | | | |
| Battle Creek Coal Co | Battle Creek | 3 | Battle Creek | 340 | 340 | 330 | 260 | 250 | 245 | 235 | 235 | 205 | 205 | 195 | 175 | 140 | 235 |
| Blevins & Westmoreland | Westmoreland | 4 | Sewanee | | | 305 | | | | 235 | 235 | 205 | 205 | | | | 260 |
| Brown, J. C | J. C. Brown | 4 | Sewanee | 315 | 315 | 305 | 260 | | | 235 | 235 | 205 | 205 | | 200 | | 260 |
| Cain & Naftzger | Mays | 4 | No. 10 | | | 295 | 250 | | | 225 | 225 | 205 | 205 | 195 | | | 250 |
| Card, C. E | Peacock | | Soddy No. 10 | 305 | 305 | 295 | 250 | | | 225 | 225 | 205 | 205 | 195 | | | 250 |
| Capehart, Mrs. Martha M | Capehart | 4 | Etna | | | 305 | | | | 235 | 235 | 225 | 225 | | | | 260 |
| Ellis, Geo. & Ed Levan | Hunziker | 4 | Sewanee | | | 305 | | | | 235 | 235 | 205 | 205 | | | | 260 |
| Etna Coal & Coke Co | Etna No. 2 | 4 | Etna | | | 305 | | | | 235 | 235 | 225 | 225 | | | | 260 |
| Goforth, E. L | Goforth | 4 | Sewanee | | | 305 | | | | 235 | 235 | 205 | 205 | | | | 260 |
| Kelly Coal Co | No. 1 | 4 | Sewanee No. 9 | | | 295 | 250 | | | 225 | 225 | 205 | 205 | 195 | | | 250 |
| Kelly Coal Co | No. 3 | 4 | Sewanee No. 9 | | | 305 | | | | 235 | 235 | 225 | 225 | | | | 260 |
| Long, D. S | Sunnyside | 4 | Etna | | | 305 | | | | 235 | 235 | 205 | 205 | | | | 260 |
| Nichols, Chester & Henry | Kelley's Ferry | 4 | Sewanee | | | 295 | 250 | | | 225 | 225 | 205 | 205 | 195 | | | 250 |
| Peacock Coal Co. (R. S. Abell) | Peacock No. 1 | 4 | | 305 | 305 | 305 | | | | 235 | 235 | 225 | 225 | | | | 260 |
| Powell, R. G | Powell | 4 | Etna | | | 305 | | | | 235 | 235 | 205 | 205 | | 200 | | 260 |
| Shaderick, C. H | Shaderick | 4 | Sewanee | 315 | 315 | 305 | 260 | | | 235 | 235 | 205 | 205 | | | | 235 |
| South Pittsburg Coal Co | So. Pittsburg | 4 | Battle Creek | | | 330 | | | | 235 | 235 | 205 | 205 | | | | 260 |
| Sunshine Coal & Coke Co | Sun.-Whitwell | 4 | Sewanee | | | 305 | | | | 235 | 235 | 215 | 215 | 205 | 200 | 165 | 260 |
| Tennessee Products Corp | Whitwell | 3 | Sewanee | 315 | 315 | 305 | 260 | 250 | 245 | 235 | 215 | 225 | 225 | | | | 260 |
| Tudor & Powell | Tudor | 4 | Sewanee No. 9 | | | 305 | | | | 235 | 235 | 205 | 205 | | | | 260 |
| Turner, Jim | Turner | 4 | Sewanee | | | 305 | | | | 235 | 235 | 205 | 205 | | | | 260 |
| *Rhea County, Tenn.* | | | | | | | | | | | | | | | | | |
| Small & Mansfield | Graysville | 4 | No. 5 Sewanee | | | 295 | | 240 | 235 | 235 | 235 | 205 | 205 | 195 | 190 | | 250 |
| Tennessee River Coal Co | Cumberland | 4 | Nelson | 325 | 325 | 315 | 270 | | | 235 | 235 | 205 | 205 | 195 | 190 | | 270 |
| *Sequatchie County, Tenn.* | | | | | | | | | | | | | | | | | |
| Cumberland Coal Corp | Cartwright | 3 | Sewanee | 315 | 315 | 305 | 260 | 250 | 245 | 235 | 235 | 210 | 210 | 200 | 190 | 155 | 260 |
| Patton Coal Mining Co | Jonita | 4 | Sewanee | | | 305 | | | | 235 | 235 | 205 | 205 | | | | 260 |
| Sequatchie Coal Co | Sequatchie | 4 | Sewanee | | | 305 | | | | 235 | 235 | 205 | 205 | | | | 260 |
| Whitwell Coal Corp | Dans | 3 | Sewanee | 305 | 305 | 300 | 255 | 250 | 245 | 235 | 235 | 210 | 210 | 200 | 190 | 155 | 255 |
| *Walker County, Ga.* | | | | | | | | | | | | | | | | | |
| Craig & Green | Bear Creek | 4 | Durham | | | 305 | | | | 235 | 235 | 225 | 225 | | | | 260 |
| Craig, N. A | Craig's | 4 | No. 4 Durham | | | 305 | | | | 235 | 235 | 225 | 225 | | | | 260 |
| Scarborough & Clark | Scarborough | 4 | No. 4 Durham | | | 305 | | | | 235 | 235 | 225 | 225 | | | | 260 |
| Walden, Leo | Walden | 4 | | | | | | | | | | | | | | | |
| *White County, Tenn.* | | | | | | | | | | | | | | | | | |
| Porter, Wm. & Son | Porter & Son | 4 | | | | 305 | | | | 235 | 235 | 205 | 205 | | | | 260 |



SCHEDULE OF PROPOSED COORDINATED MINIMUM PRICES FOR DISTRICT NO. 13

VAN BUREN, WARREN AND MCMINN COUNTIES, TENNESSEE IN MINIMUM PRICE AREA NO. 1—TRUCK SHIPMENTS ONLY

*Price Instructions and Exceptions*

1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal produced by Code Members within District No. 13. (Van Buren, Warren and McMinn Counties, Tennessee).

2. All prices herein are per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines unless otherwise designated.

3. All prices are subject to the effective Marketing Rules and Regulations and the Rules and Regulations governing Distributors.

4. Invoices shall be paid in full in United States currency, or funds equivalent thereto, not later than the due date.

5. All size designations are for round hole screens. When screens having other types of openings are used and the percentage of over-size, as determined in accordance with the method of test prescribed by A.S.T.M. designation D 410-38, exceeds 5%, the price for the next higher size group classification for that mine shall apply.

6. All prices herein are for unwashed coal. Washed coal of any size shall be sold 10¢ per ton higher.

7. All coal subjected to any chemical, oil or wax process for allaying dust shall be priced at not less than 15¢ per net ton above the prices shown herein.

8. Not *less* than the actual cost of transporting coal from the ordinary load-

ing facilities at the mines to any consumer shall be added to the established minimum price f. o. b. transportation facilities at the mine.

The cost of such transportation is subject to review by the Commission on complaint or upon its own motion. In every case reviewed by the Commission the Code Member shall have the burden of establishing or proving that the cost so charged was not less than the actual cost of transportation.

*Prices in Cents per Ton for Shipment Into All Market Areas*

| Code member index—name | Mine | Seam | County | Prices and size groups | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 |
| C. W. Hart | Hart | Sewanee | VanBuren | 315 | 315 | 260 | 235 | 200 | 195 |

*Size Groups*

Description

Size Group No. 1. Screened coal—bottom size 2" or larger.

Size Group No. 2. Double screened coal—maximum top size 5", maximum bottom size 2".

Size Group No. 3. Double screened coal—maximum top size 2", maximum bottom size 1".

Size Group No. 4. Straight mine run.

Size Group No. 5. Resultant 2 x 0".

Size Group No. 6. Resultant 1 x 0".

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SCHEDULE OF PROPOSED COORDINATED MINIMUM PRICES FOR DISTRICT NO. 14

PRICE INSTRUCTIONS AND EXCEPTIONS

1. The prices shown herein apply f. o. b. transportation facilities at mines for all coal produced by Code Members in the District shown on the title page hereof.

2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

3. All size designations herein are for round hole screens, or their equivalents, except when otherwise designated. When other types of screens are used, the District Board, subject to the approval of the Commission, shall determine the actual size designation of coal so prepared.

4. All prices herein are in cents per net ton of 2,000 lbs. f. o. b. transportation facilities at the mines.

5. When coal is loaded in Box cars the following amounts shall be added to the minimum f. o. b. mine price:

Sub-District 1—15 cents; Sub-Districts 2, 3, 4, 5, 6, 7, 8 and 9—25 cents.

6. A minimum charge of 10 cents per ton on all sizes of coals shall be added for oil or other similarly treated coal.

7. The description of the Market Areas listed herein are the same as those described in the "Consuming Market Areas Schedule".

8. When smithing coal is sacked, $1.50 per net ton shall be added to the minimum f. o. b. mine price.

SIZE GROUPS

*Sizes Included*

Size group No. 1. Lump—Solid Shot Coal, screened over bars spaced 1½" apart.

Size group No. 2. Lump—Solid Shot Coal, screened over bars spaced ¾" apart.

Size group No. 3. Lump—Solid Shot Coal, screened over perforated plates with round holes 2½" or smaller.

Size group No. 4. Lump—Machine Cut Coal, screened over perforated plates with round holes 2½" and larger.

Size group No. 5. Lump—Machine Cut Coal, screened over perforated plates with round holes under 2½" in diameter.

Size group No. 6. Grate—Includes all sizes of coal having a top size of 7½" and a bottom size of 5½".

Size group No. 7. Furnace—Includes all sizes of coal having a maximum top size of 12" and a maximum bottom size of 4".

Size group No. 8. Egg—Includes all sizes of coal having a maximum top size of 6" and a maximum bottom size of 2½".

Size group No. 9. Small Egg—Includes all sizes of coal having a maximum top size of 4" and a maximum bottom size of 2".

Size group No. 10. Stove—Includes all sizes of coal having a maximum top size of 3" and a maximum bottom size of 1½".

Size group No. 11. Nut—Includes all sizes of coal having a maximum top size of 2½" and a maximum bottom size of 1½".

Size group No. 12. Range—Includes all sizes of coal having a maximum top size of 2½" and a maximum bottom size of ⅞".

Size group No. 13. Chestnut—Includes all sizes of coal having a maximum top size of 1½" and a maximum bottom size of ⅞".

Size group No. 14. Nutrun—Includes all sizes of coal having a maximum top size of 2½", with no coal removed.

Size group No. 15. Slack—Includes all sizes of coal having a maximum top size of 1¼", with no coal removed.

Size group No. 16. Slack—Includes all sizes of coal having a maximum top size of ⅞", with no coal removed.

Size group No. 17. Pea—Includes all sizes of coal having a maximum top size of 1¼" and a maximum bottom size of ⅜".

Size group No. 18. Minerun—Includes all coal as it comes from the mine with no part of the small coal removed.

Size group No. 19. Dead Coal—Coal used by smelters for Ore reduction.

Size group No. 20. Smithing Coal—Coal used for blacksmithing.

Size group No. 21. Railroad Locomotive fuel—any size prepared coal—single or double screened—or straight mine run.

Size group No. 22. Railroad locomotive fuel with all coal over 6" round hole removed.

Size group No. 23. Railroad locomotive fuel with all coal over 2½" round hole removed.

When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled above then such coal must be included in the next higher priced size group and priced accordingly.

IDENTIFICATION OF SUBDISTRICTS

*Identification*

Subdistrict No. 1. Includes all mines in Pope County, all mines in the "Spadra field" of Johnson County, Arkansas.

Subdistrict No. 2. Includes all mines in the Denning-Coal Hill and Altus fields of Franklin and Johnson Counties, and all mines in the Philpott field of Johnson and Franklin Counties, Arkansas.

Subdistrict No. 3. Includes all mines in the "Paris Field" of Logan County, Arkansas, and mines in Franklin County located in Paris Basin.

Subdistrict No. 4. Includes all mines in the "Charleston Field" in Franklin County, Arkansas.

Subdistrict No. 5. Includes all mines in Sebastian County, Arkansas.

Subdistrict No. 6. Includes all mines in the "Panama Field" of Leflore County, Oklahoma.

Subdistrict No. 7. Includes mines in the "Bokoshe and Milton Field" of Leflore County, Oklahoma, mines in the McCurtain field of Haskell County and all mines in Sequoyah County, Oklahoma.

Subdistrict No. 8. Includes all mines in the "Poteau-Wister field" in Leflore County, Oklahoma.

Subdistrict No. 9. Includes all mines in the "Howe-Heavener field" of Leflore County, Oklahoma, and all mines in the "Bates field" in Scott County, Arkansas.

Subdistrict No. 10. Includes all mines in the "Stigler-Kanima field" in Haskell County, Oklahoma.

Subdistrict No. 11. Includes all mines in the "Scranton field" of Logan County, Arkansas.



*Alphabetical List of Code Members Showing Price Classification by Size Groups for All Uses Except as Separately Shown—Continued*

| Code member | Mine name | Subdistrict No. | Price classifications by size group | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| Grigg & Blaylock Coal Co. | Grigg-Blaylock | 2 | | | | A | G | | H | H | H | | | | | B | | | | | | |
| Green Coal Company | Green | 6 | | | | | | | | | | | | | | | | | | | | |
| Hammond Coal Company | Hammond | 3 | | | F | C | D | | | | B | B | B | B | B | B | B | B | B | | | |
| Harding Coal Company | Harding | 1 | | | | | | | F | F | F | F | F | F | F | B | B | B | B | | | |
| Henderson Coal Co. | No. 7 | 7 | | | D | B | E | | B | A | A | B | A | A | A | A | A | A | A | | | |
| Henson Coal Company | Henson Strip | 10 | | | | B | E | | F | F | F | H | E | | | | | | | | | |
| Hetherington Bros. Coal Company | Hetherington | 6 | | | | | | | | | | | | D | B | B | B | B | B | | | |
| Hiwatha Coal Company | Hiwatha | 10 | | | | | | | | | | | | | | | | | | | | |
| Hobbs & Son Coal Co. | Hill Bros. | 5 | | | | B | E | | E | E | E | E | B | | | | | | | | | |
| A. M. Hobbs Coal Co. | Old No. 4 | 5 | | | | | | | | | | | | B | B | B | B | B | B | | | |
| M. J. Hobbs & Son Coal Co. | Hobbs Mine | 5 | | | | | | | | | | | | | | | | | | | | |
| O. G. Hudson Coal Co. | Hudson | 5 | | | | | | | | | | | | B | B | B | B | B | B | | | |
| Hulvey Coal Company | Hulvey | 7 | | | | B | E | | B | | J | M | M | M | L | L | I | D | B | B | B | A |
| Hundley Coal Company | Hundley Bros. No. 9. | 7 | | | | | | | | | | | | | | | | | | | | |
| Hulkey Coal Company | No. 3 | 5 | | | | | | | | | F | C | C | D | D | C | E | D | B | B | C | C |
| Ideal Coal Company | No. 1 | 3 | | | | D | B | | | | | | | | | | | | | | | |
| Independent Coal Co. | Independent | 1 | | | | | | | | | D | A | A | B | B | A | C | D | B | B | C | C |
| Jewel Mining Company | Jewel | 5 | | | | | | | | | | | | | | | | | | | | |
| Jink Jones Coal Co. | No. 1 | 5 | | | | | | | | | F | F | F | F | F | F | F | B | B | B | B | A |
| A. H. Johnson Coal Co. | No. 1 | 6 | | | | | | | | | | | | | | | | | | | | |
| Jones & Hirel Coal Co. | Jones | 5 | | | | | | | | | D | F | F | F | F | F | F | B | B | B | B | A |
| Truman Jones Coal Co. | Jones | 4 | | | | | | | | | | | | | | | | | | | | |
| K & S Coal Company | K & S | 11 | | | | B | E | | E | E | F | F | F | D | F | E | C | A | A | A | A | A |
| Kaalma Smithing Coal Co. | No. 1 | 10 | | | | | | | | | | | | | | | | | | | | |
| Keener Mining Co. | Keener | 5 | | | | B | E | | F | E | F | F | F | G | F | D | C | A | A | B | B | A |
| Keeton Coal Co. | Keeton-Magg | 7 | | | | A | A | | | | | | | | | | | | | | | |
| King & Hays Coal Co. | King & Hays | 1 | | | | A | A | | | | | | | | | | | | | | | |
| Kirby Coal Co. | Kirby | 1 | | | | A | E | | | | | | | | | | | | | | | |
| Perry King Coal Co. | Perry King | 2 | | | | | | | | | | | | | | | | | | | | |
| Henley Kirby Coal Co. | Kirby | 4 | | | | | | | | | | | | | | | | | | | | |
| Bill Koch Coal Co. | Koch | 3 | | | | | | | | | | | | | | | | | | | | |
| Mat Kris Kirshen | Kirshen | 7 | | | | | | | | | | | | | | | | | | | | |
| Kuykendall Coal Co. | Red Turkey | 3 | | | | | | | | | | | | | | | | | | | | |
| LaFlore-Poteau Coal Co. | No. 1 | 8 | | | | | | | | | | | | | | | | | | | | |
| Lewis Coal Company | No. 12 | 5 | | | | | | | | | | | | | | | | | | | | |
| Lewis & Rush Coal Co. | Lewis & Rush | 5 | | | | | | | | | | | | | | | | | | | | |
| Lewis Bros. Coal Co. | No name | 5 | | | | | | | | | | | | | | | | | | | | |
| Liberty Coal Co. | Liberty Heat | 5 | | | | | | | | | | | | | | | | | | | | |
| Litchford & McGlown Coal Company. | No. 1 | 5 | | | | | | | | | | | | | | | | | | | | |
| Little Ben Coal Co. | Majestic | 5 | | | | | | | | | | | | | | | | | | | | |
| Little Three Coal Co. | Little Three | 5 | | | | | | | | | | | | | | | | | | | | |
| Looper Coal Company | Looper | 3 | | | | | | | | | | | | | | | | | | | | |
| Mack Coal Company | Mack | 7 | | | | | | | | | | | | | | | | | | | | |
| Malone Coal Co. | Malone | 5 | | | | | | | | | | | | | | | | | | | | |
| Mars Coal Company | Mars | 1 | | | | | | | | | | | | | | | | | | | | |
| Meyers Coal Company | Meyers | 7 | | | | | | | | | | | | | | | | | | | | |
| Midway Coal Company | Midway | 10 | | | | | | | | | | | | | | | | | | | | |
| Midland Coal Mfg. Co. | Midland | 5 | | | | | | | | | | | | | | | | | | | | |
| Montgomery Coal Co. | Montgomery | 5 | | | | | | | | | | | | | | | | | | | | |
| R. J. Moore Coal Co. | No. 1 | 5 | | | | | | | | | | | | | | | | | | | | |
| John B. Mumey Coal Co. | None | 3 | | | | | | | | | | | | | | | | | | | | |
| John B. Mumey Coal Co. | East | 5 | | | | | | | | | | | | | | | | | | | | |
| S. A. McAdoo Coal Co. | West | 5 | | | | | | | | | | | | | | | | | | | | |
| Geo. McAlister Coal Co. | McAlister | 10 | | | | | | | | | | | | | | | | | | | | |
| Dan A. McKinney Coal Co. | McKinney | 1 | | | | | | | | | | | | | | | | | | | | |
| New Excelsior Coal Co. | New Excelsior | 5 | | | | | | | | | | | | | | | | | | | | |
| New Excelsior Coal Co. | Shockley | 3 | | | | | | | | | | | | | | | | | | | | |
| New Shockley Coal Co. | Superfuel | 3 | | | | | | | | | | | | | | | | | | | | |
| New Superfuel Coal Co. | New Union | 3 | | | | | | | | | | | | | | | | | | | | |
| New Union Coal Company | New Wells | 7 | | | | | | | | | | | | | | | | | | | | |
| New Wells Coal Co. | None | 5 | | | | | | | | | | | | | | | | | | | | |
| North Milton Coal Co. | Oliver-McGuire | 5 | | | | | | | | | | | | | | | | | | | | |
| Oliver-McGuire Coal Co. | Horseshoe | 3 | | | | | | | | | | | | | | | | | | | | |
| Paris Development Co. | Grand No. 3 | 3 | | | | | | | | | | | | | | | | | | | | |
| Paris Purity Coal Co. | Peerless | 3 | | | | | | | | | | | | | | | | | | | | |
| Peerless Coal Co. | Perry | 5 | | | | | | | | | | | | | | | | | | | | |
| Philpott Valley Coal Co. | Philpott Vail | 5 | | | | | | | | | | | | | | | | | | | | |
| Pioneer Coal Company | Pioneer | 2 | | | | | | | | | | | | | | | | | | | | |
| Premium Smokeless Coal Co. | No. 1 | 5 | | | | | | | | | | | | | | | | | | | | |
| Poteau-Leader Coal Co. | No. 17 | 7 | | | | | | | | | | | | | | | | | | | | |
| | Poteau-Leader | 8 | | | | | | | | | | | | | | | | | | | | |

*Alphabetical List of Code Members Showing Price Classification by Size Groups for All Uses Except as Separately Shown*

| Code member | Mine name | Subdistrict No. | Price classifications by size group | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| Acme Coal Co. | Acme | 2 | | | | | | | | | | | | | | | | | | | | |
| Acme Sem-Anth. Coal Co. | Cameron No. 2 | 6 | | | | | | | | | | | | | | | | | | | | |
| Henry Adamson, Inc. | No. 2 | 3 | | | F | C | | | | | | | | | | | | | | | | |
| A & M Coal Company | Caldwell | 3 | | | | B | I | | | | | | | | | | | | | | | |
| Arkansas Fuel Coal Co. | No. 1 | 5 | | | | | | | | | | | | | | | | | | | | |
| Atchinson Coal Co. | Atchinson | 3 | | | C | F | J | B | M | M | L | L | I | D | B | B | | | | | | |
| Leo Bach Coal Co. | Bach Strip | 5 | | | | | | | | | | | | | | | | | | | | |
| Banner Mining Co. | Nine No. 18 | 7 | | | | E | D | F | B | | | | | | | | | | | | | |
| T. M. Bates Coal Co. | Stewart | 7 | | | | | | | | | | | | | | | | | | | | |
| Bell Coal Company | Bell Coal | 5 | | | | D | B | | B | A | A | A | A | A | A | B | | | | | | |
| P. L. Benjamin Coal Co | Benjamin | 5 | | | | | | | | | | | | | | | | | | | | |
| Bernice Anthr. Coal Co. | Bernice | 7 | | | | D | B | | | | | | | | | | | | | | | |
| O. W. Bevel Coal Co. | No. 16 | 10 | | | | B | | | | | | | | | | | | | | | | |
| Black Boy Coal Co. | Black Boy | 7 | | | | | | | | | | | | | | | | | | | | |
| Black Diamond Coal Co. | Black Diamond | 8 | | | | D | F | | G | G | G | G | H | E | | D | B | B | A | E | | |
| Black Diamond Coal Co. | Black Diamond | 1 | | | | | | | B | A | A | B | A | A | A | A | A | A | A | G | | |
| Blue Blaze Coal Co. | Blue Blaze | 5 | | | | F | C | | C | D | D | C | D | D | | D | B | B | B | A | | |
| Blue Flame Coal Co. | Blue Flame | 5 | | | | | | | | | | | | | | | | | | | | |
| Blue Star Coal Co. | Blue Star | 5 | | | | D | | | E | E | E | G | F | | | | | | | | | |
| Bonner-Porter Coal Co. | Bonner-Porter | 7 | | | | | D | | | | H | H | H | | | | | | | | | |
| Boyd Excelsior Coal Co. | Boyd-Excelsior | 5 | | | | | | | B | | | | G | | | | | | | | | |
| Boyd-Sheard Coal Co. | Boyd-Sheard | 5 | | | | | | | | | | | | | | | | | | | | |
| Bradford Coal Co. | Bradford | 10 | | | | | | | B | | F | | | D | B | B | B | B | B | | | |
| Sam Brown Coal Co. | No. 1 | 5 | | | | | | | F | | | | | | | | | | | | | |
| Buck Creek Coal Mng. Co. | Buck Creek | 5 | | | | | | | | | F | F | F | H | E | | D | B | B | A | | |
| Bill Burch Coal Co. | Woodson | 5 | | | | | | | | | | | | | | | | | | | | |
| A. Bussey Coal Co. | No. 1 | 5 | | | | | | | F | | E | | | | | | | | | | | |
| Callahan & Haney Coal Co. | Callahan | 7 | | | | | | | | | | | | | | | | | | | | |
| Carbon Coal Co. No. 2 | No. 2 | 5 | | | | | | | | | A | C | D | D | C | E | D | B | B | B | B | A |
| Carter-Templeton Coal Co. | Carbon Creek | 5 | | | | | | | | | | | | | | | | | | | | |
| Caston-Creek Coal Co. | Caston Creek | 5 | | | | | | | | | A | B | B | A | C | C | | | | | | |
| Charleston Coal Co. | Brown | 4 | | | | | | | | | | | | | | | | | | | | |
| A. D. Clark Coal Co. | Charleston | 4 | | | | | | | | | | | | | | | | | | | | |
| Clay Coal Co. | Wheeler | 5 | | | | | | | | | | | | | | | | | | | | |
| Cline Bros. Coal Co. | Bates | 9 | | | | | | | | | | | | | | | | | | | | |
| Coaldale Smokeless Coal Company. | Clay | 5 | | | | | | | | | | | | | | | | | | | | |
| Coleman Coal Company | Cline Bros | 5 | | | | | | | | | | | | | | | | | | | | |
| Collier-Dunlap Coal Co. | No name | 5 | | | | | | | | | | | | | | | | | | | | |
| Conch Coal Company | Coleman | 5 | | | | | | | | | | | | | | | | | | | | |
| Crescent Coal Company | Collier-Dunlap | 5 | | | | | | | | | | | | | | | | | | | | |
| Dana Coal Company | Conch | 5 | | | | | | | | | | | | | | | | | | | | |
| Davis & Swindle Coal Co. | Crescent | 3 | | | | | | | | | | | | | | | | | | | | |
| Daves Bros. Coal Co. | Dana | 7 | | | | | | | | | | | | | | | | | | | | |
| Dirle Fuel Company | D & B Mine | 9 | | | | | | | | | | | | | | | | | | | | |
| Diamond Anthr. Coal Co. | Daves No. 1 | 1 | | | | | | | | | | | | | | | | | | | | |
| Eastern Coal Company | Diamond | 7 | | | | | | | | | | | | | | | | | | | | |
| Eastern Excelsior Coal Company | Eastern | 5 | | | | | | | | | | | | | | | | | | | | |
| Economy Coal Company | Economy | 7 | | | | | | | | | | | | | | | | | | | | |
| C. K. Edwards | Edwards Strip | 5 | | | | | | | | | | | | | | | | | | | | |
| Lee Elder Coal Company | No. 1 | 2 | | | | | | | | | | | | | | | | | | | | |
| John H. Ellet Company | Ellet | 1 | | | | | | | | | | | | | | | | | | | | |
| Emerson Coal Company | Emerson | 1 | | | | | | | | | | | | | | | | | | | | |
| Eureka Coal Company | Eureka | 3 | | | | | | | | | | | | | | | | | | | | |
| Excelsior Mining Corp. | Boyd No. 1 | 5 | | | | | | | | | | | | | | | | | | | | |
| Excelsior Smokeless Coal Company | Excel Smo. No. 1 | 5 | | | | | | | | | | | | | | | | | | | | |
| Excelsior Thin Vein Coal Company | Excel Smo. No. 2 | 5 | | | | | | | | | | | | | | | | | | | | |
| Excelsior Valley Coal Co. | Excelsior Valley | 5 | | | | | | | | | | | | | | | | | | | | |
| Fairley Dalton Coal Co. | No. 1 | 5 | | | | | | | | | | | | | | | | | | | | |
| Falkins Coal Company | Falkins | 3 | | | | | | | | | | | | | | | | | | | | |
| Fernwood Coal Mng. Co. | Fernwood | 1 | | | | | | | | | | | | | | | | | | | | |
| Fesperman Bros. Coal Co. | Fesperman | 9 | | | | | | | | | | | | | | | | | | | | |
| Fort Smith-Bonanza Coal Company. | No. 1 and 2-135 | 5 | | | | | | | | | | | | | | | | | | | | |
| Fossy Freeman Coal Co. | No. 1 | 5 | | | | | | | | | | | | | | | | | | | | |
| Fred Smith Coal Co. | No. 1 | 3 | | | | | | | | | | | | | | | | | | | | |
| Gabbard & Gaston Coal Co. | Old Victor | 10 | | | | | | | | | | | | | | | | | | | | |
| Garland Coal Mnt. Co. | Garland | 7 | | | | | | | | | | | | | | | | | | | | |
| Gillie Coal Company | No. 5 | 6 | | | | | | | | | | | | | | | | | | | | |
| Goodin Coal Company | Goodin | 10 | | | | | | | | | | | | | | | | | | | | |
| L. R. Grasz Coal Co. | Grasz Strip | 5 | | | | | | | | | | | | | | | | | | | | |
| Great Western Coal Co. | Great Western | 10 | | | | | | | | | | | | | | | | | | | | |
| Green Coal Company | Green | 2 | | | | | | | | | | | | | | | | | | | | |

*Alphabetical List of Code Members Showing Price Classification by Size Groups for All Uses Except as Separately Shown—Continued*

| Code member | Mine name | Subdistrict No. | Price classifications by size group | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| Allen W. Pyburn | Pyburn | 4 | E | A | B | B | A | C | C | D | B | B | B | B | B | B | B | B | B | D | D | A |
| Quality Coal Co. | Quality No. 1 | 2 | | D | A | B | E | G | F | D | B | B | B | B | D | B | B | B | B | B | B | A |
| Quality Coal Co. | Quality No. 2 | 5 | | D | A | B | E | G | H | D | B | B | B | B | D | B | B | B | B | B | B | A |
| Quality Coal Co. | Quality | 8 | | F | B | G | G | G | H | D | B | B | B | B | D | B | B | B | B | B | B | A |
| Re-Ja-Da Anthr. Coal Co. | Re-Ja-Da | 1 | | B | B | A | A | A | A | A | B | A | A | A | A | A | A | A | A | C | C | A |
| Ratliff | Ratliff | 4 | | | E | B | | | | | | | | | | B | | | | | | |
| M. L. Ratliff | | 10 | | | D | | | | | | | | | | | B | | | | | | |
| Chas. Rogers Coal Co. | Rogers No. 1 | 7 | | | D | | | | | | | | | | | A | | | | | | |
| Red Fox Coal Company | Red Fox | 10 | | | F | B | | | | | | | | | | B | | | | | | |
| Roberts & Schaefer Coal Co. | No. 1 | 5 | | B | F | | | | | | | | | | | B | | | | | | |
| John Rogers Coal Co. | Rogers | 10 | | | | | | | | | | | | | | B | | | | | | |
| Wm. Rogers Coal Co. | Royal | 5 | | | | | | | | | | | | | | B | | | | | | |
| Royal Smokeless Coal Co. | Royal Superior | 6 | | | | | | | | | | | | | | B | | | | | | |
| Royal Superior Coal Mining Co. | None | 7 | | | | | | | | | | | | | | B | | | | | | |
| Russell-Grayston Coal Co. | No name | 7 | | | | | | | | | | | | | | B | | | | | | |
| Ruth Hill Mining Co. | R. A. R. | 7 | | | | | | | | | | | | | | B | | | | | | |
| Safeway Coal Company | Safeway | 7 | | | | | | | | | | | | | | B | | | | | | |
| Sharp Coal Company | Sharp | 7 | | | | | | | | | | | | | | B | | | | | | |
| Shover Creek Coal Co. | Shover Creek | 10 | | | | | | | | | | | | | | B | | | | | | |
| Skidmore Bros. Coal Co. | Skidmore Bros | 1 | | | | | | | | | | | | | | A | | | | | | |
| Smith & Sargent Coal Co. | Smith | 4 | | | | | | | | | | | | | | A | | | | | | |
| R. H. Smith Coal Co. | No. 1 | 3 | | | | | | | | | | | | | | A | | | | | | |
| S. W. Smith Coal Co. | R. H. Smith | 2 | | | | | | | | | | | | | | A | | | | | | |
| Smokeless Coal Co. | S. W. Smith | 1 | | | | | | | | | | | | | | A | | | | | | |
| | Smokeless Nos. 1 and 2. | 5 | | | | | | | | | | | | | | B | | | | | | |
| Speagle Coal Co. | Speagle | 5 | | | | | | | | | | | | | | B | | | | | | |
| Stansfield & Henry Coal Co. | No. 1 | 5 | | | | | | | | | | | | | | B | | | | | | |
| Stanfill Coal Co. | Stanfill | 5 | | | | | | | | | | | | | | B | | | | | | |
| Stewart Coal Co. | Mine No. 2 | 2 | | | | | | | | | | | | | | B | | | | | | |
| Stewart Smokeless Coal Co. | 2½ Deming | 2 | | | | | | | | | | | | | | B | | | | | | |
| Stinnett Coal Co. | Stinnett | 7 | | | | | | | | | | | | | | B | | | | | | |
| Sublett Coal Co. | No. 1 | 5 | | | | | | | | | | | | | | B | | | | | | |
| Sullivan Coal Co. | Sullivan | 3 | | | | | | | | | | | | | | B | | | | | | |
| Sun Smokeless Coal Co. | Sun | 5 | | | | | | | | | | | | | | B | | | | | | |
| Times Herndon Coal Co. | No name | 5 | | | | | | | | | | | | | | B | | | | | | |
| Robt. Thompson Coal Co. | Thompson | 2 | | | | | | | | | | | | | | B | | | | | | |
| Triple C Coal Co. | Triple C | 5 | | | | | | | | | | | | | | B | | | | | | |
| Tuckaway Coal Co. | Tuckaway | 5 | | | | | | | | | | | | | | B | | | | | | |
| John Turner Coal Co. | No. 2 | 5 | | | | | | | | | | | | | | B | | | | | | |
| Turner & Moore Coal Co. | No. 1 | 5 | | | | | | | | | | | | | | B | | | | | | |
| J. F. Turnipseed Coal Co. | Nos. 1, 2 and 3 | 8 | | | | | | | | | | | | | | B | | | | | | |
| Vandermeulen Coal Mng. Co. | Vandermeulen | 3 | | | | | | | | | | | | | | B | | | | | | |
| Victor Coal Co. | Victor | 3 | | | | | | | | | | | | | | B | | | | | | |
| Victory Coal Co. | No. 1 | 5 | | | | | | | | | | | | | | B | | | | | | |
| Weaver & Kruslo Coal Co. | No. 1 | 5 | | | | | | | | | | | | | | B | | | | | | |
| Western Coal Co. | Powell | 5 | | | | | | | | | | | | | | B | | | | | | |
| White Pullet Coal Co. | White Pullet | 5 | | | | | | | | | | | | | | B | | | | | | |
| Wilson Coal Co. | No. 8 | 5 | | | | | | | | | | | | | | B | | | | | | |
| Wilson & Son Coal Co. | No. 1 | 5 | | | | | | | | | | | | | | B | | | | | | |
| Wilson & Wilson | Wilson | 5 | | | | | | | | | | | | | | B | | | | | | |
| Wyatt Brooker Coal Mng. Co. | Yaffe | 5 | | | | | | | | | | | | | | B | | | | | | |
| R. A. Young & Son Coal Co. | No. 10 | 5 | | | | | | | | | | | | | | B | | | | | | |

*Rail or Truck Prices for All Coal Except Locomotive Fuel in Cents per Net Ton, F. O. B. Mine, for Shipment Into All Market Areas Except Market Area 40 and Minneapolis and St. Paul, Minnesota; Subject to Price Instructions and Exceptions*

| Price classification | Size groups | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| A | 450 | 425 | 425 | 400 | 410 | 480 | 485 | 495 | 455 | 520 | 520 | 495 | 490 | 200 | 200 | 200 | 185 | 460 | 165 | 500 |
| B | | 425 | 400 | 405 | 405 | 470 | 480 | 480 | 440 | 500 | 500 | 475 | 440 [1] | 130 | 115 | 100 | | 445 | | |
| C | | | 385 | 400 | | 460 | 465 | 465 | 425 | 480 | 480 | | 250 | | 95 | 90 | | 435 | 115 | |
| D | | | 370 | 385 | | 450 | 460 | 460 | 410 | 460 | 460 | 370 | 200 | | | | | 410 | 100 | |
| E | | | 355 | 370 | | 435 | 445 | 445 | 395 | 445 | 445 | 355 | | | | | | 395 | 90 | |
| F | | | 335 | 355 | | 420 | 430 | 430 | 380 | 430 | 430 | 340 | | | | | | 380 | 85 | |
| G | | | | 335 | | 420 | 425 | 425 | 400 | 425 | 425 | 325 | | | | | | 360 | 80 | |
| H | | | | | | 415 | 420 | 420 | 395 | 420 | 420 | 315 | | | | | | 350 | 75 | |
| I | | | | | | 400 | 415 | 415 | 380 | 415 | 415 | 310 | | | | | | 345 | 70 | |
| J | | | | | | 400 | 405 | 405 | 380 | 405 | 405 | | | | | | | 340 | 70 | |
| K | | | | | | 385 | 400 | 400 | 360 | 400 | 400 | | | | | | | 330 | 70 | |
| L | | | | | | | 385 | 385 | 345 | 385 | 385 | | | | | | | 310 | 65 | |
| M | | | | | | | | | 345 | | | | | | | | | 295 | 65 | |
| N | | | | | | | | | | | | | | | | | | | 65 | |
| O | | | | | | | | | | | | | | | | | | | 60 | |
| P | | | | | | | | | | | | | | | | | | | 60 | |

[1] May be reduced 90 cents per ton for movement to Harrah, Oklahoma, only.
[2] May be reduced 45 cents per ton when sold to, for consumption by, the Municipality of Paris, Arkansas.
[3] May be reduced 105 cents per ton when sold to, for consumption by, the Municipality of Paris, Arkansas.
[4] May be reduced 20 cents per ton when sold to, for consumption by, the Municipality of Paris, Arkansas.

*Rail or Truck Prices for All Coal Except Locomotive Fuel in Cents per Net Ton F. O. B. Mine for Shipment Into Market Area 40 and Minneapolis and St. Paul, Minnesota; Subject to Price Instructions and Exceptions*

| Price classification | Size Groups | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| A | | 415 | 390 | 390 | 445 | 375 | 445 | 450 | 420 | 480 | 485 | 490 | 425 | 185 | 185 | 165 | 150 | 415 | 120 | 465 |
| B | | | | 365 | 430 | 370 | 435 | 445 | 400 | 465 | 465 | 440 | 405 | 100 | 80 | 70 | | 410 | | |
| C | | | | 350 | 425 | | 425 | 430 | 400 | 370 | 385 | | 215 | | 60 | 40 | | 400 | | |
| D | | | | 335 | 410 | | 415 | 425 | 385 | 360 | 360 | 335 | 165 | | | | | 385 | | |
| E | | | | 320 | 395 | | 410 | 410 | 375 | 345 | 370 | 320 | | | | | | 380 | | |
| F | | | | 300 | 380 | | 395 | 395 | 370 | 335 | 335 | 300 | | | | | | 360 | | |
| G | | | | | 360 | | 380 | 380 | 360 | 325 | 325 | 290 | | | | | | 335 | | |
| H | | | | | 345 | | 365 | 365 | 325 | 290 | 290 | 260 | | | | | | 315 | | |
| I | | | | | 330 | | 345 | 345 | 290 | 260 | 260 | | | | | | | 310 | | |
| J | | | | | 315 | | 330 | 330 | 260 | | | | | | | | | 275 | | |
| K | | | | | 300 | | 315 | 315 | | | | | | | | | | | | |
| L | | | | | 285 | | 300 | 300 | | | | | | | | | | | | |
| M | | | | | 270 | | 285 | 285 | | | | | | | | | | | | |
| N | | | | | | | 270 | 270 | | | | | | | | | | | | |
| O | | | | | | | | | | | | | | | | | | | | |
| P | | | | | | | | | | | | | | | | | | | | |

[1] Prices on this size group shall be increased 35 cents per net ton when shipped to Minneapolis and St. Paul, Minnesota, only.



*Prices for Railroad Locomotive Fuel in Cents per Net Ton F. O. B. Mine for All Code Members*

| Size group: | Price |
|---|---|
| 21 | 250 |
| 22 | 225 |
| 23 | 135 |

## SCHEDULE OF PROPOSED COORDINATED MINIMUM PRICES FOR DISTRICT NO. 15

### FOR ALL SHIPMENTS EXCEPT TRUCK

*Price Instructions and Exceptions (For Shipment by Railroad)*

Item No. 1. All prices shown herein are in cents per net ton of 2,000 pounds and apply f. o. b. transportation facilities at mines.

Item No. 2. This Price Schedule is divided into three parts, namely:

Part I—Domestic and Commercial Use and Industrial Use.

(a) Prices shown for Domestic and Commercial Use apply (1) on all sales in retailing of coal. (2) On all sales of coal to consumers using coal principally for space heating. (3) On all other sales except Industrial Use and as provided for in Part II Special Purpose Use and Part III Railroad Locomotive Fuel Use.

(b) Prices in the Industrial Use Schedule apply only where sale is made by the Producer Code Member, his authorized agent, or a registered wholesaler or jobber and where the coal moves direct from the mine of the producer to the consumer using the fuel principally for (1) the purpose of driving steam engines or turbines. (2) The purpose of manufacturing or processing if fuel is required each day of the year products of the consumer are produced.

Part II—Special Purpose Coal Use. The prices shown in Part II apply to all coal produced in what is known as the Briartown District in Oklahoma.

Part III—Railroad Locomotive Use Schedule. Prices apply on coal sold to railroads for locomotive fuel use only.

Item No. 3. All prices are subject to the effective Market Rules and Regulations and the Rules and Regulations governing distributors.

Item No. 4. All size designations are for round hole screens. When screens having other types of openings are used and the percentage of over-size, as determined in accordance with the method of test prescribed by A.S.T.M. designation D-410-38, exceeds 5% the price for the next higher Size Group Classification for that mine shall apply.

Item No. 5. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in United States funds.

Item No. 6. All lump or double screened coal subjected to any chemical, oil or wax process for allaying dust shall be priced at not less than 10 cents per net ton above the prices shown herein.

Item No. 7. The Market Areas used in this schedule are those areas numerically designated and geographically described in the document entitled, "Consuming Market Areas as Proposed by the National Bituminous Coal Commission pursuant to Section 4 of the Bituminous Coal Act of 1937", dated April 24, 1939.

Item No. 8. The f. o. b. mine price on shelly, off-grade coal may be reduced a maximum of 15 cents per ton on sizes one to seven, inclusive, when due notice is given by a Code Member to the Statistical Bureau of the National Bituminous Coal Commission that he has such coal to dispose of and the coal is inspected and so classified by an authorized representative of the Commission.

Item No. 9. (a) In order to maintain delivered differentials with the base Producing Group sizes and sizes moving from other Producing Groups in competition with the base group size, the prices as set forth in the Schedule may be reduced in such a manner as necessary to preserve the delivered differentials, transportation charges considered, as reflected in the Schedule showing delivered differentials that may be maintained with base group coals by reducing prices published herein. See Page 33.

(b) Base Production Group coals are indicated in the following Price Schedule in each and every market area.

(c) All delivered differentials established in the Schedule are based upon "A" grade coals from the various Producing Groups.

(d) To destinations where Production Group No. 1 is the base unwashed "A" grade coal is to be considered the base coal.

(e) All permitted delivered differentials except as otherwise provided for shall be based upon the lowest freight group rate as published in the current effective railroad tariffs:

*Exceptions.* (1) To destinations in the State of Missouri delivered differentials may be based using the lowest mileage rate from an individual active mine actually shipping coal by rail.

(2) Where truck and gas compelled rates are in effect from mines within a Production Group, other mines within such group may reduce their prices in such a manner as to effect an equal delivered cost with the rail shipping mines.

(3) Where mines in a Production Group are located in more than one freight rate group as published in the current effective railroad tariffs, all mines within the Production Group may reduce their prices in such a manner as to effect an equal delivered cost with the mines in the rate group having the lowest published rate.

Item No. 10. Price Classification: A, List; B, Minus 0.05; C, Minus 0.10.

Item No. 11. Railway Locomotive Fuel prices designated shall not be used in the sale of coal to railways other than those recognized as common carriers by the Interstate Commerce Commission or by the Canadian Railways Commission.

*Size Groups*

Size group No. 1. Fancy Lump—Coal passing over a screen with round hole openings larger than 3".

Size group No. 2. Lump—Coal passing over a screen with round hole openings of ½" to 3", inclusive.

Size group No. 3. Furnace or Egg—Coal passing through a screen with round hole openings not over 10" and over a screen with round hole openings of not less than 1½".

Size group No. 4. Egg—Nut—Coal passing through a screen with round hole openings not over 10" and over a screen with round hole openings not over 1¼".

Size group No. 5. Fancy Nut—Coal passing through a screen with round hole openings not over 3" and over a screen with round hole openings not over 2".

Size group No. 6. Standard Nut—Coal passing through a screen with round hole openings not over 3" and over a screen with round hole openings not over 1¼".

Size group No. 7. No. 2 Nut—Coal passing through a screen with round hole openings not over 2" and over a screen with round hole openings not over 1¼".

Size group No. 8. Chestnut—Coal passing through a screen with round hole openings not over 1¼" and over a screen with round hole openings of not over 1".

Size group No. 9. Mine Run—Coal shoveled at the face from which no coal has been removed either at the face, preparation plant, or when loading into transportation facilities, and shall contain not less than 30% screenings that will pass through an 1¼" round hole screen. Run of mine containing less than 30% screenings that will pass through an 1¼" round hole screen shall be classified as Lump coal and sold at not less than the Lump coal price.

Size group No. 10. Nut Run—Coal passing through not larger than a 3" round hole screen or its equivalent, from which no coal has been removed, and it shall contain not less than 50% screenings that will pass through an 1¼" round hole screen. Nut Run containing less than 50% screenings that will pass through an 1¼" round hole screen shall be classified as 3" Nut coal and sold at no less than the price applying on Standard Nut.

Size group No. 11. Special Stoker—Coal passing through a screen with round hole openings not over 1¼" and over a screen with round hole openings not over ⅜".

Size group No. 12. Raw Prepared Screenings—Coal dry-cleaned passing through a screen with round hole openings not over 1¼" and over a screen with round hole openings not over ¼".

Size group No. 13. Washed Screenings—1¼" x 0—Washed coal passing through a screen with round hole open-

ings not over 1¼" from which no coal has been removed.

Size group No. 14. Screenings—1¼" x 0—Coal passing through a screen with round hole openings not over 1¼" from which no coal has been removed.

Size group No. 15. Raw Dust—¼" x 0—Coal that has not been washed passing through a screen with round hole openings not over ¼" from which no coal has been removed.

*Producing Groups Defined*

Group No. 1. All mines located in Cherokee, Crawford, Bourbon, Neosho, Labette and Wilson Counties, Kansas; and Barton, Jasper, Dade, Cedar, and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Missouri.

Group No. 2. All mines located in Linn County, Kansas; and Bates, Henry, St. Clair, Morgan, Pettis and Johnson Counties; and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada in Missouri.

Group No. 3. All mines located in Boone, Callaway, Audrain, Randolph, Macon, Linn, Grundy, Harrison, Adair, Chariton, Schuyler, Putnam, Cole, Howard, Monroe, Warren, and Ralls Counties in Missouri.

Group No. 4. All mines located in Ray, Clay, Caldwell, Daviess, Clinton, and Carroll Counties in Missouri.

Group No. 5. All mines located in Lafayette County, Missouri.

Group No. 6. All mines located in Osage, Franklin, Lyon, and Coffey Counties, Kansas.

Group No. 7. All mines operating on the genuine McAlester seam in Pittsburg and Latimer Counties, Oklahoma.

Group No. 8. All mines operating on the Wilburton-Hartshorne seams in Pittsburg and Latimer Counties, Oklahoma.

Group No. 9. All mines located in Coal County, Oklahoma.

Group No. 10. All mines located in Okmulgee County, Oklahoma.

Group No. 11. All mines located in Tulsa, Wagoner, Roger, and Craig Counties, Oklahoma.

Group No. 12. All mines located in Muskogee County, Oklahoma.

Group No. 13. All mines located in Johnson, Leavenworth, and Wyandotte Counties, Kansas.

*Alphabetical List of Code Members Showing Price Classification by Sizes*

| Mine index No. | Code member | Name of mine | Prod. group No. | Price classification and size group Nos.—Domestic and commercial use | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 1 | A & P Coal Co. | A & P | 8 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | A | .. |
| 2 | Acme Coal & Mng. Co. | Acme | 10 | A | A | A | A | .. | A | .. | A | A | A | A | .. | .. | A | .. |
| 3 | Adamson Coal Co., H. L. | H. L. Adamson | 12 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| 4 | Alston Coal Co., The | Alston | 1 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| 5 | Apex Coal Co., The | Apex | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 6 | Arma Coal Co. | No. 21 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 7 | Atkinson Coal Co. | No. 4 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 8 | Atlas Coal Corp. | Atlas | 10 | A | A | A | A | .. | A | .. | A | A | A | A | .. | .. | A | .. |
| 9 | Balotto Coal & Mng. Co. | Balotto | 3 | B | B | B | B | C | C | C | C | A | C | A | A | .. | A | A |
| 10 | Baker, Russell | Baker | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 11 | Ben Hur Coal Co. | Sun | 10 | A | A | A | A | .. | A | .. | A | A | A | A | .. | .. | A | .. |
| 12 | Ben Hur Coal Co. | Blackstone | 10 | A | A | A | A | .. | A | .. | A | A | A | A | .. | .. | A | .. |
| 13 | Bernardi Coal Co. | Bernardi | 7 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | A | .. |
| 14 | Binkley Mng. Co. of Mo. | Bee-Veer | 3 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| 15 | Black Crown Coal Co. | | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 16 | Blanco Mining Co. | No. 3 | 7 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | A | .. |
| 17 | Bradley Coal Co. | Bradley | 3 | A | A | A | A | C | C | C | C | A | C | A | A | .. | A | A |
| 18 | Brennan Coal Co. | Brennan | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 19 | Briartown Coal Co. | Briartown | 12 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| 20 | Bryant-Harrison Coal Co. | No. 14 | 4 | A | A | A | A | A | A | A | A | .. | A | A | A | .. | A | A |
| 21 | Bucklin Coal Co. | Bucklin | 3 | A | A | A | A | C | C | C | C | A | C | A | A | .. | A | A |
| 22 | Camden Coal Co. | No. 2 | 4 | B | B | B | B | B | B | B | A | .. | A | A | A | .. | A | A |
| 23 | Central Coal Co. | Central | 6 | A | A | A | A | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| 24 | Chariton River Coal Co. | Chariton River | 3 | B | B | B | B | C | C | C | C | A | C | A | A | .. | A | A |
| 25 | Cherokee County Line Coal Co. | Cherokee C. Line | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 26 | Cherry Cr. Coal Co., Inc. | Mackie J. | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 27 | Clemens Coal Co. | No. 22 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |

*Alphabetical List of Code Members Showing Price Classification by Sizes—Con.*

| Mine index No. | Code member | Name of mine | Prod. group No. | Price classification and size group Nos.—Domestic and commercial use | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 28 | Clemens Coal Co. | No. 23 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 29 | Coalton Coal Co., The | Coalton | 10 | A | A | A | A | .. | A | .. | A | A | A | A | .. | .. | A | .. |
| 30 | Collins Coal Co. | Collins | 7 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | A | .. |
| 31 | Commercial Fuel Co., The | No. 2 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| 32 | Cornell Coal Co., The | Cornell | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 33 | Crescent Coal Co., The | Crescent | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 34 | Crowe Coal Co. | Reliance | 2 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| 35 | Crowe-Brady Coal Co. | Crowe-Brady | 2 | A | A | A | A | C | C | C | C | A | C | A | A | .. | A | A |
| 36 | Crowe-Fulton-Spangler Coal Co. | Crowe-Fulton-Spangler. | 2 | A | A | A | A | C | C | C | C | A | C | A | A | .. | A | A |
| 37 | DeGasperi Coal Co. | DeGasperi | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 38 | Damond Coal Co., The | Mulberry No. 3 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 39 | Dittman & Wachter Coal Co. | No. 2 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 40 | Domestic Coal Co. | Imperial | 5 | A | A | A | A | A | A | A | A | .. | A | A | A | .. | A | A |
| 41 | Dow Coal Co. | Dow No. 10 | 7 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | A | .. |
| 42 | Dow-Pioneer Coal Co. | No. 10 | 7 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | A | .. |
| 43 | Driskell, Claud W. | No. 21 | 4 | A | A | A | A | A | A | A | A | .. | A | A | A | .. | A | A |
| 44 | Drywood Coal Co. | Drywood | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 45 | Eagle-Cherokee Coal Mng. Co. | Eagle | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 46 | Elmira Coal Co. | Elmira | 4 | A | A | A | A | A | A | A | A | .. | A | A | A | .. | A | A |
| 47 | Farmers Coal Mng. Co. | No. 7 | 5 | A | A | A | A | A | A | A | A | .. | A | A | A | .. | A | A |
| 48 | Farmers Coal Mng. Co. | No. 10 | 5 | A | A | A | A | A | A | A | A | .. | A | A | A | .. | A | A |
| 49 | Flener, L. C. | Flener | 8 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | A | .. |
| 50 | Gray, C. E. & Reeves, R. H. | Gray & Reeves | 12 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| 51 | Gubbio Coal Co. | Gubbio | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 52 | Gunther City Coal & Mng. Co. | Cordes | 11 | A | A | A | A | .. | A | .. | A | A | A | A | .. | .. | A | .. |
| 53 | H & H Coal & Mining Co. | H & H | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 54 | Hamilton Coal Co. | Foster | 2 | A | A | A | A | C | C | C | C | A | C | A | A | .. | A | A |
| 55 | Hartshorne Coal Co. | No. 1 | 6 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | A | .. |
| 56 | Hartshorne Valley Coal Corp. | H. V. Coal Corp. | 8 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | A | .. |
| 57 | Hickory Coal Co. | Old Hickory | 11 | A | A | A | A | .. | A | .. | A | A | A | A | .. | .. | A | .. |
| 58 | Hill Coal Co. | Hill's | 3 | A | A | A | A | C | C | C | C | A | C | A | A | .. | A | A |
| 59 | Home Coal Co. of Macon | No. 1 | 3 | A | A | A | A | C | C | C | C | A | C | A | A | .. | A | A |
| 60 | Home Riverside Coal Mining Co. | No. 1 | 13 | A | A | A | A | | | | | | | | | | | |
| 61 | Homer Brothers | Homer | 7 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | A | .. |
| 62 | Hume-Sinclair Coal Mng. Co. | Tiger | 2 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| 63 | Huntsville-Sinclair Mng. Co. | Mark Twain | 3 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| 64 | Imperial Fuel Co. | Imperial | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 65 | Jellcio & Hotmer Coal Co., Inc. | No. 2 or Hartman | 5 | A | A | A | A | A | A | A | A | .. | A | A | A | .. | A | A |
| 66 | Kansas Coal Co., The | Kansas Coal Co. | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 67 | Kansas Fuel Co. | Kansas Fuel Co. | 6 | A | A | A | A | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| 68 | K. C. Midland Coal & Mng. Co. | Midland No. 8 | 3 | B | B | B | B | C | C | C | C | A | C | A | A | .. | A | A |
| 69 | Kelly-Carter Coal Co., The | Kelly-Carter | 1 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| 70 | Keota Coal Co. | | 3 | A | A | A | A | C | C | C | C | A | C | A | A | .. | A | A |
| 71 | Kruger, Herman | Herman Kruger | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 72 | Kurent, Adolf | Kurent Coal Co. | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 73 | Lone Star Coal Co. | Lone Star | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 74 | Lovell Coal Company | Busy Bee | 3 | A | A | A | A | C | C | C | C | A | C | A | A | .. | A | A |
| 75 | McAlester Coal Mng. Co. | Banner No. 4 | 7 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | A | .. |
| 76 | McAlpine, Geo. | McAlpine | 12 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| 77 | McGennis Coal Co. | McGennis | 10 | A | A | A | A | .. | A | .. | A | A | A | A | .. | .. | A | .. |
| 78 | Machine Coal Co., The | Machine | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 79 | Macon County Coal Co. | No. 68 | 3 | A | A | A | A | C | C | C | C | A | C | A | A | .. | A | A |
| 80 | Maple-Wood Coal Co. | Maple Wood | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 81 | Menghini Coal Co. | Menghini | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 82 | Mercantile Coal & Mng. Co. | No. 17 | 4 | B | B | B | B | B | B | B | A | .. | A | A | A | .. | A | A |
| 83 | Mineral Products Co. | Plant No. 1 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | A | .. | .. |
| 84 | Miners Fuel Co. | Miners Fuel | 6 | A | A | A | A | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| 85 | Moniteau Coal Co. | No. 11 | 3 | A | A | A | A | C | C | C | C | A | C | A | A | .. | A | A |
| 86 | Mosby Coal & Development Co. | Mosby | 4 | A | A | A | A | A | A | A | A | .. | A | A | A | .. | A | A |
| 87 | Mound City Coal Co. | No. 1 | 2 | A | A | A | A | C | C | C | C | A | C | A | C | .. | A | A |
| 88 | Mud Creek Coal Co. | Mud Creek | 7 | A | A | A | A | .. | A | .. | A | A | .. | .. | .. | .. | A | .. |
| 89 | Mulberry-Cherokee Coal Co. | Mul. Cherokee | 1 | A | A | A | A | A | A | A | A | A | .. | A | A | .. | A | A |
| 90 | Mullen Coal Co. | Julian | 7 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | A | .. |
| 91 | New Blanco Coal Co. | New Blanco | 7 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | A | .. |
| 92 | Ol' Elliott Producers Assn. | Ol' Elliott | 3 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| 93 | Paterson Coal Co. | No. 1 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | .. | A | A |
| 94 | Perry Coal Co. | Perry | 12 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| 95 | Pickering Coal Co. | No. 12 | 4 | B | B | B | B | B | B | B | A | .. | A | A | A | .. | A | A |
| 96 | Pickering Development Co., George | No. 11 | 4 | B | B | B | B | B | B | B | A | .. | A | A | A | .. | A | A |
| 97 | Pioneer Coal Co. | Pioneer | 1 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| 98 | Pittsburg & Midway Coal Mng. Co. | No. 15 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| 99 | Pittsburgh & Midway Coal Mining Co. | No. 17 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| 100 | Pocahontas Producer Coal Co. | Pocahontas | 8 | A | A | A | A | .. | A | .. | A | A | A | .. | .. | .. | .. | A |

| Mine Index No. | Code member | Name of mine | Prod. group No. | Price classification and size group Nos.—Domestic and commercial use | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| 19 | Briartown Coal Co | Briartown | 12 | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| 20 | Bryant-Harrison Coal Co | No. 14 | 4 | A | A | A | A | A | A | A | A | -- | A | A | A | -- | A | A |
| 21 | Bucklin Coal Co | Bucklin | 3 | A | A | A | A | C | C | C | A | C | A | A | A | -- | A | A |
| 22 | Camden Coal Co | No. 2 | 4 | B | B | B | B | B | B | B | A | -- | A | A | A | -- | A | A |
| 23 | Central Coal Co | Central | 6 | A | A | A | A | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| 24 | Charlton River Coal Co | Charlton River | 3 | B | B | B | B | C | C | C | C | A | C | A | A | -- | A | A |
| 25 | Cherokee County Line Coal Co | Cherokee C. Line | 1 | A | A | A | A | A | A | A | A | A | A | A | A | -- | A | A |
| 26 | Cherry Cr. Coal Co., Inc | Mackie J | 1 | A | A | A | A | A | A | A | A | A | A | A | A | -- | A | A |
| 27 | Clemens Coal Co | No. 22 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | -- | A | A |
| 92 | Of Elliott Producers Assn | | | | | | | | | | | | | | | | | |
| 93 | Paterson Coal Co | No. 1 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | -- | A | A |
| 94 | Perry Coal Co | Perry | 12 | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| 95 | Pickering Coal Co | No. 12 | 4 | B | B | B | B | B | B | B | A | -- | A | A | A | -- | A | A |
| 96 | Pickering Development Co., George | No. 11 | 4 | B | B | B | B | B | B | B | A | -- | A | A | A | -- | A | A |
| 97 | Pioneer Coal Co | Pioneer | 1 | A | A | A | A | A | A | A | A | A | A | A | A | -- | A | A |
| 98 | Pittsburg & Midway Coal Mng. Co | No. 15 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | -- | A | A |
| 99 | Pittsburgh & Midway Coal Mining Co | No. 17 | 1 | A | A | A | A | A | A | A | A | A | A | A | A | -- | A | A |
| 100 | Pocahontas Producer Coal Co | Pocahontas | 8 | A | A | A | A | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| 101 | Purity Mining Co | P. & M | 10 | A | A | A | A | -- | A | -- | A | A | A | A | -- | -- | A | -- |
| 102 | Randle Coal Co., Horace | No. 10 | 4 | A | A | A | A | A | A | A | A | -- | A | A | A | -- | A | A |
| 103 | Ray County Coal Co | No. 23 | 4 | B | B | B | B | B | B | B | A | -- | A | A | A | -- | A | A |
| 104 | Rayville Coal Co | Rayville | 4 | B | B | B | B | B | B | B | A | -- | A | A | A | -- | A | A |
| 105 | Reeves, R. H | Reeves | 12 | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| 106 | Riedt, Jerry | Kali-Inia No. 1 | 8 | A | A | A | A | -- | A | -- | A | A | A | -- | -- | -- | A | -- |
| 107 | Riedt, Jerry | Kali-Inia No. 4 | 8 | A | A | A | A | -- | A | -- | A | A | A | -- | -- | -- | A | -- |
| 108 | Riverside Coal Co | Riverside | 3 | B | B | B | B | C | C | C | A | C | A | A | -- | -- | A | A |
| 109 | Robinson Coal Co | Mohawk | 2 | A | A | A | A | C | C | C | A | C | A | A | -- | -- | A | A |
| 110 | Rogers County Coal Co | Sequoyah | 11 | A | A | A | A | -- | A | -- | A | A | A | A | -- | -- | A | -- |
| 111 | Royal-Cherokee Coal Co | Mulberry No. 2 | 1 | A | A | A | A | A | A | A | A | A | A | A | -- | -- | A | A |
| 112 | Samples Coal Mining Co | No. 4 | 7 | A | A | A | A | -- | A | -- | A | A | A | -- | -- | -- | A | -- |
| 113 | Seneca Coal & Coke Co | No. 2 | 11 | A | A | A | A | -- | A | -- | A | A | A | A | -- | -- | A | -- |
| 114 | Seneca Coal & Coke Co | No. 4 | 11 | A | A | A | A | -- | A | -- | A | A | A | A | -- | -- | A | -- |
| 115 | Seven Coal Co | Mayer No. 7 | 1 | A | A | A | A | A | A | A | A | A | A | A | -- | -- | A | A |
| 116 | South Radley Coal Co | Newland & Haynie | 1 | A | A | A | A | A | A | A | A | A | A | A | -- | -- | A | A |
| 117 | Starr Coal Co | Starr | 10 | A | A | A | A | -- | A | -- | A | A | A | A | -- | -- | A | -- |
| 118 | Sukenis, A. L | No. 4 | 7 | A | A | A | A | -- | A | -- | A | A | A | -- | -- | -- | A | -- |
| 119 | T. B. M. Coal Co | Old Forty | 8 | A | A | A | A | -- | A | -- | A | A | A | -- | -- | -- | A | -- |
| 120 | T & F Coal Co | T & F | 7 | A | A | A | A | -- | A | -- | A | A | A | -- | -- | -- | A | -- |
| 121 | Tebo Coal Co | Tebo | 2 | A | A | A | A | C | C | C | A | C | A | A | -- | -- | A | A |
| 122 | Umbria Coal Co | Umbria | 1 | A | A | A | A | A | A | A | A | A | A | A | -- | -- | A | A |
| 123 | Vibbard Mining Co | Vibbard | 4 | B | B | B | B | B | B | B | A | -- | A | A | A | -- | A | A |
| 124 | Victor Coal Co | No. 7 Adamson | 7 | A | A | A | A | -- | A | -- | A | A | A | -- | -- | -- | A | -- |
| 125 | Victor Fuel Coal Co | Victor | 1 | A | A | A | A | A | A | A | A | A | A | A | -- | -- | A | A |
| 126 | Warden Pullen Coal Co | Warden | 10 | A | A | A | A | -- | A | -- | A | A | A | A | -- | -- | A | -- |
| 127 | Wellington Coal Co | No. 3 | 5 | A | A | A | A | A | A | A | -- | A | A | A | -- | -- | A | A |
| 128 | Western Coal & Mng. Co | No. 22 | 1 | -- | A | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | -- |
| 129 | Western Coal & Mng. Co | No. 24 | 1 | -- | A | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | A | -- |
| 130 | Western Coal & Mng. Co | West | 5 | -- | A | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| 131 | Western Coal & Mng. Co | Woodrow | 5 | -- | A | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- |
| 132 | West Union Coal Co., The | West Union | 1 | A | A | A | A | A | A | A | A | A | A | A | -- | A | A | A |
| 133 | Wilson Mng. Co | Wilson | 5 | A | A | A | A | A | A | A | -- | A | A | A | -- | A | A | A |
| 134 | Windsor Coal Co | Windsor | 2 | A | A | A | A | C | C | C | A | A | A | A | A | A | A | A |
| 135 | Woods Coal Co | No. 1 | 8 | A | A | A | A | -- | A | -- | A | A | A | A | -- | -- | A | -- |
| 136 | Workers' Mining Ass'n | Adamson | 11 | A | A | A | A | -- | A | -- | A | A | A | A | -- | -- | A | -- |

*Alphabetical List of Code Members Showing Price Classification by Sizes—Con.*

### *Domestic, Commercial and Industrial Coal Schedule—Part 1*

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to Market Areas Nos. 45 and 46—Minnesota.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15 cents per ton.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Lp. | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Scgs. | Wsh. Scgs. | Raw Scgs. | Raw P. P. Scgs. | Wsh. Scgs. | Raw Scgs. | Raw Dust |
| 1 | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 180 | 175 | 160 | 160 | 125 | 145 | 145 | 110 | 35 |
| 2 | 235 | 235 | 235 | 235 | 250 | 235 | 220 | 195 | 210 | 180 | 180 | 165 | 165 | 130 | 130 | 130 | 110 | 35 |
| 3 | 235 | 235 | 235 | 235 | 250 | 235 | 220 | 195 | 210 | 180 | 180 | 165 | 165 | 105 | 130 | 130 | 70 | 35 |

To destinations in this Market Area Production Group No. 3 "A" grade coals establish the base.

The above F. O. B. mine prices from Production Group No. 3 may be reduced so as to maintain the following delivered differentials under Fancy Lump:

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Lp. | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Scgs. | Wsh. Scgs. | Raw Scgs. | Raw P. P. Scgs. | Wsh. Scgs. | Raw Scgs. | Raw Dust |
| | X | X | X | X | -25 | -40 | -55 | -65 | X | -70 | -70 | -85 | -85 | -145 | -100 | -100 | -160 | X |

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to destinations in Market Area No. 56—Sioux City, Iowa, and Switching Limits.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15 cents per ton.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Scgs. | Wash. Scgs. | Raw Scgs. | Raw P. P. Scgs. | Wash. Scgs. | Raw Scgs. | Raw Dust |
| 1 | 217 | 217 | 217 | 217 | 232 | 217 | 202 | 182 | 210 | 174 | 164 | 149 | 149 | 114 | 149 | 149 | 114 | 35 |
| 2 | 202 | 202 | 202 | 202 | 217 | 202 | 187 | 167 | 210 | 159 | 149 | 134 | 134 | 114 | 129 | 129 | 109 | 35 |
| 3 | 230 | 230 | 230 | 230 | 250 | 238 | 223 | 203 | 210 | 195 | 185 | 170 | 170 | 110 | 165 | 165 | 105 | 35 |
| 10 | 167 | 167 | 167 | 147 | X | 127 | X | 97 | X | 89 | 64 | X | X | 20 | X | X | X | X |
| 11 | 137 | 137 | 137 | 132 | X | 127 | X | 97 | X | 89 | 64 | X | X | 20 | X | X | X | X |

To destinations in this Market Area, Production Group No. 3 "A" Grade coals establish the base.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to that part of Market Area No. 58 in the State of Iowa—Council Bluffs, Iowa, and Switching Limits.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15 cents per ton.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Scgs. | Wash. Scgs. | Raw Scgs. | Raw P. P. Scgs. | Wash. Scgs. | Raw Scgs. | Raw Dust |
| 1 | 245 | 245 | 245 | 245 | 250 | 235 | 230 | 210 | 210 | 195 | 200 | 180 | 180 | 145 | 150 | 150 | 115 | 35 |
| 2 | 230 | 230 | 230 | 230 | 225 | 210 | 215 | 195 | 210 | 180 | 185 | 165 | 165 | 130 | 130 | 130 | 110 | 35 |
| 3 | 250 | 250 | 250 | 250 | 261 | 246 | 231 | 211 | 210 | 196 | 201 | 181 | 181 | 121 | 146 | 146 | 86 | 35 |
| 10 | 195 | 195 | 195 | 175 | X | 135 | X | 125 | 175 | 110 | X | X | X | 60 | X | X | X | X |
| 11 | 215 | 215 | 215 | 210 | X | 165 | X | 135 | 210 | 120 | 110 | X | X | 70 | X | X | X | X |

To destinations in this Market Area, Production Group No. 3 "A" Grade coals establish the base.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to that part of Market Area No. 58 in the State of Nebraska—Omaha, Nebraska and Switching Limits.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15 cents per ton.

| | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| Prod. group No. | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 245 | 245 | 245 | 245 | 220 | 205 | 230 | 210 | 210 | 195 | 200 | 180 | 180 | 145 | 150 | 150 | 115 | 35 |
| 2 | 230 | 230 | 230 | 230 | 205 | 190 | 215 | 195 | 210 | 180 | 185 | 165 | 165 | 130 | 130 | 130 | 110 | 35 |
| 3 | 250 | 250 | 250 | 250 | 250 | 244 | 229 | 209 | 210 | 194 | 199 | 179 | 179 | 119 | 144 | 144 | 84 | 35 |
| 10 | 195 | 195 | 195 | 175 | X | 115 | X | 125 | 175 | 110 | X | X | X | 60 | X | X | X | X |
| 11 | 215 | 215 | 215 | 210 | X | 165 | X | 135 | 210 | 120 | 110 | X | X | 70 | X | X | X | X |

To destinations in this Market Area, Production Group No. 1 "A" grade unwashed coals establish the base.

Minimum prices f. o. b. mines in cents per ton of 2000 lbs. for coal loaded into railroad cars and shipped by rail to St. Joseph, Missouri, and switching limits—a part of Market Area No. 69.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 7 cents per ton.

| | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| Prod. group No. | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 207 | 207 | 207 | 207 | 222 | 207 | 192 | 182 | 210 | 172 | 166 | 151 | 151 | 122 | 143 | 143 | 115 | 35 |
| 2 | 192 | 192 | 192 | 192 | 207 | 192 | 177 | 167 | 210 | 157 | 172 | 187 | 157 | 125 | 145 | 145 | 125 | 35 |
| 3 | 245 | 245 | 245 | 245 | 240 | 225 | 210 | 200 | 210 | 190 | 190 | 175 | 175 | 115 | 163 | 163 | 103 | 35 |
| 4 | 250 | 250 | 250 | 250 | 252 | 237 | 222 | 212 | 259 | 202 | 202 | 187 | X | 122 | 175 | 175 | 110 | 35 |
| 11 | 191 | 191 | 191 | 186 | X | 141 | X | 121 | X | 111 | 90 | X | X | 61 | X | X | X | X |

To destinations in this Market Area, Production Group No. 3 "A" Grade coals establish the base.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to destinations in Market Area No. 69—Northwest Missouri—except St. Joseph, Mo.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15 cents per ton.

| | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| Prod. group No. | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 3 | 215 | 215 | 215 | 215 | 205 | 200 | 190 | 175 | 210 | 165 | 165 | 150 | 150 | 90 | 150 | 150 | 90 | 35 |

To destinations in this Market Area, Production Group No. 3 "A" Grade coals establish the base.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to Market Areas Nos. 72 and 73—Central and Southeastern Missouri.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15 cents per ton.

| | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| Prod. group No. | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 235 | 235 | 235 | 235 | 210 | 195 | 180 | 175 | 210 | 175 | 180 | 165 | 165 | 130 | 165 | 165 | 130 | 35 |
| 2 | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 130 | 170 | 170 | 130 | 35 |
| 3 | 235 | 235 | 235 | 235 | 210 | 195 | 180 | 175 | 210 | 175 | 175 | 160 | 160 | 100 | 160 | 160 | 100 | 35 |
| 4 | 300 | 300 | 300 | 300 | 275 | 260 | 245 | 240 | 300 | 235 | 235 | 220 | X | 170 | X | X | X | X |
| 5 | 300 | 300 | 300 | 300 | 275 | 260 | 245 | 240 | 300 | 235 | 235 | 220 | X | 170 | X | X | X | X |

To destinations in this Market Area, Production Group No. 2 "A" Grade coals established the base.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to Market Area No. 74—South Missouri.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15¢ per ton.

| | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| Prod. group No. | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 250 | 250 | 250 | 250 | 245 | 230 | 215 | 200 | 210 | 195 | 195 | 180 | 180 | 145 | 165 | 165 | 130 | 35 |
| 2 | 250 | 250 | 250 | 250 | 245 | 230 | 215 | 200 | 210 | 195 | 190 | 175 | 175 | 140 | 150 | 150 | 130 | 35 |
| 3 | 250 | 250 | 250 | 250 | 245 | 230 | 215 | 200 | 210 | 195 | 190 | 175 | 175 | 115 | 165 | 165 | 105 | 35 |
| 4 | 285 | 285 | 285 | 285 | 260 | 245 | 230 | 215 | 285 | 210 | 205 | 190 | X | 145 | 180 | X | 135 | 35 |
| 11 | 200 | 200 | 200 | 195 | X | 150 | X | 130 | X | 95 | 100 | X | X | 70 | X | X | X | X |

To destinations in this Market Area, Production Group No. 3 "A" Grade coals establish the base.

The above f. o. b. mine prices from Production Group No. 3 may be reduced so as to maintain the following delivered differentials under Fancy Lump:

| | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| Prod. group No. | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| | X | X | X | X | −25 | −40 | −55 | −60 | X | −65 | −60 | −75 | −75 | −135 | −85 | −85 | −145 | X |

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to Market Area No. 70—North Missouri.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15 cents per ton.

| | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| Prod. group No. | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 215 | 215 | 215 | 215 | 200 | 190 | 180 | 170 | 210 | 165 | 180 | 155 | 165 | 130 | 160 | 160 | 125 | 35 |
| 2 | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 150 | 170 | 170 | 150 | 35 |
| 3 | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 170 | 170 | 110 | 35 |
| 4 | 280 | 280 | 280 | 280 | 230 | 220 | 210 | 200 | 280 | 195 | 200 | 185 | X | 145 | 185 | X | 145 | 35 |
| 5 | 280 | 280 | 280 | 280 | 230 | 220 | 210 | 200 | 280 | 195 | 200 | 185 | X | 145 | 185 | X | 145 | 35 |
| 11 | 180 | 180 | 180 | 175 | X | 130 | X | 110 | X | 95 | 100 | X | X | 70 | X | X | X | X |



| | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| Prod. group No. | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 250 | 250 | 250 | 250 | 265 | 250 | 235 | 210 | 210 | 195 | 200 | 180 | 180 | 145 | 150 | 150 | 115 | 35 |
| 2 | 235 | 235 | 235 | 235 | 250 | 235 | 220 | 195 | 210 | 180 | 185 | 165 | 165 | 130 | 135 | 135 | 115 | 35 |
| 7 | 375 | 375 | 375 | 375 | X | 315 | X | 260 | 295 | 215 | X | X | X | 165 | X | X | X | X |
| 8 | 325 | 325 | 325 | 325 | X | 265 | X | 260 | 295 | 215 | X | X | X | 165 | X | X | X | X |
| 10 | 250 | 250 | 250 | 250 | X | 200 | X | 205 | 210 | 190 | 180 | X | X | 140 | X | X | 110 | X |
| 11 | 250 | 250 | 250 | 250 | X | 200 | X | 205 | 210 | 190 | 180 | X | X | 140 | X | X | X | X |

To destinations in this Market Area, Production Group No. 1 unwashed "A" Grade coals establish base except where the Group rate or mileage rate from individual active mines actually shipping by rail from Production Group No. 2 is more than 20 cents less than the rate from Production Group No. 1, mines in Production Group No. 2 establish base.

Where Production Group No. 1 sets base, the above f. o. b. mine prices from Production Group No. 1 may be reduced so as to maintain the following delivered differentials under Fancy Lump.

| | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| Prod. group No. | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| | X | X | X | X | −25 | −40 | −55 | −60 | X | −65 | B | A | A | −115 | A | A | −145 | X |

Where Production Group No. 2 sets base the above f. o. b. mine prices from Production Group No. 2 may be reduced so as to maintain the following delivered differentials under Fancy Lump:

| | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| Prod. group No. | Fcy. Lump | Lump | Furn. or egg | Egg nut | Fcy. nut | Std. nut | No. 2 nut | Ch. nut | M/R | Nut run | Spec. stok. | Raw P. P. segs. | Wash. segs. | Raw segs. | Raw P. P. segs. | Wash. segs. | Raw segs. | Raw dust |
| | X | X | X | X | −25 | −40 | −55 | −60 | X | −65 | −60 | −80 | −80 | −115 | −115 | −115 | −130 | X |

A—May be adjusted to deliver 10% over the delivered price of Size 14, provided the maximum addition shall not exceed 35 cents.
B—May be adjusted to deliver 20 cents over the delivered price of Size 13.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to Market Area No. 75—Greater Kansas City.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 7¢ per ton.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 245 | 245 | 245 | 245 | 260 | 245 | 230 | 210 | 210 | 195 | 193 | 173 | 173 | 145 | 140 | 140 | 115 | 35 |
| 2 | 253 | 253 | 253 | 253 | 245 | 230 | 215 | 195 | 210 | 180 | 205 | 185 | 185 | 150 | 150 | 150 | 130 | 35 |
| 3 | 253 | 253 | 253 | 253 | 248 | 233 | 218 | 198 | 210 | 183 | 188 | 168 | 168 | 108 | 133 | 133 | 78 | 35 |
| 4 | 287 | 287 | 287 | 287 | 272 | 257 | 242 | 222 | X | 207 | 225 | 205 | X | 127 | 172 | X | 92 | 35 |
| 5 | 285 | 285 | 285 | 285 | 272 | 257 | 242 | 222 | X | X | X | X | X | X | 172 | X | 92 | X |
| 6 | 278 | 278 | 278 | 278 | X | X | X | X | 235 | 110 | X | X | X | 85 | X | X | X | X |
| 7 | 320 | 320 | 320 | 295 | X | 270 | X | 150 | 235 | 110 | X | X | X | 85 | X | X | X | X |
| 8 | 270 | 270 | 270 | 245 | X | 220 | X | 150 | 235 | 110 | X | X | X | 85 | X | X | X | X |
| 10 | 195 | 195 | 195 | 175 | X | 155 | X | 125 | 175 | 110 | 93 | X | X | 60 | X | X | X | X |
| 11 | 199 | 199 | 199 | 194 | X | 155 | X | 125 | 154 | 110 | 93 | X | X | 60 | X | X | X | X |

To destinations in this Market Area—Production Group No. 1 unwashed "A" Grade coals establish the base except to destinations within the Market Area where Production Group No. 2 active rail shipping mines have intrastate mileage rates less than the published and effective Group rates. To such destinations within the Market Area, Production Group No. 2 establishes base.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to destinations in Market Areas Nos. 154, 155, 156, and 157—Arkansas.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15 cents per ton.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. lump | Lump | Furn. or egg | Egg nut | Fcy. nut | Std. nut | No. 2 nut | Ch. nut | M/R | Nut run | Spec. stok. | Raw P. P. segs. | Wash. segs. | Raw segs. | Raw P. P. segs. | Wash. segs. | Raw segs. | Raw dust |
| 1 | 250 | 250 | 250 | 250 | 265 | 250 | 235 | 210 | 210 | 195 | 200B | 180A | 180A | 145 | 140 | 140 | 105 | 35 |
| 7 | 405 | 405 | 405 | 385 | X | 365 | X | 210 | 295 | 165 | X | X | X | 140 | X | X | X | X |
| 8 | 355 | 355 | 355 | 335 | X | 315 | X | 210 | 295 | 165 | X | X | X | 140 | X | X | X | X |
| 10 | 280 | 280 | 280 | 265 | X | 255 | X | 160 | 225 | 140 | 150 | X | X | 115 | X | X | X | X |
| 11 | 255 | 255 | 255 | 255 | X | 255 | X | 160 | 220 | 140 | 150 | X | X | 115 | ---- | ---- | ---- | ---- |

A—May be adjusted to deliver 10% over the delivered price of Size 14, provided the maximum addition shall not exceed 35 cents.
B—May be adjusted to deliver 20 cents over the delivered price of Size 13.

To destinations in this Market Area "A" Grade coals from the Production Group having the lowest freight rate establish the base.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to Market Areas Nos. 200, 201, 202, and 203—South Dakota and part of No. Dakota.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15¢ per ton.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 180 | 185 | 165 | 165 | 130 | 135 | 135 | 100 | 35 |
| 2 | 235 | 235 | 235 | 235 | 210 | 195 | 180 | 175 | 210 | 165 | 170 | 150 | 150 | 115 | 115 | 115 | 95 | 35 |
| 3 | 235 | 235 | 235 | 235 | 240 | 225 | 210 | 190 | 210 | 180 | 185 | 165 | 165 | 105 | 135 | 135 | 75 | 35 |
| 11 | 190 | 190 | 190 | 185 | X | 150 | X | 130 | 210 | 150 | 105 | X | X | 65 | X | X | X | X |

To destinations in this Market Area, Production Group No. 1 unwashed "A" Grade coals establish base, except as follows:

1. Where freight rate from Production Group No. 1 is more than 20¢ higher than the freight rate from Bevier or Huntsville in Production Group No. 3 on sizes 1, 2, 3, 4, 7, 8, and 10, Production Group No. 3 sets the base on these sizes.

2. Where freight rate from Production Group No. 1 is more than 50¢ higher than the freight rate from Bevier or Huntsville in Production Group No. 3 on sizes 5 and 6, Production Group No. 3 sets the base on these sizes.

3. Where the freight rate from Production Group No. 1 is more than 35¢ higher than the freight rate from Bevier or Huntsville in Production Group No. 3 on sizes 11, 12, 13, and 14, Production Group No. 3 sets the base on these sizes.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to destinations in Market Area No. 204—Eastern Nebraska.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15¢ per ton.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. lump | Lump | Furn. or egg | Egg nut | Fcy. nut | Std. nut | No. 2 nut | Ch. nut | M/R | Nut run | Spec. stok. | Raw P. P. segs. | Wash. segs. | Raw segs. | Raw P. P. segs. | Wash. segs. | Raw segs. | Raw dust |
| 1 | 245 | 245 | 245 | 245 | 220 | 205 | 230 | 210 | 210 | 195 | 200 | 180 | 180 | 145 | 150 | 150 | 115 | 35 |
| 2 | 230 | 230 | 230 | 230 | 205 | 190 | 215 | 195 | 210 | 180 | 195 | 165 | 165 | 130 | 135 | 135 | 115 | 35 |
| 3 | 230 | 230 | 230 | 230 | 235 | 220 | 215 | 195 | 210 | 180 | 195 | 175 | 175 | 115 | 150 | 150 | 90 | 35 |
| 7 | 385 | 385 | 385 | 350 | X | 295 | X | 210 | 295 | 185 | X | X | X | 140 | X | X | X | X |
| 8 | 335 | 335 | 335 | 310 | X | 250 | X | 210 | 295 | 185 | X | X | X | 140 | X | X | X | X |
| 10 | 260 | 260 | 260 | 240 | X | 210 | X | 160 | 235 | 160 | X | X | X | 115 | X | X | X | X |
| 11 | 215 | 215 | 215 | 215 | X | 195 | X | 160 | 210 | 160 | 150 | X | X | 100 | X | X | X | X |



To destinations in this Market Area Production Group No. 1 unwashed "A" Grade coals establish base except as follows:

1. Where freight rate from Production Group No. 1 is more than 20¢ higher than the freight rate from Bevier or Huntsville in Production Group No. 3 on sizes 1, 2, 3, 4, 7, 8 and 10, Production Group No. 3 sets the base on these sizes.

2. Where the freight rate from Production Group No. 1 is more than 50¢ higher than the freight rate from Bevier or Huntsville in Production Group No. 3 on sizes 5 and 6, Production Group No. 3 sets the base on these sizes.

3. Where the freight rate from Production Group No. 1 is more than 30¢ higher than the freight rate from Bevier or Huntsville in Production Group No. 3 on sizes 11, 12, 13, and 14, Production Group No. 3 sets the base on these sizes.

To destinations where Production Group No. 1 sets the base the above f. o. b. mine prices from Production Group No. 1 may be reduced so as to maintain the following delivered differentials under Fancy Lump:

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R. | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| | X | X | X | X | X | X | −55 | −60 | X | −65 | B | A | A | −115 | A | A | −145 | X |

A—May be adjusted to deliver 10% over the delivered price of Size 14, provided the maximum addition shall not exceed 35 cents.
B—May be adjusted to deliver 20¢ over the delivered price of Size 13.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to destinations in Market Areas Nos. 205 and 206—Central and Western Nebraska.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15¢ per ton.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R. | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 260 | 260 | 260 | 260 | 235 | 220 | 245 | 210 | 220 | 195 | 200 | 180 | 180 | 145 | 150 | 150 | 115 | 35 |
| 2 | 245 | 245 | 245 | 245 | 220 | 205 | 230 | 195 | 220 | 180 | 185 | 165 | 165 | 130 | 135 | 135 | 115 | 35 |
| 3 | 245 | 245 | 245 | 245 | 250 | 235 | 230 | 195 | 220 | 180 | 195 | 175 | 175 | 115 | 150 | 150 | 90 | 35 |
| 7 | 400 | 400 | 400 | 365 | X | 310 | X | 210 | 305 | 185 | X | X | X | 140 | X | X | X | X |
| 8 | 350 | 350 | 350 | 325 | X | *265 | X | 210 | 305 | 185 | X | X | X | 140 | X | X | X | X |
| 10 | 275 | 275 | 275 | 255 | X | 225 | X | 160 | 245 | 160 | X | X | X | 115 | X | X | X | X |
| 11 | 230 | 230 | 230 | 230 | X | 210 | X | 160 | 220 | 160 | 150 | X | X | 100 | X | X | X | X |

To destinations in this Market Area Production Group No. 1 unwashed "A" Grade coals establish base except as follows:

1. Where freight rate from Production Group No. 1 is more than 20¢ higher than the freight rate from Bevier or Huntsville in Production Group No. 3 on sizes 1, 2, 3, 4, 7, 8, and 10, Production Group No. 3 sets the base on these sizes.

2. Where the freight rate from Production Group No. 1 is more than 50¢ higher than the freight rate from Bevier or Huntsville in Production Group No. 3 on sizes 5 and 6, Production Group No. 3 sets the base on these sizes.

3. Where the freight rate from Production Group No. 1 is more than 30¢ higher than the freight rate from Bevier or Huntsville in Production Group No. 3 on sizes 11, 12, 13, and 14, Production Group No. 3 sets the base on these sizes.

To destinations where Production Group No. 1 sets base the above f. o. b. mine prices from Production Group No. 1 may be reduced so as to maintain the following delivered differentials under Fancy Lump:

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R. | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| | X | X | X | X | X | X | −55 | −65 | X | −80 | B | A | A | −130 | A | A | −160 | X |

A—May be adjusted to deliver 10% over the delivered price of Size 14, provided the maximum addition shall not exceed 35 cents.
B—May be adjusted to deliver 20¢ over the delivered price of Size 13.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to Market Area No. 207—Lincoln, Nebraska, and Switching Limits.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15 cents per ton.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 245 | 245 | 245 | 245 | 220 | 205 | 230 | 210 | 210 | 195 | 200 | 180 | 180 | 145 | 150 | 150 | 115 | 35 |
| 2 | 230 | 230 | 230 | 230 | 205 | 190 | 215 | 195 | 210 | 180 | 185 | 165 | 165 | 130 | 130 | 130 | 110 | 35 |
| 3 | 232 | 232 | 232 | 232 | 245 | 230 | 215 | 195 | 210 | 180 | 185 | 165 | 165 | 105 | 130 | 130 | 70 | 35 |
| 10 | 195 | 195 | 195 | 175 | X | 115 | X | 125 | 175 | 110 | X | X | X | 80 | X | X | X | X |
| 11 | 215 | 215 | 215 | 210 | X | 165 | X | 135 | 210 | 120 | 110 | X | X | 70 | X | X | X | X |

To destinations in this Market Area, Production Group No. 1 "A" Grade unwashed coals establish the base.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to Market Areas Nos. 208, 210, and 211*—Kansas, except Atchison and Leavenworth—Cherokee County and that part of Market Area 75 in Kansas.

Following prices on Sizes 1 to 10 inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15¢ per ton.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 260 | 260 | 260 | 260 | 275 | 260 | 245 | 210 | 220 | 195 | 200 | 180 | 180 | 145 | 150 | 150 | 115 | 35 |
| 2 | 245 | 245 | 245 | 245 | 260 | 245 | 230 | 195 | 220 | 180 | 185 | 165 | 165 | 130 | 135 | 135 | 115 | 35 |
| 3 | 245 | 245 | 245 | 245 | 260 | 245 | 230 | 195 | 220 | 180 | 195 | 175 | 175 | 115 | 150 | 150 | 90 | 35 |
| 4 | 270 | 270 | 270 | 270 | 285 | 250 | 235 | 200 | 270 | 185 | 195 | 175 | X | 110 | 145 | X | 80 | 35 |
| 5 | 270 | 270 | 270 | 270 | 285 | 250 | 235 | 200 | 270 | 185 | 195 | 175 | X | 110 | 145 | X | 80 | 35 |
| 6 | 345 | 345 | 345 | 345 | X | X | X | X | X | X | X | X | X | X | X | X | X | X |
| 7 | 410 | 410 | 410 | 375 | X | 345 | X | 235 | 305 | 220 | X | XXXX | XXX | 185 | XXXX | XXX | XXX | XXXX |
| 8 | 360 | 360 | 360 | 325 | X | 295 | X | 235 | 305 | 220 | X | XXXX | XXX | 185 | XXXX | XXX | XXX | XXXX |
| 10 | 285 | 285 | 285 | 265 | X | 260 | X | 210 | 245 | 195 | X | XXXX | XXX | 160 | XXXX | XXX | XXX | XXXX |
| 11 | 280 | 280 | 280 | 275 | X | 270 | X | 225 | 230 | 210 | 210 | XXXX | XXX | 160 | XXXX | XXX | XXX | XXXX |
| 13 | 345 | 345 | 345 | 345 | X | X | X | X | X | X | X | XXXX | XXX | XXX | XXXX | XXX | XXX | XXXX |

To destinations in this Market Area Production Group No. 1 unwashed "A" Grade coals establish the base.

The above f. o. b. mine prices from Production Group No. 1 may be reduced so as to maintain the following delivered differentials under Fancy Lump:

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| | X | X | X | X | −25 | −40 | −55 | −70 | X | −85 | B | A | A | −135 | A | A | −170 | X |

A—May be adjusted to deliver 10% over the delivered price of Size 14, provided the maximum addition shall not exceed 35 cents.

B—May be adjusted to deliver 20¢ over the delivered price of Size 13.

*The prices shown for these Market Areas shall apply in all Market Areas not specifically named in this schedule.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to Market Area No. 209—Atchison and Leavenworth, Kansas Area.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15 cents per ton.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 245 | 245 | 245 | 245 | 256 | 241 | 226 | 206 | 210 | 191 | 194 | 174 | 174 | 145 | 141 | 141 | 115 | 35 |
| 2 | 230 | 230 | 230 | 230 | 235 | 220 | 205 | 185 | 210 | 170 | 179 | 159 | 159 | 124 | 124 | 124 | 104 | 35 |
| 3 | 246 | 246 | 246 | 246 | 221 | 206 | 191 | 171 | 210 | 156 | 165 | 145 | 145 | 85 | 110 | 110 | 80 | 35 |
| 4 | 243 | 243 | 243 | 243 | 245 | 230 | 215 | 195 | X | 180 | 203 | 183 | X | 104 | 150 | X | 89 | X |
| 5 | 231 | 231 | 231 | 231 | 206 | 191 | 176 | 156 | X | 141 | 164 | 144 | X | 66 | 111 | X | 80 | X |
| 10 | 195 | 195 | 195 | 175 | X | 145 | X | 115 | X | 100 | X | X | X | 54 | X | X | X | X |
| 11 | 215 | 215 | 215 | 210 | X | 191 | X | 161 | X | 146 | 134 | X | X | 100 | X | X | X | X |
| 13 | 345 | 345 | 345 | 345 | X | X | X | X | 345 | 255 | X | X | X | X | X | X | X | X |

To destinations in this Market Area Production Group No. 1 unwashed "A" Grade coals establish the base.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to that part of Market Area No. 212 situated in the State of Oklahoma and Market Areas 226 and 227.

Following prices on Sizes 1 to 10, inclusive, from Production Group No. 1 are for unwashed coals. When washed add 15¢ per ton.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 280 | 280 | 280 | 280 | 265 | 250 | 235 | 210 | 210 | 195 | 200 | 180 | 180 | 145 | 140 | 140 | 105 | 35 |
| 7 | 485 | 485 | 485 | 435 | XX | 365 | XX | 210 | 295 | 165 | XX | XX | XX | 140 | XXXX | XXXX | XXXX | XXXX |
| 8 | 435 | 435 | 435 | 385 | XX | 335 | XX | 210 | 295 | 165 | XX | XX | XX | 140 | XXXX | XXXX | XXXX | XXXX |
| 10 | 360 | 360 | 360 | 315 | XX | 270 | XX | 160 | 235 | 140 | XX | XX | XX | 115 | XXXX | XXXX | XXXX | XXXX |
| 11 | 330 | 330 | 330 | 300 | X | 270 | X | 160 | 220 | 140 | 150 | XXXX | X | 115 | XXXX | XXXX | XXXX | XXXX |

To destinations in this Market Area "A" Grade coals from the Production Group having the lowest freight rate establish the base.

The above mine prices may be reduced so as to maintain the following delivered differentials under Fancy Lump within the base group.



| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | XXXX | XXXX | XXXX | X | −25 | −40 | −55 | −80 | X | −95 | B | A | A | −145 | A | A | −145 | X |
| 2 | | | | −60 | XXX | −140 | X | −315 | XXX | −360 | X | | | −385 | XXX | XXX | X | XXX |
| 10 | | | | −45 | XXX | −130 | XXX | −240 | XXX | −260 | −250 | XXX | XXX | −285 | XXX | XXX | XXX | XXX |
| 11 | | | | −30 | XX | −100 | XXX | −210 | XXX | −230 | −220 | XXX | XXX | −253 | XXX | XXX | XXX | XXX |

A—May be adjusted to deliver 10% over the delivered price of Size 14, provided the maximum addition shall not exceed 35 cents.

B—May be adjusted to deliver 20¢ over the delivered price of Size 13.

NOTE: The f. o. b. mine price on Size Group No. 14 when moving to Oklahoma County, Oklahoma, from Production Groups Nos. 7 and 8 may be reduced 70¢ per ton. When moving from Production Group Nos. 10 and 11, 45¢ per ton.

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to that part of Market Area No. 212 situated in the State of Texas and Market Areas Nos. 228 and 229.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| 1 | 485 | 485 | 485 | 435 | XX | 365 | XX | 210 | 295 | 165 | XX | XX | XX | 140 | XXXX | XXXX | XXXX | XXXX |
| 2 | 435 | 435 | 435 | 385 | XX | 335 | XX | 210 | 295 | 165 | XX | XX | XX | 140 | XXXX | XXXX | XXXX | XXXX |
| 10 | 360 | 360 | 360 | 315 | XX | 270 | XX | 160 | 235 | 140 | XX | XX | XX | 115 | XXXX | XXXX | XXXX | XXXX |
| 11 | 330 | 330 | 330 | 300 | XX | 270 | XX | 160 | 220 | 140 | 150 | XXXX | X | 115 | XXXX | XXXX | XXXX | XXXX |

To destinations in this Market Area Production Group No. 7 "A" Grade coals establish the base.

The above f. o. b. mine prices from Production Group No. 7 may be reduced so as to maintain the following delivered differentials under Fancy Lump.

| Prod. group No. | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | Fcy. Lump | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut Run | Spec. Stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw Dust |
| | X | X | X | −50 | X | −140 | X | −315 | X | −360 | X | X | X | −385 | X | X | X | X |

SPECIAL PURPOSE COAL SCHEDULE—PART 2

*Oklahoma "Smithing Coal" From Production Group No. 12*

Minimum prices f. o. b. mines in cents per ton of 2,000 lbs. for coal loaded into railroad cars and shipped by rail to all destinations.

| | Per ton |
|---|---|
| Crushed Mine Run—Bulk | $5.22 |
| Crushed Mine Run—Sacked | [1] 7.17 |
| Lump—Over 2½" | 5.72 |

[1] From price of $7.17 per ton may be deducted $1.75 per ton when buyer furnishes sacks.

RAILROAD LOCOMOTIVE FUEL SCHEDULE—PART 3

*Minimum Prices F. O. B. Mines in Cents per Ton of 2,000 Lbs.*

PRODUCTION GROUP NO. 1

| | |
|---|---|
| Railroad locomotive fuel | 210 |
| 3" x 0 Washed or 3" x ¼" Unwashed | 200 |
| 2" x 0 Washed or 2" x ¼" Unwashed | 185 |
| 1¼" x 0 Washed or 1¼" x ¼" Unwashed | 170 |
| Locomotive fuel loaded on Mo. Pac. R. R. and its connections for use West in fuel oil competing territory | 170 |

*Exception:* The actual published switching charges not to exceed $6.93 per car may be absorbed from the above prices.

PRODUCTION GROUP NO. 2

| | |
|---|---|
| Railroad locomotive fuel | 210 |
| 3" x 0 stoker screenings with ½ of fines removed | 195 |
| 2" x 0 | 170 |

PRODUCTION GROUP NO. 3

| | |
|---|---|
| Railroad locomotive fuel | 210 |
| 2" x 0 | 170 |

PRODUCTION GROUP NO. 4

| | |
|---|---|
| Railroad locomotive fuel | 250 |

PRODUCTION GROUP NO. 5

| | |
|---|---|
| Railroad locomotive fuel | 250 |
| *Exception:* Mines on C. & A. R. R. in Production Group 5 at Corder, Missouri, Railroad locomotive fuel | 220 |

PRODUCTION GROUP NO. 6

| | |
|---|---|
| Railroad locomotive fuel | 225 |

PRODUCTION GROUP NOS. 7, 8, 10

| | |
|---|---|
| Railroad locomotive fuel | 210 |

PRODUCTION GROUP NO. 11

| | |
|---|---|
| Railroad locomotive fuel | 210 |
| 3" x ¼" | 200 |
| 2" x ¼" | 185 |

*Schedule Showing Delivered Differentials That May Be Maintained With Base Group Coals by Reducing Schedule Prices Published Herein*

| From prod. group | Base group | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | | Fcy. Lp. | Lump | Furn. or Eggs | Egg Nut | Fcy. Nut | Std. Nut | No.2 Nut | Ch. Nut | M/R | Nut run | Spec. stok. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw P. P. Segs. | Wash. Segs. | Raw Segs. | Raw dust |
| No. 1 | No. 2 as Base | +35 | +35 | +35 | +35 | +35 | +35 | +35 | +35 | X | +35 | (1) | (2) | (3) | +35 | (3) | (3) | +35 | X |
| | No. 3 as Base | +35 | +35 | +35 | +35 | +35 | +35 | +35 | +35 | X | +35 | (1) | (2) | (3) | +60 | (3) | (3) | +65 | X |
| | No. 11 as Base | −20 | −20 | −20 | −15 | X | −10 | X | −15 | X | −15 | E | X | X | −15 | E | X | X | XXXX |
| No. 2 | No. 1 as Base | −35 | −35 | −35 | −35 | −35 | −35 | −35 | −35 | X | −35 | (2) | (2) | (2) | −35 | (2) | (2) | −25 | XXXX |
| | No. 3 as Base | E | E | E | E | E | E | E | E | X | E | E | E | E | +40 | E | E | +40 | XXXX |
| No. 3 | No. 1 as Base | −35 | −35 | −35 | −35 | −35 | −35 | −35 | −35 | X | −35 | (4) | (4) | (4) | −60 | (3) | (3) | −65 | XXXX |
| | No. 2 as Base | E | E | E | E | E | E | E | E | X | E | E | E | E | −40 | E | E | −40 | XXXX |
| No. 4 and No. 5 | No. 1 as Base | −50 | −50 | −50 | −50 | −50 | −50 | −50 | −50 | X | −50 | −30 | −30 | X | −80 | −30 | X | −85 | XXXX |
| | No. 2 as Base | −15 | −15 | −15 | −15 | −15 | −15 | −15 | −15 | X | −15 | −15 | −15 | X | −45 | −15 | X | −45 | XXXX |
| | No. 3 as Base | −15 | −15 | −15 | −15 | −15 | −15 | −15 | −15 | X | −15 | −15 | −15 | X | −20 | −15 | X | −20 | XXXX |
| No. 6 | No. 1 as Base | −10 | −10 | −10 | −10 | X | X | X | X | X | X | X | X | X | X | X | X | X | XXXX |
| No. 7 | No. 1 as Base | +175 | +175 | +175 | +150 | X | +125 | X | +40 | X | +15 | X | X | X | +40 | X | X | X | XXXX |
| | No. 2 as Base | +210 | +210 | +210 | +185 | X | +160 | X | +75 | X | +50 | X | X | X | +75 | X | X | X | XXXX |
| | No. 3 as Base | +210 | +210 | +210 | +185 | X | +160 | X | +75 | X | +50 | X | X | X | +100 | X | X | X | XXXX |
| | No. 10 as Base | +125 | +125 | +125 | +120 | X | +115 | X | +50 | X | +25 | X | X | X | +25 | X | X | X | XXXX |
| | No. 11 as Base | +155 | +155 | +155 | +135 | X | +115 | X | +80 | X | +25 | X | X | X | +25 | X | X | X | XXXX |
| No. 8 | No. 1 as Base | +125 | +125 | +125 | +100 | X | +75 | X | +40 | X | +15 | X | X | X | +40 | X | X | X | XXXX |
| | No. 2 as Base | +160 | +160 | +160 | +135 | X | +110 | X | +75 | X | +50 | X | X | X | +75 | X | X | X | XXXX |
| | No. 3 as Base | +160 | +160 | +160 | +135 | X | +110 | X | +75 | X | +50 | X | X | X | +100 | X | X | X | XXXX |
| | No. 7 as Base | −50 | −50 | −50 | −50 | X | −50 | X | F | X | F | X | X | X | F | X | X | X | XXXX |
| | No. 10 as Base | +75 | +75 | +75 | +70 | X | +65 | X | +50 | X | +25 | X | X | X | +25 | X | X | X | XXXX |
| | No. 11 as Base | +105 | +105 | +105 | +85 | X | +65 | X | +50 | X | +25 | X | X | X | +25 | X | X | X | XXXX |
| No. 10 | No. 1 as Base | +50 | +50 | +50 | +30 | X | +10 | X | +15 | X | +15 | F | X | X | +15 | X | X | X | XXXX |
| | No. 2 as Base | +85 | +85 | +85 | +65 | X | +45 | X | +50 | X | +50 | +35 | X | X | +50 | X | X | X | XXXX |

*Schedule Showing Delivered Differentials That May Be Maintained With Base Group Coals by Reducing Schedule Prices Published Herein*—Continued

| From prod. group | Base group | Domestic and commercial | | | | | | | | | | | | | | Industrial | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 12 | 13 | 14 | 15 |
| | | Fcy. Lp. | Lump | Furn. or Egg | Egg Nut | Fcy. Nut | Std. Nut | No. 2 Nut | Ch. Nut | M/R | Nut run | Spec. stok. | Raw P. P. Scgs. | Wsh. Scgs. | Raw Scgs. | Raw P. P. Scgs. | Wsh. Scgs. | Raw Scgs. | Raw dust |
| No. 10 | No. 3 as Base | +85 | +85 | +85 | +65 | X | +45 | X | +50 | X | +50 | +35 | X | X | +75 | X | X | X | X |
| | No. 7 as Base | −125 | −125 | −125 | −120 | X | −115 | X | −50 | X | −25 | X | X | X | −25 | X | X | X | X |
| | No. 11 as Base | +30 | +30 | +30 | +15 | X | E | X | E | E | E | E | X | X | E | X | X | X | X |
| No. 11 | No. 1 as Base | +20 | +20 | +20 | +15 | X | +10 | X | +15 | X | +15 | E | X | X | +15 | X | X | X | X |
| | No. 2 as Base | +55 | +55 | +55 | +50 | X | +45 | X | +50 | X | +50 | +35 | X | X | +50 | X | X | X | X |
| | No. 3 as Base | +55 | +55 | +55 | +50 | X | +45 | X | +50 | X | +50 | +35 | X | X | +75 | X | X | X | X |
| | No. 7 as Base | −155 | −155 | −155 | −135 | X | −115 | X | −50 | X | −25 | X | X | X | −25 | X | X | X | X |
| | No. 10 as Base | −30 | −30 | −30 | −15 | X | E | X | E | E | E | E | X | X | E | X | X | X | X |
| No 13 | No. 1 as Base | −50 | −50 | −50 | −50 | X | X | X | X | X | −50 | X | X | X | X | X | X | X | X |

E indicates equal.
X indicates schedule price.
[1] Price may be adjusted so the delivered cost will be 15¢ over size No. 13 from Production Group No. 1.
[2] Price may be adjusted so the delivered cost will be 10% over size No. 14 from Production Group No. 1, provided the maximum addition shall be 35¢.
[3] Price may be adjusted so the delivered cost will be 20¢ over size No. 14 from Production Group No. 1.
[4] Price may be adjusted so the delivered cost will be equal with size No. 14 from Production Group No. 1.
[5] Price may be adjusted so the delivered cost will be 5¢ under size No. 14 from Production Group No. 1.

DOMESTIC AND COMMERCIAL COAL SCHEDULE

Base prices on rail shipments to destinations in Iowa, except Council Bluffs and Sioux City, using lowest published freight origin group rate from Production Group No. 3 as Base. To certain indicated destinations having no published rates from Production Group No. 3, Production Group No. 2 sets the base, using the lowest published freight origin group rates.

For general Price Instructions and Exceptions, see first part of document.

Base prices f. o. b. mines in cents per ton of 2000 lbs. for rail shipment to destinations in Iowa except Council Bluffs and Sioux City, using lowest published freight origin group rate from Production Group No. 3 as Base, except as noted.

For Freight origin group setting base and adjustments for other freight origin groups, see table following.

| Destination | Market area | 1 Fcy. lump | 2 Lump | 3 Fur. or egg | 4 Egg nut | 5 Fcy. nut | 6 Std. nut | 7 No. 2 nut | 8 Chestnut | 9 Mine run | 10 Nut run | 11 Spec. stker | 12 Raw P. P. scgs. | 13 Wash scgs. | 14 Raw scgs. | 15 Raw dust |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Adair | 59 | 324 | 324 | 324 | 304 | 294 | 289 | 253 | 238 | 234 | 234 | 203 | 188 | 188 | 128 | 35 |
| Akron | 55 | 270 | 270 | 270 | 250 | 280 | 275 | 231 | 216 | 180 | 220 | 231 | 216 | 216 | 156 | 35 |
| Alta | 47 | 294 | 294 | 294 | 274 | 264 | 259 | 220 | 205 | 204 | 204 | 220 | 205 | 205 | 145 | 35 |
| Alton | 55 | 288 | 288 | 288 | 268 | 258 | 253 | 211 | 196 | 198 | 198 | 211 | 196 | 196 | 136 | 35 |
| Atlantic | [1] 59 | 280 | 280 | 280 | 260 | 255 | 250 | 233 | 218 | 270 | 270 | 223 | 208 | 208 | 148 | 35 |
| Audubon | 55 | 295 | 295 | 295 | 275 | 265 | 260 | 222 | 207 | 205 | 205 | 222 | 207 | 207 | 147 | 35 |

| Destination | Market area | 1 Fcy. lump | 2 Lump | 3 Fur. or egg | 4 Egg nut | 5 Fcy. nut | 6 Std. nut | 7 No. 2 nut | 8 Chestnut | 9 Mine run | 10 Nut run | 11 Spec. stker | 12 Raw P. P. scgs. | 13 Wash scgs. | 14 Raw scgs. | 15 Raw dust |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Avoca | 59 | 247 | 247 | 247 | 227 | 222 | 217 | 190 | 184 | 237 | 237 | 141 | 129 | 129 | 69 | 35 |
| Bartlett | 66 | 272 | 272 | 272 | 252 | 283 | 278 | 259 | 244 | 262 | 298 | 244 | 229 | 229 | 169 | 35 |
| Battle Creek | 55 | 289 | 289 | 289 | 269 | 259 | 254 | 215 | 200 | 199 | 199 | 215 | 200 | 200 | 140 | 35 |
| Bedford | 66 | 300 | 300 | 300 | 280 | 275 | 270 | 256 | 241 | 290 | 290 | 241 | 226 | 226 | 166 | 35 |
| Blanchard | 66 | 304 | 304 | 304 | 284 | 291 | 286 | 268 | 253 | 294 | 306 | 253 | 238 | 238 | 178 | 35 |
| Blencoe | 57 | 250 | 250 | 250 | 230 | 273 | 268 | 247 | 232 | 240 | 288 | 207 | 192 | 192 | 132 | 35 |
| Blocton | 66 | 300 | 300 | 300 | 280 | 275 | 270 | 256 | 241 | 290 | 290 | 241 | 226 | 226 | 166 | 35 |
| Bonaparte | 68 | 296 | 296 | 296 | 276 | 271 | 266 | 255 | 240 | 286 | 286 | 236 | 221 | 221 | 161 | 35 |
| Boone | 47 | 276 | 276 | 276 | 256 | 246 | 241 | 210 | 195 | 186 | 186 | 210 | 195 | 195 | 185 | 35 |
| Braddyville | 66 | 295 | 295 | 295 | 275 | 270 | 265 | 249 | 234 | 285 | 285 | 234 | 219 | 219 | 159 | 35 |
| Bridge Switch | 66 | 268 | 268 | 268 | 248 | 277 | 272 | 254 | 239 | 258 | 292 | 239 | 224 | 224 | 164 | 35 |
| Bronson [1] | 55 | 271 | 271 | 271 | 251 | 241 | 236 | 194 | 179 | 181 | 181 | 194 | 179 | 179 | 159 | 35 |
| Carnarvon | 55 | 277 | 277 | 277 | 257 | 247 | 242 | 205 | 190 | 187 | 187 | 205 | 190 | 190 | 130 | 35 |
| Carroll | 55 | 273 | 273 | 273 | 253 | 243 | 238 | 203 | 188 | 183 | 183 | 203 | 188 | 188 | 128 | 35 |
| Carson | 59 | 243 | 243 | 243 | 223 | 218 | 213 | 195 | 180 | 233 | 233 | 151 | 136 | 136 | 76 | 35 |
| Cedar Rapids | 50 | 275 | 275 | 275 | 255 | 250 | 245 | 232 | 217 | 265 | 265 | 242 | 227 | 227 | 167 | 35 |
| Cherokee | 47 | 292 | 292 | 292 | 272 | 262 | 257 | 217 | 202 | 202 | 202 | 217 | 202 | 202 | 142 | 35 |
| Clarion | 48 | 289 | 289 | 289 | 269 | 259 | 254 | 217 | 202 | 199 | 199 | 217 | 202 | 202 | 142 | 35 |
| Clearfield | 66 | 288 | 288 | 288 | 268 | 263 | 258 | 245 | 230 | 278 | 278 | 230 | 215 | 215 | 155 | 35 |
| Coin | 66 | 284 | 284 | 284 | 264 | 259 | 254 | 238 | 223 | 274 | 274 | 223 | 208 | 208 | 148 | 35 |
| Corley | 55 | 286 | 286 | 286 | 266 | 256 | 251 | 212 | 197 | 196 | 196 | 212 | 197 | 197 | 137 | 35 |
| Craig [2] | 55 | 273 | 273 | 273 | 253 | 243 | 238 | 195 | 180 | 183 | 183 | 195 | 180 | 180 | 160 | 35 |
| Crandic | 50 | 278 | 278 | 278 | 258 | 253 | 248 | 235 | 220 | 268 | 268 | 245 | 230 | 230 | 170 | 35 |
| Creston | 66 | 293 | 293 | 293 | 273 | 268 | 263 | 249 | 234 | 283 | 283 | 234 | 219 | 219 | 159 | 35 |
| Cumberland | 59 | 293 | 293 | 293 | 273 | 268 | 263 | 246 | 231 | 283 | 283 | 216 | 201 | 201 | 141 | 35 |
| Danbury | 55 | 295 | 295 | 295 | 275 | 265 | 260 | 221 | 206 | 205 | 205 | 221 | 206 | 206 | 146 | 35 |
| Defiance | 55 | 240 | 240 | 240 | 220 | 258 | 253 | 215 | 200 | 150 | 198 | 216 | 201 | 201 | 141 | 35 |
| Denison | 55 | 291 | 291 | 291 | 271 | 261 | 256 | 219 | 204 | 201 | 201 | 219 | 204 | 204 | 144 | 35 |
| Des Moines | 63 | 296 | 296 | 296 | 276 | 278 | 273 | 262 | 247 | 241 | 253 | 247 | 232 | 232 | 172 | 35 |
| Doon | 55 | 270 | 270 | 270 | 250 | 280 | 275 | 231 | 216 | 180 | 220 | 231 | 216 | 216 | 156 | 35 |
| Dunlap | 47 | 256 | 256 | 256 | 236 | 226 | 221 | 183 | 168 | 166 | 166 | 183 | 168 | 168 | 108 | 35 |
| Elliott | 59 | 280 | 280 | 280 | 260 | 255 | 250 | 233 | 218 | 270 | 270 | 188 | 173 | 173 | 113 | 35 |
| Emerson | 66 | 256 | 256 | 256 | 236 | 267 | 262 | 245 | 230 | 246 | 282 | 230 | 215 | 215 | 155 | 35 |
| Essex | 66 | 291 | 291 | 291 | 271 | 271 | 266 | 249 | 234 | 281 | 276 | 234 | 219 | 219 | 159 | 35 |
| Estherville | 47 | 288 | 288 | 288 | 268 | 258 | 253 | 212 | 197 | 198 | 198 | 212 | 197 | 197 | 137 | 35 |
| Fairfield | 53 | 296 | 296 | 296 | 276 | 271 | 266 | 256 | 241 | 286 | 286 | 235 | 220 | 220 | 160 | 35 |
| Farragut | 66 | 300 | 300 | 300 | 280 | 275 | 270 | 252 | 237 | 290 | 290 | 237 | 222 | 222 | 162 | 35 |
| Ft. Des Moines | 63 | 276 | 276 | 276 | 256 | 246 | 241 | 230 | 215 | 221 | 221 | 215 | 200 | 200 | 140 | 35 |
| Ft. Dodge | 47 | 286 | 286 | 286 | 266 | 256 | 251 | 216 | 201 | 196 | 196 | 216 | 201 | 201 | 141 | 35 |
| Ft. Madison | 54 | 309 | 309 | 309 | 289 | 284 | 279 | 266 | 251 | 299 | 299 | 251 | 236 | 236 | 176 | 35 |
| Fontanelle | 59 | 282 | 282 | 282 | 262 | 257 | 252 | 236 | 221 | 272 | 272 | 205 | 190 | 190 | 130 | 35 |
| Glenwood | 66 | 264 | 264 | 264 | 244 | 275 | 270 | 252 | 237 | 254 | 290 | 237 | 222 | 222 | 162 | 35 |
| Griswold | 59 | 280 | 280 | 280 | 260 | 255 | 250 | 233 | 218 | 270 | 270 | 183 | 168 | 168 | 108 | 35 |
| Hamburg | 66 | 304 | 304 | 304 | 284 | 279 | 274 | 256 | 241 | 294 | 294 | 241 | 226 | 226 | 166 | 35 |
| Hampton | 49 | 287 | 287 | 287 | 267 | 262 | 257 | 240 | 225 | 277 | 277 | 225 | 210 | 210 | 150 | 35 |
| Hancock | 59 | 243 | 243 | 243 | 223 | 218 | 213 | 195 | 180 | 233 | 233 | 146 | 131 | 131 | 71 | 35 |
| Harlan | 55 | 277 | 277 | 277 | 257 | 247 | 242 | 204 | 189 | 187 | 187 | 204 | 189 | 189 | 129 | 35 |
| Henderson | 59 | 249 | 249 | 249 | 229 | 224 | 219 | 201 | 186 | 239 | 239 | 164 | 149 | 149 | 89 | 35 |
| Holstein | 55 | 281 | 281 | 281 | 261 | 251 | 246 | 206 | 191 | 191 | 191 | 206 | 191 | 191 | 131 | 35 |
| Ida Grove | 55 | 286 | 286 | 286 | 266 | 256 | 251 | 213 | 198 | 196 | 196 | 213 | 198 | 198 | 138 | 35 |
| Imogene | 66 | 300 | 300 | 300 | 280 | 275 | 270 | 252 | 237 | 290 | 290 | 237 | 222 | 222 | 162 | 35 |
| Iowa City | 50 | 271 | 271 | 271 | 251 | 246 | 241 | 228 | 213 | 261 | 261 | 238 | 223 | 223 | 163 | 35 |
| Jolley | 55 | 275 | 275 | 275 | 255 | 245 | 240 | 204 | 189 | 185 | 185 | 204 | 189 | 189 | 129 | 35 |
| Kellog | 64 | 296 | 296 | 296 | 276 | 271 | 266 | 253 | 238 | 286 | 286 | 259 | 244 | 214 | 184 | 35 |
| Kent | 66 | 296 | 296 | 296 | 276 | 271 | 266 | 251 | 236 | 286 | 286 | 236 | 221 | 221 | 161 | 35 |
| Keokuk | 68 | 313 | 313 | 313 | 293 | 288 | 283 | 270 | 255 | 303 | 303 | 255 | 240 | 240 | 180 | 35 |
| Kingsley [2] | 55 | 253 | 253 | 253 | 233 | 223 | 218 | 177 | 162 | 163 | 163 | 177 | 162 | 162 | 142 | 35 |
| Knoxville | 65 | 263 | 263 | 263 | 243 | 233 | 228 | 212 | 197 | 223 | 223 | 197 | 182 | 182 | 122 | 35 |
| Lamoni | 66 | 291 | 291 | 291 | 271 | 266 | 261 | 249 | 234 | 281 | 281 | 234 | 219 | 219 | 159 | 35 |

[1] Prices calculated on market area 47 basis.
[2] South Missouri sets base.



| Destination | Market area | 1 Fcy. lump | 2 Lump | 3 Fur. or egg | 4 Egg nut | 5 Fcy. nut | 6 Std. nut | 7 No. 2 nut | 8 Chestnut | 9 Mine run | 10 Nut run | 11 Spec. stker | 12 Raw P. P. scgs. | 13 Wash scgs. | 14 Raw scgs. | 15 Raw dust |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Lamont | 50 | 258 | 258 | 258 | 238 | 233 | 228 | 212 | 197 | 248 | 248 | 222 | 207 | 207 | 147 | 35 |
| Lawton [1] | 55 | 271 | 271 | 271 | 251 | 241 | 236 | 194 | 179 | 181 | 181 | 194 | 179 | 179 | 159 | 35 |
| Le Grand | 49 | 297 | 297 | 297 | 277 | 272 | 267 | 253 | 238 | 287 | 287 | 246 | 231 | 231 | 171 | 35 |
| Le Mars | 55 | 289 | 289 | 289 | 269 | 259 | 254 | 212 | 197 | 199 | 199 | 212 | 197 | 197 | 187 | 35 |
| Lenox | 66 | 297 | 297 | 297 | 277 | 272 | 267 | 253 | 238 | 287 | 287 | 238 | 223 | 223 | 163 | 35 |
| Leon | 66 | 292 | 292 | 292 | 272 | 267 | 262 | 252 | 237 | 282 | 282 | 237 | 222 | 222 | 162 | 35 |
| Little Rock | 47 | 300 | 300 | 300 | 280 | 270 | 265 | 223 | 208 | 210 | 210 | 223 | 208 | 208 | 148 | 35 |
| Logan | 57 | 227 | 227 | 227 | 207 | 202 | 197 | 177 | 162 | 217 | 217 | 133 | 118 | 118 | 58 | 35 |
| McClelland | 59 | 255 | 255 | 255 | 235 | 230 | 225 | 206 | 191 | 245 | 245 | 169 | 154 | 154 | 94 | 35 |
| Macksburg [3] | 59 | 296 | 296 | 296 | 276 | 271 | 266 | 251 | 236 | 286 | 286 | 176 | 161 | 161 | 101 | 35 |
| Malvern | 66 | 296 | 296 | 296 | 276 | 271 | 266 | 249 | 234 | 286 | 286 | 234 | 219 | 219 | 159 | 35 |
| Manning | 55 | 283 | 283 | 283 | 263 | 253 | 248 | 213 | 198 | 193 | 193 | 213 | 198 | 198 | 138 | 35 |
| Mapleton | 55 | 265 | 265 | 265 | 245 | 283 | 278 | 239 | 224 | 175 | 223 | 239 | 224 | 224 | 164 | 35 |
| Merrill | 55 | 246 | 246 | 246 | 226 | 256 | 251 | 209 | 194 | 156 | 196 | 209 | 194 | 194 | 134 | 35 |
| Milton | 68 | 291 | 291 | 291 | 271 | 266 | 261 | 252 | 237 | 281 | 281 | 262 | 247 | 247 | 187 | 35 |
| Minden | 59 | 251 | 251 | 251 | 231 | 226 | 221 | 202 | 187 | 241 | 241 | 152 | 137 | 137 | 77 | 35 |
| Missouri Valley | 57 | 238 | 238 | 238 | 218 | 261 | 256 | 237 | 222 | 228 | 276 | 200 | 185 | 185 | 125 | 35 |
| Modale | 59 | 242 | 242 | 242 | 222 | 265 | 260 | 240 | 225 | 232 | 280 | 204 | 189 | 189 | 129 | 35 |
| Mondamin | 57 | 246 | 246 | 246 | 226 | 269 | 264 | 244 | 229 | 236 | 284 | 204 | 189 | 189 | 129 | 35 |
| Mount Ayr | 66 | 294 | 294 | 294 | 274 | 269 | 264 | 251 | 236 | 284 | 284 | 236 | 221 | 221 | 161 | 35 |
| Moulton | 66 | 298 | 298 | 298 | 278 | 273 | 268 | 262 | 247 | 288 | 288 | 247 | 232 | 232 | 172 | 35 |
| Neola | 59 | 255 | 255 | 255 | 235 | 257 | 252 | 233 | 218 | 245 | 272 | 182 | 167 | 167 | 107 | 35 |
| Newell | 47 | 295 | 295 | 295 | 275 | 265 | 260 | 222 | 207 | 205 | 205 | 222 | 207 | 207 | 147 | 35 |
| Northboro | 66 | 246 | 246 | 246 | 226 | 263 | 258 | 241 | 226 | 236 | 278 | 226 | 211 | 211 | 151 | 35 |
| Odebolt | 55 | 285 | 285 | 285 | 265 | 255 | 250 | 213 | 198 | 195 | 195 | 213 | 198 | 198 | 138 | 35 |
| Onawa | 57 | 254 | 254 | 254 | 234 | 277 | 272 | 251 | 236 | 244 | 292 | 204 | 189 | 189 | 129 | 35 |
| Orange City [1] | 55 | 255 | 255 | 255 | 235 | 225 | 220 | 178 | 163 | 165 | 165 | 178 | 163 | 163 | 143 | 35 |
| Ottumwa | 65 | 272 | 272 | 272 | 252 | 242 | 237 | 221 | 206 | 232 | 232 | 206 | 191 | 191 | 131 | 35 |
| Pacific Jct | 66 | 268 | 268 | 268 | 248 | 279 | 274 | 256 | 241 | 258 | 294 | 241 | 226 | 226 | 166 | 35 |
| Persia | 57 | 250 | 250 | 250 | 230 | 261 | 256 | 237 | 222 | 240 | 276 | 185 | 170 | 170 | 110 | 35 |
| Pierson [1] | 55 | 250 | 250 | 250 | 230 | 220 | 215 | 174 | 159 | 160 | 160 | 174 | 159 | 159 | 139 | 35 |
| Pinney | 50 | 281 | 281 | 281 | 261 | 256 | 251 | 237 | 222 | 271 | 271 | 247 | 232 | 232 | 172 | 35 |
| Randolph | 66 | 249 | 249 | 249 | 229 | 224 | 219 | 201 | 186 | 239 | 239 | 186 | 171 | 171 | 111 | 35 |
| Redding | 66 | 300 | 300 | 300 | 280 | 275 | 270 | 256 | 241 | 290 | 290 | 241 | 226 | 226 | 166 | 35 |
| Red Oak | 66 | 293 | 293 | 293 | 273 | 268 | 263 | 246 | 231 | 283 | 283 | 231 | 216 | 216 | 156 | 35 |
| River Sioux | 57 | 246 | 246 | 246 | 226 | 269 | 264 | 244 | 229 | 236 | 284 | 207 | 192 | 192 | 132 | 35 |
| Rock Rapids | 47 | 296 | 296 | 296 | 276 | 266 | 261 | 218 | 203 | 206 | 206 | 218 | 203 | 203 | 143 | 35 |
| Rockwell City | 55 | 283 | 283 | 283 | 263 | 253 | 248 | 213 | 198 | 193 | 193 | 213 | 198 | 198 | 138 | 35 |
| Sac City | 55 | 283 | 283 | 283 | 263 | 253 | 248 | 211 | 196 | 193 | 193 | 211 | 196 | 196 | 136 | 35 |
| Salix | 57 | 262 | 262 | 262 | 242 | 285 | 280 | 258 | 243 | 252 | 300 | 211 | 196 | 196 | 136 | 35 |
| Schaller | 55 | 305 | 305 | 305 | 285 | 275 | 270 | 231 | 216 | 215 | 215 | 231 | 216 | 216 | 156 | 35 |
| Sergeant Bluff [1] | 57 | 266 | 266 | 266 | 246 | 289 | 284 | 262 | 247 | 256 | [4] 304 | 214 | [4] 199 | [4] 199 | [4] 139 | 35 |
| Shambaugh | 66 | 292 | 292 | 292 | 272 | 267 | 262 | 246 | 231 | 282 | 282 | 231 | 216 | 216 | 156 | 35 |
| Shelby | 59 | 251 | 251 | 251 | 231 | 226 | 221 | 202 | 187 | 241 | 241 | 150 | 135 | 135 | 75 | 35 |
| Sheldon | 47 | 289 | 289 | 289 | 269 | 259 | 254 | 212 | 197 | 199 | 199 | 212 | 197 | 197 | 137 | 35 |
| Shellsburg | 50 | 250 | 250 | 250 | 230 | 225 | 220 | 206 | 191 | 240 | 240 | 216 | 201 | 201 | 141 | 35 |
| Shenandoah | 66 | 296 | 296 | 296 | 276 | 271 | 266 | 249 | 234 | 286 | 286 | 234 | 219 | 219 | 159 | 35 |
| Sibley | 47 | 300 | 300 | 300 | 280 | 270 | 265 | 223 | 208 | 210 | 210 | 223 | 208 | 208 | 148 | 35 |
| Sidney | 66 | 243 | 243 | 243 | 223 | 218 | 213 | 195 | 180 | 233 | 233 | 180 | 165 | 165 | 105 | 35 |
| Sigourney | 53 | 285 | 285 | 285 | 265 | 260 | 255 | 245 | 230 | 275 | 275 | 229 | 214 | 214 | 154 | 35 |
| Sioux Rapids | 47 | 289 | 289 | 289 | 269 | 259 | 254 | 215 | 200 | 199 | 199 | 215 | 200 | 200 | 140 | 35 |
| Sloan | 57 | 262 | 262 | 262 | 242 | 285 | 280 | 258 | 243 | 252 | 300 | 211 | 196 | 196 | 136 | 35 |
| Soldier [1] | 47 | 271 | 271 | 271 | 251 | 241 | 236 | 196 | 181 | 181 | 181 | 196 | 181 | 181 | 161 | 35 |
| Spencer | 47 | 292 | 292 | 292 | 272 | 262 | 257 | 217 | 202 | 202 | 202 | 217 | 202 | 202 | 142 | 35 |
| Spirit Lake | 47 | 288 | 288 | 288 | 268 | 258 | 253 | 212 | 197 | 198 | 198 | 212 | 197 | 197 | 137 | 35 |
| Stanton | 66 | 289 | 289 | 289 | 269 | 264 | 259 | 242 | 227 | 279 | 279 | 227 | 212 | 212 | 152 | 35 |
| Storm Lake | 47 | 288 | 288 | 288 | 268 | 258 | 253 | 215 | 200 | 198 | 198 | 215 | 200 | 200 | 140 | 35 |
| Underwood | 59 | 255 | 255 | 255 | 235 | 257 | 252 | 233 | 218 | 245 | 272 | 185 | 170 | 170 | 110 | 35 |
| Villisca | 66 | 298 | 298 | 298 | 278 | 273 | 268 | 252 | 237 | 288 | 288 | 237 | 222 | 222 | 162 | 35 |
| Walnut | 50 | 224 | 224 | 224 | 204 | 199 | 194 | 176 | 161 | 214 | 214 | 123 | 108 | 108 | 48 | 35 |
| Webster City | 47 | 293 | 293 | 293 | 273 | 263 | 258 | 223 | 208 | 203 | 203 | 223 | 208 | 208 | 148 | 35 |
| Westchester | 53 | 299 | 299 | 299 | 279 | 274 | 269 | 257 | 242 | 289 | 289 | 238 | 223 | 223 | 163 | 35 |
| Westfield | 55 | 270 | 270 | 270 | 250 | 280 | 275 | 231 | 216 | 180 | 220 | 231 | 216 | 216 | 156 | 35 |
| White Cloud | 66 | 300 | 300 | 300 | 280 | 275 | 270 | 252 | 237 | 290 | 290 | 237 | 222 | 222 | 162 | 35 |
| Whiting | 57 | 258 | 258 | 258 | 238 | 281 | 276 | 255 | 240 | 248 | 296 | 207 | 192 | 192 | 132 | 35 |
| Woodbine | 57 | 242 | 242 | 242 | 222 | 217 | 212 | 192 | 177 | 232 | 232 | 142 | 127 | 127 | 67 | 35 |

[1] South Missouri sets base.
[3] Not on railroad—Prices based on Barnfey, Iowa.
[4] Industrial Prices—Size Groups No. 10-12 and 13—145 cents; Size Group 14—85 cents.

*Adjustments to Base Prices to Maintain Approved Delivered Differentials for Rail Shipments to Iowa Destinations for Sizes 1 to 10, Inclusive, From Freight Origin Group E Only. Add 15 Cents per Ton for Washed Coals*

| Freight origin group | | A | B | | C | | D | | | | E | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Size group | | Size group | | Size group | | | | Size group | | | | | |
| Town | Market area | Size group—All size groups | 1, 2, 3, 4, 9 | 5, 6, 7, 8, 10, 11, 12, 13, 14 | 1, 2, 3, 4, 9 | 5, 6, 7, 8, 10, 11, 12, 13, 14 | 1, 2, 3, 4 | 5, 6 | 7, 8, 10, 11, 12, 13 | 14 | 1, 2, 3, 4 | 5, 6 | 7, 8, 10 | 11 | 12, 13 | 14 |
| Adair | 59 | Base | −55 | −55 | −49 | −49 | −105 | −105 | −105 | −65 | −90 | −90 | −90 | −90 | −90 | −65 |
| Akron | 55 | Base | Base | Base | Base | Base | +05 | −35 | −35 | +05 | +20 | −20 | −20 | −20 | −20 | +05 |
| Alta | 47 | Base | −43 | −43 | −33 | −33 | −65 | −65 | −65 | −25 | −50 | −50 | −50 | −50 | −50 | −25 |
| Alton | 55 | Base | −21 | −21 | −31 | −31 | −27 | −27 | −27 | +13 | −12 | −12 | −12 | −12 | −12 | +13 |
| Atlantic | 59 | Base | −41 | −41 | −25 | −25 | −65 | −65 | −65 | −25 | −50 | −50 | −50 | −50 | −50 | −25 |
| Audubon | 55 | Base | −33 | −33 | −22 | −22 | −56 | −56 | −56 | −16 | −41 | −41 | −41 | −41 | −41 | −16 |
| Avoca | 59 | (1) | Base | Base | Base | Base | −24 | −24 | −24 | +16 | −09 | −09 | −09 | −09 | −09 | +16 |
| Bartlett | 66 | Base | Base | Base | Base | Base | [3] −10 | [3] −36 | −16 | +24 | +05 | −11 | −01 | −01 | −01 | +24 |
| Battle Creek | 55 | Base | −28 | −28 | −33 | −33 | −50 | −50 | −50 | −10 | −35 | −35 | −35 | −35 | −35 | −10 |
| Bedford | 66 | Base | −26 | −26 | −50 | −50 | −70 | −70 | −70 | −30 | −55 | −55 | −55 | −55 | −55 | −30 |
| Blanchard | 66 | (1) | (1) | (1) | Base | [4] Base | −36 | −48 | −28 | +12 | −21 | −23 | −13 | −13 | −13 | +12 |
| Blencoe | 57 | Base | Base | Base | Base | Base | −03 | −36 | −36 | +04 | +12 | −21 | −21 | −21 | −21 | +04 |
| Blocton | 66 | Base | −26 | −26 | −39 | −39 | −66 | −66 | −66 | −26 | −51 | −51 | −51 | −51 | −51 | −26 |
| Bonaparte | 68 | Base | −39 | −39 | −39 | −39 | −142 | −142 | −142 | −102 | −127 | −127 | −127 | −127 | −127 | −10 |
| Boone | 47 | Base | −55 | −55 | −43 | −43 | −105 | −105 | −105 | −65 | −90 | −90 | −90 | −90 | −90 | −65 |
| Braddyville | 66 | Base | −06 | −06 | −13 | −13 | −50 | −50 | −50 | −10 | −35 | −35 | −35 | −35 | −35 | −10 |
| Bridge Switch | 66 | Base | Base | Base | Base | Base | −20 | −54 | −14 | +26 | −05 | −39 | +01 | +01 | +01 | +26 |
| Bronson | 55 | (1) | (1) | (1) | (1) | (1) | Base | Base | Base | Base | +15 | +15 | +15 | +30 | +30 | +15 |
| Carnarvon | 55 | Base | −38 | −38 | −27 | −27 | −60 | −60 | −60 | −20 | −45 | −45 | −45 | −45 | −45 | −20 |
| Carroll | 55 | Base | −44 | −44 | −28 | −28 | −62 | −62 | −62 | −22 | −47 | −47 | −47 | −47 | −47 | −22 |
| Carson | 59 | (1) | Base | Base | Base | Base | −05 | −05 | −05 | +35 | +10 | +10 | +10 | +10 | +10 | +35 |
| Cedar Rapids | 50 | Base | −56 | −56 | −44 | −44 | −122 | −122 | −122 | −82 | −107 | −107 | −107 | −107 | −107 | −82 |
| Cherokee | 47 | Base | −43 | −43 | −32 | −29 | −54 | −54 | −54 | −14 | −39 | −39 | −39 | −39 | −39 | −14 |
| Clarion | 48 | Base | −44 | −44 | −34 | −34 | −82 | −82 | −82 | −42 | −67 | −67 | −67 | −67 | −67 | −42 |
| Clearfield | 66 | Base | −26 | −26 | −50 | −50 | −70 | −70 | −70 | −30 | −55 | −55 | −55 | −55 | −55 | −30 |
| Coin | 66 | [4] Base | −42 | Base | Base | Base | −36 | [3] −36 | −16 | +24 | −21 | −11 | −01 | −01 | −01 | +24 |
| Corley | 55 | (1) | Base | Base | Base | Base | −24 | −24 | −24 | +16 | −09 | −09 | −09 | −09 | −09 | +16 |
| Craig | 55 | (1) | (1) | (1) | (1) | (1) | Base | Base | Base | Base | +15 | +15 | +15 | +30 | +30 | +15 |
| Crandic | 50 | Base | −56 | −56 | −44 | −44 | [4] −122 | [4] −122 | [4] −122 | [4] −82 | −107 | −107 | −107 | −107 | −107 | −82 |
| Creston | 66 | Base | −32 | −27 | −50 | −50 | −73 | −73 | −73 | −33 | −58 | −58 | −58 | −58 | −58 | −33 |
| Cumberland | 59 | Base | −36 | −36 | −42 | −42 | −67 | −67 | −67 | −27 | −52 | −52 | −52 | −52 | −52 | −27 |
| Danbury | 55 | Base | −28 | −28 | −33 | −33 | −40 | −40 | −40 | Base | −25 | −25 | −25 | −25 | −25 | Base |
| Defiance | 55 | Base | Base | Base | Base | Base | −03 | −36 | −36 | +04 | +12 | −21 | −21 | −21 | −21 | +01 |
| Denison | 55 | Base | −28 | −28 | −33 | −33 | −56 | −31 | −31 | +09 | −41 | −51 | −51 | −16 | −16 | +09 |
| Des Moines | 63 | Base | −48 | −48 | −48 | −48 | −126 | −138 | −138 | −98 | −111 | −123 | −123 | −123 | −123 | −98 |
| Doon | 55 | Base | Base | Base | (1) | (1) | +05 | −35 | −35 | +05 | +20 | −20 | −20 | −20 | −20 | +05 |
| Dunlap | 47 | (1) | Base | Base | Base | Base | −03 | +12 | +12 | +52 | +12 | +27 | +27 | +27 | +27 | +52 |
| Elliott | 59 | Base | −07 | −07 | −19 | −19 | −40 | −40 | −40 | Base | −25 | −25 | −25 | −25 | −25 | Base |
| Emerson | 66 | Base | Base | Base | −15 | −51 | −20 | −56 | −56 | −16 | −05 | −41 | −41 | −41 | −41 | −16 |
| Essex | 66 | (1) | Base | Base | −41 | −46 | −41 | −46 | −46 | −06 | −26 | −31 | −31 | −31 | −31 | −06 |
| Estherville | 47 | Base | −42 | −42 | −21 | −21 | −55 | −55 | −55 | −15 | −40 | −40 | −40 | −40 | −40 | −15 |
| Fairfield | 52 | Base | −47 | −47 | −47 | −47 | −155 | −155 | −155 | −115 | −140 | −140 | −140 | −140 | −140 | −115 |
| Farragut | 60 | [4] Base | Base | Base | Base | Base | −46 | [3] −36 | −16 | +24 | −31 | −11 | −01 | −01 | −01 | +24 |
| Ft. Des Moines | 63 | Base | −39 | −39 | −39 | −39 | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) |
| Ft. Dodge | 47 | Base | −47 | −47 | −41 | −41 | −85 | −85 | −85 | −45 | −70 | −70 | −70 | −70 | −70 | −45 |
| Ft. Madison | 54 | Base | −19 | −19 | −19 | −19 | −125 | −125 | −125 | −85 | −110 | −110 | −110 | −110 | −110 | −85 |
| Fontanelle | 59 | Base | −36 | −36 | −42 | −42 | −57 | −57 | −57 | −17 | −42 | −42 | −42 | −42 | −42 | −17 |
| Glenwood | 66 | Base | Base | Base | −15 | −51 | [3] −10 | [3] −36 | −16 | +24 | +05 | −11 | −01 | −01 | −01 | +24 |
| Griswold | 59 | Base | −07 | −07 | −19 | −19 | −40 | −40 | −40 | Base | −25 | −25 | −25 | −25 | −25 | Base |
| Hamburg | 66 | [7] Base | Base | Base | Base | Base | [3] −36 | [3] −36 | −16 | +24 | −21 | −11 | −01 | −01 | −01 | +24 |
| Hampton | 49 | Base | −52 | −52 | −41 | −41 | −106 | −106 | −106 | −66 | −91 | −91 | −91 | −91 | −91 | −66 |
| Hancock | 59 | (1) | Base | Base | Base | Base | −20 | −20 | −20 | +20 | −05 | −05 | −05 | −05 | −05 | +20 |
| Harlan | 55 | (1) | Base | Base | Base | Base | −24 | −24 | −24 | +16 | −09 | −09 | −09 | −09 | −09 | +16 |
| Henderson | 59 | (1) | (1) | (1) | Base | Base | −05 | −05 | −05 | +35 | +10 | +10 | +10 | +10 | +10 | +35 |
| Holstein | 55 | Base | −26 | −26 | −26 | −26 | −43 | −43 | −43 | −03 | −28 | −28 | −28 | −28 | −28 | −03 |
| Ida Grove | 55 | Base | −28 | −28 | −33 | −33 | −50 | −50 | −50 | −10 | −35 | −35 | −35 | −35 | −35 | −10 |
| Imogene | 66 | (1) | (1) | (1) | [4] Base | Base | −46 | −36 | −16 | +24 | −31 | −11 | −01 | −01 | −01 | +24 |
| Iowa City | 50 | Base | −44 | −44 | −37 | −37 | −132 | −132 | −132 | −92 | −117 | −117 | −117 | −117 | −117 | −92 |
| Jolley | 55 | Base | −44 | −44 | −33 | −33 | −86 | −86 | −86 | −46 | −71 | −71 | −71 | −71 | −71 | −46 |
| Kellog | 64 | Base | −51 | −51 | −45 | −45 | −137 | −137 | −137 | −97 | −122 | −122 | −122 | −122 | −122 | −97 |
| Kent | 66 | Base | −32 | −27 | −50 | −50 | −73 | −73 | −73 | −33 | −58 | −58 | −58 | −58 | −58 | −33 |
| Keokuk | 68 | Base | −06 | −06 | −06 | −06 | −125 | −125 | −125 | −85 | −110 | −110 | −110 | −110 | −110 | −85 |

*Adjustments to Base Prices to Maintain Approved Delivered Differentials for Rail Shipments to Iowa Destinations for Sizes 1 to 10, Inclusive, From Freight Origin Group E Only, Add 15 Cents per Ton for Washed Coals—Continued*

| Freight origin group | Town | Market area | A | B | C | D | E |
|---|---|---|---|---|---|---|---|
| | | | Size group—All sizes | Size group | Size group | Size group | Size group |
| | | | | 1, 2, 3, 4, 9 | 1, 2, 3, 4, 9 | 7, 8, 10, 11, 12, 13 | 1, 2, 3, 4 |
| | Villisca | 66 | Base | −19 | −37 | −60 | −45 |
| | Walnut | 59 | (1) | Base | Base | −03 | +10 |
| | Webster City | 47 | Base | −52 | −41 | −36 | −81 |
| | Westchester | 53 | Base | −45 | −45 | −141 | −120 |
| | Westfield | 53 | Base | Base | Base | Base | −20 |
| | White Cloud | 66 | (1) | (1) | (1) | [3] Base | −01 |
| | Whiting | 57 | Base | Base | Base | Base | −21 |
| | Woodbine | 57 | (1) | Base | Base | Base | +27 |

Explanation of freight origin groups:
A—Kirkeville-Novinger.
B—Bevier-Macon.
C—Huntsville-Moberly.
D—Mulberry-Hillsdale.
E—Pittsburg, Kansas.

Explanation of notes:
[1] No through rate published in Current Tariffs.
[2] Mines on M. K. & T. −20.
[3] Mines on M. K. & T. −21.
[4] Mines on M. K. & T. −12.
[5] Mines on M. K. & T. −13.
[6] Site groups 1, 2, 3, 4, and 9 −42.
[7] No through rate published in Current Tariffs from mines on M. K. & T.
[8] Site groups 1, 2, 3, 4, and 9 −36.
[9] Mines on M. K. & T. −56.
[10] Mines on M. K. & T. −48.
[11] Site groups 1, 2, 3, 4, and 9 −09.
[12] Mines on K. C. S., M. K. & T. and Mo. Pac. +02.
[13] Coal for industrial uses −16.
[14] Coal for industrial uses +06.

*Domestic and Commercial Coal Schedule—Base Prices F. O. B. Mines in Cents per Ton of 2,000 Lbs. for Rail Shipment to Market Areas Indicated, Applying Only to Destinations Not Listed Heretofore*

| Market area | Domestic and commercial | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| | Fcy. lump | Lump | Fur. or egg | Egg nut | Fcy. nut | Std. nut | No. 2 nut | Chest. nut | Mine run | Nut run | Spec. 2" stker. | Raw 2" segs. | Wash segs. | Raw segs. | Raw dust |
| 47 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 201 | 200 | 200 | 216 | 201 | 201 | 141 | 35 |
| 48 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 218 | 203 | 203 | 143 | 35 |
| 49 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 50 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 53 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 54 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 57 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 58 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 59 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 60 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 61 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 62 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 63 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 64 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 65 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 66 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |
| 67 | 290 | 290 | 290 | 270 | 260 | 235 | 216 | 203 | 200 | 200 | 224 | 203 | 203 | 143 | 35 |

The above prices are based on the lowest freight origin group rate from production group No. 3. All other mines in production group No. 3 may adjust f. o. b. mine prices to deliver equal with mines in base freight origin group.

Mines in production groups No. 1 and No. 2 may adjust f. o. b. mine price to maintain approved delivered differential with production group No. 3. (See table entitled "Schedule Showing Delivered Differentials That May Be Maintained With Base Group Coals By Reducing Schedule Prices Published Herein."

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SCHEDULE OF PROPOSED COORDINATED MINIMUM PRICES FOR DISTRICT NO. 15

TRUCK SHIPMENTS ONLY

*Price Instructions and Exceptions*

Item No. 1. The schedule of prices shown herein applies f. o. b. transportation facilities at mines on all coal shipped by Code Members in the District shown on the title page hereof.

Item No. 2. All prices are subject to the Marketing Rules and Regulations issued by the National Bituminous Coal Commission.

Item No. 3. All size designations herein are for round hole screens, or their equivalent. When other types of screens are used, the District Board shall determine the actual size designation of the coal so prepared, with the approval of the Coal Commission.

Item No. 4. All prices herein are in cents per net ton of 2,000 pounds f. o. b. facilities at the mine.

Item No. 5. When any size of coal is sold, in which the maximum top or bottom size exceeds the sizes scheduled, then such coal must be included in the next higher priced size group and priced accordingly.

Item No. 6. In the sale of coal to destined points outside the boundary of the United States, prices stipulated herein are for payment in United States funds.

Item No. 7. When coal is subjected to any chemical, oil or waxing process or otherwise specially treated, an additional charge of not less than 10 cents per ton shall be made.

Item No. 8. The substitution on any order of a grade or size of coal taken a minimum price higher than the grade or size ordered is not authorized or permitted.

Item No. 9. Prices shown herein for sizes numbers 1 to 10 inclusive from production group No. 1 are for unwashed coal. When these sizes are washed 15¢ per ton shall be added to the prices indicated.



*Size Groups*

Size group No. 1. Fancy Lump—Coal passing over a screen with round hole openings larger than 3".

Size group No. 2. Lump—Coal passing over a screen with round hole openings of ½" to 3", inclusive.

Size group No. 3. Furnace or Egg—Coal passing through a screen with round hole openings not over 10" and over a screen with round hole openings of not less than 1½".

Size group No. 4. Egg-Nut—Coal passing through a screen with round hole openings not over 10" and over a screen with round hole openings not over 1¼".

Size group No. 5. Fancy Nut—Coal passing through a screen with round hole openings not over 3" and over a screen with round hole openings not over 2".

Size group No. 6. Standard Nut—Coal passing through a screen with round hole openings not over 3" and over a screen with round hole openings not over 1¼".

Size group No. 7. No. 2 Nut—Coal passing through a screen with round hole openings not over 2" and over a screen with round hole openings not over 1¼".

Size group No. 8. Chestnut—Coal passing through a screen with round hole openings not over 1¼" and over a screen with round hole openings of not over 1".

Size group No. 9. Mine Run—Coal shoveled at the face from which no coal has been removed either at the face, preparation plant, or when loading into transportation facilities, and shall contain not less than 30% screenings that will pass through an 1¼" round hole screen. Run of mine containing less than 30% screenings that will pass through an 1¼" round hole screen shall be classified as lump coal and sold at not less than the Lump coal price.

Size group No. 10. Nut Run—Coal passing through not larger than a 3" round hole screen or its equivalent, from which no coal has been removed, and it shall contain not less than 50% screenings that will pass through an 1¼" round hole screen. Nut Run containing less than 50% screenings that will pass through an 1¼" round hole screen shall be classified as 3" Nut coal and sold at no less than the price applying on Standard Nut.

Size group No. 11. Special Stoker—Coal passing through a screen with round hole openings not over 1¼" and over a screen with round hole openings not over ⅜".

Size group No. 12. Raw Prepared Screenings—Coal dry-cleaned passing through a screen with round hole openings not over 1¼" and over a screen with round hole openings not over ¼".

Size group No. 13. Washed Screenings—1¼" x 0—Washed coal passing through a screen with round hole openings not over 1¼" from which no coal has been removed.

Size group No. 14. Screenings—1¼" x 0—Coal passing through a screen with round hole openings not over 1¼" from which no coal has been removed.

Size group No. 15. Raw Dust—¼" x 0—Coal that has not been washed passing through a screen with round hole openings not over ¼" from which no coal has been removed.

*Identification of Production Groups*

Group No. 1. All mines located in Cherokee, Crawford, Bourbon, Neosho, Labette and Wilson Counties, Kansas; and Barton, Jasper, Dade, Cedar, and that portion of Vernon County lying south of an east and west line drawn through the town of Nevada, Missouri.

Group No. 2. All mines located in Linn County, Kansas; and Bates, Henry, St. Clair, Morgan, Pettis and Johnson Counties; and that portion of Vernon County lying north of an east and west line drawn through the town of Nevada in Missouri.

Group No. 3. All mines located in Boone, Callaway, Audrain, Randolph, Macon, Linn, Grundy, Harrison, Adair, Chariton, Schuyler, Putnam, Cole, Howard, Monroe, Warren, and Ralls Counties in Missouri.

Group No. 4. All mines located in Ray, Clay, Caldwell, Daviess, Clinton, and Carroll Counties in Missouri.

Group No. 5. All mines located in Lafayette County, Missouri.

Group No. 6. All mines located in Osage, Franklin, Lyon, and Coffey Counties, Kansas.

Group No. 7. All mines operating on the genuine McAlester seam in Pittsburg and Latimer Counties, Oklahoma.

Group No. 8. All mines operating on the Wilburton-Hartshorne seams in Pittsburg and Latimer Counties, Oklahoma.

Group No. 9. All mines located in Coal County, Oklahoma.

Group No. 10. All mines located in Okmulgee County, Oklahoma.

Group No. 11. All mines located in Tulsa, Wagoner, Rogers, and Craig Counties, Oklahoma.

Group No. 12. All mines located in Muskogee County, Oklahoma.

Group No. 13. All mines located in Johnson, Leavenworth, and Wyandotte Counties, Kansas.

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*

| Code member index—Name | Mine | Prod. group No. | County and State | 3" Lump | ½" Up | 10" x 1½" | 10" x 1¼" | 3 x 2" | 3" x 1¼" | 2" x 1¼" | 1¼" x 1" | M/R | 3" x 0 | 1¼" x ⅜" | 1¼" x ¾" (R) | 1¼" x ¾" (W) | 1¼" x 0 (R) | ¼" x 0 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| A. B. C. Coal Co. (H. C. Tucker) | Egberton | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 85 |
| Acme Coal Co | Acme | 11 | Tulsa, Okla | 330 | 330 | 330 | 300 | ..... | 270 | ..... | 160 | 220 | 140 | 150 | ..... | ..... | 115 | ..... |
| Acme Coal & Mng. Co | Acme | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ..... | 270 | ..... | 160 | 235 | 140 | 150 | ..... | ..... | 115 | ..... |
| Adams, B. C | Adams | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Adams, C. J | Adams | 9 | Coal, Okla | 435 | 435 | 435 | 385 | ..... | 335 | ..... | 210 | 295 | 165 | ..... | ..... | ..... | 140 | ..... |
| Adamson Coal Co., H. L | Same | 12 | Muskogee, Okla | | 572 | | | | | | | [1]522 | | | | | | |
| Albertson & Son Coal Co | South Point | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Alston Coal Co., The | Alston | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Amershek, John | Valley | 1 | Bourbon, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Anderson Coal Co | | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Anderton, L. B | | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Anesi, Pete | Big Valley | 3 | Adair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 230 | 180 | 205 | 190 | ..... | 130 | 35 |
| Apex Coal Co., The | Apex | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Appleby Coal Co | | 3 | Harrison, Mo | 250 | 250 | 250 | 250 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Arma Coal Co | No. 21 | 1 | Crawford Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Ashford, Earl | Macey | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Ashing, J. O | Ashing | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ..... | 270 | ..... | 160 | 235 | 140 | 150 | ..... | ..... | 115 | ..... |
| Atkins, Eugene | | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Atkinson Coal Co | No. 4 | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Atlas Coal Corp | Atlas | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ..... | 270 | ..... | 160 | 235 | 140 | 150 | ..... | ..... | 115 | ..... |
| Atterberry, R. P | Sandiege | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Avery, John | Avery | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Atwood, Geo. M | Atwood | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| A & G Coal Co | A & G | 6 | Osage, Kans | 345 | 345 | 345 | 345 | ..... | ..... | ..... | ..... | 345 | ..... | ..... | ..... | ..... | ..... | ..... |
| A & P Coal Co | A & P | 8 | Latimer, Okla | 435 | 435 | 435 | 385 | ..... | 335 | ..... | 210 | 295 | 165 | ..... | ..... | ..... | 140 | ..... |
| Bagby, Carl | Bagby | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Bailey, Scott | | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Bainter Coal Co | Bainter | 1 | Jasper, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Baiotto Coal & Mng. Co | Baiotto | 3 | Adair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 230 | 180 | 205 | 190 | ..... | 130 | 35 |
| Baird & Gesslein C. Co | No. 1 | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Baker Coal Co | Baker | 7 | McAllaster, Kans | 485 | 485 | 485 | 435 | ..... | 385 | ..... | 210 | 295 | 165 | ..... | ..... | ..... | 140 | ..... |
| Ballard, Russell & Harold | Ballard C. Co | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Baker, Russell | Baker | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Baldwin, E. F | Baldwin | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Barron, W. M | Jarred | 2 | Linn, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Barry Coal Co | Barry Pit | 11 | Craig, Okla | 330 | 330 | 330 | 300 | ..... | 270 | ..... | 160 | 220 | 140 | 150 | ..... | ..... | 115 | ..... |
| Barton Valley Coal Co | Haynes Pit | 1 | Jasper, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Baskerville, Ben H | Baskerville | 2 | Bates, Okla | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Bates Coal Co | Bates | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Beason, D. H. & Sons | Wine | 2 | Linn, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Beavers, O. T | Beavers | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Bell Coal Co | Bell 2 and 3 | 6 | Osage, Kans | 345 | 345 | 345 | 345 | ..... | ..... | ..... | ..... | 345 | ..... | ..... | ..... | ..... | ..... | ..... |
| Ben Hur Coal Co | Sun | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ..... | 270 | ..... | 160 | 235 | 140 | 150 | ..... | ..... | 115 | ..... |
| Ben Hur Coal Co | Blackstone | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ..... | 270 | ..... | 160 | 235 | 140 | 150 | ..... | ..... | 115 | ..... |
| Bennett Coal Co., E. G | Bennett | 11 | Craig, Okla | 330 | 330 | 330 | 300 | ..... | 270 | ..... | 160 | 220 | 140 | 150 | 150 | ..... | 115 | ..... |
| Bennett, Wm | Garstner | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ..... | 270 | ..... | 160 | 235 | 140 | 150 | ..... | ..... | 115 | ..... |
| Bennett & Fuller Coal Co | Same | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Benson Coal Co | Benson | 3 | Randolph, Mo | 250 | 250 | 250 | 250 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Berkey Coal Co., Joe | Wadsworth | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ..... | 270 | ..... | 160 | 235 | 140 | 150 | ..... | ..... | 115 | ..... |
| Banks & Sons, Ira O | Banks | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Bernardi Coal Co | Bernardi | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | ..... | 385 | ..... | 210 | 295 | 165 | ..... | ..... | ..... | 140 | ..... |
| Big Four Coal Co | Big Four | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ..... | 270 | ..... | 160 | 235 | 140 | 150 | ..... | ..... | 115 | ..... |
| Big Sandy Coal Co | Big Sandy | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ..... | 135 | 35 |
| Binkley Mng. Co. of Mo | Bee-Veer | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Bischof Coal Co | Bischof | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Bishop, Arch | Bishop | 1 | Dade, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Black Beauty Mng. Co., The | Same | 13 | Leavenworth, Kans | 345 | 345 | 345 | 345 | ..... | ..... | ..... | ..... | 345 | ..... | ..... | ..... | ..... | ..... | ..... |
| Black Bottom Coal Co | Same | 3 | Adair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 230 | 180 | 205 | 190 | ..... | 130 | 35 |
| Black Crown Coal Co | Same | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Black Diamond Coal Co | Black Dia | 3 | Harrison, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Black Diamond Coal Co | Black Dia | 11 | Tulsa, Okla | 330 | 330 | 330 | 300 | ..... | 270 | ..... | 160 | 220 | 140 | 150 | ..... | ..... | 115 | ..... |
| Black Jack Coal Co. (Davis F.) | Black Jack | 12 | Muskogee, Okla | 330 | 330 | 330 | 300 | ..... | 270 | ..... | 160 | 220 | 140 | 150 | ..... | ..... | 115 | ..... |
| Blacksmith Coal Co | Blacksmith | 3 | Adair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 230 | 180 | 205 | 190 | ..... | 130 | 35 |
| Blair Coal Co | Blair | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Blair Coal Co., Dave | | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Blakemore, W. R | | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |

[1] When sacked price of $7.17 per ton applies from which price $1.75 may be deducted when buyer furnishes the sacks.



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only—Continued*

| Code member index—Name | Mine | Prod. group No. | County and State | 3" Lump | ½" Up | 10" x 1½" | 10" x 1¼" | 3 x 2" | 3" x 1¼" | 2" x 1¼" | 1¼" x 1" | M/R | 3" x 0 | 1¼" x ⅜" | 1¼" x ¾" (R) | 1¼" x ¾" (W) | 1¼" x 0 (R) | ¼" x 0 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Blanco Mining Co | No. 3 | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | ..... | 385 | ..... | 210 | 295 | 165 | ..... | ..... | ..... | 140 | ..... |
| Blaue, A. E | Blue Flame, White Ash | 2 | Pettis, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Blue Bluff Coal Mine | Blue Bluff | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Blue Ridge Coal Co | Blue R. Strip | 1 | Vernon, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Boothe Coal Co | Boothe No. 1 | 4 | Clay, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Bourland, Tom | Bourland | 2 | St. Clair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Boyce Coal Co., Thos | Boyce | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Boyer, E. L | | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Bradley Coal Co | Bradley | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Bramhall, F. M | Bramhall | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ..... | 135 | 35 |
| Brandow, Wm | Brandow | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Brasch Coal Co., Ed | Semler | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Brennan Coal Co | Brennan | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Brent, P. M | Brent | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Brewer & Miles | | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Briartown Coal Co | Briartown | 12 | Muskogee, Okla | | 572 | | | | | | | [1]522 | | | | | | |
| Brindle, L. E | | 6 | Franklin, Kans | 345 | 345 | 345 | 345 | ..... | ..... | ..... | ..... | 345 | ..... | ..... | ..... | ..... | ..... | ..... |
| Bristol Ridge Coal Co | Bristol Edge | 2 | Johnson, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Broadhurst, W. E | Winters | 2 | St. Clair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Brooke, C. O | Brooke Pit | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ..... | 270 | ..... | 160 | 235 | 140 | 150 | ..... | ..... | 115 | ..... |
| Brooks Coal Co | | 3 | Callaway, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Brooks & Shephard | Monkey | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ..... | 270 | ..... | 160 | 235 | 140 | 150 | ..... | ..... | 115 | ..... |
| Brown Bros | Same | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Brown, Joe | | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Brownfield Coal Co | 1, 2, 3 and 4 | 3 | Monroe, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Bryant-Harrison Coal Co | No. 14 | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Bryce Coal Co | City Coal Mine | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Bucklin Coal Co | Bucklin | 3 | Linn, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Budd, O. C | Budd | 1 | Jasper, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Bunker Hill Coal Works | Bunker Hill | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Burger, Claude | Burger | 8 | Latimer, Okla | 435 | 435 | 435 | 385 | ..... | 335 | ..... | 210 | 295 | 165 | ..... | ..... | ..... | 140 | ..... |
| Burgin Coal Co., Earl | Burgin | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Burkhardt, G. H | Mears | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Burns, Joe | Burns | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Burrow, James | Blk. Diamond | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Cain Bros | Same | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ..... | 135 | 35 |
| Calvert Bros | Calvert's | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Calvin Coal Co | Calvin | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Camden Coal Co | No. 2 | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Campbell & Gray Coal Co | Same | 11 | Craig, Okla | 330 | 330 | 330 | 300 | ..... | 270 | ..... | 160 | 220 | 140 | 150 | ..... | ..... | 115 | ..... |
| Caple, G. H | | 6 | Franklin, Kans | 345 | 345 | 345 | 345 | ..... | ..... | ..... | ..... | 345 | ..... | ..... | ..... | ..... | ..... | ..... |
| Caple, John | | 6 | Franklin, Kans | 345 | 345 | 345 | 345 | ..... | ..... | ..... | ..... | 345 | ..... | ..... | ..... | ..... | ..... | ..... |
| Carman, John & Son | Carman | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ..... | 135 | 35 |
| Carnagey Coal Co | Carnagey | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ..... | 135 | 35 |
| Carpenter & Smith | Same | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Carson-Cuddy Co | Same | 3 | Charlton, Mo | 250 | 250 | 250 | 250 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Casady, C. R | Casady | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ..... | 135 | 35 |
| Casady, Elvin | | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ..... | 135 | 35 |
| Central Coal Co | Central | 6 | Osage, Kans | 345 | 345 | 345 | 345 | ..... | ..... | ..... | ..... | 345 | ..... | ..... | ..... | ..... | ..... | ..... |
| Central Valley Coal Co | Cen. Valley | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ..... | 270 | ..... | 160 | 235 | 140 | 150 | ..... | ..... | 115 | ..... |
| Charlton River Coal Co | Charlton Riv | 3 | Adair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 230 | 180 | 205 | 190 | ..... | 130 | 35 |
| Cherokee County Line C. Co | Same | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Cherry Creek Coal Co., Inc | Mackie J | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Chetopa Coal Co | Chetopa | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Choctaw Coal Co | Choctaw | 11 | Tulsa, Okla | 330 | 330 | 330 | 300 | ..... | 270 | ..... | 160 | 220 | 140 | 150 | ..... | ..... | 115 | ..... |
| Chorlton Coal Co | | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| City Coal Co | No. 1 | 8 | Latimer, Okla | 435 | 435 | 435 | 385 | ..... | 335 | ..... | 210 | 295 | 165 | ..... | ..... | ..... | 140 | ..... |
| Clark Coal Co | Clark | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ..... | 135 | 35 |
| Clark, Bert | Clark | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ..... | 125 | 35 |
| Clark & George | Same | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Clegg & Fox Coal Co | Clegg & Fox | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Cleland Coal Co | Cleland | 9 | Coal, Okla | 435 | 435 | 435 | 385 | ..... | 335 | ..... | 210 | 295 | 165 | ..... | ..... | ..... | 140 | ..... |
| Clemens Coal Co | No. 22 | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Clemens Coal Co | No. 23 | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Coalton Coal Co., The | Coalton | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ..... | 270 | ..... | 160 | 235 | 140 | 150 | ..... | ..... | 115 | ..... |
| Cole, W. H | Same | 1 | Dade, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 85 |

[1] When sacked price of $7.17 per ton applies from which price $1.75 may be deducted when buyer furnishes the sacks.

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only—Continued*

| Code member index—Name | Mine | Prod. group No. | County and State | 3" Lump | 1½" Up | 10" x 1½" | 10" x 1¼" | 3 x 2" | 3" x 1¼" | 2" x 1¼" | 1¼" x 1" | M/R | 3" x 0 | 1¼" x ¾" | 1¼" x ¾" (R) | 1¼" x 0 (W) | 1¼" x 0 (R) | ¾" x 0 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Coffman Coal Co | Coffman | 6 | Osage, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Cognard, Rene | Same | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Cole, H. W | Cole's | 1 | Craig, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Clay, Chester | Clay | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Cecil, Loyd & Sons | Cecil No. 1 | 8 | Pittsburg, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Central State Coll., Inc | Calhoun | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Collins Coal Co | Collins | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | | 385 | | 210 | 295 | 165 | | | | 140 | |
| Collins, Glen | Clina Pit | 11 | Craig, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Collier, Richard Henry | Jerome Bryant | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Collinsville Coal Co | Robb | 3 | Adair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 230 | 180 | 205 | 190 | | 130 | 35 |
| Commercial Fuel Co., The | No. 2 | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Conklin, George | Holcomb | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Conley, Pat | | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 125 | 35 |
| Conrow Coal Co | Conrow | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Cook, Lawrence | Cook | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Corder, Austin | Corder's | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Corkle & Son Coal Co | Same | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Cosy Coal Company | Cosy | 2 | Bates, Okla | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Curless, Joe L | | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Cornell Coal Co., The | Cornell | 1 | Vernon, Mo | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Couch Coal Co | No. 1 | 6 | Franklin, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| County Line Coal Mine | County Line | 2 | Henry, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Cox Creek Coal Co | Cox Crk. No. 1 | 1 | Crawford, Kans | 485 | 485 | 485 | 435 | | 385 | | 210 | 295 | 165 | | | | 140 | |
| Craig Coal Co | Craig | 7 | Pittsburg, Okla | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Crawford, A. L | Crawford | 3 | Putnam, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Crescent Coal Co | Crescent Lake | 4 | Clay, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Crescent Coal Co., The | Crescent | 1 | Crawford, Kans | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Cribbs Coal Co | Cribbs | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Cronan, James | | 3 | Randolph, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Cross, J. M | Cross | 1 | Barton, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Cross & Sons, Lee | Cross | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Crosswhite, J. J | | 3 | Boone, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Crowe Coal Co | Reliance | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Crowe-Brady Coal Co | Same | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Crowe-Fulton-Spangler C. Co | Same | 2 | Henry, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Cunningham Coal Co | No. 1 | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Custom Coal Co | Same | 1 | Barton, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Dale, C. E | | 2 | Johnson, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 230 | 180 | 205 | 190 | | 130 | 35 |
| Daniels Coal Co | Ossinbrink | 3 | Adair, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Dauben Coal Co | Daniels | 1 | Bourbon, Kans | 360 | 360 | 360 | 315 | | 270 | | 160 | 235 | 140 | 150 | | | 115 | |
| Davis, Boyd | Dauben | 10 | Okmulgee, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Davis, Frank | Davis | 12 | Muskogee, Okla | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Davis, Orla | Blk. Jack C. Co | 1 | Barton, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Davis & Anderton | Fancher | 3 | Boone, Mo | 260 | 260 | 260 | 230 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Davisson, J. L | | 1 | Barton, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Daugherty, Dewey | Davisson | 3 | Randolph, Mo | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Dawley, R. M | Daugherty | 9 | Coal, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Dayley, Roland M. & Yalch, F. J | Dawley | 9 | Coal, Okla | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| DeGasperi Coal Co | Dawley & Yalch | 1 | Crawford, Kans | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Desiderio, John | DeGasperi | 4 | Clay, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Diamond Coal Co., The | Desiderio | 1 | Vernon, Mo | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Didier & Parre | Mulberry No. 3 | 6 | Osage, Kans | 360 | 360 | 360 | 315 | | 270 | | 160 | 235 | 140 | 150 | | | 115 | |
| Dill, D. A | Same | 10 | Okmulgee, Okla | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Dittman & Wachter C. Co | Dill Pit | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Dixon, B. O | No. 2 | 1 | Vernon, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 245 | 205 | 220 | 205 | | 125 | 35 |
| Dockery Coal Co | Dixon Strip Pit | 4 | Ray, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Doleshy, Wm | Dockery | 3 | Randolph, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Domestic Coal Co | Doleshy | 5 | Lafayette, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Donalson-Ryan Coal Co | Imperial | 2 | Bates, Mo | 485 | 485 | 485 | 435 | | 385 | | 210 | 295 | 165 | | | | 140 | |
| Dow Coal Co | No. 5 | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | | 385 | | 210 | 295 | 165 | | | | 140 | |
| Dow-Pioneer Coal Co | Dow No. 10 | 7 | Pittsburg, Okla | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Dougherty, O. H | No. 10 | 3 | Randolph, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Driskell, Claud W | No. 21 | 4 | Ray, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Drywood Coal Co | Drywood | 1 | Crawford, Kans | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Due Coal Co | Due | 4 | Ray, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Dunivent, R. E | Same | 3 | Randolph, Mo | | | | | | | | | | | | | | | |



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only—Continued*

| Code member index—Name | Mine | Prod. group No. | County and State | 3" Lump | 1½" Up | 10" x 1½" | 10" x 1¼" | 3 x 2" | 3" x 1¼" | 2" x 1¼" | 1¼" x 1" | M/R | 3" x 0 | 1¼" x ¾" | 1¼" x ¾" (R) | 1¼" x 0 (W) | 1¼" x 0 (R) | ¾" x 0 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Dunn, Mode | Mode Dunn | 3 | Callaway, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Durham & Carroll | Same | 11 | Tulsa, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Duvall Coal Co | Crowsnest | 6 | Franklin, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| E & C Coal Co | E & C | 9 | Coal, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Eagle-Cherokee Coal Mng. Co | Eagle | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| East End Coal Co | East End | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Eastabrooks Coal Mine | Eastabrooks | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| East Fork Coal Co | East Fork | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Eaton Coal Co | Eaton | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Economy Coal Co | Economy | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Eckles & Sons | Eckles | 2 | Pettis, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Edgar & Edgar | Clark | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Edgar, Pearl H | Edgar | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Egbert, A. J | Egbert | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Ellis Coal Co | Ellis | 1 | Vernon, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Elm Branch Coal Co | No. 1 | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Elmira Coal Co | Elmira | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Endsley, Jewell | Hickory Grove | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| England Bros | England | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Enloe, B. W | Ronans Ace | 13 | Leavenworth, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Eravi, Joe | Eravi | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Esry & Holbrook | E & H | 2 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Evans Coal Co | C. L. Evans | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | | 270 | | 160 | 235 | 140 | 150 | | | 115 | |
| Evans & Hayward | Evans | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Excelsior Springs C. Co | Same | 4 | Clay, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Fallman, Edward | Fallman | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Farmers Coal Mng. Co | No. 7 | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Farmers Coal Mng. Co | No. 10 | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Ferro, Antonio | Ferro | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Filkins, C. O | Filkins | 3 | Adair, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Fielding & Lafoon | | 3 | Putnam, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 230 | 180 | 205 | 190 | | 130 | 35 |
| Finck-Calnen Coal Co., Inc | Same | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Fisher Bros | | 3 | Howard, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Fisher, Faron | Roberts | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Flake, J. W | Flake Pit | 2 | Vernon, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Flener, L. C | Flener | 8 | Latimer, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Fletcher, Waddell & Reynolds | Same | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Floyd, Virgil | Floyd | 3 | Adair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 230 | 180 | 205 | 190 | | 130 | 35 |
| Fogle Mfg. & Mng. Co | | 6 | Franklin, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Ford, Walter | Ford | 3 | Schuyler, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Foster, George | Geo. Foster | 2 | Bates, Okla | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Foster & Bishop | Same | 8 | Pittsburg, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Four Coal Co | Same | 2 | Vernon, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Four Coal Co | | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Fox Bros. Coal Co | Fox Bros. | 2 | St. Clair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Franks, W. N | Franks | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Frazier, Lyman | Frazier | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Freeman, M. L | | 2 | Macon, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Frew Brothers | Same | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | | 270 | | 160 | 235 | 140 | 150 | | | 115 | |
| Frost & Brookover | Same | 2 | Linn, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| G & A Coal Co | Same | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Gann, L. R | Camp Ground | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Garr & Hays | Same | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Gibson, Chas. O | Gibson | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Gist, Cecil | Gist | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | | 385 | | 210 | 295 | 165 | | | | 140 | |
| Gough-Warren & Terry | Same | 8 | Latimer, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Gray, Fred B | Gray | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Guffey, W. A | Guffey | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Gant, J. M | | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Gaskey & Borgstadt | G & B | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Gerlis, Mike | Same | 8 | Latimer, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Glasco & Miller | Same | 9 | Coal, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Goddard, Wilbur | Caldwell C. Co | 4 | Caldwell, Kans | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Gohring Coal Co | Gohring | 3 | Callaway, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Prod. group No. | County and State | 3" Lump | ½" Up | 10" x 1½" | 10" x 1¼" | 3 x 2" | 3" x 1¼" | 2" x 1¼" | 1¼" x 1" | M/R | 3" x 0 | 1¼" x ¾" | 1¼" x ¾" (R) | 1¼" x 0 (W) | 1¼" x 0 (R) | ¾" x 0 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Golay Bros | Golay | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Goode Coal Co., C. S | Goode | 2 | Linn, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 180 | 35 |
| Gordon, W. H | Wine | 3 | Linn, Kans | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 190 | 185 | 170 | 170 | 110 | 35 |
| Gorham, J. E | Gorham | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Goring, Frank & Helliker, Ed | Goring & Helliker | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Gott Bros | | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Graham Coal Co | Reading C. Co | 6 | Osage, Kans | 345 | 345 | 345 | 345 | 345 | | | | 345 | | | | | | |
| Grant, Harry | | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Gray, Wm. & Sons | Gray | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Green & Avery Coal Co | G. & A | 3 | Putnam, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Green, Victor W | Green | 1 | Crawford, Kans | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Grimes Coal Co., Major | Major Grimes | 3 | Macon, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Gubbio Coal Co | Gubbio | 4 | Ray, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Gunther City Coal & Mng. Co | Gordes | 1 | Crawford, Kans | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| H. & H. Coal & Mng. Co | H. & H | 11 | Rogers, Okla | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Hagins, Denzil | Hagins | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Half & Half Coal Co | No. 1 | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Hall, Carl | Hall | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Hall Coal Co | Hall | 2 | Monroe, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Hamilton Coal Co | Foster | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Hamilton & Son Coal Co | Hamilton | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Hannah & Sons Coal Co | Hannah | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Hardie, John W | Hardie | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Harlan, Newman & Wolf | H. N. & W | 2 | Vernon, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Harris, J. H | Harris | 11 | Craig, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Harris, Martin | Harris | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Harris & Morris | Same | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Harrison County Coal Co | Same | 3 | Gallaway, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Harrison, Raymond | Scran-Bur | 3 | Harrison, Mo | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Harrisborne Coal Co | No. 1 | 6 | Osage, Kans | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Hartwig Bros | Same | 8 | Latimer, Okla | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Hatfield, P. O. & Cartano | Deep Vein C. Co | 5 | Lafayette, Mo | | | | | | | | | | | | | | | |
| Hawkins, E. D | Hawkins | Tex. | Young, Tex | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Hawkins, H. D | Hawkins | 3 | Howard, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Hawkins, J. D | Hawkins | 4 | Ray, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Haynes, Lee | Haynes | 3 | Randolph, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Hays, Arthur | Hays | 3 | Putnam, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Hayward, B | Wegener | 2 | St. Clair, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Headrick, George | Headrick | 5 | Lafayette, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Hedges Coal Co | Hedges | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Helple, Charles | Erdman's | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Helple, Harry | Helple C. Co | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Hendren, W. S | Hendren | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Henrietta Coal Co | Henrietta | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Hestand Coal Co., J. H | Hestand | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Hicks Coal Co | A. L. Hicks | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Hickory Coal Co | Old Hickory | 12 | Muskogee, Okla | | 572 | | | | | | | 522 | | | | | | |
| Hill, Okel | Hill C. Co | 11 | Tulsa, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Hill Coal Co | Hill's | 4 | Ray, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Hodges & Kemper | | 3 | Henry, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Hollopeter, W. I | Hollopeter | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Holt, Robert | Holt No. 1 | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Hopewell, C. C | | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Home Coal Co. of Macon | No. 1 | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Home Riverside Coal Mng. Co | No. 1 | 13 | Leavenworth, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Homer Bros | Homer | 7 | Pittsburg, Okla | 435 | 435 | 435 | 435 | | 385 | | 210 | 295 | 165 | | | | 140 | |
| Hoover, Wm. & Gordy, Fred | H. & G | 0 | Schuyler, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| House & Byrnes | | Tex. | Henry, Mo | | | | | | | | | | | | | | | |
| Hromek, J. W | Lucky Strike | 2 | Linn, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Hudson-Frazer Coal Co | H—F | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Hume-Sinclair Coal Mng. Co | Tiger | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Huntsville-Sinclair Mng. Co | Mark Twain | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Hotchkiss & Co | Same | 6 | Osage, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Huston, R. L | Huston | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Hutcheson Coal Co | | 2 | Linn, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Hutchison & Blakely | | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |

[1] When sacked price of $7.17 per ton applies from which price $1.75 may be deducted when buyer furnishes the sacks.



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Prod. group No. | County and State | 3" Lump | ½" Up | 10" x 1½" | 10" x 1¼" | 3 x 2" | 3" x 1¼" | 2" x 1¼" | 1¼" x 1" | M/R | 3" x 0 | 1¼" x ¾" | 1¼" x ¾" (R) | 1¼" x 0 (W) | 1¼" x 0 (R) | ¾" x 0 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Imperial Fuel Co | Imperial | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Independent Const. Co | | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Ivy Bros | | 3 | Howard, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Ivy, Harley | | 3 | Howard, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| J. C. Coal Co | Curley | 6 | Osage, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| J. & P. Coal Co | J & P | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| J & W Coal Co | J & W | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Jackman & Sons, H. W | | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Jahrman & Stowell | Jahrman | 12 | Muskogee, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| James Coal Co. (L. E. James) | | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Jelicic & Hotmer C. Co., Inc | No. 1 or Daisy | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Jelicic & Hotmer C. Co., Inc | No. 2 or Hartman | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Jelicic & Hotmer C. Co., Inc | No. 3 | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Jenkins Coal Co | Jenkins | 3 | Callaway, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Jenks Coal Co | Jenks | 11 | Tulsa, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Jenkins, David | Jenkins | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Johnson & Son, C. F | Johnson Fld | 1 | Dade, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Johnson, John A | | 3 | Monroe, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Johnson & Bates | Pierce | 8 | Pittsburgh, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Jones, G. A | Jones | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Jones, Perry | Perry Jones | 6 | Osage, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Jones Coal Co., Tom., Inc | No. 1 | 9 | Coal, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Jones, Robert L | Jones | 11 | Craig, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Jonnum Coal Co | Jonnum | 2 | Linn, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Jorman, Milo | Oakdale | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Kallenberger, F. V | | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Kallenberger, Willard | | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Kansas Coal Co., The | Same | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Kansas Fuel Co | Same | 6 | Osage, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| K. C. Midland C. & Mng. Co | Midland No. 8 | 3 | Blair, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Karras, John | No. 2 | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Keene & Winterhalter | | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Kelly, Chester | Old Karras | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Kelly-Carter C. Co., The | K-C | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Kelso & Hughes C. Co | K.-H | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Keota Coal Co | | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Kelterman, D. L | K. & S | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Kierl Bros. Coal Co | Dinky | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Kinser & Son | West Side | 2 | Linn, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Kivett, J. T | | 3 | Howard, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Klondike Coal Co | Klondike | 6 | Osage, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Knowles, J. F | Talbot | 2 | St. Clair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Kolbsick, Tony A | Kolosick | 2 | St. Clair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Kosmiski & Reinhart | Gray | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Kramer Coal Co | Kramer | 2 | Johnson, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Kribbs Coal Co., W. F | W. F. Kribbs | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Kribbs-Ward Coal Co | Same | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Krigbaum, Willie | Krigbaum | 3 | Perry, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Kronsbein, Henry | Kronsbein | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Kruger, Herman | Same | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Kurent, Adolf | Kurent C. Co | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Lafave, Neil P | Lafave | 12 | Muskogee, Okla | | 572 | | | | | | | [1] 522 | | | | | | |
| Lafayette County C. Co | Lafayette Ct | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Lane Coal Co | Lane | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Laurence, W. F | Hall's | 2 | Linn, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Laurence, W. J | Laurence Mng. Co | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Ledford, Clarence | Ledford's | 3 | Adair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 230 | 180 | 205 | 190 | ------ | 130 | 35 |
| Ledford & Frost | Sanders | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Leonard & Son | Leonard | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Lee Coal Co | Lee | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Lee, Arthur | Lee | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Lee & Phalen Coal Co | Same | 2 | Linn, Okla | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Leeper Coal Co | Leeper | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Leeper, J. W | Vestal | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |

[1] When sacked price of $7.17 per ton applies from which price $1.75 may be de du cted when buy er furnishes the sacks.

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Prod. group No. | County and State | 6" Lump | 6" Up | 10" x 1¼" | 10" x 1¼" | 3 x 2" | 3" x 1¼" | 2" x 1¼" | 1¼" x 1" | M/R | 3" x 0 | 1¼" x ¾" | 1¼" x ¾" (R) | 1¼" x 0 (W) | 1¼" x 0 (R) | ¾" x 0 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Lenzini Coal Co., Ralph | Morelli | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Lewis, Mark | Lewis | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Lewis & Moore | | 3 | Putnam, Mo | 255 | 255 | 255 | 230 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Lexington Coal Co | Lexington | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Lexington Coal & Mng. Co | Blue Label | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Liberty Coal Co | Liberty | 11 | Tulsa, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| Lightening Crk. Coal Co | Same | 11 | Craig, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| Linn Coal Co | Roberts | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Little, Warren | Double Eagle | 1 | Bourbon, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Logston & Co., Fred | Harmon | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Lone Star Coal Co | Lone Star | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Long Coal Co | Same | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Lovell Coal Co | Busy Bee | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Lucas, Bert | Lucas | 11 | Craig, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| Lucas, W. L | Same | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Luntsford, Grover | | 2 | Monroe, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Lynn, V. T. & Sons | Edwards | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| McAlester-Alderson C. Co | No. 1 | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | ------ | 385 | ------ | 210 | 295 | 165 | ------ | ------ | ------ | 140 | ------ |
| McAlester Coal Mng. Co | Banner No. 4 | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | ------ | 385 | ------ | 210 | 295 | 165 | ------ | ------ | ------ | 140 | ------ |
| McAlpine, Geo | McAlpine | 12 | Muskogee, Okla | | [1] 522 | | | | | | | [1] 522 | | | | | | 35 |
| McCain, T. F | McCain | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| McCluskey Coal Co | McCluskey | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| McCutcheon Bros | McCutcheon | 8 | Pittsburg, Okla | 435 | 435 | 435 | 385 | ------ | 335 | ------ | 210 | 295 | 165 | ------ | ------ | ------ | 140 | ------ |
| McComb Coal Co | McComb | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| McDannald & Minear | | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| McGee Coal Co | McGee | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| McGennis Coal Co | McGennis | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ------ | 270 | ------ | 160 | 235 | 140 | 150 | ------ | ------ | 115 | ------ |
| McGrath & Son Coal Co | McGrath & Son | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| McHenry Bros | | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| McKay Coal Co | No. 1 | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| McKinley, Chester | McKinley | 2 | St. Clair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| McMahan & Walter Const. Co | Strip Mine No. 1 | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| McMahan & Walter Const. Co | Strip Mine No. 2 | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| McNabb Coal Co | McNabb | 11 | Rogers, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| M. L. & G. Coal Co | M. L. & G. | 9 | Coal, Okla | 435 | 435 | 435 | 385 | ------ | 335 | ------ | 210 | 295 | 165 | ------ | ------ | ------ | 140 | ------ |
| Machine Coal Co., The | Machine | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Macon County Coal Co | No. 68 | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Magic City Coal Co | Trojan | 12 | Muskogee, Okla | | [1] 572 | | | | | | | [1] 522 | | | | | | 35 |
| Mahan Coal Co | No. 1 | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Mammen, Harold | H. F. Mammen | 1 | Dade, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Maple-Wood Coal Co | Maple Wood | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| March, Virgil | March | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Markley, Perry | | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Marriott-Reed Coal Co | Same | 3 | Callaway, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Marth, Otto H | Marth | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Martin & Geary | Same | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | ------ | 270 | ------ | 160 | 235 | 140 | 150 | ------ | ------ | 115 | ------ |
| McGuire Coal Co | Same | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| McKinney & Monroe | Same | 11 | Craig, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| McKinnon Coal Co | McKinnon | 8 | Pittsburg, Okla | 435 | 435 | 435 | 385 | ------ | 335 | ------ | 210 | 295 | 165 | ------ | ------ | ------ | 140 | ------ |
| Macon-Mulkey Coal Co | Mine No. 1 | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Mason & Johnson | | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Mast, Martin & Schmidt, Martin | | 1 | Randolph, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Maxey, L. H | | 2 | Monroe, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Mayberry, F. M | Mayberry Pit | 2 | Vernon, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Mead, Andy | | 3 | Howard, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Medlin & Mark | Same | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Megonnigil, J. A | Megonnigil | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Meisner, C. Floyd | Meisner | 6 | Franklin, Kans | 345 | 345 | 345 | 345 | ------ | ------ | ------ | ------ | 345 | ------ | ------ | ------ | ------ | ------ | ------ |
| Menghini Coal | Menghini | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Mertz, Frank | Same | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Mertz, Geo | Same | 3 | Callaway, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Middle River Coal Co | Same | 6 | Osage, Kans | 345 | 345 | 345 | 345 | ------ | ------ | ------ | ------ | 345 | ------ | ------ | ------ | ------ | ------ | ------ |
| Mid-Western Coal Co | Mid-Western | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Miller Coal Co., Bert | Bert Miller | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Minear, Gail | Same | 9 | Coal, Okla | 435 | 435 | 435 | 385 | ------ | 335 | ------ | ------ | 210 | 295 | 165 | ------ | ------ | 140 | ------ |
| Midway Coal Co | Midway | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Mineral Products Co | Plant No. 1 | 6 | Osage, Kans | 345 | 345 | 345 | 345 | ------ | ------ | ------ | ------ | 345 | ------ | ------ | ------ | ------ | ------ | ------ |
| Miners Fuel Co | Miners Fuel | 11 | Craig, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| Minson, W. A | Minson Pit | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Missouri City Coal Co | Mo. City | | | | | | | | | | | | | | | | | |



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Prod. group No. | County and State | 6" Lump | 6" Up | 10" x 1¼" | 10" x 1¼" | 3 x 2" | 3" x 1¼" | 2" x 1¼" | 1¼" x 1" | M/R | 3" x 0 | 1¼" x ¾" | 1¼" x ¾" (R) | 1¼" x 0 (W) | 1¼" x 0 (R) | ¾" x 0 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Mooney, Robert | Mooney | 12 | Muskogee, Okla | | [1] 572 | | | | | | | [1] 522 | | | | | | |
| Moore Coal Co | Same | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Moore, Art & Moore, Hallie | Art Moore | 6 | Franklin, Kans | 345 | 345 | 345 | 345 | ------ | ------ | ------ | ------ | 345 | ------ | ------ | ------ | ------ | ------ | ------ |
| Moore, Cain | Same | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Moniteau Coal Co | No. 11 | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Morgan, Alonzo | Morgan No. 1 | 6 | Pittsburg, Okla | 435 | 435 | 435 | 385 | ------ | 335 | ------ | 210 | 295 | 165 | ------ | ------ | ------ | 140 | ------ |
| Morgan, James H | Morgan | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Moss, Frank | Moss | 3 | Sullivan, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 150 | 35 |
| Mound City Coal Co | No. 1 | 2 | Linn, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Mud Creek Coal Co | Mud Creek | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | ------ | 385 | ------ | 210 | 295 | 165 | ------ | ------ | ------ | 140 | ------ |
| Mulberry-Cherokee C. Co | Mulberry-Cherokee | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Mullen Coal Co | Julian | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | ------ | 385 | ------ | 210 | 295 | 165 | ------ | ------ | ------ | 140 | ------ |
| Munden, Basil | Bunkerhill | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Munson Coal Mine | Munson | 11 | Rogers, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| Murphy Coal Co | Murphy | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Myers & Son | Guffey | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| N. & H. Coal Company | N. & H | 8 | Pittsburgh, Okla | 435 | 435 | 435 | 385 | ------ | 335 | ------ | 210 | 295 | 165 | ------ | ------ | ------ | 140 | ------ |
| Neher Coal Co | Neher | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Nejedly Bros. Coal Co | Nejedly Bros | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| New Blanco Coal Co | New Blanco | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | ------ | 385 | ------ | 210 | 295 | 165 | ------ | ------ | ------ | 140 | ------ |
| New Deal Mng. Co | Same | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Newland, T. P | | 3 | Callaway, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Nichols Coal Co | Nichols | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Nickel Creek Mng. Co | Nickel Crk | 11 | Tulsa, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| Nienober Bros. Coal Co | Nienober | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| No. 7 Coal Co | No. 7 | 6 | Osage, Kans | 345 | 345 | 345 | 345 | ------ | ------ | ------ | ------ | 345 | ------ | ------ | ------ | ------ | ------ | ------ |
| Noble, Bert | Noble | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Noel, Frank M | Noel | 2 | Linn, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Norris, W. S | | 11 | Rogers, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| Oak Ridge Coal Co. (J. B. Hilling) | Oak Ridge | 8 | Latimer, Okla | 435 | 435 | 435 | 385 | ------ | 335 | ------ | 210 | 295 | 165 | ------ | ------ | ------ | 140 | ------ |
| Obel, G. H | Obel's | Tex. | Palo Pinto, Tex | | | | | | | | | | | | | | | |
| Obert, James | Jack's | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Odell & Hawkins | | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| O. K. Coal Co | | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Ol'Elliott Producers Assn | Ol'Elliott | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Osage City Coal Co | No. 30 | 6 | Osage, Kans | 345 | 345 | 345 | 345 | ------ | ------ | ------ | ------ | 345 | ------ | ------ | ------ | ------ | ------ | ------ |
| Osage Coal Co | Osage | 2 | Vernon, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Ottman Bros. Coal Co | Ottman | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Owens & Bradley | | 11 | Craig, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| P. & W. Coal Co | Same | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Palmatory, Clayton | | 3 | Howard, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Pappino, A. G | Pappino Pit | 11 | Rogers, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| Parker, Guy F | Parker's | 11 | Craig, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| Parkins Coal Co | No. 2 | 6 | Franklin, Kans | 345 | 345 | 345 | 345 | ------ | ------ | ------ | ------ | 345 | ------ | ------ | ------ | ------ | ------ | ------ |
| Patch, John W | Patch | 11 | Craig, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| Paterson Coal Co | No. 1 | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Patterson, J. E | Patterson | 11 | Craig, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| Peacock Coal Co | Peacock | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Pearson, James | Pearson | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Pearson & Son | Minear | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | ------ | 135 | 35 |
| Pearson, J. D | Pearson | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Peek Coal Co., H. S | Peek's | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Peek Coal Mng. Co., Frank | Wilson | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Peery Bros | Peery | 2 | Johnson, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Pellet-Dauben Coal Co | Same | 1 | Bourbon, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Pence Coal Co | Pence | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Penrod, George, Sr | | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Perfater, J. B | | 3 | Howard, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Perry Coal Co | Perry | 12 | Muskogee, Okla | | [1] 572 | | | | | | | [1] 522 | | | | | | |
| Pettit, A. D | Pettit Pit | 11 | Craig, Okla | 330 | 330 | 330 | 300 | ------ | 270 | ------ | 160 | 220 | 140 | 150 | ------ | ------ | 115 | ------ |
| Phillips Coal Co | Phillips | 9 | Coal, Okla | 435 | 435 | 435 | 385 | ------ | 335 | ------ | 210 | 295 | 165 | ------ | ------ | ------ | 140 | ------ |
| Pickering Coal Co | No. 12 | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Pickering Develop. Co., Geo | No. 11 | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | ------ | 125 | 35 |
| Pierce Coal Co | Pierce | 2 | St. Clair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Pierson Coal Co., Clyde | Clyde Pierson | 3 | Callaway, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Pilant, T. B | Pilant | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Pinkerton, Ed | Hardy Coal Mine | Tex. | Young, Tex | | | | | | | | | | | | | | | |
| Pioneer Coal Co | Pioneer | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |

[1] When sacked price of $7.17 per ton applies from which price $1.75 may be deducted when buyer furnishes the sacks.

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Prod. group No. | County and State | 8" Lump | 1¼" Up | 10" x 1¼" | 10" x 1¼" | 3 x 2" | 3" x 1¼" | 2" x 1¼" | 1¼" x 1" | M/R | 3" x 0 | 1¼" x ¾" | 1¼" x ¾" (R) | 1¼" x 0 (W) | 1¼" x 0 (R) | ¼" x 0 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Piper, Arthur A | Sand Spring | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Pittsburg & Midway Coal Mining Co | No. 15 | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Pittsburg & Midway Coal Mining Co | No. 17 | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Pocahontas Producer C. Co | Pocahontas | 8 | Pittsburg, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Popejoy, John | Popejoy | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Porter Coal Co | Porter | 11 | Wagoner, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Possum Ridge C. Co | No. 1 | 8 | Latimer, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Prince Coal Co | Prince | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Proctor, A. W | Art's Last Wad | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Pryer, Ray R | Pryer | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Purity Mining Co | P. & M | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | | 270 | | 160 | 235 | 140 | 150 | | | 118 | |
| Rader & West | | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Randle Coal Co., Horace | No. 10 | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Randolph, Edgar | Edgar | 8 | Latimer, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Ray Coal Co | No. 1 | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Ray County Coal Co | No. 23 | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Rayville Coal Co | Rayville | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Rayville Coal Co | Same | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Reaves & Crockett | Red Top | 6 | Osage, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Red Top Coal Co | | 12 | Muskogee, Okla | | 572 | | | | | | | 522 | | | | | | |
| Reeves, R. H. & C. E. Gray | Gray & Reeves | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Renfro, H. E. & Sons | Renfro | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Reynolds, E. H | Reynolds | 4 | Clay, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Rice Coal Co | Rice | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Richardson, John T. & Bro | No. 1 | 8 | Latimer, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Riedt, Jerry | Kali-Inla No. 1 | 8 | Pittsburg, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Riedt, Jerry | Kali-Inla No. 4 | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | | 385 | | 210 | 295 | 165 | | | | 140 | |
| Rigazzi & Randi | Same | 2 | Bates, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Ritchie Coal Co | Ritchie | 3 | Adair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 220 | 180 | 205 | 190 | | 130 | 35 |
| Riverside Coal Co | Riverside | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Robbins Coal Co | Lost Mine | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Roberts & Sons | Dinky | 11 | Tulsa, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Robertson, Ira | Robertson | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Robinson, Luke | | 2 | Linn, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Robinson Coal Co | Mohawk | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Rock Valley Coal Co | | 11 | Tulsa, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Rogers County C. Co | Sequoyah | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Rogers Bros | Rogers | 3 | Adair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 230 | 180 | 205 | 190 | | 130 | 35 |
| Rose Hill Coal Co | Rose Hill | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Rouse, Floyd | Lawson | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Rowland & Sparks | Same | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Royal-Cherokee C. Co | Mulberry No. 2 | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Ruddell & Dyer, Inc | | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Rudkin Coal Co | Rudkin | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Rumsey & Hatfield | Same | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 213 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Ryals, L. O. & Sons | Ryals | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | | 385 | | 210 | 295 | 165 | | | | 140 | |
| Samples Coal Mng. Co | No. 4 | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Sampson, Elsia | Sampson | 3 | Callaway, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Sartor-Mosley Coal Co | Sartor-Mosely | 3 | Linn, Kans | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Schaefer, Leo | Same | 3 | Linn, Kans | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Schaefer, Raymond | Same | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Schieber, Wm | Schieber | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Schowengerdt, Paul | Schowengerdt | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Schowengerdt & Muck C. Co | S & M | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Schumacher, Edward | Schumacher | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Scott Mine, Arthur | Arthur Scott | 3 | Adair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 185 | 220 | 180 | 205 | 190 | | 130 | 35 |
| Scott Coal Co, Robert L | Robt. L. Scott | 11 | Craig, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Seneca C. & C. Co | No. 2 | 11 | Wagoner, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Seneca C. & C. Co | No. 4 | 11 | Wagoner, Okla | 330 | 330 | 330 | 300 | | 270 | | 160 | 220 | 140 | 150 | | | 115 | |
| Servaes, P. W | Servaes | 6 | Osage, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Seven Coal Co | Mayer No. 7 | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Sever, Everett & Herrin, Virgil | | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Sexton & Cornelison | Mayer No. 7 | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Sexton & Walker | | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Sharp, M. H | Sharp | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Sheets, Catherine | Brair | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Shelby, J. C | Dover | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |

[1] When sacked price of $7.17 per ton applies from which price $1.75 may be deducted when buyer furnishes the sacks.



*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only*—Continued

| Code member index—Name | Mine | Prod. group No. | County and State | 8" Lump | 1¼" Up | 10" x 1½" | 10" x 1¼" | 3 x 2" | 3" x 1¼" | 2" x 1¼" | 1¼" x 1" | M/R | 3" x 0 | 1¼" x ¾" | 1¼" x ¾" (R) | 1¼" x 0 (W) | 1¼" x 0 (R) | ¼" x 0 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Shelton, J. S | Star Valley | 2 | Linn, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Short, Joseph H | Short | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Shroke, Ollie & Son | Shroke | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Simmons-Stokesberry C. Co | S-S | 1 | Labette, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Simone Coal Co., Mike | Mike Simone | 1 | Crawford, Kas | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Sims, Russell | Humphrey | 2 | St. Clair, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Singleton, C. B | Singleton's | Tex. | Wise, Tex | | | | | | | | | | | | | | | |
| Skinner, Harold Q | | 2 | Monroe, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Smarr, George W | Garret | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Smith, Harry | Smith | 3 | Monroe, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Smith, P. B | Same | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Smith, Clyde A | Smith | 3 | Howard, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Smith, W. F | Smith | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Smith, Erwin | Same | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Smith & Hurley | Same | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Smith & Sanders C. Co | Same | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Smith & Walker | Same | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Sorenson & Thompson | Same | 12 | Muskogee, Okla | | 572 | | | | | | | 522 | | | | | | |
| South Radley Coal Co | Newland & Haynie | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Spitcaufsky, Chas | Banner | 2 | Morgan, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 130 | 35 |
| Sporman, Walter | | 1 | Dade, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Standard Coal Co | Standard | 6 | Osage, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Stark, J. B | | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Starkebaum, Walter J. C | Starkebaum | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Star Cooperative Coal Mine | Star Coop | 2 | Vernon, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Starr Coal Co | Starr | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | | 270 | | 160 | 235 | 140 | 150 | | | 118 | |
| Steele Bros | Steele | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Steele, M. G | Steele | 8 | Pittsburg, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Steele & McCurrey | S & M | 8 | Latimer, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Stevens Coal Co | Stevens | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Stoker, W. P | Blk. Hawk C. Co | 3 | Linn, Kans | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Stone, D. D | Same | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Stone, Denver | Stone | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Stoneman Bros | Same | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Stoner, Ed | | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Sukenis, A. L | No. 4 | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | | 385 | | 210 | 295 | 165 | | | | 140 | |
| Strukely Mine | Same | 8 | Pittsburg, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| Summers, Emmet | Sumners | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Sunflower Coal Co | Sunflower | 6 | Osage, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Swain, Paul | Swain | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Swartz, Otto | | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Swetnam, A | Swetnam | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Sylvester, W. G | Macey | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| T. B. M. Coal Co | Old Forty | 8 | Latimer, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| 21 Coal Co | 21¼ | 9 | Coal, Okla | 435 | 435 | 435 | 385 | | 335 | | 210 | 295 | 165 | | | | 140 | |
| T & F Coal Co | T & F | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | | 385 | | 210 | 295 | 165 | | | | 140 | |
| Tarbe, Ben | Scrap-Bur | 6 | Osage, Kans | 345 | 345 | 345 | 345 | | | | | 345 | | | | | | |
| Taylor, James R | Taylor | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Tebo Coal Co | Tebo | 2 | Henry, Mo | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Tebo, Dave | Tebo C. Co | 2 | Linn, Kans | 250 | 250 | 250 | 250 | 225 | 210 | 195 | 190 | 210 | 185 | 185 | 170 | 170 | 150 | 35 |
| Teel, W. O | Teel | 1 | Barton, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Terry, W. O | | 3 | Harrison, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Teter & Webster | | 3 | Charlton, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Tharp, Ed Coal Co | Tharp | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Thomas Bros. Coal Co | Albany | 4 | Ray, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Thomas Hill Coal Mng. Co | Thomas Hill | 3 | Randolph, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Thorn, Hugh E | Thorn | 3 | Putnam, Mo | 255 | 255 | 255 | 255 | 230 | 215 | 200 | 190 | 235 | 185 | 210 | 195 | | 135 | 35 |
| Thornhill Coal Co | Thornhill | 1 | Vernon, Mo | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Tiger Coal Co | Tiger | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | | 270 | | 160 | 235 | 140 | 150 | | | 115 | |
| Tip Top Coal Co | Tip Top | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Tisdel, Oscar | | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Titus & Kiser | Same | 3 | Macon, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Tornow Coal Co | Tornow | 3 | Boone, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Tracey, Norman | Holthoff | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |
| Traver, W. E | Traver | 10 | Okmulgee, Okla | 360 | 360 | 360 | 315 | | 270 | | 160 | 235 | 140 | 150 | | | 115 | |
| Trenton Mfg. Co | Trenton | 3 | Grundy, Mo | 230 | 230 | 230 | 230 | 215 | 205 | 195 | 185 | 210 | 180 | 185 | 170 | 170 | 110 | 35 |
| Tucker, Smith & Davidson | Tucker | 7 | Pittsburg, Okla | 485 | 485 | 485 | 435 | | 385 | | 210 | 295 | 165 | | | | 140 | |
| Tullis Coal Co | Tullis | 1 | Labette, Kans | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | 220 | 195 | 155 | 155 | 155 | 135 | 35 |
| Tyler, Bryan | Tyler | 5 | Lafayette, Mo | 285 | 285 | 285 | 285 | 275 | 255 | 245 | 220 | 285 | 205 | 220 | 205 | | 125 | 35 |

[1] When sacked price of $7.17 per ton applies from which price $1.75 may be deducted when buyer furnishes the sacks.

*Prices in Cents per Ton for Shipment Into All Market Areas—For Truck Shipment Only—Continued*

| Code member index—Name | Mine | Prod. group No. | County and State | 3" Lump | 2" x 0 | 1¼" x 0 | 3" x 1¼" | 3" x 1¼" | 3" x 2" | 2" x 1¼" | 1¼" x 1" | 1¼" x ¾" | 1¼" x ¾" (R) | 1¼" x 0 (W) | 1¼" x 0 (R) | ¾" x 0 | ¾" Lump |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| Umbria Coal Co. | Umbria | 1 | Crawford, Kans. | 260 | 260 | 260 | 260 | 235 | 220 | 205 | 210 | M/R | 195 | 155 | 155 | 155 | 135 | 135 | 135 |
| Universal Coal Co. | Schnay Pit | 11 | Wagoner, Okla. | 230 | 230 | 230 | 230 | 230 | 270 | 205 | 190 | 230 | 140 | 150 | 155 | 170 | 115 | 115 | 115 |
| V & C Coal Co. | V & C | 3 | Pittsburg, Kans. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Valentine, Roy | Valentine | 3 | Macon, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Vandiver, Frank Sr. | Vandiver | 1 | Labette, Kans. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Veach, Elmer | McCannon | 3 | Johnson, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Vestal, J. | Vestal | 3 | Sullivan, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Vestal, J. Mining Co. | Vibbard | 4 | Ray, Mo. Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Victor Coal Co. | No. 7 Adamson | 7 | Pittsburg, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Victor Fuel Coal Co. | Victor Pit | 12 | Crawford, Kans. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wade, Fred W. | Wade Mine | 1 | Muskogee, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wagoner, Claude | Wagoner | 1 | Cherokee, Kans. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wall Coal Co. | Wall | 10 | Barton, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Warden Fuel Coal Co. | Warden | 2 | Okmulgee, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Warren County Coal Co. | Warren County | 3 | Barton, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Warren, Ray | Warren | 1 | Randolph, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Waterman, H. A. | Waterman | 3 | Barton, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wehamp & Brantlei | Sam | 5 | Cole, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wellington Coal Co. | No. 3 | 9 | Lafayette, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wells, M. J. | Wells | 2 | Coal, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Welling, M. J. | Werling | 8 | Johnson, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Westbrook Coal Co. | Westbrook | 1 | Latimer, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Western Coal & Mfg. Co. | No. 22 | 5 | Crawford, Kans | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Western Coal & Mfg. Co. | No. 23 | 5 | Crawford, Kans | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Western Coal & Mfg. Co. | West | 5 | Lafayette, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Western Coal & Mfg. Co. | Woodrow | 5 | Lafayette, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Western Fuel Co. | No. 11 | 6 | Osage, Kans. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| West Union Coal Co., The | West Union | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Whetstone & Kennedy, C. Co. | Sam | | Young, Tex. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Whiskey Creek Coal Mine | Whiskey Creek, Tex. | 3 | Boone, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| White, Searcy | | 6 | Lafayette, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wilcoxon Coal Co. | Wilcoxon | 1 | Cherokee, Kans | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wilkinson & Co. | Wilkinson | 11 | Tulsa, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Williams, A. L. | Williams | 3 | Randolph, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Williams, J. O. | Williams | 12 | Muskogee, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Williams, W. | Willis Pit | 11 | Hogers, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Willis, Alvin | Wilson Pit | 8 | Latimer, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wilson, Bert Alvin | Williams | 3 | Randolph, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wilson & Kendeel | Sand | 3 | Randolph, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wilson Mfg. Co. | Wilde | 1 | Crawford, Kans | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wilson, Henry Mfg. & Leasing Co. | Wilson | 4 | Lafayette, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wilson Coal Co., Jos. | Seaton | 1 | Ray, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Windsor Coal Co. | Windsor | 5 | Henry, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Windsor, Wilson | Smith | 5 | Lafayette, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Windsor Coal Co. | Riley | 3 | Charleston, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Winfrey, D. E. | Winkler | 3 | Howard, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Winfrey, T. M. | Wise | 1 | Barton, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Winkler, Forest | Wisdom | 4 | Dade, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Winn, W. F. | No. 1 | 3 | Audrain, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Winston Coal Co. | Woods | 3 | Latimer, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wisdom, J. B. | Woodward | 11 | Boone, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Woods Coal Co. | Adamson | 11 | Latimer, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Woods Coal Co. | | 2 | Tulsa, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Woodward Mng. Assn. | | 2 | Pittsburg, Kans. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Worley Bros. | | 2 | Linn, Kans. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wortmann, Marion | | 1 | Crawford, Kans. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Wyatt, Raymond | Wyatt | 3 | Macon, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Yaich Coal Co. | Wyatt | 9 | Coal, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Yocum, Ace | Same | 10 | Pittsburg, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Zemalis, Tony | Yocham Strip Pit | 8 | Pittsburg, Okla. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |
| Zerngast, Andrew | No. 1 | 1 | Cedar, Mo. | 260 | 260 | 260 | 260 | 215 | 220 | 205 | 210 | 230 | 195 | 210 | 195 | 170 | 135 | 135 | 135 |

[F. R. Doc. 39-2454; Filed, July 10, 1939; 10:47 a. m.]

¹ When sacked price of $7.17 per ton applies from which price $1.75 may be deducted when buyer furnishes the sacks.



## DEPARTMENT OF AGRICULTURE.

### Division of Marketing and Marketing Agreements.

[Docket No. A-105—O-105]

NOTICE OF PUBLIC HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MILK IN AREA COMPRISED OF THE CITIES OF DAVENPORT AND BETTENDORF, IOWA, AND ROCK ISLAND, MOLINE, EAST MOLINE, AND SILVIS, ILLINOIS, AND THE FOLLOWING TOWNSHIPS: DAVENPORT, ROCKINGHAM, AND PLEASANT VALLEY IN SCOTT COUNTY, IOWA, AND SOUTH MOLINE, MOLINE, BLACKHAWK, COAL VALLEY, HAMPTON, AND SOUTH ROCK ISLAND IN ROCK ISLAND COUNTY, ILLINOIS, WHICH AREA IS KNOWN AS THE QUAD CITIES MARKETING AREA, SUCH HEARING TO BE HELD PURSUANT TO THE PROVISIONS OF THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

Whereas the Illinois-Iowa Milk Producers Association and the Quality Milk Association, jointly, have requested the Secretary of Agriculture to hold a public hearing on a marketing agreement and order prepared and proposed by such organizations and designed to regulate such handling of milk in the area comprised of the cities of Davenport and Bettendorf, Iowa, and Rock Island, Moline, East Moline and Silvis, Illinois, and the following townships: Davenport, Rockingham, and Pleasant Valley in Scott County, Iowa, and South Moline, Moline, Blackhawk, Coal Valley, Hampton, and South Rock Island in Rock Island County, Illinois (which area is known and hereinafter referred to as the Quad Cities marketing area) as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce; and

Whereas the Secretary of Agriculture has reason to believe that the execution of a marketing agreement or the issuance of an order will tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to such handling of milk in the Quad Cities marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

Whereas under said act notice of and opportunity for a hearing are required prior to the execution of a marketing agreement or the issuance of an order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice;

Now, therefore, pursuant to said act and said general regulations, notice is hereby given of a public hearing to be held at Rock Island, Illinois, on August 2, 1939, in Room 360 Post Office Building, at 10:00 a. m., c. s. t., on the aforementioned marketing agreement and order, prepared and proposed by the aforementioned organizations and designed to regulate such handling of milk in the Quad Cities marketing area as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce.

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether or not any marketing agreement or order should be issued regulating the handling of milk in such area, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement and proposed order provide, among other things, for: (a) selection of a market administrator and definition of his powers and duties, (b) classification of milk, (c) minimum prices, (d) reports of handlers, (e) optional methods of excluding milk produced and sold by handlers who are also producers, (f) payments to producers through the use of a market-wide pool, (g) a base rating plan, and (h) expenses of administration.

Copies of the proposed marketing agreement and proposed order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, or may be there inspected.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

Dated: July 14, 1939.

[F. R. Doc. 39-2562; Filed, July 14, 1939; 11:21 a. m.]

## Farm Security Administration.

### DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

COLORADO

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Colorado State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Larimer, Rio Grande, and Sedgwick.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2533; Filed, July 13, 1939; 4:04 p. m.]

### DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

IDAHO

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Idaho State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Bannock, Fremont, and Latah.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2534; Filed, July 13, 1939; 4:04 p. m.]

### DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

INDIANA

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Indiana State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Clark, Daviess, DeKalb, Delaware, Elkhart, Jasper, Parke, Switzerland, and Tippecanoe.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2535; Filed, July 13, 1939; 4:04 p. m.]

### DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

KANSAS

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Kansas State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under

the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Labette, Johnson, Morris, Nemaha, Norton, Rice, Saline, and Sumner.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2536; Filed, July 13, 1939; 4:04 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MONTANA

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Montana State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Richland and Cascade.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2537; Filed, July 13, 1939; 4:04 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

NEBRASKA

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Nebraska State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Cheyenne, Cuming, Nuckolls, Saunders, Sheridan, Washington, and Wayne.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2538; Filed, July 13, 1939; 4:04 p. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

NORTH DAKOTA

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the North Dakota State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Bottineau, Eddy, Griggs, McKenzie, and Pierce.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2539; Filed, July 13, 1939; 4:05 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

OHIO

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Ohio State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Ashland, Brown, Champaign, Fulton, Gallia, Geauga, Hancock, Highland, Licking, Medina, Morgan, Preble, Ross, and Wayne.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2540; Filed, July 13, 1939; 4:05 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

OREGON

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Oregon State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Wallowa, Lincoln, Malheur, and Clackamas.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2541; Filed, July 13, 1939; 4:05 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

SOUTH DAKOTA

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the South Dakota State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Aurora, Miner, Perkins, Spink, and Yankton.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2542; Filed, July 13, 1939; 4:05 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

WASHINGTON

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Washington State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Kittitas, Lewis, Okanogan, Pierce, and Walla Walla.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2543; Filed, July 13, 1939; 4:06 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

WYOMING

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Wyoming State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said order for the fiscal year ending June 30, 1940: (1) that county which was designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional county: Platte.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2544; Filed, July 13, 1939; 4:06 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

CONNECTICUT

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Connecticut State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said order for the fiscal year ending June 30, 1940: (1) that county which was designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional county: Litchfield.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2553; Filed, July 14, 1939; 11:20 a. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MAINE

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Maine State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional county: Kennebec.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2554; Filed, July 14, 1939; 11:20 a. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MARYLAND

*(Fiscal Year Ending June 30, 1940)*

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Maryland State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Calvert, Caroline, Kent, and Washington.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2555; Filed, July 14, 1939; 11:20 a. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MASSACHUSETTS

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Massachusetts State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said order for the fiscal year ending June 30, 1940: (1) that county which was designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional county: Franklin.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2556; Filed, July 14, 1939; 11:20 a. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

NEW HAMPSHIRE

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the New Hampshire State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said order for the fiscal year ending June 30, 1940: (1) that county which was designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional county: Grafton.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2557; Filed, July 14, 1939; 11:20 a. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

NEW YORK

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the New York State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Onondaga, Orange, Orleans, and Steuben.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2558; Filed, July 14, 1939; 11:20 a. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

PENNSYLVANIA

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Pennsylvania State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order

for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Berks, Butler, Cumberland, Greene, Lancaster, Lycoming, Mifflin, and Northumberland.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2559; Filed, July 14, 1939; 11:21 a. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

VERMONT

JULY 13, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Vermont State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said order for the fiscal year ending June 30, 1940: (1) that county which was designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional county: Franklin.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2560; Filed, July 14, 1939; 11:21 a. m.]

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## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF CHANGE IN DATE OF HEARING ON PETITIONS FOR REVIEW OF FINDINGS AND DETERMINATION BY THE PRESIDING OFFICER ON APPLICATIONS FOR PERMISSION TO EMPLOY LEARNERS IN THE APPAREL INDUSTRY

By notice published July 1, 1939, a public hearing was scheduled to be held July 18, 1939, before Paul Sifton, Deputy Administrator, on petitions for review of the findings and determination of the presiding officer on applications for permission to employ learners in the apparel industry.

Notice is hereby given that said hearing will commence at 10 o'clock on July 31, 1939, at the Raleigh Hotel, 12th and Pennsylvania Avenue NW., Washington, D. C.

Any person interested in appearing, either in support of or in opposition to the matters prayed for in the petition for review, may appear on his own behalf or on the behalf of any other person, provided that he shall file with the Administrator, at his office in Washington, prior to noon on July 27, 1939, a Notice of Intention To Appear, which shall contain the following information:

(1) The name and address of the person appearing.

(2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

(3) Whether he is appearing in support of or in opposition to any petition for review.

(4) The approximate length of time which his presentation will consume.

(5) Scope of appearance; i. e., for which branch of the apparel industry appearance will be made.

The previous notice of hearing mentioned above and published July 1, 1939 (4 F.R. 2743 DI), is hereby incorporated by reference in this notice, subject only to the changes stated herein.

Signed at Washington, D. C., this 14th day of July 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-2565; Filed, July 14, 1939; 12:09 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of July, A. D. 1939.

[File No. 43-222]

IN THE MATTER OF SAN ANTONIO PUBLIC SERVICE COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE IN REGARD TO PREFERRED STOCK

San Antonio Public Service Company, a subsidiary of American Light & Traction Company, a registered holding company, having filed a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 in regard to the issue and sale of 45,000 shares of 6% Cumulative Preferred Stock having a par value of $100 per share and a declaration in regard to any change in rights of its outstanding Common Stock caused by the issuance of the Preferred Stock above mentioned;

A hearing on such matter having been held[1] after appropriate notice; the declarant having waived the right to have submitted to it a report by the Trial Examiner; to have submitted to it proposed findings of fact by the Commission; to file a brief and to oral argument before the Commission prior to the making of findings of fact and the entry of an order by the Commission; the record in this matter having been examined; and the Commission having made and filed its findings;

*It is ordered*, That the declarations in regard to the issue and sale of the aforesaid 6% Preferred Stock by San Antonio Public Service Company and the consequent change in rights in the outstanding Common Stock in accordance with the terms and conditions set forth in, and for the purposes represented by said amended declarations, be, and the same hereby are, permitted to become effective, subject, however, to the following conditions:

(a) That until further order of the Commission, so long as any shares of 6% Preferred Stock are outstanding, the declarant shall not pay any dividends on or make any other distribution to the holders of shares of its Common Stock if after giving effect to such payment or distribution the capital of the declarant represented by its Common Stock together with its surplus, as then stated on its books of account, shall in the aggregate be less than $5,810,000. This condition shall become inoperative and of no effect if the Commission shall at any time hereafter adopt or enter a rule, regulation or order under Section 12 (c) of the Act or otherwise (other than Rule U-12C-2 as now in effect), which shall be applicable to the declarant, limiting the right of companies to pay dividends on their common stock with reference to maintaining an equity junior to outstanding preferred or preference stocks. The Commission reserves jurisdiction to revoke or modify this condition at any time on its own motion or upon application of the declarant;

(b) That the issue and sale of the 6% Preferred Stock shall be accomplished in compliance with the terms and conditions of, and for the purposes represented in said declaration as amended; and

(c) That within ten days after the issue and sale of the 6% Preferred Stock, the declarant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions and for the purposes represented by said declaration as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2549; Filed, July 14, 1939; 10:51 a. m.]

[1] 4 F.R. 2506 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D. 1939.



[File No. 46-159]

IN THE MATTER OF THE MIDDLE WEST CORPORATION AND CENTRAL AND SOUTH WEST UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 10 (a) (1) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on August 4, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 31, 1939.

The matter concerned herewith is in regard to acquisition by the applicants of certain notes of Port Isabel Corporation, Port Isabel Realty Company, Port Isabel Irrigation Company and Port Isabel Channel, Dock and Wharf Company, in exchange for notes previously executed by said companies and acquisition by the applicants of certain other notes of the same companies representing extensions of previously executed notes.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2550; Filed, July 14, 1939; 10:51 a. m.]

JUL 20 1939

JUL 20 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 136

*Washington, Tuesday, July 18, 1939*


## *The President*

### EXECUTIVE ORDER

AUTHORIZING THE INITIAL APPOINTMENT OF THE ASSISTANT ADMINISTRATOR OF THE FEDERAL SECURITY AGENCY AND ONE PRIVATE SECRETARY TO THE ASSISTANT ADMINISTRATOR WITHOUT COMPLIANCE WITH THE CIVIL SERVICE RULES, AND AMENDING SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth of subdivision SECOND of Section 2 of the Civil Service Act (22 Stat. 403, 404), it is hereby ordered as follows:

1. Subject to the establishment before the Civil Service Commission of the requisite qualifications in each case, the initial appointment of the Assistant Administrator of the Federal Security Agency, and one private secretary or confidential assistant to the said Assistant Administrator, may be effected without compliance with the competitive requirements of the Civil Service Rules.

2. Schedule A of the Civil Service Rules is hereby amended by adding thereto the following subdivision:

XXXVII. FEDERAL SECURITY AGENCY

(1) Two private secretaries or confidential assistants to the Administrator of the Federal Security Agency.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 14, 1939.*

[No. 8205]

[F. R. Doc. 39-2583; Filed, July 15, 1939; 10:39 a. m.]

### EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER No. 6432 OF NOVEMBER 16, 1933, WITHDRAWING PUBLIC LANDS

WYOMING

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, Executive Order No. 6432 of November 16, 1933, withdrawing public lands in Wyoming pending a resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plats of the resurvey of the lands involved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 14, 1939.*

[No. 8206]

[F. R. Doc. 39-2582; Filed, July 15, 1939; 10:39 a. m.]

## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### FARM CREDIT ADMINISTRATION

[F. C. A. 139]

FEE ON APPLICATION FOR TRANSFER OF LOAN FROM ONE ASSOCIATION TO ANOTHER

JULY 14, 1938.

Part 19 of Title 6, Code of Federal Regulations, is amended by adding the following section:

§ 4009.1 *Fee on application for transfer of loan from one association to another.* In connection with each application for a transfer of a loan from another association to it, an association may:

(1) Absorb expenses incurred in connection with such application including the cost of its inspection; or

(2) Require the payment of a fee of not to exceed $5.00 to cover the cost of its inspection before it considers the application: *Provided, however,* That the total amount so collected shall not, in any case, exceed 1 percent of the unpaid balance of the indebtedness.

If the transfer is being made at the request of and for the convenience of the bank, the bank may pay the fee required by the association. If, however, the transfer is being made at the request of and for the convenience of the

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borrower, he may be required to pay the association fee. No fee may be collected by the transferor association." (Revision No. 10, Manual for Federal Land Banks, July 14, 1938.)

[SEAL] A. S. GOSS,
*Land Bank Commissioner.*

[F. R. Doc. 39-2563; Filed, July 14, 1939; 11:52 a. m.]

[F.C.A. 140]

THE FEDERAL LAND BANK OF WICHITA

LOAN APPLICATION FEES — PAYABLE WHEN APPLICATION IS FILED

Sec. 29.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 29.1 *Loan application fees—Payable when application is filed.*

| | |
|---|---|
| Application for $5,000 or less regardless of acreage | $10.00 |
| Application for $5,100 to $10,000 on less than 1,000 acres | 12.50 |
| Application for $10,100 to $25,000 on less than 1,000 acres | 15.00 |
| Application for $5,100 to $25,000 on 1,000 acres or more | 25.00 |
| Application for $25,100 or more on less than 1,000 acres | 30.00 |
| Application for $25,100 or more on 1,000 to 2,500 acres | 40.00 |
| Application for $25,100 or more on 2,501 acres or more | 50.00 |

"An additional charge of $5.00 if the application includes irrigated land or land in a drainage district, or both, and the amount applied for is $5,000 or less.

"An additional charge of $5.00 if the application includes irrigated land and the amount applied for is over $5,000.

"An additional charge of $5.00 if the application includes land in a drainage district and the amount applied for is over $5,000.

"An additional charge of $7.50 if the applicant lives outside the Ninth Farm Credit District.

"A minimum fee of $25.00 if the application is for an increased loan, when the amount applied for is $5,000 or more, but less than $25,000, and the amount applied for plus the amount of the loan in force exceeds $25,000.

"If, after an inspection and investigation has been made by a Land Bank appraiser, a loan is not granted, no refund of any portion of the above charges will be made.

"(Sec. 13 "Ninth", 39 Stat. 372, 12 U.S.C. 781 "Ninth"; Sec. 32, 48 Stat. 48, as amended, 12 U.S.C. 1016 (e); Sec. 33, 48 Stat. 49, as amended, 12 U.S.C. 1017; 6 CFR 19.4019.) [Res. Ex. Com., June 27, 1939]"

THE FEDERAL LAND BANK OF WICHITA,
[SEAL] By RAY S. JOHNSON,
*President.*

[F. R. Doc. 39-2564; Filed, July 14, 1939; 11:52 a. m.]

## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Regulation 412-A-1]

FILING OF POOLING AND OTHER AGREEMENTS

At a session of the Civil Aeronautics Authority held at its office in the City of Washington, D. C., on the 14th day of July, 1939.

The Civil Aeronautics Authority, acting pursuant to the Civil Aeronautics Act of 1938, particularly section 205 (a) thereof, and finding such action necessary to carry out the provisions of section 412 of said Act, hereby makes and promulgates the following regulation:

§ 1 *Number of copies.* (a) Unless express permission to file less copies is granted, there shall be filed with the Authority three (3) true and complete copies of all contracts and agreements which are required to be filed under the provisions of section 412 (a) of the Civil Aeronautics Act of 1938. Oral contracts and agreements required to be filed under the provisions of said section shall be evidenced by true and complete written memoranda and three (3) true and complete copies of such memoranda shall be filed with the Authority. Contracts or agreements embodied in correspondence between the parties shall be evidenced by true and complete memoranda and there shall be filed with the Authority three (3) true and complete copies of such memoranda together with three (3) true and complete copies of such correspondence.

(b) Additional copies of contracts or agreements shall be furnished to the Authority upon request.

§ 2 *Formal requirements.* All documents filed hereunder shall be on strong, durable white paper and, if possible, not larger than 8½" by 13" in size, except that tables, charts, maps, and other documents larger than that size may be folded to approximately the required measurements. The left margin should be at least 1½" wide and if the document is bound, it should be bound on the left side. One copy of each typewritten document should be carbon-backed.

§ 3 *Place and time of filing.* The required number of copies of written contracts or agreements shall be filed at the office of the Authority in Washington, D. C., addressed to the Economic Compliance Division, Civil Aeronautics Authority, within fifteen (15) days after the date of execution thereof. The required number of copies of memoranda or oral contracts or agreements and of contracts or agreements embodied in correspondence together with copies of such correspondence shall be filed in the same manner, within fifteen (15) days after such contracts or agreements have been entered into between the parties. The time of filing prescribed herein may be extended by the Authority in exceptional circumstances upon proper application therefor.

§ 4 *Who shall file.* (a) The filing of copies of contracts and agreements which are required to be filed under the provisions of Section 412 (a) of the Civil Aeronautics Act of 1938 shall be made by every air carrier who is a party thereto. However, if the required number of copies are filed by any air carrier who is a party to such contract or agreement, any other air carrier who is a party shall be deemed to have complied with this requirement if it transmits to the Authority, within the time prescribed by section 3 of this regulation, a signed statement to the effect that it concurs in such filing.

(b) The filing of copies of contracts or agreements evidenced by resolutions or other action of associations of air carriers may be effected in the following manner. The secretary or other authorized officer of the association may be designated as agent for the purpose of making such filing. Each air carrier who is a member of such association shall separately transmit to the Authority a written statement, signed by such air carrier, reciting that a designated person or persons holding the office of secretary or other office of the association, or that any person or persons holding a designated office or offices of the association is constituted the attorney in fact for the filing of copies of any future contracts or agreements evidenced by resolution or other action of the association to which such air carrier may become a party. Such authorizations may be revoked at any time by any air carrier by giving formal notice of revocation to the Authority.

§ 5 *Certification and verification.* (a) One copy of each written contract or agreement filed shall bear the certification of the secretary or other duly authorized officer of the filing party or parties to the effect that such copy is a true and complete copy of the original written instrument executed by the parties.

(b) One copy of each memorandum of oral contracts or agreements filed shall be verified by the secretary or other duly authorized officer of the filing party or parties to such oral contract or agreement. The person or persons verifying such memorandum shall set forth that they are fully familiar with all the terms and conditions of such oral contract or agreement and that the memorandum filed is a true and complete memorandum thereof.

(c) Copies of correspondence embodying contracts or agreements shall be accompanied by the certifications of the secretary or other duly authorized officer of the filing party or parties to the effect that such copies are true and complete copies of the originals of such correspondence.

(d) One copy of each contract or agreement evidenced by resolution or other action of associations of air carriers shall bear the certification of the secretary of the association to the effect that such copy is a true and complete copy of the resolution duly adopted by the association on a certain date. The secretary shall also specify in such certification the names of each air carrier who concurred in such resolution or other action and the name of each air carrier who did not so concur.

§ 6 *Modifications or cancellations.* This regulation shall be applicable to all modifications or cancellations of contracts or agreements required to be filed under the provisions of Section 412 (a) of the Civil Aeronautics Act of 1938.



§ 7 *Contracts or agreements previously filed.* Contracts or agreements which have been filed prior to the effective date hereof shall not be subject to the provisions of this regulation, except to the extent that the Authority may by appropriate request in particular cases require compliance with any specific provision or provisions hereof.

§ 8 *Effective date.* This regulation shall be effective from and after the 1st day of August 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2608; Filed, July 17, 1939; 12:25 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 2875]

IN THE MATTER OF ALBERTY'S FOOD PRODUCTS, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, that respondent's Alberty's Food Regular and Alberty's Food Instant (new style), or any other similar preparations, render milk more readily digestible, constitute a competent remedy, cure or treatment for cancer or ulcer, or have any therapeutic or medicinal value, or that respondent's Alberty's Food Instant (old style), or any other similar preparation, has any therapeutic value in excess of the therapeutic value possessed by ordinary milk, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Representing, in conection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, that respondent's Alberty's Laxative Blend, or any other similar preparation, has any therapeutic value or affects the muscles of the intestines other than that the senna contained in the preparation is a cathartic, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6 (n) (2) *Advertising falsely or misleadingly — Nature — Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly — Results.* Representing, in connection with offer, etc., in interstate commerce, or in District of Columbia, of various baby foods and health preparations, that respondent's Alberty's Special

Formula Tablets, or any other similar preparation, is a tonic and will produce blood regeneration or increase sexual activity, or that it has any medicinal or therapeutic value, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, that respondent's Alberty's Phosphate Pellets and Alberty's No. 3 Tablets, or any other similar preparations, have any therapeutic value, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, that respondent's Cheno Combination Tablets, or any other similar preparation, contains any ingredient which would have an influence on fat metabolism or that use of said preparation will cause any weight reduction other than that due to laxative properties thereof, or that it has therapeutic value, or that respondent's Cheno Herb Tea, or any similar preparation, contains any ingredient which will cause or produce any weight reduction, or that use thereof will bring about reduction in weight, or that it has any effect on the metabolism of fat, or has any therapeutic value other than that of a mild laxative, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, that respondent's Diabetic is a competent remedy, cure or treatment for diabetes, or that it has any therapeutic or medicinal value, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, that respondent's Alberty's Phenix Pluri-Gland Tablets For Men and Alberty's Phenix Pluri-Gland Tablets For Women contain any ingredient which would increase or stimulate sex activity, or that said preparations have any medicinal or therapeutic value, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6. (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (ff 10) *Advertising falsely or misleadingly—Unique nature or advantages.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, that respondent's Alberty's Food, or any other similar preparation, rebuilds the intestinal tract and is the only food which accomplishes this result; eliminates rickets and other calcium-starvation diseases in children, adults and animals; and modifies milk so that the calcium element is assimilated; and that by taking it more calcium and phosphorus are stored up in the body than would be by the use of three or four times the quantity of ordinary milk; and that it is the only food discovered that offsets acidosis and is the most powerful alkaline food known, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6 (y 1) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Misrepresenting, in connection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, the cause of and the effect of an excess of magnesium in the human body, or the character and properties of calcium, the effect on the system of a lack of calcium content, and the results and benefits accruing from the taking of calcium, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6 (a) (10.1) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (y 1) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, that respondent was the first person in the United States to recognize the value of calcium; that calcium is a great rejuvenating agency; that the taking of respondent's Alberty's Food supplies the necessary calcium to the body in the proper quantities; and that stunted growth, tooth decay, acidosis, sickness, suffering, premature old age and death are due either to a lack of calcium or the inability to assimilate it; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6 (y 1) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, that the spleen controls the sex organism and that acid fruits or vinegar, being "foreign acids", have a detrimental effect on the spleen, destroying red blood corpusles, or that acidosis is one of the contributing causes of waning sex life, or that bismuth subnitrate has a soothing effect on the digestive tract and is a valuable, harmless remedy, or that the gall bladder should never be removed, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, that respondent's gland treatment will produce or bring about any beneficial results to the user, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6 (y 1) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Misrepresenting, in connection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, the cause of and the effect of an excess of magnesium in the human body, or the character and properties of calcium, the effect on the system of a lack of calcium content, and the results and benefits accruing from the taking of calcium, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6 (1) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (gg) *Advertising falsely or misleadingly—Value:* § 3.18 *Claiming indorsements or testimonials falsely.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, by citing purported case histories of users thereof, which said case histories are not true, and by the use of testimonials which are untrue in fact or which were not given by the person alleged to have given the testimonial, that the various products sold by respondent have a value and efficacy which they do not possess, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

§ 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Laboratory:* § 3.96 (b) (5) *Using misleading name—Vendor—Producer or laboratory status of dealer.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of various baby foods and health preparations, through the use of the word "laboratory", or any other term of similar meaning or like import, as a part of respondent's trade name, or in any other manner or through any other means or device, that respondent conducts, operates or maintains a laboratory for the purpose of manufacturing, testing or experimenting with the various preparations sold by her, until and unless she actually owns and operates, or directly and absolutely controls, a laboratory maintained for said purposes, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified cease and desist order, Alberty's Food Products, etc., Docket 2875, June 26, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of June, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ADAH ALBERTY, TRADING AS ALBERTY'S FOOD PRODUCTS, ALBERTY'S FOOD LABORATORIES, THE ALBERTY'S FOOD LAB., ALBERTY'S FOOD LABORATORIES, THE ALBERTY'S FOOD LABORATORIES, CHENO LABORATORIES, CHENO PRODUCTS, AND U. S. OKEY

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Charles P. Vicini, an examiner of the Commission theretofore duly designated by it in support of the allegations of said complaint, and in opposition thereto, and the briefs filed herein, the respondent not having requested oral argument and the Commission having made its findings as to the facts and its conclusion that said respondent, Adah Alberty, has violated the provisions of an Act of Congress, approved September 26, 1914, entitled "An Act to create a Federal Trade Commission to define its powers and duties and for other purposes";

*It is ordered* that, Respondent Adah Alberty, an individual, individually and trading as Alberty's Food Products, Alberty's Food Lab., Alberty's Food Laboratories, The Alberty's Food Laboratories, Cheno Laboratories, Cheno Products, and U. S. Okey, or trading under any other name, her representatives, agents and employees in connection with the offering for sale, sale and distribution of various baby foods and health preparations, now sold by her under various and sundry names in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Representing that the preparations now designated as Alberty's Food Regular and Alberty's Food Instant (new style), or any other preparations composed of the same or similar ingredients and possessing similar properties, under whatever name sold, render milk more readily digestible, constitute a competent remedy, cure or treatment for cancer or ulcer, or have any therapeutic or medicinal value;

(2) Representing that the preparation Alberty's Food Instant (old style), or any other preparation composed of the same or similar ingredients and possessing similar properties, has any therapeutic value in excess of the therapeutic value possessed by ordinary milk;

(3) Representing that the preparations now designated as Alberty's Laxative Blend, or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, has any therapeutic value or affects the muscles of the intestines other than that the senna contained in the preparation is a cathartic;

(4) Representing that the preparation now designated as Alberty's Special Formula Tablets, or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, is a tonic and will produce blood regeneration or will increase sexual activity, or that it has any medicinal or therapeutic value;

(5) Representing that the preparations now designated as Alberty's Phosphate Pellets and Alberty's No. 3 Tablets, or any other preparations composed of the same or similar ingredients and possessing similar properties, under whatever name sold, have any therapeutic value;

(6) Representing that the preparation now designated as Cheno Combination Tablets, or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, contains any ingredient which would have an influence on fat metabolism or that the use of said preparation will cause any weight reduction other than the reduction due to the laxative properties of said preparation, or that said preparation has a therapeutic value;

(7) Representing that the preparation now designated as Cheno Herb Tea, or any other preparation composed of the same or similar ingredients and possessing similar properties, under whatever name sold, contains any ingredient which will cause or produce any weight reduction, or that by the use thereof the user will bring about a reduction in weight, or that said preparation has any affect on the metabolism of fat, or that it has any therapeutic value other than that of a mild laxative;

(8) Representing that the preparations now designated as Diabetic is a competent remedy, cure or treatment for diabetes, or that it has any therapeutic or medicinal value;

(9) Representing that the preparations now designated as Alberty's Phenix Pluri-Gland Tablets For Men and Alberty's Phenix Pluri-Gland Tablets For Women contain any ingredient which would increase or stimulate sex activity, or that said preparations have any medicinal or therapeutic value;

(10) Representing that the preparations now designated as Alberty's Food, or any other preparation composed of the same or similar ingredients and possessing similar properties under whatever name sold, rebuilds the intestinal tract and is the only food which accomplishes this result; that it eliminates rickets and other calcium-starvation diseases in children, adults and animals; that it modifies milk so that the calcium element is assimilated; that by taking it more calcium and phosphorus are stored up in the body than would be by the use of three or four times the quantity of ordinary milk; that it is the only food discovered that offsets acidosis and is the most powerful alkaline food known;

(11) Misrepresenting the cause of and the effect of an excess of magnesium in the human body;

(12) Misrepresenting the character and properties of calcium, the effect on the system of a lack of calcium content, and the results and benefits accruing from the taking of calcium;

(13) Representing that respondent was the first person in the United States to recognize the value of calcium; that calcium is a great rejuvenating agency; that the taking of Alberty's Food supplies the necessary calcium to the body in the proper quantities; and that stunted growth, tooth decay, acidosis, sickness, suffering, premature old age and death are due either to a lack of calcium or the inability to assimilate it;

(14) Representing that the spleen controls the sex organism and that acid fruits or vinegar, being 'foreign acids', have a detrimental effect on the spleen, destroying red blood corpuscles;

(15) Representing that acidosis is one of the contributing causes of waning sex life;

(16) Representing that respondent's gland treatment will produce or bring about any beneficial results to the user;

(17) Representing that bismuth subnitrate has a soothing effect on the digestive tract and is a valuable, harmless remedy;

[1] 2 F.R. 238.

(18) Representing that the gall bladder should never be removed;

(19) Representing by citing purported case histories of users thereof which said case histories are not true, and by the use of testimonials which are untrue in fact or which were not given by the person alleged to have given the testimonial that the various products sold by her have a value and efficacy which they do not possess;

(20) Representing through the use of the word "laboratory", or any other term of similar meaning or like import, as a part of her trade name, or in any other manner or through any other means or device, that she conducts, operates or maintains a laboratory for the purpose of manufacturing, testing or experimenting with the various preparations sold by her, until and unless she actually owns and operates, or directly and absolutely controls, a laboratory maintained for said purposes;

(21) And from making any other similar representations of like import or effect as to the therapeutic or medicinal value of said preparations or the benefits accruing from the use thereof.

*It is further ordered*, That the respondent, Adah Alberty, an individual, shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with the order hereinbefore set forth.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2581; Filed, July 15, 1939; 10:23 a. m.]

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[Docket No. 3369]

IN THE MATTER OF AMERICAN MEMORIAL COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Representing, in connection with offer, etc., in commerce among the various states and in the District of Columbia, of granite or marble monuments, tombstones or footstones, by the use of the words "everlasting" or "eternal", or any other word of similar import or meaning, or in any other manner, that respondent's monuments, tombstones, or footstones are everlasting, or that its said monuments or tombstones weigh 400 pounds or any other specified weight or weights, unless and until such is the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Memorial Company, Docket 3369, July 11, 1939]

§ 3.6 (a) (2a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Bonded business:* § 3.6 (h) *Advertising falsely or misleadingly—Fictitious guarantees:* § 3.72 (i) *Offering deceptive inducements to purchase—Money back guarantee.* Representing, in connection with offer, etc., in commerce among the various states and in the District of Columbia, of granite or marble monuments, tombstones or footstones, that the respondent has posted a bond guaranteeing the quality of its products, or has posted a bond which insures conformity by the respondent with the laws of the United States Government or the rules and regulations of any agency thereof, or has posted any other bond, unless and until such is the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Memorial Company, Docket 3369, July 11, 1939]

§ 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Manufacturer.* Representing, in connection with offer, etc., in commerce among the various states and in the District of Columbia, of granite or marble monuments, tombstones or footstones, by means of pictorial or other representations of a factory or manufacturing plant, or in any other manner, that respondent makes or manufactures its granite monuments or tombstones, unless and until it owns and operates, or directly and absolutely controls, the factory or plant wherein such monuments or tombstones are made or manufactured by it, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Memorial Company, Docket 3369, July 11, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of July, A. D. 1939.

Commissioners Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Edward E. Reardon, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and briefs filed herein, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, American Memorial Company, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of granite or marble monuments, tombstones or footstones in commerce between and among the various states of the United States and in the District of Columbia, do forthwith cease and desist from:

(1) representing by the use of the words "everlasting" or "eternal", or any other word of similar import or meaning, or in any other manner, that respondent's monuments, tombstones, or footstones are everlasting;

(2) representing that respondent's monuments or tombstones weigh 400 pounds or any other specified weight or weights unless and until such is the fact;

(3) representing that the respondent has posted a bond guaranteeing the quality of its products, or has posted a bond which insures conformity by the respondent with the laws of the United States Government or with the rules and regulations of any agency thereof, or has posted any other bond, unless and until such is the fact;

(4) representing, by means of pictorial or other representations of a factory or manufacturing plant, or in any other manner, that respondent makes or manufactures its granite monuments or tombstones unless and until it owns and operates or directly and absolutely controls the factory or plant wherein such monuments or tombstones are made or manufactured by it.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2602; Filed, July 17, 1939; 11:30 a. m.]

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[Docket No. 3560]

IN THE MATTER OF HART, SCHAFFNER & MARX, ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a) *Misbranding or mislabeling—Composition.* Using, in connection with offer, etc., in commerce, of men's clothing and other articles of merchandise, the unqualified word "Silk" or "Silkool", or any other word or words of similar import or meaning, to designate or describe fabrics which are not composed wholly of unweighted silk, the product of the cocoon of the silkworm, prohibited; subject to provision that, in case of a fabric or product composed in part of unweighted silk and in part of materials other than unweighted silk, such words may be used as descriptive of the silk content if there is used, in immediate connection or conjunction therewith, in letters of equal size and conspicuousness, a word or words accurately describing and designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Hart, Schaffner & Marx, et al., Docket 3560, July 10, 1939]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a) *Misbranding or mislabeling—Composition.* Advertising, etc., in connection with offer, etc., in commerce, of men's clothing and other articles of merchandise, such clothing or any other similar products composed in whole or in part of rayon without clearly disclosing the fact that such men's clothing or similar products are composed of rayon, and without naming, when composed in part of rayon and in part of other fibers or materials, such fibers or materials, including the rayon, in the order of their predominance by weight, beginning with the largest single constituent, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Hart, Schaffner & Marx, et al., Docket 3560, July 10, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF HART, SCHAFFNER & MARX, AND WALLACH'S, INC., CORPORATIONS.

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts, in which stipulation respondents waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act.

*It is ordered*, That the respondents Hart, Schaffner & Marx and Wallach's, Inc., corporations, their respective officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of men's clothing and other articles of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the unqualified word "Silk" or "Silkool" or any other word or words of similar import or meaning, to designate or describe fabrics which are not composed wholly of unweighted silk, the product of the cocoon of the silkworm, except that in the case of a fabric or product composed in part of unweighted silk and in part of materials other than unweighted silk, such words may be used as descriptive of the silk content if there is used in immediate connection or conjunction therewith, in letters of equal size and conspicuousness, a word or words accurately describing and designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent;

(2) Advertising, offering for sale or selling men's clothing or any other similar products composed in whole or in part of rayon without clearly disclosing the fact that such men's clothing or similar products are composed of rayon and when such clothing or similar products are composed in part of rayon and in part of other fibers or materials, such fibers or materials, including the rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent.

*It is further ordered*, That the respondents shall within sixty days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2603; Filed, July 17, 1939; 11:30 a. m.]

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## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

## COMMODITY EXCHANGE ADMINISTRATION

AMENDMENT TO RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE COMMODITY EXCHANGE ACT, AS AMENDED

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act, as amended (7 U.S.C. and Sup. IV, secs. 1-17a), I, M. L. Wilson, Acting Secretary of Agriculture, do hereby make, prescribe, publish, and give public notice of the following amendment to the rules and regulations of the Secretary of Agriculture under said act, as amended, said amendment to become effective on the first day of August 1939, and to continue in force and effect until amended or superseded under the authority of said act, as amended.

Section 317 [3.17] [1] of article III of said rules and regulations is amended to read as follows:

§ 317 [3.17] [1] *Information shown in reports on Form 304.* Reports made by any person on Form 304 shall be prepared in accordance with the instructions appearing on Form 304 and shall contain the following information:

(1) the make-up of such person's net fixed-price position in spot cotton;

(2) the make-up of such person's hedgeable interest in spot cotton and his market position;

(3) the make-up of such person's basis position in spot cotton;

(4) the amount of certificated cotton owned by such person;

(5) such person's fixed-price spot-cotton positions (both long and short) if such person holds or controls open contracts in any one cotton future on any contract market amounting to, or exceeding, 20,000 bales: *Provided*, That, upon call from the Commodity Exchange Administration, such person shall report his fixed-price spot-cotton positions (both long and short), irrespective of the amount of such open contracts held or controlled by him;

(6) the amount of open contracts held by such person for his own account in all cotton futures on all boards of trade (exchanges) in the United States and elsewhere, by markets and by futures; and

(7) the amount of "call cotton" bought and sold, or contracted for purchase or sale, on which the price has *not* been fixed, together with the respective futures on which based. (Sec. 4i, as added by sec. 5, 49 Stat. 1496; 7 U.S.C., Sup. 6i).

Done at Washington, D. C., this 15th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON, *Acting Secretary of Agriculture.*

[F. R. Doc. 39-2600; Filed, July 17, 1939; 10:06 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENT OF RULE U-9C-3

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly Sections 3 (d), 9 (c) and 20 (a) thereof,[2]

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[1] 3 F.R. 1801 DI.

[1] 3 F.R. 2584 DI.

[1] Section number of Part 3, Title 17, Code of Federal Regulations.

[2] C. 687, sec. 3, 49 Stat. 810; 15 U.S.C., Sup. III, 79c: C. 687, sec. 9, 49 Stat. 817; 15 U.S.C., Sup. III, 79i: C. 687, sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 79t.

and finding it appropriate in the public interest and the interest of investors and consumers, the Securities and Exchange Commission hereby amends paragraph (13) of Rule U–9C–3 [Sec. 250.U–9C–3] so that it shall read as follows:

(13) Any such company that is primarily a public-utility company may acquire any security which is issued by an industrial or other non-utility enterprise located in the territory served by the acquiring company: *Provided*, That, upon completion of any such acquisition, the total cost of all such securities acquired during any calendar year does not exceed $5,000 or an amount equal to one-tenth of 1 percent of the total assets of the acquiring company, whichever is greater.

Effective upon publication.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2604; Filed, July 17, 1939; 11:46 a. m.]

## TITLE 21—FOOD AND DRUGS

### FOOD AND DRUG ADMINISTRATION

PROMULGATION OF REGULATIONS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Under the authority of Section 701 (a) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040; 21 U.S.C. 301), the following regulations for the enforcement of the Act are hereby promulgated. These regulations shall take effect on January 1, 1940.

These regulations are prescribed and promulgated in order to emphasize the applicability of sections 402 and 403 of the Act to food subject to regulations under section 401 of the Act, and in order to promote brevity in regulations under section 401 of the Act.

§ 10.000 *General regulation.* (a) The definitions and interpretations of terms contained in section 201 of the Act shall be applicable also to such terms when used in regulations promulgated under the Act.

(b) The name of a food for which a definition and standard of identity is fixed and established under section 401 of the Act shall have the meaning ascribed to such name by such definition and standard, wherever such name is used in regulations promulgated under the Act.

(c) Each definition and standard of identity, and each standard of quality, fixed and established for a food under section 401 of the Act, contemplates that such food and all articles used as components or ingredients thereof shall be clean, sound, and fit for food.

§ 10.010 *General methods for water capacity and fill of containers.* For the purposes of regulations promulgated under section 401 of the Act—

(a) The term "general method for water capacity of containers" means the following method:

(1) In the case of a container with lid attached by double seam, cut out the lid without removing or altering the height of the double seam.

(2) Wash, dry, and weigh the empty container.

(3) Fill the container with distilled water at 68° Fahrenheit to 3/16 inch vertical distance below the top level of the container, and weigh the container thus filled.

(4) Subtract the weight found in (2) from the weight found in (3). The difference shall be considered to be the weight of water required to fill the container.

In the case of a container with lid attached otherwise than by double seam, remove the lid and proceed as directed in clauses (2) to (4) inclusive, except that under clause (3) fill the container to the level of the top thereof.

(b) The term "general method for fill of containers" means the following method:

(1) In the case of a container with lid attached by double seam, cut out the lid without removing or altering the height of the double seam.

(2) Measure the vertical distance from the top level of the container to the top level of the food.

(3) Remove the food from the container; wash, dry, and weigh the container.

(4) Fill the container with water to 3/16 inch vertical distance below the top level of the container. Record the temperature of the water, weigh the container thus filled, and determine the weight of the water by subtracting the weight of the container found in (3).

(5) Maintaining the water at the temperature recorded in (4), draw off water from the container as filled in (4) to the level of the food found in (2), weigh the container with remaining water, and determine the weight of the remaining water by subtracting the weight of the container found in (3).

(6) Divide the weight of water found in (5) by the weight of water found in (4), and multiply by 100. The result shall be considered to be the percent of the total capacity of the container occupied by the food.

In the case of a container with lid attached otherwise than by double seam, remove the lid and proceed as directed in clauses (2) to (6) inclusive, except that under clause (4), fill the container to the level of the top thereof.

§ 10.020 *General Statements of substandard quality and substandard fill of container.* For the purposes of regulations promulgated under section 401 of the Act—

(a) The term "general statement of substandard quality" means the statement "BELOW STANDARD IN QUALITY GOOD FOOD—NOT HIGH GRADE" printed in two lines of Cheltenham bold condensed caps. The words "BELOW STANDARD IN QUALITY" constitute the first line, and the second immediately follows. If the quality of the contents of the container is less than 1 pound, the type of the first line is 12-point, and of the second, 8-point. If such quantity is 1 pound or more, the type of the first line is 14-point, and of the second, 10-point. Such statement is enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, is on a strongly contrasting, uniform background, and is so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

(b) The term "general statement of substandard fill" means the statement "BELOW STANDARD IN FILL" printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement is in 12-point type; if such quantity is 1 pound or more, the statement is in 14-point type. Such statement is enclosed within lines, not less than 6 points in width, forming a rectangle; but if the statement specified in paragraph (a) is also used, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, are on a strongly contrasting, uniform background, and are so placed as to be easily seen when the name of the food or any pictorial representation thereof is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

In testimony whereof, I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed hereto on this 14th day of July 1939, in the City of Washington, District of Columbia.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39–2578; Filed, July 14, 1939; 4:22 p. m.]



IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) FIXING AND ESTABLISHING DEFINITION AND STANDARD OF IDENTITY, STANDARD OF QUALITY, AND STANDARD OF FILL OF CONTAINER, FOR CANNED TOMATOES; AND (B) SPECIFYING FORM AND MANNER OF LABEL STATEMENTS FOR SUCH CANNED TOMATOES WHICH FALL BELOW SUCH STANDARD OF QUALITY, AND SUCH STANDARD OF FILL OF CONTAINER

ORDER OF THE SECRETARY PROMULGATING A REGULATION FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS CANNED TOMATOES

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drugs, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), and based upon substantial evidence of record at the hearing in the above-entitled matter,[1] detailed findings of fact are made, as follows:

*Findings of Fact*

1

Containers for tomatoes are of two types: (1) the usual "sanitary" tin can, and (2) glass and all other kinds of containers other than the ordinary "sanitary" tin can.

2

A. The fill of container for tin cans with lids of a double seam may be determined by the following method:

(1) Cut out the lid without removing or altering the height of the double seam.

(2) Measure the vertical distance from the top level of the container to the top level of the food by means of a depth gage.

(3) Remove the food from the container; then wash, dry, and weight the container.

(4) Fill the container with water which is at room temperature to three-sixteenths of an inch vertical distance from the top level of the container. Then weigh the container thus filled and determine the weight of the water by subtracting the weight of the container found as prescribed in (3).

(5) Draw off enough water from the container so that the level of the water corresponds to the level of the food as found in the measurement (2) above. Weigh the container with the remaining water and determine the weight of such remaining water by subtracting the weight of the container as determined by method (3) above.

(6) Divide the weight of water found by method (5) above by the weight of water found by method (4) above, and multiply by 100. The result should be the percentage of the total capacity of the container occupied by the food.

B. The fill of container for glass or other types of container, other than described in "A" above, may be determined by the same method as outlined above, except that process (1) is omitted and in lieu of process (4) the container is filled with water so that the water is level with the top of such container.

3

The method of measuring the fill of container as presented in finding number 2 A is reasonably accurate. The method as applied to tin cans with a double seam does not reach mathematical exactness, however, because an allowance of three-sixteenths of an inch is made for the height of such seams, whereas such seams may not be exactly three-sixteenths of an inch. Such variations from the allowance as may exist are, however, of no particular consequence as affecting either the consumer or the producer.

4

A standard of fill of container based upon the finding 2 is a necessity, in order to promote honesty and fair dealing in the interest of the consumer by insuring him a container which is practically full.

5

Under good commercial practice, a standard fill of container based upon the preceding findings could be easily met by good commercial practice.

6

In addition to the space in the cans as measured to the bottom of the lid, there are seams in each end of the can which allow some additional space in such containers.

7

The method of measuring head-space in order to determine the percentage of the container occupied by the food is not an accurate index to the proportion of the food to the space in the container. This is true because many containers for canned tomatoes are not cylindrical and only perfect cylinders can be measured accurately by the head-space method. Even the ordinary tin can in general commercial use is not a perfect cylinder, and the measuring of head-space is accurate for determining the proportion of the capacity of the container occupied by food only in the case of containers having a uniform cross-section area throughout the entire height.

8

Irregular containers now in use for canned tomatoes cannot be effectively measured by the head-space method.

9

The methods for measuring fill of container for canned tomatoes, set out in finding number 2, are simple and practical, and lend themselves most admirably to commercial practice.

10

That the standard practice of canners which has received consumer acceptance is that the fill of container of canned tomatoes is a fill of not less than 90 percent of the total capacity of the container.

Based upon the foregoing findings of fact, a conclusion in the form of a regulation is hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS CANNED TOMATOES

§ 53.042 *Canned tomatoes—Fill of container.* (a) The standard of fill of container for canned tomatoes is a fill of not less than 90 percent of the total capacity of the container, as determined by the general method for fill of containers prescribed in section 10.010 (b).

It is ordered that the regulation hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this the 14th day of July 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39–2572; Filed, July 14, 1939; 4:21 p. m.]

IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) FIXING AND ESTABLISHING DEFINITION AND STANDARD OF IDENTITY, STANDARD OF QUALITY, AND STANDARD OF FILL OF CONTAINER FOR CANNED TOMATOES; AND (B) SPECIFYING FORM AND MANNER OF LABEL STATEMENTS FOR SUCH CANNED TOMATOES WHICH FALL BELOW SUCH STANDARD OF QUALITY, AND SUCH STANDARD OF FILL OF CONTAINER

ORDER OF THE SECRETARY PROMULGATING REGULATIONS FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS CANNED TOMATOES

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 541), and based upon substantial evidence of record at the hearing in the above-entitled matter,[1] detailed findings of fact are made, as follows:

*Findings of Fact*

1

Tomatoes used in canning are mature tomatoes of red or reddish varieties.

[1] 4 F.R. 1091 DI.

[1] 4 F.R. 1091 DI.

2

There are three types of canned tomatoes:

(a) The most common of the three types of canned tomatoes is generally referred to simply as "tomatoes." In the canning process, tomatoes are washed, sorted, trimmed, scalded, peeled, and cored. The order of these processes varies somewhat according to the practice of the individual canner. When the liquid which drains from the tomatoes in the peeling and coring process is to be used in the finished products, sorting of the tomatoes is generally done before scalding. Tomatoes which are sorted out because of imperfections are trimmed in such a manner as to remove imperfections. Following this scalding process, tomatoes are peeled and cored. If they have not been sorted and trimmed before scalding, the liquid, cores, and trimmings obtained at this point in the process are discarded. If, however, there has been sorting and trimming before scalding so that no unsound tomatoes are received by the peelers, the peels, cores, and liquid are kept for use in canning tomatoes or other tomato products. The peeled and cored tomatoes may be packed in containers either by hand or by a machine. To the tomatoes in their containers is added sufficient liquid which has drained from tomatoes in the peeling and coring process to fill the cans completely. Some canners use the liquid obtained from strained tomatoes in lieu of, or in addition to, the liquid which has drained from tomatoes in the peeling and coring process to fill the cans completely. The air in the tomatoes in their containers is then removed by heat or by a vacuum process and the container sealed. Thereafter, the container is processed by heat, so as to prevent spoilage, and properly cooled, so as to prevent overcooking.

(b) In addition to the process of canning described above, some canners follow the practice of filling the container full of whole, mature tomatoes of red or reddish varieties, trimmed and cored as described in (a), without the addition of any liquid which may have drained from such tomatoes or from any other tomatoes. This type of canned tomatoes differs from the first type described only in that no additional tomato liquid is added.

(c) In this third method of canning tomatoes, whole tomatoes, trimmed, peeled, and cored as described in the first process, are placed in their containers so that their containers are about two-thirds to three-fourths full. To these partly filled containers is added a hot tomato liquid. This liquid is procured by placing the clean peels, cores, and liquid which has drained from tomatoes in the peeling and coring process into a machine known as a cyclone. To this tomato mixture may be added some whole tomatoes. The tomato mixture is then processed in the cyclone so as to strain the liquid and fleshy parts of the tomato from the skins, cores, and seeds. The resulting liquid is heated practically to boiling, but the heat is kept at such a point that there is no substantial concentration of the tomato material. The canned tomatoes, with the addition of this tomato material, have been sold under the name of "Tomatoes with Puree from Trimmings."

3

The use of the term "Tomatoes with Puree from Trimmings" to describe the third type of canned tomatoes is inaccurate, because the tomato material added to canned tomatoes is neither a puree, as that word is generally understood in connection with tomato products, nor is it prepared from trimmings.

4

Since residual tomato material from preparation for canning, in the form of tomato flesh and liquid obtained from skins, cores, and seeds cannot be accurately and truthfully described as tomatoes "with puree from trimmings," the product should be so labeled, as truthfully to reveal the source of the raw-material ingredients. Rot and decomposition attach first to the skins of the tomatoes and are concentrated, therefore, in a product made from skins, seeds, and cores. Canned tomatoes made from whole tomatoes have generally been found to have a lower mold count than canned tomatoes prepared in part from liquid extracted from the skins of tomatoes. The history of canned tomatoes with added material procured from skins, seeds, and cores reveals that this product has not merited the same degree of favor as tomatoes prepared from the whole fruit.

5

Zestful and harmless flavorings are used in the manufacture of canned tomatoes. Salt, spices, and basil leaves, either singly or in combination, are sometimes added to canned tomatoes.

Other findings suggested by the Presiding Officer are not found because they relate either to standards of quality or to matters governed by Section 402 of the act. [cf. Sec. 10.000 (c), General Rules and Regulations Promulgated 1939]

Based upon the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and fair dealing in the interest of consumers is hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS CANNED TOMATOES

§ 53.040 *Canned tomatoes—Identity; label statement of optional ingredients.* (a) Canned tomatoes are mature tomatoes of red or reddish varieties which are peeled and cored and to which may be added one or more of the following optional ingredients:

(1) The liquid draining from such tomatoes during or after peeling and coring.

(2) The liquid strained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid strained from mature tomatoes of such varieties.

It may be seasoned with one or more of the optional ingredients:

(4) Salt.
(5) Spices.
(6) Flavoring.

It is sealed in a container and so processed by heat as to prevent spoilage.

(b) When optional ingredient (2) is present, the label shall bear the statement "With Added Strained Residual Tomato Material from Preparation for Canning." When optional ingredient (3) is present, the label shall bear the statement "With Added Strained Tomatoes." When optional ingredient (5) or (6) is present, the label shall bear the statement or statements "Spice Added" or "With Added Spice," "Flavoring Added" or "With Added Flavoring," as the case may be. If two or all of optional ingredients (2), (3), (5), and (6) are present, such statements may be combined, as for example, "With Added Strained Tomatoes, Residual Tomato Material from Preparation for Canning, Spice and Flavoring." In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used. Wherever the name "Tomatoes" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

It is ordered that the regulation hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this the 14th day of July 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2573; Filed, July 14, 1939; 4:21 p. m.]

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IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) FIXING AND ESTABLISHING DEFINITION AND STANDARD OF IDENTITY, STANDARD OF QUALITY, AND STANDARD OF FILL OF CONTAINER FOR CANNED TOMATOES; AND (B) SPECIFYING FORM AND MANNER OF LABEL STATEMENTS FOR SUCH CANNED TOMATOES WHICH FALL BELOW SUCH STANDARD OF QUALITY, AND SUCH STANDARD OF FILL OF CONTAINER

ORDER OF THE SECRETARY PROMULGATING A REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF QUALITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS CANNED TOMATOES

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), and based upon substantial evidence of record at the hearing in the above-entitled matter,[1] detailed findings of fact are made, as follows:

*Findings of Fact*

1

A standard of quality for canned tomatoes based, as one of the factors to be considered, upon the weight of the tomatoes in the container that are retained, after proper draining for two minutes on a sieve (eight inches in diameter if the quantity of the contents of the container is less than three pounds and twelve inches in diameter if such quantity is three pounds or more) having two meshes to the linear inch and the bottom which is made of wire of a uniform diameter of 0.054 inch, woven into square meshes of a uniform inside diameter of 0.446 inch, equalling or exceeding one-half of the weight of water at 68° F. required to fill the container, is a reasonable one and would promote honesty and fair dealing in the interest of the consumers for the reasons that the sieve of the size described permits the liquid and very small pieces of tomato flesh to fall through the openings, retaining the larger tomato portions; one-half at least by volume of the can is tomato meats of sufficient size to serve the uses to which consumers make of the article; consumers can determine their needs and make budgetary allowances in purchasing the size can best suited to their needs knowing that not more than one-half is liquid and tomato fragments; and it can be precisely determined.

2

It is reasonable and will promote honesty and fair dealing in the interest of consumers to specify a drained weight requirement for canned tomatoes based on the water capacity of the container rather than a drained weight requirement based on the total contents in the container for the reason that the can, to the consumer's eye, is a measure of the quantity of drained tomato meats that ought to be received; recent examination of thousands of cans of tomatoes show that a requirement based on the water capacity of the container would be fairer and more equitable both to the canner and the consumer; it would give the consumer a better quality of tomatoes; it could be accurately determined; and it is in accord with good commercial canning practice.

3

It is reasonable and it will promote honesty and fair dealing in the interest of consumers to prescribe, in a reasonable standard of quality for canned tomatoes, a method for determining the weight of water required to fill a metal container with lid attached by double seam which will include

(1) opening the container without injuring the double seam, removing contents, washing, drying and weighing the empty container,

(2) filling such container with distilled water of a temperature of 68° F. to three-sixteenths of an inch below the top level and then weighing the container and the water; and

(3) the result, after subtracting the weight of the empty container described in (1) from the weight of the container and water described in (2), is the weight of water required to fill the container,

for the reason that the method is definite; that any method based on can dimensions would be approximate; that domestic and imported can construction differs; that calculations from dimensional measurements are not accurate; that three-sixteenths of an inch is the accepted and determined measure of the double seam; that the displacement method is not practicable or reasonable for a canner to use in his factory; and that the method here recommended is in accord with good commercial canning practice.

4

It is reasonable and will promote honesty and fair dealing in the interest of consumers to prescribe, in a reasonable standard of quality for canned tomatoes, a method of determining the weight of water required to fill containers other than those attached by double seam, which will include

(1) opening the container, removing contents, washing, drying and weighing the empty container,

(2) filling such container with distilled water of a temperature of 68° F. to the top and then weighing the container and the water; and

(3) the result, after subtracting the weight of the empty container described in (1) from the weight of the container and water described in (2), is the weight of water required to fill the container

for the reasons that the method is definite; that any method based on can or container dimensions would be approximate; that domestic and imported container construction differs; that calculations from dimensional measurements are not accurate; that when tomatoes are in containers with lids other than those attached by means of a double seam the lid is placed on the top of the container; that the displacement method is only practicable with good commercial canning practice.

5

A standard of quality for canned tomatoes based, as one of the factors to be considered, upon the redness or height of the color of the tomatoes in the container determined by taking and removing from the sieve the drained tomatoes obtained in determining the drained weight and cutting out, and successively segregating those portions in which the red color is least developed until one-half by weight of such drained tomatoes have been so segregated; by reducing such segregated portions to a uniform mixture without removing or breaking the tomato seeds; by putting such mixture into a black container to a depth of at least one inch; by freezing such mixtures from air bubbles and skimming off or pressing below the surface all visible tomato seeds; by comparing the color of such mixture, in full diffused daylight or its equivalent, with the blended color of combinations of the following Munsell color discs, or the color equivalent of such discs:

Disc 1. Red—5R 2.6/13 (glossy finish)
Disc 2. Yellow—2.5 YR 5/12 (glossy finish)
Disc 3. Black—N 1/ (glossy finish)
Disc 4. Grey—N 4/ (mat finish);

and if the redness or height of the color of such mixture is not less than that of any combination of the above-described Munsell color discs in which one-third of the area of disc 1 and not more than one-third of the area of disc 2 (regardless of the exposed area of discs 3 and 4) is exposed, then the color factor requirement is met,

would be reasonable and would promote honesty and fair dealing in the interest of consumers in that the consumer would be assured of getting tomatoes with fairly well developed red color, and would be in accord with good commercial practice.

6

In a standard of quality for canned tomatoes, a maximum allowance of one square inch of tomato peel per pound of canned tomatoes in the container as one of the quality factors would be reasonable and would promote honesty and fair dealing in the interest of consumers in that, of the thousands of cans of tomatoes examined between July 1, 1937 and September 21, 1938 representing the output of 388 packers located in all of the principal tomato producing sections of the United States and being a very representative cross section of the industry, the great majority showed less than one inch of tomato peel per pound of canned tomatoes; the consumer expects to get a minimum amount

[1] 4 F.R. 1091 DI.

of peel in a can of tomatoes; and it is in accord with good commercial practice.

7

In a standard of quality for canned tomatoes, a maximum allowance of one-fourth square inch of tomato blemish per pound of canned tomatoes in the container, as one of the quality factors, would be reasonable and would promote honesty and fair dealing in the interest of consumers for the reason that this quality factor has been in force since 1931 without change; of the thousands of cans of tomatoes examined for this factor but few failed to meet the requirement and the great majority was well below the tolerance; and it is in accord with good commercial practice and consumer understanding of the article.

8

There are no yellow varieties of tomatoes canned and sold under the name of tomatoes unqualified.

Based upon the foregoing findings of fact, conclusions in the form of regulations which will promote honesty and fair dealing in the interest of consumers are hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF QUALITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS CANNED TOMATOES

§ 53.041 *Canned tomatoes—Quality.* (a) The standard of quality for canned tomatoes is as follows:

(1) The drained weight, as determined by the method prescribed in subsection (b) (1), is not less than 50 percent of the weight of water required to fill the container, as determined by the general method for water capacity of containers prescribed in section 10.010 (a);

(2) the strength and redness of color, as determined by the method prescribed in subsection (b) (2), is not less than that of the blended color of any combination of the color discs described in such method, in which one-third the area of disc 1, and not more than one-third the area of disc 2, is exposed;

(3) peel, per pound of canned tomatoes in the container, covers an area of not more than 1 square inch; and

(4) blemishes, per pound of canned tomatoes in the container, cover an area of not more than one-fourth square inch.

(b) Canned tomatoes shall be tested by the following method to determine whether or not they meet the requirements of clauses (1) and (2) of subsection (a):

(1) Remove lid from container, but in the case of a container with lid attached by double seam, do not remove or alter the height of the double seam. Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve used is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. The meshes of such sieve are made by so weaving wire of 0.054 inch diameter as to form square openings 0.446 inch by 0.446 inch. Without shifting the tomatoes, so incline the sieve as to facilitate drainage of the liquid. Two minutes from the time drainage begins, weigh the sieve and drained tomatoes. The weight so found, less the weight of the sieve, shall be considered to be the drained weight.

(2) Remove from the sieve the drained tomatoes obtained in (1). Cut out and segregate successively those portions of least redness until 50 percent of the drained weight, as determined under (1), has been so segregated. Cominute the segregated portions to a uniform mixture without removing or breaking the seeds. Fill the mixture into a black container to a depth of at least 1 inch. Free the mixture from air bubbles, and skin off or press below the surface all visible seeds. Compare the color of the mixture, in full diffused daylight or its equivalent, with the blended color of combinations of the following concentric Munsell color discs of equal diameter, or the color equivalents of such discs:

1. Red—Munsell 5R 2.6/13 (glossy finish).
2. Yellow—Munsell 2.5 YR 5/12 (glossy finish).
3. Black—Munsell N 1/ (glossy finish).
4. Grey—Munsell N 4 (mat finish).

It is ordered that the regulation hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this the 14th day of July 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2575; Filed, July 14, 1939; 4:21 p. m.]

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IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) FIXING AND ESTABLISHING DEFINITION AND STANDARD OF IDENTITY, STANDARD OF QUALITY, AND STANDARD OF FILL OF CONTAINER, FOR CANNED TOMATOES; AND (B) SPECIFYING FORM AND MANNER OF LABEL STATEMENTS FOR SUCH CANNED TOMATOES WHICH FALL BELOW SUCH STANDARD OF QUALITY, AND SUCH STANDARD OF FILL OF CONTAINER

ORDER OF THE SECRETARY PROMULGATING REGULATIONS FIXING AND SPECIFYING FORM AND MANNER OF LABEL STATEMENTS FOR CANNED TOMATOES WHICH FALL BELOW STANDARD OF QUALITY AND STANDARD OF FILL OF CONTAINER

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), and based upon substantial evidence of record at the hearing in the above entitled matter,[1] detailed findings of fact are made, as follows:

*Findings of Fact*

1

In 1931, under the McNary-Mapes Amendment to the Food and Drugs Act of 1906 (21 U.S.C. Sec. 10, Par. 5, in the case of food) to promote honesty and fair dealing in the interest of the consumer, the Secretary of Agriculture, after public hearings, promulgated a regulation providing for the labeling of canned foods that fell below the applicable standard of quality or fill of container, which included canned tomatoes; that such regulation required the label statement to indicate plainly that the product was substandard; that the factors considered essential to indicate plainly that the product was substandard were (1) the relative prominence of the statement on the label; (2) such a position of the statement on the label with respect to the name or a pictorial representation of the product as would make the statement apparent or discernible under ordinary conditions of purchase and sale; (3) the kind and size of type used; and (4) a statement to be of such a nature that it would not convey a misleading impression; that such a regulation embodying these factors has been in force since 1931; and that essentially the same requirements are hereinafter recommended.

2

It will be reasonable and will promote honesty and fair dealing in the interest of consumers in promulgating regulations providing for the labeling of canned tomatoes that fall *below* the applicable standards of quality or fill of container, to require such a label statement as would plainly indicate the product was below standard; that such a label statement would include prominence, position, display, type, clarity and certainty; and that such a label statement would indicate clearly and concisely that the article failed to meet the standards of quality or fill of container applicable thereto.

3

Such a label statement will indicate plainly that the product is below standard if it appears in connection with the product name or pictorial representation thereof or both such name and pictorial representation so as to be clearly visible under ordinary conditions of purchase and sale.

4

It will be reasonable and will promote honesty and fair dealing in the interest of consumers to require, on below standard quality canned tomatoes, the statement "Below Standard Quality" on one line and "Good Food—Not High Grade" on a line below; to be printed in type of 12-point Cheltenham bold condensed caps for the first line and for the second line 8-point type of the same style if the quantity of the contents of the container is less than one pound, and if such quantity is one pound or more in type of the same style, the first line to be 14-point, and the second line 10-point; such statement to be enclosed within a border, not less than 6 points in width, in the shape of a rectangle; and such statement, so enclosed, to be on a strongly contrasting, uniform background, so placed as to be clearly seen when the word "Tomatoes" or any pictorial representation of a tomato is viewed, wherever such word or representation appears so conspicuously as to be easily seen under customary conditions of purchase and sale.

[1] 4 F.R. 1091 DI.



5

It will be reasonable and will promote honesty and fair dealing in the interest of consumers to require, on below standard fill of container canned tomatoes, the statement "Below Standard Fill" to be printed in type of 12-point Cheltenham bold condensed caps for the first line and for the second line 8-point type of the same style if the quantity of the contents of the container is less than one pound, and if such quantity is one pound or more in type of the same style, the first line to be 14-point and the second line 10-point; such statement to be enclosed within a border, not less than 6 points in width, in the shape of a rectangle; and such statement, so enclosed, to be on a strongly contrasting, uniform background, so placed as to be clearly seen when the word "Tomatoes" or any pictorial representation of a tomato is viewed, wherever such word or representation appears so conspicuously as to be easily seen under customary conditions of purchase and sale.

6

It will be reasonable and will promote honesty and fair dealing in the interest of consumers to require, on canned tomatoes that fall below both the standard of quality and the standard of fill of container applicable thereto, both the statements described in paragraphs 4 and 5, the one following the other, and enclosed in a single rectangle.

7

The statement "Below U. S. Standard" on below standard quality or fill of container canned tomatoes is indefinite; is misleading; and conveys the impression to the consumer that the United States Government supervised the preparation of the article.

8

The statement "slack fill" on substandard quality or fill of container canned tomatoes is ambiguous; is indefinite; and the meaning that is intended to be conveyed to the consumer by the words "slack fill" is uncertain.

Based upon the foregoing findings of fact, a conclusion in the form of regulations which will promote honesty and fair dealing in the interest of consumers are hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF LABELING OF SUBSTANDARD FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS CANNED TOMATOES

§ 53.041 *Canned tomatoes — Label statement of substandard quality.* (c) If the quality of canned tomatoes falls below the standard prescribed in subsection (a) of this section, the label shall bear the general statement of substandard quality specified in section 10.020 (a), in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality ———," the blank to be filled in with the words specified after the corresponding number of each clause of subsection (a) of this section which such canned tomatoes fail to meet, as follows: (1) "Excessively Broken Up"; (2) "Poor Color"; (3) "Excessive Peel"; (4) "Excessive Blemishes." If such canned tomatoes fail to meet both clauses (3) and (4), the words "Excessive Peel and Blemishes" may be used instead of the words specified after the corresponding numbers of such clauses. Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Tomatoes" and any statements required or authorized to appear with such name by section 53.040 (b).

§ 53.042 *Canned tomatoes—Label statement of substandard fill.* (b) If canned tomatoes fall below the standard of fill of container prescribed in subsection (a) of this section, the label shall bear the general statement of substandard fill specified in section 10.020 (b), in the manner and form therein specified.

It is ordered that the regulations hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this the 14th day of July 1939.

[SEAL] HARRY L. BROWN;
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2576; Filed, July 14, 1939; 4:22 p. m.]

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IN THE MATTER OF THE PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATION MAY BE PROMULGATED FIXING AND ESTABLISHING DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: TOMATO PUREE, TOMATO PASTE, TOMATO CATSUP, TOMATO JUICE

ORDER OF THE SECRETARY PROMULGATING A REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS TOMATO PUREE

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), and based upon substantial evidence of record at the hearing in the above-entitled matter,[1] detailed findings of fact are made, as follows:

*Findings of Fact*

1

The term "Tomato Puree" and the term "Tomato Pulp" are synonymous names for the same food.

2

Tomatoes used in the manufacture of tomato puree, tomato pulp, are mature tomatoes of red or reddish varieties.

3

The raw materials used are:

(1) Whole tomatoes;

(2) Residual tomato material from preparation for canning, consisting of pieces, cores, peelings, liquid, in whole or in part;

(3) Residual tomato material from partial extraction of juice;

(4) Tomato puree, tomato pulp, is made from any one of the above sources of raw material, or any combination thereof.

4

When tomato puree, tomato pulp, is manufactured in whole or in part from residual tomato material from preparation for canning or from partial extraction of juice, the label shall declare the raw-material ingredients used.

5

Tomato puree, tomato pulp is manufactured by crushing and straining whole tomatoes or residual tomato material from preparation for canning or from partial extraction of juice, so as to remove seeds, skins, cores, and other coarse or hard substances, concentrating to a definite point, and packing so as to prevent spoilage.

6

Tomato puree, tomato pulp, is a concentrated product.

7

(1) When total solids are to be determined for the purpose of the standard or for any legal purpose, a method employed is the method set forth by the "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," 4th Edition, 1935, page 499, Section 16, "Total Solids—Tentative."

[1] 4 F.R. 957 DI.

(2) When salt-free solids are to be determined, sodium chloride may be determined by the method prescribed on page 500 of the book referred to in (1) above, under Section 22, "Sodium Chloride—Official." The amount of sodium chloride found is subtracted from the total solids found. The difference is considered to be the salt-free tomato solids of the product.

8

Salt frequently is used as a seasoning ingredient in tomato puree, tomato pulp.

9

The concentration of tomato puree, tomato pulp is such that the salt-free tomato solids content is not less than 8.37 percent but less than 25.00 percent.

Other findings suggested by the Presiding Officer are not found because they relate either to standards of quality or to matters governed by section 402 of the act. [cf. Sec. 10.000 (c), General Rules and Regulations Promulgated 1939]

Based upon the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and fair dealing in the interest of consumers is hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS TOMATO PUREE

§ 53.020 *Tomato puree, tomato pulp—Identity; labeling of optional ingredients.* (a) Tomato puree, tomato pulp, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes. Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 8.37 percent, but less than 25.00 percent, of salt-free tomato solids, as determined by the following method:

Determine total solids by the method prescribed on page 499 under "Total Solids—Tentative", and sodium chloride by the method prescribed on page 500 under "Sodium Chloride—Official", of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935. Subtract the percent of sodium chloride found from the percent of total solids found; the difference shall be considered to be the percent of salt-free tomato solids.

(b) When optional ingredient (2) is present, in whole or in part, the label shall bear the statement "Made from ———" (or "Made in Part From ———", as the case may be) "Residual Tomato Material from Canning." When optional ingredient (3) is present, in whole or in part, the label shall bear the statement "Made From ———" (or "Made in Part From ———", as the case may be) "Residual Tomato Material from Partial Extraction of Juice." If both such ingredients are present, such statements may be combined in the statement "Made From ———" (or "Made in Part From ———", as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice." Wherever the name "Tomato Puree" or "Tomato Pulp" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

It is ordered that the regulation hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this 14th day of July 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2574; Filed, July 14, 1939; 4:21 p. m.]

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IN THE MATTER OF THE PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATION MAY BE PROMULGATED FIXING AND ESTABLISHING DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: TOMATO PUREE, TOMATO PASTE, TOMATO CATSUP, TOMATO JUICE

ORDER OF THE SECRETARY PROMULGATING A REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS TOMATO PASTE

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), and based upon substantial evidence of record at the hearing in the above-entitled matter,[1] detailed findings of fact are made, as follows:

*Findings of Fact*

1

Tomatoes used in the manufacture of tomato paste are mature tomatoes of red or reddish varieties.

2

The raw materials used are:

(1) Whole tomatoes;

(2) Residual tomato material from preparation for canning, consisting of pieces, cores, peelings, liquid, in whole or in part;

(3) Residual tomato material from partial extraction of juice;

(4) Tomato paste is made from any one of the above sources of raw material, or any combination thereof.

3

When tomato paste is manufactured in whole or in part from residual tomato material from preparation for canning or from partial extraction of juice, the label shall declare the raw-material ingredients, used.

4

Tomato paste is manufactured by crushing and straining whole tomatoes or residual tomato material from preparation for canning or from partial extraction of juice, so as to remove seeds, skins, cores, and other coarse or hard substances, concentrating to a definite point, and packing so as to prevent spoilage.

5

(1) When total solids are to be determined for the purpose of the standard or for any legal purposes, a method employed is the method set forth by the "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, page 499, Section 16, "Total Solids—Tentative."

(2) When salt-free solids are to be determined, a method employed by which sodium chloride is found is the method prescribed on page 500 of the book referred to in (1) above, under Section 22, "Sodium Chloride—Official." The amount of sodium chloride found is subtracted from the total solids found. The difference is considered to be the salt-free tomato solids of the product.

6

Sweet basil leaves, oil of sweet basil, and salt are sometimes used in tomato paste.

7

Tomato paste has a minimum salt-free tomato solids content of 25.00 percent.

8

Baking soda, as an acid-neutralizing agency, is sometimes used in the manufacture of tomato paste.

Other findings suggested by the Presiding Officer are not found because they relate either to standards of quality or to matters governed by section 402 of the act. [cf. Sec. 10.000 (c), General Rules and Regulations Promulgated 1939]

Based upon the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and fair dealing in the interest of consumers is hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETICS ACT FOR FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS TOMATO PASTE

§ 53.030 *Tomato paste—Identity; labeling of optional ingredients.* (a) Tomato paste is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.

(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.

(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes. Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and may be seasoned with one or more of the optional ingredients:

(4) Salt.
(5) Spice.
(6) Flavoring.

It may contain, in such quantity as neutralizes a part of the tomato acids, the optional ingredient:

(7) Baking soda.

When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage. It contains not less than 25.00 percent of salt-free tomato solids, as determined by the following method:

Determine total solids by the method prescribed on page 499 under "Total Solids—Tentative," and sodium chloride by the method prescribed on page 500 under "Sodium Chloride—Official," of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935. Subtract the percent of sodium chloride found from the percent of total solids found; the difference shall be considered to be the percent of salt-free tomato solids.

(b) When optional ingredient (2) is present, in whole or in part, the label shall bear the statement "Made From ———" (or "Made in Part From ———", as the case may be) "Residual Tomato Material from Canning". When optional ingredient (3) is present, in whole or in part, the label shall bear the statement "Made From ———" (or "Made in Part From ———", as the case may be) "Residual Tomato Material from Partial Extraction of Juice". If both such ingredients are present, such statements may be combined in the statement "Made From ———" (or "Made in Part From ———", as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice". When optional ingredient (5) or (6) is present the label shall bear the statement or statements "Spice Added" or "With Added Spice," "Flavoring Added" or "With Added Flavoring," as the case may be. When optional ingredient (7) is present, the label shall bear the statement "Baking Soda Added." If two or all of the optional ingredients (5), (6), and (7) are present, such statements may be combined, as for example, "Spice, Flavoring, and Baking Soda Added." In lieu of the word "Spice" or "Flavoring" in such statement or statements, the common or usual name of such spice or flavoring may be used. Wherever the name "Tomato Paste" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

It is ordered that the regulation hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this 14th day of July 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2577; Filed, July 14, 1939; 4:22 p. m.]

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## TITLE 25—INDIANS

## OFFICE OF INDIAN AFFAIRS

AMENDMENT OF REGULATIONS GOVERNING LEASES AND PERMITS ON RESTRICTED INDIAN LANDS

Section 171.12 of Title 25, Chapter I, Office of Indian Affairs, Department of the Interior, Sub-Chapter Q, Part 171, Leasing of Indian Allotted and Tribal Lands for Farming, Grazing and Business, which reads:

§ 171.12 *Tribal Lands, Approval of Permit or Lease.* The letting of tribal lands for farming, grazing, or business purposes shall be accomplished through leases for stated periods, or through permits revocable in the discretion of the Commissioner of Indian Affairs, after advertising as provided for in Section 171.9 of these regulations. Any permit covering the use of tribal lands for farming, grazing, or business purposes where the annual rental does not exceed $1,000 should be approved by the superintendent and need not be submitted to the Washington Office, except where the leasing laws expressly provide for approval by the Secretary. Permits calling for an annual rental in excess of $1,000, and all leases, regardless of the amount of rental involved, should be submitted to the Washington Office for consideration.

is amended to read:

§ 171.12 *Tribal Lands, Approval of Permit or Lease.* Tribal lands may be used for farming, farm-pasture, or business purposes under revocable permits or leases for stated periods, after advertising as provided in Section 171.9. In accordance with existing law and applicable provisions of the constitution and by-laws or charter of any Indian tribe, approval of permits and leases shall be handled in the following manner:

(a) *Permits.* Permits may be approved by the superintendent when the annual rental does not exceed $1,000, or by the Commissioner of Indian Affairs when the annual rental is more than $1,000 but does not exceed $5,000, but in the case of any permit in which the annual rental exceeds $5,000 or where the constitution and by-laws of the Indian tribe involved requires its approval by the Secretary of the Interior, such permit shall be submitted to the Secretary of the Interior for his approval.

(b) *Leases.* The approval of leases covering tribal lands of Indian tribes having corporate charters issued pursuant to the acts of June 18, 1934 (48 Stat. 984), May 1, 1936 (49 Stat. 1250), or June 26, 1936 (49 Stat. 1967) shall be handled in the same manner as the approval of permits as provided in subsection (a) hereof. All other leases regardless of the amount of annual rental shall be subject to the approval of the Secretary of the Interior.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

JULY 6, 1939.

[F. R. Doc. 39-2595; Filed, July 17, 1939; 9:57 a. m.]

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## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4911]

CAPITAL STOCK TAX

EXTENSION OF TIME FOR FILING CAPITAL STOCK TAX RETURNS AND PAYING TAX

*To Collectors of Internal Revenue and Others Concerned:*

§ 137C.1 *General extension.* Forms 707 and 708 for the filing of returns of capital stock tax under Chapter 6 of the Internal Revenue Code (53 Stat., Part 1), as amended, for the year ended June 30, 1939, are required to be filed and the tax paid on or before July 31, 1939, unless the time for filing returns and paying the tax is extended under the provisions of sections 1203 and 1205 of the aforementioned chapter.

In accordance with the provisions of these sections, the period during which the returns of capital stock tax may be

[1] 4 F.R. 957 DL

filed, and the tax paid, is hereby extended; and collectors of internal revenue are authorized to accept returns without assertion of penalties for delinquency or of interest if the returns are filed and the tax paid on or before the dates indicated in the next two paragraphs below:

1. Returns of corporations having a principal place of business within the continental United States must be filed with collectors of internal revenue on or before August 31, 1939.

2. Returns of corporations having no principal place of business within the continental United States must be filed with collectors of internal revenue on or before September 29, 1939. (Secs. 1203, 1205, 3791, 53 Stat., Part 1.) [T.D. 4911, Bu. Int. Rev., July 14, 1939]

§ 137C.2 *Special extensions.* Corporations within the first of the classes indicated above may be granted further extensions by collectors of internal revenue to a date not later than September 29, 1939, under the provisions of Article 36 (b) of Regulations 64[1] (1938 Edition) (section 137.36 (b), Title 26, Code of Federal Regulations), as made applicable to the Internal Revenue Code by Treasury Decision 4885,[2] approved February 11, 1939 (Part 465, Subpart B, of such Title 26), upon the condition that interest at the rate of 6 per cent per annum be paid from August 31, 1939, to the date of payment. (Secs. 1203, 1205, 3791, 53 Stat., Part 1.) [T.D. 4911, Bu. Int. Rev., July 14, 1939]

[SEAL] HAROLD N. GRAVES,
*Acting Commissioner of Internal Revenue.*

Approved July 14, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-2586; Filed, July 15, 1939; 11:04 a. m.]

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## TITLE 29—LABOR

## CHILDREN'S BUREAU

[Regulation No. 1–D]

### CHILD LABOR

EXTENSION OF TEMPORARY CERTIFICATES OF AGE REGULATION

JULY 13, 1939.

By virtue of and pursuant to the authority conferred by section 3 (1) and section 11 (b) of the Fair Labor Standards Act of 1938 (52 Stat. 1060) the following regulation is hereby issued for the purpose of extending the effective period of Child Labor Regulation No. 1–A, entitled "Temporary Certificates of Age," as the effective period thereof was extended by Child Labor Regulations No. 1–B and 1–C, for an additional period of 92 days until October 24, 1939.

*Authority for Regulation*

SEC. 3 (1) OF THE ACT

* * * oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the Chief of the Children's Bureau certifying that such person is above the oppressive child-labor age.

SEC. 11 (b) OF THE ACT

With the consent and cooperation of State agencies charged with the administration of State labor laws the Administrator and the Chief of the Children's Bureau may, for the purpose of carrying out their respective functions and duties under this Act, utilize the service of State and local agencies and their employees and, notwithstanding any other provisions of law, may reimburse such State and local agencies and their employees for services rendered for such purposes.

*Temporary Certificates of Age*

Child Labor Regulation No. 1–A, entitled "Temporary Certificates of Age," issued October 14, 1938[3] and effective until January 23, 1939, as amended by Child Labor Regulation No. 1–B, issued January 19, 1939,[4] and Child Labor Regulation No. 1–C, issued April 14, 1939,[5] extending the effective period for the acceptance of temporary certificates of age for 90 days, each, until July 24, 1939, is hereby amended by extending the effective period for the acceptance of temporary certificates of age, as provided in Child Labor Regulation No. 1–A, for an additional period of 92 days, that is until October 24, 1939.

[SEAL] KATHARINE F. LENROOT,
*Chief of the Children's Bureau.*

[F. R. Doc. 39-2566; Filed, July 14, 1939; 12:31 p. m.]

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[Regulation No. 11]

### CHILD LABOR

PART 402—ACCEPTANCE OF STATE CERTIFICATES

JULY 13, 1939.

§ 402.8 *Designation of States.* Pursuant to the provisions of section 401.5[6] I do hereby designate the following State as a State in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938: North Dakota.

This designation shall be effective from and after the date hereof until November 1, 1939.

[SEAL] KATHARINE F. LENROOT,
*Chief of the Children's Bureau.*

[F. R. Doc. 39-2567; Filed, July 14, 1939; 12:31 p. m.]

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[1] 4 F.R. 525 DI.
[2] 4 F.R. 679 DI.

[1] Published in 3 F.R. 2531 DI, October 22, 1938.
[2] Published in 4 F.R. 402 DI, January 24, 1939.
[3] Published in 4 F.R. 1620 DI, April 15, 1939.
[4] Section 5, Child Labor Regulation No. 1, "Certificates of Age," issued October 14, 1938, pursuant to the authority conferred by sections 3 (1) and 11 (b) of the Fair Labor Standards Act of 1938, published in 3 F.R. 2487 DI, October 15, 1938; republished in 4 F.R. 1361 DI, March 29, 1939.

## TITLE 43—PUBLIC LANDS

## GENERAL LAND OFFICE

[Circular No. 1458]

TEMPORARY ONE-YEAR GRAZING LEASES OF REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS, OREGON

§ 115.86 *Statutory authority.* Section 4 of the act of August 28, 1937 (50 Stat., 875) authorizes the leasing for grazing purposes of any of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands which may be so used without interfering with the production of timber or other purposes of the act.*

§ 115.87 *Applications.* Applications for temporary one-year grazing leases should be filed in duplicate in the office of the Chief Forester, Oregon and California Revested Lands Administration, 407 Customhouse, Portland, Oregon. Application forms may be obtained upon request from the Chief Forester, and will be in substance as follows:

UNITED STATES DEPARTMENT OF THE INTERIOR—GENERAL LAND OFFICE

OREGON AND CALIFORNIA REVESTED LANDS ADMINISTRATION, PORTLAND, OREGON

*Application for Grazing Lease*

Serial No. G. L. A. ------
Date ---------- 19--

(1) I, ----------
(Name of applicant)
of ----------
(Post Office address)
hereby apply to lease under section 4 of the act of August 28, 1937 (50 Stat., 875), the ------ ---------- Section ------, Township ----------, Range ----------, ---------- Meridian, containing ------ acres.

(2) Describe by legal subdivisions the lands you own or hold under control by lease or permit, and the dates initiated or acquired, and when the right will expire, if it is held for a period of years.

---

Section ------, Township ------, Range ------, ------ Meridian.

(a) How many acres of your privately owned lands are under cultivation? ------ acres.

(b) How many acres are used for grazing purposes? ------ acres.

(3) State briefly your experience in the livestock industry and give two references.

---

(4) State what interests, if any, you have in any other lease or pending application for lease under section 4 of the act approved August 28, 1937.

---

(5) Are you a citizen of the United States? ------ By birth? ------ By naturalization? ------.

(If by naturalization, evidence of such naturalization must be furnished.)

If not a citizen, have you filed the necessary declaration of intention to become such? ---------- When? ----------
Where? ----------

(If the applicant is a corporation, a certified copy of the articles of incorporation, together with a copy, signed by proper official, of the minutes of the meeting authorizing the filing of the application and, if an association, a copy of the constitution and by-laws, and evidence of the citizenship of each member must be submitted.)

(6) Do the lands applied for contain any springs or water holes? ------ If so, describe them, giving the location by section, township, and range.

---

(a) Are the lands applied for occupied or used for any purpose? ------ By whom? ---------- for what purpose?

---

(7) Do you own or control any source of water supply needed or used for livestock purposes? ------
Describe it ----------
Where located ---------- ----------
(Subdivision) (section)
---------- ----------
(township) (range)

(8) State the number and kind of stock to be grazed on the leased lands ----------, seasons of contemplated use ---------- ----------, the manner in which you plan to graze the lands applied for in connection with your general operations.

---

(9) Have you previously used the lands covered by this application? ------ If so, for how many years and for what usual period each year? ----------

(a) How many stock have you grazed thereon during the average year? ------

(10) Have the lands been used for grazing purposes in the past by any other person? ------ If so, by whom? ----------
To what extent? ----------

(11) How many head of livestock do you own? ------ Cattle ------; Horses ------; Sheep ------; Goats ------

---
(Signature of applicant)

Subscribed and sworn to before me this the -------- day of ----------, 19--.
(The original application only need be sworn to.)

---
(Official designation of officer)*

§ 115.88 *Filing fees.* No filing fees will be required on applications for the temporary one-year grazing leases.*

§ 115.89 *Action upon applications.* When an application is received in the Chief Forester's office, it will be identified by number in a manner similar to that used in timber sales, except that the symbol G.L.A. will identify it as a grazing lease application. In acting upon applications embracing lands subject to lease, the Chief Forester will, in each case, make a determination as to the lands which in his opinion the applicant is entitled to lease. In making such a determination, consideration will be given the information furnished in the application, together with other available information in his office. Where two or more persons apply for the same lands, consideration will be given to the statements in the applications as to ownership and control of base lands, the need for additional grazing lands, and to the grazing operations of the individuals involved. The rental charged will be based upon a comparison of rentals charged on State, Federal, and privately-owned lands of similar character in the same locality.*

§ 115.90 *Offer and form of lease.* When [illegible] a determination is made as to the lands to be awarded and the rental to be charged, the Chief Forester will prepare and forward to the applicant by registered mail a lease, in quadruplicate, advising the applicant that he will be allowed 10 days from receipt thereof within which to sign the four copies of the proposed lease and return the same to the Chief Forester, accompanied with the amount due as rental as set forth therein. Temporary one-year grazing lease will be substantially in the following form:

[To be executed by applicant in quadruplicate]

[Form of Lease]

UNITED STATES DEPARTMENT OF THE INTERIOR—GENERAL LAND OFFICE

OREGON AND CALIFORNIA REVESTED LANDS ADMINISTRATION

*Lease of Lands for Grazing Livestock, Section 4 of the Act of August 28, 1937 (50 Stat., 875)*

Serial ------

This indenture of lease, entered into by and between the United States of America, party of the first part, hereinafter called the lessor, acting in this behalf by the Chief Forester, Oregon and California Revested Lands Administration, and ----------, party of the second part, hereinafter called the lessee, under, pursuant, and subject to the terms and provisions of the Act of Congress approved August 28, 1937 (50 Stat., 874), entitled "An Act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon," hereinafter referred to as "The Act," which is made a part hereof.

Witnesseth:

That the lessor, in consideration of the rents to be paid and the covenants to be observed as herein set forth, does hereby grant and lease to the lessee an exclusive right and privilege of using for grazing purposes the following described tract of land:

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containing approximately ------ acres, together with the right to construct and maintain thereon all buildings or other improvements necessary to the full enjoyment thereof, for a period of one year from date hereof.

I. In consideration of the foregoing, the lessee hereby agrees:

(a) To pay the lessor as rental the sum of ------.

(b) To observe the laws and regulations for the protection of game animals, game birds, and nongame birds, and not unnecessarily disturb such animals or birds.

(c) That neither he nor his employees will set fires that will result in damage to the timber, range, or to wildlife, and to extinguish all campfires started by him or any of his employees before leaving the vicinity thereof.

(d) That authorized representatives of the Department of the Interior at any time shall have the right to enter the leased premises for the purpose of inspection, and that Federal agents, including game wardens, shall at all times have the right to enter the leased area on official business.

(e) Not to remove any timber whatsoever growing on the leased land without specific authorization in advance by the Chief Forester. Such authority may be granted only for the erection and maintenance of improvements required in the operation of this lease.

(f) To take all reasonable precaution to prevent and suppress forest, brush, and grass fires.

(g) To comply with all Federal and local laws regarding sanitation.

(h) Not to enclose roads or trails commonly used for public travel so as to interfere with the traveling of persons who do not molest grazing animals.

(i) Not to overgraze the lands embraced in this lease or to allow grazing in such a manner as to cause any waste or damage to the forage thereon.

II. The lessor expressly reserves:

(a) The right to permit prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources, and to dispose of such resources under any laws applicable thereto; the right to permit the use and disposition of timber on the lands embraced in this lease, under existing laws and regulations; and nothing herein contained shall restrict the acquisition, granting, or use of permits or rights of way under existing law.

(b) The right to dispose of by homestead entry, sale, or any other manner provided by applicable laws, any of such leased land, which, in the judgment of the Secretary of the Interior, is more suitable for disposal than for afforestation, reforestation, streamflow protection, recreation, or other public purposes.

III. It is further understood and agreed:

(a) That this lease is granted subject to valid existing rights and to all rules and regulations issued under authority of the Secretary of the Interior.

(b) That the lessee may construct, or maintain and utilize, any fence, building, corral, reservoir, well, or other improvements needed for the exercise of the grazing privileges of this lease, but any such fence shall be so constructed as to permit ingress and egress for miners, prospectors for minerals, and other persons entitled to enter such area for lawful purposes.

(c) That upon the termination of this lease by expiration or forfeiture thereof pursuant to paragraph (d) hereof, in the absence of an agreement to the contrary, the lessee may, within a reasonable period, to be determined by the lessor, remove or make other disposition of all property belonging to him, together with any fence, building, or other removable range improvements of any kind owned or controlled by him, but if not removed within the period of time specified by the lessor, such property, buildings, and improvements shall become the property of the United States.

(d) If the lessee shall fail to comply with the provisions of the act, or make default in the performance or observance of any of the terms, covenants, and stipulations hereof and such default shall continue for 10 days after service of written notice thereof by the regional forester, then that officer may, in his discretion, terminate and cancel this lease.

IV. It is further covenanted and agreed that each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns of the respective parties hereto.

V. It is also further agreed that no Member of or Delegate to Congress, or Resident Commissioner, after his election or appointment, or either before or after he has qualified, and during his continuance in office, and that no officer, agent or employee of the Department of the Interior, shall be admitted to any share or part in this lease, or derive any benefit that many arise therefrom, and the provisions of section 3741 of the Revised Statutes of the United States and sections 114, 115, and 116 of the Codification of the Penal Laws of the United States approved March 4, 1909 (35 Stat. 1109), relating to contracts enter into and

form a part of this lease so far as the same may be applicable.

In Witness Whereof, I, _____ party of the second part, have hereto affixed my signature this _____ day of _____, 19---.

_____

In Witness Whereof, and as representative of the United States of America, party of the first part, I have hereunto affixed my signature this _____ day of _____, 19---.

THE UNITED STATES OF AMERICA,
By _____
*Chief Forester,*
*Oregon and California Revested Lands Administration.*

If within the time allowed, the applicant returns the lease forms properly signed, together with the amount due as rental, the Chief Forester will date and sign the four copies and make appropriate notations on the records of his office as to the issuance of the lease.[1]

§ 115.91 *Disposition of papers and rental.* One copy of the lease will be forwarded to the applicant, one copy retained by the Chief Forester, and the original application, together with the original and remaining copy of the lease, will be forwarded to the Register of the appropriate United States District Land Office for notation on his records and transmittal to the General Land Office. The money received as rental will be disposed of in accordance with the provisions of section 4 of the act.[1]

§ 115.92 *Rights under application.* The filing of an application for a temporary one-year grazing lease will not in any way create any right in the applicant to use the lands for grazing purposes until the rental is paid and a lease duly executed by the Chief Forester.[1]

§ 115.93 *Failure of applicant to complete lease.* Upon failure of the applicant to sign and return to the Chief Forester the four copies of the proposed lease, together with the amount due as rental, within the specified time, the application will be finally rejected and the lands involved may be leased to other qualified applicants.[1]

*Instructions superseded.* The regulations in sections 115.86 to 115.93, inclusive, supersede instructions of May 20, 1939, addressed to the Chief Forester, which read as follows:

"Until grazing regulations can be drafted and promulgated, you are authorized to issue temporary one-year grazing leases for O and C lands in or out of national forests applying the principles of Circular 1401, revised, using forms similar to that provided for General Land Office grazing leases."

FRED W. JOHNSON,
*Commissioner.*

Approved, July 6, 1939.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 39-2579; Filed, July 15, 1939; 10:02 a. m.]

[1] Issued under authority of section 4 of the act of August 28, 1937, (50 Stat., 875).

## STOCK DRIVEWAY WITHDRAWAL NO. 56, ARIZONA NO. 2, REDUCED

JULY 8, 1939.

Departmental orders of February 4, 1919, and June 19, 1928, creating and enlarging Stock Driveway Withdrawal No. 56, Arizona No. 2, under section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, are hereby revoked so far as they affect the following-described lands:

*Gila and Salt River Meridian*

T. 6 N., R. 4 E.
secs. 3, 10, and 15, W½;
T. 12 N., R. 5 W.,
secs. 27 and 28;
aggregating 2,238.93 acres.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 39-2594; Filed, July 17, 1939; 9:57 a. m.]

## TITLE 44—PUBLIC PROPERTY AND WORKS

### FEDERAL WORKS AGENCY—PUBLIC WORKS ADMINISTRATION

[Special Order No. PWA-2]

### EXECUTION OF CERTAIN DOCUMENTS ON BEHALF OF THE GOVERNMENT IN CARRYING OUT THE FUNCTIONS OF THE PUBLIC WORKS ADMINISTRATION

JULY 13, 1939.

1. All allotment orders making allotments of loan and/or grant funds, all appointments of personnel and all orders separating personnel from the service of the Government shall be signed personally by the Federal Works Administrator.

2. In order to permit the more expeditious carrying out of the functions of the Public Works Administration and the execution of the allotment orders made by the Federal Works Administrator, I hereby authorize the Acting Commissioner of Public Works to execute all documents other than those referred to in Paragraph 1 above which affect the functions of the Public Works Administration and are required to be signed, on behalf of the United States of America, in the name of the Federal Works Administrator, including the following:

(a) Contracts, including Loan and/or Grant Agreements;
(b) Offers;
(c) Waivers relating to such agreements or offers;
(d) Summary reports on loan and/or grant applications;
(e) Public vouchers.

In executing such documents the signature of the Acting Commissioner of Public Works shall appear as follows:

FEDERAL WORKS ADMINISTRATOR,
By _____
*Acting Commissioner of Public Works*

3. Nothing herein is to be construed as rescinding the whole or any part of General Order No. 1, issued by the Acting Commissioner of Public Works with the approval of the Federal Works Administrator under date of July 1, 1939.[1]

4. This order shall be effective as of July 1, 1939.

5. This order is issued pursuant to the Reorganization Act of 1939 and Reorganization Plan No. 1[2] transmitted to the Congress by the President.

JOHN M. CARMODY,
*Federal Works Administrator.*

[F. R. Doc. 39-2587; Filed, July 15, 1939; 11:18 a. m.]

## TITLE 47—TELECOMMUNICATION

### FEDERAL COMMUNICATIONS COMMISSION

### INTERNATIONAL BROADCAST STATIONS

### REGULATION SUSPENDED

The Commission on July 14, 1939 suspended the operation of Section 42.03 (a)[3] of its Rules and Regulations until the further order of the Commission.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2571; Filed, July 14, 1939; 3:00 p. m.]

## TITLE 50—WILDLIFE

### BUREAU OF FISHERIES

### SUBCHAPTER A—ALASKA FISHERIES

### PART 204—BRISTOL BAY AREA FISHERIES

Section 204.19 is hereby amended to increase by 24 hours the total weekly closed period for salmon fishing in the Kvichak-Naknek district of the Bristol Bay area, as follows:

§ 204.19 *Weekly closed periods, commercial salmon fishing.* The 36-hour weekly closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday of each week, making a weekly closed period of 60 hours: *Provided,* That in the waters of the Kvichak-Naknek district, the 36-hour weekly closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 12 o'clock midnight Tuesday to 12 o'clock midnight Thursday of each week, making a weekly closed period of 84 hours: *Provided, further,* That in the waters of Kvichak Bay between the line extending across the bay from the marker on a high point on the east bank of Prosper Creek, about 700 yards above the Koggiung cannery of the Alaska Packers Association, to the marker on the opposite side, the course being about north, 44 degrees west, magnetic, and the line extending across the bay from a marker at Jensen Creek, the course being north, 54 degrees west, magnetic, to a marker on the opposite shore about 1½ miles west of Squaw Creek, the 36-hour weekly closed period for salmon fishing prescribed by section 5 of the act of June 6, 1924, is hereby extended to include the period from 6 o'clock postmeridian of Saturday of each week to 6 o'clock antemeridian of the Tuesday following and the period from 12 o'clock midnight Tuesday to 12 o'clock midnight Thursday of each week, making a weekly closed period of 108 hours. (Sec. 1, 44 Stat. 752, 48 U.S.C. 221)

HAROLD L. ICKES,
*Secretary of the Interior.*

JULY 13, 1939.

[F. R. Doc. 39-2580; Filed, July 15, 1939; 10:02 a. m.]

[1] 4 F.R. 2771 DI. General Order No. 1 should have appeared under Title 44.
[2] 4 F.R. 2727 DI.
[3] 4 F.R. 2189 DI.



## *Notices*

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[General Docket No. 15]

### IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS: IN RE MINIMUM PRICES AS COORDINATED FOR DISTRICTS NOS. 1 TO 20, INCLUSIVE, 22 AND 23

### AN ORDER PERTAINING TO PROCEDURE IN RESPECT TO THE FINAL HEARINGS IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES FOR COALS PRODUCED IN DISTRICTS NOS. 1 TO 8, INCLUSIVE, DISTRICTS NOS. 9 TO 15, INCLUSIVE, DISTRICTS NOS. 16 TO 20, INCLUSIVE, 22 AND 23

The National Bituminous Coal Commission, pursuant to its Order and public Notice dated May 1, 1939, having caused a final hearing in the matter of the establishment of minimum prices for coals produced in Districts Nos. 16, 17, 18, 19, 20, 22 and 23 to be commenced in Denver, Colorado, on May 19, 1939, and said hearing having commenced on that date and continued through June 1, 1939, at which time all interested parties were afforded an opportunity to be heard with respect to any evidence, data, or other material relating to those matters insofar as they pertain to shipments of said coals into Market Areas Nos. 213 to 243, inclusive, and said hearing having been adjourned on June 1, 1939, subject to renotice and the said Commission having thereafter, pursuant to its Order dated June 23, 1939,[1] directed that a final hearing be held on July 24, 1939, for the establishment of minimum prices for coals produced in Districts Nos. 1 to 8, inclusive, and having thereafter, pursuant to its Order of June 28, 1939,[2] directed that a final hearing be held for the establishment of minimum prices for coals produced in Districts Nos. 9 to 15, inclusive, commencing on August 7, 1939, and said Orders dated June 23, 1939, and June 28, 1939, having been ratified, continued in effect and supplemented by an Order dated July 8, 1939[3] of the Director of the Bituminous Coal Division, Department of the Interior.

Now, therefore, *It is ordered,* That:

1. Any interested person may hereafter appear at any appropriate stage of any of the aforesaid hearings and be heard with respect to any evidence, data or other material relating to the matters embraced by any or all of said hearings, that may be timely and appropriate: *Provided,* That, in the judgment of the official or officials presiding at such hearings, such person has duly asserted his desire to be heard and has indicated the subject matter upon which he wishes to be heard and the nature and scope of the hearing which he desires, by filing a protest or otherwise.

2. All of the aforesaid hearings (including the hearings upon adjournment of any of such hearings) comprise a single record and proceeding for the purpose of according to interested persons the privileges described in paragraph designated "1" hereof.

3. The aforesaid hearing heretofore commenced in Denver, Colorado, on May 19, 1939, relating to coordinated minimum prices for coals produced in Districts Nos. 16, 17, 18, 19, 20, 22 and 23, will be resumed upon appropriate notice.

4. At the hearing to commence on July 24, 1939, subject to such change by the presiding officers as may be desirable for the orderly and expeditious conduct of the hearing, the general procedure for receiving evidence will be first, to receive evidence relating to the coordinated minimum prices for coals shipped into Market Areas Nos. 1 to 14, inclusive; coals shipped to the Atlantic Seaboard via tidewater; coals shipped to destinations on the Atlantic Seaboard for bunker use; coals shipped to those destinations on the Great Lakes east of a line drawn between a point just west of Port Maitland, Ontario, on the north shore of Lake Erie, to a point on the south shore of Lake Erie at which the Pennsylvania and New York State lines meet; and coals shipped eastward via Lake Erie and Lake Ontario for destinations located on Lake Ontario, Welland Canal and the St. Lawrence River. Thereafter, evidence will be received with respect to coordinated minimum prices for coals shipped into market areas and destinations west and south of the aforesaid market areas.

Evidence relating to coordinated minimum prices for coals shipped into certain Market Areas other than Market Areas Nos. 213 to 243, inclusive, by Districts Nos. 16 to 20, inclusive, 22 and 23, in competition with the coals of other Districts, will be adduced when the phase of the hearing commenced at Denver, Colorado, on May 19, 1939, has been resumed pursuant to notice hereafter to be given as above provided and upon the resumption of said phase of the hearing the entire hearing pertaining to the final establishment of effective minimum prices for coals produced in Districts Nos. 1 to 20, inclusive, 22 and 23, will be closed for the purpose of receiving evidence.

*It is further ordered,* That the Acting Chief of the Record Section cause a copy of this Order to be published forthwith in the FEDERAL REGISTER; and cause a copy hereof to be mailed forthwith to Frederic L. Kirgis, Director, Consumers' Counsel Division, Office of the Solicitor, Department of the Interior, to the Secretary of each District Board, and to each code member within Districts Nos. 1 to 20, inclusive, 22 and 23.

Dated at Washington, D. C., this 15th day of July 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-2593; Filed, July 17, 1939; 9:08 a. m.]

[1] 4 F.R. 2520 DI.
[2] 4 F.R. 2957, 3142, 3251 DI.
[3] 4 F.R. 2926 DI.

## DEPARTMENT OF AGRICULTURE.

### Farm Credit Administration.

### DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

### MICHIGAN

JULY 15, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Michigan State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Alcona, Cass, Huron, Isabella, Kent, Lenawee, Livingston, and Shiawassee.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2588; Filed, July 15, 1939; 12:06 p. m.]

### DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

### MINNESOTA

JULY 15, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order

230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Minnesota State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Fillmore, Kandiyohi, Lyon, Norman, Olmstead, Pipestone, Pope, Renville, Traverse, and Wilkin.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2589; Filed, July 15, 1939; 12:06 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

OKLAHOMA

JULY 15, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Oklahoma State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Adair, Alfalfa, Beckham, Blaine, Canadian, Carter, Coal, Comanche, Cotton, Custer, Dewey, Garvin, Grant, Greer, Harmon, Jackson, Jefferson, Kay, Kingfisher, Love, Marshall, McClain, McIntosh, Murray, Muskogee, Noble, Nowata, Pawnee, Payne, Pontotoc, Pushmataha, Seminole, Stephens, Tillman, Wagoner, Washington, and Woodward.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2590; Filed, July 15, 1939; 12:06 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

TEXAS

JULY 15, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Texas State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Anderson, Austin, Bastrop, Bee, Bosque, Brazos, Brown, Burleson, Burnet, Caldwell, Camp, Collin, Colorado, Comanche, Delta, Denton, Erath, Fannin, Fisher, Freestone, Goliad, Grayson, Grimes, Hardeman, Hays, Henderson, Jackson, Jasper, Jefferson, Karnes, Knox, Lavaca, Leon, Limestone, McCulloch, McLennan, Marion, Matagorda, Parker, Rains, Rockwall, Runnels, San Jacinto, San Saba, Shelby, Upshur, Victoria, Walker, Willacy, Wilson, and Wood.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2591; Filed, July 15, 1939; 12:06 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

WISCONSIN

JULY 15, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Wisconsin State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Barron, Chippewa, Fond du Lac, Green, Lafayette, Marathon, Pierce, Richland, Shawano, and Trempealeau.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2592; Filed, July 15, 1939; 12:07 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

DELAWARE

JULY 15, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Delaware State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2596; Filed, July 17, 1939; 10:06 a. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

ILLINOIS

JULY 15, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Illinois State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Cumberland, Douglas, Johnson, LaSalle, McDonough, Menard, Mercer, Montgomery, Morgan, Peoria, Pike, Vermillion, Will, and Winnebago.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2597; Filed, July 17, 1939; 10:05 a. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

NEW JERSEY

JULY 15, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the New Jersey State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2598, Filed, July 17, 1939; 10:05 a. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

RHODE ISLAND

JULY 15, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Rhode Island State Farm Security Advisory Committee, the following county is hereby designated as that in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) that county which was designated for the making of loans for the fiscal year ending June 30, 1939.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2599; Filed, July 17, 1939; 10:05 a. m.]

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## DEPARTMENT OF LABOR.

### Wage and Hour Division.

IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF THE MANUFACTURING OR PROCESSING OF CLAY PRODUCTS (OTHER THAN POTTERY) AND CONCRETE PRODUCTS FOM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE

NOTICE OF HEARING

Whereas an application has been filed by the Committee for the brick manufacturers of Maine, New Hampshire and Vermont, the Vermont Concrete Pipe Corporation, and sundry other parties for exemption from the maximum hours provisions of the Fair Labor Standards Act of 1938, for the manufacturing or processing of clay products (other than pottery) and concrete products as industries of a seasonal nature pursuant to Section 7 (b) (3) of the Act and Part 526 of the regulations issued thereunder,[1] and

Whereas it is deemed advisable, in view of the fact that the above applications present related issues of fact and law, to hold a combined hearing under the provisions of Section 526.6 (a) of the Regulations, wherein separate opportunity will be given each of the said industries or subdivisions thereof to give testimony or to argue,

Now, therefore, notice is hereby given of a public hearing to be held at the Hearings and Exemptions Hearing Room, on the 3rd floor of 939 D Street NW., Washington, D. C., to commence at 10:00 o'clock a. m., on August 7, 1939, before Harold Stein hereby duly authorized to conduct said hearing, take testimony, hear argument and determine:

Whether the processing or manufacturing of clay products (other than pottery) or concrete products as defined herein or any subdivisions thereof are industries of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of Regulations issued thereunder.

As used in this notice: The processing or manufacturing of clay products (other than pottery) includes the removal of clay from the stock pile and the grinding, screening, granulating, crushing, blending, mixing, tempering, moulding, drying, transporting, setting, firing of clay or other operations resulting in common, face and vitrified brick; drain, hollow building and other tile; sewer pipe, stove lining, terra cotta, fire brick and other clay refractories.

The processing or manufacturing of concrete products includes the removal of materials from the stock pile and the measuring, mixing, moulding, curing of concrete or other operations resulting in building block and tile, brick, cast stone, pipe, posts, vaults and miscellaneous articles made of aggregates, including sand, gravel, crushed rock, cinders, slag and burned clay, bound together with cement.

Any person interested in supporting or opposing any application for exemption may appear on his own behalf or on the behalf of any other person provided that he shall file with the Administrator at his office in Washington, D. C., prior to 12 o'clock noon on August 3, 1939, a Notice of Intention to Appear which shall contain the following information:

(1) The name and address of the person appearing.

(2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

(3) Whether he is appearing in support of or in opposition to any application for exemption.

(4) The approximate length of time which his presentation will consume.

(5) Scope of appearance, i. e., for what specific industry or subdivision thereof appearance will be made, and for which operations therein.

Signed at Washington, D. C., this 17th day of July 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-2601; Filed, July 17, 1939; 10:39 a. m.]

[1] 3 F.R. 2534, 3127 DI.

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3133]

IN THE MATTER OF ELIZABETH ARDEN, INC., ELIZABETH ARDEN SALES CORPORATION, AND FLORENCE N. LEWIS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. Section 41).

*It is ordered*, That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, July 21, 1939, at nine o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2570; Filed, July 14, 1939; 2:30 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of July, A. D. 1939.

[File No. 56-28]

IN THE MATTERS OF INTERNATIONAL UTILITIES CORPORATION, GENERAL WATER GAS & ELECTRIC COMPANY, SECURITIES CORPORATION GENERAL, AMERICAN STATES UTILITIES CORPORATION AND RALPH ELSMAN, AS LIQUIDATING TRUSTEE

ORDERS APPROVING SALES AND ACQUISITIONS OF SECURITIES AND RETIREMENT OF PREFERRED STOCK

American States Utilities Corporation, a registered holding company, having filed applications pursuant to Sections 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 for approval of the sale of notes and common stock of its subsidiaries, Kellogg Power & Water Company and Hermiston Light & Power Company, for $165,000 and $110,000, respectively, plus certain adjustments set forth in the applications, and having filed an application pursuant

to Section 12 (c) for approval of the application of the proceeds received by it from the sale of the aforementioned notes and stock to the purchase and retirement by tender of a maximum of 24,000 shares of its $25 par value 5½% cumulative preferred stock; General Water Gas & Electric Company, a subsidiary of International Utilities Corporation, a registered holding company, having filed an application pursuant to Section 10 for approval of the acquisition of the notes and common stock of Kellogg Power & Water Company; International Utilities Corporation, a registered holding company, and Ralph Elsman, Liquidating Trustee, having filed an application pursuant to Section 10 for approval of the acquisition of a note and the common stock of Hermiston Light & Power Company; and International Utilities Corporation, General Water Gas & Electric Company, and Securities Corporation General having filed applications, pursuant to Section 12 (f), for approval of the tender and sale to American States Utilities Corporation at not more than $15 a share of not less than a total of 23,000 shares of its preferred stock; the applications having been consolidated for the purpose of hearing; a public hearing having been held on said applications pursuant to appropriate notice;[1] and the Commission having considered the record in these matters and having made and filed its findings and opinion herein;

*It is ordered*, That, in accordance with and for the purposes represented by the said applications, the sales and acquisitions of securities and retirement of the preferred stock be, and the same hereby are, approved, subject to the following terms and conditions:

(a) That within ten days after the sale by American States Utilities Corporation of its interests in Kellogg Power & Water Company and Hermiston Light & Power Company, and its acquisition of its preferred stock, American States Utilities Corporation shall file with this Commission a certificate of notification showing that such sales and acquisitions have been effected in accordance with the terms and conditions of and for the purposes represented by the applications and containing a list of all tenders received and a list of all tenders accepted;

(b) That American States Utilities Corporation, or the transfer agent, Baltimore National Bank, shall mail to every known preferred stockholder a letter advising him of the privilege of tendering, enclosing a return addressed envelope marked "Tenders," and shall make or cause to be made to preferred stockholders prior to or simultaneously with the sending of such letters, such disclosures as may be necessary or desirable for the purpose of enabling preferred stockholders to determine whether or not to tender: *Provided, however*, That American States Utilities Corporation shall submit to the Commission at least five days prior to the inviting of tenders, true copies of the letter and disclosures inviting such tenders and within said period the Commission reserves the right to order American States Utilities Corporation to make such changes as it considers necessary in the public interest and in the interest of investors and consumers;

(c) That the acquisition of Hermiston Light & Power Company by International Utilities Corporation and Ralph Elsman, Liquidating Trustee, be subject to the stipulation entered into by International Utilities Corporation, the Liquidating Trustee, and American States Utilities Corporation, (1) that if the properties or securities of Hermiston Light & Power Company are not sold at the end of a two year period following the date of the Commission's order in this proceeding to a third person or company unaffiliated with International Utilities Corporation, the Liquidating Trustee, or American States Utilities Corporation, then the Liquidating Trustee, or his successor or successors, and International Utilities Corporation shall request the Commission to apply to a court, in accordance with the provisions of subsection (f) of section 18 of the Public Utility Holding Company Act of 1935, to enforce a sale or other disposition of the securities or assets of Hermiston Light & Power Company; and if the Commission determines to comply with such request the Commission may request the court to appoint a trustee or trustees to sell the aforesaid securities or assets; (2) that any application or plan filed under Section 11 (e) of the Public Utility Holding Company Act of 1935 by International Utilities Corporation shall provide for the sale or disposition of the securities or assets of Hermiston Light & Power Company to a third person or company unaffiliated with International Utilities Corporation, the Liquidating Trustee, or American States Utilities Corporation, not later than at the end of a two year period following the date of the Commission's order in this proceeding; (3) that if the Commission shall institute any proceeding pursuant to Section 11 (b) (1) to which International Utilities Corporation shall be a party, the Commission may require International Utilities Corporation to divest itself of any interest, direct or indirect, in said Hermiston Light & Power Company, provided that no such order shall require such sale or disposition prior to the end of a two year period following the date of the Commission's order in this proceeding; and,

(d) That the Commission reserve jurisdiction as to the reasonableness of the tender price by International Utilities Corporation, General Water Gas & Electric Company, and Securities Corporation General; and that International Utilities Corporation, General Water Gas & Electric Company, and Securities Corporation General notify the Commission of their tender price or prices five days prior to the closing date for tenders solicited by American States Utilities Corporation during which period the Commission reserves the right to issue an order to International Utilities Corporation, General Water Gas & Electric Company, and Securities Corporation General to show cause why their tender price or prices are not unreasonable.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2584; Filed, July 15, 1939; 10:51 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of July, A. D. 1939.

[File No. 43-221]

IN THE MATTER OF THE KANSAS POWER COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

The Kansas Power Company, a corporation organized in the state of Kansas and a direct subsidiary of Inland Power & Light Corporation, a registered holding company presently in reorganization proceedings under Section 77B of the Bankruptcy Act and an indirect subsidiary of The Commonwealth Light & Power Company, a registered holding company (also in reorganization under Section 77B) and of The Middle West Corporation, also a registered holding company, having filed a declaration, and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of $5,000,000 principal amount of its First Mortgage Bonds, Series A, 4%, due July 1, 1964, and $600,000 principal amount 3½ unsecured serial notes;

A public hearing having been held after appropriate notice;[1] no member of the public having appeared or requested an opportunity to be heard; the declarant having waived the trial examiner's report, the right to have prepared and submitted to it proposed findings of fact or requests for findings of fact, the right to file a brief and the right to oral argument before the Commission; the Commission having examined the record in this matter and having made and filed its findings and opinion herein;

*It is ordered*, That such declaration be and become effective forthwith, subject, however, to the following conditions:

(1) That Fifteen Percent (15%) of the declarant's annual gross operating revenue, including revenues from plants leased to others, be expended for maintenance and/or credited to a depreciation reserve subject to any rule, regulation or order of any Federal or State regulatory commission or authority having jurisdiction in the premises;

(2) That all matters in connection with said declaration shall be performed in all respects as set forth in and for the purposes represented by said declaration, as amended; and

(3) That within ten days after the issue and sale of the aforesaid bonds and notes the declarant shall file with this commission a certificate of notification showing that the issuance and sale of the aforesaid bonds and notes have been effected in compliance with the terms and conditions of and for the purpose represented by said declaration, as amended, and in accordance with the terms of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2585; Filed, July 15, 1939; 10:51 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14 day of July, A. D. 1939.

[File No. 32-163]

IN THE MATTER OF CENTRAL OHIO LIGHT & POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 1, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 27, 1939.

The matter concerned herewith is in regard to an application by Central Ohio Light & Power Company, a subsidiary of Crescent Public Service Company, a registered holding company, pursuant to Section 6 (b) of the Act, requesting an exemption from Section 6 (a) thereof, in regard to the proposed issue and sale by the applicant of (1) its First Mortgage 4% Bonds, Series C, due August 1, 1964, in the principal amount of $4,100,000, (2) its 3½% Serial Notes due August 1, 1940, to August 1, 1944, in the principal amount of $500,000, and (3) 2,200 shares of its $6 Preferred Shares (Cumulative), no par value. Applicant states that it proposes to use the net proceeds from the sale of the aforesaid securities (a) to pay off its presently outstanding First Mortgage Bonds and Secured Notes, aggregating $4,350,000, (b) to pay off certain miscellaneous indebtedness aggregating $304,450.77, (c) to reimburse its treasury for capital expenditures resulting from additions, improvements, or betterments to its plant and property heretofore made by it, and (d) to defray the expenses incurred by it in connection with the sale of the aforesaid securities. The applicant further states that while no firm commitment has been made, it is expected that E. H. Rollins & Sons, Incorporated, will head the selling group, will have the major participation in the issue of Bonds and will underwrite the entire issues of Serial Notes and Preferred Shares. It is also stated in the application that it is expected that Halsey Stuart & Company, Inc., Central Republic Company and possibly other investment houses will participate in the underwriting of the Bonds. The price to the public and the underwriting discount or commission are to be supplied by amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2605; Filed, July 17, 1939; 11:47 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

[File No. 32-162]

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1939.

IN THE MATTER OF NEW YORK STATE ELECTRIC & GAS CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on July 20, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 19th, 1939.

The matter concerned herewith is in regard to an application by New York State Electric & Gas Corporation, a subsidiary of NY PA NJ Utilities Company, a registered holding company, pursuant to section 6 (b) for exemption from the provisions of section 6 (a) of the issue and sale of its note in the principal amount of $325,000 bearing interest at the rate of 2.73% to Rural Electrification Administration. The note, to be secured by the pledge of applicant's First Mortgage Bonds, 4% Series due 1965 in an aggregate principal amount of not in excess of $425,000, is to be dated as of the date of issue thereof, and is to mature in thirty-nine equal installments. The first installment is to be payable one year after the date of the note and the remaining installments on each semi-annual interest payment date to maturity. It is stated that the New York State Public Service Commission by order dated June 20, 1939 authorized the issuance and sale by the applicant of said note and the issuance of said First Mortgage Bonds, 4% Series due 1965, to be pledged as collateral security therefor.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2606; Filed, July 17, 1939, 11:46 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17 day of July, A. D. 1939.

[1] 4 F.R. 1722 DI.

[1] 4 F.R. 2473 DI.

[File No. 43-232-1]

IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 2, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue N.W., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 28, 1939.

The matter concerned herewith is in regard to a declaration filed pursuant to Section 7 of the Public Utility Holding Company Act of 1935 by Iowa Public Serivce Company, a public utility company, registered holding company, and subsidiary of Sioux City Gas and Electric Company, a registered holding company, regarding the issue and sale of $14,250,000 aggregate principal amount of First Mortgage Bonds, 3¾% Series, due 1969, and the issuance of a 3% Promissory Note in an aggregate principal amount not to exceed $800,000, maturing not more than nine months after date, to The Commercial National Bank and Trust Company, as evidence of a loan of such amount.

It is stated that the proceeds of such issue and sale, and loan will be applied to the redemption of the presently outstanding $11,916,000 principal amount of the declarant's First Mortgage Gold Bonds, 5% Series, due 1957; to the redemption of the presently outstanding $2,300,000 principal amount of the declarant's First Mortgage Gold Bonds, 5½% Series, due 1959; to the redemption of $18,500 principal amount, and the retirement at maturity of $17,500 principal amount of presently outstanding Clarion Municipal Light Company First Mortgage Gold Bonds, 6%, due serially from November 1, 1939, to November 1, 1940; to the payment of the premium on the Bonds redeemed; the expenses of the issuance and sale of the proposed new Bonds; and the payment of duplicate interest.

It is stated that the proposed new Bonds will be sold to a syndicate of underwriters which may be headed by A. C. Allyn & Company, Incorporated, but whose participation in the proposed issue will not exceed 5% of the total offering and that A. C. Allyn & Company, Incorporated, will not receive any commission or remuneration either as underwriter, syndicate manager or otherwise, other than an underwriting fee in the same amount as other underwriters in the proposed syndicate. It is stated that the price to be received by the declarant for such proposed Bonds, the underwriting spread and price to the public have not as yet been determined and will be supplied by amendment.

It is stated that no State commission nor State securities commission has jurisdiction over the declarant in connection with the security transaction proposed above.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2607; Filed, July 17, 1939; 11:47 a. m.]

## AGRICULTURAL MARKETING SERVICE

PART 28 (SUB-PART)—AMENDMENT NO. 1 TO PUBLIC NOTICE ESTABLISHING STANDARDS FOR GRADES OF COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES WITHIN THE UNITED STATES

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1940, * * * and for other purposes" (Public No. 159, 76th Congress), I, H. A. Wallace, Secretary of Agriculture do hereby prescribe, publish, and give public notice of the following amendment to the public notice of June 7, 1938,[1] establishing standards for grades of cottonseed sold or offered for sale for crushing purposes within the United States:

In section 3 strike out paragraph (a) and substitute therefor the following:

"(a) *Superior quality cottonseed.*—Cottonseed that have a quantity index of not less than 103 when calculated according to section 2, and that contain not more than one-half of one percent of foreign matter, 9 percent but not more than 10 percent of moisture, and not more than one-half of one percent of free fatty acids in the oil in the seed, shall be known as superior quality cottonseed and shall have a quality index of 102."

(Regulations of the Secretary of Agriculture, June 7, 1938)

Done at Washington, D. C. this 18th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 39-2635; Filed, July 18, 1939; 12:38 p. m.]

## TITLE 21—FOOD AND DRUGS

### FOOD AND DRUG ADMINISTRATION

PROMULGATION OF RULES OF PROCEDURE FOR HEARINGS REQUIRED UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

By virtue of the authority vested in the Secretary of Agriculture by the Federal Food, Drug, and Cosmetic Act (Title 21 U.S.C. 301 et seq.; 52 Stat. 1040 et seq.), and in order to carry out the powers vested in him by the said act, the rules of procedure,[2] for hearings required thereunder, are hereby amended (1) to exclude their application to hearings with reference to regulations contemplated by section 404 (a) of the Act,

[1] 3 F.R. 1343 DI.
[2] 4 F.R. 223 DI.

JUL 21 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 137

*Washington, Wednesday, July 19, 1939*


*Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q.—Lifting Q. 65]

NOTICE OF LIFTING OF WOODGATE RUST QUARANTINE

EFFECTIVE ON AND AFTER JULY 31, 1939

I, M. L. Wilson, Acting Secretary of Agriculture, under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), do hereby remove and revoke the quarantine placed by Notice of Quarantine No. 65 (Sec. 301.65) upon the State of New York on account of the Woodgate rust, and do also revoke the rules and regulations supplemental thereto, as amended, such removal and revocation to take effect on July 31, 1939.

Done at the city of Washington this 17th day of July 1939.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] M. L. WILSON, *Acting Secretary of Agriculture.*

[F. R. Doc. 39-2614; Filed, July 17, 1939; 2:44 p. m.]

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FEDERAL REGISTER

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and (2) to change certain provisions of such rules. The amendments shall take effect upon the issuance of this order and the filing of the same with the Archivist of the United States for publication in the FEDERAL REGISTER.

(a) The caption of said procedural regulations is hereby amended to read as follows:

TITLE 21—FOOD AND DRUGS

FOOD AND DRUG ADMINISTRATION

PROMULGATION OF RULES OF PROCEDURE FOR HEARINGS REQUIRED UNDER SECTION 701 (E) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT EXCEPT WITH REFERENCE TO REGULATIONS CONTEMPLATED BY SECTION 404 (A) OF THE ACT

(b) Sections 1, 2, 3, and 7 of Article II of said procedural regulations are hereby amended to read as follows:

§ 1 *Hearings under Section 701 (e) of the Act.* Whenever the Secretary, on his own initiative, or upon application of any interested industry or substantial portion thereof stating reasonable grounds therefor, shall make a proposal to issue, amend, or repeal any regulation contemplated by any of the following sections of this act: 401, 403 (j), 406 (a) and (b), 501 (b), 502 (d), 502 (h), 504, and 604, a public hearing shall be held upon such proposal.

§ 2 *Notice of hearing.* (a) The Secretary shall give appropriate notice of the hearing. The notice shall set forth the proposal in general terms and specify the time and place for the public hearing to be held thereon not less than thirty days after the date of the notice, except that the public hearing on regulations under section 404 (a) of the Act may be held within a reasonable time, to be fixed by the Secretary, after notice thereof.

(b) Notice of hearing under section 701 (e) of the Act except with reference to any regulation contemplated by section 404 (a) of the Act shall be given by filing the same with the Archivist of the United States for publication in the FEDERAL REGISTER.

Section 3 of Article III is hereby amended to read as follows:

*Transcript of the evidence.* Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall be marked for identification and, upon satisfactory showing of their authenticity, relevancy, and materiality, shall be, in the discretion of the presiding officer, received and marked as exhibits in evidence. Such exhibits shall, if possible under the circumstances, be submitted in quintuplicate and in typewritten, printed, photostat or mimeographed form. In case the required number of copies are not made available, the presiding officer shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute, or to a report or document, the presiding officer shall, after inquiries relating to the identification of such statute, report or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. Where relevant and material offered in evidence is embraced in a report or document containing immaterial or irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

§ 7 *Issuance of suggested findings of fact, conclusions and order; transmittal of record—Order of procedure.* The presiding officer, within a reasonable time after the termination of the period allowed for the filing of written arguments, proposed findings of fact, or both, as provided in section 4 of this article, shall prepare, upon the basis of the evidence received at the hearing, suggested findings of fact, conclusions and order, which shall be served upon the interested persons whose appearances were entered at the hearing by publication in the FEDERAL REGISTER and by mailing a copy of such issue of the FEDERAL REGISTER to each of them by registered mail. Within ten days after the receipt of such copy of the FEDERAL REGISTER, any such interested person who wishes to object to any matter set out in the suggested findings of fact, conclusions and order shall transmit such objection in writing to the Hearing Clerk. At the same time, such interested persons shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer at the hearing, as set out in section 1 of this article, upon which he wishes to rely, referring, where relevant, to the pages of the transcript of evidence. The presiding officer shall then transmit to the Secretary the record of the proceedings. Such record shall include: a transcript of the evidence taken at the hearing, such written arguments and proposed findings of fact as may have been filed in connection with the hearing, the suggested findings of fact, conclusions and order of the presiding officer, and the objections filed thereto, if any.

In testimony whereof, I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed hereto on this 18th day of July 1939, in the City of Washington, District of Columbia.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2634; Filed, July 18, 1939; 12:38 p. m.]



TITLE 29—LABOR

CHILDREN'S BUREAU

[Regulation No. 12]

CHILD LABOR

PART 402—ACCEPTANCE OF STATE CERTIFICATES

JULY 17, 1939.

§ 402.9 *Withdrawal of designation of State.* Pursuant to the provisions of section 401.5 [1] the designation of the State of South Carolina as a State in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, made effective by sections 402.5 [2] and 402.7,[3] is hereby withdrawn. This withdrawal shall become effective on July 24, 1939, but shall not affect the validity of any certificate issued by or under the supervision of the Commissioner of the Department of Labor of the State of South Carolina between November 22, 1938, and July 24, 1939, pursuant to the provisions of sections 401.5, 402.5, and 402.7 referred to above.

[SEAL] KATHARINE F. LENROOT,
*Chief of the Children's Bureau.*

[F. R. Doc. 39-2631; Filed, July 18, 1939; 11:23 a. m.]

[1] Section 5, Child Labor Regulation No. 1, "Certificates of Age," issued October 14, 1938, pursuant to the authority conferred by sections 3 (1) and 11 (b) of the Fair Labor Standards Act of 1938 (52 Stat. 1060), published in 3 F.R. 2487 DI, October 15, 1938, republished in 4 F.R. 1361 DI, March 29, 1939.

[2] Child Labor Regulation No. 8, issued November 22, 1938 pursuant to the aforesaid authority, published in 3 F.R. 2773 DI, November 26, 1938.

[3] Child Labor Regulation No. 10, issued April 24, 1939, pursuant to the aforesaid authority, published in 4 F.R. 1687 DI, April 25, 1939.

TITLE 45—PUBLIC WELFARE.

NATIONAL YOUTH ADMINISTRATION

[Administrative Order No. 1]

REGULATIONS RELATING TO THE PART-TIME EMPLOYMENT OF OUT-OF-SCHOOL YOUTH ON PROJECTS OF THE NATIONAL YOUTH ADMINISTRATION

By virtue of and pursuant to the authority vested in the Administrator of the National Youth Administration by the Emergency Relief Appropriation Act of 1939, approved June 30, 1939, the following rules and regulations are prescribed.

PART I—DEFINITIONS

§ 1 The term "project" as used herein shall mean projects or portions of projects, for the employment and training of out-of-school youth, which are financed in whole or in part from funds appropriated to the National Youth Administration by the Emergency Relief Appropriation Act of 1939.

§ 2 The term "project employees" as used herein shall mean all persons engaged upon projects and paid by means of a payroll payment from funds authorized for the operation of such projects. Project employees are further defined as follows:

(a) The term "youth employees" as used herein shall mean certified persons between the ages of 18 and 24 years inclusive who are engaged upon a part-time basis on projects and who are paid by means of payroll payments from funds authorized for the operation of such projects.

(b) The term "project supervisory employees" as used herein shall mean persons in supervisory positions engaged upon projects who are paid upon a per diem or monthly basis by means of payroll payments from funds authorized for the operation of such projects.

PART II—HOURS OF WORK

§ 3 The State Youth Administrator shall be responsible for determining the hours of work for project employees in accordance with the provisions hereinafter prescribed.

§ 4 Hours of project work for youth employees shall not exceed 8 hours per day, 40 hours per week, and 100 hours per month, except in the case of:

(a) Such projects, portions of projects, or areas as the National Youth Administrator, or his authorized representative, may hereinafter exempt;

(b) An emergency involving the public welfare or to protect work already done on a project when so authorized by the State Youth Administrator;

(c) Making up time lost due to conditions which in the judgment of the State Youth Administrator warrant authorizing youth employees to make up lost time; or

(d) Such projects, portions of projects, or areas as have heretofore been exempted by proper authority, provided that the exemptions remain applicable after June 30, 1939, to the specific projects, portions of projects, or areas for which they were authorized.

§ 5 Youth employees may be required to participate in a program of related training, which may be included in their monthly assigned hours, provided that the total assigned hours do not exceed 100 hours per month. Within the maximum assigned hours provided herein, youth employees shall be considered in payroll status for the entire period during which they are under the supervision of the National Youth Administration.

§ 6 The hours of work for project supervisory employees shall be established by the State Youth Administrator in accordance with the requirements of the project to which the employee is assigned.

PART III—MONTHLY EARNINGS AND PAYMENT FOR SERVICES

§ 7 The State Youth Administrator is authorized and directed to establish per diem or monthly earnings for project supervisory employees in accordance with the wages customarily paid for work of a similar nature in the same locality. Earnings for project supervisory employees established on a per diem or monthly salary basis are subject to the following conditions:

(a) Project supervisory employees, who are assigned to work for a period of less than 100 hours per payroll month or who are assigned to work for indefinite periods per payroll month, shall be compensated upon a per diem basis of payment from funds authorized for the operation of projects. Project supervisory employees paid on a per diem basis shall be paid for their actual days of service.

(b) Project supervisory employees, who are assigned to work for definite schedules of not less than 100 hours per payroll month shall be compensated for their services upon a monthly salary basis from funds authorized for the operation of projects. For project supervisory employees paid on a monthly salary basis, deductions for voluntary absence from duty shall be made in the amount of one-thirtieth of the monthly salary for each day of voluntary absence. However, no deduction shall be made for any day or days upon which the employee is not required to work. Deductions for voluntary absence from duty for a portion of a day shall be made in an amount equal to one-fourth the deduction, or multiple thereof, made for absence during a full day.

§ 8 The schedule of monthly earnings hereinafter prescribed shall be applicable to youth employees, except in the case of:

(a) Such projects, portions of projects, or areas as the National Youth Administrator, or his authorized representative, may hereinafter exempt;

(b) Making up time lost, or in the case of an emergency, as provided in Section 4; or

(c) Such projects, portions of projects, or areas as have heretofore been exempted by proper authority, provided that the exemptions remain applicable after June 30, 1939, to the specific projects, portions of projects, or areas for which they were authorized.

*Schedule of Monthly Earnings for Part-Time Work*

The schedule of monthly earnings applicable to any county shall be based upon the 1930 population of the largest municipality within the county in accordance with the following schedule:

| Wage regions [1] | Population over 25,000 | Population under 25,000 |
|---|---|---|
| | Unskilled work | |
| Region I | 18 | 14 |
| Region II | 16 | 14 |
| Region III | 14 | 12 |
| | Intermediate work | |
| Region I | 21 | 17 |
| Region II | 18 | 15 |
| Region III | 16 | 13 |
| | Skilled work | |
| Region I | 25 | 20 |
| Region II | 23 | 18 |
| Region III | 21 | 16 |
| | Professional and technical work | |
| Region I | 25 | 23 |
| Region II | 24 | 21 |
| Region III | 24 | 19 |

[1] Wage Regions include the following States:
Region I. Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.
Region II. Delaware, District of Columbia, Kansas, Kentucky, Maryland, Missouri, North Carolina, Oklahoma, Virginia, West Virginia.
Region III. Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, Texas.

§ 9 The several State Youth Administrators are authorized to make adjustments of not to exceed fifty cents (50¢) above or below the schedule of earnings as prescribed in Section 8 to avoid the computation of fractional payments of less than one cent (1¢) or the assignment of hours of work which involve partial hours during any monthly pay period.

§ 10 It shall be the responsibility of each State Youth Administrator to issue State Youth Administrator's Orders which shall constitute a schedule of assigned hours of work and monthly earnings for each class of youth employee in each county in which projects are operated. Where exemptions are authorized, supplemental schedules may be issued under the State Youth Administrator's Orders to cover special determinations for individual projects within a county or for subdivisions within a county.

§ 11 Project employees if injured in the performance of duty and unable to work as a result thereof shall be entitled to receive payment of compensation under the provisions of the Act of February 15, 1934 (48 Stat. 351) as amended.

§ 12 Wages paid by the Federal Government may not be pledged or assigned, and any purported pledge or assignment shall be null and void.

PART IV—CONDITIONS OF EMPLOYMENT

§ 13 The certification of need of youth employees shall be made by public relief agencies approved by the State Youth Administrator, or, in lieu thereof, shall be the responsibility of the State Youth Administrator or his authorized representative. For the purpose of certification, a youth employee shall be defined as needy if he is:

(a) A member of a family whose income is insufficient to provide the basic requirements of all members of the family, including the youth member, regardless of whether the family is receiving or eligible for any form of public assistance; or

(b) Without family connections and his income is insufficient to provide his basic requirements.

§ 14 No person under the age of 18 years, or whose age is 25 years or more, except project supervisory employees, and no one whose physical condition is such as to make his employment dangerous to his health or safety, or to the health or safety of others, may be employed on a project. This paragraph shall not be construed to operate against the employment of physically handicapped persons, otherwise employable, where such persons may be safely assigned to work which they can ably perform.

§ 15 All work projects shall be conducted in accordance with safe working conditions, and every effort shall be made for the prevention of accident.

§ 16 No person shall be employed on any project until such person has made an affidavit as to his United States citizenship. No alien shall be given employment or continued in employment on any project, even though such alien may have filed a declaration of intention to become an American citizen.

§ 17 No person shall be employed or continued in employment if his work habits are such or his work record shows that he is incapable of performing satisfactorily the work to which he may be assigned.

§ 18 No person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States through force or violence shall be eligible for any employment which is compensated after September 30, 1939, from funds appropriated to the National Youth Administration.

§ 19 No project supervisory employee may be employed or continued in employment unless such person executes an oath of office before engaging in project employment, or prior to August 1, 1939, in the case of any person employed before that date who has not taken an oath of office.

§ 20 Project employees certified as in need shall be expected to accept a bona fide offer of public or private employment provided that:

(a) The project employee is capable of performing such work;

(b) The wage for such employment is not less than the prevailing wage for such work in the community;

(c) Such employment is not in conflict with established union relationships; and

(d) Such employment provides reasonable working conditions.

No project employee certified as in need who refuses a bona fide offer of private employment under the conditions provided in this section shall be retained in employment for the period such private employment would be available. However, a worker shall be entitled to immediate resumption of his previous employment status if he is still in need and if he has lost his private employment through no fault of his own. Project employees awaiting assignment who refuse to accept private employment shall be ineligible for employment on any project for the period during which the private employment would be available.

§ 21 All persons paid from funds appropriated to the National Youth Administration shall observe the following rules relating to political activities:

(a) No person, directly or indirectly, shall promise any employment, position, work, compensation, or other benefit provided or made possible under the program of the National Youth Administration to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election.

(b) No person shall deprive, attempt to deprive, or threaten to deprive by any means, any person of any employment, position, work, compensation, or other benefit provided or made possible under the program of the National Youth Administration on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election.

(c) No person shall knowingly solicit or knowingly be in any manner concerned in soliciting any assessment, subscription or contribution for the campaign expenses of any individual or political party from any person entitled to or receiving compensation or employment provided for by the program of the National Youth Administration.

(d) No person employed in any administrative or supervisory capacity by any agency of the Federal Government whose compensation or any part thereof is paid from funds appropriated to the National Youth Administration shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part directly or indirectly in political management or in political campaigns or in political conventions. Any persons who violate the provisions of this section shall be subject to immediate discharge and thereafter such persons shall not be eligible for any employment which is compensated from funds appropriated to the National Youth Administration.

(e) No person employed in any administrative or supervisory capacity may be a candidate for any state, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches, in any primary, general or special election or who is serving as a campaign manager or assistant thereto for any such candidate.

§ 22 Every person of legal age who works for the National Youth Administration, whatever his job, has a right to vote in any election, for any candidate he chooses. When the hours during which polling places are open or any other conditions prevent employees from freely exercising their voting privileges, scheduled hours of work may be adjusted to provide the necessary time for this purpose. Project employees shall not be paid for any allowance of time during which to vote, but they shall be permitted through a rescheduling of hours to work their full quota of hours during the pay-roll month in which the time off is granted.

PART V—ASSIGNMENT, CLASSIFICATION, AND SEPARATION

§ 23 The State Youth Administrator or his authorized representative shall be responsible for the assignment, classification, transfer, and termination of project employees paid from funds appropriated to the National Youth Administration. Project employees shall be registered with employment offices designated by the United States Employment Service.

PART VI—EFFECTIVE DATE

§ 24 These rules and regulations shall become effective immediately and shall supersede Administrative Order No. 64[1] of the Works Progress Administration and National Youth Administration, dated July 9, 1938, which is hereby rescinded.

AUBREY WILLIAMS,
*Administrator.*

JULY 1, 1939.

[F. R. Doc. 39-2620; Filed, July 18, 1939; 9:07 a. m.]

[1] 3 F.R. 1914 DI.



## TITLE 47—TELECOMMUNICATION

## FEDERAL COMMUNICATIONS COMMISSION

### PART 1—RULES OF PRACTICE AND PROCEDURE*†

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*Promulgated under the authority contained in Sec. 4 (i) 48 Stat. 1066; 47 U.S.C. 154 (i).

†Adopted by the FCC on July 12, 1939, to become effective August 1, 1939.

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ADMINISTRATIVE PROVISIONS

§ 1.1 *Offices; hours.* The principal office of the Commission shall be located at Washington, D. C., and all communications to it shall be addressed to the Secretary, Washington, D. C., unless otherwise specifically directed. The hours of the Commission are from 8:30 a. m. to 4 p. m., Monday to Friday, inclusive, and on Saturday from 8:30 a. m. to 12:30 p. m., except on legal holidays.*†

§ 1.2 *Meetings.* All meetings of the Commission, unless otherwise determined by a majority of the members thereof, shall be held at the principal office of the Commission.*†

§ 1.3 *Minutes.* The minutes of a meeting of the Commission shall be the official record of any action taken therein, and shall be kept by, and in the office of, the Secretary.*†

§ 1.4 *Authentication of documents.* All orders, permits, licenses, or other instruments of authorization made, issued, or granted by the Commission, shall, unless otherwise specifically provided by order of the Commission, be signed by the Secretary in the name of the Commission and authenticated by the Seal of the Commission.*†

§ 1.5 *Inspection of records.* Subject to the provisions of Sections 4 (j), 412 and 606 of the Act, the files of the Commission shall be open to inspection as follows:

(a) Tariff schedules required to be filed under Section 203 of the Act and annual and monthly reports required to be filed under Section 219 of the Act.

(b) All applications and amendments thereto filed under Title II and Title III of the Act, including all documents and exhibits filed with and made a part thereof; authorizations and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, examiners' reports, exceptions, briefs, proposed reports or findings of fact and conclusions, minutes, and orders of the Commission.

(c) Other files in the discretion of the Commission upon written request describing in detail the documents to be inspected and the reasons therefor.*†

§ 1.6 *Certified copies; requests for; costs.* Copies of any documents subject to inspection under the provisions of Sec. 1.5 will be prepared and certified by the Secretary, under seal, on written request, specifying the exact documents, the number of copies desired, and the date on which the same will be required: *Provided, however,* That such request must be made so as to permit a reasonable time for the preparation of such copies: *And provided further,* That any cost incurred in the preparation of such copies shall be prepaid by the person making application therefor.*†

§ 1.7 *Official reporter; transcript.* The Commission will designate from time to time an official reporter for the taking down and transcribing of its proceedings. No transcript of the testimony taken, or argument had, at any hearing will be furnished by the Commission, but will be open to inspection under Sec. 1.5. Such transcript, if desired, must be obtained from the official reporter upon payment of the charges therefor.*†

§ 1.8 *Person, defined.* Wherever in these rules the term "person" is used, it shall include an individual, partnership, association, joint-stock company, trust, or corporation.*†

§ 1.9 *Computation of time.* In computing any period of time prescribed or allowed by these rules, by order of the Commission, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Sunday or a legal holiday in which event the period runs until the end of the next day which is neither a Sunday nor a holiday. When the period of time prescribed or allowed is less than 7 days, intermediate Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.*†

§ 1.10 *Additional time to parties in certain cases.* Where, under these rules, unless otherwise expressly provided, any limitation is made as to the time within which any document is required to be filed, or any procedural step is required to be taken in connection with any hearing, parties who are residents of Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California shall have an additional period of five days; and parties who reside beyond the confines of the continental United States shall have an additional period of twenty days within which to file such document or take such other procedural step: *Provided, however,* That this rule shall not apply to any limitation as to time fixed by statute.*†

§ 1.11 *Documents in foreign languages.* Every document, exhibit, or other paper written in a language other than English, which shall be filed in any proceeding before the Commission or in response to any order of the Commission unless expressly waived therein, shall be filed in the language in which it is written, together with an English translation thereof duly verified under oath to be a true translation. Each copy of every such document, exhibit, or other paper filed, shall be accompanied by a separate copy of the translation.*†

§ 1.21 *Suspension, amendment, etc. of rules.* The rules and regulations of the Commission may be suspended, revoked, modified, amended, or supplemented, in whole or in part, at any time by the Commission.*†



PERSONAL APPEARANCES; PRACTITIONERS

§ 1.31 *Appearances.* Any individual, receiver or trustee may appear and be heard in person or by attorney. A partnership may appear and be represented by any member thereof or by attorney. A corporation, association, joint-stock company, or trust, may appear only by attorney.*†

§ 1.32 *Authority for representation.* Any person, in a representative capacity, transacting business with the Commission, may be required to show his authority to act in such capacity.*†

§ 1.33 *Persons who may be admitted to practice.* Attorneys at law admitted to practice before any court of the United States, the District of Columbia, or the highest court of any State or Territory, upon application may be admitted to practice before the Commission. An attorney at law from any place other than the District of Columbia may, in the discretion of the Commission or the official presiding at any hearing, be admitted for a particular case in which he may be employed.*†

§ 1.34 *Applications for admission.* Applications for admission to practice shall be on a form prescribed and provided by the Commission. (See Appendix No. 1) *†

§ 1.35 *Oath.* No person shall be admitted to practice before the Commission until he shall have subscribed to an oath or affirmation that he will demean himself as a practitioner before the Commission, uprightly and according to law; and that he will support the Constitution and laws of the United States and will conform to the Rules and Regulations of the Commission.*†

§ 1.36 *Suspension; disbarment.* The Commission may censure, suspend, disbar, or revoke the right of any person who has been admitted to practice before it if it finds that such person has violated his oath taken upon admission; or has, in obtaining admission, concealed any material facts with reference to his legal qualifications, professional standing, character or integrity, or has failed to conform to recognized standards of professional conduct; *Provided, however,* That before any member of the bar of this Commission shall be censured, suspended, disbarred, or his right to practice before the Commission revoked, charges shall be preferred by the Commission against such practitioner and he shall be afforded an opportunity to be heard thereon.*†

§ 1.37 *Register of practitioners.* A register will be maintained by the Commission in which will be entered the names of all persons entitled to practice before the Commission. Only individuals will be admitted or recognized.*†

§ 1.38 *Former employees.* No member, officer or employee of the Commission shall, within two years after his service with the Commission is terminated, appear as attorney before the Commission in any cause or application which he has handled or passed upon while in the service of the Commission.*†

§ 1.39 *Appearance blanks.* Each attorney representing a party to any proceeding shall enter his appearance, in duplicate, on the form prescribed for the purpose by the Commission prior to participating in such proceeding, which appearance shall be made a part of the record. (See Appendix No. 2) *†

PARTIES

§ 1.51 *Parties, defined.* The term "party" shall include any person, body politic, municipal organization, or State Commission. Parties to proceedings will be designated as applicants, complainants, defendants, petitioners, interveners, protestants, or respondents.*†

§ 1.52 *Applicant.* The term "applicant" means a party applying for a certificate, certification, permit, license, or such other instrument of authorization as the Commission is empowered to grant, and for which an application is required.*†

§ 1.53 *Complainant.* The term "complainant" means a party who complains to the Commission of anything done or omitted to be done by any common carrier subject to the Act in violation of the provisions thereof.*†

§ 1.54 *Intervener.* The term "intervener" means a party who, upon petition, has been permitted to become a party to any proceeding before the Commission.*†

§ 1.55 *Protestant.* The term "protestant" means a party opposing the schedules under suspension in investigation and suspension proceedings, or a party who files a protest to a tentative valuation in valuation proceedings.*†

§ 1.56 *Petitioner.* The term "petitioner" means a party other than as defined above seeking relief within the jurisdiction of the Commission.*†

§ 1.57 *Defendant.* The term "defendant" means a common carrier subject to the Act against whom a complaint has been filed of anything done or omitted to be done in violation of the provisions of the Act.*†

§ 1.58 *Respondent.* The term "respondent" means a party against whom the Commission has, on its own motion, instituted an inquiry, investigation, revocation, suspension, modification, cancellation, or other proceeding.*†

§ 1.59 *Receiver or trustee of carrier.* The receiver or trustee of any common carrier subject to the Act shall be made a part to any proceeding in which such carrier is a party.*†

§ 1.60 *Substitution of parties.* The Commission in a proper case may order a substitution of parties; in case of death of a party, upon suggestion thereof; and in other circumstances, for good cause shown, upon petition.*†

APPLICATIONS AND AMENDMENTS—GENERAL

§ 1.71 *Applications made on prescribed forms; exceptions.* Each application for an instrument of authorization shall comply with the Commission's Rules and Regulations and shall be made in writing, subscribed and verified as provided in Section 1.121, on a form furnished by or in the manner prescribed by the Commission: *Provided, however,* That in emergency cases the Commission may waive the requirements of formal application with respect to applications for other than radio licenses and for licenses, renewals, or modification thereof for stations on vessels or aircraft of the United States, pursuant to Section 308 (a) of the Act. Separate application shall be filed for each instrument of authorization requested: *Provided, however,* That in cases arising in services other than broadcast where a single licensee holds a number of licenses which are identical in their terms or which are identical in their terms with the exception of station locality, and in other cases in the discretion of the Commission, a single application may be filed for renewal or modification of such licenses, where such single application sets forth in detail and in unmistakable language, an accurate description of the individual licenses sought to be renewed or modified: *Provided, further,* That in cases where an applicant desires a modification of a rule or regulation, he shall submit a formal petition setting forth the desired change and the reasons in support thereof. The required forms may be obtained from the Commission or from any of its field offices. (For a list of such offices and related geographical districts, see Appendix No. 3) *†

§ 1.72 *Defective applications.* Any application which is not filed in accordance with the Commission's regulations will be considered defective. If an applicant, by specific request of the Commission is required to file any documents or information not included in the prescribed application forms, a failure to comply therewith shall constitute a defect in the application. Such defective application will not be considered by the Commission, but will be returned to the applicant by the Secretary, with a brief statement of the respect in which it is defective.*†

§ 1.73 *Amendments and dismissals; when allowed.* Any application may be amended or dismissed without prejudice as a matter of right prior to the designation of such application for hearing. Thereafter, requests to amend or dismiss without prejudice will be considered only upon written motion served upon all parties of record, as provided in Sec. 1.141.

When leave to amend has been granted after an application has been designated

for hearing, the application will be removed from the hearing docket and reconsidered by the Commission, and, when necessary, the amended application will be redesignated for hearing at a subsequent time.*†

§ 1.74 *Form of amendments.* Any amendment to an application shall be subscribed, verified, and submitted in the same manner, and with the same number of copies, as was the original application.*†

§ 1.75 *Amendments ordered.* The Commission may, upon its own motion or upon motion of any party to the proceeding, order the applicant to amend his application so as to make the same more definite and certain.*†

AMENDMENTS TO PLEADINGS

§ 1.91 *Time for filing; disposition.* Any pleading may be amended as a matter of right if filed with the Commission not less than thirty days prior to the date set for hearing in the proceeding in which the pleading is filed. Thereafter, requests for leave to amend will be considered only upon written motion. Amendments, amended pleadings, or requests for leave to amend must be served upon all parties of record as provided in Sec. 1.141 prior to filing. Amendments to applications may be determined only as provided in Sec. 1.73.*†

PETITIONS AND COMPLAINTS

§ 1.101 *General.* Petitions for relief under the jurisdiction of the Commission shall set forth clearly and concisely the petitioner's interest and the facts supporting the relief sought. (See also third proviso, Sec. 1.71) *†

§ 1.102 *Intervention.* Petitions for intervention must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, the facts on which the petitioner bases his claim that his intervention will be in the public interest and must be subscribed and verified in accordance with Sec. 1.122. The granting of a petition to intervene shall have the effect of permitting intervention before the Commission but shall not be considered as any recognition of any legal or equitable right or interest in the proceeding. The granting of such petition shall not have the effect of changing or enlarging the issues which shall be those specified in the Commission's notice of hearing unless on motion the Commission shall amend the same.*†

§ 1.103 *Complaints.* Communications to the Commission complaining of anything done, or omitted to be done, in contravention of the provisions of the Act, except formal and informal complaints filed under "Special Provisions Relating to Common Carriers" hereof, may, in the discretion of the Commission, be investigated or otherwise acted upon in any manner the Commission may deem expedient; but such communications shall not be deemed to be either formal or informal complaints within the meaning of these rules, irrespective of any action taken thereon by the Commission.*†

SUBSCRIPTION AND VERIFICATION

§ 1.121 *Applications; amendments.* Each application or amendment thereto shall be personally subscribed and verified: (1) By the party filing such application or amendment, or by one of the parties, if there be more than one; (2) by an officer of the party filing the application or amendment if the party be a corporation; *Provided, however,* That subscription and verification may be made by the attorney for the party (1) in case of physical disability of the party, or (2) his absence from the continental United States. If it be made by a person other than the party, he must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the party.*†

§ 1.122 *Pleadings.* All pleadings (not including applications or amendments thereto) filed by any party represented by an attorney, shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign and verify his pleading and state his address. Except when otherwise specifically provided by rule or statute, pleadings signed by the attorney for a party need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a pleading is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the matter may proceed as though the pleading had not been served. For a wilful violation of this rule an attorney may be subjected to appropriate disciplinary action. Similar action may be taken if s c a n d a l o u s or indecent matter is inserted.*†

SPECIFICATIONS AS TO DOCUMENTS AND PLEADINGS

§ 1.131 *Papers, general.* All papers filed in any proceeding shall, unless otherwise specifically provided herein, be on paper 8½ x 13 or 14 inches, with left-hand margin not less than 1½ inches wide; *Provided,* That this requirement shall not apply to original documents, or admissible copies thereof, offered as exhibits: *And provided further,* That specially prepared exhibits may be submitted on paper of a width of 13 or 14 inches, of any length with a lefthand margin of 1½ inches on the 13 or 14 inch dimension. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations shall be single-spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letter press or printed. The foregoing shall not apply to official publications. All copies must be clearly legible.*†

§ 1.132 *Briefs.* Briefs may be printed, typewritten, mimeographed or multigraphed, provided, however, that printed briefs shall be in 10 or 12-point type, on good unglazed paper, 5⅞ inches wide by 9 inches long, with inside margin not less than 1½ inches wide, and with double-leaded text and single-leaded citations.*†

SERVICE OF DOCUMENTS; COPIES

§ 1.141 *Service, proof of service.* All pleadings, petitions, motions, or other documents (other than applications under Title II, formal complaints, supplemental complaints, cross-complaints and amended complaints) filed in any proceeding shall be served by the party filing the same upon all parties of record, as follows:

Service upon common carriers shall be made as provided in Section 413 of the Communications Act of 1934, as amended.

In all other cases whenever under these rules service is required or permitted to be made upon a party, and such party is represented by an attorney of record in the proceeding, the service shall be made upon the attorney. Service upon the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address. Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein, or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing.

Proof of service as provided in the foregoing shall be made by appropriate affidavit describing the service which shall be attached to the original and copies of which shall be attached to all copies filed with the Commission. If service has been made by delivery of a copy to the attorney, written acknowledgement thereof on the original filed will be considered proof of service; in such case an appropriate notation of such acknowledgement shall be made on all copies filed.*†

§ 1.42 *Copies.* A party filing a petition or motion that, under Sec. 1.251, will be placed on the Motions Docket for action will furnish an original and eight copies thereof. An original and fourteen copies of all other pleadings or documents must be filed unless otherwise specifically provided for in these rules.*†

PROOF OF OFFICIAL RECORD

§ 1.151 *Authentication of copy.* An official record, or entries therein when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having legal custody of the record, or by his deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by the judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office.*†

§ 1.152 *Proof of lack of record.* A written statement signed by an officer having the custody of an official record or by his deputy that after diligent search no record or entry of a specified tenor is found to exist in the records of his office accompanied by a certificate as above provided, is admissible as evidence that the records of his office contain no such record or entry.*†

§ 1.153 *Other proof.* This rule does not prevent the proof of official records or of entry or lack of entry therein by any method authorized by any applicable statute or by the rules of evidence at common law.*†

SUBPOENAS

§ 1.171 *Who may sign and issue.* Subpoenas requiring the attendance and testimony of witnesses, and subpoenas requiring the production of any books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation or hearing may be signed and issued as follows: (a) Hearings before the Commission en banc; By any Commissioner; (b) Hearings before any designated officer; (1) By any Commissioner; (2) The officer designated to hear a case may sign and issue subpoenas in that case; (c) In other cases: By any Commissioner.*†

§ 1.172 *Requests; verification and content.* Unless directed by the Commission upon its own motion, subpoenas will be issued only upon request in writing. Requests for subpoenas to compel witnesses to produce documentary evidence must be subscribed and verified in accordance with Sec. 1.122 and must specify with particularity the books, papers, or documents desired, and the facts expected to be proved thereby.*†

§ 1.173 *Witness fees.* Witnesses who are subpoenaed and respond thereto are entitled to the same fees including mileage as are paid for like service in the courts of the United States, such fees to be paid by the party at whose instance the testimony is taken at the time the subpoena is served.*†

§ 1.174 *Service of subpoenas; return.* (a) A subpoena may be served by a United States marshal or his deputy or by any other person who is not a party and is not less than eighteen years of age. Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees for one day's attendance and the mileage allowed by law. When the subpoena is issued on behalf of the United States or an officer or agency thereof, fees and mileage need not be tendered.

(b) If made by any other person, such person shall make affidavit thereof, stating the date, time, and manner of service; and return such affidavit on, or with, the original subpoena in accordance with the form thereon. In case of failure to make service the reasons for the failure shall be stated on the original subpoena. In making service, the original subpoena shall be exhibited to the person served, shall be read to him if he is unable to read, and a copy thereof shall be left with him. The original subpoena, bearing or accompanied by the required return, affidavit, or statement, shall be returned forthwith to the Secretary of the Commission, or, if so directed on the subpoena, to the presiding officer before whom the person named in the subpoena is required to appear.*†

HEARINGS

§ 1.191 *Classes.* Hearings before the Commission may be formal or informal.*†

INFORMAL HEARINGS

§ 1.192 *I n f o r m a l; procedure.* The Commission may upon petition by any person or upon its own motion hold such informal hearings as it may deem necessary from time to time in connection with the investigation of any matter which it has power to investigate under the law, or for the purpose of obtaining information necessary or helpful in the determination of its policies, the carrying out of its duties, or the formulation or amendment of its Rules and Regulations. For such purposes it may subpoena witnesses and require the production of testimony as in formal hearings but the procedure to be followed shall be informal and such as in the opinion of the Commission will best serve the purposes of such hearing.*†

FORMAL HEARINGS

§ 1.193 *Hearing date on related matters.* In fixing dates for hearings the Commission will, so far as practicable, endeavor to fix the same date for separate hearings (a) on all related matters which involve the same applicant, or arise out of the same complaint or cause; and (b) for separate hearings on all applications which by reason of the privileges, terms, or conditions requested present conflicting claims of the same nature.*†

§ 1.194 *Consolidation of cases.* The Commission, upon motion, or upon its own motion, will, where such action will best conduce to the proper dispatch of business and to the ends of justice, consolidate for hearing (a) any cases which involve the same applicant or arise from the same complaint or cause, or (b) any applications which by reason of the privileges, terms, or conditions requested present conflicting claims of the same nature.*†

§ 1.195 *Communications relating to applications.* There will be maintained in the office of the Secretary of the Commission a record of all communications received by the Commission relating to the merits of any application pending before the Commission requesting the granting, renewal, modification, or revocation of any license or construction permit, certificate of convenience and necessity or rate schedule. Such record shall show the name and address of the person asking the statement and the substance of such statement. When the date of hearing has been set, if the matter is designated for hearing, the Secretary shall notify all persons shown by the records to have communicated with the Commission regarding the merits of such matter in order that such persons will have an opportunity to appear and give evidence at such hearing, provided, that in the case of communications bearing more than one signature notice shall be given to the person first signing unless the communication clearly indicates that such notice should be sent to some one other than such person.

No such person shall be precluded from giving any relevant material and competent testimony at such hearing because he lacks a sufficient interest to justify his intervention as a party in the matter.

No such communication will be considered by the Commission in determining the merits of any such matter nor shall any such communication be considered by any examiner unless it has been introduced into evidence at the hearing and appears as a part of the record. The admissibility of any such communication or the Secretary's record of any such communication shall be governed by the applicable rules of evidence, and no such communication shall be admissible on the basis of a stipulation unless Commission's counsel as well as counsel for all of the parties shall join in such stipulation.

Such communications, however, may be considered by the Commission if circumstances warrant in deciding whether or not a matter shall be set down for hearing in cases where in the absence of such communication no hearing would be required by the Commission.*†

§ 1.196 *Notice of hearing under Part I of Title III.* In cases arising under Part I of Title III of the Act notice of applications received and action thereon shall be given in the following manner:

(a) By publishing the notice of hearing in the FEDERAL REGISTER not less than thirty days in advance of the hearing date;

(b) Notice of the filing of all applications under Part I of Title III of the Act and of the date fixed for hearing on such applications shall be published weekly in the office of the Commission and posted in the office of the Secretary and such lists shall be mailed to all persons who, in writing, request this service.*†

§ 1.197 *Notice of hearing under Title II or Part II of Title III.* In cases arising under Title II or Part II of Title III of the Act, except if specific provision is made by statute or by these rules for actual or constructive notice, the Commission shall give or require reasonable notice.*†

CONTINUANCES; EXTENSIONS

§ 1.201 *Continuances and extensions.* Continuance in respect to any proceeding or hearing pending before the Commission and extensions of time for making any filing or performing any act required or allowed to be done within a specified time may be granted upon motion for good cause shown, except where the time for performance or filing is limited by statute.*†

§ 1.202 *Postponement or change of place.* The Commission or the presiding officer at a hearing may, after opening any hearing pursuant to notice, recess or adjourn the same for such time as may be necessary, or change the place thereof.*†

§ 1.203 *Motions involving delay.* Requests for continuance shall show diligence by the moving party and shall be made at such time and in such manner as to avoid unnecessary hardship or expense to the parties to the proceeding. Such motions shall show service upon all parties as provided in Sec. 1.141.*†

ORDER OF PROCEDURE

§ 1.204 *Order of procedure.* At hearings on complaints, petitions, applications, or other proceedings for instruments of authorization which the Commission is empowered to issue, the complainant, petitioner, or applicant as the case may be, shall open and close. At hearings on investigation and suspension proceedings under Title II of the Act, the respondent whose tariffs are under suspension shall open and close. At hearings in all other investigations, the party to whom the order to show cause was issued shall open and close. At hearings under Title III of the Act on revocations and suspension of operator licenses or modifications of licenses under Section 312 (b) of the Act, or other like proceedings instituted by the Commission, the Commission shall open and close. In hearings upon a consolidated record, the Commission or presiding officer shall designate the order of presentation. Interveners shall follow the party in whose behalf intervention is made, and in all cases where the intervention is not in support of an original party, the Commission, or presiding officer, shall designate at what stage such interveners shall be heard.*†

EVIDENCE

§ 1.211 *Rules of evidence.* Except as otherwise provided herein, the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States shall govern formal hearings before the Commission: *Provided, however,* That such rules may be relaxed in any case where the ends of justice will be better served by so doing.*†

§ 1.212 *Cumulative evidence.* The introduction of merely cumulative evidence shall be avoided, and the number of witnesses that may be heard in behalf of a party on any issue may be limited.*†

§ 1.213 *Further evidence during hearing.* At any stage of a hearing, the presiding officer may call for further evidence upon any issue and may require such evidence to be presented by any party to the proceeding.*†

§ 1.214 *Documents containing matter not material.* Where material and relevant matter offered in evidence is embraced in a document containing other matter not material or relevant, and not intended to be put in evidence, such document will not be received, but the party offering the same shall present to opposing counsel, and to the Commission, the original document, together with true copies of such material and relevant matter taken therefrom, as it is desired to introduce. Upon presentation of such matter in proper form, it may be received in evidence, and become a part of the record: *Provided, however,* That opposing counsel shall be afforded an opportunity to introduce in evidence, in like manner, other portions of such document if found to be material and relevant.*†

§ 1.215 *Copies of exhibits.* No document or exhibit, or part thereof shall be received as, or admitted in, evidence unless offered in duplicate. In addition, when exhibits of a documentary character are to be offered in evidence, copies must be furnished to opposing counsel unless the presiding officer otherwise directs. Whenever practicable the parties should interchange copies of exhibits before or after commencement of the hearing.*†

§ 1.216 *Mechanical reproductions as evidence.* Unless offered for the sole purpose of attempting to prove or demonstrate sound effect, mechanical or physical reproductions of sound waves shall not be admitted in evidence. Any party desiring to offer any matter alleged to be contained therein or thereupon shall have such matter typewritten on paper of the size prescribed by the rules of the Commission, and the same shall be identified and offered in duplicate in the same manner as other exhibits.*†

§ 1.217 *Tariffs as evidence.* In case any matter contained in a tariff schedule on file with the Commission is offered in evidence, such tariff schedule need not be produced or marked for identification, but the matter so offered shall be specified with particularity (tariff and page number) in such manner as to be readily identified, and may be received in evidence by reference subject to check with the original tariff schedules so on file.*†

DEPOSITIONS

§ 1.221 *Request for orders to take; time of filing; contents.* The Commission either on its own motion, or on formal notice of a party to a proceeding, will issue an order to take a deposition. Motions to take depositions shall be filed with the Commission not less than twenty-five days before the proposed date for taking of the depositions, and shall set forth the names and addresses of the witnesses, a specific statement as to each witness of the matters and facts concerning which it is expected such witness will testify, the place where, the time when, the officer before whom, and the cause or reason why such deposition should be taken. Such motion shall be subscribed and verified as provided in Section 1.122, and shall be accompanied by proof of service and by the proposed order in a sufficient number of copies to be served on all parties. If said order is allowed, the Secretary shall mail a copy thereof to all parties to the proceeding at least fifteen days prior to the date fixed for the taking of testimony.*†

§ 1.222 *Contents of order.* The order issued authorizing the taking of a deposition shall state the name and address of each witness, the matters and facts concerning which it is expected such witness will testify, the place where, the time when, and the designated officer before whom the witness is to testify as provided in Section 409 (e) of the Act.

§ 1.223 *Record of examination; oath; objections.* The officer before whom the deposition is to be taken shall put the witness on oath and shall personally, or by some one acting under his direction and in his presence, record the testimony of the witness. The testimony shall be taken stenographically and transcribed unless the parties agree otherwise. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties served with notice of taking a deposition may transmit written interrogatories to the officer, who shall propound them to the witness and record the answers verbatim.*†



§ 1.224 *Submission to witness; changes; signing.* When the testimony is fully transcribed the deposition of each witness shall be submitted to him for examination and shall be read to or by him. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the Commission holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.*†

§ 1.225 *Certification and filing by officer; copies.* The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that said officer is not of counsel or attorney to either of the parties, nor interested in the event of the proceeding or investigation. He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly send the original and one copy thereof together with the original and one copy of all exhibits by registered mail to the Secretary of the Commission.*†

§ 1.226 *Waiver of objections.* Objections to the form of question and answer shall be made before the officer taking the depositions, and if not so made, shall be deemed waived: *Provided, however,* That if no representative of the Commission is present at the taking of the deposition of any witness, such deposition shall be received in evidence at the hearing when offered subject to such legal objection by the Commission as may be proper.*†

§ 1.227 *Time of filing.* All depositions shall be filed with the Commission not later than five days before the date of the hearing in which they are to be offered as evidence, and Section 1.10 shall not apply or in any wise serve to extend this time: *Provided, however,* That the presiding officer at any hearing may, on motion which shall show diligence on the part of the moving party, waive the requirements of this rule.*†

§ 1.228 *Inclusion in record.* No deposition shall constitute a part of the record in any proceeding until received in evidence at a hearing, unless otherwise order by the Commission*†

CONDUCT OF HEARINGS

§ 1.231 *Conduct of hearings.* Except for hearings before the Commission en banc the Commission will provide for the conduct of each hearing by a specific order of reference and unless otherwise specified in such order:

(a) *Authority of presiding officer.* The presiding officer at the hearing shall have authority to administer oaths, examine witnesses, and receive evidence at any place in the United States designated by the Commission, and to rule upon the admissibility of evidence and other matters that normally and properly arise in the course of the hearing, but shall have no power to decide any motion to dismiss the proceeding or other motion which involves final determination of the merits of the proceeding.

(b) *Transcript filed with Secretary.* After the close of the hearing the complete transcript of testimony taken, together with any exhibits and any briefs or memoranda of law filed theretofore on behalf of any party, shall be filed in the office of the Secretary of the Commission.

(c) *Corrections to transcripts.* Suggested corrections to transcripts of records shall be considered only if offered within ten days after the date the transcript is filed with the Commission. Suggested corrections shall be served upon all other parties participating in the proceeding as provided in Section 1.141 prior to the filing with the Commission. The presiding officer at the hearing shall have authority to act upon motions to correct the record.

(d) *Findings proposed by parties.* Within twenty days from the filing of the transcript of record of the hearing, each party to the proceeding shall file with the Commission proposed findings of fact and conclusions which shall be served upon all parties participating in the hearing in the manner provided in the Section 1.141. Failure to file proposed findings of fact and conclusions by any such party within the time so required, shall be deemed a waiver by such party of any right of further participation in the proceeding, including oral argument if any is held.

(e) *Contents of findings proposed by parties.* Such proposed findings of fact shall be set forth in serially numbered paragraphs and shall set out in detail and with particularity all basic evidentiary facts developed by the evidence, (with appropriate citations to the transcript of record or exhibits relied on) supporting the conclusions proposed by the party filing same. Proposed conclusions shall be separately stated. Proposed findings of fact and conclusions submitted by a person other than an applicant may be limited to those issues in connection with the hearing which affect the interests of such person. Such proposed findings and conclusions may be accompanied by briefs or memoranda of law.

(f) *Proposed decision of Commission.* The Commission will thereafter enter its proposed report or findings of fact and conclusions: *Provided, however,* That if the Proposed Findings of Fact and Conclusions filed by the parties present no substantial conflict, and the Commission is in accord with the ultimate conclusions proposed, it will, if it deems such action will best conduce to the proper dispatch of business and to the ends of justice, issue a final order with or without findings of fact and conclusions in lieu of issuing its Proposed Findings of Fact and Conclusions in accordance with this paragraph.

(g) *Exceptions; oral argument.* Within twenty days from the filing of the Commission's proposed report or findings of fact and conclusions the parties to the proceeding may file exceptions to the same which shall point out with particularity alleged errors in said report or findings of fact and conclusions and shall contain specific reference to the page of the transcript of hearing or exhibit on which the exception is based, such exceptions shall be accompanied by a memorandum brief in support thereof, and may request oral argument.

(h) *Reply briefs.* Reply memorandum briefs may be filed by any party to the proceeding within thirty days from the filing of the Commission's proposed report or findings of fact and conclusions. If no request for oral argument is made within said thirty-day period all parties will be considered as waiving any right thereto.

(i) *Service of exceptions or briefs.* At or prior to the date fixed for the filing of any exceptions, memorandum brief, or request for oral argument, the party filing the same shall serve at least one copy thereof, as provided in Section 1.141, upon all other parties to the proceeding, and no exceptions or memorandum brief will be accepted or considered by the Commission unless accompanied by an affidavit showing this requirement has been met.

(j) *Request for oral argument; waiver.* Within five days of the filing with the Commission of a request for oral argument by any party to a proceeding all parties to such proceeding shall file written notice of desire to appear and participate in such oral argument. In the absence of the filing of such written notice by any party his right to oral argument will be considered as waived.

(k) *Number of copies.* Fifteen copies of any proposed findings of fact and conclusions, exceptions, or memorandum briefs filed in connection with any hearing shall be filed with the Commission.*†

§ 1.232 *Hearings before more than one person.* The authority to perform any act in connection with a hearing vested in a "presiding officer" under these rules shall be vested in a majority of the persons conducting the hearing if the hearing is conducted by more than one person.*†

MOTIONS DOCKET

§ 1.251 *Matters to be heard.* All motions, petitions, or matters in cases designated for formal hearing, excepting motions and petitions requesting final dis-

position of a case on its merits, those having the nature of an appeal to the Commission, and those requesting change or modification of a final order made by the Commission, shall be placed upon the Motions Docket for hearing.*†

§ 1.252 *Proposed orders.* All motions or petitions shall be accompanied by a proposed order or orders which, if the relief requested is granted, may be entered in the docket of the proceeding so as to evidence all action taken on the motion or petition.*†

§ 1.253 *Time of calling; continuances.* The Motions Docket will be called at the offices of the Commission at such times as the Commission may designate, and the presiding officer shall have the authority to continue any motion, petition, or other matter presented, to a future date, and may, proper notice having been given, hear any motion at any time.*†

§ 1.254 *Time for filing motions.* No such motion, petition or other matter presented shall be called, considered, or determined in the absence of consent by all parties unless the same shall have been on file, accompanied by proof of service upon all interested parties, with the Commission for a period of *five* days: *Provided, however,* That all petitions, motions, or other matters involving parties residing in the states set out in Section 1.10 or residing beyond the continental limits of the United States shall not be called, considered, or determined in the absence of consent of all parties until the expiration of *seven* days.*†

§ 1.255 *Oppositions; right to be heard.* During the time specified in Section 1.254, any party in interest shall have the right to file an opposition thereto. Such opposition shall show service on the petitioner or moving party. Parties filing oppositions shall have the right to be heard on the day designated for hearing of the motion, petition, or other matter against which the opposition is directed. Any party desiring to waive oral argument on any motion, or opposition thereto, may indicate such desire by an appropriate notation or by a statement to that effect upon the call of the docket. In case oral argument is waived by any party, such motion or opposition shall be considered together with any memoranda or briefs which may be filed in support thereof; and the waiving of oral argument by any party shall not preclude the holding of oral argument by any other party desiring same.*†

§ 1.256 *Adverse ruling; exceptions.* Where a ruling on any petition, motion, or other matter is adverse to an interested party, said interested party may except thereto, and when the matter comes on for the hearing of the evidence, he shall state into the record at such hearing that he reserves an exception to the ruling made by the presiding officer of the Motions Docket and request that such exception be noted and carried forward in the record. In the event such interested party fails to note his exception taken at the time ruling was made by the presiding officer of the Motions Docket, such exception shall be considered waived. Within two days from the date of any ruling on any petition, motion, or other matter by the presiding officer of the motions docket, any interested party may petition for a review of such ruling by a quorum of the Commission, such petition for review shall not be essential for the preservation of any exception taken.*†

REHEARINGS

§ 1.271 *Petitions; contents.* Any party whose interests are aggrieved or adversely affected by any decision, order or requirement of the Commission may file a petition for rehearing of the same or any matter determined therein as provided in Section 405 of the Act. Such petition for rehearing may request (1) reconsideration, either in cases decided after hearing or in cases of applications granted without hearing under Title III of the Act; (2) reargument; (3) reopening of the proceeding; (4) amendment of any finding, or (5) other relief. Such petition shall be specific as to the form of relief sought and, subject to this requirement, may contain alternative requests. Each such petition shall state with particularity in what respect the decision, order or requirement or any matter determined therein is claimed to be unjust, unwarranted or erroneous, and with respect to any finding of fact must specify the pages of record relied on. Where the existence of newly discovered evidence is claimed, the petition must be accompanied by a verified statement of the facts, together with the facts relied on to show that the petitioner with due diligence could not have known or discovered such facts at the time of the hearing.*†

§ 1.272 *Subscription and service.* Each petition for rehearing shall be subscribed as provided in Section 1.122 and served upon all parties participating in the hearing in the manner provided in Section 1.141. In case the petition seeks reconsideration of a decision, order or requirement made without a hearing, the party filing the petition shall serve the same in the manner provided in Section 1.141 upon the party or parties to whom such decision, order or requirement was directed.*†

§ 1.273 *Opposition.* An opposition to any petition for rehearing may be filed within ten days after the filing of such petition, and shall be subscribed and verified as provided in Section 1.122 and served upon all parties participating in the hearing in the manner provided in Section 1.141.*†

§ 1.274 *Special calendar when granted.* In case any petition for rehearing is granted, whether the taking of additional testimony is ordered or otherwise, the case shall be placed upon a special calendar and consideration of the same shall be expedited.*†

SPECIAL PROVISIONS RELATING TO RADIO APPLICATIONS UNDER PART I OF TITLE III OF THE ACT

§ 1.351 *Place of filing; number of copies.* Each application for construction permit or station license, and all papers incorporated therein and made a part thereof, with respect to the number of copies and place of filing, shall be submitted as follows:

| *Class of station* | *Number of application forms required and method of filing* |
|---|---|
| a. All classes of Alaskan stations, except broadcast and amateur. | 3 copies via Inspector in Charge, radio district No. 14, Seattle, Wash. |
| b. Aircraft | 1 copy direct to Washington, D. C. |
| c. Geophysical | 1 copy direct to Washington, D. C. |
| d. Portable (all classes, except amateur) | 2 copies direct to Washington, D. C. |
| e. Ship | 1 copy direct to Washington, D. C. |
| f. All other classes, except amateur | 2 copies direct to Washington, D. C. |
| g. Amateur | 1 copy to be sent as follows: (a) to proper district office if it requires personal appearance for operator examination under direct supervision from that office; (b) direct to Washington, D. C., in all other cases, including examinations for class C privileges.*† |

§ 1.352 *Contents.* Each application shall be specific with regard to frequency or frequencies, power, hours of operation, equipment, location of the station, and other information required by the application forms. An application for broadcast facilities in the band 550 kilocycles to 1600 kilocycles shall be limited to one specific frequency. An application for radio station construction permit or license requesting alternate facilities will not be accepted.*†

§ 1.353 *Full disclosures.* Each application shall contain full and complete disclosures with regard to the real party or parties in interest, and their legal, technical, financial and other qualifications, and as to all matters and things required to be disclosed by the application forms.*†

§ 1.354 *Additional statements.* In addition the Commission may require an applicant to submit such documents and written statements of fact, under oath, as in its judgment may be necessary.*†

§ 1.355 *Installation or removal of apparatus.* Applications for construction permit or modification thereof, involving removal of existing transmitting apparatus and/or installation of new transmitting apparatus, shall be filed at least sixty days prior to the contemplated removal and/or installation.*†

§ 1.356 *Extension of time for construction.* Any application for extension of time within which to commence and/or complete construction of a station shall be filed at least thirty days prior to the expiration date of such permit: *Provided, however,* That any such application filed within less than thirty days may be accepted upon satisfactory showing to the Commission of sufficient reasons for the delay in filing such application. No application for reinstatement of a permit already forfeited will be granted, except upon a satisfactory showing to the Commission of sufficient reasons for the delay in filing such application.*†

§ 1.357 *License following construction permit.* In all cases where a construction permit is required by Section 319 of the Act for the construction of a station, the application for station license (or for station license or modification thereof, if for station other than broadcast) shall be filed by permittee prior to service or program tests.*†

§ 1.358 *Where construction permit not required.* Each application for new license, except amateur, where a construction permit is not a prerequisite thereto, shall be filed at least sixty days prior to the contemplated operation of the station: *Provided, however,* That in emergency and for good cause shown, the Commission may waive the requirements of this rule.*†

§ 1.359 *Modification of license.* An application for modification of license, except amateur, and except as otherwise provided by these rules, may be filed for change in frequency, change in operating power where no construction is necessary, change in hours of operation, and for change in name of licensee where no change in ownership or control is involved. In case of a broadcast station, an application for modification of license may be filed for change in location of main studio. In case of all stations other than broadcast, an application for modification of license may be filed for change in points of communication, change in nature of authorized service, and to cover an outstanding construction permit where the station is already licensed. Except when filed to cover construction permit, each application for modification of license shall be filed at least sixty days prior to the contemplated modification of license: *Provided, however,* That in emergencies and for good cause shown, the requirements hereof may be waived in so far as time for filing is concerned.*†

§ 1.360 *Renewal of license.* Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least sixty days prior to the expiration date of the license sought to be renewed. No application for renewal of license of a standard broadcast station will be considered unless there is on file with the Commission, the balance sheet and income statement currently required by Section 1.361, reference to which by date and file number shall be included in the application.*†



§ 1.361 *Financial statements.* Each licensee of a standard broadcast station shall file with the Commission on or before March 1 of each year on Forms 705 and 706, or such other forms as may be prescribed by the Commission, a balance sheet showing the financial condition of the licensee as of December 31 of the preceding year and an income statement for the preceding calendar year. Each such form shall be subscribed as provided in Section 1.121.*†

§ 1.362 *Filing directed by Commission.* Whenever the Commission regards an application for a renewal of license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.*†

§ 1.363 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation, or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further,* That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.*†

§ 1.364 *Assignment or transfer of control*—(a) *General.* An application for consent to assignment of a construction permit or license, or for consent to transfer of control of a corporation holding a construction permit or license, shall be filed with the Commission at least sixty days prior to the contemplated effective date of assignment or transfer of control. If the assignment or transfer is voluntary, the appropriate application shall be fully executed by all parties and, if involuntary, by assignee or transferee only.

(b) *Broadcast.* With each such application, involving any standard broadcast station construction permit or license, there shall be submitted under oath or affirmation all information required to be disclosed by the application forms prescribed by the Commission, together with such other information under oath or affirmation as the Commission may require.

(c) *Other than broadcast.* In all classes of applications for consent to assignment of construction permit or license or for consent to transfer of control of a corporation holding a construction permit or license, other than those prescribed in paragraph (b), the Commission may require the furnishing of such information as in its discretion is deemed necessary.*†

§ 1.365 *Special temporary authorizations.* (a) Special temporary authority may be granted for the operation of a station for a limited time, or in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor;[1] *Provided, however,* That no such request will be considered unless:

(1) It is received by the Commission at least ten days previous to the date of proposed operation: *Provided, however,* That any such request received within less than ten days may be accepted upon due showing of sufficient reasons for the delay in submitting such request;

(2) Full particulars as to the purpose for which the request is made are stated.

(b) If the request is for operation of a standard broadcast station, the following additional requirements shall apply:

(1) No such authority may be granted to a person other than the licensee of an existing standard broadcast station.

(2) The request shall be limited to a definite or temporary period or periods for the transmission of programs or events which are not recurrent, and approval thereof will not be granted for a period in excess of thirty days.

(3) The request shall show that it has been seasonably submitted to other stations whose operations may be affected (to be determined as indicated below), and the date on which such request was so submitted, which such stations shall submit direct to the Commission waiver of objection to the granting thereof or a statement of the nature of any objections that such stations may desire to interpose:

(4) If the request is for operation upon a clear channel, showing required above shall be made with respect to the Class I station or stations on the channel.

(5) If the request is made by time sharing station, the showing required above shall be made with respect to the station or stations with which time is shared;

(6) In any case, the showing required above must be made with respect to any station on the same or adjacent channels when any such station is located within the interference range of the station making the request to be determined by the "Standards of Good Engineering Practice Concerning Standard Broadcast Stations."

(7) Waiver of objections, or statement of objections, when furnished under this rule, shall be forwarded direct to the Commission by the responding station, and in the case of waiver shall show whether the waiver covers simultaneous operation or whether the station is giving up the time sought by the applicant. Where it appears that the proposed oper-

[1] Informal Applications.

ation has been seasonably submitted to the station or stations referred to in subparagraphs (4), (5), and (6), above, and no reply has been received, it will be considered that such stations have waived any objections to the granting of the request.*†

§ 1.366 *Special Service Authorizations.* Special Service Authority may be issued to the licensee of a standard broadcast station for a service other or beyond that authorized in its existing license for a period not exceeding that of its existing license upon proper application therefor,[3] and satisfactory showing in regard to the following, among others:

(a) That the requested operation may not be granted on a regular basis under the existing rules governing the operation of standard broadcast stations;

(b) That experimental operation is not involved as provided for by Part 3, Section 3.32, of the Rules and Regulations;

(c) That public interest, convenience, and necessity will be served by granting the authorization requested.*†

§ 1.367 *Inconsistent or conflicting applications.* When an applicant has an application pending and undecided, no other inconsistent or conflicting application filed by the same applicant, his successor or assignee, or on behalf or for the benefit of said applicant, will be accepted for consideration.*†

§ 1.368 *Multiple applications; broadcast service.* In the broadcast service, while there is one application for new or additional facilities pending for a standard, international, television, facsimile, high frequency or experimental broadcast station, the Commission will not consider another application for new or additional facilities for a station of the same class (as given above) to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest. Two such applications may not be filed simultaneously.*†

§ 1.369 *Repetitious applications.*—(a) *Broadcast services.* In the broadcast service, where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new standard, international, television, facsimile, high frequency, or developmental broadcast station, or for an extension or enlargement of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class (as given above) to serve in whole or in part the same area, by the same applicant or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of twelve months from the effective date of the Commission's order.

(b) *Other radio services.* In any other radio service, where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new station, or for an extension or enlargement of service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of twelve months from the effective date of the Commission's order: *Provided, however,* That the Commission may waive the requirements of this rule in situations affecting safety of life or property.*†

§ 1.370 *Pending appeal.* Where an appeal has been taken from the action of the Commission in denying a particular application, another application for the same class of broadcast station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.*†

ACTION ON APPLICATIONS

§ 1.381 *Partial grants.* Where any application is granted in part, or with any privileges, terms, or conditions other than those requested, without a hearing thereon, the action of the Commission shall be considered as granting such application unless the applicant shall, within twenty days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, file with the Commission a written request for a hearing with respect to the part, or with respect to the privileges, terms, or conditions, not granted. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing, and the applicant and other parties in interest will be notified thereof.*†

§ 1.382 *Designation for hearing.* In cases where an application for radio facilities is proper upon its face but the Commission is unable to determine upon examination of the same that the granting of such application, either in whole or in part, would serve public interest, convenience or necessity, the Commission will designate the same for hearing and the following procedure will govern it:

(a) The Secretary shall forthwith mail a written notice to the applicant setting forth the action of the Commission designating the application for hearing, together with such statement of the Commission's reasons therefor as shall be appropriate to the nature of the application.

(b) In order to avail himself of the opportunity to be heard the applicant, in person or by his attorney, shall, within fifteen days of the mailing of the notice of designation for hearing by the Secretary file with the Commission one additional copy of the application and all papers incorporated as a part thereof, and a written appearance stating that he will appear and present evidence on the issues specified in the statement of reasons furnished by the Commission on such date as may be fixed for the hearing.*†

ANSWERS TO NOTICES OF VIOLATION

§ 1.391 *Under Title III of the Act.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, any legislative act, Executive Order, treaty to which the United States is a party, or the Rules and Regulations of the Federal Communications Commission, shall, within three days from such receipt, send a written answer direct to the Federal Communications Commission at Washington, D. C., and a copy thereof to the office of the Commission originating the official notice when the originating office is other than the office of the Commission in Washington, D. C.: *Provided, however,* That if an answer cannot be sent nor an acknowledgment made within such three day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification as will permit of ready reference. If the notice of violation relates to some lack of attention or improper operation of the transmitter, the name and license number of the operator in charge shall be given.*†

REVOCATION AND MODIFICATION OF STATION LICENSES

§ 1.401 *Revocation.* Whenever the Commission shall institute a revocation proceeding against the holder of any radio station construction permit or license under Section 312 (a), it shall initiate said proceeding by serving upon said licensee an order of revocation effective not less than fifteen days after written notice thereof is given the licensee. The order of revocation shall contain a statement of the grounds and reasons for such proposed revocation and a notice of the licensee's right to be heard by filing with the Commission a written request for hearing within fifteen days after receipt of said order. Upon the filing of such written request for hearing by said licensee the order of revocation shall stand suspended and the Commission will set a time and place for hearing and shall give the licensee and other interested parties notice thereof. If no request for hearing on any order of revocation is made by the licensee against whom such an order is directed within the time hereinabove set forth, the order of revocation shall become final and effective without further action of the Commission. When any order of revocation has become final, the person whose license has been revoked shall forthwith deliver the station license in question to the inspector in charge of the district in which the licensee resides.*†

§ 1.402 *Modification—(a) Order to show cause.* Whenever the Commission shall determine that public interest, convenience, and necessity would be served, or any treaty ratified by the United States will be more fully complied with, by the modification of any radio station construction permit or license either for a limited time, or for the duration of the term thereof, it shall issue an order for such licensee to show cause why such construction permit or license should not be modified.

(b) *Contents of order to show cause.* Such order to show cause shall contain a statement of the grounds and reasons for such proposed modification, and shall specify wherein the said construction permit or license is required to be modified. It shall require the licensee against whom it is directed, to be and appear at a place and time therein named, in no event to be less than thirty days from the date of receipt of the order to show cause why the proposed modification should not be made and the order of modification issued.

(c) *Failure to appear.* If the licensee against whom the order to show cause is directed does not appear at the time and place provided in said order, a final order of modification shall issue forthwith.*†

SUSPENSION OF OPERATOR LICENSES

§ 1.411 *Order of suspension.* No order of suspension of any operator's license shall take effect until fifteen days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee who may make written application to the Commission at any time within said fifteen days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have fifteen days in which to mail the said application. In the event that physical conditions prevent mailing of the application at the expiration of the fifteen-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be held in abeyance until the conclusion of the hearing which shall be conducted under such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of suspension.*†

§ 1.412 *Proceedings.* Proceedings for the suspension of an operator's license shall in all cases be initiated by the entry of an order of suspension. Respondent will be given notice thereof together with notice of his right to be heard and to contest the proceeding. The effective date of the suspension will not be specified in the original order but will be fixed by subsequent motion of the Commission in accordance with the conditions specified above. Notice of the effective date of suspension will be given respondent, who shall send his operator license to the office of the Commission in Washington, D. C., on or before the said effective date, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.*†

SPECIAL PROVISIONS RELATING TO COMMON CARRIERS

*Complaints Under Title II of the Act*

§ 1.421 *Formal or informal.* Complaints filed under Title II of the Act may be either formal or informal.*†

§ 1.422 *Informal complaints; substance.* No form of informal complaint is prescribed, but it must be in writing, subscribed, and verified by the complainant. The complaint shall state the name and address of the complainant, the name of the carrier against whom the complaint is made, and shall state as definitely as possible the basis or reason for the complaint.*†

§ 1.423 *Action on informal complaints.* Upon receipt of an informal complaint properly drawn and executed, the Commission will, if its nature warrants, take the question up by correspondence with the carrier complained of in an endeavor to bring about satisfaction. Such correspondence with the carrier shall call upon it either to satisfy the complainant or advise the Commission of its refusal or inability to do so within such time as may be prescribed. If the carrier satisfies the complainant, it shall immediately notify the Commission and file with it proof of satisfaction; whereupon the complaint will be dismissed. If the carrier refuses or is unable to satisfy the complainant within the time prescribed, it shall so notify the Commission, which decision the Commission will forthwith give notice of to the complainant.*†

§ 1.424 *Resubmission; six months' rule.* When an informal complaint has not been satisfied pursuant to the foregoing rule, the complainant may either file a formal complaint or resubmit his informal complaint within six months from the date of the Commission's notice; *Provided, however,* That such resubmitted informal complaint must contain new material matter upon the same cause of action. The procedure prescribed herein for the handling of informal complaints will be followed in case of resubmitted informal complaints. If such resubmitted informal complaint or a formal complaint is filed with the Commission within the six months' period, such resubmission or filing will be deemed to relate back to the date of the filing of the original informal complaint. But reference to the original date of the informal complaint must be made in such resubmission or in the formal complaint filed.*†

§ 1.425 *Formal complaints; requirements.* Formal complaints shall contain the names of all parties complainant and defendant in full, without abbreviations, the address of each complainant, and the name and address of his attorney, if represented by attorney, and shall be subscribed and verified by the complainant as provided in Section 1.122. (See Appendix No. 4 for form of formal complaint)*†

§ 1.426 *Statement of issues; joinder of causes of complaint.* Formal complaints shall be so drawn as to advise the Commission and the defendant fully wherein the provisions of the Act, or an order, rule, or regulation of the Commission, have been violated, the facts claimed to constitute such violation, and the relief sought. Two or more grounds of complaint involving the same principle, subject, or state of facts may be included in one complaint, but should be separately stated and numbered.*†

§ 1.427 *Notice of complaints.* Upon receipt of any formal complaint against any common carrier subject to the Act, the Commission will forward a copy of the same to such carrier together with a notice of the filing thereof, which notice shall contain an order of the Commission calling upon the carrier to satisfy the complaint or answer the same in writing within the time specified in said notice, which in no event shall be less than thirty days.*†

§ 1.428 *Charges, etc.; specific references.* The several charges, classifications, regulations, or practices complained of shall be set out by specific references to schedules of charges and classifications, and also the particular regulations or practices whenever that is possible.*†

§ 1.429 *Separate statement of each provision violated.* When a violation of more than one provision of a section of the Act is alleged, such violation shall be separately stated with respect to each provision of the Act claimed to be violated.*†

§ 1.430 *Allegations; certainty.* In case recovery of damage is sought, the complaint should contain appropriate

[3] Formal Application required, see "Standards of Good Engineering Practice Concerning Standard Broadcast Stations" for form number.

allegations showing such data as will serve to identify, with reasonable certainty, the communications or transmissions, or other services, in respect of which recovery is sought, and shall state (1) that the complainant makes claim for reparation; (2) the name and address of each individual claimant asking reparation; (3) the name and address of defendants against which claim is made; (4) the communications, transmissions, or other services rendered, the charge applied thereto, the date when charges were paid, by whom paid, and by whom borne; (5) the period of time within which, or the specific dates when such communications, transmissions, or other services were rendered; (6) points of origin and reception of such communications or transmissions, and if the damages sought to be recovered are for services other than communications or transmissions, then the allegations of the complaint shall state the nature and extent of such services, the date or dates when rendered, when paid for, and by whom borne; (7) nature and amount of injury sustained by each claimant; (8) if reparation is sought on behalf of others than the complainant, in what capacity or by what authority complaint is made in their behalf; and (9) that claimant has not filed suit in any court on the basis of the same claim.*†

§ 1.431 *Challenge of general rate adjustments; reparation.* If a general rate adjustment is challenged in the complaint, or many communications and transmissions or points of origin and reception are involved, the Commission will find and determine in its report the issues as to violation of the Act, injury thereby to complainant, and right to reparation. The Commission will afford the parties opportunity to agree or make proof respecting the communications, transmissions, or other services, and amount of reparation due under its findings, before entering its order awarding reparation. In such cases, authenticated schedule of charges, receipts, statements, and other exhibits bearing on details of such communications, transmissions, or other services, for which reparation is claimed, and the amount claimed (separately stated with respect to each communication, transmission, or other service rendered), need not be produced at the hearing unless called for or needed to develop other pertinent facts.*†

§ 1.432 *Discrimination specified.* In case unjust or unreasonable discrimination is alleged, the charge, practice, classification, regulation, facility, or service complained of must be clearly specified.*†

§ 1.433 *Preference or prejudice.* In case undue or unreasonable preference, advantage, or prejudice is alleged, the particular person, company, firm, corporation, locality, or description of traffic affected thereby, and the particular preference or prejudice or disadvantage, relied upon as constituting a violation, shall be clearly specified.*†

§ 1.434 *Reparation; prayer for.* Reparation will not be awarded upon a complaint unless specifically prayed for, except under unusual circumstances and for good cause shown. Reparation may be awarded, however, upon a supplemental complaint based upon the finding of the Commission in the original proceeding.*†

§ 1.435 *Limitations; damages pendente lite.* The Commission will consider as in substantial avoidance of the statute of limitations, a complaint in which the complainant alleges that the matters complained of, if continued in the future, will constitute violations of the Act in the particulars and to the extent indicated, and prays reparation accordingly as to charges which shall be paid and borne by complainant on all communications, transmissions, or other services affected thereby occurring during the pendency of the proceeding.*†

§ 1.436 *Supplemental complaints*—(a) *General.* Supplemental complaints may be tendered for filing by the parties complainant, against the parties defendant, setting forth any causes of action under the Act alleged to have accrued in favor of the complainants and against the defendants since the filing of the original complaint.

(b) *Seeking damages.* If recovery of damages is sought by supplemental complaint, it must be filed with the Commission within the statutory periods stated in Section 415 of the Act.*†

§ 1.437 *Cross complaints.* Cross complaints alleging violations of the Act by other carriers, parties to the proceeding, or seeking relief against them under the Act, may be tendered for filing by defendants with their answers and, upon leave granted, will be filed and served by the Commission in the manner provided for serving complaints.*†

§ 1.438 *Answers to complaints and petitions.* Any party upon whom a copy of a complaint, petition, or cross complaint is filed under Title II of the Act, shall file answer within thirty days after service of the complaint. Such answer shall be subscribed by the party answering as provided in Section 1.122, and shall be so drawn as to advise the parties and the Commission fully and completely of the nature of the defense, and shall admit or deny specifically and in detail all material allegations of the complaint. Collateral or immaterial issues shall be avoided in answers and every effort shall be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve answer within the time and in the manner prescribed will be deemed in default, and the Commission will issue an appropriate order. (Counterclaims and set-offs against users of service supplied by carriers are not within the jurisdiction of the Commission.) This section does not apply to protests or applications seeking suspensions of proposed tariff schedules.*†

§ 1.439 *Answers to petitions or amended complaints.* In proceedings under Title II, answers to petitions for intervention, or to amended complaints filed and served upon leave granted, need not be separately made unless the defendant so elects, and defendant's answer to the complaint will be deemed its answer to the petition in intervention.*†

*Extensions of Carrier Facilities*

§ 1.451 *Applications under Section 214.* Application for an authorization under Section 214 of the Act shall be submitted as follows:

(a) *Contents of application.* Each application shall contain in narrative form the following information: (1) The exact name and address of each applicant; (2) a statement as to whether the applicant is a carrier subject to the Act, or a corporation organized to construct, acquire or operate interstate wire communication properties, but not as yet an operating company; (3) a statement as to whether the application is for an extension (by construction, purchase, lease or otherwise) of service into territory not currently served by the applicant, or is for the supplementing of existing facilities of the applicant, or for temporary or emergency service (giving the estimated period of time for which the application is made); (4) the reasons, briefly stated, why the present or future public convenience and necessity require, or will require, the proposed construction, acquisition (by purchase, lease or otherwise), or operation; (5) the name, title and post office address of the officer to whom correspondence concerning the application is to be addressed; (6) the government, state or territory under the laws of which each corporate applicant was organized; (7) description of the facilities for the construction, acquisition or operation of which authorization is requested, including details of construction or acquisition with allocation of ownership, economic justification, traffic data (including data as to message loads and toll circuit requirements for past periods and estimates for the future), summary of construction estimate (including outside plant, repeaters, carrier equipment and associated equipment, and the cost to each participant), quantities and cost of major materials, amount of labor and cost of same, and a description of existing facilities; (8) a description of the manner and means by which services of a similar character are now being rendered by the applicant and others in the area proposed to be served; (9) statement of the accounting to be performed in connection with the proposed project.

(b) *Exhibits required.* Each copy of such application shall be accompanied by a map or sketch showing: (1) Route of proposed extension, including all proposed branches; (2) type and ownership of wire structures (open wire, aerial cable, underground cable, etc.); (3) existing facilities in vicinity, indicating type and ownership of same; (4) facilities to be removed; (5) cities, towns and villages along routes indicated on map or sketch and approximate population of each and route mileage between them; (6) location of present and proposed telephone central offices and other related telephone toll center locations; (7) existing and proposed repeater points; (8) other geographic facts pertinent to a consideration of the application, including state and county boundary lines through which the proposed facilities will extend; (9) topographical features which may require special consideration or added cost.

(c) *Additional information.* The applicant shall furnish any additional information which the Commission may require after a preliminary examination of the application.

(d) *Copies required.* The Commission shall be furnished with the number of copies required by Sec. 1.491 of the rules.

(e) *Exceptions.* Requests for authorization for emergency service, temporary service, or for the supplementing of existing facilities through construction involving an expenditure of $7,500 or less, may be made as hereinafter provided without regard to the other provisions of this rule.

(1) *Emergency service.* Emergency service may be authorized on request made by letter or telegram describing the service and facilities involved and stating the nature and extent of the emergency.

(2) *Temporary service.* Temporary service, to be rendered by means of leased facilities for a period not exceeding four months, to points already directly served by the applicant with the same type of service, may be authorized, upon informal request to the Commission made not less than thirty days prior to establishment of the proposed service, setting forth the type of facilities to be leased, the route mileage thereof, the termini of the facilities proposed to be leased, the points to be served, how these points are now being served by the applicant, the dates on which service is to begin and terminate, the need for the proposed service and the rentals and other consideration involved. The authority so requested shall be deemed to be granted unless, during the thirty-day period, the Commission shall call upon the carrier for a formal application in accordance with paragraphs (a), (b), (c), and (d) of this rule.

(3) *Small construction projects.* Applications for authority to supplement existing facilities by construction, between points already directly served by the applicant with the same type of service, where the estimated cost of the proposed construction is not more than $7,500, may be authorized upon informal request to the Commission made not less than (30) days prior to the commencement of the proposed construction, and the authority shall be deemed to be granted unless during said thirty-day period the Commission shall call upon the carrier for a formal application in accordance with paragraphs (a), (b), (c), and (d) of this rule. The informal request for authorization shall state

(i) the exact points between which the construction is proposed;

(ii) the need for the proposed construction;

(iii) a description of the nature of the proposed construction;

(iv) the estimated cost of the proposed construction;

(v) the route miles involved in the construction project.

Within 60 days after the completion of the construction authorized, the applicant shall file with the Commission a report stating the date of completion, together with the total construction cost of the project authorized. The informal authorization herein provided shall not be construed as a finding by the Commission that the public convenience and necessity require the construction authorized or as an approval by the Commission of the amounts expended or the accounting performed in connection therewith.*†

§ 1.452 *Applications under Section 221 (a).* Application for a certificate under Section 221 (a) shall be submitted as follows:

(a) *Contents of application.* Each application shall contain in narrative form the following information: (1) The exact name and address of each applicant; (2) a statement as to whether each applicant is a carrier subject to the Act and what change or changes in status will result from the consummation of the proposed transaction; (3) the name, title and post office address of the officer to whom correspondence in regard to the application should be addressed; (4) the government, state or territory under the laws of which each corporate applicant was organized; (5) detailed description of the property to be acquired, consolidated, or merged, and a brief history of such property; (6) in a proposed consolidation or merger, the name of the company resulting therefrom, the capitalization proposed therefor, and the amount and class of capital stock and other securities proposed to be issued; (7) the manner in which the properties, or control, will be acquired and the consideration, in money and otherwise, to be paid by each applicant; (8) statement of action of stockholders and directors of each applicant approving the proposed transaction, giving date and place of each meeting; (9) facts as to any intercorporate relations through holding companies, ownership of securities or otherwise, between the applicants, or any of them; (10) reasons in general why the proposed transaction will be of advantage to the persons to whom service is to be rendered and in the public interest; (11) the extent to which the facilities to be acquired or controlled (by purchase, lease or otherwise) parallel, or are competitive with, the facilities of the proposed purchaser or others; (12) a statement as to whether the proposed transaction has been presented to the regulatory authority of each state in which the property is situated and, if so, with what results.

(b) *Supporting data required with applications.* There shall be filed with and made a part of the original of each application under Section 221 (a) the following: (1) One copy of the charter, articles of incorporation and the by-laws of each applicant, duly certified; (such copies as are already on file with the Commission may be incorporated in the application by reference) (2) one copy of resolutions of the stockholders or directors of each of the applicants approving the proposed transaction, such resolutions to be properly attested and accompanied by appropriate excerpts from the minutes, showing the number of votes cast for and against each such resolution; (3) map or sketch indicating the facilities of each telephone carrier in the area involved, and the location and ownership of exchange and toll properties before and after consummation of the proposed transaction; (4) a recent balance sheet and an income statement of each party involved; (5) a statement showing the book cost and related reserve amounts with respect to the plant items to be acquired unless all of the telephone plant is included in the proposed acquisition, consolidation or merger; (6) copy of any contract or contracts, exclusive of right-of-way and attachment contracts, entered into between the applicants, or any of them, with respect to any of the telephone properties or service included in the proposed transaction; (7) any additional facts or reasons in support of the application.

(c) *Copies required.* Copies as provided for in Sec. 1.491 shall be furnished to the Commission. *Provided, however,* That two additional copies shall be furnished for each additional state in which such property is located.*†

*Orders To Show Cause*

§ 1.461 *Orders instituting action under Title II of the Act.* Whenever the Commission shall institute a proceeding within its jurisdiction under Title II of the Act against any common carrier, it may commence such action by serving upon the carrier an order to show cause. Said order shall contain a statement of the particulars and matters upon which the Commission is inquiring, and the reasons for such action, and shall call upon the carrier to be and appear before the Commission at a place and time therein stated, and then and there answer and give evidence upon the matters

specified in said order. The Commission may, however, require in said order, that the carrier file with the Commission its verified answer to the order to show cause, on or before a day certain, prior to the hearing date therein fixed, in no event less than thirty days after service of the order: *Provided, however,* That the Commission may include in an order to show cause any further provisions which it may deem necessary and which are within its jurisdiction under the Act. Nothing in this rule shall be construed to limit the authority of the Commission to institute or conduct any investigation or inquiry within its jurisdiction in any other manner or according to any other procedure which it may deem necessary or proper.*†

§ 1.462 *Answer to order to show cause.* Any carrier, upon whom an order to show cause has been served under Section 1.461 shall respond to the same by filing its answer within the time specified in said order. Such answer shall be subscribed in the manner provided in Section 1.122, shall be drawn so as specifically to admit or deny the charges or allegations which may be made in said order, and so as to advise the Commission fully and completely upon the matters and things inquired of.*†

*Protests of Valuations*

§ 1.471 *Tentative valuations.* Protests in opposition to a tentative valuation, under the provisions of Title II of the Act, shall be subscribed and verified by the protestant and shall contain a concise statement of the essential elements of the protest with particularity to the matters concerning which protest is made. Each object of protest shall be set up as a separate item in a separately numbered paragraph and the protest shall also include a statement of the protestant's interest in the matter in controversy.*†

*Suspension of Tariff Schedules*

§ 1.481 *Under Section 204 of the Act.* Suspensions of tariff schedules under Section 204 of the Act will not ordinarily be considered unless protest and application therefor is made in writing or by telegram at least 10 days before the effective date named in the schedule. Applications for suspensions must indicate the schedule affected by its Federal Communications Commission number and give specific reference to the items against which protest is made, together with a statement of the grounds thereof. If such application is made by telegram, the telegram must be followed and confirmed by application in writing and the telegram should succinctly state the substance of the matters to be set forth in the written application. Sixteen copies of each written application must be furnished to the Commission.*†

*Service and Number of Copies*

§ 1.491 *Service by the Commission.* Applications under Title II of the Act, formal complaints, supplemental complaints, cross complaints, and amended complaints, will be served by the Commission and copies of each shall be furnished in sufficient number so as to provide the Commission with 15 copies for its use, and a copy for each party to the proceeding.

Service by the Commission upon common carriers shall be by leaving a copy of any document requiring service with the designated agent of such carrier at his office or usual place of residence in the District of Columbia, and if no such agent is designated, then service may be made by posting such notice, process, order, decision, or pleading in the office of the Secretary of the Commission.*†

APPENDIX NO. 1

*Application for Admission to Practice Before the Commission Under Section 1.34*

I, _____ hereby apply for admission to practice before the Federal Communications Commission under Section 1.34 of the rules of practice of the Commission, and submit the following:

1. I reside at _____, _____
(Street number)
_____ (City) _____ County, State of _____

My office address is _____
(Street number)
_____, _____ County, State of _____

2. I was admitted to practice as an attorney at law by the _____ Court of _____ on the _____ day of _____, 19..., and am now a member of the bar of that court; I have never been suspended or disbarred from practice before any court (state here any exception) _____

_____
(Signature of applicant)

STATE OF _____,
*County of* _____ *ss:*

_____ being first duly sworn, on his oath deposes and says: I am the person named in the foregoing application for admission to practice before the Federal Communications Commission, and that the statements of facts therein contained are true.

_____
(Signature of applicant)

Subscribed in my presence, and sworn to before me, this _____ day of _____, 19...

_____
[SEAL] _____
(Title)

Commission expires _____

CLERK'S CERTIFICATE

I, _____, clerk of the _____ court of _____, hereby certify that _____, the above-named applicant for admission to practice before the Federal Communications Commission, is duly admitted to practice as an attorney at law by the said court, and is now in good standing as a member of the bar of said court.

Dated this _____ day of _____, 19...

_____
[SEAL] _____
(Clerk of said court)

*Please note carefully:*

§ 1.33 *Persons who may be admitted to practice.* Attorneys at law admitted to practice before any court of the United States, the District of Columbia, or the highest court of any State or Territory, upon application may be admitted to practice before the Commission. An attorney at law from any place other than the District of Columbia may, in the discretion of the Commission or the official presiding at any hearing, be admitted for a particular case in which he may be employed.

If this certificate is not from a Court of the United States or the District of Columbia, *then it must be from the highest court of the State or Territory, or the applicant must furnish evidence that his admission entitles him to practice before the highest court of such State or Territory.*

APPENDIX NO. 2

*Appearance Blank*

FEDERAL COMMUNICATIONS COMMISSION

Docket No. —

IN THE MATTER OF

_____

_____

FOR _____

APPEARANCE

The record will show the entry of my appearance as counsel for Respondent, Applicant, _____

_____
(Other) (Name of party)
in the above-entitled matter.

_____
(Attorney)
Address:

(See Sections 1.37 and 1.39 of F. C. C. Regulations)

APPENDIX NO. 3

*Radio Districts*

| Radio district | Address of the inspector in charge | Territory within district | |
|---|---|---|---|
| | | States, etc. | Counties |
| 1 | Customhouse, Boston, Mass. | Connecticut | All counties. |
| | | Maine | Do. |
| | | Massachusetts | Do. |
| | | New Hampshire | Do. |
| | | Rhode Island | Do. |
| | | Vermont | Do. |
| 2 | Federal Building, New York, N. Y. | New Jersey | Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren. |
| | | New York | Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester. |
| 3 | New United States Customhouse, Philadelphia, Pa. | Delaware | Newcastle. |
| | | New Jersey | Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem. |
| | | Pennsylvania | Adams, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York |
| 4 | Fort McHenry, Baltimore, Md. | Delaware | Kent and Sussex. |
| | | District of Columbia | All counties. |
| | | Maryland | Do. |
| | | Virginia | Arlington, Clark, Fairfax, Fauquier, Frederick, Loudoun, Page, Prince William, Rappahannock, Shenandoah, and Warren. |
| 5 | New Post Office Building, Norfolk, Va. | North Carolina | All except district 6. |
| | | Virginia | All except district 4. |
| 6 | New Post Office Building, Atlanta, Ga. | Alabama | All except district 8. |
| | | Georgia | All counties. |
| | | North Carolina | Alexander, Buncombe, Burke, Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey. |
| | | South Carolina | All counties. |
| | | Tennessee | Do. |
| 7 | Post Office Box 150, Miami, Fla. | Florida | All except district 8. |
| 8 | Customhouse, New Orleans, La. | Alabama | Mobile, Baldwin. |
| | | Arkansas | All counties. |
| | | Florida | Escambia. |
| | | Louisiana | All counties. |
| | | Mississippi | Do. |
| | | Texas | City of Texarkana only. |
| 9 | Federal Building, Galveston. | Texas | Aransas, Brazoria, Brooks, Calhoun, Cameron, Chambers, Fort Bend, Galveston, Goliad, Harris, Hidalgo, Jackson, Jefferson, Jim Wells, Kenedy, Kleberg, Matagorda, Nueces, Refugio, San Patricio, Victoria, Wharton, and Willacy. |
| 10 | U. S. Terminal Annex Building, Dallas, Texas. | New Mexico | All counties. |
| | | Oklahoma | Do. |
| | | Texas | All except district 9 and the city of Texarkana. |
| 11 | Rives-Strong Building, Los Angeles, Calif. | Arizona | All counties. |
| | | California | Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura. |
| 12 | Customhouse, San Francisco. | Nevada | Clarke. |
| | | California | All except district 11. |
| | | Nevada | All except Clarke. |
| | | Guam | |
| | | Midway | |
| | | Wake | |
| | | American Samoa | |
| 13 | New United States Courthouse, Portland, Oregon. | Idaho | All except district 14. |
| | | Oregon | All counties. |
| 14 | Federal Office Building, Seattle, Wash. | Alaska | |
| | | Idaho | Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone. |
| | | Montana | Beaverhead, Broadwater, Cascade, Deerlodge, Flathead, Gallatin, Glacier, Granite, Jefferson, Lake, Lewis and Clark, Lincoln, Madison, Meagher, Mineral, Missoula, Powders, Powell, Ravalli, Sanders, Silver Bow, Teton, and Yellowstone. |
| | | Washington | All counties. |
| | | Colorado | Do. |
| | | Montana | Except district 14. |
| | | Utah | All counties. |
| | | Wyoming | Do. |



*Radio Districts*—Continued

| Radio district | Address of the inspector in charge | Territory within district | |
|---|---|---|---|
| | | States, etc. | Counties |
| 16 | Main Post Office Building, St. Paul, Minn. | Minnesota | All counties. |
| | | Michigan | Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft. |
| | | North Dakota | All counties. |
| | | South Dakota | Do. |
| | | Wisconsin | All except district 18. |
| 17 | Pickwick Building, Kansas City, Mo. | Iowa | All except district 18. |
| | | Kansas | All counties. |
| | | Missouri | Do. |
| | | Nebraska | Do. |
| 18 | U. S. Court House, Chicago, Ill. | Illinois | Do. |
| | | Indiana | Do. |
| | | Iowa | Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winneshiek. |
| | | Wisconsin | Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Richland, Rock Sauk, Walworth, Washington, and Waukesha. |
| 19 | New Federal Building, Detroit, Mich. | Kentucky | All counties. |
| | | Michigan | All except district 16. |
| | | Ohio | All counties. |
| | | West Virginia | Do. |
| 20 | Federal Building, Buffalo, N. Y. | New York | All except district 2. |
| 21 | Aloha Tower, Honolulu, Territory of Hawaii. | Pennsylvania | All except district 3. |
| | | Territory of Hawaii | |
| 22 | Odron Building, San Juan, Puerto Rico. | Puerto Rico | |
| | | Virgin Islands | |

APPENDIX NO. 4

*Approved Forms*

(These forms may be used in cases to which they are applicable, with such alterations as the circumstances may render necessary.)

*Complaint*

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C.

Docket No. ------

[To be inserted by the Secretary of the Commission]

COMPLAINANT
v.
DEFENDANT

The complainant (here insert full name of each complainant and if a corporation the corporate title of such complainant) respectfully shows:

(1) That (here state occupation and post-office address of each complainant).

(2) That (here insert the full name, occupation, and post-office address of each defendant).

(3) That (here insert fully and clearly the specific acts or things complained of together with such facts as are necessary to give a full understanding of the situation).

Wherefore, complainant asks (here state specifically the relief desired).

Dated at _____ this ------ day of _____, 19...

_____
(Name of each complainant)

_____
(Name and address of attorney, if any)

*Form of Verification*

_____, being first duly sworn, on oath, deposes and says: one of the complainants in the above-entitled matter; that he has read the within and foregoing complaint and knows the contents thereof, and that the matters and things therein stated are true of his own knowledge, save

and except those matters therein stated on information and belief, and as to those he believes them to be true.

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Subscribed and sworn to before me this ------- day of ---------- 193---

[SEAL] ----------
(Notary public or other proper officer)

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2609; Filed, July 17, 1939; 12:36 p. m.]

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PART 1—RULES OF PRACTICE AND PROCEDURE

The Commission, on July 12, 1939, repealed the following rules,[1] to become effective August 1, 1939:

Sec. No.
1.01–1.11, inclusive.
1.99.
2.01–2.09, inclusive.
3.01–3.10, inclusive.
4.01–4.02, inclusive.
4.20–4.22, inclusive.
5.01.
6.01–6.03, inclusive.
7.01–7.02, inclusive.
8.01–8.02, inclusive.
9.01–9.02, inclusive.
10.01–10.03, inclusive.
11.01–11.04, inclusive.
12.01–12.10, inclusive.
12.20–12.21, inclusive.
12.30–12.31, inclusive.
12.40–12.42, inclusive.
12.50.
12.60–12.67, inclusive.
12.70–12.77, inclusive.
12.80–12.81, inclusive.
13.01–13.05, inclusive.
14.01–14.04, inclusive.
15.01–15.19, inclusive.
15.30–15.31, inclusive.
15.40.
15.50–15.51, inclusive.
15.60–15.61, inclusive.
16.01–16.19, inclusive.
16.30–16.31, inclusive.
16.40–16.41, inclusive.
16.50.
16.60.
16.70.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2610; Filed, July 17, 1939; 12:36 p. m.]

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PART 2—GENERAL RULES AND REGULATIONS

The Commission, on July 12, 1939, repealed Sec. 25.01 [2] (originally referred to as Sec. 26.01), to become effective August 1, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2611; Filed, July 17, 1939; 12:36 p. m.]

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[1] 3 F.R. 2629–2642 DI.
[2] 3 F.R. 3154 DI.

## *Notices*

## DEPARTMENT OF AGRICULTURE.

### Farm Security Administration.*

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

IOWA

JULY 17, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Iowa State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Adair, Clay, Davis, Floyd, Fremont, Greene, Guthrie, Hancock, Hardin, Jasper, Jefferson, Jones, Kossuth, Marion, Monona, Muscatine, Osceola, Pocahontas, Washington, and Wayne.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2612; Filed, July 17, 1939; 2:44 p. m.]

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DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

MISSOURI

JULY 17, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Missouri State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Adair, Barton, Boone, Butler, Caldwell, Carroll, Dunklin, Gentry, Grundy, Knox, Laclede, Lafayette, Lawrence, Mississippi, Montgomery, Pike, St. Clair, Saline, and Webster.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2613; Filed, July 17, 1939; 2:44 p. m.]

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*This agency designation should have appeared (instead of "Farm Credit Administration") in the third column of Page 3331 of the issue for Tuesday, July 18, 1939.

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 246]

IN THE MATTER OF THE APPLICATION OF LAWRENCE C. AMES AND CONTINENTAL AIR LINES, INC., FOR APPROVAL OF PROPOSED INTERLOCKING RELATIONSHIPS

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 12, 1939, 10 o'clock a. m. (Pacific Standard Time) at the Palace Hotel, San Francisco, Calif., before Examiner C. Edward Leasure.

Dated Washington, D. C., July 17, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2636; Filed, July 18, 1939; 12:48 p. m.]

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[Docket No. 265]

IN THE MATTER OF THE PETITION OF CONTINENTAL AIRLINES, INC., FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ROUTE NO. 29, UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938, TO INCLUDE ROSWELL, HOBBS AND CARLSBAD, N. MEX., AS INTERMEDIATE POINTS

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 17, 1939, 10 o'clock a. m. (Mountain Standard Time) at the Hotel Cortez, El Paso, Tex., before Examiner C. Edward Leasure.

Dated Washington, D. C., July 17, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2637; Filed, July 18, 1939; 12:48 p. m.]

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## FEDERAL POWER COMMISSION.

[Docket Nos. ID-178, 90, 769, 87, 89, 847, 164, 179, 231, 284, 795, 175, 92, 290, 163, 166, 796, 101, 132, 483]

IN THE MATTER OF JOHN EDWARD ALDRED, ET AL.

ORDER REOPENING HEARING

JULY 14, 1939.

Commissioners: Clyde L. Seavey, Chairman; Basil Manly, Leland Olds, John W. Scott. Claude L. Draper, not participating.

It appearing to the Commission that:

(a) Hearings were held in the above matter at Washington, D. C., September 1, 2, 8, 9, 14, 15, October 20, 31, and November 15, 1938, before Edward B. Marsh, Examiner, upon the requests of applicants for approval to hold certain positions as officers and directors; and that on said last named date hearings were adjourned subject to the further order of the Commission;

(b) It is in the public interest that the proceedings in the above designated matters be reopened and reconvened for the purpose of receiving further evidence.

The Commission orders that:

The above entitled matters be and the same are reopened and reconvened for the purpose of receiving further testimony and additional evidence at 10:00 a. m. on the 14th day of September, 1939, at the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-2617; Filed, July 18, 1939; 9:06 a. m.]

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[Docket No. IT-5494]

IN THE MATTER OF SAFE HARBOR WATER POWER CORPORATION

ORDER FIXING DATE FOR HEARING

JULY 14, 1939.

Commissioners: Clyde L. Seavey, Chairman; Basil Manly, Leland Olds, John W. Scott. Claude L. Draper, not participating.

It appearing to the Commission that:

(1) The Safe Harbor Water Power Corporation, hereinafter called Safe Harbor Company, owns and operates a hydroelectric development on the Susquehanna River in York and Lancaster Counties, Pennsylvania, under license from this Commission, designated as Project No. 1025;

(2) On June 1, 1931, the Safe Harbor Company entered into an agreement with the Consolidated Gas Electric Light and Power Company of Baltimore, hereinafter called the "Baltimore Company," and the Pennsylvania Water and Power Company, hereinafter called the "Holtwood Company," under which the Baltimore Company and the Holtwood Company became entitled to all the capacity and energy available from the initial 6-unit development of the Safe Harbor Company and all or a large part of that energy is being transmitted in interstate commerce;

(3) Under this agreement the total combined annual payments for power and energy for the calendar years 1933 to 1937, inclusive, to be made by the Baltimore Company and the Holtwood Company to the Safe Harbor Company were fixed at $1,450,000, $1,600,000, $1,800,000, $2,000,000 and $2,500,000, respectively. Beginning January 1, 1938, the annual payments equal the amount which is required to yield to Safe Harbor Company a net income of 7 percent, after deducting all reasonable operating expenses, on its accumulated actual, legitimate, original investment in the initial development, averaged for the year in question, without regard to the amount of power actually furnished;

(4) On November 9, 1937, the Commission, on its own motion, instituted an investigation to determine whether this agreement, under which the Safe Harbor Company sells all its energy, violated any provision of the Federal Power Act or any rule, regulation or order of the Commission thereunder, and this investigation has been completed for rate-making purposes.

The Commission orders that:

A public hearing be held on September 18, 1939, at 10 o'clock a. m. in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., to enable the Commission to decide (a) whether the agreement under which the Safe Harbor Company sells all its energy violates any of the provisions of Parts I and III of the Federal Power Act or any rule, regulation or order of the Commission thereunder; (b) whether any rates and charges made or received by the Safe Harbor Company for the sale of electric energy to the Baltimore Company and Holtwood Company under the agreement of June 1, 1931, which is designated on the Commission's records as "Safe Harbor Water Power Corporation Rate Schedule F. P. C. No. 1," or any rules, regulations and practices pertaining to such charges, are unjust, unreasonable, or unduly discriminatory; and (c) determine the just and reasonable rates to be made effective herein and fix the same by order.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-2618; Filed, July 18, 1939; 9:07 a. m.]

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[Project No. 1025]

IN THE MATTER OF SAFE HARBOR WATER POWER CORPORATION

ORDER FIXING DATE FOR HEARING

JULY 14, 1939.

Commissioners: Clyde L. Seavey, Chairman; Basil Manly, Leland Olds, John W. Scott. Claude L. Draper, not participating.

It appearing to the Commission that:

(1) On March 7, 1938, Safe Harbor Water Power Corporation filed its supplemental claim No. 1 with the Federal Power Commission, setting forth the claimed actual, legitimate, original cost of additions, betterments and retirements for the period from January 1, 1933, to December 31, 1936, inclusive;

(2) On August 20, 1938, Safe Harbor Water Power Corporation filed a second supplemental claim of the actual, legitimate, original cost of additions, betterments and retirements for the calendar year 1937;

(3) On July 6, 1939, there was served upon the Safe Harbor Water Power Corporation the Accounting and Engineering Reports of the Commission's staff with respect to the claimed actual, legitimate, original cost of the additions, betterments and retirements of fixed capital of the Safe Harbor project for the period January 1, 1933, to December 31, 1937.

(4) The letter accompanying the Staff's Accounting and Engineering Reports advised the Safe Harbor Water Power Corporation that it would be permitted to file a protest to the staff reports on or before August 11, 1939. The matters involved in the determination of the actual legitimate original cost of additions, betterments and retirements for the period January 1, 1933, to December 31, 1937, of the Safe Harbor project No. 1025, Safe Harbor Water Power Corporation, licensee, are now at issue.

The Commission orders that:

A public hearing in said matter be held on September 11, 1939, at 10 o'clock a. m., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-2619; Filed, July 18, 1939; 9:07 a. m.]

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## INTERSTATE COMMERCE COMMISSION.

ORGANIZATION SCHEDULE AND ASSIGNMENT OF WORK AND FUNCTIONS OF THE COMMISSION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of July, A. D. 1939.

The order of May 8, 1939,[1] adopting an organization schedule and assignment of work and functions of the Commission, amended in certain respects, making same read as follows:

Section 17 of the Interstate Commerce Act, as amended (U.S.C. title 49, sec 17) and other provisions of law being under consideration, the following order was duly adopted:

*Ordered:* Effective July 1, 1939, except as may be otherwise provided herein, the following organization schedule and assignment of work and functions shall be in force:

DIVISIONS OF THE COMMISSION

That there be formed five divisions of the Commission, known, respectively, as divisions one, two, three, four, and five, consisting of three members each.

As provided by section 17 of the Interstate Commerce Act, as amended, in conformity with and subject to the order or orders of the Commission in the premises, each division so constituted shall have power and authority by a

[1] 4 F.R. 2385 DI.

majority thereof to hear and determine, order, certify, report, or otherwise act as to any of said work, business, or functions so assigned or referred to it for action by the Commission; and in respect thereof the division shall have all the jurisdiction or powers now or then conferred upon the Commission, and be subject to the same duties and obligations.

Each division with regard to any case or matter assigned to it, or any question brought to it under this delegation of duty and authority, may call upon the whole Commission for advice and counsel, or for consideration of any case or question by an additional Commissioner or Commissioners assigned thereto; and the Commission may recall and bring before it as such any case, matter or question so allotted or assigned and may either dispose of such case, matter, or question itself, or may assign or refer the matter to the same or another division.

In respect to any case or matter assigned to a division in which it appears desirable that an additional Commissioner or Commissioners should act with the members constituting a division of the Commission, the Chairman of the Commission is authorized to enter an order or orders for the Commission, from time to time, adding an additional Commissioner or Commissioners to any such division for the purposes indicated in such order.

Each division may, for the more convenient dispatch of business assign or refer to an individual Commissioner, a member of such division, any matter assigned or referred to such division, subject to the limitations provided in section 17 (6) of the act.

ASSIGNMENT OF DUTIES TO DIVISIONS

That work, business, and functions of the Commission[1] be assigned and referred to the respective divisions for action thereon, as follows:

*Division One*

General conduct of administrative matters not otherwise assigned or reserved.

Section 20 (1) to (10), inclusive, relating to the reports, records, and accounts of carriers under Part I.

Section 204 (a) (1), (2), and (4); and Section 220; and Section 222 (b), (d), and (g), so far as those sections relate to reports, records, and accounts of carriers under Part II.

Sections 1 (21), 5 (5), 6 (10), 10, 15 (11) and (12), 16 (8) to (12), inclusive; 20a (11) and (12), 26 (h), of Part I, and Section 222 of Part II, and the Elkins Act, as amended, so far as relating to discovery and enforcement of penalties for violations of provisions of law.

Section 13 (3) of Part I, so far as relating to the institution of investigations specified in that paragraph, on the petition of the carrier or carriers concerned.

Matters coming from the Bureau of Personnel Supervision and Management, under Executive Order No. 7916, of June 24, 1938, and amendatory and supplementary Executive orders, and matters assigned to the present Committee on Salaries and Personnel by the order of the Commission of October 12, 1935, as amended October 12, 1936.

Matters coming from the Bureau of Inquiry under Part I, the Elkins Act, and acts supplemental thereto, and the Clayton Antitrust Act, as amended, and from the Section of Law and Enforcement of the Bureau of Motor Carriers, so far as relating to the discovery of derelictions and enforcement of penal provisions of Part II.

Admission, disbarment, and suspension of practitioners before the Commission, under Rule I–B of the Rules of Practice.

*Division Two*

Section 25, relating to the schedules of rates of water carriers in foreign commerce.

Section 4, relating to long-and-short haul and aggregate-of-intermediates rates, and relief therefrom.

Section 6, except paragraph (13), relating to schedules of carriers, and sections 217 and 218, tariffs of common carriers and schedules of contract carriers, including, among other matters, applications thereunder, forms and specifications, and questions turning upon the construction or application thereof.

Section 15 (7) of Part I, and Sections 216 (g) and 218 (c) of Part II, relating to the disposition of applications for suspension of schedules or parts thereof, including authority to institute investigations into rates, fares, practices, and charges of carriers under Part I, and rates, fares, and charges under Part II, as ancillary to a proceeding of investigation and suspension.

Section 6 (13) (b), (c), and (d) of the Interstate Commerce Act and section 11 (d) of the Panama Canal Act, U.S.C., t. 49, Sec. 51, relating to the establishment, under the additional authority conferred upon the Commission by the Panama Canal Act, of through routes and joint rates, and proportional rates to or from ports, and through rail and water arrangements in foreign commerce.

Section 19a, relating to the valuation of the property of carriers.

Section 20 (11) of Part I and Section 219 of Part II, so far as relating to the authorization of released rates and ratings.

Section 3 (2), so far as relating to the prescription of rules governing the delivery of freight and the settlement of rates and charges, and to prevent unjust discrimination, under Part I.

Section 22 (1), so far as relating to reduced rates in case of calamitous visitation, and for the improvement of housing standards (and other purposes).

Standard Time Act of March 19, 1918, as amended, U.S.C., t. 15, Secs. 261–265, inclusive.

Matters coming from the Board of Reference, relating to instructions concerning the informal consideration of unusual matters and cases for which there is no governing precedent.

Matters coming from the Bureau of Informal Cases.

*Division Three*

Air Mail Act of June 12, 1934, as amended, and so far as not repealed or work devolving upon the Commission remains incomplete.

Civil Aeronautics Act of 1938, approved June 23, 1938, U.S.C., t. 49, Sec. 643, so far as relates to action as members of a joint board, as may be directed by the Chairman of the Commission.

Section 1 (9) to (17), inclusive, relating to switch connections, car-service, and emergency directions with respect thereto.

Section 5 (1), relating to the pooling of traffic or operations of railroads.

Section 3 (4), relating to requirement of common use of terminals, and compensation therefor.

Section 6 (13) (a) of the Interstate Commerce Act, and Section 11 (d) of the Panama Canal Act, relating to the additional jurisdiction over rail and water traffic conferred upon the Commission by the Panama Canal Act, U.S.C., t. 49, Sec. 51, with respect to physical connections between rail lines and docks; and section 201 (c), Transportation Act, 1920, as amended, U.S.C., t. 49, Sec. 141 (c).

Section 15 (10), relating to the direction of the routing of unrouted traffic.

Section 15 (13), relating to fixation of reasonable allowances to the owner of property transported for transportation services rendered, and Ex Parte No. 11, The Tap Line Case.

Section 26 (a)–(g), inclusive, as amended, relating to the installation and maintenance of safety devices and carriers by railroad, other than enforcement of penalties.

Section 1 (21) (other than enforcement of penalties), so far as relating to the compulsory construction of new roads or procurements of additional facilities.

Matters arising under the Transportation of Explosives and Dangerous Articles Act, Safety Appliance Acts, Locomotive Inspection Act, Ash Pan Act, Medals of Honor Act, Railroad Retirement Act of 1937, Carriers Taxing Act of 1937, Railroad Unemployment Insurance Act, the Railway Labor Act as respectively amended; the Block Signal Resolution of June 30, 1906, and Sundry Civil Appropriation Act of May 27, 1908; Postal Service Acts, U.S.C., t. 39, c. 6, 12, 13, 14, and 15, so far as those acts relate to duties of the Commission.

*Divisions two and three alternately*, in monthly rotation, commencing with July 1, 1939.

All cases not otherwise herein assigned or referred to another division or reserved to the Commission, arising under Part I, and all cases involving rates, fares, or charges arising under Part II, which cases (a) have involved the taking of testimony at public hearings, and are set to be argued orally before one of such divisions, or (b) are submitted without oral argument, but which have involved the taking of testimony at public hearings.

*Division Four*

Section 1 (18) to (20), inclusive, relating to certificates of convenience and necessity under Part I.

Section 5 (2) to (17), inclusive (other than enforcement of penalties), under Part I; and Section 213 (other than the enforcement of penalties), and 210a (b) of Part II, relating to the consolidation, merger, purchase, lease, operating contracts, and acquisition of control of carriers, and to non-carrier control.

Sections 20a and 214 (other than the enforcement of penalties), relating to the issuance and approval of securities of carriers under Parts I and II, and Sec. 20a (12) to the holding of interlocking positions as director or officer under Part I.

Inland Waterways Corporation Act (U.S.C., t. 49, Sec. 153), as amended, so far as relating to the issuance of certificates of convenience and necessity.

The Uniform Bankruptcy Act, as amended, U.S.C., t. 11, relating to the reorganization of corporations subject to the exercise of the regulatory powers of the Commission.

Matters arising under the Reconstruction Finance Corporation Act, as amended, and under Section 20 of Title II of the Emergency Relief and Construction Act of 1932, as amended.

Matters arising under the Clayton Antitrust Act, as amended (other than enforcement of penalties).

*Division Five*

Part II of the act (Motor Carrier Act, 1935), as amended, including authority to institute, conduct and determine investigations into motor carrier practices, except as to matters hereinbefore specially assigned or referred to other divisions, and except the formulation of Proposed Tariff Circular No. 3 for motor carriers, which is hereby reserved for disposition by Division 5 as at present constituted.

Any procedural question requiring Commission action in connection with unassigned cases may be disposed of by any of the divisions.

Each division may determine the time and place for its conferences and determine its order of business.

From such assignment of work there shall be reserved for consideration and disposition by the Commission (1) all general investigations heretofore entered upon and hereafter instituted, except as hereinbefore otherwise provided; (2) all applications for rehearing, reargument or other reconsideration and all cases before the Commission for reconsideration, except as hereinafter otherwise provided; and there shall also be excepted from this assignment of work all cases heretofore submitted prior to July 1, 1939, on oral argument, either to the Commission or to a division thereof, or submitted to the Commission and specially referred to a division; and cases submitted for decision prior to July 1, 1939, without oral argument in which drafts of final reports were under consideration by the Commission or a division thereof on June 30, 1939; all procedural and administrative matters in the nature of unfinished business pending before the Commission or a division thereof on June 30, 1939; the various cases enumerated in any previous order of the Commission as reserved for consideration and disposition by the Commission; and all cases otherwise especially assigned.

Unless otherwise ordered by the Commission, any Commissioner who is transferred from a division shall continue as a member of such division for the disposition of cases submitted on oral argument prior thereto or those in which drafts of final reports are under consideration and all procedural and administrative matters in the nature of unfinished business, in lieu of the Commissioner designated to serve as a regular member of the division.

ASSIGNMENT OF DUTIES TO INDIVIDUAL COMMISSIONERS AND TO BOARDS OF EMPLOYEES

That the following portions of the work, business, and functions of the Commission, be assigned and referred to individual Commissioners and to boards composed of an employee of the Commission as herein designated.

*To the Individual Members of Divisions Two and Three*

In rotation, in each month, to the members of the particular division which, according to the assignment heretofore made, is designated to receive submissions of rate, etc., cases in that month: (a) shortened procedure cases under Rule of Practice X-A, submitted without oral argument during the month; and (b) shortened procedure cases assigned for oral argument during the month.

*To Individual Members of the Commission*

The Commissioner to whom the Bureau of Traffic reports: (a) special permissions or other permissible waivers of rules regarding schedules of rates, etc., filed in that Bureau or in the Bureau of Motor Carriers under Sections 217 (c) and 218 (a); (b) released rates applications under Section 20 (11); (c) Ex Parte No. 13, with respect to tariff files; and (d) reduced rates authorizations in cases of calamitous visitation under Section 22 (1).

The Commissioner to whom the Bureau of Accounts reports: distribution of carriers accounts and spreading of items over periods of time; and prescription of depreciation rates and modification thereof as to individual carriers, under Section 20 (5).

The Commissioner to whom the Bureau of Service reports: uncontested matters relating to the transportation of explosives and other dangerous articles.

The Commissioner to whom the Bureau of Locomotive Inspection reports: uncontested matters arising under the Boiler Inspection Act, as amended.

The Commissioner to whom the Bureau of Safety reports: uncontested matters under Section 26; the Safety Appliance Acts, as amended; and the Hours of Service Act, as amended.

The Commissioner to whom the Bureau of Finance reports: applications under Section 20a (12) for authority to hold the position of officer or director of more than one corporation, when all the corporations are part of the same system.

The Commissioner to whom the Bureau of Informal Cases reports: applications and complaints on the special docket.

The Commissioner to whom the Bureau of Inquiry reports: the reference of cases involving supposed violations of law, under either Part I or Part II of the Act, the Elkins Act, or related acts, to the Department of Justice for investigation and possible prosecution.

In each of the foregoing delegations and assignments to an individual Commissioner to whom the Bureau reports, it is contemplated that in event of his absence or disability the senior Commissioner of the division which has jurisdiction of the subject matter who is present shall act instead of the Commissioner above designated.

The Chairman of the respective divisions: merely procedural matters in any formal case or pending matter, and extensions of time for compliance with orders (except in investigations on the Commission's own motion), in any such case or matter, when the subject matter or particular proceeding has been or is assigned or referred to the division.

In respect of all such matters, petitions for reconsideration or for rehearing of any order or decision of an individual Commissioner as herein authorized shall be initially passed upon by the division to which the general subject is referred, and if the general subject has not been referred to a division, then by the Commission.

All such petitions shall be governed by the general rules of practice of the Commission.

BUREAUS OF THE COMMISSION

That the Bureaus of the Commission shall report as follows: (a) with respect

[1] References are to sections of the Interstate Commerce Act, Parts I and II, as amended, unless otherwise shown.

to administrative matters, including personnel and salaries matters, to Division one, through the Commissioner to whom the Bureau reports; (b) with respect to matters of policy and functioning, through the Commissioner to whom the Bureau reports, to the Division or to the Commission, as set forth below:

| Bureaus of the Commission | Reports through— | To— |
|---|---|---|
| Accounts | Commissioner in charge. | Division one. |
| Administration | Chairman, ex officio. | Division one. |
| Finance | Commissioner in charge. | Division four. |
| Formalcases: Generally matters pending before divisions. | Commissioner in charge. | Commission. |
| | Chairman of division. | Division. |
| Informal cases | Commissioner in charge. | Division two. |
| Inquiry | Commissioner in charge. | Division one. |
| Law | Commissioner in charge. | Commission. |
| Locomotive inspection. | Commissioner in charge. | Division three. |
| Motor carriers: | | |
| Tariff matters. | Commissioner in charge. | Division five. |
| Finance matters. | Commissioner in charge. | Division two. |
| | Commissioner in charge. | Division four. |
| Personnel supervision and management. | Chairman, ex officio. | Division one. |
| Safety | Commissioner in charge. | Division three. |
| Service | Commissioner in charge. | Division three. |
| Statistics | Commissioner in charge. | Commission, except as to matters assigned to division one. |
| Traffic | Commissioner in charge. | Division two. |
| Valuation | Commissioner in charge. | Division two. |

STANDING COMMITTEES OF THE COMMISSION

That the work formerly assigned to standing committees of the Commission be reassigned as follows:

| Present committees: | *Reassigned to* |
|---|---|
| Salaries and Personnel | Division one. |
| Finance | Division one. |
| Cooperation with State Commissions | Division one. |
| Organization | Division one. |
| Building and Assignment of Space | Division one. |
| Admissions to Practice | Division one. |
| Reporting | Division one. |
| Rules | Committee on Rules and Reports. |
| Reports | Committee on Rules and Reports. |
| Legislation | Committee on Legislation. |
| Annual Report | Division one. |

The foregoing committees shall consist of three members each, appointed by the Commission, which shall designate the Chairman thereof. The Chairman may designate a Commissioner to fill a vacancy on any Committee until the Commission otherwise orders.

REHEARING AND FURTHER PROCEEDINGS

For the proper and more convenient dispatch of business, and to the ends of justice, the following regulations of the conduct of proceedings are adopted (in addition to those governing the parties, as set out in the Rules of Practice), in respect of rehearings, reconsiderations, further hearings, and supplementary proceedings, whom upon the application of any party to the decision, order, or requirement of a division of the Commission.

The application (and any supporting or opposing documents) when submitted shall be considered by the division: if the division grants the same, the application will stand as granted by the division and denied by the Commission, and further proceedings will be before the division and under its direction. Any further decision, order, or requirement of the division shall be subject to application for rehearing as provided in the act. If the division does not grant the application, the application (and supporting or opposing documents) will be considered by the Commission, which in its discretion will determine if sufficient reason for granting a rehearing or taking any other action has been made to appear.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39-2632; Filed, July 18, 1939; 12:22 p. m.]

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[Order No. 27365]

FREIGHT FORWARDING INVESTIGATION

TRANSPORTATION OF CONSOLIDATED CARLOAD FREIGHT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 13th day of July, A. D. 1939.

The Commission having under consideration the subject of the rates, charges, rules, regulations, and practices of common carriers by motor vehicle with respect to the transportation of freight for forwarding companies, and the relation between said common carriers and persons or corporations engaged in the freight-forwarding business:

*It is ordered*, That the Commission, upon its own motion, enter upon an investigation into and concerning the practices of common carriers by motor vehicle of carrying forward charges of forwarders as advances on outbound billing, with the view of determining whether the rates, charges, rules, regulations, and practices of said common carriers, or any of them, are inconsistent with honest, economical, and efficient management, or are unjust, unreasonable, or in any respect in violation of law, and of making such findings and orders in the premises, and of prescribing such just, reasonable, and lawful rates, charges, rules, regulations, or practices, and of taking such other and further action as the facts and circumstances may appear to warrant.

*It is further ordered*, That this order be served upon all common carriers by motor vehicle subject to Part II of the Interstate Commerce Act, and that such carriers be, and they are hereby, made respondents to this proceeding, and that notice to the public be given by posting a copy of this order in the office of the Secretary of the Commission.

*And it is further ordered*, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39-2633; Filed, July 18, 1939; 12:22 p. m.]

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RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 373]

ALLOCATION OF FUNDS FOR LOANS

JULY 14, 1939.

By virtue of, the authority vested in me be the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Georgia 0073W2 Dodge | $10,000 |
| Idaho 0004W1 Bonner | 5,000 |
| Mississippi 0045W2 Clarke-Lauderdale | 20,000 |
| Nevada 0004W2 Clark | 5,000 |
| North Carolina 0032W1 Person | 5,000 |
| Oklahoma 0015W1 Tillman | 5,000 |
| Texas 0058W1 Fayette | 5,000 |
| Texas 0096W1 Victoria | 5,000 |

ROBERT B. CRAIG, *Assistant Administrator.*

[F. R. Doc. 39-2615; Filed, July 18, 1939; 9:06 a. m.]

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[Administrative Order No. 374]

ALLOCATION OF FUNDS FOR LOANS

JULY 14, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorised by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Colorado 0017D1 Prowers | $152,000 |
| Georgia 0083C1 Jackson | 211,000 |
| Illinois 0030B1 Adams | 170,000 |
| Illinois 0045A1 Clinton | 284,000 |
| Indiana 0040A2 Knox | 380,000 |
| Iowa 0056B1 Poweshiek | 243,500 |
| Iowa 0059B1 Woodbury | 100,000 |
| Iowa 0073A1 Adair | 197,000 |
| Minnesota 0035C2 Brown | 25,000 |
| Minnesota 0061C1 Freeborn | 283,000 |
| Minnesota 0062C1 Wright | 142,000 |
| Mississippi 0040B1 Smith | 189,000 |
| Missouri 0037B1 Bates | 109,000 |
| Montana 0002D1 Cascade | 69,000 |
| Oregon 0002C1 Lane | 12,000 |
| Pennsylvania 0006E1 Indiana | 122,000 |
| Pennsylvania 0017B1 Armstrong | 360,000 |
| Pennsylvania 0020A2 Blair | 149,000 |
| South Carolina 0014C1 Aiken | 130,000 |
| South Dakota 0011A1 Pennington | 143,000 |



| *Project designation* | *Amount* |
|---|---|
| Texas 0086B1 Comanche | 157,000 |
| Washington 0008D1 Benton | 104,000 |

ROBERT B. CRAIG, *Assistant Administrator.*

[F. R. Doc. 39-2616; Filed, July 18, 1939; 9:06 a. m.]

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SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of July, A. D. 1939.

[File No. 32-155-1]

IN THE MATTER OF BRADDOCK LIGHT & POWER COMPANY, INCORPORATED

ORDER EXEMPTING ISSUE AND SALE OF CAPITAL STOCK

Braddock Light & Power Company, Incorporated, a subsidiary of The North American Company, through two intermediate sub-holding companies, Washington Railway and Electric Company and The Washington and Rockville Railway Company of Montgomery County, which latter three companies are registered holding companies, having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) thereof, of the issue and sale by said applicant of 5,000 additional shares of Capital Stock without nominal or par value; said Capital Stock to be sold at a private sale to The Washington and Rockville Railway Company of Montgomery County, the immediate parent of the applicant, at a price of $10 per share; a public hearing having been held upon said application after appropriate notice;[1] the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

*It is ordered*, That the issue and sale of the said Capital Stock be, and hereby are exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; subject, however, to the following conditions:

(1) That the issue and sale of the Capital Stock shall be in compliance with the terms and conditions of, and for the purposes represented by said application; and

(2) That such exemption shall immediately terminate without further notice or order of this Commission if, at any time, the State Corporation Commission of Virginia shall revoke, rescind, amend or otherwise alter the effectiveness of its order approving the securities; and

(3) That within ten days after the issue and sale of the Capital Stock, the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2621; Filed, July 18, 1939; 10:58 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of July, A. D. 1939.

[File Nos. 43-199 and 46-148]

IN THE MATTER OF IOWA-NEBRASKA LIGHT AND POWER COMPANY AND CONTINENTAL GAS & ELECTRIC CORPORATION

ORDER MAKING DECLARATION EFFECTIVE AND APPROVING ACQUISITION OF STOCK

Iowa-Nebraska Light and Power Company (hereinafter called "Iowa-Nebraska"), a registered holding company, a subsidiary of Continental Gas & Electric Corporation (hereinafter called "Continental"), also a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and/or sale of (1) its Secured Promissory Note in the principal amount of $2,000,000 to The Chase National Bank of the City of New York, at par, said Note to bear interest at the rate of 2¾% per annum, and to be payable in quarterly installments of $100,000 each, the last installment to mature five years after the date of issue; (2) its First Lien and Refunding Mortgage 5% Bonds, Series C, due March 1, 1969, in the principal amount of $3,000,000, to be pledged as collateral security for said Note; and (3) 20,000 shares of its Common Stock ($100 par value) to its parent, Continental; and Continental, a subsidiary of The United Light and Railways Company, which in turn is a subsidiary of The United Light and Power Company, both registered holding companies, having filed an application pursuant to Section 10 (a) (1) of the Act for approval of the acquisition of the aforesaid 20,000 shares of Common Stock ($100 par value) of Iowa-Nebraska;

A public hearing on said declaration and application, as amended, having been duly held after appropriate notice,[1] the record in this matter having been considered, and the Commission having made its findings herein:

It is ordered:

(1) That the declaration filed by Iowa-Nebraska under Section 7 regarding the issue and/or sale of its Secured Promissory Note in the principal amount of $2,000,000, its First Lien and Refunding Mortgage 5% Bonds, Series C, in the principal amount of $3,000,000, and 20,000 shares of its Common Stock ($100 par value), be and become effective forthwith, and

(2) That the application filed by Continental under Section 10 (a) (1) for approval of the acquisition of the aforesaid 20,000 shares of Common Stock ($100 par value) of Iowa-Nebraska be and the same is hereby approved,

*Provided*, and this order is entered upon the following express conditions:

(1) That the issue and/or sale of the aforesaid securities, and the acquisition of said shares of Common Stock, shall be effected in accordance with the terms and conditions of and for the purposes represented by the declaration and application, as amended;

(2) That prior to or coincident with the making of the loan to be evidenced by said Secured Promissory Note, The Chase National Bank of the City of New York shall submit its resignation as successor trustee under an Indenture, dated December 1, 1901, between Lincoln Gas & Electric Light Company and The Trust Company of America, as Trustee, and that there shall be filed with this Commission, within thirty (30) days after the making of such loan, conformed copies of all legal documents executed in connection with its resignation and in connection with the appointment of a successor trustee.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2622; Filed, July 18, 1939; 10:58 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of July 1939.

[File No. 32-152]

IN THE MATTER OF MILWAUKEE GAS LIGHT COMPANY, ET AL.

ORDER PURSUANT TO SECTIONS 7, 10 AND 12 AND RULES UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Wauwatosa Gas Company, West Allis Gas Company, Lakeshore Gas Company, and Wisconsin Eastern Gas Company, subsidiaries of American Light & Traction Company, a registered holding company, having filed a joint application pursuant to Rule U-12F-1 seeking approval of the sale of their physical properties

[1] 4 F.R. 2490 DI.



[1] 4 F.R. 2064, 2251 DI.

and other assets to Milwaukee Gas Light Company, also a subsidiary of American Light & Traction Company; the same applicants having filed an application pursuant to Section 10 (a) (1) seeking approval of the acquisition by each of them of Common Stock of Milwaukee Gas Light Company in payment for said physical properties and other assets; and Milwaukee Gas Light Company having filed an application pursuant to Section 6 (b) or in the alternative a declaration pursuant to Section 7 in regard to the issuance of Common Stock in payment for said physical properties and other assets;

Wauwatosa Gas Company, West Allis Gas Company, Lakeshore Gas Company, and Wisconsin Eastern Gas Company having filed applications pursuant to Section 6 (b) or in the alternative declarations pursuant to Section 7 relative to the issuance as a stock dividend to American Light & Traction Company of shares of their respective Common Stocks equal in par amount to the largest amounts in even hundreds of dollars in their respective earned surplus accounts and relative to the issuance of shares of their respective Common Stocks equal in par amount to their respective indebtedness to American Light & Traction Company; and American Light & Traction Company having filed an application pursuant to Section 10 (a) (1) seeking approval of its acquisition of the above mentioned Common Stock; and

American Light & Traction Company having filed an application pursuant to Rule U–12D–1 seeking approval of the sale by it at par to Milwaukee Gas Light Company of 33,862 shares of Common Stock of the latter company and the contribution by it to Milwaukee Gas Light Company of 42,000 shares of the Common Stock of the latter company; and an application pursuant to Rule U–12C–1 by Milwaukee Gas Light Company seeking approval of the acquisition of the above mentioned shares of its Common Stock;

A hearing on such matters having been held[1] after appropriate notice and by stipulation a consolidated record made; the applicants and declarants having waived the right to have submitted to them a report by the Trial Examiner; to have submitted to them proposed findings of fact by the Commission; to file a brief and to oral argument before the Commission prior to the making of findings of fact and the entry of orders herein by the Commission; the record in this matter having been examined; and the Commission having made and filed its findings;

*It is ordered*, That the joint application by Wauwatosa Gas Company, West Allis Gas Company, Lakeshore Gas Company, and Wisconsin Eastern Gas Company pursuant to Rule U–12F–1 seeking approval of the sale of their physical properties and other assets is hereby approved; that the application pursuant to Section 10 (a) (1) by the same applicants seeking approval of the acquisition by each of them of the Common Stock of Milwaukee Gas Light Company is approved; and that the declaration pursuant to Section 7 by Milwaukee Gas Light Company relative to its issuance of Common Stock may become effective;

*It is further ordered*, That the declarations filed pursuant to Section 7 by Wauwatosa Gas Company, West Allis Gas Company, Lakeshore Gas Company, and Wisconsin Eastern Gas Company relative to the issuance of their respective Common Stock to American Light & Traction Company may become effective; and that the application filed by American Light & Traction Company pursuant to Section 10 (a) (1) seeking approval of its acquisition of such Common Stock is approved; and

*It is further ordered*, That the application pursuant to Rule U–12D–1 filed by American Light & Traction Company for the approval of the sale and contribution to Milwaukee Gas Light Company of 33,862 and 42,000 shares respectively of Common Stock of Milwaukee Gas Light Company is approved; and that the application pursuant to Rule U–12C–1 by Milwaukee Gas Light Company seeking approval of the acquisition of such stock is approved; and

*It is further ordered*, That this order be subject to the following conditions:

(1) That the various steps involved in the applications and declarations shall be carried out and effected in accordance with the terms and conditions of and for the purposes represented by said applications and declarations;

(2) That within ten days after the issue, sale and disposition of the securities involved in these transactions and the transfer of the physical property and other assets the applicants and declarants shall file with this Commission a certificate of notification showing that the issue, sale and disposition of said securities and the transfer of said physical property and other assets have been effected in accordance with the terms and conditions of and for the purposes represented by said applications and declarations.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2623; Filed, July 18, 1939; 10:58 a. m.]

[1] 4 F.R. 2413, 2453 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of July 1939.

[File No. 32–153]

IN THE MATTER OF NORTHWESTERN WISCONSIN ELECTRIC COMPANY

ORDER GRANTING EXEMPTION

Northwestern Wisconsin Electric Company, a subsidiary company of American Utilities Service Corporation, a registered holding company, having duly filed with this Commission an amended application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of the Act of the issue and sale by the applicant of $125,000 principal amount of its First Mortgage 5% Sinking Fund bonds, Series A, to be dated May 1, 1939 and to mature May 1, 1954; and

A hearing on said amended application having been duly held[1] after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

*It is ordered*, That the issue and sale of the aforesaid securities be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

(1) That the issue and sale of the bonds shall be in compliance with the terms and conditions of and for the purposes represented by said application as amended; and

(2) That such exemption shall immediately terminate without further order of this Commission if, at any time, the authorization by the Public Service Commission of Wisconsin shall be revoked or shall otherwise terminate; and

(3) That within 10 days after the issue and sale of any of the bonds the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, said application as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2624; Filed, July 18, 1939; 10:58 a. m.]

[1] 4 F.R. 2453 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of July, A. D. 1939.

[File No. 32–156]

IN THE MATTER OF WEST PENN POWER COMPANY

ORDER APPROVING APPLICATIONS AND MAKING DECLARATION EFFECTIVE

West Penn Power Company, a subsidiary company of American Water Works and Electric Company, Incorporated, a registered holding company, having filed an application pursuant to Section 6 (b) and a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of 297,077 shares of 4½% Preferred Stock, par value $100 per share, cumulative, and $3,200,000 aggregate principal amount of Ten-Year Promissory Notes due in equal annual installments during the ten years after the issue thereof, and having also filed an application pursuant to Rule U–12C–1 (b) promulgated pursuant to Section 12 (d) of said Act for the approval of the acquisition, retirement or redemption of certain of its securities;

A public hearing having been held on said applications and declaration after appropriate notice;[1]

Said West Penn Power Company, prior to the entry of the Commission's findings, opinion and order herein having waived its right to a Trial Examiner's report, submission of proposed findings of fact by the Commission, or requested findings of fact by counsel for the Commission, the filing of briefs and oral argument; the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

*It is ordered*, That said applications be approved and that said declaration be and become effective forthwith, subject, however, to the following conditions:

1. That, until further order of the Commission, so long as the Company shall remain subject to the jurisdiction of the Commission, if any shares of the 4½% Preferred Stock are then outstanding, the Company shall not pay any dividends on or make any other distributions to the holders of shares of its common stock if, after giving effect to such payment or distribution, the capital of the Company represented by its common stock, together with its surplus, as then stated on its books of account, shall in the aggregate be less than $27,750,000. This condition shall cease to be of any force or effect if the Commission shall at any time hereafter adopt or enter a rule, regulation or order under Section 12 (c) of the Act or otherwise (other than Rule U–12C–2 as now in effect), which shall be applicable to the Company, limiting the right of companies to pay dividends on their common stock with reference to maintaining an equity junior to outstanding preferred or preference stocks. The Commission reserves jurisdiction to revoke or modify this condition at any time on application of the company.

2. That within ten days after the issue and sale of the securities in question the Company shall file with this Commission a certificate of notification giving the following information: (1) That the issue and sale of said securities and the disposition of the proceeds thereof shall have been done in the manner and for the purposes represented by the applications and declaration as amended; (2) the number of shares acquired by virtue of the exchange offer; and (3) the number of shares sold to the underwriters.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2625; Filed, July 18, 1939; 10:59 a. m.]

[1] 4 F.R. 2472 DI.



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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1939.

[File No. 44–30]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION, DEBTOR AND CENTRAL STATES POWER & LIGHT CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (c) and Rule U–12C–1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on August 2, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 28, 1939.

The matter concerned herewith is in regard to the sale by Central States Power & Light Corporation to Fleming Blanchard McCurdy of Halifax, Nova Scotia, Canada, pursuant to an agreement of January 31, 1939, of certain securities, including notes and accounts receivable of Canada Electric Company, Limited, The Eastern Electric and Development Company, Limited, Moncton Electricity and Gas Company, Limited, and Maritime Coal, Railway and Power Company, Limited. The securities, including notes and accounts receivable, of the latter company are not now owned by Central States Power & Light Corporation but are owned by Utilities Power & Light Corporation, Limited, and the Estate of Utilities Power & Light Corporation. The latter two companies have agreed that they will transfer to Central States Power & Light Corporation the securities which may be owned by them which are deliverable to McCurdy under the terms of the agreement of January 31, 1939, upon payment of $38,200 which is the value placed upon such securities by Jay Samuel Hartt.

For these Canadian securities the purchaser will pay to the vendor at least $1,264,000 principal amount of First Mortgage and First Lien Gold Bonds 5½% Series, due January 1, 1953, issued by Central States Power & Light Corporation, with all unpaid interest coupons attached (which is the amount McCurdy now owns) and $1,964,731.03 in cash: *Provided, however*, That said cash sum may be varied dependent upon certain conditions more fully set forth in the January 31, 1939 agreement, including the condition that Central States Power & Light Corporation may request McCurdy to solicit tenders of Central States Power & Light Corporation First Mortgage and First Lien Gold Bonds 5½% Series, due January 1, 1953, and McCurdy agrees to pay over and deliver such bonds tendered and to that extent the amount of cash payable shall be reduced. The purchase price is to be increased by the sum of $250 per day for each day by which the transaction may be closed precedes September 30, 1939: *Provided, however*, That the aggregate increase in this regard shall not exceed $15,000.

The purchase and sale will not become finally effective without the prior approval of the District Court of the United States for the Northern District of Illinois, Eastern Division.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2628; Filed, July 18, 1939; 10:59 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1939.

[File No. 1–1362]

IN THE MATTER OF NATIONAL UNION RADIO CORPORATION COMMON STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

National Union Radio Corporation having made application to the Commis-

sion, pursuant to Section 12 (d) of the Securities Exchange Act of 1934 and Rule X–12D2–1 thereunder, for withdrawal from listing and registration on the Chicago Stock Exchange of 463,953⅛ shares of common stock, $1 par value; and

A hearing having been held[1] on due notice, the Chicago Stock Exchange having made a motion to strike the application; and

The Commission having duly considered the application and information pertinent thereto, and the motion to strike the application, and having due regard for the public interest and the protection of investors, and having filed its findings and opinion herein;

*It is ordered*, That said motion to strike be and hereby is denied; and

*It is further ordered*, That said application be and hereby is granted, effective at the close of the trading session on July 27, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2626; Filed, July 18, 1939; 10:59 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1939.

[File No. 2–2175]

IN THE MATTER OF PRESSED METALS OF AMERICA, INC.

ORDER FIXING EFFECTIVE DATE OF AMENDMENTS TO REGISTRATION STATEMENT AND DISMISSING STOP ORDER PROCEEDINGS

The Commission, having due regard to the public interest and the protection of investors, and the amendments filed on April 4, May 25, and June 16, 1939, to the registration statement under the Securities Act of 1933, as amended, of the above-named registrant not appearing to be incomplete or inaccurate in any material respect upon their face,

*It is ordered*, That the effective date of such amendments shall be July 17, 1939, and

*It is further ordered*, That a certain stop order proceeding heretofore instituted and until now pending with respect to the said registration statement be and the same is hereby dismissed.

Attention shall be directed to the provisions of Section 23, Securities Act of 1933, which follow: "Neither the fact that the registration statement for a security has been filed or is in effect nor the fact that a stop order is not in effect with respect thereto shall be deemed a finding by the Commission that the registration statement is true and accurate on its face or that it does not contain an untrue statement of fact or omit to state a material fact, or be held to mean that the Commission has in any way passed upon the merits of, or given approval to, such security. It shall be unlawful to make or cause to be made, to any prospective purchaser any representation contrary to the foregoing provisions of this section."

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2627; Filed, July 18, 1939; 10:59 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1939.

[Files No. 7–344 to 7–350, 7–352 to 7–365, inclusive, and 7–382]

IN THE MATTER OF APPLICATIONS BY BOSTON STOCK EXCHANGE FOR (A) UNLISTED TRADING PRIVILEGES IN

*Climax Molybdenum Company, No Par Value Common Stock*
*Colgate-Palmolive-Peet Company, No Par Value Common Stock*
*Crown Cork & Seal Company, Inc., No Par Value Common Stock*
*Distillers Corporation-Seagrams, Ltd., No Par Value Common Stock*
*Foster Wheeler Corporation, $10 Par Value Common Stock*
*The Greyhound Corporation, No Par Value Common Stock*
*Lockheed Aircraft Corporation, $1 Par Value Capital Stock*
*The Glenn L. Martin Company, $1 Par Value Common Stock*
*Sunshine Mining Company, 10¢ Par Value Common Stock*
*The White Motor Company, $1 Par Value Common Stock*
*Eastern Air Lines, Incorporated, $1 Par Value Common Stock; and for*

(B) UNLISTED TRADING PRIVILEGES IN ROUND LOTS IN

*Armour & Company (Illinois), $5 Par Value Common Stock*
*Atlantic Coast Line Railroad Company, $100 Par Value Common Stock*
*Bethlehem Steel Corporation (Del.), No Par Value Common Stock*
*Edward G. Budd Manufacturing Company, No Par Value Common Stock*
*General Telephone Corporation, $20 Par Value Common Stock*
*The Studebaker Corporation, $1 Par Value Common Stock*
*Swift & Company, $25 Par Value Capital Stock*
*Swift International, Ltd., Deposit Certificates of Bearer Share Certificates having a Par Value of 15 Argentine Gold Dollars*
*United Aircraft Corporation, $5 Par Value Capital Stock*
*United Air Lines Transport Corporation, $5 Par Value Capital Stock*
*Walworth Company, No Par Value Common Stock*

ORDER DISPOSING OF APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

The Boston Stock Exchange, having filed applications with the Commission pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges in both odd-lots and round-lots to the following securities:

Climax Molybdenum Company, No Par Value Common Stock
Colgate-Palmolive-Peet Company, No Par Value Common Stock
Crown Cork & Seal Company, Inc., No Par Value Common Stock
Distillers Corporation-Seagrams, Ltd., No Par Value Common Stock
Foster Wheeler Corporation, $10 Par Value Common Stock
The Greyhound Corporation, No. Par Value Common Stock
Lockheed Aircraft Corporation, $1 Par Value Capital Stock
The Glenn L. Martin Company, $1 Par Value Common Stock
Sunshine Mining Company, 10¢ Par Value Common Stock
The White Motor Company, $1 Par Value Common Stock
Eastern Air Lines, Incorporated, $1 Par Value Common Stock

and to extend unlisted trading privileges in round lots only to the following securities:

Armour & Company (Illinois), $5 Par Value Common Stock
Atlantic Coast Line Railroad Company, $100 Par Value Common Stock
Bethlehem Steel Corporation (Del.), No Par Value Common Stock
Edward G. Budd Manufacturing Company, No Par Value Common Stock
General Telephone Corporation, $20 Par Value Common Stock
The Studebaker Corporation, $1 Par Value Common Stock
Swift & Company, $25 Par Value Capital Stock
Swift International, Ltd., Deposit Certificates of Bearer Share Certificates having a Par Value of 15 Argentine Gold Dollars
United Aircraft Corporation, $5 Par Value Capital Stock
United Air Lines Transport Corporation, $5 Par Value Capital Stock
Walworth Company, No. Par Value Common Stock;

and

Hearings having been held[1] in this matter after appropriate notice, and the Commission having this day made and filed its findings herein;

*It is ordered*, That the applications of the Boston Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, for permission to extend unlisted trading privileges in both round lots and odd lots to the following securities:

Climax Molybdenum Company, No Par Value Common Stock
The Greyhound Corporation, No Par Value Common Stock
The Glenn L. Martin Company, $1 Par Value Common Stock

be and the same hereby are granted;

*It is further ordered*, That the applications of the Boston Stock Exchange pursuant to said Section for permission to extend unlisted trading privileges in both round lots and odd lots to the following securities:

Colgate-Palmolive-Peet Company, No Par Value Common Stock
Crown Cork & Seal Company, Inc., No Par Value Common Stock
Distillers Corporation-Seagrams, Ltd., No Par Value Common Stock
Foster Wheeler Corporation, $10 Par Value Common Stock
Lockheed Aircraft Corporation, $1 Par Value Capital Stock
Sunshine Mining Company, 10¢ Par Value Common Stock
The White Motor Company, $1 Par Value Common Stock
Eastern Air Lines, Incorporated, $1 Par Value Common Stock

be and the same hereby are denied;

*It is further ordered*, That the applications of the Boston Stock Exchange pursuant to said Section for permission to extend unlisted trading privileges in round lots alone to the following securities:

Armour & Company (Illinois), $5 Par Value Common Stock
Bethlehem Steel Corporation (Del.), No Par Value Common Stock
The Studebaker Corporation, $1 Par Value Common Stock
Swift & Company, $25 Par Value Capital Stock
United Aircraft Corporation, $5 Par Value Capital Stock
Walworth Company, No Par Value Common Stock.

be and the same hereby are granted;

*It is further ordered*, That the applications of the Boston Stock Exchange pursuant to said Section for permission to extend unlisted trading privileges in round lots alone to the following securities:

Atlantic Coast Line Railroad Company, $100 Par Value Comon Stock
Edward G. Budd Manufacturing Company, No Par Value Common Stock
General Telephone Corporation, $20 Par Value Comon Stock
Swift International, Ltd., Deposit Certificates of Bearer Share Certificates having a Par Value of 15 Argentine Gold Dollars
United Air Lines Transport Corporation, $5 Par Value Capital Stock

be and the same hereby are denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2629; Filed, July 18, 1939; 11:00 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of July, A. D. 1939.

[Files No. 46–88 and 32–78; 46–89 and 56–47]

IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY AND WASHINGTON AND SUBURBAN COMPANIES

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to sections 6 (b), 10 (a) (1) and 12 (d) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

It is ordered, That a hearing on such matter be held on July 27, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Daniel J. Dempsey or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 24, 1939.

The matter concerned herewith is in regard to the proposed issue by Washington Gas Light Company, a subsidiary company of Washington and Suburban Companies, a registered holding company, of 35,000 shares of the no par value common stock of said applicant and the sale thereof to said Washington and Suburban Companies in consideration of the transfer to said Washington Gas Light Company by said Washington and Suburban Companies of certain securities of Washington Suburban Gas Company and of Alexandria Gas Company, to wit:

Washington Suburban Gas Company—

(1) 8,600 shares of Common Stock, without par value,

(2) $231,000 principal amount of First Mortgage Gold Bonds, 6½% Series due 1948,

(3) $271,927.37 principal amount of a promissory note,

(4) $15,001 aggregate principal amount of open account indebtedness representing cash advances.

Alexandria Gas Company—

(1) 2,500 shares of Capital Stock, without par value,

(2) Promissory notes aggregating the principal amount of $687,900,

(3) Unpaid interest on said notes accrued prior to February 1, 1939.

The applications of Washington and Suburban Companies relate specifically to the proposed acquisition by it of certain common stock of Washington Gas Light Company and to the proposed disposition by it of said securities of Washington Suburban Gas Company and Alexandria Gas Company to said Washington Gas Light Company. The applications of Washington Gas Light Company relate not only to said issue and sale of stock but also to the acquisition of the securities to be acquired by it in exchange therefor.

By a previous Notice of and Order for Hearing, dated January 18, A. D., 1938, the above mentioned applications, with the exception of the application of Washington and Suburban Companies relative to the disposition of the securities proposed to be transferred by it to Washington Gas Light Company, were set for hearing on February 3, 1938, upon which date said hearing was duly continued subject to call, and since the date of said previous order, the application last specifically described as well as certain amendments to the applications herein described have been filed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2630; Filed, July 18, 1939; 11:00 a. m.]

[1] 4 F.R. 404 DI.

[1] 4 F.R. 896 DI.

Reference


# FEDERAL REGISTER

VOLUME 4 NUMBER 138

*Washington, Thursday, July 20, 1939*


## *The President*

### EXECUTIVE ORDER

AMENDING THE FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes of the United States (22 U.S.C. § 132), it is ordered that the Foreign Service Regulations of the United States be, and they are hereby, amended by prescribing the following as Chapter II thereof:

CHAPTER II—DIPLOMATIC AND CONSULAR BRANCHES OF THE FOREIGN SERVICE

II–1. *Diplomatic officers.*—(a) *Definition.* The term "diplomatic officers" shall include ambassadors, ministers (whether plenipotentiary or resident), diplomatic agents, chargés d'affaires, chargés d'affaires *ad interim*, counselors of embassy or legation, and secretaries of embassy or legation.

(b) *Functions.* Diplomatic officers shall perform the following functions within the countries to which they are accredited:

(1) Establish and maintain friendly relations between the Government and people of the United States and the government and people of the country to which they are accredited

(2) Keep the Government of the United States informed regarding political and economic developments abroad, particularly those affecting its interests

(3) Extend protection to American citizens and promote just American interests in every proper manner

(4) Interpret faithfully the viewpoint of the American Government in any question at issue.

II–2. *Diplomatic representatives.* The term "diplomatic representatives" shall denote the following classes of diplomatic officers:

(a) Ambassadors extraordinary and plenipotentiary, and special and high commissioners with the rank of ambassadors extraordinary and plenipotentiary

(b) Envoys extraordinary and ministers plenipotentiary, and special and high commissioners with the rank of envoys extraordinary and ministers plenipotentiary

(c) Ministers resident

(d) Chargés d'affaires commissioned by the President as such and accredited by the Secretary of State to the Minister for Foreign Affairs of the government to which they are sent.

II–3. *Preliminaries before departure for post.* After the appointment of a diplomatic representative and the filing of the prescribed oath of office, he shall be given his commission, furnished with his credentials and other necessary papers, and given such general and special instructions as the Secretary of State may deem necessary for his guidance.

II–4. *Presentation of credentials.* Upon the arrival at the seat of mission, the newly appointed diplomatic representative shall request, through the actual incumbent of the mission, an informal conference with the Minister for Foreign Affairs, or such other officer of the government to which he is accredited as may be found authorized to act in the premises, in order to arrange for his official reception. He shall at the same time, in his own name, address a formal note to the Minister for Foreign Affairs, communicating the fact of his appointment and requesting the designation of a time and place for presenting his letter of credence and the letter of recall of his predecessor.

When the representative is accredited by the President to the Chief of State, he shall, on requesting audience for the purpose of presenting the original sealed letter of credence in person, communicate to the Minister for Foreign Affairs the open office copy thereof accompanying his original instructions.

If the diplomatic representative be of the rank of chargé d'affaires, bearing a letter of credence addressed to the Minister for Foreign Affairs, he shall, on addressing to the Minister the formal

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FEDERAL REGISTER

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note, convey to him the office copy of his letter of credence and shall await the Minister's pleasure for presentation of the original.

A copy of each letter of credence shall be prepared and placed in the files of the mission.

II–5. *Entry upon official duties.* The official duties of a diplomatic representative begin on the day of his formal reception by the Chief of State, or in the case of the chargé d'affaires by the Minister for Foreign Affairs. If the formal audience of reception is delayed, the Minister for Foreign Affairs may arrange for the transaction of diplomatic business with the new representative pending such reception.

II–6. *Procedure to be observed when visiting a neighboring capital.* When a diplomatic officer of the United States abroad visits the capital of a third country, he shall at once make his presence known to the representative of the United States by calling on him. If his stay is to be more than transitory, he shall call on the representative of the country to which he is accredited.

Any calls upon officials of the country, except those of a purely personal character, shall be made only upon the recommendation of the resident American representative.

II–7. *Resignation of diplomatic representative.* The resignation of a diplomatic representative shall be tendered to the President, but the despatch transmitting such resignation shall be addressed to the Secretary of State.

II–8. *Consular officers.* The term "consular officers" shall include consuls general, consuls, Foreign Service officers commissioned as vice consuls, language officers, vice consuls, and consular agents.

II–9. *Official recognition of consular officers.*—(a) *Exequatur.* Upon the assignment of a consular officer, his commission shall be transmitted to the diplomatic representative accredited to the government within whose jurisdiction the consular office is situated, with instructions to apply for an exequatur. When obtained, the exequatur, together with the commission, shall be transmitted by the diplomatic representative to the consulate to which the officer is assigned through the supervisory consulate general, if there is one.

If there is no diplomatic representative of the United States stationed in the country of assignment, the Department of State shall make other arrangements for procuring the exequatur.

(b) *Provisional recognition.* Upon the receipt of telegraphic or written instructions from the Department of State, the diplomatic representative shall request the government to which he is accredited for provisional recognition for either principal or subordinate consular officers. The date on which the request for recognition is communicated to the Foreign Office and the date of final recognition shall be communicated to the supervising consul general, if there is one, and to the consular office of assignment.

II–10. *Entry on duties.* A consular officer may enter upon his official duties upon the receipt of his exequatur or, when directed by the Department of State, without an exequatur upon the receipt of provisional recognition from the proper authorities.

*Cancellation of Portions of Regulations*

The following provisions of the Foreign Service Regulations of the United States are hereby canceled:

*Part I*

Sections II–1, II–2, II–3, II–4, II–5, II–6, II–7, II–10, II–11, II–12, II–13, II–14, II–15, II–16, II–17, II–18, II–19, II–20, II–21, II–22, II–23, II–24, II–25, II–26, II–28, II–29, VI–4, VI–15, VIII–16, and VIII–17.

Chapter I.

*Part II*

Sections I–19, I–20, I–21, I–22, I–23, I–29, III–48, III–49, III–50, III–56, III–69, and IV–76.

*Revocation of Executive Order*

Executive Order No. 5661 of July 1, 1931, is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 17, 1939*

[No. 8210]

[F. R. Doc. 39–2638; Filed, July 18, 1939; 2:57 p. m.]

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### AGRICULTURAL MARKETING SERVICE

PART 61—AMENDMENT NO. 1 TO RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE GOVERNING INSPECTION, SAMPLING, AND CERTIFICATION OF COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1940, * * * and for other purposes" (Public No. 159, 76th Congress), I, H. A. Wallace, Secretary of Agriculture do hereby prescribed, publish and give public notice of the following amendment to the rules and regulations of the Secretary of Agriculture heretofore promulgated [1] to govern the inspection, sampling, and certification of cottonseed sold or offered for sale for crushing purposes:

In regulation 2 strike out section 6 and substitute therefor the following:

[1] 3 F.R. 1361 DI.



"§ 61.8 (Reg. 2, Sec. 6) *Application for review.* In case of dispute in which a review is desired of the grading of any sample of cottonseed covered by a valid certificate issued by a licensed cottonseed chemist, application therefor shall be filed with or mailed to the designated agent of the Chief of Agricultural Marketing Service within one week after the date of the original certificate, whereupon the licensed chemist issuing the certificate shall immediately surrender to the agent of the Chief of Agricultural Marketing Service the retained portion of the original sample, together with such records as may be required, for the determination of the true grade. Such agent shall assign to such retained portion an official identification number and submit it to another licensed chemist for reanalysis. Should the grade found on reanalysis differ from the original by not more than plus or minus one full grade, the original grade shall be considered the true grade. Should the reanalysis indicate a grade differing more than plus or minus one full grade from the original, all work sheets involved shall be submitted to the Chief of Agricultural Marketing Service or his designated agent who shall determine the correct grade."

In regulation 3 strike out section 2 and substitute therefor the following:

"§ 61.11 (Reg. 3, Sec. 2) *Examination of applicant.* Each applicant for a license as a chemist and each licensed chemist shall when requested submit to an examination or test to show his ability to analyze and grade cottonseed. His failure to pass such test may be considered sufficient ground for withholding the issuance to him of a license or of a renewal of a license."

§ 61.46 (Reg. 5, Sec. 4) *Fees for review of grading of cottonseed.* For the review of the grading of any lot of cottonseed in accordance with section 61.8 (Reg. 2, Sec. 6) the fee shall be $3.00. Remittance to cover such fee, in the form of a certified check, draft, or money order payable to the Treasurer of the United States, shall accompany each application for review. Of each such fee collected $1.00 shall be covered into the Treasury as miscellaneous receipts and $2.00 disbursed to the licensed chemist designated by an agent of the Chief of Agricultural Marketing Service to make the reanalysis of such seed." (Regulations of the Secretary of Agriciture, June 7, 1938)

Done at Washington, D. C., this 18th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2639; Filed, July 19, 1939; 9:30 a. m.]

### TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3211]

IN THE MATTER OF SILVER MANUFACTURING COMPANY, ETC.

§ 3.99 (b) *Using or selling lottery devices — In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of clocks, radios, silverware sets, fountain pens or pen and pencil sets, bedspreads, blankets, electric irons, or any other merchandise, others with push or pull cards, punchboards, or other lottery devices to enable such persons to dispose of or sell any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Silver Manufacturing Company, etc., Docket 3211, July 7, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Mailing, etc., in connection with offer, etc., in commerce, of clocks, radios, silverware sets, fountain pens or pen and pencil sets, bedspreads, blankets, electric irons, or any other merchandise, to agents or to distributors or members of the public, push or pull cards, punchboards, or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Silver Manufacturing Company, etc., Docket 3211, July 7, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of clocks, radios, silverware sets, fountain pens or pen and pencil sets, bedspreads, blankets, electric irons, or any other merchandise, any merchandise by the use of push or pull cards, punchboards or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Silver Manufacturing Company, etc., Docket 3211, July 7, 1939]

§ 3.6 (a) (7) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Direct dealing advantages:* § 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Manufacturer:* § 3.80 (q) *Securing agents or representatives falsely or misleadingly—Seller status, advantages or connections:* § 3.96 (b) (5) *Using misleading name—Vendor—Producer or laboratory status of dealer.* Representing, in connection with offer, etc., in commerce, of clocks, radios, silverware sets, fountain pens or pen and pencil sets, bedspreads, blankets, electric irons, or any other merchandise, that respondent is a manufacturer of said products or sells said products at factory prices which eliminate the middleman, unless and until he owns and operates, or directly and absolutely controls, the factory or plant wherein said products are manufactured by him, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Silver Manufacturing Company, etc., Docket 3211, July 7, 1939]

§ 3.6 (cc) (3) *Advertising falsely or misleadingly—Source or origin—Maker:* § 3.80 (r) *Securing agents or representatives falsely or misleadingly—Source or origin of product:* § 3.87 (h) *Simulating competitor or his product—Trade name of competitor's product.* Representing, directly or by inference, in connection with offer, etc., in commerce, of clocks, radios, silverware sets, fountain pens or pen and pencil sets, bedspreads, blankets, electric irons, or any other merchandise, through the use of the trade name "R. C. A.", or any colorable simulation thereof, or in any other manner, that radios manufactured by manufacturers other than Radio Corporation of America are "R. C. A." radios or are made by the Radio Corporation of America, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Silver Manufacturing Company, etc., Docket 3211, July 7, 1939]

§ 3.6 (gg) *Advertising falsely or misleadingly—Value:* § 3.80 (e) *Securing agents or representatives falsely or misleadingly—Demand or business opportunities.* Representing, in connection with offer, etc., in commerce, of clocks, radios, silverware sets, fountain pens or pen and pencil sets, bedspreads, blankets, electric irons, or any other merchandise, that the purchasers of respondent's products obtain a saving of 50%, or any other amount, when such is not the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Silver Manufacturing Company, etc., Docket 3211, July 7, 1939]

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.80 (t) *Securing agents or representatives falsely or misleadingly — Terms and conditions.* Using, in connection with offer, etc., in commerce, of clocks, radios, silverware sets, fountain pens or pen and pencil sets, bedspreads, blankets, electric irons, or any other merchandise, the term "free", or any other term or terms of similar import or meaning, to describe or refer to merchandise furnished by respondent to his agents or representatives for distribution to their customers when said agents or representatives are required to pay for such merchandise or to procure the sale of other article of merchandise or to perform other services in connection with obtaining such merchandise, prohibited. (Sec. 5, 38 Stat.

719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Silver Manufacturing Company, etc., Docket 3211, July 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF JAMES I. SILVER, INDIVIDUALLY AND TRADING AS SILVER MANUFACTURING COMPANY, SILVER SALES COMPANY, AND WORLD-WIDE RADIO COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before William C. Reeves, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed herein by counsel for the Commission (respondent having filed no brief, and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, James I. Silver, individually and trading under the names of Silver Manufacturing Company, Silver Sales Company, and World-Wide Radio Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of clocks, radios, silverware sets, fountain pens, fountain pen and pencil sets, bedspreads, blankets, electric irons, or any other merchandise, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others push or pull cards, punchboards, or other lottery devices for the purpose of enabling such persons to dispose of or sell any merchandise by the use thereof;

(2) Mailing, shipping, or transporting to agents or to distributors or members of the public push or pull cards, punchboards, or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof;

(3) Selling or otherwise disposing of any merchandise by the use of push or pull cards, punchboards or other lottery devices;

(4) Representing that respondent is a manufacturer of said products or sells said products at factory prices which eliminate the middleman, unless and until he owns and operates or directly and absolutely controls the factory or plant wherein said products are manufactured by him;

(5) Representing, directly or by inference, through the use of the trade name "R. C. A.", or any colorable simulation thereof, or in any other manner, that radios manufactured by manufacturers other than Radio Corporation of America are "R. C. A." radios or are made by the Radio Corporation of America;

(6) Representing that the purchasers of respondent's products obtain a saving of 50%, or any other amount, when such is not the fact;

(7) Using the term "free" or any other term or terms of similar import or meaning to describe or refer to merchandise furnished by respondent to his agents or representatives for distribution to their customers when said agents or representatives are required to pay for such merchandise or to procure the sale of other articles of merchandise or to perform other services in connection with obtaining such merchandise.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2641; Filed, July 19, 1939; 9:44 a. m.]

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[Docket No. 3635]

IN THE MATTER OF SHAW AND DAVIS, INC., ET AL.

§ 3.6 (a) (27) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Retailer as wholesaler.* Designating, describing or representing, in connection with offer, etc., in commerce, of jewelry, silverware, diamonds, watches, clocks, leather goods, or any other merchandise, to the purchasing public, other than the retail trade, the corporate or individual respondents as "Wholesalers" or "Wholesale Jewelers" in catalogs, printed matter, or in any other manner, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Shaw and Davis, Inc., et al., Docket 3635, July 7, 1939]

§ 3.6 (a) (27) *Advertising falsely or misleadingly — Business status, advantages or connections of advertiser—Retailer as wholesaler:* § 3.6 (r) (5) *Advertising falsely or misleadingly—Prices—Retail as wholesale.* Using, in connection with offer, etc., in commerce, of jewelry, silverware, diamonds, watches, clocks, leather goods, or any other merchandise, to the purchasing public, other than the retail trade, the terms "list prices" or "discount", or representing that the price at which respondents offer for sale and sell their various products constitutes a discount to the purchaser or is a wholesale price, when in fact said price is the usual and customary price at which the respondents sell said products in the normal and usual course of business, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Shaw and Davis, Inc., et al., Docket 3635, July 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF SHAW AND DAVIS, INC., A CORPORATION, AND ABNER SHAW AND JANET SHAW, INDIVIDUALS

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, a stipulation as to the facts entered upon the record, and a supplemental stipulation executed by respondents and their counsel, which stipulations provide among other things that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon, and an order disposing of the proceedings, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered* That the respondents, Shaw and Davis, Inc., a corporation and its officers, and Abner Shaw and Janet Shaw, and their respective agents, representatives, and employees, directly or through any corporate or other devices, in connection with the offering for sale, sale and distribution of jewelry, silverware, diamonds, watches, clocks, leather goods or any other merchandise to the purchasing public other than the retail trade in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Designating, describing or representing the corporate or individual respondents as "Wholesalers" or "Wholesale Jewelers" in catalogs, printed matter, or in any other manner;

[1] 3 F.R. 977 DI.

[1] 3 F.R. 2793 DI.



2. Using the terms "list prices" or "discount", or representing that the price at which respondents offer for sale and sell their various products constitutes a discount to the purchaser or is a wholesale price, when in fact said price is the usual and customary price at which the respondents sell said products in the normal and usual course of business.

*It is hereby further ordered*, That the respondents shall, within sixty (60) days from the date of service upon them of this order, file with this Commission a report in writing setting forth the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2642; Filed, July 19, 1939; 9:45 a. m.]

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[Docket No. 3754]

IN THE MATTER OF WYETH CHEMICAL COMPANY

§ 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's corn and callous "Freezone", or other similar preparation, that said product will cure corns or callouses or prevent the formation or recurrence thereof, or will promptly stop the pain caused by corns or prevent the recurrence of such pain, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Wyeth Chemical Company, Docket 3754, July 7, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y 1) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., in connection with offer, etc., in commerce, of respondent's corn and callous "Freezone", or other similar preparation, any advertisements, by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's said "Freezone" or other similar preparation, which advertisements represent, directly or through implication, that corns have roots or that the preparation "Freezone" will remove the roots of corns or will deaden pain caused by corns or will prevent the recurrence of corns, or that an entire corn can be removed by the use of the fingers by reason of one application of such preparation, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Wyeth Chemical Company, Docket 3754, July 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Wyeth Chemical Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as commerce is defined by the Federal Trade Commission Act, of a preparation for the removal of corns or callouses now designated as "Freezone", or of any other preparation containing substantially the same ingredients or possessing similar therapeutic properties whether sold under the name of "Freezone" or under any other name or names, do forthwith cease and desist from:

1. Representing that said product, when used, will cure corns or callouses or prevent the formation or recurrence of corns or callouses.

2. Representing that said product, when used, will promptly stop the pain caused by corns or prevent the recurrence of pain caused by corns.

3. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of a preparation for the removal of corns, now designated by the name of "Freezone", or any other preparation for the removal of corns composed of substantially the same ingredients or possessing substantially similar therapeutic properties, whether sold under that name or any other name, or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said product, which advertisements represent, directly or through implication, that corns have roots or that the preparation "Freezone" will remove the roots of corns or will deaden pain caused by corns or will prevent the recurrence of corns, or that an entire corn can be removed by the use of the fingers by reason of one application of such preparation.

*It is further ordered*, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2643; Filed, July 19, 1939; 9:45 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 18th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[File No. 21-265]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE MIRROR MANUFACTURING INDUSTRY

*Promulgation*

Due proceedings having been held [1] under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

*It is now ordered*, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of July 19, 1939.

*Statement by the Commission*

Trade practice rules for the Mirror Manufacturing Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. The rules provide for the proper identification and disclosure of the kind of glass in mirrors and for the elimination and prevention of misrepresentation, deceptive concealment, and various other unfair trade practices, in the interest of maintaining fair competitive conditions and the protection of the purchasing public.

Available statistics show that for the year 1937, the production of mirrors in this country approximated $20,000,000, manufacturers' prices. Mirrors are widely used for many decorative pur-

[1] 4 F.R. 1388 DI.

poses and in construction work; also, as part of furniture, cabinets, store fixtures, and other articles of commerce. They are also marketed for use as mirror novelties and specialties, and for other purposes. The rules apply to mirrors when sold as part of, or in connection with, any commodity or article of commerce as well as when sold separately; and the legal requirements expressed in the rules are applicable in the sale or distribution of such mirrors in commerce by mirror manufacturers, furniture manufacturers or other manufacturers, or by jobbers, distributors, dealers or other sellers. The provisions of the rules as promulgated afford a helpful guide to industry, trade and the purchasing public in respect to the unfair trade practices specified.

The proceeding for the establishment of trade practice rules was instituted upon application of the industry. In the course thereof an industry conference was held, under the auspices of the Commission, at which proposed rules were submitted for Commission action by members of the industry. In due course tentative action was taken by the Commission on the rules so submitted and a draft of proposed rules was made available upon public notice issued by the Commission to all interested or affected parties, whereby they were afforded opportunity to present their views concerning such rules, including such pertinent information, suggestions or objections as they desired to submit, and to be heard in the premises. Accordingly, public hearing was held in Washington pursuant to such notice and all matters submitted in the proceeding were duly received and considered.

Thereafter, and upon consideration of the entire proceeding, final action was taken by the Commission whereby it approved and received, respectively, the rules appearing herein under Group I and Group II.

As herein promulgated, the rules supersede and replace the trade practice rules promulgated by the Commission for this industry on December 31, 1936.[2]

THE RULES

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of the industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

*Group I*

The unfair trade practices which are embraced in the Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited, within the purview of the Federal Government, by acts of Congress, as construed in the decisions of the Federal Trade Commission or the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation or other organization, of such unlawful practices in or directly affecting interstate commerce.

(§ 118.1[3]) RULE 1. *Definitions.* For the purpose of these rules the following definitions shall apply:

(a) Plate glass mirrors are mirrors the glass of which is polished plate glass. Plate glass is transparent, flat glass with plane and parallel surfaces, ground and polished to the extent that the glass shows no distortion of vision when objects are viewed through it at any angle. Plate glass is produced in several different grades and may be obtained also in different thicknesses, namely, 1/8", 13/64", 1/4" and other thicknesses.

(b) Window glass (or so-called shock) mirrors are mirrors the glass of which is window glass. Window glass is transparent, flat glass, having glossy, fire finished, apparently plane and smooth surfaces not ground and polished as in the case of plate glass but having a characteristic waviness of surface which is visible when viewed at an acute angle or in reflected light. Window glass for use in mirrors is customarily made in thicknesses of 3/32" and 1/8". It is also made in thicknesses of 5/16", 7/32", 1/4" and other thicknesses.

(§ 118.2) RULE 2. *Deception in General.* It is an unfair trade practice to use, or cause or promote the use of, any advertisement, descriptions, brands, marks, labels, representations or selling methods (a) which have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public with respect to the brand, manufacture, grade, quality, durability, thickness, origin, size, substance, content, condition, backing, silvering, finish, material or character of any mirror or other product of the industry; or (b) which are false, misleading or deceptive in any other material respect.

(§ 118.3) RULE 3. *Misrepresentations as to kind of glass, quality, thickness or backing.* It is an unfair trade practice to sell, offer for sale, advertise, describe, brand, label or otherwise represent, directly or indirectly, any mirror:

(a) As "plate" or "plate glass", or as being made of plate glass, when the glass of such mirror is not in fact plate glass; or

(b) As being made of glass of a certain grade, quality or thickness, or as being free from or as having certain characteristics, when such is not true in fact; or

(c) As being or not being made of window glass when such is not true in fact; or

(d) As being copper backed or backed with copper or having copper backing when such backing is not genuine metallic copper applied by the electrolytic process. Nothing in this rule shall be construed, however, as prohibiting the use of representations to the effect that any backing on mirrors which has not been applied by the electrolytic process contains copper when such is the fact, *Provided*, There is clearly and nondeceptively disclosed, in immediate conjunction with such representations, information clearly showing the fact that the backing on the mirrors is not such genuine metallic copper backing electrolytically applied, *And provided further*, Said representations are clearly and definitely qualified, phrased or stated in such manner as not to cause the purchasing or consuming public to be deceptively confused, misled or deceived as to the character, nature or content of such backing, or otherwise; or

(e) As being made of or containing crystal glass or as being crystal when such glass is not in fact crystal glass.

(§ 118.4) RULE 4. *Misuse of words "Plate glass thickness", etc.* The use of the words "plate glass thickness" or words or representations of similar import as descriptive of mirrors which are made of glass other than plate glass, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice.

(§ 118.5) RULE 5. *Use of term "Sheet glass" without disclosing kind of glass.* The use of the term "sheet" or "sheet glass", or words of similar import, as descriptive of mirrors made of window glass or plate glass without disclosing the fact that the glass in such mirrors is window glass or plate glass as the case may be, having the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice.

(§ 118.6) RULE 6. *Disclosure as to kind of glass in mirrors.* (a) Full and nondeceptive disclosure as to whether the glass in mirrors is plate glass, window glass or other glass should be made in accordance with the hereinafter stated provisions of this rule, to the end that the purchasing and consuming public may be informed as to the kind of glass in such mirrors and that deceptive concealment, misunderstanding, misrepresentation and unfair practices may be avoided and prevented in the marketing of such mirrors. And it is an unfair trade practice to conceal the fact as to the kind of glass in the mirrors or to offer for sale, sell or distribute mirrors without the disclosure of the kind of glass therein, such concealment or nondisclosure having the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public.

(b) Said disclosure, pursuant to this rule, of the kind of glass in mirrors, shall be made by a label attached to and displayed upon the face of each mirror of a size greater than 48 square inches, on which label the facts as to the kind of glass of which the mirror is composed shall be set forth clearly and nondeceptively, as for example, "PLATE GLASS" for mirrors composed of plate glass; "WINDOW GLASS" for mirrors composed of window glass.

(c) In making the above-mentioned disclosure under this rule, labels attached by manufacturers, or those first placing the mirrors in the channels of trade, shall be attached to the face of each glass in the mirror in such manner as to carry through the ordinary channels of trade to the ultimate purchaser or consumer, thus avoiding the necessity of relabeling or further labeling as to the kind of glass contained in the mirror so long as such original label is clear and remains upon the mirror.

(d) The removal, obliteration or defacement of any label required by this rule to appear upon the face of the mirror, or the sale, resale or distribution of any mirror without a label is hereinabove provided for, with the capacity and tendency or effect of deceptively concealing the kind of glass contained in such mirror, or of otherwise causing such mirror to be offered for sale, sold or purchased under false, misleading or deceptive representations or conditions, is an unfair trade practice.

(e) It is deemed proper practice, in respect to mirrors covered by this rule or products containing such mirrors, for manufacturers, distributors, dealers or other marketers to truthfully identify in their invoices or sales slips to purchasers, and in their catalogs and trade promotional literature, whether the respective mirrors so covered therein are "Plate Glass" or "Window Glass" mirrors. Failure or refusal to make such disclosure or identification when pursued with the capacity and tendency or effect of causing or promoting the sale, resale or purchase of such mirrors or mirror products under conditions of deceptive concealment or other misleading conditions or representations is an unfair trade practice.

(§ 118.7) RULE 7. *Deceptive guarantees.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, through advertising, trade or corporate name or otherwise, any false, misleading or deceptive statement, guarantee, warranty or other representation concerning "Silver spoilage", or concerning the backing or silvering, or the life or durability of mirrors.

(§ 118.8) RULE 8. *Misrepresenting "Seconds", etc.* It is an unfair trade practice (a) to offer for sale, sell or distribute lower quality or so-called "seconds" or defective mirrors as and for mirrors of higher grade or quality or as not being such "seconds"; or, (b) to deceptively conceal the fact that the product is defective, thereby causing purchasers to be misled or deceived.

(§ 118.9) RULE 9. *Misuse of terms "Close-outs", "Discontinued lines", etc.* It is an unfair trade practice to advertise, describe or otherwise represent regular lines of merchandise as "Close-outs", "Discontinued lines", or by words or representations of similar import, when such are not true in fact; or to so advertise, describe or otherwise represent merchandise where the capacity and tendency or effect thereof is to lead the purchasing or consuming public to believe such merchandise is being offered for sale and sold at greatly reduced prices or at so-called "bargain" prices, when such is not the fact.

(§ 118.10) RULE 10. *Use of lottery or scheme of chance.* The offering or giving of prizes, premiums or gifts in connection with the sale of industry products, or as an inducement thereto, by any scheme which involves lottery or scheme of chance, is an unfair trade practice.

(§ 118.11) RULE 11. *Substituting inferior products for those ordered.* The practice of using or substituting any products of the industry inferior in grade or quality to that specified by the purchaser, without the consent of said purchaser to such use or substitution or with the tendency and capacity or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice.

(§ 118.12) RULE 12. *Imitation or simulation of trade-marks, etc.* The imitation or simulation of the trade-marks, trade names, labels or brands of competitors, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice.

(§ 118.13) RULE 13. *False invoicing.* Withholding from or inserting in invoices any statement or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the effect of thereby misleading or deceiving the purchasing or consuming public, is an unfair trade practice.

(§ 118.14) RULE 14. *Misleading price quotations, etc.* The making, publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, with the tendency and capacity or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice.

(§ 118.15) RULE 15. *Commercial bribery.* It is an unfair trade practice for a member of the industry directly or indirectly to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors.

(§ 118.16) RULE 16. *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor, by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such a manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade.

(§ 118.17) RULE 17. *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, services or conditions of employment, is an unfair trade practice.

(§ 118.18) RULE 18. *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring or prejudicing competitors in their businesses, is an unfair trade practice.

(§ 118.19) RULE 19. *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring or prejudicing competitors in their businesses, is an unfair trade practice.

(§ 118.20) RULE 20. (a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc.*[4] *which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[4] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential,[4] where such rebate, refund, discount, credit, or other form of price differential

[2] 1 F.R. 2247.

[3] Code of Federal Regulations section number.

[4] Paragraph (a) of Rule 20 shall not be construed as embracing practices prohibited by paragraphs (b), (c), and (d) of this rule.

effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[4] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[4] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[4] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the Industry engaged in commerce[4], in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[4] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offerings for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[4] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or by furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[4] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this Rule 20.

§ 118.21 RULE 21. *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm or corporation to aid, abet, coerce or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in these rules.

*Group II*

Compliance with the trade practice provisions embraced in these Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, *per se*, constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of a violation of Group I rules.

RULE A. The industry recommends that each member thereof comply with Commercial Standard CS 27–36 for Mirrors as promulgated by the National Bureau of Standards, U. S. Department of Commerce.

RULE B. To facilitate protection of the purchasing public it is the judgment and recommendation of the industry that the labels to be used pursuant to Rule 6 of Group I should be of uniform wording, as follows:

For plate glass mirrors—

This mirror is made
of
PLATE GLASS

For window glass mirrors—

This mirror is made
of
WINDOW GLASS

Promulgated and issued by the Federal Trade Commission as of July 19, 1939.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39–2640; Filed, July 19, 1939; 9:42 a. m.]

[4] As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided*, That this shall not apply to the Philippine Islands.

[1] 4 F.R. 1092 DI.

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## TITLE 21—FOOD AND DRUGS

### FOOD AND DRUG ADMINISTRATION

IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH A REGULATION MAY BE PROMULGATED FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: EGGS, LIQUID WHOLE EGGS, LIQUID MIXED EGGS, FROZEN WHOLE EGGS, DRIED WHOLE EGGS, EGG YOLK, FROZEN EGG YOLK, DRIED EGG YOLK

ORDER OF THE SECRETARY PROMULGATING A REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS FROZEN EGG YOLKS

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341); and based upon substantial evidence of record at the hearing[1] in the above-entitled matter, detailed findings of fact are made, as follows:

*Findings of Fact*

1

Eggs used in the preparation of frozen egg yolks are eggs of the fowl known as *gallus domesticus*, or the barnyard hen.

2

The eggs are broken from their shells. The yolks are separated from the whites. The yolks may be mixed, or mixed and strained.

3

The yolks of the eggs are so separated from the whites thereof as to contain not less than 43 percent of total egg solids.



4

Yolks are usually thoroughly mixed in some type of power churn, and this mixture is run through a screen for the purpose of removing any extraneous material.

5

The churned and screened yolks are placed in thirty-pound containers and frozen, usually at a temperature varying from zero to minus fifteen degrees Fahrenheit.

6

A definition and standard of identity for frozen egg yolks based upon a total solids determination sets a maximum limit on the amount of egg white adhering to the yolk and prevents the addition of cheapening ingredients.

7

A method which may be used in determining total egg solids in frozen egg yolks is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298, under "Total Solids."

Other findings suggested by the Presiding Officer are not found because they relate either to standards of quality or to matters governed by section 402 of the act. [cf. Sec. 10.000 (c), General Rules and Regulations Promulgated July 14, 1939[2]]

Based upon the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and fair dealing in the interest of consumers is hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS FROZEN EGG YOLKS

§ 42.050 *Frozen yolks, frozen egg yolks—Identity.* Frozen yolks, frozen egg yolks, are the food prepared by freezing egg yolks.

It is ordered that the regulation hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this 19th day of July 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2653; Filed, July 19, 1939; 12:16 p. m.]

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IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH A REGULATION MAY BE PROMULGATED FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: EGGS, LIQUID WHOLE EGGS, LIQUID MIXED EGGS, FROZEN WHOLE EGGS, DRIED WHOLE EGGS, EGG YOLK, FROZEN EGG YOLK

ORDER OF THE SECRETARY PROMULGATING A REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS DRIED EGG YOLKS

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), and based upon substantial evidence of record at the hearing[1] in the above-entitled matter, detailed findings of fact are made, as follows:

*Findings of Fact*

1

Eggs used in the preparation of dried egg yolks are eggs of the fowl known as *gallus domesticus*, or the barnyard hen.

2

The eggs are broken from their shells. The yolks are separated from the whites.

3

The yolks of the eggs are so separated from the whites thereof as to contain not less than 43 percent of total egg solids.

4

Such yolks are thoroughly mixed in some type of power churn, and this mixture is run through a screen for the purpose of removing any extraneous material.

5

The thoroughly mixed and strained egg yolks are forced through a spray machine under high pressure, so that the liquid yolks enter a chamber in the form of a fine spray. This yolk spray enters at the top of the chamber. Warm, dry air is forced in at the bottom of the chamber, thus drying the spray as it falls, so that it is transformed into a yellow powder. This yellow powder is usually put through a screen in order to remove any lumps that may have accumulated in it, and then packed in suitable containers. When properly carried out, this process results in the preparation of a dried product containing less than 5 percent moisture.

6

Moisture in dried egg yolks are the volatile material found in the sample of dried egg yolks. A method of examination is the method outlined in the book entitled "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, page 297, Sections 2 and 3, "Total Solids."

7

The moisture present in the dried product is obtained by subtracting the figure for total solids from one hundred; and, for the reason that total solids are the basis of such calculation, it is better to fix a standard based upon a minimum total solid content, rather than upon a minimum moisture content.

8

The minimum total solids for dried egg yolks are not less than 95 percent. A method of determination of such total solids is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298, under "Total Solids." Such a solid-content requirement corresponds to a minimum 5 percent moisture requirement. When properly dried, egg yolks contain less than 5 percent moisture.

9

Since solids and fats are not exactly related, and since solids are a practical measure of the proper limit of separation of yolks from whites, the dried product should be defined in terms of solid content of yolks used, rather than in terms of fat in the finished product.

Other findings suggested by the Presiding Officer are not found because they relate either to standards of quality or to matters governed by section 402 of the act. [cf. Sec. 10.000 (c), General Rules and Regulations Promulgated July 14, 1939[2]]

Based upon the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and fair dealing in the interest of consumers is hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS DRIED EGG YOLKS

§ 42.060 *Dried egg yolks, dried yolks—Identity.* Dried Egg Yolks, Dried Yolks, are the food prepared by drying egg yolks. They contain not less than 95 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298, under "Total Solids."

It is ordered that the regulation hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this 19th day of July 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2654; Filed, July 19, 1939; 12:16 p. m.]

[1] 4 F.R. 1092 DI.

[2] 4 F.R. 3320 DI.



[1] 4 F.R. 3320 DI.

IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH A REGULATION MAY BE PROMULGATED FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: EGGS, LIQUID WHOLE EGGS, LIQUID MIXED EGGS, FROZEN WHOLE EGGS, DRIED WHOLE EGGS, EGG YOLK, FROZEN EGG YOLK, DRIED EGG YOLK

ORDER OF THE SECRETARY PROMULGATING A REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS EGG YOLKS

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), and based upon substantial evidence of record at the hearing[1] in the above-entitled matter, detailed findings of fact are made, as follows:

*Findings of Fact*

1

Eggs used in the preparation of egg yolks are eggs of the fowl known as *gallus domesticus*, or the barnyard hen.

2

The eggs are broken from their shells. The yolks are separated from the whites. The yolks may be mixed, or mixed and strained.

3

The yolks of the eggs are so separated from the whites thereof as to contain not less than 43 percent of total egg solids.

4

Egg yolks, liquid egg yolks, liquid yolks, are all synonyms for the food product commonly known as egg yolks.

5

A definition and standard of identity for egg yolks or any of its synonyms based upon a total solids determination sets a maximum limit on the amount of egg white adhering to the yolk and prevents the addition of cheapening ingredients.

6

A method which may be used in determining total egg solids in egg yolks or any of its synonyms is the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298, under "Total Solids".

Other findings suggested by the Presiding Officer are not found because they relate either to standards of quality or to matters governed by section 402 of the act. [cf. Sec. 10.000 (c), General Rules and Regulations Promulgated July 14, 1939]

Based upon the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and fair dealing in the interest of consumers is hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS EGG YOLKS

§ 42.040 *Egg Yolks, Liquid Egg Yolks, Yolks, Liquid Yolks—Identity.* Egg Yolks, Liquid Egg Yolks, Yolks, Liquid Yolks, are yolks of eggs of the domestic hen so separated from the whites thereof as to contain not less than 43 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298, under "Total Solids." They may be mixed, or mixed and strained.

It is ordered that the regulation hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this 19th day of July 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2655; Filed, July 19, 1939; 12:16 p. m.]

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IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH A REGULATION MAY BE PROMULGATED FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: EGGS, LIQUID WHOLE EGGS, LIQUID MIXED EGGS, FROZEN WHOLE EGGS, DRIED WHOLE EGGS, EGG YOLK, FROZEN EGG YOLK, DRIED EGG YOLK

ORDER OF THE SECRETARY PROMULGATING A REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS DRIED WHOLE EGGS

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), and based upon substantial evidence of record at the hearing[2] in the above-entitled matter, detailed findings of fact are made, as follows:

*Findings of Fact*

1

Eggs used in the preparation of dried whole eggs are eggs of the fowl known as *gallus domesticus*, or the barnyard hen.

2

Dried eggs is a synonym for dried whole eggs.

3

The eggs are broken over an apparatus consisting of a horizontal bar of metal set on edge. Underneath the horizontal bar is a tray with a false bottom, in which is kept a cup into which the broken eggs are placed after the breaking has been accomplished.

4

The eggs are broken from the shells, with yolks and whites in their natural proportions as so broken, and are commonly known as liquid eggs.

5

Liquid eggs are dried by either the so-called "spray-drying" method or the so-called "pan-drying" method.

6

The eggs as dried may be powdered.

7

A definition and standard of identity for dried eggs, dried whole eggs, based upon a total solids determination, sets a limit on the amount of moisture in the product.

8

A method of determining total solids in dried eggs, dried whole eggs, is the method prescribed in the book entitled "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298, under "Total Solids."

9

A definition and standard of identity for dried eggs, dried whole eggs, based upon a total solids of ninety-two percent, or more, limits the moisture content to not more than eight percent, prevents the addition of excess whites, prevents the sale as dried eggs, dried whole eggs, of an excessively wet product, and is in accord with good commercial practice and consumer understanding.

Other findings suggested by the Presiding Officer are not found because they relate either to standards of quality or to matters governed by Section 402 of the act. [cf. Sec. 10.000 (c), General Rules and Regulations Promulgated July 14, 1939]

Based upon the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and

[1] 4 F.R. 1092 DI.

[2] 4 F.R. 3320 DI.



fair dealing in the interest of consumers is hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS DRIED WHOLE EGGS

§ 42.030 *Dried Eggs, Dried Whole Eggs—Identity.* Dried eggs, dried whole eggs, are the food prepared by drying liquid eggs. They may be powder. They contain not less than 92 percent total egg solids, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, 1935, pages 297 and 298, under "Total Solids."

It is ordered that the regulation hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this 19th day of July 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2656; Filed, July 19, 1939; 12:16 p. m.]

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IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH A REGULATION MAY BE PROMULGATED FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: EGGS, LIQUID WHOLE EGGS, LIQUID MIXED EGGS, FROZEN WHOLE EGGS, DRIED WHOLE EGGS, EGG YOLK, FROZEN EGG YOLK, DRIED EGG YOLK

ORDER OF THE SECRETARY PROMULGATING A REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS LIQUID WHOLE EGGS, LIQUID MIXED EGGS

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), and based upon substantial evidence of record at the hearing[1] in the above-entitled matter, detailed findings of fact are made, as follows:

*Findings of Fact*

1

Eggs used in the preparation of liquid whole eggs and liquid mixed eggs are the eggs of the fowl known as *gallus domesticus*, or the barnyard hen.

2

The eggs are broken over an apparatus consisting of a horizontal bar of metal set on edge. Underneath the horizontal bar is a tray with a false bottom, in which is kept a cup into which the broken eggs are placed after the breaking has been accomplished.

3

The eggs are broken from the shells, with yolks and whites in their natural proportions as so broken.

4

The eggs as broken out may be stirred or churned and strained, but, ordinarily, they are sold just as they fall into the can after breaking out.

5

In the breaking process, some of the yolks and whites will be broken and intermingled, and the intermingling of yolks and whites may also occur when they are emptied into thirty-pound containers. It is commercially impracticable to have liquid whole eggs in the sense that all the yolks and whites are unbroken.

6

"Liquid eggs," "fresh broken whole eggs," "fresh broken eggs," "fresh broken mixed eggs," "fresh broken mixed," and "liquid whole eggs" are synonymous terms for the egg product herein described.

7

Liquid whole eggs and liquid mixed eggs are the same product. There is no distinction in commercial practice between the product called liquid whole eggs and the product referred to as liquid mixed eggs, except as to the practice of mixing or straining or not so mixing and straining.

Other findings suggested by the Presiding Officer are not found because they relate either to standards of quality or to matters governed by Section 402 of the act. [cf. Sec. 10.000 (c), General Rules and Regulations Promulgated July 14, 1939]

Based upon the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and fair dealing in the interest of consumers is hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS LIQUID WHOLE EGGS, LIQUID MIXED EGGS

§ 42.010 *Liquid Eggs, Mixed Eggs, Liquid Whole Eggs, Mixed Whole Eggs—Identity.* Liquid eggs, mixed eggs, liquid whole eggs, mixed whole eggs, are eggs of the domestic hen, broken from the shells, and with yolks and whites in their natural proportions as so broken. They may be mixed, or mixed and strained.

It is ordered that the regulation hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this 19th day of July 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2657; Filed, July 19, 1939; 12:17 p. m.]

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IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH A REGULATION MAY BE PROMULGATED FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: EGGS, LIQUID WHOLE EGGS, LIQUID MIXED EGGS, FROZEN WHOLE EGGS, DRIED WHOLE EGGS, EGG YOLK, FROZEN EGG YOLK, DRIED EGG YOLK

ORDER OF THE SECRETARY REFUSING TO PROMULGATE A REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD COMMONLY KNOWN AS EGGS

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), and based upon the record at the hearing[1] in the above-entitled matter, detailed findings of fact are made, as follows:

*Findings of Fact*

1

This matter came on to be heard before John McDill Fox as the Presiding Officer duly appointed, pursuant to public notice, on January 23, 1939, in Room 3036, Department of Agriculture, South Building, Independence Avenue, between Twelfth and Fourteenth Streets, SW., Washington, D. C.

2

Interested persons attended the hearing and entered their appearance on the record.

3

The notice of public hearing having been read and entered on the record, a motion was made by counsel for the Government to close the hearing on eggs without the introduction of evidence. The ground for such motion was that it was deemed more suitable to include within each definition and standard for liquid, frozen, and dried manufactured egg products a definition of the term "eggs" as that word is employed in its relationship to the manufactured product, rather than to establish an individual definition and standard of identity for eggs as a separate food.

4

No interested person desiring to offer evidence and no objection being made to the motion, the motion was granted.

§ 42.000 It is ordered that no regulation be promulgated, fixing and estab-

[1] 4 F.R. 1092 DI.

lishing a reasonable definition and standard of identity for the food commonly known as eggs.

This order shall become effective on the ninetieth day after its issuance and the filing of the same with the Archivist of the United States for publication in the FEDERAL REGISTER.

This the 19th day of July 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2658; Filed, July 19, 1939; 12:17 p. m.]

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IN THE MATTER OF THE PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH A REGULATION MAY BE PROMULGATED FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: EGGS, LIQUID WHOLE EGGS, LIQUID MIXED EGGS, FROZEN WHOLE EGGS, DRIED WHOLE EGGS, EGG YOLK, FROZEN EGG YOLK, DRIED EGG YOLK

ORDER OF THE SECRETARY PROMULGATING A REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS FROZEN WHOLE EGGS

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), and based upon substantial evidence of record at the hearing[1] in the above-entitled matter, detailed findings of fact are made, as follows:

*Findings of Fact*

1

Eggs used in the preparation of frozen whole eggs are eggs of the fowl known as *gallus domesticus*, or the barnyard hen.

2

The eggs are broken over an apparatus consisting of a horizontal bar of metal set on edge. Underneath the horizontal bar is a tray with a false bottom, in which is kept a cup into which the broken eggs are placed after the breaking has been accomplished.

3

The eggs are broken from the shells, with yolks and whites in their natural proportions as so broken, and are commonly known as liquid eggs.

4

The liquid eggs may be stirred or churned and strained and placed in containers. The containers are placed in a freezer and the contents thereof are completely frozen.

5

Frozen whole eggs, frozen mixed eggs, and frozen eggs, are all designations and synonyms for the same product.

Other findings suggested by the Presiding Officer are not found because they relate either to standards of quality or to matters governed by section 402 of the act. [cf. Sec. 10.000 (c), General Rules and Regulations Promulgated July 14, 1939.[2]]

Based upon the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and fair dealing in the interest of consumers is hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD PRODUCT COMMONLY KNOWN AS FROZEN WHOLE EGGS

§ 42.020. *Frozen eggs, frozen whole eggs, frozen mixed eggs—Identity.* Frozen eggs, frozen whole eggs, frozen mixed eggs, are the food prepared by freezing liquid eggs.

It is ordered that the regulation hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this 19th day of July 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2659; Filed, July 19, 1939; 12:17 p. m.]

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## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### VETERANS' ADMINISTRATION

#### REVISION OF REGULATIONS

#### JURISDICTION OF RATING BOARD

§ 2.1005 (E) *Jurisdiction of Rating Board.* If it is decided that an appeal is to be taken by the adjudication officer, the manager, or the chief, claims division in central office cases, the claimant or his representative will be promptly informed concerning the question at issue and concerning his right of appearance or representation before the rating board or the board of veterans appeals. As provided in current adjudication procedure the formal hearing in the field office will be in lieu of a formal hearing before the board of veterans appeals except in the unusual case when a special appearance by the veteran or his representative before the board of veterans appeals may be considered necessary. The hearing will not be accepted to serve as a basis for reversal of the majority decision, but such action as may be indicated will be taken where new and material evidence is submitted or where the further development of evidence would appear to be advisable on information submitted by or in behalf of the claimant. A transcribed record of the hearing will be filed. If, upon being informed of the administrative appeal, the claimant or his representative elects to present additional evidence or argument in support of the administrative appeal, such election will be deemed to be an appeal, and the two appeals will be merged and considered in accordance with the provisions of Sec. 2.1328. (July 20, 1939) (48 Stat. 8; 38 U.S.C. 709)

[SEAL] FRANK T. HINES,
*Administrator.*

[F. R. Doc. 39-2650; Filed, July 19, 1939; 11:26 a. m.]

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## TITLE 43—PUBLIC LANDS

### GENERAL LAND OFFICE

STOCK DRIVEWAY REVOCATION ORDER OF MARCH 2, 1939, RESCINDED IN PART

#### WYOMING

JULY 12, 1939.

The departmental order of March 2, 1939, releasing certain described lands in Wyoming from Stock Driveway Withdrawal No. 3, Wyoming No. 1, created by departmental order of October 20, 1917, is hereby rescinded so far as it affects the following-described lands, and the said order of October 20, 1917, is hereby reestablished as to such lands:

*Sixth Principal Meridian*

T. 35 N., R. 73 W.,
sec. 5, SW¼NW¼, SW¼;
sec. 6, N½, N½S½, SE¼SE¼;
sec. 8, NE¼NE¼, W½E½, W½;
aggregating 1,226.09 acres.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 39-2645; Filed, July 19, 1939; 10:09 a. m.]

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TEMPORARY WITHDRAWAL FOR STOCK DRIVEWAY PURPOSES NO. 3, AND STOCK DRIVEWAY WITHDRAWAL NO. 48, REDUCED; STOCK DRIVEWAY WITHDRAWAL NO. 190, REVOKED

#### IDAHO

JULY 12, 1939.

Departmental orders of October 19, 1917, December 9, 1918, and April 17, 1928, withdrawing certain lands in Idaho for stock driveway purposes under section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, are hereby revoked so far as they affect the following-described lands:

*Boise Meridian*

T. 10 N., R. 13 E.,
sec. 9, SE¼SE¼,
sec. 10, lot 7,
sec. 15, lots 2, 3, 6, 7;
T. 16 S., R. 9 E.,
sec. 25, SE¼NW¼ (in Idaho Grazing District No. 1);
aggregating 232.30 acres.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 39-2644; Filed, July 19, 1939; 10:09 a. m.]

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[1] 4 F.R. 1092 DI.

[2] 4 F.R. 3320 DI.



## TITLE 47—TELECOMMUNICATION

### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES *†

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DEFINITIONS

§ 9.1 *Aviation service.* The term "aviation service" means a radiocommunication or special service carried on by aircraft stations, airport control stations, aeronautical stations, aeronautical fixed stations, instrument landing stations, and flying school stations.*†

§ 9.2 *Public aviation service* means a radiocommunication service open to public correspondence (paid or toll messages) to provide public communications to, from, and between aircraft in flight.*†

§ 9.3 *Aircraft station* means a radio station on board any aircraft (either heavier-than-air or lighter-than-air) other than public service aircraft station.*†

§ 9.4 *Scheduled aircraft* means an aircraft regularly flying a fixed route.*†

§ 9.5 *Non-scheduled aircraft* means other than scheduled aircraft.*†

§ 9.6 *Aeronautical station* means a station used primarily for radiocommunication with aircraft stations, but which may also carry on a limited fixed service with other aeronautical stations in connection with the handling of communications relating to the safety of life and property in the air.*†

§ 9.7 *Aeronautical fixed station* means a station used in the fixed service for the handling of point-to-point communications relating solely to actual aviation needs.*†

§ 9.8 *Chain of stations* in the aviation service is a series of coordinated stations operating on frequencies allocated to aviation services in accordance with an approved plan.*†

§ 9.9 *Airport Control Station* means a station provided for furnishing communications limited to actual aviation needs between an airport control tower and aircraft stations in the immediate vicinity of the airport.[1]*†

§ 9.10 *Flying School Station* means a station used for communications pertaining to instruction to students or pilots while in flight.*†

§ 9.11 *Instrument Landing Station* is a special service station for facilitating the landing of aircraft.[2]*†

§ 9.12 *Radio Marker Station* means a station marking a definite location on the ground as an aid to air navigation.[3]*†

§ 9.13 *Public Service Aircraft Station* means a station licensed on board an aircraft for the purpose of carrying on public aviation service.*†

§ 9.14 *Public Service Aeronautical Station* means a land station licensed for communicating with public service aircraft stations for the purpose of carrying on a public aviation service.*†

GENERAL REGULATIONS

*License*

§ 9.21 *License Periods.* The license period for all stations in the aviation service shall be for one year unless otherwise stated in the instrument of authorization. The date of expiration of license for all classes of stations operating in the aviation service, unless otherwise specified, shall be as follows:

(a) Stations in the aviation service, other than aircraft stations and all aviation stations in Alaska, shall be issued to expire March 1 of each year.

(b) Aircraft stations in the aviation service other than in Alaska shall be issued to expire April 1 of each year.

(c) All classes of aviation stations in Alaska shall be issued to expire January 1 of each year.*†

*Sec. 4, 44 Stat. 1163; 47 U.S.C. 84 (f), rules promulgated thereunder continued in effect by Sec. 604, 48 Stat. 1103; 47 U.S.C. 604—Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i).

†Adopted by the FCC on July 12, 1939, to become effective August 1, 1939.

[1] Approximately within 30-miles distance or 10 minutes flight of the airport.

[2] May include one or more of the following: glide path transmitter, localizer transmitter, combination glide path and localizer transmitter, approach marker transmitters.

[3] May be any one of several types such as Fan Marker, Inner Marker, outer marker or Z marker. When a marker station is installed as part of an instrument landing system, it will not be separately licensed.

§ 9.22 *Posting station licenses.* The station licenses of stations in the aviation service shall be conspicuously posted at the place where the control operator is located except that in aircraft stations the license may be posted or kept at any convenient easily accessible location in the aircraft.*†

§ 9.23 *Posting operator licenses.* The original license of each station operator shall be conspicuously posted at the place he is on duty, or, in the case of mobile units either the license or verification card must be kept in his personal possession.*†

*Tests*

§ 9.31 *Equipment and service tests authorized for aeronautical and aeronautical fixed stations.* Equipment and service tests as authorized in Sections 2.42 and 2.43 may be conducted provided that the necessary precautions are taken to avoid interference.*†

§ 9.32 *Routine tests.* The licensees of all classes of stations in the aviation service are authorized to make such routine tests as may be required for the proper maintenance of the station provided that precautions are taken to avoid interference with any station. Tests on 3105 and 6210 kilocycles using a regular antenna system can be made only at such times when no interference will be caused and, if in range of an airport control station or Civil Aeronautics Authority station, only after permission is secured from such stations before commencing the tests.*†

*Logs*

§ 9.41 *Information required in station logs.* All stations in the aviation service except aircraft stations must keep an adequate log showing (1) hours of operation, (2) frequencies used, (3) stations with which communication was held and (4) signature of operator(s) on duty.*†

§ 9.42 *Station logs public aviation service.* In addition to all the requirements in Section 9.41 above all stations (both public service aircraft station and public service aeronautical station) in the public aviation service must keep a file of all record communications handled and a list of radiotelephone contacts established.*†

§ 9.43 *Required retention period.* The logs in the aviation service, other than public aviation service, may be destroyed after a period of three months except in those circumstances where retention of the logs for a longer period is specifically provided for in other rules.[4] *†

*Inspections*

§ 9.51 *Availability for inspections.* All classes of stations in the aviation service shall be made available for inspection upon request of an authorized representative of the Federal Government.*†

§ 9.52 *Responsibility of licensee.* It is the responsibility of the licensees of aircraft radio stations to submit their stations for inspection by a representative of the Commission at least once during the license period.*†

*Communications*

§ 9.61 *Methods of identification.* The aircraft name, company number, trip number, official registry number or other identification approved by the Commission may be used in lieu of the call letters; provided that adequate records are maintained to permit ready identification of individual aircraft. Also the name of the city or airport in which other classes of stations are located may be used in lieu of the call letters of the station when using telephony. In the case of stations using telegraphic emissions, the call letters designated in the license shall be used at the end of each sequence of communication to one or more stations.*†

§ 9.62 *Permissible communications.* All stations in the aviation service, except those stations licensed for public aviation service, shall transmit only communications relating to and necessary for aircraft operation and the protection of life and property in the air.*†

§ 9.63 *Priority of aviation communications.* (a) The regular routine communications of stations in the aviation service are essential to the safe operation of aircraft and shall have priority over the public aviation service stations.

(b) The radio operator in charge of the aircraft station shall suspend operations of aviation public service stations when such operations will delay or interfere with messages pertaining to safety of life and property or when ordered to do so by the captain of the aircraft.

(c) The operation of public aviation service stations shall in no way interfere with the radiocommunications of the aviation service.

(d) In cases where the aviation public service aircraft station license is issued to cover auxiliary equipment of the regular aircraft station, public communications shall be restricted to the extent necessary for the safe operation of aircraft as determined by the person in charge of the aircraft.*†

*Frequencies*

§ 9.71 *Frequencies: Distress, calling, and navigation.*

278 kc. Airport control frequency. After January 1, 1941, applicants for renewal of airport control station licenses must specify an ultra high frequency in addition to 278 kc. and provide service on 278 kc. until an ultra high frequency is designated as a substitute for 278 kc. After January 1, 1940, new applicants must apply for an ultra high frequency as well as 278 kc. and provide service on 278 kc. until an ultra high frequency is named as a replacement frequency for 278 kc.

Airport control frequencies for domestic aircraft and airport control stations.[5] [6] 130,860 kc., 131,420 kc., 131,840 kc., 140,100 kc.

333 kc. General calling frequency for aircraft stations operating outside the American continent on trans-oceanic flights.

375 kc. International direction-finding frequency for use outside the continental United States.

414 kc. and 457 kc. Working frequencies exclusively for aircraft on sea flights desiring intermediate frequencies.

500 kc. International calling and distress frequency for ships and aircraft over the seas.

1638 kc. Air navigation frequency, available for aeronautical stations, scheduled and non-scheduled aircraft.

3105 kc.[7] and 6210 kc.[7] National and international aircraft calling and working frequencies primarily for use by non-scheduled aircraft. The use of these frequencies is restricted to communications pertaining solely to aircraft operation and the protection of life and property.

3120 kc. National aircraft working frequency primarily for use by non-scheduled aircraft. The use of this frequency is restricted to communications pertaining solely to aircraft operation and the protection of life and property.

140,100 kc. National calling and working frequency available to non-scheduled aircraft for general communication purposes and to scheduled aircraft stations on a limited basis. The use of this frequency is restricted to communications pertaining solely to aircraft operation and the protection of life and property.[6]

*Miscellaneous maritime frequencies.* Calling and working frequencies of ship telegraph stations may also be assigned to aircraft for the purpose of communicating with coastal stations, ship stations, or between aircraft stations, when aircraft are in flight over the seas; available for A1 and A2 emission.*†

*Aeronautical, Aeronautical Fixed and Aircraft Stations*

§ 9.72 *Chain system map.* Chains will be established as indicated upon a map to be maintained by the Commission and this map will show the location of all stations in the aviation service except aircraft stations authorized by the Federal Communications Commission.*†

§ 9.73 *Frequency assignments to chains.* The frequencies allocated to the several chains are as follows:

(a) *Northern transcontinental chain and feeders (Red).* Available for aircraft and aeronautical stations:

| | | | |
|---|---|---|---|
| 3,147.5 | 3,322.5 | 5,172.5 [8] | 5,662.5 |
| 3,162.5 | 3,372.5 | 5,572.5 | 5, 697.5 [8] |
| 3,172.5 | 3,467.5 | 5,582.5 | 5,825 [8] |
| 3,182.5 | 5,122.5 | 5,592.5 | |

Primary: 140,800 140,940
Secondary: 141,080 141,220

Available for aeronautical fixed stations:

5,310

(b) *Mid-transcontinental chain and feeders (Blue).* Available for aeronautical and aircraft stations:

| | | | |
|---|---|---|---|
| 2,906 | 3,088 | 4,952.5 | 5,692.5 |
| 3,062.5 [8] | 4,937.5 | 4,967.5 | 6,520 [10] |
| 3,072.5 | 4,947.5 | 5,652.5 | |

Primary: 141,360 141,500
Secondary: 141,640 141,780

Available for aeronautical fixed stations:

| | | | |
|---|---|---|---|
| 2,720 | 6,510 [10] | 8,015 | Day only |
| 2,732 | 6,520 [11] | 10,125 | Day only |
| 4,110 | 6,530 [10] | 10,855 [8] | Day only |

(c) *Southern transcontinental chain and feeders (Brown).* Available for aeronautical and aircraft stations:

| | | | |
|---|---|---|---|
| 2,946 | 3,242.5 | 5,602.5 | 5,672.5 |
| 3,222.5 [13] | 3,257.5 | 5,612.5 | 5,887.5 [13] |
| 3,232.5 | 3,432.5 [8] | 5,632.5 | 6,540 |
| | 4,732.5 | 5,652.5 | |

Primary: 141,920 142,060
Secondary: 142,200 142,340

[4] See also Sec. 2.54 of Part 2, General Rules & Regulations (4 F.R. 2107 DI).

[5] In connection with Sec. 9.71 four frequencies above 130 kc. are set aside as airport control frequencies for domestic aircraft and airport control stations. This allocation does not include all of the frequencies in this band which are available to the aviation service under existing rules. Additional frequencies of this order are allocated in Sec. 9.73 for use by chains and in Sec. 9.78 for public aviation service.

[6] For the time being stations using either frequency modulation or amplitude modulation will be authorized on any of these frequencies. However, the Commission feels that in the interest of safety either one or the other types of modulation must be universally adopted. It is expected that by January 1, 1940, the aviation industry and interested government agencies will be in a position to decide on one system which may then be adopted as a standard system.

[7] 6210 kc. is established as an aircraft calling and working frequency on a world-wide basis by the General Radio Regulations (Cairo Revision 1938), 3105 kc. is allocated for similar purposes in the Western Hemisphere only by the Inter-American Arrangement Concerning Radiocommunications (Habana December 1937). Stations of the Civil Aeronautics Authority stand continuous watch on both of these frequencies; however, continuous watch on 3105 kc. only is required to be maintained by airport control stations.

[8] For the time being stations using either frequency modulation or amplitude modulation will be authorized on any of these frequencies. However, the Commission feels that in the interest of safety either one or the other types of modulation must be universally adopted. It is expected that by January 1, 1940, the aviation industry and interested government agencies will be in a position to decide on one system which may then be adopted as a standard system.



Available for aeronautical fixed stations:

| | | | |
|---|---|---|---|
| 2,612 | 4,690 | 6,540 [12] | 7,700 [8] Day only |
| 2,636 | 4,730 [12] | 6,550 [10] | 10,190 Day only |
| 3,447.5 [12] | 5,365 [14] | 6,560 [10] | 18,360 [8] Day only |

(d) *Eastern continental chain and feeders (Green).* Available for aeronautical and aircraft stations:

| | | | |
|---|---|---|---|
| 2,854 | 2,986 | 4,742.5 | 5,707.5 [10] |
| 2,922 | 4,122.5 | 5,652.5 | 6,590 [10] |
| 2,946 | 4,335 [8] | 5,672.5 | |

Primary: 140,240 140,380
Secondary: 140,520 140,660

Available for aeronautical fixed stations:

| | | | |
|---|---|---|---|
| 2,608 | 4,735 [11] | 5,310 | 8,130 [8] Day only |
| 2,748 | 4,740 [11] | 6,590 [10] | 10,865 [8] Day only |
| 4,335 [8] | 4,745 [11] | 6,600 [10] | 11,960 [8] Day only |

(e) *Northwestern continental chain and feeders (Purple).* Available for aeronautical and aircraft stations:

| | | | |
|---|---|---|---|
| 2,854 | 3,005 | 4,917.5 | 5,887.5 [13] |
| 2,994 | 3,127.5 | 5,377.5 Day only | |

Primary: 142,900 143,040 [11]
Secondary: 143,180

Available for aeronautical fixed stations:

| | | | |
|---|---|---|---|
| 2,644 | 4,917.5 [11] | 6,490 [10] | 10,855 [8] Day only |
| 2,994 [11] | 5,310 | 8,130 [8] Day only | |
| | | | 10,965 [8] Day only |

(f) *Mid-continental chain and feeders (Yellow).* Available for aeronautical and aircraft stations:

| | | | |
|---|---|---|---|
| 3,447.5 | 3,485 | 5,042.5 | 5,682.5 |
| 3,457.5 | 5,032.5 [8] [15] | 5,887.5 [10] | |

Primary: 142,480 142,620 [10]
Secondary: 142,760

Available for aeronautical fixed stations:

| | | | | |
|---|---|---|---|---|
| 2,640 | 4,650 | 5,215 [8] | 8,070 [8] Day only | |
| | | | | 11,910 [8] Day only |

(g) *Southern intercontinental chain and feeders (Orange).* Available for aeronautical and aircraft stations:

| | | | |
|---|---|---|---|
| 2,870 | 5,375 | 8,220 | 16,440 |
| 2,986 [10] | 5,405 Day only | 8,240 [15] | 17,000 [15] |
| 3,082.5 | 5,692.5 | 11,470 [8] [16] | |
| 5,165 [15] | 6,570 | 12,330 | |

Available for aeronautical fixed stations:

| | | | | |
|---|---|---|---|---|
| 2,648 | 5,375 | 8,240 [15] | 12,330 [15] | |
| 2,986 [10] | 6,570 [10] | 9,310 [15] [10] | 16,240 | |
| 3,082.5 | 6,580 [10] | 10,955 [15] [10] | 16,440 [15] | |
| 5,165 [15] | 8,220 [15] | 11,470 [16] [8] | 17,000 [15] | |
| | 143,600 [11] | 143,740 [11] | 143,460 [11] [8] *† | |

[8] Subject to the condition that no interference is caused to existing services and that the operating frequency will be maintained within 0.02 percent of the assigned frequency.

[9] Subject to the condition that no interference is caused to Government stations.

[10] These frequencies assigned for unlimited hours upon the express condition that no interference is caused to the international mobile service.

[11] Subject to the condition that no interference is caused to aeronautical and aircraft stations.

§ 9.74 *Lighter-than-air craft frequencies.* The following additional frequencies may be assigned to lighter-than-air craft and to aeronautical stations serving lighter-than-air craft:

2,930 6,615 11,910 [8] Day only.*†

§ 9.75 *Radio marker station frequency:*

75,000 kc.*†

§ 9.76 *Instrument landing frequencies.* Glide path and localizer:

93,500 kc. 93,900 kc. 94,300 kc. 109,500 kc. 109,900 kc. 110,300 kc.*†

§ 9.77 *Flying School Frequencies:*

33,420 kc. 33,660 kc. 37,860 kc. 39,060 kc.*†

§ 9.78 *Public aviation service frequencies.* The frequencies 143,320 kc. and 143,460 kc. are available experimentally for the development of a domestic public aviation radiotelephone service. The frequencies available to ship telegraph and ship telephone stations are also available to public service aircraft stations on inter-continental or trans-oceanic air routes for the handling of public correspondence in the same manner and to the same extent that they are available to ships of the United States and under restrictions hereinafter provided.*†

§ 9.79 *Day provision.* In all cases wherein the word "day" occurs in connection with operation on a frequency, such use of the word "day" or "day only" shall mean that period of time included between two hours after local sunrise and two hours before local sunset.*†

*Tolerance*

§ 9.81 *Frequency tolerance.* The frequency tolerance of stations in the aviation service shall be as follows:

[12] Day only—not to be used within 300 miles of Canada.

[13] Subject to the condition that no interference is caused to the international service.

[14] Maximum power 50 watts for use east of New York only, subject to the condition that no interference will be caused to agriculture stations in the fixed service or to any station which in the judgment of the Commission has priority on this frequency.

[15] Day only, not to be used within 400 miles of Canada.

[16] These frequencies are assigned upon the express condition that no interference will be caused to the international service of any station which, in the discretion of the Commission may have priority on the frequency, or frequencies with which interference results.

[17] May also be assigned for secondary service under certain conditions.

[18] For use south of Dallas, Texas.

[19] Available for use in the Pacific area only.

[20] For use on routes lying south of the United States only.

[21] Also available for use on any other chain where the frequencies regularly assigned cannot be used due to interference.

| Class of station | Frequency band | Percent tolerance: Equipment before Jan. 1, 1940 | Percent tolerance: Authorized after Jan. 1, 1940 |
|---|---|---|---|
| Aeronautical | Below 6 mc | 0.04 | 0.02 |
| Aeronautical fixed | Below 6 mc | .03 | .01 |
| | Above 6 mc | .02 | .01 |
| Aircraft using frequencies assigned aero. stations. | | .04 | .02 |
| Aircraft frequencies available to ships. | | .05 | .05 |
| Aircraft using other frequencies. | | .04 | .02 |
| Airport control stations. | 278 kc | .10 | .02 |
| Airport control stations using other frequencies. | | | .02 |
| All stations in aviation service using frequencies above 30 mc. | | | .02 |

*†

§ 9.82 *Measurement procedure.* The licensee of each station shall provide for measurement of the station frequency, or frequencies, regularly used in accordance with instructions issued from time to time by the Commission and establish procedure for regular checking. These measurements of station frequency shall be made by means independent of the frequency control of the transmitter and shall be of such an accuracy that the limit of error is within the frequency tolerance allowed the station.*†

*Aircraft Stations*

§ 9.91 *Aircraft stations.* Communications by an aircraft station shall be limited to the necessities of safe aircraft navigation and normally contacts with airport control stations shall not be attempted unless the aircraft is within the control area of the airport.[1]*†

*Aeronautical and Aeronautical Fixed Stations*

§ 9.101 *Service aeronautical station.* Aeronautical stations shall provide nonpublic service without discrimination to all scheduled aircraft the owners of which make cooperative arrangements for the operation and maintenance of the aeronautical stations which are to furnish such service and for shared liability in the operation of stations. In addition, this class of station shall provide reasonable and fair service to nonscheduled aircraft in accordance with the provisions of these rules.*†

§ 9.102 *Service aeronautical fixed stations.* Aeronautical fixed stations are authorized primarily for the handling of communications in connection with and relating solely to the actual aviation needs of the licensees and then only where frequencies are allocated to a chain and cooperative participants upon the basis of equality.*†

§ 9.103 *Power.* Aeronautical or aeronautical fixed stations will not be licensed to use more than 1 kilowatt on the frequencies above 1,500 kilocycles unless on proper showing the Commission shall authorize a greater power, in which event the operating frequency must be maintained within 0.02 percent of the assigned frequency and suitable filters must be embodied in the equipment to limit the frequency band of emission to 5 kilocycles.*†

§ 9.104 *Emergency service.* The licensee of an aeronautical fixed station shall be required to transmit, without charge or discrimination, all necessary messages in times of public emergency which involve the safety of life or property.*†

*Airport Control Stations*

§ 9.111 *Receiving watch on 3105 kc.*[2] The licensee of an airport control station shall without discrimination provide non-public service for any and all aircraft. Such licensee shall maintain a continuous listening watch on the aircraft calling and working frequency 3105 kilocycles, and also be prepared to render a non-public communication service, during all hours of the day and night; provided, however, that upon application therefor the Commission may exempt any station from the requirements of this provision when it appears that in the preservation of life and property in the air the maintenance of a continuous watch by such station is not required.*†

§ 9.112 *Airport facilities.* Only one airport control station will be licensed to operate at an airport.*†

§ 9.113 *Service to be rendered.* Communications of an airport control station shall be limited to the necessities of safe operation of aircraft using the airport facilities or operating within the airport control area[1] and in all cases such stations shall be in a position to render, and shall render, all airport control services.*†

§ 9.114 *Communications* must not be attempted with aircraft beyond the control area of the airport.[1] *†

§ 9.115 *Interference.* The operation of airport control stations in adjacent airport areas shall be on a non-interference basis only. In case of disagreement between adjacent areas, the Commission may specify the arrangements necessary to eliminate interference.*†

§ 9.116 *Power.* (a) Airport control stations using 278 kilocycles will not be licensed to use more than 15 watts power for type A3 emission. (b) Localizer transmitters authorized to use the frequency 278 kilocycles may use power in excess of 15 watts provided that the power is limited so as to not produce a field strength of more than 1500 microvolts per meter at one mile from the transmitter location, in the direction of the maximum field. (c) The power of airport control stations operating on other frequencies shall be limited to 100 watts.*†

*Flying School Stations*

§ 9.121 *Eligibility for station license.* Radiocommunication facilities for flying schools may be assigned only to bona fide flying schools and soaring societies.*†

§ 9.122 *Limitations of instructional facilities.* Assignments will be limited to one station to an airport location for one or more flying schools.*†

§ 9.123 *Coordinated use of instructional facilities.* Where more than one flying school operates from an airport location coordinated use of a single instructional frequency shall be arranged, placed in the form of a signed agreement and filed with the Commission.*†

§ 9.124 *Use of flying school frequency.* All aircraft engaged in instructional flying in the vicinity of an airport shall transmit only on the flying school frequency assigned to that airport location.*†

§ 9.125 *Supervision by airport control operator.* At any airport at which an airport control station or control tower is in operation, the airport control operator must be given a remote microphone connection to the transmitter operating on the flying school frequency for the transmission of orders or instructions of an emergency nature to students in flight within the control area[1] of the airport.*†

§ 9.126 *Power.* The power output of flying school stations shall not be more than 50 watts nor less than 15 watts for land stations and not more than 20 watts for aircraft stations.*†

§ 9.127 *Frequency assignments nonexclusive.* No frequency available to a station engaged in instructional flying will be assigned exclusively to any applicant. All stations in this service are required to coordinate operation so as to avoid interference and make the most effective use of assignments.*†

§ 9.128 *Private service prohibited.* The use of flying school frequencies for other than instruction purposes and promotion of safety of life and property is strictly prohibited.*†

[1] Approximately within 30 miles distance or 10-minutes flight of the airport.

[2] Effective June 10, 1939, the United States Army Air Corps will use 4495 kc. for air to ground communication in lieu of 3105 kc. Any airport station located on an airport used extensively by military aircraft should provide equipment for and stand watch on that frequency (4495 kc.) in addition to and during the same hours as is required for the watch on 3105 kc.

[1] Approximately within 30-miles distance or 10-minutes flight of the airport.



*Instrument Landing Stations*

§ 9.141 *Basis of grant of facilities.* Instrument landing service[2] will not be authorized unless (1) the applicant meets all requirements specified by the Civil Aeronautics Authority and the Federal Communications Commission for the type of installation proposed, (2) the applicant executes a specific agreement to relinquish to the Civil Aeronautics Authority the use of any Government frequencies involved on demand and (3) the applicant executes a specific agreement to release the facilities and remove his equipment if and when such release or removal may be required by the Government.*†

*Public Aviation Service*

§ 9.151 *Stations licensed for public aviation service.* Only those stations in the aviation service licensed for "public aviation service" shall carry on public correspondence, i. e., a paid or toll message service in the sense in which these terms are generally understood.[3] *†

§ 9.152 *Extent of service.* All stations licensed in the public aviation service shall provide such service without discrimination to any other station similarly licensed.*†

§ 9.153 *Separation of licenses.* Each license or other instrument of authorization for aviation public service shall be separate from the aviation service licenses and shall designate the specific frequencies which the station is authorized to use to carry on public correspondence.[3] *†

§ 9.154 *Requirement for a public aviation service station.* Upon showing that a need exists for public aviation service a license or other instrument of authorization may be issued for a station for public correspondence provided that a continuous effective listening watch is maintained on the frequency or frequencies used for the aviation safety service messages while public service messages are being handled; and that the installation and system of operation will permit instantaneous interruption of public aviation communications to transmit or receive aviation service messages.*†

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2660; Filed, July 19, 1939; 12:56 p. m.]

[2] Instrument landing stations may include one or more of the following: glide path transmitter, localizer transmitter, combination glide path and localizer transmitter and approach marker transmitters. The frequencies available are assigned by Executive Order to the Civil Aeronautics Authority and may be made available for non-Government agencies only under specific conditions set forth in this section.

[3] No separate or additional authorization is necessary for licensed coastal or ship stations to communicate with or handle public messages to or from an aircraft in flight over the sea.

## PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

The Commission, on July 12, 1939, repealed the following rules, to become effective August 1, 1939:

| Rule No.: | *C. F. R. Sec. No.* |
|---|---|
| 243–244, inclusive | 100.01–100.02, inclusive. |
| 244a | 106.04. |
| 245–247, inclusive | 100.03–100.05, inclusive. |
| 247a | 100.09. |
| 248–249, inclusive | 100.06–100.07, inclusive. |
| 249½ | 105.01. |
| 250 | 100.08. |
| 251 | 102.01. |
| 251a | 106.03. |
| 252 | 100.30. |
| 252a | 106.02. |
| 253 | 100.40. |
| 254 | 104.02. |
| 254A | 100.41. |
| 255 | 100.20–100.23, inclusive. |
| 256 | 101.05. |
| 257 | 103.01. |
| 258a | 104.01. |
| 258b | 104.05. |
| 259–260, inclusive | 104.03–104.04, inclusive. |
| 260A | 101.06. |
| 260B | 105.02. |
| 261 | 103.02. |
| 262 | 106.01. |
| 262aA–262aD, inclusive | 101.01–101.04, inclusive. |

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2661; Filed, July 19, 1939; 12:56 p. m.]

## PART 41—TELEGRAPH AND TELEPHONE FRANKS[1]*†

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DEFINITIONS

§ 41.1 *Definition of terms as used herein.* As used herein—

(a) The term "frank" means any authority which authorizes free, or partially free, service.

(b) The term "family" means the wife, husband, minor children, and other dependents of the officer, employee, or agent permitted to receive and use a frank, but no other person.

[1] Rules Governing Communications Services by Telegraph and Telephone Companies Rendered Free or At Less Than Established Charges.

*Promulgated under the authority contained in Sec. 210, 48 Stat. 1073; 47 U.S.C. 210.

†Adopted by the FCC on July 12, 1939, to become effective August 11, 1939.

(c) The terms "officer", "agent", and "employee" include furloughed, pensioned, and superannuated officers, agents, and employees.*†

GENERAL APPLICATION OF RULES

§ 41.11 *Services to which rules apply.* Franks valid for interstate or foreign telegraph or telephone service may be issued or used and free service may be rendered only in accordance with the following provisions:*†

§ 41.12 *Persons to whom rules apply.* Full time officers, agents, and employees of railroad companies, merchant ship companies, motor bus companies, air transport companies, telephone companies, telegraph companies, sleeping car companies, express companies, and pipe line companies not subject to the Act may, at the discretion of carriers subject to the Act, receive franks authorizing free service or service at less than regularly established rates applicable to the service rendered.*†

§ 41.13 *Carriers, services, and persons to which rules do not apply.* These rules shall not apply to:

(a) Services rendered pursuant to lawful contracts for exchange of services under Section 201 (b) of the Act and which contracts are filed with the Commission, nor to any free service rendered by a cable company pursuant to any obligation of its landing license, nor to any service rendered pursuant to any rule or order issued under the authority transferred by Section 601 of the Act;

(b) Except as hereinafter provided, services rendered in connection with situations involving the safety of life and property, including hydrographic reports, weather reports, reports regarding aids to navigation and medical assistance to injured or sick persons on ships and aircraft at sea, as provided in Section 357 (e) of the Act, or to furnishing of reports of positions of ships at sea to newspapers of general circulation, as provided in Section 201 (b) of the Act;

(c) Free or concession service now or hereafter granted to officers, agents, or employees of common carriers subject to the Act, and to their families.*†

LIMITATION AND FORM OF ISSUANCE

§ 41.21 *Amount of free service permitted.* No franks shall be issued by any carrier authorizing free service to any person on which the published charges would, in the aggregate, exceed $50.00 in any one calendar year; nor shall any person use or attempt to use any frank in any calendar year for free service on which the charges at the duly published rates would, in the aggregate, exceed $50.00.*†

§ 41.22 *Name of person.* Each frank shall be issued by a duly authorized officer of the carrier granting the privilege and shall show the name of the person to whom it is issued; and it shall be valid only for service rendered that person.*†

ADMINISTRATIVE REGULATIONS

§ 41.31 *Records to be maintained and reports to be filed.* Common carriers subject to the Act shall maintain records and file reports as follows:

(a) Each such carrier shall maintain its records in such manner as to reflect at all times the name and address of every person holding a telegraph or telephone frank and the office, employment or relationship held by each such person entitling him to a frank; and each such carrier shall keep such basic records as would enable it, if ordered by the Commission, to compile a statement for the last preceding calendar year prior to such order or for any other period during which it is required by other rules to retain such records, showing the above information together with the number of franked communications handled under each frank during such period and the aggregate charges in dollars which would have accrued to the carrier for all of the free service rendered under each frank during such period if charges for all such communications had been collected at the published tariff rates.

(b) With respect to the communications referred to in Section 41.13 every carrier subject to the Act shall maintain its records in such a manner as to show the number of each class of such communications handled free of charge.

(c) Each such carrier shall maintain its records in such a manner as to show the number of reports of positions of ships at sea furnished to newspapers of general circulation without charge, or at nominal charges, as authorized in Section 201 (b) of the act.*†

§ 41.32 *Existing franks not conforming declared void.* All outstanding franks which do not conform to these rules shall be void after the effective date of these rules.*†

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2662; Filed, July 19, 1939; 12:56 p. m.]

## PART 41—TELEGRAPH AND TELEPHONE FRANKS[1]

The Commission, on July 12, 1939, repealed Telegraph Division Orders Nos. 14 and 14-B, and Telephone Division Order No. 6-A (CFR, Secs. 210.01–210.05, 211.01–211.02, 212.01–212.02, 213.01–213.02, 214.01 and 215.01–215.04), effective August 11, 1939. The Commission also repealed Telegraph Division Order No. 14-A (not codified), effective August 11, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2663; Filed, July 19, 1939; 12:56 p. m.]

[1] Rules Governing Communications Services by Telegraph and Telephone Companies Rendered Free or At Less Than Established Charges.

## PART 62—RULES GOVERNING APPLICATIONS UNDER SEC. 212 TO HOLD INTERLOCKING DIRECTORATES[1]*†

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IN GENERAL

§ 62.1 *Application necessary for authorization.* An order of authorization will be granted only upon application therefor as hereinafter provided.[2] *†

§ 62.2 *Who may make application.* An application for such an order may be made by any person in his own behalf.*†

*Promulgated under the authority contained in Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 212, 48 Stat. 1074; 47 U.S.C. 212.

†Adopted by the FCC on July 12, 1939, to become effective Sept. 1, 1939.

[1] "These regulations shall apply to any person authorized by or undertaking for each of two or more carriers to perform the duties, or any of the duties, ordinarily performed by a director, president, vice president, secretary, treasurer, general counsel, general solicitor, general attorney, comptroller, general auditor, general manager, general commercial manager, chief engineer, general superintendent, general land and tax agent, or chief purchasing agent." Order 8, FCC Dec. 7, 1934.

[2] "Every person who desires to hold the position of officer or director of more than one carrier subject to the Communications Act of 1934, shall, on or before December 15, 1934, file with the Federal Communications Commission application for such authority in conformity with 'Regulations Governing Applications Under Section 212 of the Communications Act of 1934 to Hold the Positions of Officer or Director of More Than One Carrier Subject to the Act,' as adopted by the Federal Communications Commission at a general session thereof on October 9, 1934, and amended November 2, 1934.

"*It is further ordered*, That any authority herein or heretofore granted by which any person is authorized to hold the position of officer or director of more than one carrier subject to the Communications Act of 1934 shall automatically expire on the 17th day of December, 1934, unless such person shall have filed application for authority to hold such position of officer or director of more than one carrier subject to the Act in conformity with the last preceding paragraph hereof." Order 7, F.C.C., Nov. 2, 1934.

"*It is ordered*, That persons who did, on or before December 15, 1934, file personal application with the Commission for authority to hold the positions of officer or director of more than one carrier, under Section 212 of the Act and orders and regulations of the Commission, are authorized to hold the positions of officer or director of more than one carrier pending final order by the Commission on their respective applications, subject to all of the limitations set out in orders heretofore issued." Order 10, F.C.C., Dec. 21, 1934.

CONTENTS OF APPLICATION

§ 62.11 *Information required by application.* Each application shall state the following:

(a) The full name, occupation, business address, place of residence, and post-office address of the applicant.

(b) A specification of every carrier of which the applicant holds stock, bonds, or notes, individually, as trustee, or otherwise; and the amount of, and an accurate description of the securities owned or held by the applicant, of each carrier for which authority to act is sought. Whenever it is intended to represent on the board of directors of any carrier securities other than those owned by the applicant the application shall describe such securities, state the character of representation, the name of the beneficial owner or owners and the general nature of the business conducted by such owner or owners.

(c) Each and every position with any carrier which is held by the applicant at the time of the application, and which he seeks authority to hold, together with the date and manner of his election or appointment thereto and, if he has entered upon the performance of his duties in any such position, the nature of the duties so performed and the date when he first entered upon their performance.

(d) As to each carrier covered by the requested authorization, whether it is (1) an operating carrier, (2) a lessor company, or (3) any other person or corporation organized for the purpose of engaging in communication by wire or radio subject to the Act. If any such carrier neither operates nor owns any apparatus nor provides service for communication by wire or radio, which is subject to the Act, there shall be filed with the application, as a part thereof, a copy of such carrier's charter or certificate or articles of incorporation, with amendments to date. When such copy has once been filed with the Commission, reference thereto, with amendments, if any, will suffice.

(e) A full statement of pertinent facts relative to any carrier which does not make annual reports to the Commission, authorization for a position with which is sought.

(f) Full information as to the relationship, operating, financial, competitive or otherwise, existing between the carriers covered by the requested authorization.

(g) Every business corporation—industrial, financial, or other—of which the applicant is an officer or director, trustee, receiver, attorney or agent and also every corporation engaged in communications or in furnishing equipment, supplies, research, services, finances, credit, or personnel, directly or indirectly, to any communication company in which the applicant has a financial interest, together with the general character of the business conducted by such corporation, and the amount and description of the applicant's interest.[1]

(h) Whether or not, since August 18, 1934, the applicant has, as director or officer of any carrier subject to the Act, received for his own benefit, directly or indirectly, any money or thing of value in respect of negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or has shared in any of the proceeds thereof, or has participated in the making or paying of any dividends of such carrier from any funds properly included in capital account. If the answer to this question is in the affirmative, the applicant shall state the amount or amounts received from such transaction or transactions, and the reasons to justify such payment or payments.

(i) The reasons, fully, why the granting of the authority sought will not affect adversely either public or private interests.

(j) Whether or not any other application for similar authority has been made by the applicant and, if so, the date and docket number thereof, and the action thereon, if any.*†

ADMINISTRATIVE REGULATIONS

§ 62.21 *Information in previous applications; incorporated by reference.* When application has been made by any person, a subsequent application by him need not repeat every statement contained in the previous application but may incorporate the same by appropriate reference.*†

§ 62.22 *Signature; verification.* The original application shall be signed by the individual applicant, and shall be verified under oath in substantially the following form:

STATE OF ----------;
*County of,* ---------- *ss:*
---------- makes oath and says that ----------
holds no position as officer or director of any carrier or other business corporation except as indicated in the foregoing application, and that all of the statements contained therein are true and correct to the best of ------ knowledge and belief.

---
(Signature of Applicant)

Subscribed and sworn to before me, a ---------- in and for the State and County above named, this ------ day of ----------, 19--.

[SEAL]

My commission expires ----------.*†

§ 62.23 *Form of application; number of copies; size of paper, etc.* The original application and six copies thereof shall be filed with the Commission. Each copy shall bear the dates and signatures that appear on the original and shall be complete in itself, but the signatures in the copies may be stamped or typed and the notarial seal may be omitted. The application shall be submitted in typewritten or printed form, on paper not more than 8½ inches wide and not more than 11 inches long, with a left-hand margin of 1½ inches, and if typewritten, the impression must be on only one side of the paper and must be double spaced.*†

§ 62.24 *Change in status; Commission to be informed.* Should any change occur in the situation as reported under Sec. 62.11 above the applicant shall report such change to the Commission in the same manner and with the same number of copies as the original within thirty days after such change occurs.*†

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2664; Filed, July 19, 1939; 12:57 p. m.]

[1] "The Commission will regard the following as substantial compliance with the showing required by Sec. 62.11 (g): (1) if the applicant is an officer, director, trustee, receiver, attorney or agent of any business corporation he must make a complete disclosure of such position and state the general character of the business conducted by such corporation; and (2) if the applicant has a financial interest in any corporation furnishing equipment, supplies, research, services, finances, credit or personnel, directly or indirectly, to any communication company, he must make a complete showing of his interest and state the general character of the business conducted by such corporation, only in cases where five per cent or more of such corporation's annual gross business consists of furnishing equipment, supplies, research, services, finances, credit, and/or personnel, directly or indirectly to communications companies. If the applicant holds a position named in (1) in a corporation described in (2), he must make the disclosures called for in both (1) and (2).

"Regularly licensed and practicing attorneys will not be required under number (1) above to show clients represented by them, unless such client corporations are engaged in conducting a communications service as a common carrier or come within the description in number (2) above." News Release, F.C.C., Nov. 15, 1934.



## PART 62—RULES GOVERNING APPLICATIONS UNDER SEC. 212 TO HOLD INTERLOCKING DIRECTORATES

The Commission, on July 12, 1939, repealed Orders Nos. 4 and 6 (CFR Secs. 200.01–200.02, 201.01, and 202.01–202.04), effective September 1, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2665; Filed, July 19, 1939; 12:57 p. m.]

# TITLE 49—TRANSPORTATION AND RAILROADS

## INTERSTATE COMMERCE COMMISSION

[No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

*Decided July 11, 1939*

Application for authority to construct for experimental service in the transportation of petroleum products ten tank-car tanks fabricated by fusion-welding granted.

*Victor Willoughby* for American Car & Foundry Company.

SUPPLEMENTAL REPORT OF THE COMMISSION[1]

*Alldredge, Commissioner:*

In our several prior reports we granted upon applications therein considered authority to build and use for experimental transportation of dangerous articles other than explosives a total of 707 tank cars to be equipped with tanks fabricated by fusion-welding but otherwise conforming to I.C.C. shipping container specifications.

By application filed with the Association of American Railroads under date of January 9, 1939, and transmitted to us, we are asked to authorize the American Car & Foundry Company to construct for use in the transportation of petroleum products ten (10) test cars conforming to current I.C.C. shipping container specification 103 for tank cars, except that tanks will be fabricated by fusion welding instead of riveting. Attachment of tanks to underframes will be by riveting conforming to the specification.

This is the first application received for authority for experimental fusion welding and use of tank cars of I.C.C. specification 103 type for petroleum products. Petroleum products having the character of those authorized by our regulations[2] to be moved in tank cars of specification 103 type with riveted steel tanks and riveted anchors are described in paragraphs 235 and 243 of the regulations.

Application and accompanying drawings provide for tanks having capacity of 8,000 gallons each. Construction will be in accordance with effective regulations and proposed I.C.C. specification 103–W, filed as an exhibit at the hearing herein, and all features of design and construction of the cars have been passed upon as satisfactory by the Committee on Tank Cars and Bureau of Explosives of the Association. Reports required by previous authorities granted for fusion welded test cars show that two hundred forty-one of the cars have been constructed and in service for about seven thousand trips over a total of approximately six million miles of safe transportation. Approval is recommended by the Association as necessary for obtaining results of trials with least possible delay, adequate cars in each of the authorized services being considered necessary for complete test of fusion-welded equipment.

Upon further consideration of the record and in the light of added facts disclosed in the instant application, the

[1] Under the authority of section 17 (6) of the Interstate Commerce Act, the above-entitled matter was referred by the Commission to Commissioner Alldredge for consideration and disposition.

[2] 4 F.R. 1017 DI.

construction and use of ten tanks of tank cars, of specification 103 type, is forthwith authorized, provided that tanks may be fusion welded instead of riveted, and must be constructed and marked in compliance with proposed revised I. C. C. specification 103–W, filed as an exhibit at the hearing and referred to in our prior reports; cars to be used in service tests in the transportation of petroleum products authorized by our regulations to be carried in tank cars of specification 103 type.

In all other respects the regulations for the transportation of dangerous articles herein referred to are and shall remain in full force and effect.

Owners or operators of cars, where construction is authorized herein, shall make semiannual inspection of the tanks and report their condition to the same parties as receive reports required by I. C. C. specification 103.

By the Commission, Commissioner Alldredge.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39–2648; Filed, July 19, 1939; 10:09 a. m.]

## *Notices*

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[General Docket No. 15]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS: IN RE MINIMUM PRICES AS COORDINATED FOR DISTRICTS NOS. 1 TO 20, INCLUSIVE, 22 AND 23

AN ORDER SUPPLEMENTING AN ORDER DATED JULY 15, 1939, PERTAINING TO PROCEDURE IN RESPECT TO THE FINAL HEARINGS IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES FOR COALS PRODUCED IN DISTRICTS NOS. 1 TO 8, INCLUSIVE, DISTRICTS NOS. 9 TO 15, INCLUSIVE, DISTRICTS NOS. 16 TO 20, INCLUSIVE, 22 AND 23

The Director of the Bituminous Coal Division, Department of the Interior, having issued an order dated July 15, 1939,[1] pertaining to procedure in respect to the final hearings in the matter of the establishment of minimum prices for coals produced in Districts Nos. 1 to 8, inclusive, Districts Nos. 9 to 15, inclusive, Districts Nos. 16 to 20, inclusive, 22 and 23, and it appearing that the procedure as contained in said order should be supplemented as hereinafter provided,

Now, therefore, it is ordered:

1. Any party filing a protest to proposed coordinated minimum prices as published shall file 12 copies but shall not be required to serve a copy thereof upon interested parties appearing in General Docket No. 15. A copy of all protests will be available for inspection at the offices of the Division in Washington, D. C.

2. At the aforesaid hearings commencing July 24, 1939, affirmative evidence will be received in the following order:

(a) Evidence on behalf of the Bituminous Coal Division.

(b) Evidence on behalf of Bituminous Coal Producers Boards.

(c) Evidence on behalf of producers protesting prices contained in proposed price schedules.

(d) Evidence on behalf of political subdivisions.

(e) Evidence on behalf of consumers.

(f) Evidence on behalf of other interested parties.

3. Twelve copies of each brief shall be filed within fifteen days after the close of the taking of evidence on proposed coordinated minimum prices. No brief will be received unless it complies with Rules XII and XXII of the "Rules of Practice and Procedure before the Commission",[2] except that service shall be made only as directed by the presiding officer. A copy of all briefs will be available for inspection at the offices of the Division in Washington, D. C., and any party filing a brief shall furnish a copy thereof to any party to General Docket No. 15 upon request. No brief containing more than fifty pages, exclusive of proper exhibits, shall be filed unless consent is first obtained from the Director or presiding officer.

4. Any party desiring oral argument shall file a petition requesting such argument, stating specifically the points upon which he desires to be heard, within three days after the close of the taking of evidence. Argument on behalf of any party shall not exceed thirty minutes unless, upon good cause shown, the presiding officer shall otherwise order. The allotted time shall not be transferable. Oral argument will be heard as soon as possible after the close of the taking of testimony and the order of the hearing of argument shall be fixed by the examiners.

5. The findings and recommendations of the trial examiners designated for the aforesaid hearings shall be filed with the Director, copies of such findings shall be mailed to each party in interest in the proceedings in General Docket No. 15, to each District Board, to the Director, Consumers' Counsel Division, Office of the Solicitor, Department of the Interior, and shall be made available for inspection at the Statistical Bureaus, and published in the FEDERAL REGISTER.

6. Exceptions to the findings and recommendations of the trial examiners may be filed with the Director of the Bituminous Coal Division within fifteen days after such findings and recommendations are mailed as provided in Paragraph 4 above: *Provided, however*, That parties residing within Districts Nos. 16 to 20, inclusive, 22 and 23 may file such exceptions within twenty days from the date of such mailing. Any party to any phase of the proceeding in General Docket No. 15 may also file with the Director within the time provided for the filing of exceptions:

(a) A brief in support of his exceptions.

(b) A request that the findings and conclusions of the National Bituminous Coal Commission on any phase of the matters included in General Docket No. 15 be reviewed by the Director, which request shall be accompanied by a specific statement of the points as to which review is desired and the contentions of the parties, and may be accompanied by a brief in support thereof.

(c) A request for oral argument before the Director which shall specifically enumerate the points to which oral argument will be addressed and set forth the amount of time desired.

Service of the aforesaid exceptions, briefs and requests shall not be required as provided by Rule XXII of the "Rules of Practice and Procedure before the Commission." Copies of the same will be available for inspection by interested parties at the offices of the Division, 734 15th Street NW., Washington, D. C., and any party filing a brief shall furnish a copy thereof to any party to General Docket No. 15 upon request.

7. In accordance with the provisions of Order No. 1399 of the Secretary of the Interior, which was published in the FEDERAL REGISTER in its issue of July 12, 1939, at page 2947, and in the manner and to the extent provided by the Bituminous Coal Act of 1937, the findings and conclusions of the Director shall be final and the order or orders predicated thereon shall establish the effective minimum prices for all coals subject to the Act.

8. If any provision of this order conflicts with any provision of the "Rules of Practice and Procedure before the Commission" heretofore adopted and ratified, the provisions of this order shall govern.

Dated at Washington, D. C., this 19th day of July, 1939.

H. A. GRAY, *Director.*

[F. R. Doc. 39–2646; Filed, July 19, 1939; 10:27 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of July 1939.

[1] 4 F.R. 3331 DI.

[2] 3 F.R. 1840 DI.



[File No. 1–1378]

IN THE MATTER OF SEDALIA WATER COMPANY 7% CUMULATIVE PREFERRED STOCK, PAR VALUE $100

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The St. Louis Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% Cumulative Preferred Stock, Par Value $100, of Sedalia Water Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Monday, August 14, 1939 at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2647; Filed, July 19, 1939; 10:51 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of July, A. D. 1939.

[File No. 56–44]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, GENERAL WATER GAS & ELECTRIC COMPANY, SECURITIES CORPORATION GENERAL

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT

International Utilities Corporation, a registered holding company, having filed an application pursuant to Rule U–12D–1 with regard to the sale of certain shares of the preferred and common stock of Community Power and Light Company, constituting in each case less than 5% of the outstanding voting securities, to Russell B. Stearns and Morris La Croix;

The applicant having requested permission to withdraw said application; and the Commission, being of the opinion that upon the facts as set forth in the above mentioned application approval of such sale is not required under Section 12 (d) or Rule U–12D–1, hereby consents to the withdrawal of the above named application, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2652; Filed, July 19, 1939; 11:52 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of July, A. D. 1939.

[File No. 31–62]

IN THE MATTER OF JERSEY CENTRAL POWER & LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 8, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 2, 1939.

The matter concerned herewith is in regard to an application by Jersey Central Power & Light Company, seeking an order to the effect that it is not a subsidiary company within the terms of the Public Utility Holding Company Act of 1935. The application, as amended, shows that the common stock, in the amount of 341,350 shares, is owned by New Jersey Power & Light Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company, and that the balance (except for the amount necessary to qualify directors) amounting to 712,411 shares, is owned of record by New York Trust Company, as trustee. The common stock is the sole voting stock of applicant. The application reveals that two of the nine directors of applicant are officers of associate companies of New Jersey Power & Light Company, and that two additional directors of applicant are employees of New York Trust Company. The application, without further disclosure of facts, states that the management and policies of the applicant are not subject to a controlling influence, directly or indirectly, by New Jersey Power & Light Company or by New York Trust Company, so as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that the applicant be subject to the obligations, duties and liabilities imposed upon subsidiary companies of holding companies.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2651; Filed, July 19, 1939; 11:33 a. m.]

## UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS, SATURDAY, JULY 15, 1939

*Important.* Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

JUL 24 1939

| State | Number of positions to which entitled | Number of positions occupied |
|---|---|---|
| **IN ARREARS** | | |
| 1. Virgin Islands | 9 | 0 |
| 2. Puerto Rico | 618 | 42 |
| 3. Hawaii | 147 | 17 |
| 4. California | 2,271 | 797 |
| 5. Alaska | 24 | 9 |
| 6. Texas | 2,330 | 916 |
| 7. Michigan | 1,937 | 918 |
| 8. Louisiana | 841 | 402 |
| 9. Arizona | 174 | 89 |
| 10. New Jersey | 1,617 | 870 |
| 11. South Carolina | 696 | 391 |
| 12. Ohio | 2,859 | 1,599 |
| 13. Mississippi | 804 | 488 |
| 14. Oklahoma | 959 | 588 |
| 15. Alabama | 1,059 | 661 |
| 16. New Mexico | 169 | 106 |
| 17. Arkansas | 742 | 468 |
| 18. Georgia | 1,164 | 772 |
| 19. Kentucky | 1,046 | 702 |
| 20. North Carolina | 1,288 | 884 |
| 21. Tennessee | 1,047 | 804 |
| 22. Wisconsin | 1,176 | 908 |
| 23. Illinois | 3,053 | 2,360 |
| 24. Connecticut | 643 | 505 |
| 25. Indiana | 1,296 | 1,134 |
| 26. Delaware | 95 | 84 |
| 27. Oregon | 382 | 343 |
| 28. Nevada | 36 | 33 |
| 29. Florida | 587 | 542 |
| 30. Idaho | 178 | 167 |
| 31. New Hampshire | 186 | 178 |
| 32. Pennsylvania | 3,853 | 3,709 |
| 33. New York | 5,036 | 4,862 |
| 34. Maine | 319 | 315 |
| 35. Utah | 203 | 201 |
| 36. West Virginia | 692 | 687 |
| 37. Massachusetts | 1,700 | 1,690 |
| **QUOTA FILLED** | | |
| 38. Wyoming | 90 | 90 |
| **IN EXCESS** | | |
| 39. Colorado | 414 | 417 |
| 40. Missouri | 1,452 | 1,466 |
| 41. Washington | 625 | 632 |
| 42. Vermont | 144 | 146 |
| 43. Montana | 215 | 231 |
| 44. Kansas | 753 | 816 |
| 45. Rhode Island | 275 | 304 |
| 46. South Dakota | 277 | 310 |
| 47. North Dakota | 272 | 309 |
| 48. Minnesota | 1,026 | 1,171 |
| 49. Iowa | 989 | 1,132 |
| 50. Nebraska | 551 | 681 |
| 51. Virginia | 969 | 2,032 |
| 52. Maryland | 653 | 2,052 |
| 53. District of Columbia | 195 | 8,891 |

| State | Number of positions to which entitled | Number of positions occupied | Net gain or loss since July 1, 1938 |
|---|---|---|---|
| 38. Wyoming | 90 | 90 | −1 |
| 39. Colorado | 414 | 417 | −1 |
| 40. Missouri | 1,452 | 1,466 | −3 |
| 41. Washington | 625 | 632 | −3 |
| 42. Vermont | 144 | 146 | 0 |
| 43. Montana | 215 | 231 | 0 |
| 44. Kansas | 753 | 816 | +1 |
| 45. Rhode Island | 275 | 304 | 0 |
| 46. South Dakota | 277 | 310 | 0 |
| 47. North Dakota | 272 | 309 | +1 |
| 48. Minnesota | 1,026 | 1,171 | 0 |
| 49. Iowa | 989 | 1,132 | 0 |
| 50. Nebraska | 551 | 681 | 0 |
| 51. Virginia | 969 | 2,032 | −1 |
| 52. Maryland | 653 | 2,052 | +8 |
| 53. District of Columbia | 195 | 8,891 | +7 |

| | |
|---|---|
| **GAINS** | |
| By appointment | 120 |
| By reinstatement | 0 |
| By transfer | 34 |
| Total | 154 |
| **LOSSES** | |
| By separation | 39 |
| By transfer | 34 |
| By correction | 1 |
| Total | 74 |
| Total appointments | 49,919 |

NOTE.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's opinion of Aug. 25, 1934, 15,206.

By direction of the Commission:

[SEAL] L. A. MOYER,
*Executive Director and Chief Executive.*

[F. R. Doc. 39-2649; Filed, July 19, 1939; 11:22 a. m.]

JUL 24 1939


# FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 4 NUMBER 139

*Washington, Friday, July 21, 1939*


## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### FARM SECURITY ADMINISTRATION

[Administration Order 246 (Rev. 1) [1]]

AUTHORITY TO APPROVE THE SALE OF STATE RURAL REHABILITATION CORPORATION SURPLUS REAL PROPERTY

JULY 20, 1939.

I. The Administrator of the FARM SECURITY ADMINISTRATION is hereby authorized to approve the sale of state rural rehabilitation corporation (managed or transferred in trust) surplus tracts of land and the improvements thereon, and to execute in behalf of the United States of America or of a state rural rehabilitation corporation the necessary documents in connection with such sales, provided that no tract of more than 260 acres may be sold under this authorization.

II. The Administrator may redelegate this authority.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Recommended:

WILL W. ALEXANDER,
*Administrator.*

[F. R. Doc. 39-2679; Filed, July 20, 1939; 12:54 p. m.]

### TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1939-17]

PART 701—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 17

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin, as amended,[1] is hereby further amended as follows:

Subparagraph (3) of paragraph (a) of Section 701.6 is amended by the addition of a fourth subdivision as follows:

(iv) The 1939 State average yields of rice, as established by the Secretary, are as follows:

| State: | Average yield of rice (hundredweight) |
|---|---|
| Arkansas | 22.9 |
| California | 31.3 |
| Louisiana | 16.8 |
| Missouri | 21.4 |
| Texas | 23.1 |

Done at Washington, D. C., this 20th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2677; Filed, July 20, 1939; 12:54 p. m.]

[1] Supersedes AO 246.

[ACP-1939-Hawaii-2]

PART 703—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

HAWAII

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin—Hawaii, issued April 4, 1939,[2] is hereby amended as follows:

Subsection (d) of section 703.3 is hereby amended by the addition of a fourth subdivision as follows:

"(4) The 1939 State average yield of rice for the Territory of Hawaii, as established by the Secretary, is 45.1 hundredweight."

Done at Washington, D. C., this 20th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2678; Filed, July 20, 1939; 12:54 p. m.]

[1] 4 F.R. 2306 DI.

[2] 4 F.R. 1460, 1662 DI.

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FEDERAL REGISTER

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## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### BUREAU OF ANIMAL INDUSTRY

[Amendment 33 to Declaration No. 12 [1]]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

JULY 1, 1939.

In accordance with Section 2 of Regulation 7 of B.A.I. Order 309, as amended effective September 10, 1936,[2] the following named counties, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

| | |
|---|---|
| **Arkansas:** | |
| Crittenden | July 1, 1942 |
| Pulaski | July 1, 1942 |
| Randolph | July 1, 1942 |
| **California:** | |
| Lake | July 1, 1942 |
| Sierra | July 1, 1942 |
| Trinity | July 1, 1942 |
| **Florida:** | |
| Broward | July 1, 1942 |
| Dade | July 1, 1942 |
| Lafayette | July 1, 1942 |
| Madison | July 1, 1942 |
| **Georgia:** | |
| Dawson | July 1, 1942 |
| Gwinnett | July 1, 1942 |
| Haralson | July 1, 1942 |
| Houston | July 1, 1942 |
| Wilkinson | July 1, 1942 |
| **Idaho:** | |
| Bear Lake | July 1, 1942 |
| **Illinois:** | |
| Du Page | July 1, 1942 |
| Effingham | July 1, 1942 |
| Ford | July 1, 1945 |
| Grundy | July 1, 1942 |
| Jefferson | July 1, 1945 |
| **Indiana:** | |
| Adams | July 1, 1942 |
| Gibson | July 1, 1942 |
| Tippecanoe | July 1, 1942 |
| **Iowa:** | |
| Calhoun | July 1, 1942 |
| Fayette | July 1, 1942 |
| Jefferson | July 1, 1942 |
| Van Buren | July 1, 1945 |
| **Kansas:** | |
| Allen | July 1, 1942 |
| Barton | July 1, 1942 |
| Clay | July 1, 1942 |
| Harper | July 1, 1942 |
| **Kentucky:** | |
| Daviess | July 1, 1942 |
| Hart | July 1, 1942 |
| Menifee | July 1, 1942 |
| Powell | July 1, 1942 |
| Rockcastle | July 1, 1942 |
| **Maryland:** | |
| Howard | July 1, 1942 |
| **Michigan:** | |
| St. Clair | July 1, 1942 |
| **Minnesota:** | |
| Pine | July 1, 1945 |
| Waseca | July 1, 1942 |
| **Mississippi:** | |
| Attala | July 1, 1942 |
| Forrest | July 1, 1942 |
| Greene | July 1, 1942 |
| Jones | July 1, 1942 |
| Rankin | July 1, 1942 |
| Tate | July 1, 1942 |
| **Missouri:** | |
| Barton | July 1, 1942 |
| Livingston | July 1, 1942 |
| Ray | July 1, 1942 |
| **Montana:** | |
| Wibaux | July 1, 1942 |
| **Nebraska:** | |
| Cedar | July 1, 1942 |
| Dawson | July 1, 1942 |
| Frontier | July 1, 1942 |
| Gosper | July 1, 1942 |
| Hayes | July 1, 1942 |
| Keith | July 1, 1942 |
| Lancaster | July 1, 1942 |
| Lincoln | July 1, 1942 |
| Pawnee | July 1, 1942 |
| Perkins | July 1, 1942 |
| Phelps | July 1, 1942 |
| Pierce | July 1, 1942 |
| Seward | July 1, 1942 |
| Stanton | July 1, 1942 |
| Thurston | July 1, 1942 |
| Wayne | July 1, 1942 |
| **Nevada:** | |
| Clark | July 1, 1942 |
| Humboldt | July 1, 1942 |
| **New Hampshire:** | |
| Coos | July 1, 1942 |
| Hillsboro | July 1, 1942 |
| Rockingham | July 1, 1942 |
| **New Mexico:** | |
| Guadelupe | July 1, 1942 |
| **New York:** | |
| Chautauqua | July 1, 1942 |
| Hamilton | July 1, 1942 |
| Monroe | July 1, 1942 |
| Sullivan | July 1, 1942 |
| **North Carolina:** | |
| Chatham | July 1, 1942 |
| Stanly | July 1, 1942 |
| Stokes | July 1, 1942 |
| **Ohio:** | |
| Ross | July 1, 1942 |
| **South Carolina:** | |
| Chester | July 1, 1942 |
| **South Dakota:** | |
| Faulk | July 1, 1942 |
| Hughes | July 1, 1942 |
| Potter | July 1, 1942 |
| Roberts | July 1, 1942 |
| Sully | July 1, 1942 |
| **Tennessee:** | |
| Shelby | July 1, 1942 |
| **Texas:** | |
| Jones | July 1, 1942 |
| Lavaca | July 1, 1942 |
| Lipscomb | July 1, 1942 |
| Shelby | July 1, 1942 |
| Willacy | July 1, 1942 |
| **Vermont:** | |
| Windsor | July 1, 1942 |
| **Virginia:** | |
| Greene | July 1, 1942 |
| Orange | July 1, 1942 |
| **Washington:** | |
| Asotin | July 1, 1942 |
| Clallam | July 1, 1942 |
| Kittitas | July 1, 1942 |
| Pierce | July 1, 1942 |
| Yakima | July 1, 1942 |
| **West Virginia:** | |
| Braxton | July 1, 1942 |
| Grant | July 1, 1942 |
| Monroe | July 1, 1942 |

Declaration No. 12, dated October 1, 1936, as amended,[1] is hereby further amended accordingly.

[SEAL] J. R. MOHLER, *Chief of Bureau.*

[F. R. Doc. 39-2666; Filed, July 19, 1939; 2:31 p. m.]

## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Amendment 19 of Civil Air Regulations]

ELIMINATION OF THE USE OF OATHS ON DOCUMENTS REQUIRED BY CIVIL AIR REGULATIONS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 18th day of July 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a) and 608 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective August 17, 1939, the Civil Air Regulations are amended as follows:

1. By amending section 01.440 to read as follows:

"01.440 The manufacturer shall furnish with each aircraft or component a certified statement that the article in question has been manufactured in accordance with the authenticated data forming a part of said type certificate except for any deviations therefrom, which shall be listed and described. In the case of aircraft such statement shall also certify the weight empty."

2. By striking the phrase "his affidavit" insection 01.76 and inserting in lieu thereof the phrase "a certified statement."

3. By amending section 04.0530 to read as follows:

"04.0530 *Statement of conformity.* The manufacturer shall present to a designated inspector of the Authority a certified statement of conformity, upon a form to be supplied by the Authority, in which his chief engineer or other responsible technical representative shall certify that the airplane submitted for type inspection has been manufactured in accordance with the latest technical data submitted to and approved by the Authority (including all revisions and additions required by the Authority in connection with authorization of the type inspection) except for any deviations therefrom, which shall be listed and described."

4. By striking the phrase "an affidavit" in section 13.201 and inserting in lieu thereof the phrase "a certified statement."

5. By amending section 13.205 to read as follows:

"13.205 (f) A detailed certified report of a 10-hour flight test of the engine. This test shall include a climb at full throttle to 15,000 feet or to the service ceiling of the airplane. The report shall completely describe the test and the results thereof and shall include dates, the names of persons involved and particulars of the airplane. The engine used for this test may be the same engine as submitted for the endurance test or may be another engine of the same type."

6. By striking the word "sworn" in sections 13.4, 13.620 and 14.520 and inserting in lieu thereof the word "certified."

7. By amending section 14.203, as amended, to read as follows:

"14.203 (d) A complete log certified to by the person making the test or signed by a witnessing inspector of the Authority, at the discretion of the Authority, describing the manufacturer's tests of the propeller in accordance with §§ 14.21 or 14.22, as the case may be. The log shall include a detailed record of the test with dates; names of persons involved; name and model number of engine, or name, model number, and identification mark of the airplane issued by the Civil Aeronautics Authority; and hours of testing with corresponding engine speeds. The report shall also include the results of a detailed inspection of the propeller after the test in accordance with § 14.23."

8. By striking the phrase "supported by affidavit" in sections 15.1080, 15.1241 and 15.306 and inserting in lieu thereof the phrase "certified to."

9. By amending section 18.7222 to read as follows:

"18.7222 Only structural parts approved by the Authority shall be used in making replacements in certificated engines, and the repair agency shall furnish the owner a certified statement showing that the parts used are approved. This statement shall be pasted in and shall become a part of the engine log book."

10. By striking the phrase "subscribed under oath" in sections 20.31, 21.21, 23.21, 25.21, 26.21, 27.21 and 50.21.

11. By amending section 20.670 to read as follows:

"20.670 *General.* Every certificated pilot and every person receiving flying instruction shall keep an accurate record of his flying time in a log-book in which the entries with respect to solo flying time have been certified to by him and the entries with respect to dual instruction have been certified to by his certificated instructor. Log-books shall be bound records and the entries shall be accurate, legible, in ink or indelible pencil, and so arranged as to facilitate easy reference thereto."

12. By amending section 21.440 to read as follows:

"21.440 *General.* Every certificated airline transport pilot shall keep an accurate record of his flying time in a log-book in which the entries as to solo flying time have been certified to by him and the entries as to instruction have been certified to by his instructor. Log-books shall be bound records and the entries shall be accurate, legible, in ink or indelible pencil, and so arranged as to facilitate easy reference thereto."

13. By striking the phrase "subscribed under oath" in section 24.21, as amended.

14. By striking the phrase "under oath subscribed" in section 24.25, as amended, and inserting in lieu thereof the phrase "certified to."

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-2676; Filed, July 20, 1939; 12:48 p. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933

REVISION OF RULE S-930 (B)

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Section 19 (a) thereof [C. 38, sec. 19, 48 Stat. 85; C. 404, sec. 209, 48 Stat. 908; 15 U.S.C. 77s], and deeming such action necessary to carry out the provisions of the Act and necessary and appropriate in the public interest and for the protection of investors, hereby amends paragraph (b) of Rule S-930 [Sec. 230.S-930] to read as follows:

(b) In the case of statements which become effective pursuant to Section 8 (a) [C. 38, sec. 8, 48 Stat. 79; 15 U.S.C. 77h] on the twentieth day after the filing thereof, the twentieth day shall be deemed to begin at the expiration of nineteen periods, of twenty-four hours each, from 4:30 p. m. Eastern Standard Time on the date of filing.

The foregoing action of the Commission shall become effective on July 20, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2672; Filed, July 20, 1939; 10:54 a. m.]

## TITLE 24—HOUSING CREDIT

### FEDERAL SAVINGS AND LOAN SYSTEM

AMENDMENT TO RULES AND REGULATIONS FOR THE FEDERAL SAVINGS AND LOAN SYSTEM

PROVIDING A METHOD FOR CREDITING VOLUNTARY RETIREMENTS OF INVESTMENTS IN FEDERAL SAVINGS AND LOAN ASSOCIATIONS BY THE SECRETARY OF THE TREASURY AND HOME OWNERS' LOAN CORPORATION

*Be it resolved,* That subsection (d) of Section 203.8 of the Rules and Regulations for the Federal Savings and Loan System is amended, effective July 20, 1939, to read as follows:

"(d) *Retirement of investments by the Secretary of the Treasury or Home Owners' Loan Corporation.* Retirement of investments by the Secretary of the Treasury or by Home Owners' Loan Corporation in Federal associations may be effected in accordance with procedure and using forms approved by the Board, which procedure and forms may be obtained from the Federal home loan bank of which the Federal association is a member. No request for the privilege of retiring investments by the Secretary of the Treasury will be approved by the Board unless such request is received by the Board at its office in Washington, D. C., within 30 days subsequent to the last preceding dividend date, accompanied by a check, postal money order, or bank draft in the amount of the investment sought to be retired, together with any dividends declared but unpaid, on such investment to the last preceding dividend date. Any Federal association may request from time to time the voluntary repurchase of investments by the Secretary of the Treasury and by Home Owners' Loan Corporation in the same order as applications for repurchase of such investments may be made by the

[1] Supplements footnote to 9 CFR 77.3.
[2] 1 F.R. 1338.

[1] 4 F.R. 2410 DI.

Secretary of the Treasury and Home Owners' Loan Corporation under subsection (j) of Section 5 and subsection (n) of Section 4 of Home Owners' Loan Act of 1933, as amended. All such voluntary repurchases will be deducted from the next succeeding requests for repurchase which the Secretary of the Treasury or Home Owners' Loan Corporation is permitted by law to make." (Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132, Sec. 5 (j) of H.O.L.A. of 1933, as added by Sec. 5, 48 Stat. 645, Sec. 4 (n) of H.O.L.A. of 1933, as added by Sec. 17 (a), 49 Stat. 297; 12 U.S.C. 1464 (a), (j), 12 U.S.C., Sup., 1463 (n)).

*Be it further resolved*, That this amendment is deemed to be of a procedural character within the provisions of subsection (c) of Section 201.2 of the Rules and Regulations for the Federal Savings and Loan System.

Adopted by the Federal Home Loan Bank Board on July 20, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-2674; Filed, July 20, 1939; 12:39 p. m.]

## HOME OWNERS' LOAN CORPORATION

AMENDMENT TO RULES AND REGULATIONS FOR INVESTMENT BY HOME OWNERS' LOAN CORPORATION IN SECURITIES OF SAVINGS AND LOAN ASSOCIATIONS.

PROVIDING A METHOD FOR CREDITING VOLUNTARY RETIREMENTS OF INVESTMENTS IN SAVINGS AND LOAN ASSOCIATIONS BY HOME OWNERS' LOAN CORPORATION.

*Be it resolved*, That paragraph (b) of Section 58 of the Rules and Regulations for Investment by Home Owners' Loan Corporation in Securities of Savings and Loan Associations is amended, effective July 20, 1939, to read as follows:

"(b) Any institution may request from time to time the voluntary retirement of investments held by Home Owners' Loan Corporation in the same order as applications for retirement of such investments may be made by Home Owners' Loan Corporation under subsection (n) of Section 4 of Home Owners' Loan Act of 1933, as amended. All such voluntary retirements will be deducted from the next succeeding requests for retirement which Home Owners' Loan Corporation is permitted by law to make." (Sec. 4 (k) of H.O.L.A. of 1933, 48 Stat. 132, Sec. 4 (n) of H.O.L.A. of 1933, as added by Sec. 17 (a), 49 Stat. 297; Sec. 5 (j) of H.O.L.A. of 1933, as added by Sec. 5, 48 Stat. 645; 12 U.S.C. 1463 (k), 1464 (j), 12 U.S.C., Sup., 1463 (n)).

Adopted by the Federal Home Loan Bank Board on July 20, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-2673; Filed, July 20, 1939; 12:39 p. m.]

## TITLE 30—MINERAL RESOURCES

### BITUMINOUS COAL DIVISION

[Order No. 280]

AN ORDER REQUIRING EACH DISTRICT BOARD TO FILE ANNUAL BUDGET PROPOSALS

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st Sess.), known as the Bituminous Coal Act of 1937, it is ordered:

1. That the budget year for each District Board shall begin September 1 and end August 31.

2. That on or before August 1 of each year each District Board shall file with the Division for approval, disapproval or modification and approval, a proposed budget of the expense of administering the code by the District Board during the next budget year.

3. That subsequent to September 1, 1939, no District Board shall levy or require any code member to pay an assessment unless the budget for the current fiscal year has been approved, or the levy of an assessment has been specifically authorized.

Dated at Washington, D. C., this 19th day of July, 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-2667; Filed, July 20, 1939; 9:11 a. m.]

## *Notices*

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. 821-FD]

IN THE MATTER OF THE APPLICATION OF BELLEVILLE FUELS, INC., FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

NOTICE OF AND ORDER FOR HEARING

An application, pursuant to Section 12 of the Bituminous Coal Act of 1937, and pursuant to Order No. 6[1] of the National Bituminous Coal Commission, which order has been adopted and ratified as an order of the Bituminous Coal Division, having been duly filed with the Bituminous Coal Division by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 9, 1939, at 10 o'clock, in the forenoon of that day at the hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

*It is further ordered*, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer or officers so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, to examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given, To such applicant and to any other person who may have an interest in such proceedings. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before August 7, 1939.

The matter concerned herewith is in regard to, An application by Belleville Fuels, Incorporated, a corporation organized for the purpose of functioning as a selling agency for the coals of producers owning stock in applicant, pursuant to Section 12 of the Bituminous Coal Act of 1937 and to Order No. 6 of the National Bituminous Coal Commission, which order has been adopted and ratified as an order of the Bituminous Coal Division. It is stated that the mines of the code member producers for whom the applicant proposes to act as a selling agency are located in the State of Illinois in the Belleville and DuQuoin districts; that the coal produced by such producers moves generally north and west into Missouri, Illinois, Iowa, Wisconsin and Minnesota, and competes with coal produced in other subdistricts in the State of Illinois, in the State of Indiana, and in District No. 8, as defined by the Act.

Dated at Washington, D. C., this 19th day of July 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-2668; Filed, July 20, 1939; 9:11 a. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 147]

IN THE MATTER OF THE APPLICATION OF IMPERIAL AIRWAYS, LTD., FOR A FOREIGN AIR CARRIER PERMIT UNDER SECTION 402 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on July 26, 1939, 10 o'clock a. m. (Eastern Standard Time) in Room 5044, Department of Commerce Building, Washington, D. C., before the Authority.

Dated Washington, D. C., July 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2665; Filed, July 20, 1939; 12:48 p. m.]

[1] 2 F.R. 1078.



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of July, A. D. 1939.

[File No. 43-228]

IN THE MATTER OF SECURITIES CORPORATION GENERAL

ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

Securities Corporation General, a subsidiary of International Utilities Corporation, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with regard to the issue and sale of a promissory note, to be dated July 11, 1939, in the face amount of $50,000 payable to the Guaranty Trust Company of New York to bear interest at a rate not to exceed 2% per annum, such note to be due on demand, and with regard to the issue and sale of a promissory note, to be dated August 23, 1939, in the face amount of $35,000 payable to the Guaranty Trust Company of New York to bear interest at a rate not to exceed 2% per annum, such note to be due on demand;

A hearing having been held on such application after adequate notice,[1] the Commission having examined the record and having filed its findings herein;

*It is ordered*, That such declaration be and become effective forthwith on the condition that all matters in connection with such declaration shall be performed in all respects as set forth in and for the purposes represented by said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2669; Filed, July 20, 1939; 10:54 a. m.]

[1] 4 F.R. 2781 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of July, A. D. 1939.

[File No. 43-230]

IN THE MATTER OF STONEWALL ELECTRIC COMPANY AND TUCSON GAS, ELECTRIC LIGHT AND POWER COMPANY

ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION, ETC.

Stonewall Electric Company having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale to the Rural Electrification Administration of a promissory note in the principal amount of $65,000, the proceeds of which are to be used for the construction of rural electric distribution lines; and having filed a joint application with Tucson Gas, Electric Light and Power Company pursuant to Sections 12 and 10 of said act regarding the grant of a lease of and option to buy said rural electric distribution lines by Stonewall Electric Company to Tucson Gas, Electric Light and Power Company;

A public hearing having been held upon said declaration and application after appropriate notice,[1] the record having been examined and the Commission having made its findings herein;

*It is ordered*, That the declaration by Stonewall Electric Company regarding the issue and sale of a promissory note to the Rural Electrification Administration in the principal amount of $65,000 be and become effective forthwith;

That the application by Stonewall Electric Company for approval of the grant to Tucson Gas, Electric Light and Power Company of a lease of and option to buy the rural electric distribution lines to be constructed out of the proceeds of said note, be and it hereby is approved;

That the application by Tucson Gas, Electric Light and Power Company for approval of the acquisition of said lease and option to buy be and it hereby is approved;

Provided, and this order is entered upon the following express conditions;

(1) That the issue, sales and acquisitions be effected in accordance with, and for the purposes represented by, said declaration and applications, and

(2) That within 10 days after such issue, sales and acquisitions, the declarant and applicants shall file with this Commission a certificate of notification that such issue, sales and acquisitions have been effected in accordance with and for the purposes represented by, said declaration and applications.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2670; Filed, July 20, 1939; 10:54 a. m.]

[1] 4 F.R. 2951 DI.

*United States of America—by the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of July, A. D. 1939.

[File No. 51-30]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

ORDER APPROVING PAYMENT OF DIVIDENDS

International Utilities Corporation, a registered holding company, having filed an application pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-2 adopted thereunder, for approval of the declaration and payment out of capital or unearned surplus of a regular quarterly dividend at the rate of 87½¢ per share on the $3.50 Prior Preferred Stock, and a payment of $1.4375 per share on the $1.75 Preferred Stock on account of accumulated unpaid dividends;

A hearing on such application having been held after appropriate notice;[1] the record in this matter having been examined; and the Commission having made and filed its findings herein:

*It is ordered*, That the proposed payment of dividends to the $3.50 Prior Preferred Stock be approved, subject, however, to the following conditions:

(1) That the proposed dividends on the $3.50 Prior Preferred Stock shall be charged to capital surplus, and that the amount of such dividends so charged shall be restored to capital surplus from the first available earnings after December 31, 1938, after providing for 1939 dividends heretofore declared and paid;

(2) That International Utilities Corporation shall notify the $3.50 Prior Preferred stockholders concurrently with the receipt of dividends that the dividend payment received is subject to the above condition; and,

(3) That the Commission reserve jurisdiction as to its approval of the declaration and payment of the proposed dividend to the $1.75 Preferred Stock.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2671; Filed, July 20, 1939; 10:54 a. m.]

[1] 4 F.R. 2473 DI.

# FEDERAL REGISTER

VOLUME 4 NUMBER 140

*Washington, Saturday, July 22, 1939*


## *The President*

### LIGHTHOUSE WEEK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Public Resolution 16, 76th Congress (53 Stat. 746), approved May 15, 1939, provides in part:

"That the week commencing August 7, 1939, is hereby designated as Lighthouse Week in commemoration of the one hundred and fiftieth anniversary of the enactment by the first Congress of the United States of the ninth Act of said Congress, which was approved by President George Washington on August 7, 1789, and laid the foundation of the United States Lighthouse Service by providing that all expenses in the necessary support, maintenance, and repairs of all lighthouses, beacons, buoys, and public piers to render navigation safe and easy should be paid for by the Treasury of the United States. During said week all Government officials are hereby directed to display the flag of the United States on all Government buildings, and are requested in appropriate manner to celebrate the enactment and approval of said Act.

"Sec. 2. That the President of the United States is hereby requested, by appropriate proclamation, to call attention of all citizens of the United States to said event and to request the cooperation of all citizens, communities, civic organizations, States, municipalities, counties, public agencies, churches, and schools in an appropriate recognition of the devoted, efficient, faithful, and splendid work of the Lighthouse Service for one hundred and fifty years in the safeguarding of life and property upon the sea";

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do call upon the officials of the Government to observe the provisions of the aforesaid public resolution, invite the attention of all citizens of the United States to the celebration of Lighthouse Week commencing August 7, 1939, and request the cooperation of communities, civic organizations, States, municipalities, counties, public agencies, churches, and schools to recognize in an appropriate manner the devoted, efficient, faithful, and splendid work of the Lighthouse Service for one hundred and fifty years in the safeguarding of life and property upon the sea.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 19" day of July, in the year of our Lord nineteen hundred and thirty-
[SEAL] nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2341]

[F. R. Doc. 39-2695; Filed, July 21, 1939; 12:02 p. m.]

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### EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 5633 OF MAY 28, 1931, WITHDRAWING PUBLIC LANDS

CALIFORNIA

By virtue of the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, Executive Order No. 5633 of May 28, 1931, withdrawing public lands in California pending a resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the lands involved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 19, 1939.*

[No. 8211]

[F. R. Doc. 39-2680; Filed, July 20, 1939; 2:49 p. m.]

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FEDERAL REGISTER

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## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### BUREAU OF PLANT INDUSTRY

PART 201—AMENDMENT OF JOINT RUGULATIONS OF THE SECRETARY OF THE TREASURY AND THE SECRETARY OF AGRICULTURE UNDER THE FEDERAL SEED ACT

Pursuant to the authority vested in the Secretary of the Treasury and the Secretary of Agriculture by the Federal Seed Act, approved August 24, 1912, as amended April 26, 1926 (37 Stat. 506; 44 Stat. 325; 7 U.S.C. 111), the Joint Regulations of the Secretary of the Treasury and the Secretary of Agriculture, S.R.A.-B.P.I. 17, approved November 19, 1930 (Part 201 of Title 7 of the Code of Federal Regulations), are hereby amended by striking out the words "Bureau of Plant Industry" wherever they appear in said regulations and inserting in lieu thereof the words "Agricultural Marketing Service".

These regulations shall continue in effect and be administered by the Agricultural Marketing Service.

Done at Washington, D. C., this 18th day of July 1939.

Witness my hand and the seal of the Department of the Treasury.

[SEAL] H. MORGENTHAU, JR.,
*Secretary of the Treasury.*

Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc 39-2694; Filed, July 21, 1939; 11:25 a. m.]

### TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

PART 142—RADIO RECEIVING SET MANUFACTURING INDUSTRY

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 18th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman, Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[File No. 21-260]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE RADIO RECEIVING SET MANUFACTURING INDUSTRY

*Promulgation*

Due proceedings having been held [1] under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

*It is now ordered*, That the trade practice rules of Group I, as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of July 22, 1939.

*Statement by the Commission*

Trade practice rules for the Radio Receiving Set Manufacturing Industry, as herein set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The rules provide for the elimination and prevention of false advertising, deceptive selling methods, and certain other unfair trade practices, and are issued in the interest of protecting the purchasing public and maintaining fair competitive conditions in the industry. Such rules are applicable to radio receiving sets, radio parts, accessories and related products of the industry, and to their sale and distribution in commerce by manufacturers, jobbers, distributors, dealers or other marketers.

Available statistics indicate that for the year 1937, the industry's total sales of radio receiving sets, parts, accessories, etc., amounted to slightly more than $460,000,000, retail value. For the year 1938, radio receiving sets sold by the industry, exclusive of parts, accessories, etc., totaled approximately 7,150,000, with an estimated retail sales value of about $225,000,000. At the present time there is said to be in use in the United States about 41,000,000 radio sets. The industry, as a whole, has a large capital investment and employs many thousands of men and women in its manufacturing operations and in selling, distributing and servicing its products.

The proceeding for the establishment of rules was instituted upon application of the industry. In the course of the proceeding drafts of rules proposed for the industry were made available upon public notices, issued by the Commission to all interested or affected parties, whereby they were afforded opportunity to present to the Commission their views, including such suggestions or objections as they desired to submit, and to be heard in the premises. Accordingly, public hearings were held at Washington, D. C., and all matters presented at the hearings, or otherwise submitted in pursuance of such notices, were duly received and considered.

Thereafter, and upon consideration of the entire proceeding, the rules appearing herein under Group I were given final approval by the Commission and are herewith promulgated as follows:

THE RULES

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of the industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

*Group I*

The unfair trade practices which are embraced in the Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited, within the purview of the Federal Government, by acts of Congress, as construed in the decisions of the Federal Trade Commission or the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation or other organization, of such unlawful practices in or directly affecting interstate commerce.

(§ 142.1) RULE 1. *Misbranding, misrepresentation and deceptive selling methods.* It is an unfair trade practice for any member of the industry, in the course of or in relation to the marketing or distribution of radio receiving sets, parts or accessories therefor, or other products of the industry, (1) to use, or to cause, promote or further the use of, any marks, brands, labels, depictions, advertisements, trade promotional descriptions or representations of any kind which, directly or by implication, are false, misleading or deceptive to the purchasing or consuming public; or (2) to offer for sale, sell or distribute, or to cause or promote the sale or distribution of, radio receiving sets, parts or accessories therefor, or other products of the industry, under any other conditions or selling practices which have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public.

(§ 142.2) RULE 2. *"All-Wave", "Standard Broadcast", etc.—In the application of these rules and for the purpose of avoiding confusion, misunderstanding and deception.* (a) Except as hereinafter provided, the terms "All-Wave", "World-Wave", "World-Wide Wave", or words, phrases or representations of similar import, shall not be used as descriptive of a radio receiving set advertised, offered for sale, sold or distributed in the American market when such set is not constructed to receive and capable of receiving, with reasonable or adequate consistency, the entire spectrum of radio frequencies in recognized use in the art, namely, all long-wave broadcasts and transmissions; all medium-wave and short-wave broadcasts and transmissions, and all other waves transmitted or broadcast, including both foreign and domestic; excepting, however, that such set so described or represented need not include within its capacity of reception such point-to-point transmissions as are confidential and illegal for general reception and divulgence by members of the public, nor such unchanging signals as emanate from radio beacons or radio lighthouses, when such set is not otherwise falsely or deceptively described or represented, directly or indirectly, as being constructed to receive, or as being capable of receiving, such point-to-point or beacon or lighthouse transmissions.

(b) Nothing herein contained shall prohibit the use of the term "Limited All-Wave", "Limited World-Wave", "Limited World-Wide Wave", or term or words of similar import, as descriptive of a radio reeciving set advertised, offered for sale, sold or distributed in the American market when such set is constructed for and capable of consistently receiving at least a continuous spectrum of frequencies from 540 kilocycles to 18,000 kilocycles, provided such term or words are immediately accompanied by words, phrases or terms set forth conspicuously and clearly, unequivocably and truthfully stating the exact wave bands or frequencies which such set is capable of consistently receiving; for example:

"Limited All-Wave—From 540 to 18,000 Kilocycles"

"Limited All-Wave—From 530 to 21,000 Kilocycles"

"Limited World-Wave—From 540 to 18,000 Kilocycles"

"Limited World-Wide Wave—From 540 to 18,000 Kilocycles"

"Limited All-Wave—From 140 to 410 Kilocycles, and From 540 to 18,000 Kilocycles"

"Limited World-Wave—From 540 to 18,000 Kilocycles and From 19,000 to 23,500 Kilocycles"

"Limited World-Wide Wave—From 150 to 400 Kilocycles, and From 540 to 35,000 Kilocycles"

(c) Nothing herein contained shall prohibit the use, as descriptive of a radio receiving set, of the term "all waves" as an integral part of a clause, sentence or statement which truthfully and unequivocally sets forth the bands or radio frequencies such set does not cover, and wherein the words "all waves" are not given greater prominence or conspicuousness than the other parts of such clause, sentence or statement; provided such set is constructed for and capable of receiving with reasonable or adequate consistency all the waves or bands of frequencies from 540 to 18,000 kilocycles and such other bands or frequencies as are represented to be within its receptive capacity. The following are illustrative of such permissible phrases here provided for:

"All waves except for frequencies above 21,000 kilocycles and below 540 kilocycles"

"All waves except Asiatic stations"

"All waves except foreign and domestic frequencies above 18,000 kilocycles and below 540 kilocycles".

(d) The term "Standard Broadcast" shall not be used as descriptive of a radio receiving set which is not built for or capable of receiving with reasonable or adequate consistency a continuous spectrum of frequencies from 540 to at least 1600 kilocycles.

(e) Also, the term "Standard Broadcast" as descriptive of a radio receiving set shall not be used in such manner as to lead the public to believe (1) that such set is constructed for and capable of receiving with reasonable or adequate consistency a greater number of radio frequency signals than is in fact true of such set; or (2) that the set is capable of so receiving more than the continuous spectrum of frequencies from 540 to 1600 kilocycles.

(f) In the advertisement or sale of radio receiving sets, disclosure of the exact bands of frequencies which such sets are constructed to receive and capable of receiving with reasonable or adequate consistency is deemed desirable in the interest of avoiding confusion, misunderstanding or deception of purchasers. Failure or refusal adequately to make such disclosure of frequencies, in connection with the use of the term "Standard Broadcast" or otherwise, when the capacity and tendency or effect thereof is to mislead or deceive the purchasing or consuming public, is an unfair trade practice.

(g) Nothing in these rules shall prevent the use, in lieu of "Kilocycles", of other recognized units of measurement, such as "meters" or "megacycles", when employed in a truthful and nondeceptive manner.

(§ 142.3) RULE 3. *Specific types of advertisements or representations among those prohibited.* It is an unfair trade practice for any member of the industry to use, or cause to be used, any of the following-described types of advertisements or representations:

(a) Advertisements or representations stating, purporting or implying that any radio receiving set so advertised or represented will receive distant stations or any or all foreign broadcasts or transmissions easily or satisfactorily or as easily or satisfactorily as local or domestic reception, when such is not the fact.

(b) Advertisements or representations stating, purporting or implying that any radio receiving set so advertised or represented, or the reception thereof, is not subject to interference or to being interfered with or interrupted by fading, noise, electrical interference, atmospheric conditions, static or any other phenomena or conditions, when such is not the fact.

(c) Advertisements or representations, with respect to the receiving capacity or performance of a radio receiving set, which make deceptively exaggerated or misleading claims or claims which are not justified and supported by the fact or performance of such radio set in the locality in which it is so advertised, represented and sold.

(d) Advertisements or representations which directly or by implication lead purchasers to believe that the radio set so advertised or represented is capable of greater or more consistent or satisfactory performance or reception than is in fact true.

(e) Advertisements or representations stating, purporting or implying that any radio receiving set so advertised or represented will give world-wide continuous reception or other continuous reception, when such is not the fact; or that the radio receiving set will give such reception or other reception with loud speaker voume, when such is not the fact; or that the radio receiving set will give world-wide reception or other reception regularly or dependably, when such is not the fact.

(f) Advertisements or representations which present claims or representations concerning any radio receiving set in such a way as deceptively to cover or conceal defects or deficiencies inherent in such set, or defects or deficiencies inherent in the contemporaneous state of the art to which the receiving set is subject but which are not generally known to the purchasing public.

(g) Advertisements or representations, of any radio receiving set, stating, pur-

[1] 2 F.R. 2531.

porting or implying that each station or any station, whether nearby or foreign or domestic, can be brought in, or brought in with sharp, clear or distinct reception or with ease, simplicity or regularity, by any radio receiving set so advertised or represented, when such is not the fact.

(h) Advertisements or representations stating, purporting or implying that any radio receiving set so advertised or represented will bring in or receive broadcasts from Europe, Africa, South America, Australia or Asia, or from any other designated locality; or that it will bring in such broadcasts, or any of them, consistently or satisfactorily, when such is not the fact.

(i) Advertisements or representations stating, purporting or implying that any radio receiving set so advertised or represented sifts out noise or is free from noise, or brings in far distant stations sharp or clear, when such is not the fact.

(j) Advertisements or representations stating, purporting or implying that any radio receiving set so advertised or represented will bring in or receive satisfactorily or consistently foreign stations, police calls, aviation calls, radio transmissions from or to ships at sea, amateur stations or other types of radio transmissions, when such is not the fact, or when only a small part of any such class of radio frequencies transmitted or broadcast is so receivable and such fact, or the fact that others of the same class are not so receivable, is deceptively concealed.

(k) Advertisements or representations stating, purporting or implying that any radio receiving set so advertised or represented contains a certain number of tubes or is of a certain tube capacity when one or more of such tubes in the set are dummy or fake tubes, or are tubes which perform no useful function, or are tubes which do not perform or were not placed in the set to perform the recognized and customary function of a radio receiving set tube in the detection, amplification and reception of radio signals.

NOTE: In order to avoid and prevent deceptive or misleading tendencies or results, so-called "ballast tubes", dial or other lamps used for illumination, so-called plug-in resistors, and other accessories or devices not serving the recognized and customary function of a radio receiving set tube, are not to be included as tubes in advertisements or representations of a radio receiving set which describe or refer to the set as having a certain number of tubes or as being of a specified tube capacity. References to rectifier tubes, and to tubes, devices or accessories which do not serve as signal amplifying or detecting tubes or heterodyne oscillator tubes, should be such as to clearly avoid misunderstanding or deception of purchasers.

(l) Advertisements or representations of any radio receiving set, or of any part or accessory therefor whatsoever, in such a manner as deceptively to conceal the true function of such part or in such manner as otherwise to mislead or deceive the purchasing or consuming public in respect to such set or such part or accessory.

(m) Advertisements or representations stating, purporting or implying that the price of radio receiving sets, parts or accessories therefor so advertised or represented have been reduced or are reduced prices, or have been reduced a certain amount, when in fact such purported or represented price reduction is fictitious, or is otherwise misleading or deceptive.

(n) Advertisements or representations stating, purporting or implying that radio receiving sets so advertised or represented are of the latest model, when such is not the fact; or advertisements or representations which, directly or indirectly, have the capacity and tendency or effect of leading the purchasing public to believe that the set is of the current year's model or has not been supplanted, superseded or succeeded by a newer or later model, when such is not true in fact; or advertisements or representations which are otherwise deceptive or misleading respecting the model of the set.

(o) Advertisements or representations of radio receiving sets or prices therefor which deceptively or misleadingly conceal the fact that the advertised price does not cover necessary or advertised accessories or devices which must be purchased with the set at an additional charge; or which falsely or deceptively state or imply that the advertised price covers such accessories or devices, when such is not the fact.

(p) Advertisements or representations of radio receiving sets which present former prices or so-called list prices which are fictitious.

(q) Advertisements or representations of purported bona fide trade-in allowances when the price of the new set so offered for sale has been receptively inflated or marked up to offset the trade-in allowance.

(§ 142.4) RULE 4. *Sponsorship.* It is an unfair trade practice to use, or cause to be used, advertisements or representations, of radio receiving sets, parts or accessories therefor, or of other products of the industry, which have the capacity and tendency or effect of misleading purchasers or the consuming public into the belief that such radio sets, parts, accessories or products are sponsored or manufactured by, or are otherwise associated with, any person, concern or organization which is or has been prominent or well known in the electrical or radio industry, or by or with any other person, firm, corporation or association, when such is not the fact.

(§ 142.5) RULE 5. (a) *Alteration of brand name.* The defacement or removal of the correct name plate or brand name of a radio receiving set, or the replacement thereof by another name or mark, when done with the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public in respect to the origin, manufacture or true name of such set, or in any other material respect, is an unfair trade practice.

(b) *Deceptive use or change of cabinets.* The placing of a radio receiving set or chassis in a cabinet designed or made for a set or chassis of a different manufacturer or for a set or chassis of a different size, type or model, when done with the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public as to the origin, size, capacity, make, manufacture, brand or type of such set or cabinet, or when done to mislead or deceive purchasers in any other respect, is an unfair trade practice.

(§ 142.6) RULE 6. *Imitation of Trademarks, Trade Names, Etc.* The imitation or simulation of the trade-marks, trade names, labels or brands of competitors, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice.

(§ 142.7) RULE 7. *Commercial Bribery.* It is an unfair trade practice for a member of the industry directly or indirectly to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors.

(§ 142.8) RULE 8. *"Spiffs", "Push Money", Etc.* It is an unfair trade practice for any member of the industry, directly or indirectly, to give, pay or contract to pay, to any clerk or salesperson of any customer-dealer handling two or more competitive brands of radio merchandise, "push money", "spiffs" or any other bonus, gratuity or payment, as an inducement or encouragement to push or promote the sale of such member's product or products over competing products of other members in the industry,

(a) with the capacity and tendency or effect of thereby causing the purchasing or consuming public, when making purchases of such products, to be misled or deceived into the erroneous belief that such clerk or salesperson is free from any such special interest or influence, or is not so subsidized or paid by such member; or

(b) with the capacity and tendency or effect of thereby hampering and unduly restricting the legitimate, free and full use and enjoyment of such retail trade outlets for the distribution to the public of competing products; or

(c) with the purpose or effect, directly or indirectly, of otherwise substantially lessening competition or unreasonably restraining trade in the marketing of the products of the industry; or

(d) with the effect of thereby bringing about the granting of an illegally discriminatory service, payment or price contrary to Section 2 of the Clayton Act as amended by the Act of Congress approved June 19, 1936, known as the Robinson-Patman Act.

Promulgated and issued by the Federal Trade Commission as of July 22, 1939.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2866; Filed, July 21, 1939; 10:16 a. m.]

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[Docket No. 2509]

IN THE MATTER OF MONICA M. ROCK, INDIVIDUALLY AND AS EXECUTRIX, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Representing, in connection with offer, etc., in interstate commerce or in the District of Columbia, of respondent's medicinal preparations or treatment, that respondent's method of treatment, when followed, and respondent's preparations, when taken and used as directed, constitute a scientific, efficacious, safe and proper treatment for goiter, without regard to the variety or form thereof or the stage to which the goiter may have progressed, or that said treatment and preparations will cure and drive out goiter, remove the cause thereof and absorb and get rid of the enlargement or swelling occurring therewith, or that they constitute a remedy or specific for goiter or have a therapeutic value and will correct the functioning of the thyroid gland, or are harmless to all customers in all cases, or constitute a remedy or cure for the various bodily ailments which occur with or are usually found present in cases of goiter, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Monica M. Rock, individually and as Executrix, etc., Docket 2509, July 11, 1939]

§ 3.6 (y 1) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Representing, in connection with offer, etc., in interstate commerce or in the District of Columbia, of respondent's medicinal preparations or treatment, that the use of medicines is the proper and efficacious treatment in all types of goiter, or that the presence of goiter may be determined from answers submitted on question blanks furnished by her, or that surgical operations for goiter are unnecessary, do not remove the cause of goiter and are general inefficacious and dangerous, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Monica M. Rock, individually and as Executrix, etc. Docket 2509, July 11, 1939]

§ 3.6 (a 10.1) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History:* § 3.6 (a 25) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Qualifications:* § 3.6 (ff 5) *Advertising falsely or misleadingly—Undertakings, in general.* Representing, in connection with offer, etc., in interstate commerce or in the District of Columbia, of respondent's medicinal preparations or treatment, that respondent can diagnose and has accurately and correctly diagnosed cases of goiter from answers submitted in question blanks furnished by her, without a physical examination and without personal observation of the customer, or that respondent can successfully treat and has successfully treated goiter by mail, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Monica M. Rock, individually and as Executrix, etc., Docket 2509, July 11, 1939]

§ 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.6 (ff 10) *Advertising falsely or misleadingly—Unique nature or advantages:* § 3.48 (b) (6) *Disparaging competitors and their products—Goods—Qualities or properties.* Representing, in connection with offer, etc., in interstate commerce or in the District of Columbia, of respondent's medicinal preparations or treatment, that respondent's treatment and preparations are the only treatment and preparations which can be used efficaciously in treating goiter and that other treatments and preparations are "old style" and worthless, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Monica M. Rock, individually and as Executrix, etc., Docket 2509, July 11, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 11th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF MONICA M. ROCK, INDIVIDUALLY AND AS EXECUTRIX OF THE ESTATE OF DR. ARTHUR A. ROCK, DECEASED, AS SUCCESSOR TO DR. ARTHUR A. ROCK, AS INDIVIDUAL, DOING BUSINESS IN HIS OWN NAME AND ALSO UNDER THE NAME AND STYLE OF DR. ROCK AND DR. A. A. ROCK

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Joseph A. Simpson, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein and oral arguments by Allen C. Phelps, Counsel for the Commission, and by John A. Rosen, Counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Monica M. Rock, individually and as executrix of the Estate of Dr. Arthur A. Rock, deceased, her representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of her medicinal preparations or treatment in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing:

(1) that respondent's method of treatment, when followed, and respondent's preparations, when taken and used as directed, constitute a scientific, efficacious, safe and proper treatment for goiter, without regard to the variety or form thereof or the stage to which the goiter may have progressed;

(2) that said treatment and preparations will cure and drive out goiter, remove the cause thereof and absorb and get rid of the enlargement or swelling occurring therewith;

(3) that said treatment and preparations are a remedy or specific for goiter, that same have a therapeutic value and will correct the functioning of the thyroid gland;

(4) that the use of medicines is the proper and efficacious treatment in all types of goiter;

(5) that respondent can diagnose and has accurately and correctly diagnosed cases of goiter from answers submitted in question blanks furnished by her, without a physical examination and without personal observation of the customer;

(6) that the presence of goiter may be determined from answers so submitted on such question blanks;

(7) that respondent's treatment and preparations are harmless to all customers in all cases;

(8) that surgical operations for goiter are unnecessary, do not remove the cause of goiter and are generally inefficacious and dangerous;

(9) that respondent's treatment and preparations are the only treatment and preparations which can be used efficaciously in treating goiter and that other treatments and preparations are "old style" and worthless;

(10) that respondent can successfully treat and has successfully treated goiter by mail;

(11) that respondent's treatment and preparations are a remedy or cure for

[1] 1 F.R. 139.

the various bodily ailments which occur with or are usually found present in cases of goiter.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2683; Filed, July 21, 1939; 10:15 a. m.]

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[Docket No. 3577]

IN THE MATTER OF INTERSTATE PREMIUM NOVELTY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Mailing, etc., in connection with offer, etc., in commerce, of dresser sets, watches, bedspreads, cameras, silverware, jewelry and various other articles of merchandise, to respondent's agents or to distributors or to members of the public pull cards or circulars having pull tabs thereon or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Interstate Premium Novelty Company, Docket 3577, July 11, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of dresser sets, watches, bedspreads, cameras, silverware, jewelry and various other articles of merchandise, any merchandise by the use of pull cards or circulars having pull tabs thereon or any other lottery device, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Interstate Premium Novelty Company, Docket 3577, July 11, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 11th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF MAX BERGMAN, INDIVIDUALLY AND TRADING AS INTERSTATE PREMIUM NOVELTY COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, Max Bergman, in which answer respondent admits all material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearings as to the facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Max Bergman, individually and trading under the name of Interstate Premium Novelty Company or trading under any other name, his representatives, agents and employees, directly or indirectly, or through any corporate or other device in connection with the offering for sale, sale and distribution of dresser sets, watches, bedspreads, quilts, cameras, dolls, kitchen ware, silverware, razors, razor blades, fountain pen and pencil sets, jewelry, cigarette lighters, cosmetics, pocket knives, mirrors, men's and women's clothing, or any other articles of merchandise in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Mailing, shipping, or transporting to his agents or to distributors or to members of the public pull cards or circulars having pull tabs thereon or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof;

2. Selling or otherwise disposing of any merchandise by the use of pull cards or circulars having pull tabs thereon or any other lottery device.

*It is further ordered*, That the respondent shall within sixty (60) days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2684; Filed, July 21, 1939; 10:15 a. m.]

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[Docket No. 3776]

IN THE MATTER OF SCHALL CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offers, etc., in commerce, of candy or any other merchandise, candy or other merchandise so packed and assembled that sales of such candy, or other merchandise, to the general public are to be, or may be, made, by means of a lottery scheme, gaming device, or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Schall Candy Company, Docket 3776, July 10, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with assortments of candy, or other merchandise, together with push or pull cards, punchboards, or other lottery devices, which said push or pull cards, punchboards, or other lottery devices, are to be, or may be, used, in selling or distributing such candy, or other merchandise, to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Schall Candy Company, Docket 3776, July 10, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with assortments of candy, or other merchandise, together with push or pull cards, punchboards, or other lottery devices, which said push or pull cards, punchboards, or other lottery devices, are to be, or may be, used, in selling or distributing such candy, or other merchandise, to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Schall Candy Company, Docket 3776, July 10, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, any merchandise by means of a game of chance, gift enterprise, or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Schall Candy Company, Docket 3776, July 10, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the substitute answer of respondent in which substitute answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent Schall Candy Co., its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy, or any other merchandise, so packed and assembled that sales of such candy, or other merchandise, to the general public are to be made, or may be made, by means of a lottery scheme, gaming device, or gift enterprise;

(2) Supplying to, or placing in the hands of others assortments of candy, or other merchandise, together with push or pull cards, punchboards, or other lottery devices, which said push or pull cards, punchboards, or other lottery devices, are to be used, or may be used, in selling or distributing such candy, or other merchandise, to the general public;

(3) Supplying to, or placing in the hands of, others push or pull cards, punchboards or other lottery devices, either with assortments of candy, or other merchandise, or separately, which said push or pull cards, punchboards, or other lottery devices are to be used, or may be used, in selling or distributing such candy, or other merchandise, to the general public;

(4) Selling, or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2685; Filed, July 21, 1939; 10:15 a. m.]

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[1] 3 F.R. 2659 DI.

[1] 4 F.R. 2267 DI.



## TITLE 21—FOOD AND DRUGS

### FOOD AND DRUG ADMINISTRATION

ORDER AMENDING RULES OF PROCEDURE FOR HEARINGS REQUIRED UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

By virtue of the authority vested in the Secretary of Agriculture by the Federal Food, Drug, and Cosmetic Act (Title 21 U.S.C. 301 et seq.; 52 Stat. 1040 et seq.), and in order to carry out the powers vested in him by the said act, the rules of procedure,[1] for hearings required thereunder, are hereby amended, as shown below, so as (1) to exclude from their application hearings with reference to regulations contemplated by section 404 (a) of the Act, and (2) to change certain provisions of such rules. The amendments shall take effect upon the issuance of this order and the filing of the same with the Archivist of the United States for publication in the FEDERAL REGISTER.

A. The caption of said procedural regulations is hereby amended to read as follows:

TITLE 21—FOOD AND DRUGS

FOOD AND DRUG ADMINISTRATION

PROMULGATION OF RULES OF PROCEDURE FOR HEARINGS REQUIRED UNDER SECTION 701 (e) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT EXCEPT WITH REFERENCE TO REGULATIONS CONTEMPLATED BY SECTION 404 (a) OF THE ACT

B. Sections 1 and 2 of Article II of said procedural regulations are hereby amended to read as follows:

"§ 1 *Hearings under section 701 (e) of the act.* Whenever the Secretary, on his own initiative, or upon application of any interested industry or substantial portion thereof stating reasonable grounds therefor, shall make a proposal to issue, amend, or repeal any regulation contemplated by any of the following sections of the Act: 401, 403 (j), 406 (a) and (b), 501 (b), 502 (d), 502 (h), 504, and 604, a public hearing shall be held upon such proposal.

"§ 2 *Notice of hearing.* (a) The Secretary shall give appropriate notice of the hearing. The notice shall set forth the proposal in general terms and specify the time and place for the public hearing to be held thereon not less than thirty days after the date of the notice.

"(b) Notice of hearing shall be given by filing the same with the Archivist of the United States for publication in the FEDERAL REGISTER."

C. Sections 3 and 7 of Article III of said procedural regulations are hereby amended to read as follows:

"§ 3 *Transcript of the evidence.* Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall be marked for identification and, upon satisfactory showing of their authenticity, relevancy, and materiality, shall be, in the discretion of the presiding officer, received and marked as exhibits in evidence. Such exhibits shall, if possible under the circumstances, be submitted in quintuplicate and in typewritten, printed, photostat or mimeographed form. In case the required number of copies are not made available, the presiding officer shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute, or to a report or document, the presiding officer shall, after inquiries relating to the identification of such statute, report or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial or irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer."

"§ 7 *Issuance of suggested findings of fact, conclusions and order; transmittal of record—Order of procedure.* The presiding officer, within a reasonable time after the termination of the period allowed for the filing of written arguments, proposed findings of fact, or both, as provided in section 4 of this article, shall prepare, upon the basis of the evidence received at the hearing, suggested findings of fact, conclusions and order, which shall be served upon the interested persons whose appearances were entered at the hearing by publication in the FEDERAL REGISTER and by mailing a copy of such issue of the FEDERAL REGISTER to each of them by registered mail. Within ten days after the receipt of such copy of the FEDERAL REGISTER, any such interested person who wishes to object to any matter set out in the suggested findings of fact, conclusions and order shall transmit such objection in writing to the Hearing Clerk. At the same time, such interested persons shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer at the hearing, as set out in section 1 of this article, upon which he wishes to rely, referring, where relevant, to the pages of the transcript of evidence. The presiding officer shall then transmit to the Secretary the record of the proceedings. Such record shall include: a transcript of the evidence taken at the hearing, such written arguments and proposed findings of fact as may have been filed in connection with the hearing, the suggested findings of fact, conclusions and order of the presiding officer, and the objections filed thereto, if any."

The amendments promulgated herein shall supersede the amendments contained in the order of the Secretary of Agriculture dated July 18, 1939, and published in the FEDERAL REGISTER on July 19, 1939 (4 F.R. 3337 DI).

In testimony whereof, I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed hereto on this 21st day of July, 1939, in the City of Washington, District of Columbia.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 39-2693; Filed, July 21, 1939; 11:25 a. m.]

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[1] 4 F.R. 223 DI.

## TITLE 41—PUBLIC CONTRACTS

### DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE DRUG AND MEDICINE INDUSTRY

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", (hereinafter called the Act). The Public Contracts Board, created in accordance with Section 4 of the Act by Administrative Order dated October 6, 1936, held a hearing on October 20, 1938, in the matter of the determination of the prevailing minimum wages in the drugs, medicinal specialties, and toilet preparations industry.

Notice of this hearing was sent to all known members of the industry, to trade unions, to trade publications, and to trade associations in the field. Invitation to attend the hearing was extended through the national press to all interested parties.

At the hearing before the Board, appearances were entered and testimony was given by representatives of the American Drug Manufacturers Association, the American Pharmaceutical Manufacturers Association, the Toilet Goods Association, and the American Federation of Labor.

A survey of the wages and hours in the drug, medicine and cosmetics industries in 1938, prepared by the Women's Bureau, Department of Labor, was received in evidence.

On the basis of the record, the Board made its findings in the matter of the prevailing minimum wages for the drug and medicine industry and recommended that I find the prevailing minimum wages in the drug and medicine industry to be 37.5 cents an hour or $15.00 per week of 40 hours. On May 31, 1939, the Administrator, Division of Public Contracts, circularized the Board's recommendations in order that all parties might have full opportunity to register their objections or approval before the decision in the matter was made by the Secretary of Labor. No objections have been filed in this matter.

The Board advises me that the evidence in the record is insufficient to justify the determination of prevailing minimum wages for the toilet preparations specified in the notice of hearing; namely, dentirifices, talcum powder, shaving soap, and shaving cream.

In view of the fact that the evidence of record appears to be insufficient to justify a determination of prevailing minimum wages in the toilet preparations industry, as specified in the notice of hearing; namely, dentrifices, talcum powder, shaving soap, and shaving cream, these products will not be considered for the purpose of this minimum wage determination.

The Census of Manufactures for 1935 shows 22,123 wage earners in 1,056 establishments in the drug and medicine industry. The survey made by the Women's Bureau in this matter covered 11,645 employees in 197 establishments. The survey wage data were copied from pay-roll records by investigators of the Women's Bureau, and it appears that the survey is adequate to show the wage structure prevailing in the drug and medicine industry. The States covered by the survey and reported by the Census as having more than 500 workers are New York, Michigan, Pennsylvania, Illinois, Indiana, New Jersey, Missouri, Massachusetts, and Ohio. The survey also covered other States where the industry is of lesser importance. These States are California, Iowa, Wisconsin, Connecticut, Maryland, North Carolina, and Tennessee. Of the wage earners included in the survey, 4,801 are classified as being employed in the finishing departments of drug and medicine establishments. The evidence indicates that on the whole the wage earners employed in the finishing departments are the lower paid employees of the industry. The survey shows that it is not a common practice in the industry to pay wages below 35 cents an hour. The wages of employees in the finishing departments range in general from 35 cents an hour to 65 cents an hour and over. There is no pronounced concentration of employees in any 1-cent interval, and the evidence shows that the more frequently paid minimum wages are represented in the intervals of 35–36 cents, 37–38 cents, and 40–41 cents an hour. From the standpoint of numbers or percentage of employees in any of these three wage intervals, it does not appear that there is sufficient concentration to support a prevailing minimum at any of such intervals based upon the factor of concentration or preponderance by number or percentage. A weighted average of the wage rates in the three intervals reflects the customary or most generally followed practice in the drug and medicine industry with respect to wages in the lower bracket of the wage scale. This weighted average is 37.7 cents an hour; consequently, a determination of 37.5 cents an hour appears to be well supported by the evidence.

I have examined the findings of the Board and the evidence of record, and in the light of the facts I hereby determine

The minimum wages for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture, processing, and packaging of drugs (excluding industrial chemicals) and medicinal specialties and pharmaceuticals, to be 37.5 cents an hour or $15.00 per week of 40 hours, arrived at either upon a time or piece work basis.

This determination shall be effective and the minimum wages hereby established shall apply to all such contracts bids for which are solicited on or after August 3, 1939.

[SEAL] FRANCES PERKINS,
*The Secretary.*

Dated: July 19, 1939.

[F. R. Doc. 39–2687; Filed, July 21, 1939; 10:35 a. m.]

## TITLE 47—TELECOMMUNICATION

### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

The Commission amended Sec. 4.25 (c), to read:

§ 4.25[1] *Power limitations.* (c) A relay broadcast station assigned frequencies in Groups H and I will be licensed to operate with a power output not in excess of that necessary to transmit the program and orders satisfactorily to the receivers and shall not be operated with a power greater than that licensed. In event interference may be caused to stations on adjacent channels, licensees shall endeavor to make arrangements to reduce power to a point where interference will not be objectionable. If a satisfactory arrangement cannot be agreed upon the Commission will determine and specify the maximum power or conditions of operation of each such station. (Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i) [Sec. 41.05 (c), as amended by the FCC., July 12, 1939, effective immediately]

The Commission amended Sec. 4.74 (a), to read:

§ 4.74[2] *Frequency assignment.* (a) The following groups of channels, as indicated by a channel designation, are allocated for assignment to television broadcast stations licensed experimentally.

GROUP A

Channel No. 1—44,000–50,000 kc
Channel No. 2—50,000–56,000 kc
Channel No. 3—66,000–72,000 kc
Channel No. 4—78,000–84,000 kc
Channel No. 5—84,000–90,000 kc
Channel No. 6—96,000–102,000 kc
Channel No. 7—102,000–108,000 kc

GROUP B

Channel No. 8—156,000–162,000 kc
Channel No. 9—162,000–168,000 kc[3]
Channel No. 10—180,000–186,000 kc
Channel No. 11—186,000–192,000 kc
Channel No. 12—204,000–210,000 kc
Channel No. 13—210,000–216,000 kc[3]

[1] Appears as Sec. 41.05 at 4 F.R. 1667 DI.
[2] Appears as Sec. 43.13 at 4 F.R. 1668 DI.
[3] See Secs. 4.4 (e) and 4.154 (a) [Secs. 40.04 (e) and 46.04 (a) at 4 F.R. 1666, 1671 DI.]



Channel No. 14—234,000–240,000 kc
Channel No. 15—240,000–246,000 kc
Channel No. 16—258,000–264,000 kc
Channel No. 17—264,000–270,000 kc[3]
Channel No. 18—282,000–288,000 kc
Channel No. 19—288,000–294,000 kc

GROUP C

Any 6,000 kc band above 300,000 kc, excluding the band 400,000–401,000 kc.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i); Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c)) [Sec. 43.13 (a), as amended by the FCC, July 12, 1939, effective immediately.]

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39–2697; Filed, July 21, 1939; 12:31 p. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC–19]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 17th day of July, A. D. 1939.

*It appearing*, That on March 14, 1938, the Commission entered upon an investigation into the matter of the practices of common carriers by motor vehicle, of household goods, subject to the Motor Carrier Act, 1935;

*And it further appearing*, That a full investigation of the matters and things involved has been made, and said division, on the date hereof, has made and filed a report herein containing its findings of fact and conclusions thereon, which said report is hereby referred to and made a part hereof: [1]

*It is ordered*, That the rules set forth in the appendix to said report, governing the practices of motor common carriers of household goods subject to the provisions of the Motor Carrier Act, 1935, be, and they are hereby, prescribed to become effective on September 20, 1939;

*And it is further ordered*, That tariffs in accordance with said rules shall be filed and published on or before September 20, 1939.

By the Commission, division 5.

[SEAL] W. P. BARTEL,
*Secretary.*

[1] Filed as a part of the original document with the Division of the FEDERAL REGISTER, The National Archives; requests for copies should be addressed to the Interstate Commerce Commission.

APPENDIX

*Rules and Regulations Prescribed Under the Provisions of the Motor Carrier Act, 1935, Governing the Practices of Motor Common Carriers Engaged in the Transportation of Household Goods in Interstate or Foreign Commerce*

RULE 1. As used in these rules:

(a) The term "household goods" means personal effects and property used or to be used in a dwelling when a part of the equipment or supply of such dwelling; furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments; and articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require specialized handling and equipment usually employed in moving household goods.

(b) Where any other terms used in these rules are defined in section 203 (a) of the Motor Carrier Act, 1935, such definitions shall be controlling. Where terms are used in these rules which are neither defined herein nor in said section 203 (a), they shall have the ordinary practical meaning of such terms.

RULE 2. All common carriers by motor vehicle engaged in the transportation of household goods in interstate or foreign commerce shall establish, in the manner and form required by section 217 of the Motor Carrier Act, 1935, and by the regulations of the Commission issued pursuant thereto, rates for the transportation of household goods in interstate or foreign commerce stated in amounts per hundred pounds, and shall not establish rates upon any other basis. All rates applicable to the transportation of household goods established upon any other basis than in amounts per hundred pounds shall be canceled and superseded by rates published in accordance with this rule.

RULE 3. Each such common carrier shall determine the tare weight of each vehicle used in the transportation of household goods by having it weighed prior to the transportation of each shipment, without the crew thereon, by a certified weighmaster or on a certified scale, and when so weighed the gasoline tank on each such vehicle shall be full and the vehicle shall contain all blankets, pads, chains, dollies, hand trucks, and other equipment needed in the transportation of such shipment. Each carrier shall retain in the vehicle, subject to inspection, a weighmaster's certificate or weight ticket as to each such vehicle showing the tare weight, the date weighed, and a list of such equipment.

After the vehicle has been loaded it shall be weighed, without the crew thereon, prior to delivery of the shipment and the net weight shall be determined by deducting the tare weight from the loaded weight, except that in instances where no adequate scale is located at origin or at any point within a radius of 10 miles thereof, a constructive weight, based on seven pounds per cubic foot of properly loaded van space, may be used. The gross weight, tare weight, and net weight, or the constructive weight, shall be shown on the freight bill.

In the transportation of part loads this rule shall apply in all respects, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon, and a part load for any one shipper, not exceeding 1,000 pounds, may be weighed on a certified scale prior to being loaded on a vehicle, such part load to be accompanied by a weight ticket evidencing such weighing.

RULE 4. Such common carriers shall establish in the manner prescribed in section 217 of the Motor Carrier Act, 1935, and the rules and regulations issued pursuant thereto, the charges to be made for each accessorial or terminal service rendered in connection with the transportation of household goods by motor vehicle. The tariffs establishing such charges shall separately state each service to be rendered and the charge therefor. The charges so established for packing and unpacking shall be in amounts per container and those for other services shall be separately stated on a unit or hourly basis, whichever is appropriate. No charge so established shall be lower than the cost of performing the service. This rule shall apply only where the line-haul transportation is performed by a motor carrier. The rate for transportation of such goods shall not include the charge for any accessorial service and no such services other than those for which separate charges have been so established shall be rendered by any such carrier.

RULE 5. No discounts of any character whatsoever shall be authorized by tariff provisions or otherwise allowed by any such common carrier and no rates or charges shall be established based upon prepayment of charges.

RULE 6. No such common carrier shall act as agent for any other such common carrier in the solicitation of shipments of household goods, in interstate or foreign commerce, between points which such agent is authorized to serve and for which it shall have established different rates than those of its principal.

RULE 7. No such common carrier nor any employee, agent, or representative of a carrier shall act as an agent for an insurance company in insuring, under any type of policy, shipments of household goods to be transported by such carrier in interstate or foreign commerce if such carrier, its employee, agent, or representative receives compensation from such insurance company.

RULE 8. No such common carrier shall issue a receipt or bill of lading for household goods to be transported in interstate or foreign commerce prior to receiving such household goods for such transportation, but must issue such receipt or bill of lading when such household goods have been received.

[F. R. Doc. 39-2696; Filed, July 21, 1939; 12:30 p. m.]

## *Notices*

### RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 375]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project Designation* | *Amount* |
|---|---|
| Illinois 0040A2 Macoupin | $224,000 |
| Illinois 0046A2 Madison | 403,000 |
| Iowa 0053B1 Linn | 225,000 |
| Minnesota 0072B1 Renville | 204,500 |
| Minnesota 0073B1 Pipestone | 140,000 |
| Missouri 0028B1 Barton | 133,000 |
| Missouri 0030C1 Lawrence | 215,000 |
| Missouri 0036B1 Audrain | 157,000 |

ROBERT B. CRAIG,
*Assistant Administrator.*

[F. R. Doc. 39-2681; Filed, July 21, 1939; 9:52 a. m.]

[Administrative Order No. 376]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project Designation* | *Amount* |
|---|---|
| Arkansas 0022W1 Clay | $5,000 |
| Indiana 0069W1 Harrison | 10,000 |
| Iowa 0007W1 Marshall | 5,000 |
| Louisiana 0006W1 Terrebonne | 5,000 |
| Minnesota 0034W2 Stearns | 10,000 |
| Montana 0002W1 Cascade | 4,000 |
| Nebraska 0054W4 Cuming | 7,500 |
| Nebraska 0056W3 Cedar | 10,000 |
| Washington 0027W1 Lewis | 7,500 |

ROBERT B. CRAIG,
*Assistant Administrator.*

[F. R. Doc. 39-2682; Filed, July 21, 1939; 9:52 a. m.]

### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of July, A. D. 1939.

IN THE MATTER OF APPLICATION BY WHEELING STOCK EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN WHEELING STEEL CORPORATION, 5% CUMULATIVE CONVERTIBLE PRIOR PREFERRED STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The Wheeling Stock Exchange, having made application to the Commission for the extension of unlisted trading privileges to the 5% Cumulative Convertible Prior Preferred Stock of the Wheeling Steel Corporation, in accordance with a condition granting said Exchange exemption from registration as a national securities exchange and pursuant to the requirements of Section 12 (f) of the Securities Exchange Act of 1934, as amended; and

A hearing having been held in this matter after appropriate notice,[1] and the Commission, on July 7, 1939, having made and filed its findings herein; and

It appearing that it was provided in said opinion that an order granting the application would issue, if within ten days after the date of said opinion the applicant exchange would give reasonable assurance to this Commission that its rules provide that all odd-lot transactions by the members thereof must be reported to it, and if, within the same period, the said exchange reports that it has adopted rules requiring members, before effecting any transaction for a customer, to check both the primary and local market, and to execute the order upon the market most favorable to the customer; and

The Wheeling Stock Exchange having filed with this Commission on July 15, 1939, an assurance and report in all respects in compliance with the condition of the Commission above recited;

*It is ordered*, That the application of the Wheeling Stock Exchange for permission to extend unlisted trading privileges to the 5% Cumulative Convertible Prior Preferred Stock of the Wheeling Steel Corporation be and the same hereby is granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2688; Filed, July 21, 1939; 11:08 a. m.]

[1] 4 F.R. 454 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of July 1939.

[File No. 32-157]

IN THE MATTER OF WISCONSIN GAS & ELECTRIC COMPANY

ORDER IN REGARD TO ISSUANCE OF PREFERRED STOCK AND PROMISSORY NOTES

Wisconsin Gas & Electric Company, a subsidiary of The North American Company, a registered holding company, having filed an application and amendments thereto pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for the exemption from the provisions of such Act of the issue and sale of not more than 46,480 shares of 4½% preferred stock having a par value of $100 per share and promissory notes not to exceed $1,500,000 in principal amount bearing interest at 1½% from date of issue to August 31, 1939 and thereafter at 2¾%; and Wisconsin Gas & Electric Company having filed a declaration in regard to any change in rights of its outstanding common stock caused by the issuance of the preferred stock above mentioned;

A hearing on such matter having been held after appropriate notice;[1] the applicant and declarant having waived the right to have submitted to it a report by the Trial Examiner; to have submitted to it proposed findings of fact by the Commission; to file a brief and to oral argument before the Commission prior to the making of findings of fact and the entry of an order herein by the Commission; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That the application filed pursuant to Section 6 (b) is approved and that the declaration in regard to the change in rights of the outstanding common stock may become effective subject, however, to the following conditions:

(1) That until further order of the Commission so long as any shares of the 4½% Preferred Stock are outstanding, the applicant and declarant shall not pay any dividends on or make any other distribution to the holders of shares of its Common Stock if after giving effect to such payment or distribution the capital of the applicant and declarant represented by its common stock together with its surplus, as then stated on its books of account, shall in the aggregate be less than $6,000,000. This condition shall become inoperative and of no effect if the Commission shall at any time hereafter adopt or enter a rule, regulation or order

[1] 4 F.R. 2505 DI.



under Section 12 (c) of the Act or otherwise (other than Rule U-12C-2 as now in effect), which shall be applicable to the applicant and declarant, limiting the right of companies to pay dividends on their common stock with reference to maintaining an equity junior to outstanding preferred or preference stocks. The Commission reserves jurisdiction to revoke or modify this condition at any time on its own motion or upon application of the applicant and declarant;

(2) That the issue and sale of the 4½% Preferred Stock and the Promissory Notes shall be accomplished in compliance with the terms and conditions of, and for the purposes represented in said application as amended;

(3) The exemption granted herein of the issue and sale of the 4½% Preferred Stock and the Promissory Notes shall terminate without further order of this Commission in the event that the authorization of the Public Service Commission of Wisconsin shall be revoked or otherwise terminated; and

(4) That within ten days after the issue and sale of the 4½% Preferred Stock and Promissory Notes, the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions and for the purposes represented by said application as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2689; Filed, July 21, 1939; 11:08 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 20th day of July 1939.

IN THE MATTER OF APPLICATION OF NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

ORDER SETTING HEARING ON APPLICATION FOR REGISTRATION AS A NATIONAL SECURITIES ASSOCIATION

The National Association of Securities Dealers, Inc., pursuant to Section 15A (a) of the Securities Exchange Act of 1934, as amended, and Rule X-15AA-1 promulgated thereunder, having made application to the Commission for registration as a national securities association; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 2:30 P. M. on Tuesday, August 1, 1939, before the Commission at its office at 1778 Pennsylvania Avenue NW., Washington, D. C., Room 1102, and that general notice thereof be given.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2690; Filed, July 21, 1939; 11:08 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of July, 1939.

[File Nos. 7-393 to 7-405, inclusive]

IN THE MATTER OF APPLICATIONS BY THE LOS ANGELES STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO

*The Atchison, Topeka & Santa Fe Railway Company, Common Stock, $100 Par Value; Baldwin Locomotive Works, Voting Trust Certificates for Common Stock, $13 Par Value; Barnsdall Oil Company, Common Stock, $5 Par Value; Bethlehem Steel Corporation (Delaware), Common Stock, No Par Value; Continental Motors Corporation, Common Stock, $1 Par Value; Graham-Paige Motors Corporation, Common Stock, $1 Par Value; Mountain City Copper Company, Capital Stock, 5¢ Par Value; The Pennsylvania Railroad Company, Capital Stock, $50 Par Value; The Pure Oil Company, Common Stock, No Par Value; Stone & Webster, Incorporated, Capital Stock, No Par Value; Superior Oil Corporation, Common Stock, $1 Par Value; United Air Lines Transport Corporation, Capital Stock, $5 Par Value; Willys-Overland Motors, Incorporated, Common Stock, $1 Par Value*

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

The Los Angeles Stock Exchange, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Monday, August 28, 1939, at the office of the Securities and Exchange Commission, 650 South Spring Street, Los Angeles, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2691; Filed, July 21, 1939; 11:09 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1939.

[File No. 43-139]

IN THE MATTER OF OKLAHOMA POWER AND WATER CO.

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, and three amendments thereto, having been duly filed with this Commission by the above named party;

Hearing on said declaration, as amended, having been duly held before a Trial Examiner pursuant to order of the Commission, and the hearing having been closed;

Subsequently, the declarant having filed a fourth amendment to its amended declaration;

*It is ordered*, That such hearing be reopened for the purpose of receiving evidence with respect to said matter;

*It is further ordered*, That such hearing be held on July 26, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for the purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding

shall file a notice to that effect with the Commission on or before July 24th, 1939.

The matter concerned herewith is in regard to the issue and sale by Oklahoma Power and Water Co., a subsidiary of The Middle West Corporation, a registered holding company, of fifty-eight 5% unsecured promissory notes aggregating $704,000 in principal amount and maturing in various amounts and on various dates between August 15, 1939 and July 15, 1943.

The notes are to be issued and delivered to Sand Springs Home at Sand Springs, Oklahoma, in exchange for and to refund and discharge an equal principal amount of 5% notes which declarant states were inadvertently issued by declarant without filing a declaration in respect thereto.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2692; Filed, July 21, 1939; 11:09 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of July, A. D. 1939.

[File No. 32-164]

IN THE MATTER OF PENNSYLVANIA POWER & LIGHT COMPANY NATIONAL POWER & LIGHT COMPANY AND LEHIGH POWER SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration and applications pursuant to sections 6 (b), 7 and 10 & Rules U-12C-1 & U-12D-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on August 7, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 2, 1939.

The matter concerned herewith is in regard to a proposal by the declarant and applicants concerning the issuance by Pennsylvania Power & Light Company, a subsidiary of Lehigh Power Securities Corporation, National Power & Light Company and Electric Bond and Share Company, registered holding companies, of $95,000,000 First Mortgage Bonds, 3½% Series, due 1969, $28,500,000 4½% Debentures due 1974 and $8,500,000 Ten-Year 2⅝% Promissory Notes; the acquisition by Lehigh Power Securities Corporation, pursuant to a plan for the liquidation of said corporation, of all of its outstanding $6 Preferred Stock and Common Stock; the surrender for cancellation by National Power & Light Company, pursuant to the liquidation plan of Lehigh Power Securities Corporation, of all the shares of $6 Preferred Stock and Common Stock of Lehigh Power Securities Corporation held by National Power & Light Company and of the acquisition by National Power & Light Company, pursuant to the same plan, of securities of various public utility companies now held in the portfolio of Lehigh; and the sale by Lehigh Power Securities Corporation to Pennsylvania Power & Light Company of $19,000,000 principal amount of First Mortgage Gold Bonds, 4½% Series, due 1981, of Pennsylvania Power & Light Company.

Pennsylvania Power & Light Company proposes to issue the aforementioned bonds, debentures and promissory notes to refund its presently outstanding funded debt in the principal amount of $132,000,000. The price at which the securities proposed to be issued will be sold has not yet been set but it is stated that the proceeds from such securities, after deducting expenses and excluding accrued interest, will be used for the following purposes:

| | |
|---|---|
| 1. To redeem on or about September 13, 1939, at 104½% of the principal amount thereof, $102,000,000 principal amount of the Company's First Mortgage Gold Bonds, 4½% Series due April 1, 1981, which exclusive of accrued interest to the date of redemption will require the sum of | $106,590,000 |
| 2. To acquire for cancellation from Lehigh Power Securities Corporation at such corporation's cost $19,000,000 principal amount of the Company's First Mortgage Gold Bonds, 4½% Series due April 1, 1981, which, exclusive of accrued interest to the date of acquisition, will require the sum of | 17,670,000 |
| 3. To acquire by redemption from Lehigh Power Securities Corporation at such corporation's cost, $10,000,000 principal amount of the Company's 6% Gold Debentures, Series A due December 1, 1950, which, exclusive of accrued interest to date of the acquisition, will require the sum of | 10,000,000 |
| Total | 134,260,000 |

The remainder of the proceeds will be used to reimburse the treasury of the Company in part for expenditures actually made for additions, extension or improvements of its facilities and will be available for its general corporate purposes. The joint application of National Power & Light Company and Lehigh Power Securities Corporation states that it is planned to liquidate Lehigh Power Securities Corporation and thereby eliminate it as an intermediate holding company in National Power & Light Company holding company system. Prior to such liquidation it is proposed that Lehigh will redeem at 110% of the principal amount thereof and accrued interest $23,840,000 principal amount of its 6% Gold Debentures, Series A, due February 1, 2026, constituting all of its debentures issued and outstanding under the debenture agreement of February 1, 1926. Such redemption will be effected as soon as practicable after completion of the refunding program of Pennsylvania Power & Light Company, described above, by virtue of which Pennsylvania Power & Light Company proposes to redeem the $10,000,000 principal amount of its 6% Gold Debentures, Series A, due December 1, 1950 now owned by Lehigh Power Securities Corporation, and by virtue of which Pennsylvania Power & Light Company proposes to purchase from Lehigh Power Securities Corporation $19,000,000 principal amount of its First Mortgage Gold Bonds, 4½% Series, due 1981, of Pennsylvania Power & Light Company at 93% of the principal amount thereof. As an incident to the aforementioned liquidation of Lehigh Power Securities Corporation, Lehigh Power Securities Corporation will declare a dividend of $1.75 per share on its outstanding common stock; it is represented that such dividend will be paid out of earned surplus.

As part of the liquidation plan of Lehigh Power Securities Corporation, National Power & Light Company proposes to surrender for cancellation all of the outstanding shares of $6 Preferred Stock of Lehigh Power Securities Corporation consisting of 129,769 shares without par value and all of the outstanding common stock of Lehigh Power Securities Corporation consisting of 2,928,280 shares without par value except 690 shares which are held by the public. Upon the surrender for cancellation or redemption by National Power & Light Company of all of Lehigh Power Securities Corporation's Common Stock now owned by National Power & Light Company Lehigh Power Securities Corporation will distribute to National Power & Light Company all of its assets charged with such liabilities of Lehigh Power Securities Corporation as cannot be discharged prior to the date of such distribution and National Power & Light Company will agree to deliver on behalf of Lehigh Power Securities Corporation to the holders of the 690 shares of Lehigh Power Securities Corporation Common Stock outstanding in the hands of the public, at the option of such holders, (a) one share of Common Stock of Pennsylvania Power & Light Company and one share of Common Stock of Lehigh Valley Transit Company, or (b) the sum of $50 in cash. It is contemplated that the assets of Lehigh Power Securities Corporation transferred to National Power & Light Company on the dissolution of the former will be held by the latter for investment.

The joint application of Pennsylvania Power & Light Company and Lehigh Power Securities Corporation represents that $19,000,000 principal amount of First Mortgage Gold Bonds, 4½% Series, due 1981 of Pennsylvania Power & Light Corporation will be sold by Lehigh Power Securities Corporation to, and they will be acquired by, Pennsylvania Power & Light Company at the same price at which they were originally purchased by Lehigh Power Securities Corporation, namely 93% of the principal amount. Accordingly, the bonds are to be sold for cash on delivery for a total consideration of $17,670,000 plus accrued interest from April 1, 1939 to date of delivery. Lehigh Power Securities Corporation expects to utilize such portion of the proceeds of this sale, together with the proceeds which it may receive upon the redemption of the 6% Gold Debentures, Series A, due December 1, 1950 of Pennsylvania Power & Light Company, as aforementioned, as may be required to redeem its own outstanding debentures as aforementioned, and the balance of such proceeds will be added to Lehigh Power Securities Corporation's cash on hand, a portion of which will be used by Lehigh Power Securities Corporation to pay the dividend on its outstanding common stock as aforementioned.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2698; Filed, July 21, 1939; 12:37 p. m.]



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# FEDERAL REGISTER

VOLUME 4 NUMBER 141

*Washington, Tuesday, July 25, 1939*


## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-99—Revised]

AMENDED REGULATIONS PERTAINING TO THE MAKING OF ADVANCES TO PERSONS TO ENABLE THEM TO OBTAIN INSURANCE FROM THE FEDERAL CROP INSURANCE CORPORATION

By virtue of the authority vested in the Secretary of Agriculture by the Act entitled, "An Act to amend section 12 of the Soil Conservation and Domestic Allotment Act, as amended," approved March 25, 1939, I, F. W. Reichelderfer, Acting Secretary of Agriculture, do make, prescribe, publish, and give public notice of the following regulations covering the making of advances to persons for the purpose of assisting them to insure their crops with the Federal Crop Insurance Corporation, which amend and supersede the regulations entitled "Regulations Pertaining to the Making of Advances to Persons to Enable Them to Obtain Insurance From the Federal Crop Insurance Corporation," approved and issued by the Secretary of Agriculture under the date of March 29, 1939.[1] These regulations are to be in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said provisions of law.

Done at Washington, D. C., this 22d day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] F. W. REICHELDERFER,
*Acting Secretary of Agriculture.*

§ 1. *Definitions.* As used herein and in all forms and documents relating to the making of advances to persons to enable them to obtain insurance from the Federal Crop Insurance Corporation (hereinafter referred to as an advance), unless the context or subject matter otherwise requires, the terms:

(a) *Secretary, Administrator, Regional Director, State committee, county committee* and *person* shall have the meanings assigned to them in the Agricultural Conservation Program Bulletin issued for the crop year with respect to which a person applies for insurance with the Federal Crop Insurance Corporation.

(b) *The Corporation* means the Federal Crop Insurance Corporation.

§ 2. *Eligibility for an advance.* In order to be eligible to request an advance a person at the time of making such request,

(1) must file, or have previously filed with the county committee, the application for crop insurance to which the request for advance relates;

(2) must be participating, or agree to participate, in the Agricultural Conservation Program relating to the crop year to which the application for insurance relates, to such an extent that the sum of the estimated payment to be earned under such program and the estimated payments, if any, earned or to be earned under any other programs administered by the Department of Agriculture with respect to the same or preceding crop years, less (a) the pro rata deduction, if any, for county association expenses, (b) the amount of the conservation payment which has been assigned, and (c) the sum of such person's indebtedness to the Agricultural Adjustment Administration and to the various agencies and departments of the Federal Government as set forth in the Order Governing Set-offs Revised by the Secretary of Agriculture, October 25, 1936, is at least equal to the amount for which the request for advance is made; this amount of payment is hereinafter referred to as "net payment";

(3) must authorize the Secretary to deduct the amount of the advance from any payment to which such person then or thereafter becomes entitled under any program administered by the Department, must agree, upon notice from the Secretary or his agent, to repay the amount of advance owing to the Secretary at the time of such notice, and must agree that the Secretary has a right to and interest in all indemnities payable

[1] 4 F.R. 1377 DI.

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under insurance contracts issued to him by the Corporation to the extent of the amount of the advance owing to the Secretary at the time claim for any such indemnity is made;

(4) must agree that the authorization for deduction from payments and indemnities, as set forth in (3) above, shall apply to payments and indemnities due him which are made to his successor in interest because of death, incompetency, insolvency or bankruptcy.

§ 3. *Request for advance.* An advance will be made only upon request therefor submitted through the county office on a prescribed form. A request form shall be filed for each application for insurance for which an advance is desired: *Provided, however,* That if, subsequent to filing such a request, a person desires to increase his insurance coverage under an insurance contract for which an advance was previously requested, he may file a supplemental request for advance of the additional amount of premium.

§ 4. *Manner of payment.* The amount of advance approved by the appropriate State Office of the Agricultural Adjustment Administration will be remitted by the Secretary directly to the Corporation. In the event the amount of the advance so remitted to the Corporation is in excess of the amount of premium due, the excess will be returned by the Corporation to the Secretary and the applicant's account credited with such amount: *Provided, however,* That, if the Secretary has been reimbursed for a portion of the amount of the advance, the amount of excess needed to reimburse the Secretary for the entire amount of advance will be returned to the Secretary for the applicant's account and the remainder will be returned to the applicant.

§ 5. *Forms and instructions.* The Agricultural Adjustment Administration shall prescribe such forms and issue such instructions as may be necessary to carry out these regulations.

§ 6. *Signatures and authorization.* The provisions of ACP–16, "Instructions on Signatures and Authorizations," are hereby made a part of these regulations.

[F. R. Doc. 39–2715; Filed, July 24, 1939; 11:46 a. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

### PART 52—REGULATIONS AFFECTING MILITARY RESERVATIONS

*Commanding Officer* [1]

§ 52.19 *Duties, general*—(a) *Emergency issue of subsistence to destitute persons.* Subsistence to destitute persons to relieve starvation or extreme suffering will be issued by the commanding officer as prescribed in paragraph 9, AR 30–2210.[2]

(b) *Quarters for civilians.* The commanding officer may grant permission to servants and civilian employees to occupy such quarters as are available.

(c) *Aid to mail contractors.* Commanding officers will assist mail contractors by furnishing them with Government transportation, provided it can be spared without detriment to the service, when, through accident or unavoidable causes, a mail contractor is deprived of the necessary means to fulfill his contract. Such assistance will cease as soon as the contractor can, by exercise of proper diligence, resupply himself with transportation. Receipts for the transportation loaned will be taken, which, in the event of its loss or damage, will be forwarded with a report of facts to The Adjutant General in order that the expense involved may be collected through the Post Office Department.

(d) *Use of Government airdromes or landing fields for privately owned aircraft.* (1) Owners of private aircraft will not be permitted to use any active Government airdrome as a base. The use of such airdrome by operators of private aircraft may, however, be permitted, in the discretion of the commanding officer of the post, upon condition that

[1] These regulations supersede Sections 52.19 and 52.20, Chapter V, Title 10, Code of Federal Regulations.

[2] Administrative regulations of the War Department relative to rations.



the aircraft is not operated for profit, that it is housed in privately owned hangars not located on Government land, and that assistance will not be required from the personnel of the post as to maintenance, repair, or operation.

(2) In the case of Government-owned airdromes announced from time to time as being on an inactive status, operators of private and commercial aircraft may be permitted, when airdrome facilities are available, to use such facilities, subject, however, in each case to the approval of the War Department and under such regulations as are now or may hereafter be prescribed.

(3) With regard to airdromes leased by the Government, owners of private and commercial aircraft may obtain permits from the lessor to use the facilities at such airdromes under the rules and regulations that apply to the use of the airdromes by Army organizations. In all cases, however, this permit must have the approval of the War Department.

(4) Operators of aircraft making use of the facilities at any Air Corps airdrome will be required to conform to the local rules and regulations in force at that post.

(5) While owners of private aircraft are not permitted to use any Government airdrome or landing field as a base, the commanding officer may in an emergency permit them to use such landing field, provided the aircraft require no Government supplies or property.

(e) *Construction of buildings other than public.* No buildings other than public will be erected or constructed on military reservations unless authority is granted by the Secretary of War under a revocable license in which the conditions for occupancy will be clearly set forth. Exceptions may be made with respect to unimportant and temporary structures such as are necessary and incident to the work of contractors on Government work, provided that such temporary buildings will be removed at the expiration of the permit. It is the policy of the War Department to eliminate as promptly as practicable all temporary structures on military reservations. The Panama Canal, Hawaiian, Philippine, and Puerto Rican Departments are excepted from these provisions in view of the special situations in those departments. See also section I, A.R. 30–1425.[3]

(f) *Welfare*—(1) *Young Men's Christian Association.* (i) At posts where Young Men's Christian Association buildings have been constructed pursuant to the act of May 31, 1902 (32 Stat. 282); 10 U.S.C. 1346; the Young Men's Christian Association will be permitted to continue to conduct thereat helpful physical, intellectual, and nonsectarian religious activities. The commanding officer will assist and facilitate these activities in such ways as he may deem appropriate and desirable.

[3] Administrative regulations of the War Department relative to construction.

(ii) Duly appointed secretaries of the association serving at such posts will be permitted to purchase from the quartermasters such necessary supplies as are available.

(2) *American National Red Cross.* The activities of the American National Red Cross at posts will be as prescribed or implied in A.R. 850–75,[4] and the commanding officer will assist and facilitate such activities in every appropriate manner.

(g) *Granting use of water to certain nonmilitary agencies.* At a few posts the Secretary of War has authorized in particular cases the establishment and maintenance by religious, fraternal, or benevolent organizations, of chapels and other facilities for service in or with the Army. Commanding officers will grant to such authorized establishments the use of water and sewer facilities within the posts, provided that the water supply is ample, that the facilities are adequate, and that the granting of these privileges will involve no expense to the Government.

(h) *Competition with civilian enterprises.* (1) The commanding officer will be charged with the responsibility that no enlisted man of his command shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when it will interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.

(2) He will prohibit the use of military personnel or civilian employees of the Army, during normal working hours, in conducting cooperatives (other than post exchanges) which operate in competition with civilian enterprises. (R.S. 161; 5 U.S.C. 22) [Pars. 12, 14*e*, 16*b*, 22, 24, 32*c* and *d*, 33, and 36, A.R. 210–10, July 1, 1939]

§ 52.20 *State fish and game laws*—(a) *Jurisdiction.* The fish and game laws of a State are not operative on a military reservation over which the United States has exclusive jurisdiction unless authorized to that effect, and a State or local official who attempts at any time to enforce such State laws thereon will be directed to desist from such attempted enforcement. Should he persist therein he will be removed from the reservation.

(b) *Permits.* All permits to hunt, catch, trap, or kill any kind of game animal, game or nongame bird, or to fish on a military reservation or the waters thereof will be issued by the commanding officer. (R.S. 161; 5 U.S.C. 22) [Par. 37, A.R. 210–10, July 1, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–2707; Filed, July 24, 1939; 9:36 a. m.]

[4] Administrative regulations of the War Department relative to employment of the American Red Cross.

## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Regulation 401–K–1]

TEMPORARY SUSPENSION OF SERVICE UNDER CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING INTERSTATE AIR TRANSPORTATION

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C. on the 21st day of July 1939.

Acting pursuant to the Authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 401 (k) thereof, and finding that this action is necessary and appropriate to carry out the provisions of the Act, and is required by the public interest, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

(a) The holder of a certificate of public convenience and necessity authorizing interstate air transportation (hereinafter called a "Certificate") may at any time file with the Authority an application for the approval of the temporary suspension of service to any point named in the Certificate. Such application shall be conspicuously entitled "Application for Order Authorizing Temporary Suspension of Service," shall state the facts on which it is based, and shall include the names and addresses of the persons upon whom a copy of such application was served. The execution, number of copies, and verification of an application filed hereunder, and the formal specifications of papers included in an application, shall be in accordance with the requirements of the "Rules of Practice Under Title IV and Section 1002 (d) to (i) of the Civil Aeronautics Act of 1938" relating to applications generally. At the time the application is filed a copy shall be served by personal service or registered mail upon the chief executive of such point, each scheduled air carrier which regularly renders service to such point, and, if the Certificate authorizes the holder to engage in the transportation of mail to or from such point, upon the Postmaster General, marked for the attention of the Division of Air Mail Service. Each copy so served shall be accompanied by a letter of transmittal stating that such service is being made pursuant to Regulation 401–K–1 of the Authority.

The Authority may by order (hereinafter called a "Service Suspension Order") grant an application if it finds that the temporary suspension of service to such point is in the public interest. The Authority may by order at any time revoke or amend a Service Suspension Order.

(b) Without obtaining from the Authority a Service Suspension Order pursuant to paragraph (a) of this regulation, the holder of a Certificate may

(1) temporarily suspend service to a point named in such Certificate during such time as the air carrier operating

certificate together with the operation specifications of the holder do not authorize service to such point through the airport and with the type of aircraft last regularly used by the holder to serve such point,

(2) In the case of a point named in a Certificate issued pursuant to section 401 (d) or section 401 (e) (2) of the Act and which has never been regularly served by the holder after the date of issuance of the Certificate, temporarily suspend service to such point during such time as the air carrier operating certificate together with the operation specifications of the holder do not authorize service to such point through any airport convenient thereto with any type of aircraft then being regularly used (or, if the holder is not operating, proposed to be used) by the holder for scheduled operations between other points named in such Certificate, or

(3) In the case of a point named in a Certificate issued pursuant to section 401 (e) (1) of the Act, continue temporarily to suspend service to such point if service to such point has been suspended during the thirty days immediately preceding the effective date of this regulation.

With respect to any such point the Authority may by order at any time revoke or amend the authority conferred on the holder by this paragraph (b).

(c) Before issuing, amending, or revoking any order pursuant to this regulation the Authority may require that a hearing be held with respect thereto.

(d) The temporary interruption of service to a point named in a Certificate caused by adverse weather conditions or by other conditions which the holder could not reasonably have been expected to foresee or control shall not be deemed to have caused a temporary suspension of service to such point within the meaning of such Certificate or this regulation.

(e) The Authority may by order or otherwise authorize such other temporary suspension of service as it may deem in the public interest.

(f) Nothing in this regulation shall be construed as prohibiting or restricting the holder of a Certificate from landing or taking off in an emergency at a point not named in its Certificate.

(g) This regulation shall become effective on July 31, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2719; Filed, July 24, 1939; 12:12 p. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### SECURITIES AND EXCHANGE COMMISSION

#### SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF FORM X-15AA-1

Form X-15AA-1, Application for Registration as a National Securities Association or as an Affiliated Securities Association, adopted by the Commission on July 7, 1939, effective July 13, 1939, was filed with the Division of the Federal Register, The National Archives, on July 24, 1939, at 11:15 a. m. (F. R. Doc. 39-2712). Requests for copies should be addressed to the Securities and Exchange Commission.

#### SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF FORM X-15AJ-1

Form X-15AJ-1, Amendatory and/or Supplementary Statement to Registration Statement of a National Securities Association or an Affiliated Securities Association, adopted by the Commission on July 7, 1939, effective July 13, 1939, was filed with the Division of the Federal Register, The National Archives, on July 24, 1939, at 11:15 a. m. (F. R. Doc. 39-2713). Requests for copies should be addressed to the Securities and Exchange Commission.

#### SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF FORM X-15AJ-2

Form X-15AJ-2, Annual Consolidated Supplement to Registration Statement of a National Securities Association or an Affiliated Securities Association, adopted by the Commission on July 7, 1939, effective July 13, 1939, was filed with the Division of the Federal Register, The National Archives, on July 24, 1939, at 11:14 a. m. (F. R. Doc. 39-2714). Requests for copies should be addressed to the Securities and Exchange Commission.

## TITLE 24—HOUSING CREDIT

### HOME OWNERS' LOAN CORPORATION

PART 402—LOAN SERVICE; PART 405—RECONDITIONING

INCOME PRODUCING RECONDITIONING

Amending Parts 402 and 405 of Chapter IV, Title 24 of the Code of Federal Regulations.

Sections 402.10 and 405.03 are amended respectively to read as follows:

The General Manager, with the advice of the General Counsel, may authorize advances of Corporation funds for the accounts of borrowers, vendees and transferees to effect income producing reconditioning when he determines that (a) such advance is reasonably necessary to facilitate collection of the indebtedness owing to the Corporation from the borrower, vendee or transferee, whose account is delinquent or will inevitably become delinquent unless such advance is made, (b) the borrower, vendee or transferee is unable to finance satisfactorily such reconditioning otherwise and (c) such income producing reconditioning is in the best interest of the Corporation, all things considered.

The authority herein vested in the General Manager may be exercised also by the Regional Manager under procedure and limitations prescribed by the General Manager and the General Counsel, provided that any case in which the estimated cost of the income producing reconditioning exceeds $500 shall be forwarded to the Home Office by the Regional Manager, together with his recommendation and the opinion and recommendation of the Regional Counsel as to examination of title and the form of security instrument to be taken, for the concurring recommendation of the Chief, Reconditioning Section, and the Deputy General Manager in Charge of Loan Service and final approval by the General Manager.

Income producing reconditioning may be authorized only under proper legal advice, and questions of waiver of examination of title or the form of note and mortgage or other security instrument that should be taken to secure such advance, shall be determined by the Legal Department. The Reconditioning Section shall direct and supervise all income producing reconditioning.

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a) (k))

(Effective August 1, 1939)

Adopted by the Federal Home Loan Bank Board on July 20, 1939.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-2706; Filed, July 24, 1939; 9:14 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### PUBLIC DEBT SERVICE

[1939—Department Circular No. 617]

OFFERING OF COMMODITY CREDIT CORPORATION 5/8 PERCENT NOTES OF SERIES D, DUE AUGUST 1, 1941

JULY 24, 1939.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, on behalf of the Commodity Credit Corporation, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the Commodity Credit Corporation, designated 5/8 percent notes of Series D. The amount of the offering is $200,000,000, or thereabouts.

II. DESCRIPTION OF NOTES

1. The notes will be dated August 1, 1939, and will bear interest from that date at the rate of 5/8 percent per annum, payable semiannually on February 1 and August 1 in each year until the principal amount becomes payable. They will mature August 1, 1941, and will not be subject to call for redemption prior to maturity.

2. These notes are issued under the authority of the act approved March 8, 1938, (Public No. 442—75th Congress) which provides that these notes shall be fully and unconditionally guaranteed both as to interest and principal by the United States; that they shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation (except surtaxes, estate, inheritance, and gift taxes); and that the notes shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof.

3. The authorizing act further provides that in the event the Commodity Credit Corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such obligations, the Secretary of the Treasury shall pay to the holder the amount thereof which is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such obligations.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000 and $100,000. The notes will not be issued in registered form.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit but will be restricted in each case to an amount not exceeding one-half of the combined capital and surplus of the subscribing bank or trust company. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of notes applied for. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before August 1, 1939, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of notes applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, Jr.,
*Secretary of the Treasury.*

[F. R. Doc. 39-2724; Filed, July 24, 1939; 12:30 p. m.]

## TITLE 32—NATIONAL DEFENSE

### NATIONAL MUNITIONS CONTROL BOARD, DEPARTMENT OF STATE

PART 3—RULES OF PROCEDURE GOVERNING THE ISSUANCE OF LICENSES FOR THE EXPORTATION OF TIN-PLATE SCRAP DURING THE CALENDAR YEAR 1939

JULY 20, 1939.

§ 3.20 *Additional allotments—Authority.* The following rules of procedure are hereby prescribed, by and with the advice and consent of the National Munitions Control Board, to govern the issuance of additional allotments under the provisions of paragraph (5) of the rules of procedure prescribed by the Acting Secretary of State on December 16, 1938,[1] for the exportation of tin-plate scrap during the calendar year 1939:*

§ 3.21 *To whom granted.* Additional allotments will be granted to producers of tin-plate scrap only and will be assigned in the order of the receipt of requests therefor, provided that, in the event that it shall be necessary in order that the quantity of tin-plate scrap to be exported during the calendar year 1939 shall not exceed the total figure agreed upon by the National Munitions Control Board, the available balance of such total shall be apportioned among the applicants on the basis of their production during the first 6 months of 1939. Allotments will be based on the individual producer's request therefor with the provision that no allotment of more than 25 long tons shall exceed in amount 20 percent of the quantity of tin-plate scrap produced by him during the first 6 months of the calendar year 1939. No allotment assigned under the provisions of this paragraph to any one producer, including his affiliated or associated companies, shall exceed 1,000 long tons. Requests for allotments of 25 long tons or less may be granted in full, subject to the qualifications set forth in the following paragraph.*

§ 3.22 *Sworn statement of production.* No producer shall be eligible to receive an allotment under the provisions of paragraph (5) of the rules of procedure until the Secretary of State has received from him a sworn statement setting forth the quantity of tin-plate scrap, in long tons, produced by him during the first 6 months of the calendar year 1939, provided that requests for 25 long tons or less may be granted in full, without reference to the quantity of tin-plate scrap produced during the first 6 months of 1939, if the producer concerned presents convincing evidence, in the form of a sworn statement, establishing that he will, so far as can be foreseen, produced during the calendar year 1939 at least the equivalent of the allotment requested by him in excess of the total of any allotments previously assigned to him for export during the calendar year 1939. Sworn statements submitted under the provisions of this paragraph shall include the name and address of the producer, the name and location of each factory, and the quantity of tin-plate scrap produced at each factory.*

[SEAL] CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 39-2701; Filed, July 22, 1939; 9:13 a. m.]

[1] 3 F.R. 3071 DI.

*Sections 3.20 to 3.22 issued under the authority contained in E.O. No. 7297, Feb. 16, 1936; Sec. 1, 2, 49 Stat. 1140; 50 U.S.C. 86, 87; 32 CFR 3.12.

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### WAR DEPARTMENT

CHAPTER II.—RULES RELATING TO NAVIGABLE WATERS

PART 202—ANCHORAGE REGULATIONS

§ 202.27 *Delaware River, Delaware, explosives anchorage in vicinity of Reedy Island.*[1]

[1] These regulations are supplementary to Title 33, Chapter II, Part 202, of the Code of Federal Regulations.

Under the provisions of Section 7 of the River and Harbor Act approved March 4, 1915, the following explosives anchorage area is established with rules and regulations pertaining thereto:

*The Anchorage Area*

(a) At the upper end of Artificial Island, to the eastward of the dredged channel along Reedy Island Range, northward of a line 103° from Reedy Island Light, extending upstream about 5,000 feet to a line 110° from the Quarantine Tank on Reedy Island, eastward of a line 500 feet from and parallel with the edge of the channel to the 26-foot curve of depth.

*The Rules and Regulations*

(b) (1) This anchorage area is intended primarily for vessels engaged in the transportation, storage, stowage and handling of explosives and other dangerous articles. No vessel not so engaged will be permitted to anchor in this anchorage area except in a case of emergency.

(2) The anchoring of vessels in this anchorage area shall be subject to supervision and approval of the District Engineer, Engineer Department at Large, in charge of the locality.

(3) Vessels shall be so anchored within this anchorage area that no portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(4) Vessels within this anchorage area shall not be anchored closer than 500 feet within one another and not less than 500 feet from the edge of navigable channel.

(5) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall be anchored with two anchors, with mooring swivel put on before the crew shall be reduced or released.

(6) The District Engineer is hereby empowered to shift the position of any vessel within this anchorage area whenever the maritime or commercial interests of the United States so require. A vessel upon being notified to move or shift its position must get under way at once and change position as directed with reasonable promptness.

(7) The owners of vessels or interests using the anchorage area shall comply with all Federal, State, and local rules and regulations governing the transportation, storage, stowage and handling of explosives and other dangerous articles.

(8) Nothing in these rules and regulations shall be construed as relieving the owner or person in charge of any vessel or plant from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law. (Sec. 7, River and Harbor Act, March 4, 1915, 38 Stat. 1053; 33 U.S.C. 471) [Regs., June 23, 1939 (E.D. 7175 (Delaware River)—5/9)]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-2708; Filed, July 24, 1939; 9:36 a. m.]

## *Notices*

### TREASURY DEPARTMENT.

#### Federal Alcohol Administration Division.

DISTILLED SPIRITS LABELING AND ADVERTISING

DECISION ON CERTAIN PROPOSED AMENDMENTS TO REGULATIONS NO. 5

*To All Importers, Bottlers and Wholesalers of Distilled Spirits:*

Pursuant to notices of hearing issued by the Administration on March 17 and March 30, 1939,[1] public hearings were held in Washington, D. C. on April 27 and 28, 1939, upon fourteen proposals to amend the distilled spirits labeling and advertising regulations. The Administration has now completed its study and analysis of the testimony adduced upon several of these proposals and takes this occasion to advise the industry that Items 2, 4 (b), 5 (e), 6, and 12 (b) have been rejected. These proposals were as follows:

"2. To amend Article II, Class 6, and other pertinent sections of the regulations, in such manner as to establish a minimum proof of 60 degrees for all distilled spirits marketed as cordials or liqueurs."

"4 (b). That there be stated upon the labels of all Scotch type whiskey and Irish type whiskey, in direct conjunction with the class and type designation, a statement of the name of the country in which the product was produced, preceded by the words 'product of' or a similar appropriate phrase."

"5 (c). That where Scotch whiskey, rum, and other distilled spirits, imported in bulk and domestically bottled, are reduced in proof in the United States at the time of bottling, a statement to that effect be required to appear in conjunction with the required name and address statement upon the brand label."

"6. To amend Article III, Section 37, and other pertinent provisions of the regulations, in such manner as to permit the statement of net contents to be eliminated from the label in all cases where the net contents are displayed, by having the same legibly blown in the bottle, either on the back or on the front."

"12 (b). That all distilled spirits, whether domestically manufactured, domestically bottled, or imported, be packaged in liquor bottles of the following sizes only: to wit, one gallon, one half gallon, one quart, one pint, one half pint, and one eighth pint, and that the following sizes of liquor bottles presently authorized for use as containers of distilled spirits be eliminated as standards of fill: to wit, four fifths quart, four fifths pint, one tenth pint, and one sixteenth pint."

In rejecting Proposal No. 2, dealing with the establishment of a minimum proof for cordials and liqueurs, the Administration is cognizant of the opinion expressed by various members of the industry that a minimum proof should be established for these products, but that all legitimate cordials and liqueurs would not be embraced within the proposed 60° minimum. The Administration, therefore, proposes to devote further consideration to this question with a view to the later adoption of some minimum which will embrace all legitimate cordials and liqueurs.

In rejecting Proposal No. 12 (b), the Administration is of the opinion that the question of more adequate information to the consuming public regarding the capacities of the various standards of fill can be obtained by a change in the labeling requirements, without the complete elimination of such sizes. This will require a new proposal at a public hearing. Such a hearing it is proposed to hold at some future date, after proper notice to all interested parties, but such a hearing will not be held until late in the fall.

With respect to the other proposals contained in the public hearing notices of March 17 and 30, 1939, the Administration announces that no decision has as yet been arrived at. Upon some of these proposals the testimony adduced at the public hearing was voluminous and will require extensive study and careful analysis and consideration before any definite action is taken. It is possible, with reference to some of the proposals on which evidence was taken, that the Administration may desire, at some future date, to take evidence upon proposals which are alternative to some of those considered at the public hearings on April 27 and 28, 1939.

This course of action may be found to be particularly appropriate in connection with the Administration's efforts to establish more effective standards of identity for brandy. It will be recalled that in the spring of 1938 evidence was taken on a proposal to establish a maximum distillation proof of 160° for brandy. This proposal has not been disposed of and the record of the hearing of April 27 and May 2,[2] held during 1938, on this question, has been kept open pending completion of scientific research under the auspices of the University of California. When such research is completed, it will be made a part of the public record and become subject to the scrutiny of the industry.

[1] 4 F.R. 1267, 1395 DI.

[2] 3 F.R. 911 DI.

[SEAL] W. S. ALEXANDER,
*Administrator.*

JULY 22, 1939.

[F. R. Doc. 39-2705; Filed, July 22, 1939; 12:27 p. m.]



### DEPARTMENT OF AGRICULTURE.

#### Forest Service.

WIDTSOE PROJECT, UTAH

TRANSFER OF LANDS IN THE STATE OF UTAH FROM THE SOIL CONSERVATION SERVICE TO THE FOREST SERVICE FOR ADMINISTRATION, PROTECTION AND MANAGEMENT

JULY 21, 1939.

By virtue of and pursuant to the authority vested in me by Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), and Executive Order No. 7908, dated June 9, 1939, all lands within the Widtsoe Project (LU-UT-38-2), located in Garfield County, Utah, that hitherto have been acquired or are in process of acquisition by the United States under the provisions of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), are hereby transferred from the Soil Conservation Service to the Forest Service, effective August 15, 1939, for protection, management and administration, under the laws applicable to said lands, and such rules and regulations as have been or hereafter may be promulgated consistent with the powers and authority vested in the Secretary of Agriculture by the aforesaid Executive Order, and the aforesaid Title III of the Bankhead-Jones Farm Tenant Act.

[SEAL] H. A. WALLACE,
*Secretary.*

[F. R. Doc. 39-2704; Filed, July 22, 1939; 11:52 a. m.]

### DEPARTMENT OF COMMERCE.

#### Bureau of Marine Inspection and Navigation.

EXECUTIVE COMMITTEE OF THE BOARD OF SUPERVISING INSPECTORS

NOTICE OF MEETING

Pursuant to the authority conferred by Section 4405, R. S., I hereby call a meeting of an Executive Committee of the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, consisting of R. S. Field, Director; George Fried, Supervising Inspector of the Second District, New York, New York; and Eugene Carlson, Supervising Inspector of the Third District, Norfolk, Virginia, to take place in the Board Room of the Auditorium of the Department of Commerce, commencing at 10:00 A. M. August 4, 1939, for the purpose of considering proposed amendments to the General Rules and Regulations, approvals of miscellaneous items of equipment for use on inspected vessels, and for the transaction of such other business as may come before the meeting.

A public hearing will commence coincidental with the meeting of the Executive Committee for the purpose of considering written and oral comments of the marine industry on the proposed amendments.

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 39-2725; Filed, July 24, 1939; 12:59 p. m.]

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

IN THE MATTER OF THE APPLICATION FOR EXEMPTION OF THE SPRING FRESHET DRIVING OF LUMBER IN THE STATES OF MICHIGAN, MINNESOTA AND WISCONSIN FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

Whereas, the Timber Producers' Association of Minnesota has filed an application with Elmer F. Andrews, Administrator of the Wage and Hour Division, United States Department of Labor for a determination that spring freshet driving of lumber in the States of Michigan, Minnesota and Wisconsin is a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526[1] of the Regulations issued thereunder, and

Whereas, the Administrator determined, after a public hearing[2] held before him in Washington, D. C. on April 17 and 18, 1939, that the spring freshet driving branch of the lumber industry conducted in the States of Maine, New Hampshire, New York and Vermont is entitled to the seasonal exemption provided in Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, and

Whereas, it is alleged in the application filed by the Timber Producers' Association of Minnesota that spring freshet driving in Michigan, Minnesota and Wisconsin is similar in all material respects to spring freshet driving in Maine, New Hampshire, New York and Vermont.

Now, therefore, upon consideration of the facts stated in the said application, the Administrator hereby determines, pursuant to Section 526.5 (c) of the Regulations that a *prima facie* case has been shown for the granting of an exemption, pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder to the branch of the lumber industry which is engaged in spring freshet driving in the States of Michigan, Minnesota and Wisconsin.

In accordance with the procedure established by Section 526.5 (c) of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

The application may be examined in Room 5144, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 20th day of July, 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-2702; Filed, July 22, 1939; 10:04 a. m.]

[1] 3 F.R. 2534, 3127 DI.

[2] 4 F.R. 94 DI.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates for the employment of learners at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the following employers, subject to the following terms;

| Name of firm | Number of learners | Industry | Occupation | Period | Beginning | Percent of minimum wage |
|---|---|---|---|---|---|---|
| H. Lang Co., 113 N. 2d St., River Falls, Wisconsin. | 7 | Apparel (overalls, Jackets and Pants). | Stitching | 8 weeks | July 25, 1939 | 75 |
| Elin Mfg. Corp., 501 Main St., Rochester, Indiana. | 20 | Apparel(Work Clothes) | Stitching | 8 weeks | July 25, 1939 | 75 |
| Normandy Frocks, Obion, Tenn. | 25 | Apparel (Dresses) | Stitching | 8 weeks | July 25, 1939 | 75 |
| Ideal Mfg. Co., Main Street, Tilton, N. H. | 10 | Apparel (Dresses) | Stitching | 8 weeks | July 25, 1939 | 75 |

These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended.[1] For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b) such Special Certificates, or any of them, may be cancelled as of the date of their issuance and if so cancelled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 20th day of July, 1939.

MERLE D. VINCENT,
*Chief of Hearings and Exemptions Section.*

[F. R. Doc. 39-2709; Filed, July 24, 1939; 9:40 a. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 275]

IN THE MATTER OF THE PETITION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ROUTE No. 11, UNDER SECTION 401 (h) OF THE CIVIL AERONAUTICS ACT OF 1938, TO INCLUDE MARYSVILLE, CALIF., AS AN INTERMEDIATE POINT

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 7, 1939, 10 o'clock a. m. (Pacific Standard Time), at the Palace Hotel, San Francisco, Calif., before Examiner C. Edward Leasure.

Dated Washington, D. C., July 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2716; Filed, July 24, 1939; 12:11 p. m.]

[Docket No. 276]

IN THE MATTER OF THE PETITION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDEMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ROUTE No. 11, UNDER SECTION 401 (h) OF THE CIVIL AERONAUTICS ACT OF 1938, TO INCLUDE CHICO, CALIF., AS AN INTERMEDIATE POINT

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 7, 1939, 10 o'clock a. m. (Pacific Standard Time), at the Palace Hotel, San Francisco, Calif., before Examiner C. Edward Leasure.

Dated Washington, D. C., July 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2717; Filed, July 24, 1939; 12:11 p. m.]

[Docket No. 58-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF ERIE ISLES AIRWAYS COMPANY, INC., FOR A PERMANENT CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938.

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, now assigned for July 24, 1939,[1] is hereby postponed until September 29, 1939, 10 o'clock a. m. (Eastern Standard Time) at the offices of the Civil Aeronautics Authority (Hearing Room 1851) in Washington, D. C., before Examiner R. J. Bartoo.

Dated Washington, D. C., July 21, 1939.

ROBERT J. BARTOO,
*Examiner.*

[F. R. Doc. 39-2718; Filed, July 24, 1939; 12:11 p. m.]

## FEDERAL POWER COMMISSION.

[Docket No. IT-5580]

IN THE MATTER OF NEW ENGLAND POWER COMPANY

NOTICE OF APPLICATION

JULY 21, 1939.

Notice is hereby given that on July 20, 1939, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the New England Power Company, a corporation organized under the laws of The Commonwealth of Massachusetts and the State of Vermont and having its principal business office at 441 Stuart Street, Boston, Massachusetts, seeking an order authorizing the merger of its facilities subject to the jurisdiction of the Federal Power Commission with the electric facilities of the Bellows Falls Hydro-Electric Corporation, a corporation having its principal office at Bellows Falls, Vermont, and with certain of the electric facilities of the Connecticut River Power Company, a corporation having its principal office at Littleton, New Hampshire, said merger to be accomplished by the purchase of the property, assets and franchises of the Bellows Falls Hydro-Electric Corporation (except cash and except accounts receivable by the Bellows Falls Hydro-Electric Corporation from the New England Power Company), consisting principally of a hydro-electric generating plant on the Connecticut River and transmission lines used in connection therewith, for a purchase price of $12,381,739.66 as of April 30, 1939, and the purchase by the New England Power Company of that portion of the so-called Bellows Falls-Pratts Junction transmission line located in New Hampshire, from the Connecticut River Power Company, which line connects the lines of the Bellows Falls Hydro-Electric Corporation and the lines of the New England Power Company, for a purchase price of $672,747.30 as of April 30, 1939; as more fully appears in the application on file with the Commission;

Any person desiring to be heard or to make any protest with reference to the said application should, on or before the 5th day of August 1939, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-2700; Filed, July 22, 1939; 9:13 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 377]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project Designation* | *Amount* |
|---|---|
| Tennessee 0009F1 Macon | $156,000 |

ROBERT B. CRAIG,
*Assistant Administrator.*

[F. R. Doc. 39-2699; Filed, July 22, 1939; 9:13 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of July, A. D. 1939.

[File No. 2-3185]

IN THE MATTER OF UNITY GOLD CORPORATION

ORDER FIXING EFFECTIVE DATE OF AMENDMENTS TO REGISTRATION STATEMENT AND DECLARING STATEMENT AMENDED IN ACCORDANCE WITH STOP ORDER

This matter coming on to be heard by the Commission upon the registration statement originally filed by Unity Gold Corporation of Butte, Montana, on May 25, 1937, and upon amendments to said

[1] 4 F.R. 2068 DI.

[1] 4 F.R. 1621 DI.



registration statement filed by said registrant on June 14, July 17, 22 and 23, and November 1, 1937, February 17, 1938, and January 3 and 16, February 21, May 12, June 28, and July 14, 1939, and the Commission having duly considered the matter and now being fully advised in the premises

*It is declared*, That said registration statement has been amended in accordance with the Stop Order issued on July 19, 1938,[1]

*It is ordered*, That said Stop Order shall cease to be effective,

*It is further ordered*, That the said amendments shall become effective on July 19, 1939.

Attention is directed to Rules 800 (b) and 970 of the General Rules and Regulations, relating, respectively, to the requirements for the filing of twenty copies of the actual prospectus used and statement of price at which securities were actually offered.

Attention shall be directed to the provisions of Section 23, Securities Act of 1933, which follow: "Neither the fact that the registration statement for a security has been filed or is in effect nor the fact that a stop order is not in effect with respect thereto shall be deemed a finding by the Commission that the registration statement is true and accurate on its face or that it does not contain an untrue statement of fact or omit to state a material fact, or be held to mean that the Commission has in any way passed upon the merits of, or given approval to, such security. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to the foregoing provisons of this section."

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2703; Filed, July 22, 1939; 11:01 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1939.

[File No. 32-143]

IN THE MATTER OF PETOSKEY GAS COMPANY AND AMERICAN UTILITIES SERVICE CORPORATION

EXEMPTION, ETC., ORDER

Petoskey Gas Company, a wholly owned subsidiary of American Utilities Service Corporation, a registered holding company, having duly filed with this Commission an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of the Act with respect to the issue and sale of a 6% unsecured income note in the principal amount of $23,500 and 5,000 shares of common stock with a par value of $10 per share;

American Utilities Service Corporation having joined in the application of Petoskey Gas Company and having filed an application pursuant to Sections 10 (a) (1) and 12 (d) of the Public Utility Holding Company Act of 1935 for approval of the acquisition and pledge of the aforementioned note and common stock, in accordance with the terms of the trust indenture securing its Collateral Trust 6% bonds, Series A; and

A hearing[1] on said applications as amended having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That the issue and sale by Petoskey Gas Company of such note and common stock be and the same hereby is exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935;

*It is further ordered*, That the aforementioned acquisition and pledge by American Utilities Service Corporation of said securities be and the same hereby is approved; and

*It is further ordered*, That this order be subject to the following terms and conditions:

(1) That all acts in connection with said applications as amended shall be performed in all respects as set forth in, and for the purposes represented by said applications as amended; and

(2) That in the event that the order of the Public Utilities Commission of the State of Michigan authorizing the issue of the aforesaid note and stock and the delivery of such note and stock to American shall be revoked, rescinded, or otherwise terminated the exemption granted herein shall immediately terminate without further notice or order of this Commission; and

(3) That within ten days after the issue and sale of the note and stock referred to herein and the acquisition and pledge of these securities by American the applicants shall respectively file with this Commission certificates of notification showing that such issue, sale, acquisition and pledge have been effected in accordance with the terms and conditions of, and for the purposes represented by, said applications as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2710; Filed, July 24, 1939; 11:14 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1939.

[File No. 43-205]

IN THE MATTER OF MINNESOTA UTILITIES COMPANY AND AMERICAN UTILITIES SERVICE CORPORATION

ORDER RELATIVE TO DECLARATION AND AMENDED APPLICATION

Minnesota Utilities Company, a wholly-owned subsidiary of American Utilities Service Corporation, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to the issue and sale to the aforesaid American Utilities Service Corporation of 3,400 shares of Common stock without par value for a consideration of $102,000;

American Utilities Service Corporation having joined in the declaration of Minnesota Utilities Company and having filed an application pursuant to Section 12 (d) of the Public Utility Holding Company Act of 1935 for approval of the pledge of the aforesaid 3,400 shares of common stock in accordance with the terms of the trust indenture securing its Collateral Trust 6% Bonds, Series A; and

A hearing[1] upon said declaration and application as amended, having been held after appropriate notice; the record in this matter having been examined; the Commission having made and filed its findings herein;

*It is ordered*, That said amended declaration be and become effective forthwith and that the said amended application be, and the same hereby is, approved, subject, however, to the following conditions:

(1) That all acts in connection with said declaration and said application shall be performed in all respects as set forth in, and for the purposes represented by, said declaration and said application, as amended; and

(2) That within ten days after the issue and sale of the stock referred to herein and the acquisition and pledge of such stock the declarant and the applicant shall file with this Commission certificates of notification showing that such issue, sale, acquisition, and pledge have been effected in accordance with the terms and conditions of, and for the purposes represented by, said declaration and said application, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2711; Filed, July 24, 1939; 11:14 a. m.]

[1] 3 F.R. 1776 DI.

[1] 4 F.R. 2096 DI.

[1] 4 F.R. 2133 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1939.

[File No. 1-178]

IN THE MATTER OF THE APPLICATION OF THE NEW YORK STOCK EXCHANGE TO STRIKE FROM LISTING AND REGISTRATION THE COMMON STOCK OF WELLS, FARGO AND COMPANY

ORDER GRANTING APPLICATION

The New York Stock Exchange having applied pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, to strike from listing and registration the Common Stock of Wells, Fargo and Company; and

A hearing having been held in this matter after appropriate notice;[1] and the Commission having this day made and filed its findings and opinion herein;

*It is ordered*, That the application of the New York Stock Exchange as to said securities be and hereby is granted, effective at the close of business on July 31, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2720; Filed, July 24, 1939; 12:24 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1939.

[File No. 1-549]

IN THE MATTER OF THE APPLICATION OF THE NEW YORK STOCK EXCHANGE TO STRIKE FROM LISTING AND REGISTRATION THE SHARES, $100 PAR VALUE, OF AMERICAN EXPRESS COMPANY

ORDER GRANTING APPLICATION

The New York Stock Exchange having applied pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, to strike from listing and registration the Shares, $100 par value, of American Express Company; and

A hearing having been held on said application after appropriate notice;[2] and the Commission having this day made and filed its findings and opinion herein;

*It is ordered*, That the application of the New York Stock Exchange as to said securities be and hereby is granted, effective at the close of business on July 31, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2721; Filed, July 24, 1939; 12:24 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of July, A. D. 1939.

[File No. 1-246]

IN THE MATTER OF THE APPLICATION OF THE NEW YORK STOCK EXCHANGE TO STRIKE FROM LISTING AND REGISTRATION THE COMMON STOCK WITHOUT PAR VALUE OF COLONIAL BEACON OIL COMPANY

ORDER GRANTING APPLICATION

The New York Stock Exchange having applied pursuant to Section 12 (d) of the Securities Exchange Act of 1934 to strike from listing and registration the common stock without par value of Colonial Beacon Oil Company; and

A hearing on appropriate notice having been held on said application;[1] the trial examiner having filed an advisory report; the Commission having considered the record and being fully advised in the premises, and having this day filed its findings of fact and opinion herein;

*It is ordered*, That the application of the New York Stock Exchange be and it is hereby granted effective at the close of business on August 1, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2722; Filed, July 24, 1939; 12:24 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24 day of July, A. D. 1939.

[File No. 56-48]

IN THE MATTER OF WASHINGTON AND SUBURBAN COMPANIES

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on July 27, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 26, 1939.

The matter concerned herewith is in regard to the application of Washington and Suburban Companies, a registered holding company, pursuant to Section 12 (d) of the Public Utility Holding Company Act of 1935, and Rule U-12D-1 promulgated thereunder, for approval of the sale of 362,588 shares of the no par Common Stock of Washington Gas Light Company, one of its subsidiary companies. Of said number of 362,588 shares proposed to be sold, the applicant presently owns 327,588 shares and expects to acquire 35,000 shares in exchange for certain securities and other indebtedness of Alexandria Gas Company and Washington Suburban Gas Company. The proposed sale is to be made to the public through underwriters. The price at which the shares are to be initially offered and the price to be received by the applicant will be supplied by amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2723; Filed, July 24, 1939; 12:24 p. m.]

[1] 4 F.R. 455 DI.
[2] 4 F.R. 1365 DI.

[1] 3 F.R. 3179 DI.


# FEDERAL REGISTER

VOLUME 4 NUMBER 142

*Washington, Wednesday, July 26, 1939*


*Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### SUGAR DIVISION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF NORMAL YIELDS OF COMMERCIALLY RECOVERABLE SUGAR PER ACRE FOR SUGAR BEETS, 1939 SUGAR BEET PROGRAM

Pursuant to the provisions of Section 303 of the Sugar Act of 1937, I, H. A. Wallace, Secretary of Agriculture, do hereby make the following determination:

§ 802.15b (a) *Determination of normal yields of commercially recoverable sugar per acre for sugar beets—1939 sugar beet program.* The normal yield of commercially recoverable sugar per acre for a farm on which sugar beets were planted for harvest in 1939 shall be the amount of sugar obtained by multiplying the normal yield of sugar beets, in tons per acre, for the farm by the amount of sugar, raw value, determined to be commercially recoverable in the determination entitled "Determination of Sugar Commercially Recoverable from Sugar Beets," approved March 28, 1938 (Sec. 802.15a), from a ton of sugar beets of normal percentage of sugar content for the farm.

(b) *Definitions.* For the purposes of this determination:

(1) The normal yield of sugar beets in tons per acre for a farm on which sugar beets were planted for harvest in three or more of the years 1932-38, inclusive, shall be the simple average of the annual average yields of sugar beets per acre planted on the farm for harvest for all of the years 1932-38, inclusive, in which sugar beets were planted for harvest.

(2) The normal yield of sugar beets in tons per acre for a farm on which sugar beets were planted for harvest in only one or two of the years 1932-38, inclusive, shall be the number of tons obtained by multiplying the county normal yield (as defined in subparagraph 3) in tons of sugar beets per acre by the percentage that the simple average of the yields of sugar beets per acre planted on the farm for harvest in such year or two years is of the simple average of the yields of sugar beets per acre for the county for such year or two years, which county average yield shall be, for any year in which sugar beets were planted for harvest on ten or more of the farms on which sugar beets were planted for harvest in 1939, the weighted average yield of sugar beets per acre planted for harvest in 1939, the yield per acre planted for harvest in that year on farms in the county on which sugar beets were planted for harvest in 1939, and for any year in which sugar beets were planted for harvest on less than ten of the farms on which sugar beets were planted for harvest in 1939, the yield per acre established by the State Agricultural Conservation Committee on the basis of the yields per acre for that year in the county and in adjacent counties which have similar sugar beet production conditions: *Provided, however*, That the normal yield for such farm shall not be less than 80 percent nor more than 120 percent of the county normal yield.

(3) The normal yield of sugar beets in tons per acre for a farm on which sugar beets were not planted for harvest in any of the years 1932-38, inclusive, shall be 90 percent of the county normal yield per acre, which county normal yield shall be, for a county in which sugar beets were planted for harvest in three or more of the years 1932-38, inclusive, on ten or more of the farms on which sugar beets were planted for harvest in 1939, the simple average of the county average yields (as defined in subparagraph 2), for all of the years 1932-38, inclusive, in which sugar beets were planted for harvest on ten or more of such farms, and for a county in which sugar beets were planted for harvest in less than three of the years 1932-38, inclusive, on ten or more of the farms on which sugar beets were planted for harvest in 1939, the yield per acre established by the State Agricultural Conservation Committee on the basis of the yields per acre for the years 1932-38, inclusive, in the county and in adjacent

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FEDERAL REGISTER

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counties which have similar sugar beet production conditions.

(4) The normal percentage of sugar content of sugar beets for farms from which sugar beets were contracted to be marketed in 1939 under that type of agreement commonly known as an "individual test contract," shall be as follows:

(i) In cases in which sugar beets were so marketed in three or more of the years 1934–38, inclusive, the simple average of the annual average percentages of sugar content, at the time of delivery to a processor, of the sugar beets marketed in such years (including all years in which sugar beets were so marketed);

(ii) In cases in which sugar beets were so marketed in only one or two of the years 1934–38, inclusive, the percentage of sugar content obtained by multiplying the county normal percentage of sugar content of sugar beets (as defined in subdivision iii) by the percentage that the simple average of the average percentages of sugar content, at the time of delivery to a processor, of the sugar beets marketed in such year or two years is of the simple average of the average percentages of sugar content of sugar beets for the county for such year or two years, which county average percentage shall be, for any year in which sugar beets were so marketed from ten or more of the farms on which sugar beets were planted for harvest in 1939, the weighted average percentage of sugar content, at the time of delivery to a processor, of the sugar beets marketed in that year from farms in the county on which sugar beets were planted for harvest in 1939, and for any year in which sugar beets were so marketed from less than ten of the farms on which sugar beets were planted for harvest in 1939, the percentage of sugar content established by the State Agricultural Conservation Committee on the basis of the percentage of sugar content, at the time of delivery to a processor, of the sugar beets marketed in that year from farms in the county and in adjacent counties; and

(iii) In cases in which sugar beets were not so marketed in any of the years 1934–38, inclusive, the county normal percentage of sugar content of sugar beets, which county normal percentage shall be, for a county in which sugar beets were so marketed in three or more of the years 1934–38, inclusive, from ten or more of the farms on which sugar beets were planted for harvest in 1939, the simple average of the county average percentages of sugar content of sugar beets (as defined in subdivision ii), for such years (including all years in which sugar beets were so marketed from ten or more of the farms on which sugar beets were planted for harvest in 1939), and for a county in which sugar beets were not so marketed in at least three of the years 1934–38, inclusive, from ten or more of the farms on which sugar beets were planted for harvest in 1939, the percentage of sugar content of sugar beets established by the State Agricultural Conservation Committee on the basis of the percentage of sugar content, at the time of delivery to a processor, of the sugar beets marketed in the years 1934–38, inclusive, from farms in the county and in adjacent counties.

(5) The normal percentage of sugar content of sugar beets for farms from which sugar beets were contracted to be marketed in 1939 under any type of agreement other than that commonly known as an "individual test contract," shall be the normal percentage of sugar content of sugar beets for the district (an area in which a common marketing agreement was in use in 1939), which district normal percentage shall be:

(i) For districts in which beet sugar factories were operated in three or more of the years 1932–38, inclusive, the simple average of the annual average percentages of sugar content, at the time of processing, of all of the sugar beets processed in the district in all of such years in which sugar beets were processed; and

(ii) For districts in which beet sugar factories were operated in less than three of the years 1932–38, inclusive, the percentage of sugar content of sugar beets established by the Sugar Division on the basis of the average percentage of sugar content, at the time of processing, of sugar beets produced under similar conditions in the years 1932–38, inclusive. (Sec. 303, 50 Stat. 911; 7 U.S.C., Sup. IV, 1133)

Done at Washington, D. C., this 25th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2736; Filed, July 25, 1939; 10:16 a. m.]

## AGRICULTURAL MARKETING SERVICE

### PART 29—THE TOBACCO INSPECTION ACT

### ORDER OF DESIGNATION OF TOBACCO MARKETS

*Greenville, North Carolina*

Whereas the Act of Congress approved August 23, 1935 (49 Stat., 731: 7 U.S.C., Sup. I, Chap. 21A) entitled "The Tobacco Inspection Act" contains the following provisions:

SEC. 2. That transactions in tobacco involving the sale thereof at auction as commonly conducted at auction markets are affected with a public interest; that such transactions are carried on by tobacco producers generally and by persons engaged in the business of buying and selling tobacco in commerce; that the classification of tobacco according to type, grade, and other characteristics affects the prices received therefor by producers; that without uniform standards of classification and inspection the evaluation of tobacco is susceptible to speculation, manipulation, and control, and unreasonable fluctuations in prices and quality determinations occur which are detrimental to producers and persons handling tobacco in commerce; that such fluctuations constitute a burden upon commerce and make the use of uniform standards of classification and inspection imperative for the protection of producers and others engaged in commerce and the public interest therein.

SEC. 5. That the Secretary is authorized to designate those auction markets where tobacco bought and sold thereon at auction, or the products customarily manufactured therefrom, moves in commerce. Before any market is designated by the Secretary under this section he shall determine by referendum the desire of tobacco growers who sold tobacco at auction on such market during the preceding marketing season. The Secretary may at his discretion hold one referendum for two or more markets or for all markets in a type area. No market or group of markets shall be designated by the Secretary unless two-thirds of the growers voting favor it. The Secretary shall have access to the tobacco records of the Collector of Internal Revenue and of the several collectors of internal revenue for the purpose of obtaining the names and addresses of growers who sold tobacco on any auction market, and the Secretary shall determine from said records the eligibility of such grower to vote in such referendum, and no grower shall be eligible to vote in more than one referendum. After public notice of not less than thirty days that any auction market has been so designated by the Secretary, no tobacco shall be offered for sale at auction on such market until it shall have been inspected and certified by an authorized representative of the Secretary according to the standards established under this Act, except that the Secretary may temporarily suspend the requirement of inspection and certification at any designated market whenever he finds it impracticable to provide for such inspection and certification because competent inspectors are not obtainable or because the quantity of tobacco available for inspection is insufficient to justify the cost of such service: *Provided*, That, in the event competent inspectors are not available, or for other reasons, the Secretary is unable to provide for such inspection and certification at all auction markets within a type area, he shall first designate those auction markets where the greatest number of growers may be served with the facilities available to him. No fee or charge shall be imposed or collected for inspection or certification under this section at any designated auction market. Nothing contained in this Act shall be construed to prevent transactions in tobacco at markets not designated by the Secretary or at designated markets where the Secretary has suspended the requirement of inspection or to authorize the Secretary to close any market.

and

Whereas pursuant to said Act a referendum has been held among the growers of flue-cured tobacco who sold tobacco at auction on the Greenville, North Carolina market during the last marketing season, in which referendum said growers were given an opportunity to vote for or against the designation as provided in Section 5 of said Act; and

Whereas more than two-thirds of the growers voting in said referendum and who sold tobacco at auction on said market during the last marketing season voted in favor of said designation,

§ 29.301 (m) *Designation of tobacco market.*

Now, therefore, by virtue of the authority conferred upon me by Section 5 of The Tobacco Inspection Act and the affirmative results of the referendum conducted thereunder, the flue-cured tobacco market of Greenville, North Carolina is designated as a market where tobacco bought and sold thereon at auction, or the products manufactured therefrom, moves in commerce.

*It is hereby ordered*, That effective 30 days from this date no tobacco shall be offered for sale at auction on the abovenamed market until it shall have been inspected and certified by an authorized representative of the United States Department of Agriculture according to standards established under the Act: *Provided, however*, That the requirement of inspection and certification may be suspended at such times as it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is insufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated herein. (49 Stat., 731: 7 U.S.C., Sup. I, Chap. 21A)

Done at Washington, D. C., this 24th day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] F. W. REICHELDERFER,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39–2731; Filed, July 24, 1939; 4:05 p. m.]



## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### AGRICULTURAL MARKETING SERVICE

### NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

JULY 24, 1939

TO UNION STOCKYARDS OF BASSETT, INC., *Bassett, Calif.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Union Stockyards of Bassett, at Bassett, State of California, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] F. W. REICHELDERFER,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39–2735; Filed, July 25, 1939; 10:16 a. m.]

## TITLE 30—MINERAL RESOURCES

### BITUMINOUS COAL DIVISION

### AN ORDER REPEALING RULE IV–B–3 OF THE RULES OF PRACTICE AND PROCEDURE PROMULGATED JUNE 23, 1937, AS AMENDED, OF THE NATIONAL BITUMINOUS COAL COMMISSION

Whereas, The Secretary of the Interior on June 29, 1939, issued and promulgated an Order[2] governing appearance and practice before the Department of the Interior or any bureau, board, division or other agency thereof, and related matters, which rule is applicable to the Bituminous Coal Division of the Department:

Now, therefore, Sub-paragraph 3 of paragraph b of Rule IV[3] of the "Rules of Practice and Procedure" promulgated June 23, 1937, as amended, of the National Bituminous Coal Commission, is hereby repealed, the matters to which said paragraph relates being governed by the aforesaid Order of the Secretary of the Interior.

Dated at Washington, D. C., this 22nd day of July 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39–2730; Filed, July 24, 1939; 2:16 p. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.
[2] 4 F.R. 3141 DI.
[3] 3 F.R. 1840 DI.

## TITLE 47—TELECOMMUNICATION

### FEDERAL COMMUNICATIONS COMMISSION

### PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES*†

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*Sec. 4, 44 Stat. 1163; 47 U.S.C. 84 (f), rules promulgated thereunder continued in effect by Sec. 604, 48 Stat. 1103; 47 U.S.C. 604—Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i).

†Adopted by the FCC, July 12, 1939, effective Oct. 1, 1939.

DEFINITIONS

§ 7.1 *Coastal service.* The term "coastal service" means a radiocommunication service carried on by means of coastal stations of any class with maritime mobile stations.*†

§ 7.2 *Public coastal service.* The term "public coastal service" means a radio communication service open to public correspondence, carried on by means of coastal stations with maritime mobile stations.*†

§ 7.3 *Private coastal service.* The term "private coastal service" means a limited private radiocommunication service not open to public correspondence, carried on by means of coastal stations with maritime mobile stations.*†

§ 7.4 *Maritime mobile service.* The general term "maritime mobile service" means a radio service carried on between maritime mobile stations and land stations, and by maritime mobile stations communicating among themselves.*†

§ 7.5 *Coastal station.* The term "coastal station" means a land station used for radiocommunication with maritime mobile stations.*†

§ 7.6 *Coastal-telegraph station.* The term "coastal-telegraph station" means a coastal station used for radiotelegraph communication with maritime mobile stations.*†

§ 7.7 *Coastal-telephone station.* The term "coastal-telephone station" means a coastal station used for radiotelephone communication primarily with ship telephone stations on board ocean-going vessels and with radiotelephone stations on board aircraft at sea.*†

§ 7.8 *Coastal-harbor station.* The term "coastal-harbor station" means a coastal station used primarily for radiotelephone communication with ship telephone stations which, by reason of the assigned frequency or frequencies, have a limited communication range.*†

§ 7.9 *Hours of service.* The term "hours of service" or "duration of service" means the time during which a coastal station is held open for the exchange of message traffic with other stations in the maritime mobile service.*†

GENERAL

§ 7.21 *Order of priority of communications.* The order of priority of radio telegraph and radio telephone communications in the maritime mobile service on any frequency used for this service shall be as follows:

(a) Distress calls, distress messages, and distress traffic.

(b) Communications preceded by an urgent signal.

(c) Communications preceded by a safety signal.

(d) Communications relative to radio direction-finder bearings.

(e) Government radiotelegrams for which priority right has not been waived.

(f) All other communications.*†

§ 7.22 *Points of communication.* Unless otherwise specified in the license, a coastal station is authorized to communicate with maritime mobile stations, without regard to the country to which these stations belong.*†

§ 7.23 *Watch on distress frequency.* Except as otherwise required by the necessity of handling distress, urgent, or safety signals and messages, all coastal-telegraph stations licensed for public coastal service on frequencies within the band 365 to 515 kilocycles shall maintain a listening watch on the frequency 500 kilocycles (410 kilocycles on the Great Lakes) by a licensed radiotelegraph operator during the hours of service of the coastal station as follows:

(a) At least during each international silent period, as specified by the General Radio Regulations in force annexed to the International Telecommunication Convention in force.

(b) At all other times when the coastal station is not engaged in calling, transmitting to, or communicating with other stations in the maritime mobile service.*†

§ 7.24 *Station not maintaining continuous hours of service.* Coastal stations licensed for other than continuous hours of service shall not discontinue operation before having:

(a) Finished all operations called for by a distress call;

(b) Exchanged all communications originating in or destined to maritime mobile stations which are within the normal communication range of the coastal station and have signalled their presence before the effective cessation of operation of the coastal station.*†

§ 7.25 *Transmission of call lists.* Coastal telegraph stations are authorized to transmit call lists of maritime mobile stations for which they have messages, on one or more of their assigned working frequencies. The use of calling frequencies for this purpose is prohibited; however, these stations are authorized to announce on a calling frequency, including 500 kilocycles (410 kilocycles on the Great Lakes), that they are ready to begin transmission of such call lists on a specified working frequency or frequencies, using the proper procedure signals.*†

§ 7.26 *Transmission of press.* Upon application a coastal telegraph station open to public correspondence may be authorized to communicate secondarily with fixed points for transmission to such points of press material which is transmitted regularly by the coastal station simultaneously and primarily to maritime mobile stations, provided a sufficient need for such authorization is shown to exist.*†

§ 7.27 *Transmission of alarm signal.* When a distress call has been transmitted and was not preceded by the international auto-alarm signal, a coastal station located in the general vicinity of the station which transmitted the distress call, except in the Great Lakes region, may transmit the alarm signal (using A–2 emission) on 500 kilocycles, upon authorization of the station licensee or the representative thereof.*†

§ 7.28 *Repetition of distress call.* If a coastal station has heard a distress call or distress message for which acknowledgment of receipt has not been given promptly, and the coastal station itself is not in a position to render assistance, the coastal station subject to authority of the licensee or his representative shall make every effort possible to attract the attention of any station in the maritime mobile service which appears to be in a position to render assistance, and for this purpose transmission of the distress call and distress message may be repeated on 500 kilocycles (410 kilocycles on the Great Lakes) and on such other frequencies as may be deemed necessary. Except on the Great Lakes, the coastal station if authorized by the station licensee or representative thereof may transmit for this purpose the international automatic-alarm signal on the frequency 500 kilocycles (using A–2 emission) prior to repetition of the distress call and message. In the event the alarm signal is transmitted, a sufficient period of time to allow operators warned by the alarm signal to go on watch shall be observed after transmission of the alarm signal and before retransmission of the distress message.*†

§ 7.29 *Repetition of alarm signal.* A coastal station (other than in the Great Lakes region) intercepting an international automatic-alarm signal which appears to be not duly effective by reason of improper timing, improper type of emission, insufficient signal strength, interference, or excessive deviation from 500 kilocycles, if authorized by the station licensee or representative thereof, and if located in the general vicinity of the station which transmitted the alarm signal, may repeat the transmission of this signal (using A–2 emission) to be followed by a repetition of the distress call and distress message provided all reasonable precaution is taken by such station not to interfere with acknowledgment of receipt of the distress call or distress traffic already in progress.*†

§ 7.30 *Use of A–1 and A–2 emission by coastal telephone and coastal harbor stations.* Coastal telephone and coastal harbor stations are authorized to use types A–1 and A–2 emission for calling, for brief testing, for the transmission of brief service messages, and for communication in an emergency involving the safety of life or property.*†



§ 7.31 *Interference from A–2 emission.* Beginning January 1, 1940, the use of A–2 emission, which is generated by abrupt [1] interruptions or reductions of the carrier wave, at an audible frequency or frequencies, without reference to the usual interruptions caused by ordinary telegraphic keying, shall be prohibited for coastal stations on frequencies below 30000 kilocycles except when necessary for emergency communication.*†

§ 7.32 *Operating power.* The operating power of coastal stations shall be computed in conformity with the terms of Section 2.79 of Part 2; provided, however, that for coastal stations the multiplying factor to which reference is made in paragraph (a) and the method of measuring field intensity to which reference is made in paragraph (c) of Section 2.79 shall be as specifically determined from time to time by the Commission.*†

§ 7.33 *Use of special emission.* Upon application, coastal telephone stations normally licensed to transmit on frequencies above 4,000 kilocycles may be granted authority to use special emission upon a secondary basis, providing the applicant makes a satisfactory showing of the need for this type of emission and upon condition that no increase in interference to the service of other stations will result.*†

LICENSE

§ 7.41 *Coastal station license.* All coastal station licenses normally will be issued to expire at 3:00 A. M., E. S. T., February 1st, of each year except as otherwise provided by Section 2.46 of Part 2.*†

§ 7.42 *Posting of station license.* The original of each coastal station license shall be posted in a conspicuous place either in the room housing the transmitting equipment, or at the control point for the station when the station license authorizes operation by remote control in accordance with Section 2.53 of Part 2; provided, however, that when such authorized remote control operation is used and the transmitting equipment is unattended by a licensed operator of the required class, the coastal station license shall be posted at the control point.*†

§ 7.43 *Posting of operator license.* The original license of each operator of a coastal station while he is on duty therein, shall be posted in a conspicuous place at the operator's regular point of duty, either in the room housing the transmitting equipment or at the control point for the station, when the station license authorizes operation by remote control in accordance with Section 2.53 of Part 2, except when any operator license has been submitted to the Commission in accordance with relevant provisions of Part 13.*†

§ 7.44 *Special temporary authorization.* Requests for special temporary authority must comply with the applicable provisions of Section 1.365 of Part 1 and must be accompanied by a showing that interference will not be caused to the coastal service for which the station is primarily licensed; in addition, such requests must be accompanied by the following:

(a) A statement of the call letters and location of the transmitting station and designation of the frequency, or frequencies, which it is desired to use under temporary authority;

(b) A statement of the period for which the temporary authority is desired;

(c) A statement describing the service which is to be rendered under temporary authority.*†

§ 7.45 *Equipment and service tests.* Equipment and service tests are authorized to be carried on by coastal stations in accordance with the provisions of Sections 2.42 and 2.43 of Part 2.*†

§ 7.46 *Experimental research.* The licensee of a coastal station may be authorized to use a transmitter, which is licensed for coastal service, for experimental research in accordance with the rules and regulations governing the experimental service upon the condition that no interference will be caused to the coastal service for which the station is licensed.*†

FREQUENCIES

§ 7.51 *International calling and distress frequency.* The international calling and distress frequency is 500 kilocycles. In the Great Lakes region, the frequency 410 kilocycles shall be used for calling and distress purposes in lieu of the international calling and distress frequency 500 kilocycles.*†

§ 7.52 *Use of other frequencies for distress.* In case of distress, if it is not possible to use the international distress frequency, any station of the maritime mobile service may use any other frequency available to it to call attention, report the position of the ship or aircraft in distress, and obtain help.*†

§ 7.53 *Use of distress frequency.* The international calling and distress frequency 500 kilocycles (410 kilocycles on the Great Lakes only), shall be used only for calls and replies, for distress traffic, for urgent and safety messages as may be necessary, and for operating signals, including announcements as authorized by Section 7.25.*†

§ 7.54 *Use of 143 kilocycles and other calling frequencies.* In no case shall the calling frequencies 143 and 500 kilocycles (410 kilocycles on the Great Lakes) be used for working purposes except as may be necessary for the handling of distress, urgent, or safety messages. Other calling frequencies may be used for working purposes, provided no interference is caused to calls from mobile stations.*†

§ 7.55 *Use of working frequencies.* Frequencies designated in a coastal telegraph station license as "working" shall be used for the primary purpose of exchanging message traffic with maritime mobile stations; however, these frequencies also may be used for all purposes for which calling frequencies are authorized.*†

§ 7.56 *Emission in the band 100 to 160 kilocycles.* When transmitting on licensed frequencies within the band 100 to 160 kilocycles, coastal telegraph stations shall use A–1 emission only.*†

§ 7.57 *A–2 emission in 365 to 515 kilocycle band.* All coastal telegraph stations open to public correspondence and licensed to operate in the band 365 to 515 kilocycles, shall be capable of transmitting on the frequency 500 kilocycles (410 kilocycles on the Great Lakes) and at least one working frequency within this band by means of A–2 emission. Beginning January 1, 1940, the frequency of modulation of such stations when using A–2 emission on these frequencies shall not be less than 300 cycles per second nor more than 1250 cycles per second.*†

§ 7.58 *Coastal service.* The following frequencies in kilocycles are allocated to the following types of coastal stations:

(a) *To Coastal Telegraph Stations*

| | | |
|---|---|---|
| 105 | 165 | |
| 107 | 166 | |
| 109 | 167 | |
| 110 | 168 | |
| 111 | 169 | |
| 112 | 170 | |
| 114 | 171 | |
| 116 | 173 | |
| 117 | 174 | |
| 118 | 176 | |
| 119 | 177 | |
| 120 | 178 | |
| 121 | 179 | |
| 123 | 180 | |
| 124 | 181 | |
| 125 | 182 | |
| 126 | 183 | |
| 127 | 184 | |
| 129 | 186 | |
| 130 | 187 | |
| 131 | 188 | |
| 133 | 189 | |
| 134 | 191 | |
| 135 | 193 | |
| 136 | 392 | |
| 137 | 394 | |
| 138 | 406 | |
| 139 | 408 | |
| 140 | 410 | Calling Frequency (Great Lakes only) |
| 141 | | |
| 143 [2] Calling | | |
| 145 | | |
| 146 | 418 | |
| 147 | 420 | |
| 148 | 422 | |
| 149 | 425 | |
| 150 | 430 | |
| 161 | 432 | |
| 162 | 436 | |
| 163 | 438 | |
| 164 | 442 | |

[1] This section relates in particular to the electro-mechanical transmitting device commonly known as a "chopper", employed mainly in connection with arc transmitters and electron-tube transmitters of early design.

[2] See Section 7.54.

(a) *To Coastal Telegraph Stations*—Con.

| | | |
|---|---|---|
| 448 [6] | 11,175 | |
| 452 [6] | 11,190 | |
| 454 [6] | 11,205 | |
| 460 [6] | 11,220 | |
| 462 [6] | 11,235 | |
| 466 | 11,250 | |
| 472 | 11,265 | |
| 474 | 11,280 | |
| 476 | 11,295 | |
| 478 | 11,310 | |
| 482 | 11,325 | |
| 484 | 12,420 | Calling |
| 500 [6] Calling only (except on Great Lakes) | 12,495 | |
| | 12,510 | |
| | 12,525 | |
| 3120 | 12,550 | |
| 4140 Calling | 12,565 | |
| 4185 | 12,570 | |
| 4780 | 12,585 | |
| 4785 | 12,630 | |
| 4790 | 12,645 | |
| 5520 Calling | 12,660 | |
| 5540 | 12,675 | |
| 5545 | 12,720 | |
| 5550 | 12,735 | |
| 5555 | 12,750 | |
| 5560 | 13,050 | |
| 5565 | 13,065 | |
| 6210 [6] Calling | 13,080 | |
| 6250 | 13,170 | |
| 6260 | 16,560 | Calling |
| 6270 | 16,740 | |
| 6280 | 16,760 | |
| 6290 | 16,780 | |
| 6300 | 16,790 | |
| 6310 | 16,800 | |
| 6320 | 16,840 | |
| 6330 | 16,860 | |
| 6340 | 16,880 | |
| 6350 | 16,900 | |
| 6360 | 16,920 | |
| 6370 | 16,980 | |
| 6380 | 17,000 | |
| 6390 | 21,650 | |
| 6400 | 21,675 | |
| 6410 | 21,700 | |
| 8280 Calling | 21,725 | |
| 8370 | 21,750 | |
| 8380 | 21,775 | |
| 8390 | 21,800 | |
| 8420 | 21,825 | |
| 8430 | 21,850 | |
| 8440 | 21,875 | |
| 8450 | 21,900 | |
| 8480 | 21,950 | |
| 8490 | 21,975 | |
| 8500 | 22,080 | Calling |
| 8520 | 22,275 | |
| 8570 | 22,300 | |
| 8580 | 22,325 | |
| 8640 | 22,350 | |
| 8670 | 22,400 | |
| 8680 | 22,425 | |
| 8690 | 22,450 | |
| 11,040 Calling | 22,475 | |
| 11,115 | 22,500 | |
| 11,130 | 22,550 | |
| 11,145 | 22,600 | |
| 11,160 | 22,650 | |

(b) *To Coastal Telephone Stations*

| | |
|---|---|
| 4177.5 | 4752.5 |
| 4272.5 [7] | 6460 |
| 4280 | 6470 |
| 4282.5 | 6480 |
| 4287.5 — | 8540 [6] |

[5] See Section 7.51.

[6] The frequency 455 kilocycles has been recognized as the standard intermediate frequency for superheterodyne receiving equipment and requests for new assignments on the frequencies indicated will be considered in relation to the possibility of general interference to receiving equipment so designed and operated.

[6] Not available for use on the Great Lakes or on inland waters.

[6] Available for coastal telephone stations upon the condition that interference will not be caused to inter-continental aeronautical services.

[7] Available only for assignments that will not cause interference to the service of Canadian stations.

(b) *To Coastal Telephone Stations*—Con.

| | |
|---|---|
| 8550 [6] | 12,825 |
| 8560 [6] | 12,840 |
| 8630 | 17,080 |
| 8660 | 17,090 |
| 11,370 | 17,100 |
| 11,385 | 17,120 |
| 11,400 | 22,675 |
| 12,810 | 22,700 |

(c) *To Coastal Harbor Stations*

| | |
|---|---|
| 2506 | 30,540 |
| 2514 | 31,260 |
| 2522 | 31,660 |
| 2530 | 35,340 |
| 2538 | 35,660 |
| 2550 | 37,260 |
| 2558 | 37,580 |
| 2566 | 37,940 |
| 2572 | 39,220 |
| 2582 | 39,580 |
| 2590 | 132,540 |
| 2598 | 137,160 |
| 2738 [6] | |

*†

§ 7.59 *Frequency measurements.* The licensee of each coastal station shall provide for measurement of each operating frequency of the station and shall establish procedure for regular measurement of these frequencies. These measurements shall be made by means independent of the frequency control of the coastal station transmitter and shall be of an accuracy sufficient to detect deviations from the assigned frequency within one-half the authorized tolerance.*†

§ 7.60 *Frequency tolerance.* The licensee of each coastal station shall maintain the operating frequency within a tolerance of plus or minus the assigned frequency as specified in the following table:

TOLERANCE TABLE

| | Tolerances | |
|---|---|---|
| | Transmitters first authorized to the station for coastal service prior to Jan. 1, 1940 and until Jan. 1, 1944, after which date they shall conform to the tolerance indicated in Column II | New transmitters first authorized to the station for coastal service after Jan. 1, 1940 |
| | Column I | Column II |
| *From 100 to 30,000 kc* | *Percent* | *Percent* |
| From 100 to 515 kc. | 0.1 | 0.1 |
| From 1500 to 30,000 kc. | 0.04 | 0.02 |
| *Above 30,000 kc* | | |
| From 30,000 to 40,000 kc. | | 0.02 |
| From 100,000 to 200,000 kc. | | 0.04 |

*† —

INSTALLATION

§ 7.71 *Change from transmission to reception.* All coastal stations shall be so arranged that change from transmission to reception and vice versa can be made from the normal operating position as rapidly as possible and in all cases within not more than ten seconds.*†

§ 7.72 *Percentage of modulation.* Coastal telephone and coastal harbor stations licensed for public coastal service shall be regularly operated at a maximum percentage of modulation of at least 75 per cent, unless otherwise specified by the Commission.*†

§ 7.73 *Clock required.* Prior to January 1, 1940, a reliable clock with a second hand shall be installed at the radio operating control point of each coastal telegraph station licensed for public coastal service on frequencies below 515 kilocycles. This clock shall be mounted in a position that will allow the divisions between minutes to be easily and accurately read by the operator from his normal operating position. Prior to July 1, 1940, in each coastal station licensed to transmit on 500 kilocycles, the required clock shall be provided with a sweep second hand and shall be mounted in a position that will allow the second dial to be easily and accurately read by the operator from his normal operating position.*†

§ 7.74 *Accuracy of clock.* On each day the coastal station is operated, the time indicated by the clock, specified by Section 7.73, shall be compared with standard time and if a deviation is observed, the clock shall be adjusted to accurately coincide with standard time; provided, however, that this requirement shall not preclude adjustment of this clock to Greenwich Mean Time pursuant to the International Radio Regulations, in force.*†

LOGS

§ 7.81 *Radio log for frequencies below 515 kilocycles.* The licensee of each coastal station authorized to operate on frequencies within the band 100 to 515 kilocycles shall maintain an accurate radio log as follows:

(a) Each sheet of the log shall be numbered in sequence, and shall include official call letters of the coastal station and the name of the operator on watch.

(b) The entry "on watch" shall be made by the operator beginning a watch, followed by his signature. The entry "off watch" shall be made by the operator being relieved or terminating a watch, followed by his signature. All log entries shall be currently completed at the end of each watch by the operator responsible for the entries. The use of initials or signs is not authorized in lieu of the operator's signature.

(c) During the period a watch is maintained by an operator, all calls transmitted to or from the coastal station and all replies transmitted or received, shall be entered, stating the time and frequencies, and the call letters [9] of the station communicated with or heard. In addition a notation of any messages exchanged shall be entered, stating the time, the frequency in kilocycles and the call letters [9] of the station(s) heard, or communicated with. In so far as possible, a positive entry with respect to reception on 500 kilocycles (410 kilocycles on the Great Lakes) shall be made at least once in each fifteen minutes. The entries required by paragraph (e) hereof shall be acceptable as positive entries provided operating conditions are such as to prevent additional entries being made.

(d) The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich Mean Time (GMT) (counted from 00:00 to 24:00 o'clock, beginning at midnight).[10] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "GMT" shall be marked at the head of the column in which the time is entered.

(e) During the period a watch is maintained by an operator, an entry shall be made twice per hour stating whether or not the international silent period was observed. In addition, entries shall be made indicating any signals or communications heard on 500 kilocycles (410 kilocycles on the Great Lakes) during this period. If no signals are heard on 500 kilocycles (410 kilocycles on the Great Lakes), an entry to that effect shall be made. The use of rubber stamps for making entries to show observation of the silent period is not authorized.

(f) All distress calls, automatic alarm signals, urgent and safety signals made or intercepted, the complete text, if possible, of distress messages and distress communications, and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(g) Whenever harmful interference is experienced, an entry shall be made to that effect, stating the sources of the interference, if known.

(h) A daily entry shall be made regarding comparison of the radio station clock with standard time, including an indication of any errors observed and corrections made. For this purpose, authentic radio time signals received from land or fixed stations shall be acceptable as standard time.

(i) Any failure of equipment to operate as required, any failure of power supply, and any incidents tending to unduly delay communication shall be entered.*†

§ 7.82 *Radio log for frequencies above 1500 kilocycles.* The licensee of each coastal station authorized to operate on frequencies above 1500 kilocycles shall maintain an accurate radio log as follows:

(a) Each sheet of the log shall be numbered in sequence and shall include official call letters of the coastal station and the name of the operator on watch.

(b) The entry "on watch" shall be made by the operator beginning a watch, followed by his signature. The entry "off watch" shall be made by the operator being relieved or terminating a watch, followed by his signature. All log entries shall be currently completed at the end of each watch by the operator responsible for the entries. The use of initials or signs is not authorized in lieu of the operator's signature.

(c) During the period a watch is maintained by an operator, all calls transmitted to or from the coastal station and all replies transmitted or received, shall be entered, stating the time and frequencies, and the call letters [11] of the station communicated with or heard. In addition, a notation of any messages exchanged shall be entered, stating the time, the frequency in kilocycles and the call letters [11] of the station(s) heard or communicated with.

(d) The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich Mean Time (GMT) (counted from 00:00 to 24:00 o'clock, beginning at midnight).[12] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "GMT" shall be marked at the head of the column in which the time is entered.

(e) All distress calls, urgent and safety signals made or intercepted, the complete text, if possible, of distress messages and distress communications, and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(f) Whenever harmful interference is experienced, an entry shall be made to that effect, stating the source of the interference, if known.

(g) Any failure of equipment to operate as required, any failure of power supply, and any incidents tending to unduly delay communication shall be entered.*†

MARINE RELAY SERVICE

§ 7.91 *Marine relay service.* The term "marine relay service" means a radiotelegraph service carried on between marine relay stations communicating with one another for the relay of maritime mobile communications or for the interchange of messages or operating signals pertaining to maritime mobile communications only.*†

§ 7.92 *Marine relay station.* The term "marine relay station" means a coastal telegraph station licensed to communicate with other coastal telegraph stations within the same geographical area.*†

§ 7.93 *Licenses and use of frequencies.* A license for marine relay service will be granted only to the licensee of a public coastal telegraph station and only to the following:

(a) A coastal telegraph station licensee, for the transmission of radio operating signals utilizing the coastal calling or individual working frequencies that are licensed to the same applicant at the particular location where marine relay service is desired.

(b) A Great Lakes coastal telegraph station licensee, for the relay of messages either destined to or originating at mobile stations on the Great Lakes, *Provided, however,* That such messages shall be relayed only upon the coastal working frequencies that are licensed to the same applicant at the particular location where marine relay service is desired and provided further that the frequencies are available for both fixed and mobile services under the provisions of the International Radiotelegraph Convention.

(c) Any other coastal telegraph station licensee, for the relay via another marine relay station of messages destined to a mobile station: *Provided, however,* That such messages shall be relayed only upon the coastal working frequencies that are licensed to the same applicant at the particular location where marine relay service is desired and provided further that this service is not to be used for the normal routing of traffic, but only when, for any reason, the initial coastal station has been unable to communicate directly with such mobile station.*†

§ 7.94 *Points of communication.* Marine relay stations are permitted to communicate only with stations of their own class located in the same geographical area: *Provided, however,* That they may also communicate with foreign coastal stations within their geographical areas if no interference with international service results from such com-

[6] Available for assignment to coastal harbor stations upon the condition that excessive interference will not be caused to the service of maritime mobile stations.

[9] If desired, the names of the stations or ships also may be entered.

[10] For example, 7:01 P. M., Eastern Standard Time would be entered as 0001 GMT; 7:30 A. M., Eastern Standard Time would be entered as 1230 GMT; 6:45 P. M., Eastern Standard Time would be entered as 2345 GMT.

[11] If desired, the names of the stations or ships also may be entered.

[12] For example, 7:01 P. M. Eastern Standard Time would be entered as 0001 GMT; 7:30 A. M. Eastern Standard Time would be entered as 1230 GMT; 6:45 P. M. Eastern Standard Time would be entered as 2345 GMT.

munication. The areas to be designated in licenses, unless otherwise specified, will be as follows:

(a) Atlantic-Gulf area.
(b) Great Lakes area.
(c) Pacific area.*†

§ 7.95 *Logs.* Each licensee shall maintain adequate records of the operation of each station, including (a) hours of operation, (b) frequencies used, (c) points of communication, and (d) estimate of the total volume of traffic transmitted for the periods of time covered. This information shall be made available upon request by authorized government representatives.*†

§ 7.96 *Additional regulations.* The operation of marine relay stations shall be governed in the following matters by the associated provisions of the following designated rules governing the operation of coastal stations:

(a) Section 7.21—Priority of Communications.
(b) Section 7.31—Interference from A–2 Emission.
(c) Section 7.32—Operating Power.
(d) Section 7.41—Coastal Station License.
(e) Section 7.42—Posting of Station License.
(f) Section 7.43—Posting of Operator License.
(g) Section 7.59—Frequency Measurement.
(h) Section 7.60—Frequency Tolerance.*†

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2727; Filed, July 24, 1939; 1:40 p. m.]

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PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES

RULES REPEALED

The Commission, on July 12, 1939, repealed the following rules, effective October 1, 1939:

| Rule No.: | C. F. R. Sec. No. |
|---|---|
| 263–269, inclusive | 70.01–70.07, inclusive. |
| 270–272, inclusive | 70.10–70.12, inclusive. |
| 273–274, inclusive | 70.20–70.21, inclusive. |
| 275 | 70.13. |
| 276–277, inclusive | 71.01–71.02, inclusive. |
| 278–280, inclusive | 71.10–71.12, inclusive. |

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2728; Filed, July 24, 1939; 1:40 p. m.]

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PART 1—RULES OF PRACTICE AND PROCEDURE

CORRECTION

Attention is directed to the following errors in Sections 1.102 and 1.195, printed in the Wednesday, July 19, 1939, issue of the FEDERAL REGISTER on pages 3344 and 3345:

Sec. 1.102, line 8: The word "and" should be changed to "or", immediately following the word "subscribed".

Sec. 1.195, line 13: The word "asking" should be changed to "making", immediately following the word "person".

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2726; Filed, July 24, 1939; 1:57 p. m.]

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PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

CORRECTION

Attention is directed to the following error in footnote 5 on page 3380 of the Thursday, July 20, 1939, issue of the FEDERAL REGISTER:

Footnote 5, line 2: "130 kc" should read "130 mc".

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–2729; Filed, July 24, 1939; 1:57 p. m.]

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## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

[Order No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: J. Haden Alldredge, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles by rail in freight, express, and baggage services, and by water and highway, being under further consideration:

*And it appearing,* That upon applications made by interested parties, certain proposed new and amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and upon investigation had are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

*It is ordered,* That the aforesaid regulations as heretofore published in orders of March 12, 1936, and March 15, 1938,[1] be and they are hereby amended as follows, effective October 25, 1939:

PART I—FREIGHT

Superseding and amending Note to 3d subparagraph, paragraph 484, order March 15, 1938, as follows (*packing poisonous liquids, class B*):

NOTE: Shipments of sodium arsenite in specification 5E metal drums, capacity not exceeding 55 gallons, are authorized.

PART IV—SHIPPING CONTAINER SPECIFICATION

Amending paragraph 7, specification 5J, order March 12, 1936 as follows:

(Add) NOTE: Removable-head containers which will pass all required tests are authorized for transportation of inflammable inks.

*It is further ordered,* That the aforesaid regulations as further amended herein shall be and remain in force on and after October 25, 1939, and shall be observed until further order of the Commission;

*It is further ordered,* That compliance with the aforesaid amendments made effective by this order is hereby authorized on and after the date of approval and publication thereof;

*And it is further ordered,* That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 20th day of July 1939.

By the Commission, Commissioner Alldredge.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39–2741; Filed, July 25, 1939; 11:19 a. m.]

[1] 1 F.R. 46; 3 F.R. 764 DI.

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## *Notices*

## DEPARTMENT OF AGRICULTURE.

### Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

CALIFORNIA

JULY 24, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and on the basis of the recommendation of the California State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Sacramento, Stanislaus, and Butte.

[SEAL] F. W. REICHELDERFER, *Acting Secretary of Agriculture.*

[F. R. Doc. 39–2733; Filed, July 25, 1939; 10:16 a. m.]



DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

UTAH

JULY 24, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Utah State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940; (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional counties: Millard and Sanpete.

[SEAL] F. W. REICHELDERFER, *Acting Secretary of Agriculture.*

[F. R. Doc. 39–2734; Filed, July 25, 1939; 10:16 a. m.]

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## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 154]

IN THE MATTER OF THE PETITION OF TRANSCONTINENTAL & WESTERN AIR, INC., UNDER SECTION 406 OF THE CIVIL AERONAUTICS ACT OF 1938, FOR THE DETERMINATION OF FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT ON ROUTES 2, 36, 37, AND 38

NOTICE OF HEARING

The above entitled proceeding is assigned for public hearing on August 28, 1939, 10 o'clock a. m. (Eastern Standard Time), at the offices of the Civil Aeronautics Authority in Washington, D. C., before the Authority.

Dated Washington, D. C., July 24, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39–2742; Filed, July 25, 1939; 12:13 p. m.]

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## FEDERAL POWER COMMISSION.

[Docket No. IT–5548]

IN THE MATTER OF TENNESSEE UTILITIES CORPORATION

NOTICE OF APPLICATION

JULY 24, 1939.

Notice is hereby given that on July 22, 1939, an application was filed with the Federal Power Commission by Tennessee Utilities Corporation, a corporation organized under the laws of the State of Tennessee and having its principal place of business at 241 Market Street, Chattanooga, Tennessee, seeking such order supplementary to the Federal Power Commission's Order Authorizing and Approving Sale of Facilities, adopted June 29, 1939, upon said Corporation's application filed May 8, 1939, as amended, as the Commission may find necessary to authorize and approve the sale of the facilities, as described in said order, under the contract of May 12, 1939, therein referred to, as extended and modified by a contract dated as of July 19, 1939, between substantially the same parties; said contract of July 19, 1939, extending the said contract of May 12, 1939, from June 30, 1939, to August 15, 1939, and making certain other modifications in said contract on account of the fact that the Congress did not enact legislation in the form necessary to enable certain terms of the contract to be carried out and providing that the purchase prices to be paid by the Tennessee Valley Authority, and the cities of Nashville and Chattanooga, Tennessee, shall not be reduced by their proportionate shares of the amount of $3,333, daily after April 30, 1939, as provided in subsection B of section V of the contract of May 12; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the said application should, on or before 12:00 o'clock noon on the 27th day of July 1939, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39–2732; Filed, July 25, 1939; 9:21 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of July 1939.

[File No. 1–1998]

IN THE MATTER OF PARK KING MINING COMPANY ASSESSABLE CAPITAL STOCK, PAR VALUE 10¢

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Salt Lake Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the Assessable Capital Stock, Par Value 10¢, of Park King Mining Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 2:00 P. M. on Wednesday, August 16, 1939 at the office of the Securities & Exchange Commission, 1706 Welton Street, Denver, Colorado, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That Howard N. Lary, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2737; Filed, July 25, 1939; 11:02 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of July, A. D. 1939.

[File No. 52–7, 52–8]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY

ORDER ADOPTING REPORT ON PLAN

Mountain States Power Company, a subsidiary of Standard Gas and Electric Company (a registered holding company), a Preferred Stockholders Committee, and a Bondholders Committee having filed applications and amendments thereto pursuant to Section 11 (g) of the Act[1] and Rule U–12E–4 for a report on a plan of reorganization of the company; and

Public hearings having been held on said applications and the amendments thereto, after appropriate notices;[2] and

The Commission having prepared its report on said plan of reorganization pursuant to Section 11 (g) of the Act and Rule U–12E–4, said report being in the form of a copy thereof attached to this order;

*It is ordered,* That said report be and the same hereby is approved and adopted as the report made by the Commission herein, and as the form of a copy of said report to be used by the company in making solicitations of consents in respect of said reorganization plan.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2738; Filed, July 25, 1939; 11:02 a. m.]

[1] Public Utility Holding Company Act of 1935.
[2] 4 F.R. 1722 DI.



JUL 28 1939

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of July 1939.

[File No. 1-1515]

IN THE MATTER OF COTY, INC. (ORGANIZED UNDER THE LAWS OF DELAWARE DECEMBER 22, 1922), COMMON CAPITAL STOCK, $1 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Capital Stock, $1 Par Value, of Coty, Inc. (Organized under Laws of Delaware December 22, 1922); and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Friday, August 18, 1939, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2739; Filed, July 25, 1939; 11:02 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25 day of July, A. D. 1939.

[File No. 32-165]

IN THE MATTER OF EDISON SAULT ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 10, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 5, 1939.

The matter concerned herewith is in regard to an application by Edison Sault Electric Company, a subsidiary of American States Utilities Corporation, a registered holding company, pursuant to Section 6 (b) of the Act, requesting an exemption from Section 6 (a) thereof, or in the alternative a declaration pursuant to Section 7 of the Act, in regard to the proposed issue and sale by the applicant of (1) its First Mortgage Sinking Fund Bonds, Series B, 4½%, due October 1, 1961, in the principal amount of $60,000, and (2) 2,400 shares of its Common Capital Stock without par value (stated value of $25 per share). The applicant states that it also proposes to increase the stated value of 20,000 shares of its Common Capital Stock now outstanding from $22 a share to $25 a share by a charge of $60,000 to earned surplus, thus making uniform at $25 per share the stated value of the 32,000 shares of such stock now outstanding. The applicant also states that the Bonds and Common Capital Stock will be sold privately, the Bonds to Wilmington Savings Fund Society for cash at par, plus accrued interest, and the Common Capital Stock to its parent for $60,000 cash, the stated value of the shares; the net proceeds to be used for the purpose of reimbursing applicant's treasury for expenditures incurred for capital improvements.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2740; Filed, July 25, 1939; 11:02 a. m.]

JUL 28 1939

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

# FEDERAL REGISTER

VOLUME 4 NUMBER 143

*Washington, Thursday, July 27, 1939*

## *The President*

RELATING TO NEWLY-MINED DOMESTIC SILVER

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, by Proclamation of the twenty-first day of December, 1933, as modified by Proclamations of the ninth day of August, 1934, the tenth and twenty-fourth days of April, 1935, the thirtieth day of December, 1937,[1] and the thirty-first day of December, 1938,[2] the United States coinage mints are directed to receive for coinage and addition to the monetary stocks of the United States silver mined subsequently to December 21, 1933, from natural deposits in the United States or any place subject to the jurisdiction thereof;

AND WHEREAS, such Proclamation as so modified is subject to revocation or further modification as the interests of the United States may seem to require.

NOW, THEREFORE, finding that the interests of the United States require further modification of said Proclamation of the twenty-first day of December, 1933, as so modified; by virtue of the power in me vested by the Act of Congress cited in said Proclamation, and other legislation designated for national recovery, and by virtue of all other authority in me vested;

I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim and direct that, unless repealed or further modified by Act of Congress or by subsequent Proclamation, the said Proclamation of the twenty-first day of December, 1933, as heretofore and hereby modified, shall remain in force and effect until the thirty-first day of December, 1939, with respect to silver mined subsequently to December 21, 1933, and on or before July 1, 1939, from natural deposits in the United States or any place subject to the jurisdiction thereof; and I do further proclaim and direct that the proviso:

"that silver to be eligible for receipt under the said Proclamation of the twenty-first day of December, 1933, as heretofore and hereby modified must be delivered to a United States coinage mint not later than June 30, 1939."

stated in the said Proclamation of the thirty-first day of December, 1938, is hereby rescinded.

Notice is hereby given that I reserve the right by virtue of the authority vested in me to revoke or modify this Proclamation as the interests of the United States may seem to require.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25th day of July, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2342]

[F. R. Doc. 39-2745; Filed, July 25, 1939; 3:31 p. m.]

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## EXECUTIVE ORDER

PROVIDING ADDITIONAL TIME-ELIGIBILITY FOR REINSTATEMENT UNDER CIVIL SERVICE RULES OF CERTAIN FORMER FEDERAL EMPLOYEES

By virtue of the authority vested in me by the provisions of paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 403, 404), it is hereby ordered that subject to the other requirements of the Civil Service Rules, the provisions of such Rules relating to time limitations on reinstatement eligibility shall be made applicable on

[1] 3 F.R. 5 DI.
[2] 4 F.R. 1 DI.

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and after the date of this order rather than on and after the date of actual separation as to all former Federal employees who were separated from their positions during the period June 30, 1932, to July 26, 1937, solely because of the operation of section 213 of the Economy Act of June 30, 1932 (47 Stat. 382, 406).

This order is issued so that such former employees may be accorded an additional period of time-eligibility for reinstatement, under the Civil Service Rules, commensurate to the period which they would otherwise have had but which was rendered ineffective between the dates of separation and the date of repeal of section 213, *supra*.

This order is recommended by the Civil Service Commission.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 25, 1939.*

[No. 8214]

[F. R. Doc. 39-2751; Filed, July 26, 1939; 10:03 a. m.]

## EXECUTIVE ORDER

AMENDMENT OF SECTION 15 OF EXECUTIVE ORDER NO. 1888 OF FEBRUARY 2, 1914, PRESCRIBING GENERAL CONDITIONS OF EMPLOYMENT FOR EMPLOYEES OF THE PANAMA CANAL AND THE PANAMA RAILROAD COMPANY ON THE ISTHMUS OF PANAMA

By virtue of and pursuant to the authority vested in me by section 5 of title 2 of the Canal Zone Code, and by section 81 of the said title as amended by section 3 of the act of July 9, 1937, 50 Stat. 486, 487, section 15 of Executive Order No. 1888 of February 2, 1914, prescribing general conditions of employment for employees of The Panama Canal and the Panama Railroad Company on the Isthmus of Panama, is hereby amended to read as follows:

"15. *Free transportation to United States on termination of service.* Employees who are citizens of the United States will on termination of service be granted free transportation to the United States as follows:

(a) *To New York on Panama Railroad Steamship Line.* Free transportation to New York on the Panama Railroad Steamship Line will be granted: (1) to employees with three years' continuous service without regard to the manner in which the employment terminates or is terminated, (2) to employees with less than three years' service who were appointed in the United States and whose employment is terminated by authority of the Governor of The Panama Canal for any cause other than inefficiency or misconduct, and (3) to employees with continuous service of six months or more but less than three years who were appointed on the Isthmus for permanent employment and whose employment is terminated by authority of the Governor for any reason other than inefficiency or misconduct.

(b) *To any United States port by another line; limitation.* Employees entitled to free transportation to New York on the Panama Railroad Steamship Line, under paragraph (a) of this section, may in lieu thereof be granted free transportation to any port of the United States by any other line: *Provided, however,* that if the cost of such transportation exceeds $50, the employee shall pay such excess cost.

(c) *To port of embarkation.* Employees who were appointed in the United States and to whom free transportation was furnished from a port other than New York will on termination of service be granted free transportation to the port of embarkation (1) if they were appointed prior to April 1, 1914, and have served continuously since such appointment, or (2) if their employment is terminated by retirement, or (3) is terminated by the Governor for any cause other than inefficiency or misconduct. Employees entitled to free transportation to port of embarkation, as provided in this paragraph, may in lieu thereof be granted free transportation to any other port of the United States: *Provided, however,* that such employees shall pay any excess in the cost of such transportation over the cost to the port of embarkation.

(d) *Availability of benefits hereunder.* Benefits authorized upon the basis, as stated in this section, of three years' continuous service, or of appointment prior to April 1, 1914, and continuous service thereafter, or of termination of employment by retirement, shall be available to an employee at any time after termination of his employment. Benefits authorized upon the sole basis, as stated in this section, of termination of employment by authority of the Governor for a cause other than inefficiency or misconduct, shall be available to an employee for a period of six months immediately following termination of his employment, and not thereafter.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 25, 1939.*

[No. 8215]

[F. R. Doc. 39-2750; Filed, July 26, 1939; 10:03 a. m.]

## EXECUTIVE ORDER

WITHDRAWING PUBLIC LAND AND WATER FOR NAVAL PURPOSES

ALASKA

By virtue of and pursuant to the authority vested in me as President of the United States and by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, and subject to the conditions therein expressed, it is ordered as follows:

SECTION 1. The Executive order of October 30, 1901, reserving Harbor Island and three islets southeast thereof in Sitka Harbor, Alaska, for the use of the Revenue Cutter Service, is hereby revoked.

SECTION 2. The public land and water in the following-described area in the Territory of Alaska are hereby withdrawn from settlement, location, sale, or entry, and reserved for the use of the Department of the Navy for naval purposes:

That part of Sitka Bay lying south of Japonski Island and west of the main channel described by metes and bounds as follows: Beginning at the southeast point of Japonski Island at angle point No. 7 of the meanders of U. S. Survey No. 1496; thence east approximately 12.00 chains to the center of the main channel; thence S. 45° E. along the main channel approximately 20.00 chains; thence S. 45° W. approximately 9.00 chains to the southeastern point of Aleutski Island; thence S. 79° W. approximately 40.00 chains to the southern point of Fruit Island; thence N. 60° W. approximately 50.00 chains to the southwestern point of Japonski Island at angle point No. 35 of U. S. Survey No. 1496; thence easterly with the meanders of Japonski Island to the point of beginning including Charcoal, Aleutski, Harbor, Alice, Love, Fruit Islands and a number of smaller unnamed islands and containing a total land and water area of approximately 195 acres.

SECTION 3. The reservation made by section 2 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*July 25, 1939.*

[No. 8216]

[F. R. Doc. 39-2749; Filed, July 26, 1939; 10:03 a. m.]



## *Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1939-16]

PART 701—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 16

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended,[1] the 1939 Agricultural Conservation Program Bulletin, as amended, is hereby further amended as follows:

(1) Section 701.7 (h) (1) is amended to read as follows:

(1) Leaving on the land as a protection against wind erosion (only in wind-erosion areas designated by the Administrator) the stalks of sorghums (including broomcorn) or Sudan grass, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1940 (except any of such crops qualifying at a higher rate of credit under any other practice listed in this section 701.7).

(2) Section 701.7 (l) (1) is amended to read as follows:

(1) Leaving on the land as a protection against wind erosion the stalks of sorghums (including broomcorn) or Sudan grass, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1940 (except any of such crops qualifying at a higher rate of credit under any other practice listed in this section 701.7).

(3) Section 701.10 (a) (1), as amended, is hereby further amended by adding at the end thereof the following:

*Provided further,* That if for any reason the total acreage of cotton on the farm in 1939 is less than 80 percent of the cotton acreage allotment established for the farm and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1939 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton acreage allotment had been planted and harvested in 1939, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1939.

Done at Washington, D. C., this 26th day of July, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2752; Filed July 26, 1939; 10:19 a. m.]

[1] 4 F.R. 2206 DI.

## TITLE 25—INDIANS

### OFFICE OF INDIAN AFFAIRS

LANDS PROCLAIMED TO BE AN INDIAN RESERVATION FOR USE OF SOKAOGON CHIPPEWA COMMUNITY

WISCONSIN

JUNE 30, 1939.

By virtue of authority contained in Section 7 of the Act of June 18, 1934 (48 Stat. 984), the lands described below, acquired by purchase under the provisions of Section 5 of that Act, are hereby proclaimed to be an Indian reservation for the use and benefit of the Sokaogon Chippewa Community:

T. 35 N., R. 12 E., 4th P. M.
E½SW¼, SE¼ Section 20.
SW¼, NE¼SE¼, W½SE¼ Section 21.
Government lots 1 and 2, Section 22.
SW¼NW¼, Section 26.

Government lot 2, Section 27, except that part bounded and described as follows: Commencing at a point on the east and west quarter line of Section 27, T. 35 N., R. 12 E., which is 76 rods and 16 links west of the quarter post between Sections 26 and 27 in said township, and running thence west along said quarter line 479 feet to the meander line on the lake; and thence north 45° east, or along the meander line of said lake 841.5 feet to a point in the meander line; thence south 32° east 475 feet; thence south 62° west 379.5 feet to place of beginning.

Government lot 3, Section 27, subject to a right of way of State Trunk Highway No. 55 and excepting the following described parcel: Commencing at the NW¼SE¼ of said section; thence south 67.5 feet to western edge of State Aid Highway 55; thence southwesterly along said highway 148 feet; thence north 32°30' west to north line of said NW¼SE¼; thence east to place of beginning.

Government lots 4 and 5, Section 27, excepting the right of way of a public road over and across said lots and a certain portion of Lot 5 described as follows: Commencing at the southwest corner of said Government lot 5; thence east on the south line of said Government lot 5 a distance of 7 rods; thence north parallel with the west line of said section to the high water mark of Swamp Creek or the outlet of Rice Lake; thence westerly along the high water mark of Swamp Creek or the outlet of Rice Lake to the section line between Sections 27 and 28; thence north along said section line to the place of beginning.

Government lots 6 and 7, Section 27.

NE¼SE¼ Section 27, excepting therefrom a tract of land described as follows: Commencing at the northwest corner of the NE¼SE¼ of said Section 27; thence running south 67.5 feet to the western edge of State Highway No. 55; thence in a northeasterly direction along the edge of said highway 172.4 feet to the east and west quarter line of said Section 27; thence westerly along said quarter line 152 feet to the place of beginning.

Government lots 1, 2 and the east 70 rods of Government lot 3, Section 28.

Government lots 4 and 5, Section 28, except that portion of lot 5 described as follows: Commencing on the southeast corner of Section 28; thence running west 18 rods; thence north 18 rods; thence east 18 rods; thence south 18 rods to place of beginning.

N½NE¼, SW¼NE¼, W½SE¼ and SW¼ Section 28.

Government lot 2, Section 29.

All of the said lands being within Forest County, Wisconsin, containing a total of 1,437.60 acres, more or less.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 39-2747; Filed, July 26, 1939; 9:42 a. m.]

## TITLE 26—INTERNAL REVENUE

### BUREAU OF INTERNAL REVENUE

[T. D. 4912]

AMENDMENT OF CAPITAL STOCK TAX REGULATIONS

*To Collectors of Internal Revenue and Others Concerned:*

In order to conform Regulations 64[1] (1938 Edition) (Part 137, Subpart B, Title 26, Code of Federal Regulations), as made applicable to the Internal Revenue Code (53 Stat., Part 1) by Treasury Decision 4885, approved February 11, 1939[2] (Part 465, Subpart B, of such Title 26) to section 1202, Internal Revenue Code, as amended by section 301 of the Revenue Act of 1939 (Public, No. 155, Seventy-sixth Congress, first session), such regulations are amended as follows:

1. Article 21 (m) (section 137.21 (m) of such Title 26), as made applicable to the Internal Revenue Code, is amended to read as follows:

"(m) The term 'declaration year' means (1) the first year of each 3-year period for which a corporation, whether domestic or foreign, is subject to the tax, (2) the capital stock tax year beginning with or within an income-tax taxable year within which bankruptcy or receivership, due to insolvency, of a domestic corporation, is terminated, and (3) in the case of a domestic corporation, the capital stock tax year ending June 30, 1939, or June 30, 1940, or both, if the corporation elects under section 1202 (e) of the Internal Revenue Code, added by section 301, Revenue Act of 1939, to establish either or both of such years as an additional declaration year or years."

2. Article 44 (section 137.44 of such Title 26), as made applicable to the Internal Revenue Code, is amended by changing the third paragraph thereof to read as follows:

"For any declaration year (except for the limitation as to an additional declaration year established by an election under section 1202 (e) of the Internal Revenue Code, added by section 301, Revenue Act of 1939,—see article 45½, [section 137.45½, Title 26, Code of Federal Regulations]) a corporation may exercise unrestricted judgment and discretion in determining the value to be declared for its capital stock; and in making such declaration, the corporation is not bound by any previous declaration of value."

3. Immediately following article 45 (section 137.45 of such Title 26) there are inserted a heading, a quotation of section 1202 (e) of the Internal Revenue Code, added by section 301, Revenue Act of 1939, and a new article designated article 45½ (section 137.45½ of such Title 26), as follows:

SECTION 1202 (e) OF THE INTERNAL REVENUE CODE, ADDED BY SECTION 301, REVENUE ACT OF 1939

(e) ADDITIONAL DECLARATION YEARS.—In the case of any domestic corporation, the year ending June 30, 1939, and the year ending June 30, 1940, shall each, if not otherwise a declaration year, constitute an additional declaration year if with respect to such year (1) the taxpayer so elects (which election cannot be changed) in its return filed before the expiration of the statutory filing period or any authorized extension thereof, and (2) the value declared by the taxpayer is in excess of the adjusted declared value computed under paragraph (1) of subsection (b). If, under this subsection, the year ending June 30, 1939, is a declaration year, the computation, under paragraph (1) of subsection (b), of the adjusted declared value for the year ending June 30, 1940, shall be made on the basis of the value declared for the year ending June 30, 1939.

"ART. 45½ (SEC. 137.45½). *New declaration of value by domestic corporation pursuant to election under section 1202 (e) of Internal Revenue Code, added by section 301, Revenue Act of 1939.* Under section 1202 (e) of the Internal Revenue Code, added by section 301, Revenue Act of 1939, a domestic corporation may, by complying with certain conditions, establish the year ending June 30, 1939, or June 30, 1940, or both, as an additional declaration year or years. The election applies only to domestic corporations required to report an adjusted value for either or both of such years. The election can be exercised only (a) by filing a return prior to the expiration of the filing period, or any authorized extension thereof, and (b) by declaring a value in such return in excess of the adjusted value correctly computed under section 1202 (b) (1) of the Internal Revenue Code (same as section 601 (f) (3) and (4), Revenue Act of 1938).

"In general, the rules stated in article 44 [section 137.44, Title 26, Code of Federal Regulations], which relates to declared value, are equally applicable to declarations of value made for an additional declaration year established by an election under section 1202 (e), added by section 301, Revenue Act of 1939, with these limitations: (a) the election if exercised may not be changed after the close of the filing period, or any authorized extension thereof, and (b) the value declared must be in excess of the adjusted value for the year for which the new value is declared, correctly computed under section 1202 (b) (1) of the Internal Revenue Code (same as section 601 (f) (3) and (4), Revenue Act of 1938).

"In the event the election is exercised, the return must include a computation of the adjusted value as well as a statement of the new declared value. A change of election or of declared value, if desired, can be made only by filing an amended return before the expiration of the filing period or authorized extension thereof. Unless the last return timely filed shows a declared value exceeding the correct adjusted value as determined by audit of the return, even though it is more than the adjusted value as computed on the return, the purported election of an additional declaration year is nugatory, and the correct adjusted value controls.

"If the year ending June 30, 1939, is established as an additional declaration year, the value declared for that year will constitute the base for computing the adjusted value for the year ending June 30, 1940."

(This Treasury Decision is prescribed pursuant to section 1202 (e) as added to the Internal Revenue Code by section 301 of the Revenue Act of 1939 (Public, No. 155, Seventy-sixth Congress, first session) and section 3791 of the Internal Revenue Code (53 Stat., Part 1).)

[SEAL] HAROLD N. GRAVES,
*Acting Commissioner of Internal Revenue.*

Approved, July 24, 1939.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-2743; Filed, July 25, 1939; 3:03 p. m.]

[T. D. 4913]

AMENDING ARTICLE 203 OF REGULATIONS 96 RELATING TO PERIOD OF LIMITATIONS FOR FILING CLAIMS FOR REFUND OF TAXES PAID UNDER THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED

*To Collectors of Internal Revenue and Others Concerned:*

Regulations 96, approved October 15, 1936,[1] (Part 456 of Title 26, Code of Federal Regulations) are amended as follows:

Immediately after the quotation of section 903 of the Revenue Act of 1936 which precedes Article 201 (section 456.201 of Title 26, Code of Federal Regulations) the following subtitle and quotation of section 405 of the Revenue Act of 1939 are inserted:

SECTION 405 OF THE REVENUE ACT OF 1939

Section 903 of the Revenue Act of 1936 (relating to expiration of time for filing claims for refund of amounts paid under the Agricultural Adjustment Act) is amended by striking out "July 1, 1937" and inserting in lieu thereof "January 1, 1940."

Article 203 (section 456.203 of Title 26, Code of Federal Regulations) is amended to read as follows:

ART. 203. *Period of limitations for filing claims.* No refund shall be made or allowed of any amount paid as tax unless a claim for such refund is filed by the person entitled thereto, or his duly authorized agent or representative, subsequent to June 22, 1936, and prior to January 1, 1940.

(This Treasury Decision is issued pursuant to section 903 of the Revenue Act of 1936 (49 Stat. 1747; 7 U.S.C. Sup. IV, 645) as amended by section 405 of the Revenue Act of 1939 (Public, No. 155, Seventy-sixth Congress), and section 916 of the Revenue Act of 1936 (49 Stat. 1755; 7 U.S.C. Sup. IV, 658).)

[SEAL] HAROLD N. GRAVES,
*Commissioner of Internal Revenue.*

Approved, July 24, 1939.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-2744; Filed, July 25, 1939; 3:03 p. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### OFFICE OF THE SECRETARY

AMENDMENT TO NEWLY-MINED DOMESTIC SILVER REGULATIONS OF JANUARY 16, 1939

JULY 25, 1939.

Section 1 of the Newly-Mined Domestic Silver Regulations of January 16, 1939[1] is amended to read as follows:

"SECTION 1. *Scope.* These regulations relate to the receipt and coinage by the United States coinage mints of silver, mined in the United States or any place subject to the jurisdiction thereof, pursuant to the proclamation of December 21, 1933, as modified by the proclamations of August 9, 1934, April 10 and April 24, 1935, December 30, 1937, December 31, 1938, and July 25, 1939."[2]

Section 2 of the Newly-Mined Domestic Silver Regulations of January 16, 1939 is amended to read as follows:

"SEC. 2. *Authority for regulations.* These regulations are prescribed under authority of subsection (b) (2), section 43, title III of the act of Congress approved May 12, 1933 (Public, No. 10), as amended, and the President's proclamation of December 21, 1933, as modified by the proclamations of August 9, 1934, April 10 and April 24, 1935, December 30, 1937, December 31, 1938, and July 25, 1939."

SEC. 3. Section 20 (c) of the Newly-Mined Domestic Silver Regulations of January 16, 1939 is amended to read as follows:

"(c) That the aggregate amount of such mixture so received pursuant to the proclamation of December 30, 1937, as modified, modifying the proclamation of December 21, 1933, as modified, does not exceed the amount of such silver which has been mined on or after January 1, 1938, from natural deposits in the United States or any place subject to the jurisdiction thereof."

SEC. 4. Section 24 of the Newly-Mined Domestic Silver Regulations of January 16, 1939 is hereby rescinded.

[SEAL] HENRY MORGENTHAU, Jr.,
*Secretary of the Treasury.*

Approved,

FRANKLIN D ROOSEVELT
*The White House,*
JULY 25, 1939.

[F. R. Doc. 39-2746; Filed, July 25, 1939; 3:31 p. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

IN THE MATTER OF REGULATIONS TO GOVERN THE FORMS AND RECORDING OF PASSES, ISSUE OF 1917

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 20th day of July, A. D. 1939.

The matter of filing with the Interstate Commerce Commission, the names and titles of officers having authority for issuance and for request of free transportation being under consideration,

*It is ordered*, That the Regulations to Govern the Forms and Recording of Passes, Issue of 1917, prescribed under an order of the Commission entered on the 8th day of July, 1916 be, and the same are hereby amended so that paragraph 3 shall read as follows:

Each carrier shall file with the Commission:

(a) A list of the names and titles of officers in whom is reposed the authority for issuance of free transportation and over whose signature passes will be issued, and

(b) A list of the names and titles of officers having the authority to request free transportation of other carriers except that requests for passes may be honored when signed by retired employees of lines which have been abandoned subsequent to the date of their retirement and upon satisfactory evidence that they are on the pension roll of the Railroad Retirement Board. The filing of new lists annually is not required but when changes occur due notice thereof shall be filed promptly with the Commission.

*It is further ordered*, That this order shall become effective on the 1st day of August 1939.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-2761; Filed, July 26, 1939; 12:26 p. m.]

[No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

*Decided July 15, 1939*

Application for authority to construct for experimental service in the transportation of caustic soda solution fifty tank-car tanks fabricated by fusion-welding granted.

*R. W. Thompson* for General American Transportation Corporation.

SUPPLEMENTAL REPORT OF THE COMMISSION[1]

ALLDREDGE, *Commissioner:*

In our several prior reports we granted upon applications therein considered authority to build and use for experimental transportation of dangerous articles other than explosives a total of 717 tank cars to be equipped with tanks fabricated by fusion welding but otherwise conforming to I.C.C. shipping container specifications.

By application filed with the Association of American Railroads under date of January 6, 1939, and transmitted to us, we are asked to authorize the General American Transportation Corporation to construct for use in the transportation of caustic soda solution fifty additional test cars conforming to current I.C.C. shipping container specification 103 for tank cars, except that tanks will be fabricated by fusion welding instead of riveting.

This is the third application for authority for experimental fusion welding in tank cars of I.C.C. specification 103 type used for caustic soda solution, increasing the total number of test cars for this service that have been applied for to eighty-five. Prior to the test period covered by our several orders, caustic soda solution moved under our requirements in tank cars of specification 103 or 103-A type with riveted steel tanks and riveted anchors.

Application and accompanying drawings provide for tanks having capacity of 10,000 gallons each. Construction will be in accordance with effective regulations and proposed I.C.C. specification 103-W, filed as an exhibit at the hearing herein, except (1) that proposed welding process be modified to permit single-welded butt seam for longitudinal joints, described and recommended by the mechanical division, Association of Ameri-

[1] 4 F.R. 523 DI.
[2] 4 F.R. 879 DI.

[1] 1 F.R. 1628.

[1] 4 F.R. 263 DI.
[2] 3 F.R. 5 DI; 4 F.R. 1, 3429 DI.

[1] Under the authority of section 17 (6) of the Interstate Commerce Act, the above-entitled matter was referred by the Commission to Commissioner Alldredge for consideration and disposition.

can Railroads, (2) that tank anchors be of welded construction, and (3) that drainage plates, fusion welded in place, be applied to the inside of domes to close off pockets therein and secure complete drainage of dome liquid.

Caustic soda solution causes no interior vapor pressure on a tank and no material corrosive effect on tank plates, but in order to deliver iron-free lading the inside of tank-car tanks and their domes and dome-drainage plates will be coated with caustic-resisting paint. Difficulty is encountered in applying this coating at riveted seams, due to breaks in the seal which result in iron-pick-up at exposed surfaces. Smooth interior surfaces of tanks permit better application of the coating.

Reports received concerning previous authorities granted for fusion welded test cars show that two hundred forty-one cars have been constructed and in service for about seven thousand trips and approximately six million miles of safe transportation. Approval is recommended by the Association as necessary for obtaining results of trials with least possible delay, cars in each of the authorized services being considered necessary for complete tests of fusion welding in tank car equipment.

Upon further consideration of the record and in the light of added facts disclosed in the instant application, the construction and use of fifty additional fusion-welded tanks of tank cars of I.C.C. specification 103 type is forthwith authorized, tanks to be constructed and marked as modified by this application in compliance with proposed revised I.C.C. specification 103–W, filed as an exhibit at the hearing and referred to in our prior reports, the cars to be used in further service trials in the transportation of caustic soda solution.

In all other respects the regulations for the transportation of dangerous articles[1] herein referred to are and shall remain in full force and effect.

Owners or operators of cars, where construction is authorized herein, shall make semiannual inspection of the tanks and report their condition to the same parties as receive reports required by I.C.C. specification 103.

By the Commission, Commissioner Alldredge.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39–2762; Filed, July 26, 1939; 12:26 p. m.]

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## TITLE 50—WILDLIFE

## BUREAU OF FISHERIES

### SUBCHAPTER A—ALASKA FISHERIES

### PART 204—BRISTOL BAY AREA FISHERIES

Section 204.13 is hereby amended to curtail the commercial salmon fishing season in the Kvichak-Naknek district of the Bristol Bay area, as follows:

§ 204.13 *Seasonal closed periods, commercial salmon fishing.* Commercial fishing for salmon is prohibited in the period from 6 o'clock antemeridian July 25 to 6 o'clock antemeridian August 3: *Provided*, That in the Kvichak-Naknek district such fishing is prohibited from 6 o'clock postmeridian July 22 to 6 o'clock antemeridian August 3: *Provided further*, That in the Ugashik district such fishing is prohibited from 6 o'clock antemeridian July 28 to 6 o'clock antemeridian August 10. (Sec. 1, 44 Stat. 752, Sec. 2, 43 Stat. 465; 48 U.S.C. 221, 225)

HAROLD L. ICKES,
*Secretary of the Interior.*

JULY 21, 1939.

[F. R. Doc. 39–2748; Filed, July 26, 1939; 9:42 a. m.]

[1] 4 F.R. 1017 DI.

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# *Notices*

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## TREASURY DEPARTMENT.

### Federal Alcohol Administration Division.

RETURN OF OBSOLETE CERTIFICATES OF LABEL APPROVAL

*To all bottlers and importers of distilled spirits, wine and malt beverages:*

Since its establishment, the Federal Alcohol Administration has acted upon approximately one-half million label applications. Some 350,000 certificates of label approval have been issued.

Due to amendments to the wine, distilled spirits, and malt beverages labeling regulations, a large number of labels heretofore approved do not conform to present requirements. In many instances bottlers and importers have obtained new certificates for revised labels covering the same brand, and also have apparently discontinued the use of some of their own as well as private brands bottled or imported for wholesaler and retailer customers. Consequently, the Administration's files contain duplicates of many thousands of outstanding certificates of label approval which no longer serve a useful purpose.

In order to promote efficiency in handling current applications for label approval and to simplify filing procedure, it is desired to place these records of obsolete certificates in a cancelled file. Accordingly, *it is requested that bottlers and importers return promptly for cancellation all such obsolete certificates in their possession.*

Your cooperation in this matter will be much appreciated.

[SEAL] W. S. ALEXANDER,
*Administrator.*

JULY 24, 1939.

[F. R. Doc. 39–2754; Filed, July 26, 1939; 10:23 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Sugar Division.

WAGE RATES, 1940 CROP OF SUGAR BEETS

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (b) and (d) of Section 301 of the Sugar Act of 1937 (Public, No. 414, 75th Congress),

Notice is hereby given that public hearings will be held as follows:

For northern California, at Sacramento, California, in the Supervisor's Room of the County Courthouse, on August 7, 1939, at 9:30 a. m.

For southern California, at Los Angeles, California, in Patriotic Hall, 1816 South Figueroa Street, on August 9, 1939, at 9:30 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, (1) pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1940 crop of sugar beets on farms with respect to which applications for payments under the act are made, and (2), pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1940 crop of sugar beets to be paid, under either purchase or toll agreements, by processors who as producers apply for payments under the said act.

Robert H. Shields, John C. Bagwell, B. H. Benidt, and Otis E. Mulliken are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearings.

Done at Washington, D. C., this 26th day of July, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–2753; Filed, July 26, 1939; 10:19 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of July, A. D. 1939.

[File No. 32–162]

IN THE MATTER OF NEW YORK STATE ELECTRIC & GAS CORPORATION

ORDER RELATIVE TO ISSUE AND SALE OF NOTE AND PLEDGE

New York State Electric & Gas Corporation, a subsidiary of NY PA NJ Utilities Company, Associated Gas and Electric Corporation, and Associated Gas and Electric Company, registered holding companies, having duly filed with this Commission an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of said Act, of the issue and sale by the applicant to the Rural Electrification Administration of the United States of America, for cash, at its face value, of a 2.73% serial note for $325,000 to be secured by applicant's First Mortgage bonds, 4% Series, due 1965, in a principal amount not to exceed $425,000 (exemption also being sought for the pledge of such bonds for collateral security);

A hearing on said application as amended having been duly held after appropriate notice;[1] the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That the issue and sale of such note and the pledge as collateral security of such bonds be and the same hereby are exempted from the provisions of section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

1. That such issue and sale of such note and pledge of the bonds shall be in compliance with the terms and conditions of, and for the purposes represented by, said application as amended, and in compliance with the terms and conditions imposed by the order of the Public Service Commission of New York; and

2. That such exemption shall immediately terminate without further order of this Commission if at any time the authorization of the issue and sale of the note and pledge of the bonds by the Public Service Commission of New York shall be revoked or shall otherwise terminate; and

3. That such bonds shall not be sold except at a bona fide sale by or on behalf of the pledgee or its successors or assigns, to satisfy said note, or by the purchaser at such sale, or by his or its successors or assigns; and

4. That within ten days after the issue and sale of such note and the pledge of the bonds the applicant shall file with this Commission its Certificate of Notification showing that the issue and sale of the note and the pledge of the bonds have been effected in accordance with the terms and conditions of, and for the purposes represented by, said application as amended; and

5. That copies of all reports submitted to the New York State Public Service Commission in connection with the fulfillment of the terms of its order be supplied at the same time to this Commission; and

6. That when all expenses incurred in connection with the issue and sale of such note and the pledge of the bonds shall be actually paid, the applicant shall file a detailed statement of such expenses showing the names of persons or entities to whom such payments were made, the amounts of such payments, and a detailed description of the services rendered in connection with the issue and sale of said note and the pledge of the bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2755; Filed, July 26, 1939; 10:58 a. m.]

[1] 4 F.R. 3335 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of July, A. D. 1939.

[File No. 56–32]

IN THE MATTER OF PEOPLES LIGHT AND POWER COMPANY

ORDER APPROVING DISPOSITION OF SECURITIES

Peoples Light and Power Company, a registered holding company, having filed an application pursuant to Rule U–12D–1 promulgated under Section 12 (d) of the Public Utility Holding Company Act of 1935 for the approval of the sale of all the outstanding securities of its subsidiary, Kansas Public Service Company, consisting of $350,000 principal amount of 5% First Mortgage Bonds, due 1961 and 2,000 shares of common stock without par value; the voting trustees of Peoples Light and Power Company having also filed an application pursuant to Rule U–12D–1 in connection with the above-mentioned sale;

A hearing on said applications having been duly held after appropriate notice;[1] the applicants having waived any rights which they may have had to a Trial Examiner's report, submission to them of proposed findings of fact by the Commission or requested findings of fact by counsel to the Commission, and the right to file a brief and to oral argument before the Commission prior to the Commission's making findings and the entry of its order herein; the Commission after examination of the record, having made and filed its findings herein;

*It is ordered*, That the said applications filed by Peoples Light and Power Company and the voting trustees of Peoples Light and Power Company are hereby approved, subject however to the condition that within ten days after the sale of the 5% First Mortgage Bonds and common stock of the Kansas Public Service Company and the release of these securities under the indenture securing the Collateral Lien Bonds, Series A, due 1961 of Peoples Light and Power Company, the applicants shall file with this Commission a certificate of notification stating that the release and the sale of these securities have been effected in accordance with the terms and conditions of and for the purposes represented by said applications.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2756; Filed, July 26, 1939; 10:58 a. m.]

[1] 4 F.R. 2083 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of July, A. D. 1939.

[File No. 7–406]

IN THE MATTER OF THE CREAM OF WHEAT CORPORATION CAPITAL STOCK, $2 PAR VALUE

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the Philadelphia Stock Exchange in the Voting Trust Certificates for the Common Stock, No Par Value, of The Cream of Wheat Corporation, having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X–12F–2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X–12F–2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2757; Filed, July 26, 1939; 10:58 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25 day of July, A. D. 1939.

[File No. 56–50]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (d) of the Public Utility Holding

Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 15, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 10, 1939.

The matter concerned herewith is in regard to an application by American Utilities Service Corporation pursuant to Section 12 (d) of the Public Utility Holding Company Act of 1935 for approval of the sale of securities of Peninsular Utilities Company as follows: 2,000 shares of Common Stock and an unsecured 6% Promissory Note dated November 1, 1935, due November 1, 1965 in the original principal amount of $177,000 of which $174,023.44 remains unpaid. Said sale is being made to Edwin H. Hansen of Calumet, Michigan for the sum of $25,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2758; Filed, July 26, 1939; 10:58 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of July, A. D. 1939.

[File No. 32-161]

IN THE MATTER OF TIDEWATER ELECTRIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 4, 1939, at 2 o'clock in the afternoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 1, 1939.

The matter concerned herewith is in regard to an application filed by Tidewater Electric Service Company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for the exemption from the provisions of Section 6 (a) of said Act of the issue and sale by it of a First Mortgage Note in the principal amount of $72,000, the same to evidence a loan to be made by the United States of America through the Rural Electrification Administration (now Federal Works Agency) for the purpose of making rural extensions to its physical properties. Said note will mature in installments over a period of 20 years. The issue and sale of said note has been approved by the State Corporation Commission of the Commonwealth of Virginia, the State in which applicant is organized and does business. The applicant is a direct subsidiary of Virginia East Coast Utilities, Inc. and an indirect subsidiary of East Coast Public Service Company, a registered holding company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2759; Filed, July 26, 1939; 10:59 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of July, A.D. 1939.

[File No. 32-164]

IN THE MATTER OF PENNSYLVANIA POWER & LIGHT COMPANY, NATIONAL POWER & LIGHT COMPANY, AND LEHIGH POWER SECURITIES CORPORATION

NOTICE OF AND ORDER FOR CHANGING DATE FOR HEARING

A declaration and applications pursuant to Sections 6 (b), 7 and 10 and Rules U-12C-1 and U-12D-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above named parties;

Whereas it was ordered on July 20, 1939[1] that a hearing on such matter be held on August 7, 1939 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N.W., Washington, D. C.

And whereas, it appears to be in the public interest that said hearing be advanced to August 3, 1939;

*It is ordered*, That said hearing be, and it hereby is, advanced to August 3, 1939 at 10:00 o'clock in the forenoon of that date at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such advancement of hearing is hereby given to said declarant and applicants and to any other person whose participation in such proceeding may be in the public interest or for the protec-

[1] 4 F.R. 3406 DI.



tion of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 31, 1939.

The matter concerned herewith is in regard to a proposal by the declarant and applicants concerning the issuance by Pennsylvania Power & Light Company, a subsidiary of Lehigh Power Securities Corporation, National Power & Light Company and Electric Bond and Share Company, registered holding companies, of $95,000,000 First Mortgage Bonds, 3½% Series, due 1969, $28,500,000 4½% Debentures due 1974 and $8,500,000 Ten-Year 2⅝% Promissory Notes; the acquisition by Lehigh Power Securities Corporation, pursuant to a plan for the liquidation of said corporation, of all of its outstanding $6 Preferred Stock and Common Stock; the surrender for cancellation by National Power & Light Company, pursuant to the liquidation plan of Lehigh Power Securities Corporation, of all the shares of $6 Preferred Stock and Common Stock of Lehigh Power Securities Corporation held by National Power & Light Company and of the acquisition by National Power & Light Company, pursuant to the same plan, of securities of various public utility companies now held in the portfolio of Lehigh; and the sale by Lehigh Power Securities Corporation to Pennsylvania Power & Light Company of $19,000,000 principal amount of First Mortgage Gold Bonds, 4½% Series, due 1981, of Pennsylvania Power & Light Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2760; Filed, July 26, 1939; 12:20 p. m.]

JUL 31 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 144

*Washington, Friday, July 28, 1939*


## *The President*

### NATIONAL AVIATION DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the development of aeronautics in recent years has been so rapid that aviation in its many phases has come to exert a profound influence on the course of events throughout the world; and

WHEREAS American initiative and industry have contributed greatly to this development and should be encouraged to continue such contribution in order that the United States may retain its outstanding position in the field of aeronautics; and

WHEREAS Public Resolution No. 14, 76th Congress, approved May 11, 1939 (53 Stat. 739), provides:

"That the President of the United States is authorized to designate August 19 of each year as National Aviation Day, and to issue a proclamation calling upon officials of the Government to display the flag of the United States on all Government buildings on that day, and inviting the people of the United States to observe the day with appropriate exercises to further and stimulate interest in aviation in the United States.":

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate August 19, 1939, and August 19 of each succeeding year as National Aviation Day, and call upon officials of the Government to display the flag of the United States on all Government buildings on that day, and invite the people of the United States to observe the day with appropriate exercises to further and stimulate interest in aviation in this country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 25" day of July in the year of our Lord nineteen hundred and thirty-
[SEAL] nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2343]

[F. R. Doc. 39-2782; Filed, July 27, 1939; 12:32 p. m.]

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### TUZIGOOT NATIONAL MONUMENT—ARIZONA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain Government-owned lands in the State of Arizona have situated thereon historic and prehistoric structures and other objects of historic or scientific interest; and

WHEREAS it appears it would be in the public interest to reserve such lands as a national monument to be known as the Tuzigoot National Monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, c. 3060, 34 Stat. 225 (U.S.C., title 16, sec. 431), do proclaim that, subject to all valid existing rights, the following-described lands in the State of Arizona are hereby reserved from all forms of appropriation under the public-land laws and set apart as the Tuzigoot National Monument:

*Gila-Salt River Meridian*

T. 16 N., R. 3 E., beginning at a point in section 21, N. 83 degrees 51 minutes, E. 5032.4 feet of the W¼ corner of said section 21; thence N. 26 degrees, 55 minutes, E. 1950.5 feet; thence S. 63 degrees, 05 minutes, E. 594.5 feet; thence S. 19 degrees, 56 minutes, W. 2977.7 feet; thence W. 70.0 feet; thence N. 13 degrees, 52 minutes, W. 1369.1 feet to the place of beginning containing approximately 42.665 acres.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any

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THE PRESIDENT

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feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (c. 408, 39 Stat. 535; U.S.C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 25" day of July in the year of our Lord nineteen hundred and thirty-
[SEAL] nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*The Secretary of State.*

[No. 2344]

[F. R. Doc. 39-2783; Filed, July 27, 1939-12:32 p. m.]

## *Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### AGRICULTURAL MARKETING SERVICE

PART 59—RULES AND REGULATIONS GOVERNING ORIGIN VERIFICATION OF SEED (INSPECTION AND CERTIFICATION)

By virtue of the authority vested in the Secretary of Agriculture by the provision in the Act of Congress entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes," approved June 30, 1939 (Public No. 159, 76th Congress) authorizing the establishment of an inspection service for farm products, I, H. A. Wallace, Secretary of Agriculture, do prescribe and promulgate the following rules and regulations governing the inspection and certification of seed for class and origin, to be in force and effect on and after August 1, 1939, and as long as Congress shall provide the necessary authority therefor, unless amended or superseded by rules and regulations hereafter prescribed and promulgated under such authority. These rules and regulations shall supersede the rules and regulations governing origin-verification of seed approved by the Secretary of Agriculture on July 25, 1933, and amendments thereto.

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SUBPART A—DEFINITIONS

§ 59.1 *Meaning of words.* Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 59.2 *Terms defined.* For the purposes of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The Act.* The following provision of an act of Congress entitled "An act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes," approved June 30, 1939 (Public No. 159, 76th Congress), or any future act of Congress conferring like authority: "For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of business men or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima-facie evidence of the truth of the statements therein contained."

(b) *Person.* Individual, association, partnership, or corporation.

(c) *Secretary.* Secretary or Acting Secretary of Agriculture of the United States.

(d) *Service.* Agricultural Marketing Service of the United States Department of Agriculture.

(e) *Seed.* Alfalfa seed, red clover seed, and such other kinds of seed used for planting purposes as may be designated by the Chief of the Service.

(f) *Class and origin.* The designation of the class of seed as to kind, i. e., alfalfa, red clover, and the class as to origin or place where grown, i. e., one or more States, political subdivisions of a State, or districts prescribed or approved by the Chief of the Service, e. g., Ohio; Millard County, Utah; eastern Oregon.

(g) *Inspector.* Employee of the U. S. Department of Agriculture or other person authorized by the Secretary to investigate and certificate the class and origin of seed under the act.

(h) *Grower.* Any person who has produced the seed in question on his own farm or on a farm operated by him, or who is a seed-crop sharer in such seed.

(i) *Shipper.* Any person who purchases seed of the kind in question in his locality or district where a surplus of this seed is usually produced, and who ships such seed to other shippers or to general seed dealers.

(j) *General seed dealer.* Any person who buys and sells seed of miscellaneous kinds either at wholesale or at retail.

(k) *Verified-origin seed dealer.* A seed dealer who is authorized under these regulations and instructions to issue verified-origin seed certificates for seed inspected as to origin for him.

(k–1) *Records.* Documents, books, statements, tags, labels, declarations, reports, invoices, seed samples, or any other matter in any form used to record business transactions, operations, or to furnish information for use in the operation of the business of the grower, shipper or dealer or prepared or issued in compliance with these regulations and instructions as to the movement, origin, quality, or identity of lots of seed grown, handled or moving in commerce.

(k–2) *Lot of seed.* A quantity of seed more or less defined as to source, use or disposition and identified by a lot number, e. g., grower's lot, milled lot, blended lot, bulk lot, cleaned lot, etc. For the purpose of identification of seed in a verified-origin seed certificate or in an analysis tag or label issued in compliance with these regulations and instructions, a "lot of seed" shall be a quantity of seed of which a sample taken from any part of the lot will be identical, within tolerances defined in U. S. Department of Agriculture Circular 480, as to source, origin, germination, purity and all other factors with a similar sample taken from any other part of the lot.

(k–3) *Lot number.* The number, letter, or any combination of numbers or letters or any other symbol by which a lot of seed is identified until such identity is lost or the number changed as a matter of record.

(k–4) *Verified-origin seed.* Seed which has been verified as to origin by a Federal seed inspector and which meets quality specifications for seed to be covered by a verified-origin seed certificate under these regulations and instructions.

(l) *Declaration of origin.* A declaration in a form approved by the Chief of the Service either of a grower stating that he is the grower of the seed in question and certifying to the correctness of certain facts given by him, or of a shipper stating that he has obtained the seed in question from a grower or another shipper and also stating among other things that the facts given by him are correct to the best of his knowledge and belief, and that the place where grown and identity of each lot are properly covered in his records, which will be made accessible for verification by a Federal seed inspector at any time upon request.

(m) *Inspection certificate.* A certificate of the class and origin of seed issued by an inspector under the act, which certificate is not transferable.

(n) *Verified-origin seed certificate.* The commercial certificate of the class and origin of seed, based upon one or more inspection certificates previously issued, and which accompanies one or more parcels of seed, issued under the act by a verified-origin seed dealer or an inspector, in accordance with these regulations and instructions.

(o) *Interested party.* A State or any person who has a financial interest in the seed involved, including all carriers and warehouses which have handled or will handle the seed, the present owner or persons who owned the seed prior to him, and persons to whom the seed has been sold and whose acceptance thereof hinges on the inspection

(p) *Regulations.* Rules and regulations of the Secretary governing the certification of seed as to class and origin under the Act.

(q) *Instructions.* Instructions of the Chief of the Agricultural Marketing Service issued under these regulations.

SUBPART B—ADMINISTRATION

§ 59.3 *Chief of Service.* The Chief of the Agricultural Marketing Service is charged with the supervision of the performance of all duties arising in the administration of the Act.

SUBPART C—WHERE SERVICE IS OFFERED

§ 59.4 *Where service is offered.*—(a) *Service points.* Seed meeting the requirements of these regulations and instructions may be verified as to class and origin, and inspection certificates issued at points indicated in paragraphs (b) and (c) of this section.

(b) *Designated markets.* Washington, Chicago, Kansas City, Minneapolis, Cincinnati, Denver, Los Angeles, San Francisco, Portland, Seattle, Spokane, and Ogden are hereby designated as important central markets at which inspectors are located and available for making inspections. Other important markets at which inspectors will be available may be designated by the Chief of the Service from time to time.

(c) *Other points.* Places where verified-origin seed dealers are located.

SUBPART D—INSPECTION

§ 59.5 *Basis of inspection.* Inspection for class and origin shall be based upon such examination of records, and be made under such conditions and in accordance with such methods, as may be prescribed or approved by the Chief of the Service.

§ 59.6 *Who may obtain inspection.* An application for the inspection of seed under the act may be made by a State, a verified-origin seed dealer, or any other interested party who has complied with the regulations and instructions pertaining to the making of such application.

§ 59.7 *How application should be made.* Application for inspection of seed under the act shall be made in writing, on forms approved by the Chief of the Service. Such applications shall be sent to the inspector in the designated market which most conveniently serves the applicant.

§ 59.8 *Form of application.* The written application for inspection of seed as to class and origin under the act shall be in English, in a form prescribed by the Chief of the Service, and shall include the following information: (a) date of application, (b) name and post-office address of applicant, (c) kind of seed, (d) name of grower, shipper or dealer making shipment, (e) shipping point and post-office address of person making shipment, if different from shipping point, (f) date of shipment, (g) shipper's lot number, (h) applicant's lot number, (i) weight in pounds, (j) place where grown, (k) kind of declaration or assurance of origin furnished applicant; if assurance accompanying shipment is a verified-origin seed certificate, the name or symbol of the verified-origin seed dealer should be given if different from the seller or person making shipment, and (l) such other information as the inspector or Chief of the Service may require.

§ 59.9 *When an inspection may be refused.* An application may be rejected by the inspector with whom it is filed or by the Chief of the Service for any non-

compliance with the act, with these regulations or instructions, or whenever an inspector is not available for making the inspection, or whenever the evidence is insufficient upon which to determine the correct origin.

§ 59.10 *Certificates; issuance.* The inspector shall sign and issue an inspection certificate for such lot or lots of seed as are included in the application, the class and origin of which are covered by approved growers' or shippers' declarations of origin, verified-origin certificates, or other approved assurances of class and origin furnished by the applicant in compliance with instructions.

§ 59.11 *Communicating certificate information.* Upon request from an applicant for whom an inspection has been made, any part of the contents of the certificate may be telegraphed or telephoned to him at his expense.

§ 59.12 *Disposition of certificates.* The original inspection certificate, immediately upon its issuance, shall be delivered or mailed to the applicant; one copy shall be filed in the office of the inspector and one copy forwarded to the supervising inspector, Washington, D. C.

§ 59.13 *Corrected inspection certificates.* A corrected certificate shall be issued for any lot or lots of seed under conditions outlined in paragraphs (a) and (b) of this section.

(a) *Correction by applicant.* Whenever an applicant for whom an inspection has been made believes the class or other information in connection with any lot or lots of seed, as stated in an inspection certificate issued to him, is not correct, and returns the certificate covering such lot or lots of seed with a corrected application under the same serial number and covering all lots of seed in the original certificate which are eligible for verification, the inspector will investigate the applicant's claims and if he finds them correct he will issue a corrected certificate.

(b) *Correction by inspector.* Whenever an inspector finds that the class and origin for a lot or lots of seed, or any of the information upon which the class and origin of such lots have been based in an inspection certificate, is incorrect or incomplete, he may request the applicant to return the incorrect certificate with a corrected application under the same serial number and covering all lots of seed in the original certificate which are eligible for verification, and shall then issue a corrected certificate covering the lot or lots in question, and shall retain the original in his files.

SUBPART E—FEES AND CHARGES

§ 59.14 *Fees and charges for inspections.* The fees and charges to be collected for class and origin inspections of seed and method of payment shall be fixed by the Chief of the Service and published in accordance with section 59.16.

SUBPART F—MISCELLANEOUS

§ 59.16 *Publications.* Publications under the act and these regulations shall be made in Service and Regulatory Announcements of the Agricultural Marketing Service and in such other media as the Chief of the Service may from time to time designate for the purpose.

§ 59.17 *Seeds and records made accessible.* The applicant shall cause the seed and/or records covering the lots for which inspection is requested, and such other seed and/or records covering other lots of the same kind of seed as that for which inspection is requested which are now or have been owned or stored by the applicant, to be made accessible for examination or inspection, when requested by the inspector.

§ 59.18 *Authority of agents.* Proof of authority of any person applying for inspection on behalf of another may be required, in the discretion of the inspector.

§ 59.19 *Certificate superseded is void.* When an inspection certificate has been superseded under these regulations by a corrected certificate no inspection certificate or verified-origin seed certificate issued prior thereto for any corrected lot or lots shall thereafter represent the class and origin of the lot or lots of seed described therein on which incorrect or incomplete information was given. If the original of the superseded certificate is not delivered to the inspector issuing the corrected certificate and proper assurance is not given of the cancelation or correction of verified-origin seed certificates which were based upon such incorrect certificate, the inspector issuing the corrected certificate or the Chief of the Service shall take such action and give such notice of the issuance of such corrected certificate and cancelation of the original inspection certificate or certificates and invalidation of corresponding verified-origin seed certificates as he considers necessary to prevent misrepresentation or fraud.

§ 59.20 *Misrepresentation.* Any misrepresentation or any deceptive or fraudulent practice made or committed by an applicant for inspection or by any other person regarding any seed or in connection with the verification of origin of seed covered or to be covered by an inspection certificate, or failure in any way to comply with the regulations and instructions, may be deemed sufficient cause for debarring such person from any further inspections under the Act, or from the use of verified-origin seed certificates in the merchandising of alfalfa and red clover seed, or from having any declarations of origin issued by him accepted on which to base verification of origin in the Seed Verification Service, and public notice thereof may be given.

§ 59.21 *Political activity.* All samplers and inspectors authorized either by appointment or license from the Secretary of Agriculture to draw official samples of seed or to issue inspection certificates under the act and these regulations are forbidden, during the period of their appointment or license, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including temporary and cooperative employees, and employees on leave of absence with or without pay. Willful violation of this regulation will constitute grounds for dismissal in the case of appointees, and revocation of licenses in the case of licensees.

§ 59.22 *Inspection records confidential.* Records of inspection, including copies of certificates issued, records of such certificates, applicants' accounts, and other detailed information relating to the work of an inspection office are not to be made available to or to be opened for examination by any person who is not connected with the inspection service. Such records are to be held strictly confidential for reference by the inspector in charge of the office and his assistants and by the supervising inspector. Summarized reports which do not disclose the operations of an individual grower, shipper or other applicant for inspection and which are identified clearly as to source and contents may be released to the public, provided that when so released they shall be published in such manner and in such mediums as will make the information available alike to all interested persons.

Done at Washington, D. C., this 26th day of July, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2779; Filed, July 27, 1939; 11:42 a. m.]

## TITLE 24—HOUSING CREDIT

### HOME OWNERS' LOAN CORPORATION

PART 401—GENERAL,
PART 402—LOAN SERVICE,
PART 405—RECONDITIONING

ADVANCES OR GRANTS OF EXTENSION TO EMPLOYEES

Amending Parts 401, 402 and 405 of Chapter IV, Title 24, of the Code of Federal Regulations.

Part 401 is amended by adding a new section, numbered 401.08, which reads as follows:

§ 401.08 Advances or grants of extensions for the accounts of salaried employees, whether mortgagors, vendees or their successors in interest, shall be made only upon review and approval by the Regional Manager, a Deputy General Manager, or the General Manager.

The second paragraph of Section 402.02 is amended to read as follows:

The Regional Manager may, in the manner now or hereafter provided, request the appointment of deputies to execute forms on his behalf, to exercise any authority and to perform any duties vested in or required of the Regional Manager with respect to Loan Service operations; provided, however, that such deputation is limited to the Assistant Regional Manager in Charge of Loan Service and employees of the Loan Service Division recommended by him; and provided further that no such deputy shall exercise any power now or hereafter conferred upon the Regional Manager to direct advances of Corporation funds or to approve extensions for the accounts of salaried employees, whether such employees are mortgagors, vendees or their successors in interest.

The last sentence of Section 402.12 is amended to read as follows:

Except as provided in Section 108, any Regional or State Manager, with the advice or approval of Regional or State Counsel, as may be required, may exercise the authority herein granted, under procedure and limitations prescribed and promulgated by the General Manager with the approval of the General Counsel.

The last sentence of Section 405.02 is amended to read as follows:

Except as provided in Section 108, the authority herein conferred upon the General Manager may be exercised also by Regional or State Manager under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

(Effective August 15, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k)).

Adopted by the Federal Home Loan Bank Board on July 24, 1939.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-2778; Filed, July 27, 1939; 11:17 a. m.]

## TITLE 26—INTERNAL REVENUE

### BUREAU OF INTERNAL REVENUE

[T. D. 4914]

INCOME TAX

CORPORATE INCOME TAX RETURNS TO BE GIVEN PARTICULAR ATTENTION TO DETERMINE THE APPLICATION OF THE PROVISIONS OF SECTION 102 OF THE INTERNAL REVENUE CODE, AND THE CORRESPONDING SECTION OF THE REVENUE ACT OF 1938, RELATING TO UNREASONABLE ACCUMULATION OF EARNINGS OR PROFITS TO AVOID SURTAX *†

*To Collectors of Internal Revenue and Other Officers and Employees of the Bureau of Internal Revenue Concerned:*

§ 22.0 *Introductory.* (a) Attention is directed to the provisions of section 102 of the Internal Revenue Code (53 Stat. Part 1) which imposes a surtax on corporations improperly accumulating surplus, particularly section 102 (c), which provides as follows:

"(c) *Evidence determinative of purpose.*—The fact that the earnings or profits of a corporation are permitted to accumulate beyond the reasonable needs of the business shall be determinative of the purpose to avoid surtax upon shareholders unless the corporation by the clear preponderance of the evidence shall prove to the contrary."

The above-quoted provisions first appeared in the Revenue Act of 1938 (52 Stat. 483).

(b) Attention is also directed to the following provisions of article 102–2 of Regulations 101 [1] issued under the Revenue Act of 1938, and made applicable to the Internal Revenue Code by Treasury Decision 4885,[2] approved February 11, 1939 (Part 465, Subpart B, Title 26, Code of Federal Regulations):

"If the Commissioner determines that the corporation was formed or availed of for the purpose of avoiding the individual surtax through the medium of permitting earnings or profits to accumulate, and the taxpayer contests such determination of fact by litigation, the burden of proving the determination wrong by a preponderance of evidence, together with the corresponding burden of first going forward with evidence, is on the taxpayer under principles applicable to income tax cases generally, and this is so even though the corporation is not a mere holding or investment company and does not have an unreasonable accumulation of earnings or profits. However, if the corporation is a mere holding or investment company, then the Act gives further weight to the presumption of correctness already arising from the Commissioner's determination by expressly providing an additional presumption of the existence of a purpose to avoid surtax upon shareholders, while if earnings or profits are permitted to accumulate beyond the reasonable needs of the business, then the Act adds still more weight to the Commissioner's determination by providing that irrespective of whether or not the corporation is a mere holding or investment company, the existence of such an accumulation is determinative of the purpose to avoid surtax upon shareholders unless the taxpayer proves the contrary by such a clear preponderance of all the evidence that the absence of such a purpose is unmistakable."

(c) It is to be remembered that personal holding companies are now taxed under section 351 of the Revenue Act of 1934 (48 Stat. 751, 26 U.S.C. 331) and the corresponding sections of the Revenue Acts of 1936 (49 Stat. 1732, 26 U.S.C. Sup. 2, 331) and 1938 (52 Stat. 557, 26 U.S.C. Sup. 4, 331) and the Internal Revenue Code. The provisions of law establishing high tax rates on earnings held in such corporations have eliminated the largest group of cases which previously fell within the provisions of section 102, and that section now has application only to corporations other than personal holding companies.*†

§ 22.1 *Instructions.* (a) Returns filed by the following classes of corporations will be given close attention to determine whether section 102 is applicable:

(1) Corporations which have not distributed at least 70 percent of their earnings as taxable dividends.

(2) Corporations which have invested earnings in securities or other properties unrelated to their normal business activities.

(3) Corporations which have advanced sums to officers or shareholders in the form of loans out of undistributed profits or surplus from which taxable dividends might have been declared.

(4) Corporations, a majority of whose stock is held by a family group or other small group of individuals, or by a trust or trusts for the benefit of such groups.

(5) Corporations the distributions of which, while exceeding 70 percent of their earnings, appear to be inadequate when considered in connection with the nature of the business or the financial position of the corporation or corporations with accumulations of cash or other quick assets which appear to be beyond the reasonable needs of the business.

(b) Insofar as the classes of cases referred to in (1), (2), (3) and (4) are concerned, the examining officer's report in every instance shall contain a specific recommendation for the application or nonapplication of section 102.

(c) Each internal revenue agent in charge and each head of a field division of the Technical Staff will designate a qualified employee in his office, whose responsibility it will be to pass personally upon each case in which a recommendation has been made by an examining or reviewing officer with respect

*Sections 22.0 and 22.1 issued under the authority contained in sections 62 and 102 of the Internal Revenue Code (53 Stat. Part 1) and of the Revenue Act of 1938 (52 Stat. 480, 483; 26 U.S.C. Sup. IV, 62, 102).

†The source of sections 22.0 and 22.1 is Treasury Decision 4914, approved July 26, 1939.

[1] 4 F.R. 704 DI.

[2] 4 F.R. 879 DI.

to the application or nonapplication of section 102. The internal revenue agent in charge or head of the field division of the Technical Staff will advise the Commissioner of the names and titles of such employees.

(d) There will be maintained currently in Washington, D. C., detailed data regarding cases in which recommendations have been made with respect to the application or nonapplication of section 102, in order that the officers of the Department may be kept appropriately informed. To this end, there will be forwarded to this office by internal revenue agents in charge or heads of field divisions of the Technical Staff, as the case may be, immediately upon preparation thereof, a copy of each examining officer's report, revenue agent's report, field conference memorandum, or action memorandum in cases referred to in (1), (2), (3) and (4) of paragraph (a) of this section, in which a recommendation has been made with respect to the application or nonapplication of section 102, and a copy of each examining officer's report, revenue agent's report, field conference memorandum, or action memorandum in cases referred to in (5) of paragraph (a) of this section in which a recommendation has been made for the application of section 102.

(e) In the review of income-tax cases by the Bureau, the returns of corporations of the classes enumerated in paragraph (a) of this section will be given special consideration to determine whether field officers have complied fully with these instructions.

(f) Correspondence, reports, and memorandums from internal revenue agents in charge in regard to this Treasury decision should refer to the number thereof and the symbols IT:F. Correspondence, reports, and memorandums from heads of the field divisions of the Technical Staff in regard to this Treasury decision should refer to the number thereof and the symbols C:TS.*†

[SEAL] HAROLD N. GRAVES,
*Acting Commissioner.*

Approved July 26, 1939.

H. MORGENTHAU, Jr.
*Secretary of the Treasury.*

[F. R. Doc. 39-2785; Filed, July 27, 1939; 12:47 p. m.]

## TITLE 41—PUBLIC CONTRACTS

### DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE SPECIALTY ACCOUNTING SUPPLY MANUFACTURING INDUSTRY

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) entitled, "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes." The Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, held a hearing in the matter of the prevailing minimum wages in the Specialty Accounting Supply, Salesbook, and Autographic Register Manufacturing Industry on June 9, 1938.

Notice of the hearing was sent to all known members of the industry, to trade unions, to trade publications, and to trade associations in the field. Invitation to attend the hearing was also extended through the national press to all other interested parties.

At the hearing testimony was presented for the record by members of the industry by a representative of the Specialty Accounting Supply Manufacturers' Association and by a representative of the International Printing Pressmen and Assistants' Union of North America.

A survey prepared by the Research Section, Division of Public Contracts, from information gathered by questionnaires sent to all members of the industry by the Secretary of the Specialty Accounting Supply Manufacturers' Association was introduced at the hearing. In addition, wage data compiled by the International Printing Pressmen and Assistants' Union of North America were introduced.

On the basis of the evidence the Board made its recommendations. Thereafter, the Administrator circularized the recommendations and gave the parties a reasonable time in which to register their objection thereto or their approval thereof before any determination in the matter should be made. The entire record and the briefs of interested parties are now before me for consideration.

The Board recommended that the industry be identified as the, "Specialty Accounting Supply Manufacturing Industry." The testimony of record shows that salesbooks and autographic registers are normally considered as specialty accounting supplies. The enumeration of specific products of the Specialty Accounting Supply Industry has a tendency to carry with it the implication that products not enumerated are excluded. For this reason, the words, "Salesbook, and Autographic Register", will be eliminated from the title of the industry although the elimination is in no wise to be considered as an elimination of these products from the purview of this decision.

This survey made on the basis of information gathered from the questionnaires sent to members of the industry covers 42 plants employing 4,691 employees. The Association covers in its membership 100 per cent of the manufacturers of autographic registers, 80 per cent of the manufacturers of sales books, and 90 per cent of the manufacturers of continuous forms stationery. In addition to the reports received from members of the Association, 6 non-members reported.

The Union representative agreed at the hearing that the survey made by the Association was complete and adequately represented the wage structure of the industry. The survey was geographically representative of all producing centers. Plants were covered in Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Ohio, Illinois, Michigan, Minnesota, Nebraska, Kansas, California, Oregon, and Washington. There are no members of this industry located in the South. Ohio, New York and Illinois account for at least 75 per cent in value of the industry's production. The wage data introduced by the Union covering 2,883 employees substantiates the Association survey. The data of record are adequately representative of the wage conditions existing in the industry.

The Board recommended that the minimum wage for the industry be found to be 42.5 cents an hour or $17.00 per week of 40 hours. The Specialty Accounting Supply Manufacturers' Association has taken exception to the finding that the wage should be 42.5 cents, stating that the minimum prevailing in the industry is below that figure and that the minimum should be 40 cents an hour for male and 45 cents an hour for female employees with a learner tolerance of not less than 80 per cent of such minimum.

The Association took the position that not more than 3 per cent of the industry production was bought by the Government and that the imposition of a 42.5 cent minimum on those factories that supply these products to the Government would make it difficult to compete in the general commercial field with the other members of the industry who did not supply Government contracts.

The Board has considered the protest and in the light thereof, and after reconsidering the facts of record, has indicated that the minimum should be found to exist at 40 cents an hour and that there should be no tolerance for learners. This is the lowest wage that is paid by plants that compete for Government business. The first substantial concentration of employees in the industry is found in the interval between 40 and 45 cents where 603 employees out of the total of 4,691 are found. The interval between 35 and 40 cents contains 264 employees.

There appears no reason for granting a learner tolerance. There is a group of employees in the industry classified as learners but they do not fall exclusively within the low wage group. The learners are spread throughout the industry and are classified sometimes as beginners' helpers and unskilled workers and their wages are reflected in the determination of a 40 cent minimum.

The record shows, however, that apprentices are employed in the industry at wages lower than the prevailing minimum in the industry, and the Board has recommended that provision be made for the employment of apprentices at wages lower than the prevailing minimum wages, provided that their employment conforms with the standards of the Federal Committee on Apprenticeship.

I have examined the findings of the Board and the record of the hearing, together with the briefs filed, and in the light of the facts I hereby determine that the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture or supply of the products of the Specialty Accounting Supply Manufacturing Industry as herein defined, shall be 40 cents an hour or $16.00 per week of forty hours, arrived at either upon a time or piece work basis; provided that apprentices may be employed at lower rates if their employment conforms with the standards of the Federal Committee on Apprenticeship.

This determination shall be effective, and the minimum wage hereby established shall apply to all such contracts, bids for which are solicited on or after August 9, 1939.

Dated, July 25, 1939.

[SEAL] FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 39-2767; Filed, July 27, 1939; 10:07 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

[No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

*Decided July 22, 1939*

Applications for amendment of prior supplemental report herein authorizing construction and use of fusion-welded tank-car tanks, granted.

*Victor Willoughby* for American Car and Foundry Company.

*R. W. Thompson* for General American Transportation Corporation.

SUPPLEMENTAL REPORT OF THE COMMISSION[1]

ALLDREDGE, *Commissioner:*

In our supplemental report herein dated December 30, 1937, we granted several applications requesting authority to construct various types of experimental fusion-welded tank-car tanks for transportation of dangerous articles, including thirty-nine tanks of specification 105A300 type fabricated in accordance with proposed revised specification 105A300-W for transportation of anhydrous ammonia.

In applications filed by American Car and Foundry Company, dated January 31, 1938, and General American Transportation Corporation, dated April 26, 1938, we are asked to amend said report to the extent that it applies to cars for anhydrous ammonia, and authorize four (4) of the cars already constructed thereunder, marked with serial numbers SCMX 2005 to 2008, inclusive, to be used in transportation either of anhydrous ammonia or petroleum products, and two (2) further cars constructed thereunder to be used in transportation of petroleum products. Construction and use of all such cars will otherwise be in full accordance with the authority herein amended.

Upon further consideration, and in the light of added facts disclosed in the applications, the requested authorities are hereby granted effective forthwith.

By the Commission, Commissioner Alldredge.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-2784; Filed, July 27, 1939; 12:32 p. m.]

[1] Under the authority of section 17 (6) of the Interstate Commerce Act, the above entitled matter was referred by the Commission to Commissioner Alldredge for consideration and disposition.

## Notices

### DEPARTMENT OF THE INTERIOR.

#### Geological Survey.

AMENDMENT OF ORDER GRANTING AND DIRECTING A HEARING IN THE MATTER OF A MINIMUM PRICE FOR COMPUTING ROYALTIES DUE ON CRUDE OIL PRODUCED FROM LANCE CREEK FIELD, WYOMING

Paragraph No. 6 of the Order of July 11, 1939, granting and directing a hearing in the matter of a minimum price fixed and established by the Secretary of the Interior for computing royalties due to the United States on crude oil produced from Lance Creek Field, Wyoming,[1] is hereby amended to read as follows:

6. The hearing will be held in the Department of the Interior at Washington, D. C., commencing at 10:00 A. M., September 20, 1939.

E. K. BURLEW,
*Acting Secretary of the Interior.*

JULY 25, 1939.

[F. R. Doc. 39-2777; Filed, July 27, 1939; 11:12 a. m.]

[1] 4 F.R. 2956 DI.

### DEPARTMENT OF LABOR.

#### Children's Bureau.

NOTICE OF HEARING CONCERNING THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE IN DRIVING MOTOR VEHICLES AND IN SERVING AS HELPERS ON SUCH VEHICLES

JULY 25, 1939.

The Children's Bureau will hold a hearing on Friday, August 18, 1939, commencing at 10 a. m. in Room 3229, U. S. Department of Labor Building, Fourteenth Street and Constitution Avenue, Washington, D. C., to take testimony to be used to assist the Chief of the Children's Bureau in determining, pursuant to section 12 (a) and section 3 (1) of the Fair Labor Standards Act of 1938 (52 Stat. 1060), whether the occupations of driving motor vehicles and of serving as helpers on such vehicles are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.

Section 12 (a) of the Act provides that:

• • • no producer, manufacturer, or dealer shall ship or deliver for shipment in commerce [as defined in section 3 (b)] any goods produced in an establishment situated in the United States in or about which within thirty days prior to the removal of such goods therefrom any oppressive child labor has been employed • • •

Section 3 (1) of the Act defines oppressive child labor in part as follows:

(1) "Oppressive child labor" means a condition of employment under which (1) any employee under the age of sixteen years is employed by an employer • • • in any occupation, or (2) any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Chief of the Children's Bureau in the Department of Labor shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being; • • •

At the hearing, which will be held before a presiding officer to be designated hereafter, all interested parties will be given opportunity to appear and be heard. Those desiring to appear at the hearing are requested to notify the Children's Bureau at least 2 days prior to the date fixed for the hearing.

It is suggested that testimony presented at the hearing include information pertinent to the following questions:

(1) To what extent are minors under 18 years of age employed as drivers of motor vehicles or helpers on such vehicles? In what industries are they so employed?

(2) What different types of work are performed by helpers on trucks and other motor vehicles?

(3) What are the hazards to minors of driving motor vehicles and of helping on such vehicles? Should all types of work performed by helpers be regarded as hazardous?

(4) Should the determination apply to all helpers who serve on motor vehicles in connection with the transportation of goods or only to those helpers (sometimes known as "jumpers") who serve on motor vehicles and who pick up or deliver goods elsewhere than at a loading platform?

(5) Should the determination define the terms "motor vehicle" as any vehicle propelled or drawn by mechanical power and designed for use upon the highways in the transportation of persons or property?

This list of questions is not meant to exclude the submission of any other pertinent information which an interested party may desire to present.

[SEAL] KATHARINE F. LENROOT,
*Chief of the Children's Bureau.*

[F. R. Doc. 39-2771; Filed, July 27, 1939; 10: 10 a. m.]

## Division of Public Contracts.

### IN THE MATTER OF THE AMENDMENT OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE MANUFACTURE OF AEROPLANES, AIRCRAFT ENGINES, PROPELLERS, ACCESSORIES, AND THE MANUFACTURING AND FINISHING OF PARTS

### NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Department has been supplied with evidence showing that the wage structure prevailing in the manufacture of aircraft parts and accessories, including the manufacture of such original equipment, replacement parts, aircraft electrical products, and accessories, with the exception of aircraft instruments and products manufactured predominantly from fabrics such as parachutes, targets, and wind socks, is similar to that prevailing in the manufacture or supply of aeroplanes, aircraft engines and aircraft propellers, as determined by the Secretary of Labor on December 14, 1938[1] In the Matter of the Determination of the Prevailing Minimum Wages in the Manufacture of Aeroplanes, Aircraft Engines, Propellers, Accessories, and the Manufacturing and Finishing of Parts.

In the light of these facts, all interested parties are hereby given until and including August 7, 1939 within which to file briefs with the Administrator of the Division of Public Contracts, Department of Labor, showing reasons of law or fact why the Secretary's decision In the Matter of the Determination of the Prevailing Minimum Wages in the Manufacture of Aeroplanes, Aircraft Engines, Propellers, Accessories, and the Manufacturing and Finishing of Parts should not be amended to include the manufacture of such original equipment, replacement parts, aircraft electrical products, and accessories, with the exception of aircraft instruments and products manufactured predominantly from fabrics, such as parachutes, targets, and wind socks, and to show cause why in law and fact the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture of such original equipment, replacement parts, aircraft electrical products, and accessories should not be 50 cents an hour or $20.00 per week of 40 hours, arrived at either upon a time or piece work basis; provided that apprentices may be employed at lower rates if their employment conforms with the standards of the Federal Committee on Apprenticeship.

Dated July 24, 1939.

[SEAL] L. METCALFE WALLING,
*Administrator.*

[F. R. Doc. 39-2768; Filed, July 27, 1939; 10:07 a. m.]

[1] 3 F.R. 3043, DI.

### IN THE MATTER OF AN AMENDMENT TO THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE LUGGAGE AND SADDLERY INDUSTRIES

### NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Department has been supplied with evidence to the effect that the companies manufacturing carrier's tie straps and leather pouches (consisting of a leather pouch or pocket of holster type with belt loop used for carrying pliers and knife) follow similar manufacturing processes to those followed in the manufacture of luggage; that the majority of luggage manufacturers also manufacture such commodities; that the same minimum wage prevails in the manufacture of such commodities as has been found by the Secretary to prevail in the manufacture of luggage.

In the light of these facts all interested parties are hereby given until and including August 7, 1939 in which to file briefs with the Administrator of the Division of Public Contracts, Department of Labor, showing reasons of law or fact why the Secretary's decision of July 12, 1938[1] In the Matter of Determining the Prevailing Minimum Wages in the Luggage and Saddlery Industries should not be amended to include the manufacture or supply of carrier's tie straps and leather pouches and to show cause why in law and fact the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture of these commodities should not be 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis, for the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Wyoming, Utah, Colorado, and New Mexico; and 37.5 cents an hour or $15.00 per week of 40 hours, arrived at either upon a time or piece work basis, for the other 26 States and the District of Columbia.

Dated, July 24, 1939.

[SEAL] L. METCALFE WALLING,
*Administrator.*

[F. R. Doc. 39-2769; Filed, July 27, 1939; 10:07 a. m.]

[1] 3 F.R. 1733, DI.

### IN THE MATTER OF THE AMENDMENT OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE WORK GLOVE INDUSTRY

### NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Department has been supplied with evidence to the effect that the companies engaged in the manufacture of leather work gloves and leather-palm gloves also manufacture all leather (lined or unlined) block-cut semi-dress gloves, and that the processes followed in the manufacture of such semi-dress gloves are similar to those followed in the manufacture of work gloves.

In the light of this evidence it appears that the prevailing minimum wage for the manufacture of such semi-dress gloves is similar to that prevailing in the manufacture of work gloves.

All interested parties are hereby given until and including August 7, 1939, within which to file briefs with the Administrator of the Division of Public Contracts, Department of Labor, showing reasons of law or fact why the Secretary's decision of July 28, 1937[1] In the Matter of Determination of the Prevailing Minimum Wage in the Work Glove Industry should not be amended to include the manufacture of all leather (lined or unlined) block-cut semi-dress gloves, and to show cause why in law and fact the minimum wages for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture of such semi-dress gloves should not be 35 cents an hour or $14.00 per week of 40 hours, arrived at either upon a time or piece work basis.

Dated July 24, 1939.

[SEAL] L. METCALFE WALLING,
*Administrator.*

[F. R. Doc. 39-2770; Filed, July 27, 1939; 10:06 a. m.]

[1] 2 F.R. 1339.

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 280]

### THE MATTER OF THE PETITION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ROUTE NO. 11, UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938, TO INCLUDE MODESTO, CALIF., AS AN INTERMEDIATE POINT

### NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 7, 1939, 10 o'clock a. m. (Pacific Standard Time), at the Palace Hotel, San Francisco, Calif., before Examiner C. Edward Leasure.

Dated Washington, D. C., July 26, 1939.

By the Authority:

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2775; Filed, July 27, 1939; 10:58 a. m.]



[Docket No. 281]

### IN THE MATTER OF THE PETITION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ROUTE NO. 11, UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938, TO INCLUDE MERCED, CALIF., AS AN INTERMEDIATE POINT

### NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 7, 1939, 10 o'clock a. m. (Pacific Standard Time), at the Palace Hotel, San Francisco, Calif., before Examiner C. Edward Leasure.

Dated Washington, D. C., July 26, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2776; Filed, July 27, 1939; 10:58 a. m.]

## FEDERAL POWER COMMISSION.

[Docket Nos. ID 178, 90, 769, 87, 89, 847, 164, 179, 231, 284, 795, 175, 92, 290, 163, 166, 796, 101, 132, 483]

### IN THE MATTER OF JOHN EDWARD ALDRED, ET AL.

### ORDER POSTPONING HEARING

JULY 25, 1939.

Commissioners Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon application of counsel for the above-named applicants, for postponement of the hearing heretofore ordered[1] to be reopened and reconvened beginning at 10:00 A. M. on the 14th day of September, 1939, in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., by the Commission's order of July 14, 1939;

It is ordered that said hearing be and the same is hereby postponed to begin at 10:00 A. M. on the 2nd day of October, 1939, in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-2764; Filed, July 27, 1939; 9:43 a. m.]

[1] 4 F.R. 3356 DI.

[Docket No. IT-5494]

### IN THE MATTER OF SAFE HARBOR WATER POWER CORPORATION

### ORDER POSTPONING HEARING

JULY 25, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon application of counsel for the above-named respondent, for postponement of the hearing heretofore ordered[1] to be held on September 18, 1939, at 10:00 A. M. in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., by the Commission's order of July 14, 1939;

It is ordered that said hearing be and the same is hereby postponed to begin at 10:00 A. M. on the 9th day of October in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-2765; Filed, July 27, 1939; 9:43 a. m.]

[1] 4 F.R. 3357 DI.

[Docket No. G-123]

### IN THE MATTER OF GENERAL GAS PIPE LINE CORPORATION

### ORDER GRANTING MOTION FOR REINSTATEMENT OF APPLICATION GRANTING PETITION FOR AMENDMENT OF APPLICATION, AND SETTING DATE FOR HEARING

JULY 25, 1939.

Commissioners Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On January 21, 1939, General Gas Pipe Line Corporation filed an application for a certificate of public convenience and necessity pursuant to Section 7 (c) of the Natural Gas Act to authorize the construction of a natural gas pipe line from a point in Hart County, Kentucky, to a point in Hamilton County, Indiana;

(b) At a public hearing held on this application on April 17, 1939,[1] counsel for applicant filed with the Commission a motion to dismiss said application without prejudice and on April 18, 1939, the Commission by order granted said motion;

(c) On July 21, 1939, the General Gas Pipe Line Corporation filed with the Commission a motion requesting the reinstatement of its application originally filed January 21, 1939, and a petition for leave to amend its application with regard to the points along said proposed pipe line at which it intends to sell natural gas for resale and with regard to the rates at which it proposes to sell said natural gas;

The Commission *orders* that:

(A) The motion filed by General Gas Pipe Line Corporation requesting that its application for a certificate of public convenience and necessity pursuant to Section 7 (c) of the Natural Gas Act to authorize the construction of a natural gas pipe line from a point in Hart County, Kentucky, to a point in Hamilton County, Indiana, be and it is hereby granted and said application be and it is hereby reinstated;

(B) The petition to amend said application filed by the General Gas Pipe Line Corporation be and it is hereby granted;

(C) A public hearing on said application as reinstated and amended be held at 10 o'clock A. M., September 7, 1939, in the Hearing Room, Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-2765; Filed, July 27, 1939; 9:43 a. m.]

[1] 4 F.R. 1152 DI.

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3783]

### IN THE MATTER OF MODERN MARKETING SERVICE, INC., A CORPORATION; RED AND WHITE CORPORATION, A CORPORATION; DIAMOND MATCH COMPANY, A CORPORATION; MORTON SALT COMPANY, A CORPORATION; QUAKER OATS COMPANY, A CORPORATION; RALSTON-PURINA COMPANY, A CORPORATION; WESSON OIL AND SNOWDRIFT SALES COMPANY, A WHOLLY OWNED SUBSIDIARY OF WESSON OIL AND SNOWDRIFT COMPANY, INC., A CORPORATION; STANDARD RICE COMPANY, A CORPORATION; PROCTOR & GAMBLE, A CORPORATION; S. M. FLICKINGER COMPANY, INC., A CORPORATION; JULLIARD COCKCROFT CORPORATION, A CORPORATION; LAURANS BROTHERS, INC., A CORPORATION; WEST COAST GROCERY COMPANY, A CORPORATION; H. O. WOOTEN GROCERY COMPANY, A CORPORATION; AND NASH-FINCH COMPANY, A CORPORATION

### ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Fed-

eral Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41) and (49 Stat. 1526, U.S.C.A., Section 13, as amended),

*It is ordered*, That John P. Bramhall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, August 4, 1939, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2763; Filed, July 26, 1939; 2:20 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of July 1939.

[File No. 32-158]

IN THE MATTER OF THE KANSAS POWER AND LIGHT COMPANY

ORDER EXEMPTING THE ISSUE AND SALE OF SECURITIES

The Kansas Power and Light Company, a direct subsidiary of North American Light & Power Company and an indirect subsidiary of The North American Company, the latter two companies being registered holding companies, having filed an application with amendments thereto pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for the exemption from the provisions of Section 6 (a) of the Act of the issue and sale of $26,500,000 principal amount of First Mortgage Bonds, 3½% Series, due 1969, and $3,500,000 principal amount of 2¾% Promissory Notes maturing serially from 1940 to 1949; and the issue and sale of such securities having been expressly authorized by the State Corporation Commission of Kansas;

A hearing on such matter having been held after appropriate notice;[1] the applicant having waived the right to have submitted to it a report by the Trial Examiner, to have submitted to it proposed findings of fact by the Commission or requested findings of fact by counsel to the Commission, to file a brief and to oral argument before the Commission prior to the Commission's making findings and the entry of an order herein; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That the issue and sale of the aforesaid First Mortgage Bonds and the Promissory Notes in accordance with the terms and conditions set forth in, and for the purposes represented by said amended application, be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

(a) That if the express authorization of the issue and sale of such securities by the State Corporation Commission of Kansas shall be revoked or otherwise terminated, this exemption shall immediately terminate without further order of this Commission; and

(b) That within ten days after the issue and sale of such securities the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of and for the purposes represented by said application as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2773; Filed, July 27, 1939; 10:45 a. m.]

[1] 4 F.R. 2725 DI

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26 day of July, A. D. 1939.

[File No. 56-51]

IN THE MATTER OF LEONARD S. FLORSHEIM, TRUSTEE INLAND POWER AND LIGHT CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 7, 1939, at 9:45 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 2, 1939.

The matter concerned herewith is in regard to the sale by applicant to three insurance companies of $243,500 principal amount of 5% Bonds of Michigan Public Service Company, at 100 plus accrued interest.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2774; Filed, July 27, 1939; 10:45 a. m.]

## UNITED STATES TARIFF COMMISSION.

INVESTIGATION ORDERED AND HEARING SET FOR AUGUST 14, 1939, RELATIVE TO COTTON OR COTTON WASTE

INVESTIGATION NO. 1 UNDER SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED

*Institution of investigation.*—By direction of the President, dated July 26, 1939, the United States Tariff Commission on the 26th day of July 1939 instituted, and hereby gives notice of an investigation, under Section 22 of the Agricultural Adjustment Act (of 1933), as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether Cotton or Cotton Waste is being imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with the program undertaken with respect to cotton, under the Soil Conservation and Domestic Allotment Act, as amended, or to reduce substantially the amount of any product processed in the United States from cotton. Cotton textiles are not included in this investigation, but will be made the subject of a separate investigation to be announced later.

*Hearing.* All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held at the office of the Commission in Washington, D. C., at 10 a. m. on the 14th day of August 1939.

*Nature of information at hearing.* Information submitted at hearing must be relevant and material to the matters under investigation.

*Appearances at hearing.* Interested persons may appear at the hearing either in person or by representative; if several persons have a joint interest in the subject it is suggested that effort be made for the designation of a representative in order to avoid unnecessary repetition of testimony.

*Regulations.* Copies of the regulations adopted for investigations under Section 22 may be obtained on application to the United States Tariff Commission, Washington, D. C., or to the New York office of the Commission, Room 712, Custom House, New York City.

I hereby certify that the above investigation and hearing in said investigation were ordered by the United States Tariff Commission on the 26th day of July 1939.

[SEAL] SIDNEY MORGAN,
*Secretary.*

Notice issued July 27, 1939.

[F. R. Doc. 39-2772; Filed, July 27, 1939; 10:33 a. m.]

Reference

JUL 31 1939

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 145

*Washington, Saturday, July 29, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 485, Third Revision]

WHITE-FRINGED BEETLE QUARANTINE RESTRICTIONS MODIFIED

SEC. 301.72A—ADMINISTRATIVE INSTRUCTIONS—REMOVAL OF WHITE-FRINGED BEETLE CERTIFICATION REQUIREMENTS UNTIL FEBRUARY 1, 1940, FOR SPECIFIED ARTICLES CONSIGNED FROM DESIGNATED PORTIONS OF THE REGULATED AREAS

*Approved July 28, 1939; Effective July 28, 1939*

Circular B.E.P.Q. 485, as revised July 7, 1939,[1] waived certification requirements until February 1, 1940, for specified articles consigned from certain parts of the areas regulated under quarantine No. 72. The only change in the present revision is to exempt from certification until February 1, 1940, certain articles consigned from Saint Bernard Parish, Louisiana.

Under authorization provided in Notice of Quarantine No. 72 (Sec. 301.72), all certification requirements are hereby waived until February 1, 1940, for the following articles enumerated in Regulation 3 (a) and (b), (Sec. 301.72–3) when free from soil, it having been determined that sanitary measures and natural conditions have so reduced the risk of contamination with the egg or adult stage of the white-fringed beetle as to render certification unnecessary during the period stated:

1. When consigned from the regulated parts of the following counties: In *Alabama*—Mobile County; in *Florida*—Escambia County; in *Louisiana*—East Baton Rouge Parish; in *Mississippi*—Jackson County, certification requirements are waived for the following articles:

Potatoes and sweetpotatoes.

Sweetpotato vines, draws, and cuttings.

Cordwood, pulpwood, stumpwood, and logs.

Used or unused lumber, timbers, posts, poles, crossties, and other building materials.

Hay, roughage of all kinds, straw, leaves, and leafmold.

Peas, beans, and peanuts in shells, or the shells of any of these products.

Seed cotton, cottonseed, baled cotton lint, and linters.

Used implements and machinery, scrap metal, junk, and utensils or containers coming in contact with the ground.

Brick, tiling, stone, and concrete slabs and blocks.

Nursery stock and other plants, which are free from soil.

2. When consigned from the regulated parts of the counties of Hinds and Pearl River in *Mississippi*, certification requirements are waived for the following articles:

Potatoes and sweetpotatoes.

Sweetpotato vines, draws, and cuttings.

Cordwood, pulpwood, stumpwood, and logs.

Used or unused lumber, timbers, posts, poles, crossties, and other building materials.

Hay, roughage of all kinds, straw, leaves, and leafmold.

Peas, beans, and peanuts in shells, or the shells of any of these products.

Used implements and machinery, scrap metal, junk, and utensils or containers coming in contact with the ground.

Brick, tiling, stone, and concrete slabs and blocks.

Nursery stock and other plants, which are free from soil.

3. When consigned from the parishes of Saint Bernard and Orleans (including the City of New Orleans) and from the regulated parts of the parishes of Jefferson and Plaquemines in *Louisiana*, certification requirements are waived for the following articles:

Potatoes and sweetpotatoes.

[1] 4 F.R. 2855 DI.

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FEDERAL REGISTER

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Sweetpotato vines, draws, and cuttings.

Cordwood, pulpwood, stumpwood, and logs.

Unused lumber, timber, posts, poles, and crossties.

Hay, roughage of all kinds, straw, leaves, and leafmold.

Peas, beans, and peanuts in the shells, or the shells of any of these products.

Seed cotton, cottonseed, baled cotton lint, and linters.

All articles, designated in paragraphs (a) and (b) of Regulation 3 of Quarantine No. 72[2] (Sec. 301.72–3) for which certification requirements are not hereinabove waived, shall remain under the restrictions of the quarantine during the period covered by this document.

(Issued under Sec. 301.72) [B.E.P.Q. 485, Third Revision, July 28, 1939]

[SEAL] AVERY S. HOYT,
*Acting Chief.*

[F. R. Doc. 39–2797; Filed, July 28, 1939; 12:14 p. m.]

[2] 3 F.R. 3005 DI.

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER VII—PERSONNEL

### PART 71—ENLISTMENT IN THE REGULAR ARMY[1]

§ 71.1 *Eligibility for enlistment and reenlistment in the Regular Army.*

* * * * * *

(b) Orientals, Filipinos, and Puerto Ricans will not be enlisted within the continental limits of the United States for assignment outside thereof. If they meet the requirements for enlistment prescribed in paragraph (a) above, they may be enlisted within the continental limits of the United States for assignment to organizations with the approval of the corps area commander. Transfers of the classes listed above to stations outside the continental limits of the United States are not authorized.

* * * * * *

(41 Stat. 765; 10 U.S.C. 42) [Par. 9, A.R. 600–750, April 10, 1939, as amended by Sec. II, Cir. 53, W.D., July 25, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–2789; Filed, July 28, 1939; 9:28 a. m.]

## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Amendment 20, Civil Air Regulations]

### POSITION LIGHTS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 25th day of July 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective August 15, 1939, Part 15 of the Civil Air Regulations is amended as follows:

1. By striking the word "equipment" in the title of section 15.2 and inserting in lieu thereof the word "appliances."

2. By striking section 15.20 and inserting in lieu thereof the following new section:

"§ 15.20 *Position lights.*

"§ 15.200 *General provisions.* Position lights prescribed in Part 04 of the Civil Air Regulations, in order to be certificated, shall be so constructed and capable of being so mounted as to comply with the regulations hereinafter prescribed.

"§ 15.2000 A request for certification and such supporting data as may be prescribed herein shall be accompanied by a complete set of lights described in the data. Such data shall include a copy of the instructions for the mounting of the lights in aircraft as furnished by the light manufacturer to purchasers.

"§ 15.2001 As the forward (right and left) lights are complementary they will be certificated as a unit. The rear (tail) light will be certificated as a separate unit.

"§ 15.2002 Forward lights are classified as follows:

"(a) Standard forward position lights.
"(b) Air Carrier forward position lights.
"(c) Auxiliary position lights.

"§ 15.201 *Light distribution requirements.* (See CAAM 15 for diagrams.)

" 15.2010 *Definitions.* Three dihedral angles hereinafter referred to as dihedral angle L, dihedral angle R, and dihedral angle A are defined as follows: dihedral angle L is formed by the intersection of two vertical planes, one passing through the forward axis of the light unit, as defined in the mounting instructions, and the other at an angle of 110 degrees to the first, measured to the left when looking away from the unit; dihedral angle R is formed by the intersection of two vertical planes, one passing through the forward axis of the light unit, as defined in the mounting instructions, and the other at an angle of 110 degrees to the first, measured to the right when looking away from the unit; and dihedral angle A (aft) is formed by the intersection of two vertical planes making dihedral angles of 70 degrees to the left and 70 degrees to the right, respectively, of a vertical plane passing through the rear axis of the light unit, as defined in the mounting instructions. Each dihedral angle shall be understood to include the bounding planes as well as the space between the planes.

"§ 15.2011 *Standard forward position lights.* Each standard forward position light shall have an intensity of not less than 3 candles in all directions in dihedral angle L for the left light and in dihedral angle R for the right light. Within these dihedral angles, respectively, the intensity in all directions shall equal or exceed the minimum values given in Table I according to the angle between the direction of measurement and the forward axis of the unit.

TABLE I.—*Minimum Permissible Intensities in Any Plane Through the Forward Axis of the Unit.*

| At angles from forward axis not exceeding: | Intensity |
|---|---|
| 60 degrees | 4 candles |
| 30 degrees | 8 candles |

In all directions in dihedral angle R for the left light and in dihedral angle L for the right light, tolerance of 10 degrees will be allowed in which the intensity of these lights shall be reduced to not over 2 candles. In these same directions a further tolerance of an additional 10 degrees will be allowed in which the intensity shall be reduced to not more than 0.5 candle. In all directions in dihedral angle A a tolerance of 10 degrees will be allowed in which the intensity of these lights shall be reduced to a maximum intensity of 0.5 candle. In all directions outside the specified dihedral angle and the allowed tolerance angles for each unit, the stray light intensity shall not exceed 0.5 candle.

"§ 15.2012 *Air Carrier forward position lights.* Each air carrier forward position light shall have as intensity of not less than 3 candles in all directions in dihedral angle L for the left light and in dihedral angle R for the right light. Within these dihedral angles, respectively, the intensity in all directions shall equal or exceed the minimum values given in Table II according to the angle between the direction of measurement and the forward axis of the unit.

TABLE II.—*Minimum Permissible Intensities in Any Plane Through the Forward Axis of the Unit*

| At angles from forward axis not exceeding: | Intensity |
|---|---|
| 60 degrees | 5 candles |
| 30 degrees | 10 candles |
| 20 degrees | 20 candles |
| 15 degrees | 30 candles |
| 10 degrees | 35 candles |
| 5 degrees | 40 candles |

Within the same dihedral angles the intensities in the horizontal plane shall equal or exceed the minimum values given in Table III according to the angle between the direction of measurement and the forward axis of the unit.

TABLE III.—*Minimum Permissible Intensities in the Horizontal Plane Through the Forward Axis of the Unit*

| At angles from forward axis not exceeding: | Intensity |
|---|---|
| 60 degrees | 5 candles |
| 40 degrees | 10 candles |
| 30 degrees | 20 candles |
| 20 degrees | 30 candles |
| 10 degrees | 40 candles |

In all directions in dihedral angle R for the left light and in dihedral angle L for the right light, a tolerance of 10 degrees will be allowed in which the intensity of these lights shall be reduced to not over 10 candles. In these same directions a further tolerance of an additional 10 degrees will be allowed in which the intensity shall be reduced to not more than 1 candle. In all directions in dihedral angle A a tolerance of 10 degrees will be allowed in which the intensity of these lights shall be reduced to not more than 1 candle. In all directions outside the specified dihedral angle and the allowed tolerance angles for each unit, the stray light intensity shall not exceed 1 candle.

"§ 15.2013 *Auxiliary forward position lights.* Each auxiliary forward position light shall have an intensity of not less than 20 candles in all directions not exceeding 30 degrees of the forward axis of the unit, measured in dihedral angle L for the left unit and in dihedral angle R for the right unit. Within the afore-described angles the intensity in all directions shall equal or exceed the minimum values given in Table IV according to the angle between the direction of the measurement and the forward axis of the unit.

TABLE IV.—*Minimum Permissible Intensities in Any Plane Through the Forward Axis of the Unit*

| At angles from forward axis not exceeding: | Intensity |
|---|---|
| 20 degrees | 30 candles |
| 10 degrees | 40 candles |

In all directions in dihedral angle R for the left light and in dihedral angle L for the right light, a tolerance of 10 degrees will be allowed in which the intensity of these lights shall be reduced to not over 8 candles. In these same directions a further tolerance of an additional 10 degrees will be allowed in which the intensity shall be reduced to not more than 0.5 candle. In all directions in dihedral angle A the maximum intensity shall be less than 0.5 candle. In all directions outside the specified dihedral angle and the allowed tolerance angles for each unit, the stray light intensity shall not exceed 0.5 candle.

"§ 15.2014 *Rear position lights.* Each rear position light shall have an intensity of not less than 4 candles in dihedral angle A. Within this dihedral angle the intensity in all directions not exceeding 70 degrees from the rear axis of the unit, shall be not less than 8 candles. In all directions in dihedral angle L and in dihedral angle R, a tolerance of 20 degrees will be allowed in which the intensity of this light must be reduced to a maximum stray light intensity of 1 candle. In all directions outside the specified dihedral angle and the allowed tolerance angles, the stray light intensity shall not exceed 1 candle.

"§ 15.202 *Color.* All left forward lights shall be aviation red, all right forward lights shall be aviation green, and all rear lights shall be aviation white. These colors are defined as follows:

"(a) Aviation red is a color having the following ICI chromaticity coordinates:

"y is not greater than 0.335 and
"z is not greater than 0.002

"(b) Aviation green is a color having the following ICI chromaticity coordinates:

"x is not greater than 0.440–0.320y
"x is not greater than y–0.170 and
"y is not less than 0.390–0.170x

"(c) Aviation white is a color having the following ICI chromaticity coordinates:

"x is not less than 0.350
"x is not greater than 0.540
"y-$y_c$ is not numerically greater than 0.01

"$y_c$ being the y coordinate of the Planckian radiator for which $x_c$=x.

"§ 15.203 *Light covers.* The lamp and reflectors shall be protected by a cover which shall be of non-combustible material and so constructed that it will not change color or shape, or cloud, or suffer any considerable loss of transmission in normal use. The coloring of those portions which are intended to transmit light shall be completely diffused through the material."

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39–2798; Filed, July 28, 1939; 12:41 p. m.]

[1] These regulations amend the indicated section and paragraph of Part 71, Title 10, Code of Federal Regulations.



## TITLE 21—FOOD AND DRUGS

### FOOD AND DRUG ADMINISTRATION

IN THE MATTER OF THE PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATION MAY BE PROMULGATED FIXING AND ESTABLISHING DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: TOMATO PUREE, TOMATO PASTE, TOMATO CATSUP, TOMATO JUICE

ORDER OF THE SECRETARY PROMULGATING REGULATIONS FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS TOMATO JUICE

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), and based upon substantial evidence of record at the hearing[1] in the above-entitled matter, detailed findings of fact are made, as follows:

*Findings of Fact*

1

Ordinarily the term "juice" means a clear liquid which separates from a fruit, and in many cases, a filtered liquid; associated with the word "tomato" it has come to mean both the liquid portion of the tomato and a part of the flesh which has been finely divided and carried in suspension.

2

Tomato juice is not a concentrated product.

3

Tomato juice is prepared from mature tomatoes of red or reddish varieties by a succession of treatments including washing before and after sorting, trimming, scalding, crushing and screening with or without heat to extract a part of the liquid and insoluble materials.

[1] 3 F.R. 3012 DI.

The seeds, skins, cores, and a portion of the fleshy material are excluded.

It may be homogenized or viscolized to prevent the fleshy material from settling out. Salt may be added. When it is sealed in containers, it is so heated before or after sealing as to prevent spoilage.

4

One firm heats the crushed tomatoes by live steam before extraction and heats the juice to a point calculated to compensate by evaporation for the water added by condensation. Steam condensate forms when steam is applied to crushed tomatoes. In the course of manufacture by this method, the amount of water thus added is approximately 11 percent. The evaporation removes a certain amount of the volatile flavoring constituents of the tomato. The reduction in volume by evaporation removes only part of the water which was added as steam condensate. The remainder of the reduction in volume comes from the evaporation of moisture originally present in the tomatoes. The finished product consists of partially concentrated tomato juice (some of the volatile flavoring constituents of the tomato having been lost in the evaporation) with sufficient added water to make up the approximate original volume of the tomato juice.

5

Most firms manufacturing tomato juice do not use a process whereby live steam comes directly in contact with the crushed tomatoes, and thereafter forms a steam condensate. Various manufacturers heretofore used such a process whereby live steam came in contact with crushed tomatoes, resulting in an adding of steam condensate, but there has been an abandonment of such use, with one exception as noted in Finding 4.

6

The natural constituents of the food commonly known as tomato juice are derived wholly from tomatoes, with salt as an optional ingredient.

7

Tomato juice varies in flavor, specific gravity, viscosity, and vitamin content.

8

It is impracticable to establish a reasonable definition and standard of identity for tomato juice with fixed specific gravity, ascorbic acid content, proportion of soluble to insoluble solids or percentage of other ingredients.

9

The foregoing findings of fact apply to a product prepared from yellow varieties of tomatoes except that when yellow varieties of tomatoes are used the product is known as and labeled yellow tomato juice.

Other findings suggested by the Presiding Officer are not found because they relate either to standards of quality or to matters governed by section 402 of the act. [cf. Sec. 10.000 (c), General Rules and Regulations Promulgated July 27, 1939]

Based upon the foregoing findings of fact, conclusions in the form of regulations which will promote honesty and fair dealing in the interest of consumers are hereby made and promulgated, as follows:

*Regulations Under the Federal Food, Drug, and Cosmetics Act for Fixing and Establishing a Reasonable Definition and Standard of Identity for the Food Known Under Its Common or Usual Name as Tomato Juice*

§ 53.000 *Tomato juice—Identity.* Tomato juice is the unconcentrated liquid extracted from mature tomatoes of red or reddish varieties, with or without scalding followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such liquid is strained free from skins, seeds, and other coarse or hard substances, but carries finely divided insoluble solids from the flesh of the tomato. Such liquid may be homogenized, and may be seasoned with salt. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

§ 53.005 *Yellow tomato juice—Identity.* Yellow tomato juice is the unconcentrated liquid extracted from mature tomatoes of yellow varieties. It conforms, in all other respects, to the definition and standard of identity for tomato juice prescribed in section 53.000.

It is ordered that the regulation hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this the 27th day of July 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2791; Filed, July 28, 1939; 10:19 a. m.]

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IN THE MATTER OF THE PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATION MAY BE PROMULGATED FIXING AND ESTABLISHING DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: TOMATO PUREE, TOMATO PASTE, TOMATO CATSUP, TOMATO JUICE

ORDER OF THE SECRETARY PROMULGATING A REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD KNOWN UNDER ITS COMMON OR USUAL NAME AS TOMATO CATSUP

Pursuant to, and under and by virtue of, the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), and based upon substantial evidence of record at the hearing[1] in the above-entitled matter, detailed findings of fact are made, as follows:

*Findings of Fact*

1

Tomatoes used in the manufacture of tomato catsup are mature tomatoes of red or reddish varieties.

2

The terms "catsup," "ketchup," "catchup," are synonymous names for the same food.

3

The raw materials used are:

(1) Whole tomatoes;
(2) Residual tomato material from preparation for canning, consisting of pieces, cores, peelings, liquid, in whole or in part;
(3) Residual tomato material from partial extraction of juice.
(4) Tomato catsup is made from any one of the above sources of raw material, or any combination thereof.

4

When tomato catsup is manufactured in whole or in part from residual tomato material from preparation for canning or from partial extraction of juice, the label shall declare the raw-material ingredients used.

5

Tomato catsup is manufactured by crushing and straining whole tomatoes or residual tomato material from preparation for canning or from partial extraction of juice, so as to remove seeds, skins, cores, and other coarse or hard substances, and packing so as to prevent spoilage.

6

A sweetening agent is always added.

7

Sugar may be used as a sweetening agent.

8

A mixture of sugar and dextrose (refined corn sugar) may be used as a sweetening agent.

9

Dextrose (refined corn sugar) may be used in lieu of a part of the sugar; about 1½ to 1¾ parts of dextrose are required to replace 1 part of sugar; the use of dextrose in substitution for sugar creates a greater viscosity or body than the use of sugar alone; dextrose is not as sweet as sugar.

10

Salt is always added as seasoning.

11

A vinegar, usually distilled vinegar, is added.

[1] 3 F.R. 3012 DI.



12

Spices, in the form of whole or ground spice, or flavoring, in the form of spice oil, or both such spice and flavoring, are added.

13

Onions and garlic, either or both, are usually added.

14

The finished catsup is usually sealed in a container processed so as to insure its keeping, and such processing may be effected either before or after sealing.

Other findings suggested by the Presiding Officer are not found because they relate either to standards of quality or to matters governed by section 402 of the act. [cf. Sec. 10.000 (c), General Rules and Regulations Promulgated July 25, 1939]

Based upon the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and fair dealing in the interest of consumers is hereby made and promulgated, as follows:

*Regulation Under the Federal Food, Drug, and Cosmetic Act for Fixing and Establishing a Reasonable Definition and Standard of Identity for the Food Known Under Its Common or Usual Name as Tomato Catsup*

§ 53.010 *Catsup, Ketchup, Catchup—Identity; Labeling of Optional Ingredients.* (a) Catsup, Ketchup, Catchup, is the food prepared from one or any combination of two or all of the following optional ingredients:

(1) The liquid obtained from mature tomatoes of red or reddish varieties.
(2) The liquid obtained from the residue from preparing such tomatoes for canning, consisting of peelings and cores with or without such tomatoes or pieces thereof.
(3) The liquid obtained from the residue from partial extraction of juice from such tomatoes. Such liquid is obtained by so straining such tomatoes or residue, with or without heating, as to exclude skins, seeds, and other coarse or hard substances. It is concentrated, and is seasoned with sugar or a mixture of sugar and dextrose (refined corn sugar), salt, a vinegar or vinegars, spices or flavoring or both, and onions or garlic or both. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

(b) When optional ingredient (2) is present, in whole or in part, the label shall bear the statement "Made From —" (or "Made in Part From —", as the case may be) "Residual Tomato Material from Canning". When optional ingredient (3) is present, in whole or in part, the label shall bear the statement "Made From —" (or "Made in Part From —", as the case may be) "Residual Tomato Material from Partial Extraction of Juice". If both such ingredients are present, such statements may be combined in the statement "Made From —" (or "Made in Part From —", as the case may be) "Residual Tomato Material from Canning and from Partial Extraction of Juice". Wherever the name "Catsup," "Ketchup," or "Catchup" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

It is ordered that the regulation hereby prescribed and promulgated shall become effective on January 1, 1940.

Issued this 25th day of July 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2790; Filed, July 28, 1939; 10:19 a. m.]

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## TITLE 24—HOUSING CREDIT

### FEDERAL HOUSING ADMINISTRATION

AMENDMENT OF REGULATION XIII OF THE REGULATIONS ISSUED BY THE ADMINISTRATOR IN CONNECTION WITH PROPERTY IMPROVEMENT LOANS UNDER TITLE I OF THE NATIONAL HOUSING ACT, AS AMENDED, EFFECTIVE JULY 1, 1939

Section 3 of Regulation XIII (appears as Section 501.13 (c) at 4 F.R. 2790 DI) is amended to read as follows:

(3) Shall be expended in erecting a new structure on real estate owned by the borrower in fee simple, or held by the borrower under a lease expiring not less than ten years after the maturity of the loan.

The Amendment contained herein is hereby declared to have the same force and effect as if included in and made a part of each Contract of Insurance, and shall be effective July 25, 1939.

STEWART MCDONALD,
*Federal Housing Administrator.*

JULY 22, 1939.

[F. R. Doc. 39-2792; Filed, July 26, 1939; 1:48 p. m.]

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## TITLE 45—PUBLIC WELFARE

### CIVILIAN CONSERVATION CORPS

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES[1]

§ 203.3 *Eligibility for selection and reselection*—(a) *Selection*—(1) *Function of the selecting agencies.* Selection and reselection of enrollees are the responsibilities of the State selecting agencies. Junior and veteran applicants are selected and certified to the War Department under definite policies as to eligibility approved by the Director, Civilian Conservation Corps, and duly announced to their respective field agents by the Federal agencies concerned. Men so selected and certified will present properly executed application forms duly signed by the authorized selecting agents of the Department of Labor or the Veterans' Administration, as the case may be. The War Department does not participate in selection or reselection.

(2) *Excluded from selection and enrollment.* The following classes of persons are excluded from selection and enrollment:

(i) Those who are not male citizens of the United States.

(ii) Those (other than war veterans, and not to exceed one leader, one mess steward, three cooks, and five project assistants per junior company) who are married and/or who would not be, during the entire period of enrollment, between the ages of 17 and 23 years, both inclusive.

(iii) Those who have been previously dishonorably or administratively discharged.

(iv) Those who have been convicted by a civil or military court of an offense which may be punished by death or imprisonment for a term exceeding 1 year.

(v) Those serving a current term of probation or parole by reason of a sentence of a criminal court because of the commission of any crime or misdemeanor.

(vi) Civil law enforcement officers such as justices of the peace, sheriffs, game wardens, and their deputies.

(vii) Members of the National Guard of a State, a territory, or the District of Columbia.

(viii) Unworthy enrollees. (50 Stat. 319) [Par. 19a, C.C.C. Regs., W. D., Dec. 1, 1937; amended by C 31, July 18, 1939]

§ 203.7 *Enrollment*—(a) *Oath, duration, and place.* Certified selectees who pass the required physical examination upon subscribing to the oath on C.C.C. Form No. 1 will be enrolled, for periods of not less than 6 months, at—

(1) Place of acceptance, when the physical examination is given at that place and the corps area commander deems it expedient to direct such action, or,

(2) Reconditioning or work camps designated by the corps area commander.

(b) *Action in case of fraudulent application for enrollment.* An applicant rejected by reason of falsification of qualifications is not entitled to transportation in kind nor subsistence en route to place of selection or to his home.

[1] Part 203, Chapter II, Title 45, Code of Federal Regulations is changed as follows: Paragraph (a), Section 203.3 and section 203.7 are superseded; Section 203.18 is amended as indicated.

(c) *Action in case of fraudulent and erroneous enrollment.* (1) Persons in any of the classifications listed in paragraphs (a) (2) and (b), section 203.3, if enrolled or reenrolled fraudulently, will be dishonorably discharged by the company commander for "fraudulent enrollment" and will not be paid for any period subsequent to the last payment made to them prior to the discovery of the fraud. Transportation will be in accordance with paragraph (b) (6), section 203.18.

(2) (i) Persons in any of the classifications listed in paragraphs (a) (2) and (b), section 203.3, if erroneously enrolled or reenrolled without fraud will be forthwith administratively discharged, except that members of the National Guard and civil law enforcement officers may, in such cases, be honorably discharged. Except in the case of those listed in paragraphs (a) (2) (i) and (ii) and the first subparagraph of paragraph (b), section 203.3, persons administratively discharged under authority of this paragraph will be paid full accumulated cash allowance to date of discharge and provided with the usual subsistence allowance and transportation. See paragraph (c), section 203.18.

(ii) Those erroneously enrolled or reenrolled without fraud under paragraphs (a) (2) (i) and (ii) and the first subparagraph or paragraph (b), section 203.3 and administratively discharged under the provisions of (i) above will not be paid for any period subsequent to the last payment made to them prior to the discovery of the error, but will be provided with transportation in accordance with paragraph (c), section 203.18.

(3) It will be the duty of the company commander upon discovering that an enrollee has become a member of the Civilian Conservation Corps through falsification of qualifications for selection to report the facts to the appropriate State selecting agency whose field agents originally certified the individual for enrollment. Except as noted in (1) and (2) above, discharge from the Civilian Conservation Corps is not mandatory in cases of revealed falsification of qualification. Corps area commanders will determine the final disposition of each case, considering the recommendation received from the State selecting agency, and discharge under the provision of this subparagraph will be the exception rather than the rule. (50 Stat. 319) [Par. 25c, C.C.C. Regs., W.D., Dec. 1, 1937; amended by C 31, July 18, 1939]

§ 203.18 *Transportation and travel allowances.*

* * * * * *

(b) *Transportation in kind from places of discharge.*

* * * * * *

(7) *Dishonorable discharge.* When an enrollee is given a dishonorable discharge, he will not be furnished either transportation in kind or travel allowances of any nature, except that he will be permitted to return to his home or place of acceptance at Government expense with the next group of discharged enrollees leaving the camp from which he was discharged at the end of their enrollments or, in case he is in a foreign corps area, with those being returned to their home corps area for discharge. When he is permitted to travel as authorized above, he will be furnished all allowances that are furnished to the other enrollees or ex-enrollees with whom he is traveling, except that, when train accommodations permit, his space assignment will be in a coach, not a sleeping car or parlor car. (See paragraph (c) below.)

* * * * * *

(c) *Transportation of enrollees discharged administratively.* Enrollees who are discharged administratively will be furnished transportation only (no berths, parlor-car seats, or staterooms), regardless of the length of the journey, on the basis as prescribed in paragraph (b) above. Transportation requests will be addressed to rail carriers and endorsed in the transportation class space with the words "Good in coaches only." See paragraph (b) (7) above.

* * * * * *

(50 Stat. 319) [Par. 66b and *d*, C.C.C. Regs., W.D., Dec. 1, 1937; amended by C 31, July 18, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-2788; Filed, July 28, 1939; 9:28 a. m.]

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## TITLE 47—TELECOMMUNICATION

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

### PART 8—RULES GOVERNING SHIP SERVICE*†

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DEFINITIONS[1]

The following definitions shall apply to the provisions of this chapter:

*Authority*

§ 8.1 *Communications Act.* The term "Communications Act" means the Communications Act of 1934, as amended.*†

§ 8.2 *Ship Act.* The term "Ship Act" means the Act approved June 24, 1910, as amended, requiring apparatus and operators for radio communication on certain Great Lakes steamers.*†

§ 8.3 *Safety Convention.* The term "Safety Convention" means the International Convention for the Safety of Life at Sea in force[2] and the regulations referred to therein.*†

§ 8.4 *Commission.* The term "Commission" means the Federal Communications Commission.*†

§ 8.5 *Standards of good engineering practice for ship stations.* The term "Standards of Good Engineering Practice for Ship Stations" as used in this Chapter means a supplemental publication bearing this title as may be hereafter approved and promulgated by the Commission.*†

*Certificates*

§ 8.6 *Exemption certificate.* The term "Exemption Certificate" means a certificate issued to a ship which is granted exemption from applicable provisions of the Safety Convention.[3]*†

§ 8.7 *Safety certificate.* The term "Safety Certificate" means a certificate issued upon application, after inspection and survey by proper authorities, to a passenger ship which complies in an efficient manner with the requirements of the Safety Convention[3].*†

§ 8.8 *Safety radiotelegraph certificate.* The term "Safety Radiotelegraphy Certificate" means a certificate issued upon application, after inspection by proper authorities, to any ship, other than a passenger ship, which complies in an efficient manner with the requirements of the Safety Convention.[3] *†

*Installations*

§ 8.9 *Main installation.* The term "main installation" means a radio installation on board a vessel, including a main transmitter and a main receiver, capable of being used for transmitting and receiving signals to and from other stations in the maritime mobile service; independent of the emergency or reserve installation on a passenger or cargo ship; or under specified conditions[4] independent of the emergency power supply on a cargo ship.*†

§ 8.10 *Emergency or reserve installation.* The term "emergency or reserve installation" or "emergency installation" means a radio installation on board a vessel, including an emergency transmitter, an emergency receiver, emergency electric lights and an emergency power supply, capable of being used for transmitting and receiving signals to and from other stations in the maritime mobile service when energized solely by the emergency power supply.*†

§ 8.11 *Emergency power supply.* The term "emergency power supply" means an immediately available source or sources of electrical power on board a ship, independent of the propelling power of the ship and any other electrical system, capable of simultaneously energizing the emergency transmitter, the emergency receiver, and the radio station emergency electric light(s).*†

§ 8.12 *Direction finder.* The term "direction finder" means a radio receiving device which permits determination of the line of travel of radio waves at the point of reception.*†

§ 8.13 *Energize.* The term "energize", as applied in these regulations, to transmitters, receivers and other component equipment of ship radio installations, means to supply with electrical power as necessary to provide normal and effective operation of this equipment.*†

*Transmitters*

§ 8.14 *Emergency transmitter.* The term "emergency transmitter" means a transmitter immediately available in a ship station for emergency communication and capable of being energized solely by the emergency power supply.*†

§ 8.15 *Main transmitter.* The term "main transmitter" means a radio transmitter regularly available in a ship station for routine communication which ordinarily is energized by a source of power other than the emergency power supply.*†

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*Sec. 4, 44 Stat. 1163; 47 U.S.C. 84 (f), rules promulgated thereunder continued in effect by Sec. 604, 48 Stat. 1103; 47 U.S.C. 604—Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (r), 50 Stat. 191; 47 U.S.C. 303 (r)—Sec. 351 (a) (2), 50 Stat. 192; 47 U.S.C. 351 (a) (2)—Sec. 352 (b), 50 Stat. 192; 47 U.S.C. 352 (b)—Sec. 353, 50 Stat. 193; 47 U.S.C. 353—Sec. 354 (g), 50 Stat. 193; 47 U.S.C. 354 (g)—Sec. 355, 50 Stat. 194; 47 U.S.C. 355—Sec. 356, 50 Stat. 194; 47 U.S.C. 356—Sec. 359, 50 Stat. 195; 47 U.S.C. 359—Sec. 362, 50 Stat. 196; 47 U.S.C. 362.

†Adopted by the FCC on July 12, 1939, effective Oct. 1, 1939.

[1] For additional definitions see Appendix A.

[2] The International Convention for the Safety of Life at Sea, London, 1929, became effective for the United States on November 7, 1936.

[3] The International Convention for the Safety of Life at Sea, London, 1929, became effective for the United States on November 7, 1936.

[4] See Section 354 (a) of the Communications Act.

*Receivers*

§ 8.16 *Automatic alarm receiver.* The term "automatic alarm receiver" means a complete receiving, selecting, and warning device capable of being actuated automatically by intercepted radio-frequency waves forming the international automatic alarm signal, as this signal is specified by the International Radio Regulations in force.*†

§ 8.17 *Direction finder receiver.* The term "direction finder receiver" means a receiver which is a component of a radio direction finder.*†

§ 8.18 *Emergency receiver.* The term "emergency receiver" means a receiver immediately available in a ship station for emergency communication and capable of being energized solely by the emergency power supply.*†

§ 8.19 *Main receiver.* The term "main receiver" means a receiver regularly available in a ship station for routine communication which ordinarily is energized by a source of power other than the emergency power supply.*†

*Service of a Ship Station*

§ 8.20 *Maritime mobile service.* The general term "maritime mobile service" means a radio service carried on between maritime mobile stations and land stations, and by maritime mobile stations communicating among themselves.*†

§ 8.21 *Ship service.* The term "ship service" means a radiocommunication service carried on between ship stations and coastal stations or between ship stations and maritime mobile stations.*†

§ 8.22 *Public ship service.* The term "public ship service" means a ship service open to public correspondence.*†

§ 8.23 *Private ship service.* The term "private ship service" means a ship service not open to public correspondence.*†

§ 8.24 *Emergency communication.* The term "emergency communication" with respect to ship stations means the transmission or reception of distress, alarm, urgent or safety signals, or messages relating thereto, or any matter relating to the safety of life or property, or occasional operation of equipment for determining whether or not the radio installation is in good working condition.*†

§ 8.25 *Routine communication.* The term "routine communication" with respect to ship stations means all operation authorized for such stations which is not included in the definition of "emergency communication."*†

§ 8.26 *Hours of service.* The term "hours of service" or "duration of service" means the time during which a ship station is held open for the exchange of message traffic with other stations in the maritime mobile service.*†

*Stations*

§ 8.27 *Ship station.* The term "ship station" means a radio station licensed for ship service and located on board a ship which is not permanently moored.*†

§ 8.28 *Ship telegraph station.* The term "ship telegraph station" means a ship station licensed to use, and capable of using, type A–1, A–2, or B[1] emission.*†

§ 8.29 *Ship telephone station.* The term "ship telephone station" means a ship station licensed to use, and capable of using, type A–3 emission for speech transmission.*†

§ 8.30 *Maritime mobile station.* The general term "maritime mobile station" means a ship station or an aircraft station at sea.*†

*Watch*

§ 8.31 *Radio watch.* The term "radio watch" or "watch" means the service performed by a qualified operator when on duty in the radio room of a vessel listening for signals of other stations on the international calling and distress frequency, 500 kilocycles (410 kilocycles on the Great Lakes), at least during each international silent period and at all other times except when such operator, in conformity with the International Radio Regulations in force and subject to authority of the master, is engaged in transmitting or receiving signals or messages on any authorized frequency, to or from any station in the maritime mobile service, or in receiving from any station time signals, weather reports, hydrographic reports, reports regarding aids to navigation, authorized press material, or information regarding the safety of life or property at sea.*†

GENERAL

§ 8.41 *Interference to be minimized.* Before transmitting, a ship station shall make sure that it will not produce harmful interference with communications being carried on within its range. If such interference is likely, the station shall wait until the existing communications, which it may disturb, have been concluded; with due regard, nevertheless, for the priority of communications designated by Section 8.42.*†

§ 8.42 *Order of priority of communications.* The order of priority of radiotelegraph and radiotelephone communications in the maritime mobile service on any frequency used for this service shall be as follows:

(a) Distress calls, distress messages, and distress traffic.

(b) Communications preceded by an urgent signal.

(c) Communications preceded by a safety signal.

(d) Communications relative to radio direction-finder bearings.

(e) Government radiotelegrams for which priority right has not been waived.

(f) All other communications.*†

§ 8.43 *Mobile station in distress.* No provision of these rules or of any regulations shall prevent a mobile station in distress from using any means available to it for drawing attention, signalling its position, and obtaining help.*†

§ 8.44 *Transmission of alarm signal.* When a distress call has been transmitted and was not preceded by the international automatic alarm signal, a station in the maritime mobile service (except on the Great Lakes) within the general vicinity of the station which transmitted the distress call, may transmit the alarm signal (using type A–2 or B emission) on the frequency 500 kilocycles upon authorization of the master or other person responsible for the station, provided every reasonable precaution is observed not to interfere with the acknowledgment of receipt of the distress call nor with distress traffic already in progress.*†

§ 8.45 *Repetition of distress call.* If a ship station has heard a distress call or distress message for which acknowledgment of receipt has not been given promptly, and the ship station itself is not in a position to render assistance, the ship station, subject to authority of the master, shall make every effort possible to attract the attention of any station in the maritime mobile service which appears to be in a position to render assistance, and for this purpose transmission of the distress call and distress message may be repeated on 500 kilocycles (410 kilocycles on the Great Lakes) and on such other frequencies as may be deemed necessary. Except on the Great Lakes, the ship station if authorized by the master may transmit for this purpose the international automatic alarm signal on the frequency 500 kilocycles (using type A–2 or B emission) prior to repetition of the distress call and message. In the event the alarm signal is transmitted, a sufficient period of time to allow operators warned by the alarm signal to go on watch shall be observed after transmission of the alarm signal and before retransmission of the distress message.*†

§ 8.46 *Repetition of alarm signal.* Except on the Great Lakes, a ship station intercepting an international automatic alarm signal which appears to be not duly effective by reason of improper timing, improper type of emission, insufficient signal strength, interference, or excessive deviation from 500 kilocycles, if authorized, by the master, may repeat the transmission of this signal on the frequency 500 kilocycles (using type A–2 or B emission) to be followed by a repetition of the distress call and distress message provided all reasonable precaution is taken by such station not to interfere with acknowledgment of receipt of the distress call nor with distress traffic already in progress.*†

[1]Beginning January 1, 1940, type B emission is not authorized for ship stations of U. S. registry, except in case of distress. See Section 8.71.



§ 8.47 *Interference from A–2 emission.* Beginning January 1, 1941, the use of A–2 emission, which is generated by abrupt[1] interruptions or reductions of the carrier wave, at an audible frequency or frequencies, without reference to the usual interruptions caused by ordinary telegraphic keying, shall be prohibited for ship stations on frequencies below 30,000 kilocycles except when necessary for emergency communication.*†

§ 8.48 *Priority of operation of ship station.* From the standpoint of interference, the operation of a ship radio station, including receiving equipment, auto alarm, and direction-finder, installed on board a vessel for safety purposes in compliance with law, shall have priority over the operation of any other radio apparatus on board the same vessel.*†

§ 8.49 *Operating power.* The operating power of ship stations shall be computed in conformity with the terms of Section 2.79 of Part 2: *Provided, however,* That the multiplying factor to which reference is made in paragraph (a) and the method of measuring field intensity to which reference is made in paragraph (c) of Section 2.79, shall be in accordance with the Standards of Good Engineering Practice for Ship Stations promulgated by the Commission.*†

§ 8.50 *Communication with coastal harbor stations.* All ship telephone stations, when operating on a frequency below 3500 kilocycles or above 30,000 kilocycles for communication with a coastal harbor station open to public correspondence, shall communicate with the nearest station of this class whenever practicable under the prevailing conditions of transmission and reception.*†

LICENSE

§ 8.61 *Ship station license.* All new or renewal ship station licenses normally will be issued to expire at 3:00 a. m., E. S. T. on a date three years from the date on which they become effective.*†

§ 8.62 *Classes of ship stations.* Ship stations will be licensed by classes according to their hours of service as follows:

(a) First Class: These stations shall carry on a continuous service whenever the vessel is being navigated or is outside a harbor or port.

(b) Second Class: These stations shall carry on a designated service of limited duration whenever the vessel is being navigated or is outside a harbor or port; at least during the period designated for ship stations of the second category in the appendix of the General Radio Regulations in force annexed to the International Telecommunication Convention in force, or as otherwise designated by the station license.

(c) Third Class: These stations, when operated, shall carry on a service the duration of which is undetermined or which is determined by the master of the vessel.*†

§ 8.63 *Posting of licenses.* The original ship radio station license, and the original license of each operator of the ship station while he is on duty therein, shall be posted in a conspicuous place in the associated radio operating room on board the ship, except when any operator license has been submitted to the Commission in accordance with relevant provisions of Part 13.*†

§ 8.64 *Lifeboat stations.* Properly licensed[1] lifeboat radio transmitting equipment may be operated for maintenance tests and emergency communication under authority of the regular license of the ship station without a separate license posted in the lifeboat. The call signals to be used by a lifeboat operating under this rule shall be the regularly assigned call of the ship station to which the lifeboat is regularly attached, to be followed by the international break sign, BT, and the number of the lifeboat.*†

§ 8.65 *Cable marker buoy.* Provided the transmitting equipment to be used on a cable marker buoy is described in the application for ship radio station license and in the ship station license for a cable-repair ship with which the buoy is associated, such equipment may be operated on the frequency 278 kilocycles for direction finding purposes, under the regular license of the ship station, with A–1 or A–2 emission and a maximum power of ten watts. The call signals to be used for a transmitter operating under this Section shall be the regularly assigned call of the ship station with which the buoy is associated, to be followed by the international break sign, $\overline{BT}$, and the identifying number of the buoy. The buoy transmitter shall be continuously monitored by a regularly licensed operator aboard the associated cable repair ship. Should a frequency deviation in excess of 0.5 percent or interference to the service of any other station be reported or observed, the radiation of the transmitter shall be suspended until the deviation is eliminated or until the transmitter can be operated without causing interference.*†

§ 8.66 *Authority to communicate with amateur stations.* Upon formal application being made and duly executed, including a supplemental statement in reference to conditions (a) and (b) hereinafter specified, the Commission may grant a license, modification of license, renewal of license or special temporary authority, permitting a ship telegraph station, on board a non-commercial vessel or on board a vessel to be used for scientific research or expedition, to transmit on ship telegraph frequencies above 4,000 kilocycles designated in the license of such ship station, for the secondary purpose of exchanging radiotelegraph communications directly with licensed amateur stations, on condition that transmission for this purpose shall not interfere with the primary use of these frequencies for normal ship service, and provided the applicant makes a satisfactory showing that:

(a) The messages to be exchanged with amateur stations will contain no material relating directly or indirectly to a commercial transaction.

(b) Unusual circumstances will be encountered during the contemplated voyage(s) which will make direct communication with amateur stations extremely beneficial to persons on board the vessel or to the person(s) responsible for the scientific research or expedition for which the vessel is to be used.*†

§ 8.67 *Communication with foreign amateur stations.* Under the provisions of Section 8.66, communication with amateur stations of foreign countries shall be limited to communications with such stations as are authorized to communicate with the ship station concerned; in addition, the nature of the communications exchanged with foreign amateur stations shall be in accordance with the General Radio Regulations in force of the International Telecommunication Convention in force and in conformity with the regulations of the foreign administration having jurisdiction over the amateur station(s) involved.*†

§ 8.68 *Use of A–1 and A–2 emission by ship telephone stations.* Ship telephone stations are authorized to use A–1 and A–2 emission for calling, for brief testing, for the transmission of brief service messages and for communication in an emergency involving the safety of life or property.*†

§ 8.69 *Use of special emission.* Upon application, ship stations normally licensed to transmit on frequencies above 4000 kilocycles may be granted authority to use special emission upon a secondary basis, provided the applicant makes a satisfactory showing of the need for this type of emission and upon condition that no increase in interference to the service of other stations will result.*†

§ 8.70 *Points of communication.* Unless otherwise specified in the license, a ship station is authorized to communicate with coastal stations and maritime mobile stations, without regard to the country to which these stations belong, and with mobile press stations in conformity with Sections 11.11 and 11.12 of Part 11.*†

[1]This Section relates in particular to the electro-mechanical transmitting device commonly known as a "chopper", employed mainly in connection with arc transmitters and electron-tube transmitters of early design.

[1]Operation of the lifeboat radio transmitting equipment will be specifically authorized by the regular ship station license when it has been described in the application for such license.

§ 8.71 *Damped wave emission.* (a) Licenses, or any other instruments of authorization for the operation of any ship radio station using, or proposing to use, transmitting apparatus employing damped-wave emission, will not be issued after December 31, 1939.

(b) Prior to January 1, 1940, a license will be issued for the operation of any ship radio station using, or proposing to use, transmitting apparatus employing damped-wave emission only if such apparatus was installed on board the ship prior to January 1, 1930. Subject to this limitation a license will be issued authorizing until January 1, 1940, the operation of damped-wave transmitting apparatus on board a ship station on the following frequencies:

Calling: 500 kc (other than Great Lakes)
410 kc (Great Lakes only)
Working: 375 and 425 kc.

(c) The provisions of this Section supersede any authorization contained in existing ship station licenses issued by the Commission that may be in conflict herewith.*†

FREQUENCIES

§ 8.81 *Ship service.* The following frequencies in kilocycles are allocated to the following types of ship stations; provided that in assigning any frequency designated in paragraphs (b) and (c) of this section, the use of that frequency may be restricted to communication with coastal telephone or coastal harbor stations in one or more specified geographical areas.

(a) To ship telegraph stations for communication primarily with coastal telegraph stations upon condition that emission on frequencies within the band 143–160 kc, inclusive, shall be A–1 only:

| | | | |
|---|---|---|---|
| 143 | Calling | 4160 | |
| 152 | | 4165 | |
| 153 | | 5510 | |
| 154 | | 5515 | |
| 155 | | 5520 | Calling |
| 156 | | 5525 | |
| 157 | | 5530 | |
| 158 | | 6210 [11] | Calling |
| 160 | | 6220 | |
| 355 [9] | Direction-finding only | 6230 | |
| 375 [9] | | 6240 [12] | |
| 394 | | 8240 | |
| 400 | | 8250 | |
| 410 | Calling only on Great Lakes, working in other regions | 8260 | |
| 425 | | 8280 | Calling |
| 454 | | 8290 | |
| 468 | | 8300 | |
| 500 [10] | Calling only, not for use on Great Lakes | 8320 | |
| 4140 | Calling | 8330 | |
| 4145 | | 11,025 | |
| 4150 | | 11,040 | Calling |
| | | 11,055 | |
| | | 11,070 | |
| | | 11,085 | |
| | | 12,360 | |
| | | 12,375 | |
| | | 12,390 | |

[9] Available for non-government stations for assignment only to United States Maritime Commission vessels for communication with government stations.

[9] See Sec. 8.90.

[10] See Sec. 8.82.

[11] Not available for use on the Great Lakes or on inland waters.

[12] Available for use by ship telegraph stations provided no interference is caused to the operation of any coastal telegraph station.

| | | | |
|---|---|---|---|
| 12,420 | Calling | 16,660 | |
| 12,435 | | 16,680 | |
| 12,450 | | 22,025 | |
| 16,460 | | 22,050 | |
| 16,480 | | 22,080 | Calling |
| 16,500 | | 22,100 | |
| 16,520 | | 22,125 | |
| 16,540 | Calling | 22,150 | |
| 16,580 | | | |

(b) To ship telephone stations for communication primarily with coastal telephone stations:

| | | | |
|---|---|---|---|
| 4402.5 | 6650 | 13,200 | 17,600 |
| 4412.5 | 6660 | 13,210 | 17,610 |
| 4422.5 | 6670 | 13,220 | 17,620 |
| 4457.2 | 8810 | 13,230 | 17,640 |
| | 8820 | 13,245 | 17,660 |
| | 8830 | 13,260 | 17,680 |
| | 8840 | 13,275 | 23,000 |
| | 8850 | | |

(c) To ship telephone stations for communication primarily with coastal harbor stations:

| | | | |
|---|---|---|---|
| 2110 | 2134 | 2166 | 2196 |
| 2118 | 2142 | 2174 | 2206 |
| 2126 | 2158 | 2182 | |
| 30,540 | 35,340 | 37,580 | 39,580 |
| 31,260 | 35,660 | 37,940 | 132,540 |
| 31,660 | 37,260 | 39,220 | 137,160 |

(d) To ship telephone stations for communication primarily with other ship telephone stations:

| | | |
|---|---|---|
| 2738 | 35,860 | 37,660 |

(e) To ship telegraph stations for communication primarily with other ship telegraph stations:

| | |
|---|---|
| 3115 [13] | 35,860 |
| 3120 | 37,660 |

*†

§ 8.82 *International calling and distress frequency.* The international calling and distress frequency is 500 kilocycles. In the Great Lakes region the frequency 410 kilocycles shall be used for calling and distress purposes in lieu of the international calling and distress frequency 500 kilocycles.*†

§ 8.83 *Use of distress frequency.* The international calling and distress frequency 500 kilocycles (410 kilocycles on the Great Lakes only) shall be used by ship stations and aircraft stations in requesting help from the maritime services. In addition it may be used only for calls and replies, for distress traffic, for urgent and safety messages, and for operating signals.*

§ 8.84 *Use of other frequencies for distress.* In case of distress, if it is not possible to use the international distress frequency, any station of the maritime mobile service may use any other frequency available to it to call attention, report the position of the ship or aircraft in distress, and obtain help.*†

§ 8.85 *Use of 143 kilocycles and other calling frequencies.* In no case shall the calling frequencies 143 and 500 kilocycles (410 kilocycles on the Great Lakes) be used for working purposes except as may be necessary for the handling of distress, urgent, or safety messages. Other calling frequencies may be used for working purposes, provided no interference is caused to calls from mobile stations.*†

[13] Not available for use on the Great Lakes or on inland waters.

§ 8.86 *Use of working frequencies.* Frequencies designated in a ship station license as "working" may be used for all purposes for which calling frequencies are authorized and in addition may be used for the handling of regular message traffic.*†

§ 8.87 *Operation in territorial waters of the United States.* The operation of any radio station on board any vessel within the territorial waters of the United States shall be in accordance with the following limitations:

(a) The frequencies used shall be those allocated for use by mobile stations by the International Radio Regulations in force.

(b) The use of radio equipment shall not interfere with the normal communication of other radio services, and the minimum power necessary for establishing communication shall be used.

(c) Only messages originating with passengers or members of the crew on board a ship may be transmitted; i. e., no message shall be handled unless it is one that normally would be routed in the maritime mobile service.

(d) Except for the handling of emergency communications, a ship station on board a vessel alongside the dock or at anchor in a harbor of the United States shall not use damped waves (type B emission).*†

§ 8.88 *Use of frequencies by foreign ships.* Except for the handling of emergency communications relating to the safe navigation of the vessel, and the handling of messages relating to ships in distress, the privileges designated by Section 8.87 are extended only to those foreign ships which belong to countries extending similar privileges to ships of United States registry in their territorial waters.*†

§ 8.89 *Use of radio by foreign men-of-war.* The use of radio by foreign men-of-war in United States ports and territorial waters is prohibited unless authorized by appropriate United States authorities on frequencies allocated to the mobile service by the International Radio Regulations in force, upon condition that no interference will result to the service carried on by other stations. Normally, requests from foreign men-of-war to use their radio equipment for communications while in United States ports and territorial waters shall be made to one of the naval district commandants [14] or, after arrival in port, to the senior United States naval officer present. When a naval officer is not present, requests shall be made to the port authorities, or to the Navy Department, Washington, D. C.*†

[14] The headquarters of District Commandants concerned are located at Boston, New York, Philadelphia, Norfolk, Charleston, South Carolina; San Diego, San Francisco, Seattle, Pearl Harbor, Territory of Hawaii; Balboa, Canal Zone, and Cavite, Philippine Islands. In addition to having senior naval officers stationed at these places, the Navy has officers performing various duties at practically all other important United States ports. The authority to grant such requests is lodged in the official who is authorized to receive the request.



§ 8.90 *Direction finder frequency.* The frequency 375 kilocycles shall be used only for transmissions relative to determining the positions of mobile stations by means of radio direction finding stations.*†

§ 8.91 *Additional frequencies.* In addition to the frequencies designated in the license of a ship station, such station, when communicating with a land station, may transmit:

(a) On any working frequency between 110 and 194 kilocycles when directed to do so by a coastal telegraph station operating in this band, provided no interference results to the service of any other land or fixed station, and provided that on frequencies below 160 kilocycles the emission shall be A–1 only. Under the provisions of this section, the operating frequency of the ship station shall be specifically designated by the coastal station.

(b) On a working frequency within the band 385 to 23,000 kilocycles used by a coastal telegraph station when directed to do so by the coastal station to which the frequency is assigned.

(c) On a United States government frequency when directed to do so by a station of the government department to which the frequency is assigned. The ship station operating frequency and the type of emission on this frequency shall be designated by the government station, provided that on frequencies below 160 kilocycles the emission shall be A–1 only.*†

§ 8.92 *Record of frequency adjustments.* In ship stations licensed to operate on frequencies within the band 365 to 515 kilocycles, a written record shall be maintained of the adjustments of the transmitting and receiving equipment for operation on the frequencies 375 and 500 kilocycles and at least one working frequency in this band. This record of adjustments shall be posted at all times in a conspicuous place on or near the particular equipment involved.*†

§ 8.93 *Control of carrier wave in telephony.* When communicating on 2738, 35860 or 37660 kilocycles the transmitter carrier wave of all ship telephone stations, after July 1, 1940, shall be either automatically "voice-controlled" or controlled manually by the person whose speech is being transmitted.*†

§ 8.94 *Shared use of 2738 kilocycles.* In regions [15] of heavy radio traffic, any one exchange of communications between any two ship stations, or between a ship and a coastal station, on the frequency 2738 kilocycles shall not exceed 10 minutes in duration. Subsequent to such exchange of communications, this frequency shall not again be used for communication between the same two stations until 15 minutes have elapsed, provided that this requirement shall in no way limit or delay the transmission of distress or emergency communications.*†

[15] For the purpose of this section, a region of heavy radio traffic is any geographical area in which a plurality of ship telephone stations licensed to use the frequency 2738 kilocycles are located within interference range of each other.

§ 8.95 *Use of frequency 2738 kilocycles.* The frequency 2738 kilocycles shall be used by ship telephone stations primarily for the exchange of communications relating to the safety of navigation and to the ship's business. The exchange of any other communications on this frequency is authorized upon the express condition that interference shall not be caused to the handling of messages relating to the safety of navigation and the ship's business with due regard to the priority of communications designated by Section 8.42.*†

§ 8.96 *Frequency tolerance.* The licensee of each ship station shall maintain the operating frequency within a tolerance of plus or minus the assigned frequency as specified in the following table:

TOLERANCE TABLE

[Not applicable to lifeboat emergency transmitters]

BELOW 30,000 KC

| Frequency bands in kilocycles (inclusive) | Tolerances: Transmitters first licensed for ship service prior to January 1, 1940, and until January 1, 1944, after which date they shall conform to the tolerances indicated in column 2 — Column 1 | Tolerances: New transmitters first licensed for ship service after January 1, 1940 — Column 2 |
|---|---|---|
| | *Percent* | *Percent* |
| 1. From 110 to 160 kc | 0.5 | 0.3 |
| 2. From 365 to 515 kc | .5 | .3 |
| 3. From 1500 to 3500 kc | .05 | .04 |
| 4. From 4000 to 4115 kc | .04 | .02 |
| 5. From 4115 to 4165 kc | .1 | .05 |
| 6. From 4165 to 5500 kc | .04 | .02 |
| 7. From 5500 to 5550 kc | .1 | .05 |
| 8. From 5550 to 5640 kc | .04 | .02 |
| 9. From 6000 to 30000 kc | | |
| Ship stations when using frequencies other than those within the bands specified below | .04 | .02 |
| Ship stations when using frequencies within the following bands: | | |
| 6200 to 6250 kc | .1 | .05 |
| 8230 to 8330 kc | .1 | .05 |
| 11000 to 11100 kc | .1 | .05 |
| 12340 to 12500 kc | .1 | .05 |
| 16460 to 16660 kc | .1 | .05 |
| 22000 to 22200 kc | .1 | .05 |
| 10. 355 kc | .5 | .1 |

The frequency tolerance for lifeboat emergency transmitters licensed to operate in the band 365 to 515 kilocycles shall be 0.5 percent as determined during performance or maintenance tests of such transmitters.

ABOVE 30,000 KC

| Frequency Bands in Kilocycles | Tolerances |
|---|---|
| | *Percent* |
| 1. From 30,000 to 40,000 kc: | |
| Ship stations when using frequencies other than 35,860 and 37,660 kc | 0.03 |
| Ship stations when using 35,860 and 37,660 kc | .04 |
| 2. From 100,000 to 200,000 kc | .05 |

*†

§ 8.97 *Frequency measurement.* [16] The licensee of each ship station shall provide for measurement of each operating frequency of the station and shall establish a procedure for regular measurement of these frequencies. These measurements shall be made by means independent of the frequency control of the ship station transmitter and shall be of an accuracy sufficient to detect deviations from the assigned frequency within one-half the authorized tolerance.*†

RADIO INSTALLATION

§ 8.111 *Approval of installation and electrical wiring.* All ship radio station installations, including the electrical wiring interconnecting all components thereof, shall comply with all applicable rules and regulations of the Commission and with the Standards of Good Engineering Practice for Ship Stations promulgated by the Commission.*†

§ 8.112 *Installation on board cargo vessels.* Whenever a main installation only is provided on board a cargo vessel in accordance with the terms of Section 354 (a) of the Communications Act, this installation shall comply in full with all rules and regulations of the Commission that apply to emergency or reserve installations on board vessels subject to Title III, Part II of said Act.*†

§ 8.113 *Separate main and emergency installations.* A radio installation on board a vessel subject to Title III, Part II of the Communications Act, to be construed as a main installation and a separate emergency or reserve installation, shall comply with the following conditions, in addition to all other requirements:

(a) A main transmitter and an associated main receiver shall be installed.

[16] Par. 6 (3), Art. 9, of the General Radio Regulations of Cairo, 1938, provides that all ship stations transmitting on frequencies in the band 100 to 160 kilocycles and on frequencies above 4,000 kilocycles must be equipped with a wavemeter (frequency meter) having a precision at least equal to .005 (0.5%) when the transmitter itself is incapable of being adjusted with this precision or better. For this purpose, the Commission will accept a master-oscillator of a ship station electron tube transmitter in lieu of the frequency meter prescribed by this international regulation, provided the calibration of the said transmitter and of the circuit as a whole is such as to permit the convenient adjustment of the transmitter to its licensed frequencies within the tolerance for ship stations specified by Section 8.96.

(b) A separate emergency transmitter and an associated separate emergency receiver shall be installed.

(c) Emergency electric lights shall be installed.

(d) An emergency power supply shall be installed.*†

§ 8.114 *Requirements of main installation.* All main installations on board vessels subject to Title III, Part II of the Communications Act shall comply with the following conditions, in addition to all other requirements:

(a) The main transmitter shall be capable of transmitting by means of A–2 emission (or type B emission until January 1, 1940) on the distress frequency 500 kilocycles, the direction-finding frequency 375 kilocycles, and at least one working frequency within the band 365 to 485 kilocycles, shall be capable of rapidly changing from any one of the frequencies to any one of the others, and shall have a frequency of modulation in accordance with the requirements of Sections 8.142 and 8.143. A main transmitter, to be approved as complying with the transmitting range, prescribed by Section 354 (d) of the Communications Act, shall comply with all requirements for approved main transmitters contained in Sections 8.142 and 8.143.

(b) The main receiver shall be capable of receiving radiotelegraph signals, types A–1, A–2 and B emission, on all frequencies within the bands 100 to 200 kilocycles and 350 to 515 kilocycles.

(c) Sufficient electrical power and the normal voltage(s) required for efficient operation of the main installation at maximum required [17] power, and for simultaneously charging at the required rate all storage batteries used for the emergency installation, direction finder (when a direction finder is required), and auto alarm (when an alarm is required), shall be available, independent of the emergency power supply, at all times when the vessel is being navigated outside a harbor or port and when required during inspection of the ship radio station by an authorized representative of the Commission. Under these conditions, the power-supply line-voltage drop at the radio room terminals shall not exceed ten percent between the no-load and full-load [18] conditions. In all installations on new ships completed after July 1, 1940, this voltage drop shall not exceed five percent under the same conditions.*†

§ 8.115 *Requirements of emergency or reserve installation.* All emergency or reserve installations on board vessels subject to Title III, Part II of the Communications Act shall comply with the following conditions, in addition to all other requirements:

(a) The emergency installation shall be capable of being placed into operation within a maximum time of one minute after the need arises for its use.[19]

(b) The emergency transmitter shall be capable of transmitting by means of A–2 emission (or type B emission until January 1, 1940), on the distress frequency 500 kilocycles, the direction-finding frequency 375 kilocycles, and at least one working frequency within the band 365 to 485 kilocycles, shall be capable of rapidly changing from any one of the frequencies to any one of the others, and shall have a frequency of modulation in accordance with the requirements of Section 8.144. An emergency transmitter, to be approved as complying with the transmitting range prescribed by Section 354 (f) of the Communications Act, shall comply with all requirements for approved emergency transmitters contained in Section 8.144.

(c) The emergency receiver shall be capable of receiving radiotelegraph signals, types A–1, A–2 and B emission, on all frequencies within the band 350 to 515 kilocycles.

(d) The emergency power supply shall be maintained in readiness to operate effectively and shall have a reserve capacity of at least six continuous hours at all times while the vessel is navigated outside a harbor or port and whenever the vessel leaves or attempts to leave a harbor or port of the United States for a voyage in the open sea.

(e) The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative, shall prove by such demonstration [20] as may be deemed necessary, that the emergency installation satisfies the six-hour operating requirement of law.

(f) All emergency power-supply circuits shall be appropriately fused to afford adequate protection from serious overloads or short-circuits, in accordance with the Standards of Good Engineering Practice for Ship Stations promulgated by the Commission.

(g) Electrical load circuit(s) of any description, except those of the emergency radio [21] installation, shall not be connected directly or indirectly to the emergency power supply.

(h) The emergency power supply shall be located as near to the emergency transmitter and receiver as is practicable: *Provided, however,* That the location of such power supply complies with related rules and regulations of the Bureau of Marine Inspection and Navigation of the U. S. Department of Commerce.

(i) The cooling system of all internal-combustion engines used as part of the emergency power supply shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(j) There shall be provided emergency electric lights of not less than ten watts per unit, capable of being energized by the radio installation emergency power supply and connected thereto through individual fuses. These electric lights shall be capable of operation independent of any other electrical system and shall be arranged so as to provide satisfactory illumination of the main and emergency radio operating controls, radio station clock, rotating machinery, and terminal of the communication system to the bridge. The emergency lighting electrical circuits shall be arranged so as to avoid the application of excessive voltage to the emergency lights during the charging of the emergency batteries. The terms of this Section or of Section 8.10 shall not preclude the use of any other power supply for energizing these lights solely as an additional provision.*†

§ 8.116 *Use of emergency power supply on board a cargo ship.* The emergency power supply on board a cargo vessel (on which a separate [22] main and emergency installation is not provided), subject to Title III, Part II of the Communications Act, while being navigated in the open sea, is authorized to be used only for emergency communication [23] except that it may be used for routine communication for a period not to exceed one hour per day in the aggregate. However, a storage battery which is the emergency power supply or a part thereof, may be used at any time to maintain a watch for safety purposes if such use will not reduce the ability of the emergency power supply to energize the emergency installation for a period of at least six consecutive hours.*†

§ 8.117 *Use of emergency installation on board a passenger ship.* The emergency installation on board a passenger vessel subject to Title III, Part II of the Communications Act, while being navigated in the open sea, is authorized to be used only for emergency communication [24] except that it may be used for routine communication for a period not to exceed one hour per day in the aggregate. However, the emergency receiver and its emergency power supply (if such power supply is a storage battery) may be used at any time to maintain a watch for safety purposes, if such use will not reduce the ability of the emergency power supply to energize the emergency installation for a period of at least six consecutive hours. The provisions of this Section shall apply also to a cargo vessel on which a separate [25] main and emergency installation is provided.*†

§ 8.118 *Tests of emergency installation.* On vessels required by law to be equipped with an emergency or reserve installation, the condition of this installation shall be determined by test and actual operation prior to the vessel's departure from each port [26] (but not necessarily more than once each day) and on each day the vessel is outside a harbor or port. When storage batteries are used as an emergency power supply or are used for the purpose of starting an emergency engine-driven generator, tests shall be made of the charging circuits for polarity and correct charging rate. Hydrometer readings of the electrolyte of a pilot cell and such other cells as are necessary to determine the state of charge of an emergency lead-acid storage battery, shall be taken. When an engine-driven generator is used as an emergency power supply, a check shall be made of the quantity of fuel in the supply tank.*†

§ 8.119 *Proof of fuel capacity, emergency engine-driven generator.* When the emergency power supply, on board a vessel required by law to be equipped with a radio installation, consists of or includes an engine-driven generator using any form of liquid for fuel, proof of the adequacy of the fuel supply to operate the engine-driven generator continuously and effectively over a prescribed period of time may be established by using as a basis the fuel consumption during a continuous period of one hour when supplying power, at the voltage required for normal and effective operation, to an electrical load as prescribed by Section 8.121.*†

§ 8.120 *Proof of capacity, emergency batteries.* When the emergency power supply, on board a vessel required by law to be equipped with a radio installation, consists of or includes a storage battery, proof of the ability of such battery power supply to operate continuously and effectively over a prescribed period of time is authorized to be established by a discharge test over such prescribed period of time, when supply power at the voltage required for normal and effective operation, to an electrical load as prescribed by Section 8.121.*†

§ 8.121 *Electrical load, emergency installation.* The electrical load-current to be supplied by an emergency power supply for the purpose of establishing proof of required capacity shall be the "total load-current" equal to the "key-up" load-current of the emergency transmitter plus seventy percent of the "variable keying load-current" of this transmitter, together with the emergency receiver and the emergency lighting load-current. The "key-up" load-current of the emergency transmitter is defined as the power taken from the emergency power supply by this transmitter when the transmitter key is open. The "key-locked" load-current of this transmitter is defined as the current taken from the emergency power supply by this transmitter when the transmitting key is held closed and the transmitter is adjusted to the required [27] power output. The "variable keying load-current" of this transmitter is defined as the difference between the "key-up" and "key-locked" load-currents. When more than one emergency power supply is employed to energize the various units of the emergency installation, the electrical load-current specified by this Section shall be appropriately divided between the separate emergency power supplies according to the normal arrangement used in the operation of the station.*†

§ 8.122 *Emergency power supply, conclusion of demonstration.* At the conclusion of the tests outlined in Sections 8.119 and 8.120, no part of the emergency source of power shall have an excessive temperature rise, as defined and measured in accordance with Standards of Good Engineering Practice for Ship Stations promulgated by the Commission, nor shall the specific gravity or voltage of the storage battery be below the standard for ninety percent discharge.*†

§ 8.123 *Location and ventilation of source of power.* The exact location and physical arrangement on board a vessel of a storage battery, or engine-driven generator and fuel tank, used as a source of power for any component of a licensed ship radio station, and the method of ventilating the battery or engine compartment, shall be in accordance with rules and regulations of the Bureau of Marine Inspection and Navigation of the U. S. Department of Commerce.*†

§ 8.124 *Specifications and operation of battery and engine-driven generator.* When provided on board any vessel as an inherent part of the radio emergency or reserve installation in compliance with law, a battery or engine-driven generator, from the standpoint of its electrical specifications and operation, shall comply with applicable rules and regulations of the Commission and the Standards of Good Engineering Practice for Ship Stations promulgated by the Commission.*†

§ 8.125 *Type of Engine.* Whenever an engine-driven generator on board any vessel is an inherent part of the radio emergency or reserve installation, required by law for safety purposes, it shall comply, except as provided in Section 8.124, with all applicable rules and regulations of the Bureau of Marine Inspection and Navigation of the U. S. Department of Commerce.*†

§ 8.126 *Routing of electrical power conductors.* The electrical conductors connecting the main radio installation to its normal power supply and the electrical conductors connecting the emergency power supply to the emergency or reserve installation shall be routed so as to afford adequate protection from mechanical injury, shall be adequately protected from overload by fuses, and shall be kept clear of electrical grounds. If, because of the ship's structure, a long indirect routing is necessary, an additional equivalent circuit shall be provided over an alternate route. In all new installations after July 1, 1940, and in all replacement installations after October 1, 1939, these conductors shall be armored.*†

§ 8.127 *Change from transmission to reception.* All ship stations shall be arranged so that change from transmission to reception and vice versa can be made from the normal operating position as rapidly as possible and in all cases within not more than fifteen seconds.*†

§ 8.128 *Crystal rectifier.* Whenever a vessel is subject to the Safety Convention, the radio installation, in addition to all other requirements, shall be provided with a radio receiver capable of receiving radiotelegraph signals, A–2 and B emission, on all frequencies within the band 350 to 515 kilocycles by means of a crystal rectifier, and for this purpose such receiver shall not require the use of electron tube(s). This facility may be included in the main receiver, in the emergency receiver, or an additional receiver having this facility may be provided which shall be located as near to the emergency transmitter as is practicable.*†

§ 8.129 *Percentage of modulation.* Ship telephone stations, licensed to communicate with coastal harbor or coastal telephone stations open to public correspondence, shall be capable of operating at a maximum percentage of modulation of at least seventy-five percent, and in so far as is practicable these stations shall be regularly adjusted for transmission at a maximum percentage of modulation of at least seventy-five percent.*†

REQUIREMENTS FOR APPROVAL OF TRANSMITTERS FOR USE ON BOARD SHIPS SUBJECT TO TITLE III, PART II OF THE COMMUNICATIONS ACT

§ 8.141 *Approved transmitters.* A radiotelegraph transmitter which complies with the requirements specified in Sections 8.142, 8.143 or 8.144, is approved as meeting the relevant requirements of Sections 354 (c), 354 (d), and 354 (f) of the Communications Act, except with regard to the provisions of Section 354 (f) concerning the requirements of an emergency power supply on board ship.*†

§ 8.142 (a) *Requirements for a main transmitter.*

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[17] In the case of the main transmitter, the power specified in Section 8.142, or Section 8.143, whichever Section is applicable.

[18] Full load means the sum of all electrical loads ordinarily energized by the involved source of power for regular shipboard purposes, when the vessel is being navigated at sea.

[19] Emergency installations in existence which do not meet this requirement must be placed in compliance with this regulation not later than July 1, 1940.

[20] See Sections 8.119, 8.120 and 8.121.

[21] The emergency radio installation includes the required radio station emergency lights.

[22] See Section 8.112.

[23] See Section 8.24.

[24] See Section 8.24.

[25] See Section 8.113.

[26] It is recognized that in some cases, tank vessels cannot meet this requirement when in port because of the hazardous nature of the cargo being handled.

[27] In the case of the emergency transmitter, the power specified in Section 8.144.

| Operating radio frequency | Required frequency tolerance | Required type of emission | Minimum permissible modulation percentage | Minimum permissible frequency of modulation | Maximum permissible frequency of modulation | Power required to be developed |
|---|---|---|---|---|---|---|
| 500 kc [32] | Plus or minus 0.3 percent for new transmitters installed beginning January 1, 1940. 0.5 percent for transmitters in service now and until January 1, 1944, after which date they shall conform to plus or minus 0.3 percent. | A–2 | 70 | 300 cycles per second. | 1250 cycles per second | At least *200* watts into an average ship station antenna. |
| Do | do | A–1 | | | | At least *160* watts into an average ship station antenna. |
| 375 kc and one working frequency in the band 365 to 485 kilocycles. | do | A–2 | 70 | 300 cycles per second. | 1250 cycles per second. | At least *140* watts into an average ship station antenna. |
| Do | do | A–1 | | | | At least *115* watts into an average ship station antenna. |

[32] See footnote 31.

For the purpose of these specifications, the term "average ship station antenna" means an actual antenna installed on board ship having a capacity of 750 micro-microfarads and an effective resistance of four ohms at 500 kc.

(b) A main transmitter will be considered as capable of developing the power and percentage of modulation specified in paragraph (a) of this section if it is demonstrated to the satisfaction of the Commission that the transmitter involved, or a transmitter of the same identical type, will deliver into an artificial antenna having a capacity of 750 micro-microfarads and an effective resistance of 4 ohms at 500 kilocycles, at least 160 watts of A–1 emission, and at least 200 watts of A–2 emission modulated at least 70 percent, at 500 kilocycles; and at least 115 watts of A–1 emission, and at least 140 watts of A–2 emission modulated at least 70 percent, at 375 kilocycles and the one required working frequency; provided, however, that if deemed necessary this test may be applied to an individual main transmitter installed on board a ship before initial or continued approval thereof. For the performance of this test, amplitude modulation shall be employed and the power in the antenna shall be determined by the I²R (direct) method.

(c) In addition to the foregoing specifications, a main transmitter shall be provided with an arrangement for conveniently reducing the power supplied to the antenna circuit to approximately one-half of the rated power.*†

§ 8.143 (a) *Requirements applicable only to a main transmitter in existence prior to February 1, 1938.*

| Operating radio frequency | Required frequency tolerance | Required type of emission | Minimum permissible modulation percentage | Minimum permissible frequency of modulation | Maximum permissible frequency of modulation | Power required to be developed |
|---|---|---|---|---|---|---|
| 500 kc [32] | Plus or minus 0.3 percent for new transmitters installed beginning January 1, 1940. 0.5 percent for transmitters in service now and until January 1, 1944, after which date they shall conform to plus or minus 0.3 percent. | A–2 | 50 | 300 cycles per second. | 1,650 cycles per second. | At least *200* watts into an average ship station antenna circuit or at least *100* watts into the plate circuit of the oscillator or amplifier supplying power to the antenna circuit. |
| 375 kc and one working frequency in the band 365 to 485 kilocycles. | do | [33] A–2 | 50 | do | do | At least *140* watts into an average ship station antenna circuit or at least *280* watts into the plate circuit of the oscillator or amplifier supplying power to the antenna circuit. |

[32] See footnote 31.

[33] See footnote 32.

(b) For the purpose of measuring the power developed by a main transmitter in existence prior to February 1, 1938, as specified in paragraph (a) of this Section, there may be substituted for an average ship station antenna, an artificial antenna having a capacity of 750 micro-microfarads and an effective resistance of 4 ohms at 500 kilocycles. A transmitter in this classification will be considered as capable of developing the above specified power and percentage of modulation if it is demonstrated to the satisfaction of the Commission that the transmitter involved, or a transmitter of the same identical type, will develop the specified power on the frequencies designated, with the required percentage of amplitude modulation for A–2 emission, when properly coupled either to an average ship station antenna or to an artificial antenna having the values of capacity and resistance herein designated. Power supplied to the antenna circuit shall be measured by the I²R (direct) method. If deemed necessary, this test may be applied to an individual main transmitter installed on board a ship before initial or continued approval thereof.

(c) A main transmitter which is installed on board a vessel prior to the effective date of this rule which is not capable of developing the power specified in paragraph (a) of this Section, but which will develop at last 50 watts power of A–2 emission, into the average ship station antenna circuit or at least 100 watts power into the plate circuit of the oscillator or amplifier supplying power to the antenna circuit, is approved for use in compliance with Section 354 (d) of the Communications Act until a date to be fixed by subsequent order of the Commission: *Provided, however,* That where two or more electron-tube transmitters are a part of the radio installation on board a cargo vessel, one or more of these shall not be removed for the primary purpose of operating the remaining transmitter(s) under the provisions of this paragraph.*†

§ 8.144 (a) *Requirements for an emergency transmitter.* The following requirements must be met when the emergency transmitter is energized by a power supply equivalent to the emergency power supply which is or will be available on board the type and class of vessel on which the transmitter is or will be installed and operated.



| Operating radio frequency | Required frequency tolerance | Required type of emission | Minimum permissible modulation percentage | Minimum permissible frequency of modulation | Maximum permissible frequency of modulation | Power required to be developed |
|---|---|---|---|---|---|---|
| 500 kc [32] | Plus or minus 0.3 percent for new transmitters installed beginning Jan. 1, 1940. 0.5 percent for transmitters in service now and until Jan. 1, 1944, after which date they shall conform to plus or minus 0.3 percent. | A–2 | 50 for transmitters in existence prior to Feb. 1, 1938. 70 for other transmitters. | 200 cycles per second for transmitters in existence prior to Feb. 1, 1938. 300 cycles per second for other transmitters. | 1650 cycles per second for transmitters in existence prior to Feb. 1, 1938. 1250 cycles per second for other transmitters. | At least *60* watts into an average ship station antenna circuit or at least *100* watts into the plate circuit of the oscillator or amplifier supplying power to the antenna circuit. |
| 375 kc and one working frequency in the band 365 to 485 kilocycles. | do | [33] A–2 | do | do | do | At least *90* watts into an average ship station antenna circuit or at least *90* watts into the plate circuit of the oscillator or amplifier supplying power to the antenna circuit. |

[32] This frequency tolerance formerly was plus or minus 0.5 percent; the new tolerance of plus or minus 0.3 percent is in conformity with the requirements for new transmitters after January 1, 1940, established by the General Radio Regulations of Cairo, 1938.

[33] The use of a transmitter producing type B emission is prohibited after Dec. 31, 1939, by Section 8.71, except in case of distress.

An emergency transmitter will be considered as capable of developing the power herein specified if the actual power developed is demonstrated by the same method as expressly set forth in Section 8.143, paragraph (b); provided, however, that if deemed necessary, this test may be applied to an individual emergency transmitter installed on board a ship before initial or continued approval thereof.*†

§ 8.145 *Name plate on transmitters.* Each transmitter which was not in existence prior to February 1, 1938, but which is installed after that date on board a vessel in order to comply with the provisions of Sections 8.142, 8.143 and 8.144, shall be furnished with a durable name plate with the month and year of its completion permanently inscribed thereon.*†

§ 8.146 *Use of additional frequencies.* Nothing in the requirements of Sections 8.141 to 8.144, inclusive, for transmitters shall prevent the use of any additional frequencies or any additional type of emission, by a ship station, in accordance with the terms of its outstanding license(s) granted by the Commission.*†

§ 8.147 *Waiver on small passenger vessels.* The Commission, in an exceptional case, for a passenger vessel of less than 600 gross tons, may waive those parts of the provisions of Sections 8.142 and 8.143 hereof relating to the minimum acceptable power of main transmitters, if a satisfactory showing is made that an installation of the specified minimum power is highly impracticable.*†

§ 8.148 *Type approval.* Approval of a transmitter under the provisions of Sections 8.141 to 8.144, inclusive, is extended to all transmitters of the same identical type, design and construction, and manufactured by the same person.*†

AUTO ALARM

§ 8.161 *Approval by Commission.* An automatic alarm receiver approved by the Commission as complying with all provisions of its "Auto Alarm Requirements and Type Tests" promulgated [34] under date of October 1, 1935, is approved in accordance with Section 3 (x) of the Communications Act and when so approved shall be considered as complying with all relevant provisions of the International Radio Regulations in force.*†

§ 8.162 *Type approval.*[34] Approval of an automatic alarm receiver under the provisions of Section 8.161 is extended to all automatic alarm receivers of the same identical type, design, and construction, manufactured by the same person.*†

§ 8.163 *Auto alarm installation.* A vessel shall be considered as fitted with an auto alarm in accordance with the requirements of Title III, Part II of the Communications Act and the radio provisions of the Safety Convention when the auto alarm installation aboard such vessel complies with the following conditions:

(a) The auto alarm shall be located in the main radiotelegraph operating room and shall be installed in accordance with the Standards of Good Engineering Practice for Ship Stations promulgated by the Commission.

(b) Approved apparatus shall be provided for giving an audible warning in the main radiotelegraph operating room, in the radio operator's cabin; and on the navigating bridge. This apparatus shall operate continuously after the auto alarm has been actuated by an alarm signal or by failure of the auto-alarm system, until manually stopped. Only one switch for stopping the audible warning apparatus from functioning is authorized and this shall be located in the main radiotelegraph operating room and shall be capable of manual operation only.

(c) Failure of the auto alarm to function normally because of prolonged atmospherics (static) or other prolonged interference, or both, shall operate a visual indicator on the bridge. The type and method of installation of such visual indicator shall comply with requirements of the Bureau of Marine Inspection and Navigation of the U. S. Department of Commerce.

(d) There shall be furnished at least two sets of written instructions for the guidance of the ship station radio operator and ship's officers relative to the auto alarm, which shall include:

(1) A general technical description of the auto alarm, including a circuit diagram of the auto-alarm receiver and a wiring diagram of its complete installation on shipboard.

(2) A general explanation of its principles of operation.

(3) A list of faults which may be indicated by the sounding of the audible alarm.

(4) Explanation of how to correct faults, remove and replace defective parts and perform limited repairs at sea.

(5) Explanation of how to test the alarm and adjust the sensitivity control to the "optimum" setting, which shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(6) Explanation of the effect of various sensitivity control settings upon the operation of the alarm, which shall be summarized upon a card and permanently attached to the front of the alarm in a conspicuous position.

(7) Description of procedure to be followed with respect to operator making adjustments when alarm bell sounds and also in making log entries.

(e) The testing device of the auto alarm shall be adjusted to produce a test signal of the correct value. This adjustment shall be considered satisfactory when it becomes necessary to turn the sensitivity control from its position of lowest sensitivity (zero dial position) to its position of approximately one-third maximum sensitivity before the alarm can be actuated.*†

§ 8.164 *Serial number.* Each auto alarm of a type approved by the Commission when first installed aboard a vessel of the United States, must bear an identifying serial number. Two or more principal components of one complete installation shall bear the same number. After the initial installation, if any principal component is entirely replaced, the substitute unit shall bear the serial number of the initial unit but must be identified in addition as a replacement. For this purpose the principal components of the following types of auto alarms approved under the conditions of Telegraph Orders Nos. 28 and

[34] Commission mimeograph publication No. 14247.

[34] See Telegraph Orders No. 28 and 28–A of the Commission, dated March 10, 1937 and August 6, 1937, respectively.

28–A of March 10, 1937, and August 6, 1937, respectively, and by subsequent action of the Commission are designated as follows:

(a) *Radiomarine Corporation of America model AR–8600 auto alarm.* One combined receiver and selector unit, without regard to container; one control and terminal box.

(b) *Mackay Radio and Telegraph Company auto alarms, types 101–A and 101–B, manufactured by Federal Telegraph Company.* One selector unit without regard to container; one receiver unit, without regard to container.*†

§ 8.165 *Notification of installation.* The Commission shall be informed in writing on the prescribed[36] form immediately upon completion of each auto-alarm installation on board any vessel of the United States. Each report shall specify the type and serial number of the alarm, the name of the vessel, the date of completion of installation, the call letters and name of licensee of the ship radio station and the name of the owner and operating company of the vessel.*†

§ 8.166 *Daily tests.* While the ship is being navigated outside a harbor or port, the auto alarm shall be tested at least once every 24 hours by means of the testing device supplied as part of the alarm, the timing of the dashes to be made by reference to the second hand of the ship station clock. A statement that the foregoing requirement has been fulfilled must be inserted in the radio station log daily.[36]*†

§ 8.167 *Reports.* Adequate records shall be maintained according to the prescribed[37] forms covering operation of the auto alarm. These forms shall be mailed to the Commission[38] at Washington, D. C., as soon as possible after the first day of each month, covering the month preceding.*†

INTERIOR COMMUNICATION SYSTEM

§ 8.171 *Necessity for communication system.* An approved interior communication system shall be provided in all cases where the radio room does not adjoin or open onto the navigating bridge structure of the ship, when a means of communication between the bridge and radio room of a vessel is required by law.*†

§ 8.172 *Type of communication system.* The interior communication system between the radio operating room(s) and the bridge of a vessel, and between the direction-finding apparatus and the bridge shall be of a type approved by the Bureau of Marine Inspection and Navigation of the U. S. Department of Commerce.*†

[36] F.C.C. Form 815, available upon request, should be used for this purpose.

[37] See Section 8.221, paragraph (j).

[38] F.C.C. Form 819, available upon request, should be used for this purpose.

[38] These reports are for the information of the Commission and the specific contents thereof will not be disclosed.

§ 8.173 *Efficiency and termination of communication system.* These systems shall be capable of providing efficient communication independent of any other system on the ship, and the location of the termination of these systems shall be subject to approval by the Commission.*†

§ 8.174 *Communication system between the bridge and other radio operating positions.* When the operating position of the emergency radio installation on board a vessel subject to Title III, Part II of the Communications Act is not located in the compartment normally used for operating the main radio installation, an efficient means of communication, independent of any other communication system of the ship, shall be separately provided between the bridge and each of these radio operating positions.*†

§ 8.175 *Location of direction finder.* Whenever the direction finder-receiver is located on the bridge of a ship or within any compartment adjoining or opening onto the navigating bridge structure of the ship, the direction-finding apparatus shall be considered as being located on the bridge, with respect to Section 354 (g) of the Communications Act.*†

CLOCK

§ 8.181 *Clock for intermediate-frequency ship stations.* Each ship station licensed to operate on frequencies below 515 kilocycles shall be provided with a reliable clock with a second hand, preferably a sweep second hand. This clock shall be securely mounted in such a position that the second dial can be easily and accurately read by the operator from his normal operating position, from the operating position at which he would ordinarily transmit the international auto-alarm signal by hand, and from the operating position in the radio room used in testing the auto alarm (if installed) for response to signals from the testing device.*†

§ 8.182 *Clock aboard compulsorily-equipped vessels.* The clock required by Section 8.181, when installed on board a vessel subject to Title III, Part II of the Communications Act, in addition to the requirements of Section 8.181, shall have a sweep second hand and an hour dial not less than five inches in diameter, and shall be capable of operation for at least eight days on one winding: *Provided, however,* That deviations from these requirements may be authorized by the Commission if such deviation does not adversely affect the reliability of the clock or the ability of the ship radio operator to transmit by hand the international auto-alarm signal when using the clock for timing these signals. A request for approval of any deviation from these requirements must be accompanied by a sample of the proposed clock face.*†

§ 8.183 *Time-reference for other ship stations.* Each ship station licensed for operation on frequencies above 1500 kilocycles only shall, as may be necessary during operation, have available to the operator a suitable time-piece (preferably equipped with a second hand) of sufficient accuracy and reliability to allow for operation of the station in conformity with the terms of its license, regulations of the Commission, and International Radio Regulations in force. The provisions of this section shall not apply to ship stations licensed to operate on frequencies above 30,000 kilocycles only, pending further development of the use of these frequencies.*†

DIRECTION FINDER

§ 8.191 *Direction finder.* The radio direction-finder apparatus (radio compass), installed on board a passenger vessel of 5,000 gross tons or over, in compliance with the requirements of law, shall be capable of efficiently receiving signals (at least types A–2 and B emissions) on any frequency between 285 and 515 kilocycles, shall be accurately calibrated for the purpose of taking bearings from which the true bearing and direction may be determined, and shall be available for use whenever the vessel is being navigated outside a harbor or port.*†

§ 8.192 *Approval of direction finder.* In addition to the provisions of Section 8.191, the radio direction-finding apparatus, to be approved by the Commission, shall comply[39] with the Standards of Good Engineering Practice for Ship Stations promulgated by the Commission and new installations after January 1, 1940, shall be capable of efficiently receiving types A–1, A–2, and B emissions. If in the discretion of the Commission, the direction-finding apparatus requires recalibration at any time as the result of official inspection or pertinent facts coming to the attention of the Commission, approval may be withdrawn pending such recalibration.*†

LIFEBOAT INSTALLATIONS

§ 8.201 *Lifeboat radio stations.* The radio installation on motor lifeboats designated by the Bureau of Marine Inspection and Navigation of the U. S. Department of Commerce as requiring a radio installation shall consist of an emergency installation in efficient operating condition which shall comply with the following requirements:

(a) Frequency of operation of transmitter: 500 kilocycles.

[39] For the issuance of an initial certificate and endorsement of station license prior to promulgation of the Standards of Good Engineering Practice for Ship Stations, the Commission will approve temporarily any direction finder in efficient operating condition within the frequency range prescribed in Section 8.191, and properly installed on board at the time of inspection. Satisfactory evidence must be given to the inspector that it complies with Section 8.191. In the case of a new installation which has not been in use, approval of the instrument on board may be given pending calibration or determination, at the first opportunity, of capability of determining true bearings.



(b) Type of emission of transmitter: A–2.

(c) Frequency tolerance of transmitter: 0.5 percent.

(d) Power of transmitter: Not less than 75 watts plate input power.

(e) Antenna: A single wire inverted L type not less than 20 feet above the water line with a horizontal section of the maximum practicable length.

(f) Receiver: Electron tube type. Continuous frequency range of at least 350 to 550 kilocycles and capable of reception of types A–1, A–2 and B emissions.

(g) The type of power supply shall be:

For the transmitter: a storage battery.

For the receiver: dry cell battery and/or storage battery.

The necessary power for the transmitter and receiver, at voltages other than the battery voltages, may be obtained by the use of a dynamotor or other suitable device approved by the Commission.

(h) The lifeboat radio transmitter shall be fitted with a radio frequency ammeter of suitable range and scale, connected so as to indicate the current in the antenna circuit. Existing lifeboat transmitters not so equipped shall be placed in compliance with this requirement prior to July 1, 1940.*†

§ 8.202 *Availability and use of lifeboat radio power.* The power supply of a lifeboat radio installation shall be capable at all times of operating the entire lifeboat radio installation for a period of at least six continuous hours in accordance with Section 8.115 (d). The storage battery or batteries may be used also to operate equipment other than radio except the electric starter of the lifeboat motor provided the battery capacity is sufficient to not affect adversely its ability to fulfill the foregoing six-hour radio operating requirement. All individual circuits connected to the transmitter storage battery shall be independently and properly fused.*†

§ 8.203 *Details of lifeboat radio installation.* The components and assembly of the entire installation shall primarily insure the utmost dependable operation, the design shall be such that heavy vibration and physical shocks to which a lifeboat is subject will cause no damage. All components shall be so housed and treated as to withstand saline dampness for extended periods without damage and to minimize the adverse effect of prolonged exposure to salt water or salt spray. Storage batteries shall be mounted in cabinets that will provide protection from salt water spray and also allow proper ventilation, subject to approval of the Bureau of Marine Inspection and Navigation of the U. S. Department of Commerce. Provision shall be made to protect the operator from the elements when the lifeboat is afloat in a heavy sea. Provision shall also be made for the expeditious erection of the antenna system under adverse weather and sea conditions. The use of metal masts and stays, unless broken by insulators, or of any structure at electrical ground potential at the mast-heads is not permitted. Antenna lead-in insulators shall be of a type approved by the Commission. Auxiliary equipment and spare parts prescribed for lifeboat radio stations by Section 8.235 shall be retained within the radio-equipped lifeboat at all times while the vessel is in active service.*†

§ 8.204 *Inspection of lifeboat radio installation.* The lifeboat radio installation shall be inspected and tested by a qualified representative of the licensee of the ship radio station within 24 hours prior to departure to sea from each port (except not necessarily more than once each week) and at least once each year with the lifeboat afloat. The results of the inspection and tests shall be made known to the master of the vessel and shall be noted in the ship's radio station log. The annual inspection afloat shall include an actual test of the transmitter and receiver connected to the regular lifeboat antenna (erected) to determine that each is in effective operating condition. When testing with the lifeboat not afloat, the transmitter may be connected to an artificial antenna, in lieu of the regular lifeboat antenna, having electrical characteristics equal to those of the regular lifeboat antenna. To avoid interference transmission tests shall be conducted under the same procedure and regulations as prescribed for testing of the ship's regular radio station transmitting equipment and in particular transmission tests shall not be made during the international silent period.*†

§ 8.205 *Examination of lifeboat radio batteries.* When the vessel is under way, provision shall be made for the adequate charging of storage batteries and the routine inspection of all batteries, without removing them from the lifeboat. Such charging apparatus shall be arranged so as not to interfere with the launching of the lifeboat, and for this purpose shall be easily and quickly removable. Examination of the batteries shall be made at least once every seven days by a qualified radio operator and a statement in regard to their condition and specific gravity in the case of a lead-acid battery, or voltage under normal load in the case of dry or Edison batteries, shall be reported to the master and entered in the ship's radio station log. Dry batteries shall be replaced when it is found that the voltage under load has fallen 15 percent below the rated voltage of the battery.*†

§ 8.206 *Lifeboat radio instructions.* Instructions shall be plainly marked on the apparatus in sufficient detail to inform inexperienced or uninstructed personnel how to place the radio equipment in operation and how to transmit appropriate signals for a period of time sufficient to enable vessels or land stations, within communication range and equipped with radio direction finders, to determine the position of the lifeboat.*†

§ 8.207 *Demonstration of six hour provision; lifeboats.* The shipowner, operating company, or station licensee, if directed by the Commission or its authorized representative, shall prove by demonstration as may be deemed necessary, that the lifeboat radio station power supply is capable of energizing this station for a period of six continuous hours in accordance with Section 8.120.*†

§ 8.208 *Charging circuit on new vessels.* In all new installations completed after January 1, 1940, the charging circuit, for the lifeboat radio storage battery or batteries, shall be routed through the main radio telegraph operating room. A device which during charge of the lifeboat battery or batteries will give a continuous indication of the polarity and the rate of such charge, shall be connected in this charging circuit and shall be located in the main radiotelegraph operating room for purposes of frequent observation.*†

REGULATION OF WATCH

§ 8.211 *Report to bridge.* On board a cargo vessel of the United States subject to Title III, Part II of the Communications Act which is fitted with an auto alarm, the operator when going off watch, shall report to the officer on watch on the bridge whether or not the auto alarm has been placed in use and adjusted for effective operation.*†

§ 8.212 *Use of auto alarm.* The auto alarm shall be in operation and adjusted for normal efficiency according to prevailing conditions of radio reception at all times while the ship is being navigated outside a harbor or port when the operator is not on watch, and shall not be rendered inoperative when a radio direction finder, on board the same ship, is being used.*†

§ 8.213 *Auxiliary antenna.* On a vessel required by law to maintain a watch by a qualified operator or operators, an effective auxiliary antenna or other approved arrangement shall be provided whenever deemed necessary by the Commission to avoid unauthorized interruption of this watch during use of a radio direction finder on board the same vessel.*†

RADIO LOG

§ 8.221 *Radio log for safety purposes.* Each ship station operating on frequencies within the band 350 to 515 kilocycles, when required by law to keep a watch for safety purposes by means of a qualified operator, shall maintain an accurate radio log as follows:

(a) Each sheet of the log shall be numbered in sequence, for each voyage, and shall include official call letters of the ship station and the name of the operator on watch.

(b) The entry "on watch" shall be made by the operator beginning a watch, followed by his signature. The entry "off watch" shall be made by the operator being relieved or terminating a watch, followed by his signature. All log entries shall be currently completed at the end of each watch by the operator responsible for the entries. The use of initials or signs is not authorized in lieu of the operator's signature.

(c) During the period a watch is maintained by an operator, all calls transmitted to or from the ship station and all replies transmitted or received, shall be entered, stating the time and frequencies, and the call letters [44] of the station communicated with or heard. In addition a notation of any messages exchanged shall be entered, stating the time, the frequency in kilocycles and the call letters [44] of the station(s) heard, or communicated with. Insofar as possible, a positive entry with respect to reception on 500 kilocycles (410 kilocycles on the Great Lakes) shall be made at least once in each fifteen minutes. The entries required by paragraph (o) hereof shall be acceptable as positive entries provided operating conditions are such as to prevent additional entries being made.

(d) The time of making an entry shall be shown opposite the entry and shall be expressed in Greenwich mean time (GMT) (counted from 00:00 to 24:00 o'clock, beginning at midnight).[45] The first entry in each hour shall consist of four figures; additional entries in the same hour may be expressed in two figures by omitting the hour designation. The abbreviation "GMT" shall be marked at the head of the column in which the time is entered.

(e) During the period a watch is maintained by an operator, an entry shall be made twice per hour stating whether or not the international silent period was observed. In addition, entries shall be made indicating any signals or communications heard on 500 kilocycles (410 kilocycles on the Great Lakes) during this period. If no signals are heard on 500 kilocycles (410 kilocycles on the Great Lakes), an entry to that effect shall be made. The use of rubber stamps for making entries to show observation of the silent period is not authorized.

(f) All distress calls, automatic alarm signals, urgent and safety signals made or intercepted, the complete text, if possible, of distress messages and distress communications, and any incidents or occurrences which may appear to be of importance to safety of life or property at sea, shall be entered, together with the time of such observation or occurrence, and the position of the ship or other mobile unit in need of assistance, if it can be determined.

(g) Whenever harmful interference is experienced, an entry shall be made to that effect, stating the source of the interference, if known.

(h) The approximate geographical location of the ship, preferably the noon position, shall be entered each day of each voyage, either in terms of latitude and longitude, or as the distance in nautical miles and the direction from a known fixed point. For this purpose, the master of the ship shall furnish this information to the radio operator. The position report so furnished shall correspond to any entry of the same position made in other official records of the ship.

(i) An entry shall be made of the time of departure and arrival of the vessel at each port, including in each entry the name of the port.

(j) On a cargo vessel equipped with an auto alarm, the entry "auto alarm on", "sensitivity set at _____",[46] and the entry "auto alarm off", respectively, shall be made whenever the operator places the auto alarm in and out of operation. Results of the required auto alarm tests shall be entered daily, including the sensitivity-control setting and the minimum number of four-second dashes from the testing device which were necessary to properly operate the alarm.

(k) On a cargo vessel equipped with an auto alarm, an entry shall be made in the radio station log whenever the visual indicator installed on the bridge (to indicate when the alarm becomes inoperative due to prolonged atmospherics or other interference), remains actuated for a continuous period of 5 minutes. A statement shall be included giving particulars as to the time the operator was called to make the necessary repairs or adjustments; any reason for the failure; the names of any parts removed, added, or substituted; repairs effected; and the time the alarm was restored to proper operating condition.

(l) On a cargo vessel equipped with an auto alarm, an entry shall be made in the radio station log whenever the auto alarm becomes inoperative due to causes not indicated by the audible warning or the visual indicator, or whenever the audible warning is actuated. The entry shall include a statement showing the time the operator was called to make any necessary repairs or adjustments; the reason for the audible alarm being actuated or failing to be actuated, any parts removed, added, or substituted; repairs effected; and the time the auto alarm was restored to proper operating condition.

(m) Entries shall be made of the results of tests of the emergency installation including transmitter antenna current, hydrometer readings of lead-acid storage batteries, voltage readings of other types of batteries, and quantity of fuel available for engine generators.

(n) An entry shall be made each time the emergency power supply is used (when the vessel is in the open sea) to carry on routine communication (other than a watch for safety purposes), stating the approximate period of time of such use.

(o) Results of inspections and tests of lifeboat radio equipment, when installed in compliance with requirements of law, prior to departure of the vessel from a harbor or port and the results of weekly inspections [47] of such lifeboat equipment shall be entered.

(p) A daily entry shall be made regarding comparison of the radio station clock with standard time, including an indication of any errors observed and corrections made. For this purpose, authentic radio time signals received from land or fixed stations shall be acceptable as standard time.

(q) Any failure of equipment to operate as required, any failure of power supply, any inability to obtain sufficient power to charge storage batteries or to properly operate the radio installation and any incidents tending to unduly delay communication shall be entered.*†

§ 8.222 *Radio log during hours of service.* (a) Each ship station, not required by law to keep a watch for safety purposes, but authorized to operate on frequencies within the band 350 to 515 kilocycles, shall maintain an accurate radio log in accordance with paragraphs (a) to (g), inclusive, of Section 8.221, during its hours of service when operating on frequencies within this band. The radio log of such stations shall also contain the entries prescribed by paragraphs (h), (i), and (p) of Section 8.221.

(b) Each ship station authorized to operate on any frequency or frequencies in the band 100 to 160 kilocycles or in any band(s) between 4,000 and 30,000 kilocycles, shall maintain an accurate radio log, with respect to operation on frequencies within these bands, in accordance with paragraphs (a), (b), (d), (f), (g), (h), (i), and (p) of Section 8.221.

(c) Ship stations authorized to operate on any frequency or frequencies in the band 1,500 to 3,500 kilocycles, or in any band above 30,000 kilocycles, are required to maintain an adequate record with respect to operation on frequencies within these bands, only insofar as prescribed by paragraph (f) of Section 8.221, together with the name, call letters and position of the ship station, and the name of the radio operator making the record(s).*†

§ 8.223 *Disposition of logs.* Ship station logs shall be fully completed at the end of each voyage and before the operator(s) responsible leave(s) the ship. The radio log currently in use shall be kept by the licensed operator(s) of the station and during use shall be located in a radio operating room of the vessel. At the conclusion of each voyage terminating at a port of the United States,[44] the original radio log dating from the last departure of the vessel from a United States port (or a duplicate thereof)[44] shall be retained under proper custody on board the vessel for a sufficient period of time (not required to be retained for more than 24 hours) to be available for inspection by duly authorized representatives of the Commission. Thereafter, the original log (and the duplicate log, if provided)[44] may be filed at an established shore office of the ship station licensee, and shall be retained as stipulated by Section 2.54 of Part 2.*†

[44] If desired, the names of the stations or ships also may be entered.

[45] For example, 7:01 P. M. Eastern Standard Time would be entered as 0001 GMT; 7:30 A. M. Eastern Standard Time would be entered as 1230 GMT; 6:45 P. M. Eastern Standard Time would be entered as 2345 GMT.

[46] The actual setting of the sensitivity control, at the time the auto alarm is placed in operation, should be designated.

[47] See Section 8.204.



SPARE PARTS

§ 8.231 *Tools and spare parts in general.* On board all vessels subject to Title III, Part II of the Communications Act, sufficient tools to make any minor adjustments of the main and emergency radio installation shall be provided, together with spare parts and auxiliary equipment sufficient to maintain the installations in efficient working condition. These spare parts and this auxiliary equipment shall be located so as to be readily accessible to the radio operator in an emergency.*†

§ 8.232 *Necessary spare parts.* The following spare parts (for radio equipment, other than auto alarm and radio equipped lifeboats) are considered indispensable for the maintenance of the appropriate installations in efficient working condition aboard vessels subject to Title III, Part II of the Communications Act:

(a) Sufficient wire of good electrical conductivity for the erection of a single-wire antenna of the same configuration and linear dimensions as the main transmitting antenna but not less than 300 feet of such wire; or an assembled single-wire transmitting antenna of the same linear dimensions as the main transmitting antenna.

(b) Two antenna insulators of a type suitable for use with either the main transmitting antenna or with an emergency transmitting antenna. Insulators provided in compliance with paragraph (a) will satisfy this requirement.

(c) One sleeve bearing of each type used by all rotating machinery which is a component part of the radio installation required by law.

(d) One complete set of brushes for each unit of rotating machinery which utilizes brushes.

(e) Renewable fuse-cartridges of each type used in connection with units of the radio installation, in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in actual use, there shall be available six spare fuse links of appropriate capacity. For each non-renewable fuse in use, there shall be available six spare fuses of the same type and of appropriate capacity.

(f) One spare electric light bulb for each emergency light required by Section 8.126.*†

§ 8.233 *Necessary auxiliary equipment.* The following auxiliary equipment (for radio installation, other than auto alarm and radio equipped lifeboats) is considered indispensable for the maintenance of the appropriate installations in efficient working condition on board vessels subject to Title III, Part II of the Communications Act.

(a) One, one to two-inch screwdriver, with approximately ⅛-inch blade.

(b) One, four to six-inch screwdriver.

(c) One set of assorted end-wrenches or socket-wrenches, or one adjustable end-wrench.

(d) One pair of five to eight-inch side cutting pliers.

(e) One high resistance direct current voltmeter having a resistance of at least one thousand ohms per volt and capable of measuring 2, 6 and 110 volts with an accuracy of at least three percent except that on ships where the normal radio room power supply voltage is higher than 110 to 120 volts D. C., the voltmeter shall be capable of measuring this line voltage and 2 and 6 volts with an accuracy of at least three percent.

(f) One electric flashlight, two-cell or larger, complete with bulb and battery, or one portable emergency electric lamp (protected from mechanical injury) with at least ten feet of flexible cord and means for rapid connection to the emergency source of power. One spare bulb of the type used shall be provided.

(g) One hydrometer for use with lead acid batteries when this type of battery is used.

(h) One gallon of distilled water, or other water suitable for use in storage batteries.

(i) Appropriate spark gap wrenches for spark installations.[48]

(j) One anode spanner wrench for arc installations.

(k) One quart of alcohol for arc installations.

(l) Instruction book(s) and circuit diagrams, including modifications, covering transmitter(s), receiver(s), and direction finder, if a direction finder is required.*†

§ 8.234 *Additional spare parts for specific equipment.* In addition to the spare parts required by Section 8.232, and the auxiliary equipment required by Section 8.233, spare parts as are specifically designated in special lists [47] promulgated by the Commission pursuant to the provisions of Section 356 (a) (2) of the Communications Act shall be provided for transmitters, receivers and direction finders which have been given type approval by the Commission.*†

§ 8.235 *Additional spare parts in general.* Prior to the Commission's approval of a particular type of marine transmitter, receiver, or direction finder, and prior to the issuance of associated specific lists of required spare parts and auxiliary equipment, the following spare parts and auxiliary equipment shall be required in addition to those stipulated in Sections 8.232 and 8.233.

(a) *Tube transmitters (spare parts only).* (1) One radio frequency oscillator tube, one tube for each radio frequency amplifier stage, and, if used to provide A–2 emission, one audio frequency oscillator tube. Two tubes for the radio frequency circuit of transmitters of the self-rectified, simple oscillator type. Two anode power supply rectifier tubes, if used.

(2) One resistor of each type used as a grid leak; one resistor of each type as used in voltage divider of grid blocking keying circuit; one resistor of each type as used in series with keying relay winding. The value of each resistor shall be clearly indicated thereon.

(b) *Spark transmitters [44] (spare parts).* (1) One primary radio-frequency circuit condenser of suitable voltage and current rating, having a capacity equal to that of the maximum individual capacitor installed, for each spark transmitter which is used both as a main and emergency transmitter, when no other emergency transmitter is provided.

(2) One complete set of spark gap gaskets.

(3) Four spark gap compression bolts for individual gap units.

(c) *Arc transmitters (spare parts).* (1) One arc chamber gasket.

(2) One anode tip.

(3) Four carbons.

(d) *Receivers (spare parts).* (1) One complete set of tubes for the receiver(s).

(2) One pair of head-telephones complete with connecting cord and, if used, a cord terminal plug.

(e) *Direction finders (spare parts).* (1) One complete set of tubes for the receiver associated with the direction finder, if a direction finder is required.

(f) *Radio equipped lifeboats (auxiliary equipment).* (1) One screwdriver.

(2) One pair of side-cutting pliers.

(g) *Radio equipped lifeboats (spare parts).* (1) At least 35 feet of insulated wire suitable for use as antenna wire.

(2) Two antenna insulators.

[44] Includes Hawaii, Alaska, Puerto Rico, and the Virgin Islands.

[44] Duplicate logs are not required by the provisions of this Section, unless the original log is removed prior to opportunity for official inspection as explained.

[47] Lists of spare parts required for specific types of equipment approved by the Commission are furnished to its Inspectors-in-Charge at principal ports and are available to others upon request.

[48] Effective only until January 1, 1940.

(3) One artificial-antenna capacitor.
(4) Two tubes for transmitter, except when transmitter employs a single transmitting tube, in which case one tube is required.

(5) One complete set of tubes for the receiver.

(6) One panel electric light bulb, if used.

(7) Renewable fuse-cartridges of each type used in connection with the units of the lifeboat radio installation, in the amount of at least one-half the number of each size and type in actual use. For each renewable fuse-cartridge in actual use, there shall be available six spare fuse links of appropriate capacity. For each non-renewable fuse in use, there shall be available six spare fuses of the same type and of appropriate capacity. If fuse wire is used, sufficient wire shall be provided to permit six complete fuse replacements.*†

§ 8.236 *Spare parts and auxiliary equipment for auto alarm, if auto alarm is required—Radiomarine Corporation of America, type AR–8600.* (a) Tubes: One type 6H6, one type 6A8, two type 6K7, five type 1611.

(b) Two bridge warning-light bulbs.

(c) One 30 ohm resistor.

(d) One 9-volt dry cell bias battery.

(e) Nine glass-enclosed 6-ampere fuses, six glass-enclosed ½-ampere fuses, six 10-ampere fuse links for cartridge type fuses, two cartridges for 10-ampere fuse links.

(f) One relay contact burnishing tool.

*Mackay Radio and Telegraph Company, types 101–A and 101–B.* (g) Tubes: For the type 101–A alarm: One type 6D6, one type 89, three type 76.

For the type 101–B alarm: One type 6D6, one type 89, one type 75, and two type 76.

(h) Two bridge-warning light bulbs.

(i) Two commutating brushes, two governor brushes and two brush springs for selector motor.

(j) Six fuses for receiver power supply unit, three cartridges for 6-ampere fuse links, one cartridge for 3-ampere fuse links, nine 6-ampere fuse links for cartridge type fuses, three 3-empere fuse links for cartridge type fuses.

(k) One 4½ volt dry cell bias battery.

(l) One relay contact burnishing tool.*†

§ 8.237 *Location of spare parts.* (a) Spare parts for the direction-finder receiver as required by Section 8.235, paragraph (e), shall be kept in the compartment housing this receiver.

(b) Spare parts and auxiliary equipment for the radio-equipped lifeboat, as required by Section 8.235, paragraph (g), shall be kept in the lifeboat-cabin housing the radio equipment.

(c) The spare emergency light bulb(s) as required by Section 8.232, paragraph (f) shall be mounted in close proximity to the corresponding emergency light socket(s).

(d) The antenna wire, antenna insulators and distilled water, as required by Sections 8.232, paragraph (a), paragraph (b), and 8.233, paragraph (b), respectively, may be retained in the radio operating room or elsewhere, provided the antenna material is readily accessible to the radio operator in an emergency.

(e) All other spare parts and auxiliary equipment shall be securely retained in a single space, readily accessible to the radio operator in an emergency, in the main radiotelegraph operating room or if desired, in any associated room adjacent to and connected with the main radiotelegraph operating room by an interconnecting doorway.

(f) The space(s) allocated for the location of spare parts and auxiliary equipment in accordance with paragraph (e) herein shall be used only for this purpose, and such space(s) shall be appropriately and conspicuously marked.

(g) All required spare parts and auxiliary equipment shall be available for observation by authorized representatives of the Commission at the time of inspection of the ship radio installation.*†

INSPECTIONS

§ 8.251 *Station available for inspection.* Pursuant to Section 303 (n) of the Communications Act, the radio installation aboard any ship of U. S. registry, or on board any foreign ship within the territorial jurisdiction of the United States, shall be available for inspection by duly authorized representatives of the Commission at any reasonable time and at such frequent intervals as within the discretion of the Commission will insure compliance with applicable regulations, laws and treaties.*†

§ 8.252 *Application for inspection.* Pursuant to Section 360 (b) of the Communications Act, the vessel owner, vessel operator, ship station licensee, and master of a vessel of U. S. registry, which is subject to the provisions of Title III, Part II of the Communications Act, shall be jointly responsible for the submission of a formal application to the Commission[**] at least once in each 12-month period for a detailed inspection of the ship radio installation. This application shall be filed at least thirty days prior to the date on which the radio installation of the vessel will be ready for inspection at the location specified in the application. A service representative of the ship station licensee and sufficient personnel to lower and raise the antenna(s) and to launch the radio equipped lifeboat(s) shall be on board at the time inspection of the radio installation is desired.*†

§ 8.253 *Convention certificates.* The vessel owner, vessel operator, ship station licensee, and master of a vessel of United States registry subject to the radio provisions of the Safety Convention[**] shall be jointly responsible for the submission of a formal application to the Commission[**] requesting appropriate inspection of the radio installation and certification to the Bureau of Marine Inspection and Navigation of the U. S. Department of Commerce for the issuance of an initial, modification, or renewal Convention certificate, or for the submission of a formal application to the Commission requesting exemption from the radio provisions of the Convention, as follows:

(a) A Safety Certificate for a passenger vessel.

(b) A Safety Radiotelegraphy Certificate for a cargo vessel.

(c) An application for exemption from the radio provisions of the Safety Convention for either a passenger vessel or a cargo vessel.*†

APPENDIX A

The following sections herein are quoted herein from the Communications Act of 1934, as amended, for convenience only.

FROM TITLE I

SEC. 3. Definitions.

FROM TITLE III, PART I

SEC. 301. License for Radio Communication or Transmission of Energy.
SEC. 321. Distress Signals and Communications.
SEC. 322. Intercommunication in Mobile Service.
SEC. 323. Interference between Government and Commercial Stations.
SEC. 324. Use of Minimum Power.
SEC. 325. False Distress Signals.
SEC. 326. Censorship.

TITLE III, PART II

SEC. 351. Ship Radio Installations and Operations.
SEC. 352. Exceptions to Section 351.
SEC. 353. Operators, Watches, Auto Alarm.
SEC. 354. Technical Requirements.
SEC. 355. Lifeboats.
SEC. 356. Approval of Installations.
SEC. 357. Transmission of Information.
SEC. 358. Authority of Master.
SEC. 359. Certificates.
SEC. 360. Inspections.
SEC. 361. Control by Commission.
SEC. 362. Forfeitures.

[**] All passenger and cargo vessels of American registry engaged on international voyages, other than cargo vessels of less than 1,600 gross tons, except vessels navigating solely on the Great Lakes or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States. An "international voyage" is a voyage from a country to which the Safety Convention applies to a port outside such country, or conversely; and for this purpose every colony, overseas territory, protectorate, or territory under suzerainty or mandate is regarded as a separate country.

[**] Applications for inspection and certification in regard to Safety Certificates and Safety Radiotelegraphy Certificates should be filed with the Inspector-in-Charge, Federal Communications Commission, at the Field Division office nearest the desired port of inspection or port at which the vessel is anchored. Applications for exemption should be submitted direct to the Commission at Washington, D. C. See Appendix A, for detailed instructions for filing applications when a vessel of U. S. registry is in a foreign port.

[**] Applications should be filed with the Inspector-in-Charge, Federal Communications Commission, at the Field Division office nearest the desired port of inspection of the vessel. See Appendix A, for detailed instructions.



SEC. 3. *Definitions.* (g) "United States" means the several States and Territories, the District of Columbia, and the possessions of the United States but does not include the Philippine Islands or the Canal Zone.

(k) *"Radio station"* or *"station"* means a station equipped to engage in radio communication or radio transmission of energy.

(l) *"Mobile station"* means a radio-communication station capable of being moved and which ordinarily does move.

(m) *"Land station"* means a station, other than a mobile station, used for radio communication with mobile stations.

(n) *"Mobile service"* means the radiocommunication service carried on between mobile stations and land stations, and by mobile stations communicating among themselves.

(q) *"Amateur station"* means a radio station operated by a duly authorized person interested in radio technique solely with a personal aim and without pecuniary interest.

(w) (1) *"Ship"* or *"vessel"* includes every description of watercraft or other artificial contrivance, except aircraft, used or capable of being used as a means of transportation on water, whether or not it is actually afloat.

(2) A *ship* shall be considered a passenger ship if it carries or is licensed or certificated to carry more than twelve passengers.

(3) A *cargo ship* means any ship not a passenger ship.

(4) A passenger is any person carried on board a ship or vessel except (1) the officers and crew actually employed to man and operate the ship, (2) persons employed to carry on the business of the ship, and (3) persons on board a ship when they are carried, either because of the obligation laid upon the master to carry shipwrecked, distressed, or other persons in like or similar situations or by reason of any circumstance over which neither the master, the owner, nor the charterer (if any) has control.

(x) *"Auto alarm"* on a foreign ship means an automatic alarm receiver which has been approved by the country to which the ship belongs, provided the United States and the country to which the ship belongs are both parties to the same treaty, convention, or agreement prescribing the requirements for such apparatus. *"Auto alarm"* on a ship of the United States subject to the provisions of Title III, Part II, of this Act means an automatic alarm receiver complying with law and approved by the Commission. Nothing in this Act or in any other provision of law shall be construed to require the recognition of an auto alarm as complying with Title III, Part II, of this Act, on a foreign ship subject to such part, whose country of origin is not a party to a treaty, convention, or agreement with the United States in regard to such apparatus.

(y) (1) For the purpose of Title III, Part II, a *"qualified operator"* or *"operator"* on a foreign ship means a person holding a certificate as such complying with the provisions of the General Radio Regulations annexed to the International Telecommunication Convention in force, or complying with an agreement or treaty between the United States and the country to which the ship belongs.

(2) For the purpose of Title III, Part II, a *"qualified operator"* or *"operator"* on a ship of the United States means a person holding a radio operator's license of the proper class, as prescribed and issued by the Commission.

(z) *"Harbor"* or *"port"* means any place to which ships may resort for shelter or to load or unload passengers or goods, or to obtain fuel, water, or supplies. This term shall apply to such places whether proclaimed public or not and whether natural or artificial.

(aa) *"Safety convention"* means the International Convention for the Safety of Life at Sea in force and the regulations referred to therein.

SEC. 301. *License for radio communication or transmission of energy.* * * * No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio * * * upon any vessel or aircraft of the United States; or (f) upon any other mobile stations within the jurisdiction of the United States, except under and in accordance with this Act and with a license in that behalf granted under the provisions of this Act.

SEC. 321. *Distress signals and communications.* (a) The transmitting set in a radio station on shipboard may be adjusted in such a manner as to produce a maximum of radiation, irrespective of the amount of interference which may thus be caused, when such station is sending radio communications or signals of distress and radio communications relating thereto.

(b) All radio stations, including Government stations and stations on board foreign vessels when within the territorial waters of the United States, shall give absolute priority to radio communications or signals relating to ships in distress; shall cease all sending on frequencies which will interfere with hearing a radio communication or signal of distress, and, except when engaged in answering or aiding the ship in distress, shall refrain from sending any radio communications or signals until there is assurance that no interference will be caused with the radio communications or signals relating thereto, and shall assist the vessel in distress, so far as possible, by complying with its instructions.

SEC. 322. *Intercommunication in mobile service.* Every land station open to general public service between the coast and vessels or aircraft at sea shall, within the scope of its normal operations, be bound to exchange radio communications or signals with any ship or aircraft station at sea; and each station on shipboard or aircraft at sea shall, within the scope of its normal operations, be bound to exchange radio communications or signals with any other station on shipboard or aircraft at sea or with any land station open to general public service between the coast and vessels or aircraft at sea: *Provided*, That such exchange of radio communication shall be without distinction as to radio systems or instruments adopted by each station.

SEC. 323. *Interference between Government and commercial stations.* (a) At all places where Government and private or commercial radio stations on land operate in such close proximity that interference with the work of Government stations cannot be avoided when they are operating simultaneously, such private or commercial stations as do interfere with the transmission or reception of radio communications or signals by the Government stations concerned shall not use their transmitters during the first fifteen minutes of each hour, local standard time.

(b) The Government stations for which the above-mentioned division of time is established shall transmit radio communications or signals only during the first fifteen minutes of each hour, local standard time, except in case of signals or radio communications relating to vessels in distress and vessel requests for information as to course, location, or compass direction.

SEC. 324. *Use of minimum power.* In all circumstances, except in case of radio communications or signals relating to vessels in distress, all radio stations, including those owned and operated by the United States, shall use the minimum amount of power necessary to carry out the communication desired.

SEC. 325. *False distress signals; rebroadcasting; studios of foreign stations.* (a) No person within the jurisdiction of the United States shall knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent signal of distress, or communication relating thereto, nor shall any broadcasting station rebroadcast the program or any part thereof of another broadcasting station without the express authority of the originating station.

(b) No person shall be permitted to locate, use, or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor.

(c) Such application shall contain such information as the Commission may by regulation prescribe, and the granting or refusal thereof shall be subject to the requirements of section 309 hereof with respect to applications for station licenses or renewal or modification thereof, and the license or permission so granted shall be revocable for false statements in the application so required or when the Commission, after hearings, shall find its continuation no longer in the public interest.

SEC. 326. *Censorship; indecent language.* Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communications. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication.

*Title III, Part II*

Radio Equipment and Radio Operators on Board Ship

Ship Radio Installations and Operations

SEC. 351. (a) Except as provided in section 352 hereof, it shall be unlawful—

(1) For any ship of the United States other than a cargo ship of less than sixteen hundred gross tons, to be navigated in the open sea outside of a harbor or port, or for any ship of the United States or any foreign country, other than a cargo ship of less than sixteen hundred gross tons, to leave or attempt to leave any harbor or port of the United States, for a voyage in the open sea, unless such ship is equipped with an efficient radio installation in operating condition, in charge of and operated by a qualified operator or operators, adequately installed and protected so as to insure proper operation, and so as not to endanger the ship and radio installation, as hereinafter provided, and in the case of a ship of the United States, unless there is on board a valid station license issued in accordance with this Act;

(2) For any passenger ship of the United States of five thousand gross tons, or over, to be navigated outside of a harbor or port, in the open sea, or for any such ship of the United States or any foreign country to leave or attempt to leave any harbor or port of the United States for a voyage in the open sea, unless such ship is equipped with an efficient radio direction finder apparatus (radio compass) properly adjusted in operating condition as hereinafter provided, which apparatus is approved by the Commission;

(b) A ship which is not subject to the provisions of this part at the time of its departure on a voyage shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause over which neither the master, the owner, nor the charterer (if any) has control.

SEC. 352. (a) The provisions of this part shall not apply to—

(1) A ship of war;

(2) A ship of the United States belonging to and operated by the Government, except a ship of the United States Maritime Commission, the Inland and Coastwise Waterways Service, or the Panama Railroad Company;

(3) A foreign ship belonging to a country which is a party to the Safety Convention

and which ship carries a valid certificate exempting said ship from the radio provisions of that Convention, or which ship conforms to the radio requirements of such Convention or Regulations and has on board a valid certificate to that effect;

(4) Yachts of less than six hundred gross tons not subject to the radio provisions of the Safety Convention;

(5) Vessels in tow;

(6) A vessel navigating solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States, or to a vessel leaving or attempting to leave any harbor or port of the United States for a voyage solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States.

(b) The Commission may, if it considers that the route or the conditions of the voyage or other circumstances are such as to render a radio installation unreasonable or unnecessary for the purpose of this part, exempt[1] from the provisions of this part any ship, or any class of ships, which falls within any of the following descriptions:

(1) Passenger ships which in the course of their voyage do not go more than twenty nautical miles from the nearest land or more than two hundred nautical miles between two consecutive ports;

(2) Cargo ships which in the course of their voyage do not go more than one hundred and fifty nautical miles from the nearest land;

(3) Passenger vessels of less than one hundred gross tons not subject to the radio provisions of the Safety Convention;

(4) Sailing ships.

*Operators, Watches, Auto Alarm*

SEC. 353. (a) Each cargo ship required by this part to be fitted with a radio installation and which is not fitted with an auto alarm, and each passenger ship required by this part to be fitted with a radio installation, shall, for safety purposes, carry at least two qualified operators.

(b) A cargo ship, required by this part to be fitted with a radio installation, which is fitted with an auto alarm in accordance with this title, shall, for safety purposes, carry at least one qualified operator who shall have had at least six months' previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States.

[1] An application under oath on F. C. C. Form No. 320 may be made direct to the Federal Communications Commission at Washington, D. C., requesting that a particular ship be exempt from the provisions of the Safety of Life at Sea Convention or Title III, Part II, of the Communications Act of 1934 as amended, or both. It should describe the ship, or ships, to which it applies, the nature and extent of the voyage(s) for which exemption is requested, the maximum distance from land the ship is expected to be navigated and should specify in detail the reasons for exemption. Certified copies of the log of a number of voyages made (over periods of time which may be specified by the Commission) by the subject ship over the waters in question should be submitted. In the event any accidents occurred on the route in question, full particulars regarding the facts should be submitted, including a statement of the communication facilities which were available at that time. Whenever the Commission grants exemption for a vessel engaged on an international voyage, the Commission will request the issuance of an exemption certificate to such vessel by the Bureau of Marine Inspection and Navigation of the Department of Commerce. With regard to United States ships not subject to the safety Convention, an appropriate certification will be issued by the Commission. The determination of the Commission with respect to exemptions provided for herein will be final, subject only to the right of review by the courts.

(c) Each ship of the United States required by this part to be fitted with a radio installation shall, while being navigated outside a harbor or port, keep a continuous watch by means of qualified operators: *Provided, however,* That in lieu thereof on a cargo ship fitted with an auto alarm in proper operating condition, a watch of at least eight hours per day, in the aggregate, shall be maintained by means of a qualified operator.

(d) The Commission shall, when it finds it necessary for safety purposes, have authority to prescribe the particular hours of watch on a ship of the United States required by this part to be fitted with a radio installation.

(e) On all ships of the United States fitted with an auto alarm, said apparatus shall be in operation at all times while the ship is being navigated outside of a harbor or port when the operator is not on watch.

*Technical Requirements*

SEC. 354. The radio installation and the radio direction-finding apparatus required by section 351 of this part shall comply with the following requirements:

(a) The radio installation shall comprise a main and an emergency or reserve installation: *Provided, however,* That on a cargo ship, if the main installation complies also with all the requirements of an emergency or reserve installation, the emergency or reserve installation may be omitted.

(b) The ship's radio operating room and the emergency or reserve installation shall be placed in the upper part of the ship in a position of the greatest possible safety and as high as practicable above the deepest load water line, and the location of such room or rooms shall be approved by the Bureau of Marine Inspection and Navigation, Department of Commerce.

(c) The main and emergency or reserve installations shall be capable of transmitting and receiving on the frequencies and types of waves designated by the Commission pursuant to law for the purpose of distress and safety of navigation.

(d) The main installation shall have a normal transmitting and receiving range of at least two hundred nautical miles, that is to say, it must be capable of transmitting and receiving clearly perceptible signals from ship to ship over a range of at least two hundred nautical miles by day under normal conditions and circumstances.

(e) Sufficient power shall be available at all times to operate the main radio installation efficiently under normal conditions over the range specified in subsection (d) of this section.

(f) The emergency or reserve installation shall include a source of energy independent of the propelling power of the ship and of any other electrical system and shall be capable of being put into operation rapidly and of working for at least six continuous hours. For the emergency or reserve installation, the normal range as defined in subsection (d) of this section shall be at least one hundred nautical miles.

(g) There shall be provided between the bridge of the ship and the radio room, and between the bridge and the location of the direction finding apparatus, when the direction finding apparatus is not located on the bridge, an efficient means of communication independent of any other communication system of the ship.

(h) The direction finding apparatus shall be efficient and capable of receiving clearly perceptible radio signals and of taking bearings from which the true bearing and direction may be determined. It shall be capable of receiving signals on the frequencies prescribed for distress, direction finding, and radio beacons by the General Radio Regulations annexed to the International Telecommunication Convention in force and in new installations after the effective date of this part, such other frequencies as the Commission may for safety purposes designate.

*Lifeboats*

SEC. 355. Every motor lifeboat, required to be equipped with radio by treaty or convention to which the United States is a party, by statute, or by regulation made in conformity with a treaty, convention, or statute, shall be fitted with an efficient radio installation under such rules and regulations, as the Commission may find necessary to promote the safety of life.

*Approval of Installations*

SEC. 356. (a) Insofar as is necessary to carry out the purposes and requirements of this part, the Commission shall have authority, for any ship subject to this part—

(1) To approve the details as to the location and manner of installations of the equipment required by this part or of equipment necessitated by reason of the purposes and requirements of this part.

(2) To approve installations, apparatus, and spare parts necessary to comply with the purposes and requirements of this part.

(3) To prescribe such additional equipment as may be determined to be necessary to supplement that specified herein, for the proper functioning of the radio installation installed in accordance with this part or for the proper conduct of radio communication in time of emergency or distress.

*Transmission of Information*

SEC. 357. (a) The master of every ship of the United States equipped with radio transmitting apparatus, on meeting with dangerous ice, a dangerous derelict, a tropical storm, or any other direct danger to navigation, shall cause to be transmitted all pertinent information relating thereto, to ships in the vicinity and to the appropriate authorities, in accordance with rules and regulations issued by the Commission, which authorities of the United States shall, when they consider it necessary, promptly bring the information received by them to the knowledge of those concerned and foreign authorities interested.

(b) No charge shall be made by any ship or station in the mobile service of the United States for the transmission, receipt, or relay of the information designated in subsection (a) originating on a ship of the United States or of a foreign country.

(c) The transmission by any ship of the United States, made in compliance with subsection (a), to any station which imposes a charge for the reception, relay, or forwarding of the required information, shall be free of cost to the ship concerned and any communication charges incurred by the ship for transmission, relay, or forwarding of the information may be certified to the Commission for reimbursement out of moneys appropriated to the Commission for that purpose.

(d) No charge shall be made by any ship or station in the mobile service of the United States, for the transmission of distress messages and replies thereto in connection with situations involving the safety of life and property at sea.

(e) Notwithstanding any other provision of law, any station or carrier may render free service in connection with situations involving the safety of life and property, including hydrographic reports, weather reports, reports regarding aids to navigation and medical assistance to injured or sick persons on ships and aircraft at sea. All free service permitted by this subsection shall be subject to such rules and regulations as the Commission may prescribe, which rules may limit such free service to the extent which the Commission finds desirable in the public interest.

*Authority of Master*

SEC. 358. The radio installation, the operators, the regulation of their watches, the transmission and receipt of messages, and the radio service of the ship except as they may be regulated by law or international agreement, or by rules and regulations made in pursuance thereof, shall in the case of a ship of the United States be under the supreme control of the Master.



*Certificates*[2]

SEC. 359. (a) Each vessel of the United States to which the safety convention applies shall comply with the radio and communication provisions of said convention at all times while the vessel is in use, in addition to all other requirements of law, and have on board an appropriate certificate as prescribed by the safety convention.

(b) Appropriate certificates concerning the radio particulars provided for in said convention shall be issued to any vessel of the United States which is subject to the radio provisions of the safety convention and is found by the Commission to comply therewith. Such certificates shall be issued by the Department of Commerce, or whatever other agency is authorized by law so to do, upon request of the Commission made after proper inspection or determination of the facts. If the holder of such certificate violates the provisions of the safety convention, or of this Act, or the rules, regulations, or conditions prescribed by the Commission, and if the effective administration of the safety convention or of this part so requires, the Commission, after hearing in accordance with law, is authorized to request the modification or cancelation of such certificate. Upon receipt of such request the Department of Commerce, or whatever other agency is authorized by law to do so, shall modify or cancel the certificate in accord therewith. The Commission is authorized to issue, modify, or cancel such certificates in the event that no other agency is authorized to do so.

SEC. 360. (a) In addition to any other provisions required to be included in a radio station license, the station license of each ship of the United States subject to this title shall include particulars with reference to the items specifically required by this title.

(b) Every ship of the United States, subject to this part, shall have the equipment and apparatus prescribed therein, inspected at least once each year by the Commission.[3] If after such inspection, the Commission is satisfied that all relevant provisions of this Act and the station license have been complied with, that fact shall be certified to on the station license by the Commission. The Commission shall make such additional inspections at frequent intervals as may be necessary to insure compliance with the requirements of this Act.

*Control by Commission*

SEC. 361. Nothing in this title shall be interpreted as lessening in any degree the control of the Commission over all matters connected with the radio equipment and its operation on shipboard and its decision and determination in regard to the radio requirements, installations, or exemptions from prescribed radio requirements shall be final, subject only to review in accordance with law.

*Forfeitures*

SEC. 362. The following forfeitures shall apply to this part, in addition to the penalties and forfeitures provided by Title V of this Act:

(a) Any ship that leaves or attempts to leave any harbor or port of the United States in violation of the provisions of this part, or the rules and regulations of the Commission made in pursuance thereof, or any ship of the United States that is navigated outside of any harbor or port in violation of any of the provisions of this part, or the rules and regulations of the Commission made in pursuance thereof, shall forfeit to the United States the sum of $500, recoverable by way of suit or libel. Each such departure or attempted departure, and in the case of a ship of the United States each day during which such navigation occurs shall constitute a separate offense.

(b) Every willful failure on the part of the master of a ship of the United States to enforce or to comply with the provisions of this Act or the rules and regulations of the Commission as to equipment, operators, watches, or radio service shall cause him to forfeit to the United States the sum of $100.

[2] Instructions governing procedure when in foreign ports. Ships of the United States subject to the Safety Convention in ports of any of the foreign countries parties to the Safety Convention may expect to be required by local authorities to exhibit a safety certificate, a safety radiotelegraphy certificate, or an exemption certificate relating to radio issued by the Government of the United States. Lacking a certificate, or if the local authorities, upon inspection, find that the ship does not comply with the terms of the certificate or the Safety Convention, the ship will then be subject to the applicable laws of the country concerned.

In the event any ship owner or ship operating agency has a vessel in foreign waters, for which a convention certificate (covering radio) is desired and which cannot be made available to the Commission for inspection, a letter outlining the circumstances should be directed to the Commission. Appropriate instructions will be issued upon receipt thereof. If circumstances will not allow this procedure while the ship is in port of one of the countries parties to the Safety Convention, the master of the ship may apply to a United States Consul in that country to request the appropriate local Government authorities to make the required inspection and issue a safety radiotelegraphy certificate, or, to complete the radio particulars on the safety certificate. The Consul should request that the certificate contain the following clause: "Good only until this vessel reaches a port of the continental United States, but in any event for a period not exceeding five months." Such certificates issued under the authority of the foreign government will be accorded the same force as certificates issued by the United States.

If a ship at the time a Convention certificate expires is not in a port of the United States, the certificate may be extended by applying to a United States Consul but such extension will be granted only for the purpose of allowing the ship to complete its return voyage to its own country. No certificate will be extended for a period in excess of five months.

[3] Instructions relative to applications for inspection of ship stations. Application forms for inspection may be obtained from any port office of the Commission, or any office of the Bureau of Marine Inspection and Navigation, Department of Commerce, and upon completion should be returned to the office of the inspector in charge of the radio district embracing the port at which it is desired that the inspection be made.

To avoid delays and obviate the necessity for reinspection, the owner should have his radio representative make a preliminary inspection and make such repairs, replacements, additions, and adjustments of the radio installation as may be necessary to insure compliance with these requirements. Failure to comply with this procedure may result in considerable delay ensuing before a ship station license can be endorsed or a recommendation for safety or safety radiotelegraphy certificate can be forwarded by the Commission to the Bureau of Marine Inspection and Navigation. This possibility of delay arises from the fact that the Commission's ship station inspection force is limited and because ship station inspections, as well as inspection of other classes of stations, are planned in accordance with a definite schedule.

On the date determined upon for inspection by the Commission, the owner must have, in addition to his radio representative, at least one radio operator, preferably the chief operator, in attendance. In addition, there must be such members of the crew, or other persons as may be necessary to launch radio-equipped lifeboat(s) and to lower and hoist the ship station antenna. Proper power must be available to operate the equipment.

APPENDIX B

The Ship Acts of July 23, 1912, and June 24, 1910, and section 602 (e) of the Communications Act of 1934, as amended, are quoted herein for convenience only.

*Ship Act*

An act approved July 23, 1912, amending section 1 of an act entitled "An act to require apparatus and operators for radio communication on certain ocean steamers", approved June 24, 1910:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. That from and after October first, nineteen hundred and twelve, it shall be unlawful for any steamer of the United States or of any foreign country navigating the ocean or the Great Lakes and licensed to carry, or carrying, fifty or more persons, including passengers or crew or both, to leave or attempt to leave any port of the United States unless such steamer shall be equipped with an efficient apparatus for radio communication, in good working order, capable of transmitting and receiving messages over a distance of at least one hundred miles, day or night. An auxiliary power supply, independent of the vessel's main electric power plant, must be provided which will enable the sending set for at least four hours to send messages over a distance of at least one hundred miles, day or night, and efficient communication between the operator in the radio room and the bridge shall be maintained at all times.

The radio equipment must be in charge of two or more persons skilled in the use of such apparatus, one or the other of whom shall be on duty at all times while the vessel is being navigated. Such equipment, operators, the regulation of their watches, and the transmission and receipt of messages, except as may be regulated by law or international agreement, shall be under the control of the master, in the case of a vessel of the United States; and every willful failure on the part of the master to enforce at sea the provisions of this paragraph as to equipment, operators, and watches, shall subject him to a penalty of one hundred dollars.

That the provisions of this section shall not apply to steamers plying between ports, or places, less than two hundred miles apart.

SEC. 2. That this act, so far as it relates to the Great Lakes shall take effect on and after April first, nineteen hundred and thirteen, and so far as it relates to ocean cargo steamers shall take effect on and after July first, nineteen hundred and thirteen: *Provided,* That on cargo steamers, in lieu of the second operator provided for in this act, there may be substituted a member of the crew or other person who shall be duly certified and entered in the ship's log as competent to receive and understand distress calls or other usual calls indicating danger, and to aid in maintaining a constant wireless watch so far as required for the safety of life.

The remaining sections of the act of June 24, 1910, which are unchanged, read as follows:

SEC. 2. That for the purpose of this act apparatus for radio communication shall not be deemed to be efficient unless the company installing it shall contract in writing to exchange, and shall, in fact, exchange, as far as may be physically practicable, to be

determined by the master of the vessel, messages with shore or ship stations using other systems of radio communication.

SEC. 3. That the master or other person being in charge of any such vessel which leaves or attempts to leave any port of the United States in violation of any of the provisions of this act shall, upon conviction, be fined in a sum not more than five thousand dollars, and any such fine shall be a lien upon such vessel, and such vessels may be libeled therefor in any district court of the United States within the jurisdiction of which such vessel shall arrive or depart, and the leaving or attempting to leave each and every port of the United States shall constitute a separate offense.

SEC. 4. That the Secretary of Commerce shall make such regulations as may be necessary to secure the proper execution of this act by collectors of customs and other officers of the government.

*Section 602 (e) of the Communications Act*

Such part or parts of the Act entitled "An Act to require apparatus and operators for radio communication on certain ocean steamers", approved June 24, 1910, as amended, as relate to the ocean and to steamers navigating thereon, are hereby repealed. In all other respects said Act shall continue in full force and effect. The Commission is requested and directed to make a special study of the radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and the inland waters of the United States, and to report its recommendations, and the reasons therefor to the Congress not later than December 31, 1939.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 39-2780; Filed, July 27, 1939; 12:27 p. m.]

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PART 8—RULES GOVERNING SHIP SERVICE

PRIOR RULES REPEALED

The Commission, on July 12, 1939, repealed the Ship Radiotelegraph Safety Rules of May 21, 1937 (CFR, Secs. 81.001–81.322), effective October 1, 1939. The Commission also repealed the following rules, effective October 1, 1939:

| Rule No.: | CFR Sec. No. |
|---|---|
| 281 | 80.01 |
| 282–284 (a) (b) (c) | 80.10–80.12 |
| 284 (d) (e) (f) | 80.40–80.42 |
| 285–289 | 80.20–80.24 |
| 289a, 289b, 289c | 80.25–80.27 |
| 290–291 | 80.28–80.29 |
| 292–296 | 80.43–80.47 |
| 296C | 80.48 |

By the Commission.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 39-2781; Filed, July 27, 1939; 12:27 p. m.]

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STANDARDS OF GOOD ENGINEERING PRACTICE FOR SHIP STATIONS

APPROVED JULY 26, 1939; EFFECTIVE IMMEDIATELY

*Introduction*

There are presented herein certain Standards of Good Engineering Practice for Ship Stations giving instructions concerning procedure to be followed in complying with certain provisions of the Ship Radiotelegraph Safety Rules of the Communications Commission. While the Ship Radiotelegraph Safety Rules form the basis of good engineering practice, these Standards may go beyond those rules and set up engineering principles and recommendations for consideration relative to various engineering problems. These Standards have been approved by the Commission and thus are considered as reflecting the opinion of the Commission in all matters involved.

Standards of Good Engineering Practice set forth herein are those deemed necessary for demonstrating compliance with certain provisions of paragraph 12 (c) of the Ship Safety Rules along technical lines not specifically enunciated in the regulations. These Standards are based on the best engineering data available from evidence supplied in formal hearings and surveys conducted in the field by the Commission's personnel. While they provide for some degree of flexibility and set forth the conditions under which they are applicable, it is not expected that material deviation therefrom as to fundamental principles will be recognized unless full information is submitted as to the reasonableness of such departure and the need therefor.

These Standards of Good Engineering Practice may necessarily change as progress is made in the radio art, and accordingly it may be necessary to make revisions from time to time. The Commission will accumulate and analyze engineering data available as to the progress of the art so that these Standards may be kept current with the developments.

*Field Intensity Measurements to Demonstrate Compliance With Specifications of Paragraph 12 (c) (3) of the Ship Radiotelegraph Safety Rules*

Paragraph 12 (c) of the Ship Radiotelegraph Safety Rules provides that certain minimum field intensities are acceptable by demonstration in lieu of the required minimum power specified in section (2) of that paragraph. In this demonstration it is necessary to determine the effective field intensity on certain frequencies under certain conditions at a distance of one nautical mile from the transmitter under test. The following requirements shall govern the taking and submission of data on the field intensity produced.

1. Prior to the beginning of field intensity measurements the applicant for main transmitting installation approval first shall secure approval by the Commission of:

(a) Technical qualifications of the engineers who are to conduct the measurements.

(b) Instruments and methods to be employed for obtaining the measurements.

(c) Locations, proposed time and approximate duration of measurements; also exact frequencies to be used.

2. Prior to the beginning of field intensity measurements and in accordance with the provision of the preceding section, the following information shall be submitted in duplicate to the Commission, with the original *in affidavit form*, together with a regular application for special temporary authority[1] to transmit experimentally on designated specific frequencies in the vicinity of 500 kc and 375 kc for the purpose of conducting the involved measurements:

(a) Name, address, and technical qualifications of engineer(s) who is (are) to make the measurements (affidavit(s) on this item to be executed by engineer(s) concerned).

(b) Description of methods to be used for measuring the field intensity.

(c) Manufacturer's name and type number of each calibrated instrument to be used, together with manufacturer's rated accuracy.

(d) The date and by whom each instrument was last calibrated, and the present accuracy of each instrument.

(e) Frequencies to be used, general locations of test, and proposed period of time of experimental transmissions for purpose of measuring field intensity.

(f) Type of transmitter under test and power rating designated by the manufacturer.

(g) Description with sketch and dimensions of particular ship station antenna which is to be utilized with the transmitter in question.

3. Upon approval by the Commission of the information submitted as required by section 2 hereof, the applicant will then be in a position to carry out the necessary tests and measurements and in so doing shall conform to the following procedure:

(a) All test transmissions, of which pertinent measurements are made, shall be over seawater or over waters of any bay, sound, or other comparable tidewaters adjacent to the open sea.

(b) The points at which the field intensity is measured shall be from 1 to 4 wavelengths distant from the transmitting antenna.

(c) Transmissions shall be made only on the frequencies authorized and shall not interfere with the normal operation of stations in the maritime mobile service.

(d) Measurements of field intensity on frequencies in the vicinity of 375 and 500 kc shall be made at points located on two radials (one approximately parallel to and the other approximately normal to the flat top of the antenna of the ship station under test). The field intensities (E, expressed in millivolts per meter) are to be multiplied by the corresponding distances from the antenna to the measuring points (d, expressed in nautical miles) and the resulting values (of E. d) along each radial, if more than one is taken on any one radial, shall be averaged to obtain the field intensity at one nautical mile along each radial. If the resulting average values (of E. d) for the two radials chosen differ by more than 10% of the greater value, then measurements are required to be taken along at least four radials from the ship station separated by angles of approximately 45° azimuth. The effective field intensity at one nautical mile is then the root mean square of the average values (of E. d) obtained along the several radials chosen.

(e) A qualified radio engineer shall be in charge of the adjustment of the transmitter under test prior to the field intensity measurements. Preliminary tests shall be made on the frequencies to be used during the field intensity measurements and the following data recorded for each frequency used: (1) Plate power input to the last radio frequency stage; (2) the antenna current (the antenna current ammeter used having been checked or re-calibrated for accuracy to within plus or minus 2% at full scale reading); and (3) the antenna resistance. This engineer or a licensed radio operator holding the proper class of license for operation of the ship station under test shall observe the operation of the transmitter during the field intensity measurements, recording the values (1) and (2) above, for each measurement. If these values are observed and recorded by a licensed radio operator, they shall be certified under oath by him. The provisions of this subsection in no way relieves the operator in charge of the ship station from his responsibility for the proper operation of the equipment, as set forth in the Rules Governing Commercial Radio Operators.

(f) Certification under oath must be obtained from the master of the involved vessel, showing the ship's bearing each time readings of field intensity were taken, and the approximate position of the vessel with respect to a fixed navigational marker or expressed in latitude and longitude.

(g) If possible, the field intensity shall also be measured on the second and third harmonic radio frequencies under the same conditions as when measuring the field intensity on the fundamental frequencies, and the results obtained shall be included in the tabulated data. The Commission may require these additional measurements prior to consideration of approval.

4. Upon completion of the demonstration, the following data shall be submitted in duplicate, with the original *in affidavit form*, to the Commission for its consideration:

(a) Complete data taken for field intensity measurement, including a chart showing the location of the involved vessel, and each point of measurement numbered to agree with the tabulated data.

(b) Description of methods used to take readings for field intensity, with reference to section 2 (b) hereof.

(c) Manufacturer's name and type number of each calibrated instrument used, together with a statement that such instruments are the same as those described in conformity with section 2 (c) hereof.

(d) Name of each engineer who participated in making the measurements, with reference to section 2 (a) hereof.

(e) A statement, under oath, from the master of the involved vessel, showing the bearing of the vessel each time readings of field intensity were taken and the approximate position of the vessel with respect to a fixed navigational marker or expressed in latitude and longitude.

(f) Tabulated data observed and recorded by a qualified engineer during the preliminary tests made in conformity with section 3 hereof.

(g) Tabulated data observed and recorded by a qualified engineer or a licensed radio operator of the proper grade, on board the vessel during the field intensity measurement tests and certified under oath by the operator in the event that no engineer is in charge on board the vessel during the field intensity tests.

The decision of the Commission with respect to consideration of individual main transmitting installations under this procedure will be based upon the data submitted as set forth in the preceding section 4, and in addition upon the report of its own representative(s) who may be assigned to witness the demonstration.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 39-2799; Filed, July 28, 1939; 12:49 p. m.]

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SHIP RADIOTELEGRAPH SAFETY RULES AMENDED

The Commission, on July 26, 1939, effective immediately, amended subparagraph (3), as modified, of paragraph 12 (c) of the Ship Radiotelegraph Safety Rules of May 21, 1937, to read:

(3) A radiotelegraph transmitter, installed aboard a subject vessel prior to July 26, 1939, which complies with each specification for a main transmitter designated in paragraph 12 (c) (2) hereof except "power required to be developed" but which meet the "power required to be developed" provisions contained in paragraph 12 (c) (4) hereof, is approved as a temporary main transmitter for use in compliance with paragraph 12 (b) until not later than January 1, 1940.

An electron-tube transmitter installed aboard a subject vessel and authorized by the radio station license of that vessel prior to July 26, 1939, which will comply with each specification for a main transmitter designated in paragraph 12 (c) (2) hereof, except the "power required to be developed," will be approved as meeting the requirements of paragraph (b) provided it is further demonstrated, prior to January 1, 1940 and at any time thereafter as may be deemed necessary by the Commission, to the satisfaction of the Commission that, when normally installed and operated aboard the particular vessel in connection with the permanent transmitting antenna of the same vessel, the involved transmitter will produce the following prescribed field intensities at a distance of one nautical mile over a sea-water path(s):

Operating Radio Frequency—Field intensity required at a distance of one nautical mile over a sea-water path.

500* kilocycles— at least 20.0 millivolts per meter.

375* kilocycles—at least 10.0 millivolts per meter.

By the Commission.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 39-2800; Filed, July 28, 1939; 12:49 p. m.]

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[1] See Part 5, Sec. 5.33 of the Rules and Regulations of the Commission.





## *Notices*

### DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CHANGE IN DATE OF HEARING ON PETITIONS FOR REVIEW OF FINDINGS AND DETERMINATION BY THE PRESIDING OFFICER ON APPLICATIONS FOR PERMISSION TO EMPLOY LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that, pursuant to the requests of interested parties, the public hearing on Petitions for Review of Findings and Determination by the Presiding Officer on Applications for Permission to Employ Learners in the Apparel Industry, originally scheduled for July 18, 1939 (4 F.R. 2743 DI), subsequently postponed to July 31, 1939 (4 F.R. 3310 DI), is hereby postponed until ten o'clock on September 12, 1939, at the Raleigh Hotel, 12th and Pennsylvania Avenue Northwest, Washington, D. C.

Notice is also given that this hearing will be held for the purpose of taking such testimony and hearing such argument as may be relevant to the determination of the following questions not only while the minimum hourly

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* The Commission, in each case and upon proper application, may authorize a different frequency as close to these frequencies as possible, to be used for purposes of this demonstration, in order to minimize interference. In such instances, the field intensities required to be developed may be changed in appropriate proportion to the frequency to be used, in accordance with the best available engineering data. (Sec. 354, 50 Stat. 193; 47 U.S.C. 354)

wage rate is twenty-five cents, but also at the minimum hourly wage rate of thirty cents, and at such rates as are embodied in the recommendations of Industry Committee No. 2 for the Apparel Industry:

(a) What if any occupation or occupations in the apparel industry require a learning period, and

(b) Whether it is necessary in order to prevent curtailment of opportunities for employment to provide for the employment of persons in occupations requiring a learning period at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and

(c) If such necessity is found to exist, at what wages lower than the minimum wage applicable under Section 6, such employment of learners shall be permitted, and with what limitations as to time, number, proportion and length of service.

Any person interested in appearing, either in support of or in opposition to the matters prayed for in the petitions for review, may appear on his own behalf or on the behalf of any other person, provided that he shall file with the Administrator, at his office in Washington, prior to noon on September 7, 1939, a Notice of Intention to Appear, which shall contain the following information:

(1) The name and address of the person appearing;

(2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing;

(3) Whether he is appearing in support of or in opposition to any petition for review;

(4) The approximate length of time which his presentation will consume;

(5) Scope of appearance, i. e., for which branch of the apparel industry appearance will be made.

The original notice of hearing published July 1, 1939 (4 F.R. 2743 DI), is hereby incorporated by reference in this notice, subject only to the changes stated herein.

Signed at Washington, D. C., this 27th day of July 1939.

PAUL SIFTON,
*Acting Administrator.*

[F. R. Doc. 39-2796; Filed, July 28, 1939; 12 m.]

## FEDERAL POWER COMMISSION.

[Docket No. IT-5580]

IN THE MATTER OF NEW ENGLAND POWER COMPANY

ORDER SETTING HEARING

JULY 26, 1939.

Commissioners Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon application filed July 20, 1939, and subsequently amended, by the New England Power Company (hereinafter referred to as the New England Company), a corporation having its principal office at 441 Stuart Street, Boston, Massachusetts, for an order pursuant to Section 203 of the Federal Power Act authorizing and approving the merger or consolidation of its facilities subject to the jurisdiction of this Commission with the electric facilities of the Bellows Falls Hydro-Electric Corporation (hereinafter referred to as the Bellows Falls Company), a corporation having its principal office at Bellows Falls, Vermont, and with certain of the electric facilities of the Connecticut River Power Company (hereinafter referred to as the Connecticut Company), a corporation having its principal office at Littleton, New Hampshire;

The Commission having considered the said application, as amended, the exhibits thereto, and the petition, and exhibits thereto, filed June 10, 1939 (Docket No. IT-5552) and subsequently amended, by the New England Company, the Bellows Falls Company, and the Connecticut Company for a declaratory determination disclaiming jurisdiction, among other things, with reference to the same proposed merger or consolidation, and it appearing therefrom that:

(a) The said merger or consolidation is to be accomplished by the purchase of the property, assets, and franchises of the Bellows Falls Company, consisting principally of a hydroelectric generating plant on the Connecticut River at or near Bellows Falls and transmission lines used in connection therewith (except cash and except accounts receivable by the Bellows Falls Company from the New England Company), pursuant to a purchase and sale agreement dated June 8, 1939, for a purchase price of $12,381,739.66, as of April 30, 1939; and the purchase by the New England Company of that portion of the so-called Bellows Falls-Pratts Junction transmission line, located in New Hampshire, from the Connecticut Company, which line connects the lines of the Bellows Falls Company and the lines of the New England Company, pursuant to the aforesaid agreement, for a purchase price of $672,747.30, as of April 30, 1939;

(b) The Bellows Falls Company was originally chartered for the improvement of navigation on the Connecticut River by the construction and operation of navigation improvements at and near said site and for many years appears to have maintained and operated navigation improvements at or near said site and to have collected tolls for the use of such improvements;

(c) The Connecticut River was used for many years for the transportation of persons and property in interstate and foreign commerce from a point some distance above the site of the aforesaid hydroelectric generating plant to its mouth, is a navigable water of the United States, and is a stream over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several states; and the aforesaid hydroelectric generating plant may affect the interests of interstate and foreign commerce and may alter or modify the course, condition, or capacity of navigable waters of the United States;

(d) The dam of the said plant may have been constructed or reconstructed in violation of Section 9 of the Rivers and Harbors Act of 1899; the said plant may create an obstruction to the navigable capacity of water of the United States in violation of Section 10 of said Act; the operation and maintenance of said plant may constitute a violation of Section 23 (b) of the Federal Power Act; and an order requiring the licensing of said plant under the Federal Power Act or otherwise pertaining to the construction, operation, maintenance, sale or acquisition thereof, may be appropriate or expedient in the public interest to conserve and utilize the navigation and water power resources of the region;

(e) This Commission has heretofore found that facts hereinbefore recited indicate that this Commission may have jurisdiction with respect to the construction, maintenance, operation, acquisition, transfer or licensing of the aforesaid hydroelectric generating plant;

(f) A public hearing as hereinafter provided for will provide a convenient means for enabling this Commission to consider additional data and information necessary to enable it to determine the scope of its jurisdiction in the premises and, if it finds that it has jurisdiction, to pass upon the said application, and will afford the opportunity for hearing required by the Federal Power Act;

The Commission orders that:

A public hearing on the said application be held at 10:00 A. M., September 13, 1939, in the Commission's Hearing Room, 1757 K Street NW., Washington, D. C., for the purpose of enabling the Commission to determine the scope of its jurisdiction in the premises, and to determine whether the proposed merger or consolidation, including the transfer of the aforesaid unlicensed hydroelectric generating plant, will be consistent with the public interest and what terms and conditions to the authorization and approval thereof, if any, are necessary or appropriate to secure the maintenance of adequate service and the coordination in the public interest of facilities subject to the jurisdiction of the Commission; including, but without limitation, a showing with respect to the following:

(i) As related to the facilities to be acquired, the original cost thereof, as defined in electric plant Instruction 2D of the Commission's Uniform System of Accounts, or if not known, an estimate of such original cost;

(ii) Whether the proposed merger or consolidation will hamper, obstruct, or otherwise affect, regulation of the operation or maintenance of the facilities involved or regulation of those operating or maintaining such facilities, pursuant to state or federal statutes;

(iii) What effects, if any, the proposed merger or consolidation will have on the interests of investors in securities heretofore issued or hereafter to be issued by any of the above mentioned companies, and upon the interests of consumers of electric energy served directly or indirectly by any of said companies;

(iv) Whether the proposed merger or consolidation of facilities will relate to the integration and coordination of electric facilities subject to the jurisdiction of this Commission and to the assurance of an abundant supply of electric energy with the greatest possible economy and with regard to the proper utilization of natural resources; and what relation, if any, the proposed merger or consolidation of facilities has to any other proposed or contemplated disposition, acquisition, merger or consolidation of facilities by any of the companies herein involved;

(v) Whether the Connecticut River from its mouth to a point some distance above the site of the said hydroelectric plant, or any part thereof, should be held to be navigable waters of the United States or otherwise a stream over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several states;

(vi) Whether the said hydroelectric generating plant should be held by reason of its effects and the effects of its operation on the course, condition, and navigable capacity of waters of the United States, or any of them, to affect the interests of interstate or foreign commerce, and to obstruct, alter or modify the course, condition, or capacity of navigable waters of the United States, or to do either;

(vii) Whether the said hydroelectric generating plant should be held to effect the interests of interstate or foreign commerce, by reason of its effects and of the effects of its operation on highways and railroads, which are instrumentalities of interstate or foreign commerce, and bridges or other structures carrying the same, along, across, over, or near said river, and on interstate or foreign commerce in electric energy, or upon any of them;

(viii) Whether the construction, operation and maintenance of the said hydroelectric generating plant is required by the laws of the United States to be licensed by the Federal Power Commission;

(ix) Whether the said hydroelectric generating plant should be required to be operated and maintained only under and in accordance with the terms of a license duly issued by the Federal Power Commission;

(x) Whether the effect of the merger or consolidation of facilities of the New England Company subject to the jurisdiction of this Commission, with such a hydroelectric generating plant, without first securing or taking appropriate steps towards securing a license therefor from the Federal Power Commission, will be consistent with the public interest;

(xi) Whether the payment of the price proposed to be paid for such hydroelectric generating plant as stated above, and the issuance of obligations secured in any part by the mortgage or pledge of such plant, as proposed, to enable the New England Company to pay such purchase price, is consistent with the public interest.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-2786; Filed, July 28, 1939; 9:28 a. m.]

[Docket Nos. ID-635, 794, 317, 728, 229, 392, 789, 798, 104, 801, 890, 893]

IN THE MATTER OF CHARLES H. TENNEY, ET AL.

ORDER POSTPONING HEARING

JULY 27, 1939.

Commissioner: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On June 20, 1939,[1] the Commission adopted an order fixing September 6, 1939, as the date for a hearing upon the applications of the following named applicants:

| | |
|---|---|
| Charles H. Tenney | Docket No. ID-635. |
| Isaac S. Hall | Docket No. ID-794. |
| Frank S. Clifford | Docket No. ID-317. |
| Fremont L. Lovett | Docket No. ID-728. |
| Clarence N. Alexander | Docket No. ID-229. |
| Hazel H. Berry | Docket No. ID-392. |
| Ralph E. Trower | Docket No. ID-789. |
| D. Willard Leavitt | Docket No. ID-798. |
| Bernon E. Helme | Docket No. ID-104. |
| Kenneth H. Goss | Docket No. ID-801. |
| Albert B. Tenney | Docket No. ID-890. |

(b) On July 6, 1939, the Commission adopted an order fixing September 6, 1939, as the date for a hearing upon the application of Charles Milliken Tenney Docket No. ID-893;

(c) Counsel for the above designated applicants have requested the Commission by letter dated July 25, 1939, that the hearings now set for September 6, 1939, in the above entitled matters be postponed until a later date;

The Commission orders that:

Said hearings be and the same are hereby postponed to begin at 10:00 a. m. on the 25th day of September, 1939, in the hearing room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[1] 4 F.R. 2470 DI.

[F. R. Doc. 39-2787; Filed, July 28, 1939; 9:28 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in Washington, D. C., on the 26th day of July, A. D. 1939.

[File Nos. 34-8, 52-3, 52-5, 52-9, 52-10, 59-1]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION AND CHARLES TRUE ADAMS

ORDER RELATIVE TO APPLICATIONS AND DECLARATIONS

Applications having been filed, pursuant to Section 11 (f) of the Public Utility Holding Company Act of 1935, for approval of the following Plans of Reorganization of Utilities Power & Light Corporation, a registered holding company, hereinafter called the "Debtor":

(a) Plan dated February 1, 1939, filed by Atlas Corporation and amended June 30, 1939 and July 10, 1939;

(b) Plan dated October 23, 1937, filed by Atlas Corporation and by Paul V. Shields, Joseph S. Maxwell and Charlton B. Hibbard, constituting a Protective Committee for Preferred Stockholders of the Debtor;

(c) Plan dated August 23, 1938, filed by the Trustees of Public Utilities Securities Corporation and the Trustee of Webster Securities Corporation;

(d) Plan dated February 21, 1938, filed by Associated Investing Corporation and Associated Utilities Corporation and amended August 27, 1938.

Applications having been filed, pursuant to Section 11 (g) of said Act, for reports upon said plans and declarations pursuant to Rule U-12E-5 having been filed with respect to the solicitation of assents thereto;

A proceeding having been instituted by the Commission, pursuant to Section 11 (b) (1) of said Act, against the Debtor and Charles True Adams, Trustee;

All of said matters having been consolidated for the purpose of hearing by order of the Commission dated August 29, 1938;

A public hearing on said matters having been held pursuant to appropriate notice, said hearing having been concluded with respect to said applications pursuant to Section 11 (f), briefs having been filed and argument had;

The Commission having considered the record, briefs and arguments and hav-

ing made and filed its findings and opinion herein;

*It is ordered*, That the application pursuant to said Section 11 (f) for approval of the plan dated February 1, 1939, filed by Atlas Corporation and amended June 30, 1939 and July 10, 1939 be and it hereby is granted, and said plan as so amended be and it hereby is approved subject, however, to the following terms and conditions:

(1) That the amendment of July 10, 1939 shall operate to delete all provisions with regard to subscription rights formerly contained in said plan, such provisions being hereby expressly disapproved;

(2) That pursuant to Rule U–11F–1 (e) the Commission reserves jurisdiction to consider any amendments to said application and any definitive documents in connection therewith filed subsequently to the approval herein granted, including (but without limiting the generality of the foregoing) the trust indenture and the certificate of incorporation of the New Company contemplated by said plan;

(3) That prior to the acquisition by the New Company of the stock of The Laclede Gas Light Company, Laclede Power & Light Company and Missouri Natural Gas Company, there shall be filed with the Commission a certified copy of an order of the Public Service Commission of Missouri authorizing or approving such acquisitions, which shall thereupon become part of the record herein;

(4) That the Commission reserves jurisdiction for the purpose of passing on the value at which the assets transferred to the New Company will be entered on its books; and

(5) That the consummation of said plan be effected in substantial compliance with the terms and conditions and for the purposes represented by said application, as amended.

*It is further ordered*, That the applications and declaration with respect to the plan dated October 23, 1937, filed by Atlas Corporation and by Paul V. Shields, Joseph S. Maxwell and Charlton B. Hibbard, constituting a Protective Committee for Preferred Stockholders of the Debtor, be and they hereby are dismissed;

*It is further ordered*, That the application pursuant to Section 11 (f) of said Act for approval of the plan dated August 23, 1938, filed by the Trustees of Public Utilities Securities Corporation and the trustee of Webster Securities Corporation be and it hereby is denied, and that the application pursuant to Section 11 (g) of said Act and the declaration pursuant to Rule U–12E–5 relating to said plan be and they hereby are dismissed;

*It is further ordered*, That the application and declaration with respect to the plan dated February 21, 1938, filed by Associated Investing Corporation and Associated Utilities Corporation and amended August 27, 1938 be and they hereby are dismissed;

*It is further ordered*, That this Commission reserves jurisdiction with respect to any and all applications pursuant to Section 11 (g) of said Act and declarations pursuant to Rule U–12E–5, whether now or hereafter filed, relating to said plan dated February 1, 1939, filed by Atlas Corporation and amended as aforesaid;

*It is further ordered*, That this Commission reserves jurisdiction with respect to the before-mentioned proceeding instituted by it under Section 11 (b) (1) of said Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2793; Filed, July 28, 1939; 10:48 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27 day of July, A. D. 1939.

[File No. 43–236]

IN THE MATTER OF CENTRAL POWER AND LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 14, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 9, 1939.

The matter concerned herewith is in regard to the issue and sale of $25,000,000 First Mortgage Bonds due August 1, 1969 and $7,000,000 Serial Debentures or Notes by Central Power and Light Company. The price to the public, underwriters' discount or commission, proceeds to the company and names of underwriters are to be supplied by amendment. The proceeds are to be applied, together with other funds of the company to the extent required, to the redemption and retirement at 104 of $32,044,200 principal amount of First Mortgage 5% Gold Bonds, 1956 Series, due August 1, 1956, of the company requiring, exclusive of accrued interest, $33,327,008.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2794; Filed, July 28, 1939; 10:47 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of July, A. D. 1939.

[File Nos. 43–237, 46–162]

IN THE MATTER OF COPPER DISTRICT POWER COMPANY, THE MIDDLE WEST CORPORATION

NOTICE OF AND ORDER FOR HEARING

Declaration and application pursuant to sections 7 and 10 respectively of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on August 10, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 5, 1939.

The matter concerned herewith is in regard to—

(1) A declaration filed by Copper District Power Company, a subsidiary company of The Middle West Corporation, a registered holding company, pursuant to Section 7 of said Act regarding the issue and sale by it of unsecured 4½% notes in the principal amount of $78,750 to be dated August 11, 1939 and to mature August 11, 1940. The proposed notes are to be issued in exchange for and to discharge an equal principal amount of unsecured 4½% notes of the company heretofore issued and now outstanding which mature August 11, 1939.

(2) An application by The Middle West Corporation pursuant to Section 10 of said Act for approval by the Commission of the acquisition by it of $39,375 principal amount of the proposed notes described above.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2795; Filed, July 28, 1939; 10:47 a. m.]



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AUG 3 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 146

*Washington, Tuesday, August 1, 1939*


## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### DIVISION OF MARKETING AND MARKETING AGREEMENTS

[Order No. 20, as amended]

### MARKETING ORDERS

### PART 920—ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA[1]

Sec.


920.0 Findings.
920.1 Definitions.
920.2 Market administrator.
920.3 Classification of milk.
920.4 Minimum prices.
920.5 Reports of handlers.
920.6 Handlers who are also producers.
920.7 Determination of uniform prices to producers.
920.8 Payments for milk.
920.9 Marketing services.
920.10 Effective time, suspension, or termination of order, as amended.
920.11 Liability.


Whereas, M. L. Wilson, Acting Secretary of Agriculture of the United States of America, pursuant to the provisions of Title I of Public Act No. 10, 73d Congress, as amended (48 Stat. 31), issued on November 9, 1937, Order No. 20[2] regulating the handling of milk in the La Porte County, Indiana, marketing area, said order being effective November 13, 1937; and

Whereas, said order was amended, effective August 20, 1938;[3] and

Whereas, the Secretary, on September 24, 1937, tentatively approved the marketing agreement regulating the handling of milk in the La Porte County, Indiana, marketing area, an amendment to which was tentatively approved on July 15, 1938; and

Whereas, the Secretary, having reason to believe that said tentatively approved marketing agreement, as amended, and said order, as amended, should be further amended, gave, on the 18th day of May 1939, notice of a hearing[4] to be held on the 23d day of May 1939, at La Porte, Indiana, on certain proposed amended provisions of said tentatively approved marketing agreement, as amended, and of said order, as amended, and at said place, on the 23d and 24th days of May 1939, conducted a public hearing at which all interested parties were afforded an opportunity to be heard on said proposed amended provisions; and

Whereas, after such hearing and after the tentative approval, on the 30th day of June 1939, by the Secretary, of a marketing agreement, as amended, handlers of more than 50 percent of the volume of milk covered by this order, as amended, which is marketed within the La Porte County, Indiana, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk; and

Whereas, the Secretary determined, on the 28th day of July 1939,[5] said determination being approved by the President of the United States on the 28th day of July 1939, that said refusal or failure tends to prevent the effectuation of the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), and that this order, as amended, is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area and is approved or favored by over 67 percent of the producers voting in a referendum, who, during the month of April 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in the La Porte County, Indiana, marketing area; and

Whereas, the provision of the order providing for the payment to all pro-

[1] Code of Federal Regulations.
[2] Section 920.0 to and including Section 920.11 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. 601 et seq. (Sup. IV 1938).
[3] 2 F.R. 1943 DI.
[3] 3 F.R. 2015 DI.
[4] 4 F.R. 2076 DI.
[5] See page 3498.

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ducers whose milk is received by the same handler of uniform prices for all milk received from such producers by such handler is approved or favored by at least three-fourths of the producers who, during the month of April 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production for market of milk covered in such order, as amended, said approval being separate and apart from the approval of producers as set forth above; and

Whereas, the Secretary finds, upon the evidence introduced at the above-mentioned hearing, said findings being in addition to the findings made upon the evidence introduced at the hearings on said order and on said amendment and to the other findings made prior to or at the time of the original issuance of said order and of said amendment (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth):

§ 920.0 *Findings.* 1. That the classification of milk into four classes is a proper basis for the pricing of milk which is disposed of by handlers;

2. That the prices calculated to give milk handled in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect such factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

3. That the order, as amended, regulates the handling of milk in the same manner as, and is applicable only to handlers specified in, the tentatively approved marketing agreement, as amended, upon which hearings have been held; and

4. That the issuance of the order, as amended, and all of its terms and conditions will tend to effectuate the declared policy of the act.

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby orders that such handling of milk in the La Porte County, Indiana, marketing area, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce, shall, from the effective date hereof, be in compliance with the following terms and conditions:

§ 920.1 *Definitions.*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(2) The term "Secretary" means the Secretary of Agriculture of the United States.

(3) The term "La Porte County, Indiana, marketing area," hereinafter called the "marketing area," means the territory within the townships of Scipio, Pleasant, Kankakee, Center, Cool Spring, Michigan, Springfield, Galena, and Hudson, all in La Porte County, Indiana.

(4) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(5) The term "producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at a plant from which milk is disposed of in the marketing area.

(6) The term "handler" means any person, irrespective of whether such person is also a producer, who purchases or receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk in the marketing area, and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

(7) The term "market administrator" means the person designated pursuant to Sec. 920.2 as the agency for the administration hereof.

(8) The term "delivery period" means the current marketing period from the first to, and including, the last day of each month.

(9) The term "base" means the quantity of milk calculated for each producer pursuant to Sec. 920.7 (d).

§ 920.2 *Market administrator*—(a) *Selection, removal, and bond.* The market administrator shall be selected by the Secretary and shall be subject to removal by him at any time. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof; and

(2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof.

(c) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein.

(2) Submit his books and records to examination by the Secretary at any and all times.

(3) Furnish such information and such verified reports as the Secretary may request.

(4) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator.

(5) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon



which he is required to perform such acts, has not (a) made reports pursuant to Sec. 920.5 or (b) made payments pursuant to Sec. 920.8.

§ 920.3 *Classification of milk*—(a) *Sales and use classification.* Milk received by each handler, including milk produced by him, if any, shall be classified by the market administrator as follows:

(1) Class I milk shall be all milk disposed of in the form of milk, and all milk not specifically accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk used to produce flavored milk drinks, cream (for consumption as cream), creamed buttermilk, or creamed cottage cheese.

(3) Class III milk shall be all milk specifically accounted for as used to produce a milk product other than those specified in Class II milk and Class IV milk.

(4) Class IV milk shall be all milk specifically accounted for (a) as being used to produce butter, and (b) as actual plant shrinkage but not to exceed 3 percent of the total receipts of milk from producers.

(b) *Interhandler and nonhandler sales.* Milk disposed of by a handler to another handler, or to a person not a handler but who distributes milk or manufactures milk products, shall be considered to be Class I milk. In the event that such selling handler on or before the date fixed for filing reports pursuant to Sec. 920.5 furnishes proof satisfactory to the market administrator that such milk has been disposed of by such purchaser other than as Class I milk, then, and in that event, such milk shall be classified in accordance with such proof.

(c) *Computation of butterfat in each class.* For each delivery period, the market administrator shall compute for each handler the butterfat in each class, as set forth in paragraph (a) of this section, as follows:

(1) Determine the pounds of butterfat received as follows: (a) multiply the weight of the milk received from producers by its average butterfat test; (b) multiply the weight of the milk produced by him, if any, by its average butterfat test; (c) multiply the weight of the milk received from handlers, if any, by its average butterfat test; and (d) add together the resulting amounts.

(2) Determine the pounds of butterfat in Class I milk as follows: (a) convert to quarts the quantity of milk disposed of in the form of milk, and multiply by 2.15; (b) multiply the result by the average butterfat test of such milk; and (c) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk, Class III milk, and Class IV milk, computed pursuant to subparagraphs (3), (4), and (5) of this paragraph, is less than the pounds of butterfat received, computed in accordance with subparagraph (1) of this paragraph, an amount equal to the difference shall be added to the quantity of butterfat determined pursuant to (b) of this subparagraph.

(3) Determine the pounds of butterfat in Class II milk as follows: (a) multiply the actual weight of each of the several products of Class II milk by its average butterfat test; and (b) add together the resulting amounts.

(4) Determine the pounds of butterfat in Class III milk as follows: (a) multiply the actual weight of each of the several products of Class III milk by its average butterfat test; and (b) add together the resulting amounts.

(5) Determine the pounds of butterfat in Class IV milk as follows: (a) multiply the actual weight of the product of Class IV milk by its average butterfat test; (b) subtract the pounds of butterfat in Class I milk, Class II milk, and Class III milk, computed pursuant to (b) of subparagraph (2) and pursuant to subparagraphs (3) and (4) of this paragraph, and the pounds of butterfat computed pursuant to (a) of this subparagraph, from the pounds of butterfat computed pursuant to subparagraph (1) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this subparagraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat from producers by the handler); and (c) add together the resulting amounts.

(6) Determine the classification of the butterfat received from producers as follows:

(i) Subtract from the pounds of butterfat in each class the total pounds of butterfat which were received from other handlers and used in such class.

(ii) In the case of a handler who also distributes milk of his own production, subtract from the pounds of butterfat in each class a further amount which shall be computed as follows: divide the pounds of butterfat in said class by the pounds of butterfat in all classes and multiply by the pounds of butterfat produced by him.

(d) *Computation of milk in each class.* For each delivery period, the market administrator shall compute for each handler the hundredweight of 3.8 percent butterfat content equivalent of milk in each class, which was received from producers and to which the prices set forth in Sec. 920.4 apply, as follows:

(1) Divide the pounds of butterfat computed for each class in accordance with paragraph (c) (6) of this section by 3.8.

§ 920.4 *Minimum prices*—(a) *Class prices.* Each handler shall pay producers, at the time and in the manner set forth in Sec. 920.8, for the 3.8 percent butterfat content equivalent of milk received at the handler's plant, not less than the following prices:

Class I milk—$2.10 per hundredweight: *Provided*, That with respect to Class I milk disposed of to persons or families receiving relief from recognized relief agencies, the price shall be $1.80 per hundredweight.

Class II milk—$1.80 per hundredweight.

Class III milk—The price per hundredweight which shall be calculated by the market administrator as follows: Multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 30 percent thereof.

Class IV milk—The price per hundredweight which shall be calculated by the market administrator as follows: Multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 10 percent thereof.

§ 920.5 *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day after the end of each delivery period each handler shall, with respect to milk or cream which was, during such delivery period, (a) received from producers, (b) received from handlers, or (c) produced by such handler, report to the market administrator, in the detail and form prescribed by him, as follows:

(1) The receipts at each plant from producers who are not handlers and the quantity of such receipts which represents the total of all milk received from producers in excess of their respective bases;

(2) The receipts at each plant from any other handler, including any handler who is also a producer;

(3) The quantity, if any, produced by such handler; and

(4) The respective quantities of milk which were disposed of for the purpose of classification pursuant to Sec. 920.3.

(b) *Reports as to producers.* Each handler shall report to the market administrator:

(1) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (a) the name and address, (b) the total pounds of milk received, (c) the average butterfat test of milk received, and (d) the number of days upon which milk was received; and

(2) As soon as possible after first receiving milk from any producer, (a) the

name and address of such producer, (b) the date upon which such milk was first received, and (c) the plant at which such milk was received.

(c) *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 20th day after the end of each delivery period his producer pay roll for such delivery period which shall show for each producer (a) the net amount of such producer's payment with the prices, deductions, and charges involved, (b) the total delivery of milk with the average butterfat test thereof, and (c) the portion of such delivery which was in excess of the base of such producer.

(d) *Verification of reports.* Each handler shall permit the market administrator or his agent, during the usual hours of business, to (a) verify the information contained in reports submitted in accordance with this section, and (b) weigh milk received from each producer and sample and test milk for butterfat.

§ 920.6 *Handlers who are also producers.* (a) With respect to each handler who is also a producer:

(1) The market administrator shall, subject to the condition set forth in subparagraph (2) of this paragraph, exclude from the computations made pursuant to Sec. 920.7 (a), the quantity of milk produced by a handler which is disposed of by such handler: Provided, That where any such handler has purchased or received milk from other producers the value of the milk so produced or received shall be computed under Sec. 920.7 (a) as follows: The quantity of such milk shall be ratably apportioned among such handler's total Class I, Class II, Class III, and Class IV milk (after excluding purchases or receipts, if any, from other handlers) and multiplied by the Class I, Class II, Class III, and Class IV prices, respectively.

(2) The market administrator shall, upon prior written notice from such handler of the exercise thereof, grant the option of having all milk produced by such handler included in the computation made pursuant to Sec. 920.7 (a) in lieu of the provisions of subparagraph (1) of this paragraph.

(3) The market administrator, in computing the value of milk for any handler pursuant to Sec. 920.7, shall consider as Class IV milk any milk or cream disposed of in bulk by any such handler, who has not exercised the option set forth in subparagraph (2) of this paragraph, to another handler operating a bottling or a processing plant. If such receiving handler disposes of such milk or cream other than as Class IV milk, the market administrator, with respect to the total value computed for such receiving handler pursuant to Sec. 920.7 (a), shall add the difference between (1) the value of such milk or cream at the Class IV price and (2) the value according to its actual usage.

§ 920.7 *Determination of uniform prices to producers*—(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of Sec. 920.6, the value of milk disposed of by such handler, which was not purchased or received from other handlers, as follows:

(1) Multiply by the Class I price the hundredweight of Class I milk computed pursuant to Sec. 920.3 (d);

(2) Multiply by the Class II price the hundredweight of Class II milk computed pursuant to Sec. 920.3 (d);

(3) Multiply by the Class III price the hundredweight of Class III milk computed pursuant to Sec. 920.3 (d);

(4) Multiply by the Class IV price the hundredweight of Class IV milk computed pursuant to Sec. 920.3 (d);

(5) Combine into one total the hundredweight of milk in each class computed pursuant to Sec. 920.3 (d);

(6) Combine into one total the values of the milk computed pursuant to subparagraphs (1), (2), (3), and (4) of this paragraph: *Provided*, That if milk, including skim milk is disposed of by a handler to another handler and if such selling handler has not filed reports pursuant to Sec. 920.5 (a) and made the payments required by Sec. 920.8, the market administrator shall, in computing the value of milk for the receiving handler, multiply the quantity of 3.8 percent butterfat content equivalent of milk reported by the receiving handler as received from such selling handler and classified as Class I milk, by the difference between the Class I and Class IV prices, and add the resulting sum to the value of milk otherwise computed pursuant to this paragraph.

(b) *Computation and announcement of uniform prices.* (1) The market administrator shall compute for each handler the uniform prices per hundredweight of milk received by such handler during each delivery period, except the delivery periods of June, July, August, and September, as follows:

(i) Subtract from the total value of milk computed for such handler pursuant to paragraph (a) of this section, for all milk received from a producer who did not regularly sell or distribute milk in the marketing area during a period of 30 days next preceding November 13, 1937, an amount computed by multiplying by the Class IV price the hundredweight of milk received from such producer. Such computation shall be made for all milk received from each such producer during the period beginning with his first regular delivery of milk and continuing until the end of two full calendar months following the date of such first delivery of milk;

(ii) If the hundredweight of milk computed pursuant to subparagraph (5) of paragraph (a) of this section is less than the hundredweight of milk received from producers, add an amount computed by multiplying such difference by an amount equal to 3.8 multiplied by the butterfat differential set forth in Sec. 920.8 (c);

(iii) If the hundredweight of milk computed pursuant to subparagraph (5) of paragraph (a) of this section is greater than the hundredweight of milk received from producers, subtract an amount computed by multiplying such difference by an amount equal to 3.8 multiplied by the butterfat differential set forth in Sec. 920.8 (c);

(iv) If the Class I milk of such handler is greater than the base milk received by him from producers, subtract a sum equal to the base milk times the Class I price;

(v) If the Class I milk of such handler is less than the base milk received by him from producers, subtract a sum equal to the excess milk times the Class IV price;

(vi) Divide the remaining sum of money by the excess milk if subdivision (iv) of this subparagraph be true, or by the base milk if subdivision (v) of this subparagraph be true, to secure the blended price for excess milk or for base milk, as the case may be.

(2) The market administrator shall compute for each handler the uniform price per hundredweight of milk received by such handler during each June, July, August, and September delivery period as follows:

(i) Subtract from the total value of milk computed for such handler pursuant to paragraph (a) of this section, for all milk received from a producer who did not regularly sell or distribute milk during a period of 30 days next preceding November 13, 1937, an amount computed by multiplying by the Class IV price the hundredweight of milk received from such producer. Such computation shall be made for all milk received from each such producer during the period beginning with his first regular delivery of milk and continuing until the end of two full calendar months following the date of such first delivery of milk;

(ii) If the hundredweight of milk computed pursuant to subparagraph (5) of paragraph (a) of this section is less than the hundredweight of milk received from producers, add an amount computed by multiplying such difference by an amount equal to 3.8 multiplied by the butterfat differential set forth in Sec. 920.8(c);

(iii) If the hundredweight of milk computed pursuant to subparagraph (5) of paragraph (a) of this section is greater than the hundredweight of milk received from producers, subtract an amount computed by multiplying such difference by an amount equal to 3.8 multiplied by the butterfat differential set forth in Sec. 920.8(c);

(iv) Divide by the total quantity of milk received from producers by such handler other than the milk represented by the amount subtracted pursuant to subdivision (i) of this subparagraph.

(3) On or before the 10th day after the end of each delivery period the market administrator shall notify each handler and make public announcement of the uniform prices computed for such handler pursuant to this section, and of the Class IV price.

(c) *Base rating.* During each delivery period, except the delivery periods of June, July, August, and September, the base of each producer shall be a quantity of milk to be calculated by the market administrator in the following manner: Multiply the rating, if any, effective pursuant to paragraph (d) of this section, by the number of days on which milk was received from such producer during such delivery period. Milk received from a producer not in excess of his base shall be designated as "base milk" and that received in excess of his base shall be designated as "excess milk."

(d) *Determination for base rating.* For the purpose of calculating, pursuant to paragraph (c) of this section, the bases of producers, the market administrator shall determine a rating, with respect to milk received in bulk from each producer by handlers, as follows:

(1) Effective for the remainder of the calendar year 1937 the rating of each producer shall be the daily base, if any, of each such producer which is on file July 15, 1937, with the administrator of the order for the marketing area, issued by the Milk Control Board of the State of Indiana;

(2) Effective for each of the first three delivery periods following November 13, 1937, during which milk is received from any producer for whom the reports of handlers do not supply information necessary for a determination of a rating pursuant to subparagraphs (1), (3), and (4) of this paragraph, the rating of each such producer shall be that proportion of milk received from him which is the proportion of the aggregate daily base milk to the aggregate daily delivery of milk of all other producers; effective for the remainder of the then current calendar year the rating of each such producer shall be the average of his ratings for each of such first three delivery periods: *Provided*, That ratings under this subparagraph shall not be effective for any producer during the period when handlers are required to make payment to any such producer pursuant to Sec. 920.8 (a) (1) (i);

(3) Effective for each year subsequent to October 1, 1938, divide the total receipts in bulk by handlers during the four months of the preceding year when receipts were lowest, by the number of days on which milk was received and take such a percentage of the result as will make the total of all figures so determined approximately equal to 115 percent of the average Class I milk, Class II milk, and Class III milk per day disposed of during October, November, December, January, February, March, April, and May of the preceding year by all handlers by whom such milk was received; and

(4) Effective for the remainder of the then current calendar year, in the case of any producer whose delivery of milk in bulk to handlers during any two consecutive delivery periods is less than 85 percent of his base, that figure which is equal to the average delivery per day of such producer during such two consecutive delivery periods.

§ 920.8 *Payments for milk*—(a) *Time and method of payment.* (1) On or before the 15th day after the end of each delivery period, other than the delivery periods of June, July, August, and September, each handler shall, with respect to milk received from outside the State of Indiana or received at the handler's plant outside the State of Indiana during such delivery period, make payment, subject to the butterfat differential set forth in paragraph (c) of this section, to producers from whom such milk was received, as follows:

(i) To any such producer who did not regularly sell milk during a period of 30 days next preceding November 13, 1937, to a handler, to persons within the marketing area, or distribute milk in the marketing area, at the Class IV price for all the milk received from such producer during the period beginning with the first regular delivery of milk of such producer and continuing until the end of 2 full calendar months following the date of such first delivery of milk; and

(ii) To all other such producers, at the uniform price per hundredweight computed for such handler pursuant to Sec. 920.7 (b) (2).

(2) On or before the 15th day after the end of each June, July, August, and September delivery period, each handler shall, with respect to milk received from outside the State of Indiana or received at the handler's plant outside the State of Indiana during such delivery period, make payment, subject to the butterfat differential set forth in paragraph (e) of this section, to producers from whom such milk was received, as follows:

(i) To any such producer who did not regularly sell milk during a period of 30 days next preceding November 13, 1937, to a handler, to persons within the marketing area, or distribute milk in the marketing area, at the Class IV price for all the milk received from such producer during the period beginning with the first regular delivery of milk of such producer and continuing until the end of 2 full calendar months following the date of such first delivery of milk; and

(ii) To all other such producers, at the uniform price per hundredweight computed for such handler pursuant to Sec. 920.7 (b) (2).

(b) *Errors in payments.* Errors made, from whatever cause, in the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors.

(c) *Butterfat differential.* If any handler has received from any producer, during the delivery period, milk having an average butterfat content other than 3.8 percent, such handler in making payments pursuant to paragraphs (a) and (b) of this section, shall add to the prices per hundredweight for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall deduct from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent, not more than an amount as follows:

If the average butter price used in Sec. 920.4 (a) is 29 cents or less—3 cents.

If the average butter price used in Sec. 920.4 (a) is 29.1 cents to 34 cents—3.5 cents.

If the average butter price used in Sec. 920.4 (a) is 34.1 cents to 39 cents—4 cents.

If the average butter price used in Sec. 920.4 (a) is over 39 cents—4.5 cents.

§ 920.9 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct an amount not exceeding 3 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payments made to each producer pursuant to subparagraphs (1) and (2) of Sec. 920.8 (a) with respect to all milk received by such handler during each delivery period from such producer, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be expended by the market administrator for market information to and for verification of weights, sampling, and testing of milk received from the said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act, is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make the deductions from the payments to be made pursuant to subparagraphs (1) and (2) of Sec. 920.8 (a) which are authorized by such producers and, on or before the 15th day after the end of each delivery period,

pay over such deductions to the association of which such producers are members.

§ 920.10 *Effective time, suspension, or termination of order, as amended*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order, as amended.* The Secretary may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 920.11 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

Now, therefore, Harry L. Brown, Acting Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, hereby executes and issues in duplicate this order, as amended, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 29th day of July 1939, and declares this order, as amended, to be effective on and after the 3d day of August 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2814; Filed, July 31, 1939; 11:40 a. m.]

## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Amendment 21, Civil Air Regulations]

AIRWAY TRAFFIC CONTROL AREA DESIGNATIONS, NEW; GREEN CIVIL AIRWAY No. 5, REVISED; GREEN CIVIL AIRWAY No. 1; AMBER CIVIL AIRWAY Nos. 6 & 7; RED CIVIL AIRWAY Nos. 10 & 23; BLUE CIVIL AIRWAY No. 3.

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 28th day of July 1939.

Acting pursuant to the Authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Section 60.24 of the Civil Air Regulations is amended as follows:

1. By the addition of a new section, section 60.2404, reading as follows:

"60.2404 *Green civil airway No. 5.* From a point 25 miles northeast of the Mobile, Ala., radio range station to a point 25 miles east of the Richmond, Va., radio range station."

2. By amending section 60.2400 so as to read as follows:

"60.2400 *Green civil airway No. 1.* From a point 25 miles southeast of the La Crosse, Wis., radio range station to the Lone Rock, Wis., radio range station; from a point 25 miles west of the Grand Rapids, Mich., radio range station to the intersection of the center line of the on course signal of the east leg of the Detroit, Mich., (Wayne County Airport) radio range and the United States-Canadian Border; from the intersection of the center line of the on course signal of the west leg of the Buffalo, N. Y., radio range and the United States-Canadian Border to a point 25 miles east of the Syracuse, N. Y., radio range station."

3. By amending section 60.2413 so as to read as follows:

"60.2413 *Amber civil airway No. 6.* From a point 25 miles northwest of the Alma, Ga., radio range station to a point 25 miles southeast of the Nashville, Tenn., radio range station; from a point 25 miles north of the Columbus, Ohio, radio range station to the Buffalo, N. Y., radio range station."

4. By amending section 60.2414 so as to read as follows:

"60.2414 *Amber civil airway No. 7.* From a point 25 miles north of the Raleigh, N. C., radio range station to a point 25 miles southwest of the Putnam, Conn., radio marker station."

5. By amending section 60.24213 so as to read as follows:

"60.24213 *Red civil airway No. 10.* From the Fort Worth, Tex., radio range station to a point 25 miles west of the Shreveport, La., radio range station; from a point 25 miles east of the Jackson, Miss., radio range station to a point 25 miles northwest of the Charleston, S. C., radio range station."

6. By amending section 60.24209, as amended, so as to read as follows:

"60.24209 *Red civil airway No. 23.* From the Buffalo, N. Y., radio range station to the Newark, N. J., radio range station."

7. By amending section 60.2430 so as to read as follows:

"60.2430 *Blue civil airway No. 3.* From the Baltimore, Md., Logan Field to the Elmira, N. Y., radio range station."

This amendment shall become effective on and after 12:01 A. M., E. S. T., August 15, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2818; Filed, July 31, 1939; 11:45 a. m.]



## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3201]

IN THE MATTER OF CHENILLE CORPORATION OF AMERICA

§ 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture:* § 3.69 (b) (7a) *Misrepresenting oneself and goods—Goods—Manufacture.* Using, in connection with offer, etc., in commerce, of rugs, terms "hand-made" or "hand-hooked" or any other terms of similar import or meaning, to designate, describe or refer to rugs which have not been made entirely by hand labor and hand craft, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Chenille Corporation of America, Docket 3201, July 21, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before A. F. Thomas and Miles J. Furnas, examiners of the Commission, theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed by counsel for the Commission (respondent not having filed brief and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Chenille Corporation of America, a corporation, its officers, representatives, agents and employees directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of rugs in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the terms "hand-made" or "hand-hooked" or any other terms of similar import or meaning to designate, describe or refer to rugs which have not been made entirely by hand labor and hand craft.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2807; Filed, July 31, 1939; 9:26 a. m.]

[1] 2 F.R. 545 DL

[Docket No. 3380]

IN THE MATTER OF GOLD MEDAL FARMS, INC., ET AL.

§ 3.24 (d 10) *Coercing and intimidating—Suppliers and sellers:* § 3.33 (e) *Cutting off Competitors' supplies—Threatening withdrawal of patronage:* § 3.76 *Opposing, unfairly or deceptively, government fostered distributive mechanisms and programs.* Deceiving, coercing or intimidating, in any manner or by any means or method, in connection with purchase, receipt, sale or distribution of milk in any form in interstate commerce or in District of Columbia, and on the part of respondent corporation, its successors, etc., and respondent individuals, officers thereof, acting individually, or through or by means of said corporations, or any other dealer or distributor of milk or milk products, or any group, association or combination of dealers or distributors, or any other agency, any milk producer or producers from whom any of the respondents purchase or receive, or may hereafter purchase or receive, milk in any form whatsoever, with intent or result (a) of preventing said producer or producers from assisting in organizing, or from forming, joining, or becoming a member of, or affiliated with, any milk producers' cooperative association, or (b) of causing said producer or producers to assist in organizing, or in forming, joining, or becoming a member of or affiliated with, any milk producers' cooperative association, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Gold Medal Farms, Inc., et al., Docket 3380, July 21, 1939; Commissioner Davis dissenting]

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§ 3.33 (a 10) *Cutting off competitors' supplies—Misrepresenting competitive supply sources:* § 3.76 *Opposing, unfairly or deceptively, government fostered distributive mechanisms and programs.* Making or causing to be made, in any form or manner, in connection with purchase, receipt, sale or distribution of milk in any form in interstate commerce or in District of Columbia, and on the part of respondent corporation, its successors, etc., and respondent individuals, officers thereof, acting individually, or through or by means of said corporation, or any other dealer or distributor of milk or milk products, or any group, association or combination of dealers or distributors, or any other agency, any falsely disparaging words or statements concerning or referring to the Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc., or any milk producers' cooperative bargaining organization or agency, authorized by law, its purposes, objectives, its members, or the character of its representatives or membership, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Gold Medal Farms, Inc., et al., Docket 3380, July 21, 1939; Commissioner Davis dissenting]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF GOLD MEDAL FARMS, INC., A CORPORATION, JOSEPH FROMM, PAUL STEFFIN, INDIVIDUALS

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence taken before John W. Addison, an examiner of the Commission, theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by Fletcher G. Cohn, counsel for the Commission, and by Harold S. Fleischer, counsel for the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That respondent Gold Medal Farms, Inc., its successors or assigns, officers, representatives, agents and employees, and respondents Joseph Fromm and Paul Steffin, acting individually or through or by means of respondent Gold Medal Farms, Inc., or through or by means of any other dealer or distributor of milk or milk products, or through or by means of any group, association or combination of dealers or distributors, or any other agency, in connection with the purchase, receipt, sale or distribution of milk in any form in interstate commerce or in the District of Columbia, do forthwith cease and desist from doing directly or indirectly the following acts and things:

(1) Deceiving, coercing or intimidating in any manner or by any means or methods, any milk producer or producers from whom any of the respondents purchase or receive, or may hereafter purchase or receive, milk in any form whatsoever, for the purpose, or with the intent, or with the result, of preventing said producer or producers from assisting in organizing, or from forming, joining, or becoming a member of, or affiliated with, any milk producers' cooperative association;

(2) Deceiving, coercing, or intimidating, in any manner or by any means or method, any milk producer or producers from whom any of the respondents purchase or receive, or may hereafter purchase or receive, milk in any form whatsoever for the purpose, or with the intent, or with the result, of causing said producer or producers to assist in organizing, or in forming, joining, or becoming a member of or affiliated with, any milk producers' cooperative association;

(3) Threatening reprisals in any manner or form against any milk producer or producers from whom any of the respondents purchase or receive, or may hereafter purchase or receive, milk in any form whatsoever, as a penalty for, or as a result of, any attempt by said producer or producers to assist in organizing or forming any milk producers' cooperative association, or, as a penalty for, or as a result of any such producer or producers joining or becoming a member of, or affiliated with, any such association, or as a penalty for, or as a result of, the failure of any such producer or producers to assist in organizing, or forming any such association, or as a penalty for, or as a result of, his or their failing to join or failing to become a member of, or failing to become affiliated with, any such association;

(4) Interfering by means of deception, coercion, or intimidation, in any manner or form, with the free and unimpeded exercise of choice by any milk producer or producers from whom any of the respondents purchase or receive, or may hereafter purchase or receive, milk in any form whatsoever, in the determination by said producer or producers as to whether said producer or producers shall or should form, organize, join or become affiliated with any producers' cooperative association;

(5) Interfering by means of deception, coercion, or intimidation, in any form or manner, with the free and unimpeded exercise of choice by any milk producers' cooperative association in its determination of whether or not such milk producers' cooperative association shall or should join or become affiliated, in any manner or form, with the Metropolitan Cooperative Producers' Bargaining Agency, Inc., or any milk producers' cooperative bargaining organization or agency, authorized by law;

(6) Making, or causing to be made, in any form or manner, any falsely disparaging words or statements concerning or referring to the Metropolitan Cooperative Milk Producers' Bargaining Agency, Inc., or any milk producers' cooperative bargaining organization or agency, authorized by law, its purposes, objectives, its members, or the character of its representatives or membership;

(7) Controlling, dominating, interfering, or attempting to control, dominate, or interfere with, in any form, manner or method whatsoever, the organization, management, control, or operation of the Washington and Rensselaer Counties Producers' Cooperative Association, Inc., or any other milk producers' cooperative association or agency, authorized by law, with the purpose, intent, or result of preventing the producer members, officers, or directors of such a cooperative, from exercising their free and unimpeded judgment as to its organization, management, control, or operation.

*It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the form and manner in which they have complied with this order.

By the Commission, Commissioner Davis dissenting.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[1] 3 F.R. 1421 DI.



[F. R. Doc. 39-2808; Filed, July 31, 1939; 9:26 a. m.]

## TITLE 24—HOUSING CREDIT

### FEDERAL HOUSING ADMINISTRATION

MULTIFAMILY AND GROUP HOUSING INSURANCE

PART 532—ADMINISTRATIVE RULES UNDER SECTION 207, NATIONAL HOUSING ACT*†

APPLICATION AND COMMITMENT

Sec.
532.1 Information for preliminary examination.
532.2 Evidence of acceptance of mortgage.

ELIGIBLE MORTGAGES

532.3 Mortgage forms.
532.4 Eligibility for insurance.
532.5 Maturity.
532.6 Payment requirements.
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532.23 Eligibility of title.
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*Sections 532.1 to 532.25, inclusive, issued under authority contained in Sec. 211 of the National Housing Act, as amended.

†The source of Sections 532.1 to 532.25, inclusive, is Multifamily and Group Housing Insurance, Administrative Rules and Regulations under Section 207 of Title II of the National Housing Act, Revised June 30, 1939.



*Application and Commitment*

§ 532.1 Information for preliminary examination. Information required for preliminary examination of a Rental Housing project under Section 207 shall be executed by an approved mortgagee or by an authorized representative of said mortgagee and by the sponsors of such project, and shall be submitted through the local Federal Housing Administration office on FHA Form 2013, executed in triplicate. No application will be considered unless the exhibits called for by that form are furnished. The submission of Form 2013 will be deemed to be the sponsor's agreement to pay in accordance with the provisions of this section and on account of the costs of appraisal and inspection by the Administrator, the following sums:

(a) One dollar and fifty cents per thousand of the face amount of the mortgage loan applied for (referred to as "Application Fee") upon submission of application, and

(b) A sum (referred to as "Commitment Fee") which when added to the Application Fee will aggregate $3.00 per thousand of the face amount of the mortgage loan approved for insurance by the Administrator, and which shall be paid at the time of delivery of the commitment letter.

However, in the case of a Public Housing project, the fee to be paid under this section shall be fixed by the Administrator, but shall not exceed $3.00 per thousand of the original face amount of the mortgage.

If the Administrator shall issue a commitment as herein provided and the commitment fee shall not be paid and delivery accepted by the applicant within the period of time specified in the commitment letter, such commitment shall, unless the period for such payment be specifically extended, be considered void and of no effect. If an application to increase the amount of the insured mortgage is presented after commitment, a new application fee based upon the amount of such increase must be paid at the time the application for such increase is filed which payment will be subject to adjustment as above provided in accordance with the amount of the increase approved by the Administrator. If the amount of the insured mortgage is increased after insurance either by the amendment or by the substitution of a new insured mortgage, the fees herein provided for shall be based upon the amount of such increase.

If an application is rejected upon preliminary examination as determined by the Administrator, the application fee will be returned to the applicant. Otherwise fees paid as above provided shall not be returned. In special cases the Administrator may charge prior to closing an additional fee not exceeding $2.00 per thousand of the face amount of the loan approved for insurance.*† [Sec. I, par. 1]

§ 532.2 *Evidence of acceptance of mortgage.* Upon approval of an application and payment of the commitment fee, acceptance of the mortgage for insurance will be evidenced by the issuance of a commitment setting forth the terms and conditions upon which the mortgage will be insured, including special requirements applicable to the project and requiring the submission in final form within a time specified of all appropriate documents, drawings, plans, specifications, estimates, and other instruments evidencing full compliance satisfactory to the Administrator with these Rules and with such terms and conditions. No commitment shall be valid unless signed by the Administrator or his duly authorized agent, and shall be effective for a stated period, not in excess of 120 days, and may be renewed in such manner as the Administrator may from time to time specify.*† [Sec. I, par. 2]

*Eligible Mortgages*

§ 532.3 *Mortgage forms.* The Administrator does not furnish mortgage forms for each project or for each jurisdiction. The forms customarily used in any particular jurisdiction if so modified and amplified as to include the matters herein set forth, and if otherwise satisfactory to the Administrator, will be aprpoved.*† [Sec. II, par 1]

§ 532.4 *Eligibility for insurance.* In order to be eligible for insurance under these Rules a mortgage shall create a first lien securing a principal obligation not in excess of $5,000,000, and such part thereof as may be attributable to dwelling use shall not exceed $1,350 per room, depending upon the location of the project and local building costs and rental conditions. The principal obligation of such mortgage shall not exceed eighty per centum (80%) of the amount which the Administrator estimates will be the value of the property or project when the proposed improvements are completed: *Provided,* That such mortgage shall not in any event exceed the amount which the Administrator estimates will be the cost of the completed physical improvements on the property or project, exclusive of the following: Public utilities except lead ins from abutting streets to the project; public streets except approaches from abutting streets to private streets in the project; abutting sidewalks and curbing outside the project site; real estate taxes, interest on the mortgage, hazard insurance, owner's liability insurance and other insurance customarily payable by the mortgagor; organization and legal expenses; financing charges; and miscellaneous charges during or incidental to construction and customarily payable by the mortgagor, including but not limited to Federal Housing Administration appraisal and inspection fees and mortgage insurance premium, title and

recording expenses, and cost of surveys and contour maps.*† [Sec. II, par. 2]

§ 532.5 *Maturity.* The mortgage shall have a maturity satisfactory to the Administrator, depending upon the risk involved and the general character of the project, and shall contain complete amortization or sinking-fund provisions satisfactory to the Administrator.*† [Sec. II, par. 2]

§ 532.6 *Payment requirements.* The mortgage shall provide for periodic payments by the mortgagor to the mortgagee on account of interest, principal, and mortgage insurance, not less frequently than every three (3) months.*† [Sec. II, par. 4]

§ 532.7 *Interest rate.* The mortgage shall bear interest at such rate, not exceeding four and one-half per centum (4½%) per annum, as may be agreed upon between the mortgagor and the mortgagee. All charges made in connection with the mortgage transaction shall be subject to the approval of the Administrator.*† [Sec. II, par. 5]

§ 532.8 *Release provisions.* The mortgage shall cover the entire property included in the housing project. Where the project consists principally of single-family houses the mortgage may include appropriate provisions for the release from the lien thereof of any such house and the land upon which it is located in consideration of the payment to the mortgagee, in reduction of the principal of the mortgage, of an amount set forth in a schedule attached to and forming part of said mortgage. Such mortgages shall provide that the released property be subject to deed restrictions, approved by the Administrator at the time of the insurance of the mortgage and providing to the properties remaining under the mortgage adequate protection against adverse influences. Where the mortgage does not contain such release provisions no property shall, except with the consent of the mortgagee and the Administrator, be released from the lien thereof so long as the mortgage insurance is in force.*† [Sec. II, par. 6]

§ 532.9 *Covenant against liens.* The mortgage, except in the case of Public Housing projects, shall contain a covenant against the creation by the mortgagor of liens against the property inferior to the lien of the mortgage.*† [Sec. II, par. 7]

§ 532.10 *Covenants for fire insurance.* The mortgage shall contain a covenant binding the mortgagor to keep the premises insured against fire and such other hazards as the Administrator may stipulate, in companies and in amounts satisfactory to the Administrator. The policies evidencing such insurance shall have attached standard form mortgagee clause making loss, if any, payable to the mortgagee, and the Administrator, as interest may appear.*† [Sec. II, par. 8]

§ 532.11 *Soundness of property.* No mortgage shall be accepted for insurance unless the Administrator finds that the property or project with respect to which the mortgage is executed is economically sound.*† [Sec. II, par. 9]

§ 532.12 *Provisions for accumulation of next premium.* The mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next annual mortgage insurance premium payable by the mortgagee to the Administrator. Such payments shall continue only so long as the contract of mortgage insurance shall remain in effect. The mortgage shall provide that upon the payment of the mortgage before maturity, the mortgagor shall pay the adjusted premium charge referred to in Section 533.3.*† [Sec. II, par. 10]

§ 532.13 *Application of payments.* All periodic payments to be made by the mortgagor to the mortgagee shall be added together and the aggregate amount thereof shall be paid by the mortgagor upon each periodic payment date in a single payment. The mortgagee shall apply the same to the following items in the order set forth:

(a) Premium charges under the contract of insurance;

(b) At its discretion, to any sums due under the terms of the mortgage or the credit instrument which it secures.

Any deficiency in the amount of any such aggregate periodic payment shall constitute an event of default under the mortgage.*† [Sec. II, par. 11]

§ 532.14 *Prevailing wage requirements.* No advance under any mortgage insured pursuant to the provisions of Section 207 of the National Housing Act, as amended, shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Administrator certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings or the housing project involved have been paid not less than the wages prevailing in the locality in which the work was performed for the corresponding classes of laborers and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to the beginning of construction and after the date of the filing of application for insurance. This section shall be effective only as to mortgages upon which an application for mortgage insurance is filed after June 3, 1939.*† [Sec. II, par. 12]

*Eligible Mortgagors*

§ 532.15 *Classification of mortgagors*—(a) *Private mortgagors.* A private corporation, association, cooperative society which is a legal agent of the owner-occupants, or trust (sometimes referred to in these Rules and Regulations as "mortgagor", "corporation", or "mortgagor corporation"), formed or created with the approval of the Administrator, for the purpose of (1) rehabilitating slum or blighted areas, or (2) providing housing for rent or sale, and possessing powers necessary therefor and incidental thereto, which corporation, association, cooperative society, or trust, until the termination of all obligations of the Administrator under such insurance, is regulated or restricted by the Administrator as to rents or sales, charges, capital structure, rate of return, and methods of operation. Such regulation or restriction shall remain in effect until such time as the mortgage insurance contract terminates without obligation upon the Administrator to issue debentures as a result of such termination. So long as such contract of insurance is in effect, the corporation, association, cooperative society, or trust shall engage in no business other than the construction and operation of a Rental Housing project or projects; or

(b) *Public mortgagors.* A Federal or State instrumentality, a municipal corporate instrumentality of one or more States, or a limited dividend corporation formed under and restricted by Federal or State housing laws as to rents, charges, capital structure, rate of return, or methods of operation (projects of such mortgagors are herein sometimes referred to as "Public Housing projects").*† [Sec. III, par. 1]

§ 532.16 *Definition of term "slum or blighted area".* The term "slum or blighted area" means any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health or morals.*† [Sec. III, par. 2]

*Supervision of Mortgagors*

§ 532.17 *In general.* In the case of an eligible mortgagor described in Section 532.15 (b), the Administrator is not required under the Act to regulate or restrict the mortgagor. Such mortgagor, however, must have initial funds which may be considered in lieu of the equity required of other mortgagors. Such funds (which may be in the form of government loans, grants or subsidies, or in other form) if sufficient in amount will be considered satisfactory provided they do not create a lien against the property prior to that of the insured mortgage. Liens inferior to the lien of the insured mortgage may be allowed against properties of such mortgagors.

Supervision of other mortgagors is required by the provision of Section 207 of the Act that such mortgagors shall be regulated or restricted by the Administrator. In the case of a project involving a mortgage in excess of $200,000 such regulation or restriction will be set forth in the certificate of incorporation or other instrument under which the mortgagor is created (hereinafter referred to as the "charter") and will be made effective through the issuance of certain shares of special stock (or other evidence of a beneficial interest in the mortgagor) which stock or interest will



acquire majority voting rights in the event of default under the mortgage or violation of a provision of the charter, but only for a period coexistent with the duration of such default or violation. Such special stock or interest shall be held and all voting rights with respect thereto exercised by the Administration, except qualifying shares for the Administrator's representatives. When the right of the Administrator to regulate or restrict the mortgagor shall terminate as above provided, the shares of special stock or other evidence of interest shall be surrendered by the Administrator upon reimbursement for his payments therefor, plus accrued dividends thereon.

In the case of a project involving a mortgage not in excess of $200,000 only those regulations or restrictions with respect to dividends and provisions for reserves shall be required to be embodied in the charter of such mortgagor, by provisions satisfactory to the Administrator. The other regulations or restrictions outlined below may be embodied in a regulatory contract to be executed by the mortgagor and the Administrator concurrently with the execution of the contract of insurance.*† [Sec. IV]

§ 532.18 *Required supervision of private mortgagors.* The following are the items which will be regulated or restricted to the extent indicated, except in the case of mortgagors of Public Housing projects:

(a) *Rents and charges.* Except as hereinafter provided,

(1) No charge shall be made by the mortgagor corporation for the accommodations offered by the project in excess of a rental schedule to be filed with the Administrator prior to the opening of the project for rental, which schedule shall be based upon a maximum average rental fixed prior to the insurance of the mortgage. Such schedule shall not thereafter be changed except upon application of the mortgagor corporation and the written approval of the Administrator. In establishing such maximum and in passing upon applications for changes, consideration will be given the following and similar factors:

(i) Rental income necessary to maintain the economic soundness of the project.

(ii) Relation of the proposed rentals to those currenty being paid in the given community by families for whom this type of housing is intended.

(2) The established maximum rental shall be the maximum authorized charge against any tenant for the accommodations offered exclusive of telephone, gas, electric, and refrigeration facilities. Charges in addition to such maximum rental may be made against a tenant for telephone, gas, electric, refrigeration, and other facilities and privileges furnished by the mortgagor, subject to the approval of the Administrator.

(3) In the case of a project subject to a mortgage containing release clauses, all matters with respect to the release and all agreements between the mortgagor and its vendees with respect to the amount and terms of sale must first be approved by the Administrator.

(b) *Capital structure.*

(1) In appraising a project for commitment the Administrator will value the contribution of the sponsors (which shall be in the form of unencumbered land, and such case and services as the Administrator shall require) at an amount determined by him to represent its value as a component part of the project upon completion, and shall credit sponsors, for appraisal purposes, with the amount of equity so found. The sponsors shall satisfy the Administrator that the cash and services contributed as part of such equity shall, when added to the proceeds of the mortgage, be sufficient to cover all estimated costs of the project and to provide a cash reserve for contingencies, preopening expenses, and other items during the construction period.

(2) Such number of shares of capital stock, either with or without par value, in the case of a corporation, or such appropriate evidences of interest, in the case of an association, a cooperative society, or a trust, may be issued as sponsors may deem appropriate. Such stock or interest, together with paid in surplus, if any, shall represent such equity. Additional stock or evidences of interest may be authorized but the charter shall provide that it shall not be issued except with the approval of the Administrator. No stock or interest shall be redeemed, purchased, or paid off by the mortgagor during the period in which the mortgage insurance is in force, except with the approval of the Administrator.

(3) The shares of stock or interest issued to the Administrator shall be in sufficient amount to constitute, under the laws of the particular State, a valid special class of stock or interest and shall be issued in consideration of the payment by the Administrator of not exceeding $100.

(c) *Rate of return.* No dividends or distribution of income shall be declared or paid by the corporation in any one fiscal year in excess of an aggregate amount fixed by the Administrator at the time the mortgage is accepted for insurance. Such amount shall not exceed an amount equal to six per centum (6%) per annum of the equity as valued by the Administrator, but the Administrator may permit an additional stated amount, payable out of surplus earnings of the corporation after provision for required reserves not exceeding an aggregate of eight per centum (8%) per annum, provided that no such additional dividends or distribution shall be declared or paid unless the principal of the insured mortgage shall be prepaid in an amount at least equal to require interest and principal payments for the first amortization year.

(d) *Methods of operation.*

(1) No compensation shall be paid by the corporation except for necessary services and except at such rate as is fair and reasonable in the locality for similar services, nor, except with the prior written approval of the Administrator, shall any compensation be paid by the corporation to any employee in an amount in excess of eighteen hundred dollars ($1,800) per annum, or to its officers, directors, or stockholders, or to any person or corporation for supervisory or managerial services. No officer, director, stockholder, agent, or employee of the corporation shall in any manner become indebted to the corporation.

(2) The corporation shall maintain its project, the grounds, buildings, and equipment appurtenant thereto, in good repair and in such condition as will preserve the health and safety of its tenants.

(3) Before the payment of any dividend by the corporation reserves shall be accumulated and so replenished from time to time as to remain intact so long as the mortgage insurance is in force. The amount and types of such reserves and the conditions under which they shall be accumulated, replenished, and used, shall be specified in the charter.

(4) The corporation, its property, equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and papers shall be subject to inspection and examination by the Administrator or his duly authorized agent at all reasonable times.

(5) The books and accounts of the corporation shall be kept in accordance with the uniform system of accounting prescribed by the Administrator. The corporation shall file with the Administrator the following reports verified by the oath of such officer of the corporation as the Administrator may designate and in such form as prescribed by the Administrator:

(i) Monthly occupancy reports;

(ii) Financial statements to be filed within thirty (30) days after the end of each dividend period established in the charter;

(iii) Annual reports prepared by a certified public accountant, to be filed within sixty (60) days after the end of each fiscal year; and

(iv) Specific answers to questions upon which information is desired from time to time relative to the operation and condition of the property and the status of the insured mortgage.

(e) *Control of funds during construction.* Funds involved in the construction of a project representing security for an insured mortgage loan shall be subject to the following restrictions:

(1) Funds representing the required cash equity shall, as a condition prece-

dent to the insurance of the mortgage, be placed in a special account with a depositary satisfactory to the Administrator and subject to withdrawal only upon written approval of the Administrator. Upon completion of construction to the satisfaction of the Administrator, any balance then remaining in such special account shall be paid over to the general account of the corporation for the purpose of establishing its reserves.

(2) No funds representing the proceeds of an insured mortgage shall be advanced except upon proper requisition approved by the Administrator.

(3) Assurance for the completion of a project (i) may be either the bond of a satisfactory surety company in the standard A. I. A. (or equivalent) form of construction bond in an amount at least equal to ten per centum (10%) of the construction cost, or (ii) may be an escrow deposit in an approved depositary of cash or securities of, or fully guaranteed as to principal and interest by, the United States of America, in an amount at least equal to ten per centum (10%) of the construction cost, conditioned on completion of the project to the satisfaction of the Administrator, or (iii) may be in such other form as may be recommended by the mortgagee and approved in writing by the Administrator.*† [Sec. IV, pars. 1–5]

*Eligible Mortgagees*

§ 532.19 *Classifications.* The following are eligible for approval as mortgagees:

(a) A chartered institution or other permanent organization having succession.

(b) The Federal or a State Government, or an agency, instrumentality, or subdivision thereof.

(c) The holder or holders of a credit instrument or instruments given in connection with a mortgage, acting by and through a trustee appointed pursuant to the terms of such mortgage.

In order to be eligible the mortgagee must demonstrate to the satisfaction of the Administrator its ability to make the mortgage loan and service the same.*† [Sec. V, par. 1]

§ 532.20 *Special provisions for approval.* An eligible institution, organization, agency, or entity may become the mortgagee under an insured mortgage upon its approval by the Administrator for a particular transaction.

In the event that bonds are to be issued as a part of the insured mortgage transaction, all arrangements with respect to the issuance and sale of such bonds shall be subject to approval by the Administrator.*† [Sec. V, pars. 2–3]

*Eligible Properties*

§ 532.21 *Eligibility of property.* In order for property to be eligible as the subject of an insured mortgage, such property must be held in fee simple, or consist of the interest of lessor or lessee under a lease for not less than ninety-nine (99) years which is renewable, or under a lease having not less than fifty (50) years to run from the date the mortgage was executed. Such mortgage may also cover additional property approved by the Administrator.

The property constituting security for the mortgage must be held by an eligible mortgagor as herein defined and must at the time the mortgage is insured be free and clear of all liens other than that of such mortgage.*† [Sec. VI, pars. 1–2]

§ 532.22 *Development of property.* At the time the mortgage is insured:

(a) There shall be located on the mortgaged property a building or buildings designed principally for residential use which shall conform to standards satisfactory to the Administrator and may consist of a group of detached, semidetached, or row houses, or multi-family dwellings; or

(b) The mortgagor shall be obligated to construct and complete such housing accommodations thereon and shall have furnished such assurance of the performance of such obligation as the Administrator may require.*† [Sec. VI, par. 3]

*Title*

§ 532.23 *Eligibility of title.* In order for the mortgaged property to be eligible for insurance, the Administrator must determine that marketable title thereto is vested in the mortgagor as of the date the mortgage is filed for record. The title will be examined by the Administrator, and if found to be eligible such finding shall be recited in the contract of insurance.*† [Sec. VII, par. 1]

§ 532.24 *Title evidence.* Upon insurance of the mortgage, the mortgagee, without expense to the Administrator, shall furnish to the Administrator, a survey satisfactory to him and a policy of title insurance as provided in paragraph (a) of this section, or, if the mortgagee is unable to furnish such policy for reasons satisfactory to the Administrator, the mortgagee, without expense to the Administrator, shall furnish such evidence of title as provided in paragraphs (b), (c), or (d) of this section, as the Administrator may require.

(a) A policy of title insurance with respect to such mortgage, issued by a company satisfactory to the Administrator. Such policy shall comply with the "L. I. C. Standard Mortgagee Form" or the "A. T. A. Standard Mortgagee Form", or such other form as may be approved by the Administrator; shall be payable to the mortgagee and the Administrator as their respective interests may appear; and shall become an owner's policy, running to the mortgagee as owned upon the acquisition of the property by the mortgagee in extinguishment of the debt through foreclosure or by other means as provided in Section 533.5 (b) (1), and to the Administrator as owner upon the acquisition of the property by him pursuant to the mortgage insurance contract.

(b) An abstract of title satisfactory to the Administrator, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Administrator, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(c) A Torrens or similar title certificate.

(d) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or Territory thereof.*† [Sec. VII, par. 2]

§ 532.25 *Effective date.* These Administrative Rules shall be effective as to all mortgages with respect to which a commitment to insure shall be issued on or after the date hereof, except that Section 532.14 shall be effective only as to mortgages upon which an application for mortgage insurance is filed after June 3, 1939.*† Issued at Washington, D. C., June 30, 1939.

STEWART MCDONALD,
*Federal Housing Administrator.*

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PART 533—REGULATIONS UNDER SECTION 207, NATIONAL HOUSING ACT*†


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§ 533.0 *Citations.* These Regulations may be cited and referred to as "Regulations of the Federal Housing Administrator under Section 207 of the National Housing Act, revised June 30, 1939".*† [Art. I]

§ 533.1 *Definitions.* As used in these Regulations—

*Sections 533.0 to 533.17, inclusive, issued under authority contained in Section 211 of the National Housing Act, as amended.

†The source of Sections 533.0 to 533.17, inclusive, is Multifamily and Group Housing Insurance, Administrative Rules and Regulations under Section 207 of Title II of the National Housing Act, revised June 30, 1939.



(a) The term "Administrator" means the Federal Housing Administrator.

(b) The term "Act" means the National Housing Act, as amended.

(c) The term "mortgage" means such a first lien upon real estate and other property as is commonly given to secure advances (including but not being limited to advances during construction) on, or the unpaid purchase price of, real estate under the laws of the State, district or territory in which the real estate is located, together with the credit instrument or instruments, if any, secured thereby.

(d) The term "insured mortgage" means a mortgage with respect to which the Administrator has issued an executed contract of insurance.

(e) The term "mortgagor" means the original borrower under a mortgage and its successors and such of its assigns as are approved by the Administrator.

(f) The term "mortgagee" means the original lender under a mortgage, and its successors and assigns, and includes the holders of the credit instruments issued under a trust mortgage or deed of trust pursuant to which such holders act by and through a trustee therein named.

(g) The term "contract of insurance" means the written instrument duly executed by the Administrator and the mortgagee, setting forth the terms, conditions, and provisions of insurance, which terms, conditions, and provisions shall be subject to these Regulations.

(h) The term "claim under the contract of insurance" means the assignment, transfer and delivery to the Administrator of the mortgage or the conveyance to him of the property, as provided in Sections 533.5 to 533.12.*† [Art. II]

*Premiums*

§533.2 *First and second interim premiums.* The mortgagee, upon delivery of the contract of insurance, shall pay to the Administrator a mortgage insurance premium equal to one-half of one per centum (½ of 1%) of the original face amount of the mortgage and, upon the anniversary of such date, shall pay a premium in a like sum. Said two premiums shall be known respectively as the first and second interim premiums. On the date on which the first periodic payment of principal is due the mortgagee shall pay to the Administrator, subject to the adjustment hereinafter provided, and annually thereafter on the anniversary of such date until the mortgage is paid in full or claim under the contract of insurance is made or until the contract of insurance shall terminate, an annual mortgage insurance premium equal to one-half of one per centum (½ of 1%) of the average outstanding principal obligation of the mortgage for the year following the date on which such premium becomes payable, and calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments. The premium payable on the date on which the first periodic payment of principal becomes due shall be adjusted so as to accord with such date and so that the aggregate of the premiums paid up to and including the premium paid on such adjusted payment date shall equal the sum of (a) one per centum (1%) of the average outstanding principal obligation of the mortgage for the year following the date on which the first interim premium became payable and (b) one-half of one per centum (½ of 1%) per annum of the average outstanding principal obligation of the mortgage for the period from the date when the second interim premium became payable down to and including one year following the date on which such first periodic payment of principal becomes due, and calculated in accordance with the amortization provisions, without taking into account delinquent payments or prepayments. The provisions of this section shall also apply to mortgages insured prior to February 3, 1938, but only in respect to premiums payable after such date, and no adjustment shall be made with respect to any premium payable on or before such date. All premiums shall be payable in cash or in debentures issued by the Administrator under Title II of the Act at par plus accrued interest.*† [Art. III, par 1]

§ 533.3 *Prepayment premium charges.* In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within thirty (30) days thereafter notify the Administrator of the date of prepayment and shall collect from the mortgagor and pay to the Administrator in the case of a mortgage prepaid within five years from the date thereof, an adjusted premium charge of two per centum (2%) of the original face amount of the prepaid mortgage, and in case the mortgage is prepaid after five years from the date thereof, an adjusted premium charge of one per centum (1%) of the original face amount of the prepaid mortgage, except that if at the time of any such prepayment there is placed on the mortgaged property a new insured mortgage in an amount less than the original face amount of the prepaid mortgage, an adjusted premium shall be paid based upon the difference between such amounts at the rate applicable as above stated, depending upon the date of prepayment.

In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

No adjusted premium shall be collected by the mortgagee in the following cases:

(a) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage for an amount equal to or greater than the original face amount of the prepaid mortgage; or

(b) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year fifteen per centum (15%) of the original face amount of the mortgage; or

(c) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for (i) damage to the mortgaged property, or (ii) a release of a part of such property if approved by the Administrator; or

(d) Where payment in full is made of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure, if the transaction is approved by the Administrator.

Upon such prepayment the contract of insurance shall terminate.

The provisions of this section shall not be construed to prohibit the mortgagee from including in the mortgage and collecting from the mortgagor such charge for prepayment as may be agreed upon between the mortgagee and mortgagor.*† [Art. III, par. 2]

§ 533.4 *Contract of insurance.* Upon compliance satisfactory to the Administrator with the terms of the commitment to insure the Administrator and the mortgagee shall execute the contract of insurance and the mortgage shall be an insured mortgage from the effective date of such contract. The Administrator and the mortgagee shall thereafter be bound by the contract of insurance, subject to the provisions of these Regulations which shall form part of each such contract.*† [Art. IV]

*Rights and Duties of a Mortgagee Under the Contract of Insurance*

§ 533.5 *Benefits of insurance.* The mortgagee shall be entitled to receive the benefits of the insurance, at its option, either as provided in paragraph (a) or paragraph (b) hereunder.

(a) *By assignment.*—If the mortgagor fails to make any payment due under or provided to be paid by the terms of the mortgage and such failure continues for a period of thirty (30) days, the mortgage shall be considered in default, and the mortgagee shall, within thirty (30) days thereafter, give notice in writing to the Administrator of such default. At any time within thirty (30) days after the date of such notice, the mortgagee shall, in such manner as the Administrator may require, assign, transfer, and deliver to the Administrator (without recourse or warranty, except that the mortgagee must warrant that no act or omission of the mortgagee has impaired the validity and priority of the

mortgage, that the amount stated in the instrument of assignment is actually due and owing under the mortgage, that there are no offsets or counterclaims thereto, and that the mortgagee has a good right to assign the mortgage and the other items enumerated below):

(1) All rights and interests arising under the mortgage so in default;

(2) All claims of the mortgagee against the mortgagor or others, arising out of the mortgage transaction;

(3) All policies of title or other insurance or surety bonds or other guaranties and any and all claims thereunder;

(4) Any balance of the mortgage loan not advanced to the mortgagor;

(5) Any cash or property held by the mortgagee or to which it is entitled, as deposits made for the account of the mortgagor and which have not been applied in reduction of the principal of the mortgage indebtedness; and

(6) All records, documents, books, papers, and accounts relating to the mortgage transaction.

Nothing contained in this paragraph shall be so construed as to prevent the mortgagee from taking action at a later date than herein specified, provided the Administrator agrees in writing.

(b) *By conveyance of property.*—If the mortgagor fails to make any payment to the mortgagee required by the mortgage, or to perform any other covenant or obligation under the mortgage, and such failure continues for the period of grace, if any, set forth in the mortgage, the mortgage shall be considered in default and the mortgagee, within the period set forth in the contract of insurance after the occurrence of a default arising on account of such failure to make any such payment or within the period set forth in the contract of insurance after the mortgagee shall have knowledge of the occurrence of a default arising on account of such failure to perform any other covenant or obligation under the mortgage, shall give notice in writing to the Administrator of such default. At any time within the period set forth in the contract of insurance from the date of such notice, the mortgagee, at its election, shall either—

(1) With, and subject to, the consent of the Administrator, acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(2) Institute proceedings for the foreclosure of the mortgage: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the institution of such proceedings within such period of time, the mortgagee shall institute such proceedings within sixty (60) days after the expiration of the time during which the institution of such proceedings is prohibited by such laws. Nothing contained in this paragraph shall be so construed as to prevent the mortgagee from taking action at a later date than herein specified, provided the Administrator so agrees in writing. The mortgagee shall promptly give notice in writing to the Administrator of the institution of foreclosure proceedings under this paragraph and shall exercise reasonable diligence in prosecuting such proceedings to completion.

If after default and prior to the completion of foreclosure proceedings the mortgagor shall pay to the mortgagee all periodic payments in default and such expenses as the mortgagee shall have incurred in connection with the foreclosure proceedings, notice thereof shall be given to the Administrator by the mortgagee, and the insurance shall continue as if such default had not occurred.*† [Art. V, par. 1]

§ 533.6 *Computation of benefits received by assignment.* If the mortgagee elects to proceed under, and does proceed under and in accordance with, the provisions of Section 533.5 (a), and furnishes evidence satisfactory to the Administrator that there are no past due and unpaid ground rents, general taxes, or special assessments, and furnishes the warranties described in said Section 533.5 (a), the Administrator shall deliver to the mortgagee—

(a) Debentures of the Housing Insurance Fund as set forth in Section 207 of the Act, having a total face value equal to the original face amount of the mortgage plus such amounts as have been paid by the mortgagee for (1) taxes, special assessments, and water rates, which are liens prior to the mortgage; (2) insurance on the property; and (3) expenses for the completion or preservation of the property, subsequent to the default, and which have been approved by the Administrator, as reasonable and necessary; less the sum of (i) that part of the amount of the principal obligation that has been repaid, (ii) an amount equivalent to the two per centum (2%) of the principal amount of the mortgage advanced to the mortgagor and unpaid, and (iii) any net income received by the mortgagee from the property: *Provided*, That such debentures shall be issued in multiples of $50 and any difference, not in excess of $50, between the amount of debentures to which the mortgagee is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash by the Administrator to the mortgagee. Such debentures shall be dated as of the date of such assignment, transfer, and delivery, and shall bear interest from such date at a rate to be determined by the Administrator, at the time the mortgage is insured, but not to exceed three per centum (3%) per annum, payable semiannually on the first day of January and the first day of July of each year, and shall mature three (3) years after the first day of July following the maturity date of the mortgage in exchange for which the debentures were issued. Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Administrator, with the approval of the Secretary of the Treasury, at par and accrued interest on any interest payment date on three (3) months' notice of redemption given in such manner as the Administrator shall prescribe.

(b) A certificate of claim in accordance with Section 207 (h) of the Act which shall become payable, if at all, upon the sale and final liquidation of the interest of the Administrator in such property, in accordance with Section 207 (h) of the Act. This certificate shall be for an amount which the Administrator determines to be sufficient, when added to the face value of the debentures issued and the cash adjustment paid to the mortgagee, to equal the amount which the mortgagee would have received if, on the date of the assignment, transfer and delivery to the Administrator provided for in Section 533.5 (a), the mortgagor had extinguished the mortgage indebtedness by payment in full of all obligations under the mortgage. Such certificate of claim shall provide that there shall accrue to the holder of such certificate, with respect to the face amount of such certificate, an increment at the rate of three per centum (3%) per annum, which shall not be compounded. If any excess is realized from the mortgage, and all claims in connection therewith so assigned, transferred and delivered, and from the property covered by such mortgage and all claims in connection with such property, after deducting all expenses incurred by the Administrator in handling, dealing with, acquiring title to, and disposing of such mortgage and property and in collecting such claims, such excess shall be applied in payment of the certificate of claim and any balance thereafter shall be paid to the mortgagor, as provided in Section 207 (h) (1) of the Act.*† [Art. V, par. 2]

§ 533.7 *Computation of benefits received by conveyance.* If the mortgagee elects to proceed under, and does proceed under and in accordance with, the provisions of Section 533.5 (b), and at any time within thirty (30) days (or such further time as may be allowed by the Administrator in writing) after acquiring title to and possession of the mortgaged property in accordance with such Section 533.5 (b), tenders to the Administrator possession of, and a deed containing a covenant which warrants against acts of the mortgagee and all claiming by, through, or under it conveying title to, such property, satisfactory to the Administrator, as provided in Section 533.8, and assigns (without recourse or warranty) any and all claims which it has acquired in connection with the mortgage transaction and as a result of the foreclosure proceedings or other means by which it acquired such property, including any claim on account of title insurance and fire, or other hazard insurance, except such claims as may have been released with the prior approval of the Administrator, the Administrator shall promptly accept conveyance of such property and such assignment, notwithstanding that the buildings or improvements thereon may be incomplete, or may have been destroyed, damaged, or injured in whole or in part, and shall deliver to the mortgagee—

(a) Debentures of the Housing Insurance Fund as set forth in Section 204 of the Act, in a principal amount equal to the principal of the mortgage which has been advanced with the written approval of the Administrator and which is unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property after default other than by foreclosure, plus the amount of all payments which have been made by the mortgagee for taxes, ground rents, and water rates, which are liens prior to the mortgage, special assessments which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance on the mortgaged property, and any mortgage insurance premiums paid after either of such dates, less any amount received on account of the mortgage, and any amount received as rent or other income from the property, after deducting therefrom reasonable expenses incurred in handling the property, after either of such dates: *Provided*, That such debentures shall be issued in multiples of $50 and any difference, not to exceed $50, between the amount of debentures to which the mortgagee is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash. Such debentures shall be dated as of the date foreclosure proceedings were instituted, or the property was otherwise acquired by the mortgagee after default, and shall bear interest from such date at a rate to be determined by the Administrator at the time the mortgage is offered for insurance, but not to exceed three per centum (3%) per annum, payable semiannually on the first day of January and the first day of July of each year, and shall mature three (3) years after the first day of July following the maturity date of the mortgage on the property in exchange for which the debentures were issued. Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed at the option of the Administrator, with the approval of the Secretary of the Treasury, at par and accrued interest on any interest payment date on three (3) months' notice of redemption given in such manner as the Administrator shall prescribe.

(b) A certificate of claim in accordance with Section 204 (e) of the Act, which shall become payable, if at all, upon the sale and final liquidation of the interest of the Administrator in such property, in accordance with Section 204 (f) of the Act. This certificate shall be for an amount which the Administrator shall determine to be sufficient to pay all amounts due under the mortgage and not covered by the amount of debentures and shall include a reasonable amount for necessary expenses incurred by the mortgagee in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise and the conveyance thereof to the Administrator. Each such certificate of claim shall provide that there shall accrue to the holder thereof with respect to the face amount of such certificate, an increment at the rate of three per centum (3%) per annum, which shall not be compounded. If any excess is realized from the property conveyed to the Administrator and the claims assigned therewith, after deducting all expenses incurred by the Administrator in handling, dealing with, and disposing of such property and in collecting such claims, such excess shall be applied in payment of the certificate of claim and any balance thereafter shall be paid to the mortgagor, as provided in Section 204 (f) of the Act.*† [Art. V, par. 3]

§ 533.8 *Title in case of assignment.* Title satisfactory to the Administrator within the meaning of Section 533.7 will be such title as was vested in the mortgagor as of the date the mortgage was filed for record, free and clear of all liens and encumbrances which may have attached, or defects which may have arisen subsequent to the recording of such mortgage, except such liens or other matters as may be approved by the Administrator. The Administrator will not object to the title because of mechanics' liens excepted from the title evidence as unfiled at the date of recording of the mortgage or of any advance thereunder, provided that advances under the mortgage are disbursed with the approval of the Administrator and that the certification of a title insurer or title attorney satisfactory to the Administrator be obtained to the effect that, as of the date of each advance, no lien appeared of record and the title policy or title opinion had been extended accordingly.*† [Art. V, par. 4]

§ 533.9 *Evidence of title.* The mortgagee, at the time a deed is tendered in accordance with Section 533.7, shall furnish to the Administrator without expense to him satisfactory evidence of such title. Such title evidence shall be executed as of a date to include the recordation of the deed to the Administrator and, at the option of the mortgagee, may be in the form of an owner's policy of title insurance, or a satisfactory abstract and attorney's opinion covering the period subsequent to the recording of the mortgage, or a satisfactory continuation of the title evidence accepted by the Administrator at the time the mortgage was insured.*† [Art. V, par. 5]

§ 533.10 *Fire and hazard insurance.* The mortgagee without cost, or expense to the Administrator shall, in default of the mortgagor, keep the mortgaged premises insured against fire and other hazards as provided in the mortgage. In the event the mortgagee fails to pay any premiums necessary to keep the mortgaged premises so insured and such failure shall continue for fifteen (15) days after receipt of written notice of such failure from the Administrator to the mortgagee, the contract of insurance shall, at the election of the Administrator, thereupon terminate. In the event a loss has occurred to the mortgaged property under any policy of fire or other hazard insurance and the amount of any funds received by the mortgagee in payment of such loss shall be sufficient to pay in full the entire mortgage indebtedness, the mortgage shall, upon receipt of such funds by the mortgagee, be deemed paid and the contract of mortgage insurance made with the Administrator shall thereupon terminate. If, however, any funds so received shall be insufficient to pay such mortgage indebtedness in full, the mortgagee shall not exercise its option under the mortgage to use the proceeds of such insurance for the repairing, replacing, or rebuilding of such premises or to apply such proceeds to the mortgage indebtedness without prior written approval of the Administrator. If the Administrator shall fail to give his approval to the use or application of such funds for either of said purposes within fifteen (15) days after written request by the mortgagee, the mortgagee may use or apply such funds for any of the purposes specified in the mortgage without the approval of the Administrator.*† [Art. V. par. 6]

§ 533.11 *Mortgage default.* If after the mortgage becomes in default, as provided in Section 533.5, the mortgagee does not make the assignment provided in Section 533.6, or does not foreclose or otherwise acquire the mortgaged property and make the conveyance provided in Section 533.7, and written notice thereof is given to the Administrator, or in the event that the mortgagor pays the obligation under the mortgage in full prior to the maturity thereof and the mortgagee pays the adjusted premium charge required under the provisions of Section 533.3 of these Regulations and written notice thereof is given to the Administrator, the obligation to pay the annual premium charge shall cease, and all rights of the mortgagee and the mortgagor under Sections 533.6 and 533.7 shall terminate as of the date of such notice.*† [Art. V, par. 7]

§ 533.12 *Termination.* In the event that the mortgagee fails to comply with the provisions of Sections 533.5 (a) and 533.6, or Sections 533.5 (b) and 533.7, then the contract of insurance shall thereupon terminate.*† [Art. V, par. 8]

*Assignments*

§ 533.13 *In general.* Bonds or other obligations issued in connection with an insured mortgage executed in the form

of an indenture of trust providing for the issue and sale of such bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations may be transferred as provided in the indenture of trust.

An insured mortgage other than a mortgage executed in the form of an indenture of trust providing for the issue and sale of bonds or other obligations and appointing a trustee to act on behalf of the holders of such bonds or other obligations may be transferred (but, except with the written approval of the Administrator, only subsequent to full disbursement of the mortgage loan) to a transferee who may be a mortgagee previously approved by the Administrator or who may be approved at the time of such transfer as a mortgagee responsible and able to service such insured mortgage. Upon such approval and transfer and the assumption by the transferee of all obligations under the contract of insurance, the transferor shall be released from its obligations under the contract of insurance.*† [Art. VI, pars. 1–2]

§ 533.14 *Termination of mortgage insurance by assignment.* The contract of insurance shall terminate with respect to mortgages described in Section 533.13 upon the happening of either of the following events:

(a) The acquisition of the insured mortgage by or the pledge thereof to any person, firm, or corporation, public or private, except as specifically provided in such Section 533.13.

(b) The disposal by a mortgagee of any partial interest in the insured mortgage by means of a declaration of trust or by a participation or trust certificate or by any other device, unless with the prior written approval of the Administrator: *Provided*, That this paragraph (b) shall not be applicable to any mortgage so long as it is held in a common trust fund maintained by a bank or trust company (1) exclusively for the collective investment and reinvestment of moneys contributed thereto by the bank or trust company in its capacity as a trustee, executor or administrator; and (2) in conformity with the rules and regulations prevailing from time to time of the Board of Governors of the Federal Reserve System, pertaining to the collective investment of trust funds.*† [Art. VI, par. 3]

*Rights in Housing Fund*

§ 533.15 *No vested right.* Neither the mortgagee nor the mortgagor shall have any vested or other right in the Housing Insurance Fund.*† [Art. VII]

*Amendments*

§ 533.16 *Amendments to regulations.* These Regulations may be amended by the Administrator at any time and from time to time, in whole or in part, but such amendments shall not affect the contract of insurance on any mortgage already insured or any mortgage or prospective mortgage on which the Administrator has made a commitment to insure.*† [Art. VIII]

*Effective Date*

§ 533.17 *Effective date.* These Regulations shall be effective as to all mortgages with respect to which a commitment to insure is issued on or after the date hereof. The Administrator with the consent of the mortgagor and the mortgagee may, subject to such conditions as he may impose, amend to conform to these Regulations any contract of insurance or any commitment to insure, issued prior to February 3, 1938. Any mortgagee entitled to receive debentures upon default of a mortgage insured prior to February 3, 1938, may elect to receive, in lieu of such debentures, a cash adjustment and debentures issued as provided in Section 533.7 and bearing interest at the rate current at the time of such election.*† [Art. IX]

Issued at Washington, D. C., June 30, 1939.

STEWART McDONALD,
*Federal Housing Administrator.*

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AMENDMENT TO ADMINISTRATIVE REGULATIONS OF THE FEDERAL HOUSING ADMINISTRATOR FOR MULTIFAMILY AND GROUP HOUSING INSURANCE UNDER SECTION 210 OF TITLE II OF THE NATIONAL HOUSING ACT

Section 210 of the National Housing Act was repealed effective June 3, 1939. However, applications for mortgage insurance under such section received by the Administrator prior to June 3 may be committed upon if conforming with Section 210, Rules and Regulations of the Administrator, revised February 15, 1938, as set out in Federal Housing Administration Form No. 2012, amended as follows: The first sentence of Section 535.9 (a) of said Administrative Regulations is amended to read as follows:

"(a) Debentures of the Housing Insurance Fund as set forth in Section 204 of the Act, in a principal amount equal to the principal of the mortgage which has been advanced with the written approval of the Administrator and which is unpaid on the date of the institution of foreclosure proceedings, or on the date of the acquisition of the property otherwise after default, plus the amount of all payments which have been made by the mortgagee for taxes, ground rents, and water rates, which are liens prior to the mortgage, special assessments which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance on the mortgaged property, and any mortgage insurance premiums paid after either of such dates, less any amount received on account of the mortgage, and any amount received as rent or other income from the property after deducting therefrom reasonable expenses incurred in handling the property, subsequent to either of such dates: *Provided*, That such debentures shall be issued in multiples of $50 and any difference, not to exceed $50, between the amount of debentures to which the mortgagee is otherwise entitled hereunder and the aggregate face value of the debentures issued shall be paid in cash." [Art. V, par. 3]

Issued at Washington, D. C., June 30, 1939.

STEWART McDONALD,
*Federal Housing Administrator.*

[F. R. Doc. 39–2806; Filed, July 29, 1939; 12:22 p. m.]

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## TITLE 41—PUBLIC CONTRACTS

### DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE PHOTOGRAPHIC SUPPLIES INDUSTRY

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", (hereinafter called the Act). The Public Contracts Board, created in accordance with Section 4 of said Act by Administrative Order dated October 6, 1936, held a hearing on November 29, 1938 in the above entitled matter.[1]

Notice of this hearing was sent to all known members of the industry, trade associations, the trade publications, and the trade unions. Invitation to attend the hearing was extended through the national press to all other interested parties.

Appearances were entered and testimony given by representatives of industry and labor.

A survey of the wages paid in the industry was made by a committee of the industry. The wage data obtained by this survey were tabulated by the Research Section, Division of Public Contracts, Department of Labor. This survey and the tabulation did not include the wages of employees engaged in the manufacture of 35 millimeter cameras, 35 millimeter projectors, and accessories therefor.

On the basis of the record, the Board made its findings in the matter of the prevailing minimum wage for the photographic supplies industry as hereinafter defined and recommended that I find the prevailing minimum wage in this industry to be 40 cents an hour or $16.00 per week of forty hours. On May 31, 1939, the Administrator, Division of Public Contracts, circularized the Board's findings and recommendations in order that all parties might have full opportunity to register their objections or approval before the decision in the matter was made by the Secretary of Labor.

[1] 3 F.R. 2693 DI.



No objections to the proposed minimum wage rate were filed with the Administrator, but a request was made for a special provision permitting the employment of learners in accordance with the provisions of the industry's Voluntary Code of Fair Competition on the ground that the volume of business at the time the wage survey was made was abnormally low and did not reflect the industry's genuine need for learners at certain periods. In view of the provision in the Voluntary Code drawn up and approved by the great majority of the industry and the prevailing practice it indicates, I am allowing a learner tolerance of not more than five (5) percent of the employees on the payroll for a period of sixty (60) days to be paid not less than eighty (80) percent of the minimum, or 32 cents an hour.

In view of the fact that the evidence of record did not include wage data for the manufacture of 35 millimeter cameras, projectors, and accessories therefor, these products will not be considered products of the photographic supplies industry as defined for purposes of this decision.

The Census of Manufactures for 1935 shows that the industry is located predominantly in the States of New York and Illinois. In 1935 there were 40 establishments in New York and 23 in Illinois. These 63 establishments in the two States employed 88 percent of all the employees in the industry in 1935. The establishments of the State of New York alone employed more than 80 percent of the employees in the industry during that year. The Census of Manufactures reported that in 1937 there were 18,450 wage earners engaged in the manufacture of photographic apparatus and materials and projection apparatus. The wage data considered by the Board covered 13,573 wage earners employed by 41 firms located in Illinois, Iowa, Minnesota, Michigan, Indiana, Massachusetts, New Jersey, New York, and Missouri. Employees exempted from the Public Contracts Act were not included in the wage survey made, and the Board advises me that the wage data presented at the hearing represents in excess of 75 percent of all employees of the photographic supplies industry who would be affected by the Public Contracts Act.

It appears that the wage data are adequate to show the wage structure prevailing in the photographic supplies industry. The evidence of record shows that 855 or 6.3 percent of the employees covered by the survey receive wages in the interval from 37.5 to 42.5 cents an hour. Only 1.9 percent or 252 wage earners receive less than 37.5 cents an hour. This marked concentration of employees in the wage interval from 37.5 to 42.5 cents an hour shows the prevailing minimum wage of all employees covered by the survey. The midpoint or 40 cents an hour appears to be a prevailing minimum wage in the industry in its several locations. The evidence shows that in the case of New York, 4.65 percent of the wage earners receive less than 40 cents an hour, and in the case of Illinois, 11 percent receive under 40 cents an hour. From a combined standpoint, 40 cents an hour appears to be the prevailing minimum wage of 92.7 percent of the workers engaged in those two States. The first concentration in the wage data for the States of Iowa, Minnesota, Michigan, and Indiana combined also occurs in the 37.5 to 42.5-cent interval. This also shows the prevailing minimum wage to be 40 cents an hour in these States. In the States of Massachusetts, New Jersey and Missouri combined, there are found only 5.8 percent of all wage earners included in the survey and 40 cents seems to be a commonly paid rate.

It is noted that there exists in the industry a practice whereby the employees of the industry for the sake of convenience pay, through the instrumentality of the employer's disbursing office, certain obligations. Whether or not such practice contravenes the provisions of Section 1 (b) of the Act must be decided only upon full disclosure of all facts involved.

Where there exists at the plant of any bidder on Government contracts subject to the provisions of the Public Contracts Act a practice of so using its disbursing office for the convenience of its employees, and where this practice has been in existence at the plant for a long continued period of time, the bidder should submit a full statement of the facts to the Administrator, Division of Public Contracts, for a determination as to whether or not the practice contravenes the provisions of Section 1 (b) of the Act.

I have examined the findings and recommendations of the Board and the record of hearing, together with the briefs filed, and in the light of the facts

I hereby determine—

The prevailing minimum wage for employees engaged in the performance of contracts with the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C., Sup. III 35), for the manufacture and supply of cameras, including motion-picture cameras (except 35 millimeter); photostat and blueprint machines; tripods, film rewinders and reels, shutters, and other photographic accessories (except 35 millimeter); such equipment as flashlight apparatus, plate holders, developing apparatus; supplies such as films, photographic paper, and plates; and projectors of all types (except 35 millimeter), to be 40 cents an hour or $16.00 per week of forty hours, arrived at either upon a time or piece work basis; provided that learners may be employed at lower rates for a period of not to exceed sixty (60) days if the total number of such workers in any one establishment does not exceed five (5) percent of the workers on the payroll, and if such learners are paid not less than eighty (80) percent of the minimum wage as determined, or 32 cents an hour or $12.80 per week of forty hours, arrived at either upon a time or piece work basis.

This determination shall be effective and the minimum wage hereby established shall apply to all such contracts, bids for which are solicited on or after August 14, 1939.

[SEAL] FRANCES PERKINS,
*Secretary of Labor.*

Dated: July 28, 1939

[F. R. Doc. 39–2819; Filed, July 31, 1939; 12:38 p. m.]

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IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE SOAP INDUSTRY

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C., Sup. III 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes" (hereinafter called the Act). The Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, held a hearing in the matter of the prevailing minimum wages in the soap industry on July 13, 1938.

Notice of the hearing was sent to all known members of the industry, to trade unions, to trade publications, and to trade associations in the field. Invitation to attend the hearing was extended through the national press to all other interested parties.

Testimony was given at the hearing by industry members and by the Association of American Soap and Glycerin Producers, Inc. No representative of organized labor appeared at the hearing.

A survey of the wages paid in the soap industry during the month of January 1938 was presented in evidence.

On the basis of the evidence and the testimony, the Board made its recommendations. Thereafter, the Administrator of the Division of Public Contracts circularized the recommendations and gave parties a reasonable period of time in which to register their objection thereto or their approval thereof before any determination in the matter should be made.

The survey of the wages paid in the soap industry made by the Bureau of Labor Statistics covered the manufacture of soap in bars, cakes, chips, and flakes, and in granulated, powdered, paste, and liquid forms, and glycerin; cleansers containing soap, scouring powders, and shaving soaps and creams containing soap, and washing compounds

containing soap. The survey covered 7,143 wage earners in 72 establishments, representing approximately 50 percent of the total wage earners in the industry. The survey covered plants located in all of the principal producing States, and it is believed to be sufficiently representative of the wage conditions existing in the soap industry.

The only objections filed are to the Board's failure to recommend a tolerance for a group of workers known in the industry as "light task workers."

The evidence shows that the "light task workers" constitute a part of the unskilled workers in the industry. The wage distribution of unskilled workers in the industry including the "light task workers" was considered by the Board in making its findings of fact and recommendations in this matter.

The evidence of wages paid in the industry reveals a fairly wide spread of earnings. The effective range is from 32.5 cents to $1.125 with 97 percent of the workers found within these limits. The wage distribution of unskilled workers in the industry, which workers include the minimum wage employees, is within the same range.

The Board has recommended that I find that 40 cents an hour is the prevailing minimum wage in the soap industry. The first substantial concentration of unskilled workers is in the wage interval between 37.5 and under 42.5 cents, at which point 303 employees out of a total of 3,165, or 9.6 percent of the unskilled workers in the industry, are found. In the 5-cent interval immediately below are found 129 employees, or 4.1 percent of the unskilled employees. The unskilled workers receiving less than 32.5 cents are distributed in insignificant concentrations, and I find that the Board's recommendation as to the prevailing minimum wage in the industry was proper.

The Board, in its recommendations, was of the opinion that the data with respect to the Southern establishments in the industry were insufficient to justify the setting up of a geographical wage differential. The Board recommended that, if Southern firms should in the future be deprived of Government contracts because of a wage determination for the soap industry, they be given another opportunity to furnish complete information with respect to the wages paid in this industry in the Southern States for further consideration. I find that the data with respect to the wages in the South in this industry are insufficient to indicate that there is any significant difference in the prevailing minimum wage in the South and the rest of the country. If, however, the Southern firms should be deprived of Government contracts because of this wage determination, they will be given another opportunity to file complete information regarding the wages paid in the South for further consideration.

Upon all the evidence submitted in this matter, including the briefs filed,

I hereby determine:

That the minimum wages for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture or supply of soap in bars, cakes, chips, and flakes, and in granulated, powdered, paste, and liquid forms, and glycerin; cleansers containing soap, scouring powders, and shaving soaps, and creams containing soap, and washing compounds containing soap, shall be 40 cents an hour, or $16.00 per week of 40 hours, arrived at either upon a time or piece work basis.

This determination shall be effective, and the minimum wages hereby established shall apply to all such contracts, bids for which are solicited on or after August 14, 1939.

[SEAL] FRANCES PERKINS,
*Secretary of Labor.*

Dated July 28, 1939.

[F. R. Doc. 39-2820; Filed, July 31, 1939; 12:38 p. m.]

## *Notices*

## DEPARTMENT OF AGRICULTURE.

### Division of Marketing and Marketing Agreements.

DETERMINATION OF THE SECRETARY OF AGRICULTURE APPROVED BY THE PRESIDENT OF THE UNITED STATES WITH RESPECT TO AN ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to the terms and provisions of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, having reason to believe that execution of an amendment to a tentatively approved marketing agreement, as amended, and issuance of an order, as amended, both of which regulate the handling of milk in the La Porte County, Indiana, marketing area, would tend to effectuate the declared policy of the act, gave, on the 18th day of May, 1939, notice of a public hearing[1] to be held on the 23d day of May, 1939, at La Porte, Indiana, on proposed amendments of said tentatively approved marketing agreement, and of said order, and on May 23 and 24 and at said place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the said proposed amendments; and

Whereas, after said hearing and after the tentative approval by the Secretary, on the 30th day of June, 1939, of a marketing agreement, as amended, handlers of more than 50 percent of the volume of milk covered by such proposed order, as amended, which is marketed within the La Porte County, Indiana, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk;

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by said act, hereby determines:

(1) That the refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) That the issuance of the proposed order, as amended, is the only practical means, pursuant to such policy, of advancing the interest of producers of milk which is produced for sale in said area; and

(3) That the issuance of the proposed order, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary, and who, during the month of April, 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, Harry L. Brown, Acting Secretary of Agriculture of the United States, has executed this determination in duplicate, and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 28th day of July 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT
*The President of the United States.*

Dated July 28, 1939.

[F. R. Doc. 39-2813; Filed, July 31, 1939; 11:40 a. m.]

### Farm Security Administration.

[Administration Order 231, Revision 3[1]]

DETERMINATION OF THE EQUITABLE DISTRIBUTION OF FUNDS APPROPRIATED FOR THE FISCAL YEAR ENDING JUNE 30, 1940, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT

JULY 21, 1939.

I. Pursuant to the provisions of Section 4 of Title I of the Bankhead-Jones Farm Tenant Act, there is attached hereto as Exhibit A a schedule representing the equitable distribution of the money appropriated for the purposes of Title I, for the fiscal year ending June 30, 1940, among the several states and territories on the basis of farm population and the prevalence of tenancy, as determined by the Secretary of Agriculture.

II. The unencumbered balances of the previous fiscal year's allotment remaining in each state and territory will be withdrawn as of June 30, 1939, and redistributed equitably to the states and territories on the basis of farm population and the prevalence of tenancy as determined by the Secretary of Agriculture, and a revised schedule of allotments will be issued immediately thereafter.

III. No allotment shall be made to any state or territory in excess of the amounts so distributed.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Recommended:
WILL W. ALEXANDER,
*Administrator.*

EXHIBIT A

*Equitable Distribution of Loan Funds Available for the Fiscal Year Ending June 30, 1940, for Title I of the Bankhead-Jones Farm Tenant Act (as Revised)*

| | |
|---|---|
| Region I | $1,228,285 |
| Connecticut | 28,673 |
| Delaware | 46,365 |
| District of Columbia | 346 |
| Maine | 34,967 |
| Maryland | 180,307 |
| Massachusetts | 27,767 |
| New Hampshire | 15,225 |
| New Jersey | 70,510 |
| New York | 305,652 |
| Pennsylvania | 473,554 |
| Rhode Island | 8,237 |
| Vermont | 36,682 |
| Region II | 1,822,676 |
| Michigan | 438,181 |
| Minnesota | 855,991 |
| Wisconsin | 528,504 |
| Region III | 5,453,415 |
| Illinois | 1,242,544 |
| Indiana | 739,582 |
| Iowa | 1,317,351 |
| Missouri | 1,259,951 |
| Ohio | 893,937 |
| Region IV | 6,342,916 |
| Kentucky | 1,331,295 |
| North Carolina | 2,102,523 |
| Tennessee | 1,658,604 |
| Virginia | 852,701 |
| West Virginia | 397,783 |
| Region V | 6,847,652 |
| Alabama | 2,453,013 |
| Florida | 245,582 |
| Georgia | 2,530,011 |
| South Carolina | 1,618,646 |
| Region VI | 5,997,883 |
| Arkansas | 1,943,008 |
| Louisiana | 1,501,979 |
| Mississippi | 2,552,896 |
| Region VII | 2,441,665 |
| Kansas | 764,803 |
| Nebraska | 785,503 |
| North Dakota | $413,698 |
| South Dakota | 477,661 |
| Region VIII | 5,044,498 |
| Oklahoma | 1,675,100 |
| Texas | 3,369,398 |
| Region IX | 473,982 |
| Arizona | 48,881 |
| California | 362,506 |
| Nevada | 6,078 |
| Utah | 56,517 |
| Region X | 411,491 |
| Colorado | 215,452 |
| Montana | 148,407 |
| Wyoming | 47,632 |
| Region XI | 488,013 |
| Idaho | 155,601 |
| Oregon | 148,116 |
| Washington | 184,296 |
| Region XII | 579,137 |
| New Mexico | 98,717 |
| Colorado | 80,105 |
| Texas | 285,265 |
| Oklahoma | 30,242 |
| Kansas | 84,808 |
| Territories | $868,187 |
| Alaska | 2,063 |
| Hawaii | 322,260 |
| Puerto Rico | 543,864 |
| Continental U. S. and Territories | 38,000,000 |

[F. R. Doc. 39-2805; Filed, July 29, 1939; 11:46 a. m.]

[1] 4 F.R. 2076 DI.

[1] Supersedes AO 231, Rev. 2, 4 F.R. 2060 DI.



## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates for the employment of learners at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the following employers, subject to the following terms:

| Name of firm | Number of learners | Industry | Occupation | Period | Beginning | Percent of minimum wage |
|---|---|---|---|---|---|---|
| Brookfield-Garrison Mfg. Company, Warrensburg, Mo. | 15 | Apparel (pants and shirts). | Stitching | 8 weeks | Aug. 1, 1939 | 75 |
| The Hollinger Shirt Company, Port Chester, N. Y. | 15 | Apparel (men's shirts). | Stitching | 8 weeks | Aug. 1, 1939 | 75 |
| Thomas P. Taylor Company, 140 James Street, Bridgeport, Conn. | 20 | Apparel (undergarments). | Stitching | 8 weeks | Aug. 1, 1939 | 75 |

These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522,[1] as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b) such Special Certificates, or any of them, may be cancelled as of the date of their issuance and certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 31st day of July 1939.

MERLE D. VINCENT,
*Chief of Hearings and Exemptions Section.*

[F. R. Doc. 39-2809; Filed, July 31, 1939; 9:41 a. m.]

[1] 4 F.R. 2088 DI.

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 258]

IN THE MATTER OF THE APPLICATIONS OF THOMAS A. MORGAN AND PAN AMERICAN AIRWAYS, INC., PACIFIC ALASKA AIRWAYS, INC., PAN AMERICAN AIRWAYS CO. (DEL.), PAN AMERICAN AIRWAYS CO. (NEV.) FOR APPROVAL OF INTERLOCKING RELATIONSHIPS UNDER SECTION 409 (A)

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 10, 1939, 2 o'clock p. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Ave. and DeSales St., NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., July 28, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-2815; Filed, July 31, 1939; 11:45 a. m.]

[Docket No. 260]

IN THE MATTER OF THE APPLICATIONS OF JOHN MERRYMAN FRANKLIN AND PAN AMERICAN AIRWAYS, INC., PACIFIC ALASKA AIRWAYS, INC., PAN AMERICAN AIRWAYS CO. (DEL.), PAN AMERICAN AIRWAYS CO. (NEV.), FOR APPROVAL OF INTERLOCKING RELATIONSHIPS UNDER SECTION 409 (A)

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 10, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecti-

cut Ave. and DeSales St. NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., July 28, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-2816; Filed, July 31, 1939; 11:45 a. m.]

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[Docket No. 285]

IN THE MATTER OF THE CERTIFICATION BY THE POSTMASTER GENERAL PURSUANT TO SECTION 401 (N) OF THE ACT WITH RESPECT TO THE TRANSPORTATION OF MAIL BY AIRCRAFT BETWEEN EL PASO, TEXAS AND ALBUQUERQUE, NEW MEXICO, BY WAY OF CARLSBAD, HOBBS AND ROSWELL, NEW MEXICO

NOTICE OF HEARING

The Postmaster General having certified to the Civil Aeronautics Authority, pursuant to Section 401 (n) of the Act, that the needs of the postal service require the transportation of mail by aircraft between El Paso, Texas and Albuquerque, New Mexico, by way of Carlsbad, Hobbs and Roswell, New Mexico, a public hearing will be held on August 17, 1939, at 10 o'clock a. m. (Mountain Standard Time) at the Hotel Cortez, El Paso, Texas, before Examiner C. Edward Leasure, in order to determine whether such transportation of mail is required by the public convenience and necessity.

Dated Washington, D. C., July 28, 1939.

By the Authority:

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-2817; Filed, July 31, 1939; 11:45 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of July, A. D. 1939.

[File No. 43-226]

IN THE MATTER OF THE DAKOTA POWER COMPANY, GENERAL PUBLIC UTILITIES, INC.

ORDER RELATIVE TO DECLARATION AND APPLICATIONS

The Dakota Power Company, a subsidiary of General Public Utilities, Inc., a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of $675,000 principal amount of its First Mortgage 4¼% Serial Bonds and $337,000 principal amount of 4% Unsecured Notes, due April 1, 1960; and General Public Utilities, Inc., having filed an application pursuant to Section 10 of the Act with regard to the acquisition by it of $17,000 principal amount of the First Mortgage 4¼% Serial Bonds, Series B, and $337,000 principal amount of 4% Unsecured Notes, due April 1, 1960, all of which are to be issued by The Dakota Power Company; and General Public Utilities, Inc., having filed an application pursuant to Rule U-12D-1 with regard to the sale by it of $266,500 principal amount of First Mortgage 7% bonds, due September 1, 1943, and $337,000 principal amount of 4% Unsecured Notes, due April 1, 1956, issued by The Dakota Power Company; and

A hearing on such declaration and applications having been held after appropriate notice,[1] the record in these matters having been examined, and the Commission having made and filed its findings herein;

*It is ordered*, That the declaration of The Dakota Power Company pursuant to Section 7 be and become effective forthwith subject to the conditions—

(1) That such issue and sale shall be effected in accordance with the terms and conditions of and for the purposes represented by said declaration; and

(2) That within ten days after such issue and sale the declarant file with this Commission a certificate of notification indicating that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, said declaration; and

*It is further ordered*, That the application of General Public Utilities, Inc., pursuant to Section 10 of the Act be and it hereby is approved subject to the following conditions:

(1) That the acquisitions shall be effected in accordance with the terms and conditions of, and for the purposes represented by such application; and

(2) That within ten days after such acquisitions the applicant file with this Commission a certificate of notification indicating that such acquisitions have been effected in accordance with the terms and conditions of, and for the purposes represented by, said application; and

*It is further ordered*, That the application of General Public Utilities, Inc., filed pursuant to Rule U-12D-1 be and hereby is approved subject to the following conditions:

(1) That such sales shall be effected in accordance with the terms and conditions of, and for the purposes represented by said application; and

(2) That within ten days after said sale the applicant file with this Commission a certificate of notification showing that such sales have been effected in accordance with the terms and conditions of, and for the purposes represented by said application; and

*It is further ordered*, That the application of The Dakota Power Company pursuant to Rule U-12C-1 of the Act be and hereby is approved subject to the following conditions:

(1) The acquisitions shall be effected in accordance with the terms and conditions of, and for the purposes represented by such application; and

(2) That within ten days after such acquisitions the applicant file with this Commission a certificate of notification indicating that such acquisitions have been effected in accordance with the terms and conditions of, and for the purposes represented by, said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2802; Filed, July 29, 1939; 11:02 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of July A. D. 1939.

[File No. 1-2248]

IN THE MATTER OF SIMON SILVER-LEAD MINES, INC. COMMON CAPITAL STOCK, $1 PAR VALUE

ORDER WITHDRAWING REGISTRATION OF SECURITIES ON A NATIONAL SECURITIES EXCHANGE

The Commission having instituted a proceeding pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether or not the registration on the San Francisco Mining Exchange of the common capital stock, $1 par value, of Simon Silver-Lead Mines, Inc., should be suspended, or whether or not the registration of such stock should be withdrawn; and

After appropriate notice,[1] a hearing having been held, the Trial Examiner having filed an advisory report, and no exceptions thereto having been taken; and

The Commission having fully considered this matter and having entered its findings herewith;

*It is ordered*, Pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, that the registration on the San Francisco Mining Exchange of the common capital stock, $1 par value, of Simon Silver-Lead Mines, Inc., shall be and the same is hereby withdrawn, effective as of August 7, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2803; Filed, July 29, 1939; 11:02 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of July, A. D. 1939.

[File No. 32-109]

IN THE MATTER OF STATEN ISLAND EDISON CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Staten Island Edison Corporation, having on October 15, 1938 filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for the issuance and sale of its 3¼% Five Year note in the principal amount of $3,000,000; and

Staten Island Edison Corporation, by a letter dated July 10, 1939 and filed with this Commission on July 14, 1939, having requested that it be permitted to withdraw its application;

*It is ordered*, That upon the request of the applicant, the Commission consents to the withdrawal of the above-named application, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2804; Filed, July 29, 1939; 11:02 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of July, A. D. 1939.

[File No. 43-139]

IN THE MATTER OF OKLAHOMA POWER AND WATER COMPANY

ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

Oklahoma Power and Water Company, a subsidiary of the Middle West Corporation, a registered holding company, having filed with this Commission a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of fifty-eight 5% unsecured promissory notes aggregating $704,000 and maturing on various dates and in various amounts between August 15, 1939 and July 15, 1943;

Public hearing thereon having been duly held after appropriate notice;[1] the record in this matter having been duly considered; and the Commission having filed its findings herein;

*It is ordered*, That such declaration be and become effective forthwith subject however, to the following conditions:

1. That the proposed issue and sale of said notes shall be effected in substantial compliance with the terms and conditions of, and for the purposes recommended by, said declaration as amended.

2. That within ten days after the issue and sale of said notes, the declarant shall file with this Commission a Certificate of Notification that the issue and sale have been effected in accordance with, and for the purposes represented by, said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2810; Filed, July 31, 1939; 11:39 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of July 1939.

[File No. 1-876]

IN THE MATTER OF THE STANDARD OIL COMPANY OF KANSAS CAPITAL STOCK, $10 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Capital Stock, $10 Par Value, of The Standard Oil Company of Kansas; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on August 7, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2811; Filed, July 31, 1939; 11:39 a. m.]

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[1] 4 F.R. 2781 DI.

[1] 4 F.R. 1278 DI.

[1] 4 F.R. 3405 DI.



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of July, A. D. 1939.

[File No. 31-62]

IN THE MATTER OF JERSEY CENTRAL POWER & LIGHT COMPANY

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

An application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935 having been filed with this Commission by the above-named party;

Whereas it was ordered on July 19, 1939 that a hearing on such matter be held on August 8, 1939 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C.;

And whereas it is the desire of this Commission, having due regard to the interest of the public and the parties affected, that said hearing be postponed;

*It is ordered*, That said hearing be and hereby is postponed until August 15, 1939 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C., to be held in all other respects in accordance with the Commission's Order of July 19, 1939;

Notice of such postponement is hereby given to said applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers;

The matter concerned herewith is in regard to an application by the above-named party seeking an order of this Commission to the effect that it is not a subsidiary company within the terms of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2812; Filed, July 31, 1939; 11:39 a. m.]

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## UNITED STATES TARIFF COMMISSION.

INVESTIGATION ORDERED RELATIVE TO COTTON TEXTILES

INVESTIGATION NO. 2 UNDER SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED

*Institution of investigation.* By direction of the President, dated July 26, 1939, the United States Tariff Commission on

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[1] 4 F.R. 3387 DI.

the 26th day of July 1939 instituted, and hereby gives notice of an investigation, under Section 22 of the Agricultural Adjustment Act (of 1933), as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether

Articles and Materials Wholly or in Part of Cotton are being imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with the program undertaken with respect to cotton, under the Soil Conservation and Domestic Allotment Act, as amended, or to reduce substantially the amount of any product processed in the United States from cotton.

*Hearing.* The date of hearing in this investigation has not yet been determined but will be announced subsequently.

*Regulations.* Copies of the regulations adopted for investigations under Section 22 may be obtained on application to the United States Tariff Commission, Washington, D. C., or to the New York office of the Commission, Room 712, Custom House, New York City.

I hereby certify that the above investigation was ordered by the United States Tariff Commission on the 26th day of July 1939.

[SEAL] SIDNEY MORGAN,
*Secretary.*

Notice issued July 29, 1939.

[F. R. Doc. 39-2801; Filed, July 28, 1939; 3:48 p. m.]

Reference

AUG 3 1939

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
# FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 4 NUMBER 147

*Washington, Wednesday, August 2, 1939*

## *Rules, Regulations, Orders*

### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

AUGUST 1, 1939.

To E. F. VOLZKE,
*Doing business as Broken Bow Auction Yards, Broken Bow, Nebr.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C., Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Broken Bow Auction Yards at Broken Bow, State of Nebraska, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C., Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2841; Filed, August 1, 1939; 12:55 p. m.]

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NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

AUGUST 1, 1939.

To W. H. BISHOP,
*Doing business as W. H. Bishop Horse & Mule Auction, Anna, Ill.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C., Sec. 202 (b)), it has been ascertained by me that the stockyard known as the W. H. Bishop Horse & Mule Auction at Anna, State of Illinois is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C., Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2842; Filed, August 1, 1939; 12:55 p. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

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### TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Amendment 20, Civil Air Regulations]

POSITION LIGHTS

*Correction*

Table III, appearing on Page 3453 of the FEDERAL REGISTER for Saturday, July 29, 1939 (F.R. Doc. 39-2798; filed, July 28, 1939; 12:41 p. m.) should read as follows:

TABLE III.—*Minimum Permissible Intensities in the Horizontal Plane Through the Forward Axis of the Unit*

| At angles from forward axis not exceeding: | *Intensity* |
|---|---|
| 80 degrees | 5 candles. |
| 40 degrees | 10 candles. |
| 30 degrees | 20 candles. |
| 20 degrees | 30 candles. |
| 10 degrees | 40 candles. |

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### TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3346]

IN THE MATTER OF MME. ADELE, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of products:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "Wonder Peel Paste" cosmetic, or other similar prepa-

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FEDERAL REGISTER

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ration, that said product will withdraw toxins from the skin, accelerate chemical changes in the living skin cells, or supply materials to the skin to repair waste tissues, or will prevent or remove, or have any beneficial effect in aiding the removal of, any blemishes or other conditions of the skin which are due to or persist because of a systemic or metabolic disorder or condition, or that said product has any beneficial effect on the metabolism or nutrition of the tissues, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Mme. Adele, etc., Docket 3346, July 21, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "Wonder Peel Paste" cosmetic, or other similar preparation, that the use of said product will prevent or remove freckles, liver spots or wrinkles, or will prevent pimples, blackheads, puffs, scars, pits, acne or crepey neck, or that it has any beneficial effect in aiding in the removal of such blemishes or conditions, unless such representation is limited to those conditions which are of a surface character only, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Mme. Adele, etc., Docket 3346, July 21, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ADELE MILLAR, AN INDIVIDUAL DOING BUSINESS UNDER THE TRADE NAMES MME. ADELE AND CHEZ ADELE

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Charles P. Vicini, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed by counsel for the Commission (respondent not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent Adele Millar, now known as Adele Millar Prentiss, individually and trading as "Mme. Adele" and "Chez Adele," or under any other name or names, her representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a cosmetic preparation now designated "Wonder Peel Paste," or any other preparation containing substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the name "Wonder Peel Paste" or under any other name or names, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that said preparation will withdraw toxins from the skin, accelerate chemical changes in the living skin cells, or supply materials to the skin to repair waste tissues;

2. Representing that the use of said preparation will prevent or remove freckles, liver spots or wrinkles;

3. Representing that said preparation will prevent or remove or have any beneficial effect in aiding in the removal of, any blemishes or other conditions of the skin which are due to or persist because of a systemic or metabolic disorder or condition;

4. Representing that said preparation will prevent pimples, blackheads, puffs, scars, pits, acne or crepey neck;

5. Representing that said preparation has any beneficial effect in aiding in the removal of pimples, blackheads, puffs, scars, pits, acne or crepey neck, unless such representation is limited to those conditions which are of a surface character only.

6. Representing that said preparation has any beneficial effect on the metabolism or nutrition of the tissues.

*It is further ordered*, That the respondent shall, within sixty days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she had complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2833; Filed, August 1, 1939; 10:25 a. m.]

[1] 3 F.R. 2264 DI.

## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

(T. D. 49922)

CUSTOMS REGULATIONS OF 1937, AMENDED[1]

*To Collectors of Customs and Others Concerned:*

The Customs Regulations of 1937[2] are hereby amended as follows:

Paragraph (b) of article 329 [Sec. 6.41] is amended to read as follows:

"(b) [Sec. 6.41] Withdrawals for consumption of merchandise in bonded warehouse shall be filed in triplicate on customs Form 7505. No new declaration of the consignee or agent is required. The withdrawal form shall show the number of the bond, the marks and numbers of the packages withdrawn, the vessel and date of importation, the description, quantity, rates of duty, separate value of each package, and total dutiable value of the merchandise, and shall be signed by the person making the withdrawal: *Provided, however*, That with respect to merchandise of a class consisting of packages uniform in kind, quantity, value and duty, the number of each package to be withdrawn need not be shown on the withdrawal form if the lowest and the highest number in the number series of such class are shown." (Sec. 557, 46 Stat. 744, Secs. 2, 22, 23, 52 Stat. 1077, 1087, 1088; 19 U.S.C. 1557 and Sup. IV. Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

Paragraph (h) of article 691, added by T. D. 49469, [Sec. 10.53 (c)] is amended to read as follows:

"(h) [Sec. 10.53 (c)] Under regulations approved by the President on February 14, 1938, as amended by regulations approved by the President on November 26, 1938, the printing, publishing, and importation, and the making and importation of the necessary plates for such printing and publishing, for philatelic purposes in articles, books, journals, newspapers, and albums (including the circulars and advertising literature of legitimate dealers in stamps and publishers of and dealers in philatelic and historical articles, books, journals, and albums) of black and white illustrations of canceled and uncanceled United States postage stamps (including postage stamps impressed upon stamped envelopes and postal cards) are permitted, provided that such illustrations are of a size less than three-quarters or more than one and one-half, in linear dimension, of each part of such stamp." (Sec. 2 (b), 52 Stat. 7; 18 U.S.C., Sup. IV, 350)

Paragraph (b) of article 1028 [Sec. 19.2 (b)] is amended by adding the following sentence:

"If the Commissioner of Customs is satisfied that at a given port a particular class or classes of merchandise may, without danger to the revenue or the proper conduct of customs business, be carried otherwise than by a contract or licensed cartman to the place outside the appraiser's stores designated for examination, he may by specific instructions authorize such other carriage."

Paragraph (c) of article 1044 of the Customs Regulations of 1937 [Sec. 20.8 (c)] is hereby amended by deleting "and the date of clearance of the exporting vessel or conveyance have" in the second sentence and substituting therefor "has." (Sec. 313, 46 Stat. 693, Secs. 402, 403, 49 Stat. 1960; 19 U.S.C. 1313 and Sup. IV. Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

[SEAL] JAMES H. MOYLE, *Commissioner of Customs.*

Approved, July 28, 1939.

STEPHEN B. GIBBONS, *Acting Secretary of the Treasury.*

[F. R. Doc. 39-2840; Filed, August 1, 1939; 11:30 a. m.]

[1] This document affects 19 CFR 6.41, 10.53, 19.2, and 20.8 (c).
[2] 2 F.R. 1444, 1562, 1643.



## TITLE 24—HOUSING CREDIT

### FEDERAL HOUSING ADMINISTRATION

AMENDMENT TO ADMINISTRATIVE RULES FOR MUTUAL MORTGAGE INSURANCE

The Administrative Rules of the Federal Housing Administrator for Mutual Mortgage Insurance under Section 203 of the National Housing Act, revised July 1, 1939,[1] (Part 521 Code of Federal Regulations) are hereby amended as follows:

Subsection 4 of Section IV of said Administrative Rules (Sec. 521.20) is amended to read as follows:

"4. The mortgage may bear interest at such rate as may be agreed upon between the mortgagee and mortgagor, but in no case shall such interest rate be in excess of four and one-half per centum (4½%) per annum. Interest shall be payable in monthly installments on the principal then outstanding."

This amendment is effective as to all mortgages on which a commitment to insure is issued on or after August 1, 1939.

Issued at Washington, D. C., this 29th day of July 1939.

[SEAL] STEWART MCDONALD, *Federal Housing Administrator.*

By MILES L. COLEAN, *Acting Administrator.*

[F. R. Doc. 39-2825; Filed, July 31, 1939; 3:41 p. m.]

AMENDMENT TO ADMINISTRATIVE RULES FOR MULTIFAMILY AND GROUP HOUSING INSURANCE

The Administrative Rules of the Federal Housing Administrator under Section 207 of the National Housing Act, revised June 30, 1939,[2] (Part 532 Code of Federal Regulations) are hereby amended as follows:

Subsection 5 of Section II of said Administrative Rules (Sec. 532.7) is amended to read as follows:

"5. The mortgage shall bear interest at such rate, not exceeding four per centum (4%) per annum, as may be agreed upon between the mortgagor and the mortgagee. All charges made in connection with the mortgage transaction shall be subject to the approval of the Administrator."

This amendment is effective as to all mortgages on which a commitment to insure is issued on or after August 1, 1939.

Issued at Washington, D. C., this 29th day of July 1939.

[SEAL] STEWART MCDONALD, *Federal Housing Administrator.*

By MILES L. COLEAN, *Acting Administrator.*

[F. R. Doc. 39-2826; Filed, July 31, 1939; 3:41 p. m.]

[1] 4 F.R. 2763 DI.
[2] 4 F.R. 3489 DI.

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### WAR DEPARTMENT

CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 202—ANCHORAGE REGULATIONS

§ 202.82 *Isthmus Cove, Santa Catalina Island, Calif.*[1] By authority of the provisions of Section 7 of the River and Harbor Act approved March 4, 1915, the following anchorage grounds for vessels in Isthmus Cove, Santa Catalina Island, California, and rules and regulations pertaining thereto, are hereby defined and established:

*The Anchorage Grounds*

(a) (1) *General anchorage.* All of the navigable waters of Isthmus Cove shoreward of a line connecting the promontories known as Lion Head and Blue Cavern Point, except the Zone of Restricted Anchorage.

(2) *Zone of restricted anchorage.* An area, 300 feet wide, extending from shore 1,200 feet seaward of the outer end of Wilmington Transportation Company Wharf, centered on a line 20 feet westerly of and parallel to the centerline of said wharf.

*The Rules and Regulations*

NOTE: The officer of the United States Coast Guard charged with special duties in connection with the enforcement of these regulations under the direction of the Secretary of the Treasury is designated "Captain of the Port." Complaints arising under these regulations should be addressed to that officer, Room 414,* Federal Building, Los Angeles, California.

(b) (1) The General Anchorage shall be available for anchorage of all types of craft. Temporary floats or buoys for marking anchors in place will be permitted in this area, provided that the upper half of any such float or buoy is painted white, to improve visibility at night.

(2) Commercial vessels, of 15 feet draft or over, may anchor in the Zone of Restricted Anchorage during the hours between sunrise and sunset. The use of this zone for anchorage is forbidden to all other craft at all times.

(3) The instructions of the Captain of the Port requiring vessels to anchor bow and stern, or with two bow anchors, or requiring shifting the anchorage of any vessel within the anchorage grounds for the common safety or convenience; or for otherwise enforcing these rules and regulations, shall be promptly complied with by owners, masters, and persons in charge of vessels.

(4) Nothing in these rules and regulations shall be construed as relieving the owner or person in charge of any vessel or plant from the penalties of the law for obstructing navigation or for

[1] These regulations are supplementary to Title 33, Chapter II, Part 202, of the Code of Federal Regulations.

obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law. (Sec. 7, River and Harbor Act, Mar. 4, 1915, 38 Stat. 1053; 33 U.S.C. 471) [Regs., July 21, 1939 (E.D. 7175 (Isthmus Cove, Calif.)–1/5)]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–2828; Filed, August 1, 1939; 9:37 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## VETERANS' ADMINISTRATION

### REVISION OF REGULATIONS

#### BURIAL AND FUNERAL EXPENSES AND TRANSPORTATION OF BODIES OF VETERANS

*Definition of "Veteran of any War"*

§ 2.2694 (A) *Persons included.* The term "veteran of any war" for the purpose of adjudicating claims for direct payment of or reimbursement for burial, funeral and transportation expenses incurred in behalf of deceased veterans where death was on or subsequent to March 20, 1933, will include: (1) Civil War, any honorably discharged member of the active military or naval service of the United States who served during the Civil War subsequent to April 11, 1861, and prior to May 27, 1865, including those persons who served as members of State organizations participating in the Civil War for whose services the State has been reimbursed by the United States Government. Nothing herein shall be construed to exclude from the definition any person who was receiving pension as a Civil War veteran under the Civil War service pension laws or who was not entitled to pension under such Civil War pension service laws solely because of length of service or as to whom any special act of Congress has been enacted which provides that such person shall be considered as having rendered military service during the Civil War; (2) Indian Wars, any veteran of any Indian War, as formerly contemplated by the provisions of Section 201 (1) of the World War Veterans Act, 1924, as amended, and regulations, precedents, and instructions issued pursuant thereto, or a person who at time of his death was receiving a pension in accordance with the provisions of the laws governing the payment of a pension as a veteran of an Indian War; (3) Spanish-American War, any honorably discharged officer or enlisted man who was employed in the active military or naval service of the United States on or after April 21, 1898 and before August 13, 1898, including those women who served as army nurses under contract during this period and including any honorably discharged person who died on or after March 19, 1935, and who served in the military or naval service of the United States between August 13, 1898 and July 4, 1902, both dates inclusive, who left the continental United States under orders for military or naval service in Guam, Cuba, or Puerto Rico, between such dates inclusive; where death occurred on or after May 3, 1939, any honorably discharged officer or enlisted man who was employed in the active military or naval service of the United States on or after April 21, 1898 and before April 12, 1899, including those women who served as army nurses under contract and persons who served overseas as contract surgeons of the army during this period; (4) Philippine Insurrection, any honorably discharged officer or enlisted man employed in the active military or naval service of the United States including those women who served as army nurses under contracts, who actually participated in the Philippine Insurrection on or after August 13, 1898 and before July 5, 1902, provided, however, if the person was serving in the United States military forces engaged in the hostilities in the Moro Province the ending date shall be July 15, 1903; where death occurred on or after May 3, 1939, any honorably discharged officer or enlisted man who was employed in the active military or naval service of the United States on or after April 12, 1899 and before July 5, 1902 (or who served in the Moro Province, Philippine Islands, before July 16, 1903) including those women who served as army nurses under contract or who served in the nurse corps (female) and persons who served overseas as contract surgeons of the army during this period; (5) Boxer Rebellion, any honorably discharged officer or enlisted man, including those women who served as army nurses under contracts, employed in actual participation in the Boxer Rebellion on or after June 20, 1900 and before May 13, 1901; (6) World War, any honorably discharged officer, enlisted man, member of the Army Nurse Corps (female), Navy Nurse Corps (female), who was employed in the active military or naval service of the United States on or after April 6, 1917 and before November 12, 1918, provided, however, that if the person was serving in the United States military forces in Russia the ending date will be extended to April 1, 1920 (the provisions of Section 5, Public No. 304, 75th Congress, are not applicable to burial claims); (7) any enlisted man or officer of the Army, Navy, or Marine Corps in retirement status at the date of death if shown to have served honorably during the period of any war. Where death occurs on or after March 28, 1934, (except as provided in (B), below), and the other requirements of this paragraph have been met, an honorable discharge will not be required if the veteran was in receipt of pension, compensation, or emergency officers retirement pay at the time of his death.

(B) *Persons not included.* Except as provided in Sec. 2.2696 (D) a discharged or rejected draftee; a member of the national guard who reported to camp in answer to the President's call, for World War service, but who when medically examined was not finally accepted for active military service; or an alien who does not come within the purview of Sec. 2.1001 (J), is not a "veteran of any war" within the meaning of that term as defined in subparagraph (A) hereof, even though such person may have been in receipt of compensation or pension. (May 3, 1939.) (Public No. 62, 76th Congress.)

#### DEATH OCCURRING WHILE TRAVELING UNDER PRIOR AUTHORIZATION OR IN A VETERANS ADMINISTRATION FACILITY

§ 2.2696 (d) canceled May 3, 1939, and paragraphs (e), (f) and (g) re-lettered respectively (d) (e) and (f).

[SEAL] FRANK T. HINES,
*Administrator.*

[F. R. Doc. 39–2821; Filed, July 31, 1939; 3:20 p. m.]

### REVISION OF REGULATIONS

#### ALLOWABLE EXPENSES OF BURIAL, FUNERAL AND TRANSPORTATION

§ 2.2702 (A) (1) For the purpose of regulations governing the payment of burial, funeral and transportation expenses, the following items and articles will be considered as allowable: Embalming (Taharah in Jewish burials), shaving, washing and dressing, casket or coffin, or in lieu thereof materials and labor used in the construction of casket or coffin; steel or concrete vault (if a vault is used as a shipping case and also for burial, an allowance not exceeding $25.00 may be applied thereon as part of transportation expenses in those cases where transportation charges are payable, exclusive of the $100 burial allowance as provided in Sec. 2.2696, and any balance on such vault may be included in the burial allowance of $75.00 or $100 whichever applies), box not to exceed $25.00, removal of box to cemetery, undertaker's fees for personal or professional services, chapel, hearse, limousines or other conveyances, rental vault, digging of grave including materials used in walling or lining grave, single grave space (except where burial is in a plot owned by a member of the family of the deceased) perpetual care if compulsory under deed to lot or site, grave marker or monument, lowering device, tent, grave equipment, blanket, slumber robe, veil, tahlith, burial clothing not to exceed $50.00, chairs, cremation, candles, candelabra, crucifix, crepe, door badge, necessary fee for minister, music, or other religious services not to exceed $15.00; necessary fees for watchers not to exceed $10.00 for each or a total of $20.00; necessary fees for pallbearers not to exceed $2.00 each or a total of $12.00, fees for firing squads; permits and such other necessary burial and funeral expenses as are reasonable, not to exceed $75.00 or $100, whichever applies. The cost of flowers (other than door badge), flower car, obituary notices and state tax will not be allowed. In cases where transportation of remains is a proper charge against the Veterans' Administration exclusive of the $100 burial allowance as provided in Sec. 2.2696, and the transportation is accomplished by means other than by common carrier, the reasonable cost of such transportation shall be allowed as may be determined by employees authorized to make findings of fact and law in burial claims. In no event will a charge be approved where it is found to be in excess of the charge made the general public for the same item of service.

(2) *Items allowable as part of transportation.* In adjudicating claims where death of a person occurs in a Veterans' Administration facility or while traveling under prior authorization of the Veterans' Administration, either to or from a Veterans' Administration facility or regional office, the following items will be considered as part of transportation expense, the cost of which will be allowed in addition to the statutory allowance of $100; procuring permit for shipment, outside case for shipment, sealing outside case (tin), sealing outside case (galvanized iron), hearse to common carrier, one removal from common carrier either to home of decedent, or to the undertaking establishment or direct to the place of burial.

(3) *Items not allowable as part of transportation.* Charge made for removal from Veterans Administration facility, even though the facility is outside the corporate limits of the nearest city or town, to a local undertaking parlor (original pick-up) will not be allowed as a part of transportation. In those cases where the remains are transported overland by means other than common carrier the items of transportation enumerated in sub-paragraph (2) hereof will not be allowed in addition to the statutory allowance and the removal charge. (See Sec. 2.2696 (c).) (July 31, 1939.) (48 Stat. 11; 38 U.S.C. 717, 718)

[SEAL] FRANK T. HINES,
*Administrator.*

[F. R. Doc. 39–2822; Filed, July 31, 1939; 3:20 p. m.]

### REVISION OF REGULATIONS

#### RENEWAL OF FIVE YEAR LEVEL PREMIUM TERM INSURANCE

§ 3.3170 Pursuant to the provisions of an amendment enacted June 1, 1937, amending section 301 of the World War Veterans Act, 1924, as amended (U. S. Code, Supp. V. title 38, section 512), all or any part of the insurance, in any multiple of $500, and not less than $1,000, on the five year level premium term plan may be renewed without medical examination for a second or third five year period, upon application therefor and payment of the premium at the five year level premium term rate required at the attained age of the insured, before the expiration of the current five year period. The renewal of insurance for a second or third five year period will become effective as of the day following the expiration of the preceding five year period, and the premium for such renewal will be at the five year level premium term rate for the attained age of the applicant on that day: *Provided,* That no insurance may be renewed under the amendment enacted June 1, 1937, to section 301 of the World War Veterans Act, 1924, as amended, by any person who has exercised his optional right to change to another plan of insurance. The renewal of the insurance in accordance with the law and regulations will be evidenced by the following certificate:

UNITED STATES GOVERNMENT LIFE INSURANCE
CERTIFICATE OF RENEWAL
FIVE YEAR LEVEL PREMIUM TERM INSURANCE

Policy Number K–_____
Age of insured_____ Monthly $_____
Amount of insurance $_____ Quarterly $_____
Semi-annual $_____
Annual $_____
Name of insured _____

Pursuant to the provisions of the amendment enacted June 1, 1937, to section 301 of the World War Veterans Act 1924, as amended, and in consideration of the payment of the monthly premium at the rate for the attained age of insured in the amount as stated above on the day this certificate becomes effective and on the same day of each month thereafter for a period of sixty months, the insurance under said policy of which this agreement becomes a part, is renewed as five year level premium term insurance for the period beginning _____, 19__, and ending _____, 19__

The insurance renewed is subject to the conditions, benefits, and privileges contained in the policy except that any nonforfeiture provisions and any table of guaranteed surrender values of the policy shall be null and void from and after the effective date of this certificate. This insurance ceases on the ending date shown above, and no further premium will be payable unless the insurance has been exchanged for some other plan of insurance on or before that date.

Effective as of _____ 19__.

FRANK T. HINES,
*Administrator of Veterans Affairs.*

Countersigned at Washington, D. C.
Examined and issued _____, 19__.

_____,
*Registrar.*

(50 Stat. 241; 38 U.S.C. 512, Supp. V.) (June 1, 1937.)

[SEAL] FRANK T. HINES,
*Administrator.*

[F. R. Doc. 39–2823; Filed, July 31, 1939; 3:20 p. m.]



### REVISION OF REGULATIONS

#### EFFECTIVE DATES OF REDUCTIONS AND DISCONTINUANCES OF DEATH PENSION AND COMPENSATION

§ 2.2586 *Public No. 2, 73d Congress (Act of March 20, 1933) as amended; sections 28 and 31, Title III, Public No. 141, 73d Congress (Act of March 28, 1934) as amended; Public No. 304 and Public No. 514, 75th Congress (Acts of August 16, 1937 and May 13, 1938); and Public No. 484, 73d Congress (Act of June 28, 1934) as amended.* Where death pension or compensation has been awarded under the provisions of Public No. 2, 73d Congress or Section 28 or 31, Title III, Public No. 141, 73d Congress or Public No. 304 or Public No. 514, 75th Congress (Acts of August 16, 1937 and May 13, 1938) or Public No. 484, 73d Congress as amended the effective date of reduction or discontinuance of such death pension or compensation shall be in accordance with the facts found, except that:

* * * * * *

(i) *Fraud.* Where, subsequent to the approval of an award, fraud is shown to have been committed prior to the approval of such award by the person receiving pension or compensation or with his or her knowledge, the effective date of discontinuance shall be as of the effective date of the award to such person. If the fraud was committed subsequent to the approval of the award the effective date of discontinuance shall be as of the date of commitment of the fraud. (July 31, 1939.)

[SEAL] FRANK T. HINES,
*Administrator.*

[F. R. Doc. 39–2824; Filed, July 31, 1939; 3:20 p. m.]

## TITLE 45—PUBLIC WELFARE

## NATIONAL YOUTH ADMINISTRATION

[Administrative Order No. 2]

### PART 402—REGULATIONS RELATING TO THE PART-TIME EMPLOYMENT OF OUT OF SCHOOL YOUTH ON PROJECTS OF THE NATIONAL YOUTH ADMINISTRATION*

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By virtue of and pursuant to the authority vested in the Administrator of the National Youth Administration by the Emergency Relief Appropriation Act of 1939, approved June 30, 1939, the following rules and regulations are prescribed.

DEFINITIONS

§ 402.1 *Projects.* The term "project" as used herein shall mean projects or portions of projects, for the employment and training of out-of-school youth, which are financed in whole or in part from funds appropriated to the National Youth Administration by the Emergency Relief Appropriation Act of 1939.

§ 402.2 *Resident projects.* The term "resident projects," as used herein shall mean projects which involve the maintenance of youth in camps, dormitories or other resident facilities under the supervision of the National Youth Administration. Resident projects are further defined as follows:

(a) Full-time. The term "full-time resident projects," as used herein, shall mean resident projects to which youth are assigned for periods of continuous residence at such facilities for 30 or more consecutive days.

(b) Part-time. The term "part-time resident projects," as used herein, shall mean resident projects to which youth are assigned for periods of continuous residence at such facilities for less than 30 consecutive days.

§ 402.3 *Project employees.* The term "project employees" as used herein shall mean all persons engaged upon projects and paid by means of a payroll payment from funds authorized for the operation of such projects. Project employees are further defined as follows:

(a) Youth employees. The term "youth employees" as used herein shall mean certified persons between the ages of 18 and 24 years inclusive who are engaged upon a part-time basis on projects and who are paid by means of payroll payments from funds authorized for the operation of such projects.

(b) Supervisory employees. The term "project supervisory employees" as used herein shall mean persons in supervisory positions engaged upon projects who are paid upon a per diem or monthly basis by means of payroll payments from funds authorized for the operation of such projects.

HOURS OF WORK

§ 402.4 *Responsibilities.* The State Youth Administrator shall be responsible for determining the hours of work for project employees in accordance with the provisions hereinafter prescribed.

§ 402.5 *Maximum hours.* Hours of project work for youth employees shall not exceed 8 hours per day, 40 hours per week, and 100 hours per month, except in the case of:

(a) Exemptions by Administrator. Such projects, portions of projects, or areas as the National Youth Administrator, or his authorized representative, may hereafter exempt;

(b) Emergencies. An emergency involving the public welfare or to protect work already done on a project when so authorized by the State Youth Administrator;

(c) Making up lost time. Making up time lost due to conditions which in the judgment of the State Youth Administrator warrant authorizing youth employees to make up lost time; or

(d) Resident projects. Resident projects, to which youth employees shall be assigned upon the basis of a 30-day service status.

§ 402.6 *Related training.* Youth employees may be required to participate in a program of related training, which may be included in their monthly assigned hours, provided that the total assigned hours do not exceed 100 hours per month. Within the maximum assigned hours provided herein, youth employees shall be considered in payroll status for the entire period during which they are under the supervision of the National Youth Administration.

§ 402.7 *Supervisory employees.* The hours of work for project supervisory employees shall be established by the State Youth Administrator in accordance with the requirements of the project to which the employee is assigned.

MONTHLY EARNINGS AND PAYMENT FOR SERVICES

§ 402.8 *Supervisory employees' earnings.* The State Youth Administrator is authorized and directed to establish per diem or monthly earnings for project supervisory employees in accordance with the wages customarily paid for work of a similar nature in the same locality. Earnings for project supervisory employees established on a per diem or monthly salary basis are subject to the following conditions:

(a) Per diem employees. Project supervisory employees, who are assigned to work for a period of less than 100 hours per payroll month or who are assigned to work for indefinite periods per payroll month, shall be compensated upon a per diem basis of payment from funds authorized for the operation of projects. Project supervisory employees paid on a per diem basis shall be paid for their actual days of service.

(b) Employees on monthly salary basis. Project supervisory employees, who are assigned to work for definite schedules of not less than 100 hours per payroll month shall be compensated for their services upon a monthly salary basis from funds authorized for the operation of projects. For project supervisory employees paid on a monthly salary basis, deductions for voluntary absence from duty shall be made in the amount of one-thirtieth of the monthly salary for each day of voluntary absence. However, no deduction shall be made for any day or days upon which the employee is not required to work. Deductions for voluntary absence from duty for a portion of a day shall be made in an amount equal to one-fourth the deduction, or multiple thereof, made for absence during a full day.

§ 402.9 *Youth employees' earnings.* The schedule of monthly earnings hereinafter prescribed shall be applicable to youth employees, except in the case of:

(a) Exemptions by Administrator. Such projects, portions of projects, or areas as the National Youth Administrator, or his authorized representative, may hereafter exempt;

(b) Making up lost time. Making up time lost, or in the case of an emergency, as provided in 402.5;

(c) Resident projects. Resident projects; and

(d) Prior exemptions; schedule of earnings. Such projects, portions of projects, or areas for which exemptions from the schedule of monthly earnings have heretofore been granted by proper authority for unskilled and intermediate workers, provided that the exemptions remain applicable to the specific projects, portions of projects, or areas for which they were authorized and that no such exemption shall be continued in effect under this authority on and after November 1, 1939. Exemptions heretofore authorized for skilled and professional and technical workers : : hereby rescinded.

*Schedule of Monthly Earnings for Part-Time Work*

The schedule of monthly earnings applicable to any county shall be based upon the 1930 population of the largest municipality within the county in accordance with the following schedule:

| Wage regions [1] | Population over 25,000 | Population under 25,000 |
|---|---|---|
| | Class B | |
| Region I | 18 | 14 |
| Region II | 16 | 14 |
| Region III | 14 | 12 |
| | Class A | |
| Region I | 21 | 17 |
| Region II | 18 | 15 |
| Region III | 16 | 13 |

[1] Wage Regions include the following states:

Region I: Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin and Wyoming.

Region II: Delaware, District of Columbia, Kansas, Kentucky, Maryland, Missouri, North Carolina, Oklahoma, Virginia, West Virginia.

Region III: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, Texas.

§ 402.10 *Adjustments.* The several State Youth Administrators are authorized to make adjustments of not to exceed fifty cents (50¢) above or below the schedule of earnings as prescribed in 402.9 to avoid the computation of fractional payments of less than one cent (1¢) or the assignment of hours of work which involve partial hours during any monthly pay period.

§ 402.11 *State Administrator's Orders.* It shall be the responsibility of each State Youth Administrator to issue State Youth Administrator's Orders which shall constitute a schedule of assigned hours of work and monthly earnings for each class of youth employee in each county in which projects are operated. Where exemptions are authorized, supplemental schedules may be issued under the State Youth Administrator's Orders to cover special determinations for individual projects within a county or for subdivisions within a county.

§ 402.12 *Non-resident project employees.* After November 1, 1939, employment on projects within each state shall be subject to the following conditions:

(a) Class B wage earners. At least 80 percent of the youth employees within each state assigned to non-resident projects shall be paid in accordance with the schedule of earnings prescribed in 402.9 for Wage Class B;

(b) Class A wage earners. Not more than 20 percent of the youth employees within each state assigned to non-resident projects shall be paid in accordance with the schedule of earnings prescribed in 402.9 for Wage Class A.

§ 402.13 *Resident project employees.* The monthly earnings of youth employees assigned to resident projects, except for such projects, or portions of projects, as the National Youth Administrator, or his authorized representative, may hereafter exempt, shall be established by the State Youth Administrator at a uniform amount of not to exceed thirty dollars ($30) per payroll month for full-time resident projects or twenty dollars ($20) per payroll month for part-time resident projects, with an appropriate charge for lodging, food, sanitation, water and bathing facilities, and medical and dental care. Deductions shall be made at the end of each payroll month from the earnings of youth employees assigned to resident projects, provided that the net payment to youth employees shall be not less than eight dollars ($8) per payroll month.

For youth employees assigned to full-time resident projects, deductions for voluntary absence from duty shall be made in the amount of one-thirtieth of the monthly salary for each day of voluntary absence. For youth employees assigned to part-time resident projects, deductions for voluntary absence from duty shall be made on the basis of the ratio which the number of days of absence bears to the total number of days of assignment during the payroll month. Deductions for voluntary absence from duty for a portion of a day shall be made in an amount equal to one-fourth the deduction, or multiple thereof, made for absence during a full day.

§ 402.14 *Accident compensation.* Project employees if injured in the performance of duty and unable to work as a result thereof shall be entitled to receive payment of compensation under the provisions of the Act of February 15, 1934 (48 Stat. 351) as amended.

§ 402.15 *Pledge or assignment of wages.* Wages paid by the Federal Government may not be pledged or assigned, and any purported pledge or assignment shall be null and void.

CONDITIONS OF EMPLOYMENT

§ 402.16 *Need.* The certification of need of youth employees shall be made by public relief agencies approved by the State Youth Administrator, or in lieu thereof, shall be the responsibility of the State Youth Administrator or his authorized representative. For the purpose of certification, a youth employee shall be defined as needy if he is:

(a) With family. A member of a family whose income is insufficient to provide the basic requirements of all members of the family, including the youth member, regardless of whether the family is receiving or eligible for any form of public assistance; or

(b) Without family. Without family connections and his income is insufficient to provide his basic requirements.

§ 402.17 *Age and health.* No person under the age of 18 years, or whose age is 25 years or more, except project supervisory employees, and no one whose physical condition is such as to make his employment dangerous to his health or safety, or to the health or safety of others, may be employed on a project. This paragraph shall not be construed to operate against the employment of physically handicapped persons, otherwise employable, where such persons may be safely assigned to work which they can ably perform.

§ 402.18 *Safe working conditions.* All work projects shall be conducted in accordance with safe working conditions, and every effort shall be made for the prevention of accident.

§ 402.19 *Citizenship.* No person shall be employed on any project until such person has made an affidavit as to his United States citizenship. No alien shall be given employment or continued in employment on any project, even though such alien may have filed a declaration of intention to become an American citizen.

§ 402.20 *Capabilities.* No person shall be employed or continued in employment if his work habits are such or his work record shows that he is incapable of performing satisfactorily the work to which he may be assigned.

§ 402.21 *Advocates of violence.* No person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States through force or violence shall be eligible for any employment which is compensated after September 30, 1939, from funds appropriated to the National Youth Administration.

§ 402.22 *Oath of office.* No project supervisory employee may be employed or continued in employment unless such person executes an oath of office before engaging in project employment, or prior to August 1, 1939, in the case of any person employed before that date who has not taken an oath of office.

§ 402.23 *Offers of employment.* Project employees certified as in need shall be expected to accept a bona fide offer of public or private employment provided that:

(a) *Capabilities.* The project employee is capable of performing such work;

(b) *Prevailing wage.* The wage for such employment is not less than the prevailing wage for such work in the community;

(c) *Union relationship.* Such employment is not in conflict with established union relationships; and

(d) *Working conditions.* Such employment provides reasonable working conditions.

No project employee certified as in need who refuses a bona fide offer of private employment under the conditions provided in this section shall be retained in employment, for the period such private employment would be available. However, a worker shall be entitled to immediate resumption of his previous employment status if he is still in need and if he has lost his private employment through no fault of his own. Project employees awaiting assignment who refuse to accept private employment shall be ineligible for employment on any project for the period during which the private employment would be available.

§ 402.24 *Political activities.* All persons paid from funds appropriated to the National Youth Administration shall observe the following rules relating to political activities:

(a) *No favors or rewards.* No person, directly or indirectly, shall promise any employment, position, work, compensation, or other benefit provided or made possible under the program of the National Youth Administration to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election.

(b) *No discrimination.* No person shall deprive, attempt to deprive, or threaten to deprive by any means any person of any employment, position, work, compensation, or other benefit provided or made possible under the program of the National Youth Administration on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election.

(c) *No solicitation.* No person shall knowingly solicit or knowingly be in any manner concerned in soliciting any assessment, subscription or contribution for the campaign expenses of any individual or political party from any person entitled to or receiving compensation or employment provided for by the program of the National Youth Administration.

(d) *No interference in elections.* No person employed in any administrative or supervisory capacity by any agency of the Federal Government whose compensation or any part thereof is paid from funds appropriated to the National Youth Administration shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part directly or indirectly in political management or in political campaigns or in political conventions. Any persons who violate the provisions of this section shall be subject to immediate discharge and thereafter such persons shall not be eligible for any employment which is compensated from funds appropriated to the National Youth Administration.

(e) *No running for political office.* No person employed in any administrative or supervisory capacity may be a candidate for any state, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches), in any primary, general or special election or who is serving as a campaign manager or assistant thereto for any such candidate.

§ 402.25 *Voting.* Every person of legal age who works for the National Youth Administration, whatever his job, has a right to vote in any election for any candidate he chooses. When the hours during which polling places are open or any other conditions prevent employees from freely exercising their voting privileges, schedules hours of work may be adjusted to provide the necessary time for this purpose. Project employees shall not be paid for any allowance of time during which to vote, but they shall be permitted through a rescheduling of hours to work their full quota of hours during the payroll month in which the time off is granted.

ASSIGNMENT, CLASSIFICATION, AND SEPARATION

§ 402.26 *Responsibility.* The State Youth Administrator or his authorized representative shall be responsible for the assignment, classification, transfer and termination of project employees paid from funds appropriated to the National Youth Administration. Project employees shall be registered with employment offices designated by the United States Employment Service.

EFFECTIVE DATE

§ 402.27 *Superseded and rescinded material.* These rules and regulations shall become effective at the beginning of payroll periods on and after August 1, 1939, and shall supersede Administrative Order No. 1, dated July 1, 1939,[1] which shall be rescinded upon the effective date of this Order.

AUBREY WILLIAMS,
*Administrator.*

JULY 13, 1939.

[F. R. Doc. 39-2830; Filed, August 1, 1939; 10:18 a. m.]

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[Administrative Order No. 3]

PART 403—REGULATIONS RELATING TO THE STUDENT AID PROGRAM OF THE NATIONAL YOUTH ADMINISTRATION*

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By virtue of and pursuant to the authority vested in the Administrator of the National Youth Administration by the Emergency Relief Appropriation Act of 1939 approved June 30, 1939, the following rules and regulations are prescribed.

DEFINITIONS

§ 403.1 *Project.* The term "project" as used herein shall mean projects which provide for the part-time employment of needy students and which are financed in whole or in part from funds appropriated to the National Youth Administration by the Emergency Relief Appropriation Act of 1939.

§ 403.2 *Student aid program.* The term "Student Aid Program" as used herein refers to the part-time employment of needy students, who are in regular attendance at schools, colleges, and universities, in order to enable them to continue their education. Under the Student Aid Program, there are two divisions, namely, "School Aid" and "College and Graduate Aid."

§ 403.3 *School aid program.* The term "School Aid Program" as used herein refers to the part-time employment of needy students who are in regular attendance at approved institutions not requiring high school graduation or the equivalent for entrance. Such institutions are required to be non-profit making, tax-exempt, and bona fide educational institutions and so certified by the principal state educational officer.

§ 403.4 *College and graduate aid program.* The term "College and Graduate Aid Program" as used herein refers to the part-time employment of needy students who are in regular attendance at approved institutions requiring, as a minimum, high school graduation or the equivalent for entrance. Such institutions are required to be non-profit making, tax-exempt, and bona fide educational institutions and so certified by the principal state educational officer. Aid given to undergraduate students or professional students who have not obtained their bachelor's degree is referred to in this Order as "College Aid." Aid given to students who have obtained their bachelor's degree or the equivalent and are pursuing graduate work is referred to in this Order as "Graduate Aid."

HOURS OF WORK AND MONTHLY EARNINGS

§ 403.5 *Responsibility for determining.* The authorized representative of each institution participating in the Student Aid Program shall be responsible for determining the hours of work and monthly earnings for each student in accordance with the provisions hereinafter prescribed in § 403.6 through § 403.13.

§ 403.6 *Hours and rate of pay.* Hours to be worked by a student shall be limited to that number of hours which in relation to the established monthly earnings most accurately reflects the rate of pay prevailing in the locality for the same type of work.

§ 403.7 *Maximum school aid hours.* The maximum hours of work for students under the School Aid Program shall be three hours per day on school days and seven hours per day on non-school days.

§ 403.8 *Maximum college and graduate aid hours.* The maximum hours of work for students under the College and Graduate Aid Program shall be eight hours per day.

§ 403.9 *School aid earnings.* Monthly earnings for students participating under the School Aid Program shall be established within the maximum of six dollars ($6) and the minimum of three dollars ($3) per month.

§ 403.10 *College aid earnings.* Monthly earnings for students participating under the College Aid Program shall be established within the maximum of twenty dollars ($20) and the minimum of ten dollars ($10) per month.

§ 403.11 *Graduate aid earnings.* Monthly earnings for students participating under the Graduate Aid Program shall be established within the maximum of thirty dollars ($30) and the minimum of twenty dollars ($20) per month.

§ 403.12 *Accident compensation.* Students engaged on projects and paid from project funds, if injured in the performance of duty and unable to work as a result thereof, shall be entitled to receive payment of compensation under the provisions of the Act of February 15, 1934 (48 Stat. 351) as amended.

§ 403.13 *Pledge or assignment of wages.* Wages paid by the Federal Government may not be pledged or assigned, and any purported pledge or assignment shall be null and void.

CONDITIONS OF EMPLOYMENT

§ 403.14 *Age.* Employment on the Student Aid Program is limited to students between the ages of 16 and 24 inclusive. Students shall have reached their 16th birthday before they can be assigned to the Student Aid Program. Students who have reached their 25th birthday are ineligible.

§ 403.15 *Need of assistance.* Each student must be able to qualify on the basis of need for such assistance as he may receive. It shall be determined by the officials of the institution that the student is in need of assistance in order to enter or remain in school, college, or university. Consultation with outside agencies to determine this need is recommended. The institution shall exercise every precaution to make certain that no portion of the appropriation is made available to any student who does not produce satisfactory evidence that he could not enter or remain in school without the assistance provided through employment on the Student Aid Program.

§ 403.16 *Citizenship.* Under the provisions of the Emergency Relief Appropriation Act of 1939, no person shall be employed on any student aid project unless such person has made an affidavit as to his United States citizenship. No alien shall be given employment or continued in employment on any project, even though such alien may have filed a declaration of intention to become an American citizen.

§ 403.17 *Required schedule.* Students participating in the Student Aid Program shall be regular students carrying at least three-fourths of the normal schedule.

§ 403.18 *Character and ability.* Students receiving aid shall be of good character and shall possess such ability that they can give assurance of performing good scholastic work while receiving aid. Aid to students who fail to maintain satisfactory standing in at least three-fourths of their scholastic work shall be discontinued. No person shall be employed or continued in employment if his work habits are such or his work record shows that he is incapable of performing satisfactorily the work to which he may be assigned.

§ 403.19 *Advocates of violence.* No person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States through force or violence shall be eligible for any employment which is compensated after September 30, 1939, from funds appropriated to the National Youth Administration.

§ 403.20 *Political activities.* All persons paid from funds appropriated to the National Youth Administration are required by law to observe the following rules relating to political activities:

(a) *No favors or rewards.* No person, directly or indirectly, shall promise any employment, position, work, compensation, or other benefit provided or made possible under the program of the National Youth Administration to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election.

(b) *No discrimination.* No person shall deprive, attempt to deprive, or threaten to deprive by any means, any person of any employment, position, work, compensation, or other benefit provided or made possible under the program of the National Youth Administration on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election.

(c) *No solicitation.* No person shall knowingly solicit or knowingly be in any manner concerned in soliciting any assessment, subscription or contribution for the campaign expenses of any individual or political party from any person entitled to or receiving compensation or employment provided for by the program of the National Youth Administration.

§ 403.21 *Voting regulations.* Every person of legal age who works for the National Youth Administration, whatever his job, has a right to vote in any election, for any candidate he chooses. When the hours during which polling places are open or any other conditions prevent employees from freely exercising their voting privileges, scheduled hours of work may be adjusted to provide the necessary time for this purpose. Project employees shall not be paid for any allowance of time during which to vote, but they shall be permitted through a rescheduling of hours to work their full quota of hours during the payroll month in which the time off is granted.

*Assignment of Work*

§ 403.22 *Responsible officials.* Officials of the participating institution shall be responsible for assigning students to suitable work and for supervising work done by students.

§ 403.23 *Working conditions.* Student aid projects shall be conducted in accordance with safe working conditions.

*Effective Date*

§ 403.24 *Superseded and rescinded material.* These rules and regulations shall become effective at the beginning of payroll periods on and after August 1, 1939, and shall supersede Administrative Order No. 63[1] of the Works Progress Administration and National Youth Administration, dated July 9, 1938, which shall be rescinded on the effective date of this Order.

AUBREY WILLIAMS,
*Administrator.*

JULY 17, 1939.

[F. R. Doc. 39-2831; Filed, August 1, 1939; 10:18 a. m.]

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[1] 4 F.R. 3339 DI.

*Sections 1 to 24 inclusive, issued under the authority contained in the Emergency Relief Appropriation Act of 1939, approved June 30, 1939, Pub. Rec. No. 24, 76th Congress, 1st Session.

[1] 3 F.R. 1913 DI.

## *Notices*

### WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT IN THE MEDICAL ADMINISTRATIVE CORPS, REGULAR ARMY

1. An examination of applicants for appointment in the Medical Administrative Corps, Regular Army, under the provisions of A.R. 605–25, September 25, 1936, will be held within the continental limits of the United States from November 13 to November 17, 1939, inclusive.

2. To be eligible to take the examination for appointment, the applicant must be a male citizen of the United States, a graduate of a 4-year course of instruction at an acceptable school or college of pharmacy, legally authorized to confer the baccalaureate degree in pharmacy, and of such age as would permit appointment to be made between the ages of 21 and 32 years.

3. Examination for appointment includes physical examination, a written examination in practice of pharmacy, pharmaceutical chemistry, pharmacognosy, pharmacology and bacteriology, hygiene, and sanitation, and an estimate of the candidate's adaptability for military service.

4. Applications and requests for information concerning this examination should be addressed to The Adjutant General. Applications received after October 28, 1939, will not be considered. (Sec. 24, 41 Stat. 774; 10 U.S.C. 151) [Sec. I, Cir. No. 54, W.D., July 27, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–2829; Filed, August 1, 1939; 9:37 a. m.]

### FEDERAL POWER COMMISSION.

[Docket No. IT–5519]

IN THE MATTER OF BONNEVILLE PROJECT, COLUMBIA RIVER, OREGON-WASHINGTON

NOTICE OF APPLICATION

JULY 31, 1939.

Notice is hereby given that on July 22, 1939, an application was filed with the Federal Power Commission, pursuant to Section 6 of the Act of Congress to authorize the completion, maintenance, and operation of the Bonneville Project, Public—No. 329—75th Congress, approved August 20, 1937 (50 Stat. 731), by the Acting Administrator of the Bonneville Project, (1) for the confirmation and approval of new schedules of rates and charges for electric energy produced at the Bonneville Project, (2) for the confirmation and approval of certain modifications of the existing filed General Terms and Conditions, and (3) for the withdrawal of certain of the presently filed and approved schedules designated as Rate Schedules A–1, B–1, C–1, and D–1, which were approved by the Federal Power Commission on June 8, 1938.

The schedules of rates and charges submitted for confirmation and approval are:

*Rate Schedule A–2.* Wholesale Power Rate Schedule for "At Site" Prime Power, which is designed to displace existing Rate Schedule A–1;

*Rate Schedule C–2.* Wholesale Power Rate Schedule for Transmission System Prime Power which is designed to displace existing Rate Schedule C–1;

*Rate Schedule F–1.* Optional Wholesale Power Rate Schedule for Prime Power;

*Rate Schedule H–1.* Wholesale Energy Rate Schedule for Dump Energy.

[SEAL] J. B. WILLIAMSON,
*Acting Secretary.*

[F. R. Doc. 39–2827; Filed, August 1, 1939; 9:37 a. m.]

### FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 31st day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[File No. 21–307]

IN THE MATTER OF PROPOSED REVISION OF TRADE PRACTICE RULES FOR THE PUBLIC SEATING INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), or other applicable provisions of law administered by the Commission;

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, groups or other parties affected by or having an interest in the proposed revision of the trade practice rules for the Public Seating Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions, or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of such matters should be filed with the Commission not later than August 17, 1939. Opportunity for oral hearing and presentation will be afforded at 10 a. m., August 17, 1939, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups or other parties as may desire to appear and be heard. After giving due consideration to all matters submitted concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission,

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39–2832; Filed, August 1, 1939; 10:24 a. m.]

### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of July 1939.

[File No. 1–276]

IN THE MATTER OF LEHIGH VALLEY COAL COMPANY FIRST AND REFUNDING MORTGAGE SINKING FUND GOLD BONDS, 5% SERIES OF 1924, DUE FEBRUARY 1, 1944

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the First and Refunding Mortgage Sinking Fund Gold Bonds, 5% Series of 1924, due February 1, 1944, of Lehigh Valley Coal Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered,* That the matter be set down for hearing at 10 A. M. on Tuesday, August 29, 1939, at the office of the Securities and Exchange Commission, 120 Broadway New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered,* That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2838; Filed, August 1, 1939; 10:54 a. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of July 1939.

[File No. 1–466]

IN THE MATTER OF THE RIKE-KUMLER COMPANY COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Rike-Kumler Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to withdraw its Common Stock, No Par Value, from listing and registration on the Cincinnati Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on August 10, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2834; Filed, August 1, 1939; 10:54 a. m]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of July 1939.

[File No. 1–1922]

IN THE MATTER OF LIBBY, MCNEILL & LIBBY 6% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the 6% Cumulative Preferred Stock, $100 Par Value, of Libby, McNeill & Libby; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on August 10, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2835; Filed, August 1, 1939; 10:54 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of July 1939.

[File No. 1–2408]

IN THE MATTER OF KINGDOM OF HUNGARY STATE LOAN OF 1924, 7½% SINKING FUND GOLD BONDS, DUE FEBRUARY 1, 1944

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the State Loan of 1924, 7½% Sinking Fund Gold Bonds, due February 1, 1944, of Kingdom of Hungary; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered,* That said application be and the same is hereby granted, effective at the close of the trading session on August 10, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2839; Filed, August 1, 1939; 10:55 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of July, A. D. 1939.

[File No. 2–3640]

IN THE MATTER OF FINGER CANADIAN LUMBER COMPANY, LTD.

STOP ORDER

This matter coming on to be heard before the Commission on the registration statement of Finger Canadian Lumber Company, Ltd., a Canadian corporation, after confirmed telegraphic notice to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts necessary to make the statements therein not misleading; and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on the registrant; and

The hearing having been adjourned subject to call to permit the registrant to file further amendments; and

The stop order proceeding having been reopened subsequent to the filing of such proposed amendments; and

The Commission having duly considered the matter, and finding that said registration statement as it became effective includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in Items 23, 27, 44, 45, the balance sheet, the auditor's certificate and the prospectus, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued; and

The proposed amendments appearing on their face to be incomplete and inaccurate in material respects; and

The Commission now being fully advised in the premises,

*It is ordered,* Pursuant to Section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by Finger Canadian Lumber Company, Ltd., a Canadian corporation, be and the same hereby is suspended; and

*It is further ordered,* That the request of the Finger Canadian Lumber Company, Ltd. that the proposed amendments filed by it on September 12, 1938, be declared effective be and the same hereby is denied.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–2836; Filed, August 1, 1939; 10:54 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of July 1939.

[File No. 37–34]

IN THE MATTER OF EQUITABLE AUTO COMPANY

ORDER APPROVING A SUBSIDIARY SERVICE COMPANY PURSUANT TO SECTION 13 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Approval, based upon the findings of fact and conclusions of law made in this matter, is granted Declarant to conduct its business as a subsidiary service company subject to the following conditions that:

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(1) Declarant shall, in the manner described in these findings, sell to its associate customer companies those motor vehicles used exclusively by one company, at a price which shall be the original cost of said vehicles less accrued depreciation.

(2) Declarant shall, within 60 days after the date of this order, carry out the other proposed transactions set forth in these findings; specifically, it shall secure the surrender of and cancel 2,500 shares of its capital stock now held by the Philadelphia Company and shall obtain an agreement from the Philadelphia Company to assume Declarant's assessed tax liability, in consideration for which Declarant may assign to the Philadelphia Company certain accounts receivable from Pittsburgh Railways and Pittsburgh Motor Coach Company. Declarant may also pay in cash a partial liquidating dividend.

(3) In the event of a contemplated substantial change in its organization, the type and character of the companies to be serviced, the method of allocating costs to associate companies, or an increase in the scope of the services to be rendered, Declarant shall first obtain the approval of this Commission of such change.

(4) If the application of Declarant's cost-allocation method does not result in a fair and equitable allocation of its costs among the associate serviced companies, the Commission will require, after notice and opportunity for hearing, prospective adjustments, and, to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations.

This order is not to be construed as a ruling that Declarant may not be required to effect any changes in its organization and operation, or any other changes which become necessary for it to conform with the Act, present or future rules, regulations or orders.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2837; Filed, August 1, 1939; 10:54 a. m.]

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## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Amendment 22, Civil Air Regulations]

### GLIDER PILOT EXPERIENCE

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 1st day of August 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Section 20.166 of the Civil Air Regulations is amended so that the same will read as follows:

"20.166 *Aeronautical experience.* Applicant shall have completed at least 100 gliding flights, 25 of which shall have each included a 360° turn, and at least 5 of such 25 flights shall have been made within the 30 days preceding the date of filing the application. Any person who is the holder of at least a currently effective private pilot certificate and who shall have completed not less than 25 gliding flights or logged not less than 5 hours of gliding or soaring solo flight time, shall be deemed to have met the requirements of this section."

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-2852; Filed, August 2, 1939; 12:12 p. m.]

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## TITLE 24—HOUSING CREDIT

### FEDERAL SAVINGS AND LOAN SYSTEM

PROHIBITING FEDERAL SAVINGS AND LOAN ASSOCIATIONS FROM INVESTING IN PARTICIPATIONS IN MORTGAGES

*Be it resolved,* That Section 203.10 of the Rules and Regulations for the Federal Savings and Loan System is amended, effective August 2, 1939, by adding at the end thereof the following new subsection (e):

"(e) *Participation in mortgages.* No Federal association may invest any of its funds in participations in mortgages or deeds of trust in the absence of prior specific approval by the Board." (Sec. 5 (a), (c) of H.O.L.A. of 1933, 48 Stat. 132; Sec. 18, 49 Stat. 297; 12 U.S.C. 1464 (a), (c) and Sup.)

*Be it further resolved,* That this amendment is deemed to be of a minor character within the provisions of subsection (c) of Section 201.2 of the Rules and Regulations for the Federal Savings and Loan System.

Adopted by the Federal Home Loan Bank Board on August 1, 1939.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 39-2844; Filed, August 1, 1939; 3:02 p. m.]

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## TITLE 26—INTERNAL REVENUE

### BUREAU OF INTERNAL REVENUE

[T. D. 4916]

PART 303A—MANUFACTURER'S EXCISE TAX ON TOILET PREPARATIONS

RETURNS OF TAX FOR JUNE AND JULY 1939 IMPOSED UNDER SECTION 3401 OF THE INTERNAL REVENUE CODE, AS AMENDED BY SECTION 3 OF THE REVENUE ACT OF 1939

*To Collectors of Internal Revenue and Others Concerned:*

For the purposes of articles 67 and 68 of Regulations 46 (1932) as amended

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Clearance

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THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 148

*Washington, Thursday, August 3, 1939*

*Rules, Regulations, Orders*

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FEDERAL REGISTER

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(sections 303.67 and 303.68 of Title 26, Code of Federal Regulations), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885,[1] approved February 11, 1939 (Part 465, Subpart B, Title 26, Code of Federal Regulations), returns for the period June 1, to June 29, 1939, inclusive, and for the period June 30, to July 31, 1939, inclusive, will be accepted under the authority contained in section 3448 of the Internal Revenue Code, as being returns for the months of June and July 1939, respectively, from persons liable for the tax on toilet preparations imposed under the provisions of section 3401 of the Internal Revenue Code, as amended by section 3 of the Revenue Act of 1939.

A return for the period ended June 29, 1939, must be filed with the collector of internal revenue on or before July 31, 1939, and a return for the period ending July 31, 1939, must be filed with the collector on or before August 31, 1939.

(This Treasury decision is prescribed pursuant to section 3401 of the Internal Revenue Code (53 Stat., Part 1), as amended by section 3 of the Revenue Act of 1939 (Public, No. 155, Seventy-sixth Congress, first session) and sections 3448 and 3450 of the Internal Revenue Code (53 Stat., Part 1).)

[SEAL] HAROLD N. GRAVES,
*Acting Commissioner of Internal Revenue.*

Approved, July 31, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-2851; Filed, August 2, 1939; 11:10 a. m.]

[1] 4 F.R. 879 DI.

## TITLE 47—TELECOMMUNICATION

## FEDERAL COMMUNICATIONS COMMISSION

### PART 43—REPORTS[1] *†

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BROADCAST LICENSEES

§ 43.1 *Information as to ownership, operation, interests therein, contracts, etc.* Licensees and permittees of all classes of broadcast stations shall file reports as follows:

(a) Within 30 days after becoming licensees or permittees all such licensees or permittees shall file with the Commission original reports containing the information required in accordance with the forms adopted and furnished by the Commission and the instructions in such forms.

(b) Thereafter, and within 30 days of the occurrence of any event which necessitates a change in information already reported, all such licensees or permittees shall file supplemental reports containing the information required in accordance with the forms adopted and furnished by the Commission and the instructions in such forms.

(c) All reports required hereby must be dated and executed under oath (or affirmed according to law) in accordance with the provisions of the form and show the date upon which each reporting event occurred. One report (original or supplemental) may be rendered by a licensee or permittee covering more than one station provided the reported information relates equally to all stations. Otherwise, separate reports for each station must be filed.

(d) A licensee or permittee corporation which has of record on the date of submission of any report 1,000 stockholders or more, may file the information required herein as to stockholders who own 1,000 or more shares of the stock of said corporation.

(e) The term "contract" as it appears on the forms provided by this section shall be construed to include every contract, understanding, or agreement, verbal or written. Verbal contracts shall be reduced to writing and certified copies thereof submitted.*†

ANNUAL, MONTHLY, AND OTHER REPORTS OF CARRIERS AND AFFILIATED COMPANIES

*In General*

§ 43.11 *Verification.* In filing annual, monthly, and other reports where the returns are requested in duplicate, under oath (or affirmed according to law), it will be necessary to verify only one of the copies required. The copy so verified shall be plainly marked "original", and the other copy shall be certified as being a correct copy of the original.*†

*Annual Reports*

§ 43.21 *Required of carriers and affiliates.* All carriers, and persons immediately controlling any such carrier, and all other persons as the Commission, in its discretion, under the provisions of Section 219 of the Act, may direct shall make and file, in duplicate, with the Commission, on or before the thirty-first day of March in each year, annual reports, verified under oath (or affirmed according to law) as provided in Section 219 of the Act, covering the period of twelve months ending on the thirty-first day of December next prior to said date. Respondents may be classified by the Commission according to size of operating revenues, nature of affiliation, or otherwise, and reporting forms shall be prescribed suitable to each class. The annual reports shall be in accordance with the forms adopted and furnished by the Commission and the instructions in such forms, and shall contain full and specific answers to all questions propounded in said forms and all the information called for therein, whether by questions, or forms of tabular statements, or otherwise.*†

[1] Rules Governing the Filing of Information, Contracts, Periodic Reports, etc.

The rules and regulations incorporated in this Part do not include certain rules and regulations requiring the filing of information in connection with specific services, accounting systems, or other rules and regulations incorporated in other Parts of this Title. For such rules and regulations see the Part relating thereto.

*Promulgated under the authority contained in Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 20, 24 Stat. 386; 47 U.S.C. 20, rules promulgated thereunder continued in effect by Sec. 604, 48 Stat. 1103; 47 U.S.C. 604—Sec. 206, 48 Stat. 1072; 47 U.S.C. 206—Sec. 211, 48 Stat. 1073; 47 U.S.C. 211—Sec. 215, 48 Stat. 1076; 47 U.S.C. 215—Sec. 218, 48 Stat. 1077; 47 U.S.C. 218—Sec. 219, 48 Stat. 1077; 47 U.S.C. 219—Sec. 308 (b), 48 Stat. 1064; 47 U.S.C. 308 (b)—Sec. 310, 48 Stat. 1086; 47 U.S.C. 310.

†Adopted by the FCC, July 12, 1939, effective Aug. 11, 1939.





*Monthly Reports*

§ 43.31 *Telegraph, cable, radiotelegraph, and telephone carriers required to file.* Carriers shall make and file monthly reports as follows:

(a) Each telegraph, cable, and radiotelegraph carrier shall make and file with the Commission monthly reports of its revenues and expenses.

(b) Each telephone carrier having annual operating revenues above $1,000,000.00 shall make and file with the Commission monthly reports of selected income and balance sheet items as provided for in Section 219 of the Act.

(c) Each telephone carrier having annual operating revenues above $250,000.00 shall make and file with the Commission monthly reports of its revenues, expenses, and capital changes.

Each such report required by paragraphs (a), (b), and (c) shall be in duplicate and in accordance with the forms adopted and furnished by the Commission and the instructions in such forms, and shall be filed with the Commission within 40 days after the close of the calendar month covered by the report.*†

*Other Reports*

§ 43.41 *Reports of traffic damage claims required of telegraph, cable, and radiotelegraph carriers.* Each telegraph, cable, and radiotelegraph carrier shall:

(a) maintain separate files for each damage claim of a traffic nature filed with the carrier, showing the name, address, and nature of business of the claimant, the basis for the claim, disposition made, and all correspondence, reports, and records pertaining thereto. Such files shall be maintained in accordance with existing rules and regulations regarding destruction of records (Part 42 of Title 47—Telecommunication—of the Code of Federal Regulations, as amended), and at points (one or more) to be specifically designated by each carrier. Each such carrier shall report, as hereinafter provided, all claims upon which message tolls or revenues are returned or other payments are made to the claimant by such carrier;

(b) make no payment as a result of any traffic damage claim if the amount of the payment would be in excess of the total amount collected by the carrier on the message or messages from which the claim arose unless such claim be presented to the carrier in a writing signed by the claimant and setting forth the reason for the claim;

(c) make a report of traffic damage claims, verified under oath (or affirmed according to law), and file, in duplicate, with the Commission, on or before the thirty-first day of March in each year, covering the period of twelve months ending on the thirty-first day of December next prior to said date. Said reports shall be in accordance with the forms adopted and furnished by the Commission and with the instructions in such forms, and shall contain all the information called for therein.*†

§ 43.42 *Reports of relief and pensions required of carriers.* Each common carrier shall at the time, or within the limits of time, hereinafter stipulated, supply the following information:

(a) Irrespective of the plan of related accounting now or at any time pursued, copies of the text (or if such does not exist, a comprehensive outline) of the original plan (adopted by respondent or to which respondent is or was a party) for pensions, sick benefits, disability benefits, death benefits, termination allowances, or any other benefits, paid or payable to active or retired employees, their representatives or beneficiaries, together with copies of the text, the dates, and effective dates of all amendments, modifications, abolishments, or other changes in all such plans as now are, or have been at any time, in force.

(b) In connection with every such benefit plan, further detailed copies or (only when the word "copies" is not appropriate) statements: (1) on original basis and (2) with respect to the content, dates and effective dates of all amendments, modifications, abolishments, and other changes in the following particulars:

(1) The facts, if any, that in the respondent's judgment establish a contractual relationship requiring the payment of pensions or other benefits.

(2) The declaration of trust under which a pension or other benefit fund, if any, has been established.

(3) The actuarial formulae (or processes stated in simplified form) governing the creation and continuation of each such trust or other similar fund or provident or other similar reserve as may be or has been established with a view to the payment of pensions or other benefits.

(4) The plan of accounting for each of the types of benefits (1) paid or (2) regarding the eventual payment of which provision has been made in the accounts.

(c) With respect to all the foregoing matters, other than future changes, every carrier, unless it has already done so, shall within 30 days, file with the Commission its response; and with respect to every future change (in a benefit plan, trust agreement, actuarial formula, plan of accounting, or other matter hereinbefore specified) made or definitely contemplated, the Commission shall be advised at the earliest practicable date: *Provided*, That in the event of any change actually made, such filing shall be within the 30 days next following the effective date of such change: *And further provided*, That in the event that any change will involve or produce a "change in accounting", the change shall not be made until after filing of the appropriate detailed documentary copy or statement with the Commission for its consideration and such action as it deems appropriate.

(d) With respect to the matters treated in paragraphs (a) to (g) "change in accounting" shall mean every change in the benefit plan, actuarial procedure, plan of accounting itself, or otherwise, that will involve or produce changes in the amounts periodically entering any account for any reason other than a change in the amount of a payroll.

(e) Nothing contained in paragraphs (a) to (g) shall be considered as changing or in any way affecting the requirements of any uniform system of accounts effective under the provisions of the Act, but, in order to avoid duplicate requirements, any carrier, which in answer to any order, accounting regulation, or request of the Commission has supplied one or more of the items of information sought by paragraphs (a) to (g) shall be considered as having responded properly with respect to the particular item or items after having made specific reference in answer to the item under paragraphs (a) to (g) to the responsive data otherwise supplied.

(f) In the event that any or all of the requirements of paragraphs (a) to (g) are not applicable to a carrier subject to the Act, such carrier, unless it has already done so, shall, within 30 days, file with the Commission a response stating such fact, and a carrier's status in this respect shall in no manner affect its responsibility for subsequent reports in the event of future adoption, change, or other significant event or circumstance.

(g) The term "changes" used in paragraphs (a) to (g) shall include the variation (1) in the terms of the benefit plan; (2) in the accounting for the benefits; or (3) elsewhere, due to social security legislation, but for the purposes of paragraphs (a) to (g) the payment of taxes pursuant to the Social Security Act shall not of itself be considered as constituting adoption of, or becoming a party to, a benefit plan.*†

CARRIER CONTRACTS, AGREEMENTS, ETC.

§ 43.51 *Contracts relating to traffic.* Each carrier, unless it has already done so, shall, within 30 days, file with the Commission, in duplicate, verified under oath (or affirmed according to law), copies of every contract, agreement and arrangement with other carriers, or with common carriers not subject to the provisions of the Act in relation to any traffic in which it engages or participates and which may be affected by the provisions of the Act.

Each carrier which hereafter enters into, modifies, amends, or cancels any such contract, agreement, and arrangement, shall, within 30 days thereafter, file with the Commission, in duplicate, verified under oath (or affirmed according to law), copies of every new, modified, or amended contract, agreement and arrangement, and verified copies in duplicate of every cancellation.

If any contract, agreement, arrangement, or cancellation be made other than in writing, statements in duplicate, verified under oath (or affirmed according to law) of the terms of every such contract, agreement, arrangement, or cancellation shall be filed with the Commission within 30 days thereafter.*†

§ 43.52 *Exclusive contracts.* Each carrier, unless it has already done so, shall, within 30 days, file with the Commission, in duplicate, verified under oath (or affirmed according to law), copies of every contract, agreement and arrangement to which it is a party, which prevents or purports to prevent the other party thereto in any manner from dealing freely with another common carrier subject to the provisions of the Act.

Each carrier which hereafter enters into, modifies, amends, or cancels any such contract, agreement, and arrangement, shall within 30 days thereafter, file with the Commission, in duplicate, verified under oath (or affirmed according to law) copies of every such new, modified, or amended contract, agreement and arrangement, and verified copies in duplicate of every cancellation.

If any contract, agreement, arrangement, or cancellation be made other than in writing, statements in duplicate, verified under oath (or affirmed according to law) of the terms of every such contract, agreement, arrangement, or cancellation shall be filed with the Commission within 30 days thereafter.

Where a contract called for by this section relates exclusively to the lease of office space involving an annual rental of less than $500.00 for premises located in other than public places, (railroad, bus, or other transportation terminals, stations, or rights of way; hotels; theatres; amusement parks; baseball parks, or other sport stadiums or arenas, or other places of amusement; auditoriums, or other places of public assemblage) such contract need not be filed pursuant to this section; but in lieu thereof verified statements, in duplicate, of a list showing every such contract, stating the location of the premises, the period of the lease and the consideration involved, shall be filed with the Commission.*†

§ 43.53 *Foreign telegraph communication.* Each carrier engaging or participating in foreign telegraph communication, unless it has already done so, shall, within 30 days, file with the Commission, in duplicate, under oath (or affirmed according to law), a statement showing by zones and countries of origin and destination, as hereinafter defined, in so far as the same may be known to the respondent carriers:

(a) The total charge per word for each class of message for transmission over the normal route or routes;

(b) The division of such charge setting forth separately the terminal, transit, and all other charges or payments (specifying them) making up said total charge;

(c) The carriers, administrations, or other persons or bodies to which such portion or division of such charges accrue, and

(d) The total amount accruing to each carrier, administration, or other person or body participating in such total charge:

With respect to—

(1) Messages originating in each zone (as now defined in the carrier's tariffs on file with the Commission), in the United States and its possessions, transmitted by such carrier and destined to each country (including each destination within each foreign country if the total charge differs) outside the United States and its possessions, except countries to which the domestic word count applies;

(2) Messages originating in each country (including each point within each foreign country if the total charge differs) outside the United States and its possessions, except countries to which the domestic word count applies, for delivery in each zone in the United States and its possessions;

(3) Messages originating in each country outside the United States and its possessions, except the countries to which the domestic word count applies (including each point within each foreign country if the total charge differs), and transiting the United States or its possessions for delivery in each country beyond the United States or its possessions: *Provided, however,* That any carrier may submit, for the approval of the Commission, a list of the principal countries between which it handles traffic transiting the United States and if such list be approved by the Commission, then said carrier need only report as to traffic transiting the United States between the countries on said approved list. Said reports shall be in accordance with the forms adopted by the Commission and the instructions in such forms, samples of which will be furnished by the Commission, and shall contain all the information called for therein.

In the event any change is made with respect to any of the matters referred to in the foregoing paragraphs (a), (b), (c), and (d), a like statement shall be filed not later than 45 days after the effective date of the change.

The amounts of money herein required to be reported shall in each case be stated in United States currency and also in terms of gold francs, or in terms of other currency in which settlement of accounts is actually made, and the ratio used in conversion from one currency to another shall be stated.

Each carrier above described, unless it has already done so, shall, within 30 days, file with the Commission copies of every contract, agreement, and arrangement pursuant to which the division of its charges for the messages described in subparagraphs (1), (2), and (3) above are made; and shall reduce to writing and file with the Commission immediately on the making thereof any new or modified or changed contract, agreement, and arrangement entered into by it with respect to the ratio of the division of charges (including any advices or information received by it affecting directly or indirectly such division of charges). This provision shall be construed to include contracts, agreements, and arrangements made with other carriers or administrations in connection with settlement of accounts, in so far as such contracts, agreements, and arrangements may affect the amount of revenue accruing to the carrier subject to the provisions of the Act.

If any contract, agreement, and arrangement required by the foregoing paragraphs to be filed with the Commission is made other than in writing, verified statements, in duplicate, of the terms of every such contract, agreement, and arrangement shall be filed with the Commission within the time specified for filing written contracts, agreements, and arrangements.*†

§ 43.54 *Description of services.* Each telegraph carrier, unless it has already done so in connection with the filing of tariffs, shall, within 30 days, file with the Commission a statement, in duplicate, verified under oath (or affirmed according to law), giving a description of the various transmission or nontransmission services to the public, groups of persons, organizations, governments, etc. performed or participated in at the time of filing.

Each telegraph carrier which hereafter begins the performance of or the participation in any new service, or extends or discontinues any existing service, shall, within 30 days thereafter, file with the Commission a statement, in duplicate, verified under oath (or affirmed according to law), giving a description and full particulars of any new service begun or of any existing service extended or discontinued, provided that it has not already done so in connection with the filing of tariffs.

Examples of services which may be covered by this section are: communication service wholly within a foreign country, or between foreign countries; the leasing of wires to other communication carriers; errand service by messenger boys; time service; burglar alarm service, pickup and delivery for other carriers; leasing of other than telegraph plant; sale, installation, maintenance, and inspection of equipment; accounting, legal, and engineering services; merchandising, jobbing, and contracting services; frequency measuring service; and stock quotation board service.*†

By the Commission.

[SEAL] JOHN B. REYNOLDS, *Acting Secretary.*

[F. R. Doc. 39-2854; Filed, August 2, 1939; 12:32 p. m.]



PART 43—REPORTS

The Commission, on July 12, 1939, repealed the following orders, effective August 11, 1939:

| | *CFR Sec. No.* |
|---|---|
| I.C.C. Order dated April 10, 1916. | 341.10. |
| I.C.C. Order dated March 15, 1924. | 341.01. |
| I.C.C. Order dated Sept. 12, 1930. | Not codified. |
| I.C.C. Order dated Dec. 9, 1932. | 341.11. |
| F.C.C., Telegraph Division Order No. 8, Sept. 19, 1934. | 342.01–342.02. |
| F.C.C. Order No. 13, Aug. 14, 1935. | 341.20. |
| F.C.C., Telephone Division Order No. 15, Sept. 8, 1937. | 341.12. |
| F.C.C., Telegraph Division Order No. 27, Sept. 22, 1936. | 342.03. |
| F.C.C. Order No. 34, Feb. 21, 1938. | Not codified. |

The Commission, on July 12, 1939, effective August 11, 1939, repealed Rule 340.01 (CFR, Sec. 340.01), and CFR Sections 343.01, 343.02 and 343.03.

By the Commission.

[SEAL] JOHN B. REYNOLDS, *Acting Secretary.*

[F. R. Doc. 39-2855; Filed, August 2, 1939; 12:32 p. m.]

## *Notices*

### TREASURY DEPARTMENT.

**Federal Alcohol Administration Division.**

ADVERTISING IN POSTER DISPLAY MACHINES

*To All Permittees:*

The Administration has received numerous inquiries relative to the propriety, under the Federal Alcohol Administration Act, of industry members engaging in a new type of advertising service apparently involving agreements with private firms for advertising space in poster display machines or devices installed in retail stores operated by the various States. Since it is anticipated that participation by industry members in this form of advertising may possibly involve violations of the Federal statute, the Administration considers it advisable to direct the attention of the Industry to Section 5 (b) (4) of the Act which is summarized as follows:

"Section 5 (b) (4) of the Federal Alcohol Administration Act prohibits a manufacturer, importer, or wholesaler, directly or indirectly, from inducing a retailer to purchase his products to the exclusion, in whole or in part, of the products of other persons sold or offered for sale in interstate commerce, under the conditions stated, by paying or crediting the retailer for any advertising display or distribution service. The payments to the retailer, in the situation outlined above, flow from the various persons who purchase advertising space in the device, and might, therefore, be included in this provision of the statute, if they had the result prohibited thereby."

In this connection the Administration deems it expedient to point out that the language of Section 5 (b) of the Act is similar to that used in Section 5 (d), concerning which the report of the Ways and Means Committee of the United States Congress contains the following statement:

"The consignment sale provision is made to apply to sales and purchases by State agencies. The constitutionality of applying such regulation to State agencies is sustained by the cases of *South Carolina* vs. *U. S.* (1905) (199 U. S. 437); *Ohio* vs. *Helvering* (1934) (292 U. S. 360); and *Helvering* vs. *Powers* (1934) (293 U. S. 214) (H. Rept. No. 1542, Federal Alcohol Control Bill, p. 11)."

Although it is, of course, impossible for this Administration to determine in advance whether or not a given practice will have the result prohibited by Federal statute, it appears advisable for the Administration to inform the Industry as to its views of the law.

[SEAL] W. S. ALEXANDER, *Administrator.*

JULY 31, 1939.

[F. R. Doc. 39-2843; Filed, August 1, 1939; 2:55 p. m.]

### CIVIL AERONAUTICS AUTHORITY.

[Docket No. 59-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF TRI-STATE AVIATION CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 14, 1939, 10 o'clock a. m. (Eastern Standard Time) in Conference Room A, Departmental Auditorium, Washington, D. C., before an Examiner.

Dated Washington, D. C., August 1, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-2853; Filed, August 2, 1939; 12:12 p. m.]

### FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3841]

IN THE MATTER OF J. V. CORDES AND MRS. J. H. CORDES, TRADING AND DOING BUSINESS AS MARTHA BEASLEY ASSOCIATES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered,* That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Friday, August 4, 1939, at nine o'clock in the forenoon of that day (central standard time) Knickerbocker Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2845; Filed, August 1, 1939; 4:01 p. m.]

### INTERSTATE COMMERCE COMMISSION.

[Order No. 28300]

CLASS RATE INVESTIGATION, 1939

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 29th day of July, A. D. 1939.

The Commission having under consideration the matter of interstate class rates (both intraterritorial and interterritorial) in official, southern, southwestern, and western trunk-line territories, and good cause appearing therefor:

*It is ordered,* That a proceeding of investigation and inquiry be, and it is hereby, instituted by the Commission on its own motion into and concerning the interstate class rates under the respectively designated classes, as follows:

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Western classes | 1 | 2 | 3 | 4 | A | B | C | D | E | |
| Percentages | 100 | 85 | 70 | 55 | 45 | 37.5 | 32.5 | 30 | 22.5 | 17.5 |

| | | | | | | |
|---|---|---|---|---|---|---|
| Official classes | 1 | 2 | 3-R25 | R26 | 4 | 5 | 6 |
| Percentages | 100 | 85 | 70 | 55 | 50 | 35 | 27.5 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Southern classes | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Percentages | 100 | 85 | 70 | 55 | 45 | 40 | 35 | 30 | 25 | 22.5 | 20 | 17.5 |

applicable to the transportation in interstate or foreign commerce of property by common carriers by railroad, or by water, or partly by railroad and partly by water, subject to the Interstate Commerce Act, and the charges resulting therefrom, between all points in the United States lying on and generally eastward of the following line: The western boundaries of the States of North Dakota, South Dakota, and Nebraska south to the main line of the Union Pacific Railroad Company, thence along such railway west to Cheyenne, Wyo., thence south on the line of The Colorado and Southern Railway Company and paralleling railroads passing through Denver, Pueblo, and Trinidad, Colo., to the border of the State of New Mexico, thence successively east, south, and west along the latter border to the Rio Grande River (excluding any point in New Mexico), thence along the Rio Grande to the Gulf of Mexico, with a view to determining whether said rates and charges, or any of them, are unjust, unreasonable, unduly prejudicial, unduly preferential, or otherwise unlawful, and to making such findings and order or orders as may be proper in the premises.

*It is further ordered*, That all common carriers by railroad, or by water, subject to said Act, and participating in said transportation be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of said respondents; and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C.

*And it is further ordered*, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 39-2849; Filed, August 2, 1939; 11:02 a. m.]

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[Order No. 28310]

CONSOLIDATED FREIGHT CLASSIFICATION

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 29th day of July, A. D. 1939.

The Commission having under consideration the matter of the consolidated freight classification containing the descriptions of articles, carload minimum weights, and ratings on such articles, in official, southern, and western classifications, and applicable to the transportation of property in interstate or foreign commerce, by common carriers by railroad, or water, or partly by railroad and partly by water, subject to the Interstate Commerce Act, and good cause appearing therefor:

*It is ordered*, That a proceeding of inquiry and investigation be, and it is hereby, instituted by the Commission on its own motion into and concerning the descriptions, minima, and ratings provided in said consolidated freight classification, with a view to determining whether they, or any of them, are unjust, unreasonable, unduly prejudicial, unduly preferential, or otherwise unlawful, and to make such findings and order or orders as may be proper in the premises.

*It is further ordered*, That all common carriers by railroad, or by water, engaged in the transportation of property in interstate and foreign commerce, subject to said act and participating in tariffs of rates or charges governed by said classifications, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of said respondents; and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C.

*And it is further ordered*, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 39-2850; Filed, August 2, 1939; 11:02 a. m.]

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CLASS RATES AND FREIGHT CLASSIFICATIONS

NOTICE TO THE PUBLIC

AUGUST 1, 1939.

The Commission has, by appropriate orders instituted general investigations of (1) class rates, rail and water, applicable in the United States generally, except in mountain-Pacific territory and on transcontinental traffic; and (2) freight classifications by rail and water, with a view to prescribing such rates and classification as may be found justified. This is a large undertaking. Necessarily it will take time not only in preliminary work by the Commission's own forces, but in preparations by parties desiring to be heard. Consequently it will probably be desirable that public hearings be not set at an early date. In the meantime efforts now being made by carriers' and shippers' organizations to revise class rate structures, in the light of present conditions, and to simplify classifications should proceed. To the extent these efforts are successful the magnitude of the task confronting all concerned in these investigations will be decreased. These proceedings have been assigned to Division 2 for administrative handling.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 39-2848; Filed, August 2, 1939; 11:02 a. m.]

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RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 378]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 1, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Florida 0022A1 Escambia | $180,000 |
| Iowa 0061B1 Cherokee | 125,000 |
| Kansas 0031A1 Crawford | 220,000 |
| Minnesota 0058B1 Kandiyohi | 275,000 |
| Montana 0002C2 Cascade | 26,500 |
| Montana 0012C1 Missoula | 110,000 |
| South Carolina 0024A1 Marion | 112,000 |
| South Dakota 0006A1 Brookings | 356,000 |
| South Dakota 0010A1 Minnehaha | 390,000 |
| Texas 0100A1 Washington | 605,000 |
| Washington 0018D1 Spokane | 535,000 |

ROBERT B. CRAIG, *Assistant Administrator*.

[F. R. Doc. 39-2846; Filed, August 2, 1939; 9:31 a. m.]

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[Administrative Order No. 379]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 1, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Georgia 0039W2 Hart | $10,000 |
| Georgia 0075W2 Lamar | 5,000 |
| Kansas 0025W1 Lyon | 5,000 |
| Louisiana 0012W1 Franklin | 12,500 |
| Minnesota 0063W2 Scott | 10,000 |
| Missouri 0035W1 Adair | 10,000 |
| Oklahoma 0002W1 Kay | 7,500 |
| Wyoming 0003W1 Fremont | 10,000 |

ROBERT B. CRAIG, *Assistant Administrator*.

[F. R. Doc. 39-2847; Filed, August 2, 1939; 9:31 a. m.]

AUG 7 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 149

*Washington, Friday, August 4, 1939*


## *Rules, Regulations, Orders*

### TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 52—REGULATIONS AFFECTING MILITARY RESERVATIONS [1]

§ 52.6 *Acquisition by lease*—(a) *Leases not requiring prior approval*—(1) *Limitation of term and rental.* Leases for the purposes and subject to the limitations of term and rental set forth in (i) and (ii) below are authorized without prior approval when funds are available and the rental consideration conforms to the prevailing rate in the locality concerned:

(i) For hire of camp sites for troops, office and storage space for small detachments, garage space, and space for recruiting stations, provided the premises are to be occupied not longer than three months and the rental for the entire period of occupancy is less than $100.

(ii) For hire of buildings and grounds required in connection with maneuvers and special field exercises, including the GHQ Air Force, when the premises are to be occupied not longer than three months and the rental for the entire term is less than $500.

(2) *Informal agreements.* Leases in (1) (i) and (ii) above may be by informal written agreements, but when the rental in (1) (i) above exceeds $100, execution on Standard Form No. 2 (Revised) (Government Lease of Real Estate) is mandatory. Informal written agreement may be worded substantially as follows:

_____,
(Place)
_____, 19__.
(Date)

The undersigned hereby agrees to allow the use of premises _____
(Description of premises)
by _____ at
(Designation of detachment)
a rental of $____ per month, or proportionate part thereof for the time of occupancy.

_____
(Signature of property owner)

I certify that I have this day entered into an informal agreement with _____
(Name of property owner) covering rental of _____, same being
(Description of premises)
required and absolutely necessary for the successful operation of my detachment.

_____,
(Name)
_____
(Grade and organization)
_____, 19__.
(Date)

(b) *Preparation and execution of leases*—(1) *Lessors to be informed as to terms.* Contracting officers will be careful to inform fully the lessors as to the terms of the lease.

(2) *Lessor must have valid interest.* Contracting officers will satisfy themselves before executing leases that the person, partnership, or corporation from whom it is proposed to lease the premises has such interest therein as will insure the validity of the lease.

(3) *Authority of lessor's agent.* (i) In executing leases contracting officers will exercise great care to insure that the authority for the execution thereof on behalf of the owner by agents, trustees, etc. is adequate. See instructions on Standard Form No. 2. It will be noted that these instructions require only two authenticated copies of power of attorney or other evidence to act on behalf of the lessor. An authenticated copy of power of attorney, or other evidence, should be attached to each executed number and true copy of the lease.

(ii) *Corporations.* When a lease is executed with a corporation, the certificate appearing at the foot of page 3 of Standard Form No. 2 will be executed by its secretary or its assistant secretary.

(iii) *Individuals.* When the owner of the property to be leased has delegated to an agent authority to execute leases, the lease should be drawn and executed in the name of the owner "by _____, Agent." Either the written authority of the agent to execute a lease, or the certificate of the contracting officer that he

[1] These regulations supersede section 52.6, Title 10, Code of Federal Regulations.

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| Peoples Light and Power Co | 3527 |

FEDERAL REGISTER

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has satisfied himself as to such authority, must be attached to, or incorporated in, the lease. The form of certificate will be as follows:

I hereby certify that I have satisfied myself of the authority of the person signing the lessor's name to this lease to bind the lessor, and I have waived the filing of evidence of such authority, as permitted so to do by the Army Regulations.

(Contracting officer)

(Grade)

Such a certificate will be affixed to each signed and true copy of the lease.

(4) *Effective date.* Original leases must take effect on the date the premises are first occupied.

(5) *Option of renewal.* The limit for option of renewal should be the longest time, compatible with the interest of the Government, to which the lessor will agree.

(6) If heat, light, water, and other services are necessary, they will be furnished by the lessor when not otherwise obtainable at a lower cost, and the rental agreed upon will be expressed in the lease as including the services to be furnished.

(c) *Survey of premises in case of temporary occupancy*—(1) *Upon taking possession.* Whenever possession of any premises is taken for the temporary use of the Army, whether requisitioned, condemned, acquired by lease, or informally occupied, the officer or other agent of the War Department taking such possession will cause a careful survey and detailed examination of the premises to be made.

(2) *When to be made jointly with owner.* When the premises are to be occupied under lease or other agreement, the survey required by (1) above will be made jointly with the owner or his authorized representative.

(3) *To be signed and made part of agreement.* The survey will be signed by both persons making it and will be attached to, and made a part of, the lease or agreement. (R.S. 161; 5 U.S.C. 32) [Pars. 5a and b, 8b, f, g, h, i and j, and 10a, c and d, AR 30–1415, July 10, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–2860; Filed, August 3, 1939; 9:09 a. m.]

## TITLE 12—BANKS AND BANKING

### BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

INTERLOCKING BANK DIRECTORATES UNDER THE CLAYTON ACT*†

REGULATION L AMENDED

On August 1, 1939, the Board of Governors of the Federal Reserve System adopted the following resolution:

*Resolved*, That Regulation L[1] [12 CFR. 212], Interlocking Bank Directorates Under the Clayton Act, be amended, effective immediately, as follows:

1. By changing the date "August 1, 1939" in section 3 (a) [12 CFR. 212.3 (a)] to the date "February 1, 1940"; and

2. By changing the date "August 1, 1939" in section 3 (e) [12 CFR. 212.3 (e)] to the date "February 1, 1940".

Adopted by the Board of Governors of the Federal Reserve System on August 1, 1939.

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 39–2857; Filed, August 2, 1939; 1:46 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3010]

IN THE MATTER OF PHILADELPHIA RUBBER WASTE COMPANY, ET AL.

§ 3.6 (cc) (3) *Advertising falsely or misleadingly—Source or origin—Maker:* § 3.9 (c) *Appropriating trade name or mark wrongfully—Product:* § 3.66 (k) (3) *Misbranding or mislabeling—Source or origin—Maker:* § 3.87 (h) *Simulating competitor or his product—Trade name of competitor's product.* Representing, in connection with offer, etc., in commerce, of respondents' various items of merchandise, i. e., automobile tube repair kits, reliners, inner tubes, spark plugs, and others, directly or by inference, through use of trade name "Philco" or any colorable simulation thereof, or in any other manner, that tire patches, tire reliners, tire and tube repair kits, repair patch cement, gasket cement, spark plugs, inner tubes, or any other merchandise manufactured by manufacturers other than the Philadelphia Storage Battery Company or its licensees, successors or assignees, are "Philco" products or are made by or under license from the Philadelphia Storage Battery Company, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Philadelphia Rubber Waste Company, et al., Docket 3010, July 26, 1939]

§ 3.6 (a) (11) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Identity:* § 3.9 (a) *Appropriating trade name or mark wrongfully—Competitor:* § 3.66 (k) (3) *Misbranding or mislabeling—Source or origin—Maker:* § 3.87 (g) *Simulating competitor or his product—Trade name of competitor.* Using, in connection with offer, etc., in commerce, of respondents' various items of merchandise, i. e., automobile tube repair kits, reliners, inner tubes, spark plugs, and others, term "Philco", or any other brand, corporate or trade name designed to have, or having, a tendency or capacity to deceive the purchasing public as to the identity of the manufacturer of the products sold by respondents, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Philadelphia Rubber Waste Company, et al., Docket 3010, July 26, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of July, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF PHILADELPHIA RUBBER WASTE COMPANY, A CORPORATION, AND ALBERT SCHWARTZ, ISADORE M. ENGEL, AND SIMON SPERBERG, COPARTNERS, TRADING AS PHILCO RUBBER COMPANY, PHILCO RUBBER SALES COMPANY, PHILCO AUTO SUPPLY, PHILCO AUTO & RUBBER SUPPLY AND PHILCO SPARK PLUG COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent Albert Schwartz, on behalf of himself and respondent Philadelphia Rubber Waste Company, testimony and other evidence taken before John W. Addison, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by Joseph C. Fehr, counsel for the Commission and by Malvin H. Reinheimer, counsel for respondent Albert Schwartz, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent Philadelphia Rubber Waste Company, a corporation, its officers, representatives, agents and employees, and respondents Albert Schwartz, Isadore M. Engel and Simon Sperberg, individually and as copartners, trading as Philco Rubber Company, Philco Rubber Sales Company, Philco Auto Supply, Philco Rubber & Auto Supply and Philco Spark Plug Company, or under any other name or names, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their various items of merchandise, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by inference, through the use of the trade name "Philco" or any colorable simulation thereof, or in any other manner, that tire patches, tire reliners, tire and tube repair kits, repair patch cement, gasket cement, spark plugs, inner tubes, or any other merchandise manufactured by manufacturers other than the Philadelphia Storage Battery Company or its licensees, successors or assignees, are "Philco" products or are made by or under license from the Philadelphia Storage Battery Company;

(2) Using the term "Philco", or any other brand, corporate or trade name designed to have, or having, a tendency or capacity to deceive the purchasing public as to the identity of the manufacturer of the products sold by respondents.

*It is further ordered*, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39–2856; Filed, August 2, 1939; 1:42 p. m.]

## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T. D. 49925]

ARTICLES FROM MEXICO—$100 EXEMPTION—SPECIAL REGULATION

Residents of the United States, returning thereto through any of the ports in collection district no. 25 (San Diego), shall not be granted the $100 exemption, or any part thereof, in the case of articles acquired in Mexico unless such residents shall have remained beyond the territorial limits of the United States for a period of not less than twenty-four hours.[1]

JULY 28, 1939.

*To the Collector of Customs, San Diego, Calif., and Others Concerned:*

Attention is invited to the third, fourth, fifth, and sixth provisos to paragraph 1798 of the Tariff Act of 1930, as amended by section 36 of the Customs Administrative Act of 1938 (U.S.C., Supp. IV, title 19, sec. 1201, par. 1798), which relate to the $100 exemption accorded residents of the United States returning from abroad and read as follows:

*Provided further*, That up to but not exceeding $100 in value of articles (including distilled spirits, wines, and malt liquors aggregating not more than one wine gallon and including not more than one hundred cigars) acquired abroad by such residents of the United States as an incident of the foreign journey for personal or household use or as souvenirs or curios, but not bought on commission or intended for sale, shall be free of duty: *Provided further*, That (a) in the case of articles acquired in any country other than a contiguous country which maintains a free zone or free port, the exemption authorized by the preceding proviso shall apply only to articles so acquired by a returning resident who has remained beyond the territorial limits of the United States for a period of not less than forty-eight hours and (b) in the case of articles acquired in a contiguous country which maintains a free zone or free port, the Secretary of the Treasury shall by special regulation or instruction, the application of which may be restricted to one or more individual ports of entry, provide that the exemption authorized by the preceding proviso shall be applied only to articles acquired abroad by a returning resident who has remained beyond the territorial limits of the United States for not less than such period (which period shall not exceed twenty-four hours) as the Secretary may deem necessary in the public interest or to facilitate enforcement at the specified port or ports of the requirement that the exemption shall apply only to articles acquired as an incident of the foreign journey: *Provided further*, That the exemption authorized by the second preceding proviso shall apply only to articles declared in accordance with regulations to be prescribed by the Secretary of the Treasury by a returning resident who has not taken advantage of the said exemption within the thirty-day period immediately preceding his return to the United States: *Provided further*, That no such special regulation or instruction shall take effect until the lapse of ninety days after the date of such special regulation or instruction:

Pursuant to the requirement of the fourth proviso to paragraph 1798 of the Tariff Act of 1930, as amended, I, by this special regulation, do hereby provide that the exemption authorized by the third proviso to such paragraph 1798, as amended, shall not be applied at any port in collection district no. 25 (San Diego) to articles acquired in the Republic of Mexico, a contiguous country which maintains a free zone or free port, by a returning resident of the United States unless such resident has remained beyond the territorial limits of the United States for a period of not less than twenty-four hours.

This special regulation shall be effective on the day following the expiration of ninety days after the date hereof, with respect to goods arriving at any port in the United States when free entry under the $100 exemption is claimed by reason of the arrival of a resident of the United States who has returned thereto at a port in collection district no. 25. (Sec. 201, 46 Stat. 672, Sec. 337, 49 Stat. 1959, Sec. 36, 52 Stat. 1093; 19 U.S.C. 1201, Par. 1798 and Sup. IV)

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39–2865; Filed, August 3, 1939; 12:44 p. m.]

[T. D. 49928]

CERTAIN AIRPORTS REDESIGNATED AS AIRPORTS OF ENTRY FOR A PERIOD OF ONE YEAR[1]

AUGUST 2, 1939.

*To Collectors of Customs and Others Concerned:*

The following-named airports are hereby redesignated as airports of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C., title 49, sec. 179 (b)), for a period of one year from the dates shown opposite their names:

Buffalo Marine Airport, Buffalo, N. Y. July 29, 1939.
Sault Ste. Marie Airport, Sault Ste. Marie, Mich. August 4, 1939.
(Sec. 7 (b), 44 Stat. 572; 49 U.S.C., 177 (b))

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39–2866; Filed, August 3, 1939; 12:44 p. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### OFFICE OF THE SECRETARY

[Amendment of Department Circular 591 (1938)]

PART 1—REGULATIONS RELATING TO OFFICIAL DOCUMENTS AND INFORMATION

JULY 28, 1939.

*To Heads of Bureaus, Offices, and Divisions, Treasury Department:*

Sec. 1.7 [paragraph 7 of Department Circular No. 591 (1938)[2] entitled "Regulations Governing the Disclosure of Official Information"] is hereby amended by deleting "(e) (3)" immediately following

*Sec. 8, 38 Stat. 732; Sec. 329, 49 Stat. 717; Sec. 11, 38 Stat. 734; Sec. 602 (d), 43 Stat. 1102; 15 U.S.C. 19 and Sup. III; 15 U.S.C. 21.
†Reg. L, Bd. Govs. F.R.S. Revised effective August 1, 1939.
[1] 3 F.R. 2685 DI.

[1] 3 F.R. 153 DI.

[1] This document affects 19 CFR 8.19 (c).

[1] This document affects the tabulation in 19 CFR 4.13.
[2] 3 F.R. 2065 DI.

"Customs Regulations of 1937, Article 1465". (R.S. 161; 5 U.S.C. 22)

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-2864; Filed, August 3, 1939; 12:44 p. m.]

## TITLE 46—SHIPPING

## UNITED STATES MARITIME COMMISSION

[General Order 15, Supplement 11b]

MINIMUM MANNING SCALES FOR THE S. S. "MORMACREY," S. S. "MORMACMAR," S. S. "MORMACRIO" AND S. S. "MORMACSUL," SUBSIDIZED VESSELS OF THE MOORE-McCORMACK LINES, INC., AMERICAN REPUBLICS LINE SERVICE

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 25th day of July 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15[1] providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. *Mormacrey*, S. S. *Mormacmar*, S. S. *Mormacrio* and S. S. *Mormacsul*, subsidized vessels of the Moore-McCormack Lines, Inc., American Republics Line Service (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

*Ordered*, That the minimum manning scales attached hereto for the S. S. *Mormacrey*, S. S. *Mormacmar*, S. S. *Mormacrio* and S. S. *Mormacsul*, subsidized vessels of the Operator, be and the same hereby are adopted: *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of any of said vessels without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after September 1, 1939 of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.,
*Secretary.*

*Minimum Manning Scale To Be Observed on the Vessels "Mormacrey," "Mormacmar," "Mormacrio" and "Mormacsul" of the Moore-McCormack Lines, Inc., American Republics Line Service*

RATING

| | |
|---|---|
| Deck department: | |
| Master | 1 |
| Chief Mate | 1 |
| Second Mate | 1 |
| Third Mate | [1] 1 |
| Cadet Officer or Cadet | [2] 1 |
| Radio Operator | 6 |
| A. B. Seamen | 3 |
| Ordinary Seamen | |
| Engine department: | |
| Chief Engineer | 1 |
| 1st Asst. Engineer | 1 |
| 2nd Asst. Engineer | 1 |
| 3rd Asst. Engineer | 1 |
| 4th Asst. Engineer | [1] 1 |
| Engineer Cadet Officer or Cadet | 3 |
| Watertenders | 3 |
| Oilers | 3 |
| Firemen | [3] 1 |
| Wiper | |
| Steward's department: | |
| Chief Steward | 1 |
| Chief Cook | 1 |
| 2nd Cook and Baker | 2 |
| Messmen | 1 |
| Messboy | |

[1] It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of the Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official logbook to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel and such action shall not constitute a violation of this Manning Scale.

[2] With radio autoalarm.

[3] The Wiper required by this Manning Scale is a rating covered by, and in no sense an addition to, the respective rating provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-2858; Filed, August 2, 1939; 4:25 p. m.]

[General Order 15, Supplement 11c]

MINIMUM MANNING SCALES FOR THE S. S. "MORMACPORT" AND S. S. "MORMACSTAR," SUBSIDIZED VESSELS OF MOORE-McCORMACK LINES, INC., AMERICAN REPUBLICS LINE SERVICE

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 25th day of July 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15[1] providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. *Mormacport* and S. S. *Mormacstar*, subsidized vessels of the Moore-McCormack Lines, Inc., American Republics Line Service (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

*Ordered*, That the minimum manning scales attached hereto for the S. S. *Mormacport* and S. S. *Mormacstar*, subsidized vessels of the Operator, be and the same hereby are adopted: *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of any of said vessels without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after September 1, 1939, of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.,
*Secretary.*

*Minimum Manning Scale To Be Observed on the Vessels "Mormacport" and "Mormacstar" of Moore-McCormick Lines, Inc., American Republics Line Service*

RATING

| | |
|---|---|
| Deck department: | |
| Master | 1 |
| Chief Mate | 1 |
| 2nd Mate | 1 |
| 3rd Mate | 1 |
| Cadet Officer or Cadet | [1] 1 |
| Radio Operator | [2] 1 |
| A. B. Seamen | 6 |
| Ordinary Seamen | 3 |
| Engine department: | |
| Chief Engineer | 1 |
| 1st Asst. Engineer | 1 |
| 2nd Asst. Engineer | 1 |
| 3rd Asst. Engineer | 1 |
| Engineer Cadet Officer or Cadet | [1] 1 |
| Deck Engineer | [3] 1 |
| Watertenders | 3 |
| Oilers | 3 |
| Firemen | 3 |
| Wiper | [3] 1 |
| Steward's department: | |
| Chief Steward | 1 |
| Chief Cook | 1 |
| 2nd Cook and Baker | 1 |
| Messmen | 2 |
| Messboy | 1 |

[1] It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of the Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official logbook to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel and such action shall not constitute a violation of this Manning Scale.

[2] With radio-auto-alarm.

[3] The Deck Engineer and Wiper required by this Manning Scale are ratings covered by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-2859; Filed, August 2, 1939; 4:25 p. m.]

## TITLE 47—TELECOMMUNICATION

## FEDERAL COMMUNICATIONS COMMISSION

PARALLEL REFERENCE TABLE TO RULES OF THE FEDERAL COMMUNICATIONS COMMISSION

The following parallel table is published to facilitate reference to the rules of the Federal Communications Commission under the new numbering system adopted July 15, 1939. The numbers listed in the right-hand column are the old section numbers formerly used, and those in the left-hand column are the new section numbers which will be used hereafter and which correspond to the numbers used in the Code of Federal Regulations.

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| 7.21–7.33 | Adopted prior to FEDERAL REGISTER. |
| 7.41–7.46 | Adopted prior to FEDERAL REGISTER. |
| 7.51–7.57 | Adopted prior to FEDERAL REGISTER. |
| 7.58 | Adopted prior to FEDERAL REGISTER. |
| 7.58 (a) | 70.13–A |
| 7.58 (b) | Adopted prior to FEDERAL REGISTER. |
| 7.58 (c) | 70.13 C |
| 7.59–7.60 | Adopted prior to FEDERAL REGISTER. |
| 7.71–7.74 | Adopted prior to FEDERAL REGISTER. |
| 7.81–7.82 | Adopted prior to FEDERAL REGISTER. |
| 7.91–7.96 | Adopted prior to FEDERAL REGISTER. |

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| 8.41–8.50 | Adopted prior to FEDERAL REGISTER. |
| 8.61–8.70 | Adopted prior to FEDERAL REGISTER. |
| 8.71 | 80.44 |
| 8.81 | Adopted prior to FEDERAL REGISTER. |
| 8.81 (a) (b) | Adoptcd prior to FEDERAL REGISTER. |
| 8.81 (c) | 80.20 (c) |
| 8.81 (d) | 80.20 (d) |
| 8.81 (e) | Adopted prior to FEDERAL REGISTER. |
| 8.82–8.97 | Adopted prior to FEDERAL REGISTER. |
| 8.111–8.129 | Adopted prior to FEDERAL REGISTER. |
| 8.141–8.148 | Adopted prior to FEDERAL REGISTER. |
| 8.161–8.167 | Adopted prior to FEDERAL REGISTER. |
| 8.171–8.175 | Adopted prior to FEDERAL REGISTER. |

[1] 2 F.R. 2257.

[2] 2 F.R. 2257.

| *Part 8— New Sec. Nos.* | *Chapter VIII— Old Sec. Nos.* |
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| 8.201–8.208 | Adopted prior to Federal Register. |
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| 8.221–8.223 | Adopted prior to Federal Register. |
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| 9.121–9.128 | Adopted prior to Federal Register. |
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PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND B TELEPHONE COMPANIES

This system of accounts was prescribed by Telephone Division Order No. 7–C and amendatory orders, and at such time when published in the FEDERAL REGISTER, will appear as Part 31.

PART 32—UNITS OF PROPERTY

The rules which will be published in the FEDERAL REGISTER under this Part, were formerly Appendix A of the Uniform System of Accounts for Class A and B Telephone Companies prescribed by Telephone Division Order No. 7–C and amendatory orders.

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PART 34—UNIFORM SYSTEM OF ACCOUNTS FOR RADIOTELEGRAPH CARRIERS

These are a new set of rules and the section numbers used for this Part appear in the July 7, 1939, issue of the FEDERAL REGISTER. These section numbers will be used for any future amendments or revisions of the rules under this Part.

PART 35—UNIFORM SYSTEM OF ACCOUNTS FOR TELEGRAPH AND CABLE COMPANIES

The source of this system of accounts was I. C. C. Order dated October 13, 1913, and when published in the FEDERAL REGISTER, will appear as Part 35, with appropriate section numbers.

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PART 51—RULES GOVERNING THE CLASSIFICATION OF TELEPHONE EMPLOYEES

These rules, which were formerly the Rules Governing Classification of Telephone Employees, I. C. C., July 1, 1917, will appear under the designation of Part 51 when published in the FEDERAL REGISTER.



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By the Commission.

[SEAL] JOHN B. REYNOLDS, *Acting Secretary.*

[F. R. Doc. 39–2863; Filed, August 3, 1939; 11:53 a. m.]

## Notices

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31 day of July 1939.

[File No. 32–134]

IN THE MATTER OF GAS UTILITIES COMPANY, AMERICAN UTILITIES SERVICE CORPORATION

ORDER RELATIVE TO DECLARATION, ETC.

Gas Utilities Company, a subsidiary of American Utilities Service Corporation, a registered holding company, having filed an amended declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issuance of a 6% Promissory Income Note or Notes in the principal amount of $90,000 to be dated as of November 1, 1938 and to mature November 1, 1964; and the issuance of 2,600 shares of its common stock having a par value of $10 per share;

Gas Utilities Company having also requested approval of the acquisition by it of all of its outstanding common shares from American Utilities Service Corporation pursuant to Rule U–12C–1 promulgated under said Act;

American Utilities Service Corporation having filed an application pursuant to Section 10 of said Act for approval of the acquisition by it of the securities of Gas Utilities Company proposed to be issued;

American Utilities Service Corporation having also filed an application pursuant to Rule U–12D–1 promulgated under said Act for approval of the delivery by it to Gas Utilities Company of the outstanding common shares which it owns of Gas Utilities Company and for approval of the pledge by it of the securities of Gas Utilities Company proposed to be issued;

A public hearing upon said applications and declaration as amended having been held after appropriate notice[1] and the Commission having considered the record in this matter and having made and filed its findings herein;

*It is ordered*, That the aforesaid declaration by Gas Utilities Company be and become effective forthwith.

*It is further ordered*, That the acquisition by Gas Utilities Company of its outstanding common shares be and the same hereby is approved.

*It is further ordered*, That the delivery by American Utilities Service Corporation to Gas Utilities Company of the outstanding common shares which it owns of Gas Utilities Company be and the same hereby is approved.

*It is further ordered*, That the acquisition and pledge of the aforesaid securities of Gas Utilities Company by American Utilities Service Corporation be and the same hereby are approved.

*It is further ordered*, That this order be subject, however, to the following terms and conditions:

(1) That all acts in connection with said applications and declaration as amended shall be performed in all respects as set forth in and for the purposes represented by said applications and declaration as amended; and

(2) That within ten days after the transactions referred to herein the applicants and declarant shall respectively file with this Commission certificates of notification showing that such transactions have been effected in accordance with the terms and conditions of, and for the purposes represented by, said applications and declaration as amended; and

(3) That Earned Surplus at December 31, 1938 be so designated on the Balance Sheet of Gas Utilities Company and that no dividend payments shall be made by Gas Utilities Company without application to, and approval by order of this Commission, unless made from Earned Surplus since January 1, 1939, which surplus shall be so designated under a separate caption on the Balance Sheet of the Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2861; Filed, August 3, 1939; 11:03 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of July 1939.

[File No. 43–193]

IN THE MATTER OF PEOPLES LIGHT AND POWER COMPANY

ORDER RELATIVE TO DECLARATION

Peoples Light and Power Company, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 concerning an amendment to its charter changing the voting rights of its common stockholders so as to give such stockholders, upon the happening of certain events, the right of cumulative voting with respect to the election of directors;

A public hearing having been held upon such declaration as amended after appropriate notice[1] and the Commission having considered the record in this matter and having made and filed its findings herein;

*It is ordered*, That the aforesaid declaration by Peoples Light and Power Company be and become effective forthwith.

*It is further ordered*, That this order be subject to the following terms and conditions:

(1) That all acts in connection with said declaration shall be performed in all respects as set forth in and for the purposes represented by said declaration, as amended, and

(2) Within ten days after such charter amendment, declarant shall file with this Commission a certificate of notification showing that such charter amendment has been effected in accordance with the terms and conditions of and for the purposes represented by the declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2862; Filed, August 3, 1939; 11:03 a. m.]

[1] 4 F.R. 1189 DI.

[1] 4 F.R. 1901 DI.

AUG 8 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 150

*Washington, Saturday, August 5, 1939*


*Rules, Regulations, Orders*

## TITLE 20—EMPLOYEES' BENEFITS

### RAILROAD RETIREMENT BOARD

#### AMENDMENT TO REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in Section 10 of the Act of June 24, 1937, (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j) the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477 DI) are amended by Board Orders 39-434, 39-487 and 39-491 dated June 29, 1939, July 25, 1939 and July 27, 1939, respectively, as follows:

Board Order 39-434 dated June 29, 1939 amends the first two sentences of Section 262.19 to read:

"No individual shall be selected as a member of the Actuarial Advisory Committee who does not possess qualifications in actuarial training and experience sufficient to enable him actively to assume the duties and responsibility of such appointment. The compensation of each of the two members selected as members of the Actuarial Advisory Committee shall be fixed from time to time by the Board on a per diem basis."

Board Order 39-487 dated July 25, 1939 amends Sections 210.02 and 210.03, effective as of August 1, 1939, to read:

§ 210.02 *Application to be filed.* No individual, irrespective of his qualifications, shall receive an annuity under the 1935 or 1937 Act unless he has, on or before the date of his death, filed with the office of the Board, in Washington, D. C., or filed with a Regional Office of the Board, a duly executed application, upon such application form as the Board may from time to time provide; *Provided, however,* That a claim or application filed with the Social Security Board, whether before or after the adoption of this regulation, for a lump sum payment under Sec. 204 (a) of Title II of the Social Security Act based in whole or in part on service with an employer under the Railroad Retirement Act of 1935 or 1937 which service had not at the time of such filing been determined by the Board to be service with an employer shall be an application for an annuity filed with the Railroad Retirement Board as of the date on which such claim or application was filed with the Social Security Board.

§ 210.03 *Filing date.* An application, filed in a manner and form prescribed in Section 210.02, shall be considered filed with the Board as of the date that it is received by the Board in Washington, D. C., or the date that it is received by a Regional Office of the Board, whichever date is earlier.

Board Order 39-491 dated July 27, 1939 amends Section 210.04, effective as of August 1, 1939 to read:

§ 210.04 *Signature on application form.* The application form shall be signed personally by the applicant in his usual manner: *Provided, however,* That if the applicant is unable to sign his name because of physical inability or illiteracy, he shall then make his mark (X) and a witness shall affix the applicant's name. In every case the signature or mark shall either be executed and authenticated in such manner as the form provided may indicate or shall be executed before and authenticated by an employee of the Board duly designated and authorized to perform such services. In the event that the signature or any written portion of the application form is, within the judgment of the Board, substantially illegible or of doubtful authenticity, or if in the judgment of the Board there are substantial omissions in the application form, the Board may require its reexecution or correction: *Provided, however,* That such reexecuted or corrected application form shall be returned and shall be received by the Board within thirty days after notice to correct such deficiency is mailed to the address the applicant has given in the application form; otherwise, the filing date of the application shall be the date when such corrected or reexecuted application form is received by the Board. (Secs. 2, 10, 50 Stat. 310, 314; 45 U.S.C. Sup. III, 228b, 228j)

By authority of the Board.

[SEAL] MURRAY W. LATIMER, *Chairman.*

AUGUST 3, 1939.

[F. R. Doc. 39-2873; Filed, August 4, 1939; 11:35 a. m.]

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## TITLE 24—HOUSING CREDIT

### FEDERAL HOUSING ADMINISTRATION

AMENDMENT TO ADMINISTRATIVE RULES UNDER SECTION 210 OF THE NATIONAL HOUSING ACT

The Administrative Rules of the Federal Housing Administrator under Section 210 of the National Housing Act,[1] revised June 30, 1939 (Part 534 Code of Federal Regulations) are hereby amended as follows:

Subsection 4 of Section III of said Administrative Rules (Sec. 534.12) is amended to read as follows:

"4. The mortgage may bear interest at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such interest rate be in excess of four and one-half per centum (4½%) per annum. Interest shall be payable only on principal outstanding and shall be payable in monthly installments beginning one month following the date of the mortgage."

This amendment is effective as to all mortgages on which a commitment to insure is issued on or after August 5, 1939.

Issued at Washington, D. C., this 2d day of August 1939.

[SEAL] STEWART MCDONALD,
*Federal Housing Administrator.*

By MILES L. COLEAN,
*Acting Administrator.*

[F. R. Doc. 39-2869; Filed, August 4, 1939; 10:01 a. m.]

[1] Subsection 4 of Section III of Administrative Rules of the Federal Housing Administrator under Section 210 of the National Housing Act revised February 15, 1938, appears at 3 F.R. 433 DI. See also 4 F.R. 3496 DI.

## *Notices*

### FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3797]

IN THE MATTER OF UNITED FACTORIES, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

*It is ordered*, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, August 11, 1939, at ten o'clock in the forenoon of that day (central standard time) in Court Room Number 600, Irving Pitt Building, Kansas City, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2868; Filed, August 4, 1939; 9:35 a. m.]

### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of August, A. D. 1939.

[File No. 43-229]

IN THE MATTER OF NORTHERN NATURAL GAS COMPANY

ORDER FIXING EFFECTIVE DATE OF DECLARATION REGARDING ISSUE AND SALE OF BONDS AND NOTES

Northern Natural Gas Company, a registered holding company and a subsidiary of registered holding companies, as set forth in the accompanying Findings and Opinion of the Commission, having filed a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of $16,000,000 aggregate principal amount of First Mortgage and First Lien Bonds, Series A, 3¼%, due July 1, 1954, and $6,000,000 aggregate principal amount of Unsecured Promissory Notes, 2⅛%, maturing serially in principal amounts of $500,000 on January 1 and July 1, commencing July 1, 1940, the last note maturing on January 1, 1946;

A hearing thereon having been held after appropriate notice,[1] the record having been duly considered, and the Commission having filed its findings herein;

*It is ordered*, That such declaration be and become effective forthwith, subject, however, to the following conditions: (a) that the issue and sale of the before mentioned securities shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration as amended, and (b) that on or before January 1, 1940, unless such time shall hereafter be extended by the Commission, at the request of the declarant, the declarant file with this Commission a statement in writing, under oath, giving in detail an itemization of the manner in which the proceeds of the said Unsecured Capital Note issue have been expended;

*It is further ordered*, That the Commission reserve jurisdiction to determine at a later date, whether the fee to be paid to Dillon, Read & Co. in connection with the issue and sale of the aforementioned First Mortgage and First Lien Bonds, Series A, 3¼%, due July 1, 1954, is or is not reasonable; and whether such fee should or should not be paid; and no part of the said fee to be paid to Dillon, Read & Co. shall be paid pending further order of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2870; Filed, August 4, 1939; 11:13 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 2nd day of August 1939.

[File No. 1-58]

IN THE MATTER OF G. R. KINNEY CO., INC., $8 CUMULATIVE PREFERRED STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $8 Cumulative Preferred Stock, No Par Value, of G. R. Kinney Co., Inc.; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Friday, August 25, 1939, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2872; Filed, August 4, 1939; 11:13 a. m.]

[1] 4 F.R. 2896 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of August 1939.

[File No. 44-30]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION, DEBTOR AND CENTRAL STATES POWER & LIGHT CORPORATION

ORDER ALLOWING PETITION TO INTERVENE

Atlas Corporation having on August 2, 1939 entered its appearance by counsel and having filed an application to intervene in the above entitled proceeding;

*It is hereby ordered*, That said application of Atlas Corporation for leave to intervene in said proceeding be granted; subject to all proceedings heretofore taken herein.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2871; Filed, August 4, 1939; 11:13 a. m.]

### UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS MONDAY, JULY 31, 1939

*Important.* Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

| State | Number of positions to which entitled | Number of positions occupied |
|---|---|---|
| **IN ARREARS** | | |
| 1. Virgin Islands | 9 | 0 |
| 2. Puerto Rico | 622 | 42 |
| 3. Hawaii | 148 | 17 |
| 4. California | 2,286 | 801 |
| 5. Alaska | 24 | 9 |
| 6. Texas | 2,345 | 921 |
| 7. Michigan | 1,950 | 923 |
| 8. Louisiana | 846 | 405 |
| 9. Arizona | 175 | 89 |
| 10. New Jersey | 1,627 | 881 |
| 11. South Carolina | 700 | 398 |
| 12. Ohio | 2,676 | 1,609 |
| 13. Oklahoma | 965 | 500 |
| 14. Mississippi | 809 | 495 |
| 15. New Mexico | 170 | 106 |
| 16. Alabama | 1,065 | 667 |
| 17. Arkansas | 747 | 475 |
| 18. Georgia | 1,171 | 775 |
| 19. Kentucky | 1,053 | 706 |
| 20. North Carolina | 1,276 | 892 |
| 21. Wisconsin | 1,183 | 911 |
| 22. Tennessee | 1,053 | 813 |
| 23. Illinois | 3,072 | 2,372 |
| 24. Connecticut | 647 | 518 |
| 25. Indiana | 1,304 | 1,138 |
| 26. Delaware | 96 | 84 |
| 27. Nevada | 37 | 33 |
| 28. Oregon | 384 | 345 |
| 29. Florida | 591 | 544 |
| 30. Idaho | 179 | 168 |
| 31. New Hampshire | 187 | 178 |
| 32. Pennsylvania | 3,878 | 3,736 |
| 33. New York | 5,068 | 4,940 |
| 34. Maine | 321 | 317 |
| 35. Wyoming | 91 | 90 |
| 36. West Virginia | 696 | 691 |
| 37. Massachusetts | 1,711 | 1,704 |
| 38. Colorado | 417 | 416 |
| **QUOTA FILLED** | | |
| | | |
| **IN EXCESS** | | |
| 39. Missouri | 1,461 | 1,466 |
| 40. Vermont | 145 | 146 |
| 41. Washington | 629 | 634 |
| 42. Utah | 204 | 207 |
| 43. Montana | 216 | 231 |
| 44. Kansas | 757 | 817 |
| 45. Rhode Island | 277 | 304 |
| 46. South Dakota | 279 | 310 |
| 47. North Dakota | 274 | 308 |
| 48. Iowa | 995 | 1,133 |
| 49. Minnesota | 1,032 | 1,176 |
| 50. Nebraska | 555 | 692 |
| 51. Virginia | 975 | 2,037 |
| 52. Maryland | 657 | 2,066 |
| 53. District of Columbia | 196 | 8,906 |

| State | Number of positions to which entitled | Number of positions occupied | Net gain or loss since July 1, 1939 |
|---|---|---|---|
| **IN EXCESS** | | | |
| 39. Missouri | 1,461 | 1,466 | −12 |
| 40. Vermont | 145 | 146 | −1 |
| 41. Washington | 629 | 634 | −5 |
| 42. Utah | 204 | 207 | +4 |
| 43. Montana | 216 | 231 | −1 |
| 44. Kansas | 757 | 817 | −2 |
| 45. Rhode Island | 277 | 304 | −2 |
| 46. South Dakota | 279 | 310 | −2 |
| 47. North Dakota | 274 | 308 | −2 |
| 48. Iowa | 995 | 1,133 | −5 |
| 49. Minnesota | 1,032 | 1,176 | −1 |
| 50. Nebraska | 555 | 692 | +7 |
| 51. Virginia | 975 | 2,037 | −2 |
| 52. Maryland | 657 | 2,066 | +18 |
| 53. District of Columbia | 196 | 8,906 | +21 |

| | |
|---|---|
| **GAINS** | |
| By appointment | 423 |
| By reinstatement | 2 |
| By transfer | 33 |
| By correction | 2 |
| Total | 460 |
| **LOSSES** | |
| By separation | 93 |
| By transfer | 54 |
| Total | 147 |
| Total appointments | 50,232 |

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's opinion of Aug. 25, 1934, 15,301.

By direction of the Commission.

[SEAL] L. A. MOYER,
*Executive Director and Chief Examiner.*

[F. R. Doc. 39-2867; Filed, August 3, 1939; 1:03 p. m.]

AUG 9 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 151

*Washington, Tuesday, August 8, 1939*


## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### FARM CREDIT ADMINISTRATION

[FCA141]

THE FEDERAL LAND BANK OF COLUMBIA

APPRAISAL FEES

Section 23.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 23.1 *Appraisal fees.* The following appraisal fees shall be charged in connection with loan applications:

| Amount of application: | *Appraisal fee* |
|---|---|
| $100–$5,000 | $15 |
| $5,100–$10,000 | 20 |
| Exceeding $10,000 | 35 |

"Additional fees shall be charged in the following cases:

"(a) *Non-resident applicants.* If the applicant does not reside in the Third Farm Credit District an additional fee of $7.50 will be charged to cover the cost of securing an appraisal report from the district of his residence.

"(b) *Reappraisal fee.* If a reappraisal is required because of delay of the applicant, or is made at the applicant's request, another appraisal fee, fixed in accordance with the above schedule, will be charged.

(c) *Loans on naval stores farms.* The regular schedule of fees will apply where the amount applied for does not exceed $10,00. If the amount exceeds $10,000, the regular schedule of fees increased by 50% will apply. If preliminary appraisal and review are made none of the fee will be refunded. If it is determined by the bank and the applicant, after preliminary appraisal and contact with the applicant, that the application is to be handled to a definite conclusion, a fee of 8¢ per acre for timber cruise will be charged, to be paid prior to the making of the cruise. (Sec. 13 "Ninth", 39 Stat. 372, 12 U.S.C. 781 "Ninth"; Sec. 32, 48 Stat. 48, as amended, 12 U.S.C. 1016 (e); Sec. 33, 48 Stat. 49, as amended, 12 U.S.C. 1017; 6 CFR 19.4019) [Res. Bd. Dir., May 22, 1939]"

THE FEDERAL LAND BANK OF COLUMBIA.

By JULIAN H. SCARBOROUGH,
[SEAL] *President.*

[F. R. Doc. 39-2886; Filed, August 7, 1939; 12:08 p. m.]

## *Notices*

### DEPARTMENT OF AGRICULTURE.

#### Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

ARIZONA

AUGUST 4, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Arizona State Farm Security Advisory Committee, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) that county which was designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional county: Yuma.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2874; Filed, August 4, 1939; 2:34 p. m.]

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

NEVADA

AUGUST 4, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Nevada State Farm Security Advisory Committee, the following county is hereby designated as that in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) that county which was designated for the

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making of loans for the fiscal year ending June 30, 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-2875; Filed, August 4, 1939; 2:34 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5707]

IN RE APPLICATION OF HEARST RADIO, INC. (WINS) ASSIGNOR

*Dated November 26, 1938, for voluntary assignment of license to Metropolitan Broadcasting Corp., Assignee; class of service, Broadcast; class of station, Broadcast; location, Carlstad, N. J.: Trans., New York, N. Y.: Studio; operating assignment specified—frequency, 1180 kc; power, 1 kw night; 1 kw day; hours of operation, limited.*

[File No. B1-AL-232]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical and financial qualifications of the Metropolitan Broadcasting Corporation;

2. To determine what interests, if any, the Metropolitan Broadcasting Corporation or any of its stockholders have in any radiobroadcast station or application therefor;

3. To determine whether Station WINS, if operated by the Metropolitan Broadcasting Corporation, would be associated with any other broadcast station or stations, and, if so, to determine the character and extent of such association;

4. To determine whether the present stockholders of the Metropolitan Broadcasting Corporation are the true and only parties in interest; and

5. To determine what benefits, if any, and what detriments, if any, will result to the public from the proposed assignment of license of WINS.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Hearst Radio, Inc.,
Radio Station WINS,
20 East 57th St. % E. M. Stoer,
New York, N. Y.

Dated at Washington, D. C., August 4, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2884; Filed, August 7, 1939; 11:21 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. IT-5582]

IN THE MATTER OF SUSQUEHANNA POWER COMPANY OF PENNSYLVANIA

NOTICE OF APPLICATION

AUGUST 4, 1939.

Notice is hereby given that on August 3, 1939, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the Susquehanna Transmission Company of Pennsylvania, a corporation organized under the laws of the Commonwealth of Pennsylvania and having its principal business office at Holtwood, Lancaster County, Pennsylvania, seeking an order authorizing the sale of its facilities to the Pennsylvania Water & Power Company, a corporation organized under the laws of the Commonwealth of Pennsylvania, in consideration for the delivery to the said Susquehanna Transmission Company of Pennsylvania of all of its outstanding capital stock consisting of 5 shares having a par value of $100 each and all of its outstanding bonds consisting of $267,000 first mortgage 5% gold bonds due January 1, 1940 and the assumption by the purchaser of all the indebtedness and obligations of the seller and the cancelation of an indebtedness of the purchaser to the seller in the amount of $17,233.58; said facilities consisting of two 66,000-volt, 25-cycle, double-circuit, steel tower transmission lines each approximately 7¾ miles long extending from the generating station of the Pennsylvania Water & Power Company at Holtwood, Pennsylvania to the Pennsylvania-Maryland state line; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the said application should, on or before the 20th day of August, 1939 file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] J. B. WILLIAMSON,
*Acting Secretary.*

[F. R. Doc. 39-2876; Filed, August 5, 1939; 9:34 a. m.]

[Docket No. IT-5583]

IN THE MATTER OF PENNSYLVANIA TRANSMISSION COMPANY

NOTICE OF APPLICATION

AUGUST 4, 1939.

Notice is hereby given that on August 3, 1939, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the Pennsylvania Transmission Company, a corporation organized under the laws of the Commonwealth of Pennsylvania and having its principal business office at Holtwood, Lancaster County, Pennsylvania, seeking an order authorizing the sale of its facilities to the Pennsylvania Water & Power Company, a corporation organized under the laws of the Commonwealth of Pennsylvania, in consideration for the delivery to the said Pennsylvania Transmission Company of all of its outstanding capital stock consisting of 5,729 shares having a par value of $100 each, and the assumption by the purchaser of all of the indebtedness of the seller consisting of $118,994.23 owed by it to the Pennsylvania Water & Power Company on open account, and the assumption of all obligations of the Pennsylvania Transmission Company; the facilities involved consisting of two 220,000-volt 60-cycle, single-circuit, steel tower transmission lines, 18 and 15 miles long, respectively, extending from the generating station of the Safe Harbor Water Power Corporation at Safe Harbor, Pennsylvania to the Pennsylvania-Maryland state line; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the said application should, on or before the 20th day of August, 1939 file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] J. B. WILLIAMSON,
*Acting Secretary.*

[F. R. Doc. 39-2877; Filed, August 5, 1939; 9:34 a. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1939.

IN THE MATTER OF ENOCH VICTOR FARNICK, DOING BUSINESS AS KELLOGG BROKERAGE COMPANY, KELLOGG, IDAHO

MEMORANDUM OPINION AND ORDER SUSPENDING REGISTRATION

This is a proceeding pursuant to Section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Enoch Victor Farnick, doing business as Kellogg Brokerage Company, should be revoked or suspended.

At the hearing held pursuant to the Commission's order at Seattle, Washington, the registrant failed to appear personally or by counsel. Notice of the hearing[1] was sent to registrant by registered mail, but was not received by him because of his removal from the address which he had given the Commission. Thereafter, the order and notice of the hearing were published in the FEDERAL REGISTER for February 14, 1939, in the manner prescribed by the Federal Register Act.

The Trial Examiner filed an advisory report in which he found that the registrant has violated the provisions of Rule X-15B-2, adopted by the Commission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Securities Exchange Act of 1934, as amended, in failing to inform the Commission of changes in his business and residence addresses, as alleged in the Commission's order of February 11, 1939. On an independent review of the record, we adopt the Trial Examiner's findings, and find further that the violation of Rule X-15B-2 was wilful and that it is in the public interest to revoke or suspend registration.

Because notice was not received by Farnick, we will not order revocation of his registration. Instead, we order that Farnick's registration be suspended pending determination of whether his registration should be revoked, which matter will be determined when Farnick comes in to be heard or notice is received by him.

*It is therefore ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934 that the registration of Enoch Victor Farnick, doing business as Kellogg Brokerage Company, be and the same hereby is suspended until further order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2880; Filed, August 5, 1939; 11:00 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1939.

IN THE MATTER OF LANDO-HOST & COMPANY 611 NORTH BROADWAY, MILWAUKEE, WISCONSIN

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

This is a proceeding pursuant to Section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Lando-Host & Company, a corporation, should be revoked or suspended.

After appropriate notice, a hearing was held before a trial examiner on April 25, 1939, at Chicago, Illinois. The registrant was represented at the hearing by Carl Penner, who is assignee for the benefit of the registrant's creditors. The Trial Examiner filed an advisory report in which he found (1) that the registrant, while transacting a business in securities through the medium of a member of a national securities exchange during the period from January 1, 1938, to December 31, 1938, wilfully violated the provisions of Section 8 (b) of the Securities Exchange Act of 1934, as amended, in that registrant permitted, in the ordinary course of business as a broker, its aggregate indebtedness to all other persons, including customers' credit balances (excluding indebtedness secured by exempted securities), to exceed 2,000 per centum of the net capital employed in the aforesaid business (exclusive of fixed assets employed in the business); (2) that in a supplemental statement to its application for registration registrant wilfully made a statement which was, at the time and in the light of the circumstances under which it was made, false and misleading with respect to a material fact, in that registrant stated that it purchased securities for customers on margin through members of national securities exchanges "in exceptional and isolated cases", when in fact registrant regularly purchased securities for customers on margin through members of national securities exchanges, all as alleged in the order of the Commission dated April 4, 1939. No exceptions were taken to the Trial Examiner's report. On an independent review of the record, we adopt the Trial Examiner's findings, and find further that revocation of the registration of Lando-Host & Company is in the public interest.

*It is therefore ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934 that the registration of Lando-Host & Company be, and it is hereby, revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2878; Filed, August 5, 1939; 10:59 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1939.

IN THE MATTER OF MINE SALES, INC., 1356 BASE LINE STREET, SAN BERNARDINO, CALIFORNIA

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

This is a proceeding pursuant to Section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Mine Sales, Inc., a corporation, should be revoked or suspended.

After appropriate notice, a hearing was held on April 25, 1939, at Los Angeles, California. The registrant was represented at the hearing by Chester D. Gibbs, who is its president, treasurer, a director and its principal stockholder. The Trial Examiner filed an advisory report in which he found, *inter alia*, that Chester D. Gibbs is permanently enjoined by decree of the Supreme Court of the State of New York, for the County of Onondaga, entered on July 21, 1927, from the sale within the State of New York of any securities of the Andes Copper Company, said injunction having been issued after personal service of a copy of the complaint in that proceeding upon Gibbs, and after a hearing on the matter; that registrant and Chester D. Gibbs wilfully stated in the Company's application for registration as a broker and dealer that none of its officers or directors were permanently or temporarily enjoined by any court from engaging in any conduct or practice in connection with the purchase or sale of a security, whereas in truth and in fact, as shown above, an injunction against the sale of Andes Copper Company stock was and is outstanding against Chester D. Gibbs; that the registrant and Chester D. Gibbs, in a supplemental statement to the Company's application for registration, had wilfully made statements which were false and misleading with respect to material facts, in that it was stated that the registrant's predecessor, Gibbs & Company, had sold securities for the Consolidated Silver Mountain Mines Co., Clio-Vindicator

[1] 4 F.R. 893 DI.

Mines Co., Empire Chief Mining Co., Lookout Mountain Mining & Development Co., and C. S. Hassler, whereas in truth and in fact, as the registrant and Gibbs well knew, Gibbs & Company had not sold any securities for Lookout Mountain Mining & Development Co. or for C. S. Hassler, had made only one sale for Consolidated Silver Mountain Mines Co. and Empire Chief Mining Co., respectively, and had sold only a small amount of stock for Clio-Vindicator Mines Co. No exceptions were taken to the Trial Examiner's report.[1]

We have independently reviewed the record, and on the basis thereof, adopt the Trial Examiner's findings. We find that the revocation of the registration of Mine Sales, Inc., is in the public interest.

*It is therefore ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934 that the registration of Mine Sales, Inc., be, and it is hereby, revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2879; Filed, August 5, 1939; 10:59 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of August, A. D. 1939.

[File No. 31-127]

IN THE MATTER OF FRANKLIN T. GRIFFITH, J. C. AINSWORTH AND E. B. MAC NAUGHTON, AS VOTING TRUSTEES UNDER THAT VOTING TRUST AGREEMENT DATED NOVEMBER 1, 1932 BETWEEN SAID TRUSTEES AND THE HOLDERS OF SHARES OF COMMON STOCK OF THE PACIFIC NORTHWEST PUBLIC SERVICE COMPANY (NOW PORTLAND ELECTRIC POWER COMPANY)

[Public Utility Holding Company Act of 1935]

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicants, the Commission consents to the withdrawal of the application of the above-named applicants, and to that effect

*It is so ordered*, and

*It is further ordered*, That the hearing now pending on such application be and it is hereby cancelled.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2882; Filed, August 5, 1939; 11:01 a. m.]

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[1] Chester D. Gibbs stated at the hearing that he proposed to discontinue the sale of securities, and that he, on behalf of Mine Sales, Inc., was willing to consent to the revocation of the broker-dealer registration of that Company.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of August, A. D. 1939.

[File No. 31-179]

IN THE MATTER OF FRANKLIN T. GRIFFITH, J. C. AINSWORTH AND E. B. MAC NAUGHTON, TRUSTEES UNDER THAT DECLARATION OF TRUST MADE BY FRANKLIN T. GRIFFITH ON NOVEMBER 26, 1935, IN RE THE HOLDINGS OF 51,414 SHARES OF THE SECOND PREFERRED STOCK OF THE PORTLAND ELECTRIC POWER COMPANY

[Public Utility Holding Company Act of 1935]

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicants, the Commission consents to the withdrawal of the application of the above-named applicants, and to that effect

*It is so ordered*, and

*It is further ordered*, That the hearing now pending on such application be and it is hereby cancelled.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2883; Filed, August 5, 1939; 11:01 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of August, A. D. 1939.

[File No. 32-167]

IN THE MATTER OF NORTHERN INDIANA PUBLIC SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 18, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 14, 1939.

The matter concerned herewith is in regard to an application by Northern Indiana Public Service Company pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of said Act of the issue and sale of $45,000,000 principal amount of its First Mortgage Bonds, Series A, 3¼%, due August 1, 1969, and $6,000,000 principal amount of its Serial Notes due in twenty equal semi-annual instalments from February 1, 1940 to August 1, 1949, said Notes to bear interest at an average rate of not to exceed 3% per annum. The net proceeds of the sale of the Series A Bonds and the Serial Notes, together, if necessary, with other funds in the treasury of the Applicant, are to be used for calling, paying, redeeming and refunding Applicant's presently outstanding bonds aggregating $48,916,000 principal amount. The premium on calling the bonds to be refunded will be $2,282,610, and the total cash required to redeem said bonds, exclusive of interest, will be $51,198,610.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2881; Filed, August 5, 1939; 11:00 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of August, A. D. 1939.

[File Nos. 56-54, 46-163]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY; AND IN THE MATTER OF ALABAMA WATER SERVICE CORPORATION, FEDERAL WATER SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

A joint application pursuant to Rule U-12D-1 of the Public Utility Holding Company Act of 1935 having been duly filed with this Commission by The United Light and Power Company and by The United Light and Railways Company;



An application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 having been duly filed with this Commission by Alabama Water Service Corporation;

An application pursuant to Rule U-12C-1 of the Public Utility Holding Company Act of 1935 having been duly filed with this Commission by Alabama Water Service Corporation;

A joint application pursuant to Rule U-12D-1 and Rule U-12F-1 of the Public Utility Holding Company Act of 1935 having been duly filed with this Commission by Alabama Water Service Corporation and by Federal Water Service Corporation;

*It is ordered*, That said matters be consolidated for purposes of hearing and that a hearing on said matters be held on August 24, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 19, 1939.

The matters concerned herewith are in regard to:

The proposed sale by The United Light and Power Company to Alabama Water Service Corporation, for $810,000 payable in cash, of 7,500 shares of Common Stock, $100 par value; 5,000 shares of Preferred Stock, 6% cumulative, $100 par value; $1,200,302 face amount 6% Demand Note dated April 23, 1932; $155,478.68 face amount 6% Demand Note dated May 27, 1932, all issued by Chattanooga Gas Company; and $156,141.40 of open account indebtedness owing to The United Light and Power Company by Chattanooga Gas Company;

The proposed acquisition by Alabama Water Service Corporation of the above-described securities and open account indebtedness of Chattanooga Gas Company from The United Light and Power Company for $810,000 payable in cash;

The proposed sale by The United Light and Power Company to A. J. Goss, for $3,000 payable in cash, of 500 shares of capital stock of Fayetteville Natural Gas Company, $50 par value, and $52,806.92 of open account indebtedness owing to The United Light and Power Company by Fayetteville Natural Gas Company;

The proposed sale by The United Light and Railways Company to A. J. Goss, for $17,000 payable in cash, of 1,000 shares of capital stock of Cleveland Gas Company, stated value $100 per share;

The proposed conversion by Federal Water Service Corporation of $500,000 principal amount of non-interest bearing, non-negotiable Debentures, without fixed maturity, of Alabama Water Service Corporation into a like principal amount of First Mortgage 5% Gold Bonds, Series A, due January 1, 1957 of Alabama Water Service Corporation, and the donation to Alabama Water Service Corporation of such Bonds issued upon such conversion;

The proposed acquisition by Alabama Water Service Corporation of such Bonds and the tender to the Trustee under the Indenture securing the same of a principal amount sufficient to exhaust the sum of $300,000 and the surrender to said Trustee by cancellation of any balance of said $500,000 principal amount of Bonds; and

The proposed pledge and delivery by Alabama Water Service Corporation to the Trustee under its said Indenture of all of the securities of Chattanooga Gas Company (not including, however, open account indebtedness in the amount of $156,141.40) pursuant to a supplemental Indenture providing that such securities may be released from the lien of said Indenture upon payment to the Trustee of the sum of $300,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2885; Filed, August 7, 1939; 11:39 a. m.]

# FEDERAL REGISTER

VOLUME 4 NUMBER 152

*Washington, Wednesday, August 9, 1939*


*Rules, Regulations, Orders*

## TITLE 6—AGRICULTURAL CREDIT

### COMMODITY CREDIT CORPORATION

### PART 208—1939 WHEAT LOANS

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208.17 Source of loans.
208.18 Purchase of loans.
208.19 Reconstruction Finance Corporation Loan Agencies.
208.20 Release of collateral held by Commodity Credit Corporation.

§ 208.1 *Definitions.* For the purpose of these instructions and the notes and loan agreements or mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Eligible producer.* Any person, partnership, association, or corporation producing wheat as landowner, landlord, or tenant upon whose farm the acreage classified as 1939 wheat acreage under the 1939 Agricultural Conservation Program does not exceed the 1939 wheat acreage allotment established for the farm under such program. If a farm was designated as a non-wheat allotment farm under said Program, the wheat produced on the farm will not be eligible collateral for a wheat loan.

(b) *Eligible wheat.* Wheat of acceptable quality as defined below, which was produced in 1939, the beneficial title to which is and always has been in the eligible producer:

(1) Wheat of any class grading No. 3 or better, or wheat grading No. 4 or 5 solely on the factor of test weight but otherwise grading No. 3 or better, provided that wheat of the classes hard red spring or durum shall contain not more than 14½ percent moisture, and wheat of other classes shall contain not more than 14 percent moisture. Wheat grading tough shall not be considered eligible. Except wheat of the classes hard red winter, soft red winter, white, and mixed wheat of the above classes containing not more than 14½ percent moisture, grading tough, if otherwise meeting the requirements of Commodity Credit Corporation, and in good, sound, condition will be eligible for a loan at a rate of two cents (2¢) per bushel less than the rate for such wheat testing 14 percent or less in moisture content, when stored on the farm in all counties in the State of Michigan, and in all counties in the States of Indiana and Ohio, north of or intersected by the fortieth parallel Meridian.

(2) Wheat of the class *mixed wheat*, consisting only of mixtures of those eligible grades of wheat on which loan values are established; *Provided*, Such mixtures are the natural product of the field.

(c) *Eligible storage* shall include public grain warehouses and farm storage meeting the following respective requirements:

(1) *Public grain warehouses* must meet the requirements of Commodity Credit Corporation, and must have been approved and executed warehouse agreements with Commodity Credit Corporation. Such warehouses may be situated either at terminal or country points. The term "terminal warehouse," as used herein, shall include elevators and warehouses operating at concentration points which normally receive from producers, cooperative associations, grain dealers, and others carlots or larger quantities of wheat for storage and reshipment, and shall include elevators and warehouses normally considered as subterminal, which, in addition to the above, also receive wheat directly from producers or others by wagon or truck, having a storage capacity of 75,000 bushels or more, except flat warehouses for storage of grain in sacks, located at other

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than terminal markets. The term "country warehouse," as used herein, shall include elevators and warehouses which receive wheat exclusively delivered in wagons or trucks by producers or others at primary shipping points. Warehouses with a capacity of more than 75,000 bushels shall not be considered "country warehouses" for the purposes of the 1939 Wheat Loan Program except flat warehouses for storage of grain in sacks.

(2) *Farm storage* shall consist of farm bins and granaries which are of such substantial and permanent construction as to afford safe storage of the wheat for a period of 2 years and permit effective fumigation for the destruction of insects and afford protection against rodents, other animals, thieves, and weather, as determined by the county agricultural conservation committees.

(d) *Lending agency.* Any bank, cooperative marketing association, or other corporation, partnership, or person making loans in accordance with these instructions, which has executed the Contract to Purchase on 1939 C.C.C. Wheat Form E.

(e) *Eligible paper.* For the purposes of the Contract to Purchase (1939 C.C.C. Wheat Form E), eligible paper shall consist of notes of producers, secured by chattel mortgages or warehouse receipts representing wheat in existence and undamaged from the perils of fire, lightning, inherent explosion, cyclone, tornado, windstorm, and flood, dated on or subsequent to June 1, 1939, and prior to January 1, 1940, and executed in accordance with these instructions with State documentary revenue stamps affixed thereto where required by law. (Notes executed by an administrator, executor, or trustee will be acceptable only where valid in law, and all such notes must be submitted for direct loans in accordance with section 208.17 hereof unless accompanied by a repurchase agreement of the lending agency. Copies of this agreement may be obtained from the Loan Agencies of Reconstruction Finance Corporation.)

§ 208.2 *Areas in which loans will be made.* Loans shall be made on eligible wheat stored in approved public grain warehouses in the following States:

Arizona, Arkansas, California, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Loans will be made on eligible wheat stored on farms only in the following counties:

All counties in California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming; and in the following counties of the following States:

*California.* Siskiyou, Modoc, Lassen, Plumas, and Sierra.

*New Mexico.* Colfax, Curry, Harding, Quay, Rio Arriba, Roosevelt, San Juan, Taos, McKinley, Mora, San Miguel, and Union.

*Oklahoma.* Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Craig, Creek, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, McClain, Major, Mayes, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pottawatomie, Rogers, Roger Mills, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward.

*Texas.* Archer, Armstrong, Bailey, Baylor, Briscoe, Carson, Castro, Childress, Clay, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Foard, Garza, Gray, Hale, Hall, Hansford, Hartley, Hardeman, Haskell, Hemphill, Hockley, Hutchinson, Kent, King, Knox, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Stonewall, Swisher, Terry, Throckmorton, Wheeler, Wichita, Wilbarger, Yoakum, and Young.

§ 208.3 *Amount of loans.* Basic loan values on wheat of the designated grades and subclasses stored in approved public grain warehouses or stored on farms in counties where farm storage is permitted are set out in 1939 C.C.C. Wheat Form 1—Supplement 1. State supplements are to be issued for the several wheat loan States concerning the basic loan values on wheat.

§ 208.4 *Protein premium.* The following amounts shall be added to the loan values of hard red spring, hard red winter, and hard white wheat with the indicated protein content. Such premiums will be added to the loan value of farm-stored wheat only where the producer presents a protein certificate issued by a laboratory satisfactory to the Commodity Credit Corporation and in the case of wheat stored in approved warehouses, the producer presents such a certificate attached to the warehouse receipt of an approved warehouseman or presents a warehouse receipt of such a warehouseman with protein content indicated thereon.

| Protein content | Premium above loan rate otherwise computed | |
|---|---|---|
| | At Minneapolis, St. Paul, and Duluth, Minn.; Superior, Wis.; Portland, Oreg.; Seattle, Wash.; and all country points where the loan value is based on such terminal markets | At Kansas City and St. Joseph, Mo.; Kansas City, Kans.; Omaha, Nebr.; Council Bluffs, Iowa; Galveston and Houston, Tex.; New Orleans, La.; and all country points where the loan value is based on such terminal markets |
| | *Cents per bushel* | *Cents per bushel* |
| 12.9 percent or less | 0 | 0 |
| 13.0–13.9 percent | 1 | 1 |
| 14.0–14.4 percent | 2 | 2 |
| 14.5–14.9 percent | 3 | 3 |
| 15.0–15.4 percent | 4 | 3 |
| 15.5–15.9 percent | 5 | 4 |
| 16.0–16.4 percent | 6 | 4 |
| 16.5–16.9 percent | 7 | 5 |
| 17.0–17.4 percent | 8 | 5 |
| 17.5 percent or over | 9 | |



§ 208.5 *Variations for grades.* Loan values for eligible grades and subclasses shall be at the following schedule of premiums and discounts:

(a) Where the loan value is based on No. 2 wheat, the loan value on No. 1 wheat shall be 1 cent more than the loan value on No. 2; the loan value on No. 3 wheat shall be 2 cents less than the loan value on No. 2; the loan value on No. 4 wheat shall be 5 cents less than the loan value on No. 2; and the loan value on No. 5 wheat shall be 8 cents less than the loan value on No. 2.

(b) Where the loan value is based on No. 1 wheat, the loan value on No. 2 wheat shall be 1 cent less than the loan value on No. 1; the loan value on No. 3 wheat shall be 3 cents less than the loan value on No. 1; the loan value on No. 4 wheat shall be 6 cents less than the loan value on No. 1; and the loan value on No. 5 wheat shall be 9 cents less than the loan value on No. 1.

(c) The loan value on No. 1 heavy dark northern spring shall be 1 cent more than the loan value on No. 1 dark northern spring and the loan value on No. 1 heavy northern spring shall be 1 cent more than the loan value on No. 1 northern spring, and the loan value on No. 1 red spring shall be 2 cents less than the loan value on No. 1 northern spring.

(d) The loan value on yellow hard winter shall be 2 cents less than the loan value on hard winter.

(e) The loan value on hard white shall be 1 cent more than the loan value on soft white, except as otherwise provided in this C.C.C. Wheat Form 1 or supplements thereto.

(f) The loan value on durum wheat shall be 7 cents less than the loan value on amber durum wheat.

(g) The loan value on mixed wheat shall be 2 cents per bushel below the established loan rate on the comparable numerical grade of that class of wheat contained in the mixture which would take the lowest loan rate applicable to any subclass thereof if it were not mixed.

(h) The discount for smut determined on a percentage basis shall be as follows:

| | *Cents per bushel* |
|---|---|
| ½% to 1%, inclusive | 1.05 |
| 1½% to 3%, inclusive | 1.35 |
| 3½% to 7%, inclusive | 1.95 |
| 7½% to 15%, inclusive | 2.55 |

The discounts for smut and garlic determined on a degree basis shall be as follows:

| | *Cents per bushel* |
|---|---|
| Light smutty | 3 |
| Smutty | 6 |
| Light garlicky | 2 |
| Garlicky | 6 |

§ 208.6 *Determination of dockage, smut, and garlic.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States and the weight of said dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan. The smut condition of wheat shall be determined on a *percentage basis* in accordance with the Official Grain Standards of the United States, in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington. In the foregoing area the quantity of smut shall be stated in percentage in accordance with the method described in paragraph (a) under "Smutty wheat" of the Official Grain Standards of the United States and shall be stated in terms of half percent, full percent, or whole and half percent, as the case may be, and the quantity of smut so determined in pounds shall be deducted from the weight of clean wheat after deduction of other dockage. Elsewhere the smut condition of wheat shall be determined on a degree basis in accordance with paragraph (b) under "Smutty wheat" of the Official Grain Standards of the United States; *Provided*, That in the case of wheat which has an unmistakable odor of smut, or which contains balls, portions of balls, or spores of smut in excess of a quantity equal to 14 balls, but not in excess of a quantity equal to 30 balls, of average size in 250 grams of wheat, there shall be added to and made a part of the grade designation, the words "Light smutty"; *Provided further*, That in the case of wheat which contains balls, portions of balls, or spores of smut, in excess of a quantity equal to 30 balls of average size in 250 grams of wheat, there shall be added to and made a part of the grade designation, the word "Smutty." The garlic condition of wheat shall be determined in accordance with the Official Grain Standards of the United States, and such condition shall be made a part of the grade designation by adding the words "Light garlicky" or the word "Garlicky," as determined under such standards.

§ 208.7 *Determination of quantity of wheat.* Loans shall be made at values expressed in cents per bushel, a bushel being determined to be 60 pounds of clean wheat free of dockage, when determined by weight; or 1.25 cubic feet of wheat testing 60 pounds per bushel when determined by measurement. In determining the quantity of wheat in farm storage by measurement, fractional pounds of the bushel test weight for wheat testing less than 60 pounds per bushel will be disregarded, and the quantity determined as above will be the following percentages of the quantity determined for 60-pound wheat:

| | *Percent* |
|---|---|
| For wheat testing 60 pounds or over | 100 |
| For wheat testing 59 pounds or over, but less than 60 pounds | 98 |
| For wheat testing 58 pounds or over, but less than 59 pounds | 97 |
| For wheat testing 57 pounds or over, but less than 58 pounds | 95 |
| For wheat testing 56 pounds or over, but less than 57 pounds | 93 |
| For wheat testing 55 pounds or over, but less than 56 pounds | 92 |
| For wheat testing 54 pounds or over, but less than 55 pounds | 90 |
| For wheat testing 53 pounds or over, but less than 54 pounds | 88 |
| For wheat testing 52 pounds or over, but less than 53 pounds | 86 |
| For wheat testing 51 pounds or over, but less than 52 pounds | 83 |
| For wheat testing 50 pounds or over, but less than 51 pounds | 80 |

§ 208.8 *Maturity and interest rate.* Loans on 1939 C.C.C. Wheat Form A will mature April 30, 1940. Loans on 1939 C.C.C. Wheat Form B will mature 7 months from the respective dates thereof but not later than April 30, 1940. All loans will bear interest at the rate of 4 percent per annum.

§ 208.9 *Public warehouses.* Commodity Credit Corporation will accept only negotiable, *insured* warehouse receipts or receipts in form required by statute covering wheat pledged as collateral to notes on 1939 C.C.C. Wheat Form B issued by any public grain warehouse approved by the Loan Agency of the Reconstruction Finance Corporation serving the district in which such warehouse is located. Warehousemen are advised to communicate with such Loan Agency of the Reconstruction Finance Corporation, concerning approval. A list of the approved warehouses and their locations will be available at any Loan Agency of the Reconstruction Finance Corporation listed in section 208.19 hereof or any State or county agricultural conservation office. Each approved warehouse must enter into an agreement with the Commodity Credit Corporation which may be obtained from the Loan Agency. This agreement will limit the warehouseman's lien and impose additional obligations to Commodity Credit Corporation. Approved warehousemen shall not issue and have outstanding at any time warehouse receipts in excess of the normal working capacity or licensed capacity of the warehouses. Under the terms of the warehouse agreement, warehousemen are required to deliver either the identical wheat or country-run quality wheat of the quantity, class, grade, and protein content within one-half of 1 per cent as stated on the warehouse receipts or the accompanying documents. All wheat pledged as security for a note must be in the same warehouse, and each producer must arrange for the storage of wheat in an *approved* warehouse either at a country or terminal point. Producers should arrange for cleaning wheat placed in storage containing in excess of 2 percent dockage in order to avoid excessive charges for transportation, conditioning, and storage. Wheat containing smut or garlic should not be commingled by the warehouseman with wheat free from such smut or garlic.

§ 208.10 *Warehouse receipts.* Warehouse receipts must be dated on or prior to the date of the related note and properly assigned by an endorsement in blank so as to vest title in the holder, or issued to bearer, issued by approved warehousemen who are not owners of the wheat. Unless the warehouse receipts are stamped or printed "Insured" there must be attached, or included in, the certificate of the warehouseman the statement that

the wheat is insured for not less than market value against the hazards of fire, lightning, inherent explosion, and windstorm, cyclone, and tornado. Commodity Credit Corporation will not accept warehouse receipts indicating any lien for charges prior to unloading in or delivery to the warehouse issuing such receipts. Lien for storage charges will be recognized by Commodity Credit Corporation only from May 15, 1939, or the dates of the warehouse receipts, *whichever is later*. Such receipts must set out in their written or printed terms the gross weight or bushels, the class and grade, degree or percentage of smut or garlic and dockage of the wheat represented thereby, and all other facts and statements required to be stated in the written or printed terms of a negotiable warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act; such weight, grade, and protein determination (if any) shall be on basis of the inbound movement or delivery of grain to any approved warehouse; *Provided*, Warehouse receipts in statutory form must be accompanied by a certificate of the warehouseman identified to the warehouse receipt, setting forth the information required above which may not be included in such statutory receipts. The moisture content of the wheat also must be shown except for wheat stored in following States: California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming. (In the States of California, Idaho, Nevada, Oregon, Utah, and Washington where it is not the practice of warehousemen to show grade of wheat on the warehouse receipt, such receipt may be accompanied by a certificate of the warehouseman identifying the inspection certificate and protein content to said warehouse receipt in the following form):

I hereby certify that a representative sample was drawn by me from the wheat stored under warehouse receipt No. ------, that said sample was submitted to an inspector licensed under the U. S. Grain Standards Act and that this is the grade certificate that was issued thereon, and I agree further, on presentation of such warehouse receipt, to deliver to the holder thereof the identical grain represented thereby, or wheat of equal country-run quality of the same class and grade and protein, said protein to be delivered within tolerance of one-half of 1 percent if original wheat was analyzed for protein:

----------
(Warehouseman)

Each terminal or subterminal warehouse receipt must also be accompanied by the original or duplicate original, official inbound, weight and inspection certificates and protein certificate properly identified to the wheat covered thereby, *Provided*, That in the foregoing States and at terminal and subterminal warehouses in other areas where licensed inspectors are not available, certificates of the warehouseman and licensed grain inspector as to grade may be accepted. Such official inbound weight and inspection certificates must represent wheat unloaded in the warehouse issuing said receipt and, except as stated above, the inspection certificate must be issued by an inspector licensed under the United States Grain Standards Act. In the case of warehouse receipts issued by any terminal or subterminal warehouse, each warehouse receipt except those covering wheat of the subclasses soft white, western white, white club, red winter, western red, and red durum in any State and hard winter or yellow hard winter produced in the States east of the Mississippi River must either show the protein content, as determined by a recognized protein-testing laboratory approved by the terminal or subterminal market, or be accompanied by an original or duplicate certificate issued by such laboratory showing the protein content and properly identified as to the wheat covered thereby either by the respective warehouse receipt number, or the bin number and warehouse description, or by car number.

§ 208.11 *Farm storage.* Wheat stored on the farm must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing. In accordance with regulations issued by the Secretary of Agriculture, the State and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading, and sealing the wheat collateral in approved structures. Chattel mortgages covering farm-stored wheat must be executed and filed in accordance with the applicable State law. Producers may obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant farmer, and the wheat collateral is stored on the farm, the expiration date of the lease shall be given in section 2 (c) of the chattel mortgage (1939 C.C.C. Wheat Form AA). If the expiration date of the lease is prior to July 1, 1940, the landlord shall execute the Consent for Storage, section 13 of 1939 C.C.C. Wheat Form AA. The consent agreement shall also be signed by any other party or parties entitled to possession. Each producer must designate in section 4 of the Mortgage (1939 C.C.C. Wheat Form AA) a shipping point reasonably convenient for the delivery of the wheat as determined by the county committee. Notes and mortgages will not be acceptable which provide a shipping point other than the normal shipping point customarily used by the producers in the locality in which the wheat was producer. A separate note and chattel mortgage must be submitted for wheat stored on each quarter section of land. Commodity Credit Corporation will pay 7 cents per bushel for storing the wheat for the period ending April 30, 1940, or the date of the delivery of such wheat to Commodity Credit Corporation, whichever is later; *provided*, Such payment will be conditioned upon the delivery of the mortgaged wheat of the quantity and quality described in the chattel mortgage; *Provided further*, If delivered prior to April 30, 1940, one-half cent per bushel per month storage will be allowed for time stored.

§ 208.12 *Chattel mortgages.* All documents must be carefully examined as to compliance with the following requirements:

*California.* The mortgage must be executed and acknowledged by the mortgagor and spouse. Mortgagor's affidavit of good faith and receipt must be completed by the mortgagor and spouse, and the mortgagee's affidavit of good faith must be completed by a member of the county committee as agent for Commodity Credit Corporation. The mortgage must be recorded in the office of the recorder of the county in which the wheat is stored, and if the mortgagor is a resident of another county in the State, a duplicate executed copy of the mortgage must be recorded in the office of the recorder of the county in which such mortgagor resides.

*Colorado.* The mortgage must be executed and acknowledged by the mortgagor. The original or a duplicate copy thereof must be filed for record in the office of the clerk and recorder of the county in which the wheat is stored.

*Idaho.* The mortgage must be executed and acknowledged by the mortgagor and spouse. The original or a duplicate copy must have typed or stamped thereon the following affidavit signed and acknowledged by a member of the county committee as agent of Commodity Credit Corporation:

The undersigned, being duly sworn, deposes and states that he is the agent of Commodity Credit Corporation and that the foregoing mortgage is a true and correct copy of the original mortgage executed by the mortgagor.

----------
Agent of Commodity Credit Corporation
Subscribed and sworn to before me this ---------- day of ----------, 193--

----------
Notary Public

The original or a duplicate copy with the foregoing affidavit must be filed for record in the office of the county recorder of the county in which the wheat is stored.

*Illinois.* The mortgage must be executed and acknowledged by the mortgagor. The original mortgage must be endorsed by the mortgagee or his agent as follows: "This mortgage to be filed but not recorded", and filed for record within 10 days from the date of execution in the office of the recorder of deeds of the county in which the mortgagor resides, or, if a nonresident of the State, in the office of the recorder of deeds of the county in which the wheat is stored. Commodity Credit Corporation will not accept any note secured by mortgage filed for record later than 10 days after the date of the note and mortgage.

*Indiana.* The mortgage must be executed and acknowledged by the mortgagor. The original mortgage must be filed for record within 10 days from the date of execution in the office of the recorder of the county in which the mortgagor resides, or, if a nonresident of the State, in the office of the recorder of deeds of the county in which the wheat is stored. Commodity Credit Corporation will not accept any note secured by mortgage recorded later than 10 days after the date of the note and mortgage.

*Iowa.* The mortgage must be executed and acknowledged by the mortgagor and spouse. The original or a duplicate copy must be filed for record in the office of the recorder of the county in which the mortgagor resides, or, if a nonresident of the State, in the office of the recorder of the county in which the wheat is stored.

*Kansas.* The mortgage must be executed by the mortgagor and spouse. The original or a duplicate copy must be filed for record immediately upon the execution of the mortgage in the office of the register of deeds of the county in which the mortgagor resides, or, if a nonresident of the State, in the office of the register of deeds of the county in which the wheat is stored. Commodity Credit Corporation will not accept any note secured by mortgage filed for record later than 10 days after the date of the note and mortgage.

*Michigan.* The mortgage must be executed by the mortgagor. The mortgagor's affidavit of good faith and receipt on such mortgage must be completed by the mortgagor. The original or a duplicate copy of the mortgage must be filed for record in the office of the register of deeds of the county in which the wheat is stored. If the mortgagor resides in another county within the State, the triplicate copy of the mortgage must be certified as a true copy and filed for record in the office of the register of deeds of such county.

*Minnesota.* The chattel mortgage must be executed by the mortgagor in the presence of two witnesses and duly acknowledged. The original chattel mortgage must be filed in the office of the register of deeds of the county in which the wheat is situated, unless the wheat is situated in cities of the first class, whereupon the chattel mortgage must be filed in the office of the city clerk of the municipality where the wheat is situated. A full, true, and correct copy of the chattel mortgage must be delivered to the mortgagor whose receipt therefor is contained in the body of the mortgage.

*Missouri.* The mortgage must be executed and acknowledged by the mortgagor. The original or a duplicate copy of the mortgage must be filed for record in the office of the recorder of deeds of the county in which the mortgagor resides, or, if a nonresident of the State, in the office of the recorder of deeds of the county in which the wheat is stored.

*Montana.* The mortgage must be executed and acknowledged by the mortgagor. Mortgagor must execute receipt for copy of mortgage and such receipt must accompany the mortgage when presented for filing and be filed therewith. Mortgagee's affidavit of good faith must be completed by the payee of the note or in the case of direct loans by a member of the county committee as agent of the Commodity Credit Corporation and must be attached to the mortgage. The original mortgage, together with affidavit of good faith or a copy thereof certified to be correct by the officer before whom the same was acknowledged or verified or by the county clerk and recorder with whom it is filed, must be filed in the office of the county clerk and recorder of the county where the wheat is situated at the time of the execution of the mortgage, accompanied by the receipt for a copy of the mortgage.

*New Mexico.* The mortgage must be executed and acknowledged by the mortgagor, and the original or a duplicate copy of the mortgage must be filed in the office of the county clerk of the county in which the wheat is stored.

*Nebraska.* The mortgage must be executed by the mortgagor. The original or a duplicate copy of the mortgage must be filed for record in the office of the county clerk of the county in which the mortgagor resides, or, if a nonresident of the State, in the office of the county clerk of the county in which the wheat is stored.

*Nevada.* The mortgage must be executed and acknowledged by the mortgagor. The mortgagor's affidavit of good faith and receipt must be completed by the mortgagor and the mortgagee's affidavit of good faith must be completed by a member of the county committee as agent of Commodity Credit Corporation. The original or a duplicate copy of the mortgage must be filed for record in the office of the county recorder of the county in which the wheat is stored. If the mortgagor is a resident of another county in the State, the triplicate copy of the mortgage must be certified as a true copy and filed for record in the office of the county recorder of the county in which such mortgagor resides.

*North Dakota.* The mortgage must be executed by the mortgagor and spouse in the presence of two witnesses who must sign the same as witnesses thereto, or must be acknowledged before some official qualified to take acknowledgments. The mortgagor's receipt for copy of mortgage must be signed by the mortgagor and spouse and attached to the mortgage and must accompany the mortgage when presented for filing and be filed therewith. The original mortgage with receipt for copy attached thereto must be filed in the office of the register of deeds in the county in which the wheat is stored.

*Ohio.* The mortgage must be executed by the mortgagor. The mortgagee's affidavit of good faith must be completed by the payee except in the case of direct loans, in which event it must be completed by a member of the county committee as agent of Commodity Credit Corporation. The original or a duplicate copy must be filed in the office of the county recorder of the county in which the mortgagor resides, or, if a nonresident of the State, in the office of the county recorder of the county in which the wheat is stored.

*Oklahoma.* The mortgage must be properly executed and acknowledged by the mortgagor in the presence of a notary public or officer authorized to administer oaths. Commodity Credit Corporation will not accept any note secured by a mortgage wherein the execution has been witnessed and not acknowledged. The original or a duplicate copy of the mortgage must be filed for record in the office of the county clerk of the county in which the wheat is stored.

*Oregon.* The mortgages must be executed and acknowledged by the mortgagor. The original or a duplicate copy must be filed for record in the office of the recorder of conveyances (in counties where there is such an office), otherwise in the office of the county clerk of the county in which the wheat is stored.

*South Dakota.* The chattel mortgage must be executed by the mortgagor in the presence of two persons who must sign as witnesses thereto, or it may be acknowledged before some officer qualified by the laws of the State of South Dakota to take acknowledgments. The orginial chattel mortgage, or an authenticated copy thereof, must be filed in the office of the register of deeds of the county where the wheat mortgaged, or any part thereof, is situated. A full, true and complete copy of the mortgage must be delivered to the mortgagor, whose receipt therefor is contained in the body of the mortgage.

*Texas.* The mortgage must be executed by the mortgagor either in the presence of two witnesses or it must be acknowledged before an officer qualified to take the acknowledgments. The original or a duplicate copy of the mortgage must be filed for record immediately in the office of the county clerk of the county in which the wheat is stored or where the mortgagor resides. If the mortgagor is a nonresident of the State, it must be filed in the office of the county clerk of the county in which the wheat is stored. The Commodity Credit Corporation will not accept any note secured by a mortgage filed for record later than 10 days after the date of the note and mortgage.

*Utah.* The mortgage must be executed by the mortgagor and spouse in the presence of one witness. The mortgagor's affidavit of good faith and receipt must be completed by the mortgagor, and the mortgagee's affidavit of good faith must be completed by the payee of the note or in case of direct loans, by a member of the county committee, as agent of Commodity Credit Corporation. The original or a duplicate copy of the mortgage must be filed for record in the office of the recorder of the county in which the

mortgagor resides, or if a nonresident of the State, in the office of the recorder of the county in which the wheat is stored.

*Washington.* The mortgage must be executed and acknowledged by the mortgagor. The mortgagor's affidavit of good faith and receipt must be completed by the mortgagor. The original or a duplicate copy of the mortgage must be filed for record within 10 days from the date of execution in the office of the county auditor of the county in which the wheat is stored. Commodity Credit Corporation will not accept any note secured by mortgage filed for record later than 10 days after the date of the note and mortgage.

*Wisconsin.* The chattel mortgage must be executed by the mortgagor and spouse in the presence of two witnesses. The original mortgage must be filed with the register of deeds in the county in which the property is located.

*Wyoming.* The mortgage must be executed and acknowledged by the mortgagor. The original or a duplicate copy must be filed for record in the office of the register of deeds in the county in which the wheat is stored.

§ 208.13 *Liens.* The wheat collateral must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in 1939 C.C.C. Wheat Form AA or B. The names of the holders of all existing liens on the pledged or mortgaged wheat, such as landlord, laborers, threshers, or mortgagees, must be listed in the space provided therefor in the mortgage or loan agreement. The waiver and consent to the pledge or mortgage of the wheat and the payment of the proceeds of the loan and the proceeds of the sale of the wheat solely to the producer as contained in the mortgage or loan agreement must be signed personally by all lienholders listed or by their agents, whose duly executed authority must be attached firmly; or, if corporations, by the designated officer thereof customarily authorized to execute such instruments, in which case the duly executed authority need not be attached. (In lieu of signing the section of the chattel mortgage or loan agreement entitled "List of Lienholders and Their Waivers and Consent To Pledge", lienholders may sign 1939 C.C.C. Wheat Form AB, which must completely identify the related note.) The producer may direct in the Letter of Transmittal (1939 C.C.C. Wheat Form C) that the proceeds check for a direct loan from Commodity Credit Corporation be made payable to him and/or such other person or concern as he may direct thereon. Producers should read carefully all real estate or other mortgages previously given by them in order to be sure that crops are not covered thereby. Any fraudulent misrepresentation of fact made in the execution of the note and mortgage or loan agreement and related forms shall render the producer personally liable for the amount of the loan and subject to the provisions of the United States Criminal Code.

§ 208.14 *Insurance*—(a) *Wheat stored on farms.* All producers shall provide insurance on wheat stored on the farm for not less than the amount of the loan with accrued interest to maturity. Such insurance shall be evidenced by a certificate in the form printed at the end hereof, under 208.14a, issued by a company or association licensed to do business in the State in which the wheat is stored. The insurance coverage may be obtained through the customary channels and the form of certificate required shall be furnished by the agent writing same. A different form of certificate must be used in the State of Texas, specimen copies of which may be obtained from the Dallas Loan Agency of the Reconstruction Finance Corporation.

(b) *Wheat stored in approved warehouses.* With respect to wheat stored in approved public grain warehouses the warehouseman shall provide insurance against the perils of fire, lightning, inherent explosion, and windstorm, cyclone, and tornado for the full market value thereof so long as receipts are outstanding.

(c) *Insurance carried by Commodity Credit Corporation.* In addition to the foregoing, Commodity Credit Corporation has obtained a blanket insurance policy which protects it in the event of any loss by or in consequence of damage to or destruction of the pledged or mortgaged wheat arising from fire and lightning; cyclone, tornado, windstorm, and hail; theft and wrongful conversion; flood and inherent explosion. This policy is in the nature of errors and omissions, and excess insurance, and the cost is nine-tenths of 1 cent per $100 per month on the daily average balance of loans outstanding. Banks and other lending agencies desirous of insurance coverage in addition to the primary insurance provided by the producers and the warehouse receipts shall obtain such coverage at their own expense. Banks and other lending agencies desiring coverage under the Corporation's blanket policy should write to Commodity Credit Corporation, Washington, D. C., and appropriate instructions will be issued, together with the necessary forms for reporting thereunder.

§ 208.14a *Insurance certificate referred to in 208.14.*

CERTIFICATE OF INSURANCE

WHEAT IN FARM STORAGE

Amount, $_____
Premium, $_____
Term_____

Certificate No. _____
Agency at _____

1. *This certifies that in consideration of* _____ dollars premium (subject to all the terms and conditions of Open Policy No. _____, issued by this Company or Association) _____ does
(Company or association)
insure _____ against all direct loss or damage by fire, lightning, inherent explosion,[1] windstorm, cyclone, tornado, and hail[2] in the sum of _____ dollars on _____ bushels of wheat stored and sealed in the possession of the assured in structure(s) situated on the _____ quarter of section _____, township _____, range _____, County of _____, State of _____ for the term of one (1) year from the _____ day of _____, 19__, at 12 o'clock noon, to the _____ day of _____, 19__, at 12 o'clock noon, said structure(s) having been inspected and sealed in accordance with regulations issued by the Secretary of Agriculture pursuant to the Agricultural Adjustment Act of 1938.

2. Any loss which may be ascertained and proven to be due the insured under this contract shall be payable to the insured and/or Commodity Credit Corporation as their respective interests may appear.

SPECIAL (WHEAT) ENDORSEMENT PROVIDING THE BASIS OF ADJUSTMENT IN CASE OF LOSS ON WHEAT MORTGAGED TO COMMODITY CREDIT CORPORATION

3. All or any part of the wheat described in this policy and/or certificate having been mortgaged to Commodity Credit Corporation as security for a loan by said Commodity Credit Corporation, it is a condition of this insurance that in event of loss or damage to any of such mortgaged wheat the basis of adjustment shall be the actual cash value at the time and place of the loss, as set out elsewhere in the printed conditions of this policy or certificate, except that if such actual cash market value is less than the loan value per bushel, plus accrued interest at four per cent (4%) per annum, then such actual cash value shall be disregarded and the value of any wheat so mortgaged shall be deemed to be the loan value per bushel plus interest thereon.

4. The provisions of this endorsement shall apply and cover until the note has been paid and/or released and/or the wheat sold.

5. This special adjustment clause does not apply to any wheat not mortgaged in the manner hereinbefore described.

6. In witness whereof, this Company has executed and attested these presents, but this certificate shall not be valid until countersigned by a duly authorized agent of this company or association.

_____
*President.*
_____
*Secretary.*
Countersigned _____ this _____ day of _____, 19__.
_____
(Agent)

§ 208.15 *County agricultural conservation committees.* The forms 1939 C.C.C. Wheat Forms AA and B contain a certificate which should not bear a date prior to the date of the mortgage or loan agreement and which must be signed in each instance by a member of the county agricultural conservation committee of the county in which the wheat was produced for warehoused wheat, and the county in which the wheat is stored for farm-stored wheat.

§ 208.16 *Source and preparation of documents.* Forms will be obtainable from any county agricultural conservation committee in the areas designated in section 208.2 hereof and any loan agency of the Reconstruction Finance Corporation listed in section 208.19 hereof. All blanks in 1939 C.C.C. Wheat Forms A, AA, and B must be filled in with ink, typewriter, or indelible pencil, and no documents containing additions, alterations, or erasures shall be accepted by Commodity Credit Corporation.

[1] Optional in Michigan.
[2] Optional.



§ 208.17 *Source of loans.* It is contemplated that loans will ordinarily be obtained from banks and other local lending agencies which, in turn, may sell the paper evidencing such loans to Commodity Credit Corporation. Producers may also obtain loans directly from Commodity Credit Corporation. Such notes shall be made payable to Commodity Credit Corporation and shall be delivered to a loan agency of the Reconstruction Finance Corporation serving the district in which the wheat is stored. Paper for direct loans tendered by mail, in person, or otherwise should be accompanied by a producer's letter of transmittal on 1939 C.C.C. Wheat Form C, in duplicate, and must be delivered or postmarked prior to January 1, 1940. The triplicate copy of this letter shall be retained by the producer as a memorandum. Upon delivery of all necessary documents properly executed and upon approval of the loan by the manager of the loan agency, payment shall be made pursuant to the letter of transmittal.

§ 208.18 *Purchase of loans.* Commodity Credit Corporation will purchase, without recourse, eligible paper, as defined above, only from lending agencies which have executed and delivered to the loan agency to which notes are submitted Contract to Purchase, 1939 C.C.C. Wheat Form E, obtainable only from loan agencies of the Reconstruction Finance Corporation. Each note and chattel mortgage tendered by a lending agency to Commodity Credit Corporation for purchase in which the lending agency is not named as payee, must be accompanied by an assignment or assignments to such lending agency on 1939 C.C.C. Wheat Form G. The original or a duplicate copy of such assignments must have been filed for record in the office(s) of the recording official(s) of the county or counties in which the mortgage was filed or recorded.

Paper held by lending agencies must be tendered to the loan agency of Reconstruction Finance Corporation holding the contract to purchase and serving the district in which the wheat is stored *30 days prior to maturity.* The purchase price to be paid by Commodity Credit Corporation for notes accepted will be the face amount of such notes plus accrued interest from the respective dates to the date of payment of the purchase price at the rate of 2½ percent per annum. Under the terms of the contract to purchases, lending agencies are required to report monthly on 1939 C.C.C. Wheat Form F all payments or collections on producers' notes held by them, and to remit promptly to Commodity Credit Corporation, Washington, D. C., an amount equivalent to 1½ percent interest per annum on the principal amount collected from the date of the note to the date of payment.

§ 208.19 *Reconstruction Finance Corporation Loan Agencies.* The locations of the loan agencies of the Reconstruction Finance Corporation previously referred to herein and the districts served by them under these instructions are shown below:

*Loan Agency and District Served*

Chicago: Area in 7th Federal Reserve District attached to Chicago, except counties in Iowa attached to Omaha.

Cleveland: Area in 4th Federal Reserve District, except eastern Kentucky.

Dallas: Area included in 11th Federal Reserve District.

Denver: Area in 10th Federal Reserve District attached to Denver.

Detroit: Area in 7th Federal Reserve District attached to Detroit.

Helena: Area in 9th Federal Reserve District attached to Helena.

Kansas City: Area in 10th Federal Reserve District attached to Kansas City.

Louisville: Area in 8th Federal Reserve District attached to Louisville and eastern Kentucky.

Minneapolis: Area in 9th Federal Reserve District attached to Minneapolis.

Nashville: Area in 6th Federal Reserve District attached to Nashville.

New York: Area included in 2d Federal Reserve District.

Oklahoma City: Area in 10th Federal Reserve District attached to Oklahoma City.

Omaha: Area in 10th Federal Reserve District attached to Omaha and following counties in Iowa: Adams, Adair, Appanoose, Audubon, Boone, Buena Vista, Calhoun, Carroll, Cass, Cerro Gordo, Cherokee, Clarke, Clay, Crawford, Dallas, Decatur, Dickinson, Emmet, Franklin, Fremont, Greene, Guthrie, Hamilton, Hancock, Hardin, Harrison, Humboldt, Ida, Jasper, Kossuth, Lucas, Lyon, Madison, Marion, Marshall, Mills, Monona, Monroe, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottowattamie, Ringgold, Sac, Shelby, Sioux, Story, Taylor, Union, Warren, Wayne, Webster, Winnebago, Woodbury, Worth, and Wright.

Portland: Area in 12th Federal Reserve District attached to Portland.

Richmond: Area included in 3d and 5th Federal Reserve Districts.

St. Louis: Area in 8th Federal Reserve District attached to Little Rock, Memphis, and St. Louis.

San Francisco: Area in 12th Federal Reserve District attached to Los Angeles, Salt Lake City and San Francisco.

Spokane: Area in 12th Federal Reserve District attached to Seattle and Spokane.

§ 208.20 *Release of collateral held by Commodity Credit Corporation.* A producer may obtain the return of notes secured by wheat upon his request in writing and payment of the principal amount due thereon with accrued interest and proper charges. The producer's note and mortgage or loan agreement, with the warehouse receipt(s) (if any) securing same, will be transmitted to an approved bank with instructions to deliver such documents to the producer, or his agent, upon the payment of the full amount due thereon with accrued interest and proper charges. Where such paper is sent to an approved bank for collection, instructions shall be given to return such paper to the sender if payment and release are not effected within 15 days. All charges and expenses of the collecting bank shall be paid by the producer. If the note is secured by farm-stored wheat, county agricultural conservation committees will be requested to release the mortgage of record after payment in full either by the filing of an instrument of release or by a margin release on the county records.

If the producer's note is made payable directly to Commodity Credit Corporation and he desires to obtain the release of collateral upon payment as aforesaid, he should notify the Federal Reserve Bank or branch thereof serving the district in which the wheat is stored as above provided. If his note was made payable to a payee other than Commodity Credit Corporation the producer should notify the payee named therein.

Partial releases of collateral will be made as follows:

(a) In the case of farm-stored wheat, the producer must identify to the lending agency or loan agency of Reconstruction Finance Corporation the seal number of the bin to be released. Such release must cover all the wheat in any one bin. Upon receipt of such a request, a partial release of the chattel mortgage will be forwarded to an approved bank to be released to the producer against payment of the amount loaned on the particular bin of wheat plus interest and charges.

(b) In the case of elevator-stored wheat, producers desiring to obtain partial releases should notify the lending agency or Loan Agency of Reconstruction Finance Corporation serving the district in which the wheat is stored, describing the wheat to be released by warehouse receipt numbers. Each partial release must cover all the wheat under one warehouse receipt. The warehouse receipts representing wheat held by Commodity Credit Corporation will be forwarded to an approved bank to be released to the producer or his agent against payment of the amount loaned on the wheat to be released, plus interest on such amount and any charges applicable thereto.

(c) Banks and other lending agencies holding notes on 1939 C.C.C. Wheat Forms A and B may also permit partial releases as provided above and Commodity Credit Corporation will purchase notes on which partial releases have been made, provided the note is credited by the lending agencies with the full amount of the loan on the wheat released, plus interest at the rate of 4 percent thereon. An amount equivalent to 1½ percent interest per annum on the amount of such principal collected at the time of such partial releases from the date of the note or notes to the date of payment should be remitted to Commodity Credit Corporation in accordance

with the terms of the contract to purchase (1939 C.C.C. Wheat Form B).

(d) Payment will be made to the lending agency on the basis of the amount loaned on the collateral remaining pledged as security to the note, plus 2½ percent interest on such amount from the date of the note to the date of purchase.

[SEAL] MAYNARD R. BUCK,
*Assistant Secretary.*

[F. R. Doc. 39-2894; Filed, August 8, 1939; 9:22 a. m.]

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[CCC Wheat Form 1—Supplement 1, Instructions]

## PART 208—1939 WHEAT LOANS

§ 208.3 *Amount of loans.*

(a) *Amount of Loans at Terminal Markets.* Basic loan values on wheat of the designated grades and subclasses stored in approved public grain warehouses at the following terminal markets shall be as follows:

| Market | Grade and subclass | Loan value per bushel |
|---|---|---|
| Kansas City, Mo.; Kansas City, Kans.; St. Joseph, Mo. | No. 2 Hard Winter | $0.77 |
| | No. 2 Red Winter | .76 |
| | No. 1 Dark Northern Spring | .79 |
| | No. 1 Northern Spring | .77 |
| | No. 2 Soft White | .75 |
| | No. 2 Hard White | .76 |
| | No. 2 Hard Winter | .76¼ |
| | No. 1 Dark Northern Spring | .80 |
| Omaha, Nebr.; Council Bluffs, Iowa | No. 1 Northern Spring | .78 |
| | No. 2 Red Winter | .74¼ |
| | No. 2 Hard White | .75¼ |
| | No. 2 Soft White | .74¼ |
| | No. 2 Hard Winter | .80 |
| Chicago, Ill.; Milwaukee, Wis. | No. 2 Red Winter | .80 |
| | No. 1 Northern Spring | .82 |
| St. Louis, Mo.; E. St. Louis, Ill. | No. 2 Hard Winter | .80 |
| | No. 2 Red Winter | .80 |
| | No. 1 Soft White | .77 |
| San Francisco, Los Angeles, Stockton, Oakland, Calif. | No. 1 White Club | .77 |
| | No. 1 Western White | .77 |
| | No. 1 Hard Winter | .77 |
| | No. 1 Western Red | .77 |
| Minneapolis, St. Paul, Duluth, Minn.; Superior, Wis. | No. 1 Dark Northern Spring | .87 |
| | No. 1 Northern Spring | .85 |
| | No. 2 Hard Winter | .81 |
| | No. 2 Red Winter | .79 |
| | No. 2 Amber Durum | .81 |
| | No. 2 Red Durum | .68 |
| | No. 2 Hard White | .81 |
| | No. 2 Soft White | .80 |
| | No. 2 Hard Amber Durum | .83 |
| | No. 2 Amber Mixed Durum | .78 |
| | No. 2 Mixed Durum | .71 |
| | No. 1 Hard Federation, White Federation, Heart and Bluestem Grading Hard White | .74 |
| Portland, Oreg.; Seattle, Wash. | No. 1 Soft White | .73 |
| | No. 1 Western White | .73 |
| | No. 1 Hard Winter | .73 |
| | No. 1 White Club | .73 |
| | No. 1 Red Winter | .73 |
| | No. 1 Western Red | .73 |
| | No. 1 Northern Spring | .73 |
| Galveston, Tex.; New Orleans, La. | No. 2 Hard Winter | .85 |
| | No. 2 Red Winter | .83 |

The foregoing schedule of loan values applies to wheat delivered to any designated terminal market in carload lots which has been shipped by rail from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges and other documents as required under the Instructions (1939 C.C.C. Wheat Form 1); *Provided*, Commodity Credit Corporation will accept in lieu of such bills, warehouse receipts on which a legend, signed by the warehouseman, has been stamped or typewritten in the following form or certificate of such warehouseman containing such an undertaking:

The wheat represented hereby was received by rail freight from _____ (Town) _____ (County) _____ (State) point of origin, as evidenced by original paid freight bill which has been officially registered for transit and will be held and kept alive, within statutory limitations, for the benefit of the holder hereof.

_____ (Warehouseman)

Otherwise a deduction of eight cents (8¢) per bushel shall be made.

(b) Amount of loan at country points.

(1) Except for the States and counties hereinafter set forth, Commodity Credit Corporation will determine the loan value on wheat in storage on the farm or in country warehouses by deducting from the designated terminal market value an amount equal to 3 cents more than the all-rail interstate freight rate (in effect on May 1, 1939) from the country warehouse points, or the shipping point designated by the producer, to such terminal market; except that in the appropriate counties of Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin such rates shall be computed on the basis of the average freight rate from all shipping points other than subterminal markets in each county to the appropriate terminal market.

Each approved warehouse will be advised as to the loan value applicable to wheat stored in such warehouse. Producers may obtain from the county committee the loan values applicable to wheat stored on each farm and in the public warehouses. Loan values will be published in supplements for the several wheat loan States.

The loan value of eligible wheat stored in approved subterminal warehouses (approved warehouses other than those situated in the designated terminal markets that have executed the Terminal Warehouse Agreement, 1939 C.C.C. Wheat Form H), which was shipped by rail may be determined by deducting from the appropriate designated terminal market loan value an amount equal to the transit balance of the through freight rate from point of origin for such wheat to such terminal market; *Provided*, In the case of wheat stored at any railroad transit point, taking a penalty by reason of out of line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out of line or other costs incurred in storing loan wheat in such position as determined by Commodity Credit Corporation. Arrangements have been made for the railroads to indicate transit balance of the through rate on the inbound paid freight bills on a basis of 100 pounds. To obtain the loan value as determined above, the warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges; *Provided*, That Commodity Credit Corporation will accept in lieu of such bills, warehouse receipts on which a legend, signed by the warehouseman, has been stamped or typewritten substantially in the following form or certificate of such warehouseman containing such an undertaking:

The wheat represented hereby was received by rail freight as evidenced by original paid freight bill which has been officially registered for transit and will be held and kept alive, within statutory and tariff limitations, for the benefit of the holder hereof. The aforementioned original paid freight bill carries notation thereon by the railroad agent showing transit balance, if any, of through rate from _____ (Town) _____ (County) _____ (State) point of origin, to _____ (Basic loan terminal market) of _____ cents per 100 pounds.

_____ (Warehouseman)

_____ (Address)

(2) Separate schedules of loan values will be issued for the States and counties hereinafter set forth:

*State and Counties*

Colorado: All counties south of Idaho County.

Utah: All counties.

Idaho: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Dolores, Eagle, Fremont, Garfield, LaPlata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Miguel.

Wyoming: Lincoln, Sublette, Sweetwater, Teton, Uinta.

All counties of Indiana, except Lake, Newton, Benton, Porter, Jasper, White, LaPorte, St. Joseph, Marshall, Fulton, Elkhart, Kosciusko, and Starke.

Michigan.

Ohio.

Kentucky.

Tennessee.

West Virginia.

Virginia.

Maryland.

Delaware.

Pennsylvania.

New York.

The loan value of eligible wheat stored in approved subterminal warehouses in the foregoing area (approved warehouses that have executed the Terminal Warehouse Agreement, 1939 C.C.C. Wheat Form H) which was shipped by rail in the movement of natural market direction as approved by Commodity Credit Corporation, shall be determined by adding 3 cents per bushel to the country loan value for the county from which the wheat is shipped and an amount equal to the transit value of the freight paid from point of origin to markets designated by Commodity Credit Corporation. Lending agencies and County Committees are advised that in each instance such transit value must be verified by the Agency Manager of the Loan Agency of Reconstruction Finance Corporation serving the area. In such cases, the loan documents must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in Section (b)-(1) above. If eligible loan wheat is stored in approved subterminal warehouses located at transit points, taking a penalty by reason of back haul, or out of line of natural market movement such penalty or other costs by reason of such movement, as determined by Commodity Credit Corporation, shall be deducted from loan values as determined above.

Adopted May 23, 1939.

[SEAL] MAYNARD R. BUCK,
*Assistant Secretary.*

[F. R. Doc. 39-2893; Filed, August 8, 1939; 9:22 a. m.]

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[1939 Wheat Circular Letter No. 1 (Supplemental Instructions)]

## PART 208—1939 WHEAT LOANS

§ 208.1 (b) The definition of eligible wheat as set forth in subsection (b) of Section 1, contained in 1939 CCC Wheat Form 1, is hereby supplemented as follows: Eligible producers delivering wheat of the grades No. 1 to No. 5 inclusive (grades 4 and 5 must meet all the grade requirements of No. 3 except test weight) to approved warehouses in which is ineligible for loan *only by reason of grading tough or because of carrying notation as to weevil or other insects injurious to stored grain* may have the wheat processed at their own expense and such wheat will thereafter be considered eligible for loan purposes when the original warehouse receipt in addition to other original documents as set forth in CCC Wheat Form 1, are accompanied by a certificate of the approved warehouseman issuing said receipts as follows:

The wheat represented by attached warehouse receipt No. ____, dated _____, covering loan wheat has been processed at the request of the eligible producer and redelivery will be made of the same country run quality, quantity, grade and protein as shown on the said warehouse receipt and accompanying original inbound inspection, weight and other required documents free of "tough" and "weevily" notation. Lien for processing charges will not be claimed by warehousemen from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

(Signed) _____ (Warehouseman)

_____ (Address)

The foregoing section applies only to wheat containing up to a limit of 15½% moisture. Wheat containing an excess of this amount of moisture is "sample grade" and is ineligible for loan.

§ 208.1 (b) (1) Section 1 (b) of said Instructions is supplemented to provide for wheat grading less than No. 3. To be acceptable, the inspection certificate where required by Commodity Credit Corporation or otherwise the warehouse receipt must contain a statement substantially as follows: "This wheat grades No. ____ solely on account test weight."

§ 208.6 Section 6 of said Instructions is hereby amended to permit the smut condition of wheat in Montana to be determined on a degree basis.

§ 208.7 Section 7 of said Instructions is supplemented to provide for a deduction of three-quarters of a pound for each sack in determining the net quantity of wheat collateral when sacked.

§ 208.10 Section 10 of said Instructions is hereby supplemented by waiving the requirement for protein analysis on Hard Winter wheat received by approved warehouses in the area served by the St. Louis Loan Agency of Reconstruction Finance Corporation.

§ 208.19 Section 19 of said Instructions is supplemented to provide that wheat loans originating in those portions of Indiana and Kentucky included in the area of the 8th Federal Reserve District shall be handled by the Loan Agency of Reconstruction Finance Corporation at Louisville, Kentucky.

§ 208.3 (a) C.C.C. Wheat Form 1, 1939, Supplement 1, Section 1, is hereby amended by changing the word "Heart" as a subclass applying under the Portland, Oregon, and Seattle, Washington, Terminal market basic loan values to the word "Baart" and by adding a basic loan value of No. 1 Hard White wheat of 78¢ per bushel to the markets of San Francisco, Los Angeles, Stockton and Oakland, California.

§ 208.3 (b) (2) Supplement 1, Section 2 (b), contains a transposition of the states of Colorado and Idaho. This is corrected to read as follows: Idaho, all counties south of Idaho County. Colorado, the following counties: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Dolores, Eagle, Fremont, Garfield, LaPlata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Grande, Routt, Saguache, San Miguel.

§ 208.3 (b) (2) Supplement 1, Section 2 (b), last paragraph is amended to read as follows:

"In such cases, the warehouse receipts in addition to the required documents as set forth in C.C.C. Wheat Form 1, Section 10, must be accompanied by the original or duplicate original paid freight bills, or certificates of the warehouseman as to such paid freight bills. Such certificate shall be in the following form:

The wheat represented hereby was received by rail freight as evidenced by original paid freight bill which has been officially registered for transit and will be held and kept alive within statutory and tariff limitations, for the benefit of the holder hereof. Said original paid freight bill carries notation thereon showing the portion of the through rail freight from _____ (Town) _____ (County) _____ (State) shipping point of origin, paid into _____ (Town) _____ (County) _____ (State), transit point, of _____ cents per 100 pounds. The undersigned warehouseman states to the best of his knowledge, said freight bill represents the usual rail movement of said wheat and that there are no back haul or out of line haul railroad penalties or other costs in connection therewith.

_____ (Warehouseman)

_____ (Date) _____ (Address)

If eligible loan wheat is stored in approved subterminal warehouses located at transit points, taking a penalty by reason of back haul, or out of line of natural market movement such penalty or other costs by reason of such movement, as determined by Commodity Credit Corporation, shall be deducted from loan values as determined above.

JAS. A. COLE,
*Special Assistant.*

Adopted, July 21, 1939.

[SEAL] MAYNARD R. BUCK,
*Assistant Secretary.*

[F. R. Doc. 39-2892; Filed, August 8, 1939; 9:21 a. m.]

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# TITLE 7—AGRICULTURE

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1939-18]

## PART 701—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

### SUPPLEMENT NO. 18

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin, as amended,[1] is hereby further amended as follows:

Paragraph (b) of Section 701.6 is amended by the addition of the following:

The 1939 county per-acre rates of payment for general soil-depleting acreage, as established by the Secretary, are as follows:

ARKANSAS

| County: | Rate of Payment (Dollars per acre) |
|---|---|
| Arkansas | $0.73 |
| Baxter | .65 |
| Benton | .79 |
| Boone | .75 |
| Carroll | .80 |
| Clay | .77 |
| Crawford | .67 |
| Fulton | .60 |
| Independence | .75 |
| Johnson | .59 |
| Logan | .58 |

[1] 4 F.R. 3389 DI.

| County: | Rate of payment (Dollars per acre) |
|---|---|
| Madison | $0.78 |
| Marion | .69 |
| Newton | .78 |
| Prairie | .66 |
| Randolph | .77 |
| Searcy | .67 |
| Sharp | .62 |
| Stone | .63 |
| Van Burean | .53 |
| Washington | .81 |
| **CALIFORNIA** | |
| Alameda | $1.25 |
| Butte | 1.49 |
| Colusa | 1.37 |
| Contra Costa | 1.41 |
| Fresno | 1.36 |
| Glenn | 1.33 |
| Imperial | 1.51 |
| Kern | 1.42 |
| Kings | 1.65 |
| Los Angeles | 1.65 |
| Madera | .88 |
| Merced | 1.32 |
| Monterey | 1.26 |
| Placer | .84 |
| Riverside | 1.13 |
| Sacramento | 1.33 |
| San Benito | 1.00 |
| San Joaquin | 1.48 |
| San Luis Obispo | 1.00 |
| Santa Barbara | 1.08 |
| Solano | 1.44 |
| Stanislaus | 1.51 |
| Sutter | 1.49 |
| Tehama | 1.21 |
| Tulare | 1.28 |
| Ventura | 1.48 |
| Yolo | 1.53 |
| Yuba | 1.09 |
| **COLORADO** | |
| Adams | $0.68 |
| Arapahoe | .64 |
| Baca | .55 |
| Bent | .96 |
| Boulder | 1.48 |
| Cheyenne | .44 |
| Crowley | .75 |
| Douglas | .66 |
| Elbert | .46 |
| El Paso | .46 |
| Huerfano | .55 |
| Jefferson | 1.36 |
| Kiowa | .46 |
| Kit Carson | .44 |
| Larimer | 1.33 |
| Las Animas | .60 |
| Lincoln | .46 |
| Logan | .72 |
| Morgan | .78 |
| Otero | 1.31 |
| Phillips | .77 |
| Prowers | .86 |
| Pueblo | .67 |
| Sedgwick | .81 |
| Teller | .60 |
| Washington | .47 |
| Weld | .90 |
| Yuma | .30 |
| **ILLINOIS** | |
| Adams | $1.34 |
| Alexander | 1.07 |
| Bond | .93 |
| Boone | 1.37 |
| Brown | 1.37 |
| Bureau | 1.61 |
| Calhoun | 1.44 |
| Carroll | 1.56 |
| Cass | 1.42 |
| Champaign | 1.46 |
| Christian | 1.34 |
| Clark | 1.09 |
| Clay | .90 |
| Clinton | 1.02 |
| Coles | 1.30 |
| Cook | 1.40 |
| Crawford | 1.11 |
| Cumberland | 1.01 |
| De Kalb | 1.58 |
| De Witt | 1.36 |

| County: | Rate of payment (Dollars per acre) |
|---|---|
| Douglas | $1.38 |
| Du Page | 1.42 |
| Edgar | 1.41 |
| Edwards | 1.02 |
| Effingham | .89 |
| Fayette | .95 |
| Ford | 1.34 |
| Franklin | .88 |
| Fulton | 1.46 |
| Gallatin | 1.10 |
| Greene | 1.39 |
| Grundy | 1.35 |
| Hamilton | .93 |
| Hancock | 1.37 |
| Hardin | .93 |
| Henderson | 1.51 |
| Henry | 1.56 |
| Iroquois | 1.30 |
| Jackson | 1.12 |
| Jasper | .89 |
| Jefferson | .67 |
| Jersey | 1.26 |
| Jo Daviess | 1.52 |
| Johnson | .96 |
| Kane | 1.57 |
| Kankakee | 1.27 |
| Kendall | 1.40 |
| Knox | 1.54 |
| Lake | 1.40 |
| La Salle | 1.49 |
| Lawrence | 1.05 |
| Lee | 1.51 |
| Livingston | 1.38 |
| Logan | 1.46 |
| McDonough | 1.48 |
| McHenry | 1.46 |
| McLean | 1.44 |
| Macon | 1.48 |
| Macoupin | 1.22 |
| Madison | 1.16 |
| Marion | .86 |
| Marshall | 1.38 |
| Mason | 1.23 |
| Massac | 1.04 |
| Menard | 1.40 |
| Mercer | 1.56 |
| Monroe | 1.21 |
| Montgomery | 1.09 |
| Morgan | 1.49 |
| Moultrie | 1.36 |
| Ogle | 1.46 |
| Peoria | 1.41 |
| Perry | .84 |
| Piatt | 1.49 |
| Pike | 1.34 |
| Pope | .94 |
| Pulaski | 1.13 |
| Putnam | 1.61 |
| Randolph | 1.05 |
| Richland | .88 |
| Rock Island | 1.50 |
| Saint Clair | 1.11 |
| Saline | 1.03 |
| Sangamon | 1.42 |
| Schuyler | 1.37 |
| Scott | 1.48 |
| Shelby | 1.19 |
| Stark | 1.44 |
| Stephenson | 1.47 |
| Tazewell | 1.46 |
| Union | 1.15 |
| Vermillion | 1.28 |
| Wabash | 1.18 |
| Warren | 1.56 |
| Washington | .87 |
| Wayne | .92 |
| White | 1.06 |
| Whiteside | 1.55 |
| Will | 1.27 |
| Williamson | .98 |
| Winnebago | 1.34 |
| Woodford | 1.59 |
| **INDIANA** | |
| Adams | $1.32 |
| Allen | 1.39 |
| Bartholomew | 1.22 |
| Benton | 1.24 |
| Blackford | 1.21 |
| Boone | 1.30 |
| Brown | 1.06 |
| Carroll | 1.42 |

| County: | Rate of payment (Dollars per acre) |
|---|---|
| Cass | $1.37 |
| Clark | 1.09 |
| Clay | 1.08 |
| Clinton | 1.48 |
| Crawford | .93 |
| Daviess | 1.11 |
| Dearborn | 1.12 |
| Decatur | 1.39 |
| De Kalb | 1.33 |
| Delaware | 1.43 |
| Dubois | 1.02 |
| Elkhart | 1.27 |
| Fayette | 1.53 |
| Floyd | 1.12 |
| Fountain | 1.19 |
| Franklin | 1.31 |
| Fulton | 1.21 |
| Gibson | 1.19 |
| Grant | 1.49 |
| Greene | 1.13 |
| Hamilton | 1.46 |
| Hancock | 1.32 |
| Harrison | 1.03 |
| Hendricks | 1.30 |
| Henry | 1.42 |
| Howard | 1.53 |
| Huntington | 1.37 |
| Jackson | 1.11 |
| Jasper | 1.13 |
| Jay | 1.22 |
| Jefferson | 1.09 |
| Jennings | 1.03 |
| Johnson | 1.47 |
| Knox | 1.18 |
| Kosciusko | 1.38 |
| Lagrange | 1.26 |
| Lake | 1.21 |
| La Porte | 1.16 |
| Lawrence | 1.13 |
| Madison | 1.45 |
| Marion | 1.36 |
| Marshall | 1.29 |
| Martin | 1.10 |
| Miami | 1.49 |
| Monroe | 1.11 |
| Montgomery | 1.36 |
| Morgan | 1.29 |
| Newton | 1.26 |
| Noble | 1.39 |
| Ohio | 1.18 |
| Orange | 1.02 |
| Owen | 1.02 |
| Parke | 1.18 |
| Perry | .99 |
| Pike | 1.00 |
| Porter | 1.15 |
| Posey | 1.13 |
| Pulaski | 1.14 |
| Putnam | 1.16 |
| Randolph | 1.38 |
| Ripley | 1.06 |
| Rush | 1.49 |
| St. Joseph | 1.21 |
| Scott | 1.01 |
| Shelby | 1.30 |
| Spencer | 1.00 |
| Starke | 1.03 |
| Steuben | 1.36 |
| Sullivan | 1.14 |
| Switzerland | 1.18 |
| Tippecanoe | 1.27 |
| Tipton | 1.61 |
| Union | 1.62 |
| Vanderburgh | 1.18 |
| Vermillion | 1.13 |
| Vigo | 1.09 |
| Wabash | 1.44 |
| Warren | 1.19 |
| Warrick | 1.05 |
| Washington | 1.05 |
| Wayne | 1.44 |
| Wells | 1.33 |
| White | 1.26 |
| Whitley | 1.31 |
| **IOWA** | |
| Adair | $1.42 |
| Adams | 1.38 |
| Allamakee | 1.42 |
| Appanoose | 1.06 |
| Audubon | 1.45 |
| Benton | 1.55 |



| County: | Rate of Payment (Dollars per acre) |
|---|---|
| Black Hawk | $1.48 |
| Boone | 1.55 |
| Bremer | 1.43 |
| Buchanan | 1.29 |
| Buena Vista | 1.51 |
| Butler | 1.29 |
| Calhoun | 1.53 |
| Carroll | 1.48 |
| Cass | 1.41 |
| Cedar | 1.70 |
| Cerro Gordo | 1.35 |
| Cherokee | 1.46 |
| Chickasaw | 1.27 |
| Clarke | 1.24 |
| Clay | 1.40 |
| Clayton | 1.52 |
| Clinton | 1.55 |
| Crawford | 1.39 |
| Dallas | 1.60 |
| Davis | 1.08 |
| Decatur | 1.10 |
| Delaware | 1.41 |
| Des Moines | 1.49 |
| Dickinson | 1.36 |
| Dubuque | 1.42 |
| Emmet | 1.38 |
| Fayette | 1.36 |
| Floyd | 1.30 |
| Franklin | 1.46 |
| Fremont | 1.43 |
| Greene | 1.51 |
| Grundy | 1.52 |
| Guthrie | 1.44 |
| Hamilton | 1.57 |
| Hancock | 1.40 |
| Hardin | 1.48 |
| Harrison | 1.37 |
| Henry | 1.54 |
| Howard | 1.21 |
| Humboldt | 1.55 |
| Ida | 1.40 |
| Iowa | 1.59 |
| Jackson | 1.42 |
| Jasper | 1.59 |
| Jefferson | 1.28 |
| Johnson | 1.62 |
| Jones | 1.60 |
| Keokuk | 1.46 |
| Kossuth | 1.47 |
| Lee | 1.24 |
| Linn | 1.49 |
| Louisa | 1.45 |
| Lucas | 1.20 |
| Lyon | 1.27 |
| Madison | 1.47 |
| Mahaska | 1.52 |
| Marion | 1.50 |
| Marshall | 1.61 |
| Mills | 1.46 |
| Mitchell | 1.33 |
| Monona | 1.41 |
| Monroe | 1.19 |
| Montgomery | 1.48 |
| Muscatine | 1.48 |
| O'Brien | 1.48 |
| Osceola | 1.38 |
| Page | 1.46 |
| Palo Alto | 1.37 |
| Plymouth | 1.28 |
| Pocahontas | 1.45 |
| Polk | 1.57 |
| Pottawattamie, East | 1.52 |
| Pottawattamie, West | 1.39 |
| Poweshiek | 1.56 |
| Ringgold | 1.13 |
| Sac | 1.53 |
| Scott | 1.66 |
| Shelby | 1.48 |
| Sioux | 1.36 |
| Story | 1.57 |
| Tama | 1.57 |
| Taylor | 1.21 |
| Union | 1.28 |
| Van Buren | 1.11 |
| Wapello | 1.25 |
| Warren | 1.45 |
| Washington | 1.57 |
| Wayne | 1.11 |
| Webster | 1.48 |
| Winnebago | 1.42 |
| Winneshiek | 1.46 |
| Woodbury | 1.32 |

| County: | Rate of Payment (Dollars per acre) |
|---|---|
| Worth | $1.33 |
| Wright | 1.51 |
| **KANSAS** | |
| Allen | $0.93 |
| Anderson | .90 |
| Atchison | 1.13 |
| Barber | .94 |
| Barton | 1.02 |
| Bourbon | .84 |
| Brown | 1.33 |
| Butler | .85 |
| Chase | 1.16 |
| Chautauqua | .84 |
| Cherokee | .77 |
| Cheyenne | .69 |
| Clark | .88 |
| Clay | 1.06 |
| Cloud | 1.01 |
| Coffey | .96 |
| Comanche | .93 |
| Cowley | .85 |
| Crawford | .83 |
| Decatur | .75 |
| Dickinson | 1.21 |
| Doniphan | 1.35 |
| Douglas | 1.15 |
| Edwards | .95 |
| Elk | .83 |
| Ellis | .94 |
| Ellsworth | .96 |
| Finney | .79 |
| Ford | .96 |
| Franklin | 1.02 |
| Geary | 1.13 |
| Gove | .71 |
| Graham | .69 |
| Grant | .77 |
| Gray | .84 |
| Greeley | .62 |
| Greenwood | .91 |
| Hamilton | .74 |
| Harper | .95 |
| Harvey | .96 |
| Haskell | .87 |
| Hodgeman | .75 |
| Jackson | 1.01 |
| Jefferson | 1.16 |
| Jewell | .84 |
| Johnson | 1.10 |
| Kearny | .75 |
| Kingman | .92 |
| Kiowa | .97 |
| Labette | .80 |
| Lane | .69 |
| Leavenworth | 1.10 |
| Lincoln | .97 |
| Linn | .91 |
| Logan | .56 |
| Lyon | 1.05 |
| McPherson | 1.04 |
| Marion | 1.00 |
| Marshall | 1.09 |
| Meade | .84 |
| Miami | .97 |
| Mitchell | .93 |
| Montgomery | .79 |
| Morris | 1.11 |
| Morton | .73 |
| Nemaha | 1.05 |
| Neosho | .86 |
| Ness | .83 |
| Norton | .75 |
| Osage | 1.03 |
| Osborne | .83 |
| Ottawa | 1.01 |
| Pawnee | .93 |
| Phillips | .69 |
| Pottawatomie | 1.22 |
| Pratt | 1.04 |
| Rawlins | .74 |
| Reno | .99 |
| Republic | .91 |
| Rice | .99 |
| Riley | 1.11 |
| Rooks | .71 |
| Rush | .94 |
| Russell | 1.00 |
| Saline | 1.08 |
| Scott | .55 |
| Sedgwick | .99 |
| Seward | .76 |

| County: | Rate of Payment (Dollars per acre) |
|---|---|
| Shawnee | $1.18 |
| Sheridan | .71 |
| Sherman | .61 |
| Smith | .71 |
| Stafford | 1.01 |
| Stanton | .73 |
| Stevens | .74 |
| Sumner | .83 |
| Thomas | .70 |
| Trego | .78 |
| Wabaunsee | 1.22 |
| Wallace | .46 |
| Washington | 1.03 |
| Wichita | .60 |
| Wilson | .85 |
| Woodson | .85 |
| Wyandotte | 1.23 |
| **MICHIGAN** | |
| Alcona | $1.09 |
| Alger | 1.06 |
| Allegan | 1.22 |
| Alpena | 1.04 |
| Antrim | 1.08 |
| Arenac | 1.04 |
| Baraga | 1.23 |
| Barry | 1.23 |
| Bay | 1.25 |
| Benzie | .93 |
| Berrien | 1.32 |
| Branch | 1.20 |
| Calhoun | 1.18 |
| Cass | 1.15 |
| Charlevoix | 1.09 |
| Cheboygan | 1.10 |
| Chippewa | 1.18 |
| Clare | .98 |
| Clinton | 1.33 |
| Crawford | 1.06 |
| Delta | 1.06 |
| Dickinson | 1.23 |
| Eaton | 1.33 |
| Emmet | 1.12 |
| Genesee | 1.30 |
| Gladwin | 1.04 |
| Gogebic | 1.23 |
| Grand Traverse | 1.05 |
| Gratiot | 1.29 |
| Hillsdale | 1.28 |
| Houghton | 1.17 |
| Huron | 1.30 |
| Ingham | 1.22 |
| Ionia | 1.27 |
| Iosco | 1.04 |
| Iron | 1.19 |
| Isabella | 1.11 |
| Jackson | 1.14 |
| Kalamazoo | 1.14 |
| Kalkaska | .93 |
| Kent | 1.19 |
| Keweenaw | 1.06 |
| Lake | .92 |
| Lapeer | 1.19 |
| Leelanau | 1.02 |
| Lenawee | 1.41 |
| Livingston | 1.21 |
| Luce | 1.11 |
| Mackinac | 1.03 |
| Macomb | 1.28 |
| Manistee | .96 |
| Marquette | 1.00 |
| Mason | 1.00 |
| Mecosta | .92 |
| Menominee | 1.16 |
| Midland | 1.16 |
| Milwaukee | .95 |
| Monroe | 1.43 |
| Montcalm | 1.11 |
| Montmorency | .96 |
| Muskegon | 1.08 |
| Newaygo | 1.07 |
| Oakland | 1.25 |
| Oceana | .95 |
| Ogemaw | 1.05 |
| Ontonagon | 1.06 |
| Osceola | .96 |
| Oscoda | .94 |
| Otsego | 1.01 |
| Ottawa | 1.28 |
| Presque Isle | 1.21 |
| Roscommon | .81 |
| Saginaw | 1.25 |

| County: | Rate of Payment (Dollars per acre) |
|---|---|
| St. Clair | $1.16 |
| St. Joseph | 1.10 |
| Sanilac | 1.17 |
| Schoolcraft | 1.16 |
| Shiawassee | 1.23 |
| Tuscola | 1.29 |
| Van Buren | 1.11 |
| Washtenaw | 1.30 |
| Wayne | 1.30 |
| Wexford | .92 |

**MINNESOTA**

| | |
|---|---|
| Aitkin | $1.16 |
| Anoka | 1.11 |
| Becker | 1.02 |
| Beltrami | 1.06 |
| Benton | 1.15 |
| Big Stone | .98 |
| Blue Earth | 1.47 |
| Brown | 1.38 |
| Carlton | 1.20 |
| Carver | 1.70 |
| Cass | .98 |
| Chippewa | 1.18 |
| Chisago | 1.27 |
| Clay | 1.02 |
| Clearwater | 1.13 |
| Cook | 1.00 |
| Cottonwood | 1.27 |
| Crow Wing | 1.03 |
| Dakota | 1.22 |
| Dodge | 1.22 |
| Douglas | 1.16 |
| Faribault | 1.45 |
| Fillmore | 1.31 |
| Freeborn | 1.46 |
| Goodhue | 1.36 |
| Grant | 1.04 |
| Hennepin | 1.38 |
| Houston | 1.42 |
| Hubbard | .87 |
| Isanti | 1.22 |
| Itasca | 1.16 |
| Jackson | 1.37 |
| Kanabec | 1.20 |
| Kandiyohi | 1.25 |
| Kittson | .86 |
| Koochiching | 1.18 |
| Lac Qui Parle | 1.09 |
| Lake | 1.03 |
| Lake of the Woods | 1.10 |
| Le Sueur | 1.55 |
| Lincoln | 1.13 |
| Lyon | 1.23 |
| McLeod | 1.51 |
| Mahnomen | .97 |
| Marshall | .86 |
| Martin | 1.43 |
| Meeker | 1.27 |
| Mille Lacs | 1.28 |
| Morrison | 1.03 |
| Mower | 1.22 |
| Murray | 1.22 |
| Nicollet | 1.47 |
| Nobles | 1.32 |
| Norman | 1.01 |
| Olmsted | 1.27 |
| Otter Tail | 1.08 |
| Pennington | .94 |
| Pine | 1.18 |
| Pipestone | 1.13 |
| Polk | 1.04 |
| Pope | 1.07 |
| Ramsey | 1.22 |
| Red Lake | .92 |
| Redwood | 1.30 |
| Renville | 1.27 |
| Rice | 1.48 |
| Rock | 1.23 |
| Roseau | .96 |
| St. Louis | 1.17 |
| Scott | 1.52 |
| Sherburne | .97 |
| Sibley | 1.50 |
| Stearns | 1.19 |
| Steele | 1.46 |
| Stevens | 1.07 |
| Swift | 1.05 |
| Todd | 1.15 |
| Traverse | .98 |
| Wabasha | 1.35 |
| Wadena | .93 |
| Waseca | $1.42 |
| Washington | 1.21 |
| Watonwan | 1.41 |
| Wilkin | .98 |
| Winona | 1.33 |
| Wright | 1.31 |
| Yellow Medicine | 1.23 |

**MISSOURI**

| | |
|---|---|
| Adair | $1.02 |
| Andrew | 1.25 |
| Atchison | 1.32 |
| Audrain | .87 |
| Barry | .84 |
| Barton | .80 |
| Bates | .86 |
| Benton | .90 |
| Bollinger | .83 |
| Boone | .99 |
| Buchanan | 1.21 |
| Butler | .88 |
| Caldwell | 1.06 |
| Callaway | .93 |
| Camden | .89 |
| Cape Girardeau | 1.02 |
| Carroll | 1.14 |
| Carter | .78 |
| Cass | 1.04 |
| Cedar | .82 |
| Chariton | 1.12 |
| Christian | .96 |
| Clark | 1.04 |
| Clay | 1.13 |
| Clinton | 1.19 |
| Cole | 1.03 |
| Cooper | 1.00 |
| Crawford | .83 |
| Dade | .87 |
| Dallas | .80 |
| Daviess | 1.06 |
| De Kalb | .99 |
| Dent | .87 |
| Douglas | .74 |
| Dunklin | .98 |
| Franklin | .98 |
| Gasconade | .92 |
| Gentry | 1.05 |
| Greene | 1.01 |
| Grundy | 1.03 |
| Harrison | 1.06 |
| Henry | .84 |
| Hickory | .82 |
| Holt | 1.32 |
| Howard | 1.09 |
| Howell | .72 |
| Iron | .69 |
| Jackson | 1.20 |
| Jasper | .88 |
| Jefferson | 1.07 |
| Johnson | .95 |
| Knox | 1.02 |
| Laclede | .90 |
| Lafayette | 1.23 |
| Lawrence | .87 |
| Lewis | 1.03 |
| Lincoln | 1.00 |
| Linn | 1.11 |
| Livingston | 1.03 |
| McDonald | .80 |
| Macon | 1.01 |
| Madison | .81 |
| Maries | .88 |
| Marion | 1.08 |
| Mercer | 1.09 |
| Miller | .96 |
| Mississippi | 1.03 |
| Moniteau | .96 |
| Monroe | .98 |
| Montgomery | .89 |
| Morgan | .97 |
| New Madrid | 1.01 |
| Newton | .85 |
| Nodaway | 1.14 |
| Oregon | .77 |
| Osage | 1.05 |
| Ozark | .66 |
| Pemiscot | 1.10 |
| Perry | 1.02 |
| Pettis | .99 |
| Phelps | .87 |
| Pike | 1.05 |
| Platte | $1.27 |
| Polk | .91 |
| Pulaski | .92 |
| Putnam | 1.15 |
| Ralls | 1.02 |
| Randolph | .98 |
| Ray | 1.15 |
| Reynolds | .78 |
| Ripley | .77 |
| St. Charles | 1.16 |
| St. Clair | .82 |
| St. Francois | .89 |
| St. Louis | 1.22 |
| Ste. Genevieve | 1.01 |
| Saline | 1.17 |
| Schuyler | 1.10 |
| Scotland | 1.01 |
| Scott | .95 |
| Shannon | .78 |
| Shelby | 1.03 |
| Stoddard | .91 |
| Stone | .86 |
| Sullivan | 1.14 |
| Taney | .82 |
| Texas | .80 |
| Vernon | .77 |
| Warren | .99 |
| Washington | .86 |
| Wayne | .80 |
| Webster | .88 |
| Worth | 1.09 |
| Wright | .82 |

**MONTANA**

| | |
|---|---|
| Big Horn | $0.91 |
| Blaine | .96 |
| Broadwater | 1.06 |
| Carbon | 1.22 |
| Carter | .73 |
| Cascade | 1.11 |
| Chouteau | 1.04 |
| Custer | .64 |
| Daniels | .79 |
| Dawson | .70 |
| Fallon | .74 |
| Fergus | 1.01 |
| Gallatin | 1.31 |
| Garfield | .63 |
| Glacier | .88 |
| Golden Valley | .60 |
| Hill | .84 |
| Judith Basin | .89 |
| Lewis and Clark | .88 |
| Liberty | .77 |
| McCone | .65 |
| Meagher | .75 |
| Musselshell | .59 |
| Park | 1.08 |
| Petroleum | .58 |
| Phillips | .78 |
| Pondera | 1.15 |
| Powder River | .68 |
| Prairie | .63 |
| Richland | .80 |
| Roosevelt | .78 |
| Rosebud | .66 |
| Sheridan | .81 |
| Stillwater | .86 |
| Sweet Grass | .89 |
| Teton | 1.17 |
| Toole | .84 |
| Treasure | .75 |
| Valley | .76 |
| Wheatland | .62 |
| Wibaux | .78 |
| Yellowstone | .95 |

**NEBRASKA**

| | |
|---|---|
| Adams | $0.95 |
| Antelope | .89 |
| Arthur | .68 |
| Banner | .86 |
| Blaine | .68 |
| Boone | .97 |
| Box Butte | .85 |
| Boyd | .68 |
| Brown | .64 |
| Buffalo | .89 |
| Burt | 1.45 |
| Butler | 1.23 |
| Cass | 1.21 |
| Cedar | 1.03 |



| County: | Rate of Payment (Dollars per acre) |
|---|---|
| Chase | $0.79 |
| Cherry | .67 |
| Cheyenne | .83 |
| Clay | 1.03 |
| Colfax | 1.25 |
| Cuming | 1.39 |
| Custer | .78 |
| Dakota | 1.28 |
| Dawes | .77 |
| Dawson | 1.01 |
| Deuel | .91 |
| Dixon | 1.11 |
| Dodge | 1.37 |
| Douglas | 1.30 |
| Dundy | .78 |
| Fillmore | 1.15 |
| Franklin | .80 |
| Frontier | .74 |
| Furnas | .83 |
| Gage | 1.14 |
| Garden | .87 |
| Garfield | .71 |
| Gosper | .86 |
| Grant | .67 |
| Greeley | .84 |
| Hall | .99 |
| Hamilton | 1.12 |
| Harlan | .81 |
| Hayes | .74 |
| Hitchcock | .79 |
| Holt | .67 |
| Hooker | .65 |
| Howard | .97 |
| Jefferson | 1.13 |
| Johnson | 1.14 |
| Kearney | .91 |
| Keith | .87 |
| Keyapaha | .58 |
| Kimball | .84 |
| Knox | .90 |
| Lancaster | 1.16 |
| Lincoln | .78 |
| Logan | .72 |
| Loup | .69 |
| McPherson | .67 |
| Madison | 1.08 |
| Merrick | 1.07 |
| Morrill | .90 |
| Nance | 1.08 |
| Nemaha | 1.30 |
| Nuckolls | .96 |
| Otoe | 1.23 |
| Pawnee | 1.14 |
| Perkins | .82 |
| Phelps | .88 |
| Pierce | .99 |
| Platte | 1.18 |
| Polk | 1.25 |
| Redwillow | .75 |
| Richardson | 1.35 |
| Rock | .59 |
| Saline | 1.26 |
| Sarpy | 1.30 |
| Saunders | 1.22 |
| Scotts Bluff | 1.46 |
| Seward | 1.30 |
| Sheridan | .76 |
| Sherman | .82 |
| Sioux | .87 |
| Stanton | 1.25 |
| Thayer | 1.07 |
| Thomas | .63 |
| Thurston | 1.19 |
| Valley | .83 |
| Washington | 1.37 |
| Wayne | 1.19 |
| Webster | .86 |
| Wheeler | .68 |
| York | 1.18 |

**NEW MEXICO**

| | |
|---|---|
| Colfax | $0.95 |
| Curry | .74 |
| De Baca | 1.00 |
| Guadalupe | .64 |
| Harding | .69 |
| Lea | .59 |
| Lincoln | .98 |
| Mora | .73 |
| Quay | .73 |
| Roosevelt | .78 |
| San Miguel | .75 |
| Torrance | .67 |
| Union | .69 |

**NORTH DAKOTA**

| County: | Rate of Payment (Dollars per acre) |
|---|---|
| Adams | $0.79 |
| Barnes | .83 |
| Benson | .77 |
| Billings | .69 |
| Bottineau | .67 |
| Bowman | .75 |
| Burke | .78 |
| Burleigh | .71 |
| Cass | .95 |
| Cavalier | .86 |
| Dickey | .80 |
| Divide | .76 |
| Dunn | .69 |
| Eddy | .73 |
| Emmons | .78 |
| Foster | .72 |
| Golden Valley | .76 |
| Grand Forks | .93 |
| Grant | .76 |
| Griggs | .79 |
| Hettinger | .76 |
| Kidder | .71 |
| La Moure | .80 |
| Logan | .77 |
| McHenry | .66 |
| McIntosh | .75 |
| McKenzie | .75 |
| McLean | .72 |
| Mercer | .77 |
| Morton | .77 |
| Mountrail | .67 |
| Nelson | .84 |
| Oliver | .74 |
| Pembina | .91 |
| Pierce | .73 |
| Ramsey | .87 |
| Ransom | .83 |
| Renville | .69 |
| Richland | .89 |
| Rolette | .67 |
| Sargent | .86 |
| Sheridan | .76 |
| Sioux | .69 |
| Slope | .72 |
| Stark | .79 |
| Steele | .80 |
| Stutsman | .77 |
| Towner | .78 |
| Traill | .93 |
| Walsh | .92 |
| Ward | .73 |
| Wells | .80 |
| Williams | .70 |

**OHIO**

| | |
|---|---|
| Adams | $1.05 |
| Allen | 1.47 |
| Ashland | 1.36 |
| Ashtabula | 1.35 |
| Athens | 1.25 |
| Auglaize | 1.45 |
| Belmont | 1.28 |
| Brown | 1.05 |
| Butler | 1.36 |
| Carroll | 1.25 |
| Champaign | 1.47 |
| Clark | 1.46 |
| Clermont | 1.09 |
| Clinton | 1.41 |
| Columbiana | 1.33 |
| Coshocton | 1.33 |
| Crawford | 1.46 |
| Cuyahoga | 1.47 |
| Darke | 1.40 |
| Defiance | 1.41 |
| Delaware | 1.33 |
| Erie | 1.51 |
| Fairfield | 1.38 |
| Fayette | 1.43 |
| Franklin | 1.40 |
| Fulton | 1.56 |
| Gallia | 1.16 |
| Geauga | 1.50 |
| Greene | 1.42 |
| Guernsey | 1.20 |
| Hamilton | 1.43 |
| Hancock | 1.50 |
| Hardin | 1.42 |
| Harrison | 1.31 |
| Henry | 1.55 |
| Highland | 1.20 |
| Hocking | 1.17 |
| Holmes | 1.33 |
| Huron | $1.42 |
| Jackson | 1.18 |
| Jefferson | 1.30 |
| Knox | 1.42 |
| Lake | 1.39 |
| Lawrence | 1.08 |
| Licking | 1.37 |
| Logan | 1.31 |
| Lorain | 1.42 |
| Lucas | 1.66 |
| Madison | 1.38 |
| Mahoning | 1.45 |
| Marion | 1.33 |
| Medina | 1.41 |
| Meigs | 1.27 |
| Mercer | 1.41 |
| Miami | 1.48 |
| Monroe | 1.15 |
| Montgomery | 1.41 |
| Morgan | 1.27 |
| Morrow | 1.34 |
| Muskingum | 1.29 |
| Noble | 1.23 |
| Ottawa | 1.58 |
| Paulding | 1.30 |
| Perry | 1.24 |
| Pickaway | 1.41 |
| Pike | 1.14 |
| Portage | 1.46 |
| Preble | 1.46 |
| Putnam | 1.53 |
| Richland | 1.39 |
| Ross | 1.34 |
| Sandusky | 1.53 |
| Scioto | 1.27 |
| Seneca | 1.48 |
| Shelby | 1.34 |
| Stark | 1.49 |
| Summit | 1.46 |
| Trumbull | 1.39 |
| Tuscarawas | 1.39 |
| Union | 1.30 |
| Van Wert | 1.42 |
| Vinton | 1.13 |
| Warren | 1.34 |
| Washington | 1.27 |
| Wayne | 1.56 |
| Williams | 1.55 |
| Wood | 1.51 |
| Wyandot | 1.40 |

**OKLAHOMA**

| | |
|---|---|
| Adair | $0.76 |
| Alfalfa | .96 |
| Atoka | .62 |
| Beaver | .76 |
| Beckham | .81 |
| Blaine | .88 |
| Bryan | .75 |
| Caddo | .86 |
| Canadian | .88 |
| Carter | .77 |
| Cherokee | .69 |
| Choctaw | .63 |
| Cimarron | .69 |
| Cleveland | .82 |
| Coal | .64 |
| Comanche | .81 |
| Cotton | .79 |
| Craig | .67 |
| Creek | .73 |
| Custer | .85 |
| Delaware | .70 |
| Dewey | .77 |
| Ellis | .78 |
| Garfield | .90 |
| Garvin | .90 |
| Grady | .88 |
| Grant | .69 |
| Greer | .88 |
| Harmon | .82 |
| Harper | .75 |
| Haskell | .66 |
| Hughes | .68 |
| Jackson | .90 |
| Jefferson | .75 |
| Johnston | .75 |
| Kay | .84 |
| Kingfisher | .88 |
| Kiowa | .94 |
| Latimer | .68 |
| LeFlore | .68 |
| Lincoln | .67 |

| County: | Rate of Payment (Dollars per acre) |
|---|---|
| Logan | $0.73 |
| Love | .70 |
| McClain | .86 |
| McCurtain | .65 |
| McIntosh | .69 |
| Major | .85 |
| Marshall | .77 |
| Mayes | .70 |
| Murray | .77 |
| Muskogee | .76 |
| Noble | .69 |
| Nowata | .67 |
| Okfuskee | .73 |
| Oklahoma | .82 |
| Okmulgee | .75 |
| Osage | .77 |
| Ottawa | .67 |
| Pawnee | .72 |
| Payne | .68 |
| Pittsburg | .66 |
| Pontotoc | .75 |
| Pottawatomie | .75 |
| Pushmataha | .60 |
| Roger Mills | .69 |
| Rogers | .67 |
| Seminole | .89 |
| Sequoyah | .67 |
| Stephens | .77 |
| Texas | .77 |
| Tillman | .94 |
| Tulsa | .78 |
| Wagoner | .74 |
| Washington | .74 |
| Washita | .92 |
| Woods | .85 |
| Woodward | .72 |
| **South Dakota** | |
| Aurora | $0.69 |
| Beadle | .70 |
| Bennett | .78 |
| Bon Homme | .91 |
| Brookings | 1.03 |
| Brown | .83 |
| Brule | .59 |
| Buffalo | .64 |
| Butte | 1.10 |
| Campbell | .71 |
| Charles Mix | .78 |
| Clark | .78 |
| Clay | 1.14 |
| Codington | .93 |
| Corson | .64 |
| Custer | .79 |
| Davison | .79 |
| Day | .87 |
| Deuel | .99 |
| Dewey | .64 |
| Douglas | .81 |
| Edmunds | .77 |
| Fall River | .67 |
| Faulk | .75 |
| Grant | .91 |
| Gregory | .79 |
| Haakon | .71 |
| Hamlin | .94 |
| Hand | .65 |
| Hanson | .81 |
| Harding | .70 |
| Hughes | .61 |
| Hutchinson | .91 |
| Hyde | .62 |
| Jackson | .65 |
| Jerauld | .72 |
| Jones | .68 |
| Kingsbury | .88 |
| Lake | 1.02 |
| Lawrence | 1.15 |
| Lincoln | 1.17 |
| Lyman | .60 |
| McCook | .91 |
| McPherson | .77 |
| Marshall | .84 |
| Meade | .82 |
| Mellette | .65 |
| Miner | .82 |
| Minnehaha | 1.12 |
| Moody | 1.12 |
| Pennington | .67 |
| Perkins | .70 |
| Potter | .78 |
| Roberts | .90 |
| Sanborn | .80 |
| Shannon | .77 |
| Spink | $0.75 |
| Stanley | .63 |
| Sully | .67 |
| Todd | .68 |
| Tripp | .72 |
| Turner | 1.09 |
| Union | 1.20 |
| Walworth | .75 |
| Washabaugh | .65 |
| Washington | .66 |
| Yankton | 1.07 |
| Ziebach | .57 |
| **Texas** | |
| Anderson | $0.55 |
| Andrews | .77 |
| Angelina | .56 |
| Aransas | .88 |
| Archer | .73 |
| Armstrong | .89 |
| Atascosa | .89 |
| Austin | .85 |
| Bailey | 1.01 |
| Bandera | .82 |
| Bastrop | .78 |
| Baylor | .85 |
| Bee | .85 |
| Bell | 1.05 |
| Bexar | .96 |
| Blanco | .86 |
| Borden | .69 |
| Bosque | 1.01 |
| Bowie | .72 |
| Brazoria | .77 |
| Brazos | .68 |
| Brewster | .75 |
| Briscoe | .82 |
| Brooks | .93 |
| Brown | .94 |
| Burleson | .79 |
| Burnet | .87 |
| Caldwell | .91 |
| Calhoun | .82 |
| Callahan | .77 |
| Cameron | 1.13 |
| Camp | .62 |
| Carson | .91 |
| Cass | .57 |
| Castro | .85 |
| Chambers | .80 |
| Cherokee | .59 |
| Childress | .88 |
| Clay | .76 |
| Cochran | .81 |
| Coke | .68 |
| Coleman | 1.03 |
| Collin | 1.05 |
| Collingsworth | 1.01 |
| Colorado | .87 |
| Comal | .90 |
| Comanche | .83 |
| Concho | 1.00 |
| Cooke | .98 |
| Coryell | 1.02 |
| Cottle | .82 |
| Crane | .82 |
| Crockett | .86 |
| Crosby | .85 |
| Culberson | .85 |
| Dallam | .74 |
| Dallas | 1.00 |
| Dawson | .77 |
| Deaf Smith | .90 |
| Delta | .75 |
| Denton | .86 |
| De Witt | .99 |
| Dickens | .82 |
| Dimmit | .80 |
| Donley | .86 |
| Duval | .87 |
| Eastland | .70 |
| Ector | .95 |
| Edwards | .76 |
| Ellis | 1.00 |
| El Paso | 1.14 |
| Erath | .72 |
| Falls | .95 |
| Fannin | .91 |
| Fayette | .81 |
| Fisher | .77 |
| Floyd | .90 |
| Foard | .93 |
| Fort Bend | .94 |
| Franklin | .60 |
| Freestone | $0.63 |
| Frio | .81 |
| Gaines | .72 |
| Galveston | .92 |
| Garza | .85 |
| Gillespie | .87 |
| Glasscock | .76 |
| Goliad | .79 |
| Gonzales | .85 |
| Gray | .91 |
| Grayson | .97 |
| Gregg | .49 |
| Grimes | .59 |
| Guadalupe | .90 |
| Hale | .86 |
| Hall | .95 |
| Hamilton | 1.02 |
| Hansford | .75 |
| Hardeman | .89 |
| Hardin | .81 |
| Harris | .84 |
| Harrison | .55 |
| Hartley | .70 |
| Haskell | .81 |
| Hays | .87 |
| Hemphill | .80 |
| Henderson | .66 |
| Hidalgo | 1.43 |
| Hill | .99 |
| Hockley | .88 |
| Hood | .70 |
| Hopkins | .74 |
| Houston | .54 |
| Howard | .79 |
| Hudspeth | 1.14 |
| Hunt | .90 |
| Hutchinson | .76 |
| Irion | .89 |
| Jack | .70 |
| Jackson | .86 |
| Jasper | .58 |
| Jeff Davis | .84 |
| Jefferson | .90 |
| Jim Hogg | .88 |
| Jim Wells | 1.04 |
| Johnson | .97 |
| Jones | .79 |
| Karnes | .86 |
| Kaufman | .89 |
| Kendall | .91 |
| Kennedy | .96 |
| Kent | .62 |
| Kerr | .90 |
| Kimble | .79 |
| King | .81 |
| Kinney | .60 |
| Kleberg | 1.04 |
| Knox | .95 |
| Lamar | .89 |
| Lamb | 1.07 |
| Lampasas | 1.01 |
| La Salle | .95 |
| Lavaca | .87 |
| Lee | .81 |
| Leon | .59 |
| Liberty | .78 |
| Limestone | .88 |
| Lipscomb | .81 |
| Live Oak | .94 |
| Llano | .86 |
| Loving | .66 |
| Lubbock | .90 |
| Lynn | .83 |
| McCulloch | 1.08 |
| McLennon | 1.03 |
| McMullen | .84 |
| Madison | .57 |
| Marion | .55 |
| Martin | .74 |
| Mason | .78 |
| Matagorda | .81 |
| Maverick | .97 |
| Medina | .85 |
| Menard | .89 |
| Midland | .79 |
| Milam | .90 |
| Mills | .99 |
| Mitchell | .79 |
| Montague | .67 |
| Montgomery | .63 |
| Moore | .81 |
| Morris | .59 |
| Motley | .91 |



| County: | Rate of Payment (Dollars per acre) |
|---|---|
| Nacogdoches | $0.52 |
| Navarro | .88 |
| Newton | .58 |
| Nolan | .82 |
| Nueces | 1.72 |
| Ochiltree | .82 |
| Oldham | .77 |
| Orange | .75 |
| Palo Pinto | .72 |
| Panola | .56 |
| Parker | .72 |
| Parmer | .80 |
| Pecos | 1.30 |
| Polk | .60 |
| Potter | .78 |
| Presidio | .87 |
| Rains | .72 |
| Randall | .82 |
| Reagan | .76 |
| Real | .69 |
| Red River | .80 |
| Reeves | .96 |
| Refugio | 1.09 |
| Roberts | .92 |
| Robertson | .89 |
| Rockwall | .96 |
| Runnels | 1.09 |
| Rusk | .57 |
| Sabine | .52 |
| San Augustine | .52 |
| San Jacinto | .62 |
| San Patricio | 1.43 |
| San Saba | 1.00 |
| Schleicher | .85 |
| Scurry | .66 |
| Shackleford | .77 |
| Shelby | .53 |
| Sherman | .75 |
| Smith | .56 |
| Somervell | .73 |
| Starr | .87 |
| Stephens | .75 |
| Sterling | .86 |
| Stonewall | .66 |
| Sutton | .79 |
| Swisher | .85 |
| Tarrant | .93 |
| Taylor | .79 |
| Terrell | .74 |
| Terry | .92 |
| Throckmorton | .82 |
| Titus | .66 |
| Tom Green | 1.00 |
| Travis | .95 |
| Trinity | .56 |
| Tyler | .61 |
| Upshur | .58 |
| Upton | .81 |
| Uvalde | .88 |
| Val Verde | 1.03 |
| Van Zandt | .70 |
| Victoria | .85 |
| Walker | .63 |
| Waller | .76 |
| Ward | .95 |
| Washington | .81 |
| Webb | 1.09 |
| Wharton | .94 |
| Wheeler | .80 |
| Wichita | .87 |
| Wilbarger | 1.00 |
| Willacy | 1.24 |
| Williamson | 1.06 |
| Wilson | .85 |
| Winkler | .66 |
| Wise | .76 |
| Wood | .59 |
| Yoakum | .85 |
| Young | .83 |
| Zapata | .83 |
| Zavala | .80 |
| **Wisconsin** | |
| Adams | $0.80 |
| Ashland | 1.09 |
| Barron | 1.31 |
| Bayfield | 1.21 |
| Brown | 1.29 |
| Buffalo | 1.38 |
| Burnett | 1.09 |
| Calumet | 1.42 |
| Chippewa | 1.21 |
| Clark | 1.25 |
| Columbia | 1.25 |
| Crawford | 1.32 |
| Dane | $1.34 |
| Dodge | 1.55 |
| Door | 1.13 |
| Douglas | 1.26 |
| Dunn | 1.24 |
| Eau Claire | 1.19 |
| Florence | 1.03 |
| Fond Du Lac | 1.42 |
| Forest | 1.13 |
| Grant | 1.39 |
| Green | 1.36 |
| Green Lake | 1.32 |
| Iowa | 1.34 |
| Iron | 1.13 |
| Jackson | 1.21 |
| Jefferson | 1.48 |
| Juneau | 1.13 |
| Kenosha | 1.41 |
| Kewaunee | 1.30 |
| La Crosse | 1.38 |
| Lafayette | 1.31 |
| Langlade | 1.20 |
| Lincoln | 1.14 |
| Manitowoc | 1.43 |
| Marathon | 1.18 |
| Marinette | 1.07 |
| Marquette | 1.04 |
| Milwaukee | 1.46 |
| Monroe | 1.31 |
| Oconto | 1.14 |
| Oneida | 1.05 |
| Outagamie | 1.38 |
| Ozaukee | 1.49 |
| Pepin | 1.30 |
| Pierce | 1.35 |
| Polk | 1.23 |
| Portage | .98 |
| Price | 1.14 |
| Racine | 1.48 |
| Richland | 1.32 |
| Rock | 1.34 |
| Rusk | 1.24 |
| St. Croix | 1.23 |
| Sauk | 1.24 |
| Sawyer | 1.11 |
| Shawano | 1.25 |
| Sheboygan | 1.50 |
| Taylor | 1.23 |
| Trempealeau | 1.27 |
| Vernon | 1.33 |
| Vilas | 1.03 |
| Walworth | 1.38 |
| Washburn | 1.09 |
| Washington | 1.54 |
| Waukesha | 1.43 |
| Waupaca | 1.29 |
| Waushara | .97 |
| Winnebago | 1.41 |
| Wood | 1.15 |
| **Wyoming** | |
| Campbell | $0.61 |
| Converse | .61 |
| Crook | .77 |
| Goshen | .74 |
| Johnson | .86 |
| Laramie | .56 |
| Niobrara | .55 |
| Platte | .73 |
| Sheridan | .96 |
| Weston | .79 |

Done at Washington, D. C., this 8th day of August 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2905; Filed, August 8, 1939; 12:40 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

## FEDERAL TRADE COMMISSION

[Docket No. 3468]

### IN THE MATTER OF WACO DRUG COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "Omodyne", or any other similar preparation, that said preparation is a remedy or cure for, or an effective treatment for, arthritis, neuritis, lumbago, sciatica, gout, neuralgia or rheumatism, or has any beneficial value in relieving the aches or pains which are due to or persist because of such conditions, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Waco Drug Company, Docket 3468, August 1, 1939]

§ 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "Omodyne", or any other similar preparation, that the use of said preparation will cause the elimination of poisons from the human system, or that said preparation is prepared in accordance with a scientific formula, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Waco Drug Company, Docket 3468, August 1, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence taken before Henry M. White, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, brief filed by counsel for the Commission (respondent not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That respondent, Waco Drug Company, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a medicinal preparation now designated "Omodyne" or any other preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, in commerce, as commerce is

[1] 3 F.R. 2266 DI.

defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that said preparation is a remedy or cure for, or an effective treatment for, arthritis, neuritis, lumbago, sciatica, gout, neuralgia or rheumatism, or has any beneficial value in relieving the aches or pains which are due to or persist because of such conditions;

2. Representing that the use of said preparation will cause the elimination of poisons from the human system, or that said preparation is prepared in accordance with a scientific formula;

*It is further ordered*, That the respondent shall, within sixty days after service upon it of this order file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2887; Filed, August 7, 1939; 2:40 p. m.]

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[Docket No. 3597]

IN THE MATTER OF THE KNOX COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (y) (1) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of "Cystex" and "Mendaco", or other similar preparations, which advertisements represent, directly or through implication, that said "Cystex" is an adequate remedy or cure, or competent treatment for ailments, disorders, diseased conditions of the human kidneys and bladder, without restricting such representations to those cases of such disorders as are non-organic and non-systemic in character; or that it is a cure or remedy for, or an effective treatment for, all ailments and disorders of the human kidneys and bladder which are non-systemic and non-organic; or that the presence of any of the following symptoms—swollen joints, leg and rheumatic pains, backache, nervousness, dizziness, burning of the urinary passage, "getting up nights", circles under the eyes, excess acidity or loss of energy—is necessarily indicative of ailments or diseased conditions which can be successfully treated by use of said preparation; or that said "Mendaco" is a cure or remedy, or an effective treatment, for asthma, or permanently relieves the symptoms thereof such as choking, gasping, coughing, or wheezing, or possesses any therapeutic value in the treatment of asthma in excess of furnishing, in some cases, temporary relief from the symptoms of asthma; or that it purifies, stimulates, refreshes or has any beneficial effect on the blood or promotes body metabolism; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, the Knox Company, Docket 3597, August 1, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, The Knox Company, its officers, representatives, agents and employees directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of medicinal preparations containing drugs now designated by the names "Cystex" and "Mendaco", or any other medicinal preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same names, or under any other name or names, or disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said medicinal preparations, which advertisements represent, directly or through implication, that said preparation "Cystex" is an adequate remedy or cure or competent treatment for ailments, disorders, diseased conditions of the human kidneys and bladder, unless such representations are restricted to those cases of such disorders as are non-organic and non-systemic in character; or that said preparation is a cure or remedy for, or an effective treatment for, all ailments and disorders of the human kidneys and bladder which are non-systemic and non-organic; or that the presence of any of the following symptoms—swollen joints, leg and rheumatic pains, backache, nervousness, dizziness, burning of the urinary passage, "getting up nights", circles under the eyes, excess acidity or loss of energy—is necessarily indicative of ailments or diseased conditions which can be successfully treated by use of said preparation; or that said preparation "Mendaco" is a cure or remedy or an effective treatment for asthma or permanently relieves the symptoms thereof such as choking, gasping, coughing, or wheezing, or possesses any therapeutic value in the treatment of asthma in excess of furnishing, in some cases, temporary relief from the symptoms of asthma; or that "Mendaco" purifies, stimulates, refreshes or has any beneficial effect on the blood or promotes body metabolism.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2888; Filed, August 7, 1939; 2:40 p. m.]

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[Docket No. 3737]

IN THE MATTER OF RESTORIA COMPANY

§ 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of "Restoria", or other similar preparation, which advertisements represent, directly or through implication, that said "Restoria" is a cure or remedy, or an effective treatment for bad blood, ulcers, swollen glands or eczema; or that it is a cure or remedy for neuritis, neurasthenia, rheumatism, blood poisoning or skin eruption, or is beneficial in relieving any of such conditions; or is a cure or remedy for or beneficial in the treatment of syphilis, or will control diseased blood or restore the blood; or that it is manufactured in a modern laboratory or under the supervision of skilled scientists, unless and until such is the fact; or which advertisements fail to reveal that said preparation is not a wholly safe drug to be used by the lay public in self medication; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Restoria Company, Docket 3737, August 1, 1939]



*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 1st day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF HARRY EPSTEIN, AN INDIVIDUAL, TRADING AS RESTORIA COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that respondent has violated the provisions of the Federal Trade Commission Act.

*It is ordered*, That the respondent Harry Epstein, individually and trading as Restoria Company, or under any other name or names, his representatives, agents and employees, directly or through any corporate or any other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce directly or indirectly, the purchase of a medicinal preparation containing drugs now designated by the name "Restoria", or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or any other name or names, or disseminating or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said medicinal preparation, which advertisements represent, directly or through implication, that said medicinal preparation "Restoria", is a cure or remedy or an effective treatment for bad blood, ulcers, swollen glands or eczema; or that said preparation is a cure or remedy for neuritis, neurasthenia, rheumatism, blood poisoning, or skin eruptions, or is beneficial in relieving any of such conditions; or that said preparation is a cure or remedy for or is beneficial in the treatment of syphilis, or will control diseased blood or restore the blood; or that said preparation is manufactured in a modern laboratory or under the supervision of skilled scientists, unless and until such is the fact; or which advertisements fail to reveal that said preparation is not a wholly safe drug to be used by the lay public in self medication.

*It is further ordered*, That the respondent shall within sixty (60) days after the service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2889; Filed, August 7, 1939; 2:41 p. m.]

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[Docket No. 3775]

IN THE MATTER OF NASH BROTHERS DRUG COMPANY

§ 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (y) (1) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.18 *Claiming indorsements or testimonials falsely.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of preparation designated "Nash Chill and Liver Tonic" and "Nash's C. & L. Tonic", or other similar preparation, which advertisements represent, directly or through implication, that said medicinal preparation is a cure or remedy for malaria or will prevent the development of malaria in the human body, or is an effective treatment for all types of malaria; or that it will restore the normal functioning of the bowels, add red corpuscles to the blood, aid digestion, increase the appetite, restore vigor or vitality; or that it is an effective remedy or cure for constipation, biliousness, liver trouble, dyspepsia, backache, headache, nervousness, stomach troubles, chills, fever, ague, third day chills or swamp chills; or will prevent or cure colds; or is a safe or harmless medicine for use in unsupervised medication of infants, children, adults or elderly people; or has been endorsed by nurses, physicians or health officials throughout the southern part of the United States, or which represent that nine out of ten people in the southern part of the United States have malaria, or that any appreciable percentage of persons residing in the southern part of the United States have malaria; or which represent that the presence of any or all of the following symptoms—laziness, lack of energy and pep, aches, trembling, dizziness, headaches or sallow, yellow complexion—is necessarily indicative of malaria, or that the presence of said symptoms is anything more than an indication that malaria may be present; or which advertisements fail to reveal that said preparation is not a wholly safe drug to be used by the lay public in self-medication; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Nash Brothers Drug Company, Docket 3775, August 1, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF WILLIAM G. NASH, SR., WILLIAM G. NASH, JR., AND FLORENCE NASH COX, INDIVIDUALLY AND AS COPARTNERS TRADING AS NASH BROTHERS DRUG COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into between the respondents herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, William G. Nash, Sr., William G. Nash, Jr., and Florence Nash Cox, individually and as copartners trading as Nash Brothers Drug Company, or trading under any other name, their representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of a medicinal preparation containing drugs now designated as "Nash Chill and Live Tonic" and "Nash's C. & L. Tonic," or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic qualities whether sold under the same names or under any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing,

or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined by the Federal Trade Commission Act, of said medicinal preparation, which advertisements represent, directly or through implication, that said medicinal preparation is a cure or remedy for malaria or will prevent the development of malaria in the human body or is an effective treatment for all types of malaria; or that said preparation will restore the normal functioning of the bowels, add red corpuscles to the blood, aid digestion, increase the appetite, restore vigor or vitality; or that said preparation is an effective remedy or cure for constipation, biliousness, liver trouble dyspepsia, backache, headache, nervousness, stomach trouble, chills, fever, ague, third day chills or swamp chills; or that said preparation will prevent or cure colds; or that said preparation is a safe or harmless medicine for use in unsupervised medication of infants, children, adults or elderly people; or that said preparation has been endorsed by nurses, physicians or health officials throughout the southern part of the United States or which represent that nine out of ten people in the southern part of the United States have malaria or that any appreciable percentage of persons residing in the southern part of the United States have malaria; or which represent that the presence of any or all of the following symptoms—laziness, lack of energy or pep, aches, trembling, dizziness, headaches or sallow, yellow complexion—is necessarily indicative of malaria or that the presence of said symptoms is anything more than an indication that malaria may be present; or which advertisements fail to reveal that said preparation is not a wholly safe drug to be used by the lay public in self-medication.

*It is further ordered*, That the respondents shall, within ten (10) days after service upon them of this order, file with the Commission an interim report in writing stating whether or not they intend to comply with this order, and if so, setting forth in detail the manner and form in which they intend to comply; and that within sixty (60) days after service upon them of this order, said respondents shall file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2890; Filed, August 7, 1939; 2:41 p. m.]

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[Docket No. 3093]

IN THE MATTER OF VIRGINIA PRODUCTS COMPANY, ET AL.

§ 3.96 (b) (5a) *Using misleading name—Vendor—Products.* Using, in connection with offer, etc., in interstate commerce or in District of Columbia, of corned beef hash, and until such corned beef hash is made from beeves of cattle grown in Virginia, the name Virginia Products Company, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Virginia Products Company, et al., Docket 3093, August 2, 1939]

§ 3.66 (a) *Misbranding or mislabeling—Composition:* § 3.66 (b) *Misbranding or mislabeling—Government or other sanction:* § 3.96 (a) (1) *Using misleading name—Goods—Composition.* Using, in connection with offer, etc., in interstate commerce or in District of Columbia, of corned beef hash, and until such corned beef hash is made from beeves of cattle grown in Virginia, label "Contents 1 Lb. 4 Oz. Old Virginia Brand Corned Beef Hash Ready to Brown. U. S. Inspected and Passed by Department of Agriculture. Packed for Virginia Products Company, Richmond, Va.", prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Virginia Products Company, et al., Docket 3095, August 2, 1939]

§ 3.55 *Furnishing means and instrumentalities of misrepresentation and deception:* § 3.69 (b) (1) *Misrepresenting oneself and goods—Goods—Composition.* Furnishing, in connection with offer, etc., in interstate commerce or in District of Columbia, of corned beef hash, and until such corned beef hash is made from beeves of cattle grown in Virginia, to respondents' customers and prospective customers, stickers or slips designating such corned beef hash as Old Virginia Corned Beef Hash, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Virginia Products Company, et al., Docket 3093, August 2, 1939]

§ 3.69 (b) (1) *Misrepresenting oneself and goods—Goods—Composition:* § 3.96 (a) (1) *Using misleading name—Goods—Composition.* Invoicing, in connection with offer, etc., in interstate commerce or in District of Columbia, of corned beef hash, and until such corned beef hash is made from beeves of cattle grown in Virginia, from Richmond, Virginia, or from any other place in the State of Virginia, such corned beef hash, or using the word "Virginia" in any manner or form as a name for, or as a part of the name for, such corned beef hash, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Virginia Products Company, et al., Docket 3093, August 2, 1939]

§ 3.69 (b) (1) *Misrepresenting oneself and goods—Goods—Composition.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of corned beef hash, and until such corned beef hash is made from beeves of cattle grown in Virginia, orally or by any other means, that such corned beef hash is made from any product originating in the State of Virginia, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Virginia Products Company, et al., Docket 3093, August 2, 1939]

§ 3.96 (b) (5a) *Using misleading name—Vendor—Products.* Using, in connection with offer, etc., in interstate commerce or in District of Columbia, of deviled ham, the name Virginia Products Company, until and unless such deviled ham is made from the ham of hogs grown in the State of Virginia and cured by the Virginia process of curing hams, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Virginia Products Company, et al., Docket 3093, August 2, 1939]

§ 3.55 *Furnishing means and instrumentalities of misrepresentation and deception:* § 3.69 (b) (1) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) (8) *Misrepresenting oneself and goods—Goods—Nature.* Furnishing, in connection with offer, etc., in interstate commerce or in District of Columbia, of deviled ham, to respondents' customers and prospective customers, stickers or slips designating such deviled ham as Old Virginia Deviled Ham, until and unless such deviled ham is made from the ham of hogs grown in Virginia and is cured by the Virginia process, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Virginia Products Company, et al., Docket 3093, August 2, 1939]

§ 3.69 (b) (1) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) (8) *Misrepresenting oneself and goods—Goods—Nature:* § 3.96 (a) (1) *Using misleading name—Goods—Composition:* § 3.96 (a) (4) *Using misleading name—Goods—Nature.* Invoicing, in connection with offer, etc., in interstate commerce or in District of Columbia, of deviled ham, from Richmond, Virginia, or from any other place in the State of Virginia, such deviled ham, or using the word "Virginia" in any manner or form as a name for, or as a part of the name for, such deviled ham, until and unless such deviled ham is made from the ham of hogs grown in Virginia and is cured by the Virginia process, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Virginia Products Company, et al., Docket 3093, August 2, 1939]

§ 3.69 (b) (1) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) (8) *Misrepresenting oneself and goods—Goods—Nature:* § 3.69 (b) (16) *Misrepresenting oneself and goods—Goods—Source or origin—Place.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of deviled ham, orally or by any other means, that such deviled ham is a Virginia product, until and unless such deviled ham is made from the ham of hogs grown in Virginia and is cured by the Virginia process, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Virginia Products Company, et al., Docket 3093, August 2, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF UNITED CORPORATION, A CORPORATION TRADING AS THE VIRGINIA PRODUCTS COMPANY, AND GEORGE M. CRUMP, INDIVIDUALLY AND AS PRESIDENT OF THE UNITED CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before William C. Reeves, and Charles F. Diggs, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by Edward L. Smith, counsel for the Commission, and by Martin F. O'Donoghue, counsel for the respondents, and the Commission having made its findings as to the facts and its conclusions that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents United Corporation, trading as Virginia Products Company, its officers, representatives, agents and employees, and George M. Crump, individually and as president of respondent United Corporation, his representatives, agents, servants and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of corned beef hash in interstate commerce or in the District of Columbia, until such corned beef hash is made from beeves of cattle grown in Virginia, do forthwith cease and desist:

(a) From using the name Virginia Products Company;

(b) From using the following label:

Contents 1 Lb. 4 Oz.
OLD VIRGINIA
BRAND
CORNED
BEEF HASH
Ready to Brown
U. S. Inspected and Passed by
Department of Agriculture
Packed for
VIRGINIA PRODUCTS COMPANY
Richmond, Va.

[1] 2 F.R. 2770.

(c) From furnishing to their customers and prospective customers stickers or slips designating such corned beef hash as Old Virginia Corned Beef Hash;

(d) From invoicing from Richmond, Virginia, or from any other place in the State of Virginia;

(e) From representing orally or by any other means that such corned beef hash is made from any product originating in the State of Virginia;

(f) From using the word "Virginia" in any manner or form as a name for, or as a part of the name for, such corned beef hash.

*And it is further ordered*, That the respondents United Corporation, trading as Virginia Products Company, its officers, representatives, agents and employees, and George M. Crump, individually and as president of respondent United Corporation, his representatives, agents, servants and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of deviled ham in interstate commerce or in the District of Columbia, do forthwith cease and desist:

(a) From using the name Virginia Products Company until and unless such deviled ham is made from the ham of hogs grown in the State of Virginia and cured by the Virginia process of curing hams;

(b) From furnishing to their customers and prospective customers stickers or slips designating such deviled ham as Old Virginia Deviled Ham until and unless such deviled ham is made from the ham of hogs grown in Virginia and is cured by the Virginia process;

(c) From invoicing from Richmond, Virginia, or from any other place in the State of Virginia, until and unless such deviled ham is made from the ham of hogs grown in Virginia and is cured by the Virginia process;

(d) From representing orally or by any other means that such deviled ham is a Virginia product until and unless such deviled ham is made from the ham of hogs grown in Virginia and is cured by the Virginia process;

(e) From using the word "Virginia" in any manner or form as a name for, or as a part of the name for, such deviled ham, until and unless such deviled ham is made from the ham of hogs grown in Virginia and is cured by the Virginia process.

*It is further ordered*, That the respondents shall, within sixty days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2897; Filed, August 8, 1939; 9:30 a. m.]

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[Docket No. 3632]

IN THE MATTER OF LONGWEAR PAINT AND VARNISH WORKS

§ 3.66 (d) *Misbranding or mislabeling—Nature.* Representing, labeling or selling as paint, in connection with offer, etc., in commerce, of paint products or other like articles of merchandise, any product which does not contain the necessary ingredients in quantities sufficient to give it the quality, character or value of paint, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Longwear Paint and Varnish Works, Docket 3632, August 1, 1939]

§ 3.66 (a) *Misbranding or mislabeling—Composition:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (i) *Misbranding or mislabeling—Quality:* § 3.66 (l) *Misbranding or mislabeling—Value.* Using, in connection with offer, etc., in commerce, of paint products or other like articles of merchandise, any analysis on labels, in advertising or in any other way which does not truthfully and accurately state the ingredients contained in said products and the proportion in which each appears, or representing, in any manner, that respondent's paint products have a different quality, character, composition or value from the quality, character, composition or value actually possessed by said products, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Longwear Paint and Varnish Works, Docket 3632, August 1, 1939]

§ 3.66 (k) (3) *Misbranding or mislabeling—Source or origin—Maker:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Maker: Place.* Representing, in connection with offer, etc., in commerce, of paint products or other like articles of merchandise, that respondent's paint products are manufactured at any place other than the actual place of manufacture, or that they are manufactured by any person, corporation or partnership other than that person, corporation or partnership by whom said paint products are actually manufactured, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Longwear Paint and Varnish Works, Docket 3632, August 1, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF SAM BELL, AN INDIVIDUAL DOING BUSINESS UNDER THE NAME AND STYLE OF LONGWEAR PAINT AND VARNISH WORKS

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, in which answer the respondent admitted all the material allegations of the complaint, testimony and other evidence taken before William C. Reeves, an examiner of the Commission, theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed by counsel for the Commission (respondent not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Sam Bell, individually and doing business as Longwear Paint and Varnish Works, or under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of paint products or other like articles of merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, labeling or selling as paint any product which does not contain the necessary ingredients in quantities sufficient to give it the quality, character or value of paint;

2. Using any analysis on labels, in advertising or in any other way which does not truthfully and accurately state the ingredients contained in said products and the proportion in which each appears;

3. Representing, in any manner, that respondent's paint products have a different quality, character, composition or value different from the quality, character, composition or value actually possessed by said products;

4. Representing that respondent's paint products are manufactured at any place other than the actual place of manufacture, or that they are manufactured by any person, corporation or partnership other than that person, corporation or partnership by whom said paint products are actually manufactured.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 39-2898; Filed, August 8, 1939; 9:29 a. m.]

[1] 4 F.R. 1332 DI.

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[Docket No. 3809]

IN THE MATTER OF WEISS BEDDING COMPANY, INC., ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a) *Misbranding or mislabeling—Composition.* Using, in connection with offer, etc., in commerce, of mattresses, term "Cotton Felt", or any other term or terms of similar import and meaning, alone or in conjunction with any other term or terms, to designate, describe or refer to any mattress or part thereof which is not made of cotton fibers garnetted together into a mat or web, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Weiss Bedding Company, Inc., et al., Docket 3809, August 2, 1939]

§ 3.6 (o) *Advertising falsely or misleadingly—Old as new:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.66 (e) *Misbranding or mislabeling—Old, second-hand or reconstructed as new:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties.* Representing, in connection with offer, etc., in commerce, of mattresses, that such mattresses are new or sanitary, unless all materials made a part of such mattresses are new or sanitary, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Weiss Bedding Company, Inc., et al., Docket 3809, August 2, 1939]

§ 3.6 (m 5) *Advertising falsely or misleadingly—Legality or legitimacy:* § 3.66 (c 15) *Misbranding or mislabeling—Legality or legitimacy.* Representing, in connection with offer, etc., in commerce, of mattresses, that such mattresses comply with all state laws, unless and until such mattresses conform with the standards fixed by the laws of all the states of the United States of America, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Weiss Bedding Company, Inc., et al., Docket 3809, August 2, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF WEISS BEDDING COMPANY, INC., A CORPORATION, AND DAN WEISS, JR., AN INDIVIDUAL AND PRESIDENT OF WEISS BEDDING COMPANY, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its finding as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Weiss Bedding Company, Inc., a corporation, its officers, and respondent Dan Weiss, Jr., individually and as an officer of Weiss Bedding Company, their representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of mattresses in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "Cotton Felt" or any other term or terms of similar import and meaning alone or in conjunction with any other term or terms to designate, describe or refer to any mattress or part thereof which is not made of cotton fibers garnetted together into a mat or web;

2. Representing that such mattresses are new or sanitary unless all materials made a part of such mattresses are new or sanitary;

3. Representing that such mattresses comply with all state laws unless and until such mattresses conform with the standards fixed by the laws of all the states of the United States of America.

*It is further ordered*, That the respondents shall, within sixty (60 days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 39-2899; Filed, August 8, 1939; 9:29 a. m.]

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## TITLE 24—HOUSING CREDIT

## UNITED STATES HOUSING

### PART 632—ADVANCE LOAN*

Sec.
632.1 Purpose and amount of advance loan.
632.2 Requisitions to be filed; when.
632.3 Procedure for obtaining advance loan.

§ 632.1 *Purpose and amount of advance loan.* An advance on account of the loan which the United States Housing Authority has agreed in the Loan Contract to make to a Local Authority may be made upon a satisfactory showing of compliance with certain contract stipulations. The purpose of an advance loan generally will be to provide funds which the Local Authority will need for preliminary work and land acquisition before it is in a position to sell its definitive bonds to the USHA under the Loan Contract. Such an advance loan will be made after compliance with the conditions precedent to such an advance under the terms of the Loan Contract. The proceeds of the advance loan may be used only to meet the cost of the following items:

(a) Administrative expenses properly chargeable to preliminary work on the project; while funds may be requisitioned for costs incurred prior to the date of the Loan Contract no part of the funds advanced by the USHA shall be used to pay such costs incurred prior to the date of the Loan Contract or to reimburse any fund out of which such costs may have been paid until the USHA has audited such costs and authorized such payment or reimbursement;

(b) Carrying charges, including only estimated interest on advance loan note up to date of its exchange for definitive bonds;

(c) Architectural and engineering expenses, including fees for preparation of plans, specifications and construction contract documents on site improvements and structures; and other services, including surveys, borings and test pits, blueprinting, models and similar items of architectural and engineering expense;

(d) The cost of land and preliminary land acquisition expenses, including surveys and maps, appraisal fees, title examination, cost of taking options, legal expenses and fees in connection with land acquisition, and the costs of demolition and clearance.

§ 632.2 *Requisitions to be filed; when.* Where a statutory project includes two or more projects, requisitions for funds shall be made to cover the needs of the statutory project and shall be supported by a separate Certificate of Purposes for each project.[1] The frequency with which requisitions are submitted will be governed by the anticipated needs for funds. In estimating the amount to be requisitioned for future expenditure, the local housing authority should, of course, give due regard to the desirability of keeping within a reasonable limit the interest costs on the funds advanced. However, the amount requisitioned should be sufficient, at least, to meet requirements during the following two months; therefore, without prior approval by the USHA, requisitions shall not be submitted more often than once every two months.

§ 632.3 *Procedure for obtaining advance loan.* The procedure for obtaining this advance loan will be as follows:

(a) Advance Loan Requisition Forms will be furnished to the Local Authority when the Loan and Annual Contributions Contracts are forwarded for execution and the first advance loan requisition may be submitted to the USHA at any time thereafter. Payment upon such requisition cannot be made until after the Contracts have been finally executed by the USHA. These forms will contain the necessary documents which must be completed and submitted by the Local Authority, including a Certificate of Purposes setting forth in detail the purposes for which such advance loan will be used. The USHA will also furnish to the Local Authority an Advance Loan Transcript containing suggested proceedings for the authorization by the Local Authority of its note or notes to be issued to evidence the advance loan. The USHA Project Advisers will assist the Local Authority in the completion of these forms and the other action necessary to obtain an advance loan.

(b) The note or notes should then be authorized by the Local Authority and, thereafter, it should promptly submit to the USHA three certified copies of the record of proceedings of the Local Authority relating to such authorization, accompanied by the completed Advance Loan Requisition Forms. The USHA will examine the record of proceedings in order to determine whether the note or notes have been legally authorized. It will also examine the Advance Loan Requisition Forms to determine whether the documents are in satisfactory form.

(c) The USHA will prepare an Authorization of Release of Payment if it is satisfied that the note or notes have been legally authorized and that the Advance Loan Requisition Forms are properly completed. This Authorization of Release of Payment will be forwarded to the Federal Reserve Bank in the district in which the Local Authority is located. A copy of the Authorization will also be forwarded to the Local Authority, together with a letter of instructions as to the documents which must be submitted by the Local Authority to the Federal Reserve Bank. The Federal Reserve Bank will communicate with the Local Authority and arrange a satisfactory date for the closing of the advance loan. The closing will take place at the office of the Federal Reserve Bank.

(d) The Local Authority will deliver to the Federal Reserve Bank the executed note or notes, together with signed and dated copies of the other required documents (as explained in the letter of instructions from the USHA), on the date set for closing the advance loan. Such note or notes will be in the principal amount of the advance loan approved. If the note or notes and the accompanying closing documents are submitted in proper form, the Federal Reserve Bank will deliver to the Local Authority a check drawn upon the Treasury of the United States in the principal amount of the note or notes delivered.

(e) The Local Authority will deposit the check received by it in payment for the note or notes in a separate account designated "Development Fund" in a bank which is satisfactory to the USHA. The Local Authority will withdraw funds from said account only to pay such costs and fees as were set forth in the Certificate of Purposes as finally approved in connection with its advance loan requisition.

(f) A Federal Reserve Bank will hold for the account of the USHA the note or notes delivered by the Local Authority until such time as the Local Authority is prepared to deliver definitive bonds. When the definitive bonds are ready for delivery, the USHA will, upon request by the Local Authority, authorize the Federal Reserve Bank to exchange said note or notes for an aggregate principal amount of definitive bonds equal to the principal amount of the note or notes. At the time of this exchange, the Local Authority will pay to the Federal Reserve Bank the interest due on the advance loan note or notes out of the proceeds originally received from the sale of the note or notes.

[SEAL] NATHAN STRAUS, *Administrator*.

JULY 31, 1939.

[F. R. Doc. 39-2896; Filed, August 8, 1939; 9:23 a. m.]

*Sections 632.1 to 632.3 issued under the authority contained in Sec. 8, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408.

[1] The term "project" means that portion of a public housing agency's low-rent housing undertaking to which the USHA has assigned a separate project number. Ordinarily this will mean a development on one site. Each project will, in general, also have a name or geographic designation chosen by the local authority.

The term "statutory project" means a project or group of projects covered by one loan or annual contributions contract.

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### WAR DEPARTMENT

### CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

### PART 203—BRIDGE REGULATIONS[1]

§ 203.760 *Columbia River and tributaries (excepting Clearwater River) above Celilo Falls; Bridges.* (a) The owner of, or agency controlling, any drawbridge will not be required to keep a draw tender in constant attendance.

(b) Whenever a vessel unable to pass under any closed bridge desires to pass through the draw, at least 12 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of, or agency controlling, the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner of, or agency controlling, the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of, or agency controlling, each bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in a manner that it can be easily read at any time a copy of these regulations, together with a notice stating exactly how the representative stated in paragraph (b) may be reached. A list giving the name, address, and telephone number of the representative now in charge of the operation of each existing drawbridge follows:

(1) Railway bridge across Columbia River immediately below mouth of Snake River: Notify the Dispatcher, Union Pacific Railroad Company, Spokane, Washington. (Phone Main 4121.)

(2) Railway drawbridge across Columbia River between Pasco and Kennewick: Notify A. M. Partch, Assistant Supervisor, Northern Pacific Railway, Pasco, Washington. (Telephone Northern Pacific.)

(3) Drawbridge across Snake River at Ainsworth: Notify A. M. Partch, Assistant Supervisor, Northern Pacific Railway, Pasco, Washington. (Telephone Northern Pacific.)

(4) Drawbridge across Snake River at Riparia: Notify the Dispatcher, Union Pacific Railroad Company, Spokane, Washington. (Phone Main 4121.)

(5) Drawbridge across Snake River at Lewiston: Notify City Engineer, or Fire Department, City of Lewiston, Idaho. (Phone Lewiston 434.)

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) In pursuance of the provisions of paragraph (c), the railway drawbridge across the Columbia River immediately below the mouth of the Snake River, the railway drawbridge across the Columbia River between Pasco and Kennewick, Washington; and the drawbridges across the Snake River at Ainsworth and Riparia, Washington, and Lewiston, Idaho, shall open for the passage of vessels or other water craft upon the following signals, which signals shall be sounded when 20 minutes run from the bridge:

(1) *Railway drawbridge immediately below mouth of the Snake River.* One long, one short, and two long blasts.

(2) *Railway drawbridge between Pasco and Kennewick.* One long, one short, and one long blast.

(3) *Drawbridge across Snake River.* One long, one short, and three long blasts.

*Provided, however,* That railroad drawbridges may be held closed for the passage of any mail or passenger train which is expected to arrive within 30 minutes after giving the signal for opening and then shall be immediately opened for the passage of the boat.

In case the draw is being held closed for a train or cannot be immediately opened when the signal from an approaching vessel is given, a red flag by day shall be conspicuously displayed above the superstructure, and a red light shall be conspicuously waved at night.

(g) These regulations shall take effect and be in force on and after June 15, 1938. Previously authorized regulations are hereby revoked to take effect on that date.

(h) List of authorized representatives of bridge owners who should be notified of prospective passage of vessels (see paragraph (d)). (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Regs., June 7, 1938 (E. D. 6374 (Columbia River-Tributaries) 2/1)]

### PART 206—FISHING AND HUNTING REGULATIONS[2]

§ 206.50 *Chesapeake Bay, Md. and Va., and its tributary waters; fishing.* Until further notice, all fishermen who desire to operate in Chesapeake Bay, Maryland and Virginia, and navigable tributaries thereto, are hereby authorized by the Secretary of War to construct and maintain fishing structures erected in the usual manner as heretofore, subject to the following regulations.

(a) *Supervision.* General supervision of the location, construction and manner of maintenance of all fishing structures shall be exercised by the U. S. District Engineer in charge of the locality in which the structure is placed. The term "fishing structure" shall include lines of fish-net stakes, leads, traps, pounds, gill nets, heads, hedging, stands, and similar appurtenances.

(b) *Limits.* The approved limits of the areas within which fishing structures may be placed are shown on maps entitled "Limits for Placing Fish-net Stakes" which form a part of these regulations. These maps may be examined in the offices of the respective U. S. District Engineers. Regular aids to navigation are used where possible to mark the limits of the areas, and special fish stake buoys have been established where additional markers are necessary. These fish stake buoys are marked as follows:

For the Baltimore District, $B_1$, $B_2$, $B_3$, $B_4$, etc.

For the Washington District, $W_1$, $W_2$, $W_3$, $W_4$, etc.

For the Norfolk District, $H_1$, $H_2$, $H_3$, $H_4$, etc.

(c) *Restrictions.* (1) The approach to the mouth of any tributary or to the mouth of any navigable branch of any tributary shall be left free and unobstructed by fishing structures. Where limiting lines are not shown on the respective maps, the free and unobstructed approach shall lie along the channel usually followed by boats and shall have a width of not less than one-third of the width of the mouth of the tributary or branch.

(2) Within the tributaries where limiting lines are not shown on maps a practicable channel in deep water shall be left free and unobstructed for use of boats.

(3) No fish-net stakes shall be placed within 200 feet of any shore (mean low water) line or within 500 feet of any buoy or other aid to navigation (fish stake buoys excepted) placed or maintained by the Bureau of Lighthouses.

(4) Nothing in these regulations shall supersede the regulations heretofore prescribed by the Secretary of War for firing ranges at Fort Monroe, Va., U. S. Marine Barracks, Quantico, Va., Fort Belvoir, Va., U. S. Naval Proving Ground, Dahlgren, Va., and the Aberdeen Proving Grounds, Md. (See Part 204.) Copies of these regulations can be secured from the U. S. District Engineer in charge of the locality in question or from the Commanding Officer of the establishment concerned.

(d) *Requirements.* (1) No single fishing structure shall have a total length greater than 1,000 feet, except in waters on the Eastern Shore south of the entrance to Eastern Bay, where the allowable lengths of single structures shall be not more than 1,800 feet. Between successive fishing structures in the same row, clear and unobstructed intervals of at least 200 feet shall be maintained, and adjoining rows of fishing structures shall be at least 200 feet apart. In addition a clear passageway at least 200 feet wide shall be maintained, reaching from all regular navigable channels to all established boat landings. All stakes shall project not less than 4 feet above the surface of the water at all stages of the tide. Any stake not complying with this condition shall be withdrawn.

(2) The inner and outer end of each fishing structure shall be marked plainly by a bush or other suitable and readily discernible day mark.

(3) The name and address of the owner of each fishing structure shall be displayed in black letters not less than 2 inches in height, upon a white background, from a stake at the outer end of the structure, at such height and in such position that it may be easily read. In lieu thereof the State license number may be displayed as indicated above. In either case the identification mark must be displayed from the setting of the first stake until removal of the last one.

(4) Fishing structures shall be lighted between sunset and sunrise, by and at the expense of the permittee, for the safety of navigation. A light shall be displayed at each end of the structure. The outer light shall be white and the inner light shall be red. The lights shall have a capacity to burn for at least 8 days unattended, and be visible in clear weather at least 1 mile. The lights shall be securely placed on piles or stakes at an elevation of at least 8 feet above mean low water and be visible from all points of the compass. They shall be subject to inspection and approval of the said District Engineer before use, and at any time during use; and the owner shall make provision, by watchman or otherwise, for their proper attendance, so that they shall be in effective condition and properly lighted at all times between sunset and sunrise. In case of removal of the fishing structure, lights as prescribed above shall be maintained until the removal of the last pile or stake.

There shall be installed and maintained on the structure, by and at the expense of the owner, such additional lights and signals, if any, as may be prescribed by the Bureau of Lighthouses, Department of Commerce. (See 33 CFR Chapter IV)

(5) The owner of a fishing structure shall be responsible for the construction and repair thereof and for maintaining such lights and markers as required in these regulations. The structure shall be considered as abandoned at such time, as any or all, of these requirements are not fully complied with and the owner shall promptly remove all stakes from an abandoned structure or be subject to prosecution. Abandoned fishing structures may be summarily removed by the U. S. District Engineer charged with the general supervision of the locality.

(e) *General restrictions.* (1) Nothing herein provided shall be interpreted as setting aside exclusively for fisheries any area of navigable water.

(2) It is to be understood that these regulations do not give any property rights either in real estate or material, or any exclusive privileges and do not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, or local laws or regulations, nor do they obviate the necessity of obtaining State assent to the work authorized.

(3) If at any time in the future it shall be made apparent to the Secretary of War that any fishing structure herein authorized causes unreasonable obstruction to the free navigation of said waters, the owner will be required, upon due notice from the Secretary of War, to remove or alter the same so as to render navigation through said water reasonably free, easy, and unobstructed.

(f) That the United States shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

These regulations shall take effect and be in force on and after June 28, 1938, and shall supersede all previously approved regulations for fishing structures in Chesapeake Bay and its tributary waters. (Secs. 10, 12, River and Harbor Act, Mar. 3, 1899, 30 Stat. 1151; 33 U.S.C. 403, 406) [Regs., June 28, 1938 (E.D. 7221 (Chesapeake Bay) 97/5)]

NOTE: Chesapeake Bay Engineer Districts. Baltimore District, in charge of the U. S. District Engineer, 332 Post Office Building, Baltimore, Maryland: The north shore, the east shore, and the west shore south to Cove Point, and tributaries within those limits.

Washington District, in charge of the U. S. District Engineer, Room 1068 Navy Building, Washington, D. C.: The west shore from Cove Point south to York Point, Virginia, and the tributaries within those limits.

Norfolk District, in charge of the U. S. District Engineer, 415 U. S. Post Office and Court House, Norfolk, Virginia: The shores and tributaries of the bay on the west shore south of York Point, Virginia.

NOTE: Copies of Maps. Supplemental maps of the fishing limits, showing the limits of certain areas in more detail and on a larger scale, may be obtained by addressing the U. S. District Engineer in charge of the locality. A charge of 25 cents is made for each sheet, to cover the actual cost of the print. Payment for maps requested should accompany the application, preferably in a postal money order.

§ 206.90 *Coastal waters of Oregon and Washington and the navigable waters tributary thereto, including Columbia River, Oreg., Wash. and Idaho, and all its navigable tributaries; fishing.* Until further notice all weir, trap and pound fishermen who desire to operate in the coastal waters of the States of Oregon and Washington (In the State of Washington the operation of fish traps for the capture of salmon became illegal by law on and after December 3, 1934. Federal permits will not be issued in violation of State law.) and in the navigable waters tributary thereto, including the Columbia River, Oregon, Washington, and Idaho, and all its navigable tributaries, and under conditions stated as follows, but not otherwise, whose written applications may receive the approval of the Engineer Officer of the United States Army in charge of the locality, are hereby authorized by the Secretary of War to construct and maintain weirs, traps, and pounds erected in the usual manner as heretofore, subject to the following conditions:

*Conditions.* (a) All person desiring to erect and maintain weirs, traps, or pounds, under this authority, shall make application to the engineer Officer of the United States Army in charge of the locality, giving their names, addresses, and locations for weirs, traps or pounds, and evidence that proper licenses have been granted by State authorities. They shall also report to him all changes of ownership or abandonment of any location. Blueprints of sections of these waterways upon which to indicate desired locations for weirs, traps, and pounds may be purchased at the office of the Engineer Officer in charge of the locality.

(b) That all the apparatus to be used and the work herein authorized to be done shall be subject to the supervision and approval of the local Engineer Officer.

(c) That no weir, trap, or pound shall be located or built in such place or manner as to obstruct or interfere with navigation or to be injurious to the regimen of the river.

(d) The weir, trap, or pound shall be lighted between sunset and sunrise, by and at the expense of the permittee, for the safety of navigation. A light shall be placed at each end of the structure, excepting where the inner end terminates in such a manner that there is no practicable navigation between it and the high-water line of the adjacent shore, in which case no inner light shall be displayed. The outer light shall be white, and the inner light shall be red. The size, capacity, and manner of maintenance of the lights shall be such as may be specified in the War Department permit authorizing the erection of the structure or appliance.

There shall also be installed and maintained on the weir, trap, or pound, by and at the expense of the permittees, such additional lights and signals, as may be prescribed by the Bureau of Lighthouses, Department of Commerce (see 33 CFR Chapter IV), and provision shall be made for proper attendance of all lights and signals, by watchman, or otherwise, so that they shall at all times be in effective condition.

[1] These regulations are supplementary to Title 33, Chapter II, Part 203, Code of Federal Regulations.

[2] These regulations are supplementary to Title 33, Chapter II, Part 206, Code of Federal Regulations.

(e) That on the outer end of the weir, trap, or pound, the permittee or owner shall maintain a sign inscribed "U. S. (No. —)", with letters and numerals not less than 2 inches in height, capable of being readily read from a boat or vessel, and failure to keep such sign conspicuously displayed shall be sufficient reason for the cancellation of this authority and for prosecution, as provided in paragraph (f).

(f) That upon ceasing to use any weir, trap, or pound as hereby authorized, the structure, including all stakes, shall be at once removed by the owner, and failure to so remove the same shall be considered good ground for prosecution of the owner under the provisions of Section 12 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 406). Any weir, trap, or pound allowed to go into a condition of disrepair so that it cannot be readily seen and on which the permit number is not conspicuously displayed will be regarded as abandoned, and if not promptly removed or rebuilt will subject the owner to prosecution.

(g) That if future operations by the United States require an alteration in the position of the weir, trap, or pound, or if, in the opinion of the Secretary of War, said weir, trap, or pound shall cause unreasonable obstruction to the free navigation of the said waters, the permittee will be required, upon due notice from the Secretary of War and within 30 days thereafter, to remove or alter said weir, trap, or pound, or obstructions caused thereby, without expense to the United States, so as to render navigation reasonably free, easy, and unobstructed. No claim shall be made against the United States on account of such removals or alterations.

(h) That the United States shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

(i) This authority is revocable at will by the Secretary of War and shall expire on (as may be specified by the Engineer Officer not exceeding a period of 5 years).

(j) That it is to be understood that this authority does not give any property rights or any exclusive privilege, and that it does not authorize any injury to private property or invasion of private rights, or any infringement of State laws or regulations, nor does it obviate the necessity of obtaining State assent to the work authorized as it merely expresses the assent of the Federal Government so far as concerns the public rights of navigation. (See Cummings v. Chicago, 188 U. S. 410).

(k) These regulations shall take effect and be in force on and after June 7, 1938, and the following regulations are superseded to take effect on that date. (Sec. 10, River and Harbor Act, Mar. 3, 1899, 30 Stat. 1151; 33 U.S.C. 403) [Regs., June 7, 1938 (E.D. 7221 (Columbia River—tributaries) 6)]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-2891; Filed, August 8, 1939; 9:21 a. m.]

## TITLE 47—TELECOMMUNICATION

### FEDERAL COMMUNICATIONS COMMISSION

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

*Correction*

Attention is directed to the following error in Section 9.73, paragraph (f), page 3381 of the Thursday, July 20, 1939, issue of the FEDERAL REGISTER:

The footnote number immediately following the frequency "142,620" should refer to footnote 17.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2904; Filed, August 8, 1939; 12:31 p. m.]

## *Notices*

### CIVIL AERONAUTICS AUTHORITY.

[Docket Nos. 156, 289]

IN THE MATTER OF THE APPLICATIONS OF LAMOTTE T. COHU AND TRANSCONTINENTAL & WESTERN AIR, INC. FOR APPROVAL OF INTERLOCKING RELATIONSHIPS UNDER SECTION 409 (A) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 18, 1939, 10 o'clock a. m. (Eastern Standard Time) in Room 1851, Department of Commerce Building, Washington, D. C., before an Examiner.

Dated Washington, D. C., August 7, 1939.

By the Authority.

ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-2901; Filed, August 8, 1939; 10:35 a. m.]

[Docket No. 234]

IN THE MATTER OF THE APPLICATION OF C. COBURN DARLING AND CANADIAN COLONIAL AIRWAYS, INC. FOR APPROVAL OF INTERLOCKING RELATIONSHIPS UNDER SECTION 409 (A) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 7, 1939, 10 o'clock a. m. (Eastern Standard Time) in Room 1851, Department of Commerce Building, Washington, D. C., before an Examiner.

Dated Washington, D. C., August 7, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-2900; Filed, August 8, 1939; 10:35 a. m.]

### FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 3763]

IN RE APPLICATION OF THE SOUTH BEND TRIBUNE (WSBT)

*Dated, December 5, 1935; for construction permit; class of service, broadcast; class of station, broadcast; location, South Bend, Ind.; operating assignment specified: Frequency, 930 kc directional antenna; Power, 500 w night; 500 w day; Hours of operation, Unlimited*

[File No. B4-P-900]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the interests of any other stations may be adversely affected by reason of interference, particularly Stations WELI, WDBJ, WBRC, KMA and WAAF, as well as the Canadian Stations CFCH, CFCL and CKPC.

2. To determine whether or not the operation of Station WSBT, as proposed, will be in accord with the Commission's plan of allocation, and standards of good engineering practice.

3. Because of the pendency of another application with which conflict may be had by reasons of interference, i. e., KMAC (B3-P-2309).

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

South Bend Tribune
Radio Station WSBT,
225 West Colfax Ave.,
South Bend, Ind.



Dated at Washington, D. C., August 7, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2907; Filed, August 8, 1939; 1:00 p. m.]

[Docket No. 5330]

IN RE APPLICATION THE GAZETTE COMPANY (NEW)

*Dated, November 4, 1938, for construction permit; class of service, broadcast; class of station, broadcast; location, Cedar Rapids, Iowa; operating assignment specified: Frequency, 1420 kc; Power 100 w night, 100 w day; Hours of operation, Unlimited*

[File No. B4-P-2283]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the interests of Stations KATE and KSO may be adversely affected by reason of interference;

2. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., Tri-City Broadcasting Company (WOC), Davenport, Iowa, (B4-P-2288); and

3. To determine whether the site at which the applicant proposes to construct and operate the station will be satisfactory.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The Gazette Company, 500 Third Ave., Southeast, Cedar Rapids, Iowa.

Dated at Washington, D. C., August 7, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2908; Filed, August 8, 1939; 1:00 p. m.]



[Docket No. 5426]

IN RE APPLICATION OF PRESQUE ISLE BROADCASTING CO. (NEW)

*Dated, September 14, 1938, for construction permit; class of service, broadcast; class of station, broadcast; location, Erie, Pa.; operating assignment specified: Frequency, 1500 kc.; power, 100 w night; 250 w day; hours of operation, unlimited.*

[File No. B2-P-2251]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for further hearing on the following issues:

1. To determine the citizenship of the officers, directors and stockholders of the applicant corporation.

2. To determine whether or not any person, firm or corporation, other than the Presque Isle Broadcasting Company, has any interest, either direct or indirect, in this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Presque Isle Broadcasting Co., 705 Ariel Building, Erie, Pennsylvania.

Dated at Washington, D. C., August 7, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2906; Filed, August 8, 1939; 1:00 p. m.]

### RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 380]

AMENDMENT OF ALLOCATIONS OF FUNDS FOR LOANS

AUGUST 7, 1939.

I hereby amend Administrative Order No. 343, dated May 11, 1939, by rescinding the allocation of $2,500 therein made for Alabama R9020W1 Baldwin.

I hereby amend Administrative Order No. 232, dated April 1, 1938, by reducing the allocation of $22,037 therein made for Delaware 8002W1 Sussex by $17,037 so that the reduced allocation shall be $5,000.

I hereby amend Administrative Order No. 107, dated June 10, 1937, by reducing the allocation of $16,375 therein made for Georgia 34W Carroll by $10,000 so that the reduced allocation shall be $6,375.

I hereby amend Administrative Order No. 134, dated September 8, 1937 by rescinding the remaining $10,000 of a $30,000 allocation therein made for Illinois 8026W Iroquois, the unexpended $20,000 balance having been rescinded by Administrative Order No. 230, dated March 31, 1938.

I hereby amend Administrative Order No. 131, dated August 31, 1937, by rescinding the allocation of $3,000 therein made for Indiana 8006W Boone.

I hereby amend Administrative Order No. 107, dated June 10, 1937, by rescinding the allocation of $40,000 therein made for Kentucky 14W Henderson.

I hereby amend Administrative Order No. 90, dated April 30, 1937, by reducing the allocation of $20,000 therein made for Missouri 27W Andrew by $10,000 so that the reduced allocation shall be $10,000.

ROBERT B. CRAIG,
*Acting Administrator.*

[F. R. Doc. 39-2895; Filed, August 8, 1939; 9:23 a. m.]

### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of August, A. D. 1939.

[File No. 54-15]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935; an application pursuant to Section 11 (g) and Rule U-12E-4 of the Act; a declaration pursuant to Section 7 of the Act; and a declaration pursuant to Rule U-12E-5 of the Act having been filed with this Commission by the above named party;

*It is ordered*, That a hearing on such matter be held on September 6, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if

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in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 1, 1939.

The matter concerned herewith is in regard to an application pursuant to Section 11 (e) of the Public Utility Holding Company Act with regard to a plan of recapitalization providing—

(1) For the exchange of the 68,962 outstanding shares of First Preferred Stock, $6 Dividend Series, together with all accumulated and unpaid dividends thereon (amounting to $46.50 per share as of July 31, 1939) and the 10,000 outstanding shares of common stock for 362,810 shares of new common stock, with a par value of $10 per share, at the rate of 5 shares of new common stock for each share of present preferred stock outstanding and 1⅘ shares of new common stock for each share of present common stock outstanding;

(2) For the amendment of the Assignments and Agreements, outstanding in the face amount of $370,523.84, in order to permit them to be redeemed by the applicant, in whole or in part, at the rate of $100 for each $95 of their face amount in lieu of the present right of the applicant to fund such Assignments and Agreements into preferred stock;

(3) For the write-off of excess carrying value of investments in subsidiaries, unamortized debt discount and expenses and cost of preferred stock financing;

(4) For the consummation of such plan either through the use of the existing company by the amendment of its charter, or through the organization of a new corporation;

(5) For the application by the Commission to a federal court in accordance with the provisions of Section 11 (e) and Section 18 (f) to enforce and carry out the terms and provisions of the plan;

The application under Section 11 (e) and the plan itself provide that such plan shall not be consummated until such plan and the action of the Board of Directors in filing such plan with the Commission shall have been submitted to and approved by the holders of at least two-thirds of the outstanding First Preferred Stock and by at least a majority of the outstanding common stock and shall have been approved by a federal court which shall have entered an appropriate final decree as contemplated and provided in Section 11 (e);

The matter concerned herewith is also in regard to an application for a report on the proposed plan of recapitalization, filed under Section 11 (e) and as summarized above, under Section 11 (g) and Rule U–12E–4 of the Act;

The matter concerned herewith is also in regard to a declaration filed under Rule U–12E–5 with regard to solicitation, in accordance with Rule U–12E–3 (d), from common and First Preferred Stockholders of consents to or dissents from the plan of recapitalization filed under Section 11 (e) and as summarized above;

The matter concerned herewith is also in regard to a declaration pursuant to Section 7 with regard to the issue and sale of the securities as provided in the plan of recapitalization filed under Section 11 (e) and as summarized above.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2902; Filed, August 8, 1939; 10:59 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 7th day of August, A. D. 1939.

IN THE MATTER OF APPLICATION BY NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC., FOR REGISTRATION AS A NATIONAL SECURITIES ASSOCIATION

ORDER GRANTING APPLICATION FOR REGISTRATION AS A NATIONAL SECURITIES ASSOCIATION

The National Association of Securities Dealers, Inc., having made application to the Commission for registration as a national securities association pursuant to Section 15 A (a) of the Securities Exchange Act of 1934, as amended; and

A hearing having been held in this matter after appropriate notice[1] and the record therein having been duly considered; the rules of the association having been examined; and the Commission having made and filed its findings and opinion herein;

*It is ordered*, That the application of the National Association of Securities Dealers, Inc. for registration as a national securities association be and the same hereby is granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2903; Filed, August 8, 1939; 11:34 a. m.]

[1] 4 F.R. 3405 DI.

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THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

1934

VOLUME 4 NUMBER 153

*Washington, Thursday, August 10, 1939*

## *The President*

### EXECUTIVE ORDER

DESIGNATING THE SECRETARY OF AGRICULTURE AS THE OFFICER TO EXERCISE THE RIGHTS OF THE UNITED STATES ARISING OUT OF THE OWNERSHIP OF THE CAPITAL STOCK OF THE COMMODITY CREDIT CORPORATION

By virtue of the authority vested in me by section 3 of the act of March 8, 1938, 52 Stat. 107, I hereby designate the Secretary of Agriculture as the officer to exercise on behalf of the United States any and all rights of the United States arising out of the ownership of the capital stock of the Commodity Credit Corporation.

This order supersedes the second paragraph of Executive Order No. 7848 of March 22, 1938,[1] authorizing and directing the Secretary of the Treasury to exercise on behalf of the United States any and all rights accruing to the holder of such capital stock.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Aug. 7, 1939.*

[No. 8219]

[F. R. Doc. 39–2910; Filed, August 8, 1939; 3:18 p. m.]

[1] 3 F.R. 739 DI.

### EXECUTIVE ORDER

POWER-SITE RESTORATION No. 491

PARTIAL REVOCATION OF CERTAIN EXECUTIVE ORDERS CREATING TEMPORARY POWER-SITE WITHDRAWALS AND POWER-SITE RESERVES

*Oregon*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is hereby ordered as follows:

1. The Executive order of December 30, 1909, withdrawing lands for Temporary Power-Site Withdrawal No. 66, and the Executive order of July 2, 1910, withdrawing lands for Power-Site Reserve No. 66, are hereby revoked as to the following-described lands:

WILLAMETTE MERIDIAN

T. 9 S., R. 13 E., sec. 21, SE¼NW¼NW¼.

2. The Executive order of December 30, 1909, withdrawing lands for Temporary Power-Site Withdrawal No. 95, and the Executive Order of July 2, 1910, withdrawing lands for Power-Site Reserve No. 95, are hereby revoked as to the following-described lands:

WILLAMETTE MERIDIAN

T. 17 S., R. 4 E., sec. 6, lot 1.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 7, 1939.*

[No. 8220]

[F. R. Doc. 39–2909; Filed, August 8, 1939; 3:18 p. m.]

## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### COMMODITY CREDIT CORPORATION

[1938–39 Cotton Circular Letter No. 8]

PART 203—1938–39 COTTON LOANS

§ 203.13 *Time and manner of loans and purchase.* As announced in press release dated June 5, 1939, banks and other lending agencies may carry producers' notes on 1938–39 C.C.C. Cotton Form A after July 30, 1939, by executing and furnishing to each Loan Agency of the Reconstruction Finance Corporation holding such notes for the lending agency, Supplemental Contract to Purchase (1938–39 C.C.C. Cotton Form J), copies of which may be obtained from the Loan Agencies.

Under the terms of the Supplemental Contract to Purchase the Corporation will purchase the notes subsequent to July 31, 1939, upon request of the bank or lending agency, paying therefor the face amount of the note plus interest at the rate of 2½ percent per annum from September 11, 1938, or the date of the note, whichever is later, through July 30,

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FEDERAL REGISTER

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1939, and interest thereafter at the rate of 1 percent per annum to the date of purchase.

Provision has also been made whereby banks or lending agencies may transfer their investment in notes, carried under the provision of the Supplemental Contract to Purchase, as provided in the Letter of Authorization (1938–39 C.C.C. Cotton Form K), copies of which will also be furnished upon request by the Loan Agencies.

Prior to execution of the Supplemental Contract to Purchase lending agencies can continue to transfer notes by use of the Notice of Assignment as provided in 1938–39 Cotton Circular Letter No. 7, but the assignee named in such notice of assignment must execute the Supplemental Contract to Purchase in order to continue their investment after July 30, 1939.

Schedules listing notes covered by the Letter of Authorization must identify the notes by date, name of producer, face amount of the note and number of bales pledged and each page of such schedule must be identified by signature of the lending agency.

The extension of the time for purchase of notes from lending agencies does not affect the provisions of the Contract to Purchase (1938–39 C.C.C. Cotton Form D) requiring tender of notes prior to July 1, 1939. The notes must be tendered prior to July 1, 1939, and will be held by the Federal Reserve Banks, Custodian for the Reconstruction Finance Corporation for the account of lending agencies completing the Supplemental Contract to Purchase.

[SEAL] G. E. RATHELL,
*Treasurer.*

Adopted June 15, 1939.

[F. R. Doc. 39–2915; Filed, August 9, 1939; 9:18 a. m.]

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[1938 Corn Circular Letter No. 4, 1938–39 Corn Circular Letter No. 3 (Supplemental Instructions)]

ADOPTING § 205.13A AND § 206.19 FOR PARTS 205, 1938 CORN LOANS, AND 206, 1938–39 CORN LOANS, RESPECTIVELY

1. Under the 1938 and 1938–39 corn loan programs, the corn producers' notes mature August 1, 1939. No deliveries of corn will be accepted by Commodity Credit Corporation in liquidation of notes prior to September 1, 1939, except in those instances where the notes are called under the terms of the mortgages.

2. Arrangements have been made for the resealing of corn collateral and the extension or renewal of the notes in those instances where the corn collateral and storage structures are found to be in good condition, except for ear corn produced in 1937. However, ear corn produced in 1937 may be shelled and resealed in farm storage. Producers may also shell and deliver corn of any crop year (1937 or 1938) to warehouses approved by Commodity Credit Corporation and obtain a renewal of the loans thereof. To be eligible for a loan extension or renewal, the corn collateral must grade No. 3 or better and contain not more than 13½% moisture when stored as shelled corn and 15½% moisture when stored as ear corn. The extension and renewal program applies only to corn now under loan.

3. Each producer interested in obtaining an extension or renewal of his loan should communicate with the County Agricultural Conservation Committee for an inspection of the corn collateral and storage structures. Any extension requests for corn stored in the state of Illinois must be transmitted for acceptance prior to November 1, 1939; otherwise, it will be necessary for the producers to submit a renewal note secured by a new chattel mortgage.

4. In those instances where the corn collateral is already shelled or is to be resealed as ear corn in farm storage, the producer must submit a corn storage agreement on 1938–39 C.C.C. Corn Form A–2. Producers desiring to shell ear corn collateral and to mortgage the shelled corn in substitution therefor must execute renewal notes on 1938–39 C.C.C. Corn Form A–3, secured by chattel mortgage on 1938–39 C.C.C. Corn Form A–4. Producers desiring to store shelled corn in approved public warehouses must execute new notes and loan agreements on 1938–39 C.C.C. Corn Form A–5. All agreements and new loan documents covering 1937 corn must be submitted to the Chicago Loan Agency; and agreements and new documents covering 1938 corn shall be submitted to the Loan Agency serving the area as stated in the Instructions of Commodity Credit Corporation (1938–39 C.C.C. Corn Form 1). Commodity Credit Corporation will pay producers resealing corn in farm storage 7 cents per bushel for storing the corn until August 1, 1940, or the date of delivery of the corn, whichever is later. Such payment is conditioned upon the producer delivering the full quantity of corn resealed grading No. 3 or better. At the request of producers, the storage charge will be advanced at the time of resealing farm stored corn for the sole purpose of enabling the producer to acquire or construct additional facilities for the farm storage of corn. If such an advance is used for any other purpose, the producer will be liable for the full amount advanced and owing on the corn plus interest and charges.

5. The corn storage agreements and new notes and chattel mortgages or loan agreements must be properly completed. All liens listed in Section 12 of the new chattel mortgage and Section 8 of the loan agreement must be waived. Such liens may be waived on the new chattel mortgage or the loan agreement or listed and waived on corn lien waiver (1938–39 C.C.C. Corn Form AB) which may be attached thereto. If the producer is a tenant, the consent for storage must be signed on all forms if the lease expires prior to October 1, 1940. The requirements for completing and filing for record of new chattel mortgages are the same as set forth in the Instructions (1938–39 C.C.C. Corn Form 1).



6. In the event the quantity of corn resealed is less than the quantity covered by the original mortgage, the storage agreement or new note and mortgage or loan agreement must be accompanied by funds for the deficiency, as determined in accordance with Section 7 hereof. New loan documents will not be accepted by Commodity Credit Corporation until settlement is made of such deficiencies.

7. After September 1, 1939, notes may be liquidated by the delivery of the corn collateral. Such delivery must be made under the instructions of the county committee. Producers may deliver part of the corn collateral and reseal the remainder as ear corn, except corn produced in 1937, or shell and reseal in farm storage as shelled corn or store shelled corn collateral in approved warehouses. *Under no conditions will producers be permitted to purchase all or any part of the corn collateral for less than the loan value plus interest and other charges.* Producers must settle for any deficiencies in the quantity of corn delivered or resealed or for deliveries of corn grading less than No. 3. Any *shortage in quantity* must be settled for on the basis of loan value plus interest and charges on the assumption that the full quantity of corn described in the original chattel mortgage was not sealed at the time such chattel mortgage was executed, provided, that if satisfactory evidence is presented by the producer that the full quantity of corn was sealed and that the shortage is due to loss or impairment due to an insured risk, the producer will not be liable for such shortage and collection will be made under the insurance provided by the producer and Commodity Credit Corporation. *Deficiencies in quality* must be settled on the difference in value between corn grading No. 3 and the grade of the corn delivered. The county committees will advise the producers as to the amount of the deficiencies.

8. In consideration of the payment of ½ cent per bushel on farm storage and 1/10 cent per bushel on warehouse storage by producers, Commodity Credit Corporation will not require producers to furnish an insurance certificate or policy. Such funds are intended to protect Commodity Credit Corporation against loss or impairment of the corn collateral from the perils of fire, lightning, windstorm, cyclone, tornado, inherent explosion, flood and theft. The obligations of the producer in connection with such protection are set forth in the loan documents. Payment of this amount shall be made to the County Agricultural Conservation Committees at the time the extension or renewal is approved by the county committee.

[SEAL] SAMUEL H. SABIN,
*Secretary.*

Adopted July 21, 1939.

[F. R. Doc. 39–2914; Filed, August 9, 1939; 9:18 a. m.]

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## TITLE 7—AGRICULTURE

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP–1939–Puerto Rico–1]

PART 704—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN—PUERTO RICO

SUPPLEMENT NO. 1

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin—Puerto Rico, issued April 4, 1939,[1] is hereby amended as follows:

(1) Section 704.3 (a) is amended to read as follows:

"(a) *State allotment.* The State allotment of tobacco for Puerto Rico shall be 30,000 acres."

(2) Section 704.3 (c) is amended to read as follows:

"(c) *Payment in connection with tobacco acreage allotment.* Payment will be made with respect to any farm at the rate of $15.00 for each acre in the tobacco acreage allotment established for the farm."

(3) Section 704.3 (d) is amended to read as follows:

"(d) *Deduction for excess tobacco acreage.* The payment computed for any farm under sections 704.2 and 704.3 shall be subject to a deduction of $45.00 for each acre planted to tobacco on the farm in the 1939–40 tobacco season in excess of the tobacco acreage allotment established for the farm."

Done at Washington, D. C., this 8th day of August 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39–2912; Filed, August 8, 1939; 3:51 p. m.]

[1] 4 F.R. 1438 DI.

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## TITLE 16—COMMERCIAL PRACTICES

## FEDERAL TRADE COMMISSION

[Docket No. 3533]

IN THE MATTER OF VIT-O-NET COMPANY, ETC.

§ 3.6 (a) 19) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Organization and operation:* § 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Laboratory:* § 3.6 (ja) *Advertising falsely or misleadingly—History of product:* § 3.6 (k) *Advertising falsely or misleadingly—Individual attention:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (dd) (10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.18 *Claiming indorsements or testimonials falsely.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of "Vit-O-Net" electrical device or so-called blanket, or other similar device, which advertisements represent, directly or through implication, that said device is created and manufactured for the practical application of the biological, chemical, and other scientific discoveries and theories of well-known scientists and is the result of painstaking and long experiments and tests; sets up a radio-magnetic energy which is transmitted to the person within or under its protection, thus causing an increased activity and revitalizing of the organs and cells of the body, a charging of the blood stream with electro-magnetic energy, an elimination of many times more poisons and waste matter than is possible by any other method, and a magnetic stimulation of the various cells of the human body with a resulting cure of any disease or ailment with which the person using the product may be suffering; has been tested and endorsed by prominent and well-known physicians, scientists, or other prominent and well-known persons, or by hospitals and other institutions for medical and scientific research, when such are not the facts; is an amazing discovery and aids nature to eliminate the wastes and poisons responsible for high or low blood pressure, rheumatism, arthritis, neuritis, and numerous other ailments and conditions, as specified; has therapeutic value in all diseases known to man and creates new energy, new vitality, and is wonderful for, and soothing to, the nerves; and produces radio-magnetic or electro-magnetic energy which is transmitted to, and has an effect on, the human body, or that it has any curative, remedial or therapeutic effect at all on the human body other than that which would be produced by, and as a consequence of, the heat generated by said device; and that purchasers of said device and their families, as long as they own said device, secure through a health division and laboratory, maintained under the supervision and direction of a competent physician, scientific analyses and complete medical service; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Vit-O-Net Company, etc., Docket 3533, August 1, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF FRED ADELMANN, ALSO KNOWN AS FRANK ADELMANN, AN INDIVIDUAL, TRADING AS VIT-O-NET COMPANY, VIT-O-NET CORPORATION, AND ELECTRIC BLANKET COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the amended complaint of the Commission, testimony and other evidence taken before Randolph Preston, an Examiner of the Commission, theretofore duly designated by it, in support of the allegations of the amended complaint, and the answer of the respondent, in which answer respondent admits all material allegations of fact set forth in the amended complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That respondent, Fred Adelmann, also known as Frank Adelmann, an individual, whether trading under either of said names or as Vit-O-Net Company, Vit-O-Net Corporation or Electric Blanket Company, or any other name, his representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of an electrical device described and designated as a blanket which is now sold under the name "Vit-O-Net" and various other names, or any other device of similar design and construction or possessing similar properties, whether sold under the name "Vit-O-Net" or any other trade name; or disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said device or any device of similar construction or possessing similar properties, which advertisements represent, directly or through implication, that said device is created and manufactured for the practical application of the biological, chemical, and other scientific discoveries and theories of well-known scientists and is the result of painstaking and long experiments and tests; that said device sets up a radio-magnetic energy which is transmitted to the person within or under its protection, thus causing an increased activity and revitalizing of the organs and cells of the body, a charging of the blood stream with electromagnetic energy, an elimination of many times more poisons and waste matter than is possible by any other method, and a magnetic stimulation of the various cells of the human body with a resulting cure of any disease or ailment with which the person using the product may be suffering; that said device has been tested and endorsed by prominent and well-known physicians, scientists, or other prominent and well-known persons, or by hospitals and other institutions for medical and scientific research, when such are not the facts; that said device is an amazing discovery, aids nature to eliminate the wastes and poisons responsible for high or low blood pressure, rheumatism, arthritis, neuritis, sciatica, pneumonia, flu, uremia, kidney cases, liver disorders, asthma, colds, acne and pimples, nervousness, insomnia, paralysis, Bright's disease, stomach troubles, dropsy, catarrh, goitre, constipation, auto-intoxication, eczema, diabetes, women's ailments, obesity, hay fever, neurasthenia, varicose veins, social diseases, heart diseases; has therapeutic value in all diseases known to man and creates new energy, new vitality, and is wonderful for, and soothing to, the nerves; that said device produces radio-magnetic or electro-magnetic energy which is transmitted to, and has an effect on, the human body, or that it has any curative, remedial or therapeutic effect at all on the human body other than that which would be produced by, and as a consequence of, the heat generated by said device; and that purchasers of said device and their families, as long as they own said device, secure through a health division and laboratory, maintained under the supervision and direction of a competent physician, scientific analyses and complete medical service.

*It is further ordered*, That the respondent shall, within thirty (30) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2928; Filed, August 9, 1939; 12:50 p. m.]

[1] 4 F.R. 1658 DI.

## TITLE 39—POSTAL SERVICE

### POST OFFICE DEPARTMENT

[Order No. 13228]

MAILINGS UNDER PENALTY PRIVILEGE

AUGUST 3, 1939.

Paragraph 1, Section 619½, Postal Laws and Regulations, is amended to read as follows:

"§ 619½. On and after July 1, 1939, no executive department or independent establishment of the Government shall transmit through the mail, free of postage, any book, report, periodical, bulletin, pamphlet, list, or other article or document (except official letter correspondence, *including such enclosures as are reasonably related to the subject matter of the correspondence; informational releases in connection with the decennial census of the United States*, mail concerning the sale of Government securities, and all forms and blanks *and copies of statutes, rules, regulations, and instructions and administrative orders and interpretations* necessary in the administration of such departments and establishments), unless a request therefor has been previously received by such department or independent establishment; or such transmission is required by law; *or such document is transmitted to inform the recipient thereof of the adoption, amendment, or interpretation of a statute, rule, regulation, or order to which he is subject.* For each quarter, beginning with the quarter commencing July 1, 1939, the head of each independent establishment and executive department (other than the Post Office Department) shall submit to the Postmaster General, within thirty days after the close of the quarter, a statement of the weight of the mail matter by classes of mail that the independent establishment or department has transmitted free of postage during such quarter, and he shall also certify to the Postmaster General at the end of each such quarter that nothing was transmitted through the mail free of postage by the independent establishment or department in violation of the provisions of this section: *Provided*, That nothing herein shall be construed to prohibit the mailing free of postage of lists of agricultural bulletins, lists of public documents which are offered for sale by the Superintendent of Documents, *or of announcements of publications of maps, atlases, statistical, and other reports offered for sale by the Federal Power Commission as authorized by section 312 of the Federal Power Act: Provided further*, That this prohibition shall not apply to the transmission of such books, reports, periodicals, bulletins, pamphlets, lists, articles, or documents to educational institutions or public libraries, *or to Federal, State, or other public authorities.*"

(Act of May 6, 1939, sec. 6, Public No. 65, 76th Congress, as amended by Act of June 30, 1939, sec. 2, Public No. 160, 76th Congress.)

[SEAL] RAMSEY S. BLACK, *Acting Postmaster General.*

[F. R. Doc. 39-2916; Filed, August 9, 1939; 10:37 a. m.]

## TITLE 46—SHIPPING

### UNITED STATES MARITIME COMMISSION

[General Order No. 18, Amended]

REGULATION GOVERNING THE CHARTER TO PERSONS NOT CITIZENS OF THE UNITED STATES, OF VESSELS DOCUMENTED UNDER THE LAWS OF THE UNITED STATES OR THE LAST DOCUMENTATION OF WHICH WAS UNDER THE LAWS OF THE UNITED STATES

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 3rd day of August 1939.

General Order No. 18[1] is hereby amended to read as follows:

Pursuant to authority contained in the Merchant Marine Act, 1936, particularly Section 204 (b) thereof, the Shipping Act, 1916, particularly Section 9 thereof, and the Merchant Marine Act, 1920, as all of said acts are amended, it is

*Ordered*, That no person shall charter any vessel documented under the laws of the United States or the last documentation of which was under the laws of the United States, to a person not a citizen of the United States for use in the coastwise, intercoastal, fishing, foreign trade, or otherwise, without first obtaining the approval of the United States Maritime Commission: *Provided*, That any vessel documented under the laws of the United States, except one in which the United States Maritime Commission may have a mortgage or other financial interest, may, without further action by the United States Maritime Commission, be chartered to a person not a citizen of the United States for operation in trade between the United States, its Territories or possessions, or the District of Columbia, and a foreign country, for a period not to exceed six months or for a voyage or voyages the probable duration of which will not exceed six months: *Provided further*, That the vessel may not be rechartered to the same charterer who is not a citizen of the United States within a three month period after termination of the term or any such prior charter without the specific approval of the Maritime Commission.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR., *Secretary.*

[F. R. Doc. 39-2926; Filed, August 9, 1939; 11:54 a. m.]

[1] 2 F.R. 2540.



## TITLE 47—TELECOMMUNICATION

### FEDERAL COMMUNICATIONS COMMISSION

PART 8—RULES GOVERNING SHIP SERVICE

*Correction*

Attention is directed to the following errors in Part 8 of the Rules Governing Ship Service which appeared in the Federal Register of Saturday, July 29, 1939:

Page 3456—Table of Contents, Section 8.8: The word "Radiotelegraph" should read "Radiotelegraphy".

Page 3457—Section 8.8: The word "ragiotelegraph" should read "radiotelegraphy".

Page 3461—Tolerance Table, Item 9, line 8: The word "the" immediately preceding "bands" should read "ing".

Page 3463—Section 8.120, line 11: The word "supply" should read "supplying".

In each of the tables appearing on pages 3464 and 3465 the footnote references 28, 29 and 31 immediately following "500 kc" should be placed before the word "Plus" in the column headed "Required frequency tolerance".

Page 3468—Paragraph (c) of Section 8.221, line 17: "(o)" should read "(e)"

Page 3470—Section 8.236 (j), line 5: "3-empere" should read "3-ampere".

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-2925; Filed, August 9, 1939; 11:17 a. m.]

## TITLE 50—WILDLIFE

### BUREAU OF FISHERIES

SUBCHAPTER A—ALASKA FISHERIES

PART 220. SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

*Herring Fishery*

Section 220.5 is hereby amended to close additional sections to commercial fishing for herring except for bait purposes, as follows:

§ 220.5 *Commercial herring fishing prohibited along west coasts of Chichagof and Baranof Islands and southeast coast of Baranof Island, except for bait purposes.* All commercial fishing for herring, except for bait purposes, is prohibited in the waters along the west coasts of Chichagof and Baranof Islands, including the coasts of adjacent small islands, from Cape Cross to Cape Ommaney and along the southeast coast of Baranof Island from Cape Ommaney to the light at Port Armstrong. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

OSCAR L. CHAPMAN, *Acting Secretary of the Interior.*

August 2, 1939.

[F. R. Doc. 39-2913; Filed, August 9, 1939; 9:17 a. m.]

## *Notices*

### DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[NCR-301-L, Supplement 1]

1939 AGRICULTURAL CONSERVATION PROGRAM LICKING COUNTY, OHIO

SUPPLEMENT NO. 1

Pursuant to the authority vested in the Secretary of Agriculture under sections (7) to (17), inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, NCR-301-L, 1939 Agricultural Conservation Program, Licking County, Ohio,[1] is hereby amended as follows:

I. Section V, item 1, is amended to read as follows:

1. *Fertilizing Materials.* The application on open noncropland pasture from November 1, 1938 to September 30, 1939, inclusive, of commercial fertilizing materials which are officially registered and guaranteed in conformity with the provisions of the Ohio State Fertilizer Control Law shall earn payments as follows:

II. Section V, item 2, is amended by deleting the phrase "between November 1, 1938 and October 31, 1939," and inserting in lieu thereof the phrase "from November 1, 1938 to September 30, 1939, inclusive."

III. Section VI is amended by deleting the phrase "between November 1, 1938 and October 31, 1939," and inserting in lieu thereof the phrase "from November 1, 1938 to September 30, 1939, inclusive."

IV. Section VII, item 2, second sentence, is amended to read as follows: "If the county committee determines that more than one such person contributed to the carrying out of one or more of such practices on the farm during the period November 1, 1938, to September 30, 1939, inclusive, such payment shall be divided in the proportion that the quantity of practices contributed by each such person bears to the total quantity of practices carried out on the farm during the period November 1, 1938, to September 30, 1939, inclusive."

Done at Washington, D. C., this 8th day of August, 1939. Witness my hand and seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN, *Acting Secretary of Agriculture.*

[F. R. Doc. 39-2911; Filed, August 8 1939; 3:51 p. m.]

[1] 4 F.R. 1134 DI.

**Division of Marketing and Marketing Agreements.**

[Docket No. A-106 O-106]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF GRAPEFRUIT AND ORANGES GROWN IN CAMERON, HIDALGO, AND WILLACY COUNTIES IN THE STATE OF TEXAS

Whereas, under Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended,[1] of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to such handling of grapefruit and oranges grown in Cameron, Hidalgo, and Willacy Counties in the State of Texas as is in the current of interstate commerce or commerce with Canada, or which directly burdens, obstructs, or affects such commerce:

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating such handling of grapefruit and oranges grown in Cameron, Hidalgo, and Willacy Counties in the State of Texas, beginning at 10:00 a. m., on August 28, 1939, in the Weslaco High School Auditorium, Weslaco, Texas.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each provides, in similar terms, a plan for the regulation of such handling of the aforesaid citrus fruits as is in the current of interstate commerce or commerce with Canada, or which directly burdens, obstructs, or affects such commerce. Among other things, the proposed marketing agreement and order provide for: (a) the establishment of a Growers Administrative Committee and a Shippers Advisory Committee, (b) regulation of shipments by grade or size, or both, (c) inspection of shipments by an authorized representative of the Federal-State Inspection Service during periods when regulation is in effect, (d) levying of assessments to cover necessary expenses of the Growers Administrative Committee, and (e) reports of shipments by handlers.

Copies of the proposed marketing agreement and the proposed order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, or may be there inspected.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

Dated August 9, 1939.

[F. R. Doc. 39-2927; Filed, August 9, 1939; 12:42 p. m.]

[1] 1 F.R. 155.

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5712]

IN RE APPLICATION OF THE DIAMOND STATE TELEPHONE COMPANY (NEW)

*Dated, April 17, 1939, for construction permit; class of service, public coastal; class of station, coastal harbor telephone; location, near Wilmington, Delaware; operating assignment specified; frequency, 2522 kc.; power, 400 watts; emission A2, A3; hours of operation, unlimited; points of communication, "ships"*

[File No. P1-PC-53]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to own and operate a radio station such as the one applied for;

2. To determine the nature and extent of the service proposed;

3. To determine the need for the service proposed.

(a) To determine the manner in which service is now being rendered in the area proposed to be served.

4. To determine whether or not the frequency 2522 kc is available under the provisions of the Communications Act of 1934, as amended, and Treaty agreements of the United States for assignment as requested.

(a) To determine the suitability of this frequency for communication as proposed.

(b) To determine whether or not use of the frequency 2522 kc upon a shared basis would be sufficient to enable the proposed station and the station with which the frequency is to be shared to render an efficient communication service.

5. To determine the types of service to be rendered and the charge to be made for each.

6. To determine whether or not the granting of the application would adversely affect the interests of any carrier or carriers subject to the Communications Act of 1934, as amended.

7. To determine whether or not the granting of the application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The Diamond State Telephone Co., 1835 Arch Street, Philadelphia, Pa.

Dated at Washington, D. C., August 8, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2929; Filed, August 9, 1939; 12:59 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of August, A. D. 1939.

[File No. 43-232]

IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY

ORDER ALLOWING DECLARATION TO BECOME EFFECTIVE

Iowa Public Service Company, a public utility operating company, a registered holding company and subsidiary of Sioux City Gas and Electric Company, a registered holding company, has filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by said company, through underwriters, of $14,250,000 aggregate principal amount of First Mortgage Bonds, 3¾% Series, due August 1, 1969, at a price of 99 to the underwriters and 101 to the public; public hearings having been held upon said declaration, as amended, after appropriate notice; the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

*It is ordered*, That said declaration, as amended, be and become effective forthwith, subject to the terms and for the purposes represented thereby.

*It is further ordered*, Pursuant to the powers vested in this Commission by Sections 7 (d), 12 (c) and 20 (a) of the Public Utility Holding Company Act of 1935, and in accordance with the written consent of Declarant filed herein, that, except as this Commission may by order or orders from time to time permit, so long as any of Declarant's First Mortgage Bonds 3¾% Series due 1969 are outstanding, Declarant shall not, nor shall any successor or successors of Declarant, declare or pay any dividends (other than dividends payable solely in shares of common stock) or make any other distribution on any shares of its common stocks, nor shall any shares of such common stock be purchased, retired or otherwise acquired, by Declarant (or any successor or successors thereof), unless the amount expended by Declarant (or any such successor or successors) for maintenance and repairs, plus provisions for depreciation, plus all retirement of funded debt (including sinking fund retirements), bank loans not to exceed $800,000 outstanding on September 1, 1939, and retirements of any new indebtedness hereafter incurred or assumed pursuant to an order of this Commission, during the period from August 1, 1939 to the date of the proposed declaration of such dividend or the date of such acquisition, plus the earned surplus of Declarant, accumulated since August 1, 1939, remaining after payment of such dividend or the making of such distribution or acquisition, shall equal twenty per cent. (20%) of the gross operating revenues of Declarant (or any such successor or successors) during such period, after the deduction therefrom of an amount equal to the cost to Declarant of electric energy or gas purchased and resold, and rentals paid for electric or gas generating, transmission, or distributing properties, and water and ice properties, leased by Declarant, and payments by Declarant for the use of similar properties operated and maintained by others during such period; provided, however, that no credit may be claimed for any retirement of indebtedness if effected as a result of Declarant incurring additional indebtedness, to the extent that such additional indebtedness remains outstanding at the date of such declaration of dividend or acquisition.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2920; Filed, August 9, 1939; 10:58 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of August, A. D. 1939.

[1] 4 F.R. 893 DI.



IN THE MATTER OF GEORGE WALLACE GREEN, DOING BUSINESS AS CASCADE SECURITIES COMPANY 414 SYMONS BUILDING SPOKANE, WASHINGTON

MEMORANDUM OPINION AND ORDER SUSPENDING REGISTRATION

This is a proceeding pursuant to Section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of George Wallace Green, doing business as Cascade Securities Company, should be revoked or suspended.

At the hearing held pursuant to the Commission's order[1] at Seattle, Washington, the registrant failed to appear personally or by counsel. Notice of the hearing was sent to registrant by registered mail, but was not received by him because of his removal from the address which he had given the Commission. Thereafter, the order and notice of the hearing were published in the Federal Register for February 14, 1939, in the manner prescribed by the Federal Register Act.

The Trial Examiner filed an advisory report in which he found that the registrant has violated the provisions of Rule X-15B-2, adopted by the Commission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Securities Exchange Act of 1934 in failing to inform the Commission of changes in his business and residence addresses, as alleged in the Commission's order of February 11, 1939. On an independent review of the record, we adopt the Trial Examiner's findings, and find further that the violation of Rule X-15B-2 was wilful.

Because notice was not received by Green, we will not order revocation of his registration. However, we find that it is necessary in the public interest and for the protection of investors that Green's registration be suspended pending final determination of whether or not the registration should be revoked, which matter will be determined when Green comes in to be heard or notice is received by him.

*It is therefore ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934 that the registration of George Wallace Green, doing business as Cascade Securities Company, be and the same hereby is suspended until further order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2923; Filed, August 9, 1939; 10:59 a. m.]

[1] 4 F.R. 896 DI.

IN THE MATTER OF EDWARD G. HANSEN P. O. BOX 992 HELENA, MONTANA

MEMORANDUM OPINION AND ORDER SUSPENDING REGISTRATION

This is a proceeding pursuant to Section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Edward G. Hansen should be revoked or suspended.

At the hearing held pursuant to the Commission's order[1] on March 2, 1939, at Seattle, Washington, the registrant failed to appear personally or by counsel. Notice of the hearing was sent to registrant by registered mail, but was not received by him because he had moved from the address which he had given the Commission. Thereafter, the order and notice of the hearing were published in the FEDERAL REGISTER for February 14, 1939, in the manner prescribed by the Federal Register Act.

The Trial Examiner filed an advisory report in which he found, as alleged in the Commission's order of February 11, 1939, that the registrant had violated the provisions of Rule X-15B-2, adopted by the Commission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Securities Exchange Act of 1934 in that he has failed to inform the Commission of a change in his business address. On an independent review of the record, we adopt the Trial Examiner's findings[2] and find further that the violation of Rule X-15B-2 was wilful.

Because notice was not received by Hansen, we will not order revocation of his registration. However, we find that it is necessary in the public interest and for the protection of investors that Hansen's registration be suspended pending final determination of whether or not the registration should be revoked, which matter will be determined when Hansen comes in to be heard or notice is received by him.

*It is therefore ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934 that the registration of Edward G. Hansen be, and the same hereby is, suspended until further order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2922; Filed, August 9, 1939; 10:59 a. m.]

[1] 4 F.R. 896 DI.

[2] As an additional basis for the institution of these proceedings, the order stated that there were reasonable grounds for belief that Hansen had wilfully violated Section 17-(a) (2) of the Securities Act of 1933, as amended. Certain evidence was adduced at the hearing with respect to that allegation. However, since the violation of Rule X-15B-2 provides a sufficient basis for such action as is necessary in the public interest, we consider it unnecessary to determine whether Hansen has also violated Section 17 (a) (2) of the Securities Act of 1933.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of August, A. D. 1939.

IN THE MATTER OF CHARLES C. PHILLIPS, 198 BROADWAY, NEW YORK, N. Y.

MEMORANDUM OPINION AND ORDER SUSPENDING REGISTRATION

This is a proceeding pursuant to Section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Charles C. Phillips should be revoked or suspended.

At the hearing held pursuant to the Commission's order [1] on April 1, 1939, at New York City, the registrant failed to appear personally or by counsel. Notice of the hearing was sent to registrant by registered mail; the return receipt was signed by H. Frank Phillips for the registrant. Thereafter, the order and notice of the hearing were published in the Federal Register for March 8, 1939, in the manner prescribed by the Federal Register Act. The Trial Examiner has filed an advisory report.

We find that the registrant has violated Section 32 (a) of the Securities Exchange Act of 1934 in that, in his application for registration, he willfully made a false and misleading statement to the effect that his principal office was located at 198 Broadway, New York City, when in fact the registrant had and has no office at said address; and that the registrant has violated the provisions of Rule X–15B–2, adopted by the Commission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Securities Exchange Act of 1934 in failing to inform the Commission of a change in his residence address, all as alleged in the Commission's order of March 3, 1939. We further find that the violations of Section 32 (a) and Rule X–15B–2 were willful.

It does not appear from the record that Phillips has actually received notice of this proceeding. Under those circumstances, we shall not order revocation of his registration. However, we find that it is necessary in the public interest and for the protection of investors that Phillips' registration be suspended pending final determination of whether or not the registration should be revoked, which matter will be determined when Phillips comes in to be heard or notice is received by him.

*It is therefore ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Charles C. Phillips be, and the same hereby is, suspended until further order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2919; Filed, August 9, 1939; 10:58 a. m.]

[1] 4 F.R. 1158 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of August, A. D. 1939.

IN THE MATTER OF H. H. STERN 956–18TH NORTH SEATTLE, WASHINGTON

MEMORANDUM OPINION AND ORDER SUSPENDED REGISTRATION

This is a proceeding pursuant to Section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of H. H. Stern should be revoked or suspended.

At the hearing held pursuant to the Commission's order [1] at Seattle, Washington, the registrant failed to appear personally or by counsel. Notice of the hearing was sent to the registrant by registered mail, but was not received by him because of his removal from the address which he had given the Commission. Thereafter, the order and notice of the hearing were published in the FEDERAL REGISTER for February 14, 1939, in the manner prescribed by the Federal Register Act.

The Trial Examiner filed an advisory report in which he found that the registrant has violated the provisions of Rule X–15B–2, adopted by the Commission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Securities Exchange Act of 1934 in failing to inform the Commission of changes in his business and residence addresses, as alleged in the Commission's order of February 11, 1939. On an independent review of the record, we adopt the Trial Examiner's findings, and find further that the violation of Rule X–15B–2 was wilful.

Because notice was not received by Stern, we will not order revocation of his registration. However, we find that it is necessary in the public interest and for the protection of investors that Stern's registration be suspended pending final determination of whether or not the registration should be revoked, which matter will be determined when Stern comes in to be heard or notice is received by him.

*It is therefore ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934 that the registration of H. H. Stern be and the same hereby is suspended until further order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2921; Filed, August 9, 1939; 10:58 a. m.]

[1] 4 F.R. 894 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of August, A. D. 1939.

IN THE MATTER OF EDWARD L. WEBSTER, DOING BUSINESS AS WEST STATES INVESTMENT CO., BOX 54, PAYETTE, IDAHO

MEMORANDUM OPINION AND ORDER SUSPENDING REGISTRATION

This is a proceeding pursuant to Section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as a broker and dealer of Edward L. Webster, doing business as West States Investment Co., should be revoked or suspended.

At the hearing held pursuant to the Commission's order [1] at Seattle, Washington, the registrant failed to appear personally or by counsel. Notice of the hearing was sent to registrant by registered mail, but was not received by him because of his removal from the address which he had given the Commission. Thereafter, the order and notice of the hearing were published in the FEDERAL REGISTER for February 14, 1939, in the manner prescribed by the Federal Register Act.

The Trial Examiner filed an advisory report in which he found that the registrant has violated the provisions of Rule X–15B–2, adopted by the Commission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Securities Exchange Act of 1934 in failing to inform the Commission of changes in his business and residence addresses, as alleged in the Commission's order of February 11, 1939. On an independent review of the record, we adopt the Trial Examiner's findings, and find further that the violation of Rule X–15B–2 was wilful.

Because notice was not received by Webster, we will not order revocation of his registration. However, we find that it is necessary in the public interest and for the protection of investors that Webster's registration be suspended pending final determination of whether or not the registration should be revoked, which matter will be determined when Webster comes in to be heard or notice is received by him.

*It is therefore ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, that the registration of Edward L. Webster, doing business as West States Investment Co., be, and the same hereby is, suspended until further order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2924; Filed, August 9, 1939; 10:59 a. m.]

[1] 4 F.R. 893 DI.



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1939.

[File No. 31–435]

IN THE MATTER OF ALUMINUM COMPANY OF AMERICA, ALUMINUM ORE COMPANY, MASSENA SECURITIES CORPORATION, AND THE ST. LAWRENCE RIVER POWER COMPANY

ORDER DISPOSING OF APPLICATIONS FOR EXEMPTION

Aluminum Company of America, Aluminum Ore Company and Massena Securities Corporation having made a joint application for exemptions pursuant to the provisions of Section 3 (a) (3) of the Public Utility Holding Company Act of 1935; The St. Lawrence River Power Company, a wholly-owned subsidiary of said applicants, having filed in connection with said application an application for a declaration that it is not an electric utility company, pursuant to the provisions of Section 2 (a) (3) (B) of said Act; a hearing on said applications having been held after appropriate notice; [1] the record in this matter having been duly considered; and the Commission having made its findings herein;

*It is ordered*, Pursuant to Section 2 (a) (3) (B) of the Public Utility Holding Company Act of 1935, that The St. Lawrence River Power Company be and it is hereby declared not to be an electric utility company; and

*It is further ordered*, That Aluminum Company of America be, and it hereby is, exempted from all those provisions of the Public Utility Holding Company Act of 1935 which would require it to register under said Act because of its directly or indirectly owning, controlling, or holding with power to vote 10% or more of the outstanding voting securities of Nantahala Power & Light Company, Knoxville Power Company, Cedar Rapids Transmission Company, Limited, Aluminum Ore Company, and Carolina Aluminum Company; and

*It is further ordered*, That Aluminum Ore Company be, and it hereby is, exempted from all those provisions of the Public Utility Holding Company Act of 1935 which would require it to register under said Act because of its directly or indirectly owning, controlling, or holding with power to vote 10% or more of the outstanding voting securities of Carolina Aluminum Company; and

*It is further ordered*, That the application of Massena Securities Corporation be, and it hereby is, dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2918; Filed, August 9, 1939; 10:57 a. m.]

[1] 3 F.R. 2295 DI.

No. 153——2

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of August, A. D. 1939.

[File No. 43–241]

IN THE MATTER OF WESTERN STATES UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 25, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 22, 1939.

The matter concerned herewith is in regard to the issue and sale of $350,000 First Mortgage 4½% Bonds due October 1, 1959.

The declaration states that the Bonds are to be sold at the principal amount plus accrued interest to date of delivery to Provident Mutual Life Insurance Company of Philadelphia, and that the net proceeds together with funds from other sources are to be used to redeem the presently outstanding $368,100.00 principal amount of First Mortgage Twenty Year Sinking Fund 6% Bonds, Series A, due October 1, 1945 at a premium of 5%.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–2917; Filed, August 9, 1939; 10:57 a. m.]

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# FEDERAL REGISTER

VOLUME 4 NUMBER 154

*Washington, Friday, August 11, 1939*


## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### FEDERAL SURPLUS COMMODITIES CORPORATION

[Surplus Commodities Bulletin No. 2]

DESIGNATION OF SURPLUS FOODS UNDER SURPLUS FOOD STAMP PROGRAM

Subject to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following agricultural commodities are hereby designated as surplus food *effective 12:01 A. M. E. S. T., July 16, 1939:*

Butter.
Rice.
Corn Meal.
Cabbage.
Shell Eggs.
Dried Prunes.
Fresh Peaches.
Fresh Tomatoes.
Fresh Green Peas.
Onions (Except Green Onions).
Dry Edible Beans.
Wheat Flour & Whole Wheat (Graham) Flour.

The following additional agricultural commodity is hereby designated as surplus food *effective 12:01 A. M. E. S. T., August 1, 1939:*

Fresh Pears

Blue surplus food order stamps may be used in accordance with the regulations and conditions referred to above for any of such surplus foods in any retail food store, as defined by the Secretary of Agriculture, which participates in the Food Order Stamp Program. The Federal Surplus Commodities Corporation shall designate the areas in which the food order stamps may be used.

Surplus Commodities Bulletin No. 1, dated May 11, 1939, is hereby cancelled effective midnight, July 15, 1939.

FEDERAL SURPLUS COMMODITIES CORPORATION,
By E. W. GAUMINTZ,
*Vice President.*

Date: June 29, 1939.

Approved: June 30, 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture of the United States of America.*

[F. R. Doc. 39-2938; Filed, August 10, 1939; 11:36 a. m.]

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DESIGNATION OF AREAS UNDER SURPLUS FOOD STAMP PROGRAM

July 14, 1939.

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the agricultural commodities designated as surplus food in Surplus Commodities Bulletin No. 2, approved by the Secretary of Agriculture, June 30, 1939, are hereby declared surplus foods in the following areas on the effective dates for such foods set forth in such Bulletin:

The city limits of Rochester, New York.

The city limits of Dayton, Ohio and the immediate environs as defined by the local representative of the Federal Surplus Commodities Corporation.

The city limits of Seattle, Washington and the immediate environs as defined by the local representative of the Federal Surplus Commodities Corporation.

[SEAL] FEDERAL SURPLUS COMMODITIES CORPORATION.
MILO PERKINS, *President.*

[F. R. Doc. 39-2939; Filed, August 10, 1939; 11:36 a. m.]

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DESIGNATION OF AREA UNDER SURPLUS FOOD STAMP PROGRAM

July 25, 1939.

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, effective 12:01 A. M. E. S. T., August 1, 1939, the area within the city limits of Birmingham, Alabama, and the immediate environs as

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FEDERAL REGISTER

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defined by the local representative of the Federal Surplus Commodities Corporation is hereby designated as an area in which the agricultural commodities listed in Surplus Commodities Bulletin No. 2, approved by the Secretary of Agriculture June 30, 1939, shall be considered surplus foods. The posting of the definition of "the immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation shall constitute due notice thereof.

[SEAL] FEDERAL SURPLUS COMMODITIES CORPORATION,
MILO PERKINS, *President.*

[F. R. Doc. 39–2937; Filed, August 10, 1939; 11:36 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

## FEDERAL TRADE COMMISSION

[Docket No. 3428]

IN THE MATTER OF UNITED EDUCATORS, INC., ET AL.

§ 3.69 (b) (4) *Misrepresenting oneself and goods—Goods—Free goods:* § 3.72 (e) *Offering deceptive inducements to purchases—Free goods.* Advertising or representing, in any manner, in connection with offer, etc., in commerce, of any books, set of books, or publications, (1) to purchasers or prospective purchasers that any books or set of books offered for sale and sold by respondents will be given free of cost to said purchasers or prospective purchasers, when such is not the fact, or (2) that purchasers or prospective purchasers of respondents' publications are only buying or paying for loose-leaf supplements intended to keep the set of books up to date for a period of years, when such is not the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Educators, Inc., et al., Docket 3428, August 5, 1939]

§ 3.69 (c) (5) *Misrepresenting oneself and goods—Prices—Usual as reduced.* Advertising or representing, in any manner, in connection with offer, etc., in commerce, of any books, set of books, or publications, to purchasers or prospective purchasers, that any books or set of books are offered at an especially low price, unless and until the price at which the books or set of books are offered is less than the price for which said books or set of books are usually or customarily offered for sale and sold, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Educators, Inc., et al., Docket 3428, August 5, 1939]

§ 3.81 *Securing signature wrongfully.* Representing, in connection with offer, etc., in commerce, of any books, set of books, or publications, that any instrument presented to prospective customers for signature in connection with the sale of any books or set of books is a mere receipt or order blank, when such instrument is an agreement to pay a specified sum or sums on a date or dates certain, or that any instrument thus presented is not a promissory note, when such instrument contains an agreement by the signer to pay a specified sum or sums on a date or dates certain, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Educators, Inc., et al., Docket 3428, August 5, 1939]

§ 3.51 *Enforcing payments wrongfully.* Representing, in connection with the sale of any books or set of books is a bona fide purchaser for value before maturity, when such is not the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Educators, Inc., et al., Docket 3428, August 5, 1939]

§ 3.69 (a) (11b) *Misrepresenting oneself and goods—Business status, advantages or connections—Private business as foundation:* § 3.96 (b) (4) *Using misleading name—Vendor—Non-profit character.* Representing, in connection with offer, etc., in commerce, of any books, set of books, or publications, as a "foundation" any organization other than one in whole or in part supported by disinterested or eleemosynary funds, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Educators, Inc., et al., Docket 3428, August 5, 1939]

§ 3.69 (b) (16b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.72 (nl) *Offering deceptive inducements to purchase—Terms and conditions.* Advertising or representing in any manner, in connection with offer, etc., in commerce, of any books, set of books, or publications, (1) as the purchase price of any books or set of books, together with any loose-leaf extension service therefor, or any other service or article, any sum other than the entire ultimate cost of such books or set of books and service and article to the purchaser, or (2) that any specific sum is, or includes, the price or the full price of any books or set of books together with any right or option to purchase other books, services or articles, unless all the terms and conditions in connection with the exercise of such right or option are clearly and conspicuously stated in immediate connection therewith, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Educators, Inc., et al., Docket 3428, August 5, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF UNITED EDUCATORS, INC., GENERAL RESEARCH FOUNDATION, INC., PUBLISHERS FINANCE COMPANY, INC., WARREN T. DAVIS, JOSEPH J. RINK, AND ELMER C. WOLFORD

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before John W. Addison, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and briefs filed herein, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, United Educators, Inc., General Research Foundation, Inc., Publishers Finance Company, Inc., Warren T. Davis, Joseph J. Rink, and Elmer C. Wolford, and each of them, their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of any books, set of books, or publications, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Advertising or representing, in any manner, to purchasers or prospective purchasers that any books or set of books offered for sale and sold by them will be given free of cost to said purchasers or prospective purchasers, when such is not the fact;

(2) Advertising or representing, in any manner, that purchasers or prospective purchasers of respondents' publications are only buying or paying for loose-leaf supplements intended to keep the set of books up to date for a period of years, when such is not the fact;

(3) Advertising or representing, in any manner, to purchasers or prospective purchasers that any books or set of books are offered at an especially low price, unless and until the price at which the books or set of books are offered is less than the price for which said books or set of books are usually or customarily offered for sale and sold;

(4) Representing that any instrument presented to prospective customers for signature in connection with the sale of any books or set of books is a mere receipt or order blank, when such instrument is an agreement to pay a specified sum or sums on a date or dates certain;

(5) Representing that any instrument presented to prospective customers for signature in connection with the sale of any books or set of books is not a promissory note, when such instrument contains an agreement by the signer to pay a specified sum or sums on a date or dates certain;

(6) Representing that the holder of any instrument acquired in connection with the sale of any books or set of books is a bona fide purchaser for value before maturity, when such is not the fact;

(7) Representing as a "foundation" any organization other than one in whole or in part supported by disinterested or eleemosynary funds;

(8) Advertising or representing, in any manner, as the purchase price of any books or set of books, together with any loose-leaf extension service therefor, or any other service or article, any sum other than the entire ultimate cost of such books or set of books and service and article to the purchaser;

(9) Advertising or representing, in any manner, that any specific sum is, or includes, the price or the full price of any books or set of books together with any right or option to purchase other books, services or articles, unless all the terms and conditions in connection with the exercise of such right or option are clearly and conspicuously stated in immediate connection therewith.

*It is further ordered* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39–2941; Filed, August 10, 1939; 11:54 a. m.]

[1] 3 F.R. 1920 DI.

[Docket No. 3782]

IN THE MATTER OF FEDERAL ORGANIZATION, INC., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of "Vibro Appliance", "Brace-O Appliance", "Giant Developer", "Prosto Massager", or other similar devices, or "Stamina Kel-Pep", "Spanish Passion Extract", "Double Strength Spanish Passion Extract", "African Jungle Tree", "Nerv-Tonik", "Kidney Herb Tea", "K–9 Herb Tabs", "Z. K. Herb Pearls", "Flora Laxaid", or other similar medicinal preparations, which advertisements (1) represent, directly or through implication, (a) that respondent's said devices "Vibro Appliance", "Brace-O Appliance", "Giant Developer" or "Prosto Massager" will aid in the development of the male sexual organ, restore sexual power or cure or relieve disorders of the prostate gland; (b) that his said preparation "Stamina Kel-Pep" will increase the appetite, assist digestion, overcome constipation or build up energy, endurance, the blood or tissues; (c) that his "Spanish Passion Extract" or "Double Strength Spanish Passion Extract" are healthful stimulants or tonics for the sexual organs, or constitute effective remedies or beneficial treatments for prostate disorders, cystitis, kidney disorders, inflammation of the urinary organs, kidney stones or gravel; (d) that his "African Jungle Tree" is a harmless sexual stimulant or will restore sexual vigor; (e) that his "Nerv-Tonik" is a tonic or will build up the body, give new blood, increase the weight, aid the digestive system, improve the appetite, stimulate the glands or increase vigor; (f) that his "Kidney Herb Tea" is a competent treatment for genito-urinary diseases, or will dissolve pus, gravel or stones in the kidneys or relieve bladder irritation; (g) that his "Z. K. Herb Pearls" will reduce high blood pressure; (h) that his "K–9 Herb Tabs" has antiseptic properties; (i) that his "Flora Laxaid" is a cure or remedy for constipation; (2) or which advertisements concerning the preparations designated "Stamina Kel-Pep", "Spanish Passion Extract", "Double Strength Spanish Extract", "African Jungle Tree", fail to reveal that these preparations are not wholly safe to be used by the lay public in self medication; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Federal Organization, Inc., et al., Docket 3782, August 2, 1939]

§ 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Laboratory:* § 3.6 (j) (4) *Advertising falsely or misleadingly—Government approval or connection—Tests:* § 3.96 (b) (5) *Using misleading name—Vendor—Producer or laboratory status of dealer.* Representing, through the use of the word "Federal" on seals or otherwise, that respondent's products, i. e., certain devices and medicinal preparations for the treatment of genital and urinary disorders and diseases, have been tested, inspected or approved by an agency or bureau of the United States Government; or representing, through the use of the phrases "Laboratories" or "Research Laboratories" as part of his trade name, or in any other manner, that he maintains a laboratory for making scientific tests on products sold by him; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Federal Organization, Inc., et al., Docket 3782, August 2, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF FEDERAL ORGANIZATION, INC., A CORPORATION, AND SAMUEL L. PRESNER, AN INDIVIDUAL, AND PRESIDENT OF FEDERAL ORGANIZATION, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the

complaint of the Commission and the answer of respondent, Samuel L. Presner, in which answer respondent admits all the material allegations of the complaint to be true, and states that he waives hearing on the charges set forth in said complaint and that, without further evidence or other intervening procedure, the case might proceed to final hearing upon the record; it appearing that the respondent Federal Organization, Inc. is no longer in existence, and the Commission having made its findings as to the facts and conclusion that said respondent Samuel L. Presner has violated the provisions of the Federal Trade Commission Act;

*It is ordered* That the respondent, Samuel L. Presner, an individual, his representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisements by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of devices now designated by the names of "Vibro Appliance", "Brace-O Appliance", "Giant Developer", "Prosto Massager", or any other similar devices, whether sold under the same names or any other name or names, or medicinal preparations containing drugs now designated "Stamina Kel-Pep", "Spanish Passion Extract", "Double Strength Spanish Passion Extract", "African Jungle Tree", "Nerv-Tonik", "Kidney Herb Tea", "K–9 Herb Tabs", "Z. K. Herb Pearls", "Flora Laxaid", or any other medicinal preparations composed of substantially similar properties, whether sold under the same names or under any other name or names; or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said devices or medicinal preparations, which advertisements (1) represent, directly or through implication, (a) that his said devices "Vibro Appliance", "Brace-O Appliance", "Giant Developer" or "Prosto Massager" will aid in the development of the male sexual organ, restore sexual power or cure or relieve disorders of the prostate gland; (b) that his said preparation "Stamina Kel-Pep" will increase the appetite, assist digestion, overcome constipation or build up energy, endurance, the blood or tissues; (c) that said preparations "Spanish Passion Extract" or "Double Strength Spanish Passion Extract" are healthful stimulants or tonics for the sexual organs; or constitute effective remedies or beneficial treatments for prostate disorders, cystitis, kidney disorders, inflammation of the urinary organs, kidney stones or gravel; (d) that said preparation "African Jungle Tree" is a harmless sexual stimulant or will restore sexual vigor; (e) that said preparation "Nerv-Tonik" is a tonic or will build up the body, give new blood, increase the weight, aid the digestive system, improve the appetite, stimulate the glands or increase vigor; (f) that said preparation "Kidney Herb Tea" is a competent treatment for genito-urinary diseases, or will dissolve pus, gravel or stones in the kidneys or relieve bladder irritation; (g) that said preparation "Z. K. Herb Pearls" will reduce high blood pressure; (h) that said preparation "K–9 Herb Tabs" has antiseptic properties; (i) that said preparation "Flora Laxaid" is a cure or remedy for constipation; (2) or which advertisements concerning the preparations designated "Stamina Kel-Pep", "Spanish Passion Extract", "Double Strength Spanish Passion Extract", "African Jungle Tree", fail to reveal that these preparations are not wholly safe to be used by the lay public in self medication.

*It is further ordered*, That respondent do cease and desist from representing, through the use of the word "Federal" on seals or otherwise, that his products have been tested, inspected or approved by an agency or bureau of the United States Government; or representing through the use of the phrases "Laboratories" or "Research Laboratories" as part of his trade name, or in any other manner, that he maintains a laboratory for making scientific tests on products sold by him.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

*It is further ordered*, That this proceeding be, and the same hereby is, closed as to the respondent, Federal Organization, Inc., without prejudice to the right of the Commission to reopen the same and resume prosecution thereof in accordance with the Commission's regular procedure, should future facts so warrant.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39–2942; Filed, August 10, 1939; 11:54 a. m.]

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[Docket No. 3788]

IN THE MATTER OF STRAUSS TAILORING COMPANY, ETC.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods.* Representing, in connection with offer, etc., in commerce, of men's clothing, that respondent's products are composed of fibers or materials other than those of which they are actually composed, or representing, in any manner, that the fabrics or products manufactured or sold by respondent contain wool in greater quantity, percentage, or degree than is actually the case, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Strauss Tailoring Company, etc., Docket 3788, August 2, 1939]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods.* Using, in connection with offer, etc., in commerce, of men's clothing, the words "wool", "woolens" or "worsted", or any other word or words of similar import or meaning, to designate or describe any fabric or other products which are not composed wholly of wool, prohibited; subject to the provision, in the case of a fabric or product composed in part of wool and in part of a material or materials other than wool, such words may be used as descriptive of the wool content, if there is used in immediate connection therewith, in letters of equal size and conspicuousness, a word or words accurately describing and designating each constituent fabric or material thereof in the order of its predominance by weight, beginning with the largest single constituent. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Strauss Tailoring Company, etc., Docket 3788, August 2, 1939]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of product.* Using, in connection with offer, etc., in commerce, of men's clothing, the unqualified word "silk" or any other word or words of similar import or meaning to designate or describe any fabric or other product which is not composed wholly of unweighted silk, the product of the cocoon of the silk worm, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Strauss Tailoring Company, etc., Docket 3788, August 2, 1939]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of product.* Advertising, offering for sale, or selling, in connection with offer, etc., in commerce, of men's clothing, fabrics or any other products composed in whole or in part of rayon without clearly disclosing the fact that such fabrics or products are composed of rayon, and, when such fabrics or products are composed in part of rayon and in part of other fibers or materials, without naming such fibers or materials, including the rayon, in the order of their predominance by weight, beginning with the largest single constituent, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Strauss Tailoring Company, etc., Docket 3788, August 2, 1939]



*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF JULIUS M. FIRK, AN INDIVIDUAL TRADING AS STRAUSS TAILORING COMPANY, FEDERAL TAILORING COMPANY, BELL TAILORING COMPANY, AND ARLIN TAILORING COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon a complaint of the Commission and the answer of respondent in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusions that respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Julius M. Firk, an individual, trading as Strauss Tailoring Company, Federal Tailoring Company, Bell Tailoring Company, and Arlin Tailoring Company, or trading under any other name or names, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of men's clothing in commerce, as "commerce" is defined by the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that respondent's products are composed of fibers or materials other than those of which they are actually composed; or representing, in any manner, that the fabrics or products manufactured or sold by respondent contain wool in greater quantity, percentage, or degree than is actually the case;

(2) Using the words "wool", "woolens", or "worsted", or any other word or words of similar import or meaning, to designate or describe any fabric or other products which are not composed wholly of wool, provided that in the case of a fabric or product composed in part of wool and in part of a material or materials other than wool, such words may be used as descriptive of the wool content, if there is used in immediate connection therewith, in letters of equal size and conspicuousness, a word or words accurately describing and designating each constituent fabric or material thereof in the order of its predominance by weight, beginning with the largest single constituent;

(3) Using the unqualified word "silk" or any other word or words of similar import or meaning to designate or describe any fabric or other product which is not composed wholly of unweighted silk, the product of the cocoon of the silk worm;

(4) Advertising, offering for sale, or selling, fabrics or any other products composed in whole or in part of rayon without clearly disclosing the fact that such fabrics or products are composed of rayon, and when such fabrics or products are composed in part of rayon and in part of other fibers or materials, such fibers or materials, including the rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent.

*It is further ordered*, That the respondent shall, within sixty days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39–2943; Filed, August 10, 1939; 11:55 a. m.]

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## TITLE 24—HOUSING CREDIT

### HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 200.1]

PART 402—LOAN SERVICE

OPENING OF ACCOUNT

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 402.14–2 shall continue to read as follows:

"Upon receipt of the executed original form, the Regional Accountant will open a special deposits account for the home owner and each month forward to him a notice of the monthly deposit due."

(Effective September 1, 1938)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39–2944; Filed, August 10, 1939; 12 m.]

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[ADMINISTRATIVE ORDER NO. 340]

PART 403—PROPERTY MANAGEMENT

LEASING AND RENTING OF PROPERTIES OWNED BY THE CORPORATION: APPROVED FORMS TO BE USED; WHEN RENTAL AGREEMENT TO BE OBTAINED; UNPAID MISCELLANEOUS BALANCES

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

Sections 403.11–33 and 403.11–45, respectively, are amended to read as follows:

§ 403.11–33 All leases, rental contracts and such other instruments as are necessary in the leasing and renting of properties shall be on duly authorized Corporation forms.

The Regional Manager may, however, with the advice of the Regional Counsel, authorize the use of other forms in particular cases where he determines that it will be to the best interest of the Corporation.

The Corporation requires that a written rental agreement be obtained from the occupant of property under the jurisdiction of the Property Management Division if the Corporation desires to enter into the relationship of landlord and tenant with such occupant and has the legal right to do so. Once a rental agreement has been entered into between the Corporation and such tenant, no new rental agreement shall be required, unless there is a subsequent change in the rental agreement, such as a change in the rental rate or in the expiration date of the rental agreement. Unless the Regional or State Counsel otherwise directs, no new rental agreement is required solely for the purpose of evidencing the amortization of rental delinquencies. Where a new agreement is required under the ruling of the Regional or State Counsel, the rental rate shall not be increased by reason of such amortization and any payments to be made on account of rental delinquencies shall be shown separately in such new rental agreement.

§ 403.11–45 When advice is received that a property has become owned by the Corporation and there is an occupant in the property at that time, the broker shall consider the desirability of retaining or qualifying such occupant as a tenant. If the occupant had executed a rental agreement with the Corporation prior to acquisition no new rental agreement will be required unless there is a change in the terms of such agreement. If such occupant had not previously entered into a rental agreement with the Corporation he shall be required to execute such an agreement. Rental arrangements shall be made only with occupants whose credit standing is satisfactory. If upon receipt of notice of acquisition of title the property is occupied by an interim tenant owing arrears which have accrued prior to "legal title vested date", efforts shall be made to obtain payment of such delinquencies in cash at that time or no later than the fifteenth of the month following the calendar month in which such notice is received. If upon receipt of such notice there are arrears which have accrued subsequent to "legal title vested date", such arrears shall likewise be paid in cash, and if such cash liquidation is not feasible, then arrangements shall be made with such occupant for the amortization of such delinquencies over a reasonable period.

Such amortization arrangement shall preserve to the Corporation the right to recover from the tenant the full unpaid balance of such delinquency in the event of the tenant's subsequent default. In the event arrears accruing prior to or subsequent to "legal title vested date" are not paid in cash, or satisfactory arrangements are not made for their liquidation as provided above, or the occupant is not acceptable as a tenant, prompt steps shall be taken to obtain possession of the property at the earliest possible date. A property shall be deemed to be Not Owned until notice of acquisition is received from the Legal Department. The "legal title vested date" shall be the date of acquisition of absolute title as reported by the Legal Department in its notice irrespective of the date of such notice.

(Effective August 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-2948; Filed, August 10, 1939; 12:02 p. m.]

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[Administrative Order No. 337]

PART 403—PROPERTY MANAGEMENT

REMITTANCES BY CONTRACT MANAGEMENT BROKERS

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations. (Effective August 15, 1939)

Sec. 403.11–36 is amended by adding the following paragraph at the end thereof:

The Regional Manager may furthermore waive the use of a bank account by any Broker whose monthly collections on behalf of the Corporation normally do not exceed $100 during any monthly accounting period, or if the facilities of a bank acceptable to the Regional Manager are not available. Any such Broker shall remit to the Corporation by money order or check, the cost of which shall be borne by him. The Regional Manager or the Assistant Regional Manager in Charge of Property Management is authorized to amend Forms PM 432 or 432–A so as to reflect any deviations from the provisions thereof authorized by the Regional Manager pursuant to the provisions of this Article. In any such cases the appropriate surety company shall be advised of such changes if the Broker is bonded.

The first paragraph of Sec. 403.11–37 is amended to read as follows:

After the 15th day of each month and not later than the 17th day thereof, the Contract Management Broker shall remit direct to the Regional Treasurer all unexpended income derived from properties referred to him by the Corporation for management. In case the broker, prior to the 15th day of the month, has collected all rentals due during the month, he may make his remittance and submit his monthly operating report prior to that date. The broker may make remittances prior to the submission of his monthly operating report in which event he shall show on said report, when forwarded to the Regional and State Offices, the amounts and dates of previous remittances and the amount of the remittance accompanying such report. If the income received by the broker during the monthly accounting period from any particular property is insufficient to pay the charges regularly incurred by him with reference to that property during that period, such charges may be paid by the broker from any income received by him from any Corporation property under his management or by voucher under the regular procedure provided therefor.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-2946; Filed, August 10, 1939; 12:01 p. m.]

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[Administrative Order No. 322]

PART 403—PROPERTY MANAGEMENT

CONTRACT MANAGEMENT BROKERS' REPORTING PROCEDURE

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 403.11–44 is revoked and Sections 403.11–37, 403.11–38, 403.11–39, 403.11–41, 403.11–42 and 403.11–45 are amended to read as follows: (Effective October 24, 1938)

§ 403.11–37 After the 15th day of each month and not later than the 17th day thereof, the Contract Management Broker shall remit direct to the Regional Treasurer all unexpended income derived from properties referred to him by the Corporation for management. In case the broker, prior to the 15th day of the month, has collected all rentals due during the month, he may make his remittance and submit his monthly operating report prior to that date. If the income received by the broker during the monthly accounting period from any particular property is insufficient to pay the charges regularly incurred by him with reference to that property during that period, such charges may be paid by the broker from any income received by him from any Corporation property under his management or by voucher under the regular procedure provided therefor.

The remittance shall be accompanied by the original of a Monthly Operating Report by Contract Management Broker on an approved form supplied by the Corporation, together with the original receipted bills for authorized disbursements made by the broker and the original signed copy of each new lease or rental agreement entered into during the period covered by the report. The Monthly Operating Report by Contract Management Broker shall be prepared by the broker in triplicate as of the close of business not later than the fifteenth of each month. The Regional Treasurer will detach the remittance and acknowledge on the original copy on the Contract Management Broker's report the receipt of funds constituting the remittance by showing the reported date and amount of the deposit by the Regional Treasurer of such funds, and will deliver the original report, together with the receipted bills and any leases or rental agreements to the Regional Accountant for verification as to mathematical correctness of the computation, with respect to receipts, deductions and remittances, for presence of a lease or rental agreement covering each new tenancy reported thereon, for determination that each disbursement is covered by a receipted bill, and for use as posting media to the books of the Corporation. The Accounting Section will promptly advise the Property Management Division of any missing lease or rental agreement and of any missing necessary receipted bill.

§ 403.11–38 At the same time that the original Monthly Operating Report of Contract Management Broker is mailed to the Regional Treasurer, the broker shall send to the State Office a duplicate copy of the report accompanied by a duplicate set of bills and copies of new leases or rental agreements. Such extra copies of bills are not required to be receipted and may, if necessary, be prepared by the broker.

§ 403.11–39 The Supervisor of Management in the Regional Office shall make such spot check of broker operations from reports received and otherwise as may be necessary to insure efficient broker operation.

§ 403.11–41 If the Contract Management Broker has made any disbursements for which he has not obtained the receipted bill of the contractor or vendor in time for transmittal with his monthly operating report, he shall transmit in lieu thereof his signed certification, preferably on the bill or letterhead of the broker, to the effect that such disbursement has been made and that the customary receipt was not obtained, but will be obtained and submitted within thirty days. The original certification shall be forwarded with the broker's Monthly Operating Report to the Regional Treasurer and duplicate copy to the State Office. In every such case the original receipted bill of the contractor or vendor shall be obtained by the Contract Management Broker as soon as possible and shall be forwarded by him together with a duplicate copy thereof to the State Office not later than thirty days from the date of the disbursement. The original shall thereafter be forwarded to the Regional Accountant.

In cases where it is impracticable for the broker to obtain a receipted bill, the Official in Charge of Management in the State Office is authorized to waive the necessity of obtaining such receipted bill upon certification by the broker, preferably on the bill or letterhead of the broker, that it was impracticable to obtain a receipted bill and stating the reasons therefor, and upon satisfactory evidence that payment has, in fact, been made.

§ 403.11–42 The Official in Charge of Management in the State Office shall cause to be reviewed all delinquencies, as disclosed by the Monthly Operating Report by Contract Management Brokers. Appropriate action shall be taken promptly upon a default in the payment of rent so that the tenant will in no case remain in possession of the property when the delinquency is forty-five days old, except upon the approval of the State Manager.

§ 403.11–45 Where the account of any occupant of a property or unit is on an Interim Tenant's Account prior to the date of acquisition and a rental arrangement is thereafter contemplated wherein such occupant will continue to occupy the property or unit as a tenant subsequent to the date when the property or unit shall have become owned by the Corporation, such tenancy rental arrangement shall not become effective until any unpaid miscellaneous balances existing prior to "legal title vested date" have been paid and until any unpaid balance resulting from accruals subsequent to "legal title vested date" have been paid in cash by such occupant or amortized over a reasonable period; and such amortization arrangement shall be made a part of any rental agreement entered into with the tenant. Arrears which are included in such new rental arrangement shall not be included in delinquencies but will be accrued currently in agreement with the method of amortization. In the event a satisfactory plan for the liquidation of arrears incurred after the "legal title vested date" cannot be arranged or in case the delinquent tenant does not pay in full all arrears that have accrued prior to acquisition, prompt steps shall be taken to obtain possession of the property. Rental arrangements shall be made only with occupants whose credit standing is satisfactory. A property shall be deemed to be not owned until notice of acquisition is received from the Regional Counsel. The "legal title vested date" shall be the date of acquisition of absolute title as reported by the Regional Counsel in his notice, irrespective of the date of such notice.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-2947; Filed, August 10, 1939; 12:01 p.m.]

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[Administrative Order No. 519]

PART 405—RECONDITIONING

INSURANCE LOSS RESTORATIONS: GENERAL; IMMEDIATE PROTECTION

Amending Part 405 of Chapter IV, Title 24 of the Code of Federal Regulations.

Sub-paragraph (c) of Section 405.01–50 is amended to read as follows:

(c) Preliminary inspection, and handling in accordance with Reconditioning procedure in all cases of loss to properties under the jurisdiction of the Property Management Division, other than those in which the broker may effect maintenance or emergency repairs within the limitations of his authority to incur expenses, as provided in Section 403.14.

Section 405.01–53 is amended to read as follows:

§ 405.01–53 In unusual cases, where the mortgagor cannot arrange to protect the property immediately and adequately, the State Manager may authorize such repairs to be made not to exceed $500.00, against which due credit shall be taken from the insurance loss settlement when paid.

(Effective August 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-2945; Filed, August 10, 1939; 12 m.]

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## TITLE 25—INDIANS

### OFFICE OF INDIAN AFFAIRS

FLATHEAD INDIAN RESERVATION, MONTANA

ORDER OF RESTORATION AMENDED

Pursuant to authority contained in Sections 3 and 7 of the Act of June 18, 1934 (48 Stat. 984), Departmental Order of December 11, 1937, published in FEDERAL REGISTER January 4, 1938, pages 5–7, inclusive (DI), restoring certain undisposed-of vacant townsite and villa site lots on the Flathead Reservation to tribal ownership, is hereby amended by eliminating therefrom Lot No. 1, Block 28, Camas Townsite and by adding thereto the following described lots:

| | Block | Lot |
|---|---|---|
| Camas Townsite | 28 | 10. |
| Festou Villa Site | 7 | 2–6, inclusive. |
| Festou Villa Site | 8 | 2 and 4. |
| Grouse Villa Site | 3 | 1–7, inclusive. |
| Grouse Villa Site | 5 | 5–7, inclusive. |
| Grouse Villa Site | 10 | 1–10, inclusive. |
| Grouse Villa Site | 11 | 1, 2, 3, 4, 5, and 7. |

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

July 28, 1939.

[F. R. Doc. 39-2932; Filed, August 10, 1939; 9:15 a. m.]

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## TITLE 26—INTERNAL REVENUE

### BUREAU OF INTERNAL REVENUE

[T. D. 4917]

INCOME TAX

REGULATIONS RELATING TO RETURNS OF INFORMATION WITH RESPECT TO FOREIGN CORPORATIONS *†

*To Collectors of Internal Revenue and Others Concerned:*

§ 20D.0 *Introductory.* (a) Section 3604 of the Internal Revenue Code (53 Stat., Part 1), approved February 10, 1939, provides:

§ 3604 *Returns as to formation, etc., of foreign corporations*—(a) *Requirement.* Under regulations prescribed by the Commis-

*Section 20D.0 to Section 20D.6 issued under the authority contained in section 3604 of the Internal Revenue Code, as amended by section 404 of the Revenue Act of 1939 (Public No. 155, Seventy-sixth Congress, first session), and in section 3791 of the Internal Revenue Code (53 Stat., Part 1)

†The source of section 20D.0 to section 20D.6 is Treasury Decision 4917, approved August 7, 1939.

sioner with the approval of the Secretary, any attorney, accountant, fiduciary, bank, trust company, financial institution, or other person, who aids, assists, counsels, or advises in, or with respect to, the formation, organization, or reorganization of any foreign corporation, shall, within 30 days thereafter, file with the Commissioner a return.

(b) *Form and contents of return.* Such return shall be in such form, and shall set forth, under oath, in respect of each such corporation, to the full extent of the information within the possession or knowledge or under the control of the person required to file the return, such information as the Commissioner with the approval of the Secretary prescribes by regulations as necessary for carrying out the provisions of the income tax laws. Nothing in this section shall be construed to require the divulging of privileged communications between attorney and client.

(c) *Penalty.* Any person required under subsection (a) to file a return, or to supply any information, who willfully fails to file such return, or supply such information, at the time or times required by law or regulations, shall, in lieu of other penalties provided by law for such offense, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $2,000, or imprisoned for not more than one year, or both.

(b) Section 404 of the Revenue Act of 1939 (Public No. 155, Seventy-sixth Congress, first session), provides:

SEC. 404. RETURNS BY ATTORNEYS AS TO FOREIGN CORPORATIONS. Effective as of the date of the enactment of the Internal Revenue Code, section 3604 of such Code is amended by striking out "Nothing in this section shall be construed to require the divulging of privileged communications between attorney and client." and inserting in lieu thereof "Nothing in this section shall be construed to require the filing by an attorney-at-law of a return with respect to any advice given or information obtained through the relationship of attorney and client."

(c) Section 3632 of the Internal Revenue Code provides:

§ 3632. *Authority to administer oaths, take testimony, and certify*—(a) *Internal revenue personnel*—(1) *Persons in charge of administration of Internal Revenue laws generally.* Every collector, deputy collector, internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

(2) *Persons in charge of exports and drawbacks.* Every collector of internal revenue and every superintendent of ports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal revenue laws.

(b) *Others.* Any oath or affirmation required or authorized by any internal revenue law or by any regulations made under authority thereof may be administered by any person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory, or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by any consular officer of the United States. This subsection shall not be construed as an exclusive enumeration of the persons who may administer such oaths or affirmations.

(d) Section 3797 of the Internal Revenue Code provides in part:

§ 3797 *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) Person. The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, company, or corporation.

* * * * *

(4) Domestic. The term "domestic" when applied to a corporation or a partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

(5) Foreign. The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(6) Fiduciary. The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

* * * * *

(11) Secretary. The term "Secretary" means the Secretary of the Treasury.

(12) Commissioner. The term "Commissioner" means the Commissioner of Internal Revenue.

(e) Section 3791 of the Internal Revenue Code provides in part as follows:

§ 3791 *Rules and regulations*—(a) *Authorization.* (1) In general. * * * the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

Pursuant to the authority contained in the above-quoted provisions of law, the following regulations are prescribed with respect to returns of information to be filed by attorneys, accountants, fiduciaries, banks, trust companies, financial institutions, or other persons as to the formation, organization, or reorganization of foreign corporations, all references to sections being to sections of the Internal Revenue Code, or such Code as amended, except as otherwise indicated:*†

§ 20D.1 *Information returns*—(a) *General.* Any attorney (except as hereinafter provided in (b) (4) of this section), accountant, fiduciary, bank, trust company, financial institution, or other person, who aids, assists, counsels, or advises in, or with respect to, the formation, organization, or reorganization of any foreign corporation shall file with the Commissioner, within 30 days after giving such aid, assistance, counsel, or advice, an information return as provided in section 3604 (a) and these regulations. The return must be filed in every such case (1) regardless of the nature of the counsel or advice given, whether for or against the formation, organization, or reorganization of the foreign corporation, or the nature of the aid or assistance rendered and (2) regardless of the action taken upon the advice or counsel, that is, whether the foreign corporation is actually formed, organized, or reorganized.

If, in a particular case, the aid, assistance, counsel or advice given by any person extends over a period of more than one day and not for more than 30 days, such person, to avoid the multiple filing of returns, may file a single return for the entire period. In such case, the return shall be filed within 30 days from the first day of such period. If, in a particular case, the aid, assistance, counsel, or advice given by any person extends over a period of more than 30 days, such person may file a return at the end of each 30 days included within such period and at the end of the fractional part of a 30 day period, if any, extending beyond the last full 30 days. In each such case, the return must disclose all the required information which was not reported on a prior return.

(b) *Special provisions*—(1) *Employers.* In the case of aid, assistance, counsel, or advice in, or with respect to, the formation, organization, or reorganization of a foreign corporation given by a person in whole or in part through the medium of subordinates or employees (including in the case of a corporation the officers thereof), the return of the employer must set forth to the full extent all information prescribed by these regulations, including that which, as an incident to such employment, is within the possession or knowledge or under the control of such subordinates or employees.

(2) *Employees.* The obligation of a subordinate or employee (including in the case of a corporation the officers thereof) to file a return with respect to any aid, assistance, counsel, or advice in, or with respect to, the formation, organization, or reorganization of a foreign corporation, given as an incident to his employment, will be satisfied if a complete and accurate return as prescribed by these regulations is duly filed by the employer setting forth all of the information within the possession or knowledge or under the control of such subordinate or employee.

Clerks, stenographers, and other subordinates or employees, rendering aid or assistance solely of a clerical or mechanical character in, or with respect to, the formation, organization, or reorganization of a foreign corporation are not required to file returns by reason of such services.

(3) *Partners.* In the case of aid, assistance, counsel, or advice in, or with respect to, the formation, organization, or reorganization of a foreign corporation given by one or more members of a partnership in the course of its business, the obligation of each such individual member to file a return will be satisfied if a complete and accurate return, as prescribed by these regulations, is duly filed by the partnership, executed by all the members of the firm who gave any such aid, assistance, counsel, or advice. If, however, the partnership has been dissolved at the time the return is due, individual returns must be filed by each member of the former partnership who gave any such aid, assistance, counsel, or advice.

(4) *Attorneys-at-law.* An attorney-at-law is not required to file a return with respect to any advice given or information obtained through the relationship of attorney and client.

(5) *Returns jointly made.* If two or more persons aid, assist, counsel, or advise in, or with respect to, the formation, organization, or reorganization of a particular foreign corporation, any two or more of such persons may, in lieu of filing several returns, jointly execute and file on return.

(c) *Penalties.* For criminal penalties for failure to file the returns required by section 3604 (a) and these regulations, see section 3604 (c) quoted in section 20D.0 of these regulations.*†

§ 20D.2 *Form of return.* The returns under section 20D.1 of these regulations shall be made on Form 959. Such forms may, upon request, be procured from any collector. Each person should carefully prepare his return so as to set forth fully and clearly the information called for therein. Returns which have not been so prepared will not be accepted as meeting the requirements of the Code.*†

§ 20D.3 *Contents of returns.* The return shall, in accordance with the provisions of these regulations and the instructions on the form, set forth the following information to the full extent such information is within the knowledge or possession or under the control of the person required to file the return:

(1) The name and the address of the person (or persons) to whom and the person (or persons) for whom or on whose behalf the aid, assistance, counsel, or advice was given;

(2) A complete statement of the aid, assistance, counsel, or advice given;

(3) Name and address of the foreign corporation and the country under the laws of which it was formed, organized, or reorganized;

(4) The month and year when the foreign corporation was formed, organized, or reorganized;

(5) A statement of how the formation, organization, or reorganization of the foreign corporation was effected;

(6) A complete statement of the reasons for, and the purposes sought to be accomplished by, the formation, organization, or reorganization of the foreign corporation;

(7) A statement showing the classes and kinds of assets transferred to the foreign corporation in connection with its formation, organization, or reorganization, including a detailed list of any stock or securities included in such assets, and a statement showing the names and addresses of the persons who were the owners of such assets immediately prior to the transfer;

(8) The names and addresses of the shareholders of the foreign corporation at the time of the completion of its formation, organization, or reorganization, showing the classes of stock and number of shares held by each;

(9) The name and address of the person (or persons) having custody of the books of account and records of the foreign corporation; and

(10) Such other information as may be required by the return form.

If a person aids, assists, counsels, or advises in, or with respect to, the formation, organization, or reorganization of more than one foreign corporation, a separate return must be filed with respect to each foreign corporation.*†

§ 20D.4 *Verification of return.* All returns required by section 3604 (a) and these regulations shall be verified under oath or affirmation. The oath or affirmation may be administered by a person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory, or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by a consular officer of the United States. Such returns executed abroad may be attested free of charge before United States consular officers. If a foreign notary or other official having no seal shall act as attesting officer, the authority of such attesting officer shall be certified to by some judicial official or other proper officer having knowledge of the appointment and official character of the attesting officer.*†

§ 20D.5 *Place of filing returns.* Returns required by section 3604 (a) and these regulations shall be filed with the Commissioner of Internal Revenue, Washington, D. C., attention of the Income Tax Unit, Records Division.*†

§ 20D.6 *Effective date.* These regulations, with the exception of paragraph (4) of section 20D.1 (b) of these regulations relating to returns of attorneys-at-law, shall take effect upon the date approved; paragraph (4) of section 20D.1 (b) of these regulations shall take effect as of February 10, 1939. These regulations supersede the provisions of Treasury Decision 4816, approved June 20, 1938 (Part 10, Title 26, Code of Federal Regulations), as made applicable to the Internal Revenue Code by Treasury Decision 4885 approved February 11, 1939 (Part 465, Subpart B, Title 26, Code of Federal Regulations).*†

[SEAL] HAROLD N. GRAVES,
*Acting Commissioner of Internal Revenue.*

Approved: August 7, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-2930; Filed, August 9, 1939; 2:44 p. m.]





[T. D. 4918]

INCOME TAX

REGULATIONS RELATIVE TO ELECTION BY TAXPAYERS TO INCLUDE IN GROSS INCOME FOR THE TAXABLE YEAR IN WHICH RECEIVED AMOUNTS RECEIVED AS LOANS FROM THE COMMODITY CREDIT CORPORATION*†

*To Collectors of Internal Revenue and Others Concerned:*

§ 20C.0 *Introductory.* Section 223 of Title II (Income Tax Amendments) of the Revenue Act of 1939, enacted June 29, 1939 (Public, No. 155, Seventy-sixth Congress, first session), provides:

SEC. 223. COMMODITY CREDIT LOANS. (a) The Internal Revenue Code is amended by inserting after section 121 the following new section:

"SEC. 123. COMMODITY CREDIT LOANS. (a) Amounts received as loans from the Commodity Credit Corporation shall, at the election of the taxpayer, be considered as income and shall be included in gross income for the taxable year in which received.

"(b) If a taxpayer exercises the election provided for in subsection (a) for any taxable year beginning after December 31, 1938, then the method of computing income so adopted shall be adhered to with respect to all subsequent taxable years unless with the approval of the Commissioner a change to a different method is authorized."

(b) ADJUSTMENT OF BASIS. Section 113 (b) (1) of the Internal Revenue Code is amended by adding at the end thereof a new subparagraph reading as follows:

"(G) in the case of property pledged to the Commodity Credit Corporation, to the extent of the amount received as a loan from the Commodity Credit Corporation and treated by the taxpayer as income for the year in which received pursuant to section 123 of this chapter, and to the extent of any deficiency on such loan with respect to which the taxpayer has been relieved from liability."

(c) The amendments made by subsections (a) and (b) shall be applicable to taxable years beginning after December 31, 1938.

(d) RETROACTIVE APPLICATION. The provisions of subsection (a) shall be retroactively applied in computing income for any taxable year subject to the provisions of the Revenue Act of 1934, the Revenue Act of 1936, or the Revenue Act of 1938, or any of such Acts as amended, if—

(1) The taxpayer elects in writing (in accordance with regulations prescribed by the Commissioner with the approval of the Secretary) within one year from the date of the enactment of this Act to treat such loans as income for such year, and

(2) The records of the taxpayer are sufficient to permit an accurate computation of income for such year, and

(3) The taxpayer consents in writing to the assessment, within such period as may be agreed upon, of any deficiency for such year, even though the statutory period for the assessment of any such deficiency had expired prior to the filing of such consent.

Any tax overpaid for any such year shall be credited or refunded, subject to the statu-

*Sections 20C.0 to 20C.3 issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. Part 1) and interpret section 123 of the Internal Revenue Code, as added by section 223 of the Revenue Act of 1939 (Public, No. 155, Seventy-sixth Congress, first session).

†The source of sections 20C.0 to 20C.3 is Treasury Decision 4918, approved August 7, 1939.

tory period of limitation properly applicable thereto.

(e) Adjustment of Basis for Prior Years.—In computing income for any taxable year subject to the provisions of the Revenue Act of 1934, the Revenue Act of 1936, or the Revenue Act of 1938, or any of such Acts as amended, the basis, for determining gain or loss from the sale or other disposition of any property, pledged to the Commodity Credit Corporation as security on a loan obtained therefrom, shall be adjusted for the amount of such loan to the extent it was considered as income and included in gross income for the year in which received, and for the amount of any deficiency on such loan with respect to which the taxpayer was relieved from liability.

Section 62 of the Internal Revenue Code provides:

§ 62 *Rules and regulations.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

Pursuant to the above-quoted provisions and other provisions of the internal revenue laws, the following regulations are hereby prescribed with respect to the application of section 123 of the Internal Revenue Code as added by section 223 of the Revenue Act of 1939:*†

§ 20C.1 *Taxable years beginning after December 31, 1938.* A taxpayer who receives a loan from the Commodity Credit Corporation within any taxable year beginning after December 31, 1938, may, at his election, include the amount of such loan in his gross income for the taxable year in which the loan is received. If a taxpayer makes such an election, then for subsequent taxable years he shall include in his gross income all amounts received during those years as loans from the Commodity Credit Corporation, unless he secures the approval of the Commissioner to change to a different method of accounting. Application for permission to change such method of accounting and the basis upon which the return is made shall be filed within 90 days after the beginning of the taxable year to be covered by the return.*†

§ 20C.2 *Taxable years beginning after December 31, 1933, and before January 1, 1939.* A taxpayer who has received a loan from the Commodity Credit Corporation within any taxable year beginning after December 31, 1933, and before January 1, 1939, may include the amount of such loan in his gross income for the taxable year in which the loan was received if he complies with the following conditions:

(1) Elects to include such loan in gross income by filing an amended return on or before June 29, 1940, including therein such item as a part of gross income;

(2) Has kept sufficient records so as to permit an accurate computation of income for such year; and

(3) Files with the amended return Form 872 consenting therein to the assessment, within such period as may be agreed upon, of any deficiency for such year.*†

§ 20C.3 *Effect of election on adjustments for other taxable years.* If a taxpayer elects under section 20C.1 or 20C.2 of these regulations to include in his gross income the amount of a loan from the Commodity Credit Corporation for the taxable year in which it is received, then—

(1) no part of the amount realized by the Commodity Credit Corporation upon the sale or other disposition of the commodity pledged for such loan shall be recognized as income to the taxpayer, unless the taxpayer receives an amount in addition to that advanced to him as the loan, in which event such additional amount shall be included in the gross income of the taxpayer for the year in which received; and

(2) no deductible loss to the taxpayer shall be recognized on account of any deficiency realized by the Commodity Credit Corporation on such loan if the taxpayer was relieved from liability for such deficiency.

*Example.* A, a taxpayer who elected for his taxable years 1937, 1938, and 1939 to include in gross income amounts received during those years as loans from the Commodity Credit Corporation, received as loans $500 in 1938, $700 in 1938, and $900 in 1939. In 1940 all the pledged commodity was sold by the Commodity Credit Corporation for an amount $100 and $200 less than the loans with respect to the commodity pledged in 1937 and 1938, respectively, and for an amount $150 greater than the loan with respect to the commodity pledged in 1939. A, in making his return for 1940, shall include in gross income the sum of $150 if it is received during that year, but will not be allowed a deduction for the deficiencies of $100 and $200 unless he is required to satisfy such deficiencies and does satisfy them during that year.*†

[SEAL] HAROLD N. GRAVES,
*Acting Commissioner of Internal Revenue.*

Approved: August 7, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-2931; Filed, August 9, 1939; 2:44 p. m.]

## TITLE 46—SHIPPING

### UNITED STATES MARITIME COMMISSION

[General Order No. 15—Supplement No. 3d]

MINIMUM MANNING SCALES FOR THE M. S. "DONALD MCKAY," M. S. "MORMACHAWK," M. S. "MORMACWREN," M. S. "MORMACDOVE," M. S. "MORMACGULF" AND M. S. "MORMACLARK," SUBSIDIZED VESSELS OF MOORE-MCCORMACK LINES, INC., AMERICAN SCANTIC LINE SERVICE

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 8th day of August 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15[1] providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the M. S. *Donald McKay*, M. S. *Mormachawk*, M. S. *Mormacwren*, M. S. *Mormacdove*, M. S. *Mormacgulf* and M. S. *Mormaclark*, subsidized vessels of the Moore-McCormack Lines, Inc., American Scantic Line Service (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

*Ordered*, That the minimum manning scales attached hereto for the M. S. *Donald McKay*, M. S. *Mormachawk*, M. S. *Mormacwren*, M. S. *Mormacdove*, M. S. *Mormacgulf* and M. S. *Mormaclark*, subsidized vessels of the Operator, be and the same hereby are adopted: *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of any of said vessels without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after September 1, 1939 of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR.,
*Secretary.*

[1] 2 F.R. 2257.



*Minimum Manning Scale To Be Observed on the Vessels MS. Donald McKay, MS. Mormachawk, MS. Mormacwren, MS. Mormacdove, MS. Mormacgulf and MS. Mormaclark of the Moore-McCormack Lines, Inc., American Scantic Line Service*

| | Rating |
|---|---|
| Deck department: | |
| Master | 1 |
| Chief Mate | 1 |
| Second Mate | 1 |
| Third Mate | 1 |
| Cadet Officer or Cadet | [1] 1 |
| Radio Operator | [2] 1 |
| Boatswain | 1 |
| Able Seamen | 6 |
| Ordinary Seamen | 3 |
| Engine department: | |
| Chief Engineer | 1 |
| First Assistant Engineer | 1 |
| Second Assistant Engineer | 1 |
| Third Assistant Engineer | 1 |
| Engineer Cadet Officer or Cadet | [1] 1 |
| Deck Engineer—Electric | [3] 1 |
| Utility Engine Man | [4] 1 |
| Oilers | 3 |
| Wipers | [3] 3 |
| Steward's department: | |
| Chief Steward | 1 |
| Chief Cook | 1 |
| Second Cook and Baker | 1 |
| Messmen | 2 |
| Messboy | 1 |

[1] It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of the Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official logbook to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel and such action shall not constitute a violation of this Manning Scale.

[2] With radio auto alarm.

[3] The Engineer and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

[4] Must possess at least oiler's certificate.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-2935; Filed, August 10, 1939; 10:12 a. m.]

## *Notices*

### DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

[SRB-301—Florida Celery, Supp. No. 1]

1939 AGRICULTURAL CONSEVATION PROGRAM FOR THE FLORIDA CELERY AREA

SOUTHERN REGION BULLETIN 301

*Supplement No. 1*

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program for the Florida Celery Area, Southern Region Bulletin 301,[1] is hereby amended as follows:

Item (5) of subsection (a) under the "Schedule of soil-building practices" in section IV is amended to read as follows:

(5) Application of 1,000 pounds of ground limestone or its equivalent.

Done at Washington, D. C., this 10th day of August 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2940; Filed, August 10, 1939; 11:36 a. m.]

[1] 3 F.R. 2655 DI.

### Food and Drug Administration.

[Docket No. FDC-10]

NOTICE OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE ON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED FIXING AND ESTABLISHING A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE (A) FRUIT PRESERVE (FRUIT JAM) FOODS; (B) FRUIT JELLY FOODS, AND (C) FRUIT BUTTER FOODS HEREINAFTER IDENTIFIED

Pursuant to the provisions of subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Sec. 701, 52 Stat. 1058; 21 U.S.C. 371 (e)], notice is hereby given to all interested persons that public hearings will be held in Room 1039, in the South Building of the U. S. Department of Agriculture, Independence Avenue, between 12th and 14th Streets, Southwest, Washington, D. C., on the 11th day of September, 1939, at 10 o'clock in the forenoon of that day, for the purpose of receiving evidence in respect of the proposed definitions and standards of identity subjoined to this notice and hereby made a part hereof, upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture as provided in Section 401 of the Federal Food, Drug and Cosmetic Act (Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), regulations may be promulgated fixing and establishing a reasonable definition and standard of identity for each of the following foods, namely:

A. Each fruit preserve (fruit jam), as more fully identified in Sec. 29.000 of the proposals subjoined to this notice and hereby made a part hereof;

B. Each fruit jelly, as more fully identified in Sec. 29.500 of the proposals subjoined to this notice and hereby made a part hereof; and

C. Each fruit butter, as more fully identified in Sec. 30.000 of the proposals subjoined to this notice and hereby made a part hereof.

All interested persons are invited to attend these hearings and to offer relevant and material evidence either in person or through a duly authorized representative. Affidavits in quintuplicate may be offered in lieu of oral testimony either at the time of the hearings or by sendng them to M. F. Markel, Room 2317, South Building, U. S. Department of Agriculture, Independence Avenue, between 12th and 14th Streets, Southwest, Washington, D. C., in sufficient time so as to be in his office on or before the date of the hearings above stated. Such affidavits, if relevant and material, or any relevant or material portion thereof, may be received and considered as evidence in the particular hearing to which they are addressed, but the lack of an opportunity for cross-examination will be considered in determining the weight that shall be given to such affidavits, or portions thereof, as evidence.

Each of the proposed definitions and standards of identity subjoined to this notice and hereby made a part hereof, is subject to adoption, rejection, amendment or modification by the Secretary, in whole or in part, as the evidence presented at each hearing may require.

Each hearing will be conducted in accordance with the Rules of Procedure for hearings held under the Federal Food, Drug, and Cosmetic Act, as published in the FEDERAL REGISTER of Friday, January 13, 1939, at pages 223 to 225.

Mr. M. F. Markel is hereby designated as the Presiding Officer who shall conduct each of the foregoing hearings in the place and stead of the Secretary, with power to administer oaths, and to do all things necessary and appropriate to the proper conduct of such hearings.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated, August 5, 1939.

§ 29.000 *Fruit preserve, fruit jam—Identity; label statement of optional ingredients.* (a) For the purposes of this section—

(1) The term "fruit" includes the vegetables named in subsection (b).

(2) Any requirement with respect to weight of fruit means—

(i) The weight of such fruit exclusive of the weight of any sugar, water, or other substance added during any process of packing or canning, or otherwise added to such fruit;

(ii) In the case of fruit prepared by the removal, in whole or in part, of pits, seeds, skins, cores, or any combination thereof, the weight of such fruit exclusive of the weight of pits, seeds, skins and cores removed therefrom; and

(iii) In the cases of apricot, cherry, grape, nectarine, peach, and damson, greengage or other plum, irrespective of whether pits or seeds are removed wholly or in part therefrom, the weight of such fruit exclusive of the weight of its pits or seeds.

(3) Any requirement with respect to the weight of partly inverted sugar sirup, honey, or corn sirup means the weight of the total solids content of such sugar sirup, honey, or corn sirup.

(4) The term "soluble solids" means the soluble solids content of a preserve or jam as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fourth Edition, page 320, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades and Preserves—Tentative," except that no correction is to be made for water-insoluble solids.

(b) A preserve or jam for which a definition and standard of identity is prescribed by this section is the food prepared from one or a mixture of two or more of the following mature and properly prepared, fresh, frozen or canned fruits:

Apple.
Apricot.
Blackberry.
Black Currant.
Black Raspberry.
Blueberry.
Boysenberry.
Cherry.
Crabapple.
Cranberry.
Currant (or Red Currant).
Damson (or Damson Plum).
Dewberry.
Elderberry.
Fig.
Gooseberry.
Grape.
Grapefruit.
Greengage (or Greengage Plum).
Guava.
Huckleberry.
Loganberry.
Nectarine.
Orange.
Peach.
Pear.
Pineapple.
Plum (other than Damson or Greengage).
Quince.
Raspberry (or Red Raspberry).
Rhubarb.
Strawberry.
Tangerine.
Tomato.
Yellow Tomato.
Youngberry.

Each fruit in any such mixture of two or more fruits is an optional ingredient. Such fruit or mixture of fruits, with or without added water, is combined and cooked with one of the following optional sweetening ingredients:

(1) Sugar;
(2) Partly inverted sugar sirup, the solids of which contain not more than 0.05 percent by weight of ash;
(3) Honey;
(4) Corn sirup (glucose);
(5) A mixture of sugar and dextrose;
(6) A mixture of sugar and honey; or
(7) A mixture of sugar and corn sirup.

To such fruit or mixture of fruits and such sweetening ingredient may be added one or more of the following optional ingredients:

(8) Spice;
(9) A vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid or tartaric acid;
(10) Pectin; and
(11) Sodium citrate or sodium potassium tartrate, or both.

Such preserve or jam, when sealed in a container, is so processed by heat, before or after sealing, as to prevent spoilage.

(c) The composition of such preserve or jam is as follows:

(1) If it is prepared from black currant, cranberry, currant, damson plum, gooseberry, or quince, or a mixture of two or more of such fruits, the finished preserve or jam contains not less than 64 percent of soluble solids.

(2) If it is prepared from one or more of the fruits named in paragraph (1) of this subsection and one or more of the other fruits named in subsection (b), the finished preserve or jam contains not less than 66 percent of soluble solids.

(3) If it is prepared from apple, apricot, fig, nectarine, peach, pear, plum (other than damson), or guava, or a mixture of two or more of such fruits, the finished preserve or jam contains not less than 66 percent of soluble solids.

(4) If it is not subject to the provisions of paragraphs (1), (2), or (3) of this subsection, the finished preserve or jam contains not less than 68 percent of soluble solids.

(5) If it is prepared from a mixture of two fruits, the weight of each such fruit is not less than two-fifths the total weight of such mixture.

(6) If it is prepared from a mixture of three fruits, the weight of each such fruit is not less than one-fourth the total weight of such mixture.

(7) If it is prepared from a mixture of four or more fruits, the weight of no such fruit is more than thrice the weight of any other such fruit.

(8) It is prepared from not less than 45 parts by weight of fruit or mixture of fruits to each 55 parts by weight of the optional sweetening ingredient.

(9) If it is prepared with optional sweetening ingredient (5), the weight of sugar is not less than one-half the weight of such ingredient.

(10) If it is prepared with optional sweetening ingredient (6), the weight of honey is not less than two-fifths the weight of such ingredient.

(11) If it is prepared with optional sweetening ingredient (7), the weight of sugar is not less than two-fifths the weight of such ingredient.

(12) If it is prepared with optional ingredient (9) or (10), such ingredient is present only in such quantity as is sufficient to compensate for deficiency of natural acid or pectin, as the case may be, in the fruit ingredient.

(13) If it is prepared with optional ingredient (11), such ingredient is present in a total quantity of not more than three ounces to each 100 pounds of sweetening ingredient.

(d) The name of each preserve or jam for which a definition and standard of identity is prescribed by this section is as follows:

(1) If it is prepared from a single fruit, the name is that whereby such fruit is designated in subsection (b), preceded or followed by the word "preserve" or "jam".

(2) If it is prepared from a mixture of two or three fruits, the name is the combination of the names whereby each such fruit is designated in subsection (b), in the order of the predominance by weight of each such fruit, preceded or followed by the word "preserve" or "jam", as, for example, "Apple, Grape and Raspberry Preserve" or "Jam Apple, Grape and Raspberry."

(3) If it is prepared from a mixture of four or more fruits, the name is "Mixed Fruit Preserve" or "Mixed Fruit Jam."

(e) If the preserve or jam is prepared from a mixture of two or more fruits, the label shall bear the name of each such fruit; such name shall be those by which such fruits are designated in subsection (b). If optional sweetening ingredient (3) or (4) is present, the label shall bear the word or words "Honey" or "Prepared With Honey", or "Corn Sirup" or "Glucose" or "Prepared With Corn Sirup" or "Prepared With Glucose", as the case may be. If optional sweetening ingredient (6) is present and the weight of honey equals or exceeds that of the sugar, the label shall bear the words "Honey and Sugar" or "Prepared With Honey and Sugar"; but if the weight of honey is less than that of the sugar, the label shall bear the words "Sugar and Honey" or "Prepared With Sugar and Honey". If optional sweetening ingredient (7) is present and the weight of corn sirup equals or exceeds that of the sugar, the label shall bear the words "Corn Sirup and Sugar" or "Prepared With Corn Sirup and Sugar" or "Glucose and Sugar" or "Prepared With Glucose and Sugar"; but if the weight of the corn sirup is less than that of the sugar, the label shall bear the words "Sugar and Corn Sirup" or "Sugar and Glucose" or "Prepared With Sugar and Corn Sirup" or "Prepared With Sugar and Glucose". If optional ingredient (8), (9), or (10) is present, the label shall bear the word or words "Spiced" or "Spice Added" or "With Added Spice", "Vinegar Added" or "With Added Vinegar", "Lemon Juice Added" or "With Added Lemon Juice", "Lime Juice Added" or "With Added Lime Juice", "Citric Acid Added" or "With Added Citric Acid", "Lactic Acid Added" or "With Added Lactic Acid", "Malic Acid Added" or "With Added Malic Acid", "Tartaric Acid Added" or "With Added Tartaric Acid", "Pectin Added" or "With Added Pectin", as the case may be; but, if two or more of such ingredients are present, such words may be combined, as, for example, "Spice, Citric Acid and Pectin Added". In lieu of the word "Spice" in such statements, the common or usual name of the spice may be used. If optional ingredient (11) is present, the label shall bear the words "Trace of Citrate —" (or "Trace of Tartrate —" or "Trace of Citrate and Tartrate —", as the case may be) "Added to Improve Consistency". Wherever the name of the preserve or jam, as specified in subsection (d), appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words showing the optional ingredients present, as specified in this subsection, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit or fruits may so intervene.

§ 29.500 *Fruit jelly—Identity: Label statement of optional ingredients.* (a) For the purposes of this section—

(1) The term "jelly juice" means the filtered or strained liquid contracted by the application of heat, with or without the addition of water, from one of the mature and properly prepared fresh, frozen or canned fruits listed in paragraph (2) of this subsection.

(2) Any requirement with respect to the weight of jelly juice means the weight of the soluble fruit solids contained in such jelly juice, exclusive of any added sugar or other added solids, multiplied by the factor which, in the following list, follows the name of the fruit from which such juice is extracted:

| | *Factor* |
|---|---|
| Apple | 7.0 |
| Apricot | 7.0 |
| Blackberry | 10.0 |
| Black Raspberry | 9.0 |
| Cherry | 7.0 |
| Crabapple | 6.5 |
| Cranberry | 9.5 |
| Currant (or Red Currant) | 9.5 |
| Damson (or Damson Plum) | 7.0 |
| Dewberry | 10.0 |
| Fig | 5.0 |
| Gooseberry | 12.0 |
| Grape | 7.0 |
| Grapefruit | 11.0 |
| Greengage (or Greengage Plum) | 7.0 |
| Guava | 13.0 |
| Loganberry | 9.5 |
| Orange | 8.0 |
| Peach | 8.5 |
| Pineapple | 7.0 |
| Plum (other than Damson, Greengage, and Prune) | 7.0 |
| Pomegranate | 6.0 |
| Quince | 8.0 |
| Raspberry (or Red Raspberry) | 9.5 |
| Strawberry | 12.5 |
| Youngberry | 10.0 |

(3) The term "soluble solids" means the soluble solids content as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, page 464, under "By means of a refractometer—Official".

(4) The soluble fruit solids of a jelly juice is determined as follows:

Determine the precent of soluble solids in the jelly juice, multiply the percent found by the weight of the jelly juice, and divide by 100. The quotient, corrected by subtracting the weight of any added sugar or other added solids present, shall be considered to be the weight of soluble fruit solids.

(5) Any requirement with respect to the weight of partly inverted sugar sirup, honey, or corn sirup, means the weight of the total solids content of such sugar sirup, honey, or corn sirup.

(b) A jelly for which a definition and standard of identity is prescribed by this section is the jelled food prepared from one or a mixture of two or more jelly juices as defined in subsection (a) (1). Each jelly juice in any mixture of two or more jelly juices is an optional ingredient. Such jelly juice or mixture of jelly juices is combined and cooked with one of the following optional sweetening ingredients:

(1) Sugar;
(2) Partly inverted sugar sirup, the solids of which contain not more than 0.05 percent by weight of ash;
(3) Honey;
(4) Corn sirup (glucose);
(5) A mixture of sugar and dextrose;
(6) A mixture of sugar and honey; or
(7) A mixture of sugar and corn sirup.

To such jelly juice or mixture of jelly juices and sweetening ingredient may be added one or more of the following optional ingredients:

(8) Spice;
(9) Mint flavoring and artificial green coloring, in the cases of apple jelly juice, crabapple jelly juice, pineapple jelly juice, or any mixture of two or all of such jelly juices;
(10) Lemon juice, lime juice, citric acid, lactic acid, malic acid or tartaric acid;
(11) Pectin; and
(12) Sodium citrate or sodium potassium tartrate, or both.

so processed by heat, before or after sealing, as to prevent spoilage.

(c) The composition of such jelly is as follows:

(1) The finished jelly contains not less than 65 percent of soluble solids.

(2) If it is prepared from a mixture of the jelly juices of two fruits, the weight of each of such juices is not less than two-fifths the total weight of such mixture.

(3) If it is prepared from a mixture of the jelly juices of three fruits, the weight of each of such juices is not less than one-fourth the total weight of such mixture.

(4) If it is prepared from a mixture of the jelly juices of four or more fruits, the weight of no such juice is more than thrice the weight of any other such juice.

(5) It is prepared from not less than — parts (to be fixed within the range of 45 parts to 50 parts) by weight of jelly juice to each — parts (to be fixed within the range of 50 parts to 55 parts) by weight of sweetening ingredient.

(6) If it is prepared with optional ingredient (5), the weight of sugar is not less than one-half the total weight of such ingredient.

(7) If it is prepared with optional ingredient (6), the weight of honey is not less than two-fifths of the total weight of such ingredient.

(8) If it is prepared with optional ingredient (7), the weight of sugar is not less than two-fifths the total weight of such ingredient.

(9) If it is prepared with optional ingredient (10) or (11), such ingredient is present only in such quantity as compensates for deficiency of natural acid or pectin, as the case may be, in the jelly juice.

(10) If it is prepared with optional ingredient (12), such ingredient is present in a total quantity of not more than 3 ounces to each 100 pounds of sweetening ingredient.

(d) The name of each jelly for which a definition and standard of identity is prescribed by this section is as follows:

(1) If it is prepared from the jelly juice of a single fruit, the name is that whereby such fruit is designated in subsection (a) (2), preceded or followed by the word "jelly".

(2) If it is prepared from a mixture of the jelly juices of two or three fruits, the name is the combination of the names whereby each such fruit is designated in subsection (a) (2), in the order of the predominance by weight of each such jelly juice, preceded or followed by the word "jelly", as, for example, "Apple, Grape, and Raspberry Jelly".

(3) If it is prepared from a mixture of the jelly juices of four or more fruits, the name is "Mixed Fruit Jelly".

(e) If the jelly is prepared from a mixture of the jelly juices of two or more fruits, the label shall bear the name of each such fruit; and such names shall be those by which such fruits are designated in subsection (a) (2). If optional sweetening ingredient (3) or (4) is present, the label shall bear the word or words "Honey" or "Prepared With Honey", or "Corn Sirup" or "Glucose" or "Prepared With Corn Sirup" or "Prepared With Glucose", as the case may be. If optional sweetening ingredient (6) is present, and the weight of honey equals or exceeds that of the sugar, the label shall bear the words "Honey and Sugar" or "Prepared With Honey and Sugar"; but if the weight of honey is less than that of the sugar, the label shall bear the words "Sugar and Honey" or "Pre-

pared With Honey and Sugar". If optional sweetening ingredient (7) is present, and the weight of corn sirup equals or exceeds that of the sugar, the label shall bear the words "Corn Sirup and Sugar" or "Prepared With Corn Sirup and Sugar" or "Glucose and Sugar" or "Prepared With Glucose and Sugar"; but if the weight of the corn sirup is less than that of the sugar, the label shall bear the words "Sugar and Corn Sirup" or "Prepared With Sugar and Corn Sirup" or "Sugar and Glucose" or "Prepared With Sugar and Glucose". If optional ingredient (8), (9), or (10) is present, the label shall bear the word or words "Spiced" or "Spice Added" or "With Added Spice", "Flavoring and Artificial Coloring Added" or "With Added Flavoring and Artificial Coloring", "Lemon Juice Added" or "With Added Lemon Juice", "Lime Juice Added" or "With Added Lime Juice", "Citric Acid Added" or "With Added Citric Acid", "Lactic Acid Added" or "With Added Lactic Acid", "Malic Acid Added" or "With Added Malic Acid", "Tartaric Acid Added" or "With Added Tartaric Acid", "Pectin Added" or "With Added Pectin", as the case may be; but, if two or more of such ingredients are present, such words may be combined, as for example, "Spice, Citric Acid and Pectin Added". In lieu of the word "Spice" in such statements, the label may bear the common or usual name of the spice. If optional ingredient (11) is present, the label shall bear the words "Trace of Citrate —" (or "Trace of Tartrate —" or "Trace of Citrate and Tartrate —", as the case may be) "Added to Improve Consistency". Wherever the name of the jelly, as specified in subsection (d), appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words showing the optional ingredients present, as specified in this subsection, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the varietal name of the fruit or fruits from which the jelly juice is extracted may so intervene.

*§ 30.000 Fruit butter—Identity; Label statement of optional ingredients.* (a) For the purposes of this section—

(1) The term "fruit" includes, unless otherwise indicated by the context, the dried fruits named in subsection (b).

(2) Any requirement with respect to the weight of partly inverted sugar sirup, honey, or corn sirup means the total solids content of such sugar sirup, honey, or corn sirup.

(3) The term "soluble solids" means the soluble solids content as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, page 320, under "Soluble Solids in Fresh and Canned Fruits, Jams, Marmalades and Preserves—Tentative", except that no correction is to be made for water-insoluble solids.

(4) Any requirement with respect to the weight of fruit means:

(i) The weight of such fruit exclusive of the weight of any sugar, water, or other substance added during the process of packing or canning, or otherwise added to such fruit, exclusive of the weight of any water added in accordance with the provisions of subparagraph (iii) of this subsection;

(ii) The weight of such fruit, exclusive of the weight of pits, seeds, skins, and cores; and

(iii) In the case of a dried fruit other than dried prune, the weight of such fruit with sufficient added water to adjust the moisture content of such fruit to 32 percent; and, in the case of dried prune, the weight of such fruit, after removal of the pits, with sufficient added water to adjust the moisture content to 70 percent.

(5) The weight of concentrated fruit juice is the original weight of such juice before it was concentrated.

(b) A fruit butter for which a definition and standard of identity is prescribed by this section is the food prepared from one or a mixture of two or more of the following mature and properly prepared fresh, (except in the cases of the dried fruits), frozen, or canned fruits:

Apple.
Apricot.
Dried-Apple (or Evaporated-Apple).
Dried-Apricot.
Dried-Peach.
Dried-Pear.
Dried-Prune.
Grape.
Peach.
Pear.
Plum.
Quince.

Each fruit in any such mixture of two or more fruits is an optional ingredient. Such fruit or mixture of fruits is cooked and strained, and is combined [except as provided in respect of optional ingredient (10)] with one of the following optional sweetening ingredients:

(1) Sugar;
(2) Partly inverted sugar sirup, the solids of which contain not more than 0.05 per cent by weight of ash;
(3) Brown sugar;
(4) Honey;
(5) Corn sirup (glucose);
(6) A mixture of sugar and dextrose;
(7) A mixture of sugar and brown sugar;
(8) A mixture of sugar and honey; or
(9) A mixture of sugar and corn sirup.

To such fruit or mixture of fruits and such sweetening ingredient may be added one or more of the following optional ingredients:

(10) Fruit juice or concentrated fruit juice, in addition to or in complete or partial substitution for the optional sweetening ingredient.
(11) Salt;
(12) Spice;
(13) Flavoring; and
(14) Vinegar, lemon juice, lime juice, citric acid, lactic acid, malic acid, or tartaric acid.

When sealed in a container the fruit butter is so processed by heat, before or after sealing, as to prevent spoilage.

(c) The composition of such fruit butter is as follows:

(1) The finished fruit butter contains not less than — percent (to be fixed within the range of 43 percent to 50 percent) of soluble solids.

(2) If it is prepared from a mixture of two fruits, the weight of each such fruit is not less than two-fifths of the total weight of such mixture.

(3) If it is prepared from a mixture of three fruits, the weight of each such fruit is not less than one-fourth of the total weight of such mixture.

(4) If it is prepared from a mixture of four or more fruits, the weight of no such fruit is more than thrice the weight of any other such fruit.

(5) It is prepared from not less than 50 parts by weight of fruit to each — parts (to be fixed within the range of 20 parts to 25 parts) by weight of sweetening ingredient.

(6) If it is prepared with optional ingredient (6), the weight of sugar is not less than one-half the total weight of such ingredient.

(7) If it is prepared with optional ingredient (7), the weight of brown sugar is not less than two-fifths the total weight of such ingredient.

(8) If it is prepared with optional ingredient (8), the weight of honey is not less than two-fifths the total weight of such ingredient.

(9) If it is prepared with optional ingredient (9), the weight of sugar is not less than two-fifths the total weight of such ingredient.

(10) If it is prepared with optional ingredient (10), the weight of fruit juice or concentrated fruit juice is not less than one-half the total weight of fruit used in preparing the fruit butter.

(11) If it is prepared with optional ingredient (14), such ingredient is present only in such quantity as is sufficient to compensate for deficiency of natural acid in the fruit.

(d) The name of each fruit butter for which a definition and standard of identity is prescribed by this section is as follows:

(1) If it is prepared from a single fruit, the name is that whereby such fruit is designated in subsection (b), followed by the word "butter".

(2) If it is prepared from a mixture of two or three fruits, the name is a combination of the names whereby each such fruit is designated in subsection (b), in the order of their predominance by weight, followed by the word "butter", as, for example, "Dried-Apple, Dried-Apricot and Dried-Prune Butter".

(3) If it is prepared from a mixture of four or more fruits, none of which is a dried fruit, the name is "Mixed Fruit Butter"; or if such fruit is a dried fruit, the name is "Mixed Dried-Fruit Butter"; or if one-half or more of the weight of such mixture is a dried fruit, the name is "Dried Fruit and Fruit Butter"; or if less than one-half of such mixture is a dried fruit, the name is "Fruit and Dried-Fruit Butter".

(e) If the fruit butter is prepared from a mixture of two or more fruits, the label shall bear the name of each such fruit; such names shall be the names whereby such fruits are designated in subsection (b). If optional sweetening ingredients (4) or (5) is present, the label shall bear the word or words "Honey" or "Prepared With Honey", or "Corn Sirup" or "Glucose" or "Prepared With Corn Sirup" or "Prepared With Glucose", as the case may be. If optional sweetening ingredient (8) is present, and the weight of honey equals or exceeds that of the sugar, the label shall bear the words "Honey and Sugar" or "Prepared With Honey and Sugar"; but if the weight of honey is less than that of the sugar, the label shall bear the words "Sugar and Honey" or "Prepared With Sugar and Honey". If optional sweetening ingredient (9) is present and the weight of corn sirup equals or exceeds that of the sugar, the label shall bear the words "Corn Sirup and Sugar" or "Prepared With Corn Sirup and Sugar" or "Glucose and Sugar" or "Prepared With Glucose and Sugar"; but if the weight of corn sirup is less than that of the sugar, the label shall bear the words "Sugar and Corn Sirup" or "Prepared With Sugar and Corn Sirup" or "Sugar and Glucose" or "Prepared With Sugar and Glucose". If optional ingredient (10) is present, the label shall bear the words "Prepared With — Juice", the blank to be filled in with the name of the fruit from which such ingredient is extracted; but, in lieu of the words "Apple Juice", the label may bear the word "Cider". If optional ingredient (12), (13), or (14) is present, the label shall bear the word or words "Spiced" or "Spice Added" or "With Added Spice", "Flavoring Added" or "With Added Flavoring", "Vinegar Added" or "With Added Vinegar", "Lemon Juice Added" or "With Added Lemon Juice", "Lime Juice Added" or "With Added Lime Juice", "Citric Acid Added" or "With Added Citric Acid", "Lactic Acid Added" or "With Added Lactic Acid", "Malic Acid Added" or "With Added Malic Acid", "Tartaric Acid Added" or "With Added Tartaric Acid", as the case may be; but if two or more of such ingredients are present, such words may be combined, as, for example, "Spice and Citric Acid Added". In lieu of the words "Spice" or "Flavoring", the label may bear the common or usual name of the spice or flavoring. Wherever the name of the fruit butter, as specified in subsection (d), appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words specified in this subsection, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the varietal name of the fruit or fruits may so intervene.

[F. R. Doc. 39-2933; Filed, August 10, 1939; 9:41 a. m.]



## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3823]

IN THE MATTER OF ARTHUR LONGFIELD, AN INDIVIDUAL

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Lewis C. Russell, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, August 17, 1939, at nine o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2934; Filed, August 10, 1939; 9:52 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1939.

[File Nos. 46-88, 32-78, 46-89, 56-47, 56-48]

IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY, WASHINGTON AND SUBURBAN COMPANIES

ORDER APPROVING APPLICATIONS

Washington and Suburban Companies, a registered holding company, having filed an application, pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 (File No. 46-89) for the approval of the acquisition of 35,000 shares of the common stock of Washington Gas Light Company; said applicant having also filed an application pursuant to Rule U-12D-1, promulgated under Section 12 (d) of said Act (File No. 56-47) for the approval of the sale of substantially all of the outstanding debt and securities of Alexandria Gas Company and Washington Suburban Gas Company, and having likewise filed an application pursuant to said rule (File No. 56-48) for approval of the sale of 362,588 shares of the common stock of Washington Gas Light Company to underwriters;

Washington Gas Light Company, a subsidiary company of said Washington and Suburban Companies, having filed an application pursuant to Section 10 (a) (1) of said Act for approval of the acquisition of substantially all of the outstanding securities and debt of Alexandria Gas Company and Washington Suburban Gas Company (File No. 46-88) and an application (File No. 32-78) pursuant to the third sentence of Section 6 (b) of said Act for exemption from the provisions of Section 6 (a) thereof, of the issue and sale by it of 35,000 shares of common stock, such common stock to be the consideration for the securities and debt of Alexandria Gas Company and Washington Suburban Gas Company;

A public hearing having been held upon said applications after appropriate notice;[1] each of said applicants, prior to the entry of the Commission's findings, opinion and order herein, having waived its right to a Trial Examiner's report, submission of proposed findings of fact, the filing of briefs and oral argument;

The Commission having considered the record in these matters and having made and filed its findings herein:

*It is ordered*, That said applications be and the same hereby are approved, subject to the following terms and conditions:

1. That the acquisition of stock and debt obligations of Alexandria Gas Company and Washington Suburban Gas Company, and the issuance of 35,000 shares of common stock in consideration therefor, shall in all respects comply with the order of the Public Utilities Commis-

[1] 4 F.R. 3365, 3418 DI.

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sion of the District of Columbia, dated July 26, 1939 (Formal Case No. 286, Order No. 1807).

2. All expenses incident to the registration of 362,588 shares of Washington Gas Light Company common stock in Registration Statement No. 2-4123, pursuant to the Securities Act of 1933, shall be paid by Washington and Suburban Companies, with the exception that Washington and Suburban Companies shall not be required to reimburse Washington Gas Light Company for the services of employees of that company who have received no extra compensation in that connection, and except that Washington Gas Light Company may pay the cost of listing said common stock on the New York Stock Exchange and fees and compensation payable to registrars and stock transfer agents.

3. Within ten days after the completion of the public distribution of said 362,588 shares of common stock of Washington Gas Light Company, or such lesser number of shares as may be distributed pursuant to the agreement dated August 1, 1939, between Washington and Suburban Companies and the representatives of the several underwriters, Washington and Suburban Companies and Washington Gas Light Company shall each file a certification of notification, showing the number of shares sold, the consideration received therefor by each applicant and the disposition of the proceeds of such sale.

4. That all acquisitions, issues and sales shall be performed in accordance with the terms and conditions represented by the foregoing applications as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2936; Filed, August 10, 1939; 10:49 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
# FEDERAL REGISTER
1934
OF THE UNITED STATES

VOLUME 4 NUMBER 155

*Washington, Saturday, August 12, 1939*

## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### FARM CREDIT ADMINISTRATION

[FCA 142]

AUTHORITY, AND DESIGNATION OF ORDER OF PRECEDENCE, OF DEPUTY GOVERNORS, GENERAL COUNSEL, ASSISTANT TO THE GOVERNOR, EXECUTIVE OFFICER, AND PRODUCTION CREDIT COMMISSIONER TO ACT AS GOVERNOR IN THE ABSENCE OF THE LATTER

Sec. 3.1 of Title 6, Code of Federal Regulations,[1] is amended to read as follows:

§ 3.1 *Authority, and designation of order of precedence, of Deputy Governors, General Counsel, Assistant to the Governor, Executive Officer, and Production Credit Commissioner to act as Governor in the absence of the latter.* Gerald E. Lyons, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor is unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"E. A. Stokdyk, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor and Deputy Governor Lyons are both unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"Peyton R. Evans, General Counsel, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Lyons, and Deputy Governor Stokdyk are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"Arthur T. Esgate, Assistant to the Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Lyons, Deputy Governor Stokdyk, and Peyton R. Evans, General Counsel, are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"W. H. Droste, Executive Officer, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of the Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Lyons, Deputy Governor Stokdyk, Peyton R. Evans, General Counsel, and Arthur T. Esgate, Assistant to the Governor, are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"S. M. Garwood, Production Credit Commissioner, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Lyons, Deputy Governor Stokdyk, Peyton R. Evans, General Counsel, Arthur T. Esgate, Assistant to the Governor, and W. H. Droste, Executive Officer, are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration or for any other cause. (E. O. 6084, March 27, 1933, 6 CFR 1.1.(12)) [F.C.A. Order No. 265, August 10, 1939]"

[SEAL] F. F. HILL,
*Governor.*

[F. R. Doc. 39-2961; Filed, August 11, 1939; 12:04 p.m.]

[1] 4 F.R. 482 DI.

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FEDERAL REGISTER

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## TITLE 26—INTERNAL REVENUE

### BUREAU OF INTERNAL REVENUE

[T. D. 4919]

EXPORTATION, FREE OF TAX, OF FERMENTED MALT LIQUORS TO GUAM AND AMERICAN SAMOA

*To District Supervisors and Others Concerned:*

Section 408 of the Revenue Act of 1939 (Public No. 155—76th Congress) provides as follows:

Section 3361 (b) of the Internal Revenue Code is amended by adding a comma and the words "Guam, and American Samoa" after the words "Puerto Rico."

Pursuant to authority conferred by Section 3791 (a) (1), Internal Revenue Code, Paragraph 30 of Article XXVII, Regulations 18, approved October 25, 1934, is hereby amended to read as follows:

PAR. 30. Fermented malt liquors may be removed from the place of manufacture or storage for export to a foreign country without the payment of tax. Shipments to the Panama Canal Zone have the same status as exportations to foreign countries. The law provides for shipment of fermented malt liquor without the payment of tax to the Philippine Islands, Puerto Rico, Guam, American Samoa, and the Virgin Islands. The provisions of these regulations, and the forms prescribed, in respect to the removal of fermented malt liquor, free of tax, for exportation to foreign countries, apply to like removals and shipments to the Philippine Islands, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Panama Canal Zone. Hawaii and Alaska are territories of the United States, and all shipments thereto must be tax-paid before withdrawal from the brewery premises.

[SEAL] HAROLD N. GRAVES,
*Acting Commissioner of Internal Revenue.*

Approved, August 9, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-2960; Filed, August 11, 1939; 11:13 a. m.]

## TITLE 29—LABOR

### WAGE AND HOUR DIVISION

PART 524—REGULATIONS APPLICABLE TO EMPLOYMENT OF HANDICAPPED PERSONS PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT

The following amendment to Regulations—Part 524—(Regulations applicable to employment of handicapped persons pursuant to Section 14 of the Fair Labor Standards Act) is hereby issued. This amendment amends Section 524.6 as amended,[1] by extending until September 1, 1940 the termination date of all Special Certificates for Handicapped Workers except those which by their terms expire prior to September 1, 1939. Said amendment shall become effective upon my signing the original and upon publication thereof in the FEDERAL REGISTER, and shall be in force and effect until repealed by regulations hereafter made and published.

Signed at Washington, D. C., this 7th day of August 1939.

PAUL SIFTON,
*Acting Administrator.*

§ 524.6 *Termination of certificates.* Notwithstanding the terms of any Special Certificates previously issued for the employment of handicapped persons, all such Special Certificates, except those which by their terms expire prior to September 1, 1939, shall remain in full force and effect until September 1, 1940, unless otherwise provided for by regulations hereafter issued. Any Special Certificate may, however, be revoked by the Administrator or by his authorized representative for cause.*

[F. R. Doc. 39-2952; Filed, August 11, 1939; 10:38 a. m.]

[1] 4 F.R. 1663 DI.

* Issued under the authority contained in Section 14, 52 Stat. 1060.

## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-6]

PHILADELPHIA, PA., COMMERCIAL ZONE

At a sesion of the Interstate Comerce Commission, Division 5, held at its office in Washington, D. C., on the 21st day of July A. D. 1939.

Investigation of the matters and things involved in this proceeding having been made, and said division, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof,[1]

*It is ordered*, That for the purpose of administration and enforcement of the Motor Carrier Act, 1935, the zone adjacent to and commercially a part of Philadelphia, Pa., and contiguous municipalities, in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt from regulation under section 203 (b) (8) of the act, be and it is hereby, defined to include the area, (a) in Pennsylvania included within the corporate limits of Philadelphia, and Bensalem and Lower Southampton townships in Bucks County; Conshohocken and West Conshohocken, Pa., and Lower Moreland, Abington, Cheltenham, Springfield, Whitemarsh and Lower Merion townships in Montgomery County; and Haverford township in Delaware County and in Delaware County, south and east of a line extending southward from the intersection of the western and northern boundaries of Upper Darby township along Darby Creek to Bishop Avenue, thence south along Bishop Avenue to U. S. Highway 1, thence west along U. S. Highway 1 to Pennsylvania Highway 320, thence south along Pennsylvania Highway 320 to the corporate limits of Chester, Pa., thence along the northern corporate limit of Chester, Pa., in a westerly direction to the eastern boundary of Upper Chichester township, thence south to the southern boundary of said township, along the eastern boundary thereof, and thence west along the southern boundary of said township to the Delaware State line and thence south along the Delaware State line to the Delaware River, and (b) in New Jersey included in the corporate limits of Camden, Gloucester City, Woodlynne, Merchantville, and Palmyra boroughs, and the area included in Pennsauken township in Camden County.

[1] Filed as a part of the original document with the Division of the Federal Register, The National Archives; requests for copies should be addressed to the Interstate Commerce Commission.



*It is further ordered*, That this order shall become effective 30 days from the date hereof and shall continue in effect until further order of the Commission.

By the Commission, division 5.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-2962; Filed, August 11, 1939; 12:14 p. m.]

## TITLE 50—WILDLIFE

### BUREAU OF FISHERIES

SUBCHAPTER A—ALASKA FISHERIES

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

Section 211.11 is hereby amended so as to extend the season for commercial salmon fishing in the Prince William Sound area, as follows:

§ 211.11 *Closing dates of commercial salmon fishing season.* Commercial fishing for salmon is prohibited during the remainder of each calendar year after 6 o'clock postmeridian August 8: *Provided*, That this prohibition shall not apply (a) to trolling and gill netting through August 22 in the waters along the western coast from the outer point on the north shore of Granite Bay (known as Granite Bay Point) to the light on the south shore of the entrance to Port Nellie Juan, (b) to trolling in the period from 6 o'clock postmeridian August 8 to 6 o'clock postmeridian September 20 in the waters of Prince William Sound east of 147 degrees west longitude, exclusive of all waters of Valdez Arm north of Point Freemantle, and (c) to the operation of set or anchored gill nets in the period from 6 o'clock postmeridian August 8 to 6 o'clock postemeridian September 20 in the waters of Valdez Arm east of 146 degrees 25 minutes west longitude. All trap leads from shore to entrance of hearts must be removed prior to 6 o'clock antemeridian August 12. (Sec. 1, 44 Stat. 732; 48 U.S.C. 221).

OSCAR L. CHAPMAN,
*Acting Secretary of the Interior.*

August 5, 1939.

[F. R. Doc. 39-2950; Filed, August 11, 1939; 9:31 a. m.]

## *Notices*

### CIVIL AERONAUTICS AUTHORITY.

[Docket No. 270]

IN THE MATTER OF THE APPLICATION OF UNITED AIR LINES TRANSPORT CORPORATION UNDER SECTION 408 (B) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR APPROVAL OF A PROPOSED ACQUISITION OF CONTROL OF, AND OF MERGER WITH OR PURCHASE OF ALL OF THE ASSETS OF, WESTERN AIR EXPRESS CORPORATION

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on December 4, 1939, 10 o'clock a. m. (Eastern Standard Time), at the offices of the Civil Aeronautics Authority, Washington, D. C.

Dated Washington, D. C., August 10, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-2953; Filed, August 11, 1939; 10:57 a. m.]

### FEDERAL POWER COMMISSION.

[Docket No. IT-5519]

IN THE MATTER OF BONNEVILLE PROJECT, COLUMBIA RIVER, OREGON-WASHINGTON

NOTICE OF APPLICATION

AUGUST 10, 1939.

Notice is hereby given that on August 3, 1939, an application was filed with the Federal Power Commission, pursuant to Section 6 of the Act of Congress to authorize the completion, maintenance, and operation of the Bonneville Project, Public—No. 329—75th Congress, approved August 20, 1937, (50 Stat. 731), by the Acting Administrator of the Bonneville Project, (1) for the withdrawal of proposed schedules of rates and charges for electric energy produced at the Bonneville Project, which schedules were filed with the Commission on July 22, 1939, for confirmation and approval, (2) for the withdrawal of certain proposed modifications of the existing filed General Terms and Conditions, which proposed modifications were filed with the Commission on July 22, 1939, for confirmation and approval, (3) for the confirmation and approval of revised schedules of rates and charges for electric energy produced at the Bonneville Project, (4) for the confirmation and approval of certain modifications of the existing filed General Terms and Conditions, and (5) for the cancellation of certain of the presently filed and approved schedules designated as Rate Schedules A-1, B-1, C-1, and D-1, which were approved by the Federal Power Commission on June 8, 1938.

The schedules of rates and charges submitted for confirmation and approval are:

*Rate Schedule A-2.* Wholesale Power Rate Schedule for "At Site" Prime Power, which is designed to displace existing Rate Schedule A-1;

*Rate Schedule C-2.* Wholesale Power Rate Schedule for Transmission System Prime Power, which is designed to displace existing Rate Schedule C-1;

*Rate Schedule F-1.* Optional Wholesale Power Rate Schedule for Prime Power;

*Rate Schedule H-1.* Wholesale Energy Rate Schedule for Dump Energy.

[SEAL] J. B. WILLIAMSON,
*Acting Secretary.*

[F. R. Doc. 39-2949; Filed, August 11, 1939; 9:31 a. m.]

### FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3827]

IN THE MATTER OF HOWARD D. JOHNSON COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Lewis C. Russell, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, August 30, 1939, at nine o'clock in the forenoon of that day (Eastern Standard Time) in Court Room No. 5, 12th Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2951; Filed, August 11, 1939; 10:31 a. m.]

### INTERSTATE COMMERCE COMMISSION.

[Order No. MC-C 150]

MOTOR FREIGHT CLASSIFICATIONS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 29th day of July, A. D. 1939.

The Commission having under consideration the matter of the freight classifications of common carriers by motor vehicle as defined in the Motor Carrier Act, 1935, containing the descriptions of articles, volume minimum weights, and ratings on such articles, and applicable to the transportation of property in interstate or foreign commerce, by common carriers by motor vehicle subject to that act, and good cause appearing therefor:

*It is ordered*, That a proceeding of inquiry and investigation be, and it is here-

by, institutcd by the Commission on its own motion into and concerning the said descriptions, minima and ratings provided in said classifications, applicable to transportation of property by such carriers in interstate or foreign commerce, with a view to determining whether they, or any of them, are in anywise unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and to making such findings and order or orders as may be proper in the premises.

*It is further ordered*, That all common carriers of property by motor vehicle subject to the Motor Carrier Act, 1935, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of said respondents; and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C.

*And it is further ordered*, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-2963; Filed, August 11, 1939; 12:14 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1939.

[File No. 32-164]

IN THE MATTER OF PENNSYLVANIA POWER & LIGHT COMPANY, NATIONAL POWER & LIGHT COMPANY AND LEHIGH POWER SECURITIES CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND APPROVING APPLICATIONS

Pennsylvania Power & Light Company, a Pennsylvania corporation and a direct subsidiary of Lehigh Power Securities Corporation, a registered holding company and a subsidiary of National Power & Light Company, also a registered holding company, having filed an application or declaration, and amendments thereto, pursuant to Section 6 (b) or 7 (whichever is held applicable) of the Public Utility Holding Company Act of 1935 concerning the issuance and sale of $95,000,000 principal amount First Mortgage Bonds, 3½% Series due 1969, $23,500,000 principal amount 4½% Debentures due 1974 and $8,500,000 face amount 2⅝% Serial Notes due 1940-1949; and this company having filed another application, and amendments thereto, pursuant to Rule U-12C-1, promulgated under the Act, for approval of the acquisition from Lehigh Power Securities Corporation of $19,000,000 principal amount of its presently outstanding First Mortgage Gold Bonds, 4½% Series due 1981, at 93% of the principal amount thereof;

Lehigh Power Securities Corporation, a Delaware corporation and a registered holding company having filed an application, and amendments thereto, pursuant to Rule U-12C-1 promulgated under the Act, for the approval of the acquisition and retirement by it pursuant to a plan of liquidation of said corporation of all of its outstanding $6 preferred stock and common stock; and it having filed applications, and amendments thereto, under Rules U-12D-1 and U-12F-1 promulgated under the Act, for the approval of the sale to Pennsylvania Power & Light Company, its direct subsidiary, of $19,000,000 principal amount of First Mortgage Gold Bonds, 4½% Series due 1981, of Pennsylvania Power & Light Company at 93% of the principal amount thereof and for the sale of $10,000,000 principal amount of 6% Gold Debentures, Series A due 1950, of Pennsylvania Power & Light Company at the principal amount thereof;

National Power & Light Company, a New Jersey corporation and a registered holding company having filed applications, and amendments thereto, pursuant to Rules U-12D-1 and U-12F-1 promulgated under the Act, for approval of the surrender by it for cancellation pursuant to the aforementioned plan for the liquidation of Lehigh Power Securities Corporation, of all of the latter company's $6 preferred stock and common stock now held by National Power & Light Company; and it having filed an application, and amendments thereto, pursuant to Section 10 of the Act, for approval of the acquisition pursuant to the aforementioned plan of liquidation of Lehigh Power Securities Corporation, of securities of various public utilities now held in the portfolio of Lehigh Power Securities Corporation; and it having filed a declaration, and amendments thereto, pursuant to Section 7 regarding the assumption of liability on certain Lancaster County Railway and Light Company bonds, the liability on which having heretofore been assumed by Lehigh;

A public hearing having been held after appropriate notice[1]; no member of the public having appeared or requested an opportunity to be heard; the applicants and declarants having waived a trial examiner's report, the right to have prepared and submitted to them proposed findings of fact or requests for findings of fact, the right to file a brief and the right to oral argument before the Commission; the Commission having examined the record in this matter and having made and filed its findings and opinion herein;

*It is ordered*, That the declaration of Pennsylvania Power & Light Company pursuant to Section 7 of the Act regarding the issuance and sale of $95,000,000 principal amount First Mortgage Bonds, 3½% Series due 1969, $28,500,000 principal amount 4½% Debentures due 1974 and $8,500,000 face amount 2⅝% Serial Notes due 1940-1949, be and become effective forthwith; and that its application, as amended, filed pursuant to Rule U-12C-1, for approval of the acquisition from Lehigh Power Securities Corporation of $19,000,000 principal amount First Mortgage Gold Bonds, 4½% Series due 1981, of Pennsylvania Power & Light Company, at 93% of the principal amount thereof be and it hereby is approved;

*It is ordered*, That the application of Lehigh Power Securities Corporation under Rule U-12C-1 for the approval of the acquisition and retirement by it pursuant to a plan of liquidation of all of its outstanding $6 preferred stock and common stock shall be and it hereby is approved; and its applications, as amended, filed under Rules U-12D-1 and U-12F-1, for the approval of the sale of $19,000,000 principal amount First Mortgage Gold Bonds, 4½% Series due 1981, of Pennsylvania Power & Light Company, at 93% of the principal amount thereof and for the sale of $10,000,000 principal amount of 6% Gold Debentures, Series A due 1950, of Pennsylvania Power & Light Company, at the principal amount thereof and for the transfer of its other assets, including securities, to National Power & Light Company be and they hereby are, approved;

*It is ordered*, That the applications, as amended, of National Power & Light Company filed pursuant to Rules U-12D-1 and U-12F-1 for approval of the surrender by it for cancellation, pursuant to the aforementioned plan for the liquidation of Lehigh Power Securities Corportion, of all of the shares of $6 preferred stock and common stock of Lehigh Power Securities Corporation owned by National Power & Light Company shall be and they hereby are approved; and its declaration, as amended, pursuant to Section 7, regarding the assumption of liability on certain Lancaster County Railway and Light Company bonds be and become effective forthwith;

*And it is further ordered*, That in connection with the issuance of securities and the other transactions herein approved, the following terms and conditions are severally imposed upon Pennsylvania Power & Light Company, National Power & Light Company and Lehigh Power Securities Corporation insofar as they may be applicable to any of them:

(1) That the various steps involved in the several applications and declarations shall be carried out and effected, respectively in accordance with the terms and conditions of and for the purposes represented by said applications and declarations, as amended;

[1] 4 F.R. 3436 DI.



(2) That within ten days after the issue and sale of the securities and within ten days after the transfer of assets involved in these transactions, the applicants and declarants shall file with this Commission a certificate of notification showing that the issue and sale of said securities and the transfer of said assets have been effected in accordance with the terms and conditions of and for the purposes represented by said applications and declarations, as amended, and in accordance with the terms of this order;

(3) That except as the Commission may by order, or orders, from time to time, permit, so long as any of the First Mortgage Bonds, 3½% Series due 1969 and 4½% Debentures due 1974, are outstanding, Pennsylvania Power & Light Company shall not, nor shall any successor or successors of Pennsylvania, declare or pay any dividends (other than dividends payable solely in shares of stock) or make any other distribution on any shares of its preferred and common stock, nor shall any shares of such stock be purchased, retired, or otherwise acquired, by Pennsylvania (or any successor or successors) unless the amount expended or accrued by Pennsylvania (or any successor or successors) for maintenance and repairs plus provisions for retirements during the period from July 1, 1939, to the date of the proposed payment of such dividend or making of such distribution or acquisition shall equal fifteen per cent of the gross operating revenues of Pennsylvania (or any such successor or successors) during such period, after the deduction therefrom of an amount equal to the cost to Pennsylvania of electric energy or gas purchased and resold, and rentals paid for electric or gas generating, transmission or distributing properties, and water properties, leased by Pennsylvania, and payments by Pennsylvania for the use of similar properties operated and maintained by others during such period; provided, however, that any transfers to the earned surplus of Pennsylvania from the net income since July 1, 1939, over and above all such dividends, distributions and acquisitions may be used as a credit to offset any deficiency in the amount expended or accrued for maintenance and repairs plus provisions for retirements in satisfying the aforementioned fifteen per cent requirement;

(4) That, except as the Commission may by order, or orders, from time to time, permit any surplus of the National Power & Light Company created by the declaration of any dividend by Lehigh Power Securities Corporation after August 1, 1939, as an incident to the liquidation of Lehigh Power Securities Corporation, shall not be used by National for the declaration of dividends on its common stock or preferred stock (except dividends in liquidation) but said surplus shall be available for any other purposes consistent with this Commission's Uniform System of Accounts for Public Utility Holding Companies; and

(5) That the Commission reserve jurisdiction as to the accounting entries to be made on the books of National Power & Light Company regarding the manner in which its accounts shall reflect the acquisition of the assets of Lehigh, subject to undischarged liabilities.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2956; Filed, August 11, 1939; 11:00 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of August, A. D. 1939.

[File No. 56-40]

IN THE MATTER OF INDIANA & MICHIGAN ELECTRIC COMPANY, AMERICAN GAS AND ELECTRIC COMPANY

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO CERTAIN ATTORNEYS' FEES AND AUTHORIZING PAYMENT THEREOF[1]

The Commission having, by its Order entered in the above styled proceedings on the 24th day of June, 1939,[2] reserved jurisdiction to determine at a later date, whether the fees to be paid to attorneys retained to represent the Indiana & Michigan Electric Company and the insurance companies and to the First Boston Corporation in connection with the issue and sale of the Indiana & Michigan Electric Company's $22,500,000 principal amount First Mortgage Bonds, 3½% Series due 1969, are or are not reasonable, and having directed that no part of the fees proposed to be paid to such attorneys or to the First Boston Corporation should be paid pending further order of the Commission;

*It is ordered*, That jurisdiction is hereby released with respect to an amount equal to 60 per cent of the fees proposed to be paid to the following attorneys retained to represent the Indiana & Michigan Electric Company, and that the said amount may be paid as set forth in and for the purposes represented by the application and described in the testimony in these proceedings:

Seebirt, Oare and Deahl, South Bend, Indiana.

Condo, Van Atta and Batton, Marion, Indiana.

Burns and Hadsell, Niles, Michigan.

Butzel, Eaman, Long, Gust and Bills, Detroit, Michigan.

That in all other respects, the said Order of June 24, 1939 shall continue in full force and effect; and that no amount beyond that herein expressly authorized shall be paid on account of any of the proposed fees as to which jurisdiction was reserved, until further order of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2955; Filed, August 11, 1939; 11:00 a. m.]

[1] Public Utility Holding Company Act of 1935, Section 6 (b); Rule U-12C-1 (b); Rule U-12D-1; Rule U-12F-1.

[2] 4 F.R. 2510 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of August, A. D. 1939.

[File No. 32-116]

IN THE MATTER OF THE CONNECTICUT LIGHT & POWER COMPANY

ORDER RELATIVE TO FEE

An order having heretofore issued exempting The Connecticut Light & Power Company's First and Refunding Mortgage Three and One-Quarter Percent Bonds, Series H (due December 1, 1968) in the principal amount of $15,000,000 from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, upon the condition that the Commission reserve jurisdiction to determine whether the fee proposed to be paid to Putnam & Co. and to Charles W. Scranton & Co. for services in connection with the sale of such securities is reasonable; and

A hearing having been held on a proposed fee of $75,000 after appropriate notice,[1] briefs having been submitted, and oral argument having been had before the Commission, and the Commission having considered the record and having this day entered its Findings and Opinion;

*It is ordered*, That no fee in excess of $40,000 is to be considered reasonable.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2957; Filed, August 11, 1939; 11:01 a. m.]

[1] 4 F.R. 1006 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of August, A. D. 1939.

[File No. 43-240]

IN THE MATTER OF LONE STAR GAS CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 26, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-

room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 22, 1939.

The matter concerned herewith is in regard to a proposed reduction, effective August 1, 1939, of the present rate of interest of 2⅞% per annum to 2¾% per annum on certain Bank Loan Notes heretofore issued by Lone Star Gas Corporation to The Union Trust Company of Pittsburgh, The Chase National Bank of the City of New York, The Mellon National Bank of Pittsburgh, and The Farmers' Deposit National Bank, Pittsburgh, and now outstanding in the aggregate amount of $8,750,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2959; Filed, August 11, 1939; 11:01 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of August, A. D. 1939.

[File No. 44-30]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION, DEBTOR AND CENTRAL STATES POWER & LIGHT CORPORATION

ORDER DESIGNATING NEW TRIAL EXAMINER

The above named parties having filed a joint application pursuant to Rule U-12C-1 promulgated under Section 12 (c) of the Public Utility Holding Company Act of 1935; the Commission by order issued on July 17, 1939[1] having set said matter down for hearing on August 2, 1939 at 10:00 o'clock in the forenoon of that day, in the Securities and Exchange Commission Building, Washington, D. C., and designated Edward C. Johnson as Trial Examiner; a hearing having been held before said Edward C. Johnson on August 2, 1939, and continued to August 9, 1939, at which time the hearing was again continued to August 16, 1939 at 10:00 o'clock in the forenoon of that day; and

It appearing that said Edward C. Johnson will be unable to continue to preside at said hearing;

*It is ordered*, That Robert P. Reeder, an officer of the Commission, be and hereby is designated to preside at said hearing in the place and stead of and with the same powers and duties as Trial Examiner before designated to preside at such hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2958; Filed, August 11, 1939; 11:01 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of August, A. D. 1939.

[File No. 32-166]

IN THE MATTER OF METROPOLITAN EDISON COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 25, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 20, 1939.

The matter concerned herewith is in regard to the assumption of liability by applicant, a direct subsidiary of NY PA NJ Utilities Company, a registered holding company, on the following bonds:

| | |
|---|---|
| Sayre Electric Company: First Mortgage Forty-Year 5% Gold Bonds due 4/1/47 | $277,500.00 |
| Northern Pennsylvania Power Company: First and Refunding Mortgage Gold Bonds, Series A, 5% due 6/1/56 | 1,369,900.00 |
| First and Refunding Mortgage Gold Bonds, 5% Series due 1962 | 2,089,600.00 |

It is stated that of the total amount of Sayre Electric Company bonds on which applicant proposes to assume liability there are $19,500 in principal amount pledged under a mortgage of Northern Pennsylvania Power Company and $253,500 in principal amount held in a sinking fund. Of the bonds of Northern Pennsylvania Power Company, 5% Series due 1962; it is stated that $588,000 in principal amount are held in the Company's treasury. It is stated that the Public Utility Commission of Pennsylvania by order dated June 19, 1939 authorized the assumption by applicant of liability on said bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2954; Filed, August 11, 1939; 11:00 a. m.]

[1] 4 F.R. 3363 DI.

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1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 156

*Washington, Tuesday, August 15, 1939*

## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### COMMODITY CREDIT CORPORATION

1939 WOOL CIRCULAR LETTER NO. 1

§ 207.13 *Insurance.* As stated in Section 13 of the printed regulations (1939 CCC Wool Form 1), holders of notes on 1939 CCC Wool Forms A or B desiring for their protection, until such time as the notes are purchased by Commodity Credit Corporation, insurance coverage in addition to that provided by the warehousemen, should obtain such additional coverage at their own risk.

Under the type of warehouse agreement referred to in Section 5 of the printed regulations, the warehouseman agrees to insure the wool and mohair for its full market value and to keep same insured, so long as the receipts are outstanding, against loss or damage by fire and/or lightning and/or windstorm.

Commodity Credit Corporation has obtained a blanket insurance policy covering any difference between the market value of the wool or mohair, plus accrued interest and charges, in the event the market value, at the time and place of the loss, is less than the amount of loan plus accrued interest and charges. This policy also protects the Corporation in the event the warehouseman fails to provide the insurance under the arrangement referred to and also covers any loss or damage to the wool or mohair for the amount of the loan, plus accrued interest and charges, which may arise from any physical loss or damage from any external cause.

The premium under this policy is ¾ of one cent per $100 per month on the daily average balance of the outstanding loans with respect to the insurance of warehousemen and physical loss or damage from external causes. Premium for any difference between loan and market value is at the rate of two cents per $100 per month on the actual amount of such difference. This latter premium is to be reported and forwarded only in the event that the market value of the pledged collateral is less than the loan value, plus interest and accrued charges.

Banks and other lending agencies desiring to obtain this coverage should write Commodity Credit Corporation, Washington, D. C., and the necessary certificate, together with forms for reporting thereunder, will be forwarded for acceptance. Upon purchase by Commodity Credit Corporation, no allowance will be made to cover the cost of insurance obtained by lending agencies.

§ 207.1 (e) *Eligible paper.* Since all wool must be appraised prior to the completion of a loan on 1939 CCC Wool Forms A or B, notes should not be dated prior to the date of the appraiser's certificate (1939 CCC Wool Form D).

§ 207.11 *Lending agencies.* Interest will be paid to lending agencies tendering notes for purchase under the provisions of 1939 CCC Wool Form H, from the date of the note or the date of the appraiser's certificate, whichever is later, to the date of purchase.

Approved May 3, 1939.

[SEAL] SAMUEL H. SABIN, *Secretary.*

[F. R. Doc. 39-2981; Filed, August 14, 1939; 9:40 a. m.]

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1939 WOOL CIRCULAR LETTER NO. 2

SUPPLEMENTAL INSTRUCTIONS

§ 207.3a *Mohair loan basis.*

Section 3 (a) of the Instructions (1939 CCC Wool Form 1)[1] is hereby amended to provide the following classifications and grease mohair loan values:

| Classification | Point of storage | Cents per pound |
|---|---|---|
| Kid | Texas and Boston | 34 |
| Adult | do | 24 |
| Kid | All other points | 33 |
| Adult | do | 23 |

Such increased loan values shall be effective immediately.

Approved May 23, 1939.

[SEAL] SAMUEL H. SABIN, *Secretary.*

[F. R. Doc. 39-2982; Filed, August 14, 1939; 9:41 a. m.]

[1] 4 F.R. 2045 DI.

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## TITLE 7—AGRICULTURE
## AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1938-29]

### 1938 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 26

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1938 Agricultural Conservation Program Bulletin, as amended,[1] is hereby further amended as follows:

(1) Item 1 of subsection A of section V is further amended to read as follows:

1. *Cotton.* 5 cents per pound of the normal yield for the farm for each acre of cotton in excess of the cotton acreage allotment: *Provided*, That in any county where producers were unofficially notified of the percentage to be applied to the adjusted tilled acreage in determining cotton acreage allotments, both on the basis of administrative areas in the county and on a county-wide basis, and planted cotton acting solely on the basis of the unofficial notification, and wherein official notices of the correct cotton acreage allotments computed on the basis of a county-wide percentage were not available until after planting time, the deduction will be made only with respect to the acreage planted to cotton in excess of the larger of the allotment computed on the basis of a county-wide percentage, or the allotment computed on the basis of administrative areas.

(2) Subsection C of section VI, as amended, is hereby further amended by adding at the end thereof the following:

*Provided*, That the net deduction computed for a person who shares in the production of rice on a farm not owned or operated by him, and for which no rice acreage allotment was established in 1938, and who is entitled to share in the production of rice on such farm only by virtue of the fact that such person furnishes water for the production of rice on such farm, shall not exceed one-fourth of the net deduction computed for such person with respect to rice on such farm.

Done at Washington, D. C., this 11th day of August 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2966; Filed, August 11, 1939; 1:07 p. m.]

[1] 4 F.R. 3244 DI.

[ACP-99-Revised]

### AMENDED REGULATIONS PERTAINING TO THE MAKING OF ADVANCES TO PERSONS TO ENABLE THEM TO OBTAIN INSURANCE FROM THE FEDERAL CROP INSURANCE CORPORATION

By virtue of the authority vested in the Secretary of Agriculture by the Act entitled, "An Act to amend section 12 of the Soil Conservation and Domestic Allotment Act, as amended," approved March 25, 1939, I, M. L. Wilson Acting Secretary of Agriculture, do make, prescribe, publish and give public notice of the following regulations covering the making of advances to persons for the purpose of assisting them to insure their crops with the Federal Crop Insurance Corporation, which amend and supersede the regulations entitled "Regulations Pertaining to the Making of Advances to Persons to Enable Them to Obtain Insurance From the Federal Crop Insurance Corporation," approved and issued by the Secretary of Agriculture under the date of March 29, 1939.[1] These regulations are to be in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said provisions of law.

Done at Washington, D. C., this 14th day of August 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[1] 4 F.R. 1377 DI.



### PART 715—AMENDED REGULATIONS PERTAINING TO THE MAKING OF ADVANCES TO PERSONS TO ENABLE THEM TO OBTAIN INSURANCE FROM THE FEDERAL CROP INSURANCE CORPORATION

§ 715.1 *Definitions.* As used herein and in all forms and documents relating to the making of advances to persons to enable them to obtain insurance from the Federal Crop Insurance Corporation (hereinafter referred to as an advance), unless the context or subject matter otherwise requires, the terms:

(a) Secretary, Administrator, Regional Director, State committee, county committee and person shall have the meanings assigned to them in the Agricultural Conservation Program Bulletin issued for the crop year with respect to which a person applies for insurance with the Federal Crop Insurance Corporation.

(b) The Corporation means the Federal Crop Insurance Corporation.

§ 715.2 *Eligibility for advance.* In order to be eligible to request an advance a person at the time of making such request,

(a) must file, or have previously filed with the county committee, the application for crop insurance to which the request for advance relates;

(b) must be participating, or agree to participate, in the Agricultural Conservation Program relating to the crop year to which the application for insurance relates, to such an extent that the estimated payment to be earned under such program less (1) the pro rata deduction for county association expenses, (2) the amount of the payment which has been assigned under such program, and (3) the sum of such person's indebtedness to the Agricultural Adjustment Administration and to the various agencies and departments of the Federal Government as set forth in the Order Governing Set-offs Revised by the Secretary of Agriculture, October 25, 1938, is at least equal to the amount for which the request for advance is made; this amount of payment is hereinafter referred to as "net payment";

(c) must authorize the Secretary to deduct the amount of the advance from any payment to which such person then or thereafter becomes entitled under any program administered by the Department, must agree, upon notice from the Secretary or his agent, to repay the amount of advance owing to the Secretary at the time of such notice, and must agree that the Secretary has a right to and interest in all indemnities payable under insurance contracts issued to him by the Corporation to the extent of the amount of the advance owing to the Secretary at the time claim for any such indemnity is made;

(d) must agree that the authorization for deduction from payments and indemnities, as set forth in (c) above, shall apply to payments and indemnities due him which are made to his successor in interest because of death, incompetency, insolvency or bankruptcy.

§ 715.3 *Request for advance.* An advance will be made only upon request therefor submitted through the county office on a prescribed form. A request form shall be filed for each application for insurance for which an advance is desired: *Provided, however*, That if, subsequent to filing such a request, a person desires to increase his insurance coverage under an insurance contract for which an advance was previously requested, he may file a supplemental request for advance of the additional amount of premium.

§ 715.4 *Manner of payment.* The amount of advance approved by the appropriate State Office of the Agricultural Adjustment Administration will be remitted by the Secretary directly to the Corporation. In the event the amount of the advance so remitted to the Corporation is in excess of the amount of premium due, the excess will be returned by the Corporation to the Secretary and the applicant's account credited with such amount: Provided, however, That if the Secretary has been reimbursed for the amount of the advance, the excess will be returned to the applicant, and, if the Secretary has been reimbursed for a portion of the amount of the advance, the amount of excess needed to reimburse the Secretary for the entire amount of the advance will be returned to the Secretary for the applicant's account and the remainder will be returned to the applicant.

§ 715.5 *Forms and instructions.* The Agricultural Adjustment Administration shall prescribe such forms and issue such instructions as may be necessary to carry out these regulations.

§ 715.6 *Signature and authorization.* The provisions of ACP-16, "Instructions on Signatures and Authorizations," are hereby made a part of these regulations.

[F. R. Doc. 39-2991; Filed, August 14, 1939; 12:20 p. m.]

## DIVISION OF MARKETING AND MARKETING AGREEMENTS

[0-40]

### MARKETING ORDERS

### PART 940—ORDER REGULATING THE HANDLING OF PEACHES GROWN IN THE COUNTY OF MESA IN THE STATE OF COLORADO*

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940.14 Effect of termination or amendment.

Whereas, under the provisions of Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (hereinafter referred to as the "act"), it is provided that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including peaches) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce, in such commodities; and

Whereas, the Secretary, having reason to believe that the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions for peaches grown in the county of Mesa in the State of Colorado as would establish prices to the producers of such peaches at a level that would give such peaches a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such peaches during the base period January 1, 1920–December 31, 1928, conducted a public hearing at Grand Junction, Colorado, on June 23 and 24, 1939, pursuant to due notice given to all interested parties on June 5, 1939,[1] on a proposed order regu-

* Sections 940.1 through 940.14 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. § 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. § 601 et seq. (Supp. IV, 1938).

[1] 4 F.R. 2306 DI.

lating such handling of such peaches as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce, in such peaches, at which hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed order; and

Whereas, the Secretary has found and proclaimed[2] that the purchasing power of peaches grown in the county of Mesa in the State of Colorado during the period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such peaches can be satisfactorily determined from available statistics of the Department of Agriculture for the period January 1, 1920–December 31, 1928, and that the period January 1, 1920–December 31, 1928, is the base period to be used in connection with this order in determining the purchasing power of such peaches; and

Whereas, the Secretary finds upon the basis of the evidence introduced at the hearing and the record thereof:

(1) That at the time of the hearing the prices received by producers of peaches grown in the county of Mesa in the State of Colorado were at a level that gave such peaches a purchasing power with respect to articles that the producers thereof buy appreciably below the purchasing power of such peaches during the base period;

(2) That the regulation of shipments of such peaches by grades or sizes or combinations thereof, as prescribed herein, will serve to prevent marked fluctuations in prices to the producers thereof, and will establish and maintain a more stabilized market for such peaches, tending to establish prices to the producers thereof at a level that will give such peaches a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such peaches during the base period;

(3) That this order is limited in its application to the smallest regional production area and to the smallest regional marketing area that is practicable, consistently with carrying out the declared policy of the act, and that the issuance of several orders applicable to any subdivision of such regional production or marketing areas would not effectively carry out the declared policy of the act;

(4) That the pro rata contribution of handlers to the expenses of the administrative agency herein established, based upon the quantity of peaches shipped, as provided in this order, is fair and equitable; and

(5) That this order and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to peaches grown in the county of Mesa in the State of Colorado by establishing and maintaining such orderly marketing conditions therefor as will establish prices to the producers thereof at a level that will give such peaches a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such peaches during the base period, and by protecting the interest of the consumer by (a) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by (b) authorizing no action which has for its purpose the maintenance of prices to the producers of such peaches above the level which it is declared in the act to be the policy of Congress to establish; and

Whereas, the Secretary finds:

(1) That a marketing agreement regulating the handling of peaches grown in the county of Mesa in the State of Colorado, executed on the 11th day of August 1939, upon which a hearing was held on June 23 and 24, 1939, was signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping peaches covered by this order) who, during the period January 1, 1938, to December 31, 1938, both dates inclusive, handled not less than fifty (50) percent of the volume of peaches covered by this order which was marketed during such period in the current of interstate commerce or commerce with Canada, or so as directly to burden, obstruct, or affect such commerce;

(2) That this order regulates the handling of such peaches in the same manner as the aforesaid marketing agreement, and that it is applicable only to persons in the respective classes of industrial and commercial activities specified in the said marketing agreement; and

(3) That the issuance of this order is favored by producers who, during the period January 1, 1938, to December 31, 1938, both dates inclusive (which is hereby determined to be a representative period), produced for market within the county of Mesa in the State of Colorado more than two-thirds (⅔) of the volume of peaches produced for market within such production area during the said period:

Now, therefore, it is ordered by the Secretary, acting under the authority vested in him by the act, that such handling of peaches grown in the county of Mesa in the State of Colorado as is in the current of interstate commerce or commerce with Canada, or which directly burdens, obstructs, or affects such commerce, in such peaches, from and after the date herein specified, shall be in conformity to and in compliance with the terms and conditions of this order.

§ 940.1 *Definitions.* As used herein the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States of America.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246).

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

(d) "Peaches" means all peaches grown in the county of Mesa in the State of Colorado.

(e) "Elberta peach shipping season" means that period of each fiscal year, beginning with the date upon which the first, and ending with the date upon which the last, shipment of 1,000 pounds of Elberta peaches grown in the county of Mesa in the State of Colorado is shipped.

(f) "Producer" means any person engaged in growing peaches in the county of Mesa in the State of Colorado for market.

(g) "Handler" means any person (except a common carrier of peaches owned by another person), who, as owner, agent, or otherwise, first ships peaches, or first causes peaches to be shipped, in fresh form by rail, truck, or any other means whatsoever.

(h) "Ship" means to sell, transport, offer for transportation, or ship peaches in the current of interstate commerce or commerce with Canada, or so as directly to burden, obstruct, or affect such commerce.

(i) "Fiscal year" means the twelve-month period beginning May 1 of any year and ending April 30 of the following year, both dates inclusive.

(j) "District" means the applicable one of any of the following-described subdivisions of the county of Mesa in the State of Colorado:

(1) "Redlands District", which shall include all that portion of Mesa County lying south of the Colorado River west of the junction of the Colorado River with the Gunnison River and south and west of the Gunnison River and more fully described as follows: beginning at a point which is the intersection of the Colorado River and the Utah-Colorado State line; thence southerly along said State line to a point which is the intersection of the south boundary line of Mesa County and said Utah-Colorado State line; thence easterly along said south boundary line of Mesa County to the east boundary line between Mesa and Montrose Counties; thence northerly along said east boundary line of Mesa County to a point which is the intersection between said east boundary line of Mesa County and the Gunnison River; thence northwesterly along said river to a point which is the junction of the Gunnison and Colorado Rivers; thence westerly along said Colorado River to the point of beginning.

(2) "East Orchard Mesa District", which shall include all that portion of Mesa County bounded as follows: beginning at a point which is the intersection of the Colorado River and the east section line of Section 3, Township 1 South, Range 2 East of the Ute Meridian; thence southerly along the east section line of Sections 3, 10, 15, and 22 of said township to the southeast corner of Section 22 of said township; thence westerly along the south section line of Sections 22, 21, and 20 of said township to a point which is the intersection of said section line and the Big Wash, said point lying on the south boundary of said Section 20 of said township; thence northwesterly along said Big Wash to the junction of the Big Wash and the Colorado River; thence northeasterly along said Colorado River to the point of beginning.

(3) "Vineland District", which shall include all that portion of Mesa County lying east of the following described line: beginning at a point which is the intersection of the Colorado River and the north boundary of Mesa County; thence southwesterly along said Colorado River to a point which is the intersection of the Colorado River and the west section line of Section 2, Township 1 South, Range 2 East of the Ute Meridian; thence southerly along said west section line of Sections 2, 11, 14, and 23 of said township to the southwest corner of Section 23 of said township; thence easterly along the south section lines of Sections 23 and 24 of said township to the east range line of Range 2 East of the Ute Meridian; thence southerly along said range line to a point which is the intersection of said range line and the Mesa-Delta County boundary line.

(4) "Palisade District", which shall include all that portion of Mesa County bounded as follows: beginning at a point which is the intersection of the Colorado River and the north boundary line of Mesa County; thence southwesterly along said Colorado River to a point which is the intersection of the main channel of said Colorado River and the range line between Range 1 East and Range 2 East of the Ute Meridian; thence northerly along said range line extended to the Mesa-Garfield County boundary line; thence easterly along said county line to the point of beginning.

(5) "Clifton District", which shall include all that portion of Mesa County bounded as follows: beginning at a point which is the intersection of the Colorado River and the Utah-Colorado State line; thence easterly along said river to a point which is the junction of the Gunnison and Colorado Rivers; thence southeasterly along said Gunnison River to a point which is the intersection of the Gunnison River and the Mesa County line; thence northerly and easterly along said boundary line of Mesa County to a point which is the intersection of said boundary line of Mesa County and the east range line of Range 2 East of the Ute Meridian; thence northerly along said range line to the northeast corner of Section 25, Township 1 South, Range 2 East of the Ute Meridian; thence westerly along the north section line of Sections 25, 26, 27, 28, and 29 of said township to a point which is the intersection of said section line and the Big Wash, said point lying on the north boundary of said Section 29; thence northwesterly along said Big Wash to the junction of the Big Wash and the Colorado River; thence westerly along the Colorado River to its intersection with the range line between Range 1 East and Range 2 East of the Ute Meridian; thence northerly along said range line extended to the Mesa-Garfield County line; thence westerly along said county line to the northwest corner of Mesa County on the Utah-Colorado State line; thence southerly along said State line to the point of beginning.

§ 940.2 *Administrative Committee—*(a) *Establishment and membership.* An Administrative Committee is hereby established consisting of nine members, five of whom shall represent producers and four of whom shall represent handlers. There shall be an alternate for each member of the committee.

(b) *Selection of initial members.* The initial members of the Administrative Committee and their respective alternates shall be selected by the Secretary as soon as possible after the effective date hereof. In selecting the initial members and their respective alternates, the Secretary shall make his selections upon the basis of the representation provided for in paragraphs (c) and (d). The Secretary may consider such nominations or suggestions, if any, submitted by producers and handlers, which nominations or suggestions may be by virtue of elections conducted by groups of producers and groups of handlers prior to, or immediately subsequent to, the effective date hereof.

(c) *Nomination and selection of successors to initial producer members.* (1) Nominations of producer members and their respective alternates, subsequent to the initial members and alternates, shall be made at a meeting of producers in each of the districts, at such times (on or before April 1 of each year) and places as the Administrative Committee shall designate. At each of such meetings, the producers eligible to participate therein shall select a chairman and a secretary therefor. In the election of nominees for producer member and for alternate for such member, each producer shall be entitled to vote in accordance with the provisions of subparagraph (2) of this paragraph. The chairman of each meeting shall announce at such meeting the name of each person for whom votes have been cast, whether as member or as alternate, and the number of votes cast for each such person, and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

(2) Only producers shall participate in the nominations of producer members and their alternates, and a producer may participate only in the elections held in the district in which he produces peaches. No producer shall participate in the election of producer members and their alternates in more than one district in any one fiscal year. In any such election, each producer shall be entitled to cast but one vote on behalf of himself, his agents, partners, and representatives for each nominee to be elected. Cumulative or proxy voting shall not be allowed.

(3) The producers in each district shall elect two nominees for producer member and two nominees for alternate from such district, and the Secretary shall select one producer member and his respective alternate for such district from among the nominees elected by the producers in such district.

(d) *Nomination and selection of successors to initial handler members.* (1) Handler members and their respective alternates, subsequent to the initial members and alternates, shall be nominated and selected as follows:

(i) Six nominees for handler members and six nominees for alternates shall be elected by the members of cooperative associations, and the Secretary shall select three handler members and their respective alternates from among such nominees. Any cooperative association shipping fifty (50%) percent, or more, of the total volume of peaches shipped by all handlers during the fiscal year in which an election of nominees is being held shall be entitled to elect four of the six nominees for handler members and four of the six nominees for alternates, and the Secretary shall select two of the handler members and their respective alternates from among the nominees elected by such cooperative association: *Provided*, That if such election is being held between May 1 and October 15 of any year, such percentage of the total volume of peaches shipped shall be based upon the total volume of peaches shipped by all handlers during the fiscal year immediately next preceding that in which such election is being held; and

(ii) Two nominees for handler member and two nominees for alternate shall be elected by handlers other than cooperative associations and members of such associations, and the Secretary shall select one handler member and his alternate from among such nominees.

(2) Nominations of handler members and their respective alternates, subsequent to the initial members and alternates, to be elected by members of cooperative associations shall be made at a meeting or meetings of the members of such cooperative associations at such

[2] See Page 3609.

times (on or before April 1 of each year) and places as the Administrative Committee shall designate. At each such meeting, the handlers eligible to participate therein shall select a chairman and a secretary therefor. In the election of nominees for such members and alternates, each member of a cooperative association shall be entitled to cast but one vote on behalf of himself, his agents, partners, and representatives. Cumulative voting shall be permissible, but proxy voting shall not be allowed. The chairman of each meeting shall announce at such meeting the name of each person for whom votes have been cast, whether as member or as alternate, and the number of votes cast for each such person, and the chairman or the secretary of such meeting shall forthwith transmit such information to the Secretary.

(3) Nominations for a handler member and his alternate, subsequent to the initial member and alternate, to be elected by handlers other than cooperative associations and members of such associations, shall be made at a meeting of such handlers at such time (on or before April 1 of each year) and place as the Administrative Committee shall designate. At each such meeting, the handlers eligible to participate therein shall select a chairman and a secretary therefor. In the election of nominees for such member and alternate, each such handler shall be entitled to cast but one vote on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives, which vote shall be weighted by the volume of peaches shipped by such handler during the fiscal year in which such election is being held: *Provided*, That if such election is being held between May 1 and October 15 of any year, such vote shall be weighted by the volume of peaches shipped by such handler during the fiscal year immediately next preceding that in which such election is being held. Proxy voting shall not be allowed. The chairman of the meeting shall announce at such meeting the name of each person for whom votes have been cast, whether as member or as alternate, and the number of votes cast for each such person, and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

(e) *Eligibility for membership.* (1) Producer members of the Administrative Committee and alternates for such members must be producers of peaches in the district in and for which they are nominated and selected.

(2) A handler member of the Administrative Committee and an alternate for such member, to be selected from the nominees of cooperative associations, must be a member or an employee of a cooperative association.

(3) The handler member of the Administrative Committee and the alternate for such member, to be selected from the nominees of handlers other than cooperative associations and members of such associations, must be a handler and shall not be a member or an employee of a cooperative association.

(f) *Failure to nominate.* In the event nominations, subsequent to the selection by the Secretary of the initial members and their respective alternates, are not made and the names of such nominees are not submitted to the Secretary on or before April 1 of any year, pursuant to paragraphs (c) and (d) of this section, the Secretary may select such members and alternates without regard to nominations.

(g) *Qualification by members and alternates.* Any person selected by the Secretary as a member or as an alternate for a member of the Administrative Committee shall qualify therefor by filing a written acceptance thereof with the Secretary within 15 days after being notified of such selection.

(h) *Term of office.* The initial members and their respective alternates shall hold office for a term beginning on the date designated by the Secretary and ending April 30, 1940, and until their successors are selected and have qualified. Members and alternates selected subsequent to the initial term shall serve during the fiscal year for which they have been selected and until their successors are selected and have qualified.

(i) *Alternate members of Administrative Committee.* An alternate for a member shall act in the place and stead of such member during such member's absence, or, in the event of the death, removal, resignation, or disqualification of such member, until a successor for such member is selected and has qualified.

(j) *Vacancies.* To fill any vacancy occasioned by the failure to qualify of any person selected as a member or as an alternate for a member of the Administrative Committee, or, in the event of the death, removal, resignation, or disqualification of any member or of any alternate, nominations and selection to fill such vacancy shall be made in the manner set forth in this section. If nominations to fill such vacancy are not made or the names of such nominees are not submitted to the Secretary within twenty (20) days after such vacancy occurs, the Secretary may fill such vacancy without regard to nomination.

(k) *Compensation and expenses.* The members and the alternates for members of the Administrative Committee shall serve without compensation, but they may be reimbursed, at a rate of not to exceed $5 per meeting, for expenses incurred by them in the performance of their duties and in the exercise of their powers.

(l) *Powers.* The Administrative Committee shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions hereof;

(2) To make administrative rules and regulations in accordance herewith and to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof; and

(4) To recommend to the Secretary amendments hereto.

(m) *Duties.* The duties of the Administrative Committee shall be as follows:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the Administrative Committee, which minutes, books, and records shall be subject at any time to examination by the Secretary;

(3) To study and assemble data on the growing, shipping, and marketing conditions respecting peaches;

(4) To determine and publicly announce the beginning and ending of the Elberta peach shipping season;

(5) To furnish to the Secretary such available information as the Secretary requests;

(6) To perform such duties as may be assigned to it from time to time by the Secretary in connection with the administration of Section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (August 24, 1935), as amended;

(7) To cause the books of the Administrative Committee to be audited by one or more competent accountants at least once each fiscal year and at such other times as the committee may deem necessary or as the Secretary may request, and to file with the Secretary copies of any and all audit reports;

(8) To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(9) To give the Secretary the same notice of meetings of the Administrative Committee as is given to the members of the committee; and

(10) To select a chairman of the Administrative Committee and, from time to time, such other officers as it may deem advisable.

(n) *Procedure.* A quorum shall consist of six (6) members of the Administrative Committee, or alternates then serving in the place and stead of any members, in attendance at a meeting, and all decisions of the committee shall be made by not less than six (6) affirmative votes.

(o) *Rights of the Secretary.* The members of the Administrative Committee, including successors and alternates, and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary for cause at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

(p) *Funds and other property.* (1) All funds received by the Administrative Committee pursuant to any of the provisions hereof shall be used solely for the purposes herein specified, and the Secretary may require the committee and its members to account for all receipts and disbursements.

(2) Upon the death, resignation, removal, or expiration of the term of office of any member of the Administrative Committee, all books, records, funds, and other property in his possession shall be delivered to his successor in office or to the committee, and such assignments and other instruments shall be executed as may be necessary to vest in his successor or in the committee full title to all the books, records, funds, and other property in the possession or under the control of such member pursuant hereto.*

§ 940.3 *Expenses and assessments.*—(a) *Expenses.* The Administrative Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions hereunder. The funds to cover such expenses shall be acquired by the levying of assessments as provided in this section.

(b) *Assessments.* Each handler shall pay to the Administrative Committee, upon demand, such handler's pro rata share of the expenses that the Secretary finds will be necessarily incurred by the committee for the maintenance and functioning of the committee during each fiscal year. Each handler's pro rata share shall be based upon a rate of assessment fixed by the Secretary and shall be that proportion of such expenses which the total quantity of peaches shipped by such handler during the Elberta peach shipping season of said fiscal year is of the total quantity of peaches shipped by all handlers during such shipping season. The rate of assessment may be adjusted from time to time by the Secretary in order to cover any later finding by the Secretary of the estimated expenses or the actual expenses of the committee during said fiscal year.

(c) *Handler accounts.* (1) At the end of each fiscal year the Administrative Committee shall credit each handler with any amount paid by such handler in excess of his pro rata share of the expenses or shall debit such handler with the amount by which his pro rata share exceeds the amount paid by him. Any such debits shall become due and payable upon demand of the committee.

(2) The Administrative Committee may, with the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.*

§ 940.4 *Regulation of shipments by grades and sizes*—(a) *Recommendation of the Administrative Committee.* Whenever the Administrative Committee deems it advisable to regulate the shipment of any variety or varieties of peaches by grades or sizes or combinations thereof during any specified period or periods of the Elberta peach shipping season, it shall so recommend to the Secretary. At the time of submitting any such recommendation, the committee shall furnish to the Secretary all pertinent data and information upon which it acted in making such recommendation, and such other data and information as the Secretary may request. The committee shall promptly give adequate notice to handlers and producers of any such recommendation submitted by it to the Secretary.

(b) *Regulation of shipments.* Whenever the Secretary finds from the recommendation made by the Administrative Committee and from the information submitted by the committee, or from other available information, that to limit the shipment of any variety or varieties of peaches to particular grades or sizes or combinations thereof would tend to effectuate the declared policy of the act, he shall so limit the shipment of such peaches during a specified period or periods of the Elberta peach shipping season. The Secretary shall immediately notify the committee of the issuance of such regulation, and the committee shall promptly give adequate notice thereof to handlers and producers.

(c) *Exemption certificates.* (1) Before the institution of any limitation of shipments pursuant to this section, the Administrative Committee shall adopt and announce the procedural rules by which exemption certificates will be issued to producers. Whenever the committee recommends to the Secretary a regulation of shipments pursuant to this section, the committee shall determine the percentage which the quantity of grades and sizes of each variety of peaches permitted to be shipped under such regulation bears to the total quantity of such variety of peaches which could be shipped in the absence of such regulation and the committee shall forthwith announce this percentage. An exemption certificate shall thereafter be issued to any producer who furnishes proof that he will be prevented, because of the regulation established, from shipping as large a percentage of his peaches of any specified variety or varieties as the percentage for all producers as determined by the committee. Such exemption certificate shall permit the producer to ship or cause to be shipped that quantity or the regulated grades and sizes of peaches as will enable him to ship or cause to be shipped as large a percentage of his peaches as the percentage for all producers.

(2) If any producer is dissatisfied with the action taken with respect to his application for an exemption certificate, he may appeal to the Secretary, whose decision in the matter shall be final and conclusive.

(3) The Secretary shall have power to modify, change, alter, or amend any such procedural rules and any exemption granted under this paragraph.

(d) *Inspection and certification.* During any period in which the Secretary has regulated shipments pursuant to this section, each handler shall, prior to making each shipment of peaches, cause such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Promptly thereafter, such handler shall submit to the Administrative Committee a copy of the Federal-State inspection certificate, showing the grades and sizes of peaches, issued on each such shipment.*

§ 940.5 *Reports.* Upon the request of the Administrative Committee, made with the approval of the Secretary, each handler shall furnish the committee, in such manner and at such times as it prescribes, such information as will enable it to exercise its powers and to perform its duties hereunder.*

§ 940.6 *Liability of Administrative Committee members.* No member, alternate member, or employee of the Administrative Committee shall be held liable, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, or employee, except for acts of dishonesty.*

§ 940.7 *Compliance and exceptions*—(a) *Compliance.* Except as otherwise specifically provided herein, no person shall ship peaches, the shipment of which has been prohibited by the Secretary in accordance with the provisions hereof.

(b) *Shipments for relief.* Nothing contained herein shall be construed to authorize any limitation of the right on the part of any person to ship peaches for consumption by charitable institutions or for distribution by relief agencies, nor shall any assessment be levied on peaches so shipped. The Administrative Committee may prescribe adequate safeguards to prevent peaches, shipped for either of such purposes, from entering commercial channels of trade contrary to the provisions hereof.*

§ 940.8 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.*

§ 940.9 *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto and shall continue in force until terminated in one of the ways specified in this section.

(b) *Termination.* (1) The Secretary may at any time terminate the provisions hereof by giving at least one (1) day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provision or provisions obstruct or do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any current marketing period whenever he finds that such termination is favored by a majority of the producers of peaches who, during such current marketing period, have been engaged in the production of peaches for market: *Provided*, That such majority have, during such period, produced for market more than fifty (50) percent of the total volume of peaches produced for market during such period, but such termination shall be effective only if notice thereof is given on or before February 1 of such current marketing period,

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the members of the Administrative Committee then functioning shall, for the purpose of liquidating the affairs of the committee, continue as joint trustees of all funds and property then in the possession or under the control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(2) The trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements, or deliver all funds and property on hand, together with all books and records of the Administrative Committee and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all of the funds and claims vested in the committee or the joint trustee pursuant hereto.

(3) Any funds collected for expenses pursuant to the provisions hereof, and held by such joint trustees or such other person, over and above amounts necessary to meet outstanding obligations and the expenses incurred necessarily by the joint trustees or such other person in the performance of their duties hereunder, shall, as soon as practicable after the termination hereof, be returned to the handlers pro rata in proportion to their contributions made pursuant hereto.

(4) Any person to whom funds, property, or claims have been delivered by the Administrative Committee or its members upon direction of the Secretary, as provided in this paragraph, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are imposed upon the members of the committee or upon the joint trustees.*

§ 940.10 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.*

§ 940.11 *Separability.* If any provision hereof is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.*

§ 940.12 *Derogation.* Nothing contained herein is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.*

§940.13 *Amendments.* Amendments hereto may be proposed, from time to time, by the Administrative Committee or by the Secretary.*

§ 940.14 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this order or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.*

In witness whereof, the Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, does hereby execute and issue in duplicate this order under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 11th day of August 1939, and declares this order to be effective on and after 12:01 a. m., m. s. t., August 15, 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-2965; Filed, August 11, 1939; 1:06 p. m.]

## TITLE 16—COMMERCIAL PRACTICES
## FEDERAL TRADE COMMISSION

[Docket No. 3589]

IN THE MATTER OF CASA BLANCA CIGAR COMPANY, ETC., ET AL.

§ 3.66 (a) *Misbranding or mislabeling—Composition.* Using, in connection with offer, etc., in commerce, of cigars, term "Havana", or term "Vuelta Havana", or any other terms or picturizations indicative of Cuban origin, or descriptive of Cuba, alone or in conjunction with any other terms, to describe, designate, or in any way refer to cigars which are not made entirely from tobacco grown on the Island of Cuba, or term "Havana Blend" or any other term or terms of similar import or meaning to describe, designate, or in any way refer to cigars which do not contain a substantial amount of tobacco grown on the Island of Cuba, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Casa Blanca Cigar Company, etc., et al., Docket 3589, August 2, 1939]

§ 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place.* Representing, in connection with offer, etc., in commerce, of cigars, through the use of the term "Made in Tampa", or any other term or terms of similar import or meaning, or in any other manner, that cigars which have not been made in Tampa, Florida, are Tampa cigars or have been made in Tampa, Florida, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Casa Blanca Cigar Company, etc., et al., Docket 3589, August 2, 1939]

§ 3.66 (c20) *Misbranding or mislabeling—Manufacture.* Using, in connection with offer, etc., in commerce, of cigars, the term "Cuban Workmanship" or any other term or terms of similar import or meaning to describe, designate, or in any way refer to cigars which have not been made by Cubans or by the Cuban style of workmanship, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 53 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Casa Blanca Cigar Company, etc., et al., Docket 3589, August 2, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ISADORE H. LUKACHER, TRADING AS CASA BLANCA CIGAR COMPANY, AND AS BELVEDERE TOBACCO COMPANY; AND BERT LUKACHER, AN INDIVIDUAL

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents thereto, testimony and other evidence in support of the allegations of said complaint and in opposition thereto, taken before Robert S. Hall, examiner of the Commission theretofore duly designated by it, and brief in support of the complaint (respondents not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That respondent Bert Lukacher, individually, and respondent Isadore H. Lukacher, individually and trading as Casa Blanca Cigar Company or Belvedere Tobacco Company, or under any other name or names, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of cigars in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the term "Havana", or the term "Vuelta Havana", or any other terms or picturizations indicative of Cuban origin, or descriptive of Cuba, alone or in conjunction with any other terms, to describe, designate, or in any way refer to cigars which are not made entirely from tobacco grown on the Island of Cuba;

2. Representing, through the use of the term "Made in Tampa", or any other term or terms of similar import or meaning, or in any other manner, that cigars which have not been made in Tampa, Florida, are Tampa cigars or have been made in Tampa, Florida;

3. Using the term "Cuban Workmanship" or any other term or terms of similar import or meaning to describe, designate, or in any way refer to cigars which have not been made by Cubans or by the Cuban style of workmanship;

4. Using the term "Havana Blend" or any other term or terms of similar import or meaning to describe, designate, or in any way refer to cigars which do not contain a substantial amount of tobacco grown on the Island of Cuba.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2978; Filed, August 12, 1939; 11:57 a. m.]

[1] 3 F.R. 2629 DI.

## TITLE 20—EMPLOYEES' BENEFITS
## UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

PART 1—CLAIMS FOR COMPENSATION AND ADMINISTRATIVE PROCEDURE

OFFICERS RESERVE CORPS AND ENLISTED RESERVE CORPS OF THE ARMY

Section 1.1. of the regulations adopted by the United States Employees' Compensation Commission and made effective as of June 1, 1938, governing the administration of the United States Employees' Compensation Act of September 7, 1916, as amended, is hereby amended so as to include therein reference to members of the Officers Reserve Corps and of the Enlisted Reserve Corps of the Army, in view of the approval on July 15, 1939, of an Act (Pub. No. 179—76th Congress; Chapt. 284, 1st Session), extending the benefits of the United States Employees' Compensation Act to such members, and shall hereafter read and provide as follows:

"§ 1.1 *General provisions; definitions.* The administration of the United States Employees' Compensation Act of September 7, 1916, as amended, is vested by said Act in the United States Employees' Compensation Commission. The said Act authorizes the Commission to make necessary rules and regulations for the enforcement of the Act and to decide all questions arising under the Act. The Commission is authorized by said Act, upon consideration of a claim presented by a beneficiary and official reports pertaining to injury or death sustained by a civil employee of the United States while in the performance of duty and upon completion of such investigation as it may deem necessary, to determine the facts and make an award for or against payment of the compensation provided for in said Act. The Commission has power, under the provisions of the said Act, to issue subpoenas for and compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses, upon any matter within the jurisdiction of the Commission. In the absence of fraud or mistake in mathematical calculations, the findings of facts in, and the decision of the Commission upon, the merits of any claim presented under or authorized by said Act, if supported by competent evidence, shall not be subject to review by any other administrative or accounting officer, employee, or agent of the United States.

"All employees of the United States and other persons who may claim or be entitled to claim benefits under the said Act, and the official superiors of all such persons, shall be bound by these regulations and shall conform to the procedure prescribed in said Act and in the regulations under this chapter. The term 'official superior', as used in this Chapter and in Chapter II, includes all officers and employees having responsible supervision, direction or control of civil employees, members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army, members of the Naval Reserve, or others employed in the service of the Federal Government or the government of the District of Columbia. For the purposes of these regulations the term 'employee' as used in this Chapter shall include, in addition to civil employees of the United States, employees of the government of the District of Columbia (except members of the Police and Fire Departments of the District of Columbia), members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army, officers and enlisted men of the United States Naval Reserve, and other persons performing service for the United States within the purview of said Act and all acts in amendment, substitution or extension thereof.

"The term 'Commission', as used in this Chapter means the United States Employees' Compensation Commission. All definitions appearing in said Act, as amended, shall be applicable with respect to the regulations promulgated under this Chapter and under Chapter II.*†

Section 1.20 of the regulations adopted by the United States Employees' Compensation Commission and made effective as of June 1, 1938, governing the administration of the United States Employees' Compensation Act of September 7, 1916, as amended, is hereby amended so as to include therein appropriate reference to the benefits extended to members of the Officers Reserve Corps and of the Enlisted Reserve Corps of the Army, made available by the Act of July 15, 1939 (Pub. No. 179—76th Congress, Chapt. 284, 1st Session), and shall hereafter read and provide as follows:

"§ 1.20 *Injuries to members of the Officers Reserve Corps, Enlisted Reserve Corps, and Naval Reserve.* (a) If in time of peace any member of the Officers Reserve Corps or of the Enlisted Reserve Corps of the Army, or any member of the Naval Reserve, as included in the Naval Reserve Act of 1938, approved June 25, 1938 (52 Stat. 1175, at 1181), is physically injured in the line of duty or dies as the result of such physical injury, he or his beneficiaries shall be entitled to all of the benefits prescribed by law for civil employees of the United States who are physically injured in the line of duty or who die as the result thereof. The Commission has jurisdiction in such cases and performs the same duties with reference thereto as in the cases of civil employees of the United States so injured or disabled. For the purpose of this Section all members of the Officers Reserve Corps or of the Enlisted Reserve Corps of the Army shall be considered as entitled to compensation benefits if injured in the line of duty (1) while on active duty, or (2) when engaged in authorized travel to and from such duty, or (3) when engaged in authorized training without pay: *Provided*, That authorized training without pay is defined as inactive-status training under written authorization by competent military authority covering a specific training assignment and prescribing a time limit. Also, for the purpose of this Section all members of the Naval Reserve shall be considered to be entitled to compensation benefits for injury in the line of duty while performing ac-

tive military or naval service, if injured (1) while having performed active duty, with or without pay, or (2) while having performed training duty, with or without pay, or (3) while having performed drills, equivalent instruction or duty, appropriate duty, or other prescribed duty, or (4) while having performed authorized travel to or from such duties.

"(b) In the cases of members of the Officers Reserve Corps or of the Enlisted Reserve Corps of the Army, the benefits shall accrue to any such member, or to his beneficiaries, whether the disability or death is the result of sickness or disease contracted in line of duty while on active duty, when such sickness or disease is proximately caused by the service on active duty. In no case, however, of a member of the Naval Reserve coming within the purview of this Section shall sickness or disease be regarded as an injury.

"(c) For the purpose of determining the benefits to which a claimant may be entitled under the provisions of this section, members of the Officers Reserve Corps or of the Enlisted Reserve Corps of the Army physically injured when engaged in authorized training without pay, and Naval Reservists physically injured while performing duties stated in subparagraph (a) of this Section and in a non-pay status, will be held and considered as receiving the pay and allowances which they would have received had they been in a pay status.

"(d) A member of the Officers Reserve Corps or of the Enlisted Reserve Corps of the Army may not receive the benefits under the United States Employees' Compensation Act concurrently with active duty pay or pension based upon military service, and in the event a person becomes eligible to receive the benefits under the United States Employees' Compensation Act of September 7, 1916, as amended, and is also eligible for, or is in receipt of, a pension based upon military service, he shall elect which benefit to receive. Reserve Officers entitled to the benefits of the last proviso of section 5 of the Act of April 3, 1939 (Pub. No. 18, 76th Congress), are not entitled to the benefits coming within the purview of this Section. Any member of the Naval Reserve eligible to receive the benefits coming within the purview of this Section who may also be eligible to receive a pension under the provisions of the Act of June 23, 1937 (50 Stat. 305), entitled "An Act to amend the provisions of the pension laws for peace-time service to include Reserve officers and members of the Enlisted Reserves", shall elect which benefit he shall receive.

"(e) All provisions of this Chapter and of the United States Employees' Compensation Act of September 7, 1916, as amended, except such as may be in conflict with the provisions of this Section or with Section 304 of the Naval Reserve Act of 1938, approved June 25, 1938 (52 Stat. 1175, at 1181), shall be applicable with respect to cases of members of the Naval Reserve."

The foregoing amendments have this day been adopted and promulgated by the United States Employees' Compensation Commission.

By direction of the Commission.

WM. MCCAULEY,
*Secretary.*

AUGUST 11, 1939.

[F. R. Doc. 39-2983; Filed, August 14, 1939; 9:42 a. m.]

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PART. 21—CLAIMS FOR COMPENSATION AND ADMINISTRATIVE PROCEDURE

EMERGENCY RELIEF EMPLOYEES, ENROLLED PERSONNEL IN CIVILIAN CONSERVATION CORPS, ETC.

Section 21.1 of the regulations adopted by the United States Employees' Compensation Commission and made effective as of June 1, 1938, governing the administration of the United States Employees' Compensation Act of September 7, 1916, as amended, as extended to emergency relief employees, enrolled personnel in the Civilian Conservation Corps, and others, is hereby amended so as to bring about conformity with the provisions of the Emergency Relief Appropriation Act of 1939, approved June 30, 1939, and shall hereafter read and provide as follows:

"§ 21.1 *General provisions; definitions.* The United States Employees' Compensation Commission is charged with the administration of the workmen's compensation provisions in the Acts of Congress approved February 15, 1934 (48 Stat. 351; 5 U.S.C. 796), June 19, 1934 (48 Stat. 1021 at 1056, 16 U.S.C. 587a), April 8, 1935 (49 Stat. 115), June 22, 1936 (49 Stat. 1608; 15 U.S.C. 728), June 29, 1936 (49 Stat. 2035), June 29, 1937 (50 Stat. 352; 15 U.S.C. 728), June 21, 1938 (52 Stat. 809 at 814; 15 U.S.C. 728 note), and June 30, 1939, which extend the provisions of the United States Employees' Compensation Act of September 7, 1916, as amended (39 Stat. 742; 5 U.S.C. 751), and provide in effect for the payment of limited compensation benefits under prescribed circumstances, on account of injury and death with respect to the following classes of persons:

"(1) Employees of the Federal Civil Works Administration.

"(2) Persons receiving security payments under the Emergency Relief Appropriation Act of 1935.

"(3) Persons, other than administrative employees, receiving wages under the Emergency Relief Appropriation Acts of 1936, 1937, 1938, and 1939.

"(4) Persons receiving payments for services rendered under the National Youth Administration, as provided for in the Emergency Relief Appropriation Acts of 1936, 1937, and 1938.

"(5) Persons employed and paid by the United States in those States in which the Federal Relief Administrator assumed control under the Federal Emergency Relief Act of 1933, provided injury caused death or permanent disability.

"(6) Veterans of the World War and other persons attached to Veterans' Camps Nos. 1, 3 and 5, who were injured or died as a result of the hurricane of September 2, 1935, at the Florida Keys.

"(7) Enrollees of the Civilian Conservation Corps.

"These Acts extend with certain limitations the provisions of the said Act of September 7, 1916, to the several classes of persons enumerated above. The said Act of September 7, 1916, authorizes the Commission to make necessary rules and regulations, and to decide all questions arising thereunder. The regulations of this Chapter shall apply with respect to the several classes of persons so enumerated.

"The Commission has power to issue subpoenas for and to compel the attendance of witnesses within a radius of one hundred miles, to require the production of books, papers, documents and other evidence, to administer oaths, and to examine witnesses, upon any matter within the jurisdiction of the Commission. In the absence of fraud or mistake in mathematical calculations, the findings of fact in, and the decision of the Commission upon, the merits of any claim presented under or authorized by said Acts, if supported by competent evidence, shall not be subject to review by any other administrative or accounting officer, employee, or agent of the United States.

"All employees of the United States and other persons who may claim or be entitled to claim benefits under any of the said Acts and the official superiors of any such persons shall be bound by these regulations and shall conform with the procedure prescribed in said Acts and in the regulations under this Chapter.

"Where on projects the preparation of reports and papers relating to compensation for injury or death is under the jurisdiction of a Federal agency other than the Work Projects Administration, the term "official superior" as used in this Chapter shall include the person having responsible supervision over the employee who is injured. Where the reporting of injury cases has been delegated to an agent of the Work Projects Administration, the duties to be performed by the official superior shall be performed by the person on the staff of the State or local Work Projects Administrator, who is charged with the duty of supervising the reporting of injury cases. Authority to make initial payments of compensation and to furnish immediate medical attention has been delegated, in certain cases, to State Compensation Officers of the Work Projects Administration.

"For the purpose of this Chapter, the term 'employee' as used herein shall include, in addition to civil employees of the United States, other persons within the classes of person enumerated above who are within the purview of the several Acts of Congress above cited. The term 'commission' as used in this Chapter means the United States Employees' Compensation Commission. The term 'injury' as used in this Chapter means traumatic injury by accident while the employee is in the performance of duty. 'Traumatic injury' as so used is defined as meaning only an injury by accident causing damage or harm to the physical structure of the body, and shall not include a disease in any form except as it shall naturally result from the injury. Injuries caused by an employee's wilful misconduct, or by his intention to bring about the injury or death of himself or of another or proximately by his intoxication, are not compensable."

The foregoing amendment has this day been adopted and promulgated by the United States Empolyees' Compensation Commission.

By direction of the Commission.

WM. MCCAULEY,
*Secretary.*

August 11, 1939.

[F. R. Doc. 39-2984; Filed, August 14, 1939; 9:42 a. m.]

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TITLE 26—INTERNAL REVENUE

BUREAU OF INTERNAL REVENUE

[T. D. 4920]

STAMP TAXES ON ISSUES AND TRANSFER OF STOCKS AND BONDS, PASSAGE TICKETS, FOREIGN INSURANCE POLICIES, AND DEEDS OF CONVEYANCE

*To Collectors of Internal Revenue and Others Concerned:*

Section 1 of the Revenue Act of 1939, approved June 29, 1939 (Public, No. 155, 76th Cong., 1st sess.), provides:

SEC. 1. CONTINUATION OF EXCISE TAXES.

* * *

Sections * * *, 1801, 1802, * * *, 3461 (b), and 3482 of the Internal Revenue Code are amended by striking out "1939" wherever appearing therein and inserting in lieu thereof "1941". * * *.

Pursuant to the above amendment, Regulations 71, approved July 16, 1932, as amended (Part 111 of Title 26, Code of Federal Regulations), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885,[1] approved February 11, 1939 (Part 465, Subpart B, of Title 26, Code of Federal Regulations), under the authority contained in section 3791 of the Internal Revenue Code, are amended as follows:

Article 2, as amended by Treasury Decision 4824[2] (section 111.2 of such Title 26), is amended to read as follows:

"ART. 2. *Effective period.* The stamp tax provisions of the Internal Revenue Code, as amended by the Revenue Act of 1939, are in full force and effect. The rates of tax imposed by sections 1801, 1802 (a) and 1802 (b) of the Internal Revenue Code, which would have been reduced on July 1, 1939, and the stamp taxes imposed by sections 3481 and 3482 of the Internal Revenue Code, which would have been repealed as of that date, will remain effective to and including June 30, 1941."

(This Treasury decision is prescribed pursuant to sections 1801, 1802 (a), 1802 (b), 3481 and 3482 of the Internal Revenue Code (53 Stat., Part 1), as amended by section 1 of the Revenue Act of 1939 (Public, No. 155, 76th Cong., 1st sess.) and section 3791 of the Internal Revenue Code.)

[SEAL] HAROLD N. GRAVES,
*Acting Commissioner of Internal Revenue.*

Approved: August 10, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-2974; Filed, August 12, 1939; 11:01 a. m.]

[1] 4 F.R. 679 DI.
[2] 3 F.R. 1650 DI.

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TITLE 36—PARKS AND FORESTS

NATIONAL PARK SERVICE

PART 23—BOULDER DAM NATIONAL RECREATIONAL AREA

RULES AND REGULATIONS GOVERNING THE OPERATION OF PRIVATELY OWNED BOATS AND THE USE OF LANDING FACILITIES ON LAKE MEAD AND TRIBUTARY WATERS

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23.12 Exceptions.
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Pursuant to the authority granted to the Secretary of the Interior by the Act of June 17, 1902 (32 Stat. 390), as amended; by the Act of December 21, 1928 (45 Stat. 1057); by the Act of August 25, 1916 (39 Stat. 535); by the Act of August 9, 1937 (50 Stat. 564, 607), and by the Act of May 10, 1939 (Public No. 68, 76th Congress), the following rules and regulations are prescribed to govern the operation of privately owned boats and the use of landing facilities on the waters impounded by the Boulder Dam, known as "Lake Mead", and the waters tributary thereto, within the Boulder Canyon Reservation:

§ 23.1 *Permits; schedule of fees.* (a) No privately owned boat, raft, or other floating structure shall be placed or operated upon any waters within the Boulder Canyon Reservation without a permit from the supervisor of the Boulder Dam National Recreational Area. Permits good for the calendar year will be issued by the supervisor upon payment of fees according to the following schedule:

| | |
|---|---|
| (1) Permit for rowboat or canoe not motor-powered or equipped with sails | $1.00 |
| (2) Permit for motorboat or sailboat with an overall length of 15 feet or less | 2.00 |
| (3) Permit for motorboat or sailboat with an overall length of more than 15 feet and not more than 20 feet | 3.00 |
| (4) Permit for motorboat or sailboat with an overall length of more than 20 feet and not more than 25 feet | 4.00 |
| (5) Permit for motorboat or sailboat with an overall length of more than 25 feet | 5.00 |
| (6) Permit for houseboat, regardless of size, not motor-powered | 5.00 |

(b) Boats equipped or operated with outboard motors shall be considered motorboats within the meaning in paragraph (a) of this section.

(c) Each permit shall be carried in the boat for which it is issued, whenever any person is aboard, and shall be exhibited upon the request of any officer or employee of the United States. A permit may be transferred with the boat for which it is issued, upon notice to the supervisor.

§ 23.2 *Use of mooring or landing facilities.* Where mooring or landing facilities are installed by the National Park Service, or by operators under contract with the Secretary of the Interior, no boats shall be moored or landed in the vicinity except at such moorings or landings. In areas where such facilities are not available, moorings or landings may be made only at places designated by the supervisor or his representative. The supervisor may designate special mooring places for houseboats, and no houseboat shall be moved from the designated mooring place without the permission of the supervisor.

§ 23.3 *Installation of floats or piers.* No landing float or pier shall be installed without a permit from the supervisor. Miners or others who desire to install such floats or piers shall make application to the supervisor, who may issue revocable permits for the installation of temporary floats or piers, without charge to holders of boat permits.

§ 23.4 *Registration of trip.* The operator of any private boat leaving the landing area for an extended trip shall register in a book provided for the purpose at the operator's landing, stating the proposed destination and intended date of return.

§ 23.5 *Leaving landing during storm.* Except in emergencies, no private boat shall be permitted to leave the landing during such times as the small craft storm warning signal is flown at the operator's landing.

§ 23.6 *Approach to dam.* No boat shall approach within 200 feet of Boulder Dam at any time.

§ 23.7 *Zoned areas.* No privately owned boat shall be operated within any water area zoned and marked as migratory bird rest areas or for related wildlife uses.

§ 23.8 *Firearms.* The carrying of firearms upon any landing or in any boat is prohibited.

§ 23.9 *Intoxication, etc.* No person who is under the influence of intoxicating liquor or narcotic drugs shall operate a boat of any kind upon the waters of the lake.

§ 23.10 *Sanitation.* (a) All doors entering toilet rooms, except in emergencies, shall be kept securely locked at all times while vessels are at the docks, and for 30 minutes before vessels enter and 30 minutes after leaving all ports of the lake.

(b) All toilet rooms shall be locked, except in emergencies, when vessels are within five miles of the dam and the intake of the domestic water supply at Hemenway Wash.

(c) No bottles, cans, rubbish, garbage, or refuse of any kind, including wastes from chemical toilets, shall be thrown from vessels at any place on the lake, or from docks along the shore, or likewise placed in the waters of the lake.

(d) All bilge waters containing oil and grease, except in emergencies, shall be disposed of on the shore.

§ 23.11 *Revocation of permit.* The violation of any of the above regulations by the owner or operator of any boat shall be considered sufficient ground for revocation of the permit issued for such boat and the permit for any landing float or pier installed by the owner or operator. Upon revocation and notice to the permittee, such boat, landing float, or pier shall be removed from the Boulder Canyon Reservation within 48 hours after the issuance of the notice of revocation, failing which the supervisor may remove such boat at the expense of the permittee, and remove or destroy such landing float or pier.

§ 23.12 *Exceptions.* The above regulations shall not apply to any boats operated for official use by any agency of the United States, or of the States of Arizona or Nevada.

§ 23.13 *Compliance with Federal laws and regulations.* Nothing contained in these regulations shall relieve any boat or the owner or operator thereof from the obligation to comply with the laws of the United States and the regulations of the Department of Commerce relating to the licensing, equipment, and navigation of boats.

§ 23.14 *Effective date.* These rules and regulations shall take effect and be in force on and after the date of approval hereof, and shall supersede the regulations prescribed for Boulder Dam Recreational Area April 29, 1938 (3 F.R. 914, Title 36 CFR, Chapter I, Part 23).

Approved, Aug. 3, 1939.

[SEAL] OSCAR L. CHAPMAN,
*Acting Secretary of the Interior.*

[F. R. Doc. 39-2968; Filed, August 12, 1939; 9:26 a. m.]

## TITLE 43—PUBLIC LANDS

### GENERAL LAND OFFICE

#### WITHDRAWAL OF PUBLIC LANDS FOR THE CALIFORNIA DEBRIS COMMISSION

Pursuant to the authority vested in me by the act of June 26, 1936 (49 Stat. 1976), and by section 21 of the act of March 1, 1893 (27 Stat. 507, 510), and subject to existing valid rights and existing withdrawals and reservations, the following described lands are hereby withdrawn from sale and entry under the laws of the United States and reserved for the California Debris Commission:

CALIFORNIA

*Mount Diablo Meridian*

T. 16 N., R. 6 E.
Sec. 2, lots 1, 2, 5, 6, 7, 8, 9, 10.
Sec. 14, lots 4, 6, SE¼SE¼.
T. 17 N., R. 7 E.
Sec. 20, E½SE¼, SE¼NE¼.
Sec. 21, S½SW¼.
Sec. 28, N½SW¼, W½NW¼.
Sec. 29, E½SE¼.
Sec. 31, SE¼SW¼, S½SE¼.
Sec. 32, W½, NE¼.
Sec. 33, S½NW¼.
Sec. 34, SE¼, W½NE¼, S½SW¼NW¼.
T. 13 N., R. 9 E.
Sec. 10, E½SE¼NE¼.
Sec. 11, NW¼SW¼.
Sec. 22, NW¼.
Sec. 23, W½SE¼.
Sec. 24, lot 1 of SW¼, NE¼SW¼, S½NW¼, W½SE¼, SE¼SE¼.
Sec. 28, NW¼, NW¼NE¼.
Sec. 30, S½SE¼.
Sec. 31, lot 4.
T. 13 N., R. 10 E.
Sec. 19, lots 10, 11, 12, 17, 18, 19, 20, 21.
Sec. 20, S½NE¼, lots 3, 4, 5, 6, 7, 9, 10.
Sec. 22, W½SE¼.
Sec. 30, lots 8, 9, 10, 11.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

AUGUST 5, 1939.

[F. R. Doc. 39-2980; Filed, August 14, 1939; 9:40 a. m.]

[Circular No. 1459]

#### RENTAL CHARGES FOR RIGHTS-OF-WAY

Circular 1237a, dated May 23, 1938,[1] containing regulations governing rights-of-way, was incorporated into the Code of Federal Regulations as Sections 244.1 to 244.61 inclusive. These regulations are hereby amended by adding thereto the following:

§ 244.9a *Rental charges.* Unless otherwise ordered by the Secretary of the Interior, the charge for occupancy and use of public lands for rights-of-way for telephone and telegraph line purposes under the acts of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959), and March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961), tramroads under the act of January 21, 1895 (28 Stat. 635; 43 U.S.C. 956), and oil or gas pipe lines under section 28 of the act of February 25, 1920 (41 Stat. 437), as amended by the act of August 21, 1935 (49 Stat. 674; 30 U.S.C. 185), shall be at the rate of five dollars ($5) per mile or fraction thereof per annum, the minimum charge to be five dollars ($5).

The charge for occupancy and use of public lands for reservoirs, water plants, well sites, etc., under the act of February 15, 1901, and for pumping stations or other structures under section 28 of the act of February 25, 1920, as amended, in connection with the operation and maintenance of oil or gas pipe lines, shall be five dollars ($5) per acre or fraction thereof per annum, the minimum charge to be five dollars ($5).

The first payment shall be submitted with the application and shall be the compensation for a full year computed under the rates specified in these regulations, but any excess of such payment over the pro rata compensation for the unexpired portion of the calendar year in which the permit or grant is approved will be credited to the permittee or grantee as a part of his payment for the first full calendar year. The permittee or grantee shall annually, on or before the first day of February next following the close of each calendar year of the period during which the right-of-way is authorized, deposit with the Register of the District Land Office, in cash, post office money order, bank draft or check payable to the Treasurer of the United States, the rental charges specified in the permit or grant. If the permittee or grantee shall fail to pay the rental charges, and such default shall continue for sixty days after the first day of February, then the Secretary of the Interior may in his discretion terminate and revoke the permit, or in the case of the grant, the same will be subject to cancelation upon voluntary relinquishment or by forfeiture proceedings instituted for that purpose. After default has occurred, no structures, buildings, or other equipment may be removed from the right-of-way except upon written permission first obtained from the Secretary of the Interior.

At any time not less than five years after the approval of the permit or grant, or after the last revision of rates per year thereunder, the Secretary may review such rates and impose such new rates per year as he may deem reasonable and proper.

All payments made under the permit or grant shall be deposited, except as otherwise provided by law, to the credit of the Treasurer of the United States in so far as public lands are effected and to the credit of the tribe or individual Indian entitled thereto in so far as Indian lands are affected.

The charges herein provided for the use of public lands shall apply to all existing rights-of-way and to all rights-of-way which may hereafter be permitted or granted under pending or future applications coming under the provisions of this section. In the case of existing rights-of-way, the charges shall be effective upon the date fixed in the notice to the permittee or grantee to be issued by the Commissioner of the General Land Office, but in no case shall any such charges be made retroactive.*

HAROLD L. ICKES,
*Secretary of the Interior.*

AUGUST 7, 1939.

[F. R. Doc. 39-2979; Filed, August 14, 1939; 9:40 a. m.]

[1] 3 F.R. 1233 DI.

* Issued under authority 31 Stat. 790, 36 Stat. 1253, 28 Stat. 635, and section 28, 41 Stat. 437; 43 U.S.C. 959, 961, 956; and 30 U.S.C. 185.
[1] 4 F.R. 3381 DI.



## TITLE 47—TELECOMMUNICATION

### FEDERAL COMMUNICATIONS COMMISSION

#### PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

The Commission amended Section 9.73 (d)[1] by adding 5622.5 kilocycles to Green Chain aeronautical and aircraft stations and 4115 kilocycles to Green Chain aeronautical fixed stations.

The frequency 5622.5 kilocycles is to carry Note 16 in rules effective August 1, 1939, which is quoted herewith for convenience:

"[16] These frequencies are assigned upon the express condition that no interference will be caused to the international service of any station which, in the discretion of the Commission may have priority on the frequency, or frequencies with which interference results."

(Sec. 4, 44 Stat. 1163; 47 U.S.C. 84 (f) Rules promulgated thereunder continued in effect by Sec. 604, 48 Stat. 1103; 47 U.S.C., 604—Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)) [Sec. 9.73 (d), effective August 1, 1939 as amended by the FCC August 8, 1939, effective immediately]

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2869; Filed, August 12, 1939; 10:09 a. m.]

## *Notices*

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket Nos. 481-FD, 482-FD, 518-FD, 520-FD]

IN THE MATTER OF THE APPLICATIONS FOR EXEMPTION BY SAND GAP COAL COMPANY, INC., SCRIVNER & MOORE, W. A. DEAN, AND JACKSON COUNTY COAL CO., INC.

NOTICE OF AND ORDER FOR HEARING

Applications for exemption, pursuant to the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 and pursuant to an Order of the National Bituminous Coal Commission entered in Document No. 57-FD, which Order has been adopted and ratified as an Order of the Bituminous Coal Division, having been duly filed by the above-named parties;

*It is ordered,* That hearings on such matters be held on August 29, 1939, at ten o'clock in the forenoon of that day, at the Hearing Room of the Bituminous Coal Division, Phoenix Hotel, Lexington, Kentucky.

*It is further ordered,* That W. A. Shipman, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearings in such matters. The officer or officers so designated to preside at such hearings is hereby authorized to conduct said hearings separately or to consolidate them, to administer oaths and affirmations, to examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearings from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of appropriate orders in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearings is hereby given to such Applicants and to any person who may have an interest in such proceedings. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before Aug. 26, 1939.

The matters concerned herewith are in regard to applications filed by the Sand Gap Coal Company, Inc., Scrivner & Moore, W. A. Dean, and Jackson County Coal Co., Inc., for exemption pursuant to the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 and to an Order of the National Bituminous Coal Commission entered in Docket No. 57-FD, which Order has been adopted and ratified as an Order of the Bituminous Coal Division. The mines of the Applicants are located in Sand Gap, Kentucky; and it is stated that all the coal produced at these mines is sold within a radius of approximately seventy-five (75) miles of the mines; that such sales are purely intrastate, and that they do not affect interstate commerce in bituminous coal.

Dated, August 14, 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-2989; Filed, August 14, 1939; 11:23 a. m.]

[Docket No. 503-FD]

IN THE MATTER OF THE APPLICATION OF YOUNGSTOWN SHEET AND TUBE COMPANY FOR EXEMPTION

NOTICE OF AND ORDER FOR HEARING

The Youngstown Sheet and Tube Company, having filed its application for exemption under Section 4, II (1) of the Bituminous Coal Act of 1937;

*It is ordered,* That a hearing on such matter be held on August 29, 1939, at ten o'clock in the forenoon of that day, at the Hearing Room of the Bituminous Coal Division, Federal Court Room, Post Office Building, Youngstown, Ohio.

*It is further ordered,* That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer or officers so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, to examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such applicant and to any other person who may have an interest in such proceedings. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before August 26, 1939.

The matter concerned herewith is in regard to an application filed by the Youngstown Sheet and Tube Company, a corporation organized for the purpose of engaging in the manufacture and sale of steel and steel products. The application states that in furtherance of and incidental to its manufacturing activities this Company operates certain coal mines located in Columbiana County, Ohio. Exemption is sought for the coal produced at these mines on the ground that all of the coal is produced and consumed by the Youngstown Sheet and Tube Company and, therefore, is not subject to the Act.

Dated, August 14, 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-2990; Filed, August 14, 1939; 11:23 a. m.]

### DEPARTMENT OF AGRICULTURE.

#### Division of Marketing and Marketing Agreements.

PROCLAMATION WITH RESPECT TO BASE PERIOD TO BE USED FOR PURPOSE OF MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF PEACHES GROWN IN COUNTY OF MESA IN THE STATE OF COLORADO

By virtue of the authority vested in the Secretary of Agriculture by Public

Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, it is hereby found and proclaimed that, with respect to peaches grown in the county of Mesa in the State of Colorado, the purchasing power of such peaches during the prewar period, August 1909–July 1914, cannot be satisfactorily determined from available statistics of the Department of Agriculture for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of such peaches, but the purchasing power of such peaches can be satisfactorily determined from available statistics of the Department of Agriculture for the period January 1, 1920–December 31, 1928. The period January 1, 1920–December 31, 1928, is, therefore, hereby declared and proclaimed to be the base period to be used in determining the purchasing power of peaches grown in the county of Mesa in the State of Colorado for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of such peaches.

In witness whereof, the Secretary of Agriculture has executed this proclamation in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 11th day of August 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39–2964; Filed, August 11, 1939; 1:06 p. m.]

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## Food and Drug Administration.

[FDC–8]

IN THE MATTER OF PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH A REGULATION MAY BE PROMULGATED, FIXING AND ESTABLISHING UNDER ITS COMMON OR USUAL NAME A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE CANNED FOODS PREPARED FROM ONE OR ANY MIXTURE OF TWO OR MORE OF CERTAIN VEGETABLES

REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSION AND ORDER

Pursuant to, and under the authority of, a notice in the above-entitled matter issued and filed by the Secretary of Agriculture on March 22, 1939, with the Archivist of the United States and published in the FEDERAL REGISTER Friday, March 24, 1939 (FEDERAL REGISTER, Vol. 4, No. 57, pp. 1320–22), wherein the undersigned was designated as Presiding Officer to conduct in the place of the Secretary the public hearing herein, such hearing being in conformity with Section 701, subsection (e) of the Federal Food, Drug and Cosmetic Act (Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e)), and under and by virtue of the authority in said notice specifically recited (Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), the said hearing was convened by the undersigned Presiding Officer at the time and place specified in said notice.

There was read into the record that portion of the notice of the Secretary setting the time and place for the hearing; stating the purpose thereof; making specific reference to the proposed amendments, thereinafter set forth, and reciting that such amendments were subject to adoption, rejection, amendment, or modification by the Secretary, in whole or in part as the evidence adduced at the hearing warranted; making specific reference to the Rules of Procedure governing the hearing published in the FEDERAL REGISTER January 13, 1939, and designating the Presiding Officer.

The FEDERAL REGISTER dated March 24, 1939, containing the notice and proposals of the Secretary, was offered and received in evidence and marked "Government's Exhibit No. 1."

In open session the Presiding Officer announced that each person who had filed an appearance at the hearing would be informed of the date of the filing of the transcript of the evidence and the proceeding with the Hearing Clerk, Office of the Solicitor, Department of Agriculture, Washington, D. C., and that ten days would be allowed, from the date of the receipt of such notice, for the filing, by such interested persons, with such Hearing Clerk, of written arguments, proposed findings of fact, or both, based solely upon the evidence adduced at the hearing.

The suggested findings of fact herein were made, the suggested conclusions in the form of Regulations and the suggested order herein were drafted, after the expiration of the aforesaid ten days and after consideration of the written arguments and proposed findings so filed, as well as the entire transcript of the evidence and the proceeding.

As to canned mixtures of the vegetables named in the proposals, the use of vegetable ingredients of the type classified, generally, as "acid vegetables" with those not so classified necessitates processing techniques, varying as the several ingredients vary within those classifications, not only to protect the health of consumers, but also to insure marketability. (R. 434–6, 438) There is no evidence concerning all the commercial packs of the mixtures set up in the proposals, nor all the varying processing techniques necessarily employed. There is no evidence that it would be practicable or reasonable from the standpoint of the canner, nor be promotive of honesty and fair dealing in the interest of the consumer, to require similar proportions of each of the several vegetable ingredients in each mixture of two, three, four, or more of such vegetables. In the circumstances, no findings of fact are made with respect to fixing and establishing, under its common or usual name, a reasonable definition and standard of identity for each of the canned foods prepared from two, three, four, or more of said vegetables.

As to those of the vegetables named in the proposals which are canned singly, a careful review of the evidence as well as the proposed findings of fact, briefs and arguments, discloses numerous points of conflict with respect to many important, material facts which enter into and are determinative of the principal, or ultimate facts. It is not considered advisable or necessary to review here the many points of divergence.

After careful and mature consideration of the evidence in all its phases and ramifications, certain findings of fact, based upon preponderant and substantial evidence, have been made, wherefrom a reasonable definition and standard of identity, under its common or usual name, may be fixed and established for each of the canned vegetables hereinafter listed in such findings.

Upon the basis of substantial evidence received at the hearing and appearing in the transcript of evidence, to which specific references are made in each instance following the findings, the undersigned Presiding Officer makes and suggests the detailed findings of fact hereinafter set forth; and he further suggests that the Secretary of Agriculture issue an order setting out therein and as part thereof such findings of fact, omitting therefrom references to the pages of the Transcript of Evidence, and that in and by such order the Regulation hereinafter set forth be promulgated.

SUGGESTED FINDINGS OF FACT

*Meaning of Terms and Manner of Statement*

A. By the term, "common or usual name", or "common or usual names", as used herein, is meant the name, or names, whereby the canned food or vegetable is herein designated.

B. When two or more unit-forms of a vegetable are specified herein after the common or usual name of the vegetable, each unit-form so specified is understood to be an ingredient in the canning of such vegetable; that is, an optional ingredient; and the common or usual name of such vegetable is the name, or names, whereby such vegetable in such unit-form, or unit-forms is designated.

*1. Kohlrabi*

That there is no evidence whatsoever that there is a canned food prepared from the succulent vegetable commonly known as kohlrabi.

*2. All others canned in succulent state*

That all the other vegetables named in the notice and proposals of the Secretary are canned in their succulent state when they are of sufficient size to be suitable and useful for food and before they have lost their natural moisture and tenderness and have become hard or tough. (R. 12–14, 238)

*3. General pre-canning and canning procedure*

That, in general, before such vegetables are canned, or processed for canning, they are cleaned and the inedible portions, excepting the cobs of corn-on-the cob and certain portions of the artichokes, and other undesirable or unsuitable portions, are removed. The remaining portions are placed in cans, or containers, either as whole units or in smaller units, and the interstices are filled with water sufficient for processing purposes (except in the case of pimentos (R. 83) and artichokes (R. 14)), with or without the addition of salt, and in the cases of white corn (R. 49), yellow corn (R. 54), field corn (R. 59–60), and sweet potatoes (R. 88, 89), with or without the addition of sugar. Steam or hot water may be applied to the vegetables for softening or blanching; the container is sealed, and heat is applied to the food to prevent spoilage. (R. 12, 13, 14, 49, 54, 59, 60, 83, 88–89, 238)

*4. Certain commonly known vegetables—canning process*

That each of the canned vegetables listed in this paragraph is listed in the name by which it is commonly known; that each such vegetable is the food prepared by packing in a container the immature, succulent vegetable, which may be more particularly defined and identified in a subsequent paragraph bearing such name as a caption, filling the interstices with water, with or without adding salt, sealing the container and so processing the food by application of heat as to prevent spoilage; that the name of each said vegetable and the name by which it is commonly known is:

| | |
|---|---|
| Asparagus. | Kale. |
| Bean Sprouts. | Mushrooms. |
| Green Beans. | Mustard Greens. |
| Wax Beans. | Okra. |
| Shelled Beans. | Onions. |
| Lima Beans. | Parsnips. |
| Beets. | Black-Eye Peas. |
| Beet Greens. | Field Peas. |
| Broccoli. | Potatoes. |
| Brussels Sprouts. | Red Sweep Peppers. |
| Cabbage. | Rutabagas. |
| Carrots. | Salsify. |
| Cauliflower. | Spinach. |
| Celery. | Swiss Chard. |
| Collards. | Truffles. |
| Dandelion Greens. | Turnip Greens. |
| Green Sweet Peppers. | Turnips other than Rutabagas). |

(R. 19, 22–3, 25–41, 43–9, 58–9, 62–4, 62–98, 100–102, 118–9, 127, 129–31, 191, 196–8, 238, 242–7, 252, 370, 372, 379–81, 393–4, 399–401, 543, 548–9, 552–3, 554–5, 584–6)

*5. Other commonly known vegetables—canning process—white corn, yellow corn, field corn*

That each of the canned vegetables which is commonly known as white corn, or white sweet corn; yellow corn, or yellow sweet corn; field corn, is the food prepared by: (1) packing either of such commonly known, immature, succulent vegetables, or the whole grains, or whole kernels of such corn, in a container, with or without adding salt, and filling the interstices with water; or (2) mixing with water and packing the cut and crushed grains or kernels of either of such immature, succulent vegetables, so commonly known, in a container, with or without adding sugar and salt; and sealing the container and so processing the food by application of heat as to prevent spoilage (R. 49, 54, 59–62, 214, 238, 260–63, 280, 556); that each of said vegetables is more particularly defined and identified in a subsequent paragraph bearing such name as a caption.

*6. Another Commonly Known Vegetable—Canning Process—Sweet Potatoes*

That the canned vegetable which is commonly known as sweet potatoes is the food prepared by packing in a container the immature, succulent vegetable commonly known as sweet potatoes, filling the intersices with water (except where the potato ingredient is mashed), with or without adding salt and sugar, or salt or sugar, sealing the container and so processing the food by application of heat as to prevent spoilage (R. 88–91, 238, 370, 380–1, 393, 399–401, 552–3, 585); that said vegetable is more particularly defined and identified in a subsequent paragraph bearing such name as a caption.

*7. Artichokes*

*Definition—Identity.* That canned artichokes is the food prepared by packing buds, or flower buds, of immature succulent vegetable plants commonly known as artichokes in a container, filling the container with water, or an edible vegetable oil, with or without salt, sealing the container, and so processing the food by application of heat as to prevent spoilage. (R. 14, 238, 359–60)

*Optional forms of ingredients.* That the artichoke ingredient in canned artichokes may be: whole; half or halves, halved; whole hearts, half hearts, halved hearts; quarter hearts, or quartered hearts; and that any such ingredient may be used in canning artichokes. (R. 15, 114–15, 202, 359–60)

*Forms of ingredient declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 16, 114–115, 202, 238, 359–60)

*Acids optional ingredients declared on label.* That citric acid, cider vinegar and white wine vinegar (but in no case in such quantity as to reduce the pH. of the canned artichokes to a point below 4.5) are ingredients optional with the canner of artichokes; and when any such ingredient is used, it should be declared on the label by the statement:

"Citric Acid Added", or "Added Citric Acid"; "Cider Vinegar Added", or "Added Cider Vinegar"; "White Wine Vinegar Added", or "Added White Wine Vinegar";

in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 19, 183–4, 186, 210, 226, 238, 365–68, 387–9, 537–8)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 14–16, 115–16, 202, 216–17, 227–8, 238, 359–361, 551–2, 584–5, 594)

*Edible vegetable oils optional ingredients declared on label.* That an edible vegetable oil is an ingredient optional with the canner of this food, and, when used, its name should be set forth on the label by the statement, "---------- Oil Added", or "With added ---------- Oil" (the blank to be filled in with the common or usual name of the oil so used), in such proximity to the name of the vegetable as to be readily seen under customary conditions of purchase and use. (R. 17, 238, 359, 376)

*8. Asparagus*

*Optional forms of ingredients.* That the asparagus ingredient, in canned asparagus, may be: stalks or spears; cut stalks or cut spears; peeled stalks or peeled spears; tips, or peeled tips; points; bottom cuts; and that "stalks" or "spears" are the full length of the vegetable, usually not more than 6¼ inches in length, nor less than 4 inches; that "tips" are the upper portion of the vegetable, usually not more than 4 inches in length, nor less than 3¼ inches; that "points" are the upper portion of the vegetable, usually less than 3¼ inches in length; that "bottom cuts" are the portions of the "stalk" or "spear" remaining after the "tips" have been removed. (R. 19, 183–4, 186, 210, 226, 238, 365–68, 387–9, 537–8)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 20, 184, 226, 238)

*Acids optional ingredients declared on label.* That citric acid, cider vinegar and white wine vinegar (but in no case in such quantity as to reduce the pH. of the canned asparagus to a point below 4.5) are ingredients optional with the canner of asparagus; and when any such ingredient is used, it should be declared on the label by the statement:

"Citric Acid Added", or "Added Citric Acid"; "Cider Vinegar Added", or "Added Cider Vinegar"; "White Wine Vinegar Added", or "Added White Wine Vinegar";

in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 20–1, 184, 226–8, 238, 365, 372, 537–8)

*9. Bean Sprouts*

*Definition.* That canned bean sprouts is the food prepared from the immature, succulent sprouts of the Mung bean. (R. 22–3, 238)



[1] See page 3599.

*10. Green Beans*

*Optional forms of ingredients.* That the green bean ingredient, in canned green beans, may be: whole; cut; sliced lengthwise, or shoestring; and that any such green bean ingredient may be used in canning green beans. (R. 23–25, 116–18, 188–9, 203–4, 238, 309–12, 541–2, 570–77, 591–2)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 23–4, 238)

*11. Wax Beans*

*Optional forms of ingredients.* That the wax bean ingredient, in canned waxed beans, may be: whole; cut, sliced lengthwise, or shoestring; and that any such wax bean ingredient may be used in canning wax beans. (R. 25–27, 116–118, 188–9, 203, 238, 309–12, 541–543)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 25–27, 238)

*12. Shelled Beans*

*Definition.* That canned shelled beans is the food prepared from the immature, succulent seed shelled from green or wax bean pods. (R. 27–9, 118–19, 123, 192, 238, 550)

*Optional form of ingredient declared on label.* That the shelled bean ingredient, in canned shelled beans, may be the immature, succulent seed shelled from the broken or cut green or wax-bean pods, to which "snaps" may be added and when "snaps" are added, the labels should bear the statement: "With Snaps", or "Snaps Added", in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 28, 238)

*13. Lima Beans*

*Regional synonymous name.* That "butter beans", in the region which includes the southern half of the United States east of the Mississippi River, is the name by which canned small lima beans are known. (R. 124, 204, 220, 299, 308, 325, 355–6, 550, 584)

*14. Beets*

*Optional forms of ingredients.* That the beet ingredient in canned beets may be: Whole; slices, or sliced; quarters, or quartered; dice, or diced; cut; shoestring; and that any such ingredient may be used in canning beets. (R. 31–32, 114, 238)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 32–33, 238)

*Vinegar an optional ingredient.* That cider vinegar is an ingredient optional with the canner of this food and, when used, its presence should be stated on the label with the words "Cider Vinegar Added", or "With Added Cider Vinegar", in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 31–33, 238)

*Spice an optional ingredient.* That spice is an ingredient optional with the canner of this food and, when used, its presence should be stated on the label with the words "With Added Spice", or "Spice Added", (or in lieu of the word "Spice" the common or usual name or names of the spice or spices may be used), in such proximity with the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 31–33, 238)

*15. Beet Greens*

*Definition.* That canned beet greens is the food prepared from the immature, succulent leaves, or such leaves and the immature root, of the succulent vegetable, commonly known as beets. (R. 34–36, 238)

*16. Broccoli*

*Definition.* That canned broccoli is a food prepared from the immature, succulent heads of the broccoli plant. (R. 36–37, 238)

*17. Brussels Sprouts*

*Definition.* That canned brussels sprouts is a food prepared from the immature, succulent sprouts of a special variety of cabbage commonly known as brussels sprouts. (R. 37–39, 238)

*18. Cabbage*

*Definition.* That canned cabbage is the food prepared from cut pieces of the immature, succulent heads of the cabbage plant. (R. 39–40)

*19. Carrots*

*Optional forms of ingredients.* That the carrot ingredient in canned carrots may be: whole; slices, or sliced; quarters, or quartered; dice, or diced; cut; shoestring; and that any such carrot ingredient may be used in canning carrots. (R. 41, 114, 238)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 41–43, 238)

*20. Cauliflower*

*Definition.* That canned cauliflower is the food prepared from cut pieces of the immature, succulent heads of the cauliflower plant. (R. 43–45, 238)

*21. Celery*

*Optional forms of ingredients.* That the celery ingredients in canned celery may be: cut; hearts; and that any such celery ingredient may be used in canning celery; and that "cut" celery consists of pieces of stalk cut about one-half or three-quarters of an inch long. (R. 46, 238, 370, 379, 543)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 46, 125, 238, 370, 379, 543)

*Acids optional ingredients declared on label.* That citric acid, cider vinegar and white wine vinegar (but in no case in such quantity as to reduce the pH. of the canned celery to a point below 4.5) are ingredients optional with the canner of celery; and when any such ingredient is used, it should be declared on the label by the statement:

"Citric Acid Added", or "Added Citric Acid", "Cider Vinegar Added", or "Added Cider Vinegar"; "White Wine Vinegar Added", or "Added White Wine Vinegar"; in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 81–83, 196–98, 238, 242–47, 372, 548–9, 584)

*22. Collards*

*Definition.* That canned collards is the food prepared from the immature, succulent leaves of the collard plant. (R. 47–49)

*23. White Corn*

*Optional forms of ingredients.* That the white corn ingredient in canned white corn may be on-cob; whole grain or whole kernel; crushed; and that any such white corn ingredient may be used in canning white corn. (R. 49, 173–75, 178, 209–10, 214, 223–24, 260–63, 273–75, 543–45, 546–48, 564–67, 577–79)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. Same as in preceding paragraph)

*Starch optional ingredient declared on label.* That starch, in such an amount as to prevent lumpiness, is an ingredient optional in the canning of white crushed (sweet) corn; and when such optional ingredient is used, its presence should be declared on the label by the statement, "With Added Starch", or "Starch Added", in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 51–53, 238–9)



*Synonymous name.* That "white sweet corn" is a synomymous name for "white corn." (R. 49, 175, 556)

*24. Yellow Corn*

*Optional forms of ingredients.* That the yellow corn ingredient in canned yellow corn may be on-cob; whole grain or whole kernel; or crushed; and that any such yellow corn ingredient may be used in canning yellow corn. (R. 54, 172–74, 209, 214, 221–22, 238, 269, 271, 505–6–7, 545–48, 556, 564–67, 577–79, 582–3)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 56–7, 238–9, 556)

*Starch optional ingredient declared on label.* That starch, in such an amount as to prevent lumpiness, is an ingredient optional in the canning of yellow crushed (sweet) corn; and when such optional ingredient is used, its presence should be declared on the label by the statement "With Added Starch", or "Starch Added", in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 55–6, 238–9)

*Synonymous name.* That "yellow sweet corn" is a synonymous name for "yellow corn." (R. 54, 175, 556)

*25. Field Corn*

*Optional forms of ingredients.* That the field corn ingredient in canned field corn may be whole grain or whole kernel; crushed; and that any such field corn ingredient may be used in canning field corn. (R. 60–61, 214, 238)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 61, 238)

*26. Dandelion Greens*

*Definition.* That canned dandelion greens is the food prepared from the immature, succulent leaves of the dandelion plant. (R. 58–9, 238)

*27. Green Sweet Peppers*

*Optional forms of ingredients.* That the green sweet pepper ingredient, in canned green sweet peppers, may be: whole; halves, or halved; irregular pieces; and that any such unit or ingredient may be used in canning green sweet peppers. (R. 81–83, 196–98, 238, 242–47, 548–9, 585)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 81–83, 196–98, 238, 242–47, 548–9, 584)

*Acids optional ingredients declared on label.* That citric acid, cider vinegar and white wine vinegar (but in no case in such quantity as to reduce the pH. of the canned green sweet peppers to a point below 4.5) are ingredients optional with the canner of green sweet peppers; and when any such ingredient is used, it should be declared on the label by the statement:

"Citric Acid Added", or "Added Citric Acid"; "Cider Vinegar Added", or "Added Cider Vinegar"; "White Wine Vinegar Added", or "Added White Wine Vinegar"; in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 81–83, 196–98, 238, 242–47, 372, 548–9, 584)

*28. Kale*

*Definition.* That canned kale is the food prepared from the immature, succulent leaves of the kale plant. (R. 62–4, 238)

*29. Mushrooms*

*Definition.* That canned mushrooms is the food prepared from the immature, succulent, edible species of fungi, known as the common mushroom. (R. 64–7, 238)

*Optional forms of ingredients.* That the mushroom ingredient, in canned mushrooms, may be: buttons; whole; slices, or sliced; irregular pieces and stems; and that any such ingredient may be used in canning mushrooms. (R. 64–67, 238, 548, 583–4)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 64–67, 238, 548–9, 584)

*Acids optional ingredients declared on label.* That citric acid, cider vinegar and white wine vinegar (but in no case in such quantity as to reduce the pH. of the canned mushrooms to a point below 4.5) are ingredients optional with the canner of mushrooms; and when any such ingredient is used, it should be declared on the label by the statement:

"Citric Acid Added", or "Added Citric Acid";

"Cider Vinegar Added", or "Added Cider Vinegar";

"White Wine Vinegar Added", or "Added White Wine Vnegar";

in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 64–67, 203, 238–9, 371–2, 594–9)

*30. Mustard Greens*

*Definition.* That canned mustard greens is the food prepared from the immature, succulent leaves of the mustard plant. (R. 67–9)

*31. Okra*

*Definition.* That canned okra is the food prepared from the immature, succulent pods of the okra plant. (R. 69–71, 238)

*Optional forms of ingredients.* That the okra ingredient, in canned okra, may be: whole or cut; and that any such unit, or ingredient, may be used in canning okra. (R. 70–71, 238)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 70–71, 238)

*32. Onions*

*Optional forms of ingredients.* That the onion ingredient in canned onions may be: whole, or cut; and that any such unit or ingredient may be used in canning onions. (R. 71–73, 238)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 71–73, 238)

*Acids optional ingredients declared on label.* That citric acid, cider vinegar and white wine vinegar (but in no case in such quantity as to reduce the pH. of the canned onions to a point below 4.5) are ingredients optional with the canner of onions; and when any such ingredient is used, it should be declared on the label by the statement:

"Citric Acid Added", or "Added Citric Acid"; "Cider Vinegar Added", or "Added Cider Vinegar"; "White Wine Vinegar Added", or "Added White Wine Vinegar"; in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 71–73, 203, 238, 371–2, 594–5)

*33. Parsnips*

*Optional forms of ingredients.* That the parsnip ingredient in canned parsnips may be: whole, quarters, or quartered; slices, or sliced; cut, shoestring; and that any such unit or ingredient may be used in canning parsnips. (R. 73–76, 238)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 73–76, 238)

*34. Black-eye Peas*

*Definition.* That canned black-eye peas is the food prepared from the im-

mature, succulent seeds shelled from black-eye peas. (R. 76–8, 238)

*Optional form of ingredients—Label declaration.* That immature, succulent, broken or cut pods of black-eye peas, commonly known as "snaps" is an optional ingredient in the canning of black-eye peas; that when used, such optional ingredient should be declared on the label by the statement: "With Snaps", or "Snaps Added", in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 76–78, 238)

*35. Field Peas (Other Than Black-eye Peas)*

*Definition.* That canned field peas (other than black-eye peas) is the food prepared from the immature, succulent seeds shelled from field peas, other than black-eye peas. (R. 78–80, 238, 549–50)

*Optional form of ingredient—Label declaration.* That immature, succulent, broken or cut pods of field peas (other than black-eye peas), commonly known as "snaps", is an optional ingredient in the canning of this food; that when used, such optional ingredient should be declared on the label by the statement: "With Snaps", or "Snaps Added", in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 78–80, 238, 549–50)

*36. Pimientos*

*Definition—Identity.* That canned pimientos is the food prepared by packing in a container the flesh of the succulent, red-ripe vegetable, commonly known as pimientos, after it has been softened by blanching, sealing the container, and so processing the food by application of heat as to prevent spoilage. (R. 83–86, 191, 238, 252, 549, 584)

*Optional forms of ingredients.* That the pimiento ingredient in canned pimientos may be: whole; irregular pieces; and that any such unit or ingredient may be used in canning pimientos. (R. 83–86, 191, 213, 238, 252, 548–9, 584)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 83–86, 191, 213, 238, 252, 548–9, 584)

*Acids optional ingredients declared on label.* That citric acid, cider vinegar and white wine vinegar (but in no case in such quantity as to reduce the pH. of the canned pimientos to a point below 4.5) are ingredients optional with the canner of pimientos; and when any such ingredient is used, it should be declared on the label by the statement:

"Citric Acid Added", or "Added Citric Citric Added"; "Cider Vinegar Added", or "Added Cider Vinegar"; "White Wine Vinegar Added", or "Added White Wine Vinegar";

in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use.—(R. 83–86, 191, 213, 238, 371–2, 594)

*Edible vegetable oils optional ingredients declared on label.* That an edible vegetable oil is an ingredient optional with the canner of this food, and, when used, its name should be set forth on the label by the statement "---------- Oil Added", or "With Added ---------- Oil" (the blank to be filled in with the common or usual name of the oil so used), in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 83–86, 191, 213, 238)

*37. Potatoes*

*Optional forms of ingredients.* That the potato ingredient in canned potatoes may be: whole; slices, or sliced; pieces; dice, or diced; shoestring; and that any such unit or ingredient may be used in canning potatoes. (R. 86–88, 127, 238)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 86–88, 127, 238)

*38. Sweet Potatoes*

*Optional forms of ingredients.* That the sweet potato ingredient in canned sweet potatoes may be: whole; pieces; or mashed; and that either of such ingredients may be used in canning sweet potatoes. (R. 88–91, 238, 370, 380–81, 393–4, 399–401, 552, (553), 585)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 88–91, 238, 370, 380–81, 393–4, 399–401, 552–3, 585)

*39. Rutabagas*

*Definition.* That canned rutabagas is the food prepared from the immature, succulent species of turnips commonly known as rutabaga. (R. 100–102, 129, 238, 554, 586)

*Optional forms of ingredients.* That the rutabaga ingredient in canned rutabaga may be: whole; quarters or quartered; cut; slices, or sliced; dice, or diced; and that either of such ingredients may be used in canning rutabagas. (R. 100–102, 129, 312, 554, 586)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 100–102, 129, 130, 312, 554, 586)

*40. Red Sweet Peppers*

*Optional forms of ingredients declared on label.* That the red pepper ingredient in canned red sweet peppers may be: whole; halves, or halved; irregular pieces; that either of such ingredients may be used; and that when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use (R. 80–83, 196–98, 238, 242–47, 548–9, 584)

*Acids optional ingredients declared on label.* That citric acid, cider vinegar and white wine vinegar (but in no case in such quantity as to reduce the pH. of the canned red sweet peppers to a point below 4.5) are ingredients optional with the canner of red sweet peppers; and when any such ingredient is used, it should be declared on the label by the statement:

"Citric Acid Added", or "Added Citric Acid"; "Cider Vinegar Added", or "Added Cider Vinegar"; "White Wine Vinegar Added" or "Added White Wine Vinegar";

in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 80–83, 196–98, 238, 242–47, 548–9, 584)

*41. Salsify*

*Definition.* That canned salsify is the food prepared from the immature, succulent leaves of the vegetable commonly known as salsify. (R. 91–3, 238, 555)

*42. Spinach*

*Definition.* That canned spinach is the food prepared from the immature, succulent leaves of the vegetable commonly known as spinach. (R. 93–5, 130–31, 238)

*Acids optional ingredients declared on label.* That citric acid, cider vinegar and white wine vinegar (but in no case in such quantity as to reduce the pH. of the canned spinach to a point below 4.5) are ingredients optional with the canner of spinach; and when any such ingredient is used, it should be declared on the label by the statement:

"Citric Acid Added", or "Added Citric Acid"; "Cider Vinegar Added", or "Added Cider Vinegar"; "White Wine Vinegar Added", or "Added White Wine Vinegar";

in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 93–95, 131, 372, 594)

*43. Swiss Chard*

*Definition.* That canned swiss chard is the food prepared from the immature, succulent leaves of the variety of beet commonly known as swiss chard. (R. 95–6, 238)



*44. Truffles*

*Definition.* That canned truffles is the food prepared from the immature, succulent, edible species of fungi, commonly known as truffles. (R. 96–8, 238)

*45. Turnip Greens*

*Definition.* That canned turnip greens is the food prepared from the immature, succulent leaves of the turnip plant. (R. 96–8, 238)

*46. Turnips (Other than rutabagas)*

*Definition.* That canned turnips (other than rutabagas) is the food prepared from the immature, succulent vegetable commonly known as turnips. (R. 100–2, 238, 554, 585–6)

*Optional forms of ingredients.* That the turnip ingredient, in canned turnips, may be: whole; quarters, or quartered; cut, slices, or sliced; dice, or diced; and that either of such ingredients may be used in canning turnips. (R. 100–102, 130, 238, 370, 395)

*Forms of ingredients declared on label.* That when either of such optional ingredients is used, it should be stated on the label in such proximity to the name of the vegetable as to be readily seen under usual and customary conditions of purchase and use. (R. 100–102, 238)

*47. Optional ingredients for all vegetables*

That sugar is an ingredient the use of which is optional in the canning of each of the vegetables for which a definition and standard of identity has been hereinbefore found; and when used, its presence should be declared on the label by the statement, "With Sugar Added", or "With Added Sugar". (R. 124, 287–8, 373–4)

That cider vinegar, or white wine vinegar, is an ingredient the use of which is optional in the canning of each of the vegetables for which a definition and standard of identity has been hereinbefore found; and when used, its presence should be declared on the label by the statement, "With Cider Vinegar Added", or "With Added Cider Vinegar"; "With White Wine Vinegar Added", or "With Added White Wine Vinegar. (R. 227–8, 372–3, 551–2, 584–5, 594)

That spice is an ingredient the use of which is optional in the canning of each of the vegetables for which a definition and standard of identity has been hereinbefore found; and when used, its presence should be declared on the label by the statement, "With Spice Added", or "With Added Spice", or, instead of using the word "spice" in such statement, the common or usual name of the spice may be used. (R. 372–3)

That when two or more of the optional ingredients: sugar, citric acid, cider vinegar, white wine vinegar, spice, vegetable oil, starch, or snaps, are present in the same canned food, instead of the form of label statement hereinbefore suggested for each such optional ingredient, such statements may be combined into a single statement, as, for example, " Citric Acid and ---------- Oil Added", or "Cider Vinegar, sugar, and spice added." (R. 17–18, 32–33, 51–52, 56)

That such of said optional ingredients as are used should be stated on the label so that the consumer may be informed what ingredient other than the vegetable ingredient and the usual packing medium is present. (R. 14, 102, 238)

Upon the basis of the foregoing findings of fact, it is concluded that the regulation hereinafter set forth should be promulgated.

SUGGESTED REGULATION

*Regulation Fixing and Establishing a Reasonable Definition and Standard of Identity for Each of the Foods Prepared From One of the Succulent Vegetables Hereinafter Listed*

§ 52.990 *Canned vegetables—Definitions and standards of identity; label statements of optional ingredients.* (a) A canned vegetable for which a definition and standard of identity is prescribed in this section is the food prepared from one of the following properly prepared, succulent vegetables:

*Artichokes.* Whole; half or halves, halved; whole hearts; half hearts, halved hearts; quarter hearts, quartered hearts.

*Asparagus.* Stalks or spears (over 4 inches long); cut stalks, or cut spears; peeled stalks, or peeled spears; tips (not less than 3¼ inches nor more than 4 inches long), or peeled tips; points (less than 3¼ inches long); bottom cuts.

*Bean sprouts.*

*Green beans.* Whole; cut; sliced lengthwise, or shoestring.

*Wax beans.* Whole; cut; sliced lengthwise, or shoestring.

*Shelled beans.*

*Lima beans, or butter beans.*

*Beets.* Whole; slices, or sliced; quarters, or quartered; dice, or diced; cut; shoestring.

*Beet greens.*

*Broccoli.*

*Brussels sprouts.*

*Cabbage.*

*Carrots.* Whole; slices, or sliced; quarters, or quartered; dice, or diced; cut; shoestring.

*Cauliflower.*

*Celery.* Cut; hearts.

*Collards.*

*Dandelion greens.*

*White corn, white sweet corn.* On cob; whole grain, or whole kernel; crushed.

*Yellow corn, yellow sweet corn.* On cob; whole grain, or whole kernel; crushed.

*Field corn.* Whole grain, or whole kernel; crushed.

*Kale.*

*Mushrooms.* Buttons; whole; slices, or sliced; irregular pieces and stems.

*Mustard greens.*

*Okra.* Whole; cut.

*Onions.* Whole; cut.

*Parsnips.* Whole; quarters, or quartered; slices, or sliced; cut; shoestring.

*Black-eye peas.*

*Field peas.* Other than black-eye.

*Green sweet peppers.* Whole; halves, or halved; irregular pieces.

*Red sweet peppers.* Whole; halves, or halved; irregular pieces.

*Pimientos.* Whole; irregular pieces.

*Potatoes.* Whole; slices, or sliced; pieces; dice, or diced; shoestring.

*Sweet potatoes.* Whole; pieces; mashed.

*Salsify.*

*Spinach.*

*Swiss chard.*

*Truffles.*

*Turnip greens.*

*Rutabagas.* Whole; quarters, or quartered; cut; slices, or sliced; dice, or diced.

*Turnips (other than rutabagas).* Whole; quarters, or quartered; cut; slices, or sliced; dice, or diced.

(b) If two or more forms of the vegetables are specified after the name thereof in subsection (a), each form is an optional ingredient.

(c) Water is added except in the cases of pimientos and sweet potatoes in mashed form. The following optional ingredients, in the cases of the vegetable specified after each, may be added:

(1) Citric acid, cider vinegar, or white wine vinegar (but not in such quantities as to reduce the pH. of the finished canned vegetables to a point below 4.5), in the cases of artichokes, asparagus, celery, green sweet peppers, onions, mushrooms, pimientos, red sweet peppers, and spinach.

(2) An edible vegetable oil, in the cases of artichokes and pimientos.

(3) Starch, in the cases of white crushed corn and yellow crushed corn, in such quantity as to prevent lumpiness.

(4) Snaps (immature broken pods) in the cases of shelled beans, black-eye peas, and field peas.

The food may be seasoned with one or more of the following optional ingredients:

(5) Salt.

(6) Cider vinegar, or white wine vinegar.

(7) Spice.

(8) Sugar.

The food is sealed in a container and so processed by application of heat as to prevent spoilage.

(d) The name of each canned vegetable for which a definition and standard of identity is prescribed by this section is the name whereby such vegetable is designated in subsection (a).

(e) If two or more forms of the vegetable are specified after the name thereof

in subsection (a), the label shall bear the specified word or words showing the form of the vegetable present.

(f) If one of the optional ingredients: citric acid; cider vinegar; white wine vinegar; edible vegetable oil; starch; snaps; sugar; or spice is present, the label shall bear the statement, or statements: "Citric Acid Added", or "Added Citric Acid"; "Cider Vinegar Added", or "Added Cider Vinegar"; "White Wine Vinegar Added", or "Added White Wine Vinegar"; "---------- Oil Added", or "With Added ---------- Oil" (the blanks to be filled in with the common or usual name of the oil); "Starch Added", or "With Added Starch"; "Snaps Added", or "With Added Snaps"; "Sugar Added", or "With Added Sugar"; "Spice Added", or "With Added Spice", as the case may be; or if two or more of such ingredients are present, the statements may be combined, as, for example, "Citric Acid and ---------- Oil Added" (the blank to be filled in with the common or usual name of the oil); or "Cider Vinegar, Sugar and Spice Added". In lieu of the word "spice" in such statement or statements, the common or usual name of the spice may be added.

(g) Wherever the name of the vegetable appears on the label so conspicuously as to be readily seen under usual and customary conditions of purchase and use, the words and statements as specified in subsections (e) and (f) shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the specific varietal name or names of the vegetable in parentheses may intervene.

*Time Allowed for Filing Objections and Exceptions*

Those interested persons who desire to file objections to any matter set out in the foregoing suggested findings of fact, conclusions in the form of a regulation, and order, or written arguments or briefs in support of exceptions to rulings of the Presiding Officer at said hearing, may, within ten days after the receipt of the Federal Register containing this report, transmit to and file with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., such objections, or exceptions, in writing, accompanied by brief statements concerning such objections or exceptions, referring specifically to the relevant suggested findings, conclusions, in the form of a regulation, or order to which such objections are filed, and to such exceptions and the pertinent pages of the transcript of the evidence and the proceedings.

Respectfully submitted this 31st day of July 1939.

[SEAL] FRANK S. HASSELL,
*Presiding Officer.*

[F. R. Doc. 39-2967; Filed, August 11, 1939; 3:21 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 278]

IN THE MATTER OF THE APPLICATION OF AMERICAN AIRLINES, INC., FOR AN AMENDMENT OF ITS RESPECTIVE CERTIFICATES OF CONVENIENCE AND NECESSITY ON ROUTES NOS. 7 AND 18, UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938, TO DESIGNATE THE CITY OF NEW YORK AS AN ADDITIONAL POINT ON EACH OF SAID ROUTES

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 23, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Avenue and DeSales Street NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., August 12, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-2985; Filed, August 14, 1939; 10:32 a. m.]

[Docket No. 282]

IN THE MATTER OF THE APPLICATION OF TRANSCONTINENTAL & WESTERN AIR, INC., FOR AN AMENDMENT TO ITS CERTIFICATES OF PUBLIC COVENIENCE AND NECESSITY FOR ROUTE NO. 2 AND ROUTE BETWEEN NEWARK, N. J., AND KANSAS CITY, MO., VIA PITTSBURGH, PA., AND CHICAGO, ILL., UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938, TO DESIGNATE THE CITY OF NEW YORK, N. Y., AS A TERMINAL POINT AND TO CHANGE THE DESIGNATION OF NEWARK, N. J., FROM THAT OF A TERMINAL POINT TO THAT OF AN INTERMEDIATE POINT

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 23, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Avenue and DeSales Street NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., August 12, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-2986; Filed, August 14, 1939; 10:32 a. m.]

[Docket No. 284]

IN THE MATTER OF THE APPLICATION OF UNITED AIR LINES TRANSPORT CORPORATION, FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ROUTE NO. 1, UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938, TO DESIGNATE THE CITY OF NEW YORK, N. Y. AS A TERMINAL POINT AND TO CHANGE THE DESIGNATION OF NEWARK, N. J. FROM THAT OF A TERMINAL POINT TO THAT OF AN INTERMEDIATE POINT

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 23, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Avenue and DeSales Street NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., August 12, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-2987; Filed, August 14, 1939; 10:32 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 61]

COMMON CARRIERS ENGAGED IN FOREIGN TELEGRAPH COMMUNICATION

STATEMENTS TO BE FILED

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of August, 1939,

Pursuant to Section 218 of the Communications Act of 1934, as amended, for the purpose of obtaining information necessary to enable the Commission to perform its duties and carry out the objects for which it was created,

*It is ordered*, That every common carrier subject to the Communications Act engaged in foreign telegraph communication shall file with the Commission not later than November 10, 1939, in duplicate, under oath (on a form like that attached hereto,[1] for each country, and in accordance with the instructions thereon) a statement showing the following information separately for full rate ordinary (subclassified by plain language and cipher messages) full rate urgent (subclassified by plain language and cipher messages) CDE ordinary, CDE urgent, ordinary press, urgent press, deferred press (LC) United States Government ordinary, United States Government CDE, Foreign Government ordinary, Foreign Government CDE, deferred (LC), letter (NLT and DLT) telegrams, and all other paid messages, by separate classifications and subclassifications, transmitted or received by such carrier during the twenty-four hour periods on the seven days following (showing only the totals for the seven days): September 7, 12, 16, 17, 20, 25 and 29, 1939.

1. Number of messages and words originated in each country outside the continental United States (including Hawaii and the Philippine Islands and excluding Canada and Mexico) for delivery in the continental United States, shown separately by countries of origin;

2. Number of messages and words originated in the continental United States, transmitted by such carrier and destined to each country outside the continental United States (including Hawaii and the Philippine Islands, and excluding Canada and Mexico) shown separately by countries of destination;

3. Number of messages and words between foreign countries (including Hawaii and the Philippine Islands) relayed in the continental United States; showing separately the inbound traffic of this nature to the continental United States for relay, by countries of origin; and showing separately the outbound traffic of this nature from the continental United States, by countries of destination; excluding traffic between Canada and Mexico; and

4. Number of messages and words between fixed stations in the continental United States and mobile stations showing separately the number of such messages and words originated in or destined to points in the continental United States and the number of such messages and words originated in or destined to foreign countries, relayed through fixed stations in the continental United States (including Hawaii and the Philippine Islands).

For the purposes of this order, the continental United States shall include the several states and the District of Columbia only.

In connection with messages in classifications where there is a chargeable minimum, the number of paid words actually sent shall be shown.

The classifications of messages set forth herein are for convenience only and nothing herein contained shall be construed as approval by the Commission of such classifications.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2971; Filed, August 12, 1939; 10:10 a. m.]

[1] Filed as a part of the original document with the Division of the Federal Register. The National Archives; requests for copies should be addressed to the Federal Communications Commission.

[Docket No. 5681]

DEPARTMENT OF PUBLIC SERVICE OF WASHINGTON, COMPLAINANT VS. THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, RESPONDENT

INVESTIGATION

At a General Session of the Federal Communications Commission, held at its office in Washington, on the 8th day of August, 1939.

The Commission having under consideration the complaint of the Department of Public Service of the State of Washington against the Pacific Telephone and Telegraph Company filed June 28, 1939, and having also under consideration the interstate rates of the Pacific Telephone and Telegraph Company and its wholly owned subsidiaries, Bell Telephone Company of Nevada and Southern California Telephone Company, covering business between points outside the State of Washington but within the territory served by the Pacific Telephone and Telegraph Company and its wholly owned subsidiaries, and

*It appearing*, that any determination which might be made on the basis of the issues raised by the complaint filed by the Department of Public Service of the State of Washington would affect only a portion of the existing interstate rates of the Pacific Telephone and Telegraph Company, which rates are now on a uniform mileage basis throughout the territory served by the Pacific Telephone and Telegraph Company and its wholly owned subsidiaries,

*It is ordered*, That an investigation upon this Commission's own motion be and the same is hereby instituted into the rates, charges, classifications, services, and practices, applicable to interstate communication service within the territory served by the above-named companies; and

*It is further ordered*, That the Pacific Telephone and Telegraph Company be and the same is hereby made respondent to this proceeding and served with a copy of this order; and

*It is further ordered*, That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-2970; Filed, August 12, 1939; 10:09 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3812]

IN THE MATTER OF NORMAN COMPANY, A CORPORATION, AND SAMUEL J. GOLDBERG, MRS. MAY GOLDBERG, EDWARD KOPLIN AND MAX FEDER, INDIVIDUALLY, AND AS OFFICERS OF SAID CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered*, That Lewis C. Russell, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, August 23, 1939, at nine o'clock in the forenoon of that day (Eastern Standard Time) in Room 500, 45 Broadway, New York, N. Y.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2972; Filed, August 12, 1939; 10:52 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3830]

IN THE MATTER OF PRIME HAT COMPANY, INC., A CORPORATION, AND VINCENT GERBINO, SAMUEL SCIFO, VITO DIGREGORIO, AND JOHN SCIFO, INDIVIDUALLY AND AS OFFICERS OF PRIME HAT COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, August 18, 1939, at nine o'clock in the forenoon of that day (eastern standard time), in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner

will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-2973; Filed, August 12, 1939; 10:52 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1939.

[File No. 43-202]

IN THE MATTER OF THE COMMONWEALTH & SOUTHERN CORPORATION, TENNESSEE UTILITIES CORPORATION, THE TENNESSEE ELECTRIC POWER COMPANY, SOUTHERN TENNESSEE POWER COMPANY

ORDER RELATIVE TO APPLICATIONS, ETC.

The Commonwealth & Southern Corporation, a registered holding company, having filed an application pursuant to Rules U-12D-1 and U-12F-1 promulgated under the Public Utility Holding Company Act of 1935 for the approval of the disposition of the common stocks of The Tennessee Electric Power Company and Southern Tennessee Power Company, which it owns to Tennessee Utilities Corporation, which upon the completion of certain transactions in this matter will be a wholly owned subsidiary of The Commonwealth & Southern Corporation; and The Commonwealth & Southern Corporation having also filed an application pursuant to Section 10 of the Act for approval of the acquisition by it of 94,001 shares of the common stock $100 par value of Tennessee Utilities Corporation;

Tennessee Utilities Corporation having filed an application pursuant to Section 6 (b) of the Act or in the alternative a declaration pursuant to Section 7 regarding the issuance and sale of The Commonwealth & Southern Corporation of its common stoek above mentioned and having filed an application pursuant to Section 10 for approval of the acquisition by it from The Commonwealth & Southern Corporation of the latter's holdings of the common stocks of The Tennessee Electric Power Company and Southern Tennessee Power Company; and having also filed an application pursuant to Section 10 for approval of the acquisition by it of certain physical assets of The Tennessee Electric Power Company and Southern Tennessee Power Company;

The Tennessee Electric Power Company and Southern Tennessee Power Company having filed a joint application pursuant to Rules U-12C-2 and U-12F-1 promulgated under the Act for approval of the payment of liquidating dividends;

The Commonwealth & Southern Corporation and Tennessee Utilities Corporation having filed a motion asking for permission to withdraw a joint declaration pursuant to Section 7 regarding the issuance of certain notes; The Tennessee Electric Power Company having filed a motion asking for permission to withdraw a declaration pursuant to Section 7 regarding the issuance of certain bonds to The Commonwealth & Southern Corporation; The Commonwealth & Southern Corporation having filed a motion to withdraw an application filed pursuant to Section 10 for approval of the acquisition of said bonds;

A public hearing having been duly held after appropriate notice;[1] that applicants and declarants having waived any rights which they may have had to a Trial Examiner's report, the submission to them of proposed findings of fact or requested findings of fact by counsel to the Commission, to file a brief and to oral argument before the Commission prior to the Commission's making findings and the entry of orders herein; the Commission having examined the record and having filed its findings herein;

*It is ordered*, That the application filed by The Commonwealth & Southern Corporation pursuant to Rules U-12D-1 and U-12F-1 be approved; that the application filed by The Commonwealth & Southern Corporation pursuant to Section 10 in regard to the acquisition of the common stock of Tennessee Utilities be approved;

*It is further ordered*, That the declaration filed by Tennessee Utilities Corporation be permitted to become effective; that the applications filed by Tennessee Utilities Corporation pursuant to Section 10 be approved;

*It is further ordered*, That the joint application filed by The Tennessee Electric Power Company and Southern Tennessee Power Company pursuant to Rules U-12C-2 and U-12F-1 be approved;

*It is further ordered*, That the joint declaration filed pursuant to Section 7 of The Commonwealth & Southern Corporation and Tennessee Utilities Corporation, the declaration pursuant to Section 7 filed by The Tennessee Electric Power Company and the application pursuant to Section 10 with reference to the acquisition of certain bonds filed by The Commonwealth & Southern Corporation are hereby permitted to be withdrawn;

*It is further ordered*, That the Commission reserve jurisdiction as to the ultimate disposition of the assets to be remaining in The Tennessee Electric Power Company;

*It is further ordered*, That the cash remaining after the sale by Tennessee Utilities Corporation of the physical properties to be acquired by it from The Tennessee Electric Power Company and Southern Tennessee Power Company, upon the dissolution and liquidation thereof, may not be used except for possible liabilities and expenses incidental to or incurred in connection with the acquisition, operation and disposition thereof and the final consummation of the Sale Agreement with respect thereto, and that such cash will be distributed to The Commonwealth & Southern Corporation to the extent available for that purpose and permitted by the Commission on or before December 31, 1940 unless such time be extended upon application to this Commission; and that the Commission reserve jurisdiction as to the accounting entries to be made on the books of The Commonwealth & Southern Corporation at the time that such cash is returned;

*It is further ordered*, That the various steps involved in the applications and declaration shall be carried out and effected in accordance with the terms and conditions of and for the purposes represented by said applications and declaration; and that within ten days after the issue, sale and disposition of the securities involved in these transactions and the transfer of the physical property the applicants and declarant shall file with this Commission a certificate of notification showing that the issue, sale and disposition of said securities and the transfer of said physical property have been effected in accordance with the terms and conditions of and for the purposes represented by said applications and declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2976; Filed, August, 12, 1939; 11:13 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of August 1939.

[File No. 1-2545]

IN THE MATTER OF VERA MINES CORPORATION ASSESSABLE CAPITAL STOCK 25¢ PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The San Francisco Mining Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Assessable Capital Stock, 25¢ Par Value, of Vera Mines Corporation; and

After appropriate notice,[1] a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on August 25, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2977; Filed, August 12, 1939; 11:13 a. m.]

[1] 4 F.R. 2283 DI.

[1] 4 F.R. 2440 DI.



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1939.

[File No. 1-506]

IN THE MATTER OF CAPITAL CITY PRODUCTS COMPANY COMMON STOCK, NO PAR VALUE

ORDER SUSPENDING DECISION ON APPLICATION

The Capital City Products Company having made application to the Commission pursuant to Section 12 (d) of the Securities Exchange Act of 1934 for permission to withdraw 100,000 shares of its common stock, no par value, from listing and registration on the New York Curb Exchange and the Detroit Stock Exchange; and

A hearing having been held[1] on said application, the trial examiner having filed an advisory report, the Commission having considered the record, and having this day filed its findings of fact and opinion herein, and having found that the notice sent by applicant to its security holders is defective;

*It is ordered*, That decision upon the application be and it is hereby suspended until further order by the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2988; Filed, August 14, 1939; 10:53 a. m.]

[1] 4 F.R. 1188 DI.

AUG 17 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 157

*Washington, Wednesday, August 16, 1939*


## The President

REGULATIONS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS [1]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS the Secretary of the Interior, under authority and direction of sections 3 and 4 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which said act, as amended, was transferred to said Secretary on July 1, 1939, pursuant to the Reorganization Act of 1939 (Public No. 19—76th Congress), has adopted and submitted to me regulations which he has determined to be suitable regulations permitting and governing (1) the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, and (2) the exportation and importation to and from Mexico of game mammals, parts and products thereof, included in the aforesaid Convention between the United States and the United Mexican States, which said regulations are as follows:

MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

Under authority and direction of sections 3 and 4 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which said act as amended was transferred to the Secretary of the Interior on July 1, 1939, pursuant to the Reorganization Act of 1939 (Public No. 19—76th Congress), I, Oscar L. Chapman, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, and having due regard to the laws of the United Mexican States relating to the exportation and importation of game mammals, and parts and products thereof, included in the terms of the said Convention between the United States and the United Mexican States and to the laws of the States and Territories and of the District of Columbia from and into which such mammals, parts, and products thereof, may be proposed to be exported or imported, and to the laws of the United States forbidding importation of certain live mammals injurious to the interests of agriculture and horticulture, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and the exportation and importation of such mammals to and from Mexico, and, in accordance with such determinations, do hereby adopt the following regulations as suitable regulations permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of said migratory birds and parts, nests, and eggs thereof, and the exportation and importation of game mammals and parts and products thereof to and from Mexico:

*Regulation 1.—Definitions of Migratory Birds and Game Mammals*

*Migratory birds.*—Migratory birds included in the terms of the conventions

[1] This Proclamation affects Parts 1 and 2 of Title 50 of the Code of Federal Regulations.

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between the United States and Great Britain for the protection of migratory birds and between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded, respectively, August 16, 1916, and February 7, 1936, are as follows:

1. Game birds:

(a) Anatidae, or waterfowl, including brant, wild ducks, geese, and swans.

(b) Gruidae, or cranes, including little brown, sandhill, and whooping cranes.

(c) Rallidae, or rails, including coots, gallinules, and sora and other rails.

(d) Limicolae (Charadrii), or shore birds, including avocets, curlews, dowitchers, godwits, knots, oyster-catchers, phalaropes, plovers, sandpipers, snipe, stilts, surf birds, turnstones, willet, woodcock, and yellowlegs.

(e) Columbidae, or pigeons, including doves and wild pigeons.

2. Insectivorous and other nongame birds:

Cuckoos, flickers and other woodpeckers; nighthawks, or bullbats, chuck-will's-widow, poorwills, and whippoorwills; swifts; hummingbirds; kingbirds, phoebes, and other flycatchers; horned larks; bobolinks, cowbirds, blackbirds, grackles, meadowlarks, and orioles; grosbeaks, finches, sparrows, and buntings; tanagers; martins and other swallows; waxwings; phainopeplas; shrikes; vireos; warblers; pipits; catbirds, mockingbirds, and thrashers; wrens; brown creepers; nuthatches; chickadees and titmice; kinglets and gnatcatchers; robins and other thrushes; all other perching birds which feed entirely or chiefly on insects; and auks, auklets, bitterns, fulmars, gannets, grebes, guillemots, gulls, herons, jaegers, loons, murres, petrels, puffins, shearwaters, and terns.

*Game mammals.*—Game mammals under the terms of the aforesaid convention between the United States and the United Mexican States include:

Antelope, mountain sheep, deer, bears, peccaries, squirrels, rabbits, and hares.

*Regulation 2.—Definition of Terms*

For the purposes of these regulations, the following terms shall be construed, respectively, to mean and to include—

*Secretary.*—Secretary of the Interior of the United States.

*Chief of Bureau.*—Chief, Bureau of Biological Survey, United States Department of the Interior.

*Person.*—Individual, club, association, partnership, or corporation, any one or all, as the context requires.

*Take.*—Hunt, kill, or capture, or attempt to hunt, kill, or capture.

*Open season.*—Time during which migratory game birds may be taken.

*Transport.*—Ship, carry, export, import, and receive or deliver for shipment, conveyance, carriage, exportation, or importation.

*Regulation 3.—Means by Which Migratory Game Birds May Be Taken*

The migratory game birds on which open seasons are specified in regulation 4 of these regulations may be taken during such respective open seasons with bow and arrow or with a shotgun not larger than No.–10 gage fired from the shoulder, except as permitted by regulations 7, 8, 9, and 10 of these regulations, but they shall not be taken with or by means of any automatic-loading or hand-operated repeating shotgun capable of holding more than three shells, the magazine of which has not been cut off or plugged with a one-piece metal or wooden filler incapable of removal through the loading end thereof, so as to reduce the capacity of said gun to not more than three shells at one time in the magazine and chamber combined; they may be taken during the open season from land or water, with the aid of a dog, and from a blind, boat, or floating craft except sinkbox (battery), powerboat, sailboat, any boat under sail, and any craft or device of any kind towed by powerboat or sailboat; but nothing herein shall permit the taking of migratory game birds from or by means, aid, or use of an automobile or aircraft of any kind.

Waterfowl (except for propagating, scientific, or banding purposes under permit issued pursuant to regulations 8 and 9 of these regulations) and mourning doves and white-winged doves are not permitted to be taken by means, aid, or use, directly or indirectly, of corn, wheat, oats, or other grain or product thereof, salt, or any kind of feed whatsoever, placed, deposited, distributed, scattered, or otherwise put out whereby such waterfowl or doves are lured, attracted, or enticed, regardless of the distance intervening between any such grain, salt, or feed and the position of the taker, but it is not intended to forbid the taking of such birds attracted by growing or standing crops of grain or by harvested grainfields so long as such crops are not manipulated or such fields have not been harvested by man or his agencies so as to cause such grain to be placed, deposited, scattered, or otherwise put out, as aforesaid; and in the taking of waterfowl, the use, directly or indirectly, of live duck or goose decoys is not permitted, regardless of the distance intervening between any such live decoys and the position of the taker; nor shall anything in these regulations be deemed to permit the use of aircraft of any kind, or of a powerboat, sailboat, or other floating craft or device of any kind, for the purpose of concentrating, driving, rallying, or stirring up waterfowl and coots.

A person over 16 years of age is not permitted to take migratory waterfowl unless at the time of such taking he has on his person an unexpired Federal migratory-bird hunting stamp, validated by his signature written across the face thereof in ink. Persons not over 16 years of age are permitted to take migratory waterfowl without such stamp.

*Regulation 4.—Open Seasons on and Possession of Certain Migratory Game Birds*

Waterfowl (except snow geese and brants in States bordering on the Atlantic Ocean, Ross' geese, wood ducks, and swans), and coots, may be taken each day from 7 a. m. to 4 p. m., and rails and gallinules (other than coots), Wilson's snipes or jacksnipes, woodcocks, mourning doves, white-winged doves, and band-tailed pigeons from 7 a. m. to sunset each day during the open seasons prescribed therefor in this regulation, and they may be taken by the means and in the numbers permitted by regulations 3 and 5 of these regulations, respectively, and when so taken may be possessed in the numbers permitted by regulation 5 any day in any State or



Territory or in the District of Columbia during the period constituting the open season where taken and for an additional period of 10 days next succeeding said open season, but no such bird shall be possessed in a State or Territory or in the District of Columbia at a time when such State, Territory, or District prohibits the possession thereof. Nothing herein shall be deemed to permit the taking of migratory birds on any reservation or sanctuary established under the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), nor on any area of the United States set aside under any other law, proclamation, or Executive order for use as a bird, game, or other wildlife reservation, breeding ground, or refuge except insofar as may be permitted by the Secretary of the Interior under existing law, nor on any area adjacent to any such refuge when such area is designated as a closed area under the Migratory Bird Treaty Act.

*Waterfowl, Wilson's snipe or jacksnipe, and coot.*—The open seasons on waterfowl (except snow geese and brant in States bordering on the Atlantic Ocean, Ross' goose, wood duck, and swans), Wilson's snipe or jacksnipe, and coot, in the several States and Alaska, shall be as follows, both dates inclusive:

In Main, Michigan, Minnesota, New Hampshire, North Dakota, Vermont, and Wisconsin, October 1 to November 14.

In California, Colorado, Connecticut, Delaware, Idaho, Illinois (except coot in certain counties as hereinafter provided for), Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, including Long Island, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Washington, West Virginia, and Wyoming, October 22 to December 5.

In Alabama, Arizona, Arkansas, Florida, Georgia, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia, November 15 to December 29.

In southeastern Alaska from the 141st Meridian south to Dixon Entrance, October 1 to November 15; in Alaska south and west of the Naknek River and Naknek Lake and the Katmai National Monument to the westernmost boundary of the Aleutian Islands and east of this area to the 150th Meridian, November 16 to December 30; and in the remainder of Alaska, September 1 to October 15: *Provided*, That scoters, locally known as sea coots, may be taken in open coastal waters only, beyond outer harbor lines, in Maine and New Hampshire from September 15 to September 30, and in Connecticut, Massachusetts, and Rhode Island, from September 15 to October 14, and thereafter from land or water during the open seasons for other waterfowl in these States.

In Illinois, the season on coot in Rock Island, Whiteside, Lee, De Kalb, Kane, Du Page, and Cook Counties, and all counties north thereof, shall be October 1 to December 5.

*Rails and gallinules (except coot).*—The open season on rails and gallinules (except coot) shall be from September 1 to November 30, both dates inclusive, except as follows:

Alabama, November 20 to January 31.
Louisiana, November 1 to January 31.
Massachusetts, New York including Long Island, and Washington, October 22 to December 5.
Wisconsin, October 1 to November 14.
District of Columbia, no open season.

*Woodcock.*—The open seasons on woodcock shall be as follows, both dates inclusive:

That part of New York lying north of the tracks of the main line of the New York Central Railroad extending from Buffalo to Albany and north of the tracks of the main line of the Boston & Albany Railroad extending from Albany to the Massachusetts State line, and in Maine, Michigan, Minnesota, New Hampshire, North Dakota, Pennsylvania, Vermont, and Wisconsin, October 1 to October 31.

That part of New York lying south of the line above described and in Indiana, Iowa, New Jersey, Ohio, and West Virginia, October 15 to November 14.

That part of New York known as Long Island, November 1 to November 30.

Arkansas, Delaware, Kentucky, Maryland, Oklahoma, and Virginia, November 15 to December 15.

Connecticut, and Rhode Island, October 21 to November 20.

Louisiana, January 1 to January 31.

Massachusetts, October 20 to November 19.

Missouri, November 10 to December 10.

*Mourning dove.*—The open seasons on mourning dove shall be as follows, both dates inclusive:

Alabama, north of United States Highway No. 80, September 15 to October 14 and December 20 to January 31; south of said highway, November 20 to January 31.

Georgia, in Troup, Meriwether, Pike, Lamar, Monroe, Jones, Baldwin, Washington, Jefferson, and Burke Counties, and all counties north thereof, September 15 to October 14 and December 20 to January 31; in remainder of State, November 20 to January 31.

Mississippi, north of United States Highway No. 80, September 15 to October 14 and November 30 to January 11; south of said highway, October 15 to December 31.

South Carolina, in Oconee, Pickens, and Greenville Counties, October 1 to October 31 and December 20 to January 31; in Edgefield, McCormick, Greenwood, Abbeville, Anderson, Laurens, Spartanburg, Cherokee, Union, Fairfield, Chester, and York Counties, September 1 to September 30 and December 20 to January 31; in remainder of State, November 20 to January 31.

Arizona, California, Idaho, Kansas, Minnesota, Missouri, Nevada, New Mexico, Oklahoma, Tennessee, and Virginia, September 1 to November 15.

Arkansas, and Delaware, September 15 to November 30.

Florida (except in Dade, Broward, and Monroe Counties), November 20 to January 31.

That part of Florida comprising Dade, Broward, and Monroe Counties, October 1 to November 15.

Illinois, September 1 to September 30.
Kentucky, September 1 to October 31.
Louisiana, October 15 to December 31.
Maryland, September 1 to September 30 and November 15 to December 31.

North Carolina, September 1 to September 30 and December 20 to January 31.

Texas, in Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt Counties, and all counties north thereof, and in Parker, Tarrant, Dallas, Rockwall, Kaufman, Johnson, Hopkins, Delta, Franklin, and Ellis Counties, September 1 to October 31; in remainder of State, September 15 to November 15.

*White-winged dove.*—The open seasons on white-winged dove shall be as follows, both dates inclusive:

Arizona, August 1 to September 15.

Texas, in Yoakum, Terry, Lynn, Garza, Kent, Stonewall, Haskell, Throckmorton, Young, Jack, Wise, Denton, Collin, and Hunt Counties, and all counties north thereof, and in Parker, Tarrant, Dallas, Rockwall, Kaufman, Johnson, Hopkins, Delta, and Franklin Counties, September 1 to October 31; in remainder of State, September 15 to November 15.

*Band-tailed pigeon.*—The open seasons on band-tailed pigeon shall be as follows, both dates inclusive:

Arizona, and New Mexico, October 1 to October 15.

California, December 1 to December 15.

Oregon, September 1 to September 15.

Washington, September 16 to September 30.

*Regulation 5.—Daily Bag and Possession Limits on Certain Migratory Game Birds*

A person may take in any one day during the open seasons prescribed therefor in regulation 4 of these regulations not to exceed the following numbers of migratory game birds, which numbers shall include all birds taken by any other person who for hire accompanies or assists him in taking such birds; and when so taken these may be possessed in the numbers specified as follows:

*Ducks (except wood duck).*—Ten in the aggregate of all kinds, of which not more than 3 of any one, or more than 3 in the aggregate, may be of the following species—canvasback, redhead, bufflehead, and ruddy duck; and any person at any one time may possess not

more than 20 ducks in the aggregate of all kinds, of which not more than 6 of any one, or more than 6 in the aggregate, may be of the following species—canvasback, redhead, bufflehead, and ruddy duck.

*Geese and brant (except snow geese and brant in States bordering on the Atlantic Ocean, and Ross' goose).*—Four in the aggregate of all kinds, and any person at any one time may possess not more than 8 in the aggregate of all kinds.

*Rails and gallinules (except sora and coot).*—Fifteen in the aggregate of all kinds, and any person at any one time may possess not more than 15 in the aggregate of all kinds.

*Sora.*—Fifteen, and any person at any one time may possess not more than 15.

*Coot.*—Twenty-five, and any person at any one time may possess not more than 25.

*Wilson's snipe or jacksnipe.*—Fifteen, and any person at any one time may possess not more than 15.

*Woodcock.*—Four, and any person at any one time may possess not more than 8.

*Mourning dove and white-winged dove.*—Fifteen in the aggregate of both kinds, and any person at any one time may possess not more than 15 in the aggregate of both kinds.

*Band-tailed pigeon.*—Ten, and any person at any one time may possess not more than 10.

The possession limits hereinbefore prescribed shall apply as well to ducks, geese, brants, rails, including coots and gallinules, Wilson's snipes or jacksnipes, woodcocks, mourning doves, white-winged doves, and band-tailed pigeons taken in Canada, Mexico, or other foreign country and brought into the United States, as to those taken in the United States.

*Regulation 6.—Shipment, Transportation, and Possession of Certain Migratory Game Birds*

Migratory game birds of a species on which open seasons are prescribed by regulation 4 of these regulations, legally taken, and parts thereof, may be transported in or out of the State where taken during the respective open seasons in that State, and when legally taken in and exported from Canada or Mexico, and if from Mexico are accompanied by a Mexican export permit, may be transported into the United States during the open season in the Province, State, or District where killed, but not more than the number thereof permitted by regulation 5 of these regulations to be taken by one person in 1 day, or in 2 days in the case of ducks, geese, brants, and woodcocks shall be transported by any one person in 1 calendar week out of the State where taken or from Canada or Mexico into the United States; any such birds or parts thereof in transit during the open season may continue in transit such additional time immediately succeeding such open season, not to exceed 5 days, necessary to deliver the same to their destination, and may be possessed in any State, Territory, or District during the period constituting the open season where taken, and for an additional period of 10 days next succeeding said open season; and any package in which such birds or parts thereof are transported shall have the name and address of the shipper and of the consignee and an accurate statement of the numbers and kinds of birds or parts thereof contained therein clearly and conspicuously marked on the outside thereof; but no such birds or parts thereof shall be transported from any State or Territory or the District of Columbia to or through another State or Territory or the District of Columbia or to or through Canada or Mexico contrary to the laws of the State or Territory or the District of Columbia in which they were taken or from which they are transported; nor shall any such birds or parts thereof be transported into any State or Territory or the District of Columbia from another State or Territory or District of Columbia, or from Canada or Mexico, or from any State or Territory or the District of Columbia into any Province of the Dominion of Canada or into Mexico at a time when any such State, Territory, District, or Province, or Mexico, into which they are transported, prohibits the possession or transportation thereof.

*Migratory game birds imported from countries other than Canada and Mexico.*—Migratory game birds of a species on which open seasons are prescribed by regulation 4 of these regulations, legally taken in and exported from a foreign country (other than Canada and Mexico, for which provision is hereinbefore made) may be transported to any State or Territory during the open season prescribed by said regulation 4 for such State or Territory on that species, and to the District of Columbia during the open season so prescribed for Maryland, and may be possessed in such State, Territory, or District for an additional period of 10 days immediately succeeding such open season, by any one person in 1 calendar week in numbers not exceeding those permitted by regulation 5 of these regulations to be taken by one person in 1 day, or in 2 days in the case of ducks, geese, brants, and woodcocks, if transportation and possession of such birds are not prohibited by such State, Territory, or District and if transported in packages marked as hereinbefore provided in this regulation.

*Regulation 7.—Taking of Certain Migratory Nongame Birds by Eskimos and Indians in Alaska*

In Alaska, Eskimos and Indians may take, in any manner and at any time, and may possess and transport, auks, auklets, guillemots, murres, and puffins and their eggs and skins for use of themselves and their immediate families for food and clothing.

*Regulation 8.—Permits to Propagate Migratory Waterfowl*

1. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to take therein migratory waterfowl or their eggs for propagating purposes, may take such birds or their eggs in such State for such purposes when authorized by a permit issued to him by the Secretary, which permit may limit the species and numbers of birds or eggs that may be taken and the period during which and the locality in which they may be taken. Both permits shall be carried on the person of the permittee when he is taking migratory waterfowl or their eggs and shall be exhibited to any person requesting to see them. Waterfowl and their eggs so taken may be possessed by the permittee and may be sold and transported by him for propagating purposes to any person holding a permit issued by the Secretary in accordance with the provisions of this regulation.

2. A person in possession of a valid, subsisting permit issued to him by a State, on its part, authorizing him to possess, purchase, sell, and transport migratory waterfowl and their increase and eggs for propagating purposes, may possess, purchase, sell, and transport such waterfowl and their increase and eggs for such purposes when authorized by a permit issued to him by the Secretary; but may not purchase from or sell to any person not authorized by these regulations or by a permit issued thereunder to sell or purchase such waterfowl and their eggs; and migratory waterfowl, except the birds, and those hatched from the eggs, taken under paragraph 1 of this regulation, possessed under such permit, or as otherwise authorized by this regulation, may be killed by him at any time and in any manner (except that they may be killed by shooting only during the open season for waterfowl in the State where killed), and the carcasses, with heads and feet attached thereto, may be sold and transported by him to any person for actual consumption, or to the keeper of a hotel, restaurant, or boarding house, a dealer in meat or game, or a club, for sale or service to their patrons, who may possess such carcasses for actual consumption without a permit, but no such birds that have been killed shall be bartered, sold, or purchased unless each bird before attaining the age of 4 weeks shall have had removed from the web of one foot a portion thereof in the form of a V large enough to make a permanent, well-defined mark, which shall be sufficient to identify it as a bird raised in domestication under a permit.

3. Applications for permits shall be addressed to the Secretary of the Interior, Washington, D. C., and must state the name and address of the applicant; the place where the propagating project is to be carried on; the area to be used in the project; the facilities the applicant has for properly caring for the waterfowl; the number of each species of waterfowl in his possession, and how, when, and where they were acquired; and, if the application is for a permit to take migratory waterfowl or their eggs, the species and the number of each species or of the eggs of each species proposed to be taken, and the specific locality where it is proposed to take them. No permit will be issued to take for propagation or to propagate migratory waterfowl on premises on any part of which the hunting or shooting of waterfowl is permitted.

4. Every permittee shall keep books and records that shall correctly set forth the number of each species of waterfowl and their eggs taken by him, if he holds a permit to take waterfowl, the number of each species of waterfowl and their eggs possessed on the date of the application for a permit, the number of each species reared and killed, the number of each species and their eggs sold and transported, the manner in which they were transported, the name and address of each person from or to whom waterfowl and eggs were purchased or sold, the number and species so purchased or otherwise acquired or sold and whether sold alive or dead, and the date of each transaction. Whenever requested by the Chief of the Bureau, the permittee shall submit to him such report of his operations under the permit as may be called for, and in any event shall file with the Secretary, on a form provided therefor, on or before January 10, a full report of his operations during the preceding calendar year. Failure to make the reports herein provided for will be cause for revocation of the permit.

5. A permittee shall at all reasonable hours allow any authorized employee of the United States Department of the Interior to enter and inspect the premises where operations are being carried on under this regulation and to inspect the books and records relating thereto.

6. No permit issued by the Secretary authorizes the taking, possession, sale, purchase, exchange, or transportation of migratory waterfowl or their eggs unless the permittee has in his possession while exercising any such privilege a valid, subsisting permit of equivalent tenor issued to him by the State in which he proposes to operate. No permit issued by the Secretary authorizes the transportation of migratory waterfowl or their eggs from Mexico into the United States unless such waterfowl or eggs are accompanied by a Mexican export permit. Permits are not transferable and are revocable at any time in the discretion of the Secretary. A permit revoked by the Secretary shall be surrendered to him by the person to whom it was issued on demand of any employee of the United States Department of the Interior authorized to enforce the Migratory Bird Treaty Act.

7. A person may possess and transport, subject to the provisions of paragraph 8 of this regulation, for his own use, without a permit, live migratory waterfowl now legally possessed or hereafter legally acquired by him, but he may not purchase or sell such waterfowl without a permit. A State or municipal game farm or city park may possess, purchase, sell, and transport live migratory waterfowl without a permit, but no such waterfowl shall be purchased from or sold to a person (other than such State or municipal game farm or city park) unless he has a permit. Feathers of wild ducks and wild geese legally killed, and feathers of such birds seized and condemned by Federal or State game authorities, may be possessed, purchased, sold, and transported for use in making fishing flies, bed pillows, and mattresses, and for such similar commercial purposes, but not for millinery or ornamental purposes.

8. Every package in which migratory waterfowl or parts or eggs thereof are shipped wholly within a State or Territory or the District of Columbia, or in which such waterfowl or parts or eggs thereof are transported by any means whatever from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to a foreign country, shall be plainly and clearly marked, labeled, or tagged on the outside thereof to show the name and address of the consignor and consignee, the contents of the package, the number of the permit under authority of which it is shipped or transported and the purpose for which the waterfowl or eggs are being shipped or transported.

*Regulation 9.—Permits to Collect Migratory Birds for Scientific Purposes*

1. A person in possession of a valid, subisting permit issued to him by a State, on its part, authorizing him to take therein migratory birds or their nests or eggs for scientific purposes may take such birds or their nests or eggs in such State for such purposes when authorized by a permit issued to him by the Secretary. Both permits shall be carried on his person when he is taking migratory birds, or their nests or eggs, thereunder, and shall be exhibited to any person requesting to see them; but nothing herein shall be deemed to permit the taking of any migratory game bird during the open season therefor in any manner or by any means or at any time of the day not permitted by regulations 3 and 4 of these regulations.

2. Applications for permits shall be addressed to the Secretary of the Interior, Washington, D. C., and must state the name and address of the applicant, his age, the State or Territory in which migratory birds or their nests or eggs are proposed to be taken, the purpose for which they are intended, information sufficient to show that such birds, nests, or eggs permitted to be taken will be devoted to scientific purposes, and the names and addresses of at least two well-known ornithologists, principals, or superintendents of educational or zoological institutions, officials or members of zoological or natural history organizations, or instructors in zoology in high schools, colleges, or universities, from whom may be obtained information respecting the applicant's status as a scientific investigator. The applicant must furnish such other information touching his fitness to be entrusted with a permit as may be called for by the Secretary.

3. A permit may limit the number and species of migratory birds or their nests or eggs that may be taken thereunder, and the places where, time when, and means by which they may be taken, and may authorize the holder thereof, when possessed of an equivalent State permit, to possess, purchase, sell, exchange, and transport migratory birds and their nests and eggs for scientific purposes but not to purchase or sell to any person not authorized by these regulations or by a permit issued thereunder to sell or purchase such birds, nests, or eggs, or it may limit the holder to one or more of these privileges. Public museums, zoological parks and societies, and public scientific and educational institutions may possess, purchase, sell, exchange, and transport migratory birds and their nests and eggs for scientific purposes, without a permit, but no such birds, nests, or eggs shall be taken without a permit or purchased from, sold to, or exchanged with a person not authorized by these regulations or by a permit issued thereunder to sell, purchase, or exchange them. Migratory birds found wounded or dead, in the wounding or killing of which the finder was not implicated, may be salvaged by him and possessed under permit issued by the Secretary upon such terms and conditions as shall be stated in the permit, but they may not be sold, purchased, bartered, or exchanged. The plumage and skins of migratory game birds legally taken may be possessed and transported by a person without a permit.

4. A taxidermist, when authorized by a permit issued by the Secretary, may possess any migratory bird or nest or egg thereof delivered to him for mounting or other preparation by any person who has legally taken or legally possesses it and may transport such bird, nest, or egg in consummation of such purpose when likewise authorized by the State in which such permittee is operating. Every such permittee shall keep books and records correctly setting forth the name and address of each person delivering each migratory bird or nest or egg thereof to him, together with the name of each species, the date of delivery, the disposition of each such bird, nest, or egg and the date thereof, and such books and records shall be available for

inspection at all reasonable hours on request of any authorized representative of the Department of the Interior.

5. No permit issued by the Secretary authorizes the taking, possession, sale, purchase, exchange, or transportation of any migratory bird or nest or egg thereof unless the permittee has in his possession while exercising any such privilege a valid, subsisting permit of equivalent tenor issued to him by the State in which he proposes to operate. No permit issued by the Secretary authorizes the transportation of any migratory bird, or part, nest, or egg thereof from Mexico into the United States unless such bird, or part, nest, or egg is accompanied by a Mexican export permit. Permits are not transferable and are revocable at any time in the discretion of the Secretary. A permit revoked by the Secretary shall be surrendered to him by the person to whim it was issued on demand of any employee of the United States Department of the Interior authorized to enforce the Migratory Bird Treaty Act. Whenever requested by the Chief of the Bureau, the permittee shall submit to him such report of his operations under the permit as may be called for, and in any event shall file with the Secretary, on a form provided therefor, on or before January 10, a full report of his operations during the preceding calendar year. Failure to make the reports herein provided for will be cause for revocation of the permit.

6. Every package in which migratory birds or parts, nests, or eggs thereof are shipped wholly within a State or Territory or the District of Columbia, or in which such birds, parts, nests, or eggs are transported by any means whatever from one State, Territory, or the District of Columbia, to, into, or through another State, Territory, or the District of Columbia, or to a foreign country for scientific purposes shall be plainly and clearly marked, labeled, or tagged, on the outside thereof to show the name and address of the consignor and consignee, the contents of the package, the number of the permit under authority of which it is transported, and that the specimens contained therein are for scientific purposes.

*Regulation 10.—Permits to Kill Migratory Birds Injurious to Property*

*Community injury.*—When information is furnished the Secretary that any species of migratory bird has become, under extraordinary conditions, seriously injurious to agriculture or other interests in any particular community, an investigation will be made to determine the nature and extent of the injury, whether the birds alleged to be doing the damage should be killed, and, if so, during what times and by what means. Upon his determination an appropriate order will be made.

*Specific injury.*—Upon receipt by the Chief of the Bureau, or the regional director of the Bureau of Biological Survey in the region where the injury occurs, of information from the owner, tenant, or share cropper that migratory birds are injuring his crops or other property on the land on which he resides, together with a statement of the location of the land, the nature of the crops or property being injured, the extent of such injury, and the particular species of birds committing the injury, an investigation will be made and if it is determined from such investigation that the injury complained of is substantial and can be abated only by killing the birds, or so many thereof as may be necessary, a permit to kill the birds will be issued by said Chief of the Bureau or by the director if authorized by said Chief, in which permit will be specified the time during which, the means and methods by which, and the person or persons by whom the birds may be killed, and the disposition to be made of the birds so killed, and such other restrictions as may be deemed necessary and appropriate in the circumstances of the particular case: *Provided, however*, That in every permit issued as aforesaid, it shall be specified that no such birds shall be shot at or killed at any time or in any manner not authorized by the laws of the State in which such permit is effective; and as to migratory waterfowl, that they shall not be shot at or killed (1) from any blind, sink, pit, or any other device or means of concealment, natural or artificial, movable or stationary, whether on land or water; (2) by means of any gun larger than No. 10 gage, or of any gun to which a silencer has been attached or otherwise affixed; and (3) by the use of decoys of any description, or of traps or nets of any kind.

Every person exercising any privilege provided for in this regulation shall keep an accurate record of all migratory birds killed by him and whenever requested by the Chief of the Bureau or by the regional director shall submit promptly, on a form provided by the Bureau for the purpose, a report correctly stating the species and the number of each species of migratory birds killed by him and in any event shall submit such report to the regional director on or before January 10 of each year. Failure to submit a report as required by this regulation will be sufficient cause for revocation of the permit or withdrawal of any privilege accorded any person failing to make the report.

*Regulation 11.—State Laws for the Protection of Migratory Birds*

Nothing in these regulations or in any permit issued thereunder shall be construed to permit the taking, possession, sale, purchase, or transportation of migratory birds or parts, nests, or eggs thereof contrary to the laws and regulations of any State or Territory or the District of Columbia, made for the purpose of giving further protection to migratory birds, their nests, and eggs, when such laws and regulations are not inconsistent with the conventions between the United States and any other country for the protection of migratory birds or with the Migratory Bird Treaty Act and do not extend the open seasons for such birds beyond the dates prescribed by these regulations.

*Regulation 12.—Transportation of Game Mammals to and from Mexico*

Game Mammals or parts or products thereof taken in and transported from a State, Territory, or the District of Columbia may be transported to Mexico, if the importation thereof is not prohibited by law or regulation of that country, upon presentation to the collector of customs at the port of exit of the certificate of an official, warden, or other officer of the game department of such State, Territory, or District, that such game mammals or parts or products thereof, which must be listed in the certificate, were taken or acquired, and are being transported in compliance with the laws and regulations of such State, Territory, or District.

Live game mammals authorized by a special permit issued by the Secretary of the Interior, pursuant to section 241 of the Penal Code, the administration of which section was in part transferred to said Secretary on July 1, 1939, pursuant to the Reorganization Act of 1939 (Public No. 19—76th Congress), to be imported, and the dead bodies of game mammals, or parts or products thereof, proceeding from Mexico, if accompanied by a Mexican export permit, may be transported into the United States, but their possession in any State or Territory or the District of Columbia will be subject to the laws of such State, Territory, or District.

The Migratory Bird Treaty Act regulations approved July 30, 1937 (50 Stat. 1844), and all amendments thereof are hereby revoked, but all regulations heretofore adopted and approved pursuant to said act closing areas of land and water or of land or water adjacent to migratory-bird sanctuaries, refuges, reservations, and breeding and feeding grounds to the taking of migratory birds, and all orders and permits heretofore made or issued pursuant to said act, and now in force, authorizing the killing or other disposition of certain species of migratory birds when injurious to crops and other property and interests, and the taking, possession, sale, purchase, exchange, or transportation of migratory birds and their nests and eggs for scientific purposes, and migratory waterfowl and their eggs for propagating purposes, are hereby continued and extended in full force and effect as regulations, orders, or permits adopted and approved or made or issued hereunder.

IN TESTIMONY WHEREOF, I have hereunto subscribed by name and caused the seal of the Department of the Interior to be affixed, this 3rd day of August, 1939.

OSCAR L. CHAPMAN
*Acting Secretary of the Interior*

AND WHEREAS upon consideration it appears that approval of the foregoing regulations will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11" day of August, in the year of [SEAL] our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President
SUMNER WELLES
*Acting Secretary of State*

[No. 2345]

[F. R. Doc. 39-2994; Filed, August 14, 1939; 3:41 p. m.]



## *Rules, Regulations, Orders*

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### BUREAU OF ANIMAL INDUSTRY

[Amendment 34 to Declaration 12[1]]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

AUGUST 1, 1939.

In accordance with Section 2 of Regulation 7 of B.A.I. Order 309, as amended effective September 10, 1936,[2] the following named county is hereby declared "Modified Accredited Area" until the date given opposite the county.

| | |
|---|---|
| California: Calaveras | August 1, 1942 |

In accordance with Section 2 of Regulation 7 of B.A.I. Order 309, as amended effective September 10, 1936, the following named counties, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

| | |
|---|---|
| Arkansas: | |
| Hot Springs | August 1, 1942 |
| Saline | August 1, 1942 |
| Georgia: | |
| Clarke | August 1, 1942 |
| Oglethorpe | August 1, 1942 |
| Warren | August 1, 1942 |
| Wilkes | August 1, 1942 |
| Idaho: | |
| Caribou | August 1, 1942 |
| Illinois: | |
| Boone | August 1, 1942 |
| McHenry | August 1, 1942 |
| Indiana: | |
| Clinton | August 1, 1942 |
| Dubois | August 1, 1942 |
| Indiana—Continued | |
| Hancock | August 1, 1942 |
| Ohio | August 1, 1942 |
| Posey | August 1, 1942 |
| Iowa: | |
| Chickasaw | August 1, 1942 |
| Kansas: | |
| Chautauqua | August 1, 1942 |
| Edwards | August 1, 1942 |
| Sumner | August 1, 1942 |
| Kentucky: | |
| Crittenden | August 1, 1942 |
| Grayson | August 1, 1942 |
| Lincoln | August 1, 1942 |
| Owsley | August 1, 1942 |
| Rowan | August 1, 1942 |
| Michigan: | |
| Wayne | August 1, 1942 |
| Minnesota: | |
| Hubbard | August 1, 1945 |
| Mississippi: | |
| George | August 1, 1942 |
| Oktibbeha | August 1, 1942 |
| Perry | August 1, 1942 |
| Stone | August 1, 1942 |
| Missouri: | |
| Cooper | August 1, 1942 |
| Dunklin | August 1, 1942 |
| Monroe | August 1, 1942 |
| New Madrid | August 1, 1942 |
| Pemiscot | August 1, 1942 |
| New Jersey: | |
| Somerset | August 1, 1941 |
| North Carolina: | |
| Clay | August 1, 1942 |
| Graham | August 1, 1942 |
| Jackson | August 1, 1942 |
| Swain | August 1, 1942 |
| North Dakota: | |
| Cass | August 1, 1945 |
| Ohio: | |
| Paulding | August 1, 1942 |
| Pennsylvania: | |
| Franklin | August 1, 1942 |
| Jefferson | August 1, 1942 |
| Luzerne | August 1, 1942 |
| South Carolina: | |
| Anderson | August 1, 1942 |
| South Dakota: | |
| Clark | August 1, 1942 |
| Codington | August 1, 1942 |
| Tennessee: | |
| Knox | August 1, 1942 |
| Sullivan | August 1, 1942 |
| Washington | August 1, 1942 |
| Texas: | |
| Galveston | August 1, 1942 |
| Johnson | August 1, 1942 |
| Liberty | August 1, 1942 |
| Montgomery | August 1, 1942 |
| Virginia: | |
| Tazewell | August 1, 1942 |
| Washington: | |
| Pacific | August 1, 1942 |
| West Virginia: | |
| Hampshire | August 1, 1942 |
| Summers | August 1, 1942 |

Declaration No. 12, dated October 1, 1936, as amended,[1] is hereby further amended accordingly.

[SEAL] A. W. MILLER,
*Acting Chief of Bureau.*

[F. R. Doc. 39-2998; Filed, August 15, 1939; 10:14 a. m.]

[Amendment 2 to B.A.I. Order 365[2]]

SUBCHAPTER F—ANIMAL BREEDS

REGULATIONS GOVERNING THE RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS, AMENDING REGULATION 2, SECTION 2, PARAGRAPH 1, RECOGNIZING BREEDS AND BOOKS OF RECORD IN COUNTRIES OTHER THAN CANADA

AUGUST 14, 1939.

Under authority of paragraph 1606 of the act of Congress approved June 17, 1930 entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes," regulation 2, section 2, paragraph 1 of B.A.I. Order 365[1] embodying the regulations governing the recognition of breeds and books of record in countries other than Canada, is amended by adding the following breed and book of record: Sec. 151.6 (a) *Breeds and books of record in countries other than Canada.*

*Horses*

| Name of breed | Book of record | By whom published |
|---|---|---|
| Thoroughbred | Jamaica Stud-Book. | The Jockey Club of Jamaica, G. Seymour Seymour, Secretary, No. 10 Duke Street, Kingston, Jamaica, B. W. I. |

(Sec. 201, 46 Stat. 673; 19 U.S.C. 1201)

[Reg. 2, Sec. 2, Par. 1, B.A.I. Order 365, June 17, 1938, as amended by amendment 2, August 14, 1939]

This amendment, which for purpose of identification is designated Amendment 2 to B.A.I. Order 365, 9 CFR 151.6 (a), shall be effective on and after August 15, 1939.

Done at Washington this 14th day of August 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3004; Filed, August 15, 1939; 12:17 p. m.]

## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T. D. 49932]

COUNTERVAILING DUTIES

DRIED SALT FISH FROM NOVA SCOTIA

*To Collectors of Customs and Others Concerned:*

Pursuant to the authority contained in section 303 of the Tariff Act of 1930 (U.S.C., title 19, sec. 1303), T. D. 49196, dated October 12, 1937, as amended by T. D. 49269 and T. D. 49351, dated November 26, 1937 and January 18, 1938, respectively,[2] relating to countervailing duties on certain dried salt fish from Nova Scotia, is revoked as to merchandise imported on or after the date of this decision.

[SEAL] W. R. JOHNSON,
*Acting Commissioner of Customs.*

Approved, August 10, 1939.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F.R. Doc. 39-2995; Filed, August 14, 1939; 3:50 p. m.]

[1] Supplements footnote to 9 CFR 77.3.
[2] 1 F.R. 1338.

[1] 1 F.R. 2024.
[2] Amending 9 CFR 151.6 (a).

[1] 3 F.R. 1451 DI.
[2] 2 F.R. 2231, 2563; 3 F.R. 221 DI.

[T. D. 49933]

COAL, COKE, AND BRIQUETS FROM THE SOVIET UNION

EXTENSION OF COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES AND THE UNION OF SOVIET SOCIALIST REPUBLICS UNTIL AUGUST 6, 1940

AUGUST 12, 1939.

*To Collectors of Customs and Others Concerned:*

The President has proclaimed, effective August 6, 1939, the extension until August 6, 1940, of the commercial agreement between the United States and the Union of Soviet Socialist Republics proclaimed August 6, 1937 (T.D. 49118) and previously extended until August 6, 1939 (T.D. 49677).[1]

In view of the foregoing, coal, coke made from coal, and coal or coke briquets produced in the Union of Soviet Socialist Republics, imported directly or indirectly therefrom, and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to December 31, 1939, inclusive, should be released as unconditionally free merchandise without any deposit on account of the tax provided for in I.R.C., Sec. 3423, by virtue of I.R.C., Sec. 3420. T.D. 49910 is amended accordingly

[SEAL] W. R. JOHNSON,
*Acting Commissioner of Customs.*

[F. R. Doc. 39-2996; Filed, August 14, 1939; 3:50 p. m.]

## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4921]

TAXES ON GASOLINE, LUBRICATING OIL AND MATCHES

*To Collectors of Internal Revenue and Others Concerned:*

Section 1 of the Revenue Act of 1939, approved June 29, 1939, reads in part as follows:

SEC. 1. CONTINUATION OF EXCISE TAXES. * * *.

Sections * * * 3452, * * * of the Internal Revenue Code are amended by striking out "1939" wherever appearing therein and inserting in lieu thereof "1941". * * *.

In conformity with the provision of law quoted above, article 2 of Regulations 44 (revised September 1934), as amended (section 309.2 of Title 26, Code of Federal Regulations), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939[2] (Part 465, Subpart B of such Title 26), under the authority contained in section 3450 of the Internal Revenue Code, is further amended to read as follows:

"Art. 2. *Effective period.* The tax is imposed upon any sale or use prior to July 1, 1941, of gasoline, lubricating oil, or matches by the manufacturer or other person liable for tax under the provisions of section 3445 of the Internal Revenue Code (same as section 623 of the Revenue Act of 1932), irrespective of when the article was manufactured, produced, or imported."

(This Treasury decision is prescribed pursuant to section 3452 of the Internal Revenue Code (53 Stat., Part 1), as amended by section 1 of the Revenue Act of 1939 (Public, No. 155, 76th Cong., 1st sess.) and section 3450 of the Internal Revenue Code.)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: August 14, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3005; Filed, August 15, 1939; 12:46 p. m.]

[1] 2 F.R. 1386; 3 F.R. 2018 DI.
[2] 4 F.R. 879 DI.

## *Notices*

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[40-Tob-1]

INSTRUCTIONS FOR HOLDING REFERENDUM ON FLUE-CURED TOBACCO MARKETING QUOTAS

In the event that the Secretary of Agriculture, pursuant to the provisions of section 312 (a) of the Agricultural Adjustment Act of 1938, proclaims a national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1940, a referendum of farmers who were engaged in production of the 1939 crop of flue-cured tobacco will be held, pursuant to the provisions of section 312 (c) of said act and in accordance with the regulations hereinafter set forth, on a date to be announced by the Secretary of Agriculture, to determine whether such farmers are in favor of or opposed to such quota.

The following forms will be used:

*40-Tob-1.* Instructions for Holding Referendum on Flue-cured Tobacco Marketing Quotas.

*40-Tob-2.* Register of Eligible Voters and Ballots Cast.

*40-Tob-3.* Notice — Flue-cured Tobacco Marketing Quota Referendum.

*40-Tob-4.* 1940 Flue-cured Tobacco Marketing Quota Referendum Ballot.

*40-Tob-5.* Community Summary of 1940 Flue-cured Tobacco Marketing Quota Ballots.

*40-Tob-6.* County Summary of 1940 Flue-cured Tobacco Marketing Quota Ballots.

*40-Tob-7.* State Tabulation of 1940 Flue-cured Tobacco Marketing Quota Ballots.

A. VOTING ELIGIBILITY

All farmers who were engaged in the production of flue-cured tobacco in 1939 are eligible to vote in the flue-cured tobacco marketing quota referendum. Any person who shares in the proceeds of the 1939 flue-cured tobacco crop as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper is considered as having been engaged in the production of flue-cured tobacco in 1939. If several members of the same family participated in the production of flue-cured tobacco on a farm in 1939, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who had an independent bona fide status as operator, share-tenant, or sharecropper and was entitled as such to share in the proceeds of the 1939 crop.

For any farm on which records have been obtained in connection with the 1939 agricultural conservation program showing correctly those persons entitled to receive a share of the proceeds of the tobacco crop grown on the farm in 1939, only those persons so shown as entitled to receive such share shall be eligible to vote in the referendum.

No person shall be eligible to vote in any community other than the community in which he resides, except, as follows: (a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of tobacco in 1939. (b) Any person who does not reside in the county in which he was engaged in the production of tobacco in 1939 may obtain a ballot at the most conveniently located polling place and may cast his ballot by signing his name thereto and mailing it to the county office of the county in which he was engaged in the production of tobacco in 1939 not later than the date of the referendum (the postmark on the envelope in which the ballot was mailed shall be conclusive evidence of the date of mailing).

There shall be no voting by mail (except as provided above) by proxy, or by agent, but a duly authorized officer of a corporation, firm, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

Farmers who planted flue-cured tobacco in the field in 1939, but harvested no tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as having been engaged in the production of flue-cured tobacco in 1939 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

No farmer (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may have been engaged in the production of flue-cured tobacco in two or more communities, counties, or States in 1939.

In the event two or more persons engaged in producing flue-cured tobacco in 1939 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

The following statements will serve as examples to illustrate the eligibility of persons to vote in particular instances.

(a) In the case of a husband and wife who engaged in the production of flue-cured tobacco as joint owners of a farm each is eligible to vote; and similarly in the case of a husband and his wife or a father and his son who engaged in the production of flue-cured tobacco in 1939 as joint tenants the husband and wife or the father and son, as the case may be, are each eligible to vote.

(b) A person who is considered as a wage hand on a farm but who receives part or all of the proceeds from a fixed acreage of tobacco and thus shares in the proceeds of the 1939 crop of flue-cured tobacco produced on the farm would be considered as a sharecropper and shall be eligible to vote.

(c) If any person gives a member of his family a part of the tobacco crop or its proceeds but such member of the family does not have an independent status on the farm as a share-tenant or share-cropper then such member of the family is not eligible to vote.

(d) A person acting as administrator, executor, or guardian, or in some similar fiduciary capacity, is eligible to vote for each estate or person for whom he acts in such capacity if such estate or person was engaged in the production of the 1939 flue-cured tobacco crop. In such event the heirs of the estate for whom the administrator or executor acts are not eligible to vote by virtue of being such heirs nor is the person for whom the guardian or other fiduciary acts eligible to vote.

(e) A minor is eligible to vote only if he was the owner-operator of a farm on which flue-cured tobacco was produced in 1939 or if as a party to a bona-fide lease or operating agreement he had an independent status as operator, share-tenant or sharecropper and as such was entitled to share in the proceeds of the 1939 flue-cured tobacco crop in a specified proportion.

B. INSTRUCTIONS TO COUNTY COMMITTEES

The county agricultural conservation committee (hereinafter referred to as the county committee) shall be responsible for the proper holding of the referendum in the county and shall:

1. Have prepared in duplicate, prior to the date of the referendum, a registration list on 40-Tob-2 showing the name and other information required on the form for each farmer in the county who was engaged in the production of flue-cured tobacco in 1939. The registration list should be prepared by communities using as far as possible the records obtained under the 1939 agricultural conservation program. For those farms on which performance has not been checked the county committee should have the respective community committeeman or farm supervisor obtain the following information:

(a) The name of the farm operator;

(b) The name of each share-tenant or sharecropper growing flue-cured tobacco on the farm in 1939;

(c) The acres share of each such person in the tobacco grown on the farm;

(d) The tenure of each such person; and

(e) The name and location of every other farm on which each such person engaged in the production of flue-cured tobacco in 1939.

In obtaining the above information, the farm operator may be requested by letter to visit the county office or a designated place in the community within a specified time for the purpose of furnishing the information; or a community committeeman or supervisor may visit the farm operator and obtain the information. In preparing the registration list (40-Tob-2) it is suggested that the procedure indicated by the example below be followed:

| Farm serial No. | Names of farmers eligible to vote | Tenure of farmer | Initials of committeeman issuing ballot |
|---|---|---|---|
| A | B | C | D |
| 1 100 | Adams, A. A | C | |
| 2 ------ | Black, B. B | C | |
| 3 ------ | White, W. W | C | |
| 4 106 | Brown, B. B. (Non-resident). | | |

If the registration list is prepared in accordance with the example above, the name of the farm operator will be listed in the left side of Column B, and in the lines immediately beneath the line on which the name of the farm operator is listed there will be listed in the right side of Column D the name of each share-tenant or sharecropper on the farm who shares in the proceeds of the 1939 flue-cured tobacco crop. Preferably all farms operated by the same person in any community should be listed in order and the name of such operator listed only once. However, if the name of any person who resides in a community is listed more than once in that community the words "Vote other farm" should be written beside his name for each farm with respect to which it is listed except for the first farm listed for him on the registration list. If the name of any person is listed in any community and such person does not reside in such community the words "Non-resident" should be written beside such person's name.

2. Designate one readily accessible place for balloting in each community and give public notice of the date of the referendum and of the time and place for balloting. Such notice shall be given by posting the notice form (40-Tob-3) at one or more places open to the public within each community as soon as possible after the date of the referendum has been announced.

3. Make use (without advertising expense) of all available agencies of public information, including newspapers and radio, to give flue-cured tobacco farmers in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice shall be given as soon as possible after the date of the referendum has been announced.

4. Designate three local farmers residing in each community who produced flue-cured tobacco in the community in 1939 as the members of the community referendum committee to conduct the referendum on the national marketing quota for flue-cured tobacco in such community, and name one of the members chairman of the committee. Designate also one such farmer as an alternate to serve on the committee in the event that any of the three regular members cannot serve.

5. In counties with a combined total of less than 200 flue-cured tobacco farms, the county committee may treat the county as one community for the purpose of the referendum and hold the referendum and perform the duties both of county committee and community referendum committee.

6. See that each community referendum committee is provided with a suitable ballot box in which to place the ballots cast in the referendum.

7. See that 40-Tob-2 has been prepared, in accordance with the instructions herein, to show the persons eligible to vote in the referendum in each community.

8. Deliver the original of 40-Tob-2 and a supply of 40-Tob-4 and 5 to the chairman of the community referendum committee. Retain 40-Tob-2a in the county office.

9. See to it that the community referendum committees understand their duties as to (a) issuing ballot forms, (b) recording and challenging votes, (c) tabulating ballots, and (d) certifying results of the referendum in the community.

10. Notify the State committee by telephone, telegraph, or in person, as soon as possible after the closing of the polls, as to the preliminary count of "Yes" and "No" votes in the referendum held in the county.

11. Meet not later than two days after the date of the referendum for the purpose of receiving and summarizing on 40-Tob-6 the data contained on 40-Tob-5. Such meeting shall be open to the public. 40-Tob-6, showing the results in the county, shall be prepared and cerified in quadruplicate, the origi-

nal and one copy shall be sent to the State agricultural conservation committee (hereinafter referred to as the State committee) not later than four calendar days after the date of the referendum, one copy posted for sixty days in a conspicuous place accessible to the public in or near the office of the county committee (hereinafter referred to as the county office) and one copy permanently filed in the county office, where it shall be open to public inspection.

12. Notify the State committee as soon as possible by mail (on 40–Tob–6) as to the final outcome of the referendum in the county.

13. Make an investigation in each case of controversy or dispute regarding the eligibility of a voter. In each case where a ballot is marked "Challenged" by the community referendum committee, the eligibility of such person shall first be determined. If it is determined that such person is eligible, the ballot shall be placed with the challenged ballot of every other person found to be eligible, and when all the challenged ballots shall have been passed upon by the committee those ballots found to be valid shall be tabulated in the county summary. If it is determined that such person is not eligible the ballot shall be preserved with other ballots, as provided in paragraph 15 of this section B.

14. Make an immediate investigation in each case of dispute regarding the correctness of the summary of the referendum in a community. No dispute shall be investigated by the county committee unless it is brought to its attention within ten calendar days after the date on which the referendum in question was held. The county committee shall promptly decide the dispute and immediately report its findings to the State committee. All voted ballots, register forms, and community summary sheets involved in the dispute shall be mailed or delivered in person to the State office.

15. Seal the voted ballots, challenged ballots found ineligible, register sheets, and community summary sheets for the county in one or more envelopes or packages (marked "Flue-cured Tobacco Referendum 1940", followed by the name of the county) and place them under lock and key in a safe place under the custody of the secretary of the county agricultural conservation association for a period of sixty calendar days from the date of the referendum. If no notice to the contrary is received by the end of such time, the ballots shall be destroyed and the register and community summary sheets permanently filed in the county office, where they shall be open to public inspection.

### C. INSTRUCTIONS TO COMMUNITY REFERENDUM COMMITTEES

Each community referendum committee designated by the county agricultural conservation committee shall:

1. Arrange, with the assistance of the county committee, for conducting the referendum.

2. Assist the county committee in giving adequate public notice of the time and place for casting ballots in advance of the date on which the referendum will be held.

3. Provide a place where each voter can prepare and cast a ballot in secret and without interference.

4. Provide ballot boxes. Any container so arranged that ballots cannot be seen and cannot be removed without breaking seals on the container will be suitable. If strip adhesive paper or similar seals are used, such seals should be signed or initialed so that breaking or replacing the seal will affect or destroy the identifying marks and show that the seal has been tampered with.

5. Open the polls not later than 9:00 o'clock A. M., local standard time, on the date fixed for the referendum.

6. Hold the referendum in a fair and unbiased manner.

7. Initial the ballot and also the registration list (40–Tob–2) opposite the name of the voter prior to issuance of the ballot to the voter. The initials of one committeeman will be sufficient but the committeeman who initials the ballot for a voter also should initial the registration list for such voter. If the eligibility of the voter is challenged make entries on the ballot form as required in paragraph 9 prior to issuance of the ballot to the voter.

8. Instruct each voter, as he is handed a ballot form, to mark his ballot so as to show which way he votes and then to fold the ballot and place it in the ballot box.

9. Issue a ballot to each person who claims to be eligible to vote and requests a ballot, even though his eligibility is challenged by the committee. The committee shall challenge the eligibility of any person to vote:

(a) If his name is not recorded on the register of eligible voters (40–Tob–2) prior to the date of the referendum;

(b) If he was not engaged in production of flue-cured tobacco in 1939 in the community where the community referendum committee has jurisdiction over the polls, or if there is some indication beside his name that he should vote in another community; or

(c) If the committee is not certain that he has a bona-fide status as a farmer engaged in the production of flue-cured tobacco in 1939.

In every case where the eligibility of any person to vote is challenged, the community referendum committee shall, prior to the issuance of the ballot to such person, write across the back of the ballot in large letters the word "Challenged" and underneath such word the following:

(a) The name of such person;

(b) The name or number or letter of the community in which such person claims to have produced flue-cured tobacco in 1939;

(c) The name of the operator of the farm on which such person claims to have produced flue-cured tobacco in 1939; and

(d) A concise statement of the reason for challenging the eligibility of such person to vote.

The committee shall provide each farmer whose ballot is challenged as provided above an envelope in which the farmer may seal the ballot before placing it in the ballot box.

10. For each farmer to whom a ballot form is issued but who is not already listed on 40–Tob–2 prior to the time the ballot is issued to him, record thereon the information required in columns A to D, inclusive.

11. Close the polls and discontinue acceptance of ballots at 5:00 o'clock P. M., local standard time, on the date of the referendum, or such later hour as is fixed by the State committee.

12. Immediately after closing the polls, open the ballot box and canvass the ballots cast, which canvass shall be kept open to the public.

13. Tabulate and record the results of the referenum on 40–Tob–5. The number of challenged ballots cast shall be entered on 40–Tob–5, in the space provided, and will not be shown as being either for or against the marketing quotas. If any ballot is found to be mutilated or marked in such a way that it cannot be determined whether the voter favored or opposed marketing quotas, it shall not be counted as a ballot cast, the number of such spoiled ballots shall be entered in the space provided and such ballots placed in an envelope marked "Spoiled Ballots", followed by the designation of the community.

14. The total number of ballots issued as shown by the entry on the registration list of the initials of committeemen who issued the ballots shall be determined. The total number of ballots cast (including challenged, spoiled and invalid ballots) shall be determined. If any ballot was cast which was not initialed by a committeeman such ballot shall be marked "Invalid" and included among the spoiled ballots as provided in paragraph 13 above.

15. Certify to the accuracy of the executed 40–Tob–2 and 40–Tob–5 by signing in the spaces provided.

16. Notify the county committee by telephone, or in person, as soon as possible after the closing of the polls as to the preliminary count of "Yes" and "No" votes in the community.

17. Seal the voted ballots (including those challenged), the spoiled ballots, the register sheets, and the community summary sheets in one or more envelopes appropriately identified by the designation of the community and deliver them to the county committee not later than two calendar days after the date of the referendum, with the unused ballots and other forms. The chairman of the community referendum committee shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

18. Post an executed copy of 40–Tob–5, as soon as it is executed, at a conspicuous place at the polling place and see that it remains posted and accessible to the public for at least three calendar days after the date of the holding of the referendum.

### D. INSTRUCTIONS TO STATE COMMITTEES

The State committee shall be in charge of and responsible for the conducting of the referendum in the State and shall:

1. Notify the applicable regional director by telegraph as to the preliminary count in the referendum in the State of votes for and votes against marketing quotas.

2. Summarize on 40–Tob–7 the information contained on 40–Tob–6 and mail two fully executed 40–Tob–7's to the applicable regional director not later than seven calendar days after the date of the referendum. If one sheet proves insufficient for listing the information with respect to all counties in the State, additional sheets properly numbered and identified and securely attached to the first sheet may be used for continuation, in which case totals and signatures should be entered only on the last sheet. One fully executed copy of 40–Tob–6 and 40–Tob–7 shall be permanently filed in the State office of the Agricultural Adjustment Administration where it shall be open to public inspection.

3. Complete the investigation of any report from any county regarding controversies, irregularities, or disputes over the correctness of summaries of the referendum, not later than fifteen calendar days after the date of the referendum, and promptly forward its findings in such cases to the applicable regional director.

### E. RESULTS OF REFERENDUM

Final and official tabulation of the votes cast in the referendum will be made by the Agricultural Adjustment Administration and the results of the referendum announced by the Secretary of Agriculture. The reports on 40–Tob–7 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection.

Each county committee is authorized to release to the public press and to other inquirers unofficial reports of the total "Yes" and total "No" votes in the referendum in the county.

The State committee is authorized to release to the press and to other inquirers the unofficial results of the referendum for the respective State by counties as rapidly as the votes in the various counties are tabulated.

If the Administrator of the Agricultural Adjustment Administration or the Secretary of Agriculture deems it necessary, the report of any community referendum committee, county committee, or State committee shall be reexamined and checked by such persons or agencies as may be designated.

Done at Washington, D. C., this 14th day of August 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–3003; Filed, August 15, 1939; 12:17 a. m.]

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## Food and Drug Administration.

[FDC–9]

### IN THE MATTER OF PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED AMENDING "REGULATIONS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR THE LISTING OF COAL-TAR COLORS, CERTIFICATION OF BATCHES THEREOF, AND PAYMENT OF FEES FOR SUCH SERVICE" BY CHANGING CERTAIN SPECIFICATIONS OF CERTAIN LISTED COLORS AND THE LISTING OF CERTAIN OTHER COAL-TAR COLORS

### REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER

Pursuant to, and under the authority of, a notice in the above-entitled matter issued by the Secretary of Agriculture May 31, 1939, filed with the Archivist of the United States, and published in the FEDERAL REGISTER June 3, 1939 (FEDERAL REGISTER, Vol. 4, No. 107, pp. 2255–2259), wherein the undersigned was designated as Presiding Officer to conduct in the place of the Secretary the public hearing herein, such hearing being in conformity with Section 701, subsection (e) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040–1055; 21 U.S.C. (Supp. IV) 371 (e)), and under the authority of the aforesaid act (Sec. 406 (b); 52 Stat. 1049; 21 U.S.C. 346 (b); Sec. 504; 52 Stat. 1052; 21 U.S.C. 354; Sec. 604; 52 Stat. 1055; 21 U.S.C. 364; Sec. 701 (a); 52 Stat. 1055; 21 U.S.C. (Supp. IV) 371 (a)), the said hearing was convened by the undersigned Presiding Officer at the time and place specified in said notice.

There was read into the record that portion of the notice of the Secretary setting the time and place for such hearing; stating the purpose thereof; making specific reference to the proposed amendments, thereinafter set forth, and reciting that such amendments were subject to adoption, rejection, amendment or modification by the Secretary, in whole or in part, as the evidence adduced at the hearing warranted; making specific reference to the Rules of Procedure governing the hearing, published in the FEDERAL REGISTER January 13, 1939; and designating the Presiding Officer.

Five copies of the FEDERAL REGISTER issued June 3, 1939, containing the notice and proposals of the Secretary were offered and received in evidence, and marked "Government's Exhibit No. 1."

It was announced that those who filed appearances would be notified of the date of the filing of the transcript of the evidence and the proceeding with the Hearing Clerk, Office of the Solicitor, Department of Agriculture, Washington, D. C., and that seven days would be allowed those who had entered appearances, from the date of the receipt of such notice, for the filing with such Hearing Clerk of proposed findings of fact, written arguments and briefs based solely upon the evidence adduced at the hearing.

Each of such interested persons was subsequently so notified by a letter transmitted by registered mail to the address given at the time appearance was entered.

No controversy developed at the hearing upon, and within the scope of, the proposals submitted by the Secretary.

Upon the basis of substantial evidence received and appearing in the transcript of evidence, to which specific references are made in each instance following the findings, the undersigned Presiding Officer makes and suggests the findings of fact hereinafter set forth; and he further suggests that the Secretary of Agriculture issue an order setting out therein and as part thereof such findings of fact, omitting therefrom references to the pages of the transcript of evidence, and that in and by such order the amendments to the Regulations as hereinafter set forth be promulgated.

### SUGGESTED FINDINGS OF FACT

*1. Technical Descriptions*

The technical descriptions of the chemical identity of the pure dye in the colors proposed under the following names are as follows:

*FD&C Red No. 32.* 1-Xylylazo-2-naphthol.

*D&C Red No. 31.* Calcium salt of 3-hydroxy-4-phenylazo-2-naphthoic acid.

*D&C Red No. 33.* Disodium salt of 8-amino-2-phenylazo-1-naphthol-3,6-disulfonic acid.

*D&C Red No. 34.* Calcium salt of 4-(1-sulfo-2-naphthylazo)-3-hydroxy-2-naphthoic acid.

*D&C Red No. 35.* 1-(o-Nitro-p-tolylazo)-2-naphthol.

*D&C Red No. 36.* 1-(o-Chloro-p-nitrophenylazo)-2-naphthol.

*D&C Red No. 37.* 3-Ethostearate of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene.

*D&C Violet No. 1.* Monosodium salt of 4-{[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-[4-(N-ethyl-p-sulfoniumbenzylamino)-phenyl]-methylene}-(N,N-dimethyl-$\Delta^{2,5}$-cyclohexadienimine).

*D&C Yellow No. 11.* 2-(2-Quinolyl)-1,3-indandione.

*D&C Blue No. 7.* Monosodium salt of 4-{[4-(N-ethylbenzylamino)-phenyl]-(5-hydroxy-4-sulfo-2-sulfoniumphenyl)-methylene-(N-ethyl-N-benzyl $\Delta^{2,5}$-cyclohexadienimine.

*D&C Blue No. 8.* Calcium salt of 4-[[4-(N-ethylbenzylamino)-phenyl]-(5-hydroxy-4-sulfo-2-sulfoniumphenyl)-methylene]-(N-ethyl-N-benzyl-$\Delta^{2,6}$-cyclohexadienimine).

*D&C Blue No. 9.* 3,3'-Dichloroindanthrene.

*D&C Green No. 7.* Monosodium salt of 4-[[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-(o-chlorophenyl)-methylene]-1-(N-ethyl-N-p-sulfoniumbenzyl-$\Delta^{2,6}$-cyclohexadienimine).

*D&C Orange No. 16.* 4,5-Dibromo-2,7-diiodo-3,6-fluorandiol.

*D&C Orange No. 17.* 1-(2,4-Dinitrophenylazo)-2-naphthol.

*EXT D&C Black No. 1.* Disodium salt of 8-anilino-5-[4-(5-sulfo-1-naphthylazo)-1-naphthylazo]-1-naphthalenesulfonic acid.

*EXT D&C Blue No. 3.* Monosodium salt of 4-[[4-(N-ethylbenzylamino)-phenyl]-[p-sulfo-o-sulfoniumphenyl]-methylene]-(N-ethyl-N-benzyl-$\Delta^{2,5}$-cyclohexadienimine).

*EXT D&C Blue No. 4.* Disodium salt of 4,8-diamino-1,5-dihydroxy-2,6-anthraquinone disulfonic acid.

*EXT D&C Blue No. 5.* 1,4-Bis(amylamino)-anthraquinone.

*EXT D&C Green No. 1.* Ferric salt of 6-sodiumsulfo-1-isonitroso-1,2-naphthoquinone.

*EXT D&C Red No. 8.* Monosodium salt of 4-(2-hydroxy-1-naphthylazo)-1-naphthalenesulfonic acid.

*EXT D&C Red No. 9.* Calcium salt of 2-(1-naphthylazo)-1-naphthol-5-sulfonic acid.

*EXT D&C Red No. 10.* Disodium salt of 2-(4-sulfo-1-naphthylazo)-1-naphthol-4-sulfonic acid.

*EXT D&C Red No. 11.* Disodium salt of 8-acetamido-2-phenylazo-1-naphthol-3,6-disulfonic acid.

*EXT D&C Red No. 12.* Barium salt of 1-(3-sulfo-2-tolylazo)-2-naphthol.

*EXT D&C Red No. 13.* Disodium salt of 1-p-phenylazophenylazo-2-naphthol-6,8-disulfonic acid.

*EXT D&C Violet No. 1.* Disodium salt of 1,5-bis(o-sulfo-p-toluino)-anthraquinone.

*EXT D&C Violet No. 2.* Monosodium salt of 1-hydroxy-4-(o-sulfo-p-toluino)-anthraquinone.

*EXT D&C Yellow No. 5.* alpha-(o-Nitro-p-tolylazo)-acetoacetanilide.

*EXT D&C Orange No. 1.* alpha-(o-Nitro-p-anisylazo)-o-acetoacetotoluide.

*EXT D&C Orange No. 2.* 4,5-Dinitro-3,6-fluorandiol. (R. 19–21)

*2. Coal-Tar Colors—Chemical Analyses-Pharmacological Tests*

That the proposed colors listed in Finding No. 1 are coal-tar colors (R. p. 19); that said colors have been subjected to chemical study and analysis (R. p. 15, 16, 52, 53); and that the structurally basic organic parts of said colors have been subjected to pharmacological examination and tests. (R. 63, 64)

*3. Certain Impurities Unavoidable*

That it is neither possible nor practicable to make the proposed colors listed in Finding No. 1 of a pure dye content of 100 percent, and impurities (i. e. matter that is foreign to the pure dye), which are unavoidable in good manufacturing practice or which are required in order to impart to the color some necessary characteristic, form a part of the color to the extent that such impurities are unavoidable in good manufacturing practice or are required to impart to the color some necessary characteristic. (R. 21, 22)

*4. Varying Specifications Necessary*

That specifications limiting the minimum amount of pure dye and the maximum amounts of impurities which may be considered to form a part of the color should be fixed so as to specify colors of the greatest possible purity practicable in good manufacturing practice; and that, as among the proposed colors listed in Finding No. 1, the necessary specifications vary, both as to the percentage and as to the nature of the specifications, depending upon the color and the process by which it is made. (R. 21–25)

*5. Pure Dye—Methods for Determining—Practicable Limits*

That in the case of the proposed colors listed in Finding No. 1, the limits for pure dye which are practicable in good manufacturing practice and the methods for determining the pure dye percentage are as follows:

*FD&C Red No. 32.* Not less than 97.0 percent, as determined by titration with titanium trichloride.

*D&C Red No. 31.* Not less than 90.0 percent, as determined by titration with titanium trichloride.

*D&C Red No. 33.* Not less than 82.0 percent, as determined by titration with titanium trichloride.

*D&C Red No. 34.* Not less than 85.0 percent, as determined by titration with titanium trichloride.

*D&C Red No. 35.* Not less than 95.0 percent, as determined by titration with titanium trichloride.

*D&C Red No. 36.* Not less than 90.0 percent, as determined by titration with titanium trichloride.

*D&C Red No. 37.* Not less than 50.0 percent, as determined by titration with titanium trichloride.

*D&C Violet No. 1.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*D&C Yellow No. 11.* Not less than 96.0 percent, as calculated from organically combined nitrogen.

*D&C Blue No. 7.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*D&C Blue No. 8.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*D&C Blue No. 9.* Not less than 97.0 percent, as calculated from organically combined nitrogen.

*D&C Green No. 7.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*D&C Orange No. 16.* Not less than 90.0 percent, as determined gravimetrically.

*D&C Orange No. 17.* Not less than 90.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Black No. 1.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Blue No. 3.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Blue No. 4.* Not less than 80.0 percent, as calculated from organically combined sulfur or nitrogen.

*EXT D&C Blue No. 5.* Not less than 96.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Green No. 1.* Not less than 85.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Red No. 8.* Not less than 90.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Red No. 9.* Not less than 90.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Red No. 10.* Not less than 85.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Red No. 11.* Not less than 82.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Red No. 12.* Not less than 90.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Red No. 13.* Not less than 82.0 percent, as determined by tritation with titanium trichloride.

*EXT D&C Violet No. 1.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Violet No. 2.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Yellow No. 5.* Not less than 96.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Orange No. 1.* Not less than 96.0 percent, as determined by titration with titanium trichloride.

*EXT D&C Orange No. 2.* Not less than 92.0 percent, as determined gravimetrically. (R. 23, 39, 41–45)

*6. Volatile Matter—Determination*

That volatile matter (usually moisture) is the remainder in the color of the volatile solvent from which the color is precipitated and is determined by heating a weighted portion of the color at a suitable temperature (i. e. a temperature chosen so that the material does not disintegrate) until it no longer loses weight. (R. 26)



*7. Temperature Suitable—Practicable Limits*

That volatile matter occurs in all of the proposed colors to some extent; and that the temperatures suitable for determining volatile matter and the limits for volatile matter which are practicable in good manufacturing practice, in the case of the proposed colors listed in Finding No. 1, are as follows:

*FD&C Red No. 32.* At 100° C., not more than 0.5 percent.

*D&C Red No. 31.* At 135° C., not more than 5.0 percent.

*D&C Red No. 33.* At 135° C., not more than 6.0 percent.

*D&C Red No. 34.* At 135° C., not more than 5.0 percent.

*D&C Red No. 35.* At 135° C., not more than 2.0 percent.

*D&C Red No. 36.* At 135° C., not more than 5.0 percent.

*D&C Red No. 37.* At 80° C., not more than 2.0 percent.

*D&C Violet No. 1.* At 135° C., not more than 8.0 percent.

*D&C Yellow No. 11.* At 135° C., not more than 1.0 percent.

*D&C Blue No. 7.* At 135° C., not more than 10.0 percent.

*D&C Blue No. 8.* At 135° C., not more than 10.0 percent.

*D&C Blue No. 9.* At 135° C., not more than 1.0 percent.

*D&C Green No. 7.* At 135° C., not more than 10.0 percent.

*D&C Orange No. 16.* At 135° C., not more than 5.0 percent.

*D&C Orange No. 17.* At 135° C., not more than 5.0 percent.

*EXT D&C Black No. 1.* At 135° C., not more than 10.0 percent.

*EXT D&C Blue No. 3.* At 135° C., not more than 10.0 percent.

*EXT D&C Blue No. 4.* At 135° C., not more than 10.0 percent.

*EXT D&C Blue No. 5.* At 100° C., not more than 2.0 percent.

*EXT D&C Green No. 1.* At 135° C., not more than 10.0 percent.

*EXT D&C Red No. 8.* At 135° C., not more than 5.0 percent.

*EXT D&C Red No. 9.* At 135° C., not more than 5.0 percent.

*EXT D&C Red No. 10.* At 135° C., not more than 10.0 percent.

*EXT D&C Red No. 11.* At 135° C., not more than 5.0 percent.

*EXT D&C Red No. 12.* At 135° C., not more than 5.0 percent.

*EXT D&C Red No. 13.* At 135° C., not more than 10.0 percent.

*EXT D&C Violet No. 1.* At 135° C., not more than 10.0 percent.

*EXT D&C Violet No. 2.* At 135° C., not more than 10.0 percent.

*EXT D&C Yellow No. 5.* At 135° C., not more than 2.0 percent.

*EXT D&C Orange No. 1.* At 135° C., not more than 2.0 percent.

*EXT D&C Orange No. 2.* At 100° C., not more than 5.0 percent. (R. 28–29)

*8. Sulfated Ash A Measure of Impurities*

That in some coal-tar colors, sulfated ash is a measure of certain inorganic impurities. (R. p. 29)

*9. Colors for Which Sulfated Ash A Measure of Impurities—Practicable Limits*

That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of sulfated ash would be a measure of impurities and the limits for such impurities which are practicable in good manufacturing practice:

*FD&C Red No. 32.* Not more than 0.3 percent.

*D&C Red No. 35.* Not more than 1.5 percent.

*D&C Red No. 36.* Not more than 1.0 percent.

*D&C Red No. 37.* Not more than 3.0 percent.

*D&C Yellow No. 11.* Not more than 1.0 percent.

*D&C Blue No. 9.* Not more than 1.0 percent.

*D&C Orange No. 17.* Not more than 1.0 percent.

*EXT D&C Blue No. 5.* Not more than 0.5 percent.

*EXT D&C Yellow No. 5.* Not more than 1.0 percent.

*EXT D&C Orange No. 1.* Not more than 1.0 percent.

*EXT D&C Orange No. 2.* Not more than 1.0 percent. (R. 29)

*10. Mixed Oxides a Measure of Impurities*

That inorganic impurities in coal-tar colors may also be measured by a determination of the amount of "mixed oxides" (as defined in the regulations) or oxides of iron and aluminum. (R. 30)

*11. Colors for Which Mixed Oxides a Measure of Impurities—Practicable Limits*

That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of either mixed oxides or oxides of iron and aluminum would be a measure of impurities and the limits for either mixed oxides or oxides of iron and aluminum which are practicable in good manufacturing practice:

*D&C Red No. 31.* Oxides of iron and aluminum, not more than 1.0 percent.

*D&C Red No. 33.* Mixed oxides, not more than 1.0 percent.

*D&C Red No. 34.* Oxides of iron and aluminum, not more than 1.0 percent.

*D&C Violet No. 1.* Mixed oxides, not more than 1.0 percent.

*D&C Blue No. 7.* Mixed oxides, not more than 1.0 percent.

*D&C Blue No. 8.* Oxides of iron and aluminum, not more than 1.0 percent.

*D&C Green No. 7.* Mixed oxides, not more than 1.0 percent.

*D&C Orange No. 16.* Mixed oxides, not more than 1.0 percent.

*EXT D&C Black No. 1.* Mixed oxides, not more than 1.0 percent.

*EXT D&C Blue No. 3.* Mixed oxides, not more than 1.0 percent.

*EXT D&C Blue No. 4.* Mixed oxides, not more than 1.0 percent.

*EXT D&C Red No. 8.* Mixed oxides, not more than 1.0 percent.

*EXT D&C Red No. 9.* Oxides of iron and aluminum, not more than 1.0 percent.

*EXT D&C Red No. 10.* Mixed oxides, not more than 1.0 percent.

*EXT D&C Red No. 11.* Mixed oxides, not more than 1.0 percent.

*EXT D&C Red No. 12.* Oxides of iron and aluminum, not more than 1.0 percent.

*EXT D&C Red No. 13.* Mixed oxides, not more than 1.0 percent.

*EXT D&C Violet No. 1.* Mixed oxides, not more than 1.0 percent.

*EXT D&C Violet No. 2.* Mixed oxides, not more than 1.0 percent. (R. 30)

*12. Chlorides and Sulfates A Measure of Impurities*

That chlorides and sulfates are inorganic salts which in the case of coal-tar colors are either added or formed during the manufacturing process. (R. 31)

*13. Colors for Which Chlorides and Sulfates A Measure of Impurities—Practicable Limits*

That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of chlorides and sulfates would be a measure of impurities and the limits for chlorides and sulfates which are practicable in good manufacturing practice:

*D&C Red No. 31.* Chlorides and sulfates (as calcium salts), not more than 5.0 percent.

*D&C Red No. 33.* Chlorides and sulfates of sodium, not more than 10.0 percent.

*D&C Red. No. 34.* Chlorides and sulfates (as calcium salts), not more than 10.0 percent.

*D&C Violet No. 1.* Chlorides and sulfates of sodium, not more than 10.0 percent.

*D&C Blue No. 7.* Chlorides and sulfates of sodium, not more than 8.0 percent.

*D&C Blue No. 8.* Chlorides and sulfates (as calcium salts), not more than 8.0 percent.

*D&C Green No. 7.* Chlorides and sulfates of sodium, not more than 8.0 percent.

*D&C Orange No. 16.* Sodium chloride, not more than 3.0 percent.

*EXT D&C Black No. 1.* Chlorides and sulfates of sodium, not more than 10.0 percent.

*EXT D&C Blue No. 3.* Chlorides and sulfates of sodium, not more than 8.0 percent.

*EXT D&C Blue No. 4.* Chlorides and sulfates of sodium, not more than 10.0 percent.

*EXT D&C Green No. 1.* Chlorides and sulfates of sodium, not more than 5.0 percent.

*EXT D&C Red No. 8.* Chlorides and sulfates of sodium, not more than 5.0 percent.

*EXT D&C Red No. 9.* Chlorides and sulfates (as calcium salts), not more than 5.0 percent.

*EXT D&C Red No. 10.* Chlorides and sulfates of sodium, not more than 5.0 percent.

*EXT D&C Red No. 11.* Chlorides and sulfates of sodium, not more than 10.0 percent.

*EXT D&C Red No. 12.* Chlorides and sulfates of sodium, not more than 5.0 percent.

*EXT D&C Red No. 13.* Chlorides and sulfates of sodium, not more than 8.0 percent.

*EXT D&C Violet No. 1.* Chlorides and sulfates of sodium, not more than 8.0 percent.

*EXT D&C Violet No. 2.* Chlorides and sulfates of sodium, not more than 8.0 percent. (R. 31)

*14. Uncombined Intermediates Impurities*

That intermediates are organic raw materials used in the manufacture of coal-tar colors, and if present in uncombined form they are impurities in the color. (R. 34, 35)

*15. Colors for Which Uncombined Intermediates a Measure of Impurities—Identities—Practicable Limits*

That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of uncombined intermediates would be a necessary measure of impurities, the identity of the intermediate as to which the determination should be made, and the limits which are practicable in good manufacturing practice:

*FD&C Red No. 32.* Xylidine, not more than 0.1 percent. beta-Naphthol, not more than 0.05 percent.

*D&C Red No. 31.* Aniline, not more than 0.2 percent.

*D&C Red No. 33.* Aniline, not more than 0.2 percent.

*D&C Red No. 34.* Tobias acid, not more than 0.2 percent.

*D&C Red No. 35.* 2-Nitro-p-toluidine, not more than 0.2 percent. beta-Naphthol, not more than 0.2 percent.

*D&C Red No. 36.* o-Chloro-p-nitroaniline, not more than 0.2 percent. beta-Naphthol, not more than 0.2 percent.

*D&C Red No. 37.* Diethyl-m-aminophenol, not more than 0.2 percent.

*D&C Violet No. 1.* Dimethylaniline, not more than 0.2 percent.

*D&C Yellow No. 11.* Quinaldine, not more than 0.2 percent.

*D&C Blue No. 7.*, m-Nitro-benzaldehyde, not more than 0.2 percent. Benzylethylaniline, not more than 0.2 percent.

*D&C Blue No. 8.* m-Nitro-benzaldehyde, not more than 0.2 percent. Benzylethylaniline, not more than 0.2 percent.

*D&C Blue No. 9.* 2-Amino anthraquinone, not more than 0.2 percent.

*D&C Orange No. 17.* 2,4-Dinitroaniline, not more than 0.2 percent. beta-Naphthol, not more than 0.2 percent.

*EXT D&C Black No. 1.* alpha-Naphthylamine, not more than 0.2 percent.

*EXT D&C Blue No. 3.* Benzylethylaniline, not more than 0.2 percent.

*EXT D&C Blue No. 5.* Amylamine, not more than 0.2 percent.

*EXT D&C Red No. 8.* beta-Naphthol, not more than 0.2 percent.

*EXT D&C Red No. 9.* alpha-Naphthylamine, not more than 0.2 percent.

*EXT D&C Red No. 11.* Aniline, not more than 0.2 percent.

*EXT D&C Red No. 12.* beta-Naphthol, not more than 0.2 percent.

*EXT D&C Red No. 13.* Aniline, not more than 0.2 percent. p-Aminoazobenzene, not more than 0.2 percent.

*EXT D&C Violet No. 1.* p-Toluidine, not more than 0.2 percent.

*EXT D&C Violet No. 2.* p.-Toluidine, not more than 0.2 percent.

*EXT D&C Yellow No. 5.* 2-Nitro-p-toluidine, not more than 0.2 percent.

*EXT D&C Orange No. 1.* 2-Nitro-p-anisidine, not more than 0.2 percent. (R. 34, 35, 66, 67, 69–72)

*16. Uncombined Intermediates Measured By Ether Extracts*

That in some coal-tar colors certain organic impurities, very often the uncombined intermediates, may also be measured by ether extracts; and that in some colors, depending upon the solubility of the color, ether extracts must be determined by using isopropyl ether instead of ordinary ether, or by using an alkaline solution instead of an acid or a neutral solution. (R. 32)

*17. Colors For Which Ether Extracts A Measure Of Impurities—Practicable Limits*

That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of ether extracts would be a measure of impurities and the limits for ether extracts which are practicable in good manufacturing practices, isopropyl ether and alkaline solution being specified where necessary:

*D&C Red No. 31.* Not more than 0.5 percent (Isopropyl ether).

*D&C Red No. 33.* Not more than 0.5 percent.

*D&C Red No. 34.* Not more than 0.5 percent.

*D&C Violet No. 1.* Not more than 0.5 percent.

*D&C Blue No. 7.* Not more than 0.5 percent.

*D&C Blue No. 8.* Not more than 0.5 percent.

*D&C Green No. 7.* Not more than 0.5 percent.

*D&C Orange No. 16.* Not more than 0.5 percent (alkaline solution).

*EXT D&C Black No. 1.* Not more than 0.5 percent.

*EXT D&C Blue No. 3.* Not more than 0.5 percent.

*EXT D&C Blue No. 4.* Not more than 0.5 percent.

*EXT D&C Green No. 1.* Not more than 0.5 percent.

*EXT D&C Red No. 8.* Not more than 0.5 percent.

*EXT D&C Red No. 9.* Not more than 0.5 percent.

*EXT D&C Red No. 10.* Not more than 0.5 percent.

*EXT D&C Red No. 11.* Not more than 0.5 percent.

*EXT D&C Red No. 12.* Not more than 0.5 percent.

*EXT D&C Red No. 13.* Not more than 0.5 percent.

*EXT D&C Violet No. 1.* Not more than 0.5 percent.

*EXT D&C Violet No. 2.* Not more than 0.5 percent.

*EXT D&C Orange No. 2.* Not more than 0.5 percent (alkaline solution). (R. 32–33)

*18. Insoluble Matter a Measure of Impurities*

That insoluble matter in a given solvent is a measure of impurities in a color which is soluble in such solvent. (R. 35)

*19. Colors for Which Insoluble Matter a Measure of Impurities—Solvents—Practicable Limits*

That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of insoluble matter would be a measure of impurities, the solvent in which such determination should be made, and the limits which are practicable in good manufacturing practice:

*FD&C Red No. 32.* In carbon tetrachloride, not more than 0.5 percent.

*D&C Red No. 33.* In water, not more than 1.0 percent.

*D&C Red No. 35.* In toluene, not more than 1.5 percent.

*D&C Red No. 36.* In toluene, not more than 1.0 percent.

*D&C Red No. 37.* In benzene, not more than 0.5 percent.

*D&C Violet No. 1.* In water, not more than 1.0 percent.

*D&C Yellow No. 11.* In alcohol, not more than 0.5 percent.

*D&C Blue No. 7.* In water, not more than 1.0 percent.

*D&C Blue No. 8.* In water, not more than 1.0 percent.

*D&C Green No. 7.* In water, not more than 1.0 percent.

*D&C Orange No. 16.* In alkaline solution, not more than 1.0 percent.

*D&C Orange No. 17.* In toluene, not more than 1.5 percent.

*EXT D&C Black No. 1.* In water, not more than 1.0 percent.

*EXT D&C Blue No. 3.* In water, not more than 1.0 percent.

*EXT D&C Blue No. 4.* In water, not more than 1.0 percent.

*EXT D&C Blue No. 5.* In carbon tetrachloride, not more than 1.0 percent.



*EXT D&C Green No. 1.* In water, not more than 1.0 percent.

*EXT D&C Red No. 8.* In water, not more than 1.0 percent.

*EXT D&C Red No. 10.* In water, not more than 1.0 percent.

*EXT D&C Red No. 11.* In water, not more than 1.0 percent.

*EXT D&C Red No. 13.* In water, not more than 1.0 percent.

*EXT D&C Violet No. 1.* In water, not more than 1.0 percent.

*EXT D&C Violet No. 2.* In water, not more than 1.0 percent.

*EXT D&C Yellow No. 5.* In toluene, not more than 1.0 percent.

*EXT D&C Orange No. 1.* In toluene, not more than 1.0 percent.

*EXT D&C Orange No. 2.* In alkaline solution, not more than 1.0 percent. (R. 35, 36, 37)

*20. Melting Point Indicating Purity and Identity*

That in some coal-tar colors the melting point of the color serves as an indication of purity and identity. (R. 37)

*21. Colors for Which Melting Point Indicates Purity or Identity—Practicable Limits*

That, in the case of the proposed colors listed in Finding No. 1, the following are the colors as to which the melting point would serve as a measure of purity or identity and the limits for melting point which are practicable in good manufacturing practice:

*D&C Red No. 35.* Not less than 272° C.

*D&C Yellow No. 11.* Not less than 235° C.

*EXT D&C Yellow No. 5.* Not less than 250° C.

*EXT D&C Orange No. 1.* Not less than 210° C. (R. 37–38)

*22. FD&C Red No. 32—meta-Xylidine—Limited—Determined By Reduction of The Dye*

That Xylidine, one of the intermediates used in the manufacture of the color proposed as FD&C Red No. 32, consists of a mixture of isomeric Xylidines, of which one is meta-Xylidine; that the presence of an unlimited amount of meta-Xylidine in the Xylidine used in the manufacture of this color would effect the identity of the color; and that the meta-Xylidine should be limited to not more than 30.0 percent in the Xylidine used for making this color, which may be determined by reduction of the dye. R. 38)

*23. FD&C Red No. 32—Boiling Range A Measure of meta-Xylidine*

That the boiling range of Xylidine, obtained by reduction of the dye, in the color proposed as FD&C Red No. 32 would furnish a measure of the meta-Xylidine present, and that a Xylidine mixture containing not more than 30.0 percent of meta-Xylidine would have a boiling range such that 95.0 percent would distill between 212° and 232° Centigrade. (R. 38)

*24. FD&C Red No. 32—Water Soluble Matter An Impurity—Practicable Limit*

That any matter which is soluble in water is an impurity in the color proposed as FD&C Red No. 32, and that it is practicable in good manufacturing practice to limit water soluble matter in this color to not more than 0.3 percent. (R. 39)

*25. D&C Red No. 37—Stearic Acid—Practicable Limit*

That the color proposed as D&C Red No. 37 is made by melting together stearic acid and a color known to the coal-tar color trade as Rhedamine B-base, and that it is necessary that a certain amount of stearic acid over and above the amount which combines with the color be present after the manufacturing process has been completed, and it is practicable in good manufacturing practice to limit stearic acid (not part of the dye) to not more than 50.0 percent. (R. 41)

*26. D&C Blue No. 9—Alcoholic Hydrochloric Acid Extracts Impurities—Limit Practicable*

That in the case of the color proposed as D&C Blue No. 9, the matter extractable by alcoholic hydrochloric acid is a measure of impurities, and that it is practicable in good manufacturing to limit matter extractable by alcoholic hydrochloric acid to not more than 1.0 percent. (R. 42)

*27. D&C Blue No. 9 by Chlorination—Range of Organically Combined Chlorine Practicable*

That the color proposed as D&C Blue No. 9 is made by chlorination, and in the process it is not always possible to combine in the color the theoretically correct amount of chlorine, and that the range of organically combined chlorine in the pure dye which is practicable in good manufacturing practice is 13.0 percent to 14.8 percent. (R. 42)

*28. D&C Orange No. 16—Practicable Range of Organically Combined Bromine and Iodine*

That the color proposed as D&C Orange No. 16 is made by bromination and iodation, and it is not always possible to combine in the color the theoretically correct amount of bromine or iodine, and that the ranges of organically combined bromine and iodine in the pure dye which are practicable in good manufacturing practice are as follows: bromine, 20.0 percent to 23.0 percent, and iodine, 32.0 percent to 36.0 percent. (R. 43)

*29. D&C Orange No. 16—Free Halogens—Limit Practicable*

That in the manufacture of the color proposed as D&C Orange No. 16, the halogens or halides (i. e. the bromine or iodine) may exist in free form in the color, and it is practicable in good manufacturing practice to limit the free halogens in the color to not more than 0.05 percent. (R. 43)

*30. Ext D&C Black No. 1—Intermediary Reactions Product—Limit Practicable*

That in the manufacture of the color proposed as Ext D&C Black No. 1, an intermediary reaction product, 3-(4-Amino-1-naphthylazo)-1-naphthalene sulfonic acid, may result, and that it is practicable in good manufacturing practice to limit such intermediary reaction product to not more than 2.0 percent. (R. 44)

*31. D&C Orange No. 16—Ext D&C Yellow No. 5—Ext D&C Orange No. 1—Certain Specifications Conforming*

That in order to conform the specifications for the proposed colors to the system of nomenclature employed in the regulations, the term "halogens" should be employed rather than the term "halides" (in the color proposed as D&C Orange No. 16); the term "2-Nitro-p-toluidine" should be employed in lieu of the term "m-nitro-p-toluidine" (in the color proposed as Ext D&C Yellow No. 5); and the term "2-nitro-p-anisidine" should be employed in lieu of the term "m-nitro-p-anisidine" (in the color proposed as Ext D&C Orange No. 1). (R. 43, 44, 45)

*32. FD&C Yellow No. 2—Reduction of Limit For Ether Extracts Practicable*

That in the case of the color FD&C Yellow No. 2, uncombined intermediates are extractable by ether; that the ether extracts should be kept as low as possible; that a limit for ether extracts of not more than 0.1 percent is practicable in good manufacturing practice, and that the reduction of the limit for ether extracts from 0.2 percent to 0.1 percent would make the color more suitable, pharmacologically, for use in foods, drugs, and cosmetics. (R. 17, 18, 65)

*33. FD&C Orange No. 2—Specification For Chlorides and Sulfates Eliminated*

That the specification for chlorides and sulfates of sodium in the color FD&C Orange No. 2 is superfluous, and its elimination would not affect the harmlessness of that color for use in foods, drugs, and cosmetics. (R. 18, 65)

*34. FD&C Red No. 32—Specifications Practicable—Color Suitable and Harmless*

That if listed by way of amendment to section 135.03 of the regulations, the specifications for the color proposed as FD&C Red No. 32, set forth for the said color in Findings No. 1, 5, 7, 9, 15, 19, 22, 23, and 24, are practicable in good manufacturing practice and would serve to determine the identity and pure dye content of the color and the impurities therein; and that such color, when meet-

ing the specifications so set forth, and if listed by way of such amendment, would be harmless and suitable for use in foods, drugs, and cosmetics. (R. 39, 45, 66)

*35. D&C Yellow No. 8 and No. 9—Limits Mixed Oxides Included*

That mixed oxides would be a measure of impurities in the colors D&C Yellow No. 8 and D&C Yellow No. 9; that it is practicable in good manufacturing practice to limit mixed oxides in these colors to not more than 1.0 percent; and that the inclusion of specifications limiting mixed oxides in these colors to not more than 1.0 percent would result in colors of greater purity. (R. 39, 40, 67, 68)

*36. D&C Blue No. 3—Predominantly Violet*

That the shade of the color D&C Blue No. 3 is more violet than blue, and the inclusion of the word "Blue" in this color, which is used as a shade of violet, is likely to cause confusion which would not be caused by the use of the name "D&C Violet No. 2".

*37. Specifications for Certain Named D&C Colors Practicable—Colors Harmless and Suitable*

That if listed by way of amendment to section 135.04 of the regulations, the specifications for the colors proposed as D&C Red No. 31, D&C Red No. 33, D&C Red No. 34, D&C Red No. 35, D&C Red No. 36, D&C Red No. 37, D&C Violet No. 1, D&C Yellow No. 11, D&C Blue No. 7, D&C Blue No. 8, D&C Blue No. 9, D&C Green No. 7, D&C Orange No. 16, and D&C Orange No. 17, set forth for said colors in Findings No. 1, 5, 7, 9, 11, 13, 15, 17, 19, 21, 25, 26, 27, 28, and 29, are practicable in good manufacturing practice and would serve to determine the identity and pure dye content of the colors and the impurities therein; and that such colors, when meeting the specifications so set forth, and if listed by way of such amendment, would be harmless and suitable for use in drugs and cosmetics. (R. 41–43, 46, 68–70)

*38. Specifications for Certain EXT D&C Colors Practicable—Colors Harmless and Suitable*

That if listed by way of amendment to section 135.05 of the regulations, the specifications for the colors proposed as EXT D&C Black No. 1, EXT D&C Blue No. 3, EXT D&C Blue No. 4, EXT D&C Blue No. 5, EXT D&C Green No. 1, EXT D&C Red No. 8, EXT D&C Red No. 9, EXT D&C Red No. 10, EXT D&C Red No. 11, EXT D&C Red No. 12, EXT D&C Red No. 13, EXT D&C Violet No. 1, EXT D&C Violet No. 2, EXT D&C Yellow No. 5, EXT D&C Orange No. 1, EXT D&C Orange No. 2, set forth for said colors in Findings No. 1, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 30, are practicable in good manufacturing practice and would serve to determine the identity and pure dye content of the colors and the impurities therein; and that such colors, when meeting the specifications so set forth, and if listed by way of such amendment, would be harmless and suitable for use in externally applied drugs and cosmetics. (R. 43–45, 70, 71)

*39. Rosin A Substratum For Lakes*

That rosin is used in the manufacture of lakes and imparts certain desired properties; and that rosin is a proper substance for use as a substratum in making lakes. (R. 46)

*40. Soluble Chlorides and Sulfates For Lakes—Limits Reduced*

That, in the making of lakes, it is practicable in good manufacturing practice to limit soluble chlorides and sulfates (as sodium salts) to not more than 3.0 percent; and that the reduction of the specification for soluble chlorides and sulfates from the present limit of 5.0 percent, in the case of lakes under section 135.04 and section 135.05 will result in colors which will be of greater purity and which will be more suitable, pharmacologically, for use in drugs and cosmetics and in externally applied drugs and cosmetics, respectively. (R. 47, 72)

*41. Lakes—Substrata—Components—Harmless for Drugs and Cosmetics*

That any lake made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, or any combination of two or more of these, (1) one of the straight colors heretofore listed, or now proposed for listing, in section 135.03, or one of the straight (but not laked) colors heretofore listed, or now proposed for listing, in section 135.04, which color is a salt in which is combined the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium; or (2) a salt prepared from one of the straight colors heretofore listed, or now proposed for listing, in section 135.03, or one of the straight (but not laked) colors heretofore listed, or now proposed for listing, in section 135.04, by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium, would be harmless for use in drugs and cosmetics; subject to specifications that the lake contain: of ether extracts, not more than 0.5 percent; of soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent; and of intermediates, not more than 0.2 percent. (R. 47, 72)

*42. Lakes — Substrata — Components — Harmless for Externally Applied Drugs and Cosmetics*

That any lake made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, or any combination of two or more of these, (1) one of the straight (but not laked) colors heretofore listed, or now proposed for listing, in section 135.05, which color is a salt in which is combined the basic radicle sodium, potassium, barium, or calcium; or (2) a salt prepared from one of the straight (but not laked) colors heretofore listed, or now proposed for listing, in section 135.05, by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium, would be harmless for use in externally applied drugs and cosmetics; subject to specifications that the lake contain: of ether extracts, not more than 0.5 percent; of soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent; and of intermediates, not more than 0.2 percent. (R. 47, 72)

Upon the basis of the foregoing findings of fact, it is concluded that the "Regulations Under The Federal Food, Drug, And Cosmetic Act For The Listing Of Coal-Tar Colors, Certification Of Batches Thereof, And Payment Of Fees For Such Service", promulgated by order of the Secretary of Agriculture dated May 4, 1939, and published in the FEDERAL REGISTER May 9, 1939 (Vol. 4, No. 89, pp. 1922–1947), should be amended by changing certain specifications of certain listed colors and the listing of certain other coal-tar colors as specifically set out hereinafter in the suggested amendments to the Regulations heretofore promulgated, and that such amendments to the said Regulations should be promulgated.

*Suggested Amendments to Regulations*

REGULATIONS UNDER THE FEDERAL FOOD, DRUG AND COSMETIC ACT

*Regulations Amending Sections 135.03, 135.04 and 135.05 of "Regulations Under the Federal Food, Drug and Cosmetic Act for the Listing of Coal-Tar Colors, Certification of Batches Thereof, and Payment of Fees for Such Service", by Changing Certain Specifications of Certain Listed Colors and the Listing of Certain Other Coal-Tar Colors*

The Regulations promulgated by order of the Secretary of Agriculture dated May 4, 1939, and published in the FEDERAL REGISTER May 9, 1939 (Vol. 4, No. 89, pp. 1922–1947), entitled "Regulations Under The Federal Food, Drug, And Cosmetic Act For The Listing Of Coal-Tar Colors, Certification Of Batches Thereof, And Payment of Fees For Such Service" are hereby amended as follows:

Section 135.03:

(1) By striking from the specifications for the Color FD&C Yellow No. 2 the specifications, "Ether Extracts, not more than 0.2 percent," and by inserting in lieu thereof: "Ether extracts not more than 0.1 percent";

(2) By striking from the specifications for the Color FD&C Orange No. 2 the specification, "Chlorides and sulfates of sodium, not more than 0.5 percent";

(3) And by adding at the end of said section the following:



"FD&C Red No. 32 Specifications

"1-Xylylazo-2-naphthol.

"Volatile matter (at 100° C.), not more than 0.5 percent.

"Sulfated ash, not more than 0.3 percent.

"Water soluble matter, not more than 0.3 percent.

"Matter insoluble in carbon tetrachloride, not more than 0.5 percent. Xylidine, not more than 0.1 percent. beta-Naphthol, not more than 0.05 percent.

"m-Xylidine in xylidine obtained by reduction of the dye, not more than 30.0 percent.

"Pure dye (as determined by titration with titanium trichloride) not less than 97.0 percent.

"Boiling range of xylidine, obtained by reduction of the dye, 95 percent between 212–232° C."

Section 135.04.

(1) By inserting after the specification for the color D&C Yellow No. 8: "Chlorides and sulfates of sodium, not more than 8.0 percent"; a specification, "Mixed oxides, not more than 1.0 percent";

(2) By inserting after the specification for the color D&C Yellow No. 9: "Chlorides and sulfates of potassium, not more than 5.0 percent"; a specification, "Mixed oxides, not more than 1.0 percent";

(3) By striking out the name for the color "D&C Blue No. 3" and by inserting in lieu thereof the name "D&C Violet No. 2";

(4) By striking out all matter in said section immediately following the name of, and specifications for, the color "D&C Black No. 1", beginning with the caption "Lakes", and by inserting in lieu thereof the following:

"D&C Red No. 31 Specifications

"Calcium salt of 3-hydroxy-4-phenylazo-2-naphthoic acid. Volatile matter (at 135° C.), not more than 5.0 percent. Ether extracts (Isopropyl ether), not more than 0.5 percent.

"Aniline, not more than 0.2 percent. Chlorides and sulfates (as calcium salts), not more than 5.0 percent. Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

"D&C Red No. 33 Specifications

"Disodium salt of 8-amino-2-phenylazo-1-naphthol-3, 6-disulfonic acid.

"Volatile matter (at 135° C.), not more than 6.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Aniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

"D&C Red No. 34 Specifications

"Calcium salt of 4-(1-sulfo-2-naphthylazo)-3-hydroxy-2-naphthoic acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Ether extracts, not more than 0.5 percent.

"Tobias acid, not more than 0.2 percent.

"Chlorides and sulfates (as calcium salts), not more than 10.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

"D&C Red No. 35 Specifications

"1-(o-Nitro-p-tolylazo)-2-naphthol.

"Volatile matter (at 135° C.), not more than 2.0 percent.

"Sulfated ash, not more than 1.5 percent.

"Matter insoluble in toluene, not more than 1.5 percent.

"2-Nitro-p-toluidine, not more than 0.2 percent.

"beta-Naphthol, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 95.0 percent.

"Melting point, not less than 272° C.

"D&C Red No. 36 Specifications

"1-(o-Chloro-p-nitrophenylazo)-2-naphthol.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Sulfated ash, not more than 1.0 percent.

"Matter insoluble in toluene, not more than 1.0 percent.

"o-Chloro-p-nitroaniline, not more than 0.2 percent.

"beta-Naphthol, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

"D&C Red No. 37 Specifications

3-Ethostearate of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene.

"Volatile matter (at 80° C.), not more than 2.0 percent.

"Sulfated ash, not more than 3.0 percent.

"Matter insoluble in benzene, not more than 0.5 percent.

"Diethyl-m-aminophenol, not more than 0.2 percent.

"Stearic acid (not part of the dye), not more than 50.0 percent.

"Pure dye (as determined by titration with titanium trichloride) not less than 50.0 percent.

"D&C Violet No. 1 Specifications

"Monosodium salt of 4-{[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-[4-(N-ethyl-p-sulfoniumbenzylamino)-phenyl]-methylene}-(N,N-dimethyl-$\Delta^{2,5}$-cyclohexadienimine).

"Volatile matter (at 135° C.), not more than 8.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 per cent.

"Dimethylaniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

"D&C Yellow No. 11 Specification

"2-(2-Quinolyl)-1,3-indandione.

"Volatile matter (at 135° C.), not more than 1.0 percent.

"Sulfated ash, not more than 1.0 percent.

"Matter insoluble in alcohol, not more than 0.5 percent.

"Quinaldine, not more than 0.2 percent.

"Pure dye (as calculated from organically combined nitrogen), not less than 96.0 percent.

"Melting point, not less than 235° C.

"D&C Blue No. 7 Specifications

"Monosodium salt of 4-{[4-(N-ethylbenzylamino)-phenyl]-(5-hydroxy-4-sulfo-2-sulfoniumphenyl)-methylene}-(N-ethyl-N-benzyl-$^{2,5}$-cyclohexadienimine).

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"m-Nitro-benzaldehyde, not more than 0.2 percent.

"Benzylethylaniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

"D&C Blue No. 8 Specifications

"Calcium salt of 4-{[4-N-ethylbenzylamino)-phenyl]-(5-hydroxy-4-sulfo-2-sulfoniumphenyl)-methylene}-(N-ethyl-N-benzyl-$\Delta^{2,5}$-cyclohexadienimine).

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"m-Nitro-benzaldehyde, not more than 0.2 percent.

"Benzylethylaniline, not more than 0.2 percent.

"Chlorides and sulfates (as calcium salts), not more than 8.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

"D&C Blue No. 9 Specifications

"3,3'-Dichloroindanthrene.

"Volatile matter (at 135° C.), not more than 1.0 percent.

"Sulfated ash, not more than 1.0 percent.

"2-Amino anthraquinone, not more than 0.2 percent.

"Matter extractible by alcoholic HCl, not more than 1.0 percent.

"Permitted range of organically combined chlorine in pure dye, 13.0–14.8 percent.

"Pure dye (as calculated from organically combined nitrogen), not less than 97.0 percent.

"D&C Green No. 7 Specifications

"Monosodium salt of 4-{[4-N-ethyl-p-sulfobenzylamino)-phenyl]-(o-chlorophenyl)-methylene}-1-(N-ethyl-N-p-sulfoniumbenzyl-$\Delta^{2,5}$-cyclohexadienimine).

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

"D&C Orange No. 16 Specifications

"4,5-Dibromo-2,7-diiodo-3,6-fluorandiol.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Insoluble matter (alkaline solution), not more than 1.0 percent.

"Ether extracts (alkaline solution), not more than 0.5 percent.

"Sodium chloride, not more than 3.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Free halogens, not more than 0.05 percent.

"Permitted range of organically combined bromine in pure dye, 20.0–23.0 percent.

"Permitted range of organically combined iodine in pure dye, 32.0–36.0 percent.

"Pure dye (as determined gravimetrically), not less than 90.0 percent.

"D&C Orange No. 17 Specifications

"1-(2,4-Dinitrophenylazo)-2-naphthol.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Sulfated ash, not more than 1.0 percent.

"Matter insoluble in toluene, not more than 1.5 percent.

"2,4-Dinitroaniline, not more than 0.2 percent.

"beta-Naphthol, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

"Lakes

"Any lake made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, or any combination of two or more of these, (1) one of the straight colors listed in section 135.03, or hereinbefore listed in this subsection, which color is a salt in which is combined the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium; or (2) a salt prepared from one of the straight colors listed in section 135.03, or hereinbefore listed in this subsection, by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium."

Specifications

Ether extracts, not more than 0.5 percent.

Soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent.

Intermediates, not more than 0.2 percent.

"(b) Each lake made as prescribed under the caption 'Lakes' in subsection (a) shall be considered to be a straight color and to be listed therein under the name which is formed as follows:

"First, the listed name of the color from which the lake is prepared, except that if such name contains the symbol 'FD&C' such symbol shall be changed to 'D&C';

"Second, the name of the basic radicle combined in such color; and

"Third, the word 'Lake.'

"(For example, the name of a lake prepared by extending the color D&C Red No. 9 upon a substratum is 'D&C Red No. 9—Barium Lake', and a lake prepared by extending the aluminum salt prepared from FD&C Green No. 1 upon a substratum is 'D&C Green No. 1—Aluminum Lake'.)"

(1) By striking out all matter in said section immediately following the name of, and specifications for, the color "EXT D&C Blue No. 2," beginning with the caption "Lakes," and by inserting in lieu thereof the following:

"EXT D&C Black No. 1 Specifications

"Disodium salt of 8-anilino-5-[4-(5-sulfo-1-naphthylazo)-1-naphthylazo]-1-naphthalenesulfonic acid.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"alpha-Naphthylamine, not more than 0.2 percent.

"3-(4-Amino-1-naphthylazo-1-naphthalene sulfonic acid, not more than 2.0 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

"EXT D&C Blue No. 3 Specifications

"Monosodium salt of 4-{[4-(N-ethylbenzylamino)-phenyl]-[p-sulfo-o-sulfoniumphenyl]-methylene}-(N-ethyl-N-benzyl-$\Delta^{2,5}$-cyclohexadienimine).

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Benzylethylaniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

"EXT D&C Blue No. 4 Specifications

"Disodium salt of 4,8-diamino-1,5-dihydroxy-2,6-anthraquinone disulfonic acid.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as calculated from organically combined sulfur or nitrogen), not less than 80.0 percent.

"EXT D&C Blue No. 5 Specifications

"1,4-Bis(amylamino)-anthraquinone.

"Volatile matter (at 100° C.), not more than 2.0 percent.

"Insoluble matter in carbon tetrachloride, not more than 1.0 percent.

"Sulfated ash, not more than 0.5 percent.

"Amylamine, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.

"EXT D&C Green No. 1 Specifications

"Ferric salt of 6-sodiumsulfo-1-isonitroso-1,2-naphthoquinone.



"Volatile matter (at 135° C.), not more than 10.0 percent.

"Ether extracts, not more than 0.5 percent.

"Water insoluble matter, not more than 1.0 percent.

"Chlorides and sulfates of sodium, not more than 5.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

"EXT D&C Red No. 8 Specifications

"Monosodium salt of 4-(2-hydroxy-1-naphthylazo)-1-naphthalenesulfonic acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"beta-Naphthol, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 5.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

"EXT D&C Red No. 9 Specifications

"Calcium salt of 2-(1-naphthylazo)-1-naphthol-5-sulfonic acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Ether extracts, not more than 0.5 percent.

"alpha-Naphthylamine, not more than 0.2 percent.

"Chlorides and sulfates (as calcium salts), not more than 5.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

"EXT D&C Red No. 10 Specifications

"Disodium salt of 2-(4-sulfo-1-naphthylazo)-1-naphthol-4-sulfonic acid.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Chlorides and sulfates of sodium, not more than 5.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

"EXT D&C Red 11 No. 11 Specifications

"Disodium salt of 8-acetamido-2-phenylazo-1-naphthol-3,6-disulfonic acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Aniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

"EXT D&C Red No. 12 Specifications

"Barium salt of 1-(3-sulfo-2-tolylazo)-2-naphthol.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Ether extracts, not more than 0.5 percent.

"beta-Naphthol, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 5.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

"EXT R&C Red No. 13 Specifications

"Disodium salt of 1-p-phenylazophenylazo-2-naphthol-6,8-disulfonic acid.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Aniline, not more than 0.2 percent.

"p-Aminoazobenzene, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

"EXT D&C Violet No. 1 Specifications

"Disodium salt of 1,5-bis(o-sulfo-p-toluino)-anthraquinone.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"p-Toluidine, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

"EXT D&C Violet No. 2 Specifications

"Monosodium salt of 1-hydroxy-4-(o-sulfo-p-toluino)-anthraquinone.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"p-Toluidine, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

"EXT D&C Yellow No. 5 Specifications

"Alpha-(o-Nitro-p-tolylazo)-acetoacetanilide.

"Volatile matter (at 135° C.), not more than 2.0 percent.

"Sulfated ash, not more than 1.0 percent.

"Matter insoluble in toluene, not more than 1.0 percent.

"2-Nitro-p-toluidine, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.

"Melting point, not less than 250° C.

"EXT D&C Orange No. 1 Specifications

"alpha-(o-Nitro-p-anisylazo)-o-acetoacetotoluide.

"Volatile matter (at 135° C.), not more than 2.0 percent.

"Sulfated ash, not more than 1.0 percent.

"Matter insoluble in toluene, not more than 1.0 percent.

"2-Nitro-p-anisidine, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.

"Melting point, not less than 210° C.

"EXT D&C Orange No. 2 Specifications

"4,5-Dinitro-3,6-fluorandiol.

"Volatile matter (at 100° C.), not more than 5.0 percent.

"Ether extracts (alkaline solution), not more than 0.5 percent.

"Sulfated ash, not more than 1.0 percent.

"Insoluble matter (alkaline solution), not more than 1.0 percent.

"Range of organically combined nitrogen in pure dye, 6.45 to 6.80 percent.

"Pure dye (as determined gravimetrically), not less than 92.0 percent.

"Lakes

"Any lake made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, or on any combination of two or more of these (1) one of the straight colors hereinbefore listed in this subsection, which color is a salt in which is combined the basic radicle sodium, potassium, barium, or calcium; or (2) a salt prepared from one of the straight colors hereinbefore listed in this subsection by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium.

"Specifications

"Ether extracts, not more than 0.5 percent.

"Soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent.

"Intermediates, not more than 0.2 percent.

"(b) Each lake made as prescribed under the caption 'lakes' in subsection (a) shall be considered to be a straight color and to be listed therein under the name which is formed as follows:

"First, the listed name of the color from which the lake is prepared;

"Second, the name of the basic radicle combined in such color; and

"Third, the word 'Lake.'

"(For example, the name of a lake prepared by extending the color Ext D&C Yellow No. 2 upon a substratum is 'Ext D&C Yellow No. 2—Calcium Lake,' and a lake prepared by extending the barium salt prepared from Ext D&C Red No. 2 upon the substratum is 'Ext D&C Red No. 2—Barium Lake.'"

TIME ALLOWED FOR FILING OBJECTIONS AND EXCEPTIONS

Those interested persons who desire to file objections to any matter set out in the foregoing suggested findings of fact, conclusions in the form of amendments to regulations heretofore promulgated, and order, or written arguments or briefs in support of exceptions to rulings of the Presiding Officer at said hearing, may, within ten days after the receipt of the FEDERAL REGISTER containing this report, transmit to and file with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., such objections or exceptions in writing, accompanied by brief statements concerning such objections or exceptions, referring specifically to the relevant suggested findings, conclusions in the form of amendments to Regulations heretofore promulgated, or order to which such objections are filed, and to such exceptions and the pertinent pages of the Transcript of the Evidence and the proceedings.

Respectfully submitted.

[SEAL] FRANK S. HASSELL,
*Presiding Officer.*

Dated, August 11, 1939.

[F. R. Doc. 39-2997; Filed, August 15, 1939; 10:14 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3614]

IN THE MATTER OF MAURICE M. GOLDBERG AND TETRINE CHEMICAL SALES COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, August 21, 1939, at nine o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2992; Filed, August 14, 1939; 3:02 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3838]

IN THE MATTER OF MORBEN HAT WORKS, INC., A CORPORATION, AND MORRIS S. ALTMAN INDIVIDUALLY AND AS AN OFFICER OF MORBEN HAT WORKS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, August 23, 1939, at nine o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-2993; Filed, August 14, 1939; 3:02 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of August 1939.

[File No. 56-51]

IN THE MATTER OF LEONARD S. FLORSHEIM, TRUSTEE OF INLAND POWER AND LIGHT CORPORATION

ORDER APPROVING SALE OF BONDS

Leonard S. Florsheim, Trustee of Inland Power and Light Corporation, a registered holding company, having filed an application pursuant to Section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-12D-1 promulgated thereunder regarding the sale to three insurance companies of $243,500 principal amount of First Mortgage 5% Gold Bonds of Michigan Public Service Company;

A hearing having been held on said application after appropriate public notice;[1] the record in this matter having been considered and the Commission having made and filed its findings herein;

*It is ordered*, That the sale by Leonard S. Florsheim, Trustee of Inland Power and Light Corporation, of $243,500 principal amount of First Mortgage 5% Gold Bonds of Michigan Public Service Company to Employers Mutual Liability Company of Wisconsin in the amount of $100,000, Modern Woodmen of America in the amount of $136,000, and American United Life Insurance Company in the amount of $7,500, for the total consideration of $243,500 plus accrued interest to the date of delivery of the bonds be, and the same is hereby, approved subject to the conditions that the sale of such securities shall be effected in accordance with the terms and conditions of and for the purposes represented by

[1] 4 F.R. 3448 DI.



said application and that within ten days after the sale of such bonds the applicant shall file with this Commission a certificate of notification showing that such sale has been effected in accordance with the terms and conditions of and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-2975; Filed, August 12, 1939; 11:10 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1939.

[File No. 32-163]

IN THE MATTER OF CENTRAL OHIO LIGHT & POWER COMPANY

ORDER EXEMPTING ISSUE AND SALE OF BONDS, NOTES AND PREFERRED SHARES

Central Ohio Light & Power Company (hereinafter called the "Company"), a subsidiary of Crescent Public Service Company, a registered holding company, having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for an exemption from the provisions of Section 6 (a) thereof in regard to the issue and sale by the Company of (1) its First Mortgage 4% Bonds, Series C, due August 1, 1964, in the principal amount of $4,100,000, (2) its 3½% Serial Notes, due August 1, 1940, to August 1, 1944, in the principal amount of $500,000, and (3) 2,200 shares of its $6 Preferred Shares (Cumulative), No Par Value;

A hearing on said application, as amended, having been duly held after appropriate notice,[1] the record in this matter having been examined, and the Commission having made and filed its findings herein:

*It is ordered*, That the issue and sale of the said Bonds, Notes and Preferred Shares be and the same hereby are exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935: *Provided, however*, That in connection with the issuance of the aforesaid securities the following terms and conditions shall be imposed upon the applicant, to-wit:

(1) That the issue and sale of the Bonds, Notes and Preferred Shares shall be in compliance with the terms and conditions of, and for the purposes represented by said application, as amended, and in compliance with the terms and conditions imposed by the order of The Public Utilities Commission of Ohio;

(2) That such exemption shall immediately terminate without further order of the Commission if, at any time, the authorization by The Public Utilities Commission of Ohio shall be revoked or shall otherwise terminate;

(3) That within ninety (90) days following the date of the entry of the order herein, the Applicant will call a meeting of its stockholders (including the holders of said Preferred Shares) for the purpose of considering and acting upon an amendment to its Articles of Incorporation, and will use its best efforts to secure a quorum at any such meeting and to effect said amendment to its Articles of Incorporation; said amendment to provide

(a) that whenever there shall be a default with respect to the payment of any quarter-yearly dividend on the $6 Preferred Shares, then, unless and until all dividends in default shall be paid, the number of the Board of Directors of the Applicant will be increased to at least seven, and the holders of the $6 Preferred Shares, voting as a class, shall, at the next annual meeting of stockholders, be entitled to elect two of such directors; and that whenever dividends on the $6 Preferred Shares are in default in an amount equal to eight (8) quarter-yearly dividends, then, unless and until all dividends in default shall be paid, the holders of the $6 Preferred Shares, voting as a class, shall be entitled to elect the smallest number of directors necessary to constitute a majority of the Board of Directors. When all dividends in default on the $6 Preferred Shares outstanding shall be paid, the $6 Preferred Shares will be divested of the above rights with respect to the election of directors, and the right to the election of directors shall revert to the status existing before such default, subject to the same provisions for vesting such rights in the $6 Preferred Shares in the case of further like default in the dividends thereon;

(b) that the Applicant, so long as any of the $6 Preferred Shares are outstanding, will not, without the consent of a majority of the $6 Preferred Shares represented at a meeting called for such purpose: (i) issue any unsecured notes, debentures, or other securities representing unsecured indebtedness, or assume any such unsecured securities, for purposes other than the refunding of other such outstanding unsecured securities or the redemption or other retirement of $6 Preferred Shares, if immediately after such issue or assumption the total principal amount of all unsecured notes, debentures or other securities representing unsecured indebtedness (including the unsecured securities then to be issued or assumed) would exceed ten (10%) per cent. of the aggregate of (a) the total principal amount of all securities representing secured indebtedness then outstanding, and (b) the capital and surplus of the Applicant as then stated on its books); or (ii) merge or consolidate with or into, or sell or otherwise dispose of all or substantially all of its assets to, any other corporation, unless upon order, approval or permission of the Commission or any successor commission having jurisdiction; provided, that this provision shall not apply to a purchase or other acquisition of the franchises or assets of another corporation. For the purpose of the meeting referred to in this paragraph (b), a majority of the outstanding shares of $6 Preferred Shares shall be necessary to constitute a quorum, but if a quorum is not obtained at such meeting, or within thirty (30) days thereafter, one-third of the outstanding shares shall be sufficient to constitute such quorum.

(4) That, until further order of the Commission, so long as any shares of the $6 Preferred Shares are outstanding, the Applicant shall not purchase or otherwise acquire, or pay any dividends on or make any other distributions with respect to, any of its shares of common stock, if, after giving effect to such purchase or acquisition or payment or distribution, the capital of the Applicant represented by its common stock, together with its surplus, as then stated on its books of account, shall in the aggregate be less than $1,000,000. This condition shall become inoperative and of no effect if the Commission shall at any time hereafter adopt or enter a rule, regulation or order under Section 12 (c) of the Public Utility Holding Company Act of 1935, or otherwise (other than Rule U-12C-2 as now in effect), which shall be applicable to the Applicant, limiting the right of companies to pay dividends on their common stock with reference to maintaining an equity junior to outstanding preferred or preference stocks. The Commission reserves jurisdiction to revoke or modify this condition at any time on its own motion or upon application of the Applicant.

(5) That no reduction shall be made in the amount the Applicant is required to expend or appropriate from income for maintainence of its property and/or for providing a reserve for renewals, replacements and retirements (or depreciation) of its property, as provided in Section 1 of Article III of its Supplemental Indenture, dated as of August 1, 1939, unless and until the prior approval of the Commission shall have been obtained.

(6) That within ninety (90) days following the date of the entry of the order herein, the Applicant will execute a further indenture supplemental to the Indenture, dated as of October 1, 1930, which supplemental indenture shall contain such further covenants and agreements on the part of the Applicant with respect to the furnishing of evidence, certificates or opinions to the Trustee and/or to the bondholders, as the Commission shall deem necessary or desirable in the interest of investors.

(7) That within ten (10) days after the issue and sale of the Bonds, Notes, and Preferred Shares, the Applicant shall file with the Commission a certificate of

[1] 4 F.R. 3335 DI.

notification showing that such issue and sale have been effected in accordance with the terms and conditions and for the purposes represented by said application, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3000; Filed, August 15, 1939; 11:33 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1939.

[File No. 46-159]

IN THE MATTER OF THE MIDDLE WEST CORPORATION AND CENTRAL AND SOUTH WEST UTILITIES COMPANY

ORDER APPROVING ACQUISITION OF SECURITIES

The Middle West Corporation and its subsidiary, Central and South West Utilities Company, both registered holding companies, having filed a joint application and amendment thereto pursuant to Section 10 of the Public Utility Holding Company Act of 1935, for approval of the acquisition of certain securities and extension agreements of Port Isabel Corporation, a non-utility holding company subsidiary of Middle West and Port Isabel Realty Company, Port Isabel Channel, Dock and Wharf Company and Port Isabel Irrigation Company, non-utility subsidiaries of Port Isabel Corporation;

A hearing on such matter having been held after appropriate notice; [1] the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That the acquisitions of the securities of Port Isabel Corporation, Port Isabel Realty Company, Port Isabel Channel, Dock and Wharf Company and Port Isabel Irrigation Company by the Middle West Corporation and Central and South West Utilities Company in accordance with the terms and conditions of, and for the purposes represented by, said application, as amended, are approved, subject to the condition that within ten days after such acquisitions the applicants shall file with this Commission a Certificate of Notification that such acquisitions have been effected in accordance with the terms and conditions of, and for the purposes represented by, said application, as amended;

*It is further ordered*, That this Commission reserves jurisdiction with respect to any and all matters concerning the value at which investments are represented on the books of the applicants and concerning any charges in connection therewith which may be made against the reserve against valuation of assets acquired in reorganization.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-2999; Filed, August 15, 1939; 11:33 a. m.]

[1] 4 F.R. 3311 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of August, A. D. 1939.

[File Nos. 57-8, 32-151]

IN THE MATTER OF TRACTION LIGHT AND POWER COMPANY, CENTRAL INDIANA POWER COMPANY

ORDER RELATIVE TO SALE OF UTILITY ASSETS, ETC.

Traction Light and Power Company, an Indiana corporation and a subsidiary of the Trustee of Midland United Company, a registered holding company, having filed an application pursuant to Rule U-12F-1 of the General Rules and Regulations under the Public Utility Holding Company Act of 1935 for approval of the sale of all of its utility assets to Central Indiana Power Company and to Public Service Company of Indiana, both of which companies are also subsidiaries of the Trustee of Midland United Company, for an aggregate consideration of $602,000, of which $475,000 is to be paid by Central Indiana Power Company for those portions of Traction Light and Power Company's utility assets to be acquired by Central Indiana Power Company and $127,000 is to be paid by Public Service Company of Indiana for those portions of Traction Light and Power Company's utility assets to be acquired by Public Service Company of Indiana;

Central Indiana Power Company having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of not to exceed $475,000 principal amount of its Five-Year 6% Promissory Notes, said Notes to be unsecured and to be delivered to Traction Light and Power Company in payment of those portions of Traction Light and Power Company's properties to be acquired by Central Indiana Power Company;

A public hearing on the applications, as amended, having been duly held after appropriate notice; [1] no representatives of investors or consumers or members of the public having appeared or requested an opportunity to be heard; both applicants having waived a Trial Examiner's report, submission to them of proposed findings of fact by the Commission or requested findings of fact by counsel to the Commission, and the right to file briefs and make oral argument before the Commission prior to the making of the Commission's findings herein and the entry of this order; and the Commission having as of the date hereof made and filed its findings herein;

*It is ordered*

(1) That said sale by Traction Light and Power Company of all of its utility assets to Central Indiana Power Company and Public Service Company of Indiana be and the same is hereby approved;

(2) That said issue and sale by Central Indiana Power Company of not to exceed $475,000 principal amount of its Five-Year 6% Promissory Notes, unsecured, to Traction Light and Power Company be and the same is hereby exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935;

(3) That in connection with the sales of said utility assets and the issue and sale of said Promissory Notes the following terms and conditions be and they are hereby severally imposed upon Traction Light and Power Company and Central Indiana Power Company to the extent applicable to either of them:

(a) That the sales by Traction of all of its utility assets to Central Indiana and Public Service shall be effected in accordance with the terms and conditions of, and for the purposes represented by, its application, as amended;

(b) That the issue and sale by Central Indiana of its Notes shall be effected in accordance with the terms and conditions of, and for the purposes represented by, its application, as amended;

(c) That if the express approval of the Public Service Commission of the State of Indiana of the sales by Traction of its assets shall be revoked or otherwise terminated in whole or in part, this approval of said sale of assets shall immediately terminate to the same extent, without further order of this Commission;

(d) That if the express approval of the Public Service Commission of the State of Indiana of the issue and sale by Central Indiana of its Notes shall be revoked or otherwise terminated, this exemption of said issue and sale of Notes shall immediately terminate without further order of this Commission; and

(e) That within ten days after the consummation of said sales of assets and of said issue and sale of Notes, Traction and Central Indiana, respectively, shall file with this Commission Certificates of Notification showing that said sales of assets and said issue and sale of Notes have been effected in accordance with the terms and conditions of, and for the purposes represented by, their respective applications.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3002; Filed, August 15, 1939; 11:34 a. m.]

[1] 4 F.R. 2453 DI.



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1939.

[File Nos. 43-237, 46-162]

IN THE MATTERS OF COPPER DISTRICT POWER COMPANY, THE MIDDLE WEST CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING THE ISSUE AND SALE OF NOTES AND APPROVING ACQUISITION OF NOTES

Copper District Power Company, a subsidiary of The Middle West Corporation, a registered holding company, having filed a declaration, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of six unsecured promissory notes aggregating $78,750, to be dated August 11, 1939, to mature one year after the date thereof, each note to bear 4½% interest; and

The Middle West Corporation, a registered holding company, having filed an application, pursuant to Section 10 (a) (1) of the Act, for approval of the acquisition by it of three of the aforementioned unsecured promissory notes aggregating $39,375 and in the principal amounts of $18,000, $15,750 and $5,625;

A joint hearing on said declaration and application having been held after appropriate notice; [1] the record in these matters having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That said declaration be and become effective subject to the condition that the issue and sale of said notes be effected by the declarant in substantial compliance with the terms and conditions of, and for the purposes represented by, said declaration.

*It is further ordered*, That within ten days after the issue and sale of any of the said notes, the declarant shall file with this Commission a certificate of notification, showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, said declaration.

*It is further ordered*, That the acquisition of such securities by the applicant, The Middle West Corporation, in the manner and subject to the terms set forth in said application be and the same is hereby approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3001; Filed, August 15, 1939; 11:34 a. m.]

[1] 4 F.R. 3478 DI.

AUG 19 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 158

*Washington, Thursday, August 17, 1939*


## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE
### SUGAR DIVISION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1939 CROP OF SUGAR BEETS

Whereas, Section 301 (d) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

and

Whereas, The Secretary of Agriculture, pursuant to Notices of Hearing dated August 11 and December 20, 1938,[1] held public hearings for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1939 crop of sugar beets.

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby make the following determination:

§ 802.12a *Fair and reasonable prices for the 1939 crop of sugar beets.* The requirements of subsection (d) of Section 301 of the Sugar Act of 1937 shall be deemed to have been fulfilled with respect to the 1939 crop of sugar beets if the producer on the farm shall have paid rates for any sugar beets processed by him equal to those provided in the purchase agreement now made with respect to such crop. (Sec. 301, 50 Stat. 909; 7 U.S.C., Sup. IV, 1131)

[1] 3 F.R. 3065 DI.

Done at Washington, D. C., this 15th day of August, 1939. Witness my hand and seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3010; Filed, August 16, 1939; 9:13 a. m.]

### TITLE 8—ALIENS AND CITIZENSHIP
### IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-11]

NATURALIZATION OF ALIEN WORLD WAR VETERANS, AND RESTATEMENT OF RULES CITED HEREIN

AUGUST 15, 1939.

Pursuant to the authority contained in Section 3 of the Act of June 21, 1939 (Public—No. 146—Chapter 234—76th Congress), Title 8, Code of the Federal Regulations, Subchapter C—Naturalization Rules and Regulations—Part 76, is amended by adding the following section thereto:

§ 76.40 *World War alien veteran of military or naval forces of the United States.* An alien veteran of the United States military or naval forces of the World War may be naturalized under the Act of June 21, 1939 (Public—No. 146—Chapter 234—76th Congress), if he has the following—

(a) *Qualifications.* (1) Was a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918;

(2) Is an alien not ineligible to citizenship;

(3) Was not at any time during the period described in 76.40 (a) (1), or thereafter, separated from such forces under other than honorable conditions;

(4) Was not a conscientious objector who performed no military duty whatever or refused to wear the uniform; and

(5) Was not at any time during the period described in 76.40 (a) (1), or thereafter, discharged from the military or naval forces on account of his alienage.

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FEDERAL REGISTER

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(b) *Exemptions.* Such alien veteran is entitled to the following exemptions from requirements for naturalization applicable to aliens generally:

(1) No declaration of intention is required;

(2) Proof of the usual five years' residence in the United States and six months' county residence is not required (see 76.40 (c) (5));

(3) No certificate of arrival is required unless applicant's legal admission to the United States for permanent residence occurred subsequent to March 3, 1924 (see 76.40 (c) (6));

(4) Petition may be filed in the most convenient naturalization court without proof of residence within its jurisdiction;

(5) No petition fee is required unless petition is filed in a State court and the laws of such State require a fee, in which case nothing more than the amount required to be paid to the State shall be charged or collected.

(c) *Special proofs and procedure.* Such alien veteran must supply the following special proofs and go through the following procedure:

(1) Applicant must be residing in the United States;

(2) Petition must be filed prior to May 25, 1940;

(3) Applicant and his witnesses must appear before the appropriate representative of the Service and pass preliminary examination previous to filing petition. Certification of such examination shall be made by the examiner, in triplicate, on form 2800; and sworn statement shall be made by the applicant, in triplicate, on form 169. One copy of each of said documents shall be attached to each copy of the petition;

(4) Applicant must produce competent proof of his service under honorable circumstances with military or naval forces;

(5) Applicant is required to prove at least two years' continuous residence within the United States immediately preceding the filing of the petition for naturalization, such residence being established pursuant to legal admission for permanent residence, in lieu of the usual five years' residence in the United States and six months' county residence;

(6) If admission to the United States for permanent residence occurred subsequent to March 3, 1924, a certificate of arrival must be filed with the petition;

(7) Applicant must prove that he has behaved as a person of good moral character during the five years immediately preceding the filing of his petition;

(8) Applicant must appear and file his petition in person;

(9) Residence and good moral character shall be proved either by the affidavits of two credible witnesses who are citizens of the United States or by depositions of two such persons made before a naturalization examiner for each place of residence;

(10) Final action shall not be had upon the petition until at least ninety days have elapsed after the filing of the petition;

(11) Applicant must take the prescribed oath of allegiance in open court.

(d) *World War alien veterans serving in United States military or naval forces outside the United States.* Any World War alien veteran of the United States military or naval forces who was lawfully admitted to the United States for permanent residence and who departed from the United States for the purpose of serving, and actually served in either such military or naval forces prior to November 11, 1918, and was discharged from such service under honorable circumstances, is entitled to the benefits of 76.40 (a), (b), and (c). However, before such alien is admitted to citizenship he shall—

(1) Satisfy the court in which his petition is filed, by competent proof, that he is entitled to and has complied in all respects with the provisions of the said Act of June 21, 1939; and

(2) That he was and had been a bona fide lawfully admitted resident in the United States for two years before the passage of the said Act.

(Said Section 76.40 is Rule 7, Subdivision D, paragraph 8 of the Naturalization Rules and Regulations of December 1, 1936, as amended.)

Rule 3, Subdivision D, paragraph 1 of the Naturalization Rules and Regulations of December 1, 1936, has been codified as two sections of the aforesaid Subchapter C, namely, 72.6 and 72.7. The first portion of that paragraph constitutes Section 72.6, which reads as follows:

§ 72.6 *Amendment of form for declaration of intention.* The official form for declaration of intention shall be altered by the clerk of court, where the declaration of intention is executed by an applicant who is not required by law to obtain a certificate of arrival, by striking out the following words immediately after the jurat: "Certification No. ------ from the Commissioner of Immigration and Naturalization showing the lawful entry of the declarant for permanent residence on the date stated above, has been received by me."*† (Sec. 27, 34 Stat. 603; 8 U.S.C. 409) [3–D–1]

The remaining portion of said Rule 3, Subdivision D, paragraph 1, as amended for the administration of the said Act of June 21, 1939, constitutes Section 72.7 of the aforesaid Subchapter C, which reads as follows:

§ 72.7 *Amendment of form for petition for naturalization.* The official form for petition for naturalization shall be altered by the clerk of court in any case according to the facts, as follows:

(a) *Exemption from declaration of intention.* Where a declaration of intention is not required to be filed with the clerk of court at the filing of the petition, strike out the following: All of allegation 4; in the first paragraph after allegation 10 strike out the words "my declaration of intention to become a citizen of the United States,"; and in the certification following the jurat strike out the words "together with declaration of intention No. ------ of such petitioner".

(b) *Exemption from certificate of arrival.* Where the certificate of arrival is not required to be filed with the petition, strike out the following: In allegation 6 the words "as shown by the certificate of my arrival attached hereto"; in the first paragraph after allegation 10 the words "certificate from the Department of Labor of my said arrival,"; and in the certification following the jurat the words "certificate of arrival



No. ------ from the Department of Labor, showing the lawful entry for permanent residence of the petitioner above named, together with".

(c) *Exemption from declaration of intention and certificate of arrival.* Where the declaration of intention and certificate of arrival are not required to be filed with the clerk of court at the filing of the petition, strike out the following: All of allegation 4; in allegation 6 the words "as shown by the certificate of my arrival attached hereto"; in the first paragraph after allegation 10 the words "my declaration of intention to become a citizen of the United States, certificate from the Department of Labor of my said arrival, and"; and the entire certification following the jurat.

(d) *Exemption from residence in United States and county.* Where residence in the United States and county or proof thereof is not required, in allegation 9 strike out the words "for the term of five years at least immediately preceding the date of this petition, to wit," and, "being a residence within said county of at least six months next preceding the date of this petition".

(e) *Residence for five years not required.* Where proof of less than five years' residence in the United States is required, in allegation 9 strike out the word "five" and the words ", being a residence within said county of at least six months next preceding the date of this petition." Insert in lieu of the word "five" the period of United States residence required by law.

(f) *Physically unable to speak.* Where the petition is executed by an applicant who is physically unable to speak, in allegation 8 strike out the word "able" and insert the words "physically unable."

(g) *Alien spouse of citizen—(1) Woman married after noon May 24, 1934; (2) Man married after September 21, 1922.* Where petition is executed by an alien woman who married a citizen of the United States after 12 noon (E. S. T.), May 24, 1934, or whose husband was naturalized after that time, or an alien man who married a citizen of the United States on or after September 22, 1922, or whose wife was naturalized on or after that date—Strike out all of allegation 4. Insert in allegation 5 "my {husband / wife} is a United States citizen by {birth / naturalization;}" also insert the date and court, if naturalized. Insert in allegation 9 the word "three" in lieu of "five" and strike out from said allegation the words "being a residence within said county of at least six months next preceding the date of this petition." In the space immediately preceding allegation 10, insert the words "petition filed under section 2 of the Act of September 22, 1922, as amended." In the first paragraph after allegation 10, strike out the words "my declaration of intention to become a citizen of the United States." In certificate following the jurat, strike out the words "together with declaration of intention No. ------ of such petitioner."

(h) *Alien woman married to citizen between September 21, 1922, and noon May 24, 1934.* Where petition is executed by an alien woman who married a citizen of the United States on or after September 22, 1922, and before 12 noon (E. S. T.), May 24, 1934, or whose husband was naturalized within that period—Strike out all of allegation 4. Insert in allegation 5, "my husband is a United States citizen by {birth / naturalization;}" also insert the date and court, if naturalized. Insert in allegation 9 the word "one" in lieu of "five" and strike out from said allegation the words "being a residence within said county of at least six months next preceding the date of this petition." In the space immediately preceding allegation 10, insert the words "petition filed under section 2 of the Act of September 22, 1922." In the first paragraph after allegation 10, strike out the words "my declaration of intention to become a citizen of the United States." In the certificate following the jurat, strike the words "together with declaration of intention No. ------ of such petitioner."

(i) *Woman who lost citizenship by marriage to eligible alien.* Where a petition is filed by a woman under section 4 of the Act of September 22, 1922 (42 Stat. 1022; 8 U.S.C. 369), as amended, strike out the following: All of allegation 4; in allegation 6 the words "for permanent residence" and "as shown by the certificate of my arrival attached hereto"; in allegation 7 the words ", and it is my intention to reside permanently in the United States"; in allegation 9 the words "for the term of five years at least immediately preceding the date of this petition, to wit", and ", being a residence within said county of at least six months next preceding the date of this petition"; in the first paragraph after allegation 10 the words "my declaration of intention to become a citizen of the United States, certificate from the Department of Labor of my said arrival, and"; in the Affidavits of Witnesses the words "and that to his personal knowledge the petitioner has resided in the United States continuously preceding the date of filing this petition, of which this affidavit is a part, to wit, since the date last mentioned, and at ----------, in the County of ---------- this State, in which the above-entitled petition is made, continuously since ----------"; and the entire certification following the jurat. Insert the following: In the space preceding allegation 10 "Petition filed under section 4, Act of September 22, 1922, as amended."; in the last blank space contained in the second paragraph after allegation 10 "I have not acquired any other nationality by affirmative act."

(j) *Widow or child of deceased declarant.* Where petition is executed by a widow or child of a deceased alien declarant, who, prior to 12 noon (E. S. T.), May 24, 1934, had the right or privilege of petitioning for naturalization under what was the sixth subdivision of section 4 of the Act of June 29, 1906 (34 Stat. 598; 8 U.S.C. 375), in allegation 4 strike out the words "I declared my" and in lieu insert "My husband declared his" or "My father declared his," and insert at the end of the allegation, "and died on ---------- (date)." In the space immediately preceding allegation 10 insert the words "Petition filed under sixth subdivision, section 4, Act of June 29 1906, as amended."

(k) *Filipino.* Where petition is executed by a Filipino under the seventh subdivision of section 4, Act of June 29, 1906, as amended (40 Stat. 542, 45 Stat. 1514, 47 Stat. 165; 8 U.S.C. 388), strike out the following: In allegation 6 the words "as shown by the certificate of my arrival attached hereto"; in allegation 9 the words "for the term of five years at least immediately preceding the date of this petition, to wit," and the words ", being a residence within said county of at least six months next preceding the date of this petition"; in the first paragraph after allegation 10 the words "certificate from the Department of Labor of my said arrival," and in the certification following the jurat the words "certificate of arrival No. ------ from the Department of Labor, showing the lawful entry for permanent residence of the petitioner above named, together with". In the space immediately preceding allegation 10 insert the words "Petition filed under 7th subd., Sec. 4, Act of June 29, 1906, as amended. Affidavit on Form 169 is attached hereto and made a part hereof."

(l) *Persons misinformed as to citizenship.* Where petition is filed by an applicant under the tenth subdivision of section 4, Act of June 29, 1906 (40 Stat. 545; 8 U.S.C. 377), strike out the following: All of allegation 4; in the first paragraph after allegation 10 the words "my declaration of intention to become a citizen of the United States", and in the certification following the jurat the words "together with declaration of intention No. ------ of such petitioner.". In the space immediately preceding allegation 10 insert the words "Petition filed under tenth subdivision, section 4, Act of June 29, 1906, as amended. Affidavit on Form 146 is attached hereto and made a part hereof."

(m) *Native of United States naturalized abroad before March 3, 1931.* Where petition is filed by an applicant under section 3, Act of March 3, 1931 (46 Stat. 1511; 8 U.S.C. 372a) in allegation 9 strike out the words "for the term of five years at least", in the space immediately preceding allegation 10 insert the following: "Petition filed under section 3, Act of March 3, 1931."

(n) *Army service prior to January 1, 1900; honorably discharged alien.* Where petition is executed under R. S. 2166 (See 40 Stat. 547; 8 U.S.C. 395),

by an applicant who prior to January 1, 1900, served in the United States Army and was honorably discharged therefrom, strike out the following: All of allegation 4; in allegation 9 the words "five years" and the words ", being a residence within said county of at least six months next preceding the date of this petition"; in the first paragraph after allegation 10 the words "my declaration of intention to become a citizen of the United States,"; and in the certification following the jurat the words "together with declaration of intention No. ------ of such petitioner,". Insert the following: In allegation 9 the words "one year" in lieu of the words "five years"; and in the space immediately preceding allegation 10, "Petition filed under R. S., Sec. 2166. Affidavit on Form 169 is attached hereto and made a part hereof."

(o) *Service in Army, Navy, Philippine Constabulary or on American vessels.* Where petition is executed under the seventh subdivision of section 4 of the Act of June 29, 1906, as amended (40 Stat. 542, 45 Stat. 1514, 47 Stat. 165; 8 U.S.C. 388) by an applicant, other than a Filipino, who for the time and in the manner provided by said seventh subdivision, served in the military or naval forces of the United States, or on any vessel of the United States Government, or on vessels of more than 20 tons' burden, which are not foreign vessels, whether or not documented under the laws of the United States and whether public or private, strike out the following: In allegation 9 the words "for the term of five years at least immediately preceding the date of this petition, to wit," and the words ", being a residence within said county of at least six months next preceding the date of this petition." In the case of honorable discharge after service in the United States Army or Navy or the Philippine Constabulary and acceptance for service in either the military or naval service of the United States on the condition that applicant becomes a citizen, strike out only the following: In allegation 9 the word "five" and the words ", being a residence within said county of at least six months next preceding the date of this petition", and insert the word "three" in lieu of the word "five". In either of these two classes of cases, in the space immediately preceding allegation 10 insert the words "Petition filed under seventh subdivision, section 4, Act of June 29, 1906, as amended. Affidavit on Form 169 is attached hereto and made a part hereof."

(p) *Persons in Army or Navy at termination of World War or honorably discharged for disability incurred prior thereto.* Where petition is executed under the thirteenth subdivision of section 4, Act of June 29, 1906, as amended (40 Stat. 546; 8 U.S.C. 391), by an applicant who was in military or naval service of the United States at the termination of the World War, or, who before the termination of such war, was honorably discharged from such service on account of disability incurred in line of duty, strike out the following: In allegation 9 the words "for the term of five years at least immediately preceding the date of this petition, to wit," and the words ", being a residence within said county of at least six months next preceding the date of this petition." In the space preceding allegation 10 insert the words "Petition filed under thirteenth subdivision, section 4, Act of June 29, 1906, as amended. Affidavit on Form 169 is attached hereto and made a part hereof."

(q) *World War alien veteran of military or naval forces of the United States.* Where petition is executed by an alien veteran of the military or naval forces of the United States under the Act of June 21, 1939 (Public—No. 146—Chapter 234—76th Congress), and whose arrival in the United States occurred after March 3, 1924, strike out the following: All of allegation 4; in allegation 9 the word "five" and the words ", being a residence within said county of at least six months next preceding the date of this petition"; in the first paragraph after allegation 10 the words "my declaration of intention to become a citizen of the United States," and in the certification following the jurat the words "together with declaration of intention No. —— of such petitioner,". Insert the following: In allegation 9 the word "two" in lieu of the word "five"; and in the space immediately preceding allegation 10 the words "Petition filed under Act June 21, 1939. Affidavit on Form 169 is atached hereto and made a part hereof." If the arrival of the applicant occurred on or before March 3, 1924, make the following additional amendments: In the first paragraph after allegation 10 strike out the words "certificate from the Department of Labor of my said arrival," and the remainder of the certification following the jurat. (Sec. 27, 34 Stat. 603; 8 U.S.C. 409)

[SEAL] JAMES L. HOUGHTELING,
*Commisioner of Immigration and Naturalization.*

Approved,
GERARD D. REILLY,
*Acting Secretary.*

[F. R. Doc. 39-3019; Filed, August 16, 1939; 11:00 a. m.]

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[General Order No. C-12]

FEE TO BE CHARGED UNDER ACT OF MAY 16, 1938

AUGUST 15, 1939.

Pursuant to the authority contained in Section 28 of the Act of June 29, 1906 (34 Stat. 606), as amended by Section 8 of the Act of March 2, 1929 (45 Stat. 1515; 8 U.S.C. 356), Section 4 of General Order No. C-5, dated October 15, 1938 (3 F.R. 2499 D.I.), is amended to read as follows:

§ 4 *Fee to be charged.* For execution of sworn declaration of allegiance (Form 2236) and issuance of certificate of naturalization, the clerk of court shall exact and collect a fee of $5 and shall account therefor in the same manner as for the fee collected for filing a petition for citizenship and issuing a certificate of naturalization. (Sec. 13 Act of June 29, 1906, 34 Stat. 600; U.S.C., Title 8, Sec. 402, as amended by Sec. 1 Act of April 19, 1934, 48 Stat. 597)

[SEAL] EDW. J. SHAUGHNESSY,
*Deputy Commissioner of Immigration and Naturalization.*

Approved,
GERARD D. REILLY,
*Acting Secretary.*

[F. R. Doc. 39-3020; Filed, August 16, 1939; 11:00 a. m.]

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## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Amendment 23, Civil Air Regulations]

CREATING A METHOD FOR CERTIFICATION OF FOREIGN PILOTS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 15th day of August 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a), and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective August 15, 1939, the Civil Air Regulations are amended by adding a new section, 20.69, reading as follows:

"§ 20.69 *Qualified foreign pilots.* (a) An applicant for a private pilot certificate, upon a satisfactory showing to the Authority that he is a member of a military or naval service of a foreign country on flying status, or is the holder of a pilot certificate of competency issued by a foreign country, the privileges of which are not less than those of a private pilot, may be deemed by the Authority to have met the requirements prescribed in this Part for a private pilot certificate.

"(b) The privileges and restrictions prescribed for persons issued private pilot certificates under the provisions of section 20.12 shall not apply to persons issued private pilot certificates under the provisions of this section.

"(c) Any person issued a private pilot certificate under the provisions of this section, before being eligible to pilot civil aircraft of the United States, shall offer proof satisfactory to an inspector of the Authority that he is the duly authorized representative of a foreign person or nation contemplating the purchase of aircraft manufactured in the United States, or that he is the duly authorized representative of the competent aeronautical authorities of the foreign nation in which such aircraft will be registered, and such private pilot shall not pilot any civil aircraft of the United States except aircraft which a foreign person or nation contemplates purchasing, and then only in accordance with such terms and conditions as the Authority may prescribe."

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-2026; Filed, August 16, 1939; 12:27 p. m.]



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## TITLE 24—HOUSING CREDIT

### HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 2-203]

PART 402—LOAN SERVICE

USE OF SPECIAL DEPOSITS ACCOUNT IN INSURANCE CASES

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Sections 402.14-1 and 402.14-2 are amended to read as follows:

§ 402.14-1 Whenever a home owner desires to establish a Special Deposits Account to accumulate funds for the payment of taxes, assessments, other levies or charges, ground rents or insurance premiums, he shall be referred to the Loan Service Division.

Special Deposits Account arrangements for the payment of insurance premiums ordinarily should be limited to instances where the home owner is otherwise unable to accumulate funds for the payment of insurance premiums making it necessary for the Corporation to make advances therefor, or in unusual cases where the Regional Manager considers it in the best interests of the Corporation.

In order to establish a Special Deposit Account to provide for the payment of taxes, assessments, other levies or charges, ground rents or insurance premiums, the home owner shall be requested to execute Form 533 or other approved form. Where the Special Deposits Account is established only for taxes or insurance premiums, Form 533 should be executed in quadruplicate; in instances where it covers both taxes and insurance premiums, Form 533 should be executed in quintuplicate.

§ 402.14-2. One copy of Form 533 shall be left with the home owner. On the reverse side of the original and the remaining copies, the Service Representative shall enter his analysis of the account and show the allocation to be made to the Special Deposits Account. In instances where the Special Deposits Account provides for the payment of insurance premiums, the Service Representative should include in Block III an estimate of the amount of insurance premiums accruing annually. This amount should be added to the amount of taxes coming due annually in order to indicate the total amount to be accumulated in the Special Deposits Account annually. One-twelfth of this total should appear in the last line to indicate the amount to be allocated to the Special Deposit Account monthly. In these cases, the Service Representative should also request the home owner to inform him of the name and address of his insurance agent, which should be entered on the lower part of the reverse side of Form 533.

In connection with the establishment of a Special Deposits Account, it is important that the Service Representative explain to the home owner the monthly billing showing the status of the loan account and the Special Deposits Account, as well as the manner in which subsequent insurance will be placed.

In cases within his authority where the Special Deposits Agreement, Form 533, is accepted by the Control Supervisor, he shall complete Block VI on the reverse side of the form. In cases beyond his authority the Control Supervisor shall forward the Form 533 and all other servicing reports to the Analysis and Review Section. If this section accepts the Form 533, they shall complete Block VI. After acceptance the Control Supervisor shall forward the original copy of Form 533 to the Regional Accountant, one copy shall be sent to the Tax Section (or if for insurance premiums only, to the Regional Insurance Supervisor), and one copy retained by the Control Section. In cases where the Special Deposits arrangement covers both taxes and insurance premiums, the remaining copy shall be forwarded to the Regional Insurance Supervisor.

(Effective August 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-3006; Filed, August 15, 1939; 1:12 p. m.]

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[Administrative Order No. 522]

PART 405—RECONDITIONING

ADVANCES FOR REPAIRS, RECONDITIONING OR IMPROVEMENTS: AUTHORITY OF REGIONAL MANAGER; REGIONAL COUNSEL CERTIFIES; APPROVAL OF AMOUNT BY HOME OFFICE

Amending Part 405 of Chapter IV, Title 24, of the Code of Federal Regulations.

Section 405.02-8, the first paragraph of Section 405.02-9, and Section 405.02-11, respectively, are amended to read as follows (Effective August 15, 1939):

§ 405.02-8 Where an advance for repairs, reconditioning, or improvements has been requested by the borrower, the Regional Manager, based upon the disclosed facts and respective recommendations of the State Officials, may, subject to the conditions herein provided, authorize the making of advances in the following cases:

(a) Where the estimated cost of necessary repairs and emergency repairs does not exceed $1000.00; or

(b) Where the estimated cost of income-producing reconditioning or the paving of streets and sidewalks and the installation of sewers and similar improvements does not exceed $500.00.

Such advances shall not be directed or authorized unless:

(1) Title examination is not required or is waived as hereinafter provided, or

(2) No liens are disclosed where title examination is required, or

(3) The borrower effects subordination or discharge of liens disclosed which would have priority over the advance, excepting liens for taxes and assessments.

§ 405.02-9 When the estimated cost of repairs, reconditioning, or improvements does not exceed $300.00, title examination shall not be required. When the estimated cost exceeds $300.00, title examination shall be required, except where the Regional Counsel waives title examination and certifies as his opinion that the advance will be secured as a lien under the Corporation's original mortgage priming encumbrances, except taxes and assessments, which intervened or may intervene between the date of the Corporation's original mortgage and the date of the additional lien to be obtained. Regional Counsel shall prescribe on Form R-7AB (529-A), or other officially approved form: (a) certification of his opinion, in appropriate cases over $300.00, as to waiving title examination; (b) the approved forms of debt and lien instruments to be executed by the borrower; (c) whether the applicable instruments shall be recorded; (d) other necessary or appropriate legal advice.

§ 405.02-11 In any case where the estimated cost of repairs, reconditioning, or improvements exceeds the Regional Manager's authority to authorize such advance, the case shall be forwarded by the Regional Manager to the General Manager who, with the concurring approval of the Chief, Reconditioning Section, and the Deputy General Manager in Charge of Loan Service, and with the advice of the General Counsel, may authorize an advance for such repairs, reconditioning, or improvements. When forwarding the file, the Regional Manager shall include his recommendations, together with the opinion and recommendation of the Regional Counsel re-

garding title examination and forms of security instruments to be taken and the recordation thereof.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-3007; Filed, August 15, 1939; 1:14 p. m.]

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[Administrative Order No. 521]

PART 405—RECONDITIONING

CONTRACT WITH BORROWER TO PERFORM LABOR; BORROWER PROVIDES LABOR; COMPLETION; DEFAULT

Amending Part 405 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 405.02-15 is amended by adding the following paragraphs at the end thereof (Effective August 15, 1939):

When an advance for necessary repairs or other reconditioning has been approved in accordance with the regulations of the Corporation, and the borrower requests permission to provide the labor in connection therewith, the Reconditioning Supervisor shall investigate and determine as to the qualifications and reliability of the person who is to perform the labor; and make recommendations to the State Manager. If the State Manager determines to permit the borrower to provide the labor, he may, on behalf of the Corporation, enter into a contract with the borrower on a form approved for the purpose. The borrower should, where practicable, be required to submit in advance bids, in accordance with the requirements of the regulations, for all materials.

The reconditioning work shall be performed under the supervision of the Reconditioning Section. When the work has been completed to the satisfaction of the Reconditioning Section, and the borrower has satisfactorily complied with the provisions and covenants contained in the contract, the bills for materials and all costs other than labor shall be paid in compliance with the regular procedure for reconditioning; and the Reconditioning Section, through the State Manager, shall notify the Regional Accountant on Form R-18 of the amount of the unexpended portion of the advance which shall be credited to the borrower's account. The total cost of labor and materials shall not exceed the advance authorized. The Regional or State Manager, with the advice of the Regional or State Counsel, may, in his discretion when the circumstances justify, authorize payment of material bills prior to the final completion of the work.

In the event the borrower fails or refuses to complete the reconditioning, he shall contract with persons acceptable to the Corporation to perform the remainder of the labor, which shall be paid for by the borrower from his personal funds, or when approved by the Regional or State Manager, from funds available in the advance; or the Regional or State Manager may contract with suitable persons to complete the work under such terms and conditions as the Regional or State Manager, with the advice of the Regional or State Counsel, shall deem to be for the best interest of the Corporation.

When any funds from the advance are used to pay for any portion of the labor, only the unexpended portion of the advance shall be credited to the borrower's account.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-3008; Filed, August 15, 1939; 1:14 p. m.]

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[Administrative Order No. 931]

PART 409—AUDITING

SPECIAL DEPOSIT CASES

Amending Part 409 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 409.02-3 is amended by adding the following paragraph at the end thereof:

When, in compliance with the provisions of Sections 402.14-1 and 402.14-2 and through the use of Form 533, the borrower will deposit monies for the payment of insurance premiums, and the Insurance Section receives a copy of Form 533, such form will be placed in the insurance policy jacket. When the expiration occurs, the order for insurance will be placed in the usual manner and the name of the agent specified by the borrower will be indicated thereon as to the borrower's choice. No such insurance will be placed directly with the agent either by the borrower or the Corporation, but will be ordered through an appropriate insurer under contract.

(Effective August 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE,
*Secretary.*

[F. R. Doc. 39-3009; Filed, August 15, 1939; 1:15 p. m.]

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## TITLE 45—PUBLIC WELFARE

### FEDERAL WORKS AGENCY—WORK PROJECTS ADMINISTRATION

[General Letter No. 280]

POLITICAL ACTIVITY

The Emergency Relief Appropriation Act of 1939, Public Resolution Number 24, 76th Congress, approved June 30, 1939, contains the following provisions:

SEC. 29 (a) It shall be unlawful for any person knowingly to solicit, or knowingly be in any manner concerned in soliciting, any assessment, subscription, or contribution for the campaign expenses of any individual or political party from any person receiving compensation or employment provided for by this joint resolution.

SEC. 30 (a) It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, or any other Act of the Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate in any election or any political party.

SEC. 30 (b) Except as may be required by the provisions of subsection (b) of section 31 hereof, it shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election.

Public Resolution No. 24, in sections 29 (b) and 30 (c) provides the following penalty for any person found guilty of violating the above quoted sections:

Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

The Division of Investigation of this Administration will be responsible for the investigation of all complaints or information alleging a violation of the above quoted sections of Public Resolution Number 24. State Work Projects Administrators are directed to forward all complaints and information indicating a possible violation of these sections to the Director, Division of Investigation, Work Projects Administration, Washington, D. C., for appropriate attention. In transmitting such complaints or information to the Division of Investigation, where a WPA employee is alleged to be involved, the State Administrator will include in his letter of transmittal the name, address, WPA title and WPA employment record of the person charged with the violation of these provisions of Public Resolution Number 24.

Public Resolution Number 24, 76th Congress, in section 31 (a) and 31 (b) provides that:

SEC. 31 (a) It shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government, whose compensation or any part thereof is paid from funds authorized or appropriated by this joint resolution, to use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part, directly or indirectly, in political management or in political campaigns or in political conventions.

SEC. 31 (b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by this joint resolution shall be used to pay the compensation of such person. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

The term "administrative or supervisory capacity" as used in section 31 (a) is interpreted to include persons paid on administrative or project pay rolls, who have actual supervision over any other employee or employees or who are in such positions that by reason thereof they may exercise authority or influence over other employees irrespective of whether they have actual supervision over the work of any employees.

Any person in an administrative or supervisory capacity who violates the provisions of section 31 (a) shall be subject to immediate discharge and thereafter such person shall not be eligible for any employment which is compensated from funds appropriated to the Work Projects Administration. Where alleged violations of section 31 (a) of Public Resolution Number 24 are investigated by the State Administrator, a copy of the report of each administrative investigation, together with a report on the administrative action taken as a result of the findings of each investigation, shall be forwarded to the Deputy Commissioner, Work Projects Administration, Washington, D. C., immediately upon completion of the inquiry.

Section 32 of Public Resolution Number 24, provides as follows:

SEC. 32. No part of any appropriation in this joint resolution shall be used to pay the salary or expenses of any person in a supervisory or administrative position who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches), in any primary, general or special election, or who is serving as a campaign manager or assistant thereto for any such candidate.



To carry out rules and regulations relating to political activity and to effect compliance with the provisions of the Emergency Relief Appropriation Act of 1939 and of Public Resolution Number 24, 76th Congress, no person employed by the Work Projects Administration in an administrative or supervisory capacity, as defined above, shall be retained in such employment if:

(1) Such person is a candidate for any Federal, state, district, county or municipal office in any primary, general or special election or who is serving as a campaign manager or assistant thereto for any such candidate.

(2) Such person is holding an elective office the duties of which would necessitate being absent from a WPA position during regular working hours or to which a salary, per diem, or other compensation is attached, provided that under no circumstances shall such person hold any public office through which such person would be involved in political management or political campaigns.

(3) Such person is a member of a party committee or organization, the duties of which are concerned with political management or political campaigns.

The policy of the Work Projects Administration concerning the exercise of the voting franchise by WPA employees remains as follows:

Every citizen who works for the Work Projects Administration, whatever his job, has a right to vote in any election, for any candidate he chooses. When the hours during which polling places are open or any other conditions prevent employees from freely exercising their voting privileges, scheduled hours of work may be adjusted to provide the necessary time for this purpose. Employees shall not be paid for time allowed during which to vote, but they shall be permitted insofar as practicable through a rescheduling of working hours to work their full quota of hours during the payroll month for which the time off is granted.

Section 28 of Public Resolution Number 24, provides as follows:

SEC. 28. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any work project, employment, or relief aid under the appropriations in this joint resolution, or diverts, or attempts to divert or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of such appropriations, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations, or membership in a labor organization, deprives any person of any of the benefits to which he may be entitled under any such appropriations, or attempts so to do, or assists in so doing, or who disposes of, or assists in disposing of, except for the account of the United States, any property upon which there exists a lien securing a loan made under the provisions of this joint resolution or the Emergency Relief Appropriation Acts of 1935, 1936, 1937, and 1938, shall be deemed guilty of a felony and fined not more than $2,000 or imprisoned not more than two years, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

The regulations prescribed by this General Letter shall be effective immediately and State Administrators are directed to take such action as may be required to effect compliance with these provisions. In order that these regulations shall be known by all WPA employees and by other persons, the State Work Projects Administrators shall arrange to have copies posted on bulletin boards at the site of every project and at all administrative offices throughout the state.

This letter supersedes and rescinds General Letter No. 240 dated March 7, 1939,[1] as to actions occurring after June 30, 1939.

[SEAL] F. C. HARRINGTON,
*Commissioner.*

AUGUST 4, 1939.

[F. R. Doc. 39-3011; Filed, August 16, 1939; 9:43 a. m.]

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## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-19]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

*Present:* Joseph B. Eastman, Chairman, Interstate Commerce Commission, to whom the above-entitled matter has been assigned for action thereon.

Upon further consideration of the record and of petition of Independent Movers' & Warehousemen's Association, Inc., for postponement of the effective date of the order entered herein by division 5 on July 17, 1939;[2] and good cause therefor appearing;

*It is ordered*, That the effective date of the first ordering paragraph of the said order of July 17, 1939, be, and it is hereby, postponed from September 20, 1939 to October 23, 1939.

*And it is further ordered*, That the tariffs specified in said order of July 17, 1939, shall be filed and published to become effective on or before October 23, 1939, upon statutory notice.

Dated at Washington, D. C., this 9th day of August, A. D. 1939.

By the Commission, Chairman Eastman.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-3021; Filed, August 16, 1939; 11:08 a. m.]

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[1] 4 F.R. 1352 DI.
[2] 4 F.R. 3403 DI.

## Notices

### DEPARTMENT OF AGRICULTURE.

**Farm Security Administration.**

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

HAWAII

AUGUST 16, 1939.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Section II 3 of Administration Order 230 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Territorial Farm Security Advisory Committee for Hawaii, the following counties are hereby designated as those in which loans, pursuant to said Title, may be made under the provisions of said Order for the fiscal year ending June 30, 1940: (1) those counties which were designated for the making of loans for the fiscal year ending June 30, 1939; and (2) the following additional county: Kauai.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3023; Filed, August 16, 1939; 11:56 a. m.]

### DEPARTMENT OF LABOR.

**Wage and Hour Division.**

AMENDING ADMINISTRATIVE ORDER NUMBER 4[1] BY APPOINTING GUSTAV PECK IN ADDITION TO MERLE D. VINCENT, AS AUTHORIZED REPRESENTATIVE TO GRANT OR DENY APPLICATIONS FOR SPECIAL HANDICAPPED WORKER'S CERTIFICATES

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Paul Sifton, Acting Administrator of the Wage and Hour Division, Department of Labor, hereby designate and appoint Gustav Peck as an authorized representative of the Administrator of the Wage and Hour Division, with full power and authority to grant or deny applications for special handicapped worker's certificates, and to sign and issue special certificates authorizing the employment of handicapped persons pursuant to the provisions of Section 14 of the Fair Labor Standards Act of 1938 and regulations Title 29—Labor, Chapter V—Wage and Hour Division, Part 524 (Regulations Applicable to Employment of Handicapped Persons pursuant to Section 14 of the Fair Labor Standards Act of 1938).[2]

Signed at Washington, D. C., this 16th day of August, 1939.

PAUL SIFTON,
*Acting Administrator.*

[F. R. Doc. 39-3017; Filed, August 16, 1939; 10:50 a. m.]

[1] 3 F.R. 2777 DI.
[2] 4 F.R. 1663 DI.

AMENDING ADMINISTRATIVE ORDER NUMBER 28[1] BY APPOINTING GUSTAV PECK IN ADDITION TO MERLE D. VINCENT, AS AUTHORIZED REPRESENTATIVE TO GRANT OR DENY APPLICATIONS FOR SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Paul Sifton, Acting Administrator of the Wage and Hour Division, Department of Labor, hereby designate and appoint Gustav Peck as an authorized representative of the Administrator of the Wage and Hour Division, with full power and authority to grant or deny applications for special certificates for the employment of learners, and to sign and issue special certificates authorizing the employment of learners pursuant to the provisions of Section 14 of the Fair Labor Standards Act of 1938 and regulations Title 29—Labor, Chapter V—Wage and Hour Division, Part 522 (Regulations Applicable to Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act of 1938).[2]

Signed at Washington, D. C., this 16th day of August, 1939.

PAUL SIFTON,
*Acting Administrator.*

[F. R. Doc. 39-3018; Filed, August 16, 1939; 10:50 a. m.]

### FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of August, 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3833]

IN THE MATTER OF RICHARD E. WILLIAMS, WALTER C. PHILLIPS, STEVE W. PHILLIPS, WARREN LEE EASTMAN, ERNIE A. STORESUND, DON PARMALEE, A. L. ANDERSON, G. G. GRANT, W. W. YOUNG, PAUL MANNING, F. W. FITCH, MRS. F. W. FITCH, L. W. FITCH, MRS. L. W. FITCH, G. W. FITCH, MRS. G. W. FITCH, L. R. SANDAHL, MRS. L. R. SANDAHL, R. H. YOUNG, AND MRS. R. H. YOUNG

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, August 25, 1939, at ten o'clock in the forenoon of that day (central standard time), in Room 216, Post Office Building, Indianapolis, Indiana.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3022; Filed, August 16, 1939; 11:47 a. m.]

### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of August, A. D. 1939.

[File No. 34-31]

IN THE MATTER OF WILLIAM W. BATTLES, CHAIRMAN, FRANCIS M. BROOKE, AND FRANCIS BRAUN, REORGANIZATION COMMITTEE FOR SECURITY HOLDERS OF NATIONAL PUBLIC UTILITIES CORPORATION; CALEB S. LAYTON AND W. FINDLAY DOWNS, TRUSTEES OF NATIONAL PUBLIC UTILITIES CORPORATION

ORDER APPROVING PLAN OF REORGANIZATION

William W. Battles, Chairman, Francis M. Brooke, and Francis Braun, as a Reorganization Committee (hereinafter called the "Committee"), for security holders of National Public Utilities Corporation (hereinafter called "National"), a registered holding company, having filed an application under Section 11 (f) of the Public Utility Holding Company Act of 1935 and Rule U-11F-1 for approval of a plan of reorganization of National, together with an application with respect to such reorganization pursuant to Rule U-12E-3 (e) (4) thereof; and

Caleb S. Layton and W. Findlay Downs, as Trustees of National, having filed an application for exemption from the provisions of Section 13 (a) of the Act; and

Joint hearings having been held on the said applications after appropriate notice;[1] the Commission having considered the record in these matters, and having made and filed its findings herein;

*It is ordered*, That the said Plan of Reorganization of National be and the same hereby is approved; that the said application of the Committee pursuant to Rule U-11F-1 be and the same hereby is granted; that the said application of the Trustees pursuant to Section 13 (a) be and the same hereby is granted; and that the said application of the Committee for permission to solicit the deposit of securities without a report pursuant to Rule U-12E-3 (e) (4) be and the same hereby is denied; subject, however, to the following terms and conditions:

(1) That the consummation of the Plan be effected in substantial compliance with the terms and conditions of and for the purposes represented by said filings and applications, as amended;

(2) That, pursuant to Rule U-11F-1 (e), the Commission reserves jurisdiction to consider any amendments modifying the Plan or any other amendments filed subsequent to the approval herein granted;

(3) That the form of the instruments to be used to evidence such solicitation of deposits of securities be subject to our approval prior to any such solicitation;

(4) That all fees, expenses, and remuneration, whether interim or final, to whomsoever paid, for services rendered in connection with the reorganization proceedings of National, shall be subject to approval by the Commission, except that this condition shall not apply to the payment of any such fees, expenses or remuneration if the total amount claimed for fees, expenses and remuneration by or on behalf of any one person or group of associated persons is not in excess of $7,500, this exception, however, not to apply to any claim for interim payment.

(5) That the exemption granted the Trustees under Section 13 (a) be limited to a period not to exceed 90 days from the date of the entry of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3012; Filed, August 16, 1939; 10:46 a. m.]

[1] 4 F.R. 2503 DI.
[2] 4 F.R. 2088 DI.

[1] 4 F.R. 2371 DI.



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of August, A. D. 1939.

[File No. 34-31]

IN THE MATTER OF WILLIAM W. BATTLES, CHAIRMAN, FRANCIS M. BROOKE, AND FRANCIS BRAUN, REORGANIZATION COMMITTEE FOR SECURITY HOLDERS OF NATIONAL PUBLIC UTILITIES CORPORATION

ORDER ADOPTING REPORT OF THE COMMISSION

William W. Battles, Chairman, Francis M. Brooke, and Francis Braun, as a Reorganization Committee (hereinafter called the "Committee"), for security holders of National Public Utilities Corporation (hereinafter called "National"), a registered holding company, having submitted for approval under Section 11 (f) of the Public Utility Holding Company Act of 1935, a Plan of Reorganization with reference to National; and

A hearing having been held on the said Plan of Reorganization after appropriate notice;[1] the Commission having considered the record in this matter, and having made and filed herein its report on said Plan of Reorganization, said report being in the form of the copy thereof attached to this order;[2]

*It is ordered*, That the said report on said Plan of Reorganization be and the same hereby is approved and adopted as the report made by the Commission on said Plan of Reorganization and as the form of copy of said report to be used by the Committee in solicitations in respect of said Plan of Reorganization.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3013; Filed, August 16, 1939; 10:46 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of August 1939.

[File Nos. 7-407 to 7-423, inclusive]

IN THE MATTER OF APPLICATIONS BY THE CLEVELAND STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO ADDRESSOGRAPH-MULTIGRAPH CORPORATION COMMON STOCK, $10 PAR VALUE; BOND STORES, INCORPORATED COMMON STOCK, $1 PAR VALUE; CLEVELAND GRAPHITE BRONZE COMPANY COMMON STOCK, $1 PAR VALUE; FIRESTONE TIRE & RUBBER COMPANY COMMON STOCK, $10 PAR VALUE; GENERAL ELECTRIC COMPANY COMMON STOCK, NO PAR VALUE; GLIDDEN COMPANY COMMON STOCK, NO PAR VALUE; INDUSTRIAL RAYON CORPORATION CAPITAL STOCK, NO PAR VALUE; INTERLAKE IRON CORPORATION COMMON STOCK, NO PAR VALUE; GLENN L. MARTIN COMPANY COMMON STOCK, $1 PAR VALUE; NATIONAL MALLEABLE & STEEL CASTINGS COMPANY COMMON STOCK, NO PAR VALUE; NEW YORK CENTRAL RAILROAD COMPANY CAPITAL STOCK, NO PAR VALUE; OHIO OIL COMPANY COMMON STOCK, NO PAR VALUE; REPUBLIC STEEL CORPORATION COMMON STOCK, NO PAR VALUE; TIMKEN ROLLER BEARING COMPANY COMMON STOCK, NO PAR VALUE; TWIN COACH COMPANY COMMON STOCK, $1 PAR VALUE; UNITED STATES STEEL CORPORATION COMMON STOCK, NO PAR VALUE; YOUNGSTOWN STEEL DOOR COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING

The Cleveland Stock Exchange, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Tuesday, September 19, 1939 at the office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officers herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That James C. Gruener and Dan T. Moore, or either of them, officers of the Commission, be and they hereby are designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3015; Filed, August 16, 1939; 10:46 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1939.

[File No. 32-161]

IN THE MATTER OF TIDEWATER ELECTRIC SERVICE COMPANY

ORDER EXEMPTING ISSUE AND SALE OF FIRST MORTGAGE NOTE

Tidewater Electric Service Company, a subsidiary company of Virginia East Coast Utilities, Inc. and of East Coast Public Service Company, a registered holding company, having filed with this Commission an application, pursuant to the third sentence of Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of a First Mortgage Note in the maximum principal amount of $72,000 to

[1] 4 F.R. 2371 DI.
[2] Filed as a part of the original document; requests for copies should be addressed to the Securities and Exchange Commission.

bear interest at the rate of 2.73%, said note to be issued to the United States of America to evidence a loan from the Rural Electrification Administration; said applicant having also applied, pursuant to Section 12 (f) of said Act and Rule U–12F–2 promulgated thereunder, for approval of the lease of its utility assets to Virginia East Coast Utilities, Inc.;

A public hearing having been held on such matters after appropriate notice;[1] the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

*It is ordered*, That the issue and sale of said First Mortgage Note be and the same hereby are exempted from the provisions of Section 6 (a) of said Act and that the disposition by lease of said utility assets be and the same hereby is approved, subject however to the condition that, within ten days after the issue and sale of the First Mortgage Note and the lease of utility assets shall have been consummated, applicant shall file a certificate of notification to that effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–3014; Filed, August 16, 1939; 10:46 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of August, A. D. 1939.

[File No. 44–38]

IN THE MATTER OF WASHINGTON AND SUBURBAN COMPANIES

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on September 1, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 26, 1939.

The matter concerned herewith is in regard to an application by Washington and Suburban Companies, a registered holding company, pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 for approval of a partial liquidating dividend on its preferred shares of beneficial interest, such dividends to be paid out of capital and in part from the proceeds derived from the sale of 362,588 shares of common stock of Washington Gas Light Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–3016; Filed, August 16, 1939; 10:47 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of August 1939.

[File No. 1–1998]

IN THE MATTER OF PARK KING MINING COMPANY ASSESSABLE CAPITAL STOCK, PAR VALUE 10¢

ORDER POSTPONING HEARING

The Salt Lake Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to the Commission to strike from listing and registration the Assessable Capital Stock, Par Value 10¢, of Park King Mining Company; and

The Commission having ordered[1] that a hearing be held in this matter on August 16, 1939, in Denver, Colorado; and

The issuer having requested a postponement of said hearing;

*It is ordered*, That said hearing be postponed until 2:00 P. M., on Thursday, August 24, 1939 at the office of the Securities & Exchange Commission, 1706 Welton Street, Denver, Colorado, and continue thereafter at such times and places as may be determined by the Commission or its officer presiding at said hearing; and

*It is further ordered*, That Henry Fitts, an officer of the Commission, be and he hereby is designated as the officer of the Commission to preside at such hearing, in lieu of the officer heretofore designated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–3025; Filed, August 16, 1939; 12:11 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of August, A. D. 1939.

[File No. 43–242]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY, WEST TEXAS GAS COMPANY, AMARILLO GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

Declarations and applications pursuant to sections 7, 10, 12 (c) and 12 (d) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on September 1st, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 26th, 1939.

The matter concerned herewith is in regard to (1) A declaration by Southwestern Development Company (hereinafter called Southwestern), a registered holding company, regarding the issue and sale to Guaranty Trust Company of New York City (hereinafter called Guaranty), of two notes as follows:

(a) A 3% collateral note in the principal amount of $2,921,784.46 to be dated August 1, 1939 to mature in annual installments on July 1, 1940 through July 1, 1944, in substitution and exchange for its presently outstanding 3½% collateral note in the same principal amount, now held by Guaranty.

(b) A 3% collateral note in the principal amount of $4,962,484.46 to be dated on or before January 2, 1940, to mature in annual installments beginning July 1, 1940 through July 1, 1945, to retire and discharge the above-mentioned note and to obtain funds to pay off and redeem $2,040,300 of Southwestern's presently outstanding unsecured 4% dividend notes, issued to its stockholders on December 24, 1937, in payment of a dividend theretofore declared.

(2) An application by Southwestern for approval of the sale to West Texas Gas Company of $3,150,000 principal amount of South Plains Pipe Line Company First Mortgage and Collateral Trust 6% Bonds (assumed by West Texas Gas Company), now held by Guaranty as security for Southwestern's outstanding 4% collateral note in the principal amount of $2,751,340.

(3) An application by West Texas Gas Company, a subsidiary of Southwestern, for approval of the acquisition of the above-mentioned First Mortgage and Collateral Trust Bonds.

(4) A declaration by West Texas Gas Company, a subsidiary of Southwestern, regarding (a) the issue and sale, to Guaranty, of its 3% collateral note in the principal amount of $3,150,000 maturing in semi-annual installments on January 2 and July 1 in the years 1940 through 1944, and upon January 1, 1945, to obtain funds to purchase the above-mentioned First Mortgage and Collateral Trust Bonds and (b) the exercise of a right or privilege to alter the rights, priorities or preferences of security holders by the execution of a Second Supplemental Indenture for the purpose of reducing the interest on the First Mortgage and Collateral Trust Bonds to 3% per annum and of reducing sinking fund payments.

(5) A declaration by Amarillo Gas Company, a subsidiary of Southwestern, regarding the issue and sale to Guaranty of its 3% collateral note in the principal amount of $270,000, maturing in annual installments commencing July 1, 1940, ending July 1, 1944, in substitution and exchange for its presently outstanding 4% collateral note in the same principal amount and now held by Guaranty.

(6) An application by Amarillo Gas Company for approval of the acquisition from Panhandle Pipe Line Company, an associate company of Amarillo Gas Company and subsidiary of Southwestern, of a 3% note in the principal amount of $135,000 to be dated August 1, 1939, to mature in four installments of $25,000 each, payable on July 1 of each of the years 1940, 1941, 1942, 1943 and $35,000 payable July 1, 1944, in substitution and exchange for Panhandle's presently outstanding 4% collateral note pledged by Amarillo Gas Company with Guaranty to secure its outstanding $270,000 note.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–3024; Filed, August 16, 1939; 12:11 p. m.]

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[1] 4 F.R. 3436 DI.

[1] 4 F.R. 3427 DI.

# FEDERAL REGISTER

VOLUME 4 NUMBER 159

*Washington, Friday, August 18, 1939*


*Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### DIVISION OF MARKETING AND MARKETING AGREEMENTS

TERMINATION OF MARKETING AGREEMENT AND LICENSE FOR DRIED PRUNES PRODUCED IN THE STATE OF CALIFORNIA

Whereas, the marketing agreeement for dried prunes produced in the State of California, executed by the Secretary of Agriculture on August 16, 1934, as amended on August 8, 1935, provides that "Whenever all reserve tonnage prunes have been disposed of, all assets of the Control Board have been liquidated, and its obligations have been discharged, the Secretary shall so find and shall terminate this Agreement;" and

Whereas, the Secretary of Agriculture hereby finds that the Control Board, established under the aforesaid marketing agreement, as amended, and under the license for dried prunes produced in the State of California, issued on August 16, 1934, as amended, has, in accordance with its duties thereunder, disposed of all reserve tonnage prunes, liquidated its assets, and discharged its obligations:

Now, therefore, it is ordered by the Secretary of Agriculture that the aforesaid marketing agreement, as amended, and the aforesaid license, as amended, be, and the same hereby are, terminated, effective August 21, 1939.

In witness whereof, the Secretary of Agriculture has executed this order in duplicate and has caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 17th day of August 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3038; Filed, August 17, 1939; 12:41 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 10th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[File No. 21-269]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE COTTON CONVERTING INDUSTRY

*Promulgation*

Due proceedings having been held[1] under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

*It is now ordered*, That the trade practice rules of Group I and Group II, as hereinafter set forth,[2] which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of August 18, 1939.

*Statement by the Commission*

Trade practice rules for the Cotton Converting Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

These rules provide for the elimination and prevention of various unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, and are directed toward promoting and maintaining fair competitive conditions and protection of purchasers and the public interest. They constitute

[1] 4 F.R. 2724 DI.

[2] These rules supersede the rules previously promulgated for this industry on July 21, 1936. They also replace the rules promulgated for the following industries on the dates specified: Clothing Cotton Converting Industry, September 1, 1931 (Part 51); Shirting Fabrics Industry, December 14, 1931 (Part 66); and the All-Cotton Wash Goods Industry, June 30, 1933 (Part 96).

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FEDERAL REGISTER

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a revision and extension of the rules which had heretofore been issued by the Commission for this industry on July 21, 1936,[1] and take the place of such previously issued rules.

The industry is composed of converters and integrated producers of cotton piece goods and mixed cotton and rayon goods. Such goods, converted and sold by the members of the industry, embrace fabrics for clothiers' linings; corset, brassiere, and allied trade fabrics; converted curtain and drapery fabrics; shirting fabrics; wash goods fabrics; interlining fabrics; bleached goods; and all other cotton and cotton-mixture fabrics. According to available information, the industry handles at least 51 per cent of the entire production of such goods and has an estimated total volume of annual sales averaging $500,000,000 or more.

The proceeding for the establishment of trade practice rules was instituted upon application of the industry. In the course thereof a draft of the rules as proposed for the industry was made available upon public notice issued by the Commission to all interested or affected parties, whereby they were afforded opportunity to present their views, including such pertinent information, suggestions or objections as they desired to submit, and to be heard in the premises. Accordingly, public hearing pursuant to such notice was held in Washington on July 17, 1939, and all matters submitted in the proceeding were duly received and considered.

Thereafter, and upon consideration of the entire proceeding, final action was taken by the Commission whereby it approved and received, respectively, the rules appearing herein under Group I and Group II.

In addition to the rules issued July 21, 1936, which are herein revised and extended, trade practice rules for various branches of this industry had theretofore been published under the auspices of the Commission as follows: Clothing Cotton Converting, September 1, 1931; Shirting Fabrics, December 14, 1931; and All-Cotton Wash Goods, June 30, 1933. The present rules, as now promulgated, provide a consolidated and uniform set of trade practice provisions for the entire membership of the Cotton Converting Industry, and they supersede and take the place of all such previously published rules which had formerly been in effect.

The new trade practice rules for this industry are as follows:

### THE RULES

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of the industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

NOTE: The rules do not supplant, or relieve any member of the industry or other party of the necessity of complying with, applicable fiber identification rules and other pertinent Group I rules approved and promulgated by the Federal Trade Commission.

### *Group I*

The unfair trade practices which are embraced in the Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited, within the purview of the Federal Government, by acts of Congress, as construed in the decisions of the Federal Trade Commission or the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation or other organization, of such unlawful practices in or directly affecting interstate commerce.

(§ 110.1) RULE 1. *Misrepresentation of industry products.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading or deceptive statement or representation, by way of advertisement or otherwise, concerning the grade, quality, quantity, use, size, material, content, thread count, origin, shrinkage properties, color fastness, washability, production, manufacture or distribution of any product of the industry or concerning any component of such product, or in any other material respect.

(§ 110.2) RULE 2. *Misbranding.* The false or deceptive marking or branding of products of the industry with respect to the grade, quality, quantity, use, size, material, content, thread count, origin, shrinkage properties, color fastness, washability, production, manufacture or distribution of such products, or in any other material respect, is an unfair trade practice.

(§ 110.3) RULE 3. *False invoicing.* Withholding from or inserting in invoices any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices, with the effect of thereby misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

(§ 110.4) RULE 4. *Deception as to origin.* In respect to any fabrics of the following types: (1) fabrics which have been woven or fabricated in a foreign country and imported in the gray or other unfinished state and dyed or finished in the United States; or (2) fabrics which have been imported in the finished state and dyed, redyed or refinished in the United States; *it is an unfair trade practice:*

(a) To offer for sale, sell or distribute any such fabrics under marks, stamps, brands, labels or representations which have the capacity and tendency or effect of misleading or deceiving purchasers or the consuming public into the erroneous belief that such fabrics were woven or fabricated in the United States, or that they were not so dyed, finished, redyed or refinished in the United States, as the case may be; or

(b) To offer for sale, sell or distribute any such fabrics without the same being marked, stamped, branded or labeled so as to indicate clearly and nondeceptively (1) the country of origin of the fabric, and (2) that such fabrics were woven or fabricated in such country and were dyed or finished or redyed or refinished in the United States, as the case may be; the failure, refusal or omission to so mark, stamp, brand or label such fabrics having the tendency and capacity or result of thereby promoting, abetting or effectuating the marketing of such products under conditions which are misleading or deceptive to purchasers or the consuming public.

(Nothing in this rule shall be construed as relieving any member of the industry or other party of the necessity of complying with the requirements of the customs laws or regulations, or other applicable provisions of law or regulation, relating to the marking of imported articles.)

(§ 110.5) RULE 5. *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitutions and with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

(§ 110.6) RULE 6. *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring or prejudicing competitors in their businesses, is an unfair trade practice.

(§ 110.7) RULE 7. *Commercial bribery.* It is an unfair trade practice for a member of the industry directly or indirectly to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors.

(§ 110.8) RULE 8. *Imitation of trademarks, etc.* The practice of imitating or causing to be imitated, or directly or indirectly promoting or aiding the imitation of, the trade-marks, trade names or other exclusively owned symbols or marks of identification of competitors, or the exclusively owned patterns of competitors which have not been directly or by operation of law dedicated to the public, having the capacity, tendency or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

(§ 110.9) RULE 9. *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality or manufacture of the products of competitors or of their business methods, selling prices, values, credit terms, policies or services, or conditions of employment, is an unfair trade practice.

(§ 110.10) RULE 10. *Fictitious price lists.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, or reports as to production or sales, with the tendency and capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

(§ 110.11) RULE 11. *Use of lottery schemes.* The offering or giving of prizes, premiums or gifts in connection with the sale of industry products, or as an inducement thereto, by any scheme which involves lottery or scheme of chance, is an unfair trade practice.

(§ 110.12) RULE 12. (a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc.[4] which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[5] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, or credit, or freight or transportation cost or any percentage thereof, or other form of price differential,[4] where such rebate, refund, discount, or credit, or freight or transportation cost or any percentage thereof, or other form of price differential[4] effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[5] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[5] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[5] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[5] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein, where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[5] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[5] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or by furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce[5], in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this Rule 12.

(§ 110.13) RULE 13. *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm or corporation to aid, abet, coerce or induce another, directly or indirectly, to

[1] 1 F.R. 846.

[4] Paragraph (a) of Rule 12 shall not be construed as embracing practices prohibited by Paragraphs (b), (c), and (d) of this rule.

[5] As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided*, That this shall not apply to the Philippine Islands.

use or promote the use of any unfair trade practice specified in these rules.

*Group II*

Compliance with the trade practice provisions embraced in these Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, *per se*, constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of a violation of Group I rules.

RULE A. In the interest of the public and of itself, the industry urges all members of the industry to adhere to the practice of not opening their sales offices on Saturdays and Sundays for the transaction of business.

RULE B. Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is condemned by the industry.

RULE C. When goods are sold by specifications or construction, in order that accurate information regarding the type of goods sold or offered for sale may be known to purchasers, the industry approves the practice of placing on the confirmation of order and on the invoice the gray construction, i. e., gray width, count and weight, in the case where the goods sold are to be delivered in the gray; and in the case where the goods sold are to be delivered in the finished state, the industry approves the practice of placing on the confirmation of order and invoice the finished construction, i. e., the width, count and weight in such finished state. The omission from the confirmation of order or invoice of any such information required by this rule is condemned by the industry.

Promulgated and issued by the Federal Trade Commission as of August 18, 1939.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3030; Filed, August 16, 1939; 4:10 p. m.]

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[Docket No. 3238]

IN THE MATTER OF WILLIAM C. STEFFY, ET AL.

§ 3.69 (a) (3a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) (7.1a) *Misrepresenting oneself and goods—Business status, advantages or connections—identity:* § 3.69 (c 10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.96 (b) (1.0a) *Using misleading name—Vendor—Connections and arrangements with others:* § 3.96 (b) (2) *Using misleading name—Vendor—Identity.* Representing, in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other corporations, and respondents' representatives, etc., through the use of the term "Rogers Silverware", either alone or in connection with any other term or terms in a corporate or trade name, or in any other manner, that respondents have an interest in, form a part of, or have any connection with, the manufacturers of Simon L. and George H. Rogers Silverware, or representing in any manner that respondents have an interest in, form a part of, or have any connection with, the International Silverware Company, the Atlas Globe China Company, or any other manufacturer or manufacturers of silverware, chinaware or earthenware, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939]

§ 3.69 (b) (16b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (n1) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other corporations, and respondents' representatives, etc., through the use of the term "Rogers Silverware", either alone or in connection with any other term or terms, or in any other manner, that premium certificates, cards, coupons or other and similar devices can be redeemed in silverware manufactured by the manufacturers of Simon L. and George H. Rogers Silverware, or can be redeemed in any other silverware or other merchandise, unless and until such are the facts and unless all the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with said offer, and there is no deception as to the price, quality, character or any other feature of such silverware or other merchandise or as to the services or other actions to be performed or the price to be paid in connection with obtaining such silverware or other merchandise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939]

§ 3.69 (a) (10a) *Misrepresenting oneself and goods—Business status, advantages or connections—Operations as special or other advertising:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans.* Representing, in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware, or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other corporations, and respondents' representatives, etc., that respondents are conducting any special campaign or advertising campaign to introduce, advertise or sell any article or articles of merchandise on behalf of a manufacturer or manufacturers of silverware, earthenware or chinaware, or any other manufacturer or concern, unless such a campaign is in fact being conducted at the instance of, and on behalf of, such manufacturer or concern, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939]

§ 3.69 (a) (.1) *Misrepresenting oneself and goods—Business status, advantages or connections—Business methods:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (n1) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other corporations, and respondents' representatives, etc., that respondents sell premium certificates, cards, coupons or other and similar devices or other merchandise in any territory or locality exclusively to any purchaser therein unless and until such is the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939]

§ 3.69 (b) (15) *Misrepresenting oneself and goods—Goods—Refunds:* § 3.69 (b) (16b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (b) (16c) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (k3) *Offering deceptive inducements to purchase—Returns and reimbursements:* § 3.72 (n1) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* Representing, in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other corporations, and respondents' representatives, etc., that respondents will refund the sum of $4.50 or any other sum to the purchasers of premium certificates, cards, coupons or other and similar devices, or that the respondents will supply to their customers without charge display sets of silverware or other merchandise, to become the property of such customers, unless and until such are the facts, and unless all of the terms and conditions of such offer or offers are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed by such purchasers or customers in connection with obtaining such refund and display set of silverware or other merchandise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939]

§ 3.69 (c) (2a) *Misrepresenting oneself and goods—Prices—Exaggerated as regular and customary:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans.* Representing, in connection with offer, etc., in commerce, of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupon cards or other and similar devices redeemable in silverware, earthenware, chinaware or other merchandise, and on the part of respondent individuals, trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeaux China Company, or China Sales Syndicate, or other name or names, or trading through corporations Security Silverware Distributors, Inc., United States Sales Corporation, or other corporations, and respondents' representatives, etc., by means of a lottery, game of chance, or a gift enterprise, or supplying, etc., others with any lottery device, game of chance or a gift enterprise so as to enable such persons to dispose of or sell any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, William C. Steffy, et al., Docket 3238, August 2, 1939]



*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF WILLIAM C. STEFFY, LORINA STEFFY, AND G. V. PARKINSON

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents William C. Steffy and G. V. Parkinson, in which said respondents admit all of the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearings as to said facts, and upon the testimony taken before Robert S. Hall, an examiner of the Commission theretofore duly designated by it, relative to the acts and practices of respondent Lorina Steffy, and the Commission having made its findings as to the facts and its conclusion that respondents William C. Steffy and G. V. Parkinson have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents William C. Steffy and G. V. Parkinson, individually and trading as Atlas Globe China Company, Advertising Department, Rogers Silverware Distributors, Bordeau China Company, or China Sales Syndicate, or trading under any other name or names, or trading through the corporations Security Silverware Distributors, Inc., United States Sales Corporation, or through any other corporation or corporations, their representatives, agents and employees, directly or through any other corporate or other device, in connection with the offering for sale, sale and distribution of silverware, earthenware, chinaware, radios or sales promotional plans, including premium certificates, coupons, cards, or other and similar devices redeemable in silverware, earthenware, chinaware or any other merchandise, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing through the use of the term "Rogers Silverware" either alone or in connection with any other

[1] 3 F.R. 1002 DI.

term or terms in a corporate or trade name, or in any other manner, that respondents have an interest in, form a part of, or have any connection with, the manufacturers of Simon L. and George H. Rogers Silverware, or from representing in any manner that respondents have an interest in, form a part of, or have any connection with the International Silverware Company, the Atlas Globe China Company or any other manufacturer or manufacturers of silverware, chinaware or earthenware;

(2) Representing through the use of the term "Rogers Silverware" either alone or in connection with any other term or terms, or in any other manner, that premium certificates, cards, coupons or other and similar devices can be redeemed in silverware manufactured by the manufacturers of Simon L. and George H. Rogers Silverware, or can be redeemed in any other silverware or other merchandise, unless and until such are the facts and unless all the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with said offer and there is no deception as to the price, quality, character or any other feature of such silverware or other merchandise or as to the services or other actions to be performed or the price to be paid in connection with obtaining such silverware or other merchandise;

(3) Representing that respondents are conducting any special campaign or advertising campaign to introduce, advertise or sell any article or articles of merchandise on behalf of a manufacturer or manufacturers of silverware, earthenware or chinaware, or any other manufacturer or concern unless such a campaign is in fact being conducted at the instance of and on behalf of such manufacturer or concern;

(4) Representing that respondents sell premium certificates, cards, coupons or other and similar devices or other merchandise in any territory or locality exclusively to any purchaser therein unless and until such is the fact;

(5) Representing that respondents will refund the sum of $4.50 or any other sum to the purchasers of premium certificates, cards, coupons or other and similar devices or that the respondents will supply to their customers without charge display sets of silverware or other merchandise to become the property of such customers unless and until such are the facts and unless all of the terms and conditions of such offer or offers are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed by such purchasers or customers in connection with obtaining such refund and display set of silverware or other merchandise;

(6) Representing that the retail price of radios is $24.90 or $39.99 or any other amount or amounts unless and until said radios are customarily and ordinarily sold at retail at such amount or amounts;

(7) Supplying to, or placing in the hands of, others said radios or other merchandise together with a padlock and a number of keys which said padlock and keys are to be used or may be used to conduct a lottery, gaming device or gift enterprise in the sale or distribution of said radios or other merchandise to the general public;

(8) Selling or otherwise disposing of any merchandise by means of a lottery, game of chance, or a gift enterprise;

(9) Supplying to, or placing in the hands of, others any lottery device, game of chance or a gift enterprise so as to enable such persons to dispose of or sell any merchandise by the use thereof.

*It is further ordered*, That this proceeding in so far as it relates to respondent Lorina Steffy, be and the same hereby is, closed without prejudice.

*It is further ordered*, That the respondents William C. Steffy and G. V. Parkinson shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3031; Filed, August 16, 1939; 4:01 p. m.]

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[Docket No. 3354]

IN THE MATTER OF OSTREX COMPANY, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "Ostrex", or other similar preparation, that use of such preparation has any beneficial effect on the blood, unless such representation is limited to those cases of persons having an abnormal blood count and hemoglobin percentage and having a type of anemia which may be beneficially affected by the administration of iron, or is beneficial in stimulating or invigorating any glands of the body, unless such representation is limited to the effectiveness of the iodine and calcium contained in said preparation on the thyroid or parathyroid glands, or in increasing weight, unless such representation is limited to statements to the effect that said preparation may stimulate the appetite and may counteract deficiencies in calcium, phosphorus and iron, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ostrex Company, Inc., Docket 3354, August 8, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "Ostrex", or other similar preparation, that such preparation will carry new life and power to nerve cells or will invigorate or revitalize weak organs of the body, or that use thereof will beneficially affect the nerves, unless such representation is limited to those cases of nervous disorders caused by a deficiency of calcium or phosphorus, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ostrex Company, Inc., Docket 3354, August 8, 1939]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (j) (4) *Advertising falsely or misleadingly—Government approval or connection—Tests:* § 3.6 (y1) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Representing, in connection with offer, etc., in commerce, of respondent's "Ostrex", or other similar preparation, that the iron contained in raw oysters is more beneficial in building up the blood than iron contained in other forms of organic or inorganic compounds, or that such preparation is made from Government inspected oysters, unless and until said preparation is made from oysters which have been inspected and approved by accredited representatives of the United States Government, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ostrex Company, Inc., Docket 3354, August 8, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Ostrex Company, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a medicinal preparation now designated "Ostrex" or any other preparation possessing substantially similar therapeutic properties or composed of substantially similar ingredients, whether sold under the same name or any other name or names in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that the use of said preparation has any beneficial effect on the blood unless such representation is limited to those cases of persons having an abnormal blood count and hemoglobin percentage and having a type of anemia which may be beneficially affected by the administration of iron;

2. Representing that the use of said preparation is beneficial in stimulating or invigorating any glands of the human body unless such representation is limited to the effectiveness of the iodine and calcium contained in said preparation on the thyroid or parathyroid glands;

3. Representing that said preparation will carry new life and power to nerve cells or will invigorate or revitalize weak organs of the human body;

4. Representing that the use of said preparation is beneficial in increasing weight unless such representation is limited to statements to the effect that said preparation may stimulate the appetite and may counteract deficiencies in calcium, phosphorus and iron;

5. Representing that the use of said preparation will beneficially affect the nerves unless such representation is limited to those cases of nervous disorders caused by a deficiency of calcium or phosphorus;

6. Representing that the iron contained in raw oysters is more beneficial in building up the blood than iron contained in other forms of organic or inorganic compounds;

7. Representing that said preparation is made from Government inspected oysters unless and until said preparation is made from oysters which have been inspected and approved by accredited representatives of the United States Government.

*It is further ordered*, That the respondent shall, within sixty days after service upon it of this order file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3032; Filed, August 16, 1939; 4:01 p. m.]

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[Docket No. 3640]

IN THE MATTER OF T. NOONAN & SONS COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y1) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Noonan's Vitamin F Scalp Cream" or other similar preparation, which advertisements represent, directly or through implication, that (a) dandruff or itching scalp, singly or in combination, are a usual cause of baldness in the male or impairment of the texture or color of the hair in the female, or that the said preparation will permanently eradicate dandruff or itching scalp, invigorate the roots of the hair, prevent the natural oil of the scalp from being lost and the hair from falling out, avert baldness, promote the growth of new hair, restore unhealthy hair to health, or have more than a transitory effect upon the texture or appearance of the scalp or hair; or that (b) any condition of the hair or scalp is due to a dietary deficiency; or that (c) the said preparation contains "Vitamin F"; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, T. Noonan & Sons Company, Docket 3640, August 3, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, T. Noonan & Sons Company, its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of a certain medicinal preparation now designated by the name of "Noonan's Vitamin F Scalp Cream", or any other preparation composed of similar ingredients or possessing substantially similar therapeutic qualities whether sold under that designation or any other designation, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said medicinal preparation, which advertisements represent, directly or through implication that:

(a) Dandruff or itching scalp, singly or in combination, are a usual cause of baldness in the male or impairment of the texture or color of the hair in the female, or that the said preparation will permanently eradicate dandruff or itching scalp, invigorate the roots of the hair, prevent the natural oil of the scalp from being lost and the hair from falling out, avert baldness, promote the growth of new hair, restore unhealthy hair to health, or have more than a transitory effect upon the texture or appearance of the scalp or hair;

(b) Any condition of the hair or scalp is due to a dietary deficiency;

(c) The said preparation contains "Vitamin F".

*It is further ordered*, That the respondent shall within sixty (60) days after service upon it of this order file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3033; Filed, August 16, 1939; 4:02 p. m.]

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[Docket No. 3658]

IN THE MATTER OF JOHN GREY THE FUR DESIGNER, INC.

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported.* Representing, in connection with offer, etc., in commerce, of respondent's patterns or designs, through the use of the word "Paris", either alone or in conjunction with any other word or words, or through the use of any other term or terms indicative of French or other foreign origin, or in any other manner, that clothing patterns or designs which have been made in the United States have been made in Paris, France, or in any other foreign country, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, John Grey The Fur Designer, Inc., Docket 3658, August 3, 1939]

§ 3.6 (cc) (3) *Advertising falsely or misleadingly—Source or origin—Maker:*

§ 3.66 (k) (3) *Misbranding or mislabeling—Source or origin—Maker.* Representing, in any manner, in connection with offer, etc., in commerce, of respondent's patterns or designs, that clothing patterns or designs which have not been made or designed by Molyneux, Schiaparelli, Max, Paquin, Maggy, Rouff, Chanel, Jenny, Vionnet, or Worth, have been made or designed by such person or persons, or representing that such patterns or designs have been made or designed by any person who is not in fact the actual maker or designer thereof, or using the names of well-known designers of women's clothing, or any other term or terms having the capacity or tendency to deceive the purchasing public as to the identity of the maker or designer of the patterns or designs sold by respondent, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, John Grey The Fur Designer, Inc., Docket 3658, August 3, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That the respondent, John Grey The Fur Designer, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its patterns or designs in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, through the use of the word "Paris", either alone or in conjunction with any other word or words, or through the use of any other term or terms indicative of French or other foreign origin, or in any other manner, that clothing patterns or designs which have been made in the United States, have been made in Paris, France; or in any other foreign country.

(2) Representing in any manner that clothing patterns or designs which have not been made or designed by Molyneux, Schiaparelli, Max, Paquin, Maggy, Rouff, Chanel, Jenny, Vionnet or Worth, have been made or designed by such person or persons, or representing that such patterns or designs have been made or designed by any person who is not in fact the actual maker or designer thereof:

(3) Using the names of well-known designers of women's clothing, or any other term or terms having the capacity or tendency to deceive the purchasing public as to the identity of the maker or designer of the patterns or designs sold by respondent.

*It is further ordered*, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3034; Filed, August 16, 1939; 4:02 p. m.]

[Docket No. 3842]

IN THE MATTER OF USONA SHIRT COMPANY

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.66 (c20) *Misbranding or mislabeling—Manufacture:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties.* Using, in connection with offer, etc., in commerce, of textile fabrics including men's shirts and other like articles, the words "Shrunk", "Pre-Shrunk", or "Full Shrunk", or any other words or terms of similar import or meaning, to describe, designate, or in any way refer to, any fabric which is not in fact shrink-proof or non-shrinkable, or which has not been fully shrunk or pre-shrunk to the extent that no residual shrinkage is left therein, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Usona Shirt Company, Docket 3842, August 8, 1939]

§ 3.6 (m10) *Advertising falsely or misleadingly—manufacture:* § 3.66 (c20) *Misbranding or mislabeling—Manufacture.* Using, in connection with offer, etc., in commerce, of textile fabrics including men's shirts and other like articles, the words "Custom Made", or any other words or terms of similar import and meaning, to designate, describe, or in any way refer to, shirts or other products which are not made especially for each individual customer, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Usona Shirt Company, Docket 3842, August 8, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (u) *Advertising falsely or misleadingly — Quality:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (l) *Misbranding or mislabeling—Quality.* Representing, in connection with offer, etc., in commerce, of textile fabrics including men's shirts and other like articles, that respondent's products possess a quality, grade, character or condition superior to or different from that which they actually possess, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Usona Shirt Company, Docket 3842, August 8, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That the respondent, Usona Shirt Company, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of textile fabrics including men's shirts and other like articles, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Shrunk," "Pre-Shrunk," or "Full Shrunk," or any other words or terms of similar import or meaning, to describe, designate, or in any way refer to, any fabric which is not in fact shrink-proof or nonshrinkable, or which has not been fully shrunk or pre-shrunk to the extent that no residual shrinkage is left therein;

2. Using the words "Custom Made," or any other words or terms of similar import and meaning, to designate, describe, or in any way refer to, shirts or other products which are not made especially for each individual customer;

3. Representing that respondent's products possess a quality, grade, character or condition superior to or different from that which they actually possess.

*It is further ordered*, That the respondent shall, within sixty (60) days after the service upon it of this order file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3035; Filed, August 16, 1939; 4:02 p. m.]

[Docket No. 3792]

IN THE MATTER OF JAMES HEDDON'S SONS

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data:* § 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.48 (b) (6) *Disparaging competitors and their products — Goods — Qualities or properties.* Representing in any manner, in connection with offer, etc., in commerce, of respondent's Improved Heddon Pal hollow steel fishing rod, or other fishing rods, that all hollow steel fishing rods, other than respondent's hollow steel rods, have walls which are thicker at the butt than at the tip, or using any depiction, pictorial representation, or other advertisement which shows in incorrect proportion the relative thickness of the walls at the tip and butt of respondent's or other hollow steel fishing rods, or any section or sections thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, James Heddon's Sons, Docket 3792, August 8, 1939]

§ 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.6 (ee5) *Advertising falsely or misleadingly—Tests:* § 3.48 (b) (10) *Disparaging competitors and their products—Goods—Tests.* Stating, in connection with offer, etc., in commerce, of respondent's Improved Heddon Pal hollow steel fishing rod, or other fishing rods, the results of, or making representations relative to, tests of respondent's or other fishing rods, unless such tests were made by competent persons independent of respondent, prohibited; subject to provision that if such tests are made by persons not independent of respondent, there must be stated in direct connection therewith, in words of equal conspicuousness, the connection of such persons with respondent. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, James Heddon's Sons, Docket 3792, August 8, 1939]

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data:* § 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.6 (u) *Advertising falsely or misleadingly—Quality:* § 3.6 (ee5) *Advertising falsely or misleadingly—Tests:* § 3.48 (b) (7) *Disparaging competitors and their products—Goods—Quality—By means of false or misleading tests.* Representing, in connection with offer, etc., in commerce, of respondent's Improved Heddon Pal hollow steel fishing rod, or other fishing rods, that the results of comparative tests of respondent's fishing rods with other rods show respondent's rods to be superior, unless and until such is the fact and unless such representation is limited to the superiority of respondent's rods in only those factors proven by such tests, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, James Heddon's Sons, Docket 3792, August 8, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, James Heddon's Sons, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its Improved Heddon Pal hollow steel fishing rod, or other fishing rods, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing in any manner that all hollow steel fishing rods, other than respondent's hollow steel rods, have walls which are thicker at the butt than at the tip;

2. Using any depiction, pictorial representation, or other advertisement which shows in incorrect proportion the relative thickness of the walls at the tip and butt of respondent's or other hollow steel fishing rods, or any section or sections thereof;

3. Stating the results of, or making representations relative to, tests of respondent's or other fishing rods, unless such tests were made by competent persons independent of respondent, provided that if such tests are made by persons not independent of respondent, there must be stated in direct connection therewith, in words of equal conspicuousness, the connection of such persons with respondent;

4. Representing that the results of comparative tests of respondent's fishing rods with other rods show respondent's rods to be superior unless and until such is the fact and unless such representation is limited to the superiority of respondent's rods in only those factors proven by such tests.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3036; Filed, August 17, 1939; 10:49 a. m.]

## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4922]

TAX ON TELEGRAPH, TELEPHONE, RADIO, AND CABLE FACILITIES; TRANSPORTATION OF OIL BY PIPE LINE, AND ELECTRICAL ENERGY; SUBTITLE C OF THE INTERNAL REVENUE CODE

*To Collectors of Internal Revenue and Others Concerned:*

Section 1 of the Revenue Act of 1939, aproved June 29, 1939, reads in part as follows:

SEC. 1. CONTINUATION OF EXCISE TAXES. * * *.

Sections * * * 3452, 3460 (a), 3465, * * * of the Internal Revenue Code are amended by striking out "1939" wherever appearing therein and inserting in lieu thereof "1941". * * *.

In conformity with the provision of law quoted above, articles 1, 8, 25, and 39 of Regulations 42 (revised October 1932), as amended (sections 130.1, 130.8, 130.25, and 130.39 of Title 26, Code of Federal Regulations), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939[1] (Part 465, Subpart B of such Title 26), under the authority contained in sections 3431 and 3472 of the Internal Rev-

[1] 4 F.R. 2337 DI.

[1] 4 F.R. 879 DI.

enue Code, are further amended to read as follows:

"ART. 1. *Effective period.*—The tax is imposed upon payments for the transmission by telegraph, telephone, cable, or radio of dispatches, messages, and conversations originating in the United States prior to July 1, 1941, regardless of the date of payment.

"ART. 8. *Effective period.*—The tax imposed under section 3465 (b) attaches to the amount paid for any leased wire or talking circuit special service furnished prior to July 1, 1941. If the rendition of the service occurs prior to July 1, 1941, the tax attaches thereto notwithstanding the date of payment.

"ART. 25. *Effective period.*—The tax imposed under section 3460 applies to all transportation of crude petroleum and liquid products thereof by pipe line where the movement begins prior to July 1, 1941. In the case of any such transportation by pipe line where the movement originates prior to July 1, 1941, and ends on or after that date, the tax attaches to the entire amount charged for the transportation, although paid on or after July 1, 1941.

"ART. 39. *Effective period.*—The tax applies to electrical energy sold prior to July 1, 1941."

(This Treasury decision is prescribed pursuant to sections 3452, 3460 (a) and 3465 of the Internal Revenue Code (53 Stat., Part 1), as amended by section 1 of the Revenue Act of 1939 (Public, No. 155, 76th Cong., 1st sess.) and sections 3431 and 3472 of the Internal Revenue Code.)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, August 15, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3027; Filed, August 16, 1939; 1:12 p. m.]

[T. D. 4923]

TAX ON ADMISSIONS, CHAPTER 10, SUBCHAPTER A OF THE INTERNAL REVENUE CODE

*To Collectors of Internal Revenue and Others Concerned:*

Section 1 of the Revenue Act of 1939, approved June 29, 1939, reads in part as follows:

SEC. 1. CONTINUATION OF EXCISE TAXES. * * *

Sections 1700 (a) (1) * * * of the Internal Revenue Code are amended by striking out "1939" wherever appearing therein and inserting in lieu thereof "1941". * * *.

In conformity with the provision of law quoted above, article 57 of Regulations 43 (revised June 1932), as amended (section 100.57 of Title 26, Code of Federal Regulations), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939[1] (Part 465, Subpart B of such Title 26), under the authority contained in section 3791 of the Internal Revenue Code, is further amended to read as follows:

"ART. 57. *Effective date of change in exemption.* The sums paid for admission which are not subject to tax under section 1700 (a) (1) of the Internal Revenue Code (same as section 500 (a) (1), as amended, of the Revenue Act of 1926) are those which are 'less than 41 cents'. Effective July 1, 1941, any sum of '$3.00 or less' paid for admission will not be taxable. The time of payment and not the time of admission will govern in determining which exemption is applicable. Consequently, if a person should purchase a ticket of admission for an amount in excess of 40 cents where the payment was made before July 1, 1941, for an admission to take place after that date, the payment so made would be subject to tax."

(This Treasury decision is prescribed pursuant to section 1700 (a) (1) of the Internal Revenue Code (53 Stat., Part 1), as amended by section 1 of the Revenue Act of 1939 (Public, No. 155, 76th Cong., 1st sess.) and section 3791 of the Internal Revenue Code.)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: August 15, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3028; Filed, August 16, 1939; 1:12 p. m.]

[T. D. 4924]

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

PART 188—BOTTLING OF DISTILLED SPIRITS IN BOND FOR EXPORT

*To District Supervisors and Others Concerned:*

Pursuant to authority in Sections 2903 to 2906, inclusive, and Section 2910, Internal Revenue Code, Regulations No. 6, Bottling of Distilled Spirits in Bond, approved June 3, 1938, as amended,[2] are hereby further amended by adding thereto Sections 45 to 62, inclusive, to read as follows:

§ 45 *Distilled spirits which may be bottled in bond for export.* Under the provisions of Sections 2903 to 2906, inclusive, of the Internal Revenue Code, distilled spirits which have remained in wooden containers for at least four years from the date of original gauge as to fruit brandy, or original entry as to other spirits (except gin for export) and have been duly entered for withdrawal for bottling in bond for export and have been duly gauged and the required marks, brands and export stamps affixed to the packages containing the same, may be removed to the bottling house for bottling in bond for export. Such spirits may be reduced in the bottling tank by the addition of pure water only to not less than 80 per centum proof.

Pursuant to the provisions of Section 2910 of the Internal Revenue Code, gin of not less than 80 per centum proof may at any time within eight years after entry in bond be bottled in bond for export.

§ 46 *Application for withdrawal of spirits for bottling for export.* Whenever spirits are to be withdrawn from an internal revenue bonded warehouse for bottling in bond for immediate exportation, application for withdrawal therefrom will be made on Form 206. If the spirits are to be withdrawn for bottling for temporary storage before exportation, application for withdrawal will be made on Form 655.

§ 47 *Size and kind of bottles.* Distilled spirits may be bottled in bond for export in the following sized bottles and no others:

1 quart.
⅘ quart.
1 pint.
½ pint.
Less than ½ pint.[1]

Bottles must be filled as nearly as possible to conform to the amount stated to be contained therein but in no case may the amount of spirits contained in any bottle vary from the amount intended or stated to be contained therein more than 2 per cent. Bottles to be used for bottling distilled spirits in bond for export shall be tested as to capacity in accordance with the provisions of Section 37 of these regulations.

Liquor bottles as defined in Regulations 13 may be used, but will not be required in bottling distilled spirits in bond for export.

§ 48 *Denominations of export strip stamps.* Export strip stamps will be provided in the following denominations only:

1 quart.
⅘ quart.
1 pint.
½ pint.
Less than ½ pint.

§ 49 *Number of export stamps in sheet.* Export strip stamps of "Less than ½ pint" denomination will be issued 50 in a sheet. Export strip stamps of all other denominations will be issued 42 in a sheet. Requisitions for stamps by proprietors of warehouses must be made for full sheets. Stamps less than a full sheet may not be sold by a Collector.

§ 50 *Requisitioning; shipping and overprinting export strip stamps.* Export strip stamps will be requisitioned, shipped and overprinted in the manner provided in Sections 16, 18, 19 and 20 of these regulations for requisitioning, shipping and overprinting of strip stamps for distilled spirits bottled in bond for domestic consumption, except that in overprinting export strip stamps the proof at which the spirits are to be bottled will be printed on the stamps in addition to the other required data.

§ 51 *Record of export stamps, Form 1606.* The storekeeper-gauger will keep a separate record, marked "Export," on Form 1606 of the number of each denomination of export strip stamps received by him during the month, the number turned over to the proprietor for overprinting and returned to him, the number used during the month, and the number on hand at the beginning and close of the month. A summary statement (Part 2 of Form 1606) of such record shall be prepared and forwarded to the District Supervisor each month as provided by the instructions on the form.

§ 52 *Labeling of distilled spirits bottled for export.* All bottles containing distilled spirits bottled in bond for export shall have securely affixed thereto a label showing the following information:

1. Kind of spirits.
2. Name of actual bona fide distiller, or the name of the individual, firm, partnership, corporation, or association in whose name the spirits were produced and warehoused.
3. Proof of the spirits.
4. The words "Bottled in bond for export."

The caution notice prescribed in Section 23 for spirits bottled in bond for domestic consumption will not be required on spirits bottled for export.

§ 53 *Construction of cases for spirits bottled in bond for export.* Cases constructed according to the specifications set forth in Sections 27 and 28, or in accordance with specifications which may be approved hereafter, may be used for packaging spirits bottled in bond for export.

§ 54 *Capacity of cases.* Spirits bottled in bond for export shall be packed in cases to contain not less than 2.0 wine gallons nor more than 5.0 wine gallons each.

§ 55 *Numbering of cases.* Each case containing distilled spirits bottled in bond for export will be given a serial number. The series of numbers in use for numbering cases containing spirits bottled for domestic consumption will be continued in numbering cases containing spirits bottled in bond for export. Remnant cases will be given the same serial number as the last full case containing spirits in the same bottling lot followed by the letter "R."

§ 56 *Marking cases for spirits bottled for export.* The Government side of cases used for packaging distilled spirits bottled in bond for export will be marked as provided in Section 30 (a) for distilled spirits bottled in bond for domestic consumption, and in addition thereto the number and capacity of the bottles contained therein, the wine and proof gallon contents, the words "For Export from U. S. A.," the name of the domestic port from which, and the foreign port to which, the spirits are to be shipped, and the date of withdrawal for exportation, will be plainly burned, embossed, printed or stenciled thereon in letters and figures of not less than ½ inch in height. The marks and brands will be placed on the cases in the following manner and order:

SERIAL NO. 100 — 12 1-quart bottles

Distillery No. 564 — JOHN BARLEYCORN & CO. — Louisville, Ky.

Bottled at INTERNAL REVENUE BONDED WAREHOUSE No. 300—Ky. — John Doe, U. S. Storekeeper-Gauger, Insp. June 5, 1939 — 3.00 wine gals. 2.40 proof gals. 80 proof.

Made Fall, 1934 — Bottled Spring, 1939

NEW YORK TO LONDON — For Export from U. S. A. — June 6, 1939

§ 57 *Application for export strip stamps.* Application will be made on Form 1515 (Part 1), in duplicate, to the storekeeper-gauger for the necessary export strip stamps to cover the bottles of spirits to be filled. If the number and denomination of stamps requested by the proprietor are necessary to cover the quantity of spirits to be bottled, the storekeeper-gauger will issue the stamps and make the necessary entry on his record of stamps, Form 1606. Upon completion of the bottling, the details of the statement "Cases filled," Part 2 of Form 1515, will be filled in by the storekeeper-gauger in accordance with the instructions on the form, and one copy with the cut-out portions of the export barrel stamps attached thereto will be forwarded to the District Supervisor. Appropriate entry will also be made of the cases filled on Form 206 or Form 655 in accordance with the instructions on the form.

§ 58 *Affixing of export strip stamps, use of caps, cups, and cartons.* Export strip stamps must be securely affixed to the bottles in the same manner as strip stamps are required to be affixed to spirits bottled in bond for domestic consumption. The provisions of Section 38 of these regulations, respecting the affixing of strip stamps, and the use of cups, caps, seals, and cartons on bottles so stamped, shall apply to spirits bottled for export.

§ 59 *Remnants.* Where the spirits remaining in a bottling tank are found to be less than the quantity necessary to constitute a full case of bottled spirits, the spirits so remaining shall be immediately drawn off, bottled and cased. Such remnant may be tax-paid for domestic consumption, or may be removed to the export storage warehouse for storage until the next lot of spirits of the same kind, produced by the same distiller during the same year and distilling season are dumped for bottling for exportation, at which time the remnant case may be returned to the bottling house and the bottles used for filling a complete case, or, if the spirits are of the age and proof required for domestic bottled in bond spirits, the remnant case may be deposited in the bonded warehouse for subsequent disposition in the manner provided by regulations for the disposition of remnant cases of spirits bottled in bond for domestic purposes.

Indicia bottles must be used in the event the remnant is to be drawn off into bottles of a capacity of ½ pint or greater for tax-payment or for return to the bonded warehouse for subsequent disposition as bottled in bond spirits. The bottles must be stamped with red strip stamps, unless the spirits are 100 degrees proof and have remained in wooden containers for at least four years from the date of original gauge as to fruit brandy, or original entry as to other spirits, in which event they may be stamped with domestic bottled in bond stamps. The bottles must also be properly labeled. The cases containing the remnant bottles must be marked and branded as required by the respective regulations governing the bottling of tax-paid spirits or spirits bottled in bond for domestic purposes. Bottles in remnant cases deposited in the export storage warehouse must be strip stamped and labeled with export labels and the case containing same must be marked and branded as prescribed by these regulations for marking cases of spirits bottled in bond for export, except as to the date of withdrawal and the names of the ports.

In all cases where a remnant is disposed of as heretofore provided, notation will be made in Part 2 of Form 1515 and on Form 206 or Form 655, as the case may be, showing the disposition made of such remnant.

§ 60 *Tax-payment of losses in bottling and remnants.* Losses in bottling spirits for export will be reported on Form 1607 for tax-payment, as provided in Section 39 of these regulations. The tax will be paid on remnant cases which it is desired to remove for domestic consumption, pursuant to application on Form 1519, properly modified for the purpose. However, such remnant will be removed immediately upon completion of the bottling to the tax-paid room.

§ 61 *Remnant cases returned to bottling house.* When remnant cases are to be returned to the bottling house from the export storage warehouse for use in filling a complete case, they will be in-

[1] 4 F.R. 879 DI.
[2] 4 F.R. 1389 DI.

[1] Bottles of less than ½ pint capacity may be of size desired.

cluded in the application, Form 206, or Form 655, covering the withdrawal of bulk containers for bottling for export.

§ 62 *Records.* Export bottling transactions will be reported on the Storekeeper-Gauger's Monthly Return, Form 1516, and the District Supervisor's Monthly Account, Form 1517, respectively, as provided in Sections 41 and 42, and in accordance with the instructions on the respective forms.

These sections shall be effective on and after October 1, 1939.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: August 15, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3039; Filed, August 17, 1939; 12:43 p. m.]

## *Notices*

### WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT IN THE MEDICAL CORPS, REGULAR ARMY

1. An examination of applicants for appointment as first lieutenants, Medical Corps, Regular Army, will be held within the continental limits of the United States from December 4 to December 8, 1939, inclusive.

2. Applications and requests for information concerning this examination should be addressed to The Adjutant General.

3. Applications received after November 18, 1939, will not be considered. (Sec. 24, 41 Stat. 774; sec. 4, 35 Stat. 67; 10 U.S.C. 92, 93) [Sec. III, Cir. No. 58, W.D., Aug. 9, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-3029; Filed, August 16, 1939; 3:14 p. m.]

### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of August, A. D. 1939.

[File No. 32-168]

IN THE MATTER OF NEW YORK POWER AND LIGHT CORPORATION

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to sections 6 (b) and 12 (c) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 25, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 23, 1939.

The matter concerned herewith is in regard to

(1) The proposed acquisition by New York Power and Light Corporation of such of its First Mortgage Bonds, 4½% Series due 1967, presently outstanding in the aggregate principal amount of $66,000,000, as may be presented in response to a proposed offer of Applicant to issue its first Mortgage Bonds, 3⅜% Series due 1969, in exchange for Bonds of the 4½% Series due 1967, at par. The Exchange Offer will be conditioned upon the deposit pursuant thereto of not less than $22,582,000 aggregate principal amount of the Bonds of the 4½% Series due 1967, and upon the making of satisfactory arrangements by the Applicant for the redemption by the Applicant of such of the Bonds of the 4½% Series due 1967 as are not deposited pursuant to the Exchange Offer, and for the redemption of the First Mortgage, Five Percent, Thirty Year Bonds of Port Henry Light, Heat and Power Company (a predecessor of Applicant) outstanding in the principal amount of $269,000, and for the payment at maturity on November 1, 1939, of the $313,000 principal amount of First Mortgage, Five Percent Bonds of Troy Gas Company (a predecessor of Applicant) outstanding in the hands of the public.

(2) The proposed issue and sale by New York Power and Light Corporation of not to exceed $66,582,000 aggregate principal amount of its First Mortgage Bonds, 3⅜% Series due 1969 and 3½% Series due 1964, said bonds to be issued under the indenture securing the Applicant's presently outstanding First Mortgage Bonds, 4½% Series due 1967, and an indenture supplemental thereto, as follows:

(a) Bonds of the 3⅜% Series due 1969 in an aggregate principal amount equal to the aggregate principal amount of the Applicant's presently outstanding First Mortgage Bonds, 4½% Series due 1967, which may be deposited pursuant to the Exchange Offer referred to above; and

(b) Bonds of the 3½% Series due 1964 in an amount equal to the difference between $66,582,000 and the aggregate principal amount of Bonds of the 3⅜% Series due 1969, issued pursuant to the Exchange Offer, but not more than $44,000,000 principal amount, said bonds to be sold privately at a price to the Applicant of not less than 106.5% of the principal amount thereof plus accrued interest. The proceeds of the sale will be used to redeem at the redemption price of 104.6% of their principal amount, plus accrued interest, such Bonds of the 4½% Series due 1967, not exchanged for Bonds of the 3⅜% Series due 1969; to pay at maturity the $313,000 principal amount of Troy Gas Company's First Mortgage Five Percent Bonds due November 1, 1939; and to redeem the $269,000 principal amount of Port Henry Light, Heat and Power Company's First Mortgage Five Percent Bonds due August 1, 1946, at the redemption price of 105% of their principal amount plus accrued interest.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3037; Filed, August 17, 1939; 11:45 a. m.]


# FEDERAL REGISTER

VOLUME 4 NUMBER 160

*Washington, Saturday, August 19, 1939*


## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[P-6]

PART 741—1939 PRICE ADJUSTMENT PROGRAM REGULATIONS

SUPPLEMENT NO. 5

By virtue of the authority vested in the Secretary of Agriculture by the Price Adjustment Act of 1938, approved June 21, 1938 (Title V of Public Res. No. 122, 75th Congress; 52 Stat. 819), and pursuant to the provisions of Sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 43, 45), and the second paragraph of Section 15 of the Soil Conservation and Domestic Allotment Act, as amended by Section 104 of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 35), the 1939 Price Adjustment Program Regulations, as amended,[1] are hereby further amended as follows:

Section 741.5, as amended by Supplement No. 2 (P-3), is further amended by adding at the end thereof the following:

*Provided further*, That if for any reason the total acreage of cotton on the farm in 1939 is less than 80 percent of the cotton acreage allotment established for the farm and the acreage of cotton which is or would have been planted for harvest on the farm in 1939 by any tenant or sharecropper is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally plant thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the payment computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton acreage allotment had been planted and harvested in 1939, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1939.

Done at Washington, D. C., this 17th day of August, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3040; Filed, August 17, 1939; 2:31 p. m.]

[1] 4 F.R. 2912 DI.

### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

AUGUST 17, 1939.

To F. A. BATES,
*Doing Business as Thompson Livestock Commission Co., Broken Bow, Nebr.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Thompson Livestock Market at Broken Bow, State of Nebraska, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207)

[1] Modifies list posted stockyards 9 CFR 204.1.

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and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3042; Filed, August 17, 1939; 2:31 p. m.]

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

AUGUST 17, 1939.

To JOHN BACHMAN and H. C. PETERSON, Partners,
*Doing business as Chappell Sales Pavilion, Chappell, Nebr.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b), it has been ascertained by me that the stockyard known as the Chappell Sales Pavilion at Chappell, State of Nebraska, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3045; Filed, August 18, 1939; 9:23 a. m.]

[1] (Modifies list posted stockyards 9 CFR 204.1)

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 11th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[File No. 21-339]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE MARKING DEVICES INDUSTRY

*Promulgation*

Due proceedings having been held[1] under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

*It is now ordered*, That the trade practice rules of Group I and Group II, as hereinafter set forth,[2] which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of August 19, 1939.

*Statement by the Commission*

Trade Practice Rules for the Marking Devices Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

These rules provide for the elimination and prevention of various unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, and are directed toward promoting and maintaining fair competitive conditions and protection of purchasers and the public interest. They consist of a revision and extension of the rules which had heretofore been issued by the Commission for this industry on September 1, 1933, and take the place of such previously issued rules.

Members of this industry are engaged in the manufacture, sale and distribution of rubber and metallic stamps and dies, numbering and dating machines, stencils and stencil cutting machines, seals and seal presses, and stamped plates, tags, labels, signs, checks, badges and numerous other similar articles and products. According to available estimates, the industry, numbering about a thousand concerns, transacts an aggregate annual volume of business amounting to approximately $15,000,000.

The proceeding for the establishment of trade practice rules was instituted upon application of the industry. In the course thereof a draft of the rules as proposed for the industry was made available upon public notice issued by the Commission to all interested or affected parties, whereby they were afforded opportunity to present their views, including such pertinent information, suggestions or objections as they desired to submit, and to be heard in the premises. Accordingly, public hearing pursuant to such notice was held in Washington on July 27, 1939, and all matters submitted in the proceeding were duly received and considered.

Thereafter, and upon consideration of the entire proceeding, final action was taken by the Commission whereby it approved and received, respectively, the rules appearing herein under Group I and Group II.

THE RULES

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of the industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

*Group I*

The unfair trade practices which are embraced in the Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited within the purview of the Federal Government, by acts of Congress, as construed in the decisions of the Federal Trade Commission or the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation or other organization, of such unlawful practices in or directly affecting interstate commerce.

(§ 97.1) RULE 1. *Misbranding.* The false or deceptive marking or branding of products of the industry with respect to the grade, quality, quantity, use, size, material, content, substance, origin, preparation, manufacture or distribution of such products, or in any other material respect, is an unfair trade practice.

(§ 97.2) RULE 2. *Misrepresentation of industry products.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading or deceptive statement or representation, by way of advertisement or otherwise, concerning the grade, quality, quantity, use, size, material, content, substance, origin, preparation, manufacture or distribution of any product of the industry, or in any other material respect.

(§ 97.3) RULE 3. *Misrepresentation as to Character of Business.* For any person, firm or corporation to hold himself or itself out to the public as a manufacturer or wholesaler when such is not the fact, or in any other manner to misrepresent the character, extent or type of his or its business, is an unfair trade practice.

(§ 97.4) RULE 4. *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitutions and with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

(§ 97.5) RULE 5. *Misuse of word "Free".* The use of the word "free", or the equivalent thereof, where not properly or fairly qualified when the article is in fact not free, with the tendency or capacity to mislead or deceive purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

(§ 97.6) RULE 6. *Imitation of trade-marks, etc.* The imitation or simulation of the trade-marks, trade names, labels or brands of competitors, with the tendency and capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

(§ 97.7) RULE 7. *False invoicing.* Withholding from or inserting in an invoice, billing or statement any material information by reason of which omission or insertion a false record is made, wholly or in part, of the transaction which such invoice or billing or statement purports to represent, with the effect of thereby misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

(§ 97.8) RULE 8. *False and misleading price quotations.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, with the tendency and capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public, is an unfair trade practice.

(§ 97.9) RULE 9. *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their businesses, is an unfair trade practice.

(§ 97.10) RULE 10. *Enticing away employees of competitors.* Wilfully enticing away the employees of competitors, with the purpose and effect of unduly hampering, injuring or prejudicing competitors in their businesses, is an unfair trade practice.

(§ 97.11) RULE 11. *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies or services, or conditions of employment, is an unfair trade practice.

(§ 97.12) RULE 12. *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring or prejudicing competitors in their businesses, is an unfair trade practice.

(§ 97.13) RULE 13. *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor, by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such a manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade.

(§ 97.14) RULE 14. *Commercial bribery.* It is an unfair trade practice for a member of the industry directly or indirectly to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors.

(§ 97.15) RULE 15. *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice.

(§ 97.16) RULE 16. *Consignment shipping.* It is an unfair trade practice for any member of the industry to use the practice of shipping goods to dealers or distributors on consignment or pretended consignment for the purpose and with the effect of artificially clogging trade outlets and unduly restricting competitors' use of said trade outlets in getting their goods to consumers through regular channels of distribution, or with such purpose to entirely close said trade outlets to such competitors so as to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade: *Provided, however*, That nothing herein shall be construed or used as restricting or preventing consignment shipping or marketing of commodities in good faith, and without artificial interference with competitors' use of the usual channels of distribution in such manner as thereby to suppress competition or restrain trade.

(§ 97.17) RULE 17. *Selling below cost.* The practice of selling industry products below the seller's cost, when pursued with wrongful intent of thereby injuring a competitor and where the effect of such practice is to unreasonably restrain trade, tend to create a monopoly, or substantially lessen competition, is an unfair trade practice.

This rule is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued as a monopolistic practice with the wrongful intent referred to and coupled with the effect of unreasonably restraining trade, tending to create a monopoly or substantially lessening competition. Sales below cost by a competitor not in a sufficiently strong competitive position to produce, and not actually producing, the monopolistic or restraining effect mentioned, do not fall within the inhibitions of this rule.

The costs referred to in the rule are actual costs of the respective seller and not some other figure or average costs in the industry, determined by an industry cost survey or otherwise.

(§ 97.18) RULE 18. *Unlawful interference.* It is an unfair trade practice for any member of the industry, by means of any monopolistic practices, or through combination, conspiracy, coercion, boycott, threats or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his materials and supplies from whomsoever he chooses, or to sell to whomsoever he chooses.

(§ 97.19) RULE 19.—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc.,*[1] *which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[2] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of

[1] 4 F.R. 2951 DI.

[2] These rules supersede the rules previously promulgated for this industry on September 1, 1933.

[1] Paragraph (a) of Rule 19 shall not be construed as embracing practices prohibited by paragraphs (b), (c) and (d) of this rule.

price differential,[1] where such rebate, refund, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[2] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[2] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them: *Provided, however*,—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[2] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce[2], in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce,[2] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[2] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or by furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce[2], in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this Rule 19.

(§ 97.20) RULE 20. *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm or corporation to aid, abet, coerce or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in these rules.

*Group II*

Compliance with the trade practice provisions embraced in these Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, *per se*, constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of a violation of Group I rules.

RULE A. *Publication of price lists.* The industry approves the practice of each individual member of the industry independently publishing and circulating to the purchasing trade his own price lists fully setting forth his terms of sale.

RULE B. *Return of merchandise.* The practice, by members of the industry, of selling merchandise and later permitting the purchaser to return it for credit or refund of purchase price, without just cause, creates waste and loss, increases the cost of doing business to the detriment of both the industry and the public, and is condemned by the industry, subject, however, to the general limitation that members of the industry shall not engage in any combination or conspiracy in restraint of trade or use any other illegal methods in the regulation, control or prevention of the return of merchandise.

RULE C. *Repudiation of contracts.* Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market, or by buyers on a declinihg market, is condemned by the industry.

RULE D. *Arbitration.* The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so they should, if possible, submit these disputes to arbitration.

Promulgated and issued by the Federal Trade Commission as of August 19, 1939.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3047; Filed, August 18, 1939; 9:27 a. m.]

[Docket No. 3743]

IN THE MATTER OF VAN PRODUCTS COMPANY

§ 3.6 (n) (2) *Advertising falsely or misleading—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "No-No Germ Control", or other similar medicinal preparation, which advertisements represent, directly or through implication, that said medicinal preparation will kill germs which cannot be reached by powder or liquid preparations, or will kill all germs, or is a germicide; will prevent pregnancy or is a competent and effective contraceptive; is non-irritating to the genital organs and odorless; will clear the nasal passages or reduce swollen membrances or clear away mucous, or is an effective treatment for head colds or hay fever, or will remove calluses or bunions or relieve pains caused thereby; or which fail to reveal that said preparation is not a wholly safe drug to be used by the lay public in self-medication; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Van Products Company, Docket 3743, August 12, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF LEON E. VAN LAETHEM, AN INDIVIDUAL, TRADING AS VAN PRODUCTS COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Leon E. Van Laethem, individually, and trading as Van Products Company, his representatives, agents and employees, directly, or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisements by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of a medicinal preparation containing drugs now designated by the name of "No-No Germ Control," or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or any other name or names, or disseminating or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said medicinal preparation which advertisements represent directly or through implication that said medicinal preparation will kill germs which cannot be reached by powder or liquid preparations, or will kill all germs, or is a germicide; that said preparation will prevent pregnancy or is a competent and effective contraceptive; that said preparation is non-irritating to the genital organs and odorless; that said preparation will clear the nasal passages or reduce swollen membranes or clear away mucous, or is an effective treatment for head colds or hay fever; that said preparation will remove calluses or bunions or relieve pains caused thereby; or which advertisements fail to reveal that said preparation is not a wholly safe drug to be used by the lay public in self-medication.

*It is further ordered*, That the respondent shall within sixty (60) days after the service upon him of this order file with the Commisison a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3046; Filed, August 18, 1939; 9:27 a. m.]

## TITLE 19—CUSTOMS DUTIES

## BUREAU OF CUSTOMS

[T. D. 49935]

TEMPORARY FREE IMPORTATIONS, AUTOMOBILES AND SIMILAR VEHICLES

ADMISSION FOR SIX MONTHS UNDER PERMIT WITHOUT BOND AUTHORIZED FOR AUTOMOBILES, MOTORCYCLES, BICYCLES, CARRIAGES AND TEAMS FROM CANADA

*To Collectors of Customs and Others Concerned:*

Pursuant to section 308 (5) of the Tariff Act of 1930, as amended by section 4 of the Customs Administrative Act of 1938 (U.S.C., Sup. IV, title 19, sec. 1308 (5)), and article 477 (b) of the Customs Regulations of 1937, as amended by (1938) T. D. 49658,[1] collectors of customs are hereby authorized to defer for a period of not to exceed six months the requirement of a bond to secure the exportation of automobiles, motorcycles, bicycles, carriages, and teams imported from Canada under the provisions of section 308 (5), supra, for the transportation of the nonresident importer, his family and guests, and such incidental carriage of articles as may be necessary and appropriate to the purposes of the journey, but not to be used for the transportation of persons or articles for hire, nor in any case primarily for the carriage of articles.

The part of (1938) T. D. 49664,[2] limiting the foregoing privilege to "automobiles and similar vehicles imported under such section 308 (5) solely for touring purposes", is hereby superseded so far as it relates to vehicles from Canada.

[SEAL] W. R. JOHNSON,
*Acting Commissioner of Customs.*

Approved, August 15, 1939.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3043; Filed, August 17, 1939; 3:26 p. m.]

## Notices

## DEPARTMENT OF AGRICULTURE.

### Division of Marketing and Marketing Agreements.

[Docket No. A-107 O-107]

NOTICE OF HEARING WITH RESPECT TO PROPOSAL TO AMEND ORDER NO. 27 AND MARKETING AGREEMENT NO. 80, REGULATING HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

Whereas under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture, hereinafter called the Secretary, issued Order No. 27[1] regulating the handling of milk in the New York metropolitan marketing area, effective 12:01 a. m., e. s. t., September 1, 1938; and

Whereas the Secretary on September 17, 1938, approved a marketing agreement regulating the handling of milk in the New York metropolitan marketing area, effective 12:01 a. m., e. s. t., September 1, 1938; and

Whereas the Secretary on March 18, 1939,[2] suspended the said marketing agreement and the said order, effective 11:59 p. m., e. s. t., January 31, 1939, until further order of the Secretary; and

Whereas the Acting Secretary on June 10, 1939,[3] reinstated Order No. 27, effective July 1, 1939; and

Whereas the Commissioner of Agriculture and Markets of the State of New York made effective on September 1, 1938, Order No. 126 regulating the handling of milk in the New York metropolitan marketing area, to which Order No. 27 is complementary; and

Whereas the Metropolitan Cooperative Milk Producers' Bargaining Agency and others have petitioned the Secretary and the Commissioner for a public hearing on certain amendments to Order No. 27 and to Order No. 126; and

Whereas the Secretary has reason to believe that the declared policy of the act will be effectuated by holding a hearing on the said proposed amendments and to review present marketing conditions in the New York milkshed to deter-

[1] 3 F.R. 1808 DI.
[2] 3 F.R. 1933 DI.

[1] 3 F.R. 1945 DI.
[2] 4 F.R. 1259 DI.
[3] 4 F.R. 2377 DI.

[1] As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided*, That this not apply to the Philippine Islands.

mine what amendments, if any, should be made to Order No. 27 and what the provisions of a marketing agreement, regulating the handling of milk in the New York metropolitan marketing area in the same manner as Order No. 27, should be:

Now, therefore, pursuant to the aforesaid act and general regulations issued thereunder, notice is hereby given of a hearing to be held jointly with the Commissioner of Agriculture and Markets of the State of New York on a proposal to amend the Class I, Class II–A, Class II–B, and Class III–B price provisions of Order No. 27 and of the marketing agreement regulating the handling of milk in the New York metropolitan marketing area, beginning 10:00 a. m., August 24, 1939, in Lincoln Auditorium, Central High School, Syracuse, New York, and at 10:00 a. m., August 25, 1939, in Room No. 500, State Office Building, 80 Centre Street, New York City.

This public hearing is for the purpose of receiving evidence as to present conditions affecting the New York metropolitan marketing area on which the Secretary may determine what changes, if any, need to be made in the said price provisions of Order No. 27 and of the marketing agreement.

Copies of the proposed amendments prepared as a basis for the public hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated: August 17, 1939.

[F. R. Doc. 39–3041; Filed, August 17, 1939; 2:31 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of August 1939.

[File No. 1–1460]

IN THE MATTER OF SIELOFF PACKING COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Sieloff Packing Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the St. Louis Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Monday, September 18, 1939, at the office of the Securities & Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such time and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–3049; Filed, August 18, 1939; 10:48 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of August 1939.

[File No. 1–2730]

IN THE MATTER OF IRON CAP COPPER CORPORATION COMMON STOCK, $10 PAR VALUE 6% NON-CUMULATIVE PREFERRED STOCK, $10 PAR VALUE, AND 7% NON-CUMULATIVE PRIOR PREFERRED STOCK, $10 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The San Francisco Mining Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the above-mentioned securities of Iron Cap Copper Corporation; and

After appropriate notice,[1] a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of business on September 1, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–3048; Filed, August 18, 1939; 10:48 a. m.]

[1] 4 F.R. 2452 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of August, A. D. 1939.

[File No. 43–195]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF COLORADO

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party; and having been subsequently amended

*It is ordered*, That a hearing on such matter be held on August 24, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 22, 1939.

The matter concerned herewith is in regard to the proposed issue and sale by the Declarant of the following securities: (a) $40,000,000 principal amount of the Declarant's First Mortgage Bonds, 3½% Series, due 1964; (b) $12,500,000 principal amount of the Declarant's 4% Debentures, due 1949; (c) $2,190,000 principal amount of the Declarant's Common Stock ($100 par value).

By recent amendment to the declaration Declarant proposes to issue and sell $2,190,000 principal amount of Declarant's Common Stock ($100 par value) instead of 21,900 shares of First Preferred, 5% Cumulative ($100 par value) which Declarant earlier proposed to issue and sell. The 21,900 shares of Common Stock will be issued and sold to Cities Service Power and Light, the parent company of Declarant and the proceeds of such issue and sale will be used to retire and discharge Declarant's indebtedness of $2,190,000 to said Cities Service Power and Light now evidenced by Declarant's 6% notes.

The hearing will supplement hearings heretofore held and adjourned subject to the call of the Examiner. The hearings were held pursuant to order dated April 5, 1939 to which reference is made for more complete statements as to the proposed issue.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–3050; Filed, August 18, 1939; 10:48 a. m.]



## UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS TUESDAY, AUGUST 15, 1939

*Important.* Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

| State | Number of positions to which entitled | Number of positions occupied |
|---|---|---|
| **IN ARREARS** | | |
| 1. Virgin Islands | 9 | 0 |
| 2. Puerto Rico | 623 | 42 |
| 3. Hawaii | 149 | 17 |
| 4. California | 2,290 | 803 |
| 5. Alaska | 24 | 9 |
| 6. Texas | 2,349 | 930 |
| 7. Michigan | 1,953 | 924 |
| 8. Louisiana | 848 | 405 |
| 9. Arizona | 176 | 89 |
| 10. New Jersey | 1,680 | 885 |
| 11. South Carolina | 701 | 403 |
| 12. Ohio | 2,681 | 1,611 |
| 13. Mississippi | 811 | 496 |
| 14. Oklahoma | 966 | 591 |
| 15. Alabama | 1,067 | 667 |
| 16. New Mexico | 171 | 107 |
| 17. Arkansas | 748 | 479 |
| 18. Georgia | 1,173 | 775 |
| 19. Kentucky | 1,054 | 708 |
| 20. North Carolina | 1,279 | 892 |
| 21. Tennessee | 1,055 | 814 |
| 22. Illinois | 3,077 | 2,375 |
| 23. Wisconsin | 1,185 | 926 |
| 24. Connecticut | 648 | 519 |
| 25. Indiana | 1,306 | 1,139 |
| 26. Delaware | 96 | 85 |
| 27. Nevada | 37 | 33 |
| 28. Oregon | 385 | 347 |
| 29. Florida | 592 | 546 |
| 30. Idaho | 179 | 169 |
| 31. New Hampshire | 188 | 179 |
| 32. Pennsylvania | 3,884 | 3,741 |
| 33. New York | 5,077 | 4,953 |
| 34. Maine | 322 | 319 |
| 35. West Virginia | 697 | 691 |
| 36. Colorado | 418 | 416 |
| 37. Massachusetts | 1,714 | 1,707 |
| **QUOTA FILLED** | | |
| 38. Wyoming | 91 | 91 |
| 39. Missouri | 1,464 | 1,466 |
| 40. Washington | 630 | 632 |
| 41. Vermont | 145 | 146 |
| 42. Utah | 205 | 210 |
| 43. Montana | 217 | 231 |
| 44. Kansas | 759 | 818 |
| 45. Rhode Island | 277 | 303 |
| 46. South Dakota | 279 | 311 |
| 47. North Dakota | 275 | 307 |
| 48. Minnesota | 1,034 | 1,173 |
| 49. Iowa | 996 | 1,134 |
| 50. Nebraska | 556 | 694 |
| 51. Virginia | 977 | 2,042 |
| 52. Maryland | 658 | 2,069 |
| 53. District of Columbia | 196 | 8,899 |

| State | Net gain or loss since July 1, 1939 |
|---|---|
| **IN EXCESS** | |
| 39. Missouri | −15 |
| 40. Washington | −8 |
| 41. Vermont | −1 |
| 42. Utah | +6 |
| 43. Montana | −2 |
| 44. Kansas | −3 |
| 45. Rhode Island | −3 |
| 46. South Dakota | −1 |
| 47. North Dakota | −4 |
| 48. Minnesota | −6 |
| 49. Iowa | −5 |
| 50. Nebraska | +8 |
| 51. Virginia | +1 |
| 52. Maryland | +20 |
| 53. District of Columbia | +14 |
| **GAINS** | |
| By appointment | 142 |
| By reinstatement | 5 |
| By transfer | 15 |
| Total | 162 |
| **LOSSES** | |
| By separation | 41 |
| By transfer | 34 |
| By correction | 1 |
| Total | 76 |
| Total appointments | 50,318 |

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's Opinion of Aug. 25, 1934, 15,434.

By direction of the Commission:

[SEAL] L. A. MOYER,
*Executive Director and Chief Examiner.*

[F. R. Doc. 39–3044; Filed, August 18, 1939; 9:07 a. m.]

# FEDERAL REGISTER

VOLUME 4 NUMBER 161

*Washington, Tuesday, August 22, 1939*


## *Rules, Regulations, Orders*

### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

AUGUST 17, 1939.

TO JESS KUYKENDALL, CONWAY KUYKENDALL, and JACK FUNDERBURG, partners, *Doing Business as Panhandle Auction & Commission Co., Amarillo, Tex.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Panhandle Auction & Commission Co. at Amarillo, State of Texas, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3061; Filed, August 21, 1939; 11:36 a. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

### TITLE 12—BANKS AND BANKING

### BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

CHECK CLEARING AND COLLECTION

On July 31, 1939, the Board of Governors of the Federal Reserve System adopted the following resolution:

*Resolved*, That effective September 1, 1939, Regulation J [12 CFR 210], Check Clearing and Collection, be amended to read as follows:

§ 210.1 *Statutory provisions.* Section 16 of the Federal Reserve Act authorizes the Board of Governors of the Federal Reserve System to require each Federal Reserve bank to exercise the functions of a clearing house for its member banks, and section 13 of the Federal Reserve Act, as amended by the Act approved June 21, 1917, authorizes each Federal Reserve bank to receive from any nonmember bank or trust company, solely for the purposes of exchange or of collection, deposits of current funds in lawful money, national-bank notes, Federal Reserve notes, checks and drafts payable upon presentation, or maturing notes and bills, provided such nonmember bank or trust company maintains with its Federal Reserve bank a balance sufficient to offset the items in transit held for its account by the Federal Reserve bank.*†

§ 210.2 *General requirements.* In pursuance of the authority vested in it under these provisions of law, the Board of Governors of the Federal Reserve System, desiring to afford both to the public and to the various banks of the country a direct, expeditious, and economical system of check collection and settlement of balances, has arranged to have each Federal Reserve bank exercise the functions of a clearing house and collect checks for such of its member banks as desire to avail themselves of its privileges and for such nonmember State banks and trust companies as may maintain with the Federal Reserve bank balances sufficient to qualify them under the provisions of section 13 to send items to Federal Reserve banks for purposes of exchange or of collection. Such nonmember State banks and trust companies will hereinafter be referred to as nonmember clearing banks.

*Secs. 210.1 to 210.6, inclusive, issued under the authority contained in Sec. 11 (i), 38 Stat. 262; Sec. 4, 40 Stat. 234; Sec. 16, 38 Stat. 265; 12 U.S.C. 248 (i); 342; 360; 248 (o).

†In Secs. 210.1 to 210.6, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in *Regulation J*, Bd. Govs. FRS, as amended effective September 1, 1939.

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FEDERAL REGISTER

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Each Federal Reserve bank shall exercise the functions of a clearing house and collect checks under the general terms and conditions hereinafter set forth, and each member bank and nonmember clearing bank shall cooperate fully in the system of check clearance and collection for which provision is herein made.*†

§ 210.3 *Checks received for collection.* (1) Each Federal Reserve bank shall receive at par from member and nonmember clearing banks in its district, from other Federal Reserve banks, and from all member and nonmember clearing banks in other Federal Reserve districts which are authorized to route direct for the credit of their respective Federal Reserve banks, checks[1] drawn on all member and nonmember clearing banks of its district, and checks drawn on all other nonmember banks of its district which are collectible at par in funds acceptable to it.

(2) Each Federal Reserve bank may receive at par from member and nonmember clearing banks in its district, checks drawn on all member and nonmember clearing banks in other Federal Reserve districts, and checks drawn on all other nonmember banks in other Federal Reserve districts which are collectible at par in funds acceptable to the collecting Federal Reserve bank.

(3) No Federal Reserve bank shall receive on deposit or for collection any check drawn on any nonmember bank which cannot be collected at par in funds acceptable to the Federal Reserve bank.*†

§ 210.4 *Time schedule and availability of credits.* (1) Each Federal Reserve bank will publish a time schedule showing the time at which any item sent to it will be counted as reserve and become available for withdrawal or other use by the sending bank. For all checks received, the sending bank will be given immediate credit, or deferred credit, in accordance with such time schedule, and as provided below.

(2) For all such checks as are received for immediate credit in accordance with such time schedule, immediate credit, subject to final payment, will be given upon the books of the Federal Reserve bank at full face value in the reserve account or clearing account upon day of receipt, and the proceeds will at once be counted as reserve and become available for withdrawal or other use by the sending bank; provided, however, that the Federal Reserve bank may in its discretion refuse at any time to permit the withdrawal or other use of credit given for any item for which the Federal Reserve bank has not yet received payment in actually and finally collected funds.

(3) For all such checks as are received for deferred credit in accordance with such time schedule, deferred credit, subject to final payment, will be entered upon the books of the Federal Reserve bank at full face value, but the proceeds will not be counted as reserve nor become available for withdrawal or other use by the sending bank until such time as may be specified in such time schedule,[2] at which time credit will be transferred from the deferred account to the reserve account or clearing account subject to final payment and will then be counted as reserve and become available for withdrawal or other use by the sending bank; provided, however, that the Federal Reserve bank may in its discretion refuse at any time to permit the withdrawal or other use of credit given for any item for which the Federal Reserve bank has not yet received payment in actually and finally collected funds.*†

§ 210.5 *Terms of collection.* The Board of Governors of the Federal Reserve System hereby authorizes the Federal Reserve banks to handle such checks subject to the following terms and conditions; and each member and nonmember clearing bank which sends checks to any Federal Reserve bank for deposit or collection shall by such action be deemed (a) to authorize the Federal Reserve banks to handle such checks subject to the following terms and conditions; (b) to warrant its own authority to give the Federal Reserve banks such authority; (c) to agree to indemnify any Federal Reserve bank for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from the failure of such sending bank to have such authority, or resulting from such Federal Reserve bank's guaranty of prior endorsements, or resulting from any action taken by the Federal Reserve bank within the scope of its authority for the purpose of collecting such checks; and (d) to guarantee all prior endorsements on such checks whether or not a specific guaranty is incorporated in an endorsement of the sending bank.

(1) A Federal Reserve bank will act only as agent of the bank from which it receives such checks and will assume no liability except for its own negligence and its guaranty of prior endorsements.

(2) A Federal Reserve bank may present such checks for payment or send such checks for collection direct to the bank on which they are drawn or at which they are payable, or in its discretion may forward them to another agent with authority to present them for payment or send them for collection direct to the bank on which they are drawn or at which they are payable.

(3) A Federal Reserve bank may, in its discretion and at its option, either directly or through or from an agent, accept in payment of or in remittance for such checks, cash, bank drafts, transfers of funds or bank credits, or other forms of payment or remittance, acceptable to the collecting Federal Reserve bank. The Federal Reserve bank shall not be liable for the failure of the drawee bank or any agent to pay or remit for such checks, nor for any loss resulting from the acceptance from the drawee bank or any collecting agent, in lieu of cash, of any other form of payment or remittance authorized herein, nor for the nonpayment of, or failure to realize upon, any bank draft or other medium of payment or remittance which may be accepted from the drawee bank or any collecting agent.

(4) Checks received by a Federal Reserve bank which are payable in its own district will ordinarily be forwarded or presented direct to the banks on which they are drawn, and such banks will be required to remit or pay therefor at par in such one or more of the forms of payment or remittance authorized under paragraph (3) hereof as may be acceptable to the Federal Reserve bank.

(5) Checks received by a Federal Reserve bank payable in other districts will ordinarily be forwarded for collection to the Federal Reserve bank of the district in which such checks are payable; provided, however, that, where arrangements can be made satisfactory to the collecting bank or agent and to the Federal Reserve bank of the district in which such checks are payable, any such checks may be forwarded for collection direct to the bank on which they are drawn or at which they are payable, or may be forwarded for collection to another agent with authority to present them for payment direct to the bank on which they are drawn or at which they are payable. All such checks shall be handled subject to all the terms and conditions of this regulation.

(6) With respect to any check sent direct by a member or nonmember clearing bank in one district to a Federal Reserve bank in another district, the relationships and the rights and liabilities existing between the member or nonmember clearing bank, the Federal Reserve bank of its district and the Federal Reserve bank to which the check is sent will be the same, and the relevant provisions of this regulation will apply, as though the member or nonmember clearing bank had sent such check to the Federal Reserve bank of its district with its endorsement and guaranty of prior endorsements and such Federal Reserve bank had sent the check to the other Federal Reserve bank with its endorsement and guaranty of prior endorsements.

(7) Bank drafts received by a Federal Reserve bank in payment of or in remittance for checks handled under the terms of this regulation shall likewise be handled for collection subject to all the terms and conditions of this regulation.

(8) The amount of any check for which payment in actually and finally collected funds is not received shall be charged back to the forwarding bank, regardless of whether or not the check itself can be returned. In such event, neither the owner or holder of any such check, nor the bank which sent such check to the Federal Reserve bank for collection shall have any right of recourse upon, interest in, or right of payment from, any reserve balance, clearing account, deposit account, or other funds of the drawee bank or of any bank to which such checks have been sent for collection, in the possession of the Federal Reserve bank. No draft, authorization to charge, or other order, upon any reserve balance, clearing account, deposit account, or other funds of a paying, remitting, or collecting bank in the possession of a Federal Reserve bank, issued for the purpose of settling items handled under the terms of this regulation will be paid, acted upon, or honored after receipt by such Federal Reserve bank of notice of suspension or closing of such paying, remitting, or collecting bank.*†

§ 210.6 *Other rules and regulations.* Each Federal Reserve bank may also promulgate rules not inconsistent with the terms of the law or of this regulation, governing the sorting, listing, packaging, and transmission of items, and other details of its check clearing and collection operations. Such rules and regulations shall be set forth by the Federal Reserve banks in their letters of instruction to their member and nonmember clearing banks and shall be binding upon any member or nonmember clearing bank which sends any check to such Federal Reserve bank for collection or to any other Federal Reserve bank for the account of such Federal Reserve bank for collection.*†

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 39–3060; Filed, August 19, 1939; 10: 36 a. m.]

[1] A check is generally defined as a draft or order upon a bank or banking house, purporting to be drawn upon a deposit of funds, for the payment at all events of a certain sum of money to the order of a certain person therein named, or to him or his order, or to bearer, and payable on demand.

[2] For rules for computation of reserves and penalties for deficiencies in reserves, see Regulation D, Secs. 2 and 3.



## TITLE 25—INDIANS

### OFFICE OF INDIAN AFFAIRS

AMENDMENT OF REGULATIONS GOVERNING THE LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

AUGUST 9, 1939.

Sections 183.15 and 183.22 of Title 25, Chapter 1, Office of Indian Affairs, Department of the Interior, Part 183, Five Civilized Tribes, Oklahoma, leasing regulations for mining which read:

§ 183.15 *Bonds.* Lessee shall furnish with each lease, a bond (form 5–154b) with personal sureties or with an acceptable company authorized to act as sole surety. Such bond shall be in amount as follows: For less than 80 acres, $1,000; for 80 acres and less than 120 acres, $1,500; for 120 acres and not more than 160 acres, $2,000; and for each additional 40 acres, or part thereof, above 160 acres, $500: *Provided*, That a lessee may file one bond (form 5–154u) in the sum of $15,000, covering all leases of a particular class up to 10,240 acres, to which he is or may become a party. The right is reserved at any time before or after approval of the lease to increase the amount of a bond above the sum named, in any case where the Secretary of the Interior deems it proper to do so. Bonds with personal sureties will be accepted only where the sureties deposit collateral, with the Commissioner of Indian Affairs, equal in value to the full amount of the bond and consisting of any public debt obligation of the United States, guaranteed as to principal and interest by the United States. In lieu of other bonds, lessees may execute their own surety contracts upon deposit, with the Commissioner of Indian Affairs, of Government bonds, equal in value to the full amount of the bond, as collateral (form 5–154a).

§ 183.22 *Expenditures under leases other than oil and gas.* On all leases on deposits of the nature of lodes and veins containing ores of gold, silver, copper, lead, zinc, or other useful metals, there shall be expended annually in actual mining operations, development, or improvements upon the lands leased, or for the benefit thereof, a sum which, with the annual rental, shall amount to not less than $5 per acre.

On all leases for beds of placer gold, gypsum, asphaltum, phosphate, iron ores, or other useful metals other than coal, oil, and gas, there shall be expended annually in actual mining operations, development, or improvements, upon the lands leased, or for the benefit thereof, a sum which, with the annual rental, shall amount to not less than $5 per acre.

On all coal leases, there shall be expended annually in actual mining operations, development, or improvements, upon the lands leased, or for the benefit thereof, a sum which, with the annual rental, shall amount to not less than $10 per acre.

Each lessee shall file with the superintendent an itemized statement in duplicate, within 20 days after the close of each year, of the amount and character of said expenditures during such year; the statement to be certified under oath by the lessee or his agent having personal knowledge of the facts contained therein.

are amended to read:

§ 183.15 *Bonds.* Lessee shall furnish with each lease, a bond (form 5–154b)

with personal sureties or with an acceptable company authorized to act as sole surety. Such bond shall be in amount as follows: For less than 80 acres, $1,000; for 80 acres and less than 120 acres, $1,500; for 120 acres and not more than 160 acres, $2,000; and for each additional 40 acres, or part thereof, above 160 acres, $500: *Provided*, That a lessee may file one bond (form 5–154f) in the sum of $15,000, covering all oil and gas leases up to 10,240 acres, to which he is or may become a party, provided further, that on leases other than for oil and gas the amount of the bond shall be fixed by the Superintendent or other officer in charge of the Five Civilized Tribes Agency, but shall not be less than $250. The right is reserved at any time before or after approval of the lease to increase the amount of a bond above the sum named, in any case where the Secretary of the Interior deems it proper to do so. Bonds with personal sureties will be accepted only where the sureties deposit collateral, with the Commissioner of Indian Affairs, equal in value to the full amount of the bond and consisting of any public debt obligation of the United States, guaranteed as to principal and interest by the United States. In lieu of other bonds, lessees may execute their own surety contracts upon deposit, with the Commissioner of Indian Affairs, of Government bonds, equal in value to the full amount of the bond, as collateral (form 5–154a).

§ 183.22 *Expenditures under leases other than oil and gas.* On all leases for deposits of minerals other than oil and gas, there shall be expended for each calendar year the lease is in force, and for each fraction of a calendar year greater than six months, in actual mining operations, development, or improvements upon the lands leased, or for the benefit thereof, a sum which, with the annual rental, shall amount to not less than $5.00 per acre.

The expenditures for development required by this section upon application may be waived in writing by the Superintendent or other officer in charge of the Five Civilized Tribes Agency either before or after the approval of a lease, such waiver to be subject to termination at any time upon 10 days' written notice to the holder of the lease by the said Superintendent or other officer in charge.

Each lessee, except oil and gas lessees, shall file with the Superintendent an itemized statement in duplicate, within 20 days after the close of each calendar year, of the amount and character of said expenditures during such year; the statement to be certified under oath by the lessee or his agent having personal knowledge of the facts contained therein.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 39–3054; Filed, August 19, 1939; 9:32 a. m.]

## TITLE 29—LABOR

### WAGE AND HOUR DIVISION

MINIMUM WAGE ORDER FOR THE HOSIERY INDUSTRY UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Whereas, on February 1, 1939, pursuant to Section 5 of the Fair Labor Standards Act of 1938 (hereinafter called the Act), the Administrator of the Wage and Hour Division of the United States Department of Labor by Administrative Order No. 15[1] appointed Industry Committee No. 3 for the Hosiery Industry and directed the Committee to recommend minimum wage rates for the hosiery industry in accordance with the provisions of Section 8 of the Act; and

Whereas, the Committee included five disinterested persons representing the public and a like number of persons representing employees in the hosiery industry and a like number representing employers in the hosiery industry, and each group was appointed with due regard to the geographical regions in which the hosiery industry is carried on; and

Whereas, on May 24, 1939, the Committee filed with the Administrator its unanimous recommendation for a 32½ cent an hour mininmum wage rate in the seamless branch of the hosiery industry and a 40 cent an hour minimum wage rate in the full-fashioned branch of the hosiery industry; and

Whereas, after notice published in the FEDERAL REGISTER on May 27, 1939,[2] the Administrator held at Washington, D. C., a public hearing upon the Committee's recommendation which commenced on June 12, 1939, and at which all interested persons were given an opportunity to be heard; and

Whereas, the Administrator upon consideration of the evidence taken at such hearing has found that the Committee's recommendations are made in accordance with law, and are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and

Whereas, the Administrator has set forth his findings in an opinion, entitled "Administrator's Findings in the Matter of the Recommendation of Industry Committee No. 3 for Minimum Wage Rates in the Hosiery Industry," dated August 18, 1939, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.;

Now, therefore, *It is ordered*, That

(1) the Committee's recommendation is hereby approved and, in accordance with such recommendation,

(a) Wages at a rate not less than 32½ cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the seamless branch of the hosiery industry who is engaged in commerce or in the production of goods for commerce; and

(b) Wages at a rate not less than 40 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the full-fashioned branch of the hosiery industry who is engaged in commerce or in the production of goods for commerce; and

(c) Every plant employing any employees engaged in commerce or in the production of goods for commerce in the seamless or full-fashioned branches of the hosiery industry shall post and keep posted in a conspicuous place in every department of such plant where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

(d) This Order shall become effective on September 18, 1939.

(2) The terms used in this Order are defined as follows:

(a) "The seamless branch of the hosiery industry" means the manufacturing or processing of seamless hosiery including among other processes the knitting, dyeing, clocking and all phases of finishing seamless hosiery, but not including the manufacturing or processing of yarn or thread; and

(b) "The full-fashioned branch of the hosiery industry" means the manufacturing or processing of full-fashioned hosiery including among other processes the knitting, dyeing, clocking and all phases of finishing full-fashioned hosiery, but not including the manufacturing or processing of yarn or thread.

Signed at Washington, D. C., this 18th day of August, 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39–3076; Filed, August 21, 1939; 10:18 a. m.]

[1] 4 F.R. 517 DI.
[2] 4 F.R. 2168 DI.

## TITLE 31—MONEY AND FINANCE: TREASURY

### ACCOUNTS AND DEPOSITS

[1939—Department Circular 570 Rev.[1]]

CORPORATIONS ACCEPTABLE AS SURETIES ON FEDERAL BONDS

AUGUST 16, 1939.

The following is a list of companies holding certificates of authority from the Secretary of the Treasury, issued under the Acts of Congress of August 13, 1894 (28 Stat. 279), and March 23, 1910 (36 Stat. 241), (U.S.C., Title 6, Sections 6 to 13 inclusive), as acceptable sureties on Federal bonds; this list also includes acceptable reinsurance companies under Department Circular No. 297, dated July 5, 1922, as amended. Further details including the amount of underwriting limitation of each company, as well as the extent and localities with respect to which they are acceptable as sureties on Federal bonds may be found at any time by reference to the current issue of Treasury Department Form 356, copies of which may be procured from the Treasury Department, Section of Surety Bonds, Washington, D. C.

[1] 3 F.R. 2596 DI.



*Names of Companies, Locations of Principal Executive Offices, and States in Which Incorporated*

California

1. Associated Indemnity Corporation, San Francisco.
2. Fireman's Fund Indemnity Co., San Francisco.
3. National Automobile Insurance Co., Los Angeles.
4. Occidental Indemnity Co., San Francisco.
5. Pacific Indemnity Co., Los Angeles.

Connecticut

6. The Aetna Casualty and Surety Co., Hartford.
7. The Century Indemnity Co., Hartford.
8. Hartford Accident and Indemnity Co., Hartford.

Delaware

9. Mellbank Surety Corporation, Pittsburgh, Pa.
10. Saint Paul-Mercury Indemnity Co., St. Paul, Minn.

Illinois

11. American Motorists Insurance Co., Chicago.
12. Lumbermens Mutual Casualty Co., Chicago.

Indiana

13. Continental Casualty Co., Chicago, Ill.
14. Inland Bonding Co., South Bend.

Kansas

15. The Kansas Bankers Surety Co., Topeka.
16. The Western Casualty and Surety Co., Fort Scott.

Maryland

17. American Bonding Company of Baltimore.
18. Fidelity and Deposit Co. of Maryland, Baltimore.
19. Maryland Casualty Company, Baltimore.
20. United States Fidelity and Guaranty Co., Baltimore.

Massachusetts

21. American Employers' Insurance Co., Boston.
22. Massachusetts Bonding and Insurance Co., Boston.

Michigan

23. National Casualty Co., Detroit.
24. Standard Accident Insurance Co., Detroit.

Missouri

25. Central Surety and Insurance Corporation, Kansas City.
26. Employers Reinsurance Corporation, Kansas City.

New Hampshire

27. Peerless Casualty Company, Keene.

New Jersey

28. Commercial Casualty Insurance Company, Newark.
29. The Excess Insurance Co. of America, New York, N. Y.
30. International Fidelity Insurance Co., Jersey City.

New York

31. American Re-Insurance Co., New York.
32. American Surety Co. of New York.
33. Columbia Casualty Co., New York.
34. Eagle Indemnity Co., New York.
35. The Fidelity and Casualty Co. of New York.
36. General Reinsurance Corporation, New York.
37. Glens Falls Indemnity Co., Glens Falls.
38. Globe Indemnity Co., New York.
39. Great American Indemnity Co., New York.
40. The Home Indemnity Co., New York.
41. London & Lancashire Indemnity Co. of America, Hartford, Conn.
42. Merchants Indemnity Corporation of New York.
43. The Metropolitan Casualty Insurance Co. of New York, Newark, N. J.
44. National Surety Corporation, New York.
45. New Amsterdam Casualty Co., Baltimore, Md.
46. New York Casualty Co., New York.
47. Phoenix Indemnity Co., New York.
48. The Preferred Accident Insurance Co. of New York.
49. Royal Indemnity Co., New York.
50. Seaboard Surety Co., New York.
51. Standard Surety and Casualty Co. of New York.
52. Sun Idemnity Co. of New York.
53. United States Casualty Co., New York.
54. United States Guarantee Co., New York.
55. The Yorkshire Indemnity Co. of New York.

Ohio

56. The Ohio Casualty Insurance Co., Hamilton.

Pennsylvania

57. Eureka Casualty Co., Philadelphia.
58. Indemnity Insurance Co. of North America, Philadelphia.
59. Mellon Indemnity Corporation, Pittsburgh.

South Dakota

60. Western Surety Co., Sioux Falls.

Texas

61. American General Insurance Co., Houston.
62. American Indemnity Co., Galveston.
63. Commercial Standard Insurance Co., Fort Worth.
64. Employers Casualty Co., Dallas.
65. Texas Indemnity Insurance Co., Galveston.
66. Trinity Universal Insurance Co., Dallas.

Virginia

67. Virginia Surety Co., Inc., Roanoke.

Washington

68. General Casualty Co. of America, Seattle.
69. Northwest Casualty Co., Seattle.
70. United Pacific Insurance Co., Seattle.

*Foreign Companies Authorized to do a Reinsurance Business Only*

71. Accident and Casualty Insurance Co. of Winterthur, Switzerland (U. S. Office, New York, N. Y).
72. The Employers' Liability Assurance Corp., Ltd., London, England (U. S. Office, Boston, Mass.).
73. The European General Reinsurance Co., Ltd., London, England (U. S. Office, New York, N. Y.).
74. The Guarantee Co. of North America, Montreal, Canada, (U. S. Office, New York, N. Y.).
75. London Guarantee and Accident Co., Ltd., London, England (U. S. Office, New York, N. Y.).
76. The Ocean Accident and Guarantee Corp., Ltd., London, England (U. S. Office, New York, N. Y.).

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39–3084; Filed, August 21, 1939; 12:44 p. m.]

## TITLE 36—PARKS AND FORESTS

### NATIONAL PARK SERVICE

LASSEN VOLCANIC NATIONAL PARK

AMENDMENT TO SUBSIDIARY REGULATIONS

Pursuant to the authority contained in the General Rules and Regulations, approved by the Secretary of the Interior June 18, 1936 (1 F.R. 672, 36 CFR, Chapter 1, Part 2), the subsidiary fishing regulations for Lassen Volcanic National Park, approved May 27, 1936 (1 F.R. 534, 36 CFR 20.11 (a)), as amended, are hereby further amended to read as follows:

(a) *Fishing—(1) Closed waters.* Upper Kings Creek, from the source to the lower crossing of the Loop Highway.

Manzanita Creek, above the domestic water supply intake.

Grassy Swale Creek.
Grassy Creek.
Emerald Lake.

(2) *Open season.* Manzanita Creek, between Manzanita Lake and the powerhouse pipeline intake, July 1 to September 30, inclusive.

The branch creek, between Manzanita Lake and Reflection Lake, July 1 to September 30, inclusive.

Butte Lake, June 16 to October 31, inclusive.

(3) *Fishing from boats.* Fishing from boats on the waters of Butte Lake is prohibited.

(4) *Limit of catch.* The limit of catch is ten fish, or ten pounds and one fish, per person per day, in all waters except Manzanita and Reflection Lakes, where the limit is five fish, or five pounds and one fish.

Approved, August 2, 1939.

[SEAL] J. R. WHITE,
*Acting Director.*

[F. R. Doc. 39-3055; Filed, August 19, 1939; 9:33 a. m.]

## TITLE 43—PUBLIC LANDS

### GENERAL LAND OFFICE

REGULATIONS FOR THE SALE OF TOWN LOTS IN THE TOWNSITE OF BOULDER, UTAH

1. *Statutory authority.* The lots in the townsite of Boulder, Utah, will be disposed of under Sections 2382 to 2386, Revised Statutes. The townsite plat was accepted November 28, 1938.

2. *Acreage and price.* The acreage and minimum price of the lots which will be sold is shown by the attached schedule.

3. *Public sale.* On Tuesday, September 26, 1939, at 10:00 a. m., a sale at public auction to the highest bidder will be held at the townsite of all lots for which preemption proof has not been made, as provided for hereinafter. The sale will be conducted from day to day under the supervision of the Commissioner of the General Land Office or his representative until all the lots shall be offered. The lots will be sold for cash and paid for on the date of sale. No lot will be sold for less than the appraised price.

4. *Preemption claims.* Any person who has established settlement on any lot prior to September 5, 1935, the date of the commencement of the survey in the field, and maintained such settlement to the date of proof, is entitled to make a preemption entry for such lot and one other lot on which he has made substantial and permanent improvements, at the minimum price. A preemption claim is not necessarily forfeited by the settler transferring his interest to another subsequently to accrual of the right, but patent, if issued, will be in the name of the settler and not to the transferee.

The notice of intention to make preemption proof must be made on Form 4-348 and should give the date of settlement and the value and character of the improvements, and, in order that all bona fide preemption rights may be determined prior to the date of public sale, claimants should file their notices of intention in time to submit proof in advance of the sale.

On the filing of the notice of intention by the applicant, the Register will issue notice for publication, which the applicant must have published at his expense in four consecutive issues prior to the date set for the proof, in the "Garfield County News," a weekly newspaper published at Panguitch, Utah. Proof consisting of the affidavit of the applicant and of at least two of the advertised witnesses may be made before the Register of the District Land Office at Salt Lake City, Utah, or before any other officer authorized to take proofs under the homestead laws, and must show the claimant's age, his citizenship and his actual residence upon one lot, and substantial improvements on a second lot, where two lots are included in the application. Proof of publication must be shown by the affidavit of the publisher. The purchase price of the lot or lots must be paid to the Register when the proof is made.

5. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously, or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under Section 59 of the Criminal Code of the United States.

6. *Authority of superintendent.* The Commissioner's representative conducting the sale is hereby authorized to reject any and all bids for any lots, and, at any time, to suspend, adjourn or postpone the sale of any lot or lots to such time and place as he may deem proper, and to re-appraise any lot or lots.

FRED W. JOHNSON,
*Commissioner.*

Approved, August 9, 1939.

HARRY SLATTERY,
*Under Secretary.*

*Schedule of Lots in the Townsite of Boulder To Be Sold at Public Sale*

| Lot | Appraisal | Area (acres) | Lot | Appraisal | Area (acres) |
|---|---|---|---|---|---|
| 1 | $691.00 | 3.97 | 23 | $163.00 | 0.94 |
| 2 | 423.00 | 2.42 | 24 | 515.00 | 2.96 |
| 3 | 427.00 | 2.46 | 25 | 435.00 | 2.50 |
| 4 | 439.00 | 2.51 | 26 | 435.00 | 2.50 |
| 5 | 443.00 | 2.53 | 27 | 435.00 | 2.49 |
| 6 | 435.00 | 2.50 | 28 | 435.00 | 2.50 |
| 7 | 371.00 | 2.13 | 29 | 515.00 | 2.96 |
| 8 | 583.00 | 3.34 | 30 | 275.00 | 1.57 |
| 9 | 583.00 | 3.35 | 31 | 275.00 | 1.57 |
| 10 | 371.00 | 2.13 | 32 | 275.00 | 1.57 |
| 11 | 435.00 | 2.50 | 33 | 515.00 | 2.96 |
| 12 | 443.00 | 2.53 | 34 | 435.00 | 2.50 |
| 13 | 439.00 | 2.52 | 35 | 433.00 | 2.49 |
| 14 | 435.00 | 2.50 | 36 | 319.00 | 1.84 |
| 15 | 371.00 | 2.13 | 37 | 327.00 | 1.88 |
| 16 | 535.00 | 3.06 | 38 | 267.00 | 1.52 |
| 17 | 163.00 | .93 | 39 | 335.00 | 1.93 |
| 19 | 435.00 | 2.50 | 40 | 179.00 | 1.02 |
| 20 | 439.00 | 2.51 | 41 | 179.00 | 1.02 |
| 21 | 439.00 | 2.51 | 42 | 179.00 | 1.03 |
| 22 | 435.00 | 2.50 | | | |

[F. R. Doc. 39-3056; Filed, August 19, 1939; 9:33 a. m.]

STOCK DRIVEWAY WITHDRAWALS NOS. 23 AND 128, WYOMING NOS. 6 AND 13, ENLARGED

It appearing that the following-described public lands should be included in Stock Driveway Withdrawals Nos. 23 and 128, Wyoming Nos. 6 and 13, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for the use of the general public as additions to such driveway reservations, subject to valid existing rights:

*Sixth Principal Meridian*

T. 17 N., R. 82 W.,
sec. 9, SW¼;
sec. 23, S½NE¼, SE¼NW¼;
T. 40 N., R. 84 W.,
sec. 22, SW¼NW¼;
aggregating 320 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

HARRY SLATTERY,
*Under Secretary of the Interior.*

AUGUST 12, 1939.

[F. R. Doc. 39-3057; Filed, August 19, 1939; 9:33 a. m.]

## *Notices*

### DEPARTMENT OF STATE.

TRADE AGREEMENT NEGOTIATIONS WITH BELGIUM

PUBLIC NOTICE

AUGUST 16, 1939.

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution No. 10, approved March 1, 1937, and to Executive Order No. 6750, of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Belgium on behalf of the Belgo-Luxemburg Economic Union and the Belgian Congo.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such agreement should be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee[1] concerning the manner and dates for

[1] See page 3686.



the submission of briefs and applications, and the time set for public hearings.

SUMNER WELLES,
*Acting Secretary of State.*

[F. R. Doc. 39-3058; Filed, August 19, 1939; 9:34 a. m.]

### DEPARTMENT OF THE INTERIOR.

**Bituminous Coal Division.**

[General Docket No. 15]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS: IN RE MINIMUM PRICES AS COORDINATED FOR DISTRICTS NOS. 1 TO 20, INCLUSIVE, 22 AND 23

NOTICE RELATIVE TO FINAL HEARING

Pursuant to Orders of the Director of the Bituminous Coal Division entered herein on July 15 and July 19, 1939,[1] pertaining to procedure in respect to the final hearing in the matter of the establishment of minimum prices for coals produced in Districts Nos. 1 to 8, inclusive, Districts Nos. 9 to 15, inclusive, and Districts Nos. 16 to 20, inclusive, 22 and 23.

*It is ordered*, That the phase of the above-entitled proceedings heretofore commenced in Denver, Colorado on May 19, 1939, relating to coordinated minimum prices for coals produced in Districts Nos. 16, 17, 18, 19, 20, 22 and 23, be resumed at the Auditorium, North Interior Building, 18th and F Streets NW., Washington, D. C., on the 18th day of September, 1939, at 9:30 a. m., or as soon thereafter as the orderly course of the hearing now in progress will permit.

Dated, August 18, 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-3075; Filed, August 19, 1939; 11:36 a. m.]

[1] 4 F.R. 3331, 3386 DI.

### DEPARTMENT OF AGRICULTURE.

**Food and Drug Administration.**

[Docket No. FDC-12]

NOTICE OF PUBLIC HEARING TO BE HELD FOR PURPOSE OF RECEIVING EVIDENCE ON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED FIXING AND ESTABLISHING DEFINITION AND STANDARD OF IDENTITY FOR CREAM CHEESE

Pursuant to the provisions of subsection (c) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Sec. 701, 52 Stat. 1058; 21 U.S.C. 371 (e)], notice is hereby given to all interested persons that a public hearing will be held in Room 1039, in the South Building, United States Department of Agriculture, Independence Avenue, between 12th and 14th Streets, Southwest, Washington, D. C., on the 2nd day of October, 1939, at 10 o'clock in the forenoon of that day, for the purpose of receiving evidence in respect of the proposed definition and standard of identity subjoined to this notice and hereby made a part hereof, upon the basis of which, pursuant to the authority vested in the Secretary of Agriculture as provided in Section 401 of the Federal Food, Drug, and Cosmetic Act (Sec. 401, 52 Stat. 1048; 21 U.S.C. 341), regulations may be promulgated fixing and establishing a reasonable definition and standard of identity for Cream Cheese.

All interested persons are invited to attend this hearing, either in person or by a duly authorized representative, and to present relevant and material evidence. Affidavits, in quintuplicate, may be offered in lieu of oral testimony either at the time of the hearing or by sending them to Walter G. Green, Jr., Room 2319, South Building, United States Department of Agriculture, Independence Avenue, between 12th and 14th Streets, Southwest, Washington, D. C., in sufficient time so he will receive them on or before the date of the hearing above stated. Such affidavits, if relevant and material, or any relevant or material portion thereof, may be received and considered as evidence in the hearing, but, in determining the weight that shall be given to such affidavits as evidence, the lack of an opportunity for cross-examination will be considered.

The proposed definition and standard of identity subjoined to this notice and made a part hereof is subject to adoption, rejection, amendment or modification by the Secretary, in whole or in part, as the evidence presented at such hearing may require.

The hearing will be conducted in accordance with the Rules of Procedure for hearings held under the Federal Food, Drug, and Cosmetic Act, as published in the FEDERAL REGISTER of Friday, January 13, 1939, on pages 223 to 225, inclusive, as amended by the Secretary's Order published in the FEDERAL REGISTER of Saturday, July 22, 1939, on page 3401.

Mr. Walter G. Green, Jr., is hereby designated as the Presiding Officer who shall preside at the hearing herein announced in the place and stead of the Secretary, with power to administer oaths and to do all things necessary and appropriate to the proper conduct of such hearing.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated, August 18, 1939.

§ 19.515 *Cream cheese, identity.* (a) Cream cheese is the food prepared from cream or heavy cream or both, with or without the admixture of sweet milk or sweet skim milk or both, any or all of which may be pasteurized or homogenized or both. One or both of the following optional ingredients may be added:

(1) Harmless natural gum.
(2) Gelatin.

Curd is formed by the action of harmless lactic-acid-producing bacteria naturally present or added, or of rennet, or both, and with or without the application of heat. The curd is drained, with or without chilling or pressing or both. It may be worked and seasoned with salt. The cream cheese so prepared may be heated and homogenized. It contains not more than ____ percent (to be fixed within the range of 55 percent to 60 percent) of moisture and not less than ____ percent (to be fixed within the range of 30 percent to 33 percent) of milk fat, as determined by the methods prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935, page 291, under "Moisture—Official" and "Fat—Official." For the purposes of this section the word "milk" means cows' milk.

(b) If optional ingredient (1) or (2) is present, the label shall bear the statement or statements "Natural Gum Added" or "With Added Natural Gum", "Gelatin Added" or "With Added Gelatin", as the case may be; but if both such ingredients are present such statements may be combined, as for example, "With Added Natural Gum and Gelatin." Wherever the name "cream cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement or statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

[F. R. Doc. 39-3051; Filed, August 18, 1939; 2:58 p. m.]

[Docket No. FDC-11]

NOTICE OF PUBLIC HEARING TO BE HELD FOR PURPOSE OF RECEIVING EVIDENCE ON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED FIXING AND ESTABLISHING DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS, NAMELY: (A) CHEDDAR CHEESE, (B) WASHED CURD CHEESE, AND (C) COLBY CHEESE

Pursuant to the provisions of subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Sec. 701, 52 Stat. 1058; 21 U.S.C. 371 (e)], notice is hereby given to all interested persons that a public hearing will be held in Room 1039, in the South Building, United States Department of Agriculture, Independence Avenue, between 12th and 14th Streets, Southwest, Washington, D. C., on the 25th day of Sep-

tember, 1939, at 10 o'clock in the forenoon of that day, for the purpose of receiving evidence in respect of the proposed definitions and standards of identity subjoined to this notice and hereby made a part hereof, upon the basis of which, pursuant to the authority vested in the Secretary of Agriculture as provided in Section 401 of the Federal Food, Drug, and Cosmetic Act (Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), regulations may be promulgated fixing and establishing a reasonable definition and standard of identity for each of the following foods, namely: (A) Cheddar Cheese, (B) Washed Curd Cheese, and (C) Colby Cheese.

All interested persons are invited to attend this hearing, either in person or by a duly authorized representative, and to present relevant and material evidence. Affidavits, in quintuplicate, may be offered in lieu of oral testimony either at the time of the hearing or by sending them to Walter G. Green, Jr., Room 2319, South Building, United States Department of Agriculture, Independence Avenue, between 12th and 14th Street, Southwest, Washington, D. C., in sufficient time so he will receive them on or before the date of the hearing above stated. Such affidavits, if relevant and material, or any relevant or material portion thereof, may be received and considered as evidence in the hearing, but, in determining the weight that shall be given to such affidavits as evidence, the lack of an opportunity for cross-examination will be considered.

Each of the proposed definitions and standards of identity subjoined to this notice and made a part hereof is subject to adoption, rejection, amendment or modification by the Secretary, in whole or in part, as the evidence presented at such hearing may require.

The hearing will be conducted in accordance with the Rules of Procedure for hearings held under the Federal Food, Drug, and Cosmetic Act, as published in the FEDERAL REGISTER of Friday, January 13, 1939, on pages 223 to 225, inclusive, as amended by the Secretary's Order published in the FEDERAL REGISTER of Saturday, July 22, 1939, on page 3401.

Mr. Walter G. Green, Jr., is hereby designated as the Presiding Officer who shall preside at the hearing herein announced in the place and stead of the Secretary, with power to administer oaths and to do all things necessary and appropriate to the proper conduct of such hearing.

HARRY L. BROWN,
*Acting Secretary of Agriculture.*

Dated, August 21, 1939.

§ 19.500 *Cheddar cheese, American cheese, cheese—Identity.* (a) Cheddar Cheese, American Cheese, Cheese, is the food prepared from milk by the procedure set forth in subsection (c) and contains not more than ____ percent of moisture (to be fixed within the range of 37 percent to 39 percent), and, in the total solids of such food, not less than ____ percent of milk fat (to be fixed within the range of 50 percent to 52 percent), as determined by the methods prescribed in subsection (d).

(b) For the purposes of this section milk means cows' milk, with or without the abstraction of part of the fat therefrom or the addition thereto of cream, heavy cream, or sweet skim milk of cows.

(c) Milk, which may be pasteurized and which may be warmed when necessary, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet is then added to cause setting to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The curd is then cut into pieces, which may be rinsed by sprinkling or pouring water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms.

(d) Determine moisture by the method prescribed on page 291 under "Moisture—Official", and milk fat by the method prescribed on page 291 under "Fat—Official", of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935. Subtract the percent of moisture found from 100; the remainder shall be considered to be the percent of total solids. Divide the percent of milk fat found by the percent of total solids found; the quotient multiplied by 100 shall be considered to be the percent of milk fat in the total solids.

§ 19.505 *Washed curd cheese, soaked curd cheese—Identity.* (a) Washed curd cheese, soaked curd cheese, is the food prepared from milk by the procedure set forth in subsection (c) and contains not more than ____ percent of moisture (to be fixed within the range of 40 percent to 42 percent), and, in the total solids of such food, not less than ____ percent of milk fat (to be fixed within the range of 50 percent to 52 percent), as determined by the methods prescribed in subsection (d).

(b) For the purposes of this section milk means cows' milk, with or without the abstraction of part of the fat therefrom or the addition thereto of cream, heavy cream, or sweet skim milk of cows.

(c) Milk, which may be pasteurized and which may be warmed when necessary, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet is then added to cause setting to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The curd is then cut into pieces, cooled in water, and soaked therein until the whey is partly extracted and water is absorbed. The curd is drained, salted, stirred, and pressed into forms.

(d) Determine moisture by the method prescribed on page 291 under "Moisture—Official", and milk fat by the method prescribed on page 291 under "Fat—Official", of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935. Subtract the percent of moisture found from 100; the remainder shall be considered to be the percent of total solids. Divide the percent of milk fat found by the percent of total solids found; the quotient multiplied by 100 shall be considered to be the percent of milk fat in the total solids.

§ 19.510 *Colby Cheese—Identity.* (a) Colby Cheese is the food prepared from milk by the procedure set forth in subsection (c) and contains not more than ____ percent of moisture (to be fixed within the range of 38 percent to 40 percent), and, in the total solids of such food, not less than ____ percent of milk fat (to be fixed within the range of 50 percent to 52 percent), as determined by the methods prescribed in subsection (d).

(b) For the purposes of this section milk means cows' milk, with or without the abstraction of part of the fat therefrom or the addition thereto of cream, heavy cream, or sweet skim milk of cows.

(c) Milk, which may be pasteurized and which may be warmed when necessary, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet is then added to cause setting to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote the separation of whey and curd. The whey is drained off and the curd is matted into a cohesive mass. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The curd is then cut into pieces, cooled in water, and soaked therein until the whey is partly extracted and water is absorbed. The curd is drained, salted, stirred, and pressed into forms.

(d) Determine moisture by the method prescribed on page 291 under "Moisture—Official", and milk fat by the method prescribed on page 291 under "Fat—Official", of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935. Subtract the percent of moisture found from 100; the remainder shall be considered to be the percent of total solids. Divide the percent of milk fat found by the percent of total solids found; the quotient multiplied by 100 shall be considered to be the percent of milk fat in the total solids.

[F. R. Doc. 39-3083; Filed, August 21, 1939; 12:04 p. m.]



## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 20-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF STAR AIR LINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 1, 1939, 10 o'clock a. m. (Alaska Standard Time), in Anchorage, Alaska, before Director Raymond W. Stough.

Dated Washington, D. C., August 18, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3061; Filed, August 19, 1939; 10:39 a. m.]

[Docket No. 21-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF HAROLD GILLIAM FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 1, 1939, 10 o'clock a. m. (Alaska Standard Time), in Anchorage, Alaska, before Director Raymond W. Stough.

Dated Washington, D. C., August 18, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3062; Filed, August 19, 1939; 10:39 a. m.]

[Docket No. 60-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF CORDOVA AIR SERVICE, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 1, 1939, 10 o'clock a. m. (Alaska Standard Time), in Anchorage, Alaska, before Director Raymond W. Stough.

Dated Washington, D. C., August 18, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3064; Filed, August 19, 1939; 10:39 a. m.]

[Docket No. 63-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF A. G. WOODLEY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 1, 1939, 10 o'clock a. m. (Alaska Standard Time) in Anchorage, Alaska, before Director Raymond W. Stough.

Dated Washington, D. C., August 18, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3070; Filed, August 19, 1939; 10:40 a. m.]

[Docket No. 70-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF HAKORN CHRISTENSEN FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 1, 1939, 10 o'clock a. m. (Alaska Standard Time) in Anchorage, Alaska, before Director Raymond W. Stough.

Dated Washington, D. C., August 18, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3066; Filed August 19, 1939; 10:40 a. m.]

[Docket No. 72-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF NORTHERN CROSS, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 1, 1939, 10 o'clock a. m. (Alaska Standard Time) in Anchorage, Alaska, before Director Raymond W. Stough.

Dated Washington, D. C., August 18, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3067; Filed, August 19, 1939; 10:40 a. m.]

[Docket No. 73-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF FERGUSON AIRWAYS, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 1, 1939, 10 o'clock a. m. (Alaska Standard Time) in Anchorage, Alaska, before Director Raymond W. Stough.

Dated Washington, D. C., August 18, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3068; Filed, August 19, 1939; 10:40 a. m.]

[Docket No. 75-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF MIROW AIR SERVICE FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 1, 1939, 10 o'clock a. m. (Alaska Standard Time) in Anchorage, Alaska, before Director Raymond W. Stough.

Dated Washington, D. C., August 18, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3071; Filed, August 19, 1939; 10:40 a. m.]

[Docket No. 61-401 (B)-1]

IN THE MATTER OF THE APPLICATION OF FRANK V. POLLACK FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 1, 1939, 10 o'clock a. m. (Alaska Standard Time) in Anchorage, Alaska, before Director Raymond W. Stough.

Dated Washington, D. C., August 18, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3069; Filed, August 19, 1939; 10:40 a. m.]

[Docket No. 71-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF ACKERMAN AIR SERVICE FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September

[Docket No. 76-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF MARINE AIRWAYS FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 1, 1939, 10 o'clock a. m. (Alaska Standard Time) in Anchorage, Alaska, before Director Raymond W. Stough.

Dated Washington, D. C., August 18, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3063; Filed, August 19, 1939; 10:39 a. m.]

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[Docket Nos. 133, 134, 135, 136, 137, 138, 139, 140, 141, and 142]

IN THE MATTER OF THE APPLICATIONS OF WIEN ALASKA AIRLINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 1, 1939, 10 o'clock a. m. (Alaska Standard Time) in Anchorage, Alaska, before Director Raymond W. Stough.

Dated Washington, D. C., August 18, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3072; Filed, August 19, 1939; 10:41 a. m.]

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[Docket No. 149]

IN THE MATTER OF APPLICATION OF STAR AIR LINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 1, 1939, 10 o'clock a. m. (Alaska Standard Time) in Anchorage, Alaska, before Director Raymond W. Stough.

Dated Washington, D. C., August 18, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3065; Filed, August 19, 1939; 10:39 a. m.]

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[Docket No. 6-401 (E)-2]

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN AIRWAYS COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on September 25, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., August 19, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3077; Filed, August 21, 1939; 10:52 a. m.]

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[Docket Nos. 278, 282, 284]

IN THE MATTER OF THE APPLICATIONS OF AMERICAN AIRLINES, INC., TRANSCONTINENTAL & WESTERN AIR, INC., UNITED AIR LINES TRANSPORT CORPORATION FOR AMENDMENTS TO CERTAIN CERTIFICATES OF CONVENIENCE AND NECESSITY RELATIVE TO NEW YORK, N. Y. AND NEWARK, N. J.

ORDER CONSOLIDATING AND ASSIGNING MATTERS FOR PUBLIC HEARING

At a session of the Civil Aeronautics Authority held in the City of Washington, D. C., on the 18th day of August 1939.

It appearing to the Authority that the above-entitled applications can more advantageously and expeditiously be heard in a single public hearing thereon, and

The Authority finding that its action in this matter will enable it to effectuate the purposes of the Act,

*It is ordered*, That:

(1) The applications of American Airlines, Inc., Transcontinental & Western Air, Inc., and United Air Lines Transport Corporation for amendments to certain of their certificates of convenience and necessity, relative to New York, N. Y., and Newark, N. J., being Dockets Nos. 278, 282, 284, heretofore separately assigned for public hearing on August 23, 1939,[1] are consolidated into one proceeding and said proceeding is assigned for public hearing on August 28, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Mayflower Hotel, Connecticut Avenue and DeSales Street, Washington, D. C., before an examiner;

(2) Any other application which may be filed with the Authority after the date of this order and on or before the date of the hearing for an amendment of an existing certificate authorizing air transportation to or from New York, N. Y., will be heard in said proceeding upon the further order of the Authority; and

(3) All matters concerning the public convenience and necessity involved in, or arising in connection with, said applications or relating to air transportation in the general territory affected by said applications shall be the subject of investigation in said proceeding.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3078; Filed, August 21, 1939; 10:52 a. m.]

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[Docket No. 238]

IN THE MATTER OF THE APPLICATION OF AMERICAN EXPORT AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (D) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, now assigned for September 7, 1939, is hereby postponed until October 10, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Raleigh Hotel, 12th and Pennsylvania Avenue NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., August 19, 1939.

By the Authority.

[SEAL] ROBERT R. REINING,
*Acting Secretary.*

[F. R. Doc. 39-3079; Filed, August 21, 1939; 10:52 a. m.]

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## COMMITTEE FOR RECIPROCITY INFORMATION.

TRADE AGREEMENT NEGOTIATIONS WITH BELGIUM

PUBLIC NOTICE

*Closing date for submission of briefs, September 16, 1939.*

*Closing date for application to be heard, September 16, 1939.*

*Public hearings open, October 2, 1939.*

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentaton of views, in regard to the negotiation of a trade agreement with the Government of Belgium, notice of intention to negotiate which has been issued by the Acting Secretary of State on this date,[2] shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, September 16, 1939. Such communications should be addressed to "Chairman, Committee for Reciprocity Information, Old Land Office Building, Eighth and E Streets NW., Washington, D. C."

[1] 4 F.R. 3616 DI.

[2] See page 3682.



A public hearing will be held beginning at 10 a. m. on October 2, 1939, before the Committee for Reciprocity Information in the hearing room of the Tariff Commission in the Old Land Office Building, where supplemental oral statements will be heard.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 16th day of August 1939.

JOHN P. GREGG,
*Secretary.*

AUGUST 16, 1939.

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*List of Products on Which the United States Will Consider Granting Concessions to the Belgo-Luxemburg Economic Union and the Belgian Congo*

AUGUST 16, 1939.

For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930 and to the sections of the Internal Revenue Code. The descriptive phraseology, however, is limited in some cases to a narrower field than that covered by the numbered paragraph or section. In such cases only the articles covered by the descriptive phraseology of the list will come under consideration for the granting of concessions.

In the event that articles which are at present regarded as classifiable under the descriptions included in the above list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles.

The rates of duty shown are those now applicable to products of the Belgo-Luxemburg Union. The following symbols are used in the fourth column:

MR—a reduction of 50 percent in the rate of duty has been made in a trade agreement which is now in effect.

R—a reduction of less than 50 percent has been made in a trade agreement which is now in effect.

C—a reduction was made in the trade agreement with Czechoslovakia but was suspended April 22, 1939.

S—if any reduction is made in the proposed agreement, it will probably apply to a narrower description than that listed so as to cover only that part of the item which is of special interest to the Belgo-Luxemburg Union.

B—the existing rate has been bound in a trade agreement now in effect.

| United States Tariff Act of 1930, paragraph | Description | Present rate of duty | Symbol |
|---|---|---|---|
| 1 | Stearic acid, valued at not more than 8 cents per pound | 25% (subject to import tax of 3¢ lb. under Sec. 2491 (c) Int. Rev. Code; see below). | |
| 1 | Carbon dioxide, weighing with immediate containers and carton, 1 pound or less per carton. | 1¢ per lb. on contents, immediate containers and carton. | B |
| 6 | Aluminum sulphate | ½¢ per lb. | R |
| 7 | Ammonium chloride | 1¾¢ per lb. | |
| 7 | Ammonium nitrate | 1¢ per lb. | |
| 8 | Antimony oxide | 2¢ per lb. | |
| 20 | Chalk or whiting or Paris white: | | |
| | Dry, ground, or bolted | 1½¢ per lb. | MR |
| | Ground in oil (putty) | ½¢ per lb. | R |
| 24 | Flavoring extracts, and natural or synthetic fruit flavors, fruit esters, oils and essences, all the foregoing and their combinations: | | |
| | Containing more than 20 per centum and not more than 50 per centum of alcohol. | 30¢ per lb. +18% ad val. | R |
| | Containing more than 50 per centum of alcohol | 60¢ per lb. +18% ad val. | R |
| 27 (a) (1) and (5). | Naphthalene which after the removal of all water present has a solidifying point of 79 degrees centigrade or above. | 20% ad val. +3½¢ per lb.[1] | MR |
| 29 | Cobalt oxide | 10¢ per lb. | MR |
| 29 | Cobalt sulphate | 5¢ per lb. | MR |
| 40 | Hexamethylenetetramine | 11¢ per lb. | |
| 41 | Edible gelatin, valued at less than 40 cents per pound | 12½ ad val. +2½¢ per lb. | R |
| 68 | Ultramarine blue, dry, in pulp, or ground in or mixed with oil or water, wash and all other blues containing ultramarine: | | |
| | If valued at more than 10 cents per pound | 3¢ per lb. | R |
| | If valued at 10 cents per pound or less | 3¢ per lb. | |
| 72 | Lead pigments: White Lead | 2½¢ per lb. | R |
| 77 | Zinc oxide and leaded zinc oxides containing not more than 25 per centum of lead: | | |
| | In any form of dry powder | 1¾¢ per lb. | |
| | Ground in or mixed with oil or water | 2¼¢ per lb. | |
| 81 | Sodium phosphate (except pyrophosphate): | | |
| | Containing by weight less than 45 per centum of water | 1¢ per lb. | R |
| | Not specially provided for | ½¢ per lb. | R |
| 81 | Sodium sulphide: | | |
| | Containing not more than 35 per centum of sodium sulphide | 3½¢ per lb. | |
| | Containing more than 35 per centum of sodium sulphide | 3¢ per lb. | |
| 83 | Rice starch | 1½¢ per lb. | |
| 93 | Zinc chloride | 1¾¢ per lb. | |
| 205 (b) | Roman, Portland, and other hydraulic cement or cement clinker | 4½¢ per 100 lbs., including weight of container. | R |
| 205 (b) | White nonstaining Portland cement | 6¢ per 100 lbs., including weight of container. | R |
| 207 | Sand containing 95 per centum or more of silica and not more than six-tenths of 1 per centum of oxide of iron and suitable for use in the manufacture of glass. | $1 per ton | MR |
| 218 (f) | Table and kitchen articles and utensils, and all articles of every description not specially provided for, composed wholly or in chief value of glass, blown or partly blown in the mold or otherwise, or colored, cut, engraved, etched, frosted, gilded, ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), painted, printed in any manner, sand-blasted, silvered, stained, or decorated or ornamented in any manner, whether filled or unfilled, or whether their contents be dutiable or free: | | |
| | If cut or engraved, and valued at not less than $1 each | 45% ad val. | RS |
| | All other, not specially provided for | 60% ad val. | CS |
| 219, 224 | Cylinder, crown, and sheet glass, by whatever process made, and for whatever purpose used: | | |
| | Not exceeding 150 square inches | 1²⁵⁄₆₄¢ per lb. | C |
| | Above that, and not exceeding 384 square inches | 1³⁵⁄₆₄¢ per lb. | C |
| | Above that, and not exceeding 720 square inches | 1⁵³⁄₆₄¢ per lb. | C |
| | Above that, and not exceeding 864 square inches | 1⁶³⁄₆₄¢ per lb. | C |
| | Above that, and not exceeding 1,200 square inches | 2¼¢ per lb. | C |
| | Above that, and not exceeding 2,400 square inches | 2³⁵⁄₆₄¢ per lb. | C |
| | Above that | 2⁵³⁄₆₄¢ per lb. | C |
| | *Provided*, That none of the foregoing weighing less than 16 ounces but not less than 12 ounces per square foot shall be subject to a less rate of duty than. | 37½% ad val. | C |
| | Any of the foregoing, when bent, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored (except glass not plate glass and not less than one-fourth of one inch in thickness, when obscured by coloring prior to solidification), painted, ornamented, or decorated. | 5% ad val. in addition | |
| 220 | Laminated glass composed of layers of glass and other material or materials, and manufactures wholly or in chief value of such glass. | 45% ad val. | R |
| 221 | Rolled glass (not sheet glass) fluted, figured, ribbed, or rough, or the same containing a wire netting within itself. | 1½¢ per lb. | |
| 222 (a), 224 | Plate glass, by whatever process made: | | |
| | Not exceeding 384 square inches | 8¾¢ per sq. ft. | R |
| | Above that, and not exceeding 720 square inches | 11⁹⁄₁₀¢ per sq. ft. | R |
| | Above that, and not exceeding 1,008 square inches | 11⁹⁄₁₀¢ per sq. ft. | R |
| | All above that | 13⅓¢ per sq. ft. | R |
| | *Provided*, That none of the foregoing measuring ½ inch or over in thickness shall be subject to a less rate of duty than. | 50% ad val. | B |
| | Any of the foregoing when bent, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored, painted, ornamented, or decorated. | 5% ad val. in addition | |
| 222 (b), 224 | Plate glass containing a wire netting within itself: | | |
| | Not exceeding 384 square inches | 10¢ per sq. ft. | R |
| | Above that, and not exceeding 720 square inches | 13⅓¢ per sq. ft. | R |
| | All above that | 15⅓¢ per sq. ft. | R |
| | Any of the foregoing, when bent, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored, painted, ornamented, or decorated. | 5% ad val. in addition | |

[1] The ad valorem rate is based on American selling price of any similar competitive article manufactured or produced in the United States.

| United States Tariff Act of 1930, paragraph | Description | Present rate of duty | Symbol |
|---|---|---|---|
| 222 (d), 224 | Rolled, cylinder, crown, and sheet glass, not plate glass, if ground wholly or in part (whether or not polished) otherwise than for the purpose of ornamentation, or if one-fourth of one inch or more in thickness and obscured by coloring prior to solidification. | Subject to specific duties in 222 (a) or (b) above. | R |
| | *Provided*, That none of the foregoing measuring ½ inch or more in thickness and not containing a wire netting within itself shall be subject to less than the following rates of duty: | | |
| | If ground wholly or in part (whether or not polished) otherwise than for the purpose of ornamentation | 50% ad val | R |
| | If not ground wholly or in part | 40% ad val | R |
| | Any of the foregoing, when bent, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored (except glass not less than ¼ inch in thickness, when obscured by coloring prior to solidification), painted, ornamented, or decorated. | 5% ad val. in addition | |
| 231 | Opal, enamel or cylinder glass tiles and tiling | 30% ad val | R |
| 232 (a) | Marble, commercially known as black marble, in block, rough or squared only. | 65¢ per cubic ft | |
| 303 | Muck bars, pieces thereof (except crop ends, bar iron, and round iron in coils or rods, iron in slabs, blooms, loops, or other forms less finished than iron in bars and more advanced than pig iron, except castings; all the foregoing valued at not above 1½ cents per pound. | ¼¢ per lb | R |
| 304 | Steel ingots, cogged ingots, blooms and slabs, by whatever process made; die blocks or blanks; billets and bars, whether solid or hollow; shafting; pressed, sheared, or stamped shapes, not advanced in value or condition by any process or operation subsequent to the process of stamping; hammer molds or swaged steel; gun-barrel molds not in bars; concrete reinforcement bars; all descriptions and shapes of dry sand, loam, or iron molded steel castings; sheets and plates and steel not specially provided for; all the foregoing: | ¼¢ per lb | R |
| | Valued at not above 1½ cents per pound. | | |
| | Valued above 1½, and not above 2½ cents per pound: | | |
| | Billets and bars, whether solid or hollow, weighing more than 30 pounds per linear foot; steel ingots, cogged ingots, blooms and slabs. | ⅝¢ per lb | R |
| | All other | ¾¢ per pound | R |
| 307 | Boiler or other plate iron or steel, except crucible plate steel and saw plate steel, not thinner than one hundred and nine one-thousandths of 1 inch, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at not above 3 cents per pound. | 0.35¢ per lb | R |
| 308 | Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at 3 cents per pound or less: | | |
| | Thinner than $^{109}/_{1000}$ and not thinner than $^{35}/_{1000}$ of 1 inch | 0.35¢ per lb | R |
| | Thinner than $^{35}/_{1000}$ and not thinner than $^{23}/_{1000}$ of 1 inch | 0.45¢ per lb | R |
| | Thinner than $^{23}/_{1000}$ and not thinner than $^{15}/_{1000}$ of 1 inch | 0.60¢ per lb | R |
| | Thinner than $^{15}/_{1000}$ of 1 inch | 0.70¢ per lb | R |
| | Corrugated or crimped | 0.60¢ per lb | R |
| | All the foregoing when valued at more than 3 cents per pound | 20% ad val | |
| | *Provided*, That all sheets or plates of common or black iron or steel not thinner than $^{109}/_{1000}$ of 1 inch shall be subject to duty as plate iron or plate steel. | | |
| 308, 309 | Sheets of iron or steel, common or black, of whatever dimensions, valued at more than 3 cents per pound, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals. | 20% ad val. + 3/10¢ per lb. | |
| 312 | Beams, girders, joists, angles, channels, car-truck channels, tees, columns and posts, or parts or sections of columns and posts, and deck and bulb beams, together with all other structural shapes of iron or steel; any of the foregoing: | | |
| | Not assembled, manufactured or advanced beyond hammering, rolling, or casting. | ½¢ per lb | |
| | Machined, drilled, punched, assembled, fitted, fabricated for use, or otherwise advanced beyond hammering, rolling, or casting. | 15% ad val | R |
| 313 | Hoop, band, and scroll iron or steel, not specially provided for, valued at 3 cents per pound or less, eight inches or less in width: | | |
| | Thinner than ⅜ and not thinner than $^{109}/_{1000}$ of 1 inch | $^{23}/_{100}$¢ per lb | |
| | Thinner than $^{109}/_{1000}$ and not thinner than $^{23}/_{1000}$ of 1 inch | $^{23}/_{100}$¢ per lb | |
| | Thinner than $^{23}/_{1000}$ of 1 inch | $^{25}/_{100}$¢ per lb | |
| | *Provided*, That barrel hoops of iron or steel, and hoop or band iron, or hoop or band steel, flared, splayed, or punched, with or without buckles or fastenings, shall pay no more duty than that imposed on the hoop or band iron or steel from which they are made. | | |
| 314 | Hoop or band iron, and hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity. | ⅛¢ per lb | R |
| 315 | Wire rods: Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, or square, or in any other shape, nail rods and flat rods up to 6 inches in width ready to be drawn or rolled into wire or strips, all of the foregoing in coils or otherwise, valued at not over 2½ cents per pound. | ¼¢ per lb | R |
| 316 (a) | Wire strand | 35% ad val | |
| 317 | All galvanized wire not specially provided for, not larger than $^{35}/_{100}$ and not smaller than $^{5}/_{100}$ of 1 inch in diameter, of the kind commonly used for fencing purposes, galvanized wire fencing composed of wires not larger than $^{35}/_{100}$ and not smaller than $^{5}/_{100}$ of 1 inch in diameter; and all wire commonly used for baling hay or other commodities. | ⅛¢ per lb | |
| 322 | Railway fishplates or splice bars, and tie plates, made of iron or steel. | ¼¢ per lb | |
| 322 | Rail braces, and all other railway bars made of iron or steel, and railway bars made in part of steel, T-rails, and punched iron or steel flat rails. | ⅛¢ per lb | 8 |
| 324 | Wheels for railway purposes, and parts thereof, of iron or steel, and steel-tired wheels for railway purposes, wholly or partly finished, and iron or steel locomotive, car, or other railway tires and parts thereof, wholly or partly manufactured. | 1¢ per lb | |
| | *Provided*, That when wheels for railway purposes, or parts thereof, of iron and steel, are imported with iron or steel axles fitted in them, the wheels and axles together shall be dutiable at the same rate as is provided for the wheels when imported separately. | | |
| 328 | Lap-welded, butt-welded, seamed, or jointed iron or steel tubes, pipes, flues, and stays, not thinner than $^{6}/_{100}$ of 1 inch, if not less than ⅜ of 1 inch in diameter. | ⅝¢ per lb | |
| | *Provided*, That no tubes, pipes, flues, or stays made of charcoal iron shall be subject to a less rate of duty than | 1¾¢ per lb | |
| 330 | Bolts, with or without threads or nuts, and bolt blanks, of iron or steel. | 1¢ per lb | |
| 331 | Nails, spikes, tacks, brads, and staples, made of iron or steel wire, not less than 1 inch in length nor smaller than $^{6}/_{100}$ of 1 inch in diameter. | ⅛¢ per lb | |
| 332 | Rivets of iron or steel, not specially provided for | 1¢ per lb | |
| 353 | Electrical telephone apparatus, instruments (other than laboratory), and devices; all the foregoing, and parts thereof, finished or unfinished, wholly or in chief value of metal, not specially provided for. | 35% ad val | |
| 365 | Barrels for shotguns, further advanced in manufacture than rough bored only. | $2 each + 25% ad val | MR |
| 365 | Stocks for shotguns, wholly or partly manufactured | $2.50 each + 25% ad val | MR |
| 365 | Parts of shotguns, and fittings for shotgun stocks or barrels, finished or unfinished. | 27½% ad val | MR |
| 365 | Shotguns imported without a lock, or locks or other fittings | $5 each + 27½% ad val | MR |
| 365 | Shotgun barrels, in single tubes, forged, rough bored | 5% ad val | MR |
| 365 | Shotguns: | | |
| | Valued at not more than $5 each | 75¢ each + 22½% ad val | MR |
| | Valued at more than $5 and not more than $10 each | $2 each + 22½% ad val | MR |
| | Valued at more than $10 and not more than $25 each | $3 each + 22½% ad val | MR |
| | Valued at more than $25 and not more than $50 each | $5 each + 22½% ad val | MR |
| | Valued at more than $50 each | 32½% ad val | MR |
| 372 | Brewery machines, finished or unfinished, not specially provided for, and parts thereof, not specially provided for, wholly or in chief value of metal or porcelain. | 27½% ad val | S |
| 392 | Alloys or combinations of lead not specially provided for | 2¾¢ per lb. on the lead contained therein. | |
| 394 | Zinc in sheets | 2¢ per lb | |
| 397 | Woven wire fencing and woven wire netting, all the foregoing composed of wire smaller than $^{5}/_{100}$ and not smaller than $^{9}/_{100}$ of 1 inch in diameter: | | |
| | Coated with zinc or other metal before weaving | 50% ad val | |
| | Costed with zinc or other metal after weaving | 60% ad val | |
| 722 | Barley malt | 40¢ per 100 lbs | B |
| 742 | Hothouse grapes in bulk, crates, barrels, or other packages | 25¢ per cu. ft. of such bulk or the capacity of the packages, according as imported. | B |
| 769 | Peas, prepared or preserved in any manner, valued at 10 cents or more per pound. | 1½¢ per lb. on entire contents of container. | R |

| United States Tariff Act of 1930, paragraph | Description | Present rate of duty | Symbol |
|---|---|---|---|
| 775 | Carrots, not divided into pieces, prepared or preserved, in airtight cans. | 35% ad val | |
| 776 | Chicory, crude, including endives in their natural state | 1½¢ per lb | R |
| 904 (c) | Cotton cloth, printed, dyed, or colored, containing yarns the average number of which does not exceed number 30, and if valued at not more than 90 cents per pound. | 16.35% to 26.5% ad val | S |
| 904 (d) | Cotton cloth, printed, dyed, or colored, containing yarns the average number of which does not exceed number 30, if woven with 8 or more harnesses, or with Jacquard, lappet, or swivel attachments, and if valued at not more than 90 cents per pound. | 21.35% to 31.5% ad val | |
| 905 | Cloth, in chief value of cotton, containing silk, or rayon or other synthetic textile, printed, dyed, or colored, if woven with 8 or more harnesses, or with Jacquard, lappet, or swivel attachments, and if valued at not more than 90 cents per pound: | | |
| | Containing yarns the average number of which does not exceed 30. | 26.35% to 36.5% ad val | |
| | Containing yarns the average number of which exceeds 30 but does not exceed 40. | 36.85% to 40% ad val | |
| 907 | Waterproof cloth, wholly or in chief value of cotton or other vegetable fiber, whether or not in part of india rubber. | 25% ad val | R |
| 908 | Tapestries and other Jacquard-figured upholstery cloths (not including pile fabrics or bed ticking) in the piece or otherwise, wholly or in chief value of cotton or other vegetable fiber. | 55% ad val | S |
| 910 | Table damask, wholly or in chief value of cotton, and all articles, finished or unfinished, made or cut from such table damask. | 30% ad val | C[2] S |
| 911 (b) | Polishing cloths, dust cloths, and mop cloths, wholly or in chief value of cotton, not made of pile fabrics. | 25% ad val | |
| 921 | Imitation oriental rugs, wholly or in chief value of cotton | 20% ad val | R |
| 923 | Manufactures, wholly or in chief value of cotton, not specially provided for. | 40% or 30% ad val.[2] | R[2] S |
| 1001 | Flax, not hackled | 3¢ per lb | M R |
| 1005 (a) (2) | Cordage, including cables, tarred or untarred, composed of 3 or more strands, each strand composed of 2 or more yarns, wholly or in chief value of sunn, or other bast fiber, but not including cordage made of jute. | 1½¢ per lb | R |
| 1005 (b) | Cords and twines (whether or not composed of three or more strands, each strand composed of two or more yarns), tarred or untarred, single or plied, wholly or in chief value of manila (abaca), sisal, henequen, or other hard fiber. | 20% ad val | M R |
| 1099 (b) | Woven fabrics, such as are commonly used for paddings or interlinings in clothing: | | |
| | Wholly or in chief value of flax, or hemp, or of which these substances or either of them is the component material in chief value, exceeding 30 and not exceeding 120 threads to the square inch, counting the warp and filling, and weighing not less than 4½ and not more than 12 ounces per square yard. | 30% ad val | R |
| | Wholly or in chief value of jute, exceeding 30 threads to the square inch, counting the warp and filling, and weighing not less than 4½ ounces and not more than 12 ounces per square yard. | 30% ad val | R |
| 1009 (c) | Woven fabrics, in the piece or otherwise, wholly or in chief value of vegetable fiber, except cotton, filled, coated, or otherwise prepared for use as artists' canvas. | 30% ad val | R |
| 1010 | Woven fabrics, not including articles finished or unfinished, of flax, hemp, ramie, or other vegetable fiber, except cotton, or of which these substances or any of them is the component material of chief value, not specially provided for. | 20% ad val | M R |
| 1011 | Plain-woven fabrics, not including articles finished or unfinished, wholly or in chief value of flax, hemp, ramie, or other vegetable fiber, except cotton, weighing less than four ounces per square yard. | 20% ad val | R S |
| 1015 | Fabrics, with fast edges, not exceeding twelve inches in width, and articles made therefrom, wholly or in chief value of jute. | 35% ad val | S |
| 1021 | Carpets, carpeting, mats, matting, and rugs, wholly or in chief value of jute. | 35% ad val | S |
| 1021 | Floor coverings, not specially provided for | 40% ad val | S |
| 1023 | All manufactures, wholly or in chief value of flax, not specially provided for. | 40% ad val | C S |
| 1105 (a) and (b) | Wool and hair wastes: | | |
| | Garnetted waste | 18¢ per lb | R |
| | Noils, carbonized | 21¢ per lb | R |
| 1109 (a) | Woven green billiard cloths, in the piece, weighing more than eleven ounces but not more than fifteen ounces per square yard, wholly of wool. | 50¢ per lb. + 40% ad val | R |
| 1405 | Uncoated papers, including wrapping paper, with the surface or surfaces wholly or partly decorated or covered with a design, fancy effect, pattern, or character, except designs, fancy effects, patterns, or characters produced on a paper machine without attachments, or produced by lithographic process, if embossed, or printed otherwise than lithographically, or wholly or partly covered with metal or its solutions, or with gelatin or flock. | 4½¢ per lb. and 20% ad val. | |
| 1405 | Vegetable parchment paper by whatever name known | 2¢ per lb. + 10% ad val | R |
| 1405 | Sensitized paper, to be used in photography | 22½% ad val | R |
| 1406 | Transparencies, printed lithographically or otherwise: | | |
| | In not more than five printings (bronze printing to be counted as two printings). | 30% ad val | R |
| | In more than five printings (bronze printing to be counted as two printings). | 37½% ad val | R |
| 1410 (See par. 1404) | Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, sheets or printed pages of books bound wholly or in part in leather, and printed matter, all of the foregoing not specially provided for: | | |
| | If of bona fide foreign authorship: | | |
| | Prayer books and sheets or printed pages of prayer books | 7½% ad val | M R |
| | If of other than bona fide foreign authorship: | | |
| | Prayer books and sheets or printed pages of prayer books | 12½% ad val | M R |
| | Any of the foregoing composed in chief value of india paper or bible paper weighing less than twenty and one half pounds to the ream. | Minimum duty provided for in par. 1404. | R |
| 1413 | Ribbon fly catchers or fly ribbons in chief value of paper | 27½% ad val | R |
| 1501 (c) | Asbestos slingles and articles in part of asbestos, if containing hydraulic cement or hydraulic cement and other material: | | |
| | If not coated, impregnated, decorated, or colored, in any manner. | 3½¢ per lb | R |
| | If coated, impregnated, decorated, or colored, in any manner | 3½¢ per lb | R |
| 1503 | Spangles and beads, including bugles, not specially provided for | 35% ad val | C |
| 1503 | Ladies' handbags and plates therefor, not ornamented with beads, spangles, or bugles, nor embroidered, tamboured, appliqued, or scalloped, composed wholly or in chief value of beads or spangles other than imitation pearl beads, beads in imitation of precious or semiprecious stones, and beads in chief value of synthetic resin). | 60% ad val | C |
| 1520 | Hatters' furs, or furs not on the skin, prepared for hatters' use, including fur skins carroted. | 27½% ad val | R |
| 1523 | Human hair, cleaned or commercially known as drawn, but not manufactured. | 20% ad val | |
| 1525 | Hair felt, made wholly or in chief value of animal hair, not specially provided for. | 20% ad val | R |
| 1525 | Manufactures of hair felt, not specially provided for | 20% ad val | R |
| 1526 (a) | Hats, for men's or boy's wear, trimmed or untrimmed, including bodies for hats, composed wholly or in chief value of fur of the rabbit, beaver, or other animals. | $1.25 + 25% ad val. to $16 + 15% ad val. | S R[4] |
| 1528 | Diamonds, cut but not set, and suitable for use in the manufacture of jewelry. | 10% ad val | |
| 1529 (a) | Laces, lace fabrics, and lace articles, if exceeding two inches in width and made wholly by hand without the use of any machine-made material or article provided for in paragraph 1529 (a); articles made wholly of any of the foregoing; and articles, not wearing apparel, in part of any of the foregoing and containing no machine-made material or article provided for in paragraph 1529 (a); all the foregoing, finished or unfinished, however described and provided for in paragraph 1529 (a): | | |
| | Valued at more than $50 and less than $150 per pound | 60% ad val | R |
| | Valued at $150 or more per pound | 45% ad val | M R |
| 1537 (b) | Bicycle tires composed wholly or in chief value of rubber | 10% ad val | |
| 1551 | Photographic dry plates, not specially provided for | 15% ad val | R |

[1] The reduction in the Czechoslovak agreement applied only to cloth valued at 75¢ or more per pound.
[2] The reduced rate applies only to specific items.
[4] Reduction given in the trade agreement with the United Kingdom, effective January 1, 1939, applies only to hats valued at more than $48 per dozen.

| United States Tariff Act of 1930, paragraph | Description | Present rate of duty | Symbol |
|---|---|---|---|
| 1551 | Photographic films, sensitized but not exposed or developed, of every kind except motion-picture films having a width of one inch or more. | 12½% ad val. | MR |
| 1551 | Motion-picture films, sensitized but not exposed or developed, having a width of one inch or more. | ¾¢ per linear foot of 1⅜ inches, and all other widths of 1 inch or more shall be subject to duty in equal proportion thereto. | MR |
| 1604 | Agricultural implements, not specially provided for: Steel wire bale ties used in baling hay or other agricultural commodities. | Free | |
| 1606 (a), (b) | Horses imported by a citizen of the United States specially for breeding purposes. | Free | B |
| 1613 | Sulphide of arsenic | Free | |
| 1651 | Dead or creosote oil | Free | B |
| 1652 | Cobalt and cobalt ore | Free | B |
| 1668 | Glaziers' and engravers' diamonds, not set, miners' diamonds, and diamond dust. | Free | |
| 1675 | Ferrous sulphate or copperas | Free | B |
| 1685 | Basic slag | Free | B |
| 1685 | Precipitated bone of a grade used chiefly for fertilizers, or chiefly as an ingredient in the manufacture of fertilizers. | Free | |
| 1685 | Ammonium phosphates, used chiefly for fertilizer | Free | |
| 1685 | Ammoniated superphosphates, used chiefly for fertilizer | Free | B |
| 1686 | Copal | Free | B |
| 1689 | Ossein | Free | B |
| 1732 | Expressed or extracted palm oil | Free (Subject to processing tax of 3¢ per pound upon first domestic processing under Sec. 2470, Int. Rev. Code; see below). | |
| 1733 | Medicinal oil obtained from petroleum | Free (Subject to import tax of 1½¢ per gallon under Sec. 3422, Int. Rev. Code; see below). | |
| 1749 | Radium, and salts of | Free | B |
| 1792 | Uranium, oxide and salts of | Free | |
| 1800 | All barbed wire, whether plain or galvanized | Free | |

| Internal Revenue Code, Section | Description | Present rate of tax | Symbol |
|---|---|---|---|
| 2470 | Expressed or extracted palm oil | 3¢ per lb. upon first domestic processing. | B |
| 2491 (c) | Stearic acid, valued at not more than 8¢ per lb | 3¢ per lb | |
| 3422 | Medicinal oil obtained from petroleum | 1½¢ per gal | |

[F. R. Doc. 39-3059; Filed, August 19, 1939; 9:57 a. m.]

## FEDERAL SURPLUS COMMODITIES CORPORATION.

### Designation of Areas Under Surplus Food Stamp Program

Pursuant to the applicable regulations and conditions[1] prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, effective 12:01 A. M. E. S. T., August 16, 1939, the following areas are hereby designated as areas in which food order stamps may be used and in which the agricultural commodities listed in Surplus Commodities Bulletin No. 2,[2] approved by the Secretary of Agriculture June 30, 1939, shall be considered surplus foods:

The city limits of Des Moines, Iowa and the immediate environs as defined by the local representative of the Federal Surplus Commodities Corporation. The posting of the definition of "the immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation shall constitute due notice thereof.

The area within the county limits of Pottawatomie County, Oklahoma and that portion of Seminole County located in the town limits of Maud, Oklahoma.

[SEAL] MILO PERKINS,
*President.*

Date, August 12, 1939.

[F. R. Doc. 39-3080; Filed, August 21, 1939; 11:36 a. m.]

[1] 4 F.R. 3133 DI.
[2] 4 F.R. 3575 DI.

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3808]

IN THE MATTER OF WILBERT W. HAASE COMPANY, INC., A CORPORATION; NATIONAL AFFILIATION OF WILBERT VAULT MANUFACTURERS, AN UNINCORPORATED ASSOCIATION AND ITS MEMBERS; AMERICAN VAULT WORKS, INC., A CORPORATION; LEO WOLFKILL, TRADING AS WASHINGTON VAULT WORKS; BALTIMORE CONCRETE PRODUCTS CO., A CORPORATION TRADING AS BALTIMORE WILBERT VAULT CO., INDIVIDUALLY AND AS REPRESENTATIVE MEMBERS OF SAID UNINCORPORATED ASSOCIATION; WILBERT W. HAASE AND SYDNEY L. SCHULTZ, INDIVIDUALLY AND AS OFFICERS OF SAID WILBERT W. HAASE COMPANY, INC., AND AS OFFICERS OF SAID NATIONAL AFFILIATION OF WILBERT VAULT MANUFACTURERS

### ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, September 18, 1939, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3082; Filed, August 21, 1939; 11:44 a. m.]

## RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 381]

### ALLOCATION OF FUNDS FOR LOANS

AUGUST 16, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:



| *Project designation* | *Amount* |
|---|---|
| Georgia 0045W3 Sumter | $5,000 |
| Georgia 0086W3 Seminole | 15,000 |
| Illinois 0032W1 McDonough | 5,000 |
| Minnesota 0048W3 Anoka | 5,000 |
| Mississippi 0020W1 Yazoo | 5,000 |
| North Carolina 0023W6 Caldwell | 20,000 |
| Ohio 0030W1 Marion | 1,000 |
| Ohio 0088W1 Gallia | 5,000 |
| Pennsylvania 0014W1 Clearfield | 5,000 |
| Texas 0054R1 Wood | 25,000 |
| Texas 0064W3 San Augustine | 10,000 |

ROBERT B. CRAIG,
*Acting Administrator.*

[F. R. Doc. 39-3052; Filed, August 19, 1939; 9:32 a. m.]

[Administrative Order No. 382]

### ALLOCATION OF FUNDS FOR LOANS

AUGUST 16, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Alabama 0018E1 Cullman | $28,000 |
| Arkansas 0010C1 Pulaski | 327,000 |
| Georgia 0091A1 Laurens | 188,000 |
| Indiana 0055A2 Tippecanoe | 480,000 |
| Indiana 0070A1 White | 446,000 |
| Indiana 0087A2 Starke | 445,000 |
| Minnesota 0012A1 St. Louis | 315,000 |
| Nebraska 0069A2 Dawson | 69,000 |
| North Dakota 0061G1 Ramsey | $40,000 |
| Ohio 0088A2 Gallia | 41,000 |
| Oklahoma 0015D1 Tillman | 138,000 |
| Tennessee 0030A1 Knoxville Public | 81,000 |
| Virginia 0035B1 Madison | 77,000 |
| Wisconsin 0052B1 Crawford | 138,000 |

ROBERT B. CRAIG,
*Acting Administrator.*

[F. R. Doc. 39-3053; Filed, August 19, 1939; 9:32 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of August, A. D. 1939.

[File No. 43-236]

IN THE MATTER OF CENTRAL POWER AND LIGHT COMPANY

### ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

Central Power and Light Company, a subsidiary of a registered holding company, having filed with this Commission a declaration, and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by declarant of $25,000,000 in principal amount of First Mortgage Bonds, Series A, 3¾% due August 1, 1969 and $7,000,000 in principal amount of Serial Debentures, 1½% to 3%, due serially from August 15, 1940 through August 15, 1946;

Public hearing having been duly held after appropriate notice;[1] the record in this matter having been considered; and the Commission having filed its findings herein;

*It is ordered*, That such declaration be and become effective forthwith, subject, however, to the following conditions:

1. That the issue and sale of the aforesaid securities shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration as amended;

2. That within ten days after the issue and sale of said securities, declarant shall file with this Commission its certificate of notification showing that such issue and sale have been effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3074; Filed, August 19, 1939; 10:56 a. m.]

[1] 4 F.R. 3478 DI.

AUG 24 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 162

*Washington, Wednesday, August 23, 1939*


## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### COMMODITY CREDIT CORPORATION

PART 204—DETERMINATION OF PREVAILING WORLD MARKET PRICE FOR AMERICAN COTTON

§ 204.1 By virtue of the authority vested in the Secretary of Agriculture by H. J. Res. 375, approved August 11, 1939 (Public Resolution No. 52, 76th Congress), I, Harry L. Brown, Acting Secretary of Agriculture, do hereby determine that for the purposes of said Joint Resolution the prevailing world market price for the unrestricted use of American cotton in bales compressed to high density, delivered at shipside, shall be the simple average of the market prices for Middling ⅞ inch cotton in the three designated spot cotton markets at the Gulf ports of New Orleans, Louisiana, and Galveston and Houston, Texas, as reported by the Agricultural Marketing Service of the United States Department of Agriculture for the 15 business days immediately preceding the date of any sale under said Joint Resolution, with additions or deductions for other grades and staple lengths, which such additions or deductions shall be the simple averages of the commercial differences on or off Middling ⅞ for such other grades and staple lengths as reported by the Agricultural Marketing Service for the said three designated spot cotton markets for the said 15 business days, plus .18 cent per pound for delivery to shipside in high density form, and less the prevailing rate of export subsidy payment in effect on the date of sale. The additions and deductions for cotton of staple lengths not quoted in said three designated spot cotton markets shall be the simple averages of the commercial differences for such lengths as quoted in other designated spot cotton markets for said 15 business days, and in the absence of any quotations for any such qualities in any designated market, the simple averages of the commercial differences ascertained from the best available sources and reported by the Agricultural Marketing Service for the said 15 business days.

Done at Washington, D. C., this 21st day of August 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3092; Filed, August 22, 1939; 9:38 a. m.]

PART 204—DETERMINATION OF CARRYING CHARGES FOR AMERICAN COTTON

§ 204.2 By virtue of the authority vested in the Secretary of Agriculture by H. J. Res. 375, approved August 11, 1939 (Public Resolution No. 52, 76th Congress), I, Harry L. Brown, Acting Secretary of Agriculture, do hereby determine that for the purpose of any sale of cotton made under the provisions of said law prior to January 1, 1940, the estimated average carrying charges that that would be incurred if such cotton should be held by Commodity Credit Corporation for an additional eighteen months are .62 cent per pound.

Done at Washington, D. C., this 21st day of August 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3093; Filed, August 22, 1939; 9:38 a. m.]

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## TITLE 7—AGRICULTURE

## DIVISION OF MARKETING AND MARKETING AGREEMENTS

[Order No. 39]

### PART 939—ORDER REGULATING HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN THE STATES OF OREGON, WASHINGTON, AND CALIFORNIA *


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Whereas, under the provisions of Public Act No. 10, 73d Congress (May 12, 1935), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (hereinafter referred to as the act), it is provided that the Secretary of Agriculture of the United States (hereinafter referred to as the Secretary) shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities as is in the current of interstate or foreign commerce, or such handling as directly burdens, obstructs, or affects interstate or foreign commerce, in such commodities; and

Whereas the Secretary, having reason to believe that the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions for the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California as would establish prices to the producers of such varieties of pears at a level that would give such varieties of pears a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such varieties of pears during the base period August 1920–July 1929, conducted public hearings at Sacramento, California, on May 26, 1939; at Medford, Oregon, on May 29, 1939; at Hood River, Oregon, on May 31, 1939; and at Yakima, Washington, on June 1, 1939, pursuant to due notice [1] given to all interested parties on May 9, 1939, on a proposed order regulating such handling of such varieties of pears as is in the current of interstate or foreign commerce, or such handling as directly burdens, obstructs, or affects such commerce in such varieties of pears, at which hearings all interested persons in attendance were afforded due opportunity to be heard concerning the proposed order; and

Whereas the Secretary has found and proclaimed [2] that the purchasing power of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California during the period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such varieties of pears can be satisfactorily determined from available statistics of the Department of Agriculture for the period August 1920–July 1929, and that the period August 1920–July 1929 is the base period to be used in connection with this order in determining the purchasing power of such varieties of pears; and

Whereas the Secretary finds, upon the basis of the evidence introduced at the hearing and the record thereof:

(1) That at the time of the hearing the prices received by the producers of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears were at a level that gave such varieties of pears a purchasing power with respect to articles that the producers thereof buy appreciably below the purchasing power of such varieties of pears during the base period;

(2) That the regulation of shipments of such varieties of pears by grades or sizes, as prescribed herein, will serve to prevent marked fluctuations in prices to the producers thereof, and will establish and maintain a more stabilized market for such varieties of pears, tending to establish prices to the producers thereof at a level that will give such varieties of pears a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such varieties of pears during the base period;

(3) That this order is limited in its application to the smallest regional production area and to the smallest regional marketing area that is practicable, consistent with carrying out the declared policy of the act, and that the issuance of several orders applicable to any subdivision of such regional production or marketing areas would not effectively carry out the declared policy of the act;

(4) That the pro rata contribution of handlers to the expenses of the administrative agency herein established, based upon the quantity of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears shipped, as provided in this order, is fair and equitable; and

(5) That this order and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California by establishing and maintaining such orderly marketing conditions therefor as will establish prices to the producers thereof at a level that will give such varieties of pears a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such varieties of pears in the base period, and by protecting the interest of the consumer by (a) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by (b) authorizing no action which has for its purpose the maintenance of prices to the producers of such varieties of pears above the level which it is declared in the act to be the policy of Congress to establish; and

Whereas the Secretary finds:

(1) That a marketing agreement regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California, executed on the 22d day of August 1939, upon which hearings were held on May 26, May 29, May 31, and June 1, 1939, was signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the varieties of pears covered by this order) who, during the 1938 season, handled not less than fifty (50) percent of the volume of the varieties of pears covered by this order which were marketed during the same season in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce;

(2) That this order regulates the handling of such varieties of pears in the same manner as the aforesaid marketing agreement, and that it is made applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement; and

(3) That the issuance of this order is favored by more than two-thirds (⅔) of the producers who, during the 1938 season (which is hereby determined to be a representative period), produced the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears for market within the States of Oregon, Washington, and California:

Now, therefore, it is ordered by the Secretary, acting under the authority vested in him by the act, that such handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California as is in the current of commerce, or as directly burdens, obstructs, or affects commerce, from the State of Oregon, the State of Washington, or the State of California to any point outside thereof, shall be in conformity to and in compliance with the terms and conditions of this order from and after the date herein specified.

§ 939.1. *Definitions.* As used herein the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), as amended.

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

(d) "Pears" means and includes any and all of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in the States of Oregon, Washington, and California.

(e) "Size" means the number of pears which can be packed in a standard western pear box 18" long, 11½" wide and 8½" deep (inside measurements) when packed in accordance with the packing requirements of the U. S. Standards for Pears, effective July 1, 1939, or as such standards hereafter may be modified, or as "size" may be more specifically defined in a regulation issued hereunder.

(f) "Grower" means any person engaged in the production of pears, either as owner of as tenant.

(g) "Handler" means any person (except a common carrier of pears owned by another person) who, as owner, agent, broker, or otherwise, ships or handles pears, or causes pears to be shipped or handled, in fresh form by rail, truck, boat, or any other means whatsoever.

(h) "To ship" or "to handle" means to sell, deliver, handle for shipment, transport, or offer for transportation pears in the current of commerce, or so as directly to burden, obstruct, or affect commerce, from the State of Oregon, the State of Washington, or the State of California to any point outside thereof.

(i) "Fiscal period" means the period beginning July 1 of any year and ending June 30 of the following year, except that the first fiscal period shall begin on the effective date of the provisions hereof and end on the June 30 next following.

(j) "Area" means and includes the States of Oregon, Washington, and California.

(k) "District" means the applicable one of the following-described subdivisions of the area covered by the provisions hereof:

(1) Medford District shall include the counties of Jackson, Josephine, Curry, Coos, Douglas, Lane, and Klamath in the State of Oregon.

(2) Hood River-White Salmon-Underwood District shall include all of the State of Oregon not included in the Medford District, and the counties of Skamania and Klickitat in the State of Washington.

(3) Wenatchee District shall include the counties of Chelan, Okanogan, Douglas, and Spokane in the State of Washington.

(4) Yakima District shall include all of the State of Washington not included in the Wenatchee District or in the Hood River-White Salmon-Underwood District.

(5) Placerville District shall include all counties north of the northern boundaries of San Francisco, Contra Costa, San Joaquin, Calaveras, and Alpine Counties in the State of California.

(6) Santa Clara District shall include all of the State of California not included in the Placerville District.*

* Sections 939.1 through 939.15 issued under the authority contained in 48 Stat. 31 (1933), 7 U. S. C. § 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U. S. C. § 601 et seq. (Supp. IV, 1938).

[1] 4 F.R. 1987 DI.

[2] See page 3707.

§ 939.2. *Control Committee*—(a) *Establishment.* A Control Committee, consisting of twelve (12) individual persons as its members, is hereby established to administer the terms and provisions hereof as specifically provided herein. There shall be an alternate for each member of the Control Committee. Six (6) members of the Control Committee and their respective alternates shall be growers of pears, and six (6) members and their respective alternates shall be handlers of pears. The initial members and alternates shall be as follows:

(1) S. M. Tuttle, of Medford, Oregon, as member, and R. R. Reter, of Medford, Oregon, as his alternate, to represent the handlers in the Medford District.

(2) D. R. Wood, of Medford, Oregon, as member, and Chester A. Fitch, of Medford, Oregon, as his alternate, to represent the growers in the Medford District.

(3) A. W. Peters, of Hood River, Oregon, as member, and John C. Duckwall, of Hood River, Oregon, as his alternate, to represent the handlers in the Hood River-White Salmon-Underwood District.

(4) Roy S. Haseltine, of Hood River, Oregon, as member, and Louis Thun, of Underwood, Washington, as his alternate, to represent the growers in the Hood River-White Salmon-Underwood District.

(5) Harry Jensen, of Wenatchee, Washington, as member, and Guy R. Coe, of Wenatchee, Washington, as his alternate, to represent the handlers in the Wenatchee District.

(6) Henry M. Smith, of Dryden, Washington, as member, and E. Barclay Brauns, of Wenatchee, Washington, as his alternate, to represent the growers in the Wenatchee District.

(7) O. K. Conant, of Yakima, Washington, as member, and B. A. Perham, of Yakima, Washington, as his alternate, to represent the handlers in the Yakima District.

(8) E. A. Bannister, of Yakima, Washington, as member, and Jerome T. Heermans, of Wapato, Washington, as his alternate, to represent the growers in the Yakima District.

(9) A. A. Brock, of Placerville, California, as member, and Theodore Hodapp, of Placerville, California, as his alternate, to represent the handlers in the Placerville District.

(10) L. W. Veerkamp, of Placerville, California, as member, and Alfred R. Thiele, of Placerville, California, as his alternate, to represent the growers in the Placerville District.

(11) Edgar A. Jackson, of Santa Clara, California, as member, and Wendell C. Day, of Santa Clara, California, as his alternate, to represent the handlers in the Santa Clara District.

(12) Howard S. Anderson, of San Jose, California, as member, and V. T. McCurdy, of San Jose, California, as his alternate, to represent the growers in the Santa Clara District.

(b) *Nomination and selection of successors to initial members and their respective alternates.* The successors to the initial grower members and their respective alternates for each district shall be selected by the Secretary from nominees elected by the growers in such district, and successors to the handler members and their respective alternates for each district shall be selected by the Secretary from nominees elected by the handlers in such district.

(c) *Meetings for election of nominees.* Nominations for successors to the initial members of the Control Committee and their alternates shall be made at meetings of growers and handlers held in each of the districts designated in section 939.1 at such times and places as the Control Committee shall designate. At each of such meetings the growers or handlers eligible to participate therein shall select a chairman and a secretary of that meeting. In the election of nominees, each grower and each handler shall be entitled to vote in accordance with the provisions of paragraph (d) of this section. The chairman of the meeting shall announce at the meeting the name of each person for whom votes have been cast, whether as a member or as an alternate for a member, and the number of votes cast for each such person; and the chairman or the secretary of such meeting shall forthwith transmit such information to the Secretary or his designated representative.

(d) *Voting.* Only growers in attendance at meetings for election of nominees shall participate in the nomination of grower members and their alternates, and only handlers in attendance at meetings for election of nominees shall participate in the nomination of handler members and their alternates. A grower may participate only in the election held in the district in which he produces pears, and a handler may participate only in the election held in the district or districts in which he handles pears. No person may vote both as a handler and as a grower. Each grower and each handler shall be entitled to cast one vote, on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives, for each nominee to be elected.

(e) *Eligibility for membership.* Each grower member and his alternate shall be a grower who grows pears in the district in which and for which he is nominated and selected. Each handler member and his alternate shall be a handler, or an officer or employee of a handler, handling pears in the district in and for which he is nominated and selected.

(f) *Failure to nominate.* In the event nominations are not made pursuant to paragraphs (b) and (c) of this section on or before June 1 of any year, the Secretary may select members and alternates for members without regard to nominations.

(g) *Qualifications.* Any person selected by the Secretary as a member or as an alternate for a member of the Control Committee shall qualify by filing a written acceptance with the Secretary within fifteen (15) days after being notified of such selection.

(h) *Term of office.* The initial members and their respective alternates shall hold office for a term beginning at the time the provisions hereof become effective and ending June 30, 1940, or until their successors are selected and have qualified. Each member and each alternate for a member selected subsequent to the initial term shall serve during the fiscal period for which he has been selected or until his successor is selected and has qualified.

(i) *Alternates for members of the control committee.* An alternate for a member shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

(j) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate for a member of the Control Committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or qualified alternate for a member, a successor for his unexpired term shall be nominated and selected in the manner set forth in this section. If nominations to fill any such vacancy are not made within twenty (20) days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations.

(k) *Compensation and expenses.* The members and alternates for members of the Control Committee shall serve without compensation, but may be reimbursed for expenses necessarily incurred by them in the performance of their respective duties.

(l) *Powers of control committee.* The Control Committee shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions hereof;

(2) To make administrative rules and regulations in accordance with, and to effectuate, the terms and provisions hereof; and

(3) To receive, investigate, and report to the Secretary complaints of violations of the provisions hereof.

(m) *Duties of control committee.* The duties of the Control Committee shall be as follows:

(1) To act as intermediary between the Secretary and any grower or handler;

(2) To keep minutes, books, and records which will reflect clearly all of the acts and transactions of the Control Committee, which minutes, books, and records shall be subject at any time to examination by the Secretary or by such person as may be designated by the Secretary;

(3) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions relative to pears grown in the area covered hereby, and to furnish to the Secretary such available information as may be requested;

(4) To perform such duties as may be assigned to it from time to time by the Secretary in connection with the administration of Section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress, approved August 24, 1935, as amended;

(5) To cause the books of the Control Committee to be audited by one or more competent accountants at the end of each fiscal year and at such other times as the Control Committee may deem necessary or as the Secretary may request, and to file with the Secretary copies of any and all audit reports made;

(6) To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(7) To give the Secretary, or the designated agent of the Secretary, the same notice of meetings of the Control Committee as is given to the members of the Control Committee;

(8) To select a chairman of the Control Committee and, from time to time, such other officers as it may deem advisable; and

(9) To submit to the Secretary each fiscal period a budget of its expenses during that fiscal year.

(n) *Procedure of control committee*—(1) *Quorum and voting.* A quorum shall consist of nine (9) members, or alternates then serving in the place and stead of any members, in attendance at the meeting. Except as otherwise provided in section 939.4, paragraph (c), all decisions of the Control Committee shall be made by not fewer than seven (7) affirmative votes.

(2) *Mail voting.* The Control Committee may provide for members voting by mail, telephone, or telegraph, upon due notice to all members. Promptly after voting by telephone or telegraph, each member thus voting shall confirm, in writing, the vote so cast.

(3) *Rights of the secretary.* The members and alternates for members of the Control Committee, including their successors, and any agent or employee appointed or employed by the Control Committee shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the Control Committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

(o) *Funds and other property*—(1) *Use of funds.* All funds received by the Control Committee pursuant to any of the provisions hereof shall be used solely for the purposes herein specified, and the Secretary may require the Control Committee and its members to account for all receipts and disbursements.

(2) *Transfer of funds and property.* Upon the death, resignation, removal, disqualification, or expiration of the term of office of any member or employee of the Control Committee, all books, records, funds, and other property in his possession belonging to the Control Committee shall be delivered to his successor in office or to the Control Committee, and such assignments and other instruments shall be executed as may be necessary to vest in such successor or in the Control Committee full title to all the books, records, funds, and other property in the possession or under the control of such member or employee pursuant hereto.*

§ 939.3. *Expenses and assessments*—(a) *Expenses.* The Control Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions hereunder. The funds to cover such expenses shall be acquired by the levying of assessments as provided in this section.

(b) *Assessments.* Assessments will be levied only upon the handler who first handles pears which subsequently are shipped from the State of Oregon, the State of Washington, or the State of California. Such handler shall pay to the Control Committee, upon demand, such handler's pro rata share of the expenses which the Secretary finds necessarily will be incurred by the Control Committee for the maintenance and functioning of the Control Committee during each fiscal period. Such handler's pro rata share of such expenses shall be that proportion thereof which the total quantity of pears first handled by that handler during such fiscal period is of the total quantity of pears first handled by all handlers during the fiscal period. The Secretary shall fix the rate of assessment to be paid by such handler, which rate may be adjusted from time to time by the Control Committee, with the approval of the Secretary, in order to cover any later findings by the Secretary of estimated expenses or the actual expenses of the Control Committee during said fiscal period.

(c) *Handler accounts.* At the end of each fiscal period the Control Committee shall credit each handler assessed with any amount paid by such handler in excess of his pro rata share of the expenses, or shall debit such handler with the deficiency between his pro rata share and the amount paid by him. Any such debits shall become due and payable upon demand by the Control Committee.

(d) *Use of funds.* From the funds acquired pursuant to this section the Control Committee shall pay the salaries of its employees, if any, and pay the expenses necessarily incurred in the performance of the duties of the Control Committee.

(e) *Collection of unpaid assessments.* The Control Committee, with the approval of the Secretary, may institute and maintain, in its own name or in the names of its members, legal proceedings against any handler assessed for the collection of such handler's pro rata share of the aforesaid expenses.*

§ 939.4 *Limitation of shipments*—(a) *Minimum grade.* The minimum grade of pears which may be shipped by any handler shall be U. S. Combination Grade, as such grade is specified in the U. S. Standards for Pears, effective July 1, 1939, or as such standards may hereafter be modified, or as such grade may be lowered, raised, or modified by a regulation issued hereunder. No handler shall ship pears which do not meet the requirements of said grade or of such other minimum grade as may be established pursuant to this section. Beurre D'Anjou and Doyenne du Comice pears, however, may be shipped in interstate commerce only, and not in foreign commerce, when bearing unhealed broken skins or skin punctures measuring not to exceed three-sixteenths (3/16) of one (1) inch in diameter, provided such pears otherwise meet the requirements of the minimum grade then in effect. However, the requirements governing unhealed broken skins or skin punctures to be met by either Beurre D'Anjou pears or Doyenne du Comice pears, or both, may be lowered, raised, or modified by a regulation issued hereunder.

(b) *Minimum sizes.* No handler shall ship pears (1) of the Beurre Bosc variety of a size smaller than the 195 size; (2) of the Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties, respectively, of a size smaller than the 180 size; (3) of the Beurre D'Anjou variety of a size smaller than the 225 size; (4) of the Winter Nelis variety of a size smaller than the 210 size if exported off the continent of North America and the 195 size if shipped to destinations on the continent of North America.

(c) *Recommendation for modification of minimum grade or size.* The Control Committee, at any time, by affirmative vote of not fewer than ten (10) of its members, may recommend to the Secretary that the aforesaid minimum grade or the aforesaid minimum sizes, or both, be lowered, raised, or modified as to any one or more of the varieties of pears covered hereby, or may recommend that the requirements relative to unhealed broken skins or skin punctures

to be met by either Beurre D'Anjou pears or Doyenne du Comice pears, or both, be lowered, raised, or modified: *Provided, however*, That no such recommendation applicable to pears produced in any one year shall be made by the Control Committee subsequent to July 15 of that year. At the time of submitting such recommendation the Control Committee shall furnish to the Secretary all information and data upon which it acted in making such recommendation, together with such other pertinent information and data as the Secretary may request. The Control Committee shall give immediate notice to handlers and growers of any such recommendation, in such manner as the Control Committee shall find to be adequate.

(d) *Modification of minimum grade or size.* In the event of any such recommendation by the Control Committee, and upon the basis thereof and the information and data submitted therewith and any other data, the Secretary may issue a regulation lowering, raising, or modifying the aforesaid minimum grade or minimum sizes, or both, as to any one or more of said varieties of pears, or the Secretary may issue a regulation lowering, raising, or modifying the requirements relative to unhealed broken skins or skin punctures to be met by either Beurre D'Anjou pears or Doyenne du Comice pears, or both: *Provided, however*, That said minimum grade shall not in any event be lowered below the requirements of U. S. No. 2 Grade, as such grade is specified in the U. S. Standards for Pears, effective July 1, 1939, or as such standards may hereafter be modified, with the exception of the requirements relative to unhealed broken skins or skin punctures to be met by either Beurre D'Anjou pears or Doyenne du Comice pears, or both, provided such pears otherwise meet the minimum requirements of said U. S. No. 2 Grade. The Secretary shall immediately notify the Control Committee of any change of minimum grade or size under this section, and the Control Committee promptly thereafter shall notify handlers and growers of such change in such manner as the Control Committee shall find to be adequate.

(e) *Exemption certificates.* (1) As soon as practicable after the beginning of each fiscal period the Control Committee shall adopt and announce the procedural rules by which exemption certificates may be issued to growers. The Control Committee shall determine the percentage which the grades and sizes of each variety of pears permitted to be shipped from each district under the regulation bears to the total quantity of each variety of pears which could be shipped from that district in the absence of regulation. An exemption certificate may thereafter be granted to any grower who furnishes proof that he will be prevented, because of the regulation in effect, from shipping a percentage of a particular variety of his pears equal to the percentage of pears of that particular variety permitted to be shipped from his district as determined by the Control Committee. Such exemption certificate shall permit the grower to ship that quantity of the particular variety of pears of the regulated grades and sizes of such variety as will enable him to ship as large a percentage of such variety of his pears as the average percentage of that particular variety of pears that is permitted to be shipped by all growers in his district.

(2) In the event the Control Committee shall determine and report to the Secretary that, by reason of general crop failure or other extraordinary conditions within a particular district, it is not feasible and would not be equitable to issue exemption certificates to growers within that district on the basis of the average percentage of the pears grown in the district which may be shipped in compliance with the minimum grade and size requirements of this section, the Secretary may prescribe such other basis for the issuance of such certificates to growers within that district as he may find to be feasible, equitable, and proper.

(3) The Secretary shall have power to modify, change, alter, or amend any procedural rules and any exemption granted under this section.

(f) *Inspection and certification.* No handler shall ship any pears not theretofore inspected and the grade and size thereof certified by a duly authorized representative of the Federal-State Inspection Service on the basis of grades as promulgated by the United States Department of Agriculture or as hereafter duly modified, or as such grades may be lowered, raised, or modified by a regulation issued pursuant hereto. Promptly after shipment of any pears, the handler shall submit or cause to be submitted to the Control Committee a copy of the Federal-State Inspection certificate issued on that shipment.*

§ 939.5 *Compliance.* Except as provided in section 939.6 hereof, no handler shall ship any pears contrary to the applicable restrictions and limitations specified in, or effective pursuant to, the provisions hereof.*

§ 939.6. *Pears for byproduct and charitable purposes.* (a) Nothing contained herein shall limit or authorize the limitation of shipment of pears for consumption by charitable institutions or distribution by relief agencies or conversion into byproducts, nor shall any assessment be computed on pears so shipped. The Control Committee may prescribe regulations to prevent pears shipped for either of such purposes from entering commercial fresh-fruit channels of trade contrary to the provisions hereof.

(b) The Control Committee shall prescribe rules and regulations, to become effective upon the approval of the Secretary, whereby shipments of pears in individual gift packages may be exempted from the provisions hereof.*

§ 939.7 *Reports.* Upon the request of the Control Committee, subject to the disapproval of the Secretary, each handler shall furnish to the Control Committee, in such manner and at such times as it prescribes, such information as will enable it to perform its duties hereunder.*

§ 939.8 *Agents.* The Secretary may name, by a designation in writing, any person, including any officer or employee of the Government, or any bureau or division in the Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.*

§ 939.9 *Effective time and termination.* (a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature affixed hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may at any time terminate this order.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such operation obstructs or does not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal period whenever he finds that such termination is favored by a majority of the growers of pears who, during such fiscal period, have been engaged in the area covered hereby in the production of pears for market: *Provided*, That such majority have produced for market during such period more than fifty percent (50%) of the volume of pears produced for market in the area covered hereby; but such termination shall be effective only if announced on or before June 30 of that fiscal period.

(4) The provisions hereof shall terminate, in any event, whenever the provisions of the act authorizing the same cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination hereof, the members of the Control Committee then functioning shall continue as joint trustees for the purpose of liquidating all funds and property then in the possession or under the control of the Control Committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(2) The joint trustees shall continue in such capacity until discharged by the Secretary; from time to time account for all receipts and disbursements; deliver all funds and property on hand, together with all books and records of the Control Committee and of the joint trustees, to such person as the Secretary shall direct; and, upon the request of the Secretary, execute such assignments or other instruments necessary and appropriate to vest in such person full title to all of the funds or claims vested in the Control Committee or in the joint trustees.



(3) Any funds collected pursuant to section 939.3 hereof and held by such joint trustees or such person over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the joint trustees or such other person in the performance of their duties hereunder, as soon as practicable after the termination hereof, shall be returned to the handlers pro rata in proportion to their contributions thereto.

(4) Any person to whom funds, property, or claims have been delivered by the Control Committee or its members, upon direction of the Secretary, as provided in this section, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are imposed upon the members of said Committee or upon said joint trustees.*

§ 939.10 *Duration of immunities.* The benefits, privileges, and immunities conferred by virtue hereof shall cease upon termination hereof, except with respect to acts done under and during the existence hereof.*

§ 939.11 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remaining provisions and the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.*

§ 939.12 *Derogation.* Nothing contained herein is or shall be construed to be in derogation of, or in modification of, the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.*

§ 939.13 *Liability of Control Committee members.* No member or alternate for a member of the Control Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any party hereunder or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate for a member, or employee, except for acts of dishonesty.*

§ 939.14 *Amendments.* Amendments hereto may be proposed from time to time by the Control Committee or by the Secretary.*

§ 939.15 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this order or of any regulation issued pursuant to this order, or the issuance of any amendment to either, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.*

In witness whereof, the Secretary of Agriculture of the United States, acting pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, for the purposes and within the limitations therein contained and not otherwise, does hereby execute and issue in duplicate this order under his hand and the official seal of the United States Department of Agriculture in the city of Washington, District of Columbia, on the 22d day of August 1939, and declares this order to be effective on and after 12:01 a. m., e. s. t., August 26, 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3103; Filed, August 22, 1939; 12:02 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3030]

IN THE MATTER OF ZO-RO-LO, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* ~~§ 3.6~~ (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's "Zo-Ro-Lo" or other similar preparation, that said preparation is a cure or remedy for arthritis, asthma, brain disease, Bright's Disease, diabetes, acidity, epileptic convulsions, gall stones, inward goitre, rheumatism, neuritis, sciatica, or sinus, kidney or prostate gland trouble, or neutralizes toxic poisons, relieves all pain, or has any therapeutic value in the treatment of ailments which are due to intestinal auto-intoxication other than as a laxative or purgative, or is beneficial in starting one on the road to health, or in building up resistance to combat the cause of disease, or has any therapeutic value in the treatment of disease other than as a laxative or purgative, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Zo-Ro-Lo, Inc., Docket 3030, August 12, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Miles J. Furnas, Robert S. Hall and Arthur F. Thomas, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, (oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Zo-Ro-Lo, Inc., its officers, representatives, agents and employees directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its medical preparation now designated "Zo-Ro-Lo", or any other medical preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under that name or any other name, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that said preparation is a cure or remedy for arthritis, asthma, brain disease, Bright's Disease, diabetes, acidity, epileptic convulsions, gall stones, inward goitre, rheumatism, neuritis, sciatica, or sinus, kidney or prostate gland trouble;

(2) Representing that said preparation neutralizes toxic poisons, relieves all pain, or has any therapeutic value in the treatment of ailments which are due to intestinal auto-intoxication other than as a laxative or purgative;

(3) Representing that said preparation is beneficial in starting one on the road to health, or in building up resistance to combat the cause of disease, or has any therapeutic value in the treatment of disease other than as a laxative or purgative.

*It is further ordered*, That respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3085; Filed, August 21, 1939; 3:48 p. m.]

[Docket No. 3473]

IN THE MATTER OF THE MODE NOVELTY COMPANY, ET AL.

§ 3.66 (e). *Misbranding or mislabeling—Old, secondhand or reconstructed*

[1] 2 F.R. 352.

*as new:* § 3.69 (b) (9) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new.* Representing, in connection with offer, etc., in commerce, of hats and caps, that hats or caps composed in whole or in part of used or secondhand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that said products are composed of secondhand or used materials, prohibited; subject to provision that if sweat bands are not affixed to such hats or caps then such stamping must appear on the bodies of such hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Mode Novelty Company, et al., Docket 3473, August 14, 1939]

§ 3.69 (b) (9) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new.* Representing, in any manner, in connection with offer, etc., in commerce, of hats and caps, that hats or caps made in whole or in part from old, used or secondhand materials are new or are composed of new materials, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Mode Novelty Company, et al., Docket 3473, August 14, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF THE MODE NOVELTY COMPANY, A CORPORATION, WOLF ALBOUM, AS PRESIDENT AND TREASURER OF THE MODE NOVELTY COMPANY, AND INDIVIDUALLY, AND SAMUEL WEISMAN, AS VICE PRESIDENT AND SECRETARY OF THE MODE NOVELTY COMPANY, AND INDIVIDUALLY

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before Arthur F. Thomas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed by counsel for the Commission (respondents not having filed brief, and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That respondent, The Mode Novelty Company, a corporation, its officers, representatives, agents, and employees, and respondents Wolf Alboum and Samuel Weisman, individually and as officers of said corporation, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hats and caps in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that hats or caps composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that said products are composed of second-hand or used materials, provided that if sweat bands are not affixed to such hats or caps then such stamping must appear on the bodies of such hats or caps in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies;

2. Representing in any manner that hats or caps made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

*It is further ordered*, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3086; Filed, August 21, 1939; 3:48 p. m.]

[Docket No. 3497]

IN THE MATTER OF K & S SALES COMPANY, ET AL.

§ 3.69 (b) (16b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (n1) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of any sales stimulator plan, including certificates, coupons and cards redeemable in chinaware or other merchandise, that certificates, coupons or cards can be redeemed in chinaware or other merchandise, unless and until all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer, and there is no deception as to the services or other actions to be performed or the prices to be paid in connection with obtaining such chinaware or other merchandise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, K & S Sales Company, et al., Docket 3497, August 12, 1939]

§ 3.69 (b) (16c) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* Representing, in connection with offer, etc., in commerce, of any sales stimulator plan, including certificates, coupons and cards redeemable in chinaware or other merchandise, that respondent supplies to her customers or to other persons circulars, pamphlets, or other advertising matter relating to said sales stimulator plan when such is not the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, K & S Sales Company, et al., Docket 3497, August 12, 1939]

§ 3.69 (b) (17) *Misrepresenting oneself and goods—Goods—Value:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans.* Misrepresenting, in connection with offer, etc., in commerce, of any sales stimulator plan, including certificates, coupons and cards redeemable in chinaware or other merchandise, that any specified sum is the actual cost to respondent of said chinaware or other merchandise, or is the actual cost of packing, handling and distributing said products, or misrepresenting in any other manner the actual cost to respondent of said products or the actual cost of packing, handling and distributing said products, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, K & S Sales Company, et al., Docket 3497, August 12, 1939]

§ 3.69 (b) (15) *Misrepresenting oneself and goods—Goods—Refunds:* § 3.69 (b) (16b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (k3) *Offering deceptive inducements to purchase—Returns and reimbursements:* § 3.72 (n1) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of any sales stimulator plan, including certificates, coupons and cards redeemable in chinaware or other merchandise, that payment made by respondent's customers for said sales stimulator plan, or any part thereof, is a temporary deposit which will be refunded, or that any other payments made by said customers in connection with said plan will be refunded, unless and until such are the facts and unless all of the terms and conditions of such offer or offers are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed or the prices to be paid in connection with obtaining such chinaware or other merchandise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, K & S Sales Company, et al., Docket 3497, August 12, 1939]

§ 3.69 (b) (15a) *Misrepresenting oneself and goods—Goods—Results:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans.* Representing, in connection with offer, etc., in commerce, of any sales stimulator plan, including certificates, coupons and cards redeemable in chinaware or other merchandise, that the general sales of respondent's customers will be increased by reason of their use of respondent's sales stimulator plan, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, K & S Sales Company, et al., Docket 3497, August 12, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF K & S SALES COMPANY, A CORPORATION, AND MRS. FANNYE COHN, AN INDIVIDUAL

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission and upon testimony with respect to the dissolution of the corporate respondent K & S Sales Company, and upon the answer of the individual respondent Mrs. Fannye Cohn, in which answer said respondent admits all the material allegations of fact set forth in said complaint and states that she waives all intervening procedure and further hearing as to said facts, and the Commission, having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Mrs. Fannye Cohn, her representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as commerce is defined in the Federal Trade Commission Act, of any sales stimulator plan, including certificates, coupons, and cards, redeemable in chinaware or other merchandise, do forthwith cease and desist from:

(1) Representing that certificates, coupons or cards can be redeemed in chinaware or other merchandise, unless and until all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed or the prices to be paid in connection with obtaining such chinaware or other merchandise;

(2) Representing that respondent supplies to her customers or to other persons circulars, pamphlets, or other advertising matter relating to said sales stimulator plan when such is not the fact;

(3) Misrepresenting that any specified sum is the actual cost to respondent of said chinaware or other merchandise or is the actual cost of packing, handling and distributing said products, or misrepresenting in any other manner the actual cost to respondent of said products or the actual cost of packing, handling and distributing said products;

(4) Representing that payment made by respondent's customers for said sales stimulator plan, or any part thereof, is a temporary deposit which will be refunded, or that any other payments made by said customers in connection with said plan will be refunded, unless and until such are the facts and unless all of the terms and conditions of such offer or offers are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed or the prices to be paid in connection with obtaining such chinaware or other merchandise, unless and until all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed in connection with the obtaining of such refund or refunds;

(5) Representing that the general sales of respondent's customers will be increased by reason of their use of respondent's sales stimulator plan.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

*It is further ordered*, That this case be, and the same hereby is, closed as to the corporate respondent K & S Sales Company, without prejudice to the right of the Commission, should future facts so warrant, to reopen the same and resume prosecution thereof in accordance with the Commission's regular procedure.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3097; Filed, August 21, 1939; 3:48 p. m.]

[Docket No. 3593]

IN THE MATTER OF DEARBORN SUPPLY COMPANY

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of drug-containing cosmetics designated as "Mercolized Wax", "Parker-Belmont Beauty Cream", "Powdered Saxolite", "Powdered Tarkroot" and "Phelactine", or other similar cosmetic preparations, which advertisements represent, directly or through implication, that said cosmetic preparation "Mercolized Wax" absorbs the surface skin, surface discolorations, blemishes or impurities, or removes coarseness, roughness, blackheads, tan, freckles, sunburn, or large pores from the skin or cleanses, softens, lubricates, nourishes or protects the skin; or aids the skin in renewing itself; or that the use of said preparation is a natural way to make the skin beautiful; or that said preparation is an all-in-one cleansing, softening or beautifying cream or an all-purpose beauty aid; or which advertisements fail to reveal that said preparation contains ammoniated mercury, and that the use of said preparation by some persons produces injurious effects, and that said preparation cannot be used safely by anyone over a large area of the body or on any part of the body where the skin is cut, broken, irritated, or otherwise damaged; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Dearborn Supply Company, Docket 3593, August 15, 1939]

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of drug-containing cosmetics designated as "Mercolized Wax", "Parker-Belmont Beauty Cream", "Powdered Saxolite", "Powdered Tarkroot" and "Phelactine", or other similar cosmetic preparations, which advertisements represent, directly or through implication, that said preparation "Parker-Belmont Beauty Cream" is a skillful or scientific blend of creams or is efficacious for pore-deep cleansing, clearing, softening, lubricating, or all-around beautifying of the skin, or that said preparation is an oxygen cream or will bleach the skin or make the skin lighter by two or more shades or is a blend of all the creams the skin requires; or that said preparation normalizes either a dry or an oily skin; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Dearborn Supply Company, Docket 3593, August 15, 1939]

[1] 3 F.R. 2364 DI.

[1] 4 F.R. 478 DI.

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of drug-containing cosmetics designated as "Mercolized Wax", "Parker-Belmont Beauty Cream", "Powdered Saxolite", "Powdered Tarkroot" and "Phelactine", or other similar cosmetic preparations, which advertisements represent, directly or through implication, that said preparation "Saxolite Astringent" is a skin tonic or smooths out wrinkles or age lines, refines coarse pores, eliminates oiliness or gives the skin a fresh, clean, lively appearance, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Dearborn Supply Company, Docket 3593, August 15, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of drug-containing cosmetics designated as "Mercolized Wax", "Parker-Belmont Beauty Cream", "Powdered Saxolite", "Powdered Tarkroot" and "Phelactine", or other similar cosmetic preparations, which advertisements represent, directly or through implication, that said preparation "Powdered Tarkroot", when used as a beauty mask, will revive or refresh a fatigued or drooping face more quickly or completely than other products designed and intended for similar usage; or that said preparation will smooth out wrinkles or age lines or pull relaxed and sagging contours into proper position or purge the pores of all impurities or arouse the circulation so as to nourish the drooping tissues; or that said preparation beautifies the skin by tightening, purifying, refining or stimulating the skin or will renew the complexion; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Dearborn Supply Company, Docket 3593, August 15, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (ff10) *Advertising falsely or misleadingly—Unique nature or advantages.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of drug-containing cosmetics designated as "Mercolized Wax", "Parker-Belmont Beauty Cream", "Powdered Saxolite", "Powdered Tarkroot" and "Phelactine", or other similar cosmetic preparations, which advertisements represent, directly or through implication, that said preparation "Phelactine" is different from or quicker and simpler to use than other hair removers, or that said preparation removes superfluous hair gently, or that the use thereof causes the skin to be smooth, soft and hair free, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Dearborn Supply Company, Docket 3593, August 15, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Dearborn Supply Company, its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of cosmetic preparations containing drugs now designated by the names of "Mercolized Wax", "Parker-Belmont Beauty Cream", "Powdered Saxolite", "Powdered Tarkroot" and "Phelactine", or any other cosmetic preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same names or under any other name or names, or disseminating or causing to be disseminated, any advertisements by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said cosmetic preparations, which said advertisements represent, directly or through implication:

(1) That said cosmetic preparation "Mercolized Wax" absorbs the surface skin, surface discolorations, blemishes or impurities, or removes coarseness, roughness, blackheads, tan, freckles, sunburn, or large pores from the skin or cleanses, softens, lubricates, nourishes or protects the skin; or aids the skin in renewing itself; or that the use of said preparation is a natural way to make the skin beautiful; or that said preparation is an all-in-one cleansing, softening or beautifying cream or an all-purpose beauty aid; or which advertisements fail to reveal that said preparation contains ammoniated mercury, and that the use of said preparation by some persons produces injurious effects, and that said preparation cannot be used safely by anyone over a large area of the body or on any part of the body where the skin is cut, broken, irritated, or otherwise damaged;

(2) That said preparation "Parker-Belmont Beauty Cream" is a skilful or scientific blend of creams or is efficacious for pore-deep cleansing, clearing, softening, lubricating, or all-around beautifying of the skin, or that said preparation is an oxygen cream or will bleach the skin or make the skin lighter by two or more shades or is a blend of all the creams the skin requires; or that said preparation normalizes either a dry or an oily skin;

(3) That said preparation "Saxolite Astringent" is a skin tonic or smooths out wrinkles or age lines, refines coarse pores, eliminates oiliness or gives the skin a fresh, clean, lively appearance;

(4) That said preparation "Powdered Tarkroot", when used as a beauty mask, will revive or refresh a fatigued or drooping face more quickly or completely than other products designed and intended for similar usage; or that said preparation will smooth out wrinkles or age lines or pull relaxed and sagging contours into proper position or purge the pores of all impurities or arouse the circulation so as to nourish the drooping tissues; or that said preparation beautifies the skin by tightening, purifying, refining or stimulating the skin or will renew the complexion;

(5) That said preparation "Phelactine" is different from or quicker and simpler to use than other hair removers or that said preparation removes superfluous hair gently or that the use thereof causes the skin to be smooth, soft and hair free.

*It is further ordered*, That the respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3088; Filed, August 21, 1939; 3:49 p. m.]

[1] 4 F.R. 220 DI.



[Docket No. 3594]

IN THE MATTER OF OHIO NOVELTY COMPANY

§ 3.99 (b) *Using or selling lottery devices — In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of dresser sets, cigarette cases and lighters, tableware, pen and pencil sets, and various and numerous other articles, as specified, or any other articles of merchandise, others with pull cards or circulars having pull tabs thereon, or any other lottery devices, so as to enable such persons to dispose of or sell any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ohio Novelty Company, Docket 3594, August 14, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Mailing, etc., in connection with offer, etc., in commerce, of dresser sets, cigarette cases and lighters, tableware, pen and pencil sets, and various and numerous other articles, as specified, or any other articles of merchandise, to respondent's agents or distributors, or to members of the public, pull cards or circulars having pull tabs thereon, or any other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ohio Novelty Company, Docket 3594, August 14, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of dresser sets, cigarette cases and lighters, tableware, pen and pencil sets, and various and numerous other articles, as specified, or any other articles of merchandise, any merchandise by the use of pull cards or circulars having pull tabs thereon, or any other lottery device or devices, prohibited. (Sec. 5, 38 Stat. 718, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ohio Novelty Company, Docket 3594, August 14, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF SAMUEL RAVID, INDIVIDUALLY, AND TRADING AS OHIO NOVELTY COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Samuel Ravid, individually and trading as Ohio Novelty Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of dresser sets, cigarette cases and lighters, tableware, kitchen ware, pen and pencil sets, dolls, clocks, watches, blankets, bedspreads, tablecloths, wearing apparel, cosmetics, jewelry, razors, razor blades, thermometers, electric lamps, suitcases, cameras, beauty sets, billfolds, tool sets, or any other articles of merchandise in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others pull cards or circulars having pull tabs thereon, or any other lottery devices, so as to enable such persons to dispose of or sell any merchandise by the use thereof;

(2) Mailing, shipping or transporting to his agents or distributors, or to members of the public, pull cards or circulars having pull tabs thereon, or any other lottery devices—so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof;

(3) Selling or otherwise disposing of any merchandise by the use of pull cards or circulars having pull tabs thereon, or any other lottery device or devices.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3089; Filed, August 21, 1939; 3:49 p. m.]

[1] 4 F.R. 2951 DI.

[Docket No. 3832]

IN THE MATTER OF MCDOWELL, PYLE & CO., INC.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce of peanuts or any other merchandise, said peanuts or any other merchandise, or means of a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, McDowell, Pyle & Co., Inc., Docket 3832, August 14, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of peanuts or any other merchandise, dealers with punchboards, push or pull cards or other lottery devices, either with assortments of said peanuts or other merchandise or separately, which said punchboards, push or pull cards or other lottery devices are to be used, or may be used, in selling or distributing said peanuts or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, McDowell, Pyle & Co., Inc., Docket 3832, August 14, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of peanuts or any other merchandise, said peanuts or any other merchandise by the use of punch boards, push or pull cards or any other lottery device or devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, McDowell, Pyle & Co., Inc., Docket 3832, August 14, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, McDowell, Pyle & Co., Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of peanuts or any other merchandise in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing peanuts or any other merchandise so packed and assembled that sales of said peanuts or

other merchandise to the general public are to be made or may be made by means of a lottery, gaming device or gift enterprise;

2. Supplying to or placing in the hands of dealers punch boards, push or pull cards or other lottery devices, either with assortments of said peanuts or other merchandise or separately, which said punch boards, push or pull cards or other lottery devices are to be used or may be used in selling or distributing said peanuts or other merchandise to the general public;

3. Selling or otherwise disposing of said peanuts or any other merchandise by the use of punch boards, push or pull cards or any other lottery device or devices.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3090; Filed, August 21, 1939; 3:49 p. m.]

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[Docket No. 3850]

IN THE MATTER OF FAIRFIELD ENGINEERING COMPANY

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Representing, in connection with offer, etc., in commerce, of respondent's "Fairfield Coal Distributors" and "Fairfield Non-Segregating Coal Distributors", or other substantially similar coal distributors, through the use of the term "non-segregating", or any other term of similar import or meaning, or in any other manner, that such coal distributors or are non-segregating coal distributors or are distributors which cause an uniform layer of fine and coarse coal to be delivered across the entire surface of the fire boxes of the boilers, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Fairfield Engineering Company, Docket 3850, August 14, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 14th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Fairfield Engineering Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of coal distributors now designated as "Fairfield Coal Distributors" and "Fairfield Non-Segregating Coal Distributors" or any other coal distributors of substantially similar design, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, through the use of the term "non-segregating," or any other term of similar import or meaning, or in any other manner, that such coal distributors are non-segregating coal distributors or are distributors which cause an uniform layer of fine and coarse coal to be delivered across the entire surface of the fire boxes of the boilers.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3091; Filed, August 21, 1939; 3:50 p. m.]

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## TITLE 29—LABOR

### CHILDREN'S BUREAU

[Regulation No. 13]

CHILD LABOR

PART 402—ACCEPTANCE OF STATE CERTIFICATES

AUGUST 21, 1939.

§ 402.10 *Designation of States.* Pursuant to the provisions of section 401.5[1] I do hereby designate the following State as a State in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938: Iowa.

This designation shall be effective from and after the date hereof until November 1, 1939.

[SEAL] KATHARINE F. LENROOT,
*Chief.*

[F. R. Doc. 39-3106; Filed, August 22, 1939; 12:15 p. m.]

[1] Section 5, Child Labor Regulation No. 1, "Certificates of Age," issued October 14, 1938, pursuant to the authority conferred by sections 3 (l) and 11 (b) of the Fair Labor Standards Act of 1938, published in 3 F.R. 2487 DI, October 15, 1938; republished in 4 F.R. 1361 DI, March 29, 1939.

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## WAGE AND HOUR DIVISION

PART 524—REGULATIONS APPLICABLE TO EMPLOYMENT OF HANDICAPPED PERSONS PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT

The following amendment to Regulations—Part 524—(Regulations applicable to employment of handicapped persons pursuant to Section 14 of the Fair Labor Standards Act) is hereby issued. This amendment amends Section 524.91[1] as amended, by extending the duration of said Section 524.91 from September 1, 1939 to March 1, 1940. Said amendment shall become effective upon my signing the original and upon publication thereof in the FEDERAL REGISTER, and shall be in force and effect until repealed by regulations hereafter made and published.

Signed at Washington, D. C., this 21st day of August 1939.

ELMER F. ANDREWS,
*Administrator.*

§ 524.91 *Temporary certificate of exemption for handicapped individuals employed by certain charitable non-profit institutions and organizations during period before normal procedure is in full operation.* Notwithstanding any provision in Section 524.90[2] of Part 524 (providing a temporary certificate of exemption during period before normal procedure is in full operation), from October 24, 1938, to March 1, 1940, or such earlier date as the Administrator may after notice determine, this regulation shall be deemed to be a certificate authorizing charitable organizations and institutions conducted not for profit but for the purpose of carrying out a recognized program of rehabilitation for handicapped individuals and of providing such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature, to employ (or suffer or permit to work) handicapped individuals for such purposes at wage rates less than the minimum rate applicable under Section 6 of the Fair Labor Standards Act, subject to the following conditions:

(a) the earning capacity of the employee for the particular position held by him or for the work which he is suffered or permitted to do must be, or must be honestly believed by the employer to be, substantially impaired by age or physical or mental deficiency or injury;

(b) in no event shall the minimum wage paid any such handicapped individual during this period of temporary exemption be less than that proportion of the minimum wage applicable under Section 6 which the handicapped individual's earning capacity bears to the earning capacity of a non-handicapped worker.*

[1] 4 F.R. 2187 DI.
[2] 4 F.R. 485 DI.

[F. R. Doc. 39-3099; Filed, August 22, 1939; 10:21 a. m.]

*Issued under the authority contained in Section 14, 52 Stat. 1060.

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## TITLE 45—PUBLIC WELFARE

### FEDERAL WORKS AGENCY—WORK PROJECTS ADMINISTRATION

[General Order No. 1]

SCHEDULE OF MONTHLY EARNINGS

By virtue of and pursuant to the authority vested in me by the provisions of subsection (a) of Section 15 of the Emergency Relief Appropriation Act of 1939, approved June 30, 1939, (Public Resolution No. 24, 76th Congress) I hereby establish the following schedule of monthly earnings.

The schedule of monthly earnings applicable to any county shall be based upon the 1930 population of the largest municipality within the county, in accordance with the following schedule: except that the schedule of monthly earnings applicable to counties in which the 1930 population of the largest municipality was 100,000 or more shall be applicable to the entire area included within the following metropolitan districts as such districts are defined by the fifteenth Census of the United States—1930: Baltimore; Boston; Buffalo-Niagara; Chicago; Cincinnati; Cleveland; Detroit; Kansas City, Kansas-Kansas City, Missouri; Los Angeles; Milwaukee; Minneapolis-St. Paul; New York City-Northeastern New Jersey; Philadelphia; Pittsburgh; Providence, Rhode Island-Fall River-New Bedford, Massachusetts; St. Louis; San Francisco-Oakland; Scranton-Wilkes Barre; Washington, D. C.

*Schedule of Monthly Earnings*

WAGE REGION I

| Area—Counties in which the 1930 population of the largest municipality was— | Wage class | | | | |
|---|---|---|---|---|---|
| | Unskilled "B" | Unskilled "A" | Intermediate | Skilled | Professional and technical |
| 100,000 and over | $52.00 | $57.20 | $68.90 | $89.70 | $94.90 |
| 25,000 to 100,000 | 48.10 | 52.00 | 62.40 | 81.90 | 84.50 |
| 5,000 to 25,000 | 42.90 | 48.10 | 57.20 | 74.10 | 76.70 |
| Under 5,000 | 39.00 | 42.90 | 52.00 | 67.60 | 68.90 |

*Schedule of Monthly Earnings*—Con.

WAGE REGION II

| Area—Counties in which the 1930 population of the largest municipality was— | Wage class | | | | |
|---|---|---|---|---|---|
| | Unskilled "B" | Unskilled "A" | Intermediate | Skilled | Professional and technical |
| 100,000 and over | $52.00 | $57.20 | $68.90 | $89.70 | $94.90 |
| 25,000 to 100,000 | 48.10 | 52.00 | 62.40 | 81.90 | 84.50 |
| 5,000 to 25,000 | 46.80 | 50.70 | 61.10 | 79.30 | 81.90 |
| Under 5,000 | 44.20 | 49.40 | 59.80 | 76.70 | 78.00 |

WAGE REGION III

| | | | | | |
|---|---|---|---|---|---|
| 100,000 and over | $46.80 | $50.70 | $61.10 | $79.30 | $81.90 |
| 25,000 to 100,000 | 42.90 | 48.10 | 57.20 | 74.10 | 75.40 |
| 5,000 to 25,000 | 36.40 | 40.30 | 48.10 | 62.40 | 65.00 |
| Under 5,000 | 31.20 | 35.10 | 42.90 | 54.60 | 55.90 |

*Wage Region I includes.* Connecticut Delaware, District of Columbia, Illinois, Indiana, Iowa, Maine, Maryland, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, West Virginia, Wisconsin.

*Wage Region II includes.* Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.

*Wage Region III includes.* Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia.

*Certified trainees assigned to household workers training projects.* The monthly earnings applicable to this class of work shall be fifty per cent (50%) of the schedule of monthly earnings applicable to the Unskilled "B" wage class in the locality in which the Household Workers Training Project is being operated.

*Territories and Island Possessions*

| | Unskilled "B" | Unskilled "A" | Intermediate | Skilled | Professional and technical |
|---|---|---|---|---|---|
| Alaska | $52.00 | $57.20 | $68.90 | $89.70 | $94.90 |
| Puerto Rico | 19.50 | 22.10 | 27.30 | 35.10 | 36.40 |
| Virgin Islands | 19.50 | 22.10 | 27.30 | 35.10 | 36.40 |
| Hawaii: | | | | | |
| All islands except Oahu | 36.40 | 40.30 | 48.10 | 62.40 | 65.00 |
| Island of Oahu | 42.90 | 48.10 | 57.20 | 74.10 | 75.40 |

Except as otherwise provided by regulations of the Work Projects Administration the earnings of all persons engaged upon projects financed in whole or in part from funds appropriated by the Emergency Relief Appropriation Act of 1939 to the Work Projects Administration or prior Emergency Relief Appropriation Acts shall be on a monthly basis in accordance with the schedule of monthly earnings established by this General Order.

The earnings of persons engaged upon such projects shall differ according to the various classes of work, namely, Unskilled "B", Unskilled "A", Intermediate, Skilled, and Professional and Technical, as prescribed in the schedule of monthly earnings.

The schedule of monthly earnings prescribed herein shall become effective September 1, 1939. Payment for work performed prior to September 1, 1939, shall be paid in accordance with the schedule of monthly earnings in effect prior to that date. Payment for work performed subsequent to August 31, 1939, shall be in accordance with the schedule of monthly earnings set forth herein.

This General Order shall supersede and rescind Administrative Order No. 67 of the Works Progress Administration dated April 11, 1939,[1] and shall rescind on the effective date of this General Order all adjustments to the schedule of monthly earnings which have been authorized on the basis of contiguity, redefinition of regions, adjustments within the range of ten per cent, and specific adjustments for individual projects.

[SEAL] F. C. HARRINGTON,
*Commissioner of Works Projects.*

Approved, August 15, 1939.

Effective date, September 1, 1939.

[F. R. Doc. 39-3105; Filed, August 22, 1939; 12:12 p. m.]

[1] 4 F.R. 1644 DI.

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## TITLE 46—SHIPPING

### UNITED STATES MARITIME COMMISSION

[General Order 15—Supplement 12a]

MINIMUM MANNING SCALES FOR THE S. S. "DELRIO," S. S. "DELALBA," S. S. "DELMAR," S. S. "DELPLATA" AND S. S. "CLEARWATER," SUBSIDIZED VESSELS OF THE MISSISSIPPI SHIPPING COMPANY, INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 18th day of August, 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15[2] providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. *Delrio*, S. S. *Delalba*, S. S. *Delmar*, S. S. *Delplata* and S. S. *Clearwater*, subsidized vessels of the Mississippi Shipping Company, Inc. (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

[2] 2 F.R. 2257.

*Ordered*, That the minimum manning scales attached hereto for the S. S. *Delrio*, S. S. *Delalba*, S. S. *Delmar*, S. S. *Delplata* and S. S. *Clearwater*, subsidized vessels of the Operator, be and the same hereby are adopted: *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of any of said vessels without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

*Ordered*, That the minmum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after September 15, 1939 of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL] R. L. McDONALD,
*Assistant Secretary.*

*Minimum Manning Scale To Be Observed on the Vessels S. S. "Delrio," S. S. "Delalba," S. S. "Delmar," S. S. "Delplata," and S. S. "Clearwater" of the Mississippi Shipping Company, Inc.*

RATING

| | Minimum |
|---|---|
| Deck department: | |
| Master | 1 |
| Chief Mate | 1 |
| Second Mate | 1 |
| Third Mate | 1 |
| Cadet Officer or Cadet | [1] 1 |
| Radio Operator | [1] 1 |
| Boatswain | 1 |
| A. B. Seamen | 6 |
| Ordinary Seamen | 3 |
| Engine department: | |
| Chief Engineer | 1 |
| First Assistant Engineer | 1 |
| Second Assistant Engineer | 1 |
| Third Assistant Engineer | 1 |
| Engineer Cadet Officer or Cadet | [1] 1 |
| Engine department—Con. | |
| Deck Engineer | [2] 1 |
| Oilers | 3 |
| Firemen | 3 |
| Wipers | [2] 2 |
| Steward's department: | |
| Steward | 1 |
| Chief Cook | 1 |
| Second Cook & Baker | 1 |
| Messman | 1 |
| Messboys | 2 |

[1] It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of the Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official logbook to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel, and such action shall not constitute a violation of this Manning Scale.

[2] With radio auto alarm.

[2] The Deck Engineer and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-3101; Filed, August 22, 1939; 11:29 a. m.]

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[General order 15, Supplement 12b]

MINIMUM MANNING SCALES FOR THE S. S. "DELSUD," S. S. "DELNORTE," S. S. "DELMUNDO" AND S. S. "DELVALLE," SUBSIDIZED VESSELS OF THE MISSISSIPPI SHIPPING COMPANY, INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 18th day of August 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15 [1] providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. *Delsud*, S. S. *Delnorte*, S. S. *Delmundo*, and S. S. *Delvalle*, subsidized vessels of the Mississippi Shipping Company, Inc. (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

*Ordered*, That the minimum manning scales attached hereto for the S. S. *Delsud*, S. S. *Delnorte*, S. S. *Delmundo*, and S. S. *Delvalle*, subsidized vessels of the Operator, be and the same hereby are adopted: *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of any of said vessels without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

[1] 2 F.R. 2257.

*Ordered*, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after September 15, 1939 of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL] R. L. McDONALD,
*Assistant Secretary.*

*Minimum Manning Scale to be Observed on the Vessels S. S. "Delsud," S. S. "Delnorte," S. S. "Delmundo," and S. S. "Delvalle" of the Mississippi Shipping Company, Inc.*

RATING

| | Minimum |
|---|---|
| Deck department: | |
| Master | 1 |
| Chief Mate | 1 |
| Second Mate | 1 |
| Third Mate | 1 |
| Cadet Officer or Cadet | [1] 1 |
| Radio Operators | 3 |
| Boatswain | 1 |
| Fire Watchman | 1 |
| A. B. Seamen | 6 |
| Ordinary Seamen | 3 |
| Engine department: | |
| Chief Engineer | 1 |
| First Assistant Engineer | 1 |
| Second Assistant Engineer | 1 |
| Third Assistant Engineer | 1 |
| Engineer Cadet Officer or Cadet | [1] 1 |
| Deck Engineer | [2] 3 |
| Oilers | 3 |
| Firemen | [2] 3 |
| Wipers | [2] 2 |
| Steward's department: | |
| Chief Steward & Purser | 1 |
| Chief Cook | 1 |
| Second Cook | 1 |
| Utilitymen | 2 |
| Messmen | 2 |

[1] It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of the Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official logbook to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such Cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel, and such action shall not constitute a violation of this Manning Scale.

[2] The Deck Engineer and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-3102; Filed, August 22, 1939; 11:29 a. m.]



TITLE 47—TELECOMMUNICATION

FEDERAL COMMUNICATIONS COMMISSION

PART 1—RULES OF PRACTICE AND PROCEDURE

*Correction*

Attention is directed to the following error in Part 1 of Rules of Practice and Procedure which appeared in the FEDERAL REGISTER of Wednesday, July 19, 1939:

Page 3348—Section 1.273: Line 4, the word "and" immediately following "subscribed" should read "or".

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-3094; Filed, August 22, 1939; 9:44 a. m.]

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## *Notices*

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DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

PROCLAMATION WITH RESPECT TO BASE PERIOD TO BE USED FOR PURPOSE OF MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF THE BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF FRESH PEARS GROWN IN THE STATES OF OREGON, WASHINGTON, AND CALIFORNIA

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, approved June 3, 1937, it is hereby found and proclaimed that, with respect to the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of fresh pears grown in the States of Oregon, Washington, and California, the purchasing power of such fall and winter pears during the base period, August 1909–July 1914, cannot be satisfactorily determined from available statistics of the Department of Agriculture for the purpose of the execution of a marketing agreement and the issuance of an order [1] regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of fresh pears grown in the States of Oregon, Washington, and California, but the purchasing power of such fall and winter pears grown in the States of Oregon, Washington, and California can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period, August 1920–July 1929. The period August 1920–July 1929 is, therefore, hereby declared and proclaimed to be the base period to be used in determining the purchasing power of said varieties of fresh pears grown in the States of Oregon, Washington, and California for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of such fruit.

In witness whereof, the Secretary of Agriculture has executed this proclamation in duplicate and has hereunto set his hand and caused the seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 22d day of August 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3104; Filed, August 22, 1939; 12:02 p. m.]

[1] See page 3694.

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FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5715]

IN RE APPLICATION OF STUART BROADCASTING CORP. (WROL)

*Dated, April 11, 1939; for construction permit; class of service, broadcast; class of station, broadcast; location, Knoxville, Tenn.; operating assignment specified: Frequency, 620 kc directional antenna night; power, 500 w night, 1 kw day; hours of operation, unlimited*

[File No. B3-P-2435]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the interests of any other stations may be adversely affected by reason of interference, particularly Stations WTMJ, WFLA, WSUN and KWFT;

2. Because of the pendency of other applications with which conflict may be had by reason of interference, i. e., Sentinel Broadcasting Corporation (B1-P-1934); WHJB (B2-P-2091); WTMJ (4-ML-B-1371); WFLA (B3-ML-672) and KWFP (B3-P-2461);

3. To determine whether or not the operation of Station WROL as proposed will be in accord with the Commission's plan of allocation and standards of good engineering practice.

4. To determine whether the site at which the applicant proposes to construct and operate the station will be satisfactory.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Stuart Broadcasting Corp., Radio Station WROL, 524 South Gay St., Knoxville, Tenn.

Dated at Washington, D. C. August 19, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-3095; Filed, August 22, 1939; 9:44 a. m.]

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[Docket No. 5716]

IN RE APPLICATION OF ALAMO BROADCASTING CO., INC. (KABC)

*Dated May 31, 1939; for construction permit; Class of service, broadcast; Class of station, broadcast; Location, San Antonio, Tex.; operating assignment specified: Frequency, 630 kc.; power, 1 kw. night, 5 kw. day; hours of operation, unlimited*

[File No. B3-P-2409]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the interests of any other station may be adversely affected by reason of interference, particularly Stations KVOD, KFRU, and WGBF.

2. Because of the pendency of other applications with which conflict may be had by reason of interference, i. e, KFRU (B4-P-1739); KWK (B4-P-2364); KSD (B4-P-2379); and KXOK (B4-P-2323).

3. To determine whether or not the operation of Station KABC as proposed will be in accord with the Commission's plan of allocation and standards of good engineering practice.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Alamo Broadcasting Co., Inc., Radio Station KABC, Milam Bldg., 115 West Travis St., San Antonio, Tex.

Dated at Washington, D. C., August 19, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3096; Filed, August 22, 1939; 9:44 a. m.]

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[Docket No. 5717]

IN RE APPLICATION OF PORTLAND BROADCASTING SYSTEM, INC. (WGAN)

*Dated, June 16, 1939; for construction permit; class of service, Broadcast; class of station, Broadcast; location, Portland, Maine; operating assignment specified: Frequency, 1390 kc directional antenna night; Power, 1 kw night, 1 kw day; hours of operation, Unlimited*

[File No. B1-P-2431]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the interests of any other stations may be adversely affected by reason of interference, particularly Station WHK.

2. Because of the pendency of other applications with which conflict may be had by reason of interference, i. e., Pawtucket Broadcasting Company (B1-P-1877) and WQDM (B1-ML-608).

3. To determine whether or not the operation of Station WGAN as proposed will be in accord with the Commission's plan of allocation and standards of good engineering practice.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Portland Broadcasting System, Inc., Radio Station WGAN, 645-A Congress St., Portland, Maine.

Dated at Washington, D. C., August 19, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3097; Filed, August 22, 1939; 9:44 a. m.]

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[Docket No. 5718]

IN RE APPLICATION OF ROY JAMES MURRAY (NEW)

*Dated, February 6, 1939, for construction permit; class of service, experimental; class of station, general experimental; location, Mobile; operating assignment specified: Frequency, 31540 kc; Power, 15 watts, Emission A2, A3; Hours of operation, Unlimited; Points of Communication, "car to temporary station receivers"*

[File No. T-4-PE-3720]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to own and operate a radio station such as the one proposed;

2. To determine the nature and extent of the experiments to be conducted;

3. To determine the objectives of the applicant's proposed experimental operation;

4. To determine the need for the experimentation proposed;

5. To determine whether the experimentation proposed is such as is contemplated by Section 51.01 of the Commission's Rules and Regulations;

6. To determine whether or not interference would result to the service of any existing radio station or stations from the proposed operation;

7. To determine whether the granting of this application will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Roy James Murray, 2125 Vine Street, LaCrosse, Wisconsin.

Dated at Washington, D. C., August 19, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3098; Filed, August 22, 1939; 9:45 a. m.]

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SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of August, A. D. 1939.

[File No. 32-169]

IN THE MATTER OF THE MARION-RESERVE POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application or a declaration pursuant to section 6 (b) or 7 (whichever is applicable) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 31, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 28, 1939.

The matter concerned herewith is in regard to the proposed issuance and sale to the public by the applicant of its First Mortgage Bonds, 3½% Series, due September 1, 1959, in the principal amount of $7,750,000 and its unsecured Eight-Year 2⅞% Promissory Notes in the principal amount of $1,250,000.

The applicant states that the net proceeds to be received by it from the sale of said $7,750,000 principal amount of First Mortgage Bonds and said $1,250,000 of unsecured Serial Notes are to be used for the payment and discharge of the now outstanding First Mortgage Bonds issued by or assumed by the applicant and Serial Notes in the total principal amount of $8,650,000 and for the reimbursement of its treasury, in part, for expenditures heretofore made for extensions and improvements to its facilities.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3100; Filed, August 22, 1939; 11:10 a. m.]

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# FEDERAL REGISTER

VOLUME 4 NUMBER 163

*Washington, Thursday, August 24, 1939*


## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 701—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SECTION 701.1 (B)—ORDER DECREASING THE RATES OF PAYMENT AND DEDUCTIONS WITH RESPECT TO CERTAIN COMMODITIES

Whereas under the 1939 Agricultural Conservation Program [1] the existing rates of payment and deductions were based upon estimates of available funds and estimates of participation by farmers, and are subject to decrease or increase by not more than 10 percent, depending upon the extent of participation;

Whereas farmers participating in said program have largely completed the farming practices in connection with which payments may be made thereunder; and

Whereas on the basis of the facts shown by farmers who have stated their intentions to participate in the 1939 Agricultural Conservation Program and the facts which it is believed will be shown by applications for payment to be submitted hereafter in said program, it reasonably appears that participation by farmers with respect to cotton, general soil-depleting crops in Area A, rice, and fire-cured and dark air-cured tobacco will exceed the original estimates of participation with respect to these crops by more than 10 percent:

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, do hereby order that said existing rates of payments and deductions with respect to cotton, general soil-depleting crops in Area A, rice, and fire-cured and dark air-cured tobacco be, and the same hereby are, decreased 10 percent.

Done at Washington, D. C., this 18th day of August 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 39-3114; Filed, August 23, 1939; 12:38 p. m.]

[1] 3 F.R. 2715 DI.

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### TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Amendment 24, Civil Air Regulations]

FLYING SCHOOLS; PRIVATE PILOT FLYING COURSE AND GROUND INSTRUCTORS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 22nd day of August 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a) and 607 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective September 21, 1939, Part 50, as amended, of the Civil Air Regulations is amended as follows:

1. Section 50.1041 is amended to read as follows:

"§ 50.1041 (b) *Private pilot flying course.* The course shall be arranged so as to give each student a minimum of 17 hours dual or check time and 18 hours solo time. At least 2 hours of such solo time shall consist of cross-country flying which shall include at least one flight over a course of not less than 50 miles with at least 2 full stop landings at different points on the course."

2. Section 50.105 is amended to read as follows:

"§ 50.105 *Ground instructors.* Applicant shall show that each person giving, or employed to give, ground instruction for the school, in any ground school subject required by the Civil Air Regulations, is possessed of a valid and appropriate ground instructor certificate."

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-3111; Filed, August 23, 1939; 11:21 a. m.]

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## TITLE 26—INTERNAL REVENUE

### BUREAU OF INTERNAL REVENUE

[T. D. 4925]

EXCISE TAXES ON SALES BY THE MANUFACTURER

*To Collectors of Internal Revenue and Others Concerned:*

Section 1 of the Revenue Act of 1939, approved June 29, 1939, reads in part as follows:

SEC. 1. CONTINUATION OF EXCISE TAXES * * *.
Sections * * * 3452, * * * of the Internal Revenue Code are amended by striking out "1939" wherever appearing therein and inserting in lieu thereof "1941". * * *.

Section 2 of the Revenue Act of 1939, approved June 29, 1939, reads as follows:

SEC. 2. SPORTING ARMS AND AMMUNITION TAX.
Section 3407 of the Internal Revenue Code (relating to the tax on firearms, shells, and cartridges) is amended by adding at the end thereof the following new paragraph:
"The provisions of section 3452 (relating to expiration of taxes) shall not apply to the tax imposed by this section."

In conformity with the provisions of law quoted above, the second paragraph of article 1 of Regulation 46, as amended (section 303.1, Title 26, Code of Federal Regulations), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939[1] (Part 465, Subpart B of such Title 26), under authority contained in section 3450 of the Internal Revenue Code, is further amended to read as follows:

"No such sale, lease, or use after June 30, 1941 (or after July 31, 1941, in the case of articles taxable under sections 3400 and 3403 of the Internal Revenue Code (same as sections 602 and 606 of the Revenue Act of 1932, as amended), relating to the tax on tires and inner tubes and automobiles, etc.), is taxable under the title except that with respect to firearms, shells, and cartridges taxable under section 3407 of the Internal Revenue Code (same as section 610 of the Revenue Act of 1932), the limitation does not apply."

(This Treasury Decision is prescribed pursuant to section 3452 of the Internal Revenue Code (53 Stat., Part 1), as amended by section 1 of the Revenue Act of 1939 (Public, No. 155, 76th Cong., 1st sess.) and section 3450 of the Internal Revenue Code.)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, August 21, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3109; Filed, August 23, 1939; 11:13 a. m.]

[1] 4 F.R. 879 DI.

[T. D. 4926]

SHIPMENT OF WINE, FREE OF TAX, TO GUAM AND AMERICAN SAMOA

*To District Supervisors and Others Concerned:*

Section 408 of the Revenue Act of 1939 (Public, No. 155, 76th Congress) provides as follows:

Section 3361 (b) of the Internal Revenue Code is amended by adding a comma and the words "Guam" and "American Samoa" after the words "Puerto Rico."

Pursuant to authority conferred by Section 3791 (a) (1) of the Internal Revenue Code, Paragraph 143, Article XXVII, Regulations No. 7, approved October 6, 1937[1] (Section 178.143 of the Code of Federal Regulations), is amended to read as follows:

PAR. 143. *Shipments to American possessions.* The provisions of these regulations, and the forms prescribed, in respect to the removal of wines, free of tax for exportation to foreign countries, apply to like removals and shipments to the Philippine Islands, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Panama Canal Zone. Hawaii and Alaska are Territories of the United States, and all shipments of domestic wines thereto must be tax-paid before withdrawal from bonded wineries or other bonded premises, unless transferred in bond to a bonded winery or storeroom located in one of those Territories.

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: August 21, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3110; Filed, August 23, 1939; 11:13 a. m.]

[1] 2 F.R. 2131.

## TITLE 45—PUBLIC WELFARE

### NATIONAL YOUTH ADMINISTRATION

[Administrative Order No. 4]

REVISION OF REGULATIONS RELATING TO THE PART-TIME EMPLOYMENT OF OUT-OF-SCHOOL YOUTH ON PROJECTS OF THE NATIONAL YOUTH ADMINISTRATION

By virtue of and pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1939, approved June 30, 1939, I hereby amend Section 402.13 of Administrative Order No. 2, dated July 13, 1939,[1] to read as follows:

§ 402.13 *Resident project employees.* The several State Youth Administrators are authorized and directed to establish monthly earnings for youth employees assigned to resident projects, subject to the following conditions:

(a) Except for such projects or portions of projects as the National Youth Administrator, or his authorized representative, may hereafter exempt, the earnings rate of youth employees shall not exceed thirty dollars ($30) per pay roll month for full-time resident projects or twenty dollars ($20) per pay roll month for part-time resident projects, with an appropriate charge for lodging, food, sanitation, water and bathing facilities, and medical and dental care.

(b) The net payment scheduled for youth employees shall be not less than eight dollars ($8) per pay roll month, after deductions for subsistence and lodging are made at the end of the pay roll month.

(c) Not more than two wage classes shall be established for youth employees on any single resident project.

For youth employees assigned to full-time resident projects, deductions for voluntary absence from duty shall be made in the amount of one-thirtieth of the monthly salary for each day of voluntary absence. For youth employees assigned to part-time resident projects, deductions for voluntary absence from duty shall be made on the basis of the ratio which the number of days of voluntary absence bears to the total number of days of assignment during the pay roll month. State Youth Administrators, or their authorized representatives, shall schedule hours of work for youth employees on resident projects. Deductions for voluntary absence from duty shall be made only when youth employees are voluntarily absent during periods when they are scheduled to work. Deductions for voluntary absence from duty for a portion of a day's scheduled work period shall be made in an amount equal to one-fourth the deduction, or multiple thereof, made for absence during a full day's scheduled work period. On both full-time and part-time resident projects, Sundays and other intervening non-work days shall not be counted in determining deductions to be made for voluntary absence.

AUBREY WILLIAMS,
*Administrator.*

AUGUST 16, 1939.

[F. R. Doc. 39-3107; Filed, August 23, 1939; 9:44 a. m.]

[1] 4 F.R. 3507 DI.



## TITLE 47—TELECOMMUNICATION

### FEDERAL COMMUNICATIONS COMMISSION

PARALLEL REFERENCE TABLE TO RULES OF THE FEDERAL COMMUNICATIONS COMMISSION

*Corrections*

Attention is directed to errors under Part 43—Rules Governing the Filing of Information, Contracts, Periodic Reports, etc., appearing on page 3526 of the August 4, 1939 issue of the FEDERAL REGISTER, which have been corrected to read as follows:

§ 43.31 Formerly I.C.C. Order dated April 10, 1916, relating to telegraph and cable companies; I.C.C. Order of Dec. 9, 1932, relating to telephone companies, and Telephone Division Order No. 15.

§ 43.51 Formerly Telegraph Division Order No. 8.

§ 43.52 Formerly embodied in Telegraph Division Orders Nos. 4 and 8.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-3112; Filed, August 23, 1939; 12:10 p. m.]

## *Notices*

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION UPON APPLICATIONS FOR PERMISSION TO EMPLOY LEARNERS IN THE HOSIERY INDUSTRY AT WAGES LOWER THAN APPLICABLE MINIMUM SPECIFIED IN SECTION 6 OF THE FAIR LABOR STANDARDS ACT

Whereas, The National Association of Hosiery Manufacturers, The Southern Hosiery Manufacturers' Association, and sundry other parties pursuant to Part 522[1] (Regulations applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act) made application for permission to employ learners in the hosiery industry at wages lower than the applicable minimum wage specified in Section 6 of the Act; and

Whereas, a hearing[2] on said application was held before Merle D. Vincent the representative of the Administrator of the Wage and Hour Division, duly authorized to conduct the said hearing and to determine—

(a) what, if any, occupation or occupations in the hosiery industry, or branch thereof, require a learning period, and

(b) the factors which may have a bearing upon curtailment of opportunities for employment within the hosiery industry, or branch thereof, and

(c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the hosiery industry, or branch thereof, for whatever occupation or occupations, if any, are found to require a learning period; and

Whereas, following such hearing the said Merle D. Vincent duly made his findings of fact and determined as follows:

"Upon the whole record of evidence, a summary and review of which appears above, I make the following determination:

"That it is necessary, in order to prevent curtailment of opportunities for employment, to issue to employers in the hosiery industry, upon individual applications, Special Certificates for the employment of learners at sub-minimum rates, in certain specific occupations and subject to the terms herein set forth, except where experienced workers are available for such employment. In no case shall the employment of learners under Special Certificates be authorized where experienced workers are available for employment by the plant making application. A periodic review of the availability of experienced workers will be made and Special Certificates suspended or revoked where an adequate supply of experienced workers is indicated.

"All Special Certificates granted shall be subject to the following terms:

"1. *Definition of learner.* (a) A learner is a worker who has had (1) less than 480 hours of experience in the aggregate in the following occupations:

SEAMLESS BRANCH

Knitting (except transfer top Knitting).
Seaming.
Topping.
Boarding.
Pairing.
Folding.
Examining and Inspecting.
Mending.
Welting.
Trimming and End Pulling.
Embroidering.
Hemming and Mock-seaming.
Cuff Sewing.
Monogramming.

FULL-FASHIONED BRANCH

Boarding.
Pairing.
Folding.
Examining and Inspecting.
Mending.

or (2) less than 960 hours of experience in any one of the following occupations:

SEAMLESS BRANCH

Knitting (Transfer top knitting only).
Looping.

FULL-FASHIONED BRANCH

Knitting.
Looping.
Seaming.
Topping.

"(b) *Provided*, That he has had no previous experience in a particular occupation for which a learning period of 960 hours is allowed, a learner may serve one retraining period of 480 hours in such occupations: *Provided, however*, That a learner may be retrained only once at sub-minimum rates.

"2. *Learners' Rates.* (a) In the occupations providing a learning period of 480 hours, learners employed on a piece-rate basis shall be paid not less than 22½¢ an hour in the seamless branch and not less than 25¢ an hour in the full-fashioned branch.

"(b) In the occupations providing a learning period of 960 hours, learners employed on a piece-rate basis in the seamless branch shall be paid not less than 22½¢ for the first 480 hours and not less than 27½¢ for the second 480 hours, and in the full-fashioned branch not less than 25¢ for the first 480 hours and not less than 30¢ for the second 480 hours.

"(c) A worker employed on a piece-rate basis who is being retrained in accordance with 1 (b) above shall be paid not less than 25¢ an hour in the seamless branch and not less than 30¢ an hour in the full-fashioned.

"(d) If experienced operators are paid on a piece work rate, learners shall be paid at least the same piece work rate as that paid workers already employed on similar work in the establishment; learners shall receive full piece work earnings whenever these exceed the applicable minimum hourly wage.

"(e) Where piece rates are not in effect, the minimum hourly learner wage for occupations limited to a 480 hour learning period and for the first 480 hours for the occupations permitting a 960 hour learning period shall be not less than 22½¢ for the seamless branch and not less than 25¢ for the full-fashioned; and for the second 480 hours for the occupations permitting a 960 hour learning period the minimum hourly learner wage where piece rates are not in effect shall be not less than 29¢ for the seamless branch and not less than 35¢ for the full-fashioned.

"(f) Where piece rates are not in effect, a worker being restrained in accordance with 1 (b) above shall be paid not less than 29¢ an hour in the

[1] 3 F.R. 2661 DI.
[2] 4 F.R. 2199 DI.

seamless branch and not less than 35¢ an hour in the full-fashioned branch.

"3. *Number of learners.* (a) Except as otherwise provided in this Section, no learners' certificate shall authorize the employment of learners in excess of 5% of the total number of factory workers (not including office and sales personnel) employed in the plant; provided, however, that employment of as many as five learners may be authorized in any certificate.

"(b) The number of learners to be employed under any Special Certificate authorizing the employment of learners in new plants or for extensive expansion shall be limited to the number of learners whose employment at sub-minimum rates is shown necessary by the employer to prevent curtailment of opportunities for employment under Section 14 of the Act.

"4. *Duration of certificates.* Special Learner Certificates authorizing the employment of learners not in excess of 5% of total factory employees and certificates authorizing not more than five learners shall be valid for a period of one year unless sooner revoked because an adequate supply of experienced workers are available or for other cause, or unless the wages set by the Administrator's Wage Order are changed. Special Certificates authorizing the employment of learners in excess of 5% shall be valid for a period not exceeding eight months unless sooner revoked for cause or unless the wages set by the Administrator's Wage Order are changed.

"5. *Learners' certificates.* All Special Certificates shall include, among other matters, the learner occupations, periods of service and rates set forth hereinabove; the definition of a learner; the requirement that the employer shall exercise due diligence to secure experienced workers before employing inexperienced workers at learner rates in their stead; the requirement that the certificate shall be posted continuously during its validity in a conspicuous place in the plant where the learners are to be employed; and a prohibition against the violation of any of the terms and conditiions set forth in the certificate."

Whereas said Findings and Determination were duly filed with the Administrator on August 21, 1939, and are now on file in his office, Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties:

Now, therefore, pursuant to the provision of Section 522.13 of the aforesaid regulations, as amended, notice is hereby given that any person aggrieved by the said determination may within fifteen days after the date this notice appears in the FEDERAL REGISTER file petitions with the Administrator requesting that he review the determination of the said representative.

Signed at Washington, D. C., this 22 day of August 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3108; Filed, August 23, 1939; 10:48 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of August, A. D. 1939.

[File Nos. 37-31, 37-44]

IN THE MATTER OF EBASCO SERVICES INCORPORATED AND PHOENIX ENGINEERING CORPORATION; AND EBASCO SERVICES INCORPORATED AND EBASCO INTERNATIONAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration and applications pursuant to Rules U-13-22 and U-13-4 promulgated under the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That these matters be consolidated for the purpose of hearing and that a hearing on such consolidated matter be held on September 18, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 13, 1939.

The matter concerned herewith is in regard to a declaration (File No. 37-31) of Ebasco Services Incorporated, a subsidiary of Electric Bond and Share Company, a registered holding company, on behalf of itself and its wholly-owned subsidiary, Phoenix Engineering Corporation, pursuant to Rule U-13-22 under the Act, with respect to the organization and conduct of its business as a subsidiary service company. Neither Ebasco Services Incorporated nor its wholly-owned subsidiary, Phoenix Engineering Corporation, is a mutual company. All of the outstanding capital stock of Ebasco Services Incorporated is held by Electric Bond and Share Company and all of the outstanding capital stock of Phoenix Engineering Corporation is held by Ebasco Services Incorporated.

Ebasco Services Incorporated is now segregated into two divisions, *i. e.*, the United States Division and the International Division. It is stated that the purpose of this segregation was to enable Ebasco Services Incorporated to determine the cost of rendering such services to those client companies located and operating respectively within and without the United States. In order that these costs might be properly recorded, separate sets of books are kept to segregate and record the transactions and costs of each division. Each division includes, as part of its cost, a proportion of certain salaries chargeable thereto and the proportion of overhead applicable thereto, together with all general overheads. There also is included, as a part of the cost of each division, depreciation and a reserve for contingencies and, for the United States Division, a 6% return on working capital.

The Phoenix Engineering Corporation is stated to be, in effect, the incorporated construction and special engineering department of Ebasco Services Incorporated. It performs designated construction and engineering services. These services are performed at cost to United States client companies.

Ebasco Services Incorporated, through its International Division, Empresas Electricas Brasileiras, S. A. and Phoenix Engineering Corporation (both wholly-owned subsidiaries of Ebasco Services Incorporated) and Compania Constructora del Pacifico (a wholly-owned subsidiary of Phoenix Engineering Corporation) performed services for client companies outside the United States at prices not limited to cost.

In anticipation of a proposed reorganization (applications and declaration in connection therewith having been filed in a separate proceeding and which have not yet been acted on by the Commission, File No. 47-36) whereby the properties and assets of Ebasco Services Incorporated used in connection with its foreign business will be transferred to Ebasco International Corporation, a New York corporation, in consideration for the issuance by Ebasco International Corporation of 7,000 shares of its capital stock of the par value of $100 each, such capital stock immediately to be transferred to Electric Bond and Share Company in consideration for the surrender by the latter company to Ebasco Services Incorporated, for cancellation, of 7,000 shares of the capital stock of Ebasco Services Incorporated of the par value of $100 each, and the dissolution of Phoenix Engineering Corporation and the transfer of its property and assets to Ebasco Services Incorporated, Ebasco Services Incorporated has filed an amendment to its declaration pursuant to Rule U-13-22, on behalf of itself and its wholly-owned subsidiary, Phoenix Engineering Corporation, wherein it seeks approval of its business as a subsidiary service company as it will be upon the consummation of the proposed reorganization. If the aforementioned contemplated reorganization is effected, Ebasco Services Incorporated will perform services and construction at cost to public utility and other companies operating in the United States. Ebasco Services Incorporated may also render incidental services at cost to Ebasco International Corporation. It is contemplated that Ebasco Services Incorporated may perform services or constructions for persons in the United States with whom transactions at prices not limited to cost are permitted under Rule U-13-31 under the Act.

The application of Ebasco Services Incorporated and the application of Ebasco International Corporation (File No. 37-44) pursuant to Rule U-13-4 promulgated under the Public Utility Holding Company Act of 1935 are both for exemption from the standards established by Section 13 (b) of said Act and the rules and regulations promulgated thereunder relating to the performance of services, sales and construction contracts for foreign associate companies.

Ebasco International Corporation, all of whose outstanding capital stock is now owned by Ebasco Services Incorporated but whose capital stock will, in the event the aforementioned reorganization becomes effective, be owned by Electric Bond and Share Company, plans to engage in the business of performing technical, supervisory and other services for public utility and other client companies operating in thirteen foreign countries. It does not propose to render services to holding or other companies doing business in the United States, its sole prospective clients being public utility and other companies operating in foreign countries. Through its prospective subsidiary, Empresas Electricas Brasileiras, S. A., applicant will render services to certain client countries in Brazil, and through its prospective subsidiary, Compania Constructora del Pacifico, applicant plans to perform construction and other engineering services for client companies operating in Chile. Applicant does not propose to carry on any of its business within the United States. All of the companies to which applicant will render services are subsidiaries of American & Foreign Power Company Incorporated, except Compania de Servicos Publicos de Cartagena, a public utility company operating in Colombia which is not an associate or affiliate of American & Foreign Power Company Incorporated. (American & Foreign Power Company Incorporated has filed an application on behalf of itself and such subsidiaries pursuant to Section 3 (b) of the Act for exemption from all provisions of the Act applicable to it and its subsidiaries as subsidiaries of Electric Bond and Share Company.)

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3113; Filed, August 23, 1939; 12:18 p. m.]

SEP 5


# FEDERAL REGISTER

VOLUME 4 — NUMBER 164

*Washington, Friday, August 25, 1939*


## The President

### EXECUTIVE ORDER

FURTHER AMENDING EXECUTIVE ORDER NO. 7677–A, OF JULY 26, 1937, AS AMENDED, ENTITLED "CIVILIAN CONSERVATION CORPS"

By virtue of and pursuant to the authority vested in me under the act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937 (50 Stat. 319), as amended by the act of May 12, 1938 (52 Stat. 349), and the act of June 25, 1938 (52 Stat. 1198), Executive Order No. 7677–A of July 26, 1937, entitled "Civilian Conservation Corps", as amended by Executive Order No. 7717 of September 29, 1937, and Executive Order No. 8133 of May 15, 1939,[1] is hereby further amended to read as follows:

1. Reserve officers of the Army and officers of the Naval and Marine Corps Reserves and warrant officers of the Coast Guard on active duty with the Civilian Conservation Corps will be relieved from such duty under their commissions, such relief to be effected gradually and completed on or before December 31, 1939. No additional reserve officers will be ordered to active duty with the Civilian Conservation Corps nor will the detail of any such officers now on such duty be extended or renewed; except that when it may be necessary to retain a reserve officer on active duty whose current tour of active duty expires at an early date, such officer's tour of active duty may be extended for a period terminating not later than September 30, 1939. With the exceptions authorized in the preceding sentence, reserve officers will be relieved from active duty as their current tours of active duty are terminated, and, in any event, not later than December 31, 1939.

2. The Director of the Civilian Conservation Corps is authorized, subject to the limitations and restrictions contained in section 3 of the said act of June 28, 1937, to undertake projects on lands belonging to or under the jurisdiction or control of counties and municipalities, and on lands in private ownership.

3. The Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and the Administrator of Veterans' Affairs are requested to cooperate with the Director of the Civilian Conservation Corps in carrying out the purposes of the said act of June 28, 1937, as amended. Each of the said Secretaries and the said Administrator shall appoint a representative who shall, upon request of the Director, confer with him and under his direction aid him in prosecuting effectively the purposes contemplated by the said act, as amended.

4. This order shall take effect as of July 1, 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 21, 1939.*

[No. 8221]

[F. R. Doc. 39–3120; Filed, August 24, 1939; 10:30 a. m.]

[1] 2 F.R. 1346, 2087; 4 F.R. 2043 DI.

### EXECUTIVE ORDER

EXEMPTING CERTAIN POSITIONS FROM SALARY CLASSIFICATION

By virtue of the authority vested in me as President of the United States, it is hereby ordered that there be exempted from the operation of Executive Order No. 6746 of June 21, 1934, the positions of consultants, experts, specialists, attorneys, and other similar positions, the incumbents of which are intermittently employed on a per diem basis or employed on an annual basis at amounts representing the value of part-time service required, and who are or have been paid from the public works or other emergency funds administered by the Federal Works Administrator through the Commissioner of Public Works and

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FEDERAL REGISTER

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available during the fiscal years 1940 and 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 21, 1939.*

[No. 8222]

[F. R. Doc. 39-3121; Filed, August 24, 1939; 10:30 a. m.]

## EXECUTIVE ORDER

MODIFYING EXECUTIVE ORDER NO. 1919½ OF APRIL 21, 1914, AND RESERVING CERTAIN LANDS FOR USE OF THE ALASKA ROAD COMMISSION FOR AVIATION FIELD PURPOSES

ALASKA

By virtue of and pursuant to the authority vested in me by the act of March 12, 1914, 38 Stat. 305, 306, and the act of June 25, 1910, c. 421, 36 Stat. 847, it is ordered as follows:

SECTION 1. Executive Order No. 1919½ of April 21, 1914, withdrawing and reserving certain land in Alaska for townsite purposes, is hereby modified to the extent necessary to permit the following-described town-site lands to be used by the Alaska Road Commission for aviation field purposes, and such lands are hereby reserved and set apart for such use:

NENANA TOWN-SITE

S½ Block 36 and all Block 45

SECTION 2. This order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 21, 1939.*

[No. 8223]

[F. R. Doc. 39-3122; Filed, August 24, 1939; 10:30 a. m.]

## *Rules, Regulations, Orders*

## TITLE 14—CIVIL AVIATION

## CIVIL AERONAUTICS AUTHORITY

REGULATIONS GOVERNING PRESERVATION AND REMOVAL OF AIRCRAFT INVOLVED IN ACCIDENTS

At a session of the Air Safety Board held at its office in Washington, D. C., on the 11th day of July 1939:

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly section 702 (d) thereof, and finding that such action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Air Safety Board makes, prescribes and issues the following regulations:

(1) *Preservation.* Any aircraft, aircraft engine, propeller, or appliance affected by, or involved in, an accident in air commerce shall be preserved as found subsequent to such accident, until released by the Air Safety Board of the Civil Aeronautics Authority.

(2) *Removal.* No aircraft, aircraft engine, propeller, or appliance affected by, or involved in, an accident in air commerce shall be moved or disturbed unless specific permission shall have been granted by the Air Safety Board except:

(a) When necessary for the purpose of giving assistance to persons injured or trapped in the wreckage; or

(b) When necessary in the interest of public safety.

NOTE: Any aircraft, aircraft engine, propeller, or appliance, or any part of parts thereof, involved in an accident in air commerce, shall, when directed by the Air Safety Board, be removed to such place or places as the Board may direct, for purposes of safekeeping, inspection, testing, or use by the Air Safety Board in the exercise and performance of its rights and duties.

By the Board.

R. D. HOYT,
*Executive Officer.*

[F. R. Doc. 39-3117; Filed, August 24, 1939; 9:36 a. m.]

RULES AND REGULATIONS GOVERNING NOTIFICATION AND REPORT OF ACCIDENTS INVOLVING AIRCRAFT

At a session of the Air Safety Board held at its office in Washington, D. C., on the 11th day of July 1939:

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly section 702 (a) (1) thereof, and finding that such action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Air Safety Board makes, prescribes and issues the following rules and regulations:

(1) *Notification.* When death or serious injury to person or substantial damage to property results from an accident involving aircraft, the airman concerned and the registered owner or operator of the aircraft, if physically able, shall notify the Air Safety Board of the Civil Aeronautics Authority immediately, either in person or by telegraph or telephone, stating the registered number of the aircraft and the time, place and nature of the accident: *Provided*, That notification, for the attention of the Air Safety Board, to the Civil Aeronautics Authority or any of its inspectors, shall be deemed to constitute notification to the Air Safety Board in accordance with this paragraph. If notification is to be given direct to the Air Safety Board, such notification may be made to either the principal office of the Air Safety Board in Washington, D. C., or to its nearest known branch office or field representative.

(2) *Report.* All accidents involving aircraft which cause death or injury to person, or damage to the aircraft or other property, shall be *reported* without delay by, or on behalf of, the airman and by, or on behalf of, the registered owner or operator of the aircraft to the Air Safety Board of the Civil Aeronautics Authority at its nearest office. Such reports shall be submitted on accident report forms provided for this purpose by the Air Safety Board and shall include all facts, conditions, and circumstances relating to the accident and all pertinent information for which space is provided on the report form.

By the Board.

R. D. HOYT,
*Executive Officer.*

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 18th day of July 1939:

Acting pursuant to section 702 (a) (1) of the Civil Aeronautics Act of 1938, the Civil Aeronautics Authority approved the above rules and regulations of the Air Safety Board.

By the Authority.

PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3118; Filed, August 24, 1939; 9:37 a. m.]



## TITLE 25—INDIANS

## OFFICE OF INDIAN AFFAIRS

TEMPORARY WITHDRAWAL OF LANDS MODIFYING NEW MEXICO GRAZING DISTRICT NO. 2 AND DEPARTMENTAL WITHDRAWALS OF JULY 8, 1931 AND OCTOBER 11, 1934

MAY 31, 1939.

By virtue of and pursuant to the provisions of the Act of June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (49 Stat. 1976), it is ordered that Departmental order of March 27, 1936, establishing New Mexico Grazing District No. 2, be, and it is hereby modified to exclude therefrom the lands described below. It is further ordered that Departmental withdrawal of October 11, 1934, made pursuant to authority found in Section 4 of the Act of March 3, 1927 (44 Stat. 1347), temporarily withdrawing certain public domain for exchange purposes as contemplated by the Act of March 3, 1921 (41 Stat. 1225–1239) is hereby modified to exclude therefrom the lands described below; and under authority of Section 4 of the Act of March 3, 1927, supra, all public domain within the areas of the lands described below and all those lands within said areas relinquished and reconveyed to the United States in exchanges made pursuant to the Act of March 3, 1921, supra, are hereby temporarily rewithdrawn from settlement, location, sale, entry or other form of disposition in aid of proposed legislation to add the said lands to the Indian reservations contiguous thereto. Pending the enactment of such legislation the Commissioner of Indian Affairs is hereby authorized to administer all public lands within the areas described herein.

This order is subject to all valid existing rights.

The following described lands are hereby made subject to this order:

Bernalillo, Sandoval, Valencia and McKinley Counties, New Mexico.

*New Mexico Principal Meridian*

T. 9 N., R. 1 W.
Sections 4, 5 and 6.
T. 10 N., R. 1 W., All.
T. 11 N., R. 1 W.
Sec. 28, Lots 3, 4, 5, 6, 7 and SW¼.
Sec. 29, Lots 1, 2, 3, 4 and S½.
Sec. 30, Lots 1, 2, 3, 4, 5, 6, E½SW¼ and SE¼.
Sec. 31, All.
Sec. 32, All.
Sec. 33, Lots 1, 2, 3, 4, NE¼NW¼ and W½W½.
T. 9 N. R. 2 W., All.
T. 10 N., R. 2 W., All.
T. 11 N., R. 2 W., All.
T. 12 N., R. 2 W., All.
T. 13 N., R. 2 W.
Sec. 20, Lots 1 and 2.
Sec. 21, Lots 1, 2, 3, 4, S½SW¼ and SE¼.
Sec. 22, Lots 3, 4 and 5.
Sec. 27, Lots 1, 2, 3 and 4.
Sec. 28, All.
Sec. 29, Lots 1, 2, NE¼, S½NW¼ and S½.
Sec. 30, Lots 1, 2, 3, 4, N½SE¼ and SE¼ SE¼.
Sec. 31, Lots 1, 2, 3, 4 and E½E½.
Sec. 32, All.
Sec. 33, All.
Sec. 34, Lots 1, 2, 3 and 4.
T. 9 N., R. 3 W., All.
T. 10 N., R. 3 W., All.
T. 11 N., R. 3 W., All.
T. 12 N., R 3 W., All.
T. 11 N., R. 4 W.
Sec. 1, Lots 1, 2, 3, 4, 5, S½NE¼ and SE¼.
Sec. 12, Lots 1, 2, 3, 4, NE¼, SE¼NW¼, E½SW¼ and SE¼.
Sec. 13, Lots 1, 2, 3, E½, E½W½ and SW¼SW¼.
Sec. 14, Lot 1.
Sec. 23, Lots 1, 2, 3, 4 and 5.
Sec. 24, Lots 1, 2, 3, 4 and N½N½.
T. 12 N., R. 4 W.
Sec. 12, Lots 1 and 2.
Sec. 13, Lots 1, 2, 3, 4 and E½.
Sec. 24, Lots 1, 2, 3, 4 and E½E½.
Sec. 25, Lots 1, 2, 3, 4 and E½E½.
Sec. 36, Lots 1, 2, 3, 4 and E½E½.
T. 8 N., R. 16 W., W½.
T. 8 N., R. 17 W., All.
T. 8 N., R. 18 W., All.
T. 8 N., R. 19 W., All.
T. 10 N., R. 19 W., All.
T. 11 N., R. 19 W. S½.
T. 8 N., R. 20 W., All.
T. 10 N., R. 20 W., All.
T. 11 N., R. 20 W., S½.
T. 8 N., R. 21 W., All.
T. 9 N., R. 21 W., All.
T. 10 N., R. 21 W., All.
T. 11 N., R. 21 W. S½.

HARRY SLATTERY,
*Acting Secretary of the Interior.*

[F. R. Doc. 39-3115; Filed, August 24, 1939; 9:36 a. m.]

## TITLE 50—WILDLIFE

## BUREAU OF FISHERIES

SUBCHAPTER A—ALASKA FISHERIES

PART 208—KODIAK AREA FISHERIES

§ 208.13 is hereby amended to permit commercial salmon fishing with gill nets during the month of September in certain waters of Olga and Moser Bays, as follows:

§ 208.13 *Closed seasons, commercial salmon fishing, Alitak Bay.* Commercial fishing for salmon in Alitak Bay and all its branches within a line from Cape Trinity to Cape Alitak prior to 6 o'clock antemeridian June 15 and after 6 o'clock postmeridian August 15 in each year is prohibited: *Provided*, That this prohibition shall not apply to the use of set or anchored gill nets from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 30 in waters of Olga and Moser Bays which are not closed throughout the year to commercial salmon fishing. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

PART 226—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERY

§ 226.9 is hereby amended to permit commercial salmon fishing with beach seines and gill nets in Wrangell Narrows from September 1 to September 15, as follows:

§ 226.9 *Closed seasons, commercial salmon fishing other than trolling; exceptions.* Commercial fishing for salmon other than trolling is prohibited, except in Ernest Sound, Zimovia Strait, and Bradfield Canal, prior to 6 o'clock antemeridian July 20 in each calendar year, from 6 o'clock postmeridian August 22 to 6 o'clock antemeridian October 1 in each year, and for the remainder of each calendar year after 6 o'clock postmeridian October 15: *Provided*, That this prohibition shall not apply to the use of beach seines and gill nets in Wrangell Narrows, exclusive of all waters within one statute mile of the mouth of Petersburg Creek, from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 15. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

HAROLD L. ICKES,
*Secretary of the Interior.*

AUGUST 22, 1939.

[F. R. Doc. 39-3116; Filed, August 24, 1939; 9:36 a. m.]

## *Notices*

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

IN THE MATTER OF APPLICATION FOR EXEMPTION OF SPRING FRESHET DRIVING OF LUMBER IN STATES OF MICHIGAN, MINNESOTA AND WISCONSIN FROM MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

Whereas the Timber Producers' Association of Minnesota filed an application with Elmer F. Andrews, Administrator of the Wage and Hour Division, United States Department of Labor for a determination that spring freshet driving of lumber in the States of Michigan, Minnesota and Wisconsin is a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526[1] of the Regulations issued thereunder, and

Whereas the Administrator determined, after a public hearing held before him in Washington, D. C., on April 17 and 18, 1939, that the spring freshet driving branch of the lumber industry conducted in the States of Main, New Hampshire, New York and Vermont is entitled to the seasonal exemption provided in Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, and

Whereas it appeared from the application filed by the Timber Producers' Association of Minnesota that spring freshet driving in Michigan, Minnesota and Wisconsin is similar in all material respects to spring freshet driving in Maine, New Hampshire, New York and Vermont, and

Whereas the Administrator published a preliminary determination in the FEDERAL REGISTER of July 25, 1939,[2] pursuant to Section 526.5 (c) of the Regulations, that a *prima facie* case was shown by the application for the granting of an exemption, pursuant to Section 7 (b) (3)

[1] 3 F.R. 2534, 3127 DI.
[2] 4 F.R. 3415 DI.

of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, to the branch of the lumber industry in the States of Michigan, Minnesota and Wisconsin, which is engaged in spring freshet driving, and

Whereas no objection and request for hearing was received by the Administrator within fifteen days following the publication in the FEDERAL REGISTER of the said preliminary determination.

Now, therefore, pursuant to Section 526.5 (c) of the Regulations, the Administrator hereby finds upon the *prima facie* case shown in the said application that the spring freshet driving branch of the lumber industry in the States of Michigan, Minnesota and Wisconsin is a seasonal industry within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the Regulations issued thereunder and, therefore, is entitled to the exemption provided in Section 7 (b) (3) of the said Act.

Signed at Washington, D. C., this 22nd day of August, 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3119; Filed, August 24, 1939; 10:29 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of August, A. D. 1939.

[File No. 46-136]

IN THE MATTER OF UTILITIES EMPLOYEES SECURITIES COMPANY

ORDER EXEMPTING INVESTMENT PROGRAM

Utilities Employees Securities Company, a subsidiary company of Associated Gas and Electric Company, a registered holding company, having duly filed with this Commission an application pursuant to section 9 (c) (3) of the Public Utility Holding Company Act of 1935, seeking an exemption from the provisions of section 9 (a) (1) of said Act, or in the alternative pursuant to section 10 (a) (1) of said Act, for the approval of a program of investing its future available funds;

The program as embodied in the application providing for the investment of at least sixty per centum of all proceeds derived from the sale of applicant's portfolio securities having maturity dates subsequent to March 31, 1940 of companies which are not predominantly public utility companies in the following first mortgage bonds of associate and affiliate companies:

*First Mortgage Bonds of Operating Companies*

Pennsylvania Electric Company: Penn Public Service Corporation—First and refunding mortgage bonds, Series C, 6% due 1947; First and refunding mortgage bonds, Series D, 5% due 1954; First and refunding mortgage bonds, Series F, 4% due 1971; First and refunding mortgage bonds, Series G, 4% due 1961; First and refunding mortgage bonds, Series H, 5% due 1962.

Erie Lighting Company: First mortgage fifty-year 5% sinking fund bonds, due 1967.

South Carolina Electric & Gas Company: Broad River Power Company—First and refunding mortgage 5% bonds, Series A, due 1954; The Parr Shoals Power Company—First mortgage 5% sinking fund bonds due 1952.

Eastern Shore Public Service Company: First mortgage and first lien twenty-year 5½% bonds, Series A, due 1947; First mortgage and first lien twenty-five year 5% bonds, Series B, due 1955.

The Maryland Light and Power Company: First mortgage 5½% bonds, Series A, due 1950.

Florida Power Corporation: First mortgage 4% bonds, Series C, due 1966.

Florida Public Service Company: First mortgage 4% bonds, Series C, due 1955.

Virginia Public Service Company: Newport News and Hampton Railway, Gas and Electric Company—First and refunding mortgage 5% bonds, due 1944.

Long Island Water Corporation: First mortgage 5½% bonds Series due 1955.

Metropolitan Edison Company: First mortgage bonds, Series D, 4½% due 1968; First mortgage bonds, Series E, 4% due 1971; First mortgage bonds, Series G, 4% due 1965; York Haven Water and Power Company—5% Fifty-Year bonds due 1951.

New York State Electric & Gas Corporation: Elmira Water, Light and Railroad Company—First consolidated mortgage 5% fifty-year gold bonds due 1956; First mortgage bonds, 4% Series due 1965; First mortgage bonds, 4½% Series due 1960; First mortgage bonds, 3¾% Series, due 1964.

Tracy Development Company: First mortgage 6% bonds due 1944.

Northern Pennsylvania Power Company: First and refunding mortgage bonds, Series A 5% due 1956; First and refunding mortgage bonds, 5% Series due 1962.

Staten Island Edison Corporation: Richmond Light and Railroad Company—4% First and collateral trust purchase money mortgage fifty-year bonds due 1952.

New Jersey Power & Light Company: First mortgage bonds, 4½% Series due 1960.

* * * * *

The remainder of the proceeds derived from sale of portfolio securities having maturity dates subsequent to March 31, 1940, of companies which are not predominantly public utility companies to be invested in the following preferred stocks and debentures:

*Operating Company Debentures*

Florida Power Corporation: 5% Sinking Fund debentures due 1946.

*Operating Company Preferred Stocks*

Metropolitan Edison Company: $5, $6, and $7 Prior Preferred Stocks; and $5, $6, and $7 Cumulative Preferred Stocks.

New Jersey Power and Light Company: $5 and $6 Cumulative Preferred Stocks.

New York State Electric & Gas Corporation: 5½% Cumulative Preferred Stock.

Florida Power Corporation: 7% Cumulative Preferred Stock; 7% Cumulative Preferred Stock, Series A.

Eastern Shore Public Service Company: $6 and $6.50 Cumulative Preferred Stock.

*Holding Company Debentures*

NY PA NJ Utilities Company: Metropolitan Edison Corporation—6% Secured Unconsolidated Refunding Bond due 1961. Mohawk Valley Company—6% Consolidated Refunding Bond due 1981, 6% Consolidated Refunding Bond due 1991, 6% Debenture due 2031; Rochester Central Power Corporation—5% Debentures, Series A due 1953; 5% Secured Debentures due 1956.

* * * * *

All other funds available for investment to be invested in the aforementioned first mortgage bonds.

A hearing on said application as amended having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That the proposed investment program of applicant be and the same hereby is exempt from the provisions of section 9 (a) (1) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

1. That the prosecution of the proposed investment program shall be in compliance with the terms and conditions of, and for the purposes represented by, said application as amended;

2. That applicant report to this Commission, on the twentieth day of each month following the date of the order herein, all acquisitions of securities during the preceding month. Such report shall, as to income bonds and notes of Utilities Employees Securities Company and as to debentures of New England Capital Corporation reacquired during such preceding month from such employees or their estates, show the amount thereof, the price paid, whether such securities were originally issued to such employees, the name and address of the seller of such securities, and aggregate amount paid. Such report shall as to other securities purchased during such preceding month, specify each security acquired, the amount thereof, the cost per unit, the name of the broker or dealer through or from whom such security was purchased, the amount of all fees and commissions paid, and the total price for each purchase.

3. That all securities purchased (other than those originally acquired by employees from Utilities Employees Securities Company and New England Capital Corporation and repurchased at par from such employees or their estates) be purchased from or through brokers or dealers registered with this Commission under the Securities Exchange Act of 1934, and be not purchased directly or indirectly from associates or affiliates of applicant;

4. That applicant continue to follow the practice (so long as such practice does not constitute an illegal preference) of acquiring at par from estates of deceased employees, from employees who have left the System, and from employees who, in the opinion of the management or of those delegated by the management to decide such questions, are in dire financial need, the securities issued and sold by Utilities Employees Securities Company and by New England Capital Corporation to such employees;

5. That thirty days prior to the declaration of dividends on its Class A stock in excess of $2 per share per annum, applicant file with this Commission a notification of intention to declare such dividends;

6. That not more than $100.000 principal amount of any security (other than the income bonds and notes of Utilities Employees Securities Company and the debentures of New England Capital Corporation) be purchased during any twelve-month period;

7. That in purchasing securities, applicant shall not be exempt from any of the duties, responsibilities, or obligations under the Act, except those imposed by the provisions of section 9 thereof;

8. That applicant make no transfers from the reserve in its balance sheet entitled "Reserve for Guaranty Fund";

9. That this order shall terminate on February 17th, 1940, without prejudice to the right of applicant to apply for the extension or renewal thereof;

10. That the Commission reserve jurisdiction, after notice and opportunity for hearing, to revoke or modify this order if it appears that further purchases pursuant thereto would be inconsistent with any provisions of the Public Utility Holding Company Act of 1935, or any rule or regulation thereunder, or any terms or conditions of this order, or if it shall appear that further exemption of such purchases from the provisions of section 9 (a) (1) of said Act will be detrimental to the public interest or the interest of investors or consumers. Pending final determination respecting the revocation or modification of this order, the Commission may summarily suspend any or all further purchases thereunder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3123; Filed, August 24, 1939; 11:03 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23 day of August, A. D. 1939.

[File No. 56-58]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to Rule U-12D-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on September 1, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 29, 1939.

The matter concerned herewith is in regard to the proposed sale by Consolidated Electric and Gas Company, a registered holding company, of certain securities consisting of (1) Common Capital Stock and Unsecured Demand Notes of Citizens Gas Company, a subsidiary, and (2) Common Capital Stock, Preferred Stock, First Mortgage Bonds and Unsecured Demand Income Notes of Sussex Gas Company, a subsidiary, for a total consideration of $250,000, plus certain accrued interest. The application states that the prospective purchaser is J. B. Whitworth, Chestertown, Maryland, acting as an individual, and that after giving effect to the foregoing transaction, the purchaser will hold 100% of the voting power of Citizens Gas Company and 93.4% of the total voting power of Sussex Gas Company. It is proposed to use all or substantially all of the proceeds of the sale in the retirement of outstanding debt securities of the applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3124; Filed, August 24, 1939; 11:03 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of August, A. D. 1939.

[File No. 44-39]

IN THE MATTER OF ASSOCIATED GENERAL UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application under Rule U-12C-1 (b) pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named part;

*It is ordered*, That a hearing on such matter be held on September 18, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such

proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 13, 1939.

The matter concerned herewith is in regard to the proposed purchase in the open market from time to time as funds are available, and the retirement of any of the applicant's outstanding debt securities—the total amount of which outstanding at June 30, 1939, was stated to be:

| | |
|---|---|
| Income Bonds, due November 1, 1956, in principal amount | $92,570 |
| Income Debentures, due November 1, 1956, in principal amount | 608,760 |
| Income Debentures, due November 1, 1961, in principal amount | 946,090 |
| Total | 1,647,420 |

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3125; Filed, August 24, 1939; 11:03 a. m.]

SEP 5 1939

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
# FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 4 NUMBER 165

*Washington, Saturday, August 26, 1939*

## *The President*

### EXTENDING THE PERIOD FOR THE ESTABLISHMENT OF AN ADEQUATE SHIPPING SERVICE FOR, AND DEFERRING EXTENSION OF THE COASTWISE LAWS TO, CANTON ISLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 21 of the Merchant Marine Act, 1920 (ch. 250, 41 Stat. 997), provides:

"That from and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not now covered thereby, and the board is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: *Provided*, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor * * *;"

WHEREAS an adequate shipping service to accommodate the commerce and the passenger travel of Canton Island has not been established as provided in the aforesaid section;

WHEREAS the extension of the coastwise laws of the United States to Canton Island, as provided in the aforesaid section, is dependent upon the establishment of such adequate shipping service;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 21 of the Merchant Marine Act, 1920, do hereby declare and proclaim that the period for the establishment of an adequate shipping service for Canton Island is extended to January 1, 1940, and that the extension of the coastwise laws of the United States to Canton Island is deferred to January 1, 1940.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this 21" day of August, in the year of our Lord nineteen hundred and [SEAL] thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES
*Acting Secretary of State.*

[No. 2346]

[F. R. Doc. 39-3136; Filed, August 25, 1939; 11:29 a. m.]

### EXECUTIVE ORDER

ABOLISHING CUSTOMS COLLECTION DISTRICT NUMBER 44 (IOWA); EXTENDING LIMITS OF CUSTOMS COLLECTION DISTRICT NUMBER 39 (CHICAGO) TO INCLUDE THE STATE OF IOWA; AND REVOKING THE DESIGNATIONS OF DES MOINES, IOWA, OKLAHOMA CITY, OKLAHOMA, AND TULSA, OKLAHOMA, AS CUSTOMS PORTS OF ENTRY

By virtue of and pursuant to the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 609, 623 (U.S.C., title 19, sec. 2), it is ordered that the following changes be made in the customs field organization:

1. Customs Collection District No. 44 (Iowa), is hereby abolished.

2. The territory comprising the State of Iowa is hereby consolidated with, and made a part of, Customs Collection District No. 39 (Chicago), with headquarters at Chicago, Illinois.

3. The designation of the customs port of entry of Des Moines, Iowa, in Customs

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FEDERAL REGISTER

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Collection District No. 44 (Iowa), is hereby revoked.

4. The designations of the customs ports of entry of Oklahoma City, Oklahoma, and Tulsa, Oklahoma, in Customs Collection District No. 45 (Saint Louis), are hereby revoked.

This order shall become effective thirty days from the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 24, 1939.*

[No. 8225]

[F. R. Doc. 39-3128; Filed, August 25, 1939; 10:04 a. m.]

## EXECUTIVE ORDER

AMENDING SECTION 15 OF EXECUTIVE ORDER NO. 7845 OF MARCH 21, 1938, PRESCRIBING REGULATIONS RELATING TO ANNUAL LEAVE OF GOVERNMENT EMPLOYEES

By virtue of and pursuant to the authority vested in me by section 7 of the act of March 14, 1936, entitled "An act to provide for vacations to Government employees and for other purposes" (49 Stat. 1161), it is ordered that section 15 of Executive Order No. 7845, dated March 21, 1938,[1] prescribing regulations relating to annual leave of Government employees, be, and it is hereby, amended to read as follows:

"SEC. 15. Temporary employees who subsequently receive indefinite, emergency, probational, or permanent appointments in the same department or agency without break in service shall be entitled to 2½ days annual leave for each full month of service to the date of such indefinite, emergency, probational, or permanent appointment and thereafter at the rate of 2½ days per month, and shall be credited with such accumulated and current accrued leave as may be due, or charged with any unaccrued leave which may have been advanced."

This order shall be effective as of June 30, 1939, and shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 24, 1939.*

[No. 8226]

[F. R. Doc. 39-3143; Filed, August 25, 1939; 12:19 p. m.]

## EXECUTIVE ORDER

AMENDING SECTION 18 OF EXECUTIVE ORDER NO. 7846 OF MARCH 21, 1938, PRESCRIBING REGULATIONS RELATING TO SICK LEAVE OF GOVERNMENT EMPLOYEES

By virtue of and pursuant to the authority vested in me by section 7 of the act of March 14, 1936, entitled "An act to standardize sick leave and extend it to all civilian employees" (49 Stat. 1162), it is ordered that section 18 of Executive Order No. 7846, dated March 21, 1938,[1] prescribing regulations relating to sick leave of Government employees, be, and it is hereby, amended to read as follows:

"SEC. 18. Sick leave accumulated during temporary appointment shall be credited to an employee who receives an indefinite, emergency, probational, or permanent appointment in the same department or agency without break in service but shall not be transferable elsewhere under any circumstances."

This order shall be effective as of June 30, 1939, and shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 24, 1939.*

[No. 8227]

[F. R. Doc. 39-3144; Filed, August 25, 1939; 12:19 p. m.]

[1] 3 F.R. 715 DI.

## *Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 501 (Supersedes B.P.Q. 344)]

SEC. 319.56-2b—ADMINISTRATIVE INSTRUCTIONS; CONDITIONS GOVERNING THE ENTRY OF ACORNS AND CHESTNUTS

AUGUST 21, 1939.

The importation of acorns and chestnuts into the United States for purposes other than propagation, from all foreign countries and localities, except Canada, is authorized under permit under the provisions of Quarantine No. 56 (Fruit and Vegetable Quarantine) (Sec. 319.56) as follows:

*Authorized ports of entry.* Permits are issued on any port in the United States where this Bureau maintains inspection service in the enforcement of foreign plant quarantines.

*Inspection.* All shipments are subject to inspection as a condition of entry.

*Freedom from living stages of injurious insects.* Shipments shall be free of living stages of injurious insects including the European codling moth, *Laspeyresia (Carpocapsa) splendana*, and chestnut weevils, *Balaninus* spp., as a condition of release.

*Infested shipments.* A shipment found to be infested with living stages of injurious insects shall be immediately destroyed unless in the judgment of the inspector it can be disposed of under adequate safeguards as the inspector may require in regard to handling, routing, etc., in one of the following ways:

1. Immediate exportation.
2. Treatment at the first port of arrival.
3. Shipment from a port of arrival where no treatment facilities are available to a port where such facilities are available.

*Approved treating plants.* Shipments required to be treated as a condition of entry shall be treated under the supervision of an inspector of the Bureau of Entomology and Plant Quarantine at plants approved for the purpose by this Bureau. Approved plants are at present located at New York, San Pedro (Los Angeles), San Francisco, and Seattle.

*Canada.* Acorns and chestnuts grown in and shipped from Canada are enterable without permit or other restriction when imported for purposes other than propagation. (Issued under Sec. 319.56-2) [B.E.P.Q. 501, Aug. 21, 1939]

[SEAL] AVERY S. HOYT,
*Acting Chief.*

[F. R. Doc. 39-3127; Filed, August 25, 1939; 9:30 a. m.]

[1] 3 F.R. 717 DI.

## DIVISION OF MARKETING AND MARKETING AGREEMENTS

[Order No. 32, as amended]

### MARKETING ORDERS

PART 912—ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA*

Sec.
932.0 Findings.
932.1 Definitions.
932.2 Market administrator.
932.3 Classification of milk.
932.4 Minimum prices.
932.5 Reports of handlers.
932.6 Handlers who are also producers.
932.7 Determination of uniform prices to producers.
932.8 Payments for milk.
932.9 Marketing services.
932.10 Amendment, suspension, or termination of order, as amended.
932.11 Liability.

Whereas, under the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture of the United States is empowered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary, on January 23, 1937, issued a marketing agreement regulating the handling of milk in the Fort Wayne, Indiana, marketing area, which marketing agreement became effective on February 1, 1937; and

Whereas, under the terms and provisions of said act, the Secretary of Agriculture is empowered to issue orders applicable to processors, producers, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary, having reason to believe that the execution of an amendment to the aforementioned marketing agreement and the issuance of an order with respect to the handling of milk in the Fort Wayne, Indiana, marketing area would tend to effectuate the declared policy of said act, gave, on the 24th day of June 1938, notice of a public hearing to be held at Fort Wayne, Indiana, on the 6th day of July 1938; and

Whereas, the Secretary on the 30th day of August 1938 tentatively approved an amendment to the marketing agreement regulating the handling of milk in the Fort Wayne, Indiana, marketing area; and

Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the provisions of Title I of Public Act No. 10, 73d Congress, as amended (48 Stat. 31), issued on October 11, 1938,[1] Order No. 32 regulating the handling of milk in the Fort Wayne, Indiana, marketing area, said order being effective October 15, 1938; and

Whereas, the Secretary having reason to believe that said marketing agreement and said order should be further amended, gave, on the 21st day of March 1939,[2] notice of a public hearing to be held at Indianapolis, Indiana, on the 28th day of March 1939, on a proposal to amend the provisions of said tentatively approved marketing agreement, as amended, and of said order, said hearing being reopened at Indianapolis, Indiana, on the 13th day of June 1939, for the purpose of receiving additional evidence, and at said times and place conducted public hearings at which all interested parties were afforded an opportunity to be heard on said proposal; and

Whereas, at such hearings and after the tentative approval on the 18th day of July 1939, by the Secretary of a marketing agreement, as amended, handlers of more than 50 percent of the volume of milk covered by this order, as amended, which is marketed within the Fort Wayne, Indiana, marketing area refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk; and

Whereas, the Secretary determined on the 14th day of August, 1939, said determination being approved by the President of the United States on 21st day of August 1939,[3] that said refusal or failure tends to prevent the effectuation of the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), and that this order, as amended, is the only practical means pursuant to such policy of advancing the interests of producers of milk in said area and is approved or favored by over 67 percent of the producers voting in a referendum, who during the month of May 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in the Fort Wayne, Indiana, marketing area; and

Whereas, the Secretary finds upon the evidence introduced at the above-mentioned hearings, said findings being in addition to the findings made upon the evidence introduced at the hearings on said order and to the other findings made prior to or at the time of the original issuance of said order (which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth):

§ 932.0 *Findings.* 1. That the classification of milk into three classes is a proper basis for the pricing of milk which is disposed of by handlers;

2. That the prices calculated to give milk handled in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8e of the act are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply and demand for such milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect such factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

3. That this order, as amended, regulates the handling of milk in the same manner as and is applicable only to the handlers defined in a marketing agreement, as amended, upon which hearings have been held; and

4. That the issuance of the order, as amended, and all of its terms and conditions will tend to effectuate the declared policy of the act.

Now, therefore, the Secretary of Agriculture pursuant to the powers conferred upon him by the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agree-

*Section 932.0 to and including Section 932.11 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. 601 et seq. (Sup. IV 1938).

[1] 3 F.R. 2463 DI.
[2] 4 F.R. 2355 DI.

[3] See page 3740.

ment Act of 1937, hereby orders that such handling of milk in the Fort Wayne, Indiana, marketing area, as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce, shall from the effective date hereof be in compliance with the following terms and conditions:

§ 932.1 *Definitions*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "Fort Wayne, Indiana, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of Fort Wayne, Indiana, and the territory within 4 miles of the corporate limits of Fort Wayne, Indiana.

(2) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(3) The term "producer" means any person, irrespective of whether such person is also a handler, who, in conformity with the health requirements applicable for milk to be sold for consumption as milk in the marketing area, produces milk which is received at the plant of a handler from which milk or cream is disposed of in the marketing area.

(4) The term "distributor" means any person so defined in chapter 281 of the acts of the General Assembly of the State of Indiana for the year 1935 who handles milk which is disposed of as milk or cream in the marketing area.

(5) The term "handler" means any person, irrespective of whether such person is a producer or an association of producers, wherever located or operating, who engages in such handling of milk which is disposed of as milk or cream in the marketing area, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products.

(6) The term "market administrator" means the person designated pursuant to Sec. 932.2 as the agency for the administration hereof and designated by the Milk Control Board of Indiana as the administrator of the complementary order of said board regulating the handling of milk in the marketing area.

(7) The term "delivery period" means the current marketing period from the 1st to and including the last day of each month.

(8) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(9) The term "Secretary" means the Secretary of Agriculture of the United States.

§ 932.2 *Market administrator*—(a) *Selection, removal and bond.* The market administrator shall be selected by the Secretary and shall be subject to removal by him at any time. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as may be determined by the Secretary.

(c) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof; and

(2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof.

(d) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request; and

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person, who, within 15 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to Sec. 932.5 or (b) made payments pursuant to Sec. 932.8.

(e) *Responsibility.* The market administrator, in his capacity as such, shall not be held responsible in any way whatsoever to any handler or any other person for errors in judgment, for mistakes, or for other acts either of commission or omission, except for his own wilful misfeasance, malfeasance, or dishonesty.

§ 932.3 *Classification of milk*—(a) *Sales and use classification.* Milk purchased or handled by handlers shall be classified as follows:

(1) All milk disposed of as milk, and all milk not specifically accounted for as Class II milk and Class III milk shall be Class I milk;

(2) All milk used to produce cream which is disposed of as cream shall be Class II milk;

(3) All milk from which the butterfat is disposed of as a milk product, other than cream which is disposed of as cream, and all milk accounted for as actual plant shrinkage but not exceeding 3 percent of the total receipts of milk, shall be Class III milk.

(b) *Interhandler and nonhandler sales.* Milk disposed of by a handler to another handler or to a person not a handler who distributes milk or manufactures milk products shall be presumed to be Class I milk. In the event that such selling handler, on or before the date fixed for filing reports pursuant to Sec. 932.5, furnishes proof satisfactory to the market administrator that such milk has been disposed of by such purchaser other than as Class I milk, then, and in that event, such milk shall be classified in accordance with such proof.

§ 932.4 *Minimum prices*—(a) *Class I price.* Each handler shall pay producers, in the manner set forth in Sec. 932.8; for the 4 percent butterfat content equivalent of Class I milk received at such handler's plant not less than $2.15 per hundredweight.

(b) *Class II price.* Each handler shall pay producers, in the manner set forth in Sec. 932.8, for the 4 percent butterfat content equivalent of Class II milk received at such handler's plant not less than $1.85 per hundredweight.

(c) *Class III price.* Each handler shall pay producers, in the manner set forth in Sec. 932.8, for the 4 percent butterfat content equivalent of Class III milk received at such handler's plant not less than that price per hundredweight, calculated for each delivery period by the market administrator as follows: multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 30 percent thereof: Provided, That for a quantity of Class III milk not to exceed 15 percent of the 4 percent butterfat content equivalent of the Class I milk and Class II milk disposed of by such handler, each handler shall pay producers, in the manner set forth in Sec. 932.8 not less than that price per hundredweight, calculated for each delivery period by the market administrator as follows: multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 10 cents.

§ 932.5 *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day after the end of each delivery period each handler shall, with respect to milk or cream which was, during such delivery period, (a) received from producers, (b) received from handlers, and (c) produced by such handler, report to the market administrator, in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant from producers who are not handlers;

(2) The receipts at each plant from any other handler, including any handler who is also a producer;

(3) The quantity, if any, produced by such handler; and

(4) The respective quantities of milk which were disposed of, including sales to other handlers, for the purpose of classification pursuant to Sec. 932.3.

(b) *Reports as to producers.* Each handler shall report to the market administrator:

(1) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (a) the name and address, (b) the total pounds of milk received, (c) the average butterfat test of milk received, and (d) the number of days upon which milk was received; and

(2) As soon as possible after first receiving milk from any producer (a) the name and address of such producer, (b) the date upon which such milk was first received, and (c) the plant at which such milk was received.

(c) *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 20th day after the end of each delivery period his producer pay roll for such delivery period which shall show for each producer (a) the net amount of such producer's payment with the prices, deductions, and charges involved, and (b) the total delivery of milk with the average butterfat test thereof.

(d) *Verification of reports.* Each handler shall permit the market administrator or his agent, during the usual hours of business, to (a) verify the information contained in reports submitted in accordance with this section and (b) weigh milk received from each producer and sample and test milk for butterfat.

§ 932.6 *Handlers who are also producers.* (a) With respect to each handler who is also a producer:

(1) The market administrator shall, subject to the condition set forth in subparagraph (2) of this paragraph, exclude from the computations made pursuant to Sec. 932.7 (a), the quantity of milk produced and disposed of by such handler: *Provided*, That where any such handler has purchased or received milk from other producers the value of the milk purchased or received shall be computed under Sec. 932.7 (a) as follows: the quantity of such milk shall be ratably apportioned among such handler's total Class I milk, Class II milk, and Class III milk (after excluding purchases or receipts, if any, from other handlers) and multiplied by the Class I, Class II, and Class III prices, respectively.

(2) The market administrator shall, upon prior written notice from such handler of the exercises thereof, grant the option of having all milk produced by such handler included in the computation made pursuant to Sec. 932.7 (a) in lieu of the provisions of subparagraph (1) of this paragraph.

(3) The market administrator in computing the value of milk for any handler pursuant to Sec. 932.7 (a) shall consider as Class III milk any milk or cream received in bulk by any such handler from a handler who distributes part of his own production and who has not exercised the option set forth in subparagraph (2) of this paragraph. If such buying handler disposes of such milk or cream for other than Class III purposes, the market administrator shall add to the total value computed pursuant to Sec. 932.7 (a) the difference between (a) the value of such milk or cream at the Class III price and (b) the value according to its actual usage.

§ 932.7 *Determination of uniform prices to producers*—(a) *Computation of the value of milk for each distributor.* For each delivery period the market administrator shall compute from the report of each distributor the value of milk disposed of by such distributor, which was not purchased or received from other distributors, as follows:

(1) Multiply by the class I price the hundredweight of milk computed as follows: divide by 4 the butterfat contained in the total weight of the units of Class I milk determined by multiplying the total weight of milk contained in the several units of Class I milk by the average butterfat test of such units;

(2) Multiply by the Class II price the hundredweight of milk computed as follows: divide by 4 the butterfat contained in the total weight of the product of Class II milk determined by multiplying the total weight of the product of Class II milk by its average butterfat test;

(3) Multiply by the Class III prices the hundredweight of milk computed as follows: divide by 4 the butterfat contained in the total weight of the products of Class III milk determined by multiplying the total weight of each of the products of Class III milk by its average butterfat test;

(4) Combine into one total the hundredweight of milk computed pursuant to subparagraphs (1), (2), and (3) of this paragraph;

(5) Combine into one total the values of the milk computed pursuant to subparagraphs (1), (2), and (3) of this paragraph;

(6) If the hundredweight of milk computed pursuant to subparagraph (4) of this paragraph is less than the hundredweight of milk received from producers, multiply such difference by 10 cents per hundredweight; add such amount to the value of milk computed pursuant to subparagraph (5) of this paragraph; and add to the computed hundredweight of milk an amount representing the difference between such hundredweight and the hundredweight of milk received from producers; and

(7) If the hundredweight of milk computed pursuant to subparagraph (4) of this paragraph is greater than the hundredweight of milk received from producers, multiply such difference by 10 cents per hundredweight; subtract such amount from the value of milk computed pursuant to subparagraph (5) of this paragraph; and subtract from the computed hundredweight of milk an amount representing the difference between such hundredweight and the hundredweight of milk received from producers.

(b) *Computation and announcement of uniform prices.* The market administrator shall, for each delivery period, make computations and announce the uniform price per hundredweight of milk received by handlers and distributors during each delivery period as follows:

(1) Combine into one total the respective values of milk computed pursuant to paragraph (a) of this section for each distributor who made the payments required of him for the previous delivery period;

(2) For all milk received from a producer who did not regularly sell milk during a period of 30 days next preceding February 1, 1937, subtract an amount computed by multiplying by the lower Class III price the hundredweight of milk received from such producer. Such computation shall be made for all milk received from each such producer during the period beginning with his first regular delivery of milk and continuing until the end of 2 full calendar months following the date of such first delivery of milk;

(3) If the hundredweight of milk computed pursuant to subparagraph (4) of paragraph (a) is less than the hundredweight of milk received from producers, add an amount computed by multiplying such difference by 4 times the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received;

(4) If the hundredweight of milk computed pursuant to subparagraph (4) of paragraph (a) is greater than the hundredweight of milk received from producers, subtract an amount computed by multiplying such difference by 4 times the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received;

(5) Divide by the hundredweight of milk received from producers, other than milk represented by the amount subtracted in subparagraph (2) of this paragraph;

(6) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining a cash balance in connection with the payments set forth in Sec. 932.8(a)(3);

(7) Add an amount per hundredweight of milk which will prorate any cash balance available pursuant to paragraph (c) of this section; and

(8) On or before the 10th day after the end of each delivery period the market administrator shall notify each handler and each distributor of the uniform price for milk, of the Class III price, and of the butterfat differential, computed pursuant to Sec. 932.8 (c), and shall make public announcement of the computation of the uniform price.

(c) *Proration of cash balance.* For each delivery period the market admin-

istrator shall prorate by an appropriate addition pursuant to subparagraph (7) of paragraph (b) of this section, the cash balance, if any, available from payments received by him during the next preceding delivery period to meet obligations arising out of Sec. 932.8(a)(3).

§ 932.8 *Payments for milk*—(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period each handler shall make payment for the total value of milk received from producers during such delivery period, computed according to Sec. 932.7 (a), subject to the butterfat differential set forth in paragraph (c) of this section, as follows:

(1) To producers located outside the State of Indiana, at not less than the uniform price per hundredweight, computed pursuant to Sec. 932.7 (b) for all milk received from each such producer;

(2) To any producer located outside the State of Indiana who did not regularly dispose of milk in the marketing area during a period of 30 days next preceding February 1, 1937, at the lower Class III price for all the milk received from such producer during the period beginning with the first regular delivery of such producer and continuing until the end of 2 full calendar months following the date of such first delivery of milk; and

(3) To producers, through the market administrator, by paying to or receiving from the market administrator, as the case may be, the amount by which the sum representing the payments to be made by such handler, as a handler, pursuant to subparagraphs (1) and (2) of this paragraph, and, as a distributor, pursuant to the complementary order of the Milk Control Board of Indiana regulating the handling of milk in the marketing area, is less than or exceeds the total value of milk computed for such handler pursuant to Sec. 932.7 (a), as shown in a statement rendered by the market administrator on or before the 10th day after the end of such delivery period.

(b) *Errors in payments.* Errors in making the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors.

(c) *Butterfat differential.* If any handler has received from any producer, during the delivery period, milk having an average butterfat content other than 4 percent, such handler in making payments pursuant to paragraph (a) of this section shall add to the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk above 4 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk below 4 percent not more than, an amount computed as follows: divide by 10 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received.

(d) *Advance payments.* Nothing contained in this section shall be construed as preventing the making, by any handler, of advance payments to producers for current deliveries of milk.

§ 932.9 *Marketing services*—(a) *Deductions for marketing services.* Each handler shall deduct an amount not exceeding 3 cents per hundredweight (the exact amount to be determined by the market administrator, subject to review by the Secretary) from the payments made direct to producers pursuant to subparagraphs (1) and (2) of Sec. 932.8 (a), with respect to all milk received by such handler during the delivery period from such producers, and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Except as set forth in paragraph (b) of this section such moneys shall be expended by the market administrator for market information to, and for verification of weights, samples, and tests of milk received from said producers.

(b) *Payment to an association.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing (as determined by the market administrator, subject to review by the Secretary) the services set forth in paragraph (a) of this section, the market administrator may pay to such association, with respect to the deliveries of milk of producers who are members of, or who are marketing their milk through, such association, and who received payment for milk pursuant to Sec. 932.8 (a) (1), an amount per hundredweight equal to the per hundredweight deduction made from all producers pursuant to paragraph (a) of this section.

§ 932.10 *Amendment, suspension, or termination of order, as amended*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order, as amended.* The Secretary may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: Provided, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 932.11 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

Now, therefore, Harry L. Brown, Acting Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, hereby executes and issues in duplicate this order, as amended, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 24th day of August 1939, and declares this order, as amended, to be effective on and after the 1st day of September 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3141; Filed, August 25, 1939; 12:17 p. m.]



## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4927]

### EXCESS-PROFITS TAX

### REGULATIONS RELATING TO THE EXCESS-PROFITS TAX IMPOSED BY SUBCHAPTER B OF CHAPTER 2 OF THE INTERNAL REVENUE CODE*†

*To Collectors of Internal Revenue and Others Concerned:*

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§ 21.0 *Introductory.* (a) Chapter 6 (Capital Stock Tax) of the Internal Revenue Code (53 Stat. Part 1), amended by the addition of subsection (e) to section 1202, by section 301, Revenue Act of 1939, approved June 29, 1939, Public, No. 155, Seventy-sixth Congress, first session, provides in part:

SEC. 1200. TAX.

(a) DOMESTIC CORPORATIONS. For each year ending June 30, beginning with the year ending June 30, 1939, there shall be imposed upon every domestic corporation with respect to carrying on or doing business for any part of such year an excise tax of $1 for each $1,000 of the adjusted declared value of its capital stock.

(b) FOREIGN CORPORATIONS. For each year ending June 30, beginning with the year ending June 30, 1939, there shall be imposed upon every foreign corporation with respect to carrying on or doing business in the United States for any part of such year an excise tax equivalent to $1 for each $1,000 of the adjusted declared value of capital employed in the transaction of its business in the United States.

SEC. 1201. EXEMPTIONS. (a) The taxes imposed by section 1200 shall not apply—

(1) CORPORATIONS EXEMPT FROM INCOME TAX. To any corporation enumerated in section 101;

(2) INSURANCE COMPANIES. To any insurance company subject to the tax imposed by section 201, 204, or 207.

(b) COMMON TRUST FUNDS. For exemption of common trust funds from the capital stock tax, see section 169 (b) of chapter 1.

SEC. 1202. ADJUSTED DECLARED VALUE.

(a) DECLARATION YEAR. (1) The adjusted declared value shall be determined with respect to three-year periods beginning with the year ending June 30, 1938, and each third year thereafter. The first year of each such three-year period, or, in case of a corporation not subject to the tax imposed for such year, the first year of such three-year period for which the corporation is subject to such tax, shall constitute a "declaration year."

(2) For the declaration year of the first three-year period the adjusted declared value shall be the value as declared by the corporation in its return under section 601 of the Revenue Act of 1938, 52 Stat. 565, for the year ended June 30, 1938, or in the case of a corporation not subject to the tax imposed for such year, the value as declared in its return filed under this chapter for the first year with respect to which it is subject to the tax. For each subsequent three-year period, the adjusted declared value for a declaration year shall be the value as declared by the corporation in its return for such declaration year. The value declared by a corporation in its return for a declaration year (which declaration of value cannot be amended) shall be as of the close of its last income-tax taxable year ending with or prior to the close of such declaration year (or as of the date of organization in the case of a corporation having no income-tax taxable year ending with or prior to the close of such declaration year).

(b) SUBSEQUENT YEARS.—(1) DOMESTIC CORPORATIONS. For each year of any three-year period subsequent to the declaration year, the adjusted declared value in the case of a domestic corporation shall be the value declared in the return for the declaration year plus—

(A) the cash, and the fair market value of property, paid in for stock or shares,

(B) paid-in surplus and contributions to capital,

(C) its net income,

(D) its income wholly exempt from Federal income tax, and

(E) the amount, if any, by which the deduction for depletion exceeds the amount which would be allowable if computed without regard to discovery value or to percentage depletion, under section 114 (b) (2), (3), or (4) of chapter 1 or a corresponding section of a later Revenue Act;

and minus—

(i) the cash, and the fair market value of property, distributed to shareholders,

(ii) the amount disallowed as a deduction by section 24 (a) (5) of chapter 1 or a corresponding provision of a later Revenue Act, and

(iii) the excess of the deductions allowable for income tax purposes over its gross income.

The adjustments provided in this paragraph shall be made for each income-tax taxable year included in the three-year period from the date as of which the value was declared in the return for the declaration year to the close of the last income-tax taxable year ending with or prior to the close of the year for which the tax is imposed by this section. The amount of such adjustment for each such year shall be computed (on the basis of a separate return) according to the income tax law applicable to such year.

(2) FOREIGN CORPORATIONS. For each year of any three-year period subsequent to the declaration year, the adjusted declared value in the case of a foreign corporation shall be the value declared in the return for the declaration year adjusted (for the same income-tax taxable years as in the case of a domestic corporation), in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, to reflect increases or decreases in the capital employed in the transaction of its business in the United States.

(c) CORPORATIONS IN BANKRUPTCY OR RECEIVERSHIP. The capital-stock tax year beginning with or within an income-tax taxable year within which bankruptcy or receivership, due to insolvency, of a domestic corporation, is terminated shall constitute a declaration year. In such case the adjusted declared value of any subsequent year of the three-year period shall be determined on the basis of the value declared in the return for such declaration year.

(d) CREDIT FOR CHINA TRADE ACT CORPORATIONS. For the purpose of the tax imposed by section 1200 there shall be allowed in the case of a corporation organized under the China Trade Act, 1922, 42 Stat. 849 (U.S.C., Title 15, c. 4), as a credit against the adjusted declared value of its capital stock, an amount equal to the proportion of such adjusted declared value which the par value of the shares of stock of the corporation, owned on the last day of the taxable year by (1) persons resident in China, the United States, or possessions of the United States, and (2) individual citizens of the United States or China wherever resident, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date. For the purposes of this subsection shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested; and as used in this subsection the term "China" shall have the same meaning as when used in the China Trade Act, 1922.

(e) ADDITIONAL DECLARATION YEARS. In the case of any domestic corporation, the year ending June 30, 1939, and the year ending June 30, 1940, shall each, if not otherwise a declaration year, constitute an additional declaration year if with respect to such year (1) the taxpayer so elects (which election cannot be changed) in its return filed before the expiration of the statutory filing period or any authorized extension thereof, and (2) the value declared by the taxpayer is in excess of the adjusted declared value computed under paragraph (1) of subsection (b). If, under this subsection, the year ending June 30, 1939, is a declaration year, the computation, under paragraph (1) of subsection (b), of the adjusted declared value for the year ending June 30, 1940, shall be made on the basis of the value declared for the year ending June 30, 1939.

(b) Subchapter B of Chapter 2 of the Internal Revenue Code provides:

SEC. 600. RATE OF TAX.

If any corporation is taxable under section 1200 with respect to any year ending June 30, there shall be imposed upon its net income for the income-tax taxable year ending after the close of such year, an excess-profits tax equal to the sum of the following:

6 per centum of such portion of its net income for such income-tax taxable year as is in excess of 10 per centum and not in excess of 15 per centum of the adjusted declared value;

12 per centum of such portion of its net income for such income-tax taxable year as is in excess of 15 per centum of the adjusted declared value.

SEC. 601. ADJUSTED DECLARED VALUE.

The adjusted declared value shall be determined as provided in section 1202 as of the close of the preceding income-tax taxable year (or as of the date of organization if it had no preceding income-tax taxable year). If the income-tax taxable year in respect of which the tax under section 600 is imposed is a period of less than 12 months, such adjusted declared value shall be reduced to an amount which bears the same ratio thereto as the number of months in the period bears to 12 months.

SEC. 602. NET INCOME.

For the purposes of this subchapter the net income shall be the same as the net income for income-tax purposes for the year in respect of which the tax under section 600 is imposed, computed without the deduction of the tax imposed by section 600, but with a credit against net income equal to the credit for dividends received provided in section 26 (b) of chapter 1.

*Sections 21.0 to 21.9 issued under the authority contained in sections 62 and 603 of the Internal Revenue Code (53 Stat. Part 1) and interpret sections 600 to 603 of the Code (53 Stat. Part 1).

†The source of sections 21.0 to 21.9 is Treasury Decision 4927, approved August 23, 1939.

SEC. 603. OTHER LAWS APPLICABLE.
All provisions of law (including penalties) applicable in respect of the taxes imposed by chapter 1, shall, insofar as not inconsistent with this subchapter, be applicable in respect of the tax imposed by section 600, except that the provisions of section 131 of that chapter shall not be applicable.

SEC. 604. PUBLICITY OF RETURNS.
For provisions with respect to publicity of returns under this subchapter, see subsection (a) (2) of section 55.

(c) Section 53 of Chapter 1 of the Internal Revenue Code provides in part:

SEC. 53. TIME AND PLACE FOR FILING RETURNS.
(a) TIME FOR FILING—(1) GENERAL RULE. Returns made on the basis of the calendar year shall be made on or before the 15th day of March following the close of the calendar year. Returns made on the basis of a fiscal year shall be made on or before the 15th day of the third month following the close of the fiscal year.
(2) EXTENSION OF TIME. The Commissioner may grant a reasonable extension of time for filing returns, under such rules and regulations as he shall prescribe with the approval of the Secretary. Except in the case of taxpayers who are abroad, no such extension shall be for more than six months.
(b) TO WHOM RETURN MADE.—
* * * * *
(2) CORPORATIONS. Returns of corporations shall be made to the collector of the district in which is located the principal place of business or principal office or agency of the corporation, or, if it has no principal place of business or principal office or agency in the United States, then to the collector at Baltimore, Maryland.

(d) Section 145 of Chapter 1 of the Internal Revenue Code provides in part:

SEC. 145. PENALTIES.
(a) FAILURE TO FILE RETURNS, SUBMIT INFORMATION, OR PAY TAX. Any person required under this chapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this chapter, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.
(b) FAILURE TO COLLECT AND PAY OVER TAX, OR ATTEMPT TO DEFEAT OR EVADE TAX. Any person required under this chapter to collect, account for, and pay over any tax imposed by this chapter, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this chapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.
(c) PERSON DEFINED. The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

(e) Section 62 of Chapter 1 of the Internal Revenue Code provides:

SEC. 62. RULES AND REGULATIONS.
The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

(f) Pursuant to the above-quoted provisions of the Internal Revenue Code and other provisions of the Code, the following regulations are hereby prescribed with respect to the excess-profits tax imposed by the Internal Revenue Code:*†

§ 21.1 *Definitions.* As used in these regulations, the term—

(a) *"Adjusted declared value"* means in the case of a domestic corporation the adjusted declared value of its capital stock as determined under section 1202 of the Internal Revenue Code, as amended by section 301 of the Revenue Act of 1939, and the regulations issued respecting the capital stock tax imposed by section 1200 of such Code and in the case of a foreign corporation the adjusted declared value of capital employed in the transaction of its business in the United States as determined under such section 1202, as amended, and the regulations issued in reference thereto.

(b) *"Tax"*, except as otherwise indicated, means the excess-profits tax imposed by section 600 of the Internal Revenue Code.

(c) *"Income-tax taxable year"* means the calendar year, the fiscal year ending during such calendar year, or the fractional part of a year, upon the basis of which the corporation's net income is computed and for which its income tax returns are made for Federal income tax purposes.

(d) *"Net income"* means (1) "net income" within the contemplation of section 21 of the Internal Revenue Code, or (2) in the case of an income-tax taxable year governed by the Revenue Act of 1938, "net income" within the contemplation of section 21 of the Revenue Act of 1938. Neither the amount of income tax imposed by the Internal Revenue Code or by prior laws, nor the amount of the excess-profits tax imposed by the Internal Revenue Code or by prior laws, shall be deducted from net income in computing the excess-profits tax and none of the credits allowed corporations against net income for income tax purposes are applicable in respect of the excess-profits tax except the credit against net income equal to the credit for dividends received provided in section 26 (b) of the Internal Revenue Code and in section 26 (b) of the Revenue Act of 1938.*†

§ 21.2 *Scope of tax.* The excess-profits tax, imposed by section 600 of the Internal Revenue Code, is imposed upon the net income of every corporation for each income-tax taxable year ending after the close of any year ending June 30 in respect of which the corporation is subject to the capital stock tax imposed by section 1200 of the Internal Revenue Code.*†

§ 21.3 *Measure and rate of tax—(a) Domestic and foreign corporations.* The tax is imposed in an amount equal to the sum of (1) 6 percent of such portion of the corporation's net income for the income-tax taxable year as is in excess of 10 percent and not in excess of 15 percent of the adjusted declared value plus (2) 12 percent of such portion of its net income for the income-tax taxable year as is in excess of 15 percent of the adjusted declared value, as of the close of the last preceding income-tax taxable year (or as of the date of organization if the corporation had no preceding income-tax taxable year).

(b) *Adjusted declared value.* No variation is permitted between the adjusted declared value set forth in the corporation's capital stock tax return and the adjusted declared value set forth in its excess-profits tax return, except that in the case of an excess-profits tax return for an income-tax taxable year which is a period of less than twelve months the adjusted declared value set forth in its capital stock tax return shall be reduced to an amount which bears the same ratio thereto as the number of months in the period bears to twelve months. The first return of a corporation covering the part of a year in which it was incorporated, or the final return of a corporation covering the part of the year in which it was dissolved, is a return for twelve months and not for a period of less than twelve months, for the purposes of these regulations.*†

§ 21.4 *Method of computation, example.* The application of the provisions of section 21.3 of these regulations may be illustrated generally by the following example:

*Example.* The M Corporation, the income-tax taxable year of which is the calendar year, is subject to the capital stock tax imposed by section 1200, as amended, of the Internal Revenue Code, for the year ending June 30, 1939. The value declared in its capital stock tax return for the year ending June 30, 1939, of its capital stock as of the close of its preceding income-tax taxable year (the calendar year 1938) is $100,000. The net income of the corporation for the calendar year 1939, determined under the Internal Revenue Code, is $25,000. (The net income for income-tax taxable years beginning after December 31, 1938, shall be determined under the Internal Revenue Code.) During its taxable year the corporation received dividends from corporations subject to taxation under Chapter 1 of the Internal Revenue Code, amounting to $5,000. The excess-profits tax for the calendar year 1939 is $990, computed as follows:

| | |
|---|---|
| Net income for calendar year 1939 | $25,000 |
| Less: Credit for dividends received (85 percent of $5,000) | 4,250 |
| Balance of net income | 20,750 |
| Less: 10 percent of the value declared in the capital stock tax return for the year ending June 30, 1939, of the capital stock as of December 31, 1938 (10 percent of $100,000) | 10,000 |
| Net income subject to excess-profits tax | 10,750 |
| Less: Amount taxable at 6 percent, portion of net income in excess of 10 percent and not in excess of 15 percent of the adjusted declared value of the capital stock as of December 31, 1938 ($15,000 minus $10,000) | 5,000 |
| Amount taxable at 12 percent | 5,750 |
| Excess-profits tax at 6 percent (6 percent of $5,000) | 300 |
| Excess-profits tax at 12 percent (12 percent of $5,750) | 690 |
| Total excess-profits tax ($300 plus $690) | 990 |

§ 21.5 *Returns.* Every corporation which is subject to the capital stock tax imposed by section 1200 of the Internal Revenue Code, for any year shall make an excess-profits tax return for each income-tax taxable year which ends after the close of the year in respect of which it is subject to such capital stock tax. There is no provision in the Internal Revenue Code which authorizes the making of a consolidated return by an affiliated group of corporations for the purpose of the excess-profits tax imposed by section 600 of the Internal Revenue Code. Accordingly, every corporation which is liable for the making of an excess-profits tax return under section 600 of the Internal Revenue Code (for any income-tax taxable year ending after June 30, 1939), whether or not such corporation is a member of an affiliated group of corporations, must make its excess-profits tax return and compute its net income separately, without regard to the provisions of section 141 of the Internal Revenue Code.

The excess-profits tax return shall be made within the time prescribed for making the corporation's Federal income tax return for the income-tax taxable year, and shall be made to the collector of internal revenue to whom such income tax return is required to be made.*†

§ 21.6 *Payment of tax.* The excess-profits tax for any income-tax taxable year shall be paid within the time prescribed for paying the Federal income tax for such taxable year.*†

§ 21.7 *Credits against tax prohibited.* Foreign income and profits taxes may not be credited against the excess-profits tax imposed by section 600 of the Code.*†

§ 21.8 *Determination of tax, assessment, collection.* The determination, assessment, and collection of the tax, and the examination of returns and claims in connection therewith, will be made under such procedure as may be prescribed from time to time by the Commissioner.*†

§ 21.9. *Previous regulations superseded.* These regulations supersede any previous regulations relative to excess-profits tax imposed by section 600 of the Internal Revenue Code.*†

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: August 23, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3129; Filed, August 25, 1939; 10:20 a. m.]





[T. D. 4928]

## SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

### PART 182—SALES OF DENATURED ALCOHOL, DENATURED RUM AND ARTICLES

*To District Supervisors, and Others Concerned:*

Pursuant to the authority in Sections 3105 (a), 3124 (a) (6), and 3111, Internal Revenue Code, Article 146–A of Regulations No. 3 is hereby amended by striking out the following paragraph:

"No person shall sell denatured alcohol, denatured rum, or any substance or preparation in the manufacture of which denatured alcohol or denatured rum is used, under circumstances from which he might reasonably deduce that it is the intention of the purchaser to procure the same for use for beverage purposes."

and substituting in lieu thereof the following:

"No person shall sell denatured alcohol, denatured rum, or any substance or preparation made with or containing denatured alcohol or denatured rum, for use, or for sale for use, for beverage purposes; nor shall he sell any of such products under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes."

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: August 23, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3130; Filed, August 25, 1939; 10:20 a. m.]

## TITLE 39—POSTAL SERVICE

## POST OFFICE DEPARTMENT

[Order No. 13091]

### TRANSMITTING THREATENING COMMUNICATIONS

JUNE 26, 1939.

Paragraphs 2 and 3 of Section 2351, Postal Laws and Regulations, are hereby amended to read as follows:

2. Whoever shall knowingly deposit or cause to be deposited in any post office or station thereof, or in any authorized depository for mail matter, to be sent or delivered by the Post Office Establishment of the United States, or shall knowingly cause to be delivered by the Post Office Establishment of the United States according to the direction thereon, any written or printed letter or other communication, with or without a name or designating mark subscribed thereto, addressed to any other person, and containing any demand or request for ransom or reward for the release of any kidnaped person; or whoever, with intent to extort from any person any money or other thing of value, shall deposit, cause to be deposited, or cause to be delivered, as aforesaid, any letter or other communication containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

(a) Whoever shall knowingly deposit or cause to be deposited in any post office or station thereof, or in any authorized depository for mail matter, to be sent or delivered by the Post Office Establishment of the United States, or shall knowingly cause to be delivered by the Post Office Establishment of the United States according to the direction thereon, any written or printed letter or other communication with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to kidnap any person or any threat to injure the person of the addressee or of another shall be fined not more than $1,000, or imprisoned not more than five years, or both.

(b) Whoever, with intent to extort from any person any money or other thing of value, shall knowingly deposit or cause to be deposited in any post office or station thereof, or in any authorized depository for mail matter, to be sent or delivered by the Post Office Establishment of the United States, or shall knowingly cause to be delivered by the Post Office Establishment of the United States according to the direction thereon, any written or printed letter or other communication, with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to injure the property or reputation of the addressee or of another, or the reputation of a deceased person, or any threat to accuse the addressee or any other person of a crime shall be fined not more than $500, or imprisoned not more than two years, or both.

(c) Any person violating this section may be prosecuted in the judicial district in which such letter or other communication is deposited in such post office, station, or authorized depository for mail matter, or in the judicial district into which such letter or other communication was carried by the United States mail for delivery according to the direction thereon: *Provided*, That any defendant in an indictment hereunder, relating to communications originating in the United States, shall, upon motion duly made, be entitled as a matter of right to be tried in the district court of the United States in which the matter mailed or otherwise transmitted was first set in motion; that is, in the mails or in commerce between the States.

3. Whoever shall knowingly deposit or cause to be deposited in any post office or station thereof, or in any authorized depository for mail matter, of any for-

eign country any written or printed letter or other communication addressed to any person within the United States, for the purpose of having such communication delivered by the Post Office Establishment of such foreign country to the Post Office Establishment of the United States and by it delivered to such addressee in the United States, and as a result thereof such communication is delivered by the Post Office Establishment of such foreign country to the Post Office Establishment of the United States and by it delivered to the address to which it is directed in the United States, and containing any demand or request for ransom or reward for the release of any kidnaped person; or whoever, with intent to extort from any person any money or other thing of value, shall deposit or cause to be deposited, as aforesaid, any letter or other communication for the purpose aforesaid, containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

(a) Whoever shall knowingly deposit or cause to be deposited in any post office or station thereof, or in any authorized depository for mail matter, of any foreign country any written or printed letter or other communication addressed to any person within the United States, for the purpose of having such communication delivered by the Post Office Establishment of such foreign country to the Post Office Establishment of the United States and by it delivered to such addressee in the United States, and as a result thereof such communication is delivered by the Post Office Establishment of such foreign country to the Post Office Establishment of the United States and by it delivered to the address to which it is directed in the United States, and containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

(b) Whoever, with intent to extort from any person any money or other thing of value, shall knowingly deposit or cause to be deposited in any post office or station thereof, or in any authorized depository for mail matter, of any foreign country any written or printed letter or other communication, addressed to any person within the United States for the purpose of having such communication delivered by the Post Office Establishment of such foreign country to the Post Office Establishment of the United States and by it delivered to such addressee in the United States, and as a result thereof such communication is delivered by the Post Office Establishment of such foreign country to the Post Office Establishment of the United States and by it delivered to the address to which it is directed in the United States, and containing any threat to injure the property or reputation of the addressee or of another, or the reputation of a deceased person, or any threat to accuse the addressee or any other person of a crime, shall be fined not more than $500 or imprisoned not more than two years, or both.

(c) Any person violating this section may be prosecuted either in the district into which such letter or other communication was carried by the United States mail for delivery according to the direction thereon, or in which it was caused to be delivered by the United States mail to the person to whom it was addressed: *Provided*, That any defendant in an indictment hereunder, relating to communications originating in the United States, shall, upon motion duly made be entitled as a matter of right to be tried in the district court of the United States in which the matter mailed or otherwise transmitted was set first in motion; that is, in the mails or in commerce between the States.

(18 U.S.C. 338a, Supp. IV, and 338b, 1934 ed., as amended by the Act of May 15, 1939, Public No. 76)

[SEAL] RAMSEY S. BLACK,
*Acting Postmaster General.*

[F. R. Doc. 39-3145; Filed, August 25, 1939; 12:54 p. m.]

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## TITLE 46—SHIPPING

## BUREAU OF MARINE INSPECTION AND NAVIGATION

### GENERAL RULES AND REGULATIONS

### AMENDMENTS

Pursuant to the authority of Section 4405 of the Revised Statutes, an executive committee of the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, Department of Commerce, consisting of R. S. Field, Director; George Fried, Supervising Inspector, Second District; and Eugene Carlson, Supervising Inspector, Third District; met in the conference room of the auditorium of the Department of Commerce, Washington, D. C., on August 4, 5, 7, and 8, 1939.

The following amendments to the General Rules and Regulations were unanimously adopted by the executive committee and were approved by the Secretary of Commerce.

### SUBCHAPTER F—BOILERS AND APPURTENANCES

Sections 51.M-2-1 to 51.M-2-6, inclusive, were deleted and the following sections inserted in their stead:

*Marine Boiler Steel Plate*

§ 51.M-2-1 *Tested material—Class A.* (a) There shall be four grades of marine boiler steel plates, subject to Class A inspection. Such grades are designated as A, B, C, and D, any one of which may be used for shells and other pressure parts of all boilers and for unfired pressure vessels. The requirements specified in Sections 51.M-2-1 to 51.M-2-8, inclusive, apply to plates up to and inclusive of 4 inches in thickness.

(b) Where flanging or forge welding is necessary, Grades B or C shall be used, except for manhole reinforcements in boiler shells as provided in 52.C-5-3 (i).

(c) Small unfired pressure vessels having diameters not exceeding 30 inches and subject to pressures not exceeding 100 lbs. per square inch are not required to be constructed of Class A material.

(d) All of these grades may be fusion welded, but welding technique is of fundamental importance. Fusion welding procedure shall be in accordance with Sections 56.W-20-1 to 56.W-20-19, inclusive.

(e) Sufficient discard from the top of each ingot shall be made, at any stage of the manufacture, to secure freedom from piping and undue segregation in the finished product; but in no case shall the amount of top discard be less than 30 percent.

(f) When plates are to be used in a boiler or pressure vessel which is to be stress relieved after welding, the test specimens for such plates shall be stress relieved by gradually and uniformly heating them to 1,100° F. to 1,200° F., holding at that temperature for a period of one hour per inch of thickness, and cooling in still atmosphere. In such cases both the plates and the test specimens shall be stamped "S. R." to show that the tensile strength of the plate in the stress relieved state is not less than the minimum specified.

(2) Plates over 2 inches in thickness, before being fabricated, shall be uniformly heat treated to produce grain refinement. Heat treatment involving quenching in a liquid medium is not permitted. If this treatment is not done at the rolling mill the testing shall be carried out in accordance with subparagraph (3).

(3) When a fabricator who is equipped to perform the work properly, elects to do the required heat treatment he shall so indicate in his orders to the mill and he may accept the plates on the basis of the mill tests. The plate manufacturer shall make the tests herein specified, the tension and bend test specimens to be prepared from full thickness pieces, heat treated under conditions he considers appropriate for grain refinement, and to give the test requirements. The manufacturer shall inform the fabricator of the procedure followed in treating the pieces at the mill for guidance in treating the plates. The required physical properties shall be determined after heat treatment of the plates on specimens prepared from pieces similarly and simultaneously treated with the plates. Pieces for two tension tests, one top and one bottom, shall be provided from each plate as rolled. These pieces shall be stamped by the inspector with his official stamp for identification.

(4) In the case of plates over 2 inches in thickness which subsequently are to be stress relieved the test specimens for such plates shall, before testing, be stress relieved as specified in paragraph (f) (1) following the heat treatment for grain refinement.

(5) Orders to the plate manufacturers shall specify when plates subject to the requirements of this section are to be stress relieved and when they are to be heat treated for grain refinement by the fabricator so that proper provision may be made for the treatment of test specimens.

§ 51.M-2-2 *Chemical composition.* (a) The plates shall conform to the following requirements as to chemical composition:

[Maximum percent]

| | Grade A | Grade B | Grade C | Grade D |
|---|---|---|---|---|
| Carbon | 0.30 | 0.27 | 0.53 | 0.35 |
| Manganese | .80 | .80 | .90 | .90 |
| Phosphorus | .035 | .035 | .035 | .035 |
| Sulphur | .04 | .04 | .04 | .04 |
| Silicon | 0.15-.30 | 0.15-.30 | 0.15-.30 | 0.15-.30 |

(b) Check analysis may be made of either of the broken tension test specimens from each plate as rolled at the discretion of the Director (See Section 51.M-1-5 (b)).

§ 51.M-2-3 *Tensile properties.* (a) The material shall have the following tensile properties; tensile strength and yield point in pounds per square inch:

| | Grade A | Grade B | Grade C | Grade D |
|---|---|---|---|---|
| Tensile strength | 60,000-70,000 | 55,000-65,000 | 65,000-77,000 | 70,000-82,000 |
| Yield point, minimum | 0.5 tens. str. | 0.5 tens. str. | 0.5 tens. str. | 0.5 tens. str. |
| Elongation in 8 inches, minimum, per cent.[1] | [2] 1,550,000 / Tens. str. | [2] 1,550,000 / Tens. str. | [3] 1,550,000 / Tens. str. | [3] 1,550,000 / Tens. str. |
| Elongation in 2 inches, minimum, per cent.[1] | [4] 1,750,000 / Tens. str. | [4] 1,750,000 / Tens. str. | [4] 1,750,000 / Tens. str. | [4] 1,750,000 / Tens. str. |

[1] When Fig. M-1 is used.
[2] See paragraph (b).
[3] When Fig. M-2 is used.
[4] See paragraph (c).

(b) For material over ¾ inch in thickness, a deduction from the percentage of elongation in 8 inches specified in paragraph (a) of 0.125 shall be made for each increase of 1/32 inch in the specified thickness above ¾ inch, to a minimum of 20 percent for Grade A, 22 percent for Grade B, 19 percent for Grade C, and 18 percent for Grade D.

(c) For material over 2½ inches in thickness, a deduction from the percentage of elongation in 2 inches specified in paragraph (a) of 0.5 shall be made for each increase of ½ inch of the specified thickness above 2½ inches.

(d) For material ¼ inch and under in thickness, the elongation shall be measured on a gage length of 24 times the thickness of the specimen.

§ 51.M-2-4. *Bending properties.* The test specimens shall stand being bent cold through 180 degrees without cracking on the outside of the bent portion around a pin, the diameter of which shall have the following relation to the thickness of the specimen. When the test is made on a specimen reduced in thickness, the rolled surface shall be on the outer curve of the bend.

| Thickness of material | Diameter of pin about which specimen is bent | | | |
|---|---|---|---|---|
| | Grade A | Grade B | Grade C | Grade D |
| Up to 1 inch, inclusive | t 1 | t ½ | t 1½ | t 2 |
| Over 1 inch to 1½ inches, inclusive | t 1½ | t 1 | t 2 | t 2 |
| Over 1½ inches to 3 inches, inclusive | t 2 | t 1½ | t 2 | t 2½ |
| Over 3 inches to 4 inches, inclusive | t 2½ | t 2 | t 2½ | t 3 |

t=thickness of specimen.



§ 51.M-2-5. *Test Specimens.* (a) For plates 2 inches and under in thickness the test specimens shall be prepared for testing from the material in its rolled condition, except as specified in paragraph 51.M-2-1 (f).

(b) For plates over 2 inches in thickness the test specimens shall be prepared from the material in its heat-treated condition, or from full thickness samples similarly and simultaneously treated. (See Section 51.M-2-1)

(c) Tension test specimens shall be taken from the top and bottom corners of the plate as rolled, parallel to its longitudinal axis. Bend test specimens shall be taken from the middle of the top of the plate as rolled, at right angles to its longitudinal axis.

NOTE: The term "plate as rolled", used here and in Sections 51.M-2-2 and 51.M-2-6, refers to the unit plate rolled from a slab or directly from an ingot in its relation to the location and number of specimens; not to its condition.

(d) For plates 2 inches and under in thickness, tension and bend test specimens shall be the full thickness of the material and shall be machined to the form and dimensions shown in Fig. M-1; or the bend test specimen may be machined with both edges parallel.

(e) For plates over 2 inches in thickness, tension test specimens shall be machined to the form and dimensions shown in Fig. M-1; and the axis of each such specimen shall be located midway between the center and the top or bottom surface of the plate. The bend test specimen shall be at least 1½ inches in width with both edges parallel, and may be reduced to 2 inches in thickness, but shall have one surface as rolled.

(f) The sides of the bend test specimen may have the corners rounded to a radius of about 1/16 inch for plates 2 inches and under in thickness, and to about ⅛ inch for plates over 2 inches in thickness.

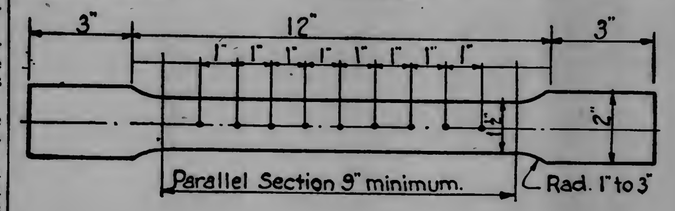


Figure M-1

§ 51.M–2–6 *Number of tests.* Two tension tests and one bend test shall be made from each plate as rolled.

§ 51.M–2–7 *Permissible variations in thickness.* The thickness of each plate shall not vary more than 0.01 inch under the amount specified.

§ 51.M–2–8 *Marking.* The quality classification to be marked on all Class A plates in accordance with Section 51.M–1–13 shall be the word Marine. (R.S. 4405 as amended, 46 U.S.C. 375; R.S. 4418 as amended, 46 U.S.C. 392; R.S. 4430 as amended, 46 U.S.C. 408; R.S. 4433 as amended, 46 U.S.C. 411; R.S. 4434 as amended, 46 U.S.C. 412)

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Section 55.P–19–3 be and hereby is amended by adding the following two subparagraphs to be numbered (w) and (x):

(w) Forge welded fittings, valves, or flanges, known as the socket type—wherein the piping is attached by entering the pipe into the socket and securing it to the fitting with a single fillet weld, may be used where the diameter of the pipe does not exceed two inches, provided the welding is done by certified welding operators using approved welding rods or electrodes.

(x) *Soldered fittings.* Fittings, valves, or flanges made of non-ferrous metal may be attached to non-ferrous pipe by means of soldering the wall of the pipe to the fitting where the pressure does not exceed 100 pounds per square inch and the temperature does not exceed 240° F. When it is desired to use such fittings for higher pressures or temperatures the kind of solder or metal used for alloying the wall of the pipe to the fittings must be approved by the Director. (R.S. 4405, as amended, 46 U.S.C. 375; R.S. 4418 as amended, 46 U.S.C. 392; R.S. 4433 as amended, 46 U.S.C. 411)

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Section 56.W–20–1 be and hereby is amended as follows:

In subparagraph (b) insert the words "or by the submerged melt electric welding process as defined in 56.W–20–2" after the words "fusion welding" so that the amended paragraph will read as follows:

(b) Drums or shells of boilers and pressure vessels may be fabricated by means of fusion welding, or by the submerged melt electric welding process as defined in 56.W–20–2, in accordance with the rules of this section.

Add two new subparagraphs to be known as "(d)" and "(e)", to read as follows:

(d) Where the submerged melt electric welding process is employed special process approval tests are required to be made by the manufacturer to determine whether he has the proper equipment and personnel to produce sound dependable joints.

(e) In the submerged melt electric welding process the weld may be laid in two or more passes, preferably laying the smaller pass first, then turning the plate over and chipping or machining the first pass to remove defects and to form a clean backing surface for the weld metal which may be laid in one or more passes. (R.S. 4405 as amended, 46 U.S.C. 375; R.S. 4418 as amended, 46 U.S.C. 392; R.S. 4429 as amended, 46 U.S.C. 407; R.S. 4433 as amended, 46 U.S.C. 411)

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Section 56.W–20–2, be and hereby is amended by the addition of the following subparagraph to be inserted immediately after subparagraph (a), renumbering the succeeding subparagraphs accordingly:

(b) *Submerged melt electric welding process.* This is a process employing a bare electrode and a granulated welding composition to accomplish fusion by passing an electric current between the electrode and the work through the granulated material which completely covers the end of the electrode and protects the fused metal from contact with air or other outside gases. (R.S. 4405 as amended, 46 U.S.C. 375; R.S. 4418 as amended, 46 U.S.C. 392; R.S. 4429 as amended, 46 U.S.C. 407; R.S. 4433 as amended, 46 U.S.C. 411)

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Section 56 be and hereby is amended by the addition of Section 56. W–20–19 to read as follows:

§ 56.W–20–19 *Welded piping.* (a) Piping may be connected by means of fusion welding for any pressure and for temperatures not exceeding 960° F., provided it is done in accordance with these rules:

(b) These rules apply to piping in excess of 100 lbs. per sq. in. (Class 1 piping). They do not apply to piping used in connection with working pressures of 100 pounds or less, operated at normal temperatures (Class 2 piping).

(c) *Qualification of welding processes.* (1) Before a contractor may weld piping under these rules a representative of the Bureau will visit the part of his works in which welding is done for the purpose of inspecting the welding plant to make sure he has suitable equipment and to witness the series of tests outlined in paragraph (2) below.

(2) The tests for qualifying a welding process shall be those embodied in these rules for the Testing of Welding Operators for Piping.

(d) *Qualification of welding operators.* The tests for qualifying welding operators shall be as follows:

*Test No. 3.* For piping or tubing, See Figs. W–32 and W–33.

*Test No. 4.* For tack welding, See Fig. W–34.

*Test No. 5.* For material of unlimited thickness with base metals of high conductivity, See Fig. W–35.

*Test No. 6.* For thick material incapable of bending to the capacity of the jig, See Fig. W–36. A clearance of 1/32 inch will be permitted on each side of the upright members of the jig.

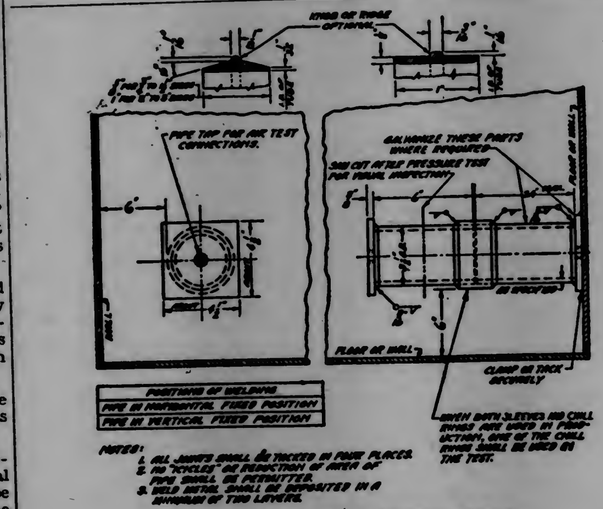


FIGURE W–32.—Welder's qualification test No. 3.



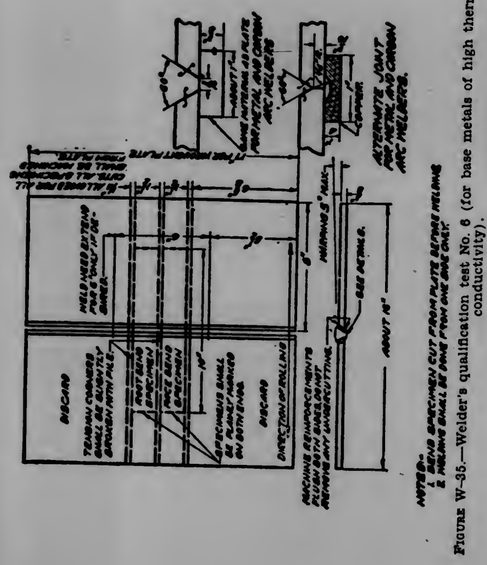


FIGURE W–35.—Welder's qualification test No. 6 (for base metals of high thermal conductivity).

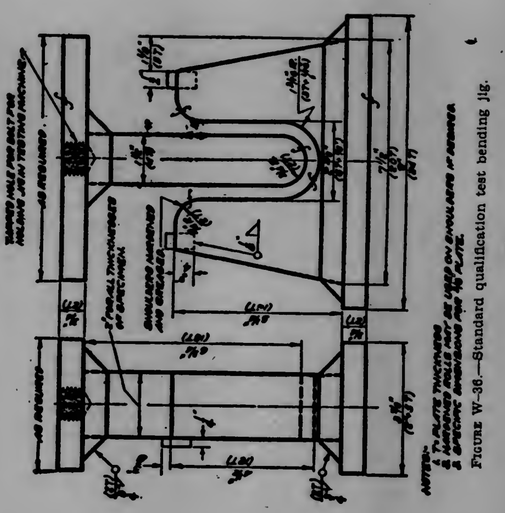


FIGURE W–36.—Standard qualification test bending jig.

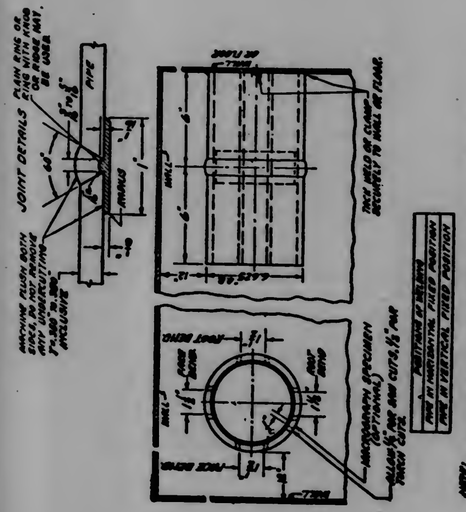


FIGURE W–33.—Welder's qualification test No. 4.

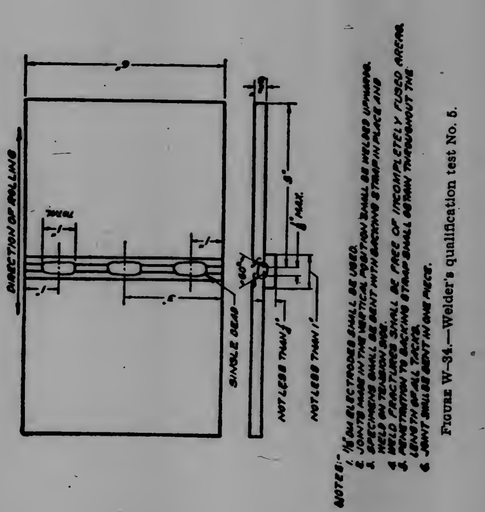


FIGURE W–34.—Welder's qualification test No. 5.

(e) Specimens for qualification tests Nos. 3, and 4 shall be bent in a bending jig having the exact profile shown in Fig. W–36. Root bend specimens shall be bent with the root of the weld in tension. Face bend specimens shall be bent with the face of the weld in tension, and side bend specimens with the side which is suspected of being the worse of the two in tension.

(f) Specimens shall be bent to the angle of bend specified hereinafter. Any specimen in which a crack or opening exists before the bending shall be rejected. No elongation data are required.

(g) Pipe or tube specimens for Fig. W–32 shall be subjected to the fiber stresses specified for piping connected by means other than by welding. The hydrostatic pressure necessary to obtain these stresses shall be calculated by the following formula:

$$P=\frac{S\times 2T}{D}$$

Where $P$=the hydrostatic test pressure in pounds per square inch.
$S$=the specified hoop stress in pounds per square inch.
$T$=wall thickness of pipe or tube in inches.
$D$=inside diameter of pipe or tube in inches.

(h) Wall thickness thinner than those specified may be used when authorized, but greater wall thicknesses shall not be used without the permission of the Director. The diameter of the tubing may be varied somewhat if desired. If diameters or thicknesses different from those specified are used, the hydrostatic pressure shall be adjusted so that the specified stress is attained.

(i) The passing of these qualification tests with D. C. equipment shall qualify welders with D. C. equipment only. The passing of these qualification tests with A. C. equipment shall qualify welders for welding with A. C. equipment only. If both types of equipment are to be used by a welder he shall be qualified with both A. C. and D. C. equipment.

(j) The qualification test specimens shall be made from pipe of known physical properties, that is, of tested marine steel pipe certified to by the manufacturer on his mill test report. In case it desired to use material the physical properties of which are not known, it will be necessary that physical tests be made to determine the tensile strength of the material and its ductility before the weld specimens are prepared.

(k) Welding operators who have been primarily tested and certificated shall be assigned an identifying number, letter, or symbol, which shall be stamped on all vessels adjacent to and at intervals of not more than 3 feet along the welds which they make, whether the process used is hand or machine.

(l) The inspector shall require any welding operator to repeat these tests when in his opinion the work indicates a reasonable doubt of the welding operator's ability. In such cases the welding operator shall not be permitted to resume work until he passes the retest.

(m) Any certificated welding operator who has not been employed as a fusion welder for a period of three months or more shall be required to pass the requalification tests even though he has previously passed such tests.

(n) The requalification test specimens shall be identical with the primary test specimen with the same equipment or equipment equivalent thereto in performance and condition as used in primary tests. It shall be conducted under the supervision of a duly authorized Inspector who shall report results of test to the Bureau. Such test shall meet the requirements of these rules.

(o) *Design of piping.* The piping shall be designed to avoid excessive strains due to expansion and the working of the ship.

(p) *Layout and dimensions of piping.* Prints showing the layout and dimensions of the piping shall be forwarded to the Director for approval. Sections of the pipe shall be welded in the shop as far as practicable. All welded joints made on shipboard shall be in positions where there is sufficient space to allow proper access for the welding, and such welds shall be definitely indicated on the plans by the use of appropriate American Welding Society weld symbols or details of the welds. A sufficient number of detachable joints shall be used in installing the piping to facilitate removals. Valves and other fittings may have either flanged or welded connections to the pipes but flanged joints shall be used where necessary to facilitate overhauling of machinery or the valves themselves.

(q) *Types of welded joints to be used.* Butt joints shall be used for pipes over 2 inches nominal pipe size and shall be either double welded or welded with a backing-up strip on the inside of the pipe. Pipes not over 2 inches nominal pipe size may be connected by ferrules fitted over the ends of the pipe and attached by circumferential fillet welds to the pipe, or by using bell and spigot joints and uniting the end of the bell to the outside of the pipe by a circumferential fillet weld.

(r) *Stress relieving.* (1) All welded joints over 2 inches nominal pipe size except fire lines and oil lines at normal temperature, shall be stress relieved.

(2) The welds of plain carbon steel pipe and adjacent piping for a length of six times the wall thickness of the pipe shall be heated uniformly to at least 1,150° F. and up to 1,250° F. The weld and adjacent piping shall be brought slowly up to within the specified temperature range and held at that temperature for a period of time proportioned on the basis of at least one hour per inch of pipe wall thickness and shall be allowed to cool slowly in a still atmosphere. There shall be no cooling other than by the still air around the weld and adjacent parts being stress relieved in order to assure a gradual fall of temperature along the length of the pipe.

(3) For alloy steel piping the stress relieving and/or heat treatment shall be done in a way that shall be demonstrated under paragraph (f) (1) to be satisfactory. Where piping is welded to valves it may be impossible to heat the part next to the valve to a uniform temperature for a length of six times the wall thickness without overheating the valve. In such a case the heated zone shall extend at least 2 inches on the valve side from the line of fusion of the joint and the temperature shall be allowed to diminish gradually toward the valve.

(4) All complicated connections, such as manifolds shall be stress relieved as a whole in a furnace provided for the purpose before being taken on shipboard.

(5) The piping shall be so designed that it will be free to expand in a longitudinal direction when the joints are stress relieved, thus eliminating stresses that might result through contraction of the piping after the stress relieving.

(s) *Radiographic and other tests.* All welded joints shall be tested either by radiography or by using a paramagnetic powder dusted over the area to make sure that there are no cracks or other defects. Should the quality of a joint be questioned by an inspector of the Bureau the weld shall be cut out and the joint rewelded.

(t) *Hydrostatic tests.* Hydrostatic tests shall be made on the piping at twice the maximum pressure to which the piping will be subjected in service.

(u) *General requirements.* Before any qualification tests of welding operators are conducted, each manufacturer shall prepare for test the types of test specimens hereinafter specified for the purpose of qualifying his welding process.

(v) *Manufacturer's record of process.* A complete record of the manufacturer's process shall be made in the form shown in Fig. W–37 to establish the definite limits of all essential variables involved. The manufacturer shall conduct all welding in accordance with the requirements of his process record, after his process of welding has been approved.

(w) *Number, type, and size of test welds.* The test specimens shall be prepared in accordance with the requirements of Figs. W–32 and W–33. One test specimen shall be prepared for each process and welding position which will be encountered. One test specimen shall be made in the minimum pipe wall thickness and one in the maximum pipe wall thickness to be used, except that the thickness need not exceed 1½ inches.

(x) *Base metal and its preparation.* The base material and its preparation for welding shall comply with the manufacturer's process record. For all test welds, the dimensions of the base material shall be such as to provide sufficient material for the test specimens called for hereinafter. The ends of the piping prepared for welding shall be preheated to a temperature of 500° F. before the welding is applied.

(y) *Positions of test welds.* The positions of pipe welding will be classified as follows: (a) horizontal rolled, (b) horizontal fixed, and (c) vertical fixed. If a process is investigated for the horizontal fixed position, it need not be repeated for the horizontal rolled position, provided that the same welding process is employed, as defined by the manufacturer's process record, Fig. W–37. For welds representing the horizontal rolled and horizontal fixed positions, the axis of the pipe shall be approximately horizontal. For test welds representing the vertical fixed position, the axis of the pipe shall be approximately vertical. The pipe shall be rotated for the test weld representing the horizontal rolled position, and shall not be rotated for test welds representing the horizontal fixed and the vertical fixed positions.



(z) *Test specimens—Number, type, and preparation.* The following specimens shall be prepared from each test weld, conforming to the dimensions shown on the applicable figure:

One bend test with face of weld in tension.

One bend test with root of weld in tension.

One bend test sidewise with the worst appearing side in tension.

All specimens to be bent in jig shown in Fig. W–36.

FIG. W–37—MANUFACTURER'S RECORD OF PROCESS

Contractor's name _____
Address _____
Process _____ Date _____
Material {Base metal _____ / Filler metal _____}
For Gas Welding Type of Flame _____ For Arc Welding Type of Current _____ If D. C., State Polarity. _____

IDENTIFICATION SYMBOLS OF THIS WELD

| | Pass No. | Heat input data | | | Diameter of filler metal | Temperature degree F.[1] | Remarks |
|---|---|---|---|---|---|---|---|
| In above space indicate edge preparation and relative position of each pass as deposited. | | | | | | | |

[1] Give degree of preheat, if any. Indicate temperature of weld metal just prior to the deposition of each succeeding pass.

Cleaning of passes _____
Treatment of defects _____
Peening _____
Heat treatment:
Temp. _____
Time _____
Cooling _____
Name of Welder _____
Name of Recorder _____

(R.S. 4405 as amended, 46 U.S.C. 375; R.S. 4418 as amended, 46 U.S.C. 392; R.S. 4429 as amended, 46 U.S.C. 407; R.S. 4433 as amended, 46 U.S.C 411)

SUBCHAPTER G—OCEAN AND COASTWISE

SUBCHAPTER H—GREAT LAKES

SUBCHAPTER I—BAYS, SOUNDS, AND LAKES

SUBCHAPTER J—RIVERS

Sections 61.24, 77.23, 95.23, and 114.24 hereby are amended by the addition of the following to appear immediately under the title and before the heading of "Booths."

*Motion-Picture Projectors*

(a) Motion-picture projectors of the 16 mm. or 8 mm. size, using only slow burning films, need not be of an approved type and may be used on inspected vessels without booths.

(b) Motion-picture projectors using the 35 mm. size films shall only be used in booths, constructed in accordance with the following specifications and must be of an approved type. (R.S. 4405 as amended, 46 U.S.C. 375; R.S. 4417 as amended, 46 U.S.C. 391; R.S. 4472 as amended, 46 U.S.C. 465)

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The following new part and sections to immediately follow Part 62, Subchapter G is added.

*Part 62–A Licensed officers on uninspected vessels*

§ 62A.00 *Applicability of Laws.* All the provisions of Title LII of the U. S. Revised Statutes, as amended, and all other laws referring to the issuance, duration, renewal, suspension or revocation of licenses of masters, mates, chief engineers and assistant engineers, and the provisions of the following regulations, shall be applicable to all uninspected vessels to which the Officers' Competency Certificates Convention, 1936, and the Act approved July 17, 1939 (Public, 188, 76th Congress) making effective the provisions of the Convention apply.

*General*

§ 62A.1 *Application.* The following licensing requirements shall apply to masters, chief engineers and watch officers, deck and engineer, on all uninspected vessels, however propelled, navigating the high seas, which are registered, enrolled and licensed, or licensed under the laws of the United States whether permanently, temporarily, or provisionally, including yachts, enrolled and licensed, with the exception of:

(a) Ships of war;

(b) Government vessels, or vesesls in the service of a public authority, which are not engaged in trade;

(c) Wooden ships of primitive build, such as dhows and junks;

(d) Unrigged vessels;

(e) All vessels of less than 200 gross tons.

§ 62A.2 *Effective Date.* (a) On and after October 29, 1939, masters, mates and engineers who do not possess appropriate licenses will not be allowed to act as masters, mates or engineers of vessels to which these Rules apply.

(b) At any time prior to October 29, 1941, a candidate who can show the experience, whether acquired under a license or not, that is prescribed for the license for which he applies, and who has no record of any serious technical error against him, may be issued a license without any professional examination. A notation shall be made upon his license stub and license record card to the effect that he was issued a license without professional examination. Such an applicant for license as master or mate shall be required to pass an examination as to acuity of vision and color sense. Where an inspector finds that such applicant for a license (original or raise of grade) obviously appears to be physically or mentally incompetent to perform the ordinary duties of such an officer at sea, he shall be required to undergo an examination by a surgeon of the United States Public Health Service to determine his competency in such respects. When application for a license as master or chief engineer is submitted prior to October 29, 1941, service as mate or assistant engineer respectively, need not have been acquired under authority of license.

§ 62A.3 *Licenses issued.* (a) Licenses to officers on uninspected vessels will be issued as follows:

1. License as master, motor or sail;
2. License as mate, motor or sail;
3. License as chief engineer, motor;
4. License as assistant engineer, motor.

The licenses will be given appropriate route (ocean or coastwise) and tonnage limitations, commensurate with the experience of the applicants in the case of masters and mates, and appropriate horsepower limitations in the case of engineers. They will be issued on the usual forms No. 867, 869, 871, 873, and 880, and shall be limited on their face to uninspected vessels.

(b) A license to act as master, mate, or engineer of inspected vessels will in all cases entitle the holder to act in this same capacity on uninspected vessels of like tonnage and propulsion on similar waters.

*Licensed Masters, Mates, & Engineers*

§ 62A.10 *Original licenses.* The first license in any class[1] issued to any United States citizen by the United States Local Inspectors shall be considered an original license, where the Bureau records show no previous issue to such applicant. No license shall be issued to any person who is not a United States citizen. An applicant claiming to be a citizen of the United States shall furnish documentary evidence of his citizenship. Before an original license in any class is granted to any citizen to act as master, mate, or engineer, he shall appear before a Board of Local Inspectors for examination. A list of the field offices of the Bureau where examinations are held will be found in Section 62A.20. Any citizen who has attained the age of 21 years and is qualified in all other respects shall be eligible for examination. *Provided*, That license as mate or assistant engineer may be granted to applicants who have reached the age of 19 years and are qualified in all other respects, but no such license may be raised in grade before the holder thereof shall have reached the age of 21 years.

§ 62A.11 Professional examination and service required, etc. for original license or raise of grade.

(a) Before an applicant for original license as master, mate, or engineer, or raise of grade of any license may be examined, the applicant shall make application upon the form furnished by the Bureau. When practicable, an applicant shall present discharges and testimonial letters to the inspectors, to be filed with the application, from the masters or chief engineers under whom he has served, or from the owners in the case of applicants who have already served as master or chief engineer, certifying to the name of the vessel, and the amount and character of his experience, and to his ability, character, and habits of life.

(b) No original license or raise of grade shall be issued to any applicant unless at least one year of his qualifying service shall have been obtained within the three years next preceding his application for examination.

(c) If the amount and character of his experience is satisfactory, and he is eligible in all other respects, the applicant shall be examined as to his knowledge by a Board of Local Inspectors, except as provided in 62A.2 (b).

(d) Applicants will be informed as soon as possible whether their applications have been accepted or not, and when the application of any person for a license has been approved, it shall be the duty of the inspectors to give the applicant the required examination as soon as practicable.

(e) Licensed officers entitled to raise of grade, after passing examination, shall have issued to them new licenses for the grade for which they are qualified, the local inspectors to file in their office the old license, with the report of the circumstances of the case, but the grade of a license shall not be raised except as hereinafter provided, unless the applicant can show one year's actual experience in the capacity for which he has been licensed.

§ 62A.12 *Medical examination for licenses.* The existing requirements for licensed officers on inspected vessels shall be standard for medical examinations for licenses on uninspected vessels, except as stated in paragraph 62A.2 (b). *Provided*, That a certificate from the Public Health Service based on ship sanitation and first aid will not be required of applicants for license to act on fishing vessels.

§ 62A.13 *Reexaminations and refusal of licenses.* (a) Any applicant for license or endorsement who has been duly examined and refused may come before the same local board for reexamination at any time thereafter that may be fixed by such board, but such time shall never be less than one month from the date of his last failure. In the case of another failure, he will not be reexamined until after a lapse of at least six months from date of last failure. A candidate who has been duly examined and refused a license by a local board shall not be examined by any other local board until one year has elapsed from the date of the refusal without the sanction of the board that refused the applicant.

(b) If the inspectors refuse to grant the applicant the license asked for, they shall furnish him a statement setting forth the cause of their refusal to grant the same.

§ 62A.14 *Preparation of licenses.* (a) All licenses issued to masters, mates, or engineers shall be filled out on the face with pen and black ink. Inspectors are directed, when licenses are completed, to draw a broad pen and black-ink mark through all unused spaces in the body thereof, so as to prevent, as far as possible, illegal alteration after issue.

(b) Licenses signed by one local inspector only shall not be valid, nor shall the name of any other person be substituted for that of a local inspector or acting local inspector.

(c) Every person receiving a license or certificate of lost license shall sign the same and leave a print of his left thumb upon the back thereof, immediately upon its receipt.

(d) Every master, mate, or engineer, who receives a license, shall make oath before one of the local inspectors, to be recorded upon their official file, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law and obey all lawful orders of his superior officers.

§ 62A.15 Laws, general rules and regulations, and pilot rules to be furnished licensed officers.

(a) Every master, mate, or engineer shall, when receiving an original license, a renewed license, or a raise of grade of license, be furnished by the inspectors with a copy of the Laws Governing Marine Inspection, and a copy of the General Rules and Regulations prescribed by the Board of Supervising Inspectors.

(b) Licensed officers and pilots are required to acquaint themselves with the latest information regarding aids to navigation, and neglect to do so is evidence of neglect of duty. Vessels navigating oceans and coastwise waters shall have available on board for convenient reference at all times, a file of the applicable Notice to Mariners.[2] All vessels shall have charts of the waters on which they operate available for convenient reference at all times.

§ 62A.16 Renewal of license, and examination for renewal where deemed necessary.

(a) When an officer makes application for a renewal of his license, he shall appear in person before a Board of Local Inspectors, and the presentation of his old license, his certificate of citizenship if naturalized, with satisfactory certificate of color sense where required, and with oath of office, shall be considered sufficient evidence of his title to renewal; unless such title has been forfeited or facts shall have come to the knowledge of the inspectors which would render a renewal improper, or the applicant obviously appears to the inspectors to be physically or mentally incompetent to perform the ordinary duties of such an officer at sea, in which case he shall be required to undergo an examination by a surgeon at the U. S. Public Health Service to determine his competency in such respects.

(b) When an applicant for renewal is situated at such distance from any Local Board or Supervising Inspector as to put him to great inconvenience and expense to appear in person, he may, upon taking oath of office before any person authorized to administer oaths, and forwarding the same, together with the license to be renewed and a certificate of color sense where required, to the Local Board or Supervising Inspector of the District in which he resides or is employed, have the same renewed by the said inspectors.

[1] Deck officer of either motor or sail vessels; or engineer of motor vessels.

[2] Notice to Mariners, published weekly by the U. S. Coast Guard, which contains announcements and information regarding aids to navigation and charts of waters of the United States, is available for free distribution at the following places: Field offices of the U. S. Coast Guard; Marine Division, Custom House; U. S. Coast and Geodetic Survey field stations, and offices of the Superintendents of Lighthouses. Notice to Mariners published weekly by the U. S. Navy, for the correction of charts, sailing directions, light lists and other publications, and which includes foreign waters and certain waters of the United States, is available for free distribution at the Hydrographic Office, Branch Hydrographic Offices, or any of the agencies of seaboard ports, and is also on file in the U. S. consulates where they may be inspected.



(c) When an applicant for a renewal is engaged in a service which necessitates his continuous absence from the United States, he may make application in writing for renewal and transmit the same to the Board of Local Inspectors, with a statement of the applicant verified before a consul or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person, and a certificate of color sense where required, and upon receiving the same, the Board of Local Inspectors that originally issued such license shall renew the same.

(d) No license shall be renewed more than 30 days in advance of the date of the expiration thereof, unless there are extraordinary circumstances that shall justify a renewal beforehand, in which case the reasons therefor must appear in detail upon the records of the inspectors renewing the license; nor shall any license be renewed unless it is presented within one year after the date of its expiration.

(e) Whenever an officer shall apply for renewal of his license, more than one year after the date of its expiration, he shall be required to pass an examination for the same grade of license. Should he be successful and receive a license it shall be considered in the light of an original license except as to number of issue.

(f) The inspectors shall, before renewing an existing license to a master, for any waters, who has not been employed as master on such waters during the three years preceding the application for renewal, satisfy themselves by an examination in writing, or orally to be taken down in writing by the inspectors, that such officers are thoroughly familiar with the rules for the prevention of collision upon the waters for which they are licensed.

(g) In all cases, the renewed license shall receive the next higher number of issue to present grade and of issues of all grades.

§ 62A.17 *Lifting of tonnage restriction.* (a) If any board of local inspectors is satisfied by the documentary evidence submitted that an applicant is entitled by experience and knowledge to a higher tonnage, it may change any tonnage restrictions which it may have previously placed upon his license, if the applicant has passed the examination for such license.

(b) No board of local inspectors may change on any license any tonnage limitation which such board did not place thereon, before full information regarding the reason for the limitation is obtained from the board responsible for same and the applicant has made up any deficiency in the experience required for the increased tonnage desired, and has passed any necessary examination. No limitation on any license may in any case be changed before the applicant has made up any deficiency in the experience prescribed for the license desired, and passed any necessary examination.

§ 62A.18 *Lost license.* (a) In case of loss of license of any class from any cause, except as stated in Sec. 62A.19, any board of local inspectors, upon receiving satisfactory evidence of such loss and a record of the lost license from the board that issued same, shall issue a certificate to the owner thereof which shall have the authority of the lost license for the unexpired term, unless in the meantime the holder thereof shall have the grade of his license raised after due examination, in which case a license in due form for such grade may be issued. In all cases the certificate of lost license shall state what board issued the lost license.

(b) Whenever a license is reported to a board of local inspectors by a licensed officer as having been lost by him or stolen from him, or whenever a license is stolen from an office of local inspectors, the local inspectors shall immediately report the fact to the Director and give a full description of the license and all facts incident to the loss or theft of same. By the same procedure they shall report the recovery of any licenses reported lost, giving the facts incident to their recovery.

§ 62A.19 *Suspension and revocation of licenses.* (a) These licenses as master, mate, or engineer shall be subject to suspension or revocation on the same ground and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses under the provisions of section 4450 of the Revised Statutes, as amended. When the license of any master, mate, or engineer is revoked, such license expires with such revocation, and any license subsequently granted to such person shall be considered in the light of an original license except as to number of issue. Upon the revocation or suspension of the license of any such officer, said license shall be surrendered to the Local Inspectors or Supervising Inspector. No person whose license has been suspended or revoked shall be issued another license except upon approval of the Director.

(b) When the license of any master, mate, or engineer is suspended, the Director shall determine the term of its duration, except that such suspension shall not extend beyond the time for which the license was issued. When the Director suspends a license which is about to expire, he may withhold the renewals of such license for such time as he considers necessary.

§ 62A.20 Field Offices of the Bureau where examinations are held.

Boston, Mass.
Bangor, Maine.
New London, Conn.
Portland, Me.
Providence, R. I.
New York, N. Y.
Albany, N. Y.
New Haven, Conn.
San Juan, P. R.
Norfolk, Va.
Philadelphia, Pa.
Baltimore, Md.
Charleston, S. C.
Savannah, Ga.
New Orleans, La.
Jacksonville, Fla.
Tampa, Fla.
Mobile, Ala.
Port Arthur, Tex.
Galveston, Tex.
San Francisco, Calif.
St. Michael, Alaska.
Seattle, Wash.
Juneau, Alaska.
Hoquiam, Wash.
Portland, Ore.
San Pedro, Calif.
Honolulu, Hawaii.

*Qualifications of Candidates*

§ 62A.30 *Experience.* (a) For license as mate or assistant engineer, a candidate must have served three years at sea, on deck or in the engine room, respectively.

(b) For license as master or chief engineer, a candidate must have served four years at sea, on deck or in the engine room, respectively, of which one year must have been as licensed mate or assistant engineer, respectively, except as provided in 62A.2 (b).

(c) For a license as assistant or chief engineer of motor vessels, two-thirds of the required service must have been served on motor vessels.

§ 62A.31 *Examinations.* (a) The examinations given by the Local Inspectors will be practical, not theoretical. They will be written, where possible, and if an oral examination is necessary, it shall be taken down in writing. The examination for licenses for fishing vessels shall be oral only. The syllabuses for the examinations are given in subsections (b) to (e) inclusive.

(b) *Mate*—(1) *Navigation.* Candidates will be required to understand and give satisfactory explanations of:

(a) Variation, deviation of the compass, and simple methods of finding the deviation by the bearing of two objects when in line, and by bearings of the sun.

(b) Use of a chart and the meaning of the various signs and abbreviations thereon; method of finding and laying off compass courses and distances on a chart, and making due allowance for set and drift; fixing of ship's position by cross bearings of two objects; or by two bearings of the same object.

(c) The traverse tables and a day's work in its simplest form.

(d) The finding of latitude by meridian altitude of the sun.

(e) The finding of longitude by chronometer or deck watch by an altitude of the sun.[3]

[3] These subjects will not be given to a candidate whose experience in the judgment of the Local Inspectors, limits him to a coastwise license.

(f) The use and adjustments of the sextant.

(g) The use and reading of the aneroid barometer.

(2) Rudimentary seamanship including:

(a) The use and construction of a sea anchor.

(b) The marking and use of the lead line.

(c) Man reported overboard.

(d) Handling of a vessel's boat in heavy weather.

(e) Elementary first aid.

(3) The Rules for the Prevention of Collision including both the International Rules and the Pilot Rules for Inland Waters. Particular attention will be given to the Articles of Collision, although inability to repeat them verbatim will not entail failure, provided that the candidate understands their full significance, content, and practical application. Models will be used to test the candidate's judgment and ability to act correctly and promptly.

(4) Distress signals and use of Gun and Rocket Apparatus.

(5) Buoyage System, Seamarks, Lights, etc.

(6) Precautions to be taken against fire, explosions from oil or gas, and spontaneous combustion. Methods of dealing with fire and use of fire extinguishers, handling of vessels after fire is discovered.

(7) Candidates for a sailing ship license will also be asked questions on the taking in and setting of fore and aft sail, and applicable questions relating to the handling of a sail vessel.

(c) *Master.* In addition to the subjects given in the syllabus for the examination for mate, a candidate will be required to understand and give satisfactory explanations of:

(1) *Navigation.* (a) Finding of latitude by altitude of Pole Star.[2]

(b) Elementary questions on compass deviation.

(2) Rudimentary seamanship including. (a) Meteorology, use and reading of weather bulletins.

(b) Getting under way.

(c) Tending vessel at anchor; mooring and unmooring.

(d) Keeping a ship's head to sea in heavy weather with engines broken down.

(e) How to rig a jury rudder.

(f) Action to be taken in the event of springing a leak.

(g) Cast of lead in heavy weather.

(d) *Assistant engineer, motor.* A candidate for license as assistant engineer, motor, will be required to understand and give satisfactory explanations of:

1. The various codes of signals used between the bridge and engine room for working the engine.

2. The fundamentals of oil, gas, or other internal combustion engines, and also the auxiliary machinery in use on board ship, and to show a practical knowledge of upkeep of, operation of, and repairs to same, and a good working knowledge of his profession.

3. The use of the various gauges, meters, and instruments.

4. Treatment of a hot bearing and avoidance of same.

5. The use of fire extinguishing apparatus; precautions to be taken against fire or explosions from oil or gas, precautions to be taken against the formation of explosive gases in oil tanks, bilges or other unventilated spaces, causes of spontaneous combustion; safe carriage of fuels, and storage of lubricating oils; and methods of dealing with fire.

6. Properties of the various oils, etc., generally used in internal combustion engines.

(e) *Chief engineer, motor.* An advanced and more complete knowledge of the subjects and problems required for the examination for an assistant engineer. (R.S. 4405 as amended, 46 U.S.C. 375 and the Act approved July 17, 1939—Public 188, 75th Congress.)

[2] These subjects will not be given to a candidate whose experience in the judgment of the Local Inspectors, limits him to a coastwise license.

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The following equipment was approved for use on inspected vessels:

*Lifeboats*

4063. Standard type double-ended metallic lifeboats, constructed by the Thomas Drein and Son Company, Wilmington, Delaware.

3909. Standard type round bilge double-ended metallic lifeboat, constructed by the Frank Morrison and Son Company, Cleveland, Ohio.

4514. Standard type double-ended metallic lifeboats propelled by oars and by hand propelling gear manufactured by the Welin Davit and Boat Corporation of Newark, New Jersey.

3885. OMS (Oar-propelled metallic standard round-bottom); OMN (Oar-propelled metallic nesting); and MMS (Motor-propelled metallic double-ended) type lifeboats constructed by the Tregoning Boat Company, Seattle, Washington.

3924. Standard type double-ended metallic lifeboats constructed by the Lykes Bros. Steamship Company at Galveston, Texas.

3835. Double-ended wooden motor lifeboat constructed by the Inter-Island Steam Navigation Company, Ltd., Honolulu, Hawaii.

4515. Square stern yawl type; round-bottom double-ended model type; and flat bottom scow type metallic lifeboats constructed by the Grafton Boat Works of Grafton, Illinois. (Approved for river service only)

4449. Standard type square stern wooden lifeboat constructed by the Alberg Boat Works, Inc., Miami, Florida.

4513. Standard type double-ended metallic lifeboat constructed by the Mobile Steel Company, Inc., Mobile Alabama.

*Life Preservers*

4462. Adult's balsa wood life preserver, manufactured by the A. L. Robertson and Company, 118 S. Frederick Street, Baltimore, Maryland.

4449. Adult's kapok life preserver, manufactured by the Acme Products, Inc., 152–156 Brewery Street, New Haven, Conencticut.

4204. Adult's and child's balsa wood life preservers, Nos. AV 1021, and AV 1023, manufactured by the Cluff Fabric Products, Inc., 300 West 19th Street, New York, New York.

4204. Adult's kapok life preservers Nos. AV 1070, AV 1080, and AV 1090 manufactured by the Cluff Fabric Products, Inc., 300 West 19th Street, New York, New York.

*Life Buoys*

3894. Standard balsa wood life buoy, manufactured by the Atlantic-Pacific Manufacturing Corporation, 124–126 Atlantic Avenue, Brooklyn, New York.

*Distress Lights*

2638. Hand distress light, manufactured by the Coston Supply Co., Inc., 50 Water Street, New York, New York.

3788. Hand distress light, manufactured by the Sculler Safety Corporation, 112 Mercer Street, New York, New York.

3841. Hand distress light, manufactured by the National Fireworks, Inc., West Hanover, Massachusetts.

3841. Cowdry-Jackson and Jackson Superior hand distress lights, manufactured by Samuel Jackson's Sons, Inc., Philadelphia, Pennsylvania.

*Fire Extinguishers*

2523–1. "Essanay" or "Vangarde" 2½ gallon soda-acid fire extinguisher, manufactured by the Pyrene Manufacturing Company, Newark, New Jersey.

*Flashlights*

4188. Flashlight for use in lifeboats manufactured by the Stewart R. Browne Manufacturing Company, 258 Broadway, New York, New York.

*Breathing Apparatus*

4443. Full vision hose mask and assembly, manufactured by the Acme Protection Equipment Company, 3616 Liberty Avenue, Pittsburgh, Pennsylvania.

(R.S. 4405 as amended 46 U.S.C. 375; R.S. 4491 as amended, 46 U.S.C. 489)

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[SEAL] R. S. FIELD,
*Director.*
GEORGE FRIED,
*U. S. Supervising Inspector, 2nd District.*
EUGENE CARLSON,
*U. S. Supervising Inspector, 3rd District.*

Approved, August 24, 1939.

J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 39–3126; Filed, August 24, 1939; 4:25 p. m.]



## Notices

### DEPARTMENT OF STATE.

**Committee for Reciprocity Information.**

TRADE AGREEMENT NEGOTIATIONS WITH ARGENTINA

PUBLIC NOTICE

AUGUST 23, 1939.

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution No. 10, approved March 1, 1937, and to Executive Order No. 6750, of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Argentina.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such agreement should be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee concerning the manner and dates for the submission of briefs and applications, and the time set for public hearings.

SUMNER WELLES,
*Acting Secretary of State.*

*Closing date for submission of briefs, October 4, 1939*

*Closing date for application to be heard, October 4, 1939*

*Public hearings open, October 16, 1939*

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, in regard to the negotiation of a trade agreement with the Government of Argentina, notice of intention to negotiate which has been issued by the Acting Secretary of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, October 4, 1939. Such communications should be addressed to "Chairman, Committee for Reciprocity Information, Old Land Office Building, Eighth and E Streets NW., Washington, D. C."

A public hearing will be held beginning at 10 a. m. on October 16, 1939, before the Committee for Reciprocity Information in the hearing room of the Tariff Commission in the Old Land Office Building, where supplemental oral statements will be heard.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 23rd day of August 1939.

E. M. WHITCOMB,
*Acting Secretary.*

AUGUST 23, 1939.

*List of Products of Which Argentina is the Chief or an Important Source of Supply*

NOTE: The rates of duty indicated are those now applicable to products of Argentina. Where the rate is one which has been reduced pursuant to a previous trade agreement by 50 percent (the maximum permitted in the Trade Agreements Act) it is indicated by the symbol MR. Where the rate represents a reduction pursuant to a previous trade agreement, but less than a 50-percent reduction, it is indicated by the symbol R. Where a rate has been bound against increase, but has not been reduced in a previous trade agreement it is indicated by the symbol B; likewise, items which have been bound free of duty are indicated by the symbol B.

For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930, or, as the case may be, to the appropriate sections of the Internal Revenue Code. The descriptive phraseology is, however, in many cases limited to a narrower field than that covered by the numbered tariff paragraph or section in the Internal Revenue Code. In such cases only the articles covered by the descriptive phraseology of the list will come under consideration for the granting of concessions.

In the event that articles which are at present regarded as classifiable under the descriptions included in the above list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles.

| United States Tariff Act of 1930, paragraph | Description of article | Present rate of duty | Symbol |
|---|---|---|---|
| 19 | Casein or lactarene and mixtures of which casein or lactarene is the component material of chief value, not specially provided for. | 5½¢ per lb | |
| 38 | Extracts, dyeing and tanning, not containing alcohol: Quebracho. | 15% ad valorem | |
| 42 | Glycerin, crude | 5½¢ per lb | R |
| 53 | Oils, vegetable: Linseed or flaxseed, and combinations and mixtures in chief value of such oil. | 4½¢ per lb | |
| 232 (a) | Onyx, in block, rough or squared only | 65¢ per cu. ft | |
| 409 | Osier or willow, including chip of and split willow, prepared for basket makers' use. | 35% ad valorem | |
| 701 | Tallow | ½¢ per lb. (plus 3¢ per lb. under Sec. 2491 (a) of the Internal Revenue Code; see below). | |
| 701 | Oleo oil and oleo stearin | 1¢ per lb. (plus 3¢ per lb. under Sec. 2491 (c) of the Internal Revenue Code; see below). | |
| 705 | Extract of meat, including fluid | 15¢ per lb | B |
| 706 | Beef and veal, pickled or cured, not packed in airtight containers not specially provided for. | 6¢ per lb. but not less than 20% ad valorem. | |
| 706 | Beef and veal, prepared or preserved, packed in airtight containers, not specially provided for. | 6¢ per lb. but not less than than 20% ad valorem. | |
| 710 | Cheese<br>NOTE.—If any concession is made in the proposed agreement, it will apply to a narrower description than that listed so as to cover only that part of the item which is of special interest to Argentina. | 4¢ per lb. to 7¢ per lb. with minimum rates of 20% ad valorem to 35% ad valorem. | [1] R |
| 712 | Turkeys, dead, dressed or undressed, fresh, chilled or frozen | 10¢ per lb | |
| 712 | Birds, dead, dressed or undressed, fresh, chilled, or frozen (except chickens, ducks, geese, guineas, and turkeys). | 8¢ per lb | MR |
| 713 | Eggs of chickens, in the shell | 5¢ per doz | MR |
| 724 | Corn or maize, including cracked corn | 25¢ per bu. of 56 lbs | |
| 730 | Dog food, consisting of an admixture of grains or grain products with other feedstuffs, unfit for human consumption. | 5% ad valorem | MR |
| 742 | Grapes in bulk, crates, barrels or other packages | 25¢ per cu. ft. of such bulk or the capacity of the packages, according as imported. | [2] B |
| 749 | Pears: green, ripe, or in brine | ½¢ per lb | |
| 762 | Flaxseed | 65¢ per bu. of 56 lbs | |
| 763 | Grass seeds and other forage crop seeds: Alfalfa | 4¢ per lb | MR |
| 764 | Canary seed | ¾¢ per lb | R |
| 774 | Asparagus in its natural state | 50% ad valorem | |

[1] Various types.
[2] As to hothouse grapes.

| United States Tariff Act of 1930, paragraph | Description of article | Present rate of duty | Symbol |
|---|---|---|---|
| 779 | Broom corn | $20.00 per ton of 2,000 lbs. | |
| 1101(a) | Wools: Donskoi, Smyrna, Cordova, Valparaiso, Ecuadorean, Syrian, Aleppo, Georgian, Turkestan, Arabian, Bagdad, Persian, Sistan, East Indian, Thibetan, Chinese, Manchurian, Mongolian, Egyptian, Sudan, Cyprus, Sardinian, Pyrenean, Oporto, Iceland, Scotch Blackface, Black Spanish, Kerry, Haslock, and Welsh Mountain; similar wools without merino or English blood; all other wools of whatever blood or origin not finer than 40s; all the foregoing— | | |
| | In the grease or washed | 24¢ per lb. of clean content | |
| | Scoured | 27¢ per lb. of clean content | |
| | On the skin | 22¢ per lb. of clean content | |
| | Sorted, or matchings, if not scoured | 25¢ per lb. of clean content | |
| 1101(b) | Any of the foregoing entered or withdrawn from warehouse under bond and used in the manufacture of press cloth, camel's hair belting, knit or felt boots, heavy fulled lumbermen's socks, rugs, carpets or any other floor coverings. | Free, subject to the provisions of paragraph 1101 of the Tariff Act of 1930, as amended. | |
| 1102(a) | Wools, not specially provided for, not finer than 44s: | | |
| | In the grease or washed | 29¢ per lb. of clean content | |
| | Scoured | 32¢ per lb. of clean content | |
| | On the skin | 27¢ per lb. of clean content | |
| | Sorted, or matchings, if not scoured | 30¢ per lb. of clean content | |
| 1530 (a) | Hides and skins of cattle of the bovine species (except hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles), raw or uncured, or dried, salted, or pickled. | 10% ad valorem | |
| 1558 | Dog food, manufactured, unfit for human consumption, not specially provided for. | 20% ad valorem | |
| 1625 | Blood, dried, not specially provided for | Free | |
| 1627 | Bones: Crude, steamed, or ground; bone dust, bone meal, and bone ash; and animal carbon suitable only for fertilizing purposes. | Free | |
| 1670 | Dyeing or tanning materials: Quebracho wood, whether crude or advanced in value or condition by shredding, grinding, chipping, crushing, or any similar process, and not containing alcohol. | Free | |
| 1681 | Furs and fur skins, not specially provided for, undressed: | | |
| | Cuanaquito | Free | |
| | Nutria | Free | B |
| | Otter | Free | B |
| | Fox (other than silver or black fox) | Free | |
| | Wildcat | Free | |
| | Ocelot | Free | B |
| | Lamb | Free | B |
| 1685 | Tankage of a grade used chiefly for fertilizers, or chiefly as an ingredient in the manufacture of fertilizers. | Free | |
| 1688 | Hair of the horse, cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially provided for: | | |
| | Body hair | Free | B |
| | Other | Free | |
| 1755 | Sausage casings, weasands, intestines, bladders, tendons, and integuments, all the foregoing not of sheep, lambs, or goats, and not specially provided for. | Free | |
| 1765 | Horse, colt, ass, and mule hides, and raw skins | Free | |
| 1780 | Tankage, unfit for human consumption | Free | |

| Internal revenue code section | Description of article | Present rate of import tax | Symbol |
|---|---|---|---|
| 2491 (a) | Tallow | 3¢ per lb. (in addition to tariff duty). | |
| 2491 (c) | Oleo oil and oleo stearin | 3¢ per lb. (in addition to tariff duty). | |

[F. R. Doc. 39-3133; Filed, August 25, 1939; 10:30 a. m.]

TRADE-AGREEMENT NEGOTIATIONS WITH BELGIUM: POSTPONEMENT OF DATE FOR SUBMISSION OF BRIEFS AND FOR APPLICATIONS TO BE HEARD AND DATE OF OPENING OF HEARINGS

PUBLIC NOTICE

The Committee for Reciprocity Information hereby gives notice that the dates given in its public notice of August 16, 1939[1] are changed as follows:

*Closing date for submission of briefs postponed from September 16, 1939 to September 27, 1939.*

*Closing date for application to be heard postponed from September 16, 1939 to September 27, 1939.*

*Opening of public hearings postponed from October 2, 1939 to October 9, 1939.*

All information and views in writing, and all applications for supplemental oral presentation of views, in regard to the negotiation of a trade agreement with Belgium shall be submitted to the Committee for Reciprocity Information not later than 4 p. m. on September 27, 1939.

A public hearing will be held beginning at 10 a. m. on October 9, 1939.

Except for the dates mentioned above, the public notice issued by this Committee on August 16, 1939, remains unchanged.

By direction of the Committee for Reciprocity Information this 22nd day of August 1939.

E. M. WHITCOMB,
*Acting Secretary.*

AUGUST 22, 1939.

[F. R. Doc. 39-3137; Filed, August 25, 1939; 11:34 a. m.]

[1] 4 F.R. 3686 DI.

DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

DETERMINATION WITH RESPECT TO AN ORDER, AS AMENDED, REGULATING HANDLING OF MILK IN FORT WAYNE, INDIANA, MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to the terms and provisions of Public Act No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, having reason to believe that execution of an amendment to a tentatively approved marketing agreement, as amended, and issuance of an order,[1] as amended, both of which regulate the handling of milk in the Fort Wayne, Indiana, marketing area, would tend to effectuate the declared policy of the act, gave, on the 21st day of March, 1939, notice of a public hearing to be held on the 28th day of March, 1939, at Indianapolis, Indiana, on proposed amendments of said tentatively approved marketing agreement, and of said order, said hearing being reopened at Indianapolis, Indiana, on the 13th day of June, 1939, for the purpose of receiving additional evidence, and at said times and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the said proposed amendments; and

Whereas, after said hearing and after the tentative approval by the Secretary, on the 18th day of July, 1939, of a marketing agreement, as amended, handlers of more than 50 percent of the volume of milk covered by such proposed order, as amended, which is marketed within the Fort Wayne, Indiana, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk;

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by said act, hereby determines:

(1) That the refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) That the issuance of the proposed order, as amended, is the only practical means, pursuant to such policy, of advancing the interest of producers of milk which is produced for sale in said area; and

(3) That the issuance of the proposed order, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary, and who, during the month of May, 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, M. L. Wilson, Acting Secretary of Agriculture of the United States, has executed this determination in duplicate, and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 14th day of August 1939.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT
*The President of the United States.*

Dated, August 21, 1939.

[F. R. Doc. 39-3142; Filed August 25, 1939; 12:17 p. m.]

[1] See Page 3723.



CIVIL AERONAUTICS AUTHORITY.

[Docket Nos. 156 and 289]

IN THE MATTER OF THE APPLICATIONS OF LAMOTTE T. COHU AND TRANSCONTINENTAL & WESTERN AIR, INC., FOR APPROVAL OF INTERLOCKING RELATIONSHIPS UNDER SECTION 409(A) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, now assigned for September 18, 1939,[1] is hereby postponed until October 26, 1939, 10 o'clock a. m. (Eastern Standard Time) in Conference Room C, Departmental Auditorium, Washington, D. C., before an Examiner.

Dated Washington, D. C., August 24, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3139; Filed, August 25, 1939; 12:06 p. m.]

[1] 4 F.R. 3562 DI.

[Docket No. 234]

IN THE MATTER OF THE APPLICATION OF C. COBURN DARLING AND CANADIAN COLONIAL AIRWAYS, INC., FOR APPROVAL OF INTERLOCKING RELATIONSHIPS UNDER SECTION 409 (A) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, now assigned for September 7, 1939,[1] is hereby postponed until October 23, 1939, 10 o'clock a. m. (Eastern Standard Time) in Conference Room C, Departmental Auditorium, Washington, D. C., before an Examiner.

Dated Washington, D. C., August 24, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3140; Filed, August 25, 1939; 12:06 p. m.]

[1] 4 F.R. 2249 DI.

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 385]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 23, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Iowa 0040B1 Marion | $59,000 |
| Minnesota 0081A1 Aitkin | 35,000 |
| Mississippi 0022C1 Leake | 63,000 |
| Mississippi 0024A4 Lafayette | 15,000 |
| Oregon 0005A3 Clatsop | 7,000 |
| Texas 0102A1 Jackson | 149,000 |
| Virginia 0030B2 Bath | 40,000 |
| Washington 0020A1 Columbia | 77,000 |

ROBERT B. CRAIG,
*Acting Administrator.*

[F. R. Doc. 39-3131; Filed, August 25, 1939; 10:30 a. m.]

[Administrative Order No. 386]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 23, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Colorado 0026W1 San Miguel | $5,000 |
| Louisiana 0017W1 Claiborne | 2,000 |
| Michigan 0039W5 Van Buren | 10,000 |
| Montana 0012W1 Missoula | 10,000 |
| Pennsylvania 0021W1 Somerset | 6,000 |

ROBERT B. CRAIG,
*Acting Administrator.*

[F. R. Doc. 39-3132; Filed, August 25, 1939; 10:30 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of August 1939.

[File No. 37-32]

IN THE MATTER OF PUBLIC UTILITY ENGINEERING AND SERVICE CORPORATION

ORDER AMENDING AN ORDER APPROVING A SUBSIDIARY SERVICE COMPANY

The Commission having issued its order dated May 27, 1939,[1] pursuant to Section 13 (b) of the Public Utility Holding Company Act of 1935 and Rule U-13-22 promulgated thereunder, approving Public Utility Engineering and Service Corporation as a subsidiary service company of Standard Gas and Electric Company and permitting it to perform service, sales and construction contracts to the extent and in the manner set forth in said company's application;

Said order having provided that the approval contained therein shall terminate and be revoked unless within ninety days of said order certain changes set forth therein shall have been made and notice to that effect filed with the Commission;

Applicant having advised the Commission that it has not been possible to effect all such changes within said ninety-day period, and having requested an extension of said period;

*It is ordered*, That said ninety-day period be extended for an additional sixty days from the date of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3134; Filed, August 25, 1939; 11:04 a. m.]

[1] 4 F.R. 2249 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of August 1939.

[File No. 37-32]

IN THE MATTER OF PUBLIC UTILITY ENGINEERING AND SERVICE CORPORATION

ORDER AMENDING AN ORDER PERMITTING SERVICE COMPANY TO OPERATE WHERE SPECIAL OR UNUSUAL CIRCUMSTANCES

The Commission, having issued an order dated May 27, 1939,[1] pursuant to Section 13 (b) (2) of the Public Utility Holding Company Act of 1935, permitting Public Utility Engineering and Service Corporation to operate as a mutual service company and to perform services, or construction work for, or sell goods to associate companies thereof, to the extent set forth in the application of said company;

Said order being subject to the condition, inter alia, that the permission terminate not later than ninety days from the date of said order or at such prior date as all the capital stock of Public Utility Engineering and Service Corporation is acquired by Standard Gas and Electric Company;

Applicant having advised the Commission that it has not been possible for Standard Gas and Electric Company to acquire all the capital stock of Public Utility Engineering and Service Corporation within said ninety-day period, and having requested an extension of said period;

[1] 4 F.R. 2249 DI.



SEP 5 1939

*It is ordered*, That said ninety-day period be extended for an additional sixty days from the date of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3135; Filed, August 25, 1939; 11:04 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of August, A. D., 1939.

[File No. 44-41]

IN THE MATTER OF THE MARION-RESERVE POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to Rule U-12C-1(b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on August 31, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue N. W., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 28, 1939.

The matter concerned herewith is in regard to the acquisition of $750,000 principal amount of the applicant's First Mortgage Bonds, 4½% Series, due October 1, 1948, and $600,000 principal amount of its Ten-Year Serial Notes dated April 29, 1937.

The applicant has filed an application or declaration pursuant to Sections 6 (b) or 7 (whichever is applicable) in regard to the issuance and sale of $7,750,000 principal amount of First Mortgage Bonds, 3½% Series, due September 1, 1959 and $1,250,000 principal amount of Eight-Year 2⅞% Promissory Notes, the proceeds of which, in part, will be used for the acquisition of said $750,000 principal amount of bonds and $600,000 principal amount of notes. Said application or declaration has been set for hearing on August 31, 1939. As the acquisition of the said $750,000 principal amount of bonds and $600,000 principal amount of notes is a part of the general refinancing program of the applicant, the hearings on both applications have been consolidated and set for the same day, August 31, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3138; Filed, August 25, 1939; 12:01 p. m.]

SEP 5 1939

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 166

*Washington, Tuesday, August 29, 1939*

## *The President*

CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT, MARYLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Interior has submitted to me for approval the following regulation adopted by him on August 11, 1939, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan No. II,[1] transmitted to the Congress May 9, 1939:

*Regulation Designating a Certain Part of Chesapeake Bay as the Susquehanna Migratory Waterfowl Closed Area, Maryland*

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U.S.C. 704), and Reorganization Plan No. II, transmitted by the President to the Congress May 9, 1939, there is hereby designated as closed area in or on which pursuing, hunting, taking, capturing, or killing, or attempting to take, capture, or kill, migratory birds is not permitted, all that area of land and water of Chesapeake Bay, in Harford and Cecil Counties, Maryland, to be known as the Susquehanna Migratory Waterfowl Closed Area, bounded as follows:

Beginning at a point in Chesapeake Bay on the west side of Elk Neck, 440 yards distant from the shore line thereof, at latitude 39°30' N.; thence in a southwesterly direction with a line parallel to and 440 yards distant from the shore on the west side of Elk Neck, to a point off Turkey Point, the southernmost extremity of Elk Neck, from which the navigation bell on said point bears S. 70° E. 2,400 feet distant (approximate); thence N. 62½° W. (approximate) to a point in Chesapeake Bay 440 yards distant from the northeast side of Spesutie Island at Locust Point; thence north and west along the north shore of Spesutie Island and 440 yards distant therefrom, to a point opposite the center of Spesutie Narrows, and thence westerly and northerly and 1,000 yards distant from the east side of the channel lying close to the west shore, to the said latitude 39°30' N. (at a point 1,000 yards east of said channel); and thence due east to the place of beginning.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act of July 3, 1918:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing regulation of the Secretary of the Interior.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 24" day of August in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2347]

[F. R. Doc. 39-3156; Filed, August 28, 1939; 11:06 a. m.]

[1] 4 F.R. 2731 DI.

## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### FARM CREDIT ADMINISTRATION

[FCA 143]

THE FEDERAL LAND BANK OF WICHITA

PREPAYMENT FEES—PAYABLE AT TIME PAYMENT ON LOAN IS RECEIVED

Sec. 29.5 of Title 6, Code of Federal Regulations, as amended April 14, 1939

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(4 F.R. 2101 (DI)), is amended to read as follows:

"§ 29.5 *Prepayment fees—payable at the time payment on loan is received*—(a) *Voluntary prepayment of loans in force over five years.* Partial or full payment in advance on the principal of land bank loans which have been in force over five years will be permitted on instalment dates or within a period of ten days following an instalment date with a charge of only actual interest to the date of payment. Payments made after the expiration of this ten-day grace period will be accepted as of the following instalment date, and interest will be charged to that date.

"(b) *Voluntary prepayment of loans in force less than five years.* Except as hereinafter provided, partial or full payment in advance on the principal of land bank loans which have been in force less than five years will be permitted in accordance with section (a) above, and interest will be charged on the basis prescribed therein. In addition, in connection with payments which exceed, within a calendar year, 20 percent of the original principal amount of a loan, a prepayment charge of 1 percent per annum will be made. This charge will be computed on the excess amount of the payment, and will cover the unexpired portion of the five-year period following the date to which interest is charged.

"(c) *Involuntary prepayment of land bank loans.* No prepayment charge will be made in connection with involuntary payments of principal of land bank loans, and interest will be charged only to the date such payments are received. The term 'involuntary prepayment' refers to any prepayment which the Bank may have the right to require in accordance with the terms of its note, mortgage and other loan instruments or under general law. This includes, among other payments of this type, sums received for rights-of-way, easements, or similar rights or privileges which could be obtained through condemnation proceedings, proceeds from insurance on the mortgaged security, funds received from oil runs therefrom or as rents, bonuses, and delay monies payable under the terms of mineral leases on the mortgaged property.

"The provisions of this regulation shall be effective on and after publication in the FEDERAL REGISTER of the portions of the regulation required to be so published and shall continue in effect until rescinded, and shall not in any way be considered as an alteration or waiver of the provisions of notes, mortgages, or other instruments taken in connection with loans. (Sec. 12 'Second', 39 Stat. 370, as amended, 12 U.S.C. 771 'Second'; 6 CFR 10.386 and 10.387.) [Res. Ex. Com., August 12, 1939]"

[SEAL] THE FEDERAL LAND BANK OF WICHITA,
By ROY S. JOHNSON,
*President.*

[F. R. Doc. 39-3159; Filed, August 28, 1939; 11:50 a. m.]

## TITLE 7—AGRICULTURE

## AGRICULTURAL MARKETING SERVICE

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52.65 Fraud or misrepresentation.
52.66 Political activity.
52.67 Publication.
52.68 Identification.

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress approved June 30, 1939 (Public No. 159, 76th Congress) entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1940, and for other purposes" authorizing the establishment of an inspection service for farm products, I, Harry L. Brown, Acting Secretary of Agriculture, do make, prescribe, publish, and give public notice of the following regulations superseding the Regulations of the Secretary of Agriculture approved March 23, 1932, as amended, governing the grading and certification of canned fruits and vegetables, such regulations to be effective immediately.

DEFINITIONS

§ 52.1 *Meaning of words.* Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 52.2 *Terms defined.* For the purpose of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

(a) *The Act.* The following provision of an Act of Congress entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1940, and for other purposes", approved June 30, 1939, "For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits, and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained."

(b) *Secretary.* The Secretary or Acting Secretary of Agriculture of the United States.

(c) *Agricultural Marketing Service.* The Agricultural Marketing Service of the United States Department of Agriculture.

(d) *Canned fruits and vegetables.* Any fruits or vegetables preserved in hermetically sealed containers and sterilized by heat.

(e) *Official grader.* An employee of the United States Department of Agriculture authorized by the Secretary to investigate and certify to any financially interested party the quality and condition of canned fruits and vegetables under the Act.

(f) *Licensed sampler.* A person, not an employee of the United States Department of Agriculture, authorized by the Secretary to officially draw samples of canned fruits and vegetables under the Act and these regulations.

(g) *Person.* An individual, corporation, partnership, or two or more persons having a joint or common interest.

(h) *Certificate of grade.* A certificate issued under the Act, stating the grade, quality, and condition of canned fruits and vegetables.

(i) *Certificate of sampling.* A certificate issued under the Act by a licensed sampler covering samples officially drawn from a specifically designated lot of canned fruits and vegetables.

(j) *Lot.* A lot may consist of any number of containers of one size, of one commodity, of one type and one style and, in the case of products customarily packed to size, one size.

(k) *Case.* For the purpose of these regulations, whether the canned fruits and vegetables be cased or uncased, a case shall be construed to consist of the usual number of cans ordinarily packed in a case. For example, 48 No. 1 Eastern or Picnic size cans, 24 No. 2, No. 2½, or No. 3 size cans, 12 No. 5 size cans, or 6 No. 10 size cans shall constitute a case.

(l) *Regulations.* Rules and regulations of the Secretary, under the Act, relating to canned fruits and vegetables.

ADMINISTRATION

§52.3 *Chief of Agricultural Marketing Service.* The Chief of Agricultural Marketing Service is charged with the supervision of the performance of all duties arising in the administraton of the Act.

WHERE SERVICE IS OFFERED

§ 52.4 *Official sampling and grading.* Samples may be drawn by employees of the Department designated for the purpose, at the following points and such other points as may be conveniently reached therefrom. Official grading will be performed at points designated with asterisk (*) and such other points as may be designated from time to time. Samples will be drawn by officials stationed at any of the points listed. Samples drawn at points where grading service is not available will be forwarded at expense of applicant to nearest grading office.

(a) *List of offices.*

Albany, N. Y.
Atlanta, Ga.
Baltimore, Md.
*Boston, Mass.
Buffalo, N. Y.
*Chicago, Ill.
Cincinnati, Ohio.
*Cleveland, Ohio.
*Columbus, Ohio.
Denver, Colo.
Detroit, Mich.
*Easton, Md. (seasonal).
East Providence, R. I.
Fargo, N. D.
Fort Worth, Tex.
Harrisburg, Pa.
Hartford, Conn.
Houston, Tex.
*Indianapolis, Ind.
*Jacksonville, Fla.
Kansas City, Mo.
Los Angeles, Calif.
Memphis, Tenn.
Milwaukee, Wis.
Minneapolis, Minn.
*Newark, N. J.
New Haven, Conn.
New Orleans, La.
*New York, N. Y.
Norfolk, Va.
*Oklahoma City, Okla.
Omaha, Nebr.
*Philadelphia, Pa.
Phoenix, Ariz.
Pittsburgh, Pa.
*Portland, Ore.
Rochester, N. Y.
Sacramento, Calif.
St. Louis, Mo.
*Salt Lake City, Utah.
*San Francisco, Calif.
*Seattle, Wash.
Tampa, Fla.
*Washington, D. C.

NOTE: The above offices may be addressed as follows: Farm Products Inspection Service, U. S. Department of Agriculture.

(b) *Official sampling by licensees or other authorized persons.* Samples may be officially drawn by individuals authorized, or licensed for the purpose by the Secretary as provided in section 52.31, who may ship samples to offices designated with asterisk (*) under (a) of this section for grading.

GRADING SERVICE

§ 52.5 *Who may obtain service.* An application for grading service under the Act may be made by any person having a financial interest in the products involved, including Federal, State, county, or municipal governments, and canners, receivers, common carriers, or by any authorized person in behalf of such applicant.

§ 52.6 *Where application is filed.* Application for grading may be filed with an official grader or licensed sampler, or in any office mentioned in section 52.4. Proof of the applicant's interest or of the authority of any person applying for grading in behalf of another may be required in the discretion of the official grader or may be transmitted through any licensed sampler or through the person drawing samples.

§ 52.7 *How to make application.* Such application shall be in English, and may be made in writing or orally, by telegraph, telephone, or otherwise. It may be made for one or more cars, lot or lots, sample or samples of canned fruits and vegetables, or may be a blanket application for grading of all designated cars, lots or samples of canned fruits and vegetables within a given period, or within a given warehouse, store, or other place. If made orally, the official grader may require that it be confirmed in writing or by telegraph, setting forth the facts required in section 52.8.

§ 52.8 *Form of application.* Each application for grading shall state (a) the name and post office address of the applicant, and of the person making the application, if acting as agent for another; (b) the name and post office address of the canner, if known; (c) the kind and quality of canned fruits and vegetables involved; (d) the financial interest of the applicant therein; (e) the identification of the canned fruits or vegetables by (1) the declared grade, label, brand, code or other marks and their meaning if known; (2) the car initials, car number and name of common carrier, if possible; (3) name and location of warehouse, store or other place where the canned fruits and vegetables are located; and (4) any other pertinent information; (f) the particular quality or condition concerning which inspection or grading is requested, including the time when the service is desired and where the products to be examined are located; (g) the name and address of the buyer when the canned fruits and vegetables are to be graded in the receiving market; (h) the name of the originating points and the destination, when known; and (i) such other information as may be required by the Agricultural Marketing Service.

§ 52.9 *When application is deemed filed.* An application shall be deemed filed when delivered to the proper grading office. A record showing the date and time of filing shall be made in such office.

§ 52.10 *When application may be rejected.* Any application may be rejected by the official grader in charge of the office in which it is filed, for any non-compliance with the Act or any applicable regulation thereunder, and such grader shall immediately notify the applicant by telegraph at the applicant's expense or in writing of the reasons for such rejection.

§ 52.11 *When application may be withdrawn.* Application may be withdrawn by the applicant at any time before the service is performed, upon payment of any expenses incurred in connection therewith.

§ 52.12 *Accessibility of product.* The applicant shall cause the canned fruits and vegetables for which grading is requested to be made accessible for sampling.

§ 52.13 *Basis of certification.* Grading and certification for quality or condition shall, unless the applicant shall request otherwise, be based upon the official or tentative standards for grades of canned fruits and vegetables of the United States Department of Agriculture, or upon Federal specifications of the Federal Specifications Executive Committee, or upon the specifications of any State or foreign country, or shall be by description where official standards or specifications are lacking. Certificates may be restricted to a single factor, such as net or drained weights, condition of cans or cases, etc.

§ 52.14 *Order of grading.* As many lots will be sampled and graded by official samplers and graders as facilities permit, and, as far as practicable, in the order in which applications are received, except that applications for appeal gradings shall have precedence over all other applications.

§ 52.15 *Financial interest of grader.* No official grader shall grade any product in which he is directly or indirectly financially interested.

§ 52.16 *Postponing grading.* If, because of the possibility of latent defects not apparent immediately after packing, or for any reason, the grader feels he will be unable to determine accurately the true grade and condition of a product, he shall postpone examination of the product for such period as may, in his judgment, be reasonably necessary to enable him to determine its true quality or condition.

§ 52.17 *Form of certificate.* Certificates shall be issued on forms approved by the Chief of Agricultural Marketing Service: *Provided*, That when application for grading is made by any branch of the Federal government or by a public institution or by anyone, for the purpose of determining whether canned fruits and vegetables for use by such applicant comply with contract specifications therefor, a formal certificate need not be issued, but the fact of such compliance or non-compliance with specification may be indicated by appropriate stamp or mark on such products or the containers thereof, or otherwise, as the official grader may deem proper: *Provided further*, That memoranda of gradings for other purposes may be issued in lieu of certificates on forms approved by the Chief of Agricultural Marketing Service.

§ 52.18 *Issuance of certificates.* The official grader shall sign and issue a separate certificate for each lot of canned fruits and vegetables graded by him. Each kind of canned fruits and vegetables shall constitute a separate lot, and different types or styles of the same kind of canned fruits and vegetables shall be considered separate lots.

§ 52.19 *Disposition of certificates.* The original certificate and not to exceed four copies, if requested prior to issuance, shall be immediately delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the grader, and one copy forwarded to the Chief of Agricultural Marketing Service. Copies will be furnished to other financially interested parties as outlined in section 52.60.

§ 52.20 *Advance information.* Upon request of an applicant, all or any part of the contents of a certificate may be telegraphed or telephoned to him or to any person designated by him, at his expense.

APPEAL GRADING

§ 52.21 *When appeal may be taken.* An application for appeal grading may be made when any party financially interested in a lot of canned fruits or vegetables previously officially sampled and graded is dissatisfied with the determination stated in the original certificate.

§ 52.22 *How to obtain.* Appeal gradings may be obtained by the applicant or other person financially interested in the lot by filing a request for such appeal grading (a) in the grading office nearest the point where the product is located, (b) with the grader who made the original grading, or (c) with the Chief of Agricultural Marketing Service. The application for appeal shall be filed within 30 days, exclusive of Sundays and legal holidays, from the date of the original certificate of grade and shall state the reasons therefor and may be accompanied by a copy of any previous certificate of grade or grading report, or any other information which the applicant shall have received regarding the grade or condition of the product at the time of the original grading. Such application may be made in writing or orally, by telegraph, telephone, or otherwise. If made orally, the person receiving the application may require that it be confirmed in writing.

§ 52.23 *Record of filing time.* A record showing the date and time of filing such application shall be immediately made by the receiver thereof.

§ 52.24 *When appeal may be refused.* If it shall appear that the reasons stated in an application for appeal grading are frivolous or unsubstantial, or that the quality or condition of the product has undergone a material change since the original grading, or that the product cannot be made accessible for a thorough examination of all parts of the lot, or the identity of the lot originally graded has been lost, or these regulations have not been complied with, the application may be denied.



§ 52.25 *When appeal may be withdrawn.* Any application for appeal grading may be withdrawn by the applicant at any time before the grading has been made, upon payment of any expenses incurred in connection therewith.

§ 52.26 *When a second grading is not an appeal.* When grading is requested to determine factors of quality or condition which may have undergone material change since the original grading; or when another grading is requested for the purpose of securing an up-to-date certificate and the applicant does not question the correctness of the original certificate covering the lot in question; or, when the samples used in connection with the first grading were not officially drawn, the new grading shall not be considered an appeal grading, within the meaning of sections 52.21–52.30.

§ 52.27 *Order in which made.* Appeal gradings shall as far as practicable be made at time requested by applicant and in the order in which applications are received.

§ 52.28 *Who shall pass upon appeals.* Appeal gradings shall be made by graders specially designated therefor by the Chief of Agricultural Marketing Service and such gradings shall be conducted jointly by two graders when practicable, neither of whom shall have graded the lot previously.

§ 52.29 *Appeal findings.* After an appeal grading has been made, a certificate designated as "appeal grade certificate" shall be signed and issued, referring specifically to the original certificate and stating the quality or condition of the product, as shown by the appeal grading. In all other respects the provisions of sections 52.5–52.20 shall apply to such appeal grade certificate, except that if the applicant for appeal grading be not the original applicant, a copy of the appeal grade certificate shall be mailed to the original applicant.

§ 52.30 *Superseded certificates.* When a certificate of grade shall have been superseded under these regulations by an appeal grade certificate, such certificate of grade shall become null and void and shall not thereafter represent the class, quality, or condition of the product described therein. If the original and all copies of the superseded certificate are not delivered to the person with whom the application for appeal grading is filed, the officer issuing the appeal grade certificate shall forward notice of such issuance and of the cancellation of the original certificate to such persons as he considers necessary to prevent fraudulent use of the cancelled certificate.

LICENSED SAMPLERS

§ 52.31 *Who may be licensed.* Persons showing proper qualifications may be licensed by the Secretary as samplers of canned fruits and vegetables to be graded under the Act, when to do so will expedite grading, or will effect savings to interested parties. All such licenses shall be countersigned by the division or project leader in charge of the canned fruit and vegetable grading service, by the supervising grader under whose direction the licensee is to draw samples, or by such other official as may be designated by the Chief of Agricultural Marketing Service.

§ 52.32 *How applications are filed.* Application for licenses to sample canned fruits and vegetables under the Act shall be made to the Chief of Agricultural Marketing Service on forms furnished for the purpose by him.

§ 52.33 *Form of application.* Each such application shall be signed by the applicant, shall be verified by him under oath or affirmation administered by a duly authorized officer, and shall contain or be accompanied by (a) satisfactory evidence that he has passed his 21st birthday; (b) a statement indicating his present occupation; (c) a statement showing his occupation for ten years prior to date of application, together with names of employers; (d) a statement that he will not in his official capacity as a licensed sampler, if licensed, draw samples from any lot of canned fruits and vegetables in which he or his employer are in any way financially interested; (e) a statement by the applicant that he agrees to comply with the terms of the Act, and rules and regulations thereunder so far as they may relate to him; (f) a statement indicating the fees he will charge, if licensed, which shall not exceed $1.00 for a single sample of 24 cans, $1.50 for two such samples drawn at one time, and 50 cents for each additional sample drawn at any one time, plus actual traveling and subsistence expenses incurred incident thereto, if any; and (g) such other information as the Chief of Agricultural Marketing Service may require.

§ 53.34 *Sampler's license may be suspended.* A sampler's license may be suspended, pending final action by the Secretary of Agriculture, by any official by whom it may be countersigned or any superior officer whenever such official shall deem such action to be for the good of the service. Within seven days after any such suspension, the licensee may file an appeal in writing to the Secretary of Agriculture, supported by any argument or evidence that he may wish to offer in his behalf.

§ 52.35 *When samples to be drawn.* Each licensed sampler, when requested, shall without discrimination, as soon as practicable and upon reasonable terms, draw samples from such lots of canned fruits or vegetables as are in condition to permit adequate and proper sampling in the manner prescribed in section 52.45.

§ 52.36 *Issuance of certificates of sampling.* Immediately after samples are drawn, licensed samplers shall issue a certificate of sampling in quadruplicate on forms provided for the purpose by the Agricultural Marketing Service, the original and two copies to be shipped in the container with the samples to the grading office, the other copy to be retained by the sampler.

§ 52.37 *Samples to be identified and sealed.* After drawing samples, the licensed sampler shall issue an official sample label in duplicate, on label forms furnished by the Agricultural Marketing Service. These forms shall be affixed to two of the containers in the official sample for identification purposes. Except as provided in section 52.40, all of the containers in an official sample shall be packed in a fibre board carton, the ends and flaps glued or tied down, and the "seam" created by the closing of the flaps, shall be completely covered by a strip of adhesive tape at least two inches wide, on which the licensed sampler shall place his initials and the certificate of sampling number on both the top and bottom of the fibre board carton.

§ 52.38 *Where samples are to be shipped.* Samples drawn by licensed samplers shall be forwarded, after having been sealed as provided in section 52.37, to the nearest official grading office of the Agricultural Marketing Service, or to such grading office as may be designated by the Agricultural Marketing Service, at the prepaid expense of the applicant.

§ 52.39 *Retention of check samples.* Upon receipt of an officially drawn sample at the office of the grader, in the absence of specific instructions from the Agricultural Marketing Service directing otherwise, the sample shall be divided, one-half to be used for grading and the remainder retained as a check sample at the grading office or at such points as the Agricultural Marketing Service may approve. The check sample will be held until the applicant indicates that sale of the lot from which it was drawn has been completed and that there is no further use for it, but will not be held for a period exceeding one year from date of grading. Upon request of applicant, the check or comparison sample or samples will be returned to the applicant, at his expense; otherwise, the samples will be disposed of in such manner as the Chief of Agricultural Marketing Service may direct.

§ 52.40 *Retention of check samples stored with applicant.* If the applicant requests, the official sample may be divided in two equal parts at time of sampling, one part being retained at point of sampling, as provided in section 52.41. In the event the official sample consists of containers bearing more than

one code or identification mark or symbol, the samples shall be so divided and segregated that an equal number of containers of each code or symbol mark are shipped to the grading office and an equal number retained in the check sample.

§ 52.41 *Sealing of check samples.* When check samples are retained in the custody of the applicant, they shall be placed in a fibre board carton and all seams completely sealed with adhesive tape not less than two inches wide. On the adhesive tape on both the bottom and top of the carton shall be placed the certificate of sampling or certificate of grade number, the date sampled, and the initials of the party performing the sampling.

§ 52.42 *Invalidation of check samples.* No check sample retained by the applicant shall be used as a basis for an appeal grading if the seal on the carton in which samples were packed is broken or shows evidence of tampering.

§ 52.43 *Retention of check samples not officially drawn.* Samples not officially drawn may be divided and retained in the manner outlined in sections 52.39 and 52.40 upon request of applicant, or if the official grader deems such procedure desirable.

OFFICIAL SAMPLING

§ 52.44 *How samples are drawn.* Each employee of the Department, designated for the purpose, or licensed sampler, shall draw cans at random from different locations in each lot sampled, so that he may secure a true representative sample of the lot. If cans in the lot bear differing code symbols, care shall be taken to draw samples in the correct proportion for each similarly coded portion of the lot.

§ 52.45 *Number of samples to be drawn.* In the absence of specific instructions from the Agricultural Marketing Service directing otherwise, each licensed sampler or employee of the Department authorized to sample canned fruits and vegetables for the purpose of these regulations shall draw samples at the rate of 1 can for each 1,000 cans in a lot of can sizes No. 3 ($4\frac{1}{16}$" x $4\frac{1}{16}$") and smaller, and 1 can for each 600 cans of sizes larger than No. 3 ($4\frac{1}{16}$" x $4\frac{1}{16}$"), but not larger than size No. 12 ($6\frac{5}{16}$" x $8\frac{13}{16}$").

§ 52.46 *Additional samples.* If, in the opinion of the sampler, conditions warrant the drawing of a larger number of cans as a sample, such additional cans may be drawn as the official grader or licensed sampler may deem necessary.

GRADING FEES AND EXPENSES

§ 52.47 *How fees are to be paid.* For each lot of canned fruits or vegetables graded, except for branches of the Federal Government, a fee shall be paid by the applicant, and in advance if required by the official grader. Fees covered by sections 52.47–52.64, shall be remitted to the office of the Agricultural Marketing Service, performing the service.

§ 52.48 *Fee when samples are drawn by salaried employees of the Department.* For each lot of canned fruits or vegetables graded consisting of 600 cases or less, the samples having been drawn by a salaried grader of the U. S. Department of Agriculture, a fee of $3.00 shall be collected. For lots in excess of 600 cases fees shall be collected at the rate of $1.00 for each 200 cases, or fraction thereof.

§ 52.49 *Fee when samples are drawn by licensed samplers or Federal-State inspectors.* For each lot of canned fruits and vegetables graded, the samples having been drawn by a licensed sampler or Federal-State inspector, the fee collected for grading shall be 60 percent of the rate prescribed in section 52.48. Fees for sampling assessed by licensed samplers or Federal-State inspectors shall be paid, in addition to the grading fee, by the applicant, in such manner as the Agricultural Marketing Service may direct.

§ 52.50 *Fees for grading large lots.* When large lots are graded for one applicant, as, for example, the canner's entire pack or a large portion thereof and which may consist of many lots of varying sizes, the amount of the fee collected shall be based on the total number of cases graded, using the rate provided in section 52.48 and 52.49, whichever is applicable. For the purpose of interpreting this section, large lots shall consist of 20,000 cases or more.

§ 52.51 *Fees when samples are not officially drawn.* When samples which have not been officially drawn are submitted to a grading office, fees charged shall be as follows:

| No. of cans | No. 3 size can (or smaller) | Cans larger than No. 3 size |
|---|---|---|
| 1 can | $0.35 | $0.65 |
| 2 cans | .70 | 1.30 |
| 3 cans | 1.00 | 1.90 |
| 4 cans | 1.30 | 2.50 |
| 5 cans | 1.50 | 3.00 |
| 6 cans | 1.50 | 3.00 |
| 7 cans | 1.75 | 3.60 |
| 8 cans | 2.00 | 4.20 |
| 9 cans | 2.25 | 4.80 |
| 10 cans | 2.50 | 5.40 |
| 11 cans | 2.75 | 6.00 |
| 12 cans | 3.00 | 6.00 |
| For each additional can in the sample, per can | .25 | .50 |

§ 52.52 *Informal reports.* When the fees assessed for grading of samples of one lot amount to $1.00 or less, an informal report will be issued, except as provided in section 52.53.

§ 52.53 *Minimum fee for gradings reported on formal certificates.* Upon request of applicant, formal certificates will be issued, but a minimum fee for gradings reported on formal certificates of $1.00 shall be collected.

§ 52.54 *Fees for grading commodities requiring microscopical analysis.* If the commodity graded is one the grade for which requires microscopical analysis for mold, or in which microscopical analysis for worm fragments is desirable, an additional charge shall be made of $1.00 for each type of microscopical analysis of each container in the sample, unless the applicant requests the omission of the analysis, in which event the certificate of grade shall be qualified and indicate "at request of applicant microscopical analysis not made." If the applicant requests that microscopical analysis be made of a composite sample of all containers in a sample, a charge of $1.00 for each type of microscopical analysis shall be made and the certificate of grade shall indicate "microscopical analysis was made of a composite sample."

§ 52.55 *Fee for making alcohol insoluble solids determination.* If the commodity graded is one on which alcohol insoluble solids determinations are sometimes desirable, an additional charge of $2.00 shall be made for each determination made. Certificates of grade shall clearly indicate whether the determination was made on each can or on a composite sample.

§ 52.56 *Fees for other examinations.* Fees for examinations of a character not covered in the preceding sections shall be charged on a basis approved by the Agricultural Marketing Service.

§ 52.57 *Refunds when declaration of intention is signed by applicant.* Any applicant who signs a declaration of intention indicating that he intends to use the grading service to the extent of 50 or more gradings at any one office of official grading within the period of one year immediately following the filing of the declaration of intention, and who pays for 50 or more gradings will receive a refund at the end of the year period.

(a) *Contract basis for 50 to 999 gradings in 12 months.* Any applicant who shall have paid for 50 or more gradings at any one office of official grading or office operating tempararily in its territory, in accordance with sections 52.48 or 52.49, within the period of one year immediately following the filing of a declaration of his intention to avail himself of this privilege shall receive a refund from the Department at the rate of 25 percent of the total amount of fees paid, at the end of the year period, subject to the provisions under (c) of this section.

(b) *Contract basis for 1,000 or more gradings in 12 months.* Any applicant who shall have paid for 1,000 or more gradings at any one office of official grading or office operating temporarily in its territory, in accordance with sections 52.48 or 52.49, within the period of one year immediately following the filing of a declaration of his intention to avail himself of this privilege shall receive a refund from the Department at the rate of 33⅓ percent of the total amount of fees paid, at the end of the year period, subject to the provisions under (c) of this section.



(c) *How refunds are to be computed.* For the purpose of computing the refunds provided under (a) and (b) of this section, $5.00 collected in fees shall be considered a grading when the samples have been drawn by an official of the Department, regardless of the number of certificates issued, and $3.00 collected in fees shall be considered a grading if the samples have been drawn by someone other than an official of the Department. Charges or fees assessed for microscopic analysis, alcohol insoluble solids determinations, or service for which additional fees are assessed, as indicated under section 52.56, copies of score sheets, copies of certificates, travel or incidental expenses, fees based on the hourly rate, or charges for continuous factory inspection are not subject to refund.

(d) *Payment of refunds.* In the absence of specific request from the applicant for earlier payment, the refunds provided under (a) and (b) of this section shall be made at the end of the 12 month period.

§ 52.58 *Charges for traveling expenses.* Such charges may be made for traveling expenses and other items paid or incurred by the Agricultural Marketing Service in connection with grading or sampling, at points other than those named in section 52.4, or appeal grading where the services of an appeal grader are required, as will reimburse the Department.

§ 52.59 *Fees for score sheet when formal certificates are issued.* If the applicant, when application is filed, requests a score sheet showing in detail the grading of each container graded, such score sheet covering the grading of 12 cans or less in one lot shall be furnished, for which an additional fee of 50¢ per sheet will be assessed.

§ 52.60 *Fees for copies of certificates.* A fee of $1.00 shall be assessed for not to exceed three copies of certificate furnished to persons having a financial interest in the canned fruits and vegetables involved, in addition to those mentioned in section 52.19.

§ 52.61 *Fees for appeal gradings.* Fees for appeal gradings shall be double those for original gradings, except that when it is found that there was a material error in the determination based upon the original grading, no fee will be charged for the appeal grading.

§ 52.62 *When score sheets are attached to informal reports.* When informal reports are issued, if, previous to grading, the applicant so requests, the score sheet may be attached to the informal report in lieu of carrying detailed information on the report and no charge will be made for the score sheet.

§ 52.63 *When charges are to be based on hourly rate.* When grading is done and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the official grader at the rate of $2.60 per hour.

§ 52.64 *Fee for continuous factory inspection and grading.* Charges for continuous factory inspection and grading may be made on such contract basis as will reimburse the Agricultural Marketing Service for the salary and all expenses of the factory inspector, and fees of official grader, to which shall be added an appropriate percentage of charges assessed to cover, as nearly as practicable, administrative overhead expenses.

MISCELLANEOUS

§ 52.65 *Fraud or misrepresentation.* Any willful misrepresentation, or any deceptive or fraudulent practice made or committed by any applicant for grading, appeal grading, or regrading, including the submission of improperly drawn or false samples drawn with intent to deceive, or the improper use of the grade certification on labels or invoices may be deemed sufficient cause for declining further applications for grading service from the person guilty thereof.

§ 52.66 *Political activity.* All graders authorized to issue certificates of grade under the Act and these regulations are forbidden, during the period of their appointment to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including temporary employees, and employees on leave of absence with or without pay. Willful violation of sections 52.65 and 52.66 will constitute grounds for dismissal.

§ 52.67 *Publication.* Publication under the Act and these regulations shall be made in such media as the Agricultural Marketing Service may from time to time designate for the purpose.

§ 52.68 *Identification.* All graders shall have in their possession at all times Agricultural Marketing Service identification cards, and shall identify themselves by such cards on request.

Done at Washington, D. C., this 25th day of August 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39–3148; Filed, August 25, 1939; 3:25 p. m.]

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ORDER TERMINATING MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF PACKAGE HONEY BEES AND QUEEN BEES PRODUCED IN THE UNITED STATES

Whereas, the Secretary of Agriculture of the United States, acting under the provisions of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (hereinafter referred to as the "act"), for the purposes and within the limitations therein contained and pursuant to the general regulations issued thereunder, executed, on September 2, 1938, a marketing agreement with handlers of package honey bees and queen bees produced in the United States and issued, of even date therewith, an order[1] regulating such handling of package honey bees and queen bees produced in the United States as is in interstate or foreign commerce, and as directly burdens, obstructs, or affects, interstate or foreign commerce, which agreement and order became effective on the 6th day of September 1938; and

Whereas, the Secretary of Agriculture deems it advisable to terminate the aforesaid marketing agreement and order;

Now, therefore, Harry L. Brown, Acting Secretary of Agriculture of the United States, acting under the authority vested in the Secretary by said act, and pursuant to paragraph numbered 1, section 2, article XIII of said marketing agreement and order, respectively, hereby terminates the aforesaid marketing agreement and order, subject, however, to the following conditions:

1. That the provisions of section 3 of article XIII of said marketing agreement and order, respectively, regarding the proceedings subsequent to termination, shall remain in force and effect for the purpose of enabling the Control Committee to liquidate and settle all matters arising under the provisions of said marketing agreement or order.

2. That no obligation which has arisen under said marketing agreement or order or which may hereafter arise in connection with, by virtue of, or pursuant to, the said marketing agreement or order shall be affected, waived, or terminated hereby.

3. That the said Control Committee shall have and exercise all of the power and authority vested in the Control Committee, under the terms and provisions of the aforesaid marketing agreement and order, that may be necessary or proper in order to effectuate the aforesaid purposes.

In witness whereof, I, Harry L. Brown, Acting Secretary of Agriculture of the United States, have executed this termination in duplicate and caused the official seal of the United States Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 26th day of August 1939, and hereby declare that this termination shall be effective on and after 12:01 a. m. eastern standard time, August 29, 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39–3155; Filed, August 28, 1939; 10:56 a. m.]

[1] 3 F.R. 2149 DI.

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER VI—ORGANIZED RESERVES

### PART 62—RESERVE OFFICERS' TRAINING CORPS

*Administration and Training*[1]

§ 62.26 *Honor graduates of colleges and universities.* (a) The professor of military science and tactics at each college and university maintaining a Reserve Officers' Training Corps unit may designate annually the honor graduates of such units. The professor of military science and tactics acts in a strictly military capacity in designating such honor graduates.

(b) In this case the term "honor graduate" will apply to graduates of the institution in the current academic year who are graduates of the Reserve Officers' Training Corps, citizens of the United States, who have been selected by the president of the institution for scholastic excellence, and who have been designated as honor graduates by the professors of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for the military service.

(c) The designation as honor graduate of a senior Reserve Officers' Training Corps division of an institution, other than medical, within the continental United States which offers a college degree upon satisfactory completion of four years' college work entitles the individual to be considered in selection of applicants for appointment in the Regular Army, provided he is eligible for appointment under other pertinent laws and regulations (see Sec. 73.54). (Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Par. 79, A.R. 145–10, May 28, 1931, as amended by Sec. II, Cir. No. 61, W.D., August 17, 1939]

§ 62.27 *Honor graduates of honor military schools.* (a) For each year that an essentially military school is designated as an honor military school, the professor of military science and tactics assigned thereto may designate not to exceed three honor graduates.

(b) In this case the term "honor graduate" will apply to graduates of such institutions in the current academic year, who have been members of the Reserve Officers' Training Corps for at least two years while at the school, citizens of the United States, who have in their school work shown proficiency in subjects amounting to not less than 15 units prescribed by the regulations for admission to the United States Military Academy, and have been selected by the president of the institution as an honor graduate for admission to the United States Military Academy, and who have been selected by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for the military service.

(c) In case a class MI institution is designated as an honor military school, the honor graduates thereof will be listed in two groups, as follows:

(1) Honor graduates, honor military school.

(2) Class MI honor graduates.

(d) The names of the honor graduates of honor military schools (par. (c) (2) above), together with the academic standing attained by each and accompanied by a report prepared by the professor of military science and tactics, will be furnished The Adjutant General immediately following graduation. The report of the professor of military science and tactics will contain the military record of each graduate and a brief estimate of his qualifications as a potential officer. (Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Par. 80, A.R. 145–10, May 28, 1931, as amended by Sec. II, Cir. No. 61, W.D., August 17, 1939]

§ 62.28 *Honor graduates of class MI institutions.* (a) The professor of military science and tactics at each class MI institution maintaining a Reserve Officers' Training Corps unit may designate annually the honor graduates of such units.

(b) In this case the term "honor graduate" will apply to graduates of such institutions who hold either a commission or a certificate of appointment in the Officers' Reserve Corps, citizens of the United States, who have been selected by the president or other head of the institution for scholastic excellence, and who have been designated by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for the military service.

(c) The designation as honor graduate of a class MI institution entitles the individual to be considered in selection of applicants for appointment in the Regular Army, provided he will graduate in the current academic year from an institution which offers a college degree upon satisfactory completion of four years' college work and has been selected by the president or other head of the institution as an honor graduate for admission to the United States Military Academy, and that he is eligible for appointment under other pertinent laws and regulations (see Sec. 73.54). (Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Par. 81, A.R. 145–10, May 28, 1931, as amended by Sec. II, Cir. No. 61, W.D., August 17, 1939]

### CHAPTER VII—PERSONNEL

### PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS

*Appointment of Chaplains in Regular Army*[1]

§ 73.35 *Order of appointment.* The general average attained by each qualified candidate in the examination will determine his relative order of appointment in accordance with vacancies in the denominational quotas. (Sec. 24, 41 Stat. 774; 10 U.S.C. 231) [A.R. 605–30, April 21, 1938, as amended by Sec. I, Cir. 64, W.D., August 21, 1939]

§ 73.36 *Selection of appointees.*

* * * * *

(c) The report of the board will state the general average of each candidate and will, from such average and the records, determine whether or not each candidate is, in its opinion, qualified for appointment. Qualified candidates will be arranged in the order of averages attained in the examination for appointment. Between candidates having equal averages, priority of selection will be given to candidates holding commissions as chaplains in the Officers' Reserve Corps or in the National Guard. The findings and recommendations of the board and recommendations of the Chief of Chaplains will be transmitted to The Adjutant General for the action of the Secretary of War.

(d) Rescinded.

(e) Rescinded.

(Sec. 24, 41 Stat. 774; 10 U.S.C. 231) [A.R. 605–30, April 21, 1938, as amended by Sec. I, Cir. 64, W.D., August 21, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General*

[F. R. Doc. 39–3152; Filed, August 28, 1939; 9:08 a. m.]

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## TITLE 14—CIVIL AVIATION

## CIVIL AERONAUTICS AUTHORITY

[Regulation 405–E–1]

REVIEW OF ORDERS OF POSTMASTER GENERAL UNDER SECTION 405 (E) OF THE ACT

At a session of the Civil Aeronautics Authority, held at its office in Washington, D. C., on the 25th day of August 1939

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 405 (e) thereof, and finding that its action is desirable in the public interest and is necessary and appropriate to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

(a) *Filing of general schedules.* Each air carrier authorized to engage in air transportation shall file with the Authority a statement, to be known as a "general schedule", showing the points between which the air carrier is authorized to engage in air transportation, all schedules of aircraft which will be operated by the air carrier between such points on the date the general schedule is to become effective, the time of arrival and departure at each point, and the frequency of each schedule. Prior to the date it engages in any scheduled air transportation each such air carrier shall file a general schedule with the Authority: *Provided, however,* That an air carrier authorized to engage in air transportation on the effective date of this regulation may file its first general schedule hereunder at any time within twenty days after the effective date of this regulation.

(b) *Form of schedules.* All general schedules and amendments thereto shall be in loose-leaf form, with pages eight and one-half by eleven inches in size, and shall be plainly typewritten, stereotyped or mimeographed on durable paper. Each page shall be printed on one side only, and shall have a left margin at least one inch wide.

(c) *Title page.* The first page of a general schedule shall be designated as a title page and include the following:

(1) Name of carrier;
(2) The general schedule number;
(3) A brief description of the contents;
(4) The date of issue;
(5) An effective date; and
(6) The issuing officer's name and address.

(d) *Schedule pages.* All pages following the title page shall be consecutively numbered and known as schedule pages. The name of the air carrier shall appear at the top of each schedule page, the page number in the upper corner, and the general schedule number



of the Postmaster General issued under and within the meaning of section 405 (e) of the Act may, within not more than ten days after the issuance of such order, apply to the Authority for a review thereof. An application filed hereunder shall be deemed to have been filed on the date on which it is actually received by the Authority at its offices in Washington, D. C.

(b) *Form and contents of application.* An application filed hereunder may be made in writing or by telegram. An application in writing shall be conspicuously entitled "Application for a Review of Order of the Postmaster General Issued Under Section 405 (e) of the Civil Aeronautics Act", shall specify the schedule affected and identify the order complained of, and shall specify the manner in which the applicant is or would be aggrieved by the order, the relief sought, and the facts relied upon to establish that the public convenience and necessity require that such order be amended, revised, suspended or cancelled by the Authority. The execution, number of copies, and verification of a written application filed hereunder, and the formal specifications of papers included in such application shall be in accordance with the requirements of the "Rules of Practice Under Title IV and Section 1002 (d) to (i) of the Civil Aeronautics Act of 1938" relating to applications generally.

If the application for a review is made by telegram, such telegram shall succinctly state the substance of the matters to be set forth in the written application, and shall be confirmed and followed by an application in writing.

(c) *Serving copies of application.* At the time a written or telegraphic application is filed hereunder a copy thereof shall be served by personal service or registered mail upon the Postmaster General and upon the air carrier operating or ordered to operate the mail schedule in question. Each copy so served shall be accompanied by a letter of transmittal stating that such service is being made pursuant to Regulation 405–E–1 of the Authority.

(d) *Effective date.* This regulation shall become effective on October 1, 1939.

By the Authority.

[SEAL] PAUL J. FITZPATRICK,
*Secretary.*

[F. R. Doc. 39-3161; Filed, August 28, 1939; 12:40 p. m.]

types of equipment operated on each schedule. Each schedule shall be assigned a trip or flight number. Each schedule page shall contain an explanation of all symbols used thereon.

(e) *Additions to and changes in general schedule.* An additional schedule may be added to a general schedule either by filing a new schedule page or by revising an existing schedule page. A change in a schedule page to show the addition of a new schedule or to show a change in an existing schedule shall be effected by reproducing the entire page. Such changed schedule page shall be designated a revised page, and shall cancel the former page; for example,

"1st revised page 1, cancels original page 1."

Any change in an existing schedule on which mail is being transported shall be filed with the Authority at least ten days prior to the effective date of such change; provided, however, that any change in schedule, or the addition of a new schedule, required by an order of the Postmaster General under section 405 (e) of the Act shall be filed with the Authority by the air carrier on or before the effective date of such order: *And provided further,* That if the Authority postpones the effective date of any such order pursuant to section 405 (e) of the Act, the air carrier shall revise its general schedule to conform to the action taken on such order by the Authority and shall make such revision as promptly as possible but not more than ten days after the effective date of such order.

Any change in a non-mail schedule, or the addition of a new non-mail schedule, shall be filed with the Authority on or before the effective date thereof.

(f) *Number of copies.* Each air carrier shall transmit to the Authority for filing three copies of each general schedule or revised page, accompanied by letters of transmittal (in duplicate if a receipt is desired) listing the general schedule or revised pages that are transmitted for filing. The letter of transmittal and all copies of the material listed therein shall be included in one package addressed to:

Civil Aeronautics Authority,
Bureau of Economic Regulation,
Tariffs Section,
Washington, D. C.

[illegible]. The name of a general schedule or a revision thereof [illegible]

one code or identification mark or symbol, the samples shall be so divided and segregated that an equal number of containers of each code or symbol mark are shipped to the grading office and an equal number retained in the check sample.

§ 52.41 *Sealing of check samples.* When check samples are retained in the custody of the applicant, they shall be placed in a fibre board carton and all seams completely sealed with adhesive tape not less than two inches wide. On the adhesive tape on both the bottom and top of the carton shall be placed the certificate of sampling or certificate of grade number, the date sampled, and the initials of the party performing the sampling.

§ 52.42 *Invalidation of check samples.* No check sample retained by the applicant shall be used as a basis for an appeal grading if the seal on the carton in which samples were packed is broken or shows evidence of tampering.

§ 52.43 *Retention of check samples not officially drawn.* Samples not officially drawn may be divided and retained in the manner outlined in sections 52.39 and 52.40 upon request of applicant, or if the official grader deems such procedure desirable.

OFFICIAL SAMPLING

§ 52.44 *How samples are drawn.* Each employee of the Department, designated for the purpose, or licensed sampler, shall draw cans at random from different locations in each lot sampled, so that he may secure a true representative sample of the lot. If cans in the lot bear differing code symbols, care shall be taken to draw samples in the correct proportion for each similarly coded portion of the lot.

§ 52.45 *Number of samples to be drawn.* In the absence of specific instructions from the Agricultural Marketing Service directing otherwise, each licensed sampler or employee of the Department authorized to sample canned fruits and vegetables for the purpose of these regulations shall draw samples at the rate of 1 can for each 1,000 cans in a lot of can sizes No. 3 ($4\frac{1}{16}$'' x $4\frac{1}{16}$'') and smaller, and 1 can for each 600 cans of sizes larger than No. 3 ($4\frac{1}{16}$'' x $4\frac{1}{16}$''), but not larger than size No. 12 ($6\frac{3}{16}$'' x $8\frac{1}{16}$'').

§ 52.46 *Additional samples.* If, in the opinion of the sampler, conditions warrant the drawing of a larger number of cans as a sample, such additional cans may be drawn as the official grader or licensed sampler may deem necessary.

GRADING FEES AND EXPENSES

§ 52.47 *How fees are to be paid.* For each lot of canned fruits or vegetables graded, except for branches of the Federal Government, a fee shall be paid by the applicant, and in advance if required by the official grader. Fees covered by sections 52.47–52.64, shall be remitted to the office of the Agricultural Marketing Service, performing the service.

§ 52.48 *Fee when samples are drawn by salaried employees of the Department.* For each lot of canned fruits or vegetables graded consisting of 600 cases or less, the samples having been drawn by a salaried grader of the U. S. Department of Agriculture, a fee of $3.00 shall be collected. For lots in excess of 600 cases fees shall be collected at the rate of $1.00 for each 200 cases, or fraction thereof.

§ 52.49 *Fee when samples are drawn by licensed samplers or Federal-State inspectors.* For each lot of canned fruits and vegetables graded, the samples having been drawn by a licensed sampler or Federal-State inspector, the fee collected for grading shall be 60 percent of the rate prescribed in section 52.48. Fees for sampling assessed by licensed samplers or Federal-State inspectors shall be paid, in addition to the grading fee, by the applicant, in such manner as the Agricultural Marketing Service may direct.

§ 52.50 *Fees for grading large lots.* When large lots are graded for one applicant, as, for example, the canner's entire pack or a large portion thereof and which may consist of many lots of varying sizes, the amount of the fee collected shall be based on the total number of cases graded, using the rate provided in section 52.48 and 52.49, whichever is applicable. For the purpose of interpreting this section, large lots shall consist of 20,000 cases or more.

§ 52.51 *Fees when samples are not officially drawn.* When samples which have not been officially drawn are submitted to a grading office, fees charged shall be as follows:

| No. of cans | No. 3 size can (or smaller) | Cans larger than No. 3 size |
|---|---|---|
| 1 can | $0.35 | $0.65 |
| 2 cans | .70 | 1.30 |
| 3 cans | 1.00 | 1.90 |
| 4 cans | 1.30 | 2.50 |
| 5 cans | 1.50 | 3.00 |
| 6 cans | 1.50 | 3.00 |
| 7 cans | 1.75 | 3.60 |
| 8 cans | 2.00 | 4.20 |
| 9 cans | 2.25 | 4.80 |
| 10 cans | 2.50 | 5.40 |
| 11 cans | 2.75 | 6.00 |
| 12 cans | 3.00 | 6.00 |
| For each additional can in the sample, per can | .25 | .50 |

§ 52.52 *Informal reports.* When the fees assessed for grading of samples of one lot amount to $1.00 or less, an informal report will be issued, except as provided in section 52.53.

§ 52.53 *Minimum fee for gradings reported on formal certificates.* Upon request of applicant, formal certificates will be issued, but a minimum fee for gradings reported on formal certificates of $1.00 shall be collected.

§ 52.54 *Fees for grading commodities requiring microscopical analysis.* If the commodity graded is one the grade for which requires microscopical analysis for mold, or in which microscopical analysis for worm fragments is desirable, an additional charge shall be made of $1.00 for each type of microscopical analysis of each container in the sample, unless the applicant requests the omission of the analysis, in which event the certificate of grade shall be qualified and indicate "at request of applicant microscopical analysis not made." If the applicant requests that microscopical analysis be made of a composite sample of all containers in a sample, a charge of $1.00 for each type of microscopical analysis shall be made and the certificate of grade shall indicate "microscopical analysis was made of a composite sample."

§ 52.55 *Fee for making alcohol insoluble solids determination.* If the commodity graded is one on which alcohol insoluble solids determinations are sometimes desirable, an additional charge of $2.00 shall be made for each determination made. Certificates of grade shall clearly indicate whether the determination was made on each can or on a composite sample.

§ 52.56 *Fees for other examinations.* Fees for examinations of a character not covered in the preceding sections shall be charged on a basis approved by the Agricultural Marketing Service.

§ 52.57 *Refunds when declaration of intention is signed by applicant.* Any applicant who signs a declaration of intention indicating that he intends to use the grading service to the extent of 50 or more gradings at any one office of official grading within the period of one year immediately following the filing of the declaration of intention, and who pays for 50 or more gradings will receive a refund at the end of the year period.

(a) *Contract basis for 50 to 999 gradings in 12 months.* Any applicant who shall have paid for 50 or more gradings at any one office of official grading or office operating tempararily in its territory, in accordance with sections 52.48 or 52.49, within the period of one year immediately following the filing of a declaration of his intention to avail himself of this privilege shall receive a refund from the Department at the rate of 25 percent of the total amount of fees paid, at the end of the year period, subject to the provisions under (c) of this section.

(b) *Contract basis for 1,000 or more gradings in 12 months.* Any applicant who shall have paid for 1,000 or more gradings at any one office of official grading or office operating temporarily in its territory, in accordance with sections 52.48 or 52.49, within the period of one year immediately following the filing of a declaration of his intention to avail himself of this privilege shall receive a refund from the Department at the rate of 33⅓ percent of the total amount of fees paid, at the end of the year period, subject to the provisions under (c) of this section.



(c) *How refunds are to be computed.* For the purpose of computing the refunds provided under (a) and (b) of this section, $5.00 collected in fees shall be considered a grading when the samples have been drawn by an official of the Department, regardless of the number of certificates issued, and $3.00 collected in fees shall be considered a grading if the samples have been drawn by someone other than an official of the Department. Charges or fees assessed for microscopic analysis, alcohol insoluble solids determinations, or service for which additional fees are assessed, as indicated under section 52.56, copies of score sheets, copies of certificates, travel or incidental expenses, fees based on the hourly rate, or charges for continuous factory inspection are not subject to refund.

(d) *Payment of refunds.* In the absence of specific request from the applicant for earlier payment, the refunds provided under (a) and (b) of this section shall be made at the end of the 12 month period.

§ 52.58 *Charges for traveling expenses.* Such charges may be made for traveling expenses and other items paid or incurred by the Agricultural Marketing Service in connection with grading or sampling, at points other than those named in section 52.4, or appeal grading where the services of an appeal grader are required, as will reimburse the Department.

§ 52.59 *Fees for score sheet when formal certificates are issued.* If the applicant, when application is filed, requests a score sheet showing in detail the grading of each container graded, such score sheet covering the grading of 12 cans or less in one lot shall be furnished, for which an additional fee of 50¢ per sheet will be assessed.

§ 52.60 *Fees for copies of certificates.* A fee of $1.00 shall be assessed for not to exceed three copies of certificate furnished to persons having a financial interest in the canned fruits and vegetables involved, in addition to those mentioned in section 52.19.

§ 52.61 *Fees for appeal gradings.* Fees for appeal gradings shall be double those for original gradings, except that when it is found that there was a material error in the determination based upon the original grading, no fee will be charged for the appeal grading.

§ 52.62 *When score sheets are attached to informal reports.* When informal reports are issued, if, previous to grading, the applicant so requests, the score sheet may be attached to the informal report in lieu of carrying detailed information on the report and no charge will be made for the score sheet.

§ 52.63 *When charges are to be based on hourly rate.* When grading is done and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the official grader at the rate of $2.60 per hour.

§ 52.64 *Fee for continuous factory inspection and grading.* Charges for continuous factory inspection and grading may be made on such contract basis as will reimburse the Agricultural Marketing Service for the salary and all expenses of the factory inspector, and fees of official grader, to which shall be added an appropriate percentage of charges assessed to cover, as nearly as practicable, administrative overhead expenses.

MISCELLANEOUS

§ 52.65 *Fraud or misrepresentation.* Any willful misrepresentation, or any deceptive or fraudulent practice made or committed by any applicant for grading, appeal grading, or regrading, including the submission of improperly drawn or false samples drawn with intent to deceive, or the improper use of the grade certification on labels or invoices may be deemed sufficient cause for declining further applications for grading service from the person guilty thereof.

§ 52.66 *Political activity.* All graders authorized to issue certificates of grade under the Act and these regulations are forbidden, during the period of their appointment to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including temporary employees, and employees on leave of absence with or without pay. Willful violation of sections 52.65 and 52.66 will constitute grounds for dismissal.

§ 52.67 *Publication.* Publication under the Act and these regulations shall be made in such media as the Agricultural Marketing Service may from time to time designate for the purpose.

§ 52.68 *Identification.* All graders shall have in their possession at all times Agricultural Marketing Service identification cards, and shall identify themselves by such cards on request.

Done at Washington, D. C., this 25th day of August 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3148; Filed, August 25, 1939; 3:25 p. m.]

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ORDER TERMINATING MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF PACKAGE HONEY BEES AND QUEEN BEES PRODUCED IN THE UNITED STATES

Whereas, the Secretary of Agriculture of the United States, acting under the provisions of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (hereinafter referred to as the "act"), for the purposes and within the limitations therein contained and pursuant to the general regulations issued thereunder, executed, on September 2, 1938, a marketing agreement with handlers of package honey bees and queen bees produced in the United States and issued, of even date therewith, an order[1] regulating such handling of package honey bees and queen bees produced in the United States as is in interstate or foreign commerce, and as directly burdens, obstructs, or affects, interstate or foreign commerce, which agreement and order became effective on the 6th day of September 1938; and

Whereas, the Secretary of Agriculture deems it advisable to terminate the aforesaid marketing agreement and order;

Now, therefore, Harry L. Brown, Acting Secretary of Agriculture of the United States, acting under the authority vested in the Secretary by said act, and pursuant to paragraph numbered 1, section 2, article XIII of said marketing agreement and order, respectively, hereby terminates the aforesaid marketing agreement and order, subject, however, to the following conditions:

1. That the provisions of section 3 of article XIII of said marketing agreement and order, respectively, regarding the proceedings subsequent to termination, shall remain in force and effect for the purpose of enabling the Control Committee to liquidate and settle all matters arising under the provisions of said marketing agreement or order.

2. That no obligation which has arisen under said marketing agreement or order or which may hereafter arise in connection with, by virtue of, or pursuant to, the said marketing agreement or order shall be affected, waived, or terminated hereby.

3. That the said Control Committee shall have and exercise all of the power and authority vested in the Control Committee, under the terms and provisions of the aforesaid marketing agreement and order, that may be necessary or proper in order to effectuate the aforesaid purposes.

In witness whereof, I, Harry L. Brown, Acting Secretary of Agriculture of the United States, have executed this termination in duplicate and caused the official seal of the United States Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 26th day of August 1939, and hereby declare that this termination shall be effective on and after 12:01 a. m. eastern standard time, August 29, 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3155; Filed, August 28, 1939; 10:56 a. m.]

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[1] 3 F.R. 2149 DI.

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER VI—ORGANIZED RESERVES

### PART 62—RESERVE OFFICERS' TRAINING CORPS

*Administration and Training*[1]

§ 62.26 *Honor graduates of colleges and universities.* (a) The professor of military science and tactics at each college and university maintaining a Reserve Officers' Training Corps unit may designate annually the honor graduates of such units. The professor of military science and tactics acts in a strictly military capacity in designating such honor graduates.

(b) In this case the term "honor graduate" will apply to graduates of the institution in the current academic year who are graduates of the Reserve Officers' Training Corps, citizens of the United States, who have been selected by the president of the institution for scholastic excellence, and who have been designated as honor graduates by the professors of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for the military service.

(c) The designation as honor graduate of a senior Reserve Officers' Training Corps division of an institution, other than medical, within the continental United States which offers a college degree upon satisfactory completion of four years' college work entitles the individual to be considered in selection of applicants for appointment in the Regular Army, provided he is eligible for appointment under other pertinent laws and regulations (see Sec. 73.54). (Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Par. 79, A.R. 145–10, May 28, 1931, as amended by Sec. II, Cir. No. 61, W.D., August 17, 1939]

§ 62.27 *Honor graduates of honor military schools.* (a) For each year that an essentially military school is designated as an honor military school, the professor of military science and tactics assigned thereto may designate not to exceed three honor graduates.

(b) In this case the term "honor graduate" will apply to graduates of such institutions in the current academic year, who have been members of the Reserve Officers' Training Corps for at least two years while at the school, citizens of the United States, who have in their school work shown proficiency in subjects amounting to not less than 15 units prescribed by the regulations for admission to the United States Military Academy and have been selected by the president or other head of the institution for scholastic excellence, and who have been designated by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for the military service. The requirements for admission to the United States Military Academy are shown in detail in the War Department pamphlet, Information Relative to the Appointment and Admission of Cadets to the United States Military Academy, which may be obtained from The Adjutant General.

(c) In case a class MI institution is designated as an honor military school, the honor graduates thereof will be listed in two groups, as follows:

(1) Honor graduates, honor military school.

(2) Class MI honor graduates.

(d) The names of the honor graduates of honor military schools (par. (c) (2) above), together with the academic standing attained by each and accompanied by a report prepared by the professor of military science and tactics, will be furnished The Adjutant General immediately following graduation. The report of the professor of military science and tactics will contain the military record of each graduate and a brief estimate of his qualifications as a potential officer. (Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Par. 80, A.R. 145–10, May 28, 1931, as amended by Sec. II, Cir. No. 61, W.D., August 17, 1939]

§ 62.28 *Honor graduates of class MI institutions.* (a) The professor of military science and tactics at each class MI institution maintaining a Reserve Officers' Training Corps unit may designate annually the honor graduates of such units.

(b) In this case the term "honor graduate" will apply to graduates of such institutions who hold either a commission or a certificate of appointment in the Officers' Reserve Corps, citizens of the United States, who have been selected by the president or other head of the institution for scholastic excellence, and who have been designated by the professor of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for the military service.

(c) The designation as honor graduate of a class MI institution entitles the individual to be considered in selection of applicants for appointment in the Regular Army, provided he will graduate in the current academic year from an institution which offers a college degree upon satisfactory completion of four years' college work, and has been selected by the president or other head of the institution as an honor graduate for scholastic excellence, and provided further that he is eligible for appointment under other pertinent laws and regulations (see Sec. 73.54). (Sec. 40, 39 Stat. 191; sec. 33, 41 Stat. 776; 10 U.S.C. 381) [Par. 79½, A.R. 145–10, May 28, 1931, added by Sec. II, Cir. No. 61, W.D., August 17, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–3156; Filed, August 28, 1939; 9:08 a. m.]

[1] These regulations supersede Sections 62.26, 62.27, and 62.28, Chapter VI, Title 10, Code of Federal Regulations.

### CHAPTER VII—PERSONNEL

### PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS

*Appointment of Chaplains in Regular Army*[1]

§ 73.35 *Order of appointment.* The general average attained by each qualified candidate in the examination will determine his relative order of appointment in accordance with vacancies in the denominational quotas. (Sec. 24, 41 Stat. 774; 10 U.S.C. 231) [A.R. 605–30, April 21, 1938, as amended by Sec. I, Cir. 64, W.D., August 21, 1939]

§ 73.36 *Selection of appointees.*

* * * * *

(c) The report of the board will state the general average of each candidate and will, from such average and the records, determine whether or not each candidate is, in its opinion, qualified for appointment. Qualified candidates will be arranged in the order of averages attained in the examination for appointment. Between candidates having equal averages, priority of selection will be given to candidates holding commissions as chaplains in the Officers' Reserve Corps or in the National Guard. The findings and recommendations of the board and recommendations of the Chief of Chaplains will be transmitted to The Adjutant General for the action of the Secretary of War.

(d) Rescinded.

(e) Rescinded.

(Sec. 24, 41 Stat. 774; 10 U.S.C. 231) [A.R. 605–30, April 21, 1938, as amended by Sec. I, Cir. 64, W.D., August 21, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–3153; Filed, August 28, 1939; 9:08 a. m.]

[1] These regulations supersede Section 73.35 and amend Section 73.36, Chapter VII, Title 10, Code of Federal Regulations, as indicated.

## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Regulation 405–E–1]

REVIEW OF ORDERS OF POSTMASTER GENERAL UNDER SECTION 405 (E) OF THE ACT

At a session of the Civil Aeronautics Authority, held at its office in Washington, D. C., on the 25th day of August 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 405 (e) thereof, and finding that its action is desirable in the public interest and is necessary and appropriate to carry out the provisions of, and to exercise and perform its duties under, said Act, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

(a) *Applications for review.* Any person who would be aggrieved by an order of the Postmaster General issued under and within the meaning of section 405 (e) of the Act may, within not more than ten days after the issuance of such order, apply to the Authority for a review thereof. An application filed hereunder shall be deemed to have been filed on the date on which it is actually received by the Authority at its offices in Washington, D. C.

(b) *Form and contents of application.* An application filed hereunder may be made in writing or by telegram. An application in writing shall be conspicuously entitled "Application for a Review of Order of the Postmaster General Issued Under Section 405 (e) of the Civil Aeronautics Act", shall specify the schedule affected and identify the order complained of, and shall specify the manner in which the applicant is or would be aggrieved by the order, the relief sought, and the facts relied upon to establish that the public convenience and necessity require that such order be amended, revised, suspended or cancelled by the Authority. The execution, number of copies, and verification of a written application filed hereunder, and the formal specifications of papers included in such application shall be in accordance with the requirements of the "Rules of Practice Under Title IV and Section 1002 (d) to (l) of the Civil Aeronautics Act of 1938" relating to applications generally.

If the application for a review is made by telegram, such telegram shall succinctly state the substance of the matters to be set forth in the written application, and shall be confirmed and followed by an application in writing.

(c) *Serving copies of application.* At the time a written or telegraphic application is filed hereunder a copy thereof shall be served by personal service or registered mail upon the Postmaster General and upon the air carrier operating or ordered to operate the mail schedule in question. Each copy so served shall be accompanied by a letter of transmittal stating that such service is being made pursuant to Regulation 405–E–1 of the Authority.

(d) *Effective date.* This regulation shall become effective on October 1, 1939.

By the Authority.

[SEAL] PAUL J. FITZELL,
*Secretary.*

[F. R. Doc. 39–3161; Filed, August 28, 1939; 12:10 p. m.]

[Regulation 405–E–2]

FILING OF SCHEDULES AND CHANGES THEREIN BY AIR CARRIERS UNDER SECTION 405 (E) OF THE ACT

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 25th day of August 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 405 (e) thereof, and finding that its action is desirable in the public interest and is necessary and appropriate to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

(a) *Filing of general schedules.* Each air carrier authorized to engage in air transportation shall file with the Authority a statement, to be known as a "general schedule", showing the points between which the air carrier is authorized to engage in air transportation, all schedules of aircraft which will be operated by the air carrier between such points on the date the general schedule is to become effective, the time of arrival and departure at each point, and the frequency of each schedule. Prior to the date it engages in any scheduled air transportation each such air carrier shall file a general schedule with the Authority: *Provided, however,* That an air carrier authorized to engage in air transportation on the effective date of this regulation may file its first general schedule hereunder at any time within twenty days after the effective date of this regulation.

(b) *Form of schedules.* All general schedules and amendments thereto shall be in loose-leaf form, with pages eight and one-half by eleven inches in size, and shall be plainly typewritten, stereotyped or mimeographed on durable paper. Each page shall be printed on one side only, and shall have a left margin at least one inch wide.

(c) *Title page.* The first page of a general schedule shall be designated as a title page and include the following:

(1) Name of carrier;
(2) The general schedule number;
(3) A brief description of the contents;
(4) The date of issue;
(5) An effective date; and
(6) The issuing officer's name and address.

(d) *Schedule pages.* All pages following the title page shall be consecutively numbered and known as schedule pages. The name of the air carrier shall appear at the top of each schedule page, the page number in the upper right hand corner, and the general schedule number in the upper left hand corner. At the bottom of each schedule page shall appear its date of issue and effective date.

Each schedule page shall indicate the route number, if any, and the terminal and intermediate points served by the schedules appearing on the page, shall show the time of arrival and departure of each schedule at such points, and the types of equipment operated on each schedule. Each schedule shall be assigned a trip or flight number. Each schedule page shall contain an explanation of all symbols used thereon.

(e) *Additions to and changes in general schedule.* An additional schedule may be added to a general schedule either by filing a new schedule page or by revising an existing schedule page. A change in a schedule page to show the addition of a new schedule or to show a change in an existing schedule shall be effected by reproducing the entire page. Such changed schedule page shall be designated a revised page, and shall cancel the former page; for example,

"1st revised page 1, cancels original page 1."

Any change in an existing schedule on which mail is being transported shall be filed with the Authority at least ten days prior to the effective date of such change; provided, however, that any change in schedule, or the addition of a new schedule, required by an order of the Postmaster General under section 405 (e) of the Act shall be filed with the Authority by the air carrier on or before the effective date of such order: *And provided further,* That if the Authority postpones the effective date of any such order pursuant to section 405 (e) of the Act, the air carrier shall revise its general schedule to conform to the action taken on such order by the Authority and shall make such revision as promptly as possible but not more than ten days after the effective date of such order.

Any change in a non-mail schedule, or the addition of a new non-mail schedule, shall be filed with the Authority on or before the effective date thereof.

(f) *Number of copies.* Each air carrier shall transmit to the Authority for filing three copies of each general schedule or revised page, accompanied by letters of transmittal (in duplicate if a receipt is desired) listing the general schedule or revised pages that are transmitted for filing. The letter of transmittal and all copies of the material listed therein shall be included in one package addressed to:

Civil Aeronautics Authority,
Bureau of Economic Regulation,
Tariffs Section,
Washington, D. C.

(g) *Non-stop service.* The filing of a general schedule or a revision thereof as herein prescribed will not constitute the filing of a "Notice of Non-Stop Service" required by Regulation 401–F–1 and Regulation 401–F–2[1] of the Authority, or the filing of information required by Title VI of the Civil Aeronautics Act or regulations issued thereunder.

[1] 4 F.R. 1029, 2129 DI.

(h) *Effective date.* This regulation shall become effective on October 1, 1939.

By the Authority.

[SEAL] PAUL J. FREDELL, *Secretary.*

[F. R. Doc. 39-3162; Filed, August 28, 1939; 12:10 p. m.]

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## TITLE 36—PARKS AND FORESTS

### NATIONAL PARK SERVICE

#### CHERAW RECREATIONAL DEMONSTRATION AREA

#### SUBSIDIARY REGULATIONS

Pursuant to the authority contained in Executive Order 7496, November 14, 1936 (1 F.R. 1946), and the Regulations of April 19, 1937, issued thereunder (2 F.R. 754, 36 CFR, Chapter 1, Part 6, Section 6.4), the following subsidiary regulations are prescribed for Cheraw Recreational Demonstration Area, to become effective immediately:

§ 20.23 *Cheraw recreational demonstration area, fishing.* (a) The limit of catch per person per day is ten (10) fish of any or all species.

(b) Fishing in waters posted as spawning areas is prohibited.

(c) Fishing with other than live minnows, artificial flies, or plugs for bait, is prohibited.

Approved, August 19, 1939.

[SEAL] J. R. WHITE, *Acting Director.*

[F. R. Doc. 39-3149; Filed, August 26, 1939; 9:39 a. m.]

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## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### VETERANS' ADMINISTRATION

#### REVISION OF REGULATIONS

#### PENSIONABLE AND COMPENSABLE SERVICE FOR DEATH PENSION AND COMPENSATION PURPOSES

*Death of Veteran Due to War-Time Service; Public No. 2, 73d Congress*

§ 2.2530 (B) *World War.* For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933) the surviving widow, child or children and dependent mother or father of any deceased person who died as a result of injury or disease incurred in or aggravated by active military or naval service during the World War, as provided for in Sec. 8.011, Paragraph I, shall be entitled to receive compensation at the monthly rates specified in Sec. 2.2622 (A) and (B) or to compensation at the increased rates provided by Public No. 204, 76th Congress (Act of August 16, 1937) or by Public No. 198, 76th Congress (Act of July 19, 1939), as specified in Sec. 2.2623, under conditions set forth in Sec. 2.2574 and 2.2582. Effective August 16, 1937, service prior to July 3, 1921, during an enlistment entered into after November 11, 1918, shall be considered as World War service provided the person who served, also served after April 6, 1917, and prior to November 12, 1918, and death occurred or was due to a disability incurred, or to the aggravation of a disease or injury suffered, during the reenlistment and prior to July 3, 1921. (A. D. 388) (Section 5, Public No. 204, 75th Congress) (July 19, 1939)

*Death of Veteran Due to Peace-Time Service; Public No. 2, 73d Congress as Amended and Accessory Acts*

* * * * *

§ 2.2532 (C) For the purposes of section 5 of Public No. 18, 76th Congress (Act of April 3, 1939) the surviving widow, child or children and dependent mother or father of any officer, warrant officer, or enlisted man of the army of the United States, (section 1, Public No. 85, 64th Congress; Act of June 3, 1916) not an officer or enlisted man of the regular army, who suffers death in line of duty, as defined in Sec. 2.1066 and 2.2046, from disease or injury contracted or incurred on or after April 3, 1939, while employed or serving under a call or order requiring active military service to the Federal Government, covering a period of more than thirty days, shall be entitled to receive pension at the monthly rates specified in Sec. 2.2622 (D).

(D) If death resulted from an injury received in line of duty in actual combat in a military expedition or military occupation, the dependents shall be entitled to the war-time rates specified in Sec. 2.2622 (A) and/or (B). (Sec. 8.012, Paragraph I (c)). See also Sec. 2.1067.

(E) Pension may not be allowed by virtue of death resulting from Coast Guard service during peace-time unless death or the disability causing such death occurred subsequent to July 2, 1930. (A. D. 388) (April 3, 1939)

*Death Due to Paralysis, Paresis, Blindness or While Helpless or Bedridden; Public No. 196, 76th Congress, (Act of July 19, 1939)*

§ 2.2539 For the purposes of the second proviso of section 1, Public No. 196, 76th Congress (Act of July 19, 1939) on and after July 19, 1939, the surviving widow and child or children of a World War veteran who was in receipt of compensation on March 19, 1933, for paralysis, paresis or blindness or who on that date was in receipt of compensation because of being helpless or bedridden from a service-connected disability and who died from such disease or injury shall be entitled to receive compensation at the monthly rates specified in Sec. 2.2640 (B) subject to the conditions of Sec. 2.2514 (B) as to widowhood, Sec. 2.2514 (C) (2) as to definition of the term "child", Sec. 2.2548 (F) (2) as to annual income restrictions, and Sec. 2.2576 as to date of commencement, and Sec. 2.1060 as to service. (July 19, 1939)

*Death of World War Veteran From Disease or Injury Not the Result of Military Service, Who at Time of Death Had a Service-Connected Disability (Public No. 484, 73d Congress, as Amended)*

§ 2.2548 (A) (1) For the purposes of Public No. 484, 73d Congress (Act of June 28, 1934), as amended by Public No. 844, 74th Congress and Publics No. 304 and 514, 75th Congress, the widow, as defined in Sec. 2.2514 (A) (1), or Sec. 2.2514 (B) whichever is applicable, and child or children of a person who served with the United States military or naval forces in the World War before November 12, 1918, or before April 2, 1920 if service was in Russia, and who dies or has died of a disability not due to service while receiving or entitled to receive at the time of death, compensation, pension, or retirement pay for a disability of 30 per centum or more directly or presumptively incurred in or aggravated by service after April 5, 1917, and before July 3, 1921, shall be entitled to receive compensation at the monthly rates specified in Sec. 2.2640 (A): *Provided*, That in conformity with Section 1 of Public No. 304, 75th Congress (Act of August 16, 1937), if the person who served was receiving or entitled to receive at the time of death, compensation, pension or retirement pay for a disability of 20 per centum or more and less than 30 per centum directly or presumptively incurred in or aggravated by service as above provided, and claim was filed prior to May 13, 1938, the widow as defined in Sec. 2.2514 (A) (2), or if there be no widow, the child or children shall be entitled to receive compensation at the monthly rates specified in Sec. 2.2640 (A): *Provided further*, That in conformity with Section 1 of Public No. 514, 75th Congress (Act of May 13, 1938), if the person who served was receiving or entitled to receive at the time of death, compensation, pension or retirement pay for a disability of 10 per centum or more directly or presumptively incurred in or aggravated by service as above provided, the widow as defined in Sec. 2.2514 (B), or if there be no widow, the child or children shall be entitled to receive compensation at the monthly rates specified in Sec. 2.2640 (A).

(2) On and after July 19, 1939, for the purpose of Public No. 198, 76th Congress, the widow as defined in Sec. 2.2514 (B) and the child or children of a person who served with the United States military or naval forces in the World War before November 12, 1918, or before April 2, 1920 if service was in Russia, and who was honorably discharged after serving 90 days or more (or having served less than 90 days was discharged for disability incurred in the service in line of duty) and who dies or has died from a disease or disability not service connected and at the time of death had a disability as defined in Sec. 2.2548 (B) (2), directly or presumptively incurred in or aggravated by service in the World War after April 5, 1917, and before July 3, 1921, for which compensation would be payable if 10 per centum or more in degree, shall be entitled to receive compensation at the monthly rates specified in Sec. 2.2640 (B).



(B) *Establishment of service-connected disability.* (1) On and after May 13, 1938, the existence of a directly or presumptively service-connected disease or injury at death and the determination of a 10 per centum or 30 per centum disability or more resulting from such disease or injury may be based upon evidence filed subsequent to death and proof of the required percentage of disability at death and evidence as to service connection may be filed at any time on or after May 13, 1938, or the date of death; subject to the limitations contained in Sec. 8.022, Paragraph II, and Sec. 8.021, Paragraph 1, I (a) (3), provided that in any case in which a claim was filed on or after March 20, 1933, and prior to May 13, 1938, in which entitlement is predicated on provisions of Sections 1 and 2 of Public No. 304, 75th Congress, a 20 per centum service-connected disability must have been established prior to May 13, 1938; provided further that a disease or injury or an aggravation thereof will be considered as having been established to the satisfaction of the Veterans' Administration where the evidence of record in the Veterans' Administration, or in the War or Navy Departments, shows the existence of such disease or injury as having been directly or presumptively incurred in or aggravated by service.

(2) *Establishment of service-connected disability of less than 10 per centum under public No. 198, 76th Congress (Act of July 19, 1939).* On and after July 19, 1939, the existence of a directly or presumptively service-connected disease or injury at death and the determination of a disability resulting from such disease or injury for which compensation would be payable if 10 per centum or more in degree may be based upon evidence filed at any time subject to the limitations contained in Sec. 8.022, Paragraph II, and Sec. 8.021, Paragraph 1, I (a) (3). Any disability that may be properly service connected either directly or presumptively under the provisions of Public No. 2, 73d Congress, Sections 26, 27 and 28, (excluding Section 31) Public No. 141, 73d Congress, or under the law in effect at time of death as provided in Sec. 2.2548 (B) (3) will be considered service connected for the purpose of Public No. 198, 76th Congress (Act of July 19, 1939). The term "disability" as used herein shall comprehend any properly service-connected disease or injury existing at death for which the schedule of disability rating 1925 and extensions thereto prescribes:

1. An evaluation of 1 per centum or more disability under any occupational variant, or

2. An evaluation of lower than one per centum disability when it is *clear* that the disease or injury constituted a *definitely ascertainable* disability: *Provided*, That in such cases the rating agency or board of veterans' appeals, as the case may be, will outline the evidence and influencing reasons relied upon to show existence of disability. Rating boards in field offices will make recommendatory ratings in these cases which will be forwarded to central office for review and final rating by the dependents pension board dependents claims service.

3. Any disability that may be properly directly service connected under the provisions of Public No. 2, 73d Congress, or Section 28, Public No. 141, 73d Congress, or under the law in effect at the time of death will be considered directly service connected for the purpose of Public No. 484, 73d Congress, as amended, and any disability that may be properly presumptively service connected under the provisions of Sections 26, 27 and 28 of Public No. 141, 73d Congress, or under the law in effect at the time of death will be considered presumptively service connected for the purpose of Public No. 844, 74th Congress, as amended. An existing rating of the required percentage of disability shall not include ratings of temporary total granted solely by reason of hospitalization or treatment, or ratings under Section 31, Public No. 141, 73d Congress.

(C) *Evaluation of degree of disability previously established assumed to be correct.* In the case of any deceased person who served in the World War in which an existing rating of the required degree has been established by a proper rating agency based on a directly or presumptively service-connected disease or injury, as defined in paragraph (B) above, such rating will be assumed to be correct except for fraud, regardless of the particular rating schedule under which evaluated, and will be accepted as having established service connection and degree of disability sufficient to constitute title to compensation in the widow, child or children of the deceased, in accordance with the provisions of Public No. 484, 73d Congress (Act of June 28, 1934), as amended.

(D) *Rating schedules to be used in evaluation of disability—10 per centum or more.* In any case where the service-connected disability of a deceased person who served in the World War was not rated at the time of death in the degree required to confer entitlement under Public No. 484, 73d Congress (Act of June 28, 1934), as amended and proof of the required degree of disability is filed subsequent to the date of death, the degree of disability will be evaluated in accordance with the schedule of disability ratings in effect at the time of death, or the Schedule of Disability Ratings, 1925, and extensions thereto, or the Schedule for Rating Disabilities, 1933, second edition, whichever provides the higher rating for the disease or injury evaluated, except as otherwise specifically provided for in Sec. 2.2548 (B) (2). In such cases, the burden of proof shall be upon the claimant to show that the required degree of disability existed at the date of death.

(E) *Discharge requirements.* The requirements as to discharge must conform to Section 23 of the World War Veterans Act, 1924, as amended (Section 447, Title 38, U. S. Code).

(F) *Income limitation*—(1) *For periods prior to July 19, 1939.* For periods prior to July 19, 1939, exemption from the payment of Federal income tax for the preceding year is a prerequisite to title to compensation under Public No. 484, 73d Congress, as amended.

(2) *For periods on and after July 19, 1939.* For periods on and after July 19, 1939, no payment of compensation shall be made under the provisions of Public No. 484, 73d Congress, as amended, to any widow without a child, or to any child whose annual income exceeds $1,000.00, or to a widow with a child or children whose annual income exceeds $2,500.00. The provisions of Sec. 2.1228 will govern determinations under this subparagraph.

(G) *"Person who served," definition of.* The term "person who served" includes both men and women commissioned, enrolled, enlisted or drafted, who were finally accepted for active service, including members of training camps authorized by law, and such other persons as have been heretofore recognized by statute as having a pensionable or compensable status.

(H) *Misconduct.* Death resulting from misconduct of the person who served is a ground for denial of compensation under the provisions of Public No. 484, 73d Congress, but not under Public No. 844, 74th Congress, Publics No. 304 and 514, 75th Congress, and Public No. 198, 76th Congress (Act of July 19, 1939). (See Sec. 2.2576 (B)). (July 19, 1939)

*Public No. 2 and Sections 28 and 31, Title III, Public No. 141, 73d Congress, Section 3, Public No. 304, and Section 3, Public No. 514, 75th Congress, Publics No. 159 and 732, 75th Congress and Public No. 18, 76th Congress*

§ 2.2574 Original awards of death pension or compensation under Public No. 2, 73d Congress, (Act of March 20, 1933), Sections 28 and 31, Title III, Public No. 141, 73d Congress, (Act of March 28, 1934) Section 3, Public No. 304, and Section 3, Public No. 514, 75th Congress (Acts of August 16, 1937 and May 13, 1938) shall commence as follows:

* * * * *

(C) For the purposes of section 5 of Public No. 18, 76th Congress (Act of April 3, 1939) granting pensions to the surviving dependents of officers, warrant officers, and enlisted men of the army of the United States other than of the regular army, awards of pension shall commence in accordance with the facts found, except that no award of death pension shall commence prior to the date of death or the date of the happening of the contingency upon which the pension is allowed, or the date of receipt of application therefor, whichever is the later date; provided no award under this act shall commence prior to April 3, 1939.

(D) Awards pursuant to claims allowed upon new and material evidence relating to the same factual basis as that of a finally disallowed claim shall commence from the date of receipt of such evidence or accompanying communication when such evidence or accompanying communication meets the requirements as to what constitutes an informal claim under current precedents and instructions. Sec. 8.021. See also Sec. 2.1201 and 2.1206.

(E) Awards to *children* for whom a widow is in receipt of pension or compensation, when her pension or compensation is terminated upon the happening of the contingency upon which it is limited, shall commence from the date following the termination of the widow's award, without the necessity of filing an application. (13 Sol. 689)

(F) Any claim filed prior to March 19, 1935, *by a dependent mother and/or father* which was pending on that date and which would have been disallowed for the reason that dependency did not exist within ten years subsequent to the death of the veteran, shall be allowed effective March 19, 1935, provided entitlement is otherwise established. Any claim filed subsequent to March 19, 1933, under Public No. 2, 73d Congress, and disallowed for the reason that dependency was not established within the required period of time, may, upon written notice from the claimant or his representative to the Veterans Administration, be revived at any time prior to March 19, 1936, and when entitlement is otherwise established payments shall commence March 19, 1935. Sec. 8.021. (July 19, 1939)

*Death Due to Paralysis, Paresis, Blindness or While Helpless or Bedridden, Public No. 196, 76th Congress, (Act of July 19, 1939)*

§ 2.2575 For the purposes of Public No. 196, 76th Congress, (Act of July 19, 1939) any claims filed subsequent to March 19, 1933, and prior to July 19, 1939, under any law granting pension or compensation to widows of World War veterans, disallowed or abandoned prior to July 19, 1939, may, upon written notice from the claimant or her representative to the Veterans' Administration, be revived at any time prior to July 19, 1940, and when entitlement is otherwise established, payments under Public No. 196, 76th Congress, (Act of July 19, 1939) shall commence July 19, 1939; provided that any claim filed subsequent to March 19, 1933, and prior to July 19, 1939, in which the widow or her representative has not been notified of the disallowance thereof, or any claim pending on July 19, 1939, shall be considered an application under Public No. 196, 76th Congress, without the written notice required herein, and if allowable only under the latter act, payments shall commence July 19, 1939; provided further that as to any original claim filed on or after July 19, 1939, payment shall commence the day such claim is filed. (July 19, 1939)

*Public No. 484, 73d Congress, as Amended by Public No. 844, 74th Congress, Public No. 304 and 514, 75th Congress, and Public No. 196, 76th Congress*

§ 2.2576 Original awards of death compensation under Public No. 484, 73d Congress (Act of June 28, 1934) as amended, shall commence:

* * * * *

(F) If the person on whose service claim is based served 90 days or more, or having served less than 90 days was discharged for disability incurred in the service in line of duty and died while suffering from a disease or injury directly or presumptively incurred in or aggravated by service in the World War for which compensation would be payable if 10 per centum or more in degree, pursuant to section 1 (b), Public No. 198, 76th Congress:

(1) July 19, 1939, or the day following the date of death whichever is the later, if application is filed within one year from date of death.

(2) The date of filing application if application is not filed within one year from date of death, but in no event prior to July 19, 1939.

(3) Any claim for compensation or pension by a widow or child filed subsequent to March 19, 1933, and prior to July 19, 1939, disallowed or abandoned prior to July 19, 1939, may, upon written notice from the claimant or a representative of the claimant to the Veterans' Administration be revived at any time prior to July 19, 1940, and when title is otherwise established payments under Public No. 196, 76th Congress, (Act of July 19, 1939) shall commence on the date of its enactment; provided that in any such claim for compensation or pension adjudicated under Public No. 484, 73d Congress, as amended, in which the claimant or the claimant's representative has not been notified of the disallowance thereof, or if such a claim was pending on July 19, 1939, it shall be considered an application under Public No. 196, 76th Congress, (Act of July 19, 1939), without the written notice required herein and if allowable only under Public No. 196, 76th Congress, (Act of July 19, 1939) payments thereunder shall commence July 19, 1939.

(G) In the event a claim filed under this section is not complete at the date of filing thereof in the Veterans' Administration, the claimant will be notified of the evidence necessary to complete the claim and if such evidence is not received within one year from the date of the request therefor, compensation will not be paid by reason of the filing of that claim. (July 19, 1939)

*Public No. 2 and Sections 28 and 31, Title III, Public No. 141, 73d Congress, Section 3, Public No. 304, 75th Congress, and Section 5, Public No. 198, 76th Congress*

§ 2.2602 The effective date of an award of increased pension or compensation payable under Public No. 2, 73d Congress, Sections 28 and 31, Title III, Public No. 141, 73d Congress, or Section 3, Public No. 304, 75th Congress, or Section 5, Public No. 198, 76th Congress, shall be fixed in accordance with the facts found, except that:

(A) No award of increased pension or compensation may be effective prior to the date of receipt of the evidence showing entitlement thereto; except that a widow who attains an age at which an increased rate is provided under Sec. 8.011 or under Section 3 of Public No. 304, 75th Congress, or under Section 5 of Public No. 198, 76th Congress, shall be entitled to receive such increase effective on the date of attainment of the age at which an increase is authorized, if evidence establishing the date of birth is on file on the date of attainment of such age or is received within one year from the date of the prescribed anniversary of the date of birth: *Provided*, That in original claims where the claimant has shown that she was past the age at which the minimum rate is payable at the date of filing her claim, the increased rate provided on account of age may be authorized from the date of filing the claim, provided satisfactory proof of the fact and date of birth is received within one year from the date of request therefor: *Provided further*, That in no event will the increase be awarded from a date prior to the date authorized in the law or regulation invoked: *Provided further*, That any increase authorized under Section 3 of Public No. 304, 75th Congress, or Section 5, Public No. 198, 76th Congress, must be made subject to the conditions of paragraph (C) hereof.

(B) For the purposes of the preceding paragraph, increased pension or compensation shall be taken to mean any award of pension or compensation, amending, reopening, or supplementing a previous award, authorizing any payments not theretofore authorized to the particular individual involved. (Sec. 8.021, Par. II).

(C) *World War widow or parent on rolls August 16, 1937, or July 19, 1939.* Subject to the provisions of paragraphs (A) and (B) of this section, where the widow or parent of a World War veteran, including a veteran who served as provided in Section 5, Public No. 304, 75th Congress, was on the rolls on August 16, 1937, compensation at the rates provided in Section 3, Public No. 304, 75th Congress, shall be effective August 16, 1937; or if the widow was on the rolls July 19, 1939, the increased rate shall be effective July 19, 1939: *Provided*, That the rate of compensation shall be as prescribed in (1), (2) or (3) of this paragraph if the widow or parent was in receipt of Government insurance on August 16, 1937, or July 19, 1939, or thereafter, whichever date is applicable.

(1) (a) The rates under Section 3, Public No. 304, 75th Congress, shall not be payable while the combined monthly rates of compensation and yearly renewable term, automatic, or United States Government life (converted) insurance; or compensation and compensation; or compensation and pension, equal or exceed the rates prescribed in Section 3, supra. (Sec. 2.2523 (A))

(b) The rates under Section 5, Public No. 198, 76th Congress, shall not be payable while the combined monthly rates of compensation and yearly renewable term, or automatic insurance; or compensation and compensation; or compensation and pension payable equal or exceed the rates prescribed in Section 5, supra. (Sec. 2.2623–B)

(2) If the combined monthly rates of compensation and insurance; or of compensation and compensation; or of compensation and pension payable under the laws in effect prior to August 16, 1937, do not equal or exceed the rates prescribed in Section 3, Public No. 304, 75th Congress, or in Section 5 of Public No. 198, 76th Congress, the amount of compensation payable while the insurance or concurrent compensation or pension is payable shall be that which equals the difference between the amount of the monthly instalment of insurance or concurrent compensation or pension and the rate of compensation otherwise payable under Section 3, Public No. 304, 75th Congress, or Section 5, Public No. 198, 76th Congress, as the case may be, subject to the increase at the full rate prescribed in the applicable law from the day following the ending date of the insurance award or of the discontinuance of payments of compensation or pension under the concurrent award. United States Government life (converted) insurance is not to be included in the computation of the combined monthly rates from and after July 19, 1939, (the date of enactment of Public No. 196, 76th Congress).

(3) Rates and increases of compensation rates shall be paid under Sec. 8.011 on or after August 16, 1937, or on or after July 19, 1939, in those cases in which the greater amount of compensation is payable under such regulation, without regard to the amount of insurance, concurrent awards of compensation or pension being paid.

(D) (1) *World War widow or parent not on the rolls August 16, 1937.* Widows or parents in World War cases placed on the compensation rolls effective on or after August 16, 1937 shall be paid for any period over which they may be entitled to compensation at the rates and increases of rates prescribed under paragraph (C) of this section, except that no rate prescribed under Section 3, Public No. 304, 75th Congress, in excess of the rate provided under Sec. 8.011 shall be effective prior to September 1, 1937.

(2) *World War widow not on the rolls July 19, 1939.* Widows or parents in World War cases placed on the compensation rolls effective on or after July 19, 1939, shall be paid for any period over which they may be entitled to compensation at the rates and increased rates prescribed under subparagraph (C) of this paragraph except that no rate prescribed under Section 5, Public No. 198, 76th Congress, in excess of the rate provided under Section 3, Public No. 304, 75th Congress, shall be effective prior to August 1, 1939.

(E) For the purpose of paragraphs (C) and (D) of this section the term "on the rolls" shall include those who are placed on the rolls effective as of a date prior to August 16, 1937, or prior to July 19, 1939, whichever date is for application. (July 19, 1939)

*Public No. 484, 73d Congress, as Amended*

§ 2.2583 An award of increased compensation payable pursuant to the provisions of Section 2, Public No. 196, 76th Congress, to a widow entitled to or in receipt of compensation under Public No. 484, 73d Congress, as amended, on July 19, 1939, shall be effective on that date, subject to the limitation of Sec. 2.2548 (F) regarding income. (July 19, 1939)

APPORTIONMENT OF DEATH PENSION OR COMPENSATION

*Prior Apportionment Not to be Disturbed*

§ 2.2591 (C) In any case where a veteran is survived by a widow and a child or children under 18 years of age not in her care and custody, and the guardian, custodian or next friend of the child or children fails or refuses to file a claim, the award to the widow will carry only the apportioned rate provided for her under Sec. 2.2592 until the day preceding the date when the youngest child attains the age of 18 years. Awards heretofore made in which the full rate has been granted the widow, will not be reduced retroactively, but will be reapportioned upon discovery, in conformity with the provisions of this sub-section from the first day of the month following the month in which the action of reduction is taken. (September 1, 1939)

*Rates Under Public No. 304, 75th Congress (Act of August 16, 1937), and Public No. 198, 76th Congress (Act of July 19, 1939), World War Only*

§ 2.2623 (A) The following rates are payable for periods on and after August 16, 1937 and prior to July 19, 1939, under provisions of Section 3 of Public No. 304, 75th Congress (Act of August 16, 1937) for death resulting from active military or naval service rendered during the World War as defined in Sec. 2.2538 and in accordance with the conditions and limitations specified in Sec. 2.2574 and 2.2582:

| | Per month |
|---|---|
| Widow under 50 years of age | $30.00 |
| Widow 50 years to 65 years of age | 37.50 |
| Widow over 65 years of age | 45.00 |
| Widow with one child, $10 additional for such child up to 10 years of age, increased to $15 from age 10 (with $6 for each additional child up to 10 years of age, increased to $13 from age 10) | |
| No widow but one child | 20.00 |
| No widow but two children | [1] 33.00 |
| No widow but three children | [1] 46.00 |
| (With $6 for each additional child; total amount to be equally divided) | |
| Dependent mother or father | 45.00 |
| (or both) | [2] 25.00 |

[1] Equally divided.
[2] Each.

As to the widow, child or children, the total compensation payable under this paragraph shall not exceed $75.00.

(B) The following rates are payable for periods on and after July 19, 1939, under the provisions of Section 5, Public No. 198, 76th Congress, for death resulting from active military or naval service rendered during the World War as defined in Sec. 2.2538 and in accordance with the conditions and limitations specified in Sec. 2.2574 and Sec. 2.2582:

| | Per month |
|---|---|
| Widow under 50 years of age | $38.00 |
| Widow 50 years of age or over | 45.00 |
| Widow with one child, $10 additional for such child up to 10 years of age, increased to $15 from age 10 (with $6 for each additional child up to 10 years of age, increased to $13 from age 10) | |
| No widow but one child | 20.00 |
| No widow but two children | [1] 33.00 |
| No widow but three children | [1] 46.00 |
| (With $6 for each additional child; total amount to be equally divided) | |
| Dependent mother or father | 45.00 |
| (or both) | [2] 25.00 |

[1] Equally divided.
[2] Each.

As to the widow, child or children, the total compensation payable under this paragraph shall not exceed $83.00.

As to a widow, and child or children not in her care and custody, any amount payable under subparagraph (A) or (B) may be apportioned as prescribed in Sec. 2.2592. (July 19, 1939)

*Rates Under Public No. 484, 73d Congress (Act of June 28, 1934) as Amended, and Under Public No. 196, 76th Congress (Act of July 19, 1939)*

§ 2.2640 (A) The following rates are payable for periods prior to July 19, 1939, under Public No. 484, 73d Congress (Act of June 28, 1934) as amended:

| | Per month |
|---|---|
| Widow but no child | $22.00 |
| Widow and one child | 30.00 |
| (With $4 for each additional child.) | |

| | Per month |
|---|---|
| No widow but one child | 15.00 |
| No widow but two children | [1] 22.50 |
| No widow but three children | [1] 30.00 |
| (With $6 for each additional child, total amount to be equally divided.) | |

[1] Equally divided.

The total compensation payable under this paragraph shall not exceed $56.00. Where such benefits would otherwise exceed $56.00 the amount of $56.00 may be apportioned as prescribed in Sec. 2.2592 (H) (1).

(B) The following rates are payable for periods on and after July 19, 1939, under Public No. 198, 76th Congress (Act of July 19, 1939) under Public No. 484, 73d Congress, as amended, and Public No. 196, 76th Congress:

| | Per month |
|---|---|
| Widow but no child | $30.00 |
| Widow and one child | 38.00 |
| (With $4 for each additional child.) | |
| No widow but one child | 15.00 |
| No widow but two children | [1] 22.50 |
| No widow but three children | [1] 30.00 |
| (With $3 for each additional child, total amount to be equally divided.) | |

[1] Equally divided.

The total compensation payable under this paragraph shall not exceed $64.00. Where such benefits would otherwise exceed $64.00 the amount of $64.00 may be apportioned as prescribed in Sec. 2.2592 (H) (2). (July 19, 1939)

[SEAL] FRANK T. HINES,
*Administrator.*

[F. R. Doc. 39-3156; Filed, August 28, 1939; 11:23 a. m.]

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REVISION OF REGULATIONS

TOTAL DISABILITY PROVISION FOR UNITED STATES GOVERNMENT LIFE INSURANCE

*Grace Period for Payment of First Premium Payable on United States Government Life Insurance and Total Disability Insurance After Termination of a Total and Permanent Disability Insurance Award and a Total Disability Insurance Award*

§ 3.3181 United States Government life insurance and total disability insurance shall not lapse during the period between the termination of a total and permanent disability insurance award or the termination of a total disability insurance award and thirty-one days from the due date of the first premium payable after such termination or thirty-one days from date of receipt of notice at the insured's last address of record advising of the termination of the award and the amount and due date of the first premium so payable, whichever is the later date. If the premium or premiums be not paid within said thirty-one days, the insurance policy and the total disability provision shall lapse in accordance with the terms and conditions thereof and shall otherwise be subject to the terms and conditions of said policy and provision. A letter, by registered mail with return receipt requested, will be mailed to the insured at his last address of record advising of the due date of the first premium payable after termination of the award, and of the amount of insurance, and the amount due as premiums. The receipt of such letter at the insured's last address of record will be sufficient notice within the provisions of this regulation, and the failure of the insured to furnish a correct current address at which mail will reach him promptly shall not be grounds for an extension of time under this paragraph. (September 1, 1939) (46 Stat. 1016; 38 U.S.C. 11, 11a)

[SEAL] FRANK T. HINES,
*Administrator.*

[F. R. Doc. 39-3157; Filed, August 28, 1939; 11:23 a. m.]

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## TITLE 46—SHIPPING

### BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER C—MOTOR BOATS

AMENDMENTS TO REGULATIONS

Section 29.1 is amended to read as follows:

All violations of the Act of June 9, 1910 detected by enforcement officers other than collectors of customs must be reported directly to the Department of Commerce (Bureau of Marine Inspection and Navigation) regardless of mitigating circumstances, as authority to mitigate and remit the penalties under the laws mentioned is vested solely in the Secretary of Commerce. Such reports must be forwarded to the Bureau of Marine Inspection and Navigation in triplicate. The use of the report forms heretofore used in making such reports to collectors of customs is authorized.

Section 29.2 is amended to read as follows:

The Act of June 9, 1910 defines the words "motor boat" (i. e., the class of vessels subject to its requirements) as including every vessel propelled by machinery and not more than 65 feet in length, except tugboats and towboats propelled by steam. The term, therefore, includes boats temporarily or permanently equipped with detachable motors, and such vessels, when so equipped, are subject to the Act of June 9, 1910.

Section 29.3 is amended to read as follows:

The lights provided for in section 3 of the Act of June 9, 1910 are running lights for motor boats subject to the provisions of the Act of June 9, 1910 in lieu of the lights prescribed, respectively, by article 2 of the act approved June 7, 1897 (covering certain harbors, rivers, and inland waters of the United States); rule 3 of the act approved February 8, 1895 (covering the Great Lakes and their connecting and tributary waters); and rules 2, 5, 6, and 7 of section 4233 of the Revised Statutes (covering western rivers). These running lights must be carried on all motor boats when under way on navigable waters of the United States not on the high seas in all weathers from sunset to sunrise. The penalty for failure to carry such lights is a fine not exceeding $100. Motor boats when on the high seas must exhibit the lights prescribed by the international rules of 1890.

Section 29.4 is amended to read as follows:

The lights provided for in section 3 of the Act of June 9, 1910 are not in conflict with the anchor lights, and additional lights for pilot, towing, and fishing vessels, provided in the acts above cited.

Collectors of customs and others will observe that the penalties for violations of existing laws not in conflict with the Act of June 9, 1910 remain unchanged.

Section 29.5 is amended to read as follows:

Motor boats of class 1 must carry the two-color combination light and the white stern light required by section 3 (a) of the Act of June 9, 1910. The use of separate red and green side lights in lieu of the combination red and green light is prohibited.

The length of the light screens on motor boats of classes 2 and 3 is to be measured from the forward edge of the side light to the forward end of the light screen.

Subchapter C — Motor Boats, is amended by the insertion of two new sections numbered 29.12A and 29.14A to follow immediately after sections 29.12 and 29.14 respectively.

§ 29.12A The provisions of Section 4 of the Act of June 9, 1910, requiring whistles, fog horns, and bells on motor boats do not apply to motor boats propelled by outboard motors while competing in any race previously arranged for and announced, nor do they apply to such boats if they are designed and intended solely for racing, while they are engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

§ 29.14A The provisions of Section 6 of the Act of June 9, 1910, requiring fire extinguishers on motor boats do not apply to motor boats propelled by outboard motors while competing in any race previously arranged for and announced, nor do they apply to such boats if they are designed and intended solely for racing, while they are engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

Section 29.17 is amended to read as follows:

Motor boats as defined in Section 1 of the Act of June 9, 1910, are not required to carry on board copies of the pilot rules.

[Section 8 of the Act of June 9, 1910 (46 U.S.C. 518): Public Act No. 331, 76th Congress, approved August 7, 1939]

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 39-3146; Filed, August 25, 1939; 1:04 p.m.]



## Notices

### DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[General Docket No. 17]

IN THE MATTER OF ESTABLISHMENT OF RULE RELATING TO FILING OF APPLICATIONS FOR EXEMPTION

NOTICE OF AND ORDER FOR HEARING

The Director having cause to believe that the following rule is a reasonable rule for carrying out the provisions of the Bituminous Coal Act of 1937, within the meaning of Section 2 (a) of said Act:

"All applications seeking exemption pursuant to the provisions of the second paragraph of Section 4–A should be filed within the following periods of time:

"(1) If the commerce covered by the application exists upon the effective date of this rule, not more than thirty (30) days after such date.

"(2) If the commerce covered by the application is entered into after the effective date of this rule, but before the effective date of minimum prices, not more than thirty (30) days after the date such commerce is entered into.

"Any application which is filed after the periods herein specified will be presumed not to have been filed in good faith."

*It is ordered*, That a hearing on the foregoing rule be held before the Director on the 14th day of September 1939, at 10:00 o'clock in the forenoon, at the Hearing Room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section of the Division in Room 502 will advise as to the room where such hearing will be held. At such hearing, all interested parties will be given an opportunity to be heard, and, at the close of the hearing, to present oral argument to the Director.

Notice of such hearing is hereby given to all interested persons. Any interested person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before September 12, 1939.

Dated, August 25, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-3147; Filed, August 25, 1939; 1:32 p. m.]

[Docket No. 509-FD]

IN THE MATTER OF THE APPLICATION OF THE YOUNGSTOWN SHEET AND TUBE COMPANY FOR EXEMPTION

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

A hearing on the above-entitled matter having been heretofore duly set for the 29th day of August 1939, at a Hearing Room of the Bituminous Coal Division, Federal Court Room, Post Office Building, Youngstown, Ohio; and

Bituminous Coal Producers Board for District No. 4 having requested the postponement of said hearing;

*It is ordered*, That the hearing upon the above-entitled matter be and the same is hereby postponed to and set for September 19, 1939, at the place above named, commencing at the hour of 10:00 o'clock a. m.

H. A. GRAY,
*Director.*

Dated, August 26, 1939.

[F. R. Doc. 39-3150; Filed, August 26, 1939; 10:35 a. m.]

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### DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF THE APPLICATION FOR EXEMPTION OF THE RECEIVING, GRADING AND PACKING OF UNSHELLED "ENGLISH" WALNUTS FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

Whereas, applications have been filed by the California Walnut Growers Association and the North Pacific Nut Growers Co-operative on behalf of themselves and sundry other parties for exemption of the receiving, grading and packing of "English" walnuts from the maximum hours provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the Regulations issued thereunder;[1] and

Whereas, it appears from the said application that:

(1) "English" walnuts are grown commercially only in the States of California, Oregon and Washington, and

(2) "English" walnuts can be and are harvested in these States only in the regularly recurring fall months, September, October and November, when such nuts mature, and

(3) such walnuts can be and are received into packing houses, graded and packed only during a regularly recurring season, September to December, running nearly concurrently but lagging somewhat after the harvest, and

(4) receiving, grading and packing cease with the end of the season's run, some time in December, until September of the following season.

Now, therefore, upon consideration of the facts stated in the said applications, the Administrator hereby determines, pursuant to Section 526.5 (c) of the Regulations, that a *prima facie* case has been shown for the granting of an exemption, pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder to the receiving, grading and packing of unshelled "English" walnuts.

In accordance with the procedure established by Section 526.5 (c) of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

These applications may be examined at Room 313, 939 D Street NW., Washington, D. C.

Signed at Washington, D. C., this 25 day of August 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3151; Filed, August 26, 1939; 12:54 p. m.]

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### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of August 1939.

[File No. 1-141]

IN THE MATTER OF CHICAGO RIVET AND MACHINE COMPANY COMMON STOCK, $4 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Chicago Rivet and Machine Co., pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $4 Par Value, from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a

[1] 4 F.R. 3609 DI.
[2] 3 F.R. 2694 DI.

hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Monday, September 25, 1939, at the office of the Securities & Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3154; Filed, August 28, 1939; 10:46 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of August, A. D. 1939.

[File No. 32-170]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on September 8, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At said hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 4, 1939.

The matter concerned herewith is in regard to an application by the Public Service Company of Indiana, an Indiana corporation (a subsidiary of Midland United Company, a Delaware Corporation, of which Hugh Morris is Trustee in proceedings under Section 77B of the Bankruptcy Act, said Hugh Morris having heretofore duly filed under the Public Utility Holding Company Act of 1935 as a registered holding company) under Section 6 (b) of the Act for exemption from the provisions of Section 6 (a) of the Act with respect to the proposed issue and sale by Public Service Company of Indiana of:

(a) $32,000,000, 30 year, first mortgage bonds due September 1, 1969, bearing interest at not to exceed 3¼% per annum, payable semi-annually; and

(b) $16,000,000, 10 year serial debentures, dated on or about September 1, 1939, bearing interest at not to exceed 4% per annum, payable semi-annually, and maturing in nineteen semi-annual instalments from September 1, 1940, to September 1, 1949, inclusive.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3160; Filed, August 28, 1939; 11:50 a. m.]

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# FEDERAL REGISTER

VOLUME 4 NUMBER 167

*Washington, Wednesday, August 30, 1939*

*Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### DIVISION OF MARKETING AND MARKETING AGREEMENTS

[Order No. 13, as Amended]

MARKETING ORDERS

PART 913—ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE KANSAS CITY, MISSOURI, MARKETING AREA[*]

Sec.

913.0 Findings.
913.1 Definitions.
913.2 Market administrator.
913.3 Classification of milk.
913.4 Minimum prices.
913.5 Reports of handlers.
913.6 Application of provisions.
913.7 Determination of uniform prices to producers.
913.8 Payments for milk.
913.9 Marketing services.
913.10 Expense of administration.
913.11 Effective time, suspension or termination of order, as amended.
913.12 Liability.

Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the provisions of Title I of Public Act No. 10, 73d Congress, as amended (48 Stat. 31), issued on November 3, 1936, Order No. 13[1] regulating the handling of milk in the Kansas City, Missouri, marketing area, said order being effective December 1, 1936; and

Whereas, the Secretary on the 17th day of August 1936 tentatively approved the marketing agreement regulating the handling of milk in the Kansas City, Missouri, marketing area; and

Whereas, the Secretary having reason to believe that said marketing agreement and said order should be amended, gave, on the 7th day of March 1939, a notice of hearing which was held at Kansas City, Missouri, on the 16th and 17th days of March 1939, on certain proposed amended provisions of said tentatively approved marketing agreement and of said order, said hearing being reopened[2] at Kansas City, Missouri, on the 22d, 23d, and 24th days of May 1939, for the purpose of receiving additional evidence, and at said time and place conducted public hearings at which all interested parties were afforded an opportunity to be heard on said proposed amended provisions; and

Whereas, at such hearings and after the tentative approval on the 26th day of July 1939, by the Secretary of a marketing agreement, as amended, handlers of more than 50 percent of the volume of milk covered by such order, as amended, which is marketed within the Kansas City, Missouri, marketing area refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk; and

Whereas, the Secretary determined[3] on the 26th day of August 1939, said determination being approved by the President of the United States on the 26th day of August 1939, that said refusal or failure tends to prevent the effectuation of the declared policy of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), and that this order, as amended, is the only practical means pursuant to such policy of advancing the interests of producers of milk in said area and is approved or favored by over 67 percent of the producers who, during the month of February 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in the Kansas City, Missouri, marketing area; and

Whereas, the Secretary finds upon the evidence introduced at the above-mentioned hearings, said findings being in addition to the findings made upon the evidence introduced at the hearings on said order and to the other findings made prior to or at the time of the original issuance of said order (which findings

[*] Section 913.0 to and including Section 913.12 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. § 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. § 601 et seq. (Supp. IV 1938).

[1] 4 F.R. 1722 DI.

[2] 4 F.R. 2094 DI.

[3] See page 3771.

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FEDERAL REGISTER

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are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth):

§ 913.0 *Findings.* 1. That the prices calculated to give milk handled in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and section 8 (e) of the act are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply and demand for such milk, and that the minimum prices set forth in this order, as amended, are such prices as will reflect such factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

2. That the order, as amended, regulates the handling of milk in the same manner as and is applicable only to, handlers specified in the tentatively approved marketing agreement, as amended, upon which hearings have been held; and

3. That the issuance of the order, as amended, and all of its terms and conditions will tend to effectuate the declared policy of the act.

Now, therefore, the Secretary of Agriculture pursuant to the powers conferred upon him by the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby orders that such handling of milk in the Kansas City, Missouri, marketing area, as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce, shall from the effective date hereof be in compliance with the following terms and conditions:

§ 913.1 *Definitions*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "Kansas City, Missouri, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Kansas City, Missouri.

(2) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(3) The term "producer" means any person who, in conformity with the health regulations of the city of Kansas City, Missouri, under a permit issued by the proper health authorities of said city, produces milk which is received in bulk by a handler. This definition shall be deemed to include any such person who produces milk which a cooperative association or handler causes to be delivered to a plant from which no milk or cream is disposed of in the marketing area.

(4) The term "handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk or cream in the marketing area; and who, on his own behalf or on behalf of others, engages in such handling of milk as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall be deemed to include any cooperative association or handler with respect to the milk of any producer which it causes to be delivered to a plant from which no milk or cream is disposed of in the marketing area, for the account of such cooperative association or handler and for which such cooperative association or handler collects payment.

(5) The term "market administrator" means the person designated pursuant to Sec. 913.2 as the agency for the administration hereof.

(6) The term "delivery period" means the current marketing period from the first to, and including, the last day of each month.

(7) The term "base" is the quantity of milk calculated for each producer pursuant to Sec. 913.7 (d).

(8) The term "cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in the sale of milk of its members.

(9) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(10) The term "Secretary" means the Secretary of Agriculture of the United States.

§ 913.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by Sec. 913.10, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to Sec. 913.5 or (b) made payments pursuant to Sec. 913.8.

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 913.3 *Classification of milk*—(a) *Basis of classification.* Milk of a producer which a handler causes to be delivered to a plant from which no milk or cream is disposed of in the marketing area and milk received by each handler, including milk produced by him, if any, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.



(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of milk containing more than 1 percent of butterfat.

(2) Class II milk shall be all milk, except skim milk, used to produce cream which is disposed of in the form of cream, flavored milk, creamed cottage cheese, creamed buttermilk, aerated cream, and eggnog.

(3) Class III milk shall be all milk not accounted for as Class I milk or Class II milk.

(c) *Interhandler and nonhandler sales.* Milk of a producer disposed of by a handler to another handler, and milk disposed of by a handler to a person who is not a handler but who distributes milk or manufactures milk products, shall be classified, subject to paragraph (d) of this section, as Class I milk: *Provided,* That if the selling handler, on or before the 5th day after the end of the delivery period, furnishes to the market administrator a statement, which is signed by the buyer and seller, that such milk was disposed of as Class II milk or Class III milk, such milk shall be classified accordingly, subject to verification by the market administrator.

(d) *Sales of a cooperative association to any other handler.* Milk caused to be delivered from a producer to a handler by a cooperative association which is a handler shall be ratably apportioned among the receiving handler's total Class I, Class II, and Class III milk.

§ 913.4 *Minimum prices*—(a) *Class prices.* Except as set forth in paragraph (b) of this section, each handler shall pay, at the time and in the manner set forth in Sec. 913.8, not less than the following prices for milk received at such handler's plant or caused to be delivered by such handler to a plant from which no milk or cream is disposed of in the marketing area:

Class I milk—$2.20 per hundredweight: *Provided,* That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be not less than $1.95 per hundredweight.

Class II milk—$2.05 per hundredweight.

Class III milk—The price per hundredweight which shall be calculated by the market administrator as follows: Multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 25 cents.

(b) *Sales outside the marketing area.* The prices to be paid by handlers for Class I milk and Class II milk disposed of during the delivery period in the territory lying within a radius of 5 miles of the corporate limits of Kansas City, Missouri, excepting that territory lying within the corporate limits of Kansas City, Kansas, shall be the prices for Class I milk and Class II milk set forth in paragraph (a) of this section. The prices to be paid by handlers for Class I milk and Class II milk disposed of during the delivery period in territory lying beyond 5 miles of the corporate limits of Kansas City, Missouri, and in territory lying within the corporate limits of Kansas City, Kansas, in lieu of the prices otherwise applicable pursuant to paragraph (a) of this section, shall be, as ascertained by the market administrator, such prices as were paid to farmers in the market where such milk was disposed of, for milk of equivalent use.

§ 913.5 *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day after the end of each delivery period each handler, with respect to milk or cream which was, during such delivery period, (a) received from producers, (b) received from handlers, (c) produced by such handler, and (d) received from any other source, shall report to the market administrator, in the detail and form prescribed by the market administrator, as follows:

(1) The receipts at each plant from producers who are not handlers, the quantity of milk received from producers in excess of their respective bases and the average butterfat test thereof;

(2) The receipts at each plant from any other handler, including any handler who is also a producer;

(3) The quantity, if any, produced by such handler;

(4) The receipts at each plant from any other source; and

(5) The respective quantities of milk disposed of in the classes set forth in Sec. 913.3.

(b) *Reports as to producers.* Each handler shall report to the market administrator as follows:

(1) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator (a) the name and address, (b) the total pounds of milk received, (c) the average butterfat test of milk received, and (d) the number of days upon which milk was received; and

(2) As soon as possible after first receiving milk from any producer (a) the name and address of such producer, (b) the date upon which such milk was first received, and (c) the plant at which the milk of such producer was received.

(c) *Reports of payments to producers.* Upon the request of the market administrator each handler shall submit on or before the 20th day after the end of each delivery period his producer pay roll for such delivery period, which shall show for each producer the net amount of such producer's payment with the prices, deductions, and charges involved.

(d) *Verification of reports.* Each handler shall make available to the market administrator or his agent (a) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section, and (b) those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 913.6 *Application of provisions.* (a) With respect to each handler who is also a producer—

(1) The market administrator, before making the computations in accordance with Sec. 913.7, shall (a) exclude the milk purchased or received by him in each class from other handlers, (b) exclude from his remaining Class I milk and Class II milk up to but not exceeding 95 percent of the quantity of milk produced and disposed of by him, and (c) exclude from his remaining Class III milk the balance of the milk produced and disposed of by him.

(2) The market administrator, in computing the value of milk for any handler pursuant to Sec. 913.7, shall consider as Class III milk any milk or cream received in bulk by such handler from a handler who distributes part of his own production but for whom no base has been computed pursuant to Sec. 913.7 (d). If the receiving handler disposes of such milk or cream for other than Class III purposes, the market administrator shall add to the total value computed pursuant to Sec. 913.7 the difference between (a) the value of such milk or cream at the Class III price and (b) the value according to its actual usage.

(b) With respect to any handler who, during the delivery period, disposed of no milk as Class III milk and received from producers milk having an average butterfat content higher than that disposed of as Class I milk or as (3.8 percent milk equivalent of) Class II milk by such handler:

(1) The market administrator shall (a) determine the hundredweight of milk received from producers; (b) determine the hundredweight of milk disposed of as Class I milk and as (3.8 percent milk equivalent of) Class II milk; (c) if the hundredweight of milk determined in (b) of this subparagraph, exceeds the hundredweight of milk determined in (a) of this subparagraph, multiply such difference in the hundredweights of milk by the difference between the Class II price and an amount obtained by multiplying by 38 the butterfat differential as provided in Sec. 913.8 (c) and add such amount to the sum obtained for such handler pursuant to Sec. 913.7 (a).

§ 913.7 *Determination of uniform prices to producers*—(a) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions

of Sec. 913.6, the value of milk of producers disposed of by each handler by (a) multiplying the quantity of such milk in each class by the price applicable pursuant to Sec. 913.4, and (b) adding together the resulting values of each class: *Provided*, That if any handler has received milk from any producer at a plant approved by the health authorities of Kansas City, Missouri, for the receiving of milk to be disposed of as milk in the marketing area, and located more than 30 miles from the City Hall in Kansas City, Missouri, the market administrator shall deduct, with respect to the hundredweight of fluid milk, fluid cream, and ice cream mix actually moved from such plant to the marketing area, up to but not exceeding the amount per hundredweight specified for the distance of such plant from the City Hall in Kansas City, Missouri, as follows: not more than 45 miles, 17 cents per hundredweight; and for each additional 10 miles, or part thereof, an additional 1½ cents per hundredweight.

(b) *Computation and announcement of the uniform prices.* For each delivery period, the market administrator shall compute and announce the uniform price per hundredweight of milk as follows:

(1) Combine into one total the respective values of milk, computed pursuant to paragraph (a) of this section, for each handler who made the reports prescribed by Sec. 913.5 and who made the payments prescribed by Sec. 913.8;

(2) Add the amount of the adjustments to be made pursuant to Sec. 913.8 (d);

(3) Subtract the total amount to be paid pursuant to Sec. 913.8 (a) (2);

(4) Add the amount of cash balance in the producer-settlement fund less the amount due handlers pursuant to Sec. 913.8 (i);

(5) Divide by the total quantity of milk which is not in excess of the bases of producers and which is included in these computations;

(6) Subtract not less than 4 cents nor more than 5 cents per hundredweight of milk for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports and payments, or delinquencies in payments by handlers. This result shall be known as the uniform price for such delivery period for base milk of producers containing 3.8 percent butterfat; and

(7) On or before the 8th day after the end of each delivery period notify all handlers and make public announcement of these computations, of the uniform price per hundredweight of base milk, of the Class III price, and of the butterfat differential computed pursuant to Sec. 913.8 (c).

(c) *Base rating.* For each delivery period the base of each producer shall be a quantity of milk calculated in the following manner: (a) multiply the applicable figure, effective pursuant to paragraph (d) of this section by the number of days on which milk was received from such producer during such delivery period or (b) if no figure is effective for any producer, who is not also a handler, take the percent of the total milk received from him in bulk during such delivery period which is obtained by dividing the total Class I milk and Class II milk of all handlers by the total milk received by such handlers: *Provided*, That (c) if the total Class I milk and Class II milk of all handlers exceeds the total of base so computed, add thereto, in the case of each producer for whom a figure is effective pursuant to paragraph (d) of this section and from whom milk was received in excess of base, the percentage of his excess milk which is the percentage of the total of such excess milk used by all handlers as Class I milk and as Class II milk.

(d) *Determination for base rating.* For the purpose of calculating, pursuant to paragraph (c) of this section, the bases of producers, including producers who are also handlers, the market administrator shall determine a figure with respect to deliveries of milk in bulk to handlers by each producer as follows:

(1) Effective up to and including June 30, 1936, divide the total deliveries of milk in bulk to handlers during the period of time beginning with November 16, 1935, and ending with February 15, 1936, by the number of days on which deliveries were made and take such a percentage of the result as will make the total of all figures so determined approximately equal to 115 percent of the daily average Class I milk and Class II milk disposed of during the 4th calendar quarter of the calendar year 1935, by all handlers who received such milk;

(2) Effective for each calendar quarter subsequent to June 30, 1936, divide the total milk received from each producer not in excess of his base for the next preceding calendar quarter by the number of days on which milk was received from such producer and take such a percentage of the result as will make the total of all figures so determined approximately equal to 115 percent of the total daily average Class I milk and Class II milk disposed of during the 4th calendar quarter of the next preceding calendar year by all handlers who received such milk;

(3) At the request of any producer who distributes the milk he produces and for whom no figure is effective pursuant to subparagraphs (1) and (2) of this paragraph, divide the total milk received in bulk from such producer by handlers during the three full delivery periods immediately preceding the date of such request by the number of days in such three delivery periods. Any figure determined pursuant to this subparagraph shall be effective through the full calendar quarter immediately following its determination and thereafter shall be superseded by a figure determined pursuant to subparagraph (2) of this paragraph; and

(4) In the case of a producer who distributes the milk he produces and who disposes of all or a part of his delivery routes to a handler, the market administrator shall determine a figure which is the average daily Class I milk and Class II milk produced and disposed of during the previous 3 months on such delivery routes of such producer which such producer and such handler jointly report as involved in the deal, subject to verification by the market administrator. Any figure determined pursuant to this subparagraph shall be effective from its determination until the end of the full calendar quarter next following and thereafter shall be superseded by a figure determined pursuant to subparagraph (2) of this paragraph.

§ 913.8 *Payments for milk*—(a) *Time and method of payment.* On or before the 10th day after the end of each delivery period, each handler shall make payment, after deducting the amount of the payment made pursuant to paragraph (b) of this section, for not less than the total value of milk of producers received by such handler or caused to be delivered by such handler to a plant from which no milk or cream is disposed of in the marketing area during such delivery period, computed according to Sec. 913.7 and subject to the differentials set forth in paragraphs (c) and (d), respectively, of this section, as follows:

(1) To producers, at the uniform price per hundredweight computed pursuant to Sec. 913.7 (b), for that quantity of milk received from producers not in excess of their respective bases; and

(2) To producers, at the Class III price, for that quantity of milk received from producers in excess of their respective bases.

(b) *Half-delivery period payments.* On or before the 25th day of each delivery period each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery period, was received by such handler or caused to be delivered by such handler to a plant from which no milk or cream is disposed of in the marketing area during the delivery period.

(c) *Butterfat differential.* If any handler has received or caused to be delivered to a plant from which no milk or cream is disposed of in the marketing area, during the delivery period, the milk of any producer having an average butterfat content other than 3.8 percent, such handler, in making payments pursuant to paragraph (a) of this section, shall add to the prices per hundredweight for such producer for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall deduct from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: add 4 cents to the average price of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and divide the resulting sum by 10.



(d) *Location differentials.* In making payments pursuant to paragraphs (a) (1) and (a) (2) of this section for milk received from producers at plants approved by the health authorities of Kansas City, Missouri, for the receiving of milk to be disposed of as milk in the marketing area, and located more than 30 miles from the City Hall in Kansas City, Missouri, each handler shall deduct, with respect to all milk received from such producers, the amount per hundredweight specified for the distance of such plant from the City Hall in Kansas City, Missouri, as follows: not more than 45 miles, 17 cents per hundredweight; and for each additional 10 miles or part thereof an additional 1½ cents per hundredweight.

(e) *Additional payments.* Any handler may make payment to producers in addition to the payments to be made pursuant to paragraph (a) of this section: *Provided*, That such additional payments shall be uniform as among all producers for milk of the same grade and quality.

(f) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund, known as "the producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to paragraphs (g) and (i) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (h) and (i) of this section.

(g) *Payments to the producer-settlement fund.* On or before the 10th day after the end of each delivery period, each handler shall pay to the market administrator, for payment to producers through the producer-settlement fund, the amount by which the total utilization value of the milk of producers received by such handler or caused to be delivered by such handler to a plant from which no milk or cream is disposed of in the marketing area during the delivery period is greater than the sum obtained by multiplying the hundredweight of such milk by the appropriate prices required to be paid producers by handlers pursuant to subparagraphs (1) and (2) of paragraph (a) of this section, and adding together the resulting amounts.

(h) *Payments out of producer-settlement fund.* On or before the 10th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the total utilization value of milk of producers received by such handler or caused to be delivered by such handler to a plant from which no milk or cream is disposed of in the marketing area during the delivery period is less than the sum obtained by multiplying the hundred-weight of such milk of producers by the appropriate prices required to be paid producers by handlers pursuant to subparagraphs (1) and (2) of paragraph (a) of this section, and adding together the resulting amounts. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 10th day after the end of each delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of paragraph (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund. Nothing in this paragraph shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

(i) *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (g) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to paragraph (h) of this section, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

§ 913.9 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 3 cents per hundredweight from the payments made to each producer pursuant to Sec. 913.8 (a) (1) and (2), with respect to all milk of such producer received by such handler or caused to be delivered by such handler to a plant from which no milk or cream is disposed of in the marketing area during the delivery period, and shall pay such deductions to the market administrator on or before the 10th day after the end of such delivery period. Such moneys shall be expended by the market administrator for market information to, and for the verification of weights, sampling, and testing of milk received from, said producers.

(b) *Producers' cooperative associations.* In the case of producers for whom a cooperative association, which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing the services set forth in paragraph (a) of this section, each handler shall make the deductions from the payments to be made pursuant to Sec. 913.8 (a) (1) and (2), which are authorized by such producers, and, on or before the 10th day after the end of each delivery period, pay over such deductions to the associations of which such producers are members.

§ 913.10 *Expense of administration*—(a) *Payments by handlers.* As his pro-rata share of the expense of the administration hereof, each handler who received milk from producers, with respect to all milk received from producers, produced by such handler, and caused to be delivered by such handler to a plant from which no milk or cream is disposed of in the marketing area, during the delivery period, shall pay to the market administrator, on or before the 10th day after the end of such delivery period, an amount not exceeding 2 cents per hundredweight, which amount shall be determined by the market administrator, subject to review by the Secretary. As its pro-rata share of the expense of administration hereof a cooperative association which is a handler shall pay to the market administrator, on or before the 10th day after the end of the delivery period, with respect to the milk of any producer which it causes to be delivered to a plant from which no milk or cream is disposed of in the marketing area during the delivery period, an amount per hundredweight equivalent to that required to be paid by other handlers pursuant to this paragraph.

(b) *Suits by the market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro-rata share of expenses set forth in this section.

§ 913.11 *Effective time, suspension, or termination of order, as amended*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order, as amended.* The Secretary may suspend or terminate this order, as amended, or any provision hereof, whenever he finds that this order, as amended, or any provision hereof, obstructs, or does not tend to effectuate the declared policy of the act. This order, as amended, shall terminate, in

any event, whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate,

(1) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 913.12 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

Now, therefore, Harry L. Brown, Acting Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, hereby executes and issues in duplicate this order, as amended, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 28th day of August 1939, and declares this order, as amended, to be effective on and after the 1st day of September 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3171; Filed, August 29, 1939; 9:14 a. m.]

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[Order No. 41]

MARKETING ORDERS

PART 941—ORDER REGULATING THE HANDLING OF MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA*

Sec.


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941.12 Effective time, suspension or termination of order.
941.13 Liability.


Whereas, under the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), the Secretary of Agriculture of the United States is empowered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, under the terms and provisions of said act, the Secretary of Agriculture is empowered to issue orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary of Agriculture, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of milk in the Chicago, Illinois, marketing area would tend to effectuate the declared policy of said act, gave, on the 9th day of June 1939, notice of a public hearing[1] which was held at Chicago, Illinois, from June 26 through June 30, 1939, at which time and place all interested parties were afforded an opportunity to be heard on a proposed marketing agreement and a proposed order; and

Whereas, after such hearing and after the tentative approval on the 18th day of August 1939, by the Secretary, of marketing agreement, handlers of more than fifty percent of the volume of milk covered by such order which was marketed within the Chicago, Illinois, marketing area, as defined in this order, refused or failed to sign such tentatively approved marketing agreement relating to milk; and

Whereas, the Secretary determined,[2] on the 24th day of August 1939, said determination being approved by the President of the United States on the 26th day of August 1939, that said refusal or failure tends to prevent the effectuation of the declared policy of said act, that the issuance of this order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area, and that this order is approved or favored by over 67 percent of the producers voting in a referendum conducted by the Secretary, who, during the month of April 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in the Chicago, Illinois, marketing area; and

Whereas, the Secretary has found and proclaimed the period August 1919–July 1929 to be the base period to be used in determining the purchasing power of milk sold in the Chicago, Illinois, marketing area; and

Whereas, the Secretary herewith finds that a pro-rata assessment on handlers, as set forth in section 9 of this order, at a rate not to exceed 2 cents per hundredweight on all milk received from producers during each delivery period, will provide funds necessary to pay such expenses, while such order is in effect, as will necessarily be incurred by the market administrator under such order for the maintenance and functioning of said market administrator; and

§ 941.0 *Findings.* Whereas, the Secretary finds upon the evidence introduced at said public hearing:

1. That all milk which was produced for sale in the marketing area is handled in the current of interstate commerce, or so as directly to burden, obstruct, or affect interstate commerce in milk or its products;

2. That the prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8e of said act, are not reasonable in view of the price of feeds, the available supplies of feed, and other economic conditions which affect market supply of and demand for such milk, and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

3. That this order regulates the handling of milk in the same manner as, and is applicable only to handlers defined in the marketing agreement upon which hearings have been held; and

4. That orderly marketing conditions for milk flowing into the Chicago, Illinois, marketing area are so disrupted as to result in the impairment of the purchasing power of such milk and that the issuance of this order, and all of its terms and conditions, will tend to effectuate the declared policy of the act.

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby orders that such handling of milk in the Chicago, Illinois, marketing area as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce, shall, from the effective date hereof, conform to and be in compliance with the following terms and conditions:

§ 941.1 *Definitions*—(a) *Terms.* The following terms as used herein shall have the following meanings:

(1) The term "Chicago, Illinois, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the cities of Chicago, Evanston, Wilmette, Kenilworth, Winnetka, and Glencoe, all in the State of Illinois.

(2) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(3) The term "producer" means any person who produces milk which is received by a handler at a plant which is approved by any health authority for the receiving of milk for sale in the marketing area, or who produces milk which, upon proof furnished satisfactory to the market administrator, is qualified to be received at such plant.

(4) The term "handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk or cream in the marketing area; and who, on his own behalf or on behalf of others engages in such handling of milk, or cream therefrom, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall be deemed to include any cooperative association or handler with respect to the milk of any producer which it causes to be delivered to a plant from which no milk or cream is disposed of in the marketing area, for the account of such cooperative association or handler, and for which such cooperative association or handler collects payments.

(5) The term "market administrator" means the agency which is described in Sec. 941.2 for the administration hereof.

(6) The term "delivery period" means the current marketing period from the first to the last day of each month, both inclusive.

(7) The term "cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in the sale of milk of its members.

(8) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(9) The term "Secretary" means the Secretary of Agriculture of the United States.

§ 941.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by Sec. 941.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 4 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to Sec. 941.3 or (b) made payments pursuant to Sec. 941.8.

(5) Promptly verify the information contained in the reports submitted by handlers.

§ 941.3 *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 7th day after the end of each delivery period (a) the receipts of milk at each plant from producers, (b) the receipts of milk at each plant from handlers, (c) the receipts at each plant of the milk, if any, produced by him, (d) the utilization of all receipts of milk for the delivery period, and (e) the name and address of each new producer.

(2) Within 10 days after the market administrator's request with respect to any producer for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator (a) the name and address, (b) the total pounds of milk delivered, (c) the average butterfat test of milk delivered, and (d) the number of days upon which deliveries were made.

(3) On or before the 20th day after the end of each delivery period, his producer pay roll, which shall show for each producer (a) the total delivery of milk with the average butterfat test thereof, (b) the net amount of payment to such producer made pursuant to Sec. 941.8, and (c) any deductions and charges made by the handler.

(4) On or before the 7th day after the end of such delivery period, the sale or disposition of milk outside the marketing area, pursuant to Sec. 941.5 (c) as follows: (a) the amount and the utilization of such milk, (b) the butterfat test thereof, (c) the date of such sale or disposition, (d) the point of use, (e) the plant from which such milk is shipped, and (f) such other information with respect thereto as the market administrator may require.

(b) *Verification of reports.* Each handler shall make available to the market administrator or his agent (1) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section, and (2) those facilities necessary for the checking of the weighing and sampling of milk and for determining the utilization of milk by the handler.

§ 941.4 *Classification of milk*—(a) *Basis of classification.* All milk purchased or received by a handler from producers, associations of producers, and other handlers, including milk produced by him, if any, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of fluid milk, and all milk not accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all milk, except skimmed milk, disposed of in the form of flavored milk and flavored milk

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*Section 941.0 to and including Section 941.13 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. 601 et seq. (Sup. IV 1938).

[1] 4 F.R. 2366 DI.

[2] See page 3770.

drinks, all milk used to produce cottage cheese, and all milk used to produce cream which is disposed of in the form of cream (for consumption as cream), ice cream, and ice cream mix.

(3) Class III milk shall be all milk used to produce a milk product other than one of those specified in Class II, and all milk accounted for as actual plant shrinkage, but not to exceed 2 percent of the total receipts of milk from producers.

(b) *Interhandler and nonhandler sales.* Milk disposed of by a handler to another handler, and milk disposed of by a handler to a person who is not a handler but who distributes milk or manufactures milk products shall be classified as Class I milk: *Provided*, That if the selling handler on or before the 7th day after the end of the delivery period furnishes to the market administrator a statement which is signed by the buyer and seller that such milk was disposed of as Class II milk or Class III milk, such milk shall be classified accordingly, subject to verification by the market administrator.

§ 941.5 *Minimum prices*—(a) *Class prices.* Except as set forth in paragraph (c) of this section and subject to the location adjustment set forth in paragraph (b) of this section, each handler shall pay, at the time and in the manner set forth in Sec. 941.8, for milk purchased or received from producers by such handler at any plant, platform, or loading station located not more than 70 miles from the City Hall in Chicago, not less than the following prices:

Class I milk—Add to the price per hundredweight for milk of 3.5 percent butterfat content computed pursuant to the formula as set forth in section 1 of article VI of the marketing agreement for evaporated milk issued by the Secretary on May 31, 1935, or the last amendment thereto, if any, 70 cents per hundredweight for the months of July, August, September, October, and November; 55 cents per hundredweight for the months of December, January, February, March, and April; and 45 cents per hundredweight for the months of May and June: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $1.395 per hundredweight.

Class II milk—Add to the price per hundredweight for milk of 3.5 percent butterfat content computed pursuant to the formula as set forth in section 1 of article VI of the marketing agreement for evaporated milk issued by the Secretary on May 31, 1935, or the last amendment thereto, if any, 32 cents per hundredweight for the months of July, August, September, October, and November; 28 cents per hundredweight for the months of December, January, February, March, and April; and 25 cents per hundredweight for the months of May and June.

Class III milk—Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 20 percent: *Provided*, That in the event Class III milk is used to produce evaporated or condensed milk handlers shall pay a price per hundredweight computed pursuant to the formula set forth in section 1 of article VI of the marketing agreement for evaporated milk issued by the Secretary on May 31, 1935, or the last amendment thereto, if any.

(b) *Location adjustments to handlers.* With respect to milk purchased or received from producers at a plant, platform, or loading station located more than 70 miles from the City Hall in Chicago, which is classified as Class I milk and as Class II milk (and transported to any point within such 70-mile zone), there shall be deducted 2 cents per hundredweight and ½ cent per hundredweight, respectively, for each additional 15 miles or part thereof that such plant, platform, or loading station is located in excess of 70 miles from the City Hall in Chicago. There shall be no location adjustment to handlers with respect to Class III milk. For the purposes of this paragraph Class I milk shall be considered to be that milk received from producers at plants, platforms, or loading stations located nearest the marketing area from which whole milk is shipped to the marketing area.

(c) *Sales outside the marketing area.* The price to be paid by a handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section, shall be the price, as ascertained by the market administrator, which is being paid in the market where such milk is disposed of, for milk of equivalent use: *Provided*, That in the event such Class I milk is disposed of outside the 70-mile zone from a plant at which milk is received from producers and which is located more than 70 miles from the City Hall in Chicago, such price as ascertained by the market administrator shall be adjusted by an amount equal to the carload freight rate approved by the Interstate Commerce Commission for the movement of milk in 40-quart cans from the shipping point for the plant where such milk is received from producers to the railroad delivery point serving the market where such milk is utilized as Class I milk.

§ 941.6 *Application of provisions*—(a) *Handlers who are also producers.* (1) No provision hereof shall apply to a handler who is also a producer and who purchases or receives no milk from producers or an association of producers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(2) In the case of a handler who is also a producer and who purchases or receives milk from producers or an association of producers, the market administrator, before making the computations set forth in Sec. 941.7, shall (a) exclude the milk purchased or received by him in each class from other handlers, (b) exclude from his remaining Class I milk and Class II milk up to but not exceeding 95 percent of the quantity of milk produced and disposed of by him, and (c) exclude from his remaining Class III milk the balance of the milk produced and disposed of by him.

(3) The market administrator, in computing the value of milk for any handler pursuant to Sec. 941.7, shall consider as Class III milk any milk or cream received in bulk by such handler from a handler who distributes part of his own production. If the receiving handler disposes of such milk or cream for other than Class III purposes, the market administrator shall add to the total value computed pursuant to Sec. 941.7 the difference between (a) the value of such milk or cream at the Class III price and (b) the value according to its actual usage.

§ 941.7 *Determination of uniform prices to producers*—(a) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of Sec. 941.6, the value of milk for each handler which was purchased or received from producers by (a) multiplying the quantity of such milk in each class by the price applicable pursuant to Sec. 941.5, and (b) adding together the resulting values of each class.

(b) *Computation and announcement of uniform prices.* The market administrator shall compute and announce the uniform price per hundredweight of milk for each delivery period in the following manner:

(1) Combine into one total the respective values of milk computed pursuant to paragraph (a) of this section, for each handler who made the reports pursuant to Sec. 941.3 (a) for such delivery period;

(2) Add the amount of the location differentials applicable pursuant to Sec. 941.3 (g);

(3) Add the amount of cash balance in the producer-settlement fund;

(4) Divide by the total quantity of milk represented in the computations pursuant to paragraph (a) of this section;

(5) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in the producer-settlement fund; and

(6) On or before the 12th day after the end of each delivery period mail to all handlers and publicly announce (a) such of these computations as do not disclose information confidential pursuant to the act, (b) the blended price per hundredweight which is the result of these computations, and (c) the price of Class I milk, Class II milk, and Class III milk used in such computations.



§ 941.8 *Payment for milk*—(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period each handler shall pay each producer, for milk purchased or received during the delivery period, an amount of money representing not less than the total value of such milk, at the uniform price per hundredweight, computed pursuant to Sec. 941.7 (b) and subject to the butterfat differential and location adjustments set forth in this section.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as "the producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (c) and (e) and out of which he shall make all payments to handlers pursuant to paragraphs (d) and (e) of this section.

(c) *Payments to the producer-settlement fund.* On or before the 14th day after the end of each delivery period each handler shall pay to the market administrator the amount by which the total value of the milk purchased or received by him from producers during the delivery period is greater than the amount obtained by multiplying the hundredweight of milk purchased and received from producers by the uniform price.

(d) *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount, if any, by which the total value of such milk purchased or received from producers by such handler is less than the amount obtained by multiplying the hundredweight of such milk purchased or received from producers by such handler by the uniform price. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of the payment due him from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(e) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to paragraph (d) of this section, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer, for milk purchased or received by such handler, discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

(f) *Butterfat differential.* If any handler has purchased or received from any producer, during any delivery period, milk having an average butterfat content other than 3.5 percent, such handler, in making the payments pursuant to paragraph (a) of this section to such producer, shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent not more than, 4 cents per hundredweight.

(g) *Location adjustments to producers.* In making payments to producers pursuant to paragraph (a) of this section, handlers shall deduct with respect to all milk purchased or received from producers at a country plant, platform, or loading station located more than 70 miles from the City Hall in Chicago, the amount specified as follows:

| | Cents per hundredweight |
|---|---|
| Within 70 to 85 miles | 2 |
| Within 86 to 100 miles | 4 |
| Within 101 to 115 miles | 6 |
| Within 116 to 130 miles | 8 |
| Within 131 to 145 miles | 10 |
| Within 146 to 160 miles | 12 |
| Within 161 to 175 miles | 14 |
| For each 15 miles or part thereof beyond 176 miles from the City Hall of Chicago, an additional | ½ |

§ 941.9 *Expense of administration*—(a) *Payments by handlers.* As his pro-rata share of the expense of the administration hereof, each handler, except those handlers exempt from the provisions hereof as set forth in Sec. 941.6 (a), shall pay to the market administrator, on or before the 15th day after the end of each delivery period, a sum not exceeding 2 cents per hundredweight with respect to all milk purchased or received by him during such delivery period from producers, or produced by him, the exact sum to be determined by the market administrator, subject to review by the Secretary: *Provided*, That each handler which is a cooperative association shall pay such pro-rata share of expense of administration only on that milk of producers actually received at a plant of such cooperative association, or caused to be delivered by such cooperative association to a plant from which no milk or cream is disposed of in the marketing area.

(b) *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro-rata share of expense set forth in this section.

§ 941.10 *Marketing services*—(a) *Marketing service deduction.* In making payments to producers pursuant to Sec. 941.8, each handler, with respect to all milk received from each producer during each delivery period, except as set forth in paragraph (b) of this section, shall deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary, and shall, on or before the 15th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk received from, such producers.

(b) *Marketing service deductions with respect to members of a producers' cooperative association.* In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from payments made pursuant to Sec. 941.8 as may be authorized by such producers, and pay over on or before the 15th day after the end of each delivery period such deductions to the associations rendering such service of which such producers are members.

§ 941.11 *Market advisory committee.* (a) Subsequent to the effective date hereof, the market administrator may select a representative committee of the industry for purposes (1) of recommendation of amendments to this order, and (2) for conference, counsel, and advice.

§ 941.12 *Effective time, suspension, or termination of order*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event,

or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination. *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(c) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements and, when so directed by the Secretary, deliver all funds or property on hand together with the books and records of the market administrator, or such person, to such person as the Secretary may direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall liquidate, if so directed by the Secretary, the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 913.12 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

Now, therefore, Harry L. Brown, Acting Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, hereby executes and issues in duplicate this order, as amended, under his hand and the official seal of the Department

[F. R. Doc. 39-3171; Filed, August 25, 1939, 9:14 a. m.]

[Order No. 41]

## MARKETING ORDERS

### PART 941—ORDER REGULATING THE HANDLING OF MILK IN THE CHICAGO, ILLINOIS, MARKETING AREA*

Sec.


941.0 Findings
941.1 Definitions
941.2 Market administrator
941.3 Reports of handlers
941.4 Classification of milk
941.5 Minimum prices
941.6 Application of provisions
941.7 Determination of uniform prices to producers
941.8 Payment for milk
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941.12 Effective time suspension or termination of order
941.13 Liability


Whereas, under the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), the Secretary of Agriculture of the United States is empowered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, under the terms and provisions of said act, the Secretary of Agriculture is empowered to issue orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary of Agriculture, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of milk in the Chicago, Illinois, marketing area would tend to effectuate

*Section 941.0 to and including Section 941.13 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. 601 et seq. (Sup. IV 1938).

Whereas, after such hearing and after the tentative approval on the 18th day of August 1939, by the Secretary, of marketing agreement, handlers of more than fifty percent of the volume of milk covered by such order which was marketed within the Chicago, Illinois, marketing area, as defined in this order, refused or failed to sign such tentatively approved marketing agreement relating to milk; and

Whereas, the Secretary determined[1] on the 24th day of August 1939, said determination being approved by the President of the United States on the 26th day of August 1939, that said refusal or failure tends to prevent the effectuation of the declared policy of said act, that the issuance of this order is the only practical means, pursuant to such policy of advancing the interests of producers of milk in said area, and that this order is approved or favored by over 67 percent of the producers voting in a referendum conducted by the Secretary, who, during the month of April 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in the Chicago, Illinois, marketing area; and

Whereas, the Secretary has found and proclaimed the period August 1919–July 1929 to be the base period to be used in determining the purchasing power of milk sold in the Chicago, Illinois, marketing area; and

Whereas, the Secretary herewith finds that a pro-rata assessment on handlers, as set forth in section 9 of this order, at a rate not to exceed 2 cents per hundredweight on all milk received from producers during each delivery period, will provide funds necessary to pay such expenses, while such order is in effect, as will necessarily be incurred by the market administrator under such order for the maintenance and functioning of said market administrator; and

§ 941.0 *Findings.* Whereas, the Secretary finds upon the evidence introduced at said public hearing:

1. That all milk which was produced for sale in the marketing area is handled in the current of interstate commerce, or so as directly to burden, obstruct, or affect interstate commerce in milk or its products;

2. That the prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to sections 2 and 8e of said act, are not reasonable in view of the price of feeds, the available sup-

[1] 4 F.R. 2366 DI.

[2] See page 3770.

3. That this order regulates the handling of milk in the same manner as, and is applicable only to handlers defined in the marketing agreement upon which hearings have been held, and

4. That orderly marketing conditions for milk flowing into the Chicago, Illinois, marketing area are so disrupted as to result in the impairment of the purchasing power of such milk and that the issuance of this order, and all of its terms and conditions, will tend to effectuate the declared policy of the act.

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby orders that such handling of milk in the Chicago, Illinois, marketing area as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce, shall, from the effective date hereof, conform to and be in compliance with the following terms and conditions:

§ 941.1 *Definitions*—(a) *Terms.* The following terms as used herein shall have the following meanings:

(1) The term "Chicago, Illinois, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the cities of Chicago, Evanston, Wilmette, Kenilworth, Winnetka, and Glencoe, all in the State of Illinois.

(2) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(3) The term "producer" means any person who produces milk which is received by a handler at a plant which is approved by any health authority for the receiving of milk for sale in the marketing area, or who produces milk which, upon proof furnished satisfactory to the market administrator, is qualified to be received at such plant.

(4) The term "handler" means any person who, on his own behalf or on behalf of others, purchases or receives milk from producers, associations of producers, or other handlers, all, or a portion, of which milk is disposed of as milk or cream in the marketing area; and who, on his own behalf or on behalf of others engages in such handling of milk, or cream therefrom, as is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall be deemed to include any cooperative association or handler with respect to the milk of any producer which it causes to be delivered to a plant

(6) The term "delivery period" means the current marketing period from the first to the last day of each month, both inclusive.

(7) The term "cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have not to be exercising full authority in the sale of milk of its members.

(8) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(9) The term "Secretary" means the Secretary of Agriculture of the United States.

§ 941.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof; and

(2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by Sec. 941.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 4 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to Sec. 941.3 or (b) made payments pursuant to Sec. 941.8.

(5) Promptly verify the information contained in the reports submitted by handlers.

ceipts of milk at each plant from producers, (b) the receipts of milk at each plant from handlers, (c) the receipts at each plant of the milk if any, produced by him, (d) the utilization of all receipts of milk for the delivery period, and (e) the name and address of each new producer.

(2) Within 10 days after the market administrator's request with respect to any producer for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator (a) the name and address, (b) the total pounds of milk delivered, (c) the average butterfat test of milk delivered, and (d) the number of days upon which deliveries were made.

(3) On or before the 20th day after the end of each delivery period, his producer pay roll, which shall show for each producer (a) the total delivery of milk with the average butterfat test thereof, (b) the net amount of payment to such producer made pursuant to Sec. 941.8, and (c) any deductions and charges made by the handler.

(4) On or before the 7th day after the end of such delivery period, the sale or disposition of milk outside the marketing area, pursuant to Sec. 941.5 (c) as follows: (a) the amount and the utilization of such milk, (b) the butterfat test thereof, (c) the date of such sale or disposition, (d) the point of use, (e) the plant from which such milk is shipped, and (f) such other information with respect thereto as the market administrator may require.

(b) *Verification of reports.* Each handler shall make available to the market administrator or his agent (1) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section, and (2) those facilities necessary for the checking of the weighing and sampling of milk and for determining the utilization of milk by the handler.

§ 941.4 *Classification of milk*—(a) *Basis of classification.* All milk purchased or received by a handler from producers, associations of producers, and other handlers, including milk produced by him, if any, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of fluid milk, and all milk not accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all milk, except skimmed milk, disposed of in the form of flavored milk and flavored milk

drinks, all milk used to produce cottage cheese, and all milk used to produce cream which is disposed of in the form of cream (for consumption as cream), ice cream, and ice cream mix.

(3) Class III milk shall be all milk used to produce a milk product other than one of those specified in Class II, and all milk accounted for as actual plant shrinkage, but not to exceed 2 percent of the total receipts of milk from producers.

(b) *Interhandler and nonhandler sales.* Milk disposed of by a handler to another handler, and milk disposed of by a handler to a person who is not a handler but who distributes milk or manufactures milk products shall be classified as Class I milk: *Provided*, That if the selling handler on or before the 7th day after the end of the delivery period furnishes to the market administrator a statement which is signed by the buyer and seller that such milk was disposed of as Class II milk or Class III milk, such milk shall be classified accordingly, subject to verification by the market administrator.

§ 941.5 *Minimum prices*—(a) *Class prices.* Except as set forth in paragraph (c) of this section and subject to the location adjustment set forth in paragraph (b) of this section, each handler shall pay, at the time and in the manner set forth in Sec. 941.8, for milk purchased or received from producers by such handler at any plant, platform, or loading station located not more than 70 miles from the City Hall in Chicago, not less than the following prices:

Class I milk—Add to the price per hundredweight for milk of 3.5 percent butterfat content computed pursuant to the formula as set forth in section 1 of article VI of the marketing agreement for evaporated milk issued by the Secretary on May 31, 1935, or the last amendment thereto, if any, 70 cents per hundredweight for the months of July, August, September, October, and November; 55 cents per hundredweight for the months of December, January, February, March, and April; and 45 cents per hundredweight for the months of May and June: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $1.395 per hundredweight.

Class II milk—Add to the price per hundredweight for milk of 3.5 percent butterfat content computed pursuant to the formula as set forth in section 1 of article VI of the marketing agreement for evaporated milk issued by the Secretary on May 31, 1935, or the last amendment thereto, if any, 32 cents per hundredweight for the months of July, August, September, October, and November; 28 cents per hundredweight for the months of December, January, February, March, and April; and 25 cents per hundredweight for the months of May and June.

Class III milk—Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 20 percent: *Provided*, That in the event Class III milk is used to produce evaporated or condensed milk handlers shall pay a price per hundredweight computed pursuant to the formula set forth in section 1 of article VI of the marketing agreement for evaporated milk issued by the Secretary on May 31, 1935, or the last amendment thereto, if any.

(b) *Location adjustments to handlers.* With respect to milk purchased or received from producers at a plant, platform, or loading station located more than 70 miles from the City Hall in Chicago, which is classified as Class I milk and as Class II milk (and transported to any point within such 70-mile zone), there shall be deducted 2 cents per hundredweight and ½ cent per hundredweight, respectively, for each additional 15 miles or part thereof that such plant, platform, or loading station is located in excess of 70 miles from the City Hall in Chicago. There shall be no location adjustment to handlers with respect to Class III milk. For the purposes of this paragraph Class I milk shall be considered to be that milk received from producers at plants, platforms, or loading stations located nearest the marketing area from which whole milk is shipped to the marketing area.

(c) *Sales outside the marketing area.* The price to be paid by a handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section, shall be the price, as ascertained by the market administrator, which is being paid in the market where such milk is disposed of, for milk of equivalent use: *Provided*, That in the event such Class I milk is disposed of outside the 70-mile zone from a plant at which milk is received from producers and which is located more than 70 miles from the City Hall in Chicago, such price as ascertained by the market administrator shall be adjusted by an amount equal to the carload freight rate approved by the Interstate Commerce Commission for the movement of milk in 40-quart cans from the shipping point for the plant where such milk is received from producers to the railroad delivery point serving the market where such milk is utilized as Class I milk.

§ 941.6 *Application of provisions*—(a) *Handlers who are also producers.* (1) No provision hereof shall apply to a handler who is also a producer and who purchases or receives no milk from producers or an association of producers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(2) In the case of a handler who is also a producer and who purchases or receives milk from producers or an association of producers, the market administrator, before making the computations set forth in Sec. 941.7, shall (a) exclude the milk purchased or received by him in each class from other handlers, (b) exclude from his remaining Class I milk and Class II milk up to but not exceeding 95 percent of the quantity of milk produced and disposed of by him, and (c) exclude from his remaining Class III milk the balance of the milk produced and disposed of by him.

(3) The market administrator, in computing the value of milk for any handler pursuant to Sec. 941.7, shall consider as Class III milk any milk or cream received in bulk by such handler from a handler who distributes part of his own production. If the receiving handler disposes of such milk or cream for other than Class III purposes, the market administrator shall add to the total value computed pursuant to Sec. 941.7 the difference between (a) the value of such milk or cream at the Class III price and (b) the value according to its actual usage.

§ 941.7 *Determination of uniform prices to producers*—(a) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of Sec. 941.6, the value of milk for each handler which was purchased or received from producers by (a) multiplying the quantity of such milk in each class by the price applicable pursuant to Sec. 941.5, and (b) adding together the resulting values of each class.

(b) *Computation and announcement of uniform prices.* The market administrator shall compute and announce the uniform price per hundredweight of milk for each delivery period in the following manner:

(1) Combine into one total the respective values of milk computed pursuant to paragraph (a) of this section, for each handler who made the reports pursuant to Sec. 941.3 (a) for such delivery period;

(2) Add the amount of the location differentials applicable pursuant to Sec. 941.8 (g);

(3) Add the amount of cash balance in the producer-settlement fund;

(4) Divide by the total quantity of milk represented in the computations pursuant to paragraph (a) of this section;

(5) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in the producer-settlement fund; and

(6) On or before the 12th day after the end of each delivery period mail to all handlers and publicly announce (a) such of these computations as do not disclose information confidential pursuant to the act, (b) the blended price per hundredweight which is the result of these computations, and (c) the price of Class I milk, Class II milk, and Class III milk used in such computations.



§ 941.8 *Payment for milk*—(a) *Time and method of payment.* On or before the 15th day after the end of each delivery period each handler shall pay each producer, for milk purchased or received during the delivery period, an amount of money representing not less than the total value of such milk, at the uniform price per hundredweight, computed pursuant to Sec. 941.7 (b) and subject to the butterfat differential and location adjustments set forth in this section.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as "the producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (c) and (e) and out of which he shall make all payments to handlers pursuant to paragraphs (d) and (e) of this section.

(c) *Payments to the producer-settlement fund.* On or before the 14th day after the end of each delivery period each handler shall pay to the market administrator the amount by which the total value of the milk purchased or received by him from producers during the delivery period is greater than the amount obtained by multiplying the hundredweight of milk purchased and received from producers by the uniform price.

(d) *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount, if any, by which the total value of such milk purchased or received from producers by such handler is less than the amount obtained by multiplying the hundredweight of such milk purchased or received from producers by such handler by the uniform price. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 15th day after the end of each delivery period, has not received the balance of the payment due him from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(e) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to paragraph (c) of this section, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to paragraph (d) of this section, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer, for milk purchased or received by such handler, discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following such disclosure.

(f) *Butterfat differential.* If any handler has purchased or received from any producer, during any delivery period, milk having an average butterfat content other than 3.5 percent, such handler, in making the payments pursuant to paragraph (a) of this section to such producer, shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent not more than, 4 cents per hundredweight.

(g) *Location adjustments to producers.* In making payments to producers pursuant to paragraph (a) of this section, handlers shall deduct with respect to all milk purchased or received from producers at a country plant, platform, or loading station located more than 70 miles from the City Hall in Chicago, the amount specified as follows:

| | *Cents per hundredweight* |
|---|---|
| Within 70 to 85 miles | 2 |
| Within 86 to 100 miles | 4 |
| Within 101 to 115 miles | 6 |
| Within 116 to 130 miles | 8 |
| Within 131 to 145 miles | 10 |
| Within 146 to 160 miles | 12 |
| Within 161 to 175 miles | 14 |
| For each 15 miles or part thereof beyond 176 miles from the City Hall of Chicago, an additional | ½ |

§ 941.9 *Expense of administration*—(a) *Payments by handlers.* As his pro-rata share of the expense of the administration hereof each handler, except those handlers exempt from the provisions hereof as set forth in Sec. 941.6 (a), shall pay to the market administrator, on or before the 15th day after the end of each delivery period, a sum not exceeding 2 cents per hundredweight with respect to all milk purchased or received by him during such delivery period from producers, or produced by him, the exact sum to be determined by the market administrator, subject to review by the Secretary: *Provided*, That each handler which is a cooperative association shall pay such pro-rata share of expense of administration only on that milk of producers actually received at a plant of such cooperative association, or caused to be delivered by such cooperative association to a plant from which no milk or cream is disposed of in the marketing area.

(b) *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro-rata share of expense set forth in this section.

§ 941.10 *Marketing services*—(a) *Marketing service deduction.* In making payments to producers pursuant to Sec. 941.8, each handler, with respect to all milk received from each producer during each delivery period, except as set forth in paragraph (b) of this section, shall deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, such determination to be subject to review by the Secretary, and shall, on or before the 15th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk received from, such producers.

(b) *Marketing service deductions with respect to members of a producers' cooperative association.* In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from payments made pursuant to Sec. 941.8 as may be authorized by such producers, and pay over on or before the 15th day after the end of each delivery period such deductions to the associations rendering such service of which such producers are members.

§ 941.11 *Market advisory committee.* (a) Subsequent to the effective date hereof, the market administrator may select a representative committee of the industry for purposes (1) of recommendation of amendments to this order, and (2) for conference, counsel, and advice.

§ 941.12 *Effective time, suspension, or termination of order*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event,

terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements, and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 941.13 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

Now, therefore, Harry L. Brown, Acting Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, hereby executes and issues in duplicate this order, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 28th day of August 1939, and declares this order to be effective on and after the 1st day of September 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3169; Filed, August 29, 1939; 9:12 a. m.]

## TITLE 8—ALIENS AND CITIZENSHIP

### IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-13]

VOLUNTARY EMIGRATION OF CERTAIN FILIPINOS FROM THE UNITED STATES

Pursuant to the authority contained in Section 3 of the Act of July 27, 1939 (Public, No. 241, c. 390, 1st sess., 76th Cong.), entitled "An Act To provide means by which certain Filipinos can emigrate from the United States", Title 8, Code of Federal Regulations, Chapter I—Immigration and Naturalization Service—Subchapter A—Immigration Rules and Regulations—Sections 31.1 through 31.6 are hereby amended to read as follows:

§ 31.1 *Who may be returned to the Philippine Islands.* Any person who (a) is a Filipino, (b) was born in the Philippine Islands, (c) resided in any State, Territory or the District of Columbia on July 27, 1939, (d) is not a citizen of the United States, and (e) desires to return to the Philippine Islands is entitled to be returned to Manila, Philippine Islands, at the expense of the United States as to transportation and maintenance, and may make application to the Secretary of Labor for such return. An applicant against whom an order or warrant of deportation is outstanding shall not be entitled to exercise this privilege unless the Secretary of Labor cancels such order and/or warrant and permits the applicant to depart from the United States voluntarily.* (Secs. 1, 3, Public, No. 241, c. 390, 1st sess., 76th Cong.; 48 U.S.C. 1251, 1253)

§ 31.2 *Applications for return to the Philippine Islands.* Applications must be prepared in duplicate on Form 695, and received in the office of the Immigration and Naturalization Service nearest the applicant's place of residence on or before December 1, 1940. In the case of a family, a separate application should be made by each member thereof who is entitled to and desires to secure the benefits of the statute. The application of a child under twenty-one years of age shall be signed by the father, if living; if not, then by the mother. If both parents are dead, an investigation shall be conducted to determine whether the minor applicant is acting upon his own volition. If there are persons available who are interested in the applicant, their statements shall be taken. Applications properly executed shall be forwarded promptly to the Central Office.* (Secs. 1, 3, Public, No. 241, c. 390, 1st sess., 76th Cong.; 48 U.S.C. 1251, 1253)

§ 31.3 *Photographs to accompany application.* When practicable, each application should be accompanied by four unretouched and unmounted photographs of the applicant, on white background, 2 inches in width by 2 inches in length and approximately 1¼ inches from the top of head to point of chin, representing applicant without hat and showing full front view. Photographs should be signed (not printed) by the applicant across the front in such manner as not to obscure the features. In the event it is not practicable for the applicant, because of lack of funds or the remoteness of photographic facilities, to furnish photographs at the time he submits his application for removal, such application should nevertheless be accepted, with the understanding that the applicant will be photographed by this Service at the seaport of embarkation.* (Secs. 1, 3, Public, No. 241, c. 390, 1st sess., 76th Cong.; 48 U.S.C. 1251, 1253)

§ 31.4 *Transportation; ports of departure.* When the application for removal is approved, the Central Office will make arrangements for the transportation and maintenance of the applicants from the place of residence to a port on the west coast of the United States, if the applicant resides in the United States or the District of Columbia or the Territory of Alaska, and from such port to Manila, Philippine Islands; if the applicant resides in the Territory of Hawaii, arrangements will be made for his transportation and maintenance from place of residence to the port of Honolulu, if he be not a resident of said port, and from the port of Honolulu to Manila, Philippine Islands. Transportation to Manila shall be by United States Army or Navy transports, whenever space is available; when not, then by any ship designated by the Central Office pursuant to the contract or contracts entered into by the Secretary of Labor in accordance with Sec. 2 of the Act of July 27, 1939 (Public, No. 241, c. 390, 1st sess., 76th Cong.). The following are designated as ports of departure from the United States: San Francisco and Los Angeles, California, and Seattle, Washington. Honolulu is designated as the port of departure from the Territory of Hawaii. The particular port, the date of departure therefrom and the vessel on which the departure will be effected will be determined in accordance with the facts in individual cases.* (Secs. 1, 3, Public, No. 241, c. 390, 1st sess., 76th Cong.; 48 U.S.C. 1251, 1253)

§ 31.5 *Custody; consent to; report of departure.* Any applicant for whose return to the Philippine Islands the Secretary of Labor enters an order on Form 696 shall be required, before the journey from the place of residence begins, to sign, in the presence of a witness or witnesses, the provisions on the reverse side of said order, signifying his voluntary consent to placing himself in the custody, for return to Manila, of an officer or employee of the Immigration and Naturalization Service and/or such other person as may be designated. In the case of a minor applicant, the officer or employee before whom the signing takes place shall satisfy himself that the minor actually desires to be returned. When telegraphic authority for removal is received by a field officer and the applicant is ready to commence the journey prior to the receipt of the formal order of removal, the applicant should be required to sign the "consent" on the reverse of a blank Form 696. In all instances, the consent to return to the Philippine Islands should be an entirely free and voluntary act on the part of the person required to give it. Officers and employees of the Immigration and Naturalization Service are forbidden to persuade or coerce consent to voluntary emigration under the provisions of the Act of July 27, 1939 (Public, No. 241, c. 390, 1st sess., 76th Cong.; 48 U.S.C. 1251, 1253), and these regulations. Persons consenting to be returned to the Philippine Islands, or in whose behalf such consent is given, in the manner provided in this section, shall be subject to the control and supervision of an officer or employee of the Immigration and Naturalization Service during the journey from the place of residence to any of the ports designated in § 31.4, and to the control and supervision of the officer in charge of any vessel to which they shall be delivered by the immigration and naturalization officer in charge of any such ports for transportation to Manila, Philippine Islands. Departures from such ports should be reported immediately to the Central Office by the immigration and naturalization officers in charge so that prompt reports may be made to the Secretary of State for the information of the consular representative of the United States in the Philippine Islands.* (Secs. 1, 3, Public, No. 241, c. 390, 1st sess., 76th Cong.; 48 U.S.C. 1251, 1253)

§ 31.6 *Report of arrival at Manila.* Officers in charge of vessels shall use Form 697 in reporting, by mail or otherwise, to the immigration and naturalization officer in charge at the port of embarkation, of the date of arrival and disembarkation at Manila, Philippine Islands, of Filipinos transported thereto under §§ 31.1–31.6.* (Secs. 1, 3, Public, No. 241, c. 390, 1st sess., 76th Cong.; 48 U.S.C. 1251, 1253)

§ 31.7 *Certification to the Secretary of Navy and Secretary of War.* The Secretary of Labor shall certify to the Secretary of the Navy and the Secretary of War the name of all Filipinos who have been found eligible for return to Manila, Philippine Islands, under the Act of July 27, 1939 (Public, No. 241, c. 390, 1st sess., 76th Cong.), and who consent to be returned thereto in accordance with the provisions of this part.* (Secs. 1, 3, Public, No. 241, c. 390, 1st sess., 76th Cong.; 48 U.S.C. 1251, 1253)

* * * * *

This General Order supersedes and repeals General Order No. 231, dated March 25, 1936 (1 F.R. 76), and General Order No. 258, dated February 14, 1938 (3 F.R. 413), which amended the first-mentioned General Order.

GERARD D. REILLY,
*Acting Secretary.*

Approval recommended:

EDW. J. SHAUGHNESSY,
*Deputy Commissioner of Immigration and Naturalization.*

[F. R. Doc. 39-3164; Filed, August 28, 1939; 2:37 p. m.]

[General Order No. C-14]

REGISTRY OF ALIENS SUBSEQUENT TO ENTRY INTO THE UNITED STATES

Pursuant to the authority contained in Section 1 (a) of the Act of March 2, 1929 (45 Stat. 1512; 8 U.S.C. 106a), Title 8, Code of Federal Regulations, Chapter I—Immigration and Naturalization Service—Subchapter A—Immigration Rules and Regulations—Sections 26.2, 26.4, and 26.10 (Rule 27, Paragraphs 2, 4, and 10 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), are amended by substituting "July 1, 1924," in lieu of "June 3, 1921" wherever the latter date appears in these sections, and by substituting "June 30, 1924" in lieu of "June 2, 1921" in the caption of section 26.10. (Act of Aug. 7, 1939, Public No. 315, c. 517)

EDW. J. SHAUGHNESSY,
*Deputy Commissioner of Immigration and Naturalization.*

Approved:

GERARD D. REILLY,
*Acting Secretary.*

[F. R. Doc. 39-3165; Filed, August 28, 1939; 2:37 p. m.]

## TITLE 43—PUBLIC LANDS

### GENERAL LAND OFFICE

TEMPORARY WITHDRAWAL FOR STOCK DRIVEWAY PURPOSES NO 4, AND STOCK DRIVEWAY WITHDRAWAL NO. 11, MONTANA NO. 1, REDUCED

AUGUST 18, 1939.

Departmental orders of October 27, 1917, and March 18, 1918, withdrawing certain lands in Montana for stock driveway purposes under section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, are hereby revoked in so far as they affect the following-described lands:

PRINCIPAL MERIDIAN

T. 5 S., R. 2 W.,
sec. 2, all,
sec. 3, S½,
sec. 10, W½,
sec. 17, all,
sec. 20, NE¼,
sec. 21, NW¼,
sec. 28, N½SW¼, SE¼SW¼, SE¼,
sec. 33, E½, SE¼NW¼, E½SW¼, SW¼SW¼;
T. 6 S., R. 2 W.,
sec. 4, NE¼NW¼, W½W½,
sec. 8, E½, S½SW¼,
sec. 18, N½, N½S½,
sec. 20, E½;
aggregating 4,392.65 acres.

HARRY SLATTERY,
*Under Secretary of the Interior.*

[F. R. Doc. 39-3173; Filed, August 29, 1939; 9:45 a. m.]

## TITLE 44—PUBLIC PROPERTY AND WORKS

### FEDERAL WORKS AGENCY—PUBLIC WORKS ADMINISTRATION

[Special Order No. PWA-3]

CERTIFICATION OF VOUCHERS

AUGUST 25, 1939.

1. The temporary agreement in accordance with which the Chief Disbursing Officer of the Treasury Department recognized the signature of officials of the Federal Emergency Administration of Public Works heretofore authorized to certify vouchers for payment pending the receipt of authorizations under the Federal Works Agency is hereby confirmed and terminated.

2. The following authorizations for the Public Works Administration shall be effective immediately:

(a) E. W. Clark, Acting Commissioner of Public Works, J. J. Madigan, Executive Officer, and H. M. Gillman, Jr., Assistant Executive Officer, are each authorized to act singly for the Public Works Administration in authorizing the disbursement of funds in accordance with loan and/or grant agreements and in authorizing the Treasurer of the United States to transmit by wire to a designated Federal Reserve Bank or branch funds made available to such Treasurer by check for such purpose. Also to certify all vouchers for payment from the funds appropriated for the administrative expenses of the Public Works Administration, requisitions to make such funds available, requests for transfers to the accounts of disbursing officers, and to examine and approve administratively accounts as required by Sections 12 and 22 of the Act of July 31, 1894 (28 Stat. 209–211) before their transmission to the General Accounting Office for final settlement.

(b) The said E. W. Clark, the said J. J. Madigan, and the said H. M. Gillman, Jr., in their respective capacities as aforesaid, are the only officials of the Public Works Administration with authority to authorize the disbursement of

* Secs. 31.1 to 31.7, inclusive, issued under the authority contained in sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 162; 8 U.S.C. 102, 222. Statutes interpreted or applied and statutes giving special authority are listed in parentheses at the end of specific sections.

funds in accordance with loan and/or grant agreements and to authorize the Treasurer of the United States to transmit by wire to a designated Federal Reserve Bank or branch funds made available to such Treasurer for such purpose.

(c) G. William Comfort, Assistant to Executive Officer, and in his absence or in his stead, A. R. Baker, Assistant to Executive Officer, is authorized to certify all vouchers for payment from the funds appropriated for the administrative expenses of the Public Works Administration.

(d) George H. Butler, Director of the Division of Investigations, and in his absence or in his stead, Charles H. Saffell, Associate Director, is authorized to certify for payment vouchers for travel expenses of the employees of the Division of Investigations and for the miscellaneous expenses of the Division of Investigations.

(e) Albin J. Plant, Chief Project Accountant, and in his absence or in his stead, Charles L. Ruppert, Jr., Assistant Chief Project Accountant, is authorized to certify for payment vouchers for travel expenses of the employees of the Division of Accounts.

(f) R. C. Hardman, PWA Representative for Puerto Rico, and in his absence, Ricardo Skerrett, Jr., Assistant PWA Representative for Puerto Rico, is authorized to certify for payment from the accounts of the local disbursing clerk all vouchers for the administrative expenses of the Public Works Administration in Puerto Rico.

(g) J. G. Shepard, Senior Engineer, and in his absence, Gordon L. Wildes, Engineer, is authorized to certify for payment from the accounts of the local disbursing clerk all vouchers for the administrative expenses of the Public Works Administration in Alaska.

(h) Karl A. Sinclair, PWA Representative for Hawaii, and in his absence, Fred O. Young, Engineer, is authorized to certify for payment from the accounts of the local disbursing clerk all vouchers for the administrative expenses of the Public Works Administration in Hawaii.

(i) All officials of the Public Works Administration authorized to certify for payment vouchers for expenses, including charges for long distance telephone service, are authorized to certify also as to the necessity for the service in the interest of the Government, as required by Section 4 of the Interior Department Appropriation Act, 1940.

(j) J. J. Madigan, Executive Officer, H. M. Gillman, Jr., Assistant Executive Officer, G. William Comfort, Assistant to Executive Officer, and A. R. Baker, Assistant to Executive Officer, are each authorized to sign Procurement Division purchase authorizations issued in connection with the ordering of equipment and supplies for the Public Works Administration.

(k) G. William Comfort, Assistant to Executive Officer, and in his absence or in his stead, A. R. Baker, Assistant to Executive Officer, is authorized to certify to the Civil Service Commission as to the correctness of retirement records and accounts of the personnel of the Public Works Administration.

3. All previous authorizations of the character herein described, applicable to the Public Works Administration and not included herein, are hereby revoked.

JOHN M. CARMODY,
*Federal Works Administrator.*

[F. R. Doc. 39-3162; Filed, August 29, 1939; 12:43 p. m.]

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## TITLE 50—WILDLIFE

## BUREAU OF FISHERIES

### SUBCHAPTER A—ALASKA FISHERIES

### PART 208—KODIAK AREA FISHERIES

Section 208.26 is hereby amended to prohibit commercial fishing for herring after 6 o'clock postmeridian August 22, as follows:

§ 208.26 *Closed season, commercial herring fishing, except by gill nets or for bait purposes.* Commercial fishing for herring, except for bait purposes, is prohibited for the remainder of the calendar year after 6 o'clock postmeridian August 22: *Provided*, That this prohibition shall not apply to the use of gill nets. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

HAROLD L. ICKES,
*Secretary of the Interior.*

AUGUST 22, 1939.

[F. R. Doc. 39-3173; Filed, August 29, 1939; 9:45 a. m.]

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## *Notices*

## DEPARTMENT OF AGRICULTURE.

### Division of Marketing and Marketing Agreements.

DETERMINATION WITH RESPECT TO ORDER REGULATING HANDLING OF MILK IN CHICAGO, ILLINOIS, MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, having reason to believe that the execution of a marketing agreement and the issuance of an order,[1] both of which regulate the handling of milk in the Chicago, Illinois, marketing area, would tend to effectuate the declared policy of the act, gave, on the 9th day of June 1939, notice of a public hearing which was held in Chicago, Illinois, on June 26, 27, 28, 29, and 30, 1939, and at said time and place all interested parties were afforded an opportunity to be heard on said proposed marketing agreement and proposed order; and

Whereas, after said hearing and after the tentative approval by the Secretary, on August 18, 1939, of a marketing agreement, handlers of more than fifty percent of the volume of milk covered by such proposed order, which is marketed within the Chicago, Illinois, marketing area, refused or failed to sign such tentatively approved marketing agreement relating to milk:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by said act, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of the proposed order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk which is produced for sale in said area; and

3. That the issuance of the proposed order is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of April 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, Harry L. Brown, Acting Secretary of Agriculture of the United States, has executed this determination in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 24th day of August 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT
*The President of the United States.*

Dated August 26, 1939.

[F. R. Doc. 39-3167; Filed, August 29, 1939; 9:10 a. m.]

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PROCLAMATION CONCERNING BASE PERIOD TO BE USED IN CONNECTION WITH EXECUTION OF MARKETING AGREEMENT AND ISSUANCE OF ORDER REGULATING HANDLING OF MILK IN CHICAGO, ILLINOIS, MARKETING AREA

Pursuant to the powers conferred upon the Secretary of Agriculture by the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture hereby finds and proclaims that, in connection with the execution of a marketing agreement and the issuance of an order [1] regulating the handling of milk in the Chicago, Illinois, marketing area, the purchasing power of such milk during the base period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics in the Department of Agriculture for the period August 1919–July 1929; and the period August 1919–July 1929 is hereby found and proclaimed to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the Chicago, Illinois, marketing area, for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of milk in that area.

In witness whereof, the Secretary of Agriculture has executed this proclamation in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 28th day of August 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3168; Filed, August 29, 1939; 9:11 a. m.]

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DETERMINATION WITH RESPECT TO ORDER REGULATING HANDLING OF MILK IN KANSAS CITY, MISSOURI, MARKETING AREA

Whereas, the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, having reason to believe that the execution of a marketing agreement, as amended, and the issuance of an order, as amended,[1] both of which regulate the handling of milk in the Kansas City, Missouri, marketing area, would tend to effectuate the declared policy of the act, gave, on the 7th day of March 1939, notice of a public hearing which was held in Kansas City, Missouri, on the 16th and 17th days of March 1939 and which was reopened in Kansas City, Missouri, on the 22d, 23d, and 24th days of May 1939, and at said time and place all interested parties were afforded an opportunity to be heard on said proposed marketing agreement, as amended, and proposed order, as amended; and

Whereas, after said hearing and after the tentative approval by the Secretary, on July 26, 1939, of a marketing agreement, as amended, handlers of more than fifty percent of the volume of milk covered by such proposed order, as amended, which is marketed within the Kansas City, Missouri, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by said act, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of the proposed order, as amended, is the only practical means, pursuant to such policy, of advancing the interests of producers of milk which is produced for sale in said area; and

3. That the issuance of the proposed order, as amended, is approved or favored by over two-thirds of the producers who, during the month of February 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof Harry L. Brown, Acting Secretary of Agriculture of the United States, has executed this determination in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 26th day of August 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT
*The President of the United States.*

Dated, August 26, 1939.

[F. R. Doc. 39-3170; Filed August 29, 1939; 9:14 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3744]

IN THE MATTER OF JOHN B. CANEPA COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, September 20, 1939, at one o'clock in the afternoon, of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3166; Filed, August 28, 1939; 3:46 p. m.]

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## INTERSTATE COMMERCE COMMISSION.

[Ex Parte 127]

STATUS OF PUBLIC STOCKYARD COMPANIES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 4th day of August, A. D. 1939.

*It appearing*, That the Commission on July 11, 1938,[1] entered upon an investigation concerning the status of public stockyard companies, in respect to the transportation services performed at the stockyards of said companies, in connection with the loading and unloading of carload shipments of livestock transported by railroad in interstate commerce to and from the public yards of said stockyard companies; and relations between said stockyard companies and common carriers by railroad, and between said stockyard companies and persons or corporations receiving at or shipping from said public stockyards, livestock transported by railroad in interstate commerce to and from said stockyards:

*It further appearing*, That in order to effectuate the intent and purpose of the investigation, it is desirable and necessary to embrace within the scope of the investigation additional public stockyard companies;

*It is ordered*, That the commission, upon its own motion, enter upon an investigation into and concerning the status of public stockyard companies hereinafter named as common carriers by railroad subject to the Interstate Commerce Act, in respect to the transportation services performed at said stockyards in connection with the unloading and loading of carload shipments of livestock transported by railroad in interstate commerce to and from the public yards of said stockyard companies, said investigation to include a full inquiry into—

[1] 3 F.R. 2209 DI.



[1] See page 3764.

[1] See page 3764.

[1] See page 3759.

1. The relation, direct or indirect, between any of said stockyard companies or their officials and (a) common carriers by railroad, and (b) any person, firm or corporation receiving at or shipping from said stockyards livestock transported by railroad in interstate commerce to and from said stockyards.

2. The management or operation of said stockyard companies by common carriers by railroad, or by officials, employees or subsidiary or affiliated companies of common carriers by railroad, and the management or operation of common carriers by railroad by said stockyard companies, or by officials, employees, or subsidiary or affiliated companies of said stockyard companies.

3. Operating practices in connection with the transportation services performed by said stockyard companies.

4. Whether said stockyard companies are common carriers by railroad subject to the provisions of the Interstate Commerce Act in respect of the transportation services performed by them, or are violating any provisions of the Interstate Commerce Act.

*It is further ordered*, That this order be served upon the following stockyard companies which operate public stockyards at the points named:

Jersey City Stock Yards Company, Jersey City, N. J.

Newark Stock Yards, Kearny (Newark), N. J.

New England Stock Yards, Somerville, Mass.

All Class I common carriers by railroad in the United States subject to the Interstate Commerce Act.

*And it is further ordered*, That this proceeding be assigned for further hearing at such times and places as the Commission may hereafter direct.

By the Commission.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-3163; Filed, August 28, 1939; 2:28 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of August, A. D. 1939.

[File No. 31-226]

IN THE MATTER OF MONONGAHELA WEST PENN PUBLIC SERVICE COMPANY

ORDER GRANTING EXEMPTION

Monongahela West Penn Public Service Company having made application for exemption from the provisions of the Public Utility Holding Company Act of 1935 pursuant to Section 3 (a) (2) thereof; a hearing having been held on said application after appropriate public notice;[1] requests for specific findings of fact and briefs having been waived by the parties; the record having been duly considered by the Commission, and the Commission having made appropriate findings of fact;

*It is ordered*, That the Monongahela West Penn Public Service Company be, and it hereby is, exempted from those provisions of the Public Utility Holding Company Act of 1935 which would require it to register under said Act because of its directly or indirectly owning, controlling or holding with power to vote 10 per cent or more of the outstanding voting securities of The Marietta Electric Company, The State Line Gas Company, The West Maryland Power Company, and Monterey Utilities Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3175; Filed, August 29, 1939; 10:54 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of August, A. D. 1939.

[File No. 51-21]

IN THE MATTER OF SECURITIES CORPORATION GENERAL

ORDER APPROVING APPLICATION

Securities Corporation General, a subsidiary of International Utilities Corporation, a registered holding company, having filed an application pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-2 adopted thereunder, for approval of the declaration and payment out of capital or unearned surplus (a) of a regular quarterly dividend at the rate of $1.75 per share on its Cumulative Preferred Stock, $7.00 Series, and (b) of a regular quarterly dividend at the rate of $1.50 per share on its Cumulative Preferred Stock, $6.00 Series; and

Public hearings having been held upon said application after appropriate notice;[1] the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

*It is ordered*, That said application be and hereby is approved subject to the following conditions:

(1) That the payment of the proposed dividends on the Cumulative Preferred Stock, $7.00 Series, and on the Cumulative Preferred Stock, $6.00 Series, shall be charged to capital surplus, and that the amount of such dividends so charged shall be restored to capital surplus from the first available net income after December 31, 1938; and

(2) That the applicant shall at the time such dividend is paid notify the holders of the Cumulative Preferred Stock, $7.00 Series, and the holders of the Cumulative Preferred Stock, $6.00 Series, that the dividend payment is made subject to the above conditions; and

(3) That the applicant within ten days after the payment of the dividend, file with the Commission a certificate of notification showing that such dividend was declared and paid in accordance with the terms and conditions and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3174; Filed, August 29, 1939; 10:54 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of August, A. D. 1939.

[File No. 43-195]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF COLORADO

ORDER ALLOWING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUE OF BONDS, DEBENTURES AND COMMON STOCK BY SUBSIDIARY OF A REGISTERED HOLDING COMPANY

Public Service Company of Colorado, a subsidiary of Cities Service Power & Light Company, a registered holding company, having filed with this Commission a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issuance by declarant of $40,000,000 of First Mortgage Bonds, 3½% Series, due 1964, $12,500,000 aggregate principal amount of 4% Sinking Fund Debentures due 1949, and $2,190,000 par value Common Stock; public hearing thereon having been duly held after appropriate notice;[1] the record in this matter having been duly considered; and the Commission having filed its findings herein;

*It is ordered*, That such declaration be and become effective forthwith, subject, however, to the condition that the issue of the aforesaid bonds, debentures and common stock shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration as amended;

*And it is further ordered*, That in connection with the issuance of securities and the other transactions herein approved, the following terms and conditions are severally imposed upon declarant:

(1) That except as this Commission may by order or orders from time to time permit, so long as any of the declarant's First Mortgage Bonds, 3½% Series due 1964, are outstanding under the indenture between declarant and Guaranty Trust Company of New York, as Trustee, the declarant shall not declare or pay any dividends (other than dividends payable in shares of its common stock), or make any other distribution on any of its common stock, or purchase any shares of its common stock (other than with the proceeds of additional common stock financing) unless the amount expended by the declarant for maintenance and repairs, plus provision for reserves for renewals and replacements or depreciation, during the period from the date of the indenture to the date of the proposed payment of such dividend or making of such distribution or purchase, plus the earned surplus of the declarant accumulated since the date of the indenture, and not restricted by the terms of condition number (3), remaining after payment of such dividend or the making of such distribution or purchase, shall equal the sum of fifteen per cent. (15%) of the gross electric operating revenues and ten per cent. (10%) of the gross gas and steam operating revenues (as said terms are defined in Section 8 of Article IV of the indenture) during such period. The foregoing shall also apply to any successor of the declarant, except that any earned surplus of declarant at the date of such succession which may become frozen as capital surplus as a result of such succession shall be considered as earned surplus in determining whether the requirements of this condition have been satisfied.

The provisions contained in the foregoing paragraph shall be subject to revocation or modification by this Commission at any time upon its own motion or upon application of the declarant;

(2) That no charges shall be made against earned surplus accumulated under the restrictive provisions of subdivision (c) of Section 9 of Article IV of the debenture indenture, even after the retirement of the debentures and the discharge of said indenture, except for adjustments inherent in declarant's fixed assets and investments in subsidiaries consolidated at February 28, 1939, unless (a) such charge has been previously authorized by appropriate resolution by declarant's board of directors and (b) thirty days' prior notice of the making of such charge be given to this Commission. The Commission reserves jurisdiction on the receipt of such notice, in and as part of the proceedings herein, after notice given within thirty days and opportunity for hearing, to disapprove any such charge on the basis of the record herein and any additional evidence that may be adduced by any interested party. And in the event the Commission has notified declarant to show cause why such charge shall not be disapproved, the charge in question shall not be made until expressly authorized by order of this Commission;

(3) That the balance of declarant's earned surplus to be restricted under Section 9 of Article IV of the proposed indentures, on the effective date of such indentures, shall not be less than $644,133.32 after making the proposed credit to declarant's property account of $469,748.45 as stipulated by declarant;

(4) That until further order by this Commission, all corporate and consolidated balance sheets hereafter made public by declarant shall contain appropriate reference (in a form approved by the Commission) to intercompany appreciation charged to declarant's net assets;

(5) That the Commission's findings and opinion on this declaration shall not in any manner diminish the Commission's power under Section 11 (b) of the Public Utility Holding Company Act of 1935. Jurisdiction is hereby reserved to consider, in appropriate proceedings under that section or otherwise, whether voting power is fairly or equitably distributed among declarant's security holders and to confer voting power upon the outstanding preferred stock and the bonds and debentures issued under this declaration to the extent that it may appear appropriate to do so.

(6) Jurisdiction is hereby reserved with respect to underwriting contracts, price and spread, and fees and expenses.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3176; Filed, August 29, 1939; 10:54 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of August, A. D. 1939.

[File No. 34-33]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 11 (g) and Rule U-12E-5 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the Protective Committee for Preferred Stockholders of Utilities Power and Light Corporation;

*It is ordered*, That a hearing on such matter be held on September 12, 1939, at 10:30 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 9, 1939.

The matter concerned herewith is in regard to a declaration pursuant to Section 11 (g) of the Public Utility Holding Company Act of 1935 and Rule U-12E-5 with respect to the solicitation of proxies and other authorizations relating to the plan of reorganization for Utilities Power & Light Corporation, dated February 1, 1939 and amended June 30, 1939 and July 10, 1939, which was approved on certain conditions by this Commission on July 26, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3177; Filed, August 29, 1939; 10:54 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of August, A. D. 1939.

[File No. 52-9]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION

NOTICE OF AND ORDER FOR RECONVENING OF HEARING

Atlas Corporation having filed (a) an application pursuant to Section 11 (f) of the Public Utility Holding Company Act of 1935 for approval of a plan of reorganization of Utilities Power & Light Corporation, a registered holding company (b) an application pursuant to Section 11 (g) of said Act for a report on said plan and (c) a declaration pursuant to Rule U-12E-5 with respect to solicitation of proxies and other authorizations with respect to said plan;

Such matter having been consolidated with certain related matters for purposes of hearing and a joint hearing having been had;

The Commission having on July 26, 1939 entered an order wherein *inter alia* such application by Atlas Corporation

[1] 4 F.R. 1721 DI.
[2] 4 F.R. 2952 DI.
[1] 4 F.R. 3674 DI.

pursuant to Section 11 (f) was granted upon certain conditions and wherein jurisdiction was reserved with respect to such application pursuant to Section 11 (g) and such declaration pursuant to Rule U–12E–5;

It appearing that further hearing should be had with respect to such application pursuant to Section 11 (g) and such declaration pursuant to Rule U–12E–5;

*It is ordered*, That the before-mentioned hearing be reconvened, but only with respect to the proceeding having file number 52–9, for the purpose of receiving additional evidence with respect to such application pursuant to Section 11 (g) and such declaration pursuant to Rule U–12E–5;

*It is further ordered*, That such reconvened hearing be held on September 12, 1939 at 10:15 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 9, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–3178; Filed, August 29, 1939; 10:55 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of August, A. D. 1939.

[File No. 31–360]

IN THE MATTER OF AMERICAN & FOREIGN POWER COMPANY INC.

NOTICE OF AND ORDER FOR HEARING

An application pursuant to sections 3 (a) (5) and 3 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on September 27, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 21, 1939.

The matter concerned herewith is in regard to the requested exemption pursuant to Section 3 (a) (5) of said Act of American & Foreign Power Company Incorporated (over 10% of whose outstanding voting securities are owned by Electric Bond and Share Company, a registered holding company) on its own behalf and on behalf of every one of its subsidiary companies which is a holding company, as defined in Section 2 (a) (7) of said Act, as holding companies, from any and all provisions of said Act and from all the several obligations, duties, liabilities and disabilities imposed upon them thereby and further exempting each and every one of the subsidiary companies, as such, of American & Foreign Power Company Incorporated and of each and every one of its subsidiary holding companies from any and all provisions of said Act and from all the several obligations, duties, liabilities and disabilities imposed upon them thereby; and with regard to the requested exemption pursuant to Section 3 (b) of the Act of American & Foreign Power Company Incorporated on its own behalf and behalf of every one of its subsidiary companies from any and all provisions of said Act which may be applicable to them, or any of them, as subsidiary companies of Electric Bond and Share Company and from all the several obligations, duties, liabilities and disabilities thereby imposed upon them as such subsidiary companies.

The application states that American & Foreign Power Company Incorporated, a Maine corporation, owns and controls, either directly or through the medium of subsidiary holding companies, the securities of public-utility companies operating in thirteen foreign countries, viz., Argentina, Brazil, Chile, China, Columbia, Costa Rica, Cuba, Ecuador, Guatemala, India, Mexico, Panama and Venezuela. It is further stated that neither the applicant nor any of its subsidiary companies owns or operates any properties located in the United States used for the generation, transmission or distribution of electrical energy for sale or for the production, transportation or distribution of natural or manufactured gas; nor does applicant or any of its subsidiary companies own or operate any properties of any kind which are physically inter-connected with properties in the United States.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–3179; Filed, August 29, 1939; 10:55 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of August, A. D. 1939.

[File No. 44–42]

IN THE MATTER OF PEOPLES LIGHT AND POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on September 15, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 10, 1939.

The matter concerned herewith is in regard to the acquisition and retirement of such of the applicant's Collateral Lien Bonds, Series A, due 1961, as it may purchase on tender and, to the extent necessary, in the open market, with $410,000. The application states that the applicant proposes to advertise for tenders of said bonds pursuant to the requirements of its trust indenture and itself to tender all or part of the $215,000 principal amount of the bonds now held in its treasury, and that, including said treasury holdings, there are presently outstanding $3,907,500 principal amount of said bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–3180; Filed, August 29, 1939; 10:55 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of August, A. D. 1939.

[File No. 32–166]

IN THE MATTER OF METROPOLITAN EDISON COMPANY AND NORTHERN PENNSYLVANIA POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

Supplemental applications under Rules U–10A–1 and U–12F–1 pursuant to sections 10 (a) and 12 (f), respectively, of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on September 2, 1939, at 9:30 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before the day of hearing.

The matter concerned herewith is in regard to the transfer by Northern Pennsylvania Power Company to Metropolitan Edison Company of the following securities:

The Mohawk Valley Company (now NY PA NJ Utilities Company) 6% debentures of 2031 in the principal amount of $53,300;

The Mohawk Valley Company 6% Consolidated Refunding Bonds of 1981 in the principal amount of $406,100;

The Waverly Electric Light, Heat & Power Company, 600 shares of common stock, having book value of $100,000;

J. P. Ward Foundry Company, 10 shares of 6% Cumulative Preferred Stock, having par value of $50 per share;

The Utility Management Corporation, 1840 shares of common stock;

being part of a plan of merger whereby Northern Pennsylvania Power Company will transfer all its property and franchises to Metropolitan Edison Company—the transferee to assume all the liabilities of the transferor and to credit to its capital surplus account or to its common stock account the difference between all assets acquired and all liabilities assumed, less revaluations and write-ups.

Both Northern Pennsylvania Power Company and Metropolitan Edison Company are public utility companies and wholly owned subsidiaries of NY PA NJ Utilities Company, a registered holding company in the associated Gas and Electric Company system.

The plan of merger has heretofore been approved by the Pennsylvania Public Utility Commission and by the Federal Power Commission as to matters within their respective jurisdictions; and this Commission is asked, in the instant proceedings, to approve all phases of the plan of merger over which it has jurisdiction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–3181; Filed, August 29, 1939; 11:49 a. m.]

# FEDERAL REGISTER

VOLUME 4 NUMBER 168

*Washington, Thursday, August 31, 1939*


## The President

### EXECUTIVE ORDER

AUTHORIZING THE INSPECTION OF CERTAIN RETURNS MADE UNDER THE INTERNAL REVENUE CODE

By virtue of the authority vested in me by section 55 (a) of the Internal Revenue Code (53 Stat. 29), it is hereby ordered that the following-designated returns made under the said Code shall be open to inspection in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury Decision relating to the inspection of such returns, approved by me this date:[1]

Income (including income of personal holding companies and unjust enrichment income), excess-profits, capital stock, estate, and gift tax returns, and returns of employment tax on employers under Subchapter C of Chapter 9 of the Internal Revenue Code.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*August 28, 1939.*

[No. 8230]

[F. R. Doc. 39-3183; Filed, August 29, 1939; 3:23 p. m.]

## Rules, Regulations, Orders

### TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 71—ENLISTMENT IN THE REGULAR ARMY[2]

§ 71.4 *Men with dependents, including married men.* (a) No man with a dependent, or dependents, in any of the following classes will be accepted for original enlistment in the Regular Army in time of peace:

(1) Lawful wife.

(2) Legitimate children, step children, or adopted children under twenty-one years of age, who are legally or in fact dependent upon the applicant for support.

(3) Mother, who is in fact dependent upon the applicant for her chief support.

(4) Any other persons who are in fact dependent upon the applicant for support.

(b) Marriage will not affect reenlistment of enlisted men in grades 1, 2, or 3.

(c) (1) Enlisted men except those in grades 1, 2, or 3, who marry without the written permission of the corps area commander after June 30, 1939, will be discharged without delay for the convenience of the Government and will not be reenlisted.

(2) Permission to marry may be granted in worthy cases to enlisted men in the fourth grade only who have completed eight or more years service in the Army. Such permission will be granted by corps area commanders and will be given in writing. Appropriate notation will be made under "Remarks" in the enlisted man's Service Record (W.D., A.G.O. Form No. 24), indicating the authority and date. For this purpose corps area commanders will have jurisdiction over all enlisted personnel stationed within their respective corps areas.

(d) Men who married in accordance with the conditions indicated in (b) and (c) (2) above, but who have been reduced in grade or rating so that their status is below that specified may be reenlisted at the discretion of corps area commanders, due regard being had to the interests of the individual and the Government.

(e) The obtainment of a divorce will not render eligible for reenlistment an applicant who, under the provisions of these regulations was, at any time during his current or last enlistment, rendered ineligible for reenlistment.

(f) Marriage will not affect the reenlistment of the following classes of enlisted men now in the service:

(1) Those in the first three grades.

(2) Noncommissioned officers below grade 3 who married with or without the

[1] See page 3778.

[2] These regulations supersede Section 71.4, Chapter VII, Title 10, Code of Federal Regulations.

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consent of their post commander prior to July 1, 1939, and who are discharged with character excellent and who apply for reenlistment within 20 days.

(3) Those who obtained permission to marry under the provisions of (c) (2) above.

(4) Those who can present to the corps area commander authentic evidence of having been granted military permission to marry prior to July 1, 1939, provided the enlisted man can maintain his dependents on his pay.

(5) Those who have previously been reenlisted as married men, even though military permission had not been obtained to marry, provided the enlisted man can maintain his dependents on his pay.

(g) Enlisted men of the Philippine Scouts and the 65th Infantry in Puerto Rico may be granted permission to marry, and their reenlistment may be authorized, under regulations prescribed by the commanding general, Philippine Department, and the commanding general, Puerto Rican Department, respectively, due consideration being given to the interests of the enlisted man and the Government.

(h) No man will be accepted for enlistment or reenlistment conditional upon any written, verbal, or implied promise that any portion of his pay will be allotted to a relative or other person. (41 Stat. 765; 10 U.S.C. 42) [Par. 14, A.R. 600–750, April 10, 1939, as amended by Cir. 65, W.D., August 22, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–3185; Filed, August 30, 1939; 9:31 a. m.]

## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4929]

### PART 463C—INSPECTION OF RETURNS

REGULATIONS GOVERNING THE INSPECTION OF CERTAIN RETURNS UNDER THE INTERNAL REVENUE CODE.*†

*To Collectors of Internal Revenue and others Concerned:*

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SUBPART A

*Introductory*

§ 463C.0 *Introductory.* Section 55 (a) (1) of the Internal Revenue Code provides:

(1) Returns made under this chapter upon which the tax has been determined by the Commissioner shall constitute public records; but, except as hereinafter provided in this section, they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary and approved by the President.

Section 55 (a) (2) of the Internal Revenue Code provides:

(2) And all returns made under this chapter, subchapters A, B, and D of chapter 2, subchapter B of chapter 3, chapters 4, * * * shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President.

Section 508 of the Internal Revenue Code (relating to surtax on personal holding companies) provides:

All provisions of law (including penalties) applicable in respect of the taxes imposed by chapter 1, shall insofar as not inconsistent with this subchapter, be applicable in respect of the tax imposed by this subchapter, except that the provisions of section 131 shall not be applicable.

Section 603 of the Internal Revenue Code (relating to excess-profits tax) provides:

All provisions of law (including penalties) applicable in respect of the taxes imposed by chapter 1, shall, insofar as not inconsistent with this subchapter, be applicable in respect of the tax imposed by section 600, except that the provisions of section 131 of that chapter shall not be applicable.

Section 702 (a) of the Internal Revenue Code (relating to unjust enrichment tax) provides:

(a) All provisions of law (including penalties) applicable with respect to taxes imposed by chapter 1, shall, insofar as not inconsistent with this subchapter, be applicable with respect to the taxes imposed by this subchapter, except that the provisions of sections 101, 131, 251, and 252 shall not be applicable.

Section 1204 of the Internal Revenue Code (relating to capital stock tax) provides:

Returns required to be filed for the purpose of the tax imposed by section 1200 shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under chapter 1, except that paragraph (2) of subsections (b) and (f) of section 55 shall not apply.

Section 1604 (c) of the Internal Revenue Code (relating to employment tax on employers) provides:

(c) PUBLICITY. Returns filed under this subchapter shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under chapter 1, except that paragraph (2) of subsections (a), (b) and (f) of section 55 shall not apply.

Section 55 (f) (1) of the Internal Revenue Code (relating to income tax) provides:

It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return, or any part thereof or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment.

Pursuant to the above-quoted provisions of law, it is hereby ordered that certain returns of individuals, partnerships, estates, trusts, corporations, associations, joint-stock companies, and insurance companies made pursuant to the requirements of the Internal Revenue Code, shall be open to inspection in accordance and upon compliance with the following rules and regulations:*†

SUBPART B

*Income Returns (Including Personal Holding Company and Unjust Enrichment Returns), and Excess-Profits and Capital Stock Tax Returns, and Returns of Employment Tax on Employers Under Subchapter C of Chapter 9 of the Internal Revenue Code*

§ 463C.1 *Terms used.* The word "return" when used in Subpart B of these regulations shall include only income returns (including personal holding company and unjust enrichment returns), and excess-profits and capital stock tax returns; and returns of employment tax on employers under subchapter C of chapter 9 of the Internal Revenue Code. Any other word or term used in these regulations which is defined in any chapter of the Internal Revenue Code shall be given the definition contained in the chapter which is applicable with respect to the particular return made.*†

§ 463C.2 *Return of individual.* The return of an individual shall be open to inspection (*a*) by the person who made the return, or by his duly constituted attorney in fact; (*b*) if the maker of the return has died, or become legally incompetent, by the administrator, executor, trustee, or guardian of his estate, or by the duly constituted attorney in fact of such administrator, executor, trustee, or guardian; (*c*) in the discretion of the Commissioner, by any heir at law, next of kin, or beneficiary under the will, of such deceased person, or by the duly constituted attorney in fact of such heir at law, next of kin, or beneficiary, upon a showing that such heir at law, next of kin, or beneficiary has a material interest which will be affected by information contained in the return; and (*d*) as to returns under subchapter C of chapter 9 of the Internal Revenue Code (relating to employment tax on employers), in the discretion of the Commissioner and at such time and in such manner as the Commissioner may prescribe for the inspection, by an officer of any State having a law certified to the Secretary of the Treasury by the Social Security Board as having been approved in accordance with section 1603 of the Internal Revenue Code, upon written application signed by the governor of such State under the seal of the State, designating the officer to make the inspection and showing that such inspection is solely for purposes of administering such State law. With respect to inspection on behalf of States or political subdivisions thereof, see further section 55 of the Internal Revenue Code.*†

§ 463C.3 *Joint return of husband and wife.* A joint return of a husband and wife shall be open to inspection (*a*) by either spouse for whom the return was made, upon satisfactory evidence of such relationship being furnished, or by his or her duly constituted attorney in fact; (*b*) if either spouse has died, or become legally incompetent, by the administrator, executor, trustee, or guardian of his or her estate, or by the duly constituted attorney in fact of such administrator, executor, trustee, or guardian; and (*c*) in the discretion of the Commissioner by any heir at law, next of kin, or beneficiary under the will, of such deceased spouse, or by the duly constituted attorney in fact of such heir at law, next of kin, or beneficiary, upon a showing that such heir at law, next of kin, or beneficiary has a material interest which will be affected by information contained in the return. With respect to inspection on behalf of States or political subdivisions thereof, see section 55 of the Internal Revenue Code.*†

§ 463C.4 *Partnership return.* The return of a partnership shall be open to inspection (*a*) by any individual who was a member of such partnership during any part of the time covered by the return, or by his duly constituted attorney in fact, upon satisfactory evidence of such membership in the partnership being furnished; (*b*) if a member of such partnership during any part of the time covered by the return has died, or become legally incompetent, by the administrator, executor, trustee, or guardian, of his estate, or by the duly constituted attorney in fact of such administrator, executor, trustee, or guardian; (*c*) in the discretion of the Commissioner, by any heir at law, next of kin, or beneficiary under the will, of such deceased person, or by the duly constituted attorney in fact of such heir at law, next of kin, or beneficiary, upon a showing that such heir at law, next of kin, or beneficiary has a material interest which will be affected by information contained in the return; and (*d*) as to returns under subchapter C of chapter 9 of the Internal Revenue Code (relating to employment tax on employers), in the discretion of the Commissioner and at such time and in such manner as the Commissioner may prescribe for the inspection, by an officer of any State having a law certified to the Secretary of the Treasury by the Social Security Board as having been approved in accordance with section 1603 of the Internal Revenue Code, upon written application signed by the governor of such State under the seal of the State, designating the officer to make the inspection and showing that such inspection is solely for purposes of administering such State law. With respect to inspection on behalf of States or political subdivisions thereof, see further section 55 of the Internal Revenue Code.*†

§ 463C.5 *Estates.* The return of an estate shall be open to inspection (*a*) by the administrator, executor, or trustee of such estate, or by his duly constituted attorney in fact; (*b*) in the discretion of the Commissioner, by any heir at law, next of kin, or beneficiary under the will, of the deceased person for whose estate the return is made, or by the duly constituted attorney in fact of such heir at law, next of kin, or beneficiary, or if any such heir at law, next of kin, or beneficiary has died or become legally incompetent, by his administrator, executor, trustee, or guardian of his estate, or by the duly constituted attorney in fact of such administrator, executor, trustee, or guardian, upon a showing of material interest which will be affected by information contained in the return; and (*c*) as to returns under subchapter C of chapter 9 of the Internal Revenue Code (relating to employment tax on employers), in the discretion of the Commissioner and at such time and in such manner as the Commissioner may prescribe for inspection, by an officer of any State having a law certified to the Secretary of the Treasury by the Social Security Board as having been approved in accordance with section 1603 of the Internal Revenue Code, upon written application signed by the governor of such State under the seal of the State, designating the officer to make the inspection and showing that such inspection is solely for purposes of administering such State law. With respect to inspection on behalf of States or political subdivisions thereof, see further section 55 of the Internal Revenue Code.*†

§ 463C.6 *Trusts.* The return of a trust shall be open to inspection (*a*) by the trustee or trustees, jointly or severally, or the duly constituted attorney in fact of such trustee or trustees; (*b*) by any individual who was a beneficiary of such trust during any part of the time covered by the return, or by his duly constituted attorney in fact, upon satisfactory evidence being furnished that the individual was such beneficiary; (*c*) if any individual who was a beneficiary of such trust during any part of the time covered by the return has died, or become legally incompetent, by the administrator, executor, trustee, or guardian, of his estate, or by the duly constituted attorney in fact of such administrator, executor, trustee, or guardian; (*d*) in the discretion of the Commissioner, by any heir at law, next of kin, or beneficiary under the will, of such deceased person, or by the duly constituted attorney in fact of such heir at law, next of kin, or bene-

*Sections 463C.0 to 463C.38 are issued under authority contained in secs. 55 (a), 508, 603, 702 (a), 1204, and 1604 (c) of the Internal Revenue Code (53 Stat. 29, 111, 111, 116, 171, 186).

†The source of sections 463C.0 to 463C.38 is Treasury Decision 4929, approved August 26, 1939.

ficiary, upon a showing that such heir at law, next of kin, or beneficiary has a material interest which will be affected by information contained in the return; and (e) as to returns under subchapter C of chapter 9 of the Internal Revenue Code (relating to employment tax on employers), in the discretion of the Commissioner and at such time and in such manner as the Commissioner may prescribe for the inspection, by an officer of any State having a law certified to the Secretary of the Treasury by the Social Security Board as having been approved in accordance with section 1603 of the Internal Revenue Code, upon written application signed by the governor of such State under the seal of the State, designating the officer to make the inspection and showing that such inspection is solely for purposes of administering such State law. With respect to inspection on behalf of States or political subdivisions thereof, see further section 55 of the Internal Revenue Code.*†

§ 463C.7 *Corporations.* The return of a corporation shall be open to inspection (a) by any person designated by action of its board of directors, or other similar governing body, upon submission of satisfactory evidence of such action, or (b) by any officer or employee of such corporation upon written request to the Commissioner signed by any principal officer and attested by the Secretary, or other officer under the corporate seal, if any, or (c) by the duly constituted attorney in fact of such corporation. The return of a corporation which has since been dissolved, shall, in the discretion of the Commissioner, be open to inspection by any person who under these regulations might have inspected the return at the date of dissolution. Returns of corporations under subchapter C of chapter 9 of the Internal Revenue Code (relating to employment tax on employers), in the discretion of the Commissioner, and at such time and in such manner as the Commissioner may prescribe, shall be open to inspection by an officer of any State having a law certified to the Secretary of the Treasury by the Social Security Board as having been approved in accordance with section 1603 of the Internal Revenue Code, upon written application signed by the governor of such State under the seal of the State, designating the officer to make the inspection and showing that such inspection is solely for purposes of administering such State law. With respect to inspection on behalf of States or political subdivisions thereof, see further section 55 of the Internal Revenue Code.*†

SUBPART C

*Estate and Gift Tax Returns Under the Internal Revenue Code*

§ 463C.20 *General.* Estate tax returns and notices and gift tax returns, filed under the Internal Revenue Code, shall be treated as privileged communications and shall not be inspected nor their contents disclosed except as hereinafter provided.*†

§ 463C.21 *Application for inspection.* Upon application to the collector, internal revenue agent in charge, or Commissioner, an estate tax return or notice may be inspected by the executor, or his successor in office, or by his duly authorized attorney in fact. Upon like application a gift tax return may be inspected by the donor or his duly authorized attorney in fact.*†

§ 463C.22 *Disclosures for investigation purposes.* An internal revenue officer engaged in an official investigation of an estate tax or gift tax liability may disclose the returned value of any item or the amount of any specific deduction, or other limited information, if such disclosure is necessary in order to verify the same or to arrive at a correct determination of the tax. This right of disclosure, however, is limited to the purposes of the investigation, and in no case extends to such information as the amount of the estate, the amount of tax, or other general data.*†

§ 463C.23 *Inspection by State officials.* A return or notice may be exhibited, or information contained therein may be disclosed, to an officer of any State, for official use in connection with an estate, inheritance, legacy, succession, gift, or other tax of the State, provided a like cooperation is given by the State to the Commissioner or his representatives for use in the administration of the Federal tax laws. Such officer may also be permitted to inspect schedules, lists, and other statements designed to be supplemental to or to become a part of, the original return, and other records and reports which contain information included or required by statute to be included in the return.*†

§ 463C.24 *Inspection discretionary with Commissioner in certain cases.* If any other person has a material interest in ascertaining any fact disclosed by the return, or in obtaining information as to the payment of the tax, he may make a written application to the Commissioner for such information, setting forth the nature of his interest and the purpose of the application. Thereupon, the Commissioner may permit an inspection of, or furnish a copy of the return, or may furnish such information as he deems advisable.*†

SUBPART D

*General Provisions*

§ 463C.30 *Scope.* The following provisions, unless otherwise stated, are applicable to all returns referred to in Subparts B and C of these regulations.*†

§ 463C.31 *Permission to inspect.* The Commissioner, upon written application setting forth fully the reason for the request, may grant permission for the inspection of returns in accordance with these regulations.*†

§ 463C.32 *Treasury Department officials and employees.* The officers and employees of the Treasury Department whose official duties require inspection of returns may inspect any such returns without making such written application. If the head of a bureau or office in the Treasury Department, not a part of the Internal Revenue Bureau, desires to inspect, or to have an employee in his bureau or office inspect a return, in connection with some matter officially before him, for reasons other than tax administration purposes, the inspection may, in the discretion of the Secretary, be permitted upon written application to him by the head of such bureau or office, showing in detail why the inspection is desired.*†

§ 463C.33 *Inspection by branch of Government other than Treasury Department.* Except as provided in section 463C.34, if the head of an executive department (other than the Treasury Department), or of any other establishment of the United States Government, desires to inspect or to have some other officer or employee of his branch of the service inspect a return in connection with some matter officially before him, the inspection may, in the discretion of the Secretary of the Treasury, be permitted upon written application to him by the head of such executive department or other Government establishment. The application shall be signed by such head and shall show in detail why the inspection is desired, the name and address of the taxpayer who made the return, and the name and official designation of the person it is desired shall inspect the return. The information obtained under this section and section 463C.32 may be used as evidence in any proceeding, conducted by or before any department or establishment of the United States, or to which the United States is a party.*†

§ 463C.34 *Inspection by Government attorneys.* Any return shall be open to inspection by a United States attorney or by an attorney of the Department of Justice where necessary in the performance of his official duties. The request for inspection shall be in writing and, except as provided in section 463C.37, shall be addressed to the Commissioner, and shall state the purpose for which inspection is desired. It may be signed by the Attorney General, the Assistant to the Attorney General, an Assistant Attorney General, or a United States Attorney.*†

§ 463C.35 *Information returns.* Information returns, schedules, lists, and other statements designed to be supplemental to, or to become a part of, the returns shall be subject to the same rules and regulations as to inspection as are the returns themselves. In any case where inspection of the return is authorized by these regulations, the Commissioner may, in his discretion, permit inspection of other records and reports which contain information included or required by statute to be included in the return.*†

§ 463C.36 *Place of inspection.* Generally, returns may be inspected only in the Bureau of Internal Revenue, Washington, D. C., unless such returns are in the custody of a collector of internal revenue or internal revenue agent in charge or the head of a field division of the Technical Staff, in which event the returns may be inspected in the office of such collector or agent in charge or head of division, but only in the presence of an internal revenue officer, designated by the collector or agent or head of division for that purpose.*†

§ 463C.37 *Applications for inspection.* Except as provided in section 463C.33, and as hereinafter provided, all applications for permission to inspect returns must be made in writing to the Commissioner of Internal Revenue. When a return is in the custody of a collector of internal revenue or internal revenue agent in charge or the head of a field division of the Technical Staff, such collector or revenue agent in charge or head of division, upon written application to him, is authorized to permit the inspection of such return by a United States attorney, or an attorney in the Department of Justice, or by the taxpayer or his duly authorized attorney in fact, in accordance with these regulations.*†

§ 463C.38 *Penalties.* Section 55 (f) (1) of the Internal Revenue Code makes it a misdemeanor, punishable by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, at the discretion of the court, for any person to print or publish in any manner whatever not provided by law information contained in any income return, and further provides that if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment. The penalties provided in section 55 (f) (1) of the Internal Revenue Code are applicable also to disclosure of information contained in excess-profits, unjust enrichment, and capital stock tax returns and returns made under subchapter C of chapter 9 of the Internal Revenue Code.*†

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

Approved, August 28, 1939.

FRANKLIN D ROOSEVELT
*The White House.*

[F. R. Doc. 39-3184; Filed, August 29, 1939; 3:23 p. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### VETERANS' ADMINISTRATION

REVISION OF REGULATIONS

ELIGIBILITY OF EX-MEMBERS OF THE MILITARY OR NAVAL FORCES FOR HOSPITAL OR DOMICILIARY CARE

Revision of Sec. 6.6047 (F):[1]

Retired officers or retired enlisted men of the United States army, navy, marine corps and coast guard, who served honorably during a war period as defined in (A) (1) above, may be supplied hospital treatment under (A), or hospital treatment and domiciliary care under (C) or (E) above, subject to the same conditions applying therein to war veterans. Hospital treatment or domiciliary care for these applicants will be furnished in facilities under the direct and exclusive jurisdiction of the Veterans' Administration. (July 19, 1939) (Public No. 198, 76th Congress)

[SEAL] FRANK T. HINES,
*Administrator.*

[F. R. Doc. 39-3188; Filed, August 30, 1939; 11:20 a. m.]

[1] 4 F.R. 1394 DI.



REVISION OF REGULATIONS

TRANSPORTATION AND TRAVELING EXPENSES OF CLAIMANTS AND BENEFICIARIES

*Attendants Accompanying Traveling Beneficiaries*

§ 6.6105 (A) *Authority to employ.* An attendant or attendants, to accompany a claimant or beneficiary admitted to, discharged or transferred from a facility, or traveling to or from out-patient examination or treatment, may be authorized when, in the opinion of a chief medical officer or clinical director or their designates, such attendance is necessary because of the mental or physical condition of the claimant or beneficiary. The employment of attendants must be kept to the absolute minimum required for safe care of traveling claimants or beneficiaries. See applicable instructions for detailed procedure regarding travel precautions relative to psychotic or tuberculous beneficiaries.

(B) *Persons not in the regular civilian employment of the Government.* These may be authorized to act as attendants. When the condition of a beneficiary indicates, in the judgment of a chief medical officer or clinical director, that medical observation and services will be required en route, a private physician, such as the one who is treating the patient in his home community, may be employed to accompany the beneficiary as a physician-attendant. Attendants appointed under this paragraph will be furnished necessary transportation, meal and lodging requests. Claim for reimbursement of actual expenses incurred by such attendants for meals and lodging en route will not be certified for payment unless (as in emergency admissions) such requests have not been issued, or, if issued, are returned for cancelation and satisfactory reasons are given for not using them. These circumstances, if occurring, are to be shown on the reimbursement voucher when and if it is certified for payment. In addition to expenses of necessary transportation and meals and lodging en route, persons other than relatives of the claimant or beneficiary concerned, employed as attendants under this paragraph may be paid a fee as hereinafter provided. The said relatives will not be entitled to a fee for attendant service. A relative for the purpose of this section, will comprehend a spouse, parent, son, daughter, brother, sister, son-in-law or daughter-in-law. The payee will be required to certify, in support of the voucher for the service, that he is not a relative, as thus defined, of the claimant or beneficiary for whom he was employed as the attendant.

(C) *Persons in the regular civilian employment of the Government.* These, including employees of the Veterans Administration (subject to the conditions hereinafter specified) may be authorized to act as attendants, and when so assigned are entitled to transportation and other necessary traveling expenses, but not to a fee therefor. They may be allowed per diem in lieu of subsistence upon issuance of authorization therefor, and will not be issued meal and lodging requests. Employees of the Veterans Administration will not be detailed as attendants if their regular duties require their presence at their stations. A full-time physician or nurse of a station may be assigned as an attendant to accompany a traveling beneficiary, only when, in the judgment of the chief medical officer or clinical director, such attendance is demanded in an individual case. Administrative officers, technical and other highly trained personnel (other than physicians or nurses as provided) will not be detailed as attendants. When proposed travel of a beneficiary is not at Government expense; the beneficiary, his guardian or representative requests assignment of a trained attendant from a station of the Veterans Administration; the services of the desired employee can be spared, and he is entitled to sufficient annual leave, his application for such leave for such purpose may be granted, provided that no expense of such service will be borne by the Government, and all arrangements therefor will rest between him and the beneficiary, his guardian or representative.

(D) In selecting an attendant due regard will be had to his physical vigor, personality, experience and fitness in general to perform his responsible duty.

(E) *Fees for attendance.* (1) A maximum fee of $5.00 for 24 hours of service; $2.50 for the first 6 hours or any fraction thereof; $1.25 for the next 6 hours or fraction thereof up to 12 hours; and $5.00 for any period of 12 hours or more up to 24 hours, may be authorized attendants. For any service in excess of 24 hours, the same fractional rates will be applied. Less than the maximum fees will be authorized if satisfactory service at lower rates can be procured in the community.

(2) A private physician employed as a physician-attendant may be allowed not to exceed $10 for 24 hours service, $5.00 for the first 6 hours or fraction thereof, $2.50 for the next 6 hours or fraction thereof up to 12 hours, and $10 for any period of 12 hours or more up to 24

hours. For physician-attendant service in excess of 24 hours, the same rates will apply. Upon specific authority from the medical director, a fee of more than $10 but not to exceed $20.00 per 24 hours, with corresponding fractioning of rates for periods less than 24 hours, may be paid a physician-attendant in exceptional cases.

(3) Fees will be authorized only for the time actually needed to complete the assignment, but not in excess of the time required for travel by available common carrier; unless it is specified in the authorization that, because of the condition of the claimant or beneficiary, travel is to be performed by ambulance or other special conveyance. In the latter event, authorization may be given for payment of the attendant's fee on the basis of time actually required for completion of the assignment by the specified mode of conveyance, without consideration of the travel time that would have been taken if a common carrier were used. An attendant on a fee basis, after delivery of the claimant or beneficiary to the point designated, will (unless instructed to accompany the claimant or beneficiary on his return to the place from which he proceeded) be required to complete his return trip without delay and by the mode of travel authorized. (September 1, 1939) (48 Stat. 9; 38 U.S.C. 706)

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 39-3189; Filed, August 30, 1939; 11:20 a. m.]

## *Notices*

### FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5222]

IN THE MATTER OF GREAT LAKES AND INLAND WATERS SURVEY

NOTICE OF HEARING

Notice is hereby given that hearings in the above-entitled matter will be resumed on September 7, 1939, at 10 o'clock a. m., in the offices of the Commission at Washington, D. C.

It is desired to obtain at this time all available information to date concerning the operation of radiotelephone facilities on the Great Lakes under the special temporary arrangement provided for by the Commission and the Canadian radio authorities.

Since it is intended that the coming session will be the last in this hearing, the Commission will welcome any additional information that may assist in determining what radio facilities are necessary or desirable for safety purposes on vessels navigating the Great Lakes and inland waters of the United States.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3187; Filed, August 30, 1939; 11:06 a. m.]

### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of August, A. D. 1939.

[File No. 32-165]

IN THE MATTER OF EDISON SAULT ELECTRIC COMPANY

ORDER RELATIVE TO ISSUE AND SALE OF BONDS AND STOCK

Edison Sault Electric Company (hereinafter called the "Company"), a subsidiary of American States Utilities Corporation, a registered holding company, having filed an application or declaration, and an amendment thereto, pursuant to Section 6 (b) or Section 7 (whichever is held applicable) of the Public Utility Holding Company Act of 1935 in regard to the issue and sale of (1) its First Mortgage Sinking Fund Bonds, Series B, 4½%, due October 1, 1961, in the principal amount of $60,000, and (2) 2,400 shares of its Common Capital Stock without par value (stated value $25 per share); the application or declaration having stated that the Company proposes to increase the stated value of 20,000 shares of its Common Capital Stock now outstanding from $22 a share to $25 a share by a charge of $60,000 to earned surplus, thus making uniform at $25 a share the stated value of the 32,000 shares of such stock now outstanding; and, insofar as the proposed increase in stated value of such shares may be classified as an alteration in the "priorities, preferences, voting power, or other rights of the holders of an outstanding security," the Company having requested that its application or declaration be treated as a declaration with respect thereto;

A public hearing having been held on said application or declaration, as amended, after appropriate notice;[1] no member of the public having requested an opportunity to be heard; the Commission having examined the record in this matter and having made and filed its findings and opinion herein;

*It is ordered*, That the issue and sale of the said Bonds and Stock be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935; and that the declaration with respect to the increase in the stated value of the shares of Stock of the Company be and become effective forthwith;

*It is further ordered*, That the following terms and conditions be imposed upon the Company:

(1) That the issue and sale of the Bonds and Stock shall be accomplished in accordance with the terms and conditions of and for the purposes represented by the application or declaration, as amended;

(2) That the exemption granted herein of the issue and sale of the Bonds and Stock shall terminate without further order of this Commission in the event that the authorization of the Michigan Public Service Commission shall be revoked or otherwise terminated;

(3) That within ten days after the issue and sale of the Bonds and Stock, the Company shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, the application or declaration, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3186; Filed, August 30, 1939; 10:52 a. m.]

[1] 4 F.R. 3428 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of August, A. D. 1939.

[File No. 32-168]

IN THE MATTER OF NEW YORK POWER AND LIGHT CORPORATION

ORDER RELATIVE TO ISSUE AND SALE OF BONDS, ETC.

New York Power and Light Corporation, a direct subsidiary of Niagara Hudson Power Corporation, and an indirect subsidiary of The United Corporation, a registered holding company, having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for the exemption from the provisions of Section 6 (a) thereof of the issue and sale by New York Power and Light Corporation of not to exceed $66,582,000 principal amount of its First Mortgage Bonds, 3⅜% Series due 1969 and 3½% Series due 1964, said bonds to be issued under the Indenture securing New York Power and Light Corporation's presently outstanding First Mortgage Bonds, 4½% Series due 1967, and a Supplemental Indenture dated as of August 1, 1939, as follows:

(a) Bonds of the 3⅜% Series due 1969 in an aggregate principal amount equal to the aggregate principal amount of New York Power and Light Corporation's presently outstanding First Mortgage Bonds, 4½% Series due 1967, which may be presented by the holders thereof in exchange for bonds of the 3⅜% Series due 1969, and

(b) Bonds of the 3½% Series due 1964 in an amount equal to the difference between $66,582,000 and the aggregate principal amount of Bonds of the 3⅜% Series due 1969 which may be issued in exchange for Bonds of the 4½% Series due 1967, but not more than $44,000,000 principal amount thereof, said Bonds of the 3½% Series due 1964 to be sold privately at a price to the New York Power and Light Corporation of not less than 106.5% of their principal amount plus accrued interest; and

New York Power and Light Corporation also having filed an application pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 for approval of the acquisition by New York Power and Light Corporation of such of its First Mortgage Bonds, 4½% Series due 1967, presently outstanding in the aggregate principal amount of $66,000,000, as may be presented in response to the proposed offer by New York Power and Light Corporation to issue its First Mortgage Bonds, 3⅜% Series due 1969, in exchange for Bonds of the 4½% Series due 1967, at par, and

A public hearing on the applications, as amended, having been duly held after appropriate notice;[1] no representatives of investors or consumers or members of the public having appeared or requested an opportunity to be heard; applicant having waived a Trial Examiner's report, submission to it of proposed findings of fact by the Commission or requested findings of fact by counsel to the Commission, and the right to file briefs and make oral argument before the Commission prior to the making of the Commission's findings herein and the entry of this order; and the Commission having as of the date hereof made and filed its findings herein;

*It is ordered*

(1) That the said issue and sale by New York Power and Light Corporation of its First Mortgage Bonds, 3⅜% Series due 1969 and 3½% Series due 1964 in the proposed amounts as set forth above be and the same hereby are exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935;

(2) That the said acquisition by New York Power and Light Corporation of those of its First Mortgage Bonds 4½% Series due 1967 as may be exchange for its First Mortgage Bonds 3⅜% Series due 1969 be and the same is hereby approved;

(3) That in connection with the said issue and sale of said First Mortgage Bonds of the 3⅜% Series due 1969, and of the 3½% Series due 1964, and the acquisition of said First Mortgage Bonds of the 4½% Series due 1967, the following terms and conditions be and they are hereby imposed upon New York Power and Light Corporation:

(a) That the issue and sale by New York Power and Light Corporation of its Bonds of the 3⅜% Series due 1969 and of the 3½% Series due 1964, and the acquisition by said New York Power and Light Corporation of its presently outstanding Bonds of the 4½% Series due 1967 pursuant to the Exchange Offer will be effected in accordance with the terms and conditions of, and for the purposes represented by, its applications, as amended, and in accordance with the terms and conditions of the order dated August 9, 1939 of the Public Service Commission of the State of New York;

(b) That if the express approval of the Public Service Commission of the State of New York of the issue and sale by New York Power and Light Corporation of its Bonds of the 3⅜% Series due 1969 and of the 3½% Series due 1964, or if the approval by said Commission of the acquisition by said Corporation of its Bonds of the 4½% Series due 1967 pursuant to the terms and conditions of the Exchange Offer, shall be revoked or otherwise terminated in whole or in part, this approval of said transactions shall immediately terminate to the same extent without further order of this Commission; and

(c) That within 10 days after consummation of said issue and sale by New York Power and Light Corporation of its Bonds of the 3⅜% Series due 1969 and of the 3½% Series due 1964 and said acquisition by said Corporation of Bonds of the 4½% Series due 1967, respectively, said Corporation shall file with this Commission Certificates of Notification showing that said issue and sale and said acquisition of bonds have been effected in accordance with the terms and conditions of, and for the purposes represented by, said Corporation's respective applications and in accordance with the terms and conditions of the order dated August 9, 1939, of the Public Service Commission of the State of New York.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3190; Filed, August 30, 1939; 12:35 p. m.]

[1] 4 F.R. 3668 DI.

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# FEDERAL REGISTER

VOLUME 4 NUMBER 169

*Washington, Friday, September 1, 1939*


## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### FEDERAL CROP INSURANCE CORPORATION

[F.C.I.R.—Series 1, No. 1, Supp. 9]

PART 401—WHEAT CROP INSURANCE REGULATIONS

AMENDMENT

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended by Public Law No. 691, 75th Congress, approved June 22, 1938, the Regulations Relating to Wheat Crop Insurance adopted by the Board of Directors of the Federal Crop Insurance Corporation on April 26, 1938, and approved by the Secretary of Agriculture on April 28, 1938, as amended,[1] are hereby further amended to read, as follows:

Section 81, as amended, is hereby amended to read, as follows:

§ 401.81 *Payment of indemnity in cash.* Except as may otherwise be provided by the Corporation, where an indemnity is to be paid in cash, the amount thereof shall be computed by multiplying the amount of loss, in terms of wheat of the basic class and grade specified for the payment of premiums in the area where the farm is located, by the current basic market price of such wheat at a basic market designated by the Corporation for the area in which the farm is located, less an amount per bushel, fixed by the Corporation, to cover freight and other usual charges in connection with the movement and handling of wheat between the local station fixed for the farm by the Corporation and the specified basic market. The current basic market price for any class or grade of wheat at any such designated basic market shall be the basic market price for such wheat for the day when ascertainment of the amount of loss is made by agreement between the insured and the adjuster, subject to the approval of the proof of loss for payment by a duly authorized officer of the Corporation.

Adopted by the Board of Directors on August 19, 1939.

[SEAL] R. M. EVANS,
*Acting Chairman.*

Approved, August 30, 1939.

HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3191; Filed, August 30, 1939; 2:41 p. m.]

[1] 4 F.R. 2856 DI.

### TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3810]

IN THE MATTER OF PURITAN UNDERGARMENT CORPORATION

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a) *Misbranding or mislabeling—Composition.* Representing, in connection with offer, etc., in commerce of women's wearing apparel, that respondent's products are composed of fibers or materials other than those of which they are actually composed, or representing that any garment or fabric has a stated percentage of wool unless, in fact, such garment or fabric does contain wool in the proportion stated, prohibited; subject to provision that order in question shall not be construed as permitting the use of the unqualified word "wool" to designate, describe or refer to any wool which is not virgin or unused wool. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Puritan Undergarment Corporation, Docket 3810, August 23, 1939]

§ 3.6 (c). *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a) *Misbranding or mislabeling—Composition.* Advertising, offering for sale or selling wearing apparel or fabrics composed in whole or in part of rayon, in connection with offer, etc., in commerce of women's wearing apparel, without clearly disclosing the fact that such garments or fabrics are composed of

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rayon, prohibited; subject to the provision that when such garments or fabrics are composed in part of other fibers or materials, such fibers or materials, including rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent; and subject to the further provision that the order in question shall not be construed as permitting the use of the unqualified word "wool" to designate, describe or refer to any wool which is not virgin or unused wool. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Puritan Undergarment Corporation, Docket 3810, August 23, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Puritan Undergarment Corp., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of women's wearing apparel in Commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that respondent's products are composed of fibers or materials other than those of which they are actually composed;

(2) Representing that any garment or fabric has a stated percentage of wool unless, in fact, such garment or fabric does contain wool in the proportion stated;

(3) Advertising, offering for sale or selling wearing apparel or fabrics composed in whole or in part of rayon without clearly disclosing the fact that such garments or fabrics are composed of rayon, and when such garments or fabrics are composed in part of rayon and in part of other fibers or materials, such fibers or materials, including rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent.

This order shall not be construed as permitting the use of the unqualified word "wool" to designate, describe or refer to any wool which is not virgin or unused wool.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] A. N. Ross,
*Acting Secretary.*

[F. R. Doc. 39-3193; Filed, August 31, 1939; 9:52 a. m.]

[Docket No. 3821]

IN THE MATTER OF SPRAGUE-KITCHEN & COMPANY

§ 3.6 (n) 2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of "Graolene" or other similar cosmetic preparation, which advertisements represent, directly or by implication, that said preparation is not a dye or is other than a dye, or will cause gray hair to change color without dyeing the hair; or that the use thereof will restore the original or natural color to gray hair, or will supply to the hair shaft the materials in which gray hair is deficient, or will cause the scalp, the hair or the roots of the hair to be normal or healthy; or that it is an effective remedy or cure for dandruff or itching scalp, or will stimulate the growth of hair; or is harmless or that the use thereof will produce no injurious effect, or which advertisements fail to reveal that the use of said preparation may produce a harmful or injurious effect particularly in the event that it is applied to skin on which there are lesions which have broken the continuity of the integument, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sprague-Kitchen & Company, Docket 3821, August 23, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF MARY ELOISE GAUSS, AN INDIVIDUAL TRADING AS SPRAGUE-KITCHEN & COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that she waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Mary Eloise Gauss, individually and trading as Sprague-Kitchen & Company, or trading under any other name or names, her agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of a cosmetic preparation now designated "Graolene", or any other cosmetic preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under that name or any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisements represent, directly or by implication, that said preparation is not a dye or is other than a dye, or will cause gray hair to change color without dyeing the hair; or that the use of said preparation will restore the original or natural color to gray hair, or will supply to the hair shaft the materials in which gray hair is deficient, or will cause the scalp, the hair or the roots of the hair to be normal or healthy; or that said preparation is an effective remedy or cure for dandruff or itching scalp; or will stimulate the growth of hair; or that said preparation is harmless or that the use thereof will produce no injurious effect, or which advertisements fail to reveal that the use of said preparation may produce a harmful or injurious effect particularly in the event that such preparation is applied to skin on which there are lesions which have broken the continuity of the integument.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] A. N. Ross,
*Acting Secretary.*

[F. R. Doc. 39-3194; Filed, August 31, 1939; 9:52 a. m.]



[Docket No. 3844]

IN THE MATTER OF THE WILLIAMS AND WILKINS COMPANY

§ 3.45 (c) (5) *Discriminating in price—Direct discrimination—Charges and prices.* Discriminating in price, in connection with offer, sale and distribution of medical and scientific books in interstate commerce, directly or indirectly between competing purchasers for resale of said books, as found in Paragraph Three of the findings as to the facts and conclusion, [i. e., as there specified, discounts from list of 20, 25, 30 and 35 per cent, as the case might be, to purchasers for resale in same area to same prospective customers, and at the same time, with effect of enabling some purchasers to buy said books at lower prices than competitor purchasers, to the injury of the less favored buyers, and in violation of Paragraph (a) of Section 2 of the Clayton Act, as amended] or directly or indirectly in any manner discriminating in price between competing purchasers for resale of respondent's medical and scientific books by granting or allowing differing discounts thereon, the effect whereof may be to substantially lessen competition or tend to create a monopoly in the line of commerce in which customers of the respondent are engaged or to injure, destroy or prevent competition with any customer receiving the benefit of such discrimination, except where such discount makes only due allowance for differences in the cost of manufacture, sale or delivery resulting from differing methods or quantities in which such medical and scientific books are to such purchasers sold, prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Supp. IV, sec. 13 (a)) [Cease and desist order, Williams and Wilkins Company, Docket 3844, August 23, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission and the answer filed herein by the respondent, The Williams and Wilkins Company, admitting all the material allegations of fact in the complaint to be true and waiving all intervening procedure and further hearing as to the said facts and the Commission having made its findings as to the facts and its conclusion, which findings and conclusion are hereby made a part hereof, that said respondent has violated the provisions of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and for other purposes", approved October 15, 1914, as amended by the Robinson-Patman Act approved June 19, 1936 (Title 15, Section 13);

*It is ordered*, That respondent, The Williams and Wilkins Company, a corporation, its officers, directors, representatives, agents and employees, in connection with the offering for sale, sale and distribution of medical and scientific books in interstate commerce for resale, do forthwith cease and desist from discriminating in price directly or indirectly by varying discounts between competing purchasers for resale of said books as found in Paragraph Three of the aforesaid findings as to the facts and conclusion, or from directly or indirectly in any other manner discriminating in price between competing purchasers for resale of respondent's medical and scientific books by granting or allowing differing discounts thereon, the effect whereof may be to substantially lessen competition or tend to create a monopoly in the line of commerce in which customers of the respondent are engaged or to injure, destroy or prevent competition with any customer receiving the benefit of such discrimination, except where such discount makes only due allowance for differences in the cost of manufacture, sale or delivery resulting from differing methods or quantities in which such medical and scientific books are to such purchasers sold.

*It is further ordered*, That the said respondent, The Williams and Wilkins Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] A. N. Ross,
*Acting Secretary.*

[F. R. Doc. 39-3195; Filed, August 31, 1939; 9:52 a. m.]

[1] 4 F.R. 3129 DI.

## TITLE 24—HOUSING CREDIT

### FEDERAL HOME LOAN BANK BOARD

AMENDMENT TO THE RULES AND REGULATIONS FOR THE FEDERAL SAVINGS AND LOAN SYSTEM

PROVIDING THAT FEDERAL ASSOCIATIONS SHALL MAINTAIN FIDELITY BONDS REQUIRED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

*Be it resolved*, That Section 202.12 of the Rules and Regulations for the Federal Savings and Loan System is hereby amended, effective September 1, 1939, to read as follows:

"§ 202.12 *Bonds for directors, officers, employees and agents.* Each Federal association shall provide and maintain a fidelity bond covering its directors, officers, employees or agents in the form and amount required by the Federal Savings and Loan Insurance Corporation." (Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132, 12 U.S.C. 1464 (a))

*Be it further resolved*, That this amendment is deemed to be of a minor and procedural character within the provisions of subsection (c) of Section 201.2 of the Rules and Regulations for the Federal Savings and Loan System.

Adopted by the Federal Home Loan Bank Board on August 28, 1939.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 39-3197; Filed, August 31, 1939; 10:13 a. m.]

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AMENDMENT TO THE RULES AND REGULATIONS FOR THE FEDERAL SAVINGS AND LOAN SYSTEM

PERMITTING FEDERAL ASSOCIATIONS TO PURCHASE MORTGAGES FROM INSTITUTIONS IN LIQUIDATION WITHOUT BOARD APPROVAL

*Be it resolved*, That no hearing having been requested in accordance with the provisions of paragraph (d) of Section 201.2 of the Rules and Regulations for the Federal Savings and Loan System after opportunity therefor had been allowed in accordance with paragraph (b) of said section, paragraph (b) of Section 203.13 of the Rules and Regulations for the Federal Savings and Loan System is hereby amended, effective September 1, 1939, to read as follows:

"(b) *Purchase of loans.* Federal associations shall primarily engage in lending their funds, but may incidentally purchase loans of a type which they are permitted to make; provided that no Federal association may purchase any mortgage from an affiliated institution, or of a type that it is not authorized to make originally, without the prior approval of the Board." (Sec. 5 (a) of H.O.L.A. of 1933. 48 Stat. 132; 12 U.S.C. 1464 (a))

Adopted by the Federal Home Loan Bank Board on August 28, 1939.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 39-3198; Filed, August 31, 1939; 10:13 a. m.]

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## FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

AMENDMENT TO RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

AUTHORIZING INSURED INSTITUTIONS TO MAKE 90% LOANS ON MORTGAGES INSURED BY THE FEDERAL HOUSING ADMINISTRATION

*Be it resolved*, That the words included within the parentheses in the second sentence of paragraph (4) of subsection (d) of Section 301.11 of the Rules and Regulations for Insurance of Accounts are hereby amended to read as follows:

"In no event greater than the percentum of appraised value permitted to be insured by the Federal Housing Administrator under the National Housing Act, as amended" (Sec. 403(b) of N.H.A., 48 Stat. 1257, Sec. 23, 49 Stat. 298; 12 U.S.C. and Sup. 1726(b))

*Be it further resolved*, That this amendment is deemed to be of a minor character within the provisions of subsection (c) of Section 301.22 of the Rules and Regulations for Insurance of Accounts.

Adopted by the Board of Trustees of the Federal Savings and Loan Insurance Corporation on August 30, 1939.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 39—3200; Filed, August 31, 1939; 10:15 a. m.]

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AMENDMENT TO THE RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

PROVIDING FOR THE MAINTENANCE OF FIDELITY BONDS BY INSURED INSTITUTIONS

*Be it resolved*, That no hearing having been requested in accordance with the provisions of paragraph (d) of Section 301.22 of the Rules and Regulations for Insurance of Accounts after opportunity therefor had been allowed in accordance with paragraph (b) of said section, Section 301.16 of the Rules and Regulations for Insurance of Accounts is hereby amended, effective September 1, 1939, to read as follows:

"§ 301.16 *Bonds for directors, officers, employees and agents—(a) Persons covered by, form of, and amount of bonds.* Each insured institution shall provide and maintain a fidelity bond in form acceptable to the Corporation covering each director, officer, or employee who has control over or access to cash or securities of the institution. Such bond may be in the form of individual bonds, a schedule fidelity bond, or a blanket bond covering all such persons. Each such bond shall be executed by a responsible surety company or other surety acceptable to the Corporation in minimum amounts as follows: (1) for institutions that have up to $1,250,000 in assets plus the unpaid balance of mortgages which the institution has contracted to service for others, $2,500 or 2% of such assets plus the unpaid balance of such mortgages, whichever is greater; (2) for institutions that have from $1,250,000 to $2,500,000 in assets plus the unpaid balance of mortgages which the institution has contracted to service for others, $25,000; (3) for institutions that have over $2,500,000 and not over $5,000,000 in assets plus the unpaid balance of mortgages which the institution has contracted to service for others, 1% of such assets plus the unpaid balance of such mortgages; (4) for institutions that have over $5,000,000 and not over $10,000,000 in assets plus the unpaid balance of mortgages which the institution has contracted to service for others, $50,000; (5) for institutions that have over $10,000,000 and not over $20,000,000 in assets plus the unpaid balance of mortgages which the institution has contracted to service for others, ½ of 1% of such assets plus the unpaid balance of such mortgages; (6) for institutions that have $20,000,000 or more in assets plus the unpaid balance of mortgages which the institution has contracted to service for others, $100,000. Such bond shall be approved by the board of directors of the insured institution and the premium thereon shall be paid by it. A true copy of such bond shall be filed with the Federal home loan bank of which such insured institution is a member or, if such insured institution is not a member, then with the Federal home loan bank of the district in which such insured institution is located, as agent for the Corporation, and either the original of such bond or a true copy thereof shall be kept in the principal office of such institution. If such insured institution is subject to inspection and supervision of some governmental agency having legal power and authority to inspect and supervise, such bonds shall contain a clause, in form approved by the Corporation, requiring the surety to notify such Federal home loan bank before cancellation or termination of the bond. For all other insured institutions such bonds shall contain clauses in form approved by the Corporation, empowering such Federal home loan bank, in the case of any loss covered by such bond, to give notice thereof to the surety within the periods limited therefor in such bond and requiring the surety to notify such Federal home loan bank before cancellation or termination of the bond. The use by an insured institution of a fidelity bond which covers in addition to the directors, officers and employees of such insured institution the directors, officers or employees of any other institution, agency or business is prohibited.

"(b) *Special types of bond coverage with Corporation approval; bonds for agents.* Upon application by any insured institution to the Corporation, together with a statement of the duties and responsibilities of its directors, officers, or employees, the Corporation may approve a bond on a different basis. In lieu of the bond provided in paragraph (a) of this section, in the case of agents appointed by an insured institution, the bond may be provided in an amount at least twice the average monthly collections of such agents, provided such agents shall be required to make settlement with the insured institution at least monthly, and provided such bond is approved by the board of directors of the insured institution. No bond need be obtained for any agent which is an insured institution or a bank insured by the Federal Deposit Insurance Corporation.

"(c) *Safe deposit business.* The bond or bonds required by this section shall protect the insured institution in a manner and amount satisfactory to the Corporation with respect to the operation of any safe deposit business transacted by such insured institution. (Sec. 403 (c) of N.H.A., 48 Stat. 1258; 12 U.S.C. 1726)"

Adopted by the Board of Trustees of Federal Savings and Loan Insurance Corporation on August 28, 1939.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 39-3196; Filed, August 31, 1939; 10:13 a. m.]

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## HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 2-202]

PART 402—LOAN SERVICE

EXPENSES AND ADVANCES IN SERVICING; PROCEDURE

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 402.12-1 is amended to read as follows:

"Any Regional Manager with the advice or approval of the Regional Counsel where required, may exercise the authority granted to the General Manager in Section 402.12. Such authority shall not be exercised by any State Manager except as may otherwise be provided in this title and in the Consolidated Manual, but State Managers shall make such recommendation to the Regional Manager as they may see fit in connection with their reports and other recommendations in any given case."

(Effective August 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] R. L. NAGLE, *Secretary.*

[F. R. Doc. 39-3199; Filed, August 31, 1939; 10:13 a. m.]

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## FEDERAL HOUSING ADMINISTRATION

SUBCHAPTER A—PROPERTY IMPROVEMENT LOANS

PART 501—PROPERTY IMPROVEMENT LOANS UNDER SECTION 2, TITLE I OF THE NATIONAL HOUSING ACT, AS AMENDED, EFFECTIVE JULY 1, 1939*†

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[Regulation I]

§ 501.1 *Citation.* These Regulations may be cited and referred to as "Regulations effective September 1, 1939, of the Federal Housing Administrator governing the insurance of qualified lending institutions against loss resulting from loans made under the provisions of Title I, Section 2, of the National Housing Act, as amended, effective July 1, 1939."

[Regulation II]

§ 501.2 *Definitions.* As used in these Regulations—

(a) The term "owner" includes, in addition to owners in fee, life tenants and persons holding an equity under a mortgage, trust or contract.

(b) The term "note" includes a note, bond, mortgage, or other evidence of indebtedness.

(c) The term "payment" includes a deposit to an account or fund.

(d) The term "installment payment" includes that deposit to an account or fund which represents the partial repayment of an advance of credit.

(e) The term "loan" includes any loan, advance of credit, or purchase of an obligation representing a loan or advance of credit for the purpose of financing eligible repairs, alterations or improvements as authorized by the National Housing Act, as amended, effective July 1, 1939, and by these Regulations.

(f) The term "Administrator" means the Federal Housing Administrator.

(g) The term "borrower" means one who is an eligible owner or lessee of real property to be improved pursuant to the provisions of the Act and who applies for and receives an advance of credit in reliance upon the provisions of the Act.

(h) The term "Act" means the National Housing Act, as amended, effective July 1, 1939.

(i) The term "Contract of Insurance" includes all of the provisions of these Regulations and of the applicable provisions of the Act.

(j) The term "insured institution" means any bank, trust company, personal finance company, mortgage company, building and loan association, installment lending company or other such financial institution which the Administrator has found to be qualified by experience or facilities and has approved as eligible for credit insurance and to which he has issued a Contract of Insurance effective July 1, 1939.

(k) The term "Class 1 loan" means any loan which is for the purpose of financing the repair, alteration or improvement of an existing structure or of the real property in connection therewith, exclusive of the building of new structures.

(l) The term "Class 2 (a) loan" means any loan which is for the purpose of financing the construction of a new structure which is not to be used in whole or in part either for residential or agricultural purposes.

(m) The term "Class 2 (b) loan" means any loan which is for the purpose of financing the construction of a new structure for use in whole or in part for agricultural purposes.

(n) The term "Class 2 loan" includes both "Class 2 (a)" and "Class 2 (b)" loans as defined in Sections 12 and 13 of this Regulation.

(o) The term "Class 3 loan" means any loan which is for the purpose of financing the construction of a new structure to be used in whole or in part for residential purposes.

(p) The term "Administration" means Federal Housing Administration.

[Regulation III]

§ 501.3 *Eligible notes.* Promissory notes in order to be eligible for insurance:

(a) Shall bear the genuine signature, as maker, of an owner of the real property to be improved or of a lessee thereof under a lease expiring not less than six calendar months after the maturity of the loan or advance of credit in the case of Class 1, Class 2 (a) and Class 2 (b) loans and shall bear the genuine signature, as maker, of an owner in fee simple of such real property or of a lessee thereof under a lease having at least thirty years to run from the date of the note in the case of Class 3 loans.

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*501.1 to 501.21, inclusive, issued under the authority contained in Public, No. 111—76th Congress (H. R. 5323), Section 2.

†The source of Sec. 501.1 to 501.21, inclusive, is regulations governing Property Improvement loans under section 2, Title I of the National Housing Act, as amended, effective Sept. 1, 1939.

(b) Shall be in a form which is valid and enforceable in the jurisdiction in which they are issued.

(c) Shall be payable in equal monthly, semi-monthly or weekly installments. The final installment may be slightly more or less than the other installments, subject to such exceptions as may be made by the Administrator. Notes may not provide for a first payment less than six days nor more than two calendar months from the date of the note in the case of Class 1 and Class 2 loans nor less than six days nor more than three calendar months from the date of the note in the case of Class 3 loans. However, if fifty-one percent or more of the income of the maker is derived directly from the sale of agricultural crops, commodities, or livestock produced by him, a note may be made payable in installments corresponding to income periods shown on the credit statement. In such cases, the first payment must be made within twelve months of the date of the note and at least one payment must be made during each calendar year thereafter and the proportion of total principal to be paid in later years must not exceed the proportion of total principal payable in earlier years.

(d) Shall contain a provision for acceleration of maturity, either automatic or at the option of the holder, in the event of default in the payment of any installment upon the due date thereof.

(e) Shall not have a final maturity in excess of three years and thirty-two days from the date thereof in the case of Class 1 and Class 2 (a) loans, nor in excess of ten years and thirty-two days in the case of Class 2 (b) loans, nor in excess of fifteen years and sixty-two days in the case of Class 3 loans.

(f) May provide for a late charge, to be paid by the maker, not to exceed five cents (5¢) for each $1.00 of each installment more than fifteen days in arrears. In lieu of late charges, notes may provide for interest on past due installments at a rate not in excess of the contract rate in the jurisdiction in which the note is drawn. No late charge or interest on a past due installment may be accrued in excess of $5.00. The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the Contract of Insurance.

(g) May be in a series provided each is of an equal amount as provided in this Regulation and that each note indicates on its face that it is one of a series signed by the same maker.

[Regulation IV]

§ 501.4 *Maximum loan.* (a) A loan shall not involve a principal amount, exclusive of financing charges to the borrower in excess of $2,500.

(b) No loan shall involve a principal amount outstanding at any one time, with respect to any one piece of property, in excess of $2,500 exclusive of financing charges to the borrower.

(c) One borrower may obtain any number of loans to improve any number of separate pieces of property, subject to the credit requirements contained in Section 501.6.

[Regulation V]

§ 501.5 *Maximum permissible financing charges.* (a) In the case of Class 1 and Class 2 loans, the maximum permissible financing charge which may be paid by the borrower for interest, discount and fees of all kinds in connection with the transaction may not be in excess of an amount equivalent to $5.00 discount per $100 original face amount of a one-year note, to be paid in equal monthly installments, calculated from the date of the note. In the case of Class 3 loans, the maximum permissible charge which may be paid by the borrower for interest, discount and fees of all kinds in connection with the transaction (subject to the provisions of 501.15 may not be in excess of an amount equivalent to $3.50 discount per $100 original face amount of a one-year note, to be paid in equal monthly installments, calculated from the date of the note. Such charges correctly based on tables of calculations issued by the Federal Housing Administrator are deemed to comply with this Regulation.

(b) If the insured institution in purchasing a note takes the maximum charge permitted by this Regulation, but employs a "holdback" and does not advance the entire proceeds of the note to the seller, it shall calculate its financing charge on the amount advanced and credit to the account of the seller the difference between the financing charge calculated on the face amount of the note and the financing charge calculated on the amount advanced.

(c) The acceptance of a voluntary payment of one or more installments prior to due date shall not be construed as increasing the maximum permissible financing charge as provided in Section 1 of this Regulation. However, if the entire balance outstanding on the loan is paid in advance the insured institution must make a rebate as follows:

(1) If the maximum permissible financing charge in connection with the transaction is in an amount equivalent to $5.00 discount as provided in Section 1 of this Regulation, the insured institution shall make a rebate at a rate not less than 5% per annum of the amounts so paid in advance of their due dates. If a lesser charge has been taken, the rebate shall be at not less than a proportional rate.

(2) If the maximum permissible financing charge in connection with the transaction is in an amount equivalent to $3.50 discount as provided in Section 1 of this Regulation, the insured institution shall make a rebate at a rate not less than 3½% per annum of the amounts so paid in advance of their due dates. If a lesser charge has been taken, the rebate shall be at not less than a proportional rate.

(d) An increase in the ratio of the charge to the average amount outstanding on the debt over the maximum provided in this Regulation, which increase results from the first payment falling due less than thirty days after the date of the note as provided in Section 3 of 501.2, shall not be deemed to be in conflict with this Regulation.

[Regulation VI]

§ 501.6 *Credits.* (a) The insured institution shall obtain a signed and dated Credit Statement-Application from the borrower, on a form approved by the Administrator. The Credit Statement-Application must, in the judgment of the insured institution, clearly show the borrower to be solvent, with reasonable ability to pay the obligation and in other respects a reasonable credit risk.

(b) A separate Credit Statement-Application is required in connection with each loan made or note purchased.

(c) An insured institution acting in good faith may rely upon the statements of the borrower who signs the Credit Statement-Application. The Administrator does not place upon the insured institution the burden of verifying the truth of any such statements. Even if such statements are investigated after the loan is made and found to be false, this will not affect in any way the eligibility of the note for insurance. However, any borrower making such false statement or misusing the funds, or any dealer, contractor, or lender who knowingly assists in such a violation, will be committing a Federal offense under the provisions of the National Housing Act. In all cases where the insured institution discovers a material misstatement in the Credit Statement-Application, or misuse of the funds, it must promptly report such a discovery to the Administrator.

(d) A loan shall not be made to a borrower who is delinquent at the time the loan is made, as to either principal or interest, with respect to an obligation owing to or insured by any department or agency of the Federal Government.

(e) The prior credit approval of the Administrator shall be obtained on all loans which increase the net amount outstanding, exclusive of financing charges, to any individual borrower to an amount in excess of $2,500 with respect to any obligation incurred pursuant to the provisions of Title I of the National Housing Act since July 1, 1939.

[Regulation VII]

§ 501.7 *Eligible improvements.* (a) A loan must be for the purpose of financing eligible improvements within the United States, its Territories and Possessions, commenced on or after July 1, 1939 and prior to July 1, 1941, in reliance upon the credit facilities afforded by Title I of the National Housing Act as approved June 3, 1939.

(b) The proceeds of a loan shall be used only to finance alterations, repairs and improvements upon urban, suburban or rural real property (including the restoration, rehabilitation, rebuilding and replacement of such improvements which have been damaged or destroyed by earthquake, conflagration, tornado, cyclone, flood or other catastrophe).

(c) The proceeds of a loan shall not be used to finance the cost of completing an unfinished structure.

(d) The proceeds of a Class 1 loan shall be used only to finance the cost of alterations, repairs and improvements upon or in connection with existing structures. The term "existing structure" means a completed building that has or had a distinctive functional use.

(e) The proceeds of a Class 2 or Class 3 loan shall not be used to supplement another loan or advance of credit not reported for insurance, the payment of which is secured by a prior lien created in connection with the building of such new structure.

(f) The proceeds of a loan shall not be used for the purchase of land.

(g) The proceeds of a loan may be used to pay for architectural and engineering services performed in connection with eligible alterations, repairs or improvements financed in accordance with these Regulations.

(h) The proceeds of a loan shall not be used for the purpose of refinancing existing obligations not previously reported for insurance pursuant to these Regulations.

(i) Where any doubt exists as to the eligibility of a transaction which is to be financed with an insured loan, the facts of the case should be submitted to the Administrator for a decision and ruling.

[Regulation VIII]

§ 501.8 *Effect of prior mortgages insured or held by the Administrator.* If the applicant's Credit Statement-Application reveals that the property to be improved, altered or repaired with proceeds of a loan applied for pursuant to the terms of Title I of the National Housing Act, as amended, is already the subject of a mortgage held by the Administrator or insured by him under the provisions of Title II of the National Housing Act, the loan application shall be submitted to the Administrator for prior approval only as to credit and as to the purpose for which the proceeds of the loan applied for are to be used: *Provided, however,* That no such approval shall be deemed to be binding upon the Administrator with respect to compliance with any other provisions of these Regulations or the eligibility of the proposed alterations, repairs or improvements for financing under Title I of the National Housing Act, as amended.

[Regulation IX]

§ 501.9 *Completion certificate—Statements.* (a) An insured institution may not disburse the proceeds of a Class 1 or a Class 2 loan to one other than the borrower or to the borrower and another jointly until it has first:



(1) Obtained a Completion or Installation Certificate signed by the borrower in the following, or a substantially similar, form:

BORROWER'S COMPLETION CERTIFICATE

NOTICE TO BORROWER—*Do not sign this Certificate until the work is satisfactorily completed*[1]

Dated at _____
_____, 19__

I (we) the undersigned hereby certify that all articles and materials have been furnished and installed and the work satisfactorily completed on premises at _____ in accordance with my application for a loan dated _____ pursuant to the provisions of Title I of the National Housing Act, as amended.

(Signature) _____
_____

[1] (Insured Institution please note) The wording "Notice to borrower—Do not sign this Certificate until the work is satisfactorily completed", must be in type size at least three times the size of the next largest type appearing on the form of Borrower's Completion Certificate.

(2) Obtained a statement signed by the dealer, contractor or applicator in the following, or a substantially similar, form:

DEALER/CONTRACTOR/APPLICATOR STATEMENT

_____, 19__

To The _____
(lending institution) of _____.

In consideration of your accepting the note of _____
(Name of borrower(s)) for $_____, dated _____, we (I) hereby certify that all articles and materials contracted for have been furnished and installed and the work fully completed, that the signature(s) on the note and Completion Certificate are genuine, that the Completion or Installation Certificate was signed after the articles and materials contracted for had been furnished and installed and the work fully completed.

(Signature) _____
(Name)
_____
(Title)

(3) A written authorization signed by the borrower authorizing payment of the proceeds to the person to whom paid, in the following, or a substantially similar, form:

BORROWER'S AUTHORIZATION FORM

_____, 19__

I (we) hereby authorize and direct the _____ (financial institution) to pay $_____ of the proceeds of my (our) note dated _____, for $_____ to _____.

(Signature) _____
_____

(b) For the purpose of this Regulation, if there are two or more eligible borrowers involved in the transaction only one signature is required on the Completion Certificate or Authorization Form.

[Regulation X]

§ 501.10 *Refinancing.* (a) New obligations to liquidate loans previously reported for insurance pursuant to Title I of the Act effective July 1, 1939 which may or may not include an additional amount advanced will be covered by insurance, provided:

(1) They meet the requirements of all applicable regulations;

(2) Are reported to the Administrator on the proper form within 31 days from date of execution;

(3) Have a maturity not in excess of the maximum permitted under these Regulations from the date of the original obligation;

(4) If an additional advance is made, the full unearned charge on the original note shall be refunded to the borrower;

(5) If no additional advance is made, the full unearned charge on the original note shall be refunded to the borrower, except that a handling charge not in excess of $2.00 may be assessed to the borrower;

(6) They are evidenced by notes which meet with the requirements of 501.3 and other applicable Regulations.

(b) An agreement to defer payments on a note previously reported for insurance under these Regulations without rewriting the note will not affect the insurance coverage on the loan provided:

(1) That such agreement is evidenced in writing;

(2) That payments shall not be deferred for more than five months from the due date of the last fully-paid installment.

(3) That such agreement shall not extend the final maturity of the obligation beyond the maturity date of the obligation as provided by its original terms;

(4) That if the lending institution assesses the borrower for the cost of such deferment, such charge may not be in excess of an equivalent amount of late charges as provided in Section 6, 501.3.

[Regulation XI]

§ 501.11 *Report of loans.* Eligible loans shall be reported on the proper form to the Federal Housing Administration, Washington, D. C., within 31 days from the date of the note, or the date upon which it was purchased, in order to be covered by the insurance. All loans refinanced shall likewise be reported within 31 days, on the proper form. In any case, the Administrator may, in his discretion, accept a late report.

[Regulation XII]

§ 501.12 *Claims.* (a) Claim for reimbursement for loss on a qualified Class 1 or Class 2 loan shall be made as provided in this Section.

(1) (i) Claim for reimbursement for loss on a qualified loan may be made to the Administrator after default on any installment, provided demand has been made upon the debtor for the full unpaid balance.

(ii) For the purpose of this Section, any payment received on an account, including payments on a judgment predicated thereon, shall be applied to the earliest unpaid installment, and whenever any installment is six months in arrears claim shall be made within 31 days.

(iii) In the case of yearly installment notes, whenever an installment is twelve months in arrears claim must be made within 31 days thereafter.

(iv) Upon presentation to him of the facts of a particular case within the allowable claim period prescribed in this Section, the Administrator may, in his discretion, extend the time within which claim must be made.

(2) Subject to 501.16 claim may be made only for loss sustained by the insured institution itself, and may include:

(i) Net unpaid amount of advance actually made or the actual purchase price of the note, whichever is the lesser;

(ii) Uncollected earned interest (after default interest is not to be claimed at a rate to exceed 4% per annum and will be calculated to the date the claim is approved for payment);

(iii) Uncollected court costs, including fees paid for issuing, serving and filing summons;

(iv) Attorney's fees not exceeding 15% of the amount collected by the attorney on the defaulted note;

(v) Handling fee of $5 for each loan, if judgment is secured, plus 5% of amounts collected subsequent to return of unsatisfied property execution;

(vi) An insured institution may not waive its claim against the borrower for attorney fees and subsequently call upon the Administrator for payment of such an item.

(3) Claim shall be made on a form provided by the Administrator, filled out completely and executed in duplicate by a duly qualified officer of the insured institution. If the Regulations have been complied with, payment of the loss will be made on audit of the claim and upon proper assignment to the United States of America, of the note upon which the loss occurred, together with any security taken to secure payment thereof. Any security or judgment taken must be assigned, and if any claim has been filed in bankruptcy, insolvency or probate proceedings, such claim shall likewise be assigned to the United States of America.

(4) Where a real estate mortgage, deed of trust, or a conditional sales contract, chattel mortgage or any other security device has been used to secure the payment of loans for eligible purposes, the insured institution may not both proceed against such security and also make claim under its Contract of Insurance, but shall elect which method it desires to pursue. If claim is made, such security device shall be assigned, in its entirety, to the United States of America. If the security taken is non-assignable, all rights in such security shall be exhausted by the insured institution or the claim against the Administrator reduced by the full face amount of the security taken before claim will be paid by the Administrator.

(5) The following form of assignment properly dated shall be used in assigning a note, judgment, real estate mortgage, deed of trust, conditional sales contract, chattel mortgage or any other security device in event of claim:

All right, title and interest of the undersigned is hereby assigned (without warranty, except that the note qualifies for insurance) to the United States of America.

---
(Financial institution)

By ---

Title ---

--- (date)

(b) Claim for reimbursement for loss on a qualified Class 3 loan shall be made as provided in this Section.

(1) If the borrower fails to make any payment, or to perform any other covenant or obligation under the mortgage, and such failure continues for a period of thirty (30) days, the note shall be considered in default and at any time within one year from the date of default the insured institution, at its election, shall either—

(i) Acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(ii) Commence foreclosure of the mortgage; provided, that if the laws of the State in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the lending institution shall commence such foreclosure within sixty (60) days after the expiration of the time during which such foreclosure is prohibited by such laws.

(iii) Nothing herein contained shall be construed so as to prevent the lending institution, with the written consent of the Administrator, from taking action at a later date than herein specified.

(2) For the purposes of this section, the date of default shall be considered as thirty (30) days after (a) the first uncorrected failure to perform a covenant or obligation, or (b) the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

(3) If after default and prior to the completion of foreclosure proceedings, the borrower shall pay to the insured institution all monthly payments in default and such expenses as the insured institution shall have incurred in connection with the foreclosure proceedings, no claim for reimbursement under the Contract of Insurance can be made and the insurance shall continue as if such default had not occurred.

(4) If the default is not cured as aforesaid, and if the lending institution has otherwise complied with the provisions of this Regulation, and at any time within thirty (30) days (or such further time as may be necessary to complete the title examination and perfect such title) after acquiring possession of the mortgaged property by foreclosure, or by other means in accordance with this Regulation, tenders to the Administrator possession of, and a deed containing a covenant which warrants against the acts of the lending institution and all claiming by, through, or under it, conveying good merchantable title to, such property undamaged by fire, earthquake, flood, or tornado, the Administrator shall promptly accept conveyance of such property and, subject to 501.76, payment of loss sustained by the institution will be made as follows:

(i) Net unpaid amount of advance actually made or the actual purchase price of the note, whichever is the lesser;

(ii) Uncollected earned interest (after default interest is not to be claimed at a rate to exceed 4% per annum for the first six months nor thereafter to exceed 3% per annum and will be calculated to the date the claim is approved for payment);

(iii) Actual legal expenses incurred by the lending institution and approved by the Administrator in connection with the foreclosure proceedings, or the acquisition of the mortgaged property otherwise, and the conveyance thereof to the Administrator up to but not to exceed $75.00.

(iv) The amount of all payments which have been made by the lending institution for taxes, ground rents, special assessments, and water rates which are liens prior to the mortgage, and fire and hazard insurance premiums from the date of default, less any amount received by the lending institution from any source relating to the property on account of rent or other income, after deducting reasonable expenses incurred in handling the property.

(5) Evidence of title of the following types will be satisfactory to the Administrator:

(i) A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such; or

(ii) an abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by the legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles; or

(iii) a Torrens or similar title certificate; or

(iv) evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

(v) Such evidence of title shall be furnished without cost to the Administrator and shall be executed as of a date to include the recordation of the deed to the Administrator, and shall show that, according to the public records, there are not, at such date, any outstanding prior liens, including any past due and unpaid ground rents, renewal taxes, or special assessments. If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence will be satisfactory to the Administrator and will be considered by him as good and merchantable.

(vi) The Administrator will not object to the title by reason of the following matters, provided they are not such as to impair the value of the property for residence purposes.

(a) Customary easements for public utilities, party walls, driveways, and other purposes; customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(b) Such restrictions when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Administrator;

(c) Slight encroachments by adjoining improvements;

(d) Outstanding oil, water, or mineral rights, which do not impair the value of the property for residence purposes, or which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

[Regulation XIII]

§ 501.13 *Class 3 loans.* A Class 3 loan in order to be eligible for insurance:

(a) Shall not be in excess of $2,500 exclusive of financing charges to the borrower.

(b) Shall not have a maturity in excess of fifteen years and sixty-two days from the date of the note.

(c) Shall be expended solely for the purpose of erecting a new residential structure.

(d) Shall be made to a borrower who is the fee simple owner of the land upon which the new structure is to be built or who holds such land under a lease, approved by the Administrator, having a term of at least thirty years to run from the date of the note, and who establishes to the satisfaction of the insured institution that, in addition to the loan, he has an investment in the property in cash, in land, or in an interest in the land in an amount equal to at least five per centum of the appraised value of the completed property as determined by the insured institution.

(e) Shall be secured by collateral security in the form of a duly recorded first mortgage, first deed of trust or similar instrument which constitutes a first lien upon such fee simple or leasehold interest in the land and all buildings, appurtenances and improvements thereon.

(f) Shall comply with the following requirements:

(1) Prior to making the loan the insured institution shall obtain from the borrower a signed Certificate of Conformity, approved as to form by the Administrator, containing the necessary information from which it can determine conformity with the requirements of 501.14 and this Regulation, together with plans or sketches and specifications sufficient to form the basis for an appraisal by the insured institution of the value of the completed property.

(2) Prior to making the loan the insured institution shall make an estimate of the value of the property when the proposed improvements are completed and shall certify to the local insuring office of the Administration the amount of such appraisal and that the requirements of Section 4 of this Regulation are complied with. Such certificate shall be accompanied by the Certificate of Conformity, the plans or sketches and specifications and other data which are adequate to determine conformity. A payment of $10.00 to the Administrator shall accompany the certificate to cover the services of the Administration in examining the loan.

(3) Prior to making the loan the insured institution shall obtain from the local insuring office of the Administration a certificate approving the loan subject to the provisions of this Regulation.

(Approval shall not be given if, (1) the specific site is acceptable for development with the proceeds of a mortgage insurable under the provisions of Title II of the National Housing Act; except Section 203 (d); or, (2) the proposed new structure is not substantially similar in type and size to existing typical structures in the neighborhood; or, (3) at the time and in the community such large numbers of new single family dwellings have been or are being erected as to jeopardize the levels of values and rents in the community or impair the continued marketability of such dwellings.)

(4) Prior to disbursing the proceeds of the loan or any portion thereof, the insured institution shall satisfy itself either that (1) the structure has been completed in accordance with the plans or sketches and specifications upon which the valuation certificate was based, or (2) in the case of progress payments during construction, that the value of the work done and materials on the site at the time of any such progress payment is equal to at least one hundred and ten per cent of such payment plus all such progress payments theretofore made, or that any such progress payment is due under a schedule of payments set out in the building contract. Prior to making the payment under alternative (1) above, the insured institution shall obtain a certificate signed by the borrower and the builder to the effect that the house has been completed in accordance with the plans or sketches and specifications.

(5) The approval provided for in Paragraph (a) of this Section shall not relieve the insured institution from compliance with all other Regulations.

[Regulation XIV]

§ 501.14 *New dwelling structure requirements.* A new structure which is to be used in whole or in part for residential purposes shall conform with the following conditions:

(a) Such new structure shall be erected in conformity with all applicable laws, ordinances and regulations, including codes, zoning ordinances, and health regulations.

(b) *Property requirements*—(1) *Minimum land area for any one dwelling.* (i) Where public water supply and public sewer are available the minimum land area for any one dwelling shall be 4,000 square feet, except in those areas wherein there is seasonal occupancy (examples of such areas are summer camps, resort properties, and those properties not generally used as year-round residences), or wherein the existing lots have been platted prior to February 3, 1938, with smaller land areas, in which cases there is no minimum land area.

(ii) Where public water supply is available and private sewage disposal system (cesspool or septic tank) is used, or where public water supply is not available but a public sewer is available, the minimum land area shall be 7,500 square feet. This area may be reduced when the installation of the proposed private sewage disposal system is in conformity with state regulations, and the written approval or acceptance is received from the local health officer, but, in no event, shall such land area be less than 4,000 square feet.

(iii) Where neither a public sewer nor a public water supply is available the minimum land area shall be 20,000 square feet. This area may be reduced when the private water supply and the proposed private sanitary facilities (cesspool, septic tank or outdoor toilet) are in conformity with state regulations and written approval or acceptance is received from the local health officer, but in no event shall such land area be less than 4,000 square feet.

(c) *Structural requirements*—(1) *Foundations.* (i) All foundations shall be of masonry and shall be pier, wall or slab construction.

(ii) Foundations other than slab foundation shall be carried below the frost line prevailing in the neighborhood.

(iii) No wood construction shall be less than 18 inches from the ground in unexcavated portions, and 8 inches from the ground on the exterior, except where masonry slab foundation is employed, in which case exterior wood construction shall be at least 8 inches above the finished grade.

(2) *Minimum floor area* of the dwelling shall be 360 square feet. In the case of seasonal occupancy, the requirement with respect to minimum floor area need not apply.

(3) *Windows.* All habitable rooms, including bathrooms, shall be provided with one or more windows to permit adequate natural light and ventilation.

(4) *Water supply.* (i) When public water supply is available, connection shall be made to public water main.

(ii) When public water supply is not available, a private water supply shall be on the mortgaged property and may be a drilled, driven or dug well or a natural spring.

(5) *Sewage disposal.* (i) When a water supply (private or public) and public sewer are available, a bathroom shall be provided and running water shall be piped and connected to all plumbing fixtures and the kitchen sink and connections shall be made to public sewer main.

(ii) When public water supply is available, but a public sewer is not available, a bathroom shall be provided and running water shall be piped and connected to all plumbing fixtures and the kitchen sink *and a cesspool or septic tank shall be installed.*

(iii) When public water supply is not available, the requirements of (2) are not applicable.

(d) The above conditions may be varied under special circumstances and in certain areas upon prior approval of the Administrator.

[Regulation XV]

§ 501.15 *Allowable Class 3 loan fees.* (a) In addition to the maximum permissible financing charge which may be paid by the borrower in connection with a Class 3 loan as provided in 501.5, the following allowable costs or expenses if incurred by the insured institution in connection with the transaction may be collected from the borrower, provided such costs or expenses are not paid from the net proceeds advanced to the borrower:

(a) Recording fees.
(b) Title examination fees.
(c) Fire Insurance Premiums.
(d) Total actual appraisal fee not in excess of $10.00.
(e) The $10.00 paid to the Administrator for examining the loan.

(b) The borrower may pay to the lending institution and the lending institution may accept from the borrower a sum which will be sufficient to pay the ground rents, if any, and the estimated taxes and special assessments for the period beginning on the date to which such ground rents, taxes, and assessments were last paid and ending on their due date. The handling of such funds for the accommodation of the borrower shall not be construed as increasing the maximum permissible financing charge provided in 501.5.

[Regulation XVI]

§ 501.16 *Insurance reserve.* (a) Subject to the limitation that his total liability which may be outstanding at any one time plus the amount of claims paid in respect of all insurance heretofore and hereafter granted shall not exceed $100,000,000, the Administrator, in accordance with 501.12 will reimburse any insured institution for losses sustained by it up to a total aggregate amount equal to 10% of the total amount advanced by it during the time its Contract of Insurance is in force, on all eligible obligations previously reported for insurance, taken or purchased by it on and after July 1, 1939, and held by it, or on which it remains liable.

(b) If obligations previously reported for insurance under Contracts of Insurance issued pursuant to the National Housing Act, as amended, effective July 1, 1939, are sold to another insured institution endorsed with or without reing to the credit of the selling institutions may agree, with the prior approval of the Administrator, to transfer all or any part of the insurance reserve standing to the credit of the selling institution, to the purchasing institution. Where the parties agree to transfer an insurance reserve in excess of 10% of the actual purchase price of the obligations involved, or in excess of 10% of the net unpaid original advance on the obligations involved, whichever is the lesser, the entire insurance reserve transferred may be used to pay only those claims arising out of defaults occurring in the transferred obligations. When the obligations so transferred have all been fully paid to the purchasing institution, it shall so notify the Administrator, and any insurance reserve remaining unused shall thereupon revert to the institution from which it was originally transferred.

(c) Where the parties agree to transfer an insurance reserve not in excess of 10% of the actual purchase price of the obligations involved or not in excess of 10% of the net unpaid original advance on the obligations involved, whichever is the lesser, the insurance reserve so transferred will be credited to the general reserve of the purchasing institution in the absence of any agreement to the contrary between the purchasing and selling institutions.

(d) The transfer of insurance reserve in cases of merger or consolidation of two or more insured institutions, or of an insured with an uninsured institution, will be provided for by the Administrator in accordance with the facts of the particular case.

(e) In all cases involving the transfer of insured obligations, the reports required by 501.11 must be filed and shall indicate the intent of the parties with regard to the transfer of the insurance reserve, and must show that no note to be transferred is delinquent more than one calendar month at the time of such transfer.

(f) Where the notes are transferred without recourse, guarantee, or repurchase agreement and the reports do not indicate the intent of the parties, the insurance reserve will be transferred to the general reserve of the purchasing institution on the basis of 10% of the actual purchase price of the obligations involved, or 10% of the net unpaid original advance on the obligations involved, whichever is the lesser.

(g) Where the transfer of the obligations is with recourse or under a guarantee or purchase agreement and the required reports do not show the intent of the parties, no insurance reserve will be transferred.

(h) The selling price on the transfer of an insured note between insured institutions will not affect the insurance on the note. The calculation of insured loss will be based on the original transaction of the institution first reporting the loan for insurance.

(i) Where notes reported for insurance by one insured institution are pledged to another insured institution as security for a loan, an assignment of the pledging institution's insurance reserve may be made with the prior consent of the Administrator provided requests for such consent are accompanied by a signed agreement between the two institutions.

(j) Amounts which may be salvaged by the Administrator with respect to a loan in connection with which an institution has been reimbursed under its Contract of Insurance shall not be added to the insurance reserve remaining to the credit of such institution.

[Regulation XVII]

§ 501.17 *Insurance charge.* (a) Insured institutions shall pay to the Administrator an insurance charge equal to three-fourths of 1 per centum per annum of the net proceeds of any Class 1 or Class 2 loan and one-half of 1 per centum per annum of the net proceeds of any Class 3 loan reported for insurance for the entire term of such loan.

(b) The insurance charge so calculated for Class 1 and Class 2 loans shall be paid by check or draft to the order of the Federal Housing Administrator, within 25 days after the date the Administrator acknowledges receipt to the insured institution of the report of any such loan; the insurance charge so calculated for Class 3 loans shall be payable in the same manner but may be paid annually in advance during the term of the loan, provided the initial annual installment is paid within 25 days after the date the Administrator acknowledges receipt to the insured institution of the report of any such loan and each subsequent annual installment is paid annually thereafter on the anniversaries of the first day of the month following the date of the note. In the event the loan is paid in full prior to maturity or in the event the insured institution conveys title to the property to the Administrator in accordance with the provisions of 501.12, the insured institution shall pay to the Administrator at the time of such payment in full or conveyance of the title the amount of all unpaid insurance charges for the unexpired term of the loan.

(c) When the proceeds of any loan are used to liquidate a loan previously reported for insurance under these Regulations, there shall be deducted from the amount of the insurance charge the prorata share of the insurance charge paid on the original obligation.

(d) There shall not be refunded any portion of the insurance charge paid by the insured institution with respect to any loan, unless it is subsequently found to have been in whole or in part ineligible for insurance, in which event the insurance charge paid with respect to the ineligible portion of the advance shall be refunded by the Administrator to the insured institution.

(e) The purchaser of an insured obligation shall not be required to pay the insurance charge provided in this Regulation with respect to the insurance of any obligation transferred under the provisions of 501.16 with respect to which an insurance charge has previously been paid by the seller, and no refund shall be made to the seller as to any part of the insurance charge previously paid with respect to any obligation so transferred. Any adjustments of the insurance charge paid with respect to the insurance of any obligation transferred shall be made between the purchaser and the seller.

(f) No part of the insurance charge paid by the insured institution shall be passed on to the borrower either directly or indirectly nor shall it increase the maximum permissible charge which may be paid by the borrower for interest, discount and fees of all kinds in connection with the transaction as provided in these Regulations.

(g) Subject to the other provisions of these Regulations, the insurance granted under Title I of the National Housing Act, as amended, shall be effective with respect to any loan from the date of the report thereof to the Administrator provided that the insurance charge with respect to such loan has been paid as required by this Regulation.

[Regulation XVIII]

§ 501.18 *Administrative reports and examination.* The Administrator, in his discretion, may at any time or from time to time call for a report from any institution on the delinquency status of the obligations held by such institutions and reported for insurance or call for such reports as he may deem to be necessary in connection with these Regulations, or he or his authorized representative may inspect the books or accounts of the lending institution as they pertain to the loans reported for insurance.

[Regulation XIX]

§ 501.19 *Amendments.* These Regulations may be amended by the Administrator at any time and from time to time, in whole or in part, but such amendment shall not affect the insurance with respect to any loan made or obligation purchased prior to the issuance of such amendment.

[Regulation XX]

§ 501.20 *Effective date.* These Regulations are effective September 1, 1939 and govern the insurance of property improvement loans under Title I of the National Housing Act, as amended by act of Congress, approved June 3, 1939, and shall have the same force and effect as if included in and made a part of each Contract of Insurance. These Regulations supersede all Regulations heretofore in effect, including Special Regulations and Questions and Answers governing Section 6 loans.

Issued at Washington, D. C., August 24, 1939.

STEWART MCDONALD,
*Federal Housing Administrator.*

[F. R. Doc. 39-3208; Filed, August 31, 1939; 11:06 a. m.]

## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4930]

STAMP TAXES ON ISSUES AND TRANSFERS OF STOCKS AND BONDS, PASSAGE TICKETS, FOREIGN INSURANCE POLICIES, AND DEEDS OF CONVEYANCE

*To Collectors of Internal Revenue and Others Concerned:*

Section 402 of the Revenue Act of 1939, approved June 29, 1939 (Public, No. 155, 76th Cong., 1st sess.), provides:

SEC. 402. TAX ON TRANSFERS OF WORTHLESS SECURITIES BY EXECUTOR, ETC.

Section 1802 (b) of the Internal Revenue Code (relating to the tax on transfers of capital stock and similar interests) is amended by inserting at the end thereof the following new paragraph:

The tax imposed by this subsection shall not be imposed upon any delivery or transfer by an executor or administrator to a legatee, heir, or distributee of shares or certificates of stock if it is shown to the satisfaction of the Commissioner that the value of such shares or certificates is not greater than the amount of the tax that would otherwise be imposed on such delivery or transfer.

Pursuant to the above amendment, Regulations 71, approved July 16, 1932, as amended (Part 111 of Title 26, Code of Federal Regulations), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885,[1] approved February 11, 1939 (Part 465, Subpart B, of Title 26, Code of Federal Regulations), under the authority contained in section 3791 of the Internal Revenue Code, are amended as follows:

Article 35 (section 111.35 of such Title 26), as amended by Treasury Decision 4888,[2] approved March 9, 1939, is further amended by adding the following new subparagraph at the end thereof:

"(w) Delivery or transfer by an executor or administrator after 10 p. m., eastern standard time, June 29, 1939, to a legatee, heir, or distributee of shares or certificates of stock if it is shown to the satisfaction of the Commissioner that the value of such shares or certificates is not greater than the amount of the tax that would otherwise be imposed on such delivery or transfer."

(This Treasury decision is prescribed pursuant to section 1802 (b) of the Internal Revenue Code (53 Stat., Part 1), as amended by section 402 of the Revenue Act of 1939 (Public, No. 155, 76th Cong., 1st sess.) and section 3791 of the Internal Revenue Code.)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, August 29, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3201; Filed, August 31, 1939; 10:41 a. m.]

[T. D. 4931]

SERVICES EXCEPTED FROM "EMPLOYMENT" UNDER SECTION 1607 (C) OF THE INTERNAL REVENUE CODE BY REASON OF THE PROVISIONS OF SECTION 13 (A) OF THE RAILROAD UNEMPLOYMENT INSURANCE ACT

*To Collectors of Internal Revenue and Others Concerned:*

Section 13 (a) of the Railroad Unemployment Insurance Act, approved June 25, 1938 (52 Stat. 1110; 42 U.S.C., Sup. IV, 1107 (c) (8)), provides:

Effective July 1, 1939, section 907 (c) of the Social Security Act is hereby amended by substituting a semicolon for the period at the end thereof, and by adding: "(8) service performed in the employ of an employer as defined in the Railroad Unemployment Insurance Act and service performed as an employee representative as defined in said Act."

Section 1607 (c) of subchapter C of chapter 9 of the Internal Revenue Code, as enacted February 10, 1939 (53 Stat., Part 1), which supersedes section 907 (c) of the Social Security Act, provides:

EMPLOYMENT. The term "employment" means any service, of whatever nature, performed within the United States by an employee for his employer, except—
(1) Agricultural labor;
(2) Domestic service in a private home;
(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

[1] 4 F.R. 879 DI.

[2] 4 F.R. 1185 DI.

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States;

(6) Service performed in the employ of a State, a political subdivision thereof, or an instrumentality of one or more States or political subdivisions;

(7) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

Section 22 of the Act of June 20, 1939 (Public, No. 141, 76th Congress), provides:

The provisions of the Railroad Unemployment Insurance Act, as herein amended, shall be in full force and effect notwithstanding the enactment of the Internal Revenue Code.

Regulations 90, approved February 17, 1936 (Part 400, Title 26, Code of Federal Regulations),[1] as made applicable to the Internal Revenue Code by Treasury Decision 4885,[2] approved February 11, 1939 (Part 465, Subpart B, of such Title 26), are amended as follows, in order to conform with the above-quoted provisions of law:

(1) Immediately preceding article 1 (section 400.1, Title 26, Code of Federal Regulations), as made applicable to the Internal Revenue Code, the following is inserted:

SECTION 13 (a) OF THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Effective July 1, 1939, section 907 (c) of the Social Security Act is hereby amended by substituting a semicolon for the period at the end thereof, and by adding: "(8) service performed in the employ of an employer as defined in the Railroad Unemployment Insurance Act and service performed as an employee representative as defined in said Act."

(2) Article 203 (section 400.203, Title 26, Code of Federal Regulations), article 204 (section 400.204 of such Title 26), article 206 (section 400.206 of such Title 26), article 208 (section 400.208 of such Title 26), and article 211 (b) (3) (section 400.211 (b) (3) of such Title 26), as made applicable to the Internal Revenue Code, are each amended by striking out "206 (7)", in the parenthetical cross reference to articles 206 to 206 (7), inclusive, as contained in each of such articles, and by inserting in lieu thereof "206 (8)".

(3) Immediately after article 206 (7) (section 400.206 (7), Title 26, Code of Federal Regulations), as made applicable to the Internal Revenue Code, the following is inserted:

SECTION 13 (a) OF THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Effective July 1, 1939, section 907 (c) of the Social Security Act is hereby amended by substituting a semicolon for the period at the end thereof, and by adding: "(8) service performed in the employ of an employer as defined in the Railroad Unemployment Insurance Act and service performed as an employee representative as defined in said Act."

SECTION 1, AS AMENDED, OF THE RAILROAD UNEMPLOYMENT INSURANCE ACT

For the purposes of this Act, * * *—

(a) The term "employer" means any carrier (as defined in subsection (b) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term "employer" shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Board, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term "employer" shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies, and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, and their State and National legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations.

(b) The term "carrier" means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

(c) The term "company" includes corporations, associations, and joint-stock companies.

* * * * * * *

(f) The term "employee representative" means any officer or official representative of a railway labor organization other than a labor organization included in the term employer as defined in section 1 (a) who before or after August 29, 1935, was in the service of an employer as defined in section 1 (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

* * * * * * *

(r) The term "Board" means the Railroad Retirement Board.

"ART. 206 (8) (Sec. 400.206 (8), Title 26, Code of Federal Regulations). *Employees and employee representatives under the Railroad Unemployment Insurance Act.* Services performed on and after July 1, 1939, in the employ of an 'employer' or as an 'employee representative', as those terms are defined in the Railroad Unemployment Insurance Act, are excepted."

(4) Immediately preceding the last paragraph of article 300 (section 400.300 Title 26, Code of Federal Regulations), as made applicable to the Internal Revenue Code, the following new paragraph is inserted:

"Returns required under subchapter C of chapter 9 of the Internal Revenue Code to be made by employers who are also employers as defined in the Railroad Unemployment Insurance Act shall be made in the same manner and at the same time and place as returns are required under such subchapter to be made by other employers subject to such subchapter."

(5) Article 400 (section 400.400, Title 26, Code of Federal Regulations), as made applicable to the Internal Revenue Code, is amended by adding at the end thereof the following new paragraph:

"The tax imposed under subchapter C of chapter 9 of the Internal Revenue Code on employers who are also employers as defined in the Railroad Unemployment Insurance Act shall be due and payable in the same manner and at the same time and place as the tax is due and payable by other employers subject to such subchapter."

(This Treasury Decision is prescribed pursuant to the following sections of law: Section 1607 (c) of the Internal Revenue Code (53 Stat., Part 1), section 13 (a) of the Railroad Unemployment Insurance Act (52 Stat. 1110; 42 U.S.C., Sup. IV, 1107 (c) (8)), section 22 of the Act of June 20, 1939 (Public, No. 141, 76th Congress), and section 1609 of the Internal Revenue Code (53 Stat., Part 1).)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, August 29, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3202; Filed, August 31, 1939; 10:41 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### ACCOUNTS AND DEPOSITS

PART 262—DECLARATION OF VALUABLES UNDER THE GOVERNMENT LOSSES IN SHIPMENT ACT JULY 8, 1937, AMENDED AUGUST 10, 1939*

AUGUST 28, 1939.

*To the Heads of the Executive Departments, Indepedent Establishments, Agencies, Wholly Owned Corporations, Officers and Employees of the United States, Federal Reserve Banks and Branches When Acting for or on Behalf Thereof, and Others Concerned:*

§ 262.1 Pursuant to the provisions of Section 7 (a) of the Government Losses in Shipment Act, approved July 8, 1937, (50 Stat. 480: U.S.C., 1934 ed., Sup. IV, title 5, Section 134 f (a)), as amended, Public No. 378, 76th Congress, First Session, approved August 10, 1939, which reads:

"7 (a). The term 'valuables' means any articles or things or representatives of value in which the United States has any interest, or in connection with which it has any obligation or responsibility, direct or indirect, and which are declared to be valuables within the meaning of this Act by the Secretary of the Treasury. No articles or things shall be declared to be valuables by the Secretary of the Treasury unless he determines that replacement thereof in accordance with the procedure established herein, in the event of loss, destruction, or damage in the course of shipment, would be in the public interest. The term 'United States' as used in this subsection and in section 3 (b) means the United States, its executive departments, independent establishments, and agencies, including wholly owned corporations, and officers and employees of any of the foregoing while acting in their official capacity."

it has been determined that replacement, in accordance with the procedure established under Section 3 of that Act, of the articles or things or representatives of value enumerated and referred to hereinafter would be in the public interest; accordingly, the same are hereby declared to be "valuables" within the meaning of the Act, effective August 10, 1939.

A. *Money of the United States and foreign countries.* Currency, including mutilated currency and cancelled currency, coins, including uncurrent coins, and specie.

B. *Securities and other instruments or documents, private and public.*

Abstracts of title.
Assignments.
Bills.
Bonds.
Certificates of Deposit.
Certificates of Indebtedness.
Checks, drafts and money orders.
Coupons.
Debentures.
Deeds.
Equipment Trust Certificates.
Mortgages.
Notes.
Stamps, including postage, revenue, license, food order and public debt.
Stamped envelopes and postal cards.
Stock certificates.
Trust Receipts.
Voting Trust Certificates.
Warehouse Receipts.
Warrants.

And other instruments or documents similar to the foregoing and whether complete, incomplete, mutilated, cancelled, in definitive form or represented by interim documents.

C. *Precious metals and stones.* Diamonds and other precious stones.

Gold, Silver, in such state or condition that its value depends primarily upon its gold or silver content and not upon its form.

§ 262.2 The Secretary of the Treasury may, at any time, or from time to time, make supplemental or amendatory declarations of valuables.

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3203; Filed, August 31, 1939; 10:41 a. m.]

*The authority for Sections 262.1 and 262.2 is Section 7 (a) of the Government Losses in Shipment Act, approved July 8, 1937, 50 Stat. 480; (U.S.C., 1934 ed., Sup. IV, title 5, Section 134 f (a)), as amended Public No. 378, 76th Congress, First Session, approved August 10, 1939.

[1] 1 F.R. 2.
[2] 4 F.R. 879 DI.



## Notices

### DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 898-FD]

IN THE MATTER OF CHANGES IN TERRITORIAL BOUNDARIES OR LIMITS OF CERTAIN DISTRICTS AND MINIMUM PRICE AREAS AS SET FORTH IN THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

*It is ordered,* That a hearing be held commencing at 10 a. m. on the 25th day of September, 1939, in a Hearing Room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C., for the purpose of receiving evidence to determine if the territorial boundaries or limits of certain districts and minimum price areas, as the same are set forth in the Bituminous Coal Act of 1937, should be changed or if a division or consolidation of such districts or minimum price areas should be made. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

*It is further ordered,* That M. J. Torlinski, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, to examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any papers, books, testimony, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed Findings of Fact and Conclusions and the recommendation of an appropriate order in the premises, and the performance of all other duties in connection therewith authorized by law.

The attention of interested persons is specifically called to the following tentative proposals:

To extend the boundary lines of District No. 2 to embrace Crawford County, Pennsylvania;

To extend the boundary lines of District No. 7 to embrace Chesterfield, Henrico and Powhatan Counties in Virginia;

To extend the boundary lines of District No. 8 to embrace Clinton, Madison, Menifee, Pulaski and Wolfe Counties in Kentucky, and Putnam and Pickett Counties in Tennessee;

To extend the boundary lines of District No. 9 to embrace Edmonson and Caldwell Counties in Kentucky;

To extend the boundary lines of District No. 13 to embrace Franklin County in Tennessee and Chattooga County in Georgia, and to change the boundary lines of Minimum Price Areas Nos. 1 and 3 so that the whole of District No. 13 will be embraced within Minimum Price Area No. 3; and

To extend the boundary lines of District No. 15 to embrace Nowata and McIntosh Counties in Oklahoma.

H. A. GRAY,
*Director.*

Dated, August 30, 1939.

[F. R. Doc. 39-3192; Filed, August 30, 1939; 2:45 p. m.]

### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of August, A. D. 1939.

[File No. 43-227]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION AND GENERAL WATER GAS & ELECTRIC COMPANY

ORDER APPROVING APPLICATION

General Water Gas & Electric Company, a registered holding company, having filed an application pursuant to Section 10 of the Public Utility Holding Company Act of 1935 with regard to the acquisition by it of all of the issued and outstanding common stock of California Water Service Company, consisting of 24,142 shares, with a par value of $100 per share, from Federal Water Service Corporation, a registered holding company, for a cash consideration of $3,202,000 as of June 1, 1939; and General Water Gas & Electric Company having also filed a declaration pursuant to Section 7 of the Act with regard to the issue and sale by it of a 3% note in the face amount of $1,200,000 to The Chase National Bank of the City of New York, and a 6% note with a face amount of not to exceed $1,100,000 to International Utilities Corporation; and International Utilities Corporation having filed an application pursuant to Section 10 of the Act with regard to its acquisition of the 6% note of General

Water Gas & Electric Company with a face amount of not to exceed $1,100,000; and

Public hearing having been held upon said applications and declaration after appropriate notice;[1] the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

*It is ordered*, That the application of General Water Gas & Electric Company pursuant to Section 10 of the Act with regard to the acquisition of 24,142 shares of the common stock of California Water Service Company be and it is hereby approved subject to the following conditions:

(1) That such acquisition shall be effected in accordance with the terms and conditions of and for the purposes represented by such application; and

(2) That within ten days after such acquisition the applicant file with this Commission a certificate of notification indicating that such acquisition has been effected in accordance with the terms and conditions of and for the purposes represented by said application; and

*It is further ordered*, That the declaration of General Water Gas & Electric Company with regard to the issue and sale of a 3% note in the face amount of $1,200,000 to The Chase National Bank of the City of New York, and a 6% note with a face amount of not to exceed $1,100,000 to International Utilities Corporation be and become effective forthwith subject to the following conditions:

(1) That such issue and sale shall be effected in accordance with the terms and conditions of and for the purposes represented by said declaration; and

(2) That within ten days after such issue and sale the declarant file with this Commission a certificate of notification indicating that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, said declaration; and

*It is further ordered*, That the application of International Utilities Corporation with regard to the acquisition by it of the 6% note of General Water Gas & Electric Company with a face amount of not to exceed $1,100,000 be, and hereby is, approved subject to the following conditions:

(1) That in event of the sale in whole or in part of the note now being acquired by International Utilities Corporation, the Commission shall have jurisdiction to approve or deny such sale, and that prior to any such sale, an application with regard thereto shall be filed with this Commission;

(2) That the acquisition shall be effected in accordance with the terms and conditions of and for the purposes represented by said application; and

(3) That within ten days after such acquisition the applicant shall file with this Commission a certificate of notification showing that such acquisition has been effected in accordance with the terms of said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3204; Filed, August 31, 1939; 10:55 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 29th day of August 1939.

IN THE MATTER OF SIDNEY TYSON PARR, DOING BUSINESS AS S. T. PARR & COMPANY, 433 SOUTH SALINA STREET, SYRACUSE, NEW YORK

ORDER REVOKING REGISTRATION

Sidney Tyson Parr, doing business as S. T. Parr & Company, hereinafter referred to as the registrant, being registered with the Commission as an over-the-counter broker and dealer pursuant to Section 15 (b) of the Securities Exchange Act of 1934; and

The Commission on June 16, 1939, having ordered proceedings on the question of revocation or suspension of registration of the said registrant pursuant to Section 15 (b) of said Act; said matter after appropriate notice having come on for hearing on July 17, 1939, in New York, New York; said registrant by written stipulation having admitted that grounds exist for the revocation of his registration and having consented to the revocation of his registration; and the Commission having duly considered the matter and being fully advised in the premises:

*It is ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, that the registration of Sidney Tyson Parr, doing business as S. T. Parr & Company, be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3205; Filed, August 31, 1939; 10:55 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of August 1939.

IN THE MATTER OF THE NATIONAL COMPANY OF IDAHO, INC., 221 PEYTON BUILDING, SPOKANE, WASHINGTON

ORDER REVOKING REGISTRATION

The National Company of Idaho, Inc., a corporation hereinafter referred to as the registrant, being registered with the Commission as an over-the-counter broker and dealer pursuant to Section 15 (b) of the Securities Exchange Act of 1934; and

The Commission on June 16, 1939, having ordered proceedings on the question of revocation or suspension of registration of the said registrant pursuant to Section 15 (b) of said Act; said matter after appropriate notice having come on for hearing on July 10, 1939, in Seattle, Washington; said registrant by written stipulation having admitted and acknowledged that grounds exist for the revocation of its registration and consented to the entry of an order by the Commission revoking such registration; and the Commission having duly considered the matter and being fully advised in the premises:

*It is ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, that the registration of The National Company of Idaho, Inc. be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3206; Filed, August 31, 1939; 10:55 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of August 1939.

[File No. 1-1378]

IN THE MATTER OF SEDALIA WATER COMPANY, 7% CUMULATIVE PREFERRED STOCK, PAR VALUE $100

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The St. Louis Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% Cumulative Preferred Stock, Par Value $100, of Sedalia Water Company; and

After appropriate notice,[1] a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on September 13, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3207; Filed, August 31, 1939; 10:55 a. m.]

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[1] 4 F.R. 2894 DI.

[1] 4 F.R. 3387 DI.

SEP 5 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 170

*Washington, Saturday, September 2, 1939*


*Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[40-Tob-6]

PART 727—PROCEDURE FOR THE DETERMINATION OF FLUE-CURED TOBACCO ACREAGE ALLOTMENTS FOR 1940

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ESTABLISHMENT OF ALLOTMENTS FOR NEW FARMS

727.222 Determination of farm acreage allotment.
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GENERAL

§ 727.211 *Definitions.* As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires:

(a) *Flue-cured allotment procedure for 1940* means this 40-Tob-1.

(b) *Local committee* means the county and community committee utilized under the Act. "County Committee" or "Community Committee" shall have corresponding meanings in the connection in which they are used.

(c) *New farm* means a farm on which tobacco was not produced in any of the five years 1935 to 1939 but on which tobacco will be produced in 1940.

(d) *Old farm* means a farm on which tobacco was produced in one or more of the five years 1935 to 1939 and on which tobacco will be produced in 1940.

(e) *Operator* means the person who, as owner, landlord, or tenant, is in charge of the supervision and the conduct of the farming operations on the entire farm.

(f) *State committee* means the group of persons so designated within any State to assist in the administration in the State of the Act.

(g) *Tobacco* means tobacco classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture, as types 11, 12, 13 and 14 and collectively known as flue-cured tobacco.

§ 727.212 *Extent of calculations and rule of fractions.* (a) All percentages shall be calculated to the nearest whole percent. Fractions of more than fifty-one hundredths of one percent shall be rounded upward, and fractions of five-tenths of one percent or less shall be dropped. For example, 87.51% would become 88% and 87.50% would become 87%. (b) All acreages shall be calculated to the nearest one-tenth of an acre. Fractions of more than fifty-one thousandths of an acre shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.00.

§ 727.213 *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.

§ 727.214 *Applicability of procedure.* This flue-cured allotment procedure for 1940 shall govern the establishment

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FEDERAL REGISTER

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of farm acreage allotments for flue-cured tobacco for use in connection with the 1940 Agricultural Conservation Program and in connection with farm marketing quotas for flue-cured tobacco for the marketing year therefor beginning July 1, 1940 in the event a national marketing quota is effective for such marketing year.

ESTABLISHMENT OF ALLOTMENTS FOR OLD FARMS

§ 727.215 *Acreage allotments for old farms.* The farm acreage allotment for an old farm shall be that percentage of the normal acreage for the farm which the normal acreages for all old farms in the State is of the State acreage allotment: *Provided*, That if the acreage allotment so determined for any farm (except a farm operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than the acreage which, with the normal yield for the farm, would produce 3,200 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 3,200 pounds of tobacco.

§ 727.216 *Determination of normal tobacco acreage.* The normal acreage for an old farm shall be the past acreage determined pursuant to section 217 adjusted, if necessary, for land, labor and equipment; crop rotation practices; and the soil and other physical factors affecting the production of tobacco, pursuant to sections 218 and 219.

§ 727.217 *Determination of past tobacco acreage.* The past tobacco acreage for a farm shall be the average acreage of tobacco (harvested and diverted) in the five years 1935 to 1939. The harvested and diverted acreage for a farm shall be determined as follows:

(a) *Harvested acreage.* The harvested acreage for any year shall be the number of acres actually harvested on the farm; except, that if such number of acres was less than 60 percent of the base or usual acreage determined for the farm in connection with the agricultural adjustment or conservation program for such year because of flood, drought, hail or blue mold, or other tobacco plant diseases, the harvested acreage for such year shall be adjusted upward to 70 percent of the base or usual acreage for the farm for such year.

(b) *Diverted acreage.* The diverted acreage for any year shall be the base or usual acreage determined for the farm in connection with the agricultural adjustment or conservation program for such year minus the harvested acreage for such year (as adjusted for abnormal conditions): *Provided*, That the diverted acreage for any year shall not exceed 30 percent of the base or usual acreage.

In cases where the 1939 acreage allotment was the same as the 1938 acreage allotment, the base or usual acreage for 1939 will be the same as for 1938. In cases where the 1939 acreage allotment was determined by adjustment of the 1938 acreage allotment but no determination was made of the accompanying base or usual acreage for 1939, the base or usual acreage for 1939 shall be as shown in the table below:

| *Size of 1939 allotment* | *1939 base or usual acreage* |
|---|---|
| 3.6 acres or more | = acreage obtained by dividing allotment by 70%. |
| 3.5 acres | = 4.9 acres. |
| 3.4 acres | = 4.6 acres. |
| 3.3 acres | = 4.2 acres. |
| 3.2 acres | = 3.8 acres. |
| 3.1 acres | = 3.5 acres. |
| 3.0 acres or less | = acreage obtained by dividing allotment by 90%. |

(c) *Subdivided farm.* If land operated as a single farm in any of the five years 1935 to 1939 has since been subdivided into two or more tracts, the base acreage, harvested acreage, and diverted acreage of tobacco for the farm for the respective years in which the land was operated as a single farm shall be apportioned among the tracts in the proportion which the acres of cropland suitable for the production of tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year; *Provided*, That if the local committee finds that such apportionment would not be equitable in view of the subsequent production on the farms which include such tracts, it shall make such other apportionment as it determines to be fair and equitable.

§ 727.218 *Adjustment for land, labor, and equipment.* If the past acreage for a farm is higher or lower than the average of the acreages indicated for the farm by land and labor, the local committee shall make such adjustment in the past acreage as it determines will result in a normal acreage for the farm which is reasonable in relation to the acreages indicated for the farm by land, labor and equipment. Such adjustments shall be subject to the following limitations:

(a) The past acreage for any farm shall not be adjusted downward to less than 80 percent of the past acreage unless further adjustment is made pursuant to section 219 or can be made without reducing the acreage below the acreage indicated for the farm by land or by labor.

(b) The past acreage for any farm shall not be adjusted upward to an acreage larger than twice the past acreage for the farm or 4 acres if the past acreage for the farm is less than 2 acres.

(c) The total upward adjustments pursuant to this section shall not exceed the total downward adjustments pursuant to this section and section 219, except as otherwise approved by the State committee.

(d) All adjustments pursuant to this section shall be subject to approval by the State committee.

§ 727.219 *Adjustment for crop rotation practices.* The normal acreage determined pursuant to section 218 shall be adjusted downward, if necessary, so as not to exceed the maximum normal acreage for the farm as shown in the table below:

| *Acres of cropland in farm* | *Maximum normal acreage* |
|---|---|
| 25 acres or more | 40 percent of cropland. |
| 20 to 24.9 acres | 44 percent of cropland but not over 10 acres. |
| 15 to 19.9 acres | 48 percent of cropland but not over 8.8 acres. |
| 10 to 14.9 acres | 52 percent of cropland but not over 7.2 acres. |
| 9.9 acres or less | 60 percent of cropland but not over 5.2 acres. |

In addition to the downward adjustments authorized above, if the harvested acreage of tobacco on any farm in any year of the five years 1935 to 1939 was more than 50 percent above the average acreage in the other four years, thus indicating that the acreage for such year was abnormal in view of customary crop rotation practices for the farm, then the local committee, subject to approval of the State committee, shall make such further downward adjustment as is necessary to obtain a fair and reasonable normal acreage for the farm, taking into consideration the customary crop rotation practices for the farm, but in no case shall such adjustment result in a normal acreage which is less than the average acreage in such other four years.



§ 727.220 *Determination of acreages indicated for a farm by land, labor and equipment*—(a) *Acreage indicated by land.* The acreage indicated for a farm by land shall be the number of acres which result from multiplying the land available for the production of tobacco on the farm by the county average percent for land. The land available for the production of tobacco on a farm shall be the number of acres obtained by subtracting from the total acres of cropland in the farm the 1939 commercial crop (other than flue-cured tobacco) acreage for the farm. Such 1939 commercial crop acreage for any farm shall be the sum of (1) the acreage allotments of cash crops (other than flue-cured tobacco) determined for the farm under the 1939 agricultural conservation program (2) the 1939 acreages for the farm of cash crops for which acreage allotments were not determined under such program, and (3) the 1939 acreages of feed crops and the 1939 acreage of cropland devoted to pasture for commercial livestock. The county average percent for land shall be the percent obtained by dividing the land available for the production of tobacco on all tobacco farms in the county into the past tobacco acreage of all such farms.

(b) *Acreage indicated by labor.* (1) The acreage indicated for a farm by labor shall be the number of acres which result from multiplying the labor available for the production of tobacco on the farm by the county average acreage for labor. The labor available for the production of tobacco on a farm shall be the number of families obtained by multiplying the total number of families engaged in the operation of the farm (not exceeding one family for each 15 acres of cropland in the farm) by that percent which the land available for the production of tobacco on the farm is of the total acres of cropland in the farm. The county average acreage for labor shall be the number of acres obtained by dividing the labor available for the production of tobacco on all tobacco farms in the county into the past tobacco acreage for all such farms.

(2) A family means a body of two or more persons who live in one house and under one head. A family shall be considered as engaged in the operation of a farm if the head, and other members of the family who ordinarily take part in farm work are employed full-time in work on the farm. If the head and other members of the family who ordinarily take part in farm work devote their full time to farm work but do so by working part time on two or more farms rather than full time on one farm, such family shall be considered as engaged in the operation of the farm on which more than half of its time is spent in work.

(c) *Acreage indicated by equipment.* (1) The acreage indicated for a farm by equipment shall be the number of acres which result from multiplying the equipment available for the production of tobacco on the farm by the county average percent for equipment. The equipment available for the production of tobacco on any farm shall be the total acreage capacity of the flue-cured tobacco curing barns for the farm which are in suitable condition for the curing of tobacco, except that such acreage capacity shall in no event exceed the largest acreage of tobacco (harvested and diverted) for the farm in any of the five years 1935–1939. The county average percent for equipment shall be that percent obtained by dividing the equipment available for the production of tobacco on all tobacco farms in the county into the past tobacco acreage of all such farms.

(2) The acreage capacity of curing barns of the sizes listed in the table below shall be as shown in such table:

| *Size of barns* | *Average capacity* |
|---|---|
| 16 feet by 16 feet | 4 |
| 16 feet by 18 feet | 5 |
| 16 feet by 20 feet | 6 |
| 20 feet by 20 feet | 7 |

If the barn does not fall within any of the sizes listed in the table above, the local committee shall establish an acreage capacity for such barn, which it determines is reasonable in relation to the acreage capacities of the barns listed in the table. If a curing barn customarily is used for curing tobacco grown on more than one farm, the acreage capacity allowance for the respective farms shall not exceed the proportion of the acreage capacity of the barn which the local committee determines is reasonable in relation to the use of the barn by the farm.

§ 727.221 *Determination of normal yields.* The normal yield for any farm shall be that yield which the local committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1935 to 1939; (b) the soil and other physical factors affecting production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county by the Secretary on the basis of county yields during the years 1935 to 1939, adjusted for abnormal conditions.

ESTABLISHMENT OF ALLOTMENTS FOR NEW FARMS

§ 727.222 *Determination of farm acreage allotment.* The acreage allotment for a new farm shall be that percentage of the normal acreage for the farm which the normal acreages for all such farms is of the acreage available for allotment to all such farms in the United States.

§ 727.223 *Determination of normal acreages.* (a) The normal acreage for a new farm shall be that acreage which the local committee determines is fair and reasonable for the farm taking into consideration the acreage indicated by the past tobacco experience of the farm operator and by land, labor and equipment: *Provided*, That the normal acreage for any farm shall not exceed whichever of the following acreages is the smallest for the farm:

(1) The acreage capacity of the curing barns on the farm;

(2) The average of (i) the acreage indicated by the past experience of the farm operator and (ii) the smallest of the respective acreages indicated for the farm by land, labor and equipment;

(3) Four acres, if the past tobacco experience of the farm operator is less than two acres

(b) The acreage indicated for a new farm by the past tobacco experience of the farm operator shall be the average acreage of tobacco grown by or for the farm operator in the five years 1935 to 1939.

(c) The acreage indicated for a new farm by land, labor and equipment shall be determined pursuant to section 220.

(d) The normal acreages determined for farms as provided above shall be subject to approval by the State committee.

§ 727.224 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the local committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 727.225 *Time for filing application.* In order to obtain an allotment for a new tobacco farm the operator of the farm shall file an application therefor on 40–Tob–11 "Application for 1940 Allotment—New Flue-cured Tobacco Farm", prior to January 15, 1940.

Done at Washington, D. C., this 31st day of August 1939. Witness my hand and seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39–3213; Filed, September 1, 1939; 10:15 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3840]

IN THE MATTER OF SIMMONS COMPANY

§ 3.45 (e) (2) *Discriminating in price—Indirect discrimination—Cumulative discounts.* Discriminating in price, directly or indirectly, in connection with distribution and sale of respondent's products in commerce among the states and in the District of Columbia, between different retailer-purchasers of its products of like grade and quality, by granting, allowing or paying the cumulative discounts of the Simmons Plan, as set forth in Paragraph Four of the findings as to the facts, heretofore granted, allowed and paid by respondent Simmons, or continuing to practice the discriminations in prices adjudged to be unlawful in the aforesaid findings and conclusions [and involving, among other things, as there set forth and found, (a) retroactive payment of discounts, on basis of aggregate annual purchases beginning with $50,000, in amounts ranging from 3 per cent to 5 per cent, contingent upon various discount zones set up, but applicable, where earned, to entire aggregate, and payable both to few single store customers qualifying and to so-called "syndicate heads", purchasing for numbers of concerns or so-called "central organizations" and their plural stores or units, on basis of aggregate purchases of or for such stores or units, which purchases, separately, frequently do not exceed or equal non-eligible purchases of similarly served, competitively operated stores or units of its non-member or non-affiliate customers, and (b) plan under which price differentials entailed do not make only due allowance for differences in cost of manufacture, sale or delivery resulting from differing methods or quantities in which respondent's products are sold or delivered by it to competitively engaged customers, but one under which two individual customer-competitors may buy exactly same quantity of products of like grade and quality during year and pay aggregate prices therefor varying almost as much as $2,500, and under which discrimination is not only between customers of respondent who qualify and those who do not, and between its customers and those of others, but between customers favored in various degrees by aforesaid plan, and result of which may lessen competition between it and its competitors, between its favored customers and others, and between customers of competitors who do not grant such discriminatory prices and its own thus favored customers, and with tendency to create monopoly in it in line of commerce involved, and injure, destroy or prevent competition with it, and competition with its thus favored retailer customers]; and discriminating in price, directly or indirectly, by granting, allowing or paying, directly or indirectly, to any of respondent's customers, whether individual customers, central organizations or syndicate heads, as said customers are defined in the aforesaid findings, any cumulative or retroactive quantity discounts either under the aforesaid Simmons Plan or any plan or method like or similar thereto making provision for the granting, allowing or paying of cumulative or retroactive quantity discounts; prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Supp. IV, sec. 13 (a)) [Cease and desist order, Simmons Company, Docket 3840, August 25, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of the respondent Simmons Company (hereinafter referred to as "Simmons") by which Simmons admits all the material allegations of fact set forth in said complaint and waives the taking of testimony and all other intervening procedure herein and further hearing as to said facts, and the Commission being of the opinion upon the facts so admitted that Simmons has violated and is violating the provisions of subsection (a) of Section 2 of an Act of Congress approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes (the Clayton Act) as amended, and having made its report stating its findings as to the facts,

*It is ordered*, That Simmons, its officers, representatives, agents and employees, in connection with the distribution and sale of its products in commerce between the several states of the United States and in the District of Columbia, do forthwith cease and desist from:

(a) Discriminating in price, directly or indirectly, between different retailer purchasers of its products of like grade and quality by granting, allowing or paying the cumulative discounts of the Simmons Plan, as set forth in Paragraph Four of said findings as to the facts, heretofore granted, allowed and paid by Simmons;

(b) Continuing to practice the discriminations in prices adjudged to be unlawful in the aforesaid findings and conclusions; and

(c) Discriminating in price, directly or indirectly, by granting, allowing or paying, directly or indirectly, to any of its customers, whether individual customers, central organizations or syndicate heads, as said customers are defined in the aforesaid findings, any cumulative or retroactive quantity discounts either under the aforesaid Simmons Plan or any plan or method like or similar thereto making provision for the granting, allowing or paying of cumulative or retroactive quantity discounts.

*It is further ordered*, That Simmons, within sixty (60) days after the service upon it of this Order, shall file with the Commission a report in writing setting forth in detail the manner and form in which it has complied and is complying with this Order.

By the Commission.

[SEAL] A. N. ROSS,
*Acting Secretary.*

[F. R. Doc. 39-3219; Filed, September 1, 1939; 12:34 p. m.]

## TITLE 26—INTERNAL REVENUE

### BUREAU OF INTERNAL REVENUE

[T. D. 4932]

ESTATE TAX

CREDIT FOR ESTATE, INHERITANCE, LEGACY, OR SUCCESSION TAXES

*To Collectors of Internal Revenue and Others Concerned:*

In order to conform Regulations 80[1] (Part 80, Title 26, Code of Federal Regulations), as made applicable to the Internal Revenue Code (53 Stat., Part 1) by Treasury Decision 4885, approved February 11, 1939 (Part 465, Subpart B, Title 26, Code of Federal Regulations) to the Revenue Act of 1939 (53 Stat. 862), such regulations are amended as follows:

1. Insert immediately preceding article 9 (a) (section 80.9 (a) of such Title 26):

SEC. 403. REVENUE ACT OF 1939.

(a) Section 813 (b) of the Internal Revenue Code (relating to the 80 per centum credit for estate, legacy, succession, and inheritance taxes paid) is amended by inserting after "District of Columbia," the following: "or any possession of the United States,".

(b) The amendment made by subsection (a) shall be applicable only with respect to estates of decedents dying after the date of the enactment of this Act.

2. (a) Insert immediately following the first sentence of article 9 (b) (section 80.9 (b), Title 26, Code of Federal Regulations):

"If the decedent died after June 29, 1939, the credit against the basic Federal estate tax, is, under the same conditions, authorized by section 813 (b) of the Internal Revenue Code, as amended by section 403 of the Revenue Act of 1939, for estate, inheritance, legacy, or succession taxes paid to any State or Territory, the District of Columbia, or any possession of the United States."

(b) Insert immediately after the comma following the word "Territory" in the first and fourth paragraphs of article 9 (b), the words "possession of the United States" followed by a comma.

(c) Insert immediately after "District of Columbia" in the second paragraph of article 9 (b):

"(or, if the decedent died after June 29, 1939, to any possession of the United States)."

(d) Insert immediately after the word "Territory" in the sixth paragraph of article 9 (b) the words "or possesion of the United States."

3. Insert in the seventh paragraph of article 82 (b) (section 80.82, Title 26, Code of Federal Regulations) after the comma following the word "Territories" the words "or possessions of the United States" followed by a comma.

(This Treasury decision is prescribed pursuant to section 813 (b) of the Internal Revenue Code (53 Stat., Part 1), as amended by section 403 of the Revenue Act of 1939 (53 Stat. 862), and section 3791 (a) of the Internal Revenue Code.)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, August 30, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3210; Filed, August 31, 1939; 3:40 p. m.]

[1] 2 F.R. 2324.

## TITLE 29—LABOR

### WAGE AND HOUR DIVISION

AMENDMENT OF HOSIERY MINIMUM WAGE ORDER UNDER THE FAIR LABOR STANDARDS ACT OF 1938

For the purpose of clarifying the hosiery minimum wage order, issued by this Division on August 18, 1939,[1] it is hereby ordered that paragraph (1) of said minimum wage order be amended by adding new sub-paragraphs (c) and (e) and designating the former sub-paragraphs (c) and (d), sub-paragraphs (d) and (f) respectively, so that the amended paragraph (1) of the order shall read as follows:

(1) The Committee's recommendation is hereby approved and, in accordance with such recommendation,

(a) Wages at a rate not less than 32½ cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the seamless branch of the hosiery industry who is engaged in commerce or in the production of goods for commerce; and

(b) Wages at a rate not less than 40 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the full-fashioned branch of the hosiery industry who is engaged in commerce or in the production of goods for commerce; and

(c) An employee covered by the terms of both paragraphs (a) and (b) above shall be paid wages at a rate not less than 32½ cents an hour in any plant in which 50 percent or more of the volume of hosiery produced is seamless hosiery if a reasonable employer could not by managerial methods limit the employee's work to the full-fashioned branch of the hosiery industry; otherwise such employee shall be paid wages at a rate not less than 40 cents an hour; and

(d) Every plant employing any employees engaged in commerce or in the production of goods for commerce in the seamless or full-fashioned branches of the hosiery industry shall post and keep posted in a conspicuous place in every department of such plant where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

(e) This order shall not apply to employees engaged exclusively in the manufacture of boxes, provided that the plant completely manufactures its boxes and does not merely assemble prefabricated boxes; and

(f) This order shall become effective on September 18, 1939.

The full text of the amended hosiery minimum wage order may be had upon request addressed to the Wage and Hour Division, Washington, D. C.

Signed at Washington, D. C., the 1st day of September 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3220; Filed, September 1, 1939; 1:10 p. m.]

[1] 4 F.R. 3680 DI.

## TITLE 34—NAVY

### DEPARTMENT OF THE NAVY

MARINE CORPS MANUAL AMENDMENT

APPOINTMENTS FROM CIVIL LIFE

§ 7.11 * * *[1]

(b) The number of appointments from civil life is limited by the vacancies remaining after appointments are made from the Naval Academy and ranks. Appointees from civil life must be more than 20 but less than 25 years of age on appointment. They are selected from: (a) Honor graduates of the Platoon Leaders' Class, Marine Corps Reserve; (b) commissioned officers of the Marine Corps Reserve; (c) aviation cadets who are student aviators, such cadets to be commissioned when and if designated naval aviators, and (d) graduates of approved colleges and universities having Navy or Army ROTC courses. Persons in the Reserve will be separated therefrom prior to appointment.

[SEAL] W. B. WOODSON,
*Judge Advocate General of the Navy.*

[F. R. Doc. 39-3211; Filed, September 1, 1939; 9:37 a. m.]

[1] This article, which became effective December 20, 1938, was promulgated by the Major General Commandant, United States Marine Corps, and approved by the Secretary of the Navy, acting under the authority conferred upon them by Article 74 (9), U. S. Navy Regulations, 1920, which regulations were promulgated by the Secretary of the Navy, and approved by the President, acting under the authority conferred upon them by Section 1547 of the Revised Statutes (34 U.S.C. 591). This article supersedes that bearing a like number (old number 8.21), Title 34, CFR.

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### VETERANS' ADMINISTRATION

REVISION OF REGULATIONS

REINSTATEMENT OF UNITED STATES GOVERNMENT LIFE INSURANCE

*Health Requirements*

§ 3.3079 United States Government life insurance may be reinstated:

(A) Within three calendar months including the calendar month for which the unpaid premium was due, provided the applicant is in as good health as he was at the due date of the premium in default, and the application and tender of premiums are made within the said three months.

(B) After the expiration of the three calendar months mentioned in clause (a) provided the applicant is in good health. (September 11, 1939) (43 Stat. 624; 38 U.S.C. 512)

*Application and Medical Evidence*

§ 3.3080 The applicant for reinstatement of United States Government life insurance must furnish during his lifetime, and before becoming totally and permanently disabled, and within the three calendar months including the calendar month for which the unpaid premium was due, a written application signed by him which shall state that he is in as good health as at date of lapse, or after the expiration of the three calendar months, a written application signed by him that he is in good health, in accordance with the requirements of the particular case; and in addition the applicant shall furnish such evidence relative to his physical condition as may be required by the Administrator of Veterans Affairs, and on such forms as may be prescribed: *Provided*, That if the insurance becomes a claim after tender of the amount of the premiums required but before full compliance with the requirements of this section, and the applicant was in the required state of health at the date that he made the tender of the amount of premiums, and

that there is a satisfactory reason for his noncompliance, the Administrator may, if the applicant be dead, waive any or all of the requirements of this section, or, if the applicant be living, allow compliance with this section as of the date the required amount of premiums was received by the Veterans Administration. (September 11, 1939) (43 Stat. 624; 38 U.S.C. 512)

LOANS

*Rate of Interest on Policy Loans on and After July 19, 1939*

§ 3.3102 Section 7 of Public No. 198, 76th Congress, 1st Session, Approved July 19, 1939, is quoted as follows:

"On and after the date of enactment of this Act, the rate of interest charged on any loan secured by a lien on United States Government life (converted) insurance shall not exceed 5 per centum per annum."

On and after July 19, 1939, the interest on all policy loans then outstanding or thereafter granted will be at the rate of 5 per centum per annum. (July 19, 1939)

[SEAL] FRANK T. HINES,
*Administrator.*

[F. R. Doc. 39-3209; Filed, August 31, 1939; 3:23 p. m.]

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## TITLE 41—PUBLIC CONTRACTS

### DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE FERTILIZER INDUSTRY

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", (hereinafter called the Act). The Public Contracts Board, created in accordance with Section 4 of the Act by Administrative Order dated October 6, 1936, held a hearing on January 26, 1939, in the above entitled matter.

Notice of this hearing was sent to all known members of the industry, to trade unions, to trade publications, and to trade associations in the field. Invitation to attend the hearing was extended through the national press to all other interested parties.

Appearances were entered and testimony was presented at the hearing by both representatives of industry and labor. A survey of the average hourly earnings in the fertilizer industry in 1938, prepared by the Division of Wage and Hour Statistics, Bureau of Labor Statistics, was received in evidence.

On the basis of the record, the Board made its findings and recommended that the Secretary find the prevailing minimum wage in the industry to be 40 cents an hour, or $16.00 per week of forty hours, for the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, and the District of Columbia; 50 cents an hour, or $20.00 per week of forty hours, for the States of New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington; 30 cents an hour, or $12.00 per week of forty hours, for the States of Virginia, Tennessee, and Kentucky; and 25 cents an hour, or $10.00 per week of forty hours, for the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma and Texas.

On May 29, 1939, the Administrator, Division of Public Contracts, circularized the Board's findings and recommendations in order that all parties might have full opportunity to register their objection or approval before a decision in this matter was made by the Secretary of Labor.

Several protests were received from companies and individuals operating factories in Southern Delaware and the Eastern Shore of Maryland, objecting to the Board's recommendations that these localities be included with the Northern States. These objections alleged that the Eastern Shore of Maryland and Southern Delaware have a lower prevailing wage structure than western Maryland and northern Delaware, and that the wage structure was more similar to that of the States of Virginia, Tennessee, and Kentucky.

A brief protesting against the Board's recommendations was also received from District 50, United Mine Workers of America. This brief alleged in part that the Board had failed to give adequate weight to the fact that the companies primarily doing business with the Government are the larger companies in the industry and have a substantially higher wage scale than the small companies; that the wage differentials recommended for the various groups of States were not warranted; that the methods used in finding the prevailing minimum wage for the individual groups of States were not consistent; that the Board had failed to consider adequately the wages paid to the skilled and semi-skilled workers in the industry in making its findings and recommendations; and that the findings and recommendations of the Board do not constitute findings and recommendations of the prevailing minimum wage in the industry.

In determining the prevailing minimum wage for an industry, the wages paid by both large and small companies must be considered; it was therefore proper for the Board to give appropriate weight to the wages paid by the small companies. The allegation that one minimum wage rate prevails throughout the industry is not supported by the evidence of record.

The Census of Manufactures for 1937 shows that the fertilizer industry had in that year an average of 20,893 wage earners. The evidence of record shows that at the peak of seasonal production the industry provides employment for considerably more workers.

The survey made by the Bureau of Labor Statistics covered 283 establishments employing 15,657 wage earners and appears to show adequately the wage structure prevailing in the industry. This survey shows that throughout the Northern States the same general wage structure is prevailing. The wage structure midway between the North and South is lower than in the Northern States, but higher than in the States further south. In the Southern States the wages are uniformly lower than in the Northern States or in the upper South. In the West the wage level is higher than it is in the East.

Approximately four-fifths of the workers included in the survey were classified as unskilled, and in this classification are found the workers receiving the minimum wage in the industry.

In the North the evidence shows that at the single wage rate of 40 cents an hour there occurs a pronounced concentration of unskilled workers to whom this rate is paid. Of the unskilled workers in this locality, 429 or 16.8 percent receive the 40-cent rate. Employees receiving less than 40 cents an hour are scattered at intervals without any marked concentration. There are larger concentrations of workers in higher 5-cent intervals, but these do not show the prevailing minimum wage. The United Mine Workers of America alleged that the 40-cent minimum wage as recommended does not constitute the prevailing minimum wage for the group of States in the North. The fact that there is such a marked concentration of minimum wage employees at the single rate of 40 cents an hour justifies the Board's findings and recommendations of the prevailing minimum wage for the Northern States.

In the upper South there are substantial concentrations occurring at the single wage rates of 25, 30, 35, and 40 cents an hour. In this locality, 12.7 percent of the workers receive 25 cents an hour, 13.7 percent receive 30 cents an hour, 11 percent receive 35 cents an hour, and 40.5 percent receive 40 cents an hour. It is apparent that the lower rates are more expressive of the general minimum wage practice in these States. The 30-cent rate is paid to a somewhat larger number of workers than the 25-cent or 35-cent rates, and a weighted average of the three rates shows 29.8 cents an hour. The Board's recommendation that I find 30 cents an hour to be the prevailing minimum wage for these States appears to be proper. I have considered the evidence of record and the objections filed regarding the recommendations of the Board concerning Southern Delaware and the Eastern Shore of Maryland, and I find that the prevailing minimum wage is the same as that for the States of Virginia, Tennessee, and Kentucky.

The United Mine Workers of America alleged that the recommendation of the Board that I find 30 cents an hour to be the prevailing minimum wage for the upper South disregards the wages paid to the largest number of unskilled workers in the upper South. It is true that the Board did select the 30-cent minimum on the basis of its being the weighted average of the unskilled workers receiving 25, 30, and 35 cents an hour, although a large number of employees receive 40 cents an hour in these States. The large number of employees receiving less than 40 cents an hour prevents the conclusion that 40 cents is the prevailing minimum wage. In view of the number of workers receiving 25 cents an hour and since 26.4 percent of the workers receive 30 cents an hour or less, I cannot find that the Board's recommendation of 30 cents an hour is improper.

In the Southern States, the single rate of 25 cents an hour predominates. At this point approximately 40 percent of all unskilled workers are found. Although the survey shows that a substantial number of the unskilled workers in this locality received less than 25 cents an hour at the time the survey was made, it is recognized that this survey was made prior to the time the Fair Labor Standards Act became effective, and it appears that the 25-cent rate for the South constitutes the prevailing minimum wage in this locality.

In view of the fact that the minimum wage required to be paid by employers subject to Section 6 of the Fair Labor Standards Act of 1938, on and after October 24, 1939, will be 30 cents an hour or $12.00 per week of forty hours, opportunity will then be given to members of the industry to show why this determination should not be modified to conform to the rate required by the Fair Labor Standards Act for the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas.

The record does not show any marked concentration of workers at any single wage rate in the Western States. At the wage interval of 47.5 and under 52.5 cents an hour are found 20.6 percent of the workers covered by the survey. The Board has recommended that I find the prevailing minimum wage for this locality to be the midpoint of this wage interval, or 50 cents an hour. It appears that this recommendation is supported by the record.

The United Mine Workers of America have objected to the Board's recommendation of a 50-cent minimum for the Western States because only 20.6 percent of the workers fall in the wage bracket between 47.5 to 52.5 cents, while 70 percent of the employees receive 50 cents an hour or more. The union contends that under these circumstances the prevailing minimum must be higher than 50 cents an hour. In view of the substantial percentage of workers earning 50 cents or less, the Board appears to be justified in its recommendation of a 50-cent minimum.

I have considered the findings and recommendations of the Board, together with the briefs and objections filed, and in the light of these facts

I hereby determine the prevailing minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), for the manufacture or supply of superphosphates and concentrated superphosphates; and for the manufacture or mixing of concentrated fertilizer from superphosphates, potash and ammoniates, to be the amount indicated for each of the following groups of States, whether arrived at upon a time or piece work basis:

For the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware (except Kent and Sussex Counties), Maryland (except the Eastern Shore), West Virginia, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, and the District of Columbia, 40 cents an hour or $16.00 per week of forty hours.

For the States of New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington, 50 cents an hour, or $20.00 per week of forty hours.

For Kent and Sussex Counties of Delaware, the Eastern Shore of Maryland, Virginia, Tennessee, and Kentucky, 30 cents an hour, or $12.00 per week of forty hours.

For the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas, 25 cents an hour, or $10.00 per week of forty hours.

This determination shall be effective and the minimum wages hereby established shall apply to all such contracts, bids for which are solicited on or after September 12, 1939.

[SEAL] FRANCES PERKINS,
*Secretary of Labor.*

Dated, August 15, 1939.

[F. R. Doc. 39-3218; Filed, September 1, 1939; 12:17 p. m.]



## TITLE 47—TELECOMMUNICATION

### FEDERAL COMMUNICATIONS COMMISSION

PARALLEL REFERENCE TABLE TO RULES OF THE FEDERAL COMMUNICATIONS COMMISSION

*Correction*

Attention is directed to errors in Parallel Reference Table appearing in the August 4, 1939 issue of the FEDERAL REGISTER,[1] which have been corrected to read as follows:

PART 10—RULES GOVERNING EMERGENCY RADIO SERVICES

| *Part 10* New Sec. Nos. | *Chapter X* Old Sec. Nos. |
|---|---|
| 10.21–10.24 | 111.01–111.04 |
| 10.121–10.126 | 112.01–112.06 |

PART 71—MISCELLANEOUS RULES AND REGULATIONS

| *Part 71* New Sec. Nos. | *Chapter XXVIII* Old Sec. Nos. |
|---|---|
| 71.51–71.52 | 500.50–500.51 |

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-3212; Filed, September 1, 1939; 9:54 a. m.]

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## *Notices*

### DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

[Docket No. A-108 O-108]

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Whereas, pursuant to the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), notice of hearing is required in connection with a proposed marketing agreement, a proposed order, or proposed amendments thereto, and the General Regulations, Series A, No. 1, as amended,[2] of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") executed a marketing agreement and issued an order on October 11, 1935, effective on and after October 15, 1935, regulating the handling of walnuts grown in California, Oregon, and Washington; and

[1] 4 F.R. 3525 DI.
[2] 1 F.R. 155.

Whereas, certain agreements amending the aforesaid marketing agreement have been executed by the Secretary, and the Secretary has issued certain amendments to the aforesaid order; and

Whereas, the Secretary has reason to believe that the execution of certain additional amendments to the aforesaid marketing agreement, as amended, and the issuance of certain additional amendments to the aforesaid order, as amended, will tend to effectuate the declared policy of the act with respect to the handling of walnuts grown in California, Oregon, and Washington:

Now, therefore, pursuant to the said act and the said General Regulations, notice is hereby given of a hearing to be held on certain proposed amendments to the marketing agreement, as amended, and certain proposed amendments to the order, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington; and said hearing is to be held in the Comstock Room, Palace Hotel, San Francisco, California, on September 6, 1939, at 9:30 a. m., P. s. t.

This hearing is for the purpose of receiving evidence as to the general economic conditions which may, in order to effectuate the declared policy of the act, necessitate said amendments to the aforesaid marketing agreement, as amended, and order, as amended, and as to the specific provisions which said proposed amendments to the marketing agreement, as amended, and order, as amended, should contain.

The proposed amendments to the marketing agreement, as amended, and the proposed amendments to the order, as amended, provide, in similar terms, that: (a) the salable percentage for the crop year September 1, 1939, to August 31, 1940, shall be sixty (60) percent; (b) the surplus percentage for the crop year ending August 31, 1940, shall be forty (40) percent; and (c) "Exhibit A" of the aforesaid marketing agreement, as amended, and order, as amended, shall be further amended in the respects stated in said proposed amendments.

Copies of said proposed amendments to the marketing agreement, as amended, and proposed amendments to the order, as amended, may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310, South Building, Washington, D. C., or may be there inspected.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

Dated, September 1, 1939.

[F. R. Doc. 39-3216; Filed, September 1, 1939; 11:57 a. m.]

## DEPARTMENT OF LABOR.

### Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE SURGICAL DRESSINGS INDUSTRY

NOTICE OF HEARING

The Public Contracts Board will hold a hearing in Room 3229, Department of Labor Building, Washington, D. C., at 10 a. m. on Wednesday, September 13, 1939, to take testimony upon which findings of fact will be made to assist the Secretary of Labor in determining, pursuant to Section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35) the prevailing minimum wages in the Surgical Dressings Industry. The Surgical Dressings Industry shall be understood to be that industry engaged in the manufacture of surgical cotton, adhesive and medicated plasters, and the conversion of bleached (and tentered) gauze to absorbent surgical gauze, gauze bandages, gauze sponges and pads, and related gauze or gauze and cotton dressings. It shall also include the manufacture as well as the assembling of first-aid kits and packets.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives, will be given to persons engaged in the above-named industry, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed, but they should be received by the Board on or before the hearing date. Employers appearing in person, or by representatives, or presenting briefs, should furnish the Board with the following essential data:

(1) Name of firm.
(2) Plant address.
(3) Total number of employees in plant.
(4) Number of male employees.
(5) Number of female employees.
(6) Classification of employees by occupations, including number engaged in each operation.
(7) Hourly wages in each operation with designation of applicable time period.
(8) If paid on piece work basis, weekly earnings in each class of employees.
(9) Hours worked per week.

This outline of suggested data is not meant to exclude the submission of any other pertinent information which an employer may desire to submit.

Employees appearing at the hearing, either in person or by their representatives, or submitting briefs, should acquaint the Board with facts as to the wages now being paid in the industry.

[SEAL] WM. R. McCOMB,
*Acting Administrator.*

Dated August 30, 1939.

[F. R. Doc. 39-3217; Filed, September 1, 1939; 12:17 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of August, A. D. 1939.

[File No. 44-30]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION, DEBTOR AND CENTRAL STATES POWER & LIGHT CORPORATION

ORDER APPROVING ACQUISITION OF BONDS

Charles True Adams, Trustee of the Estate of Utilities Power & Light Corporation, Debtor, a registered holding company, and its subsidiary, Central States Power & Light Corporation, also a registered holding company, having filed a joint application pursuant to Rule U-12C-1 for approval of the acquisition by Central States Power & Light Corporation of $1,264,000 principal amount of its outstanding First Mortgage and First Lien Gold Bonds, 5½% Series due 1953, from F. B. McCurdy of Halifax, Nova Scotia, Canada. Such bonds are to be acquired under an agreement dated as of January 31, 1939, in connection with the sale to McCurdy of the securities in their Canadian subsidiaries held by Central States Power & Light Corporation and by the estate of Utilities Power & Light Corporation and its subsidiary, Utilities Power & Light Corporation Limited.

The application, as amended, having also requested this Commission to retain jurisdiction over the present matter for the purpose of passing upon the acquisition of such additional bonds of Central States Power & Light Corporation as may be acquired by use of the net proceeds of the sale to be on deposit with the indenture trustee;

A public hearing having been held on the application, as amended, after appropriate notice;[1] prior to the entry of the Commission's findings and opinion, and order herein, the applicants and

[1] 4 F.R. 3363 DI.



intervener having waived a Trial Examiner's report, the right to submit findings of fact to the Commission and to have submitted to them proposed findings of fact, the right to oral argument before the Commission, and the right to file briefs; the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

*It is ordered*, That said application pursuant to Rule U-12C-1 be granted, subject, however, to the following terms and conditions:

(1) That the proposed transaction be executed for the purposes and in the manner represented by the application and amendments thereto; and

(2) That the applicants file with this Commission a Certificate of Notification, within ten days after the closing of the agreement, as defined therein, stating that the transaction has been consummated in accordance with the terms and conditions of the order of this Commission.

*It is further ordered*, That the record and hearing in this matter remain open and leave is granted to applicants to file such amendments to the application herein as may be necessary to enable this Commission to pass upon the acquisition by Central States Power & Light Corporation of its outstanding bonds with the net proceeds of the sale to be on deposit with the indenture trustee.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3214; Filed, September 1, 1939; 10:51 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of August, A. D. 1939.

[File No. 56-50]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION

ORDER APPROVING APPLICATIONS

American Utilities Service Corporation, a registered holding company, having filed an application pursuant to Section 12 (d) of the Public Utility Holding Company Act of 1935 regarding the sale to Edwin H. Hansen of all of the securities of Peninsular Utilities Company, consisting of 2,000 shares of no-par value common stock and an unsecured 6% promissory note dated November 1, 1935, due November 1, 1965, in the original principal amount of $177,000 of which $174,023.44 remains unpaid, and having filed an application pursuant to Section 10 (a) of the Act regarding the acquisition of notes in the total amount of $16,625 as part payment for said securities;

A public hearing having been held on said applications after appropriate notice;[1] the record in this matter having been duly considered; and the Commission having made and filed its findings herein;

*It is ordered*, That said applications be approved subject to the conditions that

(1) the sale of the securities and the acquisition of the notes will be effected in accordance with the terms and conditions of, and for the purposes represented by, said application, as amended, and

(2) within 10 days after the sale of such securities and acquisition of such notes the applicant shall file with this Commission a certificate of notification that such sale and acquisition have been effected in accordance with the terms and conditions of, and for the purposes represented by, said application, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3215; Filed, September 1, 1939; 10:51 a. m.]

[1] 4 F.R. 3435 DI.



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THE NATIONAL ARCHIVES OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 171

*Washington, Wednesday, September 6, 1939*

## The President

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR BETWEEN GERMANY AND FRANCE; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA AND NEW ZEALAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a state of war unhappily exists between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand.

AND WHEREAS the United States is on terms of friendship and amity with the contending powers, and with the persons inhabiting their several dominions;

AND WHEREAS there are nationals of the United States residing within the territories or dominions of each of the said belligerents, and carrying on commerce, trade, or other business or pursuits therein;

AND WHEREAS there are nationals of each of the said belligerents residing within the territory or jurisdiction of the United States, and carrying on commerce, trade, or other business or pursuits therein;

AND WHEREAS the laws and treaties of the United States, without interfering with the free expression of opinion and sympathy, nevertheless impose upon all persons who may be within their territory and jurisdiction the duty of an impartial neutrality during the existence of the contest;

AND WHEREAS it is the duty of a neutral government not to permit or suffer the making of its territory or territorial waters subservient to the purposes of war;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that by certain provisions of the act approved on the 4th day of March, A. D. 1909, commonly known as the "Penal Code of the United States" and of the act approved on the 15th day of June, A. D. 1917, the following acts are forbidden to be done, under severe penalties, within the territory and jurisdiction of the United States, to wit:

1. Accepting and exercising a commission to serve one of the said belligerents by land or by sea against an opposing belligerent.

2. Enlisting or entering into the service of a belligerent as a soldier, or as a marine, or seaman on board of any ship of war, letter of marque, or privateer.

3. Hiring or retaining another person to enlist or enter himself in the service of a belligerent as a soldier, or as a marine, or seaman on board of any ship of war, letter of marque, or privateer.

4. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be enlisted as aforesaid.

5. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be entered into service as aforesaid.

6. Retaining another person to go beyond the limits or jurisdiction of the United States to be enlisted as aforesaid.

7. Retaining another person to go beyond the limits or jurisdiction of the United States with intent to be entered into service as aforesaid. (But the said act of the 4th day of March, A. D. 1909, as amended by the act of the 15th day of June, A. D. 1917, is not to be construed to extend to a citizen or subject of a belligerent who, being transiently within the jurisdiction of the United States, shall, on board of any ship of war, which, at the time of its arrival within the jurisdiction of the United States, was fitted and equipped as such ship of war, enlist or enter himself or hire or retain another subject or citizen of the same belligerent, who is transiently within the jurisdiction of the United States, to enlist or enter himself to serve such belligerent on board

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such ship of war, if the United States shall then be at peace with such belligerent.)

8. Fitting out and arming, or attempting to fit out and arm, or procuring to be fitted out and armed, or knowingly being concerned in the furnishing, fitting out, or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of one of the said belligerents to cruise, or commit hostilities against the subjects, citizens, or property of an opposing belligerent.

9. Issuing or delivering a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid.

10. Increasing or augmenting, or procuring to be increased or augmented, or knowingly being concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which at the time of her arrival within the jurisdiction of the United States was a ship of war, cruiser, or armed vessel in the service of a belligerent, or belonging to a national thereof, by adding to the number of guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by the addition thereto of any equipment solely applicable to war.

11. Knowingly beginning or setting on foot or providing or preparing a means for or furnishing the money for, or taking part in, any military or naval expedition or enterprise to be carried on from the territory or jurisdiction of the United States against the territory or dominion of a belligerent.

12. Despatching from the United States, or any place subject to the jurisdiction thereof, any vessel, domestic or foreign, which is about to carry to a warship, tender, or supply ship of a belligerent any fuel, arms, ammunition, men, supplies, despatches, or information shipped or received on board within the jurisdiction of the United States.

13. Despatching from the United States, or any place subject to the jurisdiction thereof, any armed vessel owned wholly or in part by American citizens, or any vessel, domestic or foreign (other than one which has entered the jurisdiction of the United States as a public vessel), which is manifestly built for warlike purposes or has been converted or adapted from a private vessel to one suitable for warlike use, and which is to be employed to cruise against or commit or attempt to commit hostilities upon the subjects, citizens, or property of a belligerent nation, or which will be sold or delivered to a belligerent nation, or to an agent, officer, or citizen thereof, within the jurisdiction of the United States, or, having left that jurisdiction, upon the high seas.

14. Despatching from the United States, or any place subject to the jurisdiction thereof, any vessel built, armed, or equipped as a ship of war, or converted from a private vessel into a ship of war (other than one which has entered the jurisdiction of the United States as a public vessel), with any intent or under any agreement or contract, written or oral, that such vessel shall be delivered to a belligerent nation, or to any agent, officer, or citizen of such nation, or where there is reasonable cause to believe that the said vessel shall or will be employed in the service of such belligerent nation after its departure from the jurisdiction of the United States.

15. Taking, or attempting or conspiring to take, or authorizing the taking of any vessel out of port or from the jurisdiction of the United States in violation of the said act of the 15th day of June, A. D. 1917, as set forth in the preceding paragraphs numbered 11 to 14 inclusive.

16. Leaving or attempting to leave the jurisdiction of the United States by a person belonging to the armed land or naval forces of a belligerent who shall have been interned within the jurisdiction of the United States in accordance with the law of nations, or leaving or attempting to leave the limits of internment in which freedom of movement has been allowed, without permission from the proper official of the United States in charge, or wilfully overstaying a leave of absence granted by such official.

17. Aiding or enticing any interned person to escape or attempt to escape from the jurisdiction of the United States, or from the limits of internment prescribed.

AND I do hereby further declare and proclaim that any frequenting and use of the waters within the territorial jurisdiction of the United States by the vessels of a belligerent, whether public ships or privateers for the purpose of preparing for hostile operations, or as posts of observation upon the ships of war or privateers or merchant vessels of an opposing belligerent must be regarded as unfriendly and offensive, and in violation of that neutrality which it is the determination of this government to observe; and to the end that the hazard and inconvenience of such apprehended practices may be avoided, I further proclaim and declare that from and after the fifth day of September instant, and so long as this proclamation shall be in effect, no ship of war or privateer of any belligerent shall be permitted to make use of any port, harbor, roadstead, or waters subject to the jurisdiction of the United States as a station or place of resort for any warlike purpose or for the purpose of obtaining warlike equipment; no privateer of a belligerent shall be permitted to depart from any port, harbor, roadstead, or waters subject to the jurisdiction of the United States; and no ship of war of a belligerent shall be permitted to sail out of or leave any port, harbor, roadstead, or waters subject to the jurisdiction of the United States from which a vessel of an opposing belligerent (whether the same shall be a ship of war or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last mentioned vessel beyond the jurisdiction of the United States.

If any ship of war of a belligerent shall, after the time this notification takes effect, be found in, or shall enter any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, such vessel shall not be permitted to remain in such port, harbor, roadstead, or waters more than twenty-four hours, except in case of stress of weather, or for delay in receiving supplies or repairs, or when detained by the United States; in any of which cases the authorities of the port, or of the nearest port (as the case may be), shall require her to put to sea as soon as the cause of the delay is at an



end, unless within the preceding twenty-four hours a vessel, whether ship of war or merchant ship of an opposing belligerent, shall have departed therefrom, in which case the time limited for the departure of such ship of war shall be extended so far as may be necessary to secure an interval of not less than twenty-four hours between such departure and that of any ship of war or merchant ship of an opposing belligerent which may have previously quit the same port, harbor, roadstead, or waters.

Vessels used exclusively for scientific, religious, or philanthropic purposes are exempted from the foregoing provisions as to the length of time ships of war may remain in the ports, harbors, roadsteads, or waters subject to the jurisdiction of the United States.

The maximum number of ships of war belonging to a belligerent and its allies which may be in one of the ports, harbors, or roadsteads subject to the jurisdiction of the United States simultaneously shall be three.

When ships of war of opposing belligerents are present simultaneously in the same port, harbor, roadstead, or waters, subject to the jurisdiction of the United States, the one entering first shall depart first, unless she is in such condition as to warrant extending her stay. In any case the ship which arrived later has the right to notify the other through the competent local authority that within twenty-four hours she will leave such port, harbor, roadstead, or waters, the one first entering, however, having the right to depart within that time. If the one first entering leaves, the notifying ship must observe the prescribed interval of twenty-four hours. If a delay beyond twenty-four hours from the time of arrival is granted, the termination of the cause of delay will be considered the time of arrival in deciding the right of priority in departing.

Vessels of a belligerent shall not be permitted to depart successively from any port, harbor, roadstead, or waters subject to the jurisdiction of the United States at such intervals as will delay the departure of a ship of war of an opposing belligerent from such ports, harbors, roadsteads, or waters for more than twenty-four hours beyond her desired time of sailing. If, however, the departure of several ships of war and merchant ships of opposing belligerents from the same port, harbor, roadstead, or waters is involved, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the vessels of the opposing belligerents, and to cause the least detention consistent with the objects of this proclamation.

All belligerent vessels shall refrain from use of their radio and signal apparatus while in the harbors, ports, roadsteads, or waters subject to the jurisdiction of the United States, except for calls of distress and communications connected with safe navigation or arrangements for the arrival of the vessel within, or departure from, such harbors, ports, roadsteads, or waters, or passage through such waters; provided that such communications will not be of direct material aid to the belligerent in the conduct of military operations against an opposing belligerent. The radio of belligerent merchant vessels may be sealed by the authorities of the United States, and such seals shall not be broken within the jurisdiction of the United States except by proper authority of the United States.

No ship of war of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew in amounts necessary to bring such supplies to her peace standard, and except such fuel, lubricants, and feed water only as may be sufficient, with that already on board, to carry such vessel, if without any sail power, to the nearest port of her own country; or in case a vessel is rigged to go under sail, and may also be propelled by machinery, then half the quantity of fuel, lubricants, and feed water which she would be entitled to have on board, if dependent upon propelling machinery alone, and no fuel, lubricants, or feed water shall be again supplied to any such ship of war in the same or any other port, harbor, roadstead, or waters subject to the jurisdiction of the United States until after the expiration of three months from the time when such fuel, lubricants and feed water may have been last supplied to her within waters subject to the jurisdiction of the United States. The amounts of fuel, lubricants, and feed water allowable under the above provisions shall be based on the economical speed of the vessel, plus an allowance of thirty per centum for eventualities.

No ship of war of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters subject to the jurisdiction of the United States, to make repairs beyond those that are essential to render the vessel seaworthy and which in no degree constitute an increase in her military strength. Repairs shall be made without delay. Damages which are found to have been produced by the enemy's fire shall in no case be repaired.

No ship of war of a belligerent shall effect repairs or receive fuel, lubricants, feed water, or provisions within the jurisdiction of the United States without written authorization of the proper authorities of the United States. Before such authorization will be issued, the commander of the vessel shall furnish to such authorities a written declaration, duly signed by such commander, stating the date, port, and amounts of supplies last received in the jurisdiction of the United States, the amounts of fuel, lubricants, feed water, and provisions on board, the port to which the vessel is proceeding, the economical speed of the vessel, the rate of consumption of fuel, lubricants, and feed water at such speed, and the amount of each class of supplies desired. If repairs are desired, a similar declaration shall be furnished stating the cause of the damage and the nature of the repairs. In either case, a certificate shall be included to the effect that the desired services are in accord with the rules of the United States in that behalf.

No agency of the United States Government shall, directly or indirectly, provide supplies nor effect repairs to a belligerent ship of war.

No vessel of a belligerent shall exercise the right of search within the waters under the jurisdiction of the United States, nor shall prizes be taken by belligerent vessels within such waters. Subject to any applicable treaty provisions in force, prizes captured by belligerent vessels shall not enter any port, harbor, roadstead, or waters under the jurisdiction of the United States except in case of unseaworthiness, stress of weather, or want of fuel or provisions; when the cause has disappeared, the prize must leave immediately, and if a prize captured by a belligerent vessel enters any port, harbor, roadstead, or waters subject to the jurisdiction of the United States for any other reason than on account of unseaworthiness, stress of weather, or want of fuel or provisions, or fails to leave as soon as the circumstances which justified the entrance are at an end, the prize with its officers and crew will be released and the prize crew will be interned. A belligerent Prize Court cannot be set up on territory subject to the jurisdiction of the United States or on a vessel in the ports, harbors, roadsteads, or waters subject to the jurisdiction of the United States.

The provisions of this proclamation pertaining to ships of war shall apply equally to any vessel operating under public control for hostile or military purposes.

AND I do further declare and proclaim that the statutes and the treaties of the United States and the law of nations alike require that no person, within the territory and jurisdiction of the United States, shall take part, directly or indirectly, in the said war, but shall remain at peace with all of the said belligerents, and shall maintain a strict and impartial neutrality.

AND I do further declare and proclaim that the provisions of this proclamation shall apply to the Canal Zone except in so far as such provisions may be specifically modified by a proclamation or proclamations, issued for the Canal Zone.

AND I do hereby enjoin all nationals of the United States, and all persons residing or being within the territory or jurisdiction of the United States, to observe the laws thereof, and to commit no act contrary to the provisions of the said statutes or treaties or in violation of the law of nations in that behalf.

AND I do hereby give notice that all nationals of the United States and others who may claim the protection of this government, who may misconduct themselves in the premises, will do so at their peril, and that they can in no wise obtain any protection from the government of the United States against the consequences of their misconduct.

This proclamation shall continue in full force and effect unless and until modified, revoked or otherwise terminated, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this fifth day of September in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2348]

[F. R. Doc. 39-3240; Filed, September 5, 1939; 3:54 p. m.]

## EXECUTIVE ORDER

### CONTROL OF THE PANAMA CANAL AND THE CANAL ZONE

By virtue of the power and authority vested in and conferred upon me by section 8 of title 2 of the Canal Zone Code, approved June 19, 1934 (48 Stat. 1122), and as President of the United States, it is hereby ordered that the Officer of the Army commanding the United States Troops stationed in the Canal Zone shall, until otherwise ordered, assume and have exclusive authority and jurisdiction over the operation of the Panama Canal and all its adjuncts, appendants, and appurtenances, including the entire control and government of the Canal Zone; and, while this order is in force, the Governor of the Panama Canal shall, in all respects and particulars as to the operation of the Panama Canal and all duties, matters and transactions affecting the Canal Zone, be subject to the order and direction of the Officer of the Army herein designated.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 5, 1939.*

[No. 8232]

[F. R. Doc. 39-3241; Filed, September 5, 1939; 5:57 p. m.]

## *Rules, Regulations, Orders*

## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Amendment No. 25 of the Civil Air Regulations]

REVISING AIRWAY TRAFFIC CONTROL AREA DESIGNATION, AMBER CIVIL AIRWAY NO. 1

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 1st day of September 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Section 60.2410 of the Civil Air Regulations is amended to read as follows:

"§ 60.2410 *Amber civil airway No. 1.* From the intersection of the center line of the south leg of the San Diego, Calif., radio range and the U. S.-Mexican border (San Ysidro, Calif.) to a point 25 miles south of the Medford, Oreg., radio range station."

This amendment shall become effective on and after 12:01 A. M., E. S. T., October 1, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3224; Filed, September 2, 1939; 10:51 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3643]

IN THE MATTER OF THE JOSEPH DIXON CRUCIBLE COMPANY, ET AL.

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* By agreement or combination, and in connection with the offer, sale or distribution of wood-cased lead pencils in commerce between and among the various states and in the District of Columbia, (1) fixing or maintaining uniform prices, terms or conditions for the sale of comparable wood-cased lead pencils; or (2) changing simultaneously the prices at which comparable wood-cased lead pencils are to be sold or are sold; or (3) adopting, fixing or determining uniform schedules of quantity or annual cumulative discounts on comparable wood-cased lead pencils; or (4) fixing or determining uniform prices of wood-cased lead pencils known in the trade as "blanks", i. e., pencils upon which neither name nor brand of manufacturer appears; or (5) offering uniform bids on comparable wood-cased lead pencils to prospective purchasers thereof; or (6) for the purpose of effectuating any agreement or combination to fix or maintain uniform prices in the United States for the sale of comparable wood-cased lead pencils, (a) investigating or consulting with each other with respect to a standardization program having as its objective the limitation of the styles, grades or qualities of wood-cased lead pencils manufactured and offered for sale by any of the respondents, (b) reporting to The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, monthly statistics by each member of such an association, showing new orders, production for shipment, unfilled orders, and inventory of finished stock, and causing said association to report to each member thereof industry totals with the individual percentage of any member of such totals, (c) classifying the members of The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, into different classes according to the amount of business done by each respondent member thereof annually, (d) having the Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, or William A. McDermid, or any other party or parties connected with The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, supervise the activities of the members of such an association; on the part of respondent corporate pencil manufacturers, their representatives, etc., respondent Lead Pencil Association, Inc., or any other association of lead pencil manufacturers, its officers, etc., or respondent McDermid, president and commissioner of aforesaid association, or any other party, prohibited; subject to the provision that nothing in aforesaid order shall be construed to prevent the respondents, or any of them, from investigating or consulting with one another, for the purpose of attempting to work out a simplification program for the pencil industry, whether said investigation or consultation is done in conjunction with the National Bureau of Standards, in accordance with the procedure of said Bureau or amongst any or all of respondents; and to further provision that such investigation or consultation shall not be for the purpose of effectuating any agreement or combination among any or all of said respondents, to fix or maintain uniform prices on comparable wood-cased lead pencils or to commit any of the other acts or things from which they are ordered herein to cease and desist. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec 45b) [Cease and desist order, The Joseph Dixon Crucible Company, et al., Docket 3643, August 28, 1939]



*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 28th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF THE JOSEPH DIXON CRUCIBLE COMPANY, THE EBERHARD FABER PENCIL COMPANY; THE AMERICAN LEAD PENCIL COMPANY, EAGLE PENCIL COMPANY, INC., RICHARD BEST PENCIL COMPANY, BLAISDEL PENCIL COMPANY, GENERAL PENCIL COMPANY, HASSENFELD BROTHERS, INC., NATIONAL PENCIL COMPANY, RELIANCE PENCIL COMPANY, UNIVERSAL PENCIL COMPANY, RED CEDAR PENCIL COMPANY, WALLACE PENCIL COMPANY, THE LEAD PENCIL ASSOCIATION, INC., AND WILLIAM A. McDERMID

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents and a stipulation entered into by and between the respondents herein and W. T. Kelley, Chief Counsel for the Federal Trade Commission, whereby it was stipulated and agreed that a statement of facts signed and executed by the respondents and W. T. Kelley, Chief Counsel for the Federal Trade Commission, might be taken as the facts in this proceeding and in lieu of testimony in support of the charges stated in the complaint or in opposition thereto, which stipulation was approved by the Commission, and the Commission having made its findings as to the facts and its conclusion that the said respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That the respondents, The Joseph Dixon Crucible Company, The Eberhard Faber Pencil Company, The American Lead Pencil Company, Eagle Pencil Company, Inc., Richard Best Pencil Company, Blaisdel Pencil Company, General Pencil Company, Hassenfeld Brothers, Inc., National Pencil Company, Reliance Pencil Company, Universal Pencil Company, Red Cedar Pencil Company and Wallace Pencil Company, their representatives, successors and assigns, officers, agents and employees, directly or indirectly, or through or by means of respondent, The Lead Pencil Association, Inc., or any other association of lead pencil manufacturers, its officers, representatives and agents, or through or by means of respondent William A. McDermid, or any other party, or by any other means, that the respondents The Lead Pencil Association, Inc., its successors or assigns, and William A. McDermid, shall all, in connection with the offering for sale, sale or distribution of wood-cased lead pencils in commerce between and among the various states of the United States and in the District of Columbia, forthwith cease and desist from doing, by agreement or combination, the following acts and things:

1. Fixing or maintaining uniform prices, terms or conditions for the sale of comparable wood-cased lead pencils;

2. Changing simultaneously the prices at which comparable wood-cased lead pencils are to be sold or are sold;

3. Adopting, fixing or determining uniform schedules of quantity or annual cumulative discounts on comparable wood-cased lead pencils;

4. Fixing or determining uniform prices of wood-cased lead pencils known in the trade as "blanks", which are pencils upon which neither the name nor any brand of the manufacturer appears;

5. Offering uniform bids on comparable wood-cased lead pencils to prospective purchasers thereof;

6. (a) Investigating or consulting with each other with respect to a standardization program having as its objective the limitation of the styles, grades or qualities of wood-cased lead pencils manufactured and offered for sale by any of the respondents, (b) reporting to The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, monthly statistics by each member of such an association, showing new orders, production for shipment, unfilled orders, and inventory of finished stock, and causing said association to report to each member thereof industry totals with the individual percentage of any member of such totals, (c) classifying the members of The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, into different classes according to the amount of business done by each respondent member thereof annually, (d) having The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, or William A. McDermid, or any other party or parties connected with The Lead Pencil Association, Inc., its successors or assigns, or any other association of lead pencil manufacturers, supervise the activities of the members of such an association where any or all of the said acts or practices hereinbefore set out in sub-paragraphs (a), (b), (c) and (d) hereof are done for the purpose of effectuating any agreement or combination to fix or maintain uniform prices in the United States for the sale of comparable wood-cased lead pencils.

*It is further ordered*, That nothing herein shall be construed to prevent the respondents, or any of them, from investigating or consulting with one another, for the purpose of attempting to work out a simplification program for the pencil industry, whether said investigation or consultation is done in conjunction with the National Bureau of Standards, in accordance with the procedure of said Bureau or amongst any or all of respondents; provided, however, that such investigation or consultation shall not be for the purpose of effectuating any agreement or combination among any or all of said respondents to fix or maintain uniform prices on comparable wood-cased lead pencils or to commit any of the other acts or things from which they are ordered herein to cease and desist.

*It is still further ordered*, That the respondents named in the above caption shall each within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] A. N. ROSS,
*Acting Secretary.*

[F. R. Doc. 39-3222; Filed, September 2, 1939; 9:41 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### WAR DEPARTMENT

### CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 205—DUMPING GROUNDS REGULATIONS

§ 205.70 *Pacific Ocean, Honolulu Harbor, T. H.*[1] Pursuant to the provisions of Section 4 of the River and Harbor Act approved March 3, 1905 (33 Stat. 1147; 33 U.S.C. 419) the following dumping grounds in the Pacific Ocean adjacent to Honolulu Harbor, T. H., with regulations relating thereto, are hereby approved:

*The Dumping Grounds*

(a) (1) *Daytime dumping area.* To the west of a line through Aloha Tower and Fort Armstrong flagstaff (approximate azimuth 8°30') and to the south of an east-west line through Diamond Head Light.

(2) *Nighttime dumping area.* A triangular area outside the 1,000-foot contour, lying west of a line through Aloha Tower light and Pier No. 1 light (approximate azimuth 8°30'), southeast of Kewalo entrance range (approximate azimuth 31°30') marked by range lights, and north of an east-west line through Diamond Head Light.

[1] These regulations are supplementary to Title 33, Chapter II, Part 205, Code of Federal Regulations.

*The Regulations*

(b) (1) No dumping shall be done in waters adjacent to Honolulu Harbor outside the dumping grounds herein prescribed, unless specifically authorized by a War Department permit.

(2) The dumping grounds may be used only for dumping of suitable nonfloatable materials, not easily transported by the currents, from dredging and other operations in Honolulu Harbor and vicinity, such as submarine excavations, ballast and other suitable materials from vessels, and waste materials of suitable character from neighboring land excavations.

(3) All dumping during the daytime shall be done in the day dumping area, and during the nighttime in the night dumping area. Such dumping shall be subject to supervision by the District Engineer, or his representative, who may suspend the privilege at any time, if, in his opinion the interests of navigation so require. No dumping shall be commenced without at least 24 hours' prior notice thereof to the District Engineer.

(4) Dumping of other than dredged materials shall be done only under the supervision of the District Engineer or his representative, and the cost of inspection shall be borne by the party responsible for the dumping.

(5) Inspectors and others while engaged in this service will be afforded satisfactory transportation to and from the dumping grounds, and will be provided protection from the weather.

(6) In all the above cases the District Engineer will provide, if in his judgment it becomes necessary, buoys or a stake boat to be maintained by the United States at the expense of the responsible party.

(7) These regulations shall not be construed as authorizing, without the usual War Department written permit, any dredging in or connecting with the navigable waters.

(8) Dredged material from a single job, in excess of 100,000 cubic yards, shall not be dumped in said areas without the usual War Department written permit.

(9) Dumping of waste materials from neighboring land areas will be limited to 100,000 cubic yards. Dumping in excess of this quantity will be done only under the usual War Department written permit.

(10) Map of the dumping grounds may be seen at the office of the District Engineer, or obtained from him.

(11) These regulations shall take effect and be in force on and after September 15, 1939. (Sec. 4, River and Harbor Act, March 3, 1905, 33 Stat. 1174; 33 U.S.C. 419) [Regs., Aug. 21, 1939 (E.D. 7314 (Pacific Ocean-Hawaii)–1/4)]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–3223; Filed, September 2, 1939; 9:43 a. m.]

## BUREAU OF MARINE INSPECTION AND NAVIGATION

AMENDMENTS TO REGULATIONS RELATING TO ENTRY AND CLEARANCE OF AIRCRAFT[1]

A new section numbered 609.0 is to be added to precede immediately section 609.1, to read as follows:

§ 609.0 *Scope of regulations.* All navigation laws and regulations pertaining to the entry and clearance of vessels shall apply to civil aircraft to such extent and upon such conditions as are provided for in these regulations.

Section 609.2 *Entry* is amended by the addition of a new paragraph at the end thereof to read as follows:

As soon as practicable after any such landing, including a forced landing, or within twenty-four hours thereafter in any event, the person having charge or command of the aircraft shall report the arrival of the aircraft to the nearest customs officer and shall not depart from the place of such landing until after such report has been made.

Section 609.3 *Clearance* is amended by the addition of a new subsection lettered (f), to read as follows:

(f) Before a clearance is granted to any aircraft in accordance with the provisions of this section, the Collector will verify the compliance with all the applicable provisions of 46 CFR 5.1 (f) of the regulations for the foreign clearance of vessels.

[44 Stat. 572, 52 U.S.C. 177; 46 Stat. 761, 19 U.S.C. 1644]

[SEAL] EDWARD J. NOBLE,
*Acting Secretary of Commerce.*

SEPTEMBER 2, 1939.

[F. R. Doc. 39–3225; Filed, September 2, 1939; 1:01 p. m.]

[1] Prior regulations appearing at 3 F.R. 2130 DI should have appeared under "Bureau of Marine Inspection and Navigation" rather than "Bureau of Air Commerce."

## *Notices*

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. 485–FD]

IN THE MATTER OF THE APPLICATION OF INLAND STEEL COMPANY

ORDER GRANTING RENEWAL OF EXEMPTION

Inland Steel Company, applicant herein, having on April 12, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the applicant, or produced and transported by applicant to itself for consumption by it, in the manufacture of steel at its plant in Indiana Harbor, Indiana; and

The Commission having, on August 31, 1938, entered an order pursuant to such application, in Docket No. 485–FD, ordering that the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by applicant at its mines located at Wheelwright, Kentucky, which is consumed by applicant in the general manufacture of steel at Indiana Harbor, Indiana, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering applicant to apply annually thereafter, and at such other times as the Commission may require, for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant having, on August 28, 1939, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantities of coal produced by applicant during the year 1938 and the portion of the year 1939 ending July 31, 1939, at its mines located at Wheelwright, Kentucky, and the portion thereof which is consumed by applicant in the general manufacture of steel at Indiana Harbor, Indiana, and which application also contains a statement that all the facts set forth in the application of April 12, 1938, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order of August 31, 1938, continue to exist:

*It is ordered*, That the application filed by the applicant for renewal of said Order of August 31, 1938, be and the same is hereby granted;

*Provided, however*, That said Order of August 31, 1938, and the exemption granted thereby shall automatically terminate and expire

1. Unless the applicant, on or before August 1, 1940, files an application for renewal of said order;

2. Unless the applicant, on the fifteenth day of each month hereafter, beginning on September 15, 1939, files with the Director a verified report containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the applicant continue to exist:

(a) The full name and business address of applicant, and the name and location of the mine or mines covered by this application.

(b) The total tonnage of bituminous coal produced by applicant during the preceding month at such mine or mines.

(c) The total tonnage of such production which was consumed by applicant, and the nature and purpose of such consumption.

(d) Whether any change has occurred in the ownership of the mine or mines from which the coal in question was produced, or in the ownership of the plant, factory or other facility at which the coal was consumed.

(e) Whether there has been a change in the agency or instrumentality through which the coal was being produced at the time the order of August 31, 1938, was entered, and if such change has occurred, the nature thereof;

3. In no event later than September 1, 1940, or such earlier date as the Director shall fix after notice and opportunity for hearing; and

*It is further ordered*, That any interested party may at any time file with the Director a petition requesting that the applicant be directed to show cause why the exemption granted by said Order of August 31, 1938, should not be terminated. Any person filing such petition shall serve a copy thereof upon the applicant herein.

Dated, September 1, 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39–3226; Filed, September 5, 1939; 10:38 a. m.]

[Docket No. 486–FD]

IN THE MATTER OF THE APPLICATION OF THE NORFOLK AND WESTERN RAILWAY COMPANY

ORDER GRANTING RENEWAL OF EXEMPTION

The Norfolk and Western Railway Company, applicant herein, on July 10, 1937, having filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the applicant, or produced and transported by the applicant to itself for consumption by it in its operation as a common carrier by railroad; and

The Commission having entered, on August 31, 1938, an order pursuant to such application, in Docket No. 486–FD, ordering that the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by applicant at its mines known as "Howard Collieries" and "Vulcan Collieries", located in Mingo County, West Virginia, and "Pond Creek Collieries", located in Pike County, Kentucky, which is consumed by the applicant in its operation as a common carrier by railroad, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering applicant to apply annually thereafter, and at such other times as the Commission may require, for renewal of said order, and file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant, on August 10, 1939, having filed a verified application for renewal of said order, which application contains a statement of the quantities of coal produced by applicant during the years 1937 and 1938 at its mines located in Mingo County, West Virginia; and Pike County, Kentucky, and consumed by applicant in its operation as a common carrier by railroad, and which application also contains a statement that all the facts as set forth in the application of July 10, 1937, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order of August 31, 1938, continue to exist:

*It is ordered*, That the application filed by the applicant for renewal of said Order of August 31, 1938, be and the same is hereby granted;

*Provided, however*, That said Order of August 31, 1938, and the exemption granted thereby shall automatically terminate and expire

1. Unless the applicant, on or before August 1, 1940, files an application for renewal of said Order;

2. Unless the applicant, on the fifteenth day of each month hereafter, beginning on September 15, 1939, files with the Director a verified report containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the applicant continue to exist:

(a) The full name and business address of applicant, and the name and location of the mine or mines covered by this application.

(b) The total tonnage of bituminous coal produced by applicant during the preceding month at such mine or mines.

(c) The total tonnage of such production which was consumed by applicant, and the nature and purpose of such consumption.

(d) Whether any change has occurred in the ownership of the mine or mines from which the coal in question was produced, or in the ownership of the plant, factory or other facility at which the coal was consumed.

(e) Whether there has been a change in the agency or instrumentality through which the coal was being produced at the time the order of August 31, 1938, was entered, and if such change has occurred, the nature thereof;

3. In no event later than September 1, 1940, or such earlier date as the Director shall fix after notice and opportunity for hearing; and

*It is further ordered*, That any interested party may at any time file with the Director a petition requesting that the applicant be directed to show cause why the exemption granted by said Order of August 31, 1938, should not be terminated. Any person filing such petition shall serve a copy thereof upon the applicant herein.

Dated, September 2, 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39–3227; Filed, September 5, 1939; 10:38 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

IN THE MATTER OF J. FREEZER & SON, INC.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATE FOR EMPLOYMENT OF LEARNERS

Notice is hereby given that a Special Certificate for the employment of learners at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued to J. Freezer and Son, Incorporated, Christiansburg, Virginia, subject to the following terms:

| Name of firm | Number of learners | Industry | Occupation | Period | Beginning | Percent of minimum wage |
|---|---|---|---|---|---|---|
| J. Freezer & Son, Inc., Christiansburg, Va. | 150 | Apparel (men's cotton shirts). | Stitching | 8 wks. | Sept. 25, 1939 | 75 |

This Special Certificate is issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522,[1] as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to this Special Certificate and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificate may be canceled as of the date of its issuance and if so canceled, reimbursement of all persons employed under such certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 31st day of August 1939.

MERLE D. VINCENT,
*Chief of Hearings and Exemptions Section.*

[1] 4 F.R. 2088 DI.

[F. R. Doc. 39–3221; Filed, September 1, 1939; 3:14 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket Nos. 12-401 (B)-1, 195]

IN THE MATTER OF THE APPLICATIONS OF TRANS-SOUTHERN AIRLINES, INC., AND BRANIFF AIRWAYS, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, involving the applications of Trans-Southern Airlines, Inc., and Braniff Airways, Inc., for certificates of public convenience and necessity authorizing air transportation between Amarillo, Texas, Dill, Oklahoma City, Muskogee, Tulsa and Shawnee, Okla., Fort Smith and Russellville, Ark., Memphis, Tenn. and Atlanta, Ga., now assigned for September 18, 1939,[1] is hereby postponed until September 25, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Raleigh Hotel, 12th Street and Pennsylvania Avenue NW., Washington, D. C., before Examiner Frank A. Law, Jr.

Dated Washington, D. C., September 2, 1939.

By the authority.

[SEAL] PAUL J. FITZELL,
*Secretary.*

[F. R. Doc. 39-3233; Filed, September 5, 1939; 11:10 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5453]

IN RE APPLICATION OF MATHESON RADIO COMPANY INC. (WHDH)

*Dated, July 27, 1939; for construction permit; class of service, broadcast; class of station, broadcast; location, Saugus, Mass.—Trans., Boston, Mass.—Studio; operating assignment specified: frequency, 830 kc directional antenna night; power, 5 kw night; 5 kw day; hours of operation, unlimited*

[File No. B1-P-2201]

NOTICE OF HEARING

The foregoing application has been designated for hearing at the office of the Commission, Washington, D. C., on the 10th day of October 1939.

1. To determine whether the interests of any other stations may be adversely affected by reason of interference, particularly Stations KOA, WRUF, WEEU and WABC;

2. Because of the pendency of another application with which conflict may be had by reason of interference, i. e. (B3-P-2408) WRUF;

3. To determine whether public interest, convenience or necessity would be served by modifying the Rules Governing Standard Broadcast Stations, particularly Sections 3.22 and 3.25 (Part 3), to authorize the operation of WHDH as proposed;

4. To determine whether Station WHDH, operating as proposed on 830 kc with 5 kw power would render the type of service for which said frequency is designated under the Commission's plan of allocation and Standards of Good Engineering Practice.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.107 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Matheson Radio Co. Inc.
Radio Station WHDH,
Hotel Touraine, 62 Boylston St.,
Boston, Mass.

Dated at Washington, D. C., September 2, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-3234; Filed, September 5, 1939; 11:39 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1939.

[File No. 43-241]

IN THE MATTER OF WESTERN STATES UTILITIES COMPANY

ORDER ALLOWING DECLARATION TO BECOME EFFECTIVE REGARDING THE ISSUE OF BONDS BY A SUBSIDIARY OF A REGISTERED HOLDING COMPANY

Western States Utilities Company, a subsidiary of Peoples Light and Power Company, a registered holding company, having filed with this Commission a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issuance and sale by declarant of $350,000 of First Mortgage 4½% Bonds due September 1, 1959; public hearing thereon having been duly held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings therein;

*It is ordered*, That such declaration be and become effective forthwith subject, however, to the condition that the issue and sale of the aforesaid bonds shall be effected in substantial compliance with the terms and conditions set forth in and for the purposes represented by said declaration as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3229; Filed, September 5, 1939; 10:52 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1939.

[File No. 50-5]

IN THE MATTER OF AMERICAN GAS AND POWER COMPANY AND BIRMINGHAM GAS COMPANY

ORDER RELATIVE TO PAYMENT OF FEES AND EXPENSES

American Gas and Power Company, a registered holding company, and Birmingham Gas Company, a subsidiary company of said American Gas and Power Company, having applied to this Commission for approval of the payment of fees and expenses incurred in connection with the Plan of Recapitalization of Birmingham Gas Company, which was the subject of the report of this Commission adopted by an order filed herein under date of September 29, 1938, the present application being pursuant to a provision of an order of like date heretofore filed herein whereby the declarations under Section 7[1] filed in this proceeding were permitted to become effective subject to a reservation of jurisdiction by the Commission to pass upon fees and expenses incurred and to be incurred in connection with said Plan of Recapitalization, pursuant to Section 7 (d) (4);

A public hearing having been held upon said application after appropriate notice, the record having been duly examined, and the Commission having made and filed its findings herein;

*It is ordered*, That:

The payment of fees and expenses, jurisdiction concerning which was reserved by order of this Commission dated September 29, 1938, as set forth in the post-amendment of the original application in this proceeding plus the further payment of $387.95 of telephone charges, telegrams, postage and similar expenditures to Kalman & Company, reimbursements for expenses incurred by that firm in this connection, be and the same are hereby approved;

*Provided*, and this order is entered upon the following conditions:

(a) In the payment of the fees and expenses, payment of which is hereby authorized, there shall be deducted, in each instance, the amounts, if any, already paid upon the respective items involved;

(b) No further payment of any fees and expenses hereby approved shall be made until, and unless, such payments shall have been approved, and only to the extent that the same shall have been approved, by the Public Service Commission of Alabama.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3230; Filed, September 5, 1939; 10:52 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of September, A. D. 1939.

[File No. 31-73]

IN THE MATTER OF THE APPLICATION OF WISCONSIN SECURITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application for exemption pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on September 21, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 16, 1939.

The matter concerned herewith is in regard to the application filed by Wisconsin Securities Company for exemption as a holding company from the provisions of the Public Utility Holding Company Act of 1935; the applicant being an investment company owning more than 10% of the voting securities of Mississippi Valley Public Service Company, a public utility company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3231; Filed, September 5, 1939; 10:52 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of September, A. D. 1939.

[File No. 46-169]

IN THE MATTER OF ARKANSAS LOUISIANA GAS COMPANY, ARKANSAS NATURAL GAS CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration and combined application pursuant to sections 7, 10 (a) (1) and Rule U-12F-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matters be held on September 15, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pensylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 11, 1939.

The matters concerned herewith are in regard to the proposed issue and sale by Arkansas Louisiana Gas Company, the declarant, of $3,300,000 in principal amount of First Mortgage Bonds, 2¾% Series A, due 1940-1944; $9,700,000 principal amount First Mortgage Bonds, 3½% Series B, due 1945-1954; and $6,500,000 principal amount of 5% Debenture due September 2, 1955.

The proposed bonds will be sold privately to two banking institutions and six insurance companies at 100% of their principal amount. The proceeds of such sale, in the amount of $13,000,000 will be used to retire declarant's outstanding $9,100,000 principal amount of First Mortgage Bonds, 4% Series due 1951, at 101½, and $3,500,000 principal amount of 5% Debentures due 1952, at the face amount.

The proposed 5% Debenture due 1955, in the amount of $6,500,000, will be issued to Arkansas Natural Gas Corporation (applicant herein), declarant's parent and a registered holding company, to retire an equal principal amount of said 5% Debentures due 1952 held by applicant.

Applicant presently owns all of declarant's outstanding 5% Debentures due 1952, in the total amount of $10,000,000, which are pledged as collateral for applicant's 6% note in the principal amount of $4,266,386.41 held by Cities Service Company, parent of applicant. The application states that with the proceeds derived from the retirement with cash, as aforesaid, of $3,500,000 of declarant's 5% Debentures due 1952 held by applicant, $3,000,000 will be applied to reduce the principal of said note held by Cities Service Company.

Arkansas Louisiana Gas Company has filed a declaration pursuant to Section 7 with respect to the issuance of the aforesaid securities. The parent, Arkansas Natural Gas Corporation, has filed an application pursuant to Section 10 (a) (1) for approval of the acquisition of the proposed 5% Debenture due 1955 and an application pursuant to Rule U-12F-1

[1] 4 F.R. 2844 DI.

[1] Public Utility Holding Company Act of 1935, Sections 7, 11 (g) and 12 (c) and Rules U-12C-1 (b), U-12D-1, U-12E-4 and U-12E-5).

for approval of the sale to declarant of the latter's outstanding $10,000,000 5% Debentures due 1952 to be retired.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3232; Filed, September 5, 1939; 10:52 a. m.]

## UNITED STATES CIVIL SERVICE COMMISSION.

### CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS THURSDAY, AUGUST 31, 1939

*Important.* Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

| State | Number of positions to which entitled | Number of positions occupied |
|---|---|---|
| **IN ARREARS** | | |
| 1. Virgin Islands | 9 | 0 |
| 2. Puerto Rico | 621 | 42 |
| 3. Hawaii | 148 | 17 |
| 4. California | 2,294 | 790 |
| 5. Alaska | 24 | 9 |
| 6. Texas | 2,343 | 931 |
| 7. Michigan | 1,948 | 927 |
| 8. Louisiana | 845 | 403 |
| 9. Arizona | 175 | 89 |
| 10. New Jersey | 1,626 | 878 |
| 11. South Carolina | 609 | 403 |
| 12. Ohio | 2,674 | 1,609 |
| 13. Mississippi | 809 | 495 |
| 14. Oklahoma | 964 | 592 |
| 15. Alabama | 1,068 | 666 |
| 16. New Mexico | 170 | 107 |
| 17. Arkansas | 746 | 475 |
| 18. Georgia | 1,170 | 772 |
| 19. Kentucky | 1,052 | 706 |
| 20. North Carolina | 1,275 | 893 |
| 21. Tennessee | 1,053 | 810 |
| 22. Illinois | 3,070 | 2,375 |
| 23. Wisconsin | 1,152 | 924 |
| 24. Connecticut | 646 | 522 |
| 25. Indiana | 1,303 | 1,140 |
| 26. Delaware | 96 | 85 |
| 27. Nevada | 37 | 33 |
| 28. Oregon | 384 | 343 |
| 29. Florida | 591 | 542 |
| 30. Idaho | 179 | 167 |
| 31. New Hampshire | 187 | 175 |
| 32. Pennsylvania | 3,875 | 3,735 |
| 33. New York | 5,064 | 4,927 |
| 34. West Virginia | 695 | 680 |
| 35. Massachusetts | 1,710 | 1,696 |
| 36. Maine | 321 | 319 |
| 37. Colorado | 417 | 416 |
| **QUOTA FILLED** | | |
| 38. Wyoming | 91 | 91 |
| 39. Missouri | 1,460 | 1,460 |
| 40. Washington | 629 | 629 |

| State | Number of positions to which entitled | Number of positions occupied | Net gain or loss since July 1, 1939 |
|---|---|---|---|
| **IN EXCESS** | | | |
| 41. Vermont | 145 | 146 | −1 |
| 42. Utah | 204 | 211 | +8 |
| 43. Montana | 216 | 230 | −2 |
| 44. Kansas | 757 | 813 | −6 |
| 45. Rhode Island | 277 | 302 | −4 |
| 46. South Dakota | 279 | 310 | −2 |
| 47. North Dakota | 274 | 308 | −4 |
| 48. Minnesota | 1,031 | 1,171 | −5 |
| 49. Iowa | 994 | 1,129 | −8 |
| 50. Nebraska | 554 | 685 | +1 |
| 51. Virginia | 974 | 2,041 | +3 |
| 52. Maryland | 656 | 2,067 | 20 |
| 53. District of Columbia | 196 | 8,892 | +7 |

| | |
|---|---|
| **GAINS** | |
| By appointment | 64 |
| By reinstatement | 5 |
| By transfer | 37 |
| Total | 106 |
| **LOSSES** | |
| By separation | 96 |
| By transfer | 133 |
| Total | 229 |
| Total appointments | 50,195 |

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's Opinion of Aug. 25, 1934, 15,500.

By direction of the Commission.

[SEAL] L. A. MOYER, *Executive Director and Chief Examiner.*

[F. R. Doc. 39-3228; Filed, September 5, 1939; 10:41 a. m.]

Reference

SEP 9 1939

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 172

*Washington, Thursday, September 7, 1939*

## The President

EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR TO FRANCE; GERMANY; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA AND NEW ZEALAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved May 1, 1937, provides in part as follows:

"Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"The President shall, from time to time by proclamation, definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this section. The arms, ammunition, and implements of war so enumerated shall include those enumerated in the President's proclamation Numbered 2163, of April 10, 1936, but shall not include raw materials or any other articles or materials not of the same general character as those enumerated in the said proclamation, and in the Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva June 17, 1925."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"Whoever, in violation of any of the provisions of this Act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States shall be fined not more than $10,000 or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the Act approved June 15, 1917 (40 Stat. 223-225; U.S.C., 1934 ed., title 22, secs. 238-245)."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this Act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States."

AND WHEREAS it is further provided by section 11 of the said joint resolution that

"The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this Act; and he may exercise any power or authority conferred on him by this Act through such officer or officers, or agency or agencies, as he shall direct."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand, and I do hereby admonish all citizens of the United States, or any of its possessions, and all persons residing or being within the territory or jurisdiction of the United States, or its possessions, to abstain from every violation of the provisions of the joint resolution above set forth, hereby made effective and applica-

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ble to the export of arms, ammunition, or implements of war from any place in the United States or any of its possessions to France; Germany; Poland; and the United Kingdom, India, Australia and New Zealand, or to any other state for transshipment to, or for the use of, France; Germany; Poland; and the United Kingdom, India, Australia and New Zealand.

And I do hereby declare and proclaim that the articles enumerated below shall be considered arms, ammunition, and implements of war for the purposes of section 1 of the said joint resolution of Congress:

*Category I*

(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons;

(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

(4) Ammunition in excess of caliber .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above;

(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;

(6) Tanks, military armored vehicles, and armored trains.

*Category II*

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate for such vessels.

*Category III*

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below;

(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

*Category IV*

(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

*Category V*

(1) Aircraft, unassembled, assembled or dismantled, both heavier and lighter than air, other than those included in Category III;

(2) Propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units;

(3) Aircraft engines, unassembled, assembled, or dismantled.

*Category VI*

(1) Livens projectors and flame throwers;

(2) a. Mustard gas (dichlorethyl sulphide);

b. Lewisite (chlorvinyldichlorarsine and dichlordivinylchlorarsine);

c. Methyldichlorarsine;
d. Diphenylchlorarsine;
e. Diphenylcyanarsine;
f. Diphenylaminechlorarsine;
g. Phenyldichlorarsine;
h. Ethyldichlorarsine;
i. Phenyldibromarsine;
j. Ethyldibromarsine;
k. Phosgene;
l. Monochlormethylchlorformate;
m. Trichlormethylchlorformate (diphosgene);
n. Diehlordimethyl Ether;
o. Dibromdimethyl Ether;
p. Cyanogen Chloride;
q. Ethylbromacetate;
r. Ethyliodoacetate;
s. Brombenzylcyanide;
t. Bromacetone;
u. Brommethylethyl ketone.

*Category VII*

(1) Propellant powders;
(2) High explosives as follows:

a. Nitrocellulose having a nitrogen content of more than 12%;
b. Trinitrotoluene;
c. Trinitroxylene;
d. Tetryl (trinitrophenol methyl nitramine or tetranitro methylaniline);
e. Picric acid;
f. Ammonium picrate;
g. Trinitroanisol;
h. Trinitronaphthalene;
i. Tetranitronaphthalene;
j. Hexanitrodiphenylamine;
k. Pentaerythritetetranitrate (Penthrite or Pentrite);
l. Trimethylenetrinitramine (Hexogen or T.);
m. Potassium nitrate powders (black saltpeter powder);
n. Sodium nitrate powders (black soda powder);
o. Amatol (mixture of ammonium nitrate and trinitrotoluene);
p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);
q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.



DONE at the city of Washington this fifth day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2349]

[F. R. Doc. 39-3244; Filed, September 6, 1939; 10:14 a. m.]

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PRESCRIBING REGULATIONS CONCERNING NEUTRALITY IN THE CANAL ZONE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a proclamation having been issued by me on the fifth day of September instant declaring the neutrality of the United States of America in the war now existing between Germany and France; Poland; the United Kingdom, India, Australia and New Zealand.

AND WHEREAS the provisions of the said proclamation apply to the Canal Zone except in so far as such provisions may be modified by a proclamation issued for the Canal Zone;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do declare and proclaim that, from and after the fifth day of September instant, the said proclamation issued by me on the fifth day of September instant, in its application to the Canal Zone, is hereby modified as follows:

1. The limit of twenty-four hours prescribed by the above proclamation, with certain exceptions, as the maximum time a belligerent ship of war may remain within the jurisdiction of the United States shall apply to the total time such ship of war may remain in all the waters of the Canal Zone, except that the time required to transit the Canal shall be in addition to the prescribed twenty-four hours. Such transit shall be effected with the least possible delay in accordance with the Canal regulations in force, and only with such intermission as may result from the necessities of the service.

2. The maximum number of ships of war belonging to a belligerent and its allies which may be simultaneously in either terminal port and the terminal waters adjacent to such port shall be three. The maximum number of such vessels in all the waters of the Canal Zone simultaneously, including those in transit through the Canal, shall be six.

3. Belligerent ships of war, not carrying aircraft, departing from the jurisdiction of the Canal Zone from one of the terminal ports shall not be required to observe the prescribed interval of time between such departure and the departure from such jurisdiction of a vessel of an opposing belligerent from the other terminal port.

4. The time of original arrival of vessels within the jurisdiction of the Canal Zone, whether or not they transit the Canal, shall be used as the time of arrival in deciding the right of priority, between vessels of opposing belligerents, in departing from the jurisdiction of the Canal Zone.

5. If a belligerent ship of war which has left the waters of the Canal Zone, whether she has transitted the Canal or not, returns within a period of one week after her departure, she shall lose all right of priority in departure from the Canal Zone, or in passage through the Canal, over vessels of an opposing belligerent which may enter those waters after her return and before the expiration of one week subsequent to her previous departure. In any such case, the time of departure of a vessel which has so returned shall be fixed by the Canal authorities, who may in so doing consider the wishes of the commander or master of a vessel or vessels of an opposing belligerent then present within the waters of the Canal Zone.

6. If it is wholly impossible, as determined by the Governor of the Panama Canal, for a belligerent ship of war to effect repairs through, or to obtain fuel, lubricants, feed water, and provisions from, a private contractor within the Canal Zone or the Republic of Panama, the agencies of the United States administered by the Canal authorities may, in order to facilitate the operation of the Canal or its appurtenances, effect such repairs and furnish such supplies in accordance with the Canal regulations in force, but when repairs and supplies are so obtained they shall be limited to such repairs and such amounts of fuel, lubricants, feed water, and provisions, with that already on board, as may be necessary to enable the vessel to proceed to the nearest accessible port, not an enemy port, in the general direction of her voyage, at which she can obtain further repairs or supplies necessary for the continuation of the voyage. The amounts of fuel, lubricants, feed water, and provisions so received shall be deducted from the amounts otherwise allowed in ports, harbors, roadsteads, and waters subject to the jurisdiction of the United States, including the Canal Zone, during any time within a period of three months thereafter. No public vessel of a belligerent shall receive fuel or lubricants while within the territorial waters of the Canal Zone except under written authorization of the Canal Authorities, specifying the amount of fuel and lubricants which may be received. Moreover, the repair facilities and docks belonging to the United States and administered by the Canal Authorities shall not be used by a public vessel of a belligerent, except when necessary in case of actual distress, and then only upon the order of the Canal Authorities, and only to the degree necessary to render the vessel seaworthy. Any work authorized shall be done with the least possible delay.

7. In the Canal Zone, prizes shall be in all respects subject to the same rules as ships of war of the belligerents.

AND I do further declare and proclaim that, from and after the fifth day of September instant, the following additional provisions shall be effective in the Canal Zone:

1. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the Canal Zone, except when required by the Canal authorities, or in case of accidental hindrance of the transit. In such cases the Canal authorities shall be the judges of the necessity, and the transit shall be resumed with all dispatch.

2. No belligerent aircraft shall be navigated into, within, or through the air spaces above the territory or waters of the Canal Zone.

3. The enforcement of neutrality of the United States within the Canal Zone and administrative action in connection therewith shall be the responsibility of the Governor of the Panama Canal; and the military and naval forces stationed in the Canal Zone shall give him such assistance for this purpose as he may request; provided that, if an officer of the Army is designated to assume authority and jurisdiction over the operation of the Panama Canal as provided in Section 8 of Title 2 of the Canal Zone Code, such officer of the Army shall thereafter have such responsibility.

AND I do further declare and proclaim that the provisions of this proclamation and the provisions of the proclamation of the fifth day of September instant are in addition to the "Rules and Regulations for the Operation and Navigation of the Panama Canal and Approaches Thereto, including all Waters under its jurisdiction" prescribed by Executive Order No. 4314, of September 25, 1925, as amended.

This proclamation shall continue in full force and effect unless and until modified, revoked, or otherwise terminated pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this fifth day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2350]

[F. R. Doc. 39-3245; Filed, September 6, 1939; 10:14 a. m.]

IMPOSING QUOTAS ON IMPORTS OF COTTON AND COTTON WASTE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

WHEREAS pursuant to section 22 of the Agricultural Adjustment Act of 1933 as amended by section 31 of the Act of August 24, 1935 (49 Stat. 750, 773), as amended by section 5 of the Act of February 29, 1936 (49 Stat. 1148, 1152), and as reenacted by section 1 of the Act of June 3, 1937 (50 Stat. 246), I caused the United States Tariff Commission to make an investigation to determine whether cotton or cotton waste was being imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with the program undertaken with respect to cotton under the Soil Conservation and Domestic Allotment Act, as amended, or to reduce substantially the amount of any product processed in the United States from cotton;

WHEREAS, in the course of the investigation, after due notice, a hearing was held, at which parties interested were given opportunity to be present, to produce evidence, and to be heard, and in addition to the hearing, the Commission made such investigation as it deemed necessary for a full disclosure and presentation of the facts; and

WHEREAS the Commission has made findings of fact and has transmitted to me a report of such findings and its recommendations based thereon, together with a transcript of the evidence submitted at the hearing, and has also transmitted a copy of such report to the Secretary of Agriculture:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby find, on the basis of such investigation and report, that cotton and cotton waste are being imported into the United States under such conditions and in sufficient quantities as to tend to render ineffective the program undertaken with respect to cotton under the Soil Conservation and Domestic Allotment Act, as amended. Accordingly, I hereby proclaim that the total quantities of cotton and cotton waste originating in any of the countries named in the following tables which may be entered, or withdrawn from warehouse, for consumption in any year, commencing September 20, shall not exceed the quantities shown opposite each of said countries, which quantities I hereby find and declare shown by the investigation to be necessary to prescribe in order that the entry of cotton and cotton waste will not render or tend to render ineffective or materially interfere with the program undertaken with respect to cotton under the Soil Conservation and Domestic Allotment Act, as amended, or reduce substantially the amount of any product processed in the United States from cotton produced in the United States:

*Cotton (other than harsh or rough cotton of less than ¾ inch in staple length and chiefly used in the manufacture of blankets and blanketing, and other than linters): Annual quotas by countries of origin*

| Country of origin | Staple length | |
|---|---|---|
| | Less than 1⅛ inches | 1⅛ inches or more |
| | *Pounds* | *Pounds* |
| Egypt and the Anglo-Egyptian Sudan | 783, 816 | 43, 451, 566 |
| Peru | 247, 952 | 2, 056, 299 |
| British India | 2, 003, 483 | 64, 942 |
| China | 1, 370, 791 | 2, 626 |
| Mexico | 8, 883, 249 | |
| Brazil | 618, 723 | 3, 808 |
| Union of Soviet Socialist Republics | 475, 124 | |
| Argentina | 5, 203 | 435 |
| Haiti | 237 | 506 |
| Ecuador | 9, 333 | |
| Honduras | 752 | |
| Paraguay | 871 | |
| Colombia | 124 | |
| Iraq | 195 | |
| British East Africa | 2, 240 | 29, 909 |
| Netherlands East Indies | 71, 388 | |
| Barbados | | 12, 554 |
| Other British West Indies [1] | 21, 321 | 30, 139 |
| Nigeria | 5, 377 | |
| Other British West Africa [2] | 16, 004 | 2, 002 |
| Algeria and Tunisia | | 1, 634 |
| Other French Africa [3] | 689 | |
| Total | 14, 516, 882 | 45, 656, 420 |

[1] Other than Barbados, Bermuda, Jamaica, Trinidad, and Tobago.
[2] Other than Gold Coast and Nigeria.
[3] Other than Algeria, Tunisia, and Madagascar.

*Cotton card strips, comber waste, lap waste, sliver waste, and roving waste, whether or not manufactured or otherwise advanced in value: Annual quotas by countries*

| Country of origin | Total quota, provided, however, that not more than 33⅓ percent of the quotas shall be filled by cotton wastes other than card strips and comber wastes made from cottons of 1⅛ inches or more in staple length in the case of the following countries: United Kingdom, Belgium, France, Germany, Netherlands, Italy, Switzerland |
|---|---|
| | *Pounds* |
| United Kingdom | 4, 323, 457 |
| Canada | 239, 600 |
| France | 227, 420 |
| British India | 60, 627 |
| Netherlands | 68, 240 |
| Switzerland | 44, 388 |
| Belgium | 38, 559 |
| Japan | 341, 535 |
| China | 17, 322 |
| Egypt | 5, 135 |
| Cuba | 6, 544 |
| Germany | 76, 329 |
| Italy | 21, 263 |
| Total | 5, 482, 509 |

I find and declare that the total quantity of cotton or cotton waste which may be entered hereunder with respect to each of the countries named herein is not less than 50 per centum of the average annual quantity of cotton or cotton waste which was imported from each of such countries during the period from July 1, 1928, to June 30, 1933, both dates inclusive, and that during the period named no cotton or cotton waste originating in any foreign countries other than those enumerated in the foregoing tables was imported into the United States. No cotton or cotton waste originating in any other foreign country, or originating in the United States, shall be permitted to be entered, or withdrawn from warehouse, for consumption during the effectiveness of this proclamation.

As used in this proclamation, except in the first paragraph, the word "cotton" does not include harsh or rough cotton having a staple of less than ¾ of one inch in length and chiefly used in the manufacture of blankets and blanketing, nor cotton linters, and the words "cotton waste" include only card strips, and comber, lap, sliver, and roving wastes.

This proclamation shall become effective on the 20th day of September 1939.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the City of Washington this 5th day of September, in this year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America, the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2351]

[F. R. Doc. 39-3248; Filed, September 6, 1939; 10:38 a. m.]

## EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE ENFORCEMENT OF THE NEUTRALITY OF THE UNITED STATES

WHEREAS, under the treaties of the United States and the law of nations it is the duty of the United States, in any war in which the United States is a neutral, not to permit the commission of unneutral acts within the jurisdiction of the United States;

AND WHEREAS, a proclamation was issued by me on the fifth day of September[1] declaring the neutrality of the United States of America in the war now existing between Germany and France; Poland; and the United Kingdom, India, Australia, and New Zealand.

NOW, THEREFORE, in order to make more effective the enforcement of the provisions of said treaties, law of nations, and proclamation, I hereby prescribe that, during said war, the departments and independent offices and establishments of the United States Government shall have the following duties to perform in enforcing the neutrality of the United States, which duties shall be in addition to the duties now prescribed, or hereafter prescribed, by law, or by other executive order or regulation not in conflict herewith, for the departments and independent offices and establishments of the United States Government:

1. *War Department:* Enforcement of the neutrality of the United States as prescribed in the above-mentioned proclamation so far as concerns the military land forces of neutral and belligerent powers; except as provided in paragraphs numbered 2b and 4 hereof.

2. *Navy Department:* Enforcement of the neutrality of the United States as prescribed in the above-mentioned proclamation, (a) so far as concerns vessels of the naval establishments of neutral and belligerent powers and other vessels operating for hostile or military purposes, except as provided in paragraph numbered 4 hereof; (b) enforcement of the neutrality of the United States as prescribed in said proclamation in outlying possessions subject to the exclusive jurisdiction of the Navy Department; (c) in the Philippine Islands, enforcement of the neutrality of the United States as respects all vessels as prescribed in said proclamation, with the special cooperation of the Department of State and the Department of the Interior.

3. *Treasury Department and Commerce Department:* (Under such further division of responsibility as the Secretary of the Treasury and the Secretary of Commerce may mutually agree upon) Enforcement of the neutrality of the United States as prescribed in the above-mentioned proclamation so far as concerns all vessels except those referred to in paragraph numbered 2 hereof, with the special cooperation of the Department of the Interior in the territories and outlying possessions where the Treasury Department and the Commerce Department are required by law to carry out their respective functions, and except in the Philippine Islands, the Canal Zone, and the outlying possessions subject to the exclusive jurisdiction of the Navy Department.

4. *Governor of the Panama Canal:* Enforcement within the Canal Zone of the neutrality of the United States as prescribed in the above-mentioned proclamation, and administrative action in connection therewith. The military and naval forces stationed in the Canal Zone shall give him such assistance for this purpose as he may request. If an officer of the Army shall be designated to assume authority and jurisdiction over the operation of the Panama Canal as provided in Section 8 of Title 2 of the Canal Zone Code, such officer of the Army shall thereafter have the duties above assigned to the Governor of the Panama Canal.

5. *Department of Justice:* Enforcement of the neutrality of the United States as prescribed in the above-mentioned proclamation, not especially delegated to other departments, independent offices and establishments of the United States Government, and prosecution of violations of the neutrality of the United States.

[1] 4 F.R. 3809 DI.



6. *All Departments and Independent Offices and Establishments of the United States:* Enforcement of neutrality in connection with their own activities, furnishing information to, and assisting all other departments and independent offices and establishments of the United States Government in connection with the duties herein assigned; and issuing rules and regulations necessary for carrying out the duties herein assigned.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 5, 1939.*

[No. 8233]

[F. R. Doc. 39-3247; Filed, September 6, 1939; 10:32 a. m.]

## EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE PASSAGE AND CONTROL OF VESSELS THROUGH THE PANAMA CANAL IN ANY WAR IN WHICH THE UNITED STATES IS NEUTRAL

WHEREAS the treaties of the United States, in any war in which the United States is a neutral, impose on the United States certain obligations to both neutral and belligerent nations;

AND WHEREAS the treaties of the United States, in any war in which the United States is a neutral, require that the United States exert all the vigilance within their power to carry out their obligations as a neutral;

AND WHEREAS treaties of the United States shall be free and open, on terms of entire equality, to the vessels of commerce and of war of all nations observing the rules laid down in Article 3 of the so-called Hay-Pauncefote treaty concluded between the United States and Great Britain, November 18, 1901;

NOW, THEREFORE, by virtue of the authority vested in me by section 5 of the Panama Canal Act, approved August 24, 1912 (ch. 390, sec. 5, 37 Stat. 562), as amended by the act of July 5, 1932 (ch. 425, 47 Stat. 578), I hereby prescribe the following regulations governing the passage and control of vessels through the Panama Canal or any part thereof, including the locks and approaches thereto, in any war in which the United States is a neutral;

1. Whenever considered necessary, in the opinion of the Governor of the Panama Canal, to prevent damage or injury to vessels or to prevent damage or injury to the Canal or its appurtenances, or to secure the observance of the rules, regulations, rights, or obligations of the United States, the Canal authorities may at any time, as a condition precedent to transit of the Canal, inspect any vessel, belligerent or neutral, other than a public vessel, including its crew and cargo, and, for and during the passage through the Canal, place armed guards thereon, and take full possession and control of such vessel and remove therefrom the officers and crew thereof and all other persons not specially authorized by the Canal authorities to go or remain on board thereof during such passage.

2. A public vessel of a belligerent or neutral nation shall be permitted to pass through the Canal only after her commanding officer has given written assurance to the authorities of the Panama Canal that the rules, regulations, and treaties of the United States will be faithfully observed.

The foregoing regulations are in addition to the "Rules and Regulations for the Operation and Navigation of the Panama Canal and Approaches Thereto, including all Waters under its Jurisdiction" prescribed by Executive Order No. 4314 of September 25, 1925, as amended, and the provisions of proclamations and executive orders pertaining to the Canal Zone issued in conformity with the laws and treaties of the United States.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 5, 1939*

[No. 8234]

[F. R. Doc. 39-3250; Filed, September 6, 1939; 11:44 a. m.]

# *Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q.—Q. 71]

MODIFICATION OF DUTCH ELM DISEASE QUARANTINE REGULATIONS

*Introductory Note*

This modification of the Dutch elm disease quarantine regulations brings under regulation for the first time area in Litchfield and New Haven Counties, Conn., Columbia and Ulster Counties, N. Y., and the entire county of Dutchess in New York. Extensions have been made to area formerly under regulation in one county in Connecticut, two in New York, and five in New Jersey, placing the entire counties of Hunterdon and Mercer, N. J., and Putnam, N. Y., within regulated area.

The embargo with reference to the interstate movement of elm material from the regulated areas is continued and restrictions have been added to limit the movement of such material from nonregulated area through regulated areas to the winter months and then only on a through bill of lading. This action is taken in order to control the movement of elm material during the annual flight period of the elm bark beetle.

The Dutch elm disease has been discovered in a number of townships in Bucks and Northampton Counties, Pa. The State has placed an embargo on the movement of elm material therefrom and Federal quarantine action is withheld, thereby continuing the embargo on the

movement of sources of infection from heavily infected sections of New Jersey into Pennsylvania.

AVERY S. HOYT,
*Acting Chief.*

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AMENDMENT NO. 4 TO THE RULES AND REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 71

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulations 3 and 5 (Secs. 301.71–3 and 5) of the rules and regulations supplemental to Notice of Quarantine No. 71 (Sec. 301.71), on account of the Dutch elm disease, which were promulgated on February 20, 1935, are hereby amended to read as follows:

*Regulation 3*

§ 301.71–3 *Regulated areas.* In accordance with the provisos to Notice of Quarantine No. 71, the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the counties, townships, towns, cities and boroughs listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

*Connecticut.* All of *Fairfield County* except the towns of Brookfield, New Fairfield, and Sherman; town of Southbury, in *New Haven County;* and the town of Woodbury, in *Litchfield County.*

*New Jersey.* Counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Morris, Passaic, Somerset, and Union; all of *Middlesex County* except the townships of Cranbury and Monroe, and the boroughs of Helmetta, Jamesburg, and Spotswood; all of *Monmouth County* except the townships of Freehold, Millstone, Neptune, and Wall, the city of Long Branch, and the boroughs of Avon-by-the-Sea, Belmar, Bradley Beach, Brielle, Freehold, Manasquan, Neptune City, Sea Girt, South Belmar, Spring Lake, and Spring Lake Heights; all of *Sussex County* except the township of Walpack; and all of *Warren County* except the township of Pahaquarry.

*New York.* Counties of Bronx, Dutchess, Kings, Nassau, New York, Putnam, Queens, Richmond, Rockland, and Westchester; town of Ancram, in *Columbia County;* all of *Orange County* except the towns of Crawford, Deerpark, and Wallkill, and the cities of Middletown and Port Jervis; town of Huntington, in *Suffolk County;* and the towns of Esopus, Lloyd, Marlborough, New Paltz, Plattekill, and Saugerties, and the city of Kingston, in *Ulster County.*[1]

*Regulation 5*

§ 301.71–5 *Control of movement of restricted plants and plant products.* Elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery, forest, or privately grown, including (1) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (2) logs or cordwood of such plants; and (3) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants, if the wood is not free from bark, shall not be moved interstate from any regulated area to or through any point outside thereof.

Plants and plant products enumerated in this regulation may be moved interstate from an area not under regulation through a regulated area to a nonregulated area only when such movement is on through billing: *Provided*, That such movement by truck or other road vehicle may not be made during the period from April 1 to October 31, inclusive, of any 12-month period unless the restricted products contained therein while passing through any regulated area are covered or otherwise protected, to the satisfaction of an inspector, from contamination by insect vectors of the Dutch elm disease.[1]

This amendment shall be effective on and after September 11, 1939, and shall on that date supersede amendment No. 3, which became effective on November 9, 1937.

Done at the city of Washington this 6th day of September 1939.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–3251; Filed, September 6, 1939; 12:11 p. m.]

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[1] Secs. 301.71–3 and 5 issued under authority of sec. 8, 37 Stat. 318; 39 Stat. 1165; 44 Stat. 250; 7 U.S.C. 161.

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

SEPTEMBER 6, 1939.

TO WISCONSIN DAIRY CATTLE MARKET, INC.,
*Janesville, Wis.*

Whereas, the Wisconsin Dairy Cattle Market, at Janesville, Wisconsin, was posted on July 20, 1937, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Wisconsin Dairy Cattle Market is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Wisconsin Dairy Cattle Market, at Janesville, Wisconsin, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] HARRY L. BROWN,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 39–3252; Filed, September 6, 1939; 12:11 p. m.]

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[1] Modifies list posted stockyards 9 CFR 204.1.

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3298]

IN THE MATTER OF SAKS AT 34TH STREET

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported.* Representing, in connection with offer, etc., in commerce, of perfumes and other toilet preparations, through the use of the term "Famous in France", or of any other terms, words, symbols or picturizations, indicative of French or other foreign origin of such products, or in any manner, that perfumes or other toilet preparations which are made or compounded in the United States are made or compounded in France or in any other foreign country, prohibited; subject to the provision, however, that the country of origin of the various ingredients thereof may be stated when immediately accompanied with a statement that such products are made or compounded in the United States. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Saks at 34th Street, Docket 3298, August 25, 1939]

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* Using, in connection with offer, etc., in commerce, of perfumes and other toilet preparations, the term "Renaud's Perfume—Famous in France", or any other terms indicative of French origin, or any French or other foreign words or terms, as brand or trade names for perfumes, or other toilet preparations, made or compounded in the United States, without clearly and conspicuously stating in immediate connection therewith that such products are made or compounded in the United States, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Saks at 34th Street, Docket 3298, August 25, 1939]

§ 3.6 (r) (2m) *Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary.* Representing, in connection with offer, etc., in commerce, of perfumes and other toilet preparations, by any specified sum or in any other manner, that the ordinary retail price or prices of said products are other than the price or prices at which said products are ordinarily offered for sale and sold at retail, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Saks at 34th Street, Docket 3298, August 25, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF SAKS & COMPANY, A CORPORATION TRADING AND DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF SAKS AT 34TH STREET

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer or respondent, testimony and other evidence taken before William C. Reeves, an examiner of the Commission, theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, and briefs filed herein (oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Saks & Company, a corporation, trading under its own corporate name and also trading and doing business under the firm name and style of Saks at 34th Street, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of perfumes and other toilet preparations in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, through the use of the term "Famous in France", or of any other terms, words, symbols or picturizations, indicative of French or other foreign origin of such products, or in any manner, that perfumes or other toilet preparations which are made or compounded in the United States are made or compounded in France or in any other foreign country, prohibited; subject to the provision, however, that the country of origin of the various ingredients thereof may be stated when immediately accompanied with a statement that such products are made or compounded in the United States;

2. Using the term "Renaud's Perfume—Famous in France", or any other terms indicative of French origin, or any French or other foreign words or terms, as brand or trade names for perfumes, or other toilet preparations, made or compounded in the United States without clearly and conspicuously stating in immediate connection therewith that such products are made or compounded in the United States;

3. Representing by any specified sum or in any other manner that the ordinary retail price or prices of said products are other than the price or prices at which said products are ordinarily offered for sale and sold at retail.

*It is further ordered*, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] A. N. ROSS,
*Acting Secretary.*

[F. R. Doc. 39–3235; Filed, September 5, 1939; 1:56 p. m.]

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[Docket No. 3311]

IN THE MATTER OF SIFERS CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., candy or any other merchandise, in connection with offer, etc., in commerce, of candy or other merchandise, so packed and assembled that sales of said candy or other merchandise to the general public are to be, or may be, made by means of a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sifers Candy Company, Docket 3311, August 24, 1939]

§ 3.99 (b) *Using or selling lottery devices — In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, dealers with assortments of candy, together with push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing said candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sifers Candy Company, Docket 3311, August 24, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, dealers with push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing said candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sifers Candy Company, Docket 3311, August 24, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandise.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, said candy or other merchandise by use of push or pull cards or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sifers Candy Company, Docket 3311, August 24, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF SAMUEL I. SIFERS, INDIVIDUALLY AND TRADING AS SIFERS CANDY COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission (respondent having filed no answer thereto), testimony and other evidence taken before William C. Reeves, an Examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint (respondent having offered no testimony or other evidence in opposition to the allegations of said complaint), brief of counsel for the Commission filed herein (respondent having filed no brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Samuel I. Sifers, individually and trading as Sifers Candy Company, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling and distributing candy or any other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be made or may be made by means of a lottery, gaming device or gift enterprise.

2. Supplying to or placing in the hands of dealers assortments of candy together with push or pull cards, punch boards or other lottery devices which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing said candy or other merchandise to the general public.

3. Supplying to or placing in the hands of dealers push or pull cards, punch boards or other lottery devices either with assortments of candy or other merchandise or separately which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing said candy or other merchandise to the general public.

4. Selling or otherwise disposing of said candy or any other merchandise by use of push or pull cards or other lottery devices.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] A. N. ROSS,
*Acting Secretary.*

[F. R. Doc. 39-3236; Filed, September 5, 1939; 1:56 p. m.]

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[Docket No. 3678]

IN THE MATTER OF ALLE-RHUME REMEDY COMPANY, INC., ET AL.

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (yl) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondents' "Allenru", or other similar medicinal preparation, which advertisements represent, directly or by implication, that said preparation will drive out of or rid joints or muscles of all uric acid deposits; or that excess uric acid causes or aggravates most cases of rheumatism; or that it is compounded from a safe or scientific formula, or is free from harmful drugs; or is a remedy or cure for, or has any substantial therapeutic value in the treatment of, rheumatism, sciatica, neuritis, lumbago or neuralgia; or that the use thereof will remove the cause of, or effect a quick relief from, sciatica, neuritis or lumbago; or that it will quickly stop the distress and pain of rheumatism, neuritis or sciatica caused by excess uric acid or other circulating poisons; or which fail to reveal that said preparation is not a wholly safe drug to be used by the lay public in self-medication; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Alle-Rhume Remedy Company, Inc., et al., Docket 3678, August 25, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ALLE-RHUME REMEDY COMPANY, INC., AND BLOCK DRUG COMPANY, INC., CORPORATIONS

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, Alle-Rhume Remedy Company, Inc., a corporation, and Block Drug Company, Inc., a corporation, their officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of their medicinal preparation now designated by the name "Allenru", or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under said name or any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisements represent, directly or by implication, that said preparation will drive out of or rid joints or muscles of all uric acid deposits; or that excess uric acid causes or aggravates most cases of rheumatism; or that said preparation is compounded from a safe or scientific formula, or is free from harmful drugs; or that said preparation is a remedy or cure for, or has any substantial therapeutic value in the treatment of, rheumatism, sciatica, neuritis, lumbago or neuralgia; or that the use of said preparation will remove the cause of, or effect a quick relief from, sciatica, neuritis or lumbago; or that said preparation will quickly stop the distress and pain of rheumatism, neuritis or sciatica caused by excess uric acid or other circulating poisons; or which advertisements fail to reveal that said preparation is not a wholly safe drug to be used by the lay public in self-medication.

*It is further ordered* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] A. N. ROSS,
*Acting Secretary.*

[F. R. Doc. 39-3238; Filed, September 5, 1939; 1:57 p. m.]

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[Docket No. 3828]

IN THE MATTER OF SUMLAK COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of "Sumlakia", or other similar medicinal preparation, which advertisements represent, directly or through implication, that said preparation is a cure or remedy, or a competent treatment, for epilepsy; or that said preparation is harmless or safe for use; or which fail to reveal that the long continued or excessive use thereof may cause serious injury to the health of the user; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sumlak Company, Docket 3828, August 24, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and a stipulation as to the facts entered into between the respondent herein and Richard P. Whiteley, Acting Chief Counsel for the Commission, which provides, among other things, that without further evidence, or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Sumlak Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of a certain medicinal preparation now designated by the name "Sumlakia," or any other preparations or preparations composed of substantially similar ingredients, or possessing substantially similar therapeutic qualities, whether sold under said name or any other name or names, or disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisements represent, directly or through implication that said preparation is a cure or remedy or a competent treatment, for epilepsy; or that said preparation is harmless or safe for use; or which advertisements fail to reveal that the long continued or excessive use of said preparation may cause serious injury to the health of the user.

*It is further ordered*, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] A. N. ROSS,
*Acting Secretary.*

[F. R. Doc. 39-3237; Filed, September 5, 1939; 1:57 p. m.]

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## TITLE 19—CUSTOMS DUTIES

## BUREAU OF CUSTOMS

[T. D. 49949]

CUSTOMS REGULATIONS AMENDED—AIR COMMERCE[1]

*To Collectors of Customs and Others Concerned:*

Article 256,[2] Customs Regulations of 1937 [Sec. 4.9], is amended to read as follows:

ART. 256 [Sec. 4.9]. *General provisions.* Except as otherwise in these regulations provided [Secs. 4.1 to 4.13, inclusive, of this Part] aircraft arriving from contiguous foreign territory and the persons, merchandise, and baggage carried thereon shall be subject to the customs laws and regulations applicable to vehicles arriving from contiguous foreign territory; and aircraft, and the passengers and merchandise and baggage carried thereon, arriving from any other place outside the United States, shall be subject to the customs laws and regulations applicable to vessels so arriving, insofar as such laws and regulations are applicable to aircraft. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b). Sec. 644, 46 Stat. 761; 19 U.S.C. 1644)

[SEAL] W. R. JOHNSON,
*Acting Commissioner of Customs.*

Approved, September 5, 1939.

STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3253; Filed, September 6, 1939; 12:18 p. m.]

[1] This document affects 19 CFR 4.9.
[2] 2 F.R. 1508.





## TITLE 29—LABOR

## WAGE AND HOUR DIVISION

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order)[1] are issued to the employers listed below effective September 18, 1939 until September 18, 1940, subject to the following terms:

OCCUPATION AND WAGE RATES

The employment of learners in the Hosiery Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

| Occupation | Primary learning period of 480 hours | | Secondary learning period of 480 hours | | Retraining period of 480 hours | |
|---|---|---|---|---|---|---|
| | Piece rate basis | Hourly rate basis | Piece rate basis | Hourly rate basis | Piece rate basis | Hourly rate basis |
| SEAMLESS BRANCH | | | | | | |
| Looping | 22½¢ | 22½¢ | 27½¢ | 29¢ | 25¢ | 29¢ |
| Knitting (Transfer top) | " | " | " | " | " | " |
| Knitting (Except transfer top) | " | " | None | | None | |
| Seaming | " | " | None | | None | |
| Topping | " | " | None | | None | |
| Boarding | " | " | None | | None | |
| Pairing | " | " | None | | None | |
| Folding | " | " | None | | None | |
| Examining & Inspecting | " | " | None | | None | |
| Mending | " | " | None | | None | |
| Welting | " | " | None | | None | |
| Trimming & End Pulling | " | " | None | | None | |
| Embroidery | " | " | None | | None | |
| Hemming & Mock Seaming | " | " | None | | None | |
| Cuff Sewing | " | " | None | | None | |
| Monogramming | " | " | None | | None | |
| FULL-FASHIONED | | | | | | |
| Knitting | 25¢ | 25¢ | 30¢ | 35¢ | 30¢ | 35¢ |
| Looping | " | " | " | " | " | " |
| Seaming | " | " | " | " | " | " |
| Topping | " | " | " | " | " | " |
| Boarding | " | " | None | | None | |
| Pairing | " | " | None | | None | |
| Folding | " | " | None | | None | |
| Examining & Inspecting | " | " | None | | None | |
| Mending | " | " | None | | None | |

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

*Name and Address of Firm*

Millheim Hosiery Mills, Inc., Millheim, Pa.

Regal Hosiery Company—5 learners, 222 Pearl Street, Reading, Pa.

Junior Hosiery Mills, Inc., Pearl & Willow Streets, Reading, Pa.

Royalton Knitting Company—5 learners, 6th & Chestnut Streets, Reading, Pa.

Clayton Hosiery Mills—5 learners; 95 Bridge Street, Lowell, Mass.

Foster Hosiery Mill, Cameron Street, Burlington, N. C.

Renfro Hosiery Mills Company, Mount Airy, N. C.

Summers Hosiery Mills, Inc.—5 learners, 620 North Shaver Street, Salisbury, N. C.

Roseglen Knitting Mills, Inc.—5 learners, 129 South Harvin Street, Sumter, S. C.

Dependable Hosiery Mills—5 learners, Liberty, N. C.

[1] 4 F.R. 3680, 3711 DI.

Ashe Hosiery Mills—5 learners, 642 North Gay Street, Knoxville, Tenn.

Durham Hosiery Mills No. 1—5 learners, Angier Avenue, Durham, N. C.

Infants Socks, Inc., 235 Superior Street, Fond du Lac, Wis.

Montgomery Knitting Mill, Commerce Street, Summerville, Georgia.

Pasquotank Hosiery Company, Railroad Avenue, Elizabeth City, N. C.

Atlanta Hosiery Mills, 231 Oakland Avenue SE., Atlanta, Georgia.

Triumph Hosiery Mills, Inc., State and Chestnut Streets, York, Pa.

Willis Hosiery Mills, Concord, N. C.

Hickory Knitting Mills—4 learners Highland Avenue, Hickory, N. C.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended.[1] For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 5th day of September 1939.

MERLE D. VINCENT,
*Chief of Hearings and Exemptions Section.*

[F. R. Doc. 39-3242; Filed, September 6, 1939; 9:37 a. m.]

## TITLE 46—SHIPPING

## BUREAU OF MARINE INSPECTION AND NAVIGATION

AMENDMENTS TO REGULATIONS RELATING TO ENTRY AND CLEARANCE OF AIRCRAFT

F. R. Doc. 39-3225 (filed September 2, 1939, at 1:01 p. m.), printed on Page 3814 of the FEDERAL REGISTER for Wednesday, September 6, 1939, should have appeared under the above title instead of "Title 33—Navigation and Navigable Waters."

## *Notices*

## DEPARTMENT OF AGRICULTURE.

### Food and Drug Administration.

REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER IN THE MATTER OF IDENTITY OF CANNED PEACHES

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR EACH OF THE FOODS COMMONLY KNOWN AS CANNED PEACHES, CANNED APRICOTS, CANNED PEARS AND CANNED CHERRIES

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1143 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 10, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue NW., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for each of the foods commonly known as canned peaches, canned apricots, canned pears, and canned cherries. The notice contained a proposal, in general terms, for defining and standardizing each of such foods. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches.

3. In pursuance of such announcement, a hearing was held for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches, and continued the hearing with reference to the other proposals, to dates subsequently to be announced.

4. On April 10, 1939, at 10:00 a. m., the hearing on the definition and standard of identity proposal for canned peaches was convened and held on April 10, 11, and 12, and at 5:30 p. m., on April 12, 1939, was adjourned until May 1, 1939, and resumed on May 1, 1939, and concluded on May 2, 1939, at 11:50 a. m. All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and written argument.

5. Within the time announced at the hearing within which interested persons might file proposed findings of fact, written argument, or both, various interested persons filed proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing which, if granted, would modify the proposal contained in the FEDERAL REGISTER.

6. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.

*Suggested Findings*

1. Canned peaches are prepared from mature peaches. (R. pp. 31, 47, 93)

2. Such peaches are of one of the following varietal groups: yellow clingstone, yellow freestone, white clingstone, white freestone. (R. pp. 29, 30, 47, 48, 91, 93)

3. Peaches of different varietal groups are not canned together. (R. p. 30)

4. Peaches of each such varietal group are an optional peach ingredient. (R. pp. 35, 48, 91, 93)

5. The word "free" is used synonymously with the word "freestone", and the word "cling" is used synonymously with the word "clingstone" to designate the varietal group. (R. pp. 118, 119)

6. Such peaches are prepared in one of the following forms of units: unpeeled whole, unpeeled halves, peeled whole, peeled halves, peeled quarters, peeled slices, peeled dice, and peeled mixed pieces of irregular sizes and shapes. (R. pp. 31, 48, 92, 115, 127) Such forms of units are never mixed in canning. (R. pp. 31, 92) Peaches of each such forms of units are an optional peach ingredient. (R. pp. 31, 48)

7. Such peaches, except in the case of whole peaches, are pitted. (R. pp. 31, 48, 92, 93)

8. Canned peaches contain a suitable liquid packing medium. (R. pp. 29, 35, 36, 92) It may be the natural juice of the peach obtained by precooking the peaches so that such juice exudes, or it may be an added liquid. (R. pp. 36, 48, 92)

9. Water is a suitable liquid packing medium. (R. pp. 36, 48, 92, 120, 121, 125, 135)

10. The natural juice of the peach is a suitable liquid packing medium. (R. pp. 48, 116, 128, 138, 139)

11. A water solution of sugar is a suitable liquid packing medium. (R. pp. 37, 38, 48, 53, 92, 156, 183, 214)

12. Sugar is defined in Webster's International Dictionary on page 2521 thereof (Other Interested Parties' Exhibit No. 4) as:

"1. A sweet crystallizable substance, colorless or white when pure, occurring in many plant juices, and forming an important article of human food—called specif. *cane sugar*, *sucrose*, and *saccharose*. The chief sources of sugar are the sugar cane and the sugar beet, the completely refined products of which are identical and form granulated sugar, loaf sugar, etc., of commerce. The cane juice, obtained by expression, is treated with lime to remove impurities, filtered, and evaporated to crystallization. The mother liquor, or molasses, is removed by draining or (now usually) by a centrifugal. The crude yellowish or brown sugar thus obtained is usually refined at central plants by redissolving, clarifying, decolorizing, and recrystalizing. In the case of beets the sugar is removed by extraction with water (diffusion) and carried to the refined state in one operation. Crude cane sugar is often sold as brown sugar, but crude beet sugar has an unpleasant flavor. Some sugar is also made from palm trees, maple trees, etc. Sugar forms fine monoclinic crystals melting at 186° C. (367° F.), which dissolve in about half their weight of water at ordinary temperature. Chemically, it is a disaccharide of the formula $C_{12}H_{22}O_{11}$, formed by union of one molecule of dextrose with one of levulose. It does not reduce Fehling solution and does not ferment directly, but is converted by diastase (or by heating with acids) into the fermentable mixture called *invert sugar*. It is dextrorotatory, a property which is used in estimating the strength of its solutions. Sugar is a food, and also serves as a condiment and preservative for other foods. See Food 1.

"2. By extension, any of a class of sweet, soluble compounds comprising the simpler carbohydrates. See Carbohydrate. The simple sugars, those not decomposable by hydrolysis, are called *monosaccharides*. Complex sugars are formed by the condensation of two, three, or four molecules of simple sugar and are called *disaccharides*, *trisaccharides*, and *tetrasaccharides*. For the structure and classification of simple sugar, see Monosaccharide. Among the important natural sugars are *sucrose* (See def. 1), or *cane sugar*, *dextrose* (d-*glucose*), or *grape sugar*, *levulose* (d-*fructose*), or *fruit sugar*, *lactose*, or *milk sugar*, and *maltose*, or *malt sugar*. Some of these, and also many others, have been made synthetically."

13. Prior to the hearing, a letter was addressed to the Secretary of Agriculture asking for a definition of the word "sugar" as used in the proposal, which letter was answered under the signature of the Secretary of Agriculture, which answer reads as follows and is Other Interested Parties' Exhibit No. 2:

"We have your letter of March 30 referring to proposals for food standards to be considered at public hearings on April 10, 1939. You inquire as to our interpretation of the words 'Water solution of sugar, of 25° Brix or more' and 'Water solution of sugar, of less than 25° Brix' as used in these proposals.

"The word 'sugar' as used therein refers to sugar as defined in the current advisory definition and standard of identity for sugar under the present Food and Drugs Act, which you will find on page 11 of the enclosed F.D. 2, definition 1, under 'A. Sugar and Sugar Products.' These are merely proposals. The final standards will be based on evidence adduced at the public hearing and any interested party is, of course, invited to submit proposals for other packing mediums."

14. In S.R.A., F.D. No. 2, Rev. 5 (Other Interested Parties' Exhibit No. 2), under "Sugars and Related Substances", the following appears:

"A. *Sugar and sugar products.*—1. *Sugar.* Sucrose (saccharose) obtained chiefly from sugarcane and sugar beets. Granulated, loaf, cut, milled, and powdered sugars are different forms of sugar, containing at least 99.5 percent of sucrose."

Under "B. Dextrose and Related Products", the following appears:

"1. *Dextrose.* The product chiefly made by the hydrolysis of starch or a starch-containing substance, followed by processes of refining and crystallization.[1]

"*a.* Anhydrous dextrose contains not less than 99.5 percent of dextrose and not more than 0.5 percent of moisture.

"*b.* Hydrated dextrose contains not less than 90 percent of dextrose and not more than 10 percent of moisture, including water of crystallization.

"[1] When derived from cornstarch, dextrose is known commercially as refined corn sugar."

15. Starch is a polysaccharide. Sucrose is a disaccharide. Dextrose and levulose are monosaccharides. (C.R. p. 32)

16. Polysaccharides such as starch have a higher caloric value per gram than the disaccharides such as sucrose, and the disaccharides have a higher caloric value per gram than the monosaccharides such as dextrose and levulose. (C.R. p. 32)

17. By the dictionary definition, the simple sugars, monosaccharides, are not decomposable by hydrolysis. (C.R., Other Interested Parties' Exhibit No. 4)

18. Sugar, as described in the Encyclopedia Britannica on page 523 (C.R., Other Interested Parties' Exhibit No. 5), applies to over 100 substances, having distinctive properties and scientific names; for example, sucrose, glucose, fructose, lactose, maltose, etc.

19. "As ordinarily understood, of course, by chemists, and physiologists, sugar is just one of the breakdown products of two other large nutritive ingredients, namely, ordinary starch from plants, and starch from animals. Now as they are digested or hydrolized, you get ultimately a double sugar, nutritively it is like cane sugar, or beet sugar, and then when they are inverted, further changed into the form that they are absorbed and actually utilized in the body, we have dextrose and levulose, so that beginning with starch you have the double sugars, maltose and fructose, and then you have the simple sugars, which is the ultimate product.

"There are other forms of sugars that can be utilized by various bacteria, but not by man." (Carlson, p. 159)

20. Crystalline dextrose manufacture was made commercially possible in 1923 by the granting of the Newkirk patents (October 23, 1923; September 16, 1924; January 6, 1925) on corn starch hydrolysis and the economical separation of high purity dextrose from the converter liquors. (Other Interested Parties' Exhibit No. 3)

21. Not until 1926 was chemically pure dextrose accepted by the United States Pharmocopoeia. (Other Interested Parties' Exhibit No. 3)

22. Not until 1930, when the Secretary of Agriculture ruled that refined dextrose (corn sugar) could be used in the manufacture of food products without label declaration, was the utilization of dextrose by canners, preservers, beverage manufacturers and allied food industries seriously considered. (Other Interested Parties' Exhibit No. 3)

23. In 1930, the Secretary of Agriculture ruled:

"Corn sugar (dextrose) when sold in packages must be labeled as such; when sold in bulk must be declared as such; but the use of pure refined corn sugar as an ingredient in the packing, preparation, or processing of any article of food in which sugar is a recognized element need not be declared upon the label of any such product.

"Nothing in this ruling shall be construed to permit the adulteration or imitation of any natural product such as honey by the addition of any sugar or other ingredient whatever.

"The term 'sugar', with or without the parenthetical expression 'sucrose', as used in the definitions to designate the sweetening agent in manufactured food products, is to be interpreted, wherever necessary to effect the purpose of the fore-

[1] 4 F.R. 2088 DI.

going decision, as including dextrose (pure, refined corn sugar)."

24. The great bulk of consumers regard "sugar" as the common or usual name of sucrose, i. e., cane or beet sugar. (R. pp. 53, 132, 177, 350, 360, 397, 404, 416, 424, 442, 453, 461, 465, 472)

25. Within the past 3½ years, refined corn sugar (dextrose) has been used in the canning of peaches. (R. p. 275)

26. Prior to that time, cane or beet sugar (sucrose) was the only sugar used in the canning of peaches. (R. pp. 199–200, 275–276, 369, 400, 422, 442, 472); (Other Interested Parties' Exhibits Nos. 3 and 8)

27. The simple sugar, dextrose, is now obtainable by hydrolysis from corn starch; is called "refined corn sugar"; and is now used in combination with cane or beet sugar (sucrose) in a water solution as a liquid packing medium for canned peaches. (R. pp. 199–200, 258, 275); (Other Interested Parties' Exhibits Nos. 3 and 4)

28. Refined corn sugar (dextrose) and cane or beet sugar (sucrose) differ in sweetness, in food value, in manner of absorption, in solubility, and their solutions differ in viscosity, in osmotic pressure, and in boiling temperature. (R. pp. 66–67, 174–175, 177, 257, 260–261, 265, 333–345, 347, 370–371, 398, 427, 499–500, 513–517); (C. R. pp. 21, 22, 52, 53, 54, 55, 57); (Other Interested Parties' Exhibit No. 3) A water solution of refined corn sugar (dextrose) as the liquid packing medium cannot be used alone in the canning of peaches. The maximum amount of refined corn sugar (dextrose) which has been so used for commercial purposes, in combination with cane or beet sugar (sucrose), is 33⅓% refined corn sugar (dextrose) and 66⅔% cane or beet sugar (sucrose) or cane and beet sugar (sucrose). (R. pp. 199–200, 258, 275) Refined corn sugar (dextrose) is not as sweet as cane or beet sugar (sucrose), being generally regarded as from 50% to 75% as sweet as cane or beet sugar (sucrose). (R. pp. 66–67, 174–175, 217, 260–261, 499–500, 513–517) Consumers are accustomed to guage sweetness according to that of cane or beet sugar (sucrose) (R. p. 218).

29. Refined corn sugar (dextrose) sells on the open market at a cheaper price than cane or beet sugar (sucrose). (R. pp. 189, 239)

30. Another sugar, refined corn sugar (dextrose), is now used in the canning of peaches as well as cane sugar and beet sugar (sucrose), and it will promote honesty and fair dealing in the interest of consumers to differentiate between the kinds of sugars used in preparing the liquid packing medium of canned peaches. (R. pp. 66–67, 398, 406, 424, 427, 437, 471, 492)

31. A label statement of the origin of such sugars used in preparing such liquid packing medium will promote honesty and fair dealing in the interest of the consumer. (R. pp. 424, 492)

32. The use of the qualifying words "cane sugar", "beet sugar", followed by their chemical name "sucrose", and "refined corn sugar", followed by its chemical name "dextrose", will promote honesty and fair dealing in the interest of the consumer. (R. pp. 41, 42, 57, 58, 71, 100, 102, 120, 121, 132, 163, 229, 239, 404, 425, 450, 453); (C.R. pp. 67–69)

33. A water solution of sugar is used not only as a liquid packing medium but also as a sweetening agent. (R. pp. 72, 163, 172, 174, 175, 231, 256)

34. Such sweetening agent is called sirup (R. pp. 71, 120).

35. There are four water solutions of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) known as sirups to consumers and used in the industry, to-wit: light, medium, heavy, and extra heavy. (R. pp. 120, 121, 126, 131, 229, 297, 425) It is a customary trade and consumer practice so to distinguish them. (R. pp. 41, 61, 131, 229, 424) Such sirups are measured and distinguished by their specific gravity as determined by the Brix hydrometer. The Brix hydrometer is a reliable instrument for testing specific gravity of liquid solutions and is in general use. (R. pp. 40, 136) A water solution of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) which does not show a reading of 10° on the Brix hydrometer does not sweeten the finished canned peaches sufficiently to be known as a sirup for this food. (R. pp. 132, 135)

36. When such sirups are prepared from cane or beet sugar (sucrose) or cane and beet sugar (sucrose), they have, respectively, the following readings on the Brix hydrometer: not less than 10° but less than 25°, not less than 25° but less than 40°, not less than 40° but less than 55°, and not less than 55°, but when such sirups of equivalent sweetness are prepared from a mixture of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) and refined corn sugar (dextrose), they do not have the above readings on the Brix hydrometer because of the difference in sweetness between refined corn sugar (dextrose) and cane or beet sugar (sucrose). However, the Brix reading of a sucrose sirup equivalent in sweetness to that of any such mixture is obtained by adding the percent by weight of cane or beet sugar (sucrose), or both, in such mixture to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution. Such calculated Brix readings (sucrose equivalents) are identical with the limits above set forth. (R. pp. 61, 71, 120, 121, 131, 132, 136, 138, 229)

37. Due to the fact that in canned peaches which have been prepared with a liquid packing medium consisting of a water solution of cane or beet sugar (sucrose) or cane and beet sugar (sucrose), there will be present in addition to sucrose, due to inversion, levulose and dextrose and that in canned peaches which have been prepared with a liquid packing medium consisting of a water solution of a mixture of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) and refined corn sugar (dextrose), there will likewise be present sucrose, and due to inversion, levulose and dextrose, the consumer would have no way of telling, from an examination of the finished canned peaches, the optional sugar ingredient used. It will, therefore, promote honesty and fair dealing in the interest of the consumer to require a label statement of the optional sugar ingredient used in the preparation of the liquid packing medium. (R. p. 492)

38. The common or usual names of such sirups are light sirup, medium sirup, heavy sirup, and extra heavy sirup, qualified by the name of the kind or kinds of sugar used to make such sirups. (R. pp. 41, 42, 57, 58, 71, 100, 102, 120, 121, 132, 163, 229, 239, 404, 425, 450, 458); (C.R. pp. 67–69)

39. Canned peaches may or may not be seasoned. (R. pp. 29, 44, 45, 48, 93)

40. Spice is a suitable seasoning agent. (R. pp. 44, 48, 92)

41. Flavoring is a suitable seasoning agent. (R. pp. 44, 48, 92)

42. A vinegar is a suitable seasoning agent. (R. pp. 44, 48, 92)

43. Peach kernels are a suitable seasoning agent, except in the case of whole peaches. (R. pp. 44, 48, 62, 92, 123, 128, 129)

44. Peach pits, in limited amounts, are a suitable seasoning agent. (R. pp. 44, 48, 92), except in the case of whole peaches. (R. p. 44) The number of pits suitable for such purpose is limited to not more than one to each eight ounces of finished canned peaches. (R. pp. 45, 143, 144, 407, 408, 411, 416, 417, 422, 437, 441, 466, 467, 487, 488)

45. Such seasoning agents are used singly or in combination, except that peach pits and peach kernels are not used in combination. (R. pp. 45, 92)

46. It is essential that canned peaches be sealed in a container. (R. pp. 46, 48)

47. It is essential to so process canned peaches by heat as to prevent spoilage. (R. p. 46)

48. Honesty and fair dealing in the interest of the consumer requires that the optional peach ingredient, the optional liquid packing medium, and the optional seasoning ingredients be declared on the label. (R. pp. 46, 47, 48, 103, 104, 140; 191, 201, 210, 220, 238, 239, 259, 337, 338, 339, 349, 350, 351, 360, 367, 369, 370, 371, 398, 399, 401, 406, 415, 417, 419, 420, 421, 422, 424, 427, 433, 436, 437, 438, 442, 471, 484, 485, 492); (C. R. p. 59); (Other Interested Parties' Exhibit No. 8a)

49. The common or usual names of the several varietal groups of peaches are yellow clingstone or yellow cling, yellow freestone or yellow free, white clingstone or white cling, and white freestone or white free. (R. pp. 31, 59, 60, 73, 80, 81, 100, 102, 107, 118, 119, 449, 457, 470)



50. The common or usual name of peeled canned peaches is the name of the varietal group and form of unit, without qualifying words, except that "slices" and "sliced" are synonymous and "dice" and "diced" are synonymous. (R. pp. 35, 100, 102)

51. The common or usual name of unpeeled canned peaches is the name of the varietal group and the name of the form of unit, qualified by the term "unpeeled." (R. pp. 115, 127)

52. The common or usual name of water is water. (R. pp. 41, 121)

53. The common or usual name of the natural juice of the peach is peach juice. (R. pp. 48, 116, 128, 138, 139)

54. The common or usual name of sucrose is sugar; and the common or usual name of dextrose is refined corn sugar (dextrose). (R. pp. 53, 61, 177, 215, 351, 367, 372, 373, 397, 398, 404, 416, 424, 461, 465, 510); (C.R. pp. 48, 49, 70); (Other Interested Parties' Exhibits Nos. 4, 5, and 8a)

55. The common or usual name of spice used as a seasoning is spice. (R. pp. 46, 101, 102, 125)

56. The common or usual name of flavoring used as a seasoning is flavoring. (R. pp. 46, 101, 102)

57. The common or usual name of a vinegar used as a seasoning is vinegar. (R. pp. 46, 101, 102)

58. The common or usual name of peach pit kernels used as a seasoning is peach kernels. (R. pp. 46, 103, 123)

59. The common or usual name of peach pits used as a seasoning is peach pits. (R. pp. 46, 101, 102, 123, 415)

60. Honesty and fair dealing in the interest of the consumer requires that when spices, flavoring, vinegar, peach pits, or peach kernels are used that the label bear the words "Spiced" or "With Added Spice" or "Spice Added", "With Added Flavoring" or "Flavoring Added", "With Added Vinegar" or "Vinegar Added", "Seasoned with Peach Pits", or "Seasoned with Peach Kernels", as the case may be; but if two or more of such optional ingredients are present, such words may be combined as, for example, "With Added Spice, Flavoring and Vinegar". In lieu of the words "Spice" or "Spiced" and "Flavoring", the common or usual name of the spice or flavoring may be used. (R. pp. 46, 47, 48, 103, 104, 140, 191, 201, 210, 220, 238, 239, 259, 337, 338, 339, 349, 350, 351, 360, 367, 369, 370, 371, 398, 399, 401, 406, 415, 417, 419, 420, 421, 422, 424, 427, 433, 436, 437, 438, 442, 471, 484, 485, 492); (C.R. p. 59); (Other Interested Parties' Exhibit No. 8a)

61. Honesty and fair dealing in the interest of the consumer requires that wherever the name "peaches" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene. (R. p. 47)

*Suggested Conclusion in the Form of a Regulation*

Upon the basis of the foregoing findings of fact, the following reasonable definition and standard of identity for the food commonly known as canned peaches is hereby suggested to be promulgated as a regulation:

§ 27.000 *Canned peaches—Identity; label statement of optional ingredients.* (a) Canned peaches are the food prepared from mature peaches of one of the following varietal groups: yellow clingstone, yellow freestone, white clingstone, white freestone. Such peaches, except in the case of whole peaches, are pitted and are in one of the following forms of units: peeled whole; unpeeled whole; peeled halves; unpeeled halves; peeled quarters; peeled slices; peeled dice; peeled mixed pieces of irregular sizes and shapes. Peaches of each such varietal group in each such form of units are an optional peach ingredient. To one such ingredient is added one of the optional ingredients:

(33) A water solution of cane sugar (sucrose), of not less than 10° Brix but less than 25° Brix;

(34) A water solution of beet sugar (sucrose), of not less than 10° Brix but less than 25° Brix;

(35) A water solution of cane and beet sugar (sucrose), of not less than 10° Brix but less than 25° Brix;

(36) A water solution of cane sugar (sucrose), of not less than 25° Brix but less than 40° Brix;

(37) A water solution of beet sugar (sucrose), of not less than 25° Brix but less than 40° Brix;

(38) A water solution of cane and beet sugar (sucrose), of not less than 25° Brix but less than 40° Brix;

(39) A water solution of cane sugar (sucrose), of not less than 40° Brix but less than 55° Brix;

(40) A water solution of beet sugar (sucrose), of not less than 40° Brix but less than 55° Brix;

(41) A water solution of cane and beet sugar (sucrose), of not less than 40° Brix but less than 55° Brix;

(42) A water solution of cane sugar (sucrose), of not less than 55° Brix;

(43) A water solution of beet sugar (sucrose), of not less than 55° Brix;

(44) A water solution of cane and beet sugar (sucrose), of not less than 55° Brix;

(45) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 10° but less than 25° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(46) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 10° but less than 25° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(47) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 10° but less than 25° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(48) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) have a cane sugar (sucrose) equivalent of not less than 25° but less than 40° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(49) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 25° but less than 40° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(50) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 25° but less than 40° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(51) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 40° but less than 55° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(52) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 40° but less than 55° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(53) A water solution of cane and beet sugar (sucrose) and refined corn sugar

(dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 40° but less than 55° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(54) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 55° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(55) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 55° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(56) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 55° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(57) Peach juice;

(58) Water.

The food may be seasoned with one or more of the optional ingredients:

(59) Spice;

(60) Flavoring;

(61) A vinegar;

(62) Peach pits (except in the case of whole peaches), not more than 1 to each 8 ounces of finished canned peaches;

(63) Peach kernels [Except in the case of whole peaches and except when optional ingredient (62) is present]. The food is sealed in a container and so processed by heat as to prevent spoilage. The liquid of the finished canned peaches is not more than 35° Brix.

(b) The label shall bear the words "Yellow Cling" or "Yellow Clingstone", "White Cling" or "White Clingstone", "Yellow Free" or "Yellow Freestone", "White Free" or "White Freestone", and the word or words "Whole" or "unpeeled Whole", "Halves" or "Unpeeled Halves", "Quarters", "Slices" or "Sliced", "Diced", "Mixed Pieces of Irregular Sizes and Shapes"; naming the optional peach ingredient present. The label shall also bear the words "In Light Cane Sugar (Sucrose) Sirup", "In Light Beet Sugar (Sucrose) Sirup", "In Light Cane and Beet Sugar (Sucrose) Sirup", "In Light Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Light Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Light Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Cane Sugar (Sucrose) Sirup", "In Medium Beet Sugar (Sucrose) Sirup", "In Medium Cane and Beet Sugar (Sucrose) Sirup", "In Medium Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Cane Sugar (Sucrose) Sirup", "In Heavy Beet Sugar (Sucrose) Sirup", "In Heavy Cane and Beet Sugar (Sucrose) Sirup", "In Heavy Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Cane Sugar (Sucrose) Sirup", "In Extra Heavy Beet Sugar (Sucrose) Sirup", "In Extra Heavy Cane and Beet Sugar (Sucrose) Sirup", "In Extra Heavy Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Peach Juice", or "In Water", showing respectively the presence of optional ingredients (33), (34), (35), (36), (37), (38), (39), (40), (41), (42), (43), (44), (45), (46), (47), (48), (49), (50), (51), (52), (53), (54), (55), (56), (57), or (58), as the case may be. If optional ingredient (59), (60), (61), (62), or (63) is present, the label shall bear the words "Spiced" or "With Added Spice" or "Spice Added", "With Added Flavoring" or "Flavoring Added", "With Added Vinegar" or "Vinegar Added", "Seasoned with Peach Pits", or "Seasoned with Peach Kernels", as the case may be; but if two or more of such optional ingredients are present, such words may be combined as, for example, "With Added Spice, Flavoring and Vinegar". In lieu of the words "Spice" or "Spiced" and "Flavoring", the common or usual name of the spice or flavoring may be used. Wherever the name "Peaches" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene.

*Time Within Which to File Objections*

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN MCDILL FOX,
*Presiding Officer.*

AUGUST 31, 1939.

[F. R. Doc. 39-3239; Filed, September 5, 1939; 3:15 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 296]

IN THE MATTER OF THE CERTIFICATION BY THE POSTMASTER GENERAL PURSUANT TO SECTION 401 (n) OF THE CIVIL AERONAUTICS ACT OF 1938 WITH RESPECT TO THE TRANSPORTATION OF MAIL BY AIRCRAFT BETWEEN PITTSBURGH, PA., AND BUFFALO, N. Y., BY WAY OF ERIE, PA., AND YOUNGSTOWN, OHIO

NOTICE OF HEARING

The Postmaster General having certified to the Civil Aeronautics Authority, pursuant to section 401 (n) of the Act, that the needs of the postal service require the transportation of mail by aircraft between Pittsburgh, Pa., and Buffalo, N. Y., by way of Erie, Pa., and Youngstown, Ohio, a public hearing will be held on September 12, 1939, at 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before Examiners Francis W. Brown and Thomas L. Wrenn, in order to determine whether such transportation of mail is required by the public convenience and necessity.

Dated Washington, D. C., September 5, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3246; Filed, September 6, 1939; 10:15 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 5th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[File No. 21-350]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE CURLED HAIR INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its trade practice conference procedure, in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), or other applicable provisions of law administered by the Commission;

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, groups or other parties affected by or having an interest in the proposed trade practice rules for the Curled Hair Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of such matters should be filed with the Commission not later than September 22, 1939. Opportunity for oral hearing and presentation will be afforded at 10 a. m., September 22, 1939, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups or other parties as may desire to appear and be heard. After giving due consideration to all matters submitted concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3243; Filed, September 6, 1939; 9:44 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of September, A. D. 1939.

[File No. 1-251]

IN THE MATTER OF THE APPLICATION OF THE NEW YORK STOCK EXCHANGE TO STRIKE FROM LISTING AND REGISTRATION THE COMMON STOCK $100 PAR VALUE OF THE WESTERN PACIFIC RAILROAD CORPORATION

ORDER GRANTING APPLICATION

The New York Stock Exchange having applied pursuant to Section 12 (d) of the Securities Exchange Act of 1934 to strike from listing and registration the common stock $100 par value of The Western Pacific Railroad Corporation; and

A hearing on appropriate notice having been held on said application; the trial examiner having filed an advisory report; the Commission having considered the record and being fully advised in the premises, and having this day filed its findings of fact and opinion herein;

*It is ordered,* That the application of the New York Stock Exchange be and it is hereby granted effective at the close of business on September 15, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3249; Filed, September 6, 1939; 10:54 a. m.]

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# FEDERAL REGISTER

VOLUME 4 NUMBER 173

*Washington, Friday, September 8, 1939*


## *The President*

### EXECUTIVE ORDER

AUTHORIZING THE INSPECTION OF CERTAIN INCOME TAX WITHHOLDING RETURNS BY THE DEPARTMENT OF NATIONAL REVENUE, OTTAWA, CANADA

By virtue of the authority vested in me by section 55 (a) of the Revenue Act of 1938 (52 Stat. 447, 478) and section 55 (a) (1) and (2) of the Internal Revenue Code (53 Stat. 1, 29), it is hereby ordered that income tax withholding returns, Form 1042B, filed under the provisions of Title I of the Revenue Act of 1938 (52 Stat. 447, 452), or chapter 1 of the Internal Revenue Code (53 Stat. 1, 4), shall be open to inspection by the Department of National Revenue, Ottawa, Canada, for the purpose of enabling the United States Treasury Department to administer effectively the provisions of the Tax Convention, dated December 30, 1936, between the United States and Canada which was ratified August 13, 1937. Such inspection shall be in accordance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury decision relating to the inspection of returns by the Department of National Revenue, Ottawa, Canada, approved by me this date.[1]

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Sept 6, 1939.*

[No. 8236]

[F. R. Doc. 39-3265; Filed September 7, 1939; 10:48 a. m.]

### EXECUTIVE ORDER

AMENDING SUBDIVISION XVI OF SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 403, 404), it is ordered that Subdivision XVI of Schedule A of the Civil Service Rules be, and it is hereby, amended by the addition of the following paragraph, numbered "3":

"3. One confidential assistant to each of the members of the Civil Aeronautics Authority and to the Administrator, provided that the position of private secretary exempt by statute from competitive civil service requirements in each case is filled by the appointment of a classified civil service employee."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 6, 1939.*

[No. 8237]

[F. R. Doc. 39-3264; Filed, September 7, 1939; 10:34 a. m.]

### EXECUTIVE ORDER

EXTENDING THE LIMITS OF THE CUSTOMS PORT OF ENTRY OF BALTIMORE, MARYLAND, IN CUSTOMS COLLECTION DISTRICT NUMBER 13 (MARYLAND), TO INCLUDE SPARROWS POINT, MARYLAND

By virtue of and pursuant to the authority vested in me by section 1 of the Act of August 1, 1914, 38 Stat. 609, 623 (U.S.C. title 19, sec. 2), it is ordered that the limits of the customs port of entry of Baltimore, Maryland, in Customs Collection District No. 13 (Maryland), be, and they are hereby, extended to include Sparrows Point, Maryland.

This order shall become effective thirty days from the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Sept. 6, 1939.*

[No. 8238]

[F. R. Doc. 39-3267; Filed, September 7, 1939; 10:48 a. m.]

[1] See page 3843.

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## EXECUTIVE ORDER

POWER SITE RESTORATION NO. 492, PARTIAL REVOCATION OF EXECUTIVE ORDERS OF DECEMBER 19, 1910, CREATING POWER SITE RESERVE NO. 165 AND OF JANUARY 23, 1912, CREATING POWER SITE RESERVE NO. 241

IDAHO

By virtue of the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, it is hereby ordered as follows:

1. The Executive Order of December 19, 1910, creating Power Site Reserve No. 165, as modified by the orders of December 3, 1912, August 25, 1915, and August 29, 1919, is hereby revoked as to the following-described lands:

*Boise Meridian*

T. 2 S., R. 38 E.,
sec. 6, lot 10, SW¼SW¼ (lot 11);
sec. 7, lots 1 and 2, NE¼NW¼;
sec. 17, SE¼SE¼;
sec. 20, lots 1, 2, 3, and 4, NE¼SE¼;
sec. 29, NE¼SE¼;
sec. 32, lot 1;
sec. 33, lot 2.
T. 3 S., R. 38 E.,
sec. 11, NW¼SE¼;
sec. 24, lot 5.
T. 3 S., R. 39 E.,
sec. 19, SW¼SE¼;
sec. 29, SW¼NW¼, and NE¼SW¼.
T. 4 S., R. 39 E.,
sec. 5, SE¼SW¼, and NE¼SE¼;
sec. 7, NE¼SE¼;
sec. 8, NW¼NW¼;
sec. 17, NW¼NW¼, and SW¼SW¼;
sec. 18, NW¼NE¼;
sec. 19, W½NE¼;
sec. 20, NW¼NW¼, SE¼NW¼, and SW¼SE¼;
sec. 25, W½SW¼, and SE¼SW¼;
sec. 26, S½;
sec. 27, W½NE¼, NW¼, E½SW¼, and SE¼;
sec. 28, NE¼, S½NW¼, SW¼, and W½SE¼;
sec. 29, W½NE¼, SE¼NE¼, E½NW¼, E½SW¼, and SE¼;
sec. 36, lot 1, SW¼NE¼, NW¼, NE¼SW¼, and N½SE¼.
T. 4 S., R. 40 E.,
sec. 31, lots 3, 4, and 5, NE¼SW¼.
T. 5 S., R. 40 E.,
sec. 5, SW¼SW¼;
sec. 6, lots 3, 4, 5, 6, and 7, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼, and SE¼SE¼;
sec. 7, lot 1, NE¼, E½NW¼, and NE¼SE¼;
sec. 8, SW¼NE¼, W½, and SE¼;
sec. 11, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, and SE¼;
sec. 14, W½NE¼, NW¼, and N½SW¼;
sec. 15, NE¼, S½NW¼, SW¼, N½SE¼, and SW¼SE¼;
sec. 17, NE¼, and NE¼NW¼;
sec. 22, NW¼NE¼, and N½NW¼.

2. The Executive Order of January 23, 1912, creating Power Site Reserve No. 241 is hereby revoked as to the following-described lands:

*Boise Meridian*

T. 7 S., R. 42 E.,
sec. 12, SE¼SW¼, and SW¼SE¼;
sec. 13, NE¼NE¼;
sec. 14, NW¼NE¼, NE¼NW¼, S½SW¼, and SW¼SE¼;
sec. 15, SE¼NE¼, and SW¼SE¼;
sec. 23, E½NW¼.
T. 7 S., R. 43 E.,
sec. 31, SE¼NE¼, and E½SE¼;
sec. 34, SW¼SW¼.
T. 8 S., R. 43 E.,
sec. 3, NW¼NE¼ (lot 2);
sec. 4, SW¼NW¼, W½SW¼, and SE¼SW¼;
sec. 9, NW¼.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Sept 6, 1939.*

[No. 8239]

[F. R. Doc. 39-3262; Filed, September 7, 1939; 10:33 a. m.]

## EXECUTIVE ORDER

CONSTRUCTION OF EXECUTIVE ORDER OF SEPTEMBER 16, 1889, ENLARGING FORT MEADE WOOD AND TIMBER MILITARY RESERVATION

SOUTH DAKOTA

By virtue of the authority vested in me as President of the United States, and by section 9 of the act of June 7, 1924, 43 Stat. 653, 655, it is hereby ordered as follows:

SECTION 1. The Executive order of September 16, 1889, adding a certain tract of land to the Fort Meade Wood and Timber Military Reservation, shall be construed to embrace sections 4, 5, and 6, T. 4 N., R. 5 E., Black Hills Meridian, South Dakota, in conformity with the plat of survey approved May 16, 1905.

SECTION 2. Executive order No. 4244 of June 5, 1925, establishing the Fort Meade Wood and Timber Military Reservation as the Meade District of the Black Hills National Forest, is hereby modified to the extent necessary to conform with section 1 of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Sept 6, 1939.*

[No. 8240]

[F. R. Doc. 39-3263; Filed, September 7, 1939; 10:34 a. m.]



## EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER No. 6774 OF JUNE 30, 1934, WITHDRAWING PUBLIC LANDS

WASHINGTON

By virtue of the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, Executive Order No. 6774 of June 30, 1934, withdrawing public lands in Washington pending a resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the lands involved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 6, 1939.*

[No. 8241]

[F. R. Doc. 39-3264; Filed, September 7, 1939; 10:33 a. m.]

## *Rules, Regulations, Orders*

## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Amendment 26 of Civil Air Regulations]

PROVIDING FOR A NEW METHOD OF DETERMINING PERFORMANCE CHARACTERISTICS OF AIR CARRIER AIRCRAFT

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 6th day of September 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective September 26, 1939, Part 04, as amended, of the Civil Air Regulations is amended as follows:

1. By striking sections 04.73, 04.730, 04.731, 04.732, 04.7320, 04.733 and 04.734 and inserting in lieu thereof the following new section:

"§ 04.73 *Performance characteristics of air carrier aircraft.* No air carrier shall operate aircraft in scheduled air transportation unless data shall have been submitted to and approved by the Authority, covering the determination of such performance characteristics, in addition to those specified in sections 04.70, 04.71 and 04.72, as are, in the opinion of the Authority, necessary to determine the ability of such aircraft to safely perform the type of operation which the air carrier proposes to conduct. The method used for the determination of such ability shall be subject to the approval of the Authority."

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3284; Filed, September 7, 1939; 12:45 p. m.]

[Amendment 27 of Civil Air Regulations]

FLYING SCHOOLS: SIZE AND DESIGN OF LANDING AREA

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 6th day of September 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a) and 607 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective immediately, section 50.103 of the Civil Air Regulations is amended to read as follows:

"§ 50.103. *Landing area.* Applicant shall show that a landing area is available for use in giving flying instruction. The landing area shall have a sufficient number of landing strips of not less than 1,800 feet effective length and 300 feet in width to permit take-offs and landings thereon upwind within 22½ degrees of the wind direction during 75 percent of the year. The minimum effective landing strip length requirement, specified above, is a sea level requirement and shall be increased 1 percent for each 100 feet the landing area is above sea level. Where the landing area is only 300 feet in width, an additional 100 feet in width shall be available for taxiing or parking of aircraft. The landing area surface shall be suitable for the safe take-off and landing of aircraft under normal weather conditions and shall be marked in accordance with the requirements prescribed by the Authority. The landing area shall have approaches permitting a 20 to 1 glide path to all required landing strips. Each required landing strip shall be in such condition that an aircraft at any point thereon shall be visible from any other point on such landing strip.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3285; Filed September 7, 1939; 12:45 p. m.]

## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T. D. 49963]

GOLDEN GATE INTERNATIONAL EXPOSITION

REGULATION PRESCRIBED TO CARRY INTO EFFECT SECTION 4 OF THE ACT OF APRIL 29, 1939 (PUBLIC, NO. 60, 76TH CONGRESS), AS AMENDED BY THE ACT OF AUGUST 5, 1939 (PUBLIC, NO. 296, 76TH CONGRESS)

SEPTEMBER 2, 1939.

*To Collectors of Customs and Others Concerned:*

Attention is invited to (1939) T.D. 49884,[1] prescribing regulations to carry into effect Public No. 60, 76th Congress, approved April 29, 1939, which amended the Joint Resolutions of August 16, 1937 (50 Stat. 668) and May 18, 1937 (50 Stat. 187). Section 4 of Public No. 60 reads as follows:

Tourist literature containing scenic, historical, geographic, timetable, travel, hotel, or similar information, chiefly with respect to places or travel facilities outside the continental United States, all the foregoing, if their entry is not prohibited, and if of bona fide foreign authorship and classifiable under paragraph 1410 of the Tariff Act of 1930, shall be admitted without payment of duty if imported for gratuitous distribution within the exhibits of foreign governments at the New York World's Fair, 1939.

In Public No. 296, 76th Congress, approved August 5, 1939, section 4 of Public No. 60 was amended by inserting before the period at the end thereof a comma and the following:

or at the Golden Gate International Exposition of 1939.

The following regulation is prescribed to carry into effect the provisions of Public No. 296, 76th Congress:

Tourist literature classifiable under section 4 of Public No. 60, as amended by Public No. 296, may be admitted free of duty under a regular consumption entry, or if entered under the joint resolution approved May 18, 1937 (50 Stat. 187), as amended by Public No. 60 and Public No. 296, may be withdrawn without the payment of duty. In either such

[1] 4 F.R. 2379 DI.

case, there shall be filed in connection with the entry or withdrawal a declaration of the commissioner or other representative of the foreign government sponsoring the exhibition at which the literature is to be distributed, in the following form:

I hereby declare that the ------ case or cases ------ marked ---------- imported ex carrier ---------- on ---------- consigned to ---------- covered by San Francisco consumption entry or withdrawal No. ------ contain(s) tourist literature which is classifiable under section 4 of Public No. 60 of the 76th Congress, as amended by Public No. 296. This literature is imported for gratuitous distribution within the exhibit of the ---------- Government at the Golden Gate International Exposition.

By ----------
(Name and Title)
----------
(Government)

Paragraph (5) of (1939) T.D. 49884 is supplemented accordingly.

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3273; Filed, September 7, 1939; 11:06 a. m.]

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## TITLE 22—FOREIGN RELATIONS

## DEPARTMENT OF STATE

SUPPLEMENT TO THE PAMPHLET, "INTERNATIONAL TRAFFIC IN ARMS—LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR AND OTHER MUNITIONS OF WAR"

PART IX—SPECIAL PROVISIONS IN REGARD TO EXPORTATION TO FRANCE; GERMANY; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA AND NEW ZEALAND

SEPTEMBER 5, 1939.

The President's proclamation of September 5, 1939, issued pursuant to section 1 of the joint resolution of Congress approved May 1, 1937, reads as follows:

[*Here follows, in the original document, the text of Proclamation No. 2349 which appears at Page 3819 of the "Federal Register" for Thursday, September 7, 1939.*]

No export licenses will be issued for shipments destined to France; Germany; Poland, or the United Kingdom, India, Australia and New Zealand of any of the arms, ammunition, or implements of war enumerated in the President's proclamation of September 5, 1939.

By virtue of the power delegated to the Secretary of State by this proclamation of September 5, 1939, to promulgate such rules and regulations not inconsistent with law as may be necessary to carry out any of the provisions of the joint resolution of Congress approved May 1, 1937, as made effective by this proclamation, the Secretary of State may require exporters of any of the arms, ammunition, or implements of war enumerated in the proclamation to present convincing evidence that they are not destined to France; Germany; Poland; or the United Kingdom, India, Australia and New Zealand and may refuse to issue an export license for the same until such convincing evidence has been presented to him.

Section 6 of the joint resolution of Congress approved May 1, 1937, reads as follows:

SEC. 6. (a) Whenever the President shall have issued a proclamation under the authority of section 1 of this Act, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel to carry any arms, ammunition, or implements of war to any belligerent state, or to any state wherein civil strife exists, named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state or any such state wherein civil strife exists.

(b) Whoever, in violation of the provisions of this section, shall take, or attempt to take, or shall authorize, hire, or solicit another to take, any American vessel carrying such cargo out of port or from the jurisdiction of the United States shall be fined not more than $10,000, or imprisoned not more than five years, or both; and, in addition, such vessel, and her tackle, apparel, furniture, and equipment, and the arms, ammunition, and implements of war on board, shall be forfeited to the United States.

Section 10 of the same joint resolution reads as follows:

SEC. 10. Whenever the President shall have issued a proclamation under the authority of section 1, it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel engaged in commerce with any belligerent state, or any state wherein civil strife exists, named in such proclamation, to be armed or to carry any armament, arms, ammunition, or implements of war, except small arms and ammunition therefor which the President may deem necessary and shall publicly designate for the preservation of discipline aboard such vessels.

Under the provisions of this section and by virtue of the power delegated to the Secretary of State by this proclamation of September 5, 1939, to promulgate such rules and regulations not inconsistent with law as may be necessary to carry out any of the provisions of the joint resolution of Congress approved May 1, 1937, the Secretary of State announces that American vessels engaged in commerce with France; Germany; Poland; or the United Kingdom, India, Australia and New Zealand may carry such small arms and ammunition as the masters of these vessels may deem indispensable for the preservation of discipline aboard the vessels.

[SEAL] CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 39-3288; Filed, September 7, 1939; 1:37 p. m.]

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REGULATIONS UNDER SECTION 9 OF THE JOINT RESOLUTION OF CONGRESS APPROVED MAY 1, 1937

SEPTEMBER 5, 1939.

Section 9 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution approved August 31, 1935, provides as follows:

Whenever the President shall have issued a proclamation under the authority of section 1 of this Act it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of the state or states named in such proclamation, except in accordance with such rules and regulations as the President shall prescribe: *Provided, however*, That the provisions of this section shall not apply to a citizen of the United States traveling on a vessel whose voyage was begun in advance of the date of the President's proclamation, and who had no opportunity to discontinue his voyage after that date: *And provided further*, That they shall not apply under ninety days after the date of the President's proclamation to a citizen of the United States returning from a foreign state to the United States. Whenever, in the President's judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply with respect to the state or states named in such proclamation, except with respect to offenses committed prior to such revocation.

Section 12 of the said joint resolution provides as follows:

In every case of the violation of any of the provisions of this Act or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000, or imprisoned not more than five years, or both.

Section 11 of the said joint resolution provides as follows:

The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this Act; and he may exercise any power or authority conferred on him by this Act through such officer or officers, or agency or agencies, as he shall direct.

The President's proclamation of September 5, 1939, issued pursuant to the provisions of section 1 of the above-mentioned joint resolution, provides in part as follows:

"And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions."

In pursuance of those provisions of the law and of the President's proclamation of September 5, 1939, which are quoted above, the Secretary of State announces the following regulations:

American diplomatic and consular officers and their families, members of their staffs and their families, and American military and naval officers and personnel and their families may travel pursuant to orders on vessels of France; Germany; Poland; or the United Kingdom, India, Australia and New Zealand if the public service requires.

Other American citizens may travel on vessels of France; Germany; Poland; or the United Kingdom, India, Australia and New Zealand, provided, however, that travel on or over the north Atlantic Ocean, east of 30 degrees west and north of 30 degrees north or on or over other waters adjacent to Europe or over the continent of Europe or adjacent islands shall not be permitted except when specifically authorized by the Secretary of State in each case.

[SEAL] CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 39-3289; Filed, September 7, 1939; 1:37 p. m.]

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RULES AND REGULATIONS GOVERNING THE SOLICITATION AND COLLECTION OF CONTRIBUTIONS FOR USE IN FRANCE; GERMANY; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA, AND NEW ZEALAND

Section 3 of the joint resolution of Congress approved May 1, 1937, (Public Resolution—No. 27—75th Congress—First Session) amending the joint resolution approved August 31, 1935, as amended, provides in part as follows:

(a) Whenever the President shall have issued a proclamation under the authority of section 1 of this Act, it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent state or of any state wherein civil strife exists, named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, or of any faction or asserted government within any such state wherein civil strife exists, or of any person acting for or on behalf of any faction or asserted government within any such state wherein civil strife exists, issued after the date of such proclamation, or to make any loan or extend any credit to any such government, political subdivision, faction, asserted government or person, or *to solicit or receive any contribution for any such government, political subdivision, faction, asserted government or person: Provided, That * * * Nothing in this subsection shall be construed to prohibit the solicitation or collection of funds to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government, political subdivision, faction, or asserted government, but all such solicitations and collections of funds shall be subject to the approval of the President and shall be made under such rules and regulations as he shall prescribe.* [Italics supplied.]

* * * * * *

(c) Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than $50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

On September 5, 1939, the President issued a proclamation in respect to France; Germany; Poland; and the United Kingdom, India, Australia, and New Zealand, under the authority of section 1 of the said joint resolution, thereby making effective in respect to those countries the provisions of section 3 of the said joint resolution quoted above.

Section 11 of the said joint resolution provides as follows:

SEC. 11. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law, as may be necessary and proper to carry out any of the provisions of this Act; and he may exercise any power or authority conferred on him by this Act through such officer or officers, or agency or agencies, as he shall direct.

The President's proclamation of September 5, 1939, referred to above, issued pursuant to the provisions of section 1 of the above-mentioned joint resolution provides in part as follows:

"And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions."

In pursuance of those provisions of the law and of the President's proclamation of September 5, 1939, which are referred to above, the Secretary of State promulgates the following regulations:

(1) The term "person" as used herein and in the Act of May 1, 1937, includes a partnership, company, association, organization or corporation as well as a natural person.

(2) Any person within the United States, its territories, insular possessions (including the Philippine Islands), the Canal Zone, and the District of Columbia who desires to engage in the solicitation or collection of contributions to be used for medical aid and assistance in France; Germany; Poland; or the United Kingdom, India, Australia and New Zealand, or for food and clothing to relieve human suffering in any of those countries, and who is not acting for or on behalf of the governments of France; Germany; Poland; or the United Kingdom, India, Australia and New Zealand, or any political subdivision of any of such countries, shall register with the Secretary of State. To this end, such person shall make application to the Secretary of State upon the form provided therefor.

(3) Organizations or associations having chapters shall list them in their application for registration and shall set forth therein the addresses of such chapters. In case chapters are formed after the registration of the parent organization, the parent should immediately inform the Secretary of State in order that its registration may be amended to name the new chapter or chapters.

(4) No person shall solicit or collect contributions without having in his possession a notice from the Secretary of State of acceptance of registration which has not been revoked; *Provided, however*, That nothing in this regulation shall be construed as requiring a duly authorized agent of a registrant to have in his possession a notice of acceptance of registration. Chapters named in the parent organization's registration may, of course, operate under this registration. Notices of acceptance of registration shall not be exhibited, used, or referred to, in any manner which might be construed as implying official endorsement of the persons engaged in the solicitation or collection of contributions.

(5) All persons registered with the Secretary of State must maintain for his inspection or that of his duly authorized agent, complete records of all transactions in which the registrant engages.

(6) Persons receiving notification of acceptance of registration shall submit to the Secretary of State not later than the tenth day of every month following the receipt of such notification sworn statements, in duplicate, on the form provided therefor setting forth fully the information called for therein.

(7) The Secretary of State reserves the right to reject applications or to revoke registrations for failure on the part of the registrant to comply with the provisions or purposes of the law or of these regulations.

(8) A registrant may act as an agent for the transmittal abroad of funds received by another registrant but such funds shall not be accountable as contributions received by the transmitting registrant.

(9) Any changes in the facts set forth in the registrant's application for registration, such as change of address, of officers, or of means of distribution abroad, should be reported promptly to the Secretary of State in the form of a supplemental application, in duplicate, properly sworn to.

(10) In view of the purposes and special status of "The American National Red Cross" as set forth in the Act of Congress approved January 5, 1905, entitled "An Act to incorporate the American National Red Cross" (33 Stat. 599), and particularly in view of the fact that it is required by law to submit to the Secretary of War for audit "a full, complete, and itemized report of receipts and expenditures of whatever kind", so that the submission to the Secretary of State of reports of funds received and expended would constitute an unnecessary duplication, "The American National Red Cross" is not required to conform to the provisions of these regulations.

[SEAL] CORDELL HULL,
*Secretary of State.*

SEPTEMBER 5, 1939.

[F. R. Doc. 39-3290; Filed, September 7, 1939; 1:38 p. m.]

## TITLE 24—HOUSING CREDIT

### FEDERAL HOME LOAN BANK BOARD

AMENDMENT TO RULES AND REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

RESPECTING INVESTMENTS BY FEDERAL HOME LOAN BANKS

*Be it resolved*, That paragraphs (b) (1), (c) and (d) (1) of Section 4.1 of the Rules and Regulations for the Federal Home Loan Bank System are hereby amended, effective September 7, 1939, to read as follows:

PAR. b. *Investments required by subsection (g) of Section 11 of the Act.* (1) Ordinarily purchases and sales of obligations of the United States shall originate with the Regional Banks. No purchase or sale of such securities shall be made without the prior approval of the majority of the members of the board of directors, the executive committee, or an investment committee of not less than three, at least one of whom shall be a director, and no such purchase or sale of securities shall be made without the prior approval of the Board.

PAR. c. *Investment of excess funds.* Ordinarily purchases and sales of obligations of the United States or other securities shall originate with the Regional Banks. No purchase or sale of such securities shall be made without the prior approval of the members of the board of directors, the executive committee, or an investment committee of not less than three, at least one of whom shall be a director, and no such purchase or sale of such securities shall be made without the prior approval of the Board.

PAR. d. *Investment of reserves required by Section 16 of the Act.* (1) Ordinarily purchases and sales of obligations of the United States or other securities shall originate with the Regional Banks. No purchase or sale of such securities shall be made without the prior approval of the majority of the members of the board of directors, the executive committee, or an investment committee of not less than three, at least one of whom shall be a director, and no purchase or sale of securities shall be made without the prior approval of the Board." (Sec. 11 of F.H.L.B.A., 47 Stat. 734, as amended by 503, 48 Stat. 1261; 12 U.S.C. 1431; Sec. 16 of F.H.L.B.A., 47 Stat. 736; 12 U.S.C. 1436; Sec. 17 of F.H.L.B.A., 47 Stat. 736; 12 U.S.C. 1437)

Adopted by the Federal Home Loan Bank Board on September 6, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3257; Filed, September 6, 1939; 3:09 p. m.]

### HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 339]

PART 403—PROPERTY MANAGEMENT

MAINTENANCE REPAIRS DEFINED

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

The last paragraph of Section 403.11–17 is amended to read as follows:

"Maintenance repairs are defined as that reconditioning of a minor and ordinary nature arising from wear and tear and customarily furnished by Management Brokers and rental agents in their day to day management of properties, and include repairs due to insurance losses involving expenditures within the dollar limitations on the authority of Contract Brokers as provided in Section 403.14."

(Effective August 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3255; Filed, September 6, 1939; 3:09 p. m.]

[Administrative Order No. 345]

PART 403—PROPERTY MANAGEMENT

AUTHORITY TO CANCEL RENTAL AGREEMENTS

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 403.11–30 is amended by adding a new paragraph at the end thereof reading as follows (Effective September 1, 1939):

The Regional Manager is authorized to direct the cancellation of rental agreements on such terms and conditions and for such consideration moving either to the Corporation or to the tenant as in his opinion may be in the best interests of the Corporation, and thereupon any instruments necessary to effect such cancellation may be executed and delivered on behalf of the Corporation by any officer or employee of the Corporation who is authorized to execute on its behalf the rental agreement which is to be cancelled.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3254; Filed, September 6, 1939; 3:09 p. m.]

[Administrative Order No. 520]

PART 405—RECONDITIONING

ASSIGNMENT OF RECONDITIONING CASES

Amending Part 405 of Chapter IV, Title 24 of the Code of Federal Regulations.

The first paragraph of Section 405.01–37 is amended to read as follows (Effective September 1, 1939):

§ 405.01–37 Contract Management Brokers, who, in the opinion of the Property Management Division and the Reconditioning Section, are qualified and have the necessary facilities may serve the Corporation as fee inspectors. Contract Brokers may serve as contractors when so qualified or may serve to supervise the work of other contractors.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3256; Filed, September 6, 1939; 3:09 p. m.]

## TITLE 26—INTERNAL REVENUE

### BUREAU OF INTERNAL REVENUE

[T. D. 31]

PART 466—SEIZURE, FORFEITURE, AND DISPOSITION OF VESSELS, VEHICLES AND AIRCRAFT UNDER THE ACT OF AUGUST 9, 1939

ORDER OF THE SECRETARY OF THE TREASURY RELATING TO THE BUREAU OF INTERNAL REVENUE AND THE BUREAU OF NARCOTICS

§ 466.1 *Officers who will make seizures.* For the purpose of carrying out the provisions of the Act of Congress approved August 9, 1939 (Public, No. 357, 76th Cong., 1st sess.), the following persons are hereby authorized and designated to seize such vessels, vehicles, and aircraft as may be subject to seizure by virtue of the provisions of the said Act:

(a) all officers engaged in the enforcement of the Federal narcotic drug laws and the Marihuana Tax Act of 1937; and

(b) the Commissioner of Internal Revenue, and all persons authorized by or pursuant to any provisions of law relating to internal revenue to make seizures.

(Sec. 3 of the Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st sess.) [T.D. 31, Aug. 31, 1939]

§ 466.2 *Custody.* The following officers are hereby authorized and designated to hold in custody, awaiting disposition pursuant to the provisions of the said Act of Aug. 9, 1939, and any regulations issued thereunder, vessels, vehicles, and aircraft seized pursuant to the said Act:

(a) the narcotic district supervisor for the district in which the seizure is made, when the seizure is made in connection with a violation involving a contraband article covered by section 1 (b) (1) of the said Act; and

(b) the collector of internal revenue for the district in which the seizure is made, when the seizure is made in connection with a violation involving a contraband article covered by section 1 (b) (2) of the said Act,

*Provided*, That in the case of any seizure involving contraband articles covered by two or more of the subsections (b) (1), (b) (2) and (b) (3) of section 1 of the said Act, custody shall be in the appropriate officer (as above indicated in this section or in the order relating to seizures involving subsection (b) (3)) of the branch of the Treasury service to which the seizing officer belongs.

(Sec. 3 of the Act of August 9, 1939, Public, No. 357, 76th Cong., 1st sess.) [T.D. 31, Aug. 31, 1939]

§ 466.3 *Other duties.* The respective officers hereinbefore authorized and designated to hold in custody seized vessels, vehicles, and aircraft under this Act are hereby authorized and designated to perform such other duties with respect to seizures and forfeitures of vessels, vehicles, and aircraft under this Act, as are imposed upon the collectors of customs and appraisers with respect to seizures and forfeitures of vessels and vehicles under the customs laws.

(Sec. 4 of the Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st sess.) [T. D. 31, Aug. 31, 1939]

§ 466.4 *Authority for order.* This order is issued under the authority contained in sections 3 and 4 of the Act of August 9, 1939 (Public No. 357, 76th Cong., 1st sess.). [T. D. 31, Aug. 31, 1939]

[SEAL] JOHN W. HANES,
*Acting Secretary of the Treasury.*

AUGUST 31, 1939.

[F. R. Doc. 39-3274; Filed, September 7, 1939; 11:07 a. m.]

[T. D. 4933]

REGULATIONS 90, AS AMENDED, RELATING TO EXCISE TAX ON EMPLOYERS UNDER TITLE IX OF THE SOCIAL SECURITY ACT, AND SUCH REGULATIONS AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE FURTHER AMENDED

EXEMPTION FROM TAXATION OF SERVICES RENDERED PRIOR TO JANUARY 1, 1940, IN THE EMPLOY OF FOREIGN GOVERNMENTS AND CERTAIN OF THEIR INSTRUMENTALITIES

*To Collectors of Internal Revenue and Others Concerned:*

In order to conform Regulations 90, approved February 17, 1936 [Part 400, Title 26, Code of Federal Regulations], as amended, relating to the excise tax on employers under Title IX of the Social Security Act, and such regulations as made applicable to the Internal Revenue Code by Treasury Decision 4885,[1] approved February 11, 1939 [Part 465, Subpart B, of such Title 26], to section 902 (f) of the Social Security Act Amendments of 1939, approved August 10, 1939 (Public, No. 379, 76th Cong., 1st sess.), each of such regulations are further amended as follows:

(1) Immediately preceding sections 901 and 907 (b) of the Social Security Act quoted immediately preceding article 207 [section 400.207, Title 26, Code of Federal Regulations], the following is inserted:

SECTION 902 (F) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939.

No tax shall be collected under title * * * IX of the Social Security Act or under * * * the Federal Unemployment Tax Act, with respect to services rendered prior to January 1, 1940, which are described in subparagraphs (11) and (12) of sections * * * 1607 (c) of the Internal Revenue Code, as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any), shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. * * *

SECTION 615 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939.

Subchapter C of chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

"SEC. 1611. This subchapter may be cited as the 'Federal Unemployment Tax Act'."

SECTION 614 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939.

Effective January 1, 1940, section 1607 of the Internal Revenue Code is amended to read as follows:

"SEC. 1607. DEFINITIONS.

"When used in this subchapter—

* * * * * *

(c) EMPLOYMENT. The term "employment" means any service preformed prior to January 1, 1940, which was employment as defined in this section prior to such date, and any service, of whatever nature, performed after December 31, 1939, within the United States by an employee for the person employing him, irrespective of the citizenship or residence of either, except—

* * * * * *

"(11) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

"(12) Service performed in the employ of an instrumentality wholly owned by a foreign government—

"(A) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

"(B) If the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

* * * * * *"

"ART. 206 (9) [Sec. 400.206 (9), Title 26, Code of Federal Regulations] *Exemption from taxation of services performed in the employ of foreign governments and certain of their instrumentalities*—(a) *Service performed in the employ of a foreign government.* Service performed in the employ of a foreign government is not subject to the tax. The exemption embraces not only services performed by ambassadors, ministers, and other diplomatic representatives but also includes services performed as a consular or other officer or employee of a foreign government or as a nondiplomatic representative thereof. For purposes of the exemption, the citizenship of the employee is immaterial. It is also immaterial whether the foreign government grants an equivalent exemption with respect to similar services performed in the foreign country by citizens of the United States.

"(b) *Service performed in the employ of certain instrumentalities of foreign governments.* Service performed in the employ of certain instrumentalities of a foreign government is likewise not subject to the tax. The exemption extends to all services performed in the employ of an instrumentality of the government of a foreign country, without distinction between those exercising functions of a governmental nature and those exercising functions of a proprietary nature: *Provided*,

(1) The instrumentality is wholly owned by the foreign government;

(2) The services are of a character similar to those performed in foreign countries by employees of the United States or of an instrumentality thereof; and

(3) The Secretary of State certifies to the Secretary of the Treasury that the foreign government with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to services performed in the foreign country by employees of the

[1] 4 F.R. 879 DI.

United States Government and of instrumentalities thereof.

"For purposes of this exemption the citizenship of the employee is likewise immaterial."

(2) Immediately preceding article 504 [section 400.504, Title 26, Code of Federal Regulations], the following is inserted:

SECTION 902 (F) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

No tax shall be collected under title • • • IX of the Social Security Act or under • • • the Federal Unemployment Tax Act, with respect to services rendered prior to January 1, 1940, which are described in subparagraphs (11) and (12) of sections • • • 1607 (c) of the Internal Revenue Code, as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any), shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. • • •

"ART. 503¾ [Sec. 400.503¾, Title 26, Code of Federal Regulations] *Refund under section 902 (f) of the Social Security Act Amendments of 1939.* Any tax (including interest or penalty, if any) paid with respect to services rendered prior to January 1, 1940, which are described in paragraph (11) or (12) of section 1607 (c) of the Federal Unemployment Tax Act, as amended by section 614 of the Social Security Act Amendments of 1939 (see article 206 (9) [section 400.206 (9), Title 26, Code of Federal Regulations, 1939 Sup.]), may be refunded to the person who paid the amount of such tax to the collector. No interest shall be allowed or paid by the Government on the amount of any such refund. Every claim for such refund shall be made on Form 843 in accordance with the provisions of this article and article 503 [section 400.503, Title 26, Code of Federal Regulations], relating to refund and credit of taxes erroneously collected. A claim which does not comply with these requirements will not be considered for any purpose as a claim for refund."

(This Treasury Decision is issued under the authority contained in section 908 of the Social Security Act (49 Stat. 643; 42 U.S.C., Sup. IV, 1108), and sections 1609 and 3791 of the Internal Revenue Code (53 Stat., Part 1); and interprets section 902 (f) of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.) and section 1607 (c) (11) and (12) of the Federal Unemployment Tax Act, as amended by section 614 of such Social Security Act Amendments of 1939)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 6, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3271; Filed, September 7, 1939; 11:06 a. m.]

[T. D. 4934]

REGULATIONS 91, AS AMENDED, RELATING TO EMPLOYERS' TAX AND THE EMPLOYERS' TAX UNDER TITLE VIII OF THE SOCIAL SECURITY ACT, AND SUCH REGULATIONS AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE, FURTHER AMENDED

EXEMPTION FROM TAXATION OF SERVICES RENDERED PRIOR TO JANUARY 1, 1940, IN THE EMPLOY OF FOREIGN GOVERNMENTS AND CERTAIN OF THEIR INSTRUMENTALITIES

*To Collectors of Internal Revenue and Others Concerned:*

In order to conform Regulations 91,[1] approved November 9, 1936 [Part 401, Title 26, Code of Federal Regulations], as amended, relating to the employees' tax and the employers' tax under Title VIII of the Social Security Act, and such regulations as made applicable to the Internal Revenue Code by Treasury Decision 4885,[2] approved February 11, 1939 [Part 465, Subpart B, of such Title 26], to section 902 (f) of the Social Security Act Amendments of 1939, approved August 10, 1939 (Public, No. 379, 76th Cong., 1st sess.), each of such regulations are further amended as follows:

(1) Immediately after article 13, as amended by Treasury Decision 4801,[3] approved April 28, 1938 [section 401.13, Title 26, Code of Federal Regulations], the following is inserted:

SECTION 902 (F) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

No tax shall be collected under title VIII • • • of the Social Security Act or under the Federal Insurance Contributions Act • • •, with respect to services rendered prior to January 1, 1940, which are described in subparagraphs (11) and (12) of sections 1426 (b) • • • of the Internal Revenue Code, as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any), shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. • • •

SECTION 607 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

Subchapter A of chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

"SEC. 1432. This subchapter may be cited as the 'Federal Insurance Contributions Act'."

SECTION 606 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

Effective January 1, 1940, section 1426 of the Internal Revenue Code is amended to read as follows:

"SEC. 1426. DEFINITIONS.
"When used in this subchapter—

• • • • • •

"(b) EMPLOYMENT. The term 'employment' means any service performed prior to January 1, 1940, which was employment as defined in this section prior to such date, and any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him, irrespective of the citizenship or residence of either, (A) within the United States, or (B) on or in connection with an American vessel under a contract of service which is entered into within the United States or during the performance of which the vessel touches at a port in the United States, if the employee is employed on and in connection with such vessel when outside the United States, except—

• • • • • •

"(11) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a nondiplomatic representative);

"(12) Service performed in the employ of an instrumentality wholly owned by a foreign government—

"(A) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

"(B) If the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

• • • • • •"

"ART. 13½ [Sec. 401.13½, Title 26, Code of Federal Regulations] *Exemption from taxation of services performed in the employ of foreign governments and certain of their instrumentalities—(a) Service performed in the employ of a foreign government.* Service performed in the employ of a foreign government is not subject to the taxes. The exemption embraces not only services performed by ambassadors, ministers, and other diplomatic representatives but also includes services performed as a consular or other officer or employee of a foreign government or as a nondiplomatic representative thereof. For purposes of the exemption, the citizenship of the employee is immaterial. It is also immaterial whether the foreign government grants an equivalent exemption with respect to similar services performed in the foreign country by citizens of the United States.

"(b) *Service performed in the employ of certain instrumentalities of foreign governments.* Service performed in the employ of certain instrumentalities of a foreign government is likewise not subject to the taxes. The exemption extends to all services performed in the employ of an instrumentality of the government of a foreign country, without distinction between those exercising functions of a governmental nature and those exercising functions of a proprietary nature; *Provided:*

"(1) The instrumentality is wholly owned by the foreign government;

"(2) The services are of a character similar to those performed in foreign countries by employees of the United States or of an instrumentality thereof; and

"(3) The Secretary of State certifies to the Secretary of the Treasury that the foreign government with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to services performed in the foreign country by employees of the United States Government and of instrumentalities thereof.

"For the purposes of this exemption the citizenship of the employee is likewise immaterial."

(2) Immediately after article 504 [section 401.504, Title 26, Code of Federal Regulations], the following is inserted:

SECTION 902 (F) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

No tax shall be collected under title VIII • • • of the Social Security Act or under the Federal Insurance Contributions Act • • •, with respect to services rendered prior to January 1, 1940, which are described in subparagraphs (11) and (12) of sections 1426 (b) • • • of the Internal Revenue Code, as amended, and any such tax heretofore collected (including penalty and interest with respect thereto, if any), shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. • • •

"ART. 504½ [Sec. 401.504½, Title 26, Code of Federal Regulations] *Refund under section 902 (f) of the Social Security Act Amendments of 1939.* Any tax (including interest or penalty, if any) paid with respect to services rendered prior to January 1, 1940, which are described in paragraph (11) or (12) of section 1426 (b) of the Federal Insurance Contributions Act, as amended by section 606 of the Social Security Act Amendments of 1939 (see article 13½ [section 401.13½, Title 26, Code of Federal Regulations, 1939 Sup.]), may be refunded to the person who paid the amount of such tax to the collector. No interest shall be allowed or paid by the Government on the amount of any such refund. Every claim for such refund shall be made on Form 843 in accordance with the provisions of this article and article 504 [section 401.504, Title 26, Code of Federal Regulations], relating to credit or refund of overpayments which are not adjustable. A claim which does not comply with these requirements will not be considered for any purpose as a claim for refund."

(This Treasury Decision is issued under the authority contained in section 808 of the Social Security Act (49 Stat. 638; 42 U.S.C., Sup. IV, 1008), and sections 1429 and 3791 of the Internal Revenue Code (53 Stat., Part 1); and interprets section 902 (f) of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.) and section 1426 (b) (11) and (12) of the Federal Insurance Contributions Act, as amended by section 605 of such Social Security Act Amendments of 1939)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 6, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3272; Filed, September 7, 1939; 11:06 a. m.]

[1] 1 F.R. 1764.
[2] 4 F.R. 879 DI.
[3] 3 F.R. 1005 DI.



[1] See page 3835.



[T. D. 4936]

INSPECTION OF INCOME TAX WITHHOLDING RETURNS

REGULATIONS GOVERNING THE INSPECTION OF INCOME TAX RETURNS, FORM 1042B, BY THE DEPARTMENT OF NATIONAL REVENUE, OTTAWA, CANADA

AUG. 10, 1939.

*To Collectors of Internal Revenue and Others Concerned:*

§ 463E.0 *Introductory.* Section 55 (a) of the Revenue Act of 1938 provides:

Returns made under this title shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under Title II of the Revenue Act of 1926; and all returns made under this Act shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President.

Section 55 (a) (1) of the Internal Revenue Code provides:

Returns made under this chapter upon which the tax has been determined by the Commissioner shall constitute public records; but, except as hereinafter provided in this section, they shall be open to inspection only upon order of the President and under rules and regulations prescribed by the Secretary and approved by the President.

Section 55 (a) (2) of the Internal Revenue Code provides:

And all returns made under this chapter, subchapters A, B, and D of chapter 2, subchapter B of chapter 3, chapters 4, 7, 12, and 21, subchapter A of chapter 29, and subchapters A and B of chapter 30, shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President.

Pursuant to the above-quoted provisions of law the President orders[1] that income tax withholding returns, Form 1042B, filed under the provisions of Title I of the Revenue Act of 1938, or chapter 1 of the Internal Revenue Code, shall be open to inspection by the Department of National Revenue, Ottawa, Canada, for the purpose of enabling the United States Treasury Department to administer effectively the provisions of the Tax Convention, dated December 30, 1936, between the United States and Canada which was ratified August 13, 1937. (Sec. 55 (a), 52 Stat. 478, 26 U.S.C., Sup. IV, 55 (a); sec. 55 (a) (1) and (2), 53 Stat. 29.) [T. D. 4936, Bu. Int. Rev., September 6, 1939]

§ 463E.1 *Procedure for inspection.* Upon receipt by the Commissioner of Internal Revenue of income tax withholding returns, Form 1042B, duplicate copies thereof shall be forwarded to the Department of National Revenue, Ottawa, Canada. (Sec. 55 (a), 52 Stat. 478, 26 U.S.C., Sup. IV, 55 (a); sec. 55 (a) (1) and (2), 53 Stat. 29.) [T. D. 4936 Bu. Int. Rev., September 6, 1939]

[SEAL] JOHN W. HANES,
*Acting Secretary of the Treasury.*

Approved: Sept. 6, 1939.

FRANKLIN D ROOSEVELT
*The White House.*

[F. R. Doc. 39-3266; Filed, September 7, 1939; 10:48 a. m.]

[T. D. 4935]

TAXES UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT (SUBCHAPTER A OF CHAPTER 9 OF THE INTERNAL REVENUE CODE, WHICH SUPERSEDES TITLE VIII OF THE SOCIAL SECURITY ACT) WITH RESPECT TO SERVICE PERFORMED AFTER DECEMBER 31, 1938, BY AN INDIVIDUAL AFTER HE ATTAINS AGE 65

REGULATIONS 91, AS AMENDED, AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE BY TREASURY DECISION 4885, AMENDED

*To Collectors of Internal Revenue and Others Concerned:*

In order to conform Regulations 91,[1] approved November 9, 1936 [Part 401, Title 26, Code of Federal Regulations], as amended, as made applicable to the Internal Revenue Code by Treasury Decision 4885,[2] approved February 11, 1939 [Part 465, Subpart B, of such Title 26], to section 905 of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.), such regulations only as made applicable to the Internal Revenue Code are amended as follows:

(1) Immediately preceding article 1 [section 401.1, Title 26, Code of Federal Regulations] the following is inserted:

SECTION 905 (A) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

No service performed at any time during the calendar year 1939 by any individual shall, by reason of the individual having attained the age of sixty-five, be excepted from employment as defined in section 1426 (b) of subchapter A of chapter 9 of the Internal Revenue Code. Paragraph (4) of such section (which excepts such service from employment) is repealed as of the effective date thereof, and paragraph (4) of section 811 (b) of the Social Security Act is repealed as of January 1, 1939. • • •

[1] 1 F.R. 1764.
[2] 4 F.R. 879 DI.

(2) Immediately preceding article 9 [section 401.9, Title 26, Code of Federal Regulations] the following is inserted:

SECTION 905 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

(a) No service performed at any time during the calendar year 1939 by any individual shall, by reason of the individual having attained the age of sixty-five, be excepted from employment as defined in section 1426 (b) of subchapter A of chapter 9 of the Internal Revenue Code. Paragraph (4) of such section (which excepts such service from employment) is repealed as of the effective date thereof, and paragraph (4) of section 811 (b) of the Social Security Act is repealed as of January 1, 1939. The tax on employees imposed by section 1400 of such subchapter and the tax on employers imposed by section 1410 of such subchapter, and the provisions of law applicable to such taxes, shall apply with respect to remuneration paid after December 31, 1938, for service which, by reason of the enactment of this section, constitutes employment as so defined.

(b) Notwithstanding any other provision of law, no employer shall be liable for the tax on any employee, imposed by section 1400 of such subchapter (unless the employer collects such tax from the employee), with respect to service performed before the date of enactment of this Act which constitutes employment by reason of the enactment of this section, except to the extent that the employer has under his control at any time on or after the ninetieth day after such date amounts of remuneration earned at any time by the employee.

(3) Article 9 [section 401.9, Title 26, Code of Federal Regulations] is amended to read as follows:

"ART. 9. *Employees who have attained age 65.* Services performed prior to January 1, 1939, by an individual after he has attained the age of 65 years are excepted. The employer has the burden of establishing to the satisfaction of the Commissioner the age of any employee whose services are claimed to be excepted by reason of his having attained the age of 65. All services performed prior to January 1, 1939, by an individual on and after the day preceding the sixty-fifth anniversary of his birth are within this exception. Services performed on and after January 1, 1939, by an individual after he has attained the age of 65 are not excepted by reason of his attainment of such age. Such services of an employee, unless otherwise excepted from employment (*e. g.*, agricultural labor), constitute employment, and the employees' tax and the employers' tax apply with respect to wages therefor paid after December 31, 1938."

(4) Immediately after article 204 [section 401.204, Title 26, Code of Federal Regulations] the following new article is inserted:

"ART. 204½ [Sec. 401.204½, Title 26, Code of Federal Regulations] *Collection of, and liability for, employees' tax with respect to service performed by an employee after he attains age 65.* Under the provisions of section 905 of the Social Security Act Amendments of 1939, enacted August 10, 1939, service performed on and after January 1, 1939, by an employee after his attainment of the age of 65 is not excepted from employment by reason of the age of the employee. The employer shall collect the employees' tax with respect to such service as follows:

"(a) With respect to wages paid to the employee for service performed on and after August 10, 1939, by deducting the amount of such tax from his wages as and when paid.

"(b) With respect to wages paid to the employee for service performed prior to August 10, 1939, by deducting the amount of the tax from such of his remuneration (whether or not such remuneration constitutes wages) as is under the control of the employer on or after such date, in addition to the employees' tax, if any, with respect to such remuneration.

"Until collected from him the employee is liable for the employees' tax with respect to wages received by him for such service. The employer is liable for all employees' tax collected by him with respect to such service. The employer is liable for the employees' tax with respect to such service performed on and after August 10, 1939, whether or not collected from the employee. Notwithstanding any other provision of these regulations, the employer is liable for the employees' tax not collected from the employee with respect to such service performed prior to August 10, 1939, only to the extent that the employer has under his control at any time on or after November 8, 1939, amounts of remuneration earned at any time by the employee. Except as provided in the preceding sentence, this article shall not be deemed to limit the application of article 204 [section 401.204, Title 26, Code of Federal Regulations] (relating, generally, to collection of, and liability for, employees' tax), to the employees' tax with respect to such service. (See article 9, as amended [section 401.9, Title 26, Code of Federal Regulations, 1939 Sup.], relating to the exception of service performed prior to January 1, 1939, by an individual after he attains the age of 65.)"

(5) Immediately after article 304 [section 401.304, Title 26, Code of Federal Regulations] the following new article is inserted:

"ART. 304½ [Sec. 401.304½, Title 26, Code of Federal Regulations] *Liability for employers' tax with respect to service performed by an employee after he attains age 65.* Under the provisions of section 905 of the Social Security Act Amendments of 1939, enacted August 10, 1939, service performed on and after January 1, 1939, by an employee after his attainment of the age of 65 is not excepted from employment by reason of the age of the employee. The employer is liable for the employers' tax with respect to wages paid for such service, including wages paid prior to August 10, 1939. (See article 9, as amended [section 401.9, Title 26, Code of Federal Regulations, 1939 Sup.], relating to the exception of service performed prior to January 1, 1939, by an individual after he attains the age of 65.)"

(6) Immediately after article 402½ [section 401.402½, Title 26, Code of Federal Regulations], added by Treasury Decision 4786, approved December 29, 1937, the following new article is inserted:

"ART. 402¾ [Sec. 401.402¾, Title 26, Code of Federal Regulations] *Manner of reporting taxable wages for service performed by an employee after he attains age 65.* Under the provisions of section 905 of the Social Security Act Amendments of 1939, service performed on and after January 1, 1939, by an employee after his attainment of the age of 65 is not excepted from employment by reason of the age of the employee. Taxable wages with respect to such service shall be reported in returns as provided in article 402½ [section 401.402½, Title 26, Code of Federal Regulations] (relating, generally, to the manner of reporting taxable wages); except that taxable wages with respect to such service, actually or constructively paid on or before June 30, 1939, shall be reported in the return for the quarter ending on September 30, 1939, together with taxable wages actually or constructively paid in such quarter."

(7) Article 410 [section 401.410, Title 26, Code of Federal Regulations] is amended to read as follows:

"ART. 410. *Payment of tax.* The employees' tax and the employers' tax required to be reported on each return on Form SS–1 or SS–1a are due and payable to the collector, without assessment by the Commissioner or notice by the collector, at the time fixed for filing such return. With respect to wages paid on or before June 30, 1939 (as well as wages paid during the quarter ending September 30, 1939), for services rendered on or after January 1, 1939, by an individual after his attainment of the age of 65, the employees' tax and the employers' tax are due and payable to the collector, without assessment or notice, at the time fixed for filing the return on Form SS–1a for the quarter epding September 30, 1939. For provisions relating to interest and penalties see articles 602, 603, and 604 [sections 401.602, 401.603, and 401.604, Title 26, Code of Federal Regulations]."

(This Treasury Decision is issued under the authority contained in sections 1420 and 1429 of the Internal Revenue Code (53 Stat., Part 1); and interprets section 905 of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.), sections 1400, 1401 (a) and (b), 1410, and 2702 of the Internal Revenue Code (53 Stat., Part 1), and sections 1400, 1410, and 1426 (b) of the Internal Revenue Code, as amended by such Social Security Act Amendments of 1939.)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 6, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39–3286; Filed, September 7, 1939; 12:46 p. m.]



## TITLE 29—LABOR

### WAGE AND HOUR DIVISION

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order)[1] are issued to the employers listed below effective September 18, 1939 until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

*Name and Address of Firm*

Black Hosiery Mills—5 learners, Midland, North Carolina.

Union Manufacturing Company—6 learners, Frederick, Maryland.

Propper-McCallum Hosiery Co., Inc., Northampton, Massachusetts.

Contour Hosiery Mills, Rockford, Illinois.

Easton Hosiery Mills—5 learners, Easton, Maryland.

Gray Line Hosiery Company, Chambersburg, Pennsylvania.

J. A. Cline and Son, Hildebran, North Carolina.

Carpenter Hosiery Mills—5 learners, Wytheville, Virginia.

Chestertown Hosiery, Inc.—5 learners, Chestertown, Maryland.

W. B. Davis and Son, Inc., Fort Payne, Alabama.

Valley Rose Hosiery Mill—4 learners, West Grove, Pennsylvania.

Maryon Hosiery Mill—5 learners, Carrollton, Georgia.

Unrivaled Hosiery Mill, Williamstown, Pennsylvania.

Bennington Hosiery Company—2 learners, Bennington, Vermont.

Hazel Knitting Mills, Inc.—4 learners, Burlington, North Carolina.

Walker County Hosiery Mills, Lafayette, Georgia.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended.[2] For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 6th day of September 1939.

MERLE D. VINCENT,
*Chief of Hearings and Exemptions Section.*

[F. R. Doc. 39–3259; Filed, September 7, 1939; 9:23 a. m.]

[1] 4 F.R. 3680, 3711 DI.

[2] 4 F.R. 2068 DI.

## TITLE 44—PUBLIC PROPERTY AND WORKS

### FEDERAL WORKS AGENCY—PUBLIC WORKS ADMINISTRATION

[Special Order No. PWA–1]

ADOPTION BY PUBLIC WORKS ADMINISTRATION IN FEDERAL WORKS AGENCY OF RULES, REGULATIONS, ORDERS, BULLETINS, CIRCULARS, FORMS, MANUALS AND SIMILAR DOCUMENTS OF FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

JULY 1, 1939.

1. All rules, regulations, orders, bulletins, circulars, forms, manuals and similar documents heretofore duly issued by the Federal Emergency Administration of Public Works or by an official thereof, in force and effect as of June 30, 1939 (hereinafter referred to as the "Documents"), are hereby adopted by and, insofar as appropriate, made applicable to the Public Works Administration in the Federal Works Agency.

2. All references in the Documents to the Administrator or to the Assistant Administrator of the Federal Emergency Administration of Public Works shall hereafter be deemed to refer to the Commissioner of Public Works.

3. All references in the Documents to the Federal Emergency Administration of Public Works shall hereafter be deemed to refer to the Public Works Administration in the Federal Works Agency.

4. Any rights, privileges or obligations of the Administrator or of the Assistant Administrator of the Federal Emergency Administration of Public Works under any offers, contracts or agreements shall be the rights, privileges and obligations of the Commissioner of Public Works.

5. This order is issued pursuant to the Reorganization Act of 1939 and Reorganization Plan No. 1 transmitted to the Congress by the President.

JOHN M. CARMODY,
*Federal Works Administrator.*

[F. R. Doc. 39–3258; Filed, September 6, 1939; 4:14 p. m.]

## TITLE 46—SHIPPING

### UNITED STATES MARITIME COMMISSION

[General Order No. 25, Amended]

ESTABLISHING THE UNITED STATES MARITIME SERVICE

At a regular session of the United States Maritime Commission held at its office in Washington, D. C., on the 5th day of September 1939.

General Order No. 25[1] is hereby amended to read as follows:

There is hereby established, pursuant to the authority vested in the Commission by section 216 of the Merchant Marine Act, 1936, as amended, a voluntary organization to be known as the United States Maritime Service which shall consist of such American citizens as may be enrolled under the provisions of said section, this order, and such rules and regulations as may be prescribed by the Commission for the government of said Service.

The number of persons to be enrolled in said Service, the rates of pay of such persons, and the courses and periods of training shall be determined, fixed, and prescribed by the Commission in such manner and form as may appear to it to be necessary to maintain a trained and efficient merchant-marine personnel. The ranks, grades, and ratings for the personnel of the said Service shall be the same as are now or shall hereafter be prescribed for the personnel of the Coast Guard.

In the administration and conduct of the said Service the Commission shall, subject to the consent and approval of the Secretary of the Treasury, avail itself of the use of such information, services, facilities, officers, and employees of the Coast Guard and the Public Health Service and the Civilian Conservation Corps, with the approval of their respective Executive Heads, as may be necessary for the operation of said Service,

[1] 3 F.R. 1760 DI.

such use to be at the expense of the Commission.

Enrollment and training in the United States Maritime Service shall be voluntary and shall be open to all licensed and unlicensed personnel of the United States merchant marine who comply with the requirements prescribed by the Commission as well as to young American citizens between the ages of 18 and 23 years who desire to train for service in the American merchant marine and who qualify for such training under regulations prescribed by the Commission. In the selection of applicants for enrollment no discrimination shall be practiced because of the applicant's race or creed, or because of membership or nonmembership in any organization. Eligibility for enrollment shall be determined by the Commandant of the Coast Guard in accordance with the rules and regulations prescribed by the Commission.

Nothing in this Order shall be construed to affect the cadet system established by the Commission's General Order No. 23, as amended.[2]

This amended order shall become effective as of September 1, 1939.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR.,
*Secretary.*

[F. R. Doc. 39-3277; Filed, September 7, 1939; 11:36 a. m.]

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[General Order No. 15, Sup. 13a]

MINIMUM MANNING SCALES FOR THE S. S. "ALMERIA LYKES," S. S. "GENEVIEVE LYKES," S. S. "RUTH LYKES," S. S. "STELLA LYKES," S. S. "TILLIE LYKES," AND S. S. "VELMA LYKES"—SUBSIDIZED VESSELS OF LYKES BROS. STEAMSHIP CO., INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 5th day of September 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15[1] providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. *Almeria Lykes*, S. S. *Genevieve Lykes*, S. S. *Ruth Lykes*, S. S. *Stella Lykes*, S. S. *Tillie Lykes*, and S. S. *Velma Lykes*, subsidized vessels of the Lykes Bros. Steamship Co., Inc. (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

*Ordered*, That the minimum manning scales attached hereto for the S. S. *Almeria Lykes*, S. S. *Genevieve Lykes*, S. S. *Ruth Lykes*, S. S. *Stella Lykes*, S. S. *Tillie Lykes*, and S. S. *Velma Lykes*, subsidized vessels of the Operator, be and the same hereby are adopted; *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of any of said vessels without undue delay, the same scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after October 1, 1939, of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR.,
*Secretary.*

*Minimum Manning Scales To Be Observed on the Vessels S. S. "Almeria Lykes," S. S. "Genevieve Lykes," S. S. "Ruth Lykes," S. S. "Stella Lykes," S. S. "Tillie Lykes," and S. S. "Velma Lykes," of the Lykes Bros. Steamship Co., Inc.*

RATING

| | Minimum |
|---|---|
| Deck department: | |
| Master | 1 |
| Chief Mate | 1 |
| Second Mate | 1 |
| Third Mate | 1 |
| Radio Operator | [1] 1 |
| A. B. Seamen | 4 |
| Ordinary Seamen | 2 |
| Engine department: | |
| Chief Engineer | 1 |
| 1st Assistant Engineer | 1 |
| 2nd Assistant Engineer | 1 |
| 3rd Assistant Engineer | 1 |
| Oilers | 3 |
| Firemen | 3 |
| Wiper | 1 |
| Steward's department: | |
| Steward | 1 |
| Chief Cook | 1 |
| Second Cook and Baker | 1 |
| Messman | 1 |
| Messboys | 2 |

[1] With radio auto alarm.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-3278; Filed, September 7, 1939; 11:36 a. m.]

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[General Order No. 15, Sup. 13b]

MINIMUM MANNING SCALE FOR THE S. S. "MARGARET LYKES," SUBSIDIZED VESSEL OF LYKES BROS. STEAMSHIP CO., INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 5th day of September 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15[1] providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scale for the S. S. *Margaret Lykes*, subsidized vessel of Lykes Bros. Steamship Co., Inc. (referred to herein as Operator); and

The Commission finding that the minimum scale hereinafter adopted for the above named subsidized vessel of the Operator is reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

*Ordered*, That the minimum manning scale attached hereto for the S. S. *Margaret Lykes*, subsidized vessel of the Operator, be and the same hereby is adopted; *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of said vessel without undue delay, the said scale shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scale, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

*Ordered*, That the minimum manning scale hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

*Ordered*, That the minimum manning scale hereby adopted shall become effective for said vessel upon the first signing after October 1, 1939 of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scale, and that the operator be immediately served by registered mail with a copy of this Order and of the minimum manning scale hereby adopted.

[1] 2 F.R. 2257.
[2] 3 F.R. 639 DI.

[1] 2 F.R. 2257.



By order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR.,
*Secretary.*

*Minimum Manning Scale to be Observed on the Vessel S. S. "Margaret Lykes" of the Lykes Bros. Steamship Co., Inc.*

RATING

| | Minimum |
|---|---|
| Deck department: | |
| Master | 1 |
| Chief Mate | 1 |
| Second Mate | 1 |
| Third Mate | 1 |
| Radio Operator | [1] 1 |
| A. B. Seamen | 5 |
| Ordinary Seamen | 2 |
| Engine department: | |
| Chief Engineer | 1 |
| 1st Asst. Engineer | 1 |
| 2nd Asst. Engineer | 1 |
| 3rd Asst. Engineer | 1 |
| Oilers | 3 |
| Firemen | 3 |
| Wiper | 1 |
| Steward's department: | |
| Steward | 1 |
| Chief Cook | 1 |
| Second Cook and Baker | 1 |
| Messmen | 1 |
| Messboys | 2 |

[1] With radio auto alarm.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-3279; Filed, September 7, 1939; 11:36 a. m.]

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[General Order No. 15, Sup. 13c]

MINIMUM MANNING SCALES FOR THE S. S. "AMERICAN PRESS," S. S. "CARDONIA," S. S. "CHESTER VALLEY," S. S. "CITY OF JOLIET," S. S. "CITY OF OMAHA," S. S. "CRANFORD," S. S. "NEMAHA," S. S. "SYROS," S. S. "WINSTON SALEM," AND S. S. "HYBERT," SUBSIDIZED VESSELS OF LYKES BROS. STEAMSHIP CO., INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 5th day of September 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15[1] providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. *American Press*, S. S. *Cardonia*, S. S. *Chester Valley*, S. S. *City of Joliet*, S. S. *City of Omaha*, S. S. *Cranford*, S. S. *Nemaha*, S. S. *Syros*, S. S. *Winston Salem*, and S. S. *Hybert*, subsidized vessels of Lykes Bros. Steamship Co., Inc., (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

*Ordered*, That the minimum manning scales attached hereto for the S. S. *American Press*, S. S. *Cardonia*, S. S. *Chester Valley*, S. S. *City of Joliet*, S. S. *City of Omaha*, S. S. *Cranford*, S. S. *Nemaha*, S. S. *Syros*, S. S. *Winston Salem*, and S. S. *Hybert*, subsidized vessels of the Operator, be and the same hereby are adopted; *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of any of said vessels without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after October 1, 1939 of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR.,
*Secretary.*

*Minimum Manning Scales To Be Observed on the Vessels S. S. "American Press," S. S. "Cardonia," S. S. "Chester Valley," S. S. "City of Joliet," S. S. "City of Omaha," S. S. "Cranford," S. S. "Nemaha," S. S. "Syros," S. S. "Winston Salem," and S. S. "Hybert," of the Lykes Bros. Steamship Co., Inc.*

RATING

| | Minimum |
|---|---|
| Deck department: | |
| Master | 1 |
| First Mate | 1 |
| Second Mate | 1 |
| Third Mate | 1 |
| Radio Operator | [1] 1 |
| Boatswain | 1 |
| Carpenter | 1 |
| A. B. Seamen | 6 |
| Ordinary Seamen | 3 |
| Engine department: | |
| Chief Engineer | 1 |
| 1st Asst. Engineer | 1 |
| 2nd Asst. Engineer | 1 |
| 3rd Asst. Engineer | 1 |
| Engine department—Continued. | Minimum |
| Deck Engineer | [2] 1 |
| Oilers | 3 |
| Firemen | 3 |
| Wipers | [2] 2 |
| Steward's department: | |
| Steward | 1 |
| Chief Cook | 1 |
| Second Cook & Baker | 1 |
| Messman | 1 |
| Messboys | 2 |

[1] With radio auto alarm.

[2] The Deck Engineer and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-3280; Filed, September 7, 1939; 11:36 a. m.]

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[General Order No. 15, Sup. 13d]

MINIMUM MANNING SCALES FOR THE S. S. "AQUARIUS," S. S. "CRIPPLE CREEK," S. S. "DRYDEN," S. S. "DUQUESNE," S. S. "EFFINGHAM," S. S. "EGLANTINE," S. S. "ETHAN ALLEN," S. S. "ENDICOTT," S. S. "LIBERATOR," S. S. "MEANTICUT," S. S. "NARBO," S. S. "NASHABA," S. S. "NISHMAHA," S. S. "OAKMAN," S. S. "OAKWOOD," S. S. "PATRICK HENRY," S. S. "SCOTTSBURG," S. S. "TRIPP," S. S. "VOLUNTEER," S. S. "WABAN," S. S. "WEST CHATALA," S. S. "WEST COBALT," S. S. "WEST COHAS," S. S. "WEST EKONK," S. S. "WEST GAMBO," S. S. "WEST HARSHAW," S. S. "WEST HOBOMAC," S. S. "WEST QUECHEE," S. S. "WEST TACOOK," AND S. S. "WESTERN QUEEN," SUBSIDIZED VESSELS OF LYKES BROS. STEAMSHIP CO., INC.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 5th day of September 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15[1] providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. *Aquarius*, S. S. *Cripple Creek*, S. S. *Dryden*, S. S. *Duquesne*, S. S. *Effingham*, S. S. *Eglantine*, S. S. *Ethan Allen*, S. S. *Endicott*, S. S. *Liberator*, S. S. *Meanticut*, S. S. *Narbo*, S. S. *Nashaba*, S. S. *Nishmaha*, S. S. *Oakman*, S. S. *Oakwood*, S. S. *Patrick Henry*, S. S. *Scottsburg*, S. S. *Tripp*, S. S. *Volunteer*, S. S. *Waban*, S. S. *West Chatala*, S. S. *West Cobalt*, S. S. *West Cohas*, S. S. *West Ekonk*, S. S. *West Gambo*, S. S. *West Harshaw*, S. S. *West Hobomac*, S. S. *West Quechee*, S. S. *West Tacook* and S. S. *Western Queen*, subsidized vessels of Lykes Bros. Steamship Co., Inc. (referred to herein as Operator); and

[1] 2 F.R. 2257.

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

*Ordered*, That the minimum manning scales attached hereto for the S. S. *Aquarius*, S. S. *Cripple Creek*, S. S. *Dryden*, S. S. *Duquesne*, S. S. *Effingham*, S. S. *Eglantine*, S. S. *Ethan Allen*, S. S. *Endicott*, S. S. *Liberator*, S. S. *Meanticut*, S. S. *Narbo*, S. S. *Nashaba*, S. S. *Nishmaha*, S. S. *Oakman*, S. S. *Oakwood*, S. S. *Patrick Henry*, S. S. *Scottsburg*, S. S. *Tripp*, S. S. *Volunteer*, S. S. *Waban*, S. S. *West Chatala*, S. S. *West Cobalt*, S. S. *West Cohas*, S. S. *West Ekonk*, S. S. *West Gambo*, S. S. *West Harshaw*, S. S. *West Hobomac*, S. S. *West Quechee*, S. S. *West Tacook* and S. S. *Western Queen*, subsidised vessels of the Operator, be and the same hereby are adopted: *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of any of said vessels without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

*Ordered*, that the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

*Ordered*, that the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after October 1, 1939 of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.,
*Secretary.*

*Minimum Manning Scales to be Observed on the Vessels S. S. "Aquarius," S. S. "Cripple Creek," S. S. "Dryden," S. S. "Duquesne," S. S. "Effingham," S. S. "Eglantine," S. S. "Ethan Allen," S. S. "Endicott," S. S. "Liberator," S. S. "Meanticut," S. S. "Narbo," S. S. "Nashaba," S. S. "Nishmaha," S. S. "Oakman," S. S. "Oakwood," S. S. "Patrick Henry," S. S. "Scottsburg," S. S. "Tripp," S. S. "Volunteer," S. S. "Waban," S. S. "West Chatala," S. S. "West Cobalt," S. S. "West Cohas," S. S. "West Ekonk," S. S. "West Gambo," S. S. "West Harshaw," S. S. "West Hobomac," S. S. "West Quechee," S. S. "West Tacook" and S. S. "Western Queen," of Lykes Bros. Steamship Co., Inc.*

| Rating | Minimum |
|---|---|
| Deck department: | |
| Master | 1 |
| First Mate | 1 |
| Second Mate | 1 |
| Third Mate | 1 |
| Radio Operator | [1] 1 |
| Boatswain | 1 |
| Carpenter | 1 |
| A. B. Seamen | 6 |
| Ordinary Seamen | 3 |
| Engine department: | |
| Chief Engineer | 1 |
| 1st Asst. Engineer | 1 |
| 2nd Asst. Engineer | 1 |
| 3rd Asst. Engineer | 1 |
| Deck Engineer | [2] 1 |
| Oilers | 3 |
| Firemen | 3 |
| Wipers | [2] 2 |
| Steward's department: | |
| Steward | 1 |
| Chief Cook | 1 |
| Second Cook & Baker | 1 |
| Messmen | 1 |
| Messboys | 2 |

[1] With radio auto alarm.

[2] The Deck Engineer and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

GENERAL NOTE: Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-3281; Filed, September 7, 1939; 11:37 a. m.]

## *Notices*

## DEPARTMENT OF AGRICULTURE.

### Rural Electrification Administration.

[Administrative Order No. 387]

FARMS NOT RECEIVING CENTRAL STATION ELECTRIC SERVICE

SEPTEMBER 5, 1939.

Pursuant to Section 3 (c) of the Rural Electrification Act of 1936 and upon information and data in the files of the Rural Electrification Administration, I hereby determine that the number of farms not receiving central station electric service for each state and the number of such farms for the United States at the beginning of the current fiscal year are set forth in the following schedule, and I hereby allot from the sum of $20,000,000, being fifty per centum of the total sum made available for the current fiscal year, the respective sums for loans in the several States as hereinafter set forth.

| | Farms without central station electric service July 1, 1939 | Allotment for loans during the fiscal year ending June 30, 1940 |
|---|---|---|
| United States | 5,347,375 | $20,000,000 |
| Alabama | 258,961 | 968,554 |
| Arizona | 10,749 | 40,203 |
| Arkansas | 244,319 | 913,790 |
| California | 42,416 | 158,642 |
| Colorado | 50,103 | 187,393 |
| Connecticut | 18,009 | 69,077 |
| Delaware | 7,687 | 28,751 |
| Florida | 73,268 | 274,408 |
| Georgia | 219,510 | 821,001 |
| Idaho | 21,208 | 79,308 |
| Illinois | 173,664 | 649,550 |
| Indiana | 129,133 | 482,977 |
| Iowa | 167,028 | 624,710 |
| Kansas | 145,049 | 542,505 |
| Kentucky | 273,849 | 1,024,237 |
| Louisiana | 160,446 | 600,061 |
| Maine | 24,971 | 93,395 |
| Maryland | 29,761 | 111,311 |
| Massachusetts | 18,477 | 69,107 |
| Michigan | 73,415 | 274,583 |
| Minnesota | 165,585 | 619,351 |
| Mississippi | 307,295 | 1,149,330 |
| Missouri | 249,219 | 932,117 |
| Montana | 35,174 | 131,556 |
| Nebraska | 166,981 | 393,692 |
| Nevada | 2,608 | 9,979 |
| New Hampshire | 8,228 | 30,774 |
| New Jersey | 6,724 | 25,149 |
| New Mexico | 38,968 | 145,821 |
| New York | 98,721 | 369,232 |
| North Carolina | 261,505 | 978,069 |
| North Dakota | 70,276 | 262,843 |
| Ohio | 153,202 | 572,999 |
| Oklahoma | 196,665 | 735,669 |
| Oregon | 35,535 | 134,028 |
| Pennsylvania | 92,053 | 344,292 |
| Rhode Island | 678 | 2,536 |
| South Carolina | 142,602 | 533,690 |
| South Dakota | 69,128 | 258,549 |
| Tennessee | 259,343 | 969,982 |
| Texas | 442,283 | 1,654,296 |
| Utah | 13,919 | 52,059 |
| Vermont | 18,278 | 68,363 |
| Virginia | 158,152 | 591,513 |
| Washington | 39,703 | 148,495 |
| West Virginia | 94,596 | 353,804 |
| Wisconsin | 126,263 | 468,465 |
| Wyoming | 13,238 | 49,512 |

[SEAL] ROBERT B. CRAIG,
*Acting Administrator.*

[F. R. Doc. 39-3283; Filed, September 7, 1939; 12:26 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 62]

CANCELLATION OF ORDER REQUIRING FILING OF REPORT ON FOREIGN TRAFFIC

Whereas, the Commission, on August 8, 1939, adopted Order No. 61 requiring every common carrier subject to the Communications Act engaged in foreign telegraph communication to file with the Commission, not later than November 10, 1939, a report of their foreign traffic for certain days in September, 1939; and

Whereas, the existing international situation will prevent the study from being useful;

*Therefore, it is ordered*, This 5th day of September 1939, that Order No. 61 of the Federal Communications Commission, dated August 8, 1939,[1] be, and it is hereby, cancelled.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3282; Filed, September 7, 1939; 12:27 p. m.]

[1] 4 F.R. 3616 DI.



## FEDERAL POWER COMMISSION.

[Project No. 108]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (WISCONSIN), LICENSEE

ORDER GRANTING PETITION FOR REHEARING

SEPTEMBER 5, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon consideration of Petition for Rehearing dated August 5, 1939, and filed on August 7, 1939, by Northern States Power Company (Wisconsin), Licensee for Project No. 108, with respect to the provisions of the Commission's order of June 27, 1939, relating to the disposition of the amount of $208,526.72 disallowed by the Commission as part of the actual legitimate original cost of said project;

*It is ordered*, That:

(a) A rehearing on paragraph (C) of the Commission's order of June 27, 1939, be and the same is hereby granted, such rehearing to begin at 10:00 A. M. on the 26th day of September, 1939, in the Hearing Room of the Commission, Hurley Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

(b) Licensee's compliance with paragraph (D) of the Commission's order of June 27, 1939, be held in abeyance until a date to be hereafter set.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3260; Filed, September 7, 1939; 9:23 a. m.]

[Docket No. IT-5582]

IN THE MATTER OF SUSQUEHANNA TRANSMISSION COMPANY OF PENNSYLVANIA AND PENNSYLVANIA WATER & POWER COMPANY

NOTICE OF APPLICATION

SEPTEMBER 7, 1939.

Notice is hereby given that on August 30, 1939, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the Pennsylvania Water & Power Company, a corporation organized under the laws of the Commonwealth of Pennsylvania and having its principal business office at Holtwood, Lancaster County, Pennsylvania, seeking an order authorizing a merger of facilities of the Susquehanna Transmission Company of Pennsylvania, a corporation organized under the laws of the Commonwealth of Pennsylvania, with those of the applicant, in accordance with the terms of an agreement whereby applicant proposes to purchase all the franchises and property, real, personal and mixed, of the said Susquehanna Transmission Company of Pennsylvania, which includes two 66,000-volt, 25-cycle, double-circuit, steel tower transmission lines each approximately 7¾ miles long extending from the generating station of the Pennsylvania Water & Power Company at Holtwood, Pennsylvania, to the Pennsylvania-Maryland state line, in consideration for the delivery by the applicant to the said Susquehanna Transmission Company of Pennsylvania of all of the latter Company's capital stock consisting of five shares having a par value of $100.00 and all of that Company's outstanding bonds consisting of $267,000.00 first mortgage 5% gold bonds due January 1, 1940, and the assumption by the applicant of all of the indebtedness and obligations of the seller and the cancellation of an indebtedness of the applicant to the seller in the amount of $17,233.58, all as more fully appears in the application on file with the Commission. (Notice of application by the Susquehanna Transmission Company of Pennsylvania involving this transaction was published in the FEDERAL REGISTER on August 8, 1939.)

Any person desiring to be heard or to make any protest with reference to the said application should, on or before the 22nd day of September, 1939, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3275; Filed, September 7, 1939; 11:23 a. m.]

[Docket No. IT-5583]

IN THE MATTER OF PENNSYLVANIA TRANSMISSION COMPANY AND PENNSYLVANIA WATER & POWER COMPANY

NOTICE OF APPLICATION

SEPTEMBER 7, 1939.

Notice is hereby given that on August 30, 1939, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the Pennsylvania Water & Power Company, a corporation organized under the laws of the Commonwealth of Pennsylvania and having its principal business office at Holtwood, Lancaster County, Pennsylvania, seeking an order authorizing a merger of facilities of the Pennsylvania Transmission Company, a corporation organized under the laws of the Commonwealth of Pennsylvania, with those of the applicant, in accordance with the terms of an agreement whereby applicant proposes to purchase all of the franchises and property, real, personal and mixed, of the Pennsylvania Transmission Company, which includes two 220,000-volt, 60-cycle, single-circuit, steel tower transmission lines, 15 and 18 miles long respectively, extending from the generating station of the Safe Harbor Water Power Corporation at Safe Harbor, Pennsylvania, to the Pennsylvania state line, in consideration for the delivery by applicant to the said Pennsylvania Transmission Company of all of the latter Company's outstanding capital stock, consisting of 5,729 shares having a par value of $100.00 each, and the assumption by applicant of all of the obligations and indebtedness of the Pennsylvania Transmission Company which includes $118,994.23 due applicant on an open account, all as more fully appears in the application on file with the Commission. (Notice of application by the Pennsylvania Transmission Company involving this transaction was published in the FEDERAL REGISTER on August 8, 1939.)

Any person desiring to be heard or to make any protest with reference to the said application should, on or before the 22nd day of September, 1939, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3276; Filed, September 7, 1939; 11:23 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of Sept., A. D. 1939.

[File No. 1-2306]

IN THE MATTER OF BELMONT METALS CORPORATION COMMON CAPITAL STOCK, PAR VALUE 25 CENTS

ORDER WITHDRAWING REGISTRATION OF SECURITIES ON A NATIONAL SECURITIES EXCHANGE

The Commission having instituted a proceeding pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether or not the registration on the San Francisco Mining Exchange of the common capital stock, par value 25 cents, of Belmont Metals Corporation, should be suspended, or whether or not the registration of such stock should be withdrawn; and

After appropriate notice, a hearing having been held, the Trial Examiner

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having filed an advisory report, and no exceptions thereto having been taken; and

The Commission having fully considered this matter and having entered its findings herewith;

*It is ordered*, Pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, that the registration on the San Francisco Mining Exchange of the common capital stock, par value 25 cents, of Belmont Metals Corporation, shall be and the same is hereby withdrawn, effective at the close of business on September 16, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3268; Filed, September 7, 1939; 10:52 a.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of Sept., A. D. 1939.

[File Nos. 7-257, 258, 298-306]

IN THE MATTER OF APPLICATIONS BY THE DETROIT STOCK EXCHANGE FOR THE EXTENSION OF UNLISTED TRADING PRIVILEGES IN ANACONDA COPPER MINING COMPANY COMMON STOCK, $50 PAR VALUE; BUDD WHEEL COMPANY COMMON STOCK, NO PAR VALUE; CITIES SERVICE COMPANY COMMON STOCK, $10 PAR VALUE; THE ELECTRIC AUTO-LITE COMPANY COMMON STOCK, $5 PAR VALUE; ELECTRIC POWER & LIGHT CORPORATION COMMON STOCK, NO PAR VALUE; F. L. JACOBS CO. COMMON STOCK, $1 PAR VALUE; MONTGOMERY WARD & CO., INCORPORATED COMMON STOCK, NO PAR VALUE; PENNSYLVANIA RAILROAD COMPANY CAPITAL STOCK, $50 PAR VALUE; SEARS, ROEBUCK AND COMPANY CAPITAL STOCK, NO PAR VALUE; UNITED STATES RUBBER COMPANY COMMON STOCK, $10 PAR VALUE; UNITED STATES STEEL CORPORATION COMMON STOCK, NO PAR VALUE; HIRAM WALKER-GOODERHAM & WORTS, LIMITED COMMON STOCK, NO PAR VALUE; YELLOW TRUCK & COACH MANUFACTURING COMPANY CLASS B STOCK, $1 PAR VALUE

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The Detroit Stock Exchange, having made application to the Commission pursuant to Section 12 (f) of the Securities Exchange Act of 1934 for permission to extend unlisted trading privileges to the above described securities; and

A hearing having been held in this matter after appropriate notice, and the Commission having this day made and filed its findings and opinion herein;

*It is ordered*, That the application of the Detroit Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934 for permission to extend unlisted trading privileges to F. L. Jacobs Co. common stock, $1 par value, be and the same hereby is granted;

*It is further ordered*, That the application of the Detroit Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934 for permission to extend unlisted trading privileges to Hiram Walker-Gooderham & Worts, Limited, common stock, no par value, be and the same hereby is denied.

*It is further ordered*, That decisions on the applications of the Detroit Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934 for permission to extend unlisted trading privileges to Anaconda Copper Mining Company common stock, Budd Wheel Company common stock, Cities Service Company common stock, The Electric Auto-Lite Company common stock, Electric Power & Light Corporation common stock, Montgomery Ward & Co., Incorporated, common stock, Pennsylvania Railroad Company capital stock, Sears, Roebuck and Company capital stock, United States Rubber Company common stock, United States Steel Corporation common stock, and Yellow Truck & Coach Manufacturing Company Class "B" stock, be and they hereby are reserved in accordance with the findings and opinion of the Commission issued herein this day.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3269; Filed, September 7, 1939; 10:52 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of Sept., A. D. 1939.

[File Nos. 7-371 to 7-374, incl.]

IN THE MATTER OF APPLICATIONS BY THE PHILADELPHIA STOCK EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN ROUND LOTS IN ATLAS CORPORATION COMMON STOCK, $5 PAR VALUE; BETHLEHEM STEEL CORPORATION COMMON STOCK, NO PAR VALUE; NIAGARA HUDSON POWER CORPORATION COMMON STOCK, $10 PAR VALUE; THE STUDEBAKER CORPORATION COMMON STOCK, $1 PAR VALUE

ORDER DISPOSING OF APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES IN ROUND LOTS

The Philadelphia Stock Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, for the extension of unlisted trading privileges in round lots to the above described securities; and

A hearing having been held in this matter after appropriate notice, and the Commission having this day made and filed its findings and opinion herein;

*It is ordered*, That the applications of the Philadelphia Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934 for the extension of unlisted trading privileges in round lots to Bethlehem Steel Corporation common stock, no par value, Niagara Hudson Power Corporation common stock, $10 par value, and The Studebaker Corporation common stock, $1 par value, be and the same are hereby granted.

*It is further ordered*, That the application of the Philadelphia Stock Exchange pursuant to Section 12 (f) of the Securities Exchange Act of 1934 for the extension of unlisted trading privileges in round lots to Atlas Corporation common stock, $5 par value, be and the same hereby is denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3270; Filed, September 7, 1939; 10:52 a. m.]

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# FEDERAL REGISTER

VOLUME 4 NUMBER 174

*Washington, Saturday, September 9, 1939*


## The President

PROCLAIMING A NATIONAL EMERGENCY IN CONNECTION WITH THE OBSERVANCE, SAFEGUARDING, AND ENFORCEMENT OF NEUTRALITY AND THE STRENGTHENING OF THE NATIONAL DEFENSE WITHIN THE LIMITS OF PEACE-TIME AUTHORIZATIONS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a proclamation issued by me on September 5, 1939,[1] proclaimed the neutrality of the United States in the war now unhappily existing between certain nations; and

WHEREAS this state of war imposes on the United States certain duties with respect to the proper observance, safeguarding, and enforcement of such neutrality, and the strengthening of the national defense within the limits of peace-time authorizations; and

WHEREAS measures required at this time call for the exercise of only a limited number of the powers granted in a national emergency:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do proclaim that a national emergency exists in connection with and to the extent necessary for the proper observance, safeguarding, and enforcing of the neutrality of the United States and the strengthening of our national defense within the limits of peace-time authorizations. Specific directions and authorizations will be given from time to time for carrying out these two purposes.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of September, in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

[SEAL] FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2352]

[F. R. Doc. 39-3296; Filed, September 8, 1939; 1:16 p. m.]

[1] 4 F.R. 3809 DI.

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PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR BETWEEN GERMANY, ON THE ONE HAND, AND THE UNION OF SOUTH AFRICA, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a state of war unhappily exists between Germany, on the one hand, and the Union of South Africa, on the other hand;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939,[1] proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to the Union of South Africa.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 8th day of September, in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of

[SEAL]

[1] 4 F.R. 3809 DI.

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America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2353]

[F. R. Doc. 39-3297; Filed, September 8, 1939; 1:16 p. m.]

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EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR TO THE UNION OF SOUTH AFRICA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

"Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution, do hereby proclaim that all of the provisions of my proclamation of September 5, 1939,[1] in regard to the export of arms, ammunition, and implements of war to France; Germany; Poland; and the United Kingdom, India, Australia, and New Zealand, henceforth apply to the Union of South Africa.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 8th day of September, in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2354]

[F. R. Doc. 39-3298; Filed, September 8, 1939; 1:16 p. m.]

[1] 4 F.R. 3819 DI.

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REGULATION CONCERNING CREDITS TO BELLIGERENTS

Section 3 of the joint resolution of Congress approved May 1, 1937, reads in part as follows:

"SEC. 3. (a) Whenever the President shall have issued a proclamation under the authority of section 1 of this Act, it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent state or of any state wherein civil strife exists, named in such proclamation, or of any political subdivision of any such state, or of any person acting for or on behalf of the government of any such state, or of any faction or asserted government within any such state wherein civil strife exists, or of any person acting for or on behalf of any faction or asserted government within any such state wherein civil strife exists, issued after the date of such proclamation, or to make any loan or extend any credit to any such government, political subdivision, faction, asserted government, or person, or to solicit or receive any contribution for any such government, political subdivision, faction, asserted government, or person: *Provided*, That if the President shall find that such action will serve to protect the commercial or other interests of the United States or its citizens, he may, in his discretion, and to such extent and under such regulations as he may prescribe, except from the operation of this section ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transactions. Nothing in this subsection shall be construed to prohibit the solicitation or collection of funds to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government, political subdivision, faction, or asserted government, but all such solicitations and collections of funds shall be subject to the approval of the President and shall be made under such rules and regulations as he shall prescribe.

"(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

"(c) Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than $50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed."

I hereby find that it will serve to protect the commercial and other interests of the United States and its citizens to except from the operation of Section 3 of the joint resolution of Congress approved May 1, 1937, as made applicable to Germany and France, Poland, and the United Kingdom, India, Australia and New Zealand by the Proclamation of the President of September 5, 1939[1] issued under the authority of Section 1 of such joint resolution, ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transactions; and they are therefore hereby excepted.

I hereby authorize the Secretary of the Treasury to administer the provisions of this regulation and to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out such provisions.

This regulation shall continue in full force and effect unless and until modified, revoked, or otherwise terminated, pursuant to law.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 6, 1939.*

[F. R. Doc. 39-3295; Filed, September 8, 1939; 11:05 a. m.]

[1] 4 F.R. 3819 DI.



## *Rules, Regulations, Orders*

### TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3694]

IN THE MATTER OF SPENCER BUSINESS COLLEGE, ET AL.

§ 3.69 (b) (16b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (c) (20a) *Misrepresenting oneself and goods—Prices—Discounts:* § 3.72 (n1) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of correspondence courses, that respondents offer for sale correspondence courses at a discount price, unless such price is substantially lower than the price at which such courses are ordinarily offered for sale and sold by respondents, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Spencer Business College, et al., Docket 3694, August 25, 1939]

§ 3.69 (b) (16b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers:* § 3.72 (n1) *Offering deceptive inducements to purchase—Terms and conditions.* Using, in connection with offer, etc., in commerce, of correspondence courses, the term "scholarship" or any other term or terms of similar import or meaning, to designate, describe or in any way refer to an offer of a corespondence course whereby the recipient is required to pay therefor substantially the same price as the price for which such courses are ordinarily sold by respondents, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Spencer Business College, et al., Docket 3694, August 25, 1939]

§ 3.69 (b) (17) *Misrepresenting oneself and goods—Goods—Value.* Misrepresenting, in connection with offer, etc., in commerce, of correspondence courses, that any specified sum is the actual cost of "materials" of correspondence courses, or otherwise misrepresenting the actual cost of the materials thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Spencer Business College, et al., Docket 3694, August 25, 1939]

§ 3.69 (b) (16b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers:* § 3.72 (n1) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of correspondence courses, that any specified sum is the actual cost of "materials" of correspondence courses, or otherwise misrepresenting the actual cost of the materials thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Spencer Business College, et al., Docket 3694, August 25, 1939]

§ 3.69 (b) (16b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers:* § 3.72 (n1) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, in connection with offer, etc., in commerce, of correspondence courses, that correspondence courses are being, or will be, sold only to a limited or selected number of customers, or otherwise misrepresenting any material fact concerning the terms and conditions of sale, or the extent to which the sale of said correspondence courses is limited, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Spencer Business College, et al., Docket 3694, August 25, 1939]

§ 3.69 (a) (14) *Misrepresenting oneself and goods—Business status, advantages or connections — Size and equipment.* Representing, in connection with offer, etc., in commerce, of correspondence courses, that respondents maintain a branch office or offices in any city or locality wherein respondents do not in fact maintain a branch office or offices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Spencer Business College, et al., Docket 3694, August 25, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of August, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF MELVIN B. SELCER, MARY F. SELCER, CLAY SPENCER AND CHARLOTTE SPENCER, INDIVIDUALLY, AND AS CO-PARTNERS, TRADING AS SPENCER BUSINESS COLLEGE AND RAY AXTON, AN INDIVIDUAL

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint, as amended, of the Commission, stipulation entered into between W. T. Kelley, Chief Counsel for the Commission, and Julian B. Humphrey, attorney for respondents, and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, Melvin B. Selcer, Mary F. Selcer, Clay Spencer, and Charlotte Spencer, individually and as co-partners trading as Spencer Business College, or under any other name or names, and respondent Ray Axton, an individual, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of correspondence courses in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that respondents offer for sale correspondence courses at a discount price unless such price is substantially lower than the price at which such courses are ordinarily offered for sale and sold by respondents;

(2) Using the term "scholarship" or any other term or terms of similar import or meaning to designate, describe or in any way refer to an offer of a correspondence course whereby the recipient is required to pay therefor substantially the same price as the price for which such courses are ordinarily sold by respondents;

(3) Misrepresenting that any specified sum is the actual cost of "materials" of correspondence courses, or otherwise misrepresenting the actual cost of the materials thereof;

(4) Representing that correspondence courses are being, or will be, sold only to a limited or selected number of customers, or otherwise misrepresenting any material fact concerning the terms and conditions of sale, or the extent to which the sale of said correspondence courses is limited;

(5) Representing that respondents maintain a branch office or offices in any

city or locality wherein respondents do not in fact maintain a branch office or offices.

*It is further ordered*, That the respondents shall within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] A. N. ROSS,
*Acting Secretary.*

[F. R. Doc. 39-3287; Filed, September 7, 1939; 1:33 p. m.]

## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T. D. 49955]

WARROAD SEAPLANE BASE, WARROAD, MINNESOTA, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR[1]

SEPTEMBER 5, 1939.

*To Collectors of Customs and Others Concerned:*

The Warroad Seaplane Base, Warroad, Minnesota, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from September 2, 1939. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C., 177 (b))

[SEAL] STEPHEN B. GIBBONS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3291; Filed, September 7, 1939; 3:53 p. m.]

## TITLE 29—LABOR

### WAGE AND HOUR DIVISION

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order)[2] are issued to the employers listed below effective September 18, 1939 until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

[1] This document affects the tabulation in 19 CFR 4.13.
[2] 4 F.R. 3690, 3711 DI.

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

*Name and Address of Firm*

NoMend Hosiery, Inc.—13 learners, Lebanon, Pa.
Union Manufacturing Company—12 learners, Union Point, Ga.
Fayetteville Knitting Mills, Inc.—3 learners, Fayetteville, N. C.
Clayson Knitting Co.—5 learners, Star, N. C.
Cherokee Hosiery Mills, Inc., Cleveland, Tenn.
McDonough Hosiery Mills, Inc.—5 learners, McDonough, Ga.
Marvin Carr Silk Mill, Durham, N. C.
Galax Knitting Co., Galax, Va.
Bloomsburg Hosiery Mills, Inc.—5 learners, Bloomsburg, Pa.
Tip-Top Hosiery Mills, Inc.—5 learners, Asheboro, N. C.
Wayne Knitting Mills, Fort Wayne, Indiana.
Hub Hosiery Mills, Lowell, Mass.
Illinois Knitting Company, Mt. Vernon, Ill.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended.[3] For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 7th day of September 1939.

GUSTAV PECK,
*Assistant Chief,*
*Hearings and Exemptions Section.*

[F. R. Doc. 39-3292; Filed, September 8, 1939; 9:45 a. m.]

## *Notices*

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3695]

IN THE MATTER OF RENESOL CORPORATION, A CORPORATION; MAURICE GOLDBERG AND CHARLES GOLDBLATT, INDIVIDUALS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Lewis C. Russell, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, September 14, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, 6th and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3293; Filed, September 8, 1939; 9:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular sesion of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1939.

[File No. 43-188]

IN THE MATTER OF THE OHIO FUEL GAS COMPANY

ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

The Ohio Fuel Gas Company, a subsidiary company of Columbia Gas & Electric Corporation, a registered holding Company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the reduction of the par value of its authorized shares of common stock from $50 par value to $45 par value per share;

[3] 4 F.R. 2068 DI.



A public hearing having been held after appropriate notice on the declaration as amended; the declarant having prior to the entry of the findings, opinion and order of the Commission herein, waived a Trial Examiner's report, submission of proposed findings of fact to the Commission, or requested findings of fact by counsel for the Commission, the filing of briefs with the Commission and oral argument before the Commission; the Commission having considered the record in this matter and having filed its findings and opinion herein;

*It is ordered*, That said declaration be and become effective forthwith, subject to the following terms and conditions:

1. That all corporate action and all matters connected therewith or related thereto shall be performed in all respects as set forth in, and for the purposes represented by, the declaration as amended;

2. That no charges be made to Earned Surplus Prior to January 1, 1938 or to Special Capital Surplus unless (a) such charge has previously been authorized by appropriate resolution of declarant's board of directors, and (b) subsequent to such resolution of the board of directors, thirty days' prior notice of the making of such charge be given to this Commission. In the event that such proposed charge is to be made to Special Capital Surplus and is not of a capital nature, such notice to this Commission shall be accompanied by a copy of the order of the Public Utilities Commission of Ohio approving such charge to Special Capital Surplus as provided in the order of the Public Utilities Commission of Ohio, in Case No. 10,869. The Commission reserves jurisdiction, on receipt of such notice, in and as part of the proceedings herein, after notice given within such thirty days and opportunity for hearing, to disapprove such charge on the basis of the record herein and any additional evidence that may be adduced by any interested party; and in the event that the Commission shall notify declarant to show cause why such charge should not be disapproved, the charge in question shall not be made until expressly authorized by order of this Commission;

3. That no dividend shall be paid out of Earned Surplus Prior to January 1, 1938 without prior application to and order of approval by this Commission; this condition to remain in effect until terminated by this Commission's order;

4. That with respect to any part of Special Capital Surplus which is not used for the purposes outlined by the declarant jurisdiction is reserved by this Commission, in and as part of the proceedings herein, with respect to the ultimate disposition of such balance;

5. That all published balance sheets of declarant shall contain an appropriate footnote to the effect that neither Earned Surplus Prior to January 1, 1938 nor Special Capital Surplus are available for the payment of dividends except upon application to and order of approval by this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3294; Filed, September 8, 1939; 10:53 a. m.]

SEP 14 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 175

*Washington, Tuesday, September 12, 1939*


## The President

PROCLAIMING THE NEUTRALITY OF THE UNITED STATES IN THE WAR BETWEEN GERMANY, ON THE ONE HAND, AND CANADA, ON THE OTHER HAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS a state of war unhappily exists between Germany, on the one hand, and Canada, on the other hand;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that all of the provisions of my proclamation of September 5, 1939,[1] proclaiming the neutrality of the United States in a war between Germany and France; Poland; and the United Kingdom, India, Australia and New Zealand apply equally in respect to Canada.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of of the United States of America to be affixed.

DONE at the city of Washington this 10th day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2359]

[F. R. Doc. 39-3324; Filed, September 11, 1939; 12:27 p. m.]

[1] 4 F.R. 3809 DI.

EXPORT OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR TO CANADA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

"Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from any place in the United States to any belligerent state named in such proclamation, or to any neutral state for transshipment to, or for the use of, any such belligerent state."

AND WHEREAS it is further provided by section 1 of the said joint resolution that

"The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution, do hereby proclaim that all of the provisions of my

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THE PRESIDENT


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FEDERAL REGISTER

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proclamation of September 5, 1939,[1] in regard to the export of arms, ammunition, and implements of war to France; Germany; Poland; and the United Kingdom, India, Australia, and New Zealand, henceforth apply to Canada.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this 10th day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2360]

[F. R. Doc. 39-3325; Filed, September 11, 1939; 12:27 p. m.]

[1] 4 F.R. 3819 DI.

WORLD'S FAIR, NEW YORK CITY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS there is now in progress at New York City a World's Fair for the purpose of celebrating the one hundred and fiftieth anniversary of the inauguration of the first President of the United States of America and of the establishment of the national government in the city of New York; and

WHEREAS it has been made evident that through the medium of the World's Fair at New York peaceful intercourse between nations is promoted, and the exchange of ideas, experience, and technical knowledge between many parts of the earth has been encouraged; and

WHEREAS, especially at the present time, it is fitting and proper that the ideal of peaceful intercourse be firmly maintained as offering the only ultimate hope towards progress and peace; and

WHEREAS a Joint Resolution of Congress, approved June 15, 1936, reads in part as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby, authorized and respectfully requested by proclamation, or in such manner as he may deem proper, to invite foreign countries and nations to such proposed world's fair with a request that they participate therein.";

AND WHEREAS by proclamation dated the sixteenth day of November, 1936,[1] in compliance with the aforesaid Joint Resolution, I invited the participation of the nations in this World's Fair, and many nations are presently participating therein:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in compliance with the aforesaid Joint Resolution of Congress, do invite the nations presently participating in the said World's Fair to continue their participation therein during the calendar year 1940, or such part thereof as may seem appropriate.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the city of Washington this 8th day of September in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2358]

[F. R. Doc. 39-3326; Filed, September 11, 1939; 12:27 p. m.]

[1] 1 F.R. 1978.



ENLARGING THE CHATTAHOOCHEE NATIONAL FOREST—GEORGIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain lands adjacent to the Chattahoochee National Forest within the State of Georgia have been acquired or may hereafter be acquired by the United States under authority of the act of March 1, 1911, c. 186, 36 Stat. 961 (U.S.C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U.S.C., title 16, sec. 515); and

WHEREAS it appears that the said lands are suitable for national-forest purposes and that it would be in the public interest to reserve them as a part of the Chattahoochee National Forest;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U.S.C., title 16, sec. 471), and the act of June 4, 1897, 30 Stat. 34, 36 (U.S.C., title 16, sec. 473), and the above-mentioned act of March 1, 1911, as amended, do proclaim (1) that all lands of the United States within the area hereinafter described, and shown on the diagram attached hereto and made a part hereof,[1] are hereby added to and reserved as part of the Chattahoochee National Forest in the State of Georgia, and that all lands within such area which may hereafter be acquired by the United States under authority of the aforesaid act of March 1, 1911, as amended, shall upon acquisition of title thereto become, and be administered as, part of the said Chattahoochee National Forest:

Lying and being on the watersheds of Armuchee and Mill Creeks, the Chattooga and Oostanaula Rivers, tributaries of the Coosa River and Chickamauga Creek, a tributary of the Tennessee River, in Catoosa, Chatooga, Floyd, Gordon, Walker, and Whitfield Counties, Georgia;

Beginning at the intersection of Georgia Highways #2 and #95, at the western foot of Taylor Ridge, approximately six miles east of LaFayette, Georgia;

Thence, northeastwardly, along Georgia Highway #95, approximately one and three-quarter miles to its intersection with the county road to Ringgold;

Thence, northeastwardly along the county road to Ringgold, crossing the Walker-Catoosa County Line, approximately thirteen and one-half miles to the intersection of said road with the center of south Chickamauga Creek, on the south edge of Ringgold;

Thence, southeastwardly with the center of South Chickamauga Creek, crossing the N. C. & St. L. Railroad three times, approximately three miles to the mouth of East Chickamauga Creek;

Thence, southwardly, along the center of East Chickamauga Creek crossing the N. C. & St. L. Railroad three times, four and a half miles to its intersection with the county road up Dogwood Valley;

Thence, southwardly along the county road up Dogwood Valley, crossing the Catoosa-Whitfield County Line, approximately four and one-half miles to its intersection with the Trickum-Nickajack Gap Road;

Thence, westwardly, along the Nickajack Gap Road, approximately one-quarter of a mile to its intersection with a county road to the south;

Thence, southwardly, along the county road, approximately two and three-quarter miles to its intersection with the Georgia Highway #2;

Thence, southwardly along Georgia Highway #2, approximately two and one-half miles to its intersection with the Whitfield-Walker County Line;

Thence, east with the Whitfield-Walker County Line approximately two and one-half miles to its intersection with the county road down Mill Creek;

Thence, northeastwardly and then northwardly along the county road down Mill Creek, approximately seven and one-half miles to its intersection with U. S. Highway #41, Georgia Highways #2 and #3 near Rocky Face;

Thence, southeastwardly along U. S. Highway #41, Georgia Highways #2 and #3, crossing Mill Creek, approximately one and three-quarter miles to its intersection with a county road to the south;

Thence, southwardly along the county road to the south, crossing the Southern Railroad and Swamp Creek, approximately eleven and one-quarter miles to Carbondale;

Thence, southwardly, continuing along the county road, crossing the Southern Railroad twice, and crossing Blue Spring Creek, passing the Whitfield-Gordon County Line, approximately three and a quarter miles to Hill City;

Thence, southwestwardly, continuing along the county road, approximately two and one-quarter miles to its intersection with Georgia Highway #143;

Thence, southwardly along Georgia Highway #143, approximately one-half mile to its intersection with a county road to the southwest;

Thence, southwestwardly and then southwardly, along the county road, crossing Snake and Bow Creeks, approximately nine miles to its intersection with the county road between Reeves and Curryville;

Thence, southwestwardly along the county road to Curryville, approximately one-half mile to its intersection with the county road to Everett Springs;

Thence, northwestwardly, along the county road to Everett Springs, crossing Rocky and Johns Creeks and the Gordon-Floyd County Line, approximately five and one-quarter miles to its intersection with the county road between Everett Springs and Rosedale;

Thence, southwardly, along the county road, approximately four miles to Rosedale;

Thence, southwestwardly along the county road, crossing Muck and Lovejoy Creeks, approximately three miles to Floyd Springs;

Thence, southwardly along the paved county road, approximately one mile to its intersection with a county road from the southwest;

Thence, southwestwardly, along the county road, approximately two miles to its intersection with the county road up Armuchee Creek;

Thence, northwestwardly, along the county road up Armuchee Creek, approximately two and three-quarter miles to its intersection with the Floyd-Chattooga County Line;

Thence, southwestwardly along the county line, crossing Armuchee Creek, approximately one-third of a mile to its intersection with the county road up Sand Mountain;

Thence, southwestwardly along the county road, approximately one and three-quarter miles to its intersection with U. S. Highway #27, Georgia Highway #1, one-third of a mile northwest of Crystal Springs;

Thence, southeastwardly, with U. S. Highway #27, Georgia Highway #1, one-third of a mile to Crystal Springs, Georgia;

Thence, southwardly and then southwestwardly, along the county road up Big Texas Valley approximately ten miles to its intersection with the old Kitchen Gap Road, from the northwest;

Thence, northwestwardly along the old Kitchen Gap Road, crossing the Floyd-Chattooga County line at the top of Simms Mountain, approximately one and three quarter miles to its intersection with the Holland-Rome County Road;

Thence, northwardly, along the county road, approximately three quarters of a mile to its intersection with the Central of Georgia Railroad at Holland, Georgia;

Thence, northeastwardly along the Central of Georgia Railroad, approximately one mile to its intersection with the county road to Summerville, Georgia;

Thence, northwestwardly and then northwardly along the county road, approximately two miles to its intersection with the county road to Gore, Georgia;

Thence, northwardly along the county road to Summerville, approximately two and one-half miles to its intersection with an old county road along the western foot of Taylor Ridge;

Thence, northeastwardly along the county road and the foot of Taylor Ridge, approximately five miles to its intersection with U. S. Highway #27, Georgia Highway #1;

[1] See page 3861.

Thence, northeastwardly, along the county road known as the Old Alabama Road, approximately seven and one-half miles to its intersection with the Trion-Subligna County Road;

Thence, northeastwardly, continuing along the county road known as the Old Alabama Road, crossing the Chattooga-Floyd County Line, and Cane Creek, approximately ten and one-half miles to its intersection with Georgia Highway #2 at Naomi;

Thence, northeastwardly, along Georgia Highway #2, approximately one and one-half miles to the point of beginning; CONTAINING a total of 231,500 acres, be the same more or less.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this sixth day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2355]

[F. R. Doc. 39-3310; Filed, September 9, 1939; 11:45 a. m.]

---

CACHE NATIONAL FOREST—IDAHO AND UTAH

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

WHEREAS it appears that the public lands in the hereinafter-described area, in Utah, within a grazing district established by the Secretary of the Interior April 8, 1935, under the provisions of section 1 of the act of June 28, 1934 (ch. 865, 48 Stat. 1269; 43 U.S.C. 315), lie within a watershed forming a part of the Cache National Forest and can best be administered in connection with such national forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the authority vested in me by section 13 of the aforesaid act of June 28, 1934 (43 U.S.C. 315L), section 24 of the act of March 3, 1891 (26 Stat. 1103), as amended (16 U.S.C. 471), and the act of June 4, 1897 (30 Stat. 36; 16 U.S.C. 473), do proclaim that the following-described lands are hereby placed within and made a part of the Cache National Forest, and that such lands shall be subject to all the laws and regulations relating to national forests:

SALT LAKE MERIDIAN

T. 10 N., R. 1 W.,
sec. 4, W½;
secs. 5 to 8, inclusive;
sec. 9, W½, SE¼;
secs. 16 to 21, inclusive;
sec. 22, W½;
sec. 26, S½;
sec. 27, W½, SE¼;
secs. 28 to 36, inclusive;
T. 11 N., R. 1 W.,
sec. 7, W½;
sec. 18, W½E½, W½;
secs. 19, 29, 30, 31, and 32;
sec. 33, W½W½;
T. 10 N., R. 2 W.,
secs. 1, 2, and 3;
sec. 4, E½E½;
secs. 10 to 14, inclusive;
sec. 15, NE¼;
sec. 23, N½, SE¼;
secs. 24 and 25;
sec. 36, E½;
T. 11 N., R. 2 W.,
sec. 1, W½, SE¼;
secs. 2 to 4 and secs. 9 to 16, inclusive;
sec. 21, N½, SE¼;
secs. 22 to 27, inclusive;
sec. 28, E½E½;
sec. 33, E½E½;
secs. 34, 35, and 36;
T. 12 N., R. 2 W.,
secs. 26 to 28 and secs. 33 to 35, inclusive;
sec. 36, SW¼;
aggregating 43,331.83 acres.

The reservation made by this proclamation shall, as to all lands to which legal rights have been acquired under any of the public-land laws or which are reserved for any public purpose, be subject to, and shall not interfere with or defeat such legal rights or prevent the use for such public purpose of lands so reserved, so long as such rights are legally maintained or such reservation remains in force.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this sixth day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2356]

[F. R. Doc. 39-3311; Filed, September 9, 1939; 11:45 a. m.]

---

SHAWNEE NATIONAL FOREST—ILLINOIS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

## A PROCLAMATION

WHEREAS certain lands within the State of Illinois have been acquired or are in process of acquisition by the United States of America under the authority of the act of March 1, 1911, 36 Stat. 961, 962 (U.S.C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U.S.C., title 16, sec. 515), the act of March 31, 1933, c. 348, 48 Stat. 22 (U.S.C., title 16, sec. 585), the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195, 202, U.S.C., title 40, sec. 403), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, 49 Stat. 115, and Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, U.S.C., title 7, sec. 1010); and

WHEREAS it appears that it would be in the public interest to give such lands, together with any intermingled public lands, a national-forest status:

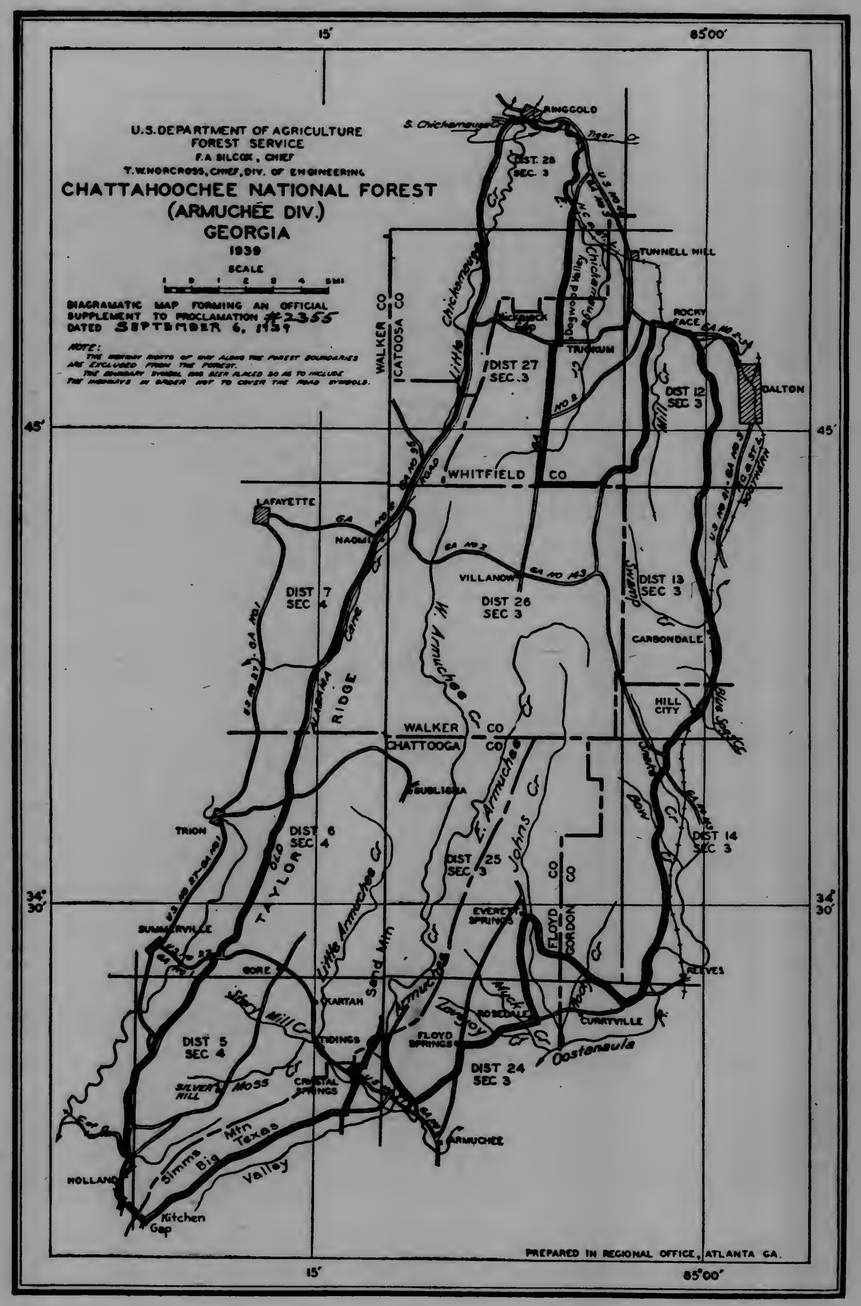
NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U.S.C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U.S.C., title 16, sec. 473), and the acts above mentioned, do proclaim (1) that there are hereby reserved and set apart as the Shawnee National Forest all lands of the United States within the areas hereinafter described and shown on the diagram attached hereto and made a part hereof,[1] and (2) that all lands within such boundaries which are now in process of acquisition by the United States under authority of any of the above-mentioned acts shall upon acquisition of title become and be administered as part of said Forest:

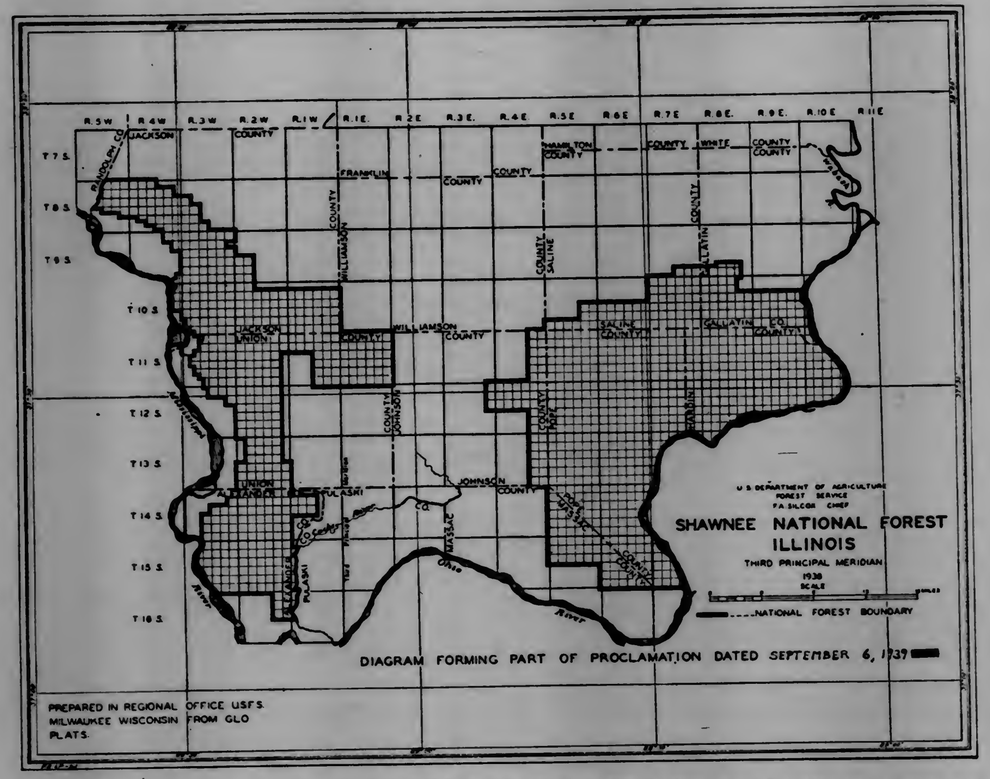
THIRD PRINCIPAL MERIDIAN

T. 6 S., R. 3 W., secs. 18 to 20, inclusive; secs. 29 to 33, inclusive.
T. 8 S., R. 4 W., secs. 4 to 11, inclusive; secs. 13 to 28, inclusive; N½ sec. 29; N½ sec. 34, secs. 35 and 36.
T. 8 S., R. 5 W., secs. 1 and 2; all that part of secs. 3, 4, and 9 lying in Jackson County; secs. 10 to 15, inclusive; all that part of sec. 16 lying in Jackson County; N½ of secs. 22 and 23; sec. 24.
T. 9 S., R. 7 E., secs. 34 to 36, inclusive.
T. 9 S., R. 8 E., SW¼ sec. 26; S½ of secs. 27 and 28; secs. 31 to 34, inclusive; W½ sec. 35.
T. 9 S., R. 2 W., secs. 19 and 20; secs. 29 to 32, inclusive.
T. 9 S., R. 3 W., secs. 1 to 11, inclusive; secs. 13 to 36, inclusive.
T. 9 S., R. 4 W., secs. 1, 2, and 12; all that part of the S½ sec. 35 lying east of the Mississippi River; NE¼ and all that part of the S½ of sec. 36 lying east of the Mississippi River.
T. 10 S., R. 5 E., secs. 23 to 26, inclusive; secs. 31 to 36, inclusive.
T. 10 S., R. 6 E., secs 19 to 36, inclusive.
T. 10 S., R. 7 E., all.
T. 10 S., R. 8 E., secs. 3 to 10, inclusive; secs. 13 to 36, inclusive.
T. 10 S., R. 9 E., all that part of sec. 13 lying west of the Ohio River; secs. 14 to 23, inclusive; all that part of sec. 24 lying west of the Ohio River; secs. 25 to 36, inclusive.
T. 10 S., R. 10 E., all that part of secs. 19, 30, and 31 lying west of the Ohio River.
T. 10 S., R. 1 W., secs. 7 to 36, inclusive.
T. 10 S., R. 2 W., secs. 5 to 36, inclusive.
T. 10 S., R. 3 W., secs. 1 to 29, inclusive; E½ sec. 30, N½ and SE¼ of sec. 32; secs. 33 to 36, inclusive.
T. 10 S., R. 4 W., all that part of secs. 1, 11, 12, 13, and 14 lying east of the Mississippi River.
T. 11 S., R. 1 E., all.
T. 11 S., R. 4 E., secs. 1 and 2; secs. 11 to 14, inclusive; secs. 23 to 26, inclusive; secs. 35 and 36.
Tps. 11 S., Rs. 5, 6, 7, 8, and 9 E., all.
T. 11 S., R. 10 E., all that part lying west of the Ohio River.
T. 11 S., R. 1 W., secs. 1 to 15, inclusive; secs. 22 to 27, inclusive; secs. 34 to 36, inclusive.

[1] See page 3862.








T. 11 S., R. 2 W., secs. 1 to 12, inclusive; secs. 14 to 23, inclusive; secs. 26 to 35, inclusive.
T. 11 S., R. 3 W., secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; NE¼ and S½ of sec. 17; N½ and SE¼ of sec. 20; secs. 21 to 28, inclusive; NE¼ sec. 29; E½ sec. 33; secs. 34 to 36, inclusive.
T. 12 S., R. 3 E., secs. 1, 12, and 13.
T. 12 S., R. 4 E., secs. 1 to 18, inclusive; secs. 23 to 26, inclusive; secs. 35 and 36.
Tps. 12 S., Rs. 5, 6, and 7 E., all.
Tps. 12 S., Rs. 8 and 9 E., all that part lying north of the Ohio River.
T. 12 S., R. 10 E., all that part lying north and west of the Ohio River.
T. 12 S., R. 2 W., secs. 2 to 11, inclusive; secs. 14 to 23, inclusive; secs. 26 to 35, inclusive.
T. 12 S., R. 3 W., secs. 1, 2, 3, and 12.
T. 13 S., R. 4 E., secs. 1 and 2; secs. 11 to 14, inclusive; secs. 23 to 26, inclusive; secs. 35 and 36.
Tps. 13 S., Rs. 5 and 6 E., all.
T. 13 S., R. 7 E., all that part lying northeast and west of the Ohio River.
T. 13 S., R. 8 E., all that part lying north of the Ohio River.
T. 13 S., R. 2 W., secs. 2 to 5, inclusive; secs. 8 to 11, inclusive; secs. 14 to 17, inclusive; secs. 19 to 36, inclusive.
T. 14 S., R. 5 E., all.
T. 14 S., R. 6 E., all that part lying west of the Ohio River.
T. 14 S., R. 1 W., secs. 7 to 9, inclusive; secs. 16 to 18, inclusive.
T. 14 S., R. 2 W., all.
T. 14 S., R. 3 W., secs. 12 to 15, inclusive; secs. 21 to 28, inclusive; secs. 33 to 36, inclusive.
T. 15 S., R. 5 E., secs. 1 to 18, inclusive.
T. 15 S., R. 6 E., all.
T. 15 S., R. 7 E., all that part lying west of the Ohio River.
T. 15 S., R. 1 W., all that part of secs. 7, 18, 19, and 30 lying west of the Cache River, and that part of sec. 31 lying west and south of the Cache River.
T. 15 S., R. 2 W., all.
T. 15 S., R. 3 W., all that part lying east of the Mississippi River.
T. 16 S., R. 1 W., all that part of secs. 6, 7, and 18 lying west of the Cache River.
T. 16 S., R. 2 W., secs. 1, 2, and 11; all that part of secs. 12 and 13 lying west of the Cache River; sec. 14.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than classification, be subject to and shall not interfere with or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this sixth day of September, in the year of our Lord nineteen hundred and
[SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2357]

[F. R. Doc. 39-3312; Filed, September 9, 1939; 11:45 a. m.]



## EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE ENFORCEMENT OF THE NEUTRALITY OF THE UNITED STATES

WHEREAS, under the treaties of the United States and the law of nations it is the duty of the United States, in any war in which the United States is a neutral, not to permit the commission of unneutral acts within the jurisdiction of the United States;

AND WHEREAS, a proclamation was issued by me on the 8th day of September [1] declaring the neutrality of the United States of America in the war now existing between Germany, on the one hand, and the Union of South Africa, on the other hand:

NOW, THEREFORE, in order to make more effective the enforcement of the provisions of said treaties, law of nations, and proclamation, I hereby prescribe that the provisions of my Executive Order No. 8233 of September 5, 1939,[2] prescribing regulations governing the enforcement of the neutrality of the United States, apply equally in respect to the Union of South Africa.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*8th September, 1939.*

[No. 8243]

[F. R. Doc. 39-3299; Filed, September 8, 1939; 3:06 p. m.]

## EXECUTIVE ORDER

AUTHORIZING AN INCREASE IN THE STRENGTH OF THE ARMY

WHEREAS a proclamation issued by me on September 8, 1939,[1] proclaimed that a national emergency exists in connection with and to the extent necessary for the proper observance, safeguarding, and enforcing of the neutrality of the United States and the strengthening of our national defense within the limits of peace-time authorizations; and

WHEREAS the authorized enlisted strength of the active list of the Regular Army in peace time is 280,000 men; and the authorized enlisted strength of the National Guard in peace time is not less than 424,800 men; and

WHEREAS the military forces will be charged with additional and important duties in connection with such national emergency requiring an increase in the present enlisted strength within the limits of this authorization;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and by section 2 of the National Defense Act of 1916, as amended by section 2 of the act of June 4, 1920, 41 Stat. 759, and by Revised Statutes, section 3667, as amended (U.S.C., title 31, sec. 665); section 62 and section 37 *a* of the National Defense Act as amended (U.S.C. title 32, sec. 121; U.S.C. title 10; sec. 369), it is hereby ordered as follows:

1. The enlisted strength of the active list of the Regular Army shall be increased as rapidly as possible by voluntary enlistments to 227,000 men.

2. The commissioned strength of the Regular Army may be supplemented by the use of reserve officers as may be necessary, provided the limitation on numbers and grades prescribed in the act approved April 3, 1939 (Pub. 18, 76th Congress) is not exceeded.

3. The increase, as quickly as possible, in the enlisted strength of the existing active units of the National Guard to 235,000 men, is authorized, with such increase in commissioned strength as is essential for command.

4. To the extent made necessary by this order the Department of War is authorized to waive or modify the monthly or other apportionment of its appropriation for contingent expenses or other general purposes for the fiscal year ending June 30, 1940.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 8, 1939.*

[No. 8244]

[F. R. Doc. 39-3300; Filed, September 8, 1939; 3:25 p. m.]

## EXECUTIVE ORDER

AUTHORIZING INCREASES IN THE ENLISTED STRENGTHS OF THE NAVY AND THE MARINE CORPS

WHEREAS a proclamation issued by me on September 8, 1939, proclaimed that a national emergency exists in connection with and to the extent necessary for the proper observance, safeguarding, and enforcing of the neutrality of the United States and the strengthening of our national defense within the limits of peace-time authorizations; and

WHEREAS the authorized enlisted strength of the active list of the Regular Navy in peace time is 131,485 men with authority in the President when a sufficient emergency exists to increase this strength to 191,000 men, and the authorized enlisted strength of the active list of the Marine Corps in peace time is 20 per centum of the total authorized enlisted strength of the active list of the Navy; and

WHEREAS the Navy and the Marine Corps will be charged with additional and important duties in connection with such national emergency requiring increases in their present enlisted strengths within the limits of these authorizations:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and by the act of July 1, 1918, as amended by the act of July 11, 1919 (U.S.C., title 34, sec. 151), section 15 (d) of the act of June 23, 1938 (U.S.C., title 34, sec. 691), by the act of July 1, 1918, as amended by section 17 of the act of June 10, 1922 (U.S.C., title 34, sec. 423), by the act of June 25, 1938, Title I, section 5 (U.S.C., Supp. title 34, section 853c), and Revised Statutes, section 3667, as amended (U.S.C., title 31, sec. 665), it is hereby ordered as follows:

1. The enlisted strength of the active list of the Regular Navy shall be increased as rapidly as possible by voluntary enlistments as may be deemed necessary by the Secretary of the Navy not to exceed 145,000 men.

2. The enlisted strength of the active list of the Marine Corps shall be increased as rapidly as possible by voluntary enlistments to 25,000 men.

3. The Secretary of the Navy is authorized, in his discretion, to order to active duty such commissioned and warrant officers of the Navy and Marine Corps on the retired list, and such transferred members of the Fleet Reserve and the Marine Corps Fleet Reserve as he may deem necessary.

4. The Secretary of the Navy is also authorized to order to active duty such officers and men of the Naval Reserve and Marine Corps Reserve other than transferred members of the Fleet Reserve and the Fleet Marine Corps Reserve, including aviation cadets, as he may deem necessary and as agree voluntarily to serve.

5. To the extent made necessary by this order, the Department of the Navy is hereby authorized to waive or modify the monthly or other apportionments of its appropriations for contingent expenses or other general purposes for the fiscal year ending June 30, 1940.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 8, 1939.*

[No. 8245]

[F. R. Doc. 39-3301; Filed, September 8, 1939; 3:25 p. m.]

## EXECUTIVE ORDER

MAKING FUNDS AVAILABLE FOR THE PROTECTION OF AMERICAN CITIZENS IN FOREIGN COUNTRIES DURING THE EXISTING EMERGENCY

WHEREAS the Department of State Appropriation Act, 1940 (53 Stat. 890), provides, in part, as follows:

"EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE

"Emergencies arising in the Diplomatic and Consular Service: To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the Neutrality Act, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U.S.C. 107),

[1] 4 F.R. 3851 DI.
[2] 4 F.R. 3822 DI.

$175,000: *Provided*, That whenever the President shall find that a state of emergency exists endangering the lives of American citizens in any foreign country, he may make available for expenditure for the protection of such citizens, by transfer to this appropriation, not to exceed $500,000 from the various appropriations contained herein under the heading 'Foreign Intercourse'; and reimbursements by American citizens to whom relief has been extended shall be credited to any appropriation from which funds have been transferred for the purposes hereof, except that reimbursements so credited to any appropriation shall not exceed the amount transferred therefrom."

AND WHEREAS I find and declare that an emergency exists endangering the lives of American citizens in foreign countries within the meaning of the said Act:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the above-quoted statutory provisions, and in order to meet such emergency and make funds available for the protection of American citizens in foreign countries, I hereby direct the Secretary of the Treasury, when so requested by the Secretary of State, to transfer on the books of the Treasury, for expenditure from the appropriation "Emergencies Arising in the Diplomatic and Consular Service", from any appropriation in the said Act under the heading "Foreign Intercourse", such sums not to exceed in all $500,000 as the Secretary of State may from time to time during the existing emergency find necessary; and funds so transferred shall be expended subject only to the requirement of section 291 of the Revised Statutes of the United States (31 U.S.C. 107).

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 8, 1939.*

[No. 8246]

[F. R. Doc. 39-3302; Filed, September 8, 1939; 3:25 p. m.]

## EXECUTIVE ORDER

AUTHORIZING INCREASES IN THE PERSONNEL OF THE FEDERAL BUREAU OF INVESTIGATION, DEPARTMENT OF JUSTICE

WHEREAS a proclamation issued by me on September 8, 1939, proclaimed that a national emergency exists in connection with and to the extent necessary for the proper observance, safeguarding, and enforcing of the neutrality of the United States and the strengthening of our national defense within the limits of peace-time authorizations; and

WHEREAS the Federal Bureau of Investigation, Department of Justice, will be charged with additional and important duties in connection with such national emergency, requiring an increase in its personnel:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and by Revised Statutes, section 3667, as amended (U.S.C., title 31, sec. 665), it is hereby ordered as follows:

1. The Attorney General shall increase the personnel of the Federal Bureau of Investigation, Department of Justice, in such number, not exceeding 150, as he shall find necessary for the proper performance of the additional duties imposed upon the Department of Justice in connection with the national emergency.

2. To the extent made necessary by this order the Department of Justice is hereby authorized to waive or modify the monthly or other apportionments of its appropriations for contingent expenses or other general purposes for the fiscal year ending June 30, 1940.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 8, 1939.*

[No. 8247]

[F. R. Doc. 39-3303; Filed, September 8, 1939; 3:25 p. m.]

## EXECUTIVE ORDER

ESTABLISHING THE DIVISIONS OF THE EXECUTIVE OFFICE OF THE PRESIDENT AND DEFINING THEIR FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution and Statutes, and in order to effectuate the purposes of the Reorganization Act of 1939, Public No. 19, Seventy-sixth Congress, approved April 3, 1939, and of Reorganization Plans Nos. I and II [1] submitted to the Congress by the President and made effective as of July 1, 1939 by Public Resolution No. 2, Seventy-sixth Congress, approved June 7, 1939, by organizing the Executive Office of the President with functions and duties so prescribed and responsibilities so fixed that the President will have adequate machinery for the administrative management of the Executive branch of the Government, it is hereby ordered as follows:

I

There shall be within the Executive Office of the President the following principal divisions, namely: (1) The White House Office, (2) the Bureau of the Budget, (3) the National Resources Planning Board, (4) the Liaison Office for Personnel Management, (5) the Office of Government Reports, and (6) in the event of a national emergency, or threat of a national emergency, such office for emergency management as the President shall determine.

II

The functions and duties of the divisions of the Executive Office of the President are hereby defined as follows:

1. *The White House Office.* In general, to serve the President in an intimate capacity in the performance of the many detailed activities incident to his immediate office. To that end, The White House Office shall be composed of the following principal subdivisions, with particular functions and duties as indicated:

(a) *The Secretaries to the President.* To facilitate and maintain quick and easy communication with the Congress, the individual members of the Congress, the heads of executive departments and agencies, the press, the radio, and the general public.

(b) *The Executive Clerk.* To provide for the orderly handling of documents and correspondence within The White House Office, and to organize and supervise all clerical services and procedure relating thereto.

(c) *The Administrative Assistants to the President.* To assist the President in such matters as he may direct, and at the specific request of the President, to get information and to condense and summarize it for his use. These Administrative Assistants shall be personal aides to the President and shall have no authority over anyone in any department or agency, including the Executive Office of the President, other than the personnel assigned to their immediate offices. In no event shall the Administrative Assistants be interposed between the President and the head of any department or agency, or between the President and any one of the divisions in the Executive Office of the President.

2. *The Bureau of the Budget.* (a) To assist the President in the preparation of the Budget and the formulation of the fiscal program of the Government.

(b) To supervise and control the administration of the Budget.

(c) To conduct research in the development of improved plans of administrative management, and to advise the executive departments and agencies of the Government with respect to improved administrative organization and practice.

(d) To aid the President to bring about more efficient and economical conduct of Government service.

(e) To assist the President by clearing and coordinating departmental advice on proposed legislation and by making recommendations as to Presidential action on legislative enactments, in accordance with past practice.

(f) To assist in the consideration and clearance and, where necessary, in the preparation of proposed Executive orders and proclamations, in accordance with the provisions of Executive Order No. 7298 of February 18, 1936.

(g) To plan and promote the improvement, development, and coordination of Federal and other statistical services.

(h) To keep the President informed of the progress of activities by agencies of the Government with respect to work proposed, work actually initiated, and work completed, together with the relative timing of work between the several agencies of the Government; all to the end that the work programs of the several agencies of the Executive branch of the Government may be coordinated and that the monies appropriated by the Congress may be expended in the most economical manner possible with the least possible overlapping and duplication of effort.

3. *The National Resources Planning Board.* (a) To survey, collect data on, and analyze problems pertaining to national resources, both natural and human, and to recommend to the President and the Congress long-time plans and programs for the wise use and fullest development of such resources.

(b) To consult with Federal, regional, state, local, and private agencies in developing orderly programs of public works and to list for the President and the Congress all proposed public works in the order of their relative importance with respect to (1) the greatest good to the greatest number of people, (2) the emergency necessities of the Nation, and (3) the social, economic, and cultural advancement of the people of the United States.

(c) To inform the President of the general trend of economic conditions and to recommend measures leading to their improvement of stabilization.

(d) To act as a clearing house and means of coordination for planning activities, linking together various levels and fields of planning.

4. *The Liaison Office for Personnel Management.* In accordance with the statement of purpose made in the Message to Congress of April 25, 1939, accompanying Reorganization Plan No. I, one of the Administrative Assistants to the President, authorized in the Reorganization Act of 1939, shall be designated by the President as Liaison Officer for Personnel Management and shall be in charge of the Liaison Office for Personnel Management. The functions of this office shall be:

(a) To assist the President in the better execution of the duties imposed upon him by the Provisions of the Constitution and the laws with respect to personnel management, especially the Civil Service Act of 1883, as amended, and the rules promulgated by the President under authority of that Act.

(b) To assist the President in maintaining closer contact with all agencies dealing with personnel matters insofar as they affect or tend to determine the personnel management policies of the Executive branch of the Government.

5. *The Office of Government Reports.* (a) To provide a central clearing house through which individual citizens, organizations of citizens, state or local governmental bodies, and, where appropriate, agencies of the Federal Government, may transmit inquiries and complaints and receive advice and information.

(b) To assist the President in dealing with special problems requiring the clearance of information between the Federal Government and state and local governments and private institutions.

(c) To collect and distribute information concerning the purposes and activities of executive departments and agencies for the use of the Congress, administrative officials, and the public.

(d) To keep the President currently informed of the opinions, desires, and complaints of citizens and groups of citizens and of state and local governments with respect to the work of Federal agencies.

(e) To report to the President on the basis of the information it has obtained possible ways and means for reducing the cost of the operation of the Government.

III

The Bureau of the Budget, the National Resources Planning Board, and the Liaison Office for Personnel Management shall constitute the three principal management arms of the Government for the (1) preparation and administration of the Budget and improvement of administrative management and organization, (2) planning for conservation and utilization of the resources of the Nation, and (3) coordination of the administration of personnel, none of which belongs in any department but which are necessary for the over-all management of the Executive branch of the Government, so that the President will be enabled the better to carry out his Constitutional duties of informing the Congress with respect to the state of the Union, of recommending appropriate and expedient measures, and of seeing that the laws are faithfully executed.

IV

To facilitate the orderly transaction of business within each of the five divisions herein defined and to clarify the relations of these divisions with each other and with the President, I direct that the Bureau of the Budget, the National Resources Planning Board, the Liaison Office for Personnel Management, and the Office of Government Reports shall respectively prepare regulations for the governance of their internal organizations and procedures. Such regulations shall be in effect when approved by the President and shall remain in force until changed by new regulations approved by him. The President will prescribe regulations governing the conduct of the business of the division of The White House Office.

V

The Director of the Bureau of the Budget shall prepare a consolidated budget for the Executive Office of the President for submission by the President to the Congress. Annually, pursuant to the regular request issued by the Bureau of the Budget, each division of the Executive Office of the President shall prepare and submit to the Bureau estimates of proposed appropriations for the succeeding fiscal year. The form of the estimates and the manner of their consideration for incorporation in the Budget shall be the same as prescribed for other Executive departments and agencies.

The Bureau of the Budget shall likewise perform with respect to the several divisions of the Executive Office of the President such functions and duties relating to supplemental estimates, apportionments, and budget administration as are exercised by it for other agencies of the Federal Government.

VI

Space already has been assigned in the State, War and Navy Building, adjacent to The White House, sufficient to accommodate the Bureau of the Budget with its various divisions (including the Central Statistical Board), the central office of the National Resources Planning Board, the Liaison Office for Personnel Management, and the Administrative Assistants to the President, and although for the time being, a considerable portion of the work of the National Resources Planning Board and all of that of the Office of Government Reports will have to be conducted in other quarters, if and when the Congress makes provision for the housing of the Department of State in a building appropriate to its function and dignity and provision is made for the other agencies now accommodated in the State, War and Navy Building, it then will be possible to bring into this building, close to The White House, all of the personnel of the Executive Office of the President except The White House Office.

This Order shall take effect on September 11th 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 8th 1939.*

[No. 8248]

[F. R. Doc. 39-3306; Filed, September 9, 1939; 10:04 a. m.]

[1] 4 F.R. 2727, 2733 DI.





## *Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q.-Q. 52]

MODIFICATIONS OF PINK BOLLWORM QUARANTINE REGULATIONS

REVISION OF REGULATIONS 2, 3, AND 4, EFFECTIVE SEPTEMBER 15, 1939

*Introductory Note*

Owing to the recent discovery of the pink bollworm in okra, these regulations are amended to add okra to the list of articles the interstate movement of which is restricted from regulated areas. This amendment also adds the Texas counties of Duval, Jim Hogg, La Salle, Maverick, Webb, and Zapata to the reg-

ulated areas because of the finding of new areas of infestation.

AVERY S. HOYT,
*Acting Chief, Bureau of Entomology and Plant Quarantine.*

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AMENDMENT NO. 1 TO THE REVISED REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 52

[Approved September 11, 1939; effective September 15, 1939]

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulations 2, 3, and 4 (Secs. 301.52–2, 3, and 4) of the revised regulations supplemental to Notice of Quarantine No. 52 (Sec. 301.52) on account of the pink bollworm, which were promulgated March 7, 1939,[1] are hereby amended to read as follows:

*Regulation 2*

§ 301.52–2 *Regulated areas.* The following areas are hereby designated as regulated areas within the meaning of these regulations and are further classed as heavily or lightly infested:

*Heavily infested areas—Texas.* Counties of Brewster, Culberson, Jeff Davis, Presidio, and Terrell, and all of *Hudspeth County*, except that part of the northwest corner of said county lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

*Lightly infested areas—Arizona.* Counties of Cochise, Graham, Greenlee, Maricopa, Pinal, and Santa Cruz, and all of *Pima County*[2] except that part lying west of the western boundary line of range 8 east.

*New Mexico.* Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia.

*Texas.* Counties of Andrews, Brooks, Cameron, Cochran, Crane, Dawson, Duval, Ector, El Paso, Gaines, Glasscock, Hidalgo, Hockley, Howard, Jim Hogg, Jim Wells, Kenedy, Kleberg, La Salle, Loving, Martin, Maverick, Midland, Nueces, Pecos, Reeves, Starr, Terry, Upton, Ward, Webb, Willacy, Winkler, Yoakum, and Zapata; that part of *Bailey County* lying south of the following-described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of league 207; thence west following the northern boundary line of leagues 207, 203, 191, 188, 175, and 171 to the northeast corner of league 171; thence south on the western line of league 171 to the northeast corner of the W. H. L. survey; thence west along the northern boundary of the W. H. L. survey and the northern boundary of sections 68, 67, 66, 65, 64, 63, 62, 61, and 60 of block A of the M. B. & B. survey to the western boundary of said county; that part of *Lamb County* lying south of the following-described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of section 9 of the R. M. Thomson survey; thence west following the northern boundary line of sections 9 and 10 of the R. M. Thomson survey and the northern boundary line of sections 6, 5, 4, 3, 2, and 1 of the T. A. Thompson survey and the northern boundary line of leagues 637, 636, and 635 to the southeast corner of league 239; thence north on the eastern boundary line of league 239 to the northeast corner of said league; thence west on the northern boundary line of leagues 239, 238, 233, 222, 218, and 207 to the western boundary line of said county; and that part of the northwest corner of *Hudspeth County* lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.[3]

*Regulation 3*

§ 301.52–3 *Articles the interstate movement of which is restricted or prohibited—(a) Articles prohibited movement.* The interstate movement from any regulated area of gin trash and cotton waste from gins and mills, and all untreated or unmanufactured cotton products other than seed cotton, cotton lint and linters, either baled or unbaled, cottonseed, cottonseed hulls, and cottonseed meal and cake is prohibited.

(b) *Articles authorized interstate movement.* Seed cotton, cotton lint, and linters, either baled or unbaled, cottonseed, cottonseed hulls, cottonseed meal and cake, and okra may be moved interstate from regulated areas as prescribed herein.[3]

*Regulation 4*

§ 301.52–4 *Conditions governing the issuance of certificates—(a) Cotton lint and linters.* A certificate may be issued for the interstate movement of cotton lint or linters, either baled or unbaled, originating in a regulated area when they have been ginned in an approved gin and have been passed in bat form between heavy steel rollers set not more than 1/64 inch apart, or have been given approved vacuum fumigation under the supervision of an inspector: *Provided*, That lint produced in a lightly infested area may be given standard or high density compression in lieu of either rolling or fumigation: *Provided further*, That certificates may be issued for the interstate movement of linters produced from sterilized seed originating in a lightly infested area when produced in an authorized oil mill.

(b) *Cottonseed.* A certificate may be issued for the interstate movement of cottonseed produced in a regulated area when it has been ginned in an approved gin and has been sterilized under the supervision of an inspector by heat treatment at a required temperature of 150° F. for a period of 30 seconds: *Provided*, That certificates may be issued for interstate movement of sterilized cottonseed originating in heavily infested areas only to contiguous regulated areas for processing in authorized oil mills.

(c) *Cottonseed hulls, cake, and meal.* Certificates may be issued for the interstate movement of cottonseed hulls, cake, and meal produced from sterilized seed originating in a regulated area when these products have been processed in an authorized oil mill under the supervision of an inspector.

(d) *Seed cotton.* The interstate movement of seed cotton will be allowed only from lightly infested areas into contiguous regulated areas for the purpose of ginning for which movement no permit is required.

(e) *Okra.* Certificates may be issued for the interstate movement of okra under any one of the following conditions: (1) When inspected by an inspector and found to be free from infestation; (2) when produced under such conditions as to render it free from infestation; (3) when processed or treated in accordance with methods which may be determined and approved by the Chief of the Bureau of Entomology and Plant Quarantine.

(f) *Movement to contiguous infested area.* No certificates are required for the interstate movement of restricted articles from a lightly infested area to a contiguous, lightly or heavily infested area, or from a heavily infested area to a contiguous, heavily infested area.[3]

This amendment shall be effective on and after September 15, 1939.

Done at the city of Washington this 11th day of September 1939.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–3329; Filed, September 11, 1939; 12:35 p. m.]

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[1] 4 F.R. 1161 DI.

[2] Part of the lightly infested area in Arizona is regulated on account of the Thurberia weevil under quarantine No. 61, and shipments therefrom must comply with the requirements of that quarantine.

[3] Secs. 301.52–2 to 301.52–4 issued under authority of sec. 8, 37 Stat. 318; 39 Stat. 1165; 44 Stat. 250; 7 U.S.C. 161.



## AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP–40]

PART 701—1940 AGRICULTURAL CONSERVATION PROGRAM BULLETIN*†

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Payments and grants of aid will be made for participation in the 1940 Agricultural Conservation Program (hereinafter referred to as the 1940 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

§ 701.101 *Allotments, yields, productivity indexes, payments, and deductions*[1]—(a) *Corn*—(1) *National Goal.* The 1940 national goal for corn is _____ to _____ acres.

(2) *National and State acreage allotments.* The national and State corn acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of corn for counties in the commercial corn area shall be established by the Agricultural Adjustment Administration with the assistance of the State committee by distributing the corn acreage allotment established for the commercial corn area within the State among such counties in such State pro rata on the basis of the acreage seeded for the production of corn plus the acreage diverted from corn under the agricultural adjustment and conservation programs in such counties during the ten years 1929 to 1938, with adjustments for abnormal weather conditions and trends in acreage in accordance with a procedure approved by the Secretary.

(4) *Farm acreage allotments.* Acreage allotments of corn shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for farms in the commercial corn area on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The allotment for any farm shall compare with the allotments for other farms in the same community which are similar with respect to such factors. For any farm with respect to which a corn acreage allotment of ten acres or less is determined, if the persons having an interest in the corn planted on the farm so elect, such farm shall be considered as a non-corn-allotment farm. The corn acreage allotments determined for the farms in a county shall not exceed the county corn acreage allotment.

(5) *Normal yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a corn acreage allotment is determined or a deduction is computed a normal yield for corn in accordance with instructions issued by the Agricultural Adjustment Adminstration and the following provisions:

(i) Where reliable records of the actual average yields per acre of corn for the ten years 1930 to 1939 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions;

(ii) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because corn was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period; and

(iii) The yields determined under subdivision (ii) of this subparagraph (5) shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the respective corn acreage allotments determined for such farms) shall not exceed the county yield established by the Secretary.

(6) *Commercial corn area or commercial corn-producing area* means counties in the States of Ohio, Michigan, Indiana, Kentucky, Illinois, Wisconsin, Minnesota, Iowa, Missouri, South Dakota, Nebraska, and Kansas designated by the Administrator with the approval of the Secretary.

(7) *Non-corn-allotment farm* means a farm in the commercial corn area (a) for which no corn acreage allotment is determined, or (b) for which a corn acreage allotment of ten acres or less is determined and the persons having an interest in the corn planted on the farm elect to have such farm considered as a non-corn-allotment farm for the purposes of the 1940 program.

(8) *Acreage planted to corn* means the acreage of land seeded to field corn, sweet corn, or popcorn, except (1) any acreage of sweet corn contracted to be sold for canning, (2) any acreage of sweet corn sold or to be sold for canning or roasting ears, (3) any acreage of sweet corn sold or used or to be sold or used as seed, (4) any acreage of popcorn sold or used or to be sold or used as seed, (5) any acreage of sown corn used as a cover crop or green manure crop, and (6) any acreage of sweet corn or popcorn in home gardens for use on the farm.

(9) *Usual acreage of corn for grain.* Usual acreages of corn for grain shall be determined for all farms in Area C for which a payment is computed with respect to a potato, tobacco, or wheat acreage allotment and on which the usual

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*Sections 701.101 to 701.115 are issued under the authority contained in Sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 16 U.S.C., Sup. IV, 590g–590q.

†The source of Sections 701.101 to 701.115 is ACP–40, AAA, September 6, 1939.

[1] The national goals and rates of payment and deduction which are not included in this bulletin will be determined and announced by the Secretary as soon as the statistics upon which they are required to be based become available.

acreage of corn for grain is more than 10 acres. The usual acreage of corn for grain shall be determined on the basis of the average annual acreage of corn harvested for grain or diverted therefrom during the years 1937, 1938, and 1939, with appropriate adjustments for crop rotation practices. The sum of the usual acreages of corn for grain determined for such farms in a county shall not exceed the sum of the average annual acreages of corn harvested for grain or diverted therefrom on such farms during the years 1937, 1938, and 1939.

(10) *Payment:* ------ cents per bushel of the normal yield of corn for the farm for each acre in the corn acreage allotment.

(11) *Deduction:* (i) (Farms in the commercial corn area, except non-corn-allotment farms) ------ cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the corn acreage allotment.

(ii) (Non-corn-allotment farms in the commercial corn area) ------ cents per bushel of the normal yield for the farm for each acre planted to corn in excess of 10 acres.

(iii) (Farms in Area C for which a potato, tobacco, or wheat acreage allotment is determined) $---------- per acre for each acre of corn harvested for grain in excess of the larger of the usual acreage of corn for grain determined for the farm or 10 acres.

(b) *Cotton*—(1) *National goal.* The 1940 national goal for cotton is -------- to -------- acres.

(2) *National and State acreage allotments.* The national and State cotton acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* (i) County cotton acreage allotments shall be determined by the Agricultural Adjustment Administration as follows: The State acreage allotment of cotton (less 2 percent for use in making allotments to farms on which cotton will be planted in 1940 but on which cotton was not planted in any of the years 1937, 1938, and 1939) shall be prorated among the counties in the State on the basis of the acreage planted to cotton plus the acreage diverted from cotton under agricultural adjustment or conservation programs during the five years 1934 to 1938: *Provided*, That there shall be added to the acreage allotment so determined for each county the number of acres required to provide an acreage allotment in such county of not less than 60 percent of the acreage planted to cotton in such county in 1937 plus 60 percent of the acreage diverted from cotton in the county under the 1937 Agricultural Conservation Program (hereinafter referred to as the 1937 program).

(ii) If the Agricultural Adjustment Administration finds that, because of differences in types, kinds, and productivity of the soil or other conditions, one or more of the administrative areas in any county should be treated separately in order to prevent discrimination, the county acreage allotment shall be apportioned pro rata among such administrative areas on the basis of the acreage planted to cotton in 1937 plus the acreage diverted from cotton under the 1937 program, or, if the Agricultural Adjustment Administration determines that conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, then on the basis of the cotton base acreages determined under the 1937 Cotton Price Adjustment Payment Plan. Allotments to the farms within each such administrative area shall be made in the manner provided in subparagraph (4) of this paragraph (b) for the apportionment of county cotton acreage allotments among farms.

(4) *Farm acreage allotments.* Farm acreage allotments for cotton shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) County cotton acreage allotments shall be apportioned among the farms in the county on which cotton was planted in any one or more of the years 1937, 1938, and 1939 in a manner that will result in a cotton acreage allotment for each such farm which is a percentage (which shall be the same percentage for all farms in the county or administrative area) of the land in the farm in 1939 which was tilled annually or in regular rotation exclusive of the acres of such land normally devoted to the production of sugarcane for sugar, wheat, tobacco, or rice for market, or wheat or rice for feeding to livestock for market, except that:

(a) For any such farm with respect to which the highest acreage planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1937, 1938, and 1939 is less than 5 acres the cotton acreage allotment for the farm shall be such highest number of acres if the county cotton acreage allotment is sufficient therefor;

(b) For any such farm with respect to which the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1937, 1938, and 1939 is 5 acres or more the allotment for the farm shall not be less than 5 acres if the county cotton acreage allotment is sufficient therefor; and

(c) Notwithstanding the foregoing provisions of this subdivision (i), a number of acres equal to not more than 3 percent of the county acreage allotment in excess of the allotments made to farms on which the highest number of acres planted to cotton plus the acres diverted from cotton under agricultural conservation programs for any of the years 1937, 1938, and 1939 was less than 5 acres and the number of acres required for allotments of 5 acres for each other farm in the county on which cotton was planted in 1937, 1938, or 1939 may be apportioned among farms in the county on which cotton was planted in 1937, 1938, or 1939, and for which the allotment otherwise provided is 5 acres or more but less than 15 acres and less than the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the years 1937, 1938, and 1939.

In making such allotments under item (c) of this subdivision (i) due consideration and weight shall be given to the land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other facilities affecting the production of cotton, and such increases shall not be such as to increase the allotment to any farm above 15 acres. In no event shall the allotment for any farm under this subdivision (i) exceed the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1937, 1938, and 1939.

(ii) In case the county allotment is insufficient to provide allotments to farms in the county which are determined to be adequate and representative in view of their past production of cotton and their tilled land, there shall be apportioned to such farms such part of a State reserve equal to 4 percent of the State acreage allotment as is necessary to give such farms allotments in conformity with subdivision (i) which are as nearly adequate and representative as such 4-percent reserve will permit. Such additional allotment shall be used first to increase allotments to farms under items (a) and (b) of subdivision (i).

(iii) If the cotton acreage allotments for any farms are substantially smaller than the cotton acreage allotments which would have been made without regard to the provisions of items (a) and (b) of subdivision (i) above, the cotton acreage allotments for such farms shall be increased to the acreage which would have resulted in the absence of such provisions insofar as the remaining portion of the 4-percent State reserve will permit after making allotments under subdivision (ii) above.

(iv) After allotments have been made from the 4-percent State reserve as provided in subdivisions (ii) and (iii) above, one-half of any remainder of the 4-percent reserve shall be apportioned to farms for which the acreage allotment otherwise determined is less than 50 percent of the sum of the acreage planted to cotton in 1937 and the acreage diverted from cotton production in 1937 under the 1937 program, and the other one-half of any remainder of the 4-percent reserve shall be available for increasing the allotments for any farms which are determined to be inadequate and not representative in view of past production on the farm: *Provided*, That the cotton acreage allotment for any farm shall not be increased under this subdivision (iv) above the highest number of acres planted to cotton and diverted from cotton under agricultural conservation programs in any one of the three years 1937, 1938, and 1939: *Provided further*, That the cotton acreage allotment for any farm shall not be increased under this subdivision (iv) above 40 percent of the acreage on such farm which is tilled annually or in regular rotation, except, in States where the total acreage available for such adjustment is less than 5,000 acres, in irrigated areas where the Agricultural Adjustment Administration determines that the application of this limitation would prevent the determination of allotments which are adequate and representative in view of past production on the farms.

(v) Notwithstanding the provisions of subdivisions (i), (ii), (iii), and (iv) above, the cotton acreage allotment for any farm shall be increased by such amount as may be necessary to provide an allotment of not less than 50 percent of the sum of the acreage determined by the county committee to have been planted to cotton in 1937 and the acreage so determined to have been diverted from cotton under the 1937 program: *Provided*, That the cotton acreage allotment for any farm shall not be increased under this subdivision to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(vi) After making the cotton acreage allotments according to the foregoing provisions of this subparagraph (4) any part of the cotton acreage allotment apportioned to any farm which the operator releases to the county committee because it will not be planted to cotton in 1940 shall be deducted from the allotment to such farm and the acreage so deducted may be apportioned to other cotton farms in the State, preference being given to farms in the same county receiving allotments which are inadequate and not representative in view of the past production of cotton on each farm. In such apportionment the county committee shall consider only the character and adaptability of the soil and other physical facilities affecting the production of cotton and the need of the operator of the farm for an additional allotment to meet the requirements of the families engaged in the production of cotton in 1940 on the farm: *Provided*, That the cotton acreage allotment for any farm shall not be increased under this subdivision to more than 40 percent of the acreage on such farm which is tilled annually or in regular rotation.

(vii) That portion of the State acreage allotment not apportioned among the counties under section 701.101 (b) (3) (i) shall be apportioned to farms in the State on which cotton will be planted in 1940 but on which cotton was not planted in any of the years 1937, 1938, and 1939, so as to result in allotments which compare with allotments to farms which are similar with respect to land, labor, and equipment available for the production of cotton, crop rotation practices, and the soil and other physical facilities affecting the production of cotton. The acreage on the farm which will be tilled in 1940 or was tilled in 1939 shall, as a reflection of the several factors to be taken into consideration, be regarded as the basic index of the farm's capacity for cotton production. The county committee shall report, through the State committee, to the Agricultural Adjustment Administration the acreage required for the allotments to such farms in the county together with such substantiating data as may be required by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall allot to the county the proportion of that part of the State acreage allotment reserved for this purpose which it finds reasonable on the basis of the data so reported.

(5) *Normal yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a cotton acreage allotment is determined or a deduction is computed a normal yield for cotton in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) Where reliable records of the actual average yield of cotton per acre for the five years 1935 to 1939 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for abnormal weather conditions;

(ii) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because cotton was not produced on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such five-year period; and

(iii) The yields determined under subdivision (ii) of this subparagraph (5) shall be adjusted so that the average of the normal yields determined for all farms in the county or administrative area (weighted by the cotton acreage allotments determined for such farms) shall conform to the county or administrative area yield established by the Secretary.

(6) *Acreage planted to cotton* means the acreage of land seeded to cotton the staple of which is normally less than 1 1/2 inches in length and which reaches the stage of growth at which bolls are first formed.

(7) Payment: ------ cents per pound of the normal yield of cotton for the farm for each acre in its cotton acreage allotment.

(8) Deduction: ------ cents per pound of the normal yield of cotton for the farm for each acre planted to cotton in excess of its cotton acreage allotment.

(c) *Peanuts*—(1) *National goal.* The 1939 national goal for peanuts is ------- to --------- acres.

(2) *National and State acreage allotments.* The national and State peanut acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of peanuts for market for counties in the commercial peanut area shall be determined by the Agricultural Adjustment Administration, with the assistance of the State committee, by distributing the State peanut acreage allotment among such counties on the basis of the county acreage allotments established under the 1939 program, or, if counties are included in 1940 for which peanut acreage allotments were not established under the 1939 program, on the basis of the 1938 and 1939 acreages of peanuts in the counties, taking into consideration trends in acreage on commercial peanut farms.

(4) *Farm acreage allotments.* In counties included in the commercial peanut area peanut acreage allotments for farms shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of the acreage of peanuts for market customarily grown and the tillable acreage on the farm, taking into consideration other special crop acreage allotments established for the farm. The peanut acreage allotments determined for the farms in a county shall not exceed their proportionate share of the county peanut acreage allotment.

(5) *Normal yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a peanut acreage allotment is determined or a deduction is computed a normal yield for peanuts in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions: The normal yield of peanuts for market for any farm shall be determined on the basis of the yields of peanuts made on the farm with due consideration for type of soil, production practices, and the general fertility of the land. The average yield for all farms in any county shall not exceed the county yield established by the Secretary.

(6) *Commercial peanut area* means Virginia, North Carolina, Georgia, Alabama, Florida, and Texas: *Provided*, That any county in any of such States in which not more than 300 acres of peanuts for market were grown in 1939 and there is no tendency to substantially increase such acreage may be excluded from the commercial peanut area upon recommendation of the State committee and

approval by the Agricultural Adjustment Administration.

(7) *Peanuts for market* means all peanuts harvested for nuts on a farm on which peanuts are separated from the vines by mechanical means and from which the major portion of the production is sold to persons not living on the farm.

(8) *Payment:* ------ dollars per ton of the normal yield of peanuts for the farm for each acre in its peanut acreage allotment.

(9) *Deduction:* (For farms in commercial peanut area) ------ dollars per ton of the normal yield for the farm for each acre of peanuts for market in excess of its peanut acreage allotment.

(d) *Potatoes*—(1) *National goal.* The 1940 national goal for potatoes is ------ to ------ acres.

(2) *National and State acreage allotments.* The national and State potato acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of potatoes for counties in the commercial potato area shall be determined by the Agricultural Adjustment Administration, with the assistance of the State committee, by distributing the State acreage allotment of potatoes among such counties in such State on the basis of the acreage allotments determined under the 1939 program, or, if counties are included for which acreage allotments were not determined under the 1939 program, on the basis of the average acreage devoted to potatoes in such counties during the five years 1935 to 1939, taking into consideration trends in acreage on commercial potato farms and the acreage of potatoes on noncommercial potato farms.

(4) *Farm acreage allotments.* In counties included in the commercial potato area, a potato acreage allotment shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for each farm for which the normal acreage of potatoes is determined to be three acres or more: *Provided*, That in areas designated by the Agricultural Adjustment Administration where more than three acres of potatoes are grown for home use on a substantial number of farms a potato acreage allotment shall be determined for each farm for which the normal acreage of potatoes for market is three acres or more. Potato acreage allotments shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, production facilities, and the acreage of potatoes customarily grown on the farm. The potato acreage allotment for any farm shall compare with the potato acreage allotments for other farms in the same community which are similar with respect to such factors. The potato acreage allotments determined for farms in a county shall not exceed their proportionate share of the county potato acreage allotment.

(5) *Normal yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a potato acreage allotment is determined or a deduction is computed a normal yield for potatoes in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions: The normal yield of potatoes for any farm shall be determined on the basis of the yields of potatoes made on the farm, with due consideration for type of soil, production practices, and the general fertility of the land. The average yield for all farms in any county shall not exceed the county yield established by the Secretary.

(6) *Commercial potato area* means counties designated by the Agricultural Adjustment Administration as counties normally producing substantial quantities of potatoes for market.

(7) *Payment:* ------ cents per bushel of the normal yield of potatoes for the farm for each acre in its potato allotment.

(8) *Deduction:* (Farms in the commercial potato area) ------ cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of the larger of its potato acreage allotment or three acres, or, on farms for which no allotment is determined, in areas designated by the Agricultural Adjustment Administration where more than three acres of potatoes are grown for home use on a substantial number of farms, for each acre planted to potatoes for market in excess of three acres.

(e) *Rice*—(1) *National goal.* The 1940 national goal for rice is -------- to -------- acres.

(2) *National and State acreage allotments.* The national and State rice acreage allotments will be established by the Secretary.

(3) *Farm acreage allotments.* A rice acreage allotment shall be determined by State and county committees, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for each producer who is participating in the production of rice in 1940.

(i) The acreage allotment for a producer who participated in the production of rice in one or more of the five years 1935 to 1939 shall be determined on the basis of the past production of rice adjusted to the acreage adapted to the production of rice, taking into consideration crop rotation practices, soil fertility, the acreage diverted under previous agricultural adjustment or conservation programs and other physical factors affecting the production of rice, including the labor and equipment available for the production of rice on the farm.

(ii) An acreage not to exceed 3 percent of the State rice acreage allotment shall be apportioned among producers who in 1940 are participating in the production of rice for the first time since 1934, on the basis of the applicable standards of apportionment set forth in this subparagraph, except that the rice acreage allotment to any farm operated by any person(s) who in 1940 is participating in the production of rice for the first time since 1934 shall not exceed 75 percent of the rice acreage allotment that would have been made to the farm had such person(s) participated in the production of rice in one or more of the five years 1935 to 1939.

(4) *Normal yields.* The State and county committees, with the assistance of other local committees in the county, shall determine for each farm for which a rice acreage allotment is determined or a deduction is computed a normal yield for rice in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) Where reliable records of the actual average yield of rice per acre for the five years 1935 to 1939 are presented by the farmer or are available to the committee, the normal yield of rice for the farm shall be the average of such yields.

(ii) If for any year of such five-year period records of the actual average yield are not available or there was no actual yield because rice was not planted on the farm in such year, the county committee shall ascertain from all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the yield which was or could reasonably have been expected on the farm for such year, and the yield so determined shall be used as the actual yield for such year under subdivision (i) of this subparagraph (4).

(iii) If the average of the normal yields for all farms participating in the 1940 program in the State (weighted by the rice acreage allotments therein) exceeds the average yield per acre for the State during the five years 1935 to 1939 established by the Secretary, the normal yields for such farms, determined under subdivisions (i) and (ii) of this subparagraph (4) shall be reduced pro rata so that the average of such normal yields shall not exceed such State average yield.

(5) *Payment:* ------ cents per 100 pounds of the normal yield per acre of rice for the farm for each acre in its rice acreage allotment.

(6) *Deduction:* ------ cents per 100 pounds of the normal yield for the farm for each acre planted to rice in excess of its rice acreage allotment.

(f) *Tobacco*—(1) *National goal.* The 1939 national goal for—

Burley tobacco is -------- to -------- acres;



Flue-cured tobacco is -------- to -------- acres;

Fire-cured and dark air-cured tobacco is -------- to -------- acres;

Cigar filler and binder tobacco is -------- to -------- acres;

Georgia-Florida Type 62 tobacco is -------- to -------- acres.

(2) *National and State acreage allotments.* The national and State acreage allotments for each kind of tobacco will be established by the Secretary.

(3) *Farm acreage allotments.* The acreage allotment for each kind of tobacco for any farm on which tobacco was produced in one or more of the five years 1935–1939 shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of the past acreage of tobacco (harvested and diverted) with due allowance for drought, flood, hail, other abnormal weather conditions; plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. Special consideration shall be given to farms for which acreage allotments are small.

The allotment for any farm on which tobacco is produced in 1940 for the first time since 1934 shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of the tobacco-producing experience of the farm operator, land, labor, and equipment available for the production of tobacco, crop rotation practices, and the soil and other physical factors affecting the production of tobacco.

(4) *Normal yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a tobacco acreage allotment is determined or a deduction is computed a normal yield for tobacco in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) The normal yield for any farm on which tobacco was produced in one or more of the five years 1935–1939 shall be determined on the basis of the yields of tobacco made on the farm in such five-year period, taking into consideration the soil and other physical factors affecting production of tobacco on the farm, and the yields obtained on other farms in the locality which are similar with respect to such factors.

(ii) The normal yield for any farm on which tobacco is produced in 1940 for the first time since 1934 shall be that yield per acre which the local committee determines is fair and reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

(iii) The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county by the Secretary.

(5) *Payment:* The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in its tobacco acreage allotment for each of the following kinds of tobacco:

Burley, ------ cent.
Flue-cured, ------ cent.
Fire-cured and dark air-cured, ------ cents.
Cigar filler and binder (except Type 45), ------ cent.
------ cent.
Georgia-Florida Type 62, ------ cents.

(6) *Deduction:* ------ cents per pound of the normal yield for the farm for each acre of tobacco harvested in excess of the applicable tobacco acreage allotment.

(g) *Commercial vegetables*—(1) *Farm acreage allotments.* In counties included in the commercial vegetable area a commercial vegetable acreage allotment shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for each farm on which the average acreage of land normally planted to commercial vegetables is three acres or more, or in areas designated by the Agricultural Adjustment Administration, on the basis of recommendations by the State committee, for each farm on which such average acreage is one acre or more. The commercial vegetable acreage allotment shall be determined on the basis of the average acreage for 1936 and 1937 or the average of a later period adjusted to the 1936–1937 level, with adjustments for abnormal weather conditions, taking into consideration the tillable acreage on the farm, type of soil, production facilities, crop rotation practices, and changes in farming practices. The sum of the commercial vegetable acreage allotments determined for such farms in the county shall not exceed the sum of the average annual acreages of land planted to commercial vegetables on all such farms in the county in 1936 and 1937 except that fair and reasonable adjustments in such acreage may be made, by the State committee in accordance with instructions issued by the Agricultural Adjustment Administration, among commercial vegetable counties in the State on the basis of shifts in commercial vegetable production.

(2) *Commercial vegetable area* means counties or administrative areas for which the 1936–1937 average acreage of commercial vegetables (other than potatoes, sweet potatoes, cantaloupes, and annual strawberries) is 200 acres or more; except any such county or area for which the State committee, with the approval of the Agricultural Adjustment Administration, determines that the distribution of commercial vegetables from such county or area is confined to small local markets, that there is no tendency towards acreage expansion in such county or area, and that its elimination would not jeopardize the effectiveness of the program.

(3) *Commercial vegetables* means the acreage of annual vegetables or truck crops (including potatoes not in the commercial potato area, sweet potatoes, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs and flowers, but excluding peas for canning or freezing and sweet corn for canning) of which the major portion of the production is sold to persons not living on the farm: *Provided*, That in any county designated by the State committee, with the approval of the Agricultural Adjustment Administration, as a county in which substantially all tomatoes or pimientos grown are produced for canning, and in which it is administratively practicable to distinguish between such crops for canning and for other purposes, tomatoes or pimientos for canning shall not be classified as commercial vegetables.

(4) *Payment:* ------ for each acre in the commercial vegetable acreage allotment determined for the farm.

(5) *Deduction:* (Farms in the commercial vegetable area) $20.00 per acre for each acre of land planted to commercial vegetables in excess of the larger of the commercial vegetable acreage allotment determined for the farm or three acres, or, in areas designated under subparagraph (1) above, in excess of the larger of the allotment or one acre.

(h) *Wheat*—(1) *National goal.* The 1940 national goal for wheat is 60 million to 65 million acres.

(2) *National and State acreage allotments.* The national and State wheat acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of wheat shall be established by the Agricultural Adjustment Administration, with the assistance of the State committee, by distributing the State acreage allotment of wheat among the counties in such State pro rata on the basis of the acreage seeded for the production of wheat plus the acreage diverted under agricultural adjustment or conservation programs in such counties during the ten years 1929 to 1938, with appropriate adjustments for abnormal weather conditions and trends in acreage.

(4) *Farm acreage allotments.* Acreage allotments of wheat shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, for farms on which wheat has been planted for harvest in one or more of the years 1937,

1938, and 1939, on the basis of tillable acreage and crop rotation practices as reflected in the usual acreage of wheat on the farm, or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat will be planted for harvest in 1940 but on which wheat was not planted for harvest in any one of the three years 1937, 1938, and 1939, on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The wheat acreage allotment for any farm shall compare with the wheat acreage allotments determined for other farms in the same community which are similar with respect to such factors. For any farm for which a wheat acreage allotment is determined, if the persons having an interest in the wheat planted on the farm so elect, such farm shall be considered for the purposes of the 1940 program as a non-wheat-allotment farm. The wheat acreage allotments determined for farms in a county shall not exceed their proportionate share of the county wheat acreage allotment.

(5) *Usual acreage of wheat.* Usual acreages of wheat shall be determined for all non-wheat-allotment farms in Area B and in Area C on which the normal acreage of wheat harvested as grain, or for any other purpose after reaching maturity, is more than ten acres. The usual acreage of wheat shall be determined on the basis of the past acreage with due allowance for the effects of abnormal weather conditions, tillable acreage, crop rotation practices, type of soil, and topography. The sum of the usual wheat acreages determined for such farms in a county shall not exceed the sum of the 1937–1938 average acreages of wheat harvested for grain, or for any other purpose after reaching maturity, on such farms, except upon approval by the Agricultural Adjustment Administration where it is found that the 1937–1938 average acreage was not representative because of abnormal weather conditions or marked shifts in cropping practices in the county.

(6) *Normal yields.* The county committee, with the assistance of other local committees in the county, shall determine for each farm for which a wheat acreage allotment is determined or a deduction is computed a normal yield for wheat in accordance with instructions issued by the Agricultural Adjustment Administration and the following provisions:

(i) Where reliable records of the actual average yields per acre of wheat for the ten years 1929 to 1938 are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions.

(ii) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because wheat was not produced on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period.

(iii) The yields determined under subdivision (ii) of this subparagraph (6) shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat acreage allotments determined for such farms) shall not exceed the county yield established by the Secretary.

(7) *Non-wheat-allotment farm* means (i) a farm for which no wheat acreage allotment is determined, (ii) a farm for which a wheat acreage allotment is determined and the persons having an interest in the wheat planted on the farm elect, in accordance with instructions issued by the Agricultural Adjustment Administration, to have such farm considered for the purposes of the 1940 program as a non-wheat-allotment farm, or (iii) a farm, in an area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion-control purposes.

(8) *Acreage planted to wheat* means (i) any acreage of land devoted to seeded wheat (except when such crop is seeded in a mixture designated by the Agricultural Adjustment Administration upon recommendation of the State committee as a mixture which may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop cannot be harvested as wheat for grain or seed); (ii) any acreage of volunteer wheat which is harvested or remains on the land after the final date for disposing of volunteer wheat, such date to be specified by the regional director upon recommendation of the State committee; (iii) any acreage of land which is seeded to a mixture containing wheat designated under (i) above but on which the crops other than wheat fail to reach maturity and the wheat is harvested for grain or seed or reaches maturity.

(9) *Payment:* (Wheat allotment farms) ------ cents per bushel of the normal yield of wheat for the farm for each acre in its wheat acreage allotment.

(10) *Deduction:* (i) (Wheat allotment farms) ------ cents per bushel of the normal yield for the farm for each acre planted to wheat in excess of its wheat acreage allotment.

(ii) (Non-wheat-allotment farms) ------ cents per bushel of the normal yield for the farm for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of its wheat acreage allotment or 10 acres, whichever is larger, in Area A, and in excess of the usual acreage of wheat for the farm or 10 acres, whichever is larger, in Area B and in Area C.

(i) *General and total soil-depleting*—(1) *National goal.* The 1940 national goal for total soil-depleting crops is -------- to -------- acres.

(2) *National and State acreage allotments.* The national and State total soil-depleting acreage allotments will be established by the Secretary.

(3) *County acreage allotments.* County acreage allotments of total soil-depleting crops shall be determined by the Agricultural Adjustment Administration, with the assistance of the State committee, by distributing the State acreage allotment of total soil-depleting crops among the counties in the State on the basis of the total soil-depleting acreage allotments determined in connection with the 1939 Agricultural Conservation Program (hereinafter referred to as the 1939 program), with due allowance for trends in acreage of soil-depleting crops, changes in area designations and crop classifications, the acreage of food and feed crops needed for home consumption in the county, and the relationship of the special crop acreage allotments established for 1939 to the special crop acreage allotments established for 1940.

(4) *Farm acreage allotments.* The total soil-depleting acreage allotment for any farm shall be determined by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops, including sugar beets and sugarcane for sugar, customarily grown on the farm, and, in areas where the Agricultural Adjustment Administration finds it applicable, the acreage of food and feed crops needed for home consumption on the farm, taking into consideration special crop acreage allotments determined for the farm. The total soil-depleting acreage allotment for any farm shall compare with the total soil-depleting acreage allotments determined for other farms in the same community which are similar with respect to such factors. Total soil-depleting acreage allotments will be determined for all farms in Area A, farms for which a special crop acreage allotment (other than a commercial vegetable acreage allotment) is established in Area B in the Western and East Central Regions, and farms in Area B in the Southern Region on which general crops or livestock are produced for market and for which a special crop acreage allotment (other than a commercial vegetable acreage allotment) is determined.

(5) *Productivity indexes.* The Secretary will establish for each county or portion of a county in Area A a county productivity index or per-acre rates of payment and deduction, which will vary among the counties as the productivity of the cropland in the county devoted to the production of general soil-depleting crops varies as compared with the productivity of cropland in the United States devoted to the production of such crops.

A productivity index or per-acre rate shall be determined for each farm in Area A, in accordance with instructions issued by the Agricultural Adjustment Administration, by the county committee with the assistance of other local committees in the county. Such productivity index or per-acre rate shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of any crop that does accurately reflect the productivity of the farm may be used, provided that the productivity index or per-acre rate for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes or per-acre rates for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The average productivity index or per-acre rate for all farms for which productivity indexes or per-acre rates are determined in the county shall not exceed 100 or the county per-acre rate, or, in the North Central Region, the county productivity index, respectively, unless it is determined that farms for which such indexes or per-acre rates are determined are not representative of all farms in the county and a variation is approved by the Agricultural Adjustment Administration.

(6) *Non-general-allotment farm* means a farm in Area A for which a total soil-depleting acreage allotment (excluding the cotton acreage allotment) of 20 acres or less is determined in any case where the persons having an interest in the general soil-depleting crops planted on the farm elect to have such farm considered for the purposes of the 1940 program as a non-general-allotment farm.

(7) *General soil-depleting crops* or *general crops* means all crops and land uses listed in the definition of soil-depleting acreage, except (1) corn, wheat, cotton, rice, tobacco, potatoes, peanuts, commercial vegetables, if a separate payment or deduction is computed for the farm with respect to such crop, and (2) sugar beets and sugar cane for sugar: *Provided*, That corn on a non-corn-allotment farm and wheat on a non-wheat-allotment farm shall always be regarded as general crops for the purpose of determining the division of the net payment or net deduction computed with respect to general crops.

(8) *Payment:* (Farms in Area A, except non-general-allotment farms) ------ per acre, adjusted for the productivity of the farm, for each acre in the total soil-depleting acreage allotment determined for the farm in excess of the sum of (i) the special crop acreage allotments determined for the farm and (ii) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar.

(9) *Deductions:* (i) (Farms in Area A, except non-general-allotment farms) ------ dollars per acre, adjusted for the productivity of the farm, for each acre of the soil-depleting acreage in excess of the total soil-depleting acreage allotment determined for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 701.101.

(ii) (Non-general-allotment farms in Area A) ------ dollars per acre, adjusted for the productivity of the farm, for each acre of the soil-depleting acreage in excess of the sum of (1) 20 acres, (2) the cotton acreage allotment determined for the farm, and (3) the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 701.101.

(iii) (Farms in Area B for which a total soil-depleting acreage allotment is determined) ------ dollars for each acre classified as soil-depleting in excess of the larger of (1) the total soil-depleting acreage allotment determined for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 701.101, or (2) 20 acres plus the acreages on which cotton is planted or tobacco is harvested.

(j) *Restoration land*—(1) *Farm restoration land.* Restoration land shall be designated by the county committee, with the assistance of other local committees in the county, in accordance with instructions issued by the Agricultural Adjustment Administration, on the basis of the land in the farm which was designated as restoration land under the 1939 or 1938 program and any additional land in the farm which has been cropped at least once since January 1, 1930, but on which because of its physical condition and texture and because of climatic conditions a permanent vegetative cover should be restored: *Provided*, That new restoration land shall be designated only on a farm which is operated by the owner or where such designation has been approved by the owner in the case of a tenant-operated farm. The county committee shall designate practices to be applied to restoration land determined to be in need of additional practices. Land formerly designated as restoration land may, if such land was improperly designated, be restored to its former cropland status, with the approval of the State committee, when offset by an equal acreage of land in the county which is properly designated for 1940 as restoration land.

(2) *Restoration land* means farm land in any area designated by the Agricultural Adjustment Administration as an area subject to serious wind erosion or as an area containing large acreages unsuited to continued production of cultivated crops, which has been cropped at least once since January 1, 1930, and which is designated by the county committee as land on which because of its physical condition and texture and because of climatic conditions a permanent vegetative cover should be restored.

(3) *Payment:* 15 cents per acre for each acre of restoration land designated for the farm.

(4) *Deduction:* $3.00 for each acre of restoration land which is plowed or tilled in 1940 for any purpose other than tillage practices to protect the land from wind erosion or tillage operations in connection with the seeding of an approved non-depleting cover crop or permanent grass mixture.

(k) *Miscellaneous*—(1) *Deduction for failure to prevent wind or water erosion.* $1.00 for each acre of land (other than restoration land), in an area designated by the Agricultural Adjustment Administration as subject to serious wind or water erosion hazards, with respect to which there are not adopted in 1940 methods recommended by the county committee and approved by the State committee for the prevention of wind or water erosion or both: *Provided*, That in counties designated by the Agricultural Adjustment Administration upon recommendation of the State committee the rate shall be 25 cents per acre for each time wind-erosion-control methods recommended by the county committee are not carried out in 1940 by the date specified by the committee.

(2) *Deduction for breaking out native sod:* $3.00 for each acre of native sod or any other land on which a permanent vegetative cover has been established, broken out in any area designated by the Agricultural Adjustment Administration as an area subject to serious wind erosion or as an area containing large acreages unsuited to continuing production of cultivated crops, during the period November 1, 1939, to October 31, 1940, inclusive, less the acreage broken out with the approval of the county committee as a good farming practice for which an acreage of cropland other than restoration land is restored to permanent vegetative cover.

§ 701.102 *Soil-building goals, payments, and practices*—(a) *National goal.* The national goal is the conservation of

the cropland not required in 1940 for the growing of soil-depleting crops, the restoration, insofar as is practicable, of a permanent vegetative cover on land unsuited to the continued production of cultivated crops, and the carrying-out of soil-building practices that will conserve and improve soil fertility and prevent wind and water erosion.

(b) *County goals.* Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices in the county and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion.

(c) *Farm goals.* The soil-building goal for any farm shall be one unit of soil-building practices for each $1.50 of the payment computed for the farm under paragraph (d) of this section 701.102: *Provided*, That for any farm, in any area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion-control purposes, the soil-building goal shall not be less than one unit for each $2.00 of the total payment computed for the farm and the total payment computed for such a farm shall be considered as a payment in connection with soil-building practices.

Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm, but which are needed on the farm in order to conserve and improve soil fertility and prevent wind and water erosion and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

(d) *Payments.* The payments in connection with soil-building practices shall be the sum of the following: *Provided*, That for any farm with respect to which the sum of the maximum payments computed under sections 701.101 and 701.102 is less than $20.00 the amount determined under this paragraph (d) shall be increased by the amount of the difference:

(1) ------ cents per acre of cropland in the farm in excess of the total soil-depleting acreage allotment for the farm (applicable only to farms in Area A);

(2) ------ per acre of commercial orchards and perennial vegetables on the farm January 1, 1940, except that in the Southern Region (where the commercial orchard and perennial vegetable acreage is not excluded from the acreage of cropland) the rate shall be ------ per acre;

(3) (i) 2 cents per acre of noncrop open pasture land in the farm, plus $1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture, in the North Central Region, Kansas, California, Oklahoma, and Texas: *Provided*, That for any county or group of counties where the grazing capacity of the noncrop open pasture land is reasonably uniform such payment may, upon approval of the Agricultural Adjustment Administration, be computed at a flat rate per acre of noncrop open pasture land, such rate to be not greater than the average amount of payment per acre of noncrop pasture land determined for such county or group of counties on the basis of the foregoing rate: *Provided further*, That the amounts computed under this subdivision shall not be less than 10 cents times the number of such acres or 640 acres, whichever is smaller; provided that in states or areas where the range conservation program is applicable and is not combined with the Agricultural Conservation Program all non-crop open pasture land shall be classified as range land upon recommendation of the State committee and approval of the Agricultural Adjustment Administration;

(ii) 3 cents per acre of noncrop open pasture land, plus 75 cents for each animal unit of grazing capacity (on a 12-month basis) of such pasture, in North Dakota, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Idaho, Oregon, and Washington: *Provided*, That for any county or group of counties where the grazing capacity of the noncrop open pasture land is reasonably uniform such payment may, upon approval of the Agricultural Adjustment Administration, be computed at a flat rate per acre of noncrop open pasture land, such rate to be not greater than the average amount of payment per acre of noncrop pasture land determined for such county or group of counties on the basis of the foregoing rate: *Provided further*, That the amounts computed under this subdivision shall not be less than 10 cents times the number of such acres or 640 acres, whichever is smaller; provided that in states or areas where the range conservation program is applicable and is not combined with the Agricultural Conservation Program all noncrop open pasture land shall be classified as range land upon recommendation of the State committee and approval of the Agricultural Adjustment Administration;

(iii) 25 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land, in the East Central Region and in States in the Southern Region other than Texas and Oklahoma;

(iv) 40 cents per acre of fenced noncrop open pasture land in excess of one-half of the number of acres of cropland in the farm, which is capable of maintaining during the normal pasture season at least one animal unit for each five acres of such pasture land, in the Northeast Region.

(4) ------ cents per acre of cropland in excess of the sum of (1) the special crop acreage allotments other than a commercial vegetable acreage allotment and (2) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar and sugarcane grown for harvest in 1940 for the extraction of sugar (applicable only to farms in Area B and Area C);

(5) ------ cents for each acre in the commercial vegetable acreage allotment for the farm (applicable only to farms in the commercial vegetable area in Area A);

(6) ------ cents per acre, adjusted for the productivity of the farm, for each acre in the total soil-depleting acreage allotment for the farm in excess of the sum of (1) the special crop acreage allotments for the farm and (2) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar (applicable only to non-general-allotment farms in Area A);

(7) 45 cents per acre for each acre of restoration land for the farm; and

(8) $30.00 or $1.50 times the number of soil-building practice units earned by planting forest trees, whichever is smaller.

(e) *Hurricane damaged woodland.* Payment will be made at the rate of $4.00 per acre of woodland on the farm, which constitutes a serious fire hazard as a result of hurricane damage in September, 1938, for eliminating such hazard, improving the remaining stand of trees, and providing for the restoration of a full stand, provided such work is done with the prior approval of the county committee and in accordance with such approved system of farm woodlot management as is specified by the Agricultural Adjustment Administration. Woodland on which payment is made hereunder shall not be eligible for credit for soil-building practice 39 and payment hereunder shall not exceed $60.00 for any farm. This practice is applicable only to farms in New Hampshire, Massachusetts (except Barnstable and Berkshire Counties), Rhode Island, Connecticut (except Fairfield and Litchfield Counties), Nassau and Suffolk Counties of New York, Cumberland, Oxford, and York Counties of Maine, and Caledonia, Chittenden, Essex, Franklin, Lamoille, Orange, Orleans, Washington, Windham, and Windsor Counties of Vermont.

(f) *Deductions.* $1.50 for each unit by which the soil-building goal is not reached: *Provided*, That for any farm, in any area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion-control purposes. the rate shall be $2.00.

(g) *Soil-building practices.* Such of the soil-building practices listed in the following schedule as the Agricultural Adjustment Administration determines are adapted to any region and should be encouraged in such region shall count toward the achievement of the soil-building goal to the extent indicated therein when such practices are carried out under the provisions of the 1940 program during a period of not more than 12 months ending between August 31 and December 31, 1940, inclusive, in areas designated by the Agricultural Adjustment Administration and in accordance with specifications issued by the regional director or by the State committee with the approval of the regional director. The areas designated for any soil-building practice shall be areas in which such practice is desirable and necessary as a conservation measure. The specifications issued shall be such as to assure that the soil-building practice will be performed in workmanlike manner and in accordance with good farming practice for the locality.

Practices carried out with labor, seed, trees, and other materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal: *Provided*, That labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State . . . agency" within the meaning of this paragraph. No credit for meeting the soil-building goal shall be given for the planting and protection of forest trees planted under a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

Full credit for meeting the soil-building goal will be given for any of the practices listed in the following schedule which are carried out under the Department's water facilities program if the entire cost of labor, materials, and equipment used in carrying out such practices is paid by the owner or operator or covered by a loan agreement executed by him. If a portion of such cost is not paid by the owner or operator or covered by a loan agreement executed by him and such portion constitutes less than one-half of such cost, one-half credit will be given. If such portion constitutes one-half or more of such cost, no credit for meeting the soil-building goal will be given for such practices.

Wind-erosion-control practices and restoration-land measures carried out with the use of equipment furnished by the Soil Conservation Service on a farm, in an area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion-control purposes shall not (by virtue of the use of such equipment) be deemed to have been paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to have been paid for in whole or in part by a State or Federal agency.

The unit credits listed below are the maximum units allowable, and the credit for any practice included may, for any State or area within a State, be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration in order to reflect relatively lower costs or relative desirability of the practice.

SCHEDULE OF SOIL-BUILDING PRACTICES

*Application of Materials*

(1) Application of the following materials to or in connection with the seeding of perennial or biennial legumes, perennial grasses, winter legumes, lespedeza, crotalaria, annual ryegrass, Natal grass, or permanent pasture, and, in the case of 16 percent superphosphate, to or in connection with green manure crops in orchards. If these materials are applied to any of such crops seeded or grown in connection with a soil-depleting crop, only such proportionate part, if any, of the material applied shall be counted as is specified by the Agricultural Adjustment Administration.

(i) 300 pounds of 16 percent superphosphate (or its equivalent)—1 unit.

(ii) 150 pounds of 50-percent muriate of potash (or its equivalent)—1 unit.

(iii) 500 pounds of basic slag or rock (or colloidal) phosphate—1 unit.

(2) Application of 300 pounds of gypsum containing not less than 18 percent sulphur (or its sulphur equivalent)—1 unit.

(3) Application of 1,000 lbs., air-dry weight, of straw or equivalent mulching material (excluding barnyard and stable manure), in commercial orchards or on commercial vegetable land in any area designated by the Agricultural Adjustment Administration as an area in which straw normally costs more than $5.00 per ton—1 unit.

(4) Application of two short tons, air-dry weight, of straw or equivalent mulching materials (excluding barnyard and stable manure), in orchards or on commercial vegetable land—1 unit

(5) Application of the following quantities of ground limestone (or its equivalent) in any area designated by the Agricultural Adjustment Administration as an area in which the average cost of ground limestone to farmers is:

(i) Not more than $2.00 per ton, 2,000 lb.—equal 1 unit.

(ii) More than $2.00 but not more than $3.00 per ton, 1,500 lb.—equal 1 unit.

(iii) More than $3.00 but not more than $5.00 per ton, 1,000 lb.—equal 1 unit.

(iv) More than $5.00 per ton, 600 lb.—equal 1 unit.

*Seedings*

(6) Seeding alfalfa—2 units per acre.

(7) Seeding permanent grasses or permanent pasture mixtures containing a full seeding of legumes or grasses, or both, other than timothy and redtop (applicable only to varieties and areas designated by the Agricultural Adjustment Administration with respect to which the cost of establishing improved pastures is exceptionally high and their increase is important)—2 units per acre.

(8) Seeding biennial legumes, perennial legumes, perennial grasses (other than timothy or redtop), or mixtures (other than a mixture consisting solely of timothy and redtop) containing biennial legumes, perennial legumes, or perennial grasses (except any of such crops qualifying at a higher rate of credit under any other practice listed in this paragraph (g))—1 unit per acre.

(9) Seeding winter legumes, annual lespedeza, annual ryegrass, crotalaria, sesbania, or annual sweet clover—1 unit per acre.

(10) Establishment of a permanent vegetative cover by planting sod pieces of perennial grasses—3 units per acre.

(11) Establishment of a permanent vegetative cover by planting crowns of kudzu—4 units per acre.

(12) Seeding timothy or redtop or a mixture consisting solely of timothy and redtop—½ unit per acre.

*Pasture Improvement*

(13) Reseeding depleted pastures or restoration land with good seed of adapted pasture grasses or legumes—10 pounds of seed—1 unit.

(14) Natural reseeding of noncrop open pasture by nongrazing during the normal pasture season on an acreage equal to one-half of the number of acres of such pasture required to carry one animal unit for a 12-month period—1 unit.

(15) With prior approval of the county committee, development of springs or seeps by excavation at the source, 5 cubic feet of soil or gravel or 3 cubic feet of rock formation excavated: *Provided*,

That the source is protected from trampling, and at least 20 cubic feet of available water storage is provided; and *Provided further*, That the minimum credit shall be 13 units and the maximum credit shall be 67 units for this practice (applicable only in arid or semi-arid areas)—1 unit.

(16) *Construction of reservoirs and dams.* 10 cubic yards of material moved in making the fill or excavation or 7 cubic feet of concrete or rubble masonry—1 unit.

*Green Manure Crops and Cover Crops*

(17) Green manure crops of which a good stand and good growth is plowed or disced under on land not subject to erosion or if subject to erosion such crop is followed by a winter cover crop. Cover crops of which a good stand and good growth is left on land subject to erosion or in orchards or on commercial vegetable or potato land or on such other land as is designated by the Agricultural Adjustment Administration. Green manure crops and cover crops shall not include (1) lespedeza, (2) any crop for which credit is given in 1940 under any other practice, (3) wheat on nonirrigated land except in humid areas designated by the Agricultural Adjustment Administration, and (4) such other crops as may be determined by the Agricultural Adjustment Administration as not qualifiable for any area—1 unit per acre.

(18) Summer legumes not classified as soil-depleting (interplanted or grown in combination with soil-depleting crops) of which a good stand and good growth is obtained and is not harvested—½ unit per acre.

*Erosion Control*

(19) *Contour ridging or terracing of noncrop open pasture land.* 750 linear feet of ridge or terrace—1 unit.

(20) Construction of 200 linear feet of standard terrace for which proper outlets are provided—1 unit.

(21) Construction of concrete or rubble masonry check dams or drops and measuring weirs for the control of erosion, leaching, and seepage of irrigated cropland and orchard land (applicable only in arid and semi-arid areas)—7 cubic feet of concrete or rubble masonry—1 unit.

(22) Construction of 300 linear feet of ditching with a depth of one foot and a top width of four feet, or the cubic equivalent thereof, for the diversion and spreading of flood water or well water on restoration land, cropland, pasture land, or hay land (applicable only in arid and semiarid areas)—1 unit.

(23) Construction of one cubic yard of rip-rap of rock along active streams for the control of erosion of farm land—1 unit.

(24) Leveling of hummocks created by wind erosion, where such practice has the prior approval of the county committee (applicable only on a farm, in an area designated by the Agricultural Adjustment Administration as an area subject to serious erosion, which is owned or leased by a conservation district, an association determined by the State committee to have been organized for conservation purposes, or a State agency authorized by law to own or lease land for conservation or erosion-control purposes—1 unit per acre.

(25) Protecting muck land subject to serious wind erosion by establishing or maintaining approved shrub windbreaks—½ unit per acre.

(26) Contour listing, deep or shallow subsoiling, or contour furrowing noncrop land (the acreage of this practice shall be computed on the basis of the area so handled, each furrow or strip being considered to occupy an area not in excess of one-half rod in width)—¼ unit per acre.

(27) Leaving on the land as a protection against wind erosion (only in wind-erosion areas designated by the Agricultural Adjustment Administration) the stalks of sorghums (including broomcorn) or Sudan grass, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1941 (except any of such crops qualifying at a higher rate of credit under any other practice listed in this paragraph (g))—¼ unit per acre.

(28) Protecting land, which was properly designated as restoration land in 1938 or 1939, on which the county committee finds that no soil-building practice is needed in 1940 for the establishment of a permanent vegetative cover—¼ unit per acre.

(29) Maintenance of a protective vegetative cover on cropland cropped in 1939 and fallowed in 1938 where it is determined by the county committee that such cover is necessary as a protection against wind erosion (applicable only in summer-fallow areas designated by the Agricultural Adjustment Administration upon recommendation of the State committee)—¼ unit per acre.

(30) Stripcropping, including protection of summer fallow by means of strip fallowing—¼ unit per acre.

(31) Protecting summer-fallowed acreage from wind and water erosion by contour listing, pit cultivation, or incorporating stubble and straw into the surface soil (no credit will be given for this practice when carried out on light sandy soils or on soils in any area where destruction of the vegetative cover results in the land becoming subject to serious wind erosion)—¼ unit per acre.

(32) Contour farming intertilled crops—⅛ unit per acre.

(33) Contour listing (except when carried out on protected summer-fallowed acreage or as a part of a seeding operation)—⅛ unit per acre.

(34) Pit cultivation, pits to be at least four inches in depth below surface of soil and constructed so that surface of pit covers at least 25 percent of the ground surface (no credit will be given for this practice when carried out on protected summer-fallowed acreage or as a part of a seeding operation)—⅛ unit per acre.

(35) Contour seeding of small-grain crops—1/10 unit per acre.

(36) Natural vegetative cover or small-grain stubble of crops harvested in 1940 left on cropland not tilled in 1940 after July 1, where it is determined by the county committee that such cover is necessary as a protection against wind erosion and the operator's farming plan provides that such cover will be left on the land until the spring of 1941—1/10 unit per acre.

(37) Contour cultivation with a shallow furrowing or shovel-type implement following a small-grain crop harvested in 1940, furrows being not more than 20 inches apart—1/10 unit per acre.

*Forestry*

(38) Cultivating, protecting, and maintaining, by replanting if necessary, a good stand of forest trees, or a mixture of forest trees and shrubs, suitable for wildlife and planted between July 1, 1936, and July 1, 1940—2 units per acre.

(39) With prior approval of the county committee, improving a stand of forest trees under such approved system of farm woodlot and wildlife management as is specified by the Agricultural Adjustment Administration—2 units per acre.

(40) Planting forest trees (including shrubs beneficial to wildlife or in protective plantings) provided such trees are protected from fire and grazing and cultivated in accordance with good tree culture and wildlife management practice—5 units per acre.

(41) Restoration of farm woodlots, normally overgrazed, by nongrazing during the entire year 1940 (credit will not be allowed for more than two acres of woodland for each animal unit normally grazed on such woodland)—¼ unit per acre.

*Other Practices*

(42) Growing a home garden for a landlord, tenant, or sharecropper family on a farm in accordance with specifications issued by the State committee with the approval of the regional director (applicable only in areas designated by the Agricultural Adjustment Administration upon recommendation of the State committee as areas where home gardens generally are not kept or are inadequate and should be encouraged)—1 unit.

(43) Eradication or control of seriously infested plots of perennial noxious weeds, designated by the Agricultural Adjustment Administration, on cropland, orchard land, or noncrop pasture land, in organized weed-control areas, in accordance with good chemical or tillage methods—5 units per acre.

(44) Applying sand free from stones or loam to a depth of at least one-half inch on fruiting cranberry bogs—5 units per acre.



(45) Flooding fruiting cranberry bogs before January 1, 1940, and holding the water on such bogs continuously until July 5, 1940—5 units per acre.

(46) Renovation of perennial legumes and mixtures of perennial grasses and legumes—½ unit per acre.

(47) Deep subsoiling cropland or land in orchards (the acreage of this practice shall be computed on the basis of the area so handled, each furrow being considered to occupy an area not in excess of one-half rod in width)—¼ unit per acre.

§ 701.103 *Soil-depleting acreage.* Soil-depleting acreage means the acreage of land devoted during the 1940 crop year to one or more of the following crops or uses (land on which a volunteer crop is harvested shall be classified as if the crop had been planted).

(a) Corn planted for any purpose (except sown corn used as a cover crop or green manure crop and sweet corn or popcorn grown in a home garden for use on the farm).

(b) Tobacco harvested for any purpose.[2]

(c) Grain sorghums planted for any purpose.

(d) Cotton which reaches the stage of growth at which bolls are first formed.

(e) Sugar beets planted for any purpose or sugarcane grown for any purpose.

(f) Rice planted for any purpose.

(g) Peanuts harvested for nuts or dug for hay.

(h) Broomcorn planted for any purpose.

(i) Mangels or cowbeets planted for any purpose.

(j) Potatoes planted for any purpose (except when grown in a home garden for use on the farm).

(k) Annual truck and vegetable crops planted for any purpose (except when grown in a home garden for use on the farm).

(l) Commercial bulbs and flowers, commercial mustard, cultivated sunflowers, safflower, or hemp, harvested for any purpose.

(m) Field beans planted for any purpose (except when grown in a home garden for use on the farm or when incorporated into the soil as green manure).

(n) Peas planted for canning, freezing, or dried peas (except when grown in a home garden for use on the farm or when incorporated into the soil as green manure).

(o) Soybeans harvested for seed for crushing.

(p) Flax planted for any purpose (except when used as a nurse crop for biennial or perennial legumes or perennial grasses which are seeded in a workmanlike manner or, in areas designated by the Agricultural Adjustment Administration as areas where it is not practicable to use flax as a nurse crop, when matched acre for acre by biennial or perennial legumes or perennial grasses seeded alone in a workmanlike manner).

(q) Wheat planted (or regarded as planted) for any purpose on a wheat-allotment farm.

(r) Wheat (on a non-wheat-allotment farm), oats, barley, rye, emmer, speltz, or mixtures of these crops, harvested for grain.

(s) Wheat on a non-wheat-allotment farm, oats, barley, rye, emmer, speltz, or mixtures of these crops (including designated mixtures containing wheat on any farm), harvested for hay (except (1) when such crops are used as nurse crops for legumes or perennial grasses which are seeded in a workmanlike manner and the nurse crop is cut green for hay, or (2) when such crops are grown in a mixture containing at least 25 percent by weight of winter legumes).

(t) Buckwheat, Sudan grass, or millet harvested for grain or seed.

(u) Sweet sorghums, when harvested for any purpose in the East Central Region, in the North Central Region except South Dakota and Nebraska, or in Area B in the Southern Region; when harvested for grain, seed, or sirup in the Western Region, in Area A in the Southern Region, or in Nebraska and South Dakota; and when harvested for silage in the commercial corn area in the States of Kansas, Nebraska, and South Dakota.

(v) Land summer-fallowed in the States of Washington, Oregon, Idaho, and Utah (except when such land is seeded in 1940 to a nondepleting crop approved by the Agricultural Adjustment Administration or is irrigated land which is cultivated periodically to control noxious weeds).

(w) Land summer-fallowed in any area and not protected from wind and water erosion by methods approved by the State committee.

(x) Such other similar crops and uses as may be specified by the Agricultural Adjustment Administration.

§ 701.104 *Division of payments and deductions*—(a) *Payments and deductions in connection with general soil-depleting crops, crops for which special crop acreage allotments are determined, and restoration land.* (1) The net payment or net deduction computed for any farm with respect to general soil-depleting crops, or any crop for which a special acreage allotment is established, shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either acreages or percentages) that such persons are entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such crop grown on the farm in 1940; *Provided*, That if any such crop is not grown on the farm in 1940 or the acreage of such crop is substantially reduced by flood, hail, drought, insects, or plant-bed diseases the net payment or net deduction computed for such crop shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such crop if the entire acreage in the acreage allotment for such crop had been planted and harvested in 1940: *Provided further*, That if for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton acreage allotment for the farm and the acreage of cotton which is or would have been grown thereon by any tenant or sharecropper in 1940 is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally grow thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment or net deduction computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton acreage allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940: *And provided further*, That, in cases where two or more separately-owned tracts of land comprise a farm in any area designated by the Agricultural Adjustment Administration as an area in which a substantial proportion of the farms comprise two or more separately-owned tracts of land, upon written agreement of all persons who are entitled to receive a share of the proceeds of any such crop the share of each such person in the net payment or net deduction computed with respect to such crop on such farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such crop and also results substantially in a division of such payment or deduction among landlords, tenants, and sharecroppers as classes as each such class shares in the crop, or proceeds

[2] Each acre of Georgia-Florida Type 62 tobacco shall be counted as 5/10 of an acre if (1) an average of at least four top leaves is left on each stalk on all the acreage of such tobacco grown on the farm in 1940 and all such stalks are cut within seven days after harvesting of the other leaves is completed and are either left on the land for the remainder of 1940 or plowed under, and (2) a cover crop of sorghum, cowpeas, velvet beans, or crotalaria, or any mixture of these, is seeded in 1940 on all land on the farm planted to such tobacco and a reasonably good stand and good growth of such cover crop is attained and is plowed under or disced in before December 31, 1940, after it has attained at least three months' growth, provided such cover crop shall not be counted toward meeting the soil-building goal regardless of how used.

thereof, with respect to which the payment or deduction is being made.

(2) The payment computed with respect to restoration land under paragraph (j) (3) of section 701.101 shall be made to the person who is the owner of the land as of June 30, 1940, unless the land is rented for cash, in which case the payment shall be made to the cash tenant as of such date.

(3) In computing such net payments and such net deductions with respect to acreage allotments and general crops, the deduction with respect to (1) corn for grain in Area C, (2) total soil-depleting crops in Area B, (3) failure to prevent wind or water erosion, (4) cropping restoration land, (5) breaking-out of native sod, or (6) any net deduction computed with respect to the soil-building goal, shall be regarded as a deduction with respect to general crops in Area A and shall be regarded as a prorata deduction with respect to the payments computed in connection with crop acreage allotments in Areas B and C.

(b) *Payments in connection with soil-building practices.* The amount of net payment earned in connection with the soil-building goal for the farm shall be paid to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying-out of soil-building practices on the farm in the 1940 program, such payment shall be divided in the proportion that the units contributed by each such person to such practices bears to the total units of such practices carried out on the farm in such program. All persons contributing to the carrying-out of any soil-building practice on a particular acreage shall be deemed to have contributed equally to the units of such practice unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto.

(c) *Proration of net deductions.* If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

§ 701.105 *Increase in small payments.* The total payment computed under Sec. 701.101 to 701.104, for any person with respect to any farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to $1.00;

(2) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent;

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

| Amount of payment computed: | Increase in payment |
|---|---|
| $1.00 to $1.99 | $0.40 |
| $2.00 to $2.99 | .80 |
| $3.00 to $3.99 | 1.20 |
| $4.00 to $4.99 | 1.60 |
| $5.00 to $5.99 | 2.00 |
| $6.00 to $6.99 | 2.40 |
| $7.00 to $7.99 | 2.80 |
| $8.00 to $8.99 | 3.20 |
| $9.00 to $9.99 | 3.60 |
| $10.00 to $10.99 | 4.00 |
| $11.00 to $11.99 | 4.40 |
| $12.00 to $12.99 | 4.80 |
| $13.00 to $13.99 | 5.20 |
| $14.00 to $14.99 | 5.60 |
| $15.00 to $15.99 | 6.00 |
| $16.00 to $16.99 | 6.40 |
| $17.00 to $17.99 | 6.80 |
| $18.00 to $18.99 | 7.20 |
| $19.00 to $19.99 | 7.60 |
| $20.00 to $20.99 | 8.00 |
| $21.00 to $21.99 | 8.20 |
| $22.00 to $22.99 | 8.40 |
| $23.00 to $23.99 | 8.60 |
| $24.00 to $24.99 | 8.80 |
| $25.00 to $25.99 | 9.00 |
| $26.00 to $26.99 | 9.20 |
| $27.00 to $27.99 | 9.40 |
| $28.00 to $28.99 | 9.60 |
| $29.00 to $29.99 | 9.80 |
| $30.00 to $30.99 | 10.00 |
| $31.00 to $31.99 | 10.20 |
| $32.00 to $32.99 | 10.40 |
| $33.00 to $33.99 | 10.60 |
| $34.00 to $34.99 | 10.80 |
| $35.00 to $35.99 | 11.00 |
| $36.00 to $36.99 | 11.20 |
| $37.00 to $37.99 | 11.40 |
| $38.00 to $38.99 | 11.60 |
| $39.00 to $39.99 | 11.80 |
| $40.00 to $40.99 | 12.00 |
| $41.00 to $41.99 | 12.10 |
| $42.00 to $42.99 | 12.20 |
| $43.00 to $43.99 | 12.30 |
| $44.00 to $44.99 | 12.40 |
| $45.00 to $45.99 | 12.50 |
| $46.00 to $46.99 | 12.60 |
| $47.00 to $47.99 | 12.70 |
| $48.00 to $48.99 | 12.80 |
| $49.00 to $49.99 | 12.90 |
| $50.00 to $50.99 | 13.00 |
| $51.00 to $51.99 | 13.10 |
| $52.00 to $52.99 | 13.20 |
| $53.00 to $53.99 | 13.30 |
| $54.00 to $54.99 | 13.40 |
| $55.00 to $55.99 | 13.50 |
| $56.00 to $56.99 | 13.60 |
| $57.00 to $57.99 | 13.70 |
| $58.00 to $58.99 | 13.80 |
| $59.00 to $59.99 | 13.90 |
| $60.00 to $185.99 | 14.00 |
| $186.00 to $199.99 | (1) |
| $200.00 and over | (2) |

[1] Increase to $200.00.
[2] No increase.

§ 701.106 *Payments limited to $10,000.* The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession shall not exceed the sum of $10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with such programs to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of $10,000, prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

§ 701.107 *Deductions incurred on other farms—(a) Other farms in the same county.* If the deductions computed under Sec. 701.101 and 701.102 with respect to any farm in a county exceed the payment for full performance on such farm computed under such sections a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farm or farms in such county.

(b) *Other farms in the State.* If the deductions computed under Sec. 701.101 and 701.102 for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on the other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farm or farms in the State if the State committee finds that the crops grown and practices adopted on the farm or farms with respect to which such deductions are computed substantially offset the contribution to the program made on such other farm or farms.

§ 701.108 *Deduction for association expenses.* There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

§ 701.109 *Materials furnished as grants of aid.* Wherever it is found practicable, limestone, superphosphate, trees, seeds, and other farming materials, upon request of the producer, may be furnished by the Agricultural Adjustment Administration as grants of aid to be used in carrying out approved soil-building practices which shall be counted toward meeting the soil-building goal for the farm. Wherever such material is furnished, a deduction from the payment for the farm shall be made in the amount of the approximate average cost of such material to the Agricultural Adjustment Administration in the county, State, or other area. Such deduction shall be applied first to the payment computed for the person to whom such material is furnished, and the balance, if any, of such deduction shall be prorated among the payments to the other persons sharing in the payment with respect to the farm for which such material was obtained or on which it was used. Materials shall only be furnished pursuant to a producer's request and agreement upon a form prescribed by the Agricultural Adjustment Administration. Such agreement shall provide that (1) in the event the amount of deduction for materials exceeds the amount of the payment with respect to the farm the amount of such difference shall be paid by the producer to the Secretary; (2) if the producer uses any such material in a manner which is not in substantial accord with the purposes for which such material was furnished, the deduction with respect to the material misused shall be twice the regular rate of deduction in order to compensate the Government for damages because of such misuse; and (3) the finding of the county committee that the material has been used in a manner which is not in substantial accord with the purposes for which it was furnished, and as to the amount of the material so misused, shall be final when approved by the State committee, subject to the right of appeal under the provisions of Sec. 701.112.

Notwithstanding any other provisions herein, in areas designated by the Agricultural Adjustment Administration, for any farm on which no performance is rendered under the 1940 program except the carrying-out of practices through the use of materials furnished by the Agricultural Adjustment Administration, the furnishing of such materials shall be in lieu of any payment which otherwise might be computed for the farm.

§ 701.110 *General provisions relating to payments—(a) Payment restricted to effectuation of purposes of the program.* (1) All or any part of any payment which otherwise would be made to any person under the 1940 program may be withheld or required to be returned (a) if he adopts or has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs, (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) if, with respect to forest land or woodland owned or controlled by him, he adopts or has adopted any practice which the Agricultural Adjustment Administration finds is contrary to sound conservation practices.

(2) Payments other than payments in connection with restoration land and in connection with soil-building practices will be made only with respect to farms which are being operated in 1940.

(3) In areas designated by the Agricultural Adjustment Administration as areas subject to serious wind erosion in 1940, no payment will be made to any person with respect to any farm which such person owns or operates in a county if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved wind-erosion-control measures on land under his control to the extent that any part of such land has become a wind-erosion hazard in 1940 to other land in the community in which such farm is located.

(b) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph (d) of this section and indebtedness to the United States subject to set-off under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause a greater proportion of the payments to be made to the landlord or operator under the 1940 program than would have been made to the landlord or operator for performance on the farm under the 1939 program, payments to the landlord or operator under the 1940 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord or operator if the arrangements which existed on the farm in 1939 had been continued in 1940, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments to the landlord or operator shall not be greater than the amount that would otherwise be made, if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment pursuant to the provisions of the 1940 program has employed any other scheme or device, (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under any agricultural conservation program to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1940 program.

(d) *Assignments.* Any person who may be entitled to any payment in connection with the 1940 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP–69 in accordance with the instructions (ACP–70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this paragraph (d) shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

(e) *Excess cotton acreage.* Any person who makes application for payment with respect to any farm located in a county in which cotton is planted in 1940 shall file with such application a statement that he has not knowingly planted cotton or caused cotton to be planted, during 1940, on land in any farm in which he has an interest, in excess of the cotton acreage allotment for the farm for 1940, and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton, or causes cotton to be planted on his farm in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall not be eligible for any payment whatsoever, on that farm or any other farm, under the provisions of the 1940 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on an acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to

cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

(f) *Use of soil-conserving crops for market.* Payment will not be made with respect to any farm unless on such farm in 1940 an acreage of cropland or restoration land, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market, equal to the acreage by which the normal acreage of soil-depleting crops on such farm exceeds the larger of (1) the total soil-depleting acreage allotment for the farm or (2) the acreage devoted to soil-depleting crops on the farm in 1940: *Provided*, That payments shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the production of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of this paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows or (2) if none of the soil-conserving crops to which such provisions are applicable is used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions unless: (1) the number of cows kept for the production of milk in the county exceeds by more than five percent the normal number of such cows; (2) the acres retired from soil-depleting crops in the county exceed five percent of the normal acreage of such crops and exceed 1,000 acres; and (3) the average number of cows kept for the production of milk exceeds two cows per farm and exceeds two cows per 160 acres of farm land.

The normal acreage of soil-depleting crops and the number of cows kept for the production of milk or the products thereof for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine, from the latest available statistics of the Department, and shall announce the counties not deemed to be in substantial compliance.

As used in this paragraph (f), the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm or if fed to dairy livestock upon his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this paragraph (f), the term "soil-conserving crops" means grasses and legumes grown on cropland except those listed in the definition of soil-depleting acreage in Sec. 701.103.

§ 701.111 *Application for payment*—(a) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any person for whom, under the provisions of Sec. 701.104, a share in the payment with respect to the farm may be computed and (1) who at the time of its harvest is entitled to share in any of the crops grown on the farm under a lease or operating agreement, or (2) who is owner or operator of such farm and participates thereon in 1940 in carrying out approved soil-building practices, or (3) who as of June 30, 1940, is owner or cash tenant of a farm on which restoration land is designated.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office on or before a date fixed by the regional director but not later than March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

(c) *Applications for other farms.* If a person has the right to receive all or a portion of the crops or proceeds therefrom produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof or which he rents to another for cash.

§ 701.112 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment, usual acreage, normal or actual yield, measurement, or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

§ 701.113 *State and regional bulletins, instructions, and forms.* The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issued such State and regional bulletins, instructions, and forms as may be required in administering the 1940 program pursuant to the provisions hereof.



§ 701.114 *Definitions.* For the purposes of the 1940 program, unless the context otherwise requires:

(a) *Officials*—(1) *Secretary* means the Secretary of Agriculture of the United States.

(2) *Regional director* means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation programs in the region.

(3) *State committee* or *State agricultural conservation committee* means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in such State.

(4) *County committee* or *county agricultural conservation committee* means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in such county.

(b) *Areas*—(1) *Northeast Region* means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(2) *East Central Region* means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(3) *Southern Region* means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(4) *North Central Region* means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(5) *Western Region* means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(6) *Area A* means the North Central Region, North Dakota, Kansas, and such counties or administrative areas in Arkansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, and California as may be designated by the Agricultural Adjustment Administration as counties or areas normally producing a surplus of general soil-depleting crops.

(7) *Area B* means the East Central Region and those portions of the Southern and Western Regions not included in Area A.

(8) *Area C* means the Northeast Region.

(c) *Farms. Farm* means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(d) *Cropland.* (1) *Cropland* means farm land which in 1939 was tilled or was in regular rotation, excluding restoration land and any land which constitutes, or will constitute if such tillage is continued, a wind-erosion hazard to the community, and excluding also, except in the Southern Region, any land in commercial orchards or perennial vegetables.

(e) *Miscellaneous.* (1) *Person* means an individual, partnership, association, corporation, estate, or trust, and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(2) *Landlord* or *owner* means a person who owns land and rents such land to another person or operates such land.

(3) *Sharecropper* means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(4) *Tenant* means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon, and in the case of rice also means a person furnishing water for a share of the rice.

(5) *Commercial orchards and perennial vegetables* means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables (excluding artichokes for use other than as vegetables) on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards), from which the major portion of the production is normally sold.

(6) *Noncrop open pasture land* means pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing and on which the number or grouping of any trees or shrubs is such that the land could not fairly be considered as woodland.

(7) *Special crop acreage allotment* means a corn, cotton, wheat, tobacco, rice, peanut, potato, or commercial vegetable acreage allotment.

(8) *Animal unit* means one cow, one horse, five sheep, or five goats, two calves, or two colts, or the equivalent thereof.

§ 701.115 *Authority, availability of funds, and applicability*—(a) *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1940 the payments and grants of aid provided for herein will be made for participation in the 1940 program.

(b) *Availability of funds.* The provisions of the 1940 program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided are contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants of aid will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. As an adjustment for participation the rates of payment and deduction with respect to any commodity or item of payment may be increased or decreased from the rates set forth herein by as much as 10 percent.

(c) *Applicability.* The provisions of the 1940 program contained herein, except Sec. 701.106, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special agricultural conservation programs under said Act are approved for 1940 by the Secretary; and (3) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

(d) *Combination with range program.* The Range Conservation Program may be combined with the Agricultural Conservation Program for 1940 in any State or area upon recommendation of the State committee and the approval of the Agricultural Adjustment Administration, in which case range land shall be treated as non-crop pasture and the range-building practices shall be treated as incorporated in the agricultural conservation program.

Done at Washington, D. C., this 6th day of September, 1939. Witness my hand and the seal of the Department of Agriculture.

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3309; Filed, September 9, 1939; 11:16 a. m.]

[P–7]

## PART 741—1939 PRICE ADJUSTMENT PROGRAM REGULATIONS

### SUPPLEMENT NO. 6

By virtue of the authority vested in the Secretary of Agriculture by the Price Adjustment Act of 1938, approved June 21, 1938 (Title V of Public Res. No. 122, 75th Congress; 52 Stat. 819), and pursuant to the provisions of Sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 43, 45), and the second paragraph of Section 15 of the Soil Conservation and Domestic Allotment Act, as amended by Section 104 of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 35), the 1939 Price Adjustment Program Regulations, as amended,[1] are hereby amended as follows:

The last paragraph of Section 741.9 (a) is hereby amended to read as follows:

Legally adopted children shall be entitled to share in any payment in the same manner and to the same extent as other children. If any person who is entitled to payment under the above order of precedence is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds $500, in which event payment shall be made only to his legal guardian. Any payment which the deceased person could have received may be made jointly to the persons found to be entitled to such payment or shares thereof under this subsection, or, pursuant to instructions issued by the Agricultural Adjustment Administration, a separate check may be issued to each person entitled to share in such payment.

Done at Washington, D. C. this 11th day of September 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–3327; Filed, September 11, 1939; 12:35 p. m.]

[CAP–105 Amendment 4]

## REGULATIONS PERTAINING TO 1937 COTTON PRICE ADJUSTMENT PAYMENT PLAN

### AMENDMENT 4

By virtue of the authority vested in the Secretary of Agriculture by the item entitled "Price Adjustment Payment to Cotton Producers" contained in the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (Public Law No. 354, 75th Congress, 1st Session; 50 Stat. 762), by Section 381 (a) of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3rd Session; 52 Stat. 67), as amended by Section 12 of Public Law No. 470, 75th Congress, approved April 7, 1938 (52 Stat. 202), and by the next to the last proviso to the item entitled "Conservation and Use of Agricultural Land Resources, Department of Agriculture" contained in the Department of Agriculture Appropriation Act, 1939, approved June 16, 1938 (Public Law No. 644, 75th Congress, 3rd Session; 52 Stat. 744), I, H. A. Wallace, Secretary of Agriculture, do make prescribe, publish, and give public notice that subsection D 3 of Section 41 of the Regulations Pertaining to 1937 Cotton Price Adjustment Payment Plan (CAP–105), as amended,[1] is hereby further amended to read as follows:

3. If there is no surviving spouse, to the sons and daughters in equal shares. If any child is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds $500, in which event payment shall be made only to his legal guardian. Children of a deceased son or daughter of a deceased producer shall be entitled to their ancestor's share of the payment, share and share alike;

Done at Washington, D. C., this 11th day of September, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–3328; Filed, September 11, 1939; 12:35 p. m.]

[1] 4 F.R. 3669 DI.

## TITLE 19—CUSTOMS DUTIES

## BUREAU OF CUSTOMS

[T. D. 49057]

### ENFORCEMENT OF NEUTRALITY—COMMUNICATIONS

### RESPONSIBILITY FOR THE ENFORCEMENT OF THE OBSERVANCE OF NEUTRALITY IN RADIO COMMUNICATION BY MERCHANT VESSELS OF BELLIGERENTS

SEPTEMBER 8, 1939.

*To the Commandant, United States Coast Guard, the Commissioner of Customs, and Others Concerned:*

1. Pursuant to the Proclamation of the President dated September 5, 1939,[2] numbered 2348, concerning the general neutrality of the United States and the Executive Order of the President of the same date,[3] numbered 8233, in which certain functions to enforce said proclamation were allocated to the Treasury Department, the United States Coast Guard is hereby charged, under the general direction of the Commandant, with the enforcement of neutrality in radio communication by merchant vessels of belligerents.

2. The United States Customs Service shall cooperate generally with the Coast Guard in the enforcement of neutrality in radio communication by merchant vessels of belligerents. At places where no representative of the Coast Guard is detailed to carry into effect such instructions as may be issued by the Commandant to district commanders of the Coast Guard, the duties therein prescribed shall, upon request, be performed by such customs officer or officers as may be designated by the appropriate collector of customs.

3. The provisions of paragraph (1), Article 178, Customs Regulations of 1937,[4] are hereby suspended until further notice.

4. This Treasury Decision is prescribed pursuant to section 161, Revised Statutes (U.S.C. title 5, sec. 22), and section 1, Act of June 22, 1936 (U.S.C., Supp. IV, title 14, sec. 45).

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39–3323; Filed, September 11, 1939; 11:57 a. m.]

## TITLE 22—FOREIGN RELATIONS

## DEPARTMENT OF STATE

### REGULATIONS UNDER SECTION 9 OF THE JOINT RESOLUTION OF CONGRESS APPROVED MAY 1, 1937

SEPTEMBER 9, 1939.

The Secretary of State announces that the regulations under section 9 of the joint resolution of Congress approved May 1, 1937, which he promulgated on September 5, 1939,[1] henceforth apply equally in respect to travel by citizens of the United States on vessels of the Union of South Africa.

[SEAL] CORDELL HULL.

[F. R. Doc. 39–3317; Filed, September 11, 1939; 10:38 a. m.]

### RULES AND REGULATIONS GOVERNING THE SOLICITATION AND COLLECTION OF CONTRIBUTIONS FOR USE IN THE UNION OF SOUTH AFRICA

SEPTEMBER 9, 1939.

The Secretary of State announces that the rules and regulations under the provisions of Section 3 (a) of the Joint Resolution of Congress approved May 1, 1937, in regard to the solicitation and collection of funds for use in France; Germany; Poland; and the United Kingdom, India, Australia, and New Zealand, which he promulgated on September 5, 1939,[2] henceforth apply equally in respect to the solicitation and collection of funds for use in the Union of South Africa.

[SEAL] CORDELL HULL.

[F. R. Doc. 39–3318; Filed, September 11, 1939; 10:38 a. m.]

[1] 3 F.R. 2359 DI.
[2] 4 F.R. 3809 DI.
[3] 4 F.R. 3822 DI.
[4] 3 F.R. 3838 DI.
[1] 4 F.R. 3639 DI.
[2] 2 F.R. 1492.
[2] 4 F.R. 3838 DI.



### SUPPLEMENT TO THE PAMPHLET, "INTERNATIONAL TRAFFIC IN ARMS—LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR AND OTHER MUNITIONS OF WAR."

### PART X—SPECIAL PROVISIONS IN REGARD TO EXPORTATION TO THE UNION OF SOUTH AFRICA

SEPTEMBER 9, 1939.

The Secretary of State announces that the special provisions in regard to exportation to France; Germany; Poland; and the United Kingdom, India, Australia and New Zealand, promulgated on September 5, 1939,[1] and set forth in Part IX of this pamphlet, henceforth apply equally in respect to the Union of South Africa.

[SEAL] CORDELL HULL.

[F. R. Doc. 39–3319; Filed, September 11, 1939; 10:38 a. m.]

## TITLE 29—LABOR

## WAGE AND HOUR DIVISION

### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order)[2] are issued to the employers listed below effective September 18, 1939 until September 18, 1940, subject to the following terms:

#### OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

#### NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

#### NAME AND ADDRESS OF FIRM

Delsea Hosiery Mill, Westville Grove, N. J., 5 learners

Century Hosiery Mills, Inc., Burlington, N. C.

McPar Hosiery Mill, Inc., Marion, N. C.

Penn-Carol Hosiery Mills, Inc., Concord, N. C.

Drexel Knitting Mills Co., Drexel, N. C.

Glenn Hosiery Mill, Burlington, N. C.; 5 learners.

Doyle Hosiery Corporation, Doylestown, Pa.

Grey Hosiery Mills, Bristol, Tenn.

Radford Knitting Mills, Inc., Radford, Va., 4 learners

Pilot Full Fashion Mills, Inc., Valdese, N. C.

John L. Fead & Sons, Port Huron, Michigan.

McEwen Knitting Company, Burlington, N. C.

Nelson Knitting Company, Rockford, Ill.

Knit Products Corporation, Belmont, N. C.

Julius Kayser and Company, Brooklyn, N. Y.

Hudson Silk Hosiery Company, Charlotte, N. C.

Blackstone Hosiery Mills, Valdese, N. C.

Hudson City Knitting Mills, Charlotte, N. C.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended.[3] For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 9th day of September, 1939.

GUSTAV PECK,
*Assistant Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39–3313; Filed, September 11, 1939; 9:33 a. m.]

[1] 4 F.R. 3838 DI.
[2] 4 F.R. 3680, 3711 DI.

## TITLE 31—MONEY AND FINANCE: TREASURY

## PUBLIC DEBT SERVICE

[1939—Amendment 2, Department Circular No. 560, Rev.]

### PART 313—REGULATIONS GOVERNING ADJUSTED SERVICE BONDS OF 1945

SEPTEMBER 5, 1939.

*To Owners of Adjusted Service Bonds, and Others Concerned:*

1. Paragraph 12 (g) of Department Circular No. 560, Revised, as amended, dated December 30, 1936, is hereby amended to read as follows:

*In the Philippine Islands.* In addition to the officers designated elsewhere in this paragraph, the United States High Commissioner, his Administrative Assistant, and the Chief Clerk in his office, under the High Commissioner's seal; Provincial and Municipal Treasurers, and City Treasurers in Manila and Baguio, under their respective seals; Philippine postmasters under the stamp of their office; and, in Manila, Post Office inspectors assigned in Manila, under the seal of the Bureau of Posts: *Provided, however,* That the requests for payment witnessed and certified to by these officials shall be supported by the fingerprints of the veterans in the place provided therefor on the back of the bonds, and that the bonds be then forwarded to the Treasury of the Philippine Islands or to the Treasurer of the United States for payment.

2. This amendment shall be effective September 15, 1939, and the Secretary of the Treasury may at any time, or from time to time, withdraw or amend any or all of the provisions thereof.

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39–3304; Filed, September 8, 1939; 4:05 p. m.]

[3] 4 F.R. 2088 DI.

## TITLE 36—PARKS AND FORESTS

## FOREST SERVICE

### PISGAH NATIONAL FOREST, NORTH CAROLINA

### DEER HUNTING ON PISGAH NATIONAL GAME PRESERVE

I have considered the information and evidence adduced by the officers of the Forest Service relative to the conditions of the land and deer herd on the Pisgah National Game Preserve in the Pisgah National Forest in North Carolina, established by proclamation of the President issued October 17, 1916, 39 Stat. 1811, and I hereby find and determine that the number of deer within the Pisgah National Game Preserve is so great that they have caused and are causing serious damage and injury to the land and forest within the Pisgah National Game Preserve and I further find and determine that unless the deer herd is reduced the damage and injury to the land and forest will continue and grow progressively worse and will result in further reducing the forage capacity of the Pisgah National Game Preserve for deer;

Now, therefore, I, Henry A. Wallace, Secretary of Agriculture, pursuant to the authority vested in me by the acts of March 1, 1911, c. 186, 36 Stat. 961; February 1, 1905, c. 288, 33 Stat. 628, amendatory of the act of June 4, 1897, c. 2, 30 Stat. 11, 35; August 11, 1916, c. 313, 39 Stat. 476; to effectuate the purpose of those acts do hereby authorize:

1. Employees of the Department of Agriculture assigned to duty on the Pisgah National Forest or persons authorized pursuant to the Regulations of the Secretary of Agriculture Relating to the Protection, Occupancy, Use and Administration of the National Forest, published in the FEDERAL REGISTER of August 15, 1936,[1] to hunt and kill deer on the Pisgah National Game Preserve and to remove the carcasses of the deer from the Preserve during the months of October, November, December, 1939, and January 1940, or any part of that period designated by the Chief of the Forest Service;

2. Employees of the Department of Agriculture assigned to duty on Pisgah National Forest to trap, capture and ship live deer of the Pisgah National Game Preserve at any time during the balance of the year 1939 and the year 1940 or any part of that period designated by the Chief of the Forest Service;

provided that the deer shall be removed in such numbers and in such manner, and under such conditions as the Chief of the Forest Service shall find necessary for the preservation and protection of the land and forest, the property of the United States.

Given under my hand and the seal of the United States Department of Agriculture, Washington, D. C., this 9th day of September, 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3316; Filed, September 11, 1939; 9:40 a. m.]

## TITLE 46—SHIPPING

### UNITED STATES MARITIME COMMISSION

RESCISSION OF REGULATION GOVERNING THE CHARTER TO PERSONS NOT CITIZENS OF THE UNITED STATES, OF VESSELS DOCUMENTED UNDER THE LAWS OF THE UNITED STATES OR THE LAST DOCUMENTATION OF WHICH WAS UNDER THE LAWS OF THE UNITED STATES

At a session of the United States Maritime Commission held at its offices in Washington, D. C., on the 9th day of September, 1939:

Ordered that General Order No. 18 (Amended)[2] adopted by the United States Maritime Commission on August 3, 1939 be, and hereby is, rescinded.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.,
*Secretary.*

[F. R. Doc. 39-3322; Filed, September 11, 1939; 11:46 a. m.]

[1] 1 F.R. 1090.
[2] 4 F.R. 3569 DI.

## *Notices*

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5719]

IN THE MATTER OF RESTRICTION OF TELEGRAPH RATES TO INDIVIDUALS BY THE WESTERN UNION TELEGRAPH COMPANY

NOTICE OF HEARING

At a session of the Federal Communications Commission, held at its office in Washington, D. C., on the 6th day of September, A. D. 1939.

It appearing that there have been filed with the Federal Communications Commission tariffs containing schedules stating new charges and new classifications, regulations and practices affecting such charges to become effective on the 10th day of September, 1939, designated as follows:

THE WESTERN UNION TELEGRAPH COMPANY SUPPLEMENT NO. 3 to F. C. C. NO. 144

*It is ordered*, That the Commission, on its own motion, without formal pleading enter upon a hearing concerning the lawfulness of the charges, and of the regulations, classifications, and practices stated in the said schedules contained in said tariffs; viz., all provisions shown in connection with the listings of the following places:

Clearwater Beach, Greenwood and Loughman, Florida; Mac Gregor, Idaho; Springhill, Louisiana; College Park, Maryland; Fiskdale, Massachusetts; East Laport, North Carolina; Hubbard, Ohio; Farmers Valley and Irvineton or Irvine, Warren County, Pennsylvania; Mayo and McClellanville, South Carolina; Keokee, Virginia; Braeholm, Mallory and Wharton, West Virginia.

It further appearing, that said schedules make certain changes in rates for "Domestic Telegraph Service" in interstate and foreign commerce, and the rights and interests of the public appearing to be injuriously affected thereby, and it being the opinion of the Commission that the effective date of the said schedules contained in said tariffs should be postponed pending said hearing and decision thereon;

*It is further ordered*, That the operation of the said schedules contained in said tariffs be suspended, and that the use of the rates, charges, classifications, regulations, and practices therein stated be deferred until the 10th day of December, 1939, unless otherwise ordered by the Commission, and no change shall be made in such charges, classifications, regulations, and practices during the said period of suspension, unless authorized by special permission of the Commission.

*It is further ordered*, That the charges and the classifications, regulations, and practices thereby sought to be altered shall not be changed by any subsequent tariff or schedule, until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless authorized by special permission of the Commission.

*It is further ordered*, That a copy of this order be filed with said schedules in the office of the Federal Communications Commission, and that copies hereof be forthwith served upon the carriers party to such schedules, and that said carriers party to said schedules be, and they are hereby, made respondent to this proceeding; and

*It is further ordered*, That this proceeding be, and the same is hereby assigned for hearing at 10:00 A. M., on the 9th day of October, 1939, at the office of the Federal Communications Commission, in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-3308; Filed, September 9, 1939; 10:55 a. m.]

[Docket Nos. 5675, 5674]

[File Nos. P1-PC-54, P2-PC-55]

IN RE APPLICATION OF RADIOMARINE CORPORATION OF AMERICA (WBL)

*Dated April 17, 1939, for construction permit; class of service—Public coastal; class of station—Coastal telephone; location—Buffalo, N. Y.; operating assignment specified—Frequency, 2182, 4282.5 kc calling; 2514, 2572, 2738, 4282.5 kc working; power, 75 w night; 75 w day; hours of operation, unlimited during season of Great Lakes navigation.*

IN RE APPLICATION OF RADIOMARINE CORPORATION OF AMERICA (WCY)

*Dated April 17, 1939, for construction permit; class of service—Public coastal; class of station—Coastal telephone; location—West Dover, Ohio; operating assignment specified—Frequency, 2182, 4282.5 kc calling; 2514, 2572, 2738, 4282.5 kc working; power, 400 w night; 600 w day; hours of operation, unlimited during season of Great Lakes navigation.*

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described applications and has designated the matters for hearing for the following reasons:

1. To determine the legal, technical, financial, and other qualifications of the applicant.
2. To determine whether the frequencies applied for are available for use as requested.
3. To determine whether the station equipment and mode of operation conform to good engineering practice.
4. To determine the need for the type of service proposed.
5. To determine whether interference would be caused to any existing station in this or other services.
6. To determine whether public interest, convenience and necessity would be served.

The applications involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure.[1] Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.[2]

The applicant's address is as follows: Radiomarine Corporation of America, % RCA Frequency Bureau, 30 Rockefeller Plaza, New York, N. Y.

Dated at Washington, D. C. September 8, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-3320; Filed, September 11, 1939; 10:56 a. m.]

## FEDERAL POWER COMMISSION.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

[Docket No. G-137]

IN THE MATTER OF UNIFORM SYSTEM OF ACCOUNTS TO BE PRESCRIBED FOR NATURAL-GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT

ORDER FIXING DATE FOR HEARING

SEPTEMBER 6, 1939.

It appearing to the Commission that:

(a) Section 8 (a) of the Natural Gas Act authorizes the Commission to prescribe a system of accounts to be kept by natural-gas companies and to classify such natural-gas companies and prescribe a system of accounts for each class;

(b) A tentative draft, dated May 15, 1939, of a uniform system of accounts to be prescribed for natural-gas companies subject to the provisions of the Natural Gas Act, has been prepared;

(c) On June 20, 1939, copies of said tentative draft were sent by the Commission to State commissions, natural-gas companies and other interested persons and organizations and comments and suggestions with respect thereto were requested to be filed with the Commission on or before July 10, 1939;

(d) The Commission has received comments and suggestions with respect to said tentative draft from certain State commissions, natural-gas companies and others;

(e) It is appropriate in the public interest that a public hearing be held with respect to the adoption of said proposed system of accounts in order to provide an opportunity for natural-gas companies, State commissions, and persons, corporations or organizations having an interest in the matter to appear and be heard with respect to the adoption of said system of accounts;

The Commission orders that:

(a) A public hearing be held on September 27, 1939, at 10 o'clock a. m. in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N.W., Washington, D. C., for the purpose of receiving evidence with respect to the adoption of the proposed uniform system of accounts for natural-gas companies from any State commission, natural-gas company, or person, corporation, or organization having an interest in the matter;

(b) The Secretary of the Commission shall cause this order to be forthwith published in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3305; Filed, September 9, 1939; 9:07 a. m.]

[Docket No. ID-448]

IN THE MATTER OF D. EDGAR MANSON

ORDER FIXING DATE OF HEARING

SEPTEMBER 8, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) Upon application, and supplements thereto, filed by the above-named applicant pursuant to Section 305 (b) of the Federal Power Act for authorization to hold certain interlocking positions within the purview of Section 305 (b), the Commission has heretofore authorized the said applicant to hold said positions and that the orders of authorization heretofore made reserve to the Commission the right to require the applicant to make further showing that neither public nor private interests will be adversely affected by reason of the applicant holding said positions;

(b) It is in the public interest that the above-named applicant make further showing at this time that neither public nor private interests will be adversely affected by reason of his holding said positions;

(c) Such further showing can best be made in the form and manner of a public hearing held for that purpose;

The Commission orders that:

A public hearing on said application be held beginning the 25th day of September, 1939, at 10:00 A. M., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N.W., Washington, D. C., and that at said hearing the above-named applicant make further showing that neither public nor private interests will be adversely affected by reason of his holding positions within the purview of Section 305(b) of the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3315; Filed, September 11, 1939; 9:35 a. m.]

[Docket No. IT-5580]

IN THE MATTER OF NEW ENGLAND POWER COMPANY

ORDER POSTPONING HEARING

SEPTEMBER 8, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

By order of the Commission, adopted July 26, 1939, a public hearing in the above-entitled proceeding was set for September 13, 1939;[1]

The Commission, on its own motion, orders that:

The aforesaid public hearing be and the same is hereby postponed to September 25, 1939, at 10:00 A. M., in the Commission's hearing room at 1757 K Street, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3314; Filed, September 11, 1939; 9:35 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of August, A. D. 1939.

[File Nos. 43-177, 64-1]

IN THE MATTER OF HUNTINGTON DEVELOPMENT AND GAS COMPANY AND COLUMBIA GAS & ELECTRIC CORPORATION

ORDER MAKING DECLARATION EFFECTIVE AND APPROVING APPLICATION

Huntington Development and Gas Company, a subsidiary of Columbia Gas & Electric Corporation, a registered holding

[1] 4 F.R. 3350 DI.
[2] 4 F.R. 3344 DI.

[1] 4 F.R. 3476 DI.

company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the reduction of the par value of its 40,000 shares of common stock from $100 per share to $50 per share;

Said Columbia Gas & Electric Corporation having filed an application pursuant to Instruction 8C to the Uniform System of Accounts for Public Utility Holding Companies, promulgated under Section 15 of said Act requesting approval of proposed entries to record the transfer to Columbia Gas & Electric Corporation of the stocks of Huntington Development and Gas Company, and other assets of the former Huntington Gas Company, which last named company is now dissolved;

A joint public hearing on said declaration and application having been held after appropriate notice; the said declarant and applicant prior to the filing of the Commission's findings, opinion and order herein, having waived a Trial Examiner's report, the right to submit findings of fact to the Commission, and to have submitted to them proposed findings of fact by counsel to the Commission, and the right to file briefs and have oral argument before the Commission; the Commission having considered the record in these matters and having filed its findings and opinion herein;

*It is ordered*, That the declaration of Huntington Development and Gas Company be and become effective subject to the following terms and conditions:

(1) No charge (other than the charge proposed to be made to eliminate the deficit in declarant's earned surplus account) shall be made to Special Capital Surplus unless (a) such charge has previously been authorized by appropriate resolution of declarant's board of directors and (b) subsequent to such resolution of the board of directors, thirty days' prior notice of the making of such charge be given to this Commission. The Commission reserves jurisdiction, on receipt of such notice, in and as part of the proceedings herein, after notice given within such thirty days and opportunity for hearing, to disapprove such charge on the basis of the record herein and any additional evidence that may be adduced by any interested party; and in the event that the Commission shall notify declarant to show cause why such charge should not be disapproved, the charge in question shall not be made until expressly authorized by order of this Commission.

*It is further ordered*, That the application of Columbia Gas & Electric Corporation be and the same hereby is approved, subject to the following terms and conditions:

(1) The reserve of $3,342,465.24 which Columbia Gas & Electric Corporation is setting up against its investment in Huntington Development and Gas Company shall be carried on the consolidated balance sheet as a reserve against consolidated property account.

(2) No charge to this reserve (other than the charges presently proposed to be made) shall be made unless (a) such charge has previously been authorized by appropriate resolution of applicant's board of directors, and (b) subsequent to such resolution of the board of directors, thirty days' prior notice of the making of such charge be given to this Commission. The Commission reserves jurisdiction, on receipt of such notice, in and as part of the proceedings herein, after notice given within such thirty days and opportunity for hearing, to disapprove such charge on the basis of the record herein and any additional evidence that may be adduced by any interested party; and in the event that the Commission shall notify applicant to show cause why such charge should not be disapproved, the charge in question shall not be made until expressly authorized by order of this Commission.

(3) This Commission reserves the right to require additional charges, on account of items in Columbia Gas & Electric Company's investment in Huntington Development and Gas Company to this reserve, other than those now proposed by applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3307; Filed, September 9, 1939; 10:49 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of September, A. D. 1939.

[File No. 46-70]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION LIMITED, ET AL

ORDER RELATIVE TO ACQUISITION OF BONDS

The Commission having by order on May 20, 1939 (Holding Company Act Release No. 1548) authorized the Utilities Power & Light Corporation, Limited, a wholly-owned subsidiary of Utilities Power & Light Corporation, a registered holding company (presently in reorganization proceedings under Section 77B of the Bankruptcy Act, proceedings in which are pending in the District Court of the United States for the Northern District of Illinois, Eastern Division) and the Trustee of the estate of the debtor as intervening applicant, to acquire the outstanding Twenty Year 6% First Mortgage Sinking Fund Gold Bonds of Utilities Elkhorn Coal Company, due July 1, 1948, with January 1, 1938 and subsequent coupons attached, at a price of 70% of the principal amount thereof subject to certain terms and conditions therein set forth including the condition that the offer of purchase shall expire thirty days from the date of mailing of the literature in which the offer to purchase and the solicitation of acceptances thereto were made;

The applicant and the intervening applicant having on July 20, 1939, filed a further amendment in this matter setting forth that at the close of business July 7, 1939, the applicant had acquired, pursuant to solicitation submitted after authority given by this Commission and the United States District Court for the Northern District of Illinois, Eastern Division, $903,000 principal amount of said bonds; that a balance of $210,000 principal amount of said bonds remained outstanding in the hands of the public; that under the order of this Commission the right to solicit the purchase of these bonds terminated July 13, 1939; that the applicant and intervening applicant believed that after an additional thirty days time is granted to said applicant and intervening applicant for the purpose of soliciting the acceptance of the offer to purchase such bonds from the remaining bondholders, all or substantially all of said remaining bonds could have been acquired; and therefore requesting that this Commission extend the applicant's right to solicit acceptances of its offer to purchase Elkhorn bonds at a price of 70% of the principal amount subject to all of the terms and conditions of the previous order of this Commission heretofore mentioned; and this Commission having by order dated July 13, 1939 (Holding Company Act Release No. 1628) granted said extension to August 12, 1939;

The applicant and the intervening applicant having on September 8, 1939 filed a further amendment in this matter setting forth that at the close of business on August 12, 1939 the applicant had acquired $935,700 of the Gold Bonds above mentioned, and requesting that this Commission extend to and including November 30, 1939 the applicant's right to solicit acceptances of its offer to purchase said Bonds subject to the terms and conditions of the previous orders of this Commission;

It appearing to the Commission that it is in the public interest and in the interest of investors or consumers to grant an extension of time during which the applicant and intervening applicant may purchase said bonds; and the Commission having in its orders, heretofore mentioned, reserved jurisdiction for the purpose, among others, of passing upon any question that might arise in connection with the purchase offer and solicitations of acceptances thereto;

*It is ordered*, That the authority of the applicant to acquire the Twenty Year 6% First Mortgage Sinking Fund Gold Bonds of Utilities Elkhorn Coal Company, due July 1, 1948, with January 1, 1938 and subsequent coupons attached, shall be and it hereby is extended to November 30, 1939, inclusive, subject in all other respects to the same terms and conditions of the original order of May 20, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3321; Filed, September 11, 1939; 11:25 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1939.

[File No. 44-44]

IN THE MATTER OF MIDDLE WEST UTILITIES COMPANY OF CANADA, LIMITED

NOTICE OF AND ORDER FOR HEARING

An application pursuant to Rule U-12C-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;



*It is ordered*, That a hearing on such matter be held on September 28, 1939, at 9:45 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 23, 1939.

The matter concerned herewith is in regard to the acquisition for retirement by applicant of 7,400 shares of its outstanding $7 Cumulative Preference Stock, par value $100, for cash at $80 per share. Such shares are to be acquired from The Middle West Corporation, a registered holding company, which owns all of applicant's outstanding securities, including 14,000 shares of $7 Cumulative Preference Stock presently outstanding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3330; Filed, September 11, 1939; 12:37 p. m.]

SEP 14 1939

SEP 14 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 176

*Washington, Wednesday, September 13, 1939*


## The President

SUSPENSION OF OPERATION OF TITLE II OF THE SUGAR ACT OF 1937

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 509 of the Sugar Act of 1937 provides, in part:

"Whenever the President finds and proclaims that a national economic or other emergency exists with respect to sugar or liquid sugar, he shall by proclamation suspend the operation of Title II or III above, which he determines, on the basis of such findings, should be suspended, and, thereafter, the operation of any such title shall continue in suspense until the President finds and proclaims that the facts which occasioned such suspension no longer exist. * * *";

WHEREAS the outbreak of war among major European countries has resulted in excessive and harmful speculation in sugar and rapidly rising prices to consumers, which conditions are accentuated by the marketing limitations imposed under title II of the Act; and

WHEREAS such increased prices of sugar will not accrue to the benefit of the majority of producers by reason of the sale of much of their current crop before the outbreak of the war:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of the Sugar Act of 1937, do hereby find and proclaim that a national economic emergency exists with respect to sugar, and do by this proclamation suspend the operation of title II of that Act.

DONE at the City of Washington this 11th day of September in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2361]

[F. R. Doc. 39-3343; Filed, September 12, 1939; 12:12 p. m.]

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### EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE ENFORCEMENT OF THE NEUTRALITY OF THE UNITED STATES

WHEREAS, under the treaties of the United States and the law of nations it is the duty of the United States, in any war in which the United States is a neutral, not to permit the commission of unneutral acts within the jurisdiction of the United States;

AND WHEREAS, a proclamation was issued by me on the 10th day of September[1] declaring the neutrality of the United States of America in the war now existing between Germany, on the one hand, and Canada, on the other hand:

NOW, THEREFORE, in order to make more effective the enforcement of the provisions of said treaties, law of nations, and proclamation, I hereby prescribe that the provisions of my Executive Order No. 8233 of September 5, 1939,[2] prescribing regulations governing the enforcement of the neutrality of the United States, apply equally in respect to Canada.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 10, 1939.*

[No. 8249]

[F. R. Doc. 39-3331; Filed, September 11, 1939; 2:55 p. m.]

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[1] 4 F.R. 3857 DI.
[2] 4 F.R. 3822 DI.

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FEDERAL REGISTER

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REVOCATION OF EXECUTIVE ORDER NO. 2006 OF JULY 30, 1914, PLACING CERTAIN LAND UNDER THE JURISDICTION OF THE SECRETARY OF THE NAVY FOR USE AS A NAVAL RADIO STATION

CANAL ZONE

By virtue of the authority vested in me by section 5 of title 2 of the Canal Zone Code, approved June 19, 1934, and as President of the United States, Executive Order No. 2006 of July 30, 1914, placing certain land in the Canal Zone, at Darien, under the control of the Secretary of the Navy for use as a naval radio station, is hereby revoked, and such land returned to the control and jurisdiction of the Governor of The Panama Canal.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 11, 1939.*

[No. 8250]

[F. R. Doc. 39-3333; Filed, September 12, 1939; 10:24 a. m.]

REGULATION CONCERNING CREDITS TO BELLIGERENTS

I hereby prescribe that the provisions of my regulation of September 6, 1939,[1] concerning credits to France; Germany; Poland; and the United Kingdom, India, Australia and New Zealand shall henceforth apply equally in respect to credits to Canada and the Union of South Africa.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 11, 1939.*

[F. R. Doc. 39-3334; Filed, September 12, 1939; 11:39 a. m.]

## *Rules, Regulations, Orders*

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3443]

IN THE MATTER OF E. A. HOFFMAN CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be, or may be, made by means of a lottery, gaming device, or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, E. A. Hoffman Candy Company, Docket 3443, September 2, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, dealers with assortments of candy together with push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing said candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, E. A. Hoffman Candy Company, Docket 3443, September 2, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, dealers with push or pull cards, punch boards or other lottery devices, either with assortments of candy or other merchandise, or separately, which said push or pull cards, punch boards or other lottery devices are to be, or may be, used in selling or distributing said candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, E. A. Hoffman Candy Company, Docket 3443, September 2, 1939].

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, candy or any other merchandise by use of push or pull cards, punch boards or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, E. A. Hoffman Candy Company, Docket 3443, September 2, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Charles P. Vicini, an examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint (respondent having offered no testimony or other evidence in opposition to the allegations of the said complaint), brief of counsel for the Commission filed herein (respondent having filed no brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, E. A. Hoffman Candy Company, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy or any other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be made or may be made by means of a lottery, gaming device, or gift enterprise.

(2) Supplying to or placing in the hands of dealers assortments of candy together with push or pull cards, punch boards or other lottery devices which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing said candy or other merchandise to the general public.

(3) Supplying to or placing in the hands of dealers push or pull cards, punch boards or other lottery devices either with assortments of candy or other merchandise or separately which said push or pull cards, punch boards or other lottery devices are to be used or may be used in selling or distributing said candy or other merchandise to the general public.

(4) Selling or otherwise disposing of said candy or any other merchandise by use of push or pull cards or other lottery devices.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3339; Filed, September 12, 1939; 11:41 a. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49958]

COUNTERVAILING DUTIES ON IMPORTATIONS FROM GERMANY

KIND AND FORM OF EVIDENCE PRESCRIBED UPON WHICH COLLECTORS OF CUSTOMS MAY DISREGARD THE REQUIREMENTS WITH RESPECT TO THE DEPOSIT OF ESTIMATED ADDITIONAL DUTIES AND THE SUSPENSION OF LIQUIDATION OF ENTRIES PENDING REPORT OF THE PERTINENT FACTS TO THE BUREAU

SEPTEMBER 11, 1939.

*To Collectors of Customs and Others Concerned:*

Reference is made to T.D. 49821 of March 18, 1939,[1] giving notice of countervailing duties to be imposed under section 303 of the Tariff Act of 1930 by reason of the payment or bestowal of a bounty or grant upon the exportation of certain goods from Germany, and numbered paragraph (2) of T.D. 49849 of April 24, 1939,[2] wherein collectors of customs were authorized to disregard the provisions of T.D. 49821 in certain cases.

Collectors of customs may disregard the requirements of T.D. 49821 with respect to the deposit of estimated additional duties and the suspension of liquidation pending report of the pertinent facts to the Bureau in those cases in which there is presented by the importer evidence in the following form which satisfies them that the full purchase price of the imported merchandise has been paid or irrevocably and unconditionally secured to be paid in dollars or free reichsmarks, and that no bounty or grant within the purview of T.D. 49821 has been or will be paid or bestowed in respect of the merchandise:

(1) The consular invoice, or an original or a carbon or photostatic copy of the commercial invoice, showing clearly the amount and kind of currency to be remitted in payment for the goods.

(2) A fully executed countervailing duty declaration in accordance with the provisions of T.D. 49878 of June 3, 1939.[3]

(3) A memorandum, debit notice, or other written statement of the bank through which payment for the goods has been made, showing clearly that the purchaser in the United States has paid to the seller in Germany the exact amount of the invoice in dollars or free reichsmarks through the medium of a cable transfer or a bank draft drawn for the account of the purchaser on a German bank in favor of the seller of the merchandise; or that the bank has accepted a sight draft for such amount drawn by the seller against an irrevocable letter of credit issued by the bank for the account of the purchaser in favor of the seller; or that an accepted time draft for such amount has been discounted or negotiated by a bank in Germany; or that an accepted time draft for such amount in favor of the seller has been drawn against an irrevocable letter of credit or its payment otherwise secured by a bank.

The deposit of estimated countervailing duties or suspension of liquidation shall be waived on the basis of the above-described evidence only if the collector is thereby satisfied not only that the purchaser has made or irrevocably and unconditionally secured payment, but also that such payment in full has been received or irrevocably and unconditionally secured to be received by the seller in Germany.

Where payment is made or to be made to the German seller or for his account in the United States or in any country other than Germany, or in a currency other than dollars or free reichsmarks, the deposit of estimated countervailing duties should be required and the entry and related papers forwarded to the Bureau for a decision.

The Bureau is satisfied that, in the case of merchandise of other than German origin imported from countries other than Germany in dutiable containers of German origin, the assessment of countervailing duties is not warranted, and you are therefore authorized to liquidate such entries without assessing countervailing duties and without referring the entry and papers to the Bureau.

[SEAL] W. R. JOHNSON,
*Acting Commissioner of Customs.*

[F. R. Doc. 39-3332; Filed, September 12, 1939; 9:22 a. m.]

[1] 4 F.R. 1301 DI.
[2] 4 F.R. 1693 DI.
[3] 4 F.R. 2310 DI.

TITLE 22—FOREIGN RELATIONS

DEPARTMENT OF STATE

RULES AND REGULATIONS GOVERNING THE SOLICITATION AND COLLECTION OF CONTRIBUTIONS FOR USE IN CANADA

SEPTEMBER 11, 1939.

The Secretary of State announces that the rules and regulations under the provisions of Section 3 (a) of the Joint Resolution of Congress approved May 1, 1937, in regard to the solicitation and collection of funds for use in France; Germany; Poland; and the United Kingdom, India, Australia, and New Zealand, which he promulgated on September 5, 1939,[1] henceforth apply equally in respect to the solicitation and collection of funds for use in Canada.

[SEAL] CORDELL HULL.

[F. R. Doc. 39-3336; Filed, September 12, 1939; 11:39 a. m.]

REGULATIONS UNDER SECTION 9 OF THE JOINT RESOLUTION OF CONGRESS APPROVED MAY 1, 1937

SEPTEMBER 11, 1939.

The Secretary of State announces that the regulations under section 9 of the joint resolution of Congress approved May 1, 1937, which he promulgated on September 5, 1939,[2] henceforth apply equally in respect to travel by citizens of the United States on vessels of Canada.

[SEAL] CORDELL HULL.

[F. R. Doc. 39-3335; Filed, September 12, 1939; 11:39 a. m.]

SUPPLEMENT TO THE PAMPHLET, "INTERNATIONAL TRAFFIC IN ARMS—LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR AND OTHER MUNITIONS OF WAR."

PART XI—SPECIAL PROVISIONS IN REGARD TO EXPORTATION TO CANADA

SEPTEMBER 11, 1939.

The Secretary of State announces that the special provisions in regard to exportation to France; Germany; Poland; and the United Kingdom, India, Australia and New Zealand, promulgated on September 5, 1939,[2] and set forth in Part IX of this pamphlet, henceforth apply equally in respect to Canada.

[SEAL] CORDELL HULL.

[F. R. Doc. 39-3337; Filed, September 12, 1939; 11:39 a. m.]

[1] 4 F.R. 3839 DI.
[2] 4 F.R. 3838 DI.

[1] 4 F.R. 3852 DI.

[Departmental Order No. 811]

REGULATIONS CONCERNING THE VALIDATION AND ISSUANCE OF PASSPORTS FOR USE IN EUROPEAN COUNTRIES

By virtue of and pursuant to the authority vested in me by Section I of the Act of July 3, 1926, 44 Stat. 887 (U.S.C., Title 22, Section 211a), and by Executive Order No. 7856 of March 31, 1938,[1] prescribing rules governing the granting and issuing of passports in the United States, I, the undersigned, Secretary of State of the United States, hereby prescribe the following regulations:

No passport heretofore issued shall be valid for use in traveling from the United States to any country in Europe unless it is submitted to the Department of State for validation.

Before the Department of State will validate any passport heretofore issued for use in any country in Europe, it will be necessary for the person to whom the passport was issued to submit documentary evidence concerning the imperativeness of his proposed travel. A person who desires to travel in Europe for commercial purposes must support his application for the validation of his passport or for the issue of a passport with a letter from the head of the firm in the interests of which he intends to go to Europe. Such letter must state not only the names of the European countries which the applicant expects to visit and the objects of his visits thereto, but in addition, whether or not the applicant is a salaried employee of the firm concerned; and if so, how long he has been known to the firm and for what period of time he has been in its employ. If the applicant is going to Europe on a commission and not a salary basis, that fact also should be specifically stated. If the applicant for a passport is himself the head of the concern for which he is going to Europe, he must submit a letter from another officer of the concern or a letter from the head of some other reputable concern who has had business transactions with the applicant and has knowledge of the business in which the applicant is engaged and the object and necessity of his proposed trip to Europe.

An applicant who is going to Europe for any purpose other than commercial business must satisfy the Department of State that it is imperative that he go, and he must submit satisfactory documentary evidence substantiating his statement concerning the imperativeness of his proposed trip.

In view of the exigencies of the present situation and the consequent necessity of exercising the greatest care in the validation of passports or the issue of new passports, the Department of State will be obliged to hold applicants and firms responsible for any false or misleading statements made by them in connection with applications for passports, and any such false or misleading statements would be in violation of Section 220 of Title 22 of the U.S. Code, which reads as follows:

Whoever shall willfully and knowingly make any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, or whoever shall willfully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be fined not more than $2,000 or imprisoned not more than five years or both.

Women and children will not be included in passports issued to their husbands or fathers unless the urgent and imperative necessity of accompanying them is conclusively established.

Passports will not, as a rule, be validated or issued for travel in opposing belligerent countries.

Should a person now having a valid passport proceed to any European country without first having submitted his passport to the Department of State for validation, the protection of the United States may be withheld from him while he is abroad.

Should a person to whom a passport has been issued use it in violation of the conditions or restrictions contained therein, the protection of the United States may likewise be withheld from him while he is abroad and he will be liable for prosecution under the provisions of Section 221 of Title 22 of the U.S. Code, which reads in part as follows:

• • • whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports, which said rules shall be printed on the passport; • • • shall be fined not more than $2,000 or imprisoned not more than five years, or both.

Hereafter when a passport is validated for or issued for use in Europe, its validity shall be restricted to the period necessary to accomplish the purpose of the intended visit to Europe but in no case beyond a period of six months.

Passports in possession of persons now residing abroad shall in due course be submitted to American consular officers for appropriate endorsement under special instructions to be sent to such officers at a later date.

CORDELL HULL.

SEPTEMBER 4, 1939.

[F. R. Doc. 39-3341; Filed, September 12, 1939; 11:50 a. m.]

[1] 3 F.R. 799 DI.

## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4987]

REGULATIONS 90, AS AMENDED, RELATING TO THE EXCISE TAX ON EMPLOYERS UNDER TITLE IX OF THE SOCIAL SECURITY ACT, FURTHER AMENDED

CREDITS AGAINST, AND REFUNDS OF, THE TAX IMPOSED BY TITLE IX OF THE SOCIAL SECURITY ACT FOR THE CALENDAR YEARS 1936, 1937, AND 1938

*To Collectors of Internal Revenue and Others Concerned:*

In order to conform Regulations 90,[1] approved February 17, 1936 [Part 400, Title 26, Code of Federal Regulations], as amended, to section 902 (a), (b), (c), (d), and (h) of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.), such regulations are further amended as follows:

(1) Immediately preceding article 211, as amended by Treasury Decision 4812,[2] approved June 18, 1938 [section 400.211, Title 26, Code of Federal Regulations, 1938 Sup.], the following is inserted:

SECTION 902 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

(a) Against the tax imposed by section 901 of the Social Security Act for the calendar year 1936, 1937, or 1938, any taxpayer shall be allowed credit for the amount of contributions, with respect to employment during such year, paid by him into an unemployment fund under a State law—

(1) Before the sixtieth day after the date of the enactment of this Act;

(2) On or after such sixtieth day, with respect to wages paid after the fortieth day after such date of enactment;

(3) Without regard to the date of payment, if the assets of the taxpayer are, at any time during the fifty-nine-day period following such date of enactment, in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

(b) Upon the payment of contributions into the unemployment fund of a State which are required under the unemployment compensation law of that State with respect to remuneration on the basis of which, prior to such payment into the proper fund, the taxpayer erroneously paid an amount as contributions under another unemployment compensation law, the payment into the proper fund shall, for purposes of credit against the tax imposed by section 901 of the Social Security Act for the calendar years 1936, 1937, and 1938, respectively, be deemed to have been made as of the time of the erroneous payment. If, by reason of such other law, the taxpayer was entitled to cease paying contributions with respect to services, subject to such other law, the payment into the proper fund shall, for purposes of credit against the tax, be deemed to have been made on the date the return for the taxable year was filed under section 905 of the Social Security Act.

(c) The provisions of the Social Security Act in force prior to February 11, 1939 (except the provisions limiting the credit to amounts paid before the date of filing returns) shall apply to allowance of credit under subsections (a), (b), and (h), and the terms used in such subsections shall have the same meaning as when used in title IX of the Social Security Act prior to such date. The total credit allowable against the tax imposed by section 901 of such Act for the calendar years 1936, 1937, and 1938, respectively, shall not exceed 90 per centum of such tax.

• • • • •

(h) Notwithstanding the provision of section 907 (f) of the Social Security Act limiting the term "contributions" to payments required by a State law, credit shall be permitted against the tax imposed by section 901 of such Act for the calendar year 1936 or 1937, for so much of any payments made as contributions for such year into the unemployment fund of a State which are held by the highest court of such State not to be required payments under the unemployment compensation law of such State if they are not returned to the taxpayer. So much of such payments as are not so returned shall be considered to be "contributions" for the purposes of section 903 of such Act. The periods of limitations prescribed by section 3312 (a) of the Internal Revenue Code shall not begin to run, in the case of the tax for such year of any taxpayer to whom any such payment is returned, until the last such payment is returned to the taxpayer.

• • • • •

(2) Article 211, as amended by Treasury Decision 4812, approved June 18, 1938 [section 400.211, Title 26, Code of Federal Regulations, 1938 Sup.], is further amended to read as follows:

ART. 211. *Credit of contributions against tax for calendar years 1936, 1937, and 1938—(a) General.* Subject to the limitations hereinafter prescribed in paragraph (b), the taxpayer may credit against the tax for the calendar year 1936, 1937, or 1938 the total amount of his contributions under all State laws which have been found by the Social Security Board to contain the provisions specified in section 903 (a) of the Social Security Act; provided that no credit may be taken for a contribution under a State law if such State has not been duly certified for the calendar year to the Secretary by the Social Security Board.

"(b) *Limitations on allowance of contributions as credit against tax.* The allowance of contributions as credit against the tax for the calendar year 1936, 1937, or 1938 is subject to the following limitations:

"(1) The total credit allowed to any taxpayer for contributions to State unemployment funds with respect to employment during any one year shall not exceed 90 percent of the tax against which such credit is applied.

"(2) The contributions must have been actually paid into the State unemployment fund. Such payment must have been made before October 9, 1939, except that:

"(i) The contributions with respect to wages paid after September 19, 1939 (for employment during the calendar year 1936, 1937, or 1938), may be paid into the State fund on or after October 9, 1939, subject, however, to the provisions of article 503 of these regulations [section 400.503, Title 26, Code of Federal Regulations], relating to the statutory period of limitations applicable to credits.

"(ii) The contributions of a taxpayer whose assets, at any time during the period August 11, 1939, to October 8, 1939, inclusive, are in the custody or control of a receiver, trustee, or fiduciary appointed by, or under the control of, a court of competent jurisdiction, may be paid into the State fund at any time, subject, however, to the provisions of article 503 of these regulations [section 400.503, Title 26, Code of Federal Regulations], relating to the statutory period of limitations applicable to credits.

"(iii) The contributions paid into the unemployed fund of a State which are required under the unemployment compensation law of that State, with respect to remuneration on the basis of which the taxpayer had, prior to such payment, erroneously paid an amount as contributions under another unemployment compensation law, shall be deemed to have been made at the time of the erroneous payment. If, by reason of such other law, the taxpayer was entitled to cease paying contributions with respect to services subject to such other law, the payment into the proper fund shall be deemed to have been made on the date the return for the taxable year was actually filed under section 905 of the Social Security Act.

"(3) The contributions must have been paid with respect to employment as defined in section 907 (c) of the Social Security Act, that is, with respect to services performed by an employee within the United States and not excepted by such Act. (See articles 206 to 206 (7) [sections 400.206 to 400.206 (7), Title 26, Code of Federal Regulations], inclusive.)

"(4) The contributions must have been paid with respect to services performed during the calendar year covered by the return.

"(c) *Contributions.* The term 'contributions' for purposes of credit against the tax means payments required to be made by an employer pursuant to a State law into the unemployment fund of such State, to the extent that such payments are made by the employer without any part thereof being deducted or deductible from the wages of individuals in his employ. Notwithstanding the provision limiting the term to payments required by a State law, the term also includes so much of any payments made as contributions for the calendar year 1936 or 1937 into the unemployment fund of a State which payments are held by the highest court of such State not to be required payments under the unemployment compensation law of such State, as are not returned to the taxpayer.

"(d) If, subsequent to the filing of the return, a refund is made by a State to the taxpayer of any part of his contributions which had been credited against the tax, the taxpayer is required to advise the Commissioner under oath of the date and amount of such refund and the reason therefor, and to pay the tax, if any, due as a result of such refund, together with interest from the date when the tax was due."

(3) Immediately preceding article 503½ as added by Treasury Decision 4812, approved June 18, 1938 [section 400.503½, Title 26, Code of Federal Regulations, 1938 Sup.], the following is inserted:

SECTION 902 (D) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

Refund of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under subsections (a), (b), and (h), may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund.

(4) Article 503½, as added by Treasury Decision 4812, approved June 18, 1938 [section 400.503½ Title 26, Code of Federal Regulations, 1938 Sup.], is amended to read as follows:

"ART. 503½. *Refund under section 902 (d) of the Social Security Act Amendments of 1939.* (a) If the tax against which an amount is allowable as credit under section 902 (a), (b), and (h) of the Social Security Act Amendments of 1939 (see article 211, as amended [section 400.211, Title 26, Code of Federal Regulations, 1939 Sup.]) has been paid without the benefit of such credit, the taxpayer shall be entitled to a refund of the tax equal to the amount of such allowable credit. The taxpayer shall also be entitled to a refund of the amount of interest or penalty, if any, collected from him with respect to the amount of tax refunded. No interest, however, shall be allowed or paid by the Government on the amount of any such refund.

"(b) Every claim for refund under section 902 (d) of the Social Security Act Amendments of 1939 shall be made on Form 843 in accordance with the provisions of this article and article 503 [section 400.503, Title 26, Code of Federal Regulations]. A claim which does not comply with these requirements will not be considered for any purpose as a claim for refund."

This Treasury Decision is effective only with respect to the tax imposed by Title IX of the Social Security Act for the calendar years 1936, 1937, and 1938. For provisions with respect to subsequent calendar years, see the Federal Unemployment Tax Act (subchapter C of chapter 9 of the Internal Revenue Code, as amended by the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.)).

(This Treasury Decision is issued under the authority contained in section 902 (c) of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.) and section 908 of the Social Security Act (49 Stat. 643; 42 U.S.C., Sup. IV, 1108); and interprets section 902 (a),

[1] 1 F.R. 2.
[2] 3 F.R. 1463 DI.

(b), (c), (d), and (h) of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.), and sections 902 and 907 of the Social Security Act (49 Stat. 639, 642; 42 U.S.C., Sup. IV, 1102, 1107).)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 9, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3344; Filed, September 12, 1939; 12:48 p. m.]

## *Notices*

## DEPARTMENT OF AGRICULTURE.

### Sugar Division.

NOTICE OF SECRETARY OF AGRICULTURE PURSUANT TO THE TRADE AGREEMENT WITH CUBA

Whereas the note to paragraph 501 of Schedule II of the trade agreement between the United States of America and Cuba, signed August 24, 1934, provides as follows:

"If and when the quota provisions of the Act 'to include sugar beets and sugar cane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes', approved May 9, 1934, become inoperative, and the Secretary of Agriculture gives public notice that no equivalent limitation on the importation of any article subject to that Act has been imposed, the duty on any such article imported into the United States of America from the Republic of Cuba shall be determined as though such article were not enumerated and described in this Schedule; provided, however, that such rate of duty shall not exceed that imposed on the day of the signature of this Agreement."

and

Whereas the President of the United States of America, acting pursuant to Section 509 of the Sugar Act of 1937 (which continued, in substance, the quota provisions of the act "to include sugar beets and sugarcane as basic agricultural commodities under the Agricultural Adjustment Act, and for other purposes", approved May 9, 1934), has suspended the operation of the quota provisions of that act.[1]

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, do hereby give public notice that no equivalent limitation on the importation of any article subject to the Sugar Act of 1937 has been imposed for the period of suspension of the quota provisions of that act.

Done at Washington, D. C., this 11th day of September 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Effective 11:00 p. m., September 11, 1939.

[F. R. Doc. 39-3345; Filed, September 12, 1939; 12:54 p. m.]

[1] See page 3889.

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 18, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated herein below.

NAME AND ADDRESS OF FIRM

Adams-Millis Corporation (Plant No. 1), English Street, High Point, North Carolina.

Adams-Millis Corporation (Plant No. 2), Grimes Street, High Point, North Carolina.

Adams-Millis Corporation (Plant No. 3), Washington Street, High Point, North Carolina.

Adams-Millis Corporation (Plant No. 4), Bodenheimer Street, Kernersville, North Carolina.

Adams-Millis Corporation (Plant No. 7), English Street, High Point, North Carolina.

Adams-Millis Corporation (Plant No. 8), Tryon, North Carolina.

Archer Hosiery Mills, Columbus, Georgia.

Asheville Hosiery Company, Asheville, North Carolina (4 learners).

Bear Brand Hosiery Company, Gary, Indiana.

Bear Brand Hosiery Company, Henderson, Kentucky (9 learners).

Bear Brand Hosiery Company, Kankakee, Illinois.

Best Made Silk Hosiery Company, Quakertown, Pennsylvania.

Boston Mills, Inc., Watertown, Massachusetts (4 learners).

Browning Hosiery Mills, Bridgeport, Alabama.

Claussner Hosiery Company, Paducah, Kentucky.

Concord Knitting Company, Concord, North Carolina.

Dayton Hosiery Mills, Dayton, Tennessee.

Egg Harbor Knitting Mills, Inc., Egg Harbor City, New Jersey (5 learners).

Glen Raven Knitting Mills, Altamshaw, North Carolina.

Gloucester Knitting Mills, Gloucester, Massachusetts.

Hanes Hosiery Mills Company, Winston-Salem, North Carolina.

Holeproof Hosiery Company, Milwaukee, Wisconsin.

Huffman Full Fashioned Mills, Inc., Morganton, North Carolina (5 learners).

James Knitting Mills Company, Hickory, North Carolina (5 learners).

McLaurin Hosiery Mills, Inc., Asheboro, North Carolina.

Massachusetts Knitting Mills, Inc., Jamaica Plain, Massachusetts (41 learners).

Miller-Smith Hosiery Mills, Chattanooga, Tennessee.

Miller-Smith Hosiery Mills, Etowah, Tennessee.

Miller-Smith Hosiery Mills, Kingsport, Tennessee (5 learners).

Morganton Full Fashioned Hosiery Company, Morganton, North Carolina.

Peerless Hosiery Mills, Inc., Burlington, North Carolina (5 learners).

Pocomoke Textiles, Inc., Pocomoke City, Maryland (5 learners).

Princeton Hosiery Mills, Princeton, Kentucky.

Pure Silk Hosiery Mills, Inc., Panama City, Florida (4 learners).

The Robbins Knitting Company, Spruce Pine, North Carolina (25 learners).

Rome Hosiery Mills, Rome, Georgia.

Silkay Hosiery Mills, Allentown, Pennsylvania.

Veital Hosiery Company, Le Roy, New York (5 learners).

Whitehall Knitting Mills, Mount Holly, North Carolina.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended.[1] For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 12th day of September 1939.

MERLE D. VINCENT,
*Chief of Hearings and Exemption Section.*

[1] 4 F.R. 2068 DL

[F. R. Doc. 39-3342; Filed, September 12, 1939; 12:05 p. m.]



## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

[Docket No. 3886]

IN THE MATTER OF GENERAL MOTORS CORPORATION AND AC SPARK PLUG COMPANY

COMPLAINT

The Federal Trade Commission, having reason to believe that the General Motors Corporation, a corporation, and AC Spark Plug Company, a corporation, and each of them, jointly and severally, are violating, and since June 19, 1936, have violated, the provisions of Sections 2 (a), 2 (d), and 3 of the Clayton Act as amended by the Robinson-Patman Act (U.S.C. Title 15, Sections 13 and 14) and have been and are using unfair methods of competition and unfair and deceptive acts and practices in commerce in violation of Section 5 of the Federal Trade Commission Act (U.S.C. Title 15, Section 45), and it appearing to the Commission that a proceeding by it in respect thereof would be to the interest of the public, the Commission hereby issues its complaint, charging as follows:

I

Charging violation of Section 3 of the Clayton Act, the Commission alleges:

PARAGRAPH 1. Respondent General Motors Corporation is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business located in General Motors Building, Detroit, Michigan. Said respondent is now, and for more than three years past has been, engaged in the manufacture of automobiles and automobile accessories, parts, and supplies, including spark plugs and spark plug parts, oil filters and oil filter renewal cartridges, and in the distribution and sale thereof. The manufacture of spark plugs, oil filters and oil filter renewal cartridges is carried on by said respondent by and through its AC Spark Plug Division.

PAR. 2. Respondent AC Spark Plug Company is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Michigan, with its principal office and place of business located in the AC Building, Flint, Michigan. Said respondent is engaged in the distribution and sale of spark plugs, spark plug parts, oil filters, oil filter renewal cartridges, and other automobile parts and accessories, hereinafter collectively referred to as "AC products." Said respondent is a wholly owned subsidiary of respondent General Motors Corporation.

PAR. 3. Said respondents transport their said AC products, or cause the same to be transported, for distribution and sale, from the places where such products are manufactured or stored, into and through the various states of the United States to their customers and purchasers thereof located in other states of the United States and in the District of Columbia, and there is, and has been at all times herein mentioned, a continuous current of trade in commerce in said AC products manufactured, sold, and distributed by respondents between the states wherein respondents' factories and warehouses are located and various other states of the United States. Respondents' said AC products are sold and distributed by them for use, consumption, and resale within the United States and the District of Columbia.

PAR. 4. Respondents distribute and sell their AC products throughout the United States in the same territories and places as, and in substantial competition with, other persons and corporations engaged in the manufacture, distribution, and sale of similar products of like grade and quality. Respondents for the past several years have annually furnished, in the original equipment field, more spark plugs than any other domestic spark plug manufacturer, supplying annually about one-half of the spark plugs used for original equipment on automobiles manufactured in the United States. Respondents, with one other manufacturer, during the year 1937 supplied more than 95% of the spark plugs used as original equipment in the automobile industry in the United States and about 90% of the spark plugs sold in the United States for all uses.

PAR. 5. The business of distributing and selling spark plugs and oil filters is divided into two main categories: first, the sale of such products through automobile and other motor manufacturers for use as original equipment; and second, the distribution and sale of such products for replacement of original equipment. The life of a spark plug or oil filter is normally shorter than the life of an automobile, and a complete replacement of spark plugs and oil filters is usually necessary several times during the normal operating life of every automobile. Consequently, the volume of spark plugs and oil filters sold for replacement use is greater than the volume of such products sold for original equipment. The distribution and sale of such products for replacement is carried on chiefly by automobile service stations, automobile dealers, automobile parts dealers, electrical repair shops, and garages throughout the United States. Said products are also sold by chain stores, mail order houses, oil and tire companies, and others. The customers of respondents purchasing such AC products for resale, and many of their customers, are competitively engaged in the resale of such products at wholesale and retail in the various territories and places where said customers respectively carry on their businesses.

PAR. 6. Respondents' AC products are sold and distributed by more than 3,000 wholesalers of automobile parts and accessories located throughout the United States, and respondent AC Spark Plug Company has negotiated and entered into contracts with some 1,500 of such wholesalers, which contracts are now in force, governing the terms of, and for the sale of, said products. Respondents maintain direct contact with all of said contracting wholesalers and prescribe and enforce the prices, terms, and conditions of sale of their products by such wholesalers. Respondents' contracts with certain of said wholesalers classified by them as "D" or distributor accounts provide that such wholesaler will stock, handle, sell and distribute said AC products on an exclusive basis, and substantial sales by said respondents to said "D" or distributor accounts are made on the condition contained in said contracts that said "D" or distributor purchasers shall not use or deal in similar products manufactured or sold by any competitor or competitors of respondents, and the prices fixed in said contracts and charged to said "D" or distributor accounts have been fixed and charged upon said condition, agreement and understanding. Respondents have also entered into contracts with a substantial number of other wholesalers handling, selling, and distributing said AC products and have sold their said products to such other wholesalers and have fixed prices for such products charged and to be charged such wholesalers on the condition, agreement, and understanding that such other wholesalers so purchasing respondents' said AC products shall not use or deal in similar products manufactured or sold by a competitor or competitors of respondents.

PAR. 7. The result, and effect, of said acts, policy, and practices of respondents has been to persuade, compel, and coerce many of such wholesalers and dealers in spark plugs and oil filters throughout the United States to cancel sales contracts with respondents' competitors, to discontinue dealing in and selling the products of such competitors, and to refuse to deal in or purchase the products of such competitors, and has been, and may be, to substantially lessen competition and tend to create a monopoly in the distribution and sale of spark plugs and oil filters in trade and commerce among the several States of the United States and the District of Columbia.

II

Charging violation of Section 2 (a) of the Clayton Act as amended, the Commission alleges:

PAR. 8. Paragraphs One to Five, inclusive, of Charge I hereof are hereby repeated and made a part of this charge as fully and with the same effect as though here again set forth at length.

PAR. 9. In the course and conduct of their business respondents sell directly to wholesalers and distributors classified by respondents into "D", "J", "A–1", and "A–4" accounts, which said accounts in turn supply to other dealers classified by respondents as "JC", "L", "A–5", and "A–6" accounts, and to other dealers in said AC products not classified and not holding contracts for the purchase of said products. Said dealers classified as "JC", "L", "A–5", and "A–6" accounts are under direct contract with respondents. Since June 19, 1936, respondents have discriminated in price between different purchasers of their AC spark plugs of the same grade and quality by selling said plugs for use and resale in the United States and in the District of Columbia to "D" and "A–1" accounts at a unit price of 27½¢, to "J" and "A–2" accounts at a unit price of 31¢, to "JC" and "A–5" accounts at a unit price of 34¢, to "L" and "A–6" accounts at a unit price of 37¢, and to still other accounts not under direct contract with respondents at a unit price of 41¢, and by selling the same AC spark plugs to automobile manufacturers and others for original equipment on automobiles and motor vehicles at a unit price of 6¢ or less.

PAR. 10. By thus selling their AC products at the prices set out in the preceding paragraph, respondents have discriminated in price between (1) classes of their direct accounts; (2) classes of their indirect accounts; (3) direct accounts and indirect accounts; (4) all contract accounts and non-contract dealers; (5) all replacement accounts and original equipment accounts, and the effect of the said discriminations in price may be substantially to lessen competition, tend to create a monopoly in the line of commerce in which respondents are engaged; to injure, destroy, and prevent competition between and among respondents' customers receiving the benefit of said discrimination and respondents' customers who do not receive the benefit of such discrimination, and between respondents and others competitively engaged with respondents in the manufacture, sale, and distribution of spark plugs, oil filters and oil filter renewal cartridges.

III

Charging violation of Section 2 (d) of the Clayton Act as amended, the Commission alleges:

PAR. 11. Paragraphs One to Five, inclusive, in Charge I hereof, are hereby repeated and made a part of this charge as fully and with the same effect as though here again set forth at length.

PAR. 12. Before respondents will enter into a contract with a dealer in respondents' products classified by them as a "J" or jobber account, the credit of such "J" or jobber account must be guaranteed by a wholesale distributor classified by respondents as "D" or distributor account. After such contracts with "J" or jobber accounts have been entered into, respondents thereafter pay to each wholesaler classified by, and under contract to, respondents as a "D" or distributor account as compensation for and in consideration of the credit service so rendered by such "D" or distributor account in connection with the sale by respondents of their AC products, an amount equal to 10% of all purchases of said AC products by such "J" account from respondents. Each of said classes of respondents' customers classified by them as "D" and "J" accounts is in competition in the resale of respondents' AC products, a "D" account frequently competing with a "J" account whose credit he guarantees. Such payment or consideration of 10% as hereinabove described is not available on proportionately equal terms to all of respondents' customers competing in the distribution of respondents' AC products.

IV

Charging violation of Section 5 of the Federal Trade Commission Act, the Commission alleges:

PAR. 13. Paragraphs One to Six of Charge I hereof and Paragraph Nine of Charge II hereof are hereby repeated and made a part of this count as fully and with the same effect as though here again set forth at length.

PAR. 14. As hereinbefore set out and described, respondents sell directly to wholesalers and distributors classified by respondents into "D", "J", "A–1" and "A–4" accounts (hereinafter referred to as direct accounts), which said accounts in turn supply said AC products to other dealers classified by respondents as "JC", "L", "A–5", and "A–6", "C", and "F" accounts (hereinafter referred to as indirect accounts), and to other dealers in said AC products not classified and not holding contracts for the purchase of said products. Respondents have engaged in the practice of negotiating and entering into contracts with said indirect accounts classified by it as "JC", "L", "A–5", "A–6", "C" and "F", by the terms of which and by the issuance of price lists, instructions to their direct issuance of price lists, instructions to their direct accounts, coercion and close supervision of the resale policy of such direct accounts, respondents fix, prescribe and control the prices, terms and conditions upon which their said direct accounts may supply their said AC products to the indirect accounts above mentioned and to other dealers in such products not holding such AC contracts. For AC Blue Top Spark Plugs, respondents, fix a price of 34¢ per plug to "JC" and "A–5" accounts, a price of 37¢ to "L" and "A–6" accounts, and a price of 41¢ to non-contract dealers purchasing in lots of 10 or more. Similar price differentials are in force throughout the entire line of AC products. Direct accounts are required to call upon indirect accounts and to inform the respondents from time to time as to the amount of stock carried, the volume of sales being made by such accounts, the amount of stock of competitors of respondents carried, and the amount of sales thereof. By thus fixing the prices at which their direct accounts must resell AC products to their indirect accounts and non-contract dealers, respondents have induced, coerced, and compelled their said direct accounts to discriminate in price between the various classifications of said indirect accounts and between said indirect accounts and said non-contract dealers.

PAR. 15. In the contracts entered into by respondents with said indirect accounts, as described in the preceding paragraph hereof, the special price quoted in the contract is given upon the condition and agreement that the dealer will carry a certain minimum stock of AC spark plugs and purchase a minimum quantity of such plugs during the calendar year covered by the contract. Said contract provides that they may be cancelled and the prices fixed therein may be withdrawn by respondents at any time if the contract holder fails to carry the required stock or purchase the agreed amount of AC spark plugs and further that they may be cancelled by respondents upon given notice without specification of reason. The direct accounts under AC contracts are instructed by respondents that all said contracts and the prices quoted therein may be cancelled and withdrawn by respondents if said direct accounts do not increase their volume of sales of AC spark plugs from year to year. Respondents exercise a complete supervision and control over both direct and indirect accounts through respondents' direct representatives who inform and instruct the direct and indirect accounts of respondents that unless said resale prices are maintained as arbitrarily fixed by respondents in said contracts and unless said minimum stock and purchase requirements are fully complied with, and that unless said direct and indirect accounts handle respondents' AC products exclusively and refuse to stock, handle, sell or distribute the products of respondents' competitors that the said contracts will be cancelled by respondents as to all or any of respondents' products or that the said account will be re-classified and the prices, fixed in said contracts, raised by respondents. The tendency and effect of such contracts and of such acts and practices by respondents is to induce, coerce and compel the dealers holding such contracts to deal in AC spark plugs and other AC products exclusively and to prevent them from dealing in the products of respondents' competitors. By negotiating such contracts and requiring their distributors to adhere thereto and constantly supervising and checking their distributors' sales and distributing activities and by their threats and instructions issued by respondents' representatives, respondents effectively close to their competitors a substantial number of actual and potential outlets for the distribution and sale of spark plugs and oil filters.



PAR. 16. By the acts and practices above described, respondents have agreed with and compelled their distributors to maintain the various prices fixed by the respondents for the resale of their AC spark plugs and other AC products to the restraint of trade in commerce between the various states and in the District of Columbia; have obstructed, hampered and interfered with the normal and natural flow of trade and commerce in such products; have hindered and lessened competition in the distribution and sale of such products; and have injured their competitors by unfairly diverting business and trade from them and depriving them thereof; and have engaged in unfair acts and practices as to their competitors and as to their indirect customers; all to the prejudice and injury of the public.

Wherefore, the premises considered, the Federal Trade Commission on this 8th day of September, A. D. 1939, issues its complaint against said respondents.

NOTICE

Notice is hereby given you, General Motors Corporation and AC Spark Plug Company, respondents herein, that the 13th day of October, A. D. 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 8th day of September, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–3338; Filed, September 12, 1939; 11:41 a. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1939.

[File No. 32–154]

IN THE MATTER OF NEW ENGLAND POWER COMPANY; BELLOWS FALLS HYDRO-ELECTRIC CORPORATION AND NEW ENGLAND POWER ASSOCIATION; CONNECTICUT RIVER POWER COMPANY AND NEW ENGLAND POWER ASSOCIATION

CONSENT TO WITHDRAWAL OF APPLICATION

Bellows Falls Hydro-Electric Corporation and Connecticut River Power Company, having heretofore filed applications, pursuant to Section 12 (f) of the Public Utility Holding Company Act of 1935 and Rule U–12F–1 promulgated thereunder, for approval of the sale to New England Power Company of the properties and franchises of Bellows Falls Hydro-Electric Corporation and certain of the properties and franchises of Connecticut River Power Company, all said companies being subsidiary companies of New England Power Association, a registered holding company; Bellows Falls Hydro-Electric Corporation having likewise filed an application pursuant to Section 10 (a) (1) of said Act;

Said New England Power Company having also filed an application (a) to be joined as a party to such proceedings, (b) requesting that the Commission take jurisdiction over such acquisition pursuant to the provisions of Section 12 (f) of said Act, and (c) for an order approving such acquisition under said Section 12 (f);

Said Bellows Falls Hydro-Electric Corporation, Connecticut River Power Company, New England Power Company and New England Power Association, having now filed applications for leave to withdraw said applications previously filed:

*It is ordered*, That the Commission hereby consents to the withdrawal of said applications.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–3340; Filed, September 12, 1939; 11:53 a. m.]

SEP 16 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 177

*Washington, Thursday, September 14, 1939*


## The President

CONVENING THE CONGRESS IN EXTRA SESSION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS public interests require that the Congress of the United States should be convened in extra session at twelve o'clock, noon, on Thursday, the Twenty-first day of September, 1939, to receive such communication as may be made by the Executive;

NOW, THEREFORE, I, Franklin D. Roosevelt, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Congress of the United States to convene in extra session at the Capitol in the City of Washington on Thursday, the Twenty-first day of September, 1939, at twelve o'clock, noon, of which all persons who shall at that time be entitled to act as members thereof are hereby required to take notice.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the great seal of the United States.

DONE at the City of Washington this 13th day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2365]

[F. R. Doc. 39-3364; Filed, September 13, 1939; 1:54 p. m.]

## EXECUTIVE ORDER

REGULATIONS GOVERNING THE ENTRANCE OF FOREIGN AND DOMESTIC AIRCRAFT INTO THE CANAL ZONE, AND NAVIGATION THEREIN

By virtue of and pursuant to the authority vested in me by section 14 of title 2 of the Canal Zone Code, as amended by the act of July 9, 1937, 50 Stat. 486 (U.S.C., title 48, sec. 1314 a), I hereby prescribe the following regulations governing the entrance of foreign and domestic aircraft into the Canal Zone, and navigation of such aircraft within the Canal Zone.

SEC. 1. *Canal Zone set apart as military airspace reservation.* The airspace above the Canal Zone, including the territorial waters within the three-mile marine boundary at each end of the Canal, is hereby set apart as and declared to be a military airspace reservation, to be known as the "Canal Zone Military Airspace Reservation."

SEC. 2. *Unlawful navigation of aircraft in military airspace reservation.* It shall be unlawful to navigate any foreign or domestic aircraft into, within, or through the Canal Zone Military Airspace Reservation otherwise than in conformity with this Executive order: *Provided, however,* that none of the provisions of this order shall apply to military, naval, or other public aircraft of the United States.

SEC. 3. *Authorization for entrance of aircraft into the Canal Zone Military Airspace Reservation, and navigation therein.* Aircraft, foreign or domestic, shall be navigated into, within, or through the Canal Zone Military Airspace Reservation only under and in compliance with an authorization granted after the effective date of this order (a) by the Civil Aeronautics Authority in the case of civil aircraft, and (b) by the Secretary of State in the case of all other aircraft. Such authorization shall be granted only after consultation with the Secretary of War, and shall

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FEDERAL REGISTER

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be subject to the further rules and regulations contained in or issued under this order, as well as those applicable generally to the entrance of aircraft into, and their navigation within or through, the Canal Zone Military Airspace Reservation. Application for such authorization shall be made (a) to the Civil Aeronautics Authority for flights by domestic civil aircraft, and (b) to the Secretary of State for flights by all other aircraft. All applications shall, unless otherwise directed by the Secretary of State or the Civil Aeronautics Authority, so far as either has jurisdiction with respect to particular classes of flights under this order, and with the agreement of the Secretary of War, set forth (a) the name, nationality, and address of the owner and of the pilot of the aircraft, (b) the make, model, and type of aircraft and information as to the registration thereof, (c) the registration marks displayed on the aircraft, (d) the names and nationalities of all persons aboard the aircraft, including passengers and crew, (e) the itinerary of the flight, (f) the purpose of the flight, (g) the expected time of arrival and duration of the stop within the Canal Zone, and (h) a statement as to firearms and cameras, if any, to be carried. In case any persons on board the aircraft, including passengers and crew, are in any way connected, either directly or indirectly, with the civil, military, or naval services of any foreign nation, in addition to designating such persons by name and nationality, the application shall contain a statement showing their connection with such service.

SEC. 4. *Aircraft operated by and transporting only citizens of the United States or its possessions.* Aircraft operated by and transporting only persons who are citizens of the United States or its possessions, for which authorization has been granted under provisions of this order to be navigated into, within, or through the Canal Zone Military Airspace Reservation, shall nevertheless not be so navigated into, within, or through such reservation unless the following conditions, or such of them as have not been specifically waived in each case as provided in section 6 hereof, are complied with:

(a) Prior to departure from the last point of landing before reaching the Canal Zone, the person in responsible charge of the aircraft shall notify the Governor of The Panama Canal, hereinafter referred to as the "Governor", preferably by radio, of the probable time of arrival and the cruising altitude and speed.

(b) Such aircraft shall enter the Canal Zone Military Airspace Reservation via the prescribed route for private aircraft, and shall follow said route to, and land at, the landing area designated by the Governor, and such aircraft shall not pass through the said airspace reservation without so landing therein.

(c) Immediately after landing in the Canal Zone, the pilot of the aircraft shall report to the Aeronautical Inspector of The Panama Canal for instructions, and shall observe the instructions received.

(d) All such aircraft shall have all cameras carried therein sealed before taking off from the last point of landing prior to arrival at the Canal Zone Military Airspace Reservation, and all such cameras must remain under seal while within the said reservation.

(e) Without the authorization of the Governor, no arms, ammunitions, or explosives, except small arms, shall be carried aboard such aircraft.

(f) While within the Canal Zone Military Airspace Reservation, all aircraft shall be navigated in conformity with instructions or authorization of the Governor.

SEC. 5. *Aircraft operated by or transporting persons who are not citizens of the United States or of its possessions.* Aircraft operated by or transporting persons who are not citizens of the United States or its possessions, for which authorization has been granted under provisions of this order to be navigated into, within, or through the Canal Zone Military Airspace Reservation, shall nevertheless not be so navigated into, within, or through said reservation unless the following conditions, or such of them as have not been specifically waived in each case as provided in section 6 hereof, are complied with for each flight of such aircraft:

(a) The term "flight" as used herein shall signify one or a number of aircraft under the command of or in responsible charge of a single person.

(b) Not over twelve aircraft shall be included in one flight.

(c) Prior to departure from the last point of landing before reaching the Canal Zone, the commander or the person in responsible charge of the flight shall notify the Governor, preferably by radio, of the probable time of arrival and the cruising altitude and speed.

(d) The flight shall approach the Canal Zone following commercial air lanes to a rendezvous point, outside of the Canal Zone, designated by the Governor and announced by him to the Secretary of State or the Civil Aeronautics Authority.

(e) On approaching the Canal Zone, the flight shall be met at the rendezvous by an official escort of aircraft from the Canal Zone and shall be escorted from the rendezvous point via a route prescribed by the escorting aircraft to a landing area in the Canal Zone. All such aircraft entering the Canal Zone Military Airspace Reservation shall land in the Canal Zone at the landing area designated by the Governor, and no aircraft shall pass through the said airspace reservation without so landing therein.

(f) Immediately after landing in the Canal Zone, the commander or the person in responsible charge of the flight shall report to the Aeronautical Inspector of The Panama Canal for instructions, and shall observe the instructions received.

(g) A similar procedure with escort shall be required in leaving the Canal Zone.

(h) Without the authorization of the Governor, no arms, ammunition, or explosives, except small arms, shall be carried aboard such aircraft.

(i) All such aircraft shall have all cameras carried therein sealed before taking off from the last point of landing prior to arrival at the Canal Zone Military Airspace Reservation, and all such cameras must remain under seal while within the said reservation.

(j) While within the Canal Zone Military Airspace Reservation, all aircraft shall be navigated in conformity with instructions or authorization of the Governor.

SEC. 6. *Waiver of application of certain sections of order.* The Secretary of State or the Civil Aeronautics Authority, so far as either has jurisdiction with respect to particular classes of flights under this order, and with the agreement of the Secretary of War, may waive the application of all or any part of the provisions of sections 2, 3, and 4 of this order.

SEC. 7. *Authority of Governor to administer order and make detailed regulations.* Except as otherwise specifically provided herein, the provisions of this order shall be administered and enforced by the Governor, and the Governor is hereby authorized to make such detailed regulations as may be necessary to carry into effect the provisions of this order.

SEC. 8. *Punishment for violations.* Any person who shall violate any of the provisions of this order shall be punishable, as provided in section 14 of title 2 of the Canal Zone Code, *supra*, by a fine of not more than $500, or by imprisonment in jail for not more than one year, or by both.

SEC. 9. *Order subject to prior order and proclamation; revocation of prior orders and regulations.* The provisions of this order shall be administered subject to the provisions of Executive Order No. 8232 of September 5, 1939,[1] entitled "Control of The Panama Canal and the Canal Zone", and the provisions of Proclamation No. 2350 of September 5, 1939,[2] entitled "Prescribing Regulations Concerning Neutrality in the Canal Zone." Executive Order No. 4971 of September 28, 1928, designating the Secretary of State to receive and pass upon all applications for the privilege of operating commercial aircraft between the Canal Zone and foreign countries, is hereby revoked; and all other Executive orders and all regulations of the Secretary of State are hereby revoked in so far as and to the extent that they are in conflict with this order.

SEC. 10. *Effective date.* This order shall take effect ninety days after the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 12, 1939.*

[No. 8251]

[F. R. Doc. 39-3347; Filed, September 12, 1939; 2:58 p. m.]

[1] 4 F.R. 3812 DI.
[2] 4 F.R. 3821 DI.



## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### DIVISION OF MARKETING AND MARKETING AGREEMENTS

[Order No. 27, Amendment 1]

### CHAPTER IX—MARKETING ORDERS

### PART 927—AMENDMENT NO. 1 TO ORDER REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA*

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927.10 Effective time.

Whereas, the Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, on August 5, 1938, and, on August 26, 1938, made effective as of September 1, 1938, Order No. 27[1] regulating the handling of milk in the New York metropolitan marketing area; and

Whereas, the Secretary, having reason to believe that an amendment to said order would tend to effectuate the declared policy of the act, gave, on the 17th day of August 1939, notice of a hearing[2] which was held on August 24 at Syracuse, New York, and on August 25 at New York City, New York, and, at said times and places, conducted a public hearing at which all interested parties were afforded an opportunity to be heard on a proposed amendment to said order; and

Whereas, the Secretary of Agriculture finds (Sec. 927.0), upon the evidence introduced at said hearing on such proposed amendment, said findings being in addition to the findings made upon the evidence introduced at the hearing on said order and to the other findings made prior to or at the time of the original issuance of said order (which findings are hereby ratified and affirmed, save only as such findings are in conflict with findings hereinafter set forth):

1. That the severe drouth affecting a large part of the New York milkshed makes necessary the adjustments in the class prices for the period set forth in this amendment; that prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8e of the act, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That the order, as amended, regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

3. That the issuance of this amendment to the order, and all of the terms and conditions of the order, as amended, will tend to effectuate the declared policy of the act:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby orders that the order regulating the handling of milk in the New York metropolitan marketing area be and it is hereby amended as follows:

A. Amend paragraph 1 of section 1 of article IV (Sec. 927.4 (a) (1)) by changing the period after the word "market" to a semicolon and adding the following:

"provided, that for any month prior to May 1, 1940, the price in effect for Class I milk shall be not less than $2.82 per hundredweight, and, provided further, that for Class I milk sold by a handler in the marketing area under a program approved by the Secretary and upon which payment is made out of Federal funds, the price shall be 57 cents per hundredweight less than would otherwise be in effect pursuant to this paragraph."

B. Amend paragraph 2 of section 1 of article IV (Sec. 927.4 (a) (2)) by changing the period after the word "market" to a semicolon and adding the following:

"provided, that for any month prior to May 1, 1940, the price in effect for Class II-A milk shall not be less than $1.90 per hundredweight."

C. Amend paragraph 3 of section 1 of article IV (Sec. 927.4 (a) (3)) by changing the period after the word "price" to a semicolon and adding the following:

"provided, that for any month prior to May 1, 1940, the Class II-B price shall be 40 cents higher than the Class III-A price."

D. Amend paragraph 5 of section 1 of article IV (Sec. 927.4 (a) (5)) by changing the period after the word "price" to a semicolon and adding the following:

*Amendment to section 927.0, section 927.4, and section 927.10 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. § 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. § 601 et seq. (Supp. IV 1938).

[1] 3 F.R. 1945 DI.
[2] 4 F.R. 3673 DI.

"provided, that for any month prior to May 1, 1940, the Class III–B price shall be 50 cents higher than the Class IV–A price."

E. Delete section 1 of article X (sec. 927.10 (a)).

In witness whereof, I, H. A. Wallace, Secretary of Agriculture of the United States, have executed, in duplicate, and issued this order, to become effective at such time as I may subsequently declare, and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 12th day of September 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–3355; Filed, September 13, 1939; 12:10 p. m.]

## TITLE 24—HOUSING CREDIT

## FEDERAL HOME LOAN BANK BOARD

AMENDMENT TO RULES AND REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

REQUIRING THE PROMPT FILING OF ANNUAL REPORTS BY MEMBER INSTITUTIONS

*Be it resolved*, That Section 3.4 of the Rules and Regulations for the Federal Home Loan Bank System is amended, effective September 13, 1939, to read as follows:

"3.4 *Reports.* Each member shall make an annual report of its affairs as of the end of its fiscal year upon forms prescribed by the Board. Two copies of such annual report shall be forwarded within 30 days after the end of such fiscal year to the member's Bank, one copy of which shall thereupon be transmitted by the Bank to the Governor of the Federal Home Loan Bank System."

(Sec. 17 of F.H.L.B.A., 47 Stat. 736; 12 U.S.C. 1437)

Adopted by the Federal Home Loan Bank Board on September 12, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39–3349; Filed, September 13, 1939; 10:17 a. m.]

## TITLE 46—SHIPPING

## BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRY AND CLEARANCE OF VESSELS

5.60 is amended to read as follows:

"Any vessel taking on cargo for a foreign port, or a port in non-contiguous territory, and all shippers' export declarations covering cargo laden on board have not been filed, may, by application to the collector of customs on Commerce Form 1378B and the execution of the bond thereon, with security approved by the collector of customs as provided in Section 4200, R. S. as amended, be granted clearance; *Provided, however*, That during any period covered by a Proclamation of the President that a state of war exists between foreign nations, no vessel shall be cleared for a foreign port until all shipper's export declarations covering cargo laden thereon have been filed with the collector."

This amendment shall become effective October 1, 1939.

[Section 4200 of the Revised Statutes, as amended by the Act of June 16, 1938, and Public Resolution 130, approved June 29, 1938 (46 U.S.C. 92); Act of April 29, 1902, as amended by the Act of May 17, 1932 (46 U.S.C. 95).]

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

SEPTEMBER 12, 1939.

[F. R. Doc. 39–3346; Filed, September 12, 1939; 1:41 p. m.]

## TITLE 47—TELECOMMUNICATION

## FEDERAL COMMUNICATIONS COMMISSION

PART 3.—RULES GOVERNING STANDARD BROADCAST STATIONS

The Commission on September 12, 1939, amended Section 3.90 (a) (2)[1] of the Rules Governing Standard Broadcast Stations, to become effective immediately, by deleting the words "together with the name or title of each" and adding the words "of the complete program" so that the rule will read:

(2) An entry briefly describing each program broadcast, such as "music," "drama," "speech," etc., together with the name or title thereof, and the sponsor's name with the time of the beginning and ending of the complete program. If a mechanical record is used the entry shall show the exact nature thereof such as "record," "transcription," etc., and the time it is announced as a mechanical record. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))–(Sec. 303 (j), 48 Stat. 1082; 47 U.S.C. 303 (j)).

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39–3358; Filed, September 13, 1939; 12:39 p. m.]

PART 3—RULES GOVERNING STANDARD BROADCAST STATIONS

*Correction*

Change headnote in Section 3.93[2] to read "*Mechanical records.*" instead of "*Mechanical reproductions.*"

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39–3359; Filed, September 13, 1939; 12:39 p. m.]

[1] 4 F.R. 2721 DI.
[2] 4 F.R. 2721 DI.

PART 8—RULES GOVERNING SHIP SERVICE

The Commission on September 12, 1939, amended Section 8.143[1] of Part 8, Rules Governing Ship Service, effective October 1, 1939, by the deletion of that portion of the section designated as paragraph (c) and the substitution therefor of the following:

(c) A radiotelegraph transmitter, installed on board a subject vessel prior to July 26, 1939, which complies with each specific requirement for a main transmitter contained in Section 8.143 hereof except "power required to be developed" but which meets the "power required to be developed" provisions contained in Section 8.144 hereof, is approved as a temporary main transmitter for use in compliance with Section 354 (c) and 354 (d) of the Communications Act until not later than January 1, 1940.

(d) An electron-tube transmitter installed on board a subject vessel and the use and operation thereof authorized by the radio station license of that vessel prior to July 26, 1939, which will comply with each requirement for a main transmitter contained in Section 8.143 hereof, except the "power required to be developed", will be approved as meeting the requirements of Section 354 (c) and 354 (d) of the Communications Act, provided it is further demonstrated, prior to January 1, 1940, and at any time thereafter as may be deemed necessary by the Commission, to the satisfaction of the Commission that, when normally installed and operated on board a particular vessel in connection with the permanent transmitting antenna of the same vessel, the involved transmitter will produce at least the following prescribed field intensities at a distance of one nautical mile over a path lying wholly over sea water, using the prescribed operating radio frequencies and type A–2 emission.

*Operating Radio Frequency and Field Intensity*

| (kc) | Millivolts per meter |
|---|---|
| 500[1] | At least 20.0 |
| 375[1] | At least 10.0 |

[1] The Commission, in each case and upon proper application, may authorize a different frequency as close to these frequencies as possible, to be used for purposes of this demonstration, in order to minimize interference. In such instances, the field intensities required to be produced may be changed in appropriate proportion to the frequency to be used, in accordance with the best available engineering data. (Sec. 354, 50 Stat. 193; 47 U.S.C. 354).

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)) (Sec. 354, 50 Stat. 193; 47 U.S.C. 354).

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39–3360; Filed, September 13, 1939; 12:40 p. m.]

[1] 4 F.R. 3464 DI.



## TITLE 49—TRANSPORTATION AND RAILROADS

## INTERSTATE COMMERCE COMMISSION

RAILWAY STATISTICS OF LESS-THAN-CARLOAD FREIGHT TRAFFIC AND FORWARDER CARLOAD FREIGHT TRAFFIC

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 12th day of September, A. D. 1939.

The subject of railway statistics of less-than-carload freight traffic and forwarder carload freight traffic being under consideration:

*It is ordered*, That each Class I steam railway shall file a statement of the volume of l. c. l. freight traffic and the freight forwarder carload traffic handled by it during the period October 1st to 7th, inclusive, of the year 1939, in accordance with the special report form which is hereby approved and made a part of this order.[1]

*It is further ordered*, That this report shall be filed in duplicate in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before October 25, 1939.

By the Commission, Division 1.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39–3350; Filed, September 13, 1939; 10:32 a. m.]

[1] Filed as a part of the original document; requests for copies should be addressed to the Interstate Commerce Commission.

# *Notices*

## DEPARTMENT OF AGRICULTURE.

### Commodity Exchange Commission.

LIMITATION ON BUYING OR SELLING OF COTTON

NOTICE OF HEARING

*To all Contract Markets, Futures Commission Merchants, and Parties Interested:*

Whereas, section 4a of the Commodity Exchange Act, 7 U.S.C., Supp. IV, sec. 6a, directs that, for the purpose of diminishing, eliminating, or preventing excessive speculation causing sudden, unreasonable, or unwarranted price changes in any commodity named in the Act, the Commodity Exchange Commission shall, from time to time and after due notice and opportunity for hearing, proclaim and fix such limits on the amount of trading under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market which may be done by any person as said Commission finds is necessary for such purpose;

Now, therefore, notice is hereby given that a hearing will be held beginning at 10 o'clock a. m. on October 9, 1939, in the Board of Managers' Room of the New York Cotton Exchange, 60 Beaver Street, New York, New York, and at 10 o'clock a. m. on October 16, 1939, in the Board of Directors' Room of the New Orleans Cotton Exchange, 801 Gravier Street, New Orleans, Louisiana, for the presentation of evidence as to (1) what maximum limit should be fixed for the amount of cotton which any person directly or indirectly may buy or sell, or agree to buy or sell, under contracts of sale for future delivery on or subject to the rules of any contract market, on any one business day, and (2) what maximum limit should be fixed for the net long or net short position in cotton which may be held or taken by any person as a result of contracts for future delivery on or subject to the rules of any contract market.

Neither of the aforesaid limits will apply to transactions which are shown to be bona fide hedging transactions as defined in section 4a of the Commodity Exchange Act, 7 U.S.C., Supp. IV, sec. 6a.

Done at Washington, D. C., this 13th day of September 1939.

Commodity Exchange Commission.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*
EDWARD J. NOBLE,
*Acting Secretary of Commerce.*
FRANK MURPHY,
*Attorney General.*

[F. R. Doc. 39–3356; Filed, September 13, 1939; 12:10 p. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 18, 1939 to May 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NAME AND ADDRESS OF FIRM

| | Number of learners |
|---|---|
| Berryville Mills, Inc., Berryville, Virginia | 12 |
| Biltmore Hosiery Co., Inc., Naples, North Carolina | 13 |
| Cambridge Hosiery Mills, Inc., 135 High Street, Cambridge, Maryland | 48 |
| Georgia Hosiery Mills, Blakely, Georgia | 10 |
| Hugh Grey Hosiery Company, Concord, North Carolina | 35 |
| Jonelle Mill, Portland, Pennsylvania | 8 |
| Laughlin F. F. Hosiery Mills, Inc., Randleman, North Carolina | 8 |
| Marium Knitting Mills, Incorporated, 15 Union Street, Lawrence, Massachusetts | 9 |
| Milne Hosiery Mills, South Broad Street, Cleveland, Tennessee | 10 |
| Penderlea Manufacturing Co., Inc., Willard, North Carolina | 47 |
| Red House Manufacturing Co., Inc., Red House Farms, Eleanor, North Carolina | 47 |
| Skyline Manufacturing Co., Inc., Scottsboro, Alabama | 24 |
| Wyatt Knitting Company, Goldsboro Avenue, Sanford, North Carolina | 28 |

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended.[1] For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 13th day of September 1939.

MERLE D. VINCENT,
*Chief of Hearings and Exemptions Section.*

[F. R. Doc. 39–3357; Filed, September 13, 1939; 12:14 p. m.]

[1] 4 F.R. 2088 DI.

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 59–401(E)–1]

IN THE MATTER OF THE APPLICATION OF TRI-STATE AVIATION CORPORATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401(E) OF THE CIVIL AERONAUTICS ACT OF 1938.

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, now assigned for September 14, 1939,[1] is hereby postponed to September 21, 1939, 10 o'clock a. m. (Eastern Standard Time) in Room 2062, Commerce Building, Washington, D. C.

Dated Washington, D. C., September 12, 1939.

[SEAL] ROBERT J. BARTOO,
*Examiner.*

[F. R. Doc. 39–3348; Filed, September 13, 1939; 10:07 a. m.]

[1] 4 F.R. 3519 DI.

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of September, A. D. 1939.

[File No. 43-182]

IN THE MATTER OF COLUMBIA CORPORATION

ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

Columbia Corporation, a subsidiary company of Columbia Gas & Electric Corporation, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the reduction of its capital stock, represented by 115,000 shares of common stock without par value, from $5,750,000 to $3,450,000:

*It is ordered*, That said declaration be and become effective forthwith subject, however, to the following terms and conditions:

1. That all corporate action and all matters connected therewith or related thereto shall be performed in all respects as set forth in, and for the purposes represented by, the declaration as amended;

2. That no charges, except those presently proposed, shall be made to Special Capital Surplus or to Reserve for Investments unless (a) such charge has previously been authorized by appropriate resolution of declarant's board of directors, and (b) subsequent to such resolution of the board of directors, thirty days' prior notice of the making of such charge be given to this Commission. The Commission reserves jurisdiction, on receipt of such notice, in and as part of the proceedings herein, after notice given within such thirty days and opportunity for hearing, to disapprove such charge on the basis of the record herein and any additional evidence that may be adduced by any interested party; and in the event that the Commission shall notify declarant to show cause why such charge should not be disapproved, the charge in question shall not be made until expressly authorized by order of this Commission;

3. That with respect to any part of Special Capital Surplus or Reserve for Investments which is not used for the purpose outlined by the declarant jurisdiction is reserved by this Commission, in and as part of the proceedings herein, with respect to the ultimate disposition of such balance.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3351; Filed, September 13, 1939; 11:25 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of September 1939.

IN THE MATTER OF JULIAN H. BACHRACH, 30 BROAD STREET, NEW YORK, NEW YORK

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCATION OR SUSPENSION OF REGISTRATION

The Commission having reasonable grounds to believe that Julian H. Bachrach, a sole proprietorship registered as a broker under Section 15 (b) of the Securities Exchange Act of 1934, hereinafter referred to as the registrant, has willfully violated Rule X-15B-2 adopted by the Commission pursuant to Sections 15 (b), 17 (a) and 23 (a) of the said Act by reason of the registrant having willfully failed to report and correct the inaccuracy of the information furnished:

(a) Under Item 2 of the application for registration by means of a supplemental report on Form 6-M, disclosing the removal of registrant's offices from 30 Broad Street, New York, New York, the address given under that item of the application for registration; and

(b) Under Item 7 of the application for registration, by means of a supplemental report on Form 6-M, disclosing the removal of the sole proprietor of registrant from residence at 120 East 39th Street, New York, New York, the address given under that item of the application for registration; and

(c) Under Items 15 (a) and 15 (b) of the application for registration, by means of a supplemental report on Form 6-M, disclosing the fact that registrant was suspended from membership in the New York Curb Exchange on February 18, 1939; and

The Commission further having reasonable grounds to believe that it is necessary and appropriate in the public interest and for the protection of investors to revoke registration and to suspend registration pending final determination whether registration shall be revoked; and

The Commission being of the opinion that it is necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted for the purposes below provided:

*It is ordered*, That proceedings be held to determine whether the registration of Julian H. Bachrach should be revoked or suspended pursuant to the provisions of Section 15 (b) of the Securities Exchange Act of 1934.

*It is further ordered*, That a hearing for the purpose of taking evidence be held at 10:00 A. M. on October 2, 1939, at the New York Regional Office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and that the said hearing be continued at such other time or place as the Commission or the officer conducting such hearing may determine; that for the purpose of said hearing Adrian C. Humphreys be and he is hereby designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda, and any and all other records deemed relevant or material to the matters in issue at such hearing, and to perform all other duties in connection therewith as authorized by law.

*It is further ordered*, That this order and notice be served on the said registrant, personally or by registered mail, not less than seven (7) days prior to the time of the hearing, or in the event of failure to serve registrant personally or by registered mail that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to conclude said hearing, make his report to the Commission and transmit same with a record of this hearing to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3354; Filed September 13, 1939; 11:25 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of September 1939.

IN THE MATTER OF W. H. TOTSCH, 427 COOPER STREET, CAMDEN, NEW JERSEY

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCATION OR SUSPENSION OF REGISTRATION

W. H. Totsch, a sole proprietorship hereinafter referred to as the registrant, being registered with the Commission as an over-the-counter dealer pursuant to Section 15 (b) of the Securities Exchange Act of 1934; and

The Commission having reasonable grounds to believe that the said registrant was convicted on June 6, 1939, in Crawford County, Ohio, of a felony involving the purchase and sale of securities, and arising out of the conduct of the business of a broker or dealer; and that the registrant has willfully violated Rule X-15B-2 adopted by the Commission pursuant to Sections 15 (b), 17 (a) and 23 (a) of the Securities Exchange Act of 1934, by reason of the registrant having willfully failed to report and correct the inaccuracy of the information furnished under Item 20 of the aforesaid application by means of a supplemental statement disclosing the fact that the said registrant was convicted as alleged above; and

The Commission further having reasonable grounds to believe that it is necessary and appropriate in the public interest and for the protection of investors to revoke registration and to suspend registration pending final determination whether registration shall be revoked; and

The Commission being of the opinion that it is necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted for the purposes below provided:

*It is ordered*, That proceedings be held to determine whether the registration of W. H. Totsch should be revoked or suspended pursuant to the provisions of Section 15 (b) of the Securities Exchange Act of 1934.

*It is further ordered*, That a hearing for the purpose of taking evidence be held at 10:00 A. M. on October 4, 1939, at the New York Regional Office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and that the said hearing be continued at such other time or place as the Commission or the officer conducting such hearing may determine; that for the purpose of said hearing Adrian C. Humphreys be and he is hereby designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda, and any and all other records deemed relevent or material to the matters in issue at such hearing, and to perform all other duties in connection therewith as authorized by law.

*It is further ordered*, That this order and notice be served on the said registrant, personally or by registered mail, not less than seven (7) days prior to the time of the hearing, or in the event of failure to serve registrant personally or by registered mail that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to conclude said hearing, make his report to the Commission and transmit same with a record of this hearing to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3353; Filed, September 13, 1939; 11:25 a. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1939.

[File No. 46-170]

IN THE MATTER OF THE MINNEAPOLIS GENERAL ELECTRIC COMPANY AND SUBSIDIARIES

NOTICE OF AND ORDER FOR HEARING

Applications and declarations pursuant to sections 6 (b), 7, 10 (a) and 12 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on September 25, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before September 20, 1939.

The matter concerned herewith is in regard to a proposed partial simplification of the holding company system of The Minneapolis General Electric Company, to be accomplished by transfers of properties, assets and securities among The Minneapolis General Electric Company and its subsidiaries, which are wholly owned, directly or indirectly. As a result of these transactions three of the subsidiaries, Western Wisconsin Power Company, The St. Croix River Navigation and Improvement Company and St. Croix Lumbermen's Dam & Boom Company would ultimately be eliminated. The two remaining subsidiaries would be the St. Croix Falls Wisconsin Improvement Company and the St. Croix Falls Minnesota Improvement Company. The former company would as a result of these transactions own the entire St. Croix Falls Hydro Project and the Nevers Dam Development on the St. Croix River.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3352; Filed, September 13, 1939; 11:25 a. m.]

SEP 18 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 178

*Washington, Friday, September 15, 1939*


## The President

### GOLD STAR MOTHER'S DAY—1939

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the preamble to Public Resolution 123, 74th Congress, approved June 23, 1936 (49 Stat. 1895), recites:

"Whereas the service rendered the United States by the American mother is the greatest source of the country's strength and inspiration; and

"Whereas we honor ourselves and the mothers of America when we revere and give emphasis to the home as the fountainhead of the state; and

"Whereas the American mother is doing so much for the home and for the moral and spiritual uplift of the people of the United States and hence so much for good government and humanity; and

"Whereas the American Gold Star Mothers suffered the supreme sacrifice of motherhood in the loss of their sons and daughters in the World War;"

AND WHEREAS the said Public Resolution 123 provides:

"That the President of the United States is hereby authorized and requested to issue a proclamation calling upon the Government officials to display the United States flag on all Government buildings, and the people of the United States to display the flag and to hold appropriate meetings at their homes, churches, or other suitable places, on the last Sunday in September, as a public expression of the love, sorrow, and reverence of the people of the United States for the American Gold Star Mothers.

"SEC. 2. That the last Sunday in September shall hereafter be designated and known as 'Gold Star Mother's Day', and it shall be the duty of the President to request its observance as provided for in this resolution."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid public resolution, do request the observance of Sunday, September 24, 1939, as Gold Star Mother's Day, do direct the officials of the Government to have the flag of the United States displayed on all Government buildings, and do call upon the people of the United States to display the flag and to observe Gold Star Mother's Day in their homes, churches, and other suitable places as a public expression of their love and reverence for the American Gold Star Mothers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 11" day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2364]

[F. R. Doc. 39-3363; Filed, September 13, 1939; 1:54 p. m.]

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### MARK TWAIN NATIONAL FOREST—MISSOURI

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain lands within the State of Missouri have been acquired or are in process of acquisition by the United States under authority of the act of March 1, 1911, c. 186, 36 Stat. 961, 962 (U. S. C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U.S.C., title 16, sec. 515), the act of March 31, 1933, c. 348, 48 Stat. 22 (U.S.C., title 16, sec. 585), the National Industrial Recovery Act, approved June 16, 1933, 48 Stat. 195, 202 (U.S.C., title 40, sec. 403), and the Emergency Relief Appropriation

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Act of 1935, approved April 8, 1935, 49 Stat. 115; and

WHEREAS it appears that it would be in the public interest to give such lands, together with certain intermingled public lands, a national-forest status:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U.S.C., title 16, sec. 471), the act of June 4, 1897, 30 Stat. 34, 36 (U.S.C., title 16, sec. 473), and the acts above mentioned, do proclaim (1) that there are hereby reserved and set apart as the Mark Twain National Forest all lands of the United States within the area hereinafter described, and shown on the diagram attached hereto and made a part hereof,[1] and (2) that all lands within such area which are now in process of acquisition by the United States under authority of any of the above-mentioned acts shall upon the acquisition of title thereto become and be administered as part of the said Mark Twain National Forest:

FIFTH PRINCIPAL MERIDIAN

Tps. 21 N., Rs. 23, 24, 25, 26, and 27 W., all north of the Missouri State Line.
T. 22 N., R. 17 W., secs. 1 to 18, inclusive.
T. 22 N., R. 18 W., secs. 1 to 18, inclusive.
Tps. 22 N., Rs. 23, 24, 25, and 26 W., all.
Tps. 23 N., Rs. 15, 16, 17, and 18 W., all.
T. 23 N., R. 23 W., secs. 19 to 36, inclusive.
T. 23 N., R. 24 W., secs. 19 to 36, inclusive.
Tps. 23 N., Rs. 25, and 26 W., all.
Tps. 24 N., Rs. 10, 11, 15, 16, 17, 18, and 19 W., (fractional) all.
Tps. 25 N., Rs. 9, 10, and 11 W., all.
T. 25 N., R. 16 W., secs. 18 to 21, inclusive; and secs. 28 to 33, inclusive.
T. 25 N., R. 17 W., secs. 13 to 36, inclusive.
T. 25 N., R. 18 W., secs. 4 to 9, inclusive; and secs. 13 to 36, inclusive.
Tps. 25 N., Rs. 19 and 20 W., all.
Tps. 26 N., Rs. 9, 10, and 11 W., all.
T. 26 N., R. 12 W., secs. 1 to 24, inclusive.
T. 26 N., R. 18 W., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
T. 26 N., R. 19 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; and secs. 19 to 36, inclusive.
T. 26 N., R. 20 W., secs. 19 to 36, inclusive.
Tps. 27 N., Rs. 10, 11, and 12 W., all.
T. 31 N., R. 12 W., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 30, inclusive.
T. 31 N., R. 13 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; and secs. 22 to 25, inclusive.
Tps. 32 N., Rs. 10, 11, and 12 W., all.
T. 32 N., R. 13 W., secs. 1 to 18, inclusive; secs. 22 to 27, inclusive; and secs. 34 to 36, inclusive.
T. 33 N., R. 9 W., sec. 6.
Tps. 33 N., Rs. 10, 11, 12, and 13 W., all.
T. 34 N., R. 9 W., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
Tps. 34 N., Rs. 10, 11, 12, and 13 W., all.
Tps. 35 N., Rs. 10, 11, 12, and 13 W., all.
T. 36 N., R. 9 W., all.
T. 36 N., R. 10 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22 to 27, inclusive; and secs. 34 to 36, inclusive.
T. 37 N., R. 9 W., all.
T. 37 N., R. 10 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22 to 27, inclusive; and secs. 34 to 36, inclusive.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than classification, be subject to and shall not interfere with or defeat legal rights under such appropriation, or prevent the use for such public purpose of land so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11" day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2362]

[F. R. Doc. 39-3361; Filed, September 13, 1939; 1:53 p. m.]

[1] See page 3909.

## CLARK NATIONAL FOREST—MISSOURI

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

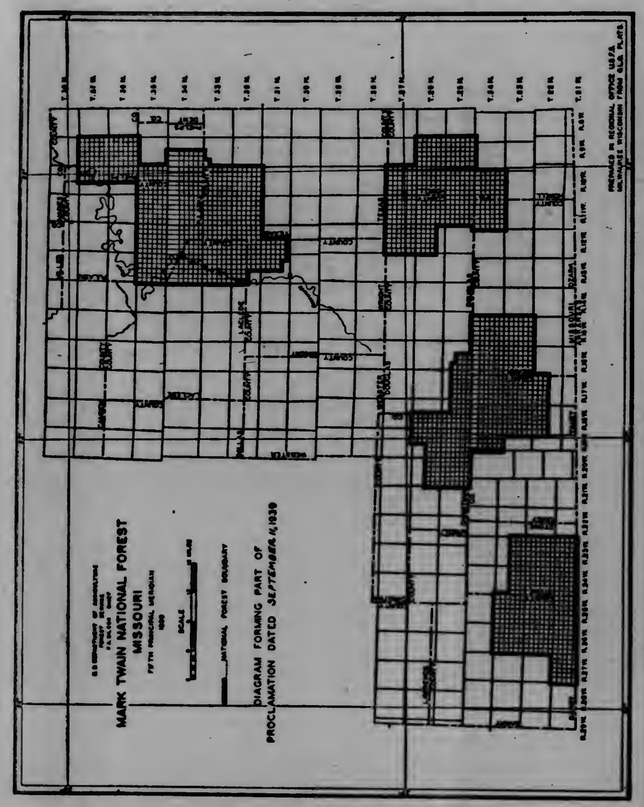
### A PROCLAMATION

WHEREAS certain lands within the State of Missouri have been acquired or are in process of acquisition by the United States of America under authority of the act of March 1, 1911, c. 186, 36 Stat. 961 (U.S.C., title 16, sec. 516), as amended by the act of June 7, 1924, 43 Stat. 653 (U.S.C., title 16, sec. 515), the act of March 31, 1933, c. 348, 48 Stat. 22 (U.S.C., title 16, sec. 585), the National Industrial Recovery Act, approved June 16, 1933, 48 Stat. 195, 202 (U.S.C., title 40, sec. 403), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, 49 Stat. 115; and

WHEREAS it appears that it would be in the public interest to give such lands, together with certain intermingled public lands, a national-forest status:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1095, 1103 (U.S.C., title 16, sec. 471), and the acts above mentioned, do proclaim (1) that there are hereby reserved and set apart as the Clark National Forest all lands of the United States within the area hereinafter






described, and shown on the diagram attached hereto and made a part hereof,[1] and (2) that all lands within such area which are now in process of acquisition by the United States under authority of any of the above-mentioned acts shall upon the acquisition of title thereto become and be administered as part of the said Clark National Forest:

FIFTH PRINCIPAL MERIDIAN

T. 23 N., R. 1 E., all.
T. 23 N., R. 2 E., secs. 4 to 9, inclusive; and secs. 16 to 18, inclusive.
T. 23 N., R. 1 W., all.
T. 24 N., R. 1 E., all.
T. 24 N., R. 2 E., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
Tps. 24 N., Rs. 1, 2, and 3 W., all.
T. 25 N., R. 1 E., all.
T. 25 N., R. 2 E., secs. 19 to 21, inclusive; and secs. 28 to 33, inclusive.
T. 25 N., R. 4 E., secs. 1 to 5, inclusive; secs. 8 to 17, inclusive; secs. 22 to 27, inclusive; and secs. 34 to 36, inclusive.
T. 25 N., R. 5 E., all.
T. 25 N., R. 6 E., secs. 1 to 18, inclusive, and sec. 24.
T. 25 N., R. 7 E., sec. 3, W½; secs. 4 to 9, inclusive; sec. 10, NW¼; sec. 16, NW¼; and secs. 17 to 19, inclusive.
Tps. 25 N., Rs. 1, 2, 3, and 4 W., all.
T. 25 N., R. 5 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22 to 27, inclusive; and secs. 34 to 36, inclusive.
Tps. 26 N., Rs. 3, 4, 5, and 6 E., all.
T. 26 N., R. 7 E., secs. 7 to 11, inclusive; secs. 12, and 13, all that part west of St. Francis River; secs. 14 to 23, inclusive; sec. 24, all that part west of the St. Francis River; sec. 25, all that part north of St. Francis River; sec. 26 to 34, inclusive; and sec. 35, NW¼.
T. 26 N., R. 1 W., secs. 1 to 11, inclusive; sec. 12, SW¼; sec. 13, SW¼; secs. 14 to 23, inclusive; sec. 24, NW¼ and S½; and secs. 25 to 36, inclusive.
Tps. 26 N., Rs. 2, 3, and 4 W., all.
T. 26 N., R. 5 W., secs. 1 to 3, inclusive; secs. 10 to 15, inclusive; secs. 22 to 27, inclusive; and secs. 34 to 36, inclusive.
Tps. 27 N., Rs. 3, 4, 5, and 6 E., all.
Tps. 27 N., Rs. 1, and 2 W., secs. 19 to 36, inclusive.
Tps. 27 N., Rs. 3, and 4 W., all.
Tps. 28 N., Rs. 4, 5, and 6 E., all.
T. 30 N., R. 2 W., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
T. 30 N., R. 3 W., all.
T. 30 N., R. 4 W., secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; secs. 21 to 28, inclusive; and secs. 33 to 36, inclusive.
T. 31 N., R. 2 W., secs. 5 to 8, inclusive; secs. 17 to 20, inclusive; and secs. 29 to 32, inclusive.
T. 31 N., R. 3 W., all.
T. 31 N., R. 4 W., secs. 1 to 5, inclusive, secs. 8 to 17, inclusive; secs. 20 to 29, inclusive; and secs. 32 to 36, inclusive.
T. 32 N., R. 1 E., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
Tps. 32 N., Rs. 4, 5, 6, 7, and 8 E., all.
Tps. 32 N., Rs. 1, 2, 3, and 4 W., all.
T. 33 N., R. 1 E., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; and secs. 28 to 33, inclusive.
Tps. 33 N., Rs. 4, 5, and 8 E., all.
Tps. 33 N., Rs. 1, 2, 3, and 4 W., all.
Tps. 34 N., Rs. 1, 2, 4, 5, 6, 7, and 8 E., all.
T. 34 N., R. 9 E., secs. 4 to 9, inclusive; secs. 16 to 21, inclusive; secs. 28 to 33, inclusive.
Tps. 34 N., Rs. 1, 2, and 3 W., all.
T. 34 N., R. 4 W., sec. 1, Lot 1, W½ Lot 2, Lots 6, and 7 of NE¼; Lots 1, 2, 5, 6, and 7 of NW¼; and S½; sec. 2, Lots 1, 2, and W½ Lot 3 of NE¼; Lots 1, 2, and W½ Lot 3 of NW¼; and S½; sec. 3, Lots 1, 2, 3, and 4 of NE¼; and S½; sec. 4, Lots 1, and 2 of NE¼; and S½; sec. 5, W½ Lot 4; W½ Lot 5 of NE¼; Lots 1, 2, 3, and E½ Lot 4 of NW¼; and S½; sec. 6, Lots 1, 2, 3, 4, and W½ Lot 5 of NE¼; Lots 1, 2, 3, 4, 5, 6, and 7 of NW¼; and S½; secs. 7 to 36, inclusive.
T. 35 N., R. 1 E., all.
T. 35 N., R. 2 E., secs. 19 to 21, inclusive; and secs. 28 to 33, inclusive.
T. 35 N., R. 4 E., all.
T. 35 N., R. 7 E., secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; secs. 21 to 28, inclusive; secs. 33 to 36, inclusive.
T. 35 N., R. 8 E., all.
Tps. 35 N., Rs. 1, 2, and 3 W., all.
T. 35 N., R. 4 W., sec. 36, S½.
T. 36 N., R. 1 E., all.
Tps. 36 N., Rs. 1, and 2 W, all.
T. 36 N., R. 3 W., secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; secs. 21 to 28, inclusive; and secs. 33 to 36, inclusive.
T. 37 N., R. 1 E., all.
Tps. 37 N., Rs. 1, and 2 W., all.
T. 37 N., R. 3 W., secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; secs. 21 to 28, inclusive; and secs. 33 to 36, inclusive.
T. 38 N., R. 1 E., secs. 19 to 21, inclusive; and secs. 28 to 33, inclusive.
T. 38 N., R. 1 W., secs. 19 to 36, inclusive.
T. 38 N., R. 2 W., secs. 19 to 36, inclusive.
T. 38 N., R. 3 W., secs. 19 to 36, inclusive.

The reservation made by this proclamation shall as to all lands which are at this date legally appropriated under the public-land laws or reserved for any public purpose other than classification, be subject to and shall not interfere with or defeat legal rights under such appropriation, or prevent the use for such public purpose of lands so reserved, so long as such appropriation is legally maintained or such reservation remains in force.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 11" day of September, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

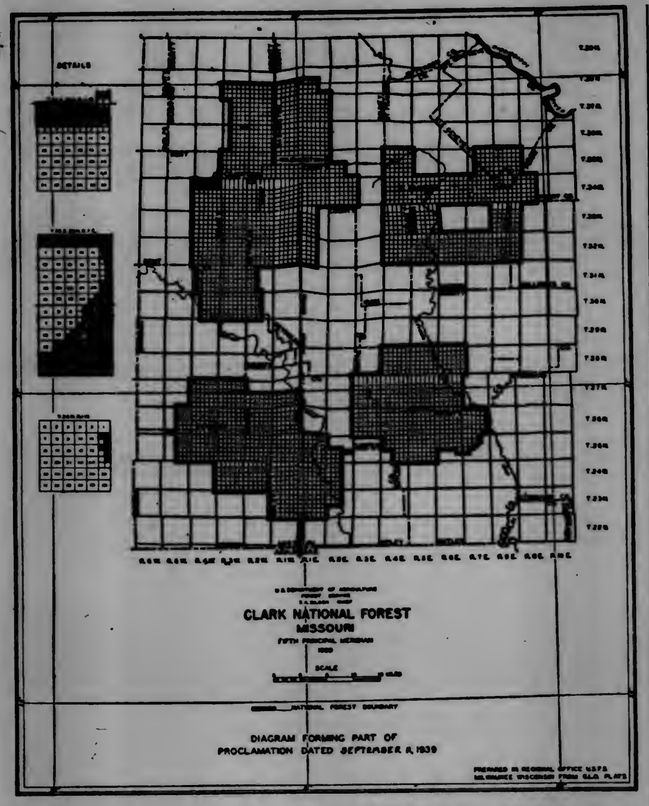
By the President:

CORDELL HULL
*Secretary of State.*

[No. 2363]

[F. R. Doc. 39-3362; Filed, September 13, 1939; 1:53 p. m.]

[1] See page 3910.




## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Cotton 1940–1]

### PART 722—COTTON MARKETING QUOTAS, 1940–41 MARKETING YEAR

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 342. Not later than November 15 of each year the Secretary [of Agriculture] shall find and proclaim (a) the total supply, the normal supply, and the carry-over of cotton as of August 1 of such year, (b) the probable domestic consumption of American cotton during the marketing year commencing August 1 of such year, (c) the probable exports of American cotton during such marketing year, and (d) the estimated carry-over of cotton as of the next succeeding August 1. • • •

SEC. 345. Whenever the Secretary determines that the total supply of cotton for any marketing year exceeds by more than 7 per centum the normal supply thereof for such marketing year, the Secretary shall proclaim such fact not later than November 15 of such marketing year • • •, and marketing quotas shall in be in effect during the next succeeding marketing year with respect to the marketing of cotton. Cotton produced in the calendar year in which such marketing year begins shall be subject to the quotas in effect for such marketing year notwithstanding that it may be marketed prior to August 1.

SEC. 343. (a) Not later than November 15 of each year the Secretary shall find and proclaim the amount of the national allotment of cotton for the succeeding calendar year in terms of standard bales of five hundred pounds gross weight. The national allotment shall be the number of bales of cotton adequate, together with the estimated carry-over as of August 1 of such succeeding calendar year, to make available a supply of cotton, for the marketing year beginning on such August 1, equal to the normal supply. • • •

(b) If the national allotment for 1938 or 1939 is determined to be less than ten million bales, the national allotment for such year shall be ten million bales for such year, as the case may be. If the national allotment for 1938 or 1939 is determined to be more than eleven million five hundred thousand bales, it shall be eleven million five hundred thousand bales for such year, as the case may be. The national allotment for any year (after 1939) shall not be less than ten million bales.

(c) Notwithstanding the foregoing provisions of this section, the national allotment for any year shall be increased by a number of bales equal to the production of the acres allotted under section 344 (e) for such year.

SEC. 344. (a) The national allotment for cotton for each year (exclusive that portion of the national allotment provided for in section 343 (c)) shall be apportioned by the Secretary among the several States on the basis of the average, for the five years preceding the year in which the national allotment is determined, of the normal production of cotton in each State. The normal production of a State for a year shall be (1) the quantity produced therein plus (2) the normal yield of the acres diverted in each county in the State under the previous agricultural adjustment or conservation programs. The normal yield of the acres diverted in any county in any year shall be the average yield per acre of the planted acres in such county in such year times the number of acres diverted in such county in such year.

(b) The Secretary shall ascertain, on the basis of the average yield per acre in each State, a number of acres in such State which will produce a number of bales equal to the allotment made to the State under subsection (a). Such number of acres plus the number of acres allotted to the State pursuant to subsection (e) (2) is referred to as the "State acreage allotment". The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the years used in computing the allotment to the State, and the average, for the same period, of the acres planted and the acres diverted in the State.

(c) (1) The State acreage allotment (less the amount required for apportionment under paragraph (2)) shall be apportioned annually by the Secretary to the counties in the State. The apportionment to the counties shall be made on the basis of the acreage planted to cotton during the five calendar years immediately preceding the calendar year in which the State allotment is apportioned (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during such five-year period.

(2) Not more than 2 per centum of the State acreage allotment shall be apportioned to farms in such State which were not used for cotton production during any of the three calendar years immediately preceding the year for which the allotment is made, on the basis of land, labor, and equipment available for the production of cotton; crop rotation practices; and the soil and other physical facilities affecting the production of cotton.

• • • • •

(e) (1) For 1938, 1939, and any subsequent year, the Secretary shall allot to the several counties, to which an apportionment is made under subsection (c), a number of acres required to provide a total acreage for allotment under this section to such counties of not less than 60 per centum of the sum of (1) the acreage planted to cotton in such counties in 1937, plus (2) the acreage therein diverted from cotton production in 1937 under the agricultural adjustment and conservation program. The acreage so diverted shall be estimated in case data are not available at the time of making such allotment.

(2) The Secretary shall allot to each State to which an allotment is made under subsection (b), and in which at least three thousand five hundred bales were produced in any of the five years immediately preceding the year for which the allotment is made, a number of acres sufficient to provide a total State acreage allotment for such State of not less than five thousand acres.



Whereas said Act contains, in section 301 (b), the following definitions of terms here pertinent:

"Carry-over" of cotton for any marketing year shall be the quantity of cotton on hand either within or without the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

• • • • •

Cotton, August 1–July 31 • • •.

"Normal supply" in the case of • • • cotton • • • shall be a normal year's domestic consumption and exports of the commodity, plus • • • 40 per centum in the case of cotton • • • of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of cotton • • •, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Total supply" of • • • cotton • • • for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins.

Whereas said Act provides, in section 301 (c), that "The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act"; and

Whereas said Act provides, in section 350, that the provisions of Part IV (Marketing Quotas—Cotton) of subtitle B of Title III thereof "shall not apply to cotton the staple of which is 1⅛ inches or more in length":

§ 722.201 *Findings and determinations.* Now, therefore, be is known that I, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby find, determine, and proclaim under sections 342, 343, and 345 of said Act:

(a) That the "total supply" of cotton as of August 1, 1939, was 25,550,000 running bales;

(b) That the "normal supply" of cotton as of August 1, 1939, was 18,200,000 running bales;

(c) That the "carry-over" of cotton as of August 1, 1939, was 14,150,000 running bales;

(d) That the "probable domestic consumption of American cotton" during the marketing year commencing August 1, 1939, is 7,000,000 running bales;

(e) That the "probable exports of American cotton" during the marketing year beginning August 1, 1939, is 6,000,000 running bales;

(f) That the estimated "carry-over" of cotton as of August 1, 1940, is 13,550,000 running bales;

(g) That the "total supply" of cotton for the marketing year begining August 1, 1939, exceeds by more than 7 per centum the "normal supply" of cotton for such marketing year; and

(h) That the national allotment of cotton for the calendar year beginning on January 1, 1940, shall be 10,000,000 standard bales of five hundred pounds gross weight, increased by that number of standard bales of five hundred pounds gross weight equal to the production in the calendar year 1940 of that number of acres required to be allotted for 1940 under the terms of section 344 (e) of said Act.

Done at Washington, D. C., this 14th day of September 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–3386; Filed, September 14, 1939; 12:45 p. m.]

### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### BUREAU OF ANIMAL INDUSTRY

[Amendment 35 to Declaration No. 12[1]]

### DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS - FREE ACCREDITED AREAS

SEPTEMBER 1, 1939.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended effective September 10, 1936,[2] the following named counties are hereby declared "Modified Accredited Areas" until the date given opposite each county named.

*California.*—Monterey, September 1, 1942; and Tulare, September 1, 1942.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended effective September 10, 1936, the following named counties, having completed the necessary retests for re-accreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

*Alabama.*—Autauga, September 1, 1942; and Montgomery, September 1, 1942.

*Arkansas.*—Grant, September 1, 1942; and Montgomery, September 1, 1942.

*California.*—Butte, September 1, 1942; and Imperial, September 1, 1942.

*Florida.*—Dixie, September 1, 1942.

*Georgia.*—Madison, September 1, 1942; and Oconee, September 1, 1942.

*Illinois.*—Henry, September 1, 1942; and Marshall, September 1, 1942.

*Indiana.*—Fayette, September 1, 1942; Lawrence, September 1, 1942; Martin, September 1, 1942; Orange, September 1, 1942; Parke, September 1, 1942; Union, September 1, 1942; and Warren, September 1, 1942.

*Iowa.*—Buchanan, September 1, 1942; and Humboldt, September 1, 1942.

*Kansas.*—Crawford, September 1, 1942; Ford, September 1, 1942; Labette, September 1, 1942; and Linn, September 1, 1942.

*Kentucky.*—Ballard, September 1, 1942.

*Maryland.*—Kent, September 1, 1942.

*Minnesota.*—Cass, September 1, 1942; Mahnomen, September 1, 1945; and Pennington, September 1, 1945.

*Missouri.*—Mississippi, September 1, 1942; Montgomery, September 1, 1942; and Scott, September 1, 1942.

*Nebraska.*—Douglas, September 1, 1942; and Washington, September 1, 1942.

*New York.*—Fulton, September 1, 1942; and Ontario, September 1, 1942.

*North Carolina.*—Mecklenburg, September 1, 1942.

*Oregon.*—Baker, September 1, 1942; Benton, September 1, 1942; Crook, September 1, 1942; Deschutes, September 1, 1942; Gilliam, September 1, 1942; Grant, September 1, 1942; Hood River, September 1, 1942; Jackson, September 1, 1942; Jefferson, September 1, 1942; Josephine, September 1, 1942; Marion, September 1, 1942; Morrow, September 1, 1942; Sherman, September 1, 1942; Umatilla, September 1, 1942; and Union, September 1, 1942.

*Oklahoma.*—Grady, September 1, 1942.

*South Carolina.*—Oconee, September 1, 1942; and Richland, September 1, 1942.

*Tennessee.*—Cocke, September 1, 1942.

*Texas.*—Dallas, September 1, 1942; DeWitt, September 1, 1942; Duval, September 1, 1942; and Fisher, September 1, 1942.

*Utah.*—San Pete, September 1, 1942; Utah, September 1, 1942; and Wasatch, September 1, 1942.

*Virginia.*—Arlington, September 1, 1942; Bland, September 1, 1942; Fairfax, September 1, 1942; Goochland, September 1, 1942; Mathews, September[1] 1, 1942; and Middlesex, September 1, 1942.

*Washington.*—Cowlitz, September 1, 1942.

*West Virginia.*—Lewis, September 1, 1942;

*Puerto Rico.*—Aguada, September 1, 1942.

Declaration No. 12, dated October 1, 1936, as amended,[2] is hereby further amended accordingly.

[SEAL] A. W. MILLER,
*Acting Chief of Bureau.*

[F. R. Doc. 39–3367; Filed, September 14, 1939; 9:18 a. m.]

[1] Supplements footnote to 9 CFR 77.3.
[2] 1 F.R. 1338.

[1] 1 F.R. 2024.

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3679]

IN THE MATTER OF ZENDEJAS PRODUCTS CORPORATION, ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.18 *Claiming indorsements or testimonials falsely.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondents' "Zendejas Medicine" and "Zendejas Ointment", or other similar medical preparations, which advertisements represent, directly or through implication, (1) that said medicinal preparation, "Zendejas Medicine", contains well-known curative properties of many plants, barks and roots, contributes to the purification of the blood, is an alternative for the general digestive system, promotes a formation of new and healthy elements and regulates the circulation of the blood and prevents blood clots, eliminates useless and obnoxious elements from the system, is a cure and remedy for all ailments for which an iodized medicine could be prescribed, or for rheumatism, or is of great value in the treatment of gout and arthritis, or that millions of rheumatics recommend its use; or which advertisements fail to reveal that said preparation "Zendejas Medicine", whether sold under the aforesaid name or any other name, contains potassium iodide and that said preparation may be injurious to persons afflicted with latent tuberculosis, or toxic goiter, and that its indiscriminate use by the lay public is dangerous; or which advertisements represent, directly or through implication, (2) that the medicinal preparation "Zendejas Ointment" is a competent and effective treatment, or cure for eczema, rash, ringworm, itching and other skin diseases, is a cure or remedy for skin diseases or that its use gives immediate relief to sufferers from skin eruptions and causes such eruptions to disappear; or which advertisements fail to reveal that said preparation "Zendejas Ointment", whether sold under the aforesaid name or under any other name, contains betanaphthol and that said ingredient is a dangerous drug which should be used only under a physician's supervision; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Zendejas Products Corporation, et al., Docket 3679, September 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ZENDEJAS PRODUCTS CORPORATION, A CORPORATION, AND JOSE SILVA, AN INDIVIDUAL TRADING AS ZENDEJAS PRODUCTS COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of the respondents, in which answer the respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to the facts, and the Commission having made its findings as to the facts and conclusions that respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, Zendejas Products Corporation, a corporation, its officers, representatives, agents and employees, and Jose Silva, individually and trading as Zendejas Products Company, or trading under any other name, his representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of medical preparations containing drugs now designated by the names "Zendejas Medicine" and "Zendejas Ointment", or any other medical preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same names or any other name or names or disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said medical preparations, which advertisements represent directly or through implication that said medicinal preparation, "Zendejas Medicine" contains well-known curative properties of many plants, barks and roots; that it contributes to the purification of the blood; that it is an alternative for the general digestive system; that it promotes a formation of new and healthy elements and regulates the circulation of the blood and prevents blood clots; that it eliminates useless and obnoxious elements from the system; that it is a cure and remedy for all ailments for which an iodized medicine could be prescribed; that it is a cure or remedy for rheumatism; that it is of great value in the treatment of gout and arthritis; that millions of rheumatics recommend its use; or which advertisements fail to reveal that said preparation "Zendejas Medicine", whether sold under the aforesaid name or any other name, contains potassium iodide and that said preparation may be injurious to persons afflicted with latent tuberculosis or toxic goiter, and that its indiscriminate use by the lay public is dangerous; or which advertisements represent directly or through implication that the medicinal preparation "Zendejas Ointment" is a competent and effective treatment, or cure, for eczema, rash, ringworm, itching and other skin diseases; that it is a cure or remedy for skin diseases or that its use gives immediate relief to sufferers from skin eruptions and cause such eruptions to disappear; or which advertisements fail to reveal that said preparation "Zendejas Ointment", whether sold under the aforesaid name or under any other name, contains betanaphthol and that said ingredient is a dangerous drug which should be used only under a physician's supervision.

*It is further ordered,* That the respondents shall, within 60 days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3374; Filed, September 14, 1939; 10:19 a. m.]

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[Docket No. 3708]

IN THE MATTER OF UNITED DISTRIBUTORS, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly — Results:* § 3.6 (yl) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Wittone" medicinal, or other similar, preparation, which advertisements represent, directly or indirectly, that constipation causes a swelling of the digestive organs or that the generation of poisons is a usual consequence of constipation, or that a distention of the digestive organs is caused by poisons or that a distention of such organs causes any significant pressure on the nerves in the locality of such organs, or that bilious spells, dizziness, headaches, sour stomach, dull tired feelings, sleepless nights, coated tongue, bad taste, or loss of appetite are due to pressure on the nerves caused by a distention of the digestive organs, or that the use of said preparation will, by relieving pressure on the nerves, eliminate any of such conditions, or that professional medical opinion is to the effect that 87 per cent of all ailments are traceable to constipation as the fundamental cause, or that such opinion is to the effect that any other percentage of ailments are so traceable unless such percentage is the percentage generally recognized by the consensus of the medical profession, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Distributors, Inc., Docket 3708, September 7, 1939]



§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Wittone" medicinal, or other similar, preparation, which advertisements represent, directly or indirectly, that the use of said preparation will lift mental depression regardless of its cause, render the mind active or alert, or afford any significant immediate relief for all stomach disorders, or that the action thereof is gentle or that its use will assure, in all cases, good health, vitality, well being or a healthy condition of the blood stream, or that it contains seven carminatives or any specified number of carminatives other than the number which is in fact contained in said preparation, or that the use thereof will strengthen the nerves or assure or impart physical beauty to the user, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Distributors, Inc., Docket 3708, September 7, 1939]

§ 3.6 (ja) *Advertising falsely or misleadingly—History of product:* § 3.6 (t) *Advertising falsely or misleading—Qualities or properties of products:* § 3.6 (x) *Advertising falsely or misleading—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Wittone" medicinal, or other similar, preparation, which advertisements represent, directly or indirectly, that said preparation has any beneficial effect in stimulating the appetite or digestive processes or nourishing the blood stream unless such representation is limited to the effectiveness of the tonic, laxative and cathartic properties of said preparation, or that it relieves the liver of any portion of its normal functions or is a notable discovery, or that it is a remedy or an adequate treatment for all deranged stomachic conditions, inactive livers, weak kidneys or similar disorders, or that it has any therapeutic value in the treatment of constipation other than inducing an artificial bowl movement or that the use thereof will tone up or improve the natural action of the bowels, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Distributors, Inc., Docket 3708, September 7, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Wittone" medicinal, or other similar, preparation, which advertisements represent, directly or indirectly, that said preparation is a remedy or a competent treatment for rheumatic aches or pains or is beneficial to women passing through the period of change of life, or possesses significant analgesic properties, or has any therapeutic value in the treatment of kidney troubles, unless such representation is limited to those conditions in the treatment of which a mild diuretic is indicated, or will relieve nervous indigestion, pains in the legs or sides, sick headaches, high blood pressure, heart trouble, nervousness, insomnia, prostate or gall bladder trouble or ulcers of the stomach, or will avert the common cold, or restore to normal all abnormal functioning of the nervous system, blood stream, liver, or stomach, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, United Distributors, Inc., Docket 3708, September 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding (respondent and counsel for the Commission having elected not to exercise their privilege, which was reserved in said stipulation, of filing briefs and making application for oral argument), and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, United Distributors, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of its medicinal preparation now designated "Wittone" or any other preparation or preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under said name or any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisements represent, directly or indirectly:

1. That constipation causes a swelling of the digestive organs or that the generation of poisons is a usual consequence of constipation;

2. That a distention of the digestive organs is caused by poisons or that a distention of such organs causes any significant pressure on the nerves in the locality of such organs;

3. That bilious spells, dizziness, headaches, sour stomach, dull tired feelings, sleepless nights, coated tongue, bad taste, or loss of appetite are due to pressure on the nerves caused by a distention of the digestive organs, or that the use of said preparation will, by relieving pressure on the nerves, eliminate any of such conditions;

4. That the use of said preparation will lift mental depression regardless of its cause, render the mind active or alert, or afford any significant immediate relief for all stomach disorders;

5. That the action of such preparation is gentle or that its use will assure in all cases, good health, vitality, well being or a healthy condition of the blood stream;

6. That such preparation contains seven carminatives or that said preparation contains any specified number of carminatives other than the number which is in fact contained in said preparation;

7. That said preparation has any beneficial effect in stimulating the appetite or digestive processes or nourishing the blood stream unless such representation is limited to the effec-

tiveness of the tonic, laxative and cathartic properties of said preparation:

8. That said preparation relieves the liver of any portion of its normal functions or that said preparation is a notable discovery;

9. That said preparation is a remedy or an adequate treatment for all deranged stomachic conditions, inactive livers, weak kidneys or similar disorders;

10. That said preparation has any therapeutic value in the treatment of constipation other than inducing an artificial bowel movement or that the use of said preparation will tone up or improve the natural action of the bowels;

11. That the use of said preparation will strengthen the nerves or assure or impart physical beauty to the user:

12. That professional medical opinion is to the effect that 87% of all ailments are traceable to constipation as the fundamental cause, or that such opinion is to the effect that any other percentage of ailments are so traceable unless such percentage is the percentage generally recognized by the consensus of the medical profession:

13. That said preparation is a remedy or a competent treatment for rheumatic aches or pains or is beneficial to women passing through the period of change of life, or that said preparation possesses significant analgesic properties;

14. That said preparation has any therapeutic value in the treatment of kidney troubles unless such representation is limited to those conditions in the treatment of which a mild diuretic is indicated;

15. That said preparation will relieve nervous indigestion, pains in the legs or sides, sick headaches, high blood pressure, heart trouble, nervousness, insomnia, prostate or gall bladder trouble or ulcers of the stomach, or that said preparation will avert the common cold, or that said preparation will restore to normal all abnormal functioning of the nervous system, blood stream, liver, or stomach.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3375; Filed, September 14, 1939; 10:19 a. m.]

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[Docket No. 3857]

IN THE MATTER OF G. BERNARDI

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Benaris" medicinal, or any other similar, preparation, which advertisements represent, directly or indirectly, that said preparation is a cure or remedy for colds, chronic colds, catarrh, bronchitis, laryngitis, dryness of the throat, hoarseness, rose or hay fever, irritation or inflammation of the throat, inflamed or enlarged tonsils, or congestion of the nasal passages, or that it is an effective treatment for, or will prevent, rose or hay fever, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, G. Bernardi, Docket 3857, September 7, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Benaris" medicinal, or any other similar, preparation, which advertisements represent, directly or indirectly, that the use of said preparation neutralizes the tissues or eliminates colds or will insure a healthful or efficient day or bring new life or sensation to the user thereof, or causes greater diaphragmatic breathing, or results in finer head tones or increases the resonance or volume or quality of the voice, or that it will relieve headaches, unless such representation is limited to headaches which are due to congestion of the mucous membranes of the air passages, or will penetrate the openings to the sinuses or relieve sinus congestion, unless such representations are limited to those cases in which the openings to the sinuses are not clogged so as to prevent the penetration therein of said preparation, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, G. Bernardi, Docket 3857, September 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and hearing as to said facts and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, G. Bernardi, an individual, his agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of his medicinal preparation now designated "Benaris" or any other preparation or preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under said name or any other name or names, or disseminating or causing to be disseminated, any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisements represent directly or indirectly:

(1) That said preparation is a cure or remedy for colds, chronic colds, catarrh, bronchitis, laryngitis, dryness of the throat, hoarseness, rose or hay fever, irritation or inflammation of the throat, inflamed or enlarged tonsils, or congestion of the nasal passages;

(2) That the use of said preparation neutralizes the tissues or eliminates colds or will insure a healthful or efficient day or bring new life or sensation to the user thereof;

(3) That the use of said preparation causes greater diaphragmatic breathing, or results in finer head tones or increases the resonance or volume or quality of the voice;

(4) That said preparation will relieve headaches unless such representation is limited to headaches which are due to congestion of the mucous membranes of the air passages;

(5) That said preparation will penetrate the openings to the sinuses or relieve sinus congestion unless such representations are limited to those cases in which the openings to the sinuses are not clogged so as to prevent the penetration therein of said preparation;

(6) That said preparation is an effective treatment for, or will prevent, rose or hay fever.

*It is further ordered*, That respondent shall, within sixty (60) days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3376; Filed, September 14, 1939; 10:20 a. m.]



## TITLE 43—PUBLIC LANDS

## GENERAL LAND OFFICE

[Circular No. 1460]

RECOGNITION AS ATTORNEYS AND AGENTS BEFORE THE DISTRICT LAND OFFICES, OF FORMER EMPLOYEES OF THE DEPARTMENT OF THE INTERIOR

Departmental Order No. 615, dated March 24, 1933 (54 I. D. 194), relative to admission of former employees to practice before the Department of the Interior and its bureaus, was held applicable to applications to practice before the district land offices, by Circular No. 1374, dated November 29, 1935 (55 I. D. 423), and was incorporated as a part of Sec. 212.19 of the Code of Federal Regulations.

By Departmental Order No. 1397, dated June 29, 1939,[1] substitute regulations were adopted. The said Sec. 212.19, therefore, is hereby amended to read as follows:

§ 212.19. *Practice by former employees of the Department of the Interior.* Departmental Order No. 1397, dated June 29, 1939, substituted the following regulations for the regulation contained in Departmental Order No. 615, dated March 24, 1933 (54 I. D. 194):

(1) No person shall appear before the Department or before any bureau, board, division or other agency thereof as attorney, agent or practitioner in any matter to which as an officer or employee of the United States he gave personal consideration or as to the facts of which he gained knowledge while in the Government service. No person shall knowingly (a) assist a person who has been employed by a client to represent him before the Department of the Interior in connection with any matter to which such person gave personal consideration or as to the facts of which such person gained personal knowledge while in the Government service, (b) accept assistance from any such person in connection with any such matter, or (c) share fees with any such person in connection with any such matter.

(2) No former officer, clerk or employee of the Department of the Interior shall act as attorney, agent or practitioner or as the employee of an attorney, agent or practitioner within two years after the termination of such employment with the Department in any matter pending in such Department during the period of his employment therein, unless he shall first obtain the written consent thereto of the Secretary of the Interior or his duly authorized representative. Such applicant shall file an application in the form of an affidavit to the effect that he gave no personal consideration to such matter, and had no knowledge of the facts involved in such matter while he was employed in the Department, and that he is not now associated with, and will not be associated with, any former employee who has gained knowledge of the case while employed by the Department of the Interior, and his employment is not prohibited by Title 5, section 99, United States Code, or other law, or by the regulations of the Department of the Interior. The statements contained in such affidavit shall not be sufficient if disproved by an examination of the files, records and facts pertaining to the case. Such affidavit should state the former connection of the applicant with the Department and identify the matter in which the applicant desires to appear. The application should be directed to the Secretary of the Interior. The applicant shall be promptly advised as to his privilege to appear in the particular matter, and this notice shall be filed by him in the record of the case.

The registers of the district land offices will be governed by the provisions of the substitute regulations, in the recognition as attorneys and agents, of former employees of the Department of the Interior.[2]

FRED W. JOHNSON,
*Commissioner.*

Approved, August 21, 1939.

HARRY SLATTERY,
*Undersecretary.*

[F. R. Doc. 39-3372; Filed, September 14, 1939; 9:24 a. m.]

[1] 4 F.R. 3141 DI.

No. 178——2

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STOCK DRIVEWAY WITHDRAWAL No. 256, COLORADO No. 24

SEPTEMBER 1, 1939.

It appearing that the following-described public lands in Colorado are necessary for the purpose, it is ordered, under and pursuant to the provisions of section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-land laws and reserved for use by the general public as a stock driveway, subject to valid existing rights and the withdrawals for power-site purposes and the Juniper Reservoir affecting the lands:

SIXTH PRINCIPAL MERIDIAN

T. 6 N., R. 93 W.,
sec. 21, E½NE¼, SW¼NE¼, W½SE¼,
sec. 33, those parts of the W½NE¼, NW¼SE¼ and SE¼SE¼, lying east or north of the Yampa River;
aggregating 236 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

HARRY SLATTERY,
*Under Secretary of the Interior.*

[F. R. Doc. 39-3371; Filed, September 14, 1939; 9:24 a. m.]

[2] Issued under authority of Sec. 5, 23 Stat. 101 and R. S. 161 (5 U.S.C. 493, 22), and in the exercise of the inherent power of the Secretary of the Interior.

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## TITLE 46—SHIPPING

## UNITED STATES MARITIME COMMISSION

[General Order No. 15, Sup. 14a]

MINIMUM MANNING SCALES FOR THE S. S. PRESIDENT ADAMS, PRESIDENT GARFIELD, PRESIDENT HARRISON, PRESIDENT HAYES, PRESIDENT MONROE, PRESIDENT POLK AND PRESIDENT VAN BUREN—SUBSIDIZED VESSELS OF THE AMERICAN PRESIDENT LINES, LTD.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 12th day of September 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15[1] providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. *President Adams*, *President Garfield*, *President Harrison*, *President Hayes*, *President Monroe*, *President Polk*, and *President Van Buren*, subsidized vessels of the American President Lines, Ltd. (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

*Ordered*, That the minimum manning scales attached hereto for the S. S. *President Adams*, *President Garfield*, *President Harrison*, *President Hayes*, *President Monroe*, *President Polk* and *President Van Buren*, subsidized vessels of the Operator, be and the same hereby are adopted; *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of any of said vessels without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that

[1] 2 F.R. 2257.

sufficient reasons for such departure existed; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after October 1, 1939 of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.
*Secretary.*

*Minimum Manning Scale To Be Observed on the Vessels S. S. "President Adams," "President Garfield," "President Harrison," "President Hayes," "President Monroe," "President Polk," and "President Van Buren," Subsidized Vessels of the American President Lines, Ltd.*

| Rating: Deck department: | Minimum Freighter | Passenger |
|---|---|---|
| Master | 1 | 1 |
| Chief Mate | 1 | 1 |
| Second Mate | 1 | 1 |
| Third Mate | 1 | 1 |
| Cadet Officers or Cadets | [1]3 | [1]2 |
| Radio Operators | [2]1 | 3 |
| Boatswain | 1 | 1 |
| Carpenter | 1 | 1 |
| Quartermasters | — | 3 |
| A. B. Seamen | 6 | 11 |
| Ordinary Seamen | 3 | 6 |
| Fire Watchmen | — | 3 |
| Engine Department: | | |
| Chief Engineer | 1 | 1 |
| First Assistant Engineer | 1 | 1 |
| Second Assistant Engineer | 1 | 1 |
| Third Assistant Engineer | 1 | 1 |
| Engineer Cadet Officers or Cadets | [1]3 | [1]2 |
| Junior Engineers | 3 | 3 |
| Deck Engineer | [3]1 | [3]1 |
| Refrigerating Engineer | 1 | 1 |
| Oilers | 6 | 6 |
| Watertenders | 3 | 3 |
| Firemen | 6 | 6 |
| Wipers | [3]5 | [3]5 |

[1] It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of the Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official logbook to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel, and such action shall not constitute a violation of this Manning Scale.

[2] With radio auto-alarm.

[3] The Deck Engineer and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

| Rating: Steward's Dep't: | Minimum Freighter | Passenger |
|---|---|---|
| Steward | 1 | 1 |
| Chief Cook | 1 | 1 |
| Second Cook & Butcher | 1 | 1 |
| Baker | 1 | 1 |
| Utility Men | 2 | 2 |
| Messmen | 4 | 4 |
| Messboys | 2 | 2 |

*General Note.*—Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-3383; Filed, September 14, 1939; 12:43 p. m.]

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[General Order No. 15, Sup. 14b]

MINIMUM MANNING SCALES FOR THE S. S. "PRESIDENT COOLIDGE"—SUBSIDIZED VESSEL OF THE AMERICAN PRESIDENT LINES, LTD.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 12th day of September 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15 providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. *President Coolidge*, subsidized vessel of the American President Lines, Ltd. (referred to herein as Operator); and

The Commission finding that the minimum scale hereinafter adopted for the above named subsidized vessel of the Operator is reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

*Ordered*, That the minimum manning scale attached hereto for the SS. *President Coolidge*, subsidized vessel of the Operator, be and the same hereby is adopted; *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of said vessel without undue delay, the said scale shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scale, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

*Ordered*, That the minimum manning scale hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

*Ordered*, That the minimum manning scale hereby adopted shall become effective for each of said vessels upon the first signing after October 1, 1939 of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scale, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scale hereby adopted.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.
*Secretary.*

*Minimum Manning Scale to be Observed on the Vessel S. S. "President Coolidge," Subsidized Vessel of the American President Lines, Ltd.*

| Rating: Deck Department: | Minimum |
|---|---|
| Master | 1 |
| Chief Mate | 1 |
| First Mate | 1 |
| Second Mate | 1 |
| Third Mate | 1 |
| Cadet Officers or Cadets | [1]3 |
| Radio Operators | 3 |
| Carpenter | 1 |
| Boatswain | 1 |
| Quartermasters | 6 |
| Fire Watchmen | 4 |
| A. B. Seamen | 10 |
| Ordinary Seamen | 13 |
| Engine department: | |
| Chief Engineer | 1 |
| First Assistant Engineer | 1 |
| Second Assistant Engineer | 1 |
| Senior Third Assistant Engineer | 1 |
| Third Assistant Engineer | 1 |
| Engineer Cadet Officers or Cadets | [1]3 |
| Junior Engineers | 6 |
| Refrigerating Engineers | 3 |
| Electricians | 4 |
| Deck Electrician | 1 |
| Plumber | 1 |
| Oilers | 6 |
| Watertenders | 3 |
| Firemen | 9 |
| Wipers | [2]5 |
| Steward's department: | |
| Steward | 1 |
| Chief Cook (crew) | 1 |
| Assistant Cook (crew) | 1 |
| Butcher | 1 |
| Baker | 1 |
| Utility Men | 3 |
| Messmen | 9 |

[1] It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of the Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official logbook to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel, and such action shall not constitute a violation of this Manning Scale.

[2] The Engineers and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to, the respective rating provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

*General Note.*—Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-3384; Filed, September 14, 1939; 12:43 p. m.]



[General Order No. 15, Sup. 14c]

MINIMUM MANNING SCALES FOR THE S. S. "PRESIDENT CLEVELAND," "PRESIDENT LINCOLN," PRESIDENT PIERCE," AND "PRESIDENT TAFT"—SUBSIDIZED VESSELS OF THE AMERICAN PRESIDENT LINES, LTD.

At a regular session of the United States Maritime Commission held at its offices in Washington, D. C., on the 12th day of September 1939.

The Commission having adopted, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, General Order No. 15 providing for minimum wage scales, minimum manning scales, and reasonable working conditions for all subsidized vessels, and now desiring to complete the minimum manning scales for the S. S. *President Cleveland*, *President Lincoln*, *President Pierce*, and *President Taft*, subsidized vessels of the American President Lines, Ltd. (referred to herein as Operator); and

The Commission finding that the minimum scales hereinafter adopted for the above named subsidized vessels of the Operator are reasonable, proper and lawful, such finding being based upon investigations referred to in General Order No. 15 and investigations of the Commission made thereafter; it is, therefore

*Ordered*, That the minimum manning scales attached hereto for the S. S. *President Cleveland*, *President Lincoln*, *President Pierce* and *President Taft*, subsidized vessels of the Operator, be and the same hereby are adopted; *Provided*, That under extraordinary circumstances such as casualty or desertion, where it is impossible to procure sufficient officers or unlicensed seamen of any required grade or rating to permit the sailing of any of said vessels without undue delay, the said scales shall be inoperative to the extent required by such emergency, and the Operator shall forthwith report to the Commission any departure from said scales, stating in such report the extent of the departure and showing to the satisfaction of the Commission that sufficient reasons for such departure existed; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall not relieve said Operator from complying with the manning requirements of the Bureau of Marine Inspection and Navigation and shall be without prejudice to the carrying of seamen in addition to those required hereby; and it is further

*Ordered*, That the minimum manning scales hereby adopted shall become effective for each of said vessels upon the first signing after October 1, 1939 of shipping articles for a subsidized voyage of said vessel, unless otherwise specified in the scales, and that the Operator be immediately served by registered mail with a copy of this Order and of the minimum manning scales hereby adopted.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.
*Secretary.*

*Minimum Manning Scales to be Observed on the Vessels S. S. "President Cleveland," "President Lincoln," President Pierce," and "President Taft," Subsidized Vessels of the American President Lines, Ltd.*

| Rating: Deck Department: | Minimum |
|---|---|
| Master | 1 |
| Chief Mate | 1 |
| Second Mate | 1 |
| Third Mate | 1 |
| Cadet Officers or Cadets | [1]2 |
| Radio Operators | 3 |
| Boatswain | 1 |
| Carpenter | 1 |
| Quartermasters | 3 |
| Fire Watchmen | 3 |
| A. B. Seamen | 14 |
| Ordinary Seamen | 9 |
| Engine Department: | |
| Chief Engineer | 1 |
| First Assistant Engineer | 1 |
| Second Assistant Engineer | 1 |
| Third Assistant Engineer | 1 |
| Engineer Cadet Officers or Cadets | [1]2 |
| Junior Engineers | 3 |
| Deck Engineer | [2]1 |
| Oilers | 6 |
| Watertenders | 6 |
| Firemen | 12 |
| Wipers | [2]5 |
| Steward's Department: | |
| Steward | 1 |
| Chief Cook | 1 |
| 2nd Cook and Butcher | 1 |
| Baker | 1 |
| Utility Men | 2 |
| Messmen | 4 |
| Messboys | 2 |

[1] It shall not constitute a violation of this Manning Scale to detail any Cadet Officer or Cadet required to be carried hereby, to shore training after notice to, and approval by, the Director of the Division of Maritime Personnel of this Commission, and in such case entry shall be made in the official logbook to this effect and no replacements of such Cadet Officers or Cadets shall be required. Such cadets also may be removed from vessel's complement at any time upon notice to the operator by the Director of the Division of Maritime Personnel, and such action shall not constitute a violation of this Manning Scale.

[2] The Engineers and Wipers required by this Manning Scale are ratings covered by, and in no sense additions to, the respective ratings provided for by the Manning Scales set forth in General Order No. 15, issued October 21, 1937.

*General Note.*—Requirements of this Manning Scale will be deemed satisfied in the event that an employee is carried whose rating in the same department is superior to the rating prescribed.

[F. R. Doc. 39-3385; Filed, September 14, 1939; 12:43 p. m.]

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## *Notices*

### DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

[40-Tob-16]

INSTRUCTIONS FOR HOLDING REFERENDUM ON BURLEY TOBACCO MARKETING QUOTAS

In the event that the Secretary of Agriculture, pursuant to the provisions of section 312 (a) of the Agricultural Adjustment Act of 1938, proclaims a national marketing quota for Burley tobacco for the marketing year beginning October 1, 1940, a referendum of farmers who were engaged in production of the 1939 crop of Burley tobacco will be held, pursuant to the provisions of section 312 (c) of said act and in accordance with the regulations hereinafter set forth, on a date to be announced by the Secretary of Agriculture, to determine whether such farmers are in favor of or opposed to such quota.

The following forms will be used:

40-Tob-16—Instructions for Holding Referendum on Burley Tobacco Marketing Quotas
40-Tob-17—Register of Eligible Voters and Ballots Cast
40-Tob-18—Notice—Burley Tobacco Marketing Quota Referendum
40-Tob-19—1940 Burley Tobacco Marketing Quota Referendum Ballot
40-Tob-20—Community Summary of 1940 Burley Tobacco Marketing Quota Ballots
40-Tob-21—County Summary of 1940 Burley Tobacco Marketing Quota Ballots
40-Tob-22—State Tabulation of 1940 Burley Tobacco Marketing Quota Ballots

A. VOTING ELIGIBILITY

All farmers who were engaged in the production of Burley tobacco in 1939 are eligible to vote in the Burley tobacco marketing quota referendum. Any person who shares in the proceeds of the 1939 Burley tobacco crop as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper is considered as having been engaged in the production of Burley tobacco in 1939. If several members of the same family participated in the production of Burley tobacco on a farm in 1939, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who had an independent bona fide status as operator, share-tenant, or sharecropper and was entitled as such to share in the proceeds of the 1939 crop.

For any farm on which records have been obtained in connection with the 1939 agricultural conservation program showing correctly those persons entitled to receive a share of the proceeds of the tobacco crop grown on the farm in 1939, only those persons so shown as entitled to receive such share shall be eligible to vote in the referendum.

No person shall be eligible to vote in any community other than the community in which he resides, except, as follows: (a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the

polling place designated for the community nearest to the community in which he was engaged in the production of tobacco in 1939. (b) Any person who does not reside in the county in which he was engaged in the production of tobacco in 1939 may obtain a ballot at the most conveniently located polling place and may cast his ballot by signing his name thereto and mailing it to the county office of the county in which he was engaged in the production of tobacco in 1939 not later than the date of the referendum (the postmark on the envelope in which the ballot was mailed shall be conclusive evidence of the date of mailing).

There shall be no voting by mail (except as provided above) by proxy, or by agent, but a duly authorized officer of a corporation, firm, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

Farmers who planted Burley tobacco in the field in 1939, but harvested no tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as having been engaged in the production of Burley tobacco in 1939 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

No farmer (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may have been engaged in the production of Burley tobacco in two or more communities, counties, or States in 1939.

In the event two or more persons engaged in producing Burley tobacco in 1939 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

The following statements will serve as examples to illustrate the eligibility of persons to vote in particular instances.

(a) In the case of a husband and wife who engaged in the production of Burley tobacco as joint owners of a farm each is eligible to vote; and similarly in the case of a husband and his wife or a father and his son who engaged in the production of Burley tobacco in 1939 as joint tenants the husband and wife or the father and son, as the case may be, are each eligible to vote.

(b) A person who is considered as a wage hand on a farm but who receives part or all of the proceeds from a fixed acreage of tobacco and thus shares in the proceeds of the 1939 crop of Burley tobacco produced on the farm would be considered as a sharecropper and shall be eligible to vote.

(c) If any person gives a member of his family a part of the tobacco crop or its proceeds but such member of the family does not have an independent status on the farm as a share-tenant or share-cropper then such member of the family is not eligible to vote.

(d) A person acting as administrator, executor, or guardian, or in some similar fiduciary capacity, is eligible to vote for each estate or person for whom he acts in such capacity if such estate or person was engaged in the production of the 1939 Burley tobacco crop. In such event the heirs of the estate for whom the administrator or executor acts are not eligible to vote by virtue of being such heirs nor is the person for whom the guardian or other fiduciary acts eligible to vote.

(e) A minor is eligible to vote only if he was the owner-operator of a farm on which Burley tobacco was produced in 1939 or if as a party to a bona-fide lease or operating agreement he had an independent status as operator, share-tenant or sharecropper and as such was entitled to share in the proceeds of the 1939 Burley tobacco crop.

B. INSTRUCTIONS TO COUNTY COMMITTEES

The county agricultural conservation committee (hereinafter referred to as the county committee) shall be responsible for the proper holding of the referendum in the county and shall:

1. Have prepared in duplicate, prior to the date of the referendum, a registration list on 40–Tob–17 showing the name and other information required on the form for each farmer in the county who was engaged in the production of Burley tobacco in 1939. The registration list should be prepared by communities using as far as possible the records obtained under the 1939 agricultural conservation program. For those farms on which performance has not been checked the county committee should have the respective community committeeman or farm supervisor obtain the following information:

(a) The name of the farm operator;
(b) The name of each share-tenant or sharecropper growing Burley tobacco on the farm in 1939;
(c) The acreage share of each such person in the tobacco grown on the farm;
(d) The tenure of each such person; and
(e) The name and location of every other farm on which each such person engaged in the production of Burley tobacco in 1939.

In obtaining the above information, the farm operator may be requested by letter to visit the county office or a designated place in the community within a specified time for the purpose of furnishing the information; or a community committeeman or supervisor may visit the farm operator and obtain the information. In preparing the registration list (40–Tob–17) it is suggested that the procedure indicated by the example below be followed:

| Farm serial No. | Names of farmers eligible to vote | Tenure of farmer | Initials of committeeman issuing ballot |
|---|---|---|---|
| A | B | C | D |
| 1 | 100 | Adams, A. A. | O | |
| 2 | | Black, B. B. | C | |
| 3 | | White, W. W. | C | |
| 4 | 105 | Brown, B. B. (nonresident). | | |

If the registration list is prepared in accordance with the example above, the name of the farm operator will be listed in the left side of Column B, and in the lines immediately beneath the line on which the name of the farm operator is listed there will be listed in the right side of Column B the name of each share-tenant or sharecropper on the farm who shares in the proceeds of the 1939 Burley tobacco crop. Preferably all farms operated by the same person in any community should be listed in order and the name of such operator listed only once. However, if the name of any person who resides in a community is listed more than once in that community the words "Vote other farm" should be written beside his name for each farm with respect to which it is listed except for the first farm listed for him on the registration list. If the name of any person is listed in any community and such person does not reside in such community the word "Non-resident" should be written beside such person's name.

2. Designate one readily accessible place for balloting in each community and give public notice of the date of the referendum and of the time and place for balloting. Such notice shall be given by posting the notice form (40–Tob–18) at one or more places open to the public within each community as soon as possible after the date of the referendum has been announced.

3. Make use (without advertising expense) of all available agencies of public information, including newspapers and radio, to give Burley tobacco farmers in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice shall be given as soon as possible after the date of the referendum has been announced.

4. Designate three local farmers residing in each community who produced Burley tobacco in the community in 1939 as the members of the community referendum committee to conduct the referendum on the national marketing quota for Burley tobacco in such community, and name one of the members chairman of the committee. Designate also one such farmer as an alternate to serve on the committee in the event that any of the three regular members cannot serve.

5. In counties with a combined total of less than 200 Burley tobacco farms, the county committee may treat the county as one community for the purpose of the referendum and hold the referendum and perform the duties both of county committee and community referendum committee.

6. See that each community referendum committee is provided with a suitable ballot box in which to place the ballots cast in the referendum.

7. See that 40–Tob–17 has been prepared, in accordance with the instructions herein, to show the persons eligible to vote in the referendum in each community.

8. Deliver the original of 40–Tob–17 and a supply of 40–Tob–19 and 20 to the chairman of the community referendum committee. Retain 40–Tob–17a in the county office.

9. See to it that the community referendum committees understand their duties as to (a) issuing ballot forms, (b) recording and challenging votes, (c) tabulating ballots, and (d) certifying results of the referendum in the community.

10. Notify the State committee by telephone, telegraph, or in person, as soon as possible after the closing of the polls, as to the preliminary count of "Yes" and "No" votes in the referendum held in the county.

11. Meet not later than two days after the date of the referendum for the purpose of receiving and summarizing on 40–Tob–21 the data contained on 40–Tob–20. Such meeting shall be open to the public. 40–Tob–21, showing the results in the county, shall be prepared and certified in quadruplicate, the original and one copy shall be sent to the State agricultural conservation committee (hereinafter referred to as the State committee) not later than four calendar days after the date of the referendum, one copy posted for sixty days in a conspicuous place accessible to the public in or near the office of the county committee (hereinafter referred to as the county office) and one copy permanently filed in the county office, where it shall be open to public inspection.

12. Notify the State committee as soon as possible by mail (on 40–Tob–21) as to the final outcome of the referendum in the county.

13. Make an investigation in each case of controversy or dispute regarding the eligibility of a voter. In each case where a ballot is marked "Challenged" by the community referendum committee, the eligibility of such person shall first be determined. If it is determined that such person is eligible, the ballot shall be placed with the challenged ballot of every other person found to be eligible, and when all the challenged ballots shall have been passed upon by the committee those ballots found to be valid shall be tabulated in the county summary. If it is determined that such person is not eligible the ballot shall be preserved with other ballots, as provided in paragraph 15 of this section B.

14. Make an immediate investigation in each case of dispute regarding the correctness of the summary of the referendum in a community. No dispute shall be investigated by the county committee unless it is brought to its attention within ten calendar days after the date on which the referendum in question was held. The county committee shall promptly decide the dispute and immediately report its findings to the State committee. All voted ballots, register forms, and community summary sheets involved in the dispute shall be mailed or delivered in person to the State office.

15. Seal the voted ballots, challenged ballots found ineligible, register sheets, and community summary sheets for the county in one or more envelopes or packages (marked "Burley Tobacco Referendum 1940", followed by the name of the county) and place them under lock and key in a safe place under the custody of the secretary of the county agricultural conservation association for a period of sixty calendar days from the date of the referendum. If no notice to the contrary is received by the end of such time, the ballots shall be destroyed and the register and community summary sheets permanently filed in the county office, where they shall be open to public inspection.

C. INSTRUCTIONS TO COMMUNITY REFERENDUM COMMITTEES

Each community referendum committee designated by the county agricultural conservation committee shall:

1. Arrange, with the assistance of the county committee, for conducting the referendum.

2. Assist the county committee in giving adequate public notice of the time and place for casting ballots in advance of the date on which the referendum will be held.

3. Provide a place where each voter can prepare and cast a ballot in secret and without interference.

4. Provide ballot boxes. Any container so arranged that ballots cannot be seen and cannot be removed without breaking seals on the container will be suitable. If strip adhesive paper or similar seals are used, such seals should be signed or initialed so that breaking or replacing the seal will affect or destroy the identifying marks and show that the seal has been tampered with.

5. Open the polls not later than 9:00 o'clock A. M., local standard time, on the date fixed for the referendum.

6. Hold the referendum in a fair unbiased manner.

7. Initial the ballot and also the registration list (40–Tob–17) opposite the name of the voter prior to issuance of the ballot to the voter. The initials of one committeeman will be sufficient but the committeeman who initials the ballot for a voter also should initial the registration list for such voter. If the eligibility of the voter is challenged make entries on the ballot form as required in paragraph 9 prior to issuance of the ballot to the voter.

8. Instruct each voter, as he is handed a ballot form, to mark his ballot so as to show which way he votes and then to fold the ballot and place it in the ballot box.

9. Issue a ballot to each person who claims to be eligible to vote and requests a ballot, even though his eligibility is challenged by the committee. The committee shall challenge the eligibility of any person to vote:

(a) If his name is not recorded on the register of eligible voters (40–Tob–17) prior to the date of the referendum;

(b) If he was not engaged in production of Burley tobacco in 1939 in the community where the community referendum committee has jurisdiction over the polls, or if there is some indication beside his name that he should vote in another community; or

(c) If the committee is not certain that he has a bona-fide status as a farmer engaged in the production of Burley tobacco in 1939.

In every case where the eligibility of any person to vote is challenged, the community referendum committee shall, prior to the issuance of the ballot to such person, write across the back of the ballot in large letters the word "Challenged" and underneath such word the following:

(a) The name of such person;
(b) The name or number or letter of the community in which such person claims to have produced Burley tobacco in 1939;
(c) The name of the operator of the farm on which such person claims to have produced Burley tobacco in 1939; and
(d) A concise statement of the reason for challenging the eligibility of such person to vote.

The committee shall provide each farmer whose ballot is challenged as provided above an envelope in which the farmer may seal the ballot before placing it in the ballot box.

10. For each farmer to whom a ballot form is issued but who is not already listed on 40–Tob–17 prior to the time the ballot is issued to him, record thereon the information required is columns A to D, inclusive.

11. Close the polls and discontinue acceptance of ballots at 5:00 o'clock P. M., local standard time, on the date of the referendum, or such later hour as is fixed by the State committee.

12. Immediately after closing the polls, open the ballot box and canvass the ballots cast, which canvass shall be kept open to the public.

13. Tabulate and record the results of the referendum on 40–Tob–20. The number of challenged ballots cast shall be entered on 40–Tob–20, in the space provided, and will not be shown as being either for or against the marketing quotas. If any ballot is found to be mutilated or marked in such a way that it cannot be determined whether the voter favored or opposed marketing quotas, it shall not be counted as a ballot cast, the number of such spoiled ballots shall be entered in the space provided and such ballots placed in an envelope marked "Spoiled Ballots", followed by the designation of the community.

14. The total number of ballots issued as shown by the entry on the registration list of the initials of committeemen who issued the ballots shall be determined. The total number of ballots cast (including challenged, spoiled and invalid ballots) shall be determined. If any ballot was cast which was not initialed by a committeeman such ballot shall be marked "Invalid" and included among the spoiled ballots as provided in paragraph 13 above.

15. Certify to the accuracy of the executed 40–Tob–17 and 40–Tob–20 by signing in the spaces provided.

16. Notify the county committee by telephone, or in person, as soon as possible after the closing of the polls as to the preliminary count of "Yes" and "No" votes in the community.

17. Seal the voted ballots (including those challenged), the spoiled ballots, the register sheets, and the community summary sheets in one or more envelopes appropriately identified by the designation of the community and deliver them to the county committee not later than two calendar days after the date of the referendum, with the unused ballots and other forms. The chairman of the community referendum committee shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

18. Post an executed copy of 40–Tob–21, as soon as it is executed, at a conspicuous place at the polling place and see that it remains posted and accessible to the public for at least three calendar days after the date of the holding of the referendum.

D. INSTRUCTIONS TO STATE COMMITTEES

The State committee shall be in charge of and responsible for the conducting of the referendum in the State and shall:

1. Notify the applicable regional director by telegraph as to the preliminary count in the referendum in the State of votes for and votes against marketing quotas.

2. Summarize on 40–Tob–22 the information contained on 40–Tob–21 and mail two fully executed 40–Tob–22's to the applicable regional director not later than seven calendar days after the date of the referendum. If one sheet proves insufficient for listing the information with respect to all counties in the State, additional sheets properly numbered and identified and securely attached to the first sheet may be used for continuation, in which case totals and signatures should be entered only on the last sheet. One fully executed copy of 40–Tob–21 and 40–Tob–22 shall be permanently filed in the State office of the Agricultural Adjustment Administration where it shall be open to public inspection.

3. Complete the investigation of any report from any county regarding controversies, irregularities, or disputes over the correctness of summaries of the referendum, not later than fifteen calendar days after the date of the referendum, and promptly forward its findings in such cases to the applicable regional director.

E. RESULTS OF REFERENDUM

Final and official tabulation of the votes cast in the referendum will be made by the Agricultural Adjustment Administration and the results of the referendum announced by the Secretary of Agriculture. The reports on 40–Tob–22 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection.

Each county committee is authorized to release to the public press and to other inquirers unofficial reports of the total "Yes" and total "No" votes in the referendum in the county.

The State committee is authorized to release to the press and to other inquirers the unofficial results of the referendum for the respective State by counties as rapidly as the votes in the various counties are tabulated.

If the Administrator of the Agricultural Adjustment Administration or the Secretary of Agriculture deems it necessary, the report of any community referendum committee, county committee, or State committee shall be reexamined and checked by such persons or agencies as may be designated.

Done at Washington, D. C., this 14th day of September 1939. Witness my hand and seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3387; Filed, September 14, 1939; 12:45 p. m.]

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## Food and Drug Administration.

REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER IN REGARD TO FILL OF CONTAINER OF CANNED PEACHES

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR EACH OF THE FOODS COMMONLY KNOWN AS CANNED PEACHES, CANNED APRICOTS, CANNED PEARS AND CANNED CHERRIES

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1143 of the Federal Register, a notice of a public hearing to be held on April 10, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue N. W., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for each of the foods commonly known as canned peaches, canned apricots, canned pears, and canned cherries. The notice contained a proposal, in general terms, for defining and so standardizing each of such foods. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1.)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches.

3. In pursuance of such announcement, a hearing was held for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches, and the hearing was continued with reference to the other proposals, to dates subsequently to be announced.

4. On April 14, 1939, at 9 a. m., the hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable standard of fill of container and specifying the form and manner of label statement of substandard fill of container for the food commonly known as canned peaches was convened, and was concluded at 1:45 p. m., on the same day. All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and written argument.

5. Within the time announced at the hearing within which interested persons might file proposed findings of fact, written argument, or both, various interested persons filed proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing.

6. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.

*Suggested Findings*

1. The quantity of the optional peach ingredient which can be placed in a container varies, depending upon the method of packing and upon the shape, size, degree of maturity, and specific gravity of the units of the optional peach ingredient (R. pp. 29, 48, 49).

2. With the exception of comparatively few slack filled cans, canned peaches as they appear on the market at the present time contain the maximum quantity of the optional peach ingredient which, using reasonably good factory practice, can be placed and sealed in each can and processed by heat to prevent spoilage, without crushing or breaking the peach units (R. pp. 30, 32, 49, 50).

3. The maximum quantity of the optional peach ingredient varies, depending on the size of the container, the method of packing, the form, size, firmness of units, the necessity for having sufficient liquid to insure proper processing, and other factors (R. p. 30).

4. The can should contain the greatest number of peach units the canner can place therein and properly seal and process (R. pp. 30, 31, 32, 49, 50).

5. Knowing the form, shape, size, degree of maturity and comparative specific gravity of the peach units in any lot being canned, canners know the greatest amount of peach units which can be placed in a can of any given size without damage, and canners employ inspectors to insure proper filling by packers (R. pp. 30, 31).



6. None of the various methods which have been studied for objective measurements of fill have shown any uniform correlation between the quantity of peach units put in and the quantity of peach units cut out. Assurance to the consumer of a can full of peaches can be obtained only by a requirement as to the quantity put in the container (R. pp. 27–29, 31, 32, 35, 40, 41, 45, 50, 58, 60, 62, 64, 81, 82, 90, 91, 92, 95, 96, 98, 102, 110, 112) (Government's Exhibits Nos. 2 and 3) (Other Interested Parties' Exhibits Nos. 1 and 2).

7. It is necessary and desirable in the interest of the consumer that canned peaches falling below a standard of fill of container bear on the label a simple and understandable statement of that fact (R. pp. 32, 33). "Below Standard in Fill" is such a statement (R. pp. 32, 33).

8. If canned peaches fall below a standard of fill of container, it is necessary and desirable in the interest of the consumer that the label bear the statement "Below Standard in Fill", printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement should be in 12-point type; if such quantity is 1 pound or more, the statement should be in 14-point type. Such statement should be enclosed within lines not less than 6 points in width, forming a rectangle; but if the peaches also fall below the standard of quality for canned peaches and bear the label statement of substandard quality specified in the standard of quality for canned peaches, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, should be on a strongly contrasting, uniform background, and should be so placed as to be easily seen when the name "Peaches" or any pictorial representation of a peach is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase (R. p. 33).

9. The substandard statement now required by the regulations issued pursuant to the McNary-Mapes Amendment is "Below U. S. Standard" followed by "Slack Fill", in the case of excess head space; and by the statement "Contains Excessive Added Liquid", in the case of excessive packing medium (R. pp. 33, 34). These statements are required to appear in substantially the same form as herein proposed (R. p. 34).

10. The phrase "Below Standard" as proposed, differs from the present requirement "Below U. S. Standard". The term "U. S." on a food product has been found to imply to consumers that the product has been packed under the supervision of the U. S. Government. The phrase "In Fill", as proposed, differs from the present requirement of "Slack Fill" or "Contains Excessive Added Liquid". The standard herein proposed is based on a can filled to its maximum capacity with fruit. If adopted and met, the headspace will not be excessive, nor will there be excessive liquid present. If not met, the expression "Below Standard in Fill" is simpler and more understandable in describing a product which fails to meet a standard based on the amount of peaches present rather than on the amount of liquid and peaches or the quantity of liquid present (R. pp. 34, 35).

*Suggested Conclusion in the Form of a Regulation*

Upon the basis of the foregoing findings of fact, the following reasonable standard of fill of container and the form and manner of label statement of substandard fill of container for the food commonly known as canned peaches is hereby suggested to be promulgated as a regulation:

§ 27.002 *Canned peaches—Fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned peaches is the maximum quantity of the optional peach ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned peaches fall below the standard of fill of container prescribed in subsection (a), the label shall bear the statement "Below Standard in Fill," printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement shall be in 12-point type; if such quantity is 1 pound or more, the statement shall be in 14-point type. Such statement shall be enclosed within lines, not less than 6 points in width, forming a rectangle; but if the statement specified in Section 27.001 (d) is also used, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, shall be on a strongly contrasting, uniform background, and shall be so placed as to be easily seen when the name "Peaches" or any pictorial representation of a peach is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

*Time Within Which to File Objections*

Within ten days after the receipt of the copy of the Federal Register containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where

relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN McDILL FOX,
*Presiding Officer.*

SEPTEMBER 9, 1939.

[F. R. Doc. 39-3365; Filed, September 14, 1939; 9:18 a. m.]

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REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER IN REGARD TO QUALITY OF CANNED PEACHES

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR EACH OF THE FOODS COMMONLY KNOWN AS CANNED PEACHES, CANNED APRICOTS, CANNED PEARS AND CANNED CHERRIES

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1143 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 10, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue N. W., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for each of the foods commonly known as canned peaches, canned apricots, canned pears, and canned cherries. The notice contained a proposal, in general terms, for defining and so standardizing each of such foods. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1.)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches.

3. In pursuance of such announcement, a hearing was held for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches, and was continued with reference to the other proposals, to dates subsequently to be announced.

4. On April 13, 1939, at 9:45 a. m., the hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable standard of quality and specifying the form and manner of label statement of substandard quality for the food commonly known as canned peaches was convened, and was concluded at 5:30 p. m., on the same date. All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and argument.

5. Within the time announced at the hearing within which interested persons might file written argument, proposed findings of fact, or both, various interested persons filed proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing, which, if granted, would modify the proposal contained in the FEDERAL REGISTER.

6. There was controversy with respect to (a) the amount of adhering peel in peeled canned peaches, (b) the degree to which a peach or a unit of a peach may be trimmed, (c) the number of peach units in a container which are crushed or broken, (d) label statements.

7. Testimony was introduced tracing the development of standards with reference to the McNary-Mapes Amendment to the Food and Drugs Act of 1906, passed in 1930, and the formulation of a standard of quality under that amendment.

Various factors which go to make up a quality standard were considered, together with objective measurements for determining such factors. These factors and objective measurements were made up after conferences with canners, with the trade, with consumers and with expert graders in all sections of the country. The factors which enter into the quality of canned peaches differ somewhat, depending upon the form of the unit of the peach ingredient. Tenderness is a factor. The size of the unit is a factor if the units are halves or quarters. Uniformity of size of unit is a factor in the cases of whole peaches, halves and quarters. Absence of peel is a factor in peeled peaches. Freedom from blemishes is a factor. The contour of the units is a factor in the cases of whole peaches, halves and quarters, and freedom from crushed or broken units is a factor.

An objective test for determining the factor of tenderness, as set forth in the Government's proposal (Government's Exhibit No. 1, Sec. 27.001, subsection (b)), was described. No other objective test for this factor was offered.

It was agreed that in peeled peaches absence of peel is a factor of quality. Pieces of peel are unsightly and have an unpleasant feel if taken into the mouth. All canners recognize this fact and do not intentionally pack peaches bearing pieces of peel. In most cases, peaches are peeled with a hot lye solution which is immediately washed off. This is very efficient and pieces of adhering peel are not very common. When present, the most casual examination reveals them and such pieces easily can be removed by hand trimming. Other methods of removing peel require a little more care to insure complete removal, but the amount of care required is not unreasonably great so that it is commercially practicable to pack peaches completely free from peel. Except for some unpeeled packs, almost no cans with peel present had been encountered by the Department in the past several years out of the thousands of cans examined.

It was testified that peaches may be blemished with scab, hail injury, discoloration or other minor abnormalities such as bird pecks. Scab leaves a section of scar tissue on the peach which is hard and unsightly. Hail injury results in brown, unsightly spots. Discoloration is usually the result of bruises, frost bite or other undesirable conditions. In the opinion of many qualified witnesses, canned peaches are, for practical canning purposes, free from blemishes if not more than 1/5 of the units in the container are blemished. Peaches are relatively large units and blemishes are not common so they can be readily sorted and trimmed to remove such blemishes. A tolerance of 20 percent would be sufficient, from the thousands of cans of peaches examined, to make due allowance for such small and not too apparent blemishes.

It was testified that a tolerance of 5 percent of crushed or broken units would be reasonable. Many containers carry less than 20 units. In a container of less than 20 units, 1 crushed or broken unit is as close to absolute freedom as reasonably can be required. If, however, the number of crushed or broken units is 20 percent, or more, experience would indicate that either they must have been added as such or that the peaches were



canned by some method which crushed or broke more units than is usual in good commercial practice.

The changes in the standards of quality were traced since the first promulgation of quality standards under the McNary-Mapes Amendment. In 1931, a standard of quality for canned peaches was promulgated, and the minimum standard requirement for tender units was raised in 1932 from 80 percent to 90 percent, which is the present standard for quality. The present proposal (Government's Exhibit No. 1) suggests the abolishment of tolerance for units not tender and requires all units to meet the test for tenderness.

The requirements for uniformity of size under the McNary-Mapes Amendment, promulgated in 1931, were changed on two occasions, once in 1932 so that this quality factor was based on weight rather than on diameter, and the second change made in 1937 provided that the units are uniform sized when the weight of the largest unit in the can is not more than twice the weight of the smallest unit in the can. This requirement is now in effect under such amendment and is the requirement for this factor set forth in the present proposal (Government's Exhibit No. 1).

Except for the elimination of raggedness as a blemish in the present proposal (Government's Exhibit No. 1), the factor with reference to blemishes is substantially the same as in the McNary-Mapes Amendment.

The requirement with respect to untrimmed units, which was suggested in the proposal of the Government (Government's Exhibit No. 1) and supported by testimony, differs from the previous requirement under the McNary-Mapes Amendment in that the present suggestion separates the two quality factors, namely, excessively trimmed and broken units, and proposes that the tolerance for units so trimmed that their normal contour is destroyed be eliminated. This elimination was proposed because trimmed units are easily segregated and packed separately by the cannery. In addition, consumers objected to the presence of even one unit so trimmed as to destroy its normal contour.

Testimony was adduced that the expression "Below Standard in Quality" would best describe the condition of canned peaches which fall below a standard of quality and that this phrase should be qualified, showing in what respects such peaches fall below the standard, or if the product falls below the standard in several respects, the statement "Below Standard in Quality Good Food—Not High Grade" was recommended.

Evidence was adduced that freestone peaches are peeled by scalding and then slipping the skin by hand rather than by lye peeling.

The weight of the evidence adduced at the hearing by other interested parties was to the effect that the requirement in the proposal (Government's Exhibit No. 1) that no peel be present in standard canned peaches was unreasonably stringent, and that the tolerance of one square inch of peel per pound of net contents, which is the present requirement under the McNary-Mapes Amendment, is reasonable and capable of being complied with commercially.

It was recommended that the expression "normal shape" be substituted for the expression "normal contour". Witnesses at the hearing regarded the terms as synonymous.

It was suggested that peaches not of uniform size be labeled as below standard in quality because they consisted of "irregular pieces" rather than because they consisted of "mixed sizes" as proposed. This suggestion was made in connection with the suggestion that peaches ungraded for size may not be regarded as substandard in quality. Government witnesses testified that uniformity of size is a factor in the quality of peaches. Indeed, all witnesses concurred therein.

8. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.

*Suggested Findings*

1. Factors which go to make up quality in canned peaches are tenderness of the peach ingredient; size of units in the case of peach halves and quarters; uniformity of size of units in the cases of whole peaches, halves, and quarters; absence of peel in all forms of the peach unit except in the case of unpealed peaches; freedom from blemishes; the shape of the units in the cases of whole peaches, halves, quarters, and slices; freedom from crushed or broken units (R. pp. 24–25, 80–81).

2. In canned peaches, the biting or chewing characteristic of the peach is an index of the quality factor, tenderness. This factor involves the maturity of the peach and the extent to which it has been cooked (R. p. 25).

3. Such tenderness is measurable objectively by the following method:

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1 1/8 inches inside diameter, with vertical sides; or rectangular in shape, 3/4 inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of 3/4 inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least 1/2 inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 3/8 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness (R. pp. 25–29, 81, Government's Exhibit No. 1).

4. Forms of units of the peach ingredient too small for such testing or too soft for such trimming need not be tested for tenderness (R. p. 28).

5. The foregoing method outlined in Finding No. 3 is directly correlated with the consensus of consumer opinion of what constitutes tenderness in canned peaches (R. p. 29).

6. Size of units, as measured by the weight of the unit, is not a factor of quality in canned peaches except in the cases of halves and quarters (R. pp. 31, 81).

7. Canned peaches which are of standard quality have a minimum size for halves and quarters at the present time (R. pp. 31, 58–61, 81). Halves and quarters smaller than such minimum size are commonly packed as substandard peaches at the present time (R. pp. 31–32, 58–61, 81).

8. Halves and quarters have a minimum size of 3/5 ounce and 7/10 ounce, respectively (R. pp. 32, 81). These minima are less than the minima adopted by the packers of over 97 percent of the canned peaches produced in the United States (R. pp. 32, 81).

9. Such weights are determinable as follows: The unit is placed on a screen and the liquid is allowed to drain therefrom for two minutes. The unit is then weighed. (R. pp. 32, 81–82.)

10. Uniformity of size of units is not a factor of quality in canned peaches unless the units are whole, halves, or quarters (R. pp. 32–33, 81–82). Uni-

formity of size cannot be controlled under the best commercial practice in the cases of slices and dice (R. pp. 33, 81–82). Discrepancies in size are not objectionable to the consumers when the units are small, such as slices or dice (R. pp. 33, 81–82). Uniformity of size is obviously not a factor in the quality of the product when the units are mixed pieces of irregular size (R. pp. 33, 81–82).

11. Uniformity of size of units in the cases of whole, halves, or quarters is necessary in order to prevent variant numbers of units in servings of desserts and salads on the same table (R. pp. 33, 81–82).

12. Such units are of reasonable uniformity of size if the weight of the largest unit is not more than twice the weight of the smallest unit in the container (R. pp. 33–34, 68–69, 81–82, 87, 165–167, 173–174, 178–180). Weights of such units are determined in the same manner as weights for minimum size of units (R. pp. 34, 81–82).

13. Absence of peel is a factor of quality in canned peaches except in the case of peaches canned as unpeeled peaches (R. pp. 34, 62, 76, 82, 143–144, 167–170, 174).

14. Adhering peel ordinarily can be removed completely from the peach, but some peel is occasionally left in good commercial practice (R. pp. 35, 62, 63, 82, 107, 140, 151–153, 159–160, 167–170, 174–175). 1 square inch of peel per pound of net content is a reasonable maximum tolerance for peel present in the finished product (R. pp. 143, 151–153, 167–170, 174–175, 176).

15. Freedom from blemishes such as scab, hail injury, discoloration, or other abnormalities is a factor of quality in canned peaches (R. pp. 35, 82).

16. A tolerance for blemishes is necessary because of small blemishes not apparent in hand sorting as carried out under good commercial practice (R. pp. 36, 82). 20 percent blemished units is a reasonable tolerance (R. pp. 36, 82).

17. Normal contour or shape of the peach unit is a factor of quality in canned peaches if the units are whole, halves, quarters, or slices (R. pp. 36–67, 82, 144, 146, 147, 176).

18. When the units are trimmed, normal shape can be preserved (R. pp. 37, 82). It is possible for the canner to meet this quality factor by discarding all units so trimmed that their normal shape is not preserved (R. pp. 37, 82). Consumers uniformly object to unevenly trimmed units (R. pp. 37, 82).

19. Freedom from crushed or broken units is a factor of quality in canned peaches (R. pp. 37–38, 82). A crushed unit is a unit pressed so as to destroy its normal shape. A broken unit is a unit separated into two or more parts. Units which do not have normal contour because of ripeness and which do not show any crushing are not crushed or broken units. (R. pp. 38, 62.) Crushed and broken units are not deliberately packed as canned peaches which are of standard quality at the present time (R. pp. 38, 82). The concussion resulting from the application of the lid to the can at high speeds under great pressure sometimes breaks or crushes the topmost unit of well-filled containers in good commercial practice (R. pp. 39, 82). For this reason, a tolerance for crushed and broken units is necessary, and a tolerance of 5 percent for containers of more than 20 units or of 1 unit for containers of less than 20 units is reasonable (R. pp. 39, 82).

20. A canner employing good commercial practice can meet each of the foregoing factors of quality in canned peaches without difficulty (R. pp. 40, 82, 83).

21. Each factor of quality takes into consideration and makes due allowance for the differing characteristics of the several varieties of peaches. Some varieties can meet the various factors more easily than others, but all varieties can meet the foregoing factors of quality without difficulty under good commercial practice (R. pp. 41, 83–84).

22. Each of the factors hereinbefore referred to has been in effect since 1931 in the standards of quality for canned peaches promulgated by the Secretary of Agriculture pursuant to the McNary-Mapes Amendment to the Food and Drugs Act of 1906 (R. p. 41).

23. There has been no substantial change in the provision with respect to tenderness since the promulgation of such original standard in 1931, except that the tolerance for units not tender was reduced from 20 percent to 10 percent in 1932 (R. pp. 43, 44).

24. There is no substantial difference between the measure of tenderness as referred to herein and the present McNary-Mapes standard except that the tolerance of 10 percent of units not tender is eliminated (R. p. 44). Elimination of such tolerance is justified by present commercial practice (R. p. 44).

25. The objective method of determining tenderness has been the same throughout the history of such standards promulgated under the McNary-Mapes Amendment and is an accurate and reliable method for determining tenderness (R. p. 44).

26. There has been no change in the provisions of the standards promulgated under the McNary-Mapes Amendment for minimum size of units, except in 1932 when the minimum size for halves was reduced from ¾ ounce to ⅜ ounce.

27. Small slices occur inadvertently, and it is impossible to eliminate them under good commercial practice (R. p. 33). Very small whole peaches are a highly desirable quality product (R. p. 31). ⅜ ounce and ⅞ ounce more truly represent the respective minimum sizes of normal sized halves and quarters than ¾ ounce and ⅜ ounce (R. p. 46).

28. There have been no changes in the standards promulgated under the McNary-Mapes Amendment with respect to uniformity of size of units except that in 1932 such uniformity was placed upon a weight rather than upon a size basis, and except that in 1937 the degree of uniformity was reduced from a variation of 80 percent to 100 percent (R. pp. 47–48).

29. No variation from the present McNary-Mapes requirement with respect to uniformity is desirable (R. p. 48).

30. There have been no changes from the original standard promulgated under the McNary-Mapes Amendment with respect to freedom from blemishes (R. pp. 48–49).

31. It is not desirable to change the present McNary-Mapes standard with respect to freedom from blemishes, except to eliminate raggedness as a blemish (R. p. 49). Raggedness is characteristic of some varieties of peaches (R. pp. 49, 67–68).

32. There have been no changes in the original requirement of the McNary-Mapes standards with respect to the normal shape of the peach units (R. pp. 49–50).

33. No changes in the present McNary-Mapes standard are desirable except the elimination of the tolerance for units not of normal shape (R. pp. 50, 163–165, 176). The elimination of the tolerance is reasonable because canners under good commercial practice can and do remove all excessively trimmed units prior to canning (R. pp. 50, 72–74).

34. There have been no changes in the original McNary-Mapes standard with respect to broken units except that the tolerance was reduced in 1932 from 20 percent to 10 percent of broken units and a proviso added to permit of one crushed unit resulting from the application of the lid (R. p. 51).

35. That all of the foregoing findings of fact are reasonable and will promote honesty and fair dealing in the interest of consumer (R. p. 54).

36. It is reasonable and it will promote honesty and fair dealing in the interest of the consumer to have a simple and understandable statement of substandard quality placed on the label. "Below Standard in Quality" qualified by an explanation wherein the product falls below standard in quality is such a statement (R. pp. 56, 99–100, 102, 188–190, 192, 195, 199, 202–204). If the peaches are not tender, the qualifying statement "Not Tender" furnishes an accurate explanation of the reason the product is below standard. Likewise, the qualifying statement "Small Halves", or "Small Quarters", if under minimum size; "Mixed Sizes", if not of uniform size; "Not Well Peeled", if over the tolerance for peels; "Blemished", if over the tolerance for blemishes; "Unevenly Trimmed", if trimmed to destroy normal shape; "Partly Crushed or Broken", if over the tolerance for crushed or broken units (R. pp. 56, 103, 148, 149, 154, 189–190, 199).

37. It is reasonable and it will promote honesty and fair dealing in the interest of the consumer to have such statement immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Peaches", together with words and statements required or authorized to appear with such name by the definition and standard of identity for canned peaches (R. pp. 56–57).

38. Such label requirements for peaches of substandard quality would not be practicable under good commercial practices in instances such as where the product fell below the standard in several respects (R. p. 57).

39. In such event, the statement "Below Standard in Quality Good Food—Not High Grade" would be reasonable, would be informative to the consumer, and would promote honesty and fair dealing in the interest of the consumer (R. pp. 57, 188–190, 202–204).

40. It is reasonable and it would promote honesty and fair dealing in the interest of the consumer to have such statement printed in two lines of Cheltenham bold condensed caps. The words "Below Standard in Quality" to constitute the first line, and the second to immediately follow. If the quantity of the contents of the container is less than 1 pound, such type of the first line shall be 12-point, and of the second, 8-point. If such quantity is 1 pound or more, such type of the first line shall be 14-point, and of the second, 10-point. Such statement is to be enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, is to be on a strongly contrasting, uniform background, and is to be so placed as to be easily seen when the name "Peaches" or any pictorial representation of a peach is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase (R. pp. 57–58, 100–102).

41. The wording of this statement differs from the statement required under the present McNary-Mapes standard only in the elimination of the explanation "U. S.", and a substitution of "Below Standard in Quality" for "Below Standard" (R. p. 96). The explanation "U. S." on labels has been found to be misleading to consumers (R. pp. 97–98). The foregoing findings for manner and form of the label statement differ from the present McNary-Mapes requirements with respect to the elimination of certain technical requirements (R. pp. 95–96).

*Suggested Conclusion in the Form of a Regulation*

Upon the basis of the foregoing findings of fact, the following reasonable standard of quality and form and manner of label statement of substandard quality for the food commonly known as canned peaches is hereby suggested to be promulgated as a regulation:

§ 27.001 *Canned peaches—Quality; label statement of substandard quality.* (a) The standard of quality for canned peaches is as follows:

(1) All units tested in accordance with the method prescribed in subsection (b) are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than ⅗ ounce and 7/10 ounce, respectively;

(3) In the cases of whole peaches, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Except in the case of unpeeled peaches, there is present in the finished canned peaches not more than 1 square inch of peel per each 1 pound of net contents;

(5) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(6) In the cases of whole peaches, halves, quarters, and slices, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(7) Not more than 5 percent of the units in a container of 20 or more units, and not more than one unit in a container of less than 20 units, is crushed or broken. (A unit which has lost its normal contour because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned peaches shall be tested by the following method to determine whether or not they meet the requirements of clause (1) of subsection (a):

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1½ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod $\frac{5}{32}$ inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned peaches falls below the standard prescribed by subsection (a), the label [unless it bears the statement specified in subsection (d)] shall bear the statement "Below Standard in Quality ----------", the blank to be filled in with the word or words specified after the corresponding number of each clause of subsection (a) which such canned peaches fail to meet, as follows: (1) "Not tender"; (2) "Small halves", or "Small quarters", as the case may be; (3) "Mixed sizes"; (4) "Not well peeled"; (5) "Blemished"; (6) "Unevenly trimmed"; (7) "Partly crushed or broken". Such statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Peaches" and the words and statements required or authorized to appear with such name by Section 27.000 (b).

(d) In lieu of the statement or statements specified in subsection (c), the label may bear the statement "Below Standard in Quality Good Food—Not High Grade", printed in two lines of Cheltenham bold condensed caps. The words "Below Standard in Quality" shall constitute the first line, and the second shall immediately follow. If the quantity of the contents of the container is less than 1 pound, the type of the first line shall be 12-point, and of the second, 8-point. If such quantity is 1 pound or more, the type of the first line shall be 14-point, and of the second, 10-point. Such statement shall be enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, shall be on a strongly contrasting, uniform background, and shall be so placed as to be easily seen when the name "Peaches" or any pictorial representation of a peach is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

*Time Within Which to File Objections*

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the

same time, each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN McDILL FOX,
*Presiding Officer.*

SEPTEMBER 9, 1939.

[F. R. Doc. 39-3366; Filed, September 14, 1939; 9:18 a. m.]

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## DEPARTMENT OF LABOR.

### Wage and Hour Division.

### NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF THE MILLINERY INDUSTRY COMMITTEE

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to Section 5 (b) of the Fair Labor Standards Act of 1938, on March 7, 1939, appointed Industry Committee No. 5 for the Millinery Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on, and

Whereas, Industry Committee No. 5, which was convened by the Administrator on April 20, 1939, has duly adopted a report containing recommendations and reasons therefor with respect to the matters referred to it and has filed such report with the Administrator on September 13, 1939, pursuant to Section 8 (d) of the Act and Section 511.19 of the Regulations issued under the Act, and

Whereas, the Administrator is required by Section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendations of Industry Committee No. 5 if he finds that the recommendations are made in accordance with law and are supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as the Industry Committee is required to consider by Sections 8 (b) and 8 (c) of the Act, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation.

Now, therefore, notice is hereby given that:

I. The full text of the recommendations of Industry Committee No. 5 is as follows:

Forty cents (40 cents) per hour shall be the minimum wage rate to be paid all employees in the millinery industry defined (by Administrative Order No. 23, dated May 6, 1939) as follows:

The manufacture of all headwear, except knitted headwear, for ladies, misses, girls and infants, from any material, but not including the manufacture of felt hat bodies of fur or wool.

II. The full text of the report and recommendations of Industry Committee No. 5 is available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following places:

Boston, Mass., 120 Boylston Street.
New York, N. Y., 412 Federal Building, 641 Washington St.
Philadelphia, Pennsylvania, 1630 Widener Building.
Pittsburgh, Pennsylvania, 216 Old Post Office Bldg.
Newark, N. J., 424 Federal Bldg.
Cleveland, Ohio, 728 Standard Bldg., 1370 Ontario Avenue.
Detroit, Michigan, 358 Federal Building.
Chicago, Illinois, 964 Merchandise Mart.
Indianapolis, Indiana, 450 Century Building.
Richmond, Virginia, 215 Richmond Trust Building.
Baltimore, Maryland, 6th Floor-Snow Building, Calvert & Lombard Streets.
Washington, D. C., 5th Floor-Department of Labor.
Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.
Birmingham, Alabama, 818 Comer Building.
Jacksonville, Florida, 225 Post Office Building.
Charlotte, North Carolina, 235 Post Office Building.
Nashville, Tennessee, 119 Seventh Avenue, North.
St. Louis, Missouri, 314 Old Federal Building, 815 Olive Street.
Kansas City, Missouri, 563 General Post Office Building.
Minneapolis, Minnesota, 406 New Post Office Building.
Dallas, Texas, 618-621 Wilson Building.
San Antonio, Texas, 716 Maverick Building.
New Orleans, Louisiana, 516 Carondelet Building.
San Francisco, California, 785 Market Street.
San Juan, P. R., Box 1431 Post Office.
Juneau, Alaska, B. D. Stewart, Commissioner of Mines.

Copies of the Committee's report and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

III. A public hearing on the question of whether the recommendations of Industry Committee No. 5 shall be approved or disapproved pursuant to Section 8 of the Act will be held on October 2, 1939, at Room 208, 939 D St., N. W., Washington, D. C., at 10.00 A. M. before Paul Sifton, Deputy Administrator of the Wage and Hour Division, hereby duly authorized to conduct said hearing, to review the evidence adduced therein and to approve or disapprove said recommendation in accordance with the Act. If Mr. Sifton approves said recommendation, a wage order carrying into effect the recommendation will be promulgated by the Administrator of the Wage and Hour Division. If Mr. Sifton disapproves said recommendation, the Administrator will refer the matter to Industry Committee No. 5 or to another industry committee for the millinery industry for further consideration and recommendations.

IV. Any interested person supporting or opposing the recommendations of Industry Committee No. 5 may appear at the aforesaid hearing to offer evidence, either on his own behalf, or on behalf of any other person, provided that not later than September 27, 1939, such person shall file with Mr. Sifton at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendations of Industry Committee No. 5 and a brief summary of what he intends to show.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to Paul Sifton, Deputy Administrator, Wage and Hour Division, Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

V. The hearing will be conducted in accordance with the following rules, subject, however, to such modifications as are subsequently deemed appropriate by Mr. Sifton:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter.
2. Mr. Sifton may call for production of evidence upon any issue and may continue the hearing from time to time and to a place which shall be shown in the record of the proceedings.
3. In order to maintain orderly and expeditious procedure, Mr. Sifton will notify each person filing a notice of intention to appear of the day on and place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of Mr. Sifton.



4. Mr. Sifton may permit any person appearing in accordance with paragraph IV to cross-examine any witness offered by another person in so far as is practicable and to object to the admission or exclusion of evidence by Mr. Sifton. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the grounds of objection relied on. The record shall not include argument thereon except as ordered by Mr. Sifton. The rules of evidence prevailing in courts of law or equity shall not be controlling.

5. The Industry Committee will be represented at the hearing by its counsel who will open and close the proceeding.

6. Written documents and exhibits shall be tendered in duplicate, and the person presenting the same shall be prepared to supply additional copies if such are ordered by Mr. Sifton.

7. All evidence must be presented under oath or affirmation. Written documents or exhibits, except as otherwise permitted by Mr. Sifton, must be offered in evidence by a person who is prepared to testify with respect to the authenticity and trustworthiness thereof and who shall, at the time of offering the document or exhibit, make a brief statement as to the contents and manner of preparation thereof. Where evidence is embraced in a document containing matter not intended to be put in evidence such document will not be received, but the person offering the same may present to Mr. Sifton the original document together with true copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form, the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of documents at the hearing may be issued by the Administrator of the Wage and Hour Division of the United States Department of Labor in his discretion and any person may apply in writing for the issuance by the Administrator of a subpoena. Any application for a subpoena must describe as exactly as practicable the evidence proposed to be secured by the subpoena. Witnesses summoned before Mr. Sifton shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

9. Before the close of the hearing, Mr. Sifton may in his discretion offer to all persons who have appeared in the proceeding an opportunity to give oral argument in which case Mr. Sifton shall designate a time and place for such oral argument and shall place such restrictions with respect to time and order of appearance upon persons giving oral argument as he deems appropriate to further the orderly and expeditious conduct of the proceeding.

10. Any person who has appeared in the proceeding may file written briefs (not fewer than 12 copies) with Mr. Sifton within such time and subject to such limitations and restrictions as are prescribed at the hearing. Such briefs shall be available for inspection at the office of the Administrator in Washington, D. C., and copies may be obtained from the official reporter at the prescribed rates. Except upon cause shown, no reply briefs will be accepted.

11. Except as may be expressly permitted in particular instances, Mr. Sifton will not receive in evidence any documents, letters or other written statements submitted for consideration in connection with the proceeding after the close of testimony.

12. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 13th day of September, 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3381; Filed, September 14, 1939; 12:07 p. m.]

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### NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 18, 1939 until September 18, 1940, subject to the following terms:

#### OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

#### NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

#### NAME AND ADDRESS OF FIRM

Bell Hosiery Corp., Suffolk, Virginia.
Belmont Hosiery Mills, Boiling Springs, North Carolina.
Bisher Hosiery Mill, Inc., Denton, North Carolina.
C. & M. Hosiery Mills, Inc., 100 South Hanover Street, Baltimore, Maryland (5 learners).
Chester Pure Silk Hosiery Company, Chester, Illinois.
Commonwealth Hosiery Mills, Randleman, North Carolina.
Crown Hosiery Mills, Inc., High Point, North Carolina.
Danita Hosiery Mills, Inc., 200 South Chapel Street, Newark, Delaware.
Danville Knitting Mills, Danville, Virginia.
Dobson Hosiery Mills, Pulaski, Virginia.
Edroy Hosiery Co., Wilmington, Delaware (5 learners).
Fidelity Hosiery Mill, Inc., Shamokin, Pennsylvania.
Franklin Hosiery Mills, Williamsport, Pennsylvania.
Carden State Hosiery Co., Faner Road, Midland Park, New Jersey (5 learners).
Gilman Hosiery, Franklin, New Hampshire (1 learner).
Grace Hosiery Mills, Burlington, North Carolina (5 learners).
Greenwood Hosiery Mill, Greenwood, Delaware (5 learners).
Johnson City Mills, Johnson City, Tennessee.
Largman Gray Co., Croydon, Pennsylvania.
Lawler Hosiery Mills, Carrollton, Georgia.
McGaugh Hosiery Mills, Dallas, Texas (5 learners).
Marshall Field & Co., Manufacturing Division, Fieldale, Virginia.
May Hosiery Mills, Inc., Burlington, North Carolina.
Mock Judson Vochringer Co. of N. Y., Inc., Long Island City, New York.
Mountcastle Knitting Co., Lexington, North Carolina (5 learners).
Phoenix Hosiery, Milwaukee, Wisconsin.
Pine Hosiery Mills, Star, North Carolina (5 learners).
Runnymede Mills, 103 First Street, Tarboro, North Carolina.
Siler City Hosiery Company, Smith Street and High School Avenue, Siler City, North Carolina.
Spalding Knitting Mills, Broad Street, Griffin, Georgia.
Tower Hosiery Mills, Burlington, North Carolina.
Wilmington Hosiery Mills, Inc., Front and Orange Streets, Wilmington, Delaware (5 learners).
Wytheville Knitting Mills, Wytheville, Virginia.
General Hosiery Co., East Pontiac Street, Fort Wayne, Indiana.
Green Lane Hosiery Co., Inc., Walnut Street, Green Lane, Pennsylvania (5 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days

following the publication of this notice the Administrator wil receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 14th day of September 1939.

MERLE D. VINCENT,
*Chief of Hearings and Exemptions Section.*

[F. R. Doc. 39-3382; Filed, September 14, 1939; 12:40 p. m.]

## FEDERAL POWER COMMISSION.

[Docket No. ID-897]

IN THE MATTER OF NEWELL A. CLARK

ORDER FIXING DATE OF HEARING

SEPTEMBER 12, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon application filed August 1, 1939, by Newell A. Clark, pursuant to Section 305 (b) of the Federal Power Act for authorization to hold the following interlocking positions:

President-director: Athol Gas and Electric Company.

Vice president-director: Gardner Electric Light Company.

President-director: Winchendon Electric Light and Power Company.

The Commission orders that:

A public hearing be held on this application and that it be consolidated with the hearing in the matter of James G. Armstrong, et al., Docket No. ID-121, et al., at a place and date hereafter to be set by Examiner Norman B. Gray, upon at least two days' notice to the applicant.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3368; Filed, September 14, 1939; 9:24 a. m.]

IN THE MATTER OF SOUTHERN PUBLIC SERVICE COMPANY AND KENTUCKY AND WEST VIRGINIA POWER COMPANY, INCORPORATED

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

[Docket No. IT-5556]

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

SEPTEMBER 13, 1939.

Upon application filed June 19, 1939, pursuant to Sec. 203 of the Federal Power Act, by Southern Public Service Company, a Kentucky corporation having its principal business office at 2245 Central Avenue, Ashland, Kentucky, for an order authorizing it to sell and dispose of all of its electric facilities to Kentucky and West Virginia Power Company, Incorporated, a Kentucky corporation having its principal business office at 15th Street and Carter Avenue, Ashland, Kentucky; and

Upon application filed July 29, 1939, pursuant to Sec. 203 of the Federal Power Act, by said Kentucky and West Virginia Power Company, Incorporated, for an order authorizing it to purchase all of the electric facilities of said Southern Public Service Company;

The Commission orders that:

(A) Proceedings on the aforesaid application, filed June 19, 1939, be consolidated with proceedings on the aforesaid application, filed July 29, 1939;

(B) A public hearing on these said applications be held at 10:00 o'clock A. M., September 29, 1939, in the Commission's Hearing Room, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W. Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3370; Filed, September 14, 1939; 9:24 a. m.]

[Docket No. IT-5557]

IN THE MATTER OF SOUTHERN UTILITIES COMPANY AND APPALACHIAN ELECTRIC POWER COMPANY

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

SEPTEMBER 13, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon application filed June 19, 1939, pursuant to Sec. 203 of the Federal Power Act, by Southern Utilities Company, a West Virginia corporation having its principal business office at 2245 Central Avenue, Ashland, Kentucky, for an order authorizing it to sell and dispose of all of its electric facilities to Appalachian Electric Power Company, a Virginia corporation having its principal business offices at Roanoke, Virginia, Charleston, West Virginia and Kingsport, Tennessee; and

Upon application filed July 29, 1939, pursuant to Sec. 203 of the Federal Power Act, by said Appalachian Electric Power Company, for an order authorizing it to purchase all of the electric facilities of said Southern Utilities Company;

The Commission orders that:

(A) Proceedings on the aforesaid application, filed June 19, 1939, be consolidated with proceedings on the aforesaid application, filed July 29, 1939;

(B) A public hearing on these said applications be held at 10:00 o'clock A. M., September 29, 1939, in the Commission's Hearing Room, Hurley-Wright Building, 1800 Pennsylvania Avenue, N.W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3369; Filed, September 14, 1939; 9:24 a. m.]

## RAILROAD RETIREMENT BOARD.

NOTICE OF HEARING IN THE MATTER OF THE EMPLOYER STATUS OF CERTAIN COAL MINING COMPANIES AND OF THE EMPLOYEE STATUS OF THEIR EMPLOYEES

NOTICE is hereby given to all persons interested that under the authority of Board Order No. 39-583, dated September 12, 1939, a hearing will be held beginning September 19, 1939, at 10:00 A. M., in the offices of the Board, 10th and U Streets, NW., Washington, D. C., at which time evidence concerning the employer status under the Railroad Retirement Acts of 1935 and 1937 and the Railroad Unemployment Insurance Act, of the following coal mining companies, namely, Clearfield Bituminous Coal Corporation, Cottonwood Coal Company, Keystone Mining Company, Northwestern Improvement Company, Railway Fuel Company, Republic Coal Company, Superior Coal Company, Union Pacific Coal Company, and Valier Coal Company, and the employee status of the individuals engaged in the operations of these companies, will be received by me.

LESTER P. SCHOENE,
*Examiner.*

SEPTEMBER 13, 1939.

[F. R. Doc. 39-3378; Filed, September 14, 1939; 9:59 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1939.

[File No. 34-33]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION

ORDER DESIGNATING NEW TRIAL EXAMINER

Robert P. Reeder, an officer of the Commission, having by order entered August 28, 1939[1] been designated to preside at the hearing herein; and

It appearing that said Robert P. Reeder will be unable to preside at said hearing;

*It is ordered*, That Edward C. Johnson, an officer of the Commission, be and hereby is designated to preside at said hearing hereafter in the place and stead of said Robert P. Reeder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3377; Filed, September 14, 1939; 10:57 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1939.

[File No. 44-30]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION, DEBTOR AND CENTRAL STATES POWER & LIGHT CORPORATION

ORDER DESIGNATING NEW TRIAL EXAMINER

Robert P. Reeder, an officer of the Commission, having by order entered August 10, 1939[2] been designated to preside at the hearing herein; and

It appearing that said Robert P. Reeder will be unable to continue to preside at said hearing;

[1] 4 F.R. 3773 DI.
[2] 4 F.R. 3596 DI.



*It is ordered*, That Edward C. Johnson, an officer of the Commission, be and hereby is designated to preside at said hearing hereafter in the place and stead of said Robert P. Reeder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3378; Filed, September 14, 1939; 10:57 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1939.

[File No. 52-9]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION

ORDER DESIGNATING NEW TRIAL EXAMINER

Robert P. Reeder, an officer of the Commission, having by order entered August 28, 1939,[1] been designated to preside at the hearing herein; and

It appearing that said Robert P. Reeder will be unable to continue to preside at said hearing;

*It is ordered*, That Edward C. Johnson, an officer of the Commission, be and hereby is designated to preside at said hearing hereafter in the place and stead of said Robert P. Reeder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3379; Filed, September 14, 1939; 10:57 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 12th day of September 1939.

[File No. 7-424]

IN THE MATTER OF PACIFIC GAS AND ELECTRIC COMPANY-SAN JOAQUIN LIGHT AND POWER CORPORATION 6% UNIFYING AND REFUNDING MORTGAGE GOLD BONDS, SERIES "B", DUE MARCH 1, 1952 (ASSUMED BY PACIFIC GAS AND ELECTRIC COMPANY)

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Curb Exchange in the 6% Unifying and Refunding Mortgage Gold Bonds, Series "B", due March 1, 1952 of the San Joaquin Light and Power Corporation, having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3380; Filed, September 14, 1939; 10:57 a. m.]

SEP 18 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 179

*Washington, Saturday, September 16, 1939*


## *Rules, Regulations, Orders*

### TITLE 14—CIVIL AVIATION

#### CIVIL AERONAUTICS AUTHORITY

[Amendment 28, Civil Air Regulations]

#### AIRPLANE PERFORMANCE REQUIREMENTS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 12th day of September 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a) and 603 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective September 12, 1939, the Civil Air Regulations, as amended, are amended by striking out so much of section 04.70 as reads as follows:

"All airplanes shall comply with the following performance requirements, in standard atmosphere, at all weights up to and including the standard weight (§ 04.102), and under all loading conditions within the center of gravity range certified (§ 04.742). There shall be no flight characteristics which, in the opinion of the Authority, render the airplane unairworthy."

and inserting in lieu thereof the following:

"All airplanes shall comply with the following performance requirements, in standard atmosphere, at all weights up to and including the standard weight (§ 04.102) and under all loading conditions within the center of gravity range certified (§ 04.742): *Provided*, That demonstration of compliance with landing-speed requirements, and with those relating to take-off time and distance, may be limited to an intermediate range of center of gravity positions if it can be shown that it is possible for the airplane to continue flight with one engine inoperative, and that passengers or other load can be easily and rapidly shifted while in flight to permit the realization, at the pilot's discretion, of a center of gravity position within the range covered by this demonstration. There shall be no flight or handling characteristics which, in the opinion of the Authority, render the airplane unairworthy."

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-3391; Filed, September 15, 1939; 9:24 a. m.]

### TITLE 21—FOOD AND DRUGS

#### FOOD AND DRUG ADMINISTRATION

IN THE MATTER OF PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED AMENDING "REGULATIONS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR THE LISTING OF COAL-TAR COLORS, CERTIFICATION OF BATCHES THEREOF, AND PAYMENT OF FEES FOR SUCH SERVICE" BY CHANGING CERTAIN SPECIFICATIONS OF CERTAIN LISTED COLORS AND THE LISTING OF CERTAIN OTHER COAL-TAR COLORS

*Order of the Secretary Promulgating Regulations*

Pursuant to, and under and by virtue of, the authority and direction of The Federal Food, Drug, and Cosmetic Act (52 Stat. 1040–1055; 21 U.S.C. (Supp. IV) 301–392; Sec. 406 (b), 52 Stat. 1049; 21 U.S.C. 346 (b); Sec. 504, 52 Stat. 1052; 21 U.S.C. 354; Sec. 604, 52 Stat. 1055; 21 U.S.C. 364; Sec. 701 (a), (e), 52 Stat. 1055; 21 U.S.C. (Supp. IV) 371 (a), (e); Sec. 706, 52 Stat. 1058; 21 U.S.C. 376), and based upon substantial evidence of record at the hearing in the above-entitled matter, detailed findings of fact are made, as follows:

FINDINGS OF FACT

1. *Technical Descriptions.* The technical descriptions of the chemical identity of the pure dye in the colors pro-

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posed under the following names are as follows:

*FD&C Red No. 32.* 1-Xylylazo-2-naphthol.

*D&C Red No. 31.* Calcium salt of 3-hydroxy-4-phenylazo-2-naphthoic acid.

*D&C Red No. 33.* Disodium salt of 8-amino-2-phenylazo-1-naphthol-3, 6-disulfonic acid.

*D&C Red No. 34.* Calcium salt of 4-(1-sulfo-2-naphthylazo)-3-hydroxy-2-naphthoic acid.

*D&C Red No. 35.* 1-(o-Nitro-p-tolylazo)-2-naphthol.

*D&C Red No. 36.* 1-(o-Chloro-p-nitrophenylazo)-2-naphthol.

*D&C Red No. 37.* 3-Ethostearate of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene.

*D&C Violet No. 1.* Monosodium salt of 4-[[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-[4-(N-ethyl-p-sulfoniumbenzylamino)-phenyl]-methylene]-(N,N-dimethyl-$\Delta^{2,5}$-cyclohexadienimine).

*D&C Yellow No. 11.* 2-(2-Quinolyl)-1, 3-indandione.

*D&C Blue No. 7.* Monosodium salt of 4-[[4-(N-ethylbenzylamino)-phenyl]-(5-hydroxy-4-sulfo-2-sulfoniumphenyl)-methylene]-(N-ethyl-N-benzyl-$\Delta^{2,5}$-cyclohexadienimine).

*D&C Blue No. 8.* Calcium salt of 4-[[4-(N-ethylbenzylamino)-phenyl]-(5-hydroxy-4-sulfo-2-sulfoniumphenyl)-methylene]-(N-ethyl-N-benzyl-$\Delta^{2,5}$-cyclohexadienimine).

*D&C Blue No. 9.* 3,3'-Dichloroindanthrene.

*D&C Green No. 7.* Monosodium salt of 4-[[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-(o-chlorophenyl-methylene]-1-(N-ethyl-N-p-sulfoniumbenzyl-$\Delta^{2,5}$-cyclohexadienimine).

*D&C Orange No. 16.* 4,5-Dibromo-2,7-diiodo-3,6-fluorandiol.

*D&C Orange No. 17.* 1-(2,4-Dinitrophenylazo)-2-naphthol.

*Ext D&C Black No. 1.* Disodium salt of 8-anilino-5-[4-(5-sulfo-1-naphthylazo)-1-naphthylazo]-1-naphthalenesulfonic acid.

*Ext D&C Blue No. 3.* Monosodium salt of 4-[[4-(N-ethylbenzylamino)-phenyl]-[p-sulfo-o-sulfoniumphenyl]-methylene]-(N-ethyl-N-benzyl-$\Delta^{2,5}$-cyclohexadienimine).

*Ext D&C Blue No. 4.* Disodium salt of 4,8-diamino-1,5-dihydroxy-2,6-anthraquinone disulfonic acid.

*Ext D&C Blue No. 5.* 1,4-Bis(amylamino)-anthraquinone.

*Ext D&C Green No. 1.* Ferric salt of 6-sodiumsulfo-1-sionitroso-1,2-naphthoquinone.

*Ext D&C Red No. 8.* Monosodium salt of 4-(2-hydroxy-1-naphthylazo)-1-naphthalenesulfonic acid.

*Ext D&C Red No. 9.* Calcium salt of 2-(1-naphthylazo)-1-naphthol-5-sulfonic acid.

*Ext D&C Red No. 10.* Disodium salt of 2-(4-sulfo-1-naphthylazo)-1-naphthol-4-sulfonic acid.

*Ext D&C Red No. 11.* Disodium salt of 8-acetamido-2-phenylazo-1-naphthol-3,6-disulfonic acid.

*Ext D&C Red No. 12.* Barium salt of 1-(3-sulfo-2-tolylazo)-2-naphthol.

*Ext D&C Red No. 13.* Disodium salt of 1-p-phenylazophenylazo-2-naphthol-6,8-disulfonic acid.

*Ext D&C Violet No. 1.* Disodium salt of 1,5-bis(o-sulfo-p-toluino)-anthraquinone.

*Ext D&C Violet No. 2.* Monosodium salt of 1-hydroxy-4-(o-sulfo-p-toluino)-anthraquinone.

*Ext D&C Yellow No. 5.* alpha-(o-Nitro-p-tolylazo)-acetoacetanilide.

*Ext D&C Orange No. 1.* alpha-(o-Nitro-p-anisylazo)-o-acetoacetotoluide.

*Ext D&C Orange No. 2.* 4,5-Dinitro-3,6-fluorandiol.

2. *Coal-Tar Colors—Chemical Analyses—Pharmacological Tests.* That the proposed colors listed in Finding No. 1 are coal-tar colors; that said colors have been subjected to chemical study and analysis; and that the structurally basic organic parts of said colors have been subjected to pharmacological examination and tests.

3. *Certain impurities unavoidable.* That it is neither possible nor practicable to make the proposed colors listed in Finding No. 1 of a pure dye content of 100 percent, and impurities (i. e., matter that is foreign to the pure dye), which are unavoidable in good manufacturing practice or which are required in order to impart to the color some necessary characteristic, form a part of the color to the extent that such impurities are unavoidable in good manufacturing practice or are required to impart to the color some necessary characteristic.

4. *Varying specifications necessary.* That specifications limiting the minimum amount of pure dye and the maximum amounts of impurities which may be considered to form a part of the color should be fixed so as to specify colors of the greatest possible purity practicable in good manufacturing practice; and that, as among the proposed colors listed in Finding No. 1, the necessary specifications vary, both as to the percentage and as to the nature of the specifications, depending upon the color and the process by which it is made.

5. *Pure dye—Methods for determining—Practicable limits.* That in the case of the proposed colors listed in Finding No. 1, the limits for pure dye which are practicable in good manufacturing practice and the methods of determining the pure dye percentage are as follows:

*FD&C Red No. 32.* Not less than 97.0 percent, as determined by titration with titanium trichloride.

*D&C Red No. 31.* Not less than 90.0 percent, as determined by titration with titanium trichloride.

*D&C Red No. 33.* Not less than 82.0 percent, as determined by titration with titanium trichloride.

*D&C Red No. 34.* Not less than 85.0 percent, as determined by titration with titanium trichloride.

*D&C Red No. 35.* Not less than 95.0 percent, as determined by titration with titanium trichloride.

*D&C Red No. 36.* Not less than 90.0 percent, as determined by titration with titanium trichloride.

*D&C Red No. 37.* Not less than 50.0 percent, as determined by titration with titanium trichloride.

*D&C Violet No. 1.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*D&C Yellow No. 11.* Not less than 96.0 percent, as calculated from organically combined nitrogen.

*D&C Blue No. 7.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*D&C Blue No. 8.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*D&C Blue No. 9.* Not less than 97.0 percent, as calculated from organically combined nitrogen.

*D&C Green No. 7* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*D&C Orange No. 16.* Not less than 90.0 percent, as determined gravimetrically.



*D&C Orange No. 17.* Not less than 90.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Black No. 1.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Blue No. 3.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Blue No. 4.* Not less than 80.0 percent, as calculated from organically combined sulfur or nitrogen.

*Ext D&C Blue No. 5.* Not less than 96.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Green No. 1.* Not less than 85.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Red No. 8.* Not less than 90.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Red No. 9.* Not less than 90.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Red No. 10.* Not less than 85.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Red No. 11.* Not less than 82.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Red No. 12.* Not less than 90.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Red No. 13.* Not less than 82.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Violet No. 1.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Violet No. 2.* Not less than 80.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Yellow No. 5.* Not less than 96.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Orange No. 1.* Not less than 96.0 percent, as determined by titration with titanium trichloride.

*Ext D&C Orange No. 2.* Not less than 92.0 percent, as determined gravimetrically.

6. *Volatile matter — Determination.* That volatile matter (usually moisture) is the remainder in the color of the volatile solvent from which the color is precipitated and is determined by heating a weighted portion of the color at a suitable temperature (i. e., a temperature chosen so that the material does not disintegrate) until it no longer loses weight.

7. *Temperature suitable—Practicable limits.* That volatile matter occurs in all of the proposed colors to some extent; and that the temperatures suitable for determining volatile matter and the limits for volatile matter which are practicable in good manufacturing practice, in the case of the proposed colors listed in Finding No. 1, are as follows:

*FD&C Red No. 32.* At 100° C., not more than 0.5 percent.

*D&C Red No. 31.* At 135° C., not more than 5.0 percent.

*D&C Red No. 33.* At 135° C., not more than 6.0 percent.

*D&C Red No. 34.* At 135° C., not more than 5.0 percent.

*D&C Red No. 35.* At 135° C., not more than 2.0 percent.

*D&C Red No. 36.* At 135° C., not more than 5.0 percent.

*D&C Red No. 37.* At 80° C., not more than 2.0 percent.

*D&C Violet No. 1.* At 135° C., not more than 8.0 percent.

*D&C Yellow No. 11.* At 135° C., not more than 1.0 percent.

*D&C Blue No. 7.* At 135° C., not more than 10.0 percent.

*D&C Blue No. 8.* At 135° C., not more than 10.0 percent.

*D&C Blue No. 9.* At 135° C., not more than 1.0 percent.

*D&C Green No. 7.* At 135° C., not more than 10.0 percent.

*D&C Orange No. 16.* At 135° C., not more than 5.0 percent.

*D&C Orange No. 17.* At 135° C., not more than 5.0 percent.

*Ext D&C Black No. 1.* At 135° C., not more than 10.0 percent.

*Ext D&C Blue No. 3.* At 135° C., not more than 10.0 percent.

*Ext D&C Blue No. 4.* At 135° C., not more than 10.0 percent.

*Ext D&C Blue No. 5.* At 100° C., not more than 2.0 percent.

*Ext D&C Green No. 1.* At 135° C., not more than 10.0 percent.

*Ext D&C Red No. 8.* At 135° C., not more than 5.0 percent.

*Ext D&C Red No. 9.* At 135° C., not more than 5.0 percent.

*Ext D&C Red No. 10.* At 135° C., not more than 10.0 percent.

*Ext D&C Red No. 11.* At 135° C., not more than 5.0 percent.

*Ext D&C Red No. 12.* At 135° C., not more than 5.0 percent.

*Ext D&C Red No. 13.* At 135° C., not more than 10.0 percent.

*Ext D&C Violet No. 1.* At 135° C., not more than 10.0 percent.

*Ext D&C Violet No. 2.* At 135° C., not more than 10.0 percent.

*Ext. D&C Yellow No. 5.* At 135° C., not more than 2.0 percent.

*Ext D&C Orange No. 1.* At 135° C., not more than 2.0 percent.

*Ext D&C Orange No. 2.* At 100° C., not more than 5.0 percent.

8. *Sulfated ash a measure of impurities.* That in some coal-tar colors, sulfated ash is a measure of certain inorganic impurities.

9. *Colors for which sulfated ash a measure of impurities—Practicable limits.* That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of sulfated ash would be a measure of impurities and the limits for such impurities which are practicable in good manufacturing practice:

*FD&C Red No. 32.* Not more than 0.3 percent.

*D&C Red No. 35.* Not more than 1.5 percent.

*D&C Red No. 36.* Not more than 1.0 percent.

*D&C Red No. 37.* Not more than 3.0 percent.

*D&C Yellow No. 11.* Not more than 1.0 percent.

*D&C Blue No. 9.* Not more than 1.0 percent.

*D&C Orange No. 17.* Not more than 1.0 percent.

*Ext D&C Blue No. 5.* Not more than 0.5 percent.

*Ext. D&C Yellow No. 5.* Not more than 1.0 percent.

*Ext D&C Orange No. 1.* Not more than 1.0 percent.

*Ext D&C Orange No. 2.* Not more than 1.0 percent.

10. *Mixed oxides a measure of impurities.* That inorganic impurities in coal-tar colors may also be measured by a determination of the amount of "mixed oxides" (as defined in the regulations) or oxides of iron and aluminum.

11. *Colors for which mixed oxides a measure of impurities—Practicable limits.* That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of either mixed oxides or oxides of iron and aluminum would be a measure of impurities and the limits for either mixed oxides or oxides of iron and aluminum which are practicable in good manufacturing practice:

*D&C Red No. 31.* Oxides of iron and aluminum, not more than 1.0 percent.

*D&C Red No. 33.* Mixed oxides, not more than 1.0 percent.

*D&C Red No. 34.* Oxides of iron and aluminum, not more than 1.0 percent.

*D&C Violet No. 1.* Mixed oxides, not more than 1.0 percent.

*D&C Blue No. 7.* Mixed oxides, not more than 1.0 percent.

*D&C Blue No. 8.* Oxides of iron and aluminum, not more than 1.0 percent.

*D&C Green No. 7.* Mixed oxides, not more than 1.0 percent.

*D&C Orange No. 16.* Mixed oxides, not more than 1.0 percent.

*Ext D&C Black No. 1.* Mixed oxides, not more than 1.0 percent.

*Ext D&C Blue No. 3.* Mixed oxides, not more than 1.0 percent.

*Ext D&C Blue No. 4.* Mixed oxides, not more than 1 percent.

*Ext D&C Red No. 8.* Mixed oxides, not more than 1.0 percent.

*Ext D&C Red No. 9.* Oxides of iron and aluminum, not more than 1.0 percent.

*Ext D&C Red No. 10.* Mixed oxides, not more than 1.0 percent.

*Ext D&C Red No. 11.* Mixed oxides, not more than 1.0 percent.

*Ext D&C Red No. 12.* Oxides of iron and aluminum, not more than 1.0 percent.

*Ext D&C Red No. 13.* Mixed oxides, not more than 1.0 percent.

*Ext D&C Violet No. 1.* Mixed oxides, not more than 1.0 percent.

*Ext D&C Violet No. 2.* Mixed oxides, not more than 1.0 percent.

12. *Chlorides and sulfates a measure of impurities.* That chlorides and sulfates are inorganic salts which in the case of coal-tar colors are either added or formed during the manufacturing process.

13. *Colors for which chlorides and sulfates a measure of impurities—Practicable limits.* That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of chlorides and sulfates would be a measure of impurities and the limits for chlorides and sulfates which are practicable in good manufacturing practice:

*D&C Red No. 31.* Chlorides and sulfates (as calcium salts), not more than 5.0 percent.

*D&C Red No. 33.* Chlorides and sulfates of sodium, not more than 10.0 percent.

*D&C Red No. 34.* Chlorides and sulfates (as calcium salts), not more than 10.0 percent.

*D&C Violet No. 1.* Chlorides and sulfates of sodium, not more than 10.0 percent.

*D&C Blue No. 7.* Chlorides and sulfates of sodium, not more than 8.0 percent.

*D&C Blue No. 8.* Chlorides and sulfates (as calcium salts), not more than 8.0 percent.

*D&C Green No. 7.* Chlorides and sulfates of sodium, not more than 8.0 percent.

*D&C Orange No. 16.* Sodium chloride, not more than 3.0 percent.

*Ext D&C Black No. 1.* Chlorides and sulfates of sodium, not more than 10.0 percent.

*Ext D&C Blue No. 3.* Chlorides and sulfates of sodium, not more than 8.0 percent.

*Ext D&C Blue No. 4.* Chlorides and sulfates of sodium, not more than 10.0 percent.

*Ext D&C Green No. 1.* Chlorides and sulfates of sodium, not more than 5.0 percent.

*Ext D&C Red No. 8.* Chlorides and sulfates of sodium, not more than 5.0 percent.

*Ext D&C Red No. 9.* Chlorides and sulfates (as calcium salts), not more than 5.0 percent.

*Ext D&C Red No. 10.* Chlorides and sulfates of sodium, not more than 5.0 percent.

*Ext D&C Red No. 11.* Chlorides and sulfates of sodium, not more than 10.0 percent.

*Ext D&C Red No. 12.* Chlorides and sulfates of sodium, not more than 5.0 percent.

*Ext D&C Red No. 13.* Chlorides and sulfates of sodium, not more than 8.0 percent.

*Ext D&C Violet No. 1.* Chlorides and sulfates of sodium, not more than 8.0 percent.

*Ext D&C Violet No. 2.* Chlorides and sulfates of sodium, not more than 8.0 percent.

14. *Uncombined intermediates impurities.* That intermediates are organic raw materials used in the manufacture of coal-tar colors, and if present in uncombined form they are impurities in the color.

15. *Colors for which uncombined intermediates a measure of impurities—Identities—Practicable limits.* That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of uncombined intermediates would be a necessary measure of impurities, the identity of the intermediate as to which the determination should be made, and the limits which are practicable in good manufacturing practice:

*FD&C Red No. 32.* Xylidine, not more than 0.1 percent. beta-Naphthol, not more than 0.05 percent.

*D&C Red No. 31.* Aniline, not more than 0.2 percent.

*D&C Red No. 33.* Aniline, not more than 0.2 percent.

*D&C Red No. 34.* Tobias acid, not more than 0.2 percent.

*D&C Red No. 35.* 2-Nitro-p-toluidine, not more than 0.2 percent. beta-Naphthol, not more than 0.2 percent.

*D&C Red No. 36.* o-Chloro-p-nitroaniline, not more than 0.2 percent. beta-Naphthol, not more than 0.2 percent.

*D&C Red No. 37.* Diethyl-m-aminophenol, not more than 0.2 percent.

*D&C Violet No. 1.* Dimethylaniline, not more than 0.2 percent.

*D&C Yellow No. 11.* Quinaldine, not more than 0.2 percent.

*D&C Blue No. 7.* m-Nitro-benzaldehyde, not more than 0.2 percent. Benzylethylaniline, not more than 0.2 percent.

*D&C Blue No. 8.* m-Nitro-benzaldehyde, not more than 0.2 percent. Benzylethylaniline, not more than 0.2 percent.

*D&C Blue No. 9.* 2-Amino anthraquinone, not more than 0.2 percent.

*D&C Orange No. 17.* 2,4-Dinitroaniline, not more than 0.2 percent. beta-Naphthol, not more than 0.2 percent.

*Ext D&C Black No. 1.* alpha-Naphthylamine, not more than 0.2 percent.

*Ext D&C Blue No. 3.* Benzylethylaniline, not more than 0.2 percent.

*Ext D&C Blue No. 5.* Amylamine, not more than 0.2 percent.

*Ext D&C Red No. 8.* beta-Naphthol, not more than 0.2 percent.

*Ext D&C Red No. 9.* alpha-Naphthylamine, not more than 0.2 percent.

*Ext D&C Red No. 11.* Aniline, not more than 0.2 percent.

*Ext D&C Red No. 12.* beta-Naphthol, not more than 0.2 percent.

*Ext D&C Red No. 13.* Aniline, not more than 0.2 percent. p-Aminoazobenzene, not more than 0.2 percent.

*Ext D&C Violet No. 1.* p-Toluidine, not more than 0.2 percent.

*Ext D&C Violet No. 2.* p-Toluidine, not more than 0.2 percent.

*Ext D&C Yellow No. 5.* 2-Nitro-p-toluidine, not more than 0.2 percent.

*Ext D&C Orange No. 1.* 2-Nitro-p-anisidine, not more than 0.2 percent.

16. *Uncombined intermediates measured by ether extracts.* That in some coal-tar colors certain organic impurities, very often the uncombined intermediates, may also be measured by ether extracts; and that in some colors, depending upon the solubility of the color, ether extracts must be determined by using isopropyl ether instead of ordinary ether, or by using an alkaline solution instead of an acid or a neutral solution.

17. *Colors for which ether extracts a measure of impurities—Practicable limits.* That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of ether extracts would be a measure of impurities and the limits for other extracts which are practicable in good manufacturing practices, isopropyl ether and alkaline solution being specified where necessary:

*D&C Red No. 31.* Not more than 0.5 percent (Isopropyl ether).

*D&C Red No. 33.* Not more than 0.5 percent.

*D&C Red No. 34.* Not more than 0.5 percent.

*D&C Violet No. 1.* Not more than 0.5 percent.

*D&C Blue No. 7.* Not more than 0.5 percent.

*D&C Blue No. 8.* Not more than 0.5 percent.

*D&C Green No. 7.* Not more than 0.5 percent.

*D&C Orange No. 16.* Not more than 0.5 percent (alkaline solution).

*Ext D&C Black No. 1.* Not more than 0.5 percent.

*Ext D&C Blue No. 3.* Not more than 0.5 percent.

*Ext D&C Blue No. 4.* Not more than 0.5 percent.

*Ext D&C Green No. 1.* Not more than 0.5 percent.

*Ext D&C Red No. 8.* Not more than 0.5 percent.

*Ext D&C Red No. 9.* Not more than 0.5 percent.

*Ext D&C No. 10.* Not more than 0.5 percent.

*Ext D&C Red No. 11.* Not more than 0.5 percent.

*Ext D&C Red No. 12.* Not more than 0.5 percent.

*Ext D&C Red No. 13.* Not more than 0.5 percent.

*Ext D&C Violet No. 1.* Not more than 0.5 percent.

*Ext D&C Violet No. 2.* Not more than 0.5 percent.

*Ext D&C Orange No. 2.* Not more than 0.5 percent (alkaline solution).



18. *Insoluble matter a measure of impurities.* That insoluble matter in a given solvent is a measure of impurities in a color which is soluble in such solvent.

19. *Colors for which insoluble matter a measure of impurities—Solvents—Practicable limits.* That, in the case of the proposed colors listed in Finding No. 1, the following are the colors for which a determination of insoluble matter would be a measure of impurities, the solvent in which such determination should be made, and the limits which are practicable in good manufacturing practice:

*FD&C Red No. 32.* In carbon tetrachloride, not more than 0.5 percent.

*D&C Red No. 33.* In water, not more than 1.0 percent.

*D&C Red No. 35.* In toluene, not more than 1.5 percent.

*D&C Red No. 36.* In toluene, not more than 1.0 percent.

*D&C Red No. 37.* In benzene, not more than 0.5 percent.

*D&C Violet No. 1.* In water, not more than 1.0 percent.

*D&C Yellow No. 11.* In alcohol, not more than 0.5 percent.

*D&C Blue No. 7.* In water, not more than 1.0 percent.

*D&C Blue No. 8.* In water, not more than 1.0 percent.

*D&C Green No. 7.* In water, not more than 1.0 percent.

*D&C Orange No. 16.* In alkaline solution, not more than 1.0 percent.

*D&C Orange No. 17.* In toluene, not more than 1.5 percent.

*Ext D&C Black No. 1.* In water, not more than 1.0 percent.

*Ext D&C Blue No. 3.* In water, not more than 1.0 percent.

*Ext D&C Blue No. 4.* In water, not more than 1.0 percent.

*Ext D&C Blue No. 5.* In carbon tetrachloride, not more than 1.0 percent.

*Ext D&C Green No. 1.* In water, not more than 1.0 percent.

*Ext D&C Red No. 8.* In water, not more than 1.0 percent.

*Ext D&C Red No. 10.* In water, not more than 1.0 percent.

*Ext D&C Red No. 11.* In water, not more than 1.0 percent.

*Ext D&C Red No. 13.* In water, not more than 1.0 percent.

*Ext D&C Violet No. 1.* In water, not more than 1.0 percent.

*Ext D&C Violet No. 2.* In water, not more than 1.0 percent.

*Ext D&C Yellow No. 5.* In toluene, not more than 1.0 percent.

*Ext D&C Orange No. 1.* In toluene, not more than 1.0 percent.

*Ext D&C Orange No. 2.* In alkaline solution, not more than 1.0 percent.

20. *Melting point indicating purity and identity.* That in some coal-tar colors the melting point of the color serves as an indication of purity and identity.

21. *Colors for which melting point indicates purity or identity—Practicable limits.* That, in the case of the proposed colors listed in Finding No. 1, the following are the colors as to which the melting point would serve as a measure of purity or identity and the limits for melting point which are practicable in good manufacturing practice:

*D&C Red No. 35.* Not less than 272° C.

*D&C Yellow No. 11.* Not less than 235° C.

*Ext D&C Yellow No. 5.* Not less than 250° C.

*Ext D&C Orange No. 1.* Not less than 210° C.

22. *FD&C Red No. 32—meta-Xylidine—Limited—Determined by reduction of the dye.* That Xylidine, one of the intermediates used in the manufacture of the color proposed as FD&C Red No. 32, consists of a mixture of insomeric Xylidines, of which one is meta-Xylidine; that the presence of an unlimited amount of meta-Xylidine in the Xylidine used in the manufacture of this color would effect the identity of the color; and that the meta-Xylidine should be limited to not more than 30.0 percent in the Xylidine used for making this color, which may be determined by reduction of the dye.

23. *FD&C Red No. 32—Boiling range a measure of meta-Xylidine.* That the boiling range of Xylidine, obtained by reduction of the dye, in the color proposed as FD&C Red No. 32 would furnish a measure of the meta-Xylidine present, and that a Xylidine mixture containing not more than 30.0 percent of meta-Xylidine would have a boiling range such that 95.0 percent would distill between 212° and 232° Centigrade.

24. *FD&C Red No. 32—Water soluble matter an impurity—Practicable limit.* That any matter which is soluble in water is an impurity in the color proposed as FD&C Red No. 32, and that it is practicable in good manufacturing practice to limit water soluble matter in this color to not more than 0.3 percent.

25. *D&C Red No. 37—Stearic acid—Practicable limit.* That the color proposed as D&C Red No. 37 is made by melting together stearic acid and a color known to the coal-tar color trade as Rhodamine B-base, and that it is necessary that a certain amount of stearic acid over and above the amount which combines with the color be present after the manufacturing process has been completed, and it is practicable in good manufacturing practice to limit stearic acid (not part of the dye) to not more than 50.0 percent.

26. *D&C Blue No. 9—Alcoholic hydrochloric acid extracts impurities—Limit practicable.* That in the case of the color proposed as D&C Blue No. 9, the matter extractable by alcoholic hydrochloric acid is a measure of impurities, and that it is practicable in good manufacturing practice to limit matter extractable by alcoholic hydrochloric acid to not more than 1.0 percent.

27. *D&C Blue No. 9 by chlorination—Range of organically combined chlorine practicable.* That the color proposed as D&C Blue No. 9 is made by chlorination, and in the process it is not always possible to combine in the color the theoretically correct amount of chlorine, and that the range of organically combined chlorine in the pure dye which is practicable in good manufacturing practice is 13.0 percent to 14.8 percent.

28. *D&C Orange No. 16—Practicable range of organically combined bromine and iodine.* That the color proposed as D&C Orange No. 16 is made by bromination and iodation, and it is not always possible to combine in the color the theoretically correct amount of bromine or iodine, and that the ranges of organically combined bromine and iodine in the pure dye which are practicable in good manufacturing practice are as follows: bromine, 20.0 percent to 23.0 percent, and iodine, 32.0 percent to 36.0 percent.

29. *D&C Orange No. 16—Free halogens—Limit practicable.* That in the manufacture of the color proposed as D&C Orange No. 16, the halogens or halides (i. e., the bromine of iodine) may exist in free form in the color, and it is practicable in good manufacturing practice to limit the free halogens in the color to not more than 0.05 percent.

30. *Ext D&C Black No. 1—Intermediary reactions product—Limit practicable.* That in the manufacture of the color proposed as Ext D&C Black No. 1, an intermediary reaction product, 3-(4-Amino-1-naphthylazo)-1-naphthalene sulfonic acid, may result, and that it is practicable in good manufacturing practice to limit such intermediary reaction product to not more than 2.0 percent.

31. *D&C Orange No. 16—Ext D&C Yellow No. 5—Ext D&C Orange No. 1—Certain specifications conforming.* That in order to conform the specifications for the proposed colors to the system of nomenclature employed in the regulations, the term "halogens" should be employed rather than the term "halides" (in the color proposed as D&C Orange No. 16); the term "2-Nitro-p-toluidine" should be employed in lieu of the term "m-nitro-p-toluidine" (in the color proposed as Ext D&C Yellow No. 5); and the term "2-nitro-p-anisidine" should be employed in lieu of the term "m-nitro-p-anisidine" (in the color proposed as Ext D&C Orange No. 1).

32. *FD&C Yellow No. 2—Reduction of limit for ether extracts practicable.* That in the case of the color FD&C Yellow No. 2, uncombined intermediates are extractable by ether; that the ether extracts should be kept as low as possible; that a limit for ether extracts of not more than 0.1 percent is practicable in good manufacturing practice, and that the reduction of the limit for ether extracts from 0.2 percent to 0.1 percent would, make the color more suitable, pharmacologically, for use in foods, drugs, and cosmetics.

33. *FD&C Orange No. 2—Specification for chlorides and sulfates eliminated.* That the specification for chlorides and sulfates of sodium in the color FD&C Orange No. 2 is superfluous, and its elimination would not affect the harmlessness of that color for use in foods, drugs, and cosmetics.

34. *FD&C Red No. 32—Specifications practicable—Color suitable and harmless.* That if listed by way of amendment to section 135.03 of the regulations, the specifications for the color proposed as FD&C Red No. 32, set forth for the said color in Findings No. 1, 5, 7, 9, 15, 19, 22, 23, and 24, are practicable in good manufacturing practice and would serve to determine the identity and pure dye content of the color and the impurities therein; and that such color, when meeting the specifications so set forth, and if listed by way of such amendment, would be harmless and suitable for use in foods, drugs, and cosmetics.

35. *D&C Yellow No. 8 and No. 9—Limits mixed oxides included.* That mixed oxides would be a measure of impurities in the colors D&C Yellow No. 8 and D&C Yellow No. 9; that it is practicable in good manufacturing practice to limit mixed oxides in these colors to not more than 1.0 percent; and that the inclusion of specifications limiting mixed oxides in these colors to not more than 1.0 percent would result in colors of greater purity.

36. *D&C Blue No. 3—Predominantly violet.* That the shade of the color D&C Blue No. 3 is more violet than blue, and the inclusion of the word "Blue" in this color, which is used as a shade of violet, is likely to cause confusion which would not be caused by the use of the name "D&C Violet No. 2."

37. *Specifications for certain named D&C colors practicable—Colors harmless and suitable.* That if listed by way of amendment to section 135.04 of the regulations, the specifications for the colors proposed as D&C Red No. 31, D&C Red No. 33, D&C Red No. 34, D&C Red No. 35, D&C Red No. 36, D&C Red No. 37, D&C Violet No. 1, D&C Yellow No. 11, D&C Blue No. 7, D&C Blue No. 8, D&C Blue No. 9, D&C Green No. 7, D&C Orange No. 16, and D&C Orange No. 17, set forth for said colors in Findings No. 1, 5, 7, 9, 11, 13, 15, 17, 19, 21, 25, 26, 27, 28, and 29, are practicable in good manufacturing practice and would serve to determine the identity and pure dye content of the colors and the impurities therein; and that such colors, when meeting the specifications so set forth, and if listed by way of such amendment, would be harmless and suitable for use in drugs and cosmetics.

38. *Specifications for certain Ext D&C colors practicable—Colors harmless and suitable.* That if listed by way of amendment to section 135.05 of the regulations, the specifications for the colors proposed as Ext D&C Black No. 1, Ext D&C Blue No. 3, Ext D&C Blue No. 4, Ext D&C Blue No. 5, Ext D&C Green No. 1, Ext D&C Red No. 8, Ext D&C Red No. 9, Ext D&C Red No. 10, Ext D&C Red No. 11, Ext D&C Red No. 12, Ext D&C Red No. 13, Ext D&C Violet No. 1, Ext D&C Violet No. 2, Ext D&C Yellow No. 5, Ext D&C Orange No. 1, Ext D&C Orange No. 2, set forth for said colors in Findings No. 1, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 30, are practicable in good manufacturing practice and would serve to determine the identity and pure dye content of the colors and the impurities therein; and that such colors, when meeting the specifications so set forth, and if listed by way of such amendment, would be harmless and suitable for use in externally applied drugs and cosmetics.

39. *Rosin a substratum for lakes.* That rosin is used in the manufacture of lakes and imparts certain desired properties; and that rosin is a proper substance for use as a substratum in making lakes.

40. *Soluble chlorides and sulfates for lakes—Limits reduced.* That, in the making of lakes, it is practicable in good manufacturing practice to limit soluble chlorides and sulfates (as sodium salts) to not more than 3.0 percent; and that the reduction of the specification for soluble chlorides and sulfates from the present limit of 5.0 percent, in the case of lakes under section 135.04 and section 135.05 will result in colors which will be of greater purity and which will be more suitable, pharmacologically, for use in drugs and cosmetics and in externally applied drugs and cosmetics, respectively.

41. *Lakes—Substrata—Components—Harmless for drugs and cosmetics.* That any lake made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, or any combination of two or more of these, (1) one of the straight colors heretofore listed, or now proposed for listing, in section 135.03, or one of the straight (but not laked) colors heretofore listed, or now proposed for listing, in section 135.04, which color is a salt in which is combined the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium; or (2) a salt prepared from one of the straight colors heretofore listed, or now proposed for listing, in section 135.03, or one of the straight (but not laked) colors heretofore listed, or now proposed for listing, in section 135.04, by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium, would be harmless for use in drugs and cosmetics; subject to specifications that the lake contain: of ether extracts, not more than 0.5 percent; of soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent; and of intermediates, not more than 0.2 percent.

42. *Lakes — Substrata—Components—Harmless for externally applied drugs and cosmetics.* That any lake made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, or any combination of two or more of these, (1) one of the straight (but not laked) colors heretofore listed, or now proposed for listing, in section 135.05, which color is a salt in which is combined the basic radicle sodium, potassium, barium, or calcium; or (2) a salt prepared from one of the straight (but not laked) colors heretofore listed, or now proposed for listing, in section 135.05, by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium, would be harmless for use in externally applied drugs and cosmetics; subject to specifications that the lake contain: of ether extracts, not more than 0.5 percent; of soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent; and of intermediates, nor more than 0.2 percent.

Based upon the foregoing findings of fact, it is concluded that the "Regulations Under The Federal Food, Drug, and Cosmetic Act For The Listing Of Coal-Tar Colors, Certification Of Batches Thereof, And Payment of Fees For Such Service", promulgated by order of the Secretary of Agriculture dated May 4, 1939, published in the FEDERAL REGISTER May 9, 1939 (Vol. 4, No. 89, pp. 1922–1947), be, and they are hereby, amended by changing certain specifications of certain colors therein listed and the listing of certain other coal-tar colors, as specifically set out hereinafter in amendments to such Regulations; and such amendments are hereby promulgated, as follows:

AMENDMENT TO REGULATIONS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

*Regulations Amending Sections 135.03, 135.04 and 135.05 of "Regulations Under the Federal Food, Drug, and Cosmetic Act for the Listing of Coal-Tar Colors, Certification of Batches Thereof, and Payment of Fees for Such Service", by Changing Certain Specifications of Certain Listed Colors and the Listing of Certain Other Coal-Tar Colors*

The Regulations promulgated by order of the Secretary of Agriculture dated May 4, 1939, and published in the FEDERAL REGISTER May 9, 1939 (Vol. 4, No. 89, pp. 1922–1947), entitled "Regulations Under The Federal Food, Drug, And Cosmetic Act For The Listing Of Coal-Tar Colors, Certification Of Batches Thereof, And Payment of Fees For Such Service" are hereby amended as follows:

§ 135.03—

(1) By striking from the specifications for the Color FD&C Yellow No. 2 the specifications, "Ether Extracts, not more than 0.2 percent," and by inserting in lieu thereof: "Ether extracts not more than 0.1 percent";

(2) By striking from the specifications for the Color FD&C Orange No. 2 the specification, "Chlorides and sulfates of sodium, not more than 0.5 percent";



(3) And by adding at the end of said section the following:

*"FD&C Red No. 32 Specifications*

"1-Xylylazo-2-naphthol.

"Volatile matter (at 100° C.), not more than 0.5 percent.

"Sulfated ash, not more than 0.3 percent.

"Water soluble matter, not more than 0.3 percent.

"Matter insoluble in carbon tetrachloride, not more than 0.5 percent.

"Xylidine, not more than 0.1 percent.

"beta-Naphthol, not more than 0.05 percent.

"m-Xylidine in xylidine obtained by reduction of the dye, not more than 30.0 percent.

"Pure dye (as determined by titration with titanium trichloride) not less than 97.0 percent.

"Boiling range of xylidine, obtained by reduction of the dye, 95 percent between 212–232° C."

§ 135.04.—

(1) By inserting after the specification for the color D&C Yellow No. 8: "Chlorides and sulfates of sodium, not more than 8.0 percent"; a specification, "Mixed oxides, not more than 1.0 percent";

(2) By inserting after the specification for the color D&C Yellow No. 9: "Chlorides and sulfates of potassium, not more than 5.0 percent"; a specification, "Mixed oxides, not more than 1.0 percent";

(3) By striking out the name for the color "D&C Blue No. 3" and by inserting in lieu thereof the name "D&C Violet No. 2";

(4) By striking out all matter in said section immediately following the name of, and specifications for, the color "D&C Black No. 1", beginning with the caption "Lakes", and by inserting in lieu thereof the following:

*"D&C Red No. 31 Specifications*

"Calcium salt of 3-hydroxy-4-phenylazo-2-naphthoic acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Ether extracts (Isopropyl ether), not more than 0.5 percent.

"Aniline, not more than 0.2 percent.

"Chlorides and sulfates (as calcium salts), not more than 5.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

*"D&C Red No. 33 Specifications*

"Disodium salt of 8-amino-2-phenylazo-1-naphthol-3,6-disulfonic acid.

"Volatile matter (at 135° C.), not more than 6.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Aniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

*"D&C Red No. 34 Specifications*

"Calcium salt of 4-(1-sulfo-2-naphthylazo)-3-hydroxy-2-naphthoic acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Ether extracts, not more than 0.5 percent.

"Tobias acid, not more than 0.2 percent.

"Chlorides and sulfates (as calcium salts), not more than 10.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

*"D&C Red No. 35 Specifications*

"1-(o-Nitro-p-tolylazo)-2-naphthol.

"Volatile matter (at 135° C.), not more than 2.0 percent.

"Sulfated ash, not more than 1.5 percent.

"Matter insoluble in toluene, not more than 1.5 percent.

"2-Nitro-p-toluidine, not more than 0.2 percent.

"beta-Naphthol, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 95.0 percent.

"Melting point, not less than 272° C.

*"D&C Red No. 36 Specifications*

"1-(o-Chloro-p-nitrophenylazo)-2-naphthol.

"Volatile matter (at 135°C.), not more than 5.0 percent.

"Sulfated ash, not more than 1.0 percent.

"Matter insoluble in toluene, not more than 1.0 percent.

"o-Chloro-p-nitroaniline, not more than 0.2 percent.

"beta-Naphthol, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

*"D&C Red No. 37 Specifications*

"3-Ethostearate of 9-o-carboxyphenyl-6-diethylamino-3-ethylimino-3-isoxanthene.

"Volatile matter (at 80° C.), not more than 2.0 percent.

"Sulfated ash, not more than 3.0 percent.

"Matter insoluble in benzene, not more than 0.5 percent.

"Diethyl-m-aminophenol, not more than 0.2 percent.

"Stearic acid (not part of the dye), not more than 50.0 percent.

"Pure dye (as determined by titration with titanium trichloride) not less than 50.0 percent.

*"D&C Violet No. 1 Specifications*

"Monosodium salt of 4-[[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-[4-(N-ethyl-p-sulfonium benzylamino)-phenyl]-methylene]-(N,N-dimethyl-$\Delta^{2,5}$-cyclohexadienimine).

"Volatile matter (at 135° C.), not more than 8.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Dimethylaniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

*"D&C Yellow No. 11 Specifications*

"2-(2-Quinolyl)-1,3-indandione.

"Volatile matter (at 135° C.), not more than 1.0 percent.

"Sulfated ash, not more than 1.0 percent.

"Matter insoluble in alcohol, not more than 0.5 percent.

"Quinaldine, not more than 0.2 percent.

"Pure dye (as calculated from organically combined nitrogen), not less than 96.0 percent.

"Melting point, not less than 235° C.

*"D&C Blue No. 7 Specifications*

"Monosodium salt of 4-[[4-(N-ethyl-benzylamino)-phenyl]-(5-hydroxy-4-sulfo-2-sulfoniumphenyl)-methylene]-(N-ethyl-N-benzyl-$\Delta^{2,5}$-cyclohexadienimine).

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"m-Nitro-benzaldehyde, not more than 0.2 percent.

"Benzylethylaniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

*"D&C Blue No. 8 Specifications*

"Calcium salt of 4-[[4-(N-ethylbenzylamino)-phenyl]-(5-hydroxy-4-sulfo-2-sulfoniumphenyl)-methylene]-(N-ethyl-N-Benzyl-$\Delta^{2,5}$-cyclohexadienimine).

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"m-Nitro-benzaldehyde, not more

"Benzylethylaniline, not more than 0.2 percent.

"Chlorides and sulfates (as calcium salts), not more than 8.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

*"D&C Blue No. 9 Specifications*

"3,3'-Dichloroindanthrene.

"Volatile matter (at 135° C.), not more than 1.0 percent.

"Sulfated ash, not more than 1.0 percent.

"2-Amino anthraquinone, not more than 0.2 percent.

"Matter extractable by alcoholic HCl, not more than 1.0 percent.

"Permitted range of organically combined chlorine in pure dye, 13.0–14.8 percent.

"Pure dye (as calculated from organically combined nitrogen), not less than 97.0 percent.

*"D&C Green No. 7 Specifications*

"Monosodium salt of 4-[[4-(N-ethyl-p-sulfobenzylamino)-phenyl]-(o-chlorophenyl)-methylene-1-(N-ethyl-N-p-sulfoniumbenzyl-$\Delta^{2,5}$-cyclohexadienimine).

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

*"D&C Orange No. 16 Specifications*

"4,5-Dibromo-2,7-diiodo-3,6-fluorandiol.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Insoluble matter (alkaline solution), not more than 1.0 percent.

"Ether extracts (alkaline solution), not more than 0.5 percent.

"Sodium chloride, not more than 3.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Free halogens, not more than 0.05 percent.

"Permitted range of organically combined bromide in pure dye, 20.0–23.0 percent.

"Permitted range of organically combined iodine in pure dye, 32.0–36.0 percent.

"Pure dye (as determined gravimetrically), not less than 90.0 percent.

*"D&C Orange No. 17 Specifications*

"1-(2,4-Dinitrophenylazo)-2-naphthol.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Sulfated ash, not more than 1.0 percent.

"Matter insoluble in toluene, not more than 1.5 percent.

"2,4-Dinitroaniline, not more than 0.2 percent.

"beta-Naphthol, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

*"Lakes*

"Any lake made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, or any combination of two or more of these, (1) one of the straight colors listed in section 135.03, or hereinbefore listed in this subsection, which color is a salt in which is combined the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium; or (2) a salt prepared from one of the straight colors listed in section 135.03, or hereinbefore listed in this subsection, by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium."

*"Specifications*

"Ether extracts, not more than 0.5 percent.

"Soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent.

"Intermediates, not more than 0.2 percent.

"(b) Each lake made as prescribed under the caption 'Lakes' in subsection (a) shall be considered to be a straight color and to be listed therein under the name which is formed as follows:

"First, the listed name of the color from which the lake is prepared, except that if such name contains the symbol 'FD&C' such symbol shall be changed to 'D&C';

"Second, the name of the basic radicle combined in such color; and

"Third, the word 'Lake.'

"(For example, the name of a lake prepared by extending the color D&C Red No. 9 upon a substratum is 'D&C Red No. 9—Barium Lake', and a lake prepared by extending the aluminum salt prepared from FD&C Green No. 1 upon a substratum is 'D&C Green No. 1—Aluminum Lake'.)"

§ 135.05—

(1) By striking out all matter in said section immediately following the name of, and specification for, the color "Ext D&C Blue No. 2," beginning with the caption "Lakes," and by inserting in lieu thereof the following:

*"Ext D&C Black No. 1 Specifications*

"Disodium salt of 8-anilino-5-[4-(5-sulfo-1-naphthylazo)-1-naphthylazo]-1-naphthalenesulfonic acid.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"alpha-Naphthylamine, not more than 0.2 percent.

"3-(4-Amino-1-naphthylazo)-1-naphthalene sulfonic acid, not more than 2.0 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

*"Ext D&C Blue No. 3 Specifications*

"Monosodium salt of 4-[[4-(N-ethylbenzylamino)-phenyl]-[p-sulfo-o-sulfoniumphenyl]-methylene]-(N-ethyl-N-benzyl $\Delta^{2,5}$-cyclohexadienimine.)

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Benzylethylaniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 80.0 percent.

*"Ext D&C Blue No. 4 Specification*

"Disodium salt of 4,8-diamino-1,5-dihydroxy-2,6-anthraquinone disulfonic acid.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as calculated from organically combined sulfur or nitrogen), not less than 80.0 percent.

*"Ext D&C Blue No. 5 Specifications*

"1,4-Bis(amylamino)-anthraquinone.

"Volatile matter (at 100° C.), not more than 2.0 percent.

"Insoluble matter in carbon tetrachloride, not more than 1.0 percent.

"Sulfated ash, not more than 0.5 percent.

"Amylamine, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.

*"Ext D&C Green No. 1 Specifications*

"Ferric salt of 6-sodiumsulfo-1-isonitroso-1,2-naphthoquinone.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Ether extracts, not more than 0.5 percent.



"Water insoluble matter, not more than 1.0 percent.

"Chlorides and sulfates of sodium, not more than 5.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

*"Ext D&C Red No. 8 Specifications*

"Monosodium salt of 4-(2-hydroxy-1-naphthylazo)-1-naphthalenesulfonic acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"beta-Naphthol, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 5.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

*"Ext D&C Red No. 9 Specifications*

"Calcium salt of 2-(1-naphthylazo)-1-naphthol-5-sulfonic acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Ether extracts, not more than 0.5 percent.

"alpha-Naphthylamine, not more than 0.2 percent.

"Chlorides and sulfates (as calcium salts), not more than 5.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

*"Ext D&C Red No. 10 Specifications*

"Disodium salt of 2-(4-sulfo-1-naphthylazo)-1-naphthol-4-sulfonic acid.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Chlorides and sulfates of sodium, not more than 5.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

*"Ext D&C Red No. 11 Specifications*

"Disodium salt of 8-acetamido-2-phenylazo-1-naphthol-3,6-disulfonic acid.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Aniline, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 10.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 82.0 percent.

*"Ext D&C Red No. 12 Specifications*

"Barium salt of 1-(3-sulfo-2-tolylazo)-2-naphthol.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Ether extracts, not more than 0.5 percent.

"beta-Naphthol, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 5.0 percent.

"Oxides of iron and aluminum, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

*"Ext D&C Red No. 13 Specifications*

"Disodium salt of 1-p-phenylazophenylazo-2-naphthol-6,8-disulfonic acid.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"Aniline, not more than 0.2 percent.

"p-Aminoazobenzene, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 90.0 percent.

*"Ext D&C Violet No. 1 Specifications*

"Disodium salt of 1,5-bis(o-sulfo-p-toluino)-anthraquinone.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"p-Toluidine, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium chloride), not less than 80.0 percent.

*"Ext D&C Violet No. 2 Specifications*

"Monosodium salt of 1-hydroxy-4-(o-sulfo-p-toluino)-anthraquinone.

"Volatile matter (at 135° C.), not more than 10.0 percent.

"Water insoluble matter, not more than 1.0 percent.

"Ether extracts, not more than 0.5 percent.

"p-Toluidine, not more than 0.2 percent.

"Chlorides and sulfates of sodium, not more than 8.0 percent.

"Mixed oxides, not more than 1.0 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than more than 8.0 percent.

*"Ext D&C Yellow No. 5 Specifications*

"alpha-(o-Nitro-p-tolylazo)-acetoacetanilide.

"Volatile matter (at 135° C.), not more than 2.0 percent.

"Sulfated ash, not more than 1.0 percent.

"matter insoluble in toluene, not more than 1.0 percent.

"2-Nitro-p-toluidine, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.

"Melting point, not less than 250° C.

*"Ext D&C Orange No. 1 Specifications*

"alpha-(o-Nitro-p-anisylazo)-o-acetoacetotoluide.

"Volatile matter (at 135° C.), not more than 2.0 percent.

"Sulfated ash, not more than 1.0 percent.

"Matter insoluble in toluene, not more than 1.0 percent.

"2-Nitro-p-anisidine, not more than 0.2 percent.

"Pure dye (as determined by titration with titanium trichloride), not less than 96.0 percent.

"Melting point, not less than 210° C.

*"Ext D&C Orange No. 2 Specifications*

"4,5-Dinitro-3,6-fluorandiol.

"Volatile matter (at 100° C.), not more than 5.0 percent.

"Ether extracts (alkaline solution), not more than 0.5 percent.

"Sulfated ash, not more than 1.0 percent.

"Insoluble matter (alkaline solution), not more than 1.0 percent.

"Range of organically combined nitrogen in pure dye, 6.45 to 6.80 percent.

"Pure dye (as determined gravimetrically), not less than 92.0 percent.

*"Lakes*

"Any lake made by extending on a substratum of alumina, blanc fixe, gloss white, clay, titanium dioxide, zinc oxide, talc, rosin, aluminum benzoate, or on any combination of two or more of these (1) one of the straight colors hereinbefore listed in this subsection, which color is a salt in which is combined the basic radicle sodium, potassium, barium, or calcium; or (2) a salt prepared from one of the straight colors hereinbefore listed in this subsection by combining such color with the basic radicle sodium, potassium, aluminum, barium, calcium, strontium, or zirconium.

*"Specifications*

"Ether extracts, not more than 0.5 percent.

"Soluble chlorides and sulfates (as sodium salts), not more than 3.0 percent.

"Intermediates, not more than 0.2 percent.

"(b) Each lake made as prescribed under the caption 'lakes' in subsection (a) shall be considered to be a straight color and to be listed therein under the name which is formed as follows:

"First, the listed name of the color from which the lake is prepared;

"Second, the name of the basic radicle combined in such color; and

"Third, the word 'Lake.'

"(For example, the name of a lake prepared by extending the color Ext D&C Yellow No. 2 upon a substratum is 'Ext D&C Yellow No. 2—Calcium Lake,' and a lake prepared by extending the barium salt prepared from Ext D&C Red No. 2 upon the substratum is 'Ext D&C Red No. 2—Barium Lake.')"

In virtue of the Act of June 23, 1939 (Public No. 151—76th Congress, 1st Session, C. 242), January 1, 1940, is the effective date for enforcement of those sections of the Federal Food, Drug, and Cosmetic Act prohibiting the use of uncertified coal-tar colors in foods, drugs and cosmetics, to wit: Section 402 (c) (52 Stat. 1046; 21 U.S.C. 342 (c)); Section 501 (a) (4) (52 Stat. 1049; 21 U.S.C. 351 (a) (4)); and 601 (e) (52 Stat. 1054; 21 U.S.C. 361 (e)).

In virtue of the Act of May 2, 1939 (Public No. 61—76th Congress, 1st Session, C. 107), the certification of coal-tar colors for use in foods, drugs and cosmetics before the effective date of the aforementioned sections of the said act was provided and authorized.

It is hereby found that emergency conditions now exist, within the meaning of Section 701 (e) (52 Stat. 1055; 21 U.S.C. 371 (e)) of said act, necessitating an earlier effective date for the Regulations heretofore promulgated May 9, 1939, as amended hereby, which prescribe the rules and procedure for applying for and obtaining the certification of coal-tar colors and the issuance of certificates therefor, instead of such Regulations, as amended, becoming effective ninety days after promulgation thereof. Such emergency conditions are that, on the effective date for enforcement of the aforesaid sections of said act, to wit, January 1, 1940: (1) no method or system for applying for and obtaining certification of coal-tar colors and the issuance of certificates therefor, as is provided by the aforesaid Regulations as amended hereby, will be in effect and operative until three weeks before the effective date of the aforesaid sections of said act; and (2) certified coal-tar colors for the use of industry in general in foods, drugs and cosmetics, as contemplated and prescribed by the act and the aforesaid Regulations, as amended, will not be available.

Wherefore, in view of the emergency conditions hereinbefore found to exist, and in virtue of the authority vested in the Secretary of Agriculture by Section 701 (e) (52 Stat. 1055; 21 U.S.C. 371 (e)) of the Federal Food, Drug, and Cosmetic Act, it is hereby ordered that the Regulations, as amended, which prescribe the rules and procedure for applying for and obtaining the certification of coal-tar colors heretofore or hereby listed, and the issuance of certificates therefor, be and become effective upon the publication of this order in the FEDERAL REGISTER.

This the 14th day of September, 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3389; Filed, September 14, 1939; 3:24 p. m.]

## TITLE 22—FOREIGN RELATIONS

### DEPARTMENT OF STATE

PART 24—FOREIGN PRINCIPALS AND FOREIGN GOVERNMENTS, REGISTRATION OF AGENTS[1]


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[1] The Secretary of State announces that the regulations contained herein supersede, as of September 15, 1939, all previous regulations (3 F.R. 2177 DI) promulgated by him governing the registration of agents of foreign principals and the notification of agents of foreign governments.

*§§ 24.1 to 24.36, inclusive, issued under the authority contained in sec. 6, 52 Stat. 633; 22 U.S.C., Sup., 233f; §§ 24.27 to 24.36, inclusive under the authority contained in sec. 3, 40 Stat. 226; 22 U.S.C. 233.

†The source of §§ 24.1 to 24.36, inclusive, is Laws and Regulations Administered by the Secretary of State Governing the Registration of Agents of Foreign Principals and the Notification of Agents of Foreign Governments, Secretary of State, September 15, 1939;

§ 24.1 *Definitions.* As used in these regulations and forms, unless the context otherwise requires—

(1) The term *person* means an individual, partnership, association, or corporation.

(2) The term *Secretary* means the Secretary of State of the United States.

(3) The term *act* means the act approved June 8, 1938 (Public, No. 583, 75th Cong., 3d sess.), entitled "AN ACT To require the registration of certain persons employed by agencies to disseminate propaganda in the United States and for other purposes," as amended by the act approved August 7, 1939 (Public, No. 319, 76th Cong., 1st sess.).

(4) The term *section* means a section of the act.

(5) The term *regulations* means all rules, regulations, and forms prescribed by the Secretary pursuant to the act.

(6) The term *government of a foreign country* means any person or group of persons exercising sovereign political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which authority or functions are directly or indirectly delegated or permitted. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority, whether such faction or body of insurgents has or has not been recognized by the United States.

(7) The term *political party of a foreign country* means any group of persons in a country other than the United States, having for an aim the establishment or the administration of a government or of a governmental system.

(8) The term *person domiciled abroad* means a person who has outside the United States a principal establishment or permanent home.

(9) The term *foreign business* means any entity organized or set up under a jurisdiction of a country other than the United States and having its principal place of business outside the United States, for the purpose of livelihood or profit.

(10) The term *foreign partnership* means an association of two or more persons formed outside the United States to engage jointly in any enterprise or undertaking.

(11) The term *foreign association* means an unincorporated entity or group of persons formed outside the United States and acting for a common purpose.



(12) The term *foreign corporation* means a legal entity created by or under the laws of a country other than the United States.

(13) The term *foreign political organization* means a group of persons organized and existing outside the United States which is engaged in political activity or in any activity devoted in whole or in part to the establishment or the administration of a government or of a governmental system.

(14) The term *public-relations counsel* means any person who directly or indirectly informs, advises, or in any other way represents a principal in any matters pertaining to political interests or public relations or public policy: *Provided, however,* That this term shall not be held to apply to any person by reason of his being engaged in bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts, nor to any person performing only private, nonpolitical, financial, mercantile, or other activities in furtherance of bona fide trade or commerce as such terms are defined in these regulations.

(15) The term *publicity agent* means any person who is directly or indirectly engaged in the placing or disseminating within the United States of oral, written, or pictorial information or matter of any kind for publication in any manner, including publication through advertising, books, periodicals, newspapers, lectures, broadcasts, moving picture showings, or otherwise: *Provided, however,* That this term shall not be held to apply to any person by reason of his being engaged in the dissemination of material, information, or ideas in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts, nor to any person performing only private, nonpolitical, financial, mercantile or other activities in furtherance of bona fide trade or commerce as such terms are defined in these regulations.

(16) The term *duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State of the United States* shall include any representative of a foreign government who functions as a diplomatic or consular officer in the United States and whose diplomatic or consular status is of record in the Department of State of the United States.

(17) The term *private activities in furtherance of bona fide trade or commerce* means activities ordinarily and customarily performed by persons for private livelihood or profit, as distinguished from activities of a political or other character, whether or not in the guise of trade or commerce.

(18) The term *nonpolitical activities in furtherance of bona fide trade or commerce* means such activities as are religious, educational, professional, scientific, or related to the fine arts, which do not in any essential respect relate to the establishment or conduct of a government or relations between one government and another.

(19) The term *financial activities in furtherance of bona fide trade or commerce* means activities in which exchange of money or its equivalent is involved through the normal channels of finance, and includes the normal incidents of such transactions.

(20) The term *mercantile activities in furtherance of bona fide trade or commerce* means activities directly concerned with the business of procuring, buying, selling, merchandising, warehousing, forwarding, transporting, or processing goods, products, or property of any kind.

(21) The term *other activities in furtherance of bona fide trade or commerce* as used in subsection (d) of the first section of the act, means services rendered in connection with private activities, nonpolitical activities, financial activities, or mercantile activities as herein defined.

(22) The term *furtherance of bona fide trade or commerce* means engaging in good faith in the lawful exchange of commodities, services, or property of any kind. Such term shall not include any political activities or activities involving the dissemination of information not exclusively concerned with the lawful exchange of commodities, services, or property.

(23) The term *registration statement* means the statement submitted to the Secretary for filing pursuant to the terms of the act and includes all documents and papers supplementary thereto.

(24) The term *registrant* means the person named in the registration statement and in whose behalf the registration statement is submitted to the Secretary for filing.* [Part I, Chap. II]

§ 24.2 *Statutory requirements.* The act requires the registration of:

any person who *acts* or *engages to act* or *agrees to act* as:

public-relations counsel,
publicity agent,
agent,
servant,
representative,
attorney for, or

any person who receives compensation from, or is under the direction of:

the government of a foreign country,
a political party of a foreign country,
a person domiciled abroad,
a foreign business,
a foreign partnership,
a foreign association,
a foreign corporation,
a foreign political organization or a domestic organization subsidized directly or indirectly in whole or in part by any of the above.

The *only* persons within these categories exempt from the requirement of registration under the act are:

persons who function in the United States as diplomatic or consular officers and whose diplomatic or consular status is of record in the Department of State of the United States,

persons performing only:

private activities in furtherance of bona fide trade or commerce,
nonpolitical activities in furtherance of bona fide trade or commerce,
financial activities in furtherance of bona fide trade or commerce,
mercantile activities in furtherance of bona fide trade or commerce,
other activities in furtherance of bona fide trade or commerce, or
activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits, or of the fine arts,

and persons whose status is described in either of the following two paragraphs:

(1) Any official of a foreign government recognized by the United States as a government, other than a public-relations counsel or publicity agent or a citizen of the United States, whose status and the character of whose duties as such official are of record in the Department of State of the United States.

(2) Any member of the staff of or person employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State of the United States, other than a public-relations counsel or publicity agent, whose status and the character of whose duties as such member or employee are of record in the Department of State of the United States.*† [Part I, Chap. III]

REGULATIONS UNDER SECTION 2 OF THE ACT

§ 24.3 *Form of registration statement.* Every person required to register under the terms of section 2 of the act and regulations issued pursuant thereto, shall submit to the Secretary a registration statement on a form similar to that printed below. Registration statements must be signed and sworn to before a notary public or other person authorized by law to administer oaths before they are transmitted to the Secretary of State. Blank forms will be

furnished by the Secretary upon request.*† [Part I, Chap. IV, sec. 1]

Registration No. _____
Date of Registration _____
(Not to be filled in by registrant)

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

REGISTRATION STATEMENT

For persons required to register with the Secretary of State pursuant to section 2 of the act (Public, No. 583, 75th Cong., 3d sess.), approved on June 8, 1938, as amended by the act (Public, No. 319, 76th Cong., 1st sess.), approved August 7, 1939.

(NOTE: *All* spaces must be filled in. Where space in the registration statement form does not permit full answers to questions, the information required may be set forth in supplementary papers incorporated by reference in the registration statement and submitted therewith. Supplementary documents and papers must be referred to in the principal statement in chronological or other appropriate order and be described in such manner that they can be easily identified.)

1. Name of registrant _____
2. Status of registrant (individual, partnership, association, or corporation) _____
3. Principal business address _____
4. Other places of business in the United States or elsewhere _____
5. Residence address, or addresses, if more than one _____
6. If registrant is a partnership, names and addresses of partners; if a corporation or association, names and addresses of officers thereof _____
7. Name of foreign principal, or principals, if more than one, for which registrant is acting as agent _____
8. Address, or addresses, if more than one, of foreign principal _____
9. Nationality of foreign principal, or principals, if more than one _____
10. Nature of business of foreign principal, or principals _____
11. Comprehensive statement of nature of business of registrant _____
12. Identification of all contracts of employment or other documents submitted herewith to indicate in complete detail the nature of the employment of registrant, and the terms and conditions thereof. If contract is oral, a full statement of the terms and conditions thereof must be submitted herewith and identified herein _____
13. The following information must be furnished, whether contract of employment of registrant is written or oral:
(a) Dates of contracts under which registrant is employed _____
(b) Dates of commencement of activity thereunder _____
(c) Periods of duration of contracts of employment. (If not known definitely, approximations may be made.) _____
14. Compensation to be paid to or income to be received by registrant and form and time of payment, under contracts or terms of employment, or otherwise _____
15. Names of all foreign principals, or other persons or organizations which have contributed, do now contribute, or have undertaken to contribute, to compensation referred to in paragraph 14 above _____
16. If registrant is a partnership, association, or corporation, identify documents and instruments, whether charter; articles of incorporation, copartnership, or association; constitution; bylaws; or other documents or instruments relating to registrant's organization, powers, and purposes, submitted herewith in compliance with the act _____
17. (a) Nationality of registrant _____
(b) If American-born, date and place of birth _____
(c) If naturalized, date and place of naturalization _____
(d) If alien, indicate type of travel document and nature of entry into the United States (whether for business or pleasure, temporary or permanent, etc.), including date, port of entry, type and date of visa, country of origin, country from which entry was made, etc. _____
18. Official designation of registrant _____
19. Date of execution of Registration Statement _____

The undersigned swears (affirms) that he has read the act (Public, No. 583, 75th Cong., 3d sess.), approved on June 8, 1938, as amended by the act (Public, No. 319, 76th Cong., 1st sess.), approved August 7, 1939, and the regulations issued pursuant thereto; that he is familiar with the contents of this Registration Statement submitted pursuant to such act and regulations, and with the contents of the documents supplementary thereto which are incorporated therein and constitute a part thereof, and that the facts therein set forth are true to the best of his knowledge, information, and belief.

(If registrant is a partnership, association, or corporation, the signature shall be that of its duly authorized representative.)

_____
(Signature of registrant)

_____
(Type or print name)

Subscribed and sworn to before me at _____, this _____ day of _____, 19___.

_____
(Title)

My commission expires _____, 19___.

*† [Part I, Chap. IV, sec. 1]

§ 24.4 *Language of statement.* Registration statements should be in English. If in a foreign language, they must be accompanied by an English translation, certified under oath by the translator, before a notary public or other person authorized by law to administer oaths for general purposes, as a true and accurate translation. The statements, with the exception of signature, should be typewritten, but will be accepted if written legibly in ink.*† [Part I, Chap. IV, sec. 2]

§ 24.5 *Lack of essential details.* All spaces in the registration statement form must be properly filled in. Registration statements found not to be in proper form, or lacking in essential details, will not be accepted by the Secretary for filing, and such registration statements shall not be deemed to have been filed in compliance with the act.*† [Part I, Chap. IV, sec. 3]

§ 24.6 *Supplementary information.* Where space in the registration statement form does not permit full answers to questions, the information required may be set forth in supplementary papers incorporated by reference in the registration statement and submitted therewith. Supplementary documents and papers must be referred to in the principal statement in chronological or other appropriate order and be described in such manner that they can be easily identified.*† [Part I, Chap. IV, sec. 4]

§ 24.7 *Effect of acceptance.* Acceptance by the Secretary of a registration statement submitted for filing shall not necessarily signify a full compliance with the act on the part of the registrant, and such acceptance shall not preclude prosecution as provided for in the act for a false statement of a material fact or the willful omission of a material fact required to be stated therein.*† [Part I, Chap. IV, sec. 5]

§ 24.8 *Date of filing.* The date on which a registration statement, executed in full compliance with the act and regulations, is received by the Secretary for filing, shall be considered the date of the filing of such registration statement pursuant to the act.*† [Part I, Chap. IV, sec. 6]

§ 24.9 *Incorporation of papers previously filed.* Papers and documents already filed with the Secretary pursuant to the act may be incorporated by reference in any registration statement subsequently submitted to the Secretary for filing, provided such papers and documents are adequately identified in the registration statement in which they are incorporated by reference.*† [Part I, Chap. IV, sec. 7]

§ 24.10 *Proof of authority of signatory.* Every registration statement executed and submitted to the Secretary by or on behalf of a partnership, association, or corporation, shall contain or be accompanied by a concise statement of the applicable provisions of the partnership agreement, articles of incorporation, bylaws or similar documents, indicating the right of the person who signs and submits the registration statement for filing to take such action on behalf of the partnership, association, or corporation, and a statement under oath that all such requirements have been complied with and that the person signing and submitting the registration statement is fully authorized to do so.*† [Part I, Chap. IV, sec. 8]



§ 24.11 *Separate statements.* A separate registration statement, under the act, must be filed with the Secretary by each person required to register.*† [Part I, Chap. IV, sec. 9]

§ 24.12 *Cessation of agency or activity.* The Secretary should be notified promptly upon the cessation of the agency or activity by virtue of which a person has been required to file a registration statement or submit information to the Secretary pursuant to the act and regulations prescribed thereunder.*† [Part I, Chap. IV, sec. 10]

§ 24.13 *Individuals must file statements.* The filing of a registration statement by a partnership, association, or corporation shall not preclude the necessity of the filing of a similar registration statement, as required under the act, by such individual members, employees, associates, and affiliates of such registrant, as are required to register under the act.*† [Part I, Chap. IV, sec. 11]

§ 24.14 *Activities not in behalf of foreign principal.* Agents of foreign principals who engage, whether or not on behalf of their foreign principal, in activities not included among the exceptions set forth in the act and regulations shall be considered subject to the requirement of registration.*† [Part I, Chap. IV, sec. 12]

§ 24.15 *Subagents not subject to the requirement of registration.* Registration pursuant to the act is required in the case of agents of foreign principals only. Subagents are not considered subject to the requirement of registration. A subagent is considered to be a person who is not engaged in any activities of a responsible character and who acts under the immediate and direct supervision of a registered agent or whose name, address, and functions are set forth in the registration statement submitted by the agent.*† [Part I, Chap. IV, sec. 13]

§ 24.16 *Branch offices not required to file separate registration statements.* Branch offices or subsidiaries of a registrant engaged in the same activity as that of such registrant will not be required to file separate registration statements if their names and addresses are included in the registration statement filed by the registrant pursuant to the act.*† [Part I, Chap. IV, sec. 14]

§ 24.17 *Subsidiary or branch agencies of foreign entities—status.* Subsidiary or branch agencies of foreign entities in the United States are considered as occupying a dual status, i. e., that of a foreign principal and that of an agent of a foreign principal, and hence in their latter capacity are required to register if engaged in activities of a character not specifically excepted by the terms of the act and regulations. Officers of such agencies, however, need not register if their names and positions are indicated in the registration statement submitted by the agency.*† [Part I, Chap. IV, sec. 15]

§ 24.18 *Associations and organizations whose membership includes one or more foreign principals.* Associations and organizations, the membership of which includes one or more foreign principals, shall, to the extent of such foreign membership, be considered agents of foreign principals, and hence subject to the requirement of registration pursuant to the act unless their activities are of a character specifically excepted by the terms of the act and regulations.*† [Part I, Chap. IV, sec. 16]

§ 24.19 *Activities connected with the establishment or conduct of a foreign government.* Activities connected in any way with the establishment or conduct of a foreign government shall not be considered to fall within any of the exceptions described in paragraphs (14) to (22), inclusive, of chapter II, part I, of the regulations, and persons undertaking to engage in such activities shall be considered subject to the requirement of registration.*† [Part I, Chap. IV, sec. 17]

§ 24.20 *Officials of foreign governments—notification of status.* The status of officials of foreign governments and members of the staff of or persons employed by duly accredited diplomatic or consular officers of foreign governments, claiming exemption from the requirement of registration under the provisions of the first section of the act, should be regularized by a notification addressed to the Secretary of State. Such notification must include the full name, nationality, business and residence addresses of the person claiming exemption from the requirement of registration under the act, together with the name of the foreign government being served, a detailed statement of the present and proposed activities of such person, and an indication of the date of assumption of duties in the United States and the approximate duration thereof.*† [Part I, Chap. IV, sec. 18]

§ 24.21 *Renewal of notification under § 24.20.* Notification under paragraph (18) above must be renewed whenever the purpose, scope, or nature of the agency described therein is changed, and in any case every 12 months throughout the duration of the agency.*† [Part I, Chap. IV, sec. 19]

§ 24.22 *Status of persons who have complied with the provisions of § 24.20.* Persons who have submitted information in full compliance with the provisions of paragraph (18) above, shall be considered to have complied with the provisions of the act of June 15, 1917 (40 Stat. 226; 22 U.S.C. 233), so far as such provisions relate to the requirement of notification to the Secretary of certain agents of foreign governments in the United States.*† [Part I, Chap. IV, sec. 20]

§ 24.23 *Termination of activities.* The Secretary of State should be informed promptly upon the termination of activities described in notifications submitted pursuant to the provisions of paragraph (18) above.*† [Part I, Chap. IV, sec. 21]

§ 24.24 *Withdrawal of registration statement from public records.* The Secretary may withdraw from the public records the registration statement of any person whose activities have ceased to be of a character which requires registration under the terms of the act. Requests for such withdrawals shall be submitted to the Secretary in the form of an affidavit subscribed and sworn to before a notary public, identifying the registration statement, the withdrawal of which is desired, and stating that the agency relationship described therein has been terminated and that the activities of the registrant under such agency relationship have ceased. Registration statements which are withdrawn from the public records under the provisions hereof will be retained in the permanent files of the Department of State.*† [Part I, Chap. IV, sec. 22]

REGULATIONS UNDER SECTION 3 OF THE ACT

§ 24.25 *Applicability of §§ 24.3 to 24.24 to supplemental registration statement.* The regulations set forth under chapter IV, part I, hereof, with respect to registration statements submitted to the Secretary under section 2 of the act, shall apply with equal force and effect to statements required to be submitted to the Secretary for filing under section 3 of the act.* [Part I, Chap. V, sec. 2]

§ 24.26 *Form of supplemental registration statement.* Every person required to submit statements to the Secretary for filing in compliance with the terms of section 3 of the act and under the regulations issued pursuant to the act shall submit such statements under oath on a form similar to that printed below. Blank forms will be furnished by the Secretary upon request.* [Part I, Chap. V, sec. 1]

Registration No. _____
Date of Registration _____
(Not to be filled in by registrant)

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

SUPPLEMENTAL REGISTRATION STATEMENT

For persons required to submit statements to the Secretary of State for filing in compliance with section 3 of the act (Public, No. 583, 75th Cong., 3d sess.), approved on June 8, 1938, as amended by the act (Public, No. 319, 76th Cong., 1st sess.), approved August 7, 1939.

(NOTE: Except in paragraph 1, if answers would be exactly the same as answers made to similar questions in a previous statement filed with the Secretary under the act of June 8, 1938, the word "same" may be written in the appropriate spaces below with an indication of the number and date of the previous statement filed. All spaces must be filled in.)

1. Name of registrant _____
2. Status of registrant (individual, partnership, association, or corporation) _____
3. Principal business address _____

4. Other places of business in the United States or elsewhere

5. Residence address, or addresses, if more than one

6. If registrant is a partnership, names and addresses of partners; if a corporation or association, names and addresses of officers thereof

7. Name of foreign principal, or principals, if more than one, for which registrant is acting as agent

8. Address, or addresses, if more than one, of foreign principal

9. Nationality of foreign principal, or principals, if more than one

10. Nature of business of foreign principal, or principals

11. Comprehensive statement of nature of business of registrant

12. Identification of all contracts of employment or other documents submitted herewith to indicate in complete detail the nature of the employment of registrant and the terms and conditions thereof. If contract is oral, a full statement of the terms and conditions thereof must be submitted herewith and identified herein

13. The following information must be furnished, whether contract of employment of registrant is written or oral:
(a) Dates of contracts under which registrant is employed

(b) Dates of commencement of activity thereunder

(c) Periods of duration of contracts of employment. (If not known definitely, approximations may be made.)

14. Compensation to be paid to, or income to be received by, registrant, and form and time of payment, under contracts or terms of employment, or otherwise

15. Amount and form of compensation received by registrant during period of 6 months immediately succeeding last statement filed with the Secretary pursuant to the act

16. If registrant is a partnership, association, or corporation, identify documents and instruments, whether charter; articles of incorporation, copartnership, or association; constitution; bylaws; or other documents or instruments relating to registrant's organization, powers, and purposes, submitted herewith in compliance with the act

17. (a) Nationality of registrant

(b) If American-born, date and place of birth

(c) If naturalized, date and place of naturalization

(d) If alien, indicate type of travel document and nature of entry into the United States (whether for business or pleasure, temporary or permanent, etc.), including date, port of entry, type and date of visa, country of origin, country from which entry was made, etc.

18. Official designation of registrant

19. Date of execution of Registration Statement

The undersigned swears (affirms) that he has read the act (Public, No. 583, 75th Cong., 3d sess.), approved on June 8, 1938, as amended by the act (Public, No. 319, 76th Cong., 1st sess.), approved August 7, 1939, and the regulations issued pursuant thereto; that he is familiar with the contents of this Supplemental Registration Statement submitted pursuant to such act and regulations, and with the contents of the documents supplementary thereto which are incorporated therein and constitute a part thereof, and that the facts therein set forth are true to the best of his knowledge, information, and belief.

(If registrant is a partnership, association, or corporation, the signature shall be that of its duly authorized representative.)

(Signature of registrant)

(Type or print name)

Subscribed and sworn to before me at ——————, this —— day of ——————, 19—

(Title)

My commission expires ——————, 19—

§ 24.27 *Public inspection.* Registration statements filed with the Secretary pursuant to the act will, with the exception of statements withdrawn under the provisions of paragraph (22), chapter IV, part I, above, be available for public inspection in the Department of State, Washington, D. C., during all business hours, i. e., from 9 a. m. to 4:30 p. m. on each business day excepting Saturday, and from 9 a. m. to 1 p. m. on Saturdays.° [Part I, Chap. VI]

§ 24.28 *To whom and by whom notifications are to be made.* Title VIII of the Espionage Act, approved June 15, 1917 (40 Stat. 226), provides in part as follows:

SEC. 3. Whoever, other than a diplomatic or consular officer or attaché, shall act in the United States as an agent of a foreign government without prior notification to the Secretary of State, shall be fined not more than $5,000, or imprisoned not more than five years, or both.

SEC. 4. The words "foreign government," as used in this act, ° ° ° shall be deemed to include any government, faction, or body of insurgents within a country with which the United States is at peace, which government, faction, or body of insurgents may or may not have been recognized by the United States as a government.

Notifications required to be submitted under the aforementioned provisions of law should be addressed to the Secretary of State. The notification may be made by the agent's government through appropriate diplomatic channels or consular offices, or, in the case of an insurrectionary government, faction, or body, by the competent authorities thereof through an American consular officer; or the notification may be made by the agent directly.°† [Part II, Chap. I; Chap. II, sec. 1]

§ 24.29 *Information to be included in the notification.* The notification must include the full name, nationality, business and residence addresses of the agent, a detailed statement of the present and proposed activities of such agent, and the name of the government represented, together with an indication of the date of assumption of duties in the United States and the approximate duration thereof.°† [Part II, Chap. II, sec. 2]

§ 24.30 *Renewal of notification.* Notifications must be renewed whenever the purpose, scope, or nature of the agency described therein is changed, and in any case every 12 months throughout the duration of the agency.°† [Part II, Chap. II, sec. 3]

§ 24.31 *Expiration of activities.* The Secretary of State should be informed promptly upon the expiration of every agency described in notifications submitted hereunder.°† [Part II, Chap. II, sec. 4]

§ 24.32 *To whom notifications apply.* Notifications hereunder shall be deemed to apply to agents either of an organized foreign government or of any government, faction, or body of insurgents in a country with which the United States is at peace, whether such government, faction, or body is or is not recognized by the United States as a government.°† [Part II, Chap. II, sec. 5]

§ 24.33 *Notification not to be regarded as a claim to diplomatic immunity.* No notification given to or received by the Secretary of State pursuant to the aforementioned provisions of law and regulations promulgated thereunder shall be regarded as a claim for or a recognition of the privileges of diplomatic immunity conferred by international law or custom.°† [Part II, Chap. II, sec. 6]

§ 24.34 *Definition of "agent".* The term "agent" as used herein shall be deemed to include persons receiving compensation from or who are under the direction of a foreign government or any agency or department thereof.°† [Part II, Chap. II, sec. 7]

§ 24.35 *Requirement of notification fulfilled by compliance with provisions of § 24.20.* Persons who have complied fully with the provisions of paragraph (18), chapter IV, part I, of these regulations, shall be considered to have fulfilled the requirement of notification herein provided for.°† [Part II, Chap. II, sec. 8]

§ 24.36 *Modification, amendment, or repeal of regulations.* These regulations may be modified, amended, or repealed by the Secretary of State without notice.°† [Part III]

[SEAL] CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 39-3398; Filed, September 15, 1939; 12:37 p. m.]



## TITLE 29—LABOR

### UNITED STATES EMPLOYMENT SERVICE

### (SOCIAL SECURITY BOARD)

PART 21—RULES AND REGULATIONS RELATING TO THE COOPERATION OF THE UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

SECTION 21.3 RESCINDED

Pursuant to the authority vested in it by the provisions of the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113), as amended, and provisions of the Reorganization Act of 1939 (Public No. 19, 76th Congress, First Session), approved April 3, 1939, and of the Reorganization Plan No. 1,[1] effective July 1, 1939.

The Social Security Board hereby rescinds Rule No. 3 [2] of the rules and regulations prescribed by the Director of the United States Employment Service, with the approval of the Secretary of Labor, dated June 18, 1938 (Section 21.3, Part 21, Title 29, Code of Federal Regulations).

Adopted by the Board, September 8, 1939.

A. J. ALTMEYER,
*Chairman.*

Approved, September 13, 1939.

[SEAL] PAUL V. MCNUTT,
*Federal Security Administrator.*

[F. R. Doc. 39-3390; Filed, September 15, 1939; 9:15 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### SECRET SERVICE

PART 401—REGULATIONS RELATING TO THE SEIZURE AND FORFEITURE OF VESSELS, VEHICLES AND AIRCRAFT USED TO TRANSPORT COUNTERFEIT COINS, OBLIGATIONS, SECURITIES, AND PARAPHERNALIA

§ 401.1 *Authority for regulations.* These regulations are issued under the Act of August 9, 1939, Public No. 357, 76th Congress. (Act of August 9, 1939, Public No. 357, 76th Congress)

§ 401.2 *Secret Service Agents authorized to make seizures.* All officers of the United States Secret Service engaged in the enforcement of counterfeiting laws are hereby authorized and designated to seize such vessels, vehicles, and aircraft as may be subject to seizure because of violations of the said Act of August 9, 1939 pertaining to contraband articles referred to in section 1 (b) (3) of said Act. (Act of August 9, 1939, Public No. 357, 76th Congress)

§ 401.3 *Custody.* Each vessel, vehicle, or aircraft seized pursuant to the said Act of August 9, 1939 and these regulations shall forthwith be placed by the seizing officer in the custody of the collector of customs for the customs district in which such seizure is made. Such placing in custody shall be effected by immediate notification of the appropriate collector of customs of the seizure, together with a statement of the facts including a description of the vessel, vehicle, or aircraft, and the holding by the seizing officer of such vessel, vehicle, or aircraft subject to the instructions of the said collector of customs. (Act of August 9, 1939, Public No. 357, 76th Congress)

§ 401.4 *Authority of collectors of customs to hold in custody.* Collectors of customs are hereby authorized and designated to hold in custody awaiting appropriate disposition vessels, vehicles, and aircraft seized pursuant to the said Act of August 9, 1939, and these regulations. (Act of August 9, 1939, Public No. 357, 76th Congress)

§ 401.5 *Duties of Bureau of Customs.* With respect to every vessel, vehicle, and aircraft seized and placed in the custody of a collector of customs pursuant to the said Act of August 9, 1939, and these regulations, the appropriate officials of the Bureau of Customs are hereby authorized and designated as the officers who shall perform such administrative duties in connection with:

(a) the summary and judicial forfeiture and condemnation of such vessel, vehicle, or aircraft;

(b) the disposition of such vessel, vehicle, or aircraft or the proceeds from the sale thereof;

(c) the remission or mitigation of the forfeiture of such vessel, vehicle, or aircraft; and

(d) the compromise of claims and the award of compensation to informers in respect to such vessel, vehicle, or aircraft;

as may be necessary and proper by virtue of the provisions of said Act of August 9, 1939, and by virtue of the provisions of the customs laws which the said Act makes applicable in connection with seizures and forfeitures incurred or alleged to have been incurred under the said Act and these regulations. In the performance of said administrative duties the said appropriate officials of the Bureau of Customs shall be governed by the procedures established by the customs regulations, in so far as such procedures are applicable and not inconsistent with the provisions of the said Act of August 9, 1939 and these regulations. Powers of the character of those exercised by the Secretary of the Treasury and the Commissioner of Customs in connection with the remission or mitigation of forfeitures under the customs laws and in connection with the compromise of claims and the award of compensation to informers under the customs laws shall be exercised by the Secretary of the Treasury in connection with the remission or mitigation of forfeitures under the said Act of August 9, 1939, and in connection with the compromise of claims and the award of compensation to informers under the said Act. (Act of August 9, 1939, Public No. 357, 76th Congress)

§ 401.6 *Disposition.* With respect to each vessel, vehicle, and aircraft seized pursuant to the said Act of August 9, 1939 and these regulations, the Chief of the Secret Service shall promptly notify the Director of the Procurement Division and the Commissioner of Customs whether the Secret Service Division desires to have such vessel, vehicle, or aircraft for its official use. When forfeiture of any vessel, vehicle, or aircraft has been perfected otherwise than by court decree, the collector of customs holding in custody such vessel, vehicle, or aircraft shall: (1) either return the same to the Secret Service Division, if the Chief of the Secret Service has requested it for the official use of the Secret Service Division, (2) or, if the Secret Service Division does not desire such vessel, vehicle, or aircraft for its official use, hold such vessel, vehicle, or aircraft subject to the instructions of the Director of the Procurement Division. (See Title III of the Act of August 27, 1935, 49 Stat. 879 (40 U.S.C., Supp. IV, secs. 304f–304m).) (Act of August 9, 1939, Public No. 357, 76th Congress)

[SEAL] JOHN W. HANES,
*Acting Secretary of the Treasury.*

SEPTEMBER 12, 1939.

[F. R. Doc. 39-3399; Filed, September 15, 1939; 12:48 p. m.]

[1] 4 F.R. 2727 DI.
[2] 3 F.R. 1471 DI.

## TITLE 32—NATIONAL DEFENSE

### NATIONAL MUNITIONS CONTROL BOARD, DEPARTMENT OF STATE

PART 1—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, ETC.[1]

SUBPART—GENERAL REGULATIONS AND SPECIAL PROVISIONS

Sec.
1.1 Application for registration.
1.2 Registration fee.
1.3 Certificate of registration.
1.4 Notification of changes.
1.5 Manufacturers, exporters and importers of aircraft wheels and propeller blades.
1.6 Forgings, castings, and machined bodies.
1.7 Club propellers, cut away models of aircraft engines and mock-ups.
1.8 Production for experimental or scientific purposes.
1.9 Persons who may make or receive occasional shipments.
1.10 National Firearms Act, June 26, 1934; Federal Firearms Act, June 30, 1938.

[1] The Secretary of State announces that the regulations contained herein supersede, as of September 15, 1939, all previous regulations administered by him governing the international traffic in arms, ammunition, and implements of war, and other munitions of war.

Sec.
1.11 Applications for licenses.
1.12 Import licenses.
1.13 Export licenses.
1.14 Licenses not transferable.
1.15 Alterations.
1.16 Revoked licenses.
1.17 Country of ultimate destination.
1.18 Shipper's export declaration.
1.19 Type and model designation.
1.20 Presentation of licenses to collector of customs.
1.21 Export license material to be packed separately.
1.22 Parcel post.
1.23 Articles in transit through the territory of the United States.
1.24 Application for export or import licenses on behalf of persons who are not required to register.
1.25 Arms more than 100 years old.
1.26 Arms for the individual use of the person to whom consigned.
1.27 Arms intended exclusively for sporting or scientific purposes.
1.28 The Government of the United States and its agencies are not "persons".
1.29 Arms returned to the United States worn or damaged.
1.30 Licenses required for the export or import of aircraft wheels and propeller blades.
1.31 License required for export of articles intended for war purposes.
1.32 "Propellant powders," "potassium nitrate powders," "sodium nitrate powders".
1.33 Aircraft flown or shipped from the United States for a temporary sojourn abroad.
1.34 Customs clearance.
1.35 Records of manufacture, export, and import.
1.36 Title I of the Espionage Act, approved June 15, 1917.
1.37 Articles involving military secrets.
1.38 Articles contracted for by the War Department or the Navy Department.
1.39 Prospective exporters of arms, etc., to communicate with the Secretary of State in advance of shipment.
1.40 Export of arms to China, Cuba, Honduras, and Nicaragua.
1.41 Responsibility for notification.
1.42 Export licenses for shipment of arms to Cuba.
1.43 Exportation authorized only upon desire of Cuban Government.
1.44 Export licenses not issued.
1.45 Exporter to present convincing evidence of destination.


§ 1.1 *Application for registration.* All persons engaged in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937, shall register with the Secretary of State by duly filling out and transmitting to the Secretary of State an application for registration in the form printed below. The articles manufactured, exported, or imported shall be listed on the application for registration under the same categories and in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937. Applications for registration must be signed and sworn to in the presence of a notary public before they are transmitted to the Secretary of State.* [Part III, (1)†]

*Sections 1.1 to 1.45 issued under the authority contained in Sec. 5a, 50 Stat. 124, 22 U.S.C., Sup. III, 245b.

†The source of sections 1.1 to 1.45 is Dept. Reg., September 15, 1939.

REGISTRATION NUMBER

(Not to be filled in by the applicant)

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

APPLICATION FOR REGISTRATION

Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms, Ammunition, or Implements of War, Pursuant to Section 5 of the Joint Resolution of Congress Approved by the President May 1, 1937, Amending the Joint Resolution of August 31, 1935.

(The applicant shall fill in all of the following spaces)

(1) Name of person (the term "person" includes a partnership, company, association, or corporation, as well as a natural person):

(2) Principal place of business:

(3) Other places of business in the United States:

(4) The applicant is engaged in the {manufacture / importation / exportation} of arms, ammunition, or implements of war. (Strike out the designation or designations not applicable to the business of the applicant.)

(5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The articles manufactured, imported, or exported shall be listed under the following categories in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937.)

*Category I*

*Category II*

*Category III*

*Category IV*

*Category V*

*Category VI*

*Category VII*

The above list includes all articles defined as arms, ammunition, and implements of war by the President's proclamation of May 1, 1937, which are manufactured, imported, or exported by the undersigned.

(Signature)

(If the applicant is a partnership, company, association, or corporation, the signature shall be that of its duly authorized representative.)

Signed and sealed in my presence this ------ day of ----------, 19--.

(Notary public)

The registration fee of {$100 / $500} is transmitted herewith in the form of {certified check / money orders} ---------- (Checks should be made payable to the order of the Secretary of State.)

(Perforation)

REGISTRATION NUMBER

(Not to be filled in by the applicant)

UNITED STATES OF AMERICA

DEPARTMENT OF STATE

CERTIFICATE OF REGISTRATION

Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms, Ammunition, or Implements of War, Pursuant to Section 5 of the Joint Resolution of Congress Approved by the President May 1, 1937, Amending the Joint Resolution of August 31, 1935.

(The applicant shall fill in all of the following spaces)

(1) Name of person (the term "person" includes a partnership, company, association, or corporation, as well as a natural person):

(2) Principal place of business:

(3) Other places of business in the United States:

(4) The applicant is engaged in the {manufacture / importation / exportation} of arms, ammunition, or implements of war. (Strike out the designation or designations not applicable to the business of the applicant.)

(5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The articles manufactured, imported, or exported shall be listed under the following categories in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937.)

*Category I*

*Category II*

*Category III*

*Category IV*

*Category V*

*Category VI*

*Category VII*

(These spaces are not to be filled in by the applicant)

This certifies that the person named above has registered in compliance with the provisions of the joint resolution of Congress approved May 1, 1937, amending the joint resolution of August 31, 1935, and has paid the required registration fee of $100 or $500, as the case may be. This certificate is valid for a period of 5 years from----------

For the Secretary of State:

[SEAL] By----------

§ 1.2 *Registration fee.* Applications for registration transmitted to the Secretary of State must be accompanied by a registration fee in the form of money orders or a certified check. This fee is in the amount of $100 for persons who have not manufactured, exported, or imported arms, ammunition, or implements of war, as enumerated in the President's proclamation of May 1, 1937, to a total sales value of more than $50,000 during the 12 months immediately preceding their application for registration, and in the amount of $500 for persons who have manufactured, exported, or imported arms, ammunition, or implements of war, as enumerated, to a total sales value of more than $50,000 during the 12 months immediately preceding their application. Persons paying a fee of $100 shall submit with their application for registration an affidavit, signed and sworn to before a notary public by a responsible officer of the company, stating that the company did not manufacture, export, or import arms, ammunition, or implements of war, as enumerated in the President's proclamation of May 1, 1937, to a total sales value of more than $50,000 during the 12 months immediately preceding the application for registration and setting forth such evidence in substantiation of this affirmation as may seem appropriate.* [Part III, (2)†]

§ 1.3 *Certificate of registration.* Upon receipt of an application for registration and the appended certificate of registration, duly filled out and accompanied by a registration fee of $100 or $500, as the case may be, and by a satisfactory affidavit as described above in the case of persons paying a fee of $100, the Secretary of State will return to the applicant, as a receipt, the certificate of registration, duly signed and sealed. This certificate of registration must be conspicuously displayed at the principal place of business of the person registered.* [Part III, (3)†]

§ 1.4 *Notification of changes.* Every person registered shall notify the Secretary of State of any change in the information set forth in his certificate of registration. If the change involves a revision of the list of arms, ammunition, and implements of war which he manufactures, exports or imports, or a change of name, such registered person shall submit, on the form described in paragraph (1) above, an application for an amended certificate of registration, including this information. Upon the receipt of a duly executed application therefor, the Secretary of State will issue to such person, free of charge, an amended certificate of registration which will remain valid until the date of the expiration of his original certificate.* [Part III, (4)†]

§ 1.5 *Manufacturers, exporters and importers of aircraft wheels and propeller blades.* Manufacturers, exporters, and importers of component parts of the articles or units enumerated in the President's proclamation of May 1, 1937, but not of a complete article or unit listed in that proclamation, are not required to register under the joint resolution. Aircraft wheels and aircraft propeller blades are, however, considered as constituting to such an unusual degree the main body of aircraft under-carriage units and aircraft propellers that the manufacture, export, or import of such wheels or blades alone is held to subject the manufacturer, exporter, or importer to the requirement of registration.* [Part III, (5)†]

§ 1.6 *Forgings, castings, and machined bodies.* Forgings, castings, and machined bodies for any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937, which have reached such a stage in manufacture that they are clearly identifiable as forgings, castings, or machined bodies for arms, ammunition, and implements of war, are considered as constituting arms, ammunition, and implements of war for the purposes of section 5 of the joint resolution.* [Part III, (6)†]

§ 1.7 *Club propellers, cut away models of aircraft engines and mock-ups.* Club propellers, cut away models of aircraft engines and mock-ups or models of arms, ammunition, and implements of war which by reason of design or construction are incapable of being used or of being adapted for use in flight or for military or naval purpose will not be considered as arms, ammunition, or implements of war within the meaning of section 5 of the joint resolution.* [Part III, (7)†]

§ 1.8 *Production for experimental or scientific purposes.* The production for experimental or scientific purposes, when such production is not followed by sale, of the appliances and substances included in category VI, or of single units of other arms, ammunition, and implements of war, is not considered as manufacture for the purposes of section 5 of the joint resolution.* [Part III, (8)†]

§ 1.9 *Persons who may make or receive occasional shipments.* Persons who are not engaged in the business of exporting or importing arms, ammunition, or implements of war, but who, either for their own personal use or as forwarding agents for persons who are engaged in this business, or, in exceptional circumstances, in other capacities, may make or receive occasional shipments of such articles, will not be considered as exporters or importers of arms, ammunition, and implements of war within the meaning of section 5 of the joint resolution. Licenses for such shipments may be obtained in accordance with the provisions of paragraph (24) below.* [Part III, (9)†]

§ 1.10 *National Firearms Act, June 26, 1934; Federal Firearms Act, June 30, 1938.* The provisions of these regulations shall be considered as binding in addition to, and not in lieu of, those established under the act known as the National Firearms Act (26 U.S.C. (1934) 1132–1132q incl.; Supp. IV 1132–1132b incl.), approved by the President June 26, 1934, as amended; and under the Federal Firearms Act (15 U.S.C. Supp. IV 901–909 incl.), approved by the President June 30, 1938. The National Firearms Act imposes certain taxes upon manufacturers, importers, and dealers in certain firearms and taxes upon transfers of certain firearms. The term "firearm" as used in this act includes "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length." The Federal Firearms Act applies to manufacturers and dealers who are engaged in interstate or foreign commerce in firearms and ammunition. The term "firearm" as used in this act means "any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon," and the term "ammunition" includes "all pistol or revolver ammunition except .22-caliber rim-fire ammunition." Rules and regulations for the enforcement of these acts are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.* [Part III, (10)†]

§ 1.11 *Applications for licenses.* No person not registered under section 5 of the joint resolution shall engage in the business of exporting or importing any of the arms, ammunition, or implements of war listed in the President's proclamation of May 1, 1937. All persons registered shall obtain from the Secretary of State a license to cover each shipment exported or imported. Blank forms of application for license similar to those printed below will be furnished by the Secretary of State upon request.* [Part III, (11)†]

DEPARTMENT OF STATE

UNITED STATES OF AMERICA

APPLICATION FOR LICENSE TO EXPORT ARMS, AMMUNITION, OR IMPLEMENTS OF WAR

*ORIGINAL*

(Application to be made in duplicate)

| Applicant's registration No. | (Insert here name of country of destination). | License No. (For official use only) |
|---|---|---|

GENERAL INSTRUCTIONS

(a) One duplicate application should be made for each complete shipment to any one consignee, and may include more than one commodity, but may not include shipments to more than one country.

(b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.

(c) Commodities appearing under (7) below should be listed under the number of the pertinent category and category subdivision of that Presidential proclamation enumerating arms, ammunition, and implements of war which is in effect on the date the application is submitted. Each commodity listed should be designated clearly and specifically, the type and model designation being included whenever possible.

(d) A separate value should be given under (8) below for each category, and for each subdivision of a category, which enters into the shipment covered by the application. Values listed should represent the selling price only of the articles exported, and should not include such supplementary costs as packing, freight, etc.

(e) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.

(f) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

(g) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license, except by a duly authorized officer of the Government, is punishable under appropriate acts of Congress. Changes in the information set forth in licenses which have been issued under the seal of the Secretary of State can be effected by amendments which can be made only by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State.

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DEPARTMENT OF STATE,
*Washington, D. C.*

(1) Date of application_____
(2) Applicant's reference No._____

The undersigned hereby applies for license to export the commodity described below and warrants the truth of all statements and answers herewith made regarding it.

(3) Name of applicant_____
By_____
(To be signed in ink)

(4) Consignee in foreign country:
Name_____ Nationality_____
Address:
Street___ State or Province___
City ___ Country_____

(5) Purchaser in foreign country:
Name_____ Nationality_____
Address:
Street___ State or Province___
City ___ Country_____

| (6) Quantity | (7) Commodity (to be listed as indicated under instruction (c)) | (8) Approximate net value |
|---|---|---|
| | | |

(9) State the specific purpose for which the material is required:

_____

(10) License to be sent to:
Name_____
Address: Street_____ City_____ State_____
(11) Consignor in United States:
Name_____ Nationality_____
Address: Street_____ City_____ State_____
Nature of business_____
(12) Port of exit in the United States from which it is proposed to export the shipment_____

License is hereby granted to the applicant mentioned herein to export from the United States of America to_____ the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is *subject to revocation without notice.*

Shipment must be made from port of exit within 1 year from date of this license as given below under the seal of the Department.

Export licenses must be filed with the collector of customs at the port from which the shipment is departing from the United States at least 24 hours before the proposed departure and, in the case of shipment by a sea-going vessel, 24 hours before the lading of the vessel.

If partial shipments are made on this license, endorsements by the collectors of customs or postmasters will be made below.

| Quantity | Description | Value | Port of exit | Date | Officer |
|---|---|---|---|---|---|
| | | | | | |

FOR COLLECTORS OF CUSTOMS AND POSTMASTERS

This license should be returned to the Secretary of State at the end of the month during which the last article of the shipment described therein was exported, or during which notice has been given that the remaining balance will not be shipped, or during which the license has been revoked or has expired. When the entire shipment has been exported, the license should be marked "COMPLETED"; otherwise the returned license should bear a notation stating the reason for its return and the quantity and value of the articles actually shipped.

Date of license_____
(For official use only)

For the Secretary of State:
By_____

(When countersigned and impressed with the seal of the Department of State, this application becomes a license.)

(For official use only)

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DEPARTMENT OF STATE
UNITED STATES OF AMERICA

APPLICATION FOR LICENSE TO IMPORT ARMS, AMMUNITION, OR IMPLEMENTS OF WAR

(*Application to be made in duplicate*)

*ORIGINAL*

| Applicant's registration No. | (Insert here name of country of origin) | License No._____ (For official use only) |
|---|---|---|
| | | |

GENERAL INSTRUCTIONS

(a) One duplicate application should be made for each complete shipment imported, and may cover more than one commodity, but may not cover shipments from more than one country.

(b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.

(c) Where exact number of packages, weight and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.

(d) Commodities appearing under (6) below should be listed under the number of the pertinent category and category subdivision of the President's proclamation of May 1, 1937. Each commodity listed should be designated clearly and specifically, the type and model designation being included whenever possible.

(e) A separate value should be given under (9) below for each category, and for each subdivision of a category, which enters into the shipment covered by the application. Values listed should comprise the cost of the article imported only, and should not include such supplementary costs as packing, freight, etc.

(f) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.

(g) Any attempt to import a commodity differing in any way from that licensed, or any alteration of a license in an attempt to import without a license, is punishable under appropriate acts by Congress.

(h) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

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DEPARTMENT OF STATE,
*Washington, D.C.*

(1) Date of application_____
(2) Applicant's reference No._____

The undersigned hereby applies for license to import the commodity described below and warrants the truth of all statements and answers herewith made regarding it.

(3) Name of applicant_____
By_____
(To be signed in ink)

(4) Consignor in foreign country:
Name_____ Nationality_____
Address:
Street_____ State or Province___
City_____ Country_____

(5) Seller in foreign country:
Name_____ Nationality_____
Address:
Street_____ State or Province___
City_____ Country_____

| (6) Commodity and quantity thereof (to be listed as indicated under instruction (d)) | (7) Number of articles | (8) Approximate gross weight | (9) Approximate net value |
|---|---|---|---|
| | | | |

(10) State the specific purpose for which the material is required:

_____

(11) License to be sent to:
Name_____
Address: Street_____ City_____
State_____
(12) Consignee in United States:
Name_____ Nationality_____
Address: Street_____ City_____
State_____
Nature of business_____
(13) Port of entry in the United States through which it is proposed to import the shipment_____

License is hereby granted to the applicant mentioned herein to import into the United States of America from_____ the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is *subject to revocation without notice.*

Shipment must be received at the port of entry within *1 year* from date of this license as given below under the seal of the Department.

If partial shipments are received on this license, endorsements by the collectors of customs will be made below.



| Description | Quantity | Number of articles | Value | Port of entry | Date | Name of officer |
|---|---|---|---|---|---|---|
| | | | | | | |

After all of the articles or commodities listed under (6) above have been imported, the collector of customs should write the word "COMPLETED" under that paragraph and return the license to the Secretary of State. Should the license expire or be revoked before the shipment has been completed, or should the importer state that he does not desire to complete the shipment, the collector should note in the space immediately above, the articles which have been imported under the license and should then return it to the Secretary of State.

Date of license_____
(For official use only)

FOR THE SECRETARY OF STATE:
By_____
(When countersigned and impressed with the seal of the Department of State, this application becomes a license.)

(For official use only)

§ 1.12 *Import licenses.* The Secretary of State will issue import licenses to all registered applicants who have duly filled out an application for license, provided that, in case the articles to be imported are firearms as enumerated in the National Firearms Act of June 26, 1934, as amended, or firearms or ammunition as enumerated in the Federal Firearms Act of June 30, 1938, both of which acts are referred to under section 1.10 above, the importer has conformed to the pertinent regulations prescribed by the Secretary of the Treasury.* [Part III, (12)†]

§ 1.13 *Export licenses.* The Secretary of State will issue export licenses to all registered applicants who have duly filled out an application for license, unless the exportation of arms, ammunition, or implements of war for which a license is applied for would be in violation of a law of the United States or of a treaty to which the United States is a party.* [Part III, (13)†]

§ 1.14 *Licenses not transferable.* Export and import licenses are not transferable and are subject to revocation without notice, if the exportation or the importation authorized by the license becomes illegal before the shipment is made. If not revoked, licenses are valid for 1 year from the date of issuance, and shipments thereunder may be made through any port of exit or entry in the United States. The naming of the proposed port of exit under paragraph (12) of the application for export license or the proposed port of entry under paragraph (13) of the application for import license does not preclude shipment through another port if the arrangements made by the exporter or importer are altered subsequent to the issuance of the license.* [Part III, (14)†]

§ 1.15 *Alterations.* No alterations may be made except by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State, in export or import licenses which have been issued under the seal of the Secretary of State.* [Part III, (15)†]

§ 1.16 *Revoked licenses.* Export or import licenses which have been revoked or which have expired must be returned immediately to the Secretary of State.* [Part III, (16)†]

§ 1.17 *Country of ultimate destination.* The country designated on the application for license to export as the country of destination should, in each case, be the country of ultimate destination. If the goods to be exported are consigned to one country, with the intention that they be transshipped thence to another country, the latter country should be named as the country of destination. If the country of ultimate destination cannot be ascertained at the time the application for export license is made, the country of initial destination may be named on the application as the country of destination. In such a case, however, the facts must be clearly explained and the Secretary of State must be informed of the ultimate destination by the exporter as soon as the latter has learned the country of ultimate destination of the shipment. The Secretary of State may refuse to grant an application for an export license until he is informed of the country of ultimate destination in order that he may assure himself that the license may be legally issued.* [Part III, (17)†]

§ 1.18 *Shipper's export declaration.* The shipper's export declaration (customs form 7525) covering arms, ammunition, or implements of war for which an export license is required must contain the same information in regard to the nature and the value of the articles to be exported as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.* [Part III, (18)†]

§ 1.19 *Type and model designation.* Applications for license to export arms, ammunition, and implements of war should state, whenever possible, the type and model designation of the article to be exported in order that the Secretary of State may determine, before issuing the license, that the provisions of Part V of these regulations would not be violated by the exportation of the article in question. If an application is submitted in which the articles to be exported are inadequately designated, it will be returned to the applicant for completion in this respect.* [Part III, (19)†]

§ 1.20 *Presentation of licenses to collector of customs.* The originals of licenses for the export and the import of arms, ammunition, and implements of war must be presented to the collector of customs at the port through which the shipment authorized by the license is being made. Export licenses and export declarations covering arms, ammunition, and implements of war must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the vessel.* [Part III, (20)†]

§ 1.21 *Export license material to be packed separately.* Arms, ammunition, and implements of war covered by an export license must, when exported, be packed separately from all other goods, except when the shipment is too small to make this segregation practical, in which case the exporter should list separately in the application for an export license those other articles which do not require a license but which are being included in the package.* [Part III, (21)†]

§ 1.22 *Parcel post.* Export and import licenses for arms, ammunition, and implements of war which are shipped by parcel post must be presented to the postmaster at the post office at which the parcel is mailed or received.* [Part III, (22)†]

§ 1.23 *Articles in transit through the territory of the United States.* Articles entering or leaving a port of the United States, in transit through the territory of the United States to a foreign country, will not be considered as imported or exported within the meaning of section 5 of the joint resolution, unless they are destined to a country to which the exportation of arms, ammunition, and implements of war is prohibited.* [Part III, (23)†]

§ 1.24 *Application for export or import licenses on behalf of persons who are not required to register.* Persons who are registered as exporters or importers of arms, ammunition, or implements of war under section 5 of the joint resolution may make application for export or import licenses on behalf of persons who are not required to register under the joint resolution but who may, in accordance with the provisions of section 1.9 above, desire to make or receive occasional shipments of arms, ammunition, or implements of war.* [Part III, (24)†]

§ 1.25 *Arms more than 100 years old.* Arms, ammunition, and implements of war which are more than 100 years old will not be considered as arms, ammunition, or implements of war within the meaning of section 5 of the joint resolution. Evidence in support of exemptions claimed hereunder should be submitted to the collector of customs at the port of entry or exit, as the case may be.* [Part III, (25)†]

§ 1.26 *Arms for the individual use of the person to whom consigned.* Rifles, carbines, revolvers, and pistols entering the United States in single units for the individual use of the person to whom consigned will not be considered as imported within the meaning of section 5 of the joint resolution. (This does not relieve

the consignee from the obligation to comply with such of the regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, under the National Firearms Act of June 26, 1934, as amended, and the Federal Firearms Act of June 30, 1938, referred to in section 1.10 above, as may be applicable in the premises.)* [Part III, (26)†]

§ 1.27 *Arms intended exclusively for sporting or scientific purposes.* Arms and ammunition intended exclusively for sporting or scientific purposes or for personal protection, when entering or leaving the United States carried on the person of an individual or in his baggage, will not be considered as imported or exported within the meaning of section 5 of the joint resolution.* [Part III, (27)†]

§ 1.28 *The Government of the United States and its agencies are not "persons".* The Government of the United States and its agencies are not "persons" within the meaning of that term as used in section 5 of the joint resolution and therefore no license is required for arms, ammunition, or implements of war imported or exported by them.* [Part III, (28)†]

§ 1.29 *Arms returned to the United States worn or damaged.* Arms and implements of war which have been legally exported from the United States, and which are returned to the United States worn or damaged for repair and reexport, will not be considered as imported within the meaning of section 5 of the joint resolution. An export license must be obtained, however, before such articles are reexported. Evidence in support of exemptions claimed hereunder should be submitted to the collector of customs at the port of entry.* [Part III, (29)†]

§ 1.30 *Licenses required for the export or import of aircraft wheels and propeller blades.* Licenses are required under the provisions of section 5 of the joint resolution for the export or the import of those articles only which are specifically mentioned in the President's proclamation of May 1, 1937. No license is required for the export or the import of the component parts of the articles or units enumerated in that proclamation, except in cases where the export or import of such parts may reasonably be considered as involving, in fact, the export or import of a substantially complete article or unit in unassembled form. Aircraft wheels and aircraft propeller blades are, however, considered as constituting to such an unusual degree the main body of aircraft under-carriage units and aircraft propellers that a license is required for the export or the import of wheels and propeller blades, even when they are shipped alone.* [Part III, (30)†]

§ 1.31 *License required for export of articles intended for war purposes.* A license is required for the export of all articles listed in subsection (5) of category I of the President's proclamation of May 1, 1937, which are intended or adapted for war purposes. The fact that such an article, when exported, is filled with a nonlethal gas or fluid having a common nonmilitary use will be considered as prima-facie evidence that the article is not intended for war purposes. No license is required for the export of articles listed under subsection (5), even if exported empty, which are adapted and intended solely for nonmilitary use. Articles listed in subsection (5) will be considered *ipso facto* as intended or adapted for war purposes, unless when exported they either contain a nonlethal gas or fluid or can be proven to be adapted and intended solely for a specific nonmilitary use.* [Part III, (31)†]

§ 1.32 *"Propellant powders," "potassium nitrate powders," "sodium nitrate powders".* The terms "propellant powders," as used in paragraph (1) of category VII of the President's proclamation of May 1, 1937, and "potassium nitrate powders" and "sodium nitrate powders," as used in paragraph (2) of that category, apply to those powders in bulk form. They do not apply to such powders when enclosed in cartridges of types not enumerated in the proclamation, in pyrotechnics, in safety fuse, or in other similar devices. Licenses will not, therefore, be required for the export or import of such cartridges or devices, even though they may contain one of these powders.* [Part III, (32)†]

§ 1.33 *Aircraft flown or shipped from the United States for a temporary sojourn abroad.* Aircraft flown or shipped from the United States for a temporary sojourn abroad, of not to exceed six months' duration, will not be considered as exported within the meaning of section 5 of the joint resolution when it is the intention of their owners that they shall remain under United States registry and shall be operated by a United States licensed pilot during the entire period of their sojourn abroad, and, further, when there is no intention on the part of their owners to dispose of them or of any of their essential parts listed in the President's proclamation of May 1, 1937, in any foreign country. It should be noted that the United States registry of an aircraft which is sold to an alien either in the United States or abroad is cancelled automatically at the time of the sale under the Civil Air Regulations of the Civil Aeronautics Authority. Should the owners, after the departure of an aircraft flown or shipped from the United States without an export license, propose to place the aircraft under foreign registry or to have it operated by a pilot not holding a United States license, or to dispose of the aircraft or any of the essential parts referred to in any foreign country, the aircraft, or the part in question, must be returned to the United States and a license obtained for its export to the country concerned. Aircraft of United States registry returning to the United States from foreign countries will not be considered as imported within the meaning of section 5 of the joint resolution. Aircraft of foreign registry entering the United States for a temporary sojourn or leaving the United States after such a sojourn will not be considered as imported or exported within the meaning of section 5 of the joint resolution.* [Part III, (33)†]

§ 1.34 *Customs clearance.* Aircraft flown or shipped for temporary sojourn under the provisions of section 1.33 above shall not be so flown or shipped until customs clearance has been obtained. Evidence in support of claim for exemption from the requirement of an import or export license should be submitted to the appropriate collector of customs. Aircraft flown into the United States should be cleared through the customs authorities at the airport of entry where first landing is made or at such other airport or base where advance permission to land has been obtained from the Commissioner of Customs. In case of forced landings of aircraft arriving in the United States clearance should be obtained at the port of entry or custom house nearest to the place where such forced landing is made. Aircraft flown out of the United States should be cleared through the customs authorities at the customs port of entry nearest to the place of departure, or at the airport of departure if such airport has been designated as an airport of entry. Before an aircraft of United States registry leaves the United States for a temporary sojourn abroad, the customs authorities at the port of exit through which the aircraft is cleared should be informed of the approximate date of return of the aircraft and the port of entry through which it is proposed to return the aircraft to the United States. Persons planning to make flights outside the United States are advised, moreover, to communicate with the Civil Aeronautics Authority with regard to its requirements. The requirements set forth herein have no application to civil aircraft operated by commercial air lines on regular schedules between the United States and foreign countries under certificates of public convenience and necessity or foreign air carrier permits issued by the Civil Aeronautics Authority. The provisions of this paragraph shall be considered as binding in addition to, and not in lieu of, the customs regulations.* [Part III, (34)†]

§ 1.35 *Records of manufacture, export, and import.* The Secretary of State prescribes that all persons required to register under section 5 of the joint resolution approved May 1, 1937, amending the joint resolution of August 31, 1935, shall maintain, subject to the inspection of the duly authorized agents of the Secretary of State or of any other enforcement agency of the Government of the United States, and distinct from all other records, special permanent records in which shall be recorded the amounts and estimated values of the arms, ammunition, and implements of war manufactured by them for export, and similar records of all arms, ammunition, and implements of war imported or exported by them. The records of articles imported shall, in addition, contain information as to the consignors of articles imported and the port of origin of each shipment. The records of articles exported shall, in addition, contain information as to the consignees and the destination of each shipment.* [Part IV†]



§ 1.36 *Title I of the Espionage Act, approved June 15, 1917.* Title I of the Espionage Act, approved June 15, 1917, reads in part as follows:

> Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years . . . [Part V, (Par. 1)†]

§ 1.37 *Articles involving military secrets.* The Secretary of State will not issue a license authorizing the exportation of any arms, ammunition, or implements of war considered by the Secretary of War or by the Secretary of the Navy as instruments or appliances included among the articles covered by those terms as used in this act if, in their opinion, they involve military secrets of interest to the national defense. The articles which may be so considered are articles falling within one of the following categories:

(a) Articles, the whole or any features of which have been or are being developed or manufactured by or for the War Department or the Navy Department or with the participation of either of those Departments; and

(b) Articles, the whole or any features of which have been used or are being used by the War Department or the Navy Department or which either Department has contracted to procure.* (Sec. 2, 40 Stat. 218; 50 U.S.C. 32) [Part V, (Par. 2)†]

§ 1.38 *Articles contracted for by the War Department or the Navy Department.* Included among articles developed by or for the War Department or the Navy Department are articles the development of which has been contracted for by either of those departments, or which have been developed in accordance with Army or Navy specifications and submitted to either department for evaluation for procurement.* (Sec. 2, 40 Stat. 218; 50 U.S.C. 32) [Part V, (Par. 3)†]

§ 1.39 *Prospective exporters of arms, etc., to communicate with the Secretary of State in advance of shipment.* Prospective exporters of articles falling within the above categories which may possibly involve military secrets of interest to the national defense, or persons desirous of transmitting abroad information concerning such articles, should communicate with the Secretary of State in advance of the proposed transaction in order that he may be in a position to ascertain for the interested person whether or not military secrets are, in fact, involved therein. The articles upon which a determination is requested should be designated clearly and specifically, the type and model designations being included. Where applicable, Army or Navy drawing numbers should be given, or detailed plans and specifications submitted.* (Sec. 2, 40 Stat. 218; 50 U.S.C. 32) [Part V, (Par. 4)†]

§ 1.40 *Export of arms to China, Cuba, Honduras, and Nicaragua.* * * * the Secretary of State will permit the exportation to China, Cuba, Honduras, and Nicaragua of the arms, ammunition, and implements of war listed in the President's proclamation of May 1, 1937, only when the Department of State has been informed by the Chinese Embassy in Washington, the Cuban Embassy in Washington, the Honduran Legation in Washington, or the Nicaraguan Legation in Washington, as the case may be, that it is the desire of the government of the country into which the arms, ammunition, or implements of war are to be imported, that the exportation of the shipment be authorized.* (Sec. 1 and 2, 42 Stat. 361; 22 U.S.C. 237; Proc. Mar. 4, 1922 (42 Stat. 2264); Proc. Mar. 22, 1924 (43 Stat. 1942); Proc. Sept. 15, 1926 (44 Stat. 2625); Proc. June 29, 1934 (49 Stat. 3399)) [Part VI†]

§ 1.41 *Responsibility for notification.* The bringing about of notification to the Department of State through the appropriate embassy or legation that the government of an importing state desires that the exportation of a shipment be authorized is a matter with regard to which the initiative and responsibility lie with the importing government and the potential shipper.* (Sec. 1 and 2, 42 Stat. 361; 22 U.S.C. 237; Proc. Mar. 4, 1922 (42 Stat. 2264); Proc. Mar. 22, 1924 (43 Stat. 1942); Proc. Sept. 15, 1926 (44 Stat. 2625); Proc. June 29, 1934 (49 Stat. 3399)) [Part VI†]

§ 1.42 *Export licenses for shipment of arms to Cuba.* In compliance with article II of the convention between the United States and Cuba to suppress smuggling, signed at Habana March 11, 1926, which reads in part as follows:

> "The High Contracting Parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the laws of both countries."

and in compliance with the laws of Cuba which restrict the importation of arms, ammunition, and implements of war of all kinds by requiring an import permit for each shipment, export licenses for shipments of arms, ammunition, and implements of war to Cuba are required for the articles enumerated below in addition to the articles enumerated in the President's proclamation of May 1, 1937:

(1) Arms and small arms using ammunition of caliber .22 or less, other than those classed as toys.

(2) Spare parts of arms and small arms of all kinds and calibers, other than those classed as toys, and of guns and machine guns.

(3) Ammunition for the arms and small arms under (1) above.

(4) Sabers, swords, and military machetes with cross-guard hilts.

(5) Explosives as follows: explosive powders of all kinds for all purposes; nitrocellulose having a nitrogen content of 12 percent or less; diphenylamine; dynamite of all kinds; nitroglycerine; alkaline nitrates (ammonium, potassium, and sodium nitrate); nitric acid; nitrobenzene (essence or oil of mirbane); sulphur; sulphuric acid; chlorate of potash; and acetones.

(6) Tear gas ($C_6H_5COCH_2Cl$) and other similar nontoxic gases and apparatus designed for the storage or the projection of such gases.* (Article 2, Convention between the United States and Cuba to suppress smuggling, proclaimed by President, June 19, 1926 (44 Stat. 2395); Proc. June 29, 1934 (49 Stat. 3399)) [Part VI†]

§ 1.43 *Exportation authorized only upon desire of Cuban Government.* The Secretary of State will permit the exportation to Cuba of the articles listed above only when the Department of State has been informed by the Cuban Embassy in Washington that it is the desire of the Cuban Government that the exportation of the shipment be authorized.* (Article 2, Convention between the United States and Cuba to suppress smuggling, proclaimed by President, June 19, 1926 (44 Stat. 2395); Proc. June 29, 1934 (49 Stat. 3399)) [Part VI†]

§ 1.44 *Export licenses not issued.* No export licenses will be issued for shipments destined to China, Cuba, Honduras, or Nicaragua of the appliances and substances listed under category VI in the President's proclamation of May 1, 1937.* (Sec. 1 and 2, 42 Stat. 361; 22 U.S.C. 237; Proc. Mar. 4, 1922 (42 Stat. 2264); Proc. Mar. 22, 1924 (43 Stat. 1942); Proc. Sept. 15, 1926 (44 Stat. 2625); Proc. June 29, 1934 (49 Stat. 3399)) [Part VI†]

§ 1.45 *Exporter to present convincing evidence of destination.* In the case of shipments of arms, ammunition, or implements of war from the United States not ostensibly destined to China, Cuba, Honduras, or Nicaragua, the Secretary of State may require exporters to present convincing evidence that they are not

destined to any of those countries and may refuse to issue an export license for the same until such convincing evidence has been presented to him." (Sec. 1 and 2, 42 Stat. 361; 22 U.S.C. 237; Proc. Mar. 4, 1922 (42 Stat. 2264); Proc. Mar. 22, 1924 (43 Stat. 1942); Proc. Sept. 15, 1926 (44 Stat. 2625); Proc. June 29, 1934 (49 Stat. 3390)) [Part VI†]

CORDELL HULL,
*Secretary of State.*

SEPTEMBER 13, 1939.

[F. R. Doc. 39-3388; Filed, September 14, 1939; 1:30 p. m.]

## *Notices*

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 18, 1939 until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Aberdeen Hosiery Mills, Inc., Aberdeen, North Carolina (5 learners).
Amos Hosiery Mill, High Point, North Carolina.
Asheboro Hosiery Mills, Asheboro, North Carolina.
Belmont Hosiery Mills, Inc., Belmont, North Carolina.
Boonton Full Fashion Hosiery Mills, Division Street, Boonton, New Jersey.
Bowman Knitting Mills, Hickory, North Carolina (5 learners).
Chipman, Inc., East Flat Rock, North Carolina.
Clarke Mills, Jackson, Alabama (5 learners).
Clay County Products Company, Inc., Green Cove Springs, Florida (5 learners).
Crewe Hosiery Company, Inc., Crewe, Virginia (5 learners).
John E. Dakin Corporation, Milton, Pennsylvania.
Davenport Hosiery Mills, Chattanooga, Tennessee.
Delaware Silk Hosiery Mills, Seaford, Delaware (5 learners).
Dothan Silk Hosiery Co., Dothan, Alabama.
Dunn Hosiery Mills, Inc., Dunn, North Carolina (5 learners).
Everlast Hosiery Mills, Wilmington, Delaware (5 learners).
Gastonia Full Fashioned Hosiery Mill, Inc., Gastonia, North Carolina.
Gem Hosiery Mills, Georgetown, Delaware (5 learners).
General Hosiery Co., Fort Wayne, Indiana.
Green Lane Hosiery Company, Inc., Green Lane, Pennsylvania (5 learners).
Guilford Hosiery Mills, Inc., 706 Grimes Street, High Point, North Carolina.
Harriman Hosiery Mills, Harriman, Tennessee.
Hayward Hosiery Co., Ipswich, Massachusetts.
Infants Socks, Inc., Eufaula, Alabama.
Infants Socks, Inc., Middletown, Pennsylvania.
Interwoven Stocking Co., Berkley Springs, West Virginia.
Interwoven Stocking Co., Chambersburg, Pennsylvania.
Interwoven Stocking Co., Hagerstown, Maryland.
Interwoven Stocking Company, Martinsburg, West Virginia (26 learners).
John-Massey Hosiery, Valdese, North Carolina (5 learners).
Kraemer Hosiery Co., Nazareth, Pennsylvania.
Lefcort Hosiery Company, Irvington, New Jersey.
Leicester Knitting Mills, Rochdale, Massachusetts.
Lillian Knitting Mills Co., 335 East Main Street, Albemarle, North Carolina.
Long Finishing Mills, Inc., Burlington, North Carolina.
L'Opera Hosiery Mill, Inc., Glassboro, New Jersey (5 learners).
Lucky Stripe Silk Stocking Co., Inc., Fitzgerald, Georgia (5 learners).
Lyerly Full Fashioned Mills, Inc., Hickory, North Carolina.
Macungie Hosiery Mill, Macungie, Pennsylvania (5 learners).
Marinat Hosiery Mills, Valdese, North Carolina.
Milton Hosiery Mills, Inc., Milton, Pennsylvania.
Monroe Full Fashioned Hosiery Co., Monroe, North Carolina.
National Hosiery Dyeing & Finishing Works, Boston, Massachusetts (5 learners).
Pohatcong Hosiery Mills, Inc., Washington, New Jersey.
Real Silk Hosiery Mills, Inc., Dalton, Georgia.
Silver Knit Hosiery Mill, High Point, North Carolina.
S & F Hosiery Mills, Inc., Dayton, Tennessee.
Shenandoah Knitting Mills, Inc., Shenandoah, Virginia.
Simmons Mills, Inc., High Point, North Carolina (5 learners).
Slatedale Knitting Mills, Slatedale, Pennsylvania (5 learners).
Smoky Mountains Hosiery Mills, Kingsport, Tennessee.
Staley Hosiery Mill Company, Staley, North Carolina (5 learners).
Standard Hosiery Mills, Inc., Alamance, North Carolina.
Sulloway Hosiery Mills, River Street, Franklin, New Hampshire.
Supreme Hosiery Co., Jersey Shore, Pennsylvania (5 learners).
Vanette Hosiery Mills, 6001 Maple Avenue, Dallas, Texas.
Vestal Mills, Inc., Athens, Tennessee (5 learners).
Virginia Maid Hosiery Mills, Inc., Pulaski, Virginia.
Wadesboro Full Fashioned Hosiery Mills, Inc., Wadesboro, North Carolina.
Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia.
Walnut Hosiery Mills, Inc., Shamokin, Pennsylvania (5 learners).
Walton Hosiery Mills, Inc., DeFuniak Springs, Florida (5 learners).
West Chester Hosiery Mills, Inc., West Chester, Pennsylvania.
Wheeler, A. W. & Sons, Inc., Brevard, North Carolina.
Whisnant Hosiery Mills, Hickory, North Carolina.
Willstrut Hosiery Mill, San Leandro, California (5 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 15th day of September 1939.

MERLE D. VINCENT,
*Chief of Hearings and Exemptions Section.*

[F. R. Doc. 39-3395; Filed, September 15, 1939; 12:20 p. m.]



IN THE MATTER OF THE APPLICATION FOR EXEMPTION OF THE PROCESSING OF HYBRID SEED CORN FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 PURSUANT TO SECTION 7 (b) (3) AND PART 526 OF THE REGULATIONS ISSUED THEREUNDER

Whereas, applications have been filed by the Garst and Thomas Hybrid Corn Company, the National Hybrid Corn Company, and sundry other parties for exemption of the processing of hybrid seed corn from the maximum hours provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the Regulations issued thereunder,[1] and

Whereas, it appears from the said applications that:

(1) hybrid seed corn comes to maturity and is harvested each year during the period between September 15 (approximately) and the first killing frost (usually about November 1) after which time unharvested corn is no longer usable as seed corn, and

(2) after harvesting, hybrid seed corn is perishable and must be immediately delivered to processing plants where it is and must be immediately husked, sorted and dried, and where it is shelled, graded and sacked either during the harvest season proper or during the winter months, but not later than March or April, and

(3) the above described processing of hybrid seed corn is carried on only by plants which engage in no other operations and which completely cease operations, except for such work as maintenance, repair, clerical and sales work, during the balance of the year.

Now, therefore, upon consideration of the facts stated in the said applications, the Administrator hereby determines, pursuant to Section 526.5 (c) of the Regulations, that a *prima facie* case has been shown for the granting of an exemption, pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder to the processing, as described above, of hybrid seed corn.

In accordance with the procedure established by Section 526.5 (c) of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

[1] 3 F.R. 2534 DI.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

These applications may be examined at Room 313, 939 D Street, N. W., Washington, D. C.

Signed at Washington, D. C., this 15th day of September, 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3397; Filed, September 15, 1939; 12:35 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 264]

IN THE MATTER OF CERTAIN CONTRACTS AND OTHER TRANSACTIONS BETWEEN MARQUETTE AIRLINES, INC. AND AMERICAN AIRLINES, INC.

NOTICE OF HEARING

The above-entitled proceeding, an investigation instituted by order of the Authority dated June 27, 1939, serial No. 77, (1) to determine whether or not any contracts, agreements, and transactions by and between Marquette Airlines, Inc. and American Airlines, Inc. are adverse to the public interest, are in violation of any of the provisions of said Act, or constitute acts prohibited by any of the provisions of said Act, and (2) to determine whether or not any of the foregoing matters require any further action by the Authority pursuant to the provisions of said Act, is assigned for public hearing on October 2, 1939, at 10 o'clock a. m. (Eastern Standard Time) at the offices of the Civil Aeronautics Authority in Washington, D. C.

Dated Washington, D. C., September 13, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3396; Filed, September 15, 1939; 12:33 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5772]

IN RE APPLICATION OF SOUTHERN BELL TELEPHONE AND TELEGRAPH CO., (NEW)

*Dated June 2, 1939, for construction permit; class of service—coastal harbor (public); class of station—coastal harbor; location—Maderia Beach, Fla.; operating assignment specified—frequency, 2598 kc; power, 400 watts; emission A2, A3; hours of operation Unlimited.*

[File No. P3-PC-56]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the nature and extent of the service proposed to be rendered.

2. To determine the need for the service proposed.

a. To determine the manner in which service is now being rendered in the area proposed to be served and the sufficiency of such service.

3. To determine whether the frequency 2598 kc may be granted under the Communications Act of 1934 as amended, the rules and regulations of the Commission governing the service involved, and any treaty agreements covering the assignment of frequencies for use as requested.

4. To determine whether or not interference would result to the service of any existing station or stations from use at the proposed station of the frequency requested.

5. To determine the different classes of service to be rendered and the charge to be made for each.

6. To determine whether the interests of any carrier or carriers subject to the Communications Act of 1934, as amended, would be adversely affected by the granting of this application, and, if so, the possible extent thereof.

7. To determine whether or not the granting of the application would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b)[1] of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102[2] of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Southern Bell Telephone and Telegraph Co., 67 Edgewood Avenue, S. E., Atlanta, Ga.

Dated at Washington, D. C. September 14, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-3394; Filed, September 15, 1939; 12:16 p. m.]

[1] 4 F.R. 3350 DI.
[2] 4 F.R. 3344 DI.

SEP 20 1939

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of September, 1939.

IN THE MATTER OF STEWART M. DEVINE, #9 ARBUTUS AVENUE, CATONSVILLE, MARYLAND

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCATION OR SUSPENSION OF REGISTRATION

Stewart M. Devine, a sole proprietorship hereinafter referred to as the registrant, being registered with the Commission as an over-the-counter dealer pursuant to Section 15 (b) of the Securities Exchange Act of 1934; and

The Commission having reasonable grounds to believe that the registrant has willfully violated the provisions of Rule X–158–2, adopted by the Commission pursuant to Sections 15 (b), 17 (a) and 23 (a) of said Act, by failing to report removal of registrant's offices from the address given under Item 2 of the application for registration as #9 Arbutus Avenue, Catonsville, Maryland; and

The Commission further having reasonable grounds to believe that it is in the public interest to revoke registration and to suspend registration pending final determination whether registration shall be revoked; and

The Commission being of the opinion that it is necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted for the purposes below provided:

*It is ordered*, That proceedings be held to determine whether the registration of Stewart M. Devine should be revoked or suspended pursuant to the provisions of Section 15 (b) of the Securities Exchange Act of 1934.

*It is further ordered*, That a hearing for the purpose of taking evidence be held at 10:30 A. M. on October 5, 1939 at the Securities and Exchange Commission, Room 1103, 1778 Pennsylvania Ave., N. W., Washington, D. C. and that the said hearing be continued at such other time or place as the Commission or the officer conducting such hearing may determine; that for the purpose of said hearing Richard Townsend be and he is hereby designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda, and any and all other records deemed relevant or material to the matters in issue at such hearing, and to perform all other duties in connection therewith as authorized by law.

*It is further ordered*, That this order and notice be served on the said registrant, personally or by registered mail, not less than seven (7) days prior to the time of the hearing, or in the event of failure to serve registrant personally or by registered mail that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to conclude said hearing, make his report to the Commission and transmit same with a record of this hearing to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–3393; Filed, September 15, 1939; 11:49 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of September 1939.

IN THE MATTER OF JAMES W. MARTIN, 5611 WINNER AVENUE, BALTIMORE, MARYLAND

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCATION OR SUSPENSION OF REGISTRATION

James W. Martin, a sole proprietorship hereinafter referred to as the registrant, being registered with the Commission as an over-the-counter dealer pursuant to Section 15 (b) of the Securities Exchange Act of 1934; and

The Commission having reasonable grounds to believe that said registrant has willfully violated the provisions of Rule X–15B–2, adopted by the Commission pursuant to Sections 15 (b), 17 (a) and 23 (a) of said Act, by failing to report removal of registrant's offices from the address given under Item 2 of the application for registration as 5611 Winner Avenue, Baltimore, Maryland; and

The Commission further having reasonable grounds to believe that it is necessary and appropriate in the public interest and for the protection of investors to revoke registration and to suspend registration pending final determination whether registration shall be revoked; and

The Commission being of the opinion that it is necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted for the purposes below provided:

*It is ordered*, That proceedings be held to determine whether the registration of James W. Martin should be revoked or suspended pursuant to the provisions of Section 15 (b) of the Securities Exchange Act of 1934.

*It is further ordered*, That a hearing for the purpose of taking evidence be held at 9:30 A. M. on October 5, 1939 at the Securities and Exchange Commission, Room 1103, 1778 Pennsylvania Ave., NW., Washington, D. C. and that the said hearing be continued at such other time or place as the Commission or the officer conducting such hearing may determine; that for the purpose of said hearing Richard Townsend be and he is hereby designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda, and any and all other records deemed relevant or material to the matters in issue at such hearing, and to perform all other duties in connection therewith as authorized by law.

*It is further ordered*, That this order and notice be served on the said registrant, personally or by registered mail, not less than seven (7) days prior to the time of the hearing, or in the event of failure to serve registrant personally or by registered mail that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to conclude said hearing, make his report to the Commission and transmit same with a record of this hearing to the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–3392; Filed, September 15, 1939; 11:49 a. m.]

Reference

SEP 20 1939

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

# FEDERAL REGISTER

VOLUME 4 NUMBER 180

*Washington, Tuesday, September 19, 1939*

## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### FARM CREDIT ADMINISTRATION

[FCA 144]

COMPUTATION OF FEES ON ADDITIONAL LAND BANK AND LAND BANK COMMISSIONER LOANS

1. Section 19.4009 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 19.4009 *Additional-loan fees.* For the purposes of this regulation, the term 'additional loan' shall be construed (1) to apply to any transaction which may, or does, result in additional funds being loaned wholly or partially on property that is security for a loan on which the applicant, at the time his application is filed, is the borrower from the Federal land bank; and (2) to include any new funds, plus any delinquent principal, interest and other items due and unpaid under the outstanding land bank loan which, under the procedure of the bank, are included in the face amount of the new note. This construction shall be applicable whether the transaction is completed by way of a supplemental loan or a rewriting of the outstanding land bank loan and whether the outstanding land bank loan was closed through the association accepting the application or not. Whenever an additional loan is applied for, the provisions of sections 19.4005–19.4007, and the last sentence of 19.4008, shall apply, except that, in such cases, the maximum association application fee which may be collected in accordance with section 19.4005 shall be based on the amount of the additional loan applied for, and the maximum additional association application fee which may be collected in accordance with section 19.4007 shall be based upon the amount of the additional loan tentatively approved by the bank. When an additional loan is closed by the bank, the association may collect a maximum closed loan fee in an amount which, when added to the association application fees already collected, will not exceed 1 percent of the amount of the additional loan closed. (Sec. 6, 47 Stat. 14, 12 U.S.C. 665; Sec. 11 "Third", 39 Stat. 369, as amended, 12 U.S.C. 761 "Third"; Sec. 17 (d), 39 Stat. 375, 12 U.S.C. 831 (d); E.O. 6084, March 27, 1933, 6 CFR 1.1) [Revision No. 86, Manual for Federal Land Banks, September 18, 1939.]"

2. Section 19.4022 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 19.4022 *Additional-loan fees.* The definition of an 'additional loan' set forth in section 19.4009, extended to include a borrower from the Land Bank Commissioner, shall apply to the term as used in this section. The application fee in connection with an additional loan shall not exceed an amount computed in accordance with approved schedules on the amount of the additional loan applied for. The balance of the bank's appraisal and title determination fees and the bank's direct-loan closed loan fees in such cases shall not exceed an amount computed in accordance with approved schedules on the amount of the additional loan closed. On Land Bank Commissioner additional loans made by way of a supplemental loan or by rewriting of the old loan the bank should charge the borrowers fees computed on the same basis as that adopted by the bank for computing fees in connection with additional land bank loans. (Sec. 6, 47 Stat. 14, 12 U.S.C. 665; Sec. 11 "Third", 39 Stat. 369, as amended, 12 U.S.C. 761 "Third"; Sec. 13 "Ninth", 39 Stat. 372, 12 U.S.C. 781 "Ninth"; Sec. 17 (d), 39 Stat. 375, 12 U.S.C. 831 (d); E.O. 6084, March 27, 1933, 6 CFR 1.1.) [Revision No. 86, Manual for Federal Land Banks, September 18, 1939]"

[SEAL] A. S. GOSS, *Land Bank Commissioner.*

[F. R. Doc. 39–3422; Filed, September 18, 1939; 11:49 a. m.]

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## TITLE 7—AGRICULTURE

### FEDERAL CROP INSURANCE CORPORATION

[F.C.I.R., Series 1, No. 1, Sup. 10]

PART 401—WHEAT CROP INSURANCE REGULATIONS

AMENDMENT

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended by Public Law No. 691, 75th Congress, approved June 22, 1938, Section 401.71 of the Regulations Relating to Wheat Crop Insurance adopted by the Board of Directors of the Federal Crop Insurance Corporation on April 26, 1938, and approved by the Secretary of Agriculture on April 28, 1938, as amended,[1] is hereby further amended by the addition of the following new subsection:

§ 401.71 (e) With respect to any acreage seeded to wheat with the intention of harvesting the same for grain upon which the yield of wheat has been reduced by reason of the crop having been seeded on land unsuited to the growing of wheat or of poorer average quality than the land designated on the farm map to be seeded, or by reason of the crop having been seeded or cared for in an unworkmanlike manner, the production therefrom per acre shall include the reduction in yield by reason of such causes.

Adopted by the Board of Directors on August 19, 1939.

[SEAL] R. M. EVANS,
*Acting Chairman.*

Approved September 16, 1939.

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3410; Filed, September 16, 1939; 12:01 p. m.]

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1939-19]

1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 19

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin[2] is hereby amended by adding the following new paragraph at the end of section 15:

*Drought clause.* Notwithstanding any other provisions of this bulletin, to the extent that supplies can be made available and distributed in time, seeds for use in reseeding winter, biennial or perennial legumes and grasses on farms on which winter, biennial or perennial legumes or grasses seeded in 1939 have been killed or seriously damaged by drought in areas designated by the Administrator as areas in which drought in 1939 has killed or seriously damaged winter, biennial or perennial legumes and grasses shall be furnished as grants of aid to farmers making application therefor, without any deduction being made therefor from any payment for the farm on which such seeds are so used, except that in any case where the county committee determines that the farmer wilfully misrepresented the facts or used or disposed of the seed in any manner contrary to his agreement, he will be liable for twice the value at the established reasonable price of the seed furnished, or in any case where the county committee determines that due to continued adverse weather conditions the farmer could not sow the seed in 1939 he will be liable for the value of the seed at the established reasonable price of the seed furnished.

Done at Washington, D. C., this 14th day of September 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3400; Filed, September 16, 1939; 9:20 a. m.]

[ACP-99-Rev., Sup. 1]

PART 715—AMENDED REGULATIONS PERTAINING TO THE MAKING OF ADVANCES TO PERSONS TO ENABLE THEM TO OBTAIN INSURANCE FROM THE FEDERAL CROP INSURANCE CORPORATION

SUPPLEMENT NO. 1

By virtue of the authority vested in the Secretary of Agriculture by the Act entitled, "An Act to amend section 12 of the Soil Conservation and Domestic Allotment Act, as amended, approved March 25, 1939 (Public Law No. 9, 76th Congress, 1st Session), the Amended Regulations Pertaining to the Making of Advances to Persons to Enable Them to Obtain Insurance from the Federal Crop Insurance Corporation[1] are hereby amended as follows:

Section 715.2 is hereby amended to read as follows:

*Eligibility for advance.* In order to be eligible to request an advance a person at the time of making such request,

(a) must file, or have previously filed with the county committee, the application for crop insurance to which the request for advance relates;

(b) must be participating, or agree to participate, in the Agricultural Conservation Program relating to the crop year to which the application for insurance relates, to such an extent that the estimated payment to be earned under such program less,

(1) the pro rata deduction for county association expenses,

(2) the amount of the payment which has been assigned under such program, and

(3) the sum of such person's indebtedness to the United States, as set forth in the Revised Order Governing Set-Offs, as amended, excluding indebtedness arising out of the filing of Forms AAA-372, "Producer's Request for Set-Off", pertaining to programs other than the Agricultural Conservation Program to which the request for advance relates,

is at least equal to the amount for which the request for advance is made; this amount of payment is hereinafter referred to as "net payment";

(c) must authorize the Secretary to deduct the amount of the advance from any payment to which such person then or thereafter becomes entitled under any program administered by the Department, must agree, upon notice from the Secretary or his agent, to repay the amount of advance owing to the Secretary at the time of such notice, and must agree that the Secretary has a right to and interest in all indemnities payable under insurance contracts issued to him by the Corporation to the extent of the amount of the advance owing to the Secretary at the time claim for any such indemnity is made;

(d) must agree that the authorization for deduction from payments and indemnities, as set forth in (c) above, shall apply to payments and indemnities due him which are made to his successor in interest because of death, incompetency, insolvency or bankruptcy.

Done at Washington, D. C., this 16th day of September 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3409; Filed, September 16, 1939; 12:01 p. m.]

### AGRICULTURAL MARKETING SERVICE

PART 58—RULES AND REGULATIONS GOVERNING INSPECTION AND CERTIFICATION OF BEANS AND PEAS

By virtue of authority vested in the Secretary of Agriculture by the provision in the Act of Congress entitled "An Act Making Appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes," approved June 30, 1939 (Public No. 159, 76th Congress) authorizing the establishment of an inspection service for farm products, I, H. A. Wallace, Secretary of Agriculture, do prescribe and promulgate the following rules and regulations governing the inspection and certification of beans and peas, to be in force and effect on and after September 5, 1939, as long as Congress shall provide the necessary authority therefor, unless amended or superseded by rules and regulations hereafter prescribed and promulgated under such authority. These rules and regulations are amendatory of and therefore shall supersede the rules and regulations governing the inspection and certification of beans and peas approved effective September 10, 1932.

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DEFINITIONS

§ 58.1 *Meaning of words.* Words in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 58.2 *Terms defined.* For the purposes of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The act.* The following provision of an act of Congress entitled "An Act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940," approved June 30, 1939 (Public No. 159, 76th Congress): "For enabling the Secretary of Agriculture, independently and in cooperation with other branches of the Government, State agencies, purchasing and consuming organizations, boards of trade, chambers of commerce, or other associations of businessmen or trade organizations, and persons or corporations engaged in the production, transportation, marketing, and distribution of farm and food products, whether operating in one or more jurisdictions, to investigate and certify to shippers and other interested parties the class, quality, and condition of cotton, tobacco, fruits and vegetables, whether raw, dried, or canned, poultry, butter, hay, and other perishable farm products when offered for interstate shipment or when received at such important central markets as the Secretary of Agriculture may from time to time designate, or at points which may be conveniently reached therefrom, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the service rendered: Provided, That certificates issued by the authorized agents of the Department shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained."

(b) *Secretary.* Secretary or Acting Secretary of Agriculture of the United States.

(c) *Department.* United States Department of Agriculture.

(d) *Service.* Agricultural Marketing Service of the Department.

(e) *Beans and peas.* Beans and peas shall include dry edible beans; soybeans; cowpeas; dry peas, whole and split; and

[1] 4 F.R. 3785 DI.
[2] 3 F.R. 2715 DI.

[1] 4 F.R. 3599 DI.

similar dry leguminous seeds used for food, feed, or manufacturing purposes.

(f) *Person.* Individual, association, partnership, or corporation.

(g) *Inspector.* Employee of the Department authorized by the Secretary, or other person licensed by him, to investigate and certify to shippers and other interested parties the class, quality, and/or condition of beans and peas under the act and these regulations.

(h) *Official sampler.* Employee of the Department authorized by the Secretary or other person licensed by him in accordance with these regulations to draw official samples of beans and peas for inspection; provided that any inspector by virtue of his authorization or license as such inspector, shall be eligible to serve in the capacity of official sampler.

(i) *Supervising inspector.* An employee of the Department authorized by the Secretary to inspect beans and peas and designated by the Chief of the Service to supervise the work of licensed inspectors and samplers and to handle appeal inspections of beans and peas as provided under these regulations.

(j) *Office of inspection.* The office of an inspector of beans and peas.

(k) *Inspection certificate.* Certificate of the grade, class, quality, and/or condition of beans and peas issued by an inspector under the act and these regulations.

(l) *Interested party.* Any person who has a financial interest in the beans and peas involved, including all carriers and warehouses who have handled or are handling the beans and peas, the present owner or any person who owned the beans and peas prior to him, and persons to whom the beans and peas have been sold and whose acceptance thereof hinges on the inspection.

(m) *Regulations.* Rules and regulations governing the inspection and certification of beans and peas promulgated by the Secretary under the act.

ADMINISTRATION

§ 58.3 *Chief of service.* The Chief of the Service is charged with the administration of the provisions of the act and these regulations and is authorized to designate such officers of the Department as may be necessary to perform specific duties arising in connection therewith.

POINTS OF INSPECTION

§ 58.4 *Where inspection is offered.* Inspections may be made for the purpose of the act wherever beans and peas are offered for interstate shipment including farms, warehouses, elevators, loading platforms, wagons, trucks, railroad cars, boats, barges, and vessels and at designated important central markets whenever inspectors are available and at nearby points accessible to such inspectors.

INSPECTION SERVICE

§ 58.5 *Standards to be used.* Inspectors shall use the official United States standards when inspecting beans and peas for which such standards are available. Beans and peas for which there are no official United States standards may be graded under any standards the applicant desires used and which the inspector can interpret; or a certificate may be issued which gives a description of the class, quality, and/or condition of such beans and peas without reference to any standards.

§ 58.6 *Who may obtain inspection.* Application for inspection of beans and peas under the act may be made by a State, or by any interested party, or by any authorized person in behalf of such applicant.

§ 58.7 *How inspection may be obtained.* Application for inspection of beans and peas may be made to any inspector in writing or orally, by telegraph, telephone, or otherwise. If made orally, the inspector may require that it be confirmed in writing.

§ 58.8 *Form of application.* The application for inspection of beans and peas shall be in English, and shall include the following information: (a) The date of the application; (b) the identification and location of the beans and peas; (c) the name and post office address of the applicant and of the person, if any, making the application in his behalf; (d) the interest of the applicant (except the State) therein; and (e) whether the beans and peas have been inspected previously, if known, and the facts relating to such inspection.

§ 58.9 *When application deemed filed.* An application shall be deemed filed when delivered to an inspector or when received in an office of inspection.

A record shall be made of the time and date each application is filed.

§ 58.10 *When an application may be rejected.* Any application may be rejected by the inspector with whom it is filed or by the Chief of the Service for any noncompliance with the act or these regulations and all expenses incurred in connection therewith shall be paid by the applicant as provided in section 58.53.

§ 58.11 *When an application may be withdrawn.* Application for inspection may be withdrawn by the applicant at any time before the inspection certificate is issued upon payment of any expenses incurred in connection therewith as provided in section 58.53.

§ 58.12 *Authority of agents.* Proof of authority of any person applying for inspection on behalf of another may be required, in the discretion of the inspector.

§ 58.13 *Accessibility of beans and peas.* The applicant shall cause the beans and peas for which inspection is requested to be made accessible for sampling so that a sample can be obtained which is representative of the class, quality and condition of the lot. Provided, however, that if the beans and peas are located in a railroad car, warehouse or elsewhere in such manner or position that it is impracticable to make all portions thereof available for sampling, a sample may be drawn from the accessible portion or portions of the lot and the grade, class, quality and condition determined on such sample, in which case appropriate qualifying statements shall be incorporated under remarks in certificates issued.

§ 58.14 *Order in which inspections made.* The inspector shall make as many inspections as facilities will permit and, as far as practicable, in the order in which applications are received.

§ 58.15 *Financial interest of inspector.* No person authorized or licensed by the Secretary to inspect beans and peas under the act and these regulations shall, during the term of such authority or license, have any financial interest, directly or otherwise, in a business engaged in buying, selling, warehousing, processing, or transporting beans and peas.

§ 58.16 *Certificate; issuance of.* Inspectors shall sign and issue a certificate for each lot of beans and peas inspected by them. For purposes of issuing certificates, each kind of beans and peas inspected shall be considered as a separate lot. Also each class and/or grade, or combination or part thereof, of any one kind of beans and peas may be considered as a separate lot and a certificate issued thereon.

§ 58.17 *Form of inspection certificate.* Each inspection certificate issued under the act and these regulations shall be approved as to form by the Chief of the Service and shall embody within its written or printed terms such statements of fact as may be required or authorized by him or by such officer of the Service as he may designate for the purpose.

§ 58.18 *Certificate deemed signed.* A certificate shall be deemed signed by an inspector when his signature is affixed thereto either by the inspector or by his authorized agent, and the person affixing the signature, if otherwise than by the inspector in handwriting, is identified with such signature by his initials; Provided, however, that on all certificates covering export shipments and, upon request of an applicant, on any other certificates the signature of the inspector shall be affixed by handwriting.

§ 58.19 *Advance information.* Upon request of an applicant for whom an inspection has been made, all or any part of the contents of the certificate may be telegraphed or telephoned to him at his expense.

§ 58.20 *Disposition of certificates.* The original of an inspection certificate, immediately upon its issuance, shall be delivered or mailed to the applicant or a person designated by him in writing. One copy or a complete detailed record thereof shall be filed in the office of the inspector, and one or more copies as directed shall be forwarded to the Chief of the Service or to the supervising inspector. Additional copies may be delivered upon request to the applicant for whom the inspection was made, or his



written order, in such number and upon payment of such fees as may be approved by the Chief of the Service.

§ 58.21 *Superseded certificates.* No inspector shall issue, or permit to be issued over his signature, a copy of an inspection certificate which has been superseded by a Federal appeal inspection certificate except with the knowledge and approval of the supervising inspector.

REINSPECTION

§ 58.22 *When a reinspection may be made.* Whenever an applicant for whom an inspection has been made believes the class, quality, and/or condition of a lot of beans and peas as stated in the inspection certificate issued thereon is not correct he may file an application for a reinspection of the lot in the office of inspection where the original inspection was made; Provided (a) the application for reinspection is filed not later than the close of business on the second business day after the date of the original inspection; (b) the beans and peas have not left the place where the original inspection was made; (c) the identity of the beans and peas has not been lost; (d) the certificate issued as a result of the original inspection is surrendered to the inspector; and (e) an application for an appeal inspection has not been filed as provided in section 58.25.

§ 58.23 *Reinspection certificates.* Inspectors who make a reinspection of a lot of beans and peas, in accordance with section 58.22 shall sign and issue a certificate in accordance with sections 58.16 and 58.18. Such certificate shall bear on its face the notation "Reinspection" and shall clearly identify by number and date the certificate which it supersedes. Copies of reinspection certificates shall be mailed or delivered to all parties who received copies of the superseded certificate.

§ 58.24 *Reinspection not to prevent filing appeals.* Nothing in this regulation providing for a reinspection of a lot of beans and peas shall prevent the applicant for reinspection or any other interested party from filing an application for an appeal inspection in accordance with the provisions of section 58.25.

APPEALS

§ 58.25 *When an appeal may be taken.* Whenever an interested party believes the class, quality, and/or condition of a lot of beans and peas stated in the last outstanding certificate is not the correct class, quality, and/or condition of such beans and peas, or for any reason desires a Federal appeal inspection certificate on such lot of beans and peas, he may file an application for an appeal inspection; *Provided* (a) the identity of the lot of beans and peas has not been lost; (b) all of the beans and peas are available and accessible for making an appeal inspection; and (c) the condition of the beans and peas has not undergone any material change.

§ 58.26 *How to take an appeal.* Application for an appeal inspection may be made in writing or orally, by telegraph, telephone, or otherwise; and may be filed with the Chief of the Service or a supervising inspector. If made orally it shall be confirmed promptly in writing. The application shall state; (a) the identity and location of the beans and peas; (b) reasons for requesting the appeal inspection; (c) the interest of the appellant therein; (d) the names and addresses of other interested parties if any; and (e) the name and address of the appellant. The application shall be accompanied by the original of the certificate for the inspection from which the appeal is taken, if in the possession of the appellant.

§ 58.27 *Record of appeal.* A record of the time, date, and place of filing an appeal application or other document relative to an appeal inspection shall be made by the supervising inspector immediately upon receipt thereof.

§ 58.28 *When an appeal may be refused.* If it shall appear to the Chief of the Service or the supervising inspector that the reasons stated in an appeal application are frivolous or unsubstantial, or the act or these regulations have not been complied with, the application for appeal may be dismissed. The appellant shall be notified by telegraph or in writing of the reason for such dismissal, a statement of such action shall be included in the record of such appeal by the supervising inspector making the same, and all expenses incurred in connection therewith shall be paid by the appellant as provided in section 58.53. Upon the dismissal of an appeal, the inspection certificate filed therewith shall be returned immediately to the person by whom filed, or delivered upon his written order.

§ 58.29 *When an appeal may be withdrawn.* An application for appeal may be withdrawn by the appellant at any time before the Federal appeal inspection certificate is issued, upon payment of any expense incurred by the Department in connection therewith as provided in section 58.53. Upon withdrawal of an application for appeal the inspection certificate filed therewith shall be returned to the person by whom filed, or delivered upon his written order.

§ 58.30 *When application deemed filed.* An application for appeal inspection shall be deemed filed when delivered in any form to the Chief of the Service or to the office of a supervising inspector.

§ 58.31 *Order in which appeal inspections made.* Appeal inspections shall be made as far as practicable in the order in which applications therefor are filed and shall take precedence over all other forms of inspection.

§ 58.32 *Who shall make appeal inspections.* Appeal inspections shall be made only by supervising inspectors authorized for the purpose by the Chief of the Service.

§ 58.33 *Issuance of appeal inspection certificates.* When an appeal inspection has been made, a certificate, designated "Federal appeal inspection certificate," shall be signed and issued by the supervising inspector. The appeal inspection certificate shall state the grade, class, quality, and/or condition of the beans and peas as shown by the appeal inspection and shall refer specifically to the inspection from which the appeal is taken. Copies of the appeal inspection certificate shall be sent to all interested parties, if known, other than the carriers, and to such of them as have been applicants for any former inspection of the beans and peas on which the appeal inspection is made. In all other respects the provisions of sections 58.5–58.21 relative to inspections shall apply to appeal inspections.

§ 58.34 *Superseded certificates.* When a Federal appeal inspection certificate has been issued pursuant to these regulations, no certificate issued prior thereto shall thereafter represent the grade and class of the lot of beans and peas described therein. If the original of the superseded certificate from which the appeal is taken is not delivered to the supervising inspector with whom the application for the appeal inspection is filed, the supervising inspector may give such public notice of the issuance of the Federal appeal inspection certificate and status of the superseded certificate or certificates as he considers necessary to prevent fraud.

ADJUSTED CERTIFICATES

§ 58.35 *Certificates may be adjusted.* Inspection certificates issued at interior lake ports on a lot of beans and peas for export may be adjusted or divided and two or more certificates issued in lieu thereof when such beans and peas are located at Canadian seaports and are still in an export status.

§ 58.36 *By whom issued.* Adjusted certificates shall be issued only by such officer or officers of the Service as may be designated for the purpose by the Chief of the Service.

§ 58.37 *How to obtain adjusted certificates.* Adjusted certificates will be issued upon surrender of the original of the inspection certificate to be adjusted or divided accompanied by (1) an application stating: (a) the number of adjusted certificates desired and the quantity of beans and peas to be covered by each; (b) the identity of the beans and peas as evidenced by certificate of grade filed therewith; (c) the location of the beans and peas; (d) the name of the steamship on which the beans and peas have been or are to be loaded; and (e) the destination of the cargo, and (2) satisfactory evidence that the beans and peas are in good condition and have been or will be loaded into the vessel named in the application.

§ 58.38 *Quantity of beans and peas covered by adjusted certificates.* The quantity of beans and peas covered by an

adjusted certificate may be any fractional unit of that covered by the certificate surrendered with the application, but the total quantity covered by all of the adjusted certificates issued as requested in such application shall be the same as the total quantity covered by the certificate surrendered and which is superseded by the adjusted certificates.

§ 58.39 *Form of adjusted certificates.* Adjusted certificates issued shall be the same form as that of the certificate surrendered with the application for adjustment or division.

§ 58.40 *Certificates not to be combined.* No adjusted certificate shall be issued in lieu of or by combining two or more original inspection certificates.

LICENSED INSPECTORS

§ 58.41 *Who may be licensed.* Persons who are to be licensed by the Secretary to inspect beans and peas under the act and these regulations shall be citizens of the United States, shall have passed their twenty-first birthday, shall not be interested directly or indirectly in a business of processing, merchandising, warehousing, or transporting beans and peas, shall demonstrate their ability to correctly interpret and apply the official U. S. standards for the kind or kinds of beans and peas designated, and shall meet such other qualifications or conditions as the Chief of the Service may require.

§ 58.42 *Licenses countersigned.* Licenses issued to persons who qualify as inspectors of beans and peas shall be countersigned by such officer of the Service as the Chief of the Service may designate.

§ 58.43 *Suspension and revocation of license.* Pending final action by the Secretary, any inspector's license may be suspended by the Chief of the Service or by the official by whom it may be countersigned, accompanied by a statement of the reasons therefor, whenever the Chief of the Service or such official shall consider such action to be for the good of the service. Within ten days after any such suspension the licensee may file an appeal in writing to the Secretary, supported by any evidence he may wish to offer in his behalf. Upon consideration of such evidence and after making such investigations as he may deem necessary the Secretary may subsequently revoke any suspended license.

LICENSED SAMPLERS

§ 58.44 *Who may be licensed.* Persons who are citizens of the United States, who have passed their twenty-first birthday, who are not interested directly or indirectly in the business of merchandising beans and peas and who possess such other qualifications as may be required by the Chief of the Service may be licensed by the Secretary to draw official samples from lots of beans and peas offered for inspection, reinspection, or appeal inspection under the act and these regulations.

§ 58.45 *Samplers license countersigned.* Licenses issued to persons who qualify as official samplers shall be countersigned by the supervising inspector in the district in which the sampler is located or employed.

§ 58.46 *When samples shall be drawn.* Upon request of a supervising inspector, an inspector, or an applicant for inspection, licensed samplers shall draw samples from designated lots of beans and peas in accordance with the methods approved by the Chief of the Service.

§ 58.47 *Where samples shall be forwarded.* Licensed samplers shall deliver or mail all samples drawn by them to such supervising inspectors and/or inspectors as the Chief of the Service or the supervising inspector may direct and shall furnish with each sample such information as the Chief of the Service or the supervising inspector may request.

§ 58.48 *Samples shall be official.* Samples drawn by licensed samplers shall be accepted by any supervising inspector or inspector as official samples and used as a basis for determining the grade, class, quality, and/or condition of the lot of beans and peas from which such samples are drawn.

§ 58.49 *License may be suspended or revoked.* Pending final action by the Secretary, a sampler's license may be suspended by the Chief of the Service or by the supervising inspector by whom it is countersigned, accompanied by a statement of the reasons therefor, whenever the Chief of the Service or such supervising inspector shall deem such action to be for the good of the service. Within ten days after any such suspension the licensee may file an appeal in writing to the Secretary, supported by any evidence he may wish to offer in his behalf. Upon consideration of such evidence and after making such investigations as he may deem necessary the Secretary may subsequently revoke any suspended license.

FEES AND CHARGES

§ 58.50 *Fees and charges for inspection.* The fees and charges for inspections and reinspections of beans and peas at shipping points, designated markets, and other points shall be fixed in accordance with paragraphs (a), (b), and (c) of this section.

(a) *Inspections by salaried employees of the Department.* Fees and charges for inspections made by inspectors who are salaried employees of the Department shall be fixed by the Chief of the Service and published in accordance with section 58.59.

(b) *Inspections under cooperative agreements.* Fees and charges for inspections made by inspectors licensed under a cooperative agreement with a State, board of trade, or other organization or with a person, shall be in accordance with the provisions of such agreement approved by the Chief of the Service.

(c) *Reinspections.* Fees and charges for reinspections shall be the same as those for inspections as provided in paragraphs (a) and (b) of this section, provided, however, that when the grade and/or class as shown by an inspection is changed by a reinspection no fees or charges shall be assessed against the applicant.

§ 58.51 *Fees and charges for appeal inspections.* Fees and charges for appeal inspections of beans and peas shall be fixed by the Chief of the Service and published under section 58.59; Provided that when the grade and/or class, as shown by the inspection from which the appeal is taken, is changed by the appeal inspection no fees or charges shall be assessed against the appellant.

§ 58.52 *Fees and charges for adjusted certificates.* Fees and charges for adjusted certificates issued in accordance with sections 58.35–58.40 shall be fixed by the Chief of the Service and published in accordance with section 58.59.

§ 58.53 *Fees and charges when inspections or appeal inspections are withdrawn or refused.* When applications for inspection or appeal inspection are withdrawn by the applicant in accordance with section 58.11 or section 58.29, or when such applications are refused in accordance with section 58.10 or section 58.28, the regular fee will not be assessed but the applicant may be required to pay a reasonable amount for the inspector's time, together with all expenses for travel and other items in connection with such application prior to its withdrawal or refusal.

§ 58.54 *Fees and charges for sampling.* Fees and charges for samples drawn by licensed samplers shall be reasonable, and shall be approved by the Chief of the Service.

§ 58.55 *Payment of fees and charges.* Fees and charges for inspections, reinspections, appeal inspections, and adjusted certificates shall be paid by the applicant in accordance with the provisions of paragraphs (a) and (b) of this section and in advance if required.

(a) *Fees and charges for inspections by Department employees.* Fees and charges for inspections and reinspections made by inspectors who are employees of the Department and for appeal inspections and adjusted certificates shall be made payable to the Treasurer of the United States and shall be remitted promptly to the Service.

(b) *Fees for inspections under cooperative agreements.* Fees and charges for inspections made by inspectors licensed under a cooperative agreement with a person or corporation or with a State, board of trade, or other agency shall be paid by the applicant in accordance with the terms of such agreement.

§ 58.56 *Refunds.* The Chief of the Service will cause to be returned to the person or the cooperating agency entitled thereto any money remitted in excess of the amount due the United States.



§ 58.57 *Fees for licensed samplers.* Fees and charges for licensed samplers shall be paid by the applicant for sampling, including the Service as such applicant, either direct to the sampler or to the person or cooperating agency by whom he is employed in the capacity of sampler. If the Service be the applicant and the sampler is licensed and employed under a cooperative agreement, payment shall be made by the Service in accordance with the terms of such agreement.

MISCELLANEOUS

§ 58.58 *Fraud or misrepresentation.* Any misrepresentation or any deceptive or fraudulent practice made or committed by an applicant for inspection may be deemed sufficient cause for debarring the person guilty thereof from any further benefits of the act, and in case of violation of the Federal Food, Drugs, and Cosmetic Act may subject the shipper to prosecution and the beans and peas to seizure.

§ 58.59 *Publications.* Publications under the act and these regulations shall be made in Service and Regulatory Announcements of the Department and such other media as the Chief of the Service may from time to time designate for the purpose.

§ 58.60 *Inspection records confidential.* Records of inspections, including copies of certificates issued, records of such certificates, applicants' accounts, and other detailed information relating to the work of an inspection office are not to be made available to or to be opened for examination by any person who is not connected with the bean and pea inspection service. Such records shall be held strictly confidential and for reference by the inspector in charge of the office and his assistants and by the supervising inspector. Summarized reports which do not disclose the operations of an individual grower, shipper, or other applicant for inspection and which are identified clearly as to source and contents may be released to the public, provided that when so released they shall be published in such manner and in such media as will make the information available alike to all interested persons.

§ 58.61 *Political activity.* All inspectors authorized either by appointment or license from the Secretary, to issue inspection certificates under the act and these regulations are forbidden, during the period of their appointment or license, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including temporary and cooperative employees, and employees on leave of absence with or without pay. Wilful violation of this regulation will constitute grounds for dismissal in the case of appointees, and revocation of licenses in the case of licensees.

§ 58.62 *Identification.* All inspectors and licensed samplers shall have in their possession, and be able to present upon request, while on duty, appropriate means of identification furnished by the Department.

Done at Washington, D. C., this 16th day of September 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3411; Filed, September 16, 1939; 12:01 p. m.]

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## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER VII—PERSONNEL

### PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS

### *Appointment in Medical, Dental, Veterinary, and Medical Administrative Corps, Regular Army*[1]

§ 73.1 *General procedure.* (a) Appointees to fill vacancies occurring in the Medical, Dental, Veterinary, or Medical Administrative Corps will be selected for each corps by competitive examination.

(b) Whenever deemed necessary, The Adjutant General upon the recommendation of The Surgeon General will cause an examination to be conducted for all authorized applicants for a particular corps.

(c) When the date of an examination has been announced, applications for authority to take the examination may be made to The Adjutant General by any person eligible to do so.

(d) The examination on a given date for a specified corps will be the same for all applicants for that corps. Instructions and questions will be prepared and distributed by The Surgeon General directly to the examining boards.

(e) Reports of all examinations will be forwarded to The Surgeon General for consideration and grading by the Central Medical Department Board.

(f) Candidates for the Medical, Dental, or Veterinary Corps who are found qualified by the Central Medical Department Board, and who are not already members of the corresponding sections of the Officers' Reserve Corps, will immediately be recommended for commission as first lieutenants therein.

(g) Thereafter the qualified Reserve officers and those candidates for the Medical Administrative Corps found qualified by the Central Medical Department Board will, after recommendation by The Surgeon General and approval by the Secretary of War, if continuing eligible, be appointed in the appropriate corps of the Medical Department of the Regular Army in the lowest grade therein as vacancies in such corps become available. (Sec. 4, 35 Stat. 67; 10 U.S.C. 93; sec. 24, 41 Stat. 774; 10 U.S.C. 92, 122, 123; 40 Stat. 397; 10 U.S.C. 125; sec. 4, 49 Stat. 506; 10 U.S.C. 552b; 49 Stat. 1902; 10 U.S.C. 151) [Par. 2, A.R. 605–20, W.D., Aug. 16, 1939]

§ 73.2 *Eligibility.*—(a) *For appointment.* To be eligible for appointment the applicant must be a male citizen of the United States who fulfills the requirements specified in section 4, act of April 23, 1908 (35 Stat. 67; 10 U.S.C. 93), section 24e, added to act of June 3, 1916, by section 24, act of June 4, 1920 (41 Stat. 774; 10 U.S.C. 92, 122, 123), act of October 6, 1917 (40 Stat. 397; 10 U.S.C. 125), section 4, act of July 31, 1935 (49 Stat. 506; 10 U.S.C. 552b), and act of June 24, 1936 (49 Stat. 1902; 10 U.S.C. 151) for the corps concerned, and who has been examined and found qualified as prescribed in section 71.4.

(b) *For examination.* To be eligible to take the examination for appointment, the applicant must be a male citizen of the United States whose age at the time of examination is between the ages 22½ and 31½ years for a Medical, Dental, or Veterinary Corps applicant, and between the ages of 20½ and 31½ for a Medical Administrative Corps applicant. A candidate for commission in the Medical Department who fails a first examination will not be permitted to take more than one subsequent examination. Permission to take the second examination may be denied by The Surgeon General if he considers the candidate unsuited either by reason of inadaptability for the military service or because of the results of the professional portion of the first examination.

Additional requirements for the separate corps are as follows:

(1) *Medical Corps.* The applicant must be a graduate of an acceptable medical school legally authorized to confer the degree of doctor of medicine, and must have had at least one year's hospital training in an approved hospital subsequent to the completion of a 4-year course of instruction in such medical school or its equivalent in practical professional experience as determined by The Surgeon General in each case.

(2) *Dental Corps.* The applicant must be a graduate of an acceptable dental school legally authorized to confer the degree of doctor of dental surgery or its equivalent, and must have been engaged in the practice of his profession for at least two years subsequent to graduation.

(3) *Veterinary Corps.* The applicant must be a graduate of an acceptable veterinary college legally authorized to confer the degree of doctor of veterinary medicine or its equivalent.

(4) *Medical Administrative Corps.* The applicant must be a graduate of a 4-year course of instruction at an acceptable school or college of pharmacy

[1] These regulations supersede sections 73.1 to 73.22, inclusive, Chapter VII, Part 73, Title 10, Code of Federal Regulations.

legally authorized to confer the degree of bachelor of science in pharmacy or its equivalent. (Sec. 4, 35 Stat. 67; 10 U.S.C. 93; sec. 24, 41 Stat. 774; 10 U.S.C. 92, 122, 123; 40 Stat. 397; 10 U.S.C. 125; sec., 4, 49 Stat. 506; 10 U.S.C. 552b; 49 Stat. 1902; 10 U.S.C. 151) [Pars. 4 and 5, A.R. 605–20, W.D., Aug. 16, 1939]

§ 73.3 *Applications*—(a) *Form.* Applications will be made on W.D., A.G.O. Form No. 62, which form may be obtained from the commanding officer or surgeon of any military post or station, The Adjutant General, or The Surgeon General. The application must be accompanied by evidence of citizenship if the applicant is of foreign birth; by a recent photograph of the applicant, head and shoulders type, of not less than 4 by 5 inches; and by certificates based upon personal acquaintance from at least three reputable persons as to citizenship, character, and habits. The application must include a complete statement of military service, if any, and for the appropriate corps the following additional information:

(1) *Medical Corps.* The names of medical schools attended, date of graduation, postgraduate work completed, time spent in the practice of medicine, and evidence of the required hospital interneship.

(2) *Dental Corps.* The names of dental schools attended, date of graduation, and satisfactory evidence of the 2 years' required practice.

(3) *Veterinary Corps.* The names of veterinary colleges attended, date of graduation, and a complete statement of veterinary or related activities in which engaged subsequent to graduation.

(4) *Medical Administrative Corps.* The name of the school or schools of pharmacy attended, date of graduation, postgraduate work completed, and time spent in the practice of pharmacy.

(b) *Forwarding.* Applications will be forwarded to The Adjutant General. They will not be submitted until the date of a prospective examination for the corps concerned has been published.

(c) *Action on.* The War Department will act on all applications. In case of approval, action will be taken as prescribed in paragraph (a), section 73.4. In case of disapproval, the applicant will be notified to that effect by The Adjutant General. (Sec. 4, 35 Stat. 67; 10 U.S.C. 93; sec. 24, 41 Stat. 774; 10 U.S.C. 92, 122, 123; 40 Stat. 397; 10 U.S.C. 125; sec. 4, 49 Stat. 506; 10 U.S.C. 552b; 49 Stat. 1902; 10 U.S.C. 151) [Pars. 6, 7 and 8, A.R. 605–20, W.D., Aug. 16, 1939]

§ 73.4 *Examination and selection*—(a) *Time and place.* As required from time to time, The Surgeon General will request orders from The Adjutant General convening the necessary boards to conduct the examination. The Adjutant General will notify all candidates of the date on which, and the place at which, they are to appear for this examination.

(b) *General procedure of examining boards.* Boards will examine only those candidates authorized by The Adjutant General to appear for examination. Correspondence between The Surgeon General and examining boards on matters relating solely to the examination will be direct. The Surgeon General will forward to examining boards instructions covering the details of the conduct of the examination together with the applications and all documents and findings thereon for the information of the boards and for incorporation in their reports. Each candidate on presenting himself to the board will be accorded the right of challenge. The board will be sworn after the disposal of the challenges. The candidate will then be required to establish conclusively his citizenship and to submit a diploma conferring on him the degree stated in paragraph (b), section 73.2, or a proper certificate of graduation in lieu thereof. Should the candidate's diploma or certificate be temporarily unavailable, his examination will be continued subject to its later presentation to the board. Documents submitted by the candidate to establish citizenship and graduation will be returned to him when they have served their purpose. Each candidate will then be required to sign a certificate as to his physical condition. Failure by any candidate to submit proper evidence of citizenship, or the required certificate of physical condition, will immediately terminate his examination. The board will then proceed with the examination of the remaining candidates according to instructions issued by The Surgeon General.

(c) *Physical examination.* Each candidate will receive a complete physical examination which will conform in all respects to the standards for officers of the Regular Army prescribed in A.R. 40–105.[2] The findings relative thereto will be arrived at by the full board. The final decision as to the effect of any existing disability, as to waiver or disqualification, rests with the War Department which will act only after the receipt of the complete report of examination. The board will accordingly continue the examination of any candidate whom it considers physically disqualified for appointment, unless he elects in writing to withdraw.

(d) *Moral character and general fitness.* The examination for moral character and general fitness will include a review of the application and documents filed therewith, and such additional investigation as will enable the board to form an opinion as to whether the candidate has the moral qualifications, adaptability, and aptitude required for appointment. Each candidate will be subjected to a formal interview by the board in order to develop specific information as a basis for the board's opinion regarding his aptitude and general fitness for the Regular Army. The board will give the candidate opportunity to make any statements he may desire relative to any unfavorable reports received concerning him which can be made known to him without violation of the confidential nature thereof. Should the board regard a candidate as disqualified in respect to his moral character or general fitness, he will not be so informed, and his examination will be continued. Reasons for an adverse opinion must be so clearly stated in the board's report as to establish the reasonableness and propriety thereof. Reports as to moral character and as to general fitness will be clearly separated.

(e) *Professional examination.* The questions for all written examinations will be prepared by the Central Medical Department Board (par. (f) below) and submitted to The Surgeon General. The approved questions and pertinent letters of instruction will be sent by The Surgeon General direct to the examining boards. The answers in all written examinations will be authenticated by the signature of the candidate upon each sheet submitted. In the case of candidates for the Dental Corps, the board will rate the candidates' answers in the oral examination and their work in the clinical (practical) examination. The character and scope of the professional examinations for the respective corps will be as follows:

(1) *Medical Corps.* The examination will be written and will cover the following subjects: Practice of medicine; surgery; materia medica and therapeutics; obstetrics and gynecology; surgical and regional anatomy; and physiology and pathology.

(2) *Dental Corps.* The examination will consist of three parts—written, oral, and practical:

(i) The written examination will cover the following subjects: Anatomy (general and dental); physiology and histology (general and dental); materia medica and therapeutics; dental pathology and bacteriology; physics and roentgenology; chemistry and metallurgy.

(ii) The oral examination, to include recent progress in etiology, pathology, therapeutics, and operative procedures, will be given in the following subjects: Oral surgery; operative dentistry; prosthetic dentistry.

(iii) The clinical (practical) examination will be sufficiently thorough to satisfy the board that the candidate is qualified in the professional procedures necessary in the military service, and will embrace operative dentistry, oral surgery, prosthetic dentistry, and the taking and interpretation of dental X-ray films.

(3) *Veterinary Corps.* The examination will be written and cover the following subjects: Anatomy; practice of medicine; surgery; materia medica and therapeutics; pathology, bacteriology, and parasitology; preventive medicine and sanitation; meat and dairy hygiene; physiology and histology; and obstetrics and zootechnics.

(4) *Medical Administrative Corps.* The examination will be written and cover the following subjects: Practice of pharmacy; pharmaceutical chemistry; pharmacology; pharmacognosy; bacteriology, hygiene, and sanitation.

(f) *Action by the Central Medical Department Board*—(1) *General.* The complete report of the examining board, in the case of each candidate, with all pertinent War Department records, will be referred by The Surgeon General to the Central Medical Department Board for consideration. This board will consist of not less than three medical, two dental, two veterinary officers, and one medical administrative officer of the Regular Army. The members from the Dental Corps, the Veterinary Corps, and the Medical Administrative Corps will participate in the proceedings only when candidates for their respective corps are being considered by the board. The Central Medical Department Board will mark the candidate's answers in the written examination, will determine his aptitude for the service, and will report upon his qualification for appointment. Proficiency in English grammar, orthography, and composition will be determined from the candidate's examination papers. A final report and recommendation on the Report of the Preliminary Examining Board and of the Central Medical Department Board will be submitted to The Surgeon General for each candidate, in addition to the lists of candidates specified in (3) below.

(2) *Grading.* The Surgeon General will issue detailed instructions for grading the examination papers for each corps, covering the basis of grading, the weight and passing grade for each subject, the minimum passing grade in any subject, and the general average passing grade.

(3) *Recommendations*—(i) *Qualified candidates.* The board will recommend for appointment all eligible candidates for each corps who have been found physically qualified, who have passed the professional examination, and who are considered to have sufficient general education and the required moral fitness, adaptability, and aptitude for the military service. The recommended candidates for each corps will be placed on a separate list for that corps and arranged in order of merit as determined by their relative standing in the professional examination.

(ii) *Disqualified candidates.* The board will recommend the rejection of all candidates who, in its opinion, do not have a satisfactory general or professional education or who do not possess the required moral fitness, adaptability or aptitude for appointment. It will recommend the rejection of all candidates whom it considers physically disqualified, notwithstanding the findings of the examining board. A list will be forwarded for each corps showing all candidates not recommended for appointment with a statement of the reasons for the adverse finding in each case. (Sec. 4, 35 Stat. 67; 10. U.S.C. 93; sec. 24, 41 Stat. 774; 10 U.S.C. 92, 122, 123; 40 Stat. 397; 10 U.S.C. 125; sec. 4, 49 Stat. 506; 10 U.S.C. 552b; 49 Stat. 1902; 10 U.S.C. 151) [Pars. 9, 11 to 14, and 16, A.R. 605–20, W.D., Aug 16, 1939]

§ 73.5 *Appointment.* (a) The findings of the Central Medical Department Board, with the recommendations of The Surgeon General thereon, will be transmitted to The Adjutant General for the approval of the Secretary of War. Candidates requiring commission in the Officers' Reserve Corps as a preliminary to their appointment in the Regular Army wil be recommended therefor as prescribed in paragraph (f), section 73.1. After approval by the Secretary of War, appointments in the several corps of the Medical Department, Regular Army, in the initial grades specified in the acts of Congress cited in paragraph (a), section 73.2, will be tendered to approved candidates as vacancies become available. Selected candidates for the Medical Corps may be ordered to active duty as Reserve officers for a period not to exceed one year.

(b) Candidates who are found disqualified, or qualified candidates who become ineligible for appointment, will be so notified by The Adjutant General. (Sec. 4, 35 Stat. 67; 10 U.S.C. 93; sec. 24, 41 Stat. 774; 10 U.S.C. 92, 122, 123; 40 Stat. 397; 10 U.S.C. 125; sec. 4, 49 Stat. 506; 10 U.S.C. 552b; 49 Stat. 1902; 10 U.S.C. 151) [Par. 17, A.R. 605–20, W.D., Aug. 16, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-3404; Filed, September 16, 1939; 9:22 a. m.]

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CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.10 *Invitations for bids.*

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(f) *Special conditions authorized or required to be included.*

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(11) *Special purchasing procedure for arms, ammunition, and implements of war.* In conformity with paragraph (a) (9) above, invitations for bids in applicable cases will contain the following special condition:

Only such bidders as have complied with the provisions of the Joint Resolution of May 1, 1937 (50 Stat. 121), and rules and regulations thereunder, if applicable, will be eligible to enter into a contract with the Government on the basis of bids received in response to this invitation. Accordingly, it will be required that all bids be accompanied by a certificate of the bidder that the requirements of said Resolution and rules and regulations thereunder have been complied with, or will be complied with, if an award is made to him, or that said Resolution and rules and regulations thereunder are not applicable to him for the reason that he is a purely domestic dealer not engaged in the business of manufacturing, exporting, or importing such arms, ammunition, and implements of war. Further, any such bidder so required to register, to whom an award is made (conditioned thereupon) will be required to furnish, contemporaneously with the execution of the contract, a copy of his certificate of registration, certified to by him as being a true copy. (R.S. 3709; 41 U.S.C. 5; 31 Stat. 905; 10 U.S.C. 1201) [Par. 4a, Proc. Cir. No. 18, W.D., Sept. 11, 1939]

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[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-3403; Filed, September 16, 1939; 9:22 a. m.]

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## TITLE 24—HOUSING CREDIT

### FEDERAL HOUSING ADMINISTRATION

AMENDMENTS TO ADMINISTRATIVE RULES FOR FARM MORTGAGE INSURANCE UNDER SECTION 203 (d) OF THE NATIONAL HOUSING ACT

The Administrative Rules of the Federal Housing Administrator for Farm Mortgage Insurance under Section 203 (d) of the National Housing Act, effective May 16, 1938, are hereby amended as follows:

Section I of said Administrative Rules is amended to read as follows:

Any institution now or hereafter approved as mortgagee under Section 203 (b) of the Act is likewise approved as mortgagee under Section 203 (d) of the Act upon the same terms and conditions set out in Section I of the Administrative Rules for Mutual Mortgage Insurance under Section 203, revised July 1, 1939.[1]

Section III of the Administrative Rules is amended by the addition of a new subsection to read as follows:

6. If, on the date of the application for a firm commitment there is a then exist-

[2] Administrative regulations of the War Department relative to standards of physical examination.

[1] These regulations supersede subparagraph 11, paragraph (f), Section 81.10, Chapter VIII, Title 10, Code of Federal Regulations.

[1] 4 F.R. 2763 DI.

ing mortgage on the property, whether insured or uninsured, held by a mortgagee other than the applicant, which mortgage is to be refinanced in whole or in part by the mortgage offered for insurance, such application must be accompanied by a certificate executed by the proposed mortgagor certifying that he has applied to the holder of such existing mortgage for refinancing and that after reasonable opportunity, such holder has failed or refused to make a loan of a like amount and on as favorable terms as those of the loan offered for insurance as described in the application submitted therewith after taking into account amortization provisions, commission, interest rate, mortgage insurance premium, and costs to the mortgagor for legal services, appraisal fees, title expenses, and similar charges.

Subsection 1 of Section IV of said Administrative Rules is amended to read as follows:

1. The mortgage must be executed upon a form approved by the Administrator for use in the jurisdiction in which the property covered by the mortgage is situated, by a mortgagor with the qualifications hereinafter set forth in Section V, must be a first lien upon property that conforms to a quality standard satisfactory to the Administrator, and the entire principal amount of the mortgage must have been disbursed to the mortgagor or to his creditors for his account and with his consent.

Subsection 3 of Section IV of said Administrative Rules is amended by striking the words "until July 1, 1939".

Subsection 5 of Section IV of said Administrative Rules is amended by changing the words "five per centum (5%)" to read "four and one-half per centum (4½%)".

Subsection 14 of Section IV of said Administrative Rules is amended to read as follows:

14. On and after July 1, 1941, no mortgages will be insured except mortgages

(1) that cover property which is approved for mortgage insurance prior to the completion of the construction of such property, or

(2) that cover property which has been previously covered by a mortgage insured by the Administrator.

Issued at Washington, D. C., this 15th day of September 1939 and effective on the 20th day of September 1939.

[SEAL] STEWART McDONALD,
*Federal Housing Administrator.*

[F. R. Doc. 39-3416; Filed, September 18, 1939; 10:57 a. m.]

### AMENDMENTS TO REGULATIONS FOR FARM MORTGAGE INSURANCE UNDER SECTION 203 (d) OF THE NATIONAL HOUSING ACT

The Regulations of the Federal Housing Administrator for Farm Mortgage Insurance under Section 203 (d) of the National Housing Act, effective May 16, 1938, are hereby amended as follows:

Section 1 of Article III of said Regulations is amended to read as follows:

1. The mortgagee shall pay to the Administrator an annual mortgage insurance premium equal to one-half of one per centum (½%) of the average outstanding principal obligation for the twelve-month period following the date on which such premium becomes payable, and calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

The first such premium is to be paid on the date on which such insurance becomes effective by endorsement and shall be calculated on the average outstanding principal balance for the year beginning with a day one payment period prior to the date of the first periodic payment. Until the mortgage is paid in full or the mortgaged property is acquired by the Administrator as hereinafter set forth, or until the contract of insurance is otherwise terminated, as hereinafter provided, the next and each succeeding premium shall be paid annually thereafter on the anniversary of such day, and the amount of the second premium payment will be adjusted accordingly. Such premiums shall be paid either in cash or debentures issued under Title II of the National Housing Act at par plus accrued interest.

Paragraph (a) of Section 7 of Article VI of said Regulations is amended to read as follows:

(a) Debentures of the Mutual Mortgage Insurance Fund as set forth in Section 204 of the Act, issued as of the date foreclosure proceedings were instituted or the property was otherwise acquired by the mortgagee after default, bearing interest at the rate of two and three-quarters per centum (2¾%) per annum payable semiannually on the first day of January and the first day of July of each year, and having a total face value equal to the value of the mortgage as defined in Section 204 (a) of the Act. Such value shall be determined by adding to the original principal of the mortgage, which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments, which have been made by the mortgagee for taxes, ground rents, and water rates, which are liens prior to the mortgage, special assessments which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance on the property mortgaged and any mortgage insurance premium paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default, and by deducting from such total any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property between such dates: Provided, however, that with respect to mortgages which are accepted for insurance prior to July 1, 1941, and comply with the conditions of Section 203 (b) (2) (B) of the Act, on which the unpaid principal obligation at the time of the institution of foreclosure proceedings exceeds 80% of the appraised value of the property as of the date the mortgage was accepted for insurance, there will be included in the debentures issued by the Administrator, on account of foreclosure costs actually paid by the mortgagee and approved by the Administrator an amount not in excess of 2 per centum of the unpaid principal of the mortgage as of the date of the institution of foreclosure proceedings, but in no event in excess of $75.

Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed, at the option of the Administrator with the approval of the Secretary of the Treasury, at par and accrued interest on any interest payment day on three (3) months' notice of redemption given in such manner as the Administrator shall prescribe.

Paragraph (d) appearing at the end of Section 8 of Article VI of said Regulations is amended to read as follows:

(d) outstanding oil, water, or mineral rights which, in the opinion of the Administrator, do not impair the value of the property for residence purposes, or which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

Issued at Washington, D. C. this 15th day of September 1939 and effective on the 20th day of September 1939.

[SEAL] STEWART McDONALD,
*Federal Housing Administrator.*

[F. R. Doc. 39-3417; Filed, September 18, 1939; 10:57 a. m.]



## TITLE 25—INDIANS

### OFFICE OF INDIAN AFFAIRS

### COLLECTION OF IRRIGATION CONSTRUCTION CHARGES ON FLATHEAD AND SAN CARLOS INDIAN IRRIGATION PROJECTS[1]

APRIL 10, 1939.

Whereas the Act of Congress approved June 22, 1936 (49 Stat. 1803)[1] authorized and directed the Secretary of the Interior to make or cause to be made investigations to determine whether certain landowners within Indian irrigation projects are unable to pay irrigation charges, and the reasons therefor, and

Whereas the said act provides in part as follows:

> • • • Where the Secretary finds that said landowners are unable to make payment due to the existence of such causes, he may adjust, defer, or cancel such charges, in whole or in part, as the facts and conditions warrant. • • •

and

Whereas the investigations contemplated by the act, now being made on the San Carlos Indian Irrigation Project, Arizona, and on the Flathead Indian Irrigation Project, Montana, indicate that the landowners are unable to make payment of construction charges that will become due and payable under existing law before such investigations are completed;

Now therefore, I Harold L. Ickes, Secretary of the Interior, pursuant to authority vested in me by the said Act of June 22, 1936, hereby order that the collection of irrigation construction charges on the Flathead and San Carlos Indian Irrigation Projects be deferred, subject to confirmation by Congress as provided in Section 6 of said act, until the investigations referred to can be completed.

It is further ordered that all prior departmental authorizations for the collection of construction charges on the said projects in conflict herewith are hereby revoked.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 39-3415; Filed, September 18, 1939; 10:27 a. m.]

[1] This Order affects the regulations for the collection of the irrigation construction costs on the Flathead Indian Irrigation Project, Montana, approved July 16, 1938, Title 25, CFR, Chapter I, Sub-chapter L, Part 130, (F.R. 2009 DI); also affects the regulations for the San Carlos Indian Irrigation Project, Arizona, approved on December 1, 1932, Title 25, CFR, Chapter I, Sub-chapter N, Part 147, Sections 147.1 to 147.8 inclusive.
This order was confirmed by Congress by Joint Resolution of August 5, 1939 (Public Resolution No. 40, 76th Congress).

### TEMPORARY WITHDRAWAL OF LANDS MODIFYING NEW MEXICO GRAZING DISTRICT NO. 2, AND DEPARTMENTAL WITHDRAWAL OF JULY 8, 1931

By virtue of and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), it is ordered that Departmental order of March 27, 1936, as modified by order of February 23, 1937, establishing New Mexico Grazing District No. 2, be, and it is hereby modified to exclude therefrom all those lands relinquished and reconveyed to the United States in exchanges made pursuant to the act of March 3, 1921 (41 Stat. 1225–1239), within that area in New Mexico embraced within Departmental withdrawal of July 8, 1931. It is further ordered that said Departmental withdrawal of July 8, 1931, made pursuant to authority found in section 4 of the act of March 3, 1927 (44 Stat. 1347), temporarily withdrawing certain public lands in aid of a land consolidation and exchange program for Indian benefit and in aid of proposed legislation, is hereby modified to exclude therefrom the relinquished and reconveyed lands referred to hereinabove, and under authority of section 4 of the act of March 3, 1927, supra, all of the said relinquished and reconveyed lands are hereby temporarily rewithdrawn for Indian use in aid of proposed legislation to adjust Navajo Indian land matters in New Mexico. Pending the enactment of such legislation the Commissioner of Indian Affairs is hereby authorized to administer all lands hereby rewithdrawn.

This order is subject to all valid existing rights.

[SEAL] HAROLD L. ICKES,
*Secretary of the Interior.*

SEPTEMBER 1, 1939.

[F. R. Doc. 39-3412; Filed, September 18, 1939; 10:26 a. m.]

### MODIFICATION AND ORDER ESTABLISHING GRAZING DISTRICT NO. 7 IN THE STATE OF NEW MEXICO

By virtue of and pursuant to the provisions of the Act of June 28, 1934 (48 Stat. 1269), as amended by the Act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, the order establishing New Mexico Grazing District No. 2 is hereby modified to exclude the following described lands which are affected by the Departmental Navajo-Indian withdrawal of July 8, 1931:

TOWNSHIPS NORTH, RANGES WEST, NEW MEXICO PRINCIPAL MERIDIAN, N. M.

Range 5: Townships 2, 18, 19 and 20.
Range 6: All of Township 2 except E½ NW¼ of Section 6, Townships 3 and 17 to 22 inclusive.
Range 7: Townships 2, 3, 4 and 17 to 23 inclusive.
Range 8: Townships 17 to 27 inclusive.
Range 9: Townships 17 to 28 inclusive.
Range 10: Townships 13 to 25 inclusive.
Range 11: Townships 13 to 25 inclusive and all of Township 26 except the E½NW¼ NE¼ and W½NE¼NE¼ of Section 33.
Range 12: Townships 13 to 28 inclusive.
Range 13: Townships 14 to 28 inclusive.
Range 14: N½ of Township 6 and all of Townships 7, 8, 9, 10, 14, 15 and 16.
Range 15: N½ of Township 6 and all of townships 7, 8, 9, 10, fractional Township 15 and all of Township 16.
Range 16: Townships 7 and 8, fractional Townships 9, 10, 15 and all of Township 16.
Range 17: Fractional Townships 13, 14 and 15 and all of Township 16.
Range 18: Townships 12 to 16 inclusive.
Range 19: N½ and Section 24 of Township 11 and all of Townships 12 to 16 inclusive.
Range 20: N½ of Township 11 and all of Townships 12 to 16 inclusive.
Range 21: Fractional Townships 12 to 16 inclusive.

It is further hereby ordered that said Indian withdrawal order of July 8, 1931 is hereby cancelled as to the above described lands, and New Mexico Grazing District No. 7 is hereby established. The exterior boundaries of said district shall include the federally-owned lands within that portion of the Navajo-Indian withdrawal hereinabove described and cancelled, and fractional Township 17 North, Ranges 14 to 21 West, inclusive.

The rules and regulations for the administration of grazing districts issued by the Secretary of the Interior March 2, 1936, and subsequently amended, shall not be effective as to the lands embraced within this recreated district but said lands shall be subject to administration under rules promulgated as of this date.

By virtue of and pursuant to the provisions of the Act approved July 14, 1939 (Public No. 173, 76th Congress), amending the Act of June 26, 1934 (48 Stat. 1269), I hereby declare that misuse of the range, coupled with drought conditions, has created an emergency which necessitates this modification of the boundaries of New Mexico Grazing District No. 2 and the promulgation of grazing rules for New Mexico Grazing District No. 7, hereby established, without prior consultation of the advisory board of said Grazing District No. 2.

[SEAL] HAROLD L. ICKES,
*Secretary of the Interior.*

SEPTEMBER 1, 1939.

[F. R. Doc. 39-3413; Filed, September 18, 1939; 10:26 a. m.]

### RULES FOR THE ADMINISTRATION OF NEW MEXICO GRAZING DISTRICT 7[1]

§ 1 *Basic policy and plan of administration.*

PAR. a. New Mexico Grazing District 7 will be administered to conserve and protect the Federally owned and Federally controlled lands, to promote the proper use of privately owned or controlled lands and waters and to provide for the orderly use and occupancy of the Federally owned lands within the district by those dependent upon them.

PAR. b. No grazing on Federally owned or controlled lands in the district will be permitted without a license. Temporary licenses will be issued by the regional grazier to applicants who qualify for grazing privileges. Such licenses will be

[1] Act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976) and the act of July 14, 1939 (Pub. No. 173—76th Congress).

revocable for the violation of any of the terms thereof.

§ 2 *Regional grazier, district advisory board and range conservation committee.*

PAR. a. *Authority for establishment of district advisory board; number of members; qualifications; functions.* The district will be administered by a regional grazier. Pursuant to the act approved July 14, 1939 (Public No. 173—76th Congress), there shall be a district advisory board consisting of local stockmen and a wildlife representative. The wildlife representative will be appointed by the Secretary of the Interior. The names of the district advisors shall be recommended to the Secretary of the Interior through an election conducted in the manner hereinafter provided.

PAR. b. *Functions and duties of district advisers.* The district advisers shall advise or make recommendations on the following matters:

(1) Applications for grazing licenses or permits, provided no district adviser shall participate in any advice or recommendation concerning licenses or permits in which he is directly or indirectly interested.

(2) The carrying capacity of the range and seasons of use.

(3) Rules for the administration of the district and modification of the boundaries thereof.

(4) Any other matters affecting the administration of the Taylor Grazing Act within the district concerning which the Secretary of the Interior may request the opinion of the advisers.

PAR. c. *Organization and meetings of district advisers.* The district advisory board shall meet at district headquarters within 30 days after the appointment of a majority of its members. It shall organize by electing from its membership a chairman and a secretary. Additional meetings shall be held at the call of the regional grazier.

PAR. d. *Range conservation committee; members; organization; duties and functions.* The range conservation committee is authorized to assist the regional grazier in the administration of the district, to establish proper cooperative relations with other interested Federal agencies, to review the recommendations of the district advisers and to perform such other duties relating to the management of the district as the Secretary of the Interior may direct. It shall consist of a representative of the Indian Service, nominated by the Commissioner of Indian Affairs, a representative of the Division of Grazing, nominated by the Director of Grazing, a representative of the Division of Investigations, nominated by the Director of that division, and a representative of the Soil Conservation Service, Department of Agriculture, proposed by the chief of that service. The members of the range conservation committee after appointment by the Secretary of the Interior shall meet at district headquarters at least once a month and as often as business may require at the call of the chairman who shall be the representative of the Indian Office.

The duties of the range conservation committee shall be—

(1) To arrange for cooperative range, economic, conservation, agronomic, engineering and other surveys necessary for the proper and effective use and administration of the Federally owned and controlled lands in the district and to formulate range management and conservation plans based on these surveys.

(2) To formulate and negotiate cooperative field agreements between the interested Federal agencies for the making of such surveys and for the execution of the conservation and range management plans authorized in the preceding paragraph.

(3) To review the recommendations of the district advisory board concerning applications for grazing licenses and permits prior to action by the regional grazier on such applications.

(4) To review the recommendations of the district advisory board on modifications of the rules and of the district boundaries and to present its findings of fact and advice concerning these matters to the Director of Grazing or the Secretary of the Interior.

(5) To interpret the economic and dependency surveys and to recommend to the Secretary of the Interior such protective, maximum and other limits as will facilitate the conservative use of Federally owned and controlled lands by the largest number of qualified users.

§ 3 *Qualifications of applicants; water facilities; representation of users.* Temporary grazing privileges on the Federally owned lands within the district will be restricted to applicants who own livestock which made substantial grazing use of the Federally owned land within the district during the year immediately preceding January 1, 1939, and who also own, lawfully lease or validly occupy land within or contiguous to the district, or who own or lawfully control water facilities within the district, provided such ownership or control of land or water was established or initiated on or before January 1, 1939. Water developments made by or for Navajo Indians on Federally owned or controlled lands shall be considered Navajo-owned water facilities. The Commissioner of Indian Affairs or his duly authorized representative may represent individual Navajos or groups of Navajo Indians in all district matters. Indian homestead and allotment selections shall be considered as the completion of rights initiated prior to January 1, 1939.

§ 4 *Issuance of licenses.* Temporary licenses will be issued by the regional grazier on recommendation of the district advisory board and, with the advice of the range conservation committee, to qualified applicants in the following order:

CLASS 1. For livestock not in excess of 150 sheep, or the equivalent thereof, owned by a qualified applicant residing within or contiguous to the district who is entirely or preponderantly dependent on this livestock for his livelihood; one horse, one cow, or five goats to be considered the equivalent of five sheep.

CLASS 2. For livestock in excess of 150 sheep, or the equivalent thereof, owned by a resident qualified applicant who is primarily dependent on the Federally owned and controlled range within the district for the operation of his livestock enterprise and who is primarily dependent on this livestock for his livelihood. No applicant in this class shall be given a temporary license for livestock in excess of the maximum number he owned and grazed within the district during the year 1938.

CLASS 3. For the livestock of all other qualified applicants dependent on Federally owned range within the district in the conduct of their livestock operations. The regional grazier, with the advice of the range conservation committee, shall make such temporary allocations of grazing privileges on the remaining Federally owned range as will enable the largest number of qualified applicants to conduct their livestock operations in accordance with the proper use of the range.

§ 5 *Cooperative surveys.* With the assistance of the range conservation committee and the cooperation of other Federal agencies the regional grazier will undertake range, conservation, economic and such other surveys as may be necessary to determine the proper division of the district into administrative units, the carrying capacity of each unit, proper seasons of use, the economic position and relative dependency of users, the service value of water facilities for each unit, and all other information necessary for the proper administration of the district and for the formulation of additional rules to be recommended to the Secretary of the Interior for promulgation.

§ 6 *Procedure in applications; hearings and appeals.*

PAR. a. *Consideration of application; recommendations; service of notice.* An application for a grazing license or permit will first be considered by the advisory board, which will classify the application and transmit its recommendation to the range conservation committee. If the regional grazier finds that the recommendations of the district advisory board and of the range conservation committee are proper, he will so notify the applicant by ordinary mail. If the recommendations are to any extent adverse, notice thereof will be served on the applicant by the regional grazier or his representative or, by registered letter sent to the address given by the applicant in his application. Such notice will name a place and date not less than ten days thereafter, when protests against the recommendations will be heard.

PAR. b. *Place and date for hearing before examiner on appeal; notice.* Upon the filing of the appeal and specifications of error, the regional grazier will notify the Director of the Division of Grazing, who will designate an examiner. The examiner will name a place within or near the district at which a hearing will be held. Any party or parties who would be directly affected by the decision in the appeal may file a request for permission to be heard in the appeal and shall serve the appellant with a copy of such request. Such a party shall be known and designated as an intervener. The examiner will then advise the regional grazier of the date of hearing, which will be not less than ten days after the date of the filing of the appeal, and the regional grazier thereupon will notify the applicant and all interveners then of record of the time and place of hearing, which will be held by one of such representatives of the Division of Grazing as may have been designated by the Director to conduct hearings. Such representative, however, shall be one other than the regional grazier from whose decision the appeal is taken. For the purpose of the hearing, such representative of the Division of Grazing shall be known and designated as an examiner.

PAR. c. *Authority of examiner.* The examiner is vested with general authority to conduct the hearing in an orderly and judicial manner, including authority to subpoena witnesses and to administer oaths, to call and question witnesses and to make findings of fact and a decision.

PAR. d. *Conduct of hearing before examiner.* The appellant, the regional grazier, and recognized interveners will stipulate as far as possible all material facts and the issue or issues involved. The examiner will state any other issues on which he may wish to have evidence presented and issues which clearly appear to be unnecessary to a proper disposition of the case will be excluded, provided that the party asserting such an issue may state briefly for the record the substance of the proof which otherwise would be offered in support of the issue. The regional grazier, or his representative, will then state the grounds of the decision from which the appeal has been taken, together with such explanation as may be deemed necessary, and may call and examine witnesses on the issues involved. Upon the conclusion of this testimony the appellant shall present his case, following which recognized interveners may present evidence if such a presentation appears to the examiner to be necessary for a proper disposition of the matters in controversy. All oral testimony shall be under oath, and witnesses will be subject to cross-examination by any party. The examiner will himself question any witness whenever it appears necessary. Documentary evidence will be received by the examiner and made a part of the record, if pertinent to any issue, or may be entered by stipulation. Objections to evidence will be ruled upon by the examiner and exceptions duly noted, and such exceptions will be considered upon an appeal from the decision of the examiner. In noting an exception to a ruling sustaining an objection to the admission of evidence, the party affected may insert in the record, as a tender of proof, a summary written statement of the substance of the excluded evidence. The examiner will summarily stop examination and exclude testimony which is obviously irrelevant and immaterial.

PAR. e. *Witness fees.* Under the subpoena issued a witness will be entitled to a witness fee of $1.50 per day, plus $0.05 per mile for miles actually traveled from his home to the place of hearing and return. Witnesses who attend hearings so far removed from their residences as to prohibit return thereto from day to day are allowed a per diem of $3.00 for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to attend hearings and return home. The allowances for witness fees, mileage and subsistence are prescribed by the act of April 26, 1926 (44 Stat. 323), as modified and amended by the Economy Act of June 30, 1932 (47 Stat. 413), and the act of May 15, 1936 (49 Stat. 1331). Under the act of January 31, 1903 (32 Stat. 790), providing for issuance of the subpoena, a witness cannot be compelled to appear outside of his own county, and if he does so appear, can claim mileage in but one county, that is, the county of his residence. Claims for witness fees and mileage will be presented on Form No. 1–327, properly certified by the regional grazier and submitted in the usual way for payment.

PAR. f. *Findings of fact and decision by examiner; notice; submittal to the director of grazing.* Within ten days following the conclusion of the hearing the examiner will make findings of fact and render a decision. A copy of the decision shall be sent by registered mail to the applicant and all interveners. The decision shall not prejudice the right of any party affected to be furnished with a copy of the transcript of testimony, as provided in the next paragraph. If the examiner so desires, he may submit his decision to the Director of Grazing for consideration prior to its promulgation. Upon approval by the Director such decision shall constitute the decision of the Division of Grazing.

PAR. g. *Notice of appeal; furnishing copies of record.* Within ten days after the receipt of a decision of the examiner any party desiring to appeal to the Director of Grazing shall file a written appeal and may request a copy of the transcript of testimony. Copies of the transcript will be furnished to the appellant and to the interveners, at a charge of 5 cents per folio, except that upon sufficient showing to the examiner, supported by an affidavit, that an appellant or intervener is financially unable to pay such fee, a copy will be furnished him without charge. Notice of appeal and request for a copy of the transcript shall be filed in the office of the Chief Examiner, Division of Grazing, Department of the Interior, Salt Lake City, Utah.

PAR. h. *Decision in effect pending appeal.* Pending an appeal to the examiner and his decision thereon, the decision of the regional grazier shall be in full force and effect. Pending an appeal to the Director and determination thereof, the decision of the examiner shall be in full force and effect. Pending an appeal from the Director to the Secretary of the Interior and determination thereof, the decision of the Director shall be in full force and effect. Any action taken by the regional grazier pursuant to the examiner's or Director's decision shall be subject to modification or revocation by the Secretary upon an appeal from the decision of the Director.

PAR. i. *Appeals to the Secretary of the Interior.* An appeal from the decision of the Director of Grazing to the Secretary of the Interior shall be filed, together with any brief desired in support thereof, within thirty days after date of receipt of the Director's decision, in the office of the Chief Examiner, Division of Grazing, Department of the Interior, Salt Lake City, Utah. The appeal in other respects shall be made in accordance with the Rules of Practice of the Department of the Interior in effect at the time such appeal is taken.

§ 7 Until further notice no fees for grazing will be charged.

§ 8 *General rules of the range.*

PAR. a. *Acts prohibited.* The following acts are prohibited on the Federally owned lands in the district:

(1) Grazing livestock upon or driving livestock across such lands, including stock driveways, without an appropriate license or permit.

(2) Grazing livestock upon or driving livestock across such lands, including stock driveways, in violation of the terms of a license or a permit, either by exceeding the number of livestock permitted, or by allowing livestock to be on such lands in an area or at a time different from that designated, or in any other manner.

(3) Allowing livestock to drift and to graze on such lands, including stock driveways, without a license or a permit.

(4) Constructing or maintaining any kind of improvements, structures, fences, or enclosures on such lands, including stock driveways, without authority of law or a permit.

(5) Destroying, molesting, disturbing, or injuring property used or acquired for use by the United States in the administration of the district, including stock driveways, or improvements constructed or maintained under section 4 of the act.

(6) Cutting or removing vegetative cover, brush, woodland growth or timber for any purpose, except as authorized by law.

PAR. b. *Rules of fair range practice.* The following rules of fair range prac-

tice shall be complied with by all licensees and permittees:

(1) The provisions of statutory law of the State of New Mexico with reference to the number and kind of bulls permitted, the branding of livestock, and sanitary requirements, are hereby incorporated as a part of these rules.

(2) A crossing permittee shall follow the route prescribed in the crossing permit at an average rate of not less than five miles per day for sheep or goats, and ten miles per day for cattle or horses.

§ 9 *Procedure for enforcement of rules and regulations.*

PAR. a. *Service of notice; report of violations.* Whenever it appears that there has been any willful violation of any provision of the act or of these rules, the regional grazier shall cause the alleged violator to be served with written notice, which shall set forth the act or acts constituting such violation and in which reference shall be made to the provision or provisions of the act or of these rules alleged to have been violated. Such notice may be served in person or by registered mail and the affidavit of the person making personal service or the registry receipt shall be preserved. Any violation of the act or of these rules shall be reported immediately to the Division of Investigations, Department of the Interior.

PAR. b. *Unlawful grazing on federally owned lands; removal of livestock; impoundment; liability.* Whenever the charge consists of unlawfully grazing livestock on the federally owned or controlled lands in the district, the notice served on the alleged violator will order him to remove the livestock or to cause them to be removed immediately or within such reasonable time as may be specified. If the alleged violator fails to comply with the notice the regional grazier shall forthwith issue a written order addressed to any grazier or other person designated by him, directing such person to remove the livestock from the area in which they are unlawfully grazing. Proper care will be exercised in such removal, which will be accomplished in the following manner:

(1) If the owner of the livestock has a license or permit which is then effective in any area, the number of livestock for which such license or permit has been issued will be removed to such area. Any livestock not covered by the license or permit will be removed either to land controlled by the licensee or permittee or will be impounded, in the manner hereinafter provided.

(2) If the owner of the livestock has no license or permit then in effect but controls land within or near the district, the livestock will be removed to such land.

(3) If in emergency the foregoing procedure is impossible or impracticable, or if resort by the United States to the particular local statutory procedure for the exercise of its right as a proprietor is impracticable, ineffective, or will entail delay, or if for any reason whatever the adequate protection of its property requires that the livestock be removed immediately from the Federally owned or controlled lands in the district, the regional grazier may order that the livestock be impounded. Written notice of the impoundment will be given to the owner or any other interested person, if known. Such notice will assert a lien in favor of the United States for a certain amount of damages incurred and the reasonable expense of driving, handling and feeding from the time of impoundment. Such notice shall be given also by posting in at least three conspicuous public places within the county in which the livestock were found unlawfully grazing. Upon payment of the amounts claimed the lien will be released and the livestock delivered to the owner or other person showing a right to their possession. In the event that payment of such amounts to discharge the lien is not made, then it shall be foreclosed in accordance with the law of the State of New Mexico.

Neither the removal of livestock from unlawful grazing nor the foreclosure of a lien by the United States will relieve the alleged violator of civil liability for damages, except to the extent that its claim may have been satisfied through a foreclosure, and in neither case will the alleged violator be relieved of criminal prosecution.

PAR. c. *Amicable settlement of civil cases.* Any offer of settlement for damage to Federally owned lands in the district or to other property of the United States resulting from an alleged violation of any provision of the act or of these rules shall be transmitted by the regional grazier, with his recommendation, to the Department for consideration. An offer of settlement will not constitute satisfaction of civil liability for the damage involved until finally accepted by the United States and will in no event relieve the violator of criminal prosecution.

PAR. d. *Disciplinary action for violations.* The regional grazier is authorized to reduce or revoke a grazing license or crossing permit or to deny renewal thereof for a clearly established violation of the terms or conditions of the license or permit or for a violation of any of the provisions of these rules. Before any license or permit is reduced or revoked, or renewal thereof denied, because of such a violation, however, the regional grazier shall cause the licensee or permittee to be served with a written notice which shall set forth the act or acts constituting the violation and the amount of damage resulting therefrom. Such notice also shall refer to the terms or conditions of the license or permit or to the provision or provisions of these rules alleged to have been violated. The notice shall cite the licensee or permittee to appear before an examiner of the Division of Grazing at a designated time and place to show cause why his license or permit should not be reduced or revoked and satisfaction of damages made. The notice may be served in person or by registered mail and the affidavit of the person making personal service or the registry receipt shall be preserved.

The hearing before the examiner upon the order to show cause will be conducted in so far as practicable in the same manner as other hearings before an examiner. The licensee or permittee may appear in his own behalf or by counsel. The evidence shall be confined to the commission of the acts charged and the amount of damage due the United States. If upon the hearing of the order to show cause the violation with which the licensee or permittee is charged is established to the satisfaction of the examiner, he will make a finding of the amount of damages, in writing, and will direct the regional grazier to reduce or revoke the license or the permit, as the facts may warrant, provided that if the licensee or permittee makes an offer of settlement which appears reasonable and satisfactory to the examiner, he will, except in cases of flagrant or repeated violation, withhold such direction and will order the regional grazier to transmit such offer of settlement to the Department for consideration.

Upon the failure of the person served in the notice to appear at the time and place designated in the notice, and in the absence of a good and sufficient showing to the examiner of the reason for his failure to appear, the examiner may direct the regional grazier to reduce or revoke the license or permit, as the violations charged in the notice and the amount of damages alleged may warrant.

No license or permit shall be issued or renewed until payment of any amounts found by the examiner to be due the United States as damages under this section has been offered, and until payment of any amounts due as grazing fees has been made.

The decision of the examiner on any matters in this section shall be final unless an appeal is taken within ten days to the Director of Grazing, whose decision likewise shall be final unless an appeal is taken within 30 days to the Secretary of the Interior. Pending an appeal and final determination thereof the decision of the examiner or of the Director of Grazing, as the case may be, shall remain in full force and effect. Appeals to either the Director of Grazing or the Secretary of the Interior shall be filed in the office of the Chief Examiner, Division of Grazing, Department of the Interior, Salt Lake City, Utah.

§ 10 *Construction and maintenance of improvements on the federally owned lands in the district.*

PAR. a. *Statutory authorization.* Section 4 of the act provides:

Fences, wells, reservoirs, and other improvements necessary to the care and management of the permitted livestock may be constructed on the public lands within such grazing districts under permit issued by the authority of the Secretary, or under such cooperative arrangement as the Secretary may approve. Permittees shall be required by the Secretary of the Interior to comply with the provisions of law of the State within which the grazing district is located with respect to the cost and maintenance of partition fences. No permit shall be issued which shall entitle the permittee to the use of such improvements constructed and owned by a prior occupant until the applicant has paid to such prior occupant the reasonable value of such improvements to be determined under rules and regulations of the Secretary of the Interior. The decision of the Secretary in such cases is to be final and conclusive.

PAR. b. *Applicants for permits and cooperative agreements; qualifications.* An applicant for a permit or for a co-operative agreement or an arrangement to construct and maintain improvements of the character described in section 4 of the act, or to use and maintain improvements of such character constructed and owned by a prior occupant, on the federally owned lands, if an individual, must be a citizen of the United States or must have declared his intention to become such. If an association, its members must possess like qualifications.

PAR. c. *Applications; form and contents; filing.* Applications for such permits, co-operative agreements or arrangements shall set forth the location of such improvements by legal subdivision of the public land survey, the necessity, use, cost and description of such improvements, item by item, shall designate the time and manner of their construction, the period of use, the method of operation, protection, repair, removal or other disposition, and shall include any other pertinent information. If an application concerns the use and maintenance of improvements constructed and owned by a prior occupant under permit issued by the authority of the Secretary, it shall include also an itemized showing of their reasonable value at the time of filing the application and either evidence that the applicant has paid this amount to the prior occupant and has obtained title to the improvements free of all encumbrances, or a clear and concise explanation of the reasons for a lack of such agreement between the applicant and the prior occupant. When necessary properly to explain the improvements and matters connected therewith, the application shall be accompanied by a sketch of the improvements and specifications and a map showing their location in the grazing district. All applications shall be made on forms provided by the Division of Grazing, with such modifications as may be necessary, and shall be filed in triplicate with the regional grazier, who will submit them to the range conservation committee for consideration and recommendation.

PAR. d. *Applications for construction of improvements; consideration; appeals.* When an application concerning the construction of improvements is filed, the regional grazier will, after the recommendation of the range conservation committee, act on the application and such action shall be final unless the applicant appeals to the Director of Grazing within 15 days following receipt of notice. The decision of the Director of Grazing on such application shall be final unless the applicant appeals to the Secretary of the Interior within 30 days. In the latter event, the decision of the Secretary shall be final.

PAR. e. *Applications for use of improvements owned by prior occupant; procedure upon failure to agree.* An application to use and maintain improvements constructed and owned by a prior occupant, under permit issued by the authority of the Secretary, if accompanied by the evidence of ownership provided for in paragraph c of this section, shall be considered in the same manner as an application for the construction of improvements. Upon the filing of such an application showing that the applicant and the prior occupant have not agreed on the value of the improvements, the regional grazier will immediately, at the applicant's expense, cause the prior occupant to be served either personally or by registered mail with a notice of the filing of the application and any accompanying papers and an order to show cause within 30 days why the improvements should not be determined to be of the value alleged by the applicant. Upon such a showing or, if the prior occupant applies within 30 days from the date of service for a hearing, in the light of such evidence as the applicant and the prior occupant may desire to present in such hearing, the regional grazier will determine the present reasonable value of the improvements. Such determination shall be final unless an appeal is taken within 15 days to the Director of Grazing, whose decision in the matter likewise shall be final unless an appeal is taken within 30 days to the Secretary of the Interior. In the latter event, the decision of the Secretary shall be final. Upon the failure of the prior occupant to show cause or to apply within 30 days for a hearing, the reasonable value of the improvements will be determined by the regional grazier, provided that in the event of such default by the prior occupant the value determined shall not be less than the amount alleged by the applicant in his application and the decision of the regional grazier in such cases shall be final. In any case when a decision has become final, payment by the applicant to the prior occupant of the amount determined and a showing that the improvements are free of all encumbrances shall be a condition precedent to favorable action on the application.

PAR. f. *Approval of application.* Upon the approval of an application concerning the construction or use and maintenance of any improvements on the Federally owned lands in the district by the issuance of a permit or the approval of a co-operative agreement or other arrangement, the applicant may construct the improvements or use the improvements constructed and owned by the prior occupant, as the case may be.

§ 11 *District Advisory Board; election; appointments; removal.*

PAR. a. The establishment of an advisory board of local stockmen is authorized by the Act approved July 14, 1939 (Public No. 173, 76th Congress). For New Mexico Grazing District 7 the number of district advisers will be fixed by the regional grazier on recommendation of the range conservation committee, but shall be not less than 6 nor more than 12. On recommendation of the range conservation committee the regional grazier may establish voting precincts corresponding to the number of district advisers to be elected. All district advisers shall be elected in the manner hereinafter provided, and they shall be electors qualified to vote at the election. A candidate for adviser shall qualify in the precinct in the same manner as in the district.

PAR. b. *Elections—time and place of holding; notice.* An election of district advisers will be held within 90 days after the publication in the FEDERAL REGISTER of the order establishing the district and annually thereafter. The regional grazier will designate a voting place within each precinct. Notice of the time and place or places of holding an election will be given by publication in one newspaper of general circulation in the district, by posting in the office of the regional grazier and in the office of each district grazier and by such posting in such other public places as may be necessary to give the matter proper publicity. No election, however, shall be held to be invalid by reason of failure to give any of the foregoing notices unless it shall be made to appear that there was a failure to give substantial notice.

PAR. c. *Elections—qualifications of electors.* At the first election after the establishment of this district only qualified applicants for grazing licenses or permits in this district shall be eligible to vote. The regional grazier, with the assistance of the range conservation committee, shall compile a list of qualified applicants for each precinct and post such list at the precinct voting place on the day of the election. At any subsequent election only licensees or permittees shall be entitled to vote. A minor may vote if otherwise qualified, provided that upon request by his natural or legal guardian his ballot may be cast by the guardian in the name of the minor. The judges at any election will be furnished by the representative of the Division of Grazing in charge with a list of all electors entitled to vote in the precinct and district. No one whose name does not appear on such list shall be allowed to vote, provided that any one claiming to have been wrongfully omitted from the list may have his name placed thereon upon submitting two qualified electors' sworn statements of facts qualifying him as an elector. Only one vote may be

cast by the holder or holders of any one grazing license or permit, or by a qualified elector.

PAR. d. *Nominations; methods of voting.* Within 45 days from the publication of these rules in the FEDERAL REGISTER the regional grazier and the range conservation committee will recommend to the Secretary of the Interior amendments to these rules prescribing the method of and procedure for the nomination of candidates and the election of district advisers.

PAR. e. *Appointment by Secretary of the Interior; oath and term of office; removal; vacancies.* No person elected as a district adviser may assume office until he has been appointed by the Secretary of the Interior and has taken an oath of office. Persons appointed as district advisers following the first election after the organization of a grazing district shall be divided into three classes by lot by the regional grazier. Those in class 1 shall hold office for one year, those in class 2 for two years and those in class 3 for three years, and until their successors are elected and have qualified. Thereafter at each election the class whose term has expired shall be recommended by election for a term of three years. The Secretary of the Interior may remove any district adviser from office for failure to discharge his duties or for the good of the service. Upon a vacancy occurring in the office of a district adviser by reason of resignation, removal or otherwise, the range conservation committee will recommend to the Secretary of the Interior the name of a person to fill the vacancy and such recommendation, together with that of the regional grazier, shall be transmitted by him to the Secretary for consideration. A person appointed by the Secretary to fill a vacancy shall hold office until the next regular election, when a successor shall be elected to serve for the remainder of the unexpired term, if any, of the member causing the vacancy.

PAR. f. *Meetings; organization.* The district advisory board shall meet at any time and place within the district designated by the regional grazier or his authorized representative. At the first meeting of the board after an election, it shall organize by electing one of its members as chairman and such other officers from its membership as it may deem necessary. Meetings of the district advisory board shall be open to the public except that, with the approval of the representative of the Division of Grazing present, it may meet in executive session in considering applications for licenses or permits or any other business.

§ 12 *Penal provision.* By section 2 of the Taylor Grazing Act any willful violation of the provisions of the act or of the rules thereunder, after actual notice thereof, is punishable by a fine of not more than $500.

§ 13 *Amendments; emergency.* The above rules are temporary and are subject to amendment or revocation by the Secretary of the Interior at any time. They are promulgated without reference to the district advisory board because of the existence of an emergency due to the misuse of the range within the district.

R. H. RUTLEDGE,
*Director of Grazing.*

I concur: August 29, 1939.

JOHN HERRICK,
*Acting Commissioner of Indian Affairs.*

I concur:

D. H. ROSIER, JR.,
*Acting Director, Division of Investigations.*

Approved, September 1, 1939.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 39-3414; Filed, September 18, 1939; 10:26 a. m.]

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## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4938]

### INCOME TAX

### REGULATIONS RELATING TO THE BASIS FOR DETERMINING GAIN OR LOSS AND HOLDING PERIOD UPON THE SALE OR OTHER DISPOSITION OF STOCK DIVIDENDS OR STOCK RIGHTS AND THE BASIS OF THE SHARES WITH RESPECT TO WHICH STOCK DIVIDENDS OR STOCK RIGHTS HAVE BEEN ISSUED*†

*To Collectors of Internal Revenue and Others Concerned:*

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§ 20B.0 *Introductory.* Section 214 of the Revenue Act of 1939, approved June 29, 1939, (Public, No. 155, Seventy-sixth Congress, first session), provides:

SEC. 214. BASIS OF STOCK DIVIDENDS AND STOCK RIGHTS.

(a) BASIS UNDER INTERNAL REVENUE CODE. Section 113 (a) of the Internal Revenue Code (relating to the unadjusted basis of property) is amended by inserting at the end thereof the following new paragraph:

"(19) (A) If the property was acquired by a shareholder in a corporation and consists of stock in such corporation, or rights to acquire such stock, acquired by him after February 28, 1913, in a distribution by such corporation (hereinafter in this paragraph called "new stock"), or consists of stock in respect of which such distribution was made (hereinafter in this paragraph called "old stock") and

"(i) the new stock was acquired in a taxable year beginning before January 1, 1936; or

"(ii) the new stock was acquired in a taxable year beginning after December 31, 1935, and its distribution did not constitute income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution;

then the basis of the new stock and of the old stock, respectively, shall, in the shareholder's hands, be determined by allocating between the old stock and the new stock the adjusted basis of the old stock; such allocation to be made under regulations which shall be prescribed by the Commissioner with the approval of the Secretary.

"(B) Where the new stock consisted of rights to acquire stock and such rights were sold in a taxable year beginning before January 1, 1939, and there was included in the gross income for such year the entire amount of the proceeds of such sale, then, if before the date of the enactment of the Revenue Act of 1939 the taxpayer has not asserted (by claim for a refund or credit or otherwise) that any part of the proceeds of the sale of such new stock should be excluded from gross income for the year of its sale, the basis of the old stock shall be determined without regard to subparagraph (A); and no part of the proceeds of the sale of such new stock shall ever be excluded from the gross income of the year of such sale.

"(C) Subparagraph (A) shall not apply if the new stock was acquired in a taxable year beginning before January 1, 1936, and there was included, as a dividend, in gross income for such year an amount on account of such stock, and after such inclusion such amount was not (before the date of the enactment of the Revenue Act of 1939) excluded from gross income for such year.

"(D) Subparagraph (A) shall not apply if the new stock or the old stock was sold or otherwise disposed of in a taxable year beginning prior to January 1, 1936, and the basis (determined by a decision of a court or the Board of Tax Appeals, or a closing agreement, and the decision or agreement became final before the ninetieth day after the date of the enactment of the Revenue Act of 1939) for determining gain or loss on such sale or other disposition was ascertained by a method other than that of allocation of the basis of the old stock."

(b) DISTRIBUTIONS NOT TREATED AS DIVIDENDS. Section 115 (d) of the Internal Revenue Code (relating to distributions applied in reduction of basis) is amended to read as follows:

"(d) OTHER DISTRIBUTIONS FROM CAPITAL. If any distribution made by a corporation to its shareholders is not out of increase in value of property accrued before March 1, 1913, and is not a dividend, then the amount of such distribution shall be applied against and reduce the adjusted basis of the stock provided in section 113, and if in excess of such basis, such excess shall be taxable in the same manner as a gain from the sale or exchange of property. This subsection shall not apply to a distribution in partial or complete liquidation or to a distribution which, under subsection (f) (1), is not treated as a dividend, whether or not otherwise a dividend."

(c) DETERMINATION OF PERIOD FOR WHICH HELD. Section 117 (h) of the Internal Revenue Code (relating to determination of period for which property is held) is amended by adding at the end thereof the following new paragraph:

"(5) In determining the period for which the taxpayer has held stock or rights to acquire stock received upon a distribution, if the basis of such stock or rights is determined under section 113 (a) (19) (A), there shall (under regulations prescribed by the Commissioner with the approval of the Secretary) be included the period for which he held the stock in the distributing corporation prior to the receipt of such stock or rights upon such distribution."

(d) TAXABLE YEARS TO WHICH APPLICABLE. The amendments made by subsections (a), (b), and (c) shall be applicable to taxable years beginning after December 31, 1938.

(e) BASIS UNDER PRIOR ACTS. The following rules shall be applied, for the purposes of the Revenue Act of 1938 or any prior revenue Act as if such rules were a part of each such Act when it was enacted, in determining the basis of property acquired by a shareholder in a corporation which consists of stock in such corporation, or rights to acquire such stock, acquired by him after February 28, 1913, in a distribution by such corporation (hereinafter in this subsection called "new stock"), or consisting of stock in respect of which such distribution was made (hereinafter in this subsection called "old stock") if the new stock was acquired in a taxable year beginning before January 1, 1936, or acquired in a taxable year beginning after December 31, 1935, and its distribution did not constitute income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution:

(1) The basis of the new stock and of the old stock, respectively, shall, in the shareholder's hands, be determined by allocating between the old stock and the new stock the adjusted basis of the old stock; such allocation to be made under regulations which shall be prescribed by the Commissioner with the approval of the Secretary.

(2) Where the new stock consisted of rights to acquire stock and such rights were sold and there was included in the gross income for the taxable year of the sale the entire amount of the proceeds of such sale, then, if before the date of the enactment of this Act the taxpayer has not asserted (by claim for a refund or credit or otherwise) that any part of the proceeds of the sale of such new stock should be excluded from gross income for the year of its sale, the basis of the old stock shall be determined without regard to paragraph (1) and no part of the proceeds of the sale of such new stock shall ever be excluded from the gross income of the year of such sale.

(3) Paragraph (1) shall not apply if the new stock was acquired in a taxable year beginning before January 1, 1936, and there was included, as a dividend, in gross income for such year an amount on account of such stock, and after such inclusion such amount was not (before the date of the enactment of this Act) excluded from gross income for such year.

(4) Paragraph (1) shall not apply if the new stock or the old stock was sold or otherwise disposed of in a taxable year beginning before January 1, 1936, and the basis (determined by a decision of a court or the Board of Tax Appeals, or a closing agreement, and the decision or agreement became final before the ninetieth day after the date of the enactment of this Act) for determining gain or loss on such sale or other disposition was ascertained by a method other than that of allocation of the basis of the old stock.

(f) DETERMINATION UNDER PRIOR ACTS OF PERIOD FOR WHICH HELD. For the purposes of the Revenue Act of 1938 or any prior revenue Act, in determining the period for which the taxpayer has held stock or rights to acquire stock, received upon a distribution, if the basis of such stock or rights is determined under section 214 (e) (1) of the Revenue Act of 1939, there shall (under regulations which shall be prescribed by the Commissioner with the approval of the Secretary) be included the period for which he held the stock in the distributing corporation prior to the receipt of such stock or rights upon such distribution. This subsection shall be applicable as if it were a part of each such Act when such Act was enacted.

Pursuant to the authority granted by the foregoing provisions and by the provisions of section 62 of the Internal Revenue Code, the following regulations are prescribed with respect to the foregoing section:*†

§ 20B.1 *General rule.* The statutory rule quoted above is, in general, the rule of apportionment prescribed by Treasury regulations with respect to all stock dividends and stock rights issued throughout the period intervening between the date of the decision of the Supreme Court in *Eisner* v. *Macomber*, (1920) 252 U. S. 189, and the effective date of the Revenue Act of 1936, and with respect to stock dividends and stock rights acquired in a taxable year beginning after December 31, 1935, in a distribution of such a character that it does not constitute income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution. This statutory rule applies generally to all stock, old and new, involved in an issue of stock dividends or stock rights acquired in a taxable year beginning prior to January 1, 1936, and to those later issues constitutionally exempt from tax, such exemption being recognized by section 115 (f) (1) of the Code or the corresponding provisions of the Revenue Acts of 1936 and 1938. Section 214 of the Revenue Act of 1939 provides, however, certain specific exceptions to such general application (see section 20B.7 of these regulations).*†

§ 20B.2 *Form in which rule is stated.* The rule for apportioning bases between the old and the new property interests contemplated in prior regulations and here prescribed differs slightly in its mechanics depending upon whether the new issue constitutes a stock dividend on the one hand or a stock right on the other hand (the stock right being referred to in the Act equally with the stock dividend as "new stock"), and, if a stock right, whether acquired before January 1, 1925, or on or after that date. Accordingly the rule as developed in these regulations is separately stated.*†

§ 20B.3 *Stock dividend, basis for determining gain or loss.* In the case of stock in respect of which was acquired a stock dividend of any character in a taxable year beginning before January 1, 1936, or in respect of which was acquired in a taxable year beginning after December 31, 1935, a stock dividend which did not constitute income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution, the basis for determining gain or loss from a sale or other disposition of either the stock in respect of which the distribution was made or the stock dividend shall (except as otherwise prescribed in section 20B.7 of these regulations) be ascertained by apportioning the adjusted basis of the old stock between such old stock and the new stock distributed to the shareholder in accordance with the following rules:

(1) If the new stock is of substantially the same character and preference as the old stock, the basis of each share will be the quotient of the cost or other basis of the old shares, properly adjusted, divided by the total number of the old and the new shares.

(2) If the new stock is in whole or in part stock of a character or preference materially different from the old stock, the cost or other basis of the old stock, properly adjusted, shall be apportioned between such old stock and the new stock in proportion, as nearly as may be, to the respective values of each class of stock, old and new, at the time of such distribution, and the basis of each share of stock will be the quotient of the cost or other basis, properly adjusted, of the class of stock to which such share belongs, divided by the number of shares in the class. In general, any material difference in character or preference or terms sufficient to distinguish one stock from another so that different values may properly be assigned thereto will constitute a difference in class.

(3) If the old stock was purchased at different times or at different prices, and the identity of the lots cannot be determined, any sale of the old stock will be charged to the earliest purchases of such stock, and any sale of the new stock will be presumed to have been made from the stock distributed in respect of the earliest purchased stock.

(4) If the old stock was purchased at different times or at different prices, and the new stock cannot be identified as having been distributed in respect of any particular lot of such stock, then any sale of the new stock will be presumed to have been made from the stock distributed in respect of the earliest purchased stock.*†

§ 20B.4 *Stock rights, basis for determining gain or loss.* (a) In the case of stock in respect of which were acquired after December 31, 1924 (see T.D. 4018, C.B. VI–1, 36 as amended by T.D. 4145, C.B. VII–1, 59), and before the first day of the first taxable year beginning after December 31, 1935, stock subscription rights (whether or not constituting income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution) or in respect of which were acquired in a taxable year beginning after December 31, 1935, stock subscription rights which did not constitute income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution, and in the case of such rights, the following rules are to be applied (except as otherwise prescribed in section 20B.7 of these regulations):

(1) If the shareholder does not exercise, but sells, his rights to subscribe, the cost or other basis, properly adjusted, of the stock in respect of which the rights are acquired shall be apportioned between the rights and the stock in proportion to the respective values thereof at the time the rights are issued, and the

*Sections 20B.0 to 20B.8 are issued under authority contained in section 214 of the Revenue Act of 1939, Public, No. 155, Seventy-sixth Congress, First Session, and section 62 of the Internal Revenue Code, 53 Stat., Part 1, and interpret section 214 of said Revenue Act of 1939.

†The source of sections 20B.0 to 20B.8 is Treasury Decision 4938, approved Sept. 14, 1939.

basis for determining gain or loss from the sale of a right on one hand or a share of stock on the other will be the quotient of the cost or other basis, properly adjusted, assigned to the rights or the stock, divided, as the case may be, by the number of rights acquired or by the number of shares held.

*Example.* A taxpayer in 1933 purchased 500 shares of common stock at $125 a share, and in 1938, by reason of the ownership of such stock, acquired 500 rights entitling him to subscribe to 100 additional shares of such stock at $100 a share. Upon the issuance of the rights each of the shares of stock in respect of which the rights were acquired had a fair market value of $120, and the rights had a fair market value of $3 each. Instead of subscribing to the additional shares, he sold the rights at $4 each. The profit is computed as follows:

500 (shares) × $125 = $62,500, cost of old stock (stock in respect of which the rights were acquired)

500 (shares) × $120 = $60,000, market value of old stock

500 (rights) × $3 = $1,500, market value of rights

$\frac{60,000}{61,500}$ of $62,500 = $60,975.61, cost of old stock apportioned to such stock

$\frac{1,500}{61,500}$ of $62,500 = $1,524.39, cost of old stock apportioned to rights

$2,000 (proceeds of sale of rights) less $1,524.39 (cost of old stock apportioned to rights) = $475.61, profit.

For the purpose of determining the gain or loss from the subsequent sale of the stock in respect of which the rights were acquired, the adjusted cost of each share is $121.95—that is, $60,975.61 divided by 500.

(2) If the shareholder exercises his rights to subscribe, the basis for determining gain or loss from a subsequent sale of a share of the stock in respect of which the rights were acquired shall be determined as in paragraph (a) (1) of this section. The basis for determining gain or loss from a subsequent sale of a share of the stock obtained through exercising the rights shall be determined by dividing the part of the cost or other basis, properly adjusted, of the old shares assigned to the rights, plus the subscription price of the new shares, by the number of new shares acquired.

*Example.* A taxpayer in 1935 purchased 500 shares of common stock at $125 a share, and in 1938, by reason of the ownership of such stock, acquired 500 rights entitling him to subscribe to 100 additional shares of such stock at $100 a share. Upon the issuance of the rights each of the shares of stock in respect of which the rights where acquired had a fair market value of $120, and the rights had a fair market value of $3 each. The taxpayer exercised his rights to subscribe to the additional shares and later sold one of such shares for $140. The profit is computed as follows:

$1,524.39 (cost of old stock apportioned to rights pursuant to the computation in the example under paragraph (a) (1) of this section) plus $10,000 (subscription price of additional shares) = $11,524.39, basis for determining gain or loss from sale of additional shares.

$11,524.39 divided by 100 = $115.24, basis for determining gain or loss from sale of each share of additional stock.

$140 (proceeds of sale of share of additional stock) less $115.24 = $24.76, profit.

The basis for determining the gain or loss from subsequent sale of the stock in respect of which the rights were acquired is $60,975.61 divided by 500, or $121.95 a share.

(3) If the stock in respect of which the rights are acquired was purchased at different times or at different prices and the identity of the lots cannot be determined, or if the stock in respect of which the rights are acquired was purchased at different times or at different prices and the stock rights acquired in respect of such stock cannot be identified as having been acquired in respect of any particular lot of such stock, the basis for determining gain or loss from the sale or other disposition of the old shares, or the rights in cases in which the rights are sold, or from the sale or other disposition of the old or new shares in cases in which the rights are exercised, shall be ascertained in accordance with the principles laid down in section 20B.3 of these regulations.

(b) In the case of stock in respect of which were acquired prior to January 1, 1925, stock subscription rights (whether or not constituting income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution), and in the case of such rights, the following rules are to be applied (except as otherwise prescribed in section 20B.7 of these regulations):

(1) If the right to subscribe relates to new stock of substantially the same character or preference as the stock with respect to which the right was acquired—

(A) If the shareholder exercises his right to subscribe, the basis for determining gain or loss from a subsequent sale or other disposition of any one of the old or new shares will be the cost or other basis of the old shares, properly adjusted, plus the subscription price of the new shares, divided by the total number of the old and new shares.

(B) If the shareholder sells the right to subscribe, the gain or loss from the sale will be determined by comparing the sum of the sale price of the right and the subscription price with the basis of the shares as determined in (A) above. The gain computed under the provisions of this paragraph shall not exceed the amount for which the right is sold. If, however, this limitation has been applied, the gain or loss from the subsequent sale of the stock with respect to which the right was acquired, shall be determined as if no right to subscribe had been acquired with respect to it.

(2) If the right acquired deals with stock in whole or in part of a character or preference materially different from the stock with respect to which the right was acquired, or if the stock with respect to which the right was acquired was purchased at different times or at different prices, and the identity of the lots cannot be determined, or if the stock with respect to which the right was acquired was purchased at different times or at different prices and the stock right acquired with respect to such stock cannot be identified as having been acquired with respect to any particular lot of such stock, the computation of the gain from the sale of the old shares or the right in cases in which the right is sold, or from the sale of the old or new shares in cases in which the right is exercised, shall be made in accordance with the principles laid down in section 20B.3 of these regulations.*†

§ 20B.5 *Holding period.* The period for which the taxpayer has held stock, or stock subscription rights, acquired by him as a dividend shall be determined as though the stock dividend or the subscription right were the stock in respect of which the dividend was acquired, if the basis for determining gain or loss upon the sale or other disposition of such stock dividend or right is fixed by application of the general rule of apportionment provided by section 214 of the Revenue Act of 1939.*†

§ 20B.6 *Stock dividends to which section 214 applies.* The general rule provided by section 214 of the Revenue Act of 1939 requiring an apportionment of basis in certain stock dividend and stock right cases and discussed in sections 20B.1 to 20B.4 of these regulations, and the rule governing the computation of holding periods apply equally in the case of a taxable year beginning after December 31, 1938, and in the case of all prior taxable years, and apply regardless of whether the distribution is made out of earnings or profits accumulated after February 28, 1913, or earnings of profits accumulated prior to March 1, 1913, or from any other source. In all cases the application of the rule is subject to the exceptions, limitations, and qualifications expressed in subsections (a) and (e) of that section and in section 20B.7 of these regulations.*†

§ 20B.7 *Exceptions, limitations, and qualifications to general rule.* The general rule for determining the basis for gain or loss in the case of stock dividends and stock rights is subject to the following exceptions, limitations, and qualifications:



(a) *Proceeds of sale of rights reported as income.* In the case of stock rights sold in a taxable year beginning prior to January 1, 1939, the general rule shall not apply if the entire proceeds of such sale were included by the taxpayer as gross income for the year of the sale and if, before June 29, 1939, the taxpayer had not asserted by a claim for a refund or credit or otherwise that any part of such proceeds should not have been included in gross income for the year of the sale. In such cases, no part of the proceeds of such sale shall ever be excluded from gross income for the year of the sale, and the basis for determining gain or loss from a subsequent sale or other disposition of the stock in respect of which the rights were acquired shall be the same as though the rights had not been acquired.

(b) *Receipt of new stock reported as income in prior years.* In the case of stock dividends or stock rights acquired in a taxable year beginning prior to January 1, 1936, the general rule shall not apply if for any reason there was included in the gross income of the shareholder as a dividend for such year, as, for example, pursuant to the provisions of section 201 (c) of the Revenue Act of 1918 or the corresponding provisions of prior revenue acts, or as a result of the decision of the Supreme Court in *Koshland* v. *Helvering*, (1936) 298 U. S. 441, an amount reflecting the acquisition of such stock dividends or stock rights, and if before June 29, 1939, such amount was not excluded from gross income for such year. In such cases, the basis for determining gain or loss with respect to the old stock shall be the same as though the stock dividends or the stock rights had not been acquired, and the basis with respect to the stock dividend or stock right shall be an amount equal to that at which such stock dividend or stock right was included in gross income for the year of its acquisition.

(c) *Gain or loss upon sale of old or new stock finally determined upon basis inconsistent with general rule.* The general rule shall not apply with respect to old stock or new stock remaining on hand after a sale or other disposition of old stock or new stock effected in a taxable year beginning prior to January 1, 1936, if the basis for determining gain or loss on such sale or other disposition was fixed by a decision of a court or the Board of Tax Appeals or by a closing agreement, and if such decision or closing agreement became final on or before September 26, 1939, and if the basis for determining gain or loss upon such sale or other disposition was fixed by a method other than that of allocation of basis provided by the general rule. In such cases, the basis for determining gain or loss with respect to the remaining shares shall be fixed in a manner consistent with the prior determination to the end that, the sale or other disposition of all lots being considered, the taxpayer will have effected ultimately a tax-free recovery of the total cost or other basis of his original shares, and no more.*†

§ 20B.8 *Modification of prior regulations.* Prior Treasury regulations are hereby modified to the extent that they may be inconsistent with these regulations.*†

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 14, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3420; Filed, September 18, 1939; 11:19 a. m.]

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## TITLE 43—PUBLIC LANDS

### DIVISION OF GRAZING

### UTAH GRAZING DISTRICT NO. 1

#### MODIFICATION

AUGUST 10, 1939.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), the Departmental order of April 8, 1935, establishing Utah Grazing District No. 1, is hereby revoked as far as it affects the following-described lands, such revocation to be effective upon the inclusion of the lands within the Cache National Forest:

UTAH

*Salt Lake Meridian*

T. 10 N., R. 1 W.,
sec. 4, W½;
secs. 5 to 8, inclusive;
sec. 9, W½, SE¼;
secs. 16 to 21, inclusive;
sec. 22, W½;
sec. 26, S½;
sec. 27, W½, SE¼;
secs. 28 to 36, inclusive;
T. 11 N., R. 1 W.,
sec. 7, W½;
sec. 18, W½E½, W½;
secs. 19, 29, 30, 31, and 32;
sec. 33, W½W½;
T. 10 N., R. 2 W.,
secs. 1, 2, and 3;
sec. 4, E½E½;
secs. 10 to 14, inclusive;
sec. 15, NE¼;
sec. 23, N½, SE¼;
secs. 24 and 25;
sec. 36, E½;
T. 11 N., R. 2 W.,
sec. 1, W½, SE¼;
secs. 2 to 4 and secs. 9 to 16, inclusive;
sec. 21, N½, SE¼;
secs. 22 to 27, inclusive;
sec. 28, E½E½;
sec. 33, E½E½;
secs. 34, 35, and 36;
T. 12 N., R. 2 W.,
secs. 26 to 28 and secs. 33 to 35, inclusive;
sec. 36, SW¼.

HARRY SLATTERY,
*Acting Secretary of the Interior.*

[F. R. Doc. 39-3401; Filed, September 16, 1939; 9:22 a. m.]

## TITLE 45—PUBLIC WELFARE

### CIVILIAN CONSERVATION CORPS

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES[1]

§ 203.4 *Eligibility for enrollment and reenrollment.*

* * * * * *

(c) *Reenrollment*—(1) *Qualifications.* To qualify for reenrollment a present member of the Civilian Conservation Corps must be—

(i) Physically qualified for ordinary labor and free from active disease.

(ii) Honorably discharged from the immediately preceding period of service.

(iii) Considered worthy of reenrollment (see subparagraph (2) below).

(iv) Unmarried, if a junior, unless exempted as one of ten excepted men per company.

(v) Of such an age, if a junior, that during the entire period of reenrollment he will be between the ages of 17 and 23 years, both inclusive, unless exempted as one of ten excepted men per company.

(vi) With not more than 18 months previous enrolled service if a junior. Enrolled service prior to July 1, 1937, will not be computed in determining eligibility under this qualification.

(2) *Unworthy enrollees*—(i) *Notice to enrollee of ineligibility.* An enrollee who in the opinion of both the company commander and the project superintendent is unworthy of the privilege of reenrollment, because of unsatisfactory performance of duties or other substantial reasons, will not be reenrolled. He will be informed by his company commander of that decision not less than 20 days prior to the prospective date of final departure from his camp.

(ii) *Appeal.* An enrollee advised of the adverse decision of noneligibility for reenrollment may appeal therefrom to the corps area commander. The appeal will be in writing and submitted or mailed to the company commander not later than 24 hours from the time of receipt of notice by him of the decision. It will be forwarded through the district commander to the corps area commander who will cause a thorough investigation to be made by a disinterested officer not belonging to the appellant's organization. The investigation will be in the form of a hearing. The record of the hearing, concluding with the investigating officer's finding and recommendation, will be in duplicate. Upon review, the action of the corps area commander will be noted thereon, one copy returned to the company commander for use in informing the appellant of the result of his appeal and for file. The decision of the corps area commander will be final.

[1] These regulations supersede paragraph (c), Section 203.4, Chapter II, Title 45, Code of Federal Regulations.

(iii) *Notation on discharge certificate.* The discharge certificate of an enrollee denied the privilege of reenrollment after having been found to be unworthy of that privilege, as provided above, will contain under "Remarks" the notation: "Not considered worthy of reenrollment", the notation will be immediately followed by the authenticating signatures of the company commander and the project superintendent. (50 Stat. 319) [C.C.C. Regs., W.D., Dec. 1, 1937; amended by C 35, W.D., Sept. 7, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-3402; Filed, September 16, 1939; 9:22 a. m.]

## *Notices*

### DEPARTMENT OF AGRICULTURE.

#### Food and Drug Administration.

REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER IN REGARD TO IDENTITY OF CANNED PEARS

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR EACH OF THE FOODS COMMONLY KNOWN AS CANNED PEACHES, CANNED APRICOTS, CANNED PEARS AND CANNED CHERRIES

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1143 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 10, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue NW., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g) (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for each of the foods commonly known as canned peaches, canned apricots, canned pears, and canned cherries. The notice contained a proposal, in general terms, for defining and so standardizing each of such foods. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches.

3. In pursuance of such announcement, a hearing was held for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches, and the hearing was continued with reference to the other proposals, to dates subsequently to be announced.

4. On April 15, 1939, at 3 p. m., the hearing on the definition and standard of identity proposal for canned pears was convened and held on April 15, and at 5:40 p. m., was adjourned until May 1, 1939, and resumed on May 1, 1939, and concluded on May 2, 1939, at 11:50 a. m. It was ordered that all evidence with reference to the sucrose-dextrose issue introduced in evidence at the hearing on the definition and standard of identity proposal for canned peaches be incorporated in this record. Page references to the record of the hearing conducted on May 1, 1939, and May 2, 1939, are cited as "C.R. —". All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and written argument.

5. Within the time announced at the hearing within which interested persons might file proposed findings of fact, written argument, or both, various interested persons file proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing which, if granted, would modify the proposal contained in the FEDERAL REGISTER.

6. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.

SUGGESTED FINDINGS

-1. Canned pears are prepared from mature pears.. (R. pp. 21, 31, 44)

2. Except in the case of whole pears, canned pears are cored. (R. pp. 21, 31, 41, 45)

3. Such pears are prepared in one of the following forms of units: unpeeled whole, unpeeled halves, peeled whole, peeled halves, peeled quarters, peeled slices, peeled dice, and peeled mixed pieces of irregular sizes and shapes. (R. pp. 21, 31, 44, 45, 70–71, 75, 80–81, 84, 86–88) Such forms of units are never mixed in canning. (R. pp. 21, 44) Canned pears are not prepared in any other forms of units. (R. pp. 22, 44) Pears of each such form of units are an optional pear ingredient. (R. pp. 22, 31, 44, 45, 75, 84) Each such form of units of the optional ingredient has its own distinctive consumer uses. (R. pp. 22, 44)

4. Canned pears contain a suitable liquid packing medium. (R. pp. 23, 31–32, 44, 45) It may be the natural juice of the pear obtained by precooking the pears so that such juice exudes, or it may be an added liquid. (R. pp. 23–24, 31–32, 44)

5. The natural juice of the pear is a suitable liquid packing medium. (R. p. 71)

6. Water is a suitable liquid packing medium. (R. pp. 24, 31, 44)

7. A water solution of sugar is a suitable liquid packing medium. (R. pp. 24, 31–32, 44)

8. Sugar is defined in Webster's International Dictionary on page 2521 thereof (C. R., Other Interested Parties' Exhibit No. 4) as:

"1. A sweet crystallizable substance, colorless or white when pure, occurring in many plant juices, and forming an important article of human food—called specif. *cane sugar*, *sucrose*, and *saccharose*. The chief sources of sugar are the sugar cane and the sugar beet, the completely refined products of which are identical and form granulated sugar, loaf sugar, etc., of commerce. The cane juice, obtained by expression, is treated with lime to removed impurities, filtered, and evaporated to crystallization. The mother liquor, or molasses, is removed by draining (now usually) by a centrifugal. The crude yellowish or brown sugar thus obtained is usually refined at central plants by redissolving, clarifying, decolorizing, and recrystallizing. In the case of beets the sugar is removed by extraction with water (diffusion) and carried to the refined state in one operation. Crude cane sugar is often sold as brown sugar, but crude beet sugar has an unpleasant flavor. Some sugar is also made from palm trees, maple trees, etc. Sugar forms fine monoclinic crystals melting at 186° C. (367° F.), which dissolve in about half their weight of water at ordinary temperature. Chemically, it is a disaccharide of the formula $C_{12}H_{22}O_{11}$, formed by union of one molecule of dextrose with one of levulose. It does not reduce Fehling solution and does not ferment directly, but is converted by diastase (or by heating with acids) into the fermentable mixture called *invert sugar*. It is dextrorotatory, a property which is used in estimating the strength of its solutions. Sugar is a food, and also serves as a condiment and preservative for other foods. See Food 1.

"2. By extension, any of a class of sweet, soluble compounds comprising the simpler carbohydrates. See Carbohydrate. The simple sugars, those not decomposable by hydrolysis, are called *monosaccharides*. Complex sugars are formed by the condensation of two, three, or four molecules of simple sugar and are called *disaccharides*, *trisaccharides*, and *tetrasaccharides*. For the structure and classification of simple sugar, see Monosaccharide. Among the important natural sugars are *sucrose* (See def. 1), or *cane sugar*, *dextrose* (*d-glucose*), or *grape sugar*, *levulose* (*d-fructose*), or *fruit sugar*, *lactose*, or *milk sugar*, and *maltose*, or *malt sugar*. Some of these, and also many others, have been made synthetically."

9. Prior to the hearing, a letter was addressed to the Secretary of Agriculture asking for a definition of the word "sugar" as used in the proposal, which letter was answered under the signature of the Secretary of Agriculture, which answer reads as follows and is Other Interested Parties' Exhibit No. 2:

"We have your letter of March 30 referring to proposals for food standards to be considered at public hearings on April 10, 1939. You inquire as to our interpretation of the words 'Water solution of sugar, of 25° Brix or more' and 'Water solution of sugar, of less than 25° Brix' as used in these proposals.

"The word 'sugar' as used therein refers to sugar as defined in the current advisory definition and standard of identity for sugar under the present Food and Drugs Act, which you will find on page 11 of the enclosed F.D. 2, definition 1, under 'A. Sugar and Sugar Products.' These are merely proposals. The final standards will be based on evidence adduced to the public hearing and any interested party is, of course, invited to submit proposals for other packing mediums."

10. In S.R.A., F.D. No. 2, Rev. 5 (Other Interested Parties' Exhibit No. 2), under "Sugars and Related Substances", the following appears:

"A. *Sugar and sugar products.*

"1. *Sugar.* Sucrose (saccharose) obtained chiefly from sugarcane and sugar beets. Granulated, loaf, cut, milled, and powdered sugars are different forms of sugar, containing at least 99.5 percent of sucrose."

Under "B. Dextrose and Related Products", the following appears:

"1. *Dextrose.* The product chiefly made by the hydrolysis of starch or a starch-containing substance, followed by processes of refining and crystallization.*

"*a.* Anhydrous dextrose contains not less than 99.5 percent of dextrose and not more than 0.5 percent of moisture.

"*b.* Hydrated dextrose contains not less than 90 percent of dextrose and not more than 10 percent of moisture, including water of crystallization.

"* When derived from cornstarch, dextrose is known commercially as refined corn sugar."

11. Starch is a polysaccharide. Sucrose is a disaccharide. Dextrose and levulose are monosaccharides. (C.R. p. 32)

12. Polysaccharides such as starch have a higher caloric value per gram than the disaccharides such as sucrose, and the disaccharides have a higher caloric value per gram than the monosaccharides such as dextrose and levulose. (C. R. p. 32)

13. By the dictionary definition, the simple sugars, monosaccharides, are not decomposable by hydrolysis. (C. R., Other Interested Parties' Exhibit No. 4)

14. Sugar, as described in the Encyclopedia Brittanica on page 523 (C. R., Other Interested Parties' Exhibit No. 5), applies to over 100 substances, having distinctive properties and scientific names; for example, sucrose, glucose, fructose, lactose, maltose, etc.

15. "As ordinarily understood, of course, by chemists, and physiologists, sugar is just one of the break-down products of two other large nutritive ingredients, namely, ordinary starch from plants, and starch from animals. Now as they are digested or hydrolized, you get ultimately a double sugar, nutritively it is like cane sugar, or beet sugar, and then when they are inverted, further changed into the form that they are absorbed and actually utilized in the body, we have dextrose and levulose, so that beginning with starch you have the double sugars, maltose and fructose, and then you have the simple sugars, which is the ultimate product.

"There are other forms of sugars that can be utilized by various bacteria, but not by man." (Identity of Peaches, Carlson p. 159)

16. Crystalline dextrose manufacture was made commercially possible in 1923 by the granting of the Newkirk patents (October 23, 1923; September 16, 1924; January 6, 1925) on corn starch hydrolysis and the economical separation of high purity dextrose from the converter liquors. (Identity of Peaches, Other Interested Parties' Exhibit No. 3)

17. Not until 1926 was chemically pure dextrose accepted by the United States Pharmacopoeia. (Identity of Peaches, Other Interested Parties' Exhibit No. 3)

18. Not until 1930, when the Secretary of Agriculture ruled that refined dextrose (corn sugar) could be used in the manufacture of food products without label declaration, was the utilization of dextrose by canners, preservers, beverage manufacturers and allied food industries seriously considered. (Identity of Peaches, Other Interested Parties' Exhibit No. 3)

19. In 1930, the Secretary of Agriculture ruled:

"Corn sugar (dextrose) when sold in packages must be labeled as such; when sold in bulk must be declared as such; but the use of pure refined corn sugar as an ingredient in the packing, preparation, or processing of any article of food in which sugar is a recognized element need not be declared upon the label of any such product.

"Nothing in this ruling shall be construed to permit the adulteration or imitation of any natural product such as honey by the addition of any sugar or other ingredient whatever.

"The term 'sugar', with or without the parenthetical expression 'sucrose', as used in the definitions to designate the sweetening agent in manufactured food products, is to be interpreted, wherever necessary to effect the purpose of the foregoing decision, as including dextrose (pure, refined corn sugar)." (Identity of Peaches, Other Interested Parties' Exhibit No. 1)

20. The great bulk of consumers regard "sugar" as the common or usual name of sucrose, i. e., cane or beet sugar. (Identity of Peaches, R. pp. 53, 132, 177, 350, 360, 397, 404, 416, 424, 442, 455, 461, 465, 472)

21. Within the past 3½ years, refined corn sugar (dextrose) has been used in the canning of pears. (Identity of Peaches, R. p. 275)

22. Prior to that time, cane or beet sugar (sucrose) was the only sugar used in the canning of pears. (Identity of Peaches, R. pp. 275–276); (Identity of Peaches, Other Interested Parties' Exhibit No. 3)

23. The simple sugar, dextrose, is now obtainable by hydrolysis from corn starch; is called "refined corn sugar"; and is now used in combination with cane or beet sugar (sucrose) in a water solution as a liquid packing medium for canned pears. (Identity of Peaches, R. p. 275); (Identity of Peaches, Other Interested Parties' Exhibits Nos. 3 and 4)

24. Refined corn sugar (dextrose) and cane or beet sugar (sucrose) differ in sweetness, in food value, in manner of absorption, in solubility, and their solutions differ in viscosity, in osmotic pressure, and in boiling temperature. (Identity of Peaches, R. pp. 66–67, 174–175, 177, 257, 260–261, 285, 333–345, 347, 370–371, 398, 427, 499–500, 513–517); (C. R. pp. 21, 22, 52, 53, 54, 55, 57); (Identity of Peaches, Other Interested Parties' Ex-

hibit No. 3). A water solution of refined corn sugar (dextrose) as the liquid packing medium cannot be used alone in the canning of pears. The maximum amount of refined corn sugar (dextrose) which has been so used for commercial purposes, in combination with cane or beet sugar (sucrose), is 33⅓% refined corn sugar (dextrose) and 66⅔% cane or beet sugar (sucrose) or cane and beet sugar (sucrose). (Identity of Peaches, R. pp. 199–200, 258, 275.) Refined corn sugar (dextrose) is not as sweet as cane or beet sugar (sucrose), being generally regarded as from 50% to 75% as sweet as cane or beet sugar (sucrose). (Identity of Peaches, R. pp. 66–67, 174–175, 217, 260–261, 499–500, 513–517.) Consumers are accustomed to gauge sweetness according to that of cane or beet sugar (sucrose). (Identity of Peaches, R. p. 218.)

25. Refined corn sugar (dextrose) sells on the open market at a cheaper price than cane or beet sugar (sucrose). (Identity of Peaches, R. pp. 189, 239); (C. R. p. 58); (C. R., Affidavits of A. B. Saroni, H. P. Nachtrieb, and Phillip Kelley.)

26. Another sugar, refined corn sugar (dextrose), is now used in the canning of pears as well as cane sugar and beet sugar (sucrose), and it will promote honesty and fair dealing in the interest of consumers to differentiate between the kinds of sugars used in preparing the liquid packing medium of canned pears. (Identity of Peaches, R. pp. 398, 406, 424, 426–427, 437, 471)

27. A label statement of the origin of such sugars used in preparing such liquid packing medium will promote honesty and fair dealing in the interest of the consumer. (Identity of Peaches, R. pp. 424, 492)

28. The use of the qualifying words "cane sugar", "beet sugar", followed by their chemical name "sucrose", and "refined corn sugar", followed by its chemical name "dextrose", will promote honesty and fair dealing in the interest of the consumer. (Identity of Peaches, R. pp. 41, 42, 57, 58, 71, 100, 102, 120, 121, 132, 163, 229, 239, 404, 425, 450, 453); (C.R. pp. 67–69)

29. A water solution of sugar is used not only as a liquid packing medium but also as a sweetening agent. (Identity of Peaches, R. pp. 72, 163, 172, 174, 175, 231, 256)

30. Such sweetening agent is called sirup. (Identity of Peaches, R. pp. 71, 120)

31. There are four water solutions of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) known as sirups to consumers and used in the industry, to-wit: light, medium, heavy, and extra heavy. (R. pp. 72–74, 84); (Identity of Peaches, R. pp. 120, 121, 126, 131, 229, 297, 425). It is a customary trade and consumer practice so to distinguish them. (R. pp. 24–25, 26, 27, 31–32, 72, 74, 84); (Identity of Peaches, R. pp. 41, 61, 131, 229, 424). Such sirups are measured and distinguished by their specific gravity as determined by the Brix hydrometer. The Brix hydrometer is a reliable instrument for testing specific gravity of liquid solutions and is in general use. (R. pp. 25–26); (Identity of Peaches, R. pp. 40, 136) A water solution of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) which does not show a reading of 10° on the Brix hydrometer does not sweeten the finished canned pears sufficiently to be known as a sirup for this food. (R. pp. 36, 74, 76, 84)

32. When such sirups are prepared from cane or beet sugar (sucrose) or cane and beet sugar (sucrose), they have, respectively, the following readings on the Brix hydrometer: not less than 10° but less than 20°, not less than 20° but less than 30°, not less than 30° but less than 40°, and not less than 40°, but when such sirups of equivalent sweetness are prepared from a mixture of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) and refined corn sugar (dextrose), they do not have the above readings on the Brix hydrometer because of the difference in sweetness between refined corn sugar (dextrose) and cane or beet sugar (sucrose). However, the Brix reading of a sucrose sirup equivalent in sweetness to that of any such mixture is obtained by adding the percent by weight of cane or beet sugar (sucrose), or both, in such mixture to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution. Such calculated Brix readings (sucrose equivalents) are identical with the limits above set forth. (R. pp. 73, 74, 76, 84)

33. Due to the fact that in canned pears which have been prepared with a liquid packing medium consisting of a water solution of cane or beet sugar (sucrose) or cane and beet sugar (sucrose), there will be present in addition to sucrose, due to inversion, levulose and dextrose and that in canned pears which have been prepared with a liquid packing medium consisting of a water solution of a mixture of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) and refined corn sugar (dextrose), there will likewise be present sucrose, and due to inversion, levulose and dextrose, the consumer would have no way of telling, from an examination of the finished canned pears, the optional sugar ingredient used. It will, therefore, promote honesty and fair dealing in the interest of the consumer to require a label statement of the optional sugar ingredient used in the preparation of the liquid packing medium. (Identity of Peaches, R. p. 492)

34. The common or usual names of such sirups are light sirup, medium sirup, heavy sirup, and extra heavy sirup, qualified by the name of the kind or kinds of sugar used to make such sirups. (R. pp. 27, 34, 44, 72–73, 75–76, 84); (Identity of Peaches, R. pp. 163, 229, 239, 404, 425, 450, 458); (C. R. pp. 67, 69)

35. Canned pears may or may not be seasoned. (R. pp. 28, 32, 44, 45)

36. Spice is a suitable seasoning agent. (R. pp. 29, 32, 44, 75, 76, 84)

37. Flavoring is a suitable seasoning agent. (R. pp. 29, 32, 44, 76, 84)

38. A vinegar is a suitable seasoning agent. (R. pp. 29, 32, 44, 76, 84)

39. Such seasoning agents are used singly or in combination. (R. pp. 29, 44, 52, 53)

40. It is essential that canned pears be sealed in a container. (R. pp. 30, 44, 45)

41. It is essential that canned pears be processed by heating after sealing to prevent spoilage and in order to preserve their identity. (R. pp. 30, 44, 45) Pears which are baked before canning are not the food commonly known as canned pears. Such baking changes their identity inasmuch as it produces a different color, a different texture, and a different flavor. The product consists of a combination of pears and brown sugar, whereas the food commonly known as canned pears is not prepared with dry sugar. (R. pp. 89–96)

42. Honesty and fair dealing in the interest of the consumer requires that the optional pear ingredient, the optional liquid packing medium, and the optional seasoning ingredients be declared on the label. (R. pp. 30–31, 54–5, 75–77, 82–85, 84); (Identity of Peaches, R. pp. 103, 104, 140, 191, 201, 210, 220, 238, 239, 259, 337, 338, 339, 349, 350, 351, 360, 367, 369, 370, 371, 398, 399, 401, 406, 415, 417, 419, 420, 422, 424, 427, 433, 436, 437, 438, 442, 471, 484, 485, 492); (C.R., p. 59); (C. R., Other Interested Parties' Exhibit No. 8A)

43. The common or usual name of peeled canned pears is the name of the varietal group and form of unit, without qualifying words, except that "slices" and "sliced" are synonymous and "dice" and "diced" are synonymous. (R. p. 37)

44. The common or usual name of unpeeled canned pears is the name of the varietal group and the name of the form of unit, qualified by the term "unpeeled." (R. pp. 71, 84)

45. The common or usual name of water is water. (R. pp. 24, 31, 44)

46. The common or usual name of the natural juice of the pear is pear juice. (R. pp. 71, 73, 76)

47. The common or usual name of sucrose is sugar; and the common or usual name of dextrose is refined corn sugar (dextrose). (Identity of Peaches, R. pp. 53, 61, 177, 215, 351, 367, 372, 373, 397, 398, 404, 416, 424, 461, 465, 510); (C.R. pp. 48, 49, 70); C.R., Other Interested Parties' Exhibits Nos. 4, 5, and 8a)

48. The common or usual name of spice used as a seasoning is spice. (R. pp. 30, 75, 76, 81, 84)

49. The common or usual name of flavoring used as a seasoning is flavoring. (R. pp. 30, 76, 84)

50. The common or usual name of a vinegar used as a seasoning is vinegar. (R. pp. 30, 76, 84)



51. Honesty and fair dealing in the interest of the consumer requires that when spices, flavoring, or vinegar are used that the label bear the words "Spiced", or "With Added Spice", or "Spice Added"; "With Added Flavoring", or "Flavoring Added"; "With Added Vinegar", or "Vinegar Added", as the case may be; but if two or more of such optional ingredients are present, such words may be combined as, for example, "With Added Spice, Flavoring and Vinegar". In lieu of the words "Spice" or "Spiced" and "Flavoring", the common or usual name of the spice or flavoring may be used. (R. pp. 32, 33, 44, 45, 53, 54)

52. Honesty and fair dealing in the interest of the consumer requires that wherever the name "pears" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredients present shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the pears may so intervene. (R. pp. 54, 77, 84)

SUGGESTED CONCLUSION IN THE FORM OF A REGULATION

Upon the basis of the foregoing findings of fact, the following reasonable definition and standard of identity for the food commony known as canned pears is hereby suggested to be promulgated as a regulation:

§ 27.020 *Canned pears—Identity; label statement of optional ingredients.* (a) Canned pears are the food prepared from mature pears. Such pears, except in the case of whole pears, are cored and are in one of the following forms of units: unpeeled whole; unpeeled halves; peeled whole; peeled halves; peeled quarters; peeled slices; peeled dice; peeled mixed pieces of irregular sizes and shapes. Pears in each such form of units are an optional pear ingredient. To one such ingredient is added one of the optional ingredients:

(9) A water solution of cane sugar (sucrose), of not less than 10° Brix but less than 20° Brix;

(10) A water solution of beet sugar (sucrose), of not less than 10° Brix but less than 20° Brix;

(11) A water solution of cane and beet sugar (sucrose), of not less than 10° Brix but less than 20° Brix;

(12) A water solution of cane sugar (sucrose), of not less than 20° Brix but less than 30° Brix;

(13) A water solution of beet sugar (sucrose), of not less than 20° Brix but less than 30° Brix;

(14) A water solution of cane and beet sugar (sucrose), of not less than 20° Brix but less than 30° Brix;

(15) A water solution of cane sugar (sucrose), of not less than 30° Brix but less than 40° Brix;

(16) A water solution of beet sugar (sucrose), of not less than 30° Brix but less than 40° Brix;

(17) A water solution of cane and beet sugar (sucrose), of not less than 30° Brix but less than 40° Brix;

(18) A water solution of cane sugar (sucrose), of not less than 40° Brix;

(19) A water solution of beet sugar (sucrose), of not less than 40° Brix;

(20) A water solution of cane and beet sugar (sucrose), of not less than 40° Brix;

(21) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 10° but less than 20° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(22) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 10° but less than 20° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(23) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 10° but less than 20° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(24) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 20° but less than 30° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(25) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 20° but less than 30° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(26) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 20° but less than 30° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(27) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 30° but less than 40° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(28) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 30° but less than 40° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(29) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 30° but less than 40° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(30) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 40° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(31) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 40° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(32) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 40° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(33) Pear juice;

(34) Water.

The food may be seasoned with one or more of the optional ingredients:

(35) Spice;

(36) Flavoring;

(37) A vinegar.

The food is sealed in a container and so processed by heat as to prevent spoil-

age. The liquid of the finished canned pears is not more than 35° Brix.

(b) The label shall bear the words "Whole", or "Unpeeled Whole"; "Halves", or "Unpeeled Halves"; "Quarters"; "Slices", or "Sliced"; "Dice", or "Diced"; "Mixed Pieces of Irregular Sizes and Shapes"; naming the optional pear ingredient present. The label shall also bear the words "In Light Cane Sugar (Sucrose) Sirup", "In Light Beet Sugar (Sucrose) Sirup", "In Light Cane and Beet Sugar (Sucrose) Sirup", "In Light Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Light Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Light Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup," "In Medium Cane Sugar (Sucrose) Sirup", "In Medium Beet Sugar (Sucrose) Sirup", "In Medium Cane and Beet Sugar (Sucrose) Sirup", "In Medium Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Cane Sugar (Sucrose) Sirup", "In Heavy Beet Sugar (Sucrose) Sirup", "In Heavy Cane and Beet Sugar (Sucrose) Sirup", "In Heavy Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Cane Sugar (Sucrose) Sirup", "In Extra Heavy Beet Sugar (Sucrose) Sirup", "In Extra Heavy Cane and Beet Sugar (Sucrose) Sirup", "In Extra Heavy Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Pear Juice", or "In Water", showing respectively the presence of optional ingredients (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), or (34), as the case may be. If optional ingredient (35), (36), or (37) is present, the label shall bear the words "Spiced", or "With Added Spice", or "Spice Added"; "With Added Flavoring", or "Flavoring Added"; "With Added Vinegar", or "Vinegar Added", as the case may be; but if two or more of such optional ingredients are present, such words may be combined as, for example, "With Added Spice, Flavoring and Vinegar." In lieu of the words "Spice" or "Spiced" and "Flavoring", the common or usual name of the spice or flavoring may be used. Wherever the name "Pears" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the pears may so intervene.

TIME WITHIN WHICH TO FILE OBJECTIONS

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time, each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN McDILL FOX,
*Presiding Officer.*

SEPTEMBER 11, 1939.

[F. R. Doc. 39-3421; Filed, September 18, 1939; 11:38 a. m.]

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## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 18, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Alabama Hosiery Mills, Inc., Decatur, Alabama.

Alden Mills, Meridian, Mississippi.

The Alden Mills, New Orleans, Louisiana.

Artcraft Silk Hosiery Mills, Inc., Philadelphia, Pennsylvania.

Atlas Silk Hosiery Co., Paterson, New Jersey.

Auburn Hosiery Mills, Auburn, Kentucky.

Barber Hosiery Mills, Inc., Mount Airy, North Carolina.

Barnett Hosiery Mills, Taylorsville, North Carolina (5 learners).

Beloit Hosiery Company, S. Beloit, Illinois (5 learners).

Bettersox Knitting Mills, Fort Atkinson, Wisconsin (5 learners).

Blue Line Hosiery Mills, Inc., Denver, Pennsylvania.

Brilliant Silk Hosiery Mills, Bloomfield, New Jersey.

Broadwood Hosiery Co., Westville, New Jersey (5 learners).

John Bromley, Riverside, New Jersey.

Burson Knitting Company, Rockford, Illinois.

Caldwell Hosiery Mills, Inc., Granite Falls, North Carolina (5 learners).

Cambria Silk Hosiery Company, Philadelphia, Pennsylvania.

Carroll Silk Hosiery Mills, Inc., Hillsville, Virginia.

Chalfont Hosiery Mills, Chalfont, Pennsylvania.

Cheraw Full Fashioned Hosiery Mills, Cheraw, South Carolina (5 learners).

Classic Hosiery Mill, Inc., Elizabethtown, Pennsylvania.

Climax Hosiery Mills, Athens, Georgia (9 learners).

Condordia Silk Hosiery Co., Inc., Philadelphia, Pennsylvania.

Coosa Textile Company, Anniston, Alabama.

Corinth Hosiery Mill, Inc., Corinth, Mississippi.

Crescent Knitting Co., Statesville, North Carolina.

Davis Full Fashioned Hosiery Mills, Inc., Greenville, North Carolina.

Derby Knitting Mills, New York, New York (5 learners).

Devon-Sheer Hosiery Mills, Inc., Danville, Pennsylvania (5 learners).

Dexdale Hosiery Mills, Lansdale, Pennsylvania.

Diamond Full Fashioned Hosiery Co., High Point, North Carolina.

Dixie Hosiery Mills, Inc., Mount Gilead, North Carolina (5 learners).

Duke Hosiery Mills, Hickory, North Carolina (5 learners).

Durant Manufacturing Co., Durant, Mississippi (5 learners).

Elder Hosiery Mill, Burlington, North Carolina (5 learners).

Elizabeth City Hosiery Company, Elizabeth City, North Carolina.

Elizabeth James Mills #2, Marion, North Carolina (5 learners).

Elliott Knitting Mills, Inc., Hickory, North Carolina.

Erdette Hosiery Mills, Inc., Curwensville, Pennsylvania.

Ermine Hosiery Co., Inc., South Langhorne, Pennsylvania (5 learners).

Finer Full Fashion Hosiery Co., Inc., Charlotte, North Carolina (5 learners).



Fisher Hosiery Co., Inc., Reading, Pennsylvania.

Fox Chase Knitting Mills, Inc., Rockledge, Pennsylvania.

Fox River Valley Knitting Company, Appleton, Wisconsin (5 learners).

Francis-Louise Full Fashion Mills, Valdese, North Carolina (5 learners).

Garrou Knitting Mill, Morganton, North Carolina.

Globe Knitting Works, Grand Rapids, Michigan.

Golden Belt Manufacturing Company, Durham, North Carolina.

Graham Full Fashion, Graham, North Carolina.

Granite Hosiery Mills, Inc., Souderton, Pennsylvania.

Grayson Full Fashioned Hosiery Mills, Independence, Virginia (5 learners).

Greensboro Full Fashioned Hosiery Mills, Inc., Greensboro, North Carolina.

H. W. Anthony Co., Strausstown, Pennsylvania.

Hand Knit Hosiery Co., Sheboygan, Wisconsin.

Harriss & Covington Hosiery Mills, Inc., High Point, North Carolina.

Hatch F. F. Hosiery Co., Belmont, North Carolina.

Hatfield Hosiery Company, Hatfield, Pennsylvania (5 learners).

Hollar Hosiery Mills, Hickory, North Carolina (5 learners).

Holt Hosiery Mills, Graham, North Carolina (5 learners).

Homestead Manufacturing Co., Inc., Jasper, Alabama (5 learners).

Hosiery Processing Co., Rossville, Georgia (5 learners).

Industrial Hosiery Mills, Inc., Lebanon, Pennsylvania.

International Hosiery Mills, Inc., 1930 East Venango Street, Philadelphia, Pennsylvania (5 learners).

Jac. Feinberg Hosiery Mill, Inc., Rock Hill, South Carolina.

Jackson Hosiery Mills, Jackson, Missouri (5 learners).

Jarosz Silk Hosiery Company, Graham, North Carolina (5 learners).

Joseph Black & Sons Company, York, Pennsylvania.

Josephine Mills, Inc., Marion, North Carolina.

Judith Hosiery Company, Niota, Tennessee (5 learners).

Kissinger Knitting Co., Inc., Millersburg, Pennsylvania (5 learners).

Knit-Rite Hosiery Company, Princeton, West Virginia (5 learners).

Lambert Hosiery Mills, Inc., Lambertville, New Jersey.

Larkwood Silk Hosiery Mills, Inc., Charlotte, North Carolina.

Liberty Hosiery Mills, Inc., Lyerly, Georgia (5 learners).

Lock Hosiery Mills, The, Philadelphia, Pennsylvania (5 learners).

Lynchburg Hosiery Mills, Inc., Lynchburg, Virginia.

McCrary Hosiery Mills, Inc., Asheboro, North Carolina.

M & S Hosiery Mill, Fort Atkinson, Wisconsin (5 learners).

Maidwell Hosiery Company, Inc., Riverside, New Jersey (5 learners).

Margate Hosiery Mills, Chattanooga, Tennessee.

Marlee Full Fashioned Hosiery Co., Gibsonville, North Carolina (5 learners).

Marnet Hosiery Mill, Inc., Philadelphia, Pennsylvania.

Maurice Mills Company, Thomasville, North Carolina.

Melrose Hosiery Mill, Inc., High Point, North Carolina.

Merrill Hosiery Company, Friendship, New York (5 learners).

Merrill Hosiery Company, 24 Bank Street, Hornell, New York (5 learners).

Merrill Hosiery Company, Perkinsville, New York (5 learners).

Minisac Mills, Inc., Germantown, Philadelphia, Pennsylvania.

Mock Judson Vockringer Co. of N. C., Inc., Greensboro, North Carolina.

Modern Maid Silk Hosiery Co., Inc., South Langhorne, Pennsylvania. (5 learners.)

Moorhead Knitting Co., Inc., Harrisburg, Pennsylvania.

Morristown Knitting Mills, White Pine, Tennessee.

Nebel Knitting Co., Inc., Charlotte, North Carolina.

Newman Hosiery Mills, Inc., Newnan, Georgia.

Norris Hosiery Mills, Cleveland, Tennessee (5 learners).

Oakbrook Hosiery Mills, Inc., Reading, Pennsylvania.

Okey Hosiery Co., Charlotte, North Carolina.

Onlibest Hosiery Mills, Berlin, New Jersey. (5 learners.)

Oscar Nebel Co., Inc., Staunton, Virginia.

Oscar Nebel Co., Inc., Verona, Virginia.

Oscar Nebel Company, Winchester, Virginia.

Owen Osborne, Inc., Gainesville, Georgia.

Penn-Rose Hosiery Mills, Inc., Philadelphia, Pennsylvania.

Portage Hosiery Co., Portage, Wisconsin.

Prim Era Hosiery Mills, Inc., Chester, Illinois.

Primrose Hosiery Finishing Co., Inc., Paterson, New Jersey (5 learners).

Puritan Finishing Mills, Inc., Burlington, North Carolina (5 learners).

Quaker Hosiery Co., Philadelphia, Pennsylvania.

Ragan Knitting Co., Thomasville, North Carolina.

Ramseur Hosiery Mills, Inc., Ramseur, North Carolina. (5 learners.)

Randleman Full Fashioned Hosiery Mills, Inc., Randleman, North Carolina (5 learners).

Reading Maid Hosiery Mills, Inc., Reading, Pennsylvania.

Real Silk Hosiery Mills, Inc., Indianapolis, Indiana.

Richmond Hosiery Mills, Rossville, Georgia.

Ridgeview Hosiery Mill Company, Newton, North Carolina.

Rockford Mitten & Hosiery Co., 418 South Wyman Street, Rockford, Illinois.

Rodgers Hosiery Company, Inc., Athens, Georgia.

Rodgers Hosiery Company, Inc., Laurens, South Carolina.

Rutledge Hosiery Mill Co., Rutledge, Tennessee (5 learners).

Schuylkill Valley Mills, Inc., Spring City, Pennsylvania.

Se-Ling Hosiery Mills, Nashville, Tennessee.

Silverdale Knitting Mills, Inc., Silverdale, Pennsylvania (5 learners).

Slane Hosiery Mills, Inc., High Point, North Carolina.

Springfield Dye Co., Bordentown, New Jersey.

Stansfield Knitting Mill, 1012 West 5th Street, Winona, Minnesota (5 learners).

Strutwear Knitting Company, Minneapolis, Minnesota.

Sunshine Hosiery Mills, Murfreesboro, Tennessee.

Sweetwater Hosiery Mills, Sweetwater, Tennessee.

Tackawanna Silk Hosiery Company, Philadelphia, Pennsylvania (5 learners).

Thornton Knitting Company, Denton, North Carolina (5 learners).

Tonner, William T., Lansdale, Pennsylvania (5 learners).

Triangle Hosiery Company, Inc., High Point, North Carolina.

Vanity Fair Stocking Co., New Holland, Pennsylvania.

Vanity Hosiery Mills, Inc., Georgetown, Delaware (5 learners).

Van Raalte Company, Boonton, New Jersey.

Van Raalte Co., Saratoga Springs, New York (5 learners).

Vaughan Knitting Co., Pottstown, Pennsylvania.

Victor Silk Hosiery Co., Inc., New Britain, Pennsylvania.

Wanner, C. A., Fleetwood, Pennsylvania.

Wilkes-Barre Hosiery Mills, Inc., Wilkes-Barre, Pennsylvania.

Wiscassett Mills, Knitting Department, Albemarle, North Carolina.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount

equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 18th day of September 1939.

MERLE D. VINCENT,
*Chief Hearings and Exemptions Section*

[F. R. Doc. 39-3423; Filed, September 18, 1939; 12:43 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of September, A. D. 1939.

[File No. 43-242]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY, WEST TEXAS GAS COMPANY, AMARILLO GAS COMPANY

ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

Southwestern Development Company, a registered holding company, having filed (a) a declaration pursuant to Section 7 of the Act regarding the issue and sale to Guaranty Trust Company of New York of two notes as follows:

(1) A 3% collateral note in the principal amount of $2,921,784.46, to be dated August 1, 1939, to mature in five annual installments as follows: $359,485.10 on July 1, 1940; $600,000 on July 1 of each of the years 1941, 1942, 1943; and $762,298.36 on July 1, 1944, and

(2) A 3% collateral note in the principal amount of $4,962,084.46, to be dated on or before January 2, 1940, to mature in six annual installments as follows: $359,486.10 on July 1, 1940; $750,000 on July 1 of each of the years 1941 through 1944; and $1,602,598.36 on July 1, 1945.

and (b) an application pursuant to Rule U-12D-1 for approval of the sale to West Texas Gas Company of $3,150,000 principal amount of South Plains Pipe Line Company First Mortgage and Collateral Trust 15-Year Sinking Fund 6% Bonds due January 1, 1945 (assumed by West Texas Gas Company);

West Texas Gas Company, a subsidiary of Southwestern Development Company, having filed an application pursuant to Rule U-12C-1, promulgated under the Act, for approval of the acquisition from Southwestern Development Company of the above described South Plains Pipe Line Company bonds, and a declaration pursuant to Section 7 of the Act regarding (a) the issue and sale to Guaranty Trust Company of New York of its 3% collateral note in the principal amount of $3,150,000, to be dated on or about August 7, 1939, to mature $150,000 semi-annually on January 2 and July 1, beginning January 2, 1940, until January 1, 1945, when the balance of $1,650,000 becomes due;

Amarillo Gas Company, a subsidiary of Southwestern Development Company, having filed (1) a declaration pursuant to Section 7 of the Act regarding the issue and delivery to Guaranty Trust Company of New York (hereinafter sometimes called Guaranty) of a 3% collateral note in the principal amount of $270,000, to be dated August 1, 1939, to mature in four installments of $50,000 each, payable on July 1 of each year from 1940 through 1943 and $70,000 on July 1, 1944, and (2) an application pursuant to Section 10 of the Act for approval of the acquisition from Panhandle Pipe Line Company, an associate company of Amarillo and a subsidiary of Southwestern Development Company, of an unsecured note in the principal amount of $135,000 to be dated August 1, 1939, to bear interest at the rate of 3% per annum, to mature in four annual installments of $25,000 each, payable on July 1 of each of the years 1940 through 1943 and $35,000 on July 1, 1944;

A public hearing having been held after appropriate notice; no member of the public having appeared or requested an opportunity to be heard; the Commission having examined the record in this matter and having made and filed its findings and opinions herein;

*It is ordered*, That each of such declarations be and become effective forthwith and that each of such applications be and they hereby are approved, subject to the following terms and conditions, which are severally imposed with respect to each declaration and application:

(1) That the various transactions involved in the several declarations and applications shall be carried out and effected respectively in accordance with the terms and conditions of, and for the purposes represented by, said declarations and applications, and

(2) That within 10 days after the issue and sale and acquisition of the securities and the reduction of interest rate and sinking fund requirements each of the declarants and applicants shall file with this Commission a certificate of notification showing that such transactions have been effected in accordance with the terms and conditions of, and for the purposes represented by, said declarations and applications and in accordance with the terms of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3405; Filed, September 16, 1939; 11:18 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of September 1939.

[File No. 1-506]

IN THE MATTER OF CAPITAL CITY PRODUCTS COMPANY COMMON STOCK, NO PAR VALUE

ORDER DIRECTING CONTINUANCE OF HEARING

The Capital City Products Company, having made application to the Commission pursuant to Rule X-12D2-1 of the Securities Exchange Act of 1934, as amended, to withdraw its Common Stock, No Par Value, from listing and registration on the New York Curb Exchange and the Detroit Stock Exchange; and

The Commission by its order dated August 12, 1939 having suspended its decision upon such application; and

The Commission now deeming it necessary for the protection of investors that the hearing in this matter at which all interested persons should be given an opportunity to be heard, be continued, and that general notice should be given;

*It is ordered*, That the matter be set down for continuance of the hearing at 10 A. M. on Wednesday, October 18, 1939 in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

*It is further ordered*, That James G. Ewell, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3406; Filed, September 16, 1939; 11:18 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 15th day of September, 1939.

[File No. 1-1515]

IN THE MATTER OF COTY, INC. (ORGANIZED UNDER LAWS OF DELAWARE DECEMBER 22, 1922) COMMON CAPITAL STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Capital Stock, $1 Par Value, of Coty, Inc. (Organized under laws of Delaware December 22, 1922); and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on September 25, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3407; Filed, September 16, 1939; 11:18 a. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of September 1939.

[File No. 1-1787]

IN THE MATTER OF THE MICHIGAN CENTRAL RAILROAD COMPANY CAPITAL STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Capital Stock, $100 Par Value, of The Michigan Central Railroad Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on September 25, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3408; Filed, September 16, 1939; 11:18 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of August, A. D. 1939.

[File No. 43-229]

IN THE MATTER OF NORTHERN NATURAL GAS COMPANY

AMENDED ORDER FIXING EFFECTIVE DATE OF DECLARATION REGARDING ISSUE AND SALE OF BONDS AND NOTES

Northern Natural Gas Company, a registered holding company and a subsidiary of registered holding companies, as set forth in the accompanying Findings and Opinion of the Commission, having filed a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale of $16,000,000 aggregate principal amount of First Mortgage and First Lien Bonds, Series A, 3¼%, due July 1, 1954, and $6,000,000 aggregate principal amount of Unsecured Promissory Notes, 2⅛%, maturing serially in principal amounts of $500,000 on January 1, and July 1, commencing July 1, 1940, the last note maturing on January 1, 1946;

A hearing thereon having been held after appropriate notice,[1] the record having been duly considered, and the Commission having filed its findings herein;

*It is ordered*, That such declaration be and become effective forthwith, with respect to the issuance of said Bonds and Notes, respectively, in each case subject, however, to the following conditions: (a) that the issue and sale thereof shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration as amended, and (b) that on or before January 1, 1940, unless such time shall hereafter be extended by the Commission, at the request of the declarant, the declarant file with this Commission a statement in writing, under oath, giving in detail an itemization of the manner in which the proceeds of the said Unsecured Capital Note issue have been expended;

*It is further ordered*, That the Commission reserve jurisdiction to determine at a later date, whether the fee to be paid to Dillon, Read & Co. in connection with the issue and sale of the aforementioned First Mortgage and First Lien Bonds, Series A, 3¼%, due July 1, 1954, is or is not reasonable; and whether such fee should or should not be paid; and no part of the said fee to be paid to Dillon, Read & Co. shall be paid pending further order of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3418; Filed, September 18, 1939; 11:07 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1939.

[File No. 32-171]

IN THE MATTER OF CARIBOU WATER, LIGHT AND POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on October 6th, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 1, 1939.

The matter concerned herewith is in regard to an application by Caribou Water, Light and Power Company, a subsidiary of Northeastern Water and Electric Corporation, a registered holding company, which is in turn an indirect subsidiary of Associated Gas and Electric Company, pursuant to section 6 (b) of the Act for exemption from the provisions of section 6 (a) of the issue and sale of applicant's First Mortgage Bonds, Series A, 3½%, in the principal amount of $275,000 and 563 shares of $100 par value common stock. It is stated that the proceeds of the bonds will be used to retire presently outstanding obligations at par consisting of 6% 25-year bonds in the principal amount of $155,000 and a 7% Demand Promissory Note in the principal amount of $120,000. Applicant proposes to issue the common stock as a stock dividend. It is stated in the application that the Public Utilities Commission of Maine, by order dated September 12, 1939, authorized these proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3419; Filed, September 18, 1939; 11:07 p. m.]

[1] 4 F.R. 2896 DI.

SEP 21 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 181

*Washington, Wednesday, September 20, 1939*


## *The President*

### EXECUTIVE ORDER

AUTHORIZING INCREASES IN THE PERSONNEL AND FACILITIES OF THE UNITED STATES COAST GUARD, TREASURY DEPARTMENT

WHEREAS a proclamation issued by me on September 8, 1939,[1] proclaimed that a national emergency exists in connection with and to the extent necessary for the proper observance, safeguarding, and enforcing of the neutrality of the United States and the strengthening of our national defense within the limits of peace-time authorizations; and

WHEREAS the United States Coast Guard, Treasury Department, will be charged with additional and important duties in connection with such national emergency, requiring an increase in its personnel and facilities:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and by Revised Statutes, section 3679, as amended (U.S.C., title 31, sec. 665), it is hereby ordered as follows:

1. The present enlisted strength of the active list of the Regular Coast Guard shall be increased as rapidly as possible through voluntary enlistments by not to exceed 2,000 men, exclusive of enlistments authorized by section 4 of the act of August 5, 1939 (Public No. 291, 76th Cong.), of certain former Lighthouse Service personnel.

2. Within the limits of available appropriations, the present facilities of the Coast Guard shall be increased, repaired, modernized, enlarged, and equipped to the extent determined by the Secretary of the Treasury to be necessary to perform such additional duties and to accommodate such increased enlisted strength.

3. To the extent made necessary by this order, the Director of the Bureau of the Budget is hereby authorized to waive or modify the monthly or other apportionments of the appropriations for the Coast Guard for the fiscal year ending June 30, 1940.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 18, 1939.*

[No. 8254]

[F. R. Doc. 39-3436; Filed, September 19, 1939; 10:13 a. m.]

[1] 4 F.R. 3851 DI.

### EXECUTIVE ORDER

TRANSFER OF CONTROL AND JURISDICTION OVER CERTAIN LANDS FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF THE INTERIOR

NEW MEXICO

WHEREAS certain lands within the hereinafter-described area have been acquired under the authority of Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), in connection with the Tewa Basin Land Utilization Project in New Mexico; and

WHEREAS by Executive Order No. 7908, dated June 9, 1938,[1] all the right, title, and interest of the United States in such lands was transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), and the related provisions of Title IV thereof; and

WHEREAS it appears that the transfer of control and jurisdiction over such lands from the Secretary of Agriculture to the Secretary of the Interior for administrative purposes would be in the public interest:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 32 of Title III of the said Bankhead-Jones Farm Tenant Act, it is ordered that control and jurisdiction over all lands of the United States within the following-described area, together with

[1] 3 F.R. 1389 DI.

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FEDERAL REGISTER

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any improvements thereon, be, and they are hereby, transferred from the Secretary of Agriculture to the Secretary of the Interior; and the Secretary of the Interior is hereby authorized to administer such lands, through the Commissioner of Indian Affairs, for the benefit of such Indians as he may designate, under such conditions of use and administration as will best carry out the purposes of the land-conservation and land-utilization program for which such lands were acquired:

SANDOVAL COUNTY, NEW MEXICO

*New Mexico Principal Meridian*

Beginning at a point on the 5 mile corner of the N. boundary of the Ramon Vigil Grant, which is S. 89°43' W., 49.43 chains from the common corner to sections 25 and 26, T. 19 N., R. 6 E.; thence S. 19°00' W., 1.82 chains; thence S. 70°30' E., 9.45 chains; thence S. 61°45' E., 21.44 chains; thence S. 78°00' E., 7.29 chains (1 mile corner); thence S. 79°00' E., 18.46 chains; thence N. 29°00' E., 4.83 chains; thence S. 31°30' E., 16.71 chains; thence S. 4°00' W., 4.98 chains; thence S. 34°45' E., 11.83 chains; thence S. 65°15' E., 7.84 chains; thence S. 78°15' E., 15.35 chains; thence S. 39°30' E., 8.66 chains; thence S. 65°00' E., 30.67 chains; thence S. 45°00' W., .67 chains (2 mile corner); thence S. 45°00' W., 10.62 chains; thence S. 47°30' E., 20.21 chains; thence N. 19°15' E., 6.24 chains; thence S. 44°30' E., 2.93 chains (½ mile corner); thence S. 27°45' E., 8.83 chains; thence S. 51°45' E., 31.17 chains (3 mile corner); thence S. 76°50' E., 57.62 chains; thence S. 31°15' E., 22.38 chains (4 mile corner); thence S. 87°00' E., 56.95 chains; thence N. 68°45' E., 19.73 chains; thence S. 53°45' E., 3.32 chains (5 mile corner); thence S. 53°45' E., 1.43 chains; thence S. 16°15' E., 1.14 chains; thence N. 75°00' E., 31.56 chains; thence N. 89°15' E., 27.07 chains; thence S. 56°00' E., 12.93 chains (6 mile corner); thence S. 88°00' E., 33.96 chains; thence S. 6° 45' W., 6.04 chains; thence S. 33°15' E., 8.59 chains; thence N. 82°45' E., 31.41 chains; thence N. 17°15' E., 4.25 chains; thence S. 86°50' E., 16.67 chains (S. E. corner); thence N. 48°45' E., 22.70 chains; thence N. 4°30' E., 15.90 chains; thence N. 47°30' E., 26.50 chains; thence N. 70°00' E., 18.50 chains; thence N. 10°00' W., 8.60 chains; thence N. 20°30' W., 19.20 chains; thence N. 30°30' E., 41.40 chains; thence N. 3°15' E., 2.40 chains; thence N. 15°30' W., 4.70 chains; thence N. 38°45' W., 12.20 chains; thence N. 7°45' W., 10.50 chains; thence N. 20°45' E., 9.45 chains (N. E. corner); thence W. 35.95 chains to the S. W. corner of the San Ildefonso Pueblo Grant; thence N. 89°49' W., 14.39 chains (12 mile corner) thence N. 89°59' W., 73.96 chains (11 mile corner); thence N. 89°58' W., 69.07 chains (10 mile corner); thence N. 89°56' W., 69.21 chains (9 mile corner); thence W. 64.14 chains to 8 mile corner; thence N. 89°55' W., 69.22 chains (7 mile corner); thence W. 8.40 chains to the corner on the S. line of T. 19 N. common to ranges 6 and 7 E., thence W. 60.70 chains to 6 mile corner; thence W. 19.78 chains to the common corner between sections 25 and 26 of T. 19 N., R. 6 E.; thence S. 89°43' W., 49.43 chains to the point of beginning; containing in all 5,913.66 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 18, 1939.*

[No. 8255]

[F. R. Doc. 39-3435; Filed, September 19, 1939; 10:12 a. m.]

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

TERMINATION DATE ON FRUIT AND VEGETABLE RESTRICTIONS UNDER JAPANESE BEETLE QUARANTINE (QUARANTINE NO. 48) ADVANCED TO SEPTEMBER 20 FOR THE YEAR 1939

It has been determined that the active period of the Japanese beetle in its relation to fruits and vegetables has already ceased for the present season and that it is, therefore, safe to permit the unrestricted movement of the fruits and vegetables listed in regulation 5 (Sec. 301.48–5) of the rules and regulations (17th revision) supplemental to Notice of Quarantine No. 48 [1] (Sec. 301.48) from the entire regulated area as defined in regulation 3 of said rules and regulations; therefore it is ordered that all restrictions on the interstate movement of the articles referred to above are hereby removed on and after September 20, 1939. This order advances the termination of the restrictions as to fruits and vegetables provided for in regulation 5 from October 16 to September 20, 1939, and applies to this season only.

Done at the city of Washington this 19th day of September 1939.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3441; Filed, September 19, 1939; 12:13 p. m.]

[1] 4 F.R. 2476 DI.



### AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 721—DETERMINATIONS RELATING TO CORN MARKETING QUOTAS FOR 1939

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 322. (a) Whenever in any calendar year the Secretary determines from available statistics of the Department, including the August production estimate officially published by the Division of Crop and Livestock Estimates of the Bureau of Agricultural Economics of the Department, that the total suply of corn as of October 1 will exceed the normal supply thereof by more than 10 per centum, marketing quotas shall be in effect in the commercial corn-producing area for the crop of corn grown in such area in such calendar year, and shall remain in effect until terminated in accordance with the provisions of this title.

(b) The Secretary shall determine, on the basis of the estimated average yield of corn in such area for such crop, the acreage in such area which the Secretary determines would make available for the marketing year beginning October 1 a supply of corn (together with the estimated production of corn in the United States outside such area) equal to the normal supply. The percentage which the number of acres so determined is of the total number of acres of the acreage allotment under section 328 shall be proclaimed by the Secretary. Such percentage is referred to herein as the "marketing percentage."

(c) The Secretary shall proclaim his determinations of facts under subsection (a) and his determination of the marketing percentage under subsection (b) not later than August 15.

(52 Stat 49, 7 U.S.C. 1322); and

Whereas Public Resolution No. 34 (H. J. Res. 342, 76th Congress, First Session), approved July 26, 1939, provides:

• • • that notwithstanding the provisions of section 322 of the Agricultural Adjustment Act of 1938, as amended, the determinations under subsection (c) may be proclaimed at any time prior to September 15, • • •.

(53 Stat. 1125); and

Whereas the Agricultural Adjustment Act of 1938, as amended, contains in section 301 (b) thereof, the following definitions of terms here pertinent:

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Corn, October 1–September 30.

• • • • • •

"Total supply" of corn • • • for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins.

"Normal supply", in the case of corn • • • shall be a normal year's domestic consumption and exports of the commodity, plus 7 per centum in the case of corn, • • • of a normal year's domestic consumption and exports, as an allowance for a normal carry-over.

"Reserve supply level", in the case of corn, shall be a normal year's domestic consumption and exports of corn, plus 10 per centum of a normal year's domestic consumption and exports, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

(52 Stat. 38, 7 U.S.C. 1301); and

Whereas, said act further provides:

SEC. 304. The powers conferred under this Act shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities. In carrying out the purposes of this Act it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers.

(52 Stat. 45, 7 U.S.C. 1304); and

Whereas said act provides in section 301 (c), that the latest available statistics of the Federal Government shall be used by the Secretary of Agriculture in making the determinations required to be made by the Secretary under said act (52 Stat. 38, 7 U.S.C. 1301); and

Whereas, by proclamation, dated December 30, 1938,[1] issued by H. A. Wallace, Secretary of Agriculture, pursuant to section 327 of said act, the commercial corn-producing area for the calendar year 1939 was ascertained and proclaimed; and

Whereas, by proclamation, dated December 30, 1938, issued by H. A. Wallace, Secretary of Agriculture, pursuant to section 328 of said act, the acreage allotment of corn for the commercial corn-producing area for the calendar year 1939 was ascertained and proclaimed to be 41,256,000 acres.

Now, therefore, be it known that I, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress, known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby determine and proclaim, under section 322 of said act, as amended by said Public Resolution No. 34, approved July 26, 1939:

§ 721.103 *Determinations relating to corn marketing quotas for 1939.* 1. That the total supply of corn for the marketing year commencing October 1, 1939, is 2,993,000,000 bushels.

2. That the normal supply of corn for the marketing year commencing October 1, 1939, is 2,755,000,000 bushels.

3. That the reserve supply level of corn for the marketing year commencing October 1, 1939, is 2,832,000,000 bushels.

4. That the total supply of corn, as of October 1, 1939, will not exceed the normal supply thereof by more than 10 per centum.

[1] 4 F.R. 45 DI.

Done at Washington, D. C., this 14th day of September 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3444; Filed, September 19, 1939; 12:16 p. m.]

### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT [1]

SEPTEMBER 16, 1939.

TO MARION LIVESTOCK SALES COMPANY, *Marion, Ohio.*

Whereas, the Marion Livestock Sales Company, Marion, Ohio, was posted on May 17, 1935, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the Marion Livestock Sales Company is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Marion Livestock Sales Company, at Marion, Ohio, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] HARRY L. BROWN,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 39-3430; Filed, September 18, 1939; 3:42 p. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

### TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 2961]

IN THE MATTER OF PEANUT NOVELTY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of peanuts or other merchandise, peanuts or any other merchandise so packed and assembled that sales of said peanuts or other merchandise to the general public are to be, or may be, made by means of a game of chance, gift enterprise or lottery, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Novelty Company, Docket 2961, September 7, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of peanuts or other merchandise, others with assortments of pea-

nuts or any other merchandise, which said assortments are to be, or may be, used, without alteration or rearrangement of the contents thereof, to conduct a game of chance, gift enterprise or lottery in the sale or distribution of said peanuts or other merchandise contained in said assortments to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Novelty Company, Docket 2961, September 7, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Furnishing to dealers, in connection with offer, etc., in commerce, of peanuts or other merchandise, a display card or other printed matter, either with packages or assortments of peanuts or any other merchandise, or separately, which said display card or other printed matter bears a legend or legends or statements informing the purchasers of said peanuts or other merchandise that the same is being sold to the general public by lot or chance or in accordance with a sales plan which constitutes a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Novelty Company, Docket 2961, September 7, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of peanuts or other merchandise, any merchandise by means of a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Novelty Company, Docket 2961, September 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF WILLIAM P. BENNETT AND CHARLES C. BENNETT, CO-PARTNERS, DOING BUSINESS UNDER THE TRADE NAME PEANUT NOVELTY COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Commission upon the complaint and the amended and supplemental complaint of the Commission, the answer of respondents to the amended and supplemental complaint, testimony and other evidence taken before Miles J. Furnas, W. W. Sheppard, and Arthur F. Thomas, examiners of the Commission theretofore duly designated by it, in support of the allegations of the complaint and the said amended and supplemental complaint and in opposition thereto, brief of counsel for the Commission (counsel for respondents having filed no brief and oral argument not having been requested) and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, William P. Bennett and Charles C. Bennett, co-partners, doing business under the trade name of Peanut Novelty Company, or under any other trade name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of peanuts or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing peanuts or any other merchandise so packed and assembled that sales of said peanuts or other merchandise to the general public are to be made, or may be made, by means of a game of chance, gift enterprise or lottery;

2. Supplying to, or placing in the hands of, others assortments of peanuts or any other merchandise which said assortments are to be used, or may be used, without alteration or rearrangement of the contents thereof to conduct a game of chance, gift enterprise or lottery in the sale or distribution of said peanuts or other merchandise contained in said assortments to the general public;

3. Selling or distributing individual packages of peanuts or any other merchandise containing coins or other United States money which said individual packages of said peanuts or other merchandise are packed and assembled in assortments with other individual packages of said peanuts or other merchandise of similar size, shape and appearance not containing coins or other United States money, for resale to the general public by means of a sales plan which constitutes a game of chance, gift enterprise or lottery;

4. Furnishing to dealers a display card or other printed matter either with packages or assortments of peanuts or any other merchandise, or separately, which said display card or other printed matter bears a legend or legends or statements informing the purchasers of said peanuts or any other merchandise that the same is being sold to the general public by lot or chance or in accordance with a sales plan which constitutes a lottery, gaming device or gift enterprise;

5. Selling or otherwise disposing of any merchandise by means of a lottery, gaming device or gift enterprise.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3424; Filed, September 18, 1939; 1:42 p. m.]

[1] 2 F.R. 952.

[Docket No. 3474]

IN THE MATTER OF GREAT BRITAIN SPIRITUALIST CHURCH ET AL.

§ 3.6 (n) (2) *Advertising falsely or misleadingly — Nature — Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported.* Representing, directly or by inference, in connection with offer, etc., in commerce, of respondents' various items of merchandise, including so-called holy oils, books, tracts, talismans, charms, soap, perfumes, and other similar products, that respondents' products or the substances from which they are made or compounded are imported from Africa or India when such is not the fact; or that said products possess any mystic or secret power of nature to cure sickness or induce health, wealth, happiness or love, or possess any mystic influence or power due to their source of origin; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Great Britain Spiritualist Church et al., Docket 3474, September 7, 1939]

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (cc) (3) *Advertising falsely or misleadingly—Source or origin—Maker:* § 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported.* Representing, in connection with offer, etc., in commerce, of respondents' various items of merchandise, including so-called holy oils, books, tracts, talismans, charms, soap, perfumes, and other similar products, (a) that "Grendeline Holy Oil" or "Fox Fire Powde[illegible]" are products of the Sibber Tribe of India, or that "Fox Fire Powder" is made from a secret process or possesses mystic power; (b) that "Mintolean Mojou Lucky Oil" is a product of African tribes or will have a lucky effect on dice soaked in it; or (c) that "Jungles Floor Wash" is a product of the jungles of Africa or will ward off evil spirits; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Great Britain Spiritualist Church et al., Docket 3474, September 7, 1939]

§ 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Distiller: Manufacturer: Rectifier.* Representing, in any manner, in connection with offer, etc., in commerce, of respondents' various items of merchandise, including so-called holy oils, books, tracts, talismans, charms, soap, perfumes, and other similar products, that respondents manufacture, make, compound, distill or rectify any product sold and shipped by them in commerce, unless and until their own and operate, or directly and absolutely control, the factory or plant wherein such articles are made, manufactured, compounded, distilled, or rectified by them, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Great Britain Spiritualist Church et al., Docket 3474, September 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 7th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF GREAT BRITAIN SPIRITUALIST CHURCH, A CORPORATION, AND MRS. CHARLES P. COLBERT, VIRGIL L. ECKRIDGE, MARY HOPKINS, DELMAR WILLIAM WHITE, INDIVIDUALLY AND AS OFFICERS, DIRECTORS AND AGENTS OF SAID CORPORATION, AND FANNIE H. ECKRIDGE, AN INDIVIDUAL

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before Arthur F. Thomas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief of counsel for the Commission in support of the complaint, respondents having waived oral argument and not having filed brief, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent Great Britain Spiritualist Church, a corporation, and respondents Mrs. Charles P. Colbert, Virgil L. Eckridge, Mary Hopkins, and Delmar William White, individually and as officers, directors and agents of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their various items of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by inference, that their products or the substances from which they are made or compounded are imported from Africa or India when such is not the fact; or that said products possess any mystic or secret power of nature to cure sickness or induce health, wealth, happiness or love, or possess any mystic influence or power due to their source of origin;

2. Representing (a) that "Grendeline Holy Oil" or "Fox Fire Powder" are products of the Sibber Tribe of India, or that "Fox Fire Powder" is made from a secret process or possesses mystic power; (b) That "Mintolean Mojou Lucky Oil" is a product of African tribes or will have a lucky effect on dice soaked in it; (c) that "Jungles Floor Wash" is a product of the jungles of Africa or will ward off evil spirits;

3. Representing in any manner that respondents manufacture, make, compound, distill or rectify any product sold and shipped by them in commerce unless and until they own and operate or directly and absolutely control the factory or plant wherein such articles are made, manufactured, compounded, distilled, or rectified by them.

*It is further ordered*, That the respondents shall, within sixty days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3425; Filed, September 18, 1939; 1:43 p. m.]

[1] 4 F.R. 56 DI.



[Docket No. 3767]

IN THE MATTER OF WELLS SALES COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of radios, waffle irons, griddles, tableware, automatic pencils, or other articles of merchandise, others with push or pull cards, punch boards, or other lottery devices, so as to enable such persons to dispose of or sell any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Wells Sales Company, Docket 3767, September 8, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Mailing, etc., in connection with offer, etc., in commerce, of radios, waffle irons, griddles, tableware, automatic pencils, or other articles of merchandise, to respondent's agents or to distributors or to members of the public, push or pull cards, punch boards, or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Wells Sales Company, Docket 3767, September 8, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of radios, waffle irons, griddles, tableware, automatic pencils, or other articles of merchandise, any merchandise by the use of push or pull cards, punch boards, or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Wells Sales Company, Docket 3767, September 8, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF JEAN LAWRENCE, INDIVIDUALLY AND TRADING AS WELLS SALES COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all in-

[1] 4 F.R. 2893 DI.

tervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Jean Lawrence, individually and trading as Wells Sales Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of radios, waffle irons, griddles, tableware, automatic pencils, or any other articles of merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, so as to enable such persons to dispose of or sell any merchandise by the use thereof;

(2) Mailing, shipping or transporting to his agents or to distributors or to members of the public push or pull cards, punch boards, or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof;

(3) Selling or otherwise disposing of any merchandise by the use of push or pull cards, punch boards, or other lottery devices.

*It is further ordered*, That within sixty (60) days from the date of the service of this order upon the said respondent, he shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3426; Filed, September 18, 1939; 1:43 p. m.]

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[Docket No. 3806]

IN THE MATTER OF WRIGHT PRODUCTS COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of hosiery, clocks, pen and pencil sets, manicure sets or other articles of merchandise, others with push or pull cards, punch boards, or other lottery devices, so as to enable such persons to dispose of or sell any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Wright Products Company, Docket 3806, September 7, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Mailing, etc., in connection with offer, etc., in commerce, of hosiery, clocks, pen and pencil sets, manicure sets or other articles of merchandise, to respondent's agents or to distributors or to members of the public, push or pull cards, punch boards, or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Wright Products Company, Docket 3806, September 7, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling etc., in connection with offer, etc., in commerce, of hosiery, clocks, pen and pencil sets, manicure sets or other articles of merchandise, any merchandise by the use of push or pull cards, punch boards, or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Wright Products Company, Docket 3806, September 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ISAAC S. FRIEDMAN, AN INDIVIDUAL TRADING AS WRIGHT PRODUCTS COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Isaac S. Friedman, an individual trading as Wright Products Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hosiery, clocks, pen and pencil sets, manicure sets, or any other articles of merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, so as to enable such persons to dispose of or sell any merchandise by the use thereof;

[1] 4 F.R. 3894 DI.

(2) Mailing, shipping or transporting to his agents or to distributors or to members of the public push or pull cards, punch boards, or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof;

(3) Selling or otherwise disposing of any merchandise by the use of push or pull cards, punch boards, or other lottery devices.

*It is further ordered*, That within sixty (60) days from the date of the service of this order upon the said respondent, he shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3427; Filed, September 18, 1939; 1:44 p. m.]

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[Docket No. 3843]

IN THE MATTER OF AMERICAN OIL COMPANY ET AL.

§ 3.45 (c) (5) *Discriminating in price—Direct discrimination—Charges and prices—"Off-scale" selling.* Discriminating in price, in connection with offer, etc., in interstate commerce and in District of Columbia, of respondent's gasoline and petroleum products, through (a) the price discriminations found in Paragraphs Seven and Eight of the findings as to the facts and conclusion [i. e., as there set forth, granting to respondent General Finance, Inc., in the District of Columbia, special concessions from its regular dealer price scale, on the condition, not observed by said company, that such sales at such lower prices were for purchaser's own consumption and not resale, with effect that such discrimination had been, and might be substantially to lessen competition in the line of commerce in which said respondent General Finance, Inc., and other retail gasoline dealers in the District of Columbia were engaged; and to injure, destroy and prevent competition with respondent American Oil Company and with respondent General Finance, Inc., which received the benefit of such discrimination, and with result that said last concern thereby obtained from respondent American Oil Company an unlawful price discrimination in its favor and to its benefit, and to injury of other retail gasoline dealers in competition with said General Finance, Inc., who were thus required to, and did, pay said American Oil Company and other suppliers higher, full posted retail dealer tank wagon prices applicable on date of delivery at point of delivery], and (b) in any other manner, directly or indirectly, discriminating in price between respondent General Finance, Inc., and other purchasers competitively engaged with respondent General Finance, Inc., in the resale of its products of like grade and quality, where the effect may be substantially to lessen competition or tend to create a monopoly in the line of commerce in which said respondent, or any of its customers, are engaged, or to injure, destroy, or prevent competition with respondent or its customers, except where such price differences make only due allowance for differences in the cost of sale or delivery resulting from differing methods or quantities in which said gasoline or petroleum products are to such purchasers sold or delivered, prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Supp. IV, sec. 13 (a)) [Cease and desist order, American Oil Company et al., Docket 3843, September 9, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF AMERICAN OIL COMPANY AND GENERAL FINANCE, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answers filed thereto by the respondents, American Oil Company and General Finance, Inc., admitting the material allegations of fact in the complaint to be true, and waiving all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and its conclusions, which findings and conclusions are hereby made a part hereof, that said respondents have violated the provisions of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and for other purposes", approved October 15, 1914, as amended by the Robinson-Patman Act approved June 19, 1936 (Title 15, Sec. 13);

*It is ordered*, That respondent, American Oil Company, a corporation, its officers, directors, representatives, agents and employees, in connection with the offering for sale, sale and distribution and delivery of its gasoline and petroleum products in interstate commerce and in the District of Columbia, do forthwith cease and desist (a) from the price discriminations found in Paragraphs Seven and Eight of the aforesaid findings as to the facts and conclusion; and (b) from in any other manner, directly or indirectly, discriminating in price between respondent General Finance, Inc., and other purchasers competitively engaged with respondent General Finance, Inc., in the resale of its products of like grade and quality where the effect may be substantially to lessen competition or tend to create a monopoly in the line of commerce in which said respondent, or any of its customers, are engaged, or to injure, destroy, or prevent competition with respondent or its customers, except where such price differences make only due allowance for differences in the cost of sale or delivery resulting from differing methods or quantities in which said gasoline or petroleum products are to such purchasers sold or delivered, prohibited. (Sec. 2 (f), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13 (f)) [Cease and desist order, American Oil Company et al., Docket 3843, September 9, 1939]

[1] 4 F.R. 3128 DI.



*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF AMERICAN OIL COMPANY AND GENERAL FINANCE, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answers filed thereto by the respondents, American Oil Company and General Finance, Inc., admitting the material allegations of fact in the complaint to be true, and waiving all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and its conclusions, which findings and conclusions are hereby made a part hereof, that said respondents have violated the provisions of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and for other purposes", approved October 15, 1914, as amended by the Robinson-Patman Act approved June 19, 1936 (Title 15, Sec. 13);

*It is ordered*, That respondent, American Oil Company, a corporation, its officers, directors, representatives, agents and employees, in connection with the offering for sale, sale and distribution and delivery of its gasoline and petroleum products in interstate commerce and in the District of Columbia, do forthwith cease and desist (a) from the price discriminations found in Paragraphs Seven and Eight of the aforesaid findings as to the facts and conclusion; and (b) from in any other manner knowingly purchasing gasoline and petroleum products at prices which discriminate between it and other purchasers of such products of like grade and quality where the effect may be substantially to lessen competition or tend to create a monopoly in the line of commerce in which said respondent is engaged, or to injure, destroy, or prevent competition with respondent or its customers except where such price differences make only due allowance for differences in the cost of sale or delivery resulting from differing methods or quantities in which said gasoline or petroleum products are to it or such other purchasers sold or delivered.

*It is further ordered*, That the said respondents, American Oil Company and General Finance, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission their separate reports in writing setting forth in detail the manner and form in which they have complied with this order.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3428; Filed, September 18, 1939; 1:44 p. m.]

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## TITLE 24—HOUSING CREDIT

## HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 2-207]

PART 402—LOAN SERVICE

MISCELLANEOUS CREDITS—PAYMENT OF TAXES, ETC.

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 402.15-1 is amended to read as follows:

§ 402.15-1 The Regional Manager, with the advice of Regional Counsel, may permit the payment of taxes, assessments, other levies and charges and ground rents, attorneys' fees, surveys, appraisal fees, cost of reconditioning and charges or expenses necessary in connection with the consummation of the particular transaction before directing the application of any part of the funds referred to in the foregoing Section.

In cases where the consideration (whether land, interests therein, enhancement in the value thereof, or funds) exceeds the amount by which the value of the Corporation's security is reduced or diminished and the home owner has requested that such excess be re-

tained by him or be turned over to him for his own use, the Regional Manager may grant the request if in his opinion the interests of the Corporation would not be adversely affected. In cases where such excess does not exist or where it is less than the amount the home owner has requested be turned over to him and the Regional Manager recommends that the request of the home owner be allowed, he shall forward the file, together with a summary of the case and his recommendation, to the General Manager for direction. (Effective September 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3445; Filed, September 19, 1939; 12:33 p. m.]

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## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4939]

### INCOME TAX

### REGULATIONS RELATING TO THE RECOGNITION OF GAIN OR LOSS AND THE BASIS OF PROPERTY ACQUIRED IN CERTAIN EXCHANGES INVOLVING THE ASSUMPTION OF LIABILITIES OR THE ACQUISITION OF PROPERTY SUBJECT TO A LIABILITY*†

*To Collectors of Internal Revenue and Others Concerned:*

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20A.6 Effect of assumption of liabilities on basis of property acquired by person whose liabilities are assumed.
20A.7 Modification of prior regulations.


§ 20A.0 *Introductory.* (a) Section 213 of the Revenue Act of 1939, approved June 29, 1939, (Public, No. 155, Seventy-sixth Congress, first session) provides:

SEC. 213. ASSUMPTION OF INDEBTEDNESS.

(a) ASSUMPTION OF LIABILITY NOT RECOGNIZED. Section 112 of the Internal Revenue Code (relating to recognition of gain or loss) is amended by adding at the end thereof the following new subsection:

"(k) ASSUMPTION OF LIABILITY NOT RECOGNIZED. Where upon an exchange the taxpayer receives as part of the consideration property which would be permitted by subsection (b) (4) or (5) of this section to be received without the recognition of gain if it were the sole consideration, and as part of the consideration another party to the exchange assumes a liability of the taxpayer or acquires from the taxpayer property subject to a liability, such assumption or acquisition shall not be considered as "other property or money" received by the taxpayer within the meaning of subsection (c), (d), or (e) of this section and shall not prevent the exchange from being within the provisions of subsection (b) (4) or (5); except that if, taking into consideration the nature of the liability and the circumstances in the light of which the arrangement for the assumption or acquisition was made, it appears that the principal purpose of the taxpayer with respect to the assumption or acquisition was a purpose to avoid Federal income tax on the exchange, or, if not such purpose, was not a bona fide business purpose, such assumption or acquisition (in the amount of the liability) shall, for the purposes of this section, be considered as money received by the taxpayer upon the exchange. In any suit or proceeding where the burden is on the taxpayer to prove that such assumption or acquisition is not to be considered as money received by the taxpayer, such burden shall not be considered as sustained unless the taxpayer sustains such burden by the clear preponderance of the evidence."

(b) AMENDMENT TO DEFINITION OF REORGANIZATION. Section 112 (g) (1) of the Internal Revenue Code (relating to definition of reorganization) is amended to read as follows:

"(1) The term 'reorganization' means (A) a statutory merger or consolidation, or (B) the acquisition by one corporation, in exchange solely for all or a part of its voting stock, of at least 80 per centum of the voting stock and at least 80 per centum of the total number of shares of all other classes of stock of another corporation, or (C) the acquisition by one corporation, in exchange solely for all or a part of its voting stock, of substantially all the properties of another corporation, but in determining whether the exchange is solely for voting stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded, or (D) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its shareholders or both are in control of the corporation to which the assets are transferred, or (E) a recapitalization, or (F) a mere change in identity, form, or place of organization, however effected."

(c) REQUIREMENT OF SUBSTANTIALLY PROPORTIONATE INTERESTS. Section 112 (b) (5) of the Internal Revenue Code (relating to requirement of substantially proportionate interests) is amended by adding at the end thereof the following new sentence: "Where the transferee assumes a liability of a transferor, or where the property of a transferor is transferred subject to a liability, then for the purpose only of determining whether the amount of stock or securities received by each of the transferors is in the proportion required by this paragraph, the amount of such liability (if under subsection (k) it is not to be considered as 'other property or money') shall be considered as stock or securities received by such transferor."

(d) BASIS OF PROPERTY. Section 113 (a) (6) of the Internal Revenue Code (relating to basis of property) is amended by inserting before the last sentence thereof the following: "Where as part of the consideration to the taxpayer another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition (in the amount of the liability) shall, for the purposes of this paragraph, be considered as money received by the taxpayer upon the exchange."

(e) TAXABLE YEARS TO WHICH APPLICABLE. The amendments made by subsections (a), (b), (c), and (d) shall be applicable to taxable years beginning after December 31, 1938.

(f) ASSUMPTION OF LIABILITY NOT RECOGNIZED UNDER PRIOR ACTS.

(1) Where upon an exchange occurring in a taxable year ending after December 31, 1923, and beginning before January 1, 1939, the taxpayer received as part of the consideration property which would be permitted by subsection (b) (4) or (5) of section 112 of the Revenue Act of 1938, or the corresponding provisions of the Revenue Act of 1924 or subsequent revenue Acts, to be received without the recognition of gain if it were the sole consideration, and as part of the consideration another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition shall not be considered as "other property or money" received by the taxpayer within the meaning of subsection (c), (4), or (e) of section 112 of the Revenue Act of 1938, or the corresponding provisions of the Revenue Act of 1924 or subsequent revenue Acts and shall not prevent the exchange from being within the provisions of subsection (b) (4) or (5) of section 112 of the Revenue Act of 1938, or the corresponding provisions of the Revenue Act of 1924 or subsequent revenue Acts; except that if, in the determination of the tax liability of such taxpayer for the taxable year in which the exchange occurred, by a decision of the Board of Tax Appeals or of a court which became final before the ninetieth day after the date of enactment of the Revenue Act of 1939, or by a closing agreement, gain was recognized to such taxpayer by reason of such assumption or acquisition of property, then for the purposes of section 112 of the Revenue Act of 1938, and corresponding provisions of the Revenue Act of 1924 or subsequent revenue Acts, such assumption or acquisition (in the amount of the liability considered in computing the gain) shall be considered as money received by the taxpayer upon the exchange.

(2) Paragraph (1) shall be effective with respect to the Revenue Act of 1924 and subsequent revenue Acts as of the date of enactment of each such Act.

(g) DEFINITION OF REORGANIZATION UNDER PRIOR ACTS.

(1) Section 112 (g) (1) of the Revenue Acts of 1938, 1936, and 1934 are amended to read as follows:

"(1) The term 'reorganization' means (A) a statutory merger or consolidation, or (B) the acquisition by one corporation, in exchange solely for all or a part of its voting stock, of substantially all the properties of another corporation, but in determining whether the exchange is solely for voting stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded; or the acquisition by one corporation in exchange solely for all or a part of its voting stock of at least 80 per centum of the voting stock and at least 80 per centum of the total number of shares of all other classes of stock of another corporation, or (C) a transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor or its shareholders or both are in control of the corporation to which the assets are transferred, or (D) a recapitalization, or (E) a mere change in identity, form, or place of organization, however effected."

(2) The amendments made by paragraph (1) to the respective Acts amended shall be effective as to each of such Acts as of the date of enactment of such Act.

(h) SUBSTANTIALLY PROPORTIONATE INTERESTS UNDER PRIOR ACTS.

(1) Section 112 (b) (5) of the Revenue Acts of 1938, 1936, 1934, 1932, and 1928, and section 203 (b) (4) of the Revenue Acts of 1926 and 1924 are amended by inserting at the end thereof the following: "Where the transferee assumes a liability of a transferor, or where the property of a transferor is transferred subject to a liability, then for the purpose only of determining whether the amount of stock or securities received by each of the transferors is in the proportion required by this paragraph, the amount of such liability (if under section 213 of the Revenue Act of 1939 it is not considered as 'other property or money') shall be considered as stock or securities received by such transferor. If, as the result of a determination of the tax liability of the taxpayer for the taxable year in which the exchange occurred, by a decision of the Board of Tax Appeals or of a court which became final before the ninetieth day after the date of the enactment of the Revenue Act of 1939, or by a closing agreement, the treatment of the amount of such liability was different from the treatment which would result from the application of the preceding sentence, such sentence shall not apply and the result of such determination shall be deemed proper."

(2) The amendments made by paragraph (1) to the respective Acts amended shall be effective as to each of such Acts as of the date of enactment of such Act.

(i) BASIS UNDER PRIOR ACTS.

(1) Section 113 (a) (6) of the Revenue Acts of 1938, 1936, 1934, 1932, and 1928, and section 204 (a) (6) of the Revenue Acts of 1926 and 1924 are amended by inserting before the last sentence thereof the following: "Where as part of the consideration to the taxpayer another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition (in the amount of the liability) shall, for the purposes of this paragraph, be considered as money received by the taxpayer upon the exchange."

(2) The amendments made by paragraph (1) to the respective Acts amended shall be effective as to each of such Acts as of the date of enactment of such Act.

(b) Section 910 of the Social Security Act Amendments of 1939, approved August 10, 1939 (Public, No. 379, Seventy-sixth Congress, first session) provides:

SEC. 910. (a) The provisions of section 213 (f) of the Revenue Act of 1939 shall apply without regard to the exception therein provided, if (1) the taxpayer in the determination referred to in such exception is a corporation, (2) such determinaton is by a decision of the Board of Tax Appeals or of a court, (3) under the law applicable to the taxable year in which the exchange occurred, the basis of the property, acquired upon the exchange from the taxpayer by the party assuming a liability of the taxpayer or acquiring the property subject to a liability, is the cost to such party of the property acquired upon the exchange, and (4) the taxpayer in pursuance of the plan of reorganization effected a complete liquidation immediately subsequent to the exchange.

(b) No overpayment determined to have been made for any taxable year by reason of the provisions of paragraph (a) of this section shall be refunded or credited unless a claim for refund is filed within the period of limitations otherwise provided by law for filing a claim for refund for such taxable year, or within one year from the date of enactment of the Revenue Act of 1939, whichever of such periods expires the later. No interest shall be allowed or paid on the amount of any overpayment refunded or credited by reason of the provisions of this section.

Pursuant to section 213 of the Revenue Act of 1939 and other provisions of the internal revenue laws, the following regulations are hereby prescribed:*†

§ 20A.1 *General*—(a) *Use of term "assumption of liabilities."* When used in these regulations, the terms "assumption of liabilities," "liabilities assumed," or similar expressions include, in addition to cases where personal liabilities of the taxpayer are assumed by another party to the exchange, cases (1) where property of the taxpayer is acquired by another party to the exchange subject to a liability, whether or not the taxpayer was himself personally liable, and (2) where, though the property transferred was held by the taxpayer merely subject to a liability, the liability is assumed by another party to the exchange.

(b) *References to sections of law.* Unless otherwise specified, all references to sections of law in these regulations are to sections of the Internal Revenue Code and the corresponding provisions, if any, of revenue acts prior thereto to and including the Revenue Act of 1924.

(c) *References to the "Act."* References to the "Act" in these regulations are to the Revenue Act of 1939.

(d) *Date Board or court decision becomes final.* The date upon which a decision by the Board of Tax Appeals becomes final is prescribed in section 1140 of the Internal Revenue Code.

The date upon which a judgment of a court becomes final must be determined upon the basis of the facts in the particular case. Ordinarily, a judgment of a United States district court becomes final upon the expiration of the time allowed for taking an appeal, if no such appeal is duly taken within such time; and a judgment of the United States Court of Claims becomes final upon the expiration of the time allowed for filing a petition for certiorari if no such petition is duly filed within such time.*†

§ 20A.2 *Purpose and scope of special treatment accorded assumption of liabilities in certain cases.* Section 213 of the Act makes specific provision relative to the proper treatment of assumptions of liabilities in connection with the definition of the term "reorganization" and certain types of reorganization exchanges and transfers to controlled corporations. The transactions directly affected by section 213 of the Act are those described in section 112 (b) (4) and (5), including those described in section 112 (c), (d), and (e) which would have been within section 112 (b) (4) or (5) if it had not been for the receipt of "other property or money." Though section 213 of the Act does not extend to the transactions described in section 112 (b) (1), (2), or (3) or so much of section 112 (c) and (e) as refers to section 112 (b) (1), (2), or (3), it does, because of the amendment to section 112 (g) (1) relative to the definition of the term "reorganization," make section 112 (b) (3), (c), and (e) applicable to exchanges which might otherwise be outside the scope of such provisions. In addition to the exceptions and limitations contained in the specific provisions of section 213 of the Act, transactions involving assumptions of liabilities are subject to all the exceptions and limitations generally applicable in the determination of whether an exchange is within the nonrecognition provisions of section 112, including satisfaction of the underlying purposes and assumptions of the reorganization provisions. See articles 112 (a)–1 and 112 (g)–1 of Regulations 101[1] (sections 9.112 (a)–1 and 9.112 (g)–1 of Title 26 of the Code of Federal Regulations). The effect of section 213 of the Act is to prevent certain types of assumptions of liabilities from resulting in a denial of nonrecognition of gain or loss in whole or in part in cases where, but for such assumption of liabilities, gain or loss would have been unrecognized in whole or in part under the sections affected. It does not add to the exceptions now contained in section 112. It merely implements them.

By retroactively providing that an assumption of liabilities does not prevent a transaction from constituting a reorganization, if otherwise qualified, by similarly providing that an assumption of liabilities in connection with certain reorganization exchanges and transfers to controlled corporations does not prevent a transaction from being within section 112 (b) (4) or (5) and does not constitute a measure of the amount of gain to be recognized, and by amending section 113 (a) (6), section 213 of the Act in general confirms the Bureau practice with respect to the recognition of gain or loss and the determination of basis of property acquired in the cases covered thereby.*†

§ 20A.3 *Assumption of liability not to be taken into account for purpose of recognizing gain or loss*—(a) *General rule.* Section 213 of the Act does not affect the rule that liabilities assumed are to be taken into account for the purpose of computing the amount of gain or loss realized upon an exchange. Such section provides, however, that liabilities assumed are not to be treated as "other property or money" under section 112 (c) or for the purpose of determining the amount of the realized gain which is

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* Section 20A.0 to section 20A.7 are issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. Part 1), section 62 of the Revenue Act of 1938 (52 Stat. 480, 26 U.S.C. Sup. IV, 62), section 62 of the Revenue Act of 1936 (49 Stat. 1673, 26 U.S.C. Sup. IV, 62), section 62 of the Revenue Act of 1934 (48 Stat. 700, 26 U.S.C. 62), section 62 of the Revenue Act of 1932 (47 Stat. 191), section 62 of the Revenue Act of 1928 (45 Stat. 810), section 1101 of the Revenue Act of 1926 (44 Stat. 111, 26 U.S.C. 1691), section 1001 of the Revenue Act of 1924 (43 Stat. 339) and other provisions of the income tax laws, and interpret section 213 of the Revenue Act of 1939 (Public, No. 155, Seventy-sixth Congress, first session).

† The source of sections 20A.0 to 20A.7 is Treasury Decision 4939, approved Sept. 16, 1939.

[1] 4 F.R. 707, 713 DL

to be recognized under section 112 (c) or (d), if the transactions involved would, but for the receipt of "other property or money," have been exchanges of the type described in section 112 (b) (4) or (5). The section also provides that if the only type of consideration received by the transferor in addition to that permitted to be received by section 112 (b) (4) or (5) consists of an assumption of liabilities, the transaction, if otherwise qualified, shall be deemed to be within the provisions of section 112 (b) (4) or (5). The above rules are applicable to all transactions of the character described occurring at any time in the past or the future in a taxable year ending after December 31, 1923, of the transferor whose liabilities are assumed, with the exceptions and limitations specified in paragraphs (b) and (c) of this section of the regulations.

The application of this paragraph may be illustrated by the following example:

*Example.* A, an individual, transfers to a controlled corporation property with an adjusted basis of $10,000 in exchange for stock of the corporation with a fair market value of $8,000, cash in the amount of $3,000, and the assumption by the corporation of indebtedness of A amounting to $4,000. A's gain is $5,000, computed as follows:

| | |
|---|---|
| Stock received | $8,000 |
| Cash received | 3,000 |
| Liabilities assumed by transferee | 4,000 |
| Total consideration received | 15,000 |
| Less: Adjusted basis of property transferred | 10,000 |
| Gain realized | 5,000 |

Assuming that the transaction falls within section 112 (c) as a transaction which would have been within section 112 (b) (5) but for the receipt of "other property or money," only so much of such $5,000 gain will be recognized as does not exceed the "other property or money" received. Since section 213 of the Act provides that an assumption of liabilities shall not constitute "other property or money" for this purpose, the only "other property or money" received is the $3,000 cash, and the $5,000 realized gain will be recognized only to that extent.

(b) *Exceptions and limitations relative to transactions taking place in a taxable year beginning after December 31, 1938.* The benefits of section 112 (k), added to the Internal Revenue Code by section 213 (a) of the Act, do not extend to any exchange involving an assumption of liabilities where it appears that the principal purpose of the taxpayer with respect to such assumption was a purpose to avoid Federal income tax on the exchange, or, if not such purpose, was not a bona fide business purpose. In such cases, the amount of the liabilities assumed shall, for the purpose of determining the amount of gain to be recognized upon the exchange in which the liabilities are assumed, be treated as money received by the taxpayer upon the exchange. In any suit or proceeding where the burden is on the taxpayer to prove that an assumption of liabilities is not to be considered as "other property or money" under section 112 (k), which is the case if the Commissioner determines that the taxpayer's purpose with respect to the assumption was a purpose to avoid Federal income tax on the exchange or was not a bona fide business purpose and the taxpayer contests such determination by litigation, the taxpayer must sustain such burden by the clear preponderance of the evidence. Thus, the taxpayer must prove his case by such a clear preponderance of all the evidence that the absence of a purpose to avoid Federal income tax on the exchange, or the presence of a bona fide business purpose, is unmistakable.

(c) *Exceptions and limitations relative to transactions taking place in a taxable year beginning prior to January 1, 1939.* Except as provided in section 910 of the Social Security Act Amendments of 1939 (quoted in section 20A.0 (b) of these regulations), there are excepted from the rule provided by section 213 (f) of the Act cases involving taxpayers in the determination of whose tax liability for the taxable year in which the exchange occurred, by a decision of the Board of Tax Appeals or of a court which became final on or before September 26, 1939, or by a closing agreement under section 3760, gain was recognized to such taxpayer by reason of the assumption of liabilities in question. It is provided that under the applicable provision of the law such an assumption of liabilities shall be treated as money received by the taxpayer upon the exchange to the extent such assumption of liabilities was considered in computing the amount of gain to be recognized.*†

§ 20A.4 *Assumption of liabilities to be disregarded in determining whether transaction is a reorganization under clause requiring acquisition of properties of a corporation solely for transferee's voting stock.* The nonrecognition of gain or loss accorded by section 112 (b) (3) and (4), and so much of section 112 (c), (d), and (e) as refers to section 112 (b) (3) and (4), applies only to exchanges made in connection with a reorganization. Among the types of transactions defined as a reorganization by section 112 (g) (1) of the Internal Revenue Code and the Revenue Acts of 1934, 1936, and 1938 is the acquisition by one corporation, in exchange *solely* for all or part of its voting stock, of substantially all the properties of another corporation. Section 213 (b) and (g) of the Act amends such section 112 (g) (1) to provide that in determining whether an exchange is solely for voting stock for the purposes of such definition any assumption by the acquiring corporation of the liabilities of the other shall be disregarded. The effect of such provision may be illustrated in the operation of section 112 (b) (3) and (4) by the following examples:

*Example (1).* The only assets of the X Corporation consist of property with an adjusted basis of $1,000,000. The X Corporation also has indebtedness outstanding of $50,000. On July 1, 1939, pursuant to a plan of reorganization, the X Corporation transfers all its property to the Y Corporation in exchange for voting stock of the Y Corporation with a fair market value of $900,000 and an assumption by the Y Corporation of the X Corporation's indebtedness. The transaction being a reorganization pursuant to the terms of section 112 (g) (1) as amended by section 213 of the Act, the exchange is governed by section 112 (b) (4) and though the X Corporation realized a loss of $50,000 on the exchange, such loss will not be recognized.

*Example (2).* Assume the same facts as in example (1), plus the fact that, pursuant to the plan of reorganization, the X Corporation immediately distributes the Y Corporation's stock to its shareholders in complete liquidation. A, one of the shareholders of the X Corporation, receives stock of the Y Corporation with a fair market value of $5,000 in exchange for stock of the X Corporation with an adjusted basis in his hands of $4,000. The transaction between the X Corporation and the Y Corporation being a reorganization pursuant to the terms of section 112 (g) (1) as amended by section 213 of the Act, the exchange by A of his X Corporation stock for Y Corporation stock is governed by the provisions of section 112 (b) (3) and the $1,000 gain realized by A in such exchange will not be recognized. If in connection with such exchange indebtedness of A had been assumed, the amount of the liabilities so assumed would have been treated as "other property or money" for the purposes of section 112 (c), since the provisions of section 213 (a) and (f) of the Act do not extend to section 112 (b) (3), and so much of A's gain would have been recognized as did not exceed such "other property or money."

Though an assumption of liabilities does not prevent an exchange from being solely for voting stock for the purposes of the definition of a reorganization, an assumption of liabilities in some cases may so alter the character of the transaction as to place it outside the underlying purposes and assumptions of the reorganization provisions. The amendments made by section 213 (b) and (g) of the Act do not prevent consideration of the effect of an assumption of liabilities on the general character of the transaction, but merely provide that the requirement that the exchange be solely for voting stock is satisfied if the only additional consideration is an assumption of liabilities.*†

§ 20A.5 *Effect of assumption of liabilities on computation of proportionate interests required by section 112 (b) (5)—(a) General rule.* Subject to the limitations and exceptions specified in paragraph (b) of this section of the regulations, in any case where an assumption of liabilities is not to be treated as "other property or money" under section 213 (f) of the Act or section 112 (k), added to the Internal Revenue Code by section 213 (a) of the Act, the amount of the liabilities so assumed is to be treated as stock or securities received by the transferor whose indebtedness is assumed, for the purpose of determining whether the stock or securities received by the transferors are substantially in proportion to their interests in the properties transferred, as required by section 112 (b) (5). The application of this paragraph may be illustrated by the following example:

*Example:* A and B, individuals, each own property with a fair market value of $100,000 on July 1, 1939. There is a purchase money mortgage on A's property of $50,000. On July 1, 1939, A and B organize the X Corporation, to which they transfer the property above described for the entire capital stock of the X Corporation and the assumption by the X Corporation of A's purchase money mortgage. The X Corporation's capital stock is divided as follows: $50,000 to A and $100,000 to B. Nevertheless, for the purposes of determining whether the transferors received stock or securities substantially in proportion to their interests in the properties transferred, as required by section 112 (b) (5), A is deemed to have received stock or securities to the extent of $100,000, since his $50,000 purchase money mortgage, assumed by the X Corporation, is also to be treated as stock or securities received by him. Accordingly, under the facts as stated, the proportions required by section 112 (b) (5) exist.

(b) *Exceptions and limitations in the case of transactions taking place in a taxable year beginning prior to January 1, 1939.* Paragraph (a) of this section of the regulations shall not apply if the exchange took place in a taxable year beginning prior to January 1, 1939, and, as the result of a determination of the tax liability of the taxpayer for such taxable year, by a decision of the Board of Tax Appeals or of a court which became final on or before September 26, 1939, or by a closing agreement under section 3760, the treatment of the amount of such liability was different from the treatment which would result from the application of paragraph (a) of this section of the regulations. In such case the result of such determination shall be deemed proper.*†

§ 20A.6 *Effect of assumption of liabilities on basis of property acquired by person whose liabilities are assumed.* Section 113 (a) (6) provides that the basis of property acquired upon certain tax-free exchanges shall be the same as the adjusted basis of the property transferred, decreased in the amount of any money received by the taxpayer and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized upon the exchange under the law applicable to the year in which the exchange was made. For the purpose of this provision, the amount of any liabilities of the taxpayer assumed by the other party to the exchange is to be treated as money received by the taxpayer upon the exchange, whether or not the assumption of liabilities resulted in a recognition of gain or loss to the taxpayer. Such treatment of an assumption of liabilities may be illustrated by the following examples:

*Example (1).* A, an individual, owns property having an adjusted basis of $100,000 and on which there is a purchase money mortgage of $25,000. On September 1, 1939, A organizes the X Corporation to which he transfers the property above described in exchange for all the capital stock of the X Corporation and the assumption of the $25,000 mortgage. The capital stock of the X Corporation has a fair market value of $150,000. Under section 112 (b) (5), no gain is recognized. The basis of such stock in A's hands is $75,000, computed as follows:

| | |
|---|---|
| Adjusted basis of property transferred | $100,000 |
| Less: Amount of money received (amount of liabilities assumed by X Corporation) | 25,000 |
| Basis of stock of the X Corporation in A's hands | 75,000 |

*Example (2).* B, an individual, owns an apartment house which has an adjusted basis in his hands of $500,000, but which is subject to a mortgage of $150,000. On September 1, 1939, he transfers such apartment house to C, receiving in exchange therefor $50,000 in cash and another apartment house with a fair market value on that date of $600,000. The transfer to C is made subject to the $150,000 mortgage, but C does not assume such mortgage. B realizes a gain of $300,000 on the exchange, computed as follows:

| | |
|---|---|
| Value of property received | $600,000 |
| Cash | 50,000 |
| Liabilities subject to which old property was transferred | 150,000 |
| Total consideration received | 800,000 |
| Adjusted basis of property transferred | 500,000 |
| Gain realized | 300,000 |

Since section 213 of the Act does not apply to section 112 (b) (1) or so much of section 112 (c) as relates to section 112 (b) (1), $200,000 of such $300,000 gain is recognized. The basis of the apartment house acquired by B upon the exchange is $500,000, computed as follows:

| | | |
|---|---|---|
| Adjusted basis of property transferred | | $500,000 |
| Less: Amount of money received: | | |
| Cash | $50,000 | |
| Amount of liabilities subject to which property was transferred | 150,000 | |
| | | 200,000 |
| Difference | | 300,000 |
| Plus: Amount of gain recognized upon the exchange | | 200,000 |
| Basis of property acquired upon the exchange | | 500,000 |

*†

§ 20A.7 *Modification of prior regulations.* Prior Treasury regulations are hereby modified to the extent that they may be inconsistent with these regulations.*†

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 16, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3440; Filed, September 19, 1939; 11:29 a. m.]



## TITLE 31—MONEY AND FINANCE: TREASURY

### PUBLIC DEBT SERVICE

[1939—Amendment to Dept. Circ. 530, 2d Rev.]

REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS

SEPTEMBER 14, 1939.

*To Owners of United States Savings Bonds, and Others Concerned:*

1. Section VI–3 (c) of Department Circular No. 530, Second Revision, dated December 15, 1938,[1] is hereby amended to read as follows:

*United States officials.* Judges, clerks, and deputy clerks of United States courts, including United States courts for the organized Territories, insular possessions, and the Canal Zone; United States attorneys; United States collectors of customs and their deputies; United States collectors of internal revenue and their deputies; commanding officers of the United States Army, Navy, Marine Corps, and Coast Guard, but only for members of their respective commands; the officer in charge of any home, hospital, or other facility of the Veterans' Administration, but only for patients and members of such facilities.

2. Section VI–3 (d) (4) of Department Circular No. 530, Second Revision, dated December 15, 1938, is hereby amended to read as follows:

Commonwealth of the Philippines: the United States High Commissioner, his Administrative Assistant, and the Chief Clerk in his office; Treasurer of the Commonwealth and the city treasurers of Manila and Baguio; judges and clerks of courts of record whose signatures and official positions are certified by the Secretary of Justice.

3. These amendments shall be effective September 15, 1939, and the Secretary of the Treasury may at any time, or from time to time, withdraw or amend any or all of the provisions thereof.

[SEAL] JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3431; Filed, September 18, 1939; 4:01 p. m.]

[1] 3 F.R. 3128 DI.

## TITLE 36—PARKS AND FORESTS

### FOREST SERVICE

#### OCCUPANCY, USE, ETC., OF NATIONAL FORESTS

#### RULES AMENDED

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress of February 1, 1905 (33 Stat. 628), amendatory of the act of June 4, 1897 (30 Stat. 11, 35), I, H. A. Wallace, Secretary of Agriculture, do hereby amend Regulation T–9 (Sec. 251.11) of the rules and regulations governing the occupancy, use, protection and administration of the national forests by modifying paragraph (G) to read as follows:

"(G) Occupying a public camp ground upon national forest lands for a period of time in excess of that established by the forest supervisor under the provisions of Regulation U–5, Sec. 251.24, Title 36, Chap. II."

and adding a paragraph to read as follows:

"(J) Occupancy or use of land in violation of conditions authorized by Regulation U–6, Sec. 251.25, Title 36, Chap. II."

In testimony whereof, I have hereunto set my hand and official seal at the city of Washington this 19th day of September 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–3442; Filed, September 19, 1939; 12:14 p. m.]

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#### PART 251—LAND USES

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress of February 1, 1905 (33 Stat. 628), amendatory of the act of June 4, 1897 (30 Stat. 11, 35), I, H. A. Wallace, Secretary of Agriculture, do make and publish the following regulations for the occupancy, use, protection and administration of the national forests and to constitute a part of the National Forest Manual:

§ 251.20 (Reg. U–1) *Wilderness areas.* Upon recommendation of the Chief, Forest Service, national forest lands in single tracts of not less than 100,000 acres may be designated by the Secretary as "wilderness areas," within which there shall be no roads or other provision for motorized transportation, no commercial timber cutting, and no occupancy under special use permit for hotels, stores, resorts, summer homes, organization camps, hunting and fishing lodges, or similar uses: *Provided, however,* That where roads are necessary for ingress or egress to private property these may be allowed under appropriate conditions determined by the forest supervisor, and the boundary of the wilderness area shall thereupon be modified to exclude the portion affected by the road.

Grazing of domestic livestock, development of water storage projects which do not involve road construction, and improvements necessary for fire protection may be permitted subject to such restrictions as the Chief deems desirable. Within such designated wildernesses, the landing of airplanes on national forest land or water and the use of motor boats on national forest waters are prohibited, except where such use has already become well established or for administrative needs and emergencies.

Wilderness areas will not be modified or eliminated except by order of the Secretary. Notice of every proposed establishment, modification, or elimination will be published or publicly posted by the Forest Service for a period of at least 90 days prior to the approval of the contemplated order and if there is any demand for a public hearing, the regional forester shall hold such hearing and make full report thereon to the Chief of the Forest Service, who will submit it with his recommendations to the Secretary.

§ 251.21 (Reg. U–2) *Wild areas.* Suitable areas of national forest land in single tracts of less than 100,000 acres but not less than 5,000 acres may be designated by the Chief, Forest Service, as "wild areas," which shall be administered in the same manner as wilderness areas, with the same restrictions upon their use. The procedure for establishment, modification, or elimination of wild areas shall be as for wilderness areas, except that final action in each case will be by the Chief.

§ 251.22 (Reg. U–3) *Recreation areas.* Suitable areas of national forest land other than wilderness or wild areas which should be managed principally for recreation use but on which certain other uses are permitted may be given special classification. Areas in excess of 100,000 acres will be approved by the Secretary of Agriculture; areas of less than 100,000 acres may be approved by the Chief, or by such officers as he may designate.

§ 251.23 (Reg. U–4) *Experimental and natural areas.* The Chief of the Forest Service shall determine, define, and permanently record a series of areas of national forest land to be known as experimental forests sufficient in number and extent adequately to provide for the experimental work necessary as a basis for forest production or forest and range production in each forest region, these areas to be dedicated to and used for research; also where necessary a supplemental series of areas for range investigations to be known as experimental ranges; and a series to be known as natural areas sufficient in number and extent adequately to illustrate or typify virgin conditions of forest or range growth in each forest or range region, to be retained in a virgin or unmodified condition for the purposes of science, research, and education. Within areas so designated occupancy thereof under a special use permit shall not be allowed, or the construction of permanent improvements permitted thereon, except improvements required in connection with their experimental use, unless authorized by the Chief of the Forest Service or the Secretary.

Regulation L–20 is hereby revoked.

§ 251.24 (Reg. U–5) *Public camp grounds* established upon national forest lands which are improved by the Forest Service, either from public funds or in cooperation with other public or private agencies, are for transient use by the public and shall not be occupied for extended periods or used for forms of occupancy which, in the opinion of the forest supervisor, are contrary to general public interest.

The forest supervisor may, in his discretion, prohibit the occupancy of designated camp grounds by house trailers, the erection or use of unsightly and inappropriate structures or appurtenances, and may fix a maximum limit upon the number of consecutive days during which any person or group of persons may occupy a designated camp ground.

Notice of such prohibition or restrictions shall be given by a sign posted within said camp ground, and occupancy or use of the ground in violation of such prohibitions or restrictions is prohibited.

Regulation L–19, sec. 251.13, is hereby revoked.

§ 251.25 (Reg. U–6) *Occupancy and use* of national forest land shall be permitted only upon compliance with reasonable conditions looking to the promotion of public health, welfare, safety, or convenience. Public notices shall be posted by the forest supervisor, setting forth such conditions with respect to any areas on which special restrictions should be imposed.

In testimony whereof, I have hereunto set by hand and official seal at the city of Washington this 19th day of September 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–3443; Filed, September 19, 1939; 12:15 p. m.]

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## TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

### VETERANS' ADMINISTRATION

#### REVISION OF REGULATIONS

#### VETERANS' CLAIMS

*Service Requirements*

§ 2.1000 *World War.* The beginning and termination dates of the World War are April 6, 1917, and November 11, 1918, but as to service in Russia, the ending date is April 1, 1920. Except as to emergency officers retirement pay, reenlistment in the military or naval service on or after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918, shall be considered as world war service under the laws providing compensation or pension for world war veterans and their dependents. The claims for disability compensation or pension filed by veterans based upon service between April 6, 1917, and July 2, 1921, unless otherwise temporarily or permanently vested in the claims division, veterans claims service, central office, will be adjudicated in regional offices and facilities having regional office activities. (September 22, 1939.) (48 Stat. 9; 50 Stat. 661; 38 U.S.C. 424; 704)

[SEAL] FRANK T. HINES,
*Administrator.*

[F. R. Doc. 39–3429; Filed, September 18, 1939; 3:25 p. m.]



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## TITLE 46—SHIPPING

### UNITED STATES MARITIME COMMISSION

#### UNITED STATES MARITIME SERVICE REGULATIONS

*Effective September 1, 1939*

By virtue of the authority vested in the United States Maritime Commission by section 216 of the Act entitled, "An Act to further the development and maintenance of an adequate and well-balanced American merchant marine, to promote the commerce of the United States, to aid in the national defense, to repeal certain former legislation, and for other purposes," (49 Stat. 1935, ch. 858, approved June 29, 1936, as amended by Public No. 705, 75th Cong., 3d sess., approved June 23, 1938), and as further amended by Public No. 259, Chapter 14, 1st Session, 76th Congress, approved August 4, 1939, and in order to provide for the government of the United States Maritime Service authorized by said section, the following regulations are hereby prescribed:

ARTICLE I—AUTHORITY

SECTION 1. *The statute.* The government of the United States Maritime Service shall be in conformity with the statutory authority for its creation, as contained in section 216 of the Merchant Marine Act, 1936, as amended by Public No. 259—76th Congress (Chapter 417—1st Session), which reads as follows:

SEC. 216. (a) The Commission is hereby authorized and directed, under such rules and regulations as it may prescribe, to establish and maintain the United States Maritime Service as a voluntary organization for the training of citizens of the United States to serve as licensed and unlicensed personnel on American merchant vessels. The Commission is authorized to determine the number of persons to be enrolled in the said Service, to fix the rates of pay of such persons, and to prescribe such courses and periods of training as, in its discretion, is necessary to maintain a trained and efficient merchant marine personnel. The ranks, grades, and ratings for the personnel of the said Service shall be the same as are now or shall hereafter be prescribed for the personnel of the Coast Guard. The Commission is further authorized to employ as instructors in said Service, on a contract or fee basis (without regard to the provisions of section 3709 of the Revised Statutes), such qualified persons, including licensed and unlicensed personnel of the merchant marine, as the Commission may deem necessary to effectuate the purposes of this section.

(b) The Commission is hereby authorized to train American citizens to become licensed officers of the merchant marine of the United States in a status of cadets and cadet officers on Government-owned and subsidized vessels and, in cooperation with other governmental and private agencies, on other vessels and, for instructional purposes only, in shipyards, plants, and industrial and educational organizations, under rules and regulations prescribed by the Commission and upon such terms as the Commission may arrange, and expenditures incident to such training are hereby authorized.

(c) The Commission is hereby authorized to prescribe, conduct, and supervise such extension and correspondence courses as it may deem necessary to supplement other training facilities, and to make such courses available, under such rules and regulations and upon such terms as it may prescribe, to the licensed and unlicensed personnel of the merchant marine, and to cadets and cadet officers, who shall make application therefor. The Commission is further authorized to print, publish, and purchase suitable textbooks, equipment, and supplies required for such courses, and to employ persons, firms, and corporations on a contract or fee basis (without regard to the provisions of section 3709 of the Revised Statutes), for the performance of special services deemed necessary by the Commission in the preparation and editing of such textbooks and other aids to instruction, and in the supervision and administration of such courses.

(d) The Commission, with the consent of any executive department, independent establishment, or other agency of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this section, as amended.

SEC. 2. *General Order No. 25.* The government and administration of the United States Maritime Service shall be in conformity with the Commission's General Order No. 25, establishing the Service, adopted on July 14, 1938 and amended on September 1, 1939. General Order No. 25, as amended, reads as follows:

There is hereby established, pursuant to the authority vested in the Commission by section 216 of the Merchant Marine Act, 1936, as amended, a voluntary organization to be known as the United States Maritime Service which shall consist of such American citizens as may be enrolled under the provisions of said section, this order, and such rules and regulations as may be prescribed by the Commission for the government of said Service.

The number of persons to be enrolled in said Service, the rates of pay of such persons, and the courses and periods of training shall be determined, fixed, and prescribed by the Commission in such manner and form as may appear to it to be necessary to maintain a trained and efficient merchant-marine personnel. The ranks, grades, and ratings for the personnel of the said Service shall be the same as are now or shall hereafter be prescribed for the personnel of the Coast Guard.

In the administration and conduct of the said Service the Commission shall, subject to the consent and approval of the Secretary of the Treasury, avail itself of the use of such information, services, facilities, officers, and employees of the Coast Guard, the Public Health Service and the Civilian Conservation Corps, with the approval of their respective Executive Heads, as may be necessary for the operation of said Service, such use to be at the expense of the Commission.

Enrollment and training in the United States Maritime Service shall be voluntary and shall be open to all licensed and unlicensed personnel of the United States merchant marine who comply with the requirements prescribed by the Commission as well as to young American citizens between the ages of 18 and 23 years who desire to train for service in the American Merchant Marine and who qualify for such training under regulations prescribed by the Commission. In the selection of applicants for enrollment no discrimination shall be practiced because of the applicant's race or creed, or because of membership or non-membership in any organization. Eligibility for enrollment shall be determined by the Commandant of the Coast Guard in accordance with rules and regulations prescribed by the Commission.

Nothing in this Order shall be construed to affect the cadet system established by the Commission's General Order No. 23, as amended.[1]

This amended order shall become effective as of September 1, 1939.

ARTICLE II—ORGANIZATION AND ADMINISTRATION

SECTION 1. *Definitions.* When used in these regulations—

(a) "Commission", or "Maritime Commission" means the United States Maritime Commission.

(b) "Service" or "Maritime Service" means the United States Maritime Service.

(c) "Commandant" means Commandant of the Coast Guard.

(d) "Coast Guard personnel" includes commissioned, warrant, or enlisted personnel of the Coast Guard and other employees thereof.

(e) "Maritime Service personnel" includes all persons employed in the Maritime Service.

(f) "Enrollees" means persons enrolled in the Maritime Service.

(g) "Merchant vessels of the United States" means ocean-going or Great Lakes vessels of 500 gross tons or over documented under the laws of the United States and engaged in the foreign or domestic commerce of the United States.

SEC. 2. *Maintenance of the service.* The Maritime Service shall be maintained at the expense of the Maritime Commission, which shall exercise such supervision over it, through the Com-

[1] 3 F.R. 781 DI.

mandant, as may be necessary to comply with law and the rules and regulations prescribed by the Commission.

SEC. 3. *Administration.* The Maritime Service shall be administered by the Commandant of the Coast Guard, who shall have full control over the administration of the functions delegated to him by the rules and regulations prescribed by the Commission. All policies affecting the Maritime Service shall be determined by the Commission, after consultation with the Commandant.

SEC. 4. *Ranks, grades, and ratings.* The ranks, grades, and ratings for the personnel of the Maritime Service shall be the same as are now or shall hereafter be prescribed for the personnel of the Coast Guard.

SEC. 5. *Forms.* The Commandant shall prescribe, subject to the approval of the Commission, forms for application for enrollment, enrollment, disenrollment (voluntary and involuntary), release from active duty, assignments of ranks, grades, and ratings, pay and supply of personnel, maintenance and supply of stations and vessels, requests and authorizations for travel, fiscal management and accounts, and all other necessary forms for the administration of the Maritime Service.

SEC. 6. *Authority of commandant.* Subject to the regulations prescribed by the Commission, the Commandant is authorized:

(a) To direct and control the employees and enrollees of the Maritime Service, and to prescribe instructions regulating annual and sick leave.

(b) To employ, for the Maritime Service, on the account of the Maritime Commission, such civil employees as may be necessary for the conduct and maintenance of the Service.

(c) To enroll, disenroll, assign to active or inactive duty, and release from active duty the enrollees of the Service.

(d) To regulate the ranks, grades, and ratings of enrollees of the Service.

(e) To direct and conduct the prescribed courses of training.

(f) To provide for the maintenance of discipline and order.

(g) To conduct the fiscal management and keep the accounts of the Service.

(h) To direct the use and preservation of training stations, training ships, clothing, equipment, and supplies of the Service.

(i) To authorize the procurement of provisions, clothing, materials, equipment, and services for the operation of the Service.

(j) To dispose, by survey, for the account of the Commission, of such materials, clothing, equipment, and supplies as shall be found to be no longer serviceable. Such disposal shall be in accordance with existing Coast Guard regulations.

(k) To authorize and direct necessary travel in behalf of and on the account of the Maritime Service.

(l) To delegate such authority as is necessary to subordinate personnel of the Coast Guard or of the Maritime Service.

SEC. 7. *Instructions of commandant.* The Commandant is authorized to issue directions, instructions, and memoranda, consistent with the regulations prescribed by the Commission, for the proper administration of the Maritime Service.

SEC. 8. *Allotments and expenditures.* (a) Expenditures and obligations for the Maritime Service shall be limited to the allotment of funds by the Commission to the Service.

(b) Expenditure of funds may be authorized by the Commandant as required for the proper administration of the Maritime Service, including pay of personnel, purchases of equipment, provisions, and supplies, expenses of medical examination, medical treatment and hospitalization, communication and travel expense, and such other expenses of an administrative or ministerial nature as may be necessary for the efficient maintenance of the Service.

(c) The Commandant shall report to the Commission concerning all accounts and other financial matters of the Service in such manner and form as the Commission shall prescribe.

(d) The pay and allowances of the Chief Warrant and Warrant Officers and enlisted men of the Coast Guard detailed to duty with the Maritime Service shall be charged to the allotment of funds for the Maritime Service, and all travel expense including transportation of dependents and personal effects of all personnel of the Coast Guard detailed to such duty shall be charged to such fund, provided that expense in connection with relief and detail to Coast Guard duty of such personnel shall be borne by the Coast Guard.

SEC. 9. *Investigations.* (a) The Commandant is authorized to convene boards consisting of Coast Guard, Maritime Service, and Public Health Service personnel to investigate accidents to Maritime Service personnel, damage to Maritime Service property, and any other matters or incidents which in his opinion require investigation.

(b) The Commandant is authorized to promulgate instructions, consistent with law, for the confinement of Maritime Service personnel where such confinement is necessary for safe keeping.

(c) Enrollees charged with violating criminal statutes shall be delivered to the appropriate civil (Federal, state, or municipal) authorities.

SEC. 10. *Medical treatment.* Medical treatment, including all necessary examinations, of the Maritime Service personnel shall be obtained from the Public Health Service in so far as possible. When the Public Health Service facilities are not available, hospitalization and treatment of Maritime Service personnel in civilian hospitals or by civilian physicians are authorized and shall be provided at the expense of the Commission.

ARTICLE III—ENROLLMENT AND DUTY

SECTION 1. *Voluntary enrollment—Numbers.* (a) Enrollment in the Maritime Service shall be voluntary, and shall be open to American citizens in such numbers and grades as the Maritime Commission shall from time to time prescribe.

SEC. 2. *Qualifications.* No applicant shall be eligible for enrollment in the Maritime Service unless he is a citizen of the United States, not less than 18 years of age if enrolled as an apprentice seaman and not less than 19 years of age if enrolled in ratings other than apprentice seaman, and shall not have any physical, mental, or moral defect rendering him unfit for service at sea. An apprentice seaman may not be more than 23 years of age when enrolled.

SEC. 3. *Enrollment—Original and regular.* (a) All original enrollments except as apprentice seaman shall be deemed probationary for a period not to exceed three months. The enrollment period for apprentice seamen shall be prescribed from time to time by the Commission.

(b) The original enrollment of licensed personnel shall be in a rank not above ensign.

(c) The original enrollment of unlicensed personnel shall be in a rating not above seaman, second class.

(d) Any enrollee may be advanced in rank or rating during his probationary enrollment, and such advancement may be made effective as of such date as may be determined.

(e) Regular enrollees may be advanced in rank or rating at any time.

(f) After the probationary period of enrollment an enrollee whose conduct and qualifications are deemed satisfactory shall be eligible for regular enrollment.

(g) Every enrollee shall, upon enrollment, take an appropriate oath or affirmation.

SEC. 4. *Duty—Active and inactive.* (a) Duty status in the Maritime Service may be active or inactive.

(b) Every original enrollee shall be deemed to be on active duty immediately upon enrollment, and shall remain on active duty until released therefrom by proper authority.

(c) Regular enrollees may be assigned to inactive duty status subject to voluntary return to active duty at such intervals and for such periods as may be prescribed.

(d) Regular enrollees may be maintained on voluntary active duty for such periods as may be necessary for the proper administration of the Service.

(e) Enrollees on active duty may be assigned as instructors or as under instruction, or to perform administrative or other duties.

SEC. 5. *Disenrollment—Voluntary and involuntary.* (a) Any enrollee in the Maritime Service shall be disenrolled upon request, the disenrollment to be effective on the date of action on such request.

(b) Any enrollee may be disenrolled from the Service for cause, as follows:

(1) During the probationary period of original enrollment, or while on active duty thereafter, for conduct or qualifications deemed unsatisfactory to the Service.

(2) For failure to serve 24 months in any period of 36 consecutive months on merchant vessels of the United States, provided that an enrollee shall be disenrolled for failure to serve 15 months in any such period of 36 months on merchant vessels of the United States.

(3) For failure in such period of 36 consecutive months to serve the required period or periods on active duty in the Service.

(4) For physical or mental disability.

(5) For conduct such as to bring discredit upon the Service.

(c) Any person disenrolled for cause may, upon removal of the disability or upon other correction of the cause of disenrollment, be re-enrolled in the Service.

ARTICLE IV—PAY AND SUPPLY

SECTION 1. *Rates of pay.* Licensed and unlicensed personnel of the Maritime Service shall receive the following monthly rates of pay while on active duty:

| | |
|---|---|
| Captain | $333.33 |
| Commander | 291.67 |
| Lieutenant Commander | 250.00 |
| Lieutenant | 200.00 |
| Lieutenant (J. G.) | 166.67 |
| Ensign | 125.00 |
| Cadet | 65.00 |
| Chief Warrant Officer | 200.00 |
| Warrant Officer | 158.00 |
| 1st Pay Grade | 126.00 |
| 1st Pay Grade Acting Appointment | 99.00 |
| 2nd Pay Grade | 84.00 |
| 3rd Pay Grade | 72.00 |
| 4th Pay Grade | 60.00 |
| 5th Pay Grade | 54.00 |
| 6th Pay Grade | 36.00 |
| 7th Pay Grade | 21.00 |

SEC. 2. *Computation of pay.* Pay shall be computed on the basis of 30 days per month. An enrollee shall be credited in the computation of his pay, or allowances, for each day, or fraction thereof, on which active duty is performed.

SEC. 3. *Allowances and increases.* In addition to the rates of pay prescribed for them, enrollees of the fifth, sixth and seventh pay grades, not in the Steward's department, shall, when detailed as messmen, be entitled to additional pay at the rate of $6 per month.

SEC. 4. *Active duty.* The term "active duty" shall include all service while in training or performing duty under authorization of the Maritime Service, but shall not include absence from duty on leave, without leave or while under arrest nor while sick or in a hospital unless resultant from causes arising while on active duty and so certified by the medical officer and the superintendent, in which event an enrollee may receive his regular compensation less any sums paid by the United States Compensation Service: provided, however, that periods of absence on account of annual or sick leave granted with pay to regular enrollees detailed as instructors or for military duty shall be regarded for pay computation as active duty.

SEC. 5. *Pay periods.* (a) Enrollees shall be entitled to the pay of their respective ranks or ratings while on active duty exclusive of time absent from duty as provided in the preceding section.

(b) Each regular enrollee who has served a minimum of eight months within any 12 month period (or 16 months in any period of 24 months, or 24 months in any period of 36 months) of his regular enrollment on merchant vessels of the United States and whose service on active duty in the Maritime Service complies with prescribed standards shall be entitled to one month's pay of his rank or rating in the Maritime Service for each such 12 month period, such retainer pay to be in addition to his pay for active duty, and to become payable only upon the submission to the Commandant of satisfactory proof of the minimum service hereinabove required.

SEC. 6. *Transportation and travel.* (a) Except as otherwise provided, enrollees and employees of the Maritime Service shall, when performing travel under competent authority, be entitled to the travel allowances prescribed for civilian employees by the Standardized Government Travel Regulations.

(b) Enrollees upon original enrollment shall, in lieu of any other travel allowance, be entitled to transportation, including sleeping car or stateroom accommodations from place of enrollment to a training station or training vessel.

(c) A probationary enrollee disenrolled before the completion of his probationary period, except at his request or for reasons within his control, may be furnished transportation including Pullman or sleeping-car accommodations from the place of disenrollment to the place of enrollment. An enrollee disenrolled at his own request or for reasons within his control before the completion of his probationary period shall not be entitled to a travel allowance or to transportation in kind.

(d) Upon release from active duty a regular enrollee shall be entitled, in lieu of any other travel expense, to a travel allowance of 5 cents per mile from place of release from active duty to place of latest acceptance for active duty.

(e) A regular enrollee disenrolled after release from active duty, but prior to recall to active duty, shall not upon disenrollment be entitled to any travel allowance.

(f) A probationary enrollee disenrolled upon completion of the probationary period shall be entitled to a travel allowance of 5 cents per mile from the place of disenrollment to the place of enrollment.



SEC. 7. *Clothing and equipment.* Enrollees of the Maritime Service shall be supplied, without charge, with such clothing and equipment as may be necessary for the training course prescribed, and other government property may be loaned to such personnel. Enrollees on active duty may be permitted to purchase articles of uniform clothing, the cost thereof to be deducted from their pay.

SEC. 8. *Subsistence.* (a) Subsistence at government expense shall be supplied to all members of the Maritime Service while on active duty. General messes shall be established at training stations and on board training vessels as may be necessary. Such general messes shall be conducted in the same manner as provided in Coast Guard Pay and Supply Instructions for general messes of Coast Guard.

(b) In lieu of subsistence in kind, an allowance of $1 per day is authorized for each enrollee not in travel status for whom government mess facilities are not available.

(c) An allowance to be prescribed by the Commandant, not to exceed $2 per day, is authorized for an enrollee not in travel status for whom government quarters are not provided.

SEC. 9. *Loss or damage.* There may be deducted from the pay of any member of the Maritime Service sums sufficient to cover the value of any Government property lost or wilfully damaged by such person.

SEC. 10. *Death of enrollees.* The Commandant is authorized to incur expenses in connection with the transportation and burial of the remains of enrollees who die while on active duty.

ARTICLE V—TRAINING STATIONS AND SHIPS

SECTION 1. *Assignments.* Enrollees in the Maritime Service on active duty may be assigned to a vessel or station maintained by the Service or to a vessel or station of the Coast Guard or to such ship yards, plants, and industrial and educational organizations as the Commission may designate and under rules and regulations prescribed by the Commission.

SEC. 2. *Stations and ships.* Only such training stations and training ships shall be maintained by and for the Maritime Service as are authorized by the Commission.

SEC. 3. *Maintenance and supply.* The maintenance and supply of authorized training stations and training ships shall be in accordance with existing Coast Guard Regulations.

SEC. 4. *Canteens.* Canteens for the sale of tobacco, candy, toilet articles and similar merchandise may be established and maintained at training stations and on training ships.

ARTICLE VI—PERIODS AND COURSES OF TRAINING

SECTION 1. *Original enrollment.* Each original enrollment in a grade above apprentice seaman shall be for a period of

three months on active duty. The original enrollment period for apprentice seamen shall be as prescribed from time to time by the Commission.

SEC. 2. *Regular enrollment.* Every regular enrollee shall, within 36 months after his release from active duty under his original enrollment, return to active duty for a total of two months in periods of not less than one month's duration, and shall likewise return for three months' aggregate active duty during each period of 36 months thereafter.

SEC. 3. *Courses of training.* The courses of training at stations and on ships shall be appropriate to the duties performed aboard merchant vessels by enrollees under their licenses or certificates and shall include the following subjects: lifeboat instruction, including rowing; emergency drills, including fire and abandon ship; maritime law pertaining to seamen; hygiene and first aid; navigation; seamanship; signals; marine engineering; engine room and fire room routine; shop work and overhaul of machinery; care of staterooms, quarters and supplies; procurement, handling, and cooking of food; serving of food and care of tableware (mess gear); and instruction in special ratings, such as radio operators, electricians, and clerical workers.

These regulations shall become effective as of September 1, 1939.

Regulations promulgated as of September 1, 1938 and Amendment No. 1 thereto, promulgated as of May 23, 1939, are hereby superseded.

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.,
*Secretary.*

[F. R. Doc. 39-3437; Filed, September 19, 1939; 10:44 a. m.]

## *Notices*

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. 896-FD]

IN THE MATTER OF CHANGES IN THE TERRITORIAL BOUNDARIES OR LIMITS OF CERTAIN DISTRICTS AND MINIMUM PRICE AREAS AS SET FORTH IN THE BITUMINOUS COAL ACT OF 1937

NOTICE OF POSTPONEMENT OF HEARING AND ADDITIONAL TENTATIVE PROPOSALS

Notice is hereby given that the hearing in the above-entitled matter, originally noticed for September 25, 1939,[1] is hereby postponed to the 16th day of October, 1939, in a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

In addition to the tentative proposals set forth in the notice dated August 30, 1939, the attention of interested parties is directed to the following tentative proposals:

To extend the boundary lines of District No. 2 to embrace Warren County, Pennsylvania;

To extend the boundary lines of District No. 19 to embrace Lincoln County, Idaho;

To extend the boundary lines of District No. 7 to embrace Roanoke County, Virginia;

To extend the boundary lines of District No. 8 to embrace Gaston County, North Carolina, and the counties of Franklin, Fayette, Garrard, Estill, Montgomery, Bath, Cumberland, Lewis, Rowan, and Powell, in the State of Kentucky, and the counties of Knox and Davidson in the State of Tennessee;

To extend the boundary lines of District No. 9 to embrace Washington and Calloway counties in the State of Kentucky;

To change the boundary lines of Districts No. 17 and No. 18 so that all counties in New Mexico, except Colfax, be included within District No. 18.

Dated, September 18, 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-3434; Filed, September 19, 1939; 9:55 a. m.]

[1] 4 F.R. 3797 DI.

### DEPARTMENT OF AGRICULTURE.

#### Rural Electrification Administration.

[Administrative Order No. 388]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 8, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project Designation* | *Amount* |
|---|---|
| Arkansas 0009B2 Craighead | $150,000 |
| Georgia 0022E1 Colquitt | 362,000 |
| Georgia 0035D1 Walton | 124,000 |
| Georgia 0056D1 Grady | 66,000 |
| Georgia 0070D1 Mitchell | 264,000 |
| Georgia 0074C1 Jefferson | 306,000 |
| Idaho 0004D1 Bonner | 46,000 |
| Idaho 0004G1 Bonner | 180,000 |
| Illinois 0006B1 Coles | 220,000 |
| Indiana 0011B1 Warren | 160,000 |
| Indiana 0024C1 Carroll | 80,000 |
| Indiana 0027B1 Decatur | 64,000 |
| Indiana 0032A2 Hancock | 22,000 |
| Indiana 0053B1 Steuben | 50,000 |
| Indiana 0100A1 Newton | 280,000 |
| Iowa 0015B1 Harrison | 117,000 |
| Iowa 0016B1 Monona | 160,000 |
| Iowa 0029C1 Shelby | 135,000 |
| Iowa 0037C1 Buena Vista | 114,000 |
| Iowa 0099C1 Wright | 145,000 |
| Iowa 0051B1 Winnebago | 110,000 |
| Iowa 0060B1 Emmet-Dickinson | 60,000 |
| Kansas 0013D1 Brown | 78,000 |
| Kansas 0094B1 Clay | 77,000 |
| Kentucky 0027E1 Boyle | 71,000 |
| Kentucky 0084C1 Barren | 157,000 |
| Kentucky 0037D1 Owen | 267,000 |
| Louisiana 0009D1 Lafayette | 96,000 |
| Michigan 0041B1 Oceana | 112,000 |
| Minnesota 0089B1 Chippewa | 110,000 |
| Minnesota 0079B1 Big Stone | 136,000 |
| Minnesota 0080A1 Lincoln | 239,000 |
| Minnesota 0062A1 Becker | 150,000 |
| Mississippi 0021E1 Coahoma | 142,000 |
| Mississippi 0031C1 Washington | 60,000 |
| Nebraska 0003B1 Morrill | 25,000 |
| Nebraska 0085B1 Wayne | 174,500 |
| North Carolina 0021D1 Sampson | 88,000 |
| North Carolina 0033B1 Martin | 107,000 |
| North Carolina 0037B1 Davie | 125,000 |
| North Carolina 0040B1 Brunswick | 95,000 |
| North Carolina 0043A1 Jones | 284,000 |
| North Dakota 0017A1 McHenry | 90,000 |
| Ohio 0039C1 Paulding | 166,000 |
| Ohio 0043C1 Darke | 94,000 |
| Ohio 0060D1 Seneca | 86,000 |
| Ohio 0065D1 Fairfield | 95,000 |
| Ohio 0071B1 Logan | 139,000 |
| Ohio 0074B1 Butler | 80,000 |
| Ohio 0085B1 Hardin | 133,000 |
| Pennsylvania 0019A1 Warren | 187,000 |
| Pennsylvania 0021A2 Somerset | 200,000 |
| South Carolina 0033B1 Dorchester | 49,000 |
| Texas 0053C1 Fannin | 129,000 |
| Texas 0096A1 Young | 131,000 |
| Vermont 0006A1 Washington | 68,000 |
| Wisconsin 0025D1 Monroe | 161,000 |
| Wisconsin 0029B1 Clark | 99,000 |
| Wisconsin 0053B1 Eau Claire | 100,000 |
| Wisconsin 0055B1 Adams | 146,000 |

[SEAL] ROBERT B. CRAIG,
*Acting Administrator.*

[F. R. Doc. 39-3432; Filed, September 19, 1939; 9:21 a. m.]

[Administrative Order No. 389]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 11, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project Designation* | *Amount* |
|---|---|
| Arkansas 0021W1 Lincoln | $7,500 |
| Georgia 0034W2 Carroll | 5,000 |
| Idaho 0010W1 Nez Perce | 10,000 |
| Illinois 0012W1 Bureau | 5,000 |
| Illinois 0043W1 Pulaski | 5,000 |
| Indiana 0029W1 Fulton | 5,000 |
| Iowa 0021W1 Guthrie | 2,500 |
| Kansas 0027W1 Norris | 5,000 |
| Minnesota 0009W1 Goodhue | 5,000 |
| Mississippi 0026W2 Hancock | 6,000 |
| Montana 0009W1 Yellowstone | 10,000 |
| Montana 0011W1 Sanders | 5,000 |
| Nebraska 0069W1 Dawson | 10,000 |
| North Dakota 0006W2 Benson | 15,000 |
| South Dakota 0006W1 Brookings | 10,000 |
| Texas 0030W3 Upshur | 10,000 |
| Texas 0088W1 Hill | 5,000 |
| Wisconsin 0049W2 Dunn | 10,000 |

[SEAL] ROBERT B. CRAIG,
*Acting Administrator.*

[F. R. Doc. 39-3433; Filed, September 19, 1939; 9:21 a. m.]

### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of September, A. D. 1939



[File No. 43-240]

IN THE MATTER OF LONE STAR GAS CORPORATION

ORDER MAKING DECLARATION EFFECTIVE

Lone Star Gas Corporation, a registered holding company, having filed with this Commission a declaration and amendments thereto prusuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the reduction to 2¾% in the interest rate on its 2⅞% bank loan notes now outstanding in the principal amount of $8,750,000, dated August 22, 1938; public hearing thereon having been duly held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings therein;

*It is ordered*, That such declaration be and become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3439; Filed, September 19, 1939; 11:20 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1939.

[File No. 1-305-1]

IN THE MATTER OF UNITED STATES DISTRIBUTING CORPORATION COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION FOR STRIKING SECURITIES FROM LISTING AND REGISTRATION

The New York Stock Exchange having, pursuant to Section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 thereunder, made an application to the Commission to strike from listing and registration on said Exchange the common stock, no par value, of the United States Distributing Corporation; and

The Commission having ordered a hearing with respect to said application, which hearing after appropriate notice[1] was held on July 20, 1939; and

The Commission having considered the application, together with the evidence introduced at the hearing, and the report of the trial examiner thereon, and the brief and exceptions with respect thereto, and having due regard for the public interest and the protection of investors, and having filed its findings and opinion herein;

*It is ordered*, That said application be and the same hereby is granted, effective at the close of the trading session on October 18, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3438; Filed, September 19, 1939; 11:19 a. m.]

[1] 4 F.R. 2505 DI.

Reference


# FEDERAL REGISTER

VOLUME 4 NUMBER 182

*Washington, Thursday, September 21, 1939*


*Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1939-21]

PART 701—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 21

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin, as amended,[1] is hereby further amended as follows:

Subdivision (xxii) of section 701.2 (d) (4) is hereby amended to read as follows:

(xxii) Sweet sorghums, when harvested for any purpose in the East Central Region, in the North Central Region except South Dakota and Nebraska, and in Area B in the Southern Region; when harvested for grain, seed or sirup in the Western Region, in Area A in the Southern Region, and in Nebraska and South Dakota; and when harvested for silage in the commercial corn area in the States of Kansas, Nebraska, and South Dakota except in counties designated by the Administrator as counties in which because of drought the use of sweet sorghums for silage is necessary for conservation of available feed supplies.

Done at Washington, D. C., this 20th day of September 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3470; Filed, September 20, 1939; 12:33 p. m.]

[1] 4 F.R. 3956 DI.

## TITLE 8—ALIENS AND CITIZENSHIP

### IMMIGRATION AND NATURALIZATION SERVICE

[Supplement 7, General Order No. C-1]

PORT OF ENTRY FOR ALIENS, COBURN-GORE, MAINE

SEPTEMBER 19, 1939.

Pursuant to the authority contained in section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; 8 U.S.C. 102), Title 8, Code of Federal Regulations, Chapter I—Immigration and Naturalization Service—Subchapter A—Immigration Rules and Regulations—Part 3, Section 3.1 (Rule 3, Subdivision A, Paragraph 1 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended by changing the name of the port of Arnold Pond, Maine, to Coburn Gore, Maine, and inserting Coburn Gore, Maine between Calais, Maine, and Eastport, Maine, in the list of ports for the entry of aliens in District No. 1.

[SEAL] EDW. J. SHAUGHNESSY,
*Deputy Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 39-3446; Filed, September 19, 1939; 1:15 p. m.]

[General Order No. C-15]

AMENDMENT OF OATH OF ALLEGIANCE REQUIRED BY NATURALIZATION LAWS

Pursuant to the authority contained in Section 28 of the Act of June 29, 1906 (34 Stat. 606), as amended by Section 8 of the Act of March 2, 1929 (45 Stat. 1515; 8 U.S.C. 356), Title 8, Code of Federal Regulations, Subchapter C—Naturalization Rules and Regulations—Part 77—Certificate of Naturalization — § 77.4 (Rule 8, subdivision C, paragraph 1 of the Naturalization Rules and Regulations

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FEDERAL REGISTER

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of December 1, 1936), is amended to read as follows:

§ 77.4 *Oath of allegiance required by the naturalization laws.* Before an applicant for naturalization may be admitted to citizenship and a certificate of naturalization issued, the applicant shall take in open court and subscribe to the following oath of allegiance: "I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which I was before a citizen or subject; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely without any mental reservation or purpose of evasion: So help me God. In acknowledgment whereof I have hereunto affixed my signature."* (Sec. 4 (3), 34 Stat. 597; 8 U.S.C. 381; § 3, Public No. 138, c. 224, 1st Sess., 76th Congress)

[SEAL] JAMES L. HOUGHTELING,
*Commissioner of Immigration and Naturalization.*

Approved:

FRANCES PERKINS,
*Secretary.*

SEPTEMBER 19, 1939.

[F. R. Doc. 39-3468; Filed, September 20, 1939; 12:09 p. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### BUREAU OF ANIMAL INDUSTRY

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

SEPTEMBER 20, 1939.

To A. R. MCBURNEY and KAVANAUGH JENNINGS,
*Doing business as Welsh Commission Company, Welsh, La.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Welsh Commission Company, at Welsh, State of Louisiana, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 39-3471; Filed, September 20, 1939; 12:58 p.m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

SEPTEMBER 20, 1939.

To O. V. NANNINGA,
*Doing Business as Western Livestock Commission Company, Garden City, Kans.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Western Livestock Commission Company at Garden City, State of Kansas, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 39-3472; Filed, September 20, 1939; 12:58 p. m.]

## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T. D. 49964]

ANTIDUMPING—PHOSPHATE ROCK FROM MOROCCO

FINDING OF DUMPING WITH RESPECT TO PHOSPHATE ROCK FROM MOROCCO VACATED[2]

SEPTEMBER 18, 1939.

*To Collectors of Customs and Others Concerned:*

Reference is made to T. D. 42577, dated February 9, 1928, which is a finding of dumping with respect to phosphate rock from Morocco.

After careful reinvestigation and consideration of the case in which this finding of dumping was made, and on the basis of new and material factual evidence neither before nor considered by the Department at the time the finding was made, I have reached the conclusion that the said finding was not justified.

In view of the conclusion reached, T. D. 42577 is hereby vacated as of February 9, 1928, the date on which it was issued.

Appraising officers will proceed with all uncompleted appraisement reports pertaining to phosphate rock from Morocco without regard to any question of dumping, and collectors will liquidate all entries covering this class of merchandise, now before them or that may hereafter come before them, without regard to any reports by appraising officers that would, in the absence of this order, result in the assessment of special dumping duties. (Sec. 201, 42 Stat. 11; 19 U.S.C. 160, R. S. 161; 5 U.S.C., 22)

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3457; Filed, September 20, 1939; 11:29 a. m.]

[2] This document affects the tabulation in 19 CFR 12.15.



## TITLE 30—MINERAL RESOURCES

### BUREAU OF MINES

[Schedule 6D]

PERMISSIBLE ELECTRIC CAP LAMPS; PROCEDURE IN TESTING, FEES CHARGED, AND REQUIREMENTS FOR APPROVAL

AUTHORIZATION AND PURPOSE

Investigations conducted at the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh, Pa., under the provisions of this schedule are authorized by the act of Congress approved February 25, 1913 (37 Stat. 682). This act, as amended June 30, 1932 (47 Stat. 410), contains the following provisions in regard to fees charged for investigations by the Bureau of Mines:

For tests or investigations authorized by the Secretary of the Interior under the provisions of this Act, as amended and supplemented, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations are made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

The purpose of investigations made under this schedule is to promote the development of electric cap lamps that may be used in mines, especially in mines that may contain dangerous concentrations of methane. Lists of such lamps will be published from time to time in order that State mine-inspection departments, compensation bureaus, mine operators, miners, and others interested in safe equipment for mines may have information in regard to available permissible electric cap lamps. This schedule supersedes Schedule 6C, issued under date of December 21, 1935, and goes into effect when approved by the Secretary of the Interior.

Any electric cap lamp that meets the requirements set forth in this schedule will be termed "permissible" by the Bureau and, if actively marketed, will be listed as such in publications relating to permissible electric cap lamps.

FEES CHARGED

*Item 1.* The fee for a complete investigation of an electric cap lamp under this schedule is $200. A check for this amount, payable to the Treasurer of the United States, should be submitted at the time the application is made.

*Item 2.* The fee for tests of redesigned lamps and of accessories such as bulbs, cords, reflectors shall be based upon the following charges:

| *Test* | *Charge* |
|---|---|
| Safety device in gas | $25.00 |
| Mechanical tests of headpiece | 10.00 |
| Battery sparking | 10.00 |
| Mechanical tests of battery | 10.00 |
| Bulb uniformity | 5.00 |
| Bulb life | 45.00 |
| Light distribution | 35.00 |
| Discharge voltage | 25.00 |
| Battery spilling | 5.00 |
| Cord | 15.00 |

All applications for such tests must be made by the manufacturer of the cap lamp.

*Item 3.* Under the present provisions of this schedule, extensions of approvals that do not require tests will be made without charge.

*Item 4.* Tests to assist manufacturers in the development of electric cap lamps may be made upon request to the Director of the Bureau of Mines and will be charged for in amounts proportionate to the work involved. The making of this class of tests shall, however, be optional with the Bureau.

INSTRUCTIONS FOR MAKING APPLICATIONS

Before the Bureau of Mines will undertake the active investigation of any equipment, manufacturers shall have filed an application in the form of a letter requesting that the necessary inspections and tests leading to approval be made and shall have made the necessary deposit to cover the fee for the tests.

A sample request for an investigation of an electric cap lamp follows:

The DIRECTOR OF THE BUREAU OF MINES.
*Department of the Interior, Washington, D. C.*

Subject: Tests of the ------ cap lamp.

DEAR SIR: We hereby make application for an investigation leading to the approval of the ------ electric cap lamp under the provisions of Schedule 6D. Attached is a check for two hundred dollars ($200), made payable to the Treasurer of the United States, to cover the fee for the investigation.

A copy of this application, one set of drawings, one complete lamp, and a full set of instructions for operating the lamp are being sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh, Pa., marked "Attention of the electrical engineer."

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(Signature of Applicant)

CONDITIONS GOVERNING INVESTIGATIONS

1. One complete lamp, with the assembly and detail drawings that show the construction of the lamp and the materials of which it is made, should be submitted at the time the application for test is made. This material should be sent prepaid to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh, Pa., marked "Attention of the electrical engineer."

2. When this lamp has been inspected by the Bureau's engineers, the applicant will be notified as to the amount of material that will be required for the tests. In general, the material required will be as follows: (a) Thirty complete lamps; (b) 500 bulbs; (c) 50 feet of cord; (d) a battery discharge rack for 20 batteries; and (e) a 50-bulb rack. Specifications for items (d) and (e) will be furnished by the Bureau.

3. The applicant will be notified of the date on which the tests will start and will be given an opportunity to witness them.

4. No one is to be present at the time the tests are made except the necessary Bureau of Mines engineers, their assistants, a representative of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau.

5. Permissibility tests will not be made unless the lamp has been completely developed and is in a form that can be marketed.

6. The results of the tests shall be regarded as confidential by all present at the tests and shall not be made public in any way prior to the formal approval of the lamp by the Bureau of Mines.

7. No verbal report of approval or disapproval will be made to the applicant. After the Bureau's engineers have considered the results of the tests, a formal report of the approval or disapproval will be made to the applicant in writing by the Director of the Bureau of Mines. The applicant shall not advertise the lamp as being permissible or as having passed the tests prior to receipt of formal notice of approval.

REQUIREMENTS FOR APPROVAL

*General Requirements*

Electric cap lamps shall be complete units. They shall be durable in construction, practical in operation, and suitable for the conditions of underground service. They shall offer no probable explosion hazard if used in gassy or dusty mine atmospheres nor bodily hazard from the spilling of the battery electrolyte. They shall exhibit, under laboratory test conditions, the various minimum performance requirements specified on this schedule.

*Specific Requirements*

Design

In the determination of the adequacy of the lamp, with respect to design, the

following points will be considered: (a) The materials used; (b) construction; (c) weight; (d) amount of light; (e) distribution of light; and (f) exclusion of dust from the headpiece. The suitability of the materials and the construction shall be determined by preliminary inspection, by dropping tests,[1] by durability tests of the cord and cord armor,[2] and by the general behavior of the lamp equipment during the investigation. The amount and distribution of the light shall be judged both by observation of the illumination on a white screen and by photometric measurements.

*Angle of light beam.* The Bureau recommends that the angle of the light beam be at least 130 degrees horizontally to insure that the contrast edge of the beam is away from the more sensitive sector of the wearer's vision; however, to allow for manufacturing and assembly tolerances and the use of multiple filament bulbs, the Bureau will approve lamps giving a minimum beam angle of 120 degrees. If the bulb has more than one major filament, the one giving the smaller angle will be used in the determination.

*Light distribution, visual.* Excepting special headpieces for inspection purposes, the area illuminated by the beam shall be free from sharp gradations in light intensity and spectral shadows.

*Light distribution, photometric.* Excepting special headpieces for inspection purposes, the maximum candlepower of the light beam shall not be greater than 25 times the average or mean candlepower of the beam.[3]

The minimum candlepower of the beam based upon readings at the design voltage of the bulb shall not be less than one.

*Protection Against Explosion Hazard*

Unless properly designed, electric cap lamps may present two sources of probable explosion hazards: (1) Ignition of an explosive atmosphere by the heated filament of the bulb in case the bulb glass is accidentally broken, and (2) ignition by sparks or flashes from the battery. The Bureau therefore requires the following safeguards:

(a) *Safety device (design).* The headpiece shall be provided with a safety device which shall prevent the ignition of explosive mixtures of methane and air when the bulb glass surrounding the filament is broken.

(b) *Headpiece lock or seal.* The headpiece shall be provided with a lock or seal to prevent unauthorized removal of the lens and tampering with the safety device, the bulb or the electrical contacts.

(c) *Locks on charging terminals.* Lamps shall be equipped with a magnetic or other equally effective lock at the battery, the headpiece or the cord assembly to prevent unauthorized access to live charging terminals.

(d) *Protection of battery terminals.* The battery covers of lamps that are recharged through the cord shall be so constructed and assembled as to prevent unauthorized access to the battery terminals.

(e) *Battery current restricted.* The amount of current flow between the conductors of the cord, if short-circuited just outside of the battery casing or cord armor, shall be limited by the design of the battery or by a fuse to such a value[4] as will not produce sparks that will ignite an explosive mixture of methane and air.

(f) It shall not be possible to obtain a difference of potential between any two accessible points of the cap lamp when assembled for use.

*Protection Against Bodily Hazard*

This hazard is chiefly due to the possible burning of the wearer by electrolyte spilled from the battery. The Bureau therefore requires that:

(a) *Spilling of electrolyte.* The lamp shall be so designed and constructed that, when properly filled, the battery will neither leak nor spill electrolyte under actual service conditions. Lamps passing a laboratory spilling test will be considered satisfactory in this respect, contingent upon satisfactory performance in service.

(b) *Corrosion of battery container.* The material of which the container is made shall resist corrosion under conditions of use.

*Performance*

In addition to the general design and the safety features, the Bureau considers that a lamp of permissible type should meet certain minimum requirements with respect to performance, as follows:

(a) *Time of burning and candlepower.* Permissible electric cap lamps shall burn for at least 10 consecutive hours on one charge of the battery and shall give during that period a mean candlepower of light beam of not less than one.

(b) *Bulb life.* The average life of the bulbs shall be not less than 200 hours, and at least 92 percent of the bulbs shall have a life of 150 hours.

The life of a bulb is the number of hours its main filament will burn in the cap lamp or its equivalent.

The life of a bulb having main filaments in parallel is considered ended when the first filament ceases to burn; the life of a bulb having independent main filaments is considered ended when the last filament ceases to burn.

(c) *Bulb uniformity.* The bulbs submitted shall meet the following minimum requirements for variation in current consumption and candlepower:

The current consumption of at least 94 percent of the bulbs shall not exceed the average current by more than 6 percent. The candlepower (s. cp.) of at least 90 percent of the bulbs shall not fall short of the average candlepower by more than 30 percent.

(d) *Corrosion of contacts.* Battery terminals and leads therefrom, as well as the battery gas vents, shall be designed to minimize corrosion of the electrical contacts.

MATERIAL REQUIRED FOR BUREAU OF MINES RECORDS

In order that the Bureau may know exactly what it has tested and approved, detailed records are kept covering each investigation. These include drawings and actual equipment, as follows:

*Drawings.* The original drawings submitted with the application for the tests and the final drawings, which the manufacturer must submit to the Bureau before the approval is granted, to show the details of the lamp as approved. These drawings are used to identify the lamp in the approval and as a means of checking the future commercial product of the manufacturer.

*Actual equipment.* If the Bureau so desires, parts of the lamps which are used in the tests will be retained as a permanent record of the investigation and of the lamps submitted.

If the lamp is approved, the Bureau will require the manufacturer, as soon as his first manufactured lamps are available, to submit one complete lamp, bearing the approval plate, as a record of his commercial product.

HOW APPROVALS ARE GRANTED

All approvals are granted by letter through the Director's office at Washington, D. C. A lamp will be approved under this Schedule only when the testing engineers judge that the lamp has met the requirements of the schedule and the Bureau's records concerning the lamp are complete, including drawings from the manufacturer that show the lamp as it is to be commercially made. No verbal reports of the Bureau's decisions concerning the investigation will be given, and no informal approvals will be granted.

As soon as the manufacturer has received the formal approval he shall be free to advertise his lamps as permissible.

WORDING, PURPOSE, AND USE OF APPROVAL PLATE

*Approval plate.* The manufacturer shall attach, stamp, or mold an approval plate on the battery container of each permissible lamp. The plate shall bear the seal of the Bureau of Mines and be inscribed as follows: "Permissible Electric Cap Lamp. Approval No. ---------- issued to the ---------- Company." When deemed necessary, an appropriate caution statement shall be added. The size and position of the approval plate shall be satisfactory to the Bureau.

*Purpose of approval plate.* The approval plate is a label which identifies the lamp so that anyone can tell at a glance whether the lamp is of the permissible type or not. By it, the manufacturer can point out that his lamp complies with specifications of the Bureau of Mines and that it has been judged as suitable for use in gassy mines.

*Use of approval plate.* Permission to place the Bureau's approval plate on his lamp obligates the manufacturer to maintain the quality of his product and to see that each lamp is constructed according to the drawings which have been accepted by the Bureau for this lamp and which are in the Bureau's files. Lamps exhibiting changes in design which have not been approved are not permissible lamps and must not bear the Bureau's approval plate.

*Withdrawal of approval.* The Bureau reserves the right to rescind, for cause, at any time any approval granted under this schedule.

INSTRUCTIONS FOR HANDLING FUTURE CHANGES IN LAMP DESIGN

All approvals are granted with the understanding that the manufacturer will make his lamp according to the drawings which he has submitted to the Bureau and which have been considered and included in the approval. Therefore, when he desires to make any change in the design of the lamp, he should first of all obtain the Bureau's approval of the change. The procedure is as follows:

1. The manufacturer shall write to the Director of the Bureau at Washington, D. C., requesting an extension of his original approval and stating the change or changes desired. He should send a copy of the letter, a revised drawing showing the change in detail, and one of each of the lamp parts affected to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh, Pa., marked "Attention of the electrical engineer."

2. The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make any tests.

3. If no tests are necessary, the applicant will be advised of the approval or disapproval of the change through the Director's office.

4. If tests are judged necessary, the applicant will be advised of the material that will be required and of the necessary deposit to cover the fee for the test.

JOHN W. FINCH,
*Director.*

Approved, August 26, 1939.

HARRY SLATTERY,
*Acting Secretary of the Interior.*

[F. R. Doc. 39-3448; Filed, September 20, 1939; 9:05 a. m.]

## TITLE 41—PUBLIC CONTRACTS

### DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF AN AMENDMENT TO THE DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE MEN'S RAINCOAT INDUSTRY

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", hereinafter called the Act).

In my decision dated July 28, 1937, In the Matter of the Determination of the Prevailing Minimum Wage in the Men's Raincoat Industry (2 F.R. 1336), the term "cravenette" appears as a word of Common usage. This term is a registered trade-mark and should have been so designated; therefore,

I Determine

That my decision In the Matter of the Determination of the Prevailing Minimum Wage in the Men's Raincoat Industry is hereby amended by the deletion of the first paragraph and paragraph "(1)" following the words "Therefore, I Hereby Determine" and substituting in lieu thereof the following respective paragraphs:

This case is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (Public Act No. 846, 74th Congress) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes". At my direction the Public Contracts Board, created in accordance with Section 4 of the said Act by Administrative Order dated October 6, 1936, has been engaged in the consideration of the wages paid in the various garment industries, and on April 21, 1937 it held a public hearing on the prevailing minimum wages in the men's raincoat industry including the manufacture of vulcanized and rubberized raincoats, and raincoats made from material known under the registered trade-mark of "Cravenette" or from fabric chemically or otherwise treated so as to render it water-resistant (except oiled cotton).

* * * * *

(1) That the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Public Act No. 846, 74th Congress, approved June 30, 1936 for the manufacture or supply of men's raincoats, including the manufacture of vulcanized and rubberized raincoats and raincoats made from material known under the registered trade-mark of "Cravenette" or from fabric chemically or otherwise treated so as to render it water-resistant (except oiled cotton), shall be 40 cents an hour or $16.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

[SEAL] FRANCES PERKINS,
*Secretary of Labor.*

Dated, September 18, 1939.

[F. R. Doc. 39-3467; Filed, September 20, 1939; 12:09 p. m.]

## *Notices*

### DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

[40-AAA-1]

INSTRUCTIONS FOR HOLDING REFERENDUM ON COTTON MARKETING QUOTAS ON THE 1940 CROP

In view of the fact that the Secretary of Agriculture has determined and proclaimed, pursuant to the provisions of section 345 of the Agricultural Adjustment Act of 1938, that the total supply of cotton for the 1939-40 marketing year exceeds by more than 7 percent the normal supply thereof for such marketing year, a referendum, by secret ballot, of farmers who were engaged in the production of cotton in 1939 will be held on Saturday, December 9, 1939, pursuant to section 347 of said Act and in accordance with the regulations and instructions herein set forth, to determine whether they favor or oppose cotton marketing quotas on the 1940 cotton crop. Such quotas will be in effect unless more than one-third of the farmers voting in the referendum oppose them.

A. VOTING ELIGIBILITY

All farmers who were engaged in the production of cotton in 1939 are eligible to vote in the referendum (except those producing only cotton 1⅛ inches or more in staple length, as provided in the next paragraph). Any person who shared in the proceeds of the 1939 cotton crop as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper shall be considered as having been engaged in the production of cotton in 1939. Farmers who planted cotton in 1939 but produced no cotton on such acreage for any reason except neglect to farm the planted acreage shall be regarded as having been engaged in the production of the 1939 cotton and therefore eligible to vote.

Since the law provides that marketing quotas are not applicable to cotton the staple of which is 1⅛ inches or more in length, a person who was engaged in the

[1] Batteries are dropped 3 feet, at least 20 times, on to an oak floor. Headpieces are dropped 6 feet, at least 20 times, on to concrete.

[2] Ten cords, assembled with the cord armour and outlet of the lamp with which it is to be used, are slatted at least 100,000 times through an arc of 50 degrees at approximately 90 slattings per minute.

[3] The minimum allowable angle of 120 degrees will be used in determining the mean candlepower of the beam.

[4] The following maximum short-circuit current values may be used as a guide in the design of cap lamp batteries: 100 Amperes for a 4-volt battery; 75 Amperes for a 6-volt battery; 50 Amperes for an 8-Volt battery.

production of such cotton in 1939 is not eligible to vote, unless in 1939 he was also engaged in the production of cotton the staple of which was less than 1 1/2 inches in length. (Because of such provision the term "cotton" as used in these instructions and in the prescribed forms to be used hereunder means cotton having a staple length of less than 1 1/2 inches.)

No farmer (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may have been engaged in the production of cotton in 1939 on two or more farms or in two or more communities, counties, or States.

In case a group of several persons, such as husband, wife, and children, participated in the production of cotton in 1939 under a single rental or cropping agreement or lease, each person who signed the written or entered into the oral rental or cropping agreement or lease shall be entitled to one vote, but the others in such group shall not be eligible to vote.

In case two or more persons engaged in producing cotton in 1939 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person is entitled to one vote.

There shall be no voting by mail, proxy, or agent, or in any manner except the eligible voter personally depositing in the ballot box his ballot marked by him; but a duly authorized officer of a corporation, firm, association, or other legal entity, or a duly authorized member of a partnership, may cast its vote.

If a Community Referendum Committee determines that the fact is that a farmer residing within the jurisdiction of such committee at the time of the referendum is eligible to vote by reason of his having engaged in producing cotton in another community in 1939, the committee may issue a ballot form to him and permit him to vote, provided the committee also satisfies itself that such farmer has not previously voted in the referendum in another community. If the committee cannot so satisfy itself and the farmer insists upon voting, it shall challenge the ballot in the manner hereinafter outlined.

B. INSTRUCTIONS TO COUNTY COMMITTEES

Each County Agricultural Conservation Committee (hereinafter referred to as the County Committee) shall be responsible for the proper holding of the referendum in its county and it shall:

1. Designate one readily accessible place for balloting in each community and give public notice of the time and place for balloting therein by posting a notice on form Cotton 401, "Notice—Cotton Marketing Quota Referendum", at one or more places open to the public within each community at least 5 days in advance of the date of the referendum.

2. Make use (without advertising expense) of all available agencies of public information, including newspapers and radio, to give cotton farmers in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice should be given as soon as practicable after the plans for holding the referendum in the county have been made, but must be given at least 5 days in advance of the date of the referendum.

3. Designate three cotton farmers residing in each community as members of the Community Referendum Committee to conduct the referendum in such community and name one of such members as chairman of the committee, and another of such members as vice-chairman of the committee.

4. In counties with less than 100 cotton farms the County Committee may treat the county as one community for the purpose of the referendum and shall hold the referendum and perform the duties both of County Committee and Community Referendum Committee.

5. See that each Community Referendum Committee is provided with a suitable ballot box (see C4 below).

6. Prepare on form Cotton 403, "Register of Eligible Voters and Ballots Cast—1940 Cotton Marketing Quota Referendum", the register (so far as it can ascertain) of eligible voters for each community in the county, listing thereon the names and addresses of all persons shown on its records or known to it as producers who were engaged in the production of cotton in such community during 1939.

7. Deliver a supply of forms Cotton 402, "1940 Cotton Marketing Quota Referendum Ballot", and of forms Cotton 404, "Community Summary of 1940 Cotton Marketing Quota Ballots", as well as form Cotton 403 (as provided in paragraph 6 above), to the chairman of the respective Community Referendum Committee.

8. See to it that the Community Referendum Committees understand their duties in all respects, with particular emphasis as to (a) issuing ballot forms, (b) recording votes, (c) tabulating ballots, and (d) certifying results of the referendum in the community.

9. See that all necessary and appropriate measures are taken to insure that the referendum is conducted by secret ballot, fairly and impartially.

10. Notify the State Agricultural Conservation Committee (hereinafter referred to as the State Committee) by telephone, telegraph, or in person, as soon as possible after the closing of the polls, as to the preliminary count of "Yes" and "No" votes in the county.

11. Meet not later than 8:30 o'clock a. m., on the next week-day after the holding of the referendum, for the purpose of receiving and tabulating on form Cotton 405, "County Summary of 1940 Cotton Marketing Quota Ballots", the data reported on forms Cotton 404. Such meeting shall be open to the public. A report on Cotton 405, showing the results in the county, shall be prepared and certified in quadruplicate, two copies of which shall be sent to the State Committee as soon as possible and in no case later than 4 calendar days after the date of the referendum, one copy posted for 60 calendar days in a conspicuous place accessible to the public in or near the office of the County Committee (hereinafter referred to as the county office), and one copy permanently filed in the county office and kept available for public inspection. One copy of each executed form Cotton 404 shall also be posted for 60 calendar days in a conspicuous place accessible to the public in or near the county office.

12. Make an investigation in each case of controversy or dispute regarding eligibility of a voter to vote in the referendum. In each case where a ballot is found in a sealed envelope marked "Challenged" by the Community Referendum Committee and bearing on the outside the voter's name and a statement of the reason for the challenge, the eligibility of such person shall be determined. If it is determined that such person is eligible, the ballot shall be placed with the challenged ballot of every other person found to be eligible, and when all the challenged ballots have been passed upon by the committee those ballots found to be cast by eligible voters shall be opened and tabulated in the county summary, but no disclosure shall be made as to how any particular person voted. If it is determined that such person is not eligible, the envelope shall not be opened but shall be preserved with the ballots, as provided in paragraph 14 of this section B.

13. Make an investigation in each case of dispute regarding the correctness of the summary of the referendum in a community. No dispute shall be investigated by the County Committee unless it is brought to its attention within 3 calendar days after the date on which the referendum was held. The County Committee shall promptly decide the dispute and immediately report its findings to the State Committee and send by registered mail or deliver in person to the office of the State Committee all voted ballots, register forms, and community summary sheets involved in the dispute.

14. Seal the voted ballots, challenge ballots found ineligible, register sheets, and community summary sheets for the county in one or more envelopes or packages (marked "Cotton Referendum 1940", followed by the name of the county) and place them under lock and key in a safe place under the custody of the Secretary of the County Agricultural Conservation Association for a period of 60 calendar days from the date of the referendum. If no notice to the contrary is received by the end of such time, the ballots shall be destroyed but the register and community summary sheets shall be permanently filed in the county office and kept available for public inspection.



C. INSTRUCTIONS TO COMMUNITY REFERENDUM COMMITTEES

Each Community Referendum Committee designated by the County Committee shall:

1. Arrange, with the assistance of the County Committee, for conducting the referendum by secret ballot and fairly and impartially.

2. Assist the County Committee in giving adequate public notice of the time and place for casting ballots in the community at least 5 days in advance of the date on which the referendum will be held.

3. Provide a place where each eligible farmer can mark and cast his ballot in secret and without interference, coercion, or duress.

4. Provide a suitable ballot box. Any container so arranged that no ballot can be seen or removed without breaking seals on the container will be suitable. If strip adhesive paper or similar seals are used, such seals should be signed or initialed by the chairman or a member of the Community Referendum Committee so that breaking or replacing the seal will so destroy or affect the identifying marks as to show that the seal has been tampered with.

5. Open the polls at the time designated by the County Committee, which time shall not be later than 9:00 o'clock a. m., local standard time, on the date fixed for holding the referendum.

6. Hold the referendum in a fair and unbiased manner and see that appropriate measures are taken to insure that it is conducted by secret ballot, fairly and impartially.

7. See that no device is used whereby any voter's ballot may be identified (except in the case of a challenged ballot), and instruct each voter as he is handed a ballot form that he is to mark his ballot so as to show how he votes in such manner that no one shall see how he votes and then to fold his ballot and place it in the ballot box without allowing anyone to see which way he votes.

8. Issue a ballot to each person who is eligible to vote and to each person who claims to be eligible to vote and insists upon voting even though his eligibility is challenged by the committee. Every unchallenged ballot shall be placed in the ballot box by the person who voted it. If the voter fails to fold the ballot that shall not invalidate it. In every case where the eligibility of the voter is challenged, his ballot, after being marked by the challenged person, so as to show how he votes but in such manner that no one sees how he votes, shall be folded and placed (by him, or by the committee if he refuses) in an envelope, which shall then be sealed and endorsed with his name, the word "Challenged", and a statement of the reason for the challenge, and shall then be placed in the ballot box. The letter "C" shall be entered on form Cotton 403 immediately to the left of the name of each person whose vote is challenged.

9. Record on form Cotton 403 the name and address of each farmer to whom a ballot form is issued if he is not already listed thereon prior to the time the ballot form is issued to him.

10. Enter, in the column on form Cotton 403 headed "Ballot Cast (X)", an X beside the name and address of each farmer to whom a ballot form is issued and whose ballot is placed in the ballot box (whether or not his ballot is challenged).

11. Close the polls and discontinue acceptance of ballots at 5:00 o'clock p. m., local standard time (or such later hour as is fixed by the State Committee in order to afford a full and fair opportunity to producers to vote) on the date of the referendum.

12. Immediately after closing the polls, open the ballot box and canvass the ballots cast, which canvass shall be kept open to the public.

13. Tabulate and record the results of the referendum on form Cotton 404. The number of challenged ballots cast shall be entered on form Cotton 404 in the space provided and will not be shown as being either for or against the marketing quotas. If any ballot is found to be mutilated or marked so that it cannot be determined whether the ballot was intended to show that the voter approved or opposed the marketing quotas, it shall not be counted as a ballot cast but the number of such spoiled ballots shall be entered in the space provided and such ballots sealed in an envelope marked "Spoiled Ballots", followed by the number of such ballots and the designation of the community, together with the signature or initials of the chairman or a member of the Community Referendum Committee. If any member of the Community Referendum Committee should happen to see or learn how any person besides himself voted, whether or not the ballot was challenged or found to be spoiled, he shall not disclose such knowledge to any other person, except in an investigation conducted by the County Committee hereunder.

14. Certify to the accuracy of the executed forms Cotton 403 and Cotton 404 by signing in the spaces provided.

15. Notify the County Committee, by telephone or by a member of the Community Referendum Committee in person or by a signed communication sent by messenger, as soon as possible after the closing of the polls as to the preliminary count of "Yes" and "No" votes in the community.

16. Seal the voted ballots (including those challenged), the spoiled ballots, the register sheet, and the original and one copy of the community summary in one or more envelopes appropriately identified by the designation of the community and deliver them (by a member of the Community Referendum Committee or another trustworthy person, volunteering to perform the duty without compensation) to the County Committee not later than 8:30 o'clock a. m., on the first week-day following the holding of the referendum, together with the unused ballot and other forms. The Chairman of the Community Referendum Committee (or in his absence or disability, the Vice-Chairman thereof) shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

17. Post an executed copy of form Cotton 404, as soon as it is executed, at a conspicuous place at the polling place, so that it remains posted and accessible to the public for at least 3 calendar days after the date of the holding of the referendum.

D. INSTRUCTIONS TO STATE COMMITTEES

Each State Committee shall be in charge of and responsible for the conducting of the referendum in its State in a fair, unbiased, and impartial manner, by secret ballot, and shall:

1. Notify the appropriate Regional Director of the Agricultural Adjustment Administration by telegraph as to the preliminary count in the State of votes for and votes against marketing quotas.

2. Summarize on form Cotton 406, "State Tabulation of 1940 Cotton Marketing Quota Ballots", the information contained on the forms Cotton 405 reported to it and the facts found in any investigation or recheck conducted by it and forward via air mail special delivery two fully executed forms Cotton 406 to the appropriate Regional Director, Agricultural Adjustment Administration, Washington, D. C., not later than 7 calendar days after the date of the referendum. If one sheet proves insufficient for listing the information with respect to all counties in the State, in which the referendum is required to be conducted because cotton was produced therein in 1939, additional sheets properly numbered and identified and securely attached to the first sheet may be used for continuation, in which case totals and signatures should be entered only on the last sheet. One fully executed copy of each form Cotton 405 and form Cotton 406 shall be permanently filed in the State office of the Agricultural Adjustment Administration available for public inspection.

3. Complete the investigation of any report from any county regarding irregularities in the holding of the referendum or controversies as to the correctness of summaries of the referendum, not later than 10 calendar days after the date of the referendum, and forward its findings in such cases to the appropriate Regional Director.

E. RESULTS OF REFERENDUM

Final and official tabulation of the votes cast in the referendum will be made by the Agricultural Adjustment Administration and reported to the Secretary of

Agriculture and the result of the referendum will be publicly proclaimed by him. The reports on Cotton 406 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection in the Department of Agriculture.

Each County Committee is authorized to give out unofficial reports of the total "Yes" and total "No" votes in its county to the public press and other inquirers. Each State Committee is authorized to release to the press and other inquirers the unofficial results of the referendum for its State by counties as rapidly as the votes in the various counties are tabulated.

If the Administrator of the Agricultural Adjustment Administration or the Secretary of Agriculture deems it necessary, the report of any Community Referendum Committee, County Committee, or State Committee shall be reexamined and checked by such persons or agencies as may be designated.

Done at Washington, D. C., this 20th day of September 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3469; Filed, September 20, 1939; 12:33 p. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

IN THE MATTER OF APPLICATIONS FOR EXEMPTION OF THE RECEIVING, GRADING AND PACKING OF UNSHELLED "ENGLISH" WALNUTS IN THE STATES OF CALIFORNIA, OREGON AND WASHINGTON, AND UNSHELLED FILBERTS IN THE STATES OF OREGON AND WASHINGTON FROM THE MAXIMUM HOUR PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938

NOTICE OF HEARING

Whereas, upon consideration of applications filed by the California Walnut Growers Association, the North Pacific Nut Growers Cooperative and sundry other parties for exemption of the receiving, grading and packing of unshelled "English" walnuts in the States of California, Oregon and Washington from the maximum hour provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the regulations issued thereunder,[1] a preliminary determination was made that a prima facie case had been shown for the granting of the aforesaid exemption to the receiving, grading and packing of unshelled "English" walnuts and notice thereof was published in the FEDERAL REGISTER under date of August 29, 1939,[2] in accordance with the procedure established by Section 526.5 (c) of the said regulations; and

Whereas, within fifteen days following the publication of that preliminary determination the Administrator received objection and request for hearing; and

Whereas, applications have been filed by the North Pacific Nut Growers Cooperative and sundry other parties for exemption of the receiving, grading and packing of unshelled filberts in the States of Oregon and Washington from the maximum hour provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the regulations issued thereunder; and

Whereas, it appears that the applications for the exemption of the receiving, grading and packing of unshelled "English" walnuts and receiving, grading and packing of unshelled filberts present related issues of fact and law:

Now, therefore, notice is hereby given of a combined public hearing to be held pursuant to Sections 526.5 and 526.6 of the said regulations in United States Post Office Building, San Francisco, California, to commence at 10:00 A. M. on September 28, 1939, before Harold Stein, an authorized representative of the Administrator, hereby authorized to conduct said hearing, take testimony and hear arguments for the purpose of determining, and to determine the following questions:

(1) Whether either the receiving, grading and packing of unshelled "English" walnuts, or the receiving, grading or packing of unshelled filberts is an industry of a seasonal nature or branch thereof within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder; and

(2) Whether both the receiving, grading and packing of unshelled "English" walnuts, and the receiving, grading and packing of unshelled filberts together constitute an industry of a seasonal nature or branch thereof within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of regulations issued thereunder.

As used in this notice, the terms "receiving, grading and packing of unshelled 'English' walnuts" and "receiving, grading and packing of unshelled filberts" are used in the ordinary accepted meaning of these terms in the trade but do not include the warehousing or shelling of such nuts.

At this hearing all persons interested, including employees, employee groups, employee labor organizations, employers, employer groups, and trade organizations, within the industry affected, and designated subordinates of the Administrator, will be afforded an opportunity to present evidence and to be heard. All persons or associations desiring to avail themselves of this opportunity should, if possible, notify the Administrator in advance.

Signed at Washington, D. C., this 20th day of September 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3456; Filed, September 20, 1939; 11:22 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 18, 1939 to May 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original documents, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

| Name and address of firm: | Number of learners |
|---|---|
| Acme Hosiery Dye Works, Inc., Pulaski, Virginia | 20 |
| Albany Manufacturing Company, Inc., Albany, Georgia | 31 |
| Amos & Smith Hosiery Co., Pilot Mountain, North Carolina | 69 |
| Argus Hosiery Mills, Inc., Sevierville, Tennessee | 61 |
| Bland Silk Hosiery Mill, Inc., Bland, Virginia | 35 |
| Brownhill & Kramer, Inc., Philadelphia, Pennsylvania | 30 |
| Cumberland Mfg. Co., Inc., Crossville, Tennessee | 47 |
| Douglas Silk Products Company, Douglas, Georgia | 100 |
| Fremont Hosiery Mills, Thomasville, North Carolina | 30 |
| Grey Hosiery Mills, Hendersonville, North Carolina | 38 |
| Hattiesburg Hosiery Co., Hattiesburg, Mississippi | 85 |
| Herbert Hosiery Mills, Inc., Norristown, Pennsylvania | 26 |
| Interwoven Stocking Company, Morristown, Tennessee | 35 |
| James Hosiery Mills, Greenville, Tennessee | 27 |
| Liberty Hosiery Mills, Inc., Liberty, North Carolina | 90 |
| Massachusetts Knitting Mills, Inc., Jamaica Plain, Massachusetts | 31 |
| Massachusetts Textile Co., Bernhard Altman, Inc., 6 Globe Mills Avenue, Fall River, Massachusetts | 62 |
| Meridian Hosiery Mills, Meridian, Mississippi | 86 |
| Miller-Smith Hosiery Mills, Delano, Tennessee | 61 |
| Moreland Knitting Mills, Moreland, Georgia | 45 |
| Wm. Nebel Hosiery Co., Jacksonville, Florida | 25 |
| Nolde and Horst Co. of Tennessee, McMinnville, Tennessee | 150 |
| Parker Hosiery Mill & Dye Works, Inc., Portsmouth, Virginia | 20 |
| Paul Knitting Mills, Pulaski, Virginia | 28 |
| Piedmont Knitting Company, Inc., Gordonsville, Virginia | 52 |
| Quitman Hosiery Mill, Quitman, Georgia | 12 |
| Royal Oak Hosiery Mills, Inc., Marion, Virginia | 85 |
| Salem Full Fashioned Hosiery Mill, The, Salem, Virginia | 50 |
| Shannon Hosiery Mills, Inc., Columbus, Georgia | 50 |
| Townhouse Hosiery Mills, Inc., Chilhowie, Virginia | 90 |
| Victor Silk Hosiery Corp. of Maryland, Hagerstown, Maryland | 42 |
| Wilkes Hosiery Mills Company, North Wilkesboro, North Carolina | 30 |
| Wilson Manufacturing Corporation, Wilson, North Carolina | 12 |

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 20th day of September 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3459; Filed, September 20, 1939; 11:55 a. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket Nos. 162, 244, 224, 271, 272]

IN THE MATTER OF THE APPLICATIONS OF DELTA AIR CORPORATION, PENNSYLVANIA CENTRAL AIRLINES CORP., SOUTHERN AIR LINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

The above-entitled proceeding, being the applications of Delta Air Corporation, Pennsylvania Central Airlines Corp., and Southern Air Lines, Inc., for certificates of public convenience and necessity authorizing air transportation between Cincinnati, Ohio, Knoxville, Tenn., Lexington, Ky., Atlanta, Ga., Chattanooga, Tenn., Birmingham, Ala., Meridian, Miss., New Orleans, La., Augusta, Savannah and Brunswick, Ga., Pittsburgh, Pa., Charleston, W. Va., Nashville, Tenn., Memphis, Tenn., Columbus, Ga., Dothan, Ala., and Pensacola, Fla., now assigned for public hearing on October 9, 1939,[1] is hereby postponed to October 26, 1939, 10 o'clock a. m. (Eastern Standard Time) in Conference Room B of the Departmental Auditorium, Washington, D. C., before an examiner of the Authority.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3454; Filed, September 20, 1939; 10:31 a. m.]

[Docket Nos. 192, 251]

IN THE MATTER OF THE APPLICATIONS OF BRANIFF AIRWAYS, INC., KANSAS CITY SOUTHERN TRANSPORT CO., INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

The above-entitled proceeding, being the applications of Braniff Airways, Inc., and Kansas City Southern Transport Co., Inc., for certificates of public convenience and necessity authorizing air transportation between Kansas City, Mo., Joplin, Mo., Tulsa, Okla., Fort Smith, Okla., Texarkana, Ark., Shreveport, La., Alexandria, La., Baton Rouge, La., and New Orleans, La., now assigned for public hearing on October 18, 1939,[1] is hereby postponed to November 8, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th St., NW., Washington, D. C., before an examiner of the Authority.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3450; Filed, September 20, 1939; 10:30 a. m.]

[Docket Nos. 196, 11-401 (B)-2, 11-401 (B)-3, 9-401 (B)-4, 9-401 (B)-5, 230]

IN THE MATTER OF THE APPLICATIONS OF BRANIFF AIRWAYS, INC., MISSOURI CENTRAL AIRLINES, INC., EASTERN AIR LINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

The above-entitled proceeding, being the applications of Missouri Central Airlines, Inc., Eastern Air Lines, Inc., and Braniff Airways, Inc., for certificates of public convenience and necessity authorizing air transportation between Kansas City, Mo., Springfield, Mo., and Memphis, Tenn.; the applications of Missouri Central Airlines, Inc., and Eastern Air Lines, Inc., between Nashville, Tenn. and St. Louis, Mo.; the application of Missouri Central between Birmingham, Ala., Nashville, Tenn., Evansville, Ind., Terre Haute, Ind., and Chicago, Ill.; and the application of Eastern between Florence (Muscle Shoals), Ala., and Nashville, Tenn., now assigned for public hearing on September 27, 1939,[2] is hereby postponed to a date to be hereafter assigned.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3452; Filed, September 20, 1939; 10:30 a. m.]

[Docket No. 245]

IN THE MATTER OF THE APPLICATION OF PENNSYLVANIA CENTRAL AIRLINES CORP. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938.

NOTICE OF POSTPONEMENT OF HEARING

The above-entitled proceeding, being the application of Pennsylvania Central Airlines Corp. for a certificate of public convenience and necessity authorizing air transportation between Knoxville, Tenn., Asheville, N. C., Hickory, N. C., Winston-Salem, N. C., Greensboro, N. C., Raleigh, N. C., Rocky Mount, N. C., Elizabeth City, N. C., and Norfolk, Va., now assigned for public hearing on October 30, 1939,[2] is hereby postponed to November 13, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Mayflower Hotel, Connecticut Avenue and DeSales Street, NW., Washington, D. C., before an examiner of the Authority.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3451; Filed, September 20, 1939; 10:30 a. m.]

[Docket No. 253]

IN THE MATTER OF THE APPLICATION OF BRANIFF AIRWAYS, INC., UNDER SECTION 405 (E) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR REVIEW OF CERTAIN ACTIONS OF THE POSTMASTER GENERAL AND ITS COMPLAINT, UNDER SECTION 411 OF SAID ACT, AGAINST CERTAIN UNFAIR PRACTICES AND METHODS OF COMPETITION OF AMERICAN AIRLINES, INC.

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on October 18, 1939, 10 o'clock a. m. (Eastern Standard

[1] 3 F.R. 2534 DI.
[2] 4 FR. 3757 DI.

[1] 4 F.R. 2844 DI.

[2] 4 F.R. 2843 DI.

Time) at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an examiner of the Authority.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-3449; Filed, September 20, 1939; 10:30 a. m.]

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[Docket No. 295]

IN THE MATTER OF THE APPLICATION OF TRANSCONTINENTAL & WESTERN AIR, INC., FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, UNDER SECTION 401 (H) OF THE CIVIL AERONAUTICS ACT OF 1938, TO CARRY MAIL IN ADDITION TO PERSONS AND PROPERTY BETWEEN KANSAS CITY, MO., CHICAGO, ILL., PITTSBURGH, PA., AND NEWARK, N. J.

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on October 2, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an examiner of the Authority.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-3455; Filed, September 20, 1939; 10:31 a. m.]

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[Docket No. 297]

IN THE MATTER OF THE CERTIFICATION BY THE POSTMASTER GENERAL PURSUANT TO SECTION 401 (N) OF THE CIVIL AERONAUTICS ACT OF 1938 WITH RESPECT TO THE TRANSPORTATION OF MAIL BY AIRCRAFT BETWEEN THE TERMINAL POINT, KANSAS CITY, MO., THE INTERMEDIATE POINT, CHICAGO, ILL., AND THE TERMINAL POINT, NEWARK, N. J., AND BETWEEN THE TERMINAL POINT, KANSAS CITY, MO., THE INTERMEDIATE POINT, CHICAGO, ILL., AND THE TERMINAL POINT, PITTSBURGH, PA.

NOTICE OF HEARING

The Postmaster General having certified to the Civil Aeronautics Authority, pursuant to section 401 (n) of the Act, that the needs of the postal service require certain additional facilities for the transportation of mail by aircraft between the terminal point, Kansas City, Mo., the intermediate point, Chicago, Ill., and the terminal point, Newark, N. J., and between the terminal point, Kansas City, Mo., the intermediate point, Chicago, Ill., and the terminal point, Pittsburgh, Pa., a public hearing will be held on October 2, 1939, at 10 o'clock a. m. (Eastern Standard Time), at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an examiner of the Authority, in order to determine whether such transportation of mail is required by the public convenience and necessity.

Dated Washington, D. C., September 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-3453; Filed, September 20, 1939; 10:30 a. m.]

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## FEDERAL POWER COMMISSION.

[Docket No. IT-5533]

IN THE MATTER OF OTTER TAIL POWER COMPANY

ORDER SETTING HEARING

SEPTEMBER 19, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper; Basil Manly; Leland Olds, concurring. John W. Scott, dissenting.

Upon the application filed August 28, 1939, by Otter Tail Power Company for modification of the Commission's Order Denying Dismissal of Application and Authorizing Issuance of Common Stock Share Certificates adopted June 27, 1939, in the above entitled proceeding; such proposed modifications to

(a) Permit of the issuance of common stock without par value with the stated capital applicable to each share to be $12.50;

(b) Require that special common stock shall have equal voting rights with founders' common stock only when dividends on preferred stock outstanding shall be in arrears to the extent of an amount equal to two years' dividends thereon;

(c) Eliminate restrictions on the application of proceeds of any common stock issued;

The Commission orders that:

A public hearing on the said application be held beginning at 2 o'clock P. M. on the 26th day of September, 1939, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-3458; Filed, September 20, 1939; 11:51 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of September 1939.

[File No. 1-1623]

IN THE MATTER OF WESTMORELAND COAL COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Westmoreland Coal Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Philadelphia Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Thursday, October 19, 1939, in Room 1103, Securities & Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3460; Filed, September 20, 1939; 12:05 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 16th day of September 1939.

[File No. 1-1627]

IN THE MATTER OF WESTMORELAND INCORPORATED COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Westmoreland Incorporated, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Philadelphia Stock Exchange; and



The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Thursday, October 19, 1939, in Room 1103, Securities & Exchange Commission Building, 1778 Pennsylvania Avenue, NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3461; Filed, September 20, 1939; 12:05 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of September 1939.

[File No. 7-425]

IN THE MATTER OF WESTMORELAND COAL COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO TERMINATE UNLISTED TRADING PRIVILEGES

Westmoreland Coal Company, having made application to the Commission pursuant to Rule X-12F-3 under the Securities Exchange Act of 1934, as amended, for termination of unlisted trading privileges on the New York Curb Exchange in the Common Stock, No Par Value, of Westmoreland Coal Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Thursday, October 19, 1939, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

*It is further ordered*, That Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3462; Filed, September 20, 1939; 12:05 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of September 1939.

[File No. 7-426]

IN THE MATTER OF WESTMORELAND INCORPORATED COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO TERMINATE UNLISTED TRADING PRIVILEGES

Westmoreland Incorporated, having made application to the Commission pursuant to Rule X-12F-3 under the Securities Exchange Act of 1934, as amended, for termination of unlisted trading privileges on the New York Curb Exchange in the Common Stock, No Par Value, of Westmoreland Incorporated; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons should be given an opportunity to be heard and that general notice should be given;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Thursday, October 19, 1939, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine, and that general notice thereof be given; and

*It is further ordered*, That Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3463; Filed, September 20, 1939; 12:06 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of September, A. D. 1939.

[File No. 2-2081]

IN THE MATTER OF POTRERO SUGAR COMPANY

STOP ORDER

This matter coming on to be heard before the Commission on the registration statement of Potrero Sugar Company, a Delaware corporation, after confirmed telegraphic notice to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant; and

The Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued; and

The Commission now being fully advised in the premises,

*It is ordered*, Pursuant to Section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by Potrero Sugar Company be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3464; Filed, September 20, 1939; 12:06 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of September, A. D. 1939.

[File No. 63-1]

IN THE MATTER OF THE UNITED CORPORATION

ORDER AMENDING AND MODIFYING AN ORDER APPROVING AN INVESTMENT PROGRAM

The United Corporation, a Delaware corporation and a registered holding company, having filed an application and amendments thereto pursuant to Rule U-9C-4 under the Public Utility Holding Company Act of 1935, for approval of a program for the investment, during a period not to exceed six months, of not more than $8,000,000 of its current funds

in securities issued by non-utility companies;

The Commission having, on March 13, 1939, issued an order [1] approving the investment program as outlined in the application as amended subject to certain terms and conditions among which was the following:

(7) That upon the completion of purchases totaling $8,000,000 or upon the expiration of six months from the date of this order in this matter, whichever event occurs first, the applicant shall make no further acquisition of securities under this investment program.

The applicant having filed on September 9, 1937, an application for the modification and amendment of the aforesaid order, to provide for an extension of the effective period of the said investment program to a time when purchases totaling $8,000,000 have been completed or when a period of ten months from the date of said order shall have expired, whichever event occurs first;

The Commission having duly considered this matter:

*It is ordered*, That the said sub-division (7) of the aforementioned order be and the same hereby is amended and modified to read:

"(7) That upon the completion of purchases totaling $8,000,000 or upon the expiration of ten months from the date of this order in this matter, whichever event occurs first, the applicant shall make no further acquisition of securities under this investment program."

*It is further ordered*, That all the terms and conditions of the aforesaid original order, with the exception of said subparagraph (7) thereof, be and the same shall remain unchanged and shall continue to be effective as previously ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3465; Filed, September 20, 1939; 12:06 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of September, A. D. 1939.

[File No. 46-173]

IN THE MATTER OF DRESSER POWER CORPORATION, PUBLIC SERVICE COMPANY OF INDIANA

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to sections 3 (a) (1), 3 (a) (2), 6 (b), 10 (a) (1), 10 (a) (2), 10 (a) (3), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on October 6, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 1, 1939.

The matter concerned herewith is in regard to,

(1) the proposed issuance and sale by Dresser Power Corporation of:

(a) $4,800,000 First Mortgage Bonds, Series A, dated on or about October 15, 1939, and due serially over a period of eighteen and one-half years from the date, bearing interest at —% per annum; and

(b) 15,990 additional shares of Common Stock having a par value of $100 per share.

(2) The proposed acquisition by Dresser Power Corporation from Public Service Company of Indiana for a cash consideration of approximately $462,500 of certain utility assets and other interests.

(3) The proposed resale to Public Service Company of Indiana of the equity in said assets, subject to the lien of said $4,800,000 of First Mortgage bonds, after the construction of certain improvements thereon.

(4) The proposed sale by Public Service Company of Indiana and reacquisition by it of the above described properties to be acquired and resold to it by Dresser Power Corporation.

(5) The acquisition by Public Service Company of Indiana of said 15,990 shares of Common Stock of Dresser Power Corporation, and the pledge by Public Service Company of Indiana of all of the outstanding stock of Dresser Power Corporation with the trustee under the indenture securing said First Mortgage Bonds.

Both Dresser Power Corporation and Public Service Company of Indiana are Indiana corporations and are subsidiaries of Midland United Company, a Delaware corporation, of which Hugh M. Morris is trustee in proceedings under section 77B of the Bankruptcy Act, said Hugh Morris having heretofore duly filed under the Public Utility Holding Company Act of 1935 as a registered holding company. It is stated in said application that Dresser Power Corporation is an Indiana corporation, recently organized and is not presently engaged in any business. Its entire capitalization, presently outstanding, consists of ten shares of common stock, all owned by Public Service Company of Indiana.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3466; Filed, September 20, 1939; 12:06 p. m.]

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[1] Holding Company Act Release No. 1467, March 15, 1939.

## UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS FRIDAY, SEPTEMBER 15, 1939

*Important.* Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

| State | Number of positions to which entitled | Number of positions occupied |
|---|---|---|
| **IN ARREARS** | | |
| 1. Virgin Islands | 9 | 0 |
| 2. Puerto Rico | 621 | 42 |
| 3. Hawaii | 148 | 17 |
| 4. California | 2,283 | 809 |
| 5. Alaska | 24 | 9 |
| 6. Texas | 2,342 | 934 |
| 7. Michigan | 1,947 | 927 |
| 8. Louisiana | 845 | 463 |
| 9. Arizona | 175 | 89 |
| 10. New Jersey | 1,625 | 878 |
| 11. South Carolina | 699 | 401 |
| 12. Ohio | 2,672 | 1,611 |
| 13. Mississippi | 808 | 494 |
| 14. Oklahoma | 963 | 599 |
| 15. Alabama | 1,064 | 662 |
| 16. Arkansas | 746 | 475 |
| 17. New Mexico | 170 | 109 |
| 18. Georgia | 1,169 | 768 |
| 19. Kentucky | 1,051 | 707 |
| 20. North Carolina | 1,275 | 891 |
| 21. Tennessee | 1,052 | 809 |
| 22. Illinois | 3,068 | 2,373 |
| 23. Wisconsin | 1,182 | 921 |
| 24. Connecticut | 646 | 521 |
| 25. Indiana | 1,302 | 1,140 |
| 26. Delaware | 98 | 85 |
| 27. Nevada | 37 | 23 |



| State | Number of positions to which entitled | Number of positions occupied | Net gain or loss since July 1, 1939 |
|---|---|---|---|
| **IN ARREARS—Continued** | | | |
| 28. Oregon | 383 | 343 | |
| 29. Florida | 590 | 542 | |
| 30. Idaho | 179 | 168 | |
| 31. New Hampshire | 187 | 176 | |
| 32. Pennsylvania | 3,872 | 3,738 | |
| 33. New York | 5,061 | 4,925 | |
| 34. Wyoming | 91 | 90 | |
| 35. Massachusetts | 1,709 | 1,694 | |
| 36. West Virginia | 695 | 690 | |
| 37. Colorado | 416 | 414 | |
| 38. Washington | 629 | 627 | |
| 39. Maine | 321 | 320 | |
| 40. Missouri | 1,459 | 1,456 | |
| **QUOTA FILLED** | | | |
| **IN EXCESS** | | | |
| 41. Vermont | 145 | 146 | −1 |
| 42. Utah | 204 | 213 | +10 |
| 43. Montana | 216 | 231 | −1 |
| 44. Kansas | 756 | 812 | −6 |
| 45. Rhode Island | 276 | 301 | −4 |
| 46. South Dakota | 279 | 310 | −2 |
| 47. North Dakota | 274 | 305 | −5 |
| 48. Minnesota | 1,031 | 1,171 | −5 |
| 49. Iowa | 993 | 1,128 | −8 |
| 50. Nebraska | 554 | 683 | −1 |
| 51. Virginia | 974 | 2,039 | +1 |
| 52. Maryland | 656 | 2,066 | +19 |
| 53. District of Columbia | 196 | 8,885 | 0 |

| | |
|---|---|
| **GAINS** | |
| By appointment | 15 |
| By reinstatement | 7 |
| By transfer | 47 |
| By correction | 1 |
| Total | 70 |
| **LOSSES** | |
| By separation | 50 |
| By transfer | 48 |
| By correction | 2 |
| Total | 100 |
| Total appointments | 50,165 |

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under section 2, Rule VII, and the Attorney General's opinion of Aug. 25, 1934, 15,562.

By direction of the Commission:

L. A. MOYER,
*Executive Director and Chief Examiner.*

[F. R. Doc. 39-3447; Filed, September 19, 1939; 3:27 p. m.]

Reference


# FEDERAL REGISTER

VOLUME 4 NUMBER 183

*Washington, Friday, September 22, 1939*


*Rules, Regulations, Orders*

## TITLE 29—LABOR

### CHILDREN'S BUREAU
### WAGE AND HOUR DIVISION

JOINT REGULATION FOR UTILIZATION OF STATE AGENCIES FOR INVESTIGATIONS AND INSPECTIONS

SEC. 1. *Definitions.* As used in this Regulation—

a. *Act.* The term "Act" means the Fair Labor Standards Act of 1938 (Act of June 25, 1938, chapter 676, 52 Stat. 1060, U.S.C., Supp. IV, title 29, section 201).

b. *Administrator.* The term "Administrator" means the Administrator of the Wage and Hour Division in the United States Department of Labor.

c. *Division.* The term "Division" means the Wage and Hour Division in the United States Department of Labor.

d. *Bureau.* The term "Bureau" means the Children's Bureau of the United States Department of Labor.

e. *State.* The term "State" means any State of the United States or the District of Columbia or any Territory or possession of the United States.

f. *State agency.* The term "State agency" means the agency in the State charged with the administration of labor laws which necessitate inspection of places of employment for (1) enforcement of State child-labor regulations and (2) enforcement of State maximum-hour or State minimum-wage regulations.

g. *Official forms.* The term "official forms" means forms prescribed by the Administrator or the Chief of the Bureau.*

SEC. 2. *Agreements with State agencies—a. Purpose.* The Administrator and the Chief of the Bureau may enter into Agreements with State agencies, for the utilization of services of State and local agencies and their employees in making investigations and inspections under the Act and for reimbursement therefor, when such State agencies have submitted plans of cooperation for such purposes and such plans have been found to be reasonably appropriate and adequate to carry out the respective functions of the Administrator and the Chief of the Bureau under the Act.

b. *Certificates of attorneys general.* No such agreement shall become effective and operative until a statement of the Attorney General of the State, or, if the Attorney General is not authorized to make such a statement, the State official who is so authorized, has been received by the Division and the Bureau, certifying that the Agreement is valid in the form as executed under the laws of the State.*

SEC. 3. *Qualifications of the State agency.* The State agency shall have as its primary function the administration of State labor laws and shall be under the direction of an executive who gives full time to the work of the agency. The agency shall be engaged in inspecting places of employment for (1) enforcement of State child-labor laws and regulations, and (2) enforcement of State maximum-hour or minimum-wage laws and regulations. An administrative division of the State agency shall be designated to make investigations and inspections under the Act; qualified staff, under adequate supervision, shall be specifically assigned for work connected with State and Federal child-labor, maximum-hour and minimum-wage laws and regulations; and provision shall be made to inspect any establishment subject to the Act.*

SEC. 4. *Submission of plan.* The State agency shall submit a plan, in quadruplicate, which shall include the following:

a. A copy of the act establishing the State agency, copies of the laws administered by the State agency, and if there is an act specifically authorizing the State to cooperate with the Division or the Bureau, or both, a copy of such act.

b. A description of the organization of the State agency, illustrated by organization charts, showing the delegation of responsibility and lines of authority to

*Sections 1 through 10 are issued under the authority contained in R.S., Sec. 161, 5 U.S.C. 22, and apply Sec. 11 (b), 52 Stat. 1060, 29 U.S.C. 201.

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FEDERAL REGISTER

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be followed within the agency in the enforcement of the Act and State labor laws.

c. A description (1) of the manner in which investigations and inspections under the Act will be coordinated with the investigations and inspections for enforcement of State child-labor, maximum-hour and minimum-wage laws and regulations; (2) of the location of offices of the administrative division designated to make inspections under the Act, with the job titles of employees located in each such office and employees assigned to work in connection with the Act so designated; and (3) of the manner in which the work of inspectors will be supervised.

d. Provisions for the establishment and maintenance of personnel administration, with respect to personnel engaged in work under the Act for the Division and the Bureau in accordance with the following standards:

(1) Job classifications based upon an analysis of the duties and responsibilities of positions;

(2) A compensation schedule adjusted to State salary schedules for similar positions; provided, however, that all salaries paid by the State for services rendered in accordance with an Agreement entered into pursuant to Section 2 shall be on the basis of applicable State laws or regulations, or in the absence of such applicable laws or regulations, on the approved and usual scale paid by the State for similar services and shall in no case exceed salaries paid for comparable Federal positions in the competitive classified service. Allowances for necessary traveling expenses shall be on the basis of State laws and regulations governing travel allowances;

(3) Assignment of personnel to Federal work only when their qualifications conform substantially with qualifications of Federal employees engaged in similar work, such assignment to be made only after submission to and approval by the Division and the Bureau of a statement of the training and experience of each person who will engage in Federal work;

(4) Appointment of new personnel on the basis of merit, either (a) from lists of eligible persons certified in the order of merit, secured under a merit system through State-wide competitive examinations which prescribe requirements of training and experience in substantial conformity with Federal civil service requirements for similar positions or (b) from lists taken from Federal registers established through competitive examinations for similar positions, it being understood that such registers may be broken down by States;

(5) Adequate training of staff;

(6) Promotion on the basis of qualifications and performance;

(7) Security of tenure assured satisfactory employees, including right of notice and hearing prior to demotion or dismissal;

(8) Prohibition against employees engaging in political activities other than the exercise of their right to vote and to express privately their opinions on political questions.

e. A budget which shall show, in detail, estimated expenditures by the State agency on behalf of the Division and the Bureau for services to be rendered in connection with the administration of the Act and a budget which shall show estimated expenditure for the enforcement of comparable State laws and regulations during the period covered by the Agreement; a statement showing funds appropriated to or allocated for meeting the budget for estimated State expenditures; and a statement showing expenditures by the State agency for the enforcement of comparable State laws and regulations during the last fiscal year.

f. A statement of State requirements in regard to fiscal practices and to appointment of personnel, together with copies of the laws and regulations setting forth such requirements.

g. A statement from the Attorney General of the State, or, if the Attorney General is not authorized to make such a statement, from the State official who is so authorized, certifying that the State agency has authority to enter into an Agreement with the Division and the Bureau, in accordance with this Regulation.*

SEC. 5. *Additional requirements.* a. The State agency shall follow the procedure set forth in the Inspection Manual for the enforcement of the Act and such supplements to or provisions thereof as may be issued from time to time by the Division or the Bureau; use official forms for recording findings; make reports as required; and carry on the work connected with the administration of the Act in conformity with the plans and budget agreed upon and with the instructions and policies of the Division and the Bureau.

b. Representatives of the Division and the Bureau may at any time, upon notifying the State agency, make such inspections and investigations and secure such information as may be necessary for the administration of the Act.*

SEC. 6. *Audits.* The accounting records and the supporting data pertaining to expenditures for investigations and inspections under the Act shall be subject to audit by the Division and the Bureau annually, or so often as the Administrator and the Chief of the Bureau may require.*

SEC. 7. *Transmission of official mail.* Subject to the requirements of law and of the regulations of the Post Office Department, franked self-addressed envelopes may be used for communications from the field staff to a State official designated by the Division and the Bureau, and for communication from the State agency to the Division or the Bureau.*

SEC. 8. *Litigation.* All litigation relating to the enforcement of the Act, other than civil actions for the recovery of wages due instituted pursuant to section 16 (b) of the Act, shall be undertaken by and be under the direction and control of the Federal Government. Any State agency intending to institute a civil action in behalf of an employee or employees for the recovery of wages due, pursuant to section 16 (b) of the Act, shall notify the Division prior to the institution of such action.*

SEC. 9. *Agreements and approved plans* incorporated therein may be amended upon the consent of the parties thereto.*

SEC. 10. *Amendments and repeal.* This Regulation may be amended or repealed by appropriate regulations issued by the Administrator and the Chief of the Bureau: *Provided, however,* That no such amendment or repeal shall be effective as to any Agreement previously entered into by a State agency without its consent thereto.*

[SEAL] ELMER F. ANDREWS,
*Administrator, Wage and Hour Division*

KATHARINE F. LENROOT,
*Chief of the Children's Bureau.*

Date, September 21, 1939.

FRANCES PERKINS,
*Secretary of Labor.*

[F. R. Doc. 39-3484; Filed, September 21, 1939; 12:40 p. m.]



## TITLE 43—PUBLIC LANDS

## DIVISION OF GRAZING

AMENDMENT OF THE FEDERAL RANGE CODE CONTAINING THE RULES FOR THE ADMINISTRATION OF GRAZING DISTRICTS UNDER THE TAYLOR GRAZING ACT, AS AMENDED

Pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and the act of July 14, 1939, (Pub. No. 173, 76th Cong.), paragraphs *a*, *c*, *d*, and *g* of section 12[1] of the Federal Range Code, revised to August 31, 1938, (43 CFR, Sec. 501.12, *a*, *c*, *d*, and *g*) are amended to read as follows:

Section 12, Paragraph *a. Authorization for Establishment; Number of Members; Qualifications.* The Taylor Grazing Act provides that there shall be an advisory board of local stockmen in each grazing district. The regional grazier shall fix the number of members to be elected to such board in each district, such number to be not less than five and not more than twelve, exclusive of a wildlife representative who will not be elective but will be appointed by the Secretary of the Interior. The regional grazier may fix the number of district advisors to be elected as representatives of each class of stockmen, according to the kind of livestock owned, or may fix the number to be elected from each voting precinct established by him, or both, provided that the free-use licensees or permittees in each district will be entitled to one representative, who shall be a free-use licensee or permittee. All district advisors shall be elected in the manner herein provided and, excepting the wildlife representatives, shall be electors qualified to vote in the particular district is divided into precincts, an advisor representing a precinct shall qualify in the precinct in the same manner as in the district.

Section 12, Paragraph *c. Elections; Qualifications of Electors.* Only those persons who are qualified to receive regular, free-use, or nonuse licenses or permits will be allowed to vote in any election held pursuant to the act of July 14, 1939; provided, that in any new grazing district hereinafter established and embracing areas not theretofore within any district, the electors will be those stockmen who, prior to the establishment of the district, were regularly accustomed to using the Federal range within said district. A minor may vote if otherwise qualified, provided that upon request by his natural or legal guardian his ballot may be cast by the guardian in the name of the minor. The judges at any election will be furnished by the representative of the Division of Grazing in charge with a list of all electors entitled to vote in the district. No one whose name does not appear on such list shall be allowed to vote, provided that anyone claiming that his name has been erroneously omitted from the list may obtain and mark a ballot which will be held uncounted until the regional grazier shall have had a further opportunity to determine whether or not the party was entitled to vote. If it is found that the party was entitled to vote, his ballot shall be counted, otherwise it shall be disregarded.

Section 12, Paragraph *d. Elections—Judges; Nominations; Ballots; Registration; Challenges.* The representative of the Division of Grazing in charge of an election will choose three qualified electors to act as election judges. The electors present may then place in nomination the names of candidates, but ballots may be cast for any other person qualified to represent a particular class or precinct. Voting shall be only by ballots cast personally by qualified electors and proxies will not be recognized. Except as provided in paragraph c of this section, no elector shall receive a ballot until he has registered by signing opposite his name on the list of persons entitled to vote. Before receiving a ballot any elector may be challenged by any other elector qualified to vote in the district and thereupon the judges, or any of them, may require the elector challenged to answer such questions concerning his qualifications as a voter as may be deemed necessary. Upon his failure or refusal to answer such questions satisfactorily, he shall not be permitted to register or to receive a ballot. Each candidate may designate any qualified elector to remain within the polling places during the casting and counting of votes and the declaration of the results thereof, and such person may act as a challenger. Before any elector shall be permitted to deposit his completed ballot in the ballot box, the judges shall write "Voted" opposite his signature on the registration list.

Section 12, Paragraph *g. Appointment by Secretary of the Interior; Oath and Term of Office; Removal; Vacancies.* No person elected as a district advisor may assume office until he has been appointed by the Secretary of the Interior and has taken an oath of office. Persons elected as district advisors at the first election after the establishment of a grazing district or after July 14, 1939, shall be divided as evenly as may be into three classes by lot by the regional grazier. Those in class 1 shall hold office for one year, those in class 2 for two years and those in class 3 for three years, and until their successors are elected and have qualified. Thereafter at each election the class whose term has expired shall be elected for a term of three years. The Secretary of the Interior may remove any district advisor from office for failure to discharge his duties or for the good of the service. Upon a vacancy occurring in the office of a district advisor other than a wildlife representative by reason of resignation, removal or otherwise, the board shall recommend the name of a person to fill the vacancy and such recommendation, together with that of the regional grazier, shall be transmitted to the Director, who shall consider the recommendation and, if he concurs, transmit it to the Secretary for his consideration. A person appointed by the Secretary to fill a vacancy shall hold office until the next regular election, when a successor shall be elected to serve for the remainder of the unexpired term, if any, of the member causing the vacancy. Wildlife representatives shall hold office without term and until a successor may be appointed by the Secretary.

E. V. KAVANAGH,
*Acting Director of Grazing.*

Approved, September 18, 1939.

H. L. I.
*Secretary of the Interior.*

[F. R. Doc. 39-3476; Filed, September 21, 1939; 9:30 a. m.]

[1] 3 F.R. 1536 DI.

## TITLE 47—TELECOMMUNICATION

## FEDERAL COMMUNICATIONS COMMISSION

PART 43—RULES GOVERNING THE FILING OF INFORMATION, CONTRACTS, PERIODIC REPORTS, ETC.

The Commission on September 19, 1939, amended Section 43.31 (a), effective immediately, to read as follows:

Each telegraph, cable, and radiotelegraph carrier having annual operating revenues in excess of $50,000 shall make and file with the Commission monthly reports of its revenues and expenses.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))—(Sec. 20, 24 Stat. 386; 47 U.S.C. 20. Rules promulgated thereunder continued in effect by Sec. 604, 48 Stat. 1103; 47 U.S.C. 604)—(Sec. 219, 48 Stat. 1077; 47 U.S.C. 219)

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-3473; Filed, September 20, 1939; 1:28 p. m.]

## *Notices*

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

[Administrative Order No. 29]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 7 FOR THE KNITTED OUTERWEAR INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Elmer F. Andrews, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the knitted outerwear industry (as such industry is defined in paragraph 2) an

industry committee composed of the following representatives:

For the Public:

Charles Ray, Chairman, Holyoke, Mass.
Paul F. Brissenden, New York, N. Y.
Fred Lazarus, Jr., Columbus, Ohio.
John C. Evans, Reading, Pa.
Jonathan Daniels, Raleigh, N. C.
Harrold English, Los Angeles, Calif.

For the Employees:

David Dubinsky, New York, N. Y.
Louis Nelson, Brooklyn, N. Y.
Samuel Otto, Philadelphia, Pa.
Jacob Halpern, Boston, Mass.
Abraham W. Katovsky, Cleveland, Ohio.
Jennie Matyas, San Francisco, Calif.

For the Employers:

Ingram Bergman, Philadelphia, Pa.
I. B. Davies, Delavan, Wis.
John Springthorpe, Mount Airy, N. C.
Louis Sternberg, New York, N. Y.
E. W. Stewart, Los Angeles, Calif.
Roger W. Whitman, New Britain, Conn.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. The term "knitted outerwear" as used in Section 2 of Administrative Order No. 7[1] appointing Industry Committee No. 2 for the Apparel Industry, refers to the manufacture of all knitted garments, garment sections and accessories included in the following definition.

For the purpose of this order, the term "knitted outerwear industry" means:

The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; provided that the manufacturing, dyeing or other finishing of the following shall not be included:

(a) Knitted fabric, as distinguished from garment sections or garments, for sale as such.
(b) Fulled suitings, coatings, topcoatings, and overcoatings.
(c) Garments or garment accessories made from purchased fabric.
(d) Gloves or mittens.
(e) Hosiery.
(f) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.
(g) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 per cent, by weight, of wool or animal fiber other than silk.
(h) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer; provided that this exception shall not be construed to exclude from the knitted outerwear industry the manufacturing, dyeing or other finishing of knitted shirts made in the same establishment as that where the knitting process is performed, if such shirts are made wholly or in part of fibers other than those specified in this clause, or if such shirts of any fiber are knit on machinery coarser than 10-cut.

[1] 3 F.R. 3066 DI.

3. The industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall meet at the call of its chairman and shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said act are "engaged in commerce or in the production of goods for commerce", excepting employees exempted by virtue of the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

Signed at Washington, D. C., this 18th day of September, 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3481; Filed, September 21, 1939; 11:22 a. m.]

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[Administrative Order No. 30]

APPOINTMENT OF INDUSTRY COMMITTEE No. 8 FOR THE KNITTED UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Elmer F. Andrews, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the knitted underwear and commercial knitting industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public:

John P. Devaney, Chairman, Minneapolis, Minn.
George Fort Milton, Chattanooga, Tenn.
Fred Lazarus, Jr., Columbus, Ohio
Jonathan Daniels, Raleigh, N. C.
Philip Taft, Providence, R. I.
John C. Evans, Reading, Pa.
Miss Marion Dickerman, New York, N. Y.
Arthur J. Patton, New York, N. Y.

For the Employees:

David Dubinsky, New York, N. Y.
Samuel Shore, New York, N. Y.
Harry Wander, Newark, N. J.
John S. Martin, Atlanta, Ga.
C. M. Fox, Savannah, Ga.
Emil Rieve, New York, N. Y.
Ray Reidenbach, Kenosha, Wis.
Joseph P. White, Cohoes, N. Y.

For the Employers:

L. B. Boynton, Newton, Mass.
Ralph M. Jones, Utica, N. Y.
E. J. McMillan, Knoxville, Tenn.
T. O. Moore, Winston-Salem, N. C.
T. H. Mueller, New York, N. Y.
William Ravner, New York, N. Y.
H. E. Sims, Piqua, Ohio
Mitchel Schneider, New York, N. Y.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. The term "knitted underwear" as used in Section 2 of Administrative Order No. 7,[1] appointing Industry Committee No. 2 for the Apparel Industry, refers to the manufacture of all garments and garment accessories included in the following definition.

For the purposes of this order, the term "knitted underwear and commercial knitting industry" means:

a. The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except:

1. The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; provided that this exception shall not be construed to apply to the garments or garment accessories designated in clause (b) of this definition.
2. Fulled suitings, coatings, topcoatings, or overcoatings containing more than 25 per cent, by weight, of wool or animal fiber other than silk.
3. Hosiery.

b. The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

1. Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.
2. Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 per cent, by weight, of wool or animal fiber other than silk.
3. Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer in the same establishment as that where the knitting process is performed.
4. Knitted towels or cloths.

3. The industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall meet at the call of its chairman and shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said act are "engaged in commerce or in the production of goods for commerce", excepting employees exempted by virtue of the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

[1] 3 F.R. 3066 DI.

Signed at Washington, D. C., this 18th day of September, 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3482; Filed, September 21, 1939; 11:22 a. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 18, 1939 until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Acme Hosiery Mills, North Street, Asheboro, North Carolina.
Apex Hosiery Company, Philadelphia, Pennsylvania.
Bacon Company, Charles H., Lenoir City, Tennessee.
Bacon Company, Charles H., Loudon, Tennessee.
Baker Cammach Hosiery Company, Burlington, North Carolina.
Berkshire Knitting Mills, Wyomissing, Pennsylvania.
Blenheim Silk Hosiery Co., Blackwood, New Jersey (5 learners).
Chapman Guild, Inc., The Oneida, New York (5 learners).
Dallas Hosiery Mills, Inc., Dallas, Georgia.
Dixie Hosiery Mills, Inc., Newport, Tennessee.
East Shore Hosiery Mills, Berlin, Maryland (5 learners).
Gold Seal Hosiery Co., New Orleans, Louisiana (5 learners).
Jessup, C. D. & Company, Claremont, North Carolina (5 learners).
Knox Hosiery Mills, Cleveland, Tennessee (5 learners).
Magnet Mills, Inc., Clinton, Tennessee.
Magnet Mills, Inc., Lake City, Tennessee (5 learners).
Millville Hosiery Company, Millville, New Jersey (5 learners).
Rollins Hosiery Mills, Inc., Des Moines, Iowa.
Scotch-Knit Hosiery Mills, New York, New York (5 learners).
Selinsgrove Knitting Mill, Inc., Selinsgrove, Pennsylvania.
Seneca Knitting Mills, Inc., Seneca Falls, New York.
Spotlight Hosiery Mills, Inc., Rome, Georgia (5 learners).
Sterling Hosiery Mills, Inc., Spindale, North Carolina (5 learners).
Wilknit Hosiery Company, Greenfield, Ohio (5 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 21st day of September 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3483; Filed, September 21, 1939; 11:43 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5771]

IN RE KNICKERBOCKER BROADCASTING COMPANY, INC. (WMCA)

ORDER TO SHOW CAUSE

At a special meeting of the Commission, held at its offices in Washington, D. C., on Tuesday, September 19, 1939, the Commission having under consideration its Order to Show Cause entered September 12, 1939, in the above-entitled matter and the affidavit of William Weisman dated September 13, 1939, filed on behalf of Broadcast Station WMCA purporting to be in compliance with the requirements of said Order to Show Cause; and

Whereas the Commission, by its Order to Show Cause in this proceeding required the Knickerbocker Broadcasting Company, Inc., at or before 11 a. m. September 15, 1939, to file a written statement under oath setting forth all facts and circumstances pertaining to the alleged interception and broadcasting of certain secret radio communications and to show cause why the Commission should not revoke the license of said Station WMCA for violation of and failure to observe the provisions of the Communications Act of 1934, as amended, constituting conduct by said licensee contrary to public interest; and

Whereas the said affidavit of William Weisman is not in forthright compliance with the Commission's Order to Show Cause in that, while apparently intended to categorically deny that the licensee of Station WMCA itself intercepted messages in violation of the Communications Act, the said affidavit does not disclose whether the station broadcast any such messages knowing the same to be so intercepted; and further, in that the said affidavit, in lieu of disclosing all facts and circumstances as required by the Commission's Order, contains in large part general averments amounting to merely conclusions of law; and further, in that there are attached to said affidavit photostatic copies of documents alleged to constitute an agreement between Knickerbocker Broadcasting Company, Inc. and the New York Herald Tribune, by which the newspaper agreed to furnish the station material for broadcast purposes, the terms of said agreement, upon the face of these documents being ambiguous and indefinite in character, and that said written documents were supplemented by oral understandings constituting the full arrangement between the parties, the nature of such oral understandings not having been disclosed in said affidavit; and the particulars with respect to performance of said contract not being disclosed by said affidavit; that said affidavit is in other respects incomplete, evasive, and not in compliance with the Commission's Order; and

Whereas the Commission has information in its possession and knowledge of facts not set out in said affidavit tending to establish that Knickerbocker Broadcasting Company, Inc., licensee of Station WMCA, New York, N. Y., caused the interception of secret radio communications sent by the Governments of Germany and Great Britain, respectively, and thereafter caused the existence, contents, substance, purport, effect, or meaning of the same, knowing that such interception was in violation of the Communications Act, to be broadcast over the facilities of Station WMCA, and used the same or information contained therein for its own benefit all without authority of the respective senders of said communications; and

Whereas the Commission, considering that said affidavit is not in compliance with the terms of its order, desires to accord an opportunity for public hear-

ing for the purpose of ascertaining all facts and circumstances pertaining to said alleged interception and broadcasting and for the purpose of permitting said Station WMCA to show cause why the Commission should not, pursuant to Section 312 (a) of the Communications Act of 1934, as amended, revoke the license of said station in accordance with the terms of the Commission's Order to Show Cause of September 13, 1939;

It is by the Commission this 20th day of September, 1939, ordered that a public hearing be held at the offices of the Commission in Washington, D. C. at 10 a. m. on Wednesday, September 27, 1939, upon the issues set forth in the Commission's Order to Show Cause of September 12, 1939, and that notice of said hearing be given to the licensee of Station WMCA by registered mail and that public notice of said hearing be given by publishing in the office of the Secretary of the Commission and in the FEDERAL REGISTER.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3474; Filed, September 20, 1939; 1:28 p. m.]

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[Docket Nos. 5773, 5774]

IN RE APPLICATION OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY (NEW)

*Dated, July 20, 1939; for construction permit; class of service, public coastal; class of station, coastal harbor; location, near Fort Stevens, Oreg.; operating assignment specified: Frequency, 2598 kc; power, 400 watts; emission A2, A3; hours of operation, unlimited; points of communication, "with ship stations"*

IN RE APPLICATION OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY (NEW)

*Dated, July 20, 1939; for construction permit; class of service, public coastal; class of station, coastal harbor; location, Portland, Oreg.; operating assignment specified: Frequency, 2598 kc; power, 50 watts; emission A2, A3; hours of operation, unlimited; points of communication, "with ship stations"*

[File Nos. P5-PC-61, P5-PC-62]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described applications and has designated the matter for hearing for the following reasons:

1. To determine the nature and extent of the service proposed.

2. To determine the need for the proposed service in the area proposed to be served.

3. To determine whether or not the frequency 2598 kilocycles is available under the Communications Act of 1934, as amended, treaty agreements of the United States, and the rules and regulations of the Commission for assignment as requested.

4. To determine whether or not interference would result to the service of any existing station or stations as a result of the use of this frequency as contemplated.

5. To determine what arrangements are to be made for coordination of the service of the two stations and the result thereof to subscribers.

6. To determine whether or not the frequency 2598 kilocycles may be used for both stations upon a shared basis as proposed or whether use of additional frequencies will be required.

7. To determine the classes of service to be rendered and the charge to be made for each.

8. To determine whether or not the granting of the applications would adversely affect the interests of any carrier or carriers subject to the Communications Act of 1934.

9. To determine whether or not the granting of the applications would serve public interest, convenience and necessity.

The applications involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: The Pacific Telephone and Telegraph Company, 140 New Montgomery Street, San Francisco, California.

Dated at Washington, D. C., September 19, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3475; Filed, September 20, 1939; 1:29 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1939.

[File No. 44-30]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION, DEBTOR AND CENTRAL STATES POWER & LIGHT CORPORATION

ORDER MODIFYING ORDER

Central States Power & Light Corporation having entered into an agreement with one F. B. McCurdy of Halifax, Nova Scotia for the sale to the said McCurdy of certain securities for a consideration consisting of cash and $1,264,000 principal amount of the now outstanding First Mortgage and First Lien Gold Bonds of the said Central States Power & Light Corporation; and

An application having been filed with this Commission pursuant to Rule U-12C-1 for approval of the acquisition by said Central States Power & Light Corporation of said bonds; and

The Commission having on August 29, 1939 entered an order approving said acquisition on condition that the proposed transaction be executed for the purposes and in the manner represented by the application and amendments thereto; and

The applicants having thereafter represented to the Commission that at the closing of said sale said McCurdy made a claim for an allowance in the amount of approximately $41,000 for alleged increased cost, in terms of Canadian currency, of United States currency on September 12, 1939 over and above the cost thereof on September 11, 1939 due to an alleged delay on the part of Central States Power & Light Corporation in completing the closing on September 11; that applicants' representatives attending the closing denied McCurdy's right to such allowance but advised applicants that in view of the existing war it would be to the best interest of said Central States Power & Light Corporation to perform its part of said agreement and accept said bonds and the cash called for by the contract minus approximately $41,000 and seek later to recover such difference rather than risk complete nonperformance by McCurdy; and

The applicants having requested that the order of August 29, 1939 be modified so as to permit of the acquisition of such bonds by proceeding with the transaction in accordance with said advice of said representatives, such request, and, such modification if made, to be without prejudice to any right of Central States Power & Light Corporation to later recover all or any part of the amount of such claimed allowance from McCurdy or any other person, firm or corporation liable in respect thereof; and

It appearing to the Commission that such request should be granted;



*It is ordered*, That said order entered on August 29, 1939 be, and it hereby is, modified accordingly.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3477; Filed, September 21, 1939; 11:13 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of September 1939.

[File No. 1-571]

IN THE MATTER OF THE LUCKY TIGER-COMBINATION GOLD MINING COMPANY COMMON STOCK, $10 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Lucky Tiger-Combination Gold Mining Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $10 Par Value, from listing and registration on the New York Curb Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Monday, October 16, 1939, at the office of the Securities & Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3479; Filed, September 21, 1939; 11:13 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commision held at its office in the City of Washington, D. C., on the 20th day of September 1939.

[File No. 1-1538]

IN THE MATTER OF POSTAL TELEGRAPH & CABLE CORPORATION—7% NON-CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% Non-Cumulative Preferred Stock, $100 Par Value, of Postal Telegraph & Cable Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Tuesday, October 17, 1939, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3478; Filed, September 21, 1939; 11:13 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of September 1939.

[File No. 7-427]

IN THE MATTER OF THE SAFETY CAR HEATING AND LIGHTING COMPANY, INC. (DELAWARE) COMMON CAPITAL STOCK, PAR VALUE $50

ORDER DENYING APPLICATION

Continuance of unlisted trading privileges on the New York Curb Exchange in the Capital Stock, No Par Value, of The Safety Car Heating and Lighting Company (New Jersey Corporation), having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, That the determination sought by said application is not made and the application is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3480; Filed, September 21, 1939; 11:13 a. m.]

# FEDERAL REGISTER

VOLUME 4 NUMBER 184

*Washington, Saturday, September 23, 1939*


## *The President*

### EXECUTIVE ORDER

AUTHORIZING EXCEPTED APPOINTMENTS TO MEET PUBLIC EXIGENCY

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth of subdivision SECOND of Section 2 of the Civil Service Act (22 Stat. 403, 404), it is hereby ordered that, subject to appropriate noncompetitive tests of fitness, the Civil Service Commission is authorized to permit an immediate appointment without regard to the competitive requirements of the Civil Service Rules in any case in which it appears that a public exigency exists which is directly connected with the neutrality of the United States or the preparedness program of the Federal Government. This authority may be used only under most unusual and compelling circumstances, and the person or persons so appointed will not thereby acquire a classified civil service status.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 21, 1939.*

[No. 8257]

[F. R. Doc. 39-3496; Filed, September 22, 1939; 10:37 a. m.]

### EXECUTIVE ORDER

AMENDING PARAGRAPH 7, SUBDIVISION I, SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 404), it is ordered that paragraph 7, Subdivision I, Schedule A of the civil service rules be, and it is hereby, amended to read as follows:

"7. Any person employed in a foreign country or in the Virgin Islands, or in Puerto Rico when public exigency warrants, or in any island possession of the United States in the Pacific ocean (except the Hawaiian Islands), or United States citizens employed in a confidential capacity in the Philippine Islands, when in the opinion of the Civil Service Commission it is not practicable to treat the position as in the competitive classified service; but this paragraph shall not apply to any person employed in Canada or Mexico in the service of the Immigration and Naturalization Service, Department of Labor, or to any person employed in any foreign country by the Bureau of Customs of the Treasury Department."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 21, 1939.*

[No. 8258]

[F. R. Doc. 39-3495; Filed, September 22, 1939; 10:37 a. m.]

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1939-20]

PART 701—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 20

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the 1939 Agricultural Conservation Program Bulletin[1] is hereby further amended as follows:

(1) (a) Subparagraph (7) of Section 701.3 (b) is amended by changing the State acreage allotment of fire-cured and dark air-cured tobacco for Missouri from 100 acres to 50 acres, for Indiana from 473 to 503, and by establishing a State acreage allotment of this class of tobacco of 20 acres for Illinois.

[1] 3 F.R. 2715 DI.

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FEDERAL REGISTER

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(b) Subparagraph (8) of Section 701.3 (b) is amended by changing the State acreage allotments of cigar filler and binder tobacco for Indiana and Wisconsin from 133 acres and 24,887 acres, respectively, to 33 acres and 24,987 acres, respectively.

(2) Paragraph (e) of Section 701.4 is amended by the addition of the following:

(1) The county acreage allotments of flue-cured tobacco, as established by the Secretary, are as follows:

| *Alabama* | *Acres* |
|---|---|
| Butler | 6 |
| Conecuh | 37 |
| Covington | 114 |
| Dale | 22 |
| Etowah | 17 |
| Geneva | 34 |
| Henry | 26 |
| Houston | 158 |
| Lee | 3 |
| *Florida* | |
| Alachua | 2,152 |
| Baker | 230 |
| Bay | 1 |
| Bradford | 289 |
| Calhoun | 40 |
| Columbia | 1,228 |
| Dixie | 17 |
| Gadsden | 263 |
| Gilchrist | 149 |
| Hamilton | 2,357 |
| Hernando | 9 |
| Hillsborough | 2 |
| Holmes | 50 |
| Jackson | 161 |
| Jefferson | 191 |
| Lafayette | 1,007 |
| Lake | 2 |
| Leon | 64 |
| Levy | 82 |
| Madison | 1,775 |
| Marion | 140 |
| Nassau | 53 |
| Pasco | 4 |
| Polk | 22 |
| St. Johns | 2 |
| Santa Rosa | 23 |
| Seminole | 2 |
| Sumter | 62 |
| Suwannee | 3,734 |
| Taylor | 83 |
| Union | 398 |
| Wakulla | 2 |
| Washington | 4 |
| *Georgia* | |
| Appling | 3,058 |
| Atkinson | 1,569 |
| Bacon | 2,441 |
| Baker | 25 |
| Barrow | 4 |
| Bartow | 2 |
| Ben Hill | 929 |
| Berrien | 5,321 |
| Brantley | 1,226 |
| Brooks | 2,478 |
| Bryan | 173 |
| Bulloch | 3,545 |
| Burke | 13 |
| Calhoun | 3 |
| Camden | 5 |
| Candler | 2,383 |
| Charlton | 219 |
| Chatham | 11 |
| Clarke | 2 |
| Clayton | 2 |
| Clinch | 279 |
| Coffee | 5,492 |
| Colquitt | 6,718 |
| Cook | 3,826 |
| Crisp | 22 |
| Decatur | 306 |
| De Kalb | 3 |
| Dodge | 170 |
| Dooly | 11 |
| Dougherty | 12 |
| Early | 20 |
| Echols | 462 |
| Effingham | 145 |
| Emanuel | 1,562 |
| Evans | 1,274 |
| Fayette | 1 |
| Glascock | 3 |
| Grady | 1,393 |
| Hall | 12 |
| Heard | 2 |
| Henry | 3 |
| Houston | 24 |
| Irwin | 2,509 |
| Jackson | 5 |
| Jeff Davis | 2,371 |
| Jefferson | 108 |
| Jenkins | 74 |
| Johnson | 78 |
| Lanier | 1,793 |
| Laurens | 305 |
| Lee | 1 |
| Liberty | 430 |
| Long | 439 |
| Lowndes | 5,201 |
| Madison | 10 |
| Marion | 4 |
| Miller | 5 |
| Mitchell | 2,511 |
| Monroe | 1 |
| Montgomery | 1,091 |
| Pierce | 3,948 |
| Pulaski | 9 |
| Quitman | 2 |
| Richmond | 9 |
| Schley | 2 |
| Screven | 161 |
| Stewart | 7 |
| Talliaferro | 13 |
| Tattnall | 3,887 |
| Taylor | 5 |
| Telfair | 286 |
| Terrell | 25 |
| Thomas | 1,832 |
| Tift | 3,622 |
| Toombs | 2,639 |
| Treutlen | 943 |
| Turner | 121 |
| Ware | 1,933 |
| Washington | 1 |
| Wayne | 1,802 |



| *Georgia*—Continued | *Acres* |
|---|---|
| Wheeler | 599 |
| Wilcox | 120 |
| Wilkes | 8 |
| Wilkinson | 12 |
| Worth | 3,051 |
| *North Carolina* | |
| Alamance | 6,023 |
| Alexander | 1,545 |
| Anson | 171 |
| Beaufort | 12,011 |
| Bertie | 6,741 |
| Bladen | 7,700 |
| Brunswick | 3,255 |
| Burke | 3 |
| Cabarrus | 8 |
| Caldwell | 542 |
| Camden | 5 |
| Carteret | 1,622 |
| Caswell | 12,031 |
| Catawba | 6 |
| Chatham | 3,650 |
| Chowan | 640 |
| Cleveland | 3 |
| Columbus | 18,290 |
| Craven | 10,738 |
| Cumberland | 4,833 |
| Currituck | 15 |
| Dare | 3 |
| Davidson | *4,509 |
| Davie | 1,865 |
| Duplin | 17,826 |
| Durham | 5,551 |
| Edgecombe | 15,470 |
| Forsyth | 7,022 |
| Franklin | 13,938 |
| Gaston | 9 |
| Gates | 264 |
| Granville | 18,384 |
| Greene | 16,296 |
| Guilford | 12,099 |
| Halifax | 6,679 |
| Harnett | 16,456 |
| Hertford | 3,674 |
| Hoke | 2,860 |
| Hyde | 6 |
| Iredell | 1,199 |
| Johnston | 27,796 |
| Jones | 7,083 |
| Lee | 4,697 |
| Lenoir | 18,557 |
| Lincoln | 2 |
| Martin | 11,268 |
| Mecklenburg | 3 |
| Montgomery | 910 |
| Moore | 5,028 |
| Nash | 24,221 |
| New Hanover | 74 |
| Northampton | 308 |
| Onslow | 3,240 |
| Orange | 4,428 |
| Pamlico | 1,047 |
| Pender | 3,262 |
| Perquimans | 12 |
| Person | 12,763 |
| Pitt | 34,256 |
| Randolph | 4,643 |
| Richmond | 1,677 |
| Robeson | 24,772 |
| Rockingham | 17,206 |
| Rowan | 52 |
| Sampson | 16,819 |
| Scotland | 893 |
| Stanly | 17 |
| Stokes | 15,278 |
| Surry | 13,530 |
| Tyrrell | 2 |
| Union | 18 |
| Vance | 10,755 |
| Wake | 24,469 |
| Warren | 6,971 |
| Washington | 1,175 |
| Wayne | 18,198 |
| Wilkes | 1,490 |
| Wilson | 22,545 |
| Yadkin | 10,131 |
| *South Carolina* | |
| Aiken | 11 |
| Allendale | 13 |
| Anderson | 3 |
| Bamberg | 74 |
| Barnwell | 5 |
| Berkeley | 507 |
| Calhoun | 9 |
| Chester | 5 |

| *South Carolina*—Contd. | *Acres* |
|---|---|
| Chesterfield | 540 |
| Clarendon | 5,489 |
| Colleton | 313 |
| Darlington | 8,929 |
| Dillon | 9,346 |
| Dorchester | 729 |
| Edgefield | 1 |
| Fairfield | 8 |
| Florence | 19,148 |
| Georgetown | 2,253 |
| Greenville | 5 |
| Hampton | 97 |
| Horry | 22,993 |
| Jasper | 14 |
| Kershaw | 120 |
| Lancaster | 6 |
| Lee | 1,373 |
| Lexington | 18 |
| McCormick | 1 |
| Marion | 8,993 |
| Marlboro | 1,131 |
| Newberry | 6 |
| Orangeburg | 334 |
| Richland | 20 |
| Saluda | 7 |
| Sumter | 2,386 |
| Williamsburg | 11,563 |
| York | 14 |
| *Virginia* | |
| Amelia | 1,043 |
| Amherst | 1 |
| Appomattox | 138 |
| Bedford | 187 |
| Brunswick | 5,665 |
| Buckingham | 7 |
| Campbell | 1,950 |
| Carroll | 29 |
| Charlotte | 3,975 |
| Chesterfield | 478 |
| Cumberland | 261 |
| Dinwiddie | 3,390 |
| Floyd | 4 |
| Fluvanna | 1 |
| Franklin | 3,377 |
| Gloucester | 2 |
| Goochland | 10 |
| Greensville | 681 |
| Halifax | 19,015 |
| Henrico | 12 |
| Henry | 1,597 |
| Isle of Wight | 3 |
| Lunenburg | 5,631 |
| Mecklenburg | 14,363 |
| Middlesex | 5 |
| Nansemond | 139 |
| New Kent | 4 |
| Nottoway | 1,592 |
| Patrick | 2,492 |
| Pittsylvania | 22,506 |
| Powhatan | 66 |
| Prince Edward | 1,002 |
| Prince George | 78 |
| Southampton | 104 |
| Surry | 6 |
| Sussex | 489 |
| National reserve | 7,902 |

(2) The county acreage allotments of Burley tobacco, as established by the Secretary, are as follows:

| *Alabama* | |
|---|---|
| Calhoun | 4 |
| Cullman | 1 |
| Etowah | 2 |
| Jackson | 3 |
| Lauderdale | 6 |
| Limestone | 41 |
| Madison | 150 |
| Marshall | 2 |
| Sumter | 2 |
| *Arkansas* | |
| Baxter | 2 |
| Benton | 2 |
| Corrall | 71 |
| Fulton | 2 |
| Van Buren | 3 |
| Washington | 2 |
| White | 13 |
| *Georgia* | |
| Banks | 3 |
| Bartow | 1 |
| Catoosa | 17 |
| Cherokee | 7 |
| Fannin | 5 |
| Floyd | 5 |
| Gilmer | 3 |
| Gordon | 28 |
| Greene | 1 |
| Hall | 4 |
| Hancock | 4 |
| Lumpkin | 1 |
| Murray | 5 |
| Pickens | 1 |
| Rabun | 5 |
| Towns | 9 |
| Union | 32 |
| Walker | 7 |
| White | 1 |
| Whitfield | 22 |
| *Illinois* | |
| Clark | 4 |
| Crawford | 23 |
| Effingham | 2 |
| Hamilton | 12 |
| Johnson | 4 |
| Lawrence | 1 |
| Moultrie | 1 |
| Vermilion | 1 |
| Will | 2 |
| *Indiana* | |
| Bartholomew | 307 |
| Brown | 212 |
| Clark | 243 |
| Crawford | 58 |
| Daviess | 13 |
| Dearborn | 563 |
| Decatur | 29 |
| Dubois | 10 |
| Fayette | 30 |
| Floyd | 168 |
| Fountain | 11 |
| Franklin | 687 |
| Grant | 12 |
| Greene | 103 |
| Harrison | 799 |
| Hendricks | 5 |
| Henry | 3 |
| Howard | 3 |
| Jackson | 54 |
| Jefferson | 2,352 |
| Jennings | 240 |
| Johnson | 32 |
| Lawrence | 73 |
| Marion | 13 |
| Martin | 3 |
| Monroe | 67 |
| Morgan | 13 |
| Ohio | 556 |
| Orange | 52 |
| Owen | 38 |
| Perry | 44 |
| Putnam | 14 |
| Ripley | 297 |
| Rush | 49 |
| Scott | 130 |
| Shelby | 20 |
| Spencer | 839 |
| Sullivan | 15 |
| Switzerland | 2,418 |
| Tipton | 5 |
| Union | 16 |
| Wabash | 10 |
| Warrick | 16 |
| Washington | 284 |
| *Kansas* | |
| Atchison | 37 |
| Brown | 4 |
| Doniphan | 202 |
| Jefferson | 67 |
| Johnson | 12 |
| Leavenworth | 104 |
| Linn | 114 |
| *Kentucky* | |
| Adair | 2,371 |
| Allen | 1,713 |
| Anderson | 2,904 |
| Ballard | 2,163 |
| Barren | 8,558 |
| Bath | 4,765 |
| Bell | 15 |
| Boone | 2,345 |
| Bourbon | 8,301 |
| Boyd | 54 |
| Boyle | 3,486 |

| *Kentucky*—Continued | Acres |
|---|---|
| Bracken | 5,045 |
| Breathitt | 326 |
| Breckenridge | 4,935 |
| Bullitt | 1,007 |
| Butler | 206 |
| Caldwell | 355 |
| Calloway | 43 |
| Campbell | 474 |
| Carlisle | 96 |
| Carroll | 2,784 |
| Carter | 2,101 |
| Casey | 3,155 |
| Christian | 4,637 |
| Clark | 5,371 |
| Clay | 1,526 |
| Clinton | 747 |
| Crittenden | 21 |
| Cumberland | 1,669 |
| Daviess | 5,871 |
| Edmonson | 777 |
| Elliott | 966 |
| Estill | 724 |
| Fayette | 8,968 |
| Fleming | 5,564 |
| Floyd | 5 |
| Franklin | 4,622 |
| Fulton | 5 |
| Gallatin | 1,659 |
| Garrard | 5,373 |
| Grant | 4,233 |
| Graves | 82 |
| Grayson | 1,778 |
| Green | 4,366 |
| Greenup | 1,211 |
| Hancock | 2,028 |
| Hardin | 2,447 |
| Harlan | 4 |
| Harrison | 7,329 |
| Hart | 5,862 |
| Henderson | 239 |
| Henry | 6,266 |
| Hickman | 21 |
| Hopkins | 202 |
| Jackson | 1,411 |
| Jefferson | 468 |
| Jessamine | 5,300 |
| Johnson | 177 |
| Kenton | 1,100 |
| Knott | 6 |
| Knox | 315 |
| Larue | 1,946 |
| Laurel | 1,661 |
| Lawrence | 228 |
| Lee | 120 |
| Leslie | 63 |
| Letcher | 19 |
| Lewis | 3,259 |
| Lincoln | 3,955 |
| Livingston | 7 |
| Logan | 881 |
| Lyon | 145 |
| McCracken | 651 |
| McCreary | 9 |
| McLean | 506 |
| Madison | 7,611 |
| Magoffin | 585 |
| Marion | 3,492 |
| Marshall | 44 |
| Mason | 6,530 |
| Meade | 1,161 |
| Menifee | 653 |
| Mercer | 5,194 |
| Metcalfe | 3,626 |
| Monroe | 2,161 |
| Montgomery | 4,579 |
| Morgan | 2,406 |
| Muhlenberg | 365 |
| Nelson | 3,250 |
| Nicholas | 4,568 |
| Ohio | 1,447 |
| Oldham | 1,053 |
| Owen | 5,848 |
| Owsley | 856 |
| Pendleton | 3,898 |
| Perry | 53 |
| Pike | 20 |
| Powell | 555 |
| Pulaski | 2,907 |
| Robertson | 2,191 |
| Rockcastle | 1,557 |
| Rowan | 671 |
| Russell | 1,677 |
| Scott | 7,386 |
| Shelby | 8,488 |
| Simpson | 936 |

| *Kentucky*—Continued | Acres |
|---|---|
| Spencer | 3,328 |
| Taylor | 3,152 |
| Todd | 1,556 |
| Trigg | 965 |
| Trimble | 2,572 |
| Union | 24 |
| Warren | 3,938 |
| Washington | 4,873 |
| Wayne | 1,138 |
| Webster | 19 |
| Whitley | 108 |
| Wolfe | 868 |
| Woodford | 7,249 |
| *Missouri* | |
| Adair | 1 |
| Andrew | 28 |
| Atchison | 49 |
| Bates | 93 |
| Bollinger | 3 |
| Boone | 163 |
| Buchanan | 944 |
| Caldwell | 26 |
| Callaway | 21 |
| Cape Girardeau | 10 |
| Carroll | 37 |
| Carter | 1 |
| Cass | 20 |
| Charlton | 174 |
| Clay | 472 |
| Clinton | 173 |
| Cole | 10 |
| Cooper | 38 |
| Daviess | 8 |
| De Kalb | 7 |
| Gentry | 6 |
| Grundy | 32 |
| Henry | 1 |
| Holt | 32 |
| Howard | 258 |
| Howell | 13 |
| Jackson | 13 |
| Knox | 23 |
| Lafayette | 34 |
| Lawrence | 8 |
| Lincoln | 6 |
| Linn | 12 |
| Livingston | 4 |
| McDonald | 9 |
| Macon | 7 |
| Marion | 9 |
| Mercer | 1 |
| Miller | 2 |
| Moniteau | 18 |
| Monroe | 1 |
| Nodaway | 2 |
| Oregon | 1 |
| Pettis | 1 |
| Pike | 16 |
| Platte | 3,356 |
| Randolph | 7 |
| Ray | 25 |
| Reynolds | 4 |
| St. Clair | 10 |
| Saline | 39 |
| Schuyler | 46 |
| Scotland | 9 |
| Scott | 5 |
| Shelby | 16 |
| Stone | 45 |
| Taney | 55 |
| Texas | 2 |
| Warren | 2 |
| Webster | 2 |
| *North Carolina* | |
| Alleghany | 89 |
| Ashe | 511 |
| Avery | 45 |
| Buncombe | 1,406 |
| Burke | 6 |
| Caldwell | 6 |
| Chatham | 1 |
| Cherokee | 43 |
| Clay | 45 |
| Cleveland | 4 |
| Davidson | 4 |
| Davie | 2 |
| Forsyth | 2 |
| Gaston | 4 |
| Graham | 143 |
| Haywood | 955 |
| Henderson | 50 |
| Jackson | 37 |
| Lincoln | 3 |
| McDowell | 20 |

| *North Carolina*—Contd. | Acres |
|---|---|
| Macon | 21 |
| Madison | 3,460 |
| Mitchell | 265 |
| Polk | 8 |
| Rutherford | 44 |
| Swain | 20 |
| Transylvania | 32 |
| Watauga | 382 |
| Wilkes | 8 |
| Yancey | 861 |
| *Ohio* | |
| Adams | 3,525 |
| Belmont | 5 |
| Brown | 5,067 |
| Butler | 23 |
| Clark | 3 |
| Clermont | 1,997 |
| Clinton | 16 |
| Coshocton | 2 |
| Fairfield | 1 |
| Fayette | 7 |
| Gallia | 1,128 |
| Greene | 28 |
| Guernsey | 6 |
| Hamilton | 180 |
| Highland | 839 |
| Hocking | 3 |
| Jackson | 69 |
| Lawrence | 380 |
| Meigs | 22 |
| Miami | 3 |
| Monroe | 45 |
| Montgomery | 3 |
| Morgan | 3 |
| Muskingum | 2 |
| Noble | 52 |
| Pickaway | 10 |
| Pike | 143 |
| Preble | 16 |
| Ross | 109 |
| Scioto | 577 |
| Shelby | 2 |
| Vinton | 5 |
| Warren | 87 |
| Washington | 3 |
| *Oklahoma* | |
| Delaware | 6 |
| *South Carolina* | |
| Abbeville | 10 |
| Anderson | 3 |
| Cherokee | 13 |
| Chester | 8 |
| Greenville | 11 |
| Laurens | 15 |
| McCormack | 6 |
| Oconee | 2 |
| Pickens | 6 |
| Saluda | 4 |
| Spartanburg | 39 |
| Union | 2 |
| York | 14 |
| *Tennessee* | |
| Anderson | 244 |
| Bedford | 224 |
| Bledsoe | 2 |
| Blount | 825 |
| Bradley | 240 |
| Campbell | 415 |
| Cannon | 100 |
| Carter | 696 |
| Cheatham | 15 |
| Claiborne | 2,576 |
| Clay | 457 |
| Cocke | 2,219 |
| Coffee | 43 |
| Cumberland | 29 |
| Davidson | 504 |
| Decatur | 2 |
| De Kalb | 989 |
| Dickson | 17 |
| Dyer | 1 |
| Fentress | 40 |
| Franklin | 121 |
| Giles | 490 |
| Grainger | 2,171 |
| Greene | 8,008 |
| Grundy | 2 |
| Hamblen | 1,632 |
| Hamilton | 30 |
| Hancock | 1,501 |
| Hawkins | 3,132 |
| Henderson | 2 |



| *Tennessee*—Continued | Acres |
|---|---|
| Henry | 1 |
| Hickman | 139 |
| Houston | 11 |
| Humphreys | 3 |
| Jackson | 1,083 |
| Jefferson | 1,872 |
| Johnson | 1,000 |
| Knox | 936 |
| Lawrence | 62 |
| Lewis | 48 |
| Lincoln | 815 |
| Loudon | 874 |
| McMinn | 723 |
| Macon | 9 |
| Marion | 2,389 |
| Marshall | 63 |
| Maury | 439 |
| Meigs | 3,642 |
| Monroe | 228 |
| Montgomery | 1,331 |
| Moore | 973 |
| Morgan | 441 |
| Obion | 50 |
| Overton | 3 |
| Perry | 90 |
| Pickett | 4 |
| Polk | 173 |
| Putnam | 26 |
| Rhea | 559 |
| Roane | 47 |
| Robertson | 424 |
| Rutherford | 411 |
| Scott | 253 |
| Sequatchie | 6 |
| Sevier | 6 |
| Smith | 1,266 |
| Stewart | 3,192 |
| Sullivan | 253 |
| Sumner | 1,681 |
| Trousdale | 3,814 |
| Unicoi | 1,832 |
| Union | 451 |
| Van Buren | 905 |
| Warren | 10 |
| Washington | 96 |
| Wayne | 3,120 |
| White | 2 |
| Williamson | 502 |
| Wilson | 2,968 |
| | 1,167 |
| *Virginia* | |
| Albemarle | 4 |
| Amelia | 12 |
| Amherst | 3 |
| Appomattox | 7 |
| Bedford | 9 |
| Bland | 30 |
| Brunswick | 6 |
| Buchanan | 144 |
| Buckingham | 23 |
| Campbell | 1 |
| Carroll | 6 |
| Charlotte | 15 |
| Chesterfield | 1 |
| Cumberland | 21 |
| Dickenson | 71 |
| Dinwiddie | 5 |
| Floyd | 66 |
| Fluvanna | 8 |
| Franklin | 2 |
| Giles | 2 |
| Goochland | 6 |
| Grayson | 93 |
| Halifax | 3 |
| Henrico | 1 |
| Lee | 2,007 |
| Madison | 1 |
| Mathews | 2 |
| Mecklenburg | 2 |
| Montgomery | 34 |
| Patrick | 1 |
| Powhatan | 2 |
| Prince Edward | 23 |
| Pulaski | 18 |
| Rockbridge | 2 |
| Russell | 1,807 |
| Scott | 2,698 |
| Smyth | 466 |
| Spotsylvania | 1 |
| Tazewell | 109 |
| Washington | 3,609 |
| Wise | 62 |
| Wythe | 8 |

| *West Virginia* | Acres |
|---|---|
| Boone | 165 |
| Cabell | 755 |
| Clay | 4 |
| Jackson | 154 |
| Kanawha | 65 |
| Lincoln | 1,254 |
| Logan | 75 |
| Mason | 562 |
| Mercer | 4 |
| Mingo | 5 |
| Monroe | 29 |
| Putnam | 1,026 |
| Roane | 9 |
| Summers | 3 |
| Wayne | 147 |
| Wirt | 43 |
| Wood | 45 |
| National reserve | 262 |

(3) The county acreage allotments of fire-cured and dark air-cured tobacco, as established by the Secretary, are as follows:

| *Illinois* | |
|---|---|
| Johnson | 3 |
| Massac | 14 |
| State reserve | 3 |
| *Indiana* | |
| Dubois | 44 |
| Perry | 23 |
| Pike | 7 |
| Spencer | 216 |
| Warrick | 201 |
| State reserve | 12 |
| *Kentucky* | |
| Allen | 1,418 |
| Ballard | 366 |
| Breckenridge | 78 |
| Butler | 557 |
| Caldwell | 1,718 |
| Calloway | 8,080 |
| Carlisle | 1,102 |
| Christian | 5,648 |
| Crittenden | 216 |
| Daviess | 5,020 |
| Fulton | 353 |
| Graves | 11,327 |
| Grayson | 5 |
| Hancock | 104 |
| Henderson | 4,744 |
| Hickman | 1,071 |
| Hopkins | 2,615 |
| Livingston | 102 |
| Logan | 10,067 |
| Lyon | 1,329 |
| McCracken | 919 |
| McLean | 3,057 |
| Marshall | 2,706 |
| Monroe | 7 |
| Muhlenberg | 2,347 |
| Ohio | 1,474 |
| Simpson | 3,600 |
| Todd | 5,121 |
| Trigg | 3,988 |
| Union | 881 |
| Warren | 574 |
| Webster | 2,982 |
| *Missouri* | |
| Butler | 27 |
| Ripley | 23 |
| *Tennessee* | |
| Benton | 9 |
| Carroll | 9 |
| Cheatham | 3,551 |
| Coffee | 205 |
| Davidson | 1,082 |
| Dickson | 4,080 |
| Franklin | 105 |
| Giles | 2 |
| Henry | 3,508 |
| Hickman | 80 |
| Houston | 770 |
| Humphreys | 92 |
| Lawrence | 198 |
| Lewis | 1 |
| Macon | 891 |

| *Tennessee*—Continued | Acres |
|---|---|
| Montgomery | 10,810 |
| Moore | 8 |
| Obion | 535 |
| Robertson | 15,458 |
| Stewart | 3,976 |
| Sumner | 3,733 |
| Weakley | 2,610 |
| Williamson | 11 |
| State reserve | 224 |
| *Virginia* | |
| Albemarle | 3 |
| Amelia | 967 |
| Amherst | 1,550 |
| Appomattox | 2,636 |
| Bedford | 2,043 |
| Botetourt | 3 |
| Brunswick | 850 |
| Buckingham | 1,463 |
| Campbell | 2,117 |
| Caroline | 733 |
| Charlotte | 2,300 |
| Chesterfield | 15 |
| Cumberland | 1,338 |
| Dinwiddie | 883 |
| Essex | 28 |
| Floyd | 1 |
| Fluvanna | 155 |
| Franklin | 190 |
| Goochland | 400 |
| Hanover | 447 |
| Henrico | 2 |
| King and Queen | 110 |
| King William | 66 |
| Louisa | 670 |
| Lunenburg | 500 |
| Mecklenburg | 16 |
| Nelson | 721 |
| Nottoway | 1,258 |
| Pittsylvania | 125 |
| Powhatan | 200 |
| Prince Edward | 1,959 |
| Prince George | 1 |
| Roanoke | 1 |
| Rockbridge | 35 |
| Spotsylvania | 18 |
| State reserve | 197 |

(4) The county acreage allotments of cigar filler and binder tobacco, as established by the Secretary, are as follows:

| *Connecticut* | Acres |
|---|---|
| Fairfield | 20 |
| Hartford | 10,773 |
| Litchfield | 135 |
| Middlesex | 115 |
| Tolland | 1,008 |
| *Illinois* | |
| Boone | 15 |
| Winnebago | 3 |
| State reserve | 2 |
| *Indiana* | |
| Randolph | 29 |
| Wayne | 4 |
| *Massachusetts* | |
| Franklin | 1,624 |
| Hampden | 591 |
| Hampshire | 2,746 |
| *Minnesota* | |
| Benton | 10 |
| Fillmore | 113 |
| Freeborn | 11 |
| Houston | 74 |
| Meeker | 48 |
| Mille Lacs | 5 |
| Scott | 6 |
| Sherburne | 35 |
| Stearns | 455 |
| Winona | 3 |
| *New Hampshire* | |
| Cheshire | 47 |
| *New York* | |
| Cayuga | 160 |
| Chemung | 250 |
| Onondaga | 508 |
| Oswego | 39 |
| Steuben | 130 |

| *Ohio* | *Acres* |
|---|---|
| Butler | 163 |
| Clark | 2 |
| Darke | 6,642 |
| Greene | 34 |
| Miami | 2,427 |
| Montgomery | 5,282 |
| Preble | 1,926 |
| Shelby | 90 |
| Warren | 867 |
| State reserve | 52 |
| *Pennsylvania* | |
| Berks | 54 |
| Bradford | 12 |
| Chester | 557 |
| Clinton | 215 |
| Dauphin | 51 |
| Juniata | 7 |
| Lancaster | 24,521 |
| Lebanon | 217 |
| Lycoming | 68 |
| Tioga | 114 |
| York | 716 |
| *Vermont* | |
| Windham | 35 |
| *Wisconsin* | |
| Barron | 36 |
| Chippewa | 60 |
| Columbia | 945 |
| Crawford | 1,770 |
| Dane | 11,085 |
| Dunn | 162 |
| Grant | 99 |
| Green | 76 |
| Jackson | 46 |
| Jefferson | 209 |
| Juneau | 16 |
| La Crosse | 312 |
| Monroe | 365 |
| Richland | 224 |
| Rock | 2,729 |
| St. Croix | 5 |
| Trempealeau | 179 |
| Vernon | 6,613 |
| State reserve | 56 |

(5) The county acreage allotments of Georgia-Florida Type 62 tobacco, as established by the Secretary, are as follows:

| *Florida* | |
|---|---|
| Gadsden | 1,923 |
| Leon | 12 |
| Madison | 345 |
| *Georgia* | |
| Decatur | 405 |
| Grady | 136 |
| National reserve | 179 |

(3) Subparagraph (4) of Section 701.6 (a) is amended by the addition of the following:

(i) The county average yields of flue-cured tobacco, as established by the Secretary, are as follows:

| *Alabama* | *Pounds* |
|---|---|
| Butler | 800 |
| Conecuh | 800 |
| Covington | 831 |
| Dale | 839 |
| Etowah | 840 |
| Geneva | 838 |
| Henry | 799 |
| Houston | 840 |
| Lee | 700 |
| *Florida* | |
| Alachua | 950 |
| Baker | 808 |
| Bay | 1,000 |
| Bradford | 870 |
| Calhoun | 807 |
| Columbia | 905 |
| Dixie | 810 |
| Gadsden | 796 |
| Gilchrist | 900 |
| Hamilton | 940 |
| Hernando | 920 |
| Hillsborough | 850 |
| Holmes | 877 |
| Jackson | 846 |
| Jefferson | 844 |
| Lafayette | 860 |
| Lake | 810 |
| Leon | 865 |
| Levy | 855 |
| Madison | 870 |
| Marion | 810 |
| Nassau | 810 |
| Pasco | 810 |
| Polk | 810 |
| St. Johns | 900 |
| Santa Rosa | 870 |
| Seminole | 900 |
| Sumter | 890 |
| Suwannee | 895 |
| Taylor | 890 |
| Union | 909 |
| Wakulla | 900 |
| Washington | 855 |
| *Georgia* | |
| Appling | 958 |
| Atkinson | 993 |
| Bacon | 950 |
| Baker | 858 |
| Barrow | 790 |
| Bartow | 790 |
| Ben Hill | 877 |
| Berrien | 1,010 |
| Brantley | 1,002 |
| Brooks | 997 |
| Bryan | 796 |
| Bulloch | 898 |
| Burke | 779 |
| Calhoun | 950 |
| Camden | 864 |
| Candler | 821 |
| Charlton | 934 |
| Chatham | 837 |
| Clarke | 794 |
| Clayton | 790 |
| Clinch | 933 |
| Coffee | 1,004 |
| Colquitt | 1,008 |
| Cook | 1,014 |
| Crisp | 916 |
| Decatur | 854 |
| De Kalb | 790 |
| Dodge | 830 |
| Dooly | 919 |
| Dougherty | 886 |
| Early | 868 |
| Echols | 826 |
| Effingham | 820 |
| Emanuel | 805 |
| Evans | 835 |
| Fayette | 794 |
| Glascock | 940 |
| Grady | 855 |
| Hall | 779 |
| Heard | 790 |
| Henry | 790 |
| Houston | 881 |
| Irwin | 971 |
| Jackson | 790 |
| Jeff Davis | 1,006 |
| Jefferson | 809 |
| Jenkins | 718 |
| Johnson | 709 |
| Lanier | 1,014 |
| Laurens | 839 |
| Lee | 918 |
| Liberty | 838 |
| Long | 838 |
| Lowndes | 969 |
| Madison | 790 |
| Marion | 794 |
| Miller | 918 |
| Mitchell | 880 |
| Monroe | 790 |
| Montgomery | 834 |
| Pierce | 965 |
| Pulaski | 790 |
| Quitman | 790 |
| Richmond | 790 |
| Schley | 794 |
| Screven | 791 |
| Stewart | 770 |
| Taliaferro | 794 |
| Tattnall | 855 |
| Taylor | 794 |
| Telfair | 833 |
| Terrell | 832 |
| Thomas | 967 |
| Tift | 965 |
| Toombs | 808 |
| Treutlen | 759 |
| Turner | 886 |
| Ware | 1,007 |
| Washington | 794 |
| Wayne | 975 |
| Wheeler | 827 |
| Wilcox | 851 |
| Wilkes | 790 |
| Wilkinson | 794 |
| Worth | 977 |
| *North Carolina* | |
| Alamance | 717 |
| Alexander | 842 |
| Anson | 851 |
| Beaufort | 879 |
| Bertie | 943 |
| Bladen | 853 |
| Brunswick | 844 |
| Burke | 750 |
| Cabarrus | 806 |
| Caldwell | 784 |
| Camden | 720 |
| Carteret | 820 |
| Caswell | 808 |
| Catawba | 800 |
| Chatham | 724 |
| Chowan | 844 |
| Cleveland | 800 |
| Columbus | 988 |
| Craven | 827 |
| Cumberland | 834 |
| Currituck | 800 |
| Dare | 850 |
| Davidson | 797 |
| Davie | 720 |
| Duplin | 864 |
| Durham | 694 |
| Edgecombe | 916 |
| Forsyth | 812 |
| Franklin | 855 |
| Gaston | 700 |
| Gates | 759 |
| Granville | 730 |
| Greene | 891 |
| Guilford | 816 |
| Halifax | 945 |
| Harnett | 851 |
| Hertford | 952 |
| Hoke | 849 |
| Hyde | 904 |
| Iredell | 788 |
| Johnston | 885 |
| Jones | 848 |
| Lee | 818 |
| Lenoir | 873 |
| Lincoln | 861 |
| Martin | 930 |
| Mecklenburg | 800 |
| Montgomery | 678 |
| Moore | 738 |
| Nash | 880 |
| New Hanover | 830 |
| Northampton | 795 |
| Onslow | 875 |
| Orange | 733 |
| Pamlico | 779 |
| Pender | 822 |
| Perquimans | 800 |
| Person | 795 |
| Pitt | 844 |
| Randolph | 737 |
| Richmond | 807 |
| Robeson | 928 |
| Rockingham | 854 |
| Rowan | 759 |
| Sampson | 838 |
| Scotland | 813 |
| Stanly | 850 |
| Stokes | 820 |
| Surry | 798 |
| Tyrrell | 800 |
| Union | 815 |
| Vance | 800 |
| Wake | 796 |
| Warren | 764 |
| Washington | 767 |
| Wayne | 872 |
| Wilkes | 671 |
| Wilson | 927 |
| Yadkin | 798 |
| *South Carolina* | |
| Aiken | 598 |
| Allendale | 727 |
| Anderson | 795 |
| Bamberg | 744 |



| *South Carolina*—Con. | *Pounds* |
|---|---|
| Barnwell | 800 |
| Berkeley | 710 |
| Calhoun | 662 |
| Chester | 697 |
| Chesterfield | 793 |
| Clarendon | 831 |
| Colleton | 830 |
| Darlington | 850 |
| Dillon | 899 |
| Darlington | 850 |
| Edgefield | 600 |
| Fairfield | 652 |
| Florence | 862 |
| Georgetown | 892 |
| Greenville | 770 |
| Hampton | 730 |
| Horry | 1,037 |
| Jasper | 800 |
| Kershaw | 705 |
| Lancaster | 755 |
| Lee | 803 |
| Lexington | 800 |
| McCormick | 871 |
| Marion | 892 |
| Marlboro | 853 |
| Newberry | 968 |
| Orangeburg | 800 |
| Richland | 695 |
| Saluda | 802 |
| Sumter | 857 |
| Williamsburg | 892 |
| York | 618 |
| *Virginia* | |
| Amelia | 838 |
| Amherst | 700 |
| Appomattox | 800 |
| Bedford | 856 |
| Brunswick | 760 |
| Buckingham | 724 |
| Campbell | 781 |
| Carroll | 878 |
| Charlotte | 836 |
| Chesterfield | 826 |
| Cumberland | 778 |
| Dinwiddie | 833 |
| Floyd | 773 |
| Fluvanna | 650 |
| Franklin | 735 |
| Gloucester | 861 |
| Goochland | 750 |
| Greensville | 765 |
| Halifax | 774 |
| Henrico | 748 |
| Henry | 756 |
| Isle of Wight | 732 |
| Lunenburg | 910 |
| Mecklenburg | 769 |
| Middlesex | 767 |
| Nansemond | 760 |
| New Kent | 828 |
| Nottoway | 800 |
| Patrick | 796 |
| Pittsylvania | 813 |
| Powhatan | 782 |
| Prince Edward | 782 |
| Prince George | 844 |
| Southampton | 706 |
| Surry | 725 |
| Sussex | 859 |
| | 794 |

(ii) The county average yields of Burley tobacco, as established by the Secretary, are as follows:

| *Alabama* | *Pounds* |
|---|---|
| Calhoun | 837 |
| Cullman | 850 |
| Etowah | 850 |
| Jackson | 850 |
| Lauderdale | 850 |
| Limestone | 850 |
| Madison | 844 |
| Marshall | 850 |
| Sumter | 850 |
| *Arkansas* | |
| Baxter | 800 |
| Benton | 850 |
| Carroll | 850 |
| Fulton | 850 |
| Van Buren | 800 |
| Washington | 650 |
| White | 586 |
| *Georgia* | |
| Banks | 850 |
| Bartow | 850 |
| Catoosa | 850 |
| Cherokee | 850 |
| Fannin | 850 |
| Floyd | 850 |
| Gilmer | 850 |
| Gordon | 850 |
| Greene | 850 |
| Hall | 850 |
| Hancock | 850 |
| Lumpkin | 850 |
| Murray | 850 |
| Pickens | 850 |
| Rabun | 850 |
| Towns | 850 |
| Union | 850 |
| Walker | 850 |
| White | 850 |
| Whitfield | 850 |
| *Illinois* | |
| Clark | 400 |
| Crawford | 850 |
| Effingham | 850 |
| Hamilton | 850 |
| Johnson | 850 |
| Lawrence | 850 |
| Moultrie | 850 |
| Vermilion | 850 |
| Will | 850 |
| *Indiana* | |
| Bartholomew | 941 |
| Brown | 867 |
| Clark | 805 |
| Crawford | 717 |
| Daviess | 683 |
| Dearborn | 854 |
| Decatur | 812 |
| Dubois | 880 |
| Fayette | 978 |
| Floyd | 836 |
| Fountain | 1,262 |
| Franklin | 832 |
| Grant | 1,180 |
| Greene | 975 |
| Harrison | 755 |
| Hendricks | 1,471 |
| Henry | 880 |
| Howard | 880 |
| Jackson | 752 |
| Jefferson | 972 |
| Jennings | 753 |
| Johnson | 1,262 |
| Lawrence | 803 |
| Marion | 890 |
| Martin | 892 |
| Monroe | 917 |
| Morgan | 1,068 |
| Ohio | 931 |
| Orange | 853 |
| Owen | 843 |
| Perry | 794 |
| Putnam | 846 |
| Ripley | 846 |
| Rush | 969 |
| Scott | 787 |
| Shelby | 766 |
| Spencer | 723 |
| Sullivan | 880 |
| Switzerland | 942 |
| Tipton | 880 |
| Union | 1,162 |
| Wabash | 880 |
| Warrick | 880 |
| Washington | 804 |
| *Kansas* | |
| Atchison | 712 |
| Brown | 832 |
| Doniphan | 870 |
| Jefferson | 767 |
| Johnson | 818 |
| Leavenworth | 842 |
| Linn | 874 |
| *Kentucky* | |
| Adair | 792 |
| Allen | 832 |
| Anderson | 814 |
| Ballard | 688 |
| Barren | 815 |
| Bath | 823 |
| Bell | 590 |
| Boone | 980 |
| Bourbon | 1,005 |
| Boyd | 599 |
| Boyle | 901 |
| Bracken | 854 |
| Breathitt | 690 |
| Breckenridge | 720 |
| Bullitt | 781 |
| Butler | 725 |
| Caldwell | 763 |
| Calloway | 767 |
| Campbell | 855 |
| Carlisle | 779 |
| Carroll | 968 |
| Carter | 703 |
| Casey | 800 |
| Christian | 820 |
| Clark | 950 |
| Clay | 750 |
| Clinton | 810 |
| Crittenden | 768 |
| Cumberland | 681 |
| Daviess | 789 |
| Edmonson | 743 |
| Elliott | 700 |
| Estill | 680 |
| Fayette | 1,029 |
| Fleming | 890 |
| Floyd | 760 |
| Franklin | 860 |
| Fulton | 600 |
| Gallatin | 970 |
| Garrard | 857 |
| Grant | 960 |
| Graves | 810 |
| Grayson | 705 |
| Green | 772 |
| Greenup | 700 |
| Hancock | 730 |
| Hardin | 794 |
| Harlan | 600 |
| Harrison | 904 |
| Hart | 747 |
| Henderson | 745 |
| Henry | 875 |
| Hickman | 800 |
| Hopkins | 725 |
| Jackson | 740 |
| Jefferson | 802 |
| Jessamine | 900 |
| Johnson | 710 |
| Kenton | 882 |
| Knott | 600 |
| Knox | 680 |
| Larue | 801 |
| Laurel | 740 |
| Lawrence | 720 |
| Lee | 610 |
| Leslie | 610 |
| Letcher | 620 |
| Lewis | 800 |
| Lincoln | 840 |
| Livingston | 600 |
| Logan | 890 |
| Lyon | 755 |
| McCracken | 664 |
| McCreary | 740 |
| McLean | 755 |
| Madison | 875 |
| Magoffin | 640 |
| Marion | 841 |
| Marshall | 702 |
| Mason | 960 |
| Meade | 760 |
| Menifee | 675 |
| Mercer | 880 |
| Metcalfe | 729 |
| Monroe | 743 |
| Montgomery | 921 |
| Morgan | 730 |
| Muhlenberg | 700 |
| Nelson | 890 |
| Nicholas | 883 |
| Ohio | 690 |
| Oldham | 820 |
| Owen | 899 |
| Owsley | 690 |
| Pendleton | 850 |
| Perry | 600 |
| Pike | 760 |
| Powell | 640 |
| Pulaski | 775 |
| Robertson | 820 |
| Rockcastle | 740 |

| *Kentucky*—Continued | Pounds |
|---|---|
| Rowan | 710 |
| Russell | 755 |
| Scott | 992 |
| Shelby | 925 |
| Simpson | 900 |
| Spencer | 810 |
| Taylor | 810 |
| Todd | 800 |
| Trigg | 775 |
| Trimble | 970 |
| Union | 800 |
| Warren | 900 |
| Washington | 880 |
| Wayne | 820 |
| Webster | 810 |
| Whitley | 656 |
| Wolfe | 680 |
| Woodford | 1,017 |
| *Missouri* | |
| Adair | 866 |
| Andrew | 979 |
| Atchison | 872 |
| Bates | 726 |
| Bollinger | 650 |
| Boone | 821 |
| Buchanan | 943 |
| Caldwell | 947 |
| Callaway | 929 |
| Cape Girardeau | 759 |
| Carroll | 876 |
| Carter | 500 |
| Cass | 887 |
| Charlton | 905 |
| Clay | 980 |
| Clinton | 980 |
| Cole | 813 |
| Cooper | 903 |
| Daviess | 950 |
| De Kalb | 950 |
| Gentry | 866 |
| Grundy | 891 |
| Henry | 882 |
| Holt | 872 |
| Howard | 876 |
| Howell | 870 |
| Jackson | 976 |
| Knox | 827 |
| Lafayette | 950 |
| Lawrence | 749 |
| Lincoln | 986 |
| Linn | 929 |
| Livingston | 813 |
| McDonald | 866 |
| Macon | 935 |
| Marion | 838 |
| Mercer | 692 |
| Miller | 541 |
| Moniteau | 923 |
| Monroe | 950 |
| Nodaway | 787 |
| Oregon | 850 |
| Pettis | 866 |
| Pike | 826 |
| Platte | 980 |
| Randolph | 813 |
| Ray | 953 |
| Reynolds | 500 |
| St. Clair | 857 |
| Saline | 922 |
| Schuyler | 820 |
| Scotland | 820 |
| Scott | 759 |
| Shelby | 914 |
| Stone | 685 |
| Taney | 710 |
| Texas | 723 |
| Warren | 609 |
| Webster | 759 |
| *North Carolina* | |
| Alleghany | 1,035 |
| Ashe | 1,040 |
| Avery | 993 |
| Buncombe | 974 |
| Burke | 900 |
| Caldwell | 900 |
| Chatham | 900 |
| Cherokee | 975 |
| Clay | 996 |
| Cleveland | 800 |
| Davidson | 900 |
| Davie | 900 |
| Forsyth | 900 |
| Gaston | 800 |
| Graham | 995 |

| *North Carolina*—Con. | Pounds |
|---|---|
| Haywood | 995 |
| Henderson | 925 |
| Jackson | 990 |
| Lincoln | 800 |
| McDowell | 900 |
| Macon | 943 |
| Madison | 950 |
| Mitchell | 975 |
| Polk | 800 |
| Rutherford | 800 |
| Swain | 930 |
| Transylvania | 985 |
| Watauga | 1,050 |
| Wilkes | 950 |
| Yancey | 990 |
| *Ohio* | |
| Adams | 816 |
| Belmont | 1,291 |
| Brown | 849 |
| Butler | 749 |
| Clark | 864 |
| Clermont | 846 |
| Clinton | 818 |
| Coshocton | 887 |
| Fairfield | 883 |
| Fayette | 844 |
| Gallia | 940 |
| Greene | 1,010 |
| Guernsey | 887 |
| Hamilton | 849 |
| Highland | 908 |
| Hocking | 887 |
| Jackson | 927 |
| Lawrence | 839 |
| Meigs | 759 |
| Miami | 972 |
| Monroe | 769 |
| Montgomery | 973 |
| Morgan | 887 |
| Muskingum | 887 |
| Noble | 860 |
| Pickaway | 950 |
| Pike | 770 |
| Preble | 804 |
| Ross | 883 |
| Scioto | 824 |
| Shelby | 973 |
| Vinton | 800 |
| Warren | 853 |
| Washington | 1,089 |
| *Oklahoma* | |
| Delaware | 850 |
| *South Carolina* | |
| Abbeville | 875 |
| Anderson | 875 |
| Cherokee | 875 |
| Chester | 875 |
| Greenville | 875 |
| Laurens | 875 |
| McCormick | 875 |
| Oconee | 875 |
| Pickens | 875 |
| Saluda | 875 |
| Spartanburg | 875 |
| Union | 875 |
| York | 875 |
| *Tennessee* | |
| Anderson | 777 |
| Bedford | 832 |
| Bledsoe | 740 |
| Blount | 974 |
| Bradley | 870 |
| Campbell | 851 |
| Cannon | 700 |
| Carter | 993 |
| Cheatham | 938 |
| Claiborne | 942 |
| Clay | 725 |
| Cocke | 870 |
| Coffee | 755 |
| Cumberland | 702 |
| Davidson | 886 |
| Decatur | 700 |
| De Kalb | 810 |
| Dickson | 900 |
| Dyer | 850 |
| Fentress | 762 |
| Franklin | 799 |
| Giles | 760 |
| Grainger | 1,000 |
| Greene | 900 |
| Grundy | 680 |
| Hamblen | 993 |

| *Tennessee*—Continued | Pounds |
|---|---|
| Hamilton | 732 |
| Hancock | 997 |
| Hawkins | 914 |
| Henderson | 750 |
| Henry | 750 |
| Hickman | 774 |
| Houston | 933 |
| Humphreys | 721 |
| Jackson | 810 |
| Jefferson | 1,003 |
| Johnson | 1,112 |
| Knox | 982 |
| Lawrence | 784 |
| Lewis | 592 |
| Lincoln | 831 |
| Loudon | 934 |
| McMinn | 858 |
| Macon | 815 |
| Marion | 787 |
| Marshall | 831 |
| Maury | 842 |
| Meigs | 804 |
| Monroe | 860 |
| Montgomery | 785 |
| Moore | 846 |
| Morgan | 602 |
| Obion | 900 |
| Overton | 769 |
| Perry | 646 |
| Pickett | 792 |
| Polk | 793 |
| Putnam | 822 |
| Rhea | 887 |
| Roane | 865 |
| Robertson | 840 |
| Rutherford | 802 |
| Scott | 723 |
| Sequatchie | 760 |
| Sevier | 960 |
| Smith | 822 |
| Stewart | 791 |
| Sullivan | 957 |
| Sumner | 845 |
| Trousdale | 824 |
| Unicoi | 890 |
| Union | 923 |
| Van Buren | 582 |
| Warren | 703 |
| Washington | 963 |
| Wayne | 770 |
| White | 890 |
| Williamson | 827 |
| Wilson | 858 |
| *Virginia* | |
| Albemarle | 800 |
| Amelia | 800 |
| Amherst | 800 |
| Appomattox | 822 |
| Bedford | 850 |
| Bland | 1,140 |
| Brunswick | 975 |
| Buchanan | 950 |
| Buckingham | 960 |
| Campbell | 800 |
| Carroll | 859 |
| Charlotte | 800 |
| Chesterfield | 800 |
| Cumberland | 800 |
| Dickenson | 950 |
| Dinwiddie | 800 |
| Floyd | 965 |
| Fluvanna | 840 |
| Franklin | 800 |
| Giles | 800 |
| Goochland | 800 |
| Grayson | 1,060 |
| Halifax | 800 |
| Henrico | 850 |
| Lee | 950 |
| Madison | 800 |
| Mathews | 800 |
| Mecklenburg | 850 |
| Montgomery | 1,000 |
| Patrick | 800 |
| Powhatan | 850 |
| Prince Edward | 800 |
| Pulaski | 975 |
| Rockbridge | 800 |
| Russell | 1,180 |
| Scott | 1,005 |
| Smyth | 1,115 |
| Spotsylvania | 885 |
| Tazewell | 1,220 |
| Washington | 1,110 |



| *Virginia*—Continued | Pounds |
|---|---|
| Wise | 950 |
| Wythe | 1,030 |
| *West Virginia* | |
| Boone | 736 |
| Cabell | 733 |
| Clay | 690 |
| Jackson | 759 |
| Kanawha | 665 |
| Lincoln | 688 |
| Logan | 646 |
| Mason | 826 |
| Mercer | 1,290 |
| Mingo | 744 |
| Monroe | 1,312 |
| Putnam | 734 |
| Roane | 702 |
| Summers | 625 |
| Wayne | 725 |
| Wirt | 619 |
| Wood | 647 |

(iii) The county average yields of fire-cured and dark air-cured tobacco, as established by the Secretary, are as follows:

| *Illinois* | Pounds |
|---|---|
| Johnson | 860 |
| Massac | 860 |
| *Indiana* | |
| Dubois | 865 |
| Perry | 1,092 |
| Pike | 730 |
| Spencer | 872 |
| Warrick | 824 |
| *Kentucky* | |
| Allen | 950 |
| Ballard | 920 |
| Breckenridge | 795 |
| Butler | 808 |
| Caldwell | 830 |
| Calloway | 830 |
| Carlisle | 880 |
| Christian | 825 |
| Crittenden | 851 |
| Daviess | 922 |
| Fulton | 851 |
| Graves | 830 |
| Grayson | 738 |
| Hancock | 990 |
| Henderson | 910 |
| Hickman | 857 |
| Hopkins | 796 |
| Livingston | 805 |
| Logan | 860 |
| Lyon | 840 |
| McCracken | 829 |
| McLean | 875 |
| Marshall | 908 |
| Monroe | 850 |
| Muhlenberg | 737 |
| Ohio | 850 |
| Simpson | 960 |
| Todd | 800 |
| Trigg | 835 |
| Union | 860 |
| Warren | 965 |
| Webster | 840 |
| *Missouri* | |
| Butler | 860 |
| Ripley | 860 |
| *Tennessee* | |
| Benton | 850 |
| Carroll | 700 |
| Cheatham | 880 |
| Coffee | 745 |
| Davidson | 920 |
| Dickson | 815 |
| Franklin | 740 |
| Giles | 850 |
| Henry | 810 |
| Hickman | 680 |
| Houston | 833 |
| Humphreys | 776 |
| Lawrence | 840 |
| Lewis | 600 |
| Macon | 890 |
| Montgomery | 822 |
| Moore | 963 |
| Obion | 859 |



| *Tennessee*—Continued | Pounds |
|---|---|
| Robertson | 882 |
| Stewart | 836 |
| Sumner | 855 |
| Weakley | 840 |
| Williamson | 846 |
| *Virginia* | |
| Albemarle | 700 |
| Amelia | 830 |
| Amherst | 795 |
| Appomattox | 850 |
| Bedford | 875 |
| Botetourt | 900 |
| Brunswick | 940 |
| Buckingham | 795 |
| Campbell | 850 |
| Caroline | 1,000 |
| Charlotte | 850 |
| Chesterfield | 840 |
| Cumberland | 830 |
| Dinwiddie | 880 |
| Essex | 945 |
| Floyd | 800 |
| Fluvanna | 800 |
| Franklin | 825 |
| Goochland | 750 |
| Hanover | 840 |
| Henrico | 850 |
| King and Queen | 910 |
| King William | 910 |
| Louisa | 800 |
| Lunenburg | 885 |
| Mecklenburg | 797 |
| Nelson | 795 |
| Nottoway | 880 |
| Pittsylvania | 840 |
| Powhatan | 830 |
| Prince Edward | 860 |
| Prince George | 750 |
| Roanoke | 800 |
| Rockbridge | 950 |
| Spottsylvania | 835 |

(iv) The county average yields of cigar filler and binder tobacco, as established by the Secretary, are as follows:

| *Connecticut* | Pounds |
|---|---|
| Fairfield | 1,500 |
| Hartford | 1,586 |
| Litchfield | 1,500 |
| Middlesex | 1,500 |
| Tolland | 1,585 |
| *Illinois* | |
| Boone | 1,000 |
| Winnebago | 1,000 |
| *Indiana* | |
| Randolph | 896 |
| Wayne | 896 |
| *Massachusetts* | |
| Franklin | 1,568 |
| Hampden | 1,568 |
| Hampshire | 1,568 |
| *Minnesota* | |
| Benton | 914 |
| Fillmore | 956 |
| Freeborn | 1,021 |
| Houston | 1,000 |
| Meeker | 1,065 |
| Mille Lacs | 1,010 |
| Scott | 679 |
| Sherburne | 893 |
| Stearns | 1,237 |
| Winona | 689 |
| *New Hampshire* | |
| Cheshire | 1,489 |
| *New York* | |
| Cayuga | 1,187 |
| Chemung | 1,296 |
| Onondaga | 1,262 |
| Oswego | 1,187 |
| Steuben | 1,231 |
| *Ohio* | |
| Butler | 1,135 |
| Clark | 968 |
| Darke | 936 |
| Greene | 1,028 |
| Miami | 951 |
| Montgomery | 991 |
| Preble | 975 |
| Shelby | 898 |
| Warren | 1,081 |
| *Pennsylvania* | |
| Berks | 1,218 |
| Bradford | 1,130 |
| Chester | 1,381 |
| Clinton | 1,297 |
| Dauphin | 1,148 |
| Juniata | 1,402 |
| Lancaster | 1,278 |
| Lebanon | 1,200 |
| Lycoming | 1,375 |
| Tioga | 1,099 |
| York | 1,293 |
| *Vermont* | |
| Windham | 1,489 |
| *Wisconsin* | |
| Barron | 1,056 |
| Chippewa | 1,237 |
| Columbia | 1,301 |
| Crawford | 1,369 |
| Dane | 1,388 |
| Dunn | 1,043 |
| Grant | 1,241 |
| Green | 1,306 |
| Jackson | 1,101 |
| Jefferson | 1,276 |
| Juneau | 1,029 |
| La Crosse | 1,353 |
| Monroe | 1,314 |
| Richland | 1,367 |
| Rock | 1,340 |
| St. Croix | 1,354 |
| Trempealeau | 1,153 |
| Vernon | 1,327 |

(v) The county average yields of Georgia-Florida Type 62 tobacco, as established by the Secretary, are as follows:

| *Florida* | Pounds |
|---|---|
| Gadsden | 1,018 |
| Leon | 900 |
| Madison | 970 |
| *Georgia* | |
| Decatur | 1,050 |
| Grady | 1,048 |

Done at Washington, D. C., this 22d day of September, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3506; Filed, September 22, 1939; 11:50 a. m.]

## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T. D. 49966]

FREE ENTRY STATUS OF CERTAIN WHALE, FISH AND MARINE ANIMAL OILS AND FATTY ACIDS

Regulations for entry free of tax imposed by I.R.C., Sec. 2491 (a), on certain whale oil (except sperm oil), fish oil (except cod oil, cod-liver oil, and halibut-liver oil), and marine animal oil, and fatty acids derived from any of the foregoing.

[This document inserts a new section to be designated 19 CFR 8.83 (a)]

SEPTEMBER 19, 1939.

*To Collectors of Customs and Others Concerned:*

Your attention is invited to the following provisions of the Internal Revenue Code:

§ 2490 *Imposition of tax.* In addition to any other tax or duty imposed by law, there shall be imposed upon the following articles imported into the United States, unless treaty provisions of the United States otherwise provide, a tax at the rates set forth in section 2491, to be paid by the importer.

§ 2491 *Rate of tax.* (a) Whale oil (except sperm oil), fish oil (except cod oil, cod-liver oil, and halibut-liver oil), marine-animal oil, tallow, inedible animal oils, inedible animal fats, inedible animal greases, fatty acids derived from any of the foregoing, and salts of any of the foregoing; all the foregoing, whether or not refined, sulphonated, sulphated, hydrogenated, or otherwise processed, 3 cents per pound: *Provided*, That no whale oil (except sperm oil), fish oil, or marine animal oil of any kind (whether or not refined, sulphonated, sulphated, hydrogenated or otherwise processed), or fatty acids derived therefrom, shall be admitted to entry, after June 30, 1939, free from the tax herein provided unless such oil was produced on vessels of the United States or in the United States or its possessions, from whales, fish, or marine animals or parts thereof taken and captured by vessels of the United States.

[Sec. 8.83 (a)] The following regulations are hereby promulgated for your information and guidance in administering the above-quoted provisions of law:

If whale oil (except sperm oil), fish oil (except cod oil, cod-liver oil, and halibut-liver oil), or marine-animal oil of any kind, whether or not such whale, fish, or marine-animal oil be refined, sulphonated, sulphated, hydrogenated, or otherwise processed, or fatty acids derived from any of the foregoing, entered for consumption or withdrawn from warehouse for consumption after June 30, 1939, is claimed to be free of the import tax provided in I.R.C., Sec. 2491 (a), as a product of American fisheries, there shall be filed in connection with the entry, in addition to the documents required by article 490 of the Customs Regulations of 1937[1] [Sec. 8.83], a declaration of the master of the American fishery giving the names of the vessels which took and captured the whales, fish, or marine animals from which such oil or fatty acids were produced and stating whether such vessels at the time of taking the whales, fish, or marine animals, were documented under the laws of the United States. No vessel shall be considered to be the taking vessel within the meaning of this regulation unless the whales, fish, or marine animals from which the oil or fatty acids were produced were taken and captured directly by such vessel with the use of no other boats than those carried as its regular equipment.

No whale, fish, or marine animal oil of a class or kind for which a rate of import tax is provided in I.R.C., Sec. 2491 (a) shall be admitted without entry, notwithstanding the provisions of article 489 (b), Customs Regulations of 1937, as amended by (1938) T.D. 49682.[2]

If entry free of the import tax imposed by I.R.C., Sec. 2491 (a) is claimed for any whale, fish, or marine-animal oil or fatty acid derived therefrom because of its production in the United States, the case should be submitted to the Bureau for decision.

For the purposes of these regulations, the term "United States", when used in a geographical sense, includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia (I.R.C., Sec. 3797 (9)). In view of the provisions of I.R.C., Sec. 2493 (3), oils or fatty acids of the character described in the proviso to section 2491 (a) and produced in the Philippine Islands, Virgin Islands, Puerto Rico, Guam, or American Samoa, of a class or kind for which a rate of import tax is provided in I.R.C., Sec. 2491 (a), shall not be admitted free of the import tax notwithstanding that they may have been produced from whales, fish, or marine animals taken and captured by vessels of the United States. (Sec. 2494, I.R.C.; Sec. 2494, 53 Stat. (Part 1) 268. Sec. 624, 46 Stat. 759; 19 U.S.C. 1624. R.S. 251; 19 U.S.C. 66)

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

Approved, September 19, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3493; Filed, September 21, 1939; 3:56 p. m.]

[1] 2 F.R. 1555.

[2] 3 F.R. 2033 DI.

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## TITLE 24—HOUSING CREDIT

## HOME OWNERS' LOAN CORPORATION

### PART 402—LOAN SERVICE

#### EXTENSION OF TIME FOR MAKING PAYMENT

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 402.13 is amended to read as follows:

§ 402.13 Where the circumstances of the home owner, condition of the security, and the best interests of the Corporation justify it, the General Manager with the advice of the General Counsel may grant extensions of time for the payment of any amount, including principal, interest and advances, or the unpaid balance of the account, or change the payment plan contained in the loan or sale instruments whether the account is delinquent or not and in connection with any such transactions may (a) accept an extension or other agreement or new obligation and security instrument, and execute any such instruments, or cause the same to be executed by a duly authorized officer of the Corporation, and (b) make advances for the payment of taxes, assessments, ground rents or other levies or charges which are due and payable: *Provided, however*, That in no case shall the term of repayment exceed twenty-five years from the date of the original loan or twenty years from the date of the sales instrument; *and provided further*, That in no case shall an extension or change in payment plan be granted unless the home owner, in connection therewith, executes an agreement with the Corporation upon terms satisfactory to it for the accumulation of funds to provide for the payment of taxes, assessments, other levies or charges, and ground rents upon the security property, or the property sold, and to provide funds for the renewal of existing insurance upon such property or the purchase of such insurance as the home owner is required to furnish upon the property.

Such extensions or changes in payment plan shall be granted on the basis of monthly payments sufficient:

(a) To retire the present indebtedness within the remainder of the original fifteen-year term, or

(b) To retire the present indebtedness within a period not to exceed twenty-five years from the date of the original loan or twenty years from the date of the sales instrument.

The authority vested in the General Manager by this Section may be exercised by the Regional Manager with the advice of the Regional Counsel, under procedure and limitations prescribed by the General Manager with the approval of the General Counsel.

(Effective October 1, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board on September 14, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3488; Filed, September 21, 1939; 3:13 p. m.]

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[Administrative Order No. 2-210]

### PART 402—LOAN SERVICE

#### CONVERSION OF INSTALLMENT CONTRACTS INTO MORTGAGE ACCOUNTS

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 402.16-1 is amended by adding the following sentence at the end of the first paragraph thereof:



§ 402.16-1 In cases where the installment contract was assigned prior to the application for conversion, the Regional Manager, with the advice of the Regional Counsel, may, if he considers it in the best interests of the Corporation, authorize conversion to the present assignee notwithstanding that such conversion will operate to release the liability of the original purchaser or any intervening purchaser.

(Effective October 2, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3490; Filed, September 21, 1939; 3:13 p. m.]

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### PART 402—LOAN SERVICE

### PART 408—ACCOUNTING

#### AUTHORITY TO ACCEPT INTEREST CHARGE OF 4½%

Amending Parts 402 and 408 of Chapter IV, Title 24 of the Code of Federal Regulations.

The following is added as a new section to be numbered 402.17 and a new subsection to be numbered 408.00 (n):

In case of payments becoming due on and after October 16, 1939, and until further notice, interest will be accepted at the rate of 4½% per annum on the indebtedness of a home owner to the Home Owners' Loan Corporation arising from a loan, advance, or sale of property which carries an interest rate of 5% or 6% per annum. The General Manager, with the approval of the General Counsel, is authorized to prescribe procedure to carry out the provisions of this section.

(Effective October 16, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board and the Board of Directors of Home Owners' Loan Corporation at a meeting on September 7, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3489; Filed, September 21, 1939; 3:13 p. m.]

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[Administrative Order No. 2-209]

### PART 405—RECONDITIONING

### PART 402—LOAN SERVICE

#### RECONDITIONING OTHER THAN NECESSARY REPAIRS AND INCOME-PRODUCING

Amending Parts 405 and 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Part 405 is amended by the addition of a new section to be numbered 405.02-28; and Part 402 is amended by renumbering Section 402.05-19 so that said section shall be designated 402.05-15, and also by adding a new paragraph thereto, said new section of Part 405, and new paragraph of Part 402 being as follows:

Advances may be made for reconditioning other than emergency repairs or necessary repairs or income-producing reconditioning to enable the home owner (1) to sell his property to a purchaser acceptable to the Corporation, or (2) to retain tenants in the security property, or (3) to regain rental income therefrom; in cases where the Regional Manager determines that payment of the indebtedness to the Corporation is reasonably dependent on such other reconditioning; that the account is delinquent or will inevitably become delinquent unless such advance is made; that the home owner is unable satisfactorily to finance such reconditioning otherwise; and that such reconditioning is in the best interests of the Corporation all things considered. In such cases, the Service Representative shall report the facts of the case to the Control Supervisor on Form 526 prior to the preparation of Form 529 or Form 529-A (R7AB). Care shall be taken to set forth fully the type of repairs requested, the approximate cost thereof, the repayment plan, as well as a complete justification for the advance and its purpose. Such cases shall be referred by the Control Supervisor to the Analysis and Review Section, which shall carefully consider the present status of the Account, the past payment record and the present or probable paying ability of the home owner, the principal balance of the loan and the possibilities of avoiding foreclosure. If the Analysis and Review Section believes that further consideration of the advance is warranted, the Control Supervisor shall be requested to obtain Forms 529 and 529-A (R7AB), which shall be processed as provided in the Forms Manual instructions, and the Regional Manager may authorize an advance for the reconditioning in such cases, except that where the estimated cost of the reconditioning exceeds $100.00 the case shall be first submitted to the Home Office for the recommendations of the Chief, Reconditioning Section, and the Deputy General Manager in Charge of Loan Service, and the approval of the General Manager.

(Effective September 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3492; Filed, September 21, 1939; 3:14 p. m.]

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[Administrative Order No. 524]

### PART 405—RECONDITIONING

#### ADVANCES FOR IMPROVEMENTS

Amending Part 405 of Chapter IV, Title 24 of the Code of Federal Regulations.

The second paragraph of Section 405.02-26 is amended to read as follows:
(Effective September 15, 1939)

In a case where the estimated cost of the improvements does not exceed $500, the Regional Manager, with the advice of the Regional Counsel, may authorize an advance for such improvements when he determines that they are necessary to protect the Corporation's interest. In each such case where the estimated cost of the improvements exceeds $500, he shall forward the file to the Home Office for the consideration and recommendation of the Chief, Reconditioning Section, and the Deputy General Manager in Charge of Loan Service and the advice of the General Counsel, and for consideration and approval by the General Manager.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3491; Filed, September 21, 1939; 3:13 p. m.]

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### PART 406—LEGAL

#### EVIDENCE OF LIEN CLEARANCE

Amending Part 406 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 406.18 is amended to read as follows:

§ 406.18 The advice of the General Counsel shall be secured with respect to obtaining releases of mechanics' and materialmen's liens, receipts and waivers, and in other matters pertaining to reconditioning which affect the legal position of the Corporation. The General Manager, with the advice of the General Counsel, may waive the obtaining of instruments evidencing releases or waivers of liens which may arise in connection with reconditioning work and may determine the amount of the risk which the Corporation will assume. The authority vested in the General Manager by this section may be exercised also by Regional or State Managers, with the advice of Regional or State Counsel, under procedure or limitations prescribed by the General Manager with the approval of the General Counsel, provided that the assumed risk shall not exceed $300 with respect to any individual reconditioning contract awarded, unless the amount of such risk has been increased with respect to any particular jurisdiction by the General Manager with the advice of the General Counsel.

(Effective September 15, 1939.)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board September 6, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3486; Filed, September 21, 1939; 3:12 p. m.]

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[Administrative Order No. 657]

PART 406—LEGAL

LIEN RELEASE FORMS

Amending Part 406 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 406.18-1 is amended to read as follows:

§ 406.18-1 The forms required to evidence the release or waiver of liens for labor and material shall be as follows:

(1) Form R-17B, or its approved substitute, shall be required in lieu of all other evidence, in all states, in connection with reconditioning of property which is not under the jurisdiction of the Property Management Division, when the amount of the individual reconditioning contract awarded does not exceed $300, and may be used, in any state, when the amount of such contract exceeds $300 and the Regional Counsel is of opinion that the form protects the Corporation.

(2) Form R-107, or its approved substitute, shall be required in lieu of all other evidence, in all states, in connection with reconditioning of property under the jurisdiction of the Property Management Division, when the amount of the individual reconditioning contract awarded does not exceed $300, and may be used, in any state, when the amount of the individual reconditioning contract awarded exceeds $300 if the Regional Counsel is of opinion that the form protects the Corporation; provided, however, that no evidence of the release or waiver of labor or material liens shall be required in connection with the reconditioning of property under the jurisdiction of the Property Management Division unless the amount of the individual reconditioning contract awarded exceeds $50.

(Effective September 15, 1939)

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3487; Filed, September 21, 1939; 3:12 p. m.]

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PART 408—ACCOUNTING

INTEREST RATE ON ADVANCES; ACCOUNTING PROCEDURE FOR INTEREST AT 4½%

Amending Part 408 of Chapter IV, Title 24 of the Code of Federal Regulations. (Effective September 14, 1939)

Section 408.00 (e) is amended to read as follows:

§ 408.00 (e) Each advance of funds made by the Corporation for the account of the home owner shall bear interest at the rate specified in the original loan or sales instrument, subject however to the provisions of Subsection (n). If the interest rate specified in the instrument evidencing and securing any advance heretofore made is not the same as that specified in the original loan or sales instrument, then such advance shall bear interest at the lower of said rates.

The following is added as a new subsection to be numbered 408.00 (o):

§ 408.00 (o). Commencing with the accruals for payments due on and after October 16, 1939, all home owners' accounts shall be accrued and billed at the rate of 4½% per annum: *Provided, however,* That if any instrument evidencing and securing an account which is being authorized for foreclosure specifies interest applicable before default at a rate in excess of 4½% per annum such higher rate shall be charged from the date to which interest has been paid.

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board September 14, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3485; Filed, September 21, 1939; 3:12 p. m.]

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PART 406—LEGAL

AUTHORITY TO PURCHASE, SELL, EXCHANGE AND MAINTAIN LAW BOOKS

Amending Part 406 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 406.17 is amended to read as follows:

§ 406.17 The General Counsel is authorized to incur expense incident to the purchase, maintenance and repair of law books, law periodicals, law publications, and other books and like material for law libraries in the Home Office and in the field offices, provided that where the amount in any one purchase exceeds $100.00, the approval of a Board member shall be required; and the General Counsel shall approve the amount to be paid by the Corporation in such transactions. Such property shall be treated as expendable property, and the General Counsel shall at least once a year cause to be prepared an inventory of all law books, law periodicals, law publications, and other books and like material for law libraries and shall report such inventory in his annual report to the Board. The General Counsel is also authorized to sell or exchange such of the above items as he may determine to be in excess of the needs of the Corporation, for such consideration as he may determine, and he may incur any necessary expense incident thereto; and may issue such instructions and procedure as will be required to give effect to the provisions of this section.

(Effective October 2, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board on September 20, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3504; Filed, September 22, 1939; 11:18 a. m.]

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[Administrative Order No. 224]

PART 407—TREASURY

HANDLING PAID-IN-FULL LOANS—LOUISIANA

Amending Part 407 of Chapter IV, Title 24 of the Code of Federal Regulations.



Section 407.50-16 is amended by the addition of special provisions applicable only to the State of Louisiana, reading as follows: (Effective September 22, 1939)

Notwithstanding the provisions of Articles 750-16 and 750-19 of the Manual, the Louisiana State Manager or any other State official of the Corporation in Louisiana named in the Board Resolution of September 27, 1937 is hereby authorized to handle paid in full loans for the Corporation in the Parish of Orleans, Louisiana, and is authorized to execute the release of the loan instruments or other necessary documents, and to take whatever other action may be necessary in such cases.

(Above procedure promulgated by General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3505; Filed, September 22, 1939; 11:18 a. m.]

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## TITLE 26—INTERNAL REVENUE

### BUREAU OF INTERNAL REVENUE

[T. D. 4940]

REGULATIONS 90, AS AMENDED, RELATING TO THE EXCISE TAX ON EMPLOYERS UNDER TITLE IX OF THE SOCIAL SECURITY ACT, AND SUCH REGULATIONS AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE BY TREASURY DECISION 4885, FURTHER AMENDED

EXEMPTION FROM TAXATION UNDER TITLE IX OF THE SOCIAL SECURITY ACT AND THE FEDERAL UNEMPLOYMENT TAX ACT (CHAPTER 9, SUBCHAPTER C, OF THE INTERNAL REVENUE CODE) OF CERTAIN SERVICES RENDERED PRIOR TO JANUARY 1, 1940, IN SALVAGING TIMBER AND CLEARING DEBRIS LEFT BY A HURRICANE

*To Collectors of Internal Revenue and Others Concerned:*

In order to conform Regulations 90,[1] approved February 17, 1936 [Part 400, Title 26, Code of Federal Regulations], as amended, relating to the excise tax on employers under Title IX of the Social Security Act, and such regulations as made applicable to the Internal Revenue Code by Treasury Decision 4885,[2] approved February 11, 1939 [Part 465, Subpart B, of such Title 26], to section 2 of the Act approved August 11, 1939 (Public, No. 400, 76th Cong., 1st sess.), entitled "An Act To provide for the refund or credit of the internal-revenue tax paid on spirits lost or rendered unmarketable by reason of the floods of 1936 and 1937 where such spirits were in the possession of the original taxpayer or rectifier for bottling or use in rectification under Government supervision as provided by law and regulations", each of such regulations are further amended as follows:

(1) Immediately preceding sections 901 and 907 (b) of the Social Security Act quoted immediately preceding article 207 [section 400.207, Title 26, Code of Federal Regulations], the following is inserted:

Section 2 of the Act approved August 11, 1939 (Public, No. 400, 76th Cong., 1st sess.)

No tax shall be collected under title * * * IX of the Social Security Act or under the * * * Federal Unemployment Tax Act, with respect to services rendered prior to January 1, 1940, in the employ of the owner or tenant of land, in salvaging timber on such land or clearing such land of brush and other debris left by a hurricane; and any such tax heretofore collected (including penalty and interest with respect thereto, if any), shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. * * *

"ART. 206 (10) [Sec. 400.206 (10), Title 26, Code of Federal Regulations]. *Exemption from taxation of services performed in salvaging timber and clearing debris left by a hurricane.* Certain services performed in salvaging timber and clearing land of brush and other debris left by a hurricane are not subject to the tax. In order to be exempted from the tax the services must be performed:

(1) Prior to January 1, 1940; and

(2) As an employee of the owner or tenant of land on which a hurricane has left brush or other debris, or timber in need of salvaging by reason of such hurricane; and

(3) In clearing such land of such brush or other debris, or in salvaging such timber."

(2) Immediately preceding article 504 [section 400.504, Title 26, Code of Federal Regulations], the following is inserted:

Section 2 of the Act approved August 11, 1939 (Public, No. 400, 76th Cong., 1st sess.)

No tax shall be collected under title * * * IX of the Social Security Act or under the * * * Federal Unemployment Tax Act, with respect to services rendered prior to January 1, 1940, in the employ of the owner or tenant of land, in salvaging timber on such land or clearing such land of brush and other debris left by a hurricane; and any such tax heretofore collected (including penalty and interest with respect thereto, if any), shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. * * *

"ART. 503 4/5 [Sec. 400.503 4/5, Title 26, Code of Federal Regulations]. *Refund under section 2 of the Act approved August 11, 1939.* Any tax (including interest or penalty, if any) paid with respect to services rendered prior to January 1, 1940, which are described in section 2 of the Act approved August 11, 1939 (Public, No. 400, 76th Cong., 1st sess.), may be refunded to the person who paid the amount of such tax to the collector. (See article 206 (10) [section 400.206 (10), Title 26, Code of Federal Regulations, 1939 Sup.].) No interest shall be allowed or paid by the Government on the amount of any such refund. Every claim for such refund shall be made on Form 843 in accordance with the provisions of this article and article 503 [section 400.503, Title 26, Code of Federal Regulations], relating to refund and credit of taxes erroneously collected. A claim which does not comply with these requirements will not be considered for any purpose as a claim for refund."

(This Treasury Decision is issued under the authority contained in section 908 of the Social Security Act (49 Stat. 643; 42 U.S.C., Sup. IV, 1108), and sections 1609 and 3791 of the Internal Revenue Code (53 Stat., Part 1))

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 20, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3512; Filed, September 22, 1939; 12:52 p. m.]

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[T. D. 4941]

REGULATIONS 91, AS AMENDED, RELATING TO THE EMPLOYEES' TAX AND THE EMPLOYERS' TAX UNDER TITLE VIII OF THE SOCIAL SECURITY ACT, AND SUCH REGULATIONS AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE BY TREASURY DECISION 4885, FURTHER AMENDED

EXEMPTION FROM TAXATION UNDER TITLE VIII OF THE SOCIAL SECURITY ACT AND THE FEDERAL INSURANCE CONTRIBUTIONS ACT (CHAPTER 9, SUBCHAPTER A, OF THE INTERNAL REVENUE CODE) OF CERTAIN SERVICES RENDERED PRIOR TO JANUARY 1, 1940, IN SALVAGING TIMBER AND CLEARING DEBRIS LEFT BY A HURRICANE

*To Collectors of Internal Revenue and Others Concerned:*

In order to conform Regulations 91,[1] approved November 9, 1936 [Part 401, Title 26, Code of Federal Regulations], as amended, relating to the employees' tax and the employers' tax under Title VIII of the Social Security Act, and such regulations as made applicable to the Internal Revenue Code by Treasury Decision 4885,[2] approved February 11, 1939 [Part 465, Subpart B, of such Title 26], to section 2 of the Act approved August 11, 1939 (Public, No. 400, 76th Cong., 1st sess.), entitled "An Act to provide for the refund or credit of the internal-revenue tax paid on spirits lost or rendered unmarketable by reason of the floods of 1936 and 1937 where such spirits were in the possession of the original taxpayer or rectifier for bottling or use in rectification under Government supervision as provided by

[1] 1 F.R. 2.
[2] 4 F.R. 879 DI.

[1] 1 F.R. 1764.
[2] 4 F.R. 879 DI.

law and regulations", each of such regulations are further amended as follows:

(1) Immediately preceding sections 811 (a) and 1101 (c) of the Social Security Act quoted immediately preceding article 14 [section 401.14, Title 26, Code of Federal Regulations], the following is inserted:

Section 2 of the Act approved August 11, 1939 (Public, No. 400, 76th Cong., 1st sess.)

No tax shall be collected under title VIII * * * of the Social Security Act or under the Federal Insurance Contributions Act * * * with respect to services rendered prior to January 1, 1940, in the employ of the owner or tenant of land, in salvaging timber on such land or clearing such land of brush and other debris left by a hurricane; and any such tax heretofore collected (including penalty and interest with respect thereto, if any), shall be refunded in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. * * *

"ART. 13¾ [Sec. 401.13¾, Title 26, Code of Federal Regulations]. *Exemption from taxation of services performed in salvaging timber and clearing debris left by a hurricane.* Certain services performed in salvaging timber and clearing land of brush and other debris left by a hurricane are not subject to the taxes. In order to be exempted from the taxes the services must be performed:

(1) Prior to January 1, 1940; and

(2) As an employee of the owner or tenant of land on which a hurricane has left brush or other debris, or timber in need of salvaging by reason of such hurricane; and

(3) In clearing such land of such brush or other debris, or in salvaging such timber."

(2) Immediately preceding section 806 of the Social Security Act quoted immediately preceding article 505 [section 401.505, Title 26, Code of Federal Regulations], the following is inserted:

Section 2 of the Act Approved August 11, 1939 (Public, No. 400, 76th Cong., 1st sess.)

No tax shall be collected under title VIII * * * of the Social Security Act or under the Federal Insurance Contributions Act * * * with respect to services rendered prior to January 1, 1940, in the employ of the owner or tenant of land, in salvaging timber on such land or clearing such land of brush and other debris left by a hurricane; and any such tax heretofore collected (including penalty and interest with respect thereto, if any), shall be refunded in accordance with the provisions of the law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund. * * *

"ART. 504¾ [Sec. 401.504¾, Title 26, Code of Federal Regulations]. *Refund under section 2 of the Act approved August 11, 1939.* Any tax (including interest or penalty, if any) paid with respect to services rendered prior to January 1, 1940, which are described in section 2 of the Act approved August 11, 1939 (Public, No. 400, 76th Cong., 1st sess.), may be refunded to the person who paid the amount of such tax to the collector. (See article 13¾ [section 401.13¾, Title 26, Code of Federal Regulations, 1939 Sup.].) No interest shall be allowed or paid by the Government on the amount of any such refund. Every claim for such refund shall be made on Form 843 in accordance with the provisions of this article and article 504 [section 401.504, Title 26, Code of Federal Regulations], relating to credit or refund of overpayments which are not adjustable. A claim which does not comply with these requirements will not be considered for any purpose as a claim for refund."

(This Treasury Decision is issued under the authority contained in section 808 of the Social Security Act (49 Stat. 638; 42 U.S.C., Sup. IV, 1008), and sections 1429 and 3791 of the Internal Revenue Code (53 Stat., Part 1).)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 20, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3513; Filed, September 22, 1939; 12:52 p. m.]

[T. D. 4942]

AMENDING ARTICLE 6 OF TREASURY DECISION 4672 RELATING TO PERIOD OF LIMITATIONS FOR FILING CLAIMS FOR PAYMENT UNDER SECTION 602 OF THE REVENUE ACT OF 1936

*To Collectors of Internal Revenue and Others Concerned:*

Treasury Decision 4672,[1] approved July 27, 1936, is amended as follows:

At the end of Paragraph A the following is inserted:

"Section 911 of the Social Security Act Amendments of 1939, approved August 10, 1939, (Public, No. 379, 76th Cong., 1st sess.) provides:

"Subsection (d) of section 602 of the Revenue Act of 1936, as amended, (relating to floor stocks adjustment) is amended by striking out 'January 1, 1937,' and inserting in lieu thereof 'January 1, 1940.'"

Article 6 is amended to read as follows:

"ART. 6. *Limitation as to time for filing claim.* No payment shall be made unless claim therefor is filed by the person entitled thereto prior to January 1, 1940."

(This Treasury decision is issued pursuant to section 602 (d) of the Revenue Act of 1936 (49 Stat. 1740; 7 U.S.C. Sup. IV, 642 (d)) as amended by section 911 of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.).)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved September 20, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3514; Filed September 22, 1939; 12:52 p. m.]

[1] 1 F.R. 912 DI.

[T. D. 4943]

AMENDING ARTICLE 3 OF TREASURY DECISION 4850 RELATING TO PERIOD OF LIMITATIONS FOR FILING CLAIMS FOR REFUND OF TAXES PAID UNDER THE BANKHEAD COTTON ACT OF 1934, AS AMENDED, THE KERR TOBACCO ACT, AS AMENDED, AND THE POTATO ACT OF 1935

*To Collectors of Internal Revenue and Others Concerned:*

Treasury Decision 4850[1] (Part 461 of Title 26, Code of Federal Regulations] is amended as follows:

At the end of Paragraph A the following is inserted:

"The Third Deficiency Appropriation Act, fiscal year 1939, (Public, No. 361, Seventy-sixth Congress, approved August 9, 1939) provides in part:

"The date appearing in the first proviso of the second paragraph of the appropriation 'Refunds and Payments of Processing and Related Taxes, Bureau of Internal Revenue, 1939,' contained in the Second Deficiency Appropriation Act, fiscal year 1938, is hereby changed from 'July 1, 1939,' to 'July 1, 1940.'"

Article 3 [Section 461.3 of Title 26, Code of Federal Regulations] is amended to read as follows:

"ART. 3. *Period During Which Claims Must Be Filed.* No refund shall be made or allowed of any amount paid by or collected from any person as tax under the Bankhead Cotton Act of 1934, as amended, the Kerr Tobacco Act, as amended, or the Potato Act of 1935, unless subsequent to June 25, 1938, and prior to July 1, 1940, a claim for refund is filed by the person entitled thereto, or his duly authorized agent or representative. In accordance with the requirements of the above-quoted provision of law claims filed on or before June 25, 1938, may not receive favorable consideration by the Commissioner. A person who has filed, on or before June 25, 1938, a claim for refund of any such tax, penalty, or interest, must, nevertheless, to secure refund, file a new claim on the prescribed form subsequent to June 25, 1938, and prior to July 1, 1940."

(This Treasury decision is issued pursuant to the second paragraph of the appropriation "Refunds and Payments of Processing and Related Taxes, Bureau of Internal Revenue, 1939," contained in the Second Deficiency Appropriation Act, fiscal year 1938, 52 Stat. 1150.)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved September 20, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3515; Filed, September 22, 1939; 12:52 p. m.]

[1] 3 F.R. 1969 DI.



[T. D. 4944]

SHIPMENT OF DISTILLED SPIRITS, FREE OF TAX, TO GUAM AND AMERICAN SAMOA

*To District Supervisors and Others Concerned:*

Section 408 of the Revenue Act of 1939 (Public, No. 155, 76th Congress) provides as follows:

Section 3361 (b) of the Internal Revenue Code is amended by adding a comma and the words "Guam, and American Samoa" after the words "Puerto Rico."

By virtue of the foregoing provision of law, and pursuant to authority conferred by Section 3791 (a) (1), Internal Revenue Code, distilled spirits may be withdrawn free of tax from distilleries and internal revenue bonded warehouses for shipment to Guam and American Samoa under the rules and regulations governing the shipment of distilled spirits, free of tax, to the Philippines, Puerto Rico, the Virgin Islands, and the Panama Canal Zone.

[SEAL] GUY T. HELVERING,
*Commissioner.*

Approved, September 20, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3516; Filed, September 22, 1939; 12:53 p. m.]

[T. D. 4945]

USE OF ORIGINAL RETURNS OPEN TO INSPECTION IN ACCORDANCE WITH T. D. 4929; FURNISHING OF COPIES OF RETURNS; AND INSPECTION OF RETURNS OF CORPORATIONS BY STATE OFFICERS AND SHAREHOLDERS.*†

*Collectors of Internal Revenue and Others Concerned:*

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§ 463D.0 *Introductory.* By Executive Order dated August 28, 1939, the President ordered that returns made under chapter 1, subchapters A, B, and D of chapter 2, chapters 3, 4, and 6, and subchapter C of chapter 9 of the Internal Revenue Code, shall be open to inspection in accordance and upon compliance with the rules and regulations promulgated in Treasury Decision 4929 approved by the President on the same date. That Treasury decision deals with the inspection of returns in so far as inspection is permissible only upon order of the President and under regulations approved by the President. Under authority of law, and without action by the President, returns of corporations under chapter 1 (income tax), subchapters A (surtax on personal holding companies), B (excess-profits tax), and D (unjust enrichment tax), of chapter 2, chapter 6 (capital stock tax), and subchapter C of chapter 9 (employment tax on employers), of the Internal Revenue Code, are open to inspection by the proper officers of any State; all returns under chapter 1, and subchapters A, B, and D of chapter 2 of the Internal Revenue Code (or copies thereof) are open to inspection by any official, body, or commission, lawfully charged with the administration of any State tax law, if the inspection is for the purpose of such administration or for the purpose of obtaining information to be furnished to local taxing authorities; and all returns of corporations are open to inspection by bona fide shareholders of record owning one per cent or more of the outstanding stock.

Pursuant to sections 55, 62, 508, 603, 702 (a), 1204, 1207, 1604 (c), and 3791 of the Internal Revenue Code, the following rules and regulations are hereby prescribed with respect to the use of original, and the furnishing of copies of, returns open to inspection in accordance with Treasury Decision 4929,[1] or otherwise; with respect to examinations by shareholders of the returns of corporations; with respect to inspection of returns of corporations under chapter 1, subchapters A, B, and D of chapter 2, chapter 6, and subchapter C of chapter 9 of the Internal Revenue Code, by the proper officers of any State; and with respect to the inspection of returns under chapter 1, and subchapters B and D of chapter 2 of the Internal Revenue Code by any official, body, or commission, lawfully charged with the administration of any State tax law. For inspection by State taxing officials of income returns other than returns under subchapters B and D of chapter 2 of the Internal Revenue Code, see section 55 (b) of the Internal Revenue Code and the regulations with respect thereto.

SPECIAL PROVISIONS

§ 463D.1 *Access to returns by State officers.* (1) The proper officers of a State are entitled as of right upon the request of its governor to have access to the following returns of a corporation (or abstracts thereof): Income returns (including personal holding company and unjust enrichment returns), and excess-profits and capital stock tax returns, and returns of employment tax by employers under subchapter C of chapter 9 of the Internal Revenue Code.

(2) The request or application of the governor must be in writing, signed by him under the seal of his State, and must show why access is desired, and the names and official positions of the officers designated to have the access. The request or application should be addressed to the Commissioner, who will set a convenient time and place for the access to the returns (or to an abstract thereof as he may determine).

(3) Access shall be given only in the office of the Commissioner, unless such returns are in the custody of a collector of internal revenue or an internal revenue agent in charge or the head of a field division of the Technical Staff, in which event the return may be inspected in the office of such collector or agent or head of division, but only in the presence of an internal revenue officer designated by such collector or agent or head of division for that purpose.*†

§ 463D.2 *Inspection of returns by State taxing officials.* Original returns of taxes imposed by subchapters B and D of chapter 2 of the Internal Revenue Code shall be open to inspection, at convenient times and places, by any official, body, or commission lawfully charged with the administration of any State tax law, or by the representatives of such official, body, or commission designated in writing by the governor of the State, for the purpose of such administration, or for the purpose of obtaining information to be furnished to local taxing authorities, as provided in section 55 (b) (2) of the Internal Revenue Code. Requests for permission to inspect the returns must be in writing signed by the governor under the seal of his State, and must be addressed to the Commissioner of Internal Revenue, Records Division, Washington, D. C. The request shall state (a) the kind of returns it is desired to inspect, (b) the taxable year or years covered by the returns it is desired to inspect, (c) the name of the official, body, or commission by whom or which the inspection is to be made, (d) the name of the representative of such official, body, or commission, designated to make the inspection, (e) by specific references, the State tax law which such official, body, or commission is charged with administering

*Sections 463D.0 to 463D.9 are issued under authority contained in secs. 55, 62, 508, 603, 702 (a), 1204, 1207, 1604 (c), and 3791 of the Internal Revenue Code (53 Stat. 29, 32, 111, 111, 116, 171, 171, 186, 467).

†The source of sections 463D.0 to 463D.9 is Treasury Decision 4945, approved Sept. 20, 1939.

[1] 4 F.R. 3776 DI.

and the law under which he, she, or it is so charged, (f) the purpose for which the inspection is to be made, and (g) if the inspection is for the purpose of obtaining information to be furnished to local taxing authorities, (1) the name of the official, body, or commission of any political subdivision of the State, lawfully charged with the administration of the tax laws of such political subdivision, if any, to whom or to which the information secured by the inspection is to be furnished, and (2) the purpose for which the information is to be used by such official, body, or commission.*†

§ 463D.3 *Examination of returns by shareholder.* A bona fide shareholder of record owning one per cent or more of the outstanding stock of a corporation shall be entitled as of right, upon making request of the Commissioner, to examine the returns of such corporation and of its subsidiaries. His request for permission to examine such returns shall be made in writing, verified by affidavit, and shall show his address, the name of the corporation, the period of time covered by the return he desires to inspect, the amount of the corporation's outstanding capital stock, the number of shares owned by him, the date when he acquired them, and whether he has the beneficial as well as the record title to such shares. It shall also show that he has not acquired his shares for the purpose of the examination of the returns of the corporation. If he has acquired them for such purpose, he is not a bona fide shareholder within the meaning of the statute. The application shall be supported by satisfactory evidence showing that the applicant is a bona fide shareholder of record of the required amount of stock of the corporation. The supporting evidence may be in the form of a certificate signed by the president or vice president of the corporation and countersigned by the secretary under the corporate seal. Upon being satisfied from the evidence presented that the applicant has fully met these conditions, the Commissioner will grant the permission to examine the returns and set a convenient time and place for the examination. This privilege is personal and will be granted only to the shareholder, who cannot delegate it to another. In the case of a corporation which has been dissolved, the returns may be examined by any person who would have been entitled to examine them at the date of dissolution.*†

GENERAL PROVISIONS

§ 463D.4 *Use of returns in litigation.* The return of an individual, partnership, corporation, or fiduciary, or a copy thereof, may be furnished to a United States attorney for official use in proceedings before a United States grand jury or in litigation in any court, if the United States is interested in the result, or for use in preparation for such proceedings or litigation; or to an attorney of the Department of Justice, for like use, upon written request of the Attorney General, the Assistant to the Attorney General, or an Assistant Attorney General. If a return or copy is thus furnished, it shall be limited in use to the purpose for which it is furnished and is under no condition to be made public except to the extent that publicity necessarily results from such use. The original return will be furnished only in exceptional cases, and then only if it is made to appear that the ends of justice may otherwise be defeated. Neither the original nor a copy of a return desired for use in litigation in court will be furnished if the United States Government is not interested in the result, but this provision is not a limitation on the use of copies of returns by the persons entitled thereto.*†

§ 463D.5 *Furnishing of copies of returns.* A copy of a return may be furnished to any person who is entitled to inspect such return upon written application therefor and the submission of evidence satisfactory to the Commissioner of his right to receive the same, except that if a return is in the custody of a collector or an internal revenue agent in charge or the head of a field division of the Technical Staff, such collector or agent in charge or head of division may furnish a copy of such return to a United States attorney or an attorney of the Department of Justice, or to the taxpayer or his duly authorized attorney in fact, in accordance with these regulations. Certified copies will be furnished only upon specific request therefor sent to the Commissioner at Washington.

The Commissioner may prescribe a reasonable fee for furnishing copies of returns.*†

§ 463D.6 *Supplemental documents, records and reports.* Persons entitled to inspect returns may have access to information returns, schedules, lists, and other statements designed to be supplemental to, or to become a part of, the returns to which they are given access, and the Commissioner may, in his discretion, permit such persons to inspect other records and reports which contain information included or required by statute to be included in the return.*†

§ 463D.7 *Penalties for disclosure of returns.* Section 55 (f) (1) of the Internal Revenue Code makes it a misdemeanor punishable by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court, for any person to print or publish in any manner whatever not provided by law information contained in any income return, and further provides that if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment. The penalties provided in section 55 (f) (1) of the Internal Revenue Code are applicable also to disclosure of information contained in excess-profits, unjust enrichment and capital stock tax returns, and returns made under subchapter C of chapter 9 of the Internal Revenue Code.*†

§ 463D.8 *Terms used.* Any word or term used in these regulations which is defined in any chapter of the Internal Revenue Code shall be given the definition contained in the chapter which is applicable with respect to the particular return made.*†

§ 463D.9 *Prior regulations under Code superseded.* This Treasury decision supersedes Treasury Decision 4878, approved January 4, 1939, only insofar as such Treasury decision was made applicable by Treasury Decision 4885, approved February 11, 1939, to returns made under the Internal Revenue Code.*†

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 20, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3517; Filed, September 22, 1939; 12:53 p. m.]

## TITLE 43—PUBLIC LANDS

### DIVISION OF GRAZING

ORDER ESTABLISHING GRAZING DISTRICT NO. 9 AND MODIFYING GRAZING DISTRICT NO. 6 IN THE STATE OF UTAH

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and subject to the limitations and conditions therein contained, Utah Grazing District No. 9 is hereby established, the exterior boundaries of which shall include the lands described as follows, which are hereby excluded from Utah Grazing District No. 6, established June 22, 1935:

UTAH

*Salt Lake Meridian*

That part of Grazing District No. 6 in Grand County exclusive of those parts of T. 24 S., R. 22 E., T. 25 S., Rs. 21 to 24 E., inclusive, and T. 26 S., Rs. 20 to 23 E., inclusive, lying south of Castle Creek and the Colorado River, below its junction with Castle Creek.

That part of Grazing District No. 6 in San Juan County between the Colorado and Green Rivers lying north of the junction of said rivers, and that part in T. 27 S., Rs. 25 and 26 E.

E. K. BURLEW,
*Acting Secretary of the Interior.*

SEPTEMBER 15, 1939.

[F. R. Doc. 39-3494; Filed, September 22, 1939; 9:05 a. m.]



## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

CORPORATE REORGANIZATIONS OF MOTOR CARRIERS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 14th day of September, A. D. 1939.

The matter of corporate reorganizations of motor carriers under An Act to establish a uniform system of bankruptcy throughout the United States, as amended, and sections 204a (7), 206, 209, 212 (b), 213, and 214, Motor Carrier Act, 1935, as amended, being under consideration; and the matter of preservation of adequate and efficient service by motor carriers in the public interest being also under consideration; and good cause appearing therefor:

*It is ordered*, That concurrently with the filing of any plan of corporate reorganization, amendment thereto, or modification thereof, of a motor carrier in proceedings under the Bankruptcy Act, as amended, in a District Court of the United States required to be submitted to the Interstate Commerce Commission under the provisions of said Bankruptcy Act, as amended, there shall be filed with the Secretary, Interstate Commerce Commission, Washington, D. C.:

I. Seven copies of such plan of reorganization, of which one copy shall be certified.

II. Verified original and six copies of statement containing the following information unless such information is contained in the plan of reorganization:

(a) Number assigned to debtor's certificate or permit under the Motor Carrier Act, 1935, or to application therefor.

(b) Date of filing of petition for reorganization.

(c) Date of approval of petition for reorganization.

(d) If petition approved prior to June 22, 1938, whether court has deemed application of provisions of Chapter X, Bankruptcy Act, as amended, practicable. If order entered, one certified copy and six conformed copies thereof should be furnished.

(e) If a transfer or lease of debtor's rights to operate as a motor carrier in interstate or foreign commerce, or transfer of control of debtor through stock ownership is contemplated under plan of reorganization—if known, name and address of prospective transferee, status of such transferee, including affiliation with other carriers subject to Interstate Commerce Act, and, separately for debtor, prospective transferee and affiliates of latter, if any, number of motor vehicles owned, leased, controlled or operated.

III. Verified original and six copies of:

(a) Balance sheet statement of debtor as of latest available date.

(b) Income statement of debtor covering each of the last two calendar years, and the current calendar year to the end of the latest month during which operations have been conducted.

(c) If under the plan of reorganization there is contemplated issuance of securities or assumption of obligation or liability as lessor, lessee, guarantor, endorser, surety, or otherwise, in respect of the securities of any other person by debtor or prospective transferee—

(1) Statement showing securities of such person outstanding, securities to be issued, and obligations or liabilities to be assumed, segregated by classes and amounts (par value of securities, or if such have no par value, the fair market value thereof as of date of issue), and

(2) If not furnished under III (a) above, balance sheet statement as of latest available date of such person proposing to issue securities, or assume obligation or liability.

IV. Notice of time and place of any hearing on the proposed plan of reorganization.

By the Commission, division 4.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-3511; Filed, September 22, 1939; 12:48 p. m.]

## *Notices*

### DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

[Docket No. A-111 O-111]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE MARKETING AGREEMENT AND ORDER NO. 22 REGULATING THE HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

Whereas pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture, hereinafter called the "Secretary," executed a marketing agreement and issued an order regulating the handling of milk in the Cincinnati, Ohio, marketing area, effective May 1, 1938; and

Whereas the Secretary, on April 22, 1939, tentatively approved a marketing agreement, as amended, and, effective May 13, 1939, issued an order, as amended,[1] both regulating the handling of milk in the Cincinnati, Ohio, marketing area; and

Whereas the K. I. O. Milk Producers' Association, the Milk Producers' Union, and the Cooperative Pure Milk Association have proposed certain amendments to said tentatively approved marketing agreement, as amended, and said order, as amended; and

Whereas the Secretary has reason to believe that an amendment of said tentatively approved marketing agreement, as amended, and said order, as amended, will tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937; and

Whereas, under the aforesaid act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended,[2] of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon amendments to marketing agreements and orders:

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on said proposals to amend the tentatively approved marketing agreement, as amended, and Order No. 22,[3] as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area, at the Hotel Gibson, Cincinnati, Ohio, beginning at 10:00 a. m., e. s. t., on September 28, 1939.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) making certain changes in the wording of said agreement and said order for the purpose of more effective administration thereof; (2) increasing the price of Class I milk; (3) revising the method of pricing milk sold outside of the marketing area; (4) substituting "individual handler" pools for the present "market-wide" pool; (5) changing the butterfat differential; and (6) pricing so-called "emergency" milk.

Copies of the proposed amendments to said tentatively approved marketing agreement, as amended, and said order, as amended, may be obtained from the Hearing Clerk, Office of the Solicitor, Room 0310 South Building, United States Department of Agriculture, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated September 22, 1939.

[F. R. Doc. 39-3509; Filed, September 22, 1939; 11:50 a. m.]

[Docket No. A-109 O-109]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND ORDER NO. 27 AND THE TENTATIVELY APPROVED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

Whereas, under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the

[1] 4 F.R. 1978 DI.

[2] 1 F.R. 155.

[3] 3 F.R. 969 DI.

Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture, hereinafter called the Secretary, issued Order No. 27[1] regulating the handling of milk in the New York metropolitan marketing area, effective 12: 01 a. m., e. s. t., September 1, 1938; and

Whereas, the Secretary on March 18, 1939, suspended said order,[2] effective 11: 59 p. m., e. s. t., January 31, 1939, until further order of the Secretary; and

Whereas, the Acting Secretary on June 10, 1939, reinstated Order No. 27,[3] effective July 1, 1939; and

Whereas, the Secretary on September 12, 1939, issued amendment No. 1 to said order,[4] to become effective at such time as the Secretary might subsequently declare; and

Whereas, the Secretary on September 12, 1939, tentatively approved a marketing agreement regulating the handling of milk in the New York metropolitan marketing area; and

Whereas, the Commissioner of Agriculture and Markets of the State of New York made effective on September 1, 1938, Order No. 126 regulating the handling of milk in the New York metropolitan marketing area, to which Order No. 27 is complementary, and has announced a referendum on amendments to said Order No. 126; and

Whereas, the Secretary has reason to believe that the declared policy of the act will be effectuated by holding a hearing on a proposal to amend Order No. 27 and said tentatively approved marketing agreement, and to review present marketing conditions in the New York milkshed to determine what amendments, if any, should be made to said order and said marketing agreement:

Now, therefore, pursuant to the aforesaid act and general regulations issued thereunder, notice is hereby given of a hearing to be held jointly with the Commissioner of Agriculture and Markets of the State of New York on a proposal to amend Order No. 27 and the tentatively approved marketing agreement regulating the handling of milk in the New York metropolitan marketing area, beginning at 10:00 a. m., e. s. t., October 10, 1939, in Hearing Room No. 1, State Office Building, Albany, New York, and at 10:00 a. m., e. s. t., October 16, 1939, in Hearing Room No. 500, State Office Building, 80 Center Street, New York City. Additional and different amendments may be proposed in the hearing and evidence given thereon.

Copies of said proposal, prepared as a basis for the public hearing, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated September 22, 1939.

[F. R. Doc. 39-3507; Filed, September 22, 1939; 11:51 a. m.]

[1] 3 F.R. 1945 DI.
[2] 4 F.R. 1250 DI.
[3] 4 F.R. 2377 DI.
[4] 4 F.R. 3901 DI.

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[Docket No. A-110 0-110]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 3, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

Whereas, pursuant to the authority conferred upon the Secretary of Agriculture under Public Act No. 10, 73d Congress, as amended, the Secretary issued an order regulating the handling of milk in the St. Louis, Missouri, marketing area, effective February 1, 1936, which order was amended effective April 17, 1936, April 1, 1937, and April 5, 1939;[1] and

Whereas, the Secretary tentatively approved a marketing agreement regulating the handling of milk in the said area on December 10, 1935, amendments to which tentatively approved marketing agreement were tentatively approved on March 30, 1936, March 16, 1937, and March 10, 1939; and

Whereas, the Sanitary Milk Producers, the Fresh Milk Institute, the St. Louis Milk Distributors Association, and the Dairy Section, Division of Marketing and Marketing Agreements, United States Department of Agriculture, have proposed certain amendments to said order, as amended, and to said tentatively approved marketing agreement, as amended; and

Whereas, the Secretary has reason to believe that an amendment of said order, as amended, and of said tentatively approved marketing agreement, as amended, will tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937; and

Whereas, under the aforesaid act notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended,[2] of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice of and opportunity for hearing upon amendments to marketing agreements and orders:

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on said proposals to amend the order, as amended, and the tentatively approved marketing agreement, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area, at the Chase Hotel, St. Louis, Missouri, at 10:00 a. m., c. s. t., October 3, 1939.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) pricing milk under a program approved by the Secretary for the distribution of milk to low income consumers and persons on relief; (2) including provisions necessary to permit the special consideration of "emergency milk" in the pricing and pooling of milk; (3) revising the method of pricing Class I and Class II milk sold outside the marketing area; (4) revising the pricing of Class I milk; (5) including zone differentials to be applicable to Class II milk received at plants outside the marketing area; (6) revising the production point at which class prices are automatically adjusted downward as production increases; (7) replacing provisions requiring handlers to pay eligible cooperatives for services rendered by substituting provisions relating to marketing services for producers; (8) increasing or decreasing the maximum assessment for administration expenses; and (9) revising any other provisions of said tentatively approved marketing agreement, as amended, and said order, as amended.

Copies of the proposed amendments prepared as a basis for the public hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated September 22, 1939.

[F. R. Doc. 39-3508; Filed, September 22, 1939; 11:51 a. m.]

[1] 4 F.R. 1404 DI.
[2] 1 F.R. 155.

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## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued to Community Crafts, Dyess, Arkansas, subject to the following terms:

*Name of firm*—Community Crafts Dyess, Arkansas. *No. of learners*—8. *Industry*—Apparel. *Occupation*—Stitching. *Period*—8 wks. *Beginning*—Sept. 23, 1939. *% of minimum wage*—75.

This Special Certificate is issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to this Special Certificate and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificate may be canceled as of the date of its issuance and if so canceled, reimbursement of all persons employed under such certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 22nd day of September, 1939.

MERLE D. VINCENT, *Chief,*
*Hearings and Exemptions Section.*

[F. R. Doc. 39-3510; Filed, September 22, 1939; 12:27 p. m.]



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## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 6-401 (E)-2]

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN AIRWAYS COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

The above-entitled proceeding, being the application of Pan American Airways Company for a certificate of public convenience and necessity authorizing air transportation between the terminal point San Francisco, Calif., the intermediate points Los Angeles, Calif., Honolulu, Hawaii, Canton Island, and Noumea, New Caledonia, and the terminal point Auckland, New Zealand, now assigned for public hearing on September 25, 1939, is hereby postponed until October 4, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., September 21, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3498; Filed, September 22, 1939; 11:01 a. m.]

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[Docket No. 305]

IN THE MATTER OF THE CERTIFICATION BY THE POSTMASTER GENERAL PURSUANT TO SECTION 401 (N) OF THE CIVIL AERONAUTICS ACT OF 1938 WITH RESPECT TO THE TRANSPORTATION OF MAIL BY AIRCRAFT BETWEEN THE TERMINAL POINT SAN FRANCISCO, CALIF., THE INTERMEDIATE POINTS HONOLULU, HAWAII, CANTON ISLAND, AND NOUMEA, NEW CALEDONIA, AND THE TERMINAL POINT AUCKLAND, NEW ZEALAND

NOTICE OF HEARING

The Postmaster General having certified to the Civil Aeronautics Authority, pursuant to section 401 (n) of the Act, that the needs of the postal service require certain additional facilities for the transportation of mail by aircraft between the terminal point San Francisco, Calif., the intermediate points Honolulu, Hawaii, Canton Island, and Noumea, New Caledonia, and the terminal point Auckland, New Zealand, a public hearing will be held on October 4, 1939, at 10 o'clock a. m. (Eastern Standard Time), at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an examiner of the Authority, in order to determine whether such transportation of mail is required by the public convenience and necessity.

Dated Washington, D. C., September 21, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3497; Filed, September 22, 1939; 11:01 a. m.]

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[Docket Nos. 12-401 (B)-1, 195]

IN THE MATTER OF THE APPLICATIONS OF TRANS-SOUTHERN AIRLINES, INC., BRANIFF AIRWAYS, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, involving the applications of Trans-Southern Airlines, Inc. and Braniff Airways, Inc., for certificates of public convenience and necessity authorizing air transportation between Amarillo, Texas, Dill, Oklahoma City, Muskogee, Tulsa and Shawnee, Okla., Fort Smith and Russellville, Ark., Memphis, Tenn. and Atlanta, Ga., now assigned for September 25, 1939, is hereby postponed until Oct 2, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Raleigh Hotel, 12th and Pennsylvania Avenue NW., Washington, D. C.

Dated Washington, D. C., September 20, 1939.

[SEAL] FRANK A. LAW, Jr.,
*Examiner.*

[F. R. Doc. 39-3499; Filed, September 22, 1939; 11:01 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of September 1939.

[File No. 1-58]

IN THE MATTER OF G. R. KINNEY COMPANY, INC., $8 CUMULATIVE PREFERRED STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $8 Cumulative Preferred Stock, No Par Value, of G. R. Kinney Company, Inc.; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on September 30, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3500; Filed, September 22, 1939; 11:08 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of September 1939.

[File No. 7-428]

IN THE MATTER OF THE CONNECTICUT GAS AND COKE SECURITIES COMPANY $3 CUMULATIVE PREFERRED STOCK, NO PAR VALUE OF CONNECTICUT GAS AND COKE SECURITIES COMPANY (GUARANTEED BY KOPPERS UNITED COMPANY)

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Curb Exchange in the $3 Cumulative Preferred Stock, No Par Value, of Connecticut Gas and Coke Securities Company, having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3501; Filed, September 22, 1939; 11:08 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1939.

[File No. 37-34]

IN THE MATTER OF EQUITABLE AUTO COMPANY

ORDER AMENDING ORDER APPROVING A SUBSIDIARY SERVICE COMPANY

The Commission having issued an order dated July 29, 1939, pursuant to Section 13 (b) of the Public Utility Holding Company Act of 1935 and Rule U-13-22 promulgated thereunder, approving the Equitable Auto Company as a subsidiary service company of the Philadelphia Company, a registered holding company (File No. 30-156), and granting it the right to perform certain services subject to the conditions specified therein; and

Said order having provided that certain proposed changes be consummated within sixty days from the date thereof; and

The declarant having filed an application on September 16, 1939 alleging the impossibility of effecting such changes within said sixty-day period and requesting an extension of sixty days to complete the same for the reasons set forth therein; and

The Commission being of the opinion that said request should be granted;

*It is ordered*, That said sixty-day period be and it is hereby extended for an additional sixty days.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3502; Filed, September 22, 1939; 11:06 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1939.

[File No. 52-8]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY

ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

A declaration pursuant to Rules U-12E-3 and U-12E-5 having been filed by Mountain States Power Company on September 1, 1939, with regard to solicitation of assents to the reorganization plan of said company;

The Commission having informed the company in writing on September 13, 1939, pursuant to Rule U-12E-3 (d) (1) that it did not contemplate making a report on the solicitation material included in said declaration;

The company having filed with the Commission on September 16, 1939 a post-effective amendment to said declaration, incorporating therein new material as to which the Commission does not desire to make a report;

It appearing to the Commission that there is sufficient cause for permitting said declaration to become effective in less than fifteen days from the date of filing, which period would otherwise be required under Rule U-12E-5 (c);

*It is ordered*, That said declaration as post-amended shall become effective immediately.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3503; Filed, September 22, 1939; 11:06 a. m.]

FEDERAL REGISTER

VOLUME 4 NUMBER 185

*Washington, Tuesday, September 26, 1939*

SEP 27 1939

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

## *The President*

### EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER No. 7972 OF SEPTEMBER 15, 1939

By virtue of the authority vested in me by the act of March 26, 1934, 48 Stat. 466, Executive Order No. 7972 of September 15, 1939,[1] prescribing regulations governing payment of losses sustained by officers, enlisted men, and employees of the United States in foreign countries on account of appreciation of foreign currencies in their relation to the American dollar, is hereby amended as follows:

1. Section 1 (b) of the said Executive order is amended by adding thereto the following:

The phrase "in the general area of foreign waters to which the vessel is stationed" means the area in which a ship may be required to operate in execution of its mission. The term "members of a ship's company" includes commissioned officers, warrant officers, members of Navy Nurse Corps, enlisted personnel, and civilians attached to the vessel for special duty.

2. Section 2 (b) of the said Executive order is amended to read as follows:

2. (b) In case of employees serving under the War and Navy Departments (with the exception of personnel of military and naval missions, military and naval attaches and other employees attached to their offices, who shall be governed by paragraph (a) of this section), the loss reimbursable is that calculated on the basis of conversion into foreign currency of the employee's net pay and allowances: *Provided, however*, and effective immediately, employees of the Navy shall be entitled to foreign service pay adjustment only in the event of detail for duty on shore or when residence of the family of individual members of a ship's company is maintained in foreign countries, where the currency is appreciated in terms of American currency, when such countries are in the general area of foreign waters to which the vessel is stationed, on the basis of net pay and allowances earned during the period of duty on shore or maintenance of residence as herein provided and to the employees so affected and at the rates applicable to the country wherein duty is performed or residence maintained: *Provided further*, that such adjustment of exchange loss as may be effected by reason of maintenance of residence shall not exceed the adjustment which is calculated to be payable considering the rates applicable to the country to the waters of which the vessel is stationed, as to all of which facts the commanding officer shall certify.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 21, 1939.*

[No. 8261]

[F. R. Doc. 39-3518; Filed, September 22, 1939; 3:30 p. m.]

[1] 3 F.R. 2249 DI.

## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### FARM CREDIT ADMINISTRATION

[F.C.A. 145]

FUNCTIONS, POWERS, AUTHORITY, AND DUTIES OF DIRECTOR, ASSISTANT DIRECTOR, AND CHIEF OF CREDITS AND COLLECTIONS, EMERGENCY CROP AND FEED LOAN SECTION

1. Sec. 3.79 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 3.79 *Functions, powers, authority, and duties of Director, Assistant Director, and Chief of Credits and Collections, Emergency Crop and Feed Loan Section.* The Director of the Emergency Crop and Feed Loan Section is authorized and empowered, subject to the jurisdiction and control of Deputy Governor Gerald E. Lyons, to execute and perform all functions, powers, authority, and duties vested in the Gov-

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FEDERAL REGISTER

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ernor of the Farm Credit Administration by any Act of Congress or Executive Order relative to emergency crop and feed loans and matters incidental thereto.

"The Assistant Director of the Emergency Crop and Feed Loan Section is authorized and empowered to perform any and all functions and duties which the Director of the Emergency Crop and Feed Loan Section is authorized and empowered to perform, in the event that both the Director and the Assistant Director are unavailable to act by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"The Chief of Credits and Collections of the Emergency Crop and Feed Loan Section is authorized and empowered to perform any and all functions and duties which the Director of the Emergency Crop and Feed Loan Section is authorized and empowered to perform, in the event that both the Director and the Assistant Director are unavailable to act by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause. (E.O. 6084, March 27, 1933, 6 CFR 1.1 (1); sec. 5, 50 Stat. 6; 12 U.S.C., Sup., 1020m) [F.C.A. Order No. 189, May 19, 1937; F.C.A. Order No. 266, September 25, 1939]"

[SEAL] F. F. HILL, *Governor.*

[F. R. Doc. 39-3531; Filed, September 25, 1939; 11:48 a. m.]

## TITLE 7—AGRICULTURE

## BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B. E. P. Q.—Q. 52]

[Revision of Regulation 2 effective September 25, 1939]

MODIFICATION OF PINK BOLLWORM QUARANTINE REGULATIONS

*Introductory Note*

Additional infestations of the pink bollworm having recently been located in Texas, the regulated area is further extended by this amendment, to include the Texas counties of Dimmit, Frio, and Zavala, all lightly infested, and all contiguous to former regulated area. No other change is made by this amendment. Regulations 3 and 4, which were revised on September 11, 1939,[1] are brought forward as part of the current document, for the convenience of shippers and others, and amendment No. 1 is superseded.

LEE A. STRONG, *Chief.*

[1] 4 F.R. 3865 DI.

AMENDMENT NO. 2 TO THE REVISED REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 52

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulation 2 (Sec. 301.52-2) of the revised regulations supplemental to Notice of Quarantine No. 52 (Sec. 301.52) on account of the pink bollworm, which were promulgated March 7, 1939, and amended September 11, 1939, is hereby still further amended to read as follows:

*Regulation 2*

§ 301.52-2 *Regulated areas.* The following areas are hereby designated as regulated areas within the meaning of these regulations and are further classed as heavily or lightly infested:

*Heavily infested areas—Texas.* Counties of Brewster, Culberson, Jeff Davis, Presidio, and Terrell, and all of *Hudspeth County*, except that part of the northwest corner of said county lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

*Lightly infested areas—Arizona.* Counties of Cochise, Graham, Greenlee, Maricopa, Pinal, and Santa Cruz, and all of *Pima County*[2] except that part lying west of the western boundary line of range 8 east.

*New Mexico.* Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia.

*Texas.* Counties of Andrews, Brooks, Cameron, Cochran, Crane, Dawson, Dimmit, Duval, Ector, El Paso, Frio, Gaines, Glasscock, Hidalgo, Hockley, Howard, Jim Hogg, Jim Wells, Kennedy, Kleberg, La Salle, Loving, Martin, Maverick, Midland, Nueces, Pecos, Reeves, Starr, Terry, Upton, Ward, Webb, Willacy, Winkler, Yoakum, Zapata, and Zavala; that part of *Bailey County* lying south of the following-described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of league 207; thence west following the northern boundary line of leagues 207, 203, 191, 188, 175, and 171 to the northeast corner of league 171; thence south on the western line of league 171 to the northeast corner of the W. H. L. survey; thence west along the northern boundary of the W. H. L. survey and the northern boundary of sections 68, 67, 66, 65, 64, 63, 62, 61, and 60 of block A of the M. B. & B. survey to the western boundary of said county; that part of *Lamb County* lying south of the following-described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of section 9 of the R. M. Thomson survey; thence west following the northern boundary line of sections 9 and 10 of the R. M. Thomson survey and the northern boundary line of sections 6, 5, 4, 3, 2, and 1 of the T. A. Thompson survey and the northern boundary line of leagues 637, 636, and 635 to the southeast corner of league 239; thence north on the eastern boundary line of league 239 to the northeast corner of said league; thence west on the northern boundary line of leagues 239, 238, 233, 222, 218, and 207 to the western boundary line of said county; and that part of the northwest corner of *Hudspeth County* lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.[3]

[2] Part of the lightly infested area in Arizona is regulated on account of the Thurberia weevil under quarantine No. 61, and shipments therefrom must comply with the requirements of that quarantine.



*Regulation 3*

§ 301.52-3 *Articles the interstate movement of which is restricted or prohibited—(a) Articles prohibited movement.* The interstate movement from any regulated area of gin trash and cotton waste from gins and mills, and all untreated or unmanufactured cotton products other than seed cotton, cotton lint and linters, either baled or unbaled, cottonseed, cottonseed hulls, and cottonseed meal and cake is prohibited.

(b) *Articles authorized interstate movement.* Seed cotton, cotton lint, and linters, either baled or unbaled, cottonseed, cottonseed hulls, cottonseed meal and cake, and okra may be moved interstate from regulated areas as prescribed herein.[3]

*Regulation 4*

§ 301.52-4 *Conditions governing the issuance of certificates—(a) Cotton lint and linters.* A certificate may be issued for the interstate movement of cotton lint or linters, either baled or unbaled, originating in a regulated area when they have been ginned in an approved gin and have been passed in bat form between heavy steel rollers set not more than 1/64 inch apart, or have been given approved vacuum fumigation under the supervision of an inspector: *Provided*, That lint produced in a lightly infested area may be given standard or high density compression in lieu of either rolling or fumigation: *Provided further*, That certificates may be issued for the interstate movement of linters produced from sterilized seed originating in a lightly infested area when produced in an authorized oil mill.

(b) *Cottonseed.* A certificate may be issued for the interstate movement of cottonseed produced in a regulated area when it has been ginned in an approved gin and has been sterilized under the supervision of an inspector by heat treatment at a required temperature of 150° F. for a period of 30 seconds: *Provided*, That certificates may be issued for interstate movement of sterilized cottonseed originating in heavily infested areas only to contiguous regulated areas for processing in authorized oil mills.

(c) *Cottonseed hulls, cake, and meal.* Certificates may be issued for the interstate movement of cottonseed hulls, cake, and meal produced from sterilized seed originating in a regulated area when these products have been processed in an authorized oil mill under the supervision of an inspector.

(d) *Seed cotton.* The interstate movement of seed cotton will be allowed only from lightly infested areas into contiguous regulated areas for the purpose of ginning for which movement no permit is required.

(e) *Okra.* Certificates may be issued for the interstate movement of okra under any one of the following conditions: (1) When inspected by an inspector and found to be free from infestation; (2) when produced under such conditions as to render it free from infestation; (3) when processed or treated in accordance with methods which may be determined and approved by the Chief of the Bureau of Entomology and Plant Quarantine.

(f) *Movement to contiguous infested area.* No certificates are required for the interstate movement of restricted articles from a lightly infested area to a contiguous, lightly or heavily infested area, or from a heavily infested area to a contiguous, heavily infested area.[3]

This amendment shall be effective on and after September 25, 1939, and shall, on that date, supersede amendment No. 1, which became effective on September 15, 1939.

Done at the city of Washington this 23d day of September 1939.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 39-3527; Filed, September 23, 1939; 11:33 a. m.]

## FEDERAL SURPLUS COMMODITIES CORPORATION

SURPLUS COMMODITIES BULLETIN No. 3

Subject to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America Surplus Commodities Bulletin No. 2 dated June 30, 1939,[1] is hereby cancelled effective midnight, E. S. T., September 30, 1939.

[1] 4 F.R. 3575 DI.

The following agricultural commodities and products are hereby designated as surplus food *effective 12:01 A. M., E. S. T., October 1, 1939 and until further notice:*

Butter.
Pork Lard.
Corn Meal.
Shell Eggs.
Dried Prunes.
Raisins.
Fresh Pears.
Fresh Apples.
Onions (Except Green Onions).
Dry Edible Beans.
Wheat Flour & Whole Wheat.
(Graham) Flour.

The following additional agricultural commodity is hereby designated as surplus food *beginning 12:01 A. M., E. S. T., October 1, 1939 and ending midnight, E. S. T., October 31, 1939:*

Snap Beans.

Blue surplus food order stamps may be used in accordance with the regulations and conditions referred to above for any of the above surplus foods in any retail food store, as defined by the Secretary of Agriculture, which participates in the Food Order Stamp Program. The Federal Surplus Commodities Corporation shall designate the areas in which the food order stamps may be used.

[SEAL] FEDERAL SURPLUS COMMODITIES CORPORATION.
By MILO PERKINS.

Date, September 22, 1939.
Approved, Sept. 25, 1939.

H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 39-3539; Filed, September 25, 1939; 12:50 p. m.]

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 727—FLUE-CURED TOBACCO

NATIONAL MARKETING QUOTA, MARKETING YEAR BEGINNING JULY 1, 1940

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 312. (a) Whenever the Secretary [of Agriculture] finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year.

and

Whereas said Act contains, in section 301 (b), the following definitions of terms here pertinent:

[3] Secs. 301.52-2 to 301.52-4 issued under authority of sec. 8, 37 Stat. 318; 39 Stat. 1165; 44 Stat. 250; 7 U.S.C. 161.

"Total supply" of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins • • •.

"Carry-over" of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current • • •.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

• • • • • •

Tobacco (flue-cured), July 1–June 30

• • •.

"Reserve supply level" of tobacco shall be the normal supply plus 5 percentum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of • • • tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of • • • tobacco • • • shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years • • • immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

and

Whereas said Act provides, in section 301 (c), that "The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.":

Now, therefore, be it known that I, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by section 312 of the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics[1] of the Federal Government, do hereby find, determine, specify, and proclaim that;

§ 727.201 *Findings and determinations with respect to national marketing quota for flue-cured tobacco, for marketing year beginning July 1, 1940*—(a) *Reserve supply level.* The reserve supply level of flue-cured tobacco is 1,785,000,000 pounds.

(b) *Total supply.* The total supply of flue-cured tobacco for the marketing year for such tobacco beginning July 1, 1939, was 1,961,000,000 pounds and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for flue-cured tobacco in terms of the total quantity of such tobacco which may be marketed, which will make available during the marketing year beginning July 1, 1940, a supply of such tobacco equal to the reserve supply level of such tobacco, is 618,000,000 pounds. (Sec. 312 (a), 52 Stat. 46; 7 U.S.C. Sup. IV, 1312; as amended by 53 Stat. 1261).

Done at Washington, D. C., this 25th day of September 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3538; Filed, September 25, 1939; 12:49 p. m.]

[1] Rounded to the nearest 1,000,000 pounds.

## TITLE 18—CONSERVATION OF POWER

### FEDERAL POWER COMMISSION

[Order No. 63]

SECTION 260.1—ORDER PRESCRIBING FORM OF FINANCIAL AND STATISTICAL REPORT FOR NATURAL-GAS COMPANIES AS DEFINED IN THE NATURAL GAS ACT

SEPTEMBER 6, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

The Federal Power Commission, acting pursuant to authority granted by the Natural Gas Act, particularly Sections 10 (a) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act,

(1) Hereby adopts, promulgates and prescribes for use of natural-gas companies as defined in the Natural Gas Act (52 Stat. 821) the accompanying form[1] of Financial and Statistical Report, designated as F. P. C. Form No. 133 and comprising—

General Instructions;
Excerpts from the Natural Gas Act;
Corporations Controlled by Respondent;
Corporate Control Over Respondent;
Officers and Directors;
Security Holders and Voting Powers;
Comparative Balance Sheet;
Investments in Associated Companies;
Capital Stock;
Long-Term Debt Outstanding (Bonds and Long-Term Notes);
Advances from Associated Companies (Long-Term);
Utility Plant;
Income and Earned Surplus Account;
Gas Operating Revenues;
Gas Operating Expenses;
Sales of Gas—By Communities;
Sales to Other Gas Utilities;
Gas Purchased;
Gas Transported for Others;
Gas Produced, Purchased, and Disposed of;
Natural Gas Land Acreage:
A. Natural Gas Land Acreage,
B. Estimated Reserves by Fields;
Number of Gas and Oil Wells;
Compressor and Booster Stations;
Gathering Mains;
Transmission Mains;
Natural Gas Production Statistics;
Verification; and

(2) Hereby orders that each natural-gas company as defined in the Natural Gas Act (52 Stat. 821) shall file with the Commission three executed copies of such Financial and Statistical Report on the aforesaid form (F.P.C. Form No. 133) for the year 1939, said report to be filed on or before February 29, 1940.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3528; Filed, September 25, 1939; 10:00 a. m.]

[1] Filed as a part of the original document with the Division of the FEDERAL REGISTER. The National Archives; requests for copies should be addressed to the Federal Power Commission.

## TITLE 29—LABOR

### WAGE AND HOUR DIVISION

PART 516—REGULATIONS ON RECORDS TO BE KEPT BY EMPLOYERS

The following amendment to Regulations—Part 516[1] as amended—(Regulations on Records To Be Kept by Employers Pursuant to Section 11 (c) of the Fair Labor Standards Act of 1938) is hereby issued. Said amendment to Part 516, as amended, amends Section 516.90, as amended,[2] prescribing regulations on records to be kept by employers of industrial home workers by providing that said Section 516.90 shall remain in effect until repealed or modified by the Administrator.

Signed at Washington, D. C., this 23rd day of September, 1939.

ELMER F. ANDREWS,
*Administrator.*

§ 516.90 *Regulations on records to be kept by employers of industrial home workers, pursuant to section 11 (c) of the Fair Labor Standards Act.* Every employer subject to any provisions of the Fair Labor Standards Act or any order issued under this Act who directly or indirectly distributes work to be performed by an industrial home worker shall be relieved of the provisions for record-keeping contained in Sections 516.1, 516.2, 516.3, and 516.4 (b) of these Regulations with respect to such industrial home worker and shall, in lieu of such requirements, make and preserve, records containing the following information with respect to each such industrial home worker engaged on work distributed directly by such employer or indirectly in his interest:

(a) Name in full.
(b) Home address.
(c) Date of birth if under 19.
(d) With respect to each lot of work issued.

(1) Date and hour on which work is given out to worker, and amount of such work given.
(2) Date and hour on which work is returned by worker, and amount of such work returned.
(3) Kind of articles worked on and operations performed.
(4) Piece rates paid.
(5) Hours worked on each lot of work returned.
(6) Wages paid for each lot of work returned.
(7) Deductions for Social Security taxes.
(8) Date of payment.

(e) With respect to each week:

(1) Hours worked each week.
(2) Wages earned each week at regular piece rates.
(3) Extra pay each week for overtime.
(4) Total wages earned each week.
(5) Deductions for Social Security taxes.

(f) Name and address of each agent, distributor, or contractor through whom home work is distributed.

In addition to the keeping of the above records, a separate handbook (to be obtained by the employer from the Wage and Hour Division and supplied by him to each worker) shall be kept for each industrial home worker, and the information required therein shall be entered by the employer or the person distributing home work on behalf of such employer each time work is given out to or received from an industrial home worker.

Except for the time necessary for the making of entries by the employer, the handbook must remain in the possession of the industrial home worker until such time as the Wage and Hour Division may request it.

A separate record and a separate handbook must be kept for each individual performing work in or about a home on any lot or amount of home work distributed.

For the purpose of this section, the term "Industrial Home Worker" means any person producing in or about a home, for an employer, goods from material furnished directly by or indirectly for such employer.

This section shall be in force and effect until repealed or modified by the Administrator.[1]

[F. R. Doc. 39-3529; Filed, September 25, 1939; 11:18 a. m.]

[1] 3 F.R. 2533 DI.
[2] 4 F.R. 968, 1211 DI.

[1] Issued under the authority contained in Section 11 (c), 52 Stat. 1060.



## TITLE 45—PUBLIC WELFARE

### NATIONAL YOUTH ADMINISTRATION

[Administrative Order No. 5]

PART 402—REGULATIONS RELATING TO THE PART-TIME EMPLOYMENT OF OUT OF SCHOOL YOUTH ON PROJECTS OF THE NATIONAL YOUTH ADMINISTRATION[*]

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[*] Sections 1 to 27 inclusive, issued under the authority contained in the Emergency Relief Appropriation Act of 1939, approved June 30, 1939, Pub. Res. No. 24, 76th Congress, 1st Session.

By virtue of and pursuant to the authority vested in the Administrator of the National Youth Administration by the Emergency Relief Appropriation Act of 1939, approved June 30, 1939, the following rules and regulations are prescribed.

DEFINITIONS

§ 402.1 *Projects.* The term "project" as used herein shall mean projects or portions of projects, for the employment and training of out-of-school youth, which are financed in whole or in part from funds appropriated to the National Youth Administration by the Emergency Relief Appropriation Act of 1939.

§ 402.2 *Resident projects.* The term "resident projects," as used herein shall mean projects which involve the maintenance of youth in camps, dormitories or other resident facilities under the supervision of the National Youth Administration. Resident projects are further defined as follows:

(a) *Full-time.* The term "full-time resident projects," as used herein, shall mean resident projects to which youth are assigned for periods of continuous residence at such facilities for 30 or more consecutive days.

(b) *Part-time.* The term "part-time resident projects," as used herein, shall mean resident projects to which youth are assigned for periods of continuous residence at such facilities for less than 30 consecutive days.

§ 402.3 *Project employees.* The term "project employees" as used herein shall mean all persons engaged upon projects and paid by means of a pay roll payment from funds authorized for the operation of such projects. Project employees are further defined as follows:

(a) *Youth employees.* The term "youth employees" as used herein shall mean persons between the ages of 18 and 24 years inclusive, certified as in need, engaged upon a part-time basis on projects, and paid by means of pay roll payments from funds authorized for the operation of such projects.

(b) *Supervisory employees.* The term "project supervisory employees" as used herein shall mean persons in supervisory positions engaged upon projects who are paid upon a per diem or monthly basis by means of pay roll payments from funds authorized for the operation of such projects.

HOURS OF WORK

§ 402.4 *Responsibilities.* The State Youth Administrator shall be responsible for determining the hours of work for project employees in accordance with the provisions hereinafter prescribed.

§ 402.5 *Maximum hours.* Hours of project work for youth employees shall not exceed 8 hours per day, 40 hours per week and 100 hours per month, except in the case of:

(a) *Exemptions by Administrator.* Such projects, portions of projects, or areas as the National Youth Administrator, or his authorized representative, may have exempted from the maximum hour provisions of Administrative Order No. 2, dated July 13, 1939, or may hereafter exempt;

(b) *Emergencies.* An emergency involving the public welfare or to protect work already done on a project when so authorized by the State Youth Administrator.

(c) *Making up lost time.* Making up time lost due to conditions which in the judgment of the State Youth Administrator warrant authorizing youth employees to make up lost time; or

(d) *Resident projects.* Resident projects, to which youth employees shall be assigned upon the basis of a 30-day service status.

§ 402.6 *Related training.* Youth employees may be required to participate in a program of related training, which may be included in their monthly assigned hours: *Provided,* That the total assigned hours do not exceed 100 hours per month. Within the maximum assigned hours provided herein, youth employees shall be considered in pay roll status for the entire period during which they are under the supervision of the National Youth Administration.

§ 402.7 *Supervisory employees.* The hours of work for project supervisory employees shall be established by the State Youth Administrator in accordance with the requirements of the project to which the employee is assigned.

MONTHLY EARNINGS AND PAYMENT FOR SERVICES

§ 402.8 *Supervisory employees' earnings.* The State Youth Administrator is authorized and directed to establish per diem or monthly earnings for project supervisory employees in accordance with the wages customarily paid for work of a similar nature in the same locality. Earnings for project supervisory employees established on a per diem or monthly salary basis are subject to the following conditions.

(a) *Per diem employees.* Project supervisory employees, who are assigned to work for a period of less than 100 hours per pay roll month or who are assigned to work for indefinite periods per pay roll month, shall be compensated upon a per diem basis of payment from funds authorized for the operation of projects. Project supervisory employees paid on a per diem basis shall be paid for their actual days of service.

(b) *Employees on monthly salary basis.* Project supervisory employees, who are assigned to work for definite schedules of not less than 100 hours per pay roll month shall be compensated for their services upon a monthly salary basis from funds authorized for the operation of projects. For project supervisory employees paid on a monthly salary basis, deductions for voluntary absence from duty shall be made in the amount of one-thirtieth of the monthly salary for each day of voluntary absence. However, no deduction shall be made for any day or days upon which the employee is not required to work. Deductions for voluntary absence from duty for a portion of a day shall be made in an amount equal to one-fourth the deduction, or multiple thereof, made for absence during a full day.

§ 402.9 *Youth employees' earnings.* The schedule of monthly earnings hereinafter prescribed shall be applicable to youth employees, except in the case of:

(a) *Exemptions by Administrator.* Such projects, portions of projects, or areas as the National Youth Administrator, or his authorized representative, may have exempted from the schedule of monthly earnings established by Administrative Order No. 2, dated July 13, 1939, or may hereafter exempt;

(b) *Making up lost time.* Making up time lost, or in the case of an emergency, as provided in Section 5;

(c) *Resident projects.* Resident projects; and

(d) *Prior exemptions; schedule of earnings.* Such projects, portions of projects, or areas, for which exemptions from the schedule of monthly earnings for unskilled and intermediate workers in Wage Region I, and for unskilled workers in Wage Regions II and III, were granted by proper authority prior to the effective date of Administrative Order No. 2: *Provided,* That the exemptions remain applicable to the specific projects, portions of projects, or areas for which they were authorized, and that no such exemptions are continued in effect under this authority on and after November 1, 1939. Exemptions authorized prior to the effective date of Administrative Order No. 2 for intermediate workers in Wage Regions II and III shall be rescinded upon the effective date of this order.

SCHEDULE OF MONTHLY EARNINGS FOR PART-TIME WORK

The schedule of monthly earnings applicable to any county shall be based upon the 1930 population of the largest municipality within the county in accordance with the following schedule:

CLASS B

| Wage regions [1] | Population over 25,000 | Population under 25,000 |
|---|---|---|
| Region I | 18 | 14 |
| Region II | 16 | 14 |
| Region III | 14 | 12 |

CLASS A

| | | |
|---|---|---|
| Region I | 21 | 17 |
| Region II | 19 | 17 |
| Region III | 17 | 15 |

[1] Wage Regions include the following states:
*Region I.* Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.
*Region II.* Delaware, District of Columbia, Kansas, Kentucky, Maryland, Missouri, North Carolina, Oklahoma, Virginia, West Virginia.
*Region III.* Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, Texas.

§ 402.10 *Adjustments.* The several State Youth Administrators are authorized to make adjustments of not to exceed fifty cents (50¢) above or below the schedule of earnings prescribed in Section 9 to avoid the computation of fractional payments of less than one cent (1¢) or the assignment of hours of work which involve partial hours during any monthly pay period.

§ 402.11 *State Administrator's orders.* It shall be the responsibility of each State Youth Administrator to issue State Youth Administrator's Orders which shall constitute a schedule of assigned hours of work and monthly earnings for each class of youth employee in each county in which projects are operated. Where exemptions are authorized, supplemental schedules may be issued under the State Youth Administrator's Orders to cover special determinations for individual projects within a county or for subdivisions within a county.

§ 402.12 *Non-resident project employees.* After November 1, 1939, employment on projects within each state shall be subject to the following conditions:

(a) *Class B wage earners.* At least 80 percent of the youth employees within each state assigned to non-resident projects shall be paid in accordance with the schedule of earnings prescribed in Section 9 for Wage Class B;

(b) *Class A wage earners.* Not more than 20 percent of the youth employees within each state assigned to non-resident projects shall be paid in accordance with the schedule of earnings prescribed in Section 9 for Wage Class A.

§ 402.13 *Resident project employees.* The several State Youth Administrators are authorized and directed to establish monthly earnings for youth employees assigned to resident projects, subject to the following conditions:

(a) *Maximum earnings rate.* Except for such projects or portions of projects as the National Youth Administrator, or his authorized representative, may have exempted from the schedule of monthly earnings for resident projects established by Administrative Order No. 2, dated July 13, 1939, as amended by Administrative Order No. 4, dated August 16, 1939, and except for such projects or portions of projects as the National Youth Administrator, or his authorized representative, may hereafter exempt, the earnings rate of youth employees shall not exceed thirty dollars ($30) per pay roll month for full-time resident projects or twenty dollars ($20) per pay roll month for part-time resident projects, with an appropriate charge for subsistence, including items such as lodging, food, sanitation, water and bathing facilities, and medical and dental care.

(b) *Net payment.* The net payment scheduled for youth employees shall be not less than eight dollars ($8) per pay roll month, after deductions for subsistence and lodging are made at the end of the pay roll month.

(c) *Only two wage classes.* Not more than two wage classes shall be established for youth employees on any single resident project.

For youth employees assigned to full-time resident projects, deductions for voluntary absence from duty shall be made in the amount of one-thirtieth of the monthly salary for each day of voluntary absence. For youth employees assigned to part-time resident projects, deductions for voluntary absence from duty shall be made on the basis of the ratio of days of assignment during the pay roll month. State Youth Administrators, or their authorized representatives, shall schedule hours of work for youth employees on resident projects. Deductions for voluntary absence from duty shall be made only when youth employees are voluntarily absent during periods when they are scheduled to work. Deductions for voluntary absence from duty for a portion of a day's scheduled work period shall be made in an amount equal to one-fourth the deduction, or multiple thereof, made for absence during a full day's scheduled work period. On both full-time and part-time resident projects, Sundays and other intervening non-work days shall not be counted in determining deductions to be made for voluntary absence.

§ 402.14 *Accident compensation.* Project employees if injured in the performance of duty and unable to work as a result thereof shall be entitled to receive payment of compensation under the provisions of the Act of February 15, 1934 (48 Stat. 351) as amended.

§ 402.15 *Pledge or assignment of wages.* Wages paid by the Federal Government may not be pledged or assigned, and any purported pledge or assignment shall be null and void.

CONDITIONS OF EMPLOYMENT

§ 402.16 *Need.* The certification of need of youth employees shall be made by public relief agencies approved by the State Youth Administrator, or in lieu thereof, shall be the responsibility of the State Youth Administrator or his authorized representative. For the purpose of certification, a youth employee shall be defined as needy if he is:

(a) *With family.* A member of a family whose income is insufficient to provide the basic requirements of all members of the family, including the youth member, regardless of whether the family is receiving or eligible for any form of public assistance; or

(b) *Without family.* Without family connections and his income is insufficient to provide his basic requirements.

§ 402.17 *Age and health.* No person under the age of 18 years, or whose age is 25 years or more, except project supervisory employees, and no one whose physical condition is such as to make his employment dangerous to his health or safety, or to the health or safety of others, may be employed on a project. This paragraph shall not be construed to operate against the employment of physically handicapped persons, otherwise employable, where such persons may be safely assigned to work which they can ably perform.

§ 402.18 *Safe working conditions.* All work projects shall be conducted in accordance with safe working conditions, and every effort shall be made for the prevention of accident.

§ 402.19. *Citizenship.* No person shall be employed on any project until such person has made an affidavit as to his United States citizenship. No alien shall be given employment or continued in employment on any project, even though such alien may have filed a declaration of intention to become an American citizen.

§ 402.20 *Capabilities.* No person shall be employed or continued in employment if his work habits are such or his work record shows that he is incapable of performing satisfactorily the work to which he may be assigned.

§ 402.21 *Advocates of violence.* No person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States through force or violence shall be eligible for any employment which is compensated from funds appropriated to the National Youth Administration.

§ 402.22 *Oath of Allegiance.* No person may be assigned as a project supervisory employee unless such person executes an oath of allegiance before engaging in project employment.

§ 402.23 *Offers of employment.* Youth employees shall be expected to accept bona fide offers of public or private employment provided that:

(a) *Capabilities.* The employee is capable of performing such work;

(b) *Prevailing wage.* The wage for such employment is not less than the prevailing wage for such work in the community;

(c) *Union relationship.* Such employment is not in conflict with established union relationships; and

(d) *Working conditions.* Such employment provides reasonable working conditions.

No youth employee who refuses a bona fide offer of private employment under the conditions provided in this section shall be retained in employment for the period such private employment would be available. However, a worker shall be entitled to immediate resumption of his previous employment status if he is still in need and if he has lost his private employment through no fault of his own. Youth awaiting assignment who refuse to accept private employment shall be ineligible for employment on any project for the period during which the private employment would be available.

§ 402.24 *Political activities.* All persons paid from funds appropriated to the National Youth Administration shall observe the following rules relating to political activities:

(a) *No favors or rewards.* No person, directly or indirectly, shall promise any employment, position, work, compensation, or other benefit provided or made possible under the program of the National Youth Administration to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election.

(b) *No discrimination.* No person shall deprive, attempt to deprive, or threaten to deprive by any means, any person of any employment, position, work, compensation, or other benefit provided or made possible under the program of the National Youth Administration on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election.

(c) *No solicitation.* No person shall knowingly solicit or knowingly be in any manner concerned in soliciting any assessment, subscription or contribution for the campaign expenses of any individual or political party from any person entitled to or receiving compensation or employment provided for by the program of the National Youth Administration.

(d) *No interference in elections.* No person employed in any administrative or supervisory capacity by any agency of the Federal Government whose compensation or any part thereof is paid from funds appropriated to the National Youth Administration shall use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part directly or indirectly in political management or in political campaigns or in political conventions. Any persons who violate the provisions of this section shall be subject to immediate discharge.

(e) *No running for political office.* No person employed in any administrative or supervisory capacity may be a candidate for any state, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches), in any primary, general or special election or who is serving as a campaign man-

ager or assistant thereto for any such candidate.

(f) *No furnishing lists for political purposes.* No person shall furnish or disclose, or assist in furnishing or disclosing, for political purposes, any list or names of persons receiving compensation or benefits provided for by the program of the National Youth Administration, to a political candidate, committee, or campaign manager, or to any person for delivery to a political candidate, committee, or campaign manager.

§ 402.25 *Voting.* Every person working for the National Youth Administration who is of legal age and meets other legal requirements retains his right to vote in any election, for any candidate he chooses. When the hours during which polling places are open or any other conditions prevent employees from freely exercising their voting privileges, scheduled hours of work may be adjusted to provide the necessary time for this purpose. Project employees shall not be paid for any allowance of time during which to vote, but they shall be permitted through a re-scheduling of hours to work their full quota of hours during the pay roll month in which the time off is granted.

ASSIGNMENT, CLASSIFICATION AND SEPARATION

§ 402.26 *Responsibility.* The State Youth Administrator or his authorized representative shall be responsible for the assignment, classification, transfer and termination of project employees paid from funds appropriated to the National Youth Administration. Youth employees shall be registered with employment offices designated by the Bureau of Employment Security of the Social Security Board.

EFFECTIVE DATE

§ 402.27 *Superseded and rescinded material.* These rules and regulations shall become effective at the beginning of pay roll periods on and after September 15, 1939, and shall supersede Administrative Order No. 2, dated July 13, 1939, and Administrative Order No. 4, dated August 16, 1939,[1] which shall be rescinded upon the effective date of this order.

AUBREY WILLIAMS,
*Administrator.*

SEPTEMBER 15, 1939.

[F. R. Doc. 39-3521; Filed, September 23, 1939; 9:46 a. m.]

## TITLE 46—SHIPPING

### BUREAU OF MARINE INSPECTION AND NAVIGATION

CUSTOMS PORTS AUTHORIZED TO ISSUE MARINE DOCUMENTS

§ 1.1 *Customs ports authorized to issue marine documents.* The designation of the customs port of Des Moines, Iowa as a port of documentation is revoked effective September 22, 1939, and the words "Iowa (44) Des Moines" are deleted from the section.

The port of Chicago, Illinois will, thereafter be the home port of all vessels whose home port on September 22, 1939, is Des Moines, Iowa. In the event that the owners of vessels desire that a port other than Chicago be designated as the home port of their vessels, the approval of the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, should be obtained.*

[Section 161 R.S. (5 U.S.C. 22); Sections 2 and 3 of the Act of July 5, 1884 (25 Stat. 118) (46 U.S.C. 2 and 3)]

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 39-3519; Filed, September 22, 1939; 3:47 p. m.]

[1] 4 F.R. 3507, 3710 DI.

## *Notices*

### DEPARTMENT OF AGRICULTURE.

Food and Drug Administration.

[FDC-7 (A)]

IN THE MATTER OF PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED FIXING AND ESTABLISHING A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE FOLLOWING FOODS: CREAM, LIGHT CREAM, COFFEE CREAM, TABLE CREAM

REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, SUGGESTED CONCLUSIONS AND ORDER

*Report of Presiding Officer*

Pursuant to, and under the authority of, a notice in the above-entitled matter issued and filed by the Secretary of Agriculture on March 25, 1939, with the Archivist of the United States and published in the FEDERAL REGISTER (Vol. 4, No. 59, pp. 1355–1356), Tuesday, March 28, 1939[1] wherein the undersigned was designated as Presiding Officer to conduct in the place of the Secretary the public hearing herein, such hearing being in conformity with Section 701, subsection (e), of the Federal Food, Drug, and Cosmetic Act [Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], and under and by virtue of the authority in said notice specifically recited (Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), the said hearing was convened, as were all the hearings therein called, by the undersigned Presiding Officer at the time and place specified in said notice. Thereupon, there was read into the record that portion of said notice of the Secretary setting the time and place for the hearings; stating the purposes thereof; making specific reference to the proposed regulations, thereinafter set forth, and reciting that such proposed regulations were subject to adoption, rejection, amendment, or modification by the Secretary, in whole or in part, as the evidence adduced at the respective hearings warranted; making specific reference to the Rules of Procedure governing all the hearings published in the FEDERAL REGISTER January 13, 1939,[2] and designating the Presiding Officer.

Five copies of the FEDERAL REGISTER dated March 28, 1939, containing the notice and proposals of the Secretary, were offered and received in evidence, and each was marked "Government's Exhibit No. 1".

Certain announcements applicable to this hearing, as well as to all the hearings covered by said notice, were made with respect to the order of the procedure within the discretion of the Presiding Officer under the Rules hereinbefore mentioned; and as to appearances, the filing or suggested Findings of Fact, Conclusions and Order by the Presiding Officer, notice thereof, and the time that would be allowed for the filing of objections and exceptions thereto, proposed findings, written arguments and briefs by interested parties. Thereupon, the general order in which the several hearings would be held was announced; and subsequently this hearing was continued until 10:15 o'clock, A. M., May 10, 1939, at Room 3106, South Building, Department of Agriculture, Washington, D. C., where it proceeded, with several adjournments and intermissions intervening, until 1:45 o'clock, P. M., May 12, 1939, at which time the hearing was formally closed.

A review of the evidence, as well as the proposed findings of fact, briefs and arguments, discloses no substantial conflict with respect of the percentage of the output of cream passing across State lines; the minimum milk fat content of cream suggested under the Federal Advisory standard; the prevailing minimum milk fat content of most of the cream now on the market; the inexactness of the Babcock plant test generally used during the conditioning and adjusting process for determining and controlling the milk fat content of cream; and the accuracy and reliability of the Roese-Gottlieb method for ascertaining such milk fat content in the finished product.

There are points of conflict in the evidence, however, with respect of the principal subject matter of the hearing, namely, the definition and standard of identity for cream within the milk fat range of the proposal of the Secretary: the common or usual name or names for cream within the proposed range; and the method which should be prescribed for ascertaining the milk fat content of cream.

*Title, chapter, and section numbers used herein correspond to those used in the codified regulations of the Bureau of Marine Inspection and Navigation, Department of Commerce, filed with the Codification Board June 30, 1938. Section 1.1 was originally Section 600.1 of Title 10, CFR.

[1] 4 F.R. 1355 DI.

[2] 4 F.R. 223 DI.



Since the Federal Advisory Standard, or Standards, is frequently mentioned in the evidence and two of the Findings of Fact are based thereon, it should be here stated that such standards were based upon technical information and data acquired by the Food Standards Committee, a committee set up by the Department of Agriculture, and that committee's recommendation thereon to the Secretary, in the form of proposed administrative regulations, which, when adopted and announced by the Secretary, were known as Federal Advisory Standards. Since the enactment of the Federal Food, Drug, and Cosmetic Act of 1938, such information and data become the basis for proposed regulations which become the subject matter of public hearings under the Act. [R. 13–14; Fed. Food, Drug, and Cosmetic Act (52 Stat. 1040; 21 U.S.C. 301; Sec. 401 (52 Stat. 1046; 21 U.S.C. 341); Sec. 701 (a), (e) (52 Stat. 1055; 21 U.S.C. 371 (a), (e))]

In making findings of fact herein in respect of common or usual names, consideration has been given to the informative character of such names; and in respect of the method of determining the milk fat content, one of the principal factors entering into a definition and standard of identity, consideration has been given to exactness, reliability and scientific recognition.

Upon the basis of substantial evidence received at the hearing and appearing in the transcript, to which specific references are made in each instance following each of the findings, the undersigned Presiding Officer makes and suggests the findings of fact hereinafter set forth; and he further suggests that the Secretary of Agriculture issue an order setting out therein and as part thereof such findings of fact, omitting therefrom references to the pages of the Transcript of evidence, and that in and by such order the Regulation hereinafter set forth be promulgated:

*Suggested Findings of Fact*

*Meaning of milk as used herein.* The word "milk" as used in these findings means cows' milk.

1. *Cream—Identity in General.* Cream, in general, is the sweet, fatty liquid or semi-liquid separated from milk, with or without the addition thereto and intimate admixture therewith of sweet milk or sweet skim milk. It may be pasteurized or homogenized, or pasteurized and homogenized. (R., 32, 33, 92, 121, 135)

2. *Percentage crossing State lines.* That approximately 2 percent of the output of cream in the United States passes in commerce across State lines. (R., 71, 85, 98)

3. *Federal advisory standard—Minimum milk fat.* The Federal Advisory Standard for minimum milk fat of 18 percent for cream was established by the Department of Agriculture in 1903, and had not been changed up to the time of the enactment of the Federal Food, Drug, and Cosmetic Act of 1938; and in 1919 a minimum fat content for whipping cream of 30 percent was so established, and had not been changed up to the time of the enactment of said act. (R., 15)

4. *Federal advisory standard followed.* That more than one-third of the States have adopted and now follow the Federal Advisory Standard fixing the minimum milk fat content for cream at 18 percent; and such standard is permissive in other States. (R., 39, 40, 41, 79–80, 111; O. I. P. Ex. No. 4).

5. *Range milk fat content—Designation—Not uniform.* There are wide variations in the milk fat range, as well as in the designation, of cream as among and within the several States and cities where the range and designation are not established by law. (R., 20, 71, 75, 76, 84, 133–134; Gov. Ex. No. 2; O. I. P. Exs. Nos. 1, 2, 3)

6. *Minimum milk fat content established by States—Designations.* That more than three-fifths of 40 States which have established minimum standards for cream have established a minimum of 18 percent for "Cream"; five States a minimum of 18 percent for "Light Cream"; 17 States a minimum of 30 percent for "Whipping Cream", of which States 15 have established both a minimum milk fat content for "Cream" at 18 percent and for "Whipping Cream" at 30 percent. (R., 18–20, 77, 104, 111, 125, 135; Gov. Ex. No. 2; O. I. P. Ex. No. 4)

7. *Babcock milk fat test approximate.* That the Babcock test is a well known and generally recognized test used in many milk plants during the conditioning and adjusting process for determining and controlling the milk fat content of cream; that by this test a quick approximation may be made of the milk fat content; that such content cannot thereby be accurately determined, but only approximately within a range of one-half to one percent of the true milk fat content; that to assure a definite milk fat content in the finished product, when this test is used during the adjusting process in the plant, it is necessary to allow for a variation of from one percent to two percent. (R., 95, 99–100, 103, 105, 111–112)

8. *Roese-Gottlieb method accurate.* That the Roese-Gottlieb method, as set forth in "Official and Tentative Methods Of Analysis Of The Association Of Official Agricultural Chemists", Fourth Edition, 1935, page 277, under the caption, "Fat, Roese-Gottlieb Method—Official", is a well known, accurate and generally recognized method for ascertaining definitely the milk fat content of cream; that this method is not generally used in plants during the conditioning and adjusting process; that the time required by this method renders its use undesirable as a part of the adjusting or processing technique. (R., 26–29, 92, 111–112)

9. *Prevailing minimum milk fat content.* That most of the cream on the market at this time which contains less than 30 percent milk fat has a minimum milk fat content of 20 percent or more (R., 22–25, 126, 127; Gov. Ex. No. 3; O. I. P. Ex. No. 1).

10. *Milk fat range—Common or usual names—Synonymous names.* That the common or usual names for cream containing milk fat of not less than 18 percent but less than 30 percent are: "Cream", "Light Cream", "Coffee Cream", "Table Cream"; that those names are synonymous for cream of that milk fat range. (R., 18–20, 23–25, 57–58, 111, 124–125, 135; Gov. Ex. No. 2; O. I. P. Ex. No. 2)

*Suggested Conclusions and Order*

Upon the basis of the foregoing Findings of Fact, it is concluded that the following regulation should be promulgated:

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD COMMONLY KNOWN AS CREAM, LIGHT CREAM, COFFEE CREAM, TABLE CREAM

§ 18.500 *Cream—Light Cream, Coffee Cream, Table Cream—Identity.* Cream, Light Cream, Coffee Cream, Table Cream, is the sweet, fatty liquid or semiliquid separated from milk, with or without the addition thereto and intimate admixture therewith of sweet milk or sweet skim milk. It may be pasteurized or homogenized, or both. It contains not less than 18 percent, but less than 30 percent, of milk fat, as determined by the method prescribed in "Official and Tentative Methods of Analysis Of The Association of Official Agricultural Chemists", Fourth Edition, 1935, page 277, under "Fat, Roese-Gottlieb Method—Official". For the purposes of this section the word "milk" means cows' milk.

*Time Allowed for Filing Objections and Exceptions*

Within 10 days after the receipt of a copy of the FEDERAL REGISTER containing this report, together with the suggested findings of fact, conclusions in the form of a regulation, and order, any interested party may transmit to and file with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., objections to any matter set out therein, and written argument or brief in support of any exceptions to any rulings of the Presiding Officer at said hearing, such objections or exceptions making specific reference to the pertinent pages of the Transcript

of the Evidence and the proceedings, or to the pertinent findings or conclusions.

This the 14th day of September 1939.

[SEAL] FRANK S. HASSELL,
*Presiding Officer.*

[F. R. Doc. 39-3536; Filed, September 25, 1939; 12:49 p. m.]

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[FDC-7 (B)]

IN THE MATTER OF PUBLIC HEARING FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED FIXING AND ESTABLISHING A DEFINITION AND STANDARD OF IDENTITY FOR THE FOLLOWING FOOD: WHIPPING CREAM, HEAVY CREAM

REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, SUGGESTED CONCLUSIONS AND ORDER

*Report of Presiding Officer*

Pursuant to, and under the authority of, a notice in the above-entitled matter issued and filed by the Secretary of Agriculture on March 25, 1939, with the Archivist of the United States and published in the Federal Register (Vol. 4, No. 59, pp. 1355–1356), Tuesday, March 28, 1939,[1] wherein the undersigned was designated as Presiding Officer to conduct in the place of the Secretary the public hearing herein, such hearing being in conformity with Section 701, Subsection (e), of the Federal Food, Drug, and Cosmetic Act [Sec. 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], and under and by virtue of the authority in said notice specifically recited (Sec. 401, 52 Stat. 1046; 21 U.S.C. 341), the said hearing was convened, as were all the hearings therein called, by the undersigned Presiding Officer at the time and place specified in said notice. Thereupon, there was read into the record that portion of said notice of the Secretary setting the time and place for the hearings; stating the purposes thereof; making specific reference to the proposed regulations, thereinafter set forth, and reciting that such proposed regulations were subject to adoption, rejection, amendment, or modification by the Secretary, in whole or in part, as the evidence adduced at the respective hearings warranted; making specific reference to the Rules of Procedure governing all the hearings published in the Federal Register January 13, 1939,[2] and designating the Presiding Officer.

Five copies of the FEDERAL REGISTER dated March 28, 1939, containing the notice and proposals of the Secretary, were offered and received in evidence, and each was marked "Government's Exhibit No. 1."

Certain announcements applicable to this hearing, as well as to all the hearings covered by said notice, were made with respect to the order of the procedure within the discretion of the Presiding Officer under the Rules hereinbefore mentioned; and as to appearances, the filing of suggested Findings of Fact, Conclusions and Order by the Presiding Officer, notice thereof, and the time that would be allowed for the filing of objections and exceptions thereto, proposed findings, written arguments and briefs by interested parties. Thereupon, the general order in which the several hearings were to be held was announced, and subsequently this hearing was adjourned until 1:45 o'clock, p. m., May 10, 1939, at Room 3106, South Building, Department of Agriculture, Washington, D. C., where it proceeded on May 10, 1939, and, after adjournment over on the following day, on May 12, 1939, until 1:45 o'clock, p. m. at which time the hearing was formally closed.

Although there were many matters within the scope of the hearing concerning which there was little conflicting evidence, there was considerable conflict in the evidence upon the principal subject matter of the hearing, namely, a definition and standard of identity for Whipping Cream or Heavy Cream. The points of conflict in the evidence revolved around the milk fat ranges within, approximately, the range set forth in the proposals of the Secretary, as such ranges vary in various sections of the country and particularly in those States and cities where such range has not been established by law; and coincident with such varying ranges, and frequently within the same range and in the same States and cities, the varied and multiple designations assigned to products within the same or similar milk fat ranges.

Upon the whole record, it appears that the names "Whipping Cream" and "Heavy Cream" are not synonymous throughout the United States; that they are not applied to one product with a definite milk fat range. Although there are many and varied regional and local designations for products with varying milk fat ranges within the range, or the approximate range, of the proposal of the Secretary, many such designations, or names, may not be known as common or usual names, nor recognized as such, in the absence of knowledge by consumers, generally, throughout the country, of the respective identities of the products to which such names are applied.

The Federal Advisory Standard, the basis of two of the findings of fact, was based upon technical information and data acquired by the Food Standards Committee, a committee set up by the Department of Agriculture. The recommendation of that committee in the form of a proposed administrative regulation became, when adopted and announced by the Secretary, what was known as the Federal Advisory Standard. Since the enactment of the Federal Food, Drug, and Cosmetic Act of 1938, such information and data so acquired by the Food Standards Committee become the basis for regulations proposed by the Secretary; and such proposed regulations in turn become the subject matter of public hearings under that act.

In making herein suggested findings of fact in respect of common or usual names, the vast area of the country and the many and varied regional and local trade practices obtaining have not been overlooked, nor has the informative, or lack of informative, character of such names to consumers generally; and likewise, in respect of the method of determining the milk fat content of the product, one of the principal factors entering into a definition and standard of identity, exactness, reliability and scientific recognition, or the lack thereof, has not been overlooked.

Upon the basis of substantial evidence received at the hearing and appearing in the transcript, to which specific references are made in each instance following each of the findings, the undersigned Presiding Officer makes and suggests the findings of fact hereinafter set forth; and he further suggests that the Secretary of Agriculture issue an order setting out therein and as part thereof such findings of fact, omitting therefrom references to the pages of the transcript of evidence, and that in and by such order the Regulations hereinafter set forth be promulgated:

*Suggested Findings of Fact*

1. *Cream—Identity in General.* That cream, in general, is the sweet, fatty liquid or semiliquid separated from cows' milk, with or without the addition thereto and intimate admixture therewith of sweet milk or sweet skim milk. It may be pasteurized or homogenized, or pasteurized and homogenized. (R. 102–104, 113–114)

2. *Percentage Crossing State Lines.* That approximately 2 percent of the output of cream in the United States passes in commerce across State lines. (R. 49–50)

3. *Whipping Cream—Federal Advisory Board Minimum Milk Fat.* That the Department of Agriculture in 1919 established a minimum milk fat content for whipping cream of 30 percent; that this was known as the Federal Advisory Standard; that such Advisory Standard had not been changed up to the time of the enactment of the Federal Food, Drug, and Cosmetic Act of 1938. (R. 14–15).

4. *Federal Advisory Standard Followed.* That one-third of the States have established a minimum milk content of not less than 30 percent for a product which is designated as whipping cream, and such standard is permissive in other States. (R. 20, 31, 32, 37; Gov't. Ex. No. 2)

5. *Lack of Uniformity in Milk Fat Range and Designation—Whipping Cream—Heavy Cream.* That there are many variations in the milk fat range and much diversity in the designations of cream on the market containing not less than 30 percent milk fat and within the several States and cities where no standards and designations are established by law; that the term "Whipping Cream" or "Light Whipping Cream" is most frequently used to identify cream containing not less than 30 percent milk fat; that the term "Heavy Cream", or "Heavy Whipping Cream", is most frequently used to identify cream containing not less than 36 percent milk fat. (R. 30–32, 35–37, 40, 92–93, 95; Gov't Ex. No. 2; O. I. P. Ex. Nos. 1, 2, 3)

6. *Prevailing Milk Fat Range of Whipping Cream.* That most of the product on the market at this time, which is designated as "Whipping Cream", or "Light Whipping Cream", contains not less than 30 percent, but less than 36 percent, of milk fat. (R. 20–22, 23, 30–32, 35, 37, 40, 92–93, Gov't. Exs. Nos. 2, 3; O. I. P. Exs. Nos. 1, 2, 3)

7. *Prevailing Milk Fat Range of Heavy Cream.* That most of the product on the market at this time which is designated as "Heavy Cream", or "Heavy Whipping Cream", contains more than 36 percent milk fat. (R. 22–23, 31, 35, 39–40, Gov't. Ex. No. 3; O. I. P. Exs. Nos. 1, 2, 3)

8. *Babcock Milk Fat Test Approximate.* That the Babcock test is a test used in many milk plants during the adjusting and standardizing process to govern or gauge the milk fat content of cream; that by this test the milk fat content of cream cannot be accurately determined, but only approximately within a range of one-half to one percent of the true milk fat content; that to assure a definite milk fat content in the finished product, when this test is used during the adjusting and standardizing process, allowance for a variation of one percent is made. (R. 78–79)

9. *Roese-Gottlieb Method Accurate.* That the Roese-Gottlieb method, as set forth in *"Official And Tentative Methods Of Analysis Of The Association Of Official Agricultural Chemists"*, Fourth Edition, 1935, page 277, under the caption, *"Fat, Roese-Gottlieb Method—Official"*, is a well known, accurate and generally recognized method for ascertaining definitely the milk fat content of cream; that this method is not generally used in plants during the conditioning and adjusting process; that the time required by this method renders its use undesirable as a part of the adjusting or processing technique. (R. 24–30, 80–81, 90–91)

10. *Whipping Cream—Light Whipping Cream—Identity.* That the sweet fatty liquid or semiliquid separated from cows' milk, with or without the addition thereto and intimate admixture therewith of sweet milk or sweet skim milk, containing not less than 30 percent, but less than 36 percent, of milk fat is commonly known as "Whipping Cream" or "Light Whipping Cream". (R. 23–30, 31, 32, 35, 37, 40, 105; Gov't. Ex. No. 2; O. I. P. Exs. Nos. 1, 2, 3, 4)

11. *Heavy Cream—Heavy Whipping Cream—Identity.* That the sweet fatty liquid or semiliquid separated from cows' milk, with or without the addition thereto and intimate admixture therewith of sweet milk or sweet skim milk, containing not less than 36 percent milk fat, is commonly known as "Heavy Cream" or "Heavy Whipping Cream." (R. 31, 32, 35, 37, 40, 106; Gov't. Ex. No. 2; O. I. P. Exs. Nos. 1, 2, 3, 4)

*Suggested Conclusions and Order*

Upon the basis of the foregoing findings of fact, it is concluded that the following regulation should be promulgated:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD COMMONLY KNOWN AS WHIPPING CREAM, LIGHT WHIPPING CREAM

§ 18.510 *Whipping Cream — Light Whipping Cream—Identity.* Whipping Cream, Light Whipping Cream, is the sweet fatty liquid or semiliquid separated from cows' milk with or without the addition thereto and intimate admixture therewith of sweet milk or sweet skim milk. It may be pasteurized. It contains not less than 30 percent, but less than 36 percent, milk fat, as determined by the method prescribed in *"Official And Tentative Methods Of Analysis Of The Association Of Official Agricultural Chemists,"* Fourth Edition, page 277, under the caption, "Fat, Roese-Gottlieb Method—Official". For the purposes of this section the word "milk" means cows' milk.

Upon the basis of the foregoing findings of fact, it is further concluded that the following regulation should be promulgated:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

REGULATION FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD COMMONLY KNOWN AS HEAVY CREAM, HEAVY WHIPPING CREAM

§ 18.511 *Heavy Cream—Heavy Whipping Cream—Identity.* Heavy Cream, Heavy Whipping Cream, is the sweet fatty liquid or semiliquid separated from cows' milk, with or without the addition thereto and intimate admixture therewith of sweet milk or sweet skim milk. It may be pasteurized. It contains not less than 36 percent milk fat, as determined by the method prescribed in *"Official And Tentative Methods Of Analysis Of The Association Of Official Agricultural Chemists,"* Fourth Edition, page 277, under the caption, "Fat, Roese-Gottlieb Method—Official". For the purposes of this section the word "milk" means cows' milk.

*Time Allowed for Filing Objections and Exceptions*

Within 10 days after the receipt of a copy of the FEDERAL REGISTER containing this report, together with the suggested findings of fact, conclusions in the form of a regulation, and order, any interested party may transmit to and file with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., objections to any matter set out therein, and written argument or brief in support of any exceptions to any rulings of the Presiding Officer at said hearing, such objections or exceptions making specific reference to the pertinent pages of the Transcript of the Evidence and the proceedings, or to the pertinent findings or conclusions.

This the 14th day of September, 1939.

[SEAL] FRANK S. HASSELL,
*Presiding Officer.*

[F. R. Doc. 39-3537; Filed, September 25, 1939; 12:49 p. m.]

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DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 18, 1939, to May 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

| Name and address of firm | No. of learners |
|---|---|
| Debonair Full Fashioned Mill, Inc., Cleveland, Tennessee | 10 |
| Fornfelt Hosiery Mills, Inc., Fornfelt, Missouri | 10 |
| Orange Knitting Mills, Orange, Virginia | 50 |
| Waldensian Hosiery Mills, Inc., Valdese, North Carolina | 25 |

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable

[1] 4 F.R. 1355 DI.
[2] 4 F.R. 223 DI.

statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 25th day of September 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3535; Filed, September 25, 1939; 12:39 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 26, 1939, to May 26, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

| Name and address of firm | No. of learners |
|---|---|
| Davis Full Fashioned Hosiery Mills, Inc., Greenville, North Carolina | 62 |
| Debs DeLite Hosiery, Inc., Norristown, Pennsylvania | 6 |
| Huffman Full Fashioned Mills, Inc., Morganton, North Carolina | 10 |
| Lewes Hosiery Mill, Inc., Lewes, Delaware | 13 |
| Myrna Lee Hosiery Mills, Inc., Towanda, Pennsylvania | 18 |
| Van Raalte Co., Inc., Athens, Tennessee | 32 |

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 25th day of September 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3533; Filed, September 25, 1939; 12:39 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 26, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Arcadia Hosiery Co., Lansdale, Pennsylvania.
Bingham Hosiery Mill, Hickory, North Carolina (5 learners).
Blue Ridge Hosiery Mill, Marion, North Carolina (5 learners).
Bridgeton Hosiery Mill, Bridgeton, New Jersey (5 learners).
Brown, Thomas H., Hosiery Co., Inc., Brunswick, Maryland (5 learners).
Bryan Hosiery Mill, Chattanooga, Tennessee.
Chipman LaCrosse Hosiery Mills Co., East Flat Rock, North Carolina (5 learners).
Chipman LaCrosse Hosiery Mills Co., Hendersonville, North Carolina.
Cooper, Wells & Co., Decatur, Alabama.
Cooper, Wells & Co., St. Joseph, Michigan.
Devault Hosiery Mills, Devault, Pennsylvania (5 learners).
Gibsonville Hosiery Mills Co., Gibsonville, North Carolina (5 learners).
Harold Hosiery Mill, Erdenheim, Pennsylvania (5 learners).
House of Byer, Inc., The, Cambridge, Massachusetts (5 learners).
Interstate Hosiery Mills, Inc., Lansdale, Pennsylvania.
Kreider Manufacturing Co., Annville, Pennsylvania.
Lincoln Hosiery Co., Lincoln, Pennsylvania (5 learners).
Magnet Mills, Inc., Clinton, Tennessee.
Magnet Mills, Inc., Lake City, Tennessee.
Mar-Ed Hosiery Mill, Cheltenham, Pennsylvania (5 learners).
Massachusetts Knitting Mills, Columbia, Tennessee.
Maywood Silk Hosiery Mills, Inc., Cordele, Georgia (5 learners).
Pocono Hosiery Mill, Stroudsburg, Pennsylvania (5 learners).
Rambo & Regar, Inc., Norristown, Pennsylvania.
Shelton Hosiery Mills, Inc., Shelton, Connecticut (5 learners).
Stimpson Hosiery Mills, Inc., Statesville, North Carolina.
Viewmont Knitting Co., Hickory, North Carolina (5 learners).
†West Orange Hosiery Mills, Inc., Hackettstown, New Jersey (5 learners).
Woosley Knitting Mills, Shelbyville, Tennessee.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 25th day of September 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3534; Filed, September 25, 1939; 12:39 p. m.]

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## FEDERAL POWER COMMISSION.

[Docket Nos. IT-5580, IT-5584]

IN THE MATTER OF NEW ENGLAND POWER COMPANY AND IN THE MATTER OF BELLOWS FALLS HYDRO-ELECTRIC CORPORATION AND CONNECTICUT RIVER POWER COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION, AND INITIATING PROCEEDINGS AND SETTING HEARING ON UNLICENSED PROJECT SITUATED ON THE CONNECTICUT RIVER IN AND NEAR BELLOWS FALLS, VERMONT

SEPTEMBER 22, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon application and petition filed September 1, 1939, in the first above entitled matter, by New England Power Company (referred to as the New England Company), a Massachusetts corporation, whereby the said company:

(i) Seeks to withdraw its application, filed July 20, and amended July 22, 1939, for an order pursuant to Section 203 of the Federal Power Act authorizing and approving the merger and consolidation of its facilities subject to the jurisdiction of this Commission with the electric facilities of the Bellows Falls Hydro-Electric Corporation (referred to as the Bellows Falls Company), a Vermont corporation, and with certain of the facilities of the Connecticut River Power Company (referred to as the Connecticut Company), a New Hampshire corporation; and

(ii) Prayed that this Commission rescind its order of July 26, setting a hearing to be held September 13, 1939, on the said application, which said hearing has been postponed to September 25, 1939;

It appearing from the application, filed July 20, 1939, as amended, and exhibits thereto, from the aforesaid application for withdrawal thereof, from the petition for a declaratory determination disclaiming jurisdiction filed June 10, 1939, as subsequently amended, by the aforesaid three companies, and from an investigation made by the Commission that:

(a) The Connecticut River from its mouth to far above Bellows Falls, Vermont, in its natural condition, prior to the construction of any improvements or obstructions, was susceptible to use and was regularly used for transportation of merchandise and lumber by boats, rafts, and otherwise, in commerce among the colonies and states of New Hampshire, Vermont, Massachusetts and Connecticut and with other colonies and states and foreign nations; was improved for navigation by numerous projects undertaken from time to time particularly during the early part of the nineteenth century; was improved for navigation past Bellows Falls by the respondent Bellows Falls Company which, under the name of The Company for Rendering Connecticut River Navigable by Bellows Falls, for more than half a century maintained and operated a dam, canal, and locks at Bellows Falls and collected substantial amounts in tolls from boats, rafts, and other traffic on the River; as improved from time to time, was used for commercial navigation which flourished for many years, by rafts, flat boats, steam boats, and otherwise; was known and recognized as an important public highway for commercial navigation by the legislatures, chief executives, courts, and people of the states of Vermont, New Hampshire, Massachusetts, and Connecticut; was used commercially for long log driving which continued at least until approximately 1915, and for pulpwood floating, which continued at least until approximately 1926; and was used until comparatively recent years for numerous ferries for the transportation of commodities, vehicles and passengers between the states of Vermont and New Hampshire;

(b) In its natural condition and as from time to time improved, the Connecticut River from its mouth to far above Bellows Falls, Vermont, was actually navigable, by boats, rafts, and otherwise, for the transportation of passengers and commodities in commerce among the colonies and states of New Hampshire, Vermont, Massachusetts and Connecticut, and with other colonies and states and foreign nations;

(c) The Connecticut River from its mouth to far above Bellows Falls, Vermont, is navigable waters of the United States within the meaning of that term as used in the several River and Harbor Acts enacted by Congress, the Federal Water Power Act and the Federal Power Act and is a stream over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several states;

(d) The Bellows Falls Company was originally chartered as a company for improving navigation on the Connecticut River, and for that purpose constructed, from time to time reconstructed, operated, and maintained a dam across Connecticut River, a canal, locks, and appurtenant facilities in the towns of Bellows Falls, Vermont and Walpole, New Hampshire; the nature of its operations subsequently changed and from prior to September 19, 1890, until about the year 1907 it maintained a dam, canal, gates, water wheels, and appurtenant facilities in approximately the same location, which, of themselves and together with water wheels, water conduits, and appurtenant facilities owned, maintained, and operated by other persons were used for the development, transmission or utilization of power across, along, from, or in the Connecticut River;

(e) About the year 1907 the Bellows Falls Company constructed a new concrete dam in approximately the same location as the former dam; and thereafter until about the year 1926 maintained and operated such new dam together with a canal, gates, water wheels, water conduits, and appurtenant facilities, which it continued to operate and maintain, all of which of themselves and together with water wheels, water conduits, and appurtenant facilities owned, maintained, and operated by other persons were used for the development, transmission or utilization of power across, along, from, or in the Connecticut River;

(f) During the years 1926, 1927 and 1928 the Bellows Falls Company constructed a new hydroelectric project consisting of a dam across the Connecticut River located close to where the former dam was located, with roller gates and flashboards for raising the maximum level of the reservoir thereby impounded approximately 11 feet above the maximum level of the reservoir impounded by the former dam, an enlarged canal located in approximately the same position as the former canal, a power house containing three 17,000 kva generators each driven by a water turbine rated at 20,000 hp. on a 60-foot head, and appurtenant facilities (except as hereinafter recited in subparagraph (g)) including part of a primary line transmitting power from the project to the point of junction, at Pratts Junction, in the Town of Sterling, Massachusetts, with the interconnected primary transmission system of the New England Power Company; and said company converted an existing transmission line into a part of said project as a primary line transmitting power from the project to the point of junction with the interconnected primary transmission system of the Central Vermont Public Service Company, at Charlestown, Vermont; and said company from thenceforth operated and maintained the same, and continues to do so;

(g) Simultaneously with the construction of said dam and other structures or subsequently thereto the Connecticut Company constructed and has subsequently maintained and operated a part of said hydroelectric project consisting of the remaining part of the primary line to Pratts Junction, referred to in subparagraph (f), above, and converted a part of an existing transmission line between the Vernon Plant of said Company, and Bellows Falls, into a part of said project, and from thenceforth said parts of lines have been operated and maintained by it as parts of said project, and continue to be so operated;

(h) The Bellows Falls Company and the Connecticut Company propose to continue to operate and maintain said project and parts thereof substantially as heretofore;

(i) The operation and maintenance of the aforesaid dam from September 19, 1890, to March 3, 1899, was without the authorization of Congress and insofar as located within the State of New Hampshire was without any authorization by law, and was in violation of Section 9 of the River and Harbor Act of 1890, and as amended;

(j) The operation and maintenance of the dam as aforesaid from March 3, 1899, to about 1907, and the construction, operation, and maintenance of the aforesaid dam constructed in about 1907 and of the aforesaid dam constructed in the years 1926, 1927, and 1928, were and are without the consent or affirmative authorization of Congress, and without license or authorization being sought or obtained under the Federal Water Power Act, and were and are in violation of Sections 9 and 10 of the River and Harbor Act of 1899;

(k) The operation and maintenance of said project and of parts thereof after August 26, 1935, was not and is not under and in accordance with the terms of any permit or valid existing right-of-way granted prior to June 10, 1920 (within the meaning of those terms as used in Section 23 (b) of the Federal Power Act) and was not and is not under and in accordance with the terms of a license granted pursuant to the Federal Power Act, and was and is in violation of Section 23 (b) of that Act;

(I) The aforesaid hydroelectric project is so maintained and operated as to affect the interests of interstate and foreign commerce with respect to navigable capacities of navigable waters of the United States downstream from said dam; and the issuance of an order requiring the licensing of said project is appropriate, expedient and in the public interest for the conservation and utilization of navigation and water power resources of the region;

The Commission finds that:

(1) It is necessary and appropriate to carry out the provisions of the Federal Power Act, and it is in the public interest that the proceedings hereinafter provided for be had;

And the Commission *orders* that:

(A) The withdrawal of the aforesaid application by the New England Power Company is consented to, and the hearing on the said application set for September 25, 1939, is hereby dismissed, upon the express condition that such action on the part of this Commission:

(i) Shall be without prejudice to the proceedings hereinafter provided for and without waiver of jurisdiction with respect to the aforesaid hydroelectric project, including appurtenant transmission lines;

(ii) Shall not be construed as consenting to the merger of the facilities referred to in the said application or to the transfer of said hydroelectric project;

(B) A proceeding is hereby initiated, in which the Bellows Falls Company and Connecticut Company are made parties respondent, for the purpose of determining the following:

(i) The correctness and sufficiency of the recitals made in paragraphs (a) to (I), above, inclusive, and any other facts relevant thereto;

(ii) The findings which should be made by the Commission with reference thereto;

(iii) Whether, to conserve and utilize the navigation and water power resources of the region, it is appropriate, expedient, and in the public interest, or, to carry out any of the provisions of the Federal Power Act, it is otherwise necessary or appropriate, that said respondents or any of them be ordered to cease, within a reasonable time to be fixed by the Commission, to operate and maintain the aforessid hydroelectric project, or parts thereof, except under and in accordance with the terms of a license or licenses granted under the Federal Power Act;

(iv) Whether any other action should be taken by the Commission in the premises;

(C) A public hearing on the issues set forth above be held beginning at ten o'clock A. M.; October 23, 1939, in the Commission's Hearing Room, 1800 Pennsylvania Avenue, NW., Washington, D. C., for the purpose of taking evidence thereon and of affording the respondents and any other interested persons an opportunity to be heard and to make such showing of facts with respect to the issues raised as they may desire;

(D) That on or before October 18, 1939, the respondents file their responses to this order in conformity with the requirements specified for answers to formal complaints in Section 1.50 of the Commission's Rules of Practice and Regulations.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-3520; Filed September 23, 1939; 9:25 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3556]

IN THE MATTER OF AMERICAN VENEER PACKAGE ASSOCIATION, INC., A CORPORATION, AND ITS OFFICERS; EASTERN PACKAGE ASSOCIATION, ITS OFFICERS AND MEMBERS; SOUTHERN PACKAGE ASSOCIATION, INC., A CORPORATION, ITS OFFICERS AND MEMBERS; THE STEVENSON CORPORATION, CHARLES R. STEVENSON, T. M. HARRISON, C. H. FERRIS, N. M. PERRIS, E. C. ACKERMAN, A. H. DYER, R. E. CASE, F. L. SWEETSER, W. R. GUTHRIE, A. P. NONWEILER, S. M. HUDSON, R. R. BLISS, L. P. PLATT, HOWARD MARVIN, AND D. M. METZGER, A PARTNERSHIP DOING BUSINESS UNDER THE FIRM NAME OF STEVENSON, JORDAN & HARRISON; NORTHEASTERN VENEER PACKAGE ASSOCIATION, ITS OFFICERS AND MEMBERS; AND MIDWEST PACKAGE ASSOCIATION, ITS OFFICERS AND MEMBERS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, September 27, 1939, at ten o'clock in the forenoon of that day (eastern standard time), Federal Trade Commission Building, 6th and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commisison, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3532; Filed, September 25, 1939; 11:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of September, A. D. 1939.

[File No. 63-1]

IN THE MATTER OF THE UNITED CORPORATION

ORDER AMENDING AND MODIFYING AN ORDER APPROVING AN INVESTMENT PROGRAM

The United Corporation, a Delaware corporation and a registered holding company, having filed an application and amendments thereto pursuant to Rule U-9C-4 under the Public Utility Holding Company Act of 1935, for approval of a program for the investment, during a period not to exceed six months, of not more than $8,000,000 of its current funds in securities issued by non-utility companies;

The Commission having, on March 13, 1939, issued an order[1] approving the investment program as outlined in the application as amended subject to certain terms and conditions among which was the following:

(7) That upon the completion of purchases totaling $8,000,000 or upon the expiration of six months from the date of this order in this matter, whichever event occurs first, the applicant shall make no further acquisition of securities under this investment program.

The applicant having filed on September 9, 1939 an application for the modification and amendment of the aforesaid order, to provide for an extension of the effective period of the said investment program to a time when purchases totaling $8,000,000 have been completed or when a period of ten months from the date of said order shall have expired, whichever event occurs first;

The Commission having duly considered this matter:

*It is ordered*, That the said sub-division (7) of the aforementioned order be and the same hereby is amended and modified to read:

"(7) That upon the completion of purchases totaling $8,000,000 or upon the expiration of ten months from the date of this order in this matter, whichever event occurs first, the applicant shall make no further acquisition of securities under this investment program."

*It is further ordered*, That all the terms and conditions of the aforesaid original order, with the exception of said subparagraph (7) thereof, be and the same shall remain unchanged and shall continue to be effective as previously ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3522; Filed, September 23, 1939; 11:09 a. m.]

[1] Holding Company Act Release No. 1467, March 15, 1939.



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of September, A. D. 1939.

[File No. 44-38]

IN THE MATTER OF WASHINGTON AND SUBURBAN COMPANIES

ORDER APPROVING APPLICATION

Washington and Suburban Companies, a registered holding company, having filed an application pursuant to Rule U-12C-2, promulgated under Section 12 (c) of the Public Utility Holding Company Act of 1935 for approval of the payment of partial liquidating dividends on its preferred shares of beneficial interest:

*It is ordered*, That said application be and the same hereby is approved to the extent that applicant may presently pay not in excess of $1,575,000 or $22.50 per share on 70,000 shares of beneficial interest, this order to be subject to the following terms and conditions:

1. That written consents from all shareholders, in conformity with applicant's declaration of trust and the laws of the Commonwealth of Massachusetts, be obtained before said liquidating dividend is paid.

2. That jurisdiction is retained in and as a part of the proceeding herein to entertain future supplemental applications for approval of the payment of future liquidating dividends.

3. That jurisdiction is retained over the accounting entries to be made by applicant, pursuant to the Commission's "Uniform System of Accounts for Public Utility Holding Companies."

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3523; Filed, September 23, 1939; 11:09 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of September, A. D. 1939.

[File No. 1-506]

IN THE MATTER OF THE CAPITAL CITY PRODUCTS COMPANY COMMON STOCK, NO PAR VALUE

ORDER POSTPONING HEARING

The Capital City Products Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the New York Curb Exchange and the Detroit Stock Exchange; and

The Commission by its order dated August 12, 1939 having suspended its decision upon such application; and

The Commission having ordered[1] that the hearing in this matter be continued on Wednesday, October 18, 1939, in Washington, D. C.; and

The issuer having requested a postponement of said hearing;

*It is ordered*, That said hearing be postponed until 10 A. M. on Friday, October 20, 1939, in Room 1102, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine; and

*It is further ordered*, That James G. Ewell, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3524; Filed, September 23, 1939; 11:09 a. m.]

[1] 4 F.R. 3980 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of September 1939.

[File No. 1-1699]

IN THE MATTER OF HAMILTON BROWN SHOE COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The St. Louis Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of Hamilton Brown Shoe Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Tuesday, October 17, 1939, at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3525; Filed, September 23, 1939; 11:10 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22d day of September, A. D. 1939.

[File No. 31-360]

IN THE MATTER OF AMERICAN & FOREIGN POWER COMPANY INC.

NOTICE OF AND ORDER FOR POSTPONEMENT FOR HEARING

An application pursuant to Sections 3 (a) (5) and 3 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above named party;

Whereas it was ordered on August 29, 1939,[1] that a hearing on such matter be held on September 27, 1939 at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.;

And whereas it appears to be in the public interest that such hearing be postponed;

*It is ordered*, That said hearing be, and it hereby is, postponed until October 4, 1939 in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C.;

[1] 4 F.R. 3774 DI.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such postponement is hereby given to said applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers.

The matter concerned herewith is in regard to the requested exemption pursuant to Section 3 (a) (5) of said Act of American & Foreign Power Company Incorporated (over 10% of whose outstanding voting securities are owned by Electric Bond and Share Company, a registered holding company) on its own behalf and on behalf of every one of its subsidiary companies which is a holding company, as defined in Section 2 (a) (7) of said Act, as holding companies, from any and all provisions of said Act and from all the several obligations, duties, liabilities and disabilities imposed upon them thereby and further exempting each and every one of the subsidiary companies, as such, of American & Foreign Power Company Incorporated and of each and every one of its subsidiary holding companies from any and all provisions of said Act and from all the several obligations, duties, liabilities and disabilities imposed upon them thereby; and with regard to the requested exemption pursuant to Section 3 (b) of the Act of American & Foreign Power Company Incorporated on its own behalf and behalf of every one of its subsidiary companies from any and all provisions of said Act which may be applicable to them, or any of them, as subsidiary companies of Electric Bond and Share Company and from all the several obligations, duties, liabilities and disabilities thereby imposed upon them as such subsidiary companies.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3526; Filed, September 23, 1939; 11:10 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of September 1939.

[File No. 1-1998]

IN THE MATTER OF PARK KING MINING COMPANY ASSESSABLE CAPITAL STOCK, PAR VALUE 10¢

ORDER SETTING DATE FOR ORAL ARGUMENT AND OR THE FILING OF BRIEFS ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Salt Lake Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Assessable Capital Stock, Par Value 10¢, of Park King Mining Company; and

Hearings having been held at the offices of the Commission in the City of Denver State of Colorado, on the 24th day of August, 1939, pursuant to Orders of the Commission dated July 22, 1939 and August 16, 1939,[1] at which the applicant failed to appear and at which the application was admitted in evidence by the Trial Examiner over the objection of the registrant subject to Rule X-12D2-1 (b) (4) which states that unless the Commission otherwise directs, the application shall be dismissed if the applicant fails to appear and support its application after it has been notified by counsel for the Commission of such objection or opposition;

*It is ordered*, That the matter be set down for oral argument before this Commission at 10 A. M. on Monday, October 16, 1939, at the offices of the Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. on the following questions:

(a) Shall the Commission direct that the application be received in evidence?

(b) Shall the Commission grant the application to delist and if so what, if any, terms or conditions shall be imposed for the protection of investors in granting said application?

*It is further ordered*, That the case may be submitted on briefs instead of by oral argument if the parties so elect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3530; Filed, September 25, 1939; 11:32 a. m.]

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[1] 4 F.R. 3654 DI.


# FEDERAL REGISTER

VOLUME 4 NUMBER 186

*Washington, Wednesday, September 27, 1939*


## *Rules, Regulations, Orders*

### TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3342]

IN THE MATTER OF AVERBACH COMPANY, INC., ET AL.

§ 3.6 (a) (20) *Advertising falsely or misleadingly — Business status, advantages or connections of advertiser—Personnel.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of flavoring compounds, food stuffs, toilet articles and novelties, by photographs or in any other way, that J. M. Gebbart, a fictitious person, or any other fictitious person, is a Director of Sales of respondent Maid-O-Best, Inc., prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Averbach Company, Inc., et al., Docket 3342, September 11, 1939]

§ 3.6 (a) (3.1) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business methods:* § 3.6 (a) (19) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Organization and operation:* § 3.6 (a) (29) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of flavoring compounds, foodstuffs, toilet articles and novelties, that respondent Maid-O-Best, Inc., has a national sales organization, until and unless said Maid-O-Best, Inc., actually has and maintains a selling organization through and by which sales are made by said Maid-O-Best, Inc., generally throughout the United States, or that respondents buy their raw materials in "tremendous quantities" and that greater savings are thereby passed on to the housewives of America, until and unless said statements are true in fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Averbach Company, Inc., et al., Docket 3342, September 11, 1939]

§ 3.6 (a) (22) *Advertising falsely or misleadingly — Business status, advantages or connections of advertiser—Producer status of dealer—Manufacturer.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of flavoring compounds, foodstuff, toilet articles and novelties, through the use of the words "Manufactured only by Maid-O-Best, Inc., St. Paul, Minn. U. S. A.", or through the use of any words or terms of similar import and meaning, or through any other means or device or in any manner, that said respondents or any of them are the manufacturers of the products sold by them, unless and until such respondents actually own and operate, or directly and absolutely control, a manufacturing plant wherein said products are manufactured by them, or representing that the product "Choc-O-Toddy" or any other product is manufactured by the respondents, unless and until such respondents actually own or operate, or directly and absolutely control, a manufacturing plant wherein said product is manufactured by them, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Averbach Company, Inc., et al., Docket 3342, September 11, 1939]

§ 3.6 (r) (2m) *Advertising falsely or misleadingly — Prices — Exaggerated as regular and customary:* § 3.6 (r) (3) *Advertising falsely or misleadingly—Prices—Fictitious marking:* § 3.6 (gg) *Advertising falsely or misleadingly—Value:* § 3.66 (f) *Misbranding or mislabeling—Price.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of flavoring compounds, foodstuffs, toilet articles and novelties, as the customary or regular prices or values for respondents' products, prices and values which are in fact fictitious and greatly in excess of the prices at which such products are customarily offered for sale and sold in the normal course of business, or representing, through fictitious prices

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FEDERAL REGISTER

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marked or stamped on or affixed to food flavoring or other products, sold in combination deals or otherwise, or on the containers thereof, or through any other means or device or in any manner, that said prices so marked, stamped or affixed are the regular or customary retail prices for such products, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Averbach Company, Inc., et al., Docket 3342, September 11, 1939]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (u) *Advertising falsely or misleadingly—Quality:* § 3.6 (ff10) *Advertising falsely or misleadingly—Unique nature or advantages:* § 3.66 (a) *Misbranding or mislabeling—Composition:* §3.66 (d) *Misbranding or mislabeling—Nature.* Using, in connection with offer, etc., in interstate commerce or in District of Columbia, of flavoring compounds, food stuffs, toilet articles and novelties, the term "vanilla extract" to describe a flavoring product, unless prepared with a vehicle of ethyl alcohol and containing a flavoring content at least fifty per cent of which shall consist of true vanilla made from the vanilla bean, or representing that respondents' so-called vanilla extract has no equal for quality, or that it is the finest available at any price, or that it is composed of vanillin, coumarin, caramel color, and a liberal quantity of pure vanilla, made from the choicest vanilla beans, unless and until a liberal quantity of pure vanilla, made from vanilla beans, is actually used in the preparation of said alleged extract, the whole suspended or carried in a vehicle of ethyl alcohol, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Averbach Company, Inc., et al., Docket 3342, September 11, 1939]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (u) *Advertising falsely or misleadingly—Quality:* § 3.66 (a) *Misbranding or mislabeling—Composition:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.66 (i) *Misbranding or mislabeling—Quality.* Using, in connection with offer, etc., in interstate commerce or in District of Columbia, of flavoring compounds, food stuffs, toilet articles and novelties, the words "orange", "lemon", "maple", and "almond", in combination or connection with the word "extract", until and unless the product is composed of genuine ingredients, as distinguished from synthetic chemical substitutes, and such ingredients are suspended in ethyl alcohol, or designating any so-called food flavors as extracts until and unless they are genuine extracts dissolved and carried in alcoholic solution, or representing that cheap, inferior ingredients contained in flavoring preparations are of "high quality" or "purest and finest", prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Averbach Company, Inc., et al., Docket 3342, September 11, 1939]

§ 3.6 (w) *Advertising falsely or misleadingly—Refunds:* § 3.72 (k3) *Offering deceptive inducements to purchase—Returns and reimbursements.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of flavoring compounds, food stuffs, toilet articles and novelties, that a special account of $3,000 or any other amount represented to be used to cover refunds for returned Maid-O-Best products is deposited in the Western State Bank of St. Paul, Minnesota, or in any other financial institution, until and unless said sum be actually deposited and maintained on deposit in such bank or other financial institution and there kept available in liquid form for the said purpose, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Averbach Company, Inc., et al., Docket 3342, September 11, 1939]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.72 (c) *Offering deceptive inducements to purchase—Excessive earnings:* § 3.80 (g) *Securing agents or representatives falsely or misleadingly—Earnings.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of flavoring compounds, food stuffs, toilet articles and novelties, that it is easy for agents or representatives to earn up to $15 or any other sum of money per day in selling respondents' products, unless and until the sum named is a true representation of the average net earnings or profits consistently made by respondents' agents or representatives in the ordinary course of business under normal conditions and circumstances, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Averbach Company, Inc., et al., Docket 3342, September 11, 1939]

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.72 (nl) *Offering deceptive inducements to purchase—Terms and conditions.* Representing, designating or describing, in connection with offer, etc., in interstate commerce or in District of Columbia, of flavoring compounds, food stuffs, toilet articles and novelties, articles of merchandise regularly included in a combination offer with other identical, similar, or other articles of merchandise as "free", "included free", or any other term of similar import or meaning, or using word "free" to describe or refer to goods, wares, or merchandise forming a part of any combination offer, unless all of the terms and conditions of such offer are clearly and unequivocally stated in immediate connection or conjunction with the word "free" in words, letters, or figures of equal conspicuousness and there is no deception as to the price, quality, character, or any other feature of any items in the offer, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Averbach Company, Inc., et al., Docket 3342, September 11, 1939]

§ 3.6 (dd) *Advertising falsely or misleadingly—Special offers:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers.* Representing, in connection with offer, etc., in interstate commerce or in District of Columbia, of flavoring compounds, food stuffs, toilet articles and novelties, that so-called "special offers" or "special deals" are limited to a given period of time or to a given number of persons, if in truth and in fact the prices stated in such offers and deals are the regular, usual, and customary prices at which the products therein mentioned are offered for sale, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Averbach Company, Inc., et al., Docket 3342, September 11, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF AVERBACH COMPANY, INC., A CORPORATION; MAID-O-BEST, INC., A CORPORATION; G. M. MOSES, AN INDIVIDUAL; AND ESTHER AVERBACH, MORRIS AVERBACH, AND JEROME AVERBACH, INDIVIDUALLY, AND TRADING VARIOUSLY UNDER THE NAMES THE MURIEL COMPANY AND AMERICAN CHEMICAL COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answers of respondents, in which answers respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondents, Averbach Company, Inc., a corporation, and Maid-O-Best, Inc., a corporation, their officers, agents, servants and employees, G. M. Moses, individually, and his agents, servants and employees, and Esther Averbach, Morris Averbach, and Jerome Averbach, individually, and trading variously under the names The Muriel Company and American Chemical Company, and their agents, servants and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of flavoring compounds, foodstuffs, toilet articles and novelties in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

1. Representing by photographs or in any other way that J. M. Gebbart, a fictitious person, or any other fictitious person, is a Director of Sales of Maid-O-Best, Inc.;

2. Representing that Maid-O-Best, Inc., has a national sales organization until and unless said Maid-O-Best, Inc., actually has and maintains a selling organization through and by which sales are made by said Maid-O-Best, Inc., generally throughout the United States;

3. Representing, through the use of the words "Manufactured only by Maid-O-Best, Inc., St. Paul, Minn., U. S. A.", or through the use of any words or terms of similar import and meaning, or through any other means or device or in any manner, that said respondents or any of them are the manufacturers of the products sold by them, unless and until such respondents actually own and operate, or directly and absolutely control, a manufacturing plant wherein said products are manufactured by them;

[1] 4 F.R. 2489 DI.

4. Representing as the customary or regular prices or values for respondents' products prices and values which are in fact fictitious and greatly in excess of the prices at which such products are customarily offered for sale and sold in the normal course of business;

5. Representing through fictitious prices marked or stamped on or affixed to food flavoring or other products, sold in combination deals or otherwise, or on the containers thereof, or through any other means or device or in any manner, that said prices so marked, stamped or affixed are the regular or customary retail prices for such products;

6. Using the term "vanilla extract" to describe a flavoring product, unless prepared with a vehicle of ethyl alcohol and containing a flavoring content at least fifty per cent of which shall consist of true vanilla made from the vanilla bean;

7. Representing that respondents' so-called vanilla extract has no equal for quality, or that it is the finest available at any price, or that it is composed of vanillin, coumarin, caramel color, and a liberal quantity of pure vanilla made from the choicest vanilla beans, unless and until a liberal quantity of pure vanilla, made from vanilla beans, is actually used in the preparation of said alleged extract, the whole suspended or carried in a vehicle of ethyl alcohol;

8. Using the words "orange", "lemon", "maple", and "almond" in combination or connection with the word "extract" until and unless the product is composed of genuine ingredients, as distinguished from synthetic chemical substitutes, and such ingredients are suspended in ethyl alcohol;

9. Representing that a special account of $3,000 or any other amount represented to be used to cover refunds for returned Maid-O-Best products is deposited in the Western State Bank of St. Paul, Minnesota, or in any other financial institution, until and unless said sum be actually deposited and maintained on deposit in such bank or other financial institution and there kept available in liquid form for the said purpose;

10. Representing that it is easy for agents or representatives to earn up to $15 or any other sum of money per day in selling respondents' products, unless and until the sum named is a true representation of the average net earnings or profits consistently made by respondents' agents or representatives in the ordinary course of business under normal conditions and circumstances;

11. Designating any so-called food flavors as extracts until and unless they are genuine extracts dissolved and carried in alcoholic solution;

12. Representing that cheap, inferior ingredients contained in flavoring preparations are of "high quality" or "purest and finest";

13. Representing that respondents buy their raw materials in "tremendous quantities" and from representing that greater savings are thereby passed on to the housewives of America, until and unless said statements are true in fact;

14. Representing that the product "Choc-O-Toddy" or any other product is manufactured by the respondents unless and until such respondents actually own or operate, or directly and absolutely control, a manufacturing plant wherein said product is manufactured by them;

15. Representing, designating, or describing articles of merchandise regularly included in a combination offer with other identical, similar, or other articles of merchandise as "free", "included free", or any other term of similar import or meaning;

16. Using the word "free" to describe or refer to goods, wares, or merchandise forming a part of any combination offer unless all of the terms and conditions of such offer are clearly and unequivocally stated in immediate connection or conjunction with the word "free" in words, letters, or figures of equal conspicuousness and there is no deception as to the price, quality, character, or any other feature of any items in the offer;

17. Representing that so-called "special offers" or "special deals" are limited to a given period of time or to a given number of persons, if in truth and in fact the prices stated in such offers and deals are the regular, usual, and customary prices at which the products therein mentioned are offered for sale.

*It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3554; Filed, September 26, 1939; 12:54 p. m.]

[Docket No. 3834]

IN THE MATTER OF C. R. ANTHONY COMPANY ET AL.

§ 3.45 (e) (1) *Discriminating in price—Indirect discrimination—Brokerage payments.* Paying or granting, or causing or permitting to be paid or granted, on the part of respondent sellers, their officers, etc., and in connection with sale and distribution of any merchandise or commodities in interstate commerce, to respondent C. R. Anthony Company, its officers, etc., directly or under the name of The Anco Co., or in or under any other name, any fee or commission as brokerage or any allowance in lieu thereof, upon purchases made by the respondent, C. R. Anthony Company, in its own or any other name, prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13 (c)) [Cease and desist order, C. R. Anthony Company et al., Docket 3834, September 12, 1939]

§ 3.45 (e) (1) *Discriminating in price—Indirect discrimination—Brokerage payments.* Receiving or accepting, on the part of respondent C. R. Anthony Company, its officers, etc., and in connection with the purchase by it of merchandise or commodities in interstate commerce, any fee or commission as brokerage or any allowance in lieu thereof in its own name, in the name of The Anco Co., or in any other name, prohibited. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13 (c)) [Cease and desist order, C. R. Anthony Company et al., Docket 3834, September 12, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF C. R. ANTHONY COMPANY, A CORPORATION; BURRELL-BERGER, INC., A CORPORATION; MISS PLAZA, INC., A CORPORATION; SAMUEL R. PARNES, INC., A CORPORATION; GORGEOUS FROCKS, INC., A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer filed herein by the respondent, C. R. Anthony Company, admitting all the material allegations of the complaint to be true, and the answers of the other respondents, and the Commission having made its findings as to the facts and its conclusion, which findings and conclusion are hereby made a part hereof, that said respondents have violated the provisions of an Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" approved October 15, 1914, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. title 15, Sec. 13);

*It is ordered*, That respondents Burrell-Berger, Inc., Miss Plaza, Inc., Samuel R. Parnes, Inc., Gorgeous Frocks, Inc., and their officers, representatives, agents and employees, in connection with the sale and distribution of any merchandise or commodities in interstate commerce, do forthwith cease and desist from paying or granting or causing or permitting to be paid or granted to the C. R. Anthony Company, its officers, representatives, agents or employees, directly or under the name of The Anco Co., or in or under any other name, any fee or commission as brokerage or any allowance in lieu thereof, upon purchases made by the respondent, C. R. Anthony Company, in its own or any other name;

*It is further ordered*, That respondent, C. R. Anthony Company, its officers, representatives, agents and employees, in connection with the purchase by it of merchandise or commodities in interstate commerce do forthwith cease and desist from receiving or accepting any fee or commission as brokerage or any allowance in lieu thereof in its own name, in the name of The Anco Co., or in any other name.

*It is further ordered*, That the respondents, and each of them, shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3555; Filed, September 26, 1939; 12:54 p. m.]

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## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T.D. 49967]

CHALKS FLYING SERVICE AIRPORT, MIAMI, FLORIDA, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR [1]

SEPTEMBER 22, 1939.

*To Collectors of Customs and Others Concerned:*

The Chalks Flying Service Airport, Miami, Florida, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from September 17, 1939. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C., 177 (b))

[SEAL] HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 39-3548; Filed, September 26, 1939; 11:56 a. m.]

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[T.D. 49970]

CUSTOMS REGULATIONS—CONFIDENTIAL INFORMATION [2]

*To Collectors of Customs and Others Concerned:*

Article 1465,[3] Customs Regulations of 1937 [Sec. 25.2], is hereby amended by adding a new paragraph (o), reading as follows:

(o) [Sec. 25.2 (o)] During the effective period of any proclamation of the President that a state of war exists between foreign nations, information concerning imports and exports shall not be disclosed except as provided for in paragraphs (e) and (h) of this article.

This regulation shall be effective on and after the date of publication in the FEDERAL REGISTER. (R. S. 161; 6 U.S.C. 22)

[SEAL] BASIL HARRIS, *Commissioner of Customs.*

Approved, September 22, 1939.

HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 39-3549; Filed, September 26, 1939; 11:56 a. m.]

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## TITLE 24—HOUSING CREDIT

### FEDERAL HOUSING ADMINISTRATION

AMENDMENTS OF REGULATIONS [1] ISSUED BY THE ADMINISTRATOR IN CONNECTION WITH PROPERTY IMPROVEMENT LOANS UNDER TITLE I OF THE NATIONAL HOUSING ACT, AS AMENDED, EFFECTIVE SEPTEMBER 1, 1939

§ 501.3 (c), (e) and (f) (Regulation III, Sections 3, 5 and 6) are amended to read as follows:

(c) Shall be payable in equal monthly, semi-monthly or weekly installments. The final installment may be slightly more or less than the other installments, subject to such exceptions as may be made by the Administrator. Notes may not provide for a first payment less than six days nor more than two calendar months from the date of the note in the case of Class 1 and Class 2 loans nor less than six days nor more than six calendar months from the date of the approval of the Certificate of Conformity in the case of Class 3 loans. However, if fifty-one percent or more of the income of the maker is derived directly from the sale of agricultural crops, commodities, or livestock produced by him, a note may be made payable in installments corresponding to income periods shown on the credit statement. In such cases, the first payment must be made within twelve months of the date of the note and at least one payment must be made during each calendar year thereafter and the proportion of total principal to be paid in later years must not exceed the proportion of total principal payable in earlier years.

(e) Shall not have a final maturity in excess of three years and thirty-two days from the date thereof in the case of Class 1 and Class 2 (a) loans, nor in excess of ten years and thirty-two days in the case of Class 2 (b) loans, nor in excess of fifteen years and five calendar months in the case of Class 3 loans.

(f) May provide for a late charge, to be paid by the maker, not to exceed five cents (5¢) for each $1.00 of each installment more than fifteen days in arrears in the case of Class 1 and Class 2 loans, and not to exceed two cents (2¢) for each dollar of each installment more than fifteen days in arrears in the case of Class 3 loans. In lieu of late charges, notes may provide for interest on past due installments at a rate not in excess of the contract rate in the jurisdiction in which the note is drawn. No late charge or interest on a past due installment may be accrued in excess of $5.00. The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the Contract of Insurance.

§ 501.6 (e) (Regulation VI, Section 5) is amended to read as follows:

(e) The prior credit approval of the Administrator shall be obtained on all Class 1 and Class 2 loans which increase the net amount outstanding, exclusive of financing charges, to any individual borrower to an amount in excess of $2,500 with respect to any obligation incurred pursuant to the provisions of Title I of the National Housing Act since July 1, 1939.

§ 501.11 (Regulation XI) is amended to read as follows:

Class 1 and Class 2 loans shall be reported on the proper form to the Federal Housing Administration at Washington, D. C., within 31 days from the date of the note or the date upon which it was purchased. Class 3 loans shall be reported in a like manner within 31 days of the first disbursement of any of the proceeds of the loan. Any loan refinanced as provided in Regulation X shall likewise be reported on the proper form within 31 days from the date of refinancing.

§ 501.12 (b) (4) (Regulation XII, Section 2, subsection (d)) is amended by adding at the end thereof a new paragraph to read as follows:

(5) The Administrator will credit to the insurance reserve of the insured institution conveying property to him under the provisions of this section the net amount which he may realize from the sale of the property, such credit to be made at such time as the Administrator may determine.

§ 501.13 (d), and (e), and (f) (4) (Regulation XIII, Sections 4, and 5, and Section 6, subsection (d)), are amended to read as follows:

(d) Shall be made to a borrower who is the fee simple owner of the land upon which the new structure is to be built, or who holds such land under a lease from the United States Government for an irrevocable term of at least six months beyond the maturity of the loan, or a lease having a term of at least thirty years to run from the date of the note, and who establishes to the satisfaction of the insured institution that, in addition to the loan, he has an investment in the property in cash, in land, or in an interest in the land in an amount equal to at least five per centum of the appraised value of the completed property as determined by the insured institution. The forms of lease used under this section shall be subject to the prior approval of the Administrator. In the event the property covered by a Class 3 loan is sold to an eligible borrower who assumes and agrees to pay the debt and whose credit is satisfactory to the insured institution, the seller may be released by the insured institution from his obligation under the loan upon notice thereof to the Administrator.

(e) Shall be secured by collateral security in the form of a duly recorded first mortgage, first deed of trust or similar instrument which constitutes a first lien upon such fee simple or leasehold interest in the land and buildings, appurtenances, and improvements thereon. At its option an insured institution may extend, for a period up to fifteen years from its original date, any Class 3 loan heretofore insured under the acts of February 3, 1938 or June 3, 1939 amending the National Housing Act, and the unpaid balance of any such loan shall be so amortized as to be fully paid at the end of said fifteen year term; provided that all notes so modified shall be subject to all the other provisions of the regulations of September 1, 1939, as amended, except that they shall not be subject to the payment of any insurance charge.

(f) (4) Prior to disbursing the proceeds of the loan or any portion thereof, the insured institution shall either (1) satisfy itself that the structure has been completed and obtain a certificate signed by the borrower and the builder to the effect that it has been completed in accordance with the plans or sketches and specifications, or (2) in the case of progress payments during construction, it shall satisfy itself that the value of the work done and materials on the site at the time of any such progress payment is equal to at least one hundred and ten per cent of such payment plus all such progress payments theretofore made, or that any such progress payment is due under a schedule of payments set out in the building contract.

§ 501.16 (j) (Regulation XVI, Section 10) is amended to read as follows:

(j) Amounts which may be salvaged by the Administrator with respect to a loan in connection with which an institution has been reimbursed under its Contract of Insurance shall not be added to the insurance reserve remaining to the credit of such institution except as provided in § 501.12 (b) (4) in the case of Class 3 loans.

§ 501.17 (f) (Regulation XVII, Section 6), is amended to read as follows:

(f) The insurance charge paid by the insured institution shall not be charged to the borrower if such charge would cause the total payments made by the borrower to exceed the maximum permissible amount which may be charged to the borrower for interest, discount and all other charges in connection with the transaction.

The Amendments contained herein are hereby declared to have the same force and effect as if included in and made a part of each Contract of Insurance, and shall be effective September 25, 1939.

ABNER H. FERGUSON, *Acting Administrator.*

SEPTEMBER 15, 1939.

[F. R. Doc. 39-3541; Filed, September 25, 1939; 3:03 p. m.]

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AMENDMENT OF REGULATION XIII [1] OF THE REGULATIONS ISSUED BY THE ADMINISTRATOR IN CONNECTION WITH PROPERTY IMPROVEMENT LOANS UNDER TITLE I OF THE NATIONAL HOUSING ACT, AS AMENDED, EFFECTIVE SEPTEMBER 1, 1939

501.13 (b) is amended to read as follows:

Shall not have a maturity in excess of fifteen years and five calendar months from the date of the note.

The amendment contained herein is hereby declared to have the same force and effect as if included in and made a part of each Contract of Insurance, and shall be effective September 25, 1939.

STEWART MCDONALD, *Federal Housing Administrator.*

SEPTEMBER 20, 1939.

[F. R. Doc. 39-3540; Filed, September 25, 1939; 3:03 p. m.]

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## TITLE 26—INTERNAL REVENUE

### BUREAU OF INTERNAL REVENUE

[T.D. 4946]

PART 315—AMENDMENT OF REGULATIONS RELATING TO THE LICENSING UNDER THE FEDERAL FIREARMS ACT OF MANUFACTURERS OF, AND DEALERS IN, FIREARMS OR AMMUNITION

SEPTEMBER 23, 1939.

*To Collectors of Internal Revenue and Others Concerned:*

(1) In order to give effect to the provisions of the Act approved August 6, 1939 (Public, No. 298, 76th Cong., 1st sess.) amending the Federal Firearms Act (52 Stat. 1250; 15 U.S.C., Sup. IV, 901–909) Treasury Decision 4898,[2] approved May 1, 1939 [Part 315 of Title 26, Code of Federal Regulations] is amended as follows:

Immediately prior to the word "provides" in section 315.0, there is inserted the following: "as amended by the Act approved August 6, 1939 (Public, No. 298, 76th Cong., 1st sess.)."

The quotation in section 315.0 of section 1 (8) of the Federal Firearms Act is amended to read as follows:

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[1] 4 F.R. 2775 DI.

[1] This document affects the tabulation in 19 CFR 4.13.

[2] This document affects 19 CFR 25.2.

[3] 2 F.R. 1754.

[1] 4 F.R. 3789 DI.

[1] 4 F.R. 3793 DI.

[2] 4 F.R. 1907 DI.

(8) The term "ammunition" shall include only pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition.

Section 315.1 (c) is amended to read as follows:

"The term 'ammunition' means only pistol and revolver ammunition. It does not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rimfire ammunition."

(2) Section 315.10 (a) is amended by substituting for the matter ending with the word "include", followed by a colon, the following:

"Each licensed manufacturer shall maintain complete and adequate records of all firearms and ammunition disposed of in the course of his business, whether manufactured by himself or acquired from other manufacturers or dealers, including firearms in an unassembled condition, but not including parts of firearms. The records shall show and include: * * *"

(3) Section 315.10 (b) is amended by substituting for the matter ending with the word "include", followed by a colon, the following:

"Each licensed dealer shall maintain complete and adequate records of all firearms (not including parts of firearms but including firearms in an unassembled condition) acquired or disposed of in the course of his business. The records shall show and include: * * *"

(This Treasury decision is issued under the authority contained in section 7 of the Federal Firearms Act, 52 Stat. 1252; 15 U.S.C., Sup. IV, 907, as amended by the Act approved August 6, 1939 (Public, No. 298, 76th Cong., 1st sess.).)

[SEAL] JOHN W. HANES.
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3550; Filed, September 26, 1939; 11:56 a. m.]

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[T. D. 4947]

## MANUFACTURERS' EXCISE TAX ON TOILET PREPARATIONS

### CHAPTER III OF REGULATIONS 46, APPROVED JUNE 18, 1932, AMENDED

*To Collectors of Internal Revenue and Others Concerned:*

In conformity with the provisions of section 3 of the Revenue Act of 1939, approved June 29, 1939 (Public, No. 155, 76th Cong., 1st sess.), which amends section 3401 of the Internal Revenue Code (53 Stat. Part 1) (derived from section 603 of the Revenue Act of 1932), and under the authority contained in section 3450 of the Internal Revenue Code, Chapter III of Regulations 46, as amended [Subpart D, Part 303, Title 26, Code of Federal Regulations], but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4885,[1] approved February 11, 1939 [Part 465, Subpart B of such Title 26], is further amended to read as follows:

"CHAPTER III—TOILET PREPARATIONS, ETC.

Section 3401 of the Internal Revenue Code—

There shall be imposed upon the following articles, sold by the manufacturer, producer, or importer, a tax equivalent to 10 per centum of the price for which so sold: Perfumes, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous, toilet powders, and any similar substance, article, or preparation, by whatsoever name known or distinguished; any of the above which are used or applied or intended to be used or applied for toilet purposes.

REVENUE ACT OF 1939

SECTION 3. TOILET PREPARATIONS TAX AMENDMENTS.

(a) Section 3401 of the Internal Revenue Code (relating to the tax on toilet preparations) is amended by inserting at the end thereof the following new paragraphs:

"In the case of a sale by a manufacturer to a selling corporation of an article to which the tax under this section applies, the transaction shall be prima facie presumed to be otherwise than at arm's length if either the manufacturer or the selling corporation owns more than 75 per centum of the outstanding stock of the other, or if more than 75 per centum of the outstanding stock of both corporations is owned by the same persons in substantially the same proportions. Sales by a manufacturer to a selling corporation shall in all other cases be prima facie presumed to be at arm's length.

"Notwithstanding section 3441 (a), in determining, for the purpose of this section, the price for which an article is sold, whether at arm's length or not, there shall be included any charge for coverings and containers of whatever nature, only if furnished by the actual manufacturer of the article, and any charge incident to placing the article in condition packed ready for shipment, only if performed by the actual manufacturer of the article, but there shall be excluded the amount of the tax imposed by this section, whether or not stated as a separate charge. Whether sold at arm's length or not, a transportation, delivery, insurance, or other charge, and the wholesaler's salesmen's commissions and costs and expenses of advertising and selling (not required by the foregoing sentence to be included), shall be excluded from the price only if the amount thereof is established to the satisfaction of the Commissioner, in accordance with the regulations."

(b) The amendments made by subsection (a) shall be effective only with respect to sales made after the date of the enactment of this Act.

"ARTICLE 22 (a) [Section 303.22 (a)]. *Scope of tax.* The tax attaches to the sale by the manufacturer of the articles enumerated in section 3401 of the Internal Revenue Code (derived from section 603 of the Revenue Act of 1932) and similar articles commonly or commercially known as toilet articles, which are used or applied, or intended to be used or applied, for toilet purposes. Any article advertised or held out to be suitable for toilet purposes, or for any purposes for which the articles enumerated in the section are customarily used, will be subject to the tax, regardless of the name by which it may be known or distinguished. The tax attaches to the sale by the manufacturer of any preparation which is used or applied or intended to be used or applied for toilet purposes or used in connection with the bath or care of the body, or applied to the clothing as a perfume or to the body as a toilet article. The fact that any particular product, preparation, or substance coming within the scope of the Act may have, or be held out to have, a medicinal, stimulating, remedial, or curative value does not exempt it from the tax, if it is used as an adjunct to the toilet or for toilet purposes.

"The tax will not attach to an article which is not a finished product or is not susceptible of use for toilet purposes but is only suitable for use in the manufacture of articles subject to tax.

"Shampoo oils and liquids containing 5 percent or less of saponaceous matter are taxable as toilet preparations.

"ART. 22 (b) [Section 303.22 (b)]. *Rate of tax.* The tax is payable by the manufacturer at the rate of 10 percent of the sale price as determined under article 22 (c), or 10 percent of the fair market price as established under article 22 (d), whichever is applicable.

"ART. 22 (c) [Section 303.22 (c)]. *Sale price.* Subject to the qualifications and additional exclusions specified in this article with respect to sales made after June 29, 1939, the sale price for purposes of the tax on all sales other than sales coming within the purview of section 3441 (b) of the Internal Revenue Code (same as section 619 (b) of the Revenue Act of 1932) shall be determined in accordance with the provisions of section 3441 (a) of the Internal Revenue Code (derived from section 619 (a) of the Revenue Act of 1932) and articles 8 to 14, inclusive, of these regulations. [Sections 303.8 to 303.14, inclusive, Title 26, Code of Federal Regulations]

"In determining the sale price for purposes of the tax on sales made after June 29, 1939,—

"(i) any charge for coverings and containers of whatever nature shall be included in the price only if furnished by the actual manufacturer of the article;

"(ii) any charge incident to placing the article in condition packed ready for shipment shall be included in the price only if performed by the actual manufacturer of the article; and

"(iii) the wholesaler's salesmen's commissions and costs and expenses of advertising and selling shall be excluded from the price only if the amount thereof is established to the satisfaction of the Commissioner, in accordance with these regulations. (See article 69) [section 303.69, Title 26, Code of Federal Regulations]

"ART. 22 (d) [Section 303.22 (d)]. *Fair market price.* Subject to the qualifications and additional exclusions specified in this article with respect to sales made after June 29, 1939, the sale price for purposes of the tax on articles sold (1) at retail, (2) on consignment, or (3) otherwise than through an arm's length transaction and at less than the fair market price, shall be the price for which such articles are sold in the ordinary course of trade, by manufacturers or producers thereof, as determined by the Commissioner in accordance with the provisions of section 3441 (b) of the Internal Revenue Code (derived from section 619 (b) of the Revenue Act of 1932) and article 15 of these regulations. [Section 303.15, Title 26, Code of Federal Regulations]

"In determining the fair market price under section 3441 (b) of the Internal Revenue Code as the basis for tax with respect to sales made after June 29, 1939,—

"(i) any charge for coverings and containers of whatever nature shall be included in the price only if furnished by the actual manufacturer of the article;

"(ii) any charge incident to placing the article in condition packed ready for shipment shall be included in the price only if performed by the actual manufacturer of the article; and

"(iii) the wholesaler's salesmen's commissions and costs and expenses of advertising and selling shall be excluded from the price only if the amount thereof is established to the satisfaction of the Commissioner, in accordance with these regulations. (See article 69 [section 303.69, Title 26, Code of Federal Regulations])

"ART. 22 (e) [Section 303.22 (e)]. *Sales otherwise than through an arm's length transaction.* The determination whether a sale was made otherwise than through an arm's length transaction depends necessarily upon the particular facts of each case. (See article 15 [section 303.15, Title 26, Code of Federal Regulations])

"With respect to sales by a manufacturer to a selling corporation made after June 29, 1939, the transaction shall be presumed prima facie to be otherwise than at arm's length, if either the manufacturer or the selling corporation owns more than 75 per cent of the outstanding stock of the other, or if more than 75 per cent of the outstanding stock of both corporations is owned by the same persons in substantially the same proportions. In all other cases, sales by a manufacturer to a selling corporation made after June 29, 1939, shall be presumed prima facie to be at arm's length unless the facts of the particular case establish a conclusion to the contrary."

(This Treasury decision is prescribed pursuant to section 3401 of the Internal Revenue Code (53 Stat. Part 1), as amended by section 3 of the Revenue Act of 1939 (Public, No. 155, 76th Cong., 1st sess.) and section 3450 of the Internal Revenue Code.)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 23, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3551; Filed, September 26, 1939; 11:56 a. m.]

[1] 4 F.R. 879 DI.

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# *Notices*

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 27, 1939, to May 27, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NAME AND ADDRESS OF FIRM

| | *No. of learners* |
|---|---|
| S & F Hosiery Mills, Inc., Dayton, Tennessee | 5 |
| Salem Full Fashioned Hosiery Mills, Inc., Salem, Virginia | 58 |

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 26th day of September 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3553; Filed, September 26, 1939; 12:26 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) was issued to the employers listed below effective September 27, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Nolde and Horst Company, McMinnville, Tennessee.

Sterling Silk Glove Company, Bangor, Pennsylvania (35 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 26th day of September 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3552; Filed, September 26, 1939; 12:28 p. m.]

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## FEDERAL POWER COMMISSION.

[Docket Nos. ID-635, 794, 317, 728, 229, 392, 789, 798, 104, 801, 890, 893, 448]

IN THE MATTER OF CHARLES H. TENNEY, ET AL.

ORDER POSTPONING HEARING

SEPTEMBER 23, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On July 27, 1939, the Commission adopted an order[1] fixing September 25, 1939, as the date for a hearing upon the

[1] 4 F.R. 3477 DI.

applications of the following named applicants.

| | Docket No. |
|---|---|
| Charles H. Tenney | ID-635 |
| Isaac S. Hall | ID-794 |
| Frank S. Clifford | ID-317 |
| Fremont L. Lovett | ID-728 |
| Clarence N. Alexander | ID-220 |
| Hazel H. Berry | ID-392 |
| Ralph E. Trower | ID-789 |
| D. Willard Leavitt | ID-798 |
| Bernon R. Helme | ID-104 |
| Kenneth H. Goss | ID-801 |
| Albert B. Tenney | ID-800 |
| Charles Milliken Tenney | ID-803 |

(b) On September 8, 1939, the Commission adopted an order[1] fixing September 25, 1939, as the date for a hearing upon the application of D. Edgar Manson, Docket No. ID-448;

(c) Counsel for the above designated applicants have requested the Commission by application dated September 22, 1939, that the hearings now set for September 25, 1939, in the above entitled matters be postponed until a later date;

The Commission orders that:

Said hearings be and the same are hereby postponed to begin at 10 a. m. on the 18th day of October, 1939, in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-3542; Filed, September 26, 1939; 9:31 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3860]

IN THE MATTER OF W. H. SHANKS, W. J. GOGGIN, CLARA SHANKS, JESSIE G. GOGGIN, INDIVIDUALS AND CO-PARTNERS, TRADING AS SHANKS LABORATORIES

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 2, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Court Room Number Two, New Federal Building, Columbus, Ohio.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3543; Filed, September 26, 1939; 10:14 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22 day of September, A. D. 1939.

[File No. 46-169]

IN THE MATTER OF ARKANSAS LOUISIANA GAS COMPANY AND ARKANSAS NATURAL GAS CORPORATION

RELATIVE TO EFFECTIVENESS OF DECLARATION

Arkansas Louisiana Gas Company, a wholly-owned subsidiary of Arkansas Natural Gas Corporation, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to the issue and sale of $3,300,000 principal amount of First Mortgage Bonds, 2¾% Series A, due 1940-1944; $9,700,000 principal amount First Mortgage Bonds, 3½% Series B, due 1945-1954; and a $6,500,000 principal amount 4¼% Debenture due September 2, 1955;

Arkansas Natural Gas Corporation having filed a combined application pursuant to Section 10 (a) (1) for approval of the acquisition of the proposed 4¼% Debenture due 1955 and pursuant to Rule U-12F-1 for approval of the surrender for redemption by Arkansas Louisiana Gas Company of the latter's outstanding $10,000,000 5% Debentures due 1952 to be retired;

Arkansas Louisiana Gas Company having also asked that the declaration in regard to the issuance and sale of the Bonds and the Debenture be considered as an application pursuant to Rule U-12C-1 to the extent necessary in regard to the redemption of the $10,000,000 5% Debentures due 1952;

A hearing upon said declaration and application having been held after appropriate notice,[1] the record in this matter having been examined, the Commission having made and filed its findings herein;

*It is ordered*, That the said declaration be and become effective forthwith with respect to the issuance of said First Mortgage Bonds, 2¾% Series A, due 1940-1944, said First Mortgage Bonds, 3½% Series B, due 1945-1954; and said 4¼% Debenture due September 2, 1955, respectively, in each case;

*It is further ordered*, That the combined application by Arkansas Natural Gas Corporation regarding the surrender to Arkansas Louisiana Gas Company of its $10,000,000 5% Debentures due 1952 to be retired, and the acquisition of the $6,500,000 4¼% Debenture due 1955 of Arkansas Louisiana Gas Company is approved;

*It is further ordered*, That the application by Arkansas Louisiana Gas Company regarding the redemption of $6,500,000 of 5% Debentures due 1952 to be retired is approved.

Such orders are made subject, however, to the following terms and conditions:

(1) That all matters contained in the Commission's findings filed herein shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration and application;

(2) That within ten days after the issue and sale of the securities referred to herein and the acquisition by Arkansas Natural Gas Corporation of the 4¼% Debenture due 1955 in the principal amount of $6,500,000 and the surrender for redemption by said Arkansas Natural Gas Corporation to Arkansas Louisiana Gas Company of the latter's outstanding $10,000,000 5% Debentures due 1952 to be retired, the declarant and the applicant shall file with this Commission certificates of notification showing that such issues and sales, acquisition and redemption have been effected in accordance with the terms and conditions of, and for the purposes represented by, said declaration and said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3544; Filed, September 26, 1939; 11:20 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of September 1939.

[File No. 1-2634]

IN THE MATTER OF NELLIE MEDA GOLD MINES NON-ASSESSABLE CAPITAL STOCK, PAR VALUE $1

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Salt Lake Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Non-Assessable Capital Stock, Par Value $1, of Nellie Meda Gold Mines; and

After appropriate notice,[1] a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on October 5, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3545; Filed, September 26, 1939; 11:20 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of September 1939.

[File No. 1-210]

IN THE MATTER OF VIRGINIA IRON, COAL & COKE COMPANY COMMON STOCK, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, $100 Par Value, of Virginia Iron, Coal & Coke Company;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Tuesday, October 31, 1939, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3546; Filed, September 26, 1939; 11:20 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of September 1939.

[File No. 1-1145]

IN THE MATTER OF PHILADELPHIA & READING COAL & IRON CORPORATION COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of Philadelphia & Reading Coal & Iron Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Thursday, October 26, 1939, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3547; Filed, September 26, 1939; 11:20 a. m.]

[1] 4 F.R. 3885 DI.

[1] 4 F.R. 3817 DI.

[1] 4 F.R. 3130 DI.

SEP 29 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 187

*Washington, Thursday, September 28, 1939*


## *Rules, Regulations, Orders*

### TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Amendment 1 of Regulation 412–A–1]

FILING OF POOLING AND OTHER AGREEMENTS

At a session of the Civil Aeronautics Authority held at its office in the City of Washington, D. C., on the 26th day of September 1939.

The Civil Aeronautics Authority, acting pursuant to the Civil Aeronautics Act of 1938, particularly section 205 (a) thereof, and deeming its action necessary to carry out the provisions of section 412 thereof and to exercise and perform its powers and duties under said Act, hereby makes and promulgates the following amendment of Regulation 412–A–1: [1]

Effective immediately Regulation 412–A–1 is hereby amended to read as follows:

SEC. 1. *Number of copies.* (a) Unless express permission to file less copies is granted, there shall be filed with the Authority three (3) true and complete copies of all contracts and agreements which are required to be filed under the provisions of section 412 (a) of the Civil Aeronautics Act of 1938. Oral contracts and agreements required to be filed under the provisions of said section shall be evidenced by true and complete written memoranda and three (3) true and complete copies of such memoranda shall be filed with the Authority. The filing of contracts or agreements evidenced by correspondence or by resolutions of associations of air carriers shall be made by filing with the Authority three (3) true and complete copies of such correspondence or resolutions, as the case may be.

(b) Additional copies of contracts or agreements shall be furnished to the Authority upon request.

[1] 4 F.R. 3314 DI.

SEC. 2. *Formal requirements.* All documents filed hereunder shall be on strong, durable white paper and, if possible, not larger than 8½" by 13" in size, except that tables, charts, maps, and other documents larger than that size may be folded to approximately the required measurements. The left margin should be at least 1½" wide and if the document is bound, it should be bound on the left side. One copy of each typewritten document should be carbon-backed.

SEC. 3. *Place and time of filing.* The required number of copies of formal written contracts or agreements shall be filed at the office of the Authority in Washington, D. C., addressed to the Economic Compliance Division, Civil Aeronautics Authority, within fifteen (15) days after the date of execution thereof. The required number of copies of memoranda of oral contracts or agreements and of correspondence or resolutions evidencing contracts or agreements shall be filed in the same manner, within thirty (30) days after such contracts or agreements have been entered into between the parties. The time of filing prescribed herein may be extended by the Authority in exceptional circumstances upon proper application therefor.

SEC. 4. *Who shall file.* (a) The filing of copies of contracts and agreements which are required to be filed under the provisions of section 412 (a) of the Civil Aeronautics Act of 1938 shall be made by every air carrier who is a party thereto. However, if the required number of copies are filed by any air carrier who is a party to such contract or agreement, any other air carrier who is a party shall be deemed to have complied with this requirement if it transmits to the Authority, within the time prescribed by section 3 of this regulation, a signed statement to the effect that it concurs in such filing.

(b) The filing of copies of contracts or agreements evidenced by resolutions or other action of associations of air carriers may be effected in the following manner. The secretary or other authorized officer of the association may be designated as agent for the purpose of

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FEDERAL REGISTER

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making such filing. Each air carrier who is a member of such association shall separately transmit to the Authority a written statement, signed by such air carrier, reciting that a designated person or persons holding the office of secretary or other office of the association, or that any person or persons holding a designated office or offices of the association is constituted the attorney in fact for the filing of copies of any contracts or agreements evidenced by resolution or other action of the association to which such air carrier may become a party. Such authorizations may be revoked at any time by any air carrier by giving formal notice of revocation to the Authority.

SEC. 5. *Certification and verification.* (a) One copy of each formal written contract or agreement filed shall bear the certification of the secretary or other duly authorized officer of the filing party or parties to the effect that such copy is a true and complete copy of the original written instrument executed by the parties.

(b) One copy of each memorandum of oral contracts or agreements filed shall be verified by the secretary or other duly authorized officer of the filing party or parties to such oral contract or agreement. The person or persons verifying such memorandum shall set forth that they are fully familiar with all the terms and conditions of such oral contract or agreement and that the memorandum filed is a true and complete memorandum thereof.

(c) Copies of correspondence evidencing contracts or agreements shall be accompanied by the certifications of the secretary or other duly authorized officer of the filing party or parties to the effect that such copies are true and complete copies of the originals of such correspondence.

(d) One copy of each contract or agreement evidenced by resolution or other action of associations of air carriers shall bear the certification of the secretary of the association to the effect that such copy is a true and complete copy of the resolution duly adopted by the association on a certain date. The secretary shall also specify in such certification the names of each air carrier who concurred in such resolution or other action and the name of each air carrier member who did not so concur.

SEC. 6. *Modifications or cancellations.* This regulation shall be applicable to all modifications or cancellations of contracts or agreements required to be filed under the provisions of section 412 (a) of the Civil Aeronautics Act of 1938.

SEC. 7. *Contracts or agreements previously filed.* Contracts or agreements which have been filed prior to the effective date hereof shall not be subject to the provisions of this regulation, except to the extent that the Authority may by appropriate request in particular cases require compliance with any specific provision or provisions hereof.

SEC. 8. *Effective date.* This regulation shall be effective from and after the 1st day of August, 1939.

By the Authority.

[SEAL] PAUL J. FITZELL,
*Secretary.*

[F. R. Doc. 39-3562; Filed, September 27, 1939; 11:11 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3284]

IN THE MATTER OF THE FLORACUBE COMPANY, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondents' "Floracubes", or other similar medicinal preparation, that said preparation has any therapeutic value other than as a palliative in the treatment of constipation, or that said preparation is a cure or remedy for any disease, disorder or malady, or that said preparation will prevent, eliminate or rid the human body of any disease, disorder or malady or the causes of such ailments and conditions, or that it is a cure or remedy for colitis, headaches, rheumatism, high blood pressure, heart trouble, and various other ailments and conditions, as specified, and for all common and annoying diseases, or constitutes a competent or effective treatment therefor, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Floracube Company, Inc., Docket 3284, September 8, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 8th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF EUGENE H. HUNTER AND RAE LAMARR HUNTER, INDIVIDUALS TRADING AS THE FLORACUBE COMPANY, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all of the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondents, Eugene H. Hunter and Rae LaMarr Hunter, individuals, trading as The Floracube Company, Inc., their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a medicinal preparation now designated as "Floracubes", or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that respondents' preparation has any therapeutic value other than as a palliative in the treatment of constipation, or that said preparation is a cure or remedy for any disease, disorder or malady, or that said preparation will prevent, eliminate or rid the human body of any disease, disorder or malady or the causes of such ailments and conditions;

[1] 3 F.R. 2257 DI.



(2) Representing that respondents' preparation is a cure or remedy for colitis, digestive disorders, headaches, overacidity, food decay within the body, nervousness, rheumatism, ailments common to old age, high blood pressure, arthritis, heart trouble, weak eyes, lack of pep, dizzy spells, liver trouble, kidney trouble, bladder trouble, loss of gland stamina, loss of vitality, stiff joints, and all common and annoying diseases, or constitutes a competent or effective treatment therefor.

*It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3556; Filed, September 27, 1939; 9:37 a. m.]

[Docket No. 3851]

IN THE MATTER OF AMERICA'S MEDICINE, ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's America's Medicine XX Compound, Nu-Mode XX Compound, and Kotess Periodic Relief Compound, and America's Medicine XXX Compound, Nu-Mode XXX Compound, and Kotess Periodic Relief Compound, or other similar medicinal preparations, which advertisements represent, directly or through implication, that the use of said medicinal preparations constitutes a safe, competent and scientific treatment for delayed menstruation and that their use will have no ill effects upon the human body, or which advertisements fail to reveal that the use of these preparations may result in serious or irreparable injury to the health of the user, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, America's Medicine, etc., Docket 3851, September 9, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF HARRY S. BENHAM, AN INDIVIDUAL, TRADING AS AMERICA'S MEDICINE AND NU-MODE COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint; and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, Harry S. Benham, an individual, trading as America's Medicine and Nu-Mode Company, or trading under any other name or names, his agents, servants, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of medicinal preparations known or designated as America's Medicine XX Compound, Nu-Mode XX Compound, and Kotess Periodic Relief Compound, and America's Medicine XXX Compound, Nu-Mode XXX Compound, and Kotess Periodic Relief Compound, or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said medicinal preparations which advertisements represent, directly or through implication that the use of said medicinal preparations constitutes a safe, competent and scientific treatment for delayed menstruation and that their use will have no ill effects upon the human body, or which advertisements fail to reveal that the use of these preparations may result in serious or irreparable injury to the health of the user.

*It is further ordered,* That the respondent shall, within ten (10) days after service upon him of this order, file with the Commission an interim report in writing, stating whether he intends to comply with this order and if so, the manner and form in which he intends to comply; and that, within sixty (60) days after the service upon him of this order said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3557; Filed, September 27, 1939; 9:37 a. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF RULE X-12A-9

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 3 (a) (12), 10 (b) and 23 (a) thereof, hereby adopts the following Rule X-12A-9:

§ 240.X-12A-9 (*Rule X-12A-9*). *Exemption from Section 12 (a)*[1] *of certain certificates of deposit issued under deposit agreements having governmental managers—Prohibition of use of manipulative or deceptive devices or contrivances with respect thereto.* (a) Certificates of deposit shall be exempt from the operation of Section 12 (a),[1] if:

(1) A State or any political subdivision thereof or any agency or instrumentality of a State or any municipal corporate instrumentality of one or more States, acting through one or more of its duly authorized officers or otherwise, is the person primarily performing the acts and assuming the duties of manager pursuant to the provisions of the deposit agreement under which such certificates of deposit are issued; and

(2) Deposit under such agreement constitutes assent to a plan which provides for the issuance of securities of, or the payment of cash by, such State, political subdivision, agency, or instrumentality in return for the securities deposited under such agreement; and

(3) Each depositary designated to act under such agreement has been so designated by such State, political subdivision, agency or instrumentality; and

(4) Each depositary designated to act under such deposit agreement is a corporation or association which is organized and doing business under the laws of the United States or of a State, is authorized under such laws to exercise fiduciary powers, and is subject to supervision or examination by Federal or State authority.

[1] C. 404, sec. 12, 48 Stat. 892; C. 462, sec. 1, 49 Stat. 1375; 15 U.S.C., 781 and Sup. III.

(b) Rules X–7C2–1 [Sec. 240.X–7C2–1] and X–10B–1 [Sec. 240.X–10B–1] shall be applicable to all securities exempted from the operation of Section 12 (a)[1] by paragraph (a) of this rule.

Effective September 27, 1939.

(C. 404, sec. 3, 48 Stat. 882; 15 U.S.C. 78c: C. 404, sec. 10, 48 Stat. 891; 15 U.S.C. 78j: C. 404, sec. 23, 48 Stat. 901; C. 462, sec. 8, 49 Stat. 1379; 15 U.S.C. 78w and Sup. III) [Gen. Rules and Regs., rule X–12A–9, effective September 27, 1939].

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–3564; Filed, September 27, 1939; 11:21 a. m.]

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PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

ADOPTION OF RULE U–6

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly Section 20 (a) and (c) thereof, and finding it necessary and appropriate in the public interest and for the protection of investors and consumers, hereby adopts Rule U–6 to read as follows:

SEC. 250. U–6 (*Rule U–6*). *Applicability of provisions of Federal Register Act to rules and regulations and amendments thereto.*—Rules and regulations of the Commission and amendments thereto adopted under the Public Utility Holding Company Act of 1935 [C. 687, 49 Stat. 803–38; 15 U.S.C., Sup. III, 79a–2–5] shall be deemed to be subject to the provisions of the Federal Register Act.

Effective September 27, 1939.

(C. 687, sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 79t) [Gen. Rules and Regs., rule U–6, effective September 27, 1939]

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–3566; Filed, September 27, 1939; 12:17 p. m.]

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SECURITIES ACT OF 1933

RESCISSION OF RULE S–160

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Section 19 (a) thereof [C. 38, sec. 19, 48 Stat. 85: C. 404, sec. 209, 48 Stat. 908; 15 U.S.C. 77s], and deeming such action necessary and appropriate in the public interest and for the protection of investors so to do, hereby rescinds Rule S–160 [Sec. 230. S–160].

Effective September 27, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–3565; Filed, September 27, 1939; 12:17 p. m.]

## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[Narcotic Regulations No. 6]

PART 153—REGULATIONS REGARDING SEIZURES INVOLVING CONTRABAND ARTICLES COVERED BY SECTION 1 (B) (1) OF THE ACT OF AUGUST 9, 1939, PUBLIC, NO. 357, 76TH CONG. 1ST SESS.

REGULATIONS OF THE SECRETARY OF THE TREASURY RELATING TO THE BUREAU OF NARCOTICS

§ 153.1 (Article 1) *Definitions.* As used in these regulations, except as otherwise indicated by the content:

(a) The term "Act" means the Act of August 9, 1939, Public, No. 357, 76th Congress, 1st session.

(b) The term "property" means a vessel, vehicle, or aircraft within the scope of the Act.

(c) The terms "seizing officer," "officer seizing," etc., mean any officer, authorized and designated by the order of the Secretary dated August 31, 1939, (T. D. 31[1]) to carry out the provisions of the Act, who initially seizes property or adopts a seizure initially made by any other officer or by a private person.

(d) The term "custodian" means the officer required under the order of the Secretary dated August 31, 1939, (T. D. 31) to take custody of particular property which has been seized pursuant to the Act.

(Sec. 8, Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st sess.) [T. D. 31, Aug. 31, 1939]

§ 153.2 (Article 2) *Custody and storage.* All property seized under the provisions of this Act shall be placed and remain in the custody of the custodian for the district in which the seizure was made. The seizing officer shall store the property in a place designated, either generally or in a particular case, by the custodian. The place of storage shall be in the judicial district in which the seizure occurred.

(Sec. 605, 46 Stat. 754; 19 U.S.C. 1605) [Sec. 8, Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st sess.]

§ 153.3 (Article 3) *Appraisement.* The custodian shall appraise the property to determine the domestic value at the time and place of appraisement. The domestic value shall be considered the price at which such or similar property is freely offered for sale at the time and place of appraisement. If there is no market for the property at the place of appraisement, the domestic value shall be considered the value in the principal market nearest the place of appraisement.

(Sec. 606, 46 Stat. 754; 19 U.S.C. 1606) [Sec. 8, Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st sess.]

§ 153.4 (Article 4) *Advertisement.* If the appraised value does not exceed $1,000, the custodian shall cause a notice of the seizure and of the intention to forfeit and sell or otherwise dispose of the property to be published once a week for at least three successive weeks in a newspaper of general circulation in the judicial district in which the seizure occurred.

The notice shall (1) describe the property seized and show the motor and serial numbers, if any; (2) state the time, cause and place of seizure; and (3) state that any person desiring to claim the property may, within twenty days from the date of first publication of the notice, file with the custodian a claim to the property and a bond with satisfactory sureties in the sum of $250.

(Sec. 28 (a), 52 Stat. 1089; 19 U.S.C., Supp. IV, 1607) [Sec. 8, Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st sess.]

§ 153.5 (Article 5) *Requirements as to claim and bond.* The bond shall run to the United States, have sureties approved by the custodian, and be conditioned that in case of condemnation of the property the obligor shall pay all the costs and expenses of the proceedings to obtain the condemnation. When a claim and bond are received by the custodian, he shall, if he finds the documents in proper form and the sureties satisfactory, transmit the documents, together with a description of the property and a complete statement of the facts and circumstances surrounding the seizure, to the United States Attorney for the district in which the seizure was made for the purpose of proceeding to a condemnation of the property in the manner prescribed by law. If the documents are not in satisfactory condition when first received, a reasonable time for correction may be allowed. If correction is not made within a reasonable time the documents may be treated as nugatory, and the case shall proceed as though they had not been tendered.

The filing of the claim and the giving of the bond does not entitle the claimant to possession of the property, but stops the summary proceedings. The bond shall be on Bureau of Narcotics Form 171, and there shall be endorsed thereon a description of the seized property, which must, in every case, be signed by the claimant in the presence of the witnesses to the bond, and attested by them. The costs and expenses secured by the bond are such as are incurred after the filing of the bond, including storage costs, safeguarding, court fees, marshal's costs, etc.

(Sec. 608, 46 Stat. 755; 19 U.S.C. 1608) [Sec. 8, Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st sess.]

§ 153.6 (Article 6) *Summary forfeiture.* If the appraised value does not exceed $1,000, and a claim and bond are not filed within the twenty days hereinbefore mentioned, the custodian shall declare the property forfeited and shall note the declaration of forfeiture on his records of the case. The custodian shall immediately advise the head of the bureau or agency to which he belongs of

[1] 4 F.R. 3840 DI.



the action which he has taken. Thereafter the property shall be retained in the custodian's district or delivered elsewhere for official use, or otherwise disposed of, in accordance with official instructions duly received by the custodian.

(Sec. 28 (b), 52 Stat. 1089; 19 U.S.C., Supp. IV, 1609) [Sec. 8, Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st sess.]

§ 153.7 (Article 7) *Judicial forfeiture.* If the appraised value is greater than $1,000, (or if the appraised value is not more than $1,000, but a claim and satisfactory bond have been received, [Sec. 153.5]), the custodian shall transmit a description of the property and a complete statement of the facts and circumstances surrounding the seizure to the United States Attorney for the judicial district in which the seizure was made for the purpose of instituting condemnation proceedings. If the property has been advertised, the United States Attorney shall be furnished with copies of the newspapers containing the advertisements.

(Sec. 610, 46 Stat. 755; 19 U.S.C. 1610) [Sec. 8, Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st sess.]

§ 153.8 (Article 8) *Petition for remission or mitigation of forfeiture.* Any person interested in any property within the scope of these regulations which has been seized, or which has been forfeited either summarily or by court proceedings, may file a petition for remission or mitigation of the forfeiture. Such petition shall be filed in duplicate with the custodian for the district in which the seizure occurred; shall be addressed to the Secretary of the Treasury; and shall be executed and sworn to by the person alleging the interest in the property.

The petition shall state in clear and concise terms the following:

(1) A complete description of the property, including motor and serial numbers, if any, and the date and place of seizure.

(2) The interest of the petitioner in the property, which shall be supported by bills of sale, contracts, mortgages, or other satisfactory documentary evidence.

(3) The facts and circumstances, to be established by satisfactory proof, relied upon by the petitioner to justify remission or mitigation.

Where the petition is for restoration of the proceeds of sale or for value of the property, if retained or delivered for official use, it must be supported by satisfactory proof that the petitioner did not know of the seizure prior to the declaration or condemnation of forfeiture and was in such circumstances as prevented him from knowing of the same.

(Secs. 613 and 618, 46 Stat. 756, 757; 19 U.S.C. 1613 and 1618) [Sec. 8, Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st. sess.]

§ 153.9 (Article 9) *Time for filing petition.* A petition for remission or mitigation of a forfeiture must be seasonably filed. Where the petition is for restoration of the proceeds of sale, it must be filed within 90 days after the date of sale. If the property has been authorized for official use, the date of retention or delivery shall be regarded as the date of sale thereof for the purpose of computing the time in which a petition for remission or mitigation may be filed.

(Secs. 613 and 618, 46 Stat. 756, 757; 19 U.S.C. 1613 and 1618) [Sec. 8, Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st sess.]

§ 153.10 (Article 10) *Handling of petition.* The custodian, upon receipt of a petition, shall cause such investigation to be made as the facts in the case may warrant, and thereafter shall transmit it, together with the report of any investigation made, to the Treasury Department and the Secretary of the Treasury, if he finds that the forfeiture was incurred without wilful negligence or without any intention on the part of the petitioner to defraud the revenue or to violate the law or finds the existence of such mitigating circumstances as to justify the remission or mitigation of the forfeiture, may remit or mitigate the forfeiture upon such terms and conditions as he deems reasonable and just.

If the petition involves a matter which has been referred to the Department of Justice for the institution of court proceedings, the custodian shall transmit the petition, immediately upon receipt, to the United States Attorney for the district in which the seizure occurred and notify the petitioner of such action.

(Sec. 618, 46 Stat. 757; 19 U.S.C. 1618) [Sec. 8, Act of Aug. 9, 1939, Public, No. 357, 76th Cong., 1st sess.]

§ 153.11 (Article 11) *Promulgation of regulations.* In pursuance of Section 8 of the Act of August 9, 1939, Public, No. 357, 76th Congress, 1st. session, and the Order of the Secretary dated August 31, 1939 (T.D. 31), the foregoing regulations are hereby made and promulgated.

[SEAL] HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 39–3559; Filed, September 27, 1939; 11:01 a. m.]

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## TITLE 47—TELECOMMUNICATION

## FEDERAL COMMUNICATIONS COMMISSION

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

*Correction*

Attention is directed to the following error in Section 9.73 (d) Eastern continental chain and feeders (Green), available for aeronautical fixed stations, printed in the Thursday, July 20, 1939 issue of the FEDERAL REGISTER on page 3381:

The frequency "10,865" should read "10,855".

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–3569; Filed, September 27, 1939; 12:46 p. m.]

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## TITLE 49—TRANSPORTATION AND RAILROADS

## INTERSTATE COMMERCE COMMISSION

RAILWAY STATISTICS OF LESS-THAN-CARLOAD TRAFFIC

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 25th day of September 1939.

In the Matter of Railway Statistics of Less-than-carload Freight Traffic and Freight Forwarder Carload Traffic—special report for test period October 1st to 7th, 1939, both inclusive, prescribed by our order of September 12, 1939:

*It is ordered*, That the instructions which were made a part of the special report form and a part of our order of September 12th, shall be and are hereby amended by the addition of a new paragraph which will be the third paragraph on page 3, to read as follows:

Show in a footnote the number of tons of freight forwarded-received from connections, included in Column 2, which were received in cars not worked at interchange points, giving the figures applicable to each line of the special report form separately.

By the Commission, division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39–3570; Filed, September 27, 1939; 12:55 p. m.]

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## *Notices*

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF CANCELATION OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that a Special Certificate for the employment of learners, previously issued to the Thomas P. Taylor Company, 140 James Street, Bridgeport, Connecticut, has been canceled as of the date of its issuance, July 27, 1939, pursuant to action taken under Section 14 of the Fair Labor Standards Act of 1938 and Section 522.5 (b) of Regulations Part 522, as amended, issued thereunder.

[1] 4 F.R. 3903 DI.

Reimbursement of all persons employed after the effective date, August 1, 1939, under such canceled Special Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

This cancelation shall not become effective until after the expiration of the fifteen-day period after the date this notice appears in the FEDERAL REGISTER during which time petitions for review may be filed under Section 522.13 of said regulations by aggrieved persons. If a petition for review is properly filed, the effective date of this cancelation shall be postponed unless and until final action sustaining such cancelation is taken on such petition.

Signed at Washington, D. C., this 27th day of September 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3567; Filed, September 27, 1939; 12:24 p. m.]

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NOTICE OF HEARING ON MINIMUM WAGE -RECOMMENDATION OF THE APPAREL INDUSTRY COMMITTEE

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to Section 5 (b) of the Fair Labor Standards Act of 1938, on December 19, 1938, appointed Industry Committee No. 2[1] for the Apparel Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on, and

Whereas, Industry Committee No. 2 on June 16, 1939, recommended minimum wage rates for the apparel industry and has thereafter duly adopted a report containing said recommendations and reasons therefor and has filed such report with the Administrator on September 27, 1939, pursuant to Section 8 (d) of the Act and Section 511.19[2] of the Regulations issued under the Act, and

Whereas, the Administrator is required by Section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendations of Industry Committee No. 2 if he finds that the recommendations are made in accordance with law and are supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as the Industry Committee is required to consider by Sections 8 (b) and 8 (c) of the Act, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation.

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 2 is as follows:

The Committee recommends for the manufacture of all apparel, apparel furnishings and accessories made by the cutting, sewing, or embroidery processes, (except knitted outerwear, knitted underwear, hosiery, men's fur felt, wool felt, straw and silk hats, and bodies, ladies' and children's millinery, furs, and boots and shoes) the following minimum wage rates to be applicable to the following divisions of the industry in all states of the United States, the District of Columbia and each territory and possession of the United States *except Puerto Rico:*

MEN'S WEAR

*Men's and boys' clothing (40 cents).* The manufacture of men's and boys' suits, overcoats, topcoats, tailored uniforms, and men's summer wash suits, not elsewhere specified, from any woven materials or from purchased knitted materials.

*Sportswear and other odd outerwear (40 cents).* The manufacture of men's, women's, and children's sportswear and other odd outerwear, including windbreakers, lumberjackets, mackinaws and mackinaw coats, melton jackets, blanket-lined and similar coats, leatherette coats and jackets, hunting coats and vests, riding clothing, ski-suits and snow-suits (except children's ski-suits and snow-suits), and similar garments not elsewhere specified, from any woven materials or from purchased knitted materials.

*Leather and sheep-lined garments (40 cents.)* The manufacture of leather, leather trimmed, and sheep-lined garments for men, women or children.

*Rainwear (40 cents).* The manufacture of water-proofed garments and raincoats from oiled cloth or other materials, whether vulcanized, rubberized, cravenetted, or otherwise processed.

*Single pants and breeches other than those of 100 percent cotton fabric (37½ cents).* The manufacture of men's and boys' separate trousers or pants, breeches and knickers from any fabric except that consisting of 100 percent cotton.

*Single pants of 100 percent cotton fabric, overalls, coveralls and work shirts (32½ cents).* The manufacture of single pants made of 100 percent cotton fabric; overalls; overall jackets (regardless of type of fabric used in lining); men's, boys' and children's coveralls; and work shirts.

*Dress shirts, collars and sleeping wear (32½ cents).* The manufacture of men's and boys' dress shirts, sport shirts, flannel shirts, blouses, collars and sleeping wear from any woven fabric or from any purchased knit fabric.

*Men's and boys' underwear of woven fabric (32½ cents).* The manufacture of men's and boys' underwear from any woven fabric.

WOMEN'S WEAR

*Cloaks, suits and separate skirts (40 cents).* The manufacture of women's, misses', juniors' and children's coats, reefers, jackets, capes, wraps, riding habits, knickers, suits, tailored ensembles, skirts and jumper skirts, from any woven materials or from purchased knitted materials.

*Dresses (35 cents).* The manufacture of women's, misses' and juniors' dresses, frocks, gowns and dressmaker ensembles, for whatever use, from any woven materials or from purchased knitted materials.

*Blouses, shirtwaists, neckwear and scarfs (35 cents).* The manufacture of women's, misses' and juniors' blouses, blousettes, waists, shirtwaists, tunic blouses, vestees, guimpes, gilets; women's, misses', juniors' and children's neckwear, toppers, scarfs, ruffings and ruchings, and similar garments from any woven material or from purchased knitted materials.

*Corsets and allied garments (35 cents).* The manufacture of corsets, step-in-corsets, brassieres, bandeau-brassieres, garter-belts, girdle corsets or step-in-corsets attached to brassieres or bandeau-brassieres, corselets, foundation garments, all similar body-supporting garments and corset accessories from whatever material.

*Underwear, nightwear and negligees made of woven fabric (35 cents).* The manufacture of women's, misses', and children's undershirts, panties, bloomers, step-ins, athletic underwear, slips, petticoats, chemises, nightgowns, pajamas, negligees, housecoats, bed jackets, waist suits, and infants' underwear, from any woven materials.

*Infants' and children's outerwear (35 cents).* The manufacture of infants' and children's dresses, skirt and blouse suits, rompers, creepers, sportswear and play apparel, including sun-suits, gym-suits, snow-suits, ski-suits, slacks and beachwear, infants' outerwear, brother and sister suits, baby boys' and boys' wash suits and similar infants' and children's garments not elsewhere specified, from any woven materials or from purchased knitted materials.

*Robes (35 cents).* The manufacture of men's, women's and children's bath, lounging and beach robes and dressing gowns, from any woven materials or purchased knitted materials.

*Washable service apparel (35 cents).* The manufacture of women's washable service uniforms, including waitresses', nurses', and maids' uniforms, aprons, jackets, and smocks, and similar washable service garments not elsewhere specified; and the manufacture of men's washable service uniforms (except tailored uniforms) whether as separate coats or trousers, or as combinations thereof, and similar washable service garments not elsewhere specified.

ACCESSORIES AND SPECIAL PRODUCTS

*Caps and cloth hats (40 cents).* The manufacture of men's and boys' hats or caps (except men's and boys' fur-felt, wool-felt, straw, and silk and opera hats and bodies) from any woven material, any purchased knitted material, leather, leatherette or any combination of such materials, including, but without limitation, uniform caps, aviation caps, and shop and railroad caps; and including the manufacture of cap visors, bands and brims, and the manufacture of sweat bands from any material other than leather.

*Belts (40 cents.)* The manufacture of men's, boys', women's, misses' and children's separate belts from leather, imitation leather, or other material or fabric.

*Embroideries (40 cents).* The production for use in the apparel industry of pleating, tucking, shirring, hemstitching, handrolling, fagotting, stitching, bonnaz embroidery, crocheting, crochet beading, hand drawing, machine drawing, rhinestone trimming, eyelets (except automatic eyelets), nailheads, binding, piping, and all other embroidery and stitching, not elsewhere specified.

*Hand embroidery, hand-machine embroidery and Schiffli embroidery and laces (32½ cents).* The production for use in the apparel industry of hand embroidery, hand-machine embroidery and Schiffli embroidery and laces.

*Covered buttons and buckles (35 cents).* The manufacturing process of covering buttons and buckles with cloth, leather or similar materials.

*Garters, suspenders and arm bands (35 cents).* The manufacture of garters, suspenders, arm bands, and other elastic woven products (except orthopedic and athletic) from webbing, leather, or other material.

*Ladies' handbags (35 cents).* The manufacture of ladies', misses' and children's handbags, pocketbooks and purses from any material of any kind or nature; except metal handbags, pocketbooks, purses and mesh bags.

*Artificial flowers and feathers (35 cents).* The manufacture, processing and fabrication of artificial flowers, buds, foliage, fruits, plants, and feathers, or parts thereof from any material; and the preservation and processing of natural flowers and feathers.

*Men's neckwear and scarfs (35 cents).* The manufacture of men's and boys' neckties, scarfs and mufflers from any woven materials or from purchased knitted materials.

*Gloves and mittens other than work gloves and mittens (35 cents).* The manufacture of all gloves and mittens, (except athletic) other than work gloves and mittens, from leather, woven or knitted fabrics or from any combinations of these materials.

*Work gloves and mittens (32½ cents).* The manufacture of work gloves and mittens from fabric, leather, or fabric and leather combined, or knitted materials.

*Handkerchiefs (32½ cents).* The manufacture of men's, women's and children's handkerchiefs, plain or ornamented, from any materials.

IN PUERTO RICO

*All products made in Puerto Rico (30 cents).* All products made in Puerto Rico included within the definition of the apparel industry.

II. The full text of the report and recommendations of Industry Committee No. 2 is available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following places:

Boston, Mass., 120 Boylston Street.
New York, N. Y., 412 Federal Building, 641 Washington St.
Philadelphia, Pennsylvania, 1630 Widener Building.
Pittsburgh, Pennsylvania, 216 Old Post Office Bldg.
Newark, N. J., 424 Federal Bldg.
Cleveland, Ohio, 728 Standard Bldg., 1370 Ontario Avenue.
Detroit, Michigan, 358 Federal Building.
Chicago, Illinois, 964 Merchandise Mart.
Indianapolis, Indiana, 450 Century Building.
Richmond, Virginia, 215 Richmond Trust Building.
Baltimore, Maryland, 6th Floor, Snow Building, Calvert & Lombard Streets.
Washington, D. C., 5th Floor, Department of Labor.
Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.
Birmingham, Alabama, 818 Comer Building.
Jacksonville, Florida, 225 Post Office Building.
Charlotte, North Carolina, 235 Post Office Building.
Nashville, Tennessee, 119 Seventh Avenue, North.
St. Louis, Missouri, 314 Old Federal Building, 815 Olive Street.
Kansas City, Missouri, 563 General Post Office Building.
Minneapolis, Minnesota, 406 New Post Office Building.
Dallas, Texas, 618–621 Wilson Building.
San Antonio, Texas, 716 Maverick Building.
New Orleans, Louisiana, 516 Carondelet Building.
San Francisco, California, 785 Market Street.
San Juan, P. R., Box 1431 Post Office.
Juneau, Alaska, B. D. Stewart, Commissioner of Mines.

Copies of the Committee's report and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

III. A public hearing on the question of whether the recommendation of Industry Committee No. 2 shall be approved or disapproved pursuant to Section 8 of the Act will be held on October 23, 1939, at the Raleigh Hotel, Pennsylvania Avenue and Twelfth Street NW., Washington, D. C. at 10:00 a. m. before the Administrator of the Wage and Hour Division or a trial examiner designated to prepare for the Administrator an intermediate report approving or disapproving said recommendation. Should the hearing be held before a trial examiner, the Administrator will publish in the FEDERAL REGISTER on or before October 18, 1939, an order designating a person to act as trial examiner and setting forth the procedure for review of the trial examiner's intermediate report.

IV. Any interested person supporting or opposing the recommendations of Industry Committee No. 2 may appear at the aforesaid hearing to offer evidence, either on his own behalf, or on behalf of any other person, provided that not later than October 18, 1939, such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. The division or divisions of the recommendation of Industry Committee No. 2 with respect to which such person proposes to appear and whether such person proposes to appear for or against such recommendation and a brief summary of what he intends to show.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

V. The hearing will be conducted in accordance with the following rules, subject, however, to such modifications as are subsequently deemed appropriate by the presiding officer:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter.

2. The presiding officer may call for production of evidence upon any issue and may continue the hearing from time to time and to a place which shall be shown in the record of the proceedings.

3. In order to maintain orderly and expeditious procedure, the presiding officer will notify each person filing a notice of intention to appear of the day on and place at which he may offer evidence at the hearing. If such person

[1] 3 F.R. 3066 DI.
[2] 4 F.R. 2103 DI.

does not appear at the time set in the notice, he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

4. The presiding officer may permit any person appearing in accordance with paragraph IV to cross-examine any witness offered by another person insofar as is practicable and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the grounds of objection relied on. The record shall not include argument thereon except as ordered by the presiding officer. The rules of evidence prevailing in courts of law or equity shall not be controlling.

5. The Industry Committee will be represented at the hearing by its counsel who will open and close the proceeding.

6. Written documents and exhibits shall be tendered in duplicate, and the person presenting the same shall be prepared to supply additional copies if such are ordered by the presiding officer.

7. All evidence must be presented under oath or affirmation. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify with respect to the authenticity and trustworthiness thereof and who shall, at the time of offering the document or exhibit, make a brief statement as to the contents and manner of preparation thereof. Where evidence is embraced in a document containing matter not intended to be put in evidence, such document will not be received, but the person offering the same may present to the presiding officer the original document together with true copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form, the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of documents at the hearing may be issued by the Administrator of the Wage and Hour Division of the United States Department of Labor in his discretion and any person may apply in writing for the issuance by the Administrator of a subpoena. Any application for a subpoena must describe as exactly as practicable the evidence proposed to be secured by the subpoena. Witnesses summoned before the presiding officer shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear.

9. Before the close of the hearing, the presiding officer may in his discretion offer to all persons who have appeared in the proceeding an opportunity to give oral argument in which case the presiding officer shall designate a time and place for such oral argument and shall place such restrictions with respect to time and order of appearance upon persons giving oral argument as he deems appropriate to further the orderly and expeditious conduct of the proceeding.

10. Any person who has appeared in the proceeding may file written briefs (not fewer than 12 copies) with the presiding officer within such time and subject to such limitations and restrictions as are prescribed at the hearing. Such briefs shall be available for inspection at the office of the Administrator in Washington, D. C., and copies may be obtained from the official reporter at the prescribed rates. Except upon cause shown, no reply briefs will be accepted.

11. Except as may be expressly permitted in particular instances, the presiding officer will not receive in evidence any documents, letters or other written statements submitted for consideration in connection with the proceeding after the close of testimony.

12. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 27th day of September 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3568; Filed, September 27, 1939; 12:44 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 7-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF MARQUETTE AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) (1) OF THE CIVIL AERONAUTICS ACT OF 1938.

NOTICE OF POSTPONEMENT OF REARGUMENT

Reargument in the above-entitled proceeding now assigned for September 27, 1939, is hereby postponed to a date to be hereafter fixed.

Dated Washington, D. C., September 26, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3561; Filed, September 27, 1939; 11:10 a. m.]

## Air Safety Board.

[Docket No. 7]

IN THE MATTER OF INVESTIGATION, UNDER SECTIONS 702 (a) (2) AND 702 (c) OF THE CIVIL AERONAUTICS ACT OF 1938, OF ACCIDENT INVOLVING AIRCRAFT OF UNITED STATES REGISTRY NC 16993, WHICH OCCURRED NEAR RIO DE JANEIRO, BRAZIL, S. A. ON AUGUST 13, 1939

NOTICE OF HEARING

A hearing having been ordered by the Air Safety Board in the above entitled matter, subject to the assignment of the undersigned Examiner, such is hereby assigned for public hearing on October 3, 1939, at 9:30 a. m. (EST), in Room 316 of the Federal Building, Miami, Florida.

Dated, Washington, D. C., September 25, 1939.

[SEAL] FRED M. GLASS,
*Examiner.*

[F. R. Doc. 39-3560; Filed, September 27, 1939; 11:10 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF OPPENHEIM, COLLINS & COMPANY INC., A CORPORATION

[Docket No. 3869]

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

*It is ordered*, That John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, October 3, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3558; Filed, September 27, 1939; 9:38 a. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of September, A. D. 1939.

[File 2-1039]

IN THE MATTER OF CALLAHAN ZINC-LEAD COMPANY

STOP ORDER

This matter coming on to be heard before the Commission on the registration statement (File 2-1039) of Callahan Zinc-Lead Company, an Arizona corporation, after confirmed telegraphic notice to the registrant that it appears that the registration statement includes untrue statements of material facts and omits to state material facts necessary in order to make the statements made not misleading;

Evidence having been received upon the matters set forth in the statement of matters to be considered duly served by the Commission on said registrant, and the registrant having stipulated to the existence of deficiencies;

The Commission having duly considered the record, having read the briefs and heard the arguments of counsel and being fully advised in the premises, and finding that the registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary in order to make the statements therein not misleading;

The Commission having determined not to consider until after the issuance of a stop order amendments to said registration statement filed by Callahan Zinc-Lead Company on March 28, 1939, and April 5, 1939; all as more fully set forth in the Commission's Findings and Opinion this day issued;

*It is ordered*, Pursuant to Section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement (File 2-1039) filed by Callahan Zinc-Lead Company be and it is hereby suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3563; Filed, September 27, 1939, 11:21 a. m.]

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# FEDERAL REGISTER

VOLUME 4 NUMBER 188

*Washington, Friday, September 29, 1939*


## *The President*

### FIRE PREVENTION WEEK—1939

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, in spite of efforts to curtail the number of accidental fires in the United States, many lives are still lost each year as a result of fires which could have been prevented; and

WHEREAS the damage caused by fires in this country during 1937 has been estimated at approximately $254,000,000, and the estimate for 1938 is in excess of $265,000,000; and

WHEREAS a redoubled effort is necessary in order to lessen the serious menace to safety of life and the enormous waste of property that result from destructive fires:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby proclaim and designate the week beginning October 8, 1939, as Fire Prevention Week, and I request the appropriate public authorities, civic groups, educators, and others to cooperate in bringing to the attention of all the people the importance of taking measures to eliminate fire hazards, to abolish dangerous practices and procedures which may lead to the occurrence of needless fires, and to maintain a special alertness in every situation in which a destructive fire may occur.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of September in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2366]

[F. R. Doc. 39-3579; Filed, September 28, 1939; 10:15 a. m.]

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### DIVISION OF MARKETING AND MARKETING AGREEMENTS

[Order No. 42]

### CHAPTER IX—MARKETING ORDERS

### PART 942—ORDER REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA*

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942.8 Payment for milk.
942.9 Expense of administration.
942.10 Effective time, suspension, or termination of order.
942.11 Liability.


Whereas, under the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture of the United States is em-

*Section 942.0 to and including section 942.11 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. 601 et seq. (Sup. IV 1938).

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FEDERAL REGISTER

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powered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, under the terms and provisions of said act, the Secretary of Agriculture is empowered to issue orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof; and

Whereas, the Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of milk in the New Orleans, Louisiana, marketing area would tend to effectuate the declared policy of the act, gave, on June 16, 1939, notice of a hearing to be held on July 5, 1939, at Amite, Louisiana, and on July 6, 1939, at New Orleans, Louisiana, and at said times and places conducted public hearings at which all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and proposed order; and

Whereas, after said hearings and after the tentative approval of a marketing agreement by the Secretary on September 8, 1939, handlers of more than 50 percent of the volume of milk covered by this order, which is marketed within the New Orleans, Louisiana, marketing area, refused or failed to sign such tentatively approved marketing agreement; and

Whereas, the Secretary determined, on the 25th day of September 1939, said determination being approved by the President of the United States on the 26th day of September 1939, that said refusal or failure to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act and that the issuance of this order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk in said area and is approved or favored by more than two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of June 1939 (said month having been determined by the Secretary to be a representative period), were engaged in the production of milk for sale in said marketing area; and

Whereas, the provision of the order providing for the payment to all producers delivering milk to the same handler of uniform prices for all milk delivered by them is approved or favored by at least three-fourths of the producers who participated in a referendum conducted by the Secretary and who, during the month of June 1939 (said month having been determined by the Secretary to be a representative period), were engaged in the production for market of milk covered in such order, said approval being separate and apart from the approval of producers as set forth above; and

Whereas, the Secretary has found and proclaimed the period August 1919–July 1929 to be the base period to be used in connection with the ascertainment of the purchasing power of milk handled in the New Orleans, Louisiana, marketing area; and

Whereas, the Secretary finds that the expenses which the market administrator will necessarily incur during any 12-month period of time for the maintenance and functioning of such agency for the administration of this order will be approximately $25,000 and that the payment by each handler of 4 cents per hundredweight on all milk received from producers is a proper maximum pro-rata share of such expenses; and

§ 942.0 *Findings.* Whereas, the Secretary finds, upon the evidence introduced at said hearings:

1. That milk received by handlers who distribute milk in said marketing area, which originates in States other than Louisiana, enters the current of interstate commerce; that the milk received by such handlers which originates in the State of Louisiana is inextricably intermingled with that milk which is in the current of interstate commerce in such a way that it is impossible to regulate the milk originating in States other than Louisiana without regulating that milk which originates in the State of Louisiana; that the handling of milk in the New Orleans, Louisiana, marketing area is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce;

2. That the prices calculated to give milk handled in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8e of said act, are not reasonable in view of the price of feeds, the available supplies of feed, and other economic conditions which affect the supply of, and demand for, such milk, and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

3. That this order regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement upon which hearings have been held; and

4. That orderly marketing conditions for milk flowing into the New Orleans, Louisiana, marketing area are threatened with disruption which will result



in an impairment of the purchasing power of milk handled in said marketing area, and that the issuance of this order and all its terms and conditions will tend to effectuate the declared policy of said act:

Now, therefore, the Secretary of Agriculture, pursuant to the authority vested in him by the act, hereby orders that such handling of milk in the New Orleans, Louisiana, marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall, from the effective date hereof, be in compliance with the following terms and conditions:

§ 942.1 *Definitions*—(a) *Terms.* The following terms shall have the following definitions:

(1) The term "Secretary" means the Secretary of Agriculture of the United States.

(2) The term "New Orleans, Louisiana, marketing area," hereinafter called the "marketing area," means the cities, towns, and villages of New Orleans in Orleans Parish; Gretna, Westwego, Marrero, Harvey, and Belle Chasse in Jefferson Parish; and Poydras, St. Bernard, Violet, Meraux, Chalmette, and Arabi in St. Bernard Parish; all in the State of Louisiana.

(3) The term "person" means any individual, partnership, corporation, association, or any other business unit.

(4) The term "market administrator" means the agency which is described in Sec. 942.2 for the administration hereof.

(5) The term "delivery period" means the current marketing period from the first to, and including, the 15th day of each month, and from the 16th to, and including, the last day of each month.

(6) The term "producer" means any person, irrespective of whether such person is also a handler, who, in conformity with the health requirements applicable for milk which is disposed of for consumption as milk in the marketing area, produces milk which is received at a plant approved for the receipt of milk to be disposed of as milk in the marketing area: Provided, That if such producer did not regularly distribute milk in the marketing area or dispose of milk to a handler or to persons within the marketing area during a period of 30 days immediately prior to the effective date hereof, but begins the regular delivery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first delivery and including 2 full calendar months following such first delivery to a handler, after which he shall be known as a "producer."

(7) The term "handler" means any person, irrespective of whether such person is a producer or an association of producers, wherever located or operating, who engages in such handling of milk, which is disposed of as milk in the marketing area, as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall be deemed to include a cooperative association with respect to any milk received from producers at any plant operated by such cooperative association.

(8) The term "cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in the sale of milk of its members.

(9) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

§ 942.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall:

(1) Administer the terms and provisions hereof.

(2) Report to the Secretary complaints of violation of the provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(2) Pay, out of the funds provided by Sec. 942.9, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenence and functioning of his office.

(3) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate.

(4) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to Sec. 942.3, or (b) made payments pursuant to Sec. 942.8 and Sec. 942.9.

(5) Promptly vertify the information contained in the reports submitted by handlers.

§ 942.3 *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 4th day after the end of each delivery period (a) the receipts of milk at each plant from producers and new producers, (b) the receipts of milk at each plant from handlers, (c) the quantity of milk, if any, produced by such handler, (d) the receipts of milk from any other source, (e) the utilization of all receipts of milk for the delivery period, and (f) the name and address of each new producer.

(2) On or before the 20th day after the end of each delivery period his producer pay roll, which shall show for each producer and new producer (a) the total delivery of milk with the average butterfat test thereof, (b) the net amount of the payment to such producer and new producer made pursuant to Sec. 942.8, and (c) the deductions and charges, if any, made by the handler.

(b) *Verification of reports.* Each handler shall make available to the market administrator or his agent (1) those records which are necessary for the verification of the information contained in the reports submitted in accordance with this section, and (2) those facilities which are necessary for the sampling and weighing of the milk of each producer and new producer.

§ 942.4 *Classification of milk*—(a) *Milk to be classified.* All milk received by each handler, including milk produced by him, if any, shall be classified by the market administrator in classes set forth in paragraph (b) of this section, subject to the provisions of paragraph (c) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk means all milk, including skimmed milk, disposed of as fluid milk, plain or flavored, and all milk not specifically accounted for as Class II milk or Class III milk.

(2) Class II milk means all milk (excepting milk from which the skimmed milk was disposed of as Class I milk) disposed of as cream (for consumption as cream), creamed cottage cheese, ice cream, and ice cream mix.

(3) Class III milk means all milk (excepting milk from which the skimmed milk was disposed of as Class I milk) used or disposed of as a milk product other than those specified in Class I milk and in Class II milk, and all milk accounted for as actual plant shrinkage but not to exceed 2 percent of the total receipts of milk from producers and new producers.

(c) *Interhandler and nonhandler sales.* Milk, including skimmed milk, disposed of by a handler to another handler or to a person who is not a handler but who distributes milk or manufactures milk products shall be classified by the market administrator as Class I milk: Provided, That if such selling handler, on or before the date fixed for filing reports pursuant to Sec. 942.3, furnishes to the market administrator a statement which is signed by the buyer and the seller that such milk was disposed of as other than Class I milk by the receiving handler or person, then such milk shall

be classified accordingly, subject to verification by the market administrator.

§ 942.5 *Minimum prices*—(a) *Class prices.* Except as set forth in paragraph (c) of this section, each handler shall pay, at the time and in the manner set forth in Sec. 942.8, not less than the following prices for milk of 4.0 percent butterfat content received at plants located in the 61–70 mile freight zone described in paragraph (b) of this section:

Class I milk—$2.32 per hundredweight: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposal of milk to low-income consumers, including persons on relief, the price shall be not less than that provided by such program.

Class II milk—$1.65 per hundredweight.

Class III milk—The price per hundredweight calculated by the market administrator as follows: subtract 2 cents from the average wholesale price per pound of 92-score butter at Chicago, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, multiply by 4, and add 30 percent thereof.

(b) *Location differentials.* (1) The market administrator shall from time to time publicly announce the freight zone location of each handler's country plant or plants, according to the railway mileage distance between the country plants of the handler and the railroad terminal in the city of New Orleans, or according to the highway mileage distance between the country plant and the City Hall in New Orleans, whichever is shorter. Except as set forth in subparagraph (2) of this paragraph, the minimum price for milk received at any plant located in a freight zone other than the 61–70 mile zone and disposed of as Class I milk in the marketing area, shall be the minimum price for Class I milk applicable pursuant to this section, plus or minus the amount indicated in the following schedule, for the freight zone in which the plant is located:

| *Freight zone miles* | *Cents per hundredweight* |
|---|---|
| 0– 10 | +13.0 |
| 11– 20 | +11.0 |
| 21– 30 | + 8.0 |
| 31– 40 | + 6.5 |
| 41– 50 | + 4.0 |
| 51– 60 | + 2.0 |
| 61– 70 | 0.0 |
| 71– 80 | − 2.5 |
| 81– 90 | − 4.0 |
| 91–100 | − 5.5 |
| 101–110 | − 7.0 |
| 111–120 | − 8.0 |
| 121–130 | − 9.0 |
| 131–140 | −10.0 |
| 141–150 | −11.5 |
| Each additional 10 miles | Minus an additional 1.0 cent. |

(2) The minimum price of milk received from producers and new producers at a plant in which such milk is bottled and loaded for wholesale or retail delivery and disposed of as Class I milk in the marketing area shall be the minimum price for Class I milk provided in paragraph (a) of this section, plus 28 cents per hundredweight.

(3) The minimum price of milk received from producers and new producers at a plant in which such milk is bottled and loaded for wholesale or retail delivery in the marketing area and disposed of as Class II milk shall be the minimum price for Class II milk provided in paragraph (a) of this section, plus 20 cents per hundredweight.

(4) For the purpose of this section, the milk which was disposed of during each delivery period by each handler as Class I milk shall be considered to have been the milk received by such handler at plants within and nearest to the marketing area.

(c) *Sales outside the marketing area.* The price to be paid by a handler for milk received from producers and new producers and disposed of as Class I milk outside the marketing area, in lieu of the price otherwise applicable pursuant to paragraph (a) of this section, shall be, as ascertained by the market administrator, such price as is being paid, for milk of equivalent use, to dairy farmers supplying the market in which such milk was disposed, subject to a reasonable allowance for transportation.

§ 942.6 *Handlers who are also producers*—(a) *Application of provisions.* No provision hereof shall apply to a handler who is also a producer and who receives no milk from producers or an association of producers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request, and shall permit the market administrator or his agent to verify such reports.

(b) *Milk purchased from producers.* In the case of a handler who is also a producer and who received, during the delivery period, milk from producers or new producers, the market administrator, before making the computations set forth in Sec. 942.7 (a) (1), shall (a) exclude the milk received by such handler in each class from other handlers, and (b) exclude from such handler's Class I milk that milk of such handler's own production which was disposed of as certified milk.

§ 942.7 *Computation and announcement of uniform prices to producers.* (a) For each delivery period the market administrator shall compute, subject to the provisions of Sec. 942.6, for each handler the uniform price per hundredweight of milk received by such handler during such delivery period as follows:

(1) For each plant, multiply the quantity of milk received from producers, new producers, and the quantity of milk of his own production disposed of in each class by the price applicable pursuant to Sec. 942.5;

(2) For each plant, multiply the hundredweight of milk received from producers, not including new producers, by the Class I location differential for such plant applicable pursuant to Sec. 942.5 (b) (1);

(3) Add to the amount computed pursuant to subparagraph (1) of this paragraph, the amount of the Class I location differential for each plant located in a zone beyond the 61–70 mile zone, computed pursuant to subparagraph (2) of this paragraph and subtract from the amount computed pursuant to subparagraph (1) of this paragraph, the amount of the Class I location differential for each plant located in a zone nearer than the 61–70 mile zone, computed pursuant to subparagraph (2) of this paragraph;

(4) Subtract from the sum computed pursuant to subparagraph (3) of this paragraph an amount determined by multiplying the quantity of milk received from new producers by the Class III price; and

(5) Divide the amount computed pursuant to subparagraph (4) of this paragraph by the hundredweight of milk received from producers, not including new producers. This result shall be known as the uniform price for such delivery period for milk (containing 4.0 percent butterfat) received from producers at plants located in the 61–70 mile freight zone.

(b) On or before the 6th day after the end of each delivery period the market administrator shall mail to all handlers, and publicly announce, the uniform price for each handler as determined pursuant to this paragraph, and the Class III price for such delivery period.

§ 942.8 *Payment for milk*—(a) *Time and method of payment.* On or before the 10th day after the end of each delivery period, each handler shall make payment, subject to the butterfat differential set forth in paragraph (c) of this section and to the location differentials set forth in paragraph (d) of this section, for the total value of milk received from producers and new producers during the delivery period, computed pursuant to Sec. 942.7 (a), as follows:

(1) To each producer to whom payment is not made pursuant to subparagraph (3) of this paragraph, at not less than the uniform price computed pursuant to Sec. 942.7 (a) for the quantity of milk received from such producer;

(2) To each new producer to whom payment is not made pursuant to subparagraph (3) of this paragraph, at the Class III price for the quantity of milk received from such new producer;

(3) To a cooperative association, with respect to milk which it causes to be delivered to a handler from producers and new producers who have signed membership agreements or other contracts with the cooperative association, which agreements or contracts expressly authorize the cooperative to collect the amount due such producers and new producers for their milk, and pursuant to which authorization the cooperative association is collecting payment for milk on behalf of its producers and new producers, or expressly assumes such responsibility by some authorized act of the board of directors, or of the membership in accordance with its bylaws, the total amount of money which such handler is obligated to pay for milk received from such producers and new producers, calculated as follows: (a) multiply the volume of milk received from such producers by not less than the uniform price computed pursuant to Sec. 942.7 (a), (b) multiply the volume of milk received from such new producers by the Class III price, and (c) add together the resulting amounts.

(b) *Errors in payments.* Errors in making any of the payments prescribed in this section shall be corrected not later than the date for making payments next following the determination of such errors.

(c) *Butterfat differential.* If during the delivery period any handler has received from any producer milk having an average butterfat content other than 4.0 percent, such handler, in making the payments prescribed in subparagraphs (1) and (3) of paragraph (a) of this section, shall add for each one-tenth of 1 percent of average butterfat content in milk above 4.0 percent not less than, or shall deduct for each one-tenth of 1 percent of average butterfat content in milk below 4.0 percent not more than, 4 cents per hundredweight. If during the delivery period any handler has received from any new producer milk having an average butterfat content other than 4.0 percent, such handler, in making the payments prescribed in subparagraphs (2) and (3) of paragraph (a) of this section, shall add or subtract, as the case may be, for each one-tenth of 1 percent of average butterfat content in milk above or below 4.0 percent, 4 cents per hundredweight.

(d) *Location differentials.* In making payments pursuant to paragraph (a) of this section for milk received from producers and new producers at a plant not located in the 61–70 mile freight zone, each handler shall add or deduct from such payment, with respect to all milk received from such producers and new producers, the amount per hundredweight specified pursuant to Sec. 942.5 (b) (1) for the zone in which the plant is located.

(e) *Additional payments.* Any handler may make payments to producers, not including new producers, for milk in addition to the payments to be made pursuant to paragraph (a) of this section: *Provided*, That such additional payments shall be made on a uniform basis for all milk of like grade and quality received by him.

§ 942.9 *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler, except those described in Sec. 942.6 (a), shall pay to the market administrator, on or before the 10th day after the end of each delivery period, an amount not exceeding 4 cents per hundredweight, with respect to all milk received by him from producers and new producers, or produced by him during such delivery period, the exact sum to be determined by the market administrator, subject to review by the Secretary: Provided, That each handler which is a cooperative association shall pay such pro-rata share of expense of administration on only that milk received from producers and new producers at a plant operated by such cooperative association.

(b) *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro-rata share of expense set forth in this section.

§ 942.10 *Effective time, suspension, or termination of order*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare, and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Suspension or termination of order.* The Secretary may suspend or terminate this order or any provision hereof whenever he finds that this order or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This order, shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: Provided, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 942.11 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint, and no handler shall be liable for the default of any other handler.

Now, therefore, H. A. Wallace, Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, hereby executes and issues in duplicate this order, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 28th day of September 1939, and declares this order to be effective on and after the 1st day of October 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–3588; Filed, September 28, 1939; 12:14 p. m.]



## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

AMENDING CERTAIN REGULATIONS AND RULES OF PRACTICE HERETOFORE ADOPTED BY THE AUTHORITY

At a session of the Civil Aeronautics Authority held in the City of Washington, D. C., on the 26th day of September 1939.

*It Appearing to the Authority:*

1. That Section 11 of the Federal Register Act, as amended, requires that on July 1, 1938, and on the same date of every fifth year thereafter, each agency of the Government shall have prepared and shall file with the Administrative Committee created by that Act a complete codification of all documents which, in the opinion of the agency, have general applicability and legal effect and which have been issued or promulgated by such agency and are in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities on the first day of June of that year.

2. That Section XXI, as amended, of the Regulations prescribed by the Administrative Committee and approved by the President provides that there shall be prepared in accordance with the provisions of Section VII of the Federal

Register Regulations and Sections 1.6 and 1.9 of the Codification Regulations of October 11, 1938, and filed with the Director of the Division of the FEDERAL REGISTER, all other documents issued subsequent to June 1, 1938 which are subject to codification pursuant to Section 11 of the Federal Register Act, as amended.

3. That the Division of the Federal Register has requested that all documents issued by the Authority subject to codification shall be codified in order that such documents shall conform to the style, arrangement, and designation of documents hereafter to be adopted by the Authority and subject to codification.

The Authority finds that it is necessary and desirable in the interest of uniformity that all documents which have general applicability and legal effect shall conform to the style, arrangement, and designation of documents hereafter to be adopted by the Authority and subject to codification:

Now, therefore, acting pursuant to the authority vested in it by the Act, particularly section 205 (a) thereof, and finding that its action is necessary and appropriate to carry out the provisions of the Act, and is required by the public interest, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

[Amendment to Regulations 407–A–1, 407–D–1, 406–A–1, 403–A–1, 403–B–3, 405–M–1 as amended, 403–B–1, 605–B–1 as amended, 401–B–1 as amended, 401–B–2, 401–F–1 as amended, 401–F–2, 401–F–3, 401–K–1, 402–D–1, 409–A–1 as amended, 412–A–1, 205–A–1, 205–A–2, 400–1 as amended, 405–E–1, 405–E–2, and Rules of Practice adopted May 9, 1939]

AMENDING CERTAIN REGULATIONS AND RULES OF PRACTICE HERETOFORE ADOPTED BY THE AUTHORITY

(a) The regulations heretofore adopted by the Authority, as amended to date, are hereby amended as follows:

Regulation 407–A–1 is amended by striking out the words and figures "Regulation 407–A–1" in the title, and inserting in lieu thereof the words and figures "Section 202.1".

Regulation 407–D–1 is amended by striking out the words and figures "Regulation 407–D–1" in the title, and inserting in lieu thereof the words and figures "Section 202.2".

Regulation 406–A–1 is amended by striking out the words and figures "Regulation 406–A–1" in the title, and inserting in lieu thereof the words and figures "Section 216.1".

Regulation 403–A–1 is amended by striking out the words and figures "Regulation 403–A–1" in the title, and inserting in lieu thereof the words and figures "Section 224.1".

Regulation 403–B–3 is amended by striking out the words and figures "Regulation 403–B–3" in the title, and inserting in lieu thereof the words and figures "Section 224.2".

Regulation 405–M–1, as amended on November 4, 1938, is amended by striking out the words and figures "Regulation 405–M–1" in the title, and inserting in lieu thereof the words and figures "Section 228.1".

Regulation 403–B–1 is amended by striking out the words and figures "Regulation 403–B–1" in the title, and inserting in lieu thereof the words and figures "Section 228.2".

Regulation 605–B–1, as amended on February 17, 1939 and May 9, 1939, is amended by striking out the words and figures "Regulation 605–B–1" in the title, and inserting in lieu thereof the words and figures "Section 228.3".

Regulation 401–B–1, as amended on September 16, 1938, and October 10, 1938, is amended by striking out the words and figures "Regulation 401–B–1" in the title, and inserting in lieu thereof the words and figures "Section 238.1".

Regulation 401–B–2 is amended by striking out the words and figures "Regulation 401–B–2" in the title, and inserting in lieu thereof the words and figures "Section 238.2".

Regulation 401–F–1, as amended on April 28, 1939, is amended by striking out the words and figures "Regulation 401–F–1" in the title, and inserting in lieu thereof the words and figures "Section 238.3".

Regulation 401–F–2 is amended by striking out the words and figures "Regulation 401–F–2" in the title, and inserting in lieu thereof the words and figures "Section 238.4".

Regulation 401–F–3 is amended by striking out the words and figures "Regulation 401–F–3" in the title, and inserting in lieu thereof the words and figures "Section 238.5".

Regulation 401–K–1 is amended by striking out the words and figures "Regulation 401–K–1" in the title, and inserting in lieu thereof the words and figures "Section 238.6".

Regulation 402–D–1 is amended by striking out the words and figures "Regulation 402–D–1" in the title, and inserting in lieu thereof the words and figures "Section 241.1".

Regulation 409–A–1, as amended on January 20, 1939, is amended by striking out the words and figures "Regulation 409–A–1" in the title, and inserting in lieu thereof the words and figures "Section 248.1".

Regulation 412–A–1 is amended by striking out the words and figures "Regulation 412–A–1" in the title, and inserting in lieu thereof the words and figures "Section 251.1".

Regulation 205–A–1 is amended by striking out the words and figures "Regulation 205–A–1" in the title, and inserting in lieu thereof the words and figures "Section 287.1".

Regulation 205–A–2 is amended by striking out the words and figures "Regulation 205–A–2" in the title, and inserting in lieu thereof the words and figures "Section 287.2".

Regulation 400–1, as amended on December 7, 1938, is amended by striking out the words and figures "Regulation 400–1" in the title, and inserting in lieu thereof the words and figures "Section 292.1".

Regulation 405–E–1 is amended by striking out the words and figures "Regulation 405–E–1" in the title, and inserting in lieu thereof the words and figures "Section 208.1".

Regulation 405–E–2 is amended by striking out the words and figures "Regulation 405–E–2" in the title, and inserting in lieu thereof the words and figures "Section 208.2".

(b) Section 238.2 of the Economic Regulations 401–B–2, is hereby amended by striking out the words and figures "Regulation 401–B–1" in the first and second sentences of such section and inserting in lieu thereof the words and figures "Section 238.1 of the Economic Regulations".

(c) Section 238.4 of the Economic Regulations, formerly Regulation 401–F–2, is hereby amended by striking out the words and figures "the Authority's Regulation 401–F–1 as amended" in the first sentence of Part V of such section, and inserting in lieu thereof the words and figures "Section 238.3 of the Economic Regulations"; and also by striking out the words and figures "Regulation 401–F–1" in the last sentence of Part V of such section, and inserting in lieu thereof the words and figures "Section 238.3 of the Economic Regulations."

(d) Section 238.5 of the Economic Regulations, formerly Regulation 401–F–3, is hereby amended by striking out the words and figures "Regulations 401–F–1, as amended", in paragraphs (a) and (b) of such section, and inserting in lieu thereof the words and figures "Section 238.3 of the Economic Regulations"; and by striking out the words and figures "Regulations 401–F–1, as amended, and 401–F–3 of the Authority" in paragraph (c) of such section, and inserting in lieu thereof the words and figures "Sections 238.3 and 238.5 of the Economic Regulations."

(e) Section 224.1 of the Economic Regulations, formerly Regulation 403–A–1, is hereby amended by striking out the words and figures "Tariff Regulation 403–A–1" in the second footnote of Appendix C of such section, and inserting in lieu thereof the words and figures "Section 224.1 of the Economic Regulations"; and by striking out the words and figures "Tariff Regulation 403–A–1" in the second footnote of Appendix D of such section, and inserting in lieu thereof the words and figures "Section 224.1 of the Economic Regulations".

(f) Section 224.2 of the Economic Regulations, formerly Regulation 403–B–3, is hereby amended by striking out the words and figures "regulation 403–A–1" in paragraph (b) of such section and inserting in lieu thereof the words and figures "Section 224.1 of the Economic Regulations".

(g) Section 238.6 of the Economic Regulations, formerly Regulation 401–K–1, is hereby amended by striking out the words and figures "the 'Rules of Practice Under Title IV and Section 1002 (d) to (i) of the Civil Aeronautics Act of 1938'" in paragraph (a) of such section, and inserting in lieu thereof the words and figures "Section 285.1 of the Economic Regulations"; and by striking out the words and figures "Regulation 401–K–1 of the Authority" in paragraph (a) of such section, and inserting in lieu thereof the words and figures "Section 238.6 of the Economic Regulations".

(h) Section 248.1 of the Economic Regulations, formerly Regulation 409–A–1, is hereby amended by striking out the words and figures "Rules of Practice under Title IV" in paragraph (b) of such section, and inserting in lieu thereof the words and figures "Section 285.1 of the Economic Regulations".

(i) Section 208.1 of the Economic Regulations, formerly Regulation 405–E–1, is hereby amended by striking out the words and figures "the 'Rules of Practice Under Title IV and Section 1002 (d) to (i) of the Civil Aeronautics Act of 1938'" in paragraph (b) of such section, and inserting in lieu thereof the words and figures "Section 248.1 of the Economic Regulations"; and by striking out the words and figures "Regulation 405–E–1" of paragraph (c) of such section, and inserting in lieu thereof the words and figures "Section 208.1 of the Economic Regulations."

(j) Section 208.2 of the Economic Regulations is hereby amended by striking out the words and figures "Regulation 401–F–1 and Regulation 401–F–2 of the Authority" in paragraph (g) of such section, and inserting in lieu thereof the words and figures "Sections 238.3 and 238.4 of the Economic Regulations."

(k) The Rules of Practice, effective May 9, 1939, are hereby amended by striking out the words and figures "Rules of Practice under Title IV and Section 1002 (d) to (i) of the Civil Aeronautics Act of 1938" in the title, and inserting in lieu thereof the words and figures "Section 285.1, Rules of Practice Under Title IV and Section 1002 (d) to (i) of the Civil Aeronautics Act of 1938."

(l) This regulation shall become effective immediately.

By the authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39–3584; Filed, September 28, 1939; 12:03 p. m.]



[Amendment 1 of Sec. 287.1]

DEFINITIONS OF TERMS USED IN RULES, REGULATIONS AND ORDERS OF THE AUTHORITY

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 26th day of September 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly section 205 (a) thereof, and finding that its action is necessary and appropriate to carry out the provisions of the Act and is required by the public interest, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

Section 287.1 of the Economic Regulations is hereby amended to read as follows:

§ 287.1. *Definitions of terms used in rules, regulations and orders of the authority.* (a) As used in the rules, regulations, and orders prescribed by the Authority, pursuant to the Civil Aeronautics Act of 1938, unless the context otherwise requires:

(1) The term "Authority" means the Civil Aeronautics Authority;

(2) The term "Act" means the Civil Aeronautics Act of 1938;

(3) The term "section" refers to a section of the Act or a section of the Economic Regulations or Civil Air Regulations of the Authority as indicated by the context;

(4) The terms "rule," "regulation," and "order" refer to the rules, regulations and orders prescribed by the Authority pursuant to the Act;

(5) The terms "this regulation," "pursuant to this regulation," "in accordance with the provisions of this regulation," and words of similar import when used in the Economic Regulations of the Authority refer to the section of the Economic Regulations in which such terms appear.

(6) Unless otherwise specifically stated, other words and phrases have the meaning defined in the Act.

(b) On and after the effective date of this regulation, the regulations of the Authority may be cited by section numbers. For example, this regulation may be cited as "Section 287.1 of the Economic Regulations".

(c) In each case in which a rule, regulation, order or other document of the Authority refers to a regulation or a rule of practice of the Authority by means of the numbering system used prior to the adoption of section numbers, such reference shall be deemed to relate to the appropriate section number of the Economic Regulations.

This regulation shall become effective immediately.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39–3585; Filed, September 28, 1939; 12:04 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

## FEDERAL TRADE COMMISSION

[Docket No. 3854]

IN THE MATTER OF THE ZELLE COMPANY

§ 3.6 (n) (2) *Advertising falsely or misleadingly — Nature — Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Zellets No. 1" and "Zellets No. 2," or other similar medicinal preparations, which advertisements represent, directly or through implication, that either or both of said preparations constitute a safe, competent and scientific treatment for delayed menstruation and that their use will have no ill effect upon the human body, or which advertisements fail to reveal that the use of these preparations may result in serious or irreparable injury to the health of the user, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Zelle Company, Docket 3854, September 11, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF LELAND F. BENHAM, AN INDIVIDUAL, TRADING AS THE ZELLE COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Leland F. Benham, an individual, trading as The Zelle Company, or trading under any other name or names, his agents, servants, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means

of the United States mails or in commerce as commerce is defined in the Federal Trade Commission Act, by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of medicinal preparations known or designated by the name of "Zellets No. 1" and "Zellets No. 2", or any other medicinal preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or any other name or names, or disseminating or causing to be disseminated any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act of said medicinal preparations, which advertisements represent directly or through implication that either or both of said preparations constitute a safe, competent and scientific treatment for delayed menstruation and that their use will have no ill effect upon the human body, or which advertisements fail to reveal that the use of these preparations may result in serious or irreparable injury to the health of the user.

*It is further ordered*, That the respondent shall, within ten (10) days after the service upon him of this order, file with the Commission an interim report in writing, stating whether he intends to comply with this order, and if so, the manner and form in which he intends to comply; and that within sixty (60) days after the service upon him of this order said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3578; Filed, September 28, 1939; 9:46 a. m.]

## TITLE 37—PATENTS AND COPYRIGHTS

## PATENT OFFICE

### AMENDMENT OF RULES OF PRACTICE

Sec. 1.11[1] is amended by striking out the words "two years" and inserting in place thereof the words *one year* and by adding at the end of the section (*See Sec. 1.200 (a)*).

Sec. 1.24 is amended by striking out the words "two years" wherever they appear in said section and inserting in place thereof the words *one year* and by adding at the end of the section (*See Sec. 1.200 (a)*).

Sec. 1.29 is amended by striking out the words "two years" and inserting in place thereof the words *one year* and by adding at the end of the section (*See Sec. 1.200 (a)*).

Sec. 1.31 is amended by inserting in the fifth paragraph, after the word "months", second occurrence, the following:

*or such shorter time, not less than thirty days or any extensions thereof, as is fixed by the Commissioner.*

and by adding at the end of the section (*See Sec. 1.200 (b)*).

Sec. 1.46 is amended by striking out the words "two years" wherever they appear in said section and inserting in place thereof the words *one year* and by adding at the end of the section (*See Sec. 1.200 (a)*).

Sec. 1.48 is amended by striking out the words "two years" wherever they appear in said section and inserting in place thereof the words *one year* and by adding at the end of the section (*See Sec. 1.200 (a)*).

Sec. 1.75 is amended by striking out the words "two years" wherever they appear in said section and inserting in place thereof the words *one year* and by adding at the end of the section (*See Sec. 1.200 (a)*).

Sec. 1.77 is amended by inserting in the first paragraph after the word "months" the following:

*or such shorter time, not less than thirty days or any extensions thereof, as is fixed by the Commissioner,*

by inserting after the first paragraph the following two paragraphs:

The Commissioner of Patents may require prosecution of an application by the applicant in a shorter time than six months, but not less than thirty days, whenever such shorter time is deemed necessary or expedient. Unless notified in writing that response is required in less than six months, the maximum period of six months is allowed for the response.

The time for reply, when a time less than six months has been set, will be extended only for good and sufficient cause, and for a reasonable time specified. Any request for such extension must be filed on or before the day on which the response or other action is due, but in no case will the mere filing of the request effect any extension. Only one extension may be granted by the primary examiner; any further extension must be approved by the Commissioner. In no case can any extension be granted which will carry the date on which response to an action is due beyond six months from the date of the action.

and by adding at the end of the section (*See Sec. 1.200 (b)*).

Sec. 1.79 is amended by striking out the words "two years" wherever they appear in said section and inserting in place thereof the words *one year* and by adding at the end of the section (*See Sec. 1.200 (a)*).

Sec. 1.94 is amended by striking out the fourth paragraph and inserting in place thereof:

No amendment for the first time presenting or asserting a claim which is the same as, or for substantially the same subject matter as, a claim of an issued patent may be made in any application unless such amendment is filed within one year from the date on which said patent was granted.

and by adding at the end of the section (*See Sec. 1.200 (c)*).

Sec. 1.97 is amended by striking out the words "examiner of interferences," first occurrence, and inserting in place thereof the words *interference division;* by striking out the words "to the examiner of interferences for his use;" and by adding at the end of the section (*See Sec. 1.200 (d)*).

Sec. 1.98 is amended by striking out the word "the," second occurrence, and inserting in place thereof the word *an;* and by adding at the end of the section (*See Sec. 1.200 (d)*).

Sec. 1.122 is amended by striking out the last sentence in the second paragraph and inserting in place thereof the following sentence:

The matter raised on a motion to shift the burden of proof may be reviewed at final hearing.

and by adding at the end of the section (*See Sec. 1.200 (d)*).

Sec. 1.124 is amended to read as follows:

No appeal will be permitted from a decision rendered on a motion brought under the provisions of sections 1.109 and 1.122.

Appeals may be taken directly to the Commissioner from decisions on such other motions as, in his judgment, should be appealable.

(See Sec. 1.200 (d)).

Sec. 1.126 is amended by cancelling the following words "examiner of interferences or the board of appeals" and inserting in place thereof the words *board of interference examiners* and by adding at the end of the section (*See Sec. 1.200 (d)*).

Sec. 1.130 is amended by cancelling the last sentence in the first paragraph and by adding at the end of the section (*See Sec. 1.200 (d)*).

Sec. 1.143 is amended to read as follows:

There is no appeal to the board of appeals in interferences.

Interferences declared prior to October 5, 1939 will be governed by the statutes and rules in effect on August 4, 1939 with respect to appeals.

(See Sec. 1.200 (d).)

Sec. 1.144 is cancelled and rescinded and the following note is inserted (*See Sec. 1.200 (d)*).

Sec. 1.145 is cancelled and rescinded and the following note is inserted (*See Sec. 1.200 (d)*).

Sec. 1.146 is cancelled and rescinded and the following note is inserted (*See Sec. 1.200 (d)*).

Sec. 1.148 is amended by cancelling the words "in interference cases" and substituting therefor the words *from the decision of the board of interference examiners* and by adding at the end of the section (*See Sec. 1.200 (d)*).

Sec. 1.149 is amended by cancelling the last sentence in the third paragraph; by amending the fourth paragraph to read:

From adverse decisions by the board of appeals in ex parte cases and from decisions of the board of interference examiners, the appellant, if an applicant, has the option of proceeding under section 4915 R. S. instead of appealing directly to the U. S. Court of Customs and Patent Appeals.

and by adding at the end of the section (*See Sec. 1.200 (d)*).

Sec. 1.162 is amended by cancelling in the second paragraph the word "one", second occurrence, and inserting in place thereof the word *four;* by changing the colon, second occurrence, in the second paragraph to a period and cancelling the rest of the paragraph; by cancelling in the third paragraph the word "one", first occurrence, and inserting in place thereof the word *four;* and by adding at the end of the section (*See Sec. 1.200 (d)*).

Sec. 1.163 is amended by cancelling in the first paragraph the words "and on appeals from final decisions"; by cancelling the last sentence of the first paragraph; by cancelling in the second paragraph the words "and on appeal from interlocutory decisions"; by cancelling in the second paragraph the words "and appeals thereon"; and by adding at the end of the section (*See Sec. 1.200 (d)*).

Sec. 1.171 is amended by inserting in the first paragraph after the word "months", second occurrence, the following:

*or such shorter time, not less than thirty days or any extensions thereof, as is fixed by the Commissioner,*

and by adding at the end of the section (*See Sec. 1.200 (b)*).

Sec. 1.175 is amended to read as follows:

The Commissioner of Patents may in his discretion receive the final fee if paid within one year after the six months period for payment has passed and the patent shall issue. Each petition for the delayed payment of the final fee shall be accompanied by the final fee and the petition fee, and a verified statement in support of the petition.

(See Sec. 1.200 (e).)

Sec. 1.176 is cancelled and rescinded and the following note is inserted (*See Sec. 1.200 (e)*).

Sec. 1.191 is amended by inserting after the words "On filing each petition for the revival of an abandoned application for patent ____ 10.00" the following:

| | |
|---|---|
| On filing each petition for the delayed payment of the final fee | $10.00 |

The following section is added:

§ 1.200 (a) The changes in Sections 1.11, 1.24, 1.29, 1.46, 1.48, 1.75 and 1.79 are to be effective only with respect to applications filed on and after August 5, 1940.

(b) The changes in Sections 1.31, 1.77 and 1.171 are to be effective November 15, 1939.

(c) The change in Section 1.94 is to be effective only with respect to amendments filed on and after August 5, 1940.

(d) The changes in Sections 1.97, 1.98, 1.122, 1.124, 1.126, 1.130, 1.143, 1.144, 1.145, 1.146, 1.148, 1.149, 1.162 and 1.163 are to be effective only with respect to interferences declared on and after October 5, 1939.

(e) The changes in Sections 1.175, 1.176 and 1.191 are to be effective with respect to applications in which the notice of allowance was not sent before August 9, 1939.

(Section 483 R.S: U.S.C. title 35, sec. 6)

[SEAL] CONWAY P. COE,
*Commissioner.*

Approved, September 28, 1939.

EDWARD J. NOBLE,
*Acting Secretary of Commerce.*

[F. R. Doc. 39-3589; Filed, September 28, 1939; 12:14 p. m.]

## TITLE 41—PUBLIC CONTRACTS

## DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF THE EXTENSION OF THE MINIMUM WAGE DETERMINATION OF THE SECRETARY OF LABOR FOR THE LUGGAGE AND SADDLERY INDUSTRIES TO THE MANUFACTURE OF CARRIER'S TIE STRAPS AND LEATHER POUCHES

This matter is before me pursuant to Section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", (hereinafter called the Act). On July 24, 1939, the Administrator of Public Contracts issued a notice of opportunity to show cause (4 F. R. 3446, D. I.) why the decision of the Secretary of Labor dated July 12, 1938, In the Matter of the Determination of the Prevailing Minimum Wages in the Luggage and Saddlery Industries (3 F. R. 1733, D. I.) should not be amended to include the manufacture or supply of carrier's tie straps and leather pouches (consisting of a leather pouch or pocket of holster type with belt loop used for carrying pliers and knife), and to show cause why in law and fact the minimum wages for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) for the manufacture of these commodities should not be 40 cents an hour or $16.00 per week of forty hours, arrived at either upon a time or piece work basis for the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Delaware, Washington, Oregon, California, Idaho, Nevada, Arizona, Montana, Wyoming, Utah, Colorado, and New Mexico; and 37.5 cents an hour or $15.00 per week of forty hours, arrived at either upon a time or piece work basis, for the other 26 States and the District of Columbia.

This notice was based upon evidence before the Department showing that companies manufacturing carrier's tie straps and leather pouches (consisting of a leather pouch or pocket of holster type with belt loop used for carrying pliers and knife) follow similar manufacturing processes to those followed in the manufacture of luggage; that the majority of luggage manufacturers also manufacture such commodities; and that the same minimum wage prevails in the manufacture of such commodities as has been found by the Secretary of Labor to prevail in the manufacture of luggage.

Notice of opportunity to show cause was sent to all known members of the industry, to trade unions, to trade publications, and to trade associations in the field. Notice was given to all other interested parties by publication in the FEDERAL REGISTER (4 F.R. 3446, DI.).

Responses to the notice were received from seven companies. Four of these companies do not manufacture such commodities and are not affected by this action. Two of the other three companies advised the Administrator by letter that carrier's tie straps and leather pouches are regarded as products of the Luggage and Saddlery Industries, that the prevailing wage scale in the manufacture of these products is substantially the same as that in the manufacture of luggage and saddlery, and alleged that such commodities should be produced under the same labor standards. One company stated in its reply that it does not manufacture luggage and saddlery although it manufactures carrier's tie straps and leather pouches during two months of each year. The company also stated that its minimum wage scale is lower than that prevailing in the Luggage and Saddlery Industries.

On the basis of the evidence, the Public Contracts Board has submitted findings of fact and recommendations. The Board has found that carrier's tie straps and the leather pouches described above are manufactured in plants which are included within the

[1] Code of Federal Regulations section numbers.

scope of the minimum wage determination for the Luggage and Saddlery Industries or in closely similar plants; and that in the manufacture of these products, the prevailing minimum wage corresponds with the minimum wage determination made by the Secretary of Labor for the Luggage and Saddlery Industries.

On the basis of these findings, the Board recommends that the decision of the Secretary of Labor, dated July 12, 1938, In the Matter of the Determination of the Prevailing Minimum Wages in the Luggage and Saddlery Industries, be extended to include the manufacture of carrier's tie straps and leather pouches (consisting of a leather pouch or pocket of holster type with belt loop used for carrying pliers and knife).

I have examined these findings and recommendations of the Board and the evidence and other matters of record, together with the recommendations of the Administrator of Public Contracts, and I am of the opinion that such findings and recommendations are correct, and I adopt them as my own.

Therefore, I hereby proclaim,

That the minimum wage determination of July 12, 1938, for the Luggage and Saddlery Industries is extended to the manufacture of carrier's tie straps and leather pouches (consisting of a leather pouch or pocket of holster type with belt loop used for carrying pliers and knife).

This determination shall be effective and the minimum wages hereby established shall apply to all contracts for these products with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), bids for which are received on or after October 11, 1939.

[SEAL] FRANCES PERKINS,
*Secretary of Labor.*

SEPTEMBER 26, 1939.

[F. R. Doc. 39-3577; Filed, September 28, 1939; 9:42 a. m.]

## TITLE 42—PUBLIC HEALTH

### FEDERAL SECURITY AGENCY—PUBLIC HEALTH SERVICE

[No. 7]

AMENDMENT TO THE REGULATIONS FOR THE GOVERNMENT OF THE UNITED STATES PUBLIC HEALTH SERVICE, 1931

FURNISHING OF MEDICAL RELIEF TO PERSONNEL OF UNITED STATES COAST AND GEODETIC SURVEY AND THEIR DEPENDENTS

*To Commissioned Officers and All Others Concerned:*

Pursuant to the authority contained in section 2 of the Act of April 26, 1939 (Public, No. 48, 76th Cong.), the Regulations for the Government of the United States Public Health Service, approved June 18, 1931, are hereby changed by amending paragraphs 603 (3) and 639 and by adding paragraphs 639a–639g, to read as follows:

§ 603. * * *

§ 3. Commissioned officers, ships' officers, and members of the crews of the vessels of the United States Coast and Geodetic Survey, active and retired, including those on shore duty and those on detached duty, and dependent members of families of such personnel.

§ 639. Commissioned officers, ships' officers, and members of the crews of the vessels of the United States Coast and Geodetic Survey on active duty, including those on shore duty and those on detached duty, shall receive hospital or out-patient relief at all relief stations of the Public Health Service without regard to length of service, on certificate of officers of the United States Coast and Geodetic Survey, identifying the applicant. Commissioned officers may sign their own certificates.

§ 639a. Retired commissioned officers, retired ships' officers and retired members of the crews of the vessels of the United States Coast and Geodetic Survey shall, upon presentation of evidence establishing their status, be furnished with hospital care at any United States marine hospital, and with out-patient relief at any first-, second-, or third-class station and dental relief at any station where there is a full-time dental officer on duty. When hospital care is required, the patient shall present himself at a marine hospital for admission; the expense of transfer from second- and third-class stations shall not be a charge against appropriations of the Public Health Service.

§ 639b. In emergency, at places where there is no Public Health Service relief station, officers of the United States Coast and Geodetic Survey may procure either hospital or out-patient relief for commissioned officers, ships' officers, and members of the crews of the vessels of the Coast and Geodetic Survey on active duty, including those on shore duty and those on detached duty, requiring it, and shall immediately report to the Surgeon General of the Public Health Service, through Coast and Geodetic Survey headquarters, forwarding as a part of the report the certificate of the attending physician as to the necessity for immediate treatment and the probable duration of the treatment required. Vouchers on proper forms duly certified by the said officer and signed by the person rendering the bill shall be forwarded to the Surgeon General through Coast and Geodetic Survey headquarters.

§ 639c. At ports where there is a relief station of the Public Health Service, when commissioned officers, ships' officers, and members of the crews of the vessels of the United States Coast and Geodetic Survey on active duty, including those on shore duty and those on detached duty, on account of injury or illness, require the immediate attention of a physician, and on account of the exigency of the case it is impossible to convey the patient to the relief station, temporary provision for medical attendance or care may be made by an officer of the United States Coast and Geodetic Survey, who will immediately report his action to the Public Health Service relief station at the port, and the treatment thereafter will be conducted by the Public Health Service, if in the judgment of the proper officer of the Public Health Service it may be done without detriment to the patient. Vouchers for such emergency treatment will be forwarded to the Surgeon General through said officer for approval and payment. Unreasonable charges for emergency relief will not be allowed.

§ 639d. Commissioned officers, ships' officers, and members of the crews of the vessels of the United States Coast and Geodetic Survey on active duty, including those on shore duty and those on detached duty, shall be admitted to hospital only in cases where the gravity of the disease or injury from which they suffer is such as to require hospital treatment, in the opinion of an officer of the Public Health Service, or of a reputable physician designated by the Administrator to act at a place where no regular relief station has been established, or of a physician temporarily employed as provided in paragraphs 639b and 639c.

§ 639e. Commissioned officers, ships' officers, and members of the crews of the vessels of the United States Coast and Geodetic Survey, including those on shore duty and those on detached duty, while on authorized leave or sick leave may receive medical and surgical relief only at regular established relief stations of the Public Health Service.

§ 639f. Commissioned officers who receive subsistence allowance as part of their compensation shall while receiving hospital treatment, reimburse the Government in the amount of one subsistence allowance as fixed by law.

§ 639g. Upon written application, in approved form, by commissioned officers, ships' officers, and members of the crews of the vessels of the United States Coast and Geodetic Survey, active or retired, the dependent members of families of such personnel shall be furnished medical advice and out-patient treatment at first-, second-, and third-class relief stations of the Public Health Service, and hospitalization at marine hospitals, if suitable accommodations, as determined by the medical officers in charge, are available therein, at a per-diem cost to the commissioned officer, ship's officer, or member of the crew concerned equivalent to the uniform per-diem reimbursement rate for Government hospitals as approved by the President for each fiscal year.

The term "dependent members of families" shall include only those relatives who are wholly dependent upon the commissioned officer, ship's officer, or member of the crew for support and shall not include persons employed by him.

The relationship of dependents, such as wife, son, daughter, etc., including full name, shall be stated in the application, and dependents shall be identified to the relief officer by certification of the applicant's commanding officer. Dependents of retired personnel will be identified by means of a certificate furnished by Coast and Geodetic Survey headquarters at time of retirement. Retired personnel will produce this certificate when seeking relief for dependents and execute necessary application for treatment at the station on blank forms provided for the purpose. At any second- or third-class relief station, except in cases of emergency, medical advice and out-patient treatment will be furnished dependent members of families only during the regular office hours of the relief station.*

C. L. WILLIAMS,
*Acting Surgeon General.*

Approved:

PAUL V. MCNUTT,
*Administrator,*
*Federal Security Agency.*

Approved:

J. M. JOHNSON,
*Acting Secretary of Commerce.*

Approved:

FRANKLIN D ROOSEVELT
*The White House.*

[F. R. Doc. 39-3576; Filed, September 28, 1939; 9:33 a. m.]

## TITLE 45—PUBLIC WELFARE

### CIVILIAN CONSERVATION CORPS

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES[1]

§ 203.17 *Disposition of clothing and equipment.* Upon being discharged, enrollees will be permitted to retain in their possession such articles of serviceable clothing issued to them as company commanders may consider necessary to meet their immediate needs. All insignia (cap, field, shoulder sleeve, and rating) will be removed from such garments. The phrase "necessary to meet their immediate needs" will be strictly interpreted by all field agencies, for example, enrollees may be permitted to retain, upon discharge, during summer months when justified by climatic conditions, one pair of trousers, cotton, khaki, and one shirt, cotton, khaki (issued as articles of special clothing) instead of one pair of trousers, woolen, and one shirt, woolen, olive-drab. Under no circumstances will such articles as rubber boots or other special footgear, expensive socks, extra gloves or mittens, or any similar articles be retained by the enrollee upon discharge. Mackinaws, lumber jackets, and jerkins will not be retained by discharged enrollees where it is possible to furnish them with other types of heavy outer garments. Toilet articles and one barrack bag will also be retained by the discharged enrollees. (50 Stat. 319) [C. C. C. Regs., W. D., December 1, 1937; C 36, September 15, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-3575; Filed, September 28, 1939; 9:32 a. m.]

[1] These regulations supersede Section 203.17, Chapter II, Title 45, Code of Federal Regulations.



## *Notices*

### DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

DETERMINATION OF THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO AN ORDER REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

Whereas the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, having reason to believe that the execution of a marketing agreement and the issuance of an order, both of which regulate the handling of milk in the New Orleans, Louisiana, marketing area, would tend to effectuate the declared policy of the act, gave, on the 16th day of June 1939, notice of a public hearing which was held at Amite, Louisiana, on July 5, 1939, and at New Orleans, Louisiana, on July 6, 1939, and at said times and places all interested parties were afforded an opportunity to be heard on said proposed marketing agreement and proposed order; and

Whereas after said hearing and after the tentative approval by the Secretary, on September 8, 1939, of a marketing agreement, handlers of more than fifty percent of the volume of milk covered by such proposed order, which is marketed within the New Orleans, Louisiana, marketing area, refused or failed to sign such tentatively approved marketing agreement relating to milk:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by said act, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of the proposed order is the only practical means, pursuant to such policy, of advancing the interests of producers of milk which is produced for sale in said area; and

3. That the issuance of the proposed order is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of June 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, has executed this determination in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 25th day of September 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT
*The President of the United States.*

Dated, September 26, 1939.

[F. R. Doc. 39-3586; Filed, September 28, 1939; 12:14 p. m.]

PROCLAMATION MADE BY THE SECRETARY OF AGRICULTURE CONCERNING THE BASE PERIOD TO BE USED IN CONNECTION WITH THE EXECUTION OF A MARKETING AGREEMENT AND THE ISSUANCE OF AN ORDER REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

Pursuant to the powers conferred upon the Secretary of Agriculture by the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture hereby finds and proclaims that, in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of milk in the New Orleans, Louisiana, marketing area, the purchasing power of such milk during the base period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics in the Department of Agriculture for the period August 1919–July 1929; and the period August 1919–July 1929 is hereby found and proclaimed to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the New Orleans, Louisiana, marketing area, for the purpose of the execution of a marketing agreement and the issu-

ance of an order regulating the handling of milk in that area.

In witness whereof, the Secretary of Agriculture has executed this proclamation in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 28th day of September 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3567; Filed, September 28, 1939; 12:14 p. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the following employers, subject to the following terms:

| Name of firm | Number of learners | Industry | Occupation | Period | Beginning | Percent of minimum wage |
|---|---|---|---|---|---|---|
| Berry Dry Goods Co., Little Rock, Arkansas. | 25 | Apparel (work pants)... | Stitching.. | 8 weeks... | Oct. 24, 1939 | 75 |
| Continental Overall Co., Spring Valley, Illinois. | 22 | Apparel (work clothing). | Stitching.. | 8 weeks... | Oct. 24, 1939 | 75 |
| Di-Anne Underwear Corp., Lebanon, Pa. | 18 | Apparel (ladies' underwear). | Stitching.. | 8 weeks... | Oct. 24, 1939 | 75 |
| Duquesne Mfg. Company, New Kensington, Pennsylvania. | 10 | Apparel (smocks, aprons, and booveretts). | Stitching.. | 8 weeks... | Oct. 24, 1939 | 75 |
| Nona Lee Dress Co., Inc., Memphis, Tenn. | 7 | Apparel (dresses)..... | Stitching.. | 8 weeks... | Oct. 24, 1939 | 75 |
| Ottenheimer Bros., Little Rock, Arkansas. | 35 | Apparel (dresses)..... | Stitching.. | 8 weeks... | Oct. 24, 1939 | 75 |
| Rice-Stix Factory, Lebanon, Mo. | 26 | Apparel (overalls, pants, and playsuits). | Stitching.. | 8 weeks... | Oct. 24, 1939 | 75 |
| Tuf-Nut Garment Mfg. Co., Little Rock, Arkansas. | 150 | Apparel (work clothing). | Stitching.. | 8 weeks... | Oct. 24, 1939 | 75 |

These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 28 day of September 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3592; Filed, September 28, 1939; 12:43 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective September 29, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Burdwyn Hosiery Mills, Inc., Pottstown, Pennsylvania (3 learners).

Forest City Knitting Company, Rockford, Illinois.

Granite Hosiery Mills, Granite Falls, North Carolina (5 learners).

Hafer Hosiery Mill, Hickory, North Carolina.

Hoover Hosiery Co., Concord, North Carolina.

Hope Hosiery Mills, Adamstown, Pennsylvania (3 learners).

Jeannette Hosiery Mills, Inc., Elkins Park, Pennsylvania (5 learners).

Morristown Knitting Mills, Inc., Morristown, Tennessee.

Mor-Val Hosiery Mills, Denton, North Carolina (5 learners).

Staton Bros., Inc., Providence, Rhode Island (5 learners).

Triple Wear Hosiery Dye and Finishing Co., Herbert & North Streets, Philadelphia, Pennsylvania.

Walls Hosiery Co., North Wales, Pennsylvania.

Washington Hosiery Mills, Nashville, Tennessee.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 28th day of September 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3593; Filed, September 28, 1939; 12:43 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Burdwyn Hosiery Mills, Inc., Pottstown, Pennsylvania (3 learners).

Forest City Knitting Company, Rockford, Illinois.

Granite Hosiery Mills, Granite Falls, North Carolina (5 learners).

Hafer Hosiery Mill, Hickory, North Carolina.

Hoover Hosiery Co., Concord, North Carolina.

Hope Hosiery Mills, Adamstown, Pennsylvania (3 learners).

Jeannette Hosiery Mills, Inc., Elkins Park, Pennsylvania (5 learners).

Morristown Knitting Mills, Inc., Morristown, Tennessee.

Mor-Val Hosiery Mills, Denton, North Carolina (5 learners).



NAME AND ADDRESS OF FIRM—CON.

| | No. of learners |
|---|---|
| Randleman Full Fashioned Hosiery Mills, Inc., Randleman, North Carolina | 42 |
| Wadesboro Full Fashioned Hosiery Mills, Inc., Wadesboro, North Carolina | 67 |
| Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia | 20 |

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 28th day of September 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3594; Filed, September 28, 1939; 12:43 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket Nos. 14-401 (E)-1, 27-401 (E)-1, 28-401 (E)-1]

IN THE MATTER OF THE APPLICATIONS OF PAN AMERICAN AIRWAYS, INC., PANAMA AIRWAYS, INC., AND URABA, MEDELLIN AND CENTRAL AIRWAYS, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY, UNDER SECTION 401 (E) (1) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

*Docket No. 14-401 (E)-1, Pan American Airways, Inc. Application for a permanent certificate of public convenience and necessity authorizing air transportation between:*

*Miami, Florida, and Buenos Aires, Argentina, via Cuba, Haiti, Dominican Republic, San Juan, Puerto Rico, St. Thomas, Virgin Islands, British West Indies, Guadeloupe, Martinique, Trinidad, British Guiana, Netherlands Guiana, French Guiana, Brazil (including Rio de Janeiro), Paraguay, and Uruguay, or any combination of two or more of said countries or places;*

*Miami, Florida, and Cristobal, Canal Zone, via Cuba, Jamaica, and Colombia, or any one or more of said countries;*

*Miami, Florida, and Colombia, via Cuba and Jamaica, or any one or more of said countries;*

*Miami, Florida, and Havana, Cuba;*

*Miami, Florida, and the Bahama Islands;*

*Miami, Florida, and Merida, Mexico, via Cuba; and between Merida, Mexico, and Belize, British Honduras;*

*Cristobal, Canal Zone, and Trinidad, via Colombia, and Venezuela, or any one or more of said countries;*

*Brownsville, Texas, and Cristobal, Canal Zone, via Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, and Balboa, Canal Zone, or any combination of one or more of said countries or places;*

*Brownsville, Texas, and Mexico City, Mexico, with or without an intermediate stop or intermediate stops in Mexico;*

*Haiti, Florida, and Venezuela, via Cuba and Haiti, or any one or more of said countries.*

*Docket No. 27-401 (E)-1, Panama Airways, Inc. Application for a permanent certificate of public convenience and necessity authorizing air transportation between Cristobal, Canal Zone, and Balboa, Canal Zone.*

*Docket No. 28-401 (E)-1, Uraba, Medellin and Central Airways, Inc. Application for a permanent certificate of public convenience and necessity authorizing air transportation between Cristobal, Canal Zone, and Medellin, Colombia, with intermediate stops at Balboa, Canal Zone, and at Turbo, Colombia.*

Public hearing in the above-entitled proceedings, now adjourned to an indefinite date, are assigned to resume on October 23, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Ave. and DeSales St., N. W., Washington, D. C., before Examiner F. A. Law, Jr.

Dated Washington, D. C., September 25, 1939.

[SEAL] F. A. LAW, Jr.,
*Examiner.*

[F. R. Doc. 39-3582; Filed, September 28, 1939; 12:03 p. m.]

[Docket No. 38-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN-GRACE AIRWAYS, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) (1) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

Public hearing in the above-entitled proceeding, being the application of Pan American-Grace Airways, Inc., for a certificate of public convenience and necessity authorizing air transportation between Cristobal, Canal Zone and Buenos Aires, Argentina, with intermediate stops in Colombia, Ecuador and Peru, and thence (a) with intermediate stops in Chile and Argentina with connecting service between Chile and Bolivia, and (b) with intermediate stops in Bolivia (or in Chile and Bolivia) and Argentina, now postponed to a date to be set upon further notice, will be held on October 26, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Ave. and De Sales St., N. W., Washington, D. C., before Examiner F. A. Law, Jr.

Dated Washington, D. C., September 26, 1939.

[SEAL] F. A. LAW, Jr.,
*Examiner.*

[F. R. Doc. 39-3581; Filed, September 28, 1939; 12:03 p. m.]

[Docket No. 264]

IN THE MATTER OF CERTAIN CONTRACTS AND OTHER TRANSACTIONS BETWEEN MARQUETTE AIRLINES, INC., AND AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, now assigned for October 2, 1939, is hereby postponed until October 30, 1939, 10 o'clock a. m. (Eastern Standard Time) at the offices of the Civil Aeronautics Authority, Washington, D. C.

Dated Washington, D. C., September 26, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3583; Filed, September 28, 1939; 12:03 p. m.]

## FEDERAL POWER COMMISSION.

[Docket No. G-136]

IN THE MATTER OF RALPH R. WILLIS

ORDER FIXING DATE OF HEARING

SEPTEMBER 26, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon application filed on July 10, 1939, by Ralph R. Willis, of Lawrenceville, Illinois, pursuant to the provisions of Section 7 (c) of the Natural Gas Act, for a certificate of convenience and necessity to authorize the construction of a natural gas pipe line from a point in Lawrence County, Illinois, to the City of Vincennes, Indiana;

The Commission orders that:

(A) A public hearing on said application be held on October 12, 1939, at 10 o'clock a. m., in the Commission's Hearing Room, at 1757 K Street NW., Washington, D. C.;

(B) Interested state commissions may participate in said hearing as provided in Part 67 of the Rules of Practice and Regulations Under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3571; Filed, September 28, 1939; 9:32 a. m.]

[Project No. 82]

IN THE MATTER OF ALABAMA POWER COMPANY

ORDER FIXING DATE OF HEARING

SEPTEMBER 26, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

The decision of the United States Court of Appeals for the District of Columbia in *Alabama Power Company, Appellant v. Frank R. McNinch, et al.*, (94 Fed. (2) 601, decided September 27, 1937) remanded to the Commission for further consideration the following items:

(i) The cost of water right at Lock 15;

(ii) The total cost of power used in construction exclusive of profit; and

(iii) The cost of financing, engineering, and promotional services rendered prior to 1913 for which a claim of $3,500,000 was disallowed by the Commission to the extent of $3,423,864.91.

The Commission orders that:

A public hearing be held on November 6, 1939, at 10 o'clock a. m. in the Hearing Room of the Federal Power Commission, 1757 K Street NW., Washington, D. C., for the purpose of affording the licensee further opportunity to introduce evidence on those matters enumerated above which were remanded by the Court of Appeals of the District of Columbia to the Commission for further consideration.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-3572; Filed, September 28, 1939; 9:32 a. m.]

[Project No. 349]

IN THE MATTER OF ALABAMA POWER COMPANY

ORDER FIXING DATE OF HEARING

SEPTEMBER 26, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that the matters involved in the determination of the actual legitimate original cost of the initial Martin Dam Project No. 349, Alabama Power Company, Licensee, are now in issue;

The Commission orders that:

A public hearing on said matters be held on November 9, 1939, at 10 a. m. in the Hearing Room of the Commission, 1757 K Street NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-3573; Filed, September 28, 1939; 9:32 a. m.]

[Project No. 618]

IN THE MATTER OF ALABAMA POWER COMPANY

ORDER FIXING DATE OF HEARING

SEPTEMBER 26, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that the matters involved in the determination of the actual legitimate original cost of the initial Jordan Dam Project No. 618, Alabama Power Company, Licensee, are now in issue;

The Commission orders that:

A public hearing on said matters be held on November 20, 1939, at 10 a. m. in the Hearing Room of the Commission, 1757 K Street NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-3574; Filed, September 28, 1939; 9:32 a. m.]

## FEDERAL WORKS AGENCY.

### Public Works Administration.

[Administrative Order No. 297]

ESTABLISHMENT OF PWA REGIONS AND TERRITORIES, REORGANIZATION OF REGIONAL DIRECTOR'S OFFICES AND PWA REPRESENTATIVES' OFFICES

SEPTEMBER 23, 1939.

1. In order to insure proper economies in the expenditure of Federal funds available to administer the affairs of PWA and to provide, insofar as possible, for conducting the field operations of PWA substantially in accordance with the established policies, it is necessary that certain of the field offices of PWA shall be abolished, and that there shall be a consequent reallocation of powers, functions and duties of certain field offices and officials.

2. There are established six PWA regions and four PWA territories comprising States and Territories and with offices located as follows:

*Region No. 1.* States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. *Location of Office*, New York, New York.

*Region No. 2.* States of Illinois, Indiana, Michigan, Ohio, West Virginia, and Wisconsin. *Location of Office*, Chicago, Illinois.

*Region No. 3.* States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. *Location of Office*, Atlanta, Georgia.

*Region No. 4.* States of Iowa, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming. *Location of Office*, Omaha, Nebraska.

*Region No. 5.* States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. *Location of Office*, Fort Worth, Texas.

*Region No. 6.* States of Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. *Location of Office*, San Francisco, California.

| Territory | Area included | Location of office |
|---|---|---|
| Alaska | Alaska | Juneau, Alaska. |
| Hawaii | Hawaii | Honolulu, Territory of Hawaii. |
| Puerto Rico | Puerto Rico | San Juan, Puerto Rico. |
| Virgin Islands | Virgin Islands | Charlotte Amalie, St. Thomas, Virgin Islands. |

3. There shall be a PWA field office in each PWA region, which office shall be known as "Regional Director's Office, Public Works Administration" (hereinafter referred to as "Regional Director's Office") and which shall be under the local control, management and supervision of a PWA field official whose title shall be "Regional Director, PWA" (hereinafter referred to as "Regional Director"). There shall be a PWA field office in each PWA territory, which office shall be known as "PWA Representative's Office" and which shall be under the local control, management and supervision of a PWA field official whose title shall be "PWA Representatives".

4. All of the powers, functions and duties (except such as shall have been withdrawn and except as otherwise specified) heretofore exercised or performed by State Directors, State Engineer Inspectors and Associate Regional Directors in any PWA region or part thereof shall be exercised or performed by the Regional Director of that region. Each PWA Representative shall exercise or perform, in his respective PWA territory, all the powers, functions and duties which a Regional Director is authorized to exercise or perform in a PWA region.

5. In each Regional Director's Office, there shall be four sections, namely:

1. Administrative Section,
2. Engineering Section,
3. Finance Section, and
4. Legal Section.

6. The Administrative Section shall consist of all nontechnical personnel assigned to the Regional Director's Office. It shall be the medium through which the Regional Director shall administer and control the organization. It shall be under the immediate supervision of an official who shall be known as "Regional Office Manager, PWA".

7. The Engineering Section shall consist of all engineer-examiners and engineer-inspectors assigned to the Regional Director's Office. It shall be under the immediate supervision of an official who shall be known as "Regional Engineer, PWA".

8. The Finance Section shall consist of all finance examiners assigned to the Regional Director's Office. It shall be under the immediate supervision of an official who shall be known as "Regional Finance Examiner, PWA".

9. The Legal Section shall consist of all lawyers assigned to the Regional Director's Office. It shall be under the immediate supervision of an official who shall be known as "Regional Counsel, PWA".

10. The chief officials of the Administrative, Engineering, Finance and Legal Sections shall exercise or perform all of the powers, functions and duties (except such as shall have been withdrawn and except as otherwise specified) heretofore exercised or performed by the chief officials of the corresponding sections in the offices of State Directors and, in addition, the chief official of the Engineering Section, under the local direction and supervision of the Regional Director, shall exercise or perform all of the inspection powers, functions and duties (except as above stated) heretofore exercised or performed by the State Engineer Inspectors in the States and Territories comprising the region.

11. The Regional Director shall prepare and submit to the Commissioner of Public Works a list of three section chiefs arranged in his recommended numerical order of seniority for the purpose of assuming charge of the Regional Director's Office as hereinafter stated. Amendatory or supplementary lists shall be likewise prepared and submitted from time to time as conditions justify or as changes occur in the personnel of the Regional Director's Office. Each such list will be approved by the Commissioner of Public Works with or without revision and the Regional Director shall be notified accordingly. During the absence of the Regional Director, unless the Commissioner of Public Works shall otherwise direct, the member of the staff present, who, in numerical order, is senior, and whose name is on the list as approved, shall exercise or perform all the powers, functions and duties of the Regional Director and, when so acting, shall be styled "Acting Regional Director, PWA": *Provided*, That where there is an Assistant Regional Director for a Regional Director's Office, such Assistant Regional Director shall automatically exercise all the powers and perform all the functions and duties of the Regional Director in the absence of the latter and, when so acting, such Assistant Regional Director shall be styled "Acting Regional Director, PWA". The PWA Representative shall submit to the Commissioner of Public Works the names of two employees in the PWA Representative's Office similarly arranged for the purpose of assuming charge of the PWA Representative's Office as hereinafter stated, and shall amend or supplement the lists from time to time as conditions justify or as changes occur in the personnel of such Office. The Commissioner of Public Works will dispose of such submittals substantially as indicated above. During the absence of the PWA Representative, unless the Commissioner of Public Works shall otherwise direct, the member of the staff present, who, in numerical order, is senior, and whose name is on the list as approved, shall exercise or perform all the powers, functions and duties of the PWA Representative and, when so acting, shall be styled "Acting PWA Representative".

12. The Executive Officer, Public Works Administration, shall give to affected personnel any instructions necessary with respect to records, property, etc., in accomplishing the reorganization herein provided for.

13. The term "Commissioner of Public Works" shall include "Acting Commissioner of Public Works".

14. Administrative Order No. 224, dated October 21, 1937, and all other orders and instructions in conflict herewith are hereby rescinded.

15. This Order is issued under the authority of Section 305 of Reorganization Plan No. 1 of the President.

16. This Order shall become effective October 1, 1939.

E. W. CLARK, *Acting Commissioner of Public Works.*

[F. R. Doc. 39-3590; Filed, September 28, 1939; 12:28 p. m.]

[Administrative Order No. 298]

REORGANIZATION OF REGIONAL PROJECT AUDIT OFFICES

SEPTEMBER 23, 1939.

1. In order to conform, as nearly as practicable, with the revised plan for regionalization of Regional Directors' Offices, as set forth in Administrative Order No. 297, and for the purposes expressed in Section 1 thereof, there are hereby established six Regional Audit Offices.

2. Each "Regional Audit Office" shall be under the direction and supervision of a "Regional Project Auditor, PWA", whose jurisdiction for audit purposes shall extend over the states and territories comprising the regions established by Administrative Order No. 297: *Provided*, That for audit purposes, the Territories of Puerto Rico and the Virgin Islands are assigned under the supervision of the Regional Project Auditor, Region No. 1, and the Territories of Alaska and Hawaii are assigned under the supervision of the Regional Project Auditor, Region No. 6, the complete jurisdiction of each Regional Audit Office being as follows:

*Region No. 1.* States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Puerto Rico (Territory), and Virgin Islands (Territory). *Headquarters Office*, New York, New York.

*Region No. 2.* States of Illinois, Indiana, Michigan, Ohio, West Virginia, and Wisconsin. *Headquarters Office*, Chicago, Illinois.

*Region No. 3.* States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. *Headquarters Office*, Atlanta, Georgia.

*Region No. 4.* States of Iowa, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming. *Headquarters Office*, Omaha, Nebraska.

*Region No. 5.* States of Arkansas, Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. *Headquarters Office*, Fort Worth, Texas.

*Region No. 6.* States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, Alaska (Territory), and Hawaii (Territory). *Headquarters Office*, San Francisco, California.

3. Each Regional Project Auditor shall exercise or perform all of the powers, functions and duties as set forth and prescribed in Chapter 11 of the PWA Manual and such amendments thereto as may be issued from time to time.

4. The Regional Project Auditor shall submit to the Commissioner of Public Works, through the Chief Project Accountant and the Executive Officer, the names of two employees in the Regional Audit Office, arranged in his recommended numerical order of seniority, for the purpose of assuming charge of the Regional Audit Office as hereinafter stated, and shall amend or supplement the list from time to time as conditions justify or changes occur in the personnel of such office. The Commissioner of Public Works will approve or revise such lists and the Regional Project Auditor notified accordingly. During the absence of the Regional Project Auditor unless the Commissioner of Public Works shall otherwise direct, the member of the staff present, who is senior in numerical order on the approved list, shall exercise or perform all of the powers, functions and duties of the Regional Project Auditor and, when so acting, shall sign and be styled "Acting Regional Project Auditor".

5. The Executive Officer, Public Works Administration, shall give to affected personnel instructions respecting records, property, travel, etc., in accomplishing the reorganization herein provided for.

6. The term "Commissioner of Public Works" shall include "Acting Commissioner of Public Works".

7. Order No. 311, dated November 2, 1937, and all other orders and instructions in conflict herewith are hereby rescinded.

8. This Order is issued under the authority of Section 305 of Reorganization Plan No. 1 of the President.

9. This Order shall become effective October 1, 1939.

E. W CLARK, *Acting Commissioner of Public Works.*

[F. R. Doc. 39-3591; Filed, September 28, 1939; 12:28 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1939.

[File No. 43-252]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on October 13, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 8, 1939.

The matter concerned herewith is in regard to the proposed reduction in interest rate of Declarant's 4½% collateral note maturing serially December 31, 1939 to December 31, 1942. Declarant states that the holder of said 4½% note has agreed to reduce the interest rate thereon to 4%.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3580; Filed, September 28, 1939; 11:58 a. m.]

Reference

THE NATIONAL ARCHIVES OF THE UNITED STATES

OCT 2 1939

# FEDERAL REGISTER

VOLUME 4 NUMBER 189

*Washington, Saturday, September 30, 1939*

*Rules, Regulations, Orders*

## TITLE 6—AGRICULTURAL CREDIT

### FARM CREDIT ADMINISTRATION

[F.C.A. 146]

AUTHORITY, AND DESIGNATION OF ORDER OF PRECEDENCE, OF DEPUTY GOVERNOR, EXECUTIVE OFFICER, GENERAL COUNSEL, DIRECTOR OF FINANCE AND ACCOUNTS, AND ASSISTANT TO THE GOVERNOR TO ACT AS GOVERNOR IN THE ABSENCE OF THE LATTER

Sec. 3.1 of Title 6, Code of Federal Regulations,[1] is amended to read as follows:

"§ 3.1 *Authority, and designation of order of precedence, of Deputy Governor, Executive Officer, General Counsel, Director of Finance and Accounts, and Assistant to the Governor to act as Governor in the absence of the latter.* Gerald E. Lyons, Deputy Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor is unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"W. H. Droste, Executive Officer, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor and Deputy Governor Lyons are both unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"Peyton R. Evans, General Counsel, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Lyons, and Executive Officer Droste are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"W. J. Snow, Jr., Director of Finance and Accounts, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Lyons, Executive Officer Droste, and Peyton R. Evans, General Counsel, are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause.

"Arthur T. Esgate, Assistant to the Governor, is hereby authorized to execute and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration, in the event that the Governor, Deputy Governor Lyons, Executive Officer Droste, Peyton R. Evans, General Counsel, and W. J. Snow, Jr., Director of Finance and Accounts, are unavailable to act, by reason of absence from the Washington office of the Farm Credit Administration, or for any other cause. (E.O. 6084, March 27, 1933, 6 CFR 1.1 (12)) [F.C.A. Order No. 267, September 28, 1939]"

[SEAL] F. F. HILL, *Governor.*

[F. R. Doc. 39-3606; Filed, September 29, 1939; 12:01 p. m.]

## TITLE 7—AGRICULTURE

### FEDERAL SURPLUS COMMODITIES CORPORATION

AMENDMENTS TO "REGULATIONS AND CONDITIONS GOVERNING THE ISSUANCE OF FOOD ORDER STAMPS, ESTABLISHING THE ELIGIBILITY OF THE HOLDERS THEREOF TO RECEIVE AGRICULTURAL COMMODITIES OR THE PRODUCTS THEREOF AND PROVIDING FOR THE PAYMENT OF CLAIMS MADE BY RETAILERS OF SUCH COMMODITIES AND PRODUCTS"

Sections 200 and 300 (c) of "Regulations and Conditions Governing the Issu-

[1] 4 F.R. 3591 DI.

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FEDERAL REGISTER

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ance of Food Order Stamps, Establishing the Eligibility of the Holders Thereof to Receive Agricultural Commodities or the Products Thereof and Providing for the Payment of Claims Made by Retailers of Such Commodities and Products", made and prescribed by the Secretary of Agriculture on April 21, 1939, and amended on April 27, 1939 and July 12, 1939,[1] are hereby further amended as follows:

(1) Section 200 is amended by inserting after the words "total minimum value of", in the first sentence thereof, the word "approximately";

(2) Section 300 (c) is amended by striking the period and inserting in lieu thereof the following:

"or established retail trade routes in dairy or bakery products."

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 29th day of September, 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3612; Filed, September 29, 1939; 12:24 p. m.]

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

[R. C. P. 40]

### PART 705—1940 RANGE CONSERVATION PROGRAM BULLETIN*†

CONTENTS

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Payment will be made for participation in the 1940 Range Conservation Program in accordance with the provisions hereof and such modifications thereof as may hereafter be made.

§ 705.101 *Rates of range-building payments.* Within the limits of the range-building allowance and subject to the conditions hereinafter set forth, payment will be made for carrying out on range land in 1940 such of the range-building practices listed in this section as are recommended for the State by the State committee and approved by the Regional Director, and as are approved by the county committee for the ranching unit prior to their institution. The payments listed below are the maximum payments allowable, and the payment for any practice included may, for any State or area within a State, be adjusted downward by the State committee with the approval of the Agricultural Adjustment Administration in order to reflect relatively lower costs or relative desirability of the practice.

*Practices and Conditions of Payment—Rate of Payment*

Reseeding of Range Land

(a) *Natural reseeding by deferred grazing and supplemental practices.* Withholding 25 percent of the range land in the ranching unit from grazing for the normal period from the start of forage growth to seed maturity, which period will be determined by the State committee with the approval of the regional director, provided that (1) the area to be kept free of grazing is fenced and the fence is maintained sufficiently to prevent the entry of livestock or on ranching units used exclusively for grazing sheep or goats (and, in areas designated by the regional director upon recommendation of the State committee, cattle or horses) the entry of livestock on the non-grazed acreage is prevented by herding or other specified methods, (2) the remaining range land in the ranching unit is not pastured to such an extent as will decrease the stand of grass or injure the forage, tree growth, or watershed, (3) such practice shall not be applicable to range land in the ranching unit which normally is not used for grazing, (4) the ranch operator has submitted to the county committee in writing the designation of the non-grazing range area previous to the initiation of such practice, and (5) the ranch operator complies with such other conditions or specifications as shall be established by the county committee with the approval of the State committee as are needed in the interest of range conservation. *Rate:* 75 percent of that part of the range-building allowance which is computed under section 705.102 (a): *Provided*, That (1) if grazing is deferred on less than 25 percent of the range land in the ranching unit the payment shall be 3 percent for each 1 percent of the range land included in such practice; and (2) that payment shall not exceed the value of practices carried out which are designated by the county committee in accordance with instructions issued with the approval of the Agricultural Adjustment Administration and for which payment otherwise will not be made, except that in areas designated by the Agricultural Adjustment Administration as areas where only limited supplemental practices are required or are otherwise provided for, payment shall not exceed 40 percent (or if grazing is deferred on less than 25 percent of the range land in the ranching unit 1.6 percent for each 1 percent of the range land included in such practice) of the allowance computed under section 705.102 (a) by more than the value of such practices carried out on the ranching unit.

(b) *Artificial reseeding.* For reseeding depleted range land, including mountain meadow land, with good seed of adapted varieties of range grasses, legumes or forage shrubs. *Rate:* $0.20 per pound of seed sown, but not in excess of $2.00 per acre.

(c) *Artificial sodding.* For resodding depleted range land with adapted varieties of range grasses. *Rate:* $3.00 per acre.

Erosion and Runoff Control

(d) *Contour listing, furrowing, or subsoiling.* For listing, furrowing, or subsoiling range land, including mountain meadow land, on the contour. *Rate:* 2.5 cents per 100 linear feet.

(e) *Contour ridging.* For ridging range land on the contour. *Rate:* $0.10 per 100 linear feet.

(f) *Spreader dams and terraces.* For constructing spreader dams and spreader terraces alone or in combination with each other for the diversion of surface water to prevent soil washing of range land, including mountain meadow land:

(1) Spreader dams: $0.15 per cubic yard of material moved.

(2) Spreader terraces: $0.50 per 100 linear feet.

Development of Stock Water on Range Land

(g) *Earthen tanks or reservoirs.* For constructing reservoirs or earthen tanks with spillways adequate to prevent dams from washing out, for the purpose of providing water for range livestock. *Rate:* $0.15 per cubic yard of material moved not in excess of 5,000 cubic yards, and $0.10 per cubic yard of material moved in excess of 5,000 cubic yards for each tank or reservoir.

(h) *Concrete or rubble masonry dams.* For constructing concrete or rubble masonry dams in rough or broken areas (where earthen dams or reservoirs are impracticable and where there is no possibility of using the masonry dam for irrigation), for the purpose of providing water for range livestock. *Rate:* $6.00 per cubic yard of concrete or rubble masonry.

(i) *Wells.*

(1) For drilling or digging wells with casing not less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir. Payment will not be made for a well developed at any ranch headquarters. *Rate:* $2.00 per linear foot.

(2) For drilling wells with casing less than 4 inches in diameter, for the purpose of providing water for range livestock, provided a windmill or power pump is installed and the water is conveyed to a tank or storage reservoir or for drilling an artesian well for the purpose of providing water for range livestock provided adequate stock water is made available during the grazing season and the water is conveyed to a tank or trough. Payment will not be made for a well developed at any ranch headquarters. *Rate:* $1.00 per linear foot.

(j) *Development of natural watering places.* For developing springs or seeps for the purpose of providing water for range livestock, provided the source is protected from trampling, and at least 20 cubic feet of available water storage is provided, and provided further, that the total cost of development is not less than $20.00. *Rate:* $0.30 per cubic foot in soil or gravel and $0.50 per cubic foot in rock formation for excavation of source, provided the minimum payment will be $20.00 and the maximum payment $100.00 for any single development.

Planting and Maintaining a Stand of Trees

(k) *Tree planting.* Planting of trees on range land, provided that the trees are planted in 1940 prior to November 1; that the number, kind, and age of trees planted and methods of planting and growing of such trees are in accordance with approved specifications; and that the acreage planted to trees is fenced and the fence is maintained sufficiently to prevent entry of livestock. *Rate:* $7.50 per acre.

(l) *Cultivating and maintaining a stand of trees.* Cultivating, protecting, and maintaining, by replanting, if necessary, a full stand of at least 500 trees per acre of forest planting, or 200 trees per acre of windbreak or shelterbelt plantings, planted on range land between July 1, 1935, and July 1, 1940. *Rate:* $3.00 per acre.

Conservation of Range Lands Through Elimination of Destructive Plants

(m) *Prickly pear and cactus.*

(1) Light infestation: $0.50 per acre.
(2) Medium infestation: $0.75 per acre.
(3) Heavy infestation: $1.00 per acre.

(n) *Mesquite.*

(1) Light infestation: $0.50 per acre.
(2) Medium infestation: $1.00 per acre.
(3) Heavy infestation: $2.00 per acre.

(o) *Cedar.*

(1) Light infestation: $0.75 per acre.
(2) Medium infestation: $1.00 per acre.
(3) Heavy infestation: $1.50 per acre.

(p) *Lechuguilla.*

(1) Heavy infestation: $0.50 per acre.

(q) *St. John's Wort.*

(1) Medium infestation: $2.00 per acre.

(r) *Sagebrush.*

(1) Heavy infestation: $0.50 per acre.

*Provided*, That if the county committee determines the elimination of destructive plants under any of practices (m) to (r), inclusive, will reduce the vegetative cover to such an extent as to encourage increased soil erosion, the use of practice (b), Artificial reseeding, shall also be required where soil and climatic conditions permit.

(s) *Destruction of noxious plants by mowing: Provided*, That payment will not be made if the plants mowed are used for hay or sold for any purpose. Payment will not be made for mowing a greater number of times than the county committee, with the approval of the State committee, finds is necessary for destruction of the noxious plants. *Rate:* $0.25 per acre.

Fire Guards

(t) *Fire guards.* For the establishment on range land of fire guards not less than 10 feet in width by plowing furrows or otherwise exposing the mineral soil. Payment will not be made if any fire guard is used in connection with controlled burning within the ranching unit. *Rate:* $0.05 per 100 linear feet.

§ 705.102 *Range-building allowance—*

(a) *Acreage and grazing capacity.* In Texas, Oklahoma, Kansas, Nebraska, South Dakota, and California, the range-building allowance shall be 2 cents per acre of range land in the ranching unit plus $1.00 times the grazing capacity of the range land; and in Arizona, New Mexico, Nevada, Utah, Colorado, Washington, Oregon, Idaho, Montana, Wyoming, and North Dakota, the range-building allowance shall be 3 cents per acre of range land in the ranching unit plus 75 cents times the grazing capacity of the range land: *Provided, however*, That in either area the grazing capacity item shall not be calculated on more than one animal unit for each 10 acres of range land in the ranching unit, and the acreage item shall not be calculated on more than 60 acres for each animal unit of grazing capacity established for the ranching unit: *Provided further*, That the amount computed under this paragraph shall not be less than 10 cents times the number of such acres or 640 acres, whichever is smaller.

(b) *Mountain meadow land.* In addition, the range-building allowance shall include 35 cents times the number of acres of mountain meadow land in the ranching unit from which hay is normally harvested for feeding on the ranching unit to range livestock owned by the operator of the ranching unit. The counties in which this additional allowance is made shall be those mountain counties in the Western Region for which, upon the basis of the recommendations of the county and State committees, the regional director determines the reseeding and erosion control practices specified in Section 705.101 to be necessary and effective in promoting range conservation: *Provided, however*, The mountain meadow land for which this additional allowance is made shall not be considered in calculating the portion of the range-building allowance provided for in paragraph (a).

[1] 4 F.R. 3133 DI.

*Sections 705.101 to 705.116 are issued under the authority contained in Sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 16 U.S.C., Sup. IV, 590g–590q.

†The source of Sections 705.101 to 705.116 is R.C.P. 40, AAA, September 28, 1939.

§ 705.103 *Conditions of payment*—(a) *Promotion of conservation and good range management.* Payments for carrying out range-building practices are conditioned upon the adoption or maintenance of conservative range management practices designed to secure or maintain a good stand of grass or other palatable forage plants and in bringing about such use of the forage resources of the ranch as will most effectively carry out the purposes of the Soil Conservation and Domestic Allotment Act. Payments under the 1940 Range Conservation Program will be made only with respect to those ranching units on which the county committee certifies that such range management practices have been followed. The range-building practices approved by the county committee for any ranching unit shall be practices which the county committee finds are needed on the ranch in order to promote conservation and good range management.

(b) *Payments limited to range-building allowance.* The range-building payment with respect to any ranching unit shall not exceed the range-building allowance for such ranching unit. Payment will be made only if range-building practices are carried out according to specifications recommended by the State committee and approved by the regional director. Payments made for carrying out range-building practices shall not be subject to the provisions of Section 701.101 of the 1940 Agricultural Conservation Program Bulletin.

(c) *State or Federal aid.* No payment will be made for practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration, or for practices with respect to which a portion of the labor, seed, trees, or other materials used in carrying out such practices is furnished by a State or Federal agency other than the Agricultural Adjustment Administration, if such portion represents one-half or more of the total cost of carrying out such practices. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents less than one-half of the total cost of carrying out such practice, payment will be made for such practice at one-half of the rate specified in Section 705.101: *Provided*, That labor, seed, trees, and materials furnished to a State, political subdivision of a State, or any agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State • • • agency" within the meaning of this paragraph. Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency. No payment will be made for the planting and protection of forest trees planted under a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

§ 705.104 *Changes in leasing arrangements and other devices.* No payment will be made to any person who has for 1940 made any change from the 1939 leasing arrangements of range land for the purpose of, or which would have the effect of, diverting to such person any payment to which any lessee would be entitled if the 1939 leasing arrangements of such range land were in effect for 1940. If the State committee finds that any person who files an application for a payment pursuant to the provisions of the 1940 Range Conservation Program has made any change from the 1939 leasing arrangements of such range land or has employed any other scheme or device whatsoever for the purpose of, or which would have the effect of, depriving any other person of any payment or share therein to which such other person otherwise would be entitled, the Secretary may withhold in whole or in part from the person participating in such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or otherwise would be made to such person for performance in connection with the 1940 Range Conservation Program.

§ 705.105 *Eligibility for payment*—(a) *Persons eligible to file application.* Application for range-building payment may be made only by ranch operators. Range-building payments will be made to (1) a sole ranch operator, or (2) each ranch operator of a group of two or more ranch operators, provided they all signify in the application for the range-building payment a per centum of the total payment to be made to each ranch operator. In case there are two or more ranch operators, the application must be made by all of them, except that in cases where any ranch operator refuses to sign the application for payment the county committee shall determine the percentage share of each ranch operator and payment of his percentage share will be made to each ranch operator applying for payment in accordance with such determination.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office, on or before a date fixed by the regional director but not later than March 31, 1941. The Secretary reserves the right (1) to withhold payment to any ranch operator who fails to file any form or furnish any information required with respect to any ranching unit in which such ranch operator is interested, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given in advance of the expiration of a time limit for filing prescribed forms.

(c) *Excess cotton acreage.* Any person who makes application for payment with respect to any ranching unit located in a county in which cotton is planted in 1940 shall file with such application a statement that the applicant has not knowingly planted or caused to be planted during 1940 cotton on land in any farm in which he has an interest in excess of the cotton acreage allotment established for the farm for 1940 and that cotton was not planted in excess of such allotment by his authority or with his consent.

Any person who knowingly plants cotton on his farm in 1940 on acreage in excess of the cotton acreage allotment established for the farm for 1940 shall not be eligible for any payment under the provisions of the 1940 Range Conservation Program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1940 on acreage in excess of the cotton acreage allotment for the farm for 1940 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1940.

§ 705.106 *Payment restricted to effectuation of the purposes of the program.* All or any part of any payment which otherwise would be made to any person under the 1940 Range Conservation Program may be withheld (1) if he has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous range conservation programs, (2) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (3) if, with respect to forest land or woodland owned or controlled by him, he adopts any practice which the regional director finds is contrary to sound conservation practices.

No payment will be made to any person if it is determined in accordance with instructions issued by the Agricultural Adjustment Administration that, with respect to any ranch which he owns or operates, the stand of grass has been decreased or the forage, tree growth or watershed has been injured by overgrazing in 1940.

§ 705.107 *Payments computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in Section 705.111), and without regard to any claim or lien against any crop or livestock, or proceeds thereof, in favor of the owner or any other creditor.



§ 705.108 *Increase in small payments.* The total payment computed for any person with respect to any ranching unit shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to $1.00;

(2) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 percent;

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

| Amount of payment computed: | Increase in payment |
|---|---|
| $1.00 to $1.99 | $0.40 |
| $2.00 to $2.99 | 0.80 |
| $3.00 to $3.99 | 1.20 |
| $4.00 to $4.99 | 1.60 |
| $5.00 to $5.99 | 2.00 |
| $6.00 to $6.99 | 2.40 |
| $7.00 to $7.99 | 2.80 |
| $8.00 to $8.99 | 3.20 |
| $9.00 to $9.99 | 3.60 |
| $10.00 to $10.99 | 4.00 |
| $11.00 to $11.99 | 4.40 |
| $12.00 to $12.99 | 4.80 |
| $13.00 to $13.99 | 5.20 |
| $14.00 to $14.99 | 5.60 |
| $15.00 to $15.99 | 6.00 |
| $16.00 to $16.99 | 6.40 |
| $17.00 to $17.99 | 6.80 |
| $18.00 to $18.99 | 7.20 |
| $19.00 to $19.99 | 7.60 |
| $20.00 to $20.99 | 8.00 |
| $21.00 to $21.99 | 8.20 |
| $22.00 to $22.99 | 8.40 |
| $23.00 to $23.99 | 8.60 |
| $24.00 to $24.99 | 8.80 |
| $25.00 to $25.99 | 9.00 |
| $26.00 to $26.99 | 9.20 |
| $27.00 to $27.99 | 9.40 |
| $28.00 to $28.99 | 9.60 |
| $29.00 to $29.99 | 9.80 |
| $30.00 to $30.99 | 10.00 |
| $31.00 to $31.99 | 10.20 |
| $32.00 to $32.99 | 10.40 |
| $33.00 to $33.99 | 10.60 |
| $34.00 to $34.99 | 10.80 |
| $35.00 to $35.99 | 11.00 |
| $36.00 to $36.99 | 11.20 |
| $37.00 to $37.99 | 11.40 |
| $38.00 to $38.99 | 11.60 |
| $39.00 to $39.99 | 11.80 |
| $40.00 to $40.99 | 12.00 |
| $41.00 to $41.99 | 12.10 |
| $42.00 to $42.99 | 12.20 |
| $43.00 to $43.99 | 12.30 |
| $44.00 to $44.99 | 12.40 |
| $45.00 to $45.99 | 12.50 |
| $46.00 to $46.99 | 12.60 |
| $47.00 to $47.99 | 12.70 |
| $48.00 to $48.99 | 12.80 |
| $49.00 to $49.99 | 12.90 |
| $50.00 to $50.99 | 13.00 |
| $51.00 to $51.99 | 13.10 |
| $52.00 to $52.99 | 13.20 |
| $53.00 to $53.99 | 13.30 |
| $54.00 to $54.99 | 13.40 |
| $55.00 to $55.99 | 13.50 |
| $56.00 to $56.99 | 13.60 |
| $57.00 to $57.99 | 13.70 |
| $58.00 to $58.99 | 13.80 |
| $59.00 to $59.99 | 13.90 |
| $60.00 to $185.99 | 14.00 |
| $186.00 to $199.99 | (1) |
| $200.00 and over | (2) |

[1] Increase to $200.00.
[2] No increase.

§ 705.109 *Payments limited to $10,000.* The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, Territory, or possession, shall not exceed the sum of $10,000 prior to deduction for association expenses in the county or counties with respect to which the particular payment is made. The total of all payments made in connection with programs for 1939 under Section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership or estate with respect to farms, ranching units and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of $10,000 prior to deduction for association expenses in the county or counties with respect to which the particular payment is made.

All or any part of any payment which has been or otherwise would be made to any person under the 1940 Agricultural Conservation Program, including the Range Conservation Program, may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

§ 705.110 *Deductions for association expenses.* There shall be deducted pro rata from the payments with respect to any ranching unit all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the ranching unit is located.

§ 705.111 *Assignments.* Any person who may be entitled to any payment in connection with the 1940 Range Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP–69 in accordance with instructions (ACP–70) issued by the Agricultural Adjustment Administration and unless such assignment is entitled to priority as determined under the instructions governing the recording of such assignments issued by the Agricultural Adjustment Administration.

Nothing contained in this Section 705.111 shall be construed to give an assignee a right to any payment other than that to which the ranch operator is entitled nor (as provided in the statute) shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the ranch operator without regard to the existence of any such assignment.

§ 705.112 *Establishment of grazing capacities.* There shall be established a grazing capacity for each ranching unit for which an application for determination of grazing capacity is received on or before a date established by the regional director as affording reasonable opportunity for the filing of such applications. In determining grazing capacity, consideration shall be given to the following: (a) composition, palatability, and density of forage growth; (b) climatic fluctuations; (c) distribution and character of watering facilities; (d) topographic and cultural features; (e) presence or absence of rodents and poisonous plant infestations; and (f) number and classes of livestock previously carried. The average of the individual grazing capacities established for all ranching units in a county shall not exceed the county average grazing capacity limit established by the Agricultural Adjustment Administration on the basis of available statistics.

§ 705.113 *Appeals.* Any person may within 15 days after notice thereof is forwarded to or available to him request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any ranching unit in which he has an interest: (a) eligibility to file an application for payment, (b) grazing capacity established for the range land in such ranching unit, or (c) any other matter affecting the right to or the amount of his payment with respect to the ranching unit. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee, he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, having an interest in the operation of the ranching unit, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, having an interest in the operation of the ranching unit, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

§ 705.114 *State and regional bulletins, instructions and forms.* The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such State and regional bulletins, instructions, and forms as may be required pursuant to the provi-

sions hereof in administering the 1940 Range Conservation Program.

§ 705.115 *Definitions.* For the purposes of the 1940 Range Conservation Program unless the context otherwise requires:

*Secretary* means the Secretary of Agriculture of the United States.

*North central region* means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

*Southern region* means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

*Western region* means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

*Regional director* means the director of the division of the Agricultural Adjustment Administration in charge of the Agricultural Conservation Programs and the Range Conservation Programs in the Region.

*State committee* means the group of persons designated for any State to assist in the administration of the Agricultural Conservation Programs and the Range Conservation Programs in such State.

*County committee* means the group of persons elected for any county to assist in the administration of the Agricultural Conservation Programs and the Range Conservation Programs in such county.

*Person* means an individual, partnership, association, corporation, estate, or trust, and wherever applicable a State, a political sub-division of a State, or any agency thereof.

*Range-building payment* means a payment for the carrying out of one or more approved range-building practices.

*Range-building allowance* means the largest amount for any ranching unit which may be earned as a range-building payment on such ranching unit.

*Ranch operator* means a person who as owner, cash tenant, or share tenant operates, or a person who acts in similar capacity in the operation of a ranching unit in 1940.

*Range land* means any land in which a ranch operator has such a legal estate or interest as to give him control thereof, which produces forage grazed by range livestock, without cultivation or general irrigation. Range land shall not include public domain of the United States including lands owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States: *Provided*, That in States or areas where the range conservation program is applicable and is not combined with the Agricultural Conservation Program all noncrop open pasture land shall be classified as range land upon recommendation of the State committee and approval of the Agricultural Adjustment Administration.

*Ranching unit* means all range land which is used in 1940 by the ranch operator as a single unit in producing range livestock, with machinery, workstock, and labor substantially separate from that of any other range land. In order to facilitate the administration of the program the Regional Director may prescribe that for the purposes of this program tracts shall be deemed ranching units only if they contain more than the minimum acreage of range land fixed by him. A ranching unit shall be regarded as located in the county in which its principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the ranching unit is located.

*Animal unit* means one cow, one horse, five sheep, or five goats, or the equivalent thereof.

*Grazing capacity of range land* means the number of animal units which such land will sustain, on a 12-month basis, over a period of years without decreasing the stand of grass or other grazing vegetation, and without injury to the forage, tree growth, or watershed.

§ 705.116 *Authority, availability of funds, and applicability*—(a) *Authority.* Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of Section 7 (a) of said Act in 1940, the payments provided for herein will be made for participation in the 1940 Range Conservation Program.

(b) *Availability of funds.* The provisions of the 1940 Agricultural Conservation Program, including the Range Conservation Program, are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose, and the amounts of such payments will necessarily be within the limits finally determined by such appropriation, the apportionment of such appropriation under the provisions of the Soil Conservation and Domestic Allotment Act, as amended, and the extent of national participation. Any increase or decrease in rates of payment made because of the extent of participation in the Range Conservation Program will not exceed 10 percent.

(c) *Applicability.* The provisions of the 1940 Range Conservation Program contained herein, except Section 705.109, are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) counties for which special range programs under said Act are approved for 1940 by the Secretary; and (3) public domain of the United States, including land owned by the United States and administered under the Taylor Grazing Act or by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States.

(d) *Combination with agricultural conservation program.* The Range Conservation Program may be combined with the Agricultural Conservation Program for 1940 in any State or area upon recommendation of the State committee and the approval of the Agricultural Adjustment Administration, in which case range land shall be treated as noncrop pasture and the range-building practices shall be treated as incorporated in the agricultural conservation program.

Done at Washington, D. C., this 28th day of September, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3605; Filed, September 29, 1939; 12 m.]

## DIVISION OF MARKETING AND MARKETING AGREEMENTS

### ORDER MAKING EFFECTIVE AMENDMENT NO. 1 TO ORDER NO. 27 REGULATING HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, on September 12, 1939, amendment No. 1 to Order No. 27[1] regulating the handling of milk in the New York Metropolitan marketing area, said amendment to become effective at such time as the Secretary might subsequently declare; and

Whereas, the requirements of section 8c (9) of the act have been complied with:

Now, therefore, H. A. Wallace, Secretary of Agriculture of the United States, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby declares that said amendment No. 1 to Order No. 27 regulating the handling of milk in the New York Metropolitan marketing area shall be effective on and after 12:01 a. m., e. s. t., October 1, 1939, and hereby orders that from said date such handling of milk produced for sale in the New York Metropolitan marketing area as is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce, shall, from such effective date, be in conformity to and in compliance with the terms and conditions of Order No. 27, as amended by said amendment No. 1.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, has executed this order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 28th day of September 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3599; Filed, September 28, 1939; 4:26 p. m.]

[1] 4 F.R. 3901 DI.

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 2779]

IN THE MATTER OF STERLING PRODUCTS CORPORATION, ETC.

§ 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.48 (b) (9m) *Disparaging competitors and their products—Goods—Source of origin—Place.* Representing, in connection with offer, etc., in commerce, of drugs, pharmaceuticals, surgical instruments, dressings and surgical supplies, that Ethyl Chloride Tubes, Ethyl Ch'oride or any other merchandise of respondent's competitors were made in whole or in part in a foreign country, when in fact said products were made wholly in the United States, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sterling Products Corporation, etc., Docket 2779, September 12, 1939]

§ 3.6 (a) (3.1) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business methods and policies:* § 3.6 (a) (30) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Stock:* § 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Foreign product as domestic.* Representing, in connection with offer, etc., in commerce, of drugs, pharmaceuticals, surgical instruments, dressings and surgical supplies, that respondent is closing out its stock of foreign-made surgical instruments, when such is not the fact, or that respondent deals only in surgical instruments manufactured wholly in the United States, when in fact respondent fills orders or causes orders to be filled for surgical instruments manufactured in whole or in part in a foreign country, or that respondent's surgical supplies or other merchandise were made in the United States, when in fact said surgical supplies or other merchandise were made in whole or in part in a foreign country, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sterling Products Corporation, etc., Docket 2779, September 12, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 12th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF STERLING PRODUCTS CORPORATION, AND STERLING PRODUCTS CORPORATION TRADING AS PAUL HARTMANN AGENCY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Edward M. Averill, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed by counsel for the Commission, respondent not having filed brief, and oral argument not having been requested, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Sterling Products Corporation, trading under its own name and trading as Paul Hartmann Agency, or trading under any other name or names, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of drugs, pharmaceuticals, surgical instruments, dressings and surgical supplies, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that Ethyl Chloride Tubes, Ethyl Chloride or any other merchandise of respondent's competitors were made in whole or in part in a foreign country, when in fact said products were made wholly in the United States;

(2) Representing that respondent is closing out its stock of foreign-made surgical instruments, when such is not the fact;

(3) Representing that respondent deals only in surgical instruments manufactured wholly in the United States, when in fact respondent fills orders or causes orders to be filled for surgical instruments manufactured in whole or in part in a foreign country;

(4) Representing that respondent's surgical supplies or other merchandise were made in the United States, when in fact said surgical supplies or other merchandise were made in whole or in part in a foreign country.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3601; Filed, September 29, 1939; 9:49 a. m.]

## TITLE 29—LABOR

### UNITED STATES EMPLOYMENT SERVICE

PART 21—RULES AND REGULATIONS RELATING TO THE COOPERATION OF THE UNITED STATES EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

SECTION 21.5 RESCINDED

Pursuant to the authority vested in it by the provisions of the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113), as amended, and provisions of the Reorganization Act of 1939 (Public No. 19, 76th Congress, First Session), approved April 3, 1939, and of the Reorganization Plan No. 1, effective July 1, 1939.

The Social Security Board hereby rescinds Rule No. 5[1] of the rules and regulations prescribed by the Director of the United States Employment Service, with the approval of the Secretary of Labor, dated June 18, 1938 (Section 21.5, Part 21, Title 29, Code of Federal Regulations) and the "Fiscal Rules and Regulations for State Employment Services Affiliated With the United States Employment Service and Aided by Grants from Both the United States Employment Service and the Social Security Board, Employment Office Manual Series, Section M, Revised."

Adopted by the Board, September 22, 1939.

A. J. ALTMEYER,
*Chairman.*

Approved, September 28, 1939.

[SEAL] PAUL V. MCNUTT,
*Federal Security Administrator.*

[F. R. Doc. 39-3602; Filed, September 29, 1939; 9:52 a. m.]

[1] 3 F.R. 1470 DI.

### WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 1 FOR MINIMUM WAGE RATES IN THE TEXTILE INDUSTRY

Whereas on September 13, 1938, pursuant to Section 5 of the Fair Labor Standards Act of 1938 (hereinafter called the Act), the Administrator of the Wage and Hour Division of the United States

Department of Labor by Administrative Order No. 1[1] appointed Industry Committee No. 1 for the textile industry and directed the Committee to recommend minimum wage rates for the textile industry in accordance with the provisions of Section 8 of the Act; and

Whereas the Committee included seven disinterested persons representing the public and a like number of persons representing employees in the textile industry and a like number representing employers in the textile industry, and each group was appointed with due regard to the geographical regions in which the textile industry is carried on; and

Whereas on May 23, 1939, the Committee filed with the Administrator a report containing its recommendation for a 32½ cents an hour minimum wage rate in the textile industry; and

Whereas after notice published in the FEDERAL REGISTER on May 27, 1939,[2] the Administrator held a public hearing upon the Committee's recommendation at Washington, D. C., and Atlanta, Georgia, which commenced on June 19, 1939, and at which all interested persons were given an opportunity to be heard; and

Whereas the Administrator upon consideration of the evidence taken at such hearing has found that the Committee's recommendations are made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and

Whereas the Administrator has set forth his decision in an opinion, entitled "Administrator's Findings and Opinion in the matter of the Recommendation of Industry Committee No. 1 for Minimum Wage Rates in the Textile Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.:

Now, therefore: *It is ordered*, That—

(1) the Committee's recommendation is hereby approved and, in accordance with such recommendation,

(a) Wages at a rate not less than 32½ cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the textile industry who is engaged in commerce or in the production of goods for commerce; and

(b) Every employer employing any employees engaged in commerce or in the production of goods for commerce in the textile industry shall post and keep posted in a conspicuous place in every department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

(c) The textile industry to which this order shall apply is hereby defined as follows:

"(1) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs) from cotton, silk, flax, jute or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (7) and (8); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in the establishments manufacturing synthetic fiber;

"(2) The manufacturing of batting, wadding or filling and the processing of waste from the fibers enumerated in clause (1);

"(3) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

"(4) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dishcloths, scrubbing cloths and wash-cloths; sheets and pillow cases; tablecloths, luncheloths and napkins; towels; and window-curtains;

"(5) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

"(6) The manufacturing of cordage, rope or twine from any fiber or yarn;

"(7) The manufacturing or processing of yarn or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (1), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

"(8) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (1), with a margin of tolerance of 2 percent to meet the exigencies of manufacture."

(d) This wage order shall become effective on October 24, 1939.

Signed at Washington, D. C., this 29th day of September 1939.

ELMER F. ANDREWS,[4]
*Administrator.*

[F. R. Doc. 39-3613; Filed, September 29, 1939; 12:53 p. m.]

[1] 3 F.R. 2313 DI.
[2] 4 F.R. 270 DI.

## TITLE 46—SHIPPING

### BUREAU OF MARINE INSPECTION AND NAVIGATION

#### ENTRY AND CLEARANCE OF AIRCRAFT

#### REGULATIONS AMENDED

Amendments to regulations relating to entry and clearance of aircraft filed with the FEDERAL REGISTER August 29, 1938 under Title 11, Aviation.[1]

Section 609.3[2] (d) *Clearance* is amended to read as follows:

(d) If export declarations are not at hand covering any or all of the cargo about to be transported by the aircraft, Collectors of Customs are authorized to grant clearance on Commerce Form 1378B, upon the execution of the bond on this form with security approved by the Collector of Customs in the penal sum of $1,000, or upon the execution of the term bond on Form 1380 after receipt of notification from the Secretary of Commerce of the approval of the application for permission to file a term bond; *Provided, however*, That during any period covered by a Proclamation of the President that a state of war exists between foreign nations, no aircraft shall be cleared for a foreign port until all shippers' export declarations covering cargo laden thereon have been filed with the collector.

This amendment becomes effective October 1, 1939.

[(44 Stat. 572, 49 U. S. C. 177; 46 Stat. 761, 19 U.S.C. 1644)]

[SEAL] EDWARD J. NOBLE,
*Acting Secretary of Commerce.*

[F. R. Doc. 39-3597; Filed, September 28, 1939; 3:59 p. m.]

[1] 3 F.R. 2130 DI.
[2] Now Section 9.3.
[3] 2 F.R. 1078.

## *Notices*

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. 896-FD]

IN THE MATTER OF THE APPLICATION OF BRAZIL BLOCK FUELS, INC., FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

NOTICE OF AND ORDER FOR HEARING

An application, pursuant to Section 12 of the Bituminous Coal Act of 1937, and pursuant to Order No. 6[3] of the National Bituminous Coal Commission, which order has been adopted and ratified as an order of the Bituminous Coal Division, having been duly filed with the Bituminous Coal Division by the above-named party;



*It is ordered*, That a hearing on such matter be held on October 16, 1939, at ten o'clock, in the forenoon of that day at the hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 500 will advise as to the room where such hearing will be held.

*It is further ordered*, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, to examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such applicant and to any other person who may have an interest in such proceedings. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before October 13, 1939.

The matter concerned herewith is in regard to an application by Brazil Block Fuels, Incorporated, a corporation organized for the purpose of functioning as a selling agency for the coals of producers owning stock in applicant, pursuant to Section 12 of the Bituminous Coal Act of 1937 and to Order No. 6 of the National Bituminous Coal Commission, which order has been adopted and ratified as an order of the Bituminous Coal Division. It is stated that the applicant proposes to act as selling agent for members producing rail coal in the Bituminous Block Coal Fields, which are located in Clay County, Vigo County, Greene County, Owen County, and Spencer County in the State of Indiana; that the coal produced by such producers moves generally north and west into Missouri, Illinois, Iowa, Wisconsin, Minnesota, Northern Indiana and Southern Michigan, and competes with bituminous coal produced in other districts within the States of Illinois, Indiana, Iowa, Kentucky, Ohio and West Virginia.

Dated, September 28, 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-3604; Filed, September 29, 1939; 11:24 a. m.]

[3] 4 F.R. 3901 DI.

### DEPARTMENT OF AGRICULTURE.

#### Division of Marketing and Marketing Agreements.

DETERMINATION OF THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO AN AMENDMENT TO ORDER NO. 27 REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

Whereas the Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, having reason to believe that the execution of a marketing agreement and the issuance of an amendment to Order No. 27,[1] both of which regulate the handling of milk in the New York Metropolitan marketing area, would tend to effectuate the declared policy of the act, gave, on August 17, 1939, notice of a public hearing which was held at Syracuse, New York, on August 24, 1939, and at New York City, New York, on August 25, 1939, and at said times and places afforded all interested parties an opportunity to be heard on said proposed marketing agreement and proposed amendment to Order No. 27; and

Whereas after said hearing and after the tentative approval by the Secretary on September 12, 1939, of a marketing agreement, handlers of more than fifty percent of the volume of milk covered by such proposed amendment to Order No. 27, which is produced for sale in the New York Metropolitan marketing area, refused or failed to sign such tentatively approved marketing agreement relating to milk:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by said act, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of the proposed amendment to Order No. 27 is the only practical means, pursuant to such policy, of advancing the interests of producers of milk which is produced for sale in said area; and

3. That the issuance of the proposed amendment to Order No. 27 is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of July 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, has executed this determination in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 27th day of September 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT
*The President of the United States.*

Dated, September 27, 1939.

[F. R. Doc. 39-3598; Filed, September 28, 1939; 4:26 p. m.]

[1] 4 F.R. 3901 DI.

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### Rural Electrification Administration.

[Administrative Order No. 390]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 21, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Mississippi 0029R1 Oktibbeha | $25,000 |
| Mississippi 0029W2 Oktibbeha | 5,000 |

[SEAL] ROBERT B. CRAIG,
*Acting Administrator.*

[F. R. Doc. 39-3595; Filed, September 28, 1939; 3:22 p. m.]

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[Administrative Order No. 391]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 21, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Mississippi 0029C1 Oktibbeha | $20,000 |
| Mississippi 0029D1 Oktibbeha | 55,000 |

[SEAL] ROBERT B. CRAIG,
*Acting Administrator.*

[F. R. Doc. 39-3596; Filed, September 28, 1939; 3:22 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 58-401(E)-1]

IN THE MATTER OF THE APPLICATION OF ERIE ISLES AIRWAYS COMPANY, INC., FOR A PERMANENT CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, being the application of Erie Isles Airways Co., Inc., for a certificate of public convenience and necessity authorizing air transportation between Isle St. George, Ohio, and Port Clinton, Ohio, via Middle Bass, Put-in-Bay, and Kelley's Island, Ohio, now assigned for September 29, 1939,[1] is hereby postponed to a date to be hereafter assigned.

Dated Washington, D. C., September 28, 1939.

[SEAL] ROBERT J. BARTOO, *Examiner.*

[F. R. Doc. 39-3603; Filed, September 29, 1939; 11:04 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5776]

IN RE INVESTIGATION OF THE CHARGES, PRACTICES, CLASSIFICATIONS AND REGULATIONS OF MACKAY RADIO AND TELEGRAPH COMPANY (CALIFORNIA), R. C. A. COMMUNICATIONS, INC., COMMERCIAL PACIFIC CABLE COMPANY, GLOBE WIRELESS, LTD., THE WESTERN UNION TELEGRAPH COMPANY, AND POSTAL TELEGRAPH-CABLE COMPANY APPLICABLE TO COMMUNICATION SERVICES BETWEEN SEATTLE, WASHINGTON, PORTLAND, OREGON, AND LOS ANGELES, CALIFORNIA, AND HAWAII, GUAM, AND PHILIPPINE ISLANDS, AND THE CONTRACTS AND TRAFFIC ARRANGEMENTS BETWEEN SAID CARRIERS RELATING THERETO

ORDER AND NOTICE OF HEARING

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 26th day of September, 1939.

Whereas, it appears from tariffs on file with, and other information in the possession of, the Commission that Mackay Radio and Telegraph Company (California), R. C. A. Communications, Inc., Commercial Pacific Cable Company, Globe Wireless, Ltd., The Western Union Telegraph Company, and Postal Telegraph-Cable Company are engaged in or participate in the handling of public message telegraph traffic between Portland, Oregon, Seattle, Washington, and Los Angeles, California, on the one hand and Hawaii, Guam, and the Philippine Islands on the other hand, which said traffic is relayed through San Francisco; and

Whereas it appears that in the handling of said transpacific traffic lower charges are applied to traffic between Seattle and Los Angeles on the one hand and Hawaii, Guam, and the Philippine Islands on the other hand than are applied to traffic between Portland, Oregon, and said transpacific points, which said differential in charges results, or may result, in an unjust or unreasonable discrimination in charges or an undue or unreasonable prejudice or disadvantage to persons, classes of persons, or the locality in and around Portland, Oregon;

*It is ordered*, That the Commission, upon its own motion and without formal pleadings, enter upon an investigation into and concerning the charges, practices, classifications, and regulations of Mackay Radio and Telegraph Company (California), R. C. A. Communications, Inc., Commercial Pacific Cable Company, Globe Wireless, Ltd., The Western Union Telegraph Company, and Postal Telegraph-Cable Company for and in connection with public message telegraph traffic between Seattle, Washington, Portland, Oregon, and Los Angeles, California, on the one hand and Hawaii, Guam, and the Philippine Islands on the other hand, and any and all contracts and traffic arrangements relating thereto, with a view to determining whether such charges, practices, classifications, regulations, contracts, and arrangements, or any of them, are unjustly or unreasonably discriminatory, prejudicial, or disadvantageous to or against any person, class of persons, or locality, or in any respect in violation of law and of making such findings and orders in the premises and of prescribing such lawful charges, practices, or regulations, or taking such other and further action as the facts and circumstances may appear to warrant;

*It is further ordered*, That each of the above-named carriers be, and it is hereby, made a party defendant to this proceeding and that a copy of this order be forthwith served upon each of them, and that notice to the public be given by posting a copy in the office of the Secretary of the Commission and by publication in the FEDERAL REGISTER;

*It is further ordered*, That this proceeding be, and it is hereby, assigned for hearing the 30th day of October, at 10:00 a. m., at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3606; Filed, September 29, 1939; 12:02 p. m.]

[1] 4 F.R. 3146 DI

[Docket No. 5775]

IN RE APPLICATION OF MICHIGAN WIRELESS TELEGRAPH COMPANY, (NEW)

*Dated, August 10, 1939; for construction permit; class of service, public coastal; class of station, coastal harbor; location, Wyandotte, Mich.; operating assignment specified: Frequencies, 2182, 2514, 2572, 2738, 4282.5 kcs.; power, 600 w., day; 400 w., night; emission A1, A2, A3; hours of operation, unlimited; points of communication, ships operating on Great Lakes and connecting water and tributaries*

[File No. P2-PC-64]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing to be held at the offices of the Commission, Washington, D. C., on November 13, 1939, at 10:00 o'clock A. M., E. S. T., for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant.

2. To determine whether the frequencies applied for are available for use as requested.

3. To determine whether the station equipment and mode of operation conform to good engineering practice.

4. To determine the need for the type of service proposed.

5. To determine whether interference would be caused to any existing station in this or other services.

6. To determine whether public interest, convenience and necessity would be served.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Michigan Wireless Telegraph Company, Biddle Avenue, Wyandotte, Michigan.

Dated at Washington, D. C., September 27, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3607; Filed, September 29, 1939; 12:02 p. m.]



## FEDERAL POWER COMMISSION.

[Docket No. G-138]

IN THE MATTER OF COLORADO-INTERSTATE GAS COMPANY

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

SEPTEMBER 27, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On August 19, 1938, the Colorado-Interstate Gas Company filed with the Federal Power Commission its agreement, dated October 3, 1929, with the Colorado-Wyoming Gas Company, designated in the files of the Commission as Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3, providing for the sale of natural gas by the Colorado-Interstate Gas Company to the Colorado-Wyoming Gas Company for resale;

(b) On August 19, 1938, the Colorado-Interstate Gas Company filed with the Commission its supplemental agreement, dated October 8, 1929, with the Colorado-Wyoming Gas Company, designated in the files of the Commission as Supplement No. 1 to Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3, modifying that article of said Rate Schedule F.P.C. No. 3 which specifies the prices to be paid for the natural gas sold;

(c) Said agreement of October 3, 1929, as modified by the supplemental agreement of October 8, 1929, provides for certain periodic increases in the rates to be paid by the Colorado-Wyoming Gas Company, which proposed increases are to take effect at the expiration of each five year period during the life of said agreement;

(d) On August 26, 1939, the Colorado-Interstate Gas Company, acting pursuant to the provisions of Section 54.3-C of the Rules of Practice and Regulations Under the Natural Gas Act and Commission Order No. 57, filed with the Commission a document, dated August 25, 1939, designated in the files of the Commission as Supplement No. 1 to Supplement No. 1 to Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3, providing that in accordance with the terms of said agreement of October 3, 1929, as modified by said supplemental agreement of October 8, 1929, an increased rate for natural gas sold to the Colorado-Wyoming Gas Company would take effect on September 28, 1939;

(e) Said Supplement No. 1 to Supplement No. 1 to Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3 sets forth certain statements purporting to justify the proposed increase in rates;

(f) The increased schedule of rates contained in said Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3, as modified by Supplement No. 1 thereto, which the said Supplement No. 1 to Supplement No. 1 proposes to make effective on September 28, 1939, may result in excessive rates to the Colorado-Wyoming Gas Company, or place an undue burden upon ultimate consumers of natural gas, which increased schedule of rates has not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon but not for a longer period than five months from September 28, 1939;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on October 30, 1939, at 10 o'clock a. m., in the hearing room of the Federal Power Commission, in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates which the document of August 25, 1939, designated in the files of the Commission as Supplement No. 1 to Supplement No. 1 to Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3, proposes to make effective as of September 28, 1939;

(B) Pending such hearing, the agreement of October 3, 1929, as modified by the supplemental agreement of October 8, 1929, between the Colorado-Interstate Gas Company and the Colorado-Wyoming Gas Company, as filed with the Commission on August 19, 1938, and as further modified by the document of August 25, 1939, as filed with the Commission on August 26, 1939, designated in the files of the Commission as Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3, and Supplement No. 1, and Supplement No. 1 to Supplement No. 1 thereto, respectively, in so far as they provide for an increase in rates to take effect as of September 28, 1939, be and the same are hereby suspended for the period of five months beyond September 28, 1939, unless the Commission shall otherwise order;

(C) During the said period of suspension the rates now being collected and received by the Colorado-Interstate Gas Company from the Colorado-Wyoming Gas Company, as provided in the said Colorado-Interstate Gas Company Rate Schedule F.P.C. No. 3 and Supplements Nos. 1 and 3 thereto, shall remain and continue in full force and effect.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-3600; Filed, September 29, 1939; 9:09 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1939.

[File No. 32-173]

IN THE MATTER OF NORTHWESTERN ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on October 16, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 12, 1939.

The matter concerned herewith is in regard to the proposed issuance and sale of securities by Northwestern Electric Company, a direct subsidiary of American Power & Light Company a registered holding company, and an indirect sub-

sidiary of Electric Bond and Share Company, also a registered holding company.

The securities proposed to be issued are of the following types in the principal amounts designated:

| | |
|---|---|
| First Mortgage Bonds, 4% Series, due 1969 | $6,700,000 |
| 4½% Debentures due 1959 | 2,800,000 |
| | 9,500,000 |

The bonds and debentures are expected to be sold privately at the principal amounts. It is stated that there will be no underwriting discount or commission. However, in the estimated total expenses of $77,000 is included a proposed payment of $35,000 to The First Boston Corporation for services as an agent in negotiating the sale of the bonds.

The net proceeds of the issuance and sale of the Bonds and Debentures ($9,423,000 exclusive of accrued interest but after deducting estimated expenses in connection therewith), are to be expended or otherwise used for the following purposes:

| | |
|---|---|
| (1) To deposit with Harris Trust and Savings Bank, the Corporate Trustee, under the Trust Indenture made by the Applicant to said Corporate Trustee dated May 1, 1915, in trust, cash equal to principal, and premium (exclusive of accrued interest) required for redemption (in accordance with the terms of the said Trust Indenture) on May 1, 1940 of the Applicant's outstanding First Mortgage Twenty Year Sinking Fund Gold Bonds, as extended to May 1, 1945, less cash in sinking fund amounting to $210,837.34 and cash in special deposits amounting to $7,501.81 with trustee | $5,314,717.85 |
| (2) To pay the $2,819,609.51 principal amount of indebtedness (exclusive of accrued interest) owing by the Applicant to American Power & Light Company | 2,819,609.51 |
| (3) To reimburse the Applicant's treasury, in part, for expenditures heretofore made for extensions and improvements of the Applicant's facilities | 1,288,672.64 |
| Total | 9,423,000.00 |

After the sale of the said securities and the reimbursement of the Applicant's treasury as above stated, the Applicant intends, upon appropriate declaration thereof, to pay from Applicant's earned surplus previously undeclared dividends on Applicant's First Preferred Stock (7%) and Preferred Stock (6%) amounting to a total of $1,057,381.29 as of June 30, 1939.

It is proposed that the issuance of the securities will be authorized by the Department of Public Service of Washington and by the Public Utilities Commissioner of Oregon.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3610; Filed, September 29, 1939; 12:13 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1939.

[File No. 51-23]

IN THE MATTER OF SECURITIES CORPORATION GENERAL

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (c) and Rule U-12C-2 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on October 16, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 11, 1939.

The matter concerned herewith is in regard to an application under Rule U-12C-2 for the approval of the declaration and payment by Securities Corporation General of a dividend at the rate of $1.75 per share on the 1,843 shares of its Cumulative Preferred Stock, $7 Series, which are outstanding, and a dividend at the rate of $1.50 per share on the 4,731 shares of its Cumulative Preferred Stock, $6 Series, which are outstanding. The aggregate amount of these dividends will be $10,321.75.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3609; Filed, September 29, 1939; 12:13 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1939.

[File No. 43-253]

IN THE MATTER OF NEPSCO APPLIANCE FINANCE CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on October 16, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 10, 1939.

The matter concerned herewith is in regard to a declaration filed by Nepsco Appliance Finance Corporation, a subsidiary of New England Public Service Company, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance of the declarant's unsecured promissory notes not to exceed in the aggregate $1,200,000 to commercial banks or trust companies of the declarant's selection. $765,000 of said notes will be used to discharge as they mature promissory notes of the declarant presently outstanding, and all of said $1,200,000 will be used for financing the declarant's business as a mutual service company for the New England Public Service Company holding-company system.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3611; Filed, September 29, 1939; 12:13 p. m.]

DEPOSITED BY THE UNITED STATES OF AMERICA


# FEDERAL REGISTER

VOLUME 4 NUMBER 190

*Washington, Tuesday, October 3, 1939*


## *The President*

### AMENDMENT OF REGULATIONS RELATING TO MIGRATORY BIRDS [1]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Interior, under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which, as amended, was transferred to the said Secretary by Reorganization Plan No. II, submitted to the Congress on May 9, 1939, has adopted and submitted to me a regulation amending Regulation 4 of the Regulations approved by Proclamation No. 2345 of August 11, 1939,[2] which he has determined to be a suitable regulation permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of migratory birds and parts, nests, and eggs thereof, included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, which said amendatory regulation is as follows:

AMENDMENT OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936, 49 Stat. 1555, the administration of which, as amended, was transferred to the Secretary of the Interior by Reorganization Plan No. II, submitted to the Congress on May 9, 1939, I, E. K. Burlew, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of said conventions and act to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and the exportation and importation of such mammals to and from Mexico, and, in accordance with such determinations, do hereby adopt the following amendment of the Regulations relating to migratory birds and certain game mammals approved and proclaimed August 11, 1939 (4 F.R. 3621 DI), as a suitable regulation permitting and governing the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of said migratory birds and parts, nests, and eggs thereof:

The second and third paragraphs of the Subtitle "Waterfowl, Wilson's snipe or jacksnipe, and coot" of Regulation 4, "Open Seasons on and Possession of Certain Migratory Game Birds", are amended to read as follows:

In Maine, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Vermont, and Wisconsin, October 1 to November 14.

In California, Colorado, Connecticut, Delaware, Idaho, Illinois (except coot in certain counties as hereinafter provided for), Indiana, Iowa, Kansas, Kentucky, Massachusetts, Missouri, Nebraska, Nevada, New Jersey, New York, including Long Island, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Da-

[1] This Proclamation affects Parts 1 and 2 of Title 50 of the Code of Federal Regulations.
[2] 4 F.R. 3621 DI.

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kota, Utah, Washington, West Virginia, and Wyoming, October 22 to December 5.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 27th day of September, 1939.

E. K. BURLEW,
*Acting Secretary of the Interior.*

AND WHEREAS upon consideration it appears that approval of the foregoing amendatory regulation will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby approve and proclaim the foregoing amendatory regulation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 28" day of September, in the year of [SEAL] our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President
CORDELL HULL
*Secretary of State*

[No. 2367]

[F. R. Doc. 39-3631; Filed, September 30, 1939; 1:02 p. m.]

## EXECUTIVE ORDER

DESIGNATION OF THE DIRECTOR OF THE BUREAU OF MINES TO ACT AS SECRETARY OF THE INTERIOR, OR AS UNDER SECRETARY, FIRST ASSISTANT SECRETARY, OR ASSISTANT SECRETARY OF THE INTERIOR

By virtue of and pursuant to the authority vested in me by section 179 of the Revised Statutes (5 U.S.C., sec. 6), I hereby authorize and direct Dr. John W. Finch, Director of the Bureau of Mines of the Department of the Interior, to perform the duties of the Under Secretary of the Interior, or the First Assistant Secretary of the Interior, or the Assistant Secretary of the Interior, during the absence or sickness from October 1 to October 31, 1939, inclusive, of the Under Secretary of the Interior, or the First Assistant Secretary of the Interior, or the Assistant Secretary of the Interior, and during the absence or sickness from October 1 to October 31, inclusive, of the Secretary of the Interior, the Under Secretary of the Interior, the First Assistant Secretary of the Interior, and the Assistant Secretary of the Interior, to perform the duties of the Secretary of the Interior.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*September 30, 1939.*

[No. 8265]

[F. R. Doc. 39-3632; Filed, October 2, 1939; 9:59 a. m.]

## *Rules, Regulations, Orders*

## TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 83—SALE OF SURPLUS OR UNSERVICEABLE PROPERTY [1]

§ 83.2 *Authorized methods of sale—surplus property.*

• • • • • •

(e) *Procedure when sealed bids are invited*—(1) *Advertising for bids.*

• • • • • •

(ii) *Other special conditions.* Every invitation for bids will contain the following special conditions in addition to such other conditions as may be prescribed in accordance with paragraph 14*a* (2), A.R. 5-50.[2]

All property listed will be available for inspection for a period of _____ preceding the sale. Prospective bidders are urged to inspect the property at its place of storage prior to the sale. Failure on the part of any purchaser to inspect any property will not be considered ground for any claim for adjustment or rescission.

All property listed will be sold "as is, where is" at its place of storage without warranty or guaranty as to quality, character, condition, size, weight, color, or kind, or that the same is in condition or fit to be used for the purpose for which it was originally intended, and no claim for any allowance upon any of the aforementioned grounds will be considered.

The successful bidder will be notified in writing of the award, which will be made in accordance with the terms and conditions set forth in this invitation for bids. Upon receipt of this notification he will pay the balance of the sale price within the specified time and will furnish the necessary shipping instructions. No property will be removed by the purchaser and no shipment will be allowed to go forward prior to full payment of the purchase price and any other charges that have accrued under the terms hereof. Payments will be made by cash or certified check drawn in favor of the Treasurer of the United States in all sales of $1,000 or less. In sales over $1,000, payment may be made by an irrevocable letter of credit drawn on a member bank of the Federal Reserve System in favor of the Treasurer of the United States. Drafts or checks of any kind drawn under a letter of credit will be made payable to the Treasurer of the United States.

• • • • • •

(f) *Procedure when bids at public auction are invited.*

• • • • • •

(iii) The following special conditions will be included: Prospective bidders will be required to deposit _____ as a guarantee of good faith. Upon making this deposit each bidder will be given a numbered paddle. No bid will be considered without the showing of this paddle. Unless the deposit is required to cover payment for supplies purchased, it will be returned to a bidder upon completion of the sale and return of the paddle. The successful bidder must pay the purchase price within 10 days of the date of sale. No property will be removed by the purchaser and no shipment will be allowed to go forward prior to full payment of the purchase price and any other charges that have accrued under the terms hereof. Payment may be by cash, certified check drawn in favor of the Treasurer of the United States, or an irrevocable letter of credit drawn on a member bank of the Federal Reserve System in favor of the Treasurer of the United States, payable to the Treasurer of the United States. All property purchased must be removed by the successful bidder within _____ from date of sale.

The Government reserves the right to accept or reject any or all bids or any part of any bid, and, if necessary, to exercise this right on any particular bid at any time during the continuance of the sale by notifying the bidder of the rejection of his bid.

• • • • • •

(40 Stat. 850; 40 U.S.C. 314; 41 Stat. 105; 10 U.S.C. 1265) [Pars. 10-15, A.R. 5-50, May 22, 1939, as amended by Proc. Cir. No. 22, September 28, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-3614; Filed, September 30, 1939; 9:16 a. m.]

[1] These regulations supersede Part 83, Title 10, of the Code of Federal Regulations.

[2] Administrative regulations of the War Department relative to use of forms.



## TITLE 15—COMMERCE

### BUREAU OF FOREIGN AND DOMESTIC COMMERCE

SUB-TITLE B—REGULATIONS RELATING TO COMMERCE

PART 305—FOREIGN TRADE STATISTICS

§ 305.4 is amended to read as follows:

*Statistics furnished by collectors of customs.* Trade papers, trade organizations, and commercial concerns may be furnished with statistical information regarding imports by customs districts as shown in the monthly statistical reports supplied to collectors by the Section of Customs Statistics at New York. In no case shall any information be furnished in such manner as to disclose individual transactions or names of importers or exporters.

This amendment shall take effect immediately.

§ 305.30 (a) is amended to read as follows:

*Manifests of vessels—Shippers' declarations—Clearance.* (a) Before clearance shall be granted to any vessel bound to a foreign place or non-contiguous territory of the United States, the master shall file a manifest with the collector of customs on Commerce Form 1374 of all the cargo on board his vessel. There shall also be filed with the collector declarations of the owners, shippers, or consignors of the cargo shipped by them, specifying the kinds, quantities, values, and the places to which ultimately destined. These declarations will be made in duplicate on Commerce Form 7525 in accordance with the instructions printed thereon, and the original copy of every declaration shall be verified by oath before a Customs officer, notary public, or other authorized person: *Provided*, That during any period covered by a Proclamation of the President that a state of war exists between foreign nations such declarations shall be filed in triplicate, instead of in duplicate. Collectors will number the declarations serially as received.

This amendment shall become effective October 1, 1939.

§ 305.31 is amended to read as follows:

*Clearance on incomplete manifest under bond.* Clearance may be granted on incomplete cargo manifest and before all export declarations have been filed, upon the application to the collector of customs on Commerce Form 1378-B and the execution of the bond printed thereon, or on application to the Secretary of Commerce and the execution of a bond on Commerce Form 1380: *Provided*, That the privilege of clearance of a vessel bound for a foreign port prior to the filing of all export declarations as provided for herein, shall be suspended during any period covered by a Proclamation of the President that a state of war exists between foreign nations. The condition of the bond is that a complete outward manifest of all cargo laden on board the vessel, or the export declarations covering all cargo, or both the complete outward manifest and all export declarations, as printed on said forms, be filed with the collector of customs not later than the fourth business day after clearance of the vessel. If required by the collector, pro forma declarations on customs form 7303 must be filed enumerating shipments for which declarations are missing.

This amendment shall become effective October 1, 1939.

(R.S. 161, 5 U.S.C. 22, R.S. 335 as amended, 15 U.S.C. 176, R.S. 336 as amended, 15 U.S.C. 173, and R.S. 337 as amended, 15 U.S.C. 174; also 32 Stat. 172 as amended, 46 U.S.C. 95, R.S. 4197 as amended, 46 U.S.C. 91, R.S. 4200 as amended, 46 U.S.C. 92.)

[SEAL] EDWARD J. NOBLE,
*Acting Secretary of Commerce.*

SEPTEMBER 28, 1939.

[F. R. Doc. 39-3619; Filed, September 30, 1939; 9:53 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 2046]

IN THE MATTER OF EXCELSIOR HAT WORKS

§ 3.66 (e) *Misbranding or mislabeling—Old, secondhand or reconstructed as new:* § 3.69 (b) (9) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new.* Representing, in connection with offer, etc., in commerce, of hats, that hats composed in whole or in part of used or secondhand materials are new or are

composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that said products are composed of secondhand or used materials, or in any manner that hats made in whole or in part from old, used or secondhand materials are new or are composed of new materials, prohibited; subject to the provision that if sweatbands are not affixed to such hats as hereinbefore set forth, then such stamping must appear on the bodies of such hats in conspicuous and legible term which cannot be removed or obliterated without mutilating said bodies. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Excelsior Hat Works, Docket 2046, September 19, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF JOSEPH A. VILLONE, AN INDIVIDUAL, TRADING AS EXCELSIOR HAT WORKS

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the amended and supplemental complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered* That the respondent, Joseph A. Villone, individually, and trading as Excelsior Hat Works, or under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hats in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating the sweat bands, a statement that said products are composed of secondhand or used materials, provided that if sweat bands are not affixed to such hats then such stamping must appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies;

(2) Representing in any manner that hats made in whole or in part from old, used or secondhand materials are new or are composed of new materials.

*It is further ordered*, That respondent shall, within sixty (60) days after service upon him of this order file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3624; Filed, September 30, 1939; 11:30 a. m.]

[Docket No. 3026]

IN THE MATTER OF KIDDER OIL COMPANY

§ 3.6 (a) (1) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Authorities and personages connected with:* § 3.6 (a) (10.1) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History.* Representing, in connection with offer, etc., in commerce, of respondent's product "Koatsal", that Joseph K. Kidder is an original pioneer in the blending of colloidal graphite and lubricating oil and that he has great scientific knowledge which enabled him to develop Koatsal, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Kidder Oil Company, Docket 3026, September 19, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's product "Koatsal", that Koatsal penetrates and adheres to all metal surfaces it reaches, permeates the pores of the metal, soaks into the metal, and that the metal becomes plated with Koatsal and moving parts ride on this plating, or that an automobile conditioned with Koatsal will run any greater distance without oil in the crankcase without damage to any part than will an automobile conditioned with ordinary lubricating oil of the same quality used in Koatsal, or that the lubricating qualities of Koatsal are any greater than the lubricating qualities of the oil which it contains, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Kidder Oil Company, Docket 3026, September 19, 1939]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.72 (c) *Offering deceptive inducements to purchase—Excessive earnings:* § 3.80 (g) *Securing agents or representatives falsely or misleadingly—Earnings.* Representing, in connection with offer, etc., in commerce, of respondent's product "Koatsal", that the usual and customary earnings or profit to be derived from the sale of respondent's said product by distributors, salesmen and demonstrators are larger than, and in excess of, the usual and customary amounts actually so earned under normal conditions in the due course of business, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Kidder Oil Company, Docket 3026, September 19, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before W. W. Sheppard, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein and oral arguments by R. A. McOuat, counsel for the Commission, and E. E. Franchot, counsel for respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Kidder Oil Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its product "Koatsal", whether sold under that name or under any other name in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

(1) That Joseph K. Kidder is an original pioneer in the blending of colloidal graphite and lubricating oil and that he has great scientific knowledge which enabled him to develop Koatsal;

(2) That Koatsal penetrates and adheres to all metal surfaces it reaches, permeates the pores of the metal, soaks into the metal, and that the metal becomes plated with Koatsal and moving parts ride on this plating;

(3) That an automobile conditioned with Koatsal will run any greater distance without oil in the crankcase without damage to any part than will an automobile conditioned with ordinary lubricating oil of the same quality used in Koatsal;

(4) That the lubricating qualities of Koatsal are any greater than the lubricating qualities of the oil which it contains;

(5) That the usual and customary earnings or profit to be derived from the sale of its product by distributors, salesmen and demonstrators are larger than and in excess of the usual and customary amounts actually so earned under normal conditions in the due course of business.

*It is further ordered*, That the respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3625; Filed, September 30, 1939; 11:30 a. m.]

[Docket No. 3585]

IN THE MATTER OF MARTIN CUSTOM MADE TIRES CORPORATION

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture:* § 3.66 (c20) *Misbranding or mislabeling—Manufacture.* Representing, in connection with offer, etc., in commerce, of pneumatic automobile and truck tires, directly or indirectly, by means of letters, blotters, words, figures, price lists, tire wrappings, markings, insignia or brands appearing on respondent's automobile and truck tires, or in any other way, that the tires sold by respondent contain more plies in their construction than they actually contain, or representing, directly or indirectly, that the construction of respondent's tires or the materials therein contained are other than the actual construction and materials contained in said tires, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Martin Custom Made Tires Corporation, Docket 3585, September 18, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, testimony and other evidence taken before W. W. Sheppard, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein and oral arguments by R. A. McOuat, counsel for the Commission, and E. E. Franchot, counsel for respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Martin Custom Made Tires Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of pneumatic automobile and truck tires in commerce as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist:

(1) From representing directly or indirectly by means of letters, blotters, words, figures, price lists, tire wrappings, markings, insignia or brands appearing on respondent's automobile and truck tires or in any other way, that the tires sold by respondent contain more plies in their construction than they actually contain;

(2) From representing directly or indirectly that the construction of respondent's tires or the materials therein contained are other than the actual construction and materials contained in said tires;

*It is further ordered*, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3626; Filed, September 30, 1939; 11:31 a. m.]

[Docket No. 3838]

IN THE MATTER OF MORBEN HAT WORKS, INC., ET AL.

§ 3.66 (e) *Misbranding or mislabeling—Old, secondhand or reconstructed as new:* § 3.69 (b) (9) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new.* Representing, in connection with offer, etc., in commerce, of hats, that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating said sweat bands, a statement that said products are composed of second-hand or used materials, or in any manner that hats made in whole or in part from old, used, or second-hand materials are new or are composed of new materials, prohibited; subject to the provision that if sweat bands are not affixed to such hats as hereinbefore set forth, then such stamping must appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Morben Hat Works, Inc., et al., Docket 3838, September 18, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF MORBEN HAT WORKS, INC., A CORPORATION, AND MORRIS S. ALTMAN, INDIVIDUALLY AND AS AN OFFICER OF MORBEN HAT WORKS, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in the said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent Morben Hat Works, Inc., a corporation, its officers, representatives, agents, and employees, and respondent Morris S. Altman, individually and as an officer of said corporation, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hats in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that hats composed in whole or in part of used or secondhand materials are new or are composed of new materials by failure to stamp on the sweat bands thereof, in conspicuous and legible terms which cannot be removed or obliterated without mutilating said sweat bands, a statement that said products are composed of second-hand or used materials, provided that if sweat bands are not affixed to such hats then such stamping must appear on the bodies of such hats in conspicuous and legible terms which cannot be removed or obliterated without mutilating said bodies;

(2) Representing in any manner that hats made in whole or in part from old, used, or second-hand materials are new or are composed of new materials.

*It is further ordered*, That respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3627; Filed, September 30, 1939; 11:31 a. m.]

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## TITLE 24—HOUSING CREDIT

## UNITED STATES HOUSING AUTHORITY

### PART 612—PREPARATION OF DRAWINGS AND SPECIFICATIONS *†


Sec.
612.1 General requirements.
612.2 Review and approvals.
612.3 Number of copies for review.
612.4 Architect's responsibility.
612.5 Construction costs and cost estimates.
612.6 Scope of Architect's work.
612.7 General suggestions.
612.8 Job program.
612.9 Method of bidding.
612.10 Contract documents and bid forms.
612.11 Evaluation of bids.
612.12 Construction difficulties.
612.13 Increased overhead.


§ 612.1 *General requirements.* As indicated in the "Terms and Conditions" accompanying the loan contracts, the final plans, specifications and contract documents to be used for the construction of a project must meet with the approval of the USHA before construction contracts may be awarded by the local housing authority. To facilitate and aid the local housing authority and its architect, the following points are suggested: As soon as feasible after the loan contract is executed, it is suggested that an authorized member or representative of the local authority accompanied by the architests (and the architects' designers and engineers, as necessary) visit the USHA regional office. The architects should send in advance, or bring with them, preliminary studies, these to consist of a site plan, sketch plans of the housing types, a description of the proposed type of construction, a tabulation of the unit distribution, and the pertinent data used in formulating the preliminary studies. The preliminary studies should be based upon such considerations as the site boundaries and adequate information as to the topography, detailed knowledge or maps of the utilities systems available and proposed, the proper system of heating, and the estimates of cost in the Application as approved and adjusted to the then current situation. The studies prepared in connection with the Application, if fulfilling the above requirements, will suffice for this purpose. When the architects and the members or representatives of the local authority arrive to confer with the USHA there will be a comprehensive discussion of the entire problem with the various specialists and technicians of the USHA participating. It is desirable that the architects and members or representatives plan to remain in the regional office for a time sufficiently long so that when they leave they may carry with them working agreements, reduced to sketches and memoranda, as to the following: (1) Housing types; (2) Heating, cooking, and utilities systems; (3) Site plan and site engineering; (4) Unit plans and unit distribution; (5) Types and materials of construction; (6) Program for tests of sub-soil conditions; (7) Overall estimates and cost limitations; (8) The system of bidding; (9) Other pertinent matters which can be readily disposed of at that time. These agreements will be adequate to enable the architects to proceed expeditiously with the preparation of full preliminary plans and specifications. The full preliminary drawings and outline specifications are those to which reference is made in Article 3 (a) of the suggested form of Architect's Contract. Immediately following their visit to the regional office the architects should proceed with these drawings and specifications on the basis of the working agreements. Except in unusual cases, it is not contemplated that the full preliminary drawings and outline specifications need be submitted to the regional office for review but that they will be reviewed in the field and working agreements given as in the case of the preliminary studies.*† [Sec. B]

§ 612.2 *Review and approvals.* As soon as working agreements on the preliminary drawings and outline specifications have been reached the architects should proceed with the final plans, specifications and contract documents. The local authority may, in its discretion, submit these in whole or in part to the USHA regional office for review prior to completion, but this will not be necessary and in general will not be considered desirable since such submission may involve delays. It is contemplated that the USHA project adviser will, in each case, maintain close contact with the local authority during the development of the final plans and specifications and that he will arrange for field reviews by such technical and other specialists from the USHA as may be necessary in order to secure prompt disposition of all questions as they arise. However the final plans, specifications and contract documents should be submitted to Washington not lated than the time of advertising for bids in order that they may be reviewed at an early date prior to or during the period of bidding and be modified as may be found necessary by addenda. The suggested form of Architect's Contract anticipates that the final plans will be drawn in ink on tracing cloth. At the option of the local housing authority, pencil working drawings, if fully adequate for the purpose, will be entirely satisfactory to the USHA. However, if the contract contemplates the preparation of drawings in ink on tracing cloth and the local authority and the architects agree to substitute pencil working drawings, a suitable adjustment of the fee should be made part of the agreement. Throughout the period from loan contract to construction contract, the staff members of the USHA, in order to expedite the work, are authorized to reach such informal working agreements in the field, as the work progresses, as may be necessary. These agreements will be summarized in written memoranda given to the local authority by staff members of the USHA. Likewise, on matters which require review and discussion in the regional office, working agreements can be reached during visits of the local housing authority or its staff in the regional office, or by letter following the review of plans or other documents. In order to determine that the project complies with the terms of the United States Housing Act, the USHA finds it necessary to make a review and check of all drawings and specifications before or during the bidding period and prior to approval for contract purposes. However, it should be borne in mind that the primary responsibility for the success of the project rests with the local authority and, through them, with their technical aids, and that the plans and specifications must be so conceived, prepared and checked as to insure this success. Local authorities are, therefore, urged to review the plans and specifications thoroughly and painstakingly prior to submission for approval. By such procedure the facilities of the USHA will not be overtaxed, the USHA will be able to render more prompt service in the review and approval of contract documents, and the chances for errors and oversights which lead to unsatisfactory conditions or to increased cost, or both, will be greatly diminished.*† [Sec. C]

§ 612.3 *Number of copies for review.* As indicated in the "Terms and Conditions", six complete sets of plans, specifications, and other contract documents as proposed for bidding should be submitted to the USHA for review at the time of advertising for bids, or before. In addition, and during the process of development of the drawings and specifications and whenever these are submitted to the regional office for purposes of securing informal approval and suggestions, the number of copies will have to be determined in the light of circumstances at that time, but it is anticipated that in no case will the number of copies of drawings or other documents submitted for these purposes exceed eight. It is suggested that the number of copies of contract documents to be supplied by the architect, and for which blank spaces are provided in Section 6 of the suggested form of Architect's Contract, be made to conform to the above.*† [Sec. D]

§ 612.4 *Architect's responsibility.* No approval, formal or informal, by the USHA shall be construed to relieve the architect of his responsibility to the local housing authority as to the accuracy and completeness of the plans and other contract documents. The Architect should submit, with his final working drawings and specifications, a statement to the effect that the requirements of the local Building Department and of other agencies, public or private, having jurisdiction, have been complied with, or exemptions to existing requirements have been obtained.*† [Sec. E]

§ 612.5 *Construction costs and cost estimates.* The United States Housing Act [1] sets a maximum limit on the cost per room and per dwelling unit, and a further limit on the total cost of a project is established in the loan contract. It is obvious that architects must design within these limits. The preliminary cost estimates and those based on the working drawings should be low enough to allow for a margin of about five per cent to cover extras during construction. These, however, are to be regarded as maximum cost limits, and do not relieve the architect of his responsibility to design for the lowest costs attainable in his locality consistent with good construction and good planning. Sec. 15 (5) of the Act specifies "(a) that such projects will not be of elaborate or expensive design or materials, and economy will be promoted both in construction and administration, and (b) that the average construction cost of the dwelling units (excluding land, demolition and non-dwelling facilities) in any such project is not greater than the average construction cost of dwelling units currently produced by private enterprise, in the locality or metropolitan area concerned, under the legal building requirements applicable to the proposed site, and under labor standards not lower than those prescribed in this Act." After execution of loan contract the estimate of development cost in the Application as approved for the loan contract will be transcribed by the USHA to Form No. USHA-512; subject to such modifications as may be agreed upon between the local authority and the USHA this will become the preliminary budget. When the plans and specifications are completed, and prior to the advertising for bids, the local authority will submit its final estimate of total development cost. The local authority or its architects should, in the interim period, make at least one additional estimate in order to recognize its own position in relation to costs. Upon request of the local authority these interim estimates will be reviewed by USHA representatives in the field or, if the local authority desires, in the regional office, but there is no requirement that the local authority submit interim estimates to the USHA.*† [Sec. F]

§ 612.6 *Scope of architect's work.* The architect should obtain, at the outset of his work, a definite statement from the local housing authority setting forth the limits of the work to be covered by his plans and specifications, so that all street improvement and utility work which is not to be performed by the city or other outside agency, may be shown on his drawings. It should be the Architect's responsibility to coordinate his drawings with plans to be prepared by other agencies in connection with the housing project; further, to obtain from the city approval of his drawings for street and utility work to be performed in city streets or on land which it is proposed to dedicate to the city.*† [Sec. G]

§ 612.7 *General suggestions.* The following observations, while in a sense self-evident, are made in the hope that they will promote a certain degree of consistency in the work of all the architects operating under the program of the United States Housing Act, and that this, in turn, will facilitate the review of the plans and specifications by the USHA.

(a) The drawings should indicate completely the scope of the work to be executed, while the specifications should cover only that which the drawings are not competent to explain. The drawings should be carefully coordinated with the specifications to avoid omissions, repetitions, inconsistencies and contradictions; likewise the several parts and divisions of the specifications should be coordinated within themselves.

(b) Notes on the drawings should be specific as to extent of work and kinds of materials, but should avoid naming exact varieties of materials or trade names.

(c) Drawings should include complete door, window, and interior finish schedules, placed on drawings where most available for reference. A schedule of buildings, dwelling units and rooms should also be included. Schedules should be carefully checked with drawings and specifications.

(d) Each drawing should be properly described in the legend or index and should be dated and numbered to facilitate handling, recording and filing.*† [Sec. H]

§ 612.8 *Job program.* The Job Program form shall be considered as an outline under which all matters having to do with the composition of the project are initiated, considered, and determined step by step up to the time when the final plans, specifications and other construction contract documents are ready for bidding purposes. The essential point in the procedure is that the various items of the Job Program form shall be disposed of as early as possible and in logical sequence rather than that the material be assembled for consideration and disposition as a whole. The Job Program form should be used as a check list to see that no items are overlooked in the development of the project.*† [Sec. I]

§ 612.9 *Method of bidding.* Part 610 includes a discussion of letting general contracts on the basis of dividing a project into two or more parts, and of segregating from general construction contracts such items as plumbing, heating, and electrical work. It is here restated that local authorities should give consideration to this question and should weigh the several advantages and disadvantages of such a procedure, taking into consideration the fact that certain state laws make it necessary, on public works, to segregate and take separate bids on parts of the work other than the general construction. However, it should be borne in mind that the complications attendant upon splitting the work into a number of contracts are manifold, and that these complications increase much more rapidly than in direct proportion to the number of contracts. The following discussion is intended as an aid to local authorities in reaching its determination relative to this important question.

To begin with, the local authority should attempt, in the early stages of the work, to formulate its policy with regard to the manner in which bids should be taken and the alternates to be included, since this has an important bearing upon the site plan itself, and upon the manner in which the drawings are prepared. For example, it will be appreciated that certain site plans lend themselves more readily to several general contracts than do others, and that the distribution of utilities, arrangement of walks, and other features, are also involved in this problem. With respect to the drawings, these should contemplate the effect which alternates will have upon related work. Hence, an early decision as to the division of contracts, if any, and with respect to the taking of alternate bids will enable the plans to be prepared, and the specifications written, in a manner less susceptible to misunderstandings and disputes during construction than would otherwise be the case. A multiplicity of contracts and alternates involves the four major considerations set out in the four sections immediately following.*† [Sec. J]

§ 612.10 *Contract documents and bid forms.* Contract and bid forms must be prepared in such manner that the requirements desired may be clearly and unmistakably understood by all intending bidders. The difficulties may not be readily apparent until an attempt is made to set up the documents, nor are they always perceived at that time. However, to form some conception of the difficulties involved in a relatively simple case—assume the hypothetical problem of one project divided into four bidding areas for general construction

*§§ 612.1 to 612.13 issued under the authority contained in § 8, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408.

†The source of §§ 612.1 to 612.13 is Bulletin 13, revised April 17, 1939.

[1] United States Housing Act of 1937, as amended, 50 Stat. 888; 42 U.S.C., Sup. IV, 1401 (hereinafter referred to as the "Act").

purposes, with one area including a building, or buildings, for which an alternate is proposed to exclude these buildings; then assume that it is necessary under state laws, to take separate bids for plumbing, heating, electrical work, and that it seems desirable to separate the paving work as well as the landscaping work from the general contracts; in addition, assume that alternates are desired covering four items on the construction work, and as few as two items each on the mechanical trades. With the necessary provision that overall bids must also be taken in order to insure that the lowest possible price has been obtained, such a case as is cited may involve the taking of as many as 80 to 100 base bids and 200 to 400 alternate bids. Under such circumstances, a long and painstaking analysis of the bid documents becomes necessary in order to insure that there is no overlapping of items or gaps to be bridged by extra expenditures after the contracts have been awarded.*† [Sec. J]

§ 612.11 *Evaluation of bids.* The mere process of tabulation of bids under the hypothetical case cited is no small task, but the evaluation of these bids after they have been tabulated is not only difficult, but may be even impossible in some cases. It is easy to conceive that in order to pick out the lowest possible combination of bids, it may become necessary to do so on a basis that may not produce the best possible results, and that in certain cases the awards may be determined by virtue of the acceptance or rejection of certain alternates, a situation almost certain to produce embarrassment for the local authority. In certain states where the law requires that awards be made on the basis of the base bids, without regard to alternates, it is altogether probable that certain desirable alternates may be accepted only if excessive prices are paid; the conclusion is that in such states the base bid should include the most desirable materials and methods, covering those that are less desirable by the alternates. In all events, the number of alternates should be held to the minimum.*† [Sec. J]

§ 612.12 *Construction difficulties.* The presence of a large number of contractors on any one project leads to confusion, division of responsibility, and delays. For example, contemplate a situation under which a central heating plant and its steam distribution lines is under one contract, and the heating system within the buildings, is under one, or more, other contracts. Under such a situation, if the heating of one or more of the buildings is unsatisfactory, both contractors will disclaim any responsibility, each charging the other with the fault. Each contractor must have access to his site, and such access will frequently cross the area under the jurisdiction of another contractor. Claims arising out of difficulties due to surface drainage will often develop. Delays are certain to ensue. From a management point of view, differences in equipment and in types of materials resulting from divided contracts impose added maintenance costs. Other difficulties too numerous to cite can be readily forecast.*† [Sec. J]

§ 612.13 *Increased overhead.* It is obvious that under a large number of contracts a local authority must assume the function of coordination which normally belongs to a general contractor, and that the administrative cost of such coordination accounts for at least a considerable portion of the savings which may seem to result from a division of the contracts. Moreover, the direct supervision cost may increase in more or less direct proportion to the number of contractors engaged. The foregoing statements are not in any sense intended to indicate that the USHA desires to interfere with any reasonable proposals that local authorities may make relative to the manner of securing bids. It is appreciated that many local authorities desire to keep contracts small enough so that legitimate local competition can be had. The argument has also been advanced that local contractors will have a greater personal interest in the work and that they are easier to get back on the job to remedy such latent defects as normally develop on construction work. The USHA is sympathetic with these and other arguments that have been advanced, but it feels a proper responsibility to see that all proposals for the division of work and for the inclusion of alternate bids should be kept within reasonable bounds and to that end it is prepared to discuss each individual problem as it develops. In conclusion, the point is again stressed that early consideration of this particular problem is most advisable.*† [Sec. J]

NATHAN STRAUS,
*Administrator.*

SEPTEMBER 14, 1939.

[F. R. Doc. 39-3617; Filed, September 30, 1939; 9:17 a. m.]

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## PART 613—SITE ENGINEERING DESIGN*†


Sec.
613.1 Grade studies.
613.2 Starting point of grade studies.
613.3 Method of indicating finished grades.
613.4 Surface drainage.
613.5 Building floor elevations.
613.6 Maximum and minimum grades.
613.7 Surface inlets.
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§ 613.1 *Grade studies.* A careful study of yard grades should be made early in the project design for use as a guide in establishing building floor elevations and for obtaining a satisfactory balance of cut and fill. The study should include fixing the finished grades of walks and driveways and of planted and surfaced areas, and the calculation of earthwork quantities. While the grades so fixed will be subject to subsequent adjustment, the study should be made thoroughly at the outset in order to avoid subsequent change in building elevations, or objectionable grade conditions.*† [Part I]

§ 613.2 *Starting point of grade studies.* Established street grades must obviously serve as the starting point for working out finished grades for the project site, and these should be fully determined before grade studies are begun. (Sewer grade elevations must also be taken into account.) If street grades have not been established, or if alteration in established grades is required, definite action or approval by the city should be obtained. On vacant sites where extensive new streets or drives must be planned, roadway profiles should be prepared at the outset and grades established. If such streets are to be dedicated to the public use, the proposed grades should be approved by the city.*† [Part I]

§ 613.3 *Method of indicating finished grades.* Site grading may be studied conveniently in contours and, except in the case of sites with little slope, finished grade contours may be indicated on preliminary site or block plans. On working drawings in the majority of cases, it is preferable to indicate finished grades by elevations rather than by contours. In staking out surface improvements, contour grades must be translated into elevations and if this is done in advance on the working drawings, the designer's intentions will be better understood and carried out. Where grade contours are used, slight changes in grades made during the preparation of the working drawings (many final adjustments are always neecssary) necessitate laborious alteration in the contours. Grade elevations and grade contours should generally not be shown together as conflicting requirements may result. Finished grade elevations should be shown, in general, wherever they are required for carrying out grading work and yard improvement construction (assuming uniform slopes between points where finished grades are indicated). This includes grades along street curbs and sidewalks, at the corners of all buildings, at yard walk intersections, at points of change in the rate of slope in walks and surfaced areas, and at the top and bottom of banks. Contours of the existing surface should be shown on site or block plans where finished grade elevations are indicated; these may be shown at one-foot intervals on comparatively flat sites, and at intervals of two feet or more on steeper sites. (They may be placed in very light dotted lines on the back of the tracings to save trouble in erasures.) However, existing grade contours may be omitted from block plans when they make these drawings too confused and a special grade map may be prepared to show present grades, controlling finished grades, grades at buildings and floor elevations. This map would serve principally for computation of earthwork quantities.*† [Part I]

§ 613.4 *Surface drainage.* Two basic requirements should be observed in planning yard drainage: 1. All yard areas of whatever nature should be sloped for drainage, with outlet provided for the escape of surface water. 2. Except in special cases, all surfaced areas should be designed to drain into walkways, streets, driveways, or inlets to underground drains, as the case may be, without depending upon the escape of surface water laterally across grassed areas. If these requirements are not observed, pooling of water on walks and surfaced areas is certain to occur and, except in the extreme South, snow and ice will impede drainage during the winter season and become a source of inconvenience and hazard to tenants. Profiles of walks and drives should be smooth and present a pleasing appearance, without sharp breaks in grades. Earth banks, which should be avoided wherever possible, should have a curved profile at top and bottom. A very shallow sod gutter, sloping toward an outlet, at the top of banks will aid in preventing wash; and the bottom of banks adjacent to walks should be at least two feet from the walks.*† [Part I]

§ 613.5 *Building floor elevations.* Breaks in floor levels should be avoided, so far as possible, in fixing building elevations. Where the topography is such that breaks must be introduced, they should be limited to 18 inches, if possible. The grade levels of building floor will be governed not only by yard drainage requirements but by architectural considerations and by sewer depths.*† [Part I]

§ 613.6 *Maximum and minimum grades.* Tables showing the approximate maximum and minimum slopes for yard areas which experience has shown to be desirable are available from the USHA.

In climates where snow and ice are common, the slopes of surfaced areas should, where practicable, be kept well within the maximum rates shown in the tables. For low maintenance, with reference particularly to power mowing, it is very desirable that grassed slopes be not steeper than five to one, although it should be borne in mind that a power mower will negotiate a 3 to 1 slope and that such slopes may be used occasionally where it is not practicable to secure a flatter slope. It is often difficult to give walks and other yard areas the necessary minimum pitch; for example, where a walkway parallels closely a row house building, variable riser heights may be necessary in steps at building entrances; and on very flat sites, walkways may have to be laid to a profile consisting of a series of high points and depressions, with drainage to surface inlets in the depressions.*† [Part I]

§ 613.7 *Surface inlets.* Underground drains and inlets for carrying off storm water require an appreciable outlay in first cost and maintenance, but experience indicates that failure to provide adequate facilities of this kind may result in increased maintenance, property damage, and inconvenience to tenants. In general, surface inlets should be located immediately adjacent to and connected with walkways. If placed in grassed areas apart from walks, the inlets will fail to drain the walks properly, especially when the ground is covered with snow and ice. Complete reliance should not be placed on a single inlet or a single drain, if its stoppage would result in the flooding of a building floor, in other property damage, or in inconvenience to tenants; drainage facilities should be so arranged that if any one inlet or drain is stopped, the overflow will escape into a service drive or another drain without causing serious damage.*† [Part I]

§ 613.8 *Layout of walkways.* The location of walkways should be designed to give direct access to buildings and circulation between buildings, facilitate deliveries and the collection of refuse, etc., and protect the landscape development of the site. Failure to provide walks along all natural courses of traffic will result in increased landscape maintenance. It has been found that where walks parallel to row houses are located at some distance from the buildings, and necessitate relatively long approach walks, paths will be formed in the lawn area between dwelling entrances. The location of rear walks close to buildings may discourage this but will also tend to limit privacy and make the allotment of ground areas to the tenants for their own maintenance more difficult. Roundings at walk intersections will tend to increase walk costs but facilitate lawn maintenance.*† [Part II]

§ 613.9 *Widths.* The following walkway widths have been found generally satisfactory:

| | |
|---|---|
| Main circulation walks | 5 feet and up. |
| Main approach walks to apartment buildings | 5 feet. |
| Secondary approach walks to apartment buildings | 4 feet. |
| Approach walks to row houses: | |
| Single entrance, front | 3 feet. |
| Single entrance, rear | 2 feet. |
| Double entrance, front | 4 feet. |
| Double entrance, rear | 3 feet. |

Stepping stones, or walks even less than 2 feet wide, may be used in special cases.*† [Part II]

§ 613.10 *Design.* Plain concrete is generally the best material for walkways in low-rent housing developments. Various other materials possess architectural advantage, but are, as a rule, more expensive to lay or maintain. Bituminous walks have proven unsatisfactory, due in part to the difficulty of obtaining good compaction. Division of concrete walks into "flags" by full depth joints will prevent cracking and facilitate maintenance, since the flags can be raised easily in case of settlement. Walks should have a cross slope when adjacent to buildings, and a slight crown when in open areas; ¼ inch per foot is recommended in each case. Special fitting or warping may be required at walk intersections and at surface inlets to carry out the scheme of drainage. Precast concrete slabs may be used in very narrow walkways for maximum economy.*† [Part II]

§ 613.11 *Steps.* Steps in yard walks are a source of inconvenience and hazard and are to be avoided wherever possible. A single riser should never be used. Long flights of steps without landings are also to be avoided and, in cold climates, the use of a hand rail should be considered for all flights containing more than about six risers. The height of risers should be not less than 4 inches and not more than 7 inches. Where the system of garbage collection by the project management involves the use of small trucks over walkways, steps must not be used in walks leading to the collection stations.*† [Part II]

§ 613.12 *Layout of streets and driveways.* Driveways should be designed to discourage through traffic while affording easy access for the service needs of the project. They may be designed to provide some parking space also, and should be laid out to serve as a convenient location for utility lines. Project streets and drives must afford access to hydrants by fire fighting equipment, and the local fire department's advice with respect to this element of the site plan should be obtained. It should be noted, however, that such access by fire fighting equipment will rarely be necessary; hence, practicable, rather than convenient, access should be provided. The driveway layout should permit the use of existing street and alley pavements when such use is feasible. Driveways of sufficient width or importance to be considered as streets should be planned for dedication to the public use, and street parking areas arranged in a manner acceptable to the city.*† [Part III]

*§§ 613.1 to 613.30 issued under the Authority contained in § 8, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408.

†The source of §§ 613.1 to 613.30 is Bulletin 14, Aug. 23, 1938.

§ 613.13 *Widths.* Sixteen feet may be taken as a minimum width for two-lane service drives and 9 or 10 feet for single lane drives. Two-lane drives can frequently be operated "one-way" to advantage. Three-lane drives (or streets), which will accommodate parking on one side, should be not less than 26 feet wide, and drives accommodating parking on both sides should be at least 32 feet wide. Curbs should have a radius at intersections of at least 12 feet; where feasible, 15 to 20 feet is more desirable.*† [Part III]

§ 613.14 *Section.* A "dished" section (drainage to center) is most economical for service drives in so far as drainage is concerned; further, this section facilitates crossing street sidewalks at sidewalk grade, which is a desirable arrangement for driveways serving light traffic. The dished section also eliminates the positive need for curbing, although a low monolithic curb (assuming the driveway is of concrete) is most desirable for the protection of adjoining planted areas, fencing, and other improvements. A crowned section is recommended for (1) all driveways having other than concrete surfacing, (2) drives more than two lanes in width, and (3) long, important or "front" driveways, even if only two-lane (for appearance reasons). The pavement cross-section should show subdrains where soil and climatic conditions warrant them.*† [Part III]

§ 613.15 *Surfacing material.* From the viewpoint of maintenance cost, concrete makes a very satisfactory surfacing material for service driveways; and with respect to first cost, a concrete pavement with monolithic curb is little or no more costly than a good, premixed bituminous surfacing laid on a stone base, and provided with concrete curbs and gutters. Where there is an existing base which can be utilized, bituminous surfacing will be far less expensive than concrete; and where very low costs are imperative, a macadam or gravel base course with light surface treatment may be used, or untreated surfacing may be laid. The advice of municipal or State authorities should be obtained concerning the specifications best adapted to conditions and to materials available locally. Soil and climatic conditions, the nature of traffic, and cost limitations will govern the design of the surfacing used in each case. State highway or city standards are convenient for reference and compliance with them may be specified. Where there is but a limited amount of surfacing of any one kind to be laid, the inclusion of a brief description of the essential requirements in the general specifications for the project, rather than reference to an elaborate State specification, may result in lower costs. Concrete is an economical and satisfactory material for curbs, except at important street intersections, where stone is preferable.*† [Part III]

§ 613.16 *Space required for parking.* The space per car required for parking on streets and drives, with allowance for ample clearance, is roughly 150 square feet; on special parking areas the space required per car is about 215 square feet and upwards. This difference is due to the fact that in parking areas considerable space must be provided for car maneuvering, while in streets and driveways the traffic-way is used for this purpose. A parking area width of about 54 feet is needed for two lines of cars parked "head in," with maneuvering space between the rows.*† [Part IV]

§ 613.17. *Surfacing material.* Comparison of the space requirements for parking on streets and for parking in special areas indicates that, for equal construction cost, a lower cost type of surfacing must be used for special parking areas. Nevertheless, deterioration of the surfacing is equally severe in both types of area, and cheaper types will probably require higher maintenance cost. The type of surfacing selected—e. g., untreated macadam, or similar material with light surface treatment, or a more permanent type of pavement—will depend on the character of the project and varying local conditions, and no definite recommendations can be stated. Dustless, "trackless" material, having low maintenance cost, is of course desirable, but cost limitations may necessitate the use of a material which is not satisfactory in every respect. For areas on which tenants may do much repair work on their cars, tar-mix topping will be preferable to asphalt because it will be less damaged by dripping oil and gasoline. Curbing or other type of barrier should generally be provided along the edges of parking areas.*† [Part IV]

§ 613.18 *Fences.* Fencing is useful for various purposes in housing projects, e. g., along project boundaries to prevent trespassing, along steep banks, around play areas for protection of children, around drying yards and most important, along yard division lines for enclosing tenants' yards. Fencing may preferably be omitted from the initial project development, when doubt exists as to its need, and installed later as required in the way which will best serve its purpose. Although no definite recommendation with respect to the extent and location of fencing can be made, the decision to use it should be based on consideration of the types of dwellings, the habits of the people housed, climate, and topography. The following advantages should be weighed in determining which areas are to be fenced and how: 1. demarcation of yard lines, and definite placing of responsibility for yard maintenance on the tenants; 2. protection of vegetable and flower gardens, if any; 3. provision of enclosures for small children; 4. protection of laundry hanging. However, these advantages must be weighed against the added cost and the possible loss in attractiveness. Substantial chain-link fencing is recommended for fences around play areas, along project boundaries, etc. Although this type has also been used extensively for tenants' yards, consideration should be given to some less expensive type, such as several strands of heavy wire supported on light steel posts. Where clothes drying facilities are provided in tenants' yards, the clothes poles may be set in the fence line and used to replace heavy end or gate posts required.*† [Part V]

§ 613.19 *Location of utility lines.* Main sewer, water, and gas lines should be placed in city streets or project driveways wherever possible. With these lines in the city streets, the project will incur no responsibility for their maintenance; with these lines in project driveways, the project will be relieved of their maintenance in the event that the drives are later dedicated to the city. Such location also makes utility lines more accessible for maintenance and does not require the granting of easements through yard areas. Where practicable, utility lines in project streets and driveways, should be at the side of the pavement. Special attention should be given in the landscape and utility design to coordinating the locations of utility lines with the locations of trees throughout the site.*† [Part VI]

§ 613.20 *Sewerage system.* The sewerage system comprises all sewers—sanitary, storm, and combined—culverts, and other subsurface drains needed to conduct sanitary sewage and storm water from the project site.*† [Part VII]

§ 613.21 *Basis of design.* Local codes and the practice of the local city engineering department will serve generally as a satisfactory basis of design, and these may be supplemented, if necessary, by reference to "Recommended Minimum Requirements for Plumbing," issued by the Bureau of Standards, United States Department of Commerce. Therefore, the following material covers only certain points which have been found to require special attention in connection with sewerage and drainage systems for housing projects.*† [Part VII]

§ 613.22 *Existing sewers.* A thorough investigation should be made to determine whether or not the existing or proposed main sewers will be adequate at all times to carry away sanitary sewage and storm water without back-flooding. The necessary information may be available from the city engineering department, or a field inquiry may be necessary to determine whether any basement flooding or similar condition has been experienced in the area during heavy rains. Experience has shown that unless a very thorough investigation is made and proof obtained that the sewers are of ample capacity, serious trouble will be experienced later. The investigation should be extended to cover all main and trunk sewers which affect drainage from the project site. If the present sewerage facilities are not entirely adequate, additional sewers or drains must be provided or precautionary measures taken to prevent flooding of basements or other damage to the project. When old street sewers or services are to be utilized in the project sewer system—particularly when such lines will be project-maintained—they should be examined to determine whether their condition is satisfactory for incorporation in the new system. This precaution is important in order to guard against substantial extras during construction. If such sewers are not found in good condition, they should receive any necessary repairs.*† [Part VII]

§ 613.23 *Roof drainage.* The connecting of downspouts to sewers is an important item of project cost. This is especially true where the sewerage system is not of the combined type, and where row houses with pitched roofs requiring storm sewers along both sides are used. Where soil conditions, topography, and building coverage permit, the roof water may, in occasional cases, be discharged on to splash blocks from which it will flow over lawn and surfaced areas.*† [Part VII]

§ 613.24 *Surface inlets.* The location of yard inlets is fixed by the project grades, but the grade studies and yard drainage system design should be carried out jointly, in order to avoid, on the one hand, excessive filling to shed the water to border streets and, on the other, an unnecessarily expensive system of drains. Where a surface inlet discharges directly into a combined sewer, a catch basin with water seal should be provided; where the discharge is into a storm sewer (and the city code permits), or where the discharge subsequently will pass through a catch basin, a simple inlet without water seal or catchment space may be used. Trapped basins are undesirable where not strictly necessary, because they require more maintenance than simple inlets and standing water may be a breeding place for mosquitoes. Three feet each way is a convenient interior, horizontal dimension for yard catch basins and inlets; and brick makes a satisfactory material for walls, as it facilitates adjustment in the elevations of the castings. Surface inlet gratings should be specified to be set at least two inches below adjoining yard grades in order to intercept drainage effectively. Gratings in yard areas should be heavy enough to keep children from removing them.*† [Part VII]

§ 613.25 *Water distribution system.* The water distribution system comprises all new water mains and service lines, outside of building lines (or to a point near the building lines), needed for domestic water supply and fire protection for the project. While local regulations and practice will generally govern the water system design in public rights-of-way, these requirements should be checked to insure an adequate supply for domestic uses and fire protection.*† [Part VIII]

§ 613.26 *Maximum rates of flow.* Although the average daily water consumption per dwelling unit on housing projects may vary from less than 200 gallons per day to almost 300 gallons, depending on the nature of the development and climatic conditions, these figures have no direct relation to the maximum rates of flow, or "maximum momentary demand," on which pipe sizes should be based. A table of recommended maximum rates of flow for determining sizes of water supply piping to housing projects and to buildings within projects may be obtained from the USHA.*† [Part VIII]

§ 613.27 *Pipe sizes.* Using the maximum rates of flow provided in the table referred to in Sec. 613.25 as a basis of design, pipe diameters should be calculated to give not less than 15 lbs. per sq. inch pressure at any fixture (preferably 20 lbs. for flush valves) with the ordinary minimum pressures in city mains. Where fire hydrants are located on supply lines, the domestic demand may be taken as the daily average consumption (ordinarily it will be negligible compared with the demand for hose streams) and pipe sizes should comply with the minimum requirements of the National Board of Fire Underwriters.*† [Part VIII]

§ 613.28 *Layout of services.* The simplest and (with respect to first cost) most economical arrangement for water supply is generally a single service to each building or small group of buildings. However, unless water is purchased at a flat rate or meter readings are "pooled," this arrangement may add greatly to the cost of water. Where water is purchased on a sliding scale, every effort should be made to arrange for the pooling of meter readings, so that all water consumed will be billed as if taken through a single service. If this arrangement is not feasible, it will generally be advantageous to take water through a master meter (for larger projects, through two or more connections off different mains, each connection with its master meter) and provide a distribution system within the project. The choice of method must be based on comparative cost analyses, weighing both first cost and project operating cost. Fire hydrants should be located on metered lines only when the cost of providing separate fire lines would be excessive. The local fire department, or other municipal authority, should be consulted on the location of all fire hydrants.*† [Part VIII]

§ 613.29 *Gas distribution system.* Pipe sizes, materials, and the layout of the gas distribution system will be governed by conditions of gas purchase, by the nature of the soil, and the characteristics of the gas supply (source, pressure, water content, etc.). The recommendations of the local department or company may generally be taken as an acceptable basis of design, and reference may be made to "Standards for Gas Service," published by the United States Department of Commerce, National Bureau of Standards, or to the latest recommendations of the Distribution Committee of the American Gas Association. The installation of drip-pots at proper points should not be overlooked.*† [Part IX]

§ 613.30 *Street improvements.* The work referred to under this heading consists principally of street paving, street sidewalks, main water lines and main sewers and their appurtenances, which, although built as a part of the project and included in the general contract work, will be taken over and maintained by the municipality. Plans for such work should contain the full detail required for design and construction, with street profiles when necessary, grading details for intersections, plans for incidental changes in utilities, etc. Plans for street work must conform generally to established city standards. In general, the controlling design consideration, as in other elements of the project development, should be the lowest first cost compatible with low maintenance cost. Expensive types of street pavement, such as sheet asphalt or brick on concrete base, should be avoided when possible. It is recommended that plans for street work be kept separate, in so far as practicable, from plans for work within the site. This will facilitate obtaining approval of plans for street work from the city, which approval should be obtained from the municipal department having jurisdiction.*† [Part X]

NATHAN STRAUS,
*Administrator.*

SEPTEMBER 26, 1939.

[F. R. Doc. 39-3618; Filed, September 30, 1939; 9:17 a. m.]



## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4948]

### INCOME TAX

AMENDING ARTICLE 27 (A)-3 (A) OF REGULATIONS 101, AND SUCH ARTICLE AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE, TO PROVIDE THAT A RENEWAL WILL NOT PREVENT AN INDEBTEDNESS FROM BEING WITHIN SECTION 27 (A) (4) OF THE INTERNAL REVENUE CODE AND THE REVENUE ACT OF 1936

*To Collectors of Internal Revenue and Others Concerned:*

PARAGRAPH A. Regulations 101[1] as made applicable to the Internal Revenue Code

[1] 4 F.R. 616, 700, 802 DI.

by Treasury Decision 4885, approved February 11, 1939, (Part 465, Subpart B of Title 26, Code of Federal Regulations) are hereby amended by inserting immediately preceding article 27 (a)–1 (section 9.27 (a)–1 of such Title 26) the following:

SEC. 222. REVENUE ACT OF 1939 (RENEWAL OF INDEBTEDNESS).

(a) Section 27 (a) (4) of the Internal Revenue Code (relating to corporation credit for amounts used or set aside to pay indebtedness) is amended by inserting at the end thereof the following new sentence: "A renewal (however evidenced) of an indebtedness shall be considered an indebtedness."

(b) The amendment made by subsection (a) shall be applicable to taxable years beginning after December 31, 1938.

* * * * *

PAR. B. Regulations 101 are hereby amended by inserting immediately preceding article 27 (a)–1 (section 9.27 (a)–1 of Title 26, Code of Federal Regulations) the following:

SEC. 222. REVENUE ACT OF 1939 (RENEWAL OF INDEBTEDNESS).

* * * * *

(c) Section 27 (a) (4) of the Revenue Act of 1938 (relating to corporation credit for amounts used or set aside to pay indebtedness) is amended by inserting at the end thereof the following new sentence: "A renewal (however evidenced) of an indebtedness shall be considered an indebtedness."

(d) The amendment made by subsection (c) shall be applicable to taxable years beginning after December 31, 1937.

PAR. C. Article 27 (a)–3 (a) of Regulations 101 (section 9.27 (a)–3 (a) of Title 26, Code of Federal Regulations) and the same article of Regulations 101 as made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939, (Part 465, Subpart B of such Title 26) are hereby amended by striking out the last paragraph thereof and by amending the first paragraph to read as follows:

"(a) *Indebtedness.* The term 'indebtedness' means an obligation of the corporation, absolute and not contingent, to pay, on demand or within a given time, in cash or other medium, a fixed amount, existing at the close of business on December 31, 1937, and evidenced by a bond, note, debenture, certificate of indebtedness, mortgage, or deed of trust, issued by the corporation and in existence at the close of business on December 31, 1937, or by a bill of exchange accepted by the corporation prior to, and in existence at, the close of business on December 31, 1937. If the indebtedness was so evidenced at the close of business on December 31, 1937, it is still an indebtedness within the meaning of section 27 (a) (4) though, prior to the time payment is made or amounts are irrevocably set aside, it has been renewed. Such renewal need not be evidence by one of the types of instruments enumerated in section 27 (a) (4), but it is sufficient if the debtor-creditor relationship evidenced by one of such instruments at the close of business on December 31, 1937, continues. An indebtedness once so renewed may be again renewed without depriving the corporation of the benefits of section 27 (a) (4). Indebtedness incurred after December 31, 1937, is not indebtedness within the meaning of section 27 (a) (4) even though the proceeds of the loan are used to discharge an indebtedness falling within the provisions of that section, as, for example, where money is borrowed from A to pay B, but, if the creditor remains the same and the transaction is in effect a renewal, the mere fact that it takes the form of a new borrowing, the proceeds of which are simultaneously used to discharge the prior obligation, will not of itself prevent the transaction from being a renewal within the meaning of section 27 (a) (4) and this article.

"The mere substitution, after December 31, 1937, of several instruments for one instrument, or one instrument for several instruments, existing at the close of business on such date, where there is no change in terms except the substitution of a series of different amounts equal in the aggregate to the total principal amount of the instrument or instruments surrendered (as, for example, where two $50,000 bonds are issued in exchange for one $100,000 bond, or where one $100,000 bond is issued in exchange for two $50,000 bonds), or the reissue of a lost or destroyed instrument, or the issue of a new instrument to a transferee, will not deprive a corporation of the benefits of section 27 (a) (4).

"Indebtedness incurred through the assumption of the liabilities of another is not indebtedness within the meaning of section 27 (a) (4) unless such assumption took place prior to January 1, 1938, and such indebtedness was evidenced at the close of business on December 31, 1937, by one or more of the instruments enumerated in such section, issued by the taxpayer prior to, and in existence at, the close of business on such date."

(This Treasury decision is prescribed pursued to section 222 of the Revenue Act of 1939 (Public, No. 155, Seventy-sixth Congress, first session), section 62 of the Internal Revenue Code (53 Stat. Part 1), and section 62 of the Revenue Act of 1938 (52 Stat. 480, 26 U.S.C., Sup. IV, 62))

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, September 28, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3623; Filed, September 30, 1939; 11:28 a. m.]

## TITLE 30—MINERAL RESOURCES

### BITUMINOUS COAL DIVISION

[Order No. 282]

ORDER REQUIRING CODE MEMBERS TO FILE REPORTS AND CONTRACTS PURSUANT TO SECTIONS 10 AND 4, II, (A) OF THE BITUMINOUS COAL ACT OF 1937

The Director being of the opinion that the effective administration of the Bituminous Coal Act of 1937 requires that all written contracts claimed to be exempt from the provisions of Section 4, II, (e) of the Bituminous Coal Act of 1937, on the grounds that they are lawful and bona fide and were entered into prior to June 16, 1933, be filed with the Bituminous Coal Division; and

The National Bituminous Coal Commission, having on the 15th day of July, 1937, issued its Order No. 14[1] which, among other things, directed each Code Member, within twenty (20) days from the date of such Order, to file with the proper Statistical Bureau of the Commission copies of all contracts for the sale of coal entered into on or before the 26th day of April, 1937, and which contracts are claimed to have been in effect at any time after that date:

Now, therefore, *it is ordered*, That each Code Member file with the Bituminous Coal Division in Washington, D. C., within fifteen (15) days from the date of this Order, or, in the case of a person who becomes a Code Member after the date of this Order, within fifteen (15) days from the date of his acceptance of the Code, a notarized report setting forth the following information:

(a) Whether or not he has outstanding any lawful and bona fide written contract entered into prior to June 16, 1933, which he believes comes within the proviso of the first sentence of Section 4, II, (e) of the Bituminous Coal Act of 1937;

(b) Identifying such contracts, if any, by stating the names of the parties thereto, and the date such contracts were entered into;

(c) A statement as to which of such contracts, if any, were filed with the National Bituminous Coal Commission pursuant to its Order No. 14.

*It is further ordered*, That all Code Members shall file together with such report certified copies of all contracts claimed to be exempt from the provisions of Section 4, II, (e) of the Act by reason of the fact that they are lawful and bona fide written contracts entered into prior to June 16, 1933, unless such contracts have been filed with the National Bituminous Coal Commission pursuant to its Order No. 14.

Dated, September 28, 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-3622; Filed, September 30, 1939; 11:27 a. m.]

[1] 2 F.R. 1233.



## TITLE 31—MONEY AND FINANCE: TREASURY

### DIVISION OF PRINTING

[1939—Department Circular No. 618]

INSTRUCTIONS FOR PREPARING TREASURY DEPARTMENT FORM 780, REVISED, WITH OUTLINE OF SIMPLE PROCEDURE FOR KEEPING RECORDS OF UNITED STATES TAX-EXEMPTION CERTIFICATES AND TAX-EXEMPTION IDENTIFICATION CARDS

SEPTEMBER 29, 1939.

*To the heads of the Executive Departments, Independent Establishments, and Agencies of the United States:*

1. In order to insure the proper distribution and control of United States Tax-Exemption Certificates and Tax-Exemption Identification Cards, to insure the Federal and other taxing agencies concerned against the loss of revenue through the unauthorized use of the said forms, and to insure the return of unused certificates to the issuing office, existing regulations require that all departments, establishments, and agencies of the Federal Government maintain an adequate record of such certificates and identification cards and that semiannual returns reflecting the status of these forms be submitted to the Treasury Department, Division of Printing. (See in this connection General Accounting Office General Regulations 86, Revised, paragraph 11.)

2. These returns will be made hereafter on Treasury Form 780, Revised (Semiannual Return—United States Government Tax-Exemption Certificates and Tax-Exemption Identification Cards), for each six months' period ending March 31 and September 30 of each year beginning with the return covering the period ending September 30, 1939. Such returns will not be supported by detailed schedules (Treasury Form 779) as heretofore required.

3. *Treasury Form 780, revised.* There is attached hereto,[1] as Exhibit A, a specimen copy of Treasury Form 780, Revised (Semiannual Return—United States Government Tax-Exemption Certificates and Tax-Exemption Identification Cards). Revisions have been made in this form to adapt it to the procedure for maintaining records with respect to the accountability for tax-exemption certificate books and tax-exemption identification cards suggested below.

4. *Departmental accountability records.* Each department, establishment and agency of the Government shall maintain proper accountability records from which may be ascertained readily:

(a) The quantity of unused books of tax-exemption certificates on hand and available for distribution to persons authorized to use them;

(b) The quantity of books in the possession of persons authorized to use the tax-exemption certificates;

(c) The quantity of books which have been returned by the persons to whom issued for reissue or cancellation; and

(d) The quantity of books which have been completely used within the six months' period for which the return is to be made.

5. *Suggested accountability records.* In order to simplify the preparation of the semiannual return (Treasury Form 780, Revised), it is suggested that consideration be given by each department, establishment, and agency to the maintenance of card records appropriately filed similar to those shown by the attached chart (Exhibit B).[1] This plan when applied to the maintenance of accountability records of books of tax-exemption certificates will operate as follows:

(a) When books are received there would be prepared—

(1) A chronological record showing the number of books received.

(2) A card record for each book providing places for subsequently inserting the name of the person to whom the book is furnished and the inclusive numbers of the certificates contained in each book. These cards will be placed in a file in numerical sequence as illustrated in the attached chart. The detailed form of such card record would depend on the policy of the department with respect to the nature and extent of the data relative to the use of individual certificates which it is desired to record on each such card and the nature of administrative reports required of users of books.

(b) When unused books are returned to the Division of Printing, Treasury Department, they will be entered on a chronological record of books returned, and the appropriate cards will be removed from the "New Book" numerical file (File 1 on attached Exhibit B).

(c) When books are issued to persons authorized to use them, the card representing the book will be withdrawn from the numerical file (File 1), the name of the user will be inserted thereon, and the card filed in alphabetical sequence in the "Books in Use" file (File 2, Exhibit B).

(d) When partially used books are returned for reissue, the corresponding card will be removed from the alphabetical file (File 2) and transferred to a file for partially used books maintained in numerical sequence (File 3).

(e) When books are completely used, the covers of such books (Standard Form 1094a, Revised), with inclosed completed tabulation sheet will be returned by the user to the administrative office concerned, and on the basis of these the corresponding cards will be removed from the alphabetical "Books in Use" file (File 2) and placed in numerical sequence in the "Completely Used Books" file (File 4). Entries may be made on these cards from the tabulation sheet opposite the appropriate certificate to indicate the dates (and other desired data) with respect to the individual certificates used. The books and tabulation sheets should be retained as a detailed record of the certificates used.

6. *Preparation of Return (Treasury Form 780, Revised) From Accountability Record Cards.* Where the above system is used the required semiannual return (Treasury Form 780, Revised) can be prepared largely through a count of the cards as follows:

| Item | Source |
|---|---|
| (1) Balance on hand at beginning of period: | |
| (a) Unissued (New). | Previous report (item 6). |
| (b) Unissued (Partially used). | Previous report (item 6). |
| (c) In use | Previous report (item 6). |
| (2) Procured from issuing office during period. | Record of books (or cards) received during period. |
| (3) Total to be accounted for. | Total of Items (1) and (2) above. |
| (4) Unused books and cards returned to issuing office during period. | Record of books and cards returned. |
| (5) Books completely exhausted and cards voided during period. | Section 4 of the file on Exhibit B. (These cards should be removed after each reporting period.) |
| (6) Balance on hand at end of period: | |
| (a) Unissued (New). | Section 1 of file on Exhibit B. |
| (b) Unissued (Partially used). | Section 3 of file on Exhibit B. |
| (c) In use | Section 2 of file on Exhibit B. |

7. *Consolidated Return to be Submitted by Each Department, Establishment, and Agency to Division of Printing, Treasury Department (Return of Field Offices or Other Subdivisions to be Submitted to Administrative Office Concerned).* Each department, establishment and agency shall designate an official to serve as procuring officer. Such procuring officer for each department, establishment, and agency will be required to submit a *consolidated* return (Treasury Form 780, Revised) covering all tax-exemption certificate books and tax-exemption identification cards procured by that department, establishment, or agency from the Treasury Department, Division of Printing. It will be the responsibility of such procuring officer to maintain the necessary accountability records and to provide for the necessary administrative reports covering books and cards issued to field offices and other subdivisions of the particular department, establishment, or agency for reissue to individual users in order that such consolidated returns can readily be prepared.

[1] Not filed with original document; requests for copies should be addressed to Division of Printing, Treasury Department.

8. *Tax-Exemption Certificate Books in Use Outside Continental Limits of the United States.* The status of books 60 days prior to the close of the semiannual period may be utilized as the basis for compiling the return for books in the possession of officials who are outside the continental limits of the United States. Reports received by the procuring officer relating to such books (although such reports do not include transactions during the last 60 days of the semiannual period) may, for the purpose of preparing the return, be regarded as the status at the close of the semiannual period and be merged with the other reports that are dated the last day of the semiannual period.

By direction of the Secretary.

W. N. THOMPSON,
*Acting Administrative Assistant to the Secretary.*

[F. R. Doc. 39-3630; Filed, September 30, 1939; 12:26 p. m.]

## TITLE 41—PUBLIC CONTRACTS

## DIVISION OF PUBLIC CONTRACTS

### IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE PAPER AND PULP INDUSTRY

This matter is before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III, 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes" (hereinafter called the Act). The Public Contracts Board, created in accordance with Section 4 of said Act by Administrative Order dated October 6, 1936, held a hearing on March 27, 1939, in the above entitled matter.

Notice of this hearing[1] was sent to all known members of the industry, to trade unions, to trade publications, and to trade associations in the field. Invitation to attend the hearing was extended through the national press to all other interested parties.

Appearances were entered by representatives of several individual members of the industry, the American Paper and Pulp Association, the National Paperboard Association, International Brotherhood of Paper Makers, International Brotherhood of Pulp, Sulphite and Paper Millworkers, and Paper Workers Organizing Committee. Testimony was presented by representatives of the American Paper and Pulp Association and the National Paperboard Association.

A survey of the wages paid in the paper and pulp industry as of October, 1938 and supplementary data were received at the hearing and made a part of the record.

On the basis of the evidence, the Board made its findings and recommended that I find the prevailing minimum wage in the industry to be the amount indicated for each of the following groups of States: 35 cents an hour or $14.00 per week of forty hours, arrived at either upon a time or piece work basis, for the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, Oklahoma, Florida, and Texas; 50 cents an hour or $20.00 per week of forty hours, arrived at either upon a time or piece work basis, for the States of Washington, Oregon, and California; and 40 cents an hour or $16.00 per week of forty hours, arrived at either upon a time or piece work basis, for the District of Columbia and the other 32 States.

On June 8, 1939, the Administrator, Division of Public Contracts, circularized the Board's recommendations in order that all parties might have full opportunity to register their objection or approval before a decision in the matter was made by the Secretary of Labor. Several briefs were filed expressing approval of or objection to the Board's recommendations. A brief objecting to the recommendations was filed by the American Paper and Pulp Association in behalf of the industry. This brief alleged that the definition of the industry as contained in the Board's recommendations was too restrictive; that the industry did and does have an apprenticeship, learner and handicapped worker problem and may wish to establish a need for a tolerance for such workers at a subsequent time; that the wage structure in the industry warrants the establishment of a central zone lying between the Northern and Southern regions in accordance with the grouping made under the National Recovery Administration; that the Pacific Coast States should be grouped with the Northern States for purposes of a minimum wage determination; and that the recommendations did not give sufficient consideration to the minimum wage paid to female workers in the industry.

The evidence of record appears to show adequately the wage structure in that industry which is engaged in the manufacture of pulp and other fiber, and the primary conversion of pulp and other fiber into paper and paperboard, and in addition, the manufacture and conversion of primary paper into toilet paper and paper towels, coated book paper and paper shipping sacks. It was alleged by the National Paperboard Association that the wage survey did not include the manufacture of certain paperboard items. The record shows, however, that the prevailing minimum wage in the manufacture of such paperboard is similar to that prevailing in the manufacture of paper and the paperboard covered by the survey.

For this reason and for the further reason that it is not possible to segregate properly by definition the paperboard products referred to by the National Paperboard Association, such products will be regarded as within the industry as defined for this determination. If the companies manufacturing any paperboard items not covered by the survey should in the future be deprived of Government contracts because of this wage determination, they will be given another opportunity to file complete information with the Department for further consideration.

The evidence of record indicates that there are approximately 125,000 production workers in the industry as defined. The survey covered approximately 90,000 such workers, or 80 percent of the total employees in the industry. It appears that this survey adequately shows the wage structure existing in the industry.

Slightly over 27,000 workers are reported as receiving base rates. This number includes the employees of the industry receiving minimum wages and constitutes ample basis for finding the prevailing minimum wage in the industry.

A tabulation of the base rates shows appreciable wage differentials in different sections of the country. The Southern States show lower wage rates in general than the Northern States, while the highest rates are found in the far West.

In the Southern States, 4,423 workers are found at the base rates ranging from 25 to 52 cents an hour. The heaviest concentration is found at 40 cents an hour, but below this rate are found 54.4 percent of the workers in this locality receiving base rates. At 34, 35 and 36 cents an hour are found 629 workers or 14.2 percent of the total base rate employees. This represents the central tendency of distribution, and the Board's recommendation that I find 35 cents an hour to be the prevailing minimum wage for the Southern States appears to be supported by the record. In the Northern States 20,023 employees are found at base rates ranging from 25 to 64 cents an hour. The outstanding concentration takes place at 40 cents an hour, and the Board has recommended that I find 40 cents an hour to be the prevailing minimum wage in the Northern States. It appears, however, that a considerable number of employees in the Northern States receive wages at 38 and 39 cents an hour, and I find in this case that the midpoint of the three 1-cent intervals of 38, 39 and 40 cents represents the central tendency of the distribution.

In the States of California, Oregon, and Washington, 2,651 workers are at the base rates and 21.9 percent are found at 50 cents an hour. The Board's recommendation that I find the prevailing minimum wage for these States to be 50 cents an hour appears to be supported by the evidence.

The contention made by the American Paper and Pulp Association that I find a prevailing minimum wage for a central zone appears not to be substantiated by the evidence of record; the contention that the States of Washington, Oregon, and California should be included with the Northern States likewise appears to be not supported by the record.

Although no showing for the need of a tolerance for apprentices, superannuated, or handicapped workers have been made, if the need for a tolerance for such workers is established in the future, the matter of modifying this determination will be considered.

It is noted that there exists in the industry a practice whereby the employees of the industry for the sake of convenience pay, through the instrumentality of the employer's disbursing office, certain obligations. Whether or not such practice contravenes the provisions of Section 1 (b) of the Act must be decided only upon full disclosure of all facts involved.

Where there exists at the plant of any bidder on Government contracts subject to the provisions of the Public Contracts Act a practice of so using its disbursing office for the convenience of its employees, and where this practice has been in existence at the plant for a long continued period of time, the bidder should submit a full statement of the facts to the Administrator, Division of Public Contracts, for a determination as to whether or not the practice contravenes the provisions of Section 1 (b) of the Act.

I have examined the findings of the Board and the record of the hearing, together with the briefs filed, and in the light of the facts

I hereby determine

The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), for the manufacture or furnishing of pulp and other fiber and the primary conversion of pulp and other fiber into paper and paperboard, and in addition, the manufacture and conversion of primary paper into toilet paper and paper towels, coated book paper and paper shipping sacks, to be the amount indicated for each of the following groups of States:

For the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, Kentucky, Mississippi, Louisiana, Arkansas, Oklahoma, Florida, and Texas, 35 cents an hour or $14.00 per week of forty hours, arrived at either upon a time or piece work basis;

For the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, and the District of Columbia, 39 cents an hour, or $15.60 per week of forty hours, arrived at either upon a time or piece work basis;

For the States of Washington, Oregon, and California, 50 cents an hour or $20.00 per week of forty hours, arrived at either upon a time or piece work basis.

This determination shall be effective and the minimum wages hereby established shall apply to all such contracts, bids for which are solicited on or after October 15, 1939.

[SEAL] FRANCES PERKINS,
*Secretary of Labor.*

Dated, September 26, 1939.

[F. R. Doc. 39-3639; Filed, October 2, 1939; 12:03 p. m.]

[1] 4 F.R. 1276 DI.



## TITLE 43—PUBLIC LANDS

## BUREAU OF RECLAMATION

[No. 27]

### SUN RIVER IRRIGATION PROJECT, MONTANA, GREENFIELDS DIVISION, PART TWO

### PUBLIC NOTICE OPENING PUBLIC LANDS TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS

SEPTEMBER 21, 1939.

1. *Land for which water will be furnished.* In pursuance of the Act of June 17, 1902 (32 Stat., 388), and acts amendatory thereof or supplementary thereto, announcement is hereby made that upon proper arrangements being made with the Greenfields Irrigation District, water will be available under the Greenfields Division of the Sun River Irrigation Project, Montana, during the remainder of the irrigation season of 1939, and thereafter, for the irrigable lands which on farm unit plats for Townships 21 and 22 North, Ranges 1 East and 1 and 2 West, Montana Principal Meridian, and, beginning on October 25, 1939, entry may be made in accordance with this notice for the following described vacant public land farm units indicated in the following list which are now subject to contestant's rights. Should any of these lands now subject to preference rights acquired under the Act of July 26, 1892 (27 Stat., 270) be returned to the status of vacant public lands, such lands shall likewise become subject to the terms of this notice.

*Montana Principal Meridian*

| Township north | Range east | Section | Farm unit | Or the— | Irrigable area |
|---|---|---|---|---|---|
| | | | | | *Acres* |
| 21 | 1 | 6 | A | Lots 1, 2, 3, and 4 | 76 |
| 21 | 1 | 6 | B | Lots 6, 7, and E½SW¼ | 100 |
| 21 | 1 | 8 | A | N½NW¼ Sec. 8, and S½SW¼ Sec. 5 | 125 |
| 21 | 1 | 8 | B | S½NW¼ Sec. 8, and E½NE¼ Sec. 7 | 65 |

| Township north | Range west | Section | Farm unit | Or the— | Irrigable area |
|---|---|---|---|---|---|
| | | | | | *Acres* |
| 21 | 1 | 1 | A | Lots 2, 3, and 4 | 94 |
| 21 | 1 | 1 | B | SW¼NE¼, S½NW¼ | 86 |
| 21 | 1 | 1 | D | N½SW¼, SW¼SW¼, NW¼SE¼ | 80 |
| 21 | 1 | 1 | C | Lot 1, SE¼NE¼ Sec. 1, and Lot 5, SE¼NW¼ Sec. 6, 21 N., R. 1 E. | 89 |
| 21 | 1 | 2 | F | SE¼SW¼, S½SE¼, NE¼SE¼ | 83 |
| 21 | 1 | 4 | G | S½NE¼NE¼, Lot 2, S½NE¼ | 77 |
| 21 | 1 | 7 | E | Lots 3, and 4, E½SW¼ | 90 |
| 21 | 1 | 7 | F | SE¼ | 64 |
| 21 | 1 | 8 | E | SW¼ | 75 |
| 21 | 1 | 8 | F | NE¼SE¼, S½SE¼ | 36 |
| 21 | 1 | 9 | F | NW¼SE¼, S½SE¼ | 57 |
| 21 | 1 | 10 | D | SE¼ | 108 |
| 21 | 1 | 11 | D | NE¼SW¼, NW¼SE¼ | 73 |
| 21 | 1 | 11 | E | SE¼SW¼, SW¼SE¼ Sec. 11, and N½NE¼ Sec. 14 | 97 |
| 21 | 1 | 11 | F | E½SE¼ | 77 |
| 21 | 1 | 12 | A | SE¼NW¼, SW¼NE¼ | 78 |
| 21 | 1 | 12 | B | SW¼NW¼, NW¼SW¼ | 73 |
| 21 | 1 | 12 | C | NW¼SE¼, NE¼SW¼ | 74 |
| 21 | 1 | 12 | D | S½SW¼, SW¼SE¼ | 96 |
| 21 | 1 | 13 | A | W½NE¼, N¼NW¼ | 71 |
| 21 | 1 | 17 | C | SE¼NW¼NE¼, NE¼SW¼NE¼, W½SE¼NE¼, W½NE¼SE¼, SE¼NW¼SE¼, E½SW¼SE¼, SE¼SE¼ Sec. 17, and NE¼NW¼NE¼, E½NE¼NE¼ Sec. 20 | 125 |
| 21 | 1 | 17 | D | S½SW¼NW¼, NW¼SW¼, SW¼NE¼SW¼, N½SW¼SW¼, SE¼SW¼SW¼, W½SE¼SW¼ Sec. 17, and S½NE¼NW¼, NW¼NE¼NW¼, NE¼NW¼NW¼ Sec. 20 | 102 |
| 21 | 1 | 18 | A | Lots 1, 2, 3, and 4 | 87 |
| 21 | 1 | 18 | D | S½SE¼NW¼, E½SW¼ Sec. 18 and E½NE¼NW¼, SW¼NW¼NE¼, N½SW¼NE¼, SE¼SW¼NE¼ Sec. 19 | 87 |
| 21 | 1 | 18 | E | SW¼SW¼NE¼, W½NW¼SE¼, SE¼NW¼SE¼, SW¼SE¼, SW¼SE¼SE¼ Sec. 18, and N½NW¼NE¼, SE¼NW¼NE¼, NE¼NE¼ Sec. 19 | 134 |
| 21 | 2 | 12 | C | S½NE¼, N½SE¼ | 116 |
| 22 | 1 | 14 | B | SW¼ | 123 |
| 22 | 1 | 17 | C | W½SW¼ | 58 |
| 22 | 1 | 17 | D | SE¼SW¼, SW¼SE¼ | 70 |
| 22 | 1 | 18 | D | Lots 1, 2, E½SW¼ | 113 |
| 22 | 1 | 18 | E | NE¼SE¼, S½SE¼ | 88 |
| 22 | 1 | 19 | D | N½SE¼ | 75 |
| 22 | 1 | 19 | E | S½SE¼ | 71 |
| 22 | 1 | 20 | G | N½SW¼ | 70 |
| 22 | 1 | 20 | H | S½SW¼ | 72 |
| 22 | 1 | 21 | A | NE¼ | 94 |
| 22 | 1 | 21 | D | N½SW¼, N½SE¼ | 71 |
| 22 | 1 | 21 | E | S½SW¼ | 79 |
| 22 | 1 | 21 | F | S½SE¼ | 77 |
| 22 | 1 | 25 | A | SW¼ | 57 |
| 22 | 1 | 27 | A | NW¼ | 64 |
| 22 | 1 | 27 | B | NW¼ | 56 |
| 22 | 1 | 27 | C | NW¼SE¼, N½SW¼ Sec. 27, and NE¼SE¼ Sec. 28 | 89 |

*Montana Principal Meridian*—Continued

| Township north | Range west | Section | Farm unit | Or the— | Irrigable area |
|---|---|---|---|---|---|
| | | | | | *Acres* |
| 22 | 1 | 27 | D | SW¼SE¼, S½SW¼ Sec. 27, and SE¼SE¼ Sec. 28 | 95 |
| 22 | 1 | 28 | A | NE¼ | 72 |
| 22 | 1 | 28 | B | NW¼ | 77 |
| 22 | 1 | 28 | E | S½SW¼ | 63 |
| 22 | 1 | 28 | F | W½SE¼ | 64 |
| 22 | 1 | 29 | A | N½NE¼, N½NW¼ | 115 |
| 22 | 1 | 29 | B | S½NE¼, S½NW¼ | 92 |
| 22 | 1 | 29 | C | N½SW¼, SW¼SW¼, NW¼SE¼ | 80 |
| 22 | 1 | 30 | E | [1] SE¼ | 101 |
| 22 | 1 | 30 | H | Lot 3, NE¼SW¼ Sec. 30, and NE¼SE¼ Sec. 25, T. 22 N., R. 2 W. | 73 |
| 22 | 1 | 30 | G | Lot 4, SE¼SW¼ Sec. 30, and Lot 1, Sec. 31 | 104 |
| 22 | 1 | 31 | F | NE¼NE¼, S½NE¼ Sec. 31, and NW¼NW¼ Sec. 32 | 121 |
| 22 | 1 | 31 | C | E½NW¼, E½SW¼ | 103 |
| 22 | 1 | 31 | D | N½SE¼, SW¼SE¼ | 85 |
| 22 | 1 | 31 | A | E½NE¼ | 79 |
| 22 | 1 | 32 | B | W½SW¼ Sec. 32, and SE¼SE¼ Sec. 31 | 80 |
| 22 | 1 | 32 | C | E½SW¼ | 71 |
| 22 | 1 | 32 | D | SW¼NE¼, W½SE¼ | 115 |
| 22 | 1 | 32 | E | E½SE¼ | 77 |
| 22 | 1 | 33 | A | E½NE¼ | 77 |
| 22 | 1 | 33 | B | W¼NE¼ | 80 |
| 22 | 1 | 33 | C | E½NW¼ | 80 |
| 22 | 1 | 33 | D | W½NW¼ | 79 |
| 22 | 1 | 33 | E | W½SW¼ | 78 |
| 22 | 1 | 33 | F | E½SW¼ | 78 |
| 22 | 1 | 33 | G | W½SE¼ | 78 |
| 22 | 1 | 33 | H | E½SE¼ Sec. 33, and Lot 5 Sec. 4, T. 21 N., R. 1 W | 88 |
| 22 | 1 | 34 | E | E½NE¼, SW¼NE¼ Sec. 34, and SE¼SE¼ Sec. 27 | 78 |
| 22 | 1 | 34 | B | NW¼ | 122 |
| 22 | 1 | 34 | C | SW¼ | 116 |
| 22 | 1 | 34 | D | SE¼ | 119 |
| 22 | 1 | 35 | G | [1] N½NE¼ | 74 |
| 22 | 1 | 35 | H | S½NE¼ | 53 |
| 22 | 1 | 35 | I | [1] N½SE¼ Sec. 8, and SW¼NW¼, NW¼SW¼ Sec. 9 | 82 |
| 22 | 2 | 8 | H | S½SE¼ | 74 |
| 22 | 2 | 13 | G | S½NE¼ | 74 |
| 22 | 2 | 25 | E | W½SE¼, SE¼SE¼ | 113 |
| 22 | 2 | 25 | G | | 113 |

[1] Opened for entry at this time only by successful contestants under the Act of July 26, 1892 (27 Stat. 270).

The farm unit plats referred to above were approved on the date of this notice and are on file in the office of the Superintendent, Bureau of Reclamation, Fairfield, Montana, and in the local land office at Great Falls, Montana.

2. *Limit of acreage for which entry may be made or water secured.* For the farm units described above, and any other lands covered by this notice which may become subject to homestead entry, the limit of area of public land per entry, representing the area which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such land, is fixed at the amounts shown upon the said farm unit plats for the respective farm units thereon. The maximum limit of area for which water may be secured for state lands or lands in private ownership shall be 160 acres of irrigable land for each land owner.

3. *Preference rights to ex-service men.* Pursuant to the provisions of joint Public Resolution No. 85, 71st Congress, approved June 12, 1930 (46 Stat., 580), and until January 23, 1940, the farm units described above with the exceptions mentioned and indicated in paragraph 1, will be open to entry only by officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States, in any war, military occupation, or military expedition, and have been honorably separated or discharged therefrom or placed in the regular Army or Naval Reserve. The same preference rights are applicable to those citizens of the United States who served with the allied armies during the World War and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies was similar to the service with the Army of the United States for which recognition is granted in the aforesaid Public Resolution No. 85: *Provided, however,* That they must be qualified to make entry under the homestead laws and also possess the qualifications as to industry, experience, character, and capital required of all applicants under this notice.

4. *Preference rights by contest.* An applicant claiming a preference by contest under the Act of July 26, 1892 (27 Stat., 270), for the farm units designated in paragraph 1 as being subject to such preference, shall attach to his application a statement supporting his claim. Such statement shall include the name and serial number of the local land office.

5. *Applicants must be qualified.* No entry shall be accepted by the local land office until the applicant therefor has satisfied the examining board appointed for the Sun River Project to consider such matters, that he is possessed of such qualifications (in addition to the qualifications required under the homestead laws) as to industry, experience, character, and capital, as in the opinion of the board are necessary to give reasonable assurance of success by the prospective settler.

6. *Requirements as to industry, experience, character and capital.* Each applicant must possess good health and have had at least two years' actual experience in farm work and farm practice. He must have at least $2,000 in money free of liability or the equivalent thereof in livestock, farming equipment, or other assets deemed by the examining board to be as useful to the applicant as money, except as otherwise provided in paragraph 8 hereof.

7. *Examining board.* An examining board of three members has been appointed by the Secretary of the Interior, to consider the fitness of each applicant to undertake the development and operation of a farm on the Sun River Project. Each applicant, except those described in paragraph 13 (a), must appear in person before the examining board, and the Superintendent, who is the member representing the United States, and who will act as secretary of the board, will notify each applicant of the period of time set for his appearance and examination. The members of the board will be present at the project office when the opening is being held, and interested applicants, and particularly non-residents, will be examined at such times as it is convenient for them to be present. There must be, of course, some limit of time covering this feature, and the board will fix this limit, and will also announce such other incidental rules as will necessitate one appearance only by each applicant. Careful investigation shall be made to verify the statements and representations made by applicants, to the end that no misunderstanding may prevail, either regarding the applicant's fitness or his appreciation of the problem before him.

8. *Determination of relative standing of applicants.* The relative standings of the applicants will be based upon a percentage rating with the following maximum weights given to the four prescribed qualifications:

| | *Percent* |
|---|---|
| Character | 15 |
| Industry | 20 |
| Capital | 30 |
| Farm experience | 35 |

Applicants will be rated according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules, or who do not, in the opinion of the board, possess the health and vigor necessary for active farm work:

| Character: | *Percent* |
|---|---|
| [1] Fair | 5 |
| Good | 6 to 10 |
| Excellent | 11 to 15 |
| Industry: | |
| [1] Fair | 5 |
| Good | 6 to 10 |
| Excellent | 11 to 20 |
| Capital: | |
| [1] $2,000 to $2,999 | 27 |
| $3,000 to $3,999 | 28 |
| $4,000 to $4,999 | 29 |
| $5,000 or above | 30 |

[1] Minimum.

*Provided,* That in the event an applicant does not possess sufficient unencumbered assets for the establishment of an economically sound farming operation upon one of the farm units described in paragraph 1, but he is able within 15 days from the date of his appearance before the examining board for examination, to furnish a certificate or other satisfactory showing that he will be granted a loan by the Farm Security Administration, Department of Agriculture, of an amount of money which will be sufficient, either itself or together with his personal net worth as determined from his original farm application, for the establishment of an economically sound farming operation, the examining board, under authority of the Act of August 7 ,1939 (Public No. 307—76th Congress, 1st Session), will reconsider his application for making such change in the applicant's rating on capital as will reflect the additional asset of the loan assured to him by the Farm Security Administration. To enable the examining board to give a definite rating to each application, in accordance with the scale set forth under "Capital" in this paragraph 8, the exact total amount of any such prospective loan shall be stated in the certificate or other showing presented. *Provided, however,* That no loan by the Farm Security Administration shall be considered in lieu of the possession by any applicant of equivalent actual assets after June 30, 1940. *Provided, further,* That where such farm units have or may be improved by means of funds made available by the Farm Security Administration, the Secretary of the Interior, as authorized by the said Act of August 7, 1939, shall require the entryman of any such unit to enter into a mortgage contract with the Farm Security Administration to repay the value of such improvements thereon before entry is allowed.

| Farm experience: | *Percent* |
|---|---|
| A. In farming other than irrigation: | |
| 2 years, any time | [1] 10 |
| Additional credit of 5% to be allowed for each year in farming other than irrigation for more than 2 years, up to a total of 7 years (10% for 2 years, plus 5% per year up to 5 additional years), or a maximum of | 35 |
| B. In irrigation farming: | |
| 2 years, any time | 15 |
| 2 years, in last 4 years | 20 |
| 2 years, in last 2 years | 25 |
| 3 years, in last 4 years | 30 |
| 3 or more years in responsible charge of irrigation farm in last 4 years | 35 |

[1] Minimum.

In determining the percentages to be given for experience under irrigated farming, the members of the examining board may reduce the percentages from 1 to 5 percent, if, in their judgment, the experience indicated by the applicant as having been gained in other irrigated areas is not of the type that would justify his being rated for farming under the particular conditions on the Sun River project, at any of the percentages above listed.

9. *When, and how to apply for a farm unit.* Any person desiring to acquire any of the farm units described in paragraph 1 must, as a first step, secure from the Superintendent, Fairfield, Montana, or from the Commissioner, Bureau of Reclamation, Washington, D. C., a farm application blank. The blanks will be available on and after the date of this notice, and full answer must be made to each question propounded therein. The farm application must designate in the first paragraph the particular farm desired. If the applicant claims a preference right on account of military service, he shall attach to this application an affidavit setting forth such military service. The affidavit shall state the applicant's time of service, the unit of which he was a member, the date on which he was honorably discharged, or separated, or transferred to the Regular Army or Naval Reserve, and that he did not refuse to wear the uniform of such service or to perform the duties thereof. If the applicant claims a preference right on account of military service with the allied armies during the World War, the affidavit should also state, if true, that the service with the allied armies was similar to the service with the Army of the United States for which recognition was granted in the said Public Resolution No. 85. There shall be attached to said affidavit a copy of such honorable discharge or separation from the service, or the order of transfer to the Regular Army or Naval Reserve. In the event that the original of an applicant's honorable discharge or of such order of transfer has been lost or otherwise is not readily available for copying purposes, a record of his military service and of his discharge, separation or transfer under the seal of the War Department may be furnished in lieu of the copy of the aforementioned original, and shall be attached to said affidavit.

10. *When and where to file the farm application.* The farm application with the proof to be furnished by the ex-service man, must be filed with the Superintendent at Fairfield, Montana, in person, if convenient, or by mail, or otherwise, prior to October 25, 1939, if the applicant desires to qualify under paragraph 11 below. No advantage will accrue to an applicant presenting his application in person rather than by mail, and, if the applicant does not reside at Fairfield, Montana, his application should be mailed. Farm applications received on or after October 25, 1939, will be filed and noted in the order of their receipt.

11. *Simultaneous filing of farm applications.* All applications received prior to October 25, 1939, the date of opening, will be held and treated as simultaneously filed.

12. *Preference rights for ex-service men not filing in accordance with Paragraph 11.* In order that ex-service men may take advantage of the preference right as provided in paragraph 3 of this notice, in the event that they fail to file prior to October 25, 1939, as set forth in paragraph 11 above, their applications together with the proof to be furnished by them, must be filed in the office of the Superintendent, Fairfield, Montana, on or prior to January 23, 1940 the day before the date upon which the farm units herein described, except those units for which applications of ex-service men have been accepted, become open to entry by the general public. No advantage will accrue to an applicant presenting his application in person rather than by mail.

13. *Showing of applicants and selection thereof.* (a) Where the applicant, in the original application which he filed, failed to make a *prima facie* case—that is, where the applicant (1) does not possess good health; (2) fails to make the necessary showing as to character; (3) fails to make the necessary showing as to industry; (4) fails to make the necessary showing as to citizenship; (5) does not show at least two years' farm experience; (6) does not possess the assets required in paragraph 6; (7) is disqualified because of having already made homestead entry; (8) is the owner of more than 160 acres of land in the United States; (9) has not furnished any or satisfactory evidence of military service; (10) or is otherwise disqualified, the application shall be rejected and the applicant notified thereof by registered mail, with return receipt demanded, and of his right to appeal to the Secretary of the Interior within 10 days from receipt of such notification. All appeals allowed under this Public Notice No. 27 must be filed in the office of the Superintendent at Fairfield, Montana, and within 10 days from receipt by applicants of rejection notices.

(b) Each applicant who makes a *prima facie* case and has not been previously examined by the board shall be notified by the board, by registered mail, with return receipt demanded, of the time within which he must appear before it. After such personal examination, and after consideration of the showing made in the application, the board will rate the applicant in accordance with the scale set forth above, and place such rating in red ink, with the initials of each member of the board upon the face of the farm application blank. Should the applicant fail to appear for examination after due notice, his application will receive no further consideration by the board at that time. Should he later appear his application may be considered for any farm then remaining unassigned. The date of receipt of his application shall then be considered as being the day he actually appeared before the board. The rating necessary to establish qualification is the minimum named in Paragraph 8 of this Public Notice No. 27 for each of the requirements as to character, industry, capital and farm experience and the applications of all who fail to attain this minimum shall be rejected and the applicants notified thereof by registered mail, with return receipt demanded, and of their right to appeal to the Secretary

of the Interior within 10 days from receipt of such notification. After the expiration of the appeal periods fixed by the above mentioned notices, if any are required, to applicants who failed to make prima facie cases and to those who failed to attain the minimum rating, and in the absence of any pending appeals, the board shall select the 81 applicants having the highest ratings (there being 81 farm units described in paragraph 1 subject to entry and which number of units may be increased if any of the farm units subject to preference rights under the Act of July 26, 1892 (27 Stat., 270) later become available for disposal to other applicants). Immediately following the selection of the successful applicants the board shall send a notice by registered mail with return receipt demanded to each of the other applicants below the first 81 in qualification ratings, advising him of his rating, and that since the number of qualified applicants exceeds the number of available farms, his application must be held for rejection. Each applicant whose application is so held may appeal to the Secretary of the Interior within 10 days of receipt of such notice. In the event that any of the 81 applicants with the highest ratings fail to fulfill the requirements of paragraph 14 hereof, the examining board will select other applicants in the order of their qualification ratings to replace those of the selected applicants who failed to complete their filings before the land office. If necessary, the same procedure will be followed until homestead filings have been completed for all of the public land farm units opened to entry by this Public Notice. In the event that the number of qualified applicants is less than the number of available farm units, and also if in such case there are several applications for the same farm unit, the board shall assign a farm unit to each of such applicants. Whenever practicable, the board shall allow the applicants to exercise a choice of farms; and if it is found practicable to do so, the applicants will be given the right of selection, regardless of other applications, in the order of their ratings. The intent of the law is to select the best qualified applicants for the farms available, and the Government reserves the right to assign the farms regardless of individual preferences. Where two or more applicants have received identical ratings a drawing shall be made by the examining board to determine its selections and the order in which the available farms shall be awarded.

14. *Notification of applicant that he has been selected.* After the expiration of the period or periods fixed by notices to applicants in the contingencies named in paragraph 13 above, or any other that may arise, and upon the completion of action which may become necessary because of such notices, the board shall notify each applicant selected for a farm by registered mail with return receipt demanded, that he has been selected for a farm unit. Such notice will also advise the selected applicant of the steps which he must take within 10 days from the receipt thereof to pay the charges required by the Greenfields Irrigation District for operation and maintenance or the delivery of water, before he is entitled to file a homestead application with the local land office to enter the farm unit designated in connection with his selection. Upon a proper showing by the said District that the selected applicant has made payment of such charges before the expiration of the said 10 day period, the secretary of the examining board will furnish each such applicant by registered mail, unless delivered to him in person, a certificate stating that his qualifications to enter public lands, as required by subsection C of Section 4 of the Act of December 5, 1924 (43 Stat., 702), have been passed upon and approved by that board. Such certificate, in which the applicant's ratings will also be stated, and a copy of which will be forwarded by the secretary of the board to the local land office immediately upon the issuance thereof, must be attached by the applicant to his homestead application when he files such application at the local land office at Great Falls, Montana. Such homestead application shall be made within 15 days from the date of the receipt by the applicant of the said certificate. Failure to make application for homestead entry within that period will render the application subject to rejection.

15. *Failure of selected applicant to complete transaction.* If the applicant fails to comply with any of the requirements named above the board will select the next highest in qualification rating, and when the list has been exhausted, and if there still remain lands unallotted, the board will consider applications filed thereafter in the order filed, and such applications will otherwise be handled by the board as prescribed in paragraph 13.

16. *General entry.* On and after January 24, 1940 any farm units described in paragraph 1 above which remain unentered, shall be subject to entry under this notice by any person having the necessary qualifications. If, on January 24, 1940, prior to 2 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for any such farm unit shall be determined in accordance with paragraph 13 of this notice, the provisions of which shall continue in effect in a similar manner in the future if the number of applications at any time exceeds the number of remaining available farm units.

17. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice: *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

18. *All land to be included in an irrigation district.* Substantially all of the lands covered by this Public Notice are within the Greenfields Irrigation District organized under the laws of the State of Montana. For any of the lands covered by this notice which are not within that district, the applicant will take the proper steps necessary to have his land included in that district.

19. *Contract with Greenfields Irrigation District.* A contract was entered into June 22, 1926, between the United States and the Greenfields Irrigation District, providing for payment of charges and operation of works.

20. *Construction charges.* The construction cost shall be paid in accordance with the contract dated June 22, 1926, between the United States and the Greenfields Irrigation District.

21. *Operation and maintenance charges.* Under the terms of the said contract between the United States and the Greenfields Irrigation District, the District has assumed the control and operation and maintenance of the Greenfields division, including all of the lands covered by this Public Notice. Each selected applicant for any of the farm units described in this notice shall, as a condition precedent to the filing of homestead application with the local land office, pay to the Greenfields Irrigation District such charges in connection with the delivery of water to said applicant during the year in which the application is filed as may be established and required therefor by the District; and each such selected applicant or holders of private land and the existing unperfected homestead entries shown on the farm unit plats referred to in paragraph 1 hereof shall pay to said District in advance any applicable operation and maintenance charges as may be established and required by the District, in accordance with the District's contract with the United States. In the event of defaults in payment of operation and maintenance charges due to the District, with respect to any lands covered by this notice, delivery of irrigation water to lands so in default shall be withheld by the District in accordance with the provisions in said District contract.

22. *Reservation of rights of way for county highways and access roads.* Rights of way are reserved for county highways along all section lines, such rights of way being 30 feet in width on each side of said section lines. Other rights of way to interior farm units are reserved where indicated on the said farm unit plats.

23. *Waiver of mineral rights.* All homestead entries for any of the above described farm units, and for any lands covered by this notice which may become subject to such entry, will be subject to the laws of the United States governing mineral land and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Land Office, otherwise the homestead application will be rejected or the homestead entry cancelled.

HARRY SLATTERY,
*Under Secretary.*

[F. R. Doc. 39-3616; Filed, September 30, 1939; 9:16 a. m.]

## TITLE 46—SHIPPING

### BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRY AND CLEARANCE OF VESSELS

§ 2.10 *Record of entrance and clearance of vessels* is amended to read as follows:

Permanent records will be kept at every customhouse of the entrance and clearance of vessels, foreign (Commerce Forms 1400 and 1401) and coastwise (Commerce Forms 1402 and 1403), and shall be open to public inspection; *Provided, however,* That during any period covered by a proclamation of the President that a state of war exists between foreign nations no records with regard to the entrance and clearance of vessels in the foreign trade shall be open to public inspection.

This amendment becomes effective immediately.

[Section 2, 23 Stat. 118, as amended (46 U.S.C. 2); R.S. 161 (5 U.S.C. 22)]

§ 5.10 *Shippers' export declarations* is amended to read as follows:

(a) The shippers and consignors of merchandise should deliver to the collector, before clearance of the exporting vessel is granted, verified declarations in duplicate, on Commerce Forms 7525, of the portions of the cargo to be shipped by them. The declarations may be verified on oath before the collector, his representative, or before notaries public or other persons authorized by law to administer oaths; *Provided, however,* That during any period covered by a proclamation of the President that a state of war exists between foreign nations, such declarations shall be filed in triplicate instead of in duplicate.

(b) On presentation the declarations should be scrutinized carefully to insure compliance with the requirement that the merchandise be correctly described, that the quantities be given in the units called for by the statistical schedule, and that values be correctly stated.

(c) When the declarations are accepted they should be numbered, the duplicates returned to the shippers for delivery with merchandise to the steamship company, and the originals filed in numerical order: *Provided, however,* That during any period covered by a proclamation of the President that a state of war exists between foreign nations the triplicate copies of the declarations shall be retained by the collector of customs.

(See 15 CFR 305.7 et seq. for preparation of shipper's export declarations.)

[Section 4200 of the Revised Statutes, as amended by the Act of June 16, 1938, and Public Resolution 130, approved June 29, 1938 (46 U.S.C. 92); Act of April 29, 1902, as amended by the Act of May 17, 1932 (46 U.S.C. 95)] (R.S. 161 (5 U.S.C. 22)).

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

SEPTEMBER 30, 1939.

[F. R. Doc. 39-3628; Filed, September 30, 1939; 11:50 a. m.]

## TITLE 50—WILDLIFE

### BUREAU OF FISHERIES

SUBCHAPTER A—ALASKA FISHERIES

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

Section 211.15[1] is hereby amended to prohibit commercial fishing for herring after September 25, as follows:

§ 211.15 *Closed seasons, commercial herring fishing, except by gill nets or for bait purposes.* Commercial fishing for herring, except for bait purposes, is prohibited from January 1 to June 7, both dates inclusive, and for the remainder of the calendar year after September 25: *Provided,* That this prohibition shall not apply to the use of set and drift gill nets of mesh not smaller than 2½ inches stretched measure between knots in the period from November 16 to December 15, both dates inclusive.

(Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

HARRY SLATTERY,
*Acting Secretary of the Interior.*

SEPTEMBER 25, 1939.

[F. R. Doc. 39-3615; Filed, September 30, 1939; 9:16 a. m.]

## *Notices*

### DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 662-FD]

IN THE MATTER OF THE APPLICATION OF UPPER BUCHANAN SMOKELESS COALS, INC., FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

ORDER GRANTING PROVISIONAL APPROVAL

Applicant, Upper Buchanan Smokeless Coals, Inc., having on April 24, 1939 filed an application with the National Bituminous Coal Commission requesting provisional approval as a marketing agency pursuant to Order No. 6 issued by the Commission on June 21, 1937; and

[1] 4 F.R. 920 DI.

The Commission having, by Notice and Order for Hearing dated April 26, 1939, duly assigned the matter for hearing before an Examiner of the Commission on May 12, 1939, at the Hearing Room of the Commission, 734—15th Street NW., Washington, D. C.; and

A hearing having duly been held at the place designated in said Notice and Order for Hearing, on May 12, 16 and 25, 1939, at which appearances were entered on behalf of the Commission, the Consumers' Counsel, the Applicant, and District Board No. 7, and at which an opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing upon the issues was afforded to all interested parties; and

The Examiner having duly submitted his report and proposed findings of fact on June 27, 1939, a copy of which was duly served upon the Applicant and the Consumers' Counsel on June 30 and July 1, 1939, respectively, pursuant to Rule XXIVa of the Rules of Practice and Procedure before the Commission, and no exceptions having been filed to such report; and

The Director having duly considered the application, the testimony and exhibits presented at the hearing, the report of the Examiner, and the entire record in this proceeding, and having made Findings of Fact and Conclusions of Law upon the basis thereof, a copy of which is now on file in the office of the Division, Washington, D. C., and which by this reference are incorporated herein and made a part hereof:

*It is ordered,* That the application of Applicant for provisional approval as a marketing agency, pursuant to Section 12 of the Bituminous Coal Act of 1937 and Order No. 6 of the Commission, be and the same is hereby granted; and

*It is further ordered,* That Applicant may, as to its members, provide for the cooperative marketing of their coal at prices not below the effective minimum prices nor above the effective maximum prices prescribed in accordance with Section 4 of the Act, and pursuant to the marketing agency agreement between the Applicant and its producer-members executed on April 19, 1939, as amended by the supplemental agreement executed on May 18, 1939: *Provided,* That:

1. All producers who are financially or otherwise interested in Applicant, and all producers for whom Applicant proposes to sell coal, whether as agent, factor, wholesale distributor or otherwise, shall continue to be members in good standing of the Bituminous Coal Code promulgated by the Commission under the Bituminous Coal Act of 1937.

2. Applicant and each of its members shall observe the effective marketing regulations and the minimum and maximum prices from time to time established, and shall otherwise conduct the business and operations of Applicant in conformity with reasonable regulations

for the protection of the public interest, to be prescribed by the Division.

3. No producer who is a member of Applicant shall be financially or otherwise interested in, or be a member of, any marketing agency which fails to make application for or to secure approval as provided in Order No. 6 issued by the Commission on June 21, 1937; nor shall any producer who is a member of Applicant directly or indirectly market any coal through any such agency which fails to make such application or to secure such approval.

4. Applicant shall not enter into any agreement with any other marketing agency relating to the marketing of coal subject to the provisions of the Code and the Act, except with the approval of the Director of the Division first obtained.

5. All contracts and agreements entered into by Applicant shall be made subject to review and approval of the Director of the Division; and all such contracts and agreements shall be submitted to the Director of the Division for his approval.

6. If any producer who is a member of Applicant shall fail to retain his membership in good standing in the Code, Applicant shall terminate such producer's connection with the marketing agency.

7. Applicant shall notify the Director of the Division of any change in its membership, and shall submit to the Director for approval any application on the part of any producer for membership in Applicant with respect to any mine not now represented by Applicant.

8. The provisional approval herein granted shall extend and apply to the organization and general plan of operation of Applicant as a marketing agency, and shall not be construed as an approval of specific acts of Applicant with reference to the classification of coals and the determination of prices for specific coals.

If any of the aforesaid conditions shall not exist, or shall not be observed, the Director may, by order, suspend or revoke this order of approval.

This order of approval shall become effective on the date of publication thereof, and shall continue in effect for one year, subject to renewal upon application therefor, unless sooner suspended or revoked pursuant to Section 12 of the Act.

Dated, September 20, 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-3621; Filed, September 30, 1939; 11:27 a. m.]

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[Docket Nos. 899-FD to 957-FD, inclusive]

*Bituminous Coal Producers Board for District No. 1, Complainant*

vs.

*Arrow Coal Corp., Atlantic Mining Co., Bear Rock Mining Co., Inc., Bird Coal Co., The Big Bend Coal Mining Co., Big Vein Coal Co. of Lonaconing, Inc., Brothers Valley Coal Co., Cherry Run Coal Mining Co., Clyde Coal Co., Commercial Coal Mining Co., The Echo Mining Co., Eddy Coal Co., Enterprise Coal Mining Co., Inc., Forks Coal Mining Co., Gahagen Coal Co., Georges Creek Coal Co., Inc., A. D. Grasso, trading as Grasso Coal Mining Co., W. O. Gulbranson, Hamill Coal & Coke Co., Hamler Coal Mining Co., James Coal Mining Co., Kearney Coal Co., Kristianson and Johnson Coal Co., Inc., Laurel Run Coal Mining Co., Lincoln Coal Co., Inc., Lytle Brothers Coal Co., McClure Mining Co., Frank McCombie, trading as McCombie Coal Mining Co., James M. McIntyre & Co., Masteller Coal Co., Charles W. Davis, Receiver, Middle Pennsylvania Coal Corp., Mohawk Mining Co., Morris Run Coal Mining Co., Hannah Lochrie, trading as Mountain Top Coal Co., Northwestern Mining and Exchange Co. of Erie, Pa., Harper J. Guinn, trading as Peerless Coal Co., Penn Smokeless Fuel Co., Potomac Fuel Co., Inc., The Potomac Big Vein Georges Creek Coal Co., Pritts Brothers Coal Co., The Quality Coal Co., Inc., Quemahoning Valley Coal Co., Red Top Coal Co., W. W. Reed, trading as W. W. Reed Coal Co., Reid Coal Co., Inc., Ringgold Coal Co., Inc., Roys Smithing Coal Co., Shawmut Mining Co., Sheesley Coal Co., Smokeless Quemahoning Coal Co., Snow Shoe Coal Co., Sonman Run Mining Co., Sonman Shaft Coal Co., Stineman Coal & Coke Co., Superior Cherry Run Coal Corp., Vinton Colliery Co., Wabash Coal Co., Wallwork Coal Co., Yorkshire Coal Co., Defendants*

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Producers Board for District No. 1, Complainant, having filed with the Bituminous Coal Division, pursuant to Section 5 (b) of the Bituminous Coal Act of 1937, complaints alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder;

*It is ordered*, That a hearing on such matters be held on November 15, 1939, at ten o'clock, in the forenoon of that day at a hearing room of the Bituminous Coal Division, 2nd floor, Post Office Building, Altoona, Pennsylvania.

*It is further ordered*, That T. B. Cantrell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to the complainant, to the defendants, and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before November 10, 1939.

The matters concerned herewith are in regard to complaints filed by Bituminous Coal Producers Board for District No. 1, alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder for failure to pay District Board Assessments.

Dated, September 28, 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-3620; Filed, September 30, 1939; 11:27 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Division of Marketing and Marketing Agreements.

[Docket No. A-112, O-112]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND ORDER NO. 4, AS AMENDED, AND THE MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Whereas, under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture, hereinafter called the Secretary, issued Order No. 4 regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, effective 12:01 a. m., e. s. t., February 9, 1936; and

Whereas such order was last amended by the Secretary on January 13, 1939, effective January 16, 1939;[1] and

Whereas the Secretary on January 13, 1939, executed a marketing agreement regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, effective January 16, 1939; and

Whereas the New England Milk Producers Association, Inc., has proposed certain amendments to said marketing agreement and to said Order No. 4, as amended; and

Whereas the Secretary has reason to believe that the declared policy of the act will be effectuated by holding a hearing on a proposal to amend Order No. 4, as amended, and said marketing agreement, and to review present marketing conditions in the Greater Boston, Massachusetts, milkshed to determine what amendments, if any, should be made to said order and said marketing agreement:

Now, therefore, pursuant to the aforesaid act and general regulations issued thereunder, notice is hereby given of a hearing to be held on a proposal to amend Order No. 4, as amended, and the marketing agreement regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, beginning at 10:00 a. m., e. s. t., Monday, October 9, 1939, at State House Assembly Hall, Concord, New Hampshire, and continuing at 10:00 a. m., e. s. t., Tuesday, October 10, 1939, in Room 436, State House, Boston, Massachusetts.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) revising the minimum Class I price and the Class II price formula; (2) revising the freight allowance applicable to milk transported from country plants; (3) excluding from the marketing area the towns of Beverly, Salem, Peabody, and Swampscott, Massachusetts; (4) revising the definition of delivery period to provide for semi-monthly pool computations; (5) redefining Class I milk; (6) revising the plant shrinkage allowance; (7) revising the provisions relating to milk of handlers who are also producers and adding provisions permitting special consideration in the pricing of milk to handlers who sell only a small proportion of their milk in the marketing area; (8) eliminating milk sold to State-supported institutions from the pool computations; (9) revising location differentials; (10) revising provisions relating to adjustments in producer payments; (11) including a provision to allow market service payments to cooperative associations from the gross value of pooled milk; (12) including a provision permitting special consideration in the pricing of milk received from sources beyond the normal supply area; (13) revising the relief milk pricing provisions; (14) including a provision requiring new producers to deliver their entire production of milk to the market in order to gain status as regular producers; and (15) revising the provisions relating to the classification of milk moved from other markets into the marketing area. Additional and different amendments may be proposed in the hearing and evidence given thereon.

Copies of said proposal prepared as a basis for the public hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] F. W. REICHELDERFER,
*Acting Secretary of Agriculture.*

Dated, September 30, 1939.

[F. R. Doc. 39-3633; Filed, October 2, 1939; 10:07 a. m.]

[1] 4 F.R. 249 DI.

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[Docket No. A-113 O-113]

NOTICE OF A PUBLIC HEARING ON PROPOSED MARKETING AGREEMENTS AND ORDERS REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

Whereas, the New England Milk Producers' Association, Inc., and the Fall River Milk Producers' Association, Inc., have requested the Secretary to hold a public hearing on marketing agreements and orders prepared and proposed by such associations and designed to regulate the handling of milk in the Fall River, Massachusetts, marketing area; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement or the issuance of an order will tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to the handling of milk in the Fall River, Massachusetts, marketing area; and

Whereas, under said act notice of and opportunity for a hearing are required prior to the execution of a marketing agreement or the issuance of an order, and the General Regulations, Series A, No. 1, as amended,[1] of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice:

Now, Therefore, pursuant to said act and said general regulations, notice is hereby given of a public hearing to be held on the aforementioned marketing agreements and orders prepared and proposed by the aforementioned associations and designed to regulate the handling of milk in the Fall River, Massachusetts, marketing area.

This public hearing will be held in Watuppa Grange Hall, Westport, Massachusetts, at 10:00 a. m., e. s. t., October 13, 1939.

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for the handling of milk in the Fall River, Massachusetts, marketing area are so disorderly as to necessitate regulation in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreements and orders provide, among other things, for: (1) selection of a market administrator; (2) classification of milk; (3) minimum prices; (4) reports of handlers; (5) payments to producers through the use of a market-wide equalization pool or individual handler pools; (6) payments to the market administrator for marketing services; (7) expenses of administration; and (8) base rating plans.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area, and that a shorter period of notice than fifteen (15) days is therefore required; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreements and orders may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] F. W. REICHELDERFER,
*Acting Secretary of Agriculture.*

Dated, September 30, 1939.

[F. R. Doc. 39-3634; Filed, October 2, 1939; 10:07 a. m.]

[1] 1 F.R. 155.

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[Docket No. A-114 O-114]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE MARKETING AGREEMENT AND ORDER NO. 34 REGULATING THE HANDLING OF MILK IN THE LOWELL - LAWRENCE, MASSACHUSETTS, MARKETING AREA

Whereas pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture, hereinafter called the "Secretary", executed a marketing agreement and issued an order[1] regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, effective February 12, 1939; and

Whereas the New England Milk Producers Association, Inc., and others have proposed certain amendments to said marketing agreement and said order; and

Whereas the Secretary has reason to believe that an amendment of said marketing agreement and said order will tend to effectuate the declared policy of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937; and

Whereas under the aforesaid act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended,[2] of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon amendments to marketing agreements and orders:

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on said proposals to amend the marketing agreement and Order No. 34 regulating the handling of milk in the Lowell-Lawrence,

[1] 4 F.R. 601 DI.
[2] 1 F.R. 155.

Massachusetts, marketing area, in Liberty Hall Municipal Auditorium, Lowell, Massachusetts, beginning at 10:00 a. m., e. s. t., on October 7, 1939.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) clarifying the definition of a producer, (2) revising the minimum Class I price, (3) including a provision regulating sales outside of the marketing area, (4) revising the marketing service deduction, (5) including a provision relating to adjustments in producer payments, (6) revising the deduction for administrative expenses, and (7) including a provision permitting special prices for milk sold to low income consumers.

Copies of the proposed amendments to said marketing agreement and said order may be obtained from the Hearing Clerk, Office of the Solicitor, in Room 0310 South Building, United States Department of Agriculture, Washington, D. C., or may be there inspected.

[SEAL] F. W. REICHELDERFER,
*Acting Secretary of Agriculture.*

Dated, September 30, 1939.

[F. R. Doc. 39-3635; Filed, October 2, 1939; 10:07 a. m.]

## DEPARTMENT OF COMMERCE.

### Bureau of Marine Inspection and Navigation.

NOTICE OF MEETING OF EXECUTIVE COMMITTEE OF THE BOARD OF SUPERVISING INSPECTORS

Pursuant to authority conferred by Section 4405, R. S., I hereby call a meeting of the Executive Committee of the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, consisting of R. S. Field, Director; George Fried, Supervising Inspector, Second District; and Chester W. Willett, Supervising Inspector of the Sixth District, to take place in the office of the Supervising Inspector of the Second District, 45 Broadway, New York City, beginning at 9 a. m., Tuesday, October 10, 1939, for the purpose of considering approval of miscellaneous items of equipment and for the transaction of such other business as may come before the meeting.

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

SEPTEMBER 30, 1939.

[F. R. Doc. 39-3640; Filed, October 2, 1939; 12:07 p. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 3, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Bogle-Watkins Corporation, Greensboro, North Carolina.

Colonial Knitting Mills, Inc., Cape May Court House, New Jersey (5 learners).

Great American Knitting Mills, Inc., Bechtelsville and Bally, Pennsylvania.

Kenmore Hosiery Company, Fredericksburg, Virginia.

Kenosha Full Fashioned Mills, Inc., Kenosha, Wisconsin (19 learners).

Kiser Hosiery Mill, Hickory, North Carolina (3 learners).

Varina Knitting Company, Varina, North Carolina (5 learners).

Wilson, Rufus D., Inc., Burlington, North Carolina.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 2nd day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3647; Filed, October 2, 1939; 1:08 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 3, 1939, to June 3, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NAME AND ADDRESS OF FIRM

Alabama Hosiery Mills, Inc., Decatur, Alabama (42 learners).

Auburn Hosiery Mills, Auburn, Kentucky (9 learners).

Clarke Mills, Jackson, Alabama (60 learners).

Crewe Hosiery Company, Inc., Crewe, Virginia (48 learners).

Durant Manufacturing Company, Durant, Mississippi (29 learners).

Clay County Products Company, Inc., Green Cove Springs, Florida (40 learners).

Francis-Louise Full Fashion Mills, Inc., Valdese, North Carolina (8 learners).

Grayson Full Fashioned Hosiery Mills, Independence, Virginia (80 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 2nd day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3646; Filed, October 2, 1939; 1:08 p. m.]



## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 238]

IN THE MATTER OF THE APPLICATION OF AMERICAN EXPORT AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (D) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding,[1] being the application of American Export Airlines, Inc., for a certificate of public convenience and necessity authorizing air transportation between the United States and France, now assigned for October 10, 1939, is hereby postponed until October 30, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Raleigh Hotel, 12th and Pennsylvania Avenue NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., September 30, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3641; Filed, October 2, 1939; 12:37 p. m.]

[Docket No. 7-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF MARQUETTE AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) (1) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF REARGUMENT

At a session of the Civil Aeronautics Authority held in the City of Washington, D. C., on the 28th day of September 1939.

The above-entitled proceeding is assigned for reargument on October 5, 1939, at 10 o'clock a. m. (Eastern Standard Time) at the offices of the Civil Aeronautics Authority in Washington, D. C.

Dated, Washington, D. C., September 29, 1939.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3642; Filed, October 2, 1939; 12:37 p. m.]

### Air Safety Board.

[Docket No. 6]

IN THE MATTER OF INVESTIGATION, UNDER SECTIONS 702 (A) (2) AND 702 (C) OF THE CIVIL AERONAUTICS ACT OF 1938, OF ACCIDENT INVOLVING AIRCRAFT OF UNITED STATES REGISTRY NC 16051, WHICH OCCURRED NEAR EAST HARTFORD, CONNECTICUT ON AUGUST 15, 1939

NOTICE OF HEARING

A hearing having been ordered by the Air Safety Board in the above entitled matter, subject to the assignment of the undersigned Examiner, such is hereby assigned for public hearing on October 17, 1939, at 9:30 A. M. (EST), at the Post Office Building, Hartford, Connecticut.

Dated, Washington, D. C., September 30, 1939.

[SEAL] FRED M. GLASS,
*Examiner.*

[F. R. Doc. 39-3643; Filed, October 2, 1939; 12:37 p. m.]

[1] 4 F.R. 3686 DI.

## FEDERAL HOUSING ADMINISTRATION.

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY, OF 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B

*To Holders of 2¾ Percent Mutual Mortgage Insurance Fund Debentures, Series B.*

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1940, on which date interest on such debentures shall cease:

| Denomination | Serial numbers (all numbers inclusive) | |
|---|---|---|
| | Regular series | Star series |
| $50 | 107 to 247 | |
| $100 | 348 to 773 | |
| $500 | 154 to 476 | 14 and 15 |
| $1,000 | 501 to 1042 | |
| $5,000 | 21 to 64 | 3 |
| $10,000 | 5 to 8 | |

The debentures first issued, as determined by the serial numbers, were selected for redemption by the Federal Housing Administrator, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1939. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1939, and provision will be made for the payment of final interest due January 1, 1940, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Federal Housing Administrator hereby offers to purchase any called debentures at any time from October 1, to January 1, 1940, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1940, or for purchase prior to that date will be given by the Secretary of the Treasury.

[SEAL] ABNER H. FERGUSON,
*Acting Federal Housing Administrator.*

Approved, September 30th, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3629; Filed, September 30, 1939; 12:10 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1939.

[File No. 60-7]

IN THE MATTER OF MANCHESTER GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

The Commission having reasonable cause to believe that Manchester Gas Company, whose address is 810 Elm Street, Manchester, New Hampshire, stands in such relationship to The United Gas Improvement Company, and The United Corporation,

And each of such companies, that the management or policies of Manchester Gas Company are subject to a controlling influence, directly or indirectly, by The United Gas Improvement Company and The United Corporation, and each of such companies, (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that Manchester Gas Company be subject to the obligations, duties, and liabilities imposed in the Public Utility Holding Company Act of 1935 upon subsidiary companies of holding companies,

*It is ordered*, Pursuant to Section 2 (a) (8) (B) of said Act that a hearing be held to determine whether such relationship exists, and if such relationship is found to exist, to declare Manchester Gas Company to be a subsidiary of The United Gas Improvement Company and The United Corporation.

*It is further ordered*, That such hearing be held on October 24, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered*, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hear-

ing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to continue or postpone said hearing from time to time or to a date thereafter to be fixed by such presiding officer.

Notice of such hearing is hereby given to Manchester Gas Company and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 19, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3636; Filed, October 2, 1939; 11:30 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29 day of September, A. D. 1939.

[File No. 31-438]

IN THE MATTER OF MANCHESTER GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 2 (a) (8) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on October 24, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 19, 1939.

The matter concerned herewith is in regard to an application for an order declaring that Manchester Gas Company is not a subsidiary of The United Gas Improvement Company or of The United Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3637; Filed, October 2, 1939; 11:30 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1939.

[File Nos. 31-438, 60-7]

IN THE MATTER OF MANCHESTER GAS COMPANY

ORDER FOR CONSOLIDATION OF HEARINGS

The Commission now having pending before it the following related matters:

(1) File No. 31-438—Application by Manchester Gas Company pursuant to section 2 (a) (8) (A) of the Public Utility Holding Company Act of 1935 for an order declaring that it is not a subsidiary of The United Gas Improvement Company and The United Corporation.

(2) File No. 60-7—Proceeding instituted by the Commission pursuant to section 2 (a) (8) (B) of said Act to determine whether Manchester Gas Company should be declared to be a subsidiary of The United Gas Improvement Company and The United Corporation.

It appearing that such proceedings involve common questions of law and fact and that evidence offered in respect to each matter may have a bearing on the other; that the parties in the respective matters are the same; and that substantial saving in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that evidence adduced in each matter may stand as evidence in the other for all purposes.

*It is ordered*, That the matters referred to in (1) and (2) hereof, Commission's File Nos. 31-438 and 60-7, be and they hereby are consolidated for the purpose of hearings thereon. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of either of such matters, to order a separate hearing with respect to the same or any part thereof, or to close the record with respect thereto and/or to take action thereon prior to closing the record on said other matter.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3638; Filed, October 2, 1939; 11:30 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1939.

[File No. 1-2567]

IN THE MATTER OF PROCEEDING TO DETERMINE WHETHER THE REGISTRATION OF WASSERWIRTSCHAFT IM RHEINISCK-WESTFALISCHEN INDUSTRIEGEBIET (RUHR-KOHLENSEZIRK) G.M.B.H. (RHINE-RUHR WATER SERVICE UNION) 25-YEAR SINKING FUND 6% EXTERNAL GOLD DEBENTURES DUE JANUARY 1, 1953, SHOULD BE SUSPENDED OR WITHDRAWN

ORDER DISMISSING PROCEEDINGS

The Commission having heretofore ordered that a hearing under Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be held in this matter on July 10, 1939, at the office of the Securities and Exchange Commission, Washington, D. C., and such hearing having been duly held; and

The registrant having on September 12, 1939, filed its annual reports for the years ended December 31, 1936, and December 31, 1937;

*It is ordered*, That the proceedings heretofore instituted in this matter pursuant to said Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be, and the same hereby are, dismissed.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3644; Filed, October 2, 1939; 12:56 p. m.]

Reference

OCT 5 1939

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 191

*Washington, Wednesday, October 4, 1939*

*Rules, Regulations, Orders*

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 25th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[File No. 21-307]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE PUBLIC SEATING INDUSTRY

*Promulgation*

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

*It is now ordered*, That the trade practice rules[1] of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of October 3, 1939.

*Statement by the Commission*

Trade practice rules for the Public Seating Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

The rules provide for the elimination and prevention of false advertising, deceptive selling methods, and certain other unfair trade practices, and are issued in the interest of protecting the purchasing public and maintaining fair competitive conditions in the industry. They constitute a revision and extension of the rules which had heretofore been issued by the Commission for this industry on June 23, 1931, and take the place of such previously issued rules.

The products of the industry to which the rules relate include fixed or connected seating for such public places as theaters, auditoriums, lodges, assembly halls, shoe stores, stadia, and other similar buildings and structures; various types of pewing, chancels, choir stalls and related furniture and accessories for ecclesiastical purposes; seats and benches for courthouses, hospitals, etc.; various types of school furniture; portable chairs with folding seats in both single and multiple units and portable folding seating in single units for other than household use. These products are fabricated or assembled from wood, plywood, iron, steel, non-ferrous metals, or any combination of these materials. Members of the industry are engaged in manufacturing or distributing the above-mentioned products. The manufacturers' sales aggregate approximately $25,000,000 annually, according to information furnished the Commission.

The proceeding for the establishment of new trade practice rules was instituted upon application of the industry. In the course thereof a draft of the rules as proposed for the industry was made available upon public notice issued by the Commission to all interested or affected parties, affording them opportunity to present their views, including such pertinent information, suggestions or objections as they desired to submit, and to be heard in the premises. Accordingly, public hearing pursuant to such notice was held in Washington on August 17, 1939, and all matters submitted in the proceeding were duly received and considered.

Thereafter, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the rules appearing herein under Group I and Group II.

THE RULES

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of the industry and the public.

[1] These rules supersede the rules previously promulgated for this industry on June 23, 1931.

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They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

*Group I*

The unfair trade practices which are embraced in the Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited, within the purview of the Federal Government, by acts of Congress, as construed in the decisions of the Federal Trade Commission or the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation or other organization, of such unlawful practices in or directly affecting interstate commerce.

§ 20.1 RULE 1. *Misrepresentation of industry products.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading or deceptive statement or representation (whether in the form of advertisement, label, brand, guarantee, warranty, testimonial, endorsement, depiction, illustration, or other form of representation, however disseminated or published):

(a) Concerning the grade, quality, quantity, substance, character, nature, origin, size or preparation of any products of the Public Seating Industry; or

(b) Concerning the manufacture, sale or distribution of any such products; or

(c) Concerning any other matter in relation to such products.

§ 20.2 RULE 2. *False invoicing.* Withholding from or inserting in invoices or sales tickets any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales tickets, with the effect of thereby misleading or deceiving the purchasing or consuming public, is an unfair trade practice.

§ 20.3 RULE 3. *Use of false or deceptive selling methods, etc.* The use of false or deceptive selling methods which have the tendency and capacity or effect of misleading or deceiving the purchasing or consuming public is an unfair trade practice.

§ 20.4 RULE 4. *Misuse of terms "close-outs", "obsolete items", "discontinued lines", etc.* It is an unfair trade practice to advertise, describe or otherwise represent regular lines of merchandise as "Close-outs", "Obsolete Items", "Discontinued Lines", or by words or representations of similar import, when such are not true in fact; or to so advertise, describe or otherwise represent merchandise where the capacity and tendency or effect thereof is to lead the purchasing or consuming public to believe such merchandise is being offered for sale and sold at greatly reduced prices or at so-called "bargain" prices, when such is not the fact.

§ 20.5 RULE 5. *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality or manufacture of the products of competitors or of their business methods, selling prices, values, credit terms, policies or services, is an unfair trade practice.

§ 20.6 RULE 6. *Commercial Bribery.* It is an unfair trade practice for a member of the industry directly or indirectly to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees or representatives of customers or prospective customers, or to agents, employees or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase public seating products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors.

§ 20.7 RULE 7. *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring or prejudicing competitors in their businesses, is an unfair trade practice.

§ 20.8 RULE 8. *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor, by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such a manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade.

§ 20.9 RULE 9. *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring or prejudicing competitors in their businesses, is an unfair trade practice.

§ 20.10 RULE 10. *Enticing away employees of competitors.* Wilfully enticing away the employees of competitors, with the purpose and effect of unduly hampering, injuring or prejudicing competitors in their businesses, is an unfair trade practice.

§ 20.11 RULE 11. *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitutions and with the tendency, capacity or effect of misleading or deceiving purchasers, prospective purchasers or the consuming public is an unfair trade practice.

§ 20.12 RULE 12. (a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc.*[1] *which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,[2] in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential,[3] where such rebate, refund, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,[2] and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce,[2] or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination or with customers of either of them:

*Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce[2] from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,[2] in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce[2] to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce[2] to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or by furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,[2] in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this Rule 12.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operating for profit.* The foregoing provisions of this Rule 12 relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which Act and the application thereunder of this Rule 12 are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That nothing in the Act approved June 19, 1936 (Public, Numbered 692, Seventy-fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit. (52 Stat. 446; Supp. 4 U.S.C. Title 15, Sec. 13c)

§ 20.13 RULE 13. *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm or corporation to aid, abet, coerce or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in these rules.

*Group II*

Compliance with the trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, *per se*, constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of a violation of Group I rules.

RULE A. *Maintenance of accurate records.* It is the judgment of the industry that each member should independently keep proper and accurate records for determining his costs.

RULE B. *Blind bids.* In cases of competitive bidding, the practice of receiving or making so-called "blind bids", which discount the lowest competitive bid regardless of the amount, tends to destroy competitive bidding, and is condemned by the Industry.

A Committee on Trade Practices is hereby created by the industry to cooperate with the Federal Trade Commission and to perform such acts as may be legal and proper to put these rules into effect.

Promulgated and issued by the Federal Trade Commission as of October 3, 1939.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3645; Filed, October 2, 1939; 1:06 p. m.]

[1] Paragraph (a) of Rule 12 shall not be construed as embracing practices prohibited by paragraphs (b), (c) and (d) of this rule.

[2] As herein used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States; *Provided*, That this shall not apply to the Philippine Islands.



## TITLE 24—HOUSING CREDIT

## UNITED STATES HOUSING AUTHORITY

### PART 625—DEVELOPMENT COST OF A LOW-RENT HOUSING PROJECT*†

Sec.

625.1 Definition of development cost.
625.2 Eligible items; general.
625.3 Acquisition of site.
625.4 Site improvement.
625.5 Non-dwelling buildings, spaces and equipment.
625.6 Dwelling buildings and equipment.
625.7 Pre-occupancy charges.
625.8 Architectural and engineering costs.
625.9 Administrative costs.
625.10 Travel.
625.11 Salary and expenses of Construction Adviser.
625.12 Ineligible administrative expenses.
625.13 Scope of activities of local authorities.
625.14 Carrying charges.
625.15 Allowance for changes and extras during development.
625.16 Construction by contract.
625.17 Relief labor and force account work.
625.18 Prevailing wages and fees.
625.19 Assessable improvements.
625.20 USHA participation.
625.21 Local participation.
625.22 Cost per room and per family dwelling unit.
625.23 Construction cost per family dwelling unit.

§ 625.1 *Definition of development cost.* (a) The term "development cost of a low-rent housing project" means the cost of "any or all undertakings necessary for planning, financing (including payment of carrying charges), land acquisition, demolition, construction, or equipment, in connection with • • •

*Sections 625.1 to 625.23 issued under the authority contained in Sec. 8, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408.

†The source of section 625.1 to 625.23 is Bulletin 4, revised June 30, 1939.

(such) * * * project, but not beyond the point of physical completion."[1] The attention of local authorities is invited to the fact that the definition of development cost excludes therefrom all items which are not necessary to the development of the project. (b) The development cost of the project constitutes the basis for computing the amount of the loan and the amount of the annual contributions or capital grants which the USHA may make on the project.*† [Part I]

§ 625.2 *Eligible items; general.* All applicable items set forth under sections 625.3 through 625.14 may be included in the development cost of the project. The item set forth under Sec. 625.15 shall be included only in estimates of development cost.*† [Part II]

§ 625.3 *Acquisition of site.* Under this heading may be included: (a) Cost of real property purchased (including real property acquired by direct purchase, through condemnation proceedings, or in exchange for bonds of the local authority). This may include: (1) Land for future development as well as land for immediate development; (2) Land needed within the project boundaries for playgrounds, recreation areas and other open spaces, provided such land is of reasonable area and is destined primarily for use by the occupants of the project; (3) Land needed within the project boundaries for new streets and alleys (which in general should be dedicated to the public use), provided such streets or alleys are of reasonable area in relation to the needs of the project.

(b) Fair value of real property donated by the local government or otherwise for any of the purposes specified in subheadings a–1 through a–3, above. No value shall be included for land in vacated streets or alleys.

(c) Value of remitted taxes or special assessments levied on real property included in the project and unpaid or delinquent when such property was acquired.

(d) Expenses of land acquisition, including land surveys, appraisals, title information, options, legal services and expenses, commissions, recording fees and similar costs.

(e) Costs, if any, in connection with supervision of the relocation of tenants living in dwellings demolished on the project site.

(f) Net cost of demolition and clearing, including the demolishing and clearing away of structures, other improvements, and debris on the project site. In computing such net cost, the value of salvage, if any, shall be deducted.

The cost of real property purchased specifically for the project shall be its actual purchase price, and the fair value of real property donated shall be its fair market value as of the date of the Loan Contract with the USHA. Such price or value shall, however, be subject to prior approval by the USHA.

The attention of local authorities is invited to the fact that the USHA cannot allow in development cost either the value or the cost of the following: (1) Land, if any, acquired for schools, parks of substantial size, or similar public improvements which are available to the public at large. (2) Land in vacated streets or alleys. (3) Land, if any, acquired for the purpose of equivalent elimination of unsafe or insanitary dwellings and not forming part of the project site. (4) Demolition, if any, undertaken for the purpose of equivalent elimination of unsafe or insanitary dwellings on land not forming part of the project site.*† [Part II, Heading A]

§ 625.4 *Site improvement.* Construction costs of site improvement may include: (a) Rough grading of land, except such grading as may serve in lieu of excavations for structures.

(b) Excess excavation and foundation costs in connection with buildings, utilities, or other site improvements where the unusual character of the subsoil or topography of the site is such as to require piling, caissons, underpinning, removal of solid rock, or very unusual depth of footings. The term "very unusual depth of footings" shall not be applicable to conditions ordinarily encountered (such as old basements, cesspools, and the like, and insecure pockets of earth of moderate extent), but shall be applicable only where such conditions are clearly of an extraordinary extent. (Costs of normal excavations and foundations for structures shall be included under Section 625.5 (a) in the case of nondwelling structures and under Section 625.6 (a) in the case of dwelling structures).

(c) Streets, alleys, and sidewalks on public rights-of-way traversing, adjoining, or leading to the project site, which are reasonable in relation to the needs of the project, but only to the extent that the cost of such items is (or customarily would be) assessed against or paid by the title-holder of the project site.

(d) Utility mains (generally maintained by the municipality or a public utility company), including storm and sanitary sewers, water, gas, electricity, street lighting, and fire and police alarm systems, if any, which traverse, adjoin, or lead to the project site, and which are reasonable in relation to the needs of the project, but only to the extent that the cost of such items is (or customarily would be) assessed against or paid by the title-holder of the project site.

(e) Utility branches and connections (generally maintained by the project) up to but outside of building walls, including storm and sanitary sewers, water, gas, electricity and yard lighting systems, but excluding mains, if any, from a central heating plant. Such utility branches when carried for economy through buildings en route to other buildings may also be included under this item, excluding, however, connections to buildings through which such branches pass.

(f) Driveways, parking areas, and walks on project property.

(g) Playgrounds and similar surfaced areas.

(h) Miscellaneous improvements, including fences, clothes poles, retaining walls and bulkheads, and similar improvements.

Landscape costs may include: (a) Finish grading and topsoiling. (b) Planting and landscaping, including primary project areas, secondary project areas, and tenant areas.*† [Part II, Heading B]

§ 625.5 *Non-dwelling buildings, spaces and equipment.* Construction costs of non-dwelling building and spaces may include:

(a) Community buildings or spaces for the use of the occupants of the project, including buildings or spaces for health, education, and recreation, provided such facilities are necessary and otherwise unavailable and provided the buildings or spaces required therefor are of reasonable size in relation to the needs of the occupants of the project. In so far as possible arrangements should be made by the local authority for the maintenance and operation of such facilities by other agencies without expense to the project.

(b) Administrative buildings or spaces, and project service and storage spaces.

(c) Electricity generating plants, including spaces or separate buildings, and mechanical installations.

(d) Garages or shelters for automobiles for rent to tenants where absolutely necessary or essential.

(e) The value of any non-dwelling spaces provided within dwelling structures and included under (a) through (d), above, shall be computed by the local authority, subject to approval by the USHA.

Non-dwelling equipment costs may include:

(a) Equipment necessary for outdoor playgrounds and other outdoor spaces.

(b) Equipment necessary for indoor community purposes, including equipment for health, education, and recreation buildings or spaces.

(c) Maintenance equipment.

(d) Administrative equipment.*† [Part II, Heading C]

§ 625.6 *Dwelling buildings and equipment.* Under this heading may be included:

(a) Construction costs of dwelling structures, exclusive of all items listed under Sections 625.4 and 625.5 above. If the project includes a central heating plant, the entire cost thereof including heating and domestic hot-water mains and returns, equipment, and structure, shall be included as dwelling facilities under this subheading. Incinerators, community laundries and fixtures, if any, domestic hot water heaters, space heaters which are installed in a fixed position, lighting fixtures, and fixed cabinets, cupboards, or shelving shall also be included hereunder.

(b) Dwelling equipment costs, including ranges, portable space heaters, refrigerators, movable cabinets or cupboards, screens, window shades, movable laundry equipment, and other movable dwelling equipment.*† [Part II, Heading D]

§ 625.7 *Pre-occupancy charges.* Under this heading may be included:

(a) Direct costs of selection of initial tenants.

(b) Deficits in operating revenues up to a date one year after the project is ready for complete occupancy.*† [Part II, Heading E]

§ 625.8 *Architectural and engineering costs.* Under this heading may be included:

(a) Fees fixed by contract for architectural and engineering services, including fees for engineers and landscape architects. Fixed fees shall not, however, exceed the schedule approved by the USHA.

(b) Other professional fees for consultants and similar advisers.

(c) Cost of the clerk of works, inspectors and other costs of inspection paid by the local authority in addition to the supervision included in the fixed fees for architectural and engineering services. If supervision is not included in the fixed fee contracts, the entire cost to the local authority for supervision and inspection shall be included under this subheading.

(d) Sundry costs such as travel in connection with architectural and engineering services, borings and test pits, blue printing (in addition to blue printing furnished under fixed fee contracts for architectural and engineering services), and models. Costs of travel included hereunder shall be subject to the limitations set forth under Section 625.10.*† [Part II, Heading F]

§ 625.9 *Administrative costs.* Under this heading may be included administrative costs of the local authority directly traceable to the project and that portion of the its general overhead and statistical survey expense properly allocable to the project. Such administrative costs shall include such items as (1) executive salaries, (2) technical salaries (excluding costs of preparing plans and specifications or supervision and inspection), (3) salaries of staff at the project site (except salaries of the supervisory and inspection staff, if any, which are included under Sec. 625.8, (4) legal services and expenses (except cost of services or expenses in connection with acquisition of land which are included under Section 625.3 (d)), (5) travel (except travel included under Sec. 625.8 (d)), (6) office rent, (7) furniture and fixture expenses for offices, (8) office supplies, (9) printing, (10) communications service, (11) photographs, (12) insurance and fidelity bond premiums, (except insurance or bonds carried by construction contractors which are discussed under Sec. 625.14 (b)), (13) advertising (legal notices and similar advertisements), (14) fiscal agent fees and similar expenses, (15) USHA Construction Adviser expense, (16) informational service expense, and (17) statistical survey expense.*† [Part II, Heading G]

§ 625.10 *Travel.* The item of travel in Sec. 625.9 (5) shall include only expenses of travel necessary in connection with the project. The maximum charge which may be made to development cost for travel by employees of the local authority shall be actual transportation expenses plus (1) any taxi fares, long distance telephone calls, or related expenses necessarily incident to the performance of official business and (2) an allowance of $5.00 per day per person in lieu of subsistence. Expenses for travel of members of the local authority or others not receiving compensation for their services may be charged upon the same basis, except that the maximum allowance in lieu of subsistence shall be $10.00 per day per person. The local authority, may, however, include subsistence expenses upon the basis of actual expenses incurred, provided that the total of such expense does not exceed the per diem allowance stated above.*† [Part II, Heading G]

§ 625.11 *Salary and expense of construction adviser.* The attention of local authorities is invited to the fact that there are included under Sec. 625.9 (15), the salaries and expenses which the USHA pays for its Construction Adviser staff assigned to the project. These amounts shall be regarded as administrative costs in the development of the project and the local authority shall use project development funds for reimbursing the USHA for the amounts agreed upon to cover such salaries and expenses.*† [Part II, Heading G]

§ 625.12 *Ineligible administrative expenses.* The attention of local authorities is invited to the fact that there are certain types of administrative expenses which are ineligible for inclusion in development cost. Among such expenses are the following: (a) Dues or fees for membership in associations or organizations on the part of members of the local authority or its employees. (b) Expenses incurred in travel to or attendance at meetings or conventions not specifically related to and necessary in the development of the particular project. (c) Expenses incurred by officials or representatives of local authorities in making visits to other housing developments unless such travel previously has been approved by communication from the USHA in Washington. (d) Expenses incurred for entertainment, meals or refreshments. (e) Expenses incurred in collecting general data and information for use in preliminary site selection or expenses incurred in making real property inventories or other general surveys to establish the need for low-rent housing or slum clearance in the community (or, if any such work is done as a relief project, the amount of such expenses representing the sponsor's share thereof) other than that portion of such expenses, if any, which, subject to USHA approval, is determined to be necessary to the development of the project. (f) Expenses incurred prior to the execution of the Loan Contract with the USHA other than that portion of such expenses, if any, which is approved after audit by the USHA as necessary to the development of the project. (g) Expenses incurred by officers or prospective officers of the local authority for informational purposes in excess of the amount approved in advance by the USHA as necessary to the development of the project.*† [Part II, Heading G]

§ 625.13. *Scope of activities of local authorities.* The rulings set forth in Sec. 625.12, as to items ineligible for inclusion in development cost, shall not be interpreted as any limitation on the part of the USHA as to the scope of the activities in which local authorities may or should engage. The activities of such authorities are matters for local determination in accordance with state and local law and the public opinion of the community. These rulings are set forth merely as examples of administrative expenses which, in the absence of special circumstances, the USHA cannot regard as so directly traceable to the project or so necessary to its development as to be eligible for inclusion in its development cost.*† [Part II, Heading G]

§ 625.14 *Carrying charges.* Under this heading may be included:

(a) Interest on funds for development costs borrowed from the USHA or from other sources, up to the date of physical completion of the project or up to any earlier date which marks the beginning of the period for which annual contributions are paid by the USHA. If annual contributions are paid from an earlier date or dates with respect to a part or parts of the project, interest shall not be included as a carrying charge on such part or parts of the project after the date or dates from which such annual contributions are paid with respect thereto.

(b) No cost of insurance or completion bonds during construction shall be included under this Section. The suggested forms of contracts prepared by the USHA require contractors to furnish completion bonds and to carry fire, liability, and workmen's compensation insurance until the completion of the project. The cost of such bonds and insurance is payable by the contractor and shall, in estimates of development cost, be included as part of the appropriate costs under Sections 625.4, 625.5 and 625.6.*† [Part II, Heading H]

[1] Section 2 (5) of the United States Housing Act of 1937, as amended, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408, (hereinafter referred to as the "Act").

§ 625.15 *Allowance for changes and extras during development.* In all estimates of development cost (including those at the time of application and at the letting of the main construction contract) there shall be included an "Allowance for Changes and Extras During Development." Such allowance (unless otherwise agreed to by the USHA) shall be equal to five percent (5%) of the total of items under Sections 625.3 to 625.14 inclusive: *Provided, however,* That if the costs of site acquisition have been definitely determined, the amount representing such costs shall be excluded from the total upon which such allowance is computed. In the local authorities' books of account the cost of actual changes and extras shall be charged to the appropriate development account, rather than to "Allowance for Changes and Extras During Development." At the completion of the project, no amount shall be shown in the actual development cost under the heading "Allowance for Changes and Extras During Development." The account "Allowance for Changes and Extras During Development" is not to be confused with the 10 percent margin of safety which, under the terms of the Loan Contract, may be used, if specifically authorized by the USHA, for the purpose of meeting unanticipated extra costs during construction and other contingencies. Such margin of safety shall not be included in the Development Cost Estimate.*† [Part II, Heading I]

§ 625.16 *Construction by contract.* All items set forth in Sections 625.3 to 625.15 inclusive, which are executed specifically for the project, on a normal business basis, shall be counted at their actual cost upon approval of such cost by the USHA. The actual cost of the items set forth under Sections 625.4, 625.5 and 625.6 will ordinarily be contract prices since the Terms and Conditions incorporated in the Loan Contract require that all work in the construction of the project be done under contract. Except in case of an emergency (i. e., an unforeseen occurrence or combination of circumstances involving the public welfare or the protection of work already done on the project or which endangers life or property and calls for immediate action or remedy), a waiver of this requirement shall be obtained from the USHA before the cost of any items under Sections 625.4, 625.5 and 625.6 which are executed on any basis other than a contract basis may be included in development cost.*† [Part III]

§ 625.17 *Relief labor and force account work.* The fair value to the local authority of any items executed by relief labor (other than relief labor paid for by the Federal Government), or by labor employed by the municipality or any other agency, may be included in the development cost of the project, provided such labor is paid prevailing wages or fees. Development cost shall not include any value for amounts paid by the Federal Government for relief labor. [Part III]

§ 625.18 *Prevailing wages and fees.* Section 16 (2) of the Act requires that "the wages or fees prevailing in the locality" be paid to all architects, technical engineers, draftsmen, technicians, laborers, and mechanics employed in the development of the project. No item executed for inclusion in the project by any persons of the foregoing classes who are paid less than such prevailing wages or fees may be included in development cost.*† [Part III]

§ 625.19 *Assessable improvements.* The cost to the local authority of any improvements which are constructed by the municipality or other public agency for the public use and which are customarily financed by means of assessments or charges against the title-holder of the property serviced thereby may be included in the development cost of the project, irrespective of whether prevailing wages or fees are paid. If any such assessable improvements are executed by relief labor paid for by the Federal Government, the portion of the sponsor's share of the cost thereof which is applicable to the project may be included in its development cost.*† [Part III]

§ 625.20 *USHA participation.* The Act provides that the total amount of the outstanding loan or loans made by the USHA for a project on which annual contributions are paid by the USHA shall not exceed 90 percent of the total development cost of the project. In cases where other agencies of the Federal Government supply a portion of the development cost, the total amount of the outstanding loan or loans made by the USHA, plus the portion of development cost supplied by such other agencies, may not exceed 90 percent of the total development cost of the project.*† [Part IV]

§ 625.21 *Local participation.* At least 10 percent of the development cost of all projects aided by USHA annual contributions must be supplied by sources other than the USHA. Any portion of development cost supplied (through funds borrowed for the project, capital donations, or in exchange for bonds of the local authority) by the local authority or by any other local agency, in any of the forms listed under Sections 625.3 through 625.14 may be included in the 10 percent local participation.*† [Part IV]

§ 625.22 *Cost per room and per family dwelling unit.* Sec. 15 (5) of the Act limits the cost of the dwelling facilities of the project to an average of $4,000 per family dwelling unit ($5,000 in cities of over 500,000 population) and to an average of $1,000 per room ($1,250 in cities over 500,000 population).

The cost of dwelling facilities shall include all costs listed under Sec. 625.6 (Dwelling Buildings and Equipment), together with the applicable pro rata share of the costs listed under Sections 625.8 (Architectural and Engineering Costs), 625.9 (Administrative Costs), and 625.14 (Carrying Charges). In making estimates of the cost of dwelling facilities, there shall be included the applicable pro rata share of the amount set forth under Sec. 625.15 (Allowance for Changes and Extras During Development). The room count to be used in determining the cost of dwelling facilities per room is prescribed in Part 622.*† [Part V]

§ 625.23 *Construction cost per family dwelling unit.* Sec. 15 (5) (h) of the Act provides that the average construction cost of dwelling units shall not be greater than the average construction cost of "dwelling units currently produced by private enterprise, in the locality or metropolitan area concerned, under the legal building requirements applicable to the proposed site, and under labor standards not lower than those prescribed" in the Act. The construction cost of dwelling units shall include only the costs specified under Sec. 625.6 (a). The construction cost of dwelling units shall not include any of the items listed under Sec. 625.6 (b), nor any portion of the costs specified under Sec. 625.8, Sec. 625.9 or Sec. 625.14. In making estimates of the "construction cost of dwelling units", there shall be included no pro rata share of the amount set forth under Sec. 625.15.*† [Part VI]

NATHAN STRAUS,
*Administrator.*

AUGUST 30, 1939.

[F. R. Doc. 39-3652; Filed, October 3, 1939; 9:50 a. m.]

## TITLE 25—INDIANS

## OFFICE OF INDIAN AFFAIRS

### REGULATIONS GOVERNING THE OPERATION OF THE UNITED STATES SHIPS "NORTH STAR" AND "BOXER"

The following regulations are hereby prescribed for the operation of the United States ships *North Star* and *Boxer* as supply ships between Seattle, Washington, and stations of the Office of Indian Affairs and other Government agencies in the Territory of Alaska.

1. The Manager of the Consolidated Purchasing and Shipping Office in Seattle, Washington, shall have full responsibility for the operation of the ships for the Department of the Interior, including repair, upkeep, payment of bills, and recommendations for the employment of personnel.

Tentative itineraries for each voyage shall be made by the Seattle office in consultation with the Juneau office and submitted to the Division of Territories and Island Possessions for approval. The work of the Office of Indian Affairs will have preference and the General Superintendent of the Office of Indian Affairs in Juneau, Alaska, is authorized to use the ships to perform any special services which may arise and to act in emergencies. The Manager of the Seattle office shall be kept informed of any action taken pursuant to this authority.

2. The Manager of the Seattle office shall furnish the Juneau office and the Division of Territories and Island Possessions advance estimates of the annual repairs and reconditioning costs of the *North Star* and *Boxer*, and of costs involved in any proposed changes in personnel. Funds to meet the expense of operating the ships, the payment of commercial freight, lighterage, longshoring, and other freight expenses shall be advanced, when available, from the appropriation "Education of Natives of Alaska" to the Treasury Regional Disbursing Officer in Seattle.

3. All agencies and activities of the Federal Government (except the Alaska Education Division) and co-operatives of natives for which freight is transported, shall be charged their pro rata share of the expense of the voyage. Such charges shall be billed on transfer vouchers (Standard Form 1080), and payments shall be credited to the Alaska Education appropriation. Bills will be prepared by the Seattle office as promptly as possible and forwarded to the Juneau office for appropriate action.

4. The Juneau office is authorized to detail a nurse to make all regular trips on the *North Star*. The duties of the nurse shall consist of:

(1) Attention to health problems in villages visited.

(2) The assignment of quarters to all passengers.

(3) Approval of passengers for medical and destitution travel.

(4) Responsibility for the welfare of natives on board the ship.

When it is advisable to do so, the Juneau office is authorized to detail a nurse to the *Boxer*. Her duties will be identical to those prescribed for the nurse on the *North Star*.

5. Natives shall be employed on the *North Star* and the *Boxer* to fill all positions for which they may be qualified. Appointments to such positions will be proposed by the Seattle office with the approval of the Juneau office.

Three additional ordinary seamen positions are hereby established for the *North Star*, and one additional position is hereby established for the *Boxer*. As a general rule, appointments to these positions will be made only after the ships have reached Alaska. Their duties, in general, shall be to assist in discharging and lightering freight, to act as helpers in the engine room, and to perform special work at stations, such as repairing light plants and other equipment. As a training measure, the additional positions shall be filled by native boys.

6. In the employment of natives on the ships, a power of attorney shall be secured from each employee authorizing the manager of the Consolidated Purchasing and Shipping Office to deduct from his pay an amount sufficient to cover the cost of returning the employee from Seattle to Alaska. Such deductions shall be deposited with the General Superintendent for credit to the individual Indian money accounts of the employees.

7. Officers and members of the crew on both vessels are hereby prohibited from engaging in trade with the natives. The Office of Indian Affairs shall endeavor to provide an employee who will travel on the ships and arrange for the disposition of native handicraft articles. In the absence of a full-time employee for this work, it shall be performed by one of the officers of the crew selected by the Manager of the Consolidated Purchasing and Shipping Office with the approval of the General Superintendent.

8. The ships' messes will be provided from the appropriation for the operation of the vessels, and deductions for subsistance of the officers and members of the crew and other employees of the ships will be made on the pay rolls at the rate of $20 per month.

Deductions shall be made monthly from the compensation of employees of the ships for quarters occupied by them, in accordance with the following schedule:

*North Star*

| | |
|---|---|
| Captain's quarters | $18.50 |
| Officers, engineers, and nurses | 13.50 |
| Officers and engineers (double room) | 11.00 |
| Sailors | 4.50 |

*Boxer*

| | |
|---|---|
| Captain's quarters | 12.50 |
| Officers and engineers (single room) | 10.00 |
| Sailors | 4.50 |

9. No private passengers (excepting Federal employees, their families, and natives of Alaska) shall be transported on either the *North Star* or the *Boxer* between points where adequate services are provided by commercial vessels. Where such commercial ships are not available, and where accommodations can be furnished on the *North Star* and the *Boxer* without detriment to Government business, private travelers may be transported at the rate of $1.50 per day. No charge will be made for infants under one year of age. For children one to twelve years of age, one-half the adult rate shall be charged. The full adult rate will be charged all persons over twelve years of age.

10. All agencies and activities of the Federal Government except the Alaska Education Division will be billed at the rate of $1.50 per day for each employee traveling on official business.

11. In the booking of passage on the ships, preference shall be given to employees of the Office of Indian Affairs and to natives of Alaska.

12. Rates for transporting personal property of Government employees on the ships shall be the same as for Government shipments, provided that in no case shall an employee be charged in excess of $10 per ton for not to exceed 3 tons each year, and $25 for each ton in excess of 3 tons.

All prior orders and memoranda relating to the operation of the ships *North Star* and *Boxer* are hereby revoked.

HARRY SLATTERY,
*Acting Secretary of the Interior.*

SEPTEMBER 23, 1939.

[F. R. Doc. 39-3653; Filed, October 3, 1939; 9:50 a. m.]

## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4949]

### LOSSES OF BRANDY AND FRUIT SPIRITS FROM PACKAGES FILLED FROM STORAGE TANKS IN BONDED WAREHOUSES PRIOR TO JUNE 26, 1936

*To District Supervisors and Others Concerned:*

The Act of August 4, 1939 (Public—No. 264—76th Congress) provides as follows:

That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to make allowances for losses by leakage and evaporation in accordance with section 2901, Internal Revenue Code, upon withdrawal of packages of brandy or fruit spirits now deposited in internal-revenue bonded warehouses, which were filled from storage tanks in bonded warehouses prior to June 26, 1936.

Pursuant to the foregoing provision of law and the authority contained in Section 3176 of the Internal Revenue Code, allowance for losses by leakage and evaporation will be made in accordance with Section 2901, Internal Revenue Code, and the applicable provisions of Article XVIII of the Gauging Manual (1938), as extended by Treasury Decision 4885,[1] upon regauge for withdrawal of packages of brandy or fruit spirits now deposited in internal revenue bonded warehouses, which were filled from storage tanks in bonded warehouses prior to June 26, 1936. The period for which allowance will be made will be calculated from the date of filling of the packages to the date of regauge for withdrawal. Allowance for increase in tare by reason of soakage or absorption will be given such packages in accordance with Article XVII of the Gauging Manual.

[SEAL] GUY T. HELVERING,
*Commissioner.*

Approved, October 2, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3656; Filed, October 3, 1939; 12:34 p. m.]

## TITLE 43—PUBLIC LANDS

## GENERAL LAND OFFICE

### AIR NAVIGATION SITE WITHDRAWAL NO. 129, ALASKA

SEPTEMBER 22, 1939.

It is ordered, under and pursuant to the provisions of section 4 of the act

[1] 4 F.R. 879 DI.

of May 24, 1928, 45 Stat. 728, that the following-described public lands in Alaska be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Civil Aeronautics Authority in the maintenance of air navigation facilities:

From a stone marking the intersection of Hill Street and Fourth Avenue, in the town of Ruby, Alaska, thence along the connecting traverse N. 64° E., 585.7 feet; N. 71° E., 596.4 feet; N. 57° E., 664.2 feet; N. 70° E., 1269.1 feet; S. 51°30' W., 101.12 feet to the point of beginning of Tract No. 1. Approximate latitude, 64°43'30" N., longitude, 155° 27'30" W.

Tract No. 1:

Thence from said initial point by metes and bounds N. 30° W., 502.25 feet; N. 75°50' E., 812.98 feet; S. 47° E., 784.48 feet; S. 43° W., 830 feet; N. 47° W., 744.95 feet, more or less, to the place of beginning, containing approximately 19.1 acres.

Tract No. 2:

Beginning at a stake, approximate latitude, 64°43'04" N., longitude, 155° 27'55" W., from which the stone marking the intersection of Hill Street and Fourth Avenue bears N. 26° W., 30.8 feet; S. 64° W., 585.7 feet; thence from said point of beginning by metes and bounds N. 67° E., 100 feet to a stake; S. 23° E., 150 feet to a stake; S. 67° W., 150 feet to a stake; N. 23° W., 150 feet to a stake; N. 67° E., 50 feet to the place of beginning, containing approximately 0.52 acre.

[SEAL] OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 39-3654; Filed, October 3, 1939; 9:51 a. m.]

## *Notices*

### WAR DEPARTMENT.

APPOINTMENT OF OFFICERS IN THE AIR CORPS, REGULAR ARMY

1. Under authority of section 24e, National Defense Act, as amended by Act of April 3, 1939 and the Act of August 5, 1939 examination of applicants for appointment as second lieutenant in the Air Corps, Regular Army, in accordance with the provisions of AR 605-5[1] and special conditions hereinafter set forth, will be held as follows:

Preliminary examination to be completed not later than November 18, 1939.

Final examination, Part II to be completed January 13, 1940. Part I to be completed January 16, 1940.

2. Candidates will submit applications, accompanied by photographs and all required papers, to corps area and department commanders through channels in accordance with section III, AR 605-5,[1] not later than October 28. Corps area and department commanders will proceed with the preliminary and final examinations without forwarding applications to the Chief of the Air Corps as provided in paragraph 14*d*, AR 605-5.[1] They will also transmit to the preliminary and final boards all efficiency report and pertinent records of the candidate. Candidates who are not in the active military service will submit their applications to the nearest Air Corps station.

3. All applicants who are not in the active military service at the time of making application for examination will be required to demonstrate their proficiency as pilots of service type equipment before the board conducting the preliminary examination. A report showing the flying proficiency of the candidate will be submitted by the preliminary examining board.

4. Eligibility to compete in the final examination will be confined to candidates who qualify under one of the three categories listed below:

*a.* Graduates of the Air Corps Training Center who are qualified pilots of service type equipment and who—

(1) Fulfill the necessary mental, moral, and physical requirements for appointment as second lieutenant in the Regular Army.

(2) Are physically qualified for flying duty.

(3) Have not reached the age of twenty-nine years and ten months on January 1, 1940.

*b.* Air Corps Reserve officers who are qualified pilots and who—

(1) Fulfill the necessary mental, moral, and physical requirements for appointment as second lieutenant in the Regular Army.

(2) Are physically qualified for flying duty.

(3) On August 5, 1939, were on extended active duty with the Air Corps and had on that date served not less than a total of two years on such duty or on duty as an enlisted pilot or both and who on that date were over 30 years of age by a period not in excess of the total such active duty performed.

*c.* Warrant officers and enlisted men who are qualified pilots and were in the active service in the Regular Army on August 5, 1939 who—

(1) Fulfill the necessary mental, moral, and physical requirements for appointment as second lieutenant in the Regular Army.

(2) Are physically qualified for flying duty.

5. The final examination will consist of two parts—Part I and Part II. Examinations will be written, and the candidate will certify on each examination paper that he has received or given no unauthorized assistance during the examination. Questions will be prepared and marks awarded by the War Department. Examination in any subject will be taken simultaneously by all candidates before any board. Reexaminations will not be permitted.

*a. Part I.* Part I of the examination is designed to determine whether or not those candidates who have not been graduated from a recognized college or university possess the educational requirements of an officer of the Regular Army. To qualify mentally for appointment, all candidates who are required to undergo Part I of the examination must attain a general average of 75 on the entire part and a grade of not less than 65 percent in each subject. The subjects of Part I are divided into three groups as follows:

(1) (a) *Group A.* 1. English rhetoric, composition, and literature.
2. History of modern Europe or history of the United States (choice of one).
3. General mathematics.
(b) *Group B.* 1. Calculus.
2. Physics.
3. Chemistry.
4. Electricity.
5. Surveying.
6. Civil engineering.
7. Mechanical engineering.
(c) *Group C.* 1. French.
2. Spanish.
3. Economics.
4. Political science.

(2) Examinations must be taken in six different subjects, to be selected in the following manner. Unless exempted, all of Group A must be taken with the choice of history indicated in Group A2, and three examinations are to be selected from Groups B and C, provided that one must be selected from Group B, one from Group C, and the third from either Group B or C.

*b. Part II.* The requirements and subjects of Part II are shown below. Prior to being commissioned in the Air Corps, it must be established that the candidate has—

(1) Successfully completed the regular or special heavier-than-air flying course at the Air Corps Training Center, except warrant officers and enlisted men who were in the active service, Regular Army on August 5, 1939, and who are qualified pilots.

(2) Received an aeronautical rating as pilot which was given in conformity with the provisions of AR 95-60[2] and at the time of examination is a qualified pilot of service type equipment.

[1] Administrative regulations of the War Department relative to appointment in the Regular Army.

[2] Administrative regulations of the War Department relative to aeronautical ratings.



(3) Satisfactorily passed an examination in the following subjects:

| | Weight |
|---|---|
| (a) *Airplane engines.* | |
| Part I | 25 |
| Part II | 25 |
| (b) *Air navigation.* | |
| Part I | 25 |
| Part II | 25 |
| | 100 |

6. *Exemptions.*—*a.* All exemptions from a subject or subjects of Part I which are approved by corps area commanders will be recognized by the final board. The following exemptions are authorized:

(1) *From all of part I.* Such candidates for commission in the Air Corps as are graduates of a recognized college or university, or who made a qualifying grade in Part I of a previous examination for appointment as a commissioned officer in the Regular Army. The exemptions will be granted only upon submission by the candidate of satisfactory evidence to substantiate the claim.

(2) *From individual subjects of part I.* Exemption in a subject will be granted to persons who are not college graduates and who have attended a recognized college or university, only on satisfactory evidence from school records submitted by the candidate, showing qualification under school requirements in the subjects of Part I, from which exemptions are requested.

*b.* The burden of submitting satisfactory evidence to substantiate the fulfillment of the conditions in *a* above rests upon the candidate and will be submitted by him to the examining board prior to or upon reporting for the preliminary examination. A certified transcript of graduation record and class standing will serve to support condition in *a* (1) above.

*c.* No exemptions will be granted from Part II.

7. *General scope of subjects of examination, Part I and Part II*—*a. Part I.*

(1) *English rhetoric, composition, and literature.* The examination will require a thorough knowledge of the basic rules of rhetoric and their applications, a knowledge of the meaning of words, familiarity with the rules of composition showing the ability to write a clear and well organized theme, and general knowledge of the principal periods of American and English literature, together with familiarity with the principal writers of each period and their important works. The scope of the examination will be that covered in rhetoric and composition by Wooley and Scott's "College Handbook", or equivalent, and in literature by Long's "English Literature" and Pancoast's "Introduction to American Literature", or equivalents.

(2) *History of modern Europe.* The examination will require a knowledge of facts of modern European history from the Reformation to the present day, and the ability to analyze and interpret outstanding trends and development—political, social, and economic—in that period. The scope will be that covered by Hayes' "Political and Cultural History of Modern Europe", Vols. I and II, or equivalent.

(3) *History of the United States.* The examination will cover the political, economic, social, and military developments of the United States from 1492 to the present, as presented in Muzzey's "United States of America", Revised Edition, 1933, Vols. I and II, or equivalent.

(4) *General mathematics.* The examination will require a thorough knowledge of algebra as covered by W. L. Hart's "College Algebra" or equivalent, together with a working knowledge of the principles of geometry and trigonometry as covered by Phillips and Fisher's "Elements of Geometry" and W. L. Hart's "Plane Trigonometry", or equivalents.

(5) *Calculus.* The examination will require a knowledge of calculus as covered by Woods and Bailey's "Elementary Calculus", or equivalent.

(6) *Physics.* The examination will require a knowledge of physics as covered by Duff's "College Physics", or equivalent.

(7) *Chemistry.* The scope of this examination will be that of a final examination in this subject given by recognized colleges and technical schools at the end of sophomore or junior years in the scientific courses. The scope will be as covered in Alexander Smith's "College Chemistry" (Kendall), or equivalent.

(8) *Electricity.* The scope of this examination will be that of a final examination in this subject given by recognized colleges and technical schools at the end of the sophomore or junior years in the scientific courses. The scope of the subject will be as covered by Chester L. Dawes' "Electrical Engineering", Vol. I (Direct Currents), and by the first and second chapters only of Vol. II (Single Phase Alternating Currents), or equivalents.

(9) *Surveying.* The examination will cover the principles of plane, geodetic, and aerial photographic surveying and their application, and will require a knowledge of the following:

(*a*) Instruments, their adjustments and uses.

(*b*) Plane surveying to include methods of computing areas of limited boundaries and volumes of irregular shape, and topographic surveying mapping.

(c) Geodetic surveying.

1. Field astronomy, method of determining time, latitude, longitude, and azimuth.

2. Triangulation, field work, computations, and justments.

3. Trigonometric and precise spirit leveling.

4. Projection of maps, especially polyconic projection.

(*d*) *Aerial surveys.* The examination may include an application of this knowledge to the solution of problems in which the required forms, formulas, and tables will be furnished the candidate for use during the solution of the problems. The extent of the knowledge required will conform to the contents of Davis, Foote and Rayner's "Surveying, Theory and Practice" (latest edition), or equivalent.

(10) *Civil engineering.* Theory and practice of engineering construction, including buildings, highways, retaining walls, dams, foundations, water-supply and sewerage systems, and materials of construction (equivalent to that covered by Mitchell's "Civil Engineering", Baker's "Treatise on Masonry Construction" (tenth edition), Spofford's "Theory of Structures", Merriman's "Elements of Sanitary Engineering", and Johnson's "Materials of Construction").

(11) *Mechanical engineering.* This examination will require a knowledge of—

(*a*) Advanced mechanics, and
(*b*) A knowledge of either—

1. Hydraulics, or

2. Thermodynamics, such as is required in the final examination in each subject as given by recognized colleges and technical schools at the end of the sophomore or junior years, in the scientific courses and as covered by recognized standard textbooks such as the following:

For advanced mechanics: "Analytical Mechanics for Engineers", latest edition, Seely and Ensign; "Technical Mechanics", latest edition, Maurer and Roark; "Engineering Mechanics", latest edition, Frank L. Brown.

For hydraulics: "Textbook on Hydraulics", latest edition, Russell; "Hydraulics", latest edition, Daugherty; "Hydraulics", latest edition, Kind and Wisler; "Hydraulics", latest edition, Hughes and Safford; "Hydraulics", latest edition, Schoder and Dawson.

For thermodynamics: "Elements of Engineering Thermodynamics", latest edition, Moyer, Calderwood and Potter; "Thermodynamics Abridged", latest edition, William D. Ennis; "Elementary Engineering Thermodynamics", latest edition, V. W. and G. A. Young.

(12) *French.* The examination will require a knowledge of vocabulary, verb, grammar, composition, and idiomatic expression as covered in "A French Grammar" by Morrison and Gauthier, and "At West Point" by Martin and Russell, or any other recognized textbooks of similar scope on the grammar and composition of the French language.

(13) *Spanish.* The examination will require a knowledge of vocabulary, verb, grammar, composition, and idiomatic expression as covered in "Essentials of Spanish" by Torres, and "Short Spanish Review Grammar" by Seymour and Carnahan, or any other recognized textbooks of similar scope on the grammar and composition of the Spanish language.

(14) *Economics.* The scope of this examination will be equivalent to that given as a final examination in recognized col-

leges at the end of a year's course in elementary economics, including—

(a) The economic organization of modern society, with special reference to the United States.

(b) A consideration of the part which money and credit play in the operation of this organization. Textbooks: Fairchild, Furniss, and Buck's "Elementary Economics", or equivalent.

(15) *Political science.* The scope of this examination will cover a survey of—

(a) Political forms from the prehistoric era to the present.

(b) Political systems extant today.

(c) An analysis of the organization and operation of Government in the United States. The scope will be that covered by Maxey's "The American Problem of Government", or equivalent.

*b. Part II—Professional subjects*—(1) *Airplane engines*—(a) *Part I.* The examination will require a knowledge of airplane engines as covered by Chapters 1 to 7, inclusive, of the Air Corps Primary Flying School text, "Airplane Engines."

(b) *Part II.* The examination will require a knowledge of airplane engines as covered by Chapters 8 to 14, inclusive, of the Air Corps Primary Flying School text, "Airplane Engines."

(2) *Air navigation.* (a) *Part I.* The examination will require a knowledge of air navigation as covered by Chapters 1 to 6, inclusive, of the Air Navigation text of the U. S. Army Air Corps.

(b) *Part II.* The examination will require a knowledge of air navigation as covered by Chapters 7 to 11, inclusive, of the Air Navigation text of the U. S. Army Air Corps.

8. *Notification of acceptances or rejection.* Examination papers will be marked as indicated below. Appointees will be selected by the War Department. This work will be expedited as much as circumstances permit and candidates will be notified, as early as practicable, of their acceptance or rejection. Prior to such notification no information will be given concerning candidates under consideration.

9. *Correction and review of final examinations—a. Part I.* Under direction of the Superintendent, United States Military Academy.

*b. Part II.* Under direction of the Chief of the Air Corps.

*c. Physical examination.* Physical examination reports will be reviewed by The Surgeon General and recommendation will be made by him in each case as to physical eligibility of the candidates.

10. *Weights of parts of examination.* Part I will be given no weight other than to determine whether the candidate has or has not the general education required of an officer in the Regular Army. The weights of Part II are as shown in paragraph 5b following each subject.

11. *Determination of successful candidates.* Selection of candidates for appointment from among those qualified will be determined as follows:

*a.* The mark to be assigned to Part II will be the sum of the assigned weights attained in all subjects in Part II.

*b.* A numerical value will be assigned to each candidate's general fitness rating as determined by the final selecting board. The classifications, satisfactory, very satisfactory, excellent, and superior, will be assigned values of 60 to 64, 65 to 70, 90 to 95, and 96 to 100, respectively.

*c.* The final mark, or the figure of merit, of each candidate will be determined by adding the value attained on the examinations of Part II to the value assigned to his efficiency rating, as determined in a and b, respectively, above.

*d.* Candidates will be selected for appointment as follows:

(1) The total number of vacancies to be filled as a result of this examination will be divided between the qualified candidates who were over 30 years of age on August 5, 1939, and those who are under 30 years of age in proportion to the number of applicants in each category.

(2) Candidates will be selected to fill the vacancies allotted to each category as defined in (1) above, in accordance with the relative order of their final mark, determined as indicated in *c* above.

* * * * *

15. *Appointment; notification of rejection.* When the selecting board has completed its duties, appointments will be tendered, and rejected applicants will be notified of rejection. Appointees will be given a reasonable time to accept appointments.

* * * * *

(Act of April 3, 1939 and Act of August 5, 1939) [Cir. No. 76, W.D., September 28, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-3651; Filed, October 3, 1939; 9:50 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

IN THE MATTER OF APPLICATION FOR EXEMPTION OF THE COLD STORAGE OF APPLES IN APPLE STORAGE WAREHOUSES IN THE "APPALACHIAN AREA" FROM THE MAXIMUM HOURS PROVISIONS

Whereas, applications have been filed by the Winchester Cold Storage Company, Inc., and sundry other parties for the exemption of the cold storage of apples in apple storage warehouses located in the "Appalachian area" from the maximum hours provisions of the Fair Labor Standards Act of 1938, as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the Regulations issued thereunder, and

Whereas, it appears from the said application that:

(1) apples are produced and harvested in the said "Appalachian area" during the regularly recurring season, September to November, and

(2) that in the "Appalachian area" the great bulk of such apples enter into cold storage in local warehouses which are restricted to apple storage, and that in other areas the great bulk of apples do not enter into cold storage in local warehouses at all, or if they do, such warehouses are not restricted to apple storage, and

(3) that such apples enter into cold storage during a regularly recurring season, late September through November, running nearly concurrently with but lagging somewhat after the harvest, and

(4) that such apples customarily move out of these warehouses during the regularly recurring season, November through March, only an unsubstantial amount remaining in storage after March and moving out thereafter, and

(5) during a portion of the year (generally April through August and part of September) the cold storage of apples in these apple storage warehouses ceases apart from such work as maintenance, repair, clerical and sales work, because the apples in the form in which they are stored are not available, and

(6) these apple storage warehouses exist for the purpose of warehousing and do warehouse apples exclusively save for an unsubstantial amount of other products, and

(7) whereas all of these warehouses are located in a district designated as the "Appalachian area" in the States of Pennsylvania, Maryland, West Virginia and Virginia, which includes all apple storage warehouses located

(a) between the Allegheny Mountains on the west, the Blue Ridge Mountains on the east, U. S. Route No. 30 on the north, and U. S. Route No. 58 on the south, and

(b) in the Virginia counties of Albemarle, Nelson, Amherst, Bedford and Henry.

Now, therefore, upon consideration of the facts stated in the said applications, the Administrator hereby determines, pursuant to Section 526.5 (c) of the Regulations, that a *prima facie* case has been shown for the granting of an exemption, pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder to the cold storage of apples in apple storage warehouses in the "Appalachian area".

In the above:

The term "cold storage" of apples is used in the commonly accepted meaning and includes the receiving into storage, the maintaining in storage, and the moving out of storage of such apples.

The term "apple storage warehouses" is understood to designate those warehouses which exist for the purpose of warehousing and do warehouse apples exclusively save for an unsubstantial amount of other products.

In accordance with the procedure established by Section 526.5 (c) of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

This application may be examined at Room 313, 939 D Street NW., Washington, D. C.

Signed at Washington, D. C., this 3rd day of October, 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3655; Filed, October 3, 1939; 12:21 p. m.]

## FEDERAL POWER COMMISSION.

[Docket No. G-139]

IN THE MATTER OF MISSISSIPPI RIVER FUEL CORPORATION

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

SEPTEMBER 29, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On August 24, 1938, the Mississippi River Fuel Corporation filed with the Federal Power Commission its agreement, dated August 26, 1936, with the Illinois Power and Light Corporation (predecessor to the Illinois Iowa Power Company), designated in the files of the Commission as Mississippi River Fuel Corporation Rate Schedule F.P.C. No. 17, providing for the sale of natural gas by the Mississippi River Fuel Corporation to the Illinois Power and Light Company for resale;

(b) By the terms of said agreement of August 26, 1936, it was to continue in effect for a period of two years from and after August 1, 1936, and has since been extended to and including September 30, 1939, by certain supplemental agreements of various dates which have been filed with the Commission and are designated in the files of the Commission as Supplements Nos. 2, 3, 4, and 6 to Mississippi River Fuel Corporation Rate Schedule F.P.C. No. 17;

(c) On August 31, 1939, the Mississippi River Fuel Corporation filed with the Commission its supplemental agreement, dated July 31, 1939, with the Illinois Iowa Power Company, designated in the files of the Commission as Supplement No. 7 to Mississippi River Fuel Corporation Rate Schedule F.P.C. No. 17, providing that the rates and charges now being collected and received by the Mississippi River Fuel Corporation from the Illinois Iowa Power Company, as set forth in said Rate Schedule F.P.C. No. 17, shall remain and continue in effect to and including December 31, 1939, after which last named date an increase in rates and charges specified in said Supplement No. 7 shall become effective, and the said Supplement No. 7 further provides that all other terms and conditions of the said agreement of August 26, 1936 (Rate Schedule F.P.C. No. 17), shall remain and continue in effect for an indefinite period;

(d) The increased schedule of rates and charges provided in the said Supplement No. 7 to Mississippi River Fuel Corporation Rate Schedule F.P.C. No. 17, may result in excessive rates and charges to the Illinois Iowa Power Company, or place an undue burden upon ultimate consumers of natural gas, which has not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon, but not for a longer period than five months beyond January 1, 1940;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on December 12, 1939, at 10 o'clock, a. m., in the Hearing Room of the Federal Power Commission, in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates and charges which the said supplemental agreement of July 31, 1939, designated in the files of the Commission as Supplement No. 7 to Mississippi River Fuel Corporation Rate Schedule F.P.C. No. 17, proposes shall be made effective for the three year period from and after December 31, 1939;

(B) Pending such hearing the supplemental agreement of July 31, 1939 (Supplement No. 7), in so far as it provides for an increase in rates to take effect as of January 1, 1940, be and the same is hereby suspended for the period of five months beyond January 1, 1940, unless the Commission shall otherwise order;

(C) During the said period of suspension the rates and charges now being collected and received by the Mississippi River Fuel Corporation from the Illinois Iowa Power Company, as provided in the said Mississippi River Fuel Corporation Rate Schedule F.P.C. No. 17, shall remain and continue in full force and effect.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3650; Filed, October 3, 1939; 9:50 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

[Docket No. 3889]

IN THE MATTER OF NATIONAL NUMBERING MACHINE COMPANY, INC.

*Complaint*

The Federal Trade Commission having reason to believe that the party respondent named in the caption above and hereinafter more particularly described, at various times since June 19, 1936, has violated and is now violating the provisions of Subsection (a) of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C. Title 15, Section 13), issues its complaint stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent, National Numbering Machine Company, Inc., is a corporation organized and existing under and by virtue of the laws of the State of New York, with its office and place of business at 1 Beekman Street, New York, New York. Said respondent was incorporated in 1936 and from that time up to June 1938, manufactured special made-to-order typographic numbering machines. Thereafter respondent commenced the production of typographic numbering machines for stock. Respondent sells and distributes such machines in commerce between and among the various states of the United States causing said machines to be shipped and transported from their place of manufacture in New York, New York, to purchasers thereof located in the various states of the United States.

PAR. 2. For more than twenty-five years prior to June, 1938, typographic numbering machines were manufactured, sold and distributed in the United States by four producers, all located in New York City. Two of such producers sell and distribute their machines at list prices of $12.00 per machine for the five-wheel type and $14.00 per machine for the six-wheel type. The other two sell and distribute their machines at list prices of $13.00 for the five-wheel type and $15.00 for the six-wheel type. All of said machines are sold and distributed to dealers at a functional discount of 33⅓% from list price and are sold and distributed to users at a discount from list price of 5%

on purchases of six to eleven machines, 10% on purchases of twelve to twenty-four machines, 15% on purchases of twenty-five to forty-nine machines, and 20% on purchases of fifty machines or more.

PAR. 3. In June, 1938, respondent began the manufacture, sale and distribution of stock typographic numbering machines at list prices of $13.00 for the five-wheel type and $15.00 for the six-wheel type per machine. Several months after June, 1938, however, respondent in an effort to compete more effectively with the better-known machines of its older and better established competitors reduced its list prices thereon to $11.00 for the five-wheel type and $13.00 for the six-wheel type and offered discounts to the trade generally from said list prices of 35% on purchases of six to twelve machines, 40% on purchases of twelve to twenty-five machines, 40% plus 5% on purchases of twenty-five to one hundred machines and special discounts on purchases of 100 machines or more.

PAR. 4. In the course and conduct of its business as aforesaid, respondent is now and during the time herein mentioned has been in substantial competition with other corporations, individuals, partnerships and firms engaged in the business of manufacturing, selling and distributing typographic numbering machines in commerce between and among the various states of the United States.

PAR. 5. In the course and conduct of its business as above described, respondent has discriminated in price and is now discriminating in price between different purchasers buying typographical numbering machines of like grade and quality for resale to dealers and users by giving and allowing to some of its purchasers of said machines lower prices than those given or allowed to other of its purchasers competitively engaged one with the other in the resale of the said machines to dealers and ultimate users within the United States. Respondent, since June, 1938, sold 300 of said machines of both the five and six-wheel type to the Craftsmen Machinery Company of Boston, Massachusetts, at a net price of $5.00 per machine and at or about the same time has sold 100 machines of like grade and quality to the American Wood Type Manufacturing Company of New York City at a net price of $6.00 per machine, both of which concerns are dealers in said machines and are in active competition one with the other for the resale of said machines to the same prospective purchasers. The Craftsmen Machinery Company has advertised and resold a substantial number of the machines so purchased at unit prices of $7.50 for the five-wheel type and $8.50 for the six-wheel type. The respondent has likewise, since June, 1938, sold for resale machines of like grade and quality in quantities of five or less to various other concerns, corporations, individuals, firms and partnerships at net prices varying from $6.00 to $8.00 per machine.

PAR. 6. The general effect of said discriminations in price made by said respondent as above set out has been and may be substantially to lessen competition with respondent and with the favored purchasers; to tend to create a monopoly in respondent and in said favored purchasers in the line of commerce in which said respondent and said favored purchasers are engaged; to injure, destroy or prevent competition in the sale and distribution of said typographic numbering machines between respondent and its competitors and between the said favored purchasers of said machines receiving such discriminatory prices and other less favored competing purchasers of the same machines not receiving said discriminatory prices.

PAR. 7. The foregoing alleged acts of said respondent are in violation of Section 2 (a) of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C., Title 15, Section 13).

Wherefore, the premises considered, the Federal Trade Commission, on this 12th day of September, 1939, now issues its complaint against said respondent, stating its charges in that respect as hereinabove set out.

NOTICE

Notice is hereby given you, National Numbering Machine Company, Inc., respondent herein, that the 20th day of October, A. D., 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorise the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If the respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorised the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 12th day of September, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3649; Filed, October 2, 1939; 3:10 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3661]

IN THE MATTER OF R. M. HOLLINGSHEAD CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, October 17, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 110, Customs House, Second and Chestnut Streets, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3648; Filed, October 2, 1939; 3:10 p. m.]

Reference

OCT 6 1939

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OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 192

*Washington, Thursday, October 5, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### DIVISION OF MARKETING AND MARKETING AGREEMENTS

[Order No. 1, Amendment No. 4]

### CHAPTER IX—MARKETING ORDERS

### PART 901—ORDER AMENDING THE ORDER, AS AMENDED, REGULATING THE HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON*

Sec.
901.1 Findings.
901.4 (b) Salable percentage and surplus percentage.
901.19 Pack specifications for merchantable walnuts.

Whereas the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary"), acting pursuant to the provisions of Public Act No. 10, 73d Congress (May 12, 1933), as amended, issued an order on October 11, 1935, effective on and after October 15, 1935, regulating the handling of walnuts grown in California, Oregon, and Washington; and

Whereas certain orders amending the aforesaid order regulating the handling of walnuts grown in California, Oregon, and Washington (hereinafter said order and the amendments thereto are referred to as the "order, as amended") have been issued by the Secretary;[1] and

Whereas the Secretary, acting pursuant to the request by the Control Board established pursuant to the provisions of the aforesaid order, as amended, conducted a public hearing in San Francisco, California, on September 6, 1939,[2] pursuant to notice duly given to all interested parties, on certain proposed amendments to the aforesaid order, as amended, at which hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed amendments to the aforesaid order, as amended; and

Whereas, the Secretary finds (Sec. 901.1) upon the basis of the evidence introduced at the said hearing in San Francisco, California, on September 6, 1939, and the record thereof;

(1) that the supply of merchantable walnuts available during the crop year 1939–40 for handling in the channels of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in such commodity, will exceed the consumptive demand for such walnuts during said period;

(2) that the salable percentage for the crop year September 1, 1939, to August 31, 1940, should be sixty (60) percent and the surplus percentage, for said crop year, should be forty (40) percent;

(3) that the fixing of such percentages and the methods provided in the order, as amended, and as hereby further amended, for the disposition of such surplus will tend to effectuate the declared policy of Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (hereinafter referred to as the "act");

(4) that it is fair and equitable to establish and provide the pack specifications for merchantable walnuts stated and set forth in this amendment to said order, as amended;

(5) that the order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to walnuts grown in California, Oregon, and Washington; and

Whereas, the foregoing findings are supplementary and in addition to (1) the findings made in connection with the issuance of the aforesaid order on October 11, 1935, effective on and after October 15, 1935, and (2) the findings made in connection with the issuance of each of the previously issued amendments to said order, and all of said pre-

*Amendment to section 901.1, section 901.4, and section 901.19 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C.A. Sec. 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C.A. Sec. 601 et seq. (Supp. IV, 1938).

[1] 3 F.R. 2377 DI.

[2] 4 F.R. 3805 DI.

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FEDERAL REGISTER

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vious findings, made in connection with the issuance of said original order and in connection with the issuance of each of the amendments thereto, are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings herein set forth; and

Whereas, the Secretary further finds:

(1) that the amendment to the marketing agreement, as amended, regulating the handling of walnuts grown in California, Oregon, and Washington, executed by the Secretary on October 3, 1939, and upon which a hearing was held in San Francisco, California, on September 6, 1939, was signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the aforesaid walnuts or products thereof) who, during the 1938–39 crop year, handled not less than fifty (50) percent of the volume of such walnuts covered by this order, produced within the production area defined in said order, as amended;

(2) that the order, as heretofore amended and as hereby amended, regulates the handling of such walnuts in the same manner as the marketing agreement, as amended, does, and that this order is made applicable only to persons in the respective classes of industrial and commercial activities specified in the aforesaid marketing agreement, as amended;

(3) that the issuance of this order, amending the aforesaid order, as amended, is favored by producers of walnuts who, during the 1938–39 crop year (which the Secretary hereby determines to be a representative period) produced for market, within the production area specified in said order, as amended, at least two-thirds of the volume of such commodity produced for market within such production area;

(4) that the issuance of this order, amending the aforesaid order, as amended, is favored and approved by at least two-thirds of the producers who, during the 1938–39 crop year (which the Secretary hereby determines to be a representative period), were engaged, in the production area specified in said order, as amended, in the production for market of walnuts:

Now, therefore, it is hereby ordered, pursuant to the provisions of the aforesaid act, that said order, as amended, is hereby further amended in the respects stated hereinafter, and it is further ordered that the handling of walnuts grown in California, Oregon, and Washington, in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce in such walnuts, from and after the date hereinafter specified, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, as hereby further amended in the following respects:

1. By deleting the period at the end of the first sentence in section 2, article III (Sec. 901.4(b)) of the aforesaid order, as amended, and inserting, in lieu thereof, a semicolon and the following:

"and the salable percentage for the crop year September 1, 1939, to August 31, 1940, shall be sixty (60) percent."

2. By deleting the period at the end of the next to the last sentence in section 2, article III (Sec. 901.4 (b)) of the aforesaid order, as amended, and inserting, in lieu thereof, a semicolon and the following:

"and forty (40) percent, being the difference between the salable percentage for the crop year ending August 31, 1940, and one hundred (100) percent, shall be the 'surplus percentage' for said crop year."

3. By deleting all of the provisions contained in "Exhibit A" (Sec. 901.19) of the aforesaid order, as amended, and inserting, in lieu thereof, the following as "Exhibit A" to said order, as amended:

"PACK SPECIFICATIONS FOR MERCHANTABLE WALNUTS

*"California Packs*

*"No. 1 Grade or No. 1 Soft Shell.* Walnuts produced from seedling trees and/or walnuts not properly classified in any of the following varietal packs, and in which not over 12 percent by count pass through a round opening 7⁴⁄₆₄ inches in diameter.

*"Large Budded.* Walnuts produced from trees of the Placentia Perfection and/or closely similar varieties, and in which not over 12 percent by count pass through a round opening 7⁵⁄₆₄ inches in diameter.

*"Medium Budded.* Walnuts produced from trees of the Placentia Perfection and/or closely similar varieties, and all of which pass through a round opening 7⁵⁄₆₄ inches in diameter and in which not over 12 percent by count can pass through a round opening 7⁴⁄₆₄ inches in diameter.

*"Large Concords.* Walnuts of the Concord variety and of the same size specifications as given for Large Budded.

*"Medium Concords.* Walnuts of the Concord variety and of the same size specifications as given for Medium Budded.

*"Large Eurekas.* Walnuts of the Eureka variety and of the same size specifications as given for Large Budded.

*"Medium Eurekas.* Walnuts of the Eureka variety and of the same size specifications as given for Medium Budded.

*"Large Franquettes.* Walnuts of the Franquette variety and of the same size specifications as given for Large Budded.

*"Medium Franquettes.* Walnuts of the Franquette variety and of the same size specifications as given for Medium Budded.

*"Large Mayettes.* Walnuts of the Mayette variety and of the same size specifications as given for Large Budded.

*"Medium Mayettes.* Walnuts of the Mayette variety and of the same size specifications as given for Medium Budded.

*"Large Paynes.* Walnuts of the Payne variety and of the same size specifications as given for Large Budded.

*"Medium Paynes.* Walnuts of the Payne variety and of the same size specifications as given for Medium Budded.

*"Baby Grade.* Walnuts of any of the above-mentioned varieties may be packed under the designation of Baby Grade of that variety provided all such walnuts pass through a round opening 7⁴⁄₆₄ inches in diameter and not over 12 percent by count pass through a round opening 0⁰⁄₆₄ inches in diameter. Baby size walnuts of the Eureka, Franquette, or Payne varieties when packed as such shall be designated as 'Long Type Baby Walnuts': *Provided, however,* That it shall not be obligatory on any packer to pack separately the baby size of the different varieties.

"No pack of any of the above-mentioned varieties, except the No. 1 Grade and Baby Grades, shall contain in excess of 10 percent by count of walnuts of a dissimilar variety.

*"All of the walnuts contained in the foregoing packs shall be graded for size and culled for removal of external defects.*

*"Oregon and Washington Packs*

"Oregon and Washington walnuts may, with the exception of 'Medium' packs, be packed in any of the pack specifications above described for California walnuts, and in addition thereto, the following pack specifications which apply only to walnuts grown in Oregon or Washington.

*"Large Soft Shells.* Walnuts produced from seedling trees and/or walnuts not properly classified in any of the varietal packs, and in which not over 12 percent by count pass through a round opening 79/64 inches in diameter.

*"Fancy Soft Shells.* The same as Large Soft Shells except that all pass through a round opening 79/64 inches in diameter and not over 12 percent by count can pass through a round opening 74/64 inches in diameter.

*"Standard or Medium Soft Shells.* The same as Fancy Soft Shells except that all pass through a round opening 74/64 inches in diameter and not over 12 percent by count pass through a round opening 60/64 inches in diameter.

*"Fancy Franquettes.* Walnuts of the Franquette variety and of the same size specifications as given for Fancy Soft Shells.

*"Standard or Medium Franquettes.* Walnuts of the Franquette variety (subject to a 10% tolerance for dissimilar varieties) and of the same size specifications as given above for Standard or Medium Soft Shells.

*"Fancy Mayettes.* Walnuts of the Mayette variety and of the same size specifications as given for Fancy Soft Shells.

*"All of the walnuts contained in the foregoing packs shall be graded for size and culled for removal of external defects."*

Nothing contained in the foregoing amendments to the order, as amended, shall be deemed to affect, waive, or terminate any right, duty, obligation, or liability which has arisen or which may hereafter arise in connection with, by virtue of, or pursuant to any provision of the aforesaid order, as amended, or affect, release, or extinguish any violation of the provisions of said order, as amended, or of any regulation issued pursuant to said order, as amended, or affect or impair any right or remedy of the Secretary or any other person or persons with respect to any such violation.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, does hereby execute and issue in duplicate this order under his hand and the official seal of the United States Department of Agriculture in the city of Washington, District of Columbia, on this 3d day of October 1939, and declares this order to be effective on and after 12:01 a. m., Pacific standard time, October 7, 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–3665; Filed, October 4, 1939; 12:41 p. m.]

## AGRICULTURAL MARKETING SERVICE

PART 27—AMENDMENT NO. 1 TO THE REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE UNITED STATES COTTON FUTURES ACT

By virtue of the authority vested in the Secretary of Agriculture by the United States Cotton Futures Act of August 11, 1916, as amended March 4, 1919, May 31, 1920, and February 26, 1927 (39 Stat. 476, 40 Stat. 1351, 41 Stat. 725, 44 Stat. 1248; U.S.C. 1090–1106), I, H. A. Wallace, Secretary of Agriculture, do hereby prescribe, publish, and give public notice of the following amendments to the regulations of the Secretary of Agriculture under said Act as amended:

Strike out section 27.9 (Reg. 3, Sec. 2) and substitute therefor the following:

"§ 27.9 *Boards of cotton examiners; Appeal Board.* Boards of cotton examiners shall be maintained at points designated for the purpose by the Chief of the Service. The members of such boards and the chairman of each shall be designated by the Chief of the Service. The Appeal Board of Review Examiners established at Washington, D. C., and committees of the Appeal Board authorized to serve at other points will review the classification of any cotton in accordance with sections 27.61–27.72 (Reg. 10). A Board of Supervising Cotton Examiners shall perform duties as assigned."

Strike out sections 27.10 (Reg. 3, Sec. 3) and substitute therefor the following:

"§ 27.10 *Supervisor of cotton inspection.* The Chief of the Service or the chairman of a board of cotton examiners may when necessary designate an official or employee of the Department of Agriculture to supervise the inspection and sampling and the preparation of samples of cotton for classification by a board of cotton examiners, and to perform such other duties as may be required of him for the purposes of these regulations, with full authority to perform the duties of a supervisor of cotton inspection in accordance with sections 27.75 and 27.77 (Reg. 11, Secs. 3 and 5)."

Strike out section 27.28 (Reg. 5, Sec. 13) and substitute therefor the following:

"§ 27.28 *Removal of original samples; conditions.* The original sample may be removed by the holder of the cotton class certificate covering the same at any time within 2 weeks (a) after such certificate becomes invalid as provided in section 27.44 (Reg. 7, Sec. 6), or (b) after the certificate (covering tenderable cotton) has been surrendered for cancellation without the issuance of a new certificate in lieu thereof: *Provided,* That the chairman of the board may for good cause permit the removal of samples in accordance with this section without the surrender of the certificates for cancellation. If the cotton covered by a certificate is classified as untenderable the sample may be held by the board for a period of 30 days and the holder of such certificate shall be allowed 2 weeks from the expiration of such 30-day period within which to remove the sample."

Strike out section 27.36 (Reg. 6, Sec. 6) and substitute therefor the following:

"§ 27.36 *Cotton to be classified according to official standards.* All cotton whether tenderable or untenderable shall be classified on the basis of the official cotton standards of the United States in effect at the time of such classification."

Strike out section 27.39 (Reg. 7, Sec. 1) and substitute therefor the following:

"§ 27.39 *Issuance of certificates.* As soon as practicable after the classification of cotton has been completed by a board of cotton examiners it shall issue cotton class certificates showing the results of such classification. Each certificate shall bear the date of its issuance and the name of the chairman or acting chairman of the board that classified the cotton. The certificate shall show the identification of the cotton according to the information in the possession of the board, the classification of the cotton according to its grade and length of staple and such other facts as the Chief of the Service shall require. A board of cotton examiners may place its certificate of classification directly upon the storage or press receipt covering and properly identifying the cotton involved."

Strike out section 27.40 (Reg. 7, Sec. 2) and substitute therefor the following:

"§ 27.40 *New certificates; conditions of issuance.* For the business convenience of a holder of a cotton class certificate issued under these regulations a new certificate may be issued at the request of the holder, to take the place of the former certificate without the reclassification of the cotton. In any case where a new certificate is required in accordance with this section, the former certificate shall be surrendered for cancellation, and such new certificate shall bear a new number and the date of its issu-

ance and the date of original certification and shall otherwise comply with these regulations."

Sections 27.41 and 27.42 (Reg. 7, Secs. 3 and 4) are repealed.

Renumber section 27.43 (Reg. 7, Sec. 5) as section 27.41 (Reg. 7, Sec. 3).

Strike out section 27.44 (Reg. 7, Sec. 6) and substitute therefor the following:

"§ 27.42 *Surrender of certificate* (Reg. 7, Sec. 4) For good cause any certificate issued under these regulations shall be surrendered to a board of cotton examiners for correction or cancellation. If such certificate be not surrendered upon request it shall nevertheless be invalid under section 5 of the Act and these regulations."

Strike out section 27.50 (Reg. 7, Sec. 12) and renumber sections 27.45, 27.46, 27.47, 27.48, 27.49, and 27.51 (Reg. 7, Secs. 7, 8, 9, 10, 11, and 13) as sections 27.43, 27.44, 27.45, 27.46, 27.47, and 27.48 (Reg. 7, Secs. 5, 6, 7, 8, 9, and 10), respectively.

Strike out section 27.58 (Reg. 9, Sec. 2) and substitute therefor the following:

"§ 27.58 *Postponed classification; must be within 30 days.* If thereafter the classification of the cotton be desired, notice thereof shall be filed not later than the expiration of 30 days after the date upon which the samples were drawn from the cotton, and the original samples must have remained continuously in the possession of the board or under its control."

Strike out section 27.60 (Reg. 9, Sec. 4) and substitute therefor the following:

"§ 27.60 *When original request deemed withdrawn.* If the period of 30 days hereinbefore specified shall expire without the filing of the notice of desire for classification the applicant shall be deemed to have withdrawn the original request for the classification of such cotton."

Strike out section 27.62 (Reg. 10, Sec. 2) and substitute therefor the following:

"§ 27.62 *Conditions for review of classification.* The person for whom the classification of any cotton shall have been performed under these regulations may have a review of the classification of the cotton covered by any certificate by filing a written application therefor before the delivery of such cotton on a section 5 contract and not later than the expiration of the seventh business day following the date of the first certification of the cotton involved."

Strike out section 27.63 (Reg. 10, Sec. 3) and substitute therefor the following:

"§ 27.63 *Review of classification; application; form.* Any receiver of cotton upon a section 5 contract who has not redelivered such cotton on a section 5 contract may have a review of the classification of any such cotton of which the classification has not been previously reviewed by filing a written application within 7 business days following the date of the delivery of cotton class certificates to him in accordance with these regulations. When more than 5,000 bales of cotton shall have been delivered to the same receiver on the same date of delivery, he may, upon proper showing of the facts, be allowed 5 additional business days for filing his application for the review of the classification of any such cotton, provided written request for such extension is filed within 7 business days following the date of such delivery. In the event of the reissue of certificates to replace any certificates delivered to him, the receiver may have a review of the classification of the cotton covered by such reissued certificates, provided such review is requested within the time herein prescribed.

"Every application for review shall be submitted in triplicate on a form furnished or approved by the Service; shall contain the name and address of the party, if any, from whom the cotton is received on a section 5 contract; shall include the lot numbers, if any, and the marks; and a copy of such application shall be mailed by the chairman of the board to the other party at interest."

Strike out section 27.65 (Reg. 10, Sec. 5) and substitute therefor the following:

"§ 27.65 *Completion of review of classification.* In any case where an application for review has been filed with respect to cotton previously classified as tenderable such review may be completed notwithstanding the subsequent tender of such cotton on a section 5 contract."

Strike out section 27.70 (Reg. 10, Sec. 10) and substitute therefor the following:

"§ 27.70 *Classification changed; effect on certificate.* If the classification of the bale of cotton identified in a cotton class certificate shall be changed there shall be entered upon the certificate a statement that the classification has been reviewed, the date of review and the classification given upon such review and thereupon such certificate shall be delivered to the person from whom it was received or to a person designated by him."

Strike out section 27.71 (Reg. 10, Sec. 11), and substitute therefor the following:

"§ 27.71 *Replacement of untenderable cotton.* If the determination of a review granted to a receiver of cotton tendered upon a section 5 contract shows cotton previously classed as tenderable to be actually untenderable, the tenderer shall replace the cotton so found to be untenderable. Such replacement shall be made not later than the expiration of the tenth business day following the date of the issuance of the review certificate, by delivering to the receiver other cotton shown to be tenderable by cotton class certificates complying with these regulations, which certificates he shall deliver to the receiver."

Strike out the third sentence of section 27.73 (Reg. 11, Sec. 1) and substitute therefor the following:

"In such cases the exchange inspection agency shall report the facts to the board of cotton examiners in accordance with section 27.46 (Reg. 7, Sec. 8)."

Strike out section 27.74 (Reg. 11, Sec. 2) and substitute therefor the following:

"§ 27.74 *Form of request for supervision of transfer.* The person who made the request for classification or the holder of the cotton class certificate therefor shall file with the chairman of the board of cotton examiners with which the classification request was filed, or which issued the certificate, or, in case there be no board of cotton examiners at the point where the cotton is situated, with the supervisor of cotton inspection, a written request for the supervision of such transfer. If the cotton class certificate for such cotton has previously been issued by the board, the holder thereof shall surrender such certificate to the board or to the supervisor of cotton inspection, as the case may be, for cancellation before such transfer shall take place. No single transfer lot shall include more than 50 bales."

Strike out section 27.77 (Reg. 11, Sec. 5) and substitute therefor the following:

"§ 27.77 *New certificate without reclassification.* When the cotton shall have been delivered for storage at the place of its destination and the transfer certificate shall have been surrendered to an authorized representative of the Service, each bale covered by such transfer certificate shall be examined and if it be found that the identity of the bales represented by the transfer certificate has been properly preserved, a cotton class certificate shall be issued for each bale so identified, valid for use at such destination without the reclassification of the cotton."

Strike out section 27.81 (Reg. 12, Sec. 2) and substitute therefor the following:

"§ 27.81 *Fees; certificates.* For each new certificate issued in substitution for a prior certificate at the request of the holder thereof, for his business convenience or when made necessary by the transfer of the cotton from one place of storage to another under the supervision of an exchange inspection agency, as provided in section 27.44 (Reg. 7, Sec. 6), the person making the request shall pay a fee of 15 cents for each certificate issued, to cover the cost of such service and the handling of samples incident thereto."

Strike out section 27.93 (Reg. 13, Sec. 1) and substitute therefor the following:

"§ 27.93 *Bona fide spot markets.* The following markets have been determined, after investigation, and are hereby designated to be bona fide spot markets within the meaning of the Act:

"Atlanta Ga.
"Augusta, Ga.
"Charleston, S. C.
"Dallas, Tex.
"Galveston, Tex.
"Houston, Tex.
"Little Rock, Ark.
"Memphis, Tenn.
"Mobile, Ala.
"Montgomery, Ala.
"New Orleans, La.
"Norfolk, Va.
"Savannah, Ga."

Strike out sections 27.103, 27.104, 27.105, and 27.106 (Reg. 15) and substitute therefor the following:

"Official Cotton Standards

"§ 27.103 *Official cotton standards; forms.* Practical forms of the official cotton standards of the United States will be furnished to any person requesting them, subject to the provisions of the regulations of the Secretary of Agriculture under the United States Cotton Standards Act."

Strike out the words "inspection bureau" wherever they appear in said regulations and insert in lieu therefor the words "inspection agency."

Done at Washington, D. C., this 3d day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3666; Filed, October 4, 1939; 12:41 p.m.]

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PART 28—AMENDMENT NO. 2 TO THE REGULATIONS OF THE SECRETARY OF AGRICULTURE UNDER THE UNITED STATES COTTON STANDARDS ACT

Pursuant to authority vested in the Secretary of Agriculture by the United States Cotton Standards Act of March 4, 1923, as amended March 4, 1933 (42 Stat. 1517, 47 Stat. 1621; 7 U.S.C. 51-65), I, H. A. Wallace, Secretary of Agriculture do hereby prescribe, publish, and give public notice of the following amendments to the regulations of the Secretary of Agriculture under said Act:

In section 28.4 (Reg. 2, Sec. 2) strike out the first sentence and substitute therefor the following:

"Boards of cotton examiners shall be maintained at points designated for the purpose by the Chief of the Service."

Strike out section 28.18 (Reg. 3, Sec. 7) and substitute therefor the following:

"§ 28.18 *One request only for classification.* Not more than one request for the informal classification of the same cotton shall be filed unless each subsequent request shall be accompanied by redrawn samples, and the chairman of the board may require that any Form A Memoranda previously issued with respect to samples purporting to represent the same cotton shall be returned before such redrawn samples are classed."

Strike out section 28.23 (Reg. 4, Sec. 4) and substitute therefor the following:

"§ 28.23 *Disposal of samples.* When so stipulated in the classification request samples submitted for informal classification or comparison shall be returned to the person making the request, at his expense, at the time the certificate is issued or when the request for classification is withdrawn or rejected: *Provided*, That samples submitted for Form A classification as a basis for purchase or sale may, in the discretion of the Board, be held for a period of sixty days, after which they may be returned to the person making the request, if desired by him. Samples not returned shall be disposed of in accordance with section 28.25 (Reg. 4, Sec. 6)."

Strike out section 28.25 (Reg. 4, Sec. 6) and substitute therefor the following:

"§ 28.25 *Samples not removed, property of Department of Agriculture.* Samples not removed in accordance with these regulations and loose cotton separated from samples in the handling and classification thereof shall become the property of the government and shall be disposed of in accordance with law and applicable regulations."

Strike out sections 28.77 and 28.78 (Reg. 11, Secs. 2 and 3) and substitute therefor the following:

"§ 28.77 *Examination of applicant.* Each applicant for a license as a classifier and each licensed classifier shall, when requested, submit to an examination or test to show his ability to classify cotton, and each applicant who already holds a license under the Act shall make available for inspection copies of the standards for classification used or to be used by him. An applicant who fails in an examination may be denied immediate reexamination."

"§ 28.78 *Examination; scope of 'limited license.'* Examinations of applicants for licenses shall cover the classification of cotton in accordance with any or all of the standards listed below:

"(a) The official cotton standards of the United States for grades and for all lengths of staple of American upland cotton.

"(b) The official cotton standards of the United States for the grades of American upland cotton and for staple lengths not exceeding 1⅛ inches.

"(c) The official cotton standards of the United States for grades and staple lengths of American-Egyptian cotton.

"(d) The official cotton standards of the United States for grades and staple lengths of Sea Island cotton.

"Each license under the Act and each identification card shall specify the standards with respect to which it is issued. Any license which merely authorizes the licensee to determine the grade of American upland cotton and staple lengths not exceeding 1⅛ inches shall be conspicuously marked 'Limited License'."

Strike out section 28.85 (Reg. 11, Sec. 10) and substitute therefor the following:

"§ 28.85 *Reports to be made on forms furnished or otherwise.* Each licensed classifier shall from time to time when requested by the Service make reports on forms furnished for the purpose by the Service, or otherwise, bearing upon his activities as such licensed classifier."

In section 28.87 (Reg. 11, Sec. 12) strike out the second sentence and substitute therefor the following:

"Whenever a licensed classifier shall voluntarily surrender his license for suspension or cancellation the same may be suspended or cancelled by the Secretary or the Chief of Agricultural Marketing Service without a hearing."

To section 28.115 (a) (Reg. 13, Sec. 1, Par. 1) add the following:

"Sea Island Cotton

"Standards for grades of Sea Island cotton, as follows:

"Grade No. 1.
"Grade No. 2.
"Grade No. 3.
"Grade No. 4.
"Grade No. 5.
"Grade No. 6.

"Standards for lengths of staple of Sea Island cotton, as follows:

"1½ inches.
"1⅝ inches.
"1⅝ inches.
"1¾ inches."

In section 28.119 (c) (Reg. 14, Sec. 2, Par. 3) strike out the first sentence and substitute therefor the following:

"The fees provided for in paragraph (a) (1) of this section may be waived in whole or in part as to the classification and certification of any cotton for a governmental agency; or as to the classification and certification for a charitable or philanthropic organization of cotton intended to be used under an Act of Congress or Congressional resolution for the relief of distress or to be exchanged for goods to be so used."

Strike out the words "inspection bureau" wherever they appear in said regulations and insert in lieu thereof the words "inspection agency."

Done at Washington, D. C. this 3d day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3667; Filed, October 4, 1939; 12:41 p. m.]

## TITLE 16—COMMERCIAL PRACTICES
## FEDERAL TRADE COMMISSION

[Docket No. 3863]

IN THE MATTER OF RESEARCH PRODUCTS CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Dupree Pills", "Dupree Double Strength Pills", "Dr. Gordon's Special Formula Double Strength Pills", "Van Dyke Dutch Brand Haarlen Oil Capsules", "Dr. Gordon's Vitam-Perles", and "Vitamin E Perles", or other similar medicinal preparations, which advertisements represent, directly or through implication, that use of said preparations known as "Dupree Pills", "Dupree Double Strength Pills", and "Dr. Gordon's Special Formula Double Strength Pills", is a competent, safe and scientific treatment for delayed menstruation and that their use will have no ill effects upon the human body, or which advertisements fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of the user, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Research Products Co., Docket 3863, September 18, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of products:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Dupree Pills", "Dupree Double Strength Pills", "Dr. Gordon's Special Formula Double Strength Pills", "Van Dyke Dutch Brand Haarlen Oil Capsules", "Dr. Gordon's Vitam-Perles", and "Vitamin E Perles", or other similar medicinal preparations, which advertisements represent, directly or through implication, that the use of the preparation known as "Van Dyke Dutch Brand Haarlen Oil Capsules" is a cure or remedy for or has any therapeutic value in the treatment of rheumatism, sleeplessness, nervousness, or pains in the back, or that the use of said preparation will serve to flush poisons out of the kidneys or bladder, Double Strength Pills", "Van Dyke Dutch Brand Haarlen Oil Capsules", "Dr. Gordon's Vitam-Perles", and "Vitamin E Perles", or other similar medicinal preparations, which advertisements represent, directly or through implication, that the use of the preparation known as "Dr. Gordon's Vitam-Perles" or "Vitamin E Perles" is a competent or effective remedy or cure for, or that it has any therapeutic value in the treatment of the conditions known as lack of ambition, loss of strength, loss of blood or anemia, or run-down condition, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Research Products Co., Docket 3863, September 18, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ROBERT C. OBERLIN, AN INDIVIDUAL TRADING AS RESEARCH PRODUCTS CO.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, except an allegation as to the sale of certain products, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Robert C. Oberlin, an individual trading as Research Products Co., his agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of medicinal preparations now designated by the names of likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission, of said medicinal preparations, which advertisements represent, directly or through implication:

1. That the use of said preparations known as "Dupree Pills", "Dupree Double Strength Pills", and "Dr. Gordon's Special Formula Double Strength Pills" is a competent, safe and scientific treatment for delayed menstruation and that their use will have no ill effects upon the human body, or which advertisements fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of the user;

2. That the use of the preparation known as "Van Dyke Dutch Brand Haarlem Oil Capsules" is a cure or remedy for or has any therapeutic value in the treatment of rheumatism, sleeplessness, nervousness, or pains in the back, or that the use of said preparation will serve to flush poisons out of the kidneys or bladder;

3. That the use of the preparation known as "Dr. Gordon's Vitam-Perles" or "Vitamin E Perles" is a competent or effective remedy or cure for, or that it has any therapeutic value in the treatment of the conditions known as lack of ambition, loss of strength, loss of blood or anemia, or run-down condition.

*It is further ordered*, That the respondent shall, within ten days after service upon him of this order, file with the Commission an interim report in writing stating whether he intends to comply with this order, and if so, the manner and form in which he intends to comply; and that within sixty days after the service upon him of this order said respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3669; Filed, October 4, 1939; 10:37 a. m.]

## TITLE 22—FOREIGN RELATIONS
## DEPARTMENT OF STATE

RULES AND REGULATIONS GOVERNING THE SOLICITATION AND COLLECTION OF CONTRIBUTIONS FOR USE IN FOREIGN COUNTRIES



Canada, New Zealand, and the Union of South Africa, which he promulgated on September 5, 9, and 11, 1939:[1]

(11) No registration will be accepted until satisfactory evidence is presented to the Secretary of State that the applicant for registration has organized an active and responsible governing body which will serve without compensation, and which will exercise a satisfactory administrative control, and that the funds collected by the registrant will be handled by a competent and trustworthy treasurer.

(12) No registration will be accepted if the means proposed to be used to solicit or collect contributions include the employment of solicitors on commission or any other commission method of raising money; the use of the "remit or return" method of raising money by the sale of merchandise or tickets; the giving of entertainments for money-raising purposes if the estimated costs of such entertainments, including compensation, exceed 30 percent of the gross proceeds, or any other wasteful or unethical method of soliciting contributions.

(13) No registration will be accepted until the Secretary of State has been informed in writing by a responsible officer of the applicant for registration that he has read these regulations.

(14) The Secretary will exercise the right reserved under regulation (7) to revoke any registration upon receipt of evidence which leads him to believe that the registrant has failed to maintain such a governing body as that described under regulation (11), has failed to employ such a treasurer as that described under regulation (11), has employed any of the methods for soliciting contributions set forth under regulation (12), has employed unethical methods of publicity, or has failed to attain a reasonable degree of efficiency in the conduct of operations.

(15) The sworn statement to be submitted by registrants in accordance with regulation (6) shall be supplemented by such further information as the Secretary of State may deem necessary.

[SEAL] CORDELL HULL, *Secretary of State.*

[F. R. Doc. 39-3683; Filed, October 4, 1939; 11:59 a. m.]

## TITLE 30—MINERAL RESOURCES
## BUREAU OF MINES

Division of the Bureau of Mines. The province and duty of this Bureau to conduct scientific and technological tests for investigations concerning explosives were established by the Act of Congress of May 16, 1910 creating the Bureau of Mines, and the amended Act (37 Stat. 681) approved February 25, 1913.

The provisions of the latter Act pertaining to the testing of explosives and fees therefore are included in the following sections of the Act:

SEC. 2. That it shall be the province and duty of the Bureau of Mines, subject to the approval of the Secretary of the Interior, to conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to improving health conditions, and increasing safety, efficiency, economic development, and conserving resources through the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to inquire into the economic conditions affecting these industries; to investigate explosives and peat; and on behalf of the Government to investigate the mineral fuels and unfinished mineral products belonging to, or for the use of, the United States, with a view to their most efficient mining, preparation, treatment and use; and to disseminate information concerning these subjects in such manner as will best carry out the purposes of this Act.

SEC. 3. That the director of said bureau shall prepare and publish, subject to the direction of the Secretary of the Interior, under the appropriations made from time to time by Congress, reports of inquiries and investigations, with appropriate recommendations of the Bureau, concerning the nature, causes, and prevention of accidents, and the improvement of conditions, methods, and equipment, with special reference to health, safety, and prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; the use of explosives and electricity, safety methods and appliances, and rescue and first-aid work in said industries; the causes and prevention of mine fires; and other subjects included under the provisions of this Act.

SEC. 4. * * *

SEC. 5. That for tests or investigations authorized by the Secretary of the Interior under the provisions of this Act, other than those performed for the Government of the United States or State governments within the United States, a reasonable fee covering the necessary expenses shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

It should be noted that these moneys are not credited to the Bureau of Mines and that the cost of all tests are met by appropriations made to the Bureau of

their characteristics. This portion of the present schedule supersedes Schedule 1B.[2]

II. Blasting devices for use in:

*Coal mines.* To determine their permissibility. This portion of the present schedule supersedes Schedule 20.[3]

III. Explosives or blasting devices under any one of the individual tests listed in this schedule.

*All reports on the results of tests made by this Bureau must be considered confidential and retained as such within the applicant's organization.*

*Definitions*

For the sake of brevity and clearness certain terms which will be used throughout this schedule are defined as follows:

*Approval.* An approval is an official certification in the form of a report on a special class of coal mining explosives and coal mining blasting devices, issued only by the Director of the Bureau of Mines, to a responsible organization stating that an investigation of its explosive or device has shown that this meets satisfactorily all the conditions and requirements for permissibility hereinafter set forth.

Reports of tests other than the complete series required for the determination of permissibility are not approvals and should not be construed as such.

*Basic sample.* The term "Basic sample" is used only in connection with permissible explosives. It is applied to the original sample which was tested to determine the permissibility of the explosive. Chemical and physical characteristics of future samples bearing the same brand name are checked against the basic sample.

*Equivalent.* An ingredient which will not materially alter the properties of the explosive and that will produce the same result as the original substance shall be considered an equivalent. In matters affecting its approval, the Bureau will deem itself sole judge of the question of equivalence.

*Ingredients.* These substances reported as found by the Bureau of Mines in the original sample of explosive submitted as the basic sample shall be considered the ingredients of that permissible explosive.

*List of permissible explosives.* The term "list of permissible explosives" as

## TITLE 16—COMMERCIAL PRACTICES

## FEDERAL TRADE COMMISSION

[Docket No. 3863]

IN THE MATTER OF RESEARCH PRODUCTS CO.

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§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of products:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Dupree Pills", "Dupree Double Strength Pills", "Dr. Gordon's Special Formula Double Strength Pills", "Van Dyke Dutch Brand Haarlen Oil Capsules", "Dr. Gordon's Vitam-Perles", and "Vitamin E Perles", or other similar medicinal preparations, which advertisements represent, directly or through implication, that the use of the preparation known as "Van Dyke Dutch Brand Haarlen Oil Capsules" is a cure or remedy for or has any therapeutic value in the treatment of rheumatism, sleeplessness, nervousness, or pains in the back, or that the use of said preparation will serve to flush poisons out of the kidneys or bladder, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Research Products Co., Docket 3863, September 18, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "Dupree Pills", "Dupree Double Strength Pills", "Dr. Gordon's Special Formula Double Strength Pills", "Van Dyke Dutch Brand Haarlen Oil Capsules", "Dr. Gordon's Vitam-Perles", and "Vitamin E Perles", or other similar medicinal preparations, which advertisements represent, directly or through implication, that the use of said preparations known as "Dupree Pills", "Dupree Double Strength Pills", and "Dr. Gordon's Special Formula Double Strength Pills", is a competent or effective remedy or cure for, or that it has any therapeutic value in the treatment of the conditions known as lack of ambition, loss of strength, loss of blood or anemia, or run-down condition, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Research Products Co., Docket 3863, September 18, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ROBERT C. OBERLIN, AN INDIVIDUAL TRADING AS RESEARCH PRODUCTS CO.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, except an allegation as to the sale of certain products, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Robert C. Oberlin, an individual trading as Research Products Co., his agents, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of medicinal preparations now designated by the name of "Dupree Pills", "Dupree Double Strength Pills", "Dr. Gordon's Special Formula Double Strength Pills", "Van Dyke Dutch Brand Haarlen Oil Capsules", "Dr. Gordon's Vitam-Perles", and "Vitamin E Perles", or any other medicinal preparation or preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or any other name or names, or disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission, of said medicinal preparations, which advertisements represent, directly or through implication:

1. That the use of said preparations known as "Dupree Pills", "Dupree Double Strength Pills", and "Dr. Gordon's Special Formula Double Strength Pills" is a competent, safe and scientific treatment for delayed menstruation and that their use will have no ill effects upon the human body, or which advertisements fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of the user;

2. That the use of the preparation known as "Van Dyke Dutch Brand Haarlem Oil Capsules" is a cure or remedy for or has any therapeutic value in the treatment of rheumatism, sleeplessness, nervousness, or pains in the back, or that the use of said preparation will serve to flush poisons out of the kidneys or bladder;

3. That the use of the preparation known as "Dr. Gordon's Vitam-Perles" or "Vitamin E Perles" is a competent or effective remedy or cure for, or that it has any therapeutic value in the treatment of the conditions known as lack of ambition, loss of strength, loss of blood or anemia, or run-down condition.

*It is further ordered*, That the respondent shall, within ten days after service upon him of this order, file with the Commission an interim report in writing stating whether he intends to comply with this order, and if so, the manner and form in which he intends to comply; and that within sixty days after the service upon him of this order said respondent shall file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3660; Filed, October 4, 1939; 10:37 a. m.]

## TITLE 22—FOREIGN RELATIONS

## DEPARTMENT OF STATE

RULES AND REGULATIONS GOVERNING THE SOLICITATION AND COLLECTION OF CONTRIBUTIONS FOR USE IN FRANCE; GERMANY; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA, CANADA, NEW ZEALAND, AND THE UNION OF SOUTH AFRICA

OCTOBER 4, 1939.

The Secretary of State promulgates the rules and regulations set forth below as additions to the rules and regulations under the provisions of Section 3 (a) of the Joint Resolution of Congress approved May 1, 1937, in regard to the solicitation and collection of funds for use in France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, which he promulgated on September 5, 9, and 11, 1939: [1]

(11) No registration will be accepted until satisfactory evidence is presented to the Secretary of State that the applicant for registration has organized an active and responsible governing body which will serve without compensation, and which will exercise a satisfactory administrative control, and that the funds collected by the registrant will be handled by a competent and trustworthy treasurer.

(12) No registration will be accepted if the means proposed to be used to solicit or collect contributions include the employment of solicitors on commission or any other commission method of raising money; the use of the "remit or return" method of raising money by the sale of merchandise or tickets; the giving of entertainments for money-raising purposes if the estimated costs of such entertainments, including compensation, exceed 30 percent of the gross proceeds, or any other wasteful or unethical method of soliciting contributions.

(13) No registration will be accepted until the Secretary of State has been informed in writing by a responsible officer of the applicant for registration that he has read these regulations.

(14) The Secretary will exercise the right reserved under regulation (7) to revoke any registration upon receipt of evidence which leads him to believe that the registrant has failed to maintain such a governing body as that described under regulation (11), has failed to employ such a treasurer as that described under regulation (11), has employed any of the methods for soliciting contributions set forth under regulation (12), has employed unethical methods of publicity, or has failed to attain a reasonable degree of efficiency in the conduct of operations.

(15) The sworn statement to be submitted by registrants in accordance with regulation (6) shall be supplemented by such further information as the Secretary of State may deem necessary.

[SEAL] CORDELL HULL, *Secretary of State.*

[F. R. Doc. 39-3663; Filed, October 4, 1939; 11:56 a. m.]

[1] 4 F.R. 3839, 3862, 3891 DI.



## TITLE 30—MINERAL RESOURCES

## BUREAU OF MINES

[Schedule 1C]

PROCEDURE FOR APPLYING FOR TESTS MADE ON ALL EXPLOSIVES AND BLASTING DEVICES BY THE EXPLOSIVES DIVISION OF THE BUREAU OF MINES

PRESCRIBED CONDITIONS AND REQUIREMENTS FOR PERMISSIBILITY WHEN USED IN COAL MINES AND SCHEDULE OF FEES FOR THE TESTS

*Authorization*

This schedule furnishes information relating to tests made by the Explosives Division of the Bureau of Mines. The province and duty of this Bureau to conduct scientific and technological tests for investigations concerning explosives were established by the Act of Congress of May 16, 1910 creating the Bureau of Mines, and the amended Act (37 Stat. 681) approved February 25, 1913.

The provisions of the latter Act pertaining to the testing of explosives and fees therefore are included in the following sections of the Act:

SEC. 2. That it shall be the province and duty of the Bureau of Mines, subject to the approval of the Secretary of the Interior, to conduct inquiries and scientific and technologic investigations concerning mining, and the preparation, treatment, and utilization of mineral substances with a view to improving health conditions, and increasing safety, efficiency, economic development, and conserving resources through the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; to inquire into the economic conditions affecting these industries; to investigate explosives and peat; and on behalf of the Government to investigate the mineral fuels and unfinished mineral products belonging to, or for the use of, the United States, with a view to their most efficient mining, preparation, treatment and use; and to disseminate information concerning these subjects in such manner as will best carry out the purposes of this Act.

SEC. 3. That the director of said bureau shall prepare and publish, subject to the direction of the Secretary of the Interior, under the appropriations made from time to time by Congress, reports of inquiries and investigations, with appropriate recommendations of the Bureau, concerning the nature, causes, and prevention of accidents, and the improvement of conditions, methods, and equipment, with special reference to health, safety, and prevention of waste in the mining, quarrying, metallurgical, and other mineral industries; the use of explosives and electricity, safety methods and appliances, and rescue and first-aid work in said industries; the causes and prevention of mine fires; and other subjects included under the provisions of this Act.

SEC. 4. • • •

SEC. 5. That for tests or investigations authorized by the Secretary of the Interior under the provisions of this Act, other than those performed for the Government of the United States or State governments within the United States, a reasonable fee covering the necessary expenses shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

It should be noted that these moneys are not credited to the Bureau of Mines and that the cost of all tests are met by appropriations made to the Bureau of Mines not augmented by such fees.

*Nature of Tests and Definitions*

The Bureau of Mines is prepared to test:

I. Explosives for use in:

(a) *Coal mines.* To determine their permissibility. This portion of the present schedule supersedes Schedule 17C; [1]

(b) Metal mines, tunnels, quarries and other engineering operations to determine their characteristics. This portion of the present schedule supersedes Schedule 1B. [2]

II. Blasting devices for use in:

*Coal mines.* To determine their permissibility. This portion of the present schedule supersedes Schedule 20. [3]

III. Explosives or blasting devices under any one of the individual tests listed in this schedule.

*All reports on the results of tests made by this Bureau must be considered confidential and retained as such within the applicant's organization.*

*Definitions*

For the sake of brevity and clearness certain terms which will be used throughout this schedule are defined as follows:

*Approval.* An approval is an official certification in the form of a report on a special class of coal mining explosives and coal mining blasting devices, issued only by the Director of the Bureau of Mines, to a responsible organization stating that an investigation of its explosive or device has shown that this meets satisfactorily all the conditions and requirements for permissibility hereinafter set forth.

Reports of tests other than the complete series required for the determination of permissibility are not approvals and should not be construed as such.

*Basic sample.* The term "Basic sample" is used only in connection with permissible explosives. It is applied to the original sample which was tested to determine the permissibility of the explosive. Chemical and physical characteristics of future samples bearing the same brand name are checked against the basic sample.

*Equivalent.* An ingredient which will not materially alter the properties of the explosive and that will produce the same result as the original substance shall be considered an equivalent. In matters affecting its approval, the Bureau will deem itself sole judge of the question of equivalence.

*Ingredients.* Those substances reported as found by the Bureau of Mines in the original sample of explosive submitted as the basic sample shall be considered the ingredients of that permissible explosive.

*Lot of permissible explosives.* The term "lot of permissible explosives" as used in applying the tolerances is defined as all that explosive in the magazine from which a field sample or manufacturer's sample is procured, bearing identical case markings.

*Permissible.* An adjective used to designate complete assemblies having formal approval of the Bureau of Mines

[1] Procedure for testing explosives for permissibility for use in coal mines with test requirements and schedule of fees, 1935.

[2] Procedure for testing explosives used in metal mines, tunnels, quarries and other engineering operations with test requirements and schedule of fees, 1936 (amended in 1939).

[3] Permissible blasting devices; procedure in testing, fees and requirements for approval, 1938.

for use in mines having atmospheres which may become inflammable by reason of the presence of gas and coal dust, or gas or dust alone.

*Permissible explosive.* A permissible explosive must be similar in all respects to the "basic" sample which has passed certain tests prescribed by the Bureau to determine its safety for use in coal mines. It is permissible only when used in accordance with the conditions prescribed by the Bureau.

*Permissible blasting device.* The term "blasting device" applies to all devices designed for breaking down coal, excluding (a) hydraulic and mechanical devices; (b) explosives. As the only blasting devices for which a complete system for testing for permissibility has been established are devices in which the blasting agent is liquid carbon dioxide, only this class of blasting devices may be tested under this schedule.

A permissible blasting device must be similar in all respects to the model which has passed certain tests prescribed by the Bureau to determine its safety for use in coal mines. It is permissible only when used in accordance with the conditions prescribed by the Bureau.

*Tolerances.* The tolerances promulgated by the Bureau of Mines provide for reasonable limits of variation in the results of analyses and tests of field samples of permissible explosives or check tests of permissible blasting devices in comparing these samples with the basic samples or the devices originally approved.

### *Application*

Before the Bureau of Mines will make any tests on an explosive or a blasting device, the manufacturer or user must file an application in the form of a letter (there are no application blanks to be filled out) requesting the tests desired with a statement as to the nature of the explosive or blasting device to be tested. This application must be addressed to the Director, Bureau of Mines, Washington, D. C., and accompanied by a certified check or bank draft payable to the Treasurer of the United States to cover all fees for the tests. A copy of the application shall be sent by the applicant to the Explosives Division, Bureau of Mines, 4800 Forbes St., Pittsburgh, Pa. If an applicant be a manufacturer of explosives, he must furnish with the application the formula of the explosive. The Bureau's engineers will review the application and make recommendations to the Director as to whether the tests should be undertaken or not.

Explosives containing incompatibles (that is, substances that will react when mixed) or those containing chlorates, chlorites, and perchlorates, will not be accepted for tests, because previous investigations made by the Bureau of Mines and general experience in handling explosives of this type have demonstrated their hazardous nature. In the public interest, the Bureau cannot approve such explosives for use in the mineral industries.

Tests will not be continued upon those explosives which fail to pass a test with the Bureau's pendulum friction device when the fiber-faced shoe is used or which fail to pass the large impact test. Furthermore, tests will be discontinued on any sample of explosive which (a) is found to be chemically unstable; or (b) shows leakage of liquid explosive ingredient; or (c) is in such condition that exudation of liquid explosive ingredient would occur in handling or transportation; or (d) fails to detonate or explode completely for two or more charges while any of the permissibility tests are being made in 1¼-inch diameter cartridges or larger under a confinement equal to or greater than 1 atmosphere with a No. 6 electric detonator; or (e) in the rate of detonation test if it does not detonate in any one trial through the entire meter length in cartridges 1¼ inches in diameter or larger (an explosive is not permissible in any diameter less than the minimum in which it propagates for the entire length); or (f) if in the explosion by influence test, which is to be made as soon as possible after the receipt of the explosive, the sensitivity is not satisfactory; or (g) if a 680-gram (1½ pound) charge of explosive and original wrapper evolves 158 liters (5.58 cu. ft.) or more of poisonous gases in Bichel gage tests; or (h) if the unit deflective charge exceeds 454 grams; or (i) if it fails to pass any trial shot at Gallery No. 1.

### *Fees*

The following schedule of fees has been established and approved by the Secretary of the Interior, and these fees will be charged on and after the date of this schedule.

I. (a) *For the determination of the permissibility of explosives.* Complete official test of each explosive to determine its permissibility for use in coal mines, $250.00.

The determination of the permissibility of an explosive for use in coal mines involves the following tests: (1) Physical examination; (2) chemical analysis; (3) unit deflective charge; (4) gallery tests 1 and 4; (5) gaseous products of explosion; (6) rate of detonation; (7) pendulum friction; (8) explosion by influence. Other tests may be made if, in the opinion of the Bureau of Mines, they are required to establish the safety of the explosive. Such additional tests may be necessary when the cartridge is of exceptional construction or contains ingredients of an unusual or unique nature, or when any other questionable features are presented.

For any further tests other than 1 to 8 inclusive that may be carried out on an explosive, additional fees will be charged in accordance with this schedule under "I (b)" below, and for special tests not herein enumerated, that are authorized by the Director, fees will be charged to cover the cost of the work actually performed.

In case an explosive is withdrawn or fails to pass any of the official tests, fees (in accordance with this schedule under I (b)) will be charged for all the tests and analyses made up to the time of withdrawal or failure, plus a handling charge of $5.00. The balance of the fees submitted will be returned to the applicant.

I. (b) *For all individual tests[4] on explosives, particularly those used in metal mines, tunnels, quarries, and other engineering operations, and for all special tests on coal mine and other explosives.*

1. Chemical analysis of explosives, $25.00.

Chemical analyses, which are made on all samples tested under I (a) or I (b). The results of these analyses will be furnished only to the manufacturer and then only when covered by a fee. Users will not be furnished with the results of chemical analyses except in the case of a dispute involving the manufacturer where the Bureau consents to act as an umpire at the request of both parties.

2. Physical examination (for each size of cartridge), $3.00.

3. For three experimental small lead-block tests, $9.00.

4. For three rate-of-detonation tests, $9.00.

5. For each experimental shot in gallery: Test 1, $5.00; Test 4, $18.00.

6. For three experimental shots in ballistic pendulum, $20.00.

7. For three experimental shots in ballistic mortar, $10.00.

8. Explosion by influence (halved-cartridge method), $4.00.

9. For one gage test to determine the gaseous products of explosion (this test does not include the determination of the oxides of nitrogen), $15.00.

The chemical analysis of the gaseous products of a permissible explosive will be furnished only to the manufacturer. For explosives other than permissible this analysis may be furnished to either the user or manufacturer.

10. For pendulum friction test to determine sensitiveness to frictional impact, $7.00.

11. For three experimental shots in Trauzl lead blocks, $10.00.

12. For three experimental shots to determine the calories developed, $13.00.

13. For small impact test to determine sensitiveness to direct impact, $5.00.

14. For large impact to determine sensitiveness to direct impact, $22.00.

15. For maximum pressure by Bichel pressure gauge test, $25.00.

16. For other tests at estimated cost.

17. Changing of brand name or the listing of the same explosive under more than one brand name, per additional name, $5.00.

[4] The methods of making chemical analyses and physical tests are briefly described hereinafter.



II. *For the determination of the permissibility of blasting devices in which the blasting agent is liquid carbon dioxide.*

1. Official test of each device to determine its permissibility for use in coal mines but under one condition only as to weight of carbon dioxide, weight of heater ingredient and thickness of disc, $115.00.

A complete official test of a blasting device for use in coal mines may involve the following: (a) Physical examination, (b) analysis of any chemical material used as the blasting agent or for the initiation or advancement of the reaction taking place, (c) propulsive strength by ballistic pendulum, (d) gallery tests with gas-air mixture containing 6 percent of natural gas (Test 1) and also with 4 percent of gas and coal dust (20 pounds on side shelves) (Test 4), (e) gaseous products.

Other tests may be made if in the opinion of the Bureau of Mines they are required to establish the safety of the blasting device.

2. For each additional condition (this includes cost of making gallery tests Nos. 1 and 4), $60.00.

3. For chemical analysis of each additional heater, $25.00.

4. Physical examination, $15.00.

5. For each experimental shot in Gallery No. 1: Test 1, $4.00; Test 4, $5.00.

6. For three experimental shots in ballistic pendulum, $13.00.

7. For one gauge test to determine the gaseous products of explosion, $21.00.

### *Instructions for Submitting Explosives and Equipment for Blasting Devices*

The manufacturer[5] or applicant desiring tests to be made on an explosive or blasting device should not ship any samples until advised to do so. After such advice has been received, the manufacturer or applicant may ship, prepaid, to the Explosives Division, Explosives Testing Station, Bureau of Mines, Bruceton, Pa., the samples to be tested. These shipments shall be properly labeled and otherwise shall comply with I. C. C. regulations. Postal regulations do not permit explosives to be forwarded through the mails and this should never be done.

I. (a) *Explosives submitted for complete official tests for permissibility.* The quantities and sizes required for complete official tests for permissibility are as follows:

(1) Seventy-five pounds of each explosive in 1¼ by 8-inch cartridges, but if the cartridge count per 50-pound case is less than 150 cartridges then 225 cartridges is the minimum quantity required.

(2) Fifty cartridges of each in the smallest diameter in which it is desired the explosive shall become permissible except when this smallest diameter is 1¼ by 8 inches.

(3) Ten cartridges of each in any diameter other than those covered by items (1) and (2) in which it is desired the explosive shall become permissible.

(4) Should the manufacturer later desire to market other diameters the Bureau will establish the basic data for grams of wrapper and apparent specific gravity for those diameters. Fee (item I (b) (2)) will be charged for each diameter. If the diameter is smaller than the smallest permissible diameter approved on the basic sample or any subsequently submitted sample, a propagation test will be required and charged for (item I (b) (4)). No retest for propagation can be made on a given diameter which fails in any one trial or for any diameter less than that on which failure occurred.

I. (b) *Explosives submitted for other tests.* The quantities and sizes of cartridges of explosive required for tests other than the permissibility tests outlined above will be determined by the Bureau's engineers.

II. *Blasting devices submitted for complete official tests for the permissibility.* (1) One complete device, with two sets of assembly and detail drawings that show the construction of the device and the materials of which it is made should be forwarded to the Explosives Division, Explosives Testing Station, Bruceton, Pa. All materials shall be shipped prepaid.

(2) When the device has been inspected by the Bureau's engineers, the applicant will be notified of the amount of fees to be deposited, the number of additional devices and other materials that will be required for the tests.

(3) The applicant shall at his own expense ship to and install at the Explosives Testing Station, Bruceton, Pa., such equipment and materials as may be necessary for carrying out the tests.

### *Conditions and Requirements Under Which Tests on Explosives and Blasting Devices Will Be Made*

The conditions under which tests will be made on explosives and blasting devices are as follows:

*Storage requirements*—(a) *Explosives.* The cases in which the explosives are delivered by the manufacturer will be opened and the explosives will be placed in slide-lid boxes which will be stored in one of the Bureau's magazines for at least 30 days before tests are commenced, other than the tests under (c). This storage requirement will not be waived for explosives submitted for tests on permissibility, but may be waived for other explosives if in the judgment of the explosives engineers of the Bureau this is desirable.

(b) *Heater elements.* For blasting devices, the heater elements will be handled in the same manner as under (a).

*Preliminary tests on explosives.* As soon as possible after its receipt, an explosive will be analyzed chemically, an explosion by influence test will be made, and either a pendulum friction or large impact test, or both, will be made.

*General conditions governing testing.* (a) Tests on explosives and blasting devices will be made at the Explosives Testing Station of the Bureau of Mines at Bruceton, Pa., and will be made in the order of receipt of the explosives or blasting devices. When explosives or blasting devices from more than one applicant are received on the same day, preference will be given to the earliest application.

(b) The applicant will be notified of the date of starting the tests in ample time to have a representative present to witness them.

(c) No one is to be present at or participate in the tests except the Bureau of Mines' employees, representatives of the applicant desiring tests to be made, and such other persons as may be mutually agreed upon by the applicant and the Bureau. Witnesses shall be present in the capacity of observers only. The conduct of the tests shall be entirely in the hands of the Bureau.

(d) Tests for a manufacturer are limited to samples of explosives which are his own product.

### *Methods of Testing*

(1) *Chemical testing.* The Bureau of Mines' methods for the analysis of explosives are described in its Bulletins Nos. 51, 96, and 219, its Technical Papers Nos. 78, 160, 162, and 282, and its Report of Investigations 3337.[6]

(2) *Physical testing.* The routine physical tests which are made by the Bureau of Mines on explosives, particularly for determination of permissibility for use in coal mines, are described in

[5] Tests for a manufacturer are limited to samples which are his own product.

[6] *Bulletin 51*—The Analysis of Black Powder and Dynamite, by W. O. Snelling and C. G. Storm, 1913, 80 pp. 5 pls., 8 figs.

*Bulletin 96*—The Analysis of Permissible Explosives, by C. G. Storm, 1916, 88 pp., 3 pls., 7 figs.

*Bulletin 219*—Explosives: Their Materials, Constitution and Analysis, by C. A. Taylor and W. H. Rinkenbach, 1923, 180 pp.

*Technical Paper 78*—Specific-Gravity Separation Applied to Analysis of Mining Explosives, by C. G. Storm and A. L. Hyde, 1914, 14 pp., 5 cents.

*Technical Paper 160*—The Determination of Nitrogen in Substances Used in Explosives, by W. C. Cope and G. B. Taylor, 1917, 46 pp., 1 pl., 4 figs.

*Technical Paper 162*—Initial Priming Substances for High Explosives, by G. B. Taylor and W. C. Cope, 1917, 32 pp.

*Technical Paper 282*—Analysis of Detonating and Priming Mixtures, by C. A. Taylor and W. H. Rinkenbach, 1922, 33 pp., 1 pl., 2 figs., 5 cents.

*Report of Investigations 3337*—Annual Report of the Explosives Division for the Fiscal Year 1936, by Wilbert J. Huff, 1937, 34 pp., 9 figs. A method for the determination of moisture in explosives containing explosive oils of high volatility is described on pages 15 and 16, and the apparatus used is illustrated in figure 7.

Bulletin 346[1] and may be briefly stated as follows:

(a) *Physical examination.* The physical examination of an explosive is made on four cartridges taken at random from the shipment of explosive or heater element (for blasting device). The apparent specific gravity is determined from the weight of each cartridge and of the sand displaced when the cartridge is embedded in this sand which is contained in a cylinder. The average of the four determinations made is taken as the apparent specific gravity; also the average weight of the cartridges is taken as the weight of cartridge.

From the weights for ingredients and wrapper for each cartridge the weight of wrapper per 100 grams of explosive is derived. The color and consistency of the explosive and the color of its wrapper are observed and recorded.

(b) *Unit deflective charge.* The "unit deflective charge" for an explosive is the weight of explosive that has been found to deflect the ballistic pendulum of the Bureau of Mines to the same extent as one-half pound of Pittsburgh Testing Station Standard 40 percent straight nitroglycerin dynamite.

(c) *Gallery tests.* Before an explosive is admitted to the Bureau of Mines permissible list, it must pass without a single ignition the following tests in Gallery No. 1:

*Test 1.* Ten trials, each with a charge of the explosive equal to the unit deflective charge, are made. Each charge is fired into a mixture of natural gas and air containing 8.0±0.3 percent of methane and ethane at a temperature of 25°±5° C.

Preliminary to charging the explosive into the borehole of the steel cannon a primer is made from one of the cartridges. This cartridge is punched centrally on one end for the detonator and then slit lengthwise with two or three cuts about 4 inches long near the opposite end. A No. 6 electric detonator is inserted in the hole and the primer thus made is pushed gently and firmly to the back of the borehole with the detonator facing outward. The primer thus fills entirely the back of the borehole with no air spaces. The remaining cartridges of the charge are then slit lengthwise two or three times, loaded into the borehole and tamped in front of the primer. One pound of milled plastic fireclay is then tamped firmly into the borehole and the charge fired into the gallery.

*Test 4.* Five trials each using a 1½ pound charge of explosive are fired without stemming into a mixture of natural gas and air containing 4.0±0.2 percent of methane and ethane and 20 pounds of bituminous coal dust, part of which is brought into suspension in the air. Preliminary to charging the explosive into the borehole, a 2-inch length is cut from one of the cartridges and a No. 6 electric blasting cap is inserted centrally in the cut portion to form a primer. The remaining cartridges of the charge are then slit and are tamped firmly into the borehole. The primer is then placed against the main charge with the charged end of cap pointing toward the charge of explosive and the charge is then fired without stemming.

(d) *Gaseous products of explosion.* To determine these products a charge consisting of 200 grams of explosive from 1¼-inch diameter cartridges weighed free of the wrapper, together with the proportionate quantity of original wrapper is fired in a 15-liter Bichel gage from which the air has been evacuated. The charge is fired by means of a No. 6 electric blasting cap. Five minutes after the shot is fired the pressure is observed and recorded. A sample of gases is drawn from the gage for a chemical analysis and the average percentage of each gas present is computed from two shots. The volume of the poisonous gases must not exceed 158 liters per 1½ pounds of explosives for a permissible explosive.

(e) *Rate of detonation.* The rate of detonation is determined with the Mettegang recorder. The explosive to be tested is placed in a thin sheet-iron tube 42 inches in length and ¼ inch larger in exterior diameter than the cartridge being tested. The tube is perforated transversely at two places by holes, ⅜ inch in diameter. The first hole is 2 inches from the cap end of the tube and the centers of the two holes are exactly 1 meter apart. These holes are covered with friction tape wrapped around the tube. The ends of the cartridges are cut off but the explosive is otherwise maintained in its original wrapper and the tube is charged as a continuous file. Through the explosive at the center of each hole there is passed a 4-inch piece of double cotton-covered copper wire (B. & S. gage No. 28).

The assembled tube is suspended in the bombproof and two pieces of wire are then attached to complete two separate electrical circuits from the Mettegang recorder. A No. 6 electric blasting cap is embedded centrally in one end of the file of explosive so that the charged end of the cap is ½ inch from the first wire through the explosive. The legs of the cap are then connected to the firing line. After the charge is fired the readings on the sooted drum of the Mettegang recorder are made. From these readings and the known speed of rotation of the drum the rate of detonation of the explosive is computed.

If the detonation of the entire file is not complete in any trial that diameter and all smaller diameters shall be deemed non-permissible.

(f) *Pendulum friction test.* This test is made with the pendulum friction device, which consists of a steel anvil (on which a 7-gram charge of explosive is placed) and a swinging shoe, which is attached to the lower end of a rigid, steel pendulum rod. In testing an explosive for permissibility, a steel shoe or a hard-fiber-faced shoe is used. This shoe, which can be dropped from different heights above the anvil, passes over the anvil a number of times. The device is adjusted so that it swings across the face of the anvil 18±1 times before coming to rest when there is no explosive on the anvil. Ten separate trials are made. In order to pass the test a permissible explosive must not show in any trial using the hard-fiber-faced shoe dropped from a height of 1.5 meters, a result more unfavorable than an almost indistinguishable local crackling. A field sample of a permissible explosive must pass the same test, except that in the retests the height of fall of the shoe shall be 1.35 meters.

(g) *Explosion by influence tests.* The halved-cartridge method is employed. In this method a hole for imbedding a No. 6 electric blasting cap is made in the center of one end of a 1¼ by 8-inch cartridge. Before inserting the cap the cartridge is cut in the middle at right angles to its axis; the two cut ends are placed facing each other with their axes in line. The two halves are spaced the required distance apart by rolling them in paper. The tube thus formed is held in place by carpet tacks. Just prior to firing, the detonator is inserted in the outer end of one of the half-cartridges.

The greatest distance between the halves of the cartridge at which both halves detonate in four shots without any failures is termed the "sensitiveness" of the explosive. The minimum distance at which no explosion occurs in four shots is also determined.

(h) *Large impact test.* This test is made on a 1-inch length of a 1¼ inch diameter cartridge, cut from the center of the cartridge. This 1-inch length of explosive in its original wrapper is placed on the anvil of the large impact device with the cylindrical axis of the cartridge vertical and the weight of 25 kilograms dropped 10 times from a height of 15 centimeters, fresh charges being used each time. Attached centrally to the lower end of the falling weight is a steel pin 2 inches long and 1⅜ inches in diameter. This steel pin falls directly on the sample under examination. This test is made at the option of the Bureau of Mines when as a result of a review of the chemical analysis of the explosive, or from other cause, any question concerning the sensitiveness to impact of the explosive arises. Failure of the explosive on any trial shall constitute a failure to pass the test, and such failure shall disqualify an explosive from further testing.

### *Provisions for the Permissibility of Explosives and Blasting Devices*

The Bureau reserves the right to rescind for cause, at any time, any approval granted under this schedule. An explosive or blasting device which has passed all tests necessary to place it on any of the Bureau's permissible lists may, therefore, be omitted from future lists.

An explosive or blasting device is permissible in use only when it satisfies the following requirements:

I. (a) *Permissible explosives.* 1. That the explosive is in all respects similar to the sample submitted by the manufacturer for test.

2. That electric detonators (not fuse and detonators) are used of not less efficiency than No. 6, the detonating charge of which shall consist of a one-gram mixture of 80 parts of mercury fulminate and 20 parts of potassium chlorate (or their equivalents)—and that the required electric firing must be done by means of a permissible-type blasting unit.

3. That the explosive, if frozen, shall be thawed thoroughly in a safe and suitable manner before use.

4. That the quantity used for a shot does not exceed 680 grams (1½ pounds), and that it is properly confined with clay or other incombustible stemming.

5. That the diameter of the cartridge used must be not less than that determined by tests.

6. That the shot is not fired in the presence of a dangerous percentage of firedamp.

7. That the shot is not a dependent shot, is not bored into the solid, and does not have a burden so heavy that the shot obviously is liable to blow out.

8. That the explosive be stored under proper conditions so that it does not undergo change in character.

II. *Blasting devices.* 1. That the device is in all respects similar to the sample submitted for tests.

2. That the permissible conditions of charging as to thickness of disk, weight of heater ingredient, and weight of carbon dioxide charge are met, and that the device is properly confined with clay or other incombustible stemming.

3. That the lead wires shall be connected to either type of shell top (end or side connection) only after the shell has been placed in the borehole and further, that the terminal plug when the end connection shell top is used, shall not be inserted into the shell until these connections are being made.

4. That the device shall not be fired in the presence of a dangerous percentage of firedamp.

5. That the device shall not be charged with the heater ingredient and carbon dioxide in the mine.

*Wording, purpose, and use of approval plate for permissable blasting devices—Approval plate.* Manufacturers shall attach, stamp, or mold an approval plate on each permissible blasting device. The plate shall bear the seal of the Department of the Interior, Bureau of Mines, and be inscribed as follows: "Permissible Blasting Device Approval No. ____, issued to the ---------- Company."

When deemed necessary, appropriate cautions shall be added. The size and position of the approval plate shall be satisfactory to the Bureau.

Where the nature of the device is such that it is not feasible to attach a permanent metal approval plate, a paper label may be used if permitted by the Bureau of Mines and in addition there shall be stamped, etched, or otherwise engraved on the device the following: "B. M. No. ____." This is an abbreviation to indicate "Bureau of Mines Approval No. ____."

*Purpose.* The approval plate or label is an identifying mark which enables any one to tell at a glance that the device is of the permissible type. By the plate or label the manufacturer shows that his device complies with the Bureau's requirements and that it has been approved for use in coal mines.

*Use.* Permission to place the Bureau's approval plate or label on his device obligates the manufacturer to maintain the quality of his product and to see that each device is constructed according to the drawings that have been accepted by the Bureau and are in the Bureau's files, and further to instruct the user that the device is only permissible when used as the Bureau prescribes. Blasting devices exhibiting changes in design that have not been approved are not permissible and must not bear the Bureau's approval plate or label.

*Instructions on handling future changes in design of a blasting device.* When the manufacturer desires to make any changes in the design of a blasting device he must first of all obtain the Bureau's approval of the change before making the change.

### *Active and Inactive Lists*

The Bureau maintains active and inactive lists of permissible explosives and permissible blasting devices. The active lists are published annually and the inactive lists include those permissible explosives or blasting devices which have not been manufactured during any calendar year or those placed upon these lists at the request of manufacturers. The Bureau will transfer an explosive or blasting device from the inactive list to the active list upon the request of the manufacturer, provided the explosive or blasting device meets the regulations then in force.

### *Field Sampling*

The Bureau of Mines will from time to time collect and reexamine permissible explosives and blasting devices found in commercial shipments and in the field in order to determine how closely they conform to the basic samples. To govern the interpretation of such tests the tolerances given hereafter are applied. If the explosive or blasting device (including heater element) does not pass the retests or exceeds the tolerances for chemical analysis or physical tests, such failure may be due to either (1) improper manufacture or (2) improper storage.

The manufacturer is responsible for the first but the consumer or owner is responsible for the second because the manufacturer has no control over the conditions of storage when the explosive or heater element has once passed from his ownership. The manufacturer should exercise due care that the quality of the raw materials, as well as the weighing and incorporation of them, shall be similar in all respects to those employed in the making of the original sample.

The user should employ only explosives or heater elements which are in first-class condition and freshly manufactured. Explosives or heater elements should be stored in well ventilated magazines and if possible the temperature therein should be kept below 90° F. Boxes of explosives should be placed in the magazine so that the cartridges lie horizontally. It is well to purchase explosives or heater elements only in such quantities that they can be used promptly. The explosives or heater elements purchased first should be used first, accordingly older explosives or heater elements should not be stored under or behind a fresh consignment.

*Tolerances as applied to field or manufacturers' samples*—I. *For permissible explosives.* Tolerances which provide for reasonable limits of variation in the results of analyses and tests of field samples and manufacturers' samples of permissible explosives were established July 1, 1915, subsequently amended November 15, 1920, February 26, 1921, and further modified in this schedule. The tolerances as enumerated below supersede all previous tolerances.

(1) *Chemical analysis of field samples.* (A) *Moisture.* The tolerances for moisture shall be in accordance with those shown in Table 1:

TABLE 1.—*Table showing the limit of variation (percentage of total explosive) for various quantities of moisture (percentage) arranged for "tolerances" promulgated July 1, 1915, by the Bureau of Mines*

| Quantity of moisture (percent) | | Limit of variation of total explosive (percent ±) |
|---|---|---|
| From— | To— | |
| 0.0 | 0.1 | 1.5 |
| 0.2 | 0.5 | 1.6 |
| 0.6 | 0.9 | 1.7 |
| 1.0 | 1.3 | 1.8 |
| 1.4 | 1.7 | 1.9 |
| 1.8 | 2.1 | 2.0 |
| 2.2 | 2.5 | 2.1 |
| 2.6 | 2.9 | 2.2 |
| 3.0 | 3.3 | 2.3 |
| 3.4 | 3.7 | 2.4 |
| 3.8 | 4.1 | 2.5 |
| 4.2 | 4.5 | 2.6 |
| 4.6 | 4.9 | 2.7 |
| 5.0 | 5.3 | 2.8 |
| 5.4 | 5.7 | 2.9 |
| 5.8 | 6.1 | 3.0 |
| 6.2 | 6.5 | 3.1 |
| 6.6 | 6.9 | 3.2 |
| 7.0 | 7.3 | 3.3 |
| 7.4 | 7.7 | 3.4 |
| 7.8 | 8.1 | 3.5 |
| 8.2 | 8.5 | 3.6 |
| 8.6 | 8.9 | 3.7 |
| 9.0 | 9.3 | 3.8 |
| 9.4 | 9.7 | 3.9 |
| 9.8 | 10.0 | 4.0 |

[1] *Bulletin 346*—Physical Testing of Explosives at the Bureau of Mines Experiment Station, Bruceton, Pa., by C. E. Munroe and J. E. Tiffany, 1932, 148 pp., 48 figs. 35 cents.

(B) *Carbonaceous combustible material.* The tolerance for this item is ±3 percent of the total explosive.

(C) *Impurities in ammonium nitrate* may include ammonium chloride and ammonium sulphate. The tolerance for the sum of the last two items is 4 percent of the sum of all the items included as "commercial ammonium nitrate" (viz ammonium nitrate, chloride and sulphate).

(D) *Other ingredients or their equivalents.* For ingredients in quantities of 60 percent or more the tolerance shall be ±3 percent of the total explosive.

For ingredients in quantities not exceeding 60 percent the tolerances shall be in accordance with those shown in Table 2.

TABLE 2.—*Table showing the limit of variation (percentage of total explosive) for various quantities of constituents*

| Quantity of constituent (percent) | | Limit of variation of total explosive (percent ±) |
|---|---|---|
| From— | To— | |
| 0.0 | 1.4 | 1.0 |
| 1.5 | 2.4 | 1.1 |
| 2.5 | 5.4 | 1.2 |
| 5.5 | 6.4 | 1.3 |
| 6.5 | 9.4 | 1.4 |
| 9.5 | 11.4 | 1.5 |
| 11.5 | 14.4 | 1.6 |
| 14.5 | 17.4 | 1.7 |
| 17.5 | 20.4 | 1.8 |
| 20.5 | 23.4 | 1.9 |
| 23.5 | 26.4 | 2.0 |
| 26.5 | 30.4 | 2.1 |
| 30.5 | 33.4 | 2.2 |
| 33.5 | 37.4 | 2.3 |
| 37.5 | 40.4 | 2.4 |
| 40.5 | 44.4 | 2.5 |
| 44.5 | 47.4 | 2.6 |
| 47.5 | 51.4 | 2.7 |
| 51.5 | 54.4 | 2.8 |
| 54.5 | 57.4 | 2.9 |
| 57.5 | 60.0 | 3.0 |

(2) *Physical tests of field samples.* (A) The volume of poisonous gases from 600 grams of the explosive including its wrapper, must be less than 158 liters by one trial or the average of two or three trials. The volume of poisonous gases emitted by a field sample must be within a tolerance of ±15 percent of the volume emitted by the basic sample. Where the volume is over 137.3 liters and less than 158 liters then the minus 15 percent tolerance will be the only one applied.

(B) *Rate of detonation* by Mettegang recorder in sheet steel tubes; ±15 percent of that shown by the basic sample.

(C) *Unit defective charge.* Plus or minus 10 percent of that shown by the basic sample.

(D) *Grams of wrapper* (for any size). Plus or minus 2 grams of that shown by the basic sample.

(E) *Apparent specific gravity.* Plus or minus 7.5 percent of that shown by the basic sample.

(F) *Gallery tests.* (a) *Test 1* must pass five shots with a charge of 90 percent of that used for the basic sample. (b) *Test 4* must pass two shots with a charge of 612 grams. (c) Pendulum friction test must pass with hard fiber-faced shoe falling from a height of 1.35 meters.

*Notification regarding field samples of explosives.* (1) If the explosive fails to pass gallery tests, pendulum friction test, or if the poisonous gases exceed the tolerance, the Bureau will declare that particular lot of explosive not permissible, and a copy of the notification to the consumer or owner will be furnished the manufacturer. The notification will state that the explosive did not meet the requirements.

(2) If the explosive exceeds the tolerance for any items of the chemical analysis, for grams of wrapper per 100 grams of explosive, for apparent specific gravity, for rate of detonation, or for unit deflective charge, the manufacturer only will be advised of the results except that should these results, in the opinion of the explosives engineer, indicate that the explosive is unsafe for use, then the operator or owner will be warned immediately.

II. *For permissible blasting devices.* The construction of blasting devices will be checked against the basic device. The same tolerances will be applied to the ingredients of the heater as are applied to the ingredients of permissible explosives.

JOHN W. FINCH,
*Director.*

Approved, September 18, 1939.

H. L. I.
*Secretary of the Interior.*

[F. R. Doc. 39-3657; Filed, October 4, 1939; 10:00 a. m.]

## BITUMINOUS COAL DIVISION

[Order No. 283]

AMENDING ORDER RELATING TO THE FILING OF REPORTS AND CONTRACTS BY CODE MEMBERS PURSUANT TO SECTIONS 10 AND 4, II, (A) OF THE BITUMINOUS COAL ACT OF 1937

*It is ordered,* That the third paragraph of Order No. 282, heretofore issued on the 28th day of September, 1939,[1] beginning with the words "*Now therefore, it is ordered*" be and the same is hereby amended so as to include the following parenthetical clause after the word "report" and before the word "setting" in said paragraph: "(Code Members having a daily capacity of 50 tons or less need not have such report notarized)."

Dated, October 3, 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-3658; Filed, October 4, 1939; 10:13 a. m.]

[1] 4 F.R. 4118 DI.

## TITLE 36—PARKS AND FORESTS

### FOREST SERVICE

OCCUPANCY, USE, PROTECTION AND ADMINISTRATION OF NATIONAL FORESTS

MODIFICATION OF REGULATION U-3

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress of February 1, 1905 (33 Stat. 628), amendatory of the act of June 4, 1897 (30 Stat. 11, 35), I, H. A. Wallace, Secretary of Agriculture, do hereby amend Regulation U-3 (Sec. 251.22)[1] of the rules and regulations governing the occupancy, use, protection and administration of the national forests approved September 19, 1939, by substituting the following for said section:

"§ 251.22 (Reg. U-3) *Recreation areas.* Suitable areas of national forest land other than wilderness or wild areas which should be managed principally for recreation use but on which certain other uses may or may not be permitted may be given special classification. Areas in excess of 100,000 acres will be approved by the Secretary of Agriculture; areas of less than 100,000 acres may be approved by the Chief, Forest Service, or by such officers as he may designate."

In testimony whereof, I have hereunto set my hand and official seal at the city of Washington this 3d day of October 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3668; Filed, October 4, 1939; 12:42 p. m.]

[1] 4 F.R. 3994 DI.

## *Notices*

## DEPARTMENT OF AGRICULTURE.

### Food and Drug Administration.

REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER RELATIVE TO IDENTITY OF CANNED APRICOTS

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR EACH OF THE FOODS COMMONLY KNOWN AS CANNED PEACHES, CANNED APRICOTS, CANNED PEARS AND CANNED CHERRIES

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1143 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 10, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue N. W., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of containers; for each of the foods commonly known as canned peaches, canned apricots, canned pears, and canned cherries. The notice contained a proposal, in general terms, for defining and so standardizing each of such foods. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1.)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches.

3. In pursuance of such announcement, a hearing was held for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches, and the hearing was continued, with reference to the other proposals, to dates subsequently to be announced.

4. On April 14, 1939, at 1:45 p. m., the hearing on the definition and standard of identity proposal for canned apricots was convened and held on April 14, and at 6:10 p. m., was adjourned until May 1, 1939, and resumed on May 1, 1939, and concluded on May 2, 1939, at 11:50 a. m. It was ordered that all evidence with reference to the sucrose-dextrose issue introduced in evidence at the hearing on the definition and standard of identity proposal for canned peaches be incorporated in this record. Page references to the record of the hearings conducted on May 1, 1939, and May 2, 1939, are cited as "C. R. —". All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and written argument.

5. Within the time announced at the hearing within which interested persons might file proposed findings of fact, written argument, or both, various interested persons filed proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing which, if granted, would modify the proposal contained in the FEDERAL REGISTER.

6. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.

*Suggested Findings*

1. Canned apricots are prepared from mature apricots. (R. pp. 22, 23, 35)

2. Such apricots are in one of the following forms of units: whole peeled, whole unpeeled, halves peeled, halves unpeeled, peeled quarters, unpeeled quarters, peeled slices (peeled sliced), unpeeled slices (unpeeled sliced), peeled mixed pieces of irregular sizes and shapes, unpeeled mixed pieces of irregular sizes and shapes. (R. pp. 22, 23, 35, 46) Such forms of units are not mixed in canning. (R. pp. 22, 45) Each such form of units has its own designation. (R. pp. 22–23, 45) Canned apricots are not prepared in any other forms of units. (R. pp. 23, 45) Apricots of each such form of units are an optional apricot ingredient. (R. pp. 23, 34, 45, 46)

3. Except in the case of whole apricots, canned apricots are pitted. (R. p. 45)

4. Canned apricots contain a suitable liquid packing medium. (R. pp. 24, 34, 45–46) It may be the natural juice of the apricot obtained by precooking the apricots so that such juice exudes, or it may be an added liquid. (R. pp. 36, 48, 92)

5. Water is a suitable liquid packing medium. (R. pp. 25, 45)

6. The natural juice of the apricot is a suitable liquid packing medium. (R. pp. 65, 86–87, 88)

7. A water solution of sugar is a suitable liquid packing medium. (R. pp. 45, 78–82); (Identity of Peaches, R. pp. 37, 38, 48, 53, 92, 156, 183, 214)

8. Sugar is defined in Webster's International Dictionary on page 2521 thereof (C. R., Other Interested Parties' Exhibit No. 4) as:

"1. A sweet crystallizable substance, colorless or white when pure, occurring in many plant juices, and forming an important article of human food;—called specif. *cane sugar, sucrose,* and *saccharose.* The chief sources of sugar are the sugar cane and the sugar beet, the completely refined products of which are identical and form granulated sugar, loaf sugar, etc., of commerce. The cane juice, obtained by expression, is treated with lime to remove impurities, filtered, and evaporated to crystallization. The mother liquor, or molasses, is removed by draining or (now usually) by a centrifugal. The crude yellowish or brown sugar thus obtained is usually refined at central plants by redissolving, clarifying, decolorizing, and recrystallizing. In the case of beets the sugar is removed by extraction with water (diffusion) and carried to the refined state in one operation. Crude cane sugar is often sold as *brown sugar,* but crude beet sugar has an unpleasant flavor. Some sugar is also made from palm trees, maple trees, etc. Sugar forms fine monoclinic crystals melting at 186° C. (367° F.), which dissolve in about half their weight of water at ordinary temperature. Chemically, it is a disaccharide of the formula $C_{12}H_{22}O_{11}$, formed by union of one molecule of dextrose with one of levulose. It does not reduce Fehling solution and does not ferment directly, but is converted by diastase (or by heating with acids) into the fermentable mixture called *invert sugar.* It is dextrorotatory, a property which is used in estimating the strength of its solutions. Sugar is a food, and also serves as a condiment and preservative for other foods. See Food 1.

"2. By extension, any of a class of sweet, soluble compounds comprising the simpler carbohydrates. See Carbohydrate. The simple sugars, those not decomposable by hydrolysis, are called *monosaccharides.* Complex sugars are formed by the condensation of two, three, or four molecules of simple sugar and are called *disaccharides, trisaccharides,* and *tetrasaccharides.* For the structure and classification of simple sugar, see Monosaccharide. Among the important natural sugars are *sucrose* (See def. 1), or *cane sugar, dextrose* (d-*glucose*), or *grape sugar, levulose* (d-*fructose*), or *fruit sugar, lactose,* or *milk sugar,* and *maltose,* or *malt sugar.* Some of these, and also many others, have been made synthetically."

9. Prior to the hearing, a letter was addressed to the Secretary of Agriculture asking for a definition of the word "sugar" as used in the proposal, which letter was answered under the signature of the Secretary of Agriculture, which answer reads as follows and is Other Interested Parties' Exhibit No. 2, Identity of Peaches:

"We have your letter of March 30 referring to proposals for food standards to be considered at public hearings on April 10, 1939. You inquire as to our interpretation of the words 'Water solution of sugar, of 25° Brix or more' and 'Water solution of sugar, of less than 25° Brix' as used in these proposals.

"The word 'sugar' as used therein refers to sugar as defined in the current advisory definition and standard of identity for sugar under the present

Food and Drugs Act, which you will find on page 11 of the enclosed F. D. 2, definition 1, under 'A. Sugar and Sugar Products.' These are merely proposals. The final standards will be based on evidence adduced at the public hearing and any interested party is, of course, invited to submit proposals for other packing mediums."

10. In S.R.A., F.D. No. 2, Rev. 5 (Identity of Peaches, Other Interested Parties' Exhibit No. 2), under "Sugars and Related Substances", the following appears:

"A. Sugar and Sugar Products

"1. *Sugar.* Sucrose (saccharose) obtained chiefly from sugarcane and sugar beets. Granulated, loaf, cut, milled, and powdered sugars are different forms of sugar, containing at least 99.5 percent of sucrose."

Under "B. Dextrose and Related Products", the following appears:

"1. *Dextrose.* The product chiefly made by the hydrolysis of starch or a starch-containing substance, followed by processes of refining and crystallization *

"a. Anhydrous dextrose contains not less than 99.5 percent of dextrose and not more than 0.5 percent of moisture.

"b. Hydrated dextrose contains not less than 90 percent of dextrose and not more than 10 percent of moisture, including water of crystallization.

"* When derived from cornstarch, dextrose is known commercially as refined corn sugar."

11. Starch is a polysaccharide. Sucrose is a disaccharide. Dextrose and levulose are monosaccharides. (C.R. p. 32)

12. Polysaccharides such as starch have a higher caloric value per gram than the disaccharides such as sucrose, and the disaccharides have a higher caloric value per gram than the monosaccharides such as dextrose and levulose. (C. R. p. 32)

13. By the dictionary definition, the simple sugars, monosaccharides, are not decomposable by hydrolysis. (C. R., Other Interested Parties' Exhibit No. 4)

14. Sugar, as described in the Encyclopedia Britannica on page 523 (C. R., Other Interested Parties' Exhibit No. 5), applies to over 100 substances, having distinctive properties and scientific names; for example, sucrose, glucose, fructose, lactose, maltose, etc.

15. "As ordinarily understood, of course, by chemists, and physiologists, sugar is just one of the break-down products of two other large nutritive ingredients, namely, ordinary starch from plants, and starch from animals. Now as they are digested or hydrolized, you get ultimately a double sugar, nutritively it is like cane sugar, or beet sugar, and then when they are inverted, further changed into the form that they are absorbed and actually utilised in the body, we have dextrose and levulose, so that beginning with starch you have the double sugars, maltose and fructose, and then you have the simple sugars, which is the ultimate product.

"There are other forms of sugars that can be utilised by various bacteria, but not by man." (Identity of Peaches, Carlson p. 159)

16. Crystalline dextrose manufacture was made commercially possible in 1923 by the granting of the Newkirk patents (October 23, 1923; September 16, 1924; January 6, 1925) on corn starch hydrolysis and the economical separation of high purity dextrose from the converter liquors. (Identity of Peaches, Other Interested Parties' Exhibit No. 3)

17. Not until 1926 was chemically pure dextrose accepted by the United States Pharmocopoeia. (Identity of Peaches, Other Interested Parties' Exhibit No. 3)

18. Not until 1930, when the Secretary of Agriculture ruled that refined dextrose (corn sugar) could be used in the manufacture of food products without label declaration, was the utilization of dextrose by canners, preservers, beverage manufacturers and allied food industries seriously considered. (Identity of Peaches, Other Interested Parties' Exhibit No. 3)

19. In 1930, the Secretary of Agriculture ruled:

"Corn sugar (dextrose) when sold in packages must be labeled as such; when sold in bulk must be declared as such; but the use of pure refined corn sugar as an ingredient in the packing, preparation, or processing of any article of food in which sugar is a recognized element need not be declared upon the label of any such product.

"Nothing in this ruling shall be construed to permit the adulteration or imitation of any natural product such as honey by the addition of any sugar or other ingredient whatever.

"The term 'sugar', with or without the parenthetical expression 'sucrose', as used in the definitions to designate the sweetening agent in manufactured food products, is to be interpreted, wherever necessary to effect the purpose of the foregoing decision, as including dextrose (pure, refined corn sugar)." (Identity of Peaches, Other Interested Parties' Exhibit No. 1)

20. The great bulk of consumers regard "sugar" as the common or usual name of sucrose, i. e., cane or beet sugar. (Identity of Peaches, R. pp. 53, 132, 177, 350, 360, 397, 404, 416, 424, 442, 453, 461, 465, 472)

21. Within the past 3½ years, refined corn sugar (dextrose) has been used in the canning of apricots. (Identity of Peaches, R. p. 275)

22. Prior to that time, cane or beet sugar (sucrose) was the only sugar used in the canning of apricots. (Identity of Peaches, R. pp. 199–200, 275–276, 369, 400, 422, 442, 472); (Identity of Peaches, Other Interested Parties' Exhibit No. 3)

23. The simple sugar, dextrose, is now obtainable by hydrolysis from corn starch; is called "refined corn sugar"; and is now used in combination with cane or beet sugar (sucrose) in a water solution as a liquid packing medium for canned apricots. (Identity of Peaches, R. pp. 199–200, 258, 275); (Identity of Peaches, Other Interested Parties' Exhibits Nos. 3 and 4)

24. Refined corn sugar (dextrose) and cane or beet sugar (sucrose) differ in sweetness, in food value, in manner of absorption, in solubility, and their solutions differ in viscosity, in osmotic pressure, and in boiling temperature. (Identity of Peaches, R. pp. 66–67, 174–175, 177, 257, 260–261, 265, 333–345, 347, 370–371, 398, 427, 499–500, 513–517); (C. R. pp. 21, 22, 52, 53, 54, 55, 57); (Identity of Peaches, Other Interested Parties' Exhibit No. 3) A water solution of refined corn sugar (dextrose) as the liquid packing medium cannot be used alone in the canning of apricots. The maximum amount of refined corn sugar (dextrose) which has been so used for commercial purposes, in combination with cane or beet sugar (sucrose), is 33⅓% refined corn sugar (dextrose) and 66⅔% cane or beet sugar (sucrose) or cane and beet sugar (sucrose). (Identity of Peaches, R. pp. 199–200, 258, 275.) Refined corn sugar (dextrose) is not as sweet as cane or beet sugar (sucrose), being generally regarded as from 50% to 75% as sweet as cane or beet sugar (sucrose). (Identity of Peaches, R. pp. 66–67, 174–175, 217, 260–261, 499–500, 513–517.) Consumers are accustomed to gauge sweetness according to that of cane or beet sugar (sucrose). (Identity of Peaches, R. p. 218)

25. Refined corn sugar (dextrose) sells on the open market at a cheaper price than cane or beet sugar (sucrose). (Identity of Peaches, R. pp. 189, 239); (C. R. p. 58); (C. R., Affidavits of A. B. Saroni, H. P. Nachtrieb, and Phillip Kelley)

26. Another sugar, refined corn sugar (dextrose), is now used in the canning of apricots, as well as cane sugar and beet sugar (sucrose), and it will promote honesty and fair dealing in the interest of consumers to differentiate between the kinds of sugars used in preparing the liquid packing medium of canned apricots. (Identity of Peaches, R. pp. 66–67, 398, 406, 424, 427, 437, 471, 492)

27. A label statement of the origin of such sugars used in preparing such liquid packing medium will promote honesty and fair dealing in the interest of the consumer. (Identity of Peaches, R. pp. 424, 492)

28. The use of the qualifying words "cane sugar", "beet sugar", followed by their chemical name "sucrose", and "refined corn sugar", followed by its chemical name "dextrose", will promote honesty and fair dealing in the interest of the consumer. (Identity of Peaches, R. pp. 41, 42, 57, 58, 71, 100, 102, 120, 121, 132, 163, 229, 239, 404, 425, 450, 453); (C. R. pp. 67–69)



29. A water solution of sugar is used not only as a liquid packing medium but also as a sweetening agent. (Identity of Peaches, R. pp. 72, 163, 172, 174, 175, 231, 256)

30. Such sweetening agent is called sirup. (Identity of Peaches, R. pp. 71, 120)

31. There are four water solutions of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) known as sirups to consumers and used in the industry, to wit: light, medium, heavy, and extra heavy. (R. pp. 69–70); (Identity of Peaches, R. pp. 120, 121, 126, 131, 229, 297, 425) It is a customary trade and consumer practice so to distinguish them. (Identity of Peaches, R. pp. 41, 61, 131, 229, 424) Such sirups are measured and distinguished by their specific gravity as determined by the Brix hydrometer. The Brix hydrometer is a reliable instrument for testing specific gravity of liquid solutions and is in general use. (R. pp. 26, 74); (Identity of Peaches, R. p. 40, 136) A water solution of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) which does not show a reading of 10° on the Brix hydrometer does not sweeten the finished canned apricots sufficiently to be known as a sirup for this food. (R. pp. 49, 69, 74, 86)

32. When such sirups are prepared from cane or beet sugar (sucrose) or cane and beet sugar (sucrose), they have, respectively, the following readings on the Brix hydrometer: not less than 10° but less than 25°, not less than 25° but less than 40°, not less than 40° but less than 55°, and not less than 55°, but when such sirups of equivalent sweetness are prepared from a mixture of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) and refined corn sugar (dextrose), they do not have the above readings on the Brix hydrometer because of the difference in sweetness between refined corn sugar (dextrose) and cane or beet sugar (sucrose). However, the Brix reading of a sucrose sirup equivalent in sweetness to that of any such mixture is obtained by adding the percent by weight of cane or beet sugar (sucrose), or both, in such mixture to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution. Such calculated Brix readings (sucrose equivalents) are identical with the limits above set forth. (R. pp. 27–28, 37, 48, 53, 56, 69, 70, 72)

33. Due to the fact that in canned apricots which have been prepared with a liquid packing medium consisting of a water solution of cane or beet sugar (sucrose) or cane and beet sugar (sucrose), there will be present in addition to sucrose, due to inversion, levulose and dextrose and that in canned apricots which have been prepared with a liquid packing medium consisting of a water solution of a mixture of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) and refined corn sugar (dextrose), there will likewise be present sucrose, and due to inversion, levulose and dextrose, the consumer would have no way of telling, from an examination of the finished canned apricots, the optional sugar ingredient used. It will, therefore, promote honesty and fair dealing in the interest of the consumer to require a label statement of the optional sugar ingredient used in the preparation of the liquid packing medium. (Identity of Peaches, R. p. 492)

34. The common or usual names of such sirups are light sirup, medium sirup, heavy sirup, and extra heavy sirup, qualified by the name of the kind or kinds of sugar used to make such sirups. (R. pp. 27–28, 37, 48, 53, 56, 69, 70, 72)

35. The liquid of the finished canned apricots is not more than 40° as determined by the Brix hydrometer. (R. pp. 29, 34, 45, 66, 67)

36. Canned apricots may or may not be seasoned. (R. pp. 30, 34, 45, 46)

37. Spice is a suitable seasoning agent. (R. pp. 30, 45)

38. Flavoring is a suitable seasoning agent. (R. pp. 30, 45)

39. A vinegar is a suitable seasoning agent. (R. pp. 30, 45)

40. Apricot kernels are a suitable seasoning agent, except in the case of whole apricots. (R. pp. 30, 31, 45)

41. Apricot pits, in limited amounts, are a suitable seasoning agent, except in the case of whole apricots. (R. pp. 30, 45, 65) The number of pits suitable for such purpose is limited to not more than one to each eight ounces of finished canned apricots. (R. pp. 30–31, 93, 94, 98, 100)

42. Such seasoning agents are used singly or in combination, except that apricot pits and apricot kernels are not used in combination. (R. pp. 31, 45)

43. It is essential that canned apricots be sealed in a container. (R. pp. 45, 46)

44. It is essential to so process canned apricots by heat as to prevent spoilage. (R. pp. 32, 45, 46)

45. Honesty and fair dealing in the interest of the consumer requires that the optional apricot ingredient, the optional liquid packing medium, and the optional seasoning ingredients be declared on the label. (R. pp. 32–33, 92); (Identity of Peaches, R. pp. 140, 191, 201, 210, 220, 238, 239, 259, 337, 338, 339, 349, 350, 351, 360, 367, 369, 370, 371, 398, 399, 401, 406, 415, 417, 419, 420, 421, 422, 424, 427, 433, 436, 438, 442, 471, 484, 485, 492); (C. R. p. 59); (C. R., Other Interested Parties' Exhibit No. 8a)

46. The common or usual name of unpeeled canned apricots is the name of the form of unit, qualified by the term "unpeeled." (R. pp. 23, 53, 67, 73–74, 83, 84, 85)

47. The common or usual name of peeled canned apricots is the name of the form of unit, qualified by the term "peeled." (R. pp. 23, 53, 67, 73–74, 83, 84, 85)

48. The common or usual name of water is water. (R. pp. 27–28, 69, 74)

49. The common or usual name of the natural juice of the apricot is apricot juice. (R. pp. 69, 74)

50. The common or usual name of sucrose is sugar; and the common or usual name of dextrose is refined corn sugar (dextrose). (Identity of Peaches, R. pp. 53, 61, 177, 215, 351, 367, 372, 373, 397, 398, 404, 416, 424, 461, 465, 510); (C. R. pp. 48, 49, 70)

51. The common or usual name of spice used as a seasoning is spice. (R. pp. 32, 53, 69, 72, 74–75)

52. The common or usual name of flavoring used as a seasoning is flavoring. (R. pp. 32, 53, 69, 72, 74–75)

53. The common or usual name of a vinegar used as a seasoning is vinegar. (R. pp. 32, 53, 69, 72, 74–75)

54. The common or usual name of apricot pit kernels used as a seasoning is apricot kernels. (R. pp. 32, 53, 69, 72, 74–75)

55. The common or usual name of apricot pits used as a seasoning is apricot pits. (R. pp. 32, 53, 69, 72, 74–75)

56. Honesty and fair dealing in the interest of the consumer requires that when spices, flavoring, vinegar, apricot pits, or apricot kernels are used that the label bear the words "Spiced", or "With Added Spice", or "Spice Added"; "With Added Flavoring", or "Flavoring Added"; "With Added Vinegar", or "Vinegar Added"; "Seasoned with Apricot Pits", or "Seasoned with Apricot Kernels", as the case may be; but if two or more of such optional ingredients are present, such words may be combined as, for example, "With Added Spice, Flavoring and Vinegar." In lieu of the words "Spice" or "Spiced" and "Flavoring", the common or usual name of the spice or flavoring may be used. (R. pp. 34, 74–75)

57. Honesty and fair dealing in the interest of the consumer requires that wherever the name "apricots" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the specific varietal name of the apricots may so intervene. (R. pp. 33, 54, 75, 96)

*Suggested Conclusion in the Form of a Regulation*

Upon the basis of the foregoing findings of fact, the following reasonable definition and standard of identity for the food commonly known as canned apricots is hereby suggested to be promulgated as a regulation:

§ 27.010 *Canned apricots—Identity; label statement of optional ingredients.* (a) Canned apricots are the food prepared from mature apricots. Such apricots, except in the case of whole apricots, are pitted, and are in one of the following forms of units: whole peeled; whole unpeeled; halves peeled; halves unpeeled; peeled quarters; unpeeled quarters;

peeled slices (peeled sliced); unpeeled slices (unpeeled sliced); peeled mixed pieces of irregular sizes and shapes; unpeeled mixed pieces of irregular sizes and shapes. Apricots of each such form of units are an optional apricot ingredient. To one such ingredient is added one of the optional ingredients:

(11) A water solution of cane sugar (sucrose), of not less than 10° Brix but less than 25° Brix;

(12) A water solution of beet sugar (sucrose), of not less than 10° Brix but less than 25° Brix.

(13) A water solution of cane and beet sugar (sucrose), of not less than 10° Brix but less than 25° Brix;

(14) A water solution of cane sugar (sucrose), of not less than 25° Brix but less than 40° Brix;

(15) A water solution of beet sugar (sucrose), of not less than 25° Brix but less than 40° Brix;

(16) A water solution of cane and beet sugar (sucrose), of not less than 25° Brix but less than 40° Brix;

(17) A water solution of cane sugar (sucrose), of not less than 40° Brix but less than 55° Brix;

(18) A water solution of beet sugar (sucrose), of not less than 40° Brix but less than 55° Brix;

(19) A water solution of cane and beet sugar (sucrose), of not less than 40° Brix but less than 55° Brix;

(20) A water solution of cane sugar (sucrose), of not less than 55° Brix;

(21) A water solution of beet sugar (sucrose), of not less than 55° Brix;

(22) A water solution of cane and beet sugar (sucrose), of not less than 55° Brix;

(23) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 10° but less than 25° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(24) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 10° but less than 25° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(25) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 10° but less than 25° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(26) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 25° but less than 40° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(27) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 25° but less than 40° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(28) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 25° but less than 40° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(29) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane suger (sucrose) equivalent of not less than 40° but less than 55° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(30) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 40° but less than 55° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(31) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 40° but less than 55° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(32) A water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 55° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(33) A water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 55° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(34) A water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 55° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(35) Apricot juice;

(36) Water.

The food may be seasoned with one or more of the optional ingredients:

(37) Spice;

(38) Flavoring;

(39) A vinegar;

(40) Apricot pits [except in the case of whole apricots], not more than 1 to each 8 ounces of finished canned apricots;

(41) Apricot kernels [except in the case of whole apricots and except when optional ingredient (40) is present].

The food is sealed in a container and so processed by heat as to prevent spoilage. The liquid of the finished canned apricots is not more than 40° Brix.

(b) The label shall bear the words "Whole Peeled", or "Whole Unpeeled"; "Halves Peeled", or "Halves Unpeeled"; "Peeled Quarters", or "Unpeeled Quarters"; "Peeled Slices", or "Peeled Sliced"; "Unpeeled Slices", or "Unpeeled Sliced"; "Peeled Mixed Pieces of Irregular Sizes and Shapes", or "Unpeeled Mixed Pieces of Irregular Sizes and Shapes"; naming the optional apricot ingredient present. The label shall also bear the words "In Light Cane Sugar (Sucrose) Sirup", "In Light Beet Sugar (Sucrose) Sirup", "In Light Cane and Beet Sugar (Sucrose) Sirup", "In Light Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Light Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Light Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Cane Sugar (Sucrose) Sirup", "In Medium Beet Sugar (Sucrose) Sirup", "In Medium Cane and Beet Sugar (Sucrose) Sirup", "In Medium Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Cane Sugar (Sucrose) Sirup", "In Heavy Beet Sugar (Sucrose) Sirup", "In Heavy Cane and Beet Sugar (Sucrose) Sirup", "In Heavy Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Cane Sugar (Sucrose) Sirup", "In Extra Heavy Beet Sugar (Sucrose) Sirup", "In Extra Heavy Cane and Beet Sugar (Sucrose) Sirup", "In Extra Heavy Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Apricot Juice", or "In Water", showing respectively the presence of optional ingredients (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), or (36), as the case may be. If optional ingredient (37), (38), (39), (40), or (41) is present, the label shall bear the words "Spiced", or "With Added Spice", or "Spice Added"; "With Added Flavoring", or "Flavoring Added"; "With Added Vinegar", or "Vinegar Added"; "Seasoned with Apricot Pits"; or "Seasoned with Apricot Kernels"; as the case may be; but if two or more of such optional ingredients are present, such words may be combined as, for example, "With Added Spice, Flavoring and Vinegar". In lieu of the words "Spice" or "Spiced" and "Flavoring", the common or usual name of the spice or flavoring may be used. Wherever the name "Apricots" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the apricots may so intervene.

*Time Within Which to File Objections*

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time, each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN MCDILL FOX,
*Presiding Officer.*

SEPTEMBER 18, 1939.

[F. R. Doc. 39-3664; Filed, October 4, 1939; 12:41 p. m.]





## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

[Docket No. 3646]

IN THE MATTER OF THE C. F. SAUER COMPANY, A CORPORATION

*Amended Complaint*

The Federal Trade Commission, having reason to believe that the party respondent, named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Section 13), hereby issues its amended complaint, stating its charges with respect thereto as follows:

*Count I*

PARAGRAPH 1. The respondent, C. F. Sauer Company, is a corporation, organized and existing under the laws of the State of Virginia, with its principal office and place of business located at 2000 West Broad Street, in the City of Richmond, State of Virginia. The respondent is engaged in manufacturing, selling and distributing numerous grocery products, and owns and operates two manufacturing plants, one located in Greenville, South Carolina, and one located in Richmond, Virginia. Mayonnaise and salad dressing are manufactured at respondent's plant located in Greenville, and are sold and distributed from said plant, and from respondent's plant at Richmond. Extracts, spices, tea, pepper, drugs, insecticides and other commodities are manufactured, processed and packaged at, and are sold and distributed from respondent's plant located at Richmond.

The respondent has sold, and sells, its commodities, in general, to three groups of customers: wholesale grocers, retail chain grocers and retail grocers.

Respondent facilitates its sales by the use of a large staff of traveling salesmen, numbering approximately seventy, who travel in the various states of the United States securing orders, which are forwarded to the home office in Richmond, Va., for execution. Many additional orders are secured from customers through the mails after solicitation by salesmen and others.

PAR. 2. Since June 19, 1936, in the course and conduct of its business, the respondent has been and is now manufacturing the aforesaid commodities, in the aforesaid plants, and has sold, shipped, and does now sell and ship, such commodities in commerce between and among the various states of the United States from the states in which its factories are located, across state lines to purchasers thereof located in states other than the states in which respondent's said plants are located.

PAR. 3. Since June 19, 1936, while engaged, as aforesaid, in commerce among the several states of the United States and the District of Columbia, the respondent has been, and is now, in the course of such commerce, directly and indirectly discriminating in price between different purchasers of commodities of like grade and quality, which commodities are sold for use, consumption, and resale within the several states of the United States and the District of Columbia, in that the respondent has been, and is now, selling such commodities to some purchasers at a higher price than the price at which such commodities are sold to other purchasers generally competitively engaged with the favored purchasers.

Respondent effects said discriminations by granting and allowing larger discounts and rebates from list prices and lower net prices to some of such purchasers than to others. The extent of said discriminations in price varies from differentials of approximately five per cent to differentials of approximately thirty-three per cent, depending upon the commodity sold and the customer, or either.

PAR. 4. Dixie Home Stores is a corporation organized and existing, since approximately May 1937, under the laws of the State of South Carolina. It is engaged in business as a retail grocery chain, and has its principal place of business, purchasing agent, and warehouse in Greenville, South Carolina. It has purchased and received delivery of approximately six thousand dollars worth of commodities from respondent each month from approximately May 1937 to date, which commodities are destined to be and are distributed by Dixie Home Stores through its own facilities to approximately one hundred and seventy retail grocery stores which it owns and operates. A large number of said stores are located in all sections of South Carolina and in the western section of North Carolina, and a few are located in the northeastern section of Georgia. Each of said stores is in competition in those areas with other persons, firms, partnerships, and corporations, who are similarly engaged in the grocery business and purchase commodities of like grade and quality from respondent.

Dixie Home Stores was organized and brought into existence about May 1937 by merging and consolidating two retail grocery chains, namely, Dixie Stores and Home Stores, each of which, prior to consolidation and merger, was an independent corporation organized and existing under the laws of the State of South Carolina. Home Stores had its principal place of business at Columbia, South Carolina, and Dixie Stores had its principal place of business at Greenville, South Carolina, in which latter city Dixie Home Stores now has its similar facilities and respondent has one of its plants.

Each of said corporations maintained its purchasing agent and warehouse at their respective principal places of busi-

ness, where each purchased and received delivery of approximately three thousand dollars worth of commodities from respondent each month from June 19, 1936, to approximately May 1937, which commodities were destined to be and were distributed by each, respectively, to approximately eighty-five retail grocery stores which each owned and operated. The approximate eighty-five retail grocery stores of the Home Stores were located in the central and southern sections of South Carolina and in the northeastern section of Georgia, while the approximate eighty-five retail grocery stores of Dixie Stores were located in the northern and western sections of South Carolina, and the western section of North Carolina. These stores, although now owned and operated by Dixie Home Stores, retain their respective names as Home Stores and as Dixie Stores in the communities where located.

Approximately the same net prices, discounts and other allowances granted by respondent to Dixie Home Stores, as hereinafter alleged in Paragraph Eight, and in Exhibit A, were granted and allowed by respondent to Dixie Stores and to Home Stores, respectively, prior to consolidation, although respondent sold to Dixie Stores and to Home Stores, respectively, only approximately one-half the dollar quantity of commodities now sold to Dixie Home Stores. The Home Stores and the Dixie Stores through their respective retail stores were, and the Dixie Home Stores through its retail stores were and are, in competition, in the area where each of such stores is located, with other purchasers of respondents commodities who pay higher net prices and receive smaller discounts and other allowances than said Home Stores, Dixie Stores and Dixie Home Stores.

PAR. 5. Approximately the same net prices, discounts and other allowances alleged in Paragraph Eight and in Exhibit A to have been granted and allowed by respondent to Thomas & Howard Companies have been, and are being, granted and allowed by respondent to approximately twelve firms and their branches, each of which is engaged in the wholesale grocery business and the names and locations of which are as follows:

1. Thomas and Howard Company of Columbia, S. C., with branches at Camden, Newberry and Darlington, South Carolina;

2. Thomas and Howard Company of Greenville, S. C., with a branch at Seneca, South Carolina;

3. Thomas and Howard Company of Charleston, S. C., with a branch at Allendale, South Carolina;

4. Thomas and Howard Company of Chester, S. C.;

5. Thomas and Howard Company of Spartanburg, S. C.;

6. Thomas and Howard Company of Sumter, S. C.;

each of which is a corporation organized and existing under the laws of the State of South Carolina;

7. Thomas and Howard Company, Inc., of Charlotte, N. C., with branches at Salisbury and Rocky Mount, N. C.;

8. Thomas and Howard Company of Hickory, N. C.;

each of which is a corporation organized and existing under the laws of the State of North Carolina;

9. Thomas and Howard Company of Durham, N. C.;

10. Thomas and Howard Company of Greensboro, N. C.;

each of which is organized and does business as a partnership;

11. Timberlake Grocery Company of Thomasville, Georgia;

12. Christiansburg Canning Company of Pulaski, Virginia.

The Timberlake Grocery Company was organized and is doing business as a corporation under the laws of the State of Georgia, and The Christiansburg Canning Company was organized and is doing business under the laws of the State of Virginia; and each of which is referred to, and known by the trade as Thomas and Howard Companies, although they do not use the words "Thomas and Howard Company" in the respective names under which they do business.

Each of said firms purchase from approximately three thousand dollars worth to approximately thirty-five thousand dollars worth of commodities from respondent each year, and the aggregate of the purchases of all of said firms is approximately three hundred thousand dollars worth per year. Respondent solicits orders from each of said firms and its branches individually, at their respective and geographically separated place of business, from purchasing officers who purchase exclusively for their respective firms; and respondent delivers commodities when purchased to their respective individual warehouses located at their respective places of business.

Each of said firms is a separate, distinct and independent legal and business entity, doing business with respondent as aforesaid, yet the basis upon which respondent grants the same net prices, discounts, and other allowances to each of said firms and its branches is that respondent considers and treats the purchases of all of them collectively as constituting the purchases of a single purchaser, and grants to each of said firms and its branches the net prices, discounts and other allowances which respondent has determined are applicable to a single purchaser who purchases approximately three hundred thousand dollars worth of said commodities a year upon solicitation at and delivery to a single point. Although respondent has no such purchaser buying such a volume under such circumstances, respondent uses a hypothetical purchaser purchasing under such circumstances as a standard in granting said preferences to Thomas and Howard Companies and in refusing to grant similar preferences to other and competing purchasers, who, as individual firms, do not and cannot purchase such a volume, under such circumstances, but who do purchase as great a volume of commodities in a year as many of said firms.

When said firms are considered as a single purchaser, they do a volume of business which constitutes a substantial portion of the entire wholesale grocery business in the states where located, and they are so strategically located geographically in those states as to blanket those areas. Each of said Thomas and Howard Companies and branches are in competition, in the area where located, with other purchasers from respondent who are similarly engaged in the distribution of grocery commodities and who are charged and who pay higher net prices and receive smaller net discounts and other allowances than said Thomas and Howard Companies and branches; and some of the customers of each of said Thomas and Howard Companies and branches are in competition, in the areas where such customers are located, with customers of such other distributors. When all of said Thomas and Howard Companies and branches are treated as a single purchaser and each is accorded the terms of sale which respondent has determined are applicable to such a hypothetical purchaser, each of said firms and its branches exerts in its competitive area the same power that could be exerted by such hypothetical firm if located in each of such areas.

PAR. 6. Rose-Phillips Company is a corporation, organized and existing under the laws of the State of South Carolina, having its principal place of business at Greenwood, South Carolina, and engages in the wholesale grocery business, buying groceries, vegetables, fruits, and other varieties of food and household commodities and selling such commodities to retail grocery stores, some of which are in competition with some of the retail grocery stores of Dixie Home Stores. It serves a large part of the trade area served by Thomas and Howard Company, of Newberry, South Carolina, and to a limited extent it serves the trade area served by Thomas and Howard Company of Spartanburg, South Carolina, and Thomas and Howard Company of Greenville, South Carolina. Rose-Phillips Company was a purchaser of respondent's products on June 19, 1936, and continued to be a purchaser of respondent's products for some time thereafter. Rose-Phillips Company ceased to purchase commodities from respondent some months after June



19, 1936, when respondent refused to grant and allow to said company the same net prices, discounts and other allowances which respondent granted and allowed to competitors of said company, namely, the Thomas and Howard Companies, and to competitors of said company's customers, namely, Home Stores, Dixie Stores and Dixie Home Stores. The foregoing allegations with respect to Rose-Phillips Company are equally applicable to many other of respondent's customers and former customers.

PAR. 7. Some of said discriminations in prices are effected through the use by respondent of three price lists. Each of said price lists states the prices at which the respondent instructs its salesmen and representatives to quote certain commodities, some of which are on each list. As to some commodities which appear on each list, a different price is stated in each list, one list stating the lowest price, another list stating a higher price, and another list stating the highest price at which such commodities are sold. Such lists are effective concurrently, but each list is used in quoting prices to only certain customers, the customers quoted from each list being mutually exclusive. Respondent furnishes one or more of such lists to some of its salesmen and representatives together with the names of the customers to be quoted therefrom. The majority of respondent's customers are quoted prices from the list containing the highest prices; a smaller number of customers are quoted from the list containing prices lower than those contained in the first; and the smallest number of customers are quoted from the list containing the lowest prices. Respondent secures the enforcement of such policy by threatening to discharge and discharging any salesman who deviates therefrom by quoting a customer from any list other than the one specified by the respondent or who informs a customer of the existence of a list price lower than the list price specified by respondent to be quoted to that customer.

PAR. 8. Specific illustrations of said discriminations are as follows, to wit: Respondent sold miscellaneous spices of like grade and quality to the following purchasers at the following prices; to Dixie Home Stores at a net price of forty cents per dozen packages; to Milner Stores, which is a retail grocery chain located in various sections of North Carolina, at a net price of fifty cents per dozen packages; to McGee & Bleckley, Anderson, South Carolina, Rose-Phillips Company of Greenwood, South Carolina, and many other wholesale grocers, at a net price of sixty cents per dozen packages. Respondent, therefore, sold such spices to Dixie Home Stores at a price which is twenty per cent less than the price to Milner Stores, and more than thirty-three per cent less than the price to McGee & Bleckley, Rose-Phillips Company and many others; and to Milner Stores at a price approximately seventeen per cent less than the price at which it sold such spices to McGee & Bleckley and many other purchasers.

Respondent sold Sauer's Salad Dressing of like grade and quality, in pint sizes to the following purchasers at the following prices: to Dixie Home Stores at a net price of one dollar and sixty-five cents per dozen; to Rose-Phillips Company, and many others, at a net price of two dollars and one cent per dozen. Respondent, therefore, sold such salad dressing to Dixie Home Stores at a price which is approximately eighteen per cent less than the price to Rose-Phillips Company and many other purchasers.

Respondent sold Number Five Vanilla of like grade and quality to the following purchasers at the following prices: to the Thomas and Howard Companies at a net price of one dollar and forty-five cents per dozen; to Augusta Grocery Co., of Augusta, Georgia, Seneca Grocery Company, Rose-Phillips Company, Talmage Bros. & Co., Inc., of Athens, Georgia, and many others, all of whom are wholesale grocers, at a net price of one dollar and sixty-seven cents. Respondent, therefore, sold such extracts to said Thomas and Howard Companies at more than thirteen per cent less than to Augusta Grocery Co., Seneca Grocery Company, Rose-Phillips Company, Talmadge Bros. & Co., Inc., and many other purchasers. Further illustration of said discriminations are shown in a comparative table, marked Exhibit A, attached to and hereby made a part of this complaint. Each of the firms listed in Exhibit A are or have been purchasers of respondent. In each specific illustration of respondent's discriminations in prices alleged above, and in Exhibit A, the sales to the favored and the unfavored purchasers accruing during an interval of time during which there was no upward or downward movement in the prices of said commodities.

PAR. 9. The effect of the discriminations in prices as hereinbefore set forth may be substantially to lessen competition in the sale and distribution of the said commodities in the respective lines of commerce in which respondent and its customers are engaged, and has been, and may be, to injure, destroy, or prevent competition in the sale and distribution of said commodities with the respondent and with its customers who receive the benefits of such discriminatory prices.

PAR. 10. Such discriminations in prices by respondent between different purchasers of goods of like grade and quality in interstate commerce in the manner and form aforesaid are in violation of the provisions of Section 2 (a) of the Act described in the preamble hereof.

*Count II*

PAR. 1. Paragraphs One, Two, Four, Five and Six of Count I are hereby referred to, and by that reference incorporated herein as fully and completely as they would be if set forth here in verbatim.

PAR. 2. While engaged in commerce in the conduct of its business, and in the course of such commerce, as above alleged and described, respondent is now and has been, subsequent to June 19, 1936, engaged in manufacturing, processing, and packaging such commodities for sale, and selling such commodities to customers competitively engaged with each other in the handling, offering for sale, and sale of such commodities to consumers, and to others for resale to consumers; and the respondent contracts to pay and pays to some, but not all, of such customers, and to representatives of some, but not all, of such customers for the benefit of the customers represented, valuable consideration, in the form of credit memoranda, checks, and otherwise, in consideration of and as compensation for transportation and advertising services and facilities, contracted to be furnished and furnished by and through such customers directly, and by such customers acting through such representatives in connection with the handling, offering for sale, and sale of said commodities as have been theretofore sold by respondent to them.

PAR. 3. Respondent makes such payments as compensation for advertising services and facilities in connection with the offering for sale, and sale of such commodities on at least two bases, namely:

(1) On a basis of a percentage of the net cost of the commodities purchased;

(2) On a basis of a definite fixed sum, the amount of which is not calculable by any determinable method.

Such payments are not available on proportionally equal terms to all customers competing in the distribution of such commodities, in that:

(1) The same was not available, for example, to the following customers of respondent: J. Drake Edens, Columbia, S. C.; Standard Grocery Company, Greenwood Jitney Jungle, Inc., Miller Stores, all of Greenwood, S. C.; and P. P. Pearson and Williams Piggly Wiggly Store of Gastonia, N. C.

(2) With reference to payments calculated on the basis of a percentage of the net cost of the commodities purchased, respondents grant to some of such customers receiving such payments a greater percentage than to others, and to some of such customers such percentage is not available at all. For example, respondent sells Dukes Mayonnaise in pint sizes to Thomas and Howard Companies and grants them payment of five percent and five percent; and also to Dixie Home Stores; Lipscomb & Russell Company of Greenville, S. C.; McGee & Bleckley and Anderson Hardware Company of Anderson, S. C.; Augusta Grocery Company, of Augusta, Georgia; Talmage Bros. & Co., Inc., of Athens, Georgia; The Great Atlantic & Pacific Tea Com-





NOTICE

mitted constitute the violation or vio-

(4) That the applicant file with this

pany, of Charlotte, N. C., and many others, and grants them payments of only five percent.

Respondent sells Sauer's Salad Dressing and miscellaneous spices to Dixie Home Stores, and grants it payments of five percent; and also to Lipscomb Russell Company, McGee & Bleckley, Anderson Hardware Company, Augusta Grocery Company, Copeland Grocery Company, of Elberton, Ga., Seneca Grocery Company, of Seneca, S. C., and many others, and grants them no payments on such purchases.

(3) With reference to the payments made on a basis of a definite fixed sum, the amount of which is not calculable on any determinable basis; the respondent grants to some of such customers receiving such payments a greater sum than to others, and to some of such customers, such payments are not available at all.

For example, the respondent pays to the following customers directly and through the representatives of such customers for the benefit of the customers represented:

Charlotte, N. C.: Retail Grocers Ass'n, $40.00 per month. Independent Food Dealers Ass'n, $25.00 per month.

Washington, D. C.: Nation-Wide Stores, 5% on net purchases. District Grocery Stores, $40.00 per month.

Richmond, Va.: Monogram Food Stores, 5% on net purchases. Richmond Food Stores, 5% on net purchases. Sunny South Stores, $380.00 per year.

The payments made to customers directly or to the representatives of such customers for their benefit on a percentage basis as illustrated above are set out for the purpose of comparison.

Further illustrations as to the amounts of such payment made to competing customers of respondent as compensation for advertising services and facilities are set out in Exhibit A.

PAR. 4. Respondent pays compensation to some of such customers for transportation services and facilities in connection with the handling of such commodities by making deductions from invoice prices on the face of the invoice, and such deductions are made under the following circumstances.

As a general practice and policy, the prices which respondent quotes and which appear on its invoices include the cost of transportation by common carrier to customers, and a common carrier is usually employed which receives its lawful charges from respondent or from the customer. When a customer pays the transportation charges to the common carrier, such charges are deducted from the invoice prices at the time the customer makes remittance to respondent.

Some of respondent's customers use trucks to deliver merchandise from their respective places of business to purchasers who are located in the neighborhood of Greenville, South Carolina, and Richmond, Virginia, in which cities respondent's plants are situated. Sometimes respondent's customers have trucks in those cities for the purpose of receiving goods from suppliers and transporting them to their respective places of business, and such goods do not require the total capacity of such trucks.

In order to aid some of such customers to utilize or to more fully utilize such trucks on their return trip, respondent has delivered to such customers at the door of its plants, since June 19, 1936, commodities purchased by them for transportation by such customers to their respective places of business; and in consideration of and compensation for such handling of such commodities, respondent, as above alleged, deducts from the invoice prices a sum equal to the common carrier charges for such transportation.

Under such circumstances, the cost of such handling to such purchasers, who transport their own purchases, was and is substantially less than the tariff charges by common carrier for the same services and facilities; and the savings thus effected result in a lower per unit cost for such commodities to such customer than the cost to customers to whom purchases are transported by common carrier. Other such customers similarly situated have requested respondent to so handle such commodities as they have purchased from respondent, and to receive such payments as compensation therefor, but respondent has denied such request, and their purchases are transported to them by common carrier.

In that such payments for transportation services and facilities have been and are granted to some such customers and denied to others, such payments are not available on proportionately equal terms to all customers competing in the distribution of such commodities.

PAR. 5. Such acts of respondent since June 19, 1936, in interstate commerce, in the manner and form aforesaid, in paying and contracting to pay valuable consideration to and for the benefit of some customers for services and facilities furnished by and through such customers, in connection with the handling, sale and offering for sale of commodities theretofore sold to them by respondent without such payments being available on proportionately equal terms to all other competing customers is in violation of the provisions of Section 2 (d) of the Robinson-Patman Act, further described in the preamble hereof.

*Wherefore, the premises considered,* the Federal Trade Commission on the 29th day of September, A. D. 1939, now issues this its amended complaint against said respondent.

EXHIBIT A

*Approximate Net Delivered Prices to Preferred and Non-preferred Customers After Deduction of (I) Trade Discounts and (II) Advertising Allowances*

[Column I below is the net price after deducting the trade discounts; column II below is the net price after deduction of trade discounts and advertising allowances]

| Product | Customer classification | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Retailers | | | | | | Wholesalers | | | |
| | Dixie-Home Stores | | Milner Stores | | Others [1] | | Thomas & Howard | | Others [2] | |
| Column No. | I | II | I | II | I | II | I | II | I | II |
| Sauer's Salad Dressing: | | | | | | | | | | |
| Quarts | 2.70 | 2.57 | ------ | ------ | 3.25 | 3.25 | 3.25 | 3.25 | 3.25 | 3.25 |
| Pints | 1.65 | 1.57 | ------ | ------ | 2.01 | 2.01 | 2.01 | 2.01 | 2.01 | 2.01 |
| Dukes Mayonnaise: | | | | | | | | | | |
| 3 oz | .73 | .69 | ------ | ------ | .73 | .73 | .73 | .67 | .73 | .73 |
| 4 oz | .77 | .73 | 0.77 | 0.77 | .77 | .77 | .77 | .71 | .77 | .77 |
| 8 oz | 1.33 | 1.26 | 1.33 | 1.33 | 1.33 | 1.33 | 1.33 | 1.23 | 1.33 | 1.26 |
| Pints | 2.61 | 2.48 | 2.61 | 2.61 | 2.61 | 2.61 | 2.67 | 2.32 | 2.61 | 2.48 |
| Quarts | 4.40 | 4.18 | 4.40 | 4.40 | 4.40 | 4.40 | 4.40 | 4.06 | 4.40 | 4.18 |
| Pure Extracts: | | | | | | | | | | |
| No. 2 Vanilla | .77 | .73 | ------ | ------ | .77 | .77 | .77 | .77 | .77 | .77 |
| No. 2 Lemon | .77 | .73 | ------ | ------ | .77 | .77 | .77 | .77 | .77 | .77 |
| No. 5 Vanilla | 1.67 | 1.59 | ------ | ------ | 1.67 | 1.67 | 1.45 | 1.38 | 1.67 | 1.67 |
| No. 5 Lemon | 1.67 | 1.59 | ------ | ------ | 1.67 | 1.67 | 1.67 | 1.59 | 1.67 | 1.67 |
| Miscellaneous Spices: | | | | | | | | | | |
| Grd. Ginger | .40 | .38 | .50 | .50 | .60 | .60 | .60 | .57 | .60 | .60 |
| Grd. Mustard | .40 | .38 | .50 | .50 | .60 | .60 | .60 | .57 | .60 | .60 |
| Grd. Red Pepper | .40 | .38 | .50 | .50 | .60 | .60 | .60 | .57 | .60 | .60 |
| Grd. Tumeric | .40 | .38 | .50 | .50 | .60 | .60 | .60 | .57 | .60 | .60 |
| Curry Powder | .40 | .38 | .50 | .50 | .60 | .60 | .60 | .57 | .60 | .60 |
| Cream of Tartar | .40 | .38 | .50 | .50 | .60 | .60 | .68 | .65 | .68 | .68 |
| Celery Seed | .60 | .57 | .63 | .63 | .68 | .68 | .68 | .65 | .68 | .68 |
| Celery Salt | .60 | .57 | .63 | .63 | .68 | .68 | .68 | .65 | .68 | .68 |
| Miscellaneous Products: | | | | | | | | | | |
| No. 2 Castor Oil | 4.15 gr. 0 | | ------ | ------ | ------ | ------ | 4.75 | 0 | ------ | ------ |
| No. 2 Turpentine | 3.80 gr. 0 | | ------ | ------ | ------ | ------ | 4.25 | 0 | ------ | ------ |

[1] Other retailers are J. Drake Edens, P. P. Pearson, Miller Stores, Williams Piggly Wiggly, Greenwood Jitney Jungle, and many others.

[2] Other wholesalers are Rose Phillips Co., McGee & Bleckley, Talmage Bros. & Co., Inc., Seneca Grocery Company, Carter Grocery Company, Augusta Grocery Co., Copeland Grocery Co., and many others.



NOTICE

Notice is hereby given you, the C. E. Sauer Company, respondent herein, that the 3rd day of November, A. D. 1939, at 2 o'clock in the afternoon is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the amended complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commisison such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such anwer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 29th day of September, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3659; Filed, October 4, 1939; 10:37 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1939.

[File No. 44-42]

IN THE MATTER OF PEOPLES LIGHT AND POWER COMPANY

ORDER APPROVING APPLICATION

Peoples Light and Power Company, a registered holding company, having filed an application pursuant to paragraph (b) of Rule U-12C-1, promulgated under Section 12 (c) of the Public Utility Holding Company Act of 1935, in which it asks approval of the acquisition and retirement by the trustee under the indenture securing its Collateral Lien Bonds, Series A, due 1961, of such of said bonds as may be purchased with moneys in the amount of $410,000 now held by said trustee.

A public hearing having been held on said application after appropriate notice; the Commission having considered the record in this matter and having made and filed its findings herein;

*It is ordered*, That said application be, and the same is hereby approved, subject to the following terms and conditions:

(1) That the proposed transaction be executed for the purposes and in the manner represented by the application and this order.

(2) That prior to any purchase, notice of the proposed call for tenders and of the proposed open market purchases be given by notice published once in each of two successive calendar weeks in one daily newspaper published and of general circulation in each of the following cities: Chicago, New York and Philadelphia; and that such notice indicate the amount of funds which the trustee has available for the purchase of bonds, the principal amount of bonds which the Company proposes to tender and the method by which the Company will determine the price of its tender.

(3) That the final date for acceptance of tenders be not earlier than eight days after the second published notice.

(4) That the applicant file with this Commission a certificate of notification within ten days after the tenders are accepted, giving the amount of the bonds accepted, together with the prices and the name and address of the holder from whom acquired.

(5) That to the extent that bonds are acquired in the open market the applicant shall file with this Commission weekly reports with respect to such purchases. Each such report shall set out the date of each purchase, the number of bonds purchased, prices paid therefor, the name and address of the broker in each transaction, and the name and address of the holder.

(6) That this order in respect to open market purchases shall be summarily revocable if at any time this Commission shall deem the circumstances are such as to make further purchases no longer compatible with the public interest or the interest of investors and consumers. In any event such order shall expire at the close of business on the fifteenth day following the day set for acceptance of tenders.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3661; Filed, October 4, 1939; 11:29 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1939.

[File No. 46-170]

IN THE MATTER OF THE MINNEAPOLIS GENERAL ELECTRIC COMPANY AND SUBSIDIARIES

ORDER GRANTING APPLICATIONS, ETC.

The Minneapolis General Electric Company, a registered holding company, and four of its direct wholly-owned subsidiaries, St. Croix Falls Wisconsin Improvement Company, St. Croix Falls Minnesota Improvement Company, St. Croix Lumbermen's Dam & Boom Company and The St. Croix River Navigation and Improvement Company (hereinafter referred to as "Minneapolis", "Wisconsin Company", "Minnesota Company", "Boom Company" and "Navigation Company", respectively) having filed pursuant to Sections 6 (b), 7 and 10 of the Public Utility Holding Company Act of 1935 and Rules U-12D-1 and U-12F-1, the applications and declarations hereinafter more particularly described:

(1) An application by Minneapolis pursuant to Section 10 (a) (1) for approval of the acquisitions of 13,816 shares of the Wisconsin Company's common capital stock, par value $100 per share, from the Wisconsin Company; 3,120 shares of the Minnesota Company's com-

mon capital stock, par value $100 per share and 2,710 shares of the Wisconsin Company's common capital stock, par value $100 per share, from the Minnesota Company; and another application pursuant to Rule U–12D–1 for the sale to the Wisconsin Company of $100,000 principal amount of the Navigation Company's and the Boom Company's matured joint First Mortgage 5% Gold Bonds, dated December 1, 1904; 1,000 shares of the Navigation Company's common capital stock, par value of $100 per share; 1,203 shares of the Boom Company's common capital stock, par value of $100 per share;

(2) An application by the Minnesota Company pursuant to Rule U–12F–1 for approval of the sale of that portion of the dam and flowage lands owned by it in the St. Croix Falls Hydro Project to the Wisconsin Company; another application pursuant to Section 10 (a) (1) for approval of the acquisition of 2,710 shares of the Wisconsin Company's common capital stock, par value $100 per share, from the Wisconsin Company; another application pursuant to Rule U–12F–1 for approval of the sale to Minneapolis of 2,710 shares of the Wisconsin Company's common capital stock, par value $100 per share; and a declaration pursuant to Section 7 regarding the issuance and sale of 3,120 shares of its common capital stock, par value $100 per share, to Minneapolis;

(3) An application by the Wisconsin Company pursuant to Sections 10 (a) (2) and 10 (a) .(3) for approval of the acquisition of the above-mentioned utility assets to be sold by the Minnesota Company; an application pursuant to Section 10 (a) (1) for approval of the acquisition of the above-mentioned securities of the Boom Company and the Navigation Company to be sold by Minneapolis; and in the alternative an application or declaration pursuant to Section 6 (b) or 7 regarding the issuance and sale of 16,526 shares of its common capital stock, par value $100 per share, as mentioned above; 2,710 shares to be sold to the Minnesota Company and 13,816 shares to be sold to Minneapolis;

(4) Applications by the Boom Company and the Navigation Company pursuant to Rule U–12F–1 for the sale by each to the Wisconsin Company of all the property and net current assets of each of said companies in exchange for the securities of each said company and the liquidation of their net obligations represented by note and open accounts;

A consolidated hearing on such matters having been held after appropriate notice; the record in this matter having been examined and the Commission having made and filed its findings;

*It is ordered*, That the applications hereinabove described, be, and they hereby are granted, and that the declarations hereinabove described, be, and they hereby are permitted to become effective; and

*It is further ordered*, That this order is subject to the following conditions:

(1) That the various steps involved in the applications and declarations shall be carried out within thirty days and effected in accordance with the terms and conditions of and for the purposes represented by said applications and declarations;

(2) That within ten days after the consummation of all of the transactions involving the issue, sale and disposition of the securities and the transfer of the physical assets the applicants and declarants shall file with this Commission a certificate of notification showing that the issue, sale and disposition of said securities and the transfer of said physical assets have been effected in accordance with the terms and conditions of and for the purposes represented by said applications and declarations.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–3662; Filed, October 4, 1939; 11:29 a. m.]

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Reference

OCT 8 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 193

*Washington, Friday, October 6, 1939*


## *The President*

### EXECUTIVE ORDER

EXEMPTING CERTAIN POSITIONS FROM SALARY CLASSIFICATION

By virtue of the authority vested in me as President of the United States, it is hereby ordered that there be exempted from the operation of Executive Order No. 6746 of June 21, 1934, the positions of consultants, experts, specialists, attorneys, and other similar positions, the incumbents of which are intermittently employed on a per diem basis or employed on an annual basis at amounts representing the value of part-time service required, and who are or have been paid from the public works fund or other emergency funds administered by the Secretary of the Interior, available during the fiscal years 1940 and 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 4, 1939.*

[No. 8266]

[F. R. Doc. 39–3680; Filed, October 5, 1939; 11:08 a. m.]

## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### COMMODITY CREDIT CORPORATION

[1938–39 Corn Circular Letter No. 4]

PART 205—1938 CORN LOANS
(205.13a)

PART 206—1938–39 CORN LOANS
(206.19)

1. Commodity Credit Corporation has authorized the acceptance of extension or renewal loan documents secured by ear corn produced in 1937, and previous instructions relating to the extension or renewal of corn loans are hereby amended accordingly.

2. Section 8 of 1938 and 1938–39 Corn Circular Letters Nos. 4 and 3 is hereby deleted. Producers may obtain an extension or renewal of corn loans without payment of the fees required under Section 8 of said Circular Letters. In completing the extension or renewal loan documents, Section 5 of 1938–39 C.C.C. Corn Forms A–2 and A–4 and Section 7 of 1938–39 C.C.C. Corn Form A–5 should be deleted.

3. Producers desiring to obtain an extension or renewal of loans secured by farm stored corn in the state of Illinois must execute new notes and mortgages on 1938–39 C.C.C. Corn Forms A–3 and A–4. Extension agreements (1938–39 C.C.C. Corn Form 2) will not be acceptable for farm stored corn in Illinois.

4. Since the 1938 and 1938–39 corn loan programs are now being handled as one program, all Circular Letters hereafter issued will be designated "1938–39 Corn Circular Letters" and the instructions contained therein shall apply to both loan programs.

[SEAL] JOHN D. GOODLOE,
*Vice President.*

[F. R. Doc. 39–3677; Filed, October 5, 1939; 10:35 a. m.]

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[1939 C.C.C. Rye Form 1—Instructions]

PART 209—1939 RYE LOANS

Sec.

209.1 Definitions.
209.2 Areas.
209.3 Amount of Loans.
209.4 Maturity and Interest Rate.
209.5 Farm Storage.
209.6 Liens.
209.7 Insurance.
209.8 County Agricultural Conservation Committees.
209.9 Reconstruction Finance Corporation Loan Agencies.
209.10 Release of Collateral.

§ 209.1 *Definitions.* For the purpose of this part and the notes and chattel mortgages relating thereto, the following terms shall be construed, respectively, to mean:

(a) *Eligible producer.* Any person, partnership, association or corporation producing rye as landowner, landlord, or tenant upon whose farm the 1939 total

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FEDERAL REGISTER

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soil-depleting acreages does not exceed the total soil-depleting acreage allotment for the farm under the 1939 Agricultural Conservation Program.

(b) *Eligible rye.* Rye grading No. 2 or better or rye grading No. 3 solely on the factor of test weight but otherwise grading No. 2 or better, produced in 1939, beneficial title to which is and always has been in the eligible producer. Rye grading tough, ergoty, light smutty, smutty, light garlicky, or garlicky shall not be eligible for a loan.

(c) *Eligible storage.* Shall consist of farm bins and granaries which are of such substantial and firm construction as to afford safe storage of the rye for a period of two (2) years and permit effective fumigation for the destruction of insects and afford protection against rodents, other animals, thieves, and weather, as determined by the county agricultural conservation committees.

§ 209.2 *Areas.* Loans will be made on eligible rye stored on farms in the states of Michigan, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming.

§ 209.3 *Amount of loans.* The loan value for eligible rye grading No. 2 or better, or rye grading No. 3 solely on the factor of test weight but otherwise grading No. 2 or better, shall be twenty-two (22) cents per bushel less than the applicable farm storage loan value for No. 2 Hard Winter wheat (under the 1939 wheat loan program of Commodity Credit Corporation) or thirty-eight (38) cents per bushel, whichever is lower.

§ 209.4 *Maturity and interest rate.* All loans upon the security of rye will be made directly by Commodity Credit Corporation and the notes evidencing such loans will be payable on demand or in any event not later than April 30, 1940. All loans will bear interest at the rate of four (4) per cent per annum. Notes evidencing such loans must be dated on or before December 31, 1939.

§ 209.5 *Farm storage.* Rye stored on the farm must have been stored in the granary at least thirty (30) days prior to its inspection for measurement, sampling and sealing. In accordance with regulations issued by the Secretary of Agriculture, the state and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading and sealing the rye collateral in approved structures. Chattel mortgages covering farm-stored rye must be executed and filed in accordance with the applicable state law. The chattel mortgage requirements of the various states are set forth in Section 12 of the wheat loan instructions (1939 CCC Wheat Form 1). Producers may obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant farmer, and the rye collateral is stored on the farm, the expiration date of the lease shall be given in Section 2 (c) of the chattel mortgage (1939 CCC Rye Form A–1). If the expiration date of the lease is prior to July 1, 1940, the landlord shall execute the Consent for Storage, Section 13 of 1939 CCC Rye Form A–1. The consent agreement shall also be signed by any other party or parties entitled to possession. Each producer must designate in Section 4 of the mortgage (1939 CCC Rye Form A–1) a shipping point reasonably convenient for the delivery of the rye as determined by the county committee. Notes and mortgages will not be acceptable which provide a shipping point other than the normal shipping point customarily used by the producers in the locality in which the rye was produced. A separate note and chattel mortgage must be submitted for rye stored on each quarter section of land. Commodity Credit Corporation will pay seven (7) cents per bushel for storing the rye for the period ending July 1, 1940, or the date of the delivery of such rye to Commodity Credit Corporation, whichever is earlier; provided, such delivery is made upon the demand or with the consent of Commodity Credit Corporation; provided further, such payment will be conditioned upon the delivery of the mortgaged rye of the quantity described in the chattel mortgage grading No. 2 or better or No. 3, provided the mortgaged rye originally graded No. 3 on test weight only.

§ 209.6 *Liens.* The rye collateral must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in 1939 CCC Rye Form A–1 or Form AB. The names of the holders of all existing liens on the pledged or mortgaged rye, such as landlord, laborers, threshers, or mortgagees, must be listed in the space provided therefor in the mortgage or loan agreement. The waiver and consent to the mortgage of the rye and the payment of the proceeds of the loan and the proceeds of the sale of the rye solely to the producer as contained in the mortgage must be signed personally by all lienholders listed or by their agents, whose duly executed authority must be securely attached. Whenever such waiver and consent, etc., is executed for a corporation by a designated officer thereof customarily authorized to execute such instruments, the duly executed authority need not be attached. (In lieu of signing the section of the chattel mortgage entitled "List of Lienholders and Their Waivers and Consent to Pledge", lienholders may sign 1939 CCC Rye Form AB, which must completely identify the related note.) The producer may direct in the Letter of Transmittal (1939 CCC Rye Form B) that the proceeds of the loan be made payable to him and/or such other person or concern as he may direct thereon. Producers should read carefully all real estate or other mortgages previously given by them in order to be sure that crops are not covered thereby. Any fraudulent misrepresentation of fact made in the execution of the note and mortgage and related forms shall render the producer personally liable for the amount of the loan and subject to the provisions of the United States Criminal Code.

§ 209.7 *Insurance.* In lieu of primary and secondary insurance, the producer will authorize Commodity Credit Corporation to deduct from the proceeds of the loan one-fifth of one (⅕ of 1) cent per bushel for the rye sealed as collateral to the loan. Such funds are to protect Commodity Credit Corporation against loss or impairment of the rye collateral from fire, lightning, cyclone, tornado, windstorm, inherent explosion, flood, hail and theft. The obligations of the producer in connection with such protection are set forth in the chattel mortgage.

§ 209.8 *County agricultural conservation committees.* Forms will be obtainable from county agricultural conservation committees in the above-named states or from any Loan Agency of the Reconstruction Finance Corporation hereafter listed. The chattel mortgage contains a certificate which must be signed in each instance by a member of the county committee of the county in which the rye is stored. Pursuant to instructions issued by the Secretary of Agriculture, the state and county committees will determine or cause to be determined, the quantity and grade of the rye collateral and the amount of the loan.

§ 209.9 *Reconstruction Finance Corporation Loan Agencies.* The following Loan Agencies of Reconstruction Finance Corporation will handle loans for Commodity Credit Corporation in the areas assigned to each Loan Agency:

| *Loan Agency* | *States Served* |
|---|---|
| Helena | Montana; |
| Minneapolis | Michigan, Minnesota, North Dakota, South Dakota and Wisconsin; |
| Omaha | Nebraska and Wyoming. |

§ 209.10 *Release of collateral.* The producer may obtain the return of notes secured by rye at any time prior to maturity upon the payment of the principal amount due thereon, plus accrued interest. In the case of such repayment, no allowance will be made for storage by Commodity Credit Corporation. The loan paper may be sent to an approved bank for collection or the producer may ascertain the amount due and remit directly to the Loan Agency of the Reconstruction Finance Corporation holding the paper. Partial releases will be made, provided all the rye in any one bin is released. In such cases, the producers must identify to the Loan Agency of the Reconstruction Finance Corporation the seal number of the bin to be released. Such releases will be made upon payment of the amount loaned on the particular bin of rye, plus interest.

[SEAL] M. R. BUCK,
*Secretary.*

[F. R. Doc. 39–3676; Filed, October 5, 1939; 10:35 a. m.]



## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

OCTOBER 5, 1939.

To A. E. ROOKS and F. R. ROOKS,
*Doing business as Albuquerque Livestock Commission Company, Albuquerque, N. M.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Albuquerque Livestock Commission Company, at Albuquerque, State of New Mexico, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 39–3687; Filed, October 5, 1939; 12:47 p. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 2273]

IN THE MATTER OF PEANUT SPECIALTY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, candy or other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be, or may be, made by means of a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Specialty Company, Docket 2273, September 23, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, dealers with assortments of candy or any other merchandise, together with push or pull cards, punchboards or other lottery devices, or separately, which said push or pull cards, punchboards or other lottery devices are to be, or may be, used in selling or distributing said candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Specialty Company, Docket 2273, September 23, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Packing or assembling, in connection with offer, etc., in commerce, of candy or any other merchandise, in the same package or assortment of candy for sale to the general public at retail, pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy, which said larger pieces of candy are to be given as prizes to purchasers procuring a piece of candy having a center of a particular color, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Specialty Company, Docket 2273, September 23, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, candy or any other merchandise by use of push or pull cards, punchboards or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Specialty Company, Docket 2273, September 23, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF PEANUT SPECIALTY COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of facts set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusions that said respondent has violated the provisions of the Federal Trade Commission Act;

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(b) *Eligible rye.* Rye grading No. 2 or better or rye grading No. 3 solely on the factor of test weight but otherwise grading No. 2 or better, produced in 1939, beneficial title to which is and always has been in the eligible producer. Rye grading tough, ergoty, light smutty, smutty, light garlicky, or garlicky shall not be eligible for a loan.

(c) *Eligible storage.* Shall consist of farm bins and granaries which are of such substantial and firm construction as to afford safe storage of the rye for a period of two (2) years and permit effective fumigation for the destruction of insects and afford protection against rodents, other animals, thieves, and weather, as determined by the county agricultural conservation committees.

§ 209.2 *Areas.* Loans will be made on eligible rye stored on farms in the states of Michigan, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin and Wyoming.

§ 209.3 *Amount of loans.* The loan value for eligible rye grading No. 2 or better, or rye grading No. 3 solely on the factor of test weight but otherwise grading No. 2 or better, shall be twenty-two (22) cents per bushel less than the applicable farm storage loan value for No. 2 Hard Winter wheat (under the 1939 wheat loan program of Commodity Credit Corporation) or thirty-eight (38) cents per bushel, whichever is lower.

§ 209.4 *Maturity and interest rate.* All loans upon the security of rye will be made directly by Commodity Credit Corporation and the notes evidencing such loans will be payable on demand or in any event not later than April 30, 1940. All loans will bear interest at the rate of four (4) per cent per annum. Notes evidencing such loans must be dated on or before December 31, 1939.

§ 209.5 *Farm storage.* Rye stored on the farm must have been stored in the granary at least thirty (30) days prior to its inspection for measurement, sampling and sealing. In accordance with regulations issued by the Secretary of Agriculture, the state and county agricultural conservation committees will inspect and approve storage facilities and will arrange for measuring, sampling, grading and sealing the rye collateral in approved structures. Chattel mortgages covering farm-stored rye must be executed and filed in accordance with the applicable state law. The chattel mortgage requirements of the various states are set forth in Section 12 of the wheat loan instructions (1939 CCC Wheat Form 1). Producers may obtain information and assistance from the county agricultural conservation committees in regard to the execution and filing of such chattel mortgages. Where the borrower is a tenant farmer, and the rye [illegible] 1, 1940, the landlord shall execute the Consent for Storage, Section 13 of 1939 CCC Rye Form A–1. The consent agreement shall also be signed by any other party or parties entitled to possession. Each producer must designate in Section 4 of the mortgage (1939 CCC Rye Form A–1) a shipping point reasonably convenient for the delivery of the rye as determined by the county committee. Notes and mortgages will not be acceptable which provide a shipping point other than the normal shipping point customarily used by the producers in the locality in which the rye was produced. A separate note and chattel mortgage must be submitted for rye stored on each quarter section of land. Commodity Credit Corporation will pay seven (7) cents per bushel for storing the rye for the period ending July 1, 1940, or the date of the delivery of such rye to Commodity Credit Corporation, whichever is earlier; provided, such delivery is made upon the demand or with the consent of Commodity Credit Corporation; provided further, such payment will be conditioned upon the delivery of the mortgaged rye of the quantity described in the chattel mortgage grading No. 2 or better or No. 3, provided the mortgaged rye originally graded No. 3 on test weight only.

§ 209.6 *Liens.* The rye collateral must be free and clear of all liens except in favor of the lienholders listed in the space provided therefor in 1939 CCC Rye Form A–1 or Form AB. The names of the holders of all existing liens on the pledged or mortgaged rye, such as landlord, laborers, threshers, or mortgagees, must be listed in the space provided therefor in the mortgage or loan agreement. The waiver and consent to the mortgage of the rye and the payment of the proceeds of the loan and the proceeds of the sale of the rye solely to the producer as contained in the mortgage must be signed personally by all lienholders listed or by their agents, whose duly executed authority must be securely attached. Whenever such waiver and consent, etc., is executed for a corporation by a designated officer thereof customarily authorized to execute such instruments, the duly executed authority need not be attached. (In lieu of signing the section of the chattel mortgage entitled "List of Lienholders and Their Waivers and Consent to Pledge", lienholders may sign 1939 CCC Rye Form AB, which must completely identify the related note.) The producer may direct in the Letter of Transmittal (1939 CCC Rye Form B) that the proceeds of the loan be made payable to him and/or such other person or concern as he may direct thereon. Proof of the execution of [illegible] made in the execution of the note and mortgage and related forms shall render the producer personally liable for the amount of the loan and subject to the provisions of the United States Criminal Code.

§ 209.7 *Insurance.* In lieu of primary and secondary insurance, the producer will authorize Commodity Credit Corporation to deduct from the proceeds of the loan one-fifth of one (1/5 of 1) cent per bushel for the rye sealed as collateral to the loan. Such funds are to protect Commodity Credit Corporation against loss or impairment of the rye collateral from fire, lightning, cyclone, tornado, windstorm, inherent explosion, flood, hail and theft. The obligations of the producer in connection with such protection are set forth in the chattel mortgage.

§ 209.8 *County agricultural conservation committees.* Forms will be obtainable from county agricultural conservation committees in the above-named states or from any Loan Agency of the Reconstruction Finance Corporation hereafter listed. The chattel mortgage contains a certificate which must be signed in each instance by a member of the county committee of the county in which the rye is stored. Pursuant to instructions issued by the Secretary of Agriculture, the state and county committees will determine or cause to be determined, the quantity and grade of the rye collateral and the amount of the loan.

§ 209.9 *Reconstruction Finance Corporation Loan Agencies.* The following Loan Agencies of Reconstruction Finance Corporation will handle loans for Commodity Credit Corporation in the areas assigned to each Loan Agency:

| *Loan Agency* | *States Served* |
|---|---|
| Helena | Montana; |
| Minneapolis | Michigan, Minnesota, North Dakota, South Dakota and Wisconsin; |
| Omaha | Nebraska and Wyoming. |

§ 209.10 *Release of collateral.* The producer may obtain the return of notes secured by rye at any time prior to maturity upon the payment of the principal amount due thereon, plus accrued interest. In the case of such repayment, no allowance will be made for storage by Commodity Credit Corporation. The loan paper may be sent to an approved bank for collection or the producer may ascertain the amount due and remit directly to the Loan Agency of the Reconstruction Finance Corporation holding the paper. Partial releases will be made, provided all the rye in any one bin is released. In such cases, the producers must identify to the Loan Agency of the Reconstruction Finance Corporation the seal number of the bin to be released.

*Secretary.*

[F. R. Doc. 39-3676; Filed, October 5, 1939; 10:35 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

OCTOBER 5, 1939.

To A. E. ROOKS and F. R. ROOKS,
*Doing business as Albuquerque Livestock Commission Company, Albuquerque, N. M.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Albuquerque Livestock Commission Company, at Albuquerque, State of New Mexico, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 39-3687; Filed, October 5, 1939; 12:47 p. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 2273]

IN THE MATTER OF PEANUT SPECIALTY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, candy or other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be, or may be, made by means of a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Specialty Company, Docket 2273, September 23, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in boards or other lottery devices, or separately, which said push or pull cards, punchboards or other lottery devices are to be, or may be, used in selling or distributing said candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Specialty Company, Docket 2273, September 23, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Packing or assembling, in connection with offer, etc., in commerce, of candy or any other merchandise, in the same package or assortment of candy for sale to the general public at retail pieces of candy of uniform size and shape having centers of a different color, together with larger pieces of candy, which said larger pieces of candy are to be given as prizes to purchasers procuring a piece of candy having a center of a particular color, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Specialty Company, Docket 2273, September 23, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, candy or any other merchandise by use of push or pull cards, punchboards or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Peanut Specialty Company, Docket 2273, September 23, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF PEANUT SPECIALTY COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of facts set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusions that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Peanut Specialty Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy or any other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be made or may be made by means of a lottery, gaming device or gift enterprise;

(2) Supplying to or placing in the hands of dealers assortments of candy or any other merchandise together with push or pull cards, punchboards or other lottery devices, or separately, which said push or pull cards, punchboards or other lottery devices are to be used or may be used in selling or distributing said candy or other merchandise to the general public;

(3) Packing or assembling in the same package or assortment of candy for sale to the general public at retail pieces of candy of uniform size and shape having centers of a different color together with larger pieces of candy, which said larger pieces of candy are to be given as prizes to purchasers procuring a piece of candy having a center of a particular color;

(4) Selling or otherwise disposing of candy or any other merchandise by use of push or pull cards, punchboards or other lottery devices.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3685; Filed, October 5, 1939; 12:46 p. m.]

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[Docket No. 3460]

IN THE MATTER OF NATIONAL INSTITUTE FOR PHYSICAL ADVANCEMENT

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing.* Representing, in connection with offer, etc., in commerce, of respondent's physical culture book, "Bust Culture", or other similar book, that by following the method outlined in respondent's book any woman can obtain a beautiful bust, or that such method outlined therein will correct a flat chest or an overly large or sagging bust, or has helped millions of women, or any other exaggerated number in excess of the actual number of women who have tried and been helped by said method, or that it has been found effective in all cases, or that the proper method of correction of any problem concerning bustline and breasts will be found in said book, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, National Institute for Physical Advancement, Docket 3460, September 26, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF KARL W. PETERS, AN INDIVIDUAL, TRADING AS NATIONAL INSTITUTE FOR PHYSICAL ADVANCEMENT

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Karl W. Peters, individually, trading as National Institute For Physical Advancement, or trading under any other name, his agents, servants and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a physical culture book, designated "Bust Culture", or any similar book, whether sold under that name or any other name or title, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing:

1. That by following the method outlined in respondent's book any woman can obtain a beautiful bust;

2. That the method outlined in respondent's book will correct a flat chest or an overly large or sagging bust;

3. That the method outlined in respondent's book has helped millions of women or any other exaggerated number in excess of the actual number of women who have tried and been helped by said method; or that said method has been found effective in all cases;

4. That the proper method of correction of any problem concerning bustline and breasts will be found in respondent's book.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3686; Filed, October 5, 1939; 12:46 p. m.]

[1] 3 F.R. 2266 DI.

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## TITLE 31—MONEY AND FINANCE: TREASURY

### OFFICE OF THE SECRETARY

[Dept. Circular 559 amended]

PART 11—RULES AND REGULATIONS RELATING TO CUSTOMHOUSE BROKERS

Section 11.8 (b) (6) is hereby amended by inserting between the second and last sentences thereof the following:

"Each licensed customhouse broker shall advise the collector of customs at the headquarters port in each district in which his license is held, the Committee, and the Commissioner of Customs, of each change of his business address."

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3683; Filed, October 5, 1939; 11:35 a. m.]

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## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### WAR DEPARTMENT

CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 203—BRIDGE REGULATIONS

§ 203.482 *Choctawhatchee River, Fla.; bridge (highway) near Freeport, Fla.*[1]

In accordance with the provisions of Section 5 of the River and Harbor Act approved August 18, 1894, the following special regulations are prescribed to govern the opening of the drawbridge of the State Road Department of Florida across the Choctawhatchee River on State Road #10 approximately fourteen miles east of Freeport, Florida:

(a) The owner or agency controlling the bridge will not be required to keep a tender in constant attendance at the aforementioned bridge.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw span, at least 12 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can easily be read at any time, a copy of these regulations, together with a notice stating exactly how the representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at least once every 4 months to make certain that the machinery is in proper order for satisfactory operation.

(f) These regulations shall take effect and be in force on and after October 1, 1939, and are supplemental to the "Rules and regulations to govern the operation of drawbridges crossing all navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries", (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Special regs., Sept. 22, 1939 (E. D. 6371 (Fla.—Choctawhatchee R.—Freeport)–19)]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-3673; Filed, October 5, 1939; 9:54 a. m.]

[1] These regulations are supplementary to Title 33, Chapter II, Part 203, Code of Federal Regulations.

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## TITLE 35—PANAMA CANAL

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

AMENDMENT OF SECTION 4.20 AND ADDITION OF SECTIONS 4.20A, 4.21A, 4.30A, AND 4.30B

1. Section 4.20 of Title 35, Code of Federal Regulations, is amended to read as follows:

"§ 4.20 *Papers required by boarding party, list of.* All documents listed below as being required of a ship should be ready for immediate delivery to the boarding party:

| Documents required | For ships which transit Canal but do not take on or discharge passengers or cargo at Canal ports | For ships taking on or discharging passengers or cargo at Canal ports |
|---|---|---|
| (a) Ship's information sheet (Panama Canal form) | 1 | 1 |
| (b) Clearance from last port | [1] 1 | [1] 1 |
| (c) Bills of health (U. S. Consular bill issued at port of departure and at each port of call en route, as provided in Regulation 106.2) | [2] 1 | [2] 1 |
| (d) Quarantine declaration (International Standard form) | 3 | 3 |
| (e) All other certificates of a sanitary nature | [3] 1 | [3] 1 |
| (f) Passenger list (on Panama Canal form) | 4 | 4 |
| (g) Chinese descriptive list, passengers and crew | [3] 1 | [2] 2 |
| (h) Crew list | 3 | 3 |
| (i) Store list | [4] 1 | 1 |
| (j) Cargo declaration (Panama Canal form) | 1 | [3] 1 |
| (k) Manifest of local cargo | 0 | 4 |
| (l) Declaration of explosive cargo carried | [3] 1 | [3] 1 |
| (m) Declaration of inflammable or combustible liquids in bulk carried as cargo | [3] 1 | [3] 1 |
| (n) Statement of fuel account (for vessels in ballast only) | 1 | [3] 1 |
| (o) Panama Canal tonnage certificate | 1 | [3] 1 |
| (p) National register | [1] 1 | [1] 1 |
| (q) General arrangement plan of vessel | [5] 1 | [3] 1 |
| (r) Report of structural alterations and of changes in use of tanks or other spaces since last transit | 1 | [3] 1 |

[1] For examination only.
[2] One copy of each required bill.
[3] Not required unless such persons or cargo are carried.
[4] Required if ship during transit is laid up for repairs, regardless of whether passengers or cargo are taken on or discharged.
[5] Not required unless ship transits Canal.
[6] For taking up and subsequent return through agent or otherwise.

"NOTE.—In case a ship takes on or discharges passengers or cargo at only one Canal Zone port and does not transit the Canal, the documents to the number indicated in the second column are required. In case a ship docks or takes on or discharges passengers or cargo at both Cristobal and Balboa, or at a port other than the port of entry, all documents to the number indicated in the second column will be required at the first port and in addition documents (f), (g), (h), (i), and (k) to the number indicated in the second column will be required at the second port."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 12.)

[Reg. Gov., Aug. 1, 1931, reg. 12.1; Sept. 4, 1935; June 13, 1931; Sept. 9, 1939.]

2. Section 4.20A of Title 35 is hereby added, reading as follows:

"§ 4.20A *Incoming passenger list.* The four copies of the incoming passenger list, required by Regulation 12.1, shall be accurate and legible and shall be delivered to the customs officer in the boarding party. In the event that any passengers destined to local ports fail to disembark, or that passengers in transit do disembark at local ports, notice thereof shall be given promptly to the chief of customs and the quarantine officer at the port, and four copies of a supplementary passenger list showing the names of such passengers shall be furnished promptly to the chief of customs."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 12)

[Reg. Gov., Aug. 1, 1931; June 13, 1939, reg. 12.2, Sept. 9, 1939]

3. Section 4.21A of Title 35 is hereby added, reading as follows:

"§ 4.21A *Outgoing passenger list.* Four accurate and legible copies of the outgoing passenger list must be furnished to the chief of customs before clearance will be issued. Four copies of a supplementary passenger list shall be furnished for passengers embarking at the second Canal port after a vessel has sailed from the other port. Notice shall be given promptly to the chief of customs of any outgoing passengers who fail to depart on the vessel, and a list of such passengers shall be furnished in quadruplicate. In the event the failure of a passenger or passengers to depart on the vessel is not discovered until the vessel has left port the notice provided for herein shall be given by radio if possible, and if it is impossible to give such notice by radio then it shall be given by mail from the first port of call."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 13)

[Reg. Gov., Aug. 1, 1931; June 13, 1939, reg. 13.1; Sept. 9, 1939]

4. Section 4.30A of Title 35 is hereby added, reading as follows:

"§ 4.30A *Discharge, or signing on, of crew members.* As to members of the crew of vessels of United States registry, see Regulation 152.2. No member of the crew of any vessel, other than a vessel of United States registry, shall be discharged in the Canal Zone without the consent of the quarantine officer at the port. Before such consent is given the quarantine officer shall be furnished a memorandum in triplicate showing the name, age, nationality, and rating of the crew member discharged. When crew members are signed on a vessel, other than a vessel of United States registry, at a Canal Zone port, a similar memorandum in triplicate shall be furnished to the chief of customs at the port, at the time when request is made for a bill of health."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 32)

[Reg. Gov., Aug. 1, 1931; June 13, 1939, reg. 32.1; Sept. 9, 1939]

5. Section 4.30B of Title 35 is hereby added, reading as follows:

"§ 4.30B *Members of crew failing to depart from Canal Zone.* Masters of vessels departing from the Canal Zone shall promptly report to the quarantine officer at the port any member of the crew who fails to depart on the vessel and who was not discharged in accordance with Regulation 32.1. In cases where a vessel has left port when the absence of a member of the crew is discovered the report shall be made by radio if possible, or, if it is not possible to make such report by radio, then it shall be made by mail from the first port of call. The making of the report required hereby shall not relieve the master of a

vessel of United States registry of the duty to make the report required by Regulation 152.7."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 32)

[Reg. Gov., Aug. 1, 1931; Sept. 9, 1939, reg. 32.2]

PART 24—SANITATION, HEALTH, AND QUARANTINE

AMENDMENT OF SECTION 24.45 AND ADDITION OF SECTION 24.45A

6. Section 24.45 of Title 35 is amended to read as follows:

"§ 24.45 *Assemblage of passengers and crew for inspection.* The master at the time his vessel is boarded shall be prepared to assemble the passengers and crew for immediate inspection by the quarantine officer in case such inspection should be required."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 106)

[Reg. Gov., Aug. 1, 1931; June 13, 1939, reg. 106.1; Sept. 9, 1939]

7. Section 24.45A of Title 35 is hereby added, reading as follows:

"§ 24.45A *Bills of health.* (a) Masters of vessels arriving in the Canal Zone or in the ports of Panama or Colon, Republic of Panama, shall deliver to the quarantine officer of The Panama Canal at the port of entry a bill of health, in the form prescribed by the Secretary of the Treasury for vessels clearing from a foreign port for a port of the United States, issued by the Consul, Vice Consul, or other consular officer of the United States, or by the medical officer where such officer has been detailed by the President for that purpose, at the port of departure and at each subsequent port of call before arrival at the Canal Zone; *Provided*, That no such bill of health will be required from a port in the United States, but masters of vessels clearing from ports of the United States for ports of the Canal Zone, for the ports of Panama or Colon, Republic of Panama, or for passing through the Panama Canal, must obtain a port sanitary statement signed by the officer authorized under the laws of the United States to issue such statements, and must present such statement to the quarantine officer of The Panama Canal at the port of entry.

"(b) The term 'port of departure' as used in this section shall be the first port from which a vessel clears or departs on a voyage to the Canal Zone and the term 'port of call' as used in this section shall be any port subsequent to the port of departure at which the vessel officially entered or in any other manner had direct contact with the shore.

"(c) A vessel which enters and clears from the Canal Zone, or the ports of Panama or Colon, Republic of Panama, and then returns to the Canal Zone, or to the ports of Panama or Colon, within thirty days after clearing therefrom, shall be required to present an American bill of health (or other document prescribed in paragraph (a) of this section) from each port visited from the time of leaving the Canal Zone to the time of returning thereto, but if any port is visited more than once within said thirty days, only one Consular bill of health will be required from that particular port; provided, that in such cases the Consular bill of health shall cover the last time the vessel touched at that particular port.

"(d) A vessel which enters and clears from the Canal Zone, or the ports of Panama or Colon, Republic of Panama, and then returns to the Canal Zone or to the ports of Panama or Colon after thirty days have elapsed, shall be required to present an American bill of health (or other document prescribed in paragraph (a) of this section) from a port at which the vessel called not less than thirty days previous to its intended arrival at the Canal Zone and from all subsequent ports of call; *Provided*, That if such vessel, at any port at which it calls more than thirty days previous to the vessel's intended arrival at the Canal Zone, takes cargo or passengers destined for the ports of the Canal Zone, the ports of Panama or Colon, or for passage through the Canal, that port shall be considered the port of departure and the vessel shall present a bill of health (or other document prescribed in paragraph (a) of this section) from that port and from all subsequent ports of call.

"(e) In the case of a vessel touching at a port where there is no Consul or consular agent of the United States, a bill of health issued by the Consul or consular agent of a friendly government at such port, authorized to issue bills of health to vessels departing for ports of the United States, will be accepted, on entry into a port of the Canal Zone, in lieu of an American bill of health. Where there is no Consul or consular agent of the United States or of a friendly government, a bill of health issued by the health officer of the port concerned or a certificate from the captain of that port as to sanitary and health conditions thereof shall be obtained and submitted to the Canal authorities.

"(f) Any vessel arriving in the Canal Zone or in the ports of Panama or Colon, Republic of Panama, without the bills of health required by this section, shall be subject to such quarantine measures as may be determined necessary by the Canal authorities, and may be subjected to such delay as may be necessary to determine to the satisfaction of the Canal authorities the sanitary status of the vessel and of the ports of departure and of call. Any expense incident to the failure to submit bills of health as provided herein shall be charged to the vessel."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 12, 106)

[Reg. Gov., Aug. 1, 1931; June 13, 1939, reg. 106.2; Sept. 9, 1939]

8. The regulations amended and added, as aforesaid, shall be effective as to all vessels arriving in the Canal Zone on or after November 15, 1939.

Supplement No. 14[1] (to Rules and Regulations Governing Navigation of the Panama Canal and Adjacent Waters), dated June 13, 1939, will be superseded by the revised provisions contained herein as of November 15, 1939, and the instructions contained in a circular letter dated July 10, 1939, construing the provisions of Regulation 106.2, will likewise be superseded by the provisions contained herein as of November 15, 1939.

C. S. RIDLEY,
*Governor.*

OCTOBER 3, 1939.

[F. R. Doc. 39-3678; Filed, October 5, 1939; 10:44 a. m.]

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## TITLE 41—PUBLIC CONTRACTS

## DIVISION OF PUBLIC CONTRACTS

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE SMALL ARMS, AMMUNITION, EXPLOSIVES AND RELATED PRODUCTS INDUSTRIES

These matters are before me pursuant to Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes" (hereinafter called the Act). The Public Contracts Board, created in accordance with Section 4 of the Act by Administrative Order dated October 6, 1936, held hearings on May 3, 1938 in the matter of the determination of the prevailing minimum wages in the Ammunition and Related Products Industry and in the Explosives Industry.

Notices of these hearings were sent to all known members of the industries mentioned, to trade unions, to trade publications, and to trade associations in the field. Invitations to attend the hearings were extended through the national press to all other interested parties.

Appearances were entered and testimony given at the hearing on ammunition and related products by members of the industry, by the Small Arms and Ammunition Manufacturers' Institute, and the Institute of Makers of Explosives; more than 75 per cent. of the industry by volume was represented at the hearing.

At the hearing on Explosives, appearances were entered and testimony was given by members of the industry and by the Institute of Makers of Explosives. Between 80 and 90 per cent., by volume, of the industry as defined was represented at the hearing.

Surveys of the Ammunition and Related Products Industry and of the Explosives Industry made by the Bureau of Labor Statistics, Department of Labor, were presented in evidence.

[1] 4 F.R. 2914 DI.



On the basis of the evidence the Board made its recommendation. Thereafter, the Administrator, Division of Public Contracts, circularized the Board's recommendations and gave the parties a reasonable period of time in which to register their objections thereto or their approval thereof before any determination in the matter should be made.

The Board advises me and the evidence indicates that blasting and detonating caps are generally not manufactured in plants making small arms ammunition, and that the wage structure prevailing in the manufacture of blasting and detonating caps varies from that prevailing in the manufacture of small arms ammunition. Accordingly, the matter of the prevailing minimum wages in the manufacture of blasting and detonating caps will be treated separately from that of the prevailing minimum wage in the manufacture of small arms ammunition, even though in the notice of hearing and in the survey made by the Bureau of Labor Statistics, they were treated together.

The information included in the survey of the small arms ammunition industry was collected by actual visits of field representatives of the Bureau to each plant covered. The survey covered 12 plants in all, 1 plant each in California, Ohio, Illinois, Minnesota, New York, and New Jersey; 3 plants in Pennsylvania; and 3 plants in Connecticut. In all, 4,065 employees engaged in the manufacture of ammunition were covered. This figure does not include the 1,758 employes covered by the survey who were engaged in the manufacture of blasting and detonating caps. The Census of Manufactures, 1935, indicates that at that time there were 13 establishments in the industry employing a total of 5,599 wage earners, but the Census figures include those who were engaged in the manufacture of blasting and detonating caps. It appears that the data included in the wage survey give an adequate picture of the wage structure prevailing in the manufacture of small arms ammunition.

The survey indicates that 6.3 percent of the wage earners receive under 37.5 cents an hour; 9.3 percent receive 37.5 cents and under 42.5 cents an hour; 19 percent receive 42.5 and under 47.5 cents an hour; 16 percent receives 47.5 and under 52.5 cents an hour. The Board recommended that the prevailing minimum wage be found to be 45 cents an hour.

Counsel for the Sporting Arms and Ammunition Manufacturers' Institute filed a brief objecting to the Board's recommendations. The brief sets forth that there was a slump in business in the summer of 1937, which resulted in the discharge of a number of employees in the lower-paid brackets, which condition was reflected in the statistics as taken in October 1937, and that the 45-cent wage is not in fact the prevailing wage that exists in the industry. The index of employment prepared by the Bureau of Labor Statistics in this and related industries shows that employment in October 1937 was only slightly lower than in September of that year, in which month employment was at its highest of any month since 1931.

The Board in reviewing the record in the light of objections received has advised me that it believes that some weight should be given to the concentration of wages in the 5-cent bracket below 42.5 cents and has accordingly recommended that the minimum be found to be 42.5 cents.

I have examined the findings and recommendations of the Board and the record of hearings, together with the briefs filed, and in the light of the facts I find the prevailing minimum wage for the manufacture of small arms ammunition to be 42.5 cents an hour or $17.00 per week of 40 hours, arrived at either upon a time or piece rate basis.

The Bureau of Labor Statistics' survey entitled Earnings and Hours in the Ammunition and Related Products Industry, October 1937, covered 1,758 wage earners engaged in the manufacture of blasting and detonating caps. When added to the 4,065 engaged in the manufacture of ammunition a total of 5,823 wage earners were included in the Bureau of Labor Statistics' survey. The Census of Manufactures, 1935, covered 5,599 wage earners engaged in the manufacture of ammunition, including blasting and detonating caps. It appears that the data included in this survey are adequate to show the wage structure prevailing in the manufacture of blasting and detonating caps.

This survey indicates that 18.9 per cent. of the wage earners engaged in the making of blasting and detonating caps receive wages in the wage interval of 47.5 to 52.5 cents an hour. Receiving wages below this interval are 10.6 percent of the wage earners, and 70.5 per cent. receive wages of 52.5 cents an hour or more.

Upon these facts, the Board recommended a minimum wage of 50 cents an hour for blasting and detonating caps.

Counsel for the Institute of Makers of Explosives objected to the Board's findings and recommendations for the reason that the period covered by the survey, October 1937, was allegedly not a normal month with respect to employees, and, secondly, that the finding and recommendation of the prevailing minimum wages has not resulted in findings and recommendations of the minimum which is prevailing in the industry.

In the light of the objections filed, the data in support of those objections, and upon review of the record, the Board is of the opinion that the prevailing minimum wage for the manufacture and supply of blasting and detonating caps, although within the interval of 47.5 to 52.5 cents, is 47.5 cents an hour. The Board advises me that in making this recommendation, it has recognized the downward pull exerted by the workers concentrated in the lower wage intervals.

I have examined the findings and recommendations of the Board and the record of the hearing, together with the briefs filed, and in the light of the facts I find the prevailing minimum wage for the manufacture of blasting and detonating caps to be 47.5 cents an hour or $19.00 per week of forty hours, arrived at either upon a time or piece rate basis.

The survey of earnings and hours in the Explosives Industry presented at the hearing covered employment in the industry during October 1937. The survey covered establishments in the industry employing 5 or more workers, and included 51 plants with a total employment of 3,814 wage earners. The Bureau of Census figures for 1935 shows that in that year there were 74 establishments in the industry with an average number of wage earners for the year of 4,570. The Bureau of Labor Statistics' survey covered 12 plants in Pennsylvania; 6 in Illinois; 4 in Washington; 3 each in California, Missouri, and Ohio; 2 each in Alabama, Arizona, Michigan, New Jersey, and Tennessee; and 1 each in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Utah, West Virginia, and Wisconsin. Of the 51 establishments covered by the survey, 32 plants employing 3,058 wage earners are classified in the dynamite branch, and 19 plants employing 756 wage earners are classified in the black powder branch of the industry. It would appear that the survey adequately shows the wage structure prevailing in the Explosives Industry.

The survey indicates that the unskilled employees in the industry constitute the minimum wage class. The average hourly earnings of unskilled wage earners covered by the survey are 62 cents an hour. The wages of the unskilled workers range from under 37.5 cents an hour to $1.075 and under $1.125, with the most significant concentration in the range between 57.5 and under 62.5 cents an hour where 20.6 per cent. of the unskilled employees are found. This is 3.6 per cent. more than are found in the next lower wage class, and 3.3 per cent. more than are found in the four lowest wage classes combined. The Board recommended a minimum wage of 60 cents an hour based upon the fact that there is no pronounced concentration of employees at any 5-cent interval below 57.5 cents an hour.

Counsel for the Institute of Makers of Explosives objected by brief to the Board's findings, setting forth the same objections referred to with respect to the Board's findings and recommendations of the prevailing minimum wage in the manufacture of blasting and detonating caps. With respect to the allegation that October of 1937 was not a normal month,

the index of employment shows that the index number for October 1937 is 91.8. This is only slightly lower than the 92.2 index number for September 1937, which was the highest reported for any month since 1931. Furthermore, the index number of payrolls in October 1937 is the highest reported for any month since 1931.

In the light of the objections filed, the data in support of those objections, and upon review of the record, the Board is of the opinion that the prevailing minimum wage for the manufacture and supply of explosives although within the interval of 57.5 to 62.5 cents an hour, is 57.5 cents an hour. The Board advises me that in making this recommendation it has recognized the downward pull exerted by the workers concentrated in the lower wage intervals.

I have examined the findings and recommendations of the Board and the record of hearing, together with the briefs filed, and in the light of the facts I find the prevailing minimum wage for the manufacture of explosives to be 57.5 cents an hour or $23.00 per week of forty hours, arrived at either upon a time or piece rate basis.

In the light of the foregoing I hereby determine:

(1) The prevailing minimum wage for persons employed in the manufacture and supply of ammunition and parts thereof for small arms, and such related products as saluting primers and aircraft engine starters, to be 42.5 cents an hour or $17.00 per week of forty hours, arrived at either upon a time or piece rate basis;

(2) The prevailing minimum wage for persons employed in the manufacture and supply of blasting and detonating caps to be 47.5 cents an hour or $19.00 per week of forty hours, arrived at either upon a time or piece rate basis;

(3) The prevailing minimum wage for persons employed in the manufacture and supply of explosives, including dynamite, permissible explosives (those approved by the United States Bureau of Mines for use in mines where dust and gas explosions are likely to occur), nitroglycerine, black blasting powder, pellet and fuse powder, and smokeless gun powder, to be 57.5 cents an hour or $23.00 per week of forty hours, arrived at either upon a time or piece rate basis.

This determination shall be effective and the minimum wages hereby established for the manufacture and supply of the commodities of the respective industries, shall apply to all contracts for such commodities with agencies of the United States Government subject to the provisions of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35), bids for which are solicited on or after October 19, 1939.

[SEAL] FRANCES PERKINS,
*Secretary.*

Dated, October 4, 1939.

[F. R. Doc. 39-3662; Filed, October 5, 1939; 11:32 a. m.]

## *Notices*

## DEPARTMENT OF STATE.

### TRADE AGREEMENT NEGOTIATIONS WITH CHILE

PUBLIC NOTICE

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930", as extended by Public Resolution No. 10, approved March 1, 1937, and to Executive Order No. 6750, of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Chile.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such agreement should be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee concerning the manner and dates for the submission of briefs and applications, and the time set for public hearings.

CORDELL HULL,
*Secretary of State.*

OCTOBER 2, 1939.

[F. R. Doc. 39-3674; Filed October 5, 1939; 9:55 a. m.]

## COMMITTEE FOR RECIPROCITY INFORMATION.

### TRADE AGREEMENT NEGOTIATIONS WITH CHILE

PUBLIC NOTICE

*Closing date for submission of briefs, November 11, 1939; Closing date for application to be heard, November 11, 1939; Public hearings open, November 27, 1939.*

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, in regard to the negotiation of a trade agreement with the Government of Chile, notice of intention to negotiate which has been issued by the Secretary of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, November 11, 1939. Such communications should be addressed to "Chairman, Committee for Reciprocity Information, Old Land Office Building, Eighth and E Street NW., Washington, D. C."

A public hearing will be held beginning at 10 a. m. on November 27, 1939, before the Committee for Reciprocity Information in the hearing room of the Tariff Commission in the Old Land Office Building, where supplemental oral statements will be heard.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 2nd day of October 1939.

JOHN P. GREGG,
*Secretary.*

OCTOBER 2, 1939.

### *List of Products on Which the United States Will Consider Granting Concessions to Chile*

NOTE: The rates of duty or tax indicated are those now applicable to products of Chile.

For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930, and to the appropriate section of the Internal Revenue Code. The descriptive phraseology is, however, in some cases limited to a narrower field than that covered by the numbered tariff paragraph. In such cases only the articles covered by the descriptive phraseology of the list will come under consideration for the granting of concessions.

In the event that articles which are at present regarded as classifiable under the descriptions included in the list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles.

| United States Tariff Act of 1930 paragraph | Description of article | Present rate of duty |
|---|---|---|
| 52 | Spermaceti wax | 2½¢ per lb.[1] |
| 735 | Apricots, green, ripe, or in brine | ½¢ per lb. |
| 742 | Grapes in bulk, crates, barrels, or other packages | 25¢ per cubic foot of such bulk or the capacity of the packages, according as imported.[2] |
| 745 | Peaches (including nectarines), green, ripe, or in brine | ½¢ per lb. |
| 748 | Plums, prunes, and prunelles, green, ripe, or in brine | ½¢ per lb. |
| 749 | Pears, green, ripe, or in brine | ½¢ per lb. |
| 752 | Melons (except watermelons) in their natural state, or in brine, pickled, dried, desiccated, evaporated, or otherwise prepared or preserved, and not specially provided for. | 35% ad valorem. |

[1] This rate was reduced from 3½¢ per lb. to 2½¢ per lb. pursuant to the trade agreement with the United Kingdom, effective January 1, 1939.

[2] Rate on hothouse grapes bound against increase pursuant to the trade agreement with Belgium, effective May 1, 1935.



| United States Tariff Act of 1930 paragraph | Description of article | Present rate of duty |
|---|---|---|
| 765 | Beans, not specially provided for, dried | 3¢ per lb. |
| 767 | Lentils | ½¢ per lb. |
| 769 | Chickpeas or garbanzos, dried | 1¾¢ per lb. |
| 770 | Onions | 2½¢ per lb. |
| 770 | Garlic | 1½¢ per lb.. |
| 1611 | Argols, tartar, and wine lees, crude or partly refined, containing less than 90 per centum of potassium bitartrate. | Free. |
| 1611 | Calcium tartrate, crude | Free. |
| 1658 | Copper ore; regulus of, and black or coarse copper, and cement copper; old copper, fit only for remanufacture, copper scale, clippings from new copper, and copper in plates, bars, ingots, or pigs, not manufactured or specially provided for. | Free (subject to import tax of 4¢ per lb. of copper content under Sec. 3425, Int. Rev. Code; see below). |
| 1669 | Drugs which are natural and uncompounded and not edible, and not specially provided for, and are in a crude state, not advanced in value or condition by shredding, grinding, chipping, crushing, or any other process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, and not containing alcohol: Soap bark or quillaya | Free. |
| 1681 | Furs and fur skins, not specially provided for, undressed: Sheep and lamb | Free.[3] |
| | Nutria | Free. |
| 1685 | Guano | Free. |
| 1685 | Substances consisting chiefly of sodium nitrate and potassium nitrate, used chiefly for fertilizers, or chiefly as an ingredient in the manufacture of fertilizers. | Free. |
| 1698 | Iodine, crude | Free. |
| 1700 | Iron ore, including manganiferous iron ore | Free. |
| 1765 | Sheep and lamb skins, raw | Free. |
| 1766 | Sodium nitrate, crude or refined | Free. |
| 1766 | Sodium sulphate, crude, or crude salt cake | Free. |
| 1777 | Sulphur in any form, and sulphur ore, such as pyrites or sulphide of iron in its natural state, and spent oxide of iron, containing more than 25 per centum of sulphur. | Free.[4] |

[3] Duty-free status bound against change pursuant to the trade agreement with the United Kingdom, effective January 1, 1939.

[4] Free status of sulphur in any form bound against change pursuant to the trade agreement with the United Kingdom, effective January 1, 1939.

| Internal Revenue Code section | Description of article | Present rate of import tax |
|---|---|---|
| 3425 | Copper-bearing ores and concentrates and articles provided for in paragraph 316, 380, 381, 387, 1620, 1634, 1657, 1658, or 1659 of the Tariff Act of 1930. | 4¢ per lb. on the copper contained therein. |
| | *Provided*, That no tax under I. R. C., Sec. 3425 shall be imposed on copper in any of the foregoing which is lost in metallurgical processes | |
| | *Provided further*, That ores or concentrates usable as a flux or sulphur reagent in copper smelting and/or converting and having a copper content of not more than 15 per centum, when imported for fluxing purposes, shall be admitted free of said tax in an aggregate amount of not to exceed in any one year 15,000 tons of copper content | |
| | All articles dutiable under the Tariff Act of 1930, not provided for heretofore in this iteth, in which copper (including copper in alloys) is the component material of chief value | 3¢ per lb. |
| | All articles dutiable under the Tariff Act of 1930, not provided for heretofore in this item, containing 4 per centum or more of copper by weight | 3% ad valorem or 3¢ per lb., whichever is the lower. |

[F. R. Doc. 39-3675; Filed, October 5, 1939; 9:55 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

APPLICATION OF THE COTTON TEXTILE INSTITUTE AND SUNDRY OTHER PARTIES FOR PERMISSION TO EMPLOY LEARNERS IN THE TEXTILE INDUSTRY AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM SPECIFIED

NOTICE OF RECONVENED HEARING

Whereas, applications have been made by the Cotton Textile Institute and sundry other parties under Section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations—Part 522, as amended, (Regulations Applicable to the Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act)—issued by the Administrator thereunder for permission to employ learners in the textile industry at wages less than the minimum wage applicable under Section 6 of the Act; and

Whereas, after due notice,[1] a public hearing was heid on these applications in Washington, D. C., on November 28, 29 and 30, 1938 before Merle D. Vincent, a representative of the Administrator duly authorized to conduct said hearing and to determine:

(a) What, if any, occupation or occupations in the textile industry require a learning period; and

(b) Whether it is necessary in order to prevent curtailment of opportunities for employment, to provide for the employment of persons in occupations requiring a learning period at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and

(c) If such necessity is found to exist, at what wages lower than the minimum wage applicable under Section 6, such employment of learners shall be permitted, and with what limitations as to time, number, proportion, and length of service; and

Whereas, new applications by representatives of certain branches of the textile industry, whose original applications were withdrawn following the aforesaid hearing, have been received; and

Whereas, it appears advisable that the aforesaid hearing be reopened for the purpose of considering the necessity, if any, of employing learners at subminimum wage rates in the textile industry, as defined below, or any branch thereof, under the minimum wage rates of 30 cents and 32½ cents an hour to become effective October 24, 1939;

Now, therefore, notice is hereby given that the aforesaid hearing will be reopened on October 12, 1939, at 10 a. m. in Room 208, 939 D Street NW., Washington, D. C., and Merle D. Vincent is hereby designated as presiding officer to conduct the said reopened hearing, to take further testimony for the purpose of determining and to determine under the minimum wage rates applicable October 24, 1939:

(a) What, if any, occupation or occupations in the textile industry, or branch thereof, require a learning period, and

(b) the factors which may have a bearing upon curtailment of opportunities for employment within the textile industry, or branch thereof, and

(c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the textile industry, or branch thereof, for whatever occupation or occupations, if any, are found to require a learning period.

As used in this notice, the term "textile industry" is defined to mean:

I. The following operations which constituted the definition of the term in the original notice of hearing (published in the FEDERAL REGISTER, November 10, 1938):

(a) the manufacturing or processing of yarn or thread and all processes preparatory thereto, and manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs) from cotton, wool, silk, flax, jute or any synthetic fiber, or from mixtures of these fibers; except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) the manufacturing of batting, wadding or filling and the processing of

[1] 4 F.R. 2671 DL

waste from the fibers enumerated in clause (a);

(c) the manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

(d) the manufacturing or finishing of braid, net or lace from any fiber or yarn;

(e) the manufacturing of cordage, rope or twine from any fiber, and

II. Any other operations which are subject to the Textile Minimum Wage Order effective October 24, 1939.

At this reopened hearing opportunity to present evidence relevant to the above questions will be afforded any interested person provided the presiding officer, Merle D. Vincent, shall have received from such person prior to noon, October 11, 1939, a notice of intention to appear setting forth his name and address, and specifying the branch or branches of the textile industry to which his testimony will be directed and the approximate length of such presentation.

Signed at Washington, D. C., this 5th day of October 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3684; Filed, October 5, 1939; 12:40 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 6, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Brown Bros. Hosiery Mills, 1208 Second Street, Hickory, North Carolina.

Camilla Hosiery Company, Hawley, Pennsylvania (5 learners).

Clementon Hosiery Mill, Clementon, New Jersey (5 learners).

Columbine Knitting Mills, Inc., Church Street, Columbia, Mississippi.

Conover Knitting Company, Conover, North Carolina.

Cormier Hosiery Mills, Laconia, New Hampshire (1 learner).

Crescent Hosiery Mills, Niota, Tennessee (8 learners).

Elkton Finishing Company, Elkton, Maryland (5 learners).

Ellis Hosiery Mills, Hickory, North Carolina.

Fleetwood Hosiers Limited, Walnut and Locust Streets, Fleetwood, Pennsylvania (5 learners).

Fleetwood Hosiery Corporation, Main Street, Fleetwood, Pennsylvania (5 learners).

G. and H. Hosiery Co., Inc., Hickory, North Carolina.

H. R. H. Silk Hosiery Mills, Inc., Moberly, Missouri (5 learners).

H. R. H. Silk Hosiery Mills of Illinois, Quincy, Illinois (5 learners).

Halifax County Hosiery Mills, Scotland Neck, North Carolina.

Hiwassee Mill, 3118 Edwards Street, Cleveland, Tennessee (5 learners).

Juvenile Hosiery Mills, Inc., Greensboro, North Carolina (5 learners).

Knit Sox Hosiery Mill, Hickory, North Carolina (5 learners).

Leesburg Hosiery Mill, Leesburg, New Jersey (5 learners).

Narvin Hosiery Mill, Church Street, Lincolnton, North Carolina (5 learners).

Milton Hosiery Company, Inc., Milton, Delaware (5 learners).

Ripon Knitting Works, Ripon, Wisconsin (5 learners).

Star Hosiery Mills, Inc., Conover, North Carolina (5 learners).

Talbot Hosiery Mill, Washington Street, Easton, Maryland (5 learners).

Terry Hosiery Mills, 600 South Hamilton Street, High Point, North Carolina (1 learner).

Unique Knitting Co., Acworth, Georgia.

Walton Hosiery Mills, Inc., Fourth Street, Statesville, North Carolina (4 learners).

Willard Hosiery Mills, Inc., Dublin, Pennsylvania (2 learners).

Winsted Hosiery Company, The, 196 Holabird Avenue, Winsted, Connecticut (6 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 5th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3686; Filed, October 5, 1939; 12:52 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 6, 1939, to June 6, 1940, unless otherwise indicated opposite the employer's name, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

| Name and address of firm | Number of learners | Expiration date |
|---|---|---|
| Aberdeen Hosiery Mills, Inc., Aberdeen, North Carolina | 35 | Feb. 1, 1940 |
| Auburn Hosiery Mills, Auburn, Kentucky | 9 | Jan. 1, 1940 |
| Chalfont Hosiery Mills, Chalfont, Pennsylvania | 22 | Feb. 1, 1940 |
| Feed & Sons, John L., Port Huron, Michigan | 16 | |
| Glen Raven Knitting Mills, Inc., Glen Raven, North Carolina | 19 | Feb. 1, 1940 |
| Infants Socks, Inc., Eutaula, Alabama | 50 | |
| Infants Socks, Inc., Middletown, Pennsylvania | 37 | |
| Jackson Hosiery Mill, Jackson, Missouri | 24 | Dec. 15, 1939 |
| Lawler Hosiery Mills, Carrollton, Georgia | 24 | |
| Oscar Nebel Company, Inc., Verona, Virginia | 37 | Apr. 15, 1940 |
| Pacolet Knitting Company, Tryon, North Carolina | 35 | |
| Portage Hosiery Company, Portage, Wisconsin | 16 | |
| Shenandoah Knitting Mills, Inc., Shenandoah, Virginia | 54 | Feb. 29, 1940 |
| Silkay Hosiery Mills, Allentown, Pennsylvania | 10 | |
| Supreme Hosiery Company, Jersey Shore, Pennsylvania | 18 | |
| United Silk Mills Co., Northumberland, Pennsylvania | 13 | |
| Van Raalte Company, Inc., Blue Ridge, Georgia | 75 | |
| Vestal Mills, Inc., Athens, Tennessee | 16 | |
| Virginia Maid Hosiery, Pulaski, Virginia | 20 | |
| Wytheville Knitting Mills, Inc., Wytheville, Virginia | 8 | |

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 5th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3689; Filed, October 5, 1939; 12:52 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 6, 1939, subject to the following terms and to the additional terms and conditions indicated opposite the employer's name:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NAME AND ADDRESS OF FIRM AND ADDITIONAL TERMS AND CONDITIONS

Doylestown Finishing Company, Doylestown, Pennsylvania: For 5 learners up to September 18, 1940, and 31 additional learners up to February 1, 1940.

Graysville Hosiery Mill, Dayton, Tennessee: For 5% of factory employees until September 18, 1940, and an additional 11 learners until February 15, 1940.

Gouverneur Hosiery Mills, Gouverneur, New York: For 5% of factory employees until September 18, 1940, and an additional 18 learners until February 29, 1940.

Hellam Hosiery Company, Hellam, Pennsylvania: For 5 learners up to September 18, 1940, and 11 additional learners up to February 1, 1940.

Karolen Knitting Mills, Inc., Shelby, North Carolina: For 5 learners up to September 18, 1940, and 19 additional learners up to January 15, 1940.

Waldridge Knitting Company, Helena, Arkansas: For 5 learners up to September 18, 1940, and 16 additional learners up to February 15, 1940.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 5th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3690; Filed, October 5, 1939; 12:52 p. m.]

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## FEDERAL POWER COMMISSION.

[Docket Nos. G-100, G-101, G-113, G-127]

CITY OF CLEVELAND, COMPLAINANT V. HOPE NATURAL GAS COMPANY, DEFENDANT; CITY OF AKRON, COMPLAINANT V. HOPE NATURAL GAS COMPANY, DEFENDANT; IN THE MATTER OF HOPE NATURAL GAS COMPANY; PENNSYLVANIA PUBLIC UTILITY COMMISSION, COMPLAINANT V. HOPE NATURAL GAS COMPANY, DEFENDANT

ORDER FIXING DATE OF HEARING

OCTOBER 3, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) In Docket No. G-100, on July 6, 1938, the City of Cleveland, Ohio, and in Docket No. G-101, on July 25, 1938, the City of Akron, Ohio, filed complaints with the Commission against the Hope Natural Gas Company, alleging that the price charged by the Hope Natural Gas Company to The East Ohio Gas Company, an affiliated company, for natural gas sold and delivered at the Ohio River for resale to domestic, commercial and small industrial consumers in the cities of Cleveland and Akron and elsewhere, is excessive, unjust, unreasonable, greatly in excess of the price charged by the Hope Natural Gas Company to non-affiliated companies at wholesale for resale to domestic, commercial, and small industrial consumers, and greatly in excess of the price charged by Hope Natural Gas Company to The East Ohio Gas Company for resale to certain favored industrial consumers in Ohio and therefore unduly discriminatory between customers and between classes of service. Said complaints prayed for an investigation by this Commission and a finding that the price charged The East Ohio Gas Company by the Hope Natural Gas Company for gas sold and delivered at the Ohio River is excessive, unreasonable, and unjustly discriminatory, and for the fixing of a just, fair and reasonable rate;

(b) On August 18, 1938, and August 26, 1938, the Hope Natural Gas Company filed its answers to the complaints of the City of Cleveland and the City of Akron in Docket No. G-100 and Docket No. G-101, respectively, in which it denied that the price charged by the Hope Natural Gas Company to The East Ohio Gas Company for natural gas for resale to domestic, commercial, and small industrial consumers is excessive, unreasonable or discriminatory;

(c) In Docket No. G-113, on October 14, 1938, the Commission, on its own motion, adopted an order instituting an investigation of the Hope Natural Gas Company for the purpose of enabling the Commission (1) to determine, with respect to said company, whether, in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, any rate, charge, or classification demanded, observed, charged or collected or any rule, regulation, practice or contract affecting such rate, charge, or classification, is unjust, unreasonable, unduly discriminatory, or preferential; and (2) if the Commission shall find that any such rate, charge, classification, rule, regulation, practice or contract is unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders just, reasonable and non-discriminatory rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force;

(d) Said order instituting an investigation was duly served upon the Hope Natural Gas Company and was received by said company on October 15, 1938;

(e) In Docket No. G-127, on March 23, 1939, the Pennsylvania Public Utility Commission filed a complaint with the Commission against the Hope Natural Gas Company, alleging that the prices charged by the Hope Natural Gas Company to The Peoples Natural Gas Company, the Fayette County Gas Company and The Manufacturers Light and Heat Company, for natural gas sold and delivered at points on the Pennsylvania-West Virginia state line for resale in the State of Pennsylvania, are unlawful, excessive, unreasonable and discriminatory, and said complaint prays for an investigation by this Commission of said prices and for the fixing of just, fair and reasonable rates;

(f) On April 25, 1939, the Hope Natural Gas Company filed its answer to the complaint of the Pennsylvania Public

Utility Commission in Docket No. G–127, in which it denied that the prices charged by the Hope Natural Gas Company to The Peoples Natural Gas Company, the Fayette County Gas Company and The Manufacturers Light and Heat Company are unlawful, excessive, unreasonable and discriminatory;

(g) Hope Natural Gas Company has in course of preparation a restatement of the cost of its property and plant and representatives of the Commission have been informed that such restatement studies are substantially completed and will be entirely completed within a comparatively short time;

The Commission orders that:

(A) A public hearing in these proceedings be held commencing on December 4, 1939, at ten o'clock a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., and at said public hearing, pursuant to the provisions of Sec. 50.63 of the Provisional Rules of Practice and Regulations Under the Natural Gas Act, the order of procedure will be for the Hope Natural Gas Company to open and close these proceedings with the presentation of its evidence relevant and material to the question whether, in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, any rate, charge, or classification demanded, observed, charged or collected by said Hope Natural Gas Company, or any rule, regulation, practice or contract affecting such rates, charge, or classification, is unjust, unreasonable, unduly discriminatory, or preferential;

(B) Docket Nos. G–100, G–101, G–113 and G–127 be and they are hereby consolidated for purposes of hearing thereon;

(C) Hope Natural Gas Company is hereby requested to submit at said hearing the restatement of the cost of its property and plant mentioned in paragraph (g) of this order.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39–3671; Filed, October 5, 1939; 9:54 a. m.]

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[Docket No. IT–5584]

IN THE MATTER OF BELLOWS FALLS HYDRO-ELECTRIC CORPORATION AND CONNECTICUT RIVER POWER COMPANY

ORDER CHANGING PLACE OF HEARING

OCTOBER 3, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

Upon further consideration by the Commission, and it appearing that the convenience of witnesses and parties will be served and the conduct of the hearing expedited by the change in the place of hearing as hereinafter provided;

The Commission orders:

The hearing heretofore set by the Commission's order of September 22[1] in the above entitled proceedings to be held in the Commission's Hearing Room, 1800 Pennsylvania Avenue, N. W., Washington, D. C., beginning at 10 o'clock a. m. October 23, 1939, be held beginning at the same time in Room 336 in the Post Office and Court House Building, Springfield, Massachusetts.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39–3672; Filed, October 5, 1939; 9:54 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

[Docket No. 3903]

IN THE MATTER OF NATIONAL GRAIN YEAST CORPORATION, RESPONDENT

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act and pursuant to the provisions of an Act of Congress approved October 15, 1914, entitled "An Act to Supplement Existing Laws Against Unlawful Restraints and Monopolies and for Other Purposes" (U.S.C. Title 15, Section 13 of the Clayton Act) as amended, and by virtue of said authority vested in it by said acts, the Federal Trade Commission, having reason to believe that National Grain Yeast Corporation, hereinafter referred to as respondent, has violated the provisions of said Federal Trade Commission Act and subsections (a) and (c) of Section 2 of said Clayton Act as amended, and it appearing by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

*Count I*

PARAGRAPH 1. National Grain Yeast Corporation, is a corporation organized and existing under and by virtue of the laws of the State of New Jersey, with its principal office and place of business located at 810 Mill Street, Belleville, New Jersey.

PAR. 2. Respondent, since June 19, 1936, has been and now is engaged in the manufacture, sale and distribution of bakers' yeast. In the course and conduct of such sale and distribution it causes said yeast to be shipped and transported in commerce from its plant in the State of New Jersey to the purchasers thereof in and among the various states of the United States, and there is and has been at all times herein mentioned a current of trade and commerce in respondent's yeast between the state wherein respondent's plant is located and various other states of the United States.

PAR. 3. Said respondent in the course and conduct of its business since June 19, 1936, has been and is now in substantial competition with other corporations, individuals, partnerships and firms engaged in the business of manufacturing, selling and distributing bakers' yeast in commerce.

PAR. 4. In the course and conduct of its business as aforesaid the respondent has been and now is discriminating in price between different purchasers of its said product of like grade and quality, by giving and allowing certain purchasers of bakers' yeast used in the manufacture of bread and allied products, different prices than given or allowed other of its said purchasers competitively engaged one with the other, in the sale and distribution of bread and allied products within the various states of the United States. To illustrate, during the year of 1937 respondent sold 208,400 pounds of bakers' yeast to Krug Baking Company, 138 94th Avenue, Jamaica, Long Island, New York, at 11 cents per pound, and during the same period sold Dugan Brothers, 222nd Street and 98th Avenue, Queens, Long Island, New York, a competitor, 329,850 pounds of bakers' yeast at 10 cents per pound, less 1%, thus affording the last mentioned purchaser a saving of $3,628.35 during said period, upon the basis of the price charged the first mentioned purchaser. Also during the same period respondent sold Mersels Darling Bread Company, 565 Barry Street, Bronx, New York, 23,420 pounds of bakers' yeast at 13 cents per pound, and sold Pechter Baking Company, 173rd Street and Park Avenue, Bronx, New York, a competitor, 40,927 pounds of bakers' yeast at 11 cents per pound, thus affording the last mentioned purchaser a saving of $818.54 during said period, upon the basis of price charged to first mentioned purchaser.

PAR. 5. Further discrimination in price between different competing purchasers of its products is brought about as a result of respondent delivering large quantities of bakers' yeast to certain of its purchasers for which no specific charge is made, in addition to yeast actually sold and delivered to these same purchasers for which a specific price is charged, thus reducing the cost to said favored customers of the yeast actually purchased, while at the same time other purchasers competitively engaged in the sale of bread and allied products with the said favored purchasers and paying the same price per pound for said product, are not furnished such additional yeast. To illustrate, during the month of November, 1936, Saperstein, 676 Allerton Avenue, Bronx, New York, purchased 350 pounds of yeast at 13 cents per pound and in addition to said purchased yeast respondent delivered 290 pounds of yeast for which no charge was made, while during the same period Lang's, 691 Allerton Avenue, Bronx, New York, a competitor, purchased 342 pounds of bakers' yeast at 13 cents per pound and respondent delivered no additional yeast to said purchaser without charge.

PAR. 6. Respondent further discriminates in price between competing purchasers by granting cash discounts of 1% to 2% to certain of its purchasers which are not granted to others who pay in the same manner and within the same time as those receiving such discounts.

PAR. 7. The effect of such discrimination in price as set forth in Paragraphs Four, Five, and Six hereof has been or may be substantially to lessen competition in the line of commerce in which respondent and its competitors are engaged, and may be to injure, destroy or prevent competition in the sale and distribution of bread and allied products between those of respondent's purchasers who receive the benefits of such discriminations and competing purchasers who do not receive such benefits.

PAR. 8. The foregoing alleged acts and practices are in violation of Subsection (a) of Section 2 of the Clayton Act as amended.

*Count II*

PARAGRAPH 1. The allegations of Paragraphs One, Two and Three of Count I are hereby incorporated as though fully set forth.

PAR. 2. In the course and conduct of its business as aforesaid, respondent pursues a policy and practice of contracting with various bakers' associations under the terms of which contracts the said respondent sells its bakers' yeast to the members of said associations at prices fixed in said contracts and makes monthly payments to said associations of a commission or brokerage upon the sales to said members; that said payments so made inure to the benefit of the members of said associations through the payment of dividends to the members by the associations; that no services of any sort or character are rendered by said associations to respondent in connection with such sale or purchase of said yeast.

PAR. 3. The foregoing alleged acts and practices are in violation of subsection (c) of Section 2 of the Clayton Act, as amended.

*Count III*

PARAGRAPH 1. The allegations of Paragraphs One, Two and Three of Count I are hereby incorporated as though fully set forth.

PAR. 2. In the course and conduct of its business respondent during a period of more than three years last past has systematically given and offered to give gratuities consisting of liquor, cigars, meals, money, and other personal property and entertainment of various kinds to employees of bakers, both its customers and prospective customers and its competitors' customers and prospective customers, secretly and without the knowledge and consent of their employers, with the design and purpose of inducing said employees to purchase respondent's product and to refrain from purchasing the product of its competitors or to induce said employees to influence their respective employers to purchase the product of respondent and to refrain from purchasing that of respondent's competitors.

PAR. 3. The acts and practices of respondent as herein set forth are calculated to and have the capacity and tendency to induce the purchase of respondent's product by various bakers and have diverted trade from competitors of respondent, to the respondent herein.

PAR. 4. The aforesaid acts and practices of the respondent are all to the prejudice and injury of the public and of respondent's competitors and constitute unfair methods of competition in commerce and unfair and deceptive acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act.

Wherefore, the premises considered, the Federal Trade Commission, on this 29th day of September, A. D., 1939, issues this, its complaint, against said respondent.

NOTICE

Notice is hereby given you, National Grain Yeast Corporation, respondent herein, that the 3rd day of November, A. D. 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 29th day of September, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39–3679; Filed, October 5, 1939; 10:45 a. m.]

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[1] 4 F.R. 4043 DI.



## RAILROAD RETIREMENT BOARD.

IN THE MATTER OF THE EMPLOYER STATUS OF DESPATCH SHOPS, INCORPORATED, AND OF THE EMPLOYER STATUS OF THE INDIVIDUALS ENGAGED IN ITS OPERATIONS

NOTICE OF HEARING

Notice is hereby given to all persons interested that under the authority of Board Order No. 39–622, dated October 3, 1939, a hearing will be held beginning October 19, 1939, at 10:00 A. M., in Rochester, New York, at an address to be announced, at which time evidence concerning the question of the employer status under the Railroad Retirement Act and the Railroad Unemployment In-

surance Act, of Despatch Shops, Incorporated, and the question of the employee status under the Acts of the individuals engaged in the operations of that company, will be received by me.

JOSEPH A. FANELLI,
*Examiner.*

Dated, October 4, 1939.

[F. R. Doc. 39-3669; Filed, October 4, 1939; 3:43 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of October 1939.

[File No. 44-30]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION, DEBTOR, AND CENTRAL STATES POWER & LIGHT CORPORATION

ORDER APPROVING ACQUISITION OF BONDS

Charles True Adams, Trustee of the Estate of Utilities Power & Light Corporation, Debtor, a registered holding company and its subsidiary, Central States Power & Light Corporation, also a registered holding company, having filed a joint application and amendments thereto pursuant to Rule U-12C-1 for approval of the acquisition by Central States Power & Light Corporation of, not to exceed, $2,576,900 principal amount of its outstanding First Mortgage and First Lien Gold Bonds, 5½% Series due 1953, such bonds to be acquired by tenders at a fixed price of 72 plus accrued interest;

The hearing on such matter having been held after appropriate notice, the record in this matter having been examined, and the Commission having made and filed its findings herein;

*It is ordered*, That in accordance with and for the purposes represented in the application as amended the acquisition by Central States Power & Light Corporation of its First Mortgage and First Lien Gold Bonds, 5½% Series due 1953, be, and the same hereby is, approved subject to the following terms and conditions:

(a) That the offer to accept tenders shall expire 20 days from the date of mailing of the literature in which the offer to accept tenders and solicitation of acceptance thereof is made; or, in lieu thereof in the case of bondholders residing in foreign countries, within 20 days of publication of notice thereof in such foreign country;

(b) That the offer to accept tenders shall prescribe that tenders shall be made in the names of the actual holders of the bonds;

(c) That where physical delivery of the bonds within the stated tender period is impossible, that a guarantee of delivery by any bank or trust company in the United States shall be deemed to fulfill the requirement;

(d) That Charles True Adams and Central States Power & Light Corporation shall mail notice to every known holder of Central States Power & Light Corporation's First Mortgage and First Lien Gold Bonds, 5½% Series due 1953, and may cause such notice to be published in this or foreign countries, advising of the offer to accept tender, and simultaneously shall make, or cause to be made, to such bondholders such disclosures as may be necessary or desirable for the purpose of enabling the bondholders to determine whether or not to tender at the price of 72 plus accrued interest: *Provided, however*, that Charles True Adams and Central States Power & Light Corporation shall submit to the Commission, at least 3 days prior to mailing or publication of notice, true copies of all the literature and advertisements used in connection with the making of the offer and solicitation of acceptances thereof, and within such period the Commission reserves the right to order Charles True Adams and Central States Power & Light Corporation to make such changes as it considers necessary in the public interest and the interest of investors;

(e) That in the event the applicants consider it necessary or desirable to solicit acceptances of the tender offer by the holders of Central States' bonds who do not respond to the written literature, they may employ representatives for the purpose of soliciting in person such acceptances: *Provided, however*, that such representatives must be paid on a straight salary basis and that the names of such representatives and copies of the instructions given to them shall be filed with the Commission;

(f) That Central States Power & Light Corporation utilize the bonds acquired pursuant to such tenders solely for the purpose of withdrawing from the trustee under the Mortgage securing such bonds cash equal to the principal amount of bonds surrendered for cancellation (the aggregate of such cash withdrawals by the surrender of bonds in no event to exceed 72% of the principal amount of the bonds acquired pursuant to such tender) and hold the balance of the bonds so acquired in its treasury cancelled or uncancelled: *Provided, however*, that Charles True Adams or Central States Power & Light Corporation may apply for modification or elimination of this condition at any future time;

(g) That the applicants file with this Commission a Certificate of Notification within 10 days after the closing date of the acceptance of tender, stating that the transaction has been consummated in accordance with the terms and conditions of the order of this Commission; and

(h) That the Commission reserve jurisdiction for the purpose of passing upon the matters required to be passed upon by the foregoing conditions and for the purpose of passing upon any other questions subject to its jurisdiction that may arise in connection with the tender offer and solicitation of acceptances thereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3681; Filed, October 5, 1939; 11:26 a. m.]

## UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, SEPTEMBER 30, 1939

*Important.* Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears:

| State | Number of positions to which entitled | Number of positions occupied |
|---|---|---|
| **IN ARREARS** | | |
| 1. Virgin Islands | 9 | 0 |
| 2. Puerto Rico | 620 | 44 |
| 3. Hawaii | 148 | 17 |
| 4. California | 2,281 | 798 |
| 5. Alaska | 24 | 9 |
| 6. Texas | 2,340 | 933 |
| 7. Michigan | 1,946 | 925 |
| 8. Louisiana | 844 | 404 |
| 9. Arizona | 175 | 89 |
| 10. New Jersey | 1,624 | 877 |
| 11. South Carolina | 699 | 404 |
| 12. Ohio | 2,670 | 1,613 |
| 13. Mississippi | 807 | 493 |
| 14. Oklahoma | 963 | 563 |
| 15. Alabama | 1,063 | 660 |
| 16. Arkansas | 745 | 475 |
| 17. New Mexico | 170 | 110 |
| 18. Georgia | 1,169 | 768 |
| 19. Kentucky | 1,050 | 707 |
| 20. North Carolina | 1,274 | 892 |
| 21. Tennessee | 1,051 | 811 |
| 22. Illinois | 3,066 | 2,366 |



| State | Number of positions to which entitled | Number of positions occupied | Net gain or loss since July 1, 1939 |
|---|---|---|---|
| **IN ARREARS—Continued** | | | |
| 23. Wisconsin | 1,181 | 926 | |
| 24. Connecticut | 646 | 519 | |
| 25. Delaware | 96 | 84 | |
| 26. Indiana | 1,301 | 1,141 | |
| 27. Nevada | 37 | 33 | |
| 28. Oregon | 393 | 344 | |
| 29. Florida | 590 | 543 | |
| 30. Idaho | 179 | 166 | |
| 31. New Hampshire | 187 | 176 | |
| 32. Pennsylvania | 3,870 | 3,734 | |
| 33. New York | 5,038 | 4,926 | |
| 34. Wyoming | 91 | 90 | |
| 35. Massachusetts | 1,707 | 1,691 | |
| 36. Maine | 320 | 318 | |
| 37. Colorado | 416 | 414 | |
| 38. West Virginia | 695 | 693 | |
| 39. Missouri | 1,458 | 1,455 | |
| 40. Washington | 628 | 627 | |
| **QUOTA FILLED** | | | |
| **IN EXCESS** | | | |
| 41. Vermont | 144 | 146 | 0 |
| 42. Utah | 204 | 214 | +11 |
| 43. Montana | 216 | 228 | −4 |
| 44. Kansas | 756 | 810 | −8 |
| 45. Rhode Island | 276 | 301 | −4 |
| 46. North Dakota | 274 | 305 | −5 |
| 47. South Dakota | 278 | 310 | −1 |
| 48. Iowa | 993 | 1,126 | −10 |
| 49. Minnesota | 1,030 | 1,170 | −5 |
| 50. Nebraska | 554 | 683 | −1 |
| 51. Virginia | 973 | 2,036 | −1 |
| 52. Maryland | 655 | 2,059 | +13 |
| 53. Dist. of Col | 196 | 8,873 | −12 |

| | |
|---|---|
| **GAINS** | |
| By appointment | 64 |
| By reinstatement | 4 |
| By transfer | 19 |
| Total | 87 |
| **LOSSES** | |
| By separation | 80 |
| By transfer | 42 |
| By correction | 1 |
| Total | 123 |
| Total appointments | 50,129 |

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's Opinion of Aug. 25, 1934, 15,596.

By direction of the Commission.

[SEAL] L. A. MOYER,
*Executive Director and Chief Examiner.*

[F. R. Doc. 39-3670; Filed, October 5, 1939; 9:25 a. m.]

Reference

OCT 9 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 194

*Washington, Saturday, October 7, 1939*


## The President

### GENERAL PULASKI'S MEMORIAL DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS we do honor to ourselves and our nation in honoring those sons of foreign nations who assisted in the establishment of the United States of America; and

WHEREAS one of these whose names we hold in high esteem is Count Casimir Pulaski, who met death on October 11, 1779, in consequence of his exploits in the assault upon Savannah; and

WHEREAS the Seventy-sixth Congress, by Public Resolution 29, approved on July 15, 1939, provided:

"That the President of the United States of America is authorized to issue a proclamation calling upon officials of the Government to display the flag of the United States on all governmental buildings on October 11, 1939, and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies in commemoration of the death of General Casimir Pulaski."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do direct that the flag be displayed upon all Government buildings on October 11, 1939, as a mark of respect to the memory of General Casimir Pulaski, and do hereby invite the people of the United States to observe that day as General Pulaski's Memorial Day and to participate with appropriate ceremonies in schools and churches or other suitable places in the commemoration of General Pulaski's death on October 11, one hundred and sixty years ago.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 4" day of October, in the year of our [SEAL] Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2368]

[F. R. Doc. 39-3710; Filed, October 6, 1939; 12:35 p. m.]

## EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 7242 OF DECEMBER 6, 1935, PRESCRIBING REGULATIONS GOVERNING HIGHWAYS, VEHICLES, AND VEHICULAR TRAFFIC IN THE CANAL ZONE

By virtue of and pursuant to the authority vested in me by sections 321 to 323 of title 2 of the Canal Zone Code, approved June 19, 1934, and by section 2 of the act of July 10, 1937, 50 Stat. 510, Executive Order No. 7242 of December 6, 1935, prescribing regulations governing highways, vehicles, and vehicular traffic in the Canal Zone, is amended as indicated below.

1. Subdivision F of Article 5 of the said Executive order, consisting of a subdivision heading and sections 161 and 162, is hereby amended to read as follows:

"F. REGULATIONS APPLICABLE TO VEHICLES TRANSPORTING INFLAMMABLE LIQUIDS OR COMBUSTIBLE LIQUIDS IN BULK

"161. *Vehicles transporting inflammable liquids in bulk.* Every motor vehicle used in the transportation on the highways of inflammable liquids in bulk, by which is meant any liquid in bulk which gives off inflammable vapors at or below a temperature of 80 degrees Fahrenheit, shall be equipped with the safety devices specified, and conform to the regulations prescribed, in this section:

"(a) *Bumpers.* Every tank truck shall be provided with properly attached steel bumpers. The rear bumper or chassis

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THE PRESIDENT


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extension shall be so arranged as to protect adequately the draw-off valves or faucets in case of collision.

"(b) *Vents.* Every tank compartment shall be provided with a ¾-inch vacuum and pressure-operated vent, and in addition thereto venting facilities of such size and capacity as will safely relieve such internal pressure as may be created by exposure fires.

"(c) *Draw-off valves or faucets.* All draw-off valves or faucets shall have the discharge end threaded, or be otherwise so designed as to permit a tight connection with the hose extending to the fill pipe or service tank.

"(d) *Emergency shut-off valves.* Each compartment of a gravity-discharge truck tank shall be equipped with a reliable and efficient emergency shut-off valve. These valves shall (1) be located in the compartment outlet inside the shell of the tank, (2) be mechanically kept closed except during delivery operations, and (3) be so interlocked with delivery operations that they will be manually closed when such operations are completed. The operating mechanism of these valves shall be so arranged that they can be manually closed either from the front or rear end of the tank. The mechanism at the rear end of the tank shall be provided with a fusible point and a device that will automatically close the emergency shut-off valves in case of fire.

"(e) *Shear section.* In every case there shall be provided, between the seat of the emergency shut-off valve and the discharge faucet, a shear section which will break under a strain and leave intact the seat of the valve.

"(f) *Metallic connection.* The tank, chassis, axles, and springs shall be metallically connected.

"(g) *Drag chains.* Tank trucks shall be equipped with drag chains long enough to reach the ground in order to drain off such static charges as may be generated by splashing of the contents or other causes. Drag chains shall not be fastened to the discharge pipes but to the chassis which is in metallic contact with the tank.

"(h) *Filling pipe.* During the filling of the truck tank, or when discharging into service tanks, electrical contact shall be maintained between the truck tank and the filling pipe or service tank. This contact shall be effected by a bond wire metallically connected to the fill pipe or service tank and fastened to a binding post on the truck tank by any approved connection.

"(i) *Exemptions as to truck tanks in service on January 1, 1936.* Gravity-discharge truck tanks in service in the Canal Zone on January 1, 1936, shall be exempt (1) from the requirement of paragraph (d) of this section that emergency shut-off valves be interlocked with delivery operations, (2) from the requirement of paragraph (d) of a device that will automatically close the emergency shut-off valves in case of fire, and (3) from the requirement of paragraph (e) of this section relative to shear sections.

"162. *Vehicles transporting combustible liquids in bulk.* Every motor vehicle used in the transportation on the highways of combustible liquids in bulk, by which is meant any liquid in bulk having a flash point above 80 degrees Fahrenheit, shall be equipped with the safety devices specified, and shall conform to the regulations prescribed, in paragraphs (a), (b), and (c) of section 161 of this order."

2. Section 181 of the said Executive order is hereby amended to read as follows:

"181. *Punishment for violations.* Any person who shall violate any of the provisions of this order, or of regulations prescribed hereunder, shall be punishable, as provided in section 323 of title 2 of the Canal Zone Code, as amended by section 2 of the act of July 10, 1937, 50 Stat. 510, by a fine of not more than $100, or by imprisonment in jail for not more than thirty days, or by both."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Oct 5, 1939.*

[No. 8267]

[F. R. Doc. 39-3700; Filed, October 6, 1939; 11:30 a. m.]

## *Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Bulletin NSCP-301, Supplement No. 2]

PART 706—1939 NAVAL STORES CONSERVATION PROGRAM

Bulletin NSCP-301, setting forth the terms and conditions of the 1939 Naval Stores Conservation Program,[1] approved by the Secretary of Agriculture November 9, 1938, is hereby amended as follows:

I. Paragraph (g) of Section 706.4, headed "Conditions of Payment—Performance Required", which was amended by Supplement No. 1 of Bulletin NSCP-301 on November 25, 1938,[2] is further amended by changing the introductory clause of the first sentence and the whole of the last sentence of said paragraph (g) to read respectively as follows:

(g) If the number of his faces operated or contained in his participating operations in 1938 that are more than 90 inches in height at the beginning of the 1939 season, in relation to the total number operated in 1938, ranges from: The producer shall be permitted to discontinue operation on a larger net proportion, than is indicated above, of the total of those of his 1938 working faces that are less than 90 inches in height at the beginning of the 1939 season but will not receive payment for such net proportion of such discontinued faces in excess of 40 per cent of his total of all 1938 working faces; provided that said 40 per cent limitation shall not apply to faces discontinued in 1939 on trees less than 9 inches d. b. h., and on trees between 9 and 14 inches d. b. h., as required by paragraphs (b) and (d) of this section; and provided further that payment shall be restricted to such discontinued faces on which the producer retains ownership, lease or other control throughout the period of the 1939 program.

[1] 3 F.R. 2666 DI.
[2] 3 F.R. 2783 DI.



II. Paragraph (b) (4) of Section 706.5 is amended to read as follows:

For each face under 90 inches in height at the beginning of the 1939 season for all such faces, up to 40 per cent (in excess of the virgin faces worked in 1939) of the total number of all faces operated or contained in participating operations in 1938, which are taken out of operation during the 1939 season, provided that the producer shall retain control of such discontinued faces throughout the period of the 1939 program.

III. Bulletin NSCP-301 is hereby further amended by adding the following new paragraph (e) at the end of Section 706.6:

ASSIGNMENTS

(e) In order to carry out the provisions of section 8 (g) of the Soil Conservation and Domestic Allotment Act as amended and as modified by the last proviso to the item entitled "Conservation and Use of Agricultural Land Resources, Department of Agriculture" contained in the Department of Agriculture Appropriation Act, 1939:

Any producer who may be entitled to any payment in connection with the 1939 Naval Stores Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70, as amended) issued by the Agricultural Adjustment Administration, witnessed, however, by a district supervisor or an inspector of the Forest Service, and filed in the Regional Office of the Forest Service, Atlanta, Georgia, or in the office of the appropriate district supervisor of the Forest Service, located in Jacksonville, Florida, Savannah, Georgia, or Pensacola, Florida.

The foregoing provision shall not be construed to give an assignee a right to any payment other than that to which the producer is entitled, and the statute provides that the Secretary of Agriculture and any disbursing agent shall not be subject to any suit or liability if the payment is made to the producer without regard to the existence of any assignment.

Done at Washington, D. C., this 6th day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3712; Filed, October 6, 1939; 12:51 p. m.]

[1] 4 F.R. 2281 DI.

### SUGAR DIVISION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR HARVESTING SUGARCANE IN THE MAINLAND CANE SUGAR AREA BETWEEN SEPTEMBER 1, 1939, AND JUNE 30, 1940

OCTOBER 6, 1939.

Whereas Section 301 (b) of the Sugar Act of 1937 provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

Whereas the Secretary of Agriculture has held a number of public hearings[1] in the mainland cane sugar area for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the harvesting of sugarcane during the period from September 1, 1939, to June 30, 1940:

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby determine that:

§ 802.24d *Fair and reasonable wage rates for persons employed in the harvesting of sugarcane in the mainland cane sugar area between September 1, 1939, and June 30, 1940.* The requirements of Section 301 (b) of the Sugar Act of 1937 shall be deemed to have been met with respect to the harvesting of sugarcane in the mainland cane sugar area during the period from September 1, 1939, to June 30, 1940, if all persons employed on the farm during that period in the harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following:

(a) For cutting, topping and stripping sugarcane:

*Louisiana*

(1) On a day basis, adult male workers, not less than $1.50 per day of 9 hours; adult female workers, not less than $1.20 per day of 9 hours. For a working day longer or shorter than 9 hours, the rate shall be not less than 17 cents per hour for adult male workers and 13 cents per hour for adult female workers.

(2) On a tonnage basis, not less than 75 cents per ton.

*Florida*

(1) On a day basis, adult male workers, not less than $2.00 per day of 9 hours; adult female workers, not less than $1.60 per day of 9 hours. For a working day longer or shorter than 9 hours the rate shall be not less than 22.5 cents per hour for adult male workers and 18 cents per hour for adult female workers.

(b) For loading sugarcane:

*Louisiana and Florida*

(1) On a day basis, not less than $1.80 per day of 9 hours. For a working day longer or shorter than 9 hours the rate shall be not less than 20 cents per hour.

(2) On a tonnage basis, not less than 20 cents per ton.

(c) For cutting and loading sugarcane as a combined operation:

*Louisiana*

(1) On a day basis, not less than $1.60 per day of 9 hours. For a working day longer or shorter than 9 hours the rate shall be not less than 18 cents per hour.

(2) On a tonnage basis, not less than 95 cents per ton.

*Florida*

(1) Green sugarcane on a tonnage basis, not less than the following rates per ton:

| Type of sugarcane: | *Rate per ton* |
|---|---|
| Small barrel | $1.19 |
| Medium barrel | .97 |
| Large barrel | .81 |

(2) Burnt sugarcane on a tonnage basis, not less than the following rates:

| Type of sugarcane: | *Rate per ton* |
|---|---|
| Small barrel | $0.97 |
| Medium barrel | .81 |
| Large barrel | .65 |

(d) For other harvesting operations:

*Louisiana and Florida*

(1) Tractor drivers, truck drivers, and operators of mechanical loading equipment, not less than $1.85 per day of 9 hours. For a working day longer or shorter than 9 hours the rate shall be not less than 21 cents per hour.

(2) Teamsters, not less than $1.75 per day of 9 hours. For a working day longer or shorter than 9 hours the rate shall be not less than 20 cents per hour.

(3) Grabmen, not less than $1.80 per day of 9 hours. For working day longer or shorter than 9 hours the rate shall be not less than 20 cents per hour.

(4) Hoist operators, not less than $1.60 per day of 9 hours. For a working day longer or shorter than 9 hours the rate shall be not less than 18 cents per hour.

(5) Other harvesting operations not specifically provided for above: For adult male workers, not less than $1.25 per day of 9 hours; for adult female workers, not less than $1.00 per day of 9 hours. For a working day longer or shorter than 9 hours, the rate shall be not less than 14 cents per hour for adult male workers and 11 cents per hour for adult female workers.

(e) For harvesting operations performed by children:

*Louisiana and Florida*

(1) For children between the ages of 14 and 16 years, the rate per day of 8 hours shall be not less than three-fourths of the rates established above for adult male workers for a 9-hour day. For a working day shorter than 8 hours the rate shall be in proportion.

(2) The piece rates for children between the ages of 14 and 16 years shall be the same as those established above for adults.

*Provided, however,*

(1) That all wage rates specified above shall be increased by not less than 1 per centum for every increase of 5 cents in the average price per hundred pounds of 96° raw sugar, duty paid basis, above $3.00, which average price shall be: For Louisiana the simple average of the weekly quotations of the Louisiana Sugar and Rice Exchange and the Cane Products Trade Association Exchange (or such quotations as the Secretary may elect to use for the purpose) for the weeks from September 29, 1939, to December 28, 1939; and for Florida the simple average of the daily quotations of 96° raw sugar, duty paid basis, at New York for the period beginning December 1, 1939, and ending April 30, 1940;

(2) That the piece rate for a particular operation calculated on other than a tonnage basis shall be such as to provide earnings per day or per hour of not less than the daily or hourly earnings specified above for such operation;

(3) That the producer shall furnish to the laborer without charge the customary perquisites, such as a habitable house, a suitable garden plot with facilities for its cultivation, pasturage for livestock, medical attention and similar incidentals;

(4) That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above; and

(5) That nothing in this determination shall be construed to mean that a producer may qualify for a payment under the act who has not paid in full the amount agreed upon between the producer and laborer. (Sec. 301, 50 Stat. 909; 7 U.S.C., Sup. IV, 1131)

Done at Washington, D. C., this 6th day of October 1939. Witness my hand and seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary.*

[F. R. Doc. 39-3713; Filed, October 6, 1939; 12:51 p. m.]

## TITLE 14—CIVIL AVIATION

## CIVIL AERONAUTICS AUTHORITY

[Amendment No. 29 of the Civil Air Regulations]

PROVIDING FOR OPERATING PROCEDURES FOR AIR CARRIER AIRCRAFT

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 5th day of October 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority adopts the following amendment to the Civil Air Regulations:

Effective October 5, 1939, Part 40 of the Civil Air Regulations is amended as follows:

1. By amending section 40.232 to read as follows:

"§ 40.232 *If multi-engine operation over land.* Applicant shall show aircraft of a model and number necessary for safe operation. Applicant shall also show:

"(a) That such aircraft (other than those specifically listed as in scheduled air carrier service by the applicant prior to January 1, 1935) to be used on the proposed route or part thereof are capable, with any one engine inoperative, of maintaining level flight with authorized load for the route or part thereof at an altitude of at least 1,000 feet above the highest obstruction to flight on the valley level of the route or part thereof on which the aircraft will be operated; or

"(b) Operating procedures which, in the opinion of the Authority, will assure that such aircraft will be capable of effecting a safe landing at an airport or other suitable area in the event of the failure of any one engine at any point on the route on which such aircraft will be operated."

2. By amending section 40.250 to read as follows:

"§ 40.250 *If operation over land.* Applicant shall show multi-engine aircraft of model and number necessary for safe operation. Applicant shall also show:

"(a) That such aircraft (other than those specifically listed as in scheduled air carrier service by the applicant prior to January 1, 1935) to be used on the proposed route, or part thereof, are capable, with any one engine inoperative, of maintaining level flight, with authorized load for the route or part thereof, at an altitude equivalent to 1,000 feet above the highest part of the terrain on the proposed instrument course of the route, or part thereof; or

"(b) Operating procedures which, in the opinion of the Authority, will assure that such aircraft will be capable of effecting a safe landing at an airport or other suitable area in the event of the failure of any one engine at any point on the route on which such aircraft will be operated."

3. By amending section 40.332 to read as follows:

"§ 40.332 *If multi-engine operation over land.* Applicant shall show aircraft of model and number necessary for safe operation. Applicant shall also show:

"(a) That such aircraft to be used on the proposed route or part thereof are capable, with any one engine inoperative, of maintaining level flight with the authorized load for the route or part thereof at an altitude of at least 1,000 feet above the airport at each terminal and scheduled intermediate stop on the route or part thereof on which the aircraft will be operated; or

"(b) Operating procedures which, in the opinion of the Authority, will assure that such aircraft will be capable of effecting a safe landing at an airport or other suitable area in the event of the failure of any one engine at any point on the route on which such aircraft will be operated."

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3699; Filed, October 6, 1939; 10:18 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

## FEDERAL TRADE COMMISSION

[Docket No. 3087]

IN THE MATTER OF W. E. & M. E. MEDICINE COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's W. E. and M. E. Herb Tonic, or other similar medical preparation, that said preparation has any therapeutic value in the treatment of constipation, unless such representation is limited to statements to the effect that said preparation may, in some cases, afford temporary relief from such condition, or that said preparation has any therapeutic value in the treatment of piles, unless such representation is limited to statements to the effect that said preparation may, in some cases, afford temporary relief from the suffering caused by such condition, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, W. E. & M. E. Medicine Company, Docket 3087, September 18, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's W. E. and M. E. Herb Tonic, or other similar medical preparation, that said preparation has any therapeutic value in the treatment of chills or fever or disorders of the skin, unless such representations are limited to statements to the effect that said preparation may, in some cases, afford temporary relief therefrom when such conditions are due to constipation, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, W. E. & M. E. Medicine Company, Docket 3087, September 18, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's W. E. and M. E. Herb Tonic, or other similar medical preparation, that said preparation is a remedy for, or will relieve, backache or disorders of the liver or kidneys, or that it is a remedy for disorders of the stomach, indigestion or cramps, or is a cure for the menopause or will relieve the sufferings caused by such condition, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, W. E. & M. E. Medicine Company, Docket 3087, September 18, 1939]



gredients, or in any manner, that said preparation will stimulate the sexual organs or system, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, W. E. & M. E. Medicine Company, Docket 3087, September 18, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's W. E. and M. E. Herb Tonic, or other similar medical preparation, that said preparation has any therapeutic value in the treatment of constipation, unless such representation is limited to statements to the effect that said preparation may, in some cases, afford temporary relief therefrom when such conditions are due to constipation, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, W. E. & M. E. Medicine Company, Docket 3087, September 18, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's W. E. and M. E. Herb Tonic, or other similar medical preparation, that said preparation has any therapeutic value in the treatment of piles unless such representation is limited to statements to the effect that said preparation may, in some cases, afford temporary relief from such condition; or that said preparation has any therapeutic value in the treatment of chills or fever or disorders of the skin, unless such representations are limited to statements to the effect that said preparation may, in some cases, afford temporary relief therefrom when such conditions are due to constipation, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, W. E. & M. E. Medicine Company, Docket 3087, September 18, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF WILLIAM EVERETTE, AN INDIVIDUAL DOING BUSINESS UNDER THE TRADE NAME OF W. E. & M. E. MEDICINE COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before John N. Addison and E. J. Hornibrook, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, the brief of counsel for the Commission filed herein, (respondent not having filed a brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That respondent William Everette, individually and doing business under the trade name of W. E. and M. E. Medicine Company, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of his medical preparation now designated as W. E. and M. E. Herb Tonic, or any other medical preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties whether sold under that name or any other name in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that the use of said preparation purifies the blood or relieves all acute pains or contains no harmful ingredients;

(2) Representing that said preparation has any therapeutic value in the treatment of constipation unless such representation is limited to statements to the effect that said preparation may, in some cases, afford temporary relief from such condition;

(3) Representing in any manner that said preparation will stimulate the sexual organs or system;

(4) Representing that said preparation has any therapeutic value in the treatment of chills or fever or disorders of the skin unless such representations are limited to statements to the effect that said preparation may, in some cases, afford temporary relief therefrom when such conditions are due to constipation;

(5) Representing that said preparation has any therapeutic value in the treatment of chills or fever or disorders of the skin unless such representations are limited to statements to the effect that said preparation may, in some cases, afford temporary relief therefrom when such conditions are due to constipation;

(6) Representing that said preparation is a remedy for, or will relieve, backache or disorders of the liver or kidneys;

(7) Representing that said preparation is a remedy for disorders of the stomach, indigestion or cramps, or is a cure for the menopause or will relieve the sufferings caused by such condition.

*It is further ordered,* That respondent shall, within sixty (60) days after the service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3692; Filed, October 6, 1939; 9:32 a. m.]

[1] 2 F.R. 1289.

[Docket No. 3657]

IN THE MATTER OF CONSOLIDATED CANDY COMPANY, INC., ET AL.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, candy or other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be, or may be, made by means of a lottery, gambling device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Consolidated Candy Company, Inc., et al., Docket 3657, September 18, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, dealers with assortments of candy or other merchandise, together with push or pull cards, punch boards or other lottery devices, or separately, which said push or pull cards, punch boards, or other lottery devices are to be, or may be, used in selling or distributing said candy or other merchandise to the general public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Consolidated Candy Company, Inc., et al., Docket 3657, September 18, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc.,

in connection with offer, etc., in commerce, of candy or other merchandise, candy or other merchandise by use of push or pull cards, punch boards or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Consolidated Candy Company, Inc., et al., Docket 3657, September 18, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF CONSOLIDATED CANDY COMPANY, INC., A CORPORATION, AND LESLIE FINUCANE, INDIVIDUALLY AND AS AN OFFICER OF CONSOLIDATED CANDY COMPANY, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, Consolidated Candy Company, Inc., a corporation, its officers, and Leslie Finucane, individually and as an officer of Consolidated Candy Company, Inc., their respective representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing candy or any other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be made or may be made by means of a lottery, gambling device or gift enterprise;

(2) Supplying to or placing in the hands of dealers, assortments of candy or any other merchandise together with push or pull cards, punch boards, or other lottery devices or separately which said push or pull cards, punch boards, or other lottery devices are to be used or may be used in selling or distributing said candy or other merchandise to the general public;

(3) Selling or otherwise disposing of candy or any other merchandise by use of push or pull cards, punch boards, or other lottery devices.

*It is further ordered*, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3693; Filed, October 6, 1939; 9:32 a. m.]

[1] 4 F.R. 2265 DI.

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[Docket No. 3659]

IN THE MATTER OF MODEL LINGERIE COMPANY ET AL.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of hosiery or any other merchandise, others with push or pull cards, punch boards, or other lottery devices so as to enable such persons to dispose of or sell any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Model Lingerie Company et al., Docket 3659, September 18, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Mailing, etc., in connection with offer, etc., in commerce, of hosiery or any other merchandise, to agents or to distributors or to members of the public, push or pull cards, punchboards or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Model Lingerie Company et al., Docket 3659, September 18, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of hosiery or any other merchandise, any merchandise by the use of push or pull cards, punch boards or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Model Lingerie Company et al., Docket 3659, September 18, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF MODEL LINGERIE COMPANY, A CORPORATION, AND GERTRUDE LEITH, INDIVIDUALLY AND AS AN OFFICER OF MODEL LINGERIE COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission (respondents having filed no answer), testimony and other evidence taken before Miles J. Furnas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, brief filed herein by counsel for the Commission (respondents having offered no proof, filed no brief, and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, Model Lingerie Company, a corporation, its officers, and Gertrude Leith, individually and as an officer of Model Lingerie Company, their respective representatives, agents, and employees directly or through any corporate or other device in connection with the offering for sale, sale and distribution of hosiery or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices so as to enable such persons to dispose of or sell any merchandise by the use thereof;

(2) Mailing, shipping, or transporting to agents or to distributors or to members of the public push or pull cards, punch boards or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof;

(3) Selling or otherwise disposing of any merchandise by the use of push or pull cards, punch boards or other lottery devices.

*It is further ordered*, That the respondents shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3694; Filed, October 6, 1939; 9:32 a. m.]

[1] 4 F.R. 1608 DI.



[Docket No. 3337]

IN THE MATTER OF ETABLISSEMENTS RIGAUD, INC., ET AL.

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic Product as imported.* Representing, in connection with offer, etc., in commerce, of perfumes, through use of the term "Paris", or "Paris, France", or any other terms, words, symbols or picturizations indicative of French or other foreign origin of such products, or in any manner that perfumes which are made or compounded in the United States are made or compounded in France or in any other foreign country, prohibited; subject to the provision, however, that the country of origin of the various ingredients thereof may be stated when immediately accompanied by a statement that such products are made or compounded in the United States. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Etablissements Rigaud, Inc., et al., Docket 3337, September 27, 1939]

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported.* Using, in connection with offer, etc., in commerce, of perfumes, (a) any French or other foreign terms or words, except as in subdivision (b) below provided, to designate, describe or in any way refer to perfumes made or compounded in the United States, unless the English translation or equivalent thereof appears as conspicuously and in immediate conjunction therewith, or (b) the terms "Un Air Enbaumé", "Rigaud", "Igora", or any other French or other foreign words or terms, as brand or trade names for perfumes made or compounded in the United States, without clearly and conspicuously stating in immediate connection and conjunction therewith that such products are made or compounded in the United States, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Etablissements Rigaud, Inc., et al., Docket 3337, September 27, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ETABLISSEMENTS RIGAUD, INC., AND E. FOUGERA & COMPANY, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, testimony and other evidence taken before Edward E. Reardon, an examiner of the Commission, theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, briefs filed herein and oral arguments by S. Brogdyne Teu, II, counsel for the Commission, and Walter L. Post, counsel for the respondents, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents Etablissements Rigaud, Inc., and E. Fougera & Company, Inc., their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of perfumes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, through the use of the term "Paris", or "Paris, France", or any other terms, words, symbols or picturizations indicative of French or other foreign origin of such products, or in any manner that perfumes which are made or compounded in the United States are made or compounded in France or in any other foreign country; provided, however, that the country of origin of the various ingredients thereof may be stated when immediately accompanied by a statement that such products are made or compounded in the United States.

(2) Using any French or other foreign terms or words, except as provided in paragraph (3) hereof, to designate, describe or in any way refer to perfumes made or compounded in the United States, unless the English translation or equivalent thereof appears as conspicuously and in immediate conjunction therewith.

(3) Using the terms "Un Air Enbaumé", "Rigaud", "Igora", or any other French or other foreign words or terms as brand or trade names for perfumes made or compounded in the United States without clearly and conspicuously stating in immediate connection and conjunction therewith that such products are made or compounded in the United States.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3707; Filed, October 6, 1939; 11:59 a. m.]

[1] 4 F.R. 609 DI.

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## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4950]

REGULATIONS 71, AS AMENDED, RELATING TO STAMP TAXES, AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE BY TREASURY DECISION 4885, AMENDED

*Collectors of Internal Revenue and Others Concerned:*

Regulations 71, approved July 16, 1932, as amended (Part 111, Title 26, Code of Federal Regulations), but only as made applicable to the Internal Revenue Code by Treasury Decision 4885,[1] approved February 11, 1939 (Part 465, Subpart B of such Title 26), are amended as follows:

Article 35 (section 111.35 of such Title 26) is amended by eliminating therefrom example (b) effective on the day following the approval of this Treasury decision.

(This Treasury decision is issued under the authority contained in section 1802 of the Internal Revenue Code (53 Stat., Part 1) as amended by section 1 of the Revenue Act of 1939 (Public, No. 155, Seventy-sixth Congress, first session) and section 3791 (b) of the Internal Revenue Code.)

[SEAL] GUY T. HELVERING, *Commissioner of Internal Revenue.*

Approved, October 4, 1939.

JOHN W. HANES, *Acting Secretary of the Treasury.*

[F. R. Doc. 39-3691; Filed, October 5, 1939; 4:03 p. m.]

[1] 4 F.R. 879 DI.

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## TITLE 31—MONEY AND FINANCE: TREASURY

## CHAPTER I—MONETARY OFFICES

[1939—Department Circular No. 1]

PART 129—VALUES OF FOREIGN MONEYS

§ 129.2 *Calendar year 1939—(c) Quarter beginning October 1, 1939.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the

*Values of Foreign Monetary Units (at Par as Regards Gold Units; Nongold Units Have No Fixed Par With Gold)*—Continued

| Country | Monetary unit | Value in terms of United States money | Remarks |
|---|---|---|---|
| Guatemala | Quetzal | $1.0031 | Conversion of notes into gold suspended Mar. 6, 1933. |
| Haiti | Gourde | .2000 | National bank notes redeemable on demand in U. S. dollars. |
| Honduras | Lempira | .4866 | Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar. |
| Hungary | Pengö | .2961 | Exchange control established July 17, 1931. |
| India (British) | Rupee | .5160 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Indo-China | Piaster | | Piaster pegged to French franc at the rate of 1 piaster=10 French francs; conversion of notes into gold suspended Oct. 2, 1936. |
| Ireland | Pound | $3.2397 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Italy | Lira | .0526 | New gold content of 46.77 milligrams of fine gold per lira established by monetary law of Oct. 5, 1936. |
| Japan | Yen | .4440 | Embargo on gold exports Jan. 31, 1930, at 3.322 lati=Currency pegged to sterling Sept. 26, 1936, at 3.322 lati=1 yen. |
| Latvia | Lat | .1930 | |
| Liberia | Dollar | 1.0031 | British money is principal circulating medium. |
| Lithuania | Litas | .1663 | Free export of gold suspended Oct. 1, 1936. |
| Mexico | Peso | | Decree of Aug. 25, 1905, left the monetary unit, the peso, to be fixed by subsequent law. |
| Netherlands and colonies | Guilder (florin) | .6000 | Suspension of convertibility of notes into gold and restrictions placed on free gold exports—Sept. 28, 1936; gold export prohibition repealed by decree law of Jan. 9, 1938. |
| Newfoundland | Dollar | 1.0031 | Newfoundland sold into gold suspended and export of gold restricted, Aug. 5, 1914; exchange regulations Dec. 1931. |
| New Zealand | Pound | 3.2397 | |
| Nicaragua | Cordoba | 1.0033 | Embargo on gold exports Nov. 13, 1931. |
| Norway | Krone | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Panama | Balboa | 1.0000 | U. S. money is principal currency in use; exchange control established June 26, 1932. |
| Paraguay | Peso (Argentine) | 1.0335 | Exchange control established Mar. 19, 1932; exchange control established June 26, 1932. |
| Persia (Iran) | Rial | .0324 | Obligation to pay out gold deferred Mar. 19, 1932; exchange control established Mar. 1, 1936. |
| Peru | Sol | .4740 | British pound sterling and Straits dollar and half dollar legal tender. |
| Philippine Islands | Peso | 1.0000 | Conversion of notes into gold suspended May 10, 1932. |
| Poland | Zloty | .1809 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Portugal | Escudo | .0749 | Exchange control established Apr. 27, 1936; |
| Rumania | Leu | .0101 | Gold exchange standard suspended Dec. 21, 1931. |
| Salvador | Colon | .3466 | Exchange control established May 16, 1931. |
| Siam | Baht (Tical) | .7491 | Conversion of notes into gold suspended Oct. 7, 1931. |
| Spain | Peseta | | Conversion of notes into gold suspended May 11, 1932. |
| Straits Settlements | Dollar | .5613 | |
| Sweden | Krona | .4537 | British pound sterling and Straits dollar and half dollar legal tender. |
| Switzerland | Franc | | Conversion of notes into gold suspended Sept. 29, 1931. |
| Turkey | Piaster | .0744 | Obligation to sell gold suspended by the Turkish Government Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold. |
| | | | 100 piasters equal 1 Turkish pound. |
| Union of South Africa | Pound | 3.2397 | Conversion of notes into gold suspended Dec. 28, 1932. |
| Union of Soviet Republics | Chervonetz | 5.1121 | |
| Uruguay | Peso | .4583 | Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. New gold content of 0.565018 grams of pure gold per peso established by monetary law of Jan. 12, 1935. |
| Venezuela | Bolivar | .3267 | Exchange control established Dec. 12, 1934. |
| Yugoslavia | Dinar | .0226 | Exchange control established Oct. 7, 1931. |

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 552, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U.S.C. 372)

OCTOBER 1, 1939.

[F. R. Doc. 39-3701; Filed, October 6, 1939; 11:36 a. m.]

in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

*Monetary Units (at Par as Regards Gold Units; Nongold Units Have No Fixed Par With Gold)*

| Country | Monetary unit | Value in terms of United States money | Remarks |
|---|---|---|---|
| Ireland | Pound | $3.2397 | Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929. |
| Italy | Lira | .0526 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Japan | Yen | .4440 | Based upon official rate of exchange of Jan. 31, 1930, as reestablished June 30, 1931. Conversion of Stabilization Office notes into gold suspended Nov. 22, 1931. |
| Latvia | Lat | .1930 | |
| Liberia | Dollar | 1.0031 | Conversion of notes into gold suspended. |
| Lithuania | Litas | .1663 | Exchange control established Oct. 15, 1931. |
| Mexico | Peso | .2027 | Conversion of notes into gold suspended Oct. 19, 1931; redemption of Stabilization Office notes into gold suspended Apr. 10, 1933. |
| Netherlands and colonies | Guilder (florin) | .6000 | Given valuation is of gold peso. Gold pesos are received for conversion at the rate of 4 paper pesos for one gold peso. Conversion of notes into gold suspended Nov. 3, 1933; bank notes made legal tender under Currency Board control; exchange rate for British currency primarily fixed at about 1s. 2½ d., or about 29½ U. S. cents. |
| Newfoundland | Dollar | 1.0031 | Treasury bonds and notes of devaluation ordinance of Dec. 5, 1933, exchange fund created to control exchange rate. |
| New Zealand | Pound | 3.2397 | Obligation to sell gold suspended Sept. 24, 1931. New gold content of .8419 grams of gold for fine established by monetary law of Dec. 28, 1933. Conversion of notes into gold suspended Sept. 18, 1914; exchange control established Jan. 16, 1932. |
| Nicaragua | Cordoba | 1.0033 | By law of May 25, 1934. |
| Norway | Krone | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Panama | Balboa | 1.0000 | Exchange control established Feb. 9, 1932. |
| Paraguay | Peso (Argentine) | 1.0335 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Persia (Iran) | Rial | .0324 | Conversion of notes into gold suspended June 29, 1931. |
| Peru | Sol | .4740 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Philippine Islands | Peso | 1.0000 | Conversion of notes into gold suspended Oct. 7, 1931, providing for gold content of franc, superseded by decree of June 30, 1937, which stated that the gold content of the franc shall be fixed ultimately by a decree adopted by the Council of Ministers. That the relationship between the franc and foreign currencies. |
| Poland | Zloty | .1809 | Exchange control established July 13, 1931. |
| Portugal | Escudo | .0749 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Rumania | Leu | .0101 | Conversion of notes into gold suspended Apr. 29, 1932. |
| Salvador | Colon | .3466 | |
| Siam | Baht (Tical) | .7491 | |
| Spain | Peseta | | |
| Straits Settlements | Dollar | .5613 | |
| Sweden | Krona | .4537 | |
| Switzerland | Franc | | |
| Turkey | Piaster | .0744 | |
| Union of South Africa | Pound | 3.2397 | |
| Union of Soviet Republics | Chervonetz | 5.1121 | |
| Uruguay | Peso | .4583 | |
| Venezuela | Bolivar | .3267 | |
| Yugoslavia | Dinar | .0226 | |



## TITLE 36—PARKS AND FORESTS

### NATIONAL PARK SERVICE

#### CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK

##### SUBSIDIARY REGULATION

Pursuant to the authority granted to the Secretary of War by the Act of March 2, 1933 (47 Stat. 1420), and transferred to the Secretary of the Interior by Executive Order No. 6166, of June 10, 1933, as interpreted by Executive Order No. 6228, of July 28, 1933, and pursuant to the authority contained in the Rules and Regulations of the Secretary of the Interior of June 18, 1936, issued thereunder (1 F.R. 672, 36 CFR, Chapter 1, Part 2, Section 2.43), the following subsidiary regulation is prescribed for Chickamauga and Chattanooga National Military Park, to become effective immediately.

§ 20.29 *Chickamauga and Chattanooga National Military Park, speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 25 miles per hour on the section of the Lafayette Road between the State line at Rossville and the northern boundary of Chickamauga Park.

Approved, September 29, 1939.

[SEAL] ARNO B. CAMMERER,
*Director, National Park Service.*

[F. R. Doc. 39-3696; Filed, October 6, 1939; 9:34 a. m].

#### GRAND CANYON NATIONAL PARK

##### AMENDMENT TO SUBSIDIARY REGULATIONS

Pursuant to the authority granted to the Secretary of the Interior by the Act of August 25, 1916 (39 Stat. 535), and pursuant to the authority granted to the Director of the National Park Service by the Rules and Regulations issued thereunder (1 F.R. 672, 36 CFR, Chapter 1, Part 2, Section 2.43), the subsidiary regulations for Grand Canyon National Park, approved January 25, 1936 (36 CFR, Chapter 1, Part 20, Section 20.4), are hereby amended by adding thereto the following paragraph, to become effective immediately:

§ 20.4 *Grand Canyon National Park.*

* * * * *

(c) *Speed.* (1) No person shall drive a vehicle upon any road at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the road and the hazard at intersections and any other conditions then existing, nor shall any person drive a motor vehicle upon any road at a speed greater than will permit him to bring it to a stop within the assured clear distance ahead: *Provided,* That the driver of a vehicle shall not drive the same (excepting ambulances and Government cars on emergency trips) upon any road at a speed in excess of that indicated by signs posted thereon giving notice of the authorized speed.

(2) The foregoing regulation supersedes Section 2.43, Part 2, Chapter 1, Title 36, Code of Federal Regulations.

Approved, October 2, 1939.

[SEAL] ARNO B. CAMMERER,
*Director, National Park Service.*

[F. R. Doc. 39-3697; Filed, October 6, 1939; 9:34 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

ORDER IN THE MATTER OF EXAMINATION OF THE RECORDS AND ACCOUNTS OF MOTOR CARRIERS AND BROKERS SUBJECT TO THE MOTOR CARRIER ACT, 1935

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 5th day of October, A. D. 1939.

*It appearing,* That Section 220 of the Motor Carrier Act, 1935, provides that the Commission's special agents or examiners shall have authority under its order to inspect and examine any and all lands, buildings, or equipment of motor carriers and brokers used in connection with interstate or foreign operations, and all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing and kept or required to be kept by motor carriers and brokers subject to the Act, and

*It further appearing,* That carriers and brokers, on occasions, have refused to allow the Commission's special agents and examiners to inspect and examine such property, records, and documents, upon proper demand, and such refusal has hindered and obstructed proper administration of the Act,

*It is ordered,* That each and every motor carrier and broker subject to the Motor Carrier Act, 1935, and receivers, trustees, and representatives having control, direct or indirect, over or affiliated with any such motor carrier or broker, upon the demand of a special agent or an examiner of the Commission, and upon the presentation of proper credentials, shall forthwith permit such special agent or examiner to inspect and examine all such lands, buildings, or equipment of motor carriers and brokers used in connection with interstate or foreign agent or examiner to make notes and copies of such papers as he deems wise.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-3711; Filed, October 6, 1939; 12:35 p. m.]

## *Notices*

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

NOTICE OF PUBLIC HEARING BEFORE INDUSTRY COMMITTEE NO. 8 FOR PURPOSE OF RECEIVING EVIDENCE TO BE CONSIDERED IN RECOMMENDING MINIMUM WAGE RATES FOR THE KNITTED UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY

In conformity with the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Section 511.11 of Part 511 of the Rules and Regulations issued pursuant thereto, notice is hereby given to all interested persons that a public hearing will be held beginning at 10 A. M., October 31, 1939, in Room 208, 939 D Street NW., Washington, D. C., for the purpose of receiving evidence to be considered by Industry Committee No. 8 in determining the highest minimum wage rates for the Knitted Underwear and Commercial Knitting Industry, which, having due regard to economic and competitive conditions, will not substantially curtail employment.

The term "knitted underwear and commercial knitting industry" is defined in Administrative Order No. 30,[1] issued September 18, 1939, as follows:

(a) The manufacturing, dying or other finishing of any knitted fabric made from any yarn or mixture of yarns, except:

1. The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; *Provided,* That this exception shall not be construed to apply to the garments or garment accessories designated in clause (b) of this definition.

2. Pulled suitings, coatings, topcoatings, or overcoatings containing more than 25 percent, by weight, of wool or animal fiber other than silk

3. Hosiery

(b) The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased

*Values of Foreign Monetary Units (at Par as Regards Gold Units; Nongold Units Have No Fixed Par With Gold)*—Continued

| Country | Monetary unit | Value in terms of United States money | Remarks |
|---|---|---|---|
| Guatemala | Quetzal | $1.0031 | Conversion of notes into gold suspended Mar. 6, 1933. |
| Haiti | Gourde | .2000 | National bank notes redeemable on demand in U. S. dollars. |
| Honduras | Lempira | .5066 | Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar |
| Hungary | Pengo | .2961 | Exchange control established July 17, 1931. |
| India [British] | Rupee | .6190 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Indo-China | Piaster | | Piaster pegged to French franc at the rate of 1 piaster=10 French francs; conversion of notes into gold suspended Oct. 2, 1936. |
| Ireland | Pound | $ 2397 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Italy | Lira | .0526 | Value based on gold content of 46.77 milligrams of fine gold per lira established by monetary law of Oct. 5, 1936. |
| Japan | Yen | .2985 | Embargo on gold exports Dec. 13, 1931. |
| Latvia | Lat | .5440 | Currency pegged to sterling Sept. 28, 1936, at 2.522 lats=£100. |
| Liberia | Dollar | 1.0031 | Basic money is principal circulating medium. |
| Lithuania | Litas | .1851 | Free export of gold suspended Oct. 1, 1935. |
| Mexico | Peso | .0606 | Decree of Aug. 28, 1936, left the monetary unit, the peso, to be later defined by law |
| Netherlands and colonies | Guilder (florin) | .5636 | Suspension of convertibility of notes into gold and restriction of currency circulation against gold exports—Sept 28, 1936; gold export prohibition repealed by decree June 28, 1938. |
| Newfoundland | Dollar | 1.0031 | Newfoundland and Canadian notes legal tender. |
| New Zealand | Pound | 3.2257 | Conversion of notes into gold suspended and export of gold restricted, Aug. 8, 1914; new regulations Dec. 1931. |
| Nicaragua | Cordoba | 1.0023 | Export of gold exempt from regulations Nov. 13, 1931. |
| Norway | Krone | .4357 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Panama | Balboa | 1.0000 | U. S. money is principal circulating medium. |
| Paraguay | Peso (Argentine) | 1.6335 | Paraguayan paper currency is used; exchange control established June 28, 1937. |
| Persia (Iran) | Rial | .0824 | Obligation to sell gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936. |
| Peru | Sol | .4740 | Conversion of notes into gold suspended May 18, 1932. |
| Philippine Islands | Peso | .5000 | By act approved Mar. 16, 1935. |
| Poland | Zloty | .1859 | Exchange control established Apr. 27, 1936. |
| Portugal | Escudo | .0491 | Exchange control established Dec. 31, 1931. |
| Rumania | Leu | .0101 | Exchange control established May 18, 1932. |
| Salvador | Colon | .8466 | Exchange control established Oct. 7, 1931. |
| Siam | Baht (Tical) | .7491 | Conversion of notes into gold suspended May 11, 1932. |
| Spain | Peseta | | |
| Straits Settlements | Dollar | .5613 | British pound sterling and Straits dollar and half dollar legal tender. |
| Sweden | Krona | .4337 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Switzerland | Franc | | Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold per franc. |
| Turkey | Piaster | .0744 | 100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Feb. 26, 1930. |
| Union of South Africa | Pound | $ 3.2257 | Conversion of notes into gold suspended Dec. 28, 1932. |
| Union of Soviet Republics | Chervonetz | 5.1715 | |
| Uruguay | Peso | .6583 | Conversion of notes into gold suspended Apr. 2, 1914; exchange control established Sept. 7, 1931. New gold content of monetary law of Jan. 12, 1938 |
| Venezuela | Bolivar | .1247 | Exchange control established Dec. 12, 1936. |
| Yugoslavia | Dinar | .0298 | Exchange control established Oct. 7, 1931. |

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec. 552, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U.S.C. 372)

OCTOBER 1, 1939.

[F. R. Doc. 39-3701; Filed, October 6, 1939; 11:36 a. m.]

values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning Oct. 1, 1939, expressed in any such foreign monetary units: *Provided, however*, That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

*Values of Foreign Monetary Units (at Par as Regards Gold Units; Nongold Units Have No Fixed Par With Gold)*

| Country | Monetary unit | Value in terms of United States money | Remarks |
|---|---|---|---|
| Argentina Republic | Peso | $1.0335 | Given valuation is of gold peso. Paper nominally convertible at 44% of face value. Conversion suspended Dec. 16, 1929 |
| Australia | Pound | 3.2257 | Control of gold stocks and exports authorized Dec. 17, 1929; by decree of Mar. 31, 1936. One belga equals 5 Belgium francs. |
| Belgium | Belga | .1905 | |
| Bolivia | Boliviano | .0180 | Conversion of notes into gold suspended Sept. 23, 1931. |
| Brazil | Milreis | .0606 | Based upon official rate for milreis in terms of the dollar as announced by the Bank of Brazil; conversion of notes into gold suspended Nov. 22, 1930. |
| British Honduras | Dollar | 1.0031 | Conversion of notes suspended. |
| Bulgaria | Lev | .0122 | Exchange control established Oct. 15, 1931. |
| Canada | Dollar | 1.0031 | Embargo on export of gold, Oct. 15, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933. |
| Chile | Peso | .0090 | Given valuation is of gold peso. Gold pesos are received for conversion at the rate of 4 paper pesos for one gold peso. Conversion of notes suspended July 30, 1931. |
| China | Yuan | | Silver standard abandoned by decree of Nov. 3, 1935; bank notes are now issued under control of a currency board; exchange rate for British currency primarily fixed at about 1s. 2⅛ d., or about 29⅛¢ U. S. per yuan. |
| Hong Kong | Dollar | | Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 5, 1935; exchange control established Sept. 26, 1938. |
| Colombia | Peso | .5714 | Obligation to sell gold suspended Sept. 24, 1931. New gold content of .5042 grams of gold 4/5 fine established by monetary law of Nov. 19, 1938, effective Nov. 30, 1938 |
| Costa Rica | Colon | .7870 | Conversion of notes into gold suspended Sept. 15, 1914; exchange control established Jan. 16, 1932. |
| Cuba | Peso | 1.0000 | By law of May 29, 1934. |
| Czechoslovakia | Koruna | .4337 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Denmark | Krone | .3396 | U. S. money is principal circulating medium. |
| Dominican Republic | Dollar | 1.0031 | Conversion of notes into gold suspended Feb. 9, 1932. |
| Ecuador | Sucre | .0297 | Conversion of notes into gold suspended Sept. 21, 1931. |
| Egypt | Pound (100 piasters) | 5.0337 | Conversion of notes into gold suspended June 28, 1933. |
| Estonia | Kroon | .4337 | Conversion of notes into gold suspended Oct. 12, 1931. |
| Finland | Markka | .0426 | Provisions of monetary law of Oct. 1, 1936, providing for gold content of the markka, the gold content of the franc shall be fixed ultimately by a decree adopted by the Council of Ministers. Until issuance of such decree a stabilization fund shall regulate the relationship between the franc and foreign currencies. |
| France | Franc | | |
| Germany | Reichsmark | .4023 | Exchange control established July 13, 1931. |
| Great Britain | Pound Sterling | 3.2957 | Obligation to sell gold at legal monetary par suspended Sept. 21, 1931. |
| Greece | Drachma | .0220 | Conversion of notes into gold suspended Apr. 26, 1932. |





## TITLE 36—PARKS AND FORESTS

### NATIONAL PARK SERVICE

#### CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK

#### SUBSIDIARY REGULATION

Pursuant to the authority granted to the Secretary of War by the Act of March 2, 1933 (47 Stat. 1420), and transferred to the Secretary of the Interior by Executive Order No. 6166, of June 10, 1933, as interpreted by Executive Order No. 6228, of July 28, 1933, and pursuant to the authority contained in the Rules and Regulations of the Secretary of the Interior of June 18, 1936, issued thereunder (1 F.R. 672, 36 CFR, Chapter 1, Part 2, Section 2.43), the following subsidiary regulation is prescribed for Chickamauga and Chattanooga National Military Park, to become effective immediately.

§ 20.29 *Chickamauga and Chattanooga National Military Park, speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 25 miles per hour on the section of the Lafayette Road between the State line at Rossville and the northern boundary of Chickamauga Park.

Approved, September 29, 1939.

[SEAL] ARNO B. CAMMERER,
*Director, National Park Service.*

[F. R. Doc. 39-3696; Filed, October 6, 1939; 9:34 a. m].

#### GRAND CANYON NATIONAL PARK

#### AMENDMENT TO SUBSIDIARY REGULATIONS

Pursuant to the authority granted to the Secretary of the Interior by the Act of August 25, 1916 (39 Stat. 535), and pursuant to the authority granted to the Director of the National Park Service by the Rules and Regulations issued thereunder (1 F.R. 672, 36 CFR, Chapter 1, Part 2, Section 2.43), the subsidiary regulations for Grand Canyon National Park, approved January 25, 1936 (36 CFR, Chapter 1, Part 20, Section 20.4), are hereby amended by adding thereto the following paragraph, to become effective immediately:

§ 20.4 *Grand Canyon National Park.*

* * * * *

(e) *Speed.* (1) No person shall drive a vehicle upon any road at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the road and the hazard at intersections and any other conditions then existing, nor shall any person drive at a speed which is greater than will permit the driver to exercise proper control of the vehicle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle or other conveyance upon or entering the road: *Provided,* That the driver of a vehicle shall not drive the same (excepting ambulances and Government cars on emergency trips) upon any road at a speed in excess of that indicated by signs posted thereon giving notice of the authorized speed.

(2) The foregoing regulation supersedes Section 2.43, Part 2, Chapter 1, Title 36, Code of Federal Regulations.

Approved, October 2, 1939.

[SEAL] ARNO B. CAMMERER,
*Director, National Park Service.*

[F. R. Doc. 39-3697; Filed, October 6, 1939; 9:34 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

#### ORDER IN THE MATTER OF EXAMINATION OF THE RECORDS AND ACCOUNTS OF MOTOR CARRIERS AND BROKERS SUBJECT TO THE MOTOR CARRIER ACT, 1935

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 5th day of October, A. D. 1939.

*It appearing,* That Section 220 of the Motor Carrier Act, 1935, provides that the Commission's special agents or examiners shall have authority under its order to inspect and examine any and all lands, buildings, or equipment of motor carriers and brokers used in connection with interstate or foreign operations, and all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing and kept or required to be kept by motor carriers and brokers subject to the Act, and

*It further appearing,* That carriers and brokers, on occasions, have refused to allow the Commission's special agents and examiners to inspect and examine such property, records, and documents, upon proper demand, and such refusal has hindered and obstructed proper administration of the Act,

*It is ordered,* That each and every motor carrier and broker subject to the Motor Carrier Act, 1935, and receivers, trustees, and representatives having control, direct or indirect, over or affiliated with any such motor carrier or broker, upon the demand of a special agent or an examiner of the Commission, and upon the presentation of proper credentials, shall forthwith permit such special agent or examiner to inspect and examine all such lands, buildings, or equipment of motor carriers and brokers used in connection with interstate or foreign operations, and all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing and kept or required to be kept by motor carriers and brokers subject to the Act, and permit such special agent or examiner to make notes and copies of such papers as he deems wise.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-3711; Filed, October 6, 1939; 12:35 p. m.]

## *Notices*

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

#### NOTICE OF PUBLIC HEARING BEFORE INDUSTRY COMMITTEE NO. 8 FOR PURPOSE OF RECEIVING EVIDENCE TO BE CONSIDERED IN RECOMMENDING MINIMUM WAGE RATES FOR THE KNITTED UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY

In conformity with the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Section 511.11 of Part 511 of the Rules and Regulations issued pursuant thereto, notice is hereby given to all interested persons that a public hearing will be held beginning at 10 A. M., October 31, 1939, in Room 208, 939 D Street NW., Washington, D. C., for the purpose of receiving evidence to be considered by Industry Committee No. 8 in determining the highest minimum wage rates for the Knitted Underwear and Commercial Knitting Industry, which, having due regard to economic and competitive conditions, will not substantially curtail employment.

The term "knitted underwear and commercial knitting industry" is defined in Administrative Order No. 30,[1] issued September 18, 1939, as follows:

(a) The manufacturing, dying or other finishing of any knitted fabric made from any yarn or mixture of yarns, except:

1. The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; *Provided,* That this exception shall not be construed to apply to the garments or garment accessories designated in clause (b) of this definition.

2. Fulled suitings, coatings, topcoatings, or overcoatings containing more than 25 percent, by weight, of wool or animal fiber other than silk.

3. Hosiery.

(b) The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

1. Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

[1] 4 F.R. 4018 DI.

2. Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 per cent, by weight, of wool or animal fiber other than silk.

3. Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer in the same establishment as that where the knitting process is performed.

4. Knitted towels or cloths.

Notice is given that the term "knitted underwear" as used in Section 2 of Administrative Order No. 7, appointing Industry Committee No. 2 for the Apparel Industry, refers to the manufacture of all garments and garment accessories included in the foregoing definition.

Industry Committee No. 8 was created by Administrative Order No. 30, referred to above. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938 and Rules and Regulations promulgated thereunder, with the duty of investigating conditions in the Knitted Underwear and Commercial Knitting Industry and recommending to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce", excepting employees exempted by the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

Any interested person may appear on his own behalf or on behalf of any other person. Persons desiring to appear are requested to file with Sherman Trowbridge, Acting Chief of the Industry Committee Section, Wage and Hour Division, U. S. Department of Labor, Washington, D. C., prior to October 24, 1939, a Notice of Intention to Appear containing the following information:

(1) The name and address of the person appearing.

(2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

(3) The approximate length of time which his presentation will consume.

Written briefs of persons who can not appear personally will be considered by the Committee provided that *thirty copies* thereof are received at the address last given not later than October 27, 1939.

Signed at Minneapolis, Minnesota, this 28th day of Sept. 1939.

JOHN P. DEVANEY,
*Chairman, Industry Committee No. 8 for the Knitted Underwear and Commercial Knitting Industry.*

[F. R. Doc. 39-3709; Filed, October 6, 1939; 12:09 p. m.]

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION DENYING APPLICATION FOR PARTIAL EXEMPTION OF THE BENTONITE CLAY (SWELLING TYPE) MINING INDUSTRY AS A SEASONAL INDUSTRY

Whereas, application has been made by the Arctic Circle Exploration Company, American Colloid Company, National Crushed Stone Association, Inc., National Sand and Gravel Association, National Industrial Sand Association, and sundry other parties (representative of various surface and open-cut mining industries) under Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Regulations, Part 526, as amended (Regulations applicable to Industries of a Seasonal Nature), issued by the Administrator thereunder, for partial exemption of the said industries from the maximum hours provisions of Section 7 (a) of said Act pursuant to Section 7 (b) (3) applicable to industries found by the Administrator to be of a seasonal nature; and

Whereas, a combined public hearing on the said applications was held before Harold Stein, the representative of the Administrator of the Wage and Hour Division, duly authorized to hear and determine whether or not any of the said industries or branches thereof is of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526 of Regulations issued thereunder, the term "surface or open-cut mining industries" being defined to include the mining, quarrying, dredging, and excavating of various-named products from pit, bank and marine deposits but not to embrace any underground operations; and

Whereas, following such hearing, the said Harold Stein duly made his findings of fact and determined as follows in reference to the surface or open-cut mining of Bentonite clay (swelling type):

(1) that the excavating and hauling of swelling bentonite is not a separate industry but is integral with the milling of swelling bentonite; and

(2) assuming that the operations of excavating, hauling and milling swelling bentonite constitute a branch of an industry within the meaning of Sections 7 (b) (3) and 3 (h) of the Fair Labor Standards Act of 1938 and Section 526.2 of Regulations issued thereunder, the said branch of an industry operates continuously throughout the year and does not at any time cease production (as the term "production" is used in Regulations, Part 526, and is defined in Section 3 (j) of the Act), and is therefore not an industry of a "seasonal" nature within the meaning of Section 7 (b) (3) of the Act and Section 526.3 of the Regulations.

and on the basis thereof denied the application; and

Whereas, said Findings and Determination were duly filed with the Administrator on October 4, 1939, and are now on file in his Office, Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties:

Now, therefore, pursuant to the provisions of Section 526.7 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 6th day of October 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3708; Filed, October 6, 1939; 12:09 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 7-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF MARQUETTE AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) (1) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF REARGUMENT

At a session of the Civil Aeronautics Authority held in the City of Washington, D. C., on the 4th day of October 1939.

Reargument in the above-entitled proceeding heretofore assigned on October 5, 1939[1] is postponed until October 11, 1939, at 10 o'clock a. m. (Eastern Standard Time) at the offices of the Civil Aeronautics Authority in Washington, D. C.

Dated Washington, D. C., October 4, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3698; Filed, October 6, 1939; 10:18 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 5th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[1] 4 F.R. 4129 DI.



[File No. 21-345]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE SARDINE INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its Trade Practice Conference procedure, in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), or other applicable provisions of law administered by the Commission;

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, groups or other parties affected by or having an interest in the proposed trade practice rules for the Sardine Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of such matters should be filed with the Commission not later than October 23, 1939. Opportunity for oral hearing and presentation will be afforded at 10 a. m., October 23, 1939, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups or other parties as may desire to appear and be heard. After giving due consideration to all matters submitted concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3695; Filed, October 6, 1939; 9:33 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of October 1939.

[File No. 7-429]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY COMMON STOCK, WITHOUT PAR VALUE

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Curb Exchange in the Common Stock, Without Par Value, of Mountain States Power Company having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3702; Filed, October 6, 1939; 11:47 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of October 1939.

[File No. 1-1667]

IN THE MATTER OF THE GUILFORD REALTY COMPANY COMMON STOCK, $1 PAR VALUE, AND 6% CUMULATIVE PREFERRED STOCK, SERIES A, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Guilford Realty Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $1 Par Value, and 6% Cumulative Preferred Stock, Series A, $100 Par Value, from listing and registration on the Baltimore Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Friday, November 3, 1939, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Ave., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Robert P. Reeder an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3704; Filed, October 6, 1939; 11:47 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of October 1939.

[File No. 1-629]

IN THE MATTER OF FEDERAL SCREW WORKS COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of Federal Screw Works; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Monday, October 30, 1939, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3703; Filed, October 6, 1939; 11:47 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of October, A. D. 1939.

[File No. 37-42]

IN THE MATTER OF APPLIANCE CREDIT CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application under Rule U-13-22 adopted pursuant to section 13 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on October 26, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 21, 1939.

The matter concerned herewith is in regard to an application by Appliance Credit Corporation for approval as a subsidiary service company of New England Gas and Electric Association, a registered holding company. It is alleged that the applicant perform the following services for associate companies:

1. The making of advances to operating companies to cover the financing of electric and gas appliance sales under conditional sales agreements;

2. The financing of the purchase by associate companies of automotive and other service equipment;

and that these services are performed economically and efficiently for the benefit of such associate companies at cost, fairly and equitably allocated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3705; Filed, October 6, 1939; 11:47 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of October, A. D. 1939.

[File No. 37-43]

IN THE MATTER OF CONGRESS MACHINE ACCOUNTING CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application under Rule U-13-22 adopted pursuant to section 13 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on October 26, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 21, 1939.

The matter concerned herewith is in regard to an application by Congress Machine Accounting Corporation for approval as a subsidiary service company of New England Gas and Electric Association, a registered holding company. It is alleged that the applicant performs the following services for associate companies:

1. Customers' billing;
2. General and stores accounting;
3. Centralized stores control;
4. Certain supervisory, executive, professional, clerical and miscellaneous services;

and that these services are performed economically and efficiently for the benefit of such associate companies at cost, fairly and equitably allocated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3706; Filed, October 6, 1939; 11:47 a. m.]

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OCT 11 1939

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 4 NUMBER 195

*Washington, Tuesday, October 10, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### FEDERAL CROP INSURANCE CORPORATION

[F.C.I.R., Series 1, No. 1, Sup. 11]

PART 401—WHEAT CROP INSURANCE REGULATIONS

AMENDMENTS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, as amended by Public Law No. 691 of the 75th Congress, approved June 22, 1938, Part 8 of the Regulations Relating to Wheat Crop Insurance, as amended,[1] is hereby further amended by the addition of the following section:

§ 401.84 *Adjustments in connection with indemnity payments.* Where an indemnity has been paid under the policy and an adjustment of such indemnity is made, such adjustment shall be made on the basis of the cash equivalent applicable to the indemnity paid, whether or not such indemnity was paid in wheat or in the cash equivalent thereof.

Adopted by the Board of Directors on September 26, 1939.

[SEAL] R. M. EVANS, *Acting Chairman.*

Approved, October 7, 1939.

H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 39-3731; Filed, October 9, 1939; 12:13 p. m.]

### FEDERAL SURPLUS COMMODITIES CORPORATION

AREAS IN WHICH SURPLUS COMMODITIES BULLETIN No. 3 SHALL BE EFFECTIVE

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the agricultural commodities or products designated as surplus food in Surplus Commodities Bulletin No. 3,[1] approved by the Secretary of Agriculture, September 25, 1939, are hereby declared surplus food on the effective dates set forth in such Bulletin in all areas heretofore designated by the Federal Surplus Commodities Corporation and published in 4 FEDERAL REGISTER 3575, 3690, as areas in which food order stamps may be used.

[SEAL] MILO PERKINS, *President.*

September 30, 1939.

[F. R. Doc. 39-3729; Filed, October 9, 1939; 12:13 p. m.]

[1] 4 F.R. 3956 DI.

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1939-22]

PART 701—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 22

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin, as amended,[2] is hereby further amended as follows:

(1) Paragraph (b) of Section 701.3, as amended, is amended by the addition of the following:

(7) The State acreage allotments of potatoes for each State in the commercial potato-producing area and the total acreage allotment for such area are as follows:

*State and Potato Allotment in Acres*

California, 39,665; Colorado, 84,143; Connecticut, 9,643; Georgia, 482; Idaho, 98,826; Indiana, 17,642; Kansas, 9,398; Kentucky, 6,050; Maine, 152,383; Maryland, 7,675; Massachusetts, 6,645; Michigan, 137,331; Minnesota, 173,825; Missouri, 6,912; Nebraska, 64,190; Nevada,

[1] 4 F.R. 4045 DI.
[2] 4 F.R. 4023 DI.

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FEDERAL REGISTER

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987; New Hampshire, 2,149; New Jersey, 51,270; New York, 115,965; North Carolina, 33,900; North Dakota, 86,606; Ohio, 32,769; Oregon, 30,744; Pennsylvania, 78,481; Rhode Island, 2,909; South Carolina, 10,324; South Dakota, 12,882; Utah, 5,168; Vermont, 1,938; Virginia, 51,000; Washington, 25,186; Wisconsin, 111,234; Wyoming, 18,944; Total—1,487,266 acres.

(2) Paragraph (f) of Section 701.4 is amended by the addition of the following:

(1) The 1939 county acreage allotments of potatoes for counties in the commercial potato-producing area are as follows:

*County and Potato Allotment in Acres*

*California.* Contra Costa, 1,264; Kern, 16,775; Los Angeles, 1,912; Modoc, 2,201; Riverside, 2,665; San Bernardino, 1,258; San Joaquin, 9,270; Siskiyou, 4,320.

*Colorado.* Alamosa, 6,282; Conejos, 6,993; Costilla, 481; Delta, 577; Eagle, 1,405; Garfield, 3,272; La Plata, 519; Mesa, 1,345; Moffat, 372; Montezuma, 1,392; Montrose, 4,136; Morgan, 709; Pitkin, 951; Rio Grande, 22,795; Routt, 784; Saguache, 8,204; Sedgwick, 844; Teller, 1,060; Weld, 22,022.

*Connecticut.* Fairfield, 260; Hartford, 4,670; Litchfield, 180; Middlesex, 300; New Haven, 840; New London, 560; Tolland, 2,400; Windham, 433.

*Georgia.* Chatham, 482.

*Idaho.* Ada, 365; Bannock, 2,762; Bingham, 15,160; Bonneville, 16,028; Canyon, 4,802; Cassia, 9,300; Elmore, 296; Franklin, 217; Fremont, 5,929; Gem, 126; Gooding, 2,961; Jefferson, 6,163; Jerome; 5,185; Lemhi, 289; Lincoln, 837; Madison, 5,369; Minidoka, 5,418; Owyhee, 1,202; Payette, 170; Power, 400; Teton, 993; Twin Falls, 14,082; Valley, 500; Washington, 272.

*Indiana.* Allen, 824; Clark, 378; De Kalb, 2,063; Elkhart, 1,072; Floyd, 1,136; Fulton, 656; Harrison, 746; Kosciusko, 1,492; LaGrange, 483; Lake, 496; La Porte, 1,076; Marshall, 541; Noble, 1,029; Porter, 463; St. Joseph, 1,359; Starke, 1,442; Steuben, 1,839; Whitley, 547.

*Kansas.* Douglas, 3,167; Jefferson, 1,200; Johnson, 1,180; Leavenworth, 806; Shawnee, 1,311; Wyandotte, 1,734.

*Kentucky.* Jefferson, 5,541; Oldham, 509.

*Maine.* Androscoggin, 423; Aroostook, 135,691; Cumberland, 370; Franklin, 43; Hancock, 95; Kennebec, 400; Knox, 32; Oxford, 275; Penobscot, 8,158; Piscataquis, 3,050; Sagadahoc, 85; Somerset, 1,341; Waldo, 1,756; Washington, 530; York, 134.

*Maryland.* Somerset, 1,738; Worcester, 5,937.

*Massachusetts.* Berkshire, 103; Bristol, 1,340; Essex, 334; Franklin, 1,103; Hampden, 885; Hampshire, 1,895; Middlesex, 570; Norfolk, 52; Plymouth, 302; Worcester, 61.

*Michigan.* Allegan, 847; Alpena, 2,072; Antrim, 3,492; Barry, 487; Bay, 3,037; Benzie, 272; Berrien, 1,055; Branch, 1,109; Calhoun, 513; Cass, 1,011; Charlevoix, 1,371; Cheboygan, 1,132; Chippewa, 432; Delta, 1,349; Dickinson, 324; Emmet, 1,990; Genesee, 1,794; Gladwin, 279; Grand Traverse, 4,206; Hillsdale, 487; Houghton, 1,145; Huron, 1,057; Ingham, 343; Ionia, 1,773; Iosco, 308; Isabella, 2,587; Jackson, 1,262; Kalamazoo, 1,018; Kalkaska, 2,095; Kent, 6,048; Lake, 769; Lapeer, 8,329; Leelanau, 3,921; Lenawee, 1,019; Livingston, 889; Macomb, 2,875; Manistee, 979; Marquette, 739; Mason, 1,267; Mecosta, 5,605; Menominee, 2,814; Midland, 368; Missaukee, 4,413; Monroe, 2,017; Montcalm, 14,682; Montgomery, 356; Muskegon, 428; Newaygo, 798; Oakland, 8,351; Oceana, 1,879; Ogemaw, 766; Osceola, 5,229; Otsego, 3,276; Ottawa, 819; Presque Isle, 4,973; Saginaw, 1,731; St. Clair, 990; St. Joseph, 354; Sanilac, 906; Schoolcraft, 520; Shiawassee, 361; Tuscola, 5,457; Van Buren, 1,396; Washtenaw, 493; Wayne, 508; Wexford, 2,159.

*Minnesota.* Aitkin, 1,244; Anoka, 4,108; Becker, 6,229; Beltrami, 2,383; Benton, 2,745; Carlton, 2,845; Cass, 1,056; Chisago, 4,925; Clay, 29,127; Clearwater, 1,078; Crow Wing, 514; Dakota, 3,195; Douglas, 1,442; Freeborn, 8,134; Hennepin, 8,607; Hubbard, 764; Isanti, 15,219; Itasca, 1,652; Kanabec, 2,268; Kittson, 7,941; Mahnomen, 1,171; Marshall, 2,949; Mille Lacs, 2,556; Morrison, 4,547; Mower, 544; Norman, 12,909; Ottertail, 6,250; Pennington, 486; Pine, 2,948; Polk, 17,609; Ramsey, 245; Red Lake, 434; Roseau, 573; St. Louis, 1,776; Sherburne, 2,212; Stearns, 1,278; Todd, 1,514; Wadena, 1,237; Washington, 1,956; Wilkin, 4,358; Winona, 401; Wright, 396.

*Missouri.* Clay, 875; Jackson, 1,402; Ray, 3,276; St. Louis, 1,359.

*Nebraska.* Banner, 2,653; Box Butte, 14,797; Buffalo, 2,653; Cheyenne, 1,531; Dakota, 714; Dawes, 2,551; Kimball, 7,144; Morrill, 2,041; Scotts Bluff, 21,227; Sheridan, 3,470; Sioux, 5,409.

*Nevada.* Lyon, 635; Washoe, 352.

*New Hampshire.* Belknap, 102; Carroll, 69; Cheshire, 219; Coos, 588; Grafton, 204; Hillsboro, 165; Merrimack, 208; Rockingham, 433; Strafford, 109; Sullivan, 52.

*New Jersey.* Atlantic, 495; Bergen, 18; Burlington, 3,574; Camden, 803; Cape May, 560; Cumberland, 3,068; Gloucester, 1,747; Hunterdon, 117; Mercer, 9,122; Middlesex, 10,225; Monmouth, 16,412; Morris, 50; Ocean, 150; Passaic, 18; Salem, 4,452; Somerset, 18; Sussex, 80; Warren, 361.

*New York.* Albany, 24; Allegany, 3,440; Broome, 315; Cattaraugus, 871; Cayuga, 1,364; Chautauqua, 502; Chemung, 632; Chenango, 194; Clinton, 2,387; Columbia, 60; Cortland, 1,231; Delaware, 37; Dutchess, 131; Erie, 4,230; Essex, 183; Franklin, 2,261; Fulton, 50; Genesee, 4,871; Greene, 59; Herkimer, 199; Jefferson, 391; Lewis, 29; Livingston, 2,841; Madison, 804; Monroe, 5,113;

Montgomery, 5; Nassau, 11,165; Niagara 225; Oneida, 1,298; Onondaga, 3,990; Ontario, 3,194; Orange, 574; Orleans, 1,390; Oswego, 872; Otsego, 420; Putnam, 12; Rensselaer, 1,048; St. Lawrence, 114; Saratoga, 112; Schenectady, 36; Schoharie, 96; Schuyler, 351; Seneca, 572; Steuben, 12,542; Suffolk, 36,685; Sullivan, 43; Tioga, 364; Tompkins, 686; Ulster, 280; Warren, 5; Washington, 1,601; Wayne, 1,646; Westchester, 28; Wyoming, 4,080; Yates, 312.

*North Carolina.* Beaufort, 7,341; Camden, 3,411; Carteret, 1,220; Columbus, 203; Craven, 350; Currituck, 2,127; Duplin, 1,885; Edgecombe, 236; Martin, 296; Pamlico, 5,787; Pasquotank, 3,672; Pitt, 1,391; Sampson, 370; Tyrrell, 2,864; Washington, 562; Wayne, 2,185.

*North Dakota.* Barnes, 739; Benson, 706; Cass, 7,433; Cavalier, 1,144; Foster, 603; Grand Forks, 15,694; Pembina, 18,719; Richland, 1,685; Steele, 1,474; Traill, 6,699; Walsh. 31,710.

*Ohio.* Allen, 285; Ashland, 260; Ashtabula, 1,852; Auglaize, 428; Clark, 604; Columbiana, 1,648; Cuyahoga, 693; Darke, 282; Erie, 1,157; Fulton, 1,062; Geauga, 1,898; Hamilton, 536; Hardin, 2,219; Huron, 736; Lake, 476; Lorain, 1,754; Lucas, 1,586; Mahoning, 1,304; Medina, 1,554; Miami, 526; Morrow, 454; Portage, 2,740; Richland, 634; Sandusky, 825; Seneca, 850; Stark, 1,202; Summit, 747; Trumbull, 1,506; Wayne, 2,951.

*Oregon.* Baker, 645; Clackamas, 2,959; Columbia, 770; Crook, 1,807; Deschutes, 2,284; Hood River, 287; Klamath, 10,634; Lane, 810; Linn, 576; Malheur, 2,339; Marion, 1,059; Multnomah, 2,026; Umatilla, 1,317; Union, 284; Washington, 2,229; Yamhill, 718.

*Pennsylvania.* Adams, 233; Allegheny, 157; Armstrong, 383; Beaver, 168; Bedford, 250; Berks, 3,073; Blair, 249; Bradford, 267; Bucks, 1,049; Butler, 1,297; Cambria, 3,129; Cameron, 3; Carbon, 1,492; Centre, 507; Chester, 1,570; Clarion, 236; Clearfield, 584; Clinton, 449; Columbia, 2,697; Crawford, 1,826; Cumberland, 734; Dauphin, 545; Delaware, 299; Elk, 175; Erie, 3,646; Fayette, 234; Forest, 46; Franklin, 320; Fulton, 14; Huntingdon, 127; Indiana, 1,070; Jefferson, 839; Juniata, 164; Lackawanna, 662; Lancaster, 5,289; Lawrence, 474; Lebanon, 1,325; Lehigh, 11,614; Luzerne, 2,394; Lycoming, 892; McKean, 51; Mercer, 2,101; Mifflin, 90; Monroe, 554; Montgomery, 463; Montour, 106; Northampton, 3,213; Northumberland, 1,254; Perry, 270; Philadelphia, 48; Pike, 15; Potter, 2,730; Schuylkill, 4,158; Snyder, 313; Somerset, 6,093; Sullivan, 61; Susquehanna, 168; Tioga, 520; Union, 484; Venango, 385; Warren, 232; Washington, 28; Wayne, 43; Westmoreland, 359; Wyoming, 351; York, 3,909.

*Rhode Island.* Bristol, 166; Kent, 36; Newport, 1,177; Providence, 105; Washington, 1,425.

*South Carolina.* Beaufort, 1,901; Charleston, 6,108; Colleton, 633; Hampton, 500; Horry, 442; Jasper, 288; Orangeburg, 452.

*South Dakota.* Brookings, 2,050; Codington, 3,572; Deuel, 3,535; Hamlin, 2,441.

*Utah.* Box Elder, 830; Cache, 546; Davis, 600; Millard, 515; Morgan, 241; Piute, 758; Utah, 451; Weber, 1,227.

*Vermont.* Addison, 29; Bennington, 59; Caledonia, 150; Chittenden, 240; Essex, 105; Franklin, 175; Grand Isle, 10; Lamoille, 91; Orange, 175; Orleans, 299; Rutland, 250; Washington, 141; Windham, 134; Windsor, 80.

*Virginia.* Accomac, 21,600; Elizabeth City, 67; Gloucester, 317; Isle of Wight, 93; James City, 694; Mathews, 316; Middlesex, 237; Nansemond, 2,720; Norfolk, 2,250; Northampton, 17,100; Princess Anne, 4,850; Warwick, 15; York, 394.

*Washington.* Benton, 2,387; Clark, 1,230; Kittitas, 6,341; Snohomish, 880; Spokane, 3,716; Yakima, 10,632.

*Wisconsin.* Adams 1,367; Barron, 2,858; Brown, 1,134; Burnett, 884; Chippewa, 2,549; Columbia, 1,915; Dane, 497; Dodge, 1,448; Door, 867; Dunn, 522; Eau Claire, 300; Florence, 354; Fond du Lac, 1,039; Forest, 1,499; Grant, 565; Green Lake, 286; Jackson, 480; Juneau, 1,327; Kenosha, 553; Kewaunee, 243; Langlade, 10,834; Lincoln, 520; Manitowoc, 319; Marathon, 8,077; Marinette, 5,463; Marquette, 1,429; Milwaukee, 1,363; Oconto, 2,097; Oneida, 3,028; Outagamie, 495; Ozaukee, 697; Polk, 351; Portage, 23,912; Price, 752; Racine, 1,365; Rusk, 625; Sauk, 597; Sawyer, 653; Shawano, 1,204; Sheboygan, 334; Taylor, 314; Washburn, 438; Washington, 2,227; Waukesha, 1,715; Waupaca, 11,380; Waushara, 9,782; Winnebago, 323; Wood, 253.

*Wyoming.* Goshen, 7,795; Laramie, 8,653; Park, 2,496.

(3) Subparagraph (4) of paragraph (a) of Section 701.6 is amended by the addition of the following:

The 1939 county average yields of potatoes for counties in the commercial potato-producing area are as follows:

*County and Average Yield of Potatoes*
*(bushels per acre)*

*California.* Contra Costa, 227; Kern, 372; Los Angeles, 196; Modoc, 228; Riverside, 220; San Bernardino, 190; San Joaquin, 295; Siskiyou, 308.

*Colorado.* Alamosa, 167; Conejos, 147; Costilla, 154; Delta, 171; Eagle, 219; Garfield, 197; La Plata, 162; Mesa, 180; Moffat, 91; Montezuma, 112; Montrose, 190; Morgan, 190; Pitkin, 217; Rio Grande, 203; Routt, 117; Saguache, 157; Sedgwick, 157; Teller, 114; Weld, 180.

*Connecticut.* Fairfield, 215; Hartford, 279; Litchfield, 220; Middlesex, 220; New Haven, 210; New London, 210; Tolland, 279; Windham, 242.

*Georgia.* Chatham, 185.

*Idaho.* Ada, 240; Bannock, 201; Bingham, 251; Bonneville, 253; Canyon, 252; Cassia, 245; Elmore, 200; Franklin, 240; Fremont, 198; Gem, 200; Gooding, 217; Jefferson, 208; Jerome, 245; Lemhi, 230; Lincoln, 204; Madison, 209; Minidoka, 220; Owyhee, 252; Payette, 257; Power, 200; Teton, 140; Twin Falls, 245; Valley, 188; Washington, 257.

*Indiana.* Allen, 120; Clark, 98; De Kalb, 125; Elkhart, 127; Floyd, 99; Fulton, 159, Harrison, 102; Kosciusko, 174; LaGrange, 101; Lake, 103; La Port, 113; Marshall, 124; Noble, 127; Porter, 113; St. Joseph, 121; Starke, 121; Steuben, 107; Whitley, 131.

*Kansas.* Douglas, 119; Jefferson, 110; Johnson, 107; Leavenworth, 110; Shawnee, 117; Wyandotte, 112.

*Kentucky.* Jefferson, 114; Oldham, 118.

*Maine.* Androscoggin, 240.3; Aroostook, 305; Cumberland, 222; Franklin, 205; Hancock, 236.8; Kennebec, 233.6; Knox, 208.6; Oxford, 235.3; Penobscot, 276.0; Piscataquis, 262.2; Sagadahoc, 240.3; Somerset, 251.2; Waldo, 264.3; Washington, 260; York, 190.8.

*Maryland.* Somerset, 149; Worcester, 140.

*Massachusetts.* Berkshire, 198; Bristol, 225; Essex, 197; Franklin, 222; Hampden, 252; Hampshire, 237; Middlesex, 244; Norfolk, 208; Plymouth. 201; Worcester, 219.

*Michigan.* Allegan, 126; Alpena, 116; Antrim, 120; Barry, 115; Bay, 110; Benzie, 115; Berrien, 125; Branch, 112; Calhoun, 113; Cass, 110; Charlevoix, 120; Cheboygan, 116; Chippewa, 136; Delta, 132; Dickinson, 104; Emmet, 140; Genesee, 122; Gladwin, 125; Grand Traverse, 107; Hillsdale, 112; Houghton, 140; Huron, 120; Ingham, 105; Ionia, 119; Iosco, 115; Isabella, 117; Jackson, 107; Kalamazoo, 126; Kalkaska, 106; Kent, 117; Lake, 112; Lapeer, 113; Leelanau, 109; Lenawee, 132; Livingston, 108; Macomb, 124; Manistee, 120; Marquette, 140; Mason, 125; Mecosta, 117; Menominee, 127; Midland, 108; Missaukee, 110; Monroe, 124; Montcalm, 118; Montmorency, 118; Muskegon, 110; Newaygo, 117; Oakland, 101; Oceana, 112; Ogemaw, 127; Osceola, 118; Otsego, 105; Ottawa, 121; Presque Isle, 113; Saginaw, 122; Saint Clair, 130; St. Joseph, 115; Sanilac, 112; Schoolcraft, 116; Shiawassee, 118; Tuscola, 114; Van Buren, 128; Washtenaw, 104; Wayne, 108; Wexford, 111.

*Minnesota.* Aitkin, 102; Anoka, 85; Becker, 78; Beltrami, 120; Benton, 85; Carlton, 108; Cass, 108; Chisago, 86; Clay, 80; Clearwater, 100; Crow Wing, 100; Dakota, 100; Douglas, 86; Freeborn, 136; Hennepin, 103; Hubbard, 87; Isanti, 85; Itasca, 121; Kanabec, 85; Kittson, 89; Mahnomen, 81; Marshall, 92; Mille Lacs, 91; Morrison, 87; Mower, 88; Norman, 80; Ottertail, 88; Pennington, 89; Pine, 100; Polk, West 89; Polk, East 84; Ramsey, 98; Red Lake, 89; Roseau, 99; St. Louis, South 127; St. Louis, North 123; Sherburne, 80; Stearns, 89; Todd, 86; Wadena, 86; Washington, 93; Wilkin, 78; Winona, 100; Wright, 82.

*Missouri.* Clay, 91; Jackson, 102; Ray, 107; St. Louis, 110.

*Nebraska.* Banner, 60; Box Butte, 70; Buffalo, 225; Cheyenne, 63; Dakota, 68; Dawes, 60; Kimball, 65; Morrill, 122; Scotts Bluff, 170; Sheridan, 58; Sioux, 120.

*Nevada.* Lyon, 183; Washoe, 178.

*New Hampshire.* Belknap, 229; Carroll, 266; Cheshire, 294; Coos, 297; Grafton, 246; Hillsboro, 225; Merrimack, 240; Rockingham, 217; Strafford, 210; Sullivan, 255.

*New Jersey.* Atlantic, 160; Bergen, 200; Burlington, 190; Camden, 190; Cape May, 160; Cumberland, 202; Gloucester, 190; Hunterdon, 190; Mercer, 202; Middlesex, 202; Monmouth, 202; Morris, 190; Ocean, 190; Passaic, 200; Salem, 202; Somerset, 185; Sussex, 180; Warren, 190.

*New York.* Albany, 176; Allegany, 145; Broome, 155; Cattaraugus, 140; Cayuga, 168; Chautauqua, 153; Chemung, 136; Chenango, 170; Clinton, 190; Columbia, 151; Cortland, 194; Delaware, 141; Dutchess, 153; Erie, 140; Essex, 190; Franklin, 190; Fulton, 126; Genesee, 158; Greene, 146; Herkimer, 178; Jefferson, 147; Lewis, 141; Livingston, 153; Madison, 166; Monroe, 165; Montgomery, 185; Nassau, 245; Niagara, 147; Oneida, 196; Onondaga, 172; Ontario, 160; Orange, 202; Orleans, 220; Oswego, 172; Otsego, 136; Putnam, 185; Rensselaer, 150; St. Lawrence, 141; Saratoga, 153; Schenectady, 172; Schoharie, 135; Schuyler, 135; Seneca, 135; Steuben, 140; Suffolk, 220; Sullivan, 135; Tioga, 153; Tompkins, 160; Ulster, 176; Warren, 185; Washington, 150; Wayne, 175; Westchester, 185; Wyoming, 150; Yates, 135.

*North Carolina.* Beaufort, 155; Camden, 140; Carteret, 170; Columbus, 135; Craven, 165; Currituck, 140; Duplin, 150; Edgecombe, 135; Martin, 140; Pamlico, 170; Pasquotank, 145; Pitt, 150; Sampson, 135; Tyrrell, 145; Washington, 145; Wayne 150.

*North Dakota.* Barnes, 77; Benson, 85; Cass 83; Cavalier, 77; Foster, 79; Grand Forks, 85; Pembina, 95; Richland, 72; Steele, 83; Traill, 85; Walsh, 92.

*Ohio.* Allen, 100; Ashland, 147; Ashtabula, 147; Auglaize, 130; Clark, 103; Columbiana, 178; Cuyahoga, 158; Darke, 113; Erie, 119; Fulton, 152; Geauga, 151; Hamilton, 132; Hardin, 115; Huron, 122; Lake, 153; Lorain, 146; Lucas, 143; Mahoning, 170; Medina, 148; Miami, 117; Morrow, 152; Portage, 152; Richland, 151; Sandusky, 121; Seneca, 121; Stark, 148; Summit, 153; Trumbull, 148; Wayne, 148.

*Oregon.* Baker, 146; Clackamas, 120; Columbia, 178; Crook, 267; Deschutes, 184; Hood River, 178; Klamath, 265; Lane, 155; Linn, 137; Malheur, 231; Marion, 117; Multnomah, 155; Umatilla, 121; Union, 121; Washington, 160; Yamhill, 165.

*Pennsylvania.* Adams, 190; Allegheny, 175; Armstrong, 195; Beaver, 175; Bedford, 185; Berks, 180; Blair, 198; Bradford, 207; Bucks, 195; Butler, 192; Cambria, 202; Cameron, 175; Carbon, 190; Centre, 201; Chester, 195; Clarion, 197; Clearfield, 180; Clinton, 185; Columbia, 208; Crawford, 192; Cumberland, 195; Dauphin, 200; Delaware, 183; Elk, 193; Erie, 185; Fayette, 191; Forest, 191; Franklin, 209; Fulton, 200; Huntingdon, 185; Indiana, 193; Jefferson, 179; Juniata, 180; Lackawanna, 182; Lancaster, 200; Lawrence, 199; Lebanon, 193; Lehigh, 204; Luzerne, 199; Lycoming, 190; McKean, 180; Mercer, 180; Mifflin, 185; Monroe, 195; Montgomery, 198; Montour, 182; Northampton, 212; Northumberland, 175; Perry, 192; Philadelphia, 165; Pike, 232; Potter, 195; Schuylkill, 182; Snyder, 170; Somerset, 209; Sullivan, 190; Susquehanna, 165; Tioga, 171; Union, 194; Venango, 187; Warren, 193; Washington, 199; Wayne, 205; Westmoreland, 194; Wyoming, 192; York, 180.

*Rhode Island.* Bristol, 200; Kent, 160; Newport, 257; Providence, 160; Washington, 300.

*South Carolina.* Beaufort, 189; Charleston, 161; Colleton, 137; Hampton, 145; Horry, 143; Jasper, 154; Orangeburg, 127.

*South Dakota.* Brookings, 79; Codington, 89; Deuel, 95; Hamlin, 87.

*Utah.* Box Elder, 218; Cache, 204; Davis, 232; Millard, 196; Morgan, 215; Piute, 195; Utah, 223; Weber, 224.

*Vermont.* Addison, 221; Bennington, 211; Caledonia, 293; Chittenden, 222; Essex, 288; Franklin, 223; Grand Isle, 200; Lamoille, 270; Orange, 255; Orleans, 260; Rutland, 219; Washington, 283; Windham, 310; Windsor, 222.

*Virginia.* Accomac, 140; Elizabeth City, 115; Gloucester, 150; Isle of Wight, 125; James City, 125; Mathews, 150; Middlesex, 150; Nansemond, 145; Norfolk, 140; Northampton, 150; Princess Anne, 140; Warwick, 130; York, 130.

*Washington.* Benton, 179; Clark, 150; Kittitas, 320; Snohomish, 225; Spokane, 80; Yakima, 292.

*Wisconsin.* Adams, 66; Barron, 97; Brown, 112; Burnett, 90; Chippewa, 102; Columbia, 95; Dane, 110; Dodge, 125; Door, 117; Dunn, 104; Eau Claire, 105; Florence, 106; Fond du Lac, 116; Forest, 92; Grant, 112; Green Lake, 87; Jackson, 92; Juneau, 102; Kenosha, 109; Kewaunee, 124; Langlade, 109; Lincoln, 104; Manitowoc, 128; Marathon, 92; Marinette, 99; Marquette, 72; Milwaukee, 101; Oconto, 106; Oneida, 84; Outagamie, 106; Ozaukee, 102; Polk, 94; Portage, 79; Price, 95; Racine, 115; Rusk, 104; Sauk, 122; Sawyer, 86; Shawano, 104; Sheboygan, 119; Taylor, 102; Washburn, 85; Washington, 123; Waukesha, 96; Waupaca, 96; Waushara, 69; Winnebago, 104; Wood, 92.

*Wyoming.* Goshen, 115; Laramie, 53; Park, 169.

Done at Washington, D. C., this 7th day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3720; Filed, October 7, 1939; 12:16 p. m.]

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## AGRICULTURAL MARKETING SERVICE

### PART 60—AMENDMENT TO THE REGULATIONS GOVERNING THE INSPECTION AND CERTIFICATION OF RICE WITH RESPECT TO EQUAL-TO-TYPE CERTIFICATES

By virtue of the authority vested in the Secretary of Agriculture by the act of Congress entitled, "An Act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes," approved June 30, 1939 (Public No. 159—76th Congress), I, H. A. Wallace, Secretary of Agriculture, do hereby make, prescribe, publish and give public notice of the following amendment to the regulations governing the inspection and certification of rice, as heretofore promulgated, to become effective October 1, 1939, and to continue in force and effect so long as Congress shall provide the necessary authority therefor, unless amended or superseded by regulations hereafter prescribed and promulgated under such authority.

Strike out Section 60.22 (Reg. 3, Sec. 19) and insert in lieu thereof the following:

§ 60.22 *Equal-to-type certificate.* Upon application of an interested party and upon compliance with the provisions of sections 60.4–60.28, (Reg. 3), a rice inspection certificate may be issued by an inspector to state that the quality of a lot or a sample of rice is "equal to or better than" the quality of a type which has previously been placed on file and definitely identified in the office of the inspector, provided such inspection and certification meet the conditions set forth in either paragraphs (a) (1, 2, 3 and 4), (b), or (c) of this section.

(a)–1. The lot or sample to be certificated shall be equal to, or better than, the quality of the type according to all class, quality, and condition factors of the official rice standards of the United States, with the exception of moisture.

(a)–2. At the time of filing the type with the inspector, the depositor shall specify and file in writing with the inspector a statement of the maximum moisture content of any rice which he proposes to have inspected or to deliver against such type.

(a)–3. When the statement of moisture content filed by the depositor with the type specifies a maximum moisture content of 15 percent or less and when the lot or sample to be delivered or inspected against the type contains no more moisture than the maximum percentage so specified, the factor of moisture may be disregarded in making the certification.

(a)–4. When the statement of moisture content filed by the depositor with the type specifies a maximum moisture content in excess of 15 percent and when the lot or sample to be delivered or inspected against the type contains no more moisture than the maximum percentage so specified, the certificate shall clearly state the maximum percentage of moisture specified by the depositor also the actual moisture content of the lot or sample covered by the certificate.

(b) An equal-to-type certificate also may be issued to show that rice is "equal to or better than" a properly identified type according to one or more of the class, quality, and condition factors of the official rice standards of the United States or according to other authorized quality tests, provided the certificate clearly states the factors or tests used in making the inspection.

(c) An equal-to-type certificate also may be issued to show that rice is "equal to or better than" a properly identified type according to all of the class, quality, and condition factors of the official rice standards of the United States except for one or more such factors, provided the certificate clearly states the factors excepted in making the inspection.

All certificates issued under the provisions of this section shall clearly state the identity of the type.

In case any inspector finds that a lot or sample of rice offered for inspection under this section fails to meet the above requirements, the certificate issued pursuant to such inspection shall state that the rice is "not equal to type."

Done at Washington, D. C., this 7th day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3730; Filed, October 9, 1939; 12:13 p. m.]

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## TITLE 14—CIVIL AVIATION

## CIVIL AERONAUTICS AUTHORITY

### SECTION 280.1—REPORTS OF OWNERSHIP OF STOCK AND OTHER INTERESTS BY OFFICERS AND DIRECTORS OF AIR CARRIERS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 3rd day of October, 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 407 (c) thereof, and finding that its action is desirable in the public interest and is necessary and appropriate to carry out the provisions of and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

Reports describing the shares of stock and other interests held by officers and directors of air carriers required to be transmitted to the Authority pursuant to section 407 (c) of the Act shall be prepared and transmitted in accordance with the instructions in "C. A. A. Form No. ER–1," and shall contain the information called for in said form. Said form and the instructions and other matter contained therein are hereby adopted by the Authority for such purpose. This regulation shall become effective immediately.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[C. A. A. Form No. ER–1, Adopted October 3, 1939.]

### REPORT OF OWNERSHIP OF STOCK AND OTHER INTERESTS REQUIRED BY SECTION 407 (c) OF THE ACT

#### INSTRUCTIONS

A. Section 407 (c) of the Civil Aeronautics Act of 1938 provides as follows:

"Each officer and director of an air carrier shall annually and at such other times as the Authority shall require transmit to the Authority a report describing the shares of stock or other interests held by him in any air carrier, any person engaged in any phase of aeronautics, or any common carrier, and in any person whose principal business, in purpose or in fact, is the holding of stock in, or control of, air carriers, other persons engaged in any phase of aeronautics, or common carriers."

B. Reports shall be filed annually on or before March 1st of each year, and shall be transmitted by each individual who was at any time during the preceding calendar year and at the time of making the report an officer or director of any air carrier. Such reports shall cover stocks and other interests held by such individuals at any time during the preceding calendar year in the persons mentioned in section 407 (c) of the Act, but need not cover any portion of said preceding calendar year covered by the reporting individual in any previous report filed pursuant to paragraph D hereof. However, the initial report filed on or before March 1, 1940, shall be transmitted by each individual who was at any time during the period from August 22, 1938 to December 31, 1939, inclusive, and at the time of making the report, an officer or director of any air carrier. Such initial report shall cover stocks and other interests held by such individuals at any time during the period from August 22, 1938 to December 31, 1939, inclusive, in the persons mentioned in section 407 (c) of the Act.

C. From and after January 1, 1940, each individual who is appointed or elected to the position of officer or director of any air carrier, and who has not transmitted to the Authority a report covering the preceding calendar year, shall transmit to the Authority, within 30 days after such appointment or election, a report covering the stocks and other interests held by him in the persons mentioned in section 407 (c) of the Act at any time from the beginning of the preceding calendar year to and including the date of the report. However, such report need not cover any portion of the preceding calendar year as may have been covered by the reporting individual in any previous report filed pursuant to this paragraph.

D. Upon good cause shown, the Authority may grant an extension of time for the filing of any report required to be filed hereunder.

E. Each report shall be prepared in triplicate. Two copies, which shall be properly executed and verified in accordance with the attached form of oath, shall be transmitted to the Bureau of Economic Regulation, Civil Aeronautics Authority, Washington, D. C. The third copy should be retained by the reporting individual for further reference in connection with correspondence with the Authority relating thereto.

F. Reports should be prepared on strong, durable paper 8½" by 10" in size, except that schedules may be larger but folded to that size.

G. The cover page of each report shall be in the form attached, designated "Form of cover page."

H. Insofar as practicable, reports should be typewritten, but if pen and ink are used, the ink should be black and of durable quality. All reports must be plainly legible.

I. The information called for by each item should be fully and accurately reported. Each response shall bear the same numerical or alphabetical designation as the item calling for the information. Comprehensive but succinct statements of the reporting individual's reasons for not fully reporting any information called for should be given. When the response to a particular item is "none," or where the item is not applicable, that fact should be so stated.

J. The reporting individual shall report direct and indirect interests, beneficial and non-beneficial interests, including interests (1) beneficially owned by him and held for him by any other person either in a "street name," or as trustee, or in any other capacity (2) beneficially owned by any other person and held by the reporting individual either as trustee, nominee, or in any other capacity (3) beneficially owned by the reporting individual and other persons (including but not limited to co-partnerships, trusts, joint tenancies, etc.).

K. In reporting interests in persons "whose principal business, in purpose or in fact, is the holding of stock in, or control of air carriers, other persons engaged in any phase of aeronautics, or common carriers," the reporting individual shall include all interests in any persons whose principal business, in purpose or in fact, is *dealing in* stocks of air carriers, other persons engaged in any phase of aeronautics, or common carriers.

L. In reporting the name of any corporation, the exact corporate name shall be used.

M. As used in this form:

(1) the term "interest" includes any type of security, including stocks, bonds, notes, debentures, evidence of indebtedness, or any options, warrants, or rights to subscribe to any stocks, as well as any other pecuniary or proprietary interest of any nature whatsoever. Each interest shall be fully and adequately described in each schedule.

(2) The term "person" has the meaning defined in the Civil Aeronautics Act of 1938 (any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.)

3. Unless the context otherwise requires, other words and phrases have the meaning defined in such Act.

N. All records of air carriers or of officers and directors of air carriers containing the information called for in the attached form of report shall be maintained by the reporting individual in such manner as to be readily accessible, and shall be made available to the Authority or its duly authorized representative upon request.

[Form of cover page]

REPORT OF OWNERSHIP OF STOCK AND OTHER INTERESTS UNDER SECTION 407 (c) OF THE CIVIL AERONAUTICS ACT OF 1938

BY

---

(Name of officer or director)

---

(Post office address)

---

(Title of position) of (Name of air carrier)

---

(Title of position) of (Name of air carrier)

TO THE

CIVIL AERONAUTICS AUTHORITY
WASHINGTON, D. C.

FOR THE PERIOD

Beginning ---------- and ended ----------

INFORMATION TO BE REPORTED

1. Name and address of reporting individual.

2. Name of air carrier or air carriers and title of position or positions held therein.

3. Occupation of reporting individual.

4. On separate sheets which shall be designated as Schedule A, B, C, and D, respectively, give the following information with respect to all shares of stock or other interests held by the reporting individual, beneficially or otherwise, directly or indirectly, (A) in any air carrier, (B) in any person engaged in any phase of aeronautics (C) in any common carrier, and (D) in any person whose principal business in purpose or in fact is the holding of stock in, or control of, air carriers, other persons engaged in any phase of aeronautics, or common carriers:

(a) Correct name of person in which the interest is or was held;
(b) Classes of stock or type and exact title of bond, note, or other interest;
(c) Number of shares of each class of stock, or principal amount of bonds, notes, or other interests;
(d) Par or stated value of stock;
(e) Date of issue of bonds, notes, or interests other than stocks;
(f) Date of maturity of bonds, notes or interests other than stocks;
(g) Interest rate of bonds, notes or interests other than stocks;
(h) Description of conversion rights, if any;
(i) Description of voting rights, if any;
(j) Date or dates of acquisition;
(k) If disposed of, date or dates of disposition;
(l) Names and addresses of any person by whom the interest is held for the reporting individual;
(m) Names and addresses of any persons for whom the interest is held by the reporting individual;
(n) If the interest is beneficially owned by the reporting individual together with other persons, the nature of the relationship (co-partnership, trust, etc.)

In the case of stock or other interests listed on nationally known exchanges, the information required by items (d) to (i) inclusive, need not be reported, but reference should be made to that fact and the name of the exchange given.

[Form of oath]

STATE OF----------,
*County of*---------- *ss:*

I----------
(Name of affiant)

---------- of ----------
(Title of position) (Name of air carrier)
and
---------- of ----------
(Title of position) (Name of air carrier)

do on my oath declare that the foregoing report, together with the sheets attached thereto marked----------

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have been prepared by me, or at my direction and under my general supervision, from books and records and from such other sources of information as were necessary for complete and accurate preparation of such report; that I have carefully examined or caused to be examined each and every answer or statement herewith submitted; that, to the best of my knowledge, information and belief, all of said answers and statements are true and correct, and completely state all relevant and material facts now available from the aforesaid books, records, and other sources of information; that each and every question is fully and completely answered, except as otherwise described and explained, and that I, or others at my direction and under my general supervision, have made diligent efforts to obtain all facts necessary to make each and every answer full and complete.

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Subscribed and sworn to before me, a ---------- in and for the State and County above named, this----------day of ----------, 19--.

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[SEAL] (Signature of officer authorized to administer oaths.)

My commission expires----------

[F.R. Doc. 39-3725; Filed, October 9, 1939; 10:56 a. m.]

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## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 1442]

IN THE MATTER OF T. E. BROOKS & COMPANY

§ 3.66 (a) *Misbranding or mislabeling—Composition:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 396 (a) (1) *Using Misleading name—Goods—Composition:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* Using, in connection with offer, etc., in commerce, of cigars, the word "Havana" or any other word or words, terms or picturizations indicative of Cuban origin, or descriptive of Cuba, alone or in conjunction with any other word or words, to describe, designate, or in any way refer to cigars which are not made entirely from tobacco grown on the Island of Cuba, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified order to cease and desist, T. E. Brooks & Company, Docket 1442, September 28, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF T. E. BROOKS, DOING BUSINESS UNDER THE TRADE NAME AND STYLE, T. E. BROOKS & COMPANY

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the motion of Richard P. Whiteley, Assistant Chief Counsel for the Commission, to modify the order to cease and desist heretofore issued in this proceeding on March 14, 1932, and the Commission having considered said motion and the record herein, and being now fully advised in the premises;

*It is ordered*, That the motion to modify the order to cease and desist, as issued herein on March 14, 1932, be, and the same hereby is, granted as prayed;

*It is further ordered*, That the order to cease and desist issued herein on March 14, 1932, be, and the same hereby is, modified so as to read as follows:

This proceeding having been heard by the Federal Trade Commission upon the entire record, including the complaint of the Commission, and the answer of respondent thereto, the stipulation as to the facts agreed upon and approved; and the Commission having made its findings as to the facts with its conclusion that said respondent has been, and is, violating the provisions of Section 5 of the Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes";

*It is now ordered*, That respondent T. E. Brooks, doing business under the trade name and style, T. E. Brooks & Company, his agents, individual or corporate, representatives, servants, employees and successors in business, on and after two years and thirty days from August 10, 1939, in connection with the offering for sale, sale and distribution of cigars in commerce, as commerce is defined in the Federal Trade Commission Act, do cease and desist from:

(1) Using the word "Havana" or any other word or words, terms or picturizations indicative of Cuban origin, or descriptive of Cuba, alone or in conjunction with any other word or words to describe, designate, or in any way to refer to cigars which are not made entirely from tobacco grown on the Island of Cuba.

*It is further ordered*, That within the period of two years and thirty days from August 10, 1939, the respondent T. E. Brooks, doing business under the trade name and style, T. E. Brooks & Company, be, and is hereby, directed and ordered to file with the Federal Trade Commission a report in writing setting forth with particularity the manner in which he has complied with the terms of this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3723; Filed, October 9, 1939; 10:55 a. m.]



[Docket No. 3543]

IN THE MATTER OF INTERNATIONAL UNIVERSITY OF COMMERCE ET AL.

§ 3.6 (a) (14) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or private business as educational institution.* Representing, in connection with offer, etc., in commerce, of courses of instruction by correspondence in bookkeeping, accountancy, auditing, commercial law and business administration, through use of word "University", or any other word or words of similar import or meaning, in the name of the corporate respondent, or through any other means or device, or in any manner, that said respondents conduct a university or institution of higher learning, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, International University of Commerce et al., Docket 3543, September 29, 1939]

§ 3.69 (a) (3a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) (11) *Misrepresenting oneself and goods—Business status, advantages or connections—Personnel or staff:* § 3.69 (a) (14) *Misrepresenting oneself and goods—Business status, advantages or connections—Size and equipment:* § 3.69 (a) (16) *Misrepresenting oneself and goods—Business status, advantages or connections—Unique status or advantages.* Representing, in connection with offer, etc., in commerce, of courses of instruction by correspondence in bookkeeping, accountancy, auditing, commercial law and business administration, that respondents maintain a faculty or have a staff of instructors or a staff of certified public accountants, or that their school is the largest of its kind in the United States, or that they are connected with a firm of accountants, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, International University of Commerce et al., Docket 3543, September 29, 1939]

§ 3.69 (b) (2) *Misrepresenting oneself and goods—Goods—Demand for or business opportunities:* § 3.69 (b) (7.0a) *Misrepresenting oneself and goods—Goods—Jobs and employment:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee.* Representing, in connection with offer, etc., in commerce, of courses of instruction by correspondence in bookkeeping, accountancy, auditing, commercial law and business administration, that the opportunities in the field of accountancy for students finishing the course of instruction offered by respondents are unlimited, or that respondents will procure employment for persons completing their course of instruction, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, International University of Commerce et al., Docket 3543, September 29, 1939]

§ 3.18 *Claiming indorsements or testimonials falsely:* § 3.48 (b) (7) *Disparaging competitors and their products—Goods—Quality:* § 3.69 (b) (.02) *Misrepresenting oneself and goods—Goods—Competitive inferiority:* § 3.69 (b) (7) *Misrepresenting oneself and goods—Goods—Indorsements:* § 3.69 (b) (16a) *Misrepresenting oneself and goods—Goods—Success, use or standing:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers.* Representing, in connection with offer, etc., in commerce, of courses of instruction by correspondence in bookkeeping, accountancy, auditing, commercial law and business administration, that respondents' course is superior to those of competitors, or that the majority of those trained by respondents are holding responsible positions with some of the largest industrial units in the country, or that respondents' course of instruction is endorsed by Alfred P. Sloan, Jr., Walter P. Chrysler, or any other person, or that such employers have urged clerical employees to take advantage of respondents' course of instruction, unless and until such are the true facts, or that such course is offered only to a select group, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, International University of Commerce, et al., Docket 3543, September 29, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF INTERNATIONAL UNIVERSITY OF COMMERCE, AND PAUL V. MANNING, INDIVIDUALLY, AND AS PRESIDENT OF THE INTERNATIONAL UNIVERSITY OF COMMERCE

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before William C. Reeves, an examiner of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, brief filed by attorney for the Commission (respondents not having filed brief) and oral argument not having been requested, the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent International University of Commerce, whose name has been changed to International School of Commerce, its officers, representatives, agents and employees, and Paul V. Manning, individually and as president of said corporate respondent, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of instruction by correspondence in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

(a) Through the use of the word "University", or any other word or words of similar import or meaning, in the name of the corporate respondent, or through any other means or device, or in any manner, that said respondents conduct a university or institution of higher learning;

(b) That the respondents maintain a faculty or have a staff of instructors or a staff of certified public accountants;

(c) That the opportunities in the field of accountancy for students finishing the course of instruction offered by respondents are unlimited;

(d) That respondents' course is superior to those of competitors;

(e) That respondents' school is the largest of its kind in the United States;

(f) That the majority of those trained by respondents are holding responsible positions with some of the largest industrial units in the country;

(g) That respondents will procure employment for persons completing their course of instruction;

(h) That respondents' course of instruction is endorsed by Alfred P. Sloan, Jr., Walter P. Chrysler, or any other person, or that such employers have urged clerical employees to take advantage of respondents' course of instruction, unless and until such are the true facts;

(i) That respondents' course is offered only to a select group;

(j) That respondents are connected with a firm of accountants.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3724; Filed, October 9, 1939; 10:55 a. m.]

[1] 3 F.R. 2316 DI.

## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T.D. 4951]

### INCOME TAX

ARTICLE 112 (F)–1 OF REGULATIONS 86, 94, 101, AND 101 AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE, RELATING TO REINVESTMENT OF PROCEEDS OF INVOLUNTARY CONVERSIONS, AMENDED

*To Collectors of Internal Revenue and Others Concerned:*

PARAGRAPH A. Article 112 (f)–1 of Regulations 86, as amended by Treasury Decision 4698[1] (1936 XV–2 Cum. Bull. 159), article 112 (f)–1 of Regulations 94[2] [section 3.112 (f)–1, Title 26, Code of Federal Regulations], 101 [section 9.112 (f)–1 of such Title 26], and 101 as made applicable to the Internal Revenue Code by Treasury Decision 4885,[3] approved February 11, 1939 [Part 465, Subpart B, of such Title 26], are each amended by substituting for the first sentence of the second paragraph thereof, reading as follows:

"If, in a condemnation proceeding, the Government retains out of the award sufficient funds to satisfy liens and mortgages against the property and itself pays the same, the amount so retained should be included in determining the amount of the net award."

the following sentence:

"If, in a condemnation proceeding, the Government retains out of the award sufficient funds to satisfy liens (other than liens due to special assessments levied against the remaining portion of the plot or parcel of real estate affected for benefits accruing in connection with the condemnation) and mortgages against the property and itself pays the same, the amount so retained shall not be deducted from the gross award in determining the amount of the net award."

PAR. B. The fifth paragraph of said article 112 (f)–1 of Regulations 86, as amended, 94, 101, and 101 as made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939, reading in part as follows:

"There is no investment in property similar in character and devoted to a similar use if—

* * * * * *

"(4) An award for property taken for street widening is applied toward payment of special assessments for benefits accruing to the remaining property."

is amended by striking therefrom the clause designated (4), which reads as follows:

"(4) An award for property taken for street widening is applied toward payment of special assessments for benefits accruing to the remaining property."

(This Treasury Decision is prescribed pursuant to the provisions of section 62 of the Revenue Act of 1934 (48 Stat. 700; 26 U.S.C. 62), the Revenue Act of 1936 (49 Stat. 1673; 26 U.S.C., Sup. IV, 62), the Revenue Act of 1938 (52 Stat. 480; 26 U.S.C., Sup. IV, 62), and the Internal Revenue Code (53 Stat. Part 1).)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved: October 5, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39–3714; Filed, October 7, 1939; 9:29 a.m.]

[1] 1 F.R. 1478.
[2] 1 F.R. 1878.
[3] 4 F.R. 679 D.I.

## TITLE 31—MONEY AND FINANCE: TREASURY

## PUBLIC DEBT SERVICE

[1939—Department Circular 621]

PARTIAL REDEMPTION, BEFORE MATURITY, OF 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B SECOND CALL

OCTOBER 6, 1939.

*To Holders of 2¾ Percent Mutual Mortgage Insurance Fund Debentures, Series B:*

I. NOTICE OF SECOND CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY, OF 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B

The Federal Housing Administrator, with the approval of the Secretary of the Treasury, has issued[1] the following notice of call for partial redemption and offer to purchase with respect to 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B:

"Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ per cent Mutual Mortgage Insurance Fund debentures, Series B, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on January 1, 1940, on which date interest on such debentures shall cease:

| Denomination | Serial numbers (all numbers inclusive) | |
|---|---|---|
| | Regular series | Star series |
| $50 | 107 to 247 | ---------- |
| $100 | 348 to 773 | ---------- |
| $500 | 154 to 476 | 14 and 15 |
| $1,000 | 501 to 1,042 | ---------- |
| $5,000 | 21 to 64 | 3 |
| $10,000 | 5 to 8 | ---------- |

"The debentures first issued, as determined by the serial numbers, were selected for redemption by the Federal Housing Administrator, with the approval of the Secretary of the Treasury.

"No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after October 1, 1939. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after October 1, 1939, and provision will be made for the payment of final interest due January 1, 1940, with the principal thereof to the actual owner, as shown by the assignments thereon.

"The Federal Housing Administrator hereby offers to purchase any called debentures at any time from October 1, to January 1, 1940, inclusive, at par and accrued interest, to date of purchase.

"Instructions for the presentation and surrender of debentures for redemption on or after January 1, 1940, or for purchase prior to that date will be given by the Secretary of the Treasury."

II. TRANSACTIONS IN SECOND-CALLED DEBENTURES

1. The debentures included in the foregoing notice of call for partial redemption on January 1, 1940, are hereby designated *second-called* 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, and are hereinafter referred to as *second-called* debentures.

2. Transfers and denominational exchanges in *second-called* debentures terminated at the close of business on September 30, 1939.

III. REDEMPTION OR PURCHASE

1. Holders of *second-called* debentures will be entitled to have such debentures redeemed and paid at par on January 1, 1940, with interest in full to that date, at the rate of $13.75 per $1,000. Interest on *second-called* debentures will cease on January 1, 1940.

2. Holders of *second-called* debentures have the privilege of presenting such debentures at any time prior to January 1, 1940, for purchase at par and accrued interest, at the rate of $.074728 per $1,000 per day from July 1, 1939, to date of purchase.

IV. RULES AND REGULATIONS GOVERNING REDEMPTION AND PURCHASE

1. The United States Treasury Department is the agent of the Federal Housing Administrator for the redemption and purchase of *second-called* debentures. In accordance with regulations adopted by the Federal Housing Administrator and approved by the Secretary of the Treasury, the assignment, redemption, and purchase of *second-called* debentures will be governed by the general regulations of the Treasury Department with respect to United States bonds and notes, so far as applicable, except as otherwise provided herein.

2. *Second-called* debentures presented for redemption on January 1, 1940, or for purchase prior to that date, must be assigned by the registered payees or assignees thereof or by their duly constituted representatives in the form indicated in paragraph 3 hereof, and should thereafter be presented and surrendered to any Federal Reserve bank or to the Division of Loans and Currency, Treasury Department, Washington, D. C., accompanied by appropriate written advice. (Use Form P.D. 1632 attached hereto.) The debentures must be delivered at the expense and risk of the holders. (See paragraph 8 of this section.) In all cases checks in payment of principal and final interest will be mailed to the address given in the form of advice accompanying the debentures when surrendered.

3. If the registered payee or an assignee holding under proper assignment from the registered payee desires that payment be made to him, the debentures should be assigned by such payee or assignee or by a duly constituted representative to "The Federal Housing Administrator for redemption" or to "The Federal Housing Administrator for purchase", according to whether the debentures are to be presented for redemption on January 1, 1940, or for purchase prior to that date. If it is desired for any reason that payment be made to some other person without intermediate assignment, the debentures should be assigned to "The Federal Housing Administrator for redemption (or purchase) for the account of ----------," inserting the name and address of the person to whom payment is to be made.

4. An assignment in blank or other assignment having similar effect will be recognized, but in that event payment will be made to the person surrendering the debenture for redemption or purchase since, under such an assignment, the debenture becomes in effect payable to bearer. Assignments in blank or assignments having similar effect should be avoided, if possible, in order not to lose the protection afforded by registration.

5. Final interest on any *second-called* debentures, whether purchased prior to, or redeemed on or after January 1, 1940, will be paid with the principal in accordance with the assignments on the debentures surrendered.

6. All assignments must be made on the debentures themselves unless otherwise directed by the Treasury Department. Detached assignments will be recognized and accepted in any particular case in which the use of detached assignments is specifically authorized by the Treasury Department. Any assignment not made upon the debenture is considered a detached assignment.

7. A *second-called* debenture registered in the name of, or assigned to, a corporation, will be paid to such corporation on or after January 1, 1940, upon an appropriate assignment for that purpose executed on behalf of the corporation by a duly authorized officer thereof. An assignment so executed and duly attested in accordance with Treasury Department regulations will ordinarily be accepted without proof of the officer's authority. In all cases coming under this provision payment will be made only by check drawn to the order of the corporation. Proof of the authority of the officer assigning on behalf of a corporation will be required, in accordance with the general regulations of the Treasury Department, in the case of assignments for purchase prior to January 1, 1940, and in case of assignments for redemption on or after January 1, 1940, for the account of any person other than the corporation.

8. Debentures presented for redemption or purchase under this circular must be delivered to a Federal Reserve bank or to the Division of Loans and Currency, Treasury Department, Washington, D. C., at the expense and risk of the holder. Debentures bearing restricted assignments may be forwarded by registered mail, but debentures bearing unrestricted assignments should be forwarded by registered mail insured or by express.

9. In order to facilitate the redemption of *second-called* debentures on January 1, 1940, any such debentures may be presented and surrendered in the manner herein prescribed in advance of that date but not before December 1, 1939. Such early presentation by holders will insure prompt payment of principal and interest when due.

V. GENERAL PROVISIONS

1. Any further information which may be desired regarding the redemption of *second-called* debentures under this circular may be obtained from any Federal Reserve bank or from the Division of Loans and Currency, Treasury Department, Washington, D. C., where copies of the Treasury Department's regulations governing assignments may be obtained.

2. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to perform any necessary acts under this circular. The Secretary of the Treasury may at any time or from time to time prescribe supplemental and amendatory rules and regulations governing the matters covered by this circular, which will be communicated promptly to the registered owners of *second-called* debentures.

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

Treasury Department
Public Debt Service
Form PD 1632

FORM OF ADVICE TO ACCOMPANY SECOND-CALLED 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B, PRESENTED FOR REDEMPTION ON JANUARY 1, 1940, OR FOR PURCHASE PRIOR TO THAT DATE

*To the Federal Reserve Bank of ----------*
*or Treasury Department, Division of Loans and Currency, Washington, D. C.:*

Pursuant to the provisions of Treasury Department Circular No. 621, dated October 6, 1939, the undersigned presents and surrenders herewith for

----------
(Indicate whether for immediate purchase or for redemption on January 1, 1940)

$ ------, face amount of *second-called* 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, registered in the name of ---------- and duly assigned to "The Federal Housing Administrator for ----------", as follows:

| Number of debentures | Denomination | Serial numbers of debentures | Face amount |
|---|---|---|---|
| ---------- | $50 | ---------- | $------ |
| ---------- | 100 | ---------- | ------ |
| ---------- | 500 | ---------- | ------ |
| ---------- | 1,000 | ---------- | ------ |
| ---------- | 5,000 | ---------- | ------ |
| ---------- | 10,000 | ---------- | ------ |
| Total | | | ------ |

and requests that remittance covering payment therefor be forwarded to the undersigned at the address indicated below.

Signature ----------
Name (please print) ----------
Address in full ----------
Date ----------

[1] Debentures presented for immediate purchase should be assigned to "The Federal Housing Administrator for purchase"; debentures presented for redemption on January 1, 1940, should be assigned to "The Federal Housing Administrator for redemption".

[F. R. Doc. 39–3721; Filed, October 7, 1939; 12:48 p. m.]

[1] 4 F.R. 4129 DI.





## TITLE 43—PUBLIC LANDS

## BUREAU OF RECLAMATION

[No. 27]

SUN RIVER IRRIGATION PROJECT, MONTANA, GREENFIELDS DIVISION, PART TWO

PUBLIC NOTICE OPENING PUBLIC LANDS TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS

*Correction*

F. R. Doc. 39–3616 (filed, September 30, 1939, at 9:16 a. m.), which appears on Page 4121 of the issue for October 3, 1939, should be corrected as follows:

The word "which" in the tenth line of the third column should read "shown".

"NW¼" which appears in the table opposite T. 22, R. 1 W., Sec. 27, Farm Unit A, should read "NE¼".

## DIVISION OF GRAZING

AMENDMENT OF THE FEDERAL RANGE CODE CONTAINING THE RULES FOR THE ADMINISTRATION OF GRAZING DISTRICTS UNDER THE TAYLOR GRAZING ACT, AS AMENDED[1]

Pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and the act

[1] This document corrects the one appearing at page 4017 of the September 22 issue of the FEDERAL REGISTER.

of July 14, 1939, (Pub. No. 173, 76th Cong.), paragraphs a, c, d, and g of section 12 of the Federal Range Code, revised to August 31, 1938 (43 CFR, Sec. 501.12, a, c, d, and g) are amended to read as follows:

Section 12, Paragraph a. *Authorization for establishment; number of members; qualifications.* The Taylor Grazing Act provides that there shall be an advisory board of local stockmen in each grazing district. The regional grazier shall fix the number of members to be elected to such board in each district, such number to be not less than five and not more than twelve, exclusive of a wildlife representative who will not be elective but will be appointed by the Secretary of the Interior. The regional grazier may fix the number of district advisors to be elected as representatives of each class of stockmen, according to the kind of livestock owned, or may fix the number to be elected from each voting precinct established by him, or both: *Provided*, That the free-use licensees or permittees in each district will be entitled to one representative, who shall be a free-use licensee or permittee. All district advisors shall be elected in the manner herein provided and, excepting the wildlife representatives, shall be electors qualified to vote in the particular election. If a district is divided into precincts, an advisor representing a precinct shall qualify in the precinct in the same manner as in the district.

Section 12, Paragraph c. *Elections; qualifications of electors.* Only those persons who are qualified to receive regular, free-use, or nonuse licenses or permits will be allowed to vote in any election held pursuant to the act of July 14, 1939; *Provided*, That in any new grazing district hereinafter established and embracing areas not theretofore within any district, the electors will be those stockmen who, prior to the establishment of the district, were regularly accustomed to using the Federal range within said district. A minor may vote if otherwise qualified; *Provided*, That upon request by his natural or legal guardian his ballot may be cast by the guardian in the name of the minor. The judges at any election will be furnished by the representative of the Division of Grazing in charge with a list of all electors entitled to vote in the district. No one whose name does not appear on such list shall be allowed to vote; *Provided*, That anyone claiming that his name has been erroneously omitted from the list may obtain and mark a ballot which will be held uncounted until the regional grazier shall have had a further opportunity to determine whether or not the party was entitled to vote. If it is found that the party was entitled to vote, his ballot shall be counted, otherwise it shall be disregarded.

Section 12, Paragraph d. *Elections—judges; nominations; ballots; registration; challenges.* The representative of the Division of Grazing in charge of an election will choose three qualified electors to act as election judges. The electors present may then place in nomination the names of candidates, but ballots may be cast for any other person qualified to represent a particular class or precinct. Voting shall be only by ballots cast personally by qualified electors and proxies will not be recognized. Except as provided in paragraph c of this section, no elector shall receive a ballot until he has registered by signing opposite his name on the list of persons entitled to vote. Before receiving a ballot any elector may be challenged by any other elector qualified to vote in the district and thereupon the judges, or any of them, may require the elector challenged to answer such questions concerning his qualifications as a voter as may be deemed necessary. Upon his failure or refusal to answer such questions satisfactorily, he shall not be permitted to register or to receive a ballot. Each candidate may designate any qualified elector to remain within the polling places during the casting and counting of votes and the declaration of the results thereof, and such person may act as a challenger. Before any elector shall be permitted to deposit his completed ballot in the ballot box, the judges shall write "Voted" opposite his signature on the registration list.

Section 12, Paragraph g. *Appointment by Secretary of the Interior; oath and term of office; removal; vacancies.* No person elected as a district advisor may assume office until he has been appointed by the Secretary of the Interior and has taken an oath of office. Persons elected as district advisors at the first election after the establishment of a grazing district or after July 14, 1939, shall be divided as evenly as may be into three classes by lot by the regional grazier. Those in class 1 shall hold office for one year, those in class 2 for two years and those in class 3 for three years, and until their successors are elected and have qualified. Thereafter at each election the class whose term has expired shall be elected for a term of three years. The Secretary of the Interior may remove any district advisor from office for failure to discharge his duties or for the good of the service. Upon a vacancy occurring in the office of a district advisor other than a wildlife representative by reason of resignation, removal or otherwise, the board shall recommend the name of a person to fill the vacancy and such recommendation, together with that of the regional grazier, shall be transmitted to the Director, who shall consider the recommendation and, if he concurs, transmit it to the Secretary for his consideration. A person appointed by the Secretary to fill a vacancy shall hold office until the next regular election, when a successor shall be elected to serve for the remainder of the unexpired term, if any, of the member causing the vacancy. Wildlife representatives shall hold office without term and until a successor may be appointed by the Secretary.

E. V. KAVANAGH,
*Acting Director of Grazing.*

Approved, September 18, 1939.

H. L. I.
*Secretary of the Interior.*

[F. R. Doc. 39-3717; Filed, October 7, 1939; 11:01 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

RAILWAY LESS-THAN-CARLOAD FREIGHT TRAFFIC

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 4th day of October, 1939.

In the Matter of Railway Less-than-carload Freight Traffic for the test period October 1st to 7th, inclusive, of the year 1939—special report to be furnished by Class I steam railways showing the total amount of such traffic forwarded from all stations on their lines, as prescribed by our order of September 12, 1939:[1]

*It is ordered*, That each Class I steam railway which serves any city listed on page 2 of the supplementary report form which is hereby approved and made a part of this order,[2] shall furnish a separate report on that form for each of those cities where it terminated less-than-carload freight during the period October 1st to 7th, inclusive, of the year 1939.

*It is further ordered*, That the supplementary reports shall be filed in duplicate in the office of the Secretary, Interstate Commerce Commission, Washington, D. C., on or before October 25, 1939.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-3732; Filed, October 9, 1939; 12:32 p. m.]

[1] 4 F.R. 3903 DI.

[2] Filed as a part of the original document; requests for copies should be addressed to the Interstate Commerce Commission.

## *Notices*

### DEPARTMENT OF AGRICULTURE.

#### Rural Electrification Administration.

[Administrative Order No. 393]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 27, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Georgia 0067D1 Bacon | $194,000 |
| Georgia 0075B1 Lamar | 166,000 |
| Georgia 0077B1 Forsyth | 144,000 |
| Idaho 0016A1 Cassia | 111,000 |
| Illinois 0021F1 Menard | 105,000 |
| Iowa 0007B1 Marshall | 196,000 |
| Kansas 0026B1 Coffey | 102,000 |
| Kentucky 0049B1 Clark | 80,000 |
| Kentucky 0052C1 Fleming | 188,000 |
| Missouri 0030D1 Lawrence | 59,000 |
| Missouri 0045A1 Osage | 249,000 |
| Missouri 0053A1 Polk | 319,000 |
| Montana 0009D1 Yellowstone | 74,500 |
| North Dakota 0015A1 Traill | 229,000 |
| Oklahoma 0002E1 Kay | 62,000 |
| Pennsylvania 0012B2 Sullivan | 14,000 |
| South Dakota 0009A1 Moody | 132,000 |
| Texas 0055B1 Floyd | 64,000 |
| Texas 0056D1 Lubbock | 152,000 |
| Texas 0093B1 DeWitt | 54,000 |
| Virginia 0022F1 Caroline | 79,000 |
| Virginia 0030C1 Bath | 89,000 |
| Virginia 0036A1 Prince George | 135,000 |
| Washington 0027B1 Lewis District Public | 250,000 |
| Washington 0030A1 Stevens | 326,000 |
| Washington 0035A1 Pend Oreille | 194,000 |
| Wisconsin 0009B1 Bangor Public | 32,000 |
| Wisconsin 0027C1 Buffalo | 139,000 |
| Wisconsin 0037C1 Trempealeau | 73,000 |
| Wisconsin 0040D1 Barron | 207,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-3715; Filed, October 7, 1939; 9:48 a. m.]

[Administrative Order No. 394]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 27, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project designation* | *Amount* |
|---|---|
| Arizona 0014W1 Cochise | $5,000 |
| Alabama 0028W1 Chambers | 5,000 |
| Arkansas 0027W1 Ouachita | 3,500 |
| Colorado 0022W1 Boulder | 5,000 |
| Colorado 0029W1 Phillips | 3,500 |
| Florida 0015W1 Lafayette | 5,000 |
| Georgia 0091W1 Laurens | 5,000 |
| Illinois 0018W2 Pike | 4,000 |
| Illinois 0040W1 Macoupin | 5,000 |
| Illinois 0044W1 Carroll | 5,000 |
| Indiana 0026W1 Daviess | 3,000 |
| Kansas 0028W1 Norton | 2,500 |
| Kansas 0032W1 Reno | 5,000 |
| Kentucky 0031W2 Union | 4,000 |
| Kentucky 0054W1 Wayne | 5,000 |
| Louisiana 0011W1 Bossier | 5,000 |
| Minnesota 0012W1 St. Louis | 5,000 |
| Minnesota 0080W1 Lincoln | 5,000 |
| Minnesota 0082W1 Becker | 5,000 |
| Missouri 0047W1 Cooper | 5,000 |
| Missouri 0048W1 Newton | 5,000 |
| Montana 0017W1 Rosebud | 3,500 |
| North Carolina 0036W2 Carteret | 2,000 |
| North Carolina 0043W1 Jones | 5,000 |
| North Dakota 0012W1 Walsh | 5,000 |
| North Dakota 0017W1 McHenry | 3,000 |
| Ohio 0065W2 Fairfield | 2,000 |
| Oklahoma 0018W1 Beckham | 5,000 |
| Oklahoma 0020W1 Garvin | 3,000 |
| Oklahoma 0021W1 Washita | 5,000 |
| Oklahoma 0023W1 Okmulgee | 5,000 |
| Oregon 0004W1 Lincoln | 5,000 |
| Pennsylvania 0015W2 Bradford | 4,000 |
| Pennsylvania 0024W1 Bedford | 5,000 |
| South Carolina 0021W1 Lancaster | 5,000 |
| South Carolina 0022W1 Fairfield | 3,500 |
| South Carolina 0023W1 Dorchester | 5,000 |
| South Carolina 0024W1 Marion | 3,500 |
| South Dakota 0010W1 Minnehaha | 5,000 |
| South Dakota 0011W1 Pennington | 4,000 |
| Texas 0102W1 Jackson | 4,500 |
| Vermont 0006W1 Washington | 2,500 |
| Wyoming 0009W1 Uinta | 4,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-3716; Filed, October 7, 1939; 9:48 a. m.]

### DEPARTMENT OF LABOR.

#### Children's Bureau.

NOTICE OF HEARING ON PROPOSED FINDING AND ORDER RELATING TO THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE AS MOTOR-VEHICLE DRIVER OR HELPER UNDER THE FAIR LABOR STANDARDS ACT OF 1938

OCTOBER 6, 1939.

Whereas, section 12 (a) of the Fair Labor Standards Act of 1938 (Act of June 25, 1938, chapter 676, 52 Stat. 1060, U. S. Code, Supp. IV, title 29, section 201) prohibits the shipment or delivery for shipment of goods in commerce, as defined in the Act, which are produced in establishments situated in the United States in or about which within 30 days prior to the removal of such goods therefrom any oppressive child labor has been employed; and

Whereas, section 3 (l) of the said Act, which defines oppressive child labor, provides in part as follows:

(l) "Oppressive child labor" means a condition of employment under which (1) any employee under the age of sixteen years is employed by an employer . . . in any occupation, or (2) any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Chief of the Children's Bureau in the Department of Labor shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being; • • •

and

Whereas, the Chief of the Children's Bureau issued on November 3, 1938, a regulation prescribing the "Procedure Governing Determinations of Hazardous Occupations;"[1] and

Whereas, pursuant to the said regulation, an investigation has been conducted with respect to the hazardous nature of driving motor vehicles and of serving as helpers on such vehicles with special reference to the employment of minors between 16 and 18 years of age; and

WHEREAS, a report of the investigation has been submitted to the Chief of the Children's Bureau and is available for public inspection; and

WHEREAS, a finding and order relating to the occupations of motor-vehicle driver and helper has been proposed for final adoption by the Chief of the Children's Bureau under the authority of section 3 (l) of the said Act.

Now, therefore, notice is hereby given of a public hearing to be held on October 27, 1939, commencing at 10 o'clock a. m. in Room 3229, U. S. Department of Labor Building, Fourteenth Street and Constitution Avenue, Washington, D. C., before a presiding officer to be designated hereafter, at which interested parties will be given opportunity to appear and to be heard with respect to the said report and proposed finding and order. All parties desiring to appear at the hearing are requested to notify the Children's Bureau at least 5 days prior to the date fixed for hearing.

Copies of the said report and proposed finding and order are available to the public at the office of the Children's Bureau, United States Department of Labor, Washington, D. C.

*Proposed Finding and Order*

TITLE 29—LABOR

CHILDREN'S BUREAU

CHILD LABOR

PART 422. OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

§ 422.2 *Motor-vehicle driver and helper*—(a) *Finding of fact.* By virtue of and pursuant to the authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938[1] and pursuant to the regulation prescribing the "Procedure Governing Determinations of Hazardous Occupations;"[2] an investigation having been conducted with respect to the hazards for minors between 16 and 18 years of age of employment in the occupations of motor-vehicle driver and helper; a report of the investigation having been submitted to the Chief of the Children's Bureau showing that:

"1. Work on motor vehicles involves a high degree of accident risk for persons of all ages, a risk which is particularly high in the case of young persons, who are lacking in the experience and in the caution required for safety in motor-vehicle operation.

"2. Workmen's compensation experience generally shows for the occupational classifications representing motor-vehicle drivers and helpers a compensation cost higher than the average for manufacturing classifications.

"3. The opinion of experts in motor-vehicle safety and of others having practical experience in the field of motor-vehicle operation who were consulted in the course of the investigation is that employment as driver or as helper on

[1] Published in 3 F.R. 2640 DI, under the heading "Title 29—Labor, Chapter IV.—Children's Bureau—Child Labor—Part 421, Procedure Governing Determinations of Hazardous Occupations."

[1] Act of June 25, 1938, chapter 676, 52 Stat. 1060, U.S.C., Supp. IV, title 29, section 201.

[2] Issued November 3, 1938, pursuant to authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938, published in 3 F.R. 2640 DI, November 5, 1938.

motor vehicles is especially hazardous for young persons.

"4. Motor-vehicle drivers between 16 and 18 years of age have been found to be involved in a larger number of fatal accidents in proportion to miles driven than drivers in any older age group. In a study covering fatal accidents within a 5-year period in one State the fatal-accident rate was found to be nine times greater for 16-year-old drivers and six times greater for 17-year-old drivers than for those 45 to 50 years of age, the age group with the lowest fatal-accident rate.

"5. Under many industry codes adopted pursuant to the National Industrial Recovery Act the work of motor-vehicle drivers and helpers was listed as a hazardous occupation and as such was prohibited for minors under 18 years of age.

"6. Acting pursuant to the authority conferred upon it by the Motor Carrier Act of 1935, the Interstate Commerce Commission has established as necessary for safety a minimum age of 21 years for motor-vehicle drivers, in regulations applicable to common carriers and contract carriers engaged in interstate commerce. An examiner for the Commission has recommended, after investigation and public hearing, that the same minimum age for motor-vehicle drivers be applied, with certain exceptions not here material, to private carriers engaged in interstate commerce.

"7. State legislation, which reflects public recognition of the special hazards incident to the driving of motor vehicles by young persons, has established the following standards:

(a) In each of the States and the District of Columbia there is a legal minimum age for drivers of motor vehicles which is higher than that for general employment, the legal minimum age for drivers being applicable to (1) all persons operating motor vehicles, or (2) persons operating motor vehicles as employees, or (3) persons operating motor vehicles for common, contract, or private carriers.

(b) In 28 States and the District of Columbia there is a minimum age of at least 18 years applicable to (1) all persons operating motor vehicles or (2) persons operating motor vehicles as employees.

"8. A minimum age of 18 years or higher for the employment of motor-vehicle drivers and helpers has been adopted voluntarily as a general policy by many employers and by the branch of organized labor especially concerned with employment in this field;"

* * * * *

Now, therefore, I, Katharine F. Lenroot, Chief of the Children's Bureau of the United States Department of Labor, hereby find that the occupations of motor-vehicle driver and helper are particularly hazardous for the employment of minors between 16 and 18 years of age.

(b) *Order.* Accordingly, I hereby declare that the occupations of motor-vehicle driver and helper are particularly hazardous for the employment of minors between 16 and 18 years of age.

*Definitions.* For the purpose of this order—

(1) The term "motor vehicle" shall mean any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.

(2) The term "driver" shall mean any individual who, in the course of his employment, drives a motor vehicle at any time.

(3) The term "helper" shall mean any individual, other than a driver, whose work in connection with the transportation or delivery of goods includes riding on a motor vehicle.

This order shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein. This order shall become effective on January 1, 1940, and shall be in force and effect until amended or repealed by order hereafter made and published by the Chief of the Children's Bureau.

KATHARINE F. LENROOT,
*Chief.*

[F. R. Doc. 39-3722; Filed, October 9, 1939; 9:48 a. m.]

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## Wage and Hour Division.

### NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION DENYING APPLICATION FOR PARTIAL EXEMPTION OF THE WESTERN PINE INDUSTRY AS A SEASONAL INDUSTRY

Whereas, application has been made by the Western Pine Association under Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Regulations, Part 526, as amended (Regulations applicable to Industries of a Seasonal Nature), issued by the Administrator thereunder, for partial exemption of the Western Pine industry from the maximum hours provisions of Section 7 (a) of said Act pursuant to Section 7 (b) (3) applicable to industries found by the Administrator to be of a seasonal nature; and

Whereas, a public hearing[1] on said application was held before Harold Stein, the representative of the Administrator of the Wage and Hour Division, duly authorized to hear and determine whether or not the Western Pine industry or any branch thereof is of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526 of Regulations issued thereunder; and

[1] 4 F.R. 2384 DI.

Whereas, following such hearing, the said Harold Stein duly made his findings of fact and determined as follows:

1. The Western Pine industry, as defined in the Notice of Hearing, includes the major operations of logging, sawmilling, and shipping, together with ancillary operations.

2. If it is assumed that logging, sawmilling and shipping appropriately constitute separate branches of the Western Pine industry:

(a) Some units in each of these three branches cease operation annually for three months or more primarily because the materials used are not available on account of climatic and other natural factors.

(b) The volume of production and employment of such units is substantial in logging and sawmilling but is not substantial in shipping.

(c) There is no substantial sub-branch of the shipping branch of the industry that ceases operation annually for three months or more.

(d) Data in the record on which any such sub-branch of logging and sawmilling might be defined are limited to data distinguishing between groups of units operating more than nine months and less than nine months respectively.

(e) Any sub-branches of logging and sawmilling that operate annually for as long as (even though not in excess of) nine months can not be found to be of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of Regulations issued thereunder.

(f) No criteria exist in the record on which it can be found that there are sub-branches of any logging or sawmill branches of the Western Pine industry whose operations are limited to a period in such relation to the fourteen workweek exemption period provided by Section 7 (b) (3) of the Act as to justify a finding that any such sub-branch is of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of regulations issued thereunder.

3. If it is assumed that logging, sawmilling, and shipping do not constitute separate branches but together constitute a single industry:

(a) Such industry as a whole does not at any time cease operation.

(b) No group of plants with any substantial output ceases production for even three months during the year.

(c) The group of plants which may cease production for even three months during the year do not have a sufficiently substantial output to constitute a branch of an industry.

and on the basis thereof denied the applications; and

Whereas, said Findings and Determination were duly filed with the Administrator on October 5, 1939, and are now on file in his Office, Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties:

Now, therefore, pursuant to the provisions of Section 526.7 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 5th day of October 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3727; Filed, October 9, 1939; 11:34 a. m.]

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### APPLICATION OF THE POSTAL TELEGRAPH LANDLINE SYSTEM AND SUNDRY OTHER PARTIES FOR PERMISSION TO EMPLOY MESSENGERS AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM WAGE SPECIFIED

#### NOTICE OF HEARING

Whereas application has been made by the Postal Telegraph Landline System and sundry other parties under Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 523—Regulations Applicable to the Employment of Messengers pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, chapter 5, Wage and Hour Division) issued by the Administrator thereunder for permission to employ messengers at wages less than the applicable minimum wage specified in Section 6 of the Act;

Now, therefore, pursuant to the Act and the regulations, notice is hereby given of a public hearing to be held on said application in Room 208, 939 D Street, N. W., Washington, D. C., to commence at 10:00 a.m., on October 25, 1939, to take testimony for the purpose of determining whether it is necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of messengers (employed exclusively in delivering letters and messages) in the landline telegraph industry at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and, if such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of messengers in the landline telegraph industry shall be permitted, and with what limitations as to time, number, proportion and length of service. The hearing is not limited to petitioner, Postal Telegraph Landline System, but will cover the entire landline telegraph industry.

At this hearing, opportunity will be afforded to any interested person to present evidence relevant to the foregoing inquiry, provided such person files with Mr. Merle D. Vincent, Chief of the Hearings and Exemptions Section of the Wage and Hour Division, by noon October 24, 1939, a notice of intention to appear containing the following information:

(1) The name and address of the person appearing.

(2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

(3) Whether he is appearing in support of or in opposition to the application for exemption.

(4) The approximate length of time which his presentation will consume.

Pursuant to authority vested in the Administrator by the Fair Labor Standards Act of 1938, Mr. Merle D. Vincent is hereby designated as presiding officer to conduct the said hearing and to determine whether it is necessary in order to prevent curtailment of opportunities for employment, to provide for the employment of messengers (employed exclusively in delivering letters and messages) at wage rates lower than the minimum wage applicable under Section 6 of said Act, and if such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of messengers shall be permitted, and with what limitations as to time, number, proportion, and length of service.

Signed at Washington, D. C., this 9th day of October 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3733; Filed, October 9, 1939; 12:55 p. m.]

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## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 245]

### IN THE MATTER OF THE APPLICATION OF PENNSYLVANIA CENTRAL AIRLINES CORP. FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (B) OF THE CIVIL AERONAUTICS ACT OF 1938

#### NOTICE OF POSTPONEMENT OF HEARING

Upon request of the applicant, hearing on the above-entitled proceeding, being the application of Pennsylvania Central Airlines Corp. for a certificate of public convenience and necessity authorizing air transportation between Knoxville, Tenn., Asheville, N. C., Hickory, N. C., Winston-Salem, N. C., Greensboro, N. C., Raleigh, N. C., Rocky Mount, N. C., Elizabeth City, N. C., and Norfolk, Va., now assigned for November 13, 1939,[1] is hereby postponed to December 11, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Mayflower Hotel, Connecticut Avenue and DeSales Street, N.W., Washington, D. C., before an examiner of the Authority.

[1] 4 F.R. 4009 DI.



Dated Washington, D. C., October 6, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3726; Filed, October 9, 1939; 10:56 a. m.]

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## FEDERAL POWER COMMISSION.

[Docket No. IT-5585]

### IN THE MATTER OF MISSISSIPPI POWER COMPANY

#### NOTICE OF APPLICATION

OCTOBER 7, 1939.

Notice is hereby given that on October 7, 1939, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the Mississippi Power Company, a corporation organized under the laws of the State of Maine and doing business in the State of Mississippi with its principal office in Gulfport, Mississippi, seeking an order authorizing the sale and transfer to the Tennessee Valley Authority, a corporation created and now existing under and by virtue of the Tennessee Valley Authority Act of 1933 as amended; the 4-County Electric Power Association, a non-profit membership corporation of the State of Mississippi; the Pontotoc Electric Power Association, a non-profit membership corporation of the State of Mississippi; The City of Louisville, The City of Okolona, and The City of Philadelphia, municipal corporations of the State of Mississippi (hereinafter referred to as the "purchasers"), of such part of applicant's electric facilities as are located in Calhoun, Chickasaw, Monroe, Webster, Clay, Choctaw, Oktibbeha, Lowndes, Winston and Noxubee Counties and certain of its electric facilities in Neshoba and Kemper Counties, except its electric distribution facilities in the municipalities of Starkville, Aberdeen, Columbus and Macon and extensions therefrom, under and in accordance with the terms of an acquisition contract between the applicant and the purchasers. By the terms of said contract applicant proposes to sell the electric distribution facilities in Starkville, Aberdeen, Columbus and Macon to said municipalities if it can agree with such municipalities upon reasonable prices, and if applicant is unable to agree with such municipalities, it will dismantle said properties. The consideration for the proposed sale, the application states, will aggregate $2,000,000; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 23rd day of October, 1939, file with the Federal Power Commission a petition or

protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3728; Filed, October 9, 1939; 11:50 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of October 1939.

IN THE MATTER OF 11 WEST 42ND STREET, INC., 1ST MORTGAGE LEASEHOLD 6½% SINKING FUND GOLD BONDS (STAMPED PURSUANT TO PLAN DATED JUNE 1, 1938)

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Real Estate Securities Exchange, Inc. in the 6½% 1st Mortgage Leasehold Sinking Fund Gold Bonds (Stamped 4% to May 1, 1938), of 11 West 42nd Street, Inc., having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3719; Filed, October 7, 1939; 11:25 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of October, A. D. 1939.

[File No. 56-40]

IN THE MATTER OF INDIANA & MICHIGAN ELECTRIC COMPANY AND AMERICAN GAS & ELECTRIC COMPANY

ORDER DESIGNATING NEW TRIAL EXAMINER AND SETTING MATTER FOR FURTHER HEARING

Indiana & Michigan Electric Company having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 covering the issue and sale of certain securities; the matter having been duly set for hearing, and a hearing having been held thereon on June 16, 1939 at the offices of the Commission in Washington, D. C. and continued, on the said date, subject to the call of the Trial Examiner; an order thereafter having been issued by the Commission exempting the issue and sale of the said securities from the provions of Section 6 (a) of the Act and reserving jurisdiction to determine, at a later date, whether the fees paid to attorneys representing said Indiana & Michigan Electric Company and the insurance companies purchasing certain of said securities, and of the First Boston Corporation, in connection with the said transaction, are or are not reasonable;

The Commission being of the opinion that a further hearing should be held at its offices in the City of New York with respect to the reasonableness of the legal fees charged by Simpson, Thacher & Bartlett and Sullivan & Cromwell, and the Trial Examiner who presided at the said original hearing not being available to preside at the said further hearing;

*It is ordered*, That a further hearing be held at the offices of the Securities and Exchange Commission in Room 2031, 120 Broadway, in the City of New York, beginning October 13, 1939 at ten in the forenoon, and that Adrian C. Humphreys, an officer of the Commission be, and hereby is, designated to preside at such continued hearing in the place and stead and with the same powers and duties as the Trial Examiner heretofore designated to preside in these proceedings.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3718; Filed, October 7, 1939; 11:25 a. m.]

Reference

OCT 12 1939

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 196

*Washington, Wednesday, October 11, 1939*

## *Rules, Regulations, Orders*

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3848]

IN THE MATTER OF DR. RON-AL MEDICINE COMPANY ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of emmenagogue preparation known as Dr. Ron-Al's Relief Compound, or other similar medicinal preparation, which advertisements represent, directly or through implication, that the use of said medicinal preparation constitutes a safe, competent or scientific treatment for delayed menstruation or that its use will have no ill effect upon the human body, and which advertisements fail to reveal that the use of said preparation may result in serious or irreparable injury to the health of the user, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Dr. Ron-Al Medicine Company etc., Docket 3848, October 3, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF IRVING SOFRONSKI, AN INDIVIDUAL TRADING AS DR. RON-AL MEDICINE COMPANY, DR. PENN'S PRODUCTS COMPANY, AND PENN PRODUCTS

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Irving Sofronski, an individual trading as Dr. Ron-Al Medicine Company, Dr. Penn's Products Company, and Penn Products, or trading under any other name or names, his agents, servants, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of an emmanagogue preparation now known as Dr. Ron-Al's Relief Compound, or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said medicinal preparation which advertisements represent,

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[F. R. Doc. 39-3720; Filed, October 9, 1939; 11:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of October 1939.

IN THE MATTER OF 11 WEST 42ND STREET, INC., 1ST MORTGAGE LEASEHOLD 6½% SINKING FUND GOLD BONDS (STAMPED PURSUANT TO PLAN DATED JUNE 1, 1938)

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Real Estate Securities Exchange, Inc. in the 6½% 1st Mortgage Leasehold Sinking Fund Gold Bonds (Stamped 4% to May 1, 1938), of 11 West 42nd Street, Inc., having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent

*It is ordered*, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3719; Filed, October 7, 1939; 11:25 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of October, A. D. 1939.

[File No. 56-40]

IN THE MATTER OF INDIANA & MICHIGAN ELECTRIC COMPANY AND AMERICAN GAS & ELECTRIC COMPANY

ORDER DESIGNATING NEW TRIAL EXAMINER AND SETTING MATTER FOR FURTHER HEARING

Indiana & Michigan Electric Company having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 covering the issue and sale of certain securities; the matter having been duly set for hearing, and a hearing having been held thereon on June 16, 1939 at the offices of the

sale of the said securities from the provisions of Section 6 (a) of the Act and reserving jurisdiction to determine, at a later date, whether the fees paid to attorneys representing said Indiana & Michigan Electric Company and the insurance companies purchasing certain of said securities, and of the First Boston Corporation, in connection with the said transaction, are or are not reasonable,

The Commission being of the opinion that a further hearing should be held at its offices in the City of New York with respect to the reasonableness of the legal fees charged by Simpson, Thacher & Bartlett and Sullivan & Cromwell, and the Trial Examiner who presided at the said original hearing not being available to preside at the said further hearing,

*It is ordered*, That a further hearing be held at the offices of the Securities and Exchange Commission in Room 2031, 120 Broadway, in the City of New York, beginning October 13, 1939 at ten in the forenoon, and that Adrian C. Humphreys, an officer of the Commission be, and hereby is, designated to preside at such continued hearing in the place and stead and with the same powers and duties as the Trial Examiner heretofore designated to preside in these proceedings.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3718; Filed, October 7, 1939; 11:25 a. m.]


# FEDERAL REGISTER

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*Washington, Wednesday, October 11, 1939*


## *Rules, Regulations, Orders*

### TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3848]

IN THE MATTER OF DR. RON-AL MEDICINE COMPANY ETC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of emmenagogue preparation known as Dr. Ron-Al's Relief Compound, or other similar medicinal preparation, which advertisements represent, directly or through implication, that the use of said medicinal preparation constitutes a safe, competent or scientific treatment for delayed menstruation or that its use will have no ill effect upon the human body, and which advertisements fail to reveal that the use of said preparation may result in serious or irreparable injury to the health of the user, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Dr. Ron-Al Medicine Company etc., Docket 3848, October 3, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF IRVING SOFRONSKI AN INDIVIDUAL TRADING AS DR RON-AL MEDICINE COMPANY, DR PENN'S PRODUCTS COMPANY, AND PENN PRODUCTS

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Irving Sofronski, an individual trading as Dr. Ron-Al Medicine Company, Dr. Penn's Products Company, and Penn Products, or trading under any other name or names, his agents, servants, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of an emmanagogue preparation now known as Dr. Ron-Al's Relief Compound, or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said medicinal preparation which advertisements represent,

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directly or through implication, that the use of said medicinal preparation constitutes a safe, competent or scientific treatment for delayed menstruation or that its use will have no ill effect upon the human body, and which advertisements fail to reveal that the use of said preparation may result in serious or irreparable injury to the health of the user.

*It is further ordered*, That the respondent shall, within ten (10) days after service upon him of this order, file with the Commission an interim report in writing, stating whether he intends to comply with this order and if so, the manner and form in which he intends to comply; and that, within sixty (60) days after service upon him of this order said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3743; Filed, October 10, 1939; 9:49 a. m.]

## *Notices*

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. 898-FD]

IN THE MATTER OF CHANGES IN THE TERRITORIAL BOUNDARIES OR LIMITS OF CERTAIN DISTRICTS AND MINIMUM PRICE AREAS AS SET FORTH IN THE BITUMINOUS COAL ACT OF 1937.

SUPPLEMENTAL NOTICE OF HEARING

Notice is hereby given that at the hearing in the above-entitled matter, to be commenced in a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. at 10:00 a. m. on October 16, 1939, the following tentative proposal, in addition to the matters set forth in the notices of hearing herein dated August 30 and September 18, 1939,[1] will be considered:

To more specifically describe the boundary lines of Districts Nos. 1 and 2, in Armstrong County, Pennsylvania, as follows:

DISTRICT NO. 1—ARMSTRONG COUNTY

All mines on and served by the P. & S. R. R. on the west bank of the Allegheny River and all mines east of the Allegheny River except those mines on and served by the Conemaugh Division of the Pennsylvania Railroad.

DISTRICT NO. 2—ARMSTRONG COUNTY

All mines on and served by the Conemaugh Division of the Pennsylvania Railroad and all mines west of the Allegheny River excluding those mines on and served by the P. & S. R. R.

H. A. GRAY,
*Director.*

OCTOBER 10, 1939.

[F. R. Doc. 39-3747; Filed, October 10, 1939; 12:35 p. m.]

### DEPARTMENT OF AGRICULTURE.

#### Agricultural Marketing Service.

NOTICE OF PUBLIC HEARING ON PROPOSED RULES AND REGULATIONS UNDER THE FEDERAL SEED ACT

Pursuant to the provisions of Section 402 of the Federal Seed Act, approved August 9, 1939 (Public—No. 354—76th Congress), notice is hereby given of intention to promulgate rules and regulations deemed necessary for the effective enforcement of said Federal Seed Act; and likewise, under the provisions of said Section 402, notice is hereby given that a public hearing will be held in Room 2862, in the South Building of the United States Department of Agriculture, Independence Avenue, between 12th and 14th Streets, Southwest, Washington, D. C., on the 27th day of November, 1939, at 10 o'clock in the forenoon of that day.

All interested persons are invited to attend this hearing and to offer comments or suggestions with respect to said proposed rules and regulations. Such comments or suggestions bearing on the proposed rules and regulations may be presented either orally or in writing. Any relevant comment which cannot be made or presented in person at the hearing may be transmitted by mail addressed to the Chief, Agricultural Marketing Service, United States Department of Agriculture, Washington, D. C., and will be considered if received on or before November 27.

Mr. C. W. Kitchen is hereby designated as the presiding officer who shall conduct the aforesaid hearing in the place and stead of the Secretary, with power to do all things necessary and appropriate to the proper conduct of such hearings.

Copies of the proposed rules and regulations may be obtained by a request therefor addressed to the Chief, Agricultural Marketing Service, United States Department of Agriculture, Washington, D. C.

H. A. WALLACE,
*Secretary of Agriculture.*

The above notice of hearing will apply in all respects with like force and effect to the proposed joint rules and regulations of the Secretary of the Treasury and the Secretary of Agriculture, required to be issued by Section 402 of the Federal Seed Act to cover the enforcement of Title III, "Foreign Commerce".

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

OCTOBER 10, 1939.

[F. R. Doc. 39-3746; Filed, October 10, 1939; 12:29 p. m.]

[1] 4 F.R. 3998 DI.

### Food and Drug Administration.

REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER RELATIVE TO IDENTITY OF CANNED CHERRIES

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR EACH OF THE FOODS COMMONLY KNOWN AS CANNED PEACHES, CANNED APRICOTS, CANNED PEARS AND CANNED CHERRIES

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1143 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 10, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue NW., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for each of the foods commonly known as canned peaches, canned apricots, canned pears, and canned cherries. The notice contained a proposal, in general terms, for defining and so standardizing each of such foods. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches.

3. In pursuance of such announcement, a hearing was held for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches, and the hearing was continued with reference to the other proposals, to dates subsequently to be announced.

4. On April 17, 1939, at 2:15 p. m., the hearing on the definition and standard of identity proposal for canned cherries was convened and held on April 17 and 18, and at 1:35 p. m., on April 18, 1939, was adjourned until May 1, 1939, and resumed on May 1, 1939, and concluded on May 2, 1939, at 11:50 a. m. It was ordered that all evidence with reference to the sucrose-dextrose issue introduced in evidence at the hearing on the definition and standard of identity proposal for canned peaches be incorporated in this record. Page references to the record of the hearing conducted on May 1, 1939, and May 2, 1939, are cited as "C.R. —". All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and written argument.

5. Within the time announced at the hearing within which interested persons might file proposed findings of fact, written argument, or both, various interested persons filed proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing which, if granted, would modify the proposal contained in the FEDERAL REGISTER.

6. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.

*Suggested Findings*

1. Canned cherries are prepared from mature cherries. (R. pp. 22, 33, 62, 138)

2. Such cherries are of one of the following varietal groups: red sour, light colored sweet, dark colored sweet. (R. pp. 21–22, 33, 35–37, 59, 62, 68–71, 93, 96–99, 105, 107, 109, 138, 146, 169–171)

3. Cherries of different varietal groups are not canned together. (R. pp. 22, 33, 59, 138)

4. Each such varietal group of cherries has its own distinctive consumer uses. (R. pp. 22–23, 59, 76, 169–171)

5. Cherries of each such varietal group are an optional cherry ingredient of canned cherries. (R. pp. 23, 33, 59, 62, 76, 138, 169–171)

6. Such cherries are canned whole, either pitted or unpitted. (R. pp. 22, 33, 37–38, 52, 59, 62, 77, 94, 109, 138) Practically all light colored sweet and dark colored sweet cherries are canned unpitted. (R. pp. 139, 141) Pitted and unpitted cherries are never mixed in canning, except accidentally. (R. pp. 22, 59, 138) Each such form of units has its own distinctive consumer uses. (R. pp. 22–23, 59, 76, 109) Cherries of each such form of units are an optional cherry ingredient. (R. pp. 23, 33, 59, 62, 76, 109, 138)

7. Canned cherries contain a suitable liquid packing medium. (R. pp. 23, 33, 59–61, 62) Such an ingredient is essential. (R. pp. 24, 33, 59–61, 62)

8. Water is a suitable liquid packing medium. (R. pp. 24, 33, 61)

9. The natural juice of the cherry is a suitable liquid packing medium. (R. pp. 24, 33, 61)

10. A water solution of sugar is a suitable liquid packing medium. (R. pp. 24, 33, 61, 141); (Identity of Peaches, R. pp. 37, 38, 48, 53, 92, 156, 183, 214)

11. Sugar is defined in Webster's International Dictionary on page 2521 thereof (C.R., Other Interested Parties' Exhibit No. 4) as:

"1. A sweet crystallizable substance, colorless or white when pure, occurring in many plant juices, and forming an important article of human food—called specif. *cane sugar*, *sucrose*, and *saccharose*. The chief sources of sugar are the sugar cane and the sugar beet, the completely refined products of which are identical and form granulated sugar, loaf sugar, etc., of commerce. The cane juice, obtained by expression, is treated with lime to remove impurities, filtered, and evaporated to crystallization. The mother liquor, or molasses, is removed by draining (now usually) by a centrifugal. The crude yellowish or brown sugar thus obtained is usually refined at central plants by redissolving, clarifying, decolorizing, and recrystallizing. In the case of beets the sugar is removed by extraction with water (diffusion) and carried to the refined state in one operation. Crude cane sugar is often sold as brown sugar, but crude beet sugar has an unpleasant flavor. Some sugar is also made from palm trees, maple trees, etc. Sugar forms fine monoclinic crystals melting at 186° C. (367° F.), which dissolve in about half their weight of water at ordinary temperature. Chemically, it is a disaccharide of the formula $C_{12}H_{22}O_{11}$, formed by union of one molecule of dextrose with one of levulose. It does not reduce Fehling solution and does not ferment directly, but is converted by diastase (or by heating with acids) into the fermentable mixture called *invert sugar*. It is dextrorotatory, a property which is used in estimating the strength of its solution. Sugar is a food, and also serves as a condiment and preservative for other foods. See FOOD 1.

"2. By extension, any of a class of sweet, soluble compounds comprising the simpler carbohydrates. See Carbohydrate. The simple sugars, those not decomposable by hydrolysis, are called *monosaccharides*. Complex sugars are formed by the condensation of two, three, or four molecules of simple sugar and are called *disaccharides*, *trisaccharides*, and *tetrasaccharides*. For the structure and classification of simple sugar, see Monosaccharide. Among the important natural sugars are *sucrose* (See def. 1), or *cane sugar*, *dextrose* (d-*glucose*), or *grape sugar*, *levulose* (d-*fructose*), or *fruit sugar*, *lactose*, or *milk sugar*, and *maltose*, or *malt sugar*. Some of these, and also many others, have been made synthetically."

12. Prior to the hearing, a letter was addressed to the Secretary of Agriculture asking for a definition of the word "sugar" as used in the proposal, which letter was answered under the signature of the Secretary of Agriculture, which answer reads as follows and is Other Interested Parties' Exhibit No. 2, Identity of Peaches:

"We have your letter of March 30 referring to proposals for food standards to be considered at public hearings on April 10, 1939. You inquire as to our interpretation of the words 'Water solution of sugar, of 25° Brix or more' and 'Water solution of sugar, of less than 25° Brix' as used in these proposals.

"The word 'sugar' as used therein refers to sugar as defined in the current advisory definition and standard of identity for sugar under the present Food and Drugs Act, which you will find on page 11 of the enclosed F.D. 2, definition 1, under 'A. Sugar and Sugar Products.'

These are merely proposals. The final standards will be based on evidence adduced at the public hearing and any interested party is, of course, invited to submit proposals for other packing mediums."

13. In S.R.A., F.D. No. 2, Rev. 5 (Other Interested Parties' Exhibit No. 2, Identity of Peaches), under "Sugars and Related Substances", the following appears:

"A. Sugar and Sugar Products.

"1. *Sugar.* Sucrose (saccharose) obtained chiefly from sugarcane and sugar beets. Granulated, loaf, cut, milled, and powdered sugars are different forms of sugar, containing at least 99.5 percent of sucrose."

Under "B. Dextrose and Related Products", the following appears:

"1. *Dextrose.* The product chiefly made by the hydrolysis of starch or a starch-containing substance, followed by processes of refining and crystallization.*

"a. Anhydrous dextrose contains not less than 99.5 percent of dextrose and not more than 0.5 percent of moisture.

"b. Hydrated dextrose contains not less than 90 percent of dextrose and not more than 10 percent of moisture, including water of crystallization.

14. Starch is a polysaccharide. Sucrose is a disaccharide. Dextrose and levulose are monosaccharides. (C.R. p. 32)

15. Polysaccharides such as starch have a higher caloric value per gram than the disaccharides such as sucrose, and the disaccharides have a higher caloric value per gram than the monosaccharides such as dextrose and levulose. (C.R. p. 32)

16. By the dictionary definition, the simple sugars, monosaccharides, are not decomposable by hydrolysis. (C.R., Other Interested Parties' Exhibit No. 4)

17. Sugar, as described in the Encyclopedia Britannica on page 523 (C.R., Other Interested Parties' Exhibit No. 5), applies to over 100 substances, having distinctive properties and scientific names; for example, sucrose, glucose, fructose, lactose, maltose, etc.

18. "As ordinarily understood, of course, by chemists, and physiologists, sugar is just one of the breakdown products of two other large nutritive ingredients, namely, ordinary starch from plants, and starch from animals. Now as they are digested or hydrolized, you get ultimately a double sugar, nutritively it is like cane sugar, or beet sugar, and then when they are inverted, further changed into the form that they are absorbed and actually utilized in the body, we have dextrose and levulose, so that beginning with starch you have the double sugars, maltose and fructose, and then you have the simple sugars, which is the ultimate product.

"There are other forms of sugars that can be utilized by various bacteria, but not by man." (Identity of Peaches, Carlson p. 159)

19. Crystalline dextrose manufacture was made commercially possible in 1923 by the granting of the Newkirk patents (October 23, 1923; September 16, 1924; January 6, 1925) on corn starch hydrolysis and the economical separation of high purity dextrose from the converter liquors. (Identity of Peaches, Other Interested Parties' Exhibit No. 3)

20. Not until 1926 was chemically pure dextrose accepted by the United States Pharmacopoeia. (Identity of Peaches, Other Interested Parties' Exhibit No. 3)

21. Not until 1930, when the Secretary of Agriculture ruled that refined dextrose (corn sugar) could be used in the manufacture of food products without label declaration, was the utilization of dextrose by canners, preservers, beverage manufacturers and allied food industries seriously considered. (Identity of Peaches, Other Interested Parties' Exhibit No. 3)

22. In 1930, the Secretary of Agriculture ruled:

"Corn sugar (dextrose) when sold in packages must be labeled as such; when sold in bulk must be declared as such; but the use of pure refined corn sugar as an ingredient in the packing, preparation, or processing of any article of food in which sugar is a recognized element need not be declared upon the label of any such product.

"Nothing in this ruling shall be construed to permit the adulteration or imitation of any natural product such as honey by the addition of any sugar or other ingredient whatever.

"The term 'sugar', with or without the parenthetical expression 'sucrose', as used in the definitions to designate the sweetening agent in manufactured food products, is to be interpreted, wherever necessary to effect the purpose of the foregoing decision, as including dextrose (pure, refined corn sugar)." (Identity of Peaches, Other Interested Parties' Exhibit No. 1)

23. The great bulk of consumers regard "sugar" as the common or usual name of sucrose, i. e., cane or beet sugar. (Identity of Peaches, R. pp. 53, 132, 177, 350, 360, 397, 404, 416, 424, 442, 453, 461, 465, 472)

24. Within the past 3½ years, refined corn sugar (dextrose) has been used in the canning of cherries. (Identity of Peaches, R. p. 275)

25. Prior to that time, cane or beet sugar (sucrose) was the only sugar used in the canning of cherries. (Identity of Peaches, R. pp. 275–276); (Identity of Peaches, Other Interested Parties' Exhibit No. 3)

26. The simple sugar, dextrose, is now obtainable by hydrolysis from corn starch; is called "refined corn sugar"; and is now used in combination with cane or beet sugar (sucrose) in a water solution as a liquid packing medium for canned cherries. (Identity of Peaches, R. p. 275); (Identity of Peaches, Other Interested Parties' Exhibits Nos. 3 and 4)

27. Refined corn sugar (dextrose) and cane or beet sugar (sucrose) differ in sweetness, in food value, in manner of absorption, in solubility, and their solutions differ in viscosity, in osmotic pressure, and in boiling temperature. (Identity of Peaches, R. pp. 66–67, 174–175, 177, 257, 260–261, 265, 333–345, 347, 370–371, 398, 427, 499–500, 513–517); (C. R. pp. 21, 22, 52, 53, 54, 55, 57); (Identity of Peaches, Other Interested Parties' Exhibit No. 3) A water solution of refined corn sugar (dextrose) as the liquid packing medium cannot be used alone in the canning of cherries. The maximum amount of refined corn sugar (dextrose) which has been so used for commercial purposes, in combination with cane or beet sugar (sucrose), is 33⅓% refined corn sugar (dextrose) and 66⅔% cane or beet sugar (sucrose) or cane and beet sugar (sucrose). (Identity of Peaches, R. pp. 199–200, 258, 275) Refined corn sugar (dextrose) is not as sweet as cane or beet sugar (sucrose), being generally regarded as from 50% to 75% as sweet as cane or beet sugar (sucrose). (Identity of Peaches, R. pp. 66–67, 174–175, 217, 260–261, 499–500, 513–517) Consumers are accustomed to gauge sweetness according to that of cane or beet sugar (sucrose). (Identity of Peaches, R. p. 218)

28. Refined corn sugar (dextrose) sells on the open market at a cheaper price than cane or beet sugar (sucrose). (Identity of Peaches, R. pp. 189, 239); (C.R. p. 58); (C.R., Affidavits of A. B. Saroni, H. P. Nachtrieb, and Phillip Kelley)

29. Another sugar, refined corn sugar (dextrose), is now used in the canning of cherries as well as cane sugar and beet sugar (sucrose), and it will promote honesty and fair dealing in the interest of consumers to differentiate between the kinds of sugars used in preparing the liquid packing medium of canned cherries. (Identity of Peaches, R. pp. 398, 406, 424, 426–427, 437, 471)

30. A label statement of the origin of such sugars used in preparing such liquid packing medium will promote honesty and fair dealing in the interest of the consumer. (Identity of Peaches, R. pp. 424, 492)

31. The use of the qualifying words "cane sugar", "beet sugar", followed by their chemical name "sucrose", and "refined corn sugar", followed by its chemical name "dextrose", will promote honesty and fair dealing in the interest of the consumer. (Identity of Peaches, R. pp. 41, 42, 57, 58, 71, 100, 102, 120, 121, 132, 163, 229, 239, 404, 425, 450, 453); (C.R. pp. 67–69)

32. A water solution of sugar is used not only as a liquid packing medium but also as a sweetening agent. (R. pp. 24, 61, 158–159); (Identity of Peaches, R. pp. 72, 163, 172, 174, 175, 231, 256)

33. Such sweetening agent is called sirup. (R. pp. 24, 33, 61, 141); (Identity of Peaches, R. pp. 71, 120)

34. There are four water solutions of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) known as sirups to consumers and used in the industry, to wit: light, medium, heavy, and extra heavy. (R. pp. 24, 141); (Identity of Peaches, R. pp. 120, 121, 126, 131, 229, 297, 425) It is a customary trade and consumer practice so to distinguish them. (R. pp. 26–27, 141–142); Identity of Peaches, R. pp. 41, 61, 131, 229, 424) Such sirups are measured and distinguished by their specific gravity as determined by the Brix hydrometer. The Brix hydrometer is a reliable instrument for testing specific gravity of liquid solutions and is in general use. (R. pp. 25–26, 33, 141); (Identity of Peaches, R. pp. 40, 136) In the case of all cherries, either sweet or sour, a water solution of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) which does not show a reading of 10° on the Brix hydrometer does not sweeten the finished canned cherries sufficiently to be known as a sirup for this food. (R. pp. 25, 33, 100, 109, 140, 142, 145, 153–155, 161–167)

35. In the case of sweet cherries, when such sirups are prepared from cane or beet sugar (sucrose) or cane and beet sugar (sucrose), they have, respectively, the following readings on the Brix hydrometer: not less than 10° but less than 20°, not less than 20° but less than 30°, not less than 30° but less than 40°, and not less than 40°; in the case of red sour cherries, when such sirups are prepared from cane or beet sugar (sucrose) or cane and beet sugar (sucrose), they have, respectively, the following readings on the Brix hydrometer: not less than 10° but less than 20°, not less than 20° but less than 30°, and not less than 30°; but when such sirups are prepared from a mixture of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) and refined corn sugar (dextrose), they do not have the above readings on the Brix hydrometer because of the difference in sweetness between refined corn sugar (dextrose) and cane or beet sugar (sucrose). However, the Brix reading of a sucrose sirup equivalent in sweetness to that of any such mixture is obtained by adding the percent by weight of cane or beet sugar (sucrose), or both, in such mixture to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution. Such calculated Brix readings (sucrose equivalents) are identical with the limits above set forth. (R. pp. 25, 33, 100, 109, 140, 142, 145, 153–155, 161–167)

36. Due to the fact that in canned cherries which have been prepared with a liquid packing medium consisting of a water solution of cane or beet sugar (sucrose) or cane and beet sugar (sucrose), there will be present in addition to sucrose, due to inversion, levulose and dextrose and that in canned cherries which have been prepared with a liquid packing medium consisting of a water solution of a mixture of cane or beet sugar (sucrose) or cane and beet sugar (sucrose) and refined corn sugar (dextrose), there will likewise be present sucrose, and due to inversion, levulose and dextrose, the consumer would have no way of telling, from an examination of the finished canned cherries, the optional sugar ingredient used. It will, therefore, promote honesty and fair dealing in the interest of the consumer to require a label statement of the optional sugar ingredient used in the preparation of the liquid packing medium. (Identity of Peaches, R. p. 492)

37. The common or usual names of such sirups are light sirup, medium sirup, heavy sirup, and extra heavy sirup. (R. pp. 27, 139–140, 163, 167–168); (Identity of Peaches, R. pp. 41, 42, 57, 58, 71, 100, 102, 120, 121, 132, 163, 229, 239, 404, 425, 450, 458); (C. R. pp. 67–69)

38. In the case of sweet cherries, the liquid of the finished canned cherries is not more than 35° as determined by the Brix hydrometer; in the case of red sour cherries, the liquid of the finished canned cherries is not more than 45° as determined by the Brix hydrometer. (R. pp. 28–29, 33)

39. Canned cherries may or may not be seasoned. (R. pp. 30, 33, 61, 62)

40. Spice is a suitable seasoning agent. (R. pp. 31, 140)

41. Flavoring is a suitable seasoning agent. (R. pp. 31, 140)

42. A vinegar is a suitable seasoning agent. (R. pp. 139, 140, 147–148)

43. Such seasoning agents are used singly or in combination. (R. p. 31)

44. It is essential that canned cherries be sealed in a container. (R. pp. 31–32)

45. It is essential to so process canned cherries by heat as to prevent spoilage. (R. p. 32)

46. Honesty and fair dealing in the interest of the consumer requires that the optional cherry ingredient, the optional liquid packing medium, and the optional seasoning ingredients be declared on the label. (R. pp. 32, 52, 74–77, 99, 102–104, 109, 111–112, 139–141, 148–152, 153–155)

47. The common or usual names of the three varietal groups of cherries are red sour, light sweet, and dark sweet. (R. pp. 22, 35–37, 44–46, 51, 68–75, 80–82, 89, 93, 96–99, 102–103, 105, 107, 109, 111–112, 114–115, 117–118, 119–124, 130, 138, 146–147, 148–152, 183–211)

48. The common or usual name of pitted cherries is the name of the varietal group qualified by the term "pitted." (R. pp. 23, 37–38, 40–41, 51, 52, 79–80, 85, 109, 139, 141)

49. The common or usual name of unpitted cherries is the name of the varietal group unqualified by the term "unpitted", except in the case of red sour cherries. (R. pp. 23, 37–38, 79–80, 109, 139, 141)

50. The common or usual name of water is water. (R. pp. 27, 48–49, 76, 90–91, 109, 112, 139)

51. The common or usual name of the natural juice of the cherry is cherry juice. (R. pp. 27, 140)

52. The common or usual name of sucrose is sugar; and the common or usual name of dextrose is refined corn sugar (dextrose). (Identity of Peaches, R. pp. 53, 61, 177, 215, 351, 367, 372, 373, 397, 398, 404, 416, 424, 461, 465, 510); (C. R. pp. 48, 49, 70)

53. The common or usual name of spice used as a seasoning is spice. (R. pp. 31, 140, 143, 155)

54. The common or usual name of flavoring used as a seasoning is flavoring. (R. pp. 31, 140)

55. The common or usual name of a vinegar used as a seasoning is vinegar. (R. pp. 139, 140, 148)

56. Honesty and fair dealing in the interest of the consumer require that when spices, flavoring, or vinegar are used that the label bear the words "Spiced", or "With Added Spice", or "Spice Added"; "With Added Flavoring", or "Flavoring Added"; "With Added Vinegar", or "Vinegar Added"; as the case may be; but if two or more of such optional ingredients are present, such words may be combined as, for example, "With Added Spice, Flavoring and Vinegar". In lieu of the words "Spice" or "Spiced" and "Flavoring", the common or usual name of the spice or flavoring may be used. (R. p. 140)

57. Honesty and fair dealing in the interest of the consumer require that wherever the name "cherries" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the specific varietal name of the cherries may so intervene. (R. pp. 32–33, 140)

*Suggested Conclusion in the Form of a Regulation*

Upon the basis of the foregoing findings of fact, the following reasonable definition and standard of identity for the food commonly known as canned cherries is hereby suggested to be promulgated as a regulation:

§ 27.030 *Canned cherries—Identity; label statement of optional ingredients.* (a) Canned cherries are the food prepared from mature cherries of one of the following varietal groups: red sour, light sweet, dark sweet. They may be pitted or unpitted. Pitted cherries of

* When derived from cornstarch, dextrose is known commercially as refined corn sugar."

each such varietal group, and unpitted cherries of each such varietal group, are an optional cherry ingredient. To one such ingredient is added one of the optional ingredients:

(7) In the case of sweet cherries or red sour cherries, a water solution of cane sugar (sucrose), of not less than 10° Brix but less than 20° Brix;

(8) In the case of sweet cherries or red sour cherries, a water solution of beet sugar (sucrose), of not less than 10° Brix but less than 20° Brix;

(9) In the case of sweet cherries or red sour cherries, a water solution of cane and beet sugar (sucrose), of not less than 10° Brix but less than 20° Brix;

(10) In the case of sweet cherries or red sour cherries, a water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 10° but less than 20° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(11) In the case of sweet cherries or red sour cherries, a water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 10° but less than 20° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(12) In the case of sweet cherries or red sour cherries, a water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 10° but less than 20° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(13) In the case of sweet cherries, a water solution of cane sugar (sucrose), of not less than 20° Brix but less than 30° Brix; in the case of red sour cherries, a water solution of cane sugar (sucrose), of not less than 20° Brix but less than 40° Brix;

(14) In the case of sweet cherries, a water solution of beet sugar (sucrose), of not less than 20° Brix but less than 30° Brix; in the case of red sour cherries, a water solution of beet sugar (sucrose), of not less than 20° Brix but less than 40° Brix;

(15) In the case of sweet cherries, a water solution of cane and beet sugar (sucrose), of not less than 20° Brix but less than 30° Brix; in the case of red sour cherries, a water solution of cane and beet sugar (sucrose), of not less than 20° Brix but less than 40° Brix;

(16) In the case of sweet cherries, a water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 20° but less than 30° Brix; in the case of red sour cherries, a water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 20° but less than 40° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(17) In the case of sweet cherries, a water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 20° but less than 30° Brix; in the case of red sour cherries, a water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 20° but less than 40° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(18) In the case of sweet cherries, a water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 20° but less than 30° Brix; in the case of red sour cherries, a water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 20° but less than 40° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(19) In the case of sweet cherries, a water solution of cane sugar (sucrose), of not less than 30° Brix but less than 40° Brix; in the case of red sour cherries, a water solution of cane sugar (sucrose), of not less than 40° Brix but less than 60° Brix;

(20) In the case of sweet cherries, a water solution of beet sugar (sucrose), of not less than 30° Brix but less than 40° Brix; in the case of red sour cherries, a water solution of beet sugar (sucrose), of not less than 40° Brix but less than 60° Brix;

(21) In the case of sweet cherries, a water solution of cane and beet sugar (sucrose), of not less than 30° Brix but less than 40° Brix; in the case of red sour cherries, a water solution of cane and beet sugar (sucrose), of not less than 40° Brix but less than 60° Brix;

(22) In the case of sweet cherries, a water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 30° but less than 40° Brix; in the case of red sour cherries, a water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 40° but less than 60° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(23) In the case of sweet cherries, a water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 30° but less than 40° Brix; in the case of red sour cherries, a water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 40° but less than 60° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(24) In the case of sweet cherries, a water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 30° but less than 40° Brix; in the case of red sour cherries, a water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 40° but less than 60° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(25) In the case of sweet cherries, a water solution of cane sugar (sucrose), of not less than 40° Brix; in the case of red sour cherries, a water solution of cane sugar (sucrose), of not less than 60° Brix;

(26) In the case of sweet cherries, a water solution of beet sugar (sucrose), of not less than 40° Brix; in the case of red sour cherries, a water solution of beet sugar (sucrose), of not less than 60° Brix;

(27) In the case of sweet cherries, a water solution of cane and beet sugar (sucrose), of not less than 40° Brix; in the case of red sour cherries, a water solution of cane and beet sugar (sucrose), of not less than 60° Brix;

(28) In the case of sweet cherries, a water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 40° Brix; in the case of red sour cherries, a water solution of cane sugar (sucrose) and refined corn sugar (dextrose) having a cane sugar (sucrose) equivalent of not less than 60° Brix. Such cane sugar (sucrose) equivalent is calculated by adding the percent by weight of cane sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(29) In the case of sweet cherries, a water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 40° Brix; in the case of red sour cherries, a water solution of beet sugar (sucrose) and refined corn sugar (dextrose) having a beet sugar (sucrose) equivalent of not less than 60° Brix. Such beet sugar (sucrose) equivalent is calculated by adding the percent by weight of beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(30) In the case of sweet cherries, a water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 40° Brix; in the case of red sour cherries, a water solution of cane and beet sugar (sucrose) and refined corn sugar (dextrose) having a cane and beet sugar (sucrose) equivalent of not less than 60° Brix. Such cane and beet sugar (sucrose) equivalent is calculated by adding the percent by weight of cane and beet sugar (sucrose) in such solution to two-thirds of the percent by weight of refined corn sugar (dextrose) in such solution;

(31) Cherry juice;

(32) Water.

The food may be seasoned with one or more of the optional ingredients:

(33) Spice;

(34) Flavoring;

(35) A vinegar.

The food is sealed in a container and so processed by heat as to prevent spoilage. The liquid of the finished canned cherries is not more than 35° Brix in the case of sweet varieties, and not more than 45° Brix in the case of sour varieties.

(b) The label shall bear the words "Red Sour Pitted"; "Red Sour Unpitted"; "Light Sweet Pitted"; "Dark Sweet Pitted"; naming the optional cherry ingredient present. In the case of light sweet unpitted cherries and dark sweet unpitted cherries, the label shall bear the words "Light Sweet" and "Dark Sweet", respectively, as the name of the optional cherry ingredient present. The label shall also bear the statement "In Light Cane Sugar (Sucrose) Sirup", "In Light Beet Sugar (Sucrose) Sirup", "In Light Cane and Beet Sugar (Sucrose) Sirup", "In Light Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Light Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Light Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Cane Sugar (Sucrose) Sirup", "In Medium Beet Sugar (Sucrose) Sirup", "In Medium Cane and Beet Sugar (Sucrose) Sirup", "In Medium Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Medium Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Cane Sugar (Sucrose) Sirup", "In Heavy Beet Sugar (Sucrose) Sirup", "In Heavy Cane and Beet Sugar (Sucrose) Sirup", "In Heavy Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Heavy Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Cane Sugar (Sucrose) Sirup", "In Extra Heavy Beet Sugar (Sucrose) Sirup", "In Extra Heavy Cane and Beet Sugar (Sucrose) Sirup", "In Extra Heavy Cane Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Extra Heavy Cane and Beet Sugar (Sucrose) and Refined Corn Sugar (Dextrose) Sirup", "In Cherry Juice", or "In Water", showing respectively the presence of optional ingredient (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), or (32), as the case may be. If optional ingredient (33), (34), or (35) is present, the label shall bear the words "Spiced", or "With Added Spice", or "Spice Added"; "With Added Flavoring", or "Flavoring Added"; "With Added Vinegar", or "Vinegar Added"; as the case may be; but if two or more of such optional ingredients are present, such words may be combined as, for example, "With Added Spice, Flavoring and Vinegar". In lieu of the words "Spice" or "Spiced" and "Flavoring", the common or usual name of the spice or flavoring may be used. Wherever the name "Cherries" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the cherries may so intervene.

*Time Within Which to File Objections*

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time, each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN MCDILL FOX,
*Presiding Officer.*

SEPTEMBER 22, 1939.

[F. R. Doc. 39-3738; Filed, October 9, 1939; 1:48 p. m.]



## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 10, 1939, until the expiration date as indicated opposite the employer's name, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*

| Name and address of firm | Number of learners | Expiration date |
|---|---|---|
| Carroll Silk Hosiery Mills, Inc., Hillsville, Virginia | 36 | Feb. 1, 1940 |
| Gastonia Full Fashioned Hosiery Mills, Inc., Gastonia, North Carolina | 9 | Jan. 1, 1940 |
| Morristown Knitting Mills, White Pine, Tennessee | 36 | Jan. 1, 1940 |
| Wilkes-Barre Hosiery Mills, Inc., Wilkes-Barre, Pennsylvania | 57 | Mar. 15, 1940 |

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statu-

tory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 9th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3734; Filed, October 9, 1939; 1:09 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 10, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Custom Dye Works, Union, South Carolina (5 learners).

Doster Hosiery Mill, Milton, Delaware (5 learners).

Gann Hosiery Mill, Durham, North Carolina (5 learners).

Monarch Hosiery Mills, Burlington, North Carolina (5 learners).

Scott Brothers Hosiery Mills, American and Bristol Streets, Philadelphia, Pennsylvania (2 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 9th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3735; Filed, October 9, 1939; 1:09 p. m.]

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NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) is issued to the Sussex Hosiery Mills, Laurel, Delaware, effective October 10, 1939, subject to the following terms and to the additional terms and conditions indicated opposite the employer's name:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*

NAME AND ADDRESS OF FIRM AND ADDITIONAL TERMS AND CONDITIONS

Sussex Hosiery Mills, Laurel, Delaware: For 5 learners up to September 18, 1940, and 15 additional learners up to April 1, 1940.

This Special Certificate is issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to this Special Certificate and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificate may be canceled as of the date of its issuance and if so canceled, reimbursement of all persons employed under such certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 9th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3736; Filed, October 9, 1939; 1:09 p. m.]

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NOTICE OF CANCELATION OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that a Special Certificate for the employment of learners, previously issued to J. Freezer and Son, Incorporated, Christiansburg, Virginia, has been canceled as of the date of its issuance, August 22, 1939, pursuant to action taken under Section 14 of the Fair Labor Standards Act of 1938 and Section 522.5 (b) of Regulations Part 522, as amended, issued thereunder.

Reimbursement of all persons employed after the effective date, September 25, 1939, under such canceled Special Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

This cancelation shall not become effective until after the expiration of the fifteen-day period after the date this notice appears in the FEDERAL REGISTER during which time petitions for review may be filed under Section 522.13 of said regulations by aggrieved persons. If a petition for review is properly filed, the effective date of this cancelation shall be postponed unless and until final action sustaining such cancelation is taken on such petition.

Signed at Washington, D. C., this 7th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3737; Filed, October 9, 1939; 1:12 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of October 1939.

IN THE MATTER OF VOSSLER & VOSSLER, INC., 1310 AMERICAN BUILDING, CINCINNATI, OHIO

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING ON THE QUESTION OF REVOCATION OR SUSPENSION OF REGISTRATION

The Commission having reasonable grounds to believe that Vossler & Vossler, Inc., a corporation hereinafter called the registrant, being registered as an over-the-counter broker and dealer pursuant to Section 15 (b) of the Securities Exchange Act of 1934, has willfully violated Rule X-15B-2 adopted by the Commission pursuant to Sections 15 (b), 17 (a) and 23 (a) of said Act by reason of the registrant having willfully failed to report and correct the inaccuracy of the information furnished under Items 17 and 18 of its application for registration by means of a supplemental report, disclosing the fact that on or about January 1, 1938 its registration as a broker or dealer in securities in the State of Ohio was refused by the authorities of that state, and that the registrant is no longer registered as a broker and dealer in securities by the State of Ohio; and

The Commission further having reasonable grounds to believe that it is in the public interest to revoke registration and that it is necessary and appropriate in the public interest and for the protection of investors to suspend registration pending final determination upon revocation; and

The Commission being of the opinion that it is necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted for the purposes below provided:

*It is ordered*, That proceedings be held to determine whether the registration of Vossler & Vossler, Inc. should be revoked or suspended pursuant to the provisions of Section 15 (b) of the Securities Exchange Act of 1934.

*It is further ordered*, That a hearing for the purpose of taking evidence be held at 10:00 A. M. on November 7, 1939, at the Securities and Exchange Commission, Cleveland Regional Office, 1370 Ontario Street, Cleveland, Ohio, and that the said hearing be continued at such other time or place as the Commission or the officer conducting such hearing may determine; that for the purpose of said hearing Henry Fitts be and he is hereby designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda, and any and all other records deemed relevant or material to the matters in issue at such hearing, and to perform all other duties in connection therewith as authorized by law.

*It is further ordered*, That this order and notice be served on the said registrant, personally or by registered mail, not less than seven (7) days prior to the time of the hearing, or in the event of failure to serve registrant personally or by registered mail that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to conclude said hearing, make his report to the Commission and transmit same with a record of this hearing to the Commission.

By the Commission.

[SEAL] FRANCIS B. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3739; Filed, October 9, 1939; 3:22 p. m.]





*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of October 1939.

[File No. 1-1460]

IN THE MATTER OF SIELOFF PACKING COMPANY COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Sieloff Packing Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, No Par Value, from listing and registration on the St. Louis Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on October 16, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3740; Filed, October 9, 1939; 3:22 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of October, A. D. 1939.

[File No. 32-179]

IN THE MATTER OF PORTLAND GAS & COKE COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on October 23, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 19, 1939.

The matter concerned herewith is in regard to the proposed issuance and sale by Portland Gas & Coke Company, a direct subsidiary of American Power & Light Company, a registered holding company, and an indirect subsidiary of Electric Bond and Share Company, also a registered holding company, of 6,000 shares Common Stock, without par value, and the proposed extensions of maturities from January 1, 1940 to January 1, 1950 of the applicant's First and Refunding Mortgage Five Per Cent Gold Bonds due January 1, 1940 in the principal amount of $9,674,000 (including $3,000,000 principal amount held in treasury and pledged under the applicant's Indenture and Deed of Trust to secure a like principal amount of 4½% Bonds hereinafter mentioned) and of the applicant's First Lien and General Mortgage Gold Bonds, Series of "4½'s due 1940" in the aggregate principal amount of $3,000,000.

The common stock proposed to be issued is not to be underwritten but is to be sold privately to American Power & Light Company at $100 per share. The applicant plans to utilize the $600,000 derived from the issuance of this sale for the further expansion of its by-product business. The agreement by American Power & Light Company to purchase such common stock is dependent upon the Extension Plan (hereinafter referred to) becoming operative.

The Extension Plan and Deposit Agreement, as proposed, provides, among other things, for the following:

(1) Extension of the maturity of both the First and Refunding Mortgage Five Per Cent Gold Bonds, due January 1, 1940, and the First Lien and General Mortgage Gold Bonds, 4½'s due January 1, 1940 for ten years to January 1, 1950;

(2) A new cash sinking fund which will retire at least $1,700,000 or approximately 18% of the outstanding bonds in the ten years of the extension period;

(3) No additional bonds shall be issued under either the First and Refund-

ing Mortgage or the First Lien and General Mortgage;

(4) Dividends on the capital stock shall only be paid out of earnings accruing after December 31, 1939;

(5) Net Earnings will be available for the payment of dividends only after an amount equal to 13½% of the gross revenues from the sale of gas shall be expended or accrued for maintenance and provisions for retirement; and

(6) If and when the Extension Plan becomes operative, American Power & Light Company will purchase for cash six thousand (6,000) additional shares of the common stock of Portland Gas & Coke Company for six hundred thousand dollars ($600,000), the proceeds to be devoted to the extent required, to the installation of certain by-product plant additions.

The Extension Plan and Deposit Agreement pursuant to which the maturities of the bonds heretofore mentioned will be extended provides, that at any time on or before December 4, 1939, any holder or registered owner of one or more of the Five Per Cent Bonds or 4½% Bonds may become a party to the Deposit Agreement by presenting such bonds to designated banks who will serve as agents for the purpose of accepting such deposits. The Board of Directors of the applicant may from time to time in its discretion extend the time within which holders or registered owners of bonds may become parties to the Deposit Agreement, but not to a date later than January 31, 1940, unless the Extension Plan shall become operative in accordance with the terms thereof on or before January 31, 1940 in which event such time shall be extended without action by the applicant, for a period of thirty days from and after the date upon which the Extension Plan shall so become operative. If, and when, any such extension of time is made by the company the company agrees that it will, within two weeks thereafter, mail written notice thereof to each of the agents thereunder.

The Extension Plan shall be considered operative if within the time specified in the paragraph immediately above,

(a) the holders or registered owners of the 5% Bonds and 4½% Bonds of a combined aggregate principal amount of not less than $9,190,300 (which is 95% of the total principal amount of said bonds now outstanding with the public) shall have become parties thereto; or

(b) the holders or registered owners of the 5% Bonds and 4½% Bonds of a combined aggregate principal amount of not less than $8,706,600 (which is 90% of the total principal amount of said bonds now outstanding with the public) shall have become parties thereto, and the Board of Directors of the applicant in its discretion shall have by resolution declared the Extension Plan operative.

The application states that no special fees or commissions have been or are expected to be paid in connection with the proposed issuance and sale of the common stock or the proposed exchange and extensions of maturities other than statutory fees and except fees required to be paid to the depository agents. No fees or commissions will be paid for the solicitation of bondholders. The applicant estimates the total expenses to be incurred in connection with the proposed issuance and sale and extensions at $90,000.

In addition to the bonds, the maturities of which are proposed to be extended, the applicant has outstanding in the hands of the public $371,000 principal amount First Mortgage 5% Gold Bonds due 1951. The applicant also has issued and outstanding 54,580 shares 7% Preferred Stock and 8,712 shares 6% Preferred Stock.

The proposed transactions will be presented for approval to The Public Utilities Commission of Oregon and The Department of Public Service of Washington.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3741; Filed, October 9, 1939; 3:22 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of October, A. D. 1939.

[File No. 46-150]

IN THE MATTER OF TRUSTEES UNDER PENSION TRUST AGREEMENT GENERAL UTILITY INVESTORS CORPORATION ASSOCIATED POWER CORPORATION NY PA NJ UTILITIES COMPANY ASSOCIATED GAS AND ELECTRIC CORPORATION ASSOCIATED GAS AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

The Commission having on June 29, 1939 issued its order [1] in the above matter (Holding Company Act Release No. 1615) containing, among others, the following conditions;

"(5) NY PA NJ Utilities Company • • • shall not reduce its open account indebtedness with Associated Utilities Corporation below $24,000,000;"

NY PA NJ Utilities Company having filed a motion for modification of the above condition so as to permit an additional reduction of not less than $3,000,000 of said open account indebtedness;

*It is ordered*, That a hearing on such matter be held on October 17, 1939, at ten o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N.W., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

At such hearing NY PA NJ Utilities Company shall show cause, if any there be, why this Commission should issue its order modifying such condition as prayed.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to NY PA NJ Utilities Company and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 14, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3742; Filed, October 9, 1939; 3:22 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of October, A. D. 1939.

IN THE MATTER OF BICKFORD, INC., LAMAR, COLO.

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

This is a proceeding pursuant to Section 15 (b) of the Securities Exchange Act of 1934 to determine whether or not the registration of Bickford, Inc., a corporation organized under the laws of Colorado, should be revoked or suspended.

After appropriate notice, a hearing was held, pursuant to the Commission's order, on May 31, 1939, at Denver, Colorado. Registrant was not represented at the hearing by any of its officers or directors or by counsel, although notice of the hearing was served upon N. K. Bickford, president of the registrant. The trial examiner has filed an advisory report in which he found that Bickford, president and controlling stockholder of the registrant, had been convicted, on March 17, 1939, of larceny, a felony under the laws of the State of Colorado, as a result of conduct arising out of the business of a broker and dealer in securities. The trial examiner has also found that the registrant had wilfully violated Rule X-15B-2 in failing to inform the Commission of Bickford's conviction. On an independent review of the record we adopt the foregoing findings of the trial examiner, and find further that it is in the public interest to revoke the registration of Bickford, Inc., as a broker and dealer.

It is therefore ordered, pursuant to Section 15 (b) of the Securities Exchange Act of 1934 that the registration of Bickford, Inc., a Colorado corporation, be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCES P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3744; Filed, October 10, 1939; 11:13 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of October, A. D. 1939.

[File No. 46-137]

IN THE MATTER OF TRUSTEES UNDER PENSION TRUST AGREEMENT DATED DECEMBER 14, 1937, AS AMENDED

EXEMPTION ORDER

Trustees Under Pension Trust Agreement dated December 14, 1937, as amended, a subsidiary of Associated Gas & Electric Company, a registered holding company, having duly filed with this Commission an application pursuant to Section 9 (c) (3) of the Public Utility Holding Company Act of 1935, seeking an exemption from the provisions of Section 9 (a) (1) of said Act, or in the alternative, pursuant to Section 10 (a) (1) of said Act, for the approval of a program of investment of its present and future available funds;

The program providing for the investment of such funds in the following first mortgage bonds of associate or affiliate companies:

Pennsylvania Electric Company; Penn Public Service Corporation—First and refunding mortgage bonds, Series C, 6% due 1947; First and refunding mortgage bonds, Series D, 5% due 1954—First and refunding mortgage bonds, Series F, 4% due 1971; First and refunding mortgage bonds, Series G, 4% due 1961; First and refunding mortgage bonds, Series H, 5% due 1962.

Erie Lighting Company: First mortgage fifty-year 5% sinking fund bonds, due 1967.

South Carolina Electric & Gas Company: Broad River Power Company—First and refunding mortgage 5% bonds, Series A, due 1954; The Parr Shoals Company: First Mortgage 5% sinking fund bonds due 1952.

Eastern Shore Public Service Company: First mortgage and first lien twenty-year 5½% bonds, Series A, due 1947: First mortgage and first lien twenty-five year 5% bonds, Series B, due 1955.

The Maryland Light and Power Company: First mortgage 5½% bonds, Series A, due 1950.

Florida Power Corporation: First mortgage 4% bonds, Series C, due 1966.

Florida Public Service Company: First mortgage 4% bonds, Series C, due 1955.

Virginia Public Service Company: Newport News and Hampton Railway, Gas and Electric Company—First and refunding mortgage 5% bonds, due 1944.

Long Island Water Corporation: First mortgage 5½% bonds, Series due 1955.

Metropolitan Edison Company: First mortgage bonds, Series D 4½% due 1968; first mortgage bonds, Series E 4% due 1971; first mortgage bonds, Series G 4% due 1965; York Haven Water and Power Company—5% Fifty-Year Bonds due 1951.

New Jersey Power & Light Company: First mortgage bonds, 4½% Series due 1960.

New York State Electric & Gas Corporation: Elmira Water, Light and Railroad Company—first consolidated mortgage 5% fifty-year gold bonds due 1956—First mortgage bonds, 4% Series due 1965; First mortgage bonds, 4½% Series due 1960; First mortgage bonds, 3¾% Series, due 1964.

Tracy Development Company: First mortgage 6% bonds due 1944.

Northern Pennsylvania Power Company: First and refunding mortgage bonds, Series A 5% due 1956; First and refunding mortgage bonds, 5% Series due 1962.

Staten Island Edison Corporation: Richmond Light and Railroad Company—4% First and collateral trust purchase money mortgage fifty-year bonds due 1952.

A hearing on said application as amended having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings and opinion herein;

*It is ordered*, That the proposed investment program of the applicants be and the same hereby is exempted from the provisions of Section 9 (a) (1) of the Public Utility Holding Company Act of 1935 pursuant to the powers vested in the Commission by Section 9 (c) (3) thereof, and each and every power it thereunto enabling, subject, however, to the following conditions:

(1) That the execution of the proposed investment program shall be in compliance with the terms and conditions of, and for the purposes represented by said application, as limited by applicants' oral representations as described in the findings and opinion of the Commission;

(2) That applicant report to this Commission, on the seventh day of each month following the date of the order herein, all acquisitions of securities during the preceding month. Such report shall show the securities purchased, the amount thereof, the cost per unit, the aggregate price of each block of securities purchased, the name of the broker or dealer through or from whom such securities were acquired and the amount of all fees and commissions paid;

(3) That the securities acquired pursuant to this order shall be purchased in the open market, through brokers or dealers, and not from affiliated or associated companies or persons;

(4) That, as proposed by counsel for the applicants, the Pension Trustees stipulate (1) that they will file an application for a determination whether they should be approved as a subsidiary service company within the meaning of Section 13 (b) of the Act and the Rules and Regulations of the Commission thereunder within 10 days of the date hereof, and (2) that they will maintain such application until final determination by the Commission thereon;

(5) That this order shall terminate upon the date that final determination is made upon the application mentioned in condition (4), without prejudice to the right of applicants to apply for the extension or renewal thereof;

As a further condition, the Commission reserves jurisdiction to revoke or modify this order, after notice and opportunity for hearing, if it appears that further purchases pursuant thereto would be inconsistent with any provision of the Public Utility Holding Company Act of 1935, or any rule or regulation thereunder, or any terms or conditions of this order; and that if it shall appear that further exemption of such purchases from the provisions of Section 9 (a) (1) of said Act will be detrimental to the public interest or the interest of investors or consumers, pending final determination respecting the revocation or modification of this order, the Commission may summarily suspend any or all further purchases thereunder.

This order shall not become effective until the applicants have duly filed a stipulation with this Commission pursuant to Condition (4) above.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3745; Filed, October 10, 1939; 11:13 a. m.]

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[1] 4 F.R. 2778 DI.

Reference

OCT 13 1939

THE NATIONAL ARCHIVES
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1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 197

*Washington, Thursday, October 12, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B. E. P. Q.—Q. 64]

MEXICAN FRUITFLY QUARANTINE

REVISION OF REGULATIONS

*Introductory Note*

The following revision of the Mexican fruitfly regulations adds the counties of Dimmit, La Salle, and Webb, in Texas, to the regulated area because of the discovery of infestation, and requires that grapefruit, as a condition of interstate movement from these three counties, be harvested each year during the period from September to February, inclusive, and that a host-free period be maintained in these counties during the remainder of the year. These local control measures are provided under Texas State regulations.

The harvesting season for other host fruits remains the same as heretofore throughout the regulated area, namely, from September to May, inclusive, with the host-free requirement in effect during the remainder of the year.

Some slight modifications have been made in other regulations, chiefly for clarity. Former regulations 2 and 4 have been discontinued and the present regulations have been renumbered accordingly.

*Summary*

The interstate shipment of grapefruit, oranges, and all other citrus fruits, except lemons and sour limes, from the regulated area is prohibited unless a Federal permit has been issued therefor (regulation 3). The permits may be limited as to destination, and when so limited are not valid for shipment to other points except to diversion points for diversion to authorized destinations (regulation 4 (*f*)).

Peaches, apples, pears, plums, quinces, apricots, mangoes, sapotas, guavas, mameys, ciruelas, and fruit of species of the genus *Sargentia* are prohibited interstate shipment from the regulated area. There are no restrictions on the shipment of lemons or sour limes (regulation 3).

The conditions of certification, including maintenance of host-free periods, and sanitation measures, as well as the type of containers required in shipping, are specified in regulations 4 and 5. For marking requirements see regulation 6.

Applications for permits should be made to the Bureau of Entomology and Plant Quarantine, 503 Rio Grande National Life Building, Harlingen, Tex.

S. A. ROHWER,
*Acting Chief.*

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SECTION 301.64—NOTICE OF QUARANTINE NO. 64 (REVISED)

I, Henry A. Wallace, Secretary of Agriculture, have determined that it is necessary to quarantine the State of Texas to prevent the spread of an injurious insect known as the Mexican fruitfly (*Anastrepha ludens* Loew), new to and not heretofore widely prevalent or distributed within and throughout the United States.

Now, therefore, under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), and having duly given the public hearing required thereby, I do quarantine the said State of Texas, effective on and after October 15, 1937, and by this Notice of Quarantine No. 64 do order that no fruits of any variety shall be shipped, offered for shipment to a common carrier, received for transportation, or carried by a common carrier, or carried, transported, moved, or allowed to be moved interstate from the said quarantined State in manner or method or under conditions other than those prescribed in the rules and regulations promulgated pursuant thereto or under such modification thereof as may be issued by the Chief of the Bureau of Entomology and Plant Quarantine as hereinafter provided: *Provided*, That the restrictions of this quarantine and of the rules and reg-

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FEDERAL REGISTER

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ulations supplemental thereto or modification thereof as hereinafter provided, may be limited to the areas in the State of Texas now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas: *Provided further*, That such limitation of the restrictions to the regulated areas shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas, including the control of intrastate movement of host fruits from such areas, as in the judgment of the Secretary of Agriculture shall be deemed adequate to prevent the spread of the Mexican fruitfly therefrom to other parts of the State: *And provided further*, That, except as to extension or reduction of the regulated area, the Chief of the Bureau of Entomology and Plant Quarantine may modify by administrative instructions any of the restrictions of the regulations supplemental hereto when in his judgment such action is necessary to prevent the spread of the Mexican fruitfly.*

Done at the city of Washington this 14th day of October 1937.

Witness my hand and the seal of the United States Department of Agriculture.

H. A. WALLACE,
*Secretary of Agriculture.*

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REGULATIONS (THIRD DIVISION) SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 64

*Regulation 1*

§ 301.64–1 *Definitions.* For the purpose of these regulations, the following words shall be construed respectively to mean:

(a) *Mexican fruitfly.* The insect known as the Mexican fruitfly (*Anastrepha ludens* Loew).

(b) *Regulated areas.* The areas in the State of Texas now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos to Notice of Quarantine No. 64.

(c) *Host fruits.* Fruits susceptible to infestation by the Mexican fruitfly, namely, mangoes, sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus *Casimiroa* and all other fruits commonly called sapotas or sapotes), peaches, guavas, apples, pears, plums, quinces, apricots, mameys, ciruelas, fruit of species of the genus *Sargentia*, and all citrus fruits except lemons and sour limes, together with any other fruits which may later be determined as susceptible.

(d) *Harvesting season.* A period during which host fruits are permitted to be harvested for shipment interstate.

(e) *Host-free period.* A period during which no host fruits are produced or permitted to exist within the regulated area except under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine.

(f) *Inspector.* An inspector of the United States Department of Agriculture.

(g) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the area designated as regulated in the State of Texas into or through any other State or Territory or District.*

*Regulation 2*

§ 301.64–2 *Regulated area.* In accordance with the provisos to Notice of Quarantine No. 64, the Secretary of Agriculture designates as regulated area the counties of Brooks, Cameron, Dimmit, Hidalgo, La Salle, Webb, and Willacy in the State of Texas, and that portion of Jim Wells County, Tex., lying south of Highway 141 and a line projected due west to the Jim Wells-Duval County line from the point where Highways 141 and 66 intersect.*

*Regulation 3*

§ 301.64–3 *Restrictions on the interstate movement of fruit from the regulated area*—(a) *Permits required.* Grapefruit, oranges, and other citrus fruits, except lemons and sour limes, shall not be moved interstate from a regulated area into or through any point outside thereof unless a permit has been issued therefor by the United States Department of Agriculture.

(b) *Movement of noncitrus hosts prohibited.* Peaches, apples, pears, plums, quinces, apricots, mangoes, sapotas (see regulation 1 (c) (sec. 301.64–1)), guavas, mameys, ciruelas, and fruits of species of the genus *Sargentia* shall not be moved interstate from the regulated area and no permits will be issued for such movement.

(c) *No restrictions on lemons, sour limes, and manufactured fruits.* No restrictions are placed by these regulations on the interstate movement of lemons, sour limes, or host fruits which have been manufactured or processed in such manner as to eliminate danger of carrying the Mexican fruitfly.

(d) *Movement through regulated area.* No restrictions are placed by these regulations on the interstate movement of restricted articles from an area not under regulation through a regulated area when such movement is on a through billing.*

*Regulation 4*

§ 301.64–4 *Conditions governing the issuance of permits.* Permits for the interstate movement of grapefruit, oranges, and other restricted citrus fruits from the regulated area may be issued upon determination by the inspector that the proposed movement does not involve risk of spread of the Mexican fruitfly. Such determination will be based on compliance with the following conditions:

(a) *Grove inspection and sanitation.* The grove in which the fruit was produced shall be maintained in compliance with the host-free requirement of these regulations and shall be kept free from drops and windfalls during such periods and time as the Chief of the Bureau of Entomology and Plant Quarantine may direct. Such drops and windfalls shall be buried under at least 18 inches of tamped soil, or otherwise disposed of in manner and method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The grove shall further be maintained in compliance with such other requirements as may be enforced by the State of Texas for the suppression of Mexican fruitfly infestation. Permits may be issued for the interstate movement of fruit produced only in such groves as have been inspected within 30 days prior to the movement of the fruit concerned and have been found free from Mexican fruitfly infestation.

(b) *Packing-house requirements.* The packer and shipper shall maintain his packing plant in compliance with the sanitation requirements of the State of Texas issued for the suppression of the Mexican fruitfly. The packer shall also maintain a complete record of all receipts and sales or shipments of host fruits, subject to examination by the inspector.

(c) *Applications.* Persons desiring to purchase, pack, or move grapefruit, oranges, or other restricted citrus fruits interstate from the regulated area shall make application for a permit to the office of the Bureau of Entomology and Plant Quarantine, Harlingen, Tex., as far as possible in advance of the probable date of shipment. Applications shall show the nature and quantity of the fruit it is proposed to move, together with the location at which it will be packed, the name and address of the shipper, and a list of all groves, together with the names and addresses of the owners, from which fruit for packing will be obtained. Each applicant shall file with his application a signed statement in which he agrees (1) to notify the inspector of all additional groves from which fruit for packing will be obtained, (2) not to pack or ship fruit from any grove until he has received written notification from the inspector that the grove has been maintained in compliance with the regulations issued under this quarantine, and (3) to discontinue packing and shipping the fruit from any grove on notification from the inspector of the discovery of an infestation of the Mexican fruitfly in such grove or adjoining groves or of failure on the part of the owner or manager of such grove to comply with any condition of these regulations.

(d) *Containers.* Permits will be issued for the interstate movement of only such fruit as is packed in containers customarily used in the regulated area for the commercial shipment of citrus fruits, and of such nature as will permit the inspector to identify the contents thereof.

(e) *Sterilization may be required.* Sterilization of host fruits in manner and by method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine may be required as a condition for the issuance of permits for interstate movement thereof when in his judgment the shipments concerned might involve risk of spread of the Mexican fruitfly.

(f) *Destination limitations.* Permits may be limited as to destination and when so limited the fruits covered thereby shall not be moved interstate from the regulated area, directly or indirectly, either in the original containers or otherwise, to destinations other than those authorized in such permits, except to the usual diversion points for diversion to authorized destinations only.

(g) *Cancelation of permits.* Permits issued under these regulations may be withdrawn or canceled and further permits refused, whenever in the judgment of the Bureau of Entomology and Plant Quarantine, the further use of such permits might result in the dissemination of the Mexican fruitfly. After any such permit is withdrawn or has expired, the further use of any permit tags issued thereunder is prohibited.*

*Regulation 5*

§ 301.64–5 *Conditions required in the regulated area.* The interstate movement of grapefruit, oranges, and other restricted citrus fruit from the regulated area under permits issued by the United States Department of Agriculture will be conditioned on the State of Texas providing for and enforcing the following control measures in manner and by method approved by the United States Department of Agriculture, namely:

Harvesting Season

(a) The harvesting season of host fruits within the regulated area shall begin on the 1st day of September of each year and end at midnight on April 30 of the following year except that in Dimmit, La Salle, and Webb Counties, the harvesting period for grapefruit shall end on the last day of February: *Provided*, That the harvesting period in any regulated area shall be subject to such modification as to duration as may be authorized by the Chief of the Bureau of Entomology and Plant Quarantine when in his judgment such modification does not involve risk of spread of the Mexican fruitfly.

Host-free Period

(b) A host-free period shall be maintained each year beginning on the 1st day of May and continuing through the last day of August, in the regulated area, except that in Dimmit, La Salle, and Webb Counties, the host-free period for grapefruit shall begin on the 1st day of March and continue through the last day of August: *Provided*, That the host-free period in any regulated area shall be subject to such modification as to duration as may be authorized by the Chief of the Bureau of Entomology and Plant Quarantine when in his judgment such modification does not involve risk of spread of the Mexican fruitfly.

Prior to such host-free period each year, all restricted citrus fruit shall be removed from the tree for immediate sale or shipment, or for retention in fly-proof storage approved by the Chief of the Bureau of Entomology and Plant Quarantine, and all other host fruits shall be destroyed either following removal from the trees or by destruction of the trees themselves.

No host fruits shall be permitted to remain on trees or to exist elsewhere within a regulated area at any time during such host-free period except immature citrus fruits which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine are not susceptible to infestation by the Mexican fruitfly.

Infested Zones

(c) Upon the determination of a Mexican fruitfly infestation within a regulated area, which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine constitutes a risk of spread of such fly, an infested zone shall be designated by the State of Texas subject to approval by the United States Department of Agriculture and all host fruits in susceptible stages of maturity produced within such zone shall be destroyed or processed in such a manner as to render them free from infestation.*

*Regulation 6*

§ 301.64–6 *Marking requirements.* Every crate, box, or other container of host fruit moved interstate under these regulations shall have securely attached thereto a shipping permit issued under the provisions of regulation 4, (sec. 301.64–4), and shall be subject to such other marking as may be required by the inspector.

Each shipment of six or more crates, boxes, or other containers of host fruit moved interstate under these regulations shall, in addition to the shipping permit on each such container, be accompanied by a master permit showing the number of containers and either the license number and destination of the vehicle or the name, number, and destination of the freight car or other carrier, as the case may be.*

*Regulation 7*

§ 301.64–7 *Inspection in transit.* Any car, vehicle, basket, box, crate, or other container, moved interstate, which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by these regulations, shall be subject to inspection by inspectors at any time or place.*

*Regulation 8*

§ 301.64–8 *Shipments for experimental or scientific purposes.* Articles subject to restriction in these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*

These revised rules and regulations shall be effective on and after October 16, 1939, and shall supersede the rules and regulations promulgated October 14, 1937.

Done at the city of Washington this 10th day of October 1939.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–3767; Filed, October 11, 1939; 12:28 p. m.]

*Secs. 301.64 to 301.64–8 issued under authority of sec. 8, 37 Stat. 318; 39 Stat. 1165; 44 Stat. 250; 7 U.S.C. 161.

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP–1938–30]

### 1938 Agricultural Conservation Program Bulletin

SUPPLEMENT NO. 27

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1938 Agricultural Conservation Program Bulletin, as amended,[1] is hereby further amended as follows:

Subsection B of Section I is hereby amended by the addition of the following:

The State acreage allotments of total soil-depleting crops for the States in the Northeast, North Central, East Central, and Southern Regions, are as follows:

| | Acres |
|---|---|
| Alabama | 7,409,054 |
| Arkansas | 6,527,684 |
| Connecticut | 126,796 |
| Delaware | 325,710 |
| Florida | 1,271,278 |
| Georgia | 8,707,615 |
| Illinois | 14,994,167 |
| Indiana | 8,049,712 |
| Iowa | 16,369,718 |
| Kentucky | 4,316,105 |
| Louisiana | 4,376,720 |
| Maine | 362,980 |
| Maryland | 1,325,043 |
| Massachusetts | 143,694 |
| Michigan | 5,313,677 |
| Minnesota | 13,839,942 |
| Mississippi | 6,959,607 |
| Missouri | 9,789,388 |
| Nebraska | 15,157,876 |
| New Hampshire | 50,827 |
| New Jersey | 569,414 |
| New York | 2,961,966 |
| North Carolina | 5,638,277 |
| Ohio | 7,137,725 |
| Oklahoma | 14,510,788 |
| Pennsylvania | 3,852,803 |
| Rhode Island | 21,823 |
| South Carolina | 4,392,425 |
| South Dakota | 12,751,598 |
| Tennessee | 4,871,620 |
| Texas | 29,420,722 |
| Vermont | 201,837 |
| Virginia | 2,807,359 |
| West Virginia | 832,893 |
| Wisconsin | 6,485,646 |

Done at Washington, D. C., this 10th day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. Wallace,
*Secretary of Agriculture.*

[F. R. Doc. 39–3764; Filed, October 11, 1939; 12:28 p. m.]

## SUGAR DIVISION

### Part 802—Sugar Determinations

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1939 CROP OF FLORIDA SUGARCANE

Whereas, Section 301 (d) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Whereas, The Secretary of Agriculture, on June 28, 1939, held a public hearing in Clewiston, Florida, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1939 crop of Florida sugarcane:

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby make the following determination:

§ 802.22d *Fair and reasonable prices for the 1939 crop of Florida sugarcane.* Fair and reasonable prices for the 1939 crop of Florida sugarcane, to be paid by processors who, as producers, apply for payments under the Sugar Act of 1937, shall be not less than the prices set forth in the Standard Florida Sugarcane Purchase Contract with cooperative participation supplement now used by the United States Sugar Corporation: *Provided, however,* That, when 10 cc. of the crusher juice of any sugarcane are titrated against a N/10 solution of NaOH, using phenolphthalein as an indicator, and it requires more than 2.25 cc. of N/10 NaOH to neutralize the acidity in the crusher juice, a deduction may be made in settlement, based upon decreased boiling house efficiency, at a rate not in excess of 3.775 per centum of the payment herein provided for for each .25 cc. of acidity above 2.25 cc., but not in excess of 4.50 cc. (intervening fractions computed to the nearest mutiple of .05 cc.). (Sec. 301, 50 Stat. 909; 7 U.S.C., Sup. IV, 1131)

Done at Washington, D. C., this 10th day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. Wallace,
*Secretary.*

[F. R. Doc. 39–3766; Filed, October 11, 1939; 12:28 p. m.]

### Part 802—Sugar Determinations

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1939 CROP OF LOUISIANA SUGARCANE FOR SUGAR

Whereas, Section 301 (d) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Whereas, The Secretary of Agriculture held public hearings in Louisiana for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1939 crop of Louisiana sugarcane for sugar:

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby make the following determination:

§ 802.22e (a) *Fair and reasonable prices for the 1939 crop of Louisiana sugarcane for sugar.* Fair and reasonable prices for the 1939 crop of Louisiana sugarcane shall be (when the price of 96° raw sugar, duty-paid basis, is 3½¢ per pound) not less than $1.00 per ton of standard sugarcane for each 1¢ of (1) the average of the weekly quotations of 96° raw sugar, duty-paid basis, on the Louisiana Sugar & Rice Exchange and the Cane Products Trade Association Exchange for the week in which such sugarcane is delivered, or (2) the simple average of the weekly quotations of 96° raw sugar, duty-paid basis, on the Louisiana Sugar & Rice Exchange and the Cane Products Trade Association Exchange (or upon such quotations as the Secretary may elect for the purpose) for the weeks from September 29, 1939 to April 18, 1940, as may be agreed upon: *Provided, however,*

(i) That for each decline of ¼ cent in the price of one pound of 96° raw sugar, below 3.50 cents per pound, the price of standard sugarcane shall be reduced by not more than 3 per centum, with intervening prices in proportion, unless the price of sugar falls below 2.75 cents, in which case no further reduction shall be made;

(ii) That for an advance of ¼ cent in the price of one pound of 96° raw sugar, duty-paid basis, above 3.50 cents per pound, the price of standard sugarcane shall be increased by not less than 3 per centum, with intervening prices in proportion, unless the price of raw sugar exceeds 3.75 cents per pound, in which case settlement shall be made on the basis of $1.03 for each 1 cent of the price;

(iii) That the premiums paid for sugarcane of the 1939 crop containing more sucrose in the normal juice than that defined as standard sugarcane, shall be not less than those paid by such processor during the 1938 crop year;

(iv) That the discounts applicable to sugarcane of the 1939 crop containing less sucrose in the normal juice than that defined as standard sugarcane shall be not greater than those applied in connection with the 1938 crop; and

(v) That deductions based upon decreased boiling house efficiency may be made for frozen sugarcane accepted by the processor (it being understood that cane shall not be considered as frozen even after being subjected to freezing temperature unless and until there is evidence of damage having taken place because of the freeze) at a rate not in excess of 3.775 per centum of the payment, computed as aforesaid, for each .25 cc. of acidity above 2.25 cc. but not in excess of 4.50 cc. (analyzed in accordance with the established methods of the area, with intervening fractions computed to the nearest multiple of .05 cc.).

(b) *Definitions and general provisions.* For purposes of this determination:

(1) Standard sugarcane shall be sugarcane containing no more sucrose in the normal juice than was defined as standard sugarcane by the processor in his sugarcane purchase contract, or contracts, verbal or written, used in the year 1938.

(2) Costs, such as hoisting and weighing of sugarcane, shall be absorbed by the producer or processor, as the case may be, who absorbed such costs in 1937, but nothing in this paragraph shall be construed as prohibiting negotiations with respect to the level of such costs, subject upon appeal, to review by the Secretary of Agriculture or his authorized agent in the event of changes unfair to either producer or processor.

(3) Where the only available practicable means of transportation are rail facilities and the distance to the nearest factory is in excess of 50 miles, the cost of transportation may, by mutual consent of the interested parties, and subject to review by the Secretary of Agriculture or his authorized agent, be shared by the processor and producer.

(4) The processor shall not, through any subterfuge or device whatsoever, reduce the returns from the 1939 crop of Louisiana sugarcane to the grower below those determined above. (Sec. 301, 50 Stat. 909; 7 U.S.C., Sup. IV, 1131)

Done at Washington, D. C., this 10th day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. Wallace,
*Secretary.*

[F. R. Doc. 39–3765; Filed, October 11, 1939; 12:28 p. m.]

## TITLE 14—CIVIL AVIATION

## CIVIL AERONAUTICS AUTHORITY

[Amendment 30, Civil Air Regulations]

### Flying Schools; Primary Flying School Rating Ground Instructors

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 29th day of September, 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a) and 607 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective September 29, 1939, section 50.115 of the Civil Air Regulations is amended to read as follows:

"§ 50.115 *Ground instructors.* Same as in § 50.105, except in the case of ground schools conducted by established educational institutions of higher learning for the primary benefit of members of their regular student body. In such cases approval of the school's operations may be based upon a general examination of the facilities, personnel and curriculum."

By the Authority.

[SEAL] Paul J. Frizzell,
*Secretary.*

[F. R. Doc. 39–3762; Filed, October 11, 1939; 12:06 p. m.]

## TITLE 29—LABOR

## WAGE AND HOUR DIVISION

### Notice of Order for the Employment of Learners in the Apparel Industry

Whereas, pursuant to Section 522.13 of Regulations, Part 522, as amended (Regulations Applicable to the Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act), the National Association of Shirt and Pajama Manufacturers and sundry other interested parties duly filed petitions for review of the findings and determination of the presiding officer made following a hearing held for the purpose of determining the necessity for employing learners in sub-minimum wage rates in the apparel industry; and

Whereas, a hearing on said petitions was held before the Administrator on September 12, 1939, after due notice;[1] and

Whereas, following said hearing the Administrator duly made findings of fact, copies of which are available for inspection in Room 5144, Department of Labor, Washington, D. C.

Now, therefore, notice is hereby given that following said hearing, and on October 9, 1939, the Administrator issued the following order:

"1. The findings and determinations of the presiding officer in the matter of the application of the National Association of Shirt and Pajama Manufacturers, Inc., et al., to employ learners at wages lower than the statutory minimum are approved under the 25-cent minimum and shall remain in effect until October 24, 1939.

"2. Effective on or after October 24, 1939, Special Certificates permitting employment of learners at sub-minimum rates in stitching operations in the apparel industry shall be issued by the Chief of the Hearings and Exemption Section of the Wage and Hour Division upon the following terms to all plants in the industry making application therefor representing that experienced workers are not available to the plant, *unless* experienced workers are found to be available:

"(a) Learners employed under the certificate shall not exceed 5 percent of the total number of workers in the plant engaged in stitching operations in the divisions of the apparel industry considered here provided, however, that employment of as many as five learners may be authorized in any certificate.

"(b) No learner shall be employed under the certificate longer than 8 weeks.

"(c) Learners employed under the certificate shall be paid at a rate not less than 22½ cents an hour *and*, in plants where experienced operators are paid on a piecework rate, shall be paid at least the same piecework rate and shall receive earnings paid on this rate if in excess of the 22½-cent minimum.

"(d) Only learners shall be employed at a subminimum wage under the certificate and no learner shall be employed under the certificate unless hired when an experienced worker was not available.

"(e) No learners shall be employed at a subminimum wage under the certificate until and unless the certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

"3. The Chief of the Hearings and Exemption Section shall cancel as of the date of issue any special certificate issued pursuant to this order if found that such certificate was issued when experienced workers were available and shall cancel prospectively or as of the date of violation a certificate if found that any of its terms have been violated or that skilled workers have become available.

"4. In this order the term 'learner' means a person who has not been previously employed for more than 8 weeks in the aggregate during the preceding three years upon a stitching operation in the apparel industry; and the term 'apparel industry' includes men's, women's, infants' and children's apparel and accessories, excepting gloves, boots and shoes, millinery, knitted wear and hosiery."

Signed at New York, N. Y., this 10th day of October 1939.

Elmer F. Andrews,
*Administrator.*

[F. R. Doc. 39–3760; Filed, October 11, 1939; 11:49 a. m.]

[1] 4 F.R. 3598 DI.

[1] 4 F.R. 3475 DI.

PART 522—REGULATIONS APPLICABLE TO THE EMPLOYMENT OF LEARNERS PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT OF 1938

The following amendments to Regulations, Part 522, as amended[1] (Regulations Applicable to the Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act of 1938), are hereby issued. By virtue of these amendments a new alternative subparagraph (d) is added to Section 522.5, a clarifying amendment is made to Section 522.9, Section 522.12 is repealed and a clarifying amendment is made to Section 522.13.

Signed at New York, N. Y., this 10th day of October 1939.

ELMER F. ANDREWS,
*Administrator.*

§ 522.5 *Procedure upon application for special certificate—*

* * * * *

(d) Issue a special certificate pursuant to an order made after an industry hearing held under Section 522.4 or Section 522.13 hereof, if any such order has been made for the industry in which the applicant desires to employ learners.

§ 522.9 *Terms of special certificates.* No Special Certificate shall be applicable to more than one plant. Each Special Certificate shall specify the number or percentage of learners who may be employed under the certificate, the learning period, the time when and the wage rate at which such persons may be employed.

§ 522.12 *Completion of learning period.* This section 522.12 is hereby repealed.

§ 522.13 *Petition for review.* Any person aggrieved by the action of an authorized representative of the Administrator following an industry hearing under Section 522.4, or by way of denying or granting a special certificate under subparagraph (a) or (c), of Section 522.5, or by way of affirming or cancelling a special certificate under subparagraph (b) of Section 522.5, or by way of any action taken under subparagraph (d) of Section 522.5, may, within fifteen days after publication of such action, file a petition for review thereof. The petition for review will be examined by the Administrator or an authorized representative who has taken no part in the action which is the subject of review. If this petition is granted, all interested parties will be afforded an opportunity to present their views either in support of or in opposition to the matters prayed for in the petition and the Administrator or an authorized representative who has taken no part in the action under review may hold a hearing thereon. Action taken upon such review shall be final and shall take effect immediately upon publication.

[F. R. Doc. 39-3761; Filed, October 11, 1939; 11:49 a. m.]

[1] 4 F.R. 2088 DI.

EXPLANATION OF REGULATIONS APPLICABLE TO EMPLOYMENT OF LEARNERS

AMENDMENT

The following is a revision of paragraph VI of the Explanation of Regulations Applicable to Employment of Learners issued by the Administrator and published in the FEDERAL REGISTER May 23, 1939.[1] This revised paragraph shall become a part of the Explanation and supersede paragraph VI as originally issued.

*VI. Curtailment of Opportunities for Employment*

The Administrator is authorized to provide for the employment of learners at a wage lower than the statutory minimum wage only to the extent necessary to prevent curtailment of opportunities for employment. No application will be deemed to set forth a necessity to prevent curtailment of such opportunities unless it clearly states that the applicant has made diligent efforts to secure experienced workers and is unable to obtain them. No certificate will be issued if it is found that experienced workers are available.

No application (except as indicated below) will be deemed to set forth a necessity to employ learners at subminimum wage rates unless it clearly establishes that the employment at the minimum wage applicable under Section 6 of the Act of the number of workers sought to be employed as learners would be so burdensome that a reasonable employer in the circumstances of the applicant would not ordinarily hire the additional inexperienced employees for operation of new plants, plant expansion, or to replace normal plant labor turnover, thus making probable a resultant curtailment of opportunities for employment. Unless the application establishes such a necessity, no certificate will be issued.

However, if, as a result of an industry hearing held pursuant to Section 522.4 or Section 522.13 of the regulations, it has been found necessary to authorize the employment of learners at subminimum wage rates in the industry in which the applicant desires to employ learners, the applicant need not offer proof of his need for a special certificate, as required above, except as to any number of learners sought to be employed in excess of the number or percentage for which a need has been determined after such industry hearing. In all cases, however, the application must clearly state that the applicant has made diligent efforts to secure experienced workers and is unable to obtain them.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3763; Filed, October 11, 1939; 12:20 p. m.]

[1] 4 F.R. 2089 DI.

## TITLE 30—MINERAL RESOURCES

## BITUMINOUS COAL DIVISION

[Order No. 284]

AN ORDER DIRECTING DISTRICT BOARDS FOR DISTRICTS NO. 1 TO 20, INCLUSIVE, 22 AND 23, TO PROPOSE AND TO SUBMIT TO THE DIRECTOR PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED BY CODE MEMBERS WITHIN THE DISTRICT AND NOT HERETOFORE CLASSIFIED

Pursuant to the Bituminous Coal Act of 1937 (particularly Section 4, Part II thereof), it is hereby ordered that:

(1) The District Board for each of Districts No. 1 to 20, inclusive, 22 and 23, shall forthwith proceed to consider and propose, and shall submit to the Director of the Bituminous Coal Division, United States Department of the Interior, in accordance with the rules and regulations prescribed herein, a price classification for each kind, quality and size of coal produced within the respective district by code members who have accepted the code prior to the date of this order, for which coal no classification has heretofore been proposed and submitted by the District Board.

(2) Each of the aforesaid District Boards, upon receipt of notification after the date of this order that any producer has accepted the code or that any code member is producing coal at a mine within the respective district, at which mine such code member did not theretofore produce coal, shall forthwith proceed to consider and propose, and shall submit to the Director, in accordance with the rules and regulations prescribed herein, a price classification for each kind, quality, and size of coal produced by such code member at a mine within the respective district, for which coal no classification has theretofore been proposed and submitted by the District Board. Price classifications and minimum prices proposed by a District Board pursuant to this order or pursuant to any prior order of the Commission or the Division shall apply, for the purpose for which such classifications and prices were proposed, to the particular coals classified, whether or not ownership or operation of the mine at which such coals are produced changes during or after such classification.

(3) Price classifications proposed pursuant to paragraph (1) or (2) hereof shall be incorporated in a schedule to be prepared by the District Board, which schedule shall, in addition to the price classifications, set forth a proposed minimum price for each kind, quality and size of coal produced at the mine, and shall also give the following information: the name of the mine, the State and county in which the mine is located, the seams mined, the modes of transportation used by the mine, the names of the railroads, if any, which are available for the shipment of coal from the mine, and in so far as practicable, the approximate tonnage moved by each customary mode of transportation for the years 1937 and 1938, the geographic areas into which the mine ships or is expected to ship coal, and any special and unusual features in the preparation or marketing of coal from such mine. Such schedule of proposed price classifications and proposed minimum prices, together with the underlying data upon which they are predicated, shall be submitted to the Director.

(4) The following rules and regulations shall govern the proposal and submission of price classifications and minimum prices pursuant to this order:

RULES AND REGULATIONS FOR THE PROPOSAL OF PRICE CLASSIFICATIONS AND MINIMUM PRICES

(a) All price classifications for coals in a particular district shall be expressed in the terms of the symbols and minimum prices contained in the schedules of minimum prices for such district heretofore approved by the National Bituminous Coal Commission to serve as a basis for coordination. If, in order to express properly the relationship between the coals thus classified and other coals produced within the district, the District Board deems it necessary to vary or qualify the symbols or minimum prices contained in such schedules, it shall indicate the reasons for so doing. If any classification proposed for a particular coal is lower than the lowest classification theretofore approved by the Commission to serve as a basis for coordination for coals mined in the same seam and the same subdistrict, the reasons for such variation must be fully stated and supported by data.

(b) The District Board shall transmit its schedule of proposed price classifications and minimum prices to each code member in the district within the following periods: With respect to coals classified under paragraph (1) hereof, not more than seven (7) days after the date of this order. With respect to coals classified under paragraph (2) hereof, not more than seven (7) days after the receipt of notification of code membership or of the production of coal by the code member at a mine at which such code member did not theretofore produce coal, as the case may be.

(c) After transmission of such schedules to code members and prior to the submission thereof to the Director, the District Board may arrange to receive protests from code members within the district, may conduct such investigations, and may hold such conferences or hearings as in the judgment of the District Board are advisable or proper in the formulation of the schedules in conformity with the requirements of subsection (a) of Part II, Section 4 of the Act. Protests of code members shall, if permitted, be filed with the District Board within seven (7) days from the date of submission of such schedules to them. Each District Board may make such changes, corrections or additions in such schedules as in its judgment may be deemed proper, and a copy of such changes, corrections or additions shall be transmitted to each code member in the district not later than the date of the submission of the schedules to the Director.

(d) Schedules of proposed price classifications and minimum prices, together with all changes, corrections and additions thereto, shall be submitted to the Director, together with twenty-five (25) copies thereof, within the following periods of time: With respect to classifications proposed under paragraph (1) hereof, not more than twenty-five (25) days after the date of this order. With respect to classifications proposed under paragraph (2) hereof, not more than twenty-five (25) days after receipt of notification of code membership or of the production of coal by the code member at a mine at which such code member did not theretofore produce coal, as the case may be.

(e) Prior to the submission of the aforesaid schedules to the Director, the District Board shall mail five (5) copies of such schedules to each of the other districts referred to in paragraph (1) hereof. Each schedule submitted to the Director shall be accompanied by an affidavit from the Secretary of the District Board, averring compliance with the provisions of this order.

(f) Each schedule shall include the following clause:

"NOTE: The prices in this schedule have been proposed by the District Board pursuant to the provisions of Order No. 284 issued by the Bituminous Coal Division on October 10, 1939. Said order is effective only until the effective date of minimum prices to be established by the Division."

(5) Any code member or District Board who is dissatisfied with any proposed price classification or minimum price submitted pursuant to this order, may file with the Director, at his office in Washington, D. C., and with the District Board, not later than seven (7) days after receiving a copy of the schedule of price classifications and minimum prices, a written protest setting forth the reasons for dissatisfaction, together with the supporting data. The Director will then provide for a proper procedure to the end that the coals classified and priced in the schedules submitted pursuant to this order may duly be covered by and included within the schedules of effective minimum prices to be established by the Division.

(6) This order shall be effective only until the establishment of effective minimum prices by the Division.

H. A. GRAY,
*Director.*

OCTOBER 10, 1939.

[F. R. Doc. 39-3750; Filed, October 11, 1939; 10:31 a. m.]



## *Notices*

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3418]

IN THE MATTER OF THE HARDWOOD INSTITUTE, AN UNINCORPORATED ASSOCIATION; A. L. OSBORN, INDIVIDUALLY, AND AS MANAGER AND SECRETARY OF THE HARDWOOD INSTITUTE; AND THE ANTRIM IRON COMPANY, THE BAY DE NOQUET COMPANY, THE BONIFACE GORMAN COMPANY, THE BROWNLEE COMPANY, THE EDWARD HINES LUMBER COMPANY, WILLIAM BONIFACE LUMBER COMPANY, HOLT LUMBER COMPANY, KINZEL LUMBER COMPANY, MARATHON PAPER MILLS COMPANY, MENOMINEE AND BAY SHORE LUMBER COMPANY, NORTHWESTERN COOPERAGE AND LUMBER COMPANY, THE OCONTO COMPANY, THE RIB LAKE LUMBER COMPANY, THE UNDERWOOD VENEER COMPANY, THE VON PLATEN AND FOX COMPANY, THE M. J. WALLRICH LAND AND LUMBER COMPANY, WEIDMAN LUMBER COMPANY, RODDIS LUMBER AND VENEER COMPANY, SAWYER-GOODMAN COMPANY, I. STEPHENSON COMPANY, THUNDER LAKE LUMBER COMPANY, THE WISCONSIN LAND AND LUMBER COMPANY, THE YAWKEY-BISSEL COMPANY, THE YAWKEY-ALEXANDER LUMBER COMPANY, CORPORATIONS, MEMBERS OF THE HARDWOOD INSTITUTE

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 23, 1939, at ten o'clock in the forenoon of that day (central standard time) in the Knickerbocker Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner

will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3748; Filed, October 10, 1939; 3:50 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3872]

IN THE MATTER OF HEARST MAGAZINES, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 30, 1939, at ten o'clock in the forenoon of that day (eastern standard time), in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3749; Filed, October 10, 1939; 3:50 p. m.]

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*United States of America—Before Federal Trade Commission*

[Docket No. 3912]

IN THE MATTER OF P. LORILLARD COMPANY
RESPONDENT

COMPLAINT

The Federal Trade Commission, having reason to believe that the respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C., title 15, sec. 13), hereby issues this, its complaint, stating its charges with respect thereto as follows:

I

PARAGRAPH 1. Respondent is a corporation of the state of New Jersey. Its principal office is at 119 West 40th Street, New York City, New York. Its business is that of manufacturing, selling, and distributing cigarettes, little cigars, cheroots, cigarette tobacco, smoking tobacco, scrap, plug, fine cut and long cut tobacco, cigars, and other tobacco products and sundries. It has places of business, factories, and warehouses in Jersey City, New Jersey, and in other places and states.

PAR. 2. At all times during the period hitherto, since June 19, 1936, respondent maintained and is now maintaining a continuous course of trade and commerce in said products among and between the several states in which respondent has had and now has places of business, factories and warehouses, and between each of such states and the several other states of the United States and the District of Columbia. Respondent, continuously during said period, while engaged in its business aforesaid, and in commerce, namely, trade and commerce as aforesaid, in the course of such commerce, sold, shipped, and distributed its products from the states in which respondent has had and now has places of business, factories, and warehouses, to various purchasers of its products, namely, distributors of tobacco products, located in such states and in the several other states of the United States and the District of Columbia, for use, consumption, and resale therein.

PAR. 3. Respondent, during the period aforesaid, as and when it determined to accept an order for its products and charge it to a certain distributor, designated such distributor as a "direct customer", known also sometimes as a "direct buying customer", and placed such distributor on its list, called a "direct list", and sometimes as a "list of direct customers". Among the purchasers of respondent's products on its "direct list" are jobbers and some retailers such as chain stores. Among the purchasers of respondent's products "not on direct list" are subjobbers and some retailers such as independent drug, grocery, and cigar stores. The latter purchasers are sometimes called "indirect customers" and "indirect buying customers", and include all distributors of respondent's products except those on its "direct list."

Respondent has extended and is now extending the relationship of seller and customer between it and retail distributors "not on direct list", by means of its many dealings with such distributors, in connection with the sale of its products, and particularly by the use of its many salesmen, sometimes referred to as "missionary men". Such salesmen have made many sales to such distributors. Respondent has shipped its products to many retail distributors "not on direct list", upon receipt of their orders instructing respondent to make such delivery, and to make its charges therefor against a particular jobber on respondent's "direct list" (such shipments being sometimes called "drop shipments"). Retail distributors to whom such sales are made, those to whom such shipments are made, and those with whom respondent has had dealings in connection with the sale of its products, are, by reason of respondent's acts and practices, in fact, customers of, and purchasers from, respondent. By means of such sales, shipments, and other dealings, respondent also extends its control over the prices at which its products are sold by all retail distributors to consumers. For illustration of a common practice of respondent in this connection, on November 9, 1937, respondent shipped to Poole Dry Goods Company of Springfield, Massachusetts, a retail distributor "not on direct list", pursuant to an order taken by one of its missionary men, a quantity of its tobacco products, and sent its invoice for such purchase to its jobber, Nemrow Bros., Inc., of said city calling for payment of $456.02, less discounts of 10% and 2%, or $402.22. Said shipment included fifty thousand Old Gold cigarettes priced in said invoice at $302.50, less discounts of 10% and 2%, or $275.62. Said shipment included 31 dozen 10¢ packages of Union Leader tobacco for which no charge was made in said invoice. Respondent's regular standard price to jobbers in said city for said Union Leader tobacco was $30.69, less discounts of 10% and 2%, or $27.06, and for all the tobacco products included in said shipment, it was $486.71, less discounts of 10% and 2%, or $429.28. Payment for said shipment was made by Poole Dry Goods Company by payment to said jobber, Nemrow Bros., Inc., of $456.02, less discounts of 10% and 1%, or $406.32. Respondent thus sold said tobacco products to Poole Dry Goods Company at a lower price than it was then selling products of the same kind and in the same quantities to jobbers in said city. Soon after such shipment was received by Poole Dry Goods Company, prominent advertisements were placed by it in the daily newspapers of Springfield, Massachusetts, offering Old Gold cigarettes at 11½¢ a package and $1.14 for a carton of ten packages, and such cigarettes were then sold to consumers in Springfield, Massachusetts, at such prices.

PAR. 4. Respondent, during the period aforesaid, listed the prices of its tobacco products and sundries in descriptive price lists published and distributed by it from time to time, and offered and allowed, as regular discounts from such prices, a 10 per cent discount, sometimes called a "trade discount", and after the deduction of such discount, a 2 per cent discount, sometimes called a "cash discount". List prices as reduced by such discounts are sometimes referred to as "standard prices". Respondent's standard prices serve as a basis for the standard prices of wholesalers and retailers.

Deviations from such standard prices have been effected by respondent during the period aforesaid as follows:

(a) Respondent's salesmen called upon certain retail distributors of respondent's products "not on direct list" and then and there solicited orders for certain of respondent's tobacco products from some of said distributors thus called upon; and upon taking orders from such distributors included in such orders substantial quantities of respondent's products of standard grade and quality and of material value, without making any specific charge therefor (such transactions being sometimes called "deals", "free deals", "combinations", and "gratis"). In some instances said salesmen made immediate delivery of such orders to the respective purchasers. In all other cases respondent's salesmen arranged to have the products included in such orders shipped by respondent directly to the respective purchasers (such transactions being sometimes called "drop shipment deals", and such shipments "drop shipments"). In cases where such orders were taken for delivery by the drop shipment method, the respective purchasers from whom such orders were taken, following the practices developed by respondent in such transactions, made arrangements with some particular jobber on respondent's "direct list" to have their respective orders charged to such jobber, and to pay such jobber the amount of their respective orders, being the list price of such products less an agreed amount. The amount which the retail distributors paid for the tobacco products included in such orders was, according to the practices thus developed, a sum substantially less than the amount which other competing retail distributors paid to jobbers of respondent's products for an equal quantity of tobacco products of like grade and quality purchased by them at the same time.

(b) Respondent made an allowance, to certain distributors of its tobacco products, namely, owners and operators of vending machines, of 32½¢ for each thousand of its cigarettes purchased by such distributors for sale in vending machines. In other instances respondent made an allowance to such distributors of $2.00 a year for the period of time that respondent's cigarettes were sold in each of such machines. Payment of such allowances was made by respondent upon being furnished proof satisfactory to it of the purchase by such distributors of such cigarettes. In cases where such distributors were not on respondent's "direct list", the cigarettes thus sold were shipped and payment was made therefor in the same manner as in the other drop shipment sales described above. The amount which such owners and operators of vending machines thus paid for such cigarettes was, according to the practices thus developed, a sum substantially less than the amount which other competing distributors selling at retail paid to jobbers of respondent's products for an equal quantity of similar cigarettes purchased by them at the same time.

PAR. 5. By means of acts and practices, as aforesaid, and particularly those described above in paragraph four, respondent, during the period aforesaid, discriminated in price between different purchasers of commodities, to-wit, tobacco products, of like grade and quality; one or more of the purchases involved in such discriminations were in commerce; and such commodities were sold for use, consumption and resale within the United States and the District of Columbia. Respondent is now discriminating in price as aforesaid. The effect of such discriminations may be to injure, destroy and prevent competition with the purchasers from respondent who received the benefit of such discriminations and with the customers of such purchasers. Such discriminations constitute a violation of Subsection (a) of Section 2 of the Act of Congress aforesaid.

II

And the Federal Trade Commission, as and for a further and second count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this second count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent, during said period, made and is now making valuable payments and gave and is now giving valuable considerations to certain distributors, such as chain stores and other retailers, selected by respondent for the furnishing by them of services and facilities, such as counter and window displays, for the advertising of respondent's products. Such payments and considerations were not and are not now available to other distributors competing in the distribution of respondent's products. Said practices were conducted in such manner as to result in giving certain distributors exclusively the benefits accruing from said payments and considerations.

For example, in carrying out such practices, respondent paid in 1937, as charged aforesaid, for window and counter displays, running one week each month, $2,314.50, per month, to Walgreen Drug Company, of Chicago, Illinois.

PAR. 3. By means of acts and practices, as aforesaid, and particularly those described above in paragraph two, respondent, during the period aforesaid, contracted to pay and paid, and is now contracting to pay and paying, to and for the benefit of certain of its customers, certain valuable payments and considerations, as compensation for, and in consideration for, certain services and facilities furnished by and through such customers in connection with the handling, sale, and offering for sale, of the tobacco products manufactured, sold, and offered for sale by respondent. Such payments and considerations were not, and are not now, available on proportionately equal terms to all other customers of respondent competing in the distribution of such products, and constitute a violation of Subsection (d) of Section 2 of the Act of Congress aforesaid.

III

And the Federal Trade Commission, as and for a further and third count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this third count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent has allowed and is now allowing some direct customers a period of time of a certain definite length, for example, 60 days, for payment on a 2 per cent discount basis, sometimes called a "cash discount", of products ordered by and charged to them which it has not allowed and is not now allowing to other direct customers. The allowance of time for payment as aforesaid constitutes a service to respondent's customers which becomes of greater value as the length of such time is extended.

For example, respondent allowed, as charged aforesaid, its jobber Eli Witt Cigar Company, Tampa, Florida, 60 days for payment on said cash discount basis and, following its general rule applicable to jobbers, allowed other jobbers, competing in the distribution of respondent's products with said favored jobber, 10 days for payment on such basis.

PAR. 3. By means of acts and practices, as aforesaid, and particularly by the furnishing of the services described above in paragraph two, respondent, during the period aforesaid, discriminated and is now discriminating in favor of certain purchasers against certain other purchasers of respondent's products bought by them for resale. Such services were and are now furnished by respondent to such favored purchasers upon terms not accorded to all purchasers on proportionately equal terms, in violation of Subsection (e) of Section 2 of the Act of Congress aforesaid.

Wherefore, the premises considered, the Federal Trade Commission, on the 5th day of October, A. D., 1939, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, P. Lorillard Company, respondent herein, that the 10th day of November, A. D., 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 5th day of October, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3751; Filed, October 11, 1939; 11:02 a. m.]

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*United States of America—Before Federal Trade Commission*

[Docket No. 3913]

IN THE MATTER OF BROWN & WILLIAMSON TOBACCO CORPORATION, RESPONDENT

COMPLAINT

The Federal Trade Commission, having reason to believe that the respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C., title 15, sec. 13), hereby issues this, its complaint, stating its charges with respect thereto as follows:

I

PARAGRAPH 1. Respondent is a corporation of the state of Delaware. Its principal office is at 1600 West Hill Street, Louisville, Kentucky. Its business is that of manufacturing, selling, and distributing cigarettes, snuff, cigarette tobacco, smoking tobacco, plug tobacco, and other tobacco products and sundries. It has places of business, factories, and warehouses in Louisville, Kentucky, and in other places and states.

PAR. 2. At all times during the period hitherto, since June 19, 1936, respondent maintained and is now maintaining a continuous course of trade and commerce in said products among and between the several states in which respondent has had and now has places of business, factories and warehouses, and between each of such states and the several other states of the United States and the District of Columbia. Respondent, continuously during said period, while engaged in its business aforesaid, and in commerce, namely, trade and commerce as aforesaid, in the course of such commerce, sold, shipped, and distributed its products from the states in which respondent has had and now has places of business, factories, and warehouses, to various purchases of its products, namely, distributors of tobacco products, located in such states and in the several other states of the United States and the District of Columbia, for use, consumption, and resale therein.

PAR. 3. Respondent, during the period aforesaid, as and when it determined to accept an order for its products and charge it to a certain distributor, designated such distributor as a "direct customer", known also sometimes as a "direct buying customer", and placed such distributor on its list, called a "direct list", and sometimes as a "list of direct customers". Among the purchasers of respondent's products on its "direct list" are jobbers and some retailers such as chain stores. Among the purchasers of respondent's products "not on direct list" are subjobbers and some retailers such as independent drug, grocery, and cigar stores. The latter purchasers are sometimes called "indirect customers" and "indirect buying customers", and include all distributors of respondent's products except those on its "direct list".

Respondent has extended and is now extending the relationship of seller and customer between it and retail distributors "not on direct list", by means of its many dealings with such distributors, in connection with the sale of its products, and particularly by the use of its many salesmen, sometimes referred to as "missionary men". Such salesmen have made many sales to such distributors. Respondent has shipped its products to many retail distributors "not on direct list", upon receipt of their orders instructing respondent to make such delivery, and to make its charges therefor against a particular jobber on respondent's "direct list" (such shipments being sometimes called "drop shipments"). Retail distributors to whom such sales are made, those to whom such shipments are made, and those with whom respondent has had dealings in connection with the sale of its products, are, by reason of respondent's acts and practices, in fact, customers of, and purchasers from, respondent. By means of such sales, shipments, and other dealings, respondent also extends its control over the prices at which its products are sold by all retail distributors to consumers. For illustration of a common practice of respondent in this connection, on May 23, 1938, respondent shipped to May's Cut Rate Drug Stores, of Atlanta, Georgia, a retail distributor "not on direct list", pursuant to an order taken by one of its missionary men, a quantity of its tobacco products and sent its invoice for such purchase to its jobber, McCollum Brothers of said city, calling for a payment of $49.21, less discounts of 10% and 2%, or $43.41. Said shipment included a quantity of tobacco for which no charge was made in said invoice. Respondent's regular standard price to jobbers in said city for the latter tobacco was $4.00, less discounts of 10% and 2%, or $3.53, and for all the tobacco products included in said shipment, it was $53.21, less discounts of 10% and 2%, or $46.94. Payment for said shipment was made by May's Cut Rate Drug Stores by payment to said jobber, McCollum Brothers, of $49.21, less discounts of 10% and 1%, or $43.85. Respondent thus sold said tobacco products to May's Cut Rate Drug Stores at a lower price than it was then selling products of the same kind and in the same quantities to jobbers in said city. After such shipment was received by May's Cut Rate Drug Stores, such stores offered respondent's Raleigh Cork Tip Cigarettes at 15c a package, and such cigarettes were then sold to consumers in Atlanta, Georgia, at such price.



PAR. 4. Respondent, during the period aforesaid, listed the prices of its tobacco products and sundries in descriptive price lists published and distributed by it from time to time, and offered and allowed, as regular discounts from such prices, a 10 percent discount, sometimes called a "trade discount", and after the deduction of such discount, a 2 percent discount, sometimes called a "cash discount". List prices as reduced by such discounts are sometimes referred to as "standard prices." Respondent's standard prices serve as a basis for the standard prices of wholesalers and retailers.

Deviations from such standard prices have been effected by respondent during the period aforesaid as follows:

(a) Respondent's salesmen called upon certain retail distributors of respondent's products "not on direct list" and then and there solicited orders for certain of respondent's tobacco products from some of said distributors thus called upon; and upon taking orders from such distributors included in such orders substantial quantities of respondent's products of standard grade and quality and of material value, without making any specific charge therefor (such transactions being sometimes called "deals", "free deals", "combinations", and "gratis"). In some instances said salesmen made immediate delivery of such orders to the respective purchasers. In all other cases respondent's salesmen arranged to have the products included in such orders shipped by respondent directly to the respective purchasers (such transactions being sometimes called "drop shipment deals", and such shipments "drop shipments"). In cases where such orders were taken for delivery by the drop shipment method, the respective purchasers from whom such orders were taken, following the practices developed by respondent in such transactions, made arrangements with some particular jobber on respondent's "direct list" to have their respective orders charged to such jobber, and to pay such jobber the amount of their respective orders, being the list price of such products less an agreed amount. The amount which the retail distributors paid for the tobacco products included in such orders was, according to the practices thus developed, a sum substantially less than the amount which other competing retail distributors paid to jobbers of respondent's products for an equal quantity of tobacco products of like grade and quality purchased by them at the same time.

(b) Respondent made an allowance, to certain distributors of its tobacco products, namely, owners and operators of vending machines, of 50¢ for each thousand of its cigarettes purchased by such distributors for sale in vending machines. In cases where such distributors were not on respondent's "direct list", the cigarettes thus sold were shipped and payment was made therefor in the same manner as in the other drop shipment sales described above. The amount which such owners and operators of vending machines thus paid for such cigarettes was according to the practices thus developed, a sum substantially less than the amount which other competing distributors selling at retail paid to jobbers of respondent's products for an equal quantity of similar cigarettes purchased by them at the same time.

PAR. 5. By means of acts and practices, as aforesaid, and particularly those described above in paragraph 4, respondent, during the period aforesaid, discriminated in price between different purchasers of commodities, to-wit, tobacco products, of like grade and quality; one or more of the purchases involved in such discriminations were in commerce; and such commodities were sold for use, consumption and resale within the United States and the District of Columbia. Respondent is now discriminating in price as aforesaid. The effect of such discriminations may be to injure, destroy and prevent competition with the purchasers from respondent who received the benefit of such discriminations and with the customers of such purchasers. Such discriminations constitute a violation of Subsection (a) of Section 2 of the Act of Congress aforesaid.

II

And the Federal Trade Commission, as and for a further and second count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this second count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent, during said period, made and is now making valuable payments and gave and is now giving valuable considerations to certain distributors, such as chain stores and other retailers, selected by respondent for the furnishing by them of services and facilities, such as counter and window displays, for the advertising of respondent's products. Such payments and considerations were not and are not now available to other distributors competing in the distribution of respondent's products. Said practices were conducted in such manner as to result in giving certain distributors exclusively the benefits accruing from said payments and considerations.

For example, in carrying out such practices, respondent paid in 1938, as charged aforesaid, for window displays, $9,393.60, for the months of March and April, 1938, to The Great Atlantic & Pacific Tea Company of New York City, New York; $687.50, for the months of March and April, 1938, to Goldblatt Bros., Inc., of Chicago, Illinois; and $1,861.50, for the months of March and April, 1938, to The Owl Drug Company of San Francisco, California.

PAR. 3. By means of acts and practices, as aforesaid, and particularly those described above in paragraph two, respondent, during the period aforesaid, contracted to pay and paid, and is now contracting to pay and paying, to and for the benefit of certain of its customers, certain valuable payments and considerations, as compensation for, and in consideration for, certain services and facilities furnished by and through such customers in connection with the handling, sale, and offering for sale, of the tobacco products manufactured, sold, and offered for sale by respondent. Such payments and considerations were not, and are not now, available on proportionately equal terms to all other customers of respondent competing in the distribution of such products, and constitute a violation of Subsection (d) of Section 2 of the Act of Congress aforesaid.

III

And the Federal Trade Commission, as and for a further and third count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this third count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent has allowed and is now allowing some direct customers a period of time of a certain definite length, for example, 60 days, for payment on a 2 per cent discount basis, sometimes called a "cash discount", of products ordered by and charged to them which it has not allowed and is not now allowing to other direct customers. The allowance of time for payment as aforesaid constitutes a service to respondent's customers which becomes of greater value as the length of such time is extended.

For example, respondent allowed, as charged aforesaid, its jobber Eli Witt Cigar Company, Tampa, Florida, 60 days for payment on said cash discount basis and, following its general rule applicable to jobbers, allowed other jobbers, competing in the distribution of respondent's products with said favored jobber, 10 days for payment on such basis.

PAR. 3. By means of acts and practices, as aforesaid, and particularly by the furnishing of the services described above in paragraph two, respondent, during the period aforesaid, discriminated and is now discriminating in favor of certain purchasers against certain other purchasers of respondent's products bought by them for resale. Such services were and are now furnished by respondent to such favored purchasers upon terms not accorded to all purchasers on proportionately equal terms, in violation of Subsection (e) of Section 2 of the Act of Congress aforesaid.

Wherefore, the premises considered, the Federal Trade Commission, on this 5th day of October, A. D., 1939, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Brown & Williamson Tobacco Corporation, respondent herein, that the 10th day of November, A. D., 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 5th day of October, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3752; Filed, October 11, 1939; 11:02 a. m.]

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*United States of America—Before Federal Trade Commission*

[Docket No. 3914]

IN THE MATTER OF R. J. REYNOLDS TOBACCO COMPANY, RESPONDENT

COMPLAINT

The Federal Trade Commission, having reason to believe that the respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C., title 15, sec. 13), hereby issues this, its complaint, stating its charges with respect thereto as follows:

I

PARAGRAPH 1. Respondent is a corporation of the state of New Jersey. Its principal office is in Winston-Salem, North Carolina. Its business is that of manufacturing, selling, and distributing cigarettes, cigarette tobacco, smoking tobacco, plug, twist and scrap tobacco, and other tobacco products and sundries. It has places of business, factories, and warehouses in Winston-Salem, North Carolina, and in other places and states.

PAR. 2. At all times during the period hitherto, since June 19, 1936, respondent maintained and is now maintaining a continuous course of trade and commerce in said products among and between the several states in which respondent has had and now has places of business, factories and warehouses, and between each of such states and the several other states of the United States and the District of Columbia. Respondent, continuously during said period, while engaged in its business aforesaid, and in commerce, namely, trade and commerce as aforesaid, in the course of such commerce, sold, shipped, and distributed its products from the states in which respondent has had and now has places of business, factories, and warehouses, to various purchasers of its products, namely, distributors of tobacco products, located in such states and in the several other states of the United States and the District of Columbia, for use, consumption, and resale therein.

PAR. 3. Respondent, during the period aforesaid, as and when it determined to accept an order for its products and charge it to a certain distributor, designated such distributor as a "direct customer", known also sometimes as a "direct buying customer", and places such distributor on its list, called a "direct list", and sometimes as a "list of direct customers". Among the purchasers of respondent's products on its "direct list" are jobbers and some retailers such as chain stores. Among the purchasers of respondent's products "not on direct list" are subjobbers and some retailers such as independent drug, grocery, and cigar stores. The latter purchasers are sometimes called "indirect customers" and "indirect buying customers", and include all distributors of respondent's products except those on its "direct list".

Respondent has extended and is now extending the relationship of seller and customer between it and retail distributors "not on direct list", by means of its many dealings with such distributors, in connection with the sale of its products, and particularly by the use of its many salesmen, sometimes referred to as "missionary men". Such salesmen have made many sales to such distributors. Respondent has shipped its products to many retail distributors "not on direct list", upon receipt of their orders instructing respondent to make such delivery, and to make its charges therefor against a particular jobber on respondent's "direct list" (such shipments being sometimes called "drop shipments"). Retail distributors to whom such sales are made, those to whom such shipments are made, and those with whom respondent has had dealings in connection with the sale of its products, are, by reason of respondent's acts and practices, in fact, customers of, and purchasers from, respondent. By means of such sales, shipments, and other dealings, respondent also extends its control over the prices at which its products are sold by all retail distributors to consumers. For illustration of a common practice of respondent in this connection, on January 26, 1939, one of respondent's missionary men sold to retail distributors "not on direct list", in Indianapolis, Indiana, Prince Albert Tobacco at $1.08 per dozen. Respondent was then selling said tobacco to jobbers in said city at its regular standard price of $1.27½ per dozen, less 10% and 2%, or approximately $1.12½ per dozen. Respondent thus sold said tobacco to such retail distributors at a lower price than it was then selling the same tobacco in the same and in larger quantities to jobbers in said city. Immediately after such sales were made, respondent's posters were affixed at prominent positions on the windows of such retail distributors, offering the regular 15¢ size package of Prince Albert Tobacco at 10¢ a package, and such tobacco was then sold to consumers in Indianapolis, Indiana, at ten cents a package.



PAR. 4. Respondent, during the period aforesaid, listed the prices of its tobacco products and sundries in descriptive price lists published and distributed by it from time to time, and offered and allowed, as regular discounts from such prices, a 10 per cent discount, sometimes called a "trade discount", and after the deduction of such discount, a 2 per cent discount, sometimes called a "cash discount". List prices as reduced by such discounts are sometimes referred to as "standard prices." Respondent's standard prices serve as a basis for the standard prices of wholesalers and retailers.

Deviations from such standard prices have been effected by respondent during the period aforesaid as follows:

(a) Respondent's salesmen called upon certain retail distributors of respondent's products "not on direct list" and then and there solicited orders for certain of respondent's tobacco products from some of said distributors thus called upon; and upon taking orders from such distributors included in such orders substantial quantities of respondent's products of standard grade and quality and of material value, without making any specific charge therefor (such transactions being sometimes called "deals", "free deals", "combinations", and "gratis"). In some instances said salesmen made immediate delivery of such orders to the respective purchasers. In all other cases respondent's salesmen arranged to have the products included in such orders shipped by respondent directly to the respective purchasers (such transactions being sometimes called "drop shipment deals", and such shipments "drop shipments"). In cases where such orders were taken for delivery by the drop shipment method, the respective purchasers from whom such orders were taken, following the practices developed by respondent in such transactions, made arrangements with some particular jobber on respondent's "direct list" to have their respective orders charged to such jobber, and to pay such jobber the amount of their respective orders, being the list price of such products less an agreed amount. The amount which the retail distributors paid for the tobacco products included in such orders was, according to the practices thus developed, a sum substantially less than the amount which other competing retail distributors paid to jobbers of respondent's products for an equal quantity of tobacco products of like grade and quality purchased by them at the same time.

PAR. 5. By means of acts and practices, as aforesaid, and particularly those described above in paragraph four, respondent, during the period aforesaid, discriminated in price between different purchasers of commodities, to-wit, tobacco products, of like grade and quality; one or more of the purchases involved in such discriminations were in commerce; and such commodities were sold for use, consumption and resale within the United States and the District of Columbia. Respondent is now discriminating in price as aforesaid. The effect of such discriminations may be to injure, destroy and prevent competition with the purchasers from respondent who received the benefit of such discriminations and with the customers of such purchasers. Such discriminations constitute a violation of Subsection (a) of Section 2 of the Act of Congress aforesaid.

II

And the Federal Trade Commission, as and for a further and second count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this second count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent, during said period, made and is now making valuable payments and gave and is now giving valuable considerations to certain distributors, such as chain stores and other retailers, selected by respondent for the furnishing by them of service and facilities, such as counter and window displays, for the advertising of respondent's products. Such payments and considerations were not and are not now available to other distributors competing in the distribution of respondent's products. Said practices were conducted in such manner as to result in giving certain distributors exclusively the benefits accruing from said payments and considerations.

For example, in carrying out such practices, respondent paid in 1937, as charged aforesaid, for window displays, $5,600.00 on May 17, 1937, and $325.00 per month from June 1, 1937, to Katz Drug Company, Inc., of Kansas City, Missouri, and $3,600.00 on July 29, 1937, and $350.00 per month from August 1, 1937, to Sun Ray Drug Company, of Philadelphia, Pennsylvania.

PAR. 3. By means of acts and practices, as aforesaid, and particularly those described above in paragraph two, respondent, during the period aforesaid, contracted to pay and paid, and is now contracting to pay and paying, to and for the benefit of certain of its customers, certain valuable payments and considerations, as compensation for, and in consideration for, certain services and facilities furnished by and through such customers in connection with the handling, sale, and offering for sale, of the tobacco products manufactured, sold, and offered for sale by respondent. Such payments and considerations were not, and are not now, available on proportionately equal terms to all other customers of respondent competing in the distribution of such products, and constitute a violation of Subsection (d) of Section 2 of the Act of Congress aforesaid.

III

And the Federal Trade Commission, as and for a further and third count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this third count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent has allowed and is now allowing some direct customers a period of time of a certain definite length, for example, 60 days, for payment on a 2 per cent discount basis, sometimes called a "cash discount", of products ordered by and charged to them which it has not allowed and is not now allowing to other direct customers. The allowance of time for payment as aforesaid constitutes a service to respondent's customers which becomes of greater value as the length of such time is extended.

For example, respondent allowed, as charged aforesaid, its jobber Ell Witt Cigar Company, Tampa, Florida, 60 days for payment on said cash discount basis and, following its general rule applicable to jobbers, allowed other jobbers, competing in the distribution of respondent's products with said favored jobber, 10 days for payment on such basis.

PAR. 3. By means of acts and practices, as aforesaid, and particularly by the furnishing of the services described above in paragraph two, respondent, during the period aforesaid, discriminated and is now discriminating in favor of certain purchasers against certain other purchasers of respondent's products bought by them for resale. Such services were and are now furnished by respondent to such favored purchasers upon terms not accorded to all purchasers on proportionately equal terms, in violation of Subsection (e) of Section 2 of the Act of Congress aforesaid.

Wherefore, the premises considered, the Federal Trade Commission, on this 6th day of October, A. D. 1939, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, R. J. Reynolds Tobacco Company, respondent herein, that the 10th day of November, A. D., 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defence. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 6th day of October, A. D., 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3753; Filed, October 11, 1939; 11:03 a. m.]

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*United States of America—Before Federal Trade Commission*

[Docket No. 3915]

IN THE MATTER OF LARUS & BROTHER COMPANY, INC., RESPONDENT

COMPLAINT

The Federal Trade Commission, having reason to believe that the respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936, (U.S.C., title 15, sec. 13), hereby issues this, its complaint, stating its charges with respect thereto as follows:

I

PARAGRAPH 1. Respondent is a corporation of the state of Virginia. Its principal office is at 22nd and Cary Streets, Richmond, Virginia. Its business is that of manufacturing, selling, and distributing cigarettes, cigarette tobacco, smoking tobacco, and chewing tobacco, and other tobacco products and sundries. It has places of business, factories, and warehouses in Richmond, Virginia, and in other places and states.

PAR. 2. At all times during the period hitherto, since June 19, 1936, respondent maintained and is now maintaining a continuous course of trade and commerce in said products among and between the several states in which respondent has had and now has places of business, factories and warehouses, and between each of such states and the several other states of the United States and the District of Columbia. Respondent, continuously during said period, while engaged in its business aforesaid, and in commerce, namely, trade and commerce as aforesaid, in the course of such commerce, sold, shipped, and distributed its products from the states in which respondent has had and now has places of business, factories, and warehouses, to various purchasers of its products, namely, distributors of tobacco products, located in such states and in the several other states of the United States and the District of Columbia, for use, consumption, and resale therein.

PAR. 3. Respondent, during the period aforesaid, as and when it determined to accept an order for its products and charge it to a certain distributor, designated such distributor as a "direct customer", known also sometimes as a "direct buying customer", and placed such distributor on its list, called a "direct list", and sometimes as a "list of direct customers". Among the purchasers of respondent's products on its "direct list" are jobbers and some retailers such as chain stores. Among the purchasers of respondent's products "not on direct list" are subjobbers and some retailers such as independent drug, grocery, and cigar stores. The latter purchasers are sometimes called "indirect customers" and "indirect buying customers", and include all distributors of respondent's products except those on its "direct list".

Respondent has extended and is now extending the relationship of seller and customer between it and retail distributors "not on direct list", by means of its many dealings with such distributors, in connection with the sale of its products, and particularly by the use of its many salesmen, sometimes referred to as "missionary men". Such salesmen have made many sales to such distributors. Respondent has shipped its products to many retail distributors "not on direct list", upon receipt of their orders instructing respondent to make such delivery, and to make its charges therefor against a particular jobber on respondent's "direct list" (such shipments being sometimes called "drop shipments"). Retail distributors to whom such sales are made, those to whom such shipments are made, and those with whom respondent has had dealings in connection with the sale of its products, are, by reason of respondent's acts and practices, in fact, customers of, and purchasers from, respondent. By means of such sales, shipments, and other dealings, respondent also extends its control over the prices at which its products are sold by all retail distributors to consumers. For illustration of a common practice of respondent in this connection, on March 23, 1938, respondent shipped to Army & Navy Department Store, of Pittsfield, Massachusetts, a retail distributor "not on direct list", pursuant to an order taken by one of its missionary men, a quantity of its tobacco products, and sent its invoice for such purchase to its jobber, Dearstyne Bros. Tobacco Co., of Albany, New York, calling for payment of $49.09, less discounts of 10% and 2%, or $43.31. Said shipment included two thousand Domino Cigarettes, one-half dozen packages of Luxury tobacco, three dozen 2-ounce packages of Keg tobacco and one dozen packages Hi Plane tobacco, priced in said invoice at $13.84, less discounts of 10% and 2%, or $12.22 and a quantity of Edgeworth tobacco, priced in said invoice at $36.25, less discounts of 10% and 2% or $31.09. Said shipment also included ten tins of Edgeworth tobacco for which no charge was made in said invoice. Respondent's standard price to jobbers selling in said city for said quantity of Edgeworth tobacco was $1.29, less discounts of 10% and 2%, or $1.14, and for all the tobacco products included in said shipment, $50.38, less discounts of 10% and 2% or $44.45. Payment for said shipment was made by Army & Navy Department Store to said jobber, Dearstyne Bros. Tobacco Co., of $49.09, less a discount, of 9%, or $44.68. After such shipment was received by Army & Navy Department Store, it offered the 15¢ size package of Edgeworth tobacco for 10¢, and the one pound tin of Edgeworth tobacco at $1.05, and such tobacco was then sold to consumers in Pittsfield, Massachusetts at such prices.



PAR. 4. Respondent, during the period aforesaid, listed the prices of its tobacco products and sundries in descriptive price lists published and distributed by it from time to time, and offered and allowed, as regular discounts from such prices, a 10 per cent discount, sometimes called a "trade discount", and after the deduction of such discount, a 2 per cent discount, sometimes called a "cash discount". List prices as reduced by such discounts are sometimes referred to as "standard prices." Respondent's standard prices serve as a basis for the standard prices of wholesalers and retailers.

Deviations from such standard prices have been effected by respondent during the period aforesaid as follows:

(a) Respondent's salesmen called upon certain retail distributors of respondent's products "not on direct list" and then and there solicited orders for certain of respondent's tobacco products from some of said distributors thus called upon; and upon taking orders from such distributors included in such orders substantial quantities of respondent's products of standard grade and quality and of material value, without making any specific charge therefor (such transactions being sometimes called "deals", "free deals", "combinations", and "gratis"). In some instances said salesmen made immediate delivery of such orders to the respective purchasers. In all other cases respondent's salesmen arranged to have the products included in such orders shipped by respondent directly to the respective purchasers (such transactions being sometimes called "drop shipment deals", and such shipments "drop shipments"). In cases where such orders were taken for delivery by the drop shipment method, the respective purchasers from whom such orders were taken, following the practices developed by respondent in such transactions made arrangements with some particular jobber on respondent's "direct list" to have their respective orders charged to such jobber, and to pay such jobber the amount of their respective orders, being the list price of such products less an agreed amount. The amount which the retail distributors paid for the tobacco products included in such orders was, according to the practices thus developed, a sum substantially less than the amount which other competing retail distributors paid to jobbers of respondent's products for an equal quantity of tobacco products of like grade and quality purchased by them at the same time.

PAR. 5. By means of acts and practices, as aforesaid, and particularly those described above in paragraph four, respondent, during the period aforesaid, discriminated in price between different purchasers of commodities, to-wit, tobacco products, of like grade and quality; one or more of the purchases involved in such discriminations were in commerce; and such commodities were sold for use, consumption and resale within the United States and the District of Columbia. Respondent is now discriminating in price as aforesaid. The effect of such discriminations may be to injure, destroy and prevent competition with the purchasers from respondent who received the benefit of such discriminations and with the customers of such purchasers. Such discriminations constitute a violation of Subsection (a) of Section 2 of the Act of Congress aforesaid.

II

And the Federal Trade Commission, as and for a further and second count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this second count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent, during said period, made and is now making valuable payments and gave and is now giving valuable considerations to certain distributors, such as chain stores and other retailers, selected by respondent for the furnishing by them of services and facilities, such as counter and window displays, for the advertising of respondent's products. Such payments and considerations were not and are not now available to other distributors competing in the distribution of respondent's products. Said practices were conducted in such manner as to result in giving certain distributors exclusively the benefits accruing from said payments and considerations.

For example, in carrying out such practices, respondent paid in 1938, as charged aforesaid, for window displays, $1,000.00 per month to United Cigar-Whelan Drug Stores Corporation, New York City.

PAR. 3. By means of acts and practices, as aforesaid, and particularly those described above in paragraph two, respondent, during the period aforesaid, contracted to pay and paid, and is now contracting to pay and paying, to and for the benefit of certain of its customers, certain valuable payments and considerations, as compensation for, and in consideration for, certain services and facilities furnished by and through such customers in connection with the handling, sale, and offering for sale, of the tobacco products manufactured, sold, and offered for sale by respondent. Such payments and considerations were not, and are not now, available on proportionately equal terms to all other customers of respondent competing in the distribution of such products, and constitute a violation of Subsection (d) of Section 2 of the Act of Congress aforesaid.

III

And the Federal Trade Commission, as and for a further and third count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this third count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent has allowed and is now allowing some direct customers a period of time of a certain definite length, for example, 60 days, for payment on a 2 per cent discount basis, sometimes called a "cash discount", of products ordered by and charged to them which it has not allowed and is not now allowing to other direct customers. The allowance of time for payment as aforesaid constitutes a service to respondent's customers which becomes of greater value as the length of such time is extended.

For example, respondent allowed, as charged aforesaid, its jobber Eli Witt Cigar Company, Tampa, Florida, until the 10th of the month succeeding the month of purchase for payment on said cash discount basis and, following its general rule applicable to jobbers, allowed other jobbers, competing in the distribution of respondent's products with said favored jobber, 10 days for payment on such basis.

PAR. 3. By means of acts and practices, as aforesaid, and particularly by the furnishing of the services described above in paragraph two, respondent, during the period aforesaid, discriminated and is now discriminating in favor of certain purchasers against certain other purchasers of respondent's products bought by them for resale. Such services were and are now furnished by respondent to such favored purchasers upon terms now accorded to all purchasers on proportionately equal terms, in violation of Subsection (e) of Section 2 of the Act of Congress aforesaid.

Wherefore, the premises considered, the Federal Trade Commission, on this 6th day of October, A. D., 1939, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Larus & Brother Company, Inc., respondent herein, that the 10th day of November, A. D., 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 6th day of October, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3754; Filed, October 11, 1939; 11:03 a. m.]

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*United States of America—Before Federal Trade Commission*

[Docket No. 3916]

IN THE MATTER OF CHARLES V. HERRON, AN INDIVIDUAL, RYON GRAIN COMPANY, A CORPORATION, AND MCLAUGHLIN, WARD & COMPANY, A CORPORATION

COMPLAINT

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof, and hereinafter more particularly described, since June 19, 1936, have violated and are now violating the provisions of Subsection (c) of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Section 13), issues its complaint stating its charge with respect thereto as follows:

PARAGRAPH 1. Respondent Charles V. Herron, is an individual, doing business under the firm name and style of Charles V. Herron Company, a sole proprietorship, and has his principal office and place of business at 101 North Governor Street, Evansville, Indiana, and has been prior to June 19, 1936, and is now engaged in the buying and selling, for his own account, of beans, and also engaged in the business of and acting as broker in the sale of foodstuffs, grocery products, canned goods and allied commodities. Respondent buys, sells and distributes said commodities in commerce between and among the various states of the United States, causing said commodities to be shipped and transported to him from the various places of business of those from whom respondent purchases said commodities located in states other than the State of Indiana, and sells and distributes the commodities so purchased for his own account in commerce and ships and transports said commodities pursuant to said sales to his customers located in the States of Kentucky, Illinois, and Indiana.

PAR. 2. Respondent Ryon Grain Company is a corporation organized and existing under the laws of the State of Michigan with its principal office and place of business located at 428 Mutual Building, Lansing, Michigan, and has been and is engaged in the business of selling and distributing grain and beans in commerce between and among the various states of the United States, causing said grain and beans to be shipped and transported from said place of business in Lansing, Michigan, to purchasers thereof located in the various states of the United States for use and resale within said states.

PAR. 3. McLaughlin, Ward & Company is a corporation organized and existing under and by virtue of the laws of the State of Michigan, with its principal office and place of business at 200 East Pearl Street, Jackson, Michigan, and has been and is engaged in the sale and distribution of beans and other foodstuffs and allied commodities in commerce between and among the various states of the United States, causing said beans, foodstuffs and allied commodities to be shipped and transported from its place of business in Jackson, Michigan, to purchasers thereof located in the various states of the United States, for use and resale within said states.

PAR. 4. In the course and conduct of his business as aforesaid since June 19, 1936, respondent Charles V. Herron, trading as Charles V. Herron Company, has been and is now making purchases of beans in commerce from said seller respondents, Ryon Grain Company and McLaughlin, Ward & Company, which said beans are shipped or caused to be shipped by said seller respondents from the State of Michigan into the State of Indiana and in the course of making said purchases in commerce, for his own account, of said beans from said seller respondents, Ryon Grain Company and McLaughlin, Ward & Company, said respondent Charles V. Herron, trading as Charles V. Herron Company, has been and is now receiving and accepting from said seller respondents, Ryon Grain Company and McLaughlin, Ward & Company, and said seller respondents have been and are now making and granting to respondent Charles V. Herron, trading as Charles V. Herron Company, an allowance of 6¢ per bag of beans in lieu of brokerage upon said purchases in commerce from said seller respondents, Ryon Grain Company and McLaughlin, Ward & Company for which said allowance upon said purchases so made in commerce no services whatsoever have at any time been rendered or are now being rendered by respondent Charles V. Herron, trading as Charles V. Herron Company.

PAR. 5. The aforesaid acts of the respondents constitute a violation of the provisions of Subsection (c) of Section 2 of the above mentioned Clayton Act, as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Section 13).

Wherefore, the premises considered, the Federal Trade Commission on this 6th day of October, A. D., 1939, issues its complaint against said respondents.



NOTICE

Notice is hereby given you, Charles V. Herron, an individual, Ryon Grain Company, a corporation, and McLaughlin, Ward & Company, a corporation, respondents herein, that the 10th day of November, A. D., 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 6th day of October, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3755; Filed, October 11, 1939; 11:03 a. m.]

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*United States of America—Before Federal Trade Commission*

[Docket No. 3919]

IN THE MATTER OF PHILIP MORRIS & COMPANY, LTD., INC., RESPONDENT

COMPLAINT

The Federal Trade Commission, having reason to believe that the respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C., title 15, sec. 13), hereby issues this, its complaint, stating its charges with respect thereto as follows:

I

PARAGRAPH 1. Respondent is a corporation of the state of Virginia. Its principal office is at 119 Fifth Avenue, New York City, New York. Its business is that of manufacturing, selling, and distributing cigarettes, cigarette tobacco, smoking tobacco, and other tobacco products and sundries. It has places of business, factories, and warehouses in Richmond, Virginia, and in other places and states.

PAR. 2. At all times during the period hitherto, since June 19, 1936, respondent maintained and is now maintaining a continuous course of trade and commerce in said products among and between the several states in which respondent has had and now has places of business, factories and warehouses, and between each of such states and the several other states of the United States and the District of Columbia. Respondent, continuously during said period, while engaged in its business aforesaid, and in commerce, namely, trade and commerce as aforesaid, in the course of such commerce, sold, shipped, and distributed its products from the states in which respondent has had and now has places of business, factories, and warehouses, to various purchasers of its products, namely, distributors of tobacco products, located in such states and in the several other states of the United States and the District of Columbia, for use, consumption, and resale therein.

PAR. 3. Respondent, during the period aforesaid, as and when it determined to accept an order for its products and charge it to a certain distributor, designated such distributor as a "direct customer", known also sometimes as a "direct buying customer", and placed such distributor on its list, called a "direct list", and sometimes as a "list of direct customers". Among the purchasers of respondent's products on its "direct list" are jobbers and some retailers such as chain stores. Among the purchasers of respondent's products "not on direct list" are subjobbers and some retailers such as independent drug, grocery, and cigar stores. The latter purchasers are sometimes called "indirect customers" and "indirect buying customers", and include all distributors of respondent's products except those on its "direct list".

Respondent has extended and is now extending the relationship of seller and customer between it and retail distributors "not on direct list", by means of its many dealings with such distributors, in connection with the sale of its products, and particularly by the use of its many salesmen, sometimes referred to as "missionary men". Such salesmen have made many sales to such distributors. Respondent has shipped its products to many retail distributors "not on direct list", upon receipt of their orders instructing respondent to make such delivery, and to make its charges therefor against a particular jobber on respondent's "direct list" (such shipments being sometimes called "drop shipments"). Retail distributors to whom such sales are made, those to whom such shipments are made, and those with whom respondent has had dealings in connection with the sale of its products, are, by reason of respondent's acts and practices, in fact, customers of, and purchasers from, respondent. By means of such sales, shipments, and other dealings, respondent also extends its control over the prices at which its products are sold by all retail distributors to consumers.

PAR. 4. Respondent, during the period aforesaid, listed the prices of its tobacco products and sundries in descriptive price lists published and distributed by it from time to time, and offered and allowed, as regular discounts from such prices, a 10 per cent discount, sometimes called a "trade discount", and after the deduction of such discount, a 2 per cent discount, sometimes called a "cash discount". List prices as reduced by such discounts are sometimes referred to as "standard prices." Respondent's standard prices serve as a basis for the standard prices of wholesalers and retailers.

Deviations from such standard prices have been effected by respondent during the period aforesaid as follows:

(a) Respondent solicited orders for cigarettes from certain of said distributors, namely, owners and operators of vending machines, for sale in vending machines, and agreed to pay to them 50¢ for each thousand of its cigarettes purchased by them for sale in such machines. Respondent made such payments upon being furnished proof satisfactory to it of the purchase by such distributors of such cigarettes. When such distributor was on respondent's "direct list", respondent sent its invoice for such cigarettes to such distributor. When such distributor was not on respondent's "direct list", respondent sent its invoice for such cigarettes to the jobber on respondent's "direct list" selected by such distributor as the one to whom such order should be charged, and shipped such cigarettes directly to such distributor (such shipments being sometimes called "drop shipments"). Respondent also shipped cigarettes for sale in vending machines to jobbers on its "direct list", upon receipt of orders from them for such cigarettes, and sent its invoices covering such orders to such jobbers. The amount which such owners and operators of vending machines thus paid for such cigarettes was, according to the practices thus developed, a sum substantially less than the amount which other competing distributors selling at retail paid to jobbers of respondent's products for an equal quantity of similar cigarettes purchased by them at the same time.

PAR. 5. By means of acts and practices, as aforesaid, and particularly those described above in paragraph four, respondent, during the period aforesaid, discriminated in price between different purchasers of commodities, to-wit, tobacco products, of like grade and quality; one or more of the purchases involved in such discriminations were in commerce; and such commodities were sold for use, consumption and resale within the United States and the District of Columbia. Respondent is now discriminating in price as aforesaid. The effect of such discriminations may be to injure, destroy and prevent competition with the purchasers from respondent who received the benefit of such discriminations and with the customers of such purchasers. Such discriminations constitute a violation of Subsection (a) of Section 2 of the Act of Congress aforesaid.

II

And the Federal Trade Commission, as and for a further and second count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this second count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent, during said period, made and is now making valuable payments and gave and is now giving valuable considerations to certain distributors, such as chain stores and other retailers, selected by respondent for the furnishing by them of services and facilities, such as counter and window displays, for the advertising of respondent's products. Such payments and considerations were not and are not now available to other distributors competing in the distribution of respondent's products. Said practices were conducted in such manner as to result in giving certain distributors exclusively the benefits accruing from said payments and considerations.

For example, in carrying out such practices, respondent paid in 1938, as charged aforesaid, for window displays, $22,500.00 to Walgreen Drug Company, of Chicago, Illinois; $1,800.00 to Hook Drug Company, of Indianapolis, Indiana; and $4,800.00 to Sontag Drug Stores, of Hollywood, California.

PAR. 3. By means of acts and practices, as aforesaid, and particularly those described above in paragraph two, respondent, during the period aforesaid, contracted to pay and paid, and is now contracting to pay and paying, to and for the benefit of certain of its customers, certain valuable payments and considerations, as compensation for, and in consideration for, certain services and facilities furnished by and through such customers in connection with the handling, sale, and offering for sale, of the tobacco products manufactured, sold, and offered for sale by respondent. Such payments and considerations were not, and are not now, available on proportionately equal terms to all other customers of respondent competing in the distribution of such products, and constitute a violation of Subsection (d) of Section 2 of the Act of Congress aforesaid.

III

And the Federal Trade Commission, as and for a further and third count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this third count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent has allowed and is now allowing some direct customers a period of time of a certain definite length, for example, 30 days, for payment on a 2 per cent discount basis, sometimes called a "cash discount", of products ordered by and charged to them which it has not allowed and is not now allowing to other direct customers. The allowance of time for payment as aforesaid constitutes a service to respondent's customers which becomes of greater value as the length of such time is extended.

For example, respondent allowed, as charged aforesaid, its jobber Eli Witt Cigar Company, Tampa, Florida, until the 20th of the month succeeding the month of purchase for payment on said cash discount basis and, following its general rule applicable to jobbers, allowed other jobbers, competing in the distribution of respondent's products with said favored jobber, 10 days for payment on such basis.

PAR. 3. By means of acts and practices, as aforesaid, and particularly by the furnishing of the services described above in paragraph two, respondent, during the period aforesaid, discriminated and is now discriminating in favor of certain purchasers against certain other purchasers of respondent's products bought by them for resale. Such services were and are now furnished by respondent to such favored purchasers upon terms not accorded to all purchasers on proportionately equal terms, in violation of Subsection (e) of Section 2 of the Act of Congress aforesaid.

Wherefore, the premises considered, the Federal Trade Commission, on this 7th day of October, A. D., 1939, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Philip Morris & Company, Ltd., Inc., respondent herein, that the 10th day of November, A. D., 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 7th day of October, A. D., 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3755; Filed, October 11, 1939; 11:04 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of October, A. D. 1939.

[File No. 56-64]

IN THE MATTER OF WALNUT ELECTRIC AND GAS CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (d) and Rule U-12D-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;



*It is ordered*, That a hearing on such matter be held on October 26, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 21, 1939.

The matter concerned herewith is in regard to an application by Walnut Electric and Gas Corporation pursuant to Rule U-12D-1 with regard to the following transactions:

(1) The sale by Walnut Electric and Gas Corporation of the following securities of Vermont Lighting Corporation to Joseph M. Nelson of Barre, Vermont, for $8,000 plus the amount by which the current assets of Vermont will exceed its current liabilities at the time the sale is consummated:

$24,400 principal amount of First Mortgage 5% Bonds, due 1944;

$35,000 principal amount of unsecured, non-interest bearing open account indebtedness; 909 shares, 6% preferred stock, par value $100 per share; and

2,970 shares, common stock, par value $100 per share;

(2) The sale by Walnut Electric and Gas Corporation of 1,000 shares of the capital stock of St. Johnsbury Gas Company, which is all of the issued and outstanding capital stock of that company, to Joseph M. Nelson of Barre, Vermont, for $8,000 plus the amount by which the current assets of St. Johnsbury Gas Company will exceed its current liabilities at the time the sale is consummated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3757; Filed, October 11, 1939; 11:26 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of October, A. D. 1939.

[File No. 32-177]

IN THE MATTER OF PHILADELPHIA ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

Applications and a declaration pursuant to sections 6 (b) and 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on October 23, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 18, 1939.

The matter concerned herewith is in regard to the proposed issue and private sale by said company, a registered holding company under the Public Utility Holding Company Act of 1935, of the following securities:

(a) $10,000,000 in principal amount of 2¾% promissory notes, maturing serially at the rate of $1,000,000 on October 15 of each of the years 1940 to 1949, inclusive, and

(b) 50,000 shares of $4.25 Dividend Preferred Stock (without nominal or par value).

The notes will be sold at 100% of their principal amount, plus accrued interest from October 15, 1939, to two insurance companies, in the following principal amounts:

| | |
|---|---|
| The Prudential Insurance Company of America | $8,500,000 |
| The Penn Mutual Life Insurance Company | 1,500,000 |

The proceeds from such sales, together with approximately $20,000 cash from the company's own funds (being the amount of estimated expenses), are to be applied to the payment at maturity of $10,000,000 in principal amount of the applicant company's outstanding 1½% six-months' promissory notes maturing October 26, 1939, now held by certain banks.

The Preferred Stock will be sold at $100 per share to New York Life Insurance Company and The Prudential Insurance Company of America, 25,000 shares to each purchaser. The applicant company states that the net proceeds from such sale ($5,000,000 less estimated expenses of $20,000) will be used to reimburse the company in part for moneys expended for acquisitions, additions, extensions, betterments and improvements of and to the utility plant of the company, and to provide additional working capital.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3758; Filed, October 11, 1939; 11:26 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1939.

[File No. 46-178]

IN THE MATTER OF ELECTRIC BOND & SHARE COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 10 (a) (1) and Rule U-12B-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on October 24, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 19, 1939.

The matter concerned herewith is in regard to the proposed acquisition by Electric Bond & Share Company, a registered holding company, of a promissory note of American & Foreign Power Company Inc. (an associate company) dated as of October 26, 1939 in the principal amount of $4,400,000 and/or the extension of the maturity of $4,400,000 principal amount of American & Foreign Power Company Inc.'s present $4,800,000 note to Electric Bond & Share Company. Under the terms of the proposed agreement $800,000 is to be paid on account of principal in two equal instalments on or before October 26, 1940 and October 26, 1941, respectively, the balance to be paid on or before October 26, 1942. Interest charges are to be changed from 4½% per annum to 3½% per annum for the first year, 3¾% for the second, and 4% for the third.

American & Foreign Power Company Inc. will simultaneously with the carrying out of the proposed transaction and upon similar terms and conditions extend the maturity of $17,600,000 principal amount of its presently outstanding promissory notes to ten banks which presently hold $19,200,000 in aggregate amount of said notes.

No fees, commissions or other remunerations are proposed to be paid by applicant to any person in connection with the acquisition and extension of this note.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3759; Filed, October 11, 1939; 11:26 a. m.]

OCT 16 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 198

*Washington, Friday, October 13, 1939*


## *The President*

### EXECUTIVE ORDER

AMENDMENT OF BASIC EXCHANGE RATES PRESCRIBED BY SECTION 4 OF EXECUTIVE ORDER No. 7972 OF SEPTEMBER 15, 1938

By virtue of the authority vested in me by the act of March 26, 1934, ch. 87, 48 Stat. 466, the basic exchange rates established by section 4 of Executive Order No. 7972 of September 15, 1938,[1] prescribing regulations for payment of losses sustained by officers, enlisted men, and employees of the United States in foreign countries on account of appreciation of foreign currencies in their relation to the American dollar, are hereby amended to read as follows:

| Country | Monetary unit | Basic rate |
|---|---|---|
| Albania | Franc | 19.26 |
| Argentina | Peso | 38.52 |
| Belgian Congo | Belga | 13.93 |
| Belgium | Belga | 13.93 |
| Bolivia | Boliviano | 34.97 |
| Brazil | Milreis | 10.67 |
| Bulgaria | Lev | .72 |
| Canada | Dollar | 99.05 |
| Chile | Peso | 12.08 |
| China | Yuan | 36.87 |
| Colombia | Peso | 96.99 |
| Costa Rica | Colon | 25.00 |
| Cuba | Peso | 99.95 |
| Czechoslovakia | Koruna | 2.96 |
| Danzig | Reichsmark | 23.80 |
| Denmark | Krone | 20.39 |
| Dominican Republic | Dollar | 100.00 |
| Ecuador | Sucre | 20.00 |
| Egypt | Pound | 491.82 |
| El Salvador | Colon | 49.33 |
| Estonia | Kroon | 26.66 |
| Ethiopia | Lira | 5.22 |
| Finland | Markka | 2.49 |
| France | Franc | 3.92 |
| France (Possessions): | | |
| Algiers | Franc | 3.92 |
| Martinique | Franc | 3.92 |
| Saigon | Franc | 3.92 |
| Tahiti | Franc | 3.92 |
| Tunis | Franc | 3.92 |
| Germany | Reichsmark | 23.80 |
| Great Britain | Pound | 479.62 |
| Great Britain (Possessions): | | |
| Aden | Rupee | 35.71 |
| Australia | Pound | 383.70 |
| Barbados | Dollar | 100.00 |
| Belize | Dollar | 100.00 |
| Colombo | Rupee | 35.61 |
| Gibraltar | Pound | 479.62 |
| Hamilton, Bermuda | Pound | 479.62 |
| Hong Kong | Dollar | 40.93 |
| India | Rupee | 35.74 |
| Kingston, Jamaica | Pound | 479.62 |
| Lagos | Pound | 479.62 |
| Malta | Pound | 479.62 |
| Nairobi | Pound | 479.62 |
| Nassau | Pound | 479.62 |
| Newfoundland | Dollar | 99.05 |
| New Zealand | Pound | 383.70 |
| Penang | Dollar | 55.35 |
| Singapore | Dollar | 55.35 |
| Trinidad | Dollar | 98.35 |
| Greece | Drachma | 1.30 |
| Guatemala | Quetzal | 100.00 |
| Haiti | Gourde | 20.00 |
| Honduras | Lempira | 50.00 |
| Hungary | Pengo | 16.31 |
| Iran | Rial | 8.49 |
| Iraq | Pound | 482.33 |
| Ireland | Pound | 479.62 |
| Italy | Lira | 5.22 |
| Japan | Yen | 47.63 |
| Latvia | Lat | 19.31 |
| Liberia | Pound | 472.28 |
| Lithuania | Litas | 10.00 |
| Luxemburg | Franc | 2.70 |
| Mexico | Peso | 45.22 |
| Morocco | Franc | 3.91 |
| Netherlands | Florin | 40.19 |
| Netherlands (Possessions): | | |
| Batavia | Florin | 40.19 |
| Curaçao | Florin | 40.19 |
| Medan | Florin | 40.19 |
| Surabaya | Florin | 40.19 |
| Nicaragua | Cordoba | 100.00 |
| Norway | Krone | 26.25 |
| Palestine | Pound | 464.51 |
| Panama | Balboa | 100.00 |
| Paraguay | Peso | 2.03 |
| Peru | Sol | 37.52 |
| Poland | Zloty | 11.20 |
| Portugal | Escudo | 4.54 |
| Portugal (Possessions): | | |
| Lourenco Marques | Mozambique Escudo. | 4.54 |
| Rumania | Leu | .60 |
| Spain | Peseta | 13.90 |
| Sweden | Krona | 26.56 |
| Switzerland | Franc | 19.31 |
| Syria | Syrian Pound | 78.77 |
| Thailand (Siam) | Baht | 44.49 |
| Turkey | Lira | 48.99 |
| Union of South Africa | Pound | 483.42 |
| U. S. S. R. | Ruble | 5.75 |
| Uruguay | Peso | 88.76 |
| Venezuela | Bolivar | 18.69 |
| Yugoslavia | Dinar | 1.76 |
| Yunnanfu | Piaster | 38.00 |

[1] 3 F.R. 2249 DI.

This order shall become effective on December 1, 1939: *Provided*, that for the period from October 1, 1939, to November 30, 1939, the monetary unit for Danzig shall be the reichsmark and the basic rate of exchange shall be 23.77.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 11, 1939.*

[No. 8269]

[F. R. Doc. 39-3772; Filed, October 12, 1939; 11:54 a. m.]

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FEDERAL REGISTER

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*Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### FEDERAL SURPLUS COMMODITIES CORPORATION

DESIGNATION OF AREA UNDER FOOD STAMP PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, effective 12:01 A. M., E. S. T., October 16, 1939, the following area is hereby designated as an area in which food order stamps may be used and in which the agricultural commodities or products listed in Surplus Commodities Bulletin No. 3,[1] approved by the Secretary of Agriculture September 25, 1939, shall be considered surplus foods:

The area within the townships of Capitol, Woodside and Springfield, Sangamon County, Illinois and the immediate environs as defined by the local representative of the Federal Surplus Commodities Corporation. The posting of the definition of "the immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation shall constitute due notice thereof.

[SEAL] MILO PERKINS, *President.*

OCTOBER 9, 1939.

[F. R. Doc. 39-3769; Filed, October 12, 1939; 9:40 a. m.]

[1] 4 F.R. 4045 DI.

## TITLE 24—HOUSING CREDIT

### UNITED STATES HOUSING AUTHORITY

PART 634—PERSONNEL REQUIREMENTS FOR SUPERVISION AND INSPECTION OF PROJECT DURING CONSTRUCTION*†

Sec.
634.0 Scope and content.
634.1 General factors to be considered in setting up the supervisory and inspection staff for the project.
634.2 Hypothetical project and supervisory and inspection staff recommended therefor.

§ 634.0 *Scope and content.* The size and composition of the staff needed for supervision and inspection will depend upon the numerous factors and combinations of factors involved in the particular project. Section 634.1 below sets forth the general factors which, in conjunction, will ordinarily determine the personnel required to insure competent and adequate supervision and inspection. Section 634.2 below describes a hypothetical project and indicates the size and composition of the supervisory and inspection staff which will ordinarily be needed for such a project.*† [Introduction]

§ 634.1 *General factors to be considered in setting up the supervisory and inspection staff for the project.* (a) *Volume of construction.* The term "volume of construction", as used herein, refers to the size of the project expressed in terms of its development cost. The volume of construction involved in the project determines to a great extent the personnel needed for supervision and inspection. Thus, a project costing $5,000,000 will ordinarily require a larger staff than one costing $3,500,000 or any other amount substantially smaller than $5,000,000. The volume of construction is one of the most important factors to be considered, although neither the size nor the composition of the supervisory and inspection staff depends upon the volume of construction or any other single factor.

(b) *Nature of materials and construction.* Complicated and unusual construction systems, or a wide variety of materials and equipment, will increase the amount of supervision and inspection required. Thus, a $5,000,000 project involving relatively few and simple processes might be adequately supervised and inspected with a smaller staff than a $4,000,000 project involving numerous types of materials and complex equipment.

(c) *Number of construction contracts involved.* The local authority should endeavor to keep the number of construction contracts down to a minimum. If the general construction is under one or more contracts and there are separate contracts for the heating, the plumbing, the electrical work, the landscape work, and other items, the supervisory and inspection staff may find it necessary to do much of the coordination work which would normally be the responsibility of the general contractor. Any such coordination work which devolves upon the staff will decrease the amount of time available for actual supervision and inspection and may require additions to its personnel.

(d) *Distribution of construction operations.* The area covered by the construction operations may affect the personnel required for supervision and inspection. Most USHA-aided projects extend over an area larger than that normally required for construction involving similar expenditures. The local housing authority should make certain that the contractor organizes his operations so as to overcome, so far as practicable, the difficulties incident to the supervision and inspection of construction operations over an enlarged area.

(e) *Competency and general attitude of contractors, subcontractors, and labor employed.* Although the local authority should act generally upon the assumption that the contractor, his subcontractors, and the labor employed will all be efficient and cooperative, the local authority should anticipate the fact that it may sometimes become necessary to strengthen the supervisory and inspection staff because of the various trades by the general contractor.

(f) *Nature of plans and specifications.* The attention of local authorities is invited to the fact that inadequate and poorly prepared plans and specifications, particularly plans and specifications which are not properly coordinated, constitute sources of disputes, delays, extras, and claims. Such factors not only consume a large part of the time of the inspection and supervisory staff during construction, but will often require the retention of at least a portion of the staff after construction has been substantially completed and the period of settlement has begun.

(g) *Extent to which construction materials and equipment meet specifications.* The extent to which the construction materials and equipment generally meet specification requirements is an important factor in determining the size of the supervisory and inspection staff. Materials and equipment used in construction must always be inspected at source or upon delivery. Inspection is sometimes necessary at both points. Normally there will be many borderline cases of noncompliance with contract specifications and it is impossible to determine, in advance, the exact time which may be needed to inspect material and equipment prior to use. However, the local authority should have the contract specifications made as simple and concise as practicable. Complex or ambiguous specifications increase the difficulty of determining whether the material and equipment meet contract requirements, may often cause disputes and delays and may, in certain cases, require additions to the supervisory and inspection staff.

(h) *Delays in construction.* Delays in construction due to general causes will not ordinarily require increased personnel. Such delays will, however, increase the time of service for the supervision and inspection staff and thus increase the total cost of its services. Delays due to prolonged strikes often result in increased activity upon the resumption of work. This increase in activity may require increased supervision and inspection personnel until the normal rate of operations is resumed.*† [Par. I]

§ 634.2 *Hypothetical project and supervisory and inspection staff recommended therefor.* In order to guide the local housing authority in determining the inspection and supervisory staff required for its particular project or projects, this paragraph outlines a hypothetical project and sets up the supervisory and inspection staff which will ordinarily be needed to insure the "competent and adequate architectural or engineering supervision and inspection" required by the "Terms and Conditions".

(a) *Characteristics of the hypothetical project.* The main features of the project are as follows:

(1) The total development cost is $3,000,000.

(2) The project consists of row houses and apartment buildings arranged in a relatively compact area.

(3) There are no serious foundation problems.

(4) The construction of the project is all fireproof (i. e., masonry exterior bearing walls; solid slab concrete or combination tile and concrete joists, floor construction and interior supporting columns and beams of concrete; solid plaster partitions with metal base; metal door bucks; steel or concrete stairs; asphalt tile and linoleum floors) and simple finish is generally used throughout.

(5) There is one central heating plant, and the existing system of utilities is generally adequate.

(6) All the construction work, including the work to be performed by the mechanical trades, is under one general contract, leaving only the purchase and installation of some equipment, such as ranges and refrigerators, and the contracting for landscape work for the future.

(7) The general contractor and his subcontractors are known to be efficient and reliable, and the available labor is competent.

(8) Good brick and other masonry materials are available locally and there are dependable sources of good quality ready-mixed concrete. The local or nearby markets supply good metal, wood, roofing and other products.

(9) The plans and specifications for the project have been well prepared and checked.

(b) *Recommended supervision and inspection personnel for the hypothetical project.* The project described above will ordinarily require a supervisory and inspection staff including at least the following:

(1) *A general superintendent.* This employee should be placed in general charge of supervision and inspection of construction and office routine on the project site. His background should include experience as a general contractor, general contractor's superintendent, or as an architect. He should be a good organizer, should be the type to inspire cooperation on the part of his subordinates, and should possess the tact, sound judgment, sense of fairness, and the degree of firmness necessary for proper relationship with the contractor.

(2) *A chief building and materials inspector.* This employee should be in direct charge of the subordinate inspectors and should assign their duties and oversee their work and should himself be active in the inspection of materials and workmanship. His qualifications should, in general, be similar to those of the general superintendent.

(3) *Assistant building and materials inspectors.* This phase of supervision and inspection will ordinarily require the equivalent, in time, of two men for the entire period of the construction work. Preferably these employees should be experienced in the trades they will inspect and should have general experience in construction.

(4) *A mechanical inspector for plumbing and heating.* This employee should be in direct charge of the inspection of these phases of construction. He should have a background of broad experience, practical and theoretical, in these trades.

(5) *An assistant mechanical inspector for plumbing and heating.* This phase of supervision and inspection will ordinarily require the equivalent, in time, of one employee for one and one-half years. The qualifications of this employee should be approximately the same as those set forth for the mechanical inspector for plumbing and heating.

(6) *A mechanical inspector for electrical work.* This employee should be in direct charge of supervision and inspection of electrical installation. He should have a background of broad practical and theoretical experience in this trade.

This supervisory and inspection staff comprises the minimum personnel which will ordinarily be required for a project such as the one outlined above. The local authority may find it necessary or advisable temporarily to expand this staff if the contractor is accelerating special phases of construction work, such as masonry, or if the normal program of construction is disrupted.*† [Par. II]

NATHAN STRAUS, *Administrator.*

[F. R. Doc. 39-3770; Filed, October 12, 1939; 9:55 a. m.]

*Sections 634.0 to 634.2 issued under the authority contained in Sec. 8, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408.

†The source of Section 634.0 to 634.2 is Bulletin 23, May 10, 1939.

## TITLE 26—INTERNAL REVENUE

### BUREAU OF INTERNAL REVENUE

[T. D. 4952]

PART 317—REGULATIONS RELATING TO THE TAX IMPOSED BY THE ACT APPROVED MARCH 1, 1893, AS AMENDED, WITH RESPECT TO CERTAIN HYDRAULIC MINING.*†

*To Collectors of Internal Revenue and Others Concerned:*

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317.1 Scope of regulations.
317.2 Definitions.
317.3 Rates of tax.
317.4 Liability for the tax.
317.5 Ascertainment of quantity mined.
317.6 Returns.
317.7 Due date and place for filing returns and paying tax.
317.8 Penalties and interest.

§ 317.0 *Introductory.* (a) The Act entitled "An Act to create the California Debris Commission and regulate hydraulic mining in the State of California", approved March 1, 1893, as amended, 27 Stat. 507; 34 Stat. 1001; 48 Stat. 1118, provides in part as follows:

That a commission is hereby created, to be known as the California Debris Commission, consisting of three members. * * *

SEC. 3. That the jurisdiction of said commission, in so far as the same affects mining carried on by the hydraulic process, shall extend to all such mining in the territory drained by the Sacramento and San Joaquin river systems in the State of California. * * *

SEC. 8. That for the purposes of this act "hydraulic mining" and "mining by the hydraulic process", are hereby declared to have the meaning and application given to said terms in said State.

SEC. 9. That the individual proprietor or proprietors, or in case of a corporation its manager or agent appointed for that purpose, owning mining ground in the territory in the State of California mentioned in section three hereof, which it is desired to work

*Sections 317.0 to 317.8 are issued under the authority contained in sec. 23, 27 Stat. 510, as amended by sec. 2, 48 Stat. 1118, and Chap. 653, 52 Stat. 1040; 33 U.S.C. 683 and Sup. IV; and sec. 3791 of the Internal Revenue Code, 53 Stat. Part 1, and interpret said sec. 23, 27 Stat. 510, as amended.

†The source of sections 317.0 to 317.8 is Treasury Decision 4952, Bureau of Internal Revenue, approved October 11, 1939.

by the hydraulic process, must file with said commission a verified petition, setting forth such facts as will comply with law and the rules prescribed by said commission.

* * * * *

SEC. 13. That in case a majority of the members of said Commission, within thirty days after the time so fixed, concur in the decision in favor of the petitioner or petitioners, the said Commission shall thereupon make an order directing the methods and specifying in detail the manner in which operations shall proceed in such mine or mines; * * *.

SEC. 23. Upon the construction by the said commission of dams or other works for the detention of debris from hydraulic mines and the issuing of the order provided for by this Act to any individual, company, or corporation to work any mine or mines by hydraulic process, the individual, company, or corporation operating thereunder working any mine or mines by hydraulic process, the debris from which flows into or is in whole or in part restrained by such dams or other works erected by said commission, shall pay for each cubic yard mined from the natural bank a tax equal to the total capital cost of the dam, reservoir, and rights of way divided by the total capacity of the reservoir for the restraint of debris, as determined in each case by the California Debris Commission, which tax shall be paid annually on a date fixed by said commission and in accordance with regulations to be adopted by the Secretary of the Treasury, and the Treasurer of the United States is hereby authorized to receive the same. * * *

(b) The Internal Revenue Code provides in part:

SEC. 3603. NOTICE REQUIRING RECORDS, STATEMENTS, AND SPECIAL RETURNS.

Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

* * * * *

SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

(a) AUTHORITY OF COLLECTOR. If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) AUTHORITY OF COMMISSIONER. In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise—

(1) TO MAKE RETURN. Make a return, or

(2) TO AMEND COLLECTOR'S RETURN. Amend any return made by a collector or deputy collector.

(c) LEGAL STATUS OF RETURNS. Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

(d) ADDITIONS TO TAX.—

(1) FAILURE TO FILE RETURN. In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) FRAUD. In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

* * * * *

(e) COLLECTION OF ADDITIONS TO TAX. The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

(f) DETERMINATION AND ASSESSMENT. The Commissioner shall determine and assess all taxes, other than stamp taxes, as to which returns or lists are so made under the provisions of this section.

* * * * *

SEC. 3614. EXAMINATION OF BOOKS AND WITNESSES

(a) TO DETERMINE LIABILITY OF THE TAXPAYER. The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

* * * * *

SEC. 3616. PENALTIES.

Whenever any person—

(a) FALSE RETURNS. Delivers or discloses to the collector or deputy any false or fraudulent list, return account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made; or,

(b) NEGLECT TO OBEY SUMMONS. Being duly summoned to appear to testify, or to appear and produce books as required under section 3615, neglects to appear or to produce said books—he shall be fined not exceeding $1,000, or be imprisoned not exceeding one year, or both, at the discretion of the court, with costs of prosecution.

* * * * *

SEC. 3632. AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY.

(a) INTERNAL REVENUE PERSONNEL.

(1) PERSONS IN CHARGE OF ADMINISTRATION OF INTERNAL REVENUE LAWS GENERALLY. Every collector, deputy collector, internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

* * * * *

SEC. 3655. NOTICE AND DEMAND FOR TAX.

(a) DELIVERY. Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) ADDITION TO TAX FOR NONPAYMENT. If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment; * * *.

* * * * *

SEC. 3770. AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS.

(a) TO TAXPAYERS.—

(1) ASSESSMENTS AND COLLECTIONS GENERALLY. Except as otherwise provided by law in the case of income, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

* * * * *

SEC. 3791. RULES AND REGULATIONS.

(a) AUTHORIZATION.—

* * * * *

(2) IN CASE OF CHANGE IN LAW. The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue. * * *

§ 317.1 *Scope of regulations.* These regulations deal with the tax imposed with respect to certain hydraulic mining, the debris from which flows into or is in whole or in part restrained by dams or other works erected for the detention of debris by the California Debris Commission in the area drained by the Sacramento and San Joaquin river systems in the State of California.

More specifically these regulations apply to hydraulic mining the debris from which flows into or is in whole or in part restrained by debris dams or other works erected or to be erected by the California Debris Commission on tributaries of the Sacramento River as follows: (a) the debris dam or works known as "North Fork" on the North Fork of the American River, just above the confluence of the North and Middle Forks of the American River, located in Placer County, State of California; (b) the debris dam or works known as "Upper Narrows" on the Yuba River, just above the confluence of the Yuba and Feather Rivers, located in Nevada and Yuba Counties, State of California; and (c) the debris dam or works known as "Ruck-a-Chucky" on the Middle Fork of the American River, just above the confluence of the Middle and North Forks of the American River, located in Placer and Eldorado Counties, State of California.*†

§ 317.2 *Definitions.* As used in these regulations:

(a) The term "Act" means "An Act to create the California Debris Commission and regulate hydraulic mining in the State of California" approved March 1, 1893, as amended, 27 Stat. 507; 34 Stat. 1001; 48 Stat. 1118.



(b) The term "person" means an individual, a trust, estate, partnership, company or corporation.

(c) The term "Secretary" means the Secretary of the Treasury.

(d) The term "Commissioner" means the Commissioner of Internal Revenue.

(e) The term "collector" means the collector of internal revenue.

(f) The terms "hydraulic mining" and "mining by the hydraulic process" shall have the meaning and application given said terms in the State of California.

(g) The term "taxable year" means the twelve-month period ending on August 31st of each year for which the tax imposed by the Act is payable.*†

§ 317.3 *Rates of tax.* Under the Act the California Debris Commission will determine and prescribe with respect to each debris dam or other works the rate of tax payable in the area served by the particular debris dam or works. The Secretary of War will notify the Secretary of the Treasury of the rate of tax fixed with respect to each debris dam or works as such rate becomes known.

The tax is payable annually on the basis of the number of cubic yards mined from the natural bank by the hydraulic process during the taxable year.*†

§ 317.4 *Liability for the tax.* Liability for tax attaches to any person engaged at any time during the taxable year in hydraulic mining in an area served by any of the debris dams or other works identified in section 317.1 if the debris from such mining operations is in whole or in part restrained by any of such debris dams or works.*†

§ 317.5 *Ascertainment of quantity mined.* Each person engaged in hydraulic mining operations within the scope of the tax shall make or cause to be made appropriate surveys of the premises on which such hydraulic mining operations are conducted for the purpose of determining the cubic yardage mined from the natural bank. Such surveys shall be made at the beginning and end of hydraulic mining operations in each taxable year by a licensed engineer or other qualified agency having prior approval of the California Debris Commission, and shall conform to requirements prescribed by the California Debris Commission.*†

§ 317.6 *Returns.* Every person liable for tax for any taxable year shall prepare for such year a return in triplicate on Form 1 (California Debris) in accordance with the instructions thereon and in accordance with these regulations.

The return shall show the identity of the particular dam or other works restraining debris from the mine; the name and location of the mine; the name and address of the person to whom the California Debris Commission has issued a license to operate the mine; the number and date of the license; the name and address of the owner of the mine; the dates on which hydraulic mining operations began and ended during the taxable year for which the return is made; the number of cubic yards mined by the hydraulic process at the mine during the taxable year; the rate of tax per cubic yard determined by the California Debris Commission applicable to the particular mine; the amount of tax due and payable (cubic yards mined multiplied by the rate of tax per cubic yard).

With each return there must be submitted a supporting affidavit of the person who made the surveys at the mine for the mining season covered by the return (see section 317.5), stating that such surveys were made in accordance with requirements prescribed by the California Debris Commission.

The return shall be made under oath and verified before an officer duly authorized to administer oaths.*†

§ 317.7 *Due date and place for filing returns and paying tax.* The return for each taxable year shall be filed in triplicate with, and the tax shall be paid to, the Collector at San Francisco, California, on or before September 30th of each year. The tax is due and payable on such date without assessment by the Commissioner or notice from the collector.*†

§ 317.8 *Penalties and interest.* In the case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 5 per cent if the failure is for not more than 30 days, with an additional 5 per cent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per cent in the aggregate.

Where assessment is made, and payment is not made within 10 days after the issuance of the first notice and demand (Form 17), there will accrue under section 3655 of the Internal Revenue Code a 5 per cent penalty and interest at the rate of 6 per cent per annum computed upon the entire assessment from the date of issuance of Form 17 until date of payment.

If a claim for abatement is filed with the collector within 10 days after the date of the issuance of the first notice and demand, the 5 per cent penalty does not attach. If the assessment is not paid within 10 days after receipt of notice of rejection of the claim, the 5 per cent penalty applies. The filing of the claim does not stay the running of interest, which continues to run for the full period that intervenes between the date of the first notice and demand and the date of payment.

If a false or fraudulent return be willfully made, the penalty under section 3612 of the Internal Revenue Code is 50 per cent of the total tax due. For other penalties see section 3616 of the Internal Revenue Code.*†

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved and adopted, October 11, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3778; Filed, October 12, 1939; 12:50 p. m.]

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## TITLE 47—TELECOMMUNICATION

### FEDERAL COMMUNICATIONS COMMISSION

#### PART 2—GENERAL RULES AND REGULATIONS

The Commission on October 10, 1939, effective immediately, amended Appendix "B"[1] in part to read as follows:

| | | | | |
|---|---|---|---|---|
| 6520 | | Aviation | | |
| | j6523 | " | and | Government |
| j6530 | | " | " | " |
| | j6537 | " | " | " |
| n6540 | | " | " | " |
| | j6543 | " | " | " |
| j6550 | | " | " | " |
| | j6557 | " | " | " |
| 6560 | | " | | |
| | j6563 | " | and | Government |
| aj6570 | | " | " | " |
| | j6577 | " | " | " |
| 6580 | | " | | |
| | j6583 | " | and | Government |
| aj6590 | | " | " | " |
| | j6597 | " | " | " |
| j6600 | | " | " | " |
| * | * | * | * | * |
| 8210 | | Government | | |
| | j8217 | Aviation and | | Government |
| a8220 | | " | | |
| | j8225 | " | and | Government |
| 8230 | | " | | |
| | j8233 | " | and | Government |
| 8240 | | Ship Telegraph and Aviation | | |
| * | * | * | * | * |
| 8480 | | Coastal Telegraph | | |
| | j8485 | Aviation and Government | | |
| 8490 | | Coastal Telegraph | | |
| * | * | * | * | * |
| 8530 | | Government | | |
| | j8538 | Aviation and Government | | |
| 8540 | | Coastal Phone | | |
| | j8546 | Aviation and Government | | |
| 8550 | | Coastal Phone | | |
| | j8554 | Aviation and Government | | |
| 8560 | | " | | |
| | j8561 | " | and | Government |
| | j8569 | " | " | " |
| 8570 | | Coastal Telegraph | | |
| | j8577 | Aviation and Government | | |
| 8580 | | Coastal Telegraph | | |
| 8590 | | Government | | |
| * | * | * | * | * |
| 11,295 | | Coastal Telegraph | | |
| | j11,306 | Aviation and Government | | |
| 11,310 | | Coastal Telegraph | | |
| | j11,319 | Aviation and Government | | |
| 11,325 | | Coastal Telegraph | | |
| | 11,330 | Government | | |
| | j11,331 | Aviation and Government | | |
| 11,340 | | Mobile Press | | |
| | j11,344 | Aviation and Government | | |
| 11,355 | | Mobile Press | | |
| | j11,356 | Aviation and Government | | |
| | j11,369 | " | " | " |

[1] 4 F.R. 2109 DI.

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|---|---|---|---|---|---|
| 11,370 | | Coastal Phone | | | |
| | j11,381 | Aviation and Government | | | |
| 11,385 | | " | | | |
| | 11,390 | Government | | | |
| | j11,394 | Aviation and Government | | | |
| 11,400 | | " | | | |
| 11,415 | | Fixed | | | |
| • | • | • | • | • | |
| 12,765 | | Government | | | |
| | j12,776 | Aviation and Government | | | |
| 12,780 | | Government | | | |
| | j12,788 | Aviation and Government | | | |
| | | Government | | | |
| 12,795 | | | | | |
| 12,810 | | Coastal Phone | | | |
| | j12,824 | Aviation and Government | | | |
| 12,825 | | " | | | |
| 12,840 | | Coastal Phone | | | |
| • | • | • | • | • | |
| 17,240 | | Government | | | |
| | j17,257 | Aviation and Government | | | |
| 17,260 | | " | | | |
| | j17,274 | " and Government | | | |
| 17,280 | | " | | | |
| | j17,288 | " and Government | | | |
| 17,300 | | | | | |
| • | • | • | • | • | |
| 17,310 | | Experimental | | | |
| 17,320 | | | | | |
| | j17,319 | Aviation and Government | | | |
| | j17,336 | " " " | | | |
| 17,340 | | " | | | |
| | j17,350 | " and Government | | | |
| 17,360 | | " | | | |
| | j17,367 | " and Government | | | |
| | 17,370 | Government | | | |
| 17,380 | | Fixed | | | |
| • | • | • | • | • | |
| 23,200 | | Aviation | | | |
| | j23,211 | Aviation and Government | | | |
| 23,225 | | " | | | |
| | j23,234 | " and Government | | | |
| 23,250 | | " | | | |
| | j23,256 | " and Government | | | |
| 23,275 | | " | | | |
| | j23,279 | " and Government | | | |
| 23,300 | | Government | | | |
| | j23,301 | Aviation and Government | | | |
| | j23,324 | " " " | | | |
| 23,325 | | " | | | |
| | j23,346 | " and Government | | | |
| 23,350 | | " | | | |
| | j23,369 | " and Government | | | |
| 23,375 | | " | | | |
| • | • | • | • | • | |

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3775; Filed, October 12, 1939; 12:42 p. m.]

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PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES

The Commission on October 10, 1939, effective immediately, amended Section 7.58 (a) and (b) [1] in part as follows:

(a) • • •

8500
8570 [13]
8580 [13]

• • • • •

11,280
11,295 [13]
11,310 [13]

• • • • •

(b) • • •

8540 [9]
8550 [9]
8630

• • • • •

11,370 [9]
12,810
12,840

• • • • •

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3776; Filed, October 12, 1939; 12:42 p. m.]

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PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

The Commission on October 10, 1939, effective immediately, amended Section 9.73 (g) [1] to read:

(g) Inter-Continental Chain and Feeders (Orange).

I. Available for aeronautical and aircraft stations on the routes designated:

1. Inter-American Route:

| | | | |
|---|---|---|---|
| 6557 | 6597 | 8233 [25] | 17,257 |
| 6563 | 8217 [25] | 11381 | 17,274 |
| 6590 | 8225 [25] | 11394 | 23,301 |
| | | | 23,324 |

2. Transpacific Route:

| | | | |
|---|---|---|---|
| 6557 | 8561 | 11,369 | 17,336 |
| 6563 | 8569 | 12,824 | 23,346 |
| 6570 | 8577 | 17,319 | 23,369 |
| 6577 | 11356 | | |

3. Europe–North America Route:

| | | | |
|---|---|---|---|
| 6543 | 8538 | 11,319 | 17,350 |
| 6563 | 8546 | 12,776 | 17,367 [27] |
| 6570 | 8554 | 12,788 [26] | 23,211 |
| 6577 | 11306 | 17,288 | 23,234 |

4. Europe–North America Route via Arctic Region:

| | | | |
|---|---|---|---|
| 6523 | 6543 | 8485 | 17,288 |
| 6530 | 6550 | 11331 | 23,256 |
| 6537 | 6557 | 11344 | 23,279 |

II. Available for aeronautical and aircraft stations on routes 1, 2, 3 and 4, listed above: [27]

| | | | |
|---|---|---|---|
| 2870 | 5375 | 8220 | 12,330 |
| 2966 [25] | 8405 Day only | 8240 [25] | 16,440 |
| 3062.5 | 5692.5 | 11,470 [9] [25] | 17,000 [25] |
| 5165 [25] | 6570 | | |

III. Available for aeronautical fixed stations on routes 1, 2, 3 and 4, listed above: [27]

| | | | |
|---|---|---|---|
| 2648 | 6570 [25] | 10,955 [25] [28] | 17,000 [25] |
| 2966 [25] | 6580 [25] | 11,470 [25] [9] | 143,600 [21] |
| 3062.5 | 8220 [25] | 12,330 [25] | 143,740 [21] |
| 5165 [25] | 8240 [25] | 16,240 | 143,460 [21] |
| 5375 | 9310 [25] [28] | 16,440 [25] | |

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-3777; Filed, October 12, 1939; 12:42 p. m.]

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[1] 4 F.R. 3423 DI.

[9] Available for coastal telephone stations upon condition that interference will not be caused to inter-continental aeronautical services.

[13] Available for coastal telegraph stations upon conditions that interference will not be caused to inter-continental aeronautical services.

[1] 4 F.R. 3381 DI.

[25] Priority is recognized of the services existing outside the American continents.

[26] Priority is recognized of the existing services of the American continents as well as of the territories and possessions of the states of these continents.

[28] Subject to the condition that no interference is caused to Government stations.

[27] These frequencies assigned for unlimited hours upon the express condition that no interference is caused to the international mobile service.

[9] These frequencies are assigned upon the express condition that no interference will be caused to the international service of any station which, in the discretion of the Commission may have priority on the frequency, or frequencies with which interference results.

[25] Available for use in the Pacific area only.

[28] For use on routes lying south of the United States only.

[21] Also available for use on any other chain where the frequencies regularly assigned cannot be used due to interference.

[27] Authority for the use of these frequencies may be withdrawn after March 1, 1941.

## *Notices*

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### DEPARTMENT OF LABOR.

**Wage and Hour Division.**

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 13, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Marshall Hosiery Mills, Inc., Benton, Kentucky (9 learners).

Murray Hosiery Mills, Inc., Murray, Kentucky.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 12th day of October 1939.

MERLE D. VINCENT, *Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3773; Filed, October 12, 1939; 12:36 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 13, 1939, to June 13, 1940, unless otherwise indicated opposite the employer's name, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

| Name and address of firm | Number of learners | Expiration date |
|---|---|---|
| Brownhill & Kramer, Inc., Philadelphia, Pennsylvania. | 47 | June 10, 1940 |
| Herbert Hosiery Mills, Inc., Norristown, Pennsylvania. | 12 | Apr. 15, 1940 |
| Parker Hosiery Mill & Dye Works, Inc., Portsmouth, Virginia | 36 | |
| Radford Knitting Mills, Radford, Virginia | 8 | |

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 12th day of October 1939.

MERLE D. VINCENT, *Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3774; Filed, October 12, 1939; 12:36 p. m.]

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### FEDERAL POWER COMMISSION.

[Docket Nos. IT-5582, IT-5583]

IN THE MATTER OF SUSQUEHANNA TRANSMISSION COMPANY OF PENNSYLVANIA, AND PENNSYLVANIA WATER AND POWER COMPANY; AND IN THE MATTER OF PENNSYLVANIA TRANSMISSION COMPANY, AND PENNSYLVANIA WATER AND POWER COMPANY

ORDER SETTING DATE OF HEARING

OCTOBER 10, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds. John W. Scott, not participating.

It appearing to the Commission that:

(a) Susquehanna Transmission Company of Pennsylvania, on August 3, 1939, filed an application with the Commission, pursuant to section 203 of the Federal Power Act, seeking an order authorizing and approving the sale of its facilities subject to the jurisdiction of the Commission, under the terms of an agreement whereby Susquehanna Transmission Company of Pennsylvania proposes to transfer all of its franchises and properties, real, personal or mixed, to Pennsylvania Water and Power Company, in consideration for the delivery to the Susquehanna Transmission Company of Pennsylvania of all its outstanding securities and the assumption by Pennsylvania Water and Power Company of any other indebtedness or obligations;

(b) Pennsylvania Transmission Company, on August 3, 1939, filed an application with the Commission, pursuant to section 203 of the Federal Power Act, seeking an order authorizing and approving the sale of its facilities subject to the jurisdiction of the Commission, under the terms of an agreement whereby Pennsylvania Transmission Company proposes to transfer all of its franchises and properties, real, personal or mixed, to Pennsylvania Water and Power Company, in consideration for the delivery to the Pennsylvania Transmission Company of all its outstanding securities and the assumption by Pennsylvania Water and Power Company of any other indebtedness or obligations;

(c) Pennsylvania Water and Power Company, on August 30, 1939, filed two applications under section 203 of the Federal Power Act seeking orders of the Commission authorizing the merger of its facilities with those of the Susquehanna Transmission Company of Pennsylvania and Pennsylvania Transmission Company in accordance with the terms of the above-mentioned agreements;

The Commission orders that:

A public hearing on said applications be held at ten o'clock A. M., October 30, 1939, in the Hearing Room of the Federal Power Commission, 1757 K Street NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-3768; Filed, October 12, 1939; 9:31 a. m.]

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### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2d day of October 1939.

[File No. 44-44]

IN THE MATTER OF MIDDLE WEST UTILITIES COMPANY OF CANADA, LIMITED

ORDER APPROVING ACQUISITION OF SECURITIES

Middle West Utilities Company of Canada, Limited, a subsidiary of a registered holding company, having filed an application with this Commission pursuant to Rule U-12C-1, promulgated under the Public Utility Holding Company Act of 1935, for approval of its acquisition of 7,400 shares of its $7 Cumulative Preference Stock (par value $100);

Public hearing on such application having been duly held after appropriate notice;[1] the record in this matter having been duly considered; and the Commission having filed its findings herein;

*It is ordered*, That the acquisition of such stock be and the same hereby is approved, subject, however, to the following conditions:

(a) That the proposed acquisition shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said application;

(b) That the proposed acquisition shall be effected within a period of 60 days following the issuance of this order; and

(c) That within ten days after said acquisition applicant shall file with this Commission its certificate of notification showing that said transaction has been effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3771; Filed, October 12, 1939; 11:29 a. m.]

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[1] 4 F.R. 3887 DI.

Reference

OCT 16 1939

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

VOLUME 4 NUMBER 199

*Washington, Saturday, October 14, 1939*

## *Rules, Regulations, Orders*

### TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T. D. 49980]

LIST OF CUSTOMS DISTRICTS, HEADQUARTERS, AND PORTS OF ENTRY

OCTOBER 11, 1939.

*To Collectors of Customs and Others Concerned:*

The appended list of customs districts, headquarters, and ports of entry, previously published in T.D. 49121, August 9, 1937,[1] corrected to date, is published for the information and guidance of all concerned.[2]

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

*List of customs districts, headquarters, and ports of entry*

*District No. 1.* Maine and New Hampshire. *Boundary.* The State of Maine and the State of New Hampshire except the County of Coos. *Ports of entry.* Portland, Maine;[3] Bangor, Bar Harbor (including Mt. Desert Island, the city of Ellsworth, and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, and Winter Harbor); Bath (including Booth Bay and Wiscasset); Belfast (including Searsport); Bridgewater; Calais (including townships of Calais, Robinston and Baring); Eastport (including Lubec and Cutler); Fort Fairfield; Fort Kent; Holeb-Jackman; Houlton; Jonesport; Limestone; Madawaska; Portsmouth, N. H. (including Kittery, Me.); Rockland; Van Buren; Vanceboro.

*District No. 2.* Vermont. *Boundary.* The State of Vermont and the county of Coos in the State of New Hampshire. *Ports of entry.* St. Albans[3] (including townships of St. Albans and Swanton); Alburg; Beecher Falls; Burlington; Derby Line; Highgate Springs (including township of Highgate); Island Pond; Newport; North Troy; Richford.

*District No. 4.* Massachusetts. *Boundary.* The State of Massachusetts. *Ports of entry.* Boston[3] (including Cambridge, Chelsea, Medford, Everett, Quincy, Somerville, Braintree, Weymouth, and Hingham, and waters adjacent thereto); Fall River; Gloucester; Lawrence; New Bedford; Plymouth; Provincetown; Salem (including Beverly, Marblehead, and Lynn); Springfield; Worcester.

*District No. 5.* Rhode Island. *Boundary.* The State of Rhode Island. *Ports of entry.* Providence;[3] Newport.

*District No. 6.* Connecticut. *Boundary.* The State of Connecticut. *Ports of entry.* Bridgeport;[3] Hartford; New Haven; New London.

*District No. 7.* St. Lawrence. *Boundary.* The counties of Clinton, Essex, Franklin, St. Lawrence, Jefferson, and Lewis in the State of New York. *Ports of entry.* Ogdensburg, N. Y.;[3] Alexandria Bay; Cape Vincent; Champlain; Chateaugay; Clayton; Fort Covington; Malone; Mooers; Morristown; Rooseveltown; Rouses Point; Waddington.

*District No. 8.* Rochester. *Boundary.* The counties of Oswego, Oneida, Onandaga, Cayuga, Seneca, Wayne, Broome, Tompkins, Chenango, Madison, Cortland, Hamilton, Schuyler, Chemung, Herkimer, Monroe, Ontario, Livingston, Yates, Steuben, Orleans, Genessee, Wyoming, Allegany, and Tioga in the State of New York. *Ports of entry.* Rochester;[3] Oswego; Sodus Point; Syracuse; Utica.

*District No. 9.* Buffalo. *Boundary.* The counties of Niagara, Erie, Cattaraugus, and Chautauqua in the State of New York. *Ports of entry.* Buffalo[3] (including Lackawanna, Tonawanda, North Tonawanda, and east bank of Niagara River between Buffalo and Tonawanda); Dunkirk; Niagara Falls (including Lewiston)

*District No. 10.* New York. *Boundary.* That part of the State of New York not expressly included in the districts of Buffalo, Rochester, and St. Lawrence, and also the counties of Sussex, Passaic, Hudson, Bergen, Essex, Union, Middlesex, and Monmouth in the State of New Jersey. *Ports of entry.* New York, N. Y.[3] (including territory described in Exec. Order of April 15, 1925, T. D. 40809); Albany, N. Y.; Newark, N. J.; Perth Amboy, N. J.

[1] 2 F.R. 1396.
[2] This document affects the list of districts and ports in 19 CFR 1.2.
[3] Headquarters port for the district.

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FEDERAL REGISTER

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*District No. 11.* Philadelphia. *Boundary.* That part of the State of Pennsylvania lying east of 79° west longitude, the State of Delaware, and that part of the State of New Jersey not included in district 10 (New York). *Ports of entry.* Philadelphia, Pa.[2] (including Camden and Gloucester City, N. J., and territory described in Exec. Order of March 15, 1938, T. D. 49472); Chester, Pa.; Lewes, Del.; Wilmington, Del.

*District No. 12.* Pittsburgh. *Boundary.* The State of West Virginia and that part of the State of Pennsylvania lying west of 79° west longitude, except the county of Erie. *Port of entry.* Pittsburgh, Pa.[2]

*District No. 13.* Maryland. *Boundary.* The State of Maryland and the District of Columbia. *Ports of entry.* Baltimore, Md.[2] (including Sparrows Point); Annapolis; Cambridge; Crisfield; Washington, D. C.

*District No. 14.* Virginia. *Boundary.* The State of Virginia. *Ports of entry.* Norfolk and Newport News[2] (including the waters and shores of Hampton Roads); Alexandria; Cape Charles City; Petersburg; Reedville; Richmond.

*District No. 15.* North Carolina. *Boundary.* The State of North Carolina. *Ports of entry.* Wilmington[2] (including Townships of Northwest, Wilmington, and Cape Fear); Beaufort; Durham; Elizabeth City; Gastonia; Morehead City; Reidsville; Winston-Salem.

*District No. 16.* South Carolina. *Boundary.* The State of South Carolina. *Ports of entry.* Charleston;[2] Georgetown.

*District No. 17.* Georgia. *Boundary.* The State of Georgia except the north shore of the St. Marys River and the city of St. Marys, Ga. *Ports of entry.* Savannah;[2] Atlanta; Brunswick.

*District No. 18.* Florida. *Boundary.* The State of Florida and the north bank of the St. Marys River and the city of St. Marys, Ga. *Ports of entry.* Tampa[2] (including Port Tampa); Apalachicola; Bocagrande; Carrabelle; Fernandina (including St. Marys, Ga.); Jacksonville; Key West; Miami; Panama City; Pensacola; Port Everglades; Port St. Joe; St. Augustine; St. Petersburg; West Palm Beach.

*District No. 19.* Mobile. *Boundary.* The State of Alabama and that part of the State of Mississippi lying south of 31° north latitude. *Ports of entry.* Mobile, Ala.;[2] Birmingham, Ala.; Gulfport, Miss.; Pascagoula, Miss.

*District No. 20.* New Orleans. *Boundary.* The State of Louisiana except the counties of Cameron and Calcasieu, and that part of the State of Mississippi lying north of 31° north latitude. *Ports of entry.* New Orleans, La.[2] (including territory described in Exec. Order of May 29, 1929; T.D. 43443); Baton Rouge, La.

*District No. 21.* Sabine. *Boundary.* That part of the State of Texas from Sabine Pass north along State line to north boundary line of Shelby County; west to Neches River; down western shore of said river to north boundary of Jefferson County; westerly along said boundary to east boundary of Liberty County; south to Gulf. Also, the counties of Cameron and Calcasieu in the State of Louisiana. *Ports of entry.* Port Arthur, Tex.;[2] Beaumont, Tex.; Lake Charles, La.; Orange, Tex.; Sabine, Tex.

*District No. 22.* Galveston. *Boundary.* That part of the State of Texas lying east of 97° west longitude, except the territory embraced in district 21 (Sabine). *Ports of entry.* Galveston[2] (including Port Bolivar and Texas City); Dallas; Freeport; Houston.

*District No. 23.* San Antonio. *Boundary.* That part of the State of Texas lying west of 97° west longitude and east of the Pecos River. *Ports of entry.* San Antonio;[2] Brownsville; Corpus Christi; Del Rio; Eagle Pass; Fort Worth; Hidalgo; Laredo; Rio Grande City; Roma.

*District No. 24.* El Paso. *Boundary.* The State of New Mexico and that part of the State of Texas lying west of the Pecos River. *Ports of entry.* El Paso, Tex.;[2] Columbus, N. Mex.; Fabens, Tex.; Presidio, Tex.; Ysleta, Tex.

*District No. 25.* San Diego. *Boundary.* The counties of San Diego and Imperial in the State of California. *Ports of entry.* San Diego;[2] Andrade; Calexico; San Ysidro; Tecate.

*District No. 26.* Arizona. *Boundary.* The State of Arizona. *Ports of entry.* Nogales;[2] Ajo; Douglas; Naco; San Luis; Sasabe.

*District No. 27.* Los Angeles. *Boundary.* That part of the State of California lying south of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino, except the counties of San Diego and Imperial. *Ports of entry.* Los Angeles[2] (including San Pedro, Wilmington, and Long Beach); Port San Luis.

*District No. 28.* San Francisco. *Boundary.* That part of the State of California lying north of the northern boundaries of the counties of San Luis Obispo, Kern, and San Bernardino. *Ports of entry.* San Francisco–Oakland[2] (including all points on San Francisco Bay); Eureka; Note: Collector of customs located at San Francisco.

*District No. 29.* Oregon. *Boundary.* The State of Oregon and that part of the State of Washington which embraces the waters of the Columbia River and the north bank of the said river west of 119° west longitude. *Ports of entry.* Portland, Oreg.[2] (including territory described in Exec. Order of Jan. 24, 1921; T.D. 38604); Astoria, Oreg.; Longview, Wash.; Marshfield, Oreg.; Newport, Oreg.

*District No. 30.* Washington. *Boundary.* The State of Washington except that part which embraces the waters of the Columbia River and the north bank of the said river west of 119° west longitude. *Ports of entry.* Seattle[2]; Aberdeen; Anacortes; Bellingham; Blaine; Danville; Everett; Ferry; Friday Harbor; Laurier; Lynden; Metaline Falls; Molson; Nighthawk; Northport; Olympia; Oroville; Port Angeles; Port Townsend; South Bend; Spokane; Sumas; Tacoma.

*District No. 31.* Alaska. *Boundary.* The Territory of Alaska. *Ports of entry.* Juneau;[2] Cordova; Craig; Eagle; Fairbanks; Hyder; Ketchikan; Petersburg; Sitka; Skagway; Unalaska; Wrangell.

*District No. 32.* Hawaii. *Boundary.* The Territory of Hawaii. *Ports of entry.* Honolulu;[2] Hilo; Kahului; Mahukona; Port Allen.

*District No. 33.* Montana and Idaho. *Boundary.* The States of Montana and Idaho. *Ports of entry.* Great Falls, Mont.;[2] Del Bonita, Mont.; Eastport, Idaho; Morgan, Mont.; Opheim, Mont.; Peskan, Mont.; Piegan, Mont.; Porthill, Idaho; Raymond, Mont.; Roosville, Mont.; Scobey, Mont.; Sweetgrass, Mont.; Turner, Mont.; Westby, Mont.; Whitetail, Mont.; Whitlash, Mont.

*District No. 34.* Dakota. *Boundary.* The States of North and South Dakota and the county of Kittson in the State of Minnesota. *Ports of entry.* Pembina, N. Dak.;[2] Ambrose, N. Dak.; Antler, N. Dak.; Carbury, N. Dak.; Crosby, N. Dak.; Dunseith, N. Dak.; Fortuna, N. Dak.; Hannah, N. Dak.; Hansboro, N. Dak.; Lancaster, Minn.; Maida, N. Dak.; Neche, N. Dak.; Noonan, N. Dak.; Northgate, N. Dak.; Noyes, Minn.; Portal, N. Dak.; Sarles, N. Dak.; Sherwood, N. Dak.; St. John, N. Dak.; Walhalla, N. Dak.; Westhope, N. Dak.

*District No. 35.* Minnesota. *Boundary.* The State of Minnesota lying south of 46° north latitude. *Ports of entry.* Minneapolis;[2] St. Paul.

*District No. 36.* Duluth and Superior. *Boundary.* The State of Minnesota, except the county of Kittson, lying north of 46° north latitude, and the State of Wisconsin lying north of said latitude, and the island of Isle Royale in the State of Michigan. *Ports of entry.* Duluth, Minn., and Superior, Wis.[2] (including West Superior); Ashland, Wis.; Baudette, Minn.; International Falls, Minn.; Pigeon River Bridge, Minn.; Pine Creek, Minn.; Ranier, Minn.; Roseau, Minn.; Warroad, Minn.

*District No. 37.* Wisconsin. *Boundary.* The State of Wisconsin lying south of 46° north latitude, and the city of Menominee, Michigan. *Ports of entry.* Milwaukee, Wis.;[2] Green Bay, Wis.; Manitowoc, Wis.; Marinette, Wis. (including Menominee, Mich.); Racine, Wis.; Sheboygan, Wis.

*District No. 38.* Michigan. *Boundary.* The State of Michigan except the island of Isle Royale and the city of Menominee, Mich. *Ports of entry.* Detroit;[2] Bay City; Cheboygan; Grand Haven; Grand Rapids; Port Huron; Saginaw; Sault Ste. Marie; South Haven.

*District No. 39.* Chicago. *Boundary.* The State of Illinois lying north of 39° north latitude; that part of the State of Indiana north of 41° north latitude; and the State of Iowa. *Ports of entry.* Chicago, Ill.[2]; Peoria, Ill.

*District No. 40.* Indiana. *Boundary.* The State of Indiana lying south of 41° north latitude. *Ports of entry.* Indianapolis;[2] Evansville; Lawrenceburg (including Greendale).

*District No. 41.* Ohio. *Boundary.* The State of Ohio, and the county of Erie in the State of Pennsylvania. *Ports of entry.* Cleveland, Ohio;[2] Akron, Ohio; Ashtabula, Ohio; Cincinnati, Ohio; Columbus, Ohio; Conneaut, Ohio; Dayton, Ohio; Erie, Pa.; Sandusky, Ohio; Toledo, Ohio.

*District No. 42.* Kentucky. *Boundary.* The State of Kentucky. *Port of entry.* Louisville.[2]

*District No. 43.* Tennessee. *Boundary.* The States of Tennessee and Arkansas. *Ports of entry.* Memphis, Tenn.;[2] Chattanooga, Tenn.; Nashville, Tenn.

*District No. 45.* St. Louis. *Boundary.* The States of Missouri, Kansas, and Oklahoma, and that part of the State of Illinois lying south of 39° north latitude. *Ports of entry.* St. Louis, Mo.[2] (including East St. Louis, Ill.); Kansas City, Mo.; St. Joseph, Mo.

*District No. 46.* Omaha. *Boundary.* The States of Nebraska and Wyoming. *Port of entry.* Omaha, Nebr.[2]

*District No. 47.* Colorado. *Boundary.* The State of Colorado. *Port of entry.* Denver.[2]

*District No. 48.* Utah and Nevada. *Boundary.* The States of Utah and Nevada. *Port of entry.* Salt Lake City, Utah.[2]

*District No. 49.* Puerto Rico. *Boundary.* The Territory of Puerto Rico. *Ports of entry.* San Juan;[2] Aguadilla, Arecibo; Arroyo; Fajardo; Guanica; Humacalo; Mayagues; Ponce.

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, sec. 1 (19), 45 Stat. 987; 19 U.S.C. 1, 2; President's Message March 3, 1913)

[F. R. Doc. 39-3781; Filed, October 12, 1939; 3:58 p.m.]

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[T. D. 49981]

## COUNTERVAILING DUTIES ON BRITISH SUGAR

T. D. 49355, ANNOUNCING THE NET AMOUNTS OF BOUNTIES OR GRANTS ON BRITISH REFINED SUGAR DECLARED PURSUANT TO THE PROVISIONS OF SECTION 303 OF THE TARIFF ACT OF 1930 AND INSTRUCTING COLLECTORS OF CUSTOMS TO COLLECT ADDITIONAL DUTIES EQUAL TO SUCH NET AMOUNTS OF BOUNTIES OR GRANTS, SUPPLEMENTED[1]

*To Collectors of Customs and Others Concerned:*

The Bureau is in receipt of official information to the effect that a new schedule of duty payments and drawback rates on British sugar became effective on April 25, 1939. The rates now in effect grant allowances in certain instances in excess of the amounts of duties collected on the imported raw sugar.

Since the excesses of drawback over the duties collected constitute bounties within the meaning of section 303 of the Tariff Act of 1930, I have estimated, determined, and hereby declare the net amounts of such bounties per pound of refined sugar from the United Kingdom of Great Britain and Northern Ireland to be as follows:

(1) When the British drawback of customs duty is allowed at the rate of 11s 8d per cwt. of 112 pounds, the net amount of the bounty is:

1.25d minus (1.18393027d × the percentage of sucrose in imported sugar.)

(2) When the British drawback of customs duty is allowed at the rate of 7s 4.7d per cwt. of 112 pounds, the net amount of the bounty is:

.79196429d minus (.74963368d × the percentage of sucrose in imported sugar.)

(3) When the British drawback of customs duty is allowed at the rate of 3s 11.4d per cwt. of 112 pounds, the net amount of the bounty is:

.42321429d minus (.41163764d × the percentage of sucrose in imported sugar.)

Collectors of customs, therefore, will collect additional duties on British refined sugar equal to the net amounts of the bounties or grants in accordance with the rate or rates applicable as set forth above when imported directly or indirectly and entered for consumption, or withdrawn from warehouse for consumption, after the publication of this decision in the weekly Treasury Decisions.

The declarations of bounty herein published are supplemental to those published in T. D. 49355[2] which declarations remain in full force and effect in respect of sugar imported from Great Britain and Northern Ireland upon which drawback was paid at any of the rates specified therein.

Consular invoices covering refined sugar produced in the United Kingdom and imported into the United States shall show the rate or rates of the drawback claimed or allowed, or to be claimed or allowed, thereon. (Sec. 303, 46 Stat. 687; 19 U.S.C., 1303)

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

Approved, October 10, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3782; Filed, October 12, 1939; 3:58 p. m.]

[1] This document affects the tabulation in 19 CFR 14.22.

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## TITLE 29—LABOR

### WAGE AND HOUR DIVISION

PART 523—REGULATIONS APPLICABLE TO EMPLOYMENT OF MESSENGERS

The following amendment to Regulations—Part 523[1] (Regulations Applicable to Employment of Messengers Pursuant to Section 14 of the Fair Labor Standards Act) is hereby issued. This amendment adds a new Section 523.11 and shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER, and shall be in force and effect until repealed by regulations hereafter made and published.

Signed at New York, N. Y., this 13th day of October 1939.

ELMER F. ANDREWS,
*Administrator.*

§ 523.11 *Delegation.* Whenever it shall appear that the review procedure provided in Section 523.9 of these regulations will cause undue delay in arriving at a determination or decision, the Administrator may delegate the authority vested in the Administrator to make the determination or decision to the Deputy Administrator, any one of the Assistant Administrators, or the General Counsel. Action so taken by such persons shall not be subject to review by the Administrator under Section 523.9 of these regulations.

[F. R. Doc. 39-3787; Filed, October 13, 1939; 1:14 p.m.]

[1] 3 F.R. 2484 DI.
[2] 3 F.R. 241 DI.

PART 516—REGULATIONS ON RECORDS TO BE KEPT BY EMPLOYERS

The following amendment to Regulations, Part 516[1] (Regulations on Records To Be Kept by Employers Pursuant to Section 11 (c) of the Fair Labor Standards Act) is hereby issued. This amendment amends Section 516.1 of said regulations and shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER, and shall be in force and effect until repealed by regulations hereafter made and published.

Signed at New York, N. Y., this 13th day of October 1939.

ELMER F. ANDREWS,
*Administrator.*

§ 516.1 *Records required.* Every employer subject to any provisions of the Fair Labor Standards Act or any order issued under this act shall make and preserve records containing the following information with respect to each person employed by him, with the exception of those specified in sections 13 (a) (3), 13 (a) (4), 13 (a) (5), 13 (a) (6), 13 (a) (8), 13 (a) (9), and 13 (a) (10) of the act:

(a) Name in full.
(b) Home address.
(c) Date of birth if under 18.
(d) Hours worked each workday and each workweek.
(e) Regular rate of pay and basis upon which wages are paid.[2]
(f) Wages at regular rate of pay for each workweek, excluding extra compensation attributable to the excess of the overtime rate over the regular rate.[2]
(g) Extra wages for each workweek attributable to the excess of the overtime rate over the regular rate.[2]
(h) Additions to cash wages at cost, or deductions from stipulated wages in the amount deducted or at the cost of the item for which deduction is made, whichever is less.[2]
(i) Total wages paid for each workweek.
(j) Date of payment.

*Provided, however,* That with respect to employees specified in section 13 (b) of the act, records referred to in paragraphs (f) and (g) of this section shall not be required; and

*Provided further,* That with respect to employees who are specified in section 13 (a) (2) of the act and employees who are defined in regulations of the Wage and Hour Division: Part 541 (Regulations defining and delimiting the terms "any employee employed in a bona fide executive, administrative, professional, or local retailing capacity, or in the capacity of outside salesman" pursuant to sec. 13 (a) (1) of the Fair Labor Standards Act)—employers need make and preserve records containing the following information only:

(a) Name in full.
(b) Home address.
(c) Occupations.

*Provided further,* That with respect to employees employed or purported to be employed by an employer in pursuance of the provisions of section 7 (b) (1) or section 7 (b) (2) of the Fair Labor Standards Act, employers shall comply with each of the following additional requirements:

(a) Keep and preserve a copy of each collective bargaining agreement which entitles or purports to entitle an employer to employ any of his employees in pursuance of the provisions of section 7 (b) (1) or section 7 (b) (2) of the Fair Labor Standards Act.

(b) Report and file with the Administrator at Washington, D. C., within thirty days after such collective bargaining agreement has been made, a copy of each such collective bargaining agreement. Likewise, a copy of each amendment or addition thereto shall be reported and filed with the Administrator at Washington, D. C., within thirty days after such amendment or addition has been agreed upon. If any such collective bargaining agreement, or amendment or addition thereto, was made prior to the 25th day of April, 1939, a copy thereof shall be reported and filed with the Administrator at Washington, D. C., on or before the 26th day of May, 1939. The reporting and filing of any collective bargaining agreement or amendment or addition thereto shall not be construed to mean that such collective bargaining agreement or amendment or addition thereto is a collective bargaining agreement within the meaning of the provisions of Section 7 (b) (1) or Section 7 (b) (2).

(c) Make and preserve a record designating each employee employed pursuant to each such collective bargaining agreement and each amendment and addition thereto.

*Provided further,*[4] That with respect to employees employed in occupations in the performance of which the employee receives tips or gratuities from third persons which are accounted for or turned over by the employee to the employer, additional records containing the following information with respect to each such employee shall be made and preserved by the employer:

(a) Total hours worked each workweek in occupations in the performance of which the employee receives tips or gratuities from third persons.

(b) Total hours worked each workweek in any other occupation.

(c) Wages paid each workweek for hours worked under (a) above; *Provided, however,* That if the employer claims as "wages paid" the amount of any gratuities or tips voluntarily paid to the employee by third persons and accounted for or turned over by the employee to the employer, such amounts must be recorded in a separate column from that in which any other compensation is recorded.

(d) Wages paid each workweek for hours worked under (b) above; *provided, however,* that if the employer claims as "wages paid" the amount of any gratuities or tips voluntarily paid to the employee by third persons and accounted for or turned over by the employee to the employer, such amounts must be recorded in a separate column from that in which any other compensation is recorded.[5]

[F. R. Doc. 39-3786; Filed, October 13, 1939; 1:14 p. m.]

[1] 4 F.R. 2533 DI.

[2] These three items of information are only required when overtime is worked by the employee.

[3] This information is required only where the cash wage actually paid is less than the minimum wage required by the Act. The reasonable cost of board, lodging, and other facilities as part of wages, is defined and delimited by regulations of the Wage and Hour Division: Part 531—(Regulations determining the reasonable cost of board, lodging and other facilities pursuant to sec. 3 (m) of the Fair Labor Standards Act). This matter is dealt with further in Interpretative Bulletin No. 3 of the Wage and Hour Division.

[4] Whether a contract requiring employees to account for tips is legal is a question for the courts to decide. The Wage and Hour Division is not taking a position on this question but is requiring records that will protect both employer and employee whatever the ultimate judicial decision on the validity of such a contract may be.

[5] (This Section 516.1 as amended, issued under the authority contained in section 11 (c), 52 Stat. 1060.)

## *Notices*

### WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT IN THE DENTAL CORPS, REGULAR ARMY

1. An examination of applicants for appointment as first lieutenants, Dental Corps, Regular Army, will be held within the continental limits of the United States from February 12 to 17, 1940, inclusive.

2. Applications and requests for information concerning this examination should be addressed to The Adjutant General.

3. Applications received after January 27, 1940, will not be considered. (Sec. 24, 41 Stat. 774; 10 U.S.C. 122, 123) [W.D., Cir. 73, September 25, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-3783; Filed, October 13, 1939; 9:38 a. m.]



### DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

[Docket No. A-105-1 O-105-1]

NOTICE OF REOPENING OF HEARING HELD ON AUGUST 2, 3, AND 4, 1939, WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MILK IN THE QUAD CITIES MARKETING AREA

Whereas, pursuant to the provisions of Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, and of the General Regulations, Series A, No. 1, as amended,[1] of the Agricultural Adjustment Administration, United States Department of Agriculture, the Secretary of Agriculture held a hearing[2] at Rock Island, Illinois, on August 2, 3, and 4, 1939, in connection with a proposed marketing agreement and a proposed order regulating the handling of milk in the area comprised of the cities of Davenport and Bettendorf, Iowa, and Rock Island, Moline, East Moline, and Silvis, Illinois, and the following townships: Davenport, Rockingham, and Pleasant Valley in Scott County, Iowa, and South Moline, Moline, Blackhawk, Coal Valley, Hampton, and South Rock Island in Rock Island County, Illinois, which area is known as the Quad Cities marketing area; and

Whereas, the Secretary desires further information as to the economic conditions existing in said area affecting the necessity for regulation:

Now, therefore, notice is hereby given of the reopening of said hearing at the Fort Armstrong Hotel, Rock Island, Illinois, at 10:00 a. m., c. s. t., on October 18, 1939.

This reopening is for the purpose of receiving additional evidence as to the general economic conditions affecting the demand for and supply of milk in the marketing area as such economic conditions may have been changed since the original public hearing by virtue of the passage of a public health ordinance for the city of Davenport, Iowa, and by reason of recent European developments.

Copies of the proposed marketing agreement and proposed order considered at the hearing on August 2, 3, and 4, may be procured from the Hearing Clerk, Office of the Solicitor, in Room 0310 South Building, United States Department of Agriculture, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

OCTOBER 12, 1939.

[F. R. Doc. 39-3779; Filed, October 12, 1939; 1:06 p. m.]

[1] 1 F.R. 155.
[2] 4 F.R. 3307 DI.

[Docket No. A-115 O-115]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF ONIONS GROWN IN THE STATE OF COLORADO

Whereas, under Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended,[1] of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to such handling of onions grown in the State of Colorado as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce:

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating such handling of onions grown in the State of Colorado, in the District Court Room, Pueblo County Court House, Pueblo, Colorado, at 9:30 a. m., m. s. t., October 20, 1939.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each provides, in similar terms, a plan for the regulation of such handling of the aforesaid onions as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce. Among other matters relating to such regulation, the proposed marketing agreement and order provide for: (a) the establishment of an Administrative Committee consisting of producer members and handler members; (b) regulation of shipments of any variety or varieties of onions by grades or sizes or combinations thereof; (c) inspection of shipments by an authorized representative of the Federal-State Inspection Service during periods when regulation is in effect; (d) levying of assessments by the Administrative Committee to cover expenses of administration; and (e) reports to the Administrative Committee by handlers.

It is hereby declared that an emergency exists in the handling of onions in the aforesaid area, and that a shorter period of notice than fifteen (15) days is therefore required; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and order may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

October 12, 1939.

[F. R. Doc. 39-3780; Filed, October 12, 1939; 1:06 p. m.]

[1] 1 F.R. 155.

### DEPARTMENT OF LABOR.

Wage and Hour Division.

APPLICATION OF THE POSTAL TELEGRAPH LANDLINE SYSTEM AND SUNDRY OTHER PARTIES FOR PERMISSION TO EMPLOY MESSENGERS AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM WAGE

FURTHER NOTICE OF HEARING AND CHANGE OF HEARING DATE

Whereas, application has been made by the Postal Telegraph Landline System and sundry other parties under Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 523—Regulations Applicable to the Employment of Messengers pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, chapter 5, Wage and Hour Division) issued by the Administrator thereunder for permission to employ messengers at wages less than the applicable minimum wage specified in Section 6 of the Act; and

Whereas, a notice was published October 10, 1939 giving notice[1] of a hearing to be held on the aforesaid application on October 25, 1939 before Merle D. Vincent; and

Whereas, it has appeared that the hearing should be held at an earlier date and that a final determination is desired and should be arrived at at the earliest possible date;

Now, therefore, pursuant to the Act and the regulations, the earlier notice published October 10, 1939 is amended and notice is hereby given of a public hearing to be held on said application at 2nd floor Association of the Bar Building, 42 W. 44th Street, New York City to commence at 10:00 a. m., on Oct. 20, 1939, to take testimony for the purpose of determining whether it is necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of messengers (employed exclusively in delivering letters and messages) in the landline telegraph industry at wage rates lower than the

[1] 4 F.R. 4207 DI.

minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and, if such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of messengers in the landline telegraph industry shall be permitted, and with what limitations as to time, number, proportion and length of service. The hearing is not limited to petitioner, Postal Telegraph Landline System, but will cover the entire landline telegraph industry.

At this hearing, opportunity will be afforded to any interested person to present evidence relevant to the foregoing inquiry, provided such person files with George A. McNulty by noon October 19, 1939, a notice of intention to appear containing the following information:

(1) The name and address of the person appearing.

(2) If he is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

(3) Whether he is appearing in support of or in opposition to the application for exemption.

(4) The approximate length of time which his presentation will consume.

Pursuant to authority vested in the Administrator by the Fair Labor Standards Act of 1938, George A. McNulty is hereby designated as presiding officer to conduct the said hearing and to determine whether it is necessary in order to prevent curtailment of opportunities for employment, to provide for the employment of messengers (employed exclusively in delivering letters and messages) at wage rates lower than the minimum wage applicable under Section 6 of the Act, and if such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of messengers shall be permitted, and with what limitations as to time, number, proportion, and length of service.

The determination of the presiding officer shall be final and not subject to review under Section 523.9 of the aforesaid regulations.

Signed at New York, N. Y., this 13th day of October 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3788; Filed, October 13, 1939; 1:13 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3693]

IN THE MATTER OF MOSKIN STORES, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Lewis C. Russell, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, October 27, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York City, New York.

Upon completion of testimony for the Federal Trade Commision, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3784; Filed, October 13, 1939; 10:00 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3762]

IN THE MATTER OF AUTOMATIC RADIO MANUFACTURING COMPANY, INC., GALVIN MANUFACTURING CORPORATION, FERGUSON RADIO AND TELEVISION COMPANY, INC., AND PEP BOYS—MANNY, MOE AND JACK, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Lewis C. Russell, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, October 23, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 110, Federal Building, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission:

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3785; Filed, October 13, 1939; 10:00 a. m.]

Reference

THE NATIONAL ARCHIVES

OCT 18 1939

# FEDERAL REGISTER

VOLUME 4 NUMBER 200

*Washington, Tuesday, October 17, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### FEDERAL SURPLUS COMMODITIES CORPORATION

REGULATIONS AND CONDITIONS GOVERNING THE ISSUANCE OF FOOD ORDER STAMPS TO PERSONS IN LOW INCOME GROUPS IN SHAWNEE, OKLAHOMA

ESTABLISHING THE ELIGIBILITY OF THE HOLDERS THEREOF TO RECEIVE AGRICULTURAL COMMODITIES OR THE PRODUCTS THEREOF, AND PROVIDING FOR THE PAYMENT OF CLAIMS MADE BY RETAILERS OF SUCH COMMODITIES AND PRODUCTS

By virtue of the authority vested in the Secretary of Agriculture by law, I, Harry L. Brown, Acting Secretary of Agriculture, do make, prescribe, publish and give public notice of the following regulations and conditions, to be in force and effect in Shawnee, Oklahoma, until amended or superseded by regulations or conditions hereafter made by the Secretary of Agriculture pursuant to law.

*Article I—Definitions*

§ 100 As used on the stamp order book, on the face of the food order stamps, and upon any other instrument or document in connection with the issuance of food order stamps to persons in low income groups as determined by the Secretary, and in these regulations and conditions, unless the context clearly indicates another meaning, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States of America.

(b) "FSCC" or "Corporation" means the Federal Surplus Commodities Corporation, an agency of the United States under the direction of the Secretary.

(c) "Retail food store" means a merchandising establishment where a food and grocery retailer carries on the business of selling food and grocery products to consumers, not for the purpose of resale in any form and not consumed in the usual course of business on the premises, or established retail trade routes in dairy or bakery products.

(d) "Food" means agricultural commodities or the products thereof sold in retail food stores for internal consumption, not on the premises, and shall include household necessities usually purchased in grocery stores, such as soap, starch, and the like, but shall not include wines, liquors, beers or other alcoholic beverages or tobacco in any form.

(e) "Surplus food" means food found by the Secretary to be surplus and so designated in a surplus commodities bulletin published and distributed by the Corporation in connection with the use of blue surplus food order stamps.

(f) "Certifying agency" means the Corporation or the local representative thereof and/or any public or private agency designated by the Corporation by agreement therewith.

(g) "Employee" means a person receiving compensation in money or otherwise, not less than on a weekly basis, because of a temporary or permanent employment relationship within the city limits of Shawnee, Oklahoma, or the immediate environs thereof, where such compensation constitutes the greatest part of the income of such person.

(h) "Person who conducts an enterprise" means a person receiving an income, other than as an employee, which income constitutes the greatest part of the income of such person.

(i) "Family" means persons within the city limits of Shawnee, Oklahoma, or the immediate environs thereof, eligible to participate in low income programs pursuant to Section 200 hereof and living together in one household as an interdependent economic group.

(j) "Applicant" means (1) an employee or (2) a person who conducts an enterprise who files a sworn application for and in behalf of a low income family, as determined by the Secretary, of which he or she is the member designated by such family or receiving the greatest part of the current cash income of such family. The applicant shall be considered the head of the family and,

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FEDERAL REGISTER

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as used herein, the income and liquid assets thereof shall be considered that of the applicant.

(k) "Liquid assets" means the property or property rights of the applicant readily realizable in cash, other than assets permanently invested in a business operated by the applicant, or in a home or dwelling occupied by the family of the applicant, and not exempt from liability for debts or taxation in the State of Oklahoma, where the equity of the applicant therein is in excess of 25 per centum of the reasonable market value thereof.

*Article II—Regulations*

§ 200 *Eligibility to participate in low income programs.* No person certified as eligible for public assistance and able to obtain food order stamps under the applicable regulations and conditions made and prescribed by the Secretary on April 21, 1939, as amended,[1] shall be eligible to receive food order stamps hereunder; but nothing herein contained shall preclude the issuance of food order stamps to persons receiving public assistance and otherwise eligible hereunder. Notwithstanding any provision hereunder, no applicant shall be certified as eligible to participate in the low income food stamp program who has liquid assets in an amount sufficient to support and maintain himself and his family for a reasonable period of time as determined by the Corporation.

§ 201 *Issuance of orange colored and blue surplus food order stamps.* (1) Orange colored and blue surplus food order stamps shall be issued to an applicant therefor providing the applicant is the only member of a low income family, as determined by the Secretary, filing an application. The Corporation shall provide the form of sworn application and all determinations and certifications as to eligibility to participate in the food stamp plan shall be made by the certifying agency from the face of the application and from such other duly recorded evidence as the certifying agency may deem material.

(2) Applicants certified as eligible shall renew their applications in the form and manner provided and at such intervals as the Corporation may determine after the date of the filing of the original or preceding application. Applicants (a) not certified as eligible or (b) desiring to file changes in net family income due to seasonal adjustments or for other reasons may renew their applications in the form and manner required at intervals of not less than one month from the date of the original or preceding application.

(3) All applications received by the certifying agency shall be numbered in order of receipt and shall be reviewed and certification made or refused in such order, unless, for reasons indicated to the applicant upon his request, it is administratively desirable that the usual order of review be changed. If, after a reasonable time, but in no event more than fifteen days after receipt of the application, no action has been taken thereon, the applicant may appeal, orally or in writing, to the local representative of the Corporation, setting forth that action upon his application has been delayed and requesting expeditious consideration thereof; whereupon the local representative shall consider the merits of the appeal, and, notwithstanding any procedure provided hereunder or in any agreement or otherwise, take such action to expedite consideration or otherwise as the local representative or the Corporation may deem warranted.

(4) If the certifying agency determines as to any applicant that he is ineligible to participate in the food stamp plan, the certifying agency shall state in writing and attach to the application the reasons for such determination. In the event that the certifying agency is other than the local representative, any applicant whose application has been rejected may appeal, orally or in writing, to the local representative, who shall, within five days after the making of such appeal, affirm, modify or reverse the action of the certifying agency and the certifying agency shall be governed accordingly.

(5) Persons eligible to receive food order stamps shall, when so required, prior to the issuance of such stamps, present evidence of certification of eligibility to participate; and shall purchase or obtain orange colored food order stamps no more than and no less than once each calendar month: *Provided, however,* That the Corporation may provide for the issuance of food order stamps on less than a monthly basis if, in its judgment, a monthly basis would work a hardship on certain low income or groups of low income families.

(6) After the issuance of the second book or series of books of food order stamps to any eligible person, no book or series of books shall be issued to such person unless there has been turned in to the issuing agency the covers of the individual book or series of books together with the proper certification of the holder provided for therewith; thereafter, no holder shall be eligible to receive further books unless he has in like manner, with like certification, turned in the covers of all books previously issued to him except the last book immediately preceding. In the event that the holder loses the cover of any book, he shall be eligible to receive further books only upon execution and presentation to the issuing agency in the form required of (a) a sworn affidavit that he has lost the covers and (b) a certification similar to that contained upon the covers. If the holder, because of failure to purchase food order stamps at the intervals required, is unable to turn in the required stamp book covers, he shall be deemed eligible to receive further books only if in the judgment of the Corporation or its authorized representative, the holder refrained from purchasing or retaining stamps because of a substantial or emergency need, or it is desirable that he be deemed eligible in order to effectuate the food distribution plan.

§ 202 *Designation of surplus agricultural commodities or products thereof.* The Corporation shall from time to time prepare bulletins in which there shall be designated the agricultural commodities and products thereof found by the Secretary to be surplus food. Such bulletins shall be published in the FEDERAL REGISTER and furnished to food retailers and wholesalers through their local organizations and trade publications, and to local newspapers and interested persons upon request.

§ 203 *Payment of claims supported by properly presented food order stamps.* Any retail food store merchant, who either personally or through his agent or representative, delivers food or surplus food to an authorized holder of food order stamps in accordance with the conditions made herein shall be entitled, in the event a claim for payment is made and presented, properly supported by such stamp cards, vouchers, and other forms as the Corporation may provide, to receive payment from funds held by or for the Corporation for orange colored or blue surplus food order stamps at the rate of twenty-five (25¢) cents for each such stamp, provided the Corporation is satisfied that a proper claim has been made. The determination of the Corporation as to the propriety of any claim, or the satisfaction of any condition hereunder, shall be final.

§ 204 *Refunds.* In the event that food order stamps are not presented for delivery of food thereon, the Corporation shall make proportionate refunds on orange colored food order stamps if returned to the Corporation by the person to whom originally issued together with blue surplus food order stamps in the same ratio in which received.

§ 205 *Agreements.* The Corporation may enter into such agreements or undertakings and, in addition to the officers and employees of the Corporation and of the United States Department of Agriculture, utilize such duly authorized public or private agencies and instrumentalities, or the personnel thereof, as it may deem necessary and proper in the effectuation of the food stamp plan.

§ 206 *Confidential information.* All information furnished to or acquired by the Corporation, or any representative or certifying or issuing or other agency or contracting party thereof, in connection with the food stamp plan, shall be kept confidential by the recipients thereof and by all officers and employees of the Corporation or of the Department of Agriculture, and only such information so furnished or acquired as the Corporation determines to be relevant to the effectuation of the food stamp plan shall be disclosed by them. Nothing herein contained shall be deemed to prohibit (a) the issuance of general statements, which statements do not identify the information furnished by any person, or (b) the publication by direction of the Corporation of the name of any person violating these regulations and conditions, together with a statement of the particular provisions of these regulations and conditions violated by such person.

*Article III—Conditions*

§ 300 *Amount and ratio of orange colored and blue surplus food order stamps available to any eligible applicant.* Any applicant certified in accordance with these regulations and conditions as eligible to participate in the low income food stamp program in Shawnee, Oklahoma, who, when required, has presented evidence of such certification, shall purchase or obtain in lieu of money payment, orange colored food order stamps for any current calendar month, of a total value of approximately one dollar and fifty cents ($1.50) per week for himself and for each member of his family: *Provided, however,* That in the event such family has a net current annual income of seven hundred and fifty dollars ($750.00) or less, the applicant shall not be required to purchase or obtain orange colored food order stamps in excess of one dollar ($1.00) per week for himself and for each member of such family: *Provided, further,* That if it is determined by the Corporation that as to certain designated family groups, any of the foregoing requirements as to the amount of orange colored food order stamps would result in the expenditure of an amount in excess of forty per centum (40%) of the current net income of such families as contained in the respective filed applications, the Corporation shall fix such minima for such designated family groups as will effectuate the food order stamp program: *Provided, further,* That any applicant for any such designated family shall be permitted, if he so desires, to purchase or obtain in lieu of money payment a total maximum of orange colored food order stamps of a total value up to but not to exceed approximately one dollar and fifty cents ($1.50) per week for each such applicant and for each member of his family in such designated family groups. Any applicant purchasing or obtaining orange colored food order stamps shall be given blue surplus food order stamps in the ratio of one blue surplus food stamp for each two orange colored food stamps purchased or obtained. As used in this section, "net current annual income" or "current net income" shall be determined on a basis established by the Corporation from filed applications.

§ 301 *Food obtainable by use of orange colored and blue surplus food order stamps.* Orange colored food order stamps may be used in any retail food store for any food, as defined herein, sold in such stores, including agricultural commodities and the products thereof found by the Secretary to be surplus food. Blue surplus food order stamps may be used in any such store only for food products found by the Secretary to be surplus food and so designated.

§ 302 *Limitations on use of stamps and food obtained thereby.* Except for eligible milk merchants, no retail food store merchant, nor any manager, clerk, assistant or other person acting for him, shall accept either orange colored food order stamps or blue surplus food order stamps unless detached in the presence of such person at the time that the food or surplus food is delivered to the person authorized to receive such food. Food order stamps shall not be used for food which in the usual course of business is consumed on the premises of any retail food store; nor shall such stamps be sold, or used for any purpose or to effect any arrangement, agreement, scheme or device other than that provided herein, not excluding the payment of accounts or debts previously incurred for food or other commodities delivered or services rendered. Food or surplus food delivered to any eligible applicant by virtue of the presentation of food order stamps shall be consumed by such applicant and his family in the normal course of consumption of food or surplus food by such applicant or family.

§ 303 *Duty of retail food store merchants or their representatives.* Nothing contained herein shall, in any manner, be interpreted or construed to relieve any retail food store merchant, or any manager, clerk, assistant or other person acting for him, from the duty of making every reasonable effort to determine that the person presenting stamps for food or surplus food is the person whose name appears on the book of stamps, or an authorized representative of such person, and of requiring satisfactory identification if he has any reason to doubt the identity of the person or his right to possession of the stamps.

[1] 4 F.R. 1716 DI.

§ 304 *Change.* No retail food store merchant, and no manager, clerk, assistant or other person acting for him, shall give change in currency or otherwise in connection with food delivered for food order stamps or, except as provided in this section, deliver food of a value less than either a single stamp or a multiple thereof: *Provided, however,* That if such merchant or person so desires, he may extend credit in the form approved by the Corporation or the local representative of the Corporation for future delivery of food or surplus food, as the case may be, for the balance of the face value of an orange colored or blue surplus food order stamp, if the food delivered is of a value less than either a single stamp or a multiple thereof.

§ 305 *United States Post Office, wholesalers and banks.* The United States Post Office, wholesalers or banks may act as agents for retail food merchants in presenting to the Corporation claims for payment for food delivered to holders of food order stamps. The United States Post Office may, if authorized, act as agent for the Corporation in connection with payment upon such claims if properly presented.

§ 306 *Penalties.* Any person who makes or causes to be made or presents or causes to be presented, for payment or approval to or by any person or officer in the Corporation or anyone acting as agent for the Corporation, any claim upon the Corporation for payment of orange colored or blue surplus food order stamps, knowing such claim to be false, fictitious, or fraudulent, or in violation of the conditions herein contained; or whoever, in connection with the obtaining, holding, presentation, use and payment upon orange colored or blue surplus food order stamps, shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used, any false stamp, stamp book, stamp card, certificate, voucher, bill, account, or claim, knowing the same to contain any fraudulent or fictitious statement or entry or to be in violation of the conditions herein contained shall be subject to the fines and punishment as provided in the United States Criminal Code and elsewhere and shall be denied further participation in any matter or respect concerning orange colored or blue surplus food order stamps or the food distribution plan based thereon.

*Article IV—Construction*

§ 400 *Administrative interpretations.* The Corporation, in its discretion, may promulgate and issue administrative interpretations of any of the regulations and conditions herein contained and such interpretations, when duly issued and public notice given, shall be binding in the same manner and to the same extent as the regulations and conditions.

§ 401 *Derogation of rights.* Nothing contained in these regulations and conditions, or in any administrative interpretation thereof, shall be construed to be in derogation or modification of the right of the Secretary, the Corporation, or of the United States to exercise any jurisdiction or power granted by law.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed hereto, in the city of Washington, District of Columbia, this 14th day of October 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3809; Filed, October 16, 1939; 9:54 a. m.]

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## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3096]

IN THE MATTER OF CHANEL, INC.

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported.* Representing, in connection with offer, etc., in commerce, of perfumes, powders, cosmetics and other toilet preparations, through use of the term "Paris, France", or of any other terms, words, symbols or picturizations indicative of French or other foreign origin of such products, or in any manner, that perfumes, powders, cosmetics or other toilet preparations which are made or compounded in the United States are made or compounded in France or in any other foreign country, prohibited; subject to the provision, however, that the country of origin of the various ingredients thereof may be stated when immediately accompanied by a statement that such products are made or compounded in the United States. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Chanel, Inc., Docket 3096, September 27, 1939]

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* Using, in connection with offer, etc., in commerce, of perfumes, powders, cosmetics and other toilet preparations, (a) any French or other foreign terms or words, except as provided in subdivision (b) below, to designate, describe or in any way refer to perfumes, powders, cosmetics or other toilet preparations made or compounded in the United States, unless the English translation or equivalent thereof appears as conspicuously and in immediate conjunction therewith, or (b) the term "Glamour de Chanel", "Jasmin de Chanel", "Gardenia de Chanel", "Cuir de Russie", or any other French or other foreign words or terms as brands or trade names for perfumes, powders, cosmetics or other toilet preparations made or compounded in the United States, without clearly and conspicuously stating in immediate connection and conjunction therewith that such products are made or compounded in the United States, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Chanel, Inc., Docket 3096, September 27, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before John W. Norwood, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein, and oral arguments by S. Brogdyne Teu, II, counsel for the Commission, and by Mark Eisner, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent Chanel, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of perfumes, powders, cosmetics and other toilet preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, through the use of the term "Paris, France", or of any other terms, words, symbols or picturizations indicative of French or other foreign origin of such products, or in any manner that perfumes, powders, cosmetics or other toilet preparations which are made or compounded in the United States are made or compounded in France or in any other foreign country; *Provided, however,* That the country of origin of the various ingredients thereof may be stated when immediately accompanied by a statement that such products are made or compounded in the United States;

[1] 2 F.R. 1943.



(2) Using any French or other foreign terms or words, except as provided in paragraph (3) hereof, to designate, describe or in any way refer to perfumes, powders, cosmetics or other toilet preparations made or compounded in the United States, unless the English translation or equivalent thereof appears as conspicuously and in immediate conjunction therewith;

(3) Using the terms "Glamour de Chanel", "Jasmin de Chanel", "Gardenia de Chanel", "Cuir de Russie", or any other French or other foreign words or terms as brands or trade names for perfumes, powders, cosmetics or other toilet preparations made or compounded in the United States without clearly and conspicuously stating in immediate connection and conjunction therewith that such products are made or compounded in the United States.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3815; Filed, October 16, 1939; 11:45 a. m.]

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[Docket No. 3639]

IN THE MATTER OF PARFUMS CORDAY, INCORPORATED

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin — Place — Domestic product as imported.* Representing, in connection with offer, etc., in commerce, of perfumes, toilet waters and other cosmetic preparations, through use of the term "Paris, France" or any other terms, words, symbols or picturizations indicative of French or other foreign origin of such products, or in any manner, that perfumes, toilet waters or other cosmetic preparations which are made or compounded in the United States are made or compounded in France or any other foreign country, prohibited; subject to the provision, however, that the country of origin of the various ingredients thereof may be stated when immediately accompanied with a statement that such products are made or compounded in the United States. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Parfums Corday, Incorporated, Docket 3639, September 27, 1939]

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* Using, in connection with offer, etc., in commerce, of perfumes, toilet waters and other cosmetic preparations, (a) any French or other foreign terms or words, except as in subdivision (b) below provided, to designate, describe, or in any way refer to perfumes, toilet waters or other cosmetic preparations made or compounded in the United States unless the English translation or equivalent thereof appears as conspicuously and in immediate connection therewith, or (b) the terms "Voyage a Paris", "Orchidee Bleue", "Toujours Moi", or any other French or other foreign words or terms as brand or trade names for perfumes, toilet waters or other cosmetic preparations made or compounded in the United States, without clearly and conspicuously stating in immediate connection and in conjunction therewith that such products are made or compounded in the United States, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Parfums Corday, Incorporated, Docket 3639, September 27, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Edward E. Reardon, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein by S. Brogdyne Teu, II, counsel for the Commission, and by Joseph L. Hochman, counsel for the respondent, respondent not having requested oral argument, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, Parfums Corday, Incorporated, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its perfumes, toilet waters and other cosmetic preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

[1] 4 F.R. 537 DI.

(1) Representing, through the use of the term "Paris, France" or any other terms, words, symbols or picturizations, indicative of French or other foreign origin of such products, or in any manner, that perfumes, toilet waters or other cosmetic preparations which are made or compounded in the United States are made or compounded in France or any other foreign country, provided, however, that the country of origin of the various ingredients thereof may be stated when immediately accompanied with a statement that such products are made or compounded in the United States.

(2) Using any French or other foreign terms or words, except as provided in paragraph (3) hereof, to designate, describe, or in any way refer to perfumes, toilet water or other cosmetic preparations made or compounded in the United States unless the English translation or equivalent thereof appears as conspicuously and in immediate connection therewith.

(3) Using the terms "Voyage a Paris", "Orchidee Bleue", "Toujours Moi", or any other French or other foreign words or terms as brand or trade names for perfumes, toilet waters or other cosmetic preparations made or compounded in the United States without clearly and conspicuously stating in immediate connection and in conjunction therewith that such products are made or compounded in the United States.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3816; Filed, October 16, 1939; 11:45 a. m.]

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[Docket No. 3666]

IN THE MATTER OF PARFUMS LENGYEL, LTD.

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported.* Representing, in connection with offer, etc., in commerce, of perfumes, toilet waters and other cosmetic preparations, through the use of any terms, words, symbols or picturizations, indicative of French or other foreign origin of such products, or in any manner, that perfumes, toilet waters or other cosmetic preparations which are made or compounded in the United States are made or compounded in France or in any other foreign country, prohibited; subject to the provision, however, that the country of origin of the various ingredients thereof may be stated when immediately accompanied with a statement that such products are made or compounded in the United States.

(Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Parfums Lengyel, Ltd., Docket 3666, September 26, 1939]

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* Using, in connection with offer, etc., in commerce, of perfumes, toilet waters and other cosmetic preparations, (a) any French or other foreign terms or words except as in subdivision (b) below provided, to designate, describe or in any way refer to perfumes, toilet waters or other cosmetic preparations made or compounded in the United States unless the English translation or equivalent thereof appears as conspicuously and in immediate connection therewith, or (b) any French or other foreign words or terms as brand or trade names for perfumes, toilet waters or other cosmetic preparations made or compounded in the United States without clearly and conspicuously stating in immediate connection or conjunction therewith that such products are made or compounded in the United States, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Parfums Lengyel, Ltd., Docket 3666, September 26, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of September, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into between the respondent herein and S. Brogdyne Teu, II, counsel for the Commission, the said stipulation of facts being made of record and in lieu of testimony in support of or in opposition to the charges in the complaint, brief filed in support of the allegations of the complaint, (respondent not having filed brief and oral argument not having been requested) and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That respondent, Parfums Lengyel, Ltd., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its perfumes, toilet waters and other cosmetic preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, through the use of any terms, words, symbols or picturizations, indicative of French or other foreign origin of such products, or in any manner, that perfumes, toilet waters or other cosmetic preparations which are made or compounded in the United States are made or compounded in France or in any other foreign country, provided, however, that the country of origin of the various ingredients thereof may be stated when immediately accompanied with a statement that such products are made or compounded in the United States;

(2) Using any French or other foreign terms or words except as provided in paragraph (3) hereof to designate, describe or in any way refer to perfumes, toilet waters or other cosmetic preparations made or compounded in the United States unless the English translation or equivalent thereof appears as conspicuously and in immediate connection therewith;

(3) Using any French or other foreign words or terms as brand or trade names for perfumes, toilet waters or other cosmetic preparations made or compounded in the United States without clearly and conspicuously stating in immediate connection and conjunction therewith that such products are made or compounded in the United States.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3817; Filed, October 16, 1939; 11:45 a. m.]

[1] 4 F.R. 889 DI.

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## TITLE 25—INDIANS

## OFFICE OF INDIAN AFFAIRS

### PART 223—REGULATIONS GOVERNING DISBURSEMENT OF KLAMATH JUDGMENT FUND AND THE PAYMENTS IN LIEU OF ALLOTMENTS

Pursuant to the authority vested in me by the Act of June 1, 1938 (52 Stat. 605), and the Act of August 7, 1939 (Pub. No. 325, 76th Cong., 1st Sess.) the following regulations governing disbursement of the Klamath Judgment Fund and the Payments in Lieu of Allotments are hereby promulgated:

§ 223.1 *Approval of programs.* The superintendent of the Klamath Reservation, to the extent permitted by this part, shall approve or disapprove of all plans or programs submitted by Indians for disbursement of pro-rata shares of the Klamath Judgment Fund and the payments in lieu of allotment. Should the superintendent disapprove the plan or program, in whole or in part, the individual concerned shall have the right to appeal, through the superintendent, to the Commissioner of Indian Affairs. The superintendent shall promptly forward all appeals thus filed to the Commissioner of Indian Affairs with his comments. Preference shall be given by the superintendent to programs: (a) for the construction or improvement of Indian homes; (b) to provide better living conditions; (c) to establish the Indian in such enterprise or undertaking as will, with his resources, training, education and ability, best enable him to succeed in providing for himself and family; and (d) to provide a better education for those desirous of obtaining higher education. No plan or program for the expenditure of a sum of less than $25.00 shall be considered by the superintendent.

§ 223.2 *Repayment of loans.* The superintendent shall draw checks against the funds of an individual for the repayment of all debts due by him, according to the terms of the agreement signed by the individual, to the United States or to the Klamath Tribes. If the individual has borrowed from the Klamath Loan Fund, repayment of all or a part of which loan is not due under the loan agreement, an amount equal to the unpaid balance of the loan, plus interest computed at the rate and for the term agreed upon in the loan agreement, shall be withheld by the superintendent, except that it may be paid over to the individual for use under this part with the written consent of the Klamath Loan Board.

§ 223.3 *Use of judgment fund shares.* The superintendent may expend individual shares of the judgment fund for: purchase of land; improvement of land acquired or already held by the Indian; erection and improvement of suitable homes; purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indian to fit himself for or to engage in farming, livestock raising, industry, or such other pursuits or vocations, including education, as will enable him to become self-supporting; and health.

§ 223.4 *Use of payments in lieu of allotment.* The superintendent may expend the payments in lieu of allotment of individual Indians, for: industrial and agricultural assistance and the construction and improvement of homes, including the purchase of land and interests in land, building material, farming equipment, industrial equipment, trucks, livestock, feed, food, seed, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indian to fit himself for or to engage in farming, livestock raising, industry, or such other industrial or agricultural pursuits or avocations as will enable him to become self-supporting; educational advancement; and financial assistance in case of illness, death, or other emergency.



§ 223.5 *Authority to withhold funds.* The superintendent may stop disbursement of funds in the execution of an approved program when he believes that the program or expenditure will not result in benefit to the Indian, and he may require either further justification for carrying out the program theretofore approved or the submission of a new program.

§ 223.6 *Family programs.* The funds of a husband and wife, and of any other adults in a family group, may be used in the execution of a family program, provided the written consent of each individual is filed with the superintendent. The available funds of a minor may be used in the execution of such family program, only if (a) the funds of such minors are used solely in the development, repair or maintenance of real or personal property owned by said minor or held in trust for him, or in the creation, development or completion of a project or undertaking or in the production of a gain or profit which will inure directly to the benefit of such minor; (b) the title to any real property or fixtures, purchased wholly or in part with his money is held in trust for him: *Provided*, That a minor's funds may not be used in the purchase of real property or fixtures unless seventy-five (75%) per cent or more of the purchase price is paid from his funds; or (c) the adults convey to the United States in trust for such minor sufficient real or personal property to assure, insofar as is possible, that the minor upon attaining majority will have, in lieu of the money, property of a value equal to that of his funds used in the execution of the program. The superintendent shall not approve a family program which involves the transfer to a minor, in exchange for his funds, of assets of a nature which will not be useful to him.

§ 223.7 *Limitations upon superintendent's authority.* The superintendent shall not, without the approval of the Commissioner of Indian Affairs: (a) approve any family plan or program for the expenditure of more than $3,800; (b) expend more than $500 of a minor's funds; (c) approve a plan or program for the purchase of land or interests in land; or (d) approve of a plan or program for the purchase of a passenger automobile. Authority for the expenditure of amounts in excess of those authorized in Sections 223.8, 223.9 and 223.10 must be obtained from the Commissioner of Indian Affairs. No funds shall be expended, except as provided in this part, without the approval of the Commissioner of Indian Affairs. Requests for authorization from the Commissioner of Indian Affairs shall be submitted by the superintendent with a full explanation of the circumstances, the program, and his report.

§ 223.8 *Allowances for support.* The superintendent may, upon a proper showing, make expenditures for monthly allowances for maintenance and support at a rate of not to exceed $150 per quarter for adults or $100 per quarter for minors. Allowances to minors must be solely for their direct benefit.

§ 223.9 *Medical, dental, and surgical treatment.* The superintendent may expend not to exceed $500 from the funds of any adult or minor to cover medical, dental, surgical, or hospital treatment, including nurse's services.

§ 223.10 *Education.* The superintendent may transfer to the superintendent of a non-reservation school not more than $350 for the use of a minor, including tuition, board and room, while in attendance at such school. The superintendent may expend not to exceed $350 a year from the funds of any minor for his tuition, board and room, and other expenses in a government, private or mission school. The superintendent shall give special attention to the educational needs of children and young people.

§ 223.11 *Funds not available for payment of certain debts.* Debts, except those to the United States and the Klamath Tribes, incurred by Indians prior to August 7, 1939, shall not be paid from any funds made available from the Klamath Judgment Fund. Debts of Indians will not be paid from the funds to be disbursed under this part unless previously authorized by the superintendent, except in emergency cases necessitating medical treatment or in the payment of last illness or funeral expenses,[1] as authorized in this part, and in any other exceptional cases where specific authority is granted by the Commissioner of Indian Affairs.

§ 223.12 *Issuance of purchase orders.* The superintendent may issue orders to Indians who are mentally incompetent or clearly incapable of acting for their best interest. The orders shall be headed "To Any Dealer" and the total sum to be expended shall be clearly shown. In addition, a detailed list of the goods, wares and merchandise to be purchased shall be set out therein. A notation shall be added to the effect that no cash shall be given to the Indian under any circumstances. The superintendent may also pay to the individual to whom the order is issued not more than $5.00 in cash to enable him to travel by convenient means to a locality where the goods may be purchased.

§ 223.13 *Disposition of funds in event of death.* The funds remaining to the credit of a deceased Indian shall be carried to the credit of the estate of such individual until his heirs have been determined. After payment of all proper claims against the funds, including reimbursable or other debts due the United States or the Tribes, the balance, including any sum to his credit on the books of the Indian Office, will be transferred to the individual accounts of the heirs in accordance with the heirship findings of the Secretary of the Interior. Such funds shall be expended in accordance with this part. The Superintendent may disburse not to exceed $50 per month for the support of the widow of a decedent; $50 per month for the support of the minor children of a decedent, and $50 per month for the support of orphaned minors. Before making the disbursement, the superintendent shall reasonably satisfy himself that the recipients are the probable heirs to the estate, that they are in actual need of assistance, and that the value of the estate is sufficient to justify such payments. Complete record of such disbursements must be reported by the superintendent to the examiner of inheritance and by the latter considered and included in his report in the probate proceedings.

§ 223.14 *Certain minors' funds unavailable.* The sum of $1,500 of each unallotted, minor Indian entitled to payment in lieu of allotment is not available during the minority of such Indian for the purposes of this part. Said sum is subject to the conditions and requirements of Sec. 2 of the Act of June 1, 1938 (52 Stat. 605), as amended by Sec. 2b of the Act of August 7, 1939 (Pub. No. 325, 76th Congress, 1st Session). No part of the $500 of each minor's share of the judgment fund is available for the purposes of this part. This share of each minor's funds shall be held intact during his minority, as provided for in Sec. 1 of the Act of August 7, 1939.

§ 223.15 *Definition of "minor."* The term "minor" shall include all members of the tribe less than twenty-one years of age, except those eighteen years of age or over and who are married or have families of their own to support.

§ 223.16 *Branding.* Livestock purchased, except horses, shal be branded I.D. and also with the individual brand of the Indian. All personal property purchased shall be covered by a bill of sale in the name of the superintendent in trust for the individual, as provided for in Part 221.27.

§ 223.17 *Transfer of funds.* The superintendent may transfer to the superintendent of another reservation the funds dealt with in this part to the credit of any Indian where such Indian is a resident within the jurisdiction of

[1] Comptroller General Ruling A-62264, dated July 25, 1935.

such other superintendent. All funds so transferred shall be expended in accordance with these regulations.

E. K. BURLEW,
*Acting Secretary of the Interior.*

OCTOBER 3, 1939.

[F. R. Doc. 39-3802; Filed, October 14, 1939; 9:35 a. m.]

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DECLARATION OF POLICY IN DISBURSEMENT OF THE KLAMATH JUDGMENT FUND AND THE PAYMENTS IN LIEU OF ALLOTMENTS

OCTOBER 3, 1939.

The Klamath Judgment Fund, as well as the Payments in Lieu of Allotment, represent the cash equivalent of land. The judgment fund is a payment to the Tribe as a whole to recompense it for the taking of the Yamsey Mountain tract, and should be treated by the Klamath Indians as a capital asset, in the nature of land, and thus to be conserved. The payments made to individuals in lieu of an allotment of land are, as the name indicates, money paid to the individual to provide a capital basis for his efforts to become self-supporting.

Congress has authorized the pro-ration of a portion of the judgment fund to living Indians for their use to foster their development and education, and to enable them to become self-supporting. The use of the money payment in lieu of allotment has been similarly restricted by the language of the statute. The objects for which the individual portions of the judgment fund and the payments in lieu of allotment may be expended have been strictly limited and defined by the Acts of Congress as indicated by the following extracts from the two acts.

Purchase of land; improvement of lands acquired or already held by the Indian; erection and improvement of suitable homes; repayment of any loans received from the United States or from the Klamath tribal funds; purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in farming, livestock, industry, or such other pursuits or vocations, including education, as will enable them to become self-supporting; and health purposes: *Provided, however*, That the funds of the aged, infirm, decrepit, and incapacitated members, and of minors, may be used for their proper maintenance and support. The remainder of the share of each minor Indian shall be held intact until such Indian reaches his majority, when it, together with interest at the rate of 4 per centum per annum, shall be available for expenditure for the purposes specified herein. As herein used, the term "minor" shall include all members of the tribe less that twenty-one years of age, except that minors eighteen years of age or over and who are married or have families of their own to support, shall be regarded as adults. On the death of any enrolled member, adult, or minor, the sum on deposit to his credit shall be distributed as personal property, and shall be available for expenditure by the distributees only for the purposes herein authorized: *Provided, however*, That of the aforesaid $2,000 to be prorated to each person, $100 shall be paid to each member of said tribes as a per capita payment, free from the aforesaid restrictions, under rules and regulations prescribed by the Secretary of the Interior.

SEC. 3. The payments herein authorized shall be deposited to the credit of the individual Indian money accounts of such Indians subject to expenditure by such Indians, under such rules and regulations as the Secretary of the Interior may prescribe for (1) industrial and agricultural assistance, and the construction and improvement of homes, including the purchase of land and interests in land, building material, farming equipment, industrial equipment, trucks, livestock, feed, food, seed, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in the farming, livestock industry, or such other industrial or agricultural pursuits or avocations as will enable them to become self-supporting; (2) the educational advancement of such Indians; (3) financial assistance in cases of illness, death, or other emergency; (4) the repayment of reimbursable debts previously contracted; or (5) security for or the repayment of loans made to such Indians from any Klamath revolving loan fund now existent or which shall hereafter be created.

The programs to be developed must, therefore, be in accord with such congressional policy, which apply equally to those who may reside at Klamath or any other jurisdiction and those who by reason of having received patents in fee or otherwise are residing outside of the jurisdiction of any Indian superintendent.

Production of income, which may be used without the restrictions imposed by the present regulations, is dependent upon the success of the enterprise in which the individual invests his capital. Individuals should use great care and thought in determining the uses to which their share of the judgment fund, or payment in lieu of allotment, will be put, with a view to obtaining the greatest amount of income for him over the longest possible period.

During the time the Klamath Loan Fund has been in operation many loans were made with the knowledge that repayments would come from the money payments in lieu of allotment. After these payment funds have been utilized there will be no assured future cash payments from tribal funds or other sources of sufficient size to warrant extending substantial credit to a borrower by the Klamath Loan Board. Hereafter the credit of a borrower will depend upon the showing he has made under his program and the assets which he can tender the Loan Board as security for the repayment of his obligation. Individuals should and must give thought to means of carefully preserving the asset value of the money made available under these acts and regulations so that if further loans are required in the future they may be obtained from the Klamath Loan Fund.

The money here involved represents a substantial part of the heritage of living Indians, which it has been, and is, the policy of the Department to conserve. The Department's policy has been approved by Congress in the two applicable acts. In order that the value of this heritage may be of the greatest benefit to the present generation and be preserved for future generations, those responsible for the preparation and consideration of the plans for the expenditure of these funds are charged with the duty of safeguarding such funds and of giving careful consideration to any and all plans for their use in order to assist the Indian in making progress to the end that he may become self-supporting.

The heads of the various divisions at the agency will advise with and assist any individual in the preparation of his plan or program. In the ordinary case, approval of the plan or program will be expedited by taking it up with the division head, most familiar with the type of program contemplated, before it is submitted to the Superintendent.

After the individual has carefully prepared his program for the expenditure of all, or a portion, of his available funds, with special regard to the question of whether the purposes for which he desires to expend the money are authorized by the applicable Act of Congress, he shall present the same to the superintendent.

In all family plans or programs which contemplate the use of funds of minors or adults (other than the head of the family and his wife) attention must be given to the probability that in the future such minors or adults may desire to create a new home or to develop their individual plans or programs on their own allotments or on land they may acquire. Care should be exercised so that the normal development of such individuals will not be impeded.

E. K. BURLEW,
*Acting Secretary of the Interior.*

[F. R. Doc. 39-3801; Filed, October 14, 1939; 9:35 a. m.]

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## TITLE 29—LABOR

### CHILDREN'S BUREAU

[Regulation No. 1-E]

CHILD LABOR

EXTENSION OF TEMPORARY CERTIFICATES OF AGE REGULATION

OCTOBER 12, 1939.

*Authority for Regulation*

By virtue of and pursuant to the authority conferred by section 3 (l) and section 11 (b) of the Fair Labor Standards Act of 1938[1] the following regulation is hereby issued for the purpose of extending the effective period of Child Labor Regulation No. 1-A, entitled "Temporary Certificates of Age," as the effective period thereof has been extended by Child Labor Regulations No. 1-B, 1-C, and 1-D until October 24, 1939.

[1] Act of June 25, 1938, chapter 676, 52 Stat. 1060, U.S.C., Supp. IV, title 29, section 201.



*Regulation*

Child Labor Regulation No. 1-A, entitled "Temporary Certificates of Age," issued October 14, 1938[1] and effective until January 23, 1939, as amended by Child Labor Regulation No. 1-B, issued January 19, 1939,[2] Child Labor Regulation No. 1-C, issued April 14, 1939,[3] and Child Labor Regulation No. 1-D, issued July 13, 1939,[4] extending the effective period for the acceptance of temporary certificates of age until October 24, 1939, is hereby amended by extending the effective period for the acceptance of temporary certificates of age, as provided in Child Labor Regulation No. 1-A, for an additional period of 90 days, that is until January 22, 1940.

[SEAL] KATHARINE F. LENROOT,
*Chief.*

[F. R. Doc. 39-3806; Filed, October 14, 1939; 9:51 a. m.]

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## TITLE 30—MINERAL RESOURCES

### BITUMINOUS COAL DIVISION

[Order No. 285]

AN ORDER AMENDING ORDER NO. 284 BY EXTENDING FOR FOURTEEN DAYS THE TIME PRESCRIBED BY SAID ORDER FOR THE PERFORMANCE OF CERTAIN FUNCTIONS BY THE DISTRICT BOARDS

Pursuant to the Bituminous Coal Act of 1937 (particularly Section 4, Part II thereof),

*It is hereby ordered*, That Order No. 284,[1] dated October 10, 1939, heretofore issued by the Bituminous Coal Division, United States Department of the Interior, be and the same is hereby amended by extending for fourteen (14) days the time prescribed by said order for the performance of each of the functions of the District Boards for Districts No. 1 to 20, inclusive, 22 and 23, designated in said order.

[SEAL] H. A. GRAY,
*Director.*

OCTOBER 13, 1939.

[F.R. Doc. 39-3796; Filed, October 14, 1939; 9:32 a. m.]

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## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### VETERANS' ADMINISTRATION

REVISION OF REGULATIONS

OUT-PATIENT MEDICAL TREATMENT

§ 6.6060[1] (A) Out-patient medical or dental treatment, including necessary prosthetic appliances, medicines and other supplies, may be rendered veterans of wars as defined in Sec. 6.6047 (A) (1), and persons who were honorably discharged from the United States Army, Navy, Marine Corps or Coast Guard for disability in line of duty, or who are in receipt of pension for service-connected disability; provided, that the disability from the disease or injury for which such veteran of a war or person applies for out-patient treatment has been adjudicated as service-connected, or the official service records show that such disease or injury was the one that led to the applicant's discharge for disability in line of duty in active service. A formal claim for disability compensation or pension will not be required of an applicant so eligible for out-patient treatment; and a denial of a claim for pension will not debar out-patient treatment if the official service records show that the disease or injury for which such person applies for such treatment was one the disability from which led to his discharge in line of duty in active service (see determination of line of duty, Sec. 6.6047 (B) (2)). (October 16, 1939) (Public No. 62, 76th Congress)

[SEAL] FRANK T. HINES,
*Administrator.*

[F. R. Doc. 39-3811; Filed, October 16, 1939; 11:22 a. m.]

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## TITLE 43—PUBLIC LANDS

### DIVISION OF GRAZING

ORDER ESTABLISHING GRAZING DISTRICT NO. 6 AND MODIFYING GRAZING DISTRICT NO. 2 IN THE STATE OF MONTANA

OCTOBER 4, 1939.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended, and subject to the limitations and conditions therein contained, Montana Grazing District No. 6 is hereby established, the exterior boundaries of which shall include the lands described as follows, which are hereby excluded from Montana Grazing District No. 2, established July 11, 1935:

MONTANA

*Principal Meridian*

That part of Montana Grazing District No. 2 lying west of the Musselshell River.

E. K. BURLEW,
*Acting Secretary of the Interior.*

[F.R. Doc. 39-3800; Filed, October 14, 1939; 9:34 a. m.]

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## TITLE 50—WILDLIFE

### BUREAU OF BIOLOGICAL SURVEY

PART 12—ADMINISTRATION OF NATIONAL WILDLIFE REFUGES

GENERAL REGULATIONS

§ 12.51 *Schedule of prices under which surplus big game animals may be offered for sale.* Pursuant to section 401 of the act of June 15, 1935 (49 Stat. 483), authorizing the sale and disposition of surplus animals on wildlife refuges under the administration of the Bureau of Biological Survey, and to the President's Reorganization Plan No. II, promulgated pursuant to the Reorganization Act of 1939, Public No. 19, 76th Congress, the following schedules of prices under which such animals may be offered for sale, amending schedule effective October 25, 1937 (2 F.R. 2279), are hereby prescribed, effective September 16, 1939:

SCHEDULE 1. Live animals captured, crated in individual crates, and delivered to transportation company or to purchaser's truck:

Buffalo:

Mature animals—not less than 2 years of age, $60 each.

Animals under 2 years of age, $50 each.

Elk:

Mature animals—not less than 2 years of age, $55 each.

Animals under 2 years of age, $50 each.

Mule deer or white-tailed deer, $45 each.

SCHEDULE 2. Live animals corralled and delivered to purchaser's truck or crate at the capturing corral on the preserve:

Buffalo:

Mature animals—not less than 2 years of age, $50 each.

Animals under 2 years of age, $40 each.

Elk:

Mature animals—not less than 2 years of age, $45 each.

Animals under 2 years of age, $40 each.

Mule deer or white-tailed deer, $35 each.

SCHEDULE 3. Animals butchered, dressed, prepared for shipment and delivered to transportation company or purchaser's truck consisting of carcass, hide, and head:

Buffalo:

Mature animals—not less than 2 years of age, $50 each.

Animals under 2 years of age, $40 each.

Elk:

Mature animals—not less than 2 years of age, $45 each.

Animals under 2 years of age, $40 each.

Mule deer, $35 each.

SCHEDULE 4. Animals butchered on the open range, but removed therefrom and dressed by purchaser:

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[1] 3 F.R. 2531 DI.
[2] 4 F.R. 402 DI.
[3] 4 F.R. 1620 DI.
[4] 4 F.R. 3328 DI.
[1] 4 F.R. 4226 DI.
[1] 4 F.R. 2464 DI.

Buffalo:

Mature animals—not less than 2 years of age, $45 each.

Animals under 2 years of age, $35 each.

Elk:

Mature animals—not less than 2 years of age, $40 each.

Animals under 2 years of age, $35 each.

Mule deer, $30 each.

Approved, August 25, 1939.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 39-3803; Filed, October 14, 1939; 9:35 a. m.]

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PART 24—INDIVIDUAL NATIONAL WILDLIFE REFUGES

WEST CENTRAL REGION

§ 24.919 (a) (1) *Order permitting hunting within the upper Mississippi River wildlife and fish refuge.* Pursuant to the Upper Mississippi River Wildlife and Fish Refuge Act of June 7, 1924 (43 Stat. 650), as amended, and to the President's Reorganization Plan No. II, promulgated May 9, 1939, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939 (Public No. 19, 76th Congress), it is hereby ordered that, until further notice, in accordance with the joint regulations of September 27, 1934,[1] for the administration of the Upper Mississippi River Wildlife and Fish Refuge, the public hunting of waterfowl, coots, and Wilson's snipes or jacksnipes is permitted within the refuge in the respective States of Illinois, Iowa, Minnesota, and Wisconsin in conformity with the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended, and regulations thereunder, the Migratory Bird Hunting Stamp Act of March 16, 1934 (48 Stat. 451), as amended, the laws and regulations governing the said refuge, and the laws of the respective States not inconsistent therewith, except on the areas specifically scheduled below.

*Wisconsin—Buffalo County*

*Area Number 1.* All the lands and waters lying and being in Sections 6, 7, 16, 17, 18, 19, 20, 21, T. 22 N., R. 13 W., 4th P. M., Sections 1, 2, 3, 4, 10, 11, 12, 13, T. 22 N., R. 14 W., 4th P. M., and Sections 33, 34, 35, 36, T. 23 N., R. 14 W., 4th P. M., which are enclosed by the following definite boundaries: Beginning at the point of intersection of the Old Wabasha-Nelson Ferry Road with the tracks of the Chicago, Burlington & Quincy Railroad in the NW¼ Section 6, T. 22 N., R. 13 W.; thence southwesterly along the said ferry road to the slough known as Beef Slough in the NW¼ Section 12, T. 22 N., R. 14 W.; thence southeasterly along the main channel of the said Beef slough to the Mississippi River in Section 21, T. 22 N., R. 13 W.; thence northwesterly along the Mississippi River to the Chippewa River; thence northerly along the Chippewa River to the C. B. & Q. Railway tracks in the SE¼ Section 33, T. 23 N., R. 14 W.; thence southeasterly along the said railroad tracks to the point of beginning; excepting therefrom the following described lands: S½NE¼, W½SE¼ Section 1; SW¼NW¼, N½SW¼ Section 2, T. 22 N., R. 14 W., 4th P. M., NW¼SW¼ Section 34, T. 23 N., R. 14 W.

*Minnesota—Wabasha County*

*Area Number 2.* All lands and waters lying and being in Sections 20, 21, 22, 27, 28, 29, 32, 33 and 34 in T. 109 N., R. 9 W., 5th P. M., which are enclosed by the following definite boundaries: Beginning at the point where the north line of Section 21, T. 109 N., R. 9 W., intersects the Mississippi River; thence west approximately 97 chains to the center line of Section 20, T. 109 N., R. 9 W., thence south 110 chains; thence east 10 chains; thence south 20 chains; thence east 20 chains; thence south approximately 30 chains to the south line of Section 29; thence south approximately 887 feet to the 660 foot contour line as established by War Department survey in March, 1932, thence southeasterly along the said contour line to the Whitewater River where it forms the southern boundary of Lot 3, Section 34, thence along the said Whitewater River to the Mississippi River, thence northerly and northwesterly along the west bank of the said Mississippi River to the place of beginning.

*Wisconsin—Buffalo County*

*Area Number 3.* All the lands and waters lying and being in T. 20 N., R. 12 W., 4th P. M., described as follows: Lots 9, 10, 11, and 12 in Section 7; Lots 5, 6, 7, 8, 10, 11, 12, 13, and E½SW¼ Section 18; Lots 2, 3, 4, and 5 Section 19; Lots 8, 9, and 10, Section 20; and Lot 2 Section 29, and all of the lands and waters lying and being in T. 20 N., R. 13 W., 4th P. M., described as follows: Lots 12, 13, and 14 Section 1; all fractional Sections 12, 13, and 24, the said lands and waters comprise the island known as Lost Island.

*Wisconsin—La Crosse County*

*Area Number 4.* All the lands and waters lying and being in Section 12, T. 17 N., R. 9 W., 4th P. M., and Sections 7, 8, 9, 16, 17, and 18 in T. 17 N., R. 8 W., 4th P. M., which are enclosed by the following definite boundaries: Beginning at the point where the east line of Section 8 intersects the southern boundary of the Chicago, Burlington and Quincy Railroad right of way; thence northwesterly along the said right of way approximately 14 chains to the south line of the NE¼NE¼ Section 8; thence west through Sections 8 and 7, and fractional Section 12 to the Mississippi River; thence southeasterly along the east bank of the said Mississippi River to the south line of the NE¼SE¼ Section 18, thence east through Sections 18, 17, and 16 to Broken Gun Slough, thence northerly along the west bank of Broken Gun Slough to Black River, thence northwesterly and northeasterly along the said Black River to the southern boundary of the Chicago, Burlington and Quincy Railroad right of way, thence northwesterly along the said right of way to the east line of the NW¼SW¼ of Section 9, thence south along the said east line to the southeast corner of the said tract, thence west along the south line of the said tract to the east line of Section 8, thence north along the said east line of Section 8 to the place of beginning.

*Minnesota—Houston County*

*Area Number 5.* All the lands and waters lying and being in Sections 13, 14, 23, 24, 25, and 26 in T. 104 N., R. 4 W., 5th P. M., and fractional Section 30, T. 104 N., R. 3 W., 5th P. M., which are enclosed by the following definite boundaries: Beginning at the point where the north line of Section 13, T. 104 N., R. 4 W., intersects West Channel, thence west along the said line to the northeast corner of Section 14, T. 104 N., R. 4 W., thence west along the north line of the said Section 14 to the northwest corner of the NE¼NE¼, Section 14, thence south approximately 325 feet; thence west approximately 20 chains to the center line of the said Section 14; thence north along the said center line to the north line of the said Section 14; thence west along the said north line to the northwest corner of the said Section 14; thence south along the west line of said Section 14 to the southwest corner of the NW¼SW¼ of said Section 14; thence east along the south line of said NW¼SW¼ to the southeast corner thereof; thence south through Sections 14, 23, and 26 to the southwest corner of the NE¼NW¼ Section 26, T. 104 N., R. 4 W., thence east through the said Section 26 and Section 25 to Broken Arrow Slough, thence southeasterly along the eastern bank of the said Slough to the Mississippi River; thence northwesterly and northerly along the west bank of the said Mississippi River to West Channel; thence northerly along the west bank of West Channel to the place of beginning; excepting the tract of land in the SE¼SE¼ of Section 14, T. 104 N., R. 4 W., described as follows: Beginning at the southeast corner of Section 14, thence north along the east line of the said Section 14 approximately 100 feet; thence west approximately 20 chains to the west line of the E½SE¼ Section 14; thence south to the south line of the said Section 14; thence east along the said south line to the place of beginning.

[1] S.R.A.—B.S. 80.



*Wisconsin—Vernon County*

*Area Number 6.* All the lands and waters lying and being in Sections 5, 6, 7, 8, 17, 18, 19, and 20, T. 14 N., R. 7 W., 4th P. M., which are enclosed by the following definite boundaries: Beginning at the northwest corner of Section 5; thence south along the west line of said Section 5 to the southwest corner of the NW¼NW¼ Section 5; thence west to the Mississippi River; thence southerly along the east bank of the said Mississippi River to Crosby Slough; thence southerly along the east bank of said Slough to the south line of the N½NE¼ Section 7; thence west to the Mississippi River; thence southerly along the east bank of the said Mississippi River where it forms the west boundaries of Sections 7, 18, and 19, to the south line of the N½SW¼ Section 19; thence east to the southwest corner of the NE¼SE¼ Section 19; thence north along the west line of the said tract to the northwest corner thereof; thence east to the northeast corner of the said tract; thence south to the southwest corner of Section 20; thence east along the south line of said Section 20 to Crosby Slough; thence in a general northerly and northwesterly course along the west bank of the said Slough to the south line of Lot 6, Section 7; thence east to the southeast corner of the NW¼SW¼ Section 8; thence north approximately 60 chains to the north line of Section 8 at a point 20 chains east from the northwest corner of the said Section 8; thence east 20 chains; thence north 20 chains; thence east 20 chains; thence north 20 chains, thence west 20 chains; thence north 20 chains; thence east approximately 25 chains to Running Slough; thence northwesterly along the west bank of the said slough to the north line of Section 5; thence west along the north line of the said Section 5 to the place of beginning; excepting a tract of 19.70 acres in the NW¼ Section 20, described as follows: Beginning at the northwest corner of the NE¼NE¼ Section 20; thence south 1716 feet; thence east to Crosby Slough; thence northeasterly along said Slough approximately 500 feet; thence north 1250 feet to the north line of Section 20, thence west 507.54 feet to the place of beginning.

*Minnesota—Houston County*

*Iowa—Allamakee County*

*Area Number 7.* All the lands and waters lying and being in Sections 25, 26, and 36, T. 101 N., R. 4 W., 5th P. M., Sections 29, 30, 31, and 32, T. 101 N., R. 3 W., 5th P. M., Sections 7, 8, 17, 18, and 19, T. 100 N., R. 3 W., 5th P. M., and fractional Section 24, T. 100 N., R. 4 W., 5th P. M., which are enclosed by the following definite boundaries: Beginning at the point where the north line of Section 30, T. 101 N., R. 3 W., intersects the Mississippi River, thence west along the north line of said Section 30 to Mud Lake in the NW¼ Section 30, thence northerly, westerly, and southwesterly along the meander line of said lake to the said north line of Section 30; thence west through the northwest corner of Section 30 and west along the north line of Section 25, T. 101 N., R. 4 W., through the northwest corner of said Section 25 and west from the said corner approximately 16 chains along the north line of Section 26 to where said line intersects a bay bearing north from Minnesota Slough; thence southward along the east bank of said bay where it forms the west boundary of Lots 2, 3, and 4 of said Section 26 to Minnesota Slough; thence southeasterly along the east bank of said Minnesota Slough where it forms the boundary of Lot 3, Section 25, Lots 1, 2, 3, and 7, Section 36, T. 101 N., R. 4 W.; and Lot 2, Section 31, T. 101 N., R. 3 W.; thence southward and southeasterly along the east bank of said Minnesota Slough through Section 7 and the northerly part of Section 18, T. 100 N., R. 3 W., to the south line of Lot 2, Section 18; thence east along the south line of said Lot 2 to the southeast corner thereof; thence south to and across Ferry Slough; thence southwesterly along the south bank of the said Ferry Slough to the Old Iowa River; thence southerly and southwesterly along the east bank of said Old Iowa River where it forms the boundary of Lots 8 and 11, Section 18, NE¼NW¼ and Lot 4, Section 19, Lot 1, Section 24, T. 100 N., R. 4 W.; Lots 11, 10, 9, and 8, Section 19, T. 100 N., R. 3 W., to the Mississippi River; thence northerly to Lost Channel; thence northerly along the west bank of Lost Channel where it forms the boundary of Lots 7 and 1, Section 19, and Lots 13, 12, 7, and 6, Section 18 to and across Ferry Slough to the east line of Section 7; thence southeasterly and northeasterly along the southern boundary of Lot 5, Section 8 to and across Lost Channel; thence southeasterly along the northern bank of Ferry Slough to the Mississippi River; thence northerly along the west bank of the said Mississippi River where it forms the eastern boundary of Lots 6 and 1, Section 17 and Section 8, T. 100 N., R. 3 W., and Lots 6, 5, and 4, Section 32, T. 101 N., R. 3 W., to the north line of Lost Channel; thence northerly to the north line of said Lot 4 to and across Lost Channel; thence northerly and northwesterly to the Mississippi River; thence northwesterly along the west bank of the said Mississippi River to the place of beginning.

*Wisconsin—Crawford County*

*Area Number 8.* All the lands and waters lying and being in Section 35, T. 11 N., R. 7 W., 4th P. M., and Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, and 24, T. 10 N., R. 7 W., 4th P. M., which are enclosed by the following definite boundaries: Beginning at the point where the southern boundary of the Iowa-Wisconsin Bridge Company right of way intersects the Mississippi River in the SW¼ Section 4; thence southeasterly along the east bank of the said Mississippi River where it forms the southwestern boundary of Sections 4, 9, 15, 14, 13, and 24 to the Range line between Ranges 6 and 7 W.; thence north along said Range line to the southern boundary of the Chicago, Burlington and Quincy Railroad right of way; thence northwesterly along said right of way to the north line of Lot 2, Section 1; thence west along the north line of Lots 2 and 1, Section 1 to the west line of said Section 1; thence north along the said west line to the southern boundary of the Chicago, Burlington and Quincy Railroad right of way; thence northwesterly along said right of way to the north line of Section 2; thence west along said line to and across Winneshiek Slough; thence northerly along the west bank of said Slough to the north line of Lot 8, Section 35, T. 11 N., R. 7 W.; thence west along said line to the southern boundary of the Iowa-Wisconsin Bridge Company right of way; thence southwesterly along said right of way to the west line of Section 35; thence south along said line to the southwest corner of said Section 35; thence west along the south line of Section 34 to the southern boundary of the Iowa-Wisconsin Bridge Company right of way; thence southwesterly along said right of way to the place of beginning.

*Iowa—Allamakee County*

*Area Number 9.* All the lands and waters lying and being in Sections 21, 28, 32, 33, and 34, T. 98 N., R. 2 W., 5th P. M., and Sections 3, 4, 5, 7, 8, 9, 17, and 18, T. 97 N., R. 2 W., 5th P. M., which are enclosed by the following definite boundaries: Beginning at the point where Harpers Slough intersects the Mississippi River in the SW¼ Section 21, T. 98 N., R. 2 W.; thence southerly along the east bank of said Slough where it forms the western boundary of Lots 1 and 2, Section 21; Lots 5, 4, 3, and 2, Section 28; Lots 4, 6, and 7, Section 33; and that portion of Section 32 lying east of said Harpers Slough T. 93 N., R. 2 W., thence south across Harpers Slough to the north line of Section 4, T. 97 N., R. 2 W.; thence west to the northwest corner of Section 4; thence north approximately 248.26 feet; thence west 40 chains; thence south to the north line of Section 5; thence west along said line approximately 475 feet; thence south to the north line of Lot 3, Section 5; thence west along said line to the eastern boundary of Chicago, Milwaukee, St. Paul and Pacific right of way; thence southwesterly along said right of way to the west line of said Section 5; thence southeasterly across Harpers Slough to the western boundary of Lot 5, Section 5; thence southerly and southwesterly along the east bank of Harpers Slough where it forms the boundary of Lot 5, Section 5, Lot 11, Section 8, Lots 2 and 1, Section 7, and Lot 1, Section 18, to the northern side of U. S. Dam No. 9; thence southeasterly along said Dam to

the Mississippi River; thence northeasterly along said Mississippi River to St. Paul Slough; thence northerly along the west bank of said slough to an iron pipe at the water's edge 250 feet south from the north line of Lot 3, Section 17; thence west 412.5 feet; thence north 4°20' east, 1,485 feet; thence east 412.5 feet to St. Paul Slough; thence easterly across said Slough to the southern end of Lot 1, Section 17; thence northeasterly along the eastern boundaries of Lot 1, Section 17, Lot 4, Section 8, Lot 5, Section 9, to the east line of said Lot 5; thence north along the east line of Lot 5, Section 9, to and across the slough which forms the northern boundary of said Lot 5; thence northeasterly along the western bank of said slough where it forms the boundary of Lot 6, Section 9, and Lot 4, Section 3, to the Mississippi River; thence northeasterly and northerly along the west bank of the said Mississippi River to the north line of Lot 4, Section 34, T. 98 N., R. 2 W., thence west along said line to the northwest corner of said Lot 4; thence north along the west line of Lot 3, Section 34, to Pan Handle Slough; thence across the said Pan Handle Slough to the east tip of Lot 1, Section 34; thence northeasterly to the Crooked Slough; thence in a general northwesterly direction along the west bank of said Crooked Slough to the Mississippi River; thence northwesterly along the west bank of the said Mississippi River to the place of beginning.

*Wisconsin—Crawford County*

*Area Number 10.* All the lands and waters lying and being in Sections 14 and 25, T. 7 N., R. 7 W., 4th P. M., which are enclosed by the following definite boundaries: Beginning at the northernmost point in Lot 6, Section 14; thence southerly along the Mississippi River where it forms the western boundary of Section 14 and Lots 8, 9, 10, 5, and 4, Section 25, and to the south line of said Section 25; thence east along said line to Sunfish Slough; thence northerly and northwesterly along the west bank of the said Sunfish Slough to the place of beginning.

*Wisconsin—Crawford County*

*Area Number 11.* All the lands and waters lying and being in Sections 26, 35, and 36, T. 7 N., R. 7 W., 4th P. M., and Sections 1 and 2, T. 6 N., R. 7 W., 4th P. M., which are enclosed by the following definite boundaries: Beginning at the point where the north line of Lot 7, Section 26, intersects the West Channel of the Mississippi River; thence southerly along the east bank of said West Channel where it forms the western boundary of Sections 26 and 35, T. 7 N., R. 7 W., and the western boundary of Lot 1, Section 2, T. 6 N., R. 7 W., to where it intersects East Channel of the Mississippi River; thence easterly, northeasterly, northerly, and northwesterly along the west bank of the said East Channel where it forms the southeastern boundary of Lots 1 and 3, Section 2, Lot 2, Section 1, T. 6 N., R. 7 W., and the eastern boundary of Lots 3 and 4, Section 36, Lot 9, Section 35, Lot 4, Section 26, T. 7 N., R. 7 W., to the north line of Lot 3, Section 26; thence west along said line to and along the north line of Lot 7, Section 26 to the place of beginning; excepting therefrom those lands included in the right of way of the Marquette-Prairie du Chien Bridge Company through the S½ Section 26.

*Iowa—Clayton County*

*Area Number 12.* All the lands and waters lying and being in Sections 11, 14, 23, 24, 25, 26, 35, and 36, T. 94 N., R. 3 W., 5th P. M., which are enclosed by the following definite boundaries: Beginning at the northernmost point of Lot 5, Section 11, at the junction of Sny Magill Slough and the Mississippi River; thence southwesterly along the east bank of the said Sny Magill Slough where it forms the western boundary of Lots 5, 6, and 7. Section 11, Lots 3 and 4, Section 14, Lots 14, 7, 8, and 13, Section 23, and Lots 4, 5, and 6, Section 26, and Lots 5 and 6, Section 35, to where said Sny Magill Slough intersects the Mississippi River; thence northeasterly and northerly along the west bank of the Mississippi River where it forms the east boundary of Sections 36, 25, 24, 23, 14, and 11, to the place of beginning; excepting therefrom the western part of Lot 5 and the northwest part of Lot 6 in Section 23 and the northwestern part of Lot 5, Section 35.

*Iowa—Clayton County*

*Area Number 13.* All the lands and waters lying and being in Sections 15, 16, 21, 22, 27, and 28, T. 92 N., R. 2 W., 5th P. M., Clayton County, Iowa, which are enclosed by the following definite boundaries: Beginning at a point on the easterly bank of the Mississippi River in the NW¼ Section 16, where Lock and Dam No. 10 intersects the Mississippi River; thence southerly along the east bank of the Mississippi River where it forms the westerly boundary of Sections 16, 21, and 28; thence east along the south line of Sections 28 and 27 to the westerly bank of State Line Slough; thence northerly along the westerly bank of State Line Slough where it forms the boundary of Sections 27, 22, 21, 16, and 15 to where Lock and Dam No. 10 intersects the westerly bank of State Line Slough; thence westerly along the south line of Lock and Dam No. 10 to the place of beginning; excepting therefrom a strip of land one hundred (100) feet in width in the southwest quarter of Section 16 extending from Swift Slough to Dead Slough, the boundary of which is permanently and definitely marked by monuments; also excepting therefrom Sublot 3 of Lot 3 in the southeast quarter of Section 28.

*Wisconsin—Grant County*

*Area Number 14.* All the lands and waters lying and being in Sections 1 and 12, T. 2 N., R. 4 W., 4th P. M., and Sections 6, 7, 8, and 17, T. 2 N., R. 3 W., 4th P. M., Grant County, Wisconsin, which are enclosed by the following definite boundaries: Beginning at the northwest corner of Lot 7, Section 1, thence southerly along the west boundary of Sections 1 and 12 to the Mississippi River; thence southeasterly along the easterly bank of the Mississippi River to the east line of Section 17; thence north along the east line of Sections 17 and 8 to the slough that forms the easterly boundary of Lot 9; thence northwesterly along the south bank of the slough forming the north boundary of Lots 9 and 8 to the west line of said Lot 8; thence north to the north line of Section 8; thence west along the north line of Section 8 to the northwest corner of Section 8; thence north along the east line of Section 6 to Railroad Slough; thence westerly along the south bank of Railroad Slough forming the north boundary of Lots 7 and 8, Section 6, and Lots 4, 5, 6, and 7, Section 1, to the place of beginning; excepting therefrom Lots 3 and 4 and the SW¼NE¼ of Section 7.

*Iowa—Jackson County*

*Area number 15.* All the lands and waters in T. 85 N., R. 5 E., 5th P. M., which are described as follows: That part of the E½NW¼ of Section 10 and that part of the E½ of Section 10 which lie northerly and easterly of the right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad as it is at present maintained and operated; the N½ of Section 11 and the N½SW¼ of Section 11; and the W½NW¼, SE¼NW¼, NW¼SE¼, and Lots 1 and 2 of Section 12.

*Iowa—Jackson County*

*Area number 16.* All the lands and waters lying in T. 85 N., R. 6 E., 5th P. M., locally known as Railroad Island, and described as follows: Lots 1 and 2, Section 15; Lots 1, 2, and 3 and NE¼NE¼ Section 22; Lots 1, 2, 3, 4, and 5, SW¼NW¼, NW¼SW¼, E½SW¼, and W½SE¼ Section 23; fractional Section 24, Lots 1 and 2, Section 25; Lots 1, 2, and 3, Section 26.

Hunting on private lands within the exterior boundaries of the said refuge is not affected by this order but is subject to such provisions of the State laws and of the Migratory Bird Treaty Act and the regulations thereunder as may apply.

Approved, September 19, 1939.

HARRY SLATTERY,
*Acting Secretary of the Interior.*

[F. R. Doc. 39-3804; Filed, October 14, 1939; 9:36 a. m.]



## BUREAU OF FISHERIES

SUBCHAPTER A—ALASKA FISHERIES

PART 220—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

A new section to be known as 220.6a is hereby inserted between sections 220.6 and 220.7, to read as follows:

§ 220.6a *Barlow Cove closed to commercial herring fishing except for bait purposes.* All commercial fishing for herring, except for bait purposes, is prohibited in the waters of Barlow Cove south of a true line westward from the outer extremity of Barlow Point. (Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

E. K. BURLEW,
*Acting Secretary of the Interior.*

OCTOBER 5, 1939.

[F. R. Doc. 39-3805; Filed, October 14, 1939; 9:36 a. m.]

# *Notices*

## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[ACP-1939-2—Thomas County, Kans.]

1939 AGRICULTURAL CONSERVATION PROGRAM FOR THOMAS COUNTY, KANSAS

SUPPLEMENT NO. 2

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin for Thomas County, Kansas,[1] is hereby amended as follows:

(1) Section 6, second sentence of second paragraph, is hereby amended to read as follows:

"Practices designated B-2 (cover crops), H-1 (leaving stalks on land), H-4 (contour listing), I-2 (basin furrowing), and K-1 (leaving natural vegetative cover or small grain stubble) may count towards meeting either the wind erosion control goal or the soil-building goal, but when approved by the county committee for meeting the wind erosion control goal, credit therefor will not be given toward meeting the soil-building goal."

(2) Section 7 (a) (2) is hereby amended to read as follows:

"76 cents per acre, adjusted for productivity of the farm for the acres of cropland in excess of acres used in determining wheat payment under item (1) above."

(3) Section 8 (b) is hereby amended to read as follows:

"*Total soil-depleting crops.* $7.20 per acre, adjusted for productivity of the farm, for each acre of the soil-depleting acreage in excess of the total soil-depleting acreage allotment established for the farm plus the acreages with respect to which deductions are computed under paragraph (a) of this section 8."

Done at Washington, D. C., this 13th day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[1] 4 F.R. 1265 DI.

[F. R. Doc. 39-3808; Filed, October 16, 1939; 9:54 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

[Administrative order No. 33]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE NO. 8 FOR THE KNITTED UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Elmer F. Andrews, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. Fred Lazarus, Jr., from Industry Committee No. 8 for the Knitted Underwear and Commercial Knitting Industry and do appoint in his stead as representative for the public on such committee, Miss Mary Barnett Gilson, of Chicago, Illinois.

Signed at Washington, D. C., this 16th day of October 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3818; Filed, October 16, 1939; 12:24 p. m.]

IN RE: APPLICATIONS OF THE CIGAR MANUFACTURERS ASSOCIATION OF AMERICA, INC., THE YORK COUNTY (PA.) CIGAR MANUFACTURERS ASSOCIATION, THE FLORIDA CIGAR MANUFACTURERS ASSOCIATION, AND ALLES AND FISCHER, INC., AND SUNDRY OTHER PARTIES PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT OF 1938 AND RULES AND REGULATIONS ISSUED THEREUNDER FOR PERMISSION TO EMPLOY LEARNERS IN THE CIGAR MANUFACTURING INDUSTRY AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM SPECIFIED IN SECTION 6

NOTICE OF HEARING

Whereas, applications have been made by the Cigar Manufacturers Association, Inc., the York County Cigar Manufacturers Association, the Florida Cigar Manufacturers Association, Alles and Fisher, Inc., and sundry other parties under Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 522—Regulations Applicable to the Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, Chapter 5, Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners in the cigar manufacturing industry at wages less than the applicable minimum wage specified in Section 6 of the Act;

Now, Therefore, pursuant to the said Act and the regulations, notice is hereby given of a public hearing to be held on said applications in Room 3229, U. S. Department of Labor Building, 14th Street and Constitution Avenue, Northwest, Washington, D. C., to commence at 10:00 A. M., on November 1, 1939, before Merle D. Vincent, hereby duly authorized to conduct said hearing and to determine—

(a) What, if any, occupation or occupations in the cigar manufacturing industry, or branch thereof, require a learning period, and

(b) The factors which have a bearing upon curtailment of opportunities for employment within the cigar manufacturing industry, or branch thereof, and

(c) Under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the cigar manufacturing industry, or branch thereof, for whatever occupation or occupations, if any, are found to require a learning period.

At this hearing opportunity to present evidence relevant to the above questions will be afforded any interested person provided the presiding officer, Merle D. Vincent, shall have received from such person prior to noon, October 31, 1939, a notice of intention to appear setting forth his name and address, and specifying the branch or branches of the cigar manufacturing industry to which his testimony will be directed and the approximate length of such presentation.

As used in this notice, the term "cigar manufacturing industry" means:

(a) The manufacture of machine-made cigars, and

(b) The manufacture of hand-made cigars.

Signed at Washington, D. C., this 16th day of October 1939.

ELMER F. ANDREWS,
*Administrator.*

[F. R. Doc. 39-3819; Filed, October 16, 1939; 12:24 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the

Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 17, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NAME AND ADDRESS OF FIRM

B. C. & C. W. Mayo, Tarboro, North Carolina (1 learner).

B-Z-B Knitting Company, 330 South Wyman Street, Rockford, Illinois (10 learners).

Davidson, John B. Woolen Mills, Inc., Eaton Rapids, Michigan (5 learners).

DuBarry Hosiery Mills, Inc., Jacksonville Road, Hatboro, Pennsylvania (5 learners).

Gilbert Knitting Company, Elizabeth Street, Little Falls, New York (5 learners).

Kenworth Knitters, Inc., 10th Street, Hickory, North Carolina (4 learners).

Regan Parker Knitting Company, Ellerbe, North Carolina (5 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 16th day of October 1939.

MERLE D. VINCENT,
*Chief Hearings and Exemptions Section.*

[F. R. Doc. 39-3820; Filed, October 16, 1939; 12:32 p. m.]

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NOTICE OF CANCELATION OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS

BERRY DRY GOODS COMPANY

Notice is hereby given that a Special Certificate for the employment of learners, previously issued to Berry Dry Goods Company, Little Rock, Arkansas, has been canceled as of the date of its issuance, September 20, 1939, pursuant to action taken under Section 14 of the Fair Labor Standards Act of 1938 and Section 522.5 (b) of Regulations Part 522, as amended, issued thereunder.

This cancelation shall not become effective until after the expiration of the fifteen-day period after the date this notice appears in the FEDERAL REGISTER during which time petitions for review may be filed under Section 522.13 of said regulations by aggrieved persons. If a petition for review is properly filed, the effective date of this cancelation shall be postponed unless and until final action sustaining such cancelation is taken on such petition.

Signed at Washington, D. C., this 16th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3821; Filed, October 16, 1939; 12:32 p. m.]

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## FEDERAL POWER COMMISSION.

[Project No. 82]

IN THE MATTER OF ALABAMA POWER COMPANY

ORDER POSTPONING HEARING

OCTOBER 13, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On September 26, 1939, the Commission adopted an order[1] fixing November 6, 1939, as the date for hearing upon the matters remanded to the Commission for further consideration pursuant to the mandate of the United States Court of Appeals for the District of Columbia in *Alabama Power Company, Appellant* v. *Frank R. McNinch, et al.*, (94 Fed. (2) 601);

(b) On October 6, 1939, licensee filed an application praying that the Commission grant a continuance of the said hearing for at least ninety days and that such hearing, when reset, be held in Birmingham, Alabama;

The Commission orders that:

Said hearing be and the same is hereby postponed to begin at 10 A. M. on the 27th day of November, 1939, in the Hearing Room of the Commission, 1757 K Street NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3797; Filed, October 14, 1939; 9:34 a. m.]

[1] 4 F.R. 4092 DI.

[Project No. 349]

IN THE MATTER OF ALABAMA POWER COMPANY

ORDER POSTPONING HEARING

OCTOBER 13, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On September 26, 1939, the Commission adopted an order[1] fixing November 9, 1939, as the date for hearing upon matters involved in the determination of the actual legitimate original cost of the initial Martin Dam Project No. 349, Alabama Power Company, licensee;

(b) On October 6, 1939, licensee filed an application praying that the Commission grant a continuance of the said hearing for at least ninety days and that such hearing, when reset, be held in Birmingham, Alabama;

The Commission orders that:

Said hearing be and the same is hereby postponed to begin at 10 A. M. on the 30th day of November, 1939, in the Hearing Room of the Commission, 1757 K Street NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3798; Filed, October 14, 1939; 9:34 a. m.]

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[Project No. 618]

IN THE MATTER OF ALABAMA POWER COMPANY

ORDER POSTPONING HEARING

OCTOBER 13, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On September 26, 1939, the Commission adopted an order[1] fixing November 20, 1939, as the date for hearing upon matters involved in the determination of the actual legitimate original cost of the initial Jordan Dam Project No. 618, Alabama Power Company, licensee;

(b) On October 6, 1939, licensee filed an application praying that the Commission grant a continuance of the said hearing for at least ninety days and that such hearing, when reset, be held in Birmingham, Alabama;

The Commission orders that:

Said hearing be and the same is hereby postponed to begin at 10 A. M. on the 8th day of December, 1939, in the Hearing Room of the Commission, 1757 K Street NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F.R. Doc. 39-3799; Filed, October 14, 1939; 9:34 a. m.]

[1] 4 F.R. 4092 DI.

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

[Docket No. 3921]

IN THE MATTER OF LIGGETT & MYERS TOBACCO COMPANY, INC., RESPONDENT

COMPLAINT

The Federal Trade Commission, having reason to believe that the respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C., title 15, sec. 13), hereby issues this, its complaint, stating its charges with respect thereto as follows:

I

PARAGRAPH 1. Respondent is a corporation of the state of New Jersey. Its principal office is at 212 Fifth Avenue, New York City, New York. Its business is that of manufacturing, selling, and distributing cigarettes, cigarette tobacco, smoking tobacco, plug, twist, fine cut and scrap tobacco, little cigars, and other tobacco products and sundries. It has places of business, factories, and warehouses in Durham, North Carolina, and in other places and states.

PAR. 2. At all times during the period hitherto, since June 19, 1936, respondent maintained and is now maintaining a continuous course of trade and commerce in said products among and between the several states in which respondent has had and now has places of business, factories and warehouses, and between each of such states and the several other states of the United States and the District of Columbia. Respondent, continuously during said period, while engaged in its business aforesaid, and in commerce, namely, trade and commerce as aforesaid, in the course of such commerce, sold, shipped, and distributed its products from the states in which respondent has had and now has places of business, factories, and warehouses, to various purchasers of its products, namely, distributors of tobacco products, located in such states and in the several other states of the United States and the District of Columbia, for use, consumption, and resale therein.

PAR. 3. Respondent, during the period aforesaid, as and when it determined to accept an order for its products and charge it to a certain distributor, designated such distributor as a "direct customer", known also sometimes as a "direct buying customer", and placed such distributor on its list, called a "direct list", and sometimes as a "list of direct customers." Among the purchasers of respondent's products on its "direct list" are jobbers and some retailers such as chain stores. Among the purchasers of respondent's products "not on direct list" are subjobbers and some retailers such as independent drug, grocery, and cigar stores. The latter purchasers are sometimes called "indirect customers" and "indirect buying customers", and include all distributors of respondent's products except those on its "direct list."

Respondent has extended and is now extending the relationship of seller and customer between it and retail distributors "not on direct list", by means of its many dealings with such distributors, in connection with the sale of its products, and particularly by the use of its many salesmen, sometimes referred to as "missionary men." Such salesmen have made many sales to such distributors. Respondent has shipped its products to many retail distributors "not on direct list", upon receipt of their orders instructing respondent to make such delivery, and to make its charges therefor against a particular jobber on respondent's "direct list" (such shipments being sometimes called "drop shipments." Retail distributors to whom such sales are made, those to whom such shipments are made, and those with whom respondent has had dealings in connection with the sale of its products, are, by reason of respondent's acts and practices, in fact, customers of, and purchasers from, respondent. By means of such sales, shipments, and other dealings, respondent also extends its control over the prices at which its products are sold by all retail distributors to consumers. For illustration of a common practice of respondent in this connection, on January 12, 1939, one of respondent's missionary men sold to retail distributors "not on direct list", in Indianapolis, Indiana, Velvet Tobacco at $1.12 per dozen, with one package free with each dozen, or at approximately $1.03½ per dozen. Respondent was then selling said tobacco to jobbers in said city at its regular standard price of $1.27½ per dozen, less 10% and 2%, or approximately $1.12½ per dozen. Respondent thus sold said tobacco to such retail distributors at a lower price than it was then selling the same tobacco in the same and in larger quantities to jobbers in said city. Immediately after such sales were made, respondent's posters were affixed at prominent positions on the windows of such retail distributors reading "Velvet Tobacco, 10¢. Regular 15¢ Size", and such tobacco was then sold to consumers in Indianapolis, Indiana, at 10¢ a package.

PAR. 4. Respondent, during the period aforesaid, listed the prices of its tobacco products and sundries in descriptive price lists published and distributed by it from time to time, and offered and allowed, as regular discounts from such prices, a 10 per cent discount, sometimes called a "trade discount", and after the deduction of such discount, a 2 per cent discount, sometimes called a "cash discount." List prices as reduced by such discounts are sometimes referred to as "standard prices." Respondent's standard prices serve as a basis for the standard prices of wholesalers and retailers.

Deviations from such standard prices have been effected by respondent during the period aforesaid as follows:

(a) Respondent's salesmen called upon certain retail distributors of respondent's products "not on direct list" and then and there solicited orders for certain of respondent's tobacco products from some of said distributors thus called upon; and upon taking orders from such distributors included in such orders substantial quantities of respondent's products of standard grade and quality and of material value, without making any specific charge therefor (such transactions being sometimes called "deals", "free deals", "combinations", and "gratis"). In some instances said salesmen made immediate delivery of such orders to the respective purchasers. In all other cases respondent's salesmen arranged to have the products included in such orders shipped by respondent directly to the respective purchasers (such transactions being sometimes called "drop shipment deals", and such shipments "drop shipments"). In cases where such orders were taken for delivery by the drop shipment method, the respective purchasers from whom such orders were taken, following the practices developed by respondent in such transactions, made arrangements with some particular jobber on respondent's "direct list" to have their respective orders charged to such jobber, and to pay such jobber the amount of their respective orders, being the list price of such products less an agreed amount. The amount which the retail distributors paid for the tobacco products included in such orders was, according to the practices thus developed, a sum substantially less than the amount which other competing retail distributors paid to jobbers of respondent's products for an equal quantity of tobacco products of like grade and quality purchased by them at the same time.

PAR. 5. By means of acts and practices, as aforesaid, and particularly those described above in paragraph four, respondent, during the period aforesaid, discriminated in price between different purchasers of commodities, to-wit, tobacco products, of like grade and quality; one or more of the purchases involved in such discriminations were in commerce; and such commodities were sold for use, consumption and resale within the United States and the District of Columbia. Respondent is now discriminating in price as aforesaid.

The effect of such discriminations may be to injure, destroy and prevent competition with the purchasers from respondent who received the benefit of such discriminations and with the customers of such purchasers. Such discriminations constitute a violation of Subsection (a) of Section 2 of the Act of Congress aforesaid.

II

And the Federal Trade Commission, as and for a further and second count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this second count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent, during said period, made and is now making valuable payments and gave and is now giving valuable considerations to certain distributors, such as chain stores and other retailers, selected by respondent for the furnishing by them of services and facilities, such as counter and window displays, for the advertising of respondent's products. Such payments and considerations were not and are not now available to other distributors competing in the distribution of respondent's products. Said practices were conducted in such manner as to result in giving certain distributors exclusively the benefits accruing from said payments and considerations.

For example, in carrying out such practices, respondent paid in 1937, as charged aforesaid, for window displays, $59,560.00 to D. A. Schulte, Inc.

PAR. 3. By means of acts and practices, as aforesaid, and particularly those described above in paragraph two, respondent, during the period aforesaid, contracted to pay and paid, and is now contracting to pay and paying, to and for the benefit of certain of its customers, certain valuable payments and considerations, as compensation for, and in consideration for, certain services and facilities furnished by and through such customers in connection with the handling, sale, and offering for sale, of the tobacco products manufactured, sold, and offered for sale by respondent. Such payments and considerations were not, and are not now, available on proportionately equal terms to all other customers of respondent competing in the distribution of such products, and constitute a violation of Subsection (d) of Section 2 of the Act of Congress aforesaid.

III

And the Federal Trade Commission, as and for a further and third count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this third count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent has allowed and is now allowing some direct customers a period of time of a certain definite length, for example, 60 days, for payment on a 2 per cent discount basis, sometimes called a "cash discount", of products ordered by and charged to them which it has not allowed and is not now allowing to other direct customers. The allowance of time for payment as aforesaid constitutes a service to respondent's customers which becomes of greater value as the length of such time is extended.

For example, respondent allowed, as charged aforesaid, its jobber Eli Witt Cigar Company, Tampa, Florida, 60 days for payment on said cash discount basis and, following its general rule applicable to jobbers, allowed other jobbers, competing in the distribution of respondent's products with said favored jobber, 10 days for payment on such basis.

PAR. 3. By means of acts and practices, as aforesaid, and particularly by the furnishing of the services described above in paragraph two, respondent, during the period aforesaid, discriminated and is now discriminating in favor of certain purchasers against certain other purchasers of respondent's products bought by them for resale. Such services were and are now furnished by respondent to such favored purchasers upon terms not accorded to all purchasers on proportionately equal terms, in violation of Subsection (e) of Section 2 of the Act of Congress aforesaid.

Wherefore, the premises considered, the Federal Trade Commission, on this 11th day of October, A. D., 1939, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Liggett & Myers Tobacco Company, Inc., respondent herein, that the 17th day of November, A. D. 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, filed with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 11th day of October, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3812; Filed, October 16, 1939; 11:44 a. m.]

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*United States of America—Before Federal Trade Commission*

[Docket No. 3922]

IN THE MATTER OF STEPHANO BROTHERS
RESPONDENT

COMPLAINT

The Federal Trade Commission, having reason to believe that the respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C., title 15, sec. 13), hereby issues this, its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent is a corporation of the state of Pennsylvania. Its principal office is at 1014 Walnut Street, Philadelphia, Pennsylvania. Its business is that of manufacturing, selling, and distributing cigarettes and other tobacco products and sundries. It has places of business, factories, and warehouses in Philadelphia, Pennsylvania, and in other places and states.

PAR. 2. At all times during the period hitherto, since June 19, 1936, respondent maintained and is now maintaining a continuous course of trade and commerce in said products among and between the several states in which respondent has had and now has places of business, factories and warehouses, and between each of such states and the several other states of the United States and the District of Columbia. Respondent, continuously during said period, while engaged in its business aforesaid, and in commerce, namely, trade and commerce as aforesaid, in the course of such commerce, sold, shipped, and distributed its products from the states in which respondent has had and now has places of business, factories, and warehouses, to various purchasers of its products, namely, distributors of tobacco products, located in such states and in the several other states of the United States and the District of Columbia, for use, consumption, and resale therein.

PAR. 3. Respondent, during the period aforesaid, as and when it determined to accept an order for its products and charge it to a certain distributor, designated such distributor as a "direct customer", known also sometimes as a "direct buying customer", and placed such distributor on its list, called a "direct list", and sometimes as a "list of direct customers". Among the purchasers of respondent's products on its "direct list" are jobbers and some retailers such as chain stores. Among the purchasers of respondent's products "not on direct list" are subjobbers and some retailers such as independent drug, grocery, and cigar stores. The latter purchasers are sometimes called "indirect customers" and "indirect buying customers", and include all distributors of respondent's products except those on its "direct list".

Respondent has extended and is now extending the relationship of seller and customer between it and retail distributors "not on direct list", by means of its many dealings with such distributors, in connection with the sale of its products, and particularly by the use of its many salesmen, sometimes referred to as "missionary men". Such salesmen have made many sales to such distributors. Respondent has shipped its products to many retail distributors "not on direct list", upon receipt of their orders instructing respondent to make such delivery, and to make its charges therefor against a particular jobber on respondent's "direct list" (such shipments being sometimes called "drop shipments"). Retail distributors to whom such sales are made, those to whom such shipments are made, and those with whom respondent has had dealings in connection with the sale of its products, are, by reason of respondent's acts and practices, in fact, customers of, and purchasers from, respondent. By means of such sales, shipments, and other dealings, respondent also extends its control over the prices at which its products are sold by all retail distributors to consumers.

PAR. 4. Respondent, during said period, made and is now making valuable payments and gave and is now giving valuable considerations to certain distributors, such as chain stores and other retailers, selected by respondent for the furnishing by them of services and facilities, such as counter and window displays, for the advertising of respondent's products. Such payments and considerations were not and are not now available to other distributors competing in the distribution of respondent's products. Said practices were conducted in such manner as to result in giving certain distributors exclusively the benefits accruing from said payments and considerations.

For example, in carrying out such practices, respondent paid in 1937, as charged aforesaid, for window displays, $2,500.00 per month, to United Cigar-Whelan Drug Stores Corporation, of New York City, and $625.00, per month, to D. A. Schulte, Inc., New York City.

PAR. 5. By means of acts and practices, as aforesaid, and particularly those described above in paragraph four, respondent, during the period aforesaid, contracted to pay and paid, and is now contracting to pay and paying, to and for the benefit of certain of its customers, certain valuable payments and considerations, as compensation for, and in consideration for, certain services and facilities furnished by and through such customers in connection with the handling, sale, and offering for sale, of the tobacco products manufactured, sold, and offered for sale by respondent. Such payments and considerations were not, and are not now, available on proportionately equal terms to all other customers of respondent competing in the distribution of such products, and constitute a violation of Subsection (d) of Section 2 of the Act of Congress aforesaid.

Wherefore, the premises considered, the Federal Trade Commission, on this 11th day of October, A. D. 1939, issues its complaint against said respondent.





NOTICE

Notice is hereby given you, Stephano Brothers, respondent herein, that the 17th day of November, A. D. 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or

both solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 11th day of October, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3813; Filed, October 16, 1939; 11:44 a. m.]

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*United States of America—Before Federal Trade Commission*

[Docket No. 3926]

IN THE MATTER OF FEDERAL YEAST CORPORATION

COMPLAINT

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of Section 2 of the Clayton Act, as amended by the Robinson-Patman Act approved June 19, 1936 (U.S.C. Title 15, Section 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Federal Yeast Corporation is a corporation organized and existing under and by virtue of the law of the State of Maryland, having its principal office and plant located at Colgate-Highlandtown, P. O. Baltimore, Maryland.

PAR. 2. Respondent since June 19, 1936, has been and now is engaged in the manufacture, sale and distribution of baker's yeast. In the course and conduct of such sale and distribution it caused said yeast to be shipped and transported in commerce from its plant in the State of Maryland to purchasers thereof in and among the various states of the United States and there has been at all times herein mentioned a current of trade and commerce in respondent's yeast between the state wherein respondent's plant is located and various other states of the United States.

PAR. 3. Said respondent in the course and conduct of its business since June 19, 1936, has been and is now in substantial competition with other corporations, individuals, partnerships and firms engaged in manufacturing, selling and distributing baker's yeast, in commerce.

PAR. 4. In the course and conduct of its business as aforesaid, the respondent has been and now is discriminating in price between different purchasers of its said product of like grade and quality, by giving and allowing certain purchasers of baker's yeast used in the manufacture of bread and allied products, different prices than given or allowed other of its said purchasers competitively engaged one with the other, in the sale and distribution of bread and allied products within the various states of the United States. To illustrate, during the year of 1937 respondent sold 5,681 pounds of baker's yeast to Benkert's Bakery, 3012 30th Ave., Long Island City, N. Y., at 13¢ per pound and during the same period sold Sabriett Food Products Company, 90 E. Third St., New York City, N. Y., a competitor, 10,910 pounds of baker's yeast at 11¢ per pound and 27,710 pounds of baker's yeast at 10¢ per pound, thus affording the last mentioned purchaser a saving of $1,049.50 during said period upon the basis of price charged to first mentioned purchaser.

PAR. 5. Further discrimination in price between different competing purchasers of its product is brought about as a result of respondent delivering large quantities of baker's yeast to certain of its purchasers for which no specific charge is made in addition to yeast actually sold and delivered to these same purchasers for which a specific price is charged, thus reducing the cost to said favored customers of the yeast actually purchased, while at the same time other purchasers competitively engaged in the sale of bread and allied products with the said favored purchasers and paying the same price per pound for said product are not furnished such additional yeast. To illustrate, during the month of December 1936, Kallik, 1018 Intervale Ave., New York City, N. Y., purchased 1,171 pounds of baker's yeast at 13¢ per pound and in addition to said purchased yeast respondent delivered 115 pounds of baker's yeast for which no charge was made, while during the same period Your Baking, 1141 Burnett Place, New York City, N. Y. a competitor, purchased 915 pounds of baker's yeast at 13¢ per pound and respondent delivered no additional yeast to said purchaser without charge.

PAR. 6. Respondent further discriminates in price between competing purchasers by granting cash discounts of 1% to 2% to certain of its purchasers which are not granted to others who pay in the same manner and within the same time as those receiving such discounts.

PAR. 7. The effect of such discriminations in price as set forth in Paragraphs Four, Five and Six hereof has been or may be substantially to lessen competition in the line of commerce in which respondent and its competitors are engaged and may be to injure, destroy or prevent competition in the sale and distribution of bread and allied products between those of respondent's purchasers who receive the benefits of such discriminations and competing purchasers who do not receive such benefits.

PAR. 8. The foregoing alleged acts and practices are in violation of subsection (a) of Section 2 of the Clayton Act as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 13th day of October, A. D. 1939, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Federal Yeast Corporation, respondent herein, that the 17th day of November, A. D. 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 13th day of October, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3814; Filed, October 16, 1939; 11:44 a. m.]

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## RAILROAD RETIREMENT BOARD.

IN THE MATTER OF THE EMPLOYER STATUS OF DESPATCH SHOPS, INCORPORATED, AND OF THE EMPLOYEE STATUS OF THE INDIVIDUALS ENGAGED IN ITS OPERATIONS

NOTICE OF HEARING

Notice is hereby given that the hearing[1] on the question of the employer status under the Railroad Retirement Act and the Railroad Unemployment Insurance Act of Despatch Shops, Incorporated, and the question of the employee status under the Acts of the individuals engaged in the operations of that company, has been postponed to Thursday, October 26, 1939, at 10:00 a. m. The hearing will be held in the Council Chamber of the City Hall, Rochester, New York.

JOSEPH A. FANELLI,
*Examiner.*

OCTOBER 14, 1939.

[F. R. Doc. 39-3810; Filed, October 16, 1939; 10:22 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1939.

[File No. 1-1886]

IN THE MATTER OF THE REGISTRATION OF WELLINGTON MINES LIMITED, N. P. L. COMMON STOCK, 20¢ PAR VALUE

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

I

It appearing to the Commission:

That Wellington Mines Limited, N. P. L., a corporation organized under the laws of British Columbia, is the issuer of Common Stock, 20¢ par value; and

That said Wellington Mines Limited, N. P. L., registered such security on the Standard Stock Exchange of Spokane, a national securities exchange, by filing on or about July 8, 1935, and on or about March 12, 1937, applications with the said Exchange and with the Commission pursuant to Section 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12A-1, as amended, formerly designated as Rule JB1, promulgated by the Commission thereunder; and

That pursuant to Section 13 of said Securities Exchange Act of 1934, as amended, and Rules X-13A-1, X-13A-2, and X-13A-4, formerly designated as Rules KA1, KA2, and KA5, respectively, promulgated by the Commission thereunder, said Wellington Mines Limited, N. P. L., filed on or about June 29, 1938, what purports to be its report for the period ended February 28, 1938, the company's fiscal year end having previously been on the 31st of December of each year; and

That Rule X-13A-1, formerly designated as Rule KA1, promulgated pursuant to Section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, formerly designated as Rule KA2, promulgated pursuant to Section 13 of the said Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified, and that no other form was or is specified for use by the said Wellington Mines Limited, N. P. L.; and

That Rule X-13A-4, formerly designated as Rule KA5, promulgated pursuant to Section 13 of said Securities Exchange Act of 1934, as amended, did and does prescribe that the form appropriate for reporting information required concerning interim periods in the event of a fiscal year change shall be in the form of the annual report appropriate for such issuer; and

II

The Commission having reasonable grounds to believe:

That said Wellington Mines Limited, N. P. L., has failed to comply with said Section 13, said Rules X-13A-1, X-13A-2, and X-13A-4, promulgated thereunder, and with the provisions of Form 10-K and with the provisions of the Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, in that the report filed by it for the period ended February 28, 1938,

(1) Fails to include an accountant's certificate to the financial statements filed as a part of said report which is reasonably comprehensive as to the scope of the audit made and which states the accountant's opinion in respect of the accounting principles and procedures followed by the registrant and which is prepared in conformity with the requirements of the instructions as to the scope of the audit and the matters to be covered in the certificate, although required by Item 8 of said Form 10-K and the Instructions thereto and the Rules and Regulations of the Commission; and

(2) Fails to reflect at a value not in excess of the market value of the securities issued therefor certain leases acquired from Ross Mining Syndicate Limited, carried in its property account in the balance sheet submitted.

III

The Commission having reasonable grounds to believe:

That Wellington Mines Limited, N. P. L., has failed to comply with said Section 13 and said Rule X-13A-1 in that it has failed to file its annual report for the year ended February 28, 1939, on Form 10-K as prescribed by said Rule X-13A-2 adopted by the Commission pursuant to said Section 13; and

IV

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

*It is ordered*, Pursuant to Section 19 (a) (2) of said Act that a public hearing be held to determine whether Wellington Mines Limited, N. P. L., has failed to comply with Section 13 of the Securities Exchange Act of 1934, as amended, the Rules, Regulations, and forms promulgated by the Commission thereunder in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Stock, 20¢ par value, of said Wellington Mines Limited, N. P. L., on said Standard Stock Exchange of Spokane;

*It is further ordered*, Pursuant to the provisions of Section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson and Day Karr, officers of the Commission, are hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry and to perform all other duties in connection therewith authorized by law;

*It is further ordered*, That the taking of testimony in this hearing begin on the 31st day of October, 1939, at 10:00 A. M. at the Regional Office of the Se-

[1] 4 F.R. 4179 DI.

curities and Exchange Commission, 821 Second Avenue, Seattle, Washington, and continue thereafter at such times and places as said officers hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3789; Filed, October 13, 1939; 3:12 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1939.

[File No. 2-1039]

IN THE MATTER OF CALLAHAN ZINC-LEAD COMPANY

ORDER FIXING EFFECTIVE DATE OF AMENDMENTS TO REGISTRATION STATEMENT AND DECLARING STATEMENT AMENDED IN ACCORDANCE WITH STOP ORDER

This matter coming on to be heard by the Commission upon the registration statement filed by Callahan Zinc-Lead Company of Wallace, Idaho, on July 28, 1934, and upon amendments to said registration statement filed by said registrant on August 11 and 29, September 15 and 19, October 8 and 26, November 8, 9, 22 and 23, and December 11, 13, 14, 15 and 27, 1934, January 9, 10 and 19, February 7 and 26, March 9, 14 and 28, 1935, May 5, June 4, 12 and 26, July 14, 21 and 23, 1936, March 25, 1937, and March 28, April 5, and October 4, 1939, and the Commission having duly considered the matter and now being fully advised in the premises

*It is declared*, That said registration statement has been amended in accordance with the Stop Order issued on September 26, 1939;[1]

*It is ordered*, That said Stop Order shall cease to be effective,

*It is further ordered*, That the amendments filed March 25, 1937, and March 28, April 5, and October 4, 1939 shall become effective on October 11, 1939.

Attention is directed to Rules 800 (b) and 970 of the General Rules and Regulations, relating, respectively, to the requirements for the filing of twenty copies of the actual prospectus used and statement of price at which securities were actually offered.

Attention shall be directed to the provisions of Section 23, Securities Act of 1933, which follow: "Neither the fact that the registration statement for a security has been filed or is in effect nor the fact that a stop order is not in effect with respect thereto shall be deemed a finding by the Commission that the registration statement is true and accurate on its face or that it does not contain an untrue statement of fact or omit to state a material fact, or be held to mean that the Commission has in any way passed upon the merits of, or given approval to, such security. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to the foregoing provisions of this section."

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3790; Filed, October 13, 1939; 3:12 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of October 1939.

[File No. 1-1827]

IN THE MATTER OF WESTMORELAND INCORPORATED COMMON STOCK, NO PAR VALUE

ORDER POSTPONING HEARING

The Westmoreland Incorporated, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Philadelphia Stock Exchange; and

The Commission having ordered[1] that a hearing be held in this matter on October 19, 1939, in Washington, D. C.; and

The issuer having requested a postponement of said hearing;

*It is ordered*, That said hearing be postponed until 10 A. M. on Thursday, November 16, 1939, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine; and

*It is further ordered*, That Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3791; Filed, October 13, 1939; 3:12 p. m.]

[1] 4 F.R. 4010 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of October 1939.

[File No. 7-426]

IN THE MATTER OF WESTMORELAND INCORPORATED COMMON STOCK, NO PAR VALUE

ORDER POSTPONING HEARING

The Westmoreland Incorporated, having made application to the Commission pursuant to Rule X-12F-3 under the Securities Exchange Act of 1934, as amended, for termination of unlisted trading privileges in its Common Stock, No Par Value, on the New York Curb Exchange; and

The Commission having ordered[1] that a hearing be held in this matter on October 19, 1939, in Washington, D. C.; and

The issuer having requested a postponement of said hearing;

*It is ordered*, That said hearing be postponed until 10 a. m. on Thursday, November 16, 1939, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine; and

*It is further ordered*, That Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3792; Filed, October 13, 1939; 3:12 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of October 1939.

[File No. 1-1823]

IN THE MATTER OF WESTMORELAND COAL COMPANY COMMON STOCK, NO PAR VALUE

ORDER POSTPONING HEARING

The Westmoreland Coal Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Philadelphia Stock Exchange; and

The Commission having ordered[1] that a hearing be held in this matter on October 19, 1939, in Washington, D. C.; and

The issuer having requested a postponement of said hearing;

*It is ordered*, That said hearing be postponed until 10 A. M. on Thursday November 16, 1939, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine; and

*It is further ordered*, That Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3793; Filed, October 13, 1939; 3:13 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of October 1939.

[File No. 7-425]

IN THE MATTER OF WESTMORELAND COAL COMPANY COMMON STOCK, NO PAR VALUE

ORDER POSTPONING HEARING

The Westmoreland Coal Company, having made application to the Commission pursuant to Rule X-12F-3 under the Securities Exchange Act of 1934, as amended, for termination of unlisted trading privileges in its Common Stock, No Par Value, on the New York Curb Exchange; and

The Commission having ordered[2] that a hearing be held in this matter on October 19, 1939, in Washington, D. C.; and

The issuer having requested a postponement of said hearing;

*It is ordered*, That said hearing be postponed until 10 A. M. on Thursday, November 16, 1939, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated may determine; and

*It is further ordered*, That Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3794; Filed, October 13, 1939; 3:13 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of October, A. D. 1939.

[File No. 56-64]

IN THE MATTER OF WALNUT ELECTRIC AND GAS CORPORATION

AMENDED NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (d) and Rule U-12D-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on October 26, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 21, 1939.

The matter concerned herewith is in regard to an application by Walnut Electric and Gas Corporation pursuant to Rule U-12D-1 with regard to the following transactions:

(1) The sale by Walnut Electric and Gas Corporation of the following securities of Vermont Lighting Corporation to Joseph M. Nelson of Barre, Vermont, for $6,000:

$24,400 principal amount of First Mortgage 5% Bonds, due 1944;

$35,000 principal amount of unsecured, noninterest bearing open account indebtedness;

909 shares, 6% preferred stock, par value $100 per share; and

2,970 shares, common stock, par value $100 per share;

(2) The sale by Walnut Electric and Gas Corporation of 1,000 shares of the capital stock of St. Johnsbury Gas Company, which is all of the issued and outstanding capital stock of that company, to Joseph M. Nelson of Barre, Vermont, for $8,000 plus the amount by which the current assets of St. Johnsbury Gas Company exceeds its current liabilities on the last of the month preceding the date on which the sale is consummated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3795; Filed, October 13, 1939; 3:13 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of October, A. D. 1939.

[File No. 31-79]

IN THE MATTER OF THE OHIO OIL COMPANY

ORDER GRANTING EXEMPTION

The Ohio Oil Company having made application for exemption pursuant to the provisions of Section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935; a hearing on said application having been duly held after appropriate public notice; the record in this matter having been duly considered; and the Commission having made appropriate findings of fact;

*It is ordered*, That the said The Ohio Oil Company be, and it hereby is, exempted from all those provisions of the Public Utility Holding Company Act of 1935 which would require it to register under said Act because of its directly or indirectly owning, controlling or holding with power to vote 10 per cent or more of the outstanding voting securities of Billings Gas Company, The Rocky Mountain Gas Company and Mountain Fuel Supply Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3807; Filed, October 14, 1939; 11:14 a. m.]

[1] 4 F.R. 4077 DI.

[1] 4 F.R. 4010 DI.

[1] 4 F.R. 4011 DI.

[1] 4 F.R. 4010 DI.

[2] 4 F.R. 4011 DI.

Reference

OCT 19 1939

THE NATIONAL ARCHIVES
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1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 201

*Washington, Wednesday, October 18, 1939*

## *The President*

### EXECUTIVE ORDER

AMENDMENT OF SECTION 6 OF EXECUTIVE ORDER NO. 8251 OF SEPTEMBER 12, 1939, PRESCRIBING REGULATIONS GOVERNING THE ENTRANCE OF FOREIGN AND DOMESTIC AIRCRAFT INTO THE CANAL ZONE, AND NAVIGATION THEREIN

By virtue of and pursuant to the authority vested in me by section 14 of title 2 of the Canal Zone Code, as amended by the act of July 9, 1937, 50 Stat. 486 (U.S.C., title 48, sec. 1314a), it is hereby ordered that section 6 of Executive Order No. 8251 of September 12, 1939,[1] prescribing regulations governing the entrance of foreign and domestic aircraft into the Canal Zone, and navigation therein, be, and it is hereby, amended to read as follows:

"SEC. 6. *Waiver of application of certain sections of order.* The Secretary of State or the Civil Aeronautics Authority, so far as either has jurisdiction with respect to particular classes of flights under this order, and with the agreement of the Secretary of War, may waive the application of all or any part of the provisions of sections 2, 3, 4, and 5 of this order."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 16, 1939.*

[No. 8271]

[F. R. Doc. 39-3828; Filed, October 17, 1939; 10:57 a. m.]

### EXECUTIVE ORDER

AMENDMENT OF SUBDIVISION VII, SCHEDULE A, CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 403, 404), it is ordered that Subdivision VII, Schedule A of the Civil Service Rules be, and it is hereby, amended by adding the following:

"5. Temporary clerks, carriers, and laborers required for part-time or intermittent work in the Postal Service in connection with the holiday or seasonal business from November 15, 1939, to January 15, 1940."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 16, 1939.*

[No. 8272]

[F. R. Doc. 39-3827; Filed, October 17, 1939; 10:57 a. m.]

[1] 4 F.R. 3899 DI.

## *Rules, Regulations, Orders*

### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### BUREAU OF ANIMAL INDUSTRY

[Amendment 36 to Declaration No. 12[1]]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

OCTOBER 2, 1939.

In accordance with Section 2 of Regulation 7 of B.A.I. Order 309, as amended effective September 10, 1936,[2] the following named counties, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Arkansas: Perry, October 1, 1942; Prairie, October 1, 1942; Van Buren, October 1, 1942.

California: Mendocino, October 1, 1942; Plumas, October 1, 1942.

Florida: Jefferson, October 1, 1942; Taylor, October 1, 1942.

[1] Supplements footnote to 9 CFR 77.3.
[2] 1 F.R. 1338.

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Nebraska: Hall, October 1, 1942; Hamilton, October 1, 1942; Sarpy, October 1, 1942.

New Jersey: Camden, October 1, 1941; Cumberland, October 1, 1941; Middlesex, October 1, 1941; Salem, October 1, 1941.

New York: Franklin, October 1, 1942; Montgomery, October 1, 1942; Schenectady, October 1, 1942.

North Carolina: Sampson, October 1, 1942.

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Rhode Island: Newport, October 1, 1942.

South Carolina: Pickens, October 1, 1942.

Tennessee: Giles, October 1, 1942.

Texas: Harris, October 1, 1942; Hockley, October 1, 1942; Jasper, October 1, 1942; Lubbock, October 1, 1942; Newton, October 1, 1942.

Vermont: Addison, October 1, 1942.

Virginia: Fauquier, October 1, 1942; Floyd, October 1, 1942; Highland, October 1, 1942.

West Virginia: Jackson, October 1, 1942.

Wisconsin: Buffalo, October 1, 1945; Juneau, October 1, 1945.

Puerto Rico: Hormigueros, October 1, 1942.

Declaration No. 12, dated October 1, 1936, as amended,[a] is hereby further amended accordingly.

[SEAL] J. R. MOHLER,
*Chief of Bureau.*

[F. R. Doc. 39-3834; Filed, October 17, 1939; 12:32 p. m.]

## TITLE 15—COMMERCE

### BUREAU OF FOREIGN AND DOMESTIC COMMERCE

PART 305—FOREIGN TRADE STATISTICS

Section 305.31[1] is amended to read as follows:

*Clearance on incomplete manifest under bond.* Clearance may be granted on incomplete cargo manifest and before all export declarations have been filed, upon the application to the collector of customs on Commerce Form 1378-B and the execution of the bond printed thereon, or on application to the Secretary of Commerce and the execution of a bond on Commerce Form 1380: *Provided*, That the privilege of clearance of a vessel bound for a foreign port prior to the filing of the complete cargo manifest and all export declarations as provided for herein, shall be suspended during any period covered by a Proclamation of the President that a state of war exists between foreign nations. The condition of the bond is that a complete outward manifest of all cargo laden on board the vessel, or the export declarations covering all cargo, or both the complete outward manifest and all export declarations, as printed on said forms, be filed with the collector of customs not later than the fourth business day after clearance of the vessel. If required by the collector, pro forma declarations on customs form 7303 must be filed enumerating shipments for which declarations are missing.

(R.S. 161, 5 U.S.C. 22, R.S. 335 as amended, 15 U.S.C. 176, R.S. 336 as amended, 15 U.S.C. 173, and R.S. 337 as amended, 15 U.S.C. 174; also 32 Stat. 172 as amended, 46 U.S.C. 91, R.S. 4197 as amended, 46 U.S.C. 92)

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

OCTOBER 12, 1939.

[F. R. Doc. 39-3822; Filed, October 16, 1939; 3:58 p. m.]

[a] 4 F.R. 4109 DI.

[1] 1 F.R. 2024.

## TITLE 31—MONEY AND FINANCE: TREASURY

### PUBLIC DEBT SERVICE

[1939—Department Circular No. 620]

OFFERING OF COMMODITY CREDIT CORPORATION 1% NOTES OF SERIES E, DUE NOVEMBER 15, 1941

I. OFFERING OF NOTES

1. The Secretary of the Treasury, on behalf of the Commodity Credit Corporation, invites subscriptions, at par, from the people of the United States for notes of the Commodity Credit Corporation, designated 1 percent notes of Series E, the amount of the offering under this circular to be limited to an amount equal to the amount of Series C notes of the Corporation, maturing November 2, 1939, tendered for payment in accordance with Sections III and IV of this circular.

2. The right is reserved to offer for cash subscription, upon such terms and conditions as may be prescribed by the Commodity Credit Corporation with the approval of the Secretary of the Treasury, an additional amount of notes of Series E approximately equal to the amount of notes of Series C not tendered for payment in accordance with the provisions of this circular.

II. DESCRIPTION OF NOTES

1. The notes will be dated November 2, 1939, and will bear interest from that date at the rate of 1 percent per annum, payable on a semiannual basis on May 15 and November 15 in each year until the principal amount becomes payable, the first coupon being dated May 15, 1940. They will mature November 15, 1941, and will not be subject to call for redemption prior to maturity.

2. These notes are issued under the authority of the act approved March 8, 1938, (Public No. 442—75th Congress) as amended, which provides that these notes shall be fully and unconditionally guaranteed both as to interest and principal by the United States; that they shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation (except surtaxes, estate, inheritance, and gift taxes); and that the notes shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof.

3. The authorizing act further provides that in the event the Commodity Credit Corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such obligations, the Secretary of the Treasury shall pay to the holder the amount thereof which is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such obligations.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000 and $100,000. The notes will not be issued in registered form.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington, and should be accompanied by notes of Series C tendered for payment, to a par amount equal to the par amount of notes of Series E subscribed for. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par for notes subscribed for hereunder must be made on or before November 2, 1939, or on later allotment, and may be made only through application of the proceeds of payment of a like par amount of notes of Series C, maturing November 2, 1939, tendered hereunder.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, JR.,
*Secretary of the Treasury.*

[F. R. Doc. 39-3833; Filed, October 17, 1939; 12:26 p. m.]



## TITLE 46—SHIPPING

### BUREAU OF MARINE INSPECTION AND NAVIGATION

DOCUMENTATION, ENTRY AND CLEARANCE OF VESSELS

OCTOBER 16, 1939.

Section 5.56 is amended to read as follows:

Any vessel taking on cargo for a foreign port, or a port in non-contiguous territory belonging to the United States, may, by application to the collector of customs on Form 1378B and the execution of the bond thereon by the owner of the vessel, or by an attorney in fact, with security approved by the collector of customs as provided in Section 4197 R.S., as amended, be granted clearance, although a complete cargo manifest has not been filed: *Provided, however*, That during any period covered by a proclamation of the President that a state of war exists between foreign nations, no vessel shall be cleared for a foreign port until a complete cargo manifest has been filed with the collector.

Section 5.60[1] is amended to read as follows:

Any vessel taking on cargo for a foreign port or a port of non-contiguous territory, may, by application to the collector of customs on Commerce Form 1378B and the execution of the bond thereon, with security approved by the collector of customs as provided in Section 4200 R.S., as amended, be granted clearance, although all shippers' export declarations covering cargo laden on board have not been filed: *Provided, however*, That during any period covered by a proclamation of the President that a state of war exists between foreign nations, no vessel shall be cleared for a foreign port until all shippers' export declarations covering cargo laden thereon have been filed with the collector.

Section 5.64 is amended to read as follows:

Any vessel taking on cargo for a foreign port or a port of non-contiguous territory, may, by application to the collector of customs on Form 1378B, and the execution of the bond thereon, with security approved by the collector of customs as provided in Sections 4197 and 4200 R.S., as amended, be granted clearance, although a complete cargo manifest and all shippers' export declarations, covering all cargo laden on board, have not been filed: *Provided, however*, That during any period covered by a proclamation of the President that a state of war exists between foreign nations, no vessel shall be cleared for a foreign port until a complete cargo manifest and all shippers' export declarations, covering cargo laden thereon, have been filed with the collector.

R.S. 161, 9 U.S.C. 22; Sections 4197 and 4200 of the Revised Statutes, as amended by the Act of June 16, 1938, and Public Resolution 130, approved June 29, 1938 (46 U.S.C. 91 and 92); Act of April 29, 1902, as amended by the Act of May 17, 1932 (46 U.S.C. 95)

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 39-3823; Filed, October 16, 1939; 3:58 p. m.]

[1] 4 F.R. 3902 DI.

## TITLE 50—WILDLIFE

### BUREAU OF BIOLOGICAL SURVEY

PART 24—INDIVIDUAL NATIONAL WILDLIFE REFUGES

WEST CENTRAL REGION

§ 24.678 *Order permitting hunting within certain parts of the Necedah Migratory Waterfowl Refuge, Juneau County, Wisconsin.* Pursuant to section 84 of the act of March 4, 1909, as amended April 15, 1924, 43 Stat. 98—18 U.S.C., 145, and to the President's Reorganization Plan No. II, promulgated May 9, 1939, in accordance with the Reorganization Act of 1939 (Public No. 19, 76th Congress), it is hereby ordered that, in accordance with the provisions of the regulations dated November 23, 1937,[1] for the administration of national wildlife refuges under the jurisdiction of the Bureau of Biological Survey, upland game of various species may be taken during the 1939 open seasons prescribed therefor by law or by regulation of the Wisconsin Conservation Department, in

[1] 2 F.R. 2537 (2954 DI).

manner, by means, and to the extent not prohibited by State law or regulation on all the lands of the Necedah Migratory Waterfowl Refuge, Juneau County, Wisconsin, within the following-described area:

T. 19 N., R. 2 E., secs. 1 and 2; secs. 11 to 14, inclusive; and secs. 23, 24, and 26;
T. 20 N., R. 2 E., secs. 35 and 36;
T. 19 N., R. 3 W., secs. 7, 8, and 9; sec. 10, W½W¼; sec. 15, W½ and W½SE¼; secs. 16 to 22, inclusive; sec. 23, NW¼SW¼; sec. 27, that part north and east of Becker Road; sec. 28, that part north and east of Becker Road; sec. 29, NE¼ lying north and east of Becker Road; sec. 34, that part north and east of Becker Road; and sec. 35, W½NW¼, SE¼NW¼, and SW¼.

§ 24.678 (a) *Hunting licenses.* Each person who hunts in any part of the aforesaid area under the aforesaid conditions must be in possession of a valid hunting license issued to him in accordance with the provisions of the laws of the State of Wisconsin, if such license is required, which shall serve as a Federal permit for hunting in said area. Said license must be carried on his person when the permittee exercises the privilege of hunting in said area and must be exhibited on request of any Federal or State officer authorized to enforce Federal and State game laws or regulations, or laws and regulations applicable to the refuge.

§ 24.678 (b) *Routes of travel.* Persons entering the refuge for the purpose of hunting in said open areas shall follow such routes of travel as shall from time to time be designated by the officer in charge of the refuge.

Approved, October 10, 1939.

E. K. BURLEW,
*Acting Secretary of the Interior.*

[F. R. Doc. 39-3824; Filed, October 17, 1939; 9:38 a. m.]

## BUREAU OF FISHERIES

### SUBCHAPTER A—ALASKA FISHERIES*

### PART 226—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERY

Sections 226.8, 226.9[1] and 226.10 are hereby amended to permit commercial salmon fishing, except by traps, in the Sumner Strait district from October 1 to October 20, both dates inclusive:

§ 226.8 *Closed seasons, commercial salmon fishing other than trolling in Ernest Sound, Limovia Strait, and Bradfield Canal.* Commercial fishing for salmon, other than trolling, in Ernest Sound, Zimovia Strait, and Bradfield Canal is prohibited prior to 6 o'clock antemeridian July 10 in each calendar year, from 6 o'clock postmeridian August 18 to 6 o'clock antemeridian October 1 in each year, and for the remainder of the calendar year after 6 o'clock postmeridian October 20.*

§ 226.9 *Closed seasons, commercial salmon fishing other than trolling; exceptions.* Commercial fishing for salmon other than trolling is prohibited, except in Ernest Sound, Zimovia Strait, and Bradfield Canal, prior to 6 o'clock antemeridian July 20 in each calendar year, from 6 o'clock postmeridian August 22 to 6 o'clock antemeridian October 1 in each year, and for the remainder of the calendar year after 6 o'clock postmeridian October 20.*

§ 226.10 *Traps prohibited, commercial salmon fishing from October 1 to October 20.* Commercial fishing for salmon by means of any trap is prohibited in the period from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 20.*

### PART 227—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERY

Sections 227.8, 227.9, 227.10 and 277.12 are hereby amended to permit commercial salmon fishing, except by traps, in certain sections of the Clarence Strait district from October 1 to October 20, both dates inclusive:

§ 227.8 *Closed seasons, commercial salmon fishing in northern section of Clarence Strait.* Commercial fishing for salmon, other than trolling, north of a line extending from Narrow Point to Ernest Point is prohibited prior to 6 o'clock antemeridian July 25, from 6 o'clock postmeridian August 27 to 6 o'clock antemeridian October 1, and for the remainder of the calendar year after 6 o'clock postmeridian October 20.*

§ 227.9 *Closed seasons, commercial salmon fishing in central section of Clarence Strait.* Commercial fishing for salmon, other than trolling, between a line extending from Narrow Point to Ernest Point and a line extending from Approach Point to Caamano Point is prohibited prior to 6 o'clock antemeridian July 25, from 6 o'clock postmeridian August 24 to 6 o'clock antemeridian October 1, and for the remainder of the calendar year after 6 o'clock postmeridian October 20.*

§ 227.10 *Closed seasons, commercial salmon fishing in southeast section of Clarence Strait.* Commercial fishing for salmon, other than trolling, south of a line extending from Approach Point to Caamano Point and east of a line extending down the middle of Clarence Strait is prohibited prior to 6 o'clock antemeridian July 20, from 6 o'clock postmeridian August 22 to 6 o'clock antemeridian October 1, and for the remainder of the calendar year after 6 o'clock postmeridian October 20.*

§ 227.12 *Traps prohibited, commercial salmon fishing from October 1 to October 20.* Commercial fishing for salmon by means of any trap is prohibited in the period from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 20.*

### PART 228—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERY

Sections 228.8 and 228.9 are hereby amended to permit commercial salmon fishing, except by traps, in the South Prince of Wales Island district from October 1 to October 20, both dates inclusive:

§ 228.8 *Closed seasons, commercial salmon fishing other than trolling.* Commercial fishing for salmon, other than trolling, is prohibited prior to 6 o'clock antemeridian July 25 in each calendar year, from 6 o'clock postmeridian August 29 to 6 o'clock antemeridian October 1 in each year, and for the remainder of the calendar year after 6 o'clock postmeridian October 20.*

§ 228.9 *Traps prohibited, commercial salmon fishing from October 1 to October 20.* Commercial fishing for salmon by means of any trap is prohibited in the period from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 20.*

### PART 229—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERY

Sections 229.8 and 229.9 are hereby amended to permit commercial salmon fishing, except by traps, in the Southern district from October 1 to October 20, both dates inclusive:

§ 229.8 *Closed seasons, commercial salmon fishing other than trolling.* Commercial fishing for salmon, other than trolling, is prohibited prior to 6 o'clock antemeridian July 15, from 6 o'clock postmeridian August 16 to 6 o'clock antemeridian October 1, and for the remainder of the calendar year after 6 o'clock postmeridian October 20.*

§ 229.9 *Traps prohibited, commercial salmon fishing from October 1 to October 20.* Commercial fishing for salmon by means of any trap is prohibited in the period from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 20.*

E. K. BURLEW,
*Acting Secretary of the Interior.*

OCTOBER 10, 1939.

[F. R. Doc. 39-3825; Filed, October 17, 1939; 9:38 a. m.]

*All sections included in this document are issued under the authority contained in Sec. 1, 44 Stat. 752; 48 U.S.C. 221.

[1] 4 F.R. 3717 DI.

## Notices

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

### NOTICE OF DESIGNATION OF TRIAL EXAMINER FOR HEARING ON MINIMUM WAGE RECOMMENDATION OF THE APPAREL INDUSTRY COMMITTEE

Whereas, the Notice of Hearing[1] on Minimum Wage Recommendations of the Apparel Industry Committee provided that said hearing will be held before the Administrator or a trial examiner and that should the hearing be held before a trial examiner, the Adminstrator will publish in the FEDERAL REGISTER on or before October 18, 1939, an order designating a person to act as trial examiner; and

Whereas, the issues to be presented at said hearing have been narrowly confined by Sections 8 (b) and 8 (c) of the Fair Labor Standards Act of 1938 and by the report and recommendation of Industry Committee No. 2.

Now, therefore, it is hereby ordered and notice is hereby given that:

1. Mr. Thomas Holland will preside as tral examiner at said hearing on the minimum wage recommendations of Industry Committee No. 2 and will conduct said hearing in accordance with the rules published in the notice of that hearing except that paragraphs 9 and 10 of said rules shall not be applicable to the hearing before the trial examiner; and

2. No intermediate report will be prepared by the trial examiner unless hereafter ordered by the Administrator, but in lieu thereof, the trial examiner shall turn over to the Administrator at the close of the hearing the complete record of the proceedings had before him and the Administrator shall thereafter hear oral argument or accept written briefs upon said record or both as he may determine.

Signed at Washington, D. C., this 16th day of October 1939.

ELMER F. ANDREWS,
*Administrator.*

[1] 4 F.R. 4074 DI.

[F. R. Doc. 39-3826; Filed, October 17, 1939; 10:04 a. m.]



### POSTPONEMENT OF HEARING ON MINIMUM WAGE RECOMMENDATION OF APPAREL INDUSTRY COMMITTEE

Whereas, the notice of hearing[1] on the minimum wage recommendation of Industry Committee No. 2 for the Apparel Industry (Wage and Hour Division Release R-419) provided that the public hearing on said recommendation would commence on October 23, 1939 and notices of intention to appear to offer evidence at such hearing were to be filed with the Administrator of the Wage and Hour Division of the United States Department of Labor not later than October 18, 1939, and

Whereas, it now appears appropriate to postpone said hearing and said date for filing notices of intention to appear to offer evidence at said hearing;

Now, therefore, notice is hereby given that the public hearing on the recommendation of Industry Committee No. 2 for the Apparel Industry is postponed to commence on November 13, 1939, at the Raleigh Hotel, Pennsylvania Avenue and Twelfth Street NW., Washington, D. C., at 10:00 a. m. and notices of intention to appear to offer evidence at said hearing containing the information prescribed by paragraph IV of the original notice (Wage and Hour Division Release R-419) shall be filed with the Wage and Hour Division of the United States Department of Labor at Washington, D. C., not later than November 8, 1939.

Signed at Washington, D. C., this 17th day of October, 1939.

PAUL SIFTON,
*Acting Administrator.*

[1] 4 F.R. 4074 DI.

[F. R. Doc. 39-3836; Filed, October 17, 1939; 12:50 p. m.]

### NOTICE OF CANCELATION OF HEARING ON APPLICATION OF POSTAL TELEGRAPH LAND LINE SYSTEM FOR PERMISSION TO EMPLOY MESSENGERS AT WAGES LESS THAN THE APPLICABLE MINIMUM WAGE SPECIFIED IN SECTION 6 OF THE FAIR LABOR STANDARDS ACT

Whereas, the Postal Telegraph Land Line System has withdrawn its application under Section 14 of the Fair Labor Standards Act of 1938 and regulations issued by the Administrator of the Wage and Hour Division of the United States Department of Labor thereunder for permission to employ messengers at wages less than the applicable minimum wage specified in Section 6 of the Act; and

Whereas, a public hearing was scheduled[1] to be held on said application at the Bar Association Building, 42 West 44th Street, New York City at 10 A. M. on October 20, 1939; and

Whereas, this action is now taken without prejudice against any person filing another or new application under said section for permission to employ messengers at wages less than the applicable minimum wage specified in Section 6 of the Act;

Now, therefore, it is hereby ordered that said application shall be permitted to be withdrawn and said hearing canceled without prejudice to a new or further application under said section of the Act.

Signed at Washington, D. C., this 17th day of October 1939.

PAUL SIFTON,
*Acting Administrator.*

[1] 4 F.R. 4253 DI.

[F. R. Doc. 39-3835; Filed, October 17, 1939; 12:50 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of October, A. D. 1939.

[File 1-2240]

IN THE MATTER OF THE REGISTRATION OF ARROWHEAD DEVELOPMENT COMPANY, COMMON STOCK, 10¢ PAR VALUE

### ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

I

It appearing to the Commission,

That Arrowhead Development Company, a corporation organized under the laws of the State of Nevada, is the issuer of Common Stock, 10¢ par value, and

That said Arrowhead Development Company registered such security on the San Francisco Mining Exchange, a national securities exchange, by filing applications on Form 10 on or about November 13, 1935, on Form 8A on or about July 1, 1938, and on another Form 8A on or about September 9, 1938, all with the San Francisco Mining Exchange and with the Commission, pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12A-1, as amended; and

That Rule X-13A-1, promulgated pursuant to Section 13 (a) of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to Section 13 (a) of said Securities Exchange Act of 1934, did and does prescribe Form 10K as the form to be used for the annual reports of all corporations except those for which another form is specifically prescribed, and that no other form was or is specified for use by the said Arrowhead Development Company.

II

The Commission having reason to believe that,

The said Arrowhead Development Company has failed to file the information and documents required by said Rule X-13A-1 in that it has failed to file its annual report for the fiscal year ended December 31, 1938, on Form 10K as prescribed by the said Rule X-13A-2, and

III

It being the opinion of the Commission that,

The hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

*It is ordered,* Pursuant to Section 19 (a) (2) of said Act, that a public hearing be held to determine whether Arrowhead Development Company has failed to comply with Section 13 (a) of the Securities Exchange Act of 1934, as amended, the rules, regulations and

forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said Corporation's Common Stock, 10¢ par value, on said San Francisco Mining Exchange;

*It is further ordered*, Pursuant to the provisions of Section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

*It is further ordered*, That the taking of testimony in this hearing begin on the 7th day of November, 1939, at 10:00 A. M. at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3829; Filed, October 17, 1939; 11:07 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of October, A. D. 1939.

[File 1-2749]

IN THE MATTER OF THE REGISTRATION OF BULLION GOLD AND SILVER MINING COMPANY, COMMON CAPITAL STOCK, 10¢ PAR VALUE

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

I

It appearing to the Commission,

That Bullion Gold and Silver Mining Company, a corporation organized under the laws of the State of California, is the issuer of Common Capital Stock, 10¢ par value, and

That said Bullion Gold and Silver Mining Company registered such securities on the San Francisco Mining Exchange, a national securities exchange, by filing on or about December 14, 1936, an application with the said Exchange and with the Commission, pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12A-1, promulgated by the Commission thereunder; and

That Rule X-13A-1, promulgated pursuant to Section 13 (a) of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange, shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to Section 13 (a) of said Securities Exchange Act of 1934, as amended, did and does prescribe Form 10K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified and that no other form was or is specified for use by the said Bullion Gold and Silver Mining Company, and

II

The Commission, having reason to believe that,

Bullion Gold and Silver Mining Company has failed to comply with said Section 13 (a) and said Rule X-13A-1 in that it has failed to file its annual report for the year ended December 31, 1938, on Form 10K as prescribed by said Rule X-13A-2, and

III

It being the opinion of the Commission that,

The hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

*It is ordered*, Pursuant to Section 19 (a) (2) of said Act, that a public hearing be held to determine whether Bullion Gold and Silver Mining Company has failed to comply with Section 13 (a) of the Securities Exchange Act of 1934, as amended, the rules, regulations and forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said Corporation's Common Capital Stock, 10¢ par value, on said San Francisco Mining Exchange;

*It is further ordered*, Pursuant to the provisions of Section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith as authorized by law;

*It is further ordered*, That the taking of testimony in this hearing begin on the 6th day of November, 1939, at 10:00 a. m. at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3830; Filed, October 17, 1939; 11:07 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of October, A. D. 1939.

[File No. 34-81]

IN THE MATTER OF WILLIAM W. BATTLES, CHAIRMAN FRANCIS M. BROOKE, AND FRANCIS BRAUN, REORGANIZATION COMMITTEE FOR SECURITY HOLDERS OF NATIONAL PUBLIC UTILITIES CORPORATION; CALEB S. LATTON AND W. FINDLAY DOWNS, TRUSTEES OF NATIONAL PUBLIC UTILITIES CORPORATION

ORDERING POST-AMENDED DECLARATION TO BECOME EFFECTIVE

The Commission having entered an order herein on August 4, 1939, approving a Plan of Reorganization of National Public Utilities Corporation and providing that the form of instruments to be used to evidence the solicitation of deposits of securities under the Plan be subject to the approval of the Commission prior to any solicitation;

The above-named Reorganization Committee having filed a post-amendment to its declaration herein on October 12, 1939, together with copies of the letters of solicitation intended to be distributed to security holders who have deposited their securities with the Reorganization Committee and having requested the Commission to shorten the period within which said declaration as thus post-amended shall become effective;

It appearing that the said letters of solicitation are in conformity with the applicable provisions of the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder and that sufficient cause has been shown why such period should be shortened;

*It is ordered*, That said declaration as thus post-amended become effective immediately.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3831; Filed, October 17, 1939; 11:07 a. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of October, A. D. 1939.

[File No. 46-150]

IN THE MATTER OF TRUSTEES UNDER PENSION TRUST AGREEMENT, GENERAL UTILITY INVESTORS CORPORATION, ASSOCIATED POWER CORPORATION, NY PA NJ UTILITIES COMPANY, ASSOCIATED GAS AND ELECTRIC CORPORATION, AND ASSOCIATED GAS AND ELECTRIC COMPANY

ORDER ADMITTING AS A PARTY THE BANKERS SECURITIES CORPORATION

Bankers Securities Corporation having requested leave to intervene in the above matter,

*It is ordered*, Pursuant to Section 19 of the Public Utility Holding Company Act of 1935, that said Corporation be, and it hereby is, admitted as a party to this proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3832; Filed, October 17, 1939; 11:07 a. m.]

Reference

OCT 20 1939

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 202

*Washington, Thursday, October 19, 1939*

## The President

### ARMISTICE DAY—1939

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS twenty-one years ago, on November 11, 1918, the nations then engaged in the World War agreed to an armistice terminating hostilities; and

WHEREAS Senate Concurrent Resolution 18, Sixty-ninth Congress, passed June 4, 1926 (44 Stat. 1982), reads in part:

"That the President of the United States is requested to issue a proclamation calling upon the officials to display the flag of the United States on all Government buildings on November 11 and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies expressive of our gratitude for peace and our desire for the continuance of friendly relations with all other peoples"

and the act approved May 13, 1938 (52 Stat. 351), provides that "the 11th day of November in each year, a day to be dedicated to the cause of world peace and to be hereafter celebrated and known as Armistice Day, is hereby made a legal public holiday"; and

WHEREAS, in the tragic situation in which the world finds itself today, with the destructive forces of war once again unleashed, it is appropriate for the people of the United States to reflect upon that hour of November 11, 1918, when the voices of war were silenced, and to look forward even now to a time when a just and enduring peace shall be established among all the peoples of the earth;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby direct that on November 11, 1939, the flag of the United States be displayed on all Government buildings, and I invite the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of October, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2369]

[F. R. Doc. 39-3846; Filed, October 18, 1939; 11:13 a. m.]

### CLOSED AREA UNDER THE MIGRATORY BIRD TREATY ACT, VIRGINIA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Secretary of the Interior has submitted to me for approval the following regulation adopted by him on October 4, 1939, under authority of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan No. II, transmitted to the Congress May 9, 1939:

REGULATION DESIGNATING AS CLOSED AREA CERTAIN LANDS AND WATERS ADJACENT TO THE BACK BAY MIGRATORY WATERFOWL REFUGE, VIRGINIA

By virtue of and pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U.S.C. 704), and Reorganization Plan No. II, transmitted by the President to the Congress May 9, 1939, there is hereby designated as closed area in or on which pursuing, hunting, taking, capturing, or killing, or attempting to take, capture, or kill, migratory birds is not permitted, all areas of land and water adjacent to the Back Bay Migratory Waterfowl Refuge, in Princess Anne County, Virginia, not now owned by the United States within the following-described exterior boundary:

Beginning at a point S. 34°02' E., 35.18 chains, from U. S. C. & G. S. Triangulation Station "Club", and about one-half mile south of the Little Island Coast Guard Station, on the Atlantic Ocean shore, marked with a U. S. Biological Survey standard concrete post;

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THE PRESIDENT

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FEDERAL REGISTER

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Thence along the Atlantic Ocean shore, with the meanders thereof,

S. 23°58' E., 36.61 chains;
S. 18°50' E., 10.24 chains;
S. 24°52' E., 10.24 chains;
S. 24°07' E., 10.57 chains;
S. 25°15' E., 10.43 chains;
S. 24°59' E., 11.61 chains;
S. 24°32' E., 24.70 chains;
S. 24°01' E., 11.15 chains;
S. 22°26' E., 11.64 chains;
S. 20°07' E., 14.49 chains;
S. 22°15' E., 23.54 chains;
S. 19°20' E., 12.11 chains;
S. 22°37' E., 23.71 chains;
S. 22°51' E., 22.14 chains;
S. 18°44' E., 10.62 chains;
S. 24°19' E., 11.05 chains;
S. 17°52' E., 10.90 chains;
S. 19°22' E., 11.05 chains;
S. 17°56' E., 10.68 chains;
S. 14°40' E., 22.66 chains;
S. 19°57' E., 12.19 chains;
S. 17°02' E., 9.79 chains;
S. 20°26' E., 7.51 chains, to a point;

Thence inland,

S. 87°59' W., 97.21 chains, to a point on the east shore of Sand Bay;

Thence in Sand Bay,

West, to a point 22.73 chains east of the eastern edge of the Ragged Islands;

Southerly, with a line parallel to, and easterly 22.73 chains distant from, the eastern edge of the Ragged Islands;

West, 22.73 chains, to the southernmost point of the Ragged Islands;

Thence in Back Bay,

Northwesterly, approximately 190.00 chains, to the southwestern extremity of Haul Over Island at Rocky Point;

Thence in Red Head Bay,

Northeasterly, approximately 16.00 chains, to the northwestern extremity of Haul Over Island, near North Point on said island;

Northeasterly, approximately 78.00 chains, to Heaven Point on the Ragged Islands;

Northwesterly, approximately 42.00 chains, to the southwestern extremity of a marshy island lying southwest of Long Island, and immediately north of Little Narrows;

Northerly, approximately 37.00 chains, to a point on the western edge of a marshy island lying west of Long Island, and east of Great Narrows;

Thence across Great Narrows,

Westerly, approximately 23.00 chains to a point on the eastern edge of a marshy island bounded by Great Cove, Great Narrows, Red Head Bay, and Long Point Creek;

Thence along the eastern edge of said island with the meanders thereof,

S. 34°47' W., 3.43 chains;
S. 13°21' E., 2.80 chains;
S. 12°59' W., 2.70 chains;
S. 6°45' E., 3.80 chains;
S. 27°28' W., 4.00 chains;
S. 2°26' E., 2.73 chains;
S. 24°00' W., 1.12 chains;
S. 41°31' E., 1.88 chains;
S. 56°11' W., 1.44 chains;
S. 30°42' W., 3.09 chains;
S. 56°50' W., 2.90 chains, to a point on the southeastern extremity of said island;

Thence in Red Head Bay,

Westerly, approximately 34.00 chains, to the southwestern extremity of Long Point Island;

Northwesterly, approximately 43.00 chains, to a point on East Head Bay Point, at the entrance to Head Bay Cove;

Thence across Head Bay Cove,

Northwesterly, approximately 11.00 chains, to a point on West Head Bay Point;

Thence across marsh,

N. 80°35' W., 43.24 chains, to a point in the line between marsh and fast land;

Thence between marsh and fast land,

N. 23°17' E., 11.16 chains;
N. 16°29' W., 11.90 chains;
N. 1°57' W., 2.35 chains;
N. 12°58' E., 6.95 chains;
N. 2°04' E., 2.05 chains;
N. 25°44' W., 2.47 chains;
N. 7°38' E., 10.63 chains;
N. 25°14' W., 0.56 chain, to a point;

Thence across marsh;

S. 73°22' E., 34.50 chains;
S. 74°04' E., 16.02 chains;
N. 8°00' E., 5.92 chains, to a point on the west shore of Cedar Creek Cove;

Thence along west shore of said Cove,

Northerly, approximately 2.50 chains, to a point;

Thence across marsh,

N. 8°00' E., 5.83 chains;
N. 18°35' W., 4.68 chains, to a point on the southeast shore of Sylvesters Cove;

Thence along the shore of Sylvesters Cove, with the meanders thereof,

N. 22°39' E., 2.56 chains;
N. 82°05' E., 2.44 chains;
S. 78°03' E., 3.32 chains, to a point on the west bank at the mouth of ditch connecting said cove and Cedar Creek Cove;

Thence across said ditch,

Northeasterly, approximately 0.50 chain, to a point on the south shore of Shipps Bay;

Thence in Shipps Bay,

Northeasterly, approximately 19.00 chains, to a point on the north bank at the mouth of Kemps Creek, at Shipps Bay;

Thence along the shore of Shipps Bay with the meanders thereof,

N. 22°06' E., 5.39 chains;
N. 39°34' E., 1.75 chains;
N. 60°47' E., 9.07 chains;
N. 28°05' E., 2.80 chains;
N. 36°40' E., 3.07 chains;
N. 1°27' E., 2.61 chains;
N. 12°15' E., 1.74 chains;
N. 89°05' E., 5.82 chains;

Thence in Shipps Bay,

Northeasterly, approximately 35.00 chains, to the northwestern extremity of Augers Island Bend;

Northeasterly, approximately 25.00 chains, to the most northerly point of Walkers Island Point;

Northeasterly, approximately 102.00 chains, to the most northerly point of Long Island at the mouth of Deep Creek;

Thence across Deep Creek,

Easterly, approximately 22.00 chains, to a point on the east shore at the mouth of Deep Creek at Shipps Bay;

Thence across marsh and sand flats,

East, 25.22 chains, to the point of beginning.

AND WHEREAS upon consideration it appears that the foregoing regulation will tend to effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid Migratory Bird Treaty Act, do hereby approve and proclaim the foregoing regulation of the Secretary of the Interior.



IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this sixteenth day of October in the year of our Lord nineteen hundred [SEAL] and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President,

CORDELL HULL
*Secretary of State.*

[No. 2370]

[F. R. Doc. 39-3847; Filed, October 18, 1939; 11:13 a. m.]

## *Rules, Regulations, Orders*

### TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 1846]

IN THE MATTER OF MAGNECOIL COMPANY, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondent's blankets or other devices fitted with wires or other conductors for transmission of electric current, that the use of said products has any therapeutic value in the treatment of any ailment, disease, disorder or condition of the human body other than that which is obtained by the application of heat to the exterior of the body or any part thereof, or produces any radio-magnetic or thermo-electro magnetism which will be transmitted to, or have any effect upon, the human body, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Magnecoil Company, Inc., Docket 1846, October 6, 1939]

§ 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials.* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use of standing:* § 3.18 *Claiming indorsements or testimonials falsely.* Representing, in connection with offer, etc., in commerce, of respondent's blankets or other devices fitted with wires or other conductors for transmission of electric current, that said products have been endorsed, tested, used, or recommended by hospitals, members of the medical profession, or any other parties, when such is not the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Magnecoil Company, Inc., Docket 1846, October 6, 1939]

§ 3.6 (a) (1) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Authorities and personages connected with:* § 3.6 (a) (20) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Personnel of staff:* § 3.6 (a) (21) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment:* § 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Laboratory.* Representing, in connection with offer, etc., in commerce, of respondent's blankets or other devices fitted with wires or other conductors for transmission of electric current, that respondent has or maintains a laboratory unless respondent owns, operates, or controls a scientific laboratory and employs trained scientists and technicians and is equipped to test its products in the manner and with the methods used by recognized scientific laboratories, or has an advisory or consulting board of medical experts for analyses or advice, unless and until such is the fact, or misrepresenting, in any manner, the extent or nature of the building space occupied by the respondent in the conduct of its business, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Magnecoil Company, Inc., Docket 1846, October 6, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Ellis DeBruler, and Miles J. Furnas, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, stipulations between counsel for the respondent and counsel for the Commission, which stipulations were made of record herein, brief in support of the allegations of the complaint (respondent not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent Magnecoil Company, Inc., its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of its blankets or other devices fitted with wires or other conductors for the transmission of electric current, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that the use of said products has any therapeutic value in the treatment of any ailment, disease, disorder or condition of the human body other than that which is obtained by the application of heat to the exterior of the body or any part thereof;

2. Representing that the use of said products produces any radio-magnetic or thermo-electro magnetism which will be transmitted to, or have any effect upon, the human body;

3. Representing that said products have been endorsed, tested, used, or recommended by hospitals, members of the medical profession, or any other parties, when such is not the fact;

4. Representing that respondent has or maintains a laboratory unless respondent owns, operates, or controls a scientific laboratory and employs trained scientists and technicians and is equipped to test its products in the manner and with the methods used by recognized scientific laboratories;

5. Representing that respondent has an advisory or consulting board of medical experts for analyses or advice, unless and until such is the fact.

6. Misrepresenting in any manner the extent or nature of the building space occupied by the respondent in the conduct of its business.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3837; Filed, October 17, 1939; 3:50 p. m.]

[Docket No. 3304]

IN THE MATTER OF NATIONAL TRAINING INSTITUTE, INC., ET AL.

§ 3.6 (a) (9a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government connection:* § 3.6 (a) (31) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Unique status or advantages:* § 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (j) (1) *Advertising falsely or misleadingly—Government approval or connection—Civil Service Commission connections:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service:* § 3.6 (y1) *Advertising falsely or misleadingly—Sci-*

*entific or other relevant facts:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee.* Representing, in connection with offer, etc., in commerce, of courses of study or instruction for Civil Service positions, that the respondents have any connection whatsoever with the United States Government or any agency thereof, or that respondents are able to secure any advance information with respect to appointments to Civil Service positions which is not available to the general public, or that Civil Service examinations are held at stated periods or at short intervals, or that such positions are always available and that the appointment of the purchasers of respondents' said courses of instruction to such positions is assured or guaranteed by the respondents, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, National Training Institute, Inc., et al., Docket 3304, October 9, 1939]

§ 3.69 (a) (6d) *Misrepresenting oneself and goods—Business status, advantages or connections—Government connection:* § 3.69 (a) (16) *Misrepresenting oneself and goods—Business status, advantages or connections—Unique status or advantages:* § 3.69 (b) (7.0a) *Misrepresenting oneself and goods—Goods—Jobs and employment:* § 3.69 (c) (5) *Misrepresenting oneself and goods—Prices—Usual as reduced or to be increased:* § 3.72 (b) *Offering deceptive inducements to purchase—Job guarantee:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers:* § 3.96 (b) (1a) *Using misleading name—Vendor—Government connection.* Representing, in connection with offer, etc., in commerce, of courses of study or instruction for Civil Service positions, that prospective students are selected by the respondents because of the superior qualifications and the standing in the community of such students, or that respondents recommend their students for Civil Service positions and that such recommendations are of value to students seeking such positions, or that the price of the respective courses of instruction is lower than the regular or usual price thereof, or that the price of such courses of instruction is about to be advanced unless and until such is the fact, or, through use of the word "National" or any similar word or words in the corporate or trade name, or in any other manner, that respondents have any connection with the United States Government or any agency thereof, or, through use of any contract form or any money-back agreement, or in any other manner, that a position with the United States Government is guaranteed to purchasers of said courses of instruction, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, National Training Institute, Inc., et al., Docket 3304, October 9, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 9th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF NATIONAL TRAINING INSTITUTE, INC., A CORPORATION, AND JOHN C. FELBER, ARTHUR W. GROTH, AND LOUISE D. FELBER, INDIVIDUALLY, AND AS OFFICERS OF SAID CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before Miles J. Furnas and William C. Reeves, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief filed by William L. Pencke, counsel for the Commission, brief and oral argument having been waived by the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, National Training Institute, Inc., a corporation, its officers, and John C. Felber, Arthur W. Groth, and Louise D. Felber, and its and their respective representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of courses of study or instruction for Civil Service positions, in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that the respondents have any connection whatsoever with the United States Government or any agency thereof, or that respondents are able to secure any advance information with respect to appointments to Civil Service positions which is not available to the general public;

(2) Representing that Civil Service examinations are held at stated periods or at short intervals;

(3) Representing that Civil Service positions are always available and that the appointment of the purchasers of respondents' said courses of instruction to such positions is assured or guaranteed by the respondents;

(4) Representing that prospective students are selected by the respondents because of the superior qualifications and the standing in the community of such students;

(5) Representing that respondents recommend their students for Civil Service positions and that such recommendations are of value to students seeking such positions;

(6) Representing that the price of the respective courses of instruction is lower than the regular or usual price thereof or that the price of such courses of instruction is about to be advanced unless and until such is the fact;

(7) Representing, through the use of the word "National" or any similar word or words in the corporate or trade name, or in any other manner, that respondents have any connection with the United States Government or any agency thereof;

(8) Representing, through the use of any contract form or any money-back agreement, or in any other manner, that a position with the United States Government is guaranteed to purchasers of said courses of instruction.

*It is further ordered*, That the respondents shall, within sixty days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3838; Filed, October 17, 1939; 3:50 p. m.]

## *Notices*

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 253]

IN THE MATTER OF THE APPLICATION OF BRANIFF AIRWAYS, INC., UNDER SECTION 405 (E) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR REVIEW OF CERTAIN ACTIONS OF THE POSTMASTER GENERAL AND ITS COMPLAINT, UNDER SECTION 411 OF SAID ACT, AGAINST CERTAIN UNFAIR PRACTICES AND METHODS OF COMPETITION OF AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Upon request of complainant public hearing in the above-entitled proceeding, now assigned for October 18, 1939,[1] is hereby postponed to November 15, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an Examiner of the Authority.

Dated Washington, D. C., October 17, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-3845; Filed, October 18, 1939; 11:02 a. m.]

[1] 4 F.R. 4009 DI.



## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

[Docket No. 3927]

IN THE MATTER OF THE AMERICAN TOBACCO COMPANY, RESPONDENT

COMPLAINT

The Federal Trade Commission, having reason to believe that the respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C., title 15, sec. 13), hereby issues this, its complaint, stating its charges with respect thereto as follows:

I

PARAGRAPH 1. Respondent is a corporation of the state of New Jersey. Its principal place of business is at 111 Fifth Avenue, New York City, New York. Its business is that of manufacturing, selling, and distributing cigarettes, cigarette tobacco, smoking tobacco, chewing tobacco, scrap, twist and plug tobacco, little cigars, cigars, and other tobacco products and sundries. It has places of business, factories, and warehouses in Durham, North Carolina, and in other places and states.

PAR. 2. At all times during the period hitherto, since June 19, 1936, respondent maintained and is now maintaining a continuous course of trade and commerce in said products among and between the several states in which respondent has had and now has places of business, factories and warehouses, and between each of such states and the several other states of the United States and the District of Columbia. Respondent, continuously during said period, while engaged in its business aforesaid, and in commerce, namely, trade and commerce as aforesaid, in the course of such commerce, sold, shipped, and distributed its products from the states in which respondent has had and now has places of business, factories, and warehouses, to various purchasers of its products, namely, distributors of tobacco products, located in such states and in the several other states of the United States and the District of Columbia, for use, consumption, and resale therein.

PAR. 3. Respondent, during the period aforesaid, as and when it determined to accept an order for its products and charge it to a certain distributor, designated such distributor as a "direct customer", known also sometimes as a "direct buying customer", and placed such distributor on its list, called a "direct list", and sometimes as a "list of direct customers". Among the purchasers of respondent's products on its "direct list" are jobbers and some retailers such as chain stores. Among the purchasers of respondent's products "not on direct list" are subjobbers and some retailers such as independent drug, grocery, and cigar stores. The latter purchasers are sometimes called "indirect customers" and "indirect buying customers", and include all distributors of respondent's products except those on its "direct list".

Respondent has extended and is now extending the relationship of seller and customer between it and retail distributors "not on direct list", by means of its many dealings with such distributors, in connection with the sale of its products, and particularly by the use of its many salesmen, sometimes referred to as "missionary men". Such salesmen have made many sales to such distributors. Respondent has shipped its products to many retail distributors "not on direct list", upon receipt of their orders instructing respondent to make such delivery, and to make its charges therefor against a particular jobber on respondent's "direct list" (such shipments being sometimes called "drop shipments"). Retail distributors to whom such sales are made, those to whom such shipments are made, and those with whom respondent has had dealings in connection with the sale of its products, are, by reason of respondent's acts and practices, in fact, customers of, and purchasers from, respondent. By means of such sales, shipments, and other dealings, respondent also extends its control over the prices at which its products are sold by all retail distributors to consumers. For illustration of a common practice of respondent in this connection, on May 6, 1938, respondent shipped to Poole Dry Goods Company of Springfield, Massachusetts, a retail distributor "not on direct list", pursuant to an order taken by one of its missionary men, a quantity of its tobacco products, and sent its invoice for such purchase to its jobber, Nemrow Bros., Inc., of said city, calling for payment of $752.60, less discounts of 10% and 2%, or $663.80. Said shipment included one hundred ten thousand six hundred Lucky Strike cigarettes priced in said invoice at $691.25 less discounts of 10% and 2%, or $609.69. Said shipment included 10 dozen 15¢ tins of Half and Half tobacco for which no charge was made in said invoice. Respondent's regular standard price to jobbers in said city for said Half and Half tobacco was $12.75, less discounts of 10% and 2%, or $11.24, and for all the tobacco products included in said shipment, it was $765.35, less discounts of 10% and 2%, or $675.05. Payment for said shipment was made by Poole Dry Goods Company by payment to said jobber, Nemrow Bros., Inc., of $752.60, less discounts of 10% and 1%, or $670.57. Respondent thus sold said tobacco products to Poole Dry Goods Company at a lower price than it was then selling products of the same kind and in the same quantities to jobbers in said city. After such shipment was received by Poole Dry Goods Company, prominent advertisements were placed by it in the daily newspapers of Springfield, Massachusetts, offering Lucky Strike cigarettes at 11½¢ a package, and $1.14 for a carton of ten packages, and such cigarettes were then sold to consumers in Springfield, Massachusetts, at such prices.

PAR. 4. Respondent, during the period aforesaid, listed the prices of its tobacco products and sundries in descriptive price lists published and distributed by it from time to time, and offered and allowed, as regular discounts from such prices, a 10 per cent discount, sometimes called a "trade discount", and after the deduction of such discount, a 2 per cent discount, sometimes called a "cash discount". List prices as reduced by such discounts are sometimes referred to as "standard prices". Respondent's standard prices serve as a basis for the standard prices of wholesalers and retailers.

Deviations from such standard prices have been effected by respondent during the period aforesaid as follows:

(a) Respondent's salesmen called upon certain retail distributors of respondent's products "not on direct list" and then and there solicited orders for certain of respondent's tobacco products from some of said distributors thus called upon; and upon taking orders from such distributors included in such orders substantial quantities of respondent's products of standard grade and quality and of material value, without making any specific charge therefor (such transactions being sometimes called "deals", "free deals", "combinations", and "gratis"). In some instances said salesmen made immediate delivery of such orders to the respective purchasers. In all other cases respondent's salesmen arranged to have the products included in such orders shipped by respondent directly to the respective purchasers (such transactions being sometimes called "drop shipment deals", and such shipments "drop shipments"). In cases where such orders were taken for delivery by the drop shipment method, the respective purchasers from whom such orders were taken, following the practices developed by respondent in such transactions, made arrangements with some particular jobber on respondent's "direct list" to have their respective orders charged to such jobber, and to pay such jobber the amount of their respective orders, being the list price of such products less an agreed amount. The amount which the retail distributors paid for the tobacco products included in such orders was, according to the practices thus developed, a sum substantially less than the amount which other competing retail distributors paid to jobbers of respondent's products for an equal quantity of tobacco products of like grade and quality purchased by them at the same time.

PAR. 5. By means of acts and practices, as aforesaid, and particularly those described above in paragraph four, respondent, during the period aforesaid, discriminated in price between different purchasers of commodities, to-wit, tobacco products, of like grade and quality; one or more of the purchases involved in such discriminations were in commerce; and such commodities were sold for use, consumption and resale within the United States and the District of Columbia. Respondent is now discriminating in price as aforesaid. The effect of such discriminations may be to injure, destroy and prevent competition with the purchasers from respondent who received the benefit of such discriminations and with the customers of such purchasers. Such discriminations constitute a violation of Subsection (a) of Section 2 of the Act of Congress aforesaid.

II

And the Federal Trade Commission, as and for a further and second count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this second count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent, during said period, made and is now making valuable payments and gave and is now giving valuable considerations to certain distributors, such as chain stores and other retailers, selected by respondent for the furnishing by them of services and facilities, such as counter and window displays, for the advertising of respondent's products. Such payments and considerations were not and are not now available to other distributors competing in the distribution of respondent's products. Said practices were conducted in such manner as to result in giving certain distributors exclusively the benefits accruing from said payments and considerations.

For example, in carrying out such practices, respondent paid in 1938, as charged aforesaid, for window displays, $91,890.00 to United Cigar-Whelan Stores Corporation, of New York City, New York; $18,910.00 to Liggett Drug Company, Inc., of New York City, New York; and $5,838.69 to Crown Drug Company, of Kansas City, Missouri.

PAR. 3. By means of acts and practices, as aforesaid, and particularly those described above in paragraph two, respondent, during the period aforesaid, contracted to pay and paid, and is now contracting to pay and paying, to and for the benefit of certain of its customers, certain valuable payments and considerations, as compensation for, and in consideration for, certain services and facilities furnished by and through such customers in connection with the handling, sale, and offering for sale, of the tobacco products manufactured, sold, and offered for sale by respondent. Such payments and considerations were not, and are not now, available on proportionately equal terms to all other customers of respondent competing in the distribution of such products, and constitute a violation of Subsection (d) of Section 2 of the Act of Congress aforesaid.

III

And the Federal Trade Commission, as and for a further and third count of its complaint, states:

PARAGRAPH 1. The Federal Trade Commission repeats and re-alleges as a part of this third count of this complaint, each and all of the allegations contained in paragraphs one, two, and three, of count one of this complaint, with like effect as if herein fully repeated, and incorporates herein all the facts therein set forth.

PAR. 2. Respondent has allowed and is now allowing some direct customers a period of time of a certain definite length, for example, 60 days, for payment on a 2 per cent discount basis, sometimes called a "cash discount", of products ordered by and charged to them which it has not allowed and is not now allowing to other direct customers. The allowance of time for payment as aforesaid constitutes a service to respondent's customers which becomes of greater value as the length of such time is extended.

For example, respondent allowed, as charged aforesaid, its jobber Eli Witt Cigar Company, Tampa, Florida, 30 days for payment on said cash discount basis and, following its general rule applicable to jobbers, allowed other jobbers, competing in the distribution of respondent's products with said favored jobber, 10 days for payment on such basis.

PAR. 3. By means of acts and practices, as aforesaid, and particularly by the furnishing of the services described above in paragraph two, respondent, during the period aforesaid, discriminated and is now discriminating in favor of certain purchasers against certain other purchasers of respondent's products bought by them for resale. Such services were and are now furnished by respondent to such favored purchasers upon terms not accorded to all purchasers on proportionately equal terms, in violation of Subsection (e) of Section 2 of the Act of Congress aforesaid.

Wherefore, the premises considered, the Federal Trade Commission, on this 13th day of October, A. D., 1939, issues its complaint against said respondent.

NOTICE

Notice is hereby given you, The American Tobacco Company, respondent herein, that the 17th day of November, A. D. 1939, at 2 o'clock in the afternoon is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 13th day of October, A. D., 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3839; Filed, October 18, 1939; 10:14 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of September, A. D. 1939.

[File Nos. 56-58, 46-168]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY; AND IN THE MATTER OF J. B. WHITWORTH, J. C. M. LUCAS AND H. P. LUCAS, A CO-PARTNERSHIP TRADING AS J. C. M. LUCAS CO., AND JAMES PIPER

ORDER APPROVING APPLICATIONS

Consolidated Electric and Gas Company, a registered holding company, having filed an application, and an amendment thereto, pursuant to Rule U-12D-1 promulgated under Section 12 (d) of the Public Utility Holding Company Act of 1935, for the approval of the sale of certain securities of its subsidiary, Citizens Gas Company, consisting of 1300 shares of Common Stock, $50 par value, and $300,000 principal amount of 6% Unsecured Demand Notes, and certain securities of its subsidiary, Sussex Gas Company, consisting of 1102 shares of Common Stock, $25 par value, 1728 shares of Preferred Stock (noncumulative), $25 par value, $40,000 principal amount of First Mortgage 6% Gold Bonds, due November 1, 1943, and $110,325.31 principal amount of 6% Unsecured Demand Income Note; J. B. Whitworth, J. C. M. Lucas and H. P. Lucas, a copartnership trading as J. C. M. Lucas Co., and James Piper, having filed an application pursuant to Section 10 (a) (1) of said Act for the approval of the acquisition of the said securities; said applications having been joined for hearing and the proceedings therein having been consolidated;

A public hearing on said applications, as amended, having been duly held after appropriate notice; the record having been examined, and the Commission having made and filed its findings herein:

*It is ordered*, That the applications, as amended, filed by Consolidated Electric and Gas Company, and by J. B. Whitworth, J. C. M. Lucas and H. P. Lucas, a co-partnership trading as J. C. M. Lucas Co., and James Piper, be and the same hereby are approved subject to the following terms and conditions, which are severally imposed upon the applicants insofar as they may be applicable to either of them:

(1) That all acts in connection with the said sale and acquisition of securities shall be performed in accordance with the terms and conditions of and for the purposes represented by the said applications, as amended.

(2) That within ten days after the said sale of securities, Consolidated Electric and Gas Company shall file with this Commission a certificate of notification stating that the sale has been effected in accordance with the terms and conditions of and for the purposes represented by its said application, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3840; Filed, October 18, 1939; 11:01 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of October, A. D. 1939.

[File No. 51-20]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

SUPPLEMENTAL ORDER

International Utilities Corporation, a registered holding company, having filed an application pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-2 adopted thereunder, for approval of the declaration and payment out of capital or unearned surplus of a dividend of $1.4375 per share on the $1.75 Preferred Stock on account of accumulated unpaid dividends; the present Findings, Opinion and Order of the Commission being pursuant to a provision of an order of the Commission on July 18, 1939, reserving jurisdiction as to approval of the declaration and payment of a dividend on the $1.75 Preferred Stock; subsequently, the applicant having amended such application to request approval of the declaration and payment out of capital or unearned surplus of the fourth quarterly dividend on the $3.50 Prior Preferred of 87½ cents per share aggregating $86,597.88;

A hearing on the application having been held after appropriate notice; [1] the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered*, That the declaration and payment of a dividend of 87½ cents per share on the $3.50 Prior Preferred Stock (aggregating $86,597.88) and the declaration and payment of a dividend of 56¼ cents per share (aggregating $37,492.07) on the $1.75 Preferred Stock be approved, subject, however, to the following conditions:

(1) That the dividends allowed on the $3.50 Prior Preferred Stock and the $1.75 Preferred Stock shall be charged to capital surplus, and that the amount of such dividends so charged shall be restored to capital surplus from the first available earnings after December 31, 1938;

(2) That the applicant mail to the $3.50 Prior Preferred and $1.75 Preferred stockholders, concurrently with the payment of the dividends, a copy of the Commission's Findings and Opinion in this matter and notify them that the dividend payments are subject to the above condition; and

(3) That the applicant within ten days after the payment of the dividends, file with the Commission a certificate of notification showing that such dividends were declared and paid in accordance with the terms and conditions and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3841; Filed, October 18, 1939; 11:01 a. m.]

[1] 4 F.R. 2473 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of October, A. D. 1939.

[File No. 46-99]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the Commission consents to the withdrawal of the application of the above-named applicant, and to that effect it is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3842; Filed, October 18, 1939; 11:01 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1939.

[File No. 56-40]

IN THE MATTER OF INDIANA & MICHIGAN ELECTRIC COMPANY, AMERICAN GAS AND ELECTRIC COMPANY

ORDER DESIGNATING NEW TRIAL EXAMINER AND SETTING MATTER FOR FURTHER HEARING

Indiana & Michigan Electric Company having filed an application pursuant to

Section 6 (b) of the Public Utility Holding Company Act of 1935 covering the issue and sale of certain securities; the matter having been duly set for hearing; the hearing having been held on June 16, 1939 at the offices of the Commission in Washington, D. C., and continued on the said date subject to the call of the Trial Examiner; an order thereafter having been issued by the Commission exempting the issue and sale of the said securities from the provisions of Section 6 (a) of the Act and reserving jurisdiction to determine, at a later date, whether the fees paid to the attorneys representing said Indiana & Michigan Electric Company and the insurance companies purchasing certain of said securities, and of the First Boston Corporation, in connection with the said transaction, are or are not reasonable; and a further hearing having been held at the offices of the Commission in the City of New York, before a newly designated Trial Examiner, on October 13, 1939 with respect to the reasonableness of the legal fees charged by Simpson, Thacher and Bartlett and Sullivan & Cromwell, and continued on the said date subject to the call of the Trial Examiner;

The Commission being of the opinion that a further hearing should be held at its offices in the City of Chicago, Illinois, with respect to the legal fees charged by

Seebirt, Oare and Deahl, South Bend, Indiana.

Condo, Van Atta and Batton, Marion, Indiana.

Burns and Hadsell, Niles, Michigan.

Butzel, Eaman, Long, Gust and Bills, Detroit, Michigan.

and the Trial Examiner who presided at the said original hearing and the new Trial Examiner designated to preside at the said hearing in the City of New York not being available to preside at the said hearing in Chicago;

*It is ordered*, That a further hearing be held at the office of the Securities and Exchange Commission, 630 Bankers Building, 105 West Adams Street, in the City of Chicago, Illinois, beginning November 3, 1939 at ten in the forenoon of that date, and that Henry Fitts, an officer of the Commission be, and hereby is, designated to preside at such continued hearing in the place and stead and with the same powers and duties as the Trial Examiner originally designated to preside in these proceedings.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3843; Filed, October 18, 1939; 11:01 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1939.

[File No. 57-10]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATIONS

Consolidated Electric and Gas Company, a registered holding company, having applied pursuant to Rule U-12D-1 of the Public Utility Holding Company Act of 1935 for the approval of the sale of substantially all of the utility assets of three of its subsidiaries, Asheville Gas Company, Durham Gas Company and Raleigh Gas Company, to Charles B. Zeigler, and pursuant to Rule U-12C-1 and Rule U-12F-1 of said Act for the approval of certain incidental transactions which are corollary to the sale of said utility assets;

The applicant having requested permission to withdraw said applications, the Commission, being fully advised in the premises, hereby consents to the withdrawal of the above-named applications, and to that effect

It is so ordered.

By the Commission

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3844; Filed, October 18, 1939; 11:02 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of October, A. D. 1939.

[File Nos. 43-206, 30-99]

IN THE MATTER OF ATLANTIC SEABOARD CORPORATION, AMERE GAS UTILITIES COMPANY, VIRGINIA GAS DISTRIBUTION CORPORATION, AND COLUMBIA GAS & ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

Applications and declarations pursuant to sections 5 (d), 7 and 10 and Rules U-12C-1, U-12D-1 and U-12F-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on November 3, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 28, 1939.

The matter concerned herewith is in regard to certain proposed transactions by (a) Columbia Gas & Electric Corporation, a registered holding company; (b) Atlantic Seaboard Corporation, a registered holding company and wholly owned subsidiary of Columbia Gas & Electric Corporation; and (c) Amere Gas Utilities Company, Virginia Gas Distribution Corporation (public utility companies) and Virginia Gas Transmission Corporation (non-public utility company) wholly owned subsidiaries of Atlantic Seaboard Corporation, namely:

(1) Atlantic Seaboard will sell to Columbia for $6,183,872.70 in cash, all of the common stock and indebtedness of Amere Gas Utilities Company, Virginia Gas Distribution Corporation, and Virginia Gas Transmission Corporation;

(2) Atlantic Seaboard will acquire from Columbia, as a capital contribution, $1,295,000 principal amount of Atlantic Seaboard's presently outstanding 6% Income Demand Notes;

(3) Atlantic Seaboard will increase its authorized common stock, $10 par value, from 200,000 to 350,000 shares; will sell 300,000 shares of such stock and $3,048,000 principal amount of 6% Mortgage Notes to Columbia for $6,048,000 in cash;

The proceeds of such sales plus a small amount of Treasury funds are to be used to retire Atlantic Seaboard's presently outstanding indebtedness. The purpose of the capital contribution is to enable Atlantic Seaboard to create special capital surplus to absorb any charges to surplus which may be required in order to eliminate certain debatable items in the property account as at January 1, 1938.

Upon consummation of the above transactions, Atlantic Seaboard requests an order pursuant to Section 5 (d) of the Act, declaring that it has ceased to be a holding company. Atlantic Seaboard will retain its corporate entity but will devote itself to the operation of its pipe line facilities.

(4) Amere Gas Utilities Company will acquire from Columbia, as a capital contribution, $59,000 of Amere's presently outstanding 6% Income Demand Loan Account (open account);

(5) Amere Gas Utilities Company will reclassify its authorized 2,000 shares of common stock, no par value, into 20,000 shares of common stock, $10 par value, will increase such 20,000 shares of common stock to 35,000 shares and will sell 34,950 shares of such stock and $360,000 principal amount of 6% Mortgage Notes to Columbia for $709,500 in cash;

(6) Virginia Gas Distribution Corporation will acquire from Columbia, as a capital contribution, $148,000 of its 6% Income Demand Loan Account (open account);

(7) Virginia Gas Distribution Corporation will decrease its authorized no par common stock from 10,000 to 5,000 shares and will reclassify said 5,000 shares into 50,000 shares of common stock, $10 par value, will sell 49,900 shares of the $10 par common stock and $433,000 principal amount of its 6% Mortgage Notes to Columbia for $932,000 in cash;

(8) Virginia Gas Transmission Corporation will acquire from Colombia, as a capital contribution, $667,000 of its 6% Income Demand Loan Account (open account) and

(9) Virginia Gas Transmission Corporation will reclassify its authorized 10,000 shares of no par common stock into 10,000 shares of common stock, $10 par value; will increase such par common stock to 200,000 shares and will sell 199,990 shares of $10 par common stock and $1,446,000 principal amount of its 6% Mortgage Notes to Columbia for $3,445,900 in cash.

The proceeds of the sales by Amere Gas Utilities Company, Virginia Gas Distribution Corporation and Virginia Gas Transmission Corporation are to be used by each of the companies to retire its outstanding demand indebtedness. The purpose of the capital contributions is to enable each of the companies to create special capital surplus accounts to absorb any charges to surplus which may be required in order to eliminate certain debatable items in the property account as at January 1, 1938.

The creation of all the capital surplus accounts are in furtherance of a plan of Columbia Gas & Electric Corporation to place its accounts and those of its subsidiaries in such a position that the assets of the system can, if required by regulatory bodies be written down to and carried at their estimated original cost (cost to the person first devoting the property to public service). The plan of Columbia was considered by the Commission in the matter of Columbia Gas & Electric Corporation, File No. 43-160, Holding Company Act Release No. 1417.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3848; Filed, October 18, 1939; 1:00 p. m.]

OCT 23 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 203

*Washington, Friday, October 20, 1939*


## The President

USE OF PORTS OR TERRITORIAL WATERS OF THE UNITED STATES BY SUBMARINES OF FOREIGN BELLIGERENT STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 8 of the Joint Resolution approved August 31, 1935, as amended by the Joint Resolution approved May 1, 1937 (50 Stat. 127; U.S.C., Sup. IV, title 22, sec. 245e), provides:

"Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply."

WHEREAS there exists a state of war between Germany and France; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

WHEREAS the United States of America is neutral in such war;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 8 of the Joint Resolution approved August 31, 1935, as amended by the Joint Resolution approved May 1, 1937, do by this proclamation find that special restrictions placed on the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of a foreign belligerent state, both commercial submarines and submarines which are ships of war, will serve to maintain peace between the United States and foreign states, to protect the commercial interests of the United States and its citizens, and to promote the security of the United States;

AND I do further declare and proclaim that it shall hereafter be unlawful for any submarine of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, or the Union of South Africa, to enter ports or territorial waters of the United States, exclusive of the Canal Zone, except submarines of the said belligerent states which are forced into such ports or territorial waters of the United States by *force majeure;* and in such cases of *force majeure,* only when such submarines enter ports or territorial waters of the United States while running on the surface with conning tower and superstructure above water and flying the flags of the foreign belligerent states of which they are vessels. Such submarines may depart from ports or territorial waters of the United States only while running on the surface with conning tower and superstructure above water and flying the flags of the foreign belligerent states of which they are vessels.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

This proclamation shall continue in full force and effect unless and until modified, revoked or otherwise terminated, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal

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FEDERAL REGISTER

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of the United States of America to be affixed.

DONE at the city of Washington this 18" day of October, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2371]

[F. R. Doc. 39-3853; Filed, October 18, 1939; 5:24 p. m.]

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[P-1940]

### PART 741—1940 PARITY PAYMENT REGULATIONS*†

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Parity payments will be made to producers of wheat, cotton, corn (in the commercial corn-producing area), rice, and tobacco, in accordance with the provisions of these regulations and such modifications thereof as may hereafter be made.

§ 741.101 *Eligibility for payment.* In order to be eligible for a payment with respect to a commodity a person must have an interest as a landlord, tenant, or sharecropper in a farm (1) for which an acreage allotment has been established for the commodity under the 1940 Agricultural Conservation Program; (2) on which the acreage planted to such commodity for harvest in 1940 is not in excess of such acreage allotment; (3) which is being operated in 1940; and (4) on which the county committee finds that the sum of the acreages of corn, cotton, rice, tobacco, and wheat does not exceed the sum of the allotments or permitted acreages for such crops under the 1940 Agricultural Conservation Program. Application may be made prior to determination of performance under (4) above, in which case the person shall agree to refund the payment made if full performance is not rendered.

§ 741.102 *Measure of payment.* The payment for a farm with respect to any commodity shall be measured by the product of the normal yield per acre and of the acreage allotment established for that commodity for such farm under the 1940 Agricultural Conservation Program.

§ 741.103 *Rate of payment.* The rate of payment with respect to any commodity shall be determined, within the limits of available funds, in accordance with the provisions of Section 303 of the Agricultural Adjustment Act of 1938 and the item "Parity payments" in the Department of Agriculture Appropriation Act, 1940. The rate of payment with respect to a commodity shall not exceed the amount by which the 1939 average farm price of the commodity is less than 75 per centum of the parity price.

§ 741.104 *Division of payment.* The payment for a farm with respect to any commodity shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either planted acreages or percentages) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such commodity planted on the farm for harvest in 1940. Such determination shall be made at the time the county committee approves the application for payment: *Provided*, That if any such commodity is not planted for harvest on the farm in 1940 or the acreage of such commodity is substantially reduced by flood, hail, drought, or insects, payment with respect to such commodity shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such commodity if the entire acreage in the acreage allotment for such commodity had been planted and harvested in 1940; *Provided further*, That in cases where two or more separately owned tracts of land comprise a farm, in any area designated by the Agricultural Adjustment Administration as an area in which a substantial proportion of the farms comprise two or more separately owned tracts of land, upon the written agreement of all persons who are entitled to receive a share of the proceeds of any such commodity the share of each such person in the payment with respect to such commodity on the farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such commodity and also results substantially in a division of such payment among landlords, tenants, and sharecroppers as classes as each such class shares in the commodity or proceeds thereof with respect to which the payment is being made: *Provided, further*, That if for any reason the total acreage of cotton on the farm in 1940 is less than 80 percent of the cotton acreage allotment established for the farm and the acreage of cotton which is or would have been planted for harvest on the farm in 1940 by any tenant or sharecropper is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally plant thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the payment computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton acreage allotment had been planted and harvested in 1940, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1940.

§ 741.105 *General provisions relating to payments*—(a) *Payments restricted to effectuation of purposes of the program.* All or any part of any payment which would otherwise be made to any person under these regulations may be withheld or required to be refunded if the county committee finds that (1) he has overplanted or caused the overplanting of the acreage allotment which was or could have been established for a separately-owned tract of land included in a combination farm and refuses to cooperate with other producers having an interest in the farm in making equitable adjustments with respect thereto, or (2) he has adopted any practices which the Secretary determines tend to defeat any of the purposes for which parity payments are made.

(b) *Overplanting on other farms.* All or any part of any payment which would otherwise be made to any person under those regulations may be withheld or required to be refunded (1) if such person's share of the 1940 acreage of corn, cotton, rice, tobacco, or wheat on other farms in the county exceeds his share of the acreage allotments or permitted acreages under the 1940 Agricultural Conservation Program on such farms and the county committee determines, in accordance with instructions issued by the Agricultural Adjustment Administration that such overplanting substantially offsets the performance on the farm with respect to which payment might otherwise be made, or (2) if the State committee finds that the person's share of the 1940 acreage of corn, cotton, rice, tobacco, or wheat on any other farms in which the person has an interest exceeds such person's share of the allotment or permitted acreage under the 1940 Agricultural Conservation Program on such farms to such an extent as to offset substantially the performance on the farm with respect to which payment might otherwise be made.

(c) *Payments made without regard to claims.* Any payment or share of payment shall be made without regard to questions of title under State law, without deduction of assignments or claims for advances (except indebtedness to the United States subject to setoff under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(d) *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1940 any change of the arrangements which existed on the farm in 1939 is made between the landlord or operator and the tenants or sharecroppers and such change would cause the landlord or operator to receive a greater proportion of the payments than they would otherwise receive, payments to the landlord or operator shall not be greater than the amount they would have received if the arrangements which existed on the farm in 1939 had been continued in 1940, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1940 is less than the average number on the farm during the three years 1937 to 1939 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be made, if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State committee finds that any person who files an application for payment has employed any other scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under these regulations to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the program.

§ 741.106 *Deduction for association expenses.* No part of the parity payment computed for any farm shall be deducted for county association expenses incurred or to be incurred in connection with 1940 parity payments.

§ 741.107 *Application for payment.* Payment will be made only upon application submitted through the county office on or before a date fixed by the Regional Director, but not later than December 31, 1940. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm, (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

§ 741.108 *Death, disappearance, or incompetency*—(a) *Death.* Where any person who is otherwise eligible to receive a payment dies before the payment is received, payment will be made upon proper application therefor, without regard to claims of creditors other than the United States in accordance with the following order of precedence:

(1) To the administrator or executor of the deceased person's estate;

*Sections 741.101 to 741.113 are issued under the authority contained in item entitled "parity payments" 53 Stat. 974; 52 Stat. 45.

†The source of Sections 741.101 to 741.113 is P-1940, AAA, October 18, 1939.

(2) If there is no administrator or executor and none is expected to be appointed, to the surviving spouse;

(3) If there is no surviving spouse, to the sons and daughters in equal shares. Children of a deceased son or daughter of a deceased person shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of a deceased son or daughter of such deceased person, the share of the payment which otherwise would have been made to such son or daughter shall be divided equally among the sons and daughters of such deceased person who are alive or who have surviving children;

(4) If there is no surviving spouse and no direct descendant, payment shall be made to the father and mother of the deceased person in equal shares, or the whole thereof to the surviving father or mother;

(5) If there is no surviving spouse, no direct descendant, and no surviving parent, payment shall be made to the brothers and sisters of the deceased person in equal shares. Children of a deceased brother or sister shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of the deceased brother or sister of such deceased person, the share of the payment which otherwise would have been made to such brother or sister shall be divided equally among the brothers and sisters of such deceased person who are alive or who have surviving children;

(6) If there is no surviving spouse, direct descendant, parent, or brothers or sisters of their descendants, the payment shall be made to the heirs-at-law.

Legally adopted children shall be entitled to share in any payment in the same manner and to the same extent as other children. If any person who is entitled to payment under the above order of precedence is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds $500, in which event payment shall be made only to his legal guardian. Any payment which the deceased person could have received may be made jointly to the persons found to be entitled to such payment or shares thereof under this subsection, or, pursuant to instructions issued by the Agricultural Adjustment Administration, a separate check may be issued to each person entitled to share in such payment.

(b) *Disappearance.* In case any person entitled to payment hereunder disappears after making application but before receiving the payment, such payment will be made without regard to claims of creditors other than the United States to one of the following in the order mentioned:

(1) The conservator or liquidator of his estate, if one be duly appointed,

(2) The spouse,

(3) An adult son or daughter or grandchild for the benefit of his estate.

(4) The mother or father for the benefit of his estate.

(5) An adult brother or sister for the benefit of his estate.

A person shall be deemed to have disappeared if (1) he has been missing for a period of more than three months, (2) a diligent search has failed to reveal his whereabouts, and (3) such person has not communicated during such period with other persons who would be expected to have heard from him. Proof of such disappearance must be presented to the county committee in the form of an affidavit executed by the person making the application for payment, setting forth the above facts, and must be substantiated by an affidavit from a disinterested person who was well acquainted with the person who has disappeared.

(c) *Incompetency.* Where any person who is otherwise eligible to receive a payment is adjudged incompetent by a court of competent jurisdiction before the payment is received, payment will be made, upon proper application therefor, without regard to claims of creditors other than the United States to the guardian or committee legally appointed for such incompetent person. In case no guardian or committee has been appointed, payment, if not more than $500, may be made without regard to claims of creditors other than the United States to one of the following in the order mentioned for the benefit of the incompetent person:

(1) The spouse.

(2) An adult son, daughter, or grandchild.

(3) The mother or father.

(4) An adult brother or sister.

(5) Such person as may be authorized under State law to receive payment for him (see standard procedure prescribed for the respective region).

In case payment is more than $500, payment may be made only to such person as may be authorized under state law to receive payment for the incompetent producer.

§ 741.109 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper (a) eligibility to file an application for payment; (b) the division of payment; or (c) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State committee he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

§ 741.110 *Forms and instructions.* The Agricultural Adjustment Administration shall prescribe such forms and issue such instructions as may be necessary to carry out these regulations.

§ 741.111 *Performance of duties of State and county committees in Hawaii and Puerto Rico.* In the event State and county agricultural conservation committees have not been established in the Territory of Hawaii or Puerto Rico, the Officer in Charge, Agricultural Adjustment Administration, Territory of Hawaii, or Puerto Rico, as the case may be, shall perform the duties of both the State and county committees as set forth in these regulations.

§ 741.112 *Definitions.* As used herein and in all forms and documents relating to 1940 parity payments for producers of wheat, cotton, corn (in the commercial corn-producing area), rice, and tobacco, unless the context or subject-matter otherwise requires, the terms:

(a) *Secretary, Regional Director, State committee, county committee, person, landlord, tenant, sharecropper, commercial corn-producing area, acreage planted to wheat, acreage planted to cotton,* and *acreage planted to corn* shall have the same meanings assigned to them in the 1940 Agricultural Conservation Program Bulletin and supplements thereto.

(b) *Farm* means the area of land considered as a farm for the purposes of the 1940 Agricultural Conservation Program.



(c) *Parity* and *marketing year* shall have the same meanings assigned to them in the Agricultural Adjustment Act of 1938.

§ 741.113 *Authority.* These regulations are approved pursuant to the authority vested in the Secretary of Agriculture by the item entitled "Parity payments" under the head "Conservation and Use of Agricultural Land Resources, Department of Agriculture," contained in the Department of Agriculture Appropriation Act, 1940 (Public, No. 159, 76th Congress, approved June 30, 1939; 53 Stat. 974) and pursuant to the provisions of Section 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 45).

Done at Washington, D. C. this 18th day of October, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3866; Filed, October 19, 1939; 9:41 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3135]

IN THE MATTER OF DEWBERRY ENGRAVING COMPANY, ETC.

§ 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.6 (yl) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.48 (b) (6) *Disparaging competitors and their products—Goods—Qualities or properties:* § 3.48 (b) (7) *Disparaging competitors and their products—Goods—Quality.* Representing, in connection with offer, etc., in commerce, of respondent's engraved stationery, letterheads, business and social cards, envelopes and allied products, that engraving produced from plates incised by hand or by the pantograph method, or by any method other than that used by respondent, is old-style, out-of-date, antiquated or inferior, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112, 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Dewberry Engraving Company etc., Docket 3135, October 9, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF RALPH DEWBERRY, TRADING AND DOING BUSINESS AS DEWBERRY ENGRAVING COMPANY, AND THE NATIONAL ENGRAVING COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before Edward J. Hornibrook, an examiner of the Commission theretofore duly designated by it in support of the allegations of said complaint and in opposition thereto, brief in support of the complaint by Morton Nesmith, counsel for the Commission, (respondent not having filed brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That respondent, Ralph Dewberry, individually and trading as Dewberry Engraving Company or under any other name or names, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of his engraved stationery, letterheads, business and social cards, envelopes and allied products in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing that engraving produced from plates incised by hand or by the pantograph method or by any method other than that used by respondent is old-style, out-of-date, antiquated or inferior.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3872; Filed, October 19, 1939; 11:49 a. m.]

[1] 2 F.R. 2430.

## TITLE 18—CONSERVATION OF POWER

### FEDERAL POWER COMMISSION

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds. John W. Scott, not participating.

[Order No. 64]

ORDER REPEALING AN ORDER ADOPTED BY THE COMMISSION ON JULY 6, 1926, AND RESCINDING CERTAIN ACCOUNTING BULLETINS

OCTOBER 10, 1939.

It appearing to the Commission that:

(a) On November 14, 1923, there was approved by the Executive Secretary of the Commission an accounting bulletin known as Accounting Bulletin No. 1 and titled, *Information and Instructions Relating to the Accounting for Cost of Obtaining Licenses;*

(b) Much of the material in said Accounting Bulletin No. 1 relates to the system of accounts issued in 1922 under the Federal Water Power Act and is, therefore, no longer pertinent;

(c) Such of the material in said Accounting Bulletin No. 1 as is pertinent and useful is now included in the Commission's Uniform System of Accounts, effective January 1, 1937;

(d) On July 6, 1926, there was adopted by the Commission an order approving and directing the publication of an accounting bulletin known as Accounting Bulletin No. 2–A and titled, *Statement of Principles to Govern the Treatment in Licenses and in the Accounts of Roads and Railroads Involved in Projects Licensed under the Federal Water Power Act;*

(e) The material contained in said Accounting Bulletin No. 2–A relates to the Federal Water Power Act and to matters upon which the Commission renders decisions in project cost cases;

(f) On April 22, 1924, there was approved by the Executive Secretary of the Commission an accounting bulletin known as Accounting Bulletin No. 3 and titled, *Accounts, Records, and Reports for Fixed Capital with Particular Reference to Reports Showing "Basis for Determination of Net Investments";*

(g) The said Accounting Bulletin No. 3 is now obsolete;

The Commission *finds* that:

(1) Accounting Bulletin No. 1 has been superseded and is no longer effective;

(2) Accounting Bulletin No. 2–A is obsolete;

(3) Accounting Bulletin No. 3 is no longer used or useful;

The Commission orders that:

(A) Accounting Bulletin No. 1 be and it hereby is rescinded;

(B) The order adopted by the Commission on July 6, 1926, relating to Accounting Bulletin No. 2–A be and it hereby is repealed;

(C) Accounting Bulletin No. 3 be and it hereby is rescinded.

The repeal and rescission of Accounting Bulletins Nos. 1, 2–A, and 3 made by this order, shall be effective immediately.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3861; Filed, October 19, 1939; 9:39 a. m.]

## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T. D. 49987]

CLAYTON SEAPLANE BASE, CLAYTON, NEW YORK, DESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR[1]

OCTOBER 13, 1939.

*To Collectors of Customs and Others Concerned:*

The Clayton Seaplane Base, Clayton, New York, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from the date of this order. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C., 177 (b))

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3849; Filed, October 18, 1939; 3:37 p. m.]

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[T. D. 49988]

NOTICE OF ADDITIONAL DATA TO BE INCLUDED ON INVOICES COVERING MADEIRA EMBROIDERIES[2]

*To Collectors of Customs and Others Concerned:*

With reference to article 274 (e) (2), Customs Regulations of 1937, as amended by (1938) T.D. 49426 [Sec. 6.1 (c)], customs invoices of Madeira embroideries are required to set forth the following information in addition to all other information required by law and regulation:

With respect to the materials used,

1. The country of production;
2. The width of the material in the piece;
3. The name of the manufacturer;
4. The kind of material, indicating the material manufacturer's quality number;
5. The landed cost of the material used in each item;
6. The date of the order;
7. The date of the invoice;
8. The invoice unit value in the currency of the purchase.
9. The discount from purchase price allowed, if any.

With respect to the finished embroidered article,

1. The manufacturer's name and manufacturer's design number and quality number;
2. The importer's design number, if any;
3. The finished size;
4. The number of embroidery points per unit of quantity;
5. For each item the cost of embroidery labor and the cost of sewing, if any, per unit of quantity;
6. The total for overhead and profit added in arriving at the price or value of the merchandise covered by the invoice.

(Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

Approved, October 16, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3874; Filed, October 19, 1939; 12:21 p. m.]

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[T. D. 49989]

NOTICE OF ADDITIONAL INFORMATION REQUIRED TO BE SET FORTH ON INVOICES OF IRON-OXIDE[2]

*To Collectors of Customs and Others Concerned:*

With reference to article 274 (e) (2), Customs Regulations of 1937, as amended by T. D. 49426 [Sec. 6.1 (c)], invoices of iron-oxide to be imported into the United States shall, in addition to all other information required by law or regulation, set forth the method of preparation of the oxide, together with the patent number, if any.

This requirement shall be effective as to invoices certified after sixty days after publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

Approved, October 16, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3875; Filed, October 19, 1939; 12:21 p. m.]

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## TITLE 21—FOOD AND DRUGS

### FOOD AND DRUG ADMINISTRATION

CORRECTION OF TYPOGRAPHICAL ERRORS IN REGULATIONS AMENDING COAL-TAR COLOR REGULATIONS

The regulations amending certain regulations under the Federal Food, Drug, and Cosmetic Act, published in the FEDERAL REGISTER September 16, 1939, at pages 3936-3940, are corrected as follows:

At page 3936, third column, caption, "*Regulations Amending Sections 135.03, 135.04 and 135.05 of* * * *", the last word in the fifth line of the caption should be "*Batches*" instead of "*Patches*".

At page 3937, third column, caption, "*D&C Violet No. 1*", the first bracket ("[") in the first line following the words and figure: "Monosodium salt of 4 * * *" should be a brace ("{"), and the last bracket ("]") in the fourth line after the word "methylene" should be a brace ("}").

At page 3937, third column, caption, "*D&C Blue No. 7*", the first bracket in the first line under the caption, "*Specifications*", and the last bracket in the third line, should be braces.

At page 3937, third column, caption, "*D&C Blue No. 8*", the first and last brackets in the first and third lines, under the caption, "*Specification*", should be braces.

At page 3938, first column, caption, "*D&C Green No. 7*", the first bracket in the first line, after "4-", under the caption, "*Specifications*", should be a brace; and after the word "methylene" in the third line there should be a brace.

At page 3938, first column, caption, "*D&C Orange No. 16*", in the sixteenth line, under the caption, "*Specifications*", the word "bromide" should be "bromine".

At page 3938, third column, caption, "*Ext D&C Blue No. 3*", in the first line after the caption, "*Specifications*", the first bracket should be a brace, and in the third line the bracket following the word "methylene" should be a brace.

At page 3939, third column, in the seventh line, under the caption, "*Ext D&C Violet No. 2*", the words and figures, "80.0 percent" should be substituted for the words and figures, "more than 8.0 percent".

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

OCTOBER 17, 1939.

[F. R. Doc. 39-3881; Filed, October 19, 1939; 12:56 p. m.]

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## TITLE 24—HOUSING CREDIT

### FEDERAL HOME LOAN BANK BOARD

AMENDMENT TO THE RULES AND REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

REPEALING PART 100, RULES OF PRACTICE AND PROCEDURE, OF THE RULES AND REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

*Be it resolved*, That, effective immediately, Part 100, Rules of Practice and Procedure, of the Rules and Regulations for the Home Loan Bank System, which was adopted April 28, 1939, and which provided that it should become effective upon filing for publication in the FEDERAL REGISTER, but which has never been so filed, is hereby repealed. (Sec. 6 (i) of F.H.L.B.A., 47 Stat. 729; 12 U.S.C. 1426 (i), Sec. 10b of F.H.L.B.A., as amended by Sec. 7, 49 Stat. 295; 12 U.S.C. Sup. 1430b, Sec. 17 of F.H.L.B.A., 47 Stat. 736; 12 U.S.C. 1437, Sec. 5 (a), (d) of H.O.L.A. of 1933, 48 Stat. 132, 133; 12 U.S.C. 1464 (a), (d), Sec. 402 (a) of N.H.A., 48 Stat. 1255; 12 U.S.C. 1724 (a), Sec. 407 of N.H.A., 48 Stat. 1260; 12 U.S.C. 1730)

Adopted by the Federal Home Loan Bank Board on October 17, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3863; Filed, October 19, 1939; 9:40 a. m.]

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AMENDMENT TO THE RULES AND REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

RELATING TO THE PROCEDURE IN CONNECTION WITH REMOVAL FROM MEMBERSHIP

*Be it resolved*, That in order to amend paragraph (c) of Section 3.7 of the Rules and Regulations for the Federal Home Loan Bank System to read as it read before the adoption of the resolution of April 28, 1939, amending said paragraph (c), which resolution was never filed for publication in the FEDERAL REGISTER, said paragraph (c) of Section 3.7 of the Rules and Regulations for the Federal Home Loan Bank System is hereby amended to read as follows:

"(c) *Procedure for removal.* When, in the judgment of the Board, cause for the removal of any member exists, the member will be notified to this effect and of the time and place of the holding of a hearing for the determination of whether or not such institution shall be retained as a member. Representatives of the institution so notified, may appear at the hearing, which shall be conducted by the Review Committee of the Board at Washington, D. C. The Review Committee will consider such matters presented at the hearing and make recommendations to the Board, with a report of such hearings, and the Board will take such action as may appear appropriate. If a member applies for permission to withdraw but cause for removal exists, the application for withdrawal may be treated as a waiver of hearing: for example, where notice of intention to withdraw has been filed by a receiver in the case of insolvency." (Sec. 6 (i) of the F.H.L.B.A., 47 Stat. 729; 12 U.S.C. 1426 (i))

Adopted by the Federal Home Loan Bank Board on October 17, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3862; Filed, October 19, 1939; 9:40 a. m.]

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### FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

RESCINDING THE APPROVAL BY THE CORPORATION OF PART 100 OF THE RULES AND REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

*Be it resolved*, That Part 100, Rules of Practice and Procedure, of the Rules and Regulations for the Federal Home Loan Bank System having been repealed on this day, and never having taken effect because it was to become effective upon filing for publication in the FEDERAL REGISTER but was never so filed, the resolution of April 28, 1939, approving said Part 100 is hereby rescinded. (Sec. 402 (a) of N.H.A., 48 Stat. 1255; 12 U.S.C. 1724 (a), Sec. 407 of N.H.A., 48 Stat. 1260; 12 U.S.C. 1730)

Adopted by the Board of Trustees of Federal Savings and Loan Insurance Corporation on October 17, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3864; Filed, October 19, 1939; 9:40 a. m.]

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AMENDMENT TO RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

RELATING TO HEARINGS IN CONNECTION WITH INSURANCE OF ACCOUNTS

*Be it resolved*, That in order to amend paragraph (a) of Section 301.20 of the Rules and Regulations for Insurance of Accounts to read as it read before the amendment of said paragraph on April 28, 1939, which was never filed for publication in the FEDERAL REGISTER and therefore, under the provisions of paragraph (c) of Section 301.22 of the Rules and Regulations for Insurance of Accounts, never became effective, said paragraph (a) of Section 301.20 of the Rules and Regulations for Insurance of Accounts is hereby amended to read as follows:

"301.20 *Right of hearing*—(a) *Hearing before review committee.* Any person interested in the insurance of any State-chartered institution including cases where it is proposed to segregate the assets of such institution or readjust its capital, in anticipation of insurance or to terminate or otherwise affect the insurance of an insured institution may appear in person or by attorney and submit any evidence pertinent to the questions at issue affecting such insurance, segregation of assets, or readjustment of capital, before the review committee of the Board at Washington, D. C., which shall conduct a hearing and consider such matters and make recommendations to the Board, with report of such hearings. The Board will take such action as may appear to be appropriate." (Secs. 403 (c), 407 (b), of N.H.A., 48 Stat. 1258, 1261; 12 U.S.C. 1726, 1730)

*Be it further resolved*, That this amendment is deemed to be of a procedural character within the provisions of paragraph (c) of Section 301.22 of the Rules and Regulations for Insurance of Accounts.

Adopted by the Board of Trustees of Federal Savings and Loan Insurance Corporation on October 17, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3865; Filed, October 19, 1939; 9:40 a. m.]

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## TITLE 30— MINERAL RESOURCES

### BITUMINOUS COAL DIVISION

[General Docket No. 17]

IN THE MATTER OF THE ESTABLISHMENT OF A RULE RELATING TO THE FILING OF APPLICATIONS FOR EXEMPTION UNDER THE SECOND PARAGRAPH OF SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

ORDER PROMULGATING A RULE RELATING TO THE FILING OF APPLICATIONS FOR EXEMPTION UNDER THE SECOND PARAGRAPH OF SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

The Director, on August 25, 1939, having issued a Notice of and Order for a Hearing[1] to be held before him on September 14, 1939, at the Hearing Room of the Bituminous Coal Division, 734 15th Street N.W., Washington, D. C., for the purpose of determining whether or not the following is a reasonable rule for carrying out the provisions of the Bituminous Coal Act of 1937, within the meaning of Section 2 (a) of said Act:

"All applications seeking exemption pursuant to the provisions of the second paragraph of Section 4-A should be filed within the following periods of time:

"(1) If the commerce covered by the application exists upon the effective date of this rule, not more than thirty (30) days after such date.

"(2) If the commerce covered by the application is entered into after the effective date of this rule, but before the effective date of minimum prices, not more than thirty (30) days after the date such commerce is entered into.

"Any application which is filed after the periods herein specified will be presumed not to have been filed in good faith."

and

Reasonable public notice thereof having duly been given; and

A hearing having duly been held on the foregoing rule on the date and at the place designated in said Notice of and Order for Hearing; and

The Director having duly considered the entire record in this proceeding and having made Findings of Fact and Conclusions of Law on the basis thereof, a copy of which is now on file in the Office of the Division, Washington, D. C., and which by this reference are incorporated herein and made a part hereof; and

The Director having concluded in said Findings of Fact and Conclusions of Law that the foregoing rule is a reasonable rule for carrying out the provisions of the Bituminous Coal Act of 1937, within the meaning of Section 2 (a) of said Act:

*It is ordered*, That the foregoing rule be and the same is hereby promulgated

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[1] This document affects the tabulation in 19 CFR 4.13.

[2] This document affects 19 CFR 6.1 (c).

[1] 4 F.R. 3757 DI.

and made effective at the end of five days from the date of this order.

Dated October 17, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-3867; Filed, October 19, 1939; 10:03 a. m.]

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## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

## COAST GUARD

### PART 5—REGULATIONS, UNITED STATES COAST GUARD RESERVE *

Sec.

5.0 Preamble.
5.1 Definitions.
5.2 Organization and administration.
5.3 Personnel.
5.4 Vessels.
5.5 Reimbursement for operating expense and damage.
5.6 Flags, pennants and insignia.

§ 5.0 *Preamble.* The following regulations are prescribed to effectuate the provisions of the Coast Guard Reserve Act of 1939, June 23, 1939, Public Number 152, as herein set forth:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Coast Guard Reserve Act of 1939."

SEC. 2. In the interest of (a) safety to life at sea and upon the navigable waters, (b) the promotion of efficiency in the operation of motorboats and yachts, and (c) a wider knowledge of, and better compliance with, the laws, rules, and regulations governing the operation and navigation of motorboats and yachts, and (d) facilitating certain operations of the Coast Guard, there is hereby established a United States Coast Guard Reserve (hereinafter referred to as the "Reserve") which shall be composed of citizens of the United States and of its Territories and possessions, except the Philippine Islands, who are owners (sole or part) of motorboats or yachts, and who may be enrolled therein pursuant to regulations prescribed under the authority of this Act.

SEC. 3. The Reserve shall be a voluntary organization and shall be administered by the Commandant of the Coast Guard (hereinafter referred to as the "Commandant") under the direction of the Secretary of the Treasury, and the Commandant shall, with the approval of the Secretary of the Treasury, prescribe such regulations as may be necessary to effectuate the purposes of this Act.

SEC. 4. The Coast Guard is authorized to utilize in the conduct of duties, incident to the saving of life and property and in the patrol of marine parades and regattas any motorboat or yacht temporarily placed at its disposition for any of such purposes by any member of the Reserve: *Provided,* That no such motorboat or yacht shall be assigned to any such Coast Guard duty unless it is placed in charge of a commissioned officer, chief warrant officer, warrant officer, or petty officer of the Coast Guard during such assignment: *Provided further,* That appropriations for the Coast Guard shall be available for the payment of actual necessary expenses of operation of any such motorboat or yacht when so utilized, but shall not be available for the payment of compensation for personal services, incident to such operation, to other than the personnel of the regular Coast Guard.

SEC. 5. Any motorboat or yacht, while assigned to Coast Guard duty as herein authorized, shall be deemed to be a public vessel of the United States, and, within the meaning of the Act of June 15, 1936 (49 Stat. 1514; U.S.C., Supp. IV, title 14, sec. 71), shall be deemed to be a vessel of the United States Coast Guard.

SEC. 6. The Secretary of the Treasury shall prescribe one or more suitable distinguishing flags to be flown from the motorboats and yachts owned by members of the Reserve, and one or more suitable insignias which may be worn by such members. Such flags and insignias shall be furnished by the Coast Guard to members of the Reserve at actual cost, and the proceeds received therefor shall be credited to the appropriation from which paid. Any person who shall, without proper authority, fly from a motorboat, yacht, or other vessel, any flag of the Reserve, or wear any insignia of the Reserve, shall, upon conviction thereof, be punished by a fine not exceeding $100.

SEC. 7. No member of the Reserve, solely by reason of such membership, shall be vested with or exercise any right, privilege, power, or duty vested in or imposed upon the personnel of the Coast Guard.

SEC. 8. The services and facilities of the Coast Guard may be employed in the administration and operation of the Reserve; and the appropriations for the Coast Guard shall be available to effectuate the purposes of this Act.

Approved June 23, 1939.

§ 5.1 *Definitions.* When used in these regulations, the terms—

(a) "Act" means the Coast Guard Reserve Act of 1939, June 23, 1939, Public Number 152.

(b) "Reserve" means the United States Coast Guard Reserve established pursuant to the Act.

(c) "Headquarters" means United States Coast Guard Headquarters, Washington, D. C.

(d) "District" means a District of the Coast Guard as hereinafter set forth.

(e) "Division" means a subdivision of the Reserve in a District.

(f) "Flotilla" means a unit of a Division.

(g) "Commandant" means the Commandant of the United States Coast Guard.

(h) "District Commander" means an officer in command of a Coast Guard District.

(i) "Director" means the Coast Guard officer assigned to the staff of the District Commander to assist that officer in administering the Reserve.

(j) "Officer" means a commissioned officer, chief warrant officer, warrant officer, or petty officer of the Coast Guard.

(k) "Reservist" means any person who is a member of the Reserve.

(l) "Citizen" means any person, eighteen years of age or over, who is a native-born or naturalized citizen of the United States, or of its territories and possessions, except the Philippine Islands.

(m) "Motorboat" means any documented or numbered vessel propelled by machinery, not more than 65 feet in length measured from end to end over the deck excluding sheer.

(n) "Yacht" means any documented or numbered vessel of the United States, used and employed exclusively for pleasure, or any sailboat which is used and employed exclusively for pleasure, over 16 feet in length measured from end to end over the deck excluding sheer.

(o) "Reserve vessel" means any motorboat or yacht owned by a Reservist and duly recorded by him in the Reserve.*

§ 5.2 *Organization and administration*—(a) *Organization.* The Reserve, a voluntary organization of citizens who are owners of motorboats or yachts, shall be organized for the purpose of—

(1) Promoting safety of life at sea and upon navigable waters.

(2) Disseminating information concerning the laws, rules and regulations concerning motorboats and yachts.

(3) Distributing information and knowledge concerning the operation and navigation of motorboats and yachts, and

(4) Cooperating with the Coast Guard.

Reservists shall be grouped into Flotillas, each Flotilla designated by a number. Flotillas shall in turn be grouped into Divisions, appropriately designed by geographical terms. Divisons shall be subdivisions of Reserve Districts which Districts shall coincide with and bear the same name as those of the Coast Guard.

The Coast Guard Districts are—

*Boston District.* Headquarters, Boston, Mass. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island.

Coastal waters northeast of a line from the intersection of the Rhode Island, Connecticut, New York State boundary line to Block Island southwest Ledge Lighted Bell Buoy "2" (Lat. 41°06.7' N.; Long. 71°40.3' W.), to Nantucket Shoals Lightship (Lat. 40°37.0' N.; Long. 69°37.1' W.); the Atlantic Ocean north of the latitude of Nantucket Shoals.

*New York District.* Headquarters, New York, N. Y. Connecticut, New York (east of the meridian passing through the intersection of the St. Lawrence River with the New York-Canada boundary), Pennsylvania (east of Longitude 79° West), New Jersey, Delaware.

Coastal waters from the southern and western limits of the Boston District to a line from the intersection of the coast line with the Delaware-Maryland State boundary line, to Fenwick Island Shoal Lighted Whistle Buoy "1 FIS" (Lat. 38°26.8' N.; Long. 74°57.2' W.); the Atlantic Ocean between the southern and western limits of the Boston District and the latitude of Fenwick Island Shoal Whistle Buoy.

*Norfolk District.* Headquarters, Norfolk, Va. Maryland, Virginia, North Carolina.

Coastal waters from the southern limits of the New York District to a line from the intersection of the coast line with the North Carolina-South Carolina State line, to Frying Pan Shoals Lightship; the Atlantic Ocean between the latitude of Frying Pan Shoals Lightship and the southern limits of the New York District.

*Jacksonville District.* Headquarters, Jacksonville, Fla. South Carolina, Georgia, Florida (east of the Apalachicola River).

Coastal waters from the southern limits of the Norfolk District to Longitude 85° west; the Gulf of Mexico east of Longitude 85° west and the Atlantic Ocean between the Southern limits of the Norfolk District and the northern and western limits of the San Juan District.

*New Orleans District.* Headquarters, New Orleans, La. The parts of Florida, Alabama, Mississippi, Louisiana and Texas south of Latitude 31° North and west of the western limits of the Jacksonville District.

Coastal waters and the Gulf of Mexico west of Longitude 85° West.

*San Juan District.* Headquarters, San Juan, P. R. The island of Puerto Rico and Caribbean Islands belonging to the United States.

The Atlantic Ocean east of Longitude 70° West and south of Latitude 30° North; the Caribbean Sea.

*Cleveland District.* Headquarters, Cleveland, Ohio. New York (west of New York District and north of Latitude 42° North), Pennsylvania (west of Longitude 79° West and north of Latitude 41° North), Ohio (north of Latitude 41° North), Michigan (Lower Peninsula east of Longitude 84° West, and Upper Peninsula north of Latitude 46° North, except Mackinac County) Wisconsin and Minnesota (north of Latitude 46° North).

St. Lawrence River, Lakes Ontario, Erie, St. Clair, Huron (east of Longitude 84° West), Superior and navigable waters tributary thereto.

*Chicago District.* Headquarters, Chicago, Ill. The parts of Michigan and Wisconsin east of Longitude 90° West and not included in the Cleveland District, Indiana (north of Latitude 41° North), Illinois (north of Latitude 41° North and east of Longitude 90° West). Lake Michigan and the navigable waters tributary thereto.

*St. Louis District.* Headquarters, St. Louis, Mo. West Virginia, Kentucky, Tennessee, Arkansas, Oklahoma, Kansas, Nebraska, South Dakota, Iowa, Missouri; the parts of Pennsylvania, Ohio, Indiana, Illinois, Wisconsin, Minnesota, Texas, Louisiana, Mississippi and Alabama not included in the New York, Cleveland, Chicago, New Orleans and San Francisco Districts; the Mississippi River and navigable waters tributary thereto.

*San Francisco District.* Headquarters, San Francisco, Calif. California, Arizona, New Mexico, Nevada, Utah, Colorado, and that part of Texas north of Latitude 31° North and west of Longitude 103° West.

Coastal waters and the Pacific Ocean south of Latitude 42° North and east of Longitude 140° West.

*Seattle District.* Headquarters, Seattle, Wash. Washington, Oregon, Idaho, Montana, Wyoming.

Coastal waters and the Pacific Ocean between Latitude 42° North and 50° North.

*Juneau District.* Headquarters, Juneau, Alaska. Alaska.

Coastal waters and the Pacific Ocean (North of Latitude 50° North), Bering Sea, Arctic Ocean.

*Honolulu District.* Headquarters, Honolulu, T. H. Territory of Hawaii and Pacific Islands belonging to the United States.

Coastal waters and the Pacific Ocean west of Longitude 140° West and south of Latitude 42° North.

(b) *Administration.* The administration of the Reserve shall be under the control of the Commandant at Headquarters.

The immediate administration of the Reserve shall be under the control of the District Commanders who are responsible directly to the Commandant. A District Commander shall be assisted in the administration of the Reserve by the Director and the District Board.

The administration of a Division shall be under the control of a Division Board.

The administration of a Flotilla shall be under the control of the Flotilla officers.

(c) *District Board*—(1) *Composition.* The District Board shall be composed of the Director and a representative from each Division within the District. The District Commander shall be an ex officio member of the Board.

The Captain of each Division or Flotilla representative of the Division designated by him, shall serve as Division representative on the District Board. Each member of the District Board shall have one vote.

(2) *Election of officers.* The Division representative shall elect from among the representatives, two District officers, whose titles shall be in the following order of precedence:

Commodore
Vice-Commodore

The District Commander, or his representative, shall preside at District elections.

(3) *Duties.* The duties of the District Board shall be to,

(i) Act upon matters of policy relating to the Reserve within its District.

(ii) Assist the District Commander in administering and fostering the Reserve.

(iii) Pass on applications for membership in the Reserve.

(iv) Conduct disenrollment proceedings.

(v) Conduct elections of officers of the District Board.

Acts of the District Board shall be subject to the approval of the District Commander.

(4) *Conduct of business.* A quorum of three members shall be sufficient to transact business, and all business shall be conducted at meetings held at the call of either the District Commander or the District Commodore. If it is impracticable for the District Board to meet together, the business of the Board may be transacted by mail, except in cases of hearings on disenrollment.

(5) *Officers, term of office.* A member of a District Board elected to the office of Commodore or Vice-Commodore shall hold office only while a member of the District Board. The term of office shall not exceed one year, but a member may be re-elected to office.

(d) *Division Board*—(1) *Composition.* The Division Board shall be composed of representatives from each Flotilla within the Division. The Director shall be an ex officio member of each Division Board of the District.

The Commander of each Flotilla, or a Reservist designated by him, shall serve as Flotilla representative on the Division Board. A Flotilla representative shall, at Division Board meetings, have one vote for each group of ten Reservists of his Flotilla, and for any part of such a group in excess of five Reservists in good standing in the Reserve.

(2) *Election of officers.* The Flotilla representatives shall elect, from among the representatives, three Division officers whose titles shall be in the following order of precedence:

Captain
Vice-Captain
Junior Captain

The Director shall preside at Division elections.

(3) *Duties.* The duties of the Division Board shall be to,

(i) Act upon matters of policy relating to the Reserve within its Division.

(ii) Assist the District Board in administering and fostering the Reserve.

(iii) Conduct elections of officers of the Division Board.

Acts of the Division Board shall be subject to the approval of the District Board.

(4) *Conduct of business.* A quorum of three members shall be sufficient to transact business, and all business shall be conducted at meetings held at the call of the Director or the Division Captain. If it is impracticable for the Division Board to meet together, the business of the Board may be transacted by mail.

(5) *Officers, terms of office.* A member of a Division Board elected to the office of Captain, Vice-Captain, or Junior Captain shall hold office only while a member of the Division Board. The term of office shall not exceed one year but a member may be reelected to office.

(e) *Flotilla.*—(1) *Composition.* The Flotilla shall be composed of ten or

*Sections 5.1 to 5.6 issued under authority contained in the Act of June 23, 1939, Public Number 152, 76th Congress, 1st Session,

more motorboats or yachts owned by not less than ten Reservists who have been authorized by the District Commander to establish a Flotilla. The Reservists shall constitute the Flotilla personnel. In the event the Flotilla personnel or number of boats of any Flotilla becomes less than the minimum prescribed above, the District Commander may, in his discretion, cause such Flotilla to be joined with another Flotilla in his district.

(2) *Personnel, election of officers.* The personnel of each Flotilla shall elect three officers whose title shall be in the following order of precedence:

Commander
Vice-Commander
Junior Commander

(3) *Personnel, duties.* The duties of the Flotilla personnel shall be to,

(i) Act upon matters of policy relating to the Reserve within the Flotilla,

(ii) Assist the Division and District Boards in administering and fostering the Reserve,

(iii) Examine applicants and their boats for membership,

(iv) Pass on applications for membership,

(v) Conduct the elections of Flotilla officers.

Acts of the Flotilla personnel with respect to (i) and (ii) shall be subject to the approval of the Division Board and with respect to (iii), (iv) and (v) subject to the approval of the District Board.

(4) *Personnel, conduct of business.* All business shall be conducted at meetings held at the call of the Flotilla Commander.

(5) *Officers, term of office.* A Flotilla officer shall hold office for a period of one year from date of election.*

§ 5.3 *Personnel*—(a) *Eligibility.* Any citizen, over 18 years of age, who owns not less than a twenty-five per cent interest in any yacht or motorboat shall be eligible for membership in the Reserve, subject to the regulations as hereinafter set forth.

(b) *Application for membership.* A candidate for membership in the Reserve shall make application on the prescribed form and shall give satisfactory evidence of a thorough knowledge of the following:

(1) Handling and operation of vessels,

(2) Rules of the road,

(3) Buoyage system in the United States,

(4) Navigation laws applicable to the vessel upon which his application for membership is based,

(5) Regulations of the Reserve.

The vessel upon which the applicant bases his application for membership must be competently operated, well-found, in good operating condition, ship-shape, equipped in accordance with law and, in addition, must be provided with adequate ground tackle and equipped with suitable devices for day and night signalling. Applications for membership shall be made on the prescribed form to a District Commander or to the Commander of a Flotilla.

(c) *Action on application for membership.* Except where applications for membership accompany a request to the District Commander for permission to establish a Flotilla, applications will be passed on by the personnel of the Flotilla of which the applicant will become a member if accepted and qualified. If the application is approved the Commander of the Flotilla shall appoint one or more of the Flotilla personnel to examine the applicant and his motorboat or yacht. Upon completion of the examination, the Flotilla Commander shall forward the application, with a report on the results of the examination and with suitable recommendations in the premises, to the District Board. The District Board shall pass on the application and recommend appropriate action to the District Commander.

If the application is disapproved by the personnel of the Flotilla, it shall be so indorsed by the Flotilla Commander and forwarded to the District Commander.

The District Commander shall pass upon and admit to membership in the Reserve, applicants who qualify under the Act and these Regulations.

If any application is disapproved by the District Commander, the applicant may apply directly to the Commandant, whose decision in the matter shall be final.

Where applications accompany a request to the District Commander for permission to establish a Flotilla, that officer may, after examination of the applicants and their motorboats or yachts, admit the applicants to membership in the Reserve if they and their vessels are found qualified.

(d) *Admission to membership.* An applicant who is accepted for membership shall be enrolled in the Reserve and issued a membership certificate and identification card. The certificate and identification card shall be valid for three years from the date of issue, unless the Reservist is in the meantime disenrolled. Membership in the Reserve may be continued for like periods of three years upon suitable evidence that the Reservist is still eligible. Upon renewal of membership this fact shall be endorsed on the membership certificate and a new identification card issued.

Duplicate membership certificates and identification cards may be issued on suitable evidence of the loss of a certificate or card.

(e) *Advancement.* Two lines of advancement, those of deck and engineering, are established. The designations in these specialties shall be in order of advancement, as follows:

| *Deck* | *Engineer* |
|---|---|
| Navigator | Engineer |
| Senior Navigator | Senior Engineer |
| Master Navigator | Master Engineer |

A Reservist to be eligible for advancement to the designation of Navigator or Engineer, must have been a member of the Reserve for not less than six months and must attain a passing mark of 70% in a written examination in his specialty.

A Reservist to be eligible for advancement to the designation of Senior Navigator or Senior Engineer, must already hold the designation of the junior designation in his specialty and must have been a member of the Reserve for not less than twelve months. In addition, he must produce satisfactory evidence that he has had not less than two years experience in the active operation of motorboats or yachts and must attain a passing mark of 70% in a written examination in his specialty.

A Reservist to be eligible for advancement to the designation of Master Navigator or Master Engineer, must already hold the designation of the next junior designation in his specialty and must have been a member of the Reserve for not less than eighteen months. In addition he must produce satisfactory evidence that he has had not less than five years' experience in the active operation of motorboats or yachts, at least one year's experience at sea, and must attain a passing mark of 70% in a written examination in his specialty.

(f) *Method of advancement.* A Reservist who meets the Service requirements for advancement to any designation as set forth above, shall, if he desires advancement, make application in writing for examination to the District Commander.

Upon receipt of the application, the District Commander will, if satisfied that the applicant meets the Service requirements, set a date for examination and convene an examining board, which shall consist of the Director and two members of the District Board, to examine the applicant.

The applicant will be advised at least thirty days before the date set for the examination of the nature and scope of the examination. Upon written request of the applicant to the President, Examining Board, the board may defer the date of the examination.

The written examination may be supervised by a sub-board, which sub-board shall transmit the examination papers to the examining board. The latter board shall grade the papers and if the applicant attains a passing mark, the board shall recommend to the Commandant, via the District Commander, that the applicant be advanced to the next senior designation.



Upon receipt of the recommendation, the Commandant will appoint the Reservist to the proper designation and issue a certificate of appointment.

Reservists who fail to attain a passing mark in any examination shall be so notified, and will be entitled to be re-examined after a period of six months from date of examination upon application in writing to the District Commander.

(g) *Transfer.* A District Commander shall be notified in writing by a Reservist whenever his permanent residence is changed to another District. Upon receipt of such notification, the District Commander shall transfer the records of the Reservist to the District in which his new residence is located. The District Commander of the District to which transfer is made, shall arrange affiliation with a Flotilla of that District.

District Commanders may transfer Reservists between Flotillas of their District, upon request for such transfer, and provided that the transfer is agreeable to the Flotilla to which transfer is requested.

(h) *Disenrollment.* A Reservist shall be disenrolled.

(1) On request.

(2) On loss of vessel on which his membership is based, unless a sufficient interest is acquired in another motorboat, or yacht, within six months from date of loss, to requalify the Reservist.

(3) On sale of vessel or sale of interest in vessel on which membership is based, unless a sufficient interest is acquired in another motorboat or yacht within six months from date of sale, to requalify the Reservist.

(4) For cause.

(5) Upon direction of the Commandant.

No Reservist shall be disenrolled under "(4)" except on a written complaint of a Reservist, and after a hearing before the District Board of his District. A majority vote of the Board will be required for disenrollment, but a Reservist disenrolled under "(4)" shall have the right of appeal to the Commandant whose decision in the matter shall be final. A person disenrolled under "(4)" shall not thereafter be eligible for membership in the Reserve except by unanimous vote of the District Board to which his application for new membership is directed.

A Reservist disenrolled as indicated above, shall surrender his membership certificate and identification card to the District Commander of the District in which he was a Reservist.*

§ 5.4 *Vessels*—(a) *Classification.* Reserve vessels shall be classified as follows:

Class 1—Seagoing motorboats or yachts possessing accommodations and capable of extended off-shore cruises.

Class 2—Motorboats or yachts possessing accommodations and adapted for use upon protected waters.

Class 3—Motorboats or yachts without accommodations.

(b) *Merit designation.* Reserve vessels may be awarded a merit rating of "excellent", based upon general upkeep, appearance, competency of operating personnel, and conformity with the navigation laws of the United States and the Regulations for the Reserve, both with regard to equipment carried by the vessel and its operation. This rating may be awarded by the Commandant upon the recommendation of a District Commander, and will be withdrawn by the Commandant if a vessel fails to merit continuance of the rating.

(c) *Offer of vessels.* The Coast Guard may employ a reserve vessel, voluntarily offered by the owner, as follows:

(1) For the conduct of its duties incident to saving of life and property.

(2) For the patrol of marine parades and regattas.

Any Reservist desiring to place his vessel at the disposal of the Coast Guard, for either or both of the above-mentioned purposes, shall communicate his offer in writing to the District Commander, who may, in his discretion, accept it. The offer shall state the period for which the vessel is proffered, whether the Reservist or his agent is to accompany the vessel, and an estimate of the present value of the vessel, and of the equipment, stores, and supplies aboard. If the vessel is owned by two or more Reservists, the offer must be signed by all owners. No vessel will be accepted unless the complete ownership is vested in Reservists.

(d) *Acceptance of vessels.* The District Commander shall, upon acceptance of an offer, direct an officer to take charge of the vessel proffered. Upon going aboard the vessel, the designated officer will immediately inspect the vessel to ascertain its condition. If the Reservist or an agent of the Reservist is not to accompany the vessel for the duration of the loan of the vessel to the Coast Guard, the officer shall, in the company of the Reservist or his agent, make a complete inventory of the equipment, unless the Reservist waives such inventory. The officer may then accept the vessel for the Coast Guard, signifying his acceptance by a written and signed acceptance on a prescribed form, in triplicate, one copy of which shall be delivered immediately to the Reservist or his agent, one copy retained by the officer, and one copy forwarded to Headquarters. Any defects noted during the inspection, and the inventory, or waiver of the inventory shall be noted on the acceptance form. Immediately upon acceptance of the vessel for the Coast Guard, the officer will strike all yacht or designating flags or pennants and hoist the Coast Guard ensign, which ensign shall be flown continually until the vessel is released to the Reservist or his agent, at the expiration of the duty for which loaned. From the time of acceptance of the vessel by the officer until released to the Reservist or his agent, the vessel shall be under the exclusive control of the Coast Guard and during such time the vessel shall be deemed a public vessel of the United States.

(e) *Acceptance of vessels in emergencies.* In an emergency the provisions of secs. 5.4 (c) and (d), insofar as they relate to the placing of a vessel at the disposition of the Coast Guard, may be waived. In such a case, any officer in charge of a Coast Guard unit may accept vessels offered by Reservists without requiring a written offer or making an inspection or inventory; provided that the Reservist or Reservists offering a vessel sign a release relieving the Government from a claim for supplies or equipment lost except in case of total loss of vessel and equipment.

The written and signed acceptance required by Sec. 5.4 (d) shall be executed by the officer assuming charge of the vessel.

(f) *Return of vessels.* A vessel voluntarily placed at the disposal of the Coast Guard by a Reservist, for a specified period, shall be returned to the reservist or his agent at the expiration of such period, unless circumstances or emergent need make the return of the vessel impracticable at that time. The Reservist or his agent shall personally receive the vessel, inspect it, and make inventory of the equipment, unless such inventory is waived by the Reservist, or unless the inventory on acceptance by the Government was waived. If the vessel is found to be in all respects satisfactory, the Reservist or his agent shall so indorse this fact across the face of the original acceptance held by the officer in charge, and the officer in charge shall strike the Coast Guard ensign and release the vessel to the owner.*

§ 5.5 *Reimbursement for operating expense and damage*—(a) *Reimbursement for expense.* A Reservist who voluntarily places his vessel at the disposal of the Coast Guard, shall be reimbursed by the Coast Guard for actual necessary expenses incident to the operation of the vessel; such expense to include fuel, oil, water, supplies, and provisions, but shall not include compensation for personal services, damages, repairs, replacement of equipment, or hire of the vessel beyond the period for which loaned.

To obtain reimbursement for expenses authorized, a Reservist shall submit to the District Commander a signed and itemized bill, in quadruplicate, setting forth the amount claimed for each item. The bill shall be indorsed "Certified just and correct, payment not received" and signed. Upon receipt of the bill the District Commander will refer it to the officer who had charge of the vessel during the loan to the Coast Guard and the officer will note on the bill his approval of the amount claimed, or any discrepancy. The District Commander will investigate any discrepancy and upon ascertaining the proper amount of

the bill, prepare a voucher in favor of the claimant.

(b) *Action in case of damage noted on return.* If upon return a vessel is found to be damaged in any respect, the Reservist or his agent may either,

(1) Refuse to accept the vessel; in which case it shall remain under the control of the Coast Guard, and repairs shall be effected in accordance with the customary practice for repairing Coast Guard vessels, or

(2) Accept the vessel, noting on the face of the original acceptance held by the officer in charge, the defects noted. The District Commander shall be notified of the damage by the officer in charge and shall immediately convene a board of investigation to inquire into the facts and circumstances of the damage. If it is found that the responsibility for the damage rests with the Coast Guard, the vessel may either be,

(i) Again placed under the control of the Coast Guard and repairs effected in accordance with the customary practice for repairing Coast Guard vessels, or

(ii) Repaired by the Reservist at his own expense, in which case the Commandant will initiate action for Congressional relief to the Reservist in the amount of the damages.

(c) *Action in case of damage noted after return.* Damages observed after the return of the vessel will be reported in writing to the District Commander by the Reservist or his agent, and the District Commander shall convene a board of investigation to investigate the facts and circumstances of the damage. If it is found that the responsibility for the damage rests with the Coast Guard, the vessel may either be,

(1) Again placed under the control of the Coast Guard and repairs effected in accordance with the customary practice for repairing Coast Guard vessels, or

(2) Repaired by the Reservist at his own expense, in which case the Commandant will initiate action for Congressional relief to the Reservist in the amount of the damages.

(d) *Action in case of loss of equipment.* In cases where equipment of a vessel loaned by a Reservist to the Coast Guard is reported lost or missing, either upon return of the vessel or subsequent thereto, the District Commander shall convene a board of investigation to inquire into the facts and circumstances and if it is found that the responsibility for the loss rests with the Coast Guard, the Commandant will initiate action for Congressional relief to the Reservist in the amount of the loss.

(e) *Action in case of total loss of vessel.* In case of the total loss of a vessel loaned by a Reservist while such vessel is under the control of the Coast Guard, the Commandant will initiate action for Congressional relief to the Reservist.*

§ 5.6 *Flags, pennants and insignia.*—(a) *Authorized emblem.* The following described emblem has been prescribed by the Secretary of the Treasury:

"The distinctive emblem of the United States Coast Guard Reserve shall be, in general terms, to wit: A shield having 13 vertical stripes and a chief—the chief and 7 stripes to be in white, and the alternate 6 stripes in solid color (except where the emblem is used on a white background, the chief and 7 stripes to be in solid color and the alternate 6 stripes in white), this shield to be placed within two concentric circles; the space between the concentric circles to have the legend 'U. S. Coast Guard' above and 'Reserve' below; all to be in front of two old-fashioned anchors, flukes downward, stocks in the same plane as the flukes, anchors to be crossed saltirewise so that the shanks are at an angle of 90° to each other; the concentric circles, legend, and anchors to be in the color of the chief of the shield."

(b) *Flags and pennants authorized.* The following described flags and pennants have been prescribed by the Secretary of the Treasury for the Coast Guard Reserve:

*Flag.* The Coast Guard Reserve flag shall consist of the emblem of the Reserve in white on a blue field. The emblem shall be centered on the flag. The fly of the flag shall be one and six-tenths of the hoist. The height of the emblem shall be one-half of the hoist.

*Pennant—Commander.* The pennant of a Commander shall consist of the emblem of the Reserve in white on a triangular blue field. The emblem shall be placed on the horizontal center line of the pennant at a point one-third of the hoist from the hoist. The fly shall be twice the length of the hoist. The height of the emblem shall be one-third of the hoist.

*Pennant—Captain.* The pennant of a Captain shall be identical with that of a Commander with the addition of a vertical white bar, one twenty-fourth in width and one-quarter in length of the hoist, placed five-sixths of the hoist from the hoist.

*Pennant—Commodore.* The pennant of a Commodore shall be identical with that of a Captain with the addition of another white bar of same size, placed toward the fly, one-sixth of the hoist from the first bar.

*Pennant — Vice - Commander.* The pennant of a Vice-Commander shall be identical with that of a Commander except that the emblem of the Reserve shall be in white on a red field.

*Pennant — Vice-Captain.* The pennant of a Vice-Captain shall be identical with that of a Captain except that the emblem and vertical bar shall be in white on a red field.

*Pennant — Vice - Commodore.* The pennant of a Vice-Commodore shall be identical with that of a Commodore except that the emblem of the Reserve and the vertical bars shall be in white on a red field.

*Pennant — Junior Commander.* The pennant of a Junior Commander shall be identical with that of a Commander except that the emblem of the Reserve shall be in blue on a white field.

*Pennant—Junior Captain.* The pennant of a Junior Captain shall be identical with that of a Captain except that the emblem of the Reserve and vertical bar shall be in blue on a white field.

*Efficiency Pennant.* The pennant indicating that a merit rating of "excellent" has been awarded to a Reserve vessel shall be blue, hoist one-eighth and fly two and four-tenths of the hoist of the Reserve flag with which it is displayed. The pennant shall have the designation "U.S.C.G.R.—Efficiency" in rounded block letters thereon of white, approximately one-half the hoist of the pennant.

(c) *Flags and pennants, display.* Reserve vessels shall be entitled to display the Reserve flag. The Reserve flag when flown shall be displayed as follows:

On vessels without a mast—at the bow staff.

On vessels with one mast—at the truck.

On vessels with two or more masts—at the main truck.

An officer of the District Board, Division Board, or a Flotilla, when aboard his vessel or a Reserve vessel of his District, Division, or Flotilla, as the case may be, shall be entitled to display his pennant from the starboard spreader if there be one. The efficiency pennant shall be displayed on the same hoist with and above the Reserve flag.

(d) *Insignia authorized.* The following described insignia have been prescribed by the Secretary of the Treasury for the Reserve: *United States Coast Guard Reserve insignia.* The insignia for Reservists shall consist of the emblem of the Reserve in gold metal, fitted with a pin or clasp. The over-all height of the insignia shall be seven-eighths of an inch.

*Merit designation insignia.* The insignia for merit designations shall be a gold metal bar upon which appears in relief, one star for Navigator, two stars for Senior Navigator, and three stars for Master Navigator; one three-blade propeller for Engineer, two propellers for Senior Engineer and three propellers for Master Engineer. The bar shall be one-quarter of an inch in height and of sufficient length to accommodate the proper number of stars and/or propellers. The bar shall be attached to the Reserve insignia on a horizontal line with the center thereof in such a manner that the designation insignia appear on either side of the Reserve insignia with stars to the right thereof and propellers to the left, when worn.

(e) *Insignia display.* The United States Coast Guard Reserve Insignia shall be worn on the left breast pocket of the coat or shirt. The merit designation insignia shall be worn as a part of, and attached to the United States Coast Guard Reserve Insignia.*

[SEAL] R. R. WAESCHE,
*Rear Admiral, U. S. Coast Guard, Commandant.*

Approved October 5, 1939.

H. MORGENTHAU, Jr.,
*Secretary of the Treasury.*

[F. R. Doc. 39-3851; Filed, October 18, 1939; 3:37 p. m.]

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ORDER PRESCRIBING FLAGS AND INSIGNIAS FOR THE UNITED STATES COAST GUARD RESERVE

OCTOBER 5, 1939.

1. Section 6 of the Coast Guard Reserve Act of 1939 (Public No. 152, 76th Congress, 1st Session) provides, in part, as follows:

> The Secretary of the Treasury shall prescribe one or more suitable distinguishing flags to be flown from the motorboats and yachts owned by members of the Reserve, and one or more suitable insignias which may be worn by such members.

2. Pursuant to the foregoing authority, the following distinguishing flags and insignias are hereby prescribed:

*Flag.* The United States Coast Guard Reserve flag shall consist of the emblem of the Reserve in white on a blue field. The emblem shall be centered on the flag. The fly of the flag shall be one and six-tenths of the hoist. The height of the emblem shall be one-half of the hoist.

*Pennant—Commander.* The pennant of a Commander shall consist of the emblem of the Reserve in white on a triangular blue field. The emblem shall be placed on the horizontal center line of the pennant at a point one-third of the hoist from the hoist. The fly shall be twice the length of the hoist. The height of the emblem shall be one-third of the hoist.

*Pennant—Captain.* The pennant of a Captain shall be identical with that of a Commander with the addition of a vertical white bar, one twenty-fourth in width and one-quarter in length of the hoist, placed five-sixths of the hoist from the hoist.

*Pennant—Commodore.* The pennant of a Commodore shall be identical with that of a Captain with the addition of another white bar of same size, placed toward the fly, one-sixth of the hoist from the first bar.

*Pennant—Vice-Commander.* The pennant of a Vice-Commander shall be identical with that of a Commander except that the emblem of the Reserve shall be in white on a red field.

*Pennant — Vice-Captain.* The pennant of a Vice-Captain shall be identical with that of a Captain except that the emblem and vertical bar shall be in white on a red field.

*Pennant — Vice-Commodore.* The pennant of a Vice-Commodore shall be identical with that of a Commodore except that the emblem of the Reserve and the vertical bars shall be in white on a red field.

*Pennant — Junior Commander.* The pennant of a Junior Commander shall be identical with that of a Commander except that the emblem of the Reserve shall be in blue on a white field.

*Pennant—Junior Captain.* The pennant of a Junior Captain shall be identical with that of a Captain except that the emblem of the Reserve and vertical bar shall be in blue on a white field.

*Efficiency Pennant.* The pennant indicating that a merit rating of "excellent" has been awarded to a Reserve vessel shall be blue, hoist one-eighth and fly two and four-tenths of the hoist of the Reserve flag with which it is displayed. The pennant shall have the designation "U.S.C.G.R.—Efficiency" in rounded block letters thereon of white, approximately one-half the hoist of the pennant.

*Emblem.* The distinctive emblem of the United States Coast Guard Reserve shall be, in general terms, to wit: A shield having 13 vertical stripes and a chief—the chief and 7 stripes to be in white, and the alternate 6 stripes in solid color (except where the emblem is used on a white background, the chief and 7 stripes to be in solid color and the alternate 6 stripes in white)—this shield to be placed within two concentric circles; the space between the concentric circles to have the legend, "U. S. Coast Guard" above and "Reserve" below; all to be in front of two old-fashioned anchors, flukes downward, stocks in the same plane as the flukes, anchors to be crossed saltirewise so that the shanks are at an angle of 90° to each other; the concentric circles, legend, and anchors to be in the color of the chief of the shield.

*United States Coast Guard Reserve insignia.* The insignia for Reservists shall consist of the emblem of the Reserve in gold metal, fitted with a pin or clasp. The over-all height of the insignia shall be seven-eighths of an inch.

*Merit designation insignia.* The insignia for merit designations shall be a gold metal bar upon which appears in relief, one star for Navigator, two stars for Senior Navigator, and three stars for Master Navigator; one three-blade propeller for Engineer, two propellers for Senior Engineer and three propellers for Master Engineer. The bar shall be one-quarter of an inch in height and of sufficient length to accommodate the proper number of stars and/or propellers. The bar shall be attached to the Reserve insignia on a horizontal line with the center thereof in such a manner that the designation insignia appear on either side of the Reserve insignia with stars to the right thereof and propellers to the left, when worn.

[SEAL] H. MORGENTHAU, Jr.,
*Secretary of the Treasury.*

OCTOBER 5, 1939.

[F. R. Doc. 39-3850; Filed, October 18, 1939; 3:37 p. m.]



## TITLE 36—PARKS AND FORESTS

### NATIONAL PARK SERVICE

AMENDMENT OF PARK REGULATIONS FOR DISTRICT OF COLUMBIA

SEPTEMBER 20, 1939.

Article 11 of the Park Regulations promulgated to facilitate the administration of the park system of the District of Columbia and approved June 16, 1927, by the President of the United States, is hereby amended by the addition of the following new section:[1]

"SEC. 8. Any application for a permit authorizing the holding of any meeting or other function within the areas covered by these regulations shall set forth the names of all proposed speakers and the nature of all proposed speeches and shall be submitted sufficiently in advance of the date of the proposed meeting or function to allow persons desiring to reply to such speeches sufficient opportunity to apply for equal facilities. All such applications shall be available to public inspection. Persons or organizations wishing to present views in opposition to those scheduled for presentation under pending applications shall be entitled to preference in applying for permission to use the same facilities immediately following or immediately preceding the meeting or function for which the original application was made."

[SEAL] HAROLD L. ICKES,
*Secretary of the Interior.*

Approved:

FRANKLIN D ROOSEVELT
*President.*

SEPTEMBER 25, 1939.

[F. R. Doc. 39-3857; Filed, October 19, 1939; 9:37 a. m.]

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## TITLE 43—PUBLIC LANDS

### GENERAL LAND OFFICE

STOCK DRIVEWAY WITHDRAWAL NO. 47, NEW MEXICO NO. 5, REDUCED

OCTOBER 10, 1939.

Departmental order of December 9, 1918, establishing Stock Driveway Withdrawal No. 47, New Mexico No. 5, under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), is hereby revoked, in so far as it affects the following described lands, which are within New Mexico Grazing District No. 5, established April 8, 1935:

*New Mexico Principal Meridian*

T. 21 S., R. 9 E.,
sec. 22, S½,
sec. 23, N½ and SW¼,
sec. 24, N½,
sec. 27, NW¼,
sec. 28, NE¼, NW¼, SE¼;

[1] This regulation supplements Section 3.7, Part 3, Chapter 1, Title 36, Code of Federal Regulations.

T. 21 S., R. 10 E.,
sec. 12, SE¼,
sec. 13, N½ and SW¼,
sec. 14, S½,
sec. 15, SE¼,
secs. 19, 20, 21 and 22, N½;
T. 21 S., R. 11 E.,
secs. 7, 8, 9, 10, 11 and 12, S½;
sec. 13, E½;
T. 21 S., R. 12 E.,
sec. 18, S½,
sec. 19, NE¼,
secs. 20, 21 and 22, N½,
sec. 23, NW¼ and S½,
sec. 24, S½;
T. 20 S., R. 13 E.,
sec. 12, SE¼SW¼, N½SE¼, SW¼SE¼,
sec. 13, NE¼NW¼, S½NW¼, N½SW¼, NW¼SE¼, S½SE¼,
sec. 24, E½NE¼, E½SW¼, N½SE¼,
sec. 25, N½NW¼, SW¼NW¼, NW¼SW¼,
sec. 26, SW¼NE¼, N½SE¼,
sec. 35, E½NW¼, N½SW¼, SW¼SW¼;
T. 21 S., R. 13 E.,
sec. 2, E½W½, NW¼NW¼,
sec. 11, E½W½,
sec. 14, N½NW¼,
sec. 15, NE¼NE¼, S½NE¼, N½S½, SW¼SW¼,
sec. 19, S½SW¼, SW¼SE¼,
sec. 21, SE¼NE¼, S½SW¼, N½SE¼, SW¼SE¼,
sec. 22, W½NW¼,
sec. 28, NW¼NW¼,
sec. 29, N½N½,
sec. 30, N½NE¼;
aggregating 11,109.57 acres.

JOHN W FINCH,
*Acting Assistant Secretary of the Interior.*

[F. R. Doc. 39-3854; Filed, October 19, 1939; 9:37 a. m.]

## BUREAU OF RECLAMATION

[No. 23]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER CHARGES[1]

OCTOBER 10, 1939.

1. *Annual operation and maintenance charges.* The annual operation and maintenance charge for the irrigation season of 1940, and thereafter until further notice, against all lands of the Orland project, California, under public notice, shall be a minimum charge of one dollar and sixty cents ($1.60) per irrigable acre whether water is used thereon or not, which charge will permit the delivery of not to exceed 3 acre-feet of water per acre; and additional water, up to the amount of the surplus natural flow water used prior to the time it becomes necessary to draw upon any storage water, will be furnished at the rate of ten (10) cents per acre-foot and further additional water at the rate of forty (40) cents per acre-foot.

2. *Time of payment.* The minimum charge announced above, together with charges for additional water used during the irrigation season of 1939, will be due and payable on or before December 31, 1939, and no water will be delivered until both charges are paid. All charges are subject to the penalties prescribed by subsection H of section 4 of the act of December 5, 1924 (43 Stat., 701) if not paid on or before the due date stated above. The same terms of payment will apply to further irrigation seasons unless subsequently modified.

3. *Method of billing and payment.* All charges will be billed direct to the water users and will be payable by them to the Bureau of Reclamation, Orland, California.

JOHN W. FINCH,
*Acting Assistant Secretary.*

[F. R. Doc. 39-3855; Filed, October 19, 1939; 9:37 a. m.]

[No. 24]

ORLAND IRRIGATION PROJECT, CALIFORNIA

PUBLIC NOTICE OF ANNUAL WATER RENTAL CHARGES[1]

OCTOBER 10, 1939.

1. Announcement is hereby made that, pending the cancellation of water rights on lands now delinquent in the payment of charges due the United States and the transfer of said water rights to other lands in private ownership that can be served from the constructed canal system, or minor extensions, on the Orland project, California, water will be furnished during the irrigation season of 1940 upon approved applications for temporary water service for the irrigation of such other lands, upon a water rental basis, at the following rates and terms.

2. The minimum water rental charge for the lands to be irrigated under the provisions of this public notice shall be one dollar and sixty cents ($1.60) per irrigable acre, which charge will permit the delivery of not to exceed three acre feet of water per acre. Additional water will be furnished at the rate of forty cents ($0.40) per acre foot. The minimum charge defined above will be due and payable at the time that application for temporary water service is executed and no water will be delivered until the minimum charge has been paid in full. Charges for additional water at the rates above specified must be paid in advance of the delivery of additional water and no advance payments shall be accepted in sums of less than $10.00 which would permit the delivery of 25 acre feet at the rate specified.

3. All charges for water rental service are to be paid to the Bureau of Reclamation, Orland, California.

JOHN W. FINCH,
*Acting Assistant Secretary.*

[F. R. Doc. 39-3856; Filed, October 19, 1939; 9:37 a. m.]

[1] Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

## TITLE 50—WILDLIFE

## BUREAU OF BIOLOGICAL SURVEY

PART 24—INDIVIDUAL NATIONAL WILDLIFE REFUGES

WEST CENTRAL REGION

§ 24.919 (a) (1) *Order permitting hunting within certain parts of the Upper Mississippi River Wildlife and Fish Refuge, Trempeleau, La Crosse, and Vernon Counties, Wisconsin.* Pursuant to the Upper Mississippi River Wildlife and Fish Refuge Act, of June 7, 1924 (43 Stat. 650), as amended, and to the President's Reorganization Plan No. II, promulgated May 9, 1939, in accordance with the Reorganization Act of 1939 (Public No. 19, 76th Congress), it is hereby ordered that, in accordance with the joint regulations of September 27, 1934,[1] for the administration of the Upper Mississippi River Wildlife and Fish Refuge, the public hunting of pheasants is permitted during the 1939 open season prescribed therefor by law or by regulation of the Wisconsin Conservation Department, in manner, by means, and to the extent not prohibited by State law or regulation and the laws and regulations governing the said refuge, on all the lands of the Upper Mississippi River Wildlife and Fish Refuge in Trempeleau, La Crosse, and Vernon Counties, Wisconsin, except in migratory waterfowl closed area No. 4 in La Crosse County and migratory waterfowl closed area No. 6 in Vernon County, Wisconsin, as defined in order of the Secretary of the Interior, approved September 19, 1939, permitting hunting within the Upper Mississippi River Wildlife and Fish Refuge.

Approved, October 13, 1939.

E. K. BURLEW,
*Acting Secretary of the Interior.*

[F. R. Doc. 39-3858; Filed, October 19, 1939; 9:38 a. m.]

[1] S. R. A.—B. S. 80.

## *Notices*

## DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Dockets Nos. 11-FD, 12-FD, 13-FD, 14-FD, 15-FD and 17-FD]

IN THE MATTER OF THE APPLICATIONS OF: CARNEGIE-ILLINOIS STEEL CORPORATION, H. C. FRICK COKE COMPANY, HOSTETTER-CONNELLSVILLE COKE COMPANY, NATIONAL MINING COMPANY, SHARON COAL AND LIMESTONE COMPANY, AND UNITED STATES FUEL COMPANY, FOR EXEMPTION UNDER SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF DISCONTINUANCE

Counsel for the applicants and counsel for the Bituminous Coal Division having entered into a stipulation dated October 12, 1939, which stipulation has been agreed to by District Boards Nos. 1, 2, 4, 10 and 11, and a copy of which stipulation is attached hereto and made a part hereof;

Counsel for the applicants and for the Bituminous Coal Division have consented to this Order:

*It is ordered*, That the above applications for exemption be discontinued and the above matters be dismissed subject to the terms and conditions of the said stipulation. The filing of any new application pursuant to such stipulation shall not exempt the applicant from any obligation, duty or liability imposed by Section 4 of the Act with respect to the commerce covered by the application except to the extent provided in said stipulation. Applicant shall have the right upon filing any such new application to have the Division rule upon such application within ninety (90) days from the date of request by applicant to have its application set down for hearing; if the Division does not rule upon such application within such ninety-day period, applicant shall be entitled to exemption from any obligation, duty or liability imposed by Section 4 of the Act with respect to commerce covered by the application until such time as the Division shall act upon the application.

Dated, October 19, 1939.

H. A. GRAY,
*Director.*

[F. R. Doc. 39-3873; Filed, October 19, 1939; 12:15 p. m.]

## DEPARTMENT OF AGRICULTURE.

Division of Marketing and Marketing Agreements.

[Docket No. A-116 O-116]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN STATE OF IDAHO AND IN MALHEUR COUNTY IN STATE OF OREGON

Whereas, under Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to such handling of onions grown in the counties hereinafter designated in the State of Idaho and in Malheur County in the State of Oregon as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce:

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing on a proposed marketing agreement and a proposed order regulating such handling of onions grown in the counties of Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington in the State of Idaho, and in the county of Malheur in the State of Oregon, said hearing to be held in the Study, Nampa High School, Nampa, Idaho, at 9:30 a. m., m. s. t., October 28, 1939, and in the American Legion Hall, Twin Falls, Idaho, at 9:30 a. m., m. s. t., October 30, 1939.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each provides, in similar terms, a plan for the regulation of such handling of the aforesaid onions as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce. Among other matters relating to such regulation, the proposed marketing agreement and order provide for: (a) the establishment of an Administrative Committee consisting of ten members, six of whom shall represent producers and four of whom shall represent handlers; (b) regulation of shipments of any variety or varieties of onions by grades or sizes or combinations thereof; (c) inspection of shipments by an authorized representative of the Federal-State Inspection Service during periods when regulation is in effect; (d) levying of assessments by the Administrative Committee to cover expenses of administration; and (e) reports to the Administration Committee by handlers.

It is hereby declared that an emergency exists in the handling of onions in the aforesaid area and that a shorter period of notice than fifteen (15) days is therefore required. It is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement and the proposed order may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

Dated, October 18, 1939.

[F. R. Doc. 39-3852; Filed, October 18, 1939; 3:39 p. m.]



## Food and Drug Administration.

[Docket No. FDC-13]

NOTICE OF PUBLIC HEARING FOR THE PURPOSE OF RECEIVING EVIDENCE UPON THE BASIS OF WHICH REGULATIONS MAY BE PROMULGATED AMENDING "REGULATIONS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR THE LISTING OF COAL-TAR COLORS, CERTIFICATION OF BATCHES THEREOF, AND PAYMENT OF FEES FOR SUCH SERVICE", (A) BY CHANGING: (1) CERTAIN SPECIFICATIONS OF CERTAIN LISTED COLORS AND CERTAIN MIXTURES OF SUCH COLORS: (2) CERTAIN REQUIREMENTS AS TO THE SIZES OF SAMPLES; (3) THE LABELING FOR CERTAIN MIXTURES; (4) THE FEES TO BE PAID FOR THE SERVICE OF CERTIFICATION; AND (B) BY THE LISTING OF ADDITIONAL COAL-TAR COLORS

Pursuant to and in conformity with the Federal Food, Drug, and Cosmetic Act [52 Stat. 1040–1055; 21 U.S.C. (Supp. IV) 301–392], Section 701 (e) [52 Stat. 1055; 21 U.S.C. (Supp. IV) 371 (e)], notice, upon proposals herein set forth, is hereby given to all interested persons that a public hearing will be held beginning at 10 o'clock, A. M., Monday, November 20, 1939, in Room 1039, South Building, Department of Agriculture, Independence Avenue, between 12th and 14th Streets SW., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in virtue of the authority by said act vested in the Secretary of Agriculture by sections 406 (b) [52 Stat. 1049; 21 U.S.C. 346 (b)], 504 [52 Stat. 1052; 21 U.S.C. 354], 604 [52 Stat. 1055; 21 U.S.C. 364], and 701 (a) [52 Stat. 1055; 21 U.S.C. (Supp. IV) 371 (a)], regulations may be promulgated amending "Regulations Under The Federal Food, Drug, And Cosmetic Act For The Listing Of Coal-Tar Colors, Certification Of Batches Thereof And Payment Of Fees For Such Service", heretofore promulgated May 9, 1939[1] [FEDERAL REGISTER, Vol. 4, No. 89], as amended by Regulations promulgated September 16, 1939[2] [FEDERAL REGISTER, Vol. 4, No. 179], (A) by changing: (1) certain specifications of certain listed colors and certain mixtures of such colors; (2) certain requirements as to the sizes of samples; (3) the labeling for certain mixtures; (4) the fees to be paid for the service of certification; and (B) by the listing of additional coal-tar colors, as specifically set forth in the proposed amendments attached hereto and made a part hereof.

All interested persons are invited to attend this hearing and to offer relevant evidence in person or by representative. In lieu of personal attendance, affidavits may be offered by delivering them on the first day of the hearing to the Presiding Officer, or by mailing them to Frank S. Hassell, Room 2313 (a), South Building, Department of Agriculture, Independence Avenue, between 12th and

[1] 4 F.R. 1922 DI.
[2] 4 F.R. 3931 DI.

14th Streets SW., Washington, D. C., so as to be in his office not later than November 20, 1939. Such affidavits, if relevant, may be received in evidence, but they will not be considered as evidence of the same character as oral testimony, where there are opportunities for cross-examination.

The proposed amendments attached hereto and made a part hereof are subject to adoption, rejection, amendment, or modification by the Secretary, in whole or in part, as the evidence adduced at the hearing may warrant.

The hearing will be conducted in accordance with the "Rules of Procedure For Hearings Required Under The Federal Food, Drug, and Cosmetic Act", published in the FEDERAL REGISTER, January 13, 1939[1] [Vol. 4, No. 8, pp. 223–225].

Mr. Frank S. Hassell is hereby designated as Presiding Officer to conduct in place of the Secretary the said hearing, with power to administer oaths, and to do all things necessary and appropriate for the proper conduct of such hearing.

This the 17th day of October, 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

PROPOSED AMENDMENTS TO THE REGULATIONS FOR THE LISTING OF COAL-TAR COLORS, CERTIFICATION OF BATCHES THEREOF, AND PAYMENT OF FEES FOR SUCH SERVICE

The regulations under the Federal Food, Drug, and Cosmetic Act, dated May 4, 1939, promulgated May 9, 1939, as amended by regulation dated September 14, 1939, promulgated September 16, 1939, for the listing of coal-tar colors, certification of batches thereof, and payment of fees for such service, are hereby further amended as follows:

*Section 135.03*

(1) By inserting "(a)" after the caption "List of straight colors and specifications for their certification for use in food, drugs and cosmetics," and by changing the sentence immediately following to read: "A batch of a straight color listed herein may be certified, in accordance with the provisions of these regulations, for use in food (subject to the restrictions prescribed by subsection (c) hereof), drugs, and cosmetics, if such batch conforms to the requirements of section 135.02 and to the specifications herein set forth for such color."

(2) By adding at the end of such section the following:

"Lakes

"Any lake made by extending on a substratum of alumina, a salt prepared from one of the straight colors hereinbefore listed in this subsection by combining such color with the basic radicle aluminum or calcium.

"Specifications

"Ether extracts, not more than 0.2 percent.

"Soluble chlorides and sulfates (as sodium salts), not more than 2.0 percent.

"Inorganic matter, insoluble in HCl, not more than 0.5 percent.

"Intermediates, not more than 0.1 percent.

"(b) Each lake made as prescribed under the caption 'Lakes' in subsection (a) shall be considered to be a straight color and to be listed therein under the name which is formed as follows:

"First, the listed name of the color from which the lake is prepared;

"Second, the name of the basic radicle combined in such color; and

"Third, the word 'Lake'.

"(For example, the name of a lake prepared by extending the aluminum salt prepared from FD&C Orange No. 1 upon the substratum would be FD&C Orange No. 1—Aluminum Lake.)

"(c) No lake listed in subsection (a) shall be certified for any use in food except external application to shell eggs."

*Section 135.04*

(1) By inserting after the name of and specifications for the color D&C Orange No. 17 the following:

"D&C RED NO. 38

"Specifications

"3-Hydroxy-N-(m-nitrophenyl)-4-(o-nitro-p-tolylazo)-2-naphthamide.

"Volatile matter (at 135° C.), not more than 5.0 percent.

"Sulfated ash, not more than 1.5 percent.

"Matter, insoluble in nitrobenzene, not more than 0.5 percent.

"2-Nitro-p-toluidine, not more than 0.2 percent.

"3-Hydroxy-N-(m-nitrophenyl)-2-naphthamide, not more than 0.2 percent.

"Pure dye (as calculated from organically combined nitrogen), not less than 90.0 percent."

(2) By changing the language immediately following the caption "Lakes" in subsection (a), now reading "Any lake made by * * *" to read: "Any lake, other than those listed in section 135.03, made by * * *"

(3) By changing the last paragraph in subsection (b) to read:

"(For example, the name of a lake prepared by extending the color D&C Red No. 9 upon a substratum is 'D&C Red No. 9—Barium Lake', and a lake prepared by extending the aluminum salt prepared from FD&C Green No. 1 upon a substratum other than alumina is 'D&C Green No. 1—Aluminum Lake'.)"

*Section 135.06*

(1) By changing the language immediately following the caption "Mixtures which may be certified," and extending to clause (1) of subsection (a) to read: "(a) A batch of a mixture which contains no straight color listed in section 135.04 or 135.05 may be certified, in accordance with the provisions of these regulations, for use in food (subject to the restrictions prescribed in subsection (d) hereof), drugs, and cosmetics, if—"

(2) By changing the parenthetical expression in subsection (a) (3) to read: "(except resins, natural gum, pectin and, in the case of mixtures which are aqueous solutions or aqueous pastes, sodium benzoate in a quantity of not more than $\frac{1}{4}$ of 1 percent)".

(3) By adding at the end of such section the following new subsection: "(d) No mixture which contains a lake listed in section 135.03 shall be certified for any use in food except external application to shell eggs."

*Section 135.08*

(1) By striking out "and" at the end of clause (1) of the subsection (b).

(2) By changing the period at the end of clause (2) of subsection (b) to a semicolon, and adding "and".

(3) By changing "In" at the beginning of clause (3) of subsection (b) to "in".

(4) By changing "one half pound" to "one fourth pound" in the sentence immediately following clause (3) of subsection (b).

(5) By changing "one fourth pound" to "one eighth pound" in the sentence immediately following clause (6) of subsection (c).

(6) By changing "one fourth pound" to "one eighth pound" in the sentence immediately following clause (2) of subsection (d).

*Section 135.10*

By adding at the end of such section a new subsection:

"(i) If a coal-tar color from a batch containing any lake listed in section 135.03 is used in coloring any food except shell eggs, such color so used shall be considered to be from a batch that has not been certified in accordance with these regulations."

*Section 135.11*

(1) By striking out the semicolon at the end of clause (2) of subsection (a) and adding:

"unless, in the case of any mixture for household use which contains not more than 15 percent pure dye and which, if it is liquid, is in packages containing not more than 2 fluid ounces, or if it is solid, semisolid, or viscous, is in packages containing not more than 2 avoirdupois ounces, such lot number appears on each invoice accompanying shipments or deliveries of such mixture instead of on the label thereof;"

(2) By changing the period at the end of clause (4) of subsection (a) to a semicolon and adding:

"or in case such batch contains any lake listed in section 135.03, the statement 'Not for use in coloring any food except shell eggs'."

(3) By changing subsection (b) to read:

"(b) The statement of the percentage of pure dye in a coal-tar color shall express—

"(1) the percentage of pure dye shown in the certificate covering such color; or

"(2) the minimum percentage by weight of pure dye in such color.

"Where the statement expresses the minimum percentage, no variation below the stated minimum shall be permitted, and variations above shall not be unreasonably large."

*Section 135.15*

By changing subsection (a) to read:

"(a) (1) The fee for the service provided by these regulations, in the case of each request for certification submitted in accordance with section 135.08 (b), shall be 5 cents per pound of the batch covered by such request; but no such fee shall be less than $6 nor more than $25.

"(2) The fee for the service provided by these regulations, in the case of each request for certification submitted in accordance with section 135.08 (c) or (d), shall be 5 cents per pound of the batch covered by such request; but no such fee shall be less than $3 nor more than $15."

[F. R. Doc. 39–3882; Filed, October 19, 1939; 12:56 p. m.]

[1] 4 F.R. 223 DI.



## DEPARTMENT OF LABOR.

### Wage and Hour Division.

IN THE MATTER OF THE APPLICATION FOR EXEMPTION OF THE PROCESSING OF HYBRID SEED CORN FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT

Whereas, the Garst and Thomas Hybrid Corn Company, the National Hybrid Corn Company, and sundry other parties filed applications for the exemption of the processing of hybrid seed corn from the maximum hours provisions of the Fair Labor Standards Act of 1938 as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the Regulations issued thereunder, and

Whereas, it appears from the said applications that:

(1) Hybrid seed corn comes to maturity and is harvested each year during the period between September 15 (approximately) and the first killing frost (usually about November 1) after which time unharvested corn is no longer usable as seed corn, and

(2) After harvesting, hybrid seed corn is perishable and must be immediately delivered to processing plants where it is and must be immediately husked, sorted and dried, and where it is shelled, graded and sacked either during the harvest season proper or during the winter months, but not later than February, save for an unsubstantial amount of corn upon which these operations are performed in March or April, and

(3) The above described processing of hybrid seed corn is carried on only by plants which engage in no other operations and which completely cease operations, except for such work as maintenance, repair, clerical and sales work, during the balance of the year.

Whereas, the Administrator published a preliminary determination in the FEDERAL REGISTER on September 16, 1939,[1] pursuant to Section 526.5 (c) of the Regulations, that a *prima facie* case was shown by the application for the granting of an exemption, pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, to the processing of hybrid seed corn, and

Whereas, no objection and request for hearing was received by the Administrator within fifteen days following the publication in the FEDERAL REGISTER of the said preliminary determination.

Now, therefore, pursuant to Section 526.5 (c) of the Regulations, the Administrator hereby finds upon the *prima facie* case shown in the said applications that the processing of hybrid seed corn, when carried on in plants which engage in no other operations, is a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the Regulations issued thereunder and, therefore, is entitled to the exemption provided in Section 7 (b) (3) of the said Act.

Signed at Washington, D. C., this 19th day of October 1939.

H. D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39–3878; Filed, October 19, 1939; 12:41 p. m.]

[1] 4 F.R. 3953 DI.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 20, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NAME AND ADDRESS OF FIRM

Cape Charles Hosiery Mills, Inc., Randolph Avenue, Cape Charles, Virginia (2 learners).

Wilson Brothers, 1008 West Sample Street, South Bend, Indiana (1 learner).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 19th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39–3879; Filed, October 19, 1939; 12:49 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 20, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NAME AND ADDRESS OF FIRM

A. W. Wheeler & Son, Inc., Brevard, North Carolina (4 learners).

Veitel Hosiery Company, Le Roy, New York (3 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part

522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 19th day of October 1939.

MERLE D. VINCENT,
*Chief Hearings and Exemptions Section.*

[F. R. Doc. 39-3880; Filed, October 19, 1939; 12:49 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket Nos. 192, 251, 309]

IN THE MATTER OF THE APPLICATIONS OF BRANIFF AIRWAYS, INC.; KANSAS CITY SOUTHERN TRANSPORT COMPANY, INC.; AND MID-CONTINENT AIRLINES, INC., FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938.

NOTICE OF POSTPONEMENT OF HEARING

Upon request of the applicant Kansas City Southern Transport Company, Inc., concurred in by the other applicants, hearing in the above-entitled proceeding, being the applications of Braniff Airways, Inc., for a certificate of public convenience of necessity authorizing air transportation between Wichita, Kans., Bartlesville and Tulsa, Okla., Shreveport, Baton Rouge, and New Orleans, La.; of Kansas City Southern Transport Company, Inc., for a certificate between Kansas City and Joplin, Mo., Fort Smith and Texarkana, Ark., and Shreveport, Alexandria, Baton Rouge, and New Orleans, La.; and of Mid-Continent Airlines, Inc., for a certificate between Kansas City and Joplin, Mo., Bartlesville, Tulsa and Muskogee, Okla., Fort Smith and Texarkana, Ark., and Shreveport, Alexandria, Baton Rouge, and New Orleans, La.; now assigned for November 8, 1939, is hereby postponed to January 22, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th St., NW., Washington, D. C., before an Examiner of the Authority.

Dated Washington, D. C., October 19, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3877; Filed, October 19, 1939; 12:27 p. m.]

[Docket No. 249]

IN THE MATTER OF THE APPLICATION OF EASTERN AIR LINES, INC., UNDER SECTION 405 (E) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR REVIEW OF CERTAIN ACTIONS OF THE POSTMASTER GENERAL AND ITS COMPLAINT, UNDER SECTION 411 OF SAID ACT, AGAINST CERTAIN UNFAIR PRACTICES AND METHODS OF COMPETITION OF AMERICAN AIRLINES, INC.

NOTICE OF HEARING

The above-entitled proceeding, involving air transportation between Newark, N. J. (New York) and Washington, D. C., is assigned for public hearing on November 13, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an examiner of the Authority.

Dated Washington, D. C., October 18, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3876; Filed, October 19, 1939; 12:27 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5779]

IN RE APPLICATION OF HOBART STEPHENSON, MILTON EDGE, EDGAR J. KORSMEYER D/B AS (NEW) STEPHENSON, EDGE & KORSMEYER

*Dated August 28, 1939; for construction permit; class of service, broadcast; class of station, broadcast; location, Jacksonville, Ill.; operating assignment specified: Frequency, 1370 kc; power, 250 w night; 250 w day; hours of operation, unlimited.*

[File No. B4-P-2465]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the interests of Stations WDWS and WOC may be adversely affected by reason of interference; and

2. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., KFRU, Inc., Columbia, Missouri (File B4-P-2322).

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Hobart Stephenson, Milton Edge and Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, 140 Spaulding Place, Jacksonville, Illinois.

Dated at Washington, D. C. October 17, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-3868; Filed, October 19, 1939; 10:12 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. IT-5560]

IN THE MATTER OF THE HARTFORD ELECTRIC LIGHT COMPANY

ORDER FIXING DATE OF HEARING

OCTOBER 17, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On July 14, 1939, the Commission entered an Order to Show Cause directing The Hartford Electric Light Company, under oath to show cause, if any there be, on or before August 15, 1939, why it had failed to comply with Electric Plant Accounts Instructions 2-D of the Commission's Uniform System of Accounts and why the Commission should not institute appropriate proceedings against it for its failure to comply with the provisions of Electric Plant Accounts Instructions 2-D of said Uniform System of Accounts and with the Commission's Order dated May 11, 1937;

(b) The Hartford Electric Light Company filed its answer to said Order to Show Cause August 14, 1939, and denied therein that the company owns or operates facilities for the transmission of electric energy in interstate commerce or sells electric energy at wholesale in interstate commerce, or owns and operates facilities for such sale of electricity, and denies that the company is subject to the jurisdiction of the Commission as a public utility as defined in the Federal Power Act;

(c) The Hartford Electric Light Company on October 5, 1939, filed its Supplemental Answer to said Order to Show Cause in support of its answer filed August 14, 1939;

(d) The matters and causes set forth in said Show Cause Order and answers filed thereto are now in issue;



The Commission orders that:

A public hearing on the Show Cause Order of July 14, 1939, and the answers filed in response thereto, be held beginning on November 20, 1939, at ten o'clock a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3859; Filed, October 19, 1939; 9:38 a. m.]

[Project No. 16]

IN THE MATTER OF THE NIAGARA FALLS POWER COMPANY

ORDER GRANTING FURTHER HEARING

OCTOBER 17, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) The Commission on March 2, 1921, issued to The Niagara Falls Power Company a license to construct, operate, and maintain a hydroelectric project located on the Niagara River in the State of New York;

(b) Pursuant to orders of the Commission dated March 21, 1939, and April 26, 1939,[1] public hearings have been held on thirty-seven (37) days between June 1, 1939, and September 8, 1939, with respect to the matters involved in the determination of the actual legitimate cost as of March 2, 1921, of Project No. 16, The Niagara Falls Power Company, Licensee;

(c) During the course of said public hearings, counsel for Licensee moved to dismiss the proceedings for the reasons that (1) under the provisions of Section 23 of the Federal Water Power Act and Articles 9 and 10 of the license, there is no issue before the Commission requiring the determination of the actual legitimate original cost of the project as of March 2, 1921, but that the sole issue before the Commission is the determination of the fair value of the project as of March 2, 1921, and (2) under the provisions of Section 23 of the Federal Water Power Act such determination must be reached by negotiation and agreement between the Licensee and the Commission, or be determined by a District Court of the United States;

(d) Counsel for Licensee offered to introduce evidence in support of the contentions enumerated in paragraph (c), which proffer was refused by the Hearing Examiner;

(e) At the close of the testimony counsel for Licensee renewed his various objections, including the objections enumerated in paragraph (c) above, and requested the Hearing Examiner to convey his contentions directly to the Commission;

(f) The Hearing Examiner, in accordance with said request, has notified the Commission of the statements of counsel for Licensee, aforesaid, and upon consideration of the same;

The Commission *orders* that:

(A) The proceedings be reopened for the sole purpose of receiving of record relevant and competent evidence relating to the contention of Licensee that the order of the Commission dated March 21, 1939, fixing the issue in this proceeding as the determination of the actual legitimate original cost as of March 2, 1921, of Project No. 16, The Niagara Falls Power Company, Licensee, is beyond the jurisdiction of the Commission for the reasons that:

(i) Under the provisions of Section 23 of the Federal Water Power Act and Articles 9 and 10 of the license, there is no issue before the Commission requiring the determination of the actual legitimate original cost of the project as of March 2, 1921; but that the sole issue before the Commission is the determination of the fair value of the project as of March 2, 1921; and

(ii) Under the provisions of law there is no authority to hold any hearings in respect to such issue, but that the determinations of such issue must be by negotiation and agreement between the Licensee and the Commission or be determined by a District Court of the United States as provided in Section 23 of the Federal Water Power Act;

(B) The Hearing Examiner, at the date hereinafter fixed for hearing, receive evidence as provided in paragraph (A), and direct the staff and the Licensee to include within the scope of their briefs, on the issues involved in the determination of the actual legitimate original cost of Project No. 16, such argument as they may deem pertinent upon the matters referred to in said paragraph;

(C) A hearing, in accordance with the provisions of this order, be held on October 31, 1939, at 10:00 o'clock a. m., in the Hearing Room of the Commission at 1757 K Street, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3860; Filed, October 19, 1939; 9:38 a. m.]

[1] 4 F.R. 1710 DI.

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of October, A. D. 1939.

[File No. 43-254]

IN THE MATTER OF MINNESOTA UTILITIES COMPANY, AMERICAN UTILITIES SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration and an application pursuant to sections 7 and 12 (d) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on November 14, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 9, 1939.

The matter concerned herewith is in regard to

1. A declaration by Minnesota Utilities Company, a subsidiary of American Utilities Service Corporation, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance of its 6% unsecured promissory note, to be dated as of its issuance and to mature on or about November 1, 1964, to American Utilities Service Corporation for $80,000 in cash. The proceeds of said note will be used to call at par $80,000 in principal amount of the assumed Fifteen-Year 6% Gold Bonds of Root River Power & Light Company, dated October 1, 1926, due October 1, 1941, owned by American Utilities Service Corporation and pledged by it with the Continental Illinois National Bank and Trust Company as trustee, under a trust indenture securing the Collateral Trust 6% Bonds, Series A, of American Utilities Service Corporation;

2. An application by American Utilities Service Corporation, pursuant to

Section 12 (d) and Rule U–12D–1 promulgated thereunder, for approval of the pledge of the above described note with the Continental Illinois National Bank and Trust Company, trustee under the trust indenture above mentioned. Said note will replace, under the trust indenture, $80,000 in principal amount of the aforementioned 6% Gold Bonds of Root River Power & Light Company.

By the Commission.

[SEAL] FRANCIS K. BRASSOR, *Secretary.*

[F. R. Doc. 39–3870; Filed, October 19, 1939; 11:03 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1939.

[File No. 32–180]

IN THE MATTER OF CENTRAL MAINE POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application and/or declaration pursuant to sections 6 (b) and 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on November 3, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 28, 1939.

The matter concerned herewith is in regard to a proposed issuance and sale by Central Maine Power Company, a subsidiary of New England Public Service Company, a registered holding company, of

(a) First and General Mortgage Bonds, Series K, 4%, due September 1, 1964, in the principal amount of $1,250,000. It is proposed that said Bonds will be sold at private sale to the Equitable Life Assurance Society of the United States at a price of 100% of the principal amount thereof plus accrued interest from September 1, 1939. In connection with the sale of said Bonds Central Maine Power Company proposes to pay Coffin and Burr, Incorporated, and The First Boston Corporation a finder's fee amounting to ½ of 1% of the principal amount of said Bonds.

(b) 5,000 shares of common stock, no par value, at the price of $100 per share; such shares to be first offered to the holders of the Common Stock and 6% Preferred Stock of Central Maine Power Company in accordance with their respective preemptive rights. To the extent that said preemptive rights are not exercised said 5,000 shares are proposed to be issued to New England Public Service Company, which has agreed to take the same at $100 per share in settlement of non-interest bearing advances made by it to the Company in June and July, 1939. The proceeds of any of said Common Stock taken under the preemptive rights will be applied in full to the reduction of said advances.

It is stated that the net proceeds to be received by Central Maine Power Company from the sale of said Bonds will be used by it to reimburse its treasury for monies expended from income for the purchase and construction of property used in carrying out the company's corporate purposes.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–3871; Filed, October 19, 1939; 11:03 a. m.]

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UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, OCTOBER 14, 1939

*Important.* Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears:

IN ARREARS

| State | Number of positions to which entitled | Number of positions occupied |
|---|---|---|
| 1. Virgin Islands | 9 | 0 |
| 2. Puerto Rico | 621 | 44 |
| 3. Hawaii | 148 | 16 |
| 4. California | 2,284 | 709 |
| 5. Alaska | 24 | 9 |
| 6. Texas | 2,344 | 938 |
| 7. Louisiana | 846 | 401 |
| 8. Michigan | 1,948 | 925 |
| 9. Arizona | 175 | 91 |
| 10. New Jersey | 1,626 | 887 |
| 11. South Carolina | 700 | 401 |
| 12. Ohio | 2,674 | 1,617 |
| 13. Mississippi | 809 | 496 |
| 14. Oklahoma | 964 | 593 |
| 15. Alabama | 1,065 | 660 |
| 16. Arkansas | 746 | 478 |
| 17. New Mexico | 170 | 111 |
| 18. Georgia | 1,170 | 771 |
| 19. Kentucky | 1,052 | 707 |
| 20. North Carolina | 1,276 | 895 |
| 21. Tennessee | 1,053 | 811 |
| 22. Illinois | 3,070 | 2,369 |
| 23. Wisconsin | 1,183 | 927 |
| 24. Connecticut | 647 | 529 |
| 25. Delaware | 95 | 83 |
| 26. Indiana | 1,303 | 1,145 |
| 27. Nevada | 37 | 33 |
| 28. Oregon | 384 | 346 |
| 29. Florida | 591 | 547 |
| 30. Idaho | 179 | 166 |
| 31. New Hampshire | 187 | 179 |
| 32. Pennsylvania | 3,875 | 3,745 |
| 33. New York | 5,065 | 4,948 |
| 34. Wyoming | 91 | 89 |
| 35. Colorado | 417 | 411 |
| 36. Massachusetts | 1,710 | 1,662 |
| 37. Missouri | 1,460 | 1,453 |
| 38. Washington | 629 | 626 |
| 39. West Virginia | 696 | 695 |

| State | Number of positions to which entitled | Number of positions occupied | Net gain or loss since July 1, 1939 |
|---|---|---|---|
| IN EXCESS | | | |
| 40. Maine | 321 | 322 | +7 |
| 41. Vermont | 145 | 146 | −1 |
| 42. Montana | 216 | 228 | −4 |
| 43. Utah | 204 | 216 | +13 |
| 44. Kansas | 757 | 806 | −13 |
| 45. Rhode Island | 277 | 300 | −6 |
| 46. North Dakota | 274 | 303 | −7 |
| 47. South Dakota | 279 | 310 | −2 |
| 48. Minnesota | 1,032 | 1,165 | −12 |
| 49. Iowa | 994 | 1,124 | −13 |
| 50. Nebraska | 554 | 687 | +3 |
| 51. Virginia | 974 | 2,038 | 0 |
| 52. Maryland | 656 | 2,059 | +12 |
| 53. District of Columbia | 196 | 8,867 | −13 |

| | |
|---|---|
| GAINS | |
| By appointment | 201 |
| By reinstatement | 3 |
| By transfer | 23 |
| Total | 227 |
| LOSSES | |
| By separation | 68 |
| By transfer | 84 |
| Total | 152 |
| Total appointments | 50,204 |

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's Opinion of Aug. 25, 1934, 15,609.

By direction of the Commission.

L. A. MOYER, *Executive Director and Chief Examiner.*

[F. R. Doc. 39–3869; Filed, October 19, 1939; 10:23 a. m.]

Reference

OCT 23 1939

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 204

*Washington, Saturday, October 21, 1939*

## *Rules, Regulations, Orders*

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3325]

IN THE MATTER OF COTY, INC., ET AL.

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported.* Representing, in connection with offer, etc., in commerce, of perfumes, through the use of the term "Paris" or "Paris, France," or any other terms, words, symbols, or picturizations indicative of French or other foreign origin of such product, or in any manner, that perfumes which are made or compounded in the United States are made or compounded in France, or in any other foreign country, prohibited; subject to the provision, however, that the country of origin of the various ingredients thereof may be stated when immediately accompanied by a statement that such product is made or compounded in the United States. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec 45b) [Cease and desist order, Coty, Inc., et al., Docket 3325, October 12, 1939]

§ 3.6 (cc) (4) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) (9) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* Using, in connection with offer, etc., in commerce, of perfumes, (a) any French or other foreign terms or words, except as in subdivision (b) below provided, to designate, describe, or in any way to refer to perfumes made, or compounded in the United States, unless the English translation or equivalent thereof appears as conspicuously and in immediate conjunction therewith, or (b) the terms "Coty, Parfums de Luxe" or any other French or other foreign words or terms as brand or trade names for perfumes made or compounded in the United States, without clearly and conspicuously stating in immediate connection and conjunction therewith that such product is made or compounded in the United States, prohibited. (Sec. 3, 338 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Coty, Inc., et al., Docket 3325, October 12, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF COTY, INC.; COTY PRODUCTS CORPORATION; COTY PROCESSING CO., INC.; COTY, INC., OF NEW YORK; COTY COMPANY, LTD. OF MARYLAND; COTY COMPANY, LTD. OF TENNESSEE; COTY CALIFORNIA CORPORATION; COTY NEW JERSEY CORPORATION; AND COTY SALES CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the amended and supplemental complaint of the Commission, the answer of Coty, Inc., Coty Products Corporation, Coty Processing Co., Inc., and Coty Sales Corporation (Coty, Inc., of New York, Coty Company, Ltd. of Maryland, Coty Company, Ltd. of Tennessee, Coty California Corporation and Coty New Jersey Corporation having filed no answer) testimony and other evidence taken before Edward E. Reardon, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said amended and supplemental complaint and in opposition thereto, briefs filed herein, and oral arguments by S. Brogdyne Teu, II, counsel for the Commission, and Percy A. Shay, of counsel for the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that the corporate respondents Coty Processing Co., Inc., Coty, Inc., of New York, Coty Company, Ltd., a Maryland corporation, Coty Company, Ltd., a Tennessee corporation, Coty California Corporation, Coty New Jersey Corporation and Coty Sales Corporation have been dissolved;

*It is ordered*, That the respondents Coty, Inc., and Coty Products Corporation, their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of perfumes in commerce as "commerce" is defined in

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the Federal Trade Commission Act do forthwith cease and desist from:

(1) Representing through the use of the term "Paris" or "Paris, France," or of any other terms, words, symbols, or picturizations indicative of French or other foreign origin of such product, or in any manner that perfumes which are made or compounded in the United States are made or compounded in France, or in any other foreign country: *Provided, however*, That the country of origin of the various ingredients thereof may be stated when immediately accompanied by a statement that such product is made or compounded in the United States;

(2) Using any French or other foreign terms or words, except as provided in paragraph (3) hereof, to designate, describe, or in any way to refer to perfumes made or compounded in the United States, unless the English translation or equivalent thereof appears as conspicuously and in immediate conjunction therewith;

(3) Using the terms "Coty, Parfums de Luxe" or any other French or other foreign words or terms as brand or trade names for perfumes made or compounded in the United States, without clearly and conspicuously stating in immediate connection and conjunction therewith that such product is made or compounded in the United States.

*It is further ordered*, That this proceeding, insofar as the same relates to Coty Processing Co., Inc., Coty, Inc., of New York, Coty Company, Ltd., a Maryland corporation, Coty Company, Ltd., a Tennessee corporation, Coty California Corporation, Coty New Jersey Corporation and Coty Sales Corporation, be, and the same hereby is, closed without prejudice to the right of the Commission, should the future facts so warrant, to reopen the same and resume prosecution thereof in accordance with its regular procedure.

*It is further ordered*, That the respondents, Coty, Inc., and Coty Sales Corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3883; Filed, October 20, 1939; 11:36 a. m.]

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[Docket No. 3509]

IN THE MATTER OF WARD MANUFACTURING COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (ff10) *Advertising falsely or misleadingly—Unique nature or advantages.* Representing, in any manner, in connection with offer, etc., in commerce, of respondents' Hydro-Flue, or other substantially similar mechanical device, that it is the only device or attachment which is a satisfactory substitution for stove pipes on gas ranges, or that use thereof on gas ranges is safe or harmless, or eliminates or removes the carbon monoxide gas emitted by such ranges, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ward Manufacturing Company, Docket 3509, October 10 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF WARD M. JONES AND JOHN H. JONES, DOING BUSINESS AS WARD MANUFACTURING COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before Miles J. Furnas, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, respondents having offered no testimony or other evidence, brief filed in support of the allegations of the complaint by William L. Pencke, counsel for the Commission, (respondents not having filed brief and oral argument not having been requested) and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, Ward M. Jones and John H. Jones, individually and doing business as Ward Manufacturing Company, or under any other name or names, their representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, and distribution of a mechanical device for use on gas ranges, now designated as Hydro-Flue, or any other device or devices of substantially similar construction and design whether sold under said name or any other name or names, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing in any manner that said device is the only device or attachment which is a satisfactory substitution for stove pipes on gas ranges;

(2) Representing in any manner that the use of said device on gas ranges is safe or harmless or that the use of said device eliminates or removes the carbon monoxide gas emitted by gas ranges.

*It is further ordered*, That the respondents shall, within sixty days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3884; Filed, October 20, 1939; 11:36 a. m.]

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[Docket No. 3733]

IN THE MATTER OF CUBAN HEALTH PRODUCTS, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly — Results.* Disseminating, etc., advertisements, by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "El Aguinaldo Cuban Honey" or other substantially similar food product, which advertisements represent, directly or through implication, that respondent's product is a cure or remedy for coughs, colds, asthma, bronchitis, or similar respiratory disorders, or that said product constitutes a competent treatment therefor, other than as a palliative for coughs due to local throat irritation, or for local irritations of the nose, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Cuban Health Products, Inc., Docket 3733, October 10, 1939]

[1] 4 F.R. 57 DI.



§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Disseminating, etc., advertisements, by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "El Aguinaldo Cuban Honey" or other substantially similar food product, which advertisements represent, directly or through implication, that respondent's product is a cure or remedy for stomach ulcers or that it constituted a competent treatment therefor, other than as a bland food where a bland diet would be prescribed, or that said product will reduce the free acid content of the intestines, reduce mucous, or otherwise favorably affect colitis, or act as a bowel antiseptic, or that it is a cure or remedy for digestive disorders, or a competent treatment therefor, other than as a bland food, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Cuban Health Products, Inc., Docket 3733, October 10, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly — Results.* Disseminating, etc., advertisements, by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "El Aguinaldo Cuban Honey" or other substantially similar food product, which advertisements represent, directly or through implication, that respondent's product is a tonic or will tone the system, restore the body, or constitute a tissue builder, other than to supply easily assimilated food values, or that the use thereof will normalize the blood count, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Cuban Health Products, Inc., Docket 3733, October 10, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly — Results.* Disseminating, etc., advertisements, by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase of respondent's "El Aguinaldo Cuban Honey" or other substantially similar food product, which advertisements represent, directly or through implication, that respondent's product will heal or cure cuts, bruises, or varicose ulcers, or that it is a competent treatment therefor, other than that local applications of said product might serve as an adjunct to other forms of treatment, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Cuban Health Products, Inc., Docket 3733, October 10, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 10th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayers.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, the Cuban Health Products, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of honey in commerce as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce directly or indirectly, the purchase of a food product now designated by the name "El Aguinaldo Cuban Honey", or any other food product composed of substantially similar ingredients or possessing substantially similar properties, whether sold under the same name or any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said food product, which advertisements represent, directly or through implication:

(a) That respondent's product is a cure or remedy for coughs, colds, asthma, bronchitis, or similar respiratory disorders, or that said product constitutes a competent treatment therefor, other than as a palliative for coughs due to local throat irritation or for local irritations of the nose;

(b) That respondent's product is a cure or remedy for stomach ulcers or that it constitutes a competent treatment therefor, other than as a bland food where a bland diet would be prescribed;

(c) That respondent's product is a tonic or will tone the system, restore the body, or constitute a tissue builder, other than to supply easily assimilated food values;

(d) That respondent's product will heal or cure cuts, bruises, or varicose ulcers, or that it is a competent treatment therefor, other than that local application of said product might serve as an adjunct to other forms of treatment;

(e) That respondent's product will reduce the free acid content of the intestines, reduce mucous, or otherwise favorably affect colitis, or act as a bowel antiseptic;

(f) That the use of respondent's product will normalize the blood count:

(g) That respondent's product is a cure or remedy for digestive disorders, or that said product is a competent treatment therefor other than as a bland food.

*It is further ordered*, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3885; Filed, October 20, 1939; 11:36 a. m.]

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## TITLE 19—CUSTOMS DUTIES

## BUREAU OF CUSTOMS

[T.D. 4991]

INSTRUCTIONS TO COLLECTORS OF CUSTOMS TO DISALLOW CLAIMS MADE UNDER DURESS CERTIFICATES WHICH ARE NOT TIMELY FILED

*To Collectors of Customs and Others Concerned:*

Section 503 (b) of the Tariff Act of 1930 (U.S.C. title 19, sec. 1503 (b)) provides that the certificate therein mentioned shall be filed "at the time of entry." Duress certificates, filed subsequent to the dates of the entries to which they relate, are untimely and invalid. *Meyer* v. *United States*, (C.C., 1932) T.D. 45798; *Ono Trading Co.* v. *United States*, (C.C.P.A., 1935) T.D. 47991.

In view of the applicable law, the existing practice of accepting duress certificates filed after the time of entry should be immediately discontinued. All previous instructions in conflict herewith are hereby revoked.

A reference to this Treasury decision should be noted opposite articles 303 (a) and 821 (b) of the Customs Regulations of 1937.

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

Approved October 17, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3890; Filed, October 20, 1939; 12:53 p. m.]

## *Notices*

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

IN THE MATTER OF APPLICATION FOR EXEMPTION OF THE COLD STORAGE OF APPLES IN APPLE STORAGE WAREHOUSES IN THE "APPALACHIAN AREA" IN THE STATES OF PENNSYLVANIA, MARYLAND, VIRGINIA AND WEST VIRGINIA, FROM THE MAXIMUM HOUR PROVISIONS OF THE FAIR LABOR STANDARDS ACT

Whereas, upon consideration of applications filed by the Winchester Cold Storage Company, Inc., and sundry other parties for the exemption of the cold storage of apples in apple storage warehouses in the "Appalachian area" in the states of Pennsylvania, Maryland, Virginia and West Virginia, from the maximum hour provisions of the Fair Labor Standards Act of 1938, as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the regulations issued thereunder, a preliminary determination was made that a prima facie case had been shown for the granting of the aforesaid exemption to the cold storage of apples in apple storage warehouses in the "Appalachian area" and notice thereof was published in the FEDERAL REGISTER under date of October 4, 1939,[1] in accordance with the procedure established by Section 526.5 (c) of the said regulations; and

Whereas, within fifteen days following the publication of that preliminary determination the Administrator received objection and request for hearing:

Now, therefore, notice is hereby given of a public hearing to be held pursuant to Sections 526.5 and 526.6 of the said regulations in Room 3229, U. S. Department of Labor, 14th Street and Constitution Avenue, Washington, D. C., to commence at 10:00 o'clock A. M. on November 2, 1939, before Harold Stein, an authorized representative of the Administrator, hereby authorized to conduct said hearing, take testimony and hear arguments for the purpose of determining, and to determine the following question:

"Whether the cold storage of apples in apple storage warehouses located in the 'Appalachian area' is an industry of a seasonal nature or branch thereof within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder."

As used in this notice:

The term "cold storage" of apples is used in the commonly accepted meaning and includes the receiving into storage, the maintaining in storage and the moving out of storage of such apples.

The term "apple storage warehouses located in the 'Appalachian area'" is understood to designate all apple storage warehouses located

(a) Between the Allegheny Mountains on the west, the Blue Ridge Mountains on the east, U. S. Route No. 30 on the north, and U. S. Route No. 58 on the south, and

(b) In the Virginia counties of Albemarle, Nelson, Amherst, Bedford, and Henry.

At this hearing all persons interested, including employees, employee groups, employee labor organizations, employers, employer groups, and trade organizations within the industry affected, and designated subordinates of the Administrator, will be afforded an opportunity to present evidence and to be heard. All persons or associations desiring to avail themselves of this opportunity should, if possible, notify the Administrator in advance.

Signed at Washington, D. C., this 20th day of October 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-3889; Filed, October 20, 1939; 12:41 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1939.

[File No. 46-180]

IN THE MATTER OF JOSEPH M. NELSON

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 10 (a) (1) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on October 26, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 21, 1939.

The matter concerned herewith is in regard to the application by Joseph M. Nelson pursuant to Section 10 (a) (1) of the Act with regard to the following transactions:

(1) The purchase from Walnut Electric and Gas Corporation of the following securities of Vermont Lighting Corporation for $6,000:

$24,400 principal amount of First Mortgage 5% Bonds, due 1944;
$35,000 principal amount of unsecured, non-interest bearing open account indebtedness;
909 shares, 6% preferred stock, par value $100 per share; and
2,970 shares, common stock, par value $100 per share;

(2) The purchase from Walnut Electric and Gas Corporation of 1,000 shares of the capital stock of St. Johnsbury Gas Company, which is all of the issued and outstanding capital stock of that company, for $8,000 plus the amount by which the current assets of St. Johnsbury Gas Company exceeds its current liabilities on the last of the month preceding the date on which the sale is consummated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3886; Filed, October 20, 1939; 11:47 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1939.

[File Nos. 43-113, 46-98]

IN THE MATTER OF NEW JERSEY POWER & LIGHT COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION UNDER SECTION 10 (A) (1), AND DECLARATION UNDER SECTION 7 OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT AND DECLARANT

Upon the request of applicant and declarant, New Jersey Power & Light Company, the Commission consents to the withdrawal of the above-mentioned application and declaration, and to that effect it is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3887; Filed, October 20, 1939; 11:47 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1939.

[File No. 46-175]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY AND LEXINGTON UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration and applications pursuant to sections 7 and 10 and Rule U-12F-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on November 3, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 28, 1939.

The matter concerned herewith is in regard to the proposed acquisition by Kentucky Utilities Company of all the assets of its subsidiary, Lexington Utilities Company, upon the proposed liquidation of the latter company.

Kentucky Utilities presently owns all of the common stock (102,575 shares, $1 par value per share), except directors' qualifying shares, and 17,538 shares of the Preferred Stock (par value $25 per share) of Lexington Utilities. The remaining 6,918 shares of Preferred Stock, held by the public, have been called for redemption by the issuer on December 15, 1939, and the money necessary therefor deposited in trust. As sole stockholder Kentucky Utilities will surrender its Lexington stock to the issuer; assume the First and Refunding Mortgage Gold Bonds, 5% Series, due February 1, 1952 of Lexington, in the principal amount of $4,142,500; and receive all the assets and property of Lexington subject to its liabilities.

Kentucky Utilities Company is a subsidiary of The Middle West Corporation, a registered holding company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3888; Filed, October 20, 1939; 11:47 a. m.]

[1] 4 F.R. 4140 DI.

Reference

OCT 25 1939

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 4 — NUMBER 205

*Washington, Tuesday, October 24, 1939*

## *The President*

### EXECUTIVE ORDER

EXCEPTING APPOINTMENTS IN THE UNITED STATES CORONADO EXPOSITION COMMISSION FROM THE REQUIREMENTS OF THE CIVIL SERVICE ACT AND RULES

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth of subdivision SECOND of section 2 of the Civil Service Act (22 Stat. 403, 404), it is hereby ordered that appointments to positions under the United States Coronado Exposition Commission established by the act of July 17, 1939, Public, No. 186, 76th Congress, may be effected without regard to the competitive requirements of the Civil Service Act and Rules.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 21, 1939.*

[No. 8273]

[F. R. Doc. 39-3910; Filed, October 23, 1939; 11:24 a. m.]

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE
### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Commodity Loan Regulations No. 1, Supplement No. 1]

REGULATIONS GOVERNING INSPECTION AND SEALING OF AGRICULTURAL COMMODITIES ON THE FARM TO BE USED AS COLLATERAL FOR LOANS, AND THE COMPLETION OF LOAN DOCUMENTS

By virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act of 1938, as amended, Commodity Loan Regulations No. 1 are hereby amended as follows:

SUPPLEMENT NO. 1

*Article I*

Section 104 is deleted and the following substituted in lieu thereof:

*Treasurer.* The treasurer of each county agricultural conservation association, or a person designated by him, shall collect the fees, provided in these regulations, and shall account for and disburse such fees under the direction of the county committee in accordance with instructions issued by the Agricultural Adjustment Administration. Such funds shall be audited in the same manner as all other funds of the association.

*Article II*

Sections 203 and 204 are deleted and the following Section 203 substituted in lieu thereof:

*Service fees.* Persons obtaining or applying for a loan shall pay to the treasurer of the county agricultural conservation association, or a person designated by him, a service fee as determined by the Agricultural Adjustment Administration, to defray the expense of inspecting, sampling, testing, grading and sealing the commodity with respect to which the loan is made or applied for and otherwise servicing the loan. A part of the service fee may also be used to defray the cost of secondary insurance on the loan collateral. In connection with each loan program as to which the Agricultural Adjustment Administration determines that a service fee shall be charged, such Administration shall issue instructions governing the rate of the service fee and the collection and disbursement thereof. Such instructions may provide for such regional, State or county differences in the rate of the service fee and the manner of collection and disbursement thereof as the Agricultural Adjustment Administration determines are desirable in order to obtain a fair and reasonable fee and an efficient and practicable procedure for the collection and disbursement thereof.

*Article II*

Sections 205, 206, 207 and 208 are renumbered Sections 204, 205, 206 and 207, respectively.

Done at Washington, D. C., this 21st day of October 1939. Witness my hand

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and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-3904; Filed, October 21, 1939; 12:22 p. m.]

## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T. D. 49992]

CUSTOMS REGULATIONS OF 1937 AMENDED SO AS TO AUTHORIZE COLLECTORS OF CUSTOMS TO USE EITHER CUSTOMS FORM 3193 OR 7500-A AS A PERMIT TO TRANSFER UNENTERED MERCHANDISE TO A GENERAL ORDER WAREHOUSE; ELIMINATION OF IMPLICATION THAT A NONRESIDENT CONSIGNEE DOES NOT HAVE THE RIGHT TO MAKE AN ENTRY OF MERCHANDISE BY AN AGENT [1]

*To Collectors of Customs and Others Concerned:*

The Customs Regulations of 1937 are hereby amended as follows:

Paragraph (a) of article 145 [2] [Sec. 2.17 (a)] is hereby amended by deleting "(customs Form 3193)." (Secs. 448, 457, 490, 624, 46 Stat. 714, 716, 726, 759; 19 U.S.C. 1448, 1457, 1490, 1624)

Paragraph (d) of article 289 [3] [Sec. 6.8 (d)] is amended by deleting the words "who appears in person at the customhouse." (Sec. 484, 48 Stat. 722, sec. 12, 52 Stat. 1083; 19 U.S.C. 1484 and Sup. IV)

Paragraph (a) of article 1007 [4] [Sec. 18.1 (a)] is hereby amended by deleting "(customs Form 3193)." (Secs. 490, 624, 46 Stat. 726, 759; 19 U.S.C. 1490, 1624)

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

Approved: October 18, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3909; Filed, October 23, 1939; 10:45 a. m.]

## TITLE 24—HOUSING CREDIT

### UNITED STATES HOUSING AUTHORITY

PART 636—REHOUSING OCCUPANTS OF AREAS TO BE CLEARED FOR HOUSING PROJECTS*†

Sec.
636.0 Scope and content.
636.1 Purposes to be achieved in relocation.
636.2 Procedure in relocation.

§ 636.0 *Scope and content.* This bulletin deals with the relocation by the local housing authority of occupants of slums to be demolished prior to the construction of a low-rent housing project on the site to be cleared.*† [Introduction]

§ 636.1 *Purposes to be achieved in relocation.* (a) Remedying the unsafe and insanitary housing conditions of families of low income is the primary purpose of the United States Housing Act of 1937. This can be accomplished only if the local authority assists families who are moved out of buildings to find accommodations better than those being vacated. New slums must not be created nor must existing slums be spread or made more congested.

(b) Clearing of the site can be expedited and legal actions involving evictions can be avoided by evidencing an interest in the problems of the families to be relocated. While the responsibility of moving is in part that of the occupants, it is wise to avoid antagonizing them and instead to enlist their cooperation by counseling with them regarding their individual problems and needs.

(c) Factual data concerning the occupants of the area to be cleared will be of help in explaining to them the benefits they will derive from the slum clearance program.*† [Par. I]

§ 636.2 *Procedure in relocation.* It is suggested that the local authority proceed with relocation along the lines suggested below:

(a) Establish an office in a building on the site easily accessible to the tenants. It will be advisable to employ a limited personnel for a short period to answer inquiries and supply information. It will be helpful to have a map of the area, with each family unit represented by a push pin or some similar device. As dwelling units are vacated, the pins can be removed, thus indicating progress made in vacating the site.

(b) Make a study of the families on the site to secure the following information:

(1) Number of persons in the family.
(2) The number of rooms occupied.
(3) Facilities and general condition of the dwelling.
(4) The rent the family is paying.
(5) Income and economic condition of family.
(6) General location preferred in relocating.

Such information should be recorded on forms which are available on request from the USHA.

(c) List available vacant dwellings which are more habitable than those being vacated, with rents not substantially higher, and keep this listing available in the relocation office for the use of tenants. This information may be secured through publicity, from real estate agencies, and from other sources. Daily and community papers should be kept informed on the work being done. Real estate and social agencies should be consulted from the very outset, so that their support as well as their advice may be secured in meeting the problem of relocation.

The following information should be secured with respect to each vacancy listed:

(1) Number of rooms in dwelling.
(2) Facilities and general condition of unit.
(3) Rent of dwelling.
(4) Location.
(5) Proximity to schools, churches, and shopping center.
(6) Name and address of landlord and where keys may be obtained.

(d) Determine kind of assistance needed for each family on the site and from what sources help may be obtained.

(1) Economically self-supporting families should need no assistance other than being supplied with a list of available vacancies.

(2) Relief and near-relief cases will require the assistance of social agencies. Experience has indicated that relief and social agencies prefer to have their own case workers interview relief families who must be moved and to make all arrangements for them. The moving of such families should be the responsibility of relief and social agencies.

(e) Maintain reference files on relocated families including old and new rent, housing condition and address. This will be of material assistance later when question arises as to whether or not, through relocation, housing conditions have been improved. Such information should be recorded on forms which are available on request from the USHA.

(f) Post "No Trespass" signs in conspicuous places, both front and back, after a building is completely vacated. This will prevent reoccupation of the premises by squatters. It may be found advisable to board up entrances.

(g) Maintain some type of watchman service to prevent vandalism, if the salvage value of the buildings warrants this expense. This is recommended in those instances where there is a lapse of time between the vacation of the buildings and the start of demolition.

(h) Request assistance from the United States Housing Authority if it is desired. When necessary, USHA representatives experienced in the problems of relocation will furnish guidance in the field.*† [Par. II]

NATHAN STRAUS,
*Administrator.*

OCTOBER 12, 1939.

[F. R. Doc. 39-3889; Filed, October 21, 1939; 9:22 a. m.]

PART 635—PLANNING THE SITE*†

Sec.
635.0 Scope and content.
635.1 Basic design principles.
635.2 Design and organization of the site.
635.3 Design and treatment of open areas for recreation purposes.
635.4 Plant and planting materials.

§ 635.0 *Scope and content.* In this Part the factors governing site planning and development are discussed. These include the uses and treatment of open spaces, provision for leisure-time activities of both children and adults, and the organization of common services. The Part is divided into four sections. Sec. 635.1 treats of the basic objectives in the design of housing sites, and the standards by which the attainment of these objectives may be measured. In Sections 635.2, 635.3 and 635.4, the technical considerations in the design of the site plan and the various steps of its development are set forth. Types of site plans which are appropriate to various climatic and topographic conditions and other local factors are illustrated. Characteristics of different site plans, the influence of building types, materials and methods in the treatment of open spaces, and the organization of communal services are discussed.*† [Introduction]

§ 635.1 *Basic design principles* — (a) *The superblock.* Modern residential planning practice has evolved certain basic principles which, through testing and demonstration in use, have come to be accepted as fundamental. Primary among these is the superblock, a relatively large area, usually containing one or more common open spaces, and bounded in whole or in part by through traffic streets, but not intersected by such streets. Cul-de-sac or dead-end streets, branching from a circumferential traffic street, may be used to give internal access; or through streets, so reduced in width or so placed and shaped as to discourage any but local interior traffic, may serve the houses within the block. Many varieties of the superblock are possible, and one or more of these may be used as the basis for the organization of the site plan. Directly related to the superblock are a number of corollary principles, including:

(1) The articulated street pattern. This is the design and construction of streets and walks to serve particular functions, i. e., through traffic, local traffic, service lanes, pedestrian walks, etc. This results not only in economy of paving and utilities costs, but gives privacy to residential areas and freedom from traffic hazards. Instead of planning all streets for an anticipated, and in most instances unrealizable, future intensity of land use based on the hope of business or industrial expansion, streets should be designed and constructed for the particular use which they can best serve in accordance with a neighborhood and city plan.

(2) The appropriate planning for use of all open spaces, and arrangement of buildings on the site to give cencentration of these spaces. Some of these spaces will be maintained by the project as common open areas for recreation and group activity; others—and insofar as possible these should be the greater part—by the tenants. In some cases tenant groups or clubs may assist in the maintenance of common spaces. A rough measure of the success of a housing project is the extent to which tenants participate in the maintenance of the public spaces. The application of these principles will reduce traffic hazards and noise, increase privacy, integrate play areas with dwellings, and protect the project from deteriorating outside influences.

(b) *Organization of open space for use.* A housing project must contain spaces, enclosed or open, for the service and pleasure of the people living in it. Some of these spaces will be private, others for public use, for gatherings and recreation, or for passageways from one part of the project to another. All these spaces must be organized—arranged, divided and allocated, enclosed and surfaced—so that they may provide for maximum use by the tenants. Large "Keep off the grass" lawns have no place in a low-rent housing project. Odd, left-over areas, serving no particular purpose should be avoided. On the other hand, play spaces, and yards which may be used as sitting-out areas or cultivated by the tenants, are important for recreation and relaxation.

(c) *Tenant-maintained areas.* To aid in maintaining low rents, as well as in cultivating self-reliance, the United States Housing Authority recommends the policy of placing upon the tenants as much responsibility for the maintenance of both house and land as is feasible and economical. This will usually be achieved by arranging much of the open space for the private use of individual families who will be expected to maintain it and care for it and use it as their own. This accords with American custom. In housing projects consisting of row houses, of flats with private entrances, or of single or twin houses, all the land except that part which is needed for common use may well be allocated to

[1] This document affects 19 CFR 2.17, 6.8, and 18.1.
[2] 2 F.R. 1484.
[3] 2 F.R. 1513.
[4] 2 F.R. 1668.
*Sections 636.0 to 636.2 issued under the authority contained in Sec. 8, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408.
†The source of Sections 636.0 to 636.2 is Bulletin 10, June 30, 1938.

*Sections 635.0 to 635.4 issued under the authority contained in Sec. 8, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408.
†The source of Sections 635.0 to 635.4 is Bulletin 11, May 1939.

such tenant-maintained yards. The apartment superblock, on the other hand, introduces difficulties in accomplishing this objective. The non-apartment type of development is, for many reasons, usually to be preferred, especially in those localities where the care of private yards is customary, and interest in gardening is general. Visible demarcation of private yards is important to develop in the tenant a definite feeling of possession and responsibility. If the limit of this responsibility is visibly marked, the fruit of his labor and care is more definitely apparent to himself, his neighbors, and his guests; and thus his satisfaction is enhanced. Where tenants are assigned a share of an unenclosed space, their care of it often tends to be perfunctory. Walks, shrubs, or fences are satisfactory division marks. Even posts from which wires can be strung to the building may be used successfully to divide yards. As is usual in private yards, there should be provision for drying clothes. A sitting-out area, surfaced perhaps with brick, is an attractive and useful feature which requires practically no care. In the remaining area, the tenant should be able to cultivate grass, flowers, vegetables, and vines, according to his choice.

(d) *Project-maintained areas.* Under some conditions, the effective maintenance of private yards is not likely to be attained. In such cases, the open space must be planned and located for economical maintenance. Sometimes a skillful use of topography in the site plan will leave existing natural landscape features as open space in the plan requiring no maintenance, planting, or upkeep. The recreation needs of the project population require the development of project-maintained common areas such as play lots for the preschool-age child, sitting-out places for adults, and areas for active recreation for adults and school-age children. The technical development of recreational areas is explained in Sec. 635.3. Economy demands compactness of lay-out even when land cost is low and plenty of land is available. Most items of site-improvement cost are almost directly proportional to the area covered, such as grading, planting, streets, walks, storm sewers, and all utilities. Collaboration with a site engineer is essential if maximum economy is to be obtained. Maintenance of grounds, yard lighting, and other operations are also proportional in cost to the area which they cover. Land which is not needed for housing is generally most useful and most economical to maintain if it is kept in relatively large units of area, instead of being broken up into many small pieces.

(e) *Planting and surfacing.* Planting should contribute to the beauty of the project, but should serve a useful purpose as well. The planting scheme should not be thought of as an opportunity to create beautiful scenery as a setting for neat brick houses to impress visitors and passers-by. Used to demark the various use areas of the ground, and as screens and barriers, it may serve a definite need as well as enhance the appearance of the project. Since the land of a housing project is for the use of its many inhabitants, and not a formal garden for the eye delight of a few, all areas must be treated as use areas for some purpose. Surfacing materials must, therefore, be selected to be suitable and satisfactory for their intended use. Trees, shrubs, and plants must be hardy, requiring little attention. Low maintenance cost is, as always, a determining consideration. The clipped grass lawn has been so generally used as an outdoor surface in the past that there is a tendency on the part of many who design and specify the surfacing of areas in low-rent housing projects to assume that these areas will be chiefly lawn. When kept well trimmed and otherwise properly maintained, a lawn is probably the most beautiful and satisfying of all surfaces. However, to maintain a clipped grass lawn in good condition is very costly. It must be mowed regularly, watered frequentliy in summer, fed with fertilizers several times a year, weeded, and reseeded in part once or twice a year. To do all this on any appreciable public area is a burden of cost which may not rightly be imposed on the tenants of a low-rent housing project. If this standard of upkeep is not maintained, the lawn rapidly becomes a bare space with tufts of plantain, crab grass, and other weeds, dusty in dry weather, and muddy in wet weather. A clipped grass lawn is therefore not a desirable surface for the public areas of a low-rent housing project, except for those limited areas where its special maintenance requirements may reasonably be met. Most of the open area of housing projects must be surfaced with something other than clipped lawn. However, the problem of maintaining a lawn varies widely in different climates. Rough meadow grass allowed to grow without mowing can often be used to advantage in the larger areas. It looks well, is satisfactory for some forms of play, and requires relatively little upkeep. Areas subject to more intensive use will need a harder surface, such as some form of bituminous or composition material or paving—brick, concrete blocks, random paving, etc.—or gravel, depending on use and location. At suitable intervals, such areas may be broken up with small islands of green. Their location must, of course, be determined with due regard to free and unobstructed use of the open areas for recreation, and with due regard to esthetic effect. These islands, of varying size and shape, may be planted with hardy shrubs, ground covers, or beds of flowers. Areas designed for quiet recreation and surfaced with gravel, or other materials, may be planted with trees, few in number, but substantial in size. A dozen moderately large trees will give much needed shade and a restful appearance. It will often prove possible to enlist the interest of a group of tenants to care for these trees or a few small "islands," planted in flowers, when the same group of people could not possibly be interested in mowing or weeding a lawn. A group of children or even adults can readily be made to regard a particular tree or two or three trees as their own personal property, for whose well-being and beauty they are responsible.

(f) *Leisure time and recreational needs.* The way in which residents of a housing project may spend their leisure time is of great importance in determining the development of the land. The greatest attention should be given to the kinds of space, treatment, and facilities which will serve the social, recreational, and cultural activities of all age groups. Local housing authorities should confer with the local park and playground officials, the boards of education, and the health departments early in their planning of the project. Since it is the function of these agencies to provide adequate service to the public, they are necessarily interested in cooperating in the extension of service in their fields. It is essential also to impress upon all public agencies the fact that although public housing is concerning itself deeply with the social needs of its residents, most of such services should come from the appropriate public sources. In many cities, local park boards or other agencies have provided facilities or mainenance of facilities for USHA-aided projects. The USHA has in its files for reference, information and plans of what is being done in New York and other cities along these lines. In some instances it will be necessary to supplement available public-recreation services. For this purpose the full cooperation of recreation agencies will be invaluable. For instance, if a project is being considered in a neighborhood where there is no playground, the park or recreation department may agree to provide, adjacent to the project, playground facilities adequate to serve the anticipated population; may be found willing to equip and supervise playgrounds within the project; or may agree to supervise a playground where the project has provided the space or equipment. A housing project presents an opportunity for a new pattern of family living, and no adequate precedent to guide the new recreation needs exists. New solutions are necessary. Here are men and women of all ages, youths and girls, children and babies, and their needs, as they vary throughout the day and throughout the year, must be met. The varied recreation interests of each group are equally important, and these interests are so closely interrelated that facilities intended for the use of any one group must be coordinated with opportunities for other members of the community. The space to be allocated for recreation use in a housing project should be determined, therefore, by a balancing of the social and recreational needs of all ages, limited, however, by careful consideration of the expense of maintaining and supervising such space.

(g) *Esthetic considerations.* Although economy and rational organization must be the primary considerations in the design of the site plan for a project in which low first costs and low operating costs are essential, the skill of the designer and his preference for one type of plan organization over another will influence decisively the character and appearance of the resulting plan. Economy in the layout of access drives and utility services—sewers, water, gas, electricity, etc.—requires that the skeletal frame of any plan of site organization be based on parallel rows of buildings, even if these rows are curved or closed at one or both ends by buildings at right angles. This principle has been carried to diverse extremes in some examples of European planning: some housing projects have used rigidly formal parallel row planning which gives every dwelling uniform orientation and equal treatment with respect to land and services; others have grouped the buildings into an infinite variety of small courts and closures with varying treatment of open space and varying orientation to sun and wind. The esthetic satisfaction obtained may either be that deriving from formality and symmetry, or that deriving from the informal vista and the picturesque or casual grouping. In either case a pleasing result depends more on the designer's skill in handling scale and proportion than on the choice of pattern. It is important that the site plan grow logically out of the requirements of the building types, topography, orientation, and servicing, rather than from preconceived patterns. Once the most economical and useful scheme has been determined, the necessary adjustments can be made for a satisfactory three-dimensional aspect. Thus apartments, through the use of T, X, L, and Y units, may inevitably result in a series of court arrangements. Row-house plans, in which gardens are allotted to each dwelling, may perhaps most simply and economically be developed in groupings of parallel rows. Here, too, a specific site condition—the need for shelter from unpleasant winds, the cutting off of an undesirable view—may give the rows the effect of a court by the use of projecting wings or short buildings placed across the ends of two rows. Similar effects may often be obtained by skillful arrangement of walks and planting. If the designer adapts his plan to the topography, the site plan which is best fitted to the site should result."†

[Par. I]

§ 635.2 *Design and organization of the site.*—(a) *Density.* "Density", unless otherwise qualified, means the number of families per acre.[1] No two plans can be compared for the quality of their livability solely on the basis of their comparative densities. An examination of the plan is always necessary to indicate whether its potentialities as environment have actually been realized at a particular density. In general a low density is desirable because, if there are few families per acre, there is more room for outdoor life, and there tends to be more air, sunlight, and privacy for the dwellings. Further, low density is an insurance against neighborhood obsolescence. Low densities, however, mean additional land cost per unit. Density is influenced by factors other than land cost. In a slum-clearance project near the center of a city where all the equipment for the servicing of a large population exists, there is good reason for utilizing this civic investment by a project which is planned at a relatively high density. On a vacant site in the suburbs it is obvious that a low density is as normal for a public housing project as it would be for a private housing development. In studying sites, an approximate density based on the assumed type of housing unit—whether row house, apartment or other—may be set, or a scale of densities may be set up on the basis of a range of land cost. When the number of dwelling units in the proposed project is determined approximately (possibly varying according to the neighborhood under consideration) this combination of figures—total number of units and density—will give the area of land necessary for the project. With this figure various sites may be reviewed, and for a particular site the calculation may be reversed to give either the density which results from a given number of units, or the number of units which may be built at a given density. Variations in density result from or should correspond to different types of housing structure and these variations can be fixed within rough limits. A layout of single houses cannot generally exceed 12 or 15 to the acre. One-story row houses give densities of 16 or 18 as a maximum, and two-story row houses are commonly planned with a density of from 15 to 20 families per acre. When row houses are supplemented by two-story flats, and one-quarter or one-third of the units are in flats, a two-story project with space for 100 percent automobile parking can have a density of 20 families without undesirable overcrowding. If the auto parking runs under 50 percent and there is a large number of flats, a two-story row-house development can attain a density of about 25 families per acre. Beyond this point it is usually desirable to introduce some three-story buildings.

[1] In general practice an area that excludes public boundary streets and large recreation, unbuildable, or reserved areas, but includes narrow service drives, parking areas, and small recreation spaces, is used in calculating the density.

(b) *Coverage.* "Coverage" is the term commonly used to denote the percentage of a site covered by buildings. Coverage and the number of stories in the buildings are the two factors which determine the density of the population in a housing project. In general, low coverage and low buildings are desirable. The recent trend in this direction is unmistakable. This is especially true of low-rent housing. Occupants of low-rent housing cannot afford to use electric light freely and they must find their recreation close at home. Both of these reasons make low coverage and large open spaces especially desirable. At a particular density the coverage depends upon the size of the units and the number of stories. Coverage and density are thus related variables which directly affect the site plan. In view of this fact, it cannot be too strongly emphasized that the design of the dwellings and of the site plan must proceed at the same time.

(c) *Land cost.* The density of a project should reflect land cost in order to keep to a minimum all expenditures for nondwelling facilities. However, only a general relation between land cost and total development cost can be established. A ratio which may be clearly justified in a metropolitan slum-clearance project may be clearly disproportionate in a project located in the outskirts of a small city. The special conditions bearing upon each case must be considered, since high land costs may sometimes mean low site-development costs, and may often effect a reduction in the total living costs of the tenants by reducing their expenditures for transportation. Land cost is usually calculated on the basis of the money paid out and does not include an allowance for closed streets. In comparisons of site costs the cost per square foot is usually used. All the land made available for the project by purchase (including existing streets which are to be closed) may be included in the total number of square feet by which the total cost of the land is divided to give the average square-foot cost. Where two sites are compared, one of which contains much unbuildable land and the other little or none, it may be necessary to base the calculation upon the net amount of buildable land in each case and not upon the gross area. This is also true in a calculation of the land cost per dwelling unit—the land cost divided by the proposed number of units.

(d) *Site-development cost.* Site-development cost includes the outlay for all outdoor construction such as roads, walks, utilities, grading, planting, fences, and playgrounds. This factor has been found to vary between limits as wide as 5 to 20 percent of the total project cost. A project which is surrounded or intersected by well developed city streets in good condition and utility mains which may be used in the project plan will tend to show a lower site-develop-

ment cost than a project on vacant land. Steep topographic conditions or excessive flatness may increase development costs. And a scheme in which the tenants do not have yards of their own is likely to show higher costs of site development per unit than a scheme in which the land is divided among the tenants. Costs of site development may be minimized by the use of inexpensive types of surfacing for streets, playgrounds, and open areas, and by restricting expenditures for landscape work.

(e) *Buildable area.* No site should be given even tentative consideration unless the amount of buildable area it contains is known. If the site includes steeply sloping land, at least a sketch topography should be available. Data on soil conditions, particularly where there are areas of poor bearing due to natural conditions or to artificial fill, should also be obtained. A site engineer should cooperate with the planner in laying out topographically difficult sites. Runs and depths of sewer cuts constitute an important element of cost. Unbuildable areas of poor bearing soil may often be used for parking or recreation areas, and thus need not cause a serious loss of useful area. Land which is unbuildable because it is so steep that construction cost becomes excessive is ordinarily of little use for other purposes, but all land may be of value to the project in giving more light and air to the houses. At the periphery of a project open area may provide useful protection against undesirable factors in the environment, acting as a miniature "green belt."

(f) *Neighborhood planning.* A small project, the site of which lies within an existing neighborhood, should be planned to form part of such neighborhood. Very large or isolated projects will naturally tend to form neighborhoods of their own and should therefore be planned to provide the basic setting for neighborhood life. This means, in addition to integral provision in the plan of space and facilities for recreation, the additional provision of space for stores, elementary schools, and other facilities whose radius of influence is the neighborhood, although the facilities themselves need not be provided as part of the housing program. There should be careful integration with the city plan, if one exists, or with a general scheme based on a study of population and industrial trends. Close cooperation between the local housing authority and other departments of the local government should be maintained so that any schools, parks, playgrounds, or other facilities planned under the programs of these departments may be related to the housing program.

(g) *Travel routes.* The project must have convenient routes of access to employment, recreation, and shopping centers. Location adjacent to, but not on, a main traffic route is most favored. Intersection of a project site by a traffic route is clearly undesirable, and even minor streets which bisect the site will interfere with the safety of the residents and with the operation of the project. Where streets are closed, the other streets of the neighborhood may be expected to carry more traffic and if these form part of the site boundary, provision should be made by means of ample setbacks for future widening.

(h) *Dwelling types and schedule.* A schedule showing the distribution of dwelling units by size correlated with a schedule of dwelling types must be established before the design of a definite site plan may be begun. Both of these schedules, however, must be subject to slight change while the site plan is being developed in order to permit economical assembly of the units into buildings. The schedule of unit sizes is based upon statistics showing the distribution of families by size in the population group for which the project is being built, and is influenced by the location of the site and the types of dwelling. A "downtown" apartment layout ordinarily favors small units; suburban single, twin, or row houses usually provide for larger families. The cost limitation contained in the United States Housing Act—a maximum room cost fixed at one-quarter of the maximum dwelling unit cost—tends to force the use of units of four rooms, or less, when the per-room construction cost is close to the limit.

"Dwelling types" are the various forms in which the housing units may be assembled; free-standing single and twin one-story or two-story row houses; houses, flats, apartments, duplex or triplex combinations of these. The dwelling type or types selected for a project influence the site plan indirectly through their effect upon density and coverage, and directly through their effect on the status of the tenant families with respect to land use and to types of servicing. Consequently, this is one of the variables which must be adjusted for each tentatively considered site and in each tentative site plan.

(1) *Apartments.* Although apartments are ordinarily to be avoided under the conditions of the USHA program, because they entail somewhat higher maintenance costs than units which may be serviced entirely by the tenants, they may be used where high land cost or other conditions enforce a high density. Apartments should rarely, if ever, be used to provide a small portion of the dwelling units in a predominantly row-house layout since janitor service is more expensive when it operates on a restricted scale. They are economical of land and have a slight advantage in lower construction cost per room. Further, they are particularly appropriate for small units occupied by families with few or no children. There are many ways of planning apartment units and of assembling them into buildings, and new ways are constantly being designed. The "ribbon" type of building, with full cross-ventilation, is probably the most livable, but it is not so economical in first cost or maintenance as T and L apartment groupings, which give a larger number of units to each stairwell. With few exceptions the apartment buildings used in projects planned under the USHA program are three stories in height; four-story walk-up buildings are contemplated in a few projects, and a few elevator apartments, six stories high, have been used. Apartment block plans may be laid out in a variety of row and court patterns. The usual objectives in a court plan are high coverage and variety of architectural effect and vistas. If the site permits some freedom in the placing of the buildings, very careful attention should be given to the orientation, particularly in other than "ribbon" plans. Completely enclosed courts, especially if the buildings are high, should not be used, since this arrangement magnifies noise to an objectionable extent, and impedes air circulation. Careful consideration should be given to the location of the entrances to the buildings; preferably they should be on the court side. The court is usually arranged for community use with sitting-out places and recreation facilities for young children. These areas are more freely used if the people can flow directly into them on a hot summer evening without going far from their apartments. In a site plan for apartment houses special care should be taken to make the land useful: the walks should be wide and the paved areas should be ample. There must be plenty of space for sitting out, with benches and shade, and play lots located to serve directly each group of apartments. The great variety in apartment plan types and frequent occurrence of justifiable breaks in alignment and height of apartment buildings give opportunity for a wide range of esthetic expression. First studies for apartment groups are apt to exhibit highly developed axes, but it is not necessary to use a symmetrical plan in order to achieve unified expression. A group can attain style through careful adaptation to topography, adherence to a preferred orientation, or through the discipline of some principle of unit planning. The most successful plan is one in which the principal objective—livability for the people who will occupy the structures—has been reached.

(2) *Flats.* A flat is a small dwelling unit arranged so that the access hall or stairs are incorporated in the dwelling and maintained by the tenant. In USHA-aided projects, flats are usually two-story buildings. If these are grouped continuously in one building, the ground plan usually provides for a private yard for the first-story units. Provision of yards for the upstairs family is difficult to make unless entrance to the second floor is on the side opposite the first floor entrance. When a considerable number of flats are grouped closely, common space must be provided for laundry drying and special provision made for servicing, in particular for garbage collection. In a close correlation of flats with row houses, for example, the use of two-story flats at one or both ends of a row of two-story row houses makes it possible to provide the upstairs flats with private yards by using the land at the ends of the building. This also facilitates a simple scheme for servicing the group, since wastes may be collected from either side of the building, the flats being as conveniently accessible as the row houses. Where buildings must sometimes stand close to busy public streets, entrances may be eliminated at the street side of a flat building and all access walks and doors placed on the project side of the building only. This tends to prevent children from playing in the public street, but usually requires treatment of more of the land as project-maintained area.



(3) *Three-story duplexes.* In order to permit the construction of three-story buildings which do not require project maintenance of halls and stairs, a dwelling type has been designed in which the ground floor is occupied by flats and the two floors above are divided vertically into row houses. If a considerable number of flats and three-story duplexes are to be used in a project, it is desirable to group them rather closely, and to base the land plan on common use of land areas by those families which do not have first-floor access to the ground. If these community areas are simply designed and consist mainly of paved surfaces, their upkeep will not be excessive, and they should create little cause for friction between families or between management and tenants. The three-story duplex units are used to increase density without producing excessive coverage; that is, to avoid placing row houses undesirably close together. In one carefully planned housing project about one-third of the buildings (measured in linear feet) are two-story row houses, and the remaining two-thirds are three-story duplex buildings. The project has a density of about 28 families to the acre and the coverage is only 20 percent. If the project had been built in two-story row houses exclusively, the same density would have resulted in a coverage slightly over 25 percent; the distances between the buildings would not have been much over 50 feet front and back—an undesirably close spacing.

(4) *Row houses.* The row house—the standard dwelling type in several European countries and in many American cities—is characterized by great economy in the use of land, moderate construction cost, and low maintenance and operating cost for management and tenants. It gives each family its own home and the opportunity of developing a plot of land for its own use. The economy of a row-house plan obviously derives from the length of the rows, although the per-unit saving diminishes with the length of the building. The economic advantage of a long building results in part from the elimination of end walls, but there are also savings in land, utilities, and walks. Row houses are not adaptable to steep contours except by heavy cutting; ordinarily, buildings should tend to parallel the contours, since longitudinal slopes can only be accommodated by costly breaks of floor level. In the organization of a row-house plan an effort should be made to avoid movements of traffic in any considerable volume parallel to the rows. If the movement of vehicles is restricted to channels lying at the ends of the buildings, the space between the buildings, in close contact with dwelling units, is left free for the safe and comfortable use of the tenants. Row houses may be assembled in many patterns. In general these fall into two types—court plans and parallel row plans. Each of these has advantages. A court layout may attain spaciousness of effect and esthetically satisfying enclosed areas. When the rows are predominantly parallel, the distance from row to row will be somewhat less than the average width of a court, but the longitudinal views will be longer. It is obvious that when a particular orientation to sun or prevailing wind is strongly favored, such orientation must result in predominantly parallel rows. The parallel row plan usually facilitates a simple and practical servicing scheme in which all units are handled uniformly. A court plan can seldom be arranged without traffic routes parallel to some of the buildings. Two-story row houses can accommodate economically families requiring 4½- or 5½-room units. Units of 3½ rooms or less are best handled as two-story flats or as one-story rows.

(i) *Recreation.* The extent of the project's responsibility for providing recreational facilities and the type of facilities required will vary with the following factors:

(1) *Recreational resources within the community.* Existing programs and facilities, and available leadership in the neighborhood surrounding the project should be surveyed and evaluated, in order to avoid duplication and to integrate the project with the facilities, existing or proposed, of the larger community. The planner of the project is then in a position to know the extent to which the project must assume responsibility for supplementing available services.

(2) *The size of the project.* This influences the amount of formal supervision possible, which, in turn, determines the location and equipment of the major play areas.

(3) *Type and arrangement of buildings.* The density of population of the development and the type of dwelling units will influence the kind and extent of recreational facilities required. Apartments, lacking private yards, require a very different type of development from that suitable to row houses or flats.

(4) *The type of community in which the project is located.* In a city it is desirable to provide larger recreation areas than may be necessary in suburbs and small towns, although high land costs usually restrict the amount of land that can be allocated for recreation purposes and thus make a more intensive layout necessary.

(5) *Natural recreational resources within the project site.* A skillful use of existing features on the site (water, hills, trees, etc.) may materially affect the character and influence the cost of the facilities provided. Detailed technical considerations in the design of recreational facilities are presented separately in Part III which follows.

(j) *Relation of buildings to contours.* Plans should always be studied over a topographic map of the site. Even though the land may be so flat that topography is not an essential factor, the grouping of buildings must be studied with respect to surface drainage. If there is any marked variety in elevation, a correlation of the site plan with the topography results in economy of first cost and maintenance, particularly in relation to sewer and drainage lines; and assures convenience in use, for example, by avoiding steep slopes in open spaces or steps in walks. An intelligent use of topographic variations also tends to give a plan individuality. A very steep or broken site may result in excessive development cost unless dwelling spaces or basements can be introduced which utilize the excess walls on the lower side of the buildings. On a moderate slope the rows of buildings should normally run parallel to the contour lines. By a careful study of cross sections it can be determined whether to draw two rows close together along their entrance sides, leaving most of the slope to be taken up in the wider garden areas, or to concentrate all the garden area on one side of each row, usually uphill, with only a walk on the other side giving access to the entrance front of the houses.

(k) *Preservation of trees and buildings.* Existing trees should always be shown in topographic surveys and an effort made to preserve a reasonable number of them. A few old trees add much charm to a group of buildings and the slight variations made in the plan in order to save them may add a pleasing informality to the appearance of the project. If the site is built up, some of the existing buildings may be worth saving. An imaginative handling of the design may make of an old building a very welcome note of variety.

(l) *Economy of utilities layout.* Since a scattered or widespread layout of sewers, water, gas, and electric lines will increase both initial and maintenance costs, close-knit planning of utility systems is mandatory. Lines should ordinarily be located in streets or drives for ready accessibility, but may run else-

where when required by topography or economy of layout.

(m) *Spacing of buildings.* When buildings lie parallel, the following spacing may be regarded as minimum:

| | Feet |
|---|---|
| 1-story | 50 |
| 2-story | 55 |
| 3-story | 60 |
| 4-story | 65 |
| 6-story | 75 |

These distances may be decreased slightly at one side of a building if they are increased at the other. Thus, when generous spacing is justified (where land is cheap and large gardens are desired), two-story row houses may be arranged with a center-to-center spacing of 90 feet, giving alternate open spaces between rows of approximately 50 and 75 feet, or 55 and 70 feet. End-to-end distances may be half these dimensions if end windows are of secondary importance. In general, concentration of buildings in zones with servicing facilities (such as a public street) on one side and an open play area on the other is desirable to reduce site-development cost and maintenance. When topography and the shape of the tract are favorable, this type of building arrangement is economical, and does not increase the density of the project as a whole.

(n) *Orientation.* Orientation to sun and prevailing summer breezes should always be considered. Latitude largely determines the former, while local conditions largely determine the latter. Orientation to sun is most successful when it makes sunshine available in the kitchen in the morning, especially in winter, and provides for some sunshine in the living room in the afternoon. It is obviously impossible to get ideal orientation in all units if the houses face each other in parallel rows, but it is better to have the sunlight available, even if not in the preferred room at the preferred time, than to have no sunlight. The fact that people will live in badly oriented houses or apartments should not encourage the planner to ignore sunlight. Since men are usually away from home during the day they are less likely than women to appreciate the importance of orientation. Most women, even though they fail to arrive at specific opinions concerning preferable exposures, do recognize one room or apartment as being more "cheerful" than another. Although no absolute rule can be made because of the great variety in local conditions, certain guiding ideas are well established. For example, it is generally agreed that in the North row-house or apartment buildings should not be laid out on either a true north-south line or a true east-west line. The north-south line does give sunlight to all the rooms every day, but deprives them of any appreciable amount of it during the middle of the day, a loss which is important during the winter months. Further, this orientation exposes the west wall of the building to excessive heat during the summer. An east-west alignment does not permit the ground just north of the building to get sunshine in winter; it is generally agreed, in the North, that the north side of a building which runs east-west is a disagreeable place in winter and early spring. An angle of approximately thirty degrees off the east-west line is required to enable the early spring sun to melt the snow and dry the ground on the northerly side of a house in the northern part of the country; where the winters are shorter and there is less snow this approximate angle diminishes, until in the extreme South an east-west alignment is usually preferred. Under some conditions insolation, the sun's heat, becomes an important factor, both positively in autumn, winter, and spring, and negatively in summer. This factor, considered by itself, favors a southerly aspect in winter and a southwest aspect in summer—the building lying on a line running from northwest to southeast. Local atmospheric conditions may also bear on desirability of orientation, as in the vicinity of New York, where the frequency of morning mists makes a southwesterly aspect the sunniest. Orientation, then, is a matter of compromise between conflicting factors. Where sunlight on the ground around a building is important, and where the psychological value of morning sunlight is given full weight, a location with the length of the building lying northeast-southwest, at an angle between 30 to 60 degrees off north, is probably the best for the Northern States. The axis swings toward east-west as one goes south. A secondary favorable zone (giving early afternoon sun in winter and good protection from afternoon sun in summer) lies in the northwest-southeast quadrants, but the line of the buildings must not swing more than 15 or 20 degrees from the east-west line.

(o) *Servicing.* Access to the various units of a project must be provided for deliveries, particularly of fuel, and for garbage or ash collection. These will influence the path and interior road system and to some extent the type of pattern of the site plan. In turn, the choice of dwelling type, heating system, and other services will determine the paths and roads. Often a choice must be made, in row-house projects, between facing the living room or the kitchen on the street or yard, and between facing one or the other on a more sunny side. Such a choice will generally be determined by whether it is preferable to receive visitors through the kitchen, to remove garbage through the living room, or to provide a dual path system. In apartment-house projects, access to perambulator and incinerator rooms is important. The location of repair shop and storage rooms (both project and tenant) must be considered in relation to roads and paths. The extent and type of vehicular access required will therefore vary with the type of heating system, method of garbage collection, and with the types of dwellings. For utmost simplicity in construction and operation, access to two rows of houses should ideally be concentrated along a single channel. This means all visitors, deliverymen, the postman, and even the garbage collector, will come to one entrance to the house, usually by a drive or walk serving a pair of rows. The opposite or garden side of the house may then open upon a strictly private yard. This scheme concentrates paving where it is most needed, and gives complete privacy to the opposite side of the house and its adjoining open space. This ideal, however, can seldom be realized because the design of the dwelling plan, or the requirements of orientation, utilities, and street design, may necessitate other solutions which, when all elements are considered, are both cheaper and more livable. In all instances, whatever form the plan takes, the site planner must find a better arrangement than the old-fashioned layout for row houses with a street in front and an alley behind.

(p) *Type of heating system.* The choice of heating system—whether central plant, group plant, or individual—will directly affect the distances between buildings, and the plan of vehicular access. Where each house is heated separately by an individual plant using either coal or wood, the service drive must be located within 15 feet of the dwelling, the maximum distance for delivery of coal by chute, and for removal of ashes. Where oil or gas-fired individual heaters are used, no such limiting condition is placed on the location of dwelling units. Where group central plants are used, the building containing the plant should be near a paved road. This may perhaps be an apartment building with a basement, in which laundries and drying rooms may be placed adjacent to the boiler room. Central heating plants require relatively close organization of the site plan for economical distribution, but do not require vehicular access to any building other than that containing the plant. This should be located at a low point near the edge of the project, preferably at a point where the wind will blow smoke away from the dwellings.

(q) *System of garbage collection and removal.* Garbage and trash removal methods are a limiting element in the design, and should be defined and incorporated in the site plan. This does not mean that garbage and trash disposal arrangements must always be the most economical or most convenient for the tenant in *every* dwelling unit without regard to other considerations, but does mean that a careful balance must be established between this and other requirements in the site plan. Preliminary to development of the site plan, the local authority should consult with the local agency having jurisdiction over the removal of garbage and trash in order to determine what service may be made available. Existing operating conditions should be determined, i. e., frequency of garbage and trash collection during the various seasons of the year; acceptance of incinerated material; the distance from the curb that employees of the collection agency will go to pick up cans, and the street layout required to permit collections; and local requirements for the separation of types of refuse. Where collection and disposal are not established municipal services, the fees for service and the basis upon which they are set should be determined, as well as any other special conditions which must be considered in order to design for continuously satisfactory service. Garbage may be collected from the yards or apartment doors in the usual way; it may be taken by the tenants to large pails at collection stations on vehicular ways; or it may be carried to group incinerators. Where incinerators are used in apartment stair halls, it is desirable to provide access for wheeled hand trucks directly to the incinerators. Wherever possible, this access should be by ramps instead of steps. Where collection station or group incinerator systems are used, local custom and climatic conditions should determine the maximum distance which tenants are expected to walk in order to dispose of garbage. The stations should be located conveniently for collection along a service drive and should be large enough to accommodate one garbage and one trash can for every two families serviced. Where sunken containers, or individual cans kept near the service doors, are used (generally in row-house plans), service drives should be provided between rows of buildings for economical operation. In some instances the "front" or street side of the dwelling may be used for this purpose, if the collection agency will collect directly from these points, thereby eliminating project labor. In general, provisions for this essential service should be considered practically, without too much regard for conventional proprieties. Tenants may be expected to carry garbage out by way of the living room and to keep a pail in the "front" yard if economy in drives, walks, or operation will result.

(r) *Streets and parking spaces.* For purposes of economy and utility, the design of streets should be closely related to the particular function each street will perform. Many residential streets and their utility layouts are wastefully oversized because they are designed to meet the supposed future requirements of business or industry. In a large project where the land is in single ownership and may be expected to remain in residential use for many years, the conditions surrounding a street within the project may be predetermined and fixed. New streets within a project should be planned for dedication to the municipality in order to relieve the project of their maintenance and to provide public space for utility installation. They should be planned economically, but must be adequate in width to serve the anticipated traffic, to permit easy circulation and safe driving, and, in many instances, to afford parking space on one or both sides. Existing streets should be retained if present and future economy is served thereby. However, existing streets are often unnecessarily wide or long for the needs of the project and the value of the area gained by their closing may exceed the value to the project of the existing improvements. Direct vehicular access to the entrance of each building is unnecessary, but driveways should be a reasonable distance from all buildings. Only in exceptional cases should 200 feet be exceeded. Streets and driveways should be arranged to permit easy access to all fire hydrants by fire-fighting equipment. This should be checked with the requirements of the local fire department. Some service roads may be planned for use only at certain times, and the entrance barred by removable posts or chains. Preferred widths (in curb-to-curb dimensions) are:

One-way restricted service, 9 or 10 feet.

Two-way lane, no parking, 16 or 18 feet.

Two-way lane, parallel parking on one side, 18 or 20 feet.

Two-way lane, parallel parking on both sides, 26 feet.

Two-way road, parallel parking on both sides, 34 or 36 feet.

Two-way road, diagonal parking on one side, 36 feet.

Two-way road, diagonal parking on both sides, 45 feet.

Two-way road, perpendicular parking on one side, 36 to 40 feet.

Two-way road, perpendicular parking on both sides, 54 to 60 feet.

Provision of parking area for the cars of tenants must be made. The ratio of car ownership, as a basis for planning, must be judged independently in each case, and may vary from nearly zero in a New York City apartment project to nearly a hundred percent in Detroit. Where the ratio of car ownership is apt to increase, space should be reserved for possible future expansion of car ownership. It does not seem feasible to provide garages, or even open sheds, under the present program. Since cars owned by low-income tenants are likely to stand unused for considerable periods, especially in winter, curb-parking along perimeter streets and project drives may prove unsatisfactory. Moreover, all-night parking is widely recognized as a nuisance; most cities have ordinances limiting such parking or prohibiting it, and opposition to this use of streets is likely to increase with time. The most acceptable alternative, therefore, is off-street parking in parking lots or courts. All projects should be planned initially with satisfactory provision for parking tenant-owned cars. The preferable location for off-street parking areas is around the boundaries of the project, where the parking lots fall between the housing units, and for example, a noisy thoroughfare. In a small project the best solution may be a single parking lot placed near the administrative offices or the heating plant, with only one entrance to the lot, so that some degree of supervision may be exercised. Where parking lots or drives are close to play spaces, substantial fencing must be used which will afford the greatest measure of protection to children at play.

(s) *Laundry drying.* In row houses or flats with private yards, individual provision for clothes-drying can be made. Where it is not possible to give private yards to all the tenants, common provision for outdoor drying of laundry must be made. Group drying yards should contain a minimum of 60 feet, preferably 70 to 75 feet of line, and may be arranged with two lines placed 18 inches apart and 2 to 3 feet between each pair. Such yards may be used as play spaces in the evenings.*† [Par. II]

§ 635.3 *The design and treatment of open areas for recreation purposes—*(a) *Facilities for small children.* Children of preschool age are best provided for in groups separate from older children; since they are dependent on others for care, areas for their use may effectively be combined with sitting areas for adults. In determining the distribution and size of play lots for young children, various arrangements are feasible. A number of relatively small, decentralized areas located conveniently for supervision by parents may be provided, or a few larger areas, or, in some projects, one centralized area with facilities for water play. The most desirable plan includes a combination of these, i. e., a number of small play spaces, each serving a group of buildings in the immediate vicinity, and one larger area designed for supervised play for many of the children of the project. This central area may sometimes be combined with the playground for older children and generally includes a wading pool or a shower basin. The play space should always be planned so that the child will not have to cross traffic drives and parking areas to reach it, and should preferably not be adjacent to parking areas. Where play lots are located near drives or parking areas, they must be fenced, as children have little thought for safety while playing and will run into traffic to chase a ball. In spotting such play lots in the site plan, the planner may check the adequacy of the space provided against the number of children who are expected to use it. For this purpose, data relating to family composition in existing projects are more useful than United States census figures, as low-rent housing projects have

a consistently higher percentage of children than the population as a whole. Existing Federal projects average 0.77 children under 6 years of age per average 4-room unit; USHA-aided projects may be expected to show an equal or greater child population. In checking the adequacy of a play space immediately related to a group of dwellings, the figure of 40 to 50 square feet of space per child may be used. This figure should not, however, be used as a basis for determining the total amount of space required for play lots in a project. To illustrate the application of these data, let us assume that the site planner must provide at a certain place in his plan space for the preschool age children of 50 families. These families live in flats and row houses, and will have direct and convenient access to the spot. There will presumably be from 35 to 40 children under 6 years of age in the group. Of these, about 10 will be in the baby-carriage stage, so that probably no more than 30 will actually play in the space at any particular time. An open area of 1,200 square feet, plus room for 8 or 10 baby carriages and 4 or 5 benches, will provide adequate space for the children of the immediate vicinity. These areas are designed for operation without supervision except that given by the mothers or older children. They commonly provide a hard-surfaced area; a sand box and a soft or natural surfaced area; and a paved area with benches shaded by trees. The hard-surfaced area is almost essential for baby buggies and for play with wheel-toys and, in addition, provides a fast-drying surface on which a baby pen may be set directly after a rain. Natural soil is ideal for digging, jumping, and running for the 3- or 4-year-old child. It requires some maintenance (raking and filling-in), and some precaution must be taken to keep it from spreading into the surrounding area, such as edging it with brick or stout hedge. Favored orientation for these spaces is that which provides sunlight in spring and fall, preferably in the afternoon, and shade in summer.

(b) *Water play.* Facilities for water play must be designed with initial and maintenance costs always in mind. If the construction of even a small wading pool is an excessive burden where very low rents must be reached, the use of spray showers on a bituminous area properly sloped for drainage will provide a reasonably satisfactory substitute. Wading pools may be constructed in various sizes and shapes, related to the location, the population of the project, and the plans for other use of the space during seasons too cool for wading. Oval or circular pools make a pleasing contrast with the predominantly rectangular forms of the project and are, moreover, easy to keep clean. Where rectangular-shaped pools are used, the bottom should slope up to all four edges, in order to eliminate corners, which are difficult to clean. An area surrounding the pool should be paved with a hard surface, either bituminous or random paving, never with clay, gravel, or grass. This paved area may be as great as 20 feet. Pools should preferably be shallow; a 10-inch depth at the deepest point is recommended as a maximum. The slope from the outer shallow edge to the center deep point should be very gradual for reasons of safety. A gradual slope, moreover, makes possible the use of the pool during cool seasons for volley ball, shuffleboard, dancing, badminton, handball, ring games, paddle tennis, roller skating, etc. (Occasionally pools may be used in winter for ice skating. In such cases, pools should not be filled to the outer edge to prevent damage by pressure of ice on the sides of the pool.) Relatively large pools are sometimes made 40 by 60 feet so as to be used in spring and fall as basketball courts. For proper safety and sanitation in operation, pools should be equipped with an overflow gutter, should have a constant, slight flow of water, and should use some form of chlorination. Overhead showers should be an integral part of the pool.

(c) *The common central area.* Centralized areas—often placed as points accessible to several courts or groups of buildings—may also be developed in a variety of ways. The objective is to supplement the small play lots with facilities which can be provided economically only on a more centralized basis and which may be useful for a wider range. The area includes a wading pool, encircled by a hard-surfaced area, and benches, shaded by surrounding trees. Although this area is primarily for young children, it may also be adapted to recreation use by older age groups. Play apparatus may be provided, if desirable, in the surfaced area. The design, equipment, and surfacing most suitable to the use of this area should be planned in cooperation with the agency which assumes responsibility for supervision. With no equipment necessary, the area may be used by little children when they cannot go to a nearby playground and by young people and adults for organized or informal play. The entire community may use it for dances, concerts, and other community gatherings. The area may be marked off for various games which require a firm, hard surface. This marking may be designed to afford multiple uses. Little additional equipment is required and this may be portable. Thus, a relatively small space may be developed at small cost to provide recreation for some group of the population at every hour of the day, and during all seasons. Drinking fountains should be provided in central areas for preschool age children; toilets should be provided near any play area from which the children cannot readily reach home.

(d) *Playgrounds for older children.* Where playgrounds for school-age children are included in the project, the following recommendations are intended as a guide to their design:

(1) *Size and distribution.* The total area of the playground must be determined by the space requirements of the various activities and these should generally encourage the most intensive use of the space. This area must be related to the number of children who are expected to use it. Experience indicates that nearly all of the children of elementary school age in a community use the playground each day. Existing public-housing projects average 0.75 children of school age per average 4-room unit. This figure may be equalled or exceeded in USHA-aided projects. In addition to the child population of the project, the possible use of the playground by children of the community surrounding the project must be taken into account when estimating the anticipated use of a project playground. Three and a half acres is generally considered to be the minimum area necessary to provide a desirable range of play opportunities for a child population of 100 to 500. In housing projects where space is very limited, some opportunity for vigorous play may be afforded in an area of 70 by 150 feet. This allows for apparatus, free play, and organized games for 100 children actually playing. A larger area should be allowed if more land is available, but this minimum amount of space should always be provided. In general, central location for the playground is convenient for the children, but is not necessary. The playground is best planned away from the dwellings because of the noise factor, but should be so placed that children will not have to cross traffic streets to reach it. Where a community building is included in the project it is logical to connect it directly with the playground so that the use and supervision of indoor and outdoor facilities may be related. If indoor basement playrooms are provided, it is desirable to locate the playground adjacent to one of these.

(2) *General design considerations.* In all playgrounds, it is wise to plan for games engaging a large number of participants as well as to plan for multiple use of areas, e. g., wading pools used as basketball courts, shuffleboard surfaces used for roller skating and dancing, and surfaces designed for organized games the year round and ice skating in winter. The areas should be arranged for convenience of supervision; to provide for as many different types of play as possible; and to facilitate age grouping of the children. For example, when a playground includes areas for various age groupings, the area for preschool age children should always be situated close to the point of supervision and should be separated from the other areas by benches, planting, or a fence. The space for the next older age group may have an open area, an area with simple equipment such as tables for crafts (if some form of supervision can be arranged), and a sprinkling or wading pool. The space for the next older age group may have an area for paddle tennis, volley ball, shuffleboard, and horshoe pitching; space for such games as handball or basketball for the oldest group may be arranged at the end of the playground farthest removed from supervision. Some form of shelter is desirable and should preferably be provided close to the game areas which require supervision. The shelter may contain space for quiet play in hot or wet weather, toilets, drinking fountain, and storage space for supplies. In the playground, as in other spaces, both sun and shade are necessary. Shade trees may be limited to the periphery of the play areas and to the space reserved for quiet games and apparatus. Trees may be used to advantage to divide one part of the playground from another but they should be arranged carefully in order not to interfere with the placing of the apparatus or with the play activities.



(e) *Playground surfaces.* The ideal playground may be considered as having three distinctive areas from the standpoint of surface requirements: one is the area for field sports, which requires a surface firm enough to give a secure footing, yet resilient enough to minimize injuries when the players fall; second is the area for court games—such as handball, basketball, paddle tennis, volleyball, and badminton—which needs a hard surface on which the bounce of the ball will be true; third is the play area upon which apparatus is installed, and on which various types of surfacing may be used. Although it is impossible to obtain all the desirable qualities in the same playground surface, any surface must, in general, have the following qualities in order to meet the requirements of function, durability, and economy:

(1) *Low cost.* Cost of construction and of maintenance must be reasonable.

(2) *Utility.* The surface should be suitable for a variety of uses under varying weather conditions. Surfaces which cannot be used during several months of the year because of moisture or frost should be avoided.

(3) *Resilience.* Resilience is usually desirable to reduce shock to the players. However, this quality must be attained without sacrifice of durability, since intensively used surfaces must withstand considerable wear.

(4) *Smoothness.* Play areas should be free from irregularities and rough spots. This is especially true for games involving the bounce of a ball and also applies to most court games. Since falls while playing are frequent, the surface should have a texture which will reduce cuts and bruises to a minimum.

(5) *Quick drainage.* Water must drain off quickly without causing erosion of the surface. Subdrainage may be necessary.

(6) *Freedom from dust.* If the area is unsurfaced the soil should not be so porous that it is neither firm nor free from dust. Where it is impossible to prevent an excess of dust it may be advisable to use dust layers. Surfaces should not injure players' clothing.

(7) *Appearance.* Surfaces should present a neat aspect. A glaring surface should be avoided in order to minimize eye strain. The experience and advice of local boards of education and recreation agencies will be of great help in selecting the suitable surface for a particular situation. The following general conclusions are based on experience with different types of surfacing in a number of existing low-cost housing projects.

(i) *Turf.* Turf is wholly impractical for use in play areas in most parts of the country, and is, moreover, unsuitable for year round play. Its use is not recommended.

(ii) *Concrete.* Concrete, because of its lack of resiliency, is hard on the feet and is abrasive. Large concrete areas are not pleasing in appearance. Although it is easy and inexpensive to maintain, it is relatively expensive initially, and its use is not generally recommended except in limited areas.

(iii) *Gravel.* Gravel is a desirable surface in areas intended for quiet recreation containing benches and shade trees. It is inexpensive to maintain and very attractive in appearance. Trees planted in graveled areas can grow freely because their roots are allowed to breathe. Gravel has been used successfully in many housing projects and parks in other countries. Children in this country are not accustomed to its use, and therefore have a tendency to throw it around. However, it may be used satisfactorily in small areas in which large trees are to be planted. In order to prevent overflow into surrounding surfaces, hardy shrubs or other material should be used to bound such areas.

(iv) *Sand clay.* Mixtures of clay with sand or gravel have not proven altogether satisfactory, owing to the difficulty of obtaining the proper proportioning of materials and uniformity of mix. In general, satisfactory performance at low cost is obtained with this material only when a suitable natural mixture is available locally. Otherwise, costs of laboratory control and mechanical mixing will be prohibitively high. Surfaces of this type cannot generally be used when frozen ground is thawing.

(v) *Bituminous surfacing.* The use of bituminous materials for surfacing playground areas has extended rapidly during the last few years, especially on small intensively used areas, for the following reasons: they can be played upon throughout the year; they can be used immediately after rain; maintenance expense is low; cracks or depressions may be easily patched or repaired; they can be played on with any kind of shoes; they afford an even surface; they permit faster and more accurate play than other surfaces; permanent lines marking boundaries of game areas may be painted on them. Bituminous surfaces have proven most satisfactory for play areas in housing projects, and have been increasingly used by local parks and playground departments. Formulae and methods of laying vary widely from city to city with type of labor and supervision available, type of materials available locally, and type and proximity of mixing plants. Many cities use patented mixes and products which are available locally. Several have experimented to develop a bituminous surface which is both resilient and durable, but no material has yet been found which has these characteristics and which can be produced at a reasonable cost without highly skilled labor or supervision. The basic requirement of bituminous surfacing for play areas is a dense, fine-grained, and smooth topping which is impervious and will not tend to scuff or ravel, and which will minimize injury from falls. A firm base is needed for all bituminous surfaces. Thorough compaction of base and topping is essential. The material should not be used on very small or irregularly shaped areas on which effective power rolling is impracticable. To increase resiliency, sawdust topping and cork-asphalt mixtures have been used experimentally. It is believed that cork-asphalt mixtures offer the more practical possibilities for application in housing projects. City authorities should be consulted in formulating a specification for bituminous surfacing. It is important to specify work which is adapted to local materials, and is similar to surfaces which contractors in the locality are accustomed to laying. Rigid inspection is essential.

(vi) *Abandoned street pavements.* The use for playground purposes of the existing pavements on vacated streets sometimes appears to offer a means of effecting a saving in project cost. However, if the pavements require resurfacing to eliminate gutters and crown, or if drainage arrangements must be altered materially, the saving becomes almost negligible. Only in exceptional cases is this an advantageous method of providing surfaced recreation area.

(vii) *Surfacing under apparatus.* Special provision for surfacing is required under and around certain types of apparatus in order to avoid and reduce injury. It is advisable to provide a soft landing pit at the foot of slides. The materials best suited for such use are tanbark, sawdust, shavings, and sand, alone or in combination, or light loam spaded and raked frequently.

(f) *Surfacing play lots.* A combination of surfaces is desirable for small play areas where several distinct types of play are carried on and the entire area is subjected to intensive use. The natural earth surface warrants consideration for some uses. While objectionable in obvious respects, this surface possesses the important advantages of low cost and of comfort to the users. It may consist of the same material which is placed in the subgrade, compacted and well graded for drainage. Wherever feasible, a bituminous or other hard-surfaced area should

be provided, in conjunction with the "soft" areas, for play with wheel-toys and use after rain. A concrete walk surrounding the play area may be useful for wheel-toy activity and should be wide enough to permit two wheel-toys to pass.

(g) *Surfacing sitting-out areas.* For minor walks (used only by one or two families) and for sitting-out areas, the variety of materials which may be used is governed only by the ingenuity of the designer and local cost factors. Often, as a result of specific local conditions, a particular material, such as brick, some form of random paving, or granite block, may be economically feasible. Brick paving may be used for the sitting areas where costs will permit. Often brick salvaged from demolition on the site may be used for this purpose. The brick should be laid on a light concrete base. Various kinds of stone, flags, or concrete block, either precast or cast on the site, may be used. As an illustration of economical use of materials at hand, in a large eastern city, the parks department and some of the housing projects have used granite block paving salvaged from old streets which were torn up. When this supply was exhausted, the parks department experimented with various types of precast concrete tile and developed an inexpensive tile which permits grass to grow up at random through the joints. Where precast tiles are used, they should be 2 inches thick and bedded on a cushion of sand approximately 4 inches thick. Tile may be of any desired shape, and may be conveniently cast at the site. It will often be found that flagstones are more economical than precast concrete tile, depending on proximity of the site to the sources of supply. For stepping stones cast in place an economical practice is to excavate to a depth of 6 to 7 inches and to the width and length of the desired stepping stone. In this excavation approximately 4 inches of sand may be spread for cushion, and sufficient concrete poured upon this to bring the wearing surface to within one-half inch of the finished grade of the surrounding plot. This will allow the surrounding soil to be compacted around the edges of the stone, and increase the solidity of the bed.*† [Par. III]

§ 635.4 *Planting and plant materials.*—(a) *Trees.* In most parts of the country trees should be few in number, since light and air are more valuable than shade in closely built housing groups. A few thriving trees make a better appearance than many which are badly conditioned. In some cases, however, a close row or clump of trees will be more effective and easier to protect and maintain than free-standing specimens. Most of the trees can be placed, either formally or informally, as part of the architectural composition, framing favored views, breaking unfavorable ones, dividing a long space into smaller ones, or producing an effect of closure at one side of a court.

(b) *Vines.* Most of the current housing construction is in brick and the buildings are simple in mass and detail. In no more pleasant way can the charm of green foliage be brought into a group of such buildings than by the free use of vines. Vines soften the line between ground and building, give variety to long walls, reduce glare, make buildings seem farther away, and help to separate the various planes that are thrown together in vistas through the project. An attractive effect is often produced by planting close-covering vines against the end walls of the buildings, with some vines also on the rear wall; this tends to concentrate attention on the facade of the building. Flowering vines, particularly the herbaceous kinds, give quick results in foliage and color and use little space. If fences are used, a liberal planting of vines near them is desirable.

(c) *Shrubs.* Planting plans for low-rent housing projects will usually include a smaller proportion of shrubs than is customary in private work. Shrubs are expensive to plant and to maintain during the first years. Later on they may need thinning or replacement. Shrubs should be planted, where possible, in places that are well protected from traffic: close to buildings, or fences, or on steep slopes. To mark lines or points, as to show the outline of a yard, single or widely placed shrubs can be used, but free-standing specimens ought rarely to be planted. When conditions are favorable, the use of local indigenous varieties is recommended. Shrubs should be planted as hedges very sparingly when this use will require careful trimming and maintenance by project labor. Species that make a satisfactory untrimmed hedge, or which can be kept in shape by an annual pruning, ought usually to be preferred. Many people enjoy caring for hedges, which are very often seen even in the poorest parts of many cities. Where local custom is favorable, hedges can be used, in part at least, to mark the boundaries of tenant yards.

(d) *Grass and ground covers.* In all low-rent housing projects, and particularly in high-density slum-clearance projects in northern cities, the land use must be so complete and intensive that lawns are both impractical and uneconomical. The larger open areas intended for community use must therefore be covered with some kind of pavement; small areas used to divide or delimit these larger areas, and land not suitably located for other use, should be planted with shrubs or with one of the spreading shrubby or herbaceous ground covers, preferably an evergreen species. Areas particularly well suited for ground-cover planting are steep slopes and those spaces, adjacent to buildings, which must be reserved from use in order to give living quarters privacy and quiet. A curb or fence or a row of shrubs will protect these beds from trespassers; the stronger covers and the thorny vines that are commonly used on slopes will need no protection.

(e) *Flowers.* The plant lists for the initial planting of a housing project may include few "flowers" in the common sense of the word, but after the project is well established it should be rich in annual and herbaceous plants, and the landscape plans must provide places for these. Flowers must therefore be considered for use in both project-maintained and tenant maintained space. It is feasible in most large projects to have one, two, or more flower beds. These should be favorably located, if possible, with regard to sun and atmospheric conditions, and should be visible to the maximum number of people. The size of beds and their number should be small. One small bed, constantly in bloom, is better than acres of so-called gardens full of rank weeds, bare spots, and cast-off cigarette packages. The bed itself is often best surrounded by a coping of concrete or of up-ended bricks, which serves to mark it off from the rest of the open area. The development of flower beds in tenant yards will depend, in large measure, on the policy and plan of the management for advising and assisting tenants in the care and beautification of the yards. This is a consideration for management, not for the planner. However, the core of good tenant-management relations may be just such joint effort toward a common objective. Similarly, flower beds in the project-maintained space may be cared for by groups of tenants. The beauty of a flower bed, or of a group of old trees, which may result from the work and interest of a group of tenants, may symbolize achievement of the basic purpose of the housing program. Community responsibility, pride in the housing project, and an appreciation of good municipal housekeeping can be developed in no better way.*† [Par. IV]

NATHAN STRAUS,
*Administrator.*

OCTOBER 17, 1939.

[F. R. Doc. 39-3908; Filed, October 23, 1939; 10:33 a. m.]

## TITLE 43—PUBLIC LANDS

### GENERAL LAND OFFICE

STOCK DRIVEWAY WITHDRAWAL No. 47, NEW MEXICO No. 5, REDUCED

*Correction*

The land description for Section 28 under "T. 21 S., R. 9 E.," in F. R. Doc. 39-3854 (filed, October 19, 1939, at 9:37 a. m.), appearing on Page 4307 of the FEDERAL REGISTER for Friday, October 20, 1939, should read "NE¼, NW¼SE¼;" instead of "NE¼, NW¼, SE¼;".



### BUREAU OF RECLAMATION

RESERVATION FOR DITCHRIDER'S QUARTERS, GRAND VALLEY RECLAMATION PROJECT, COLORADO

OCTOBER 6, 1939.

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described land, now withdrawn under the second and first forms of withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat. 388) by Departmental orders of July 2, and August 26, 1902 and July 27, 1908, be designated as a Government Reserve and set aside for use as a Ditchrider's quarters.

GRAND VALLEY PROJECT, COLORADO

*Ute Meridian*

T. 2 N., R. 2 W., Sec. 22, S½SW¼SW¼NW¼

Respectfully,

JOHN C. PAGE,
*Commissioner.*

The land described is hereby designated and set aside as recommended and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN W. FINCH,
*Acting Assistant Secretary.*

OCTOBER 13, 1939.

[F. R. Doc. 39-3897; Filed, October 21, 1939; 9:22 a. m.]

## TITLE 50—WILDLIFE

### BUREAU OF BIOLOGICAL SURVEY

PART 21—INDIVIDUAL NATIONAL WILDLIFE REFUGES

PACIFIC REGION

§ 21.913 *Order permitting and regulating hunting of certain game birds within the Tule Lake Wildlife Refuge, California.* Pursuant to section 84 of the act of March 4, 1909, 35 Stat. 1088, as amended by the act of April 15, 1924, 43 Stat. 98, section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), and to the President's Reorganization Plan No. II, promulgated May 9, 1939, in accordance with the Reorganization Act of 1939 (Public No. 19, 76th Congress), and in extension of regulation 9 of the regulations of November 23, 1937,[1] for the administration of national wildlife refuges under the jurisdiction of the Bureau of Biological Survey, it is hereby ordered, that until further notice migratory waterfowl (except those species for which no open season is prescribed by the Migratory Bird Treaty Act Regulations), coots, and Chinese pheasants may be taken within the areas of Tule Lake Wildlife Refuge, California, hereinafter described and hereby designated "shooting areas," when, in manner, by means, and to the extent not prohibited either by Federal or State law or regulation, and under the following special provisions, conditions, restrictions, and requirements:

§ 21.913 (a) *Shooting areas.* Those areas within the refuge described as follows:

*Area No. 1.* Beginning at the southwest corner of sec. 31 T. 47 N., R. 4 E., Mount Diablo Meridian.

Thence between Tps. 47 N., Rs. 3 and 4 E.,

Northerly with west boundary of secs. 31, 30, 19, 18, and 7, T. 47 N., R. 4 E., to the northwest corner of lot 4, sec. 7, T. 47 N., R. 4 E.;

Thence in T. 47 N., R. 4 E.,

Easterly to the northeast corner of said lot 4, sec. 7;

Southerly with the east boundaries of lot 4, sec. 7, and lots 1 and 2, sec. 18, to the southeast corner of lot 2, sec. 18;

Easterly to the one-quarter corner between secs. 17 and 18;

Northerly to the northwest corner of sec. 17;

Westerly to a point 200 feet west of the outer toe of the Tule Lake Dike;

Southerly in secs. 17, 20, 29, and 32 with a line parallel with, and 200 feet distant from, the outer toe of the said dike, to a point 200 feet south of the outer toe;

Easterly in secs. 32, 33, and 34 with a line parallel with, and 200 feet distant from, the outer toe of the said dike, to a point 200 feet west of the outer toe;

Southerly in sec. 34 with a line parallel with, and 200 feet distant from, the outer toe of the said dike, to the line between T. 46 N., R. 4 E., and T. 47 N., R. 4 E.;

Thence in T. 46 N., R. 4 E.,

Southerly in sec. 3 with a line parallel with, and 200 feet distant from the outer toe of the Tule Lake Dike, to a point 200 feet south of the outer toe;

Easterly to the line between secs. 2 and 3;

Southerly between secs. 2 and 3 to the southwest corner of sec. 3;

Easterly between secs. 2 and 10 to the northeast corner of sec. 10;

Southerly between secs. 10 and 11, and 14 and 15, to the north boundary of the Lava Beds National Monument;

Westerly with the north boundary of the Lava Beds National Monument, in secs. 15, 16, 15, 10, 9, 16, 21, 20, 17, and 18, to the one-quarter corner common to sec. 13, T. 46 N., R. 3 E., and sec. 18, T. 46 N., R. 4 E.;

Thence between Tps. 46 N., Rs. 3 and 4 E.,

Northerly with the west boundary of secs. 18, 7 and 6 to the northeast corner of T. 46 N., R. 3 E.;

Thence with the south boundary of T. 47 N., R. 3 E.,

Easterly to the southeast corner of said township;

Thence with the east boundary of T. 47 N., R. 3 E.,

Northerly to the place of beginning.

*Area No. 2.* Beginning at the corner common to secs. 22, 23, 26, and 27, T. 47 N., R. 4 E.,

Thence,

Easterly between secs. 23 and 26, and 24 and 25, to a point 10 feet east of the outer toe of the Tule Lake dike;

Northerly in sec. 24 with a line parallel with, and 10 feet east of, said dike, to the center line of sec. 24;

Easterly in sec. 24 to the one-quarter corner common to sec. 24, T. 47 N., R. 4 E., and sec. 19, T. 47 N., R. 5 E.;

Thence in T. 47 N., R. 5 E.,

Easterly in secs. 19 and 20 to a point 200 feet southwest of the outer toe of the Tule Lake Dike;

Southeasterly in sec. 20, with a line parallel with, and 200 feet distant from, the toe of the said dike, to the west right-of-way boundary of the Great Northern Railroad;

Southerly in secs. 20, 29, 32, and 33 with the west right-of-way boundary of the Great Northern Railroad to the intersection with the line between T. 47 N., R. 5 E., and T. 46 N., R. 5 E.;

Thence in T. 46 N., R. 5 E.,

Southeasterly in sec. 4, with the west right-of-way boundary of the Great Northern Railroad to the east-west center line;

Westerly in sec. 4 to a point 10 feet north of the toe of the dike;

Westerly in secs. 5 and 6, with a line parallel with, and 10 feet distant from, said dike, to the line between T. 46 N., R. 5 E., and T. 46 N., R. 4 E.;

Thence in T. 46 N., R. 4 E.,

Westerly in secs. 1 and 2 with a line parallel with, and 10 feet distant from, said dike, to a point 10 feet east of the toe of the dike;

Northerly in sec. 2 with a line parallel with, and 10 feet distant from, said dike, to the line between T. 46 N., R. 4 E., and T. 47 N., R. 4 E.;

Thence in T. 47 N., R. 4 E.,

Northerly in sec. 35 with a line parallel with, and 10 feet distant from, said dike, to a point in the line between secs. 34 and 35;

Northerly between secs. 34 and 35, and 26 and 27, to the place of beginning.

§ 21.913 (b) *Entry upon refuge—firearms.* No person may enter the refuge for the purpose of hunting in accordance with this order except under permit from the officer in charge thereof, and the having or carrying of firearms on the refuge without permit from the officer in charge, except on highways, thoroughfares, and shooting areas, or routes of travel to and from such areas designated by such officer, or when appropriate to the object for which any

[1] 2 F.R. 2638 (2952 DI).

special permit may have been issued, will not be permitted. Persons entering or crossing the refuge for the purpose of hunting, as permitted by this order, shall use such established routes of travel and shall not otherwise enter upon the refuge. The carrying or being in possession of rifled firearms or the use of single ball or slug load shotgun shells on the refuge is prohibited.

§ 21.913 (c) *Registration of hunters.* Each person to whom has been issued a permit to hunt on the refuge shall register his name and address at an established checking station with the officer in charge, or his deputy, and shall produce for inspection his State hunting license, and if hunting migratory waterfowl, a properly validated Federal migratory bird hunting stamp. Before leaving the refuge, each such person shall report to the officer in charge, or his deputy, at the checking station through which he entered, the species and number of each species of migratory waterfowl and the number of coots and Chinese pheasants taken by him each day during the time spent on such shooting areas, and whenever requested by any officer shall exhibit all such birds in his possession for inspection.

§ 21.913 (d) *Disorderly conduct, intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

§ 21.913 (e) *Hunting dogs, horses.* Each person hunting on the public shooting grounds will be permitted to take his hunting dogs, not to exceed two in number, upon such areas for the purpose of retrieving dead or wounded birds, but such dogs shall not be permitted to run at large on the public shooting grounds or elsewhere on the refuge. Hunting from horseback will not be permitted and no mounted hunter will be allowed to enter the public shooting grounds.

The Order of the Acting Secretary of Agriculture of October 14, 1938,[3] permitting hunting on certain areas within the refuge is hereby revoked.

Approved, October 19, 1939.

E. K. BURLEW,
*Acting Secretary of the Interior.*

[F. R. Doc. 39-3906; Filed, October 23, 1939; 9:21 a. m.]

[3] 3 F.R. 2500 DI.

## Notices

### DEPARTMENT OF STATE.

#### TRADE AGREEMENT NEGOTIATIONS WITH URUGUAY

*Public Notice*

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930," as extended by Public Resolution No. 10, approved March 1, 1937, and to Executive Order No. 6750, of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Uruguay.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such agreement should be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee concerning the manner and dates for the submission of briefs and applications, and the time set for public hearings.

[SEAL] CORDELL HULL,
*Secretary of State.*

OCTOBER 20, 1939.

### Committee for Reciprocity Information.

#### TRADE AGREEMENT NEGOTIATIONS WITH URUGUAY

PUBLIC NOTICE

Closing date for submission of briefs, November 18, 1939; closing date for application to be heard, November 18, 1939; public hearings open, December 5, 1939.

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, in regard to the negotiation of a trade agreement with the Government of Uruguay, notice of intention to negotiate which has been issued by the Secretary of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, November 18, 1939. Such communications should be addressed to "Chairman, Committee for Reciprocity Information, Old Land Office Building, Eighth and E Streets NW., Washington, D. C."

A public hearing will be held beginning at 10 a. m. on December 5, 1939, before the Committee for Reciprocity Information in the hearing room of the Tariff Commission in the Old Land Office Building, where supplemental oral statements will be heard.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 20th day of October 1939.

JOHN P. GREGG,
*Secretary.*

OCTOBER 20, 1939.

*List of Products on Which the United States Will Consider Granting Concessions to Uruguay*

NOTE: The rates of duty or tax indicated are those now applicable to products of Uruguay.

For the purpose of facilitating identification of the articles listed, reference is made in the list to the paragraph numbers of the tariff schedules in the Tariff Act of 1930, or, as the case may be, to the appropriate sections of the Internal Revenue Code. The descriptive phraseology is, however, in many cases limited to a narrower field than that covered by the numbered tariff paragraph or section in the Internal Revenue Code. In such cases only the articles covered by the descriptive phraseology of the list will come under consideration for the granting of concessions.

In the event that articles which are at present regarded as classifiable under the descriptions included in the list are excluded therefrom by judicial decision or otherwise prior to the conclusion of the agreement, the list will nevertheless be considered as including such articles.

| United States Tariff Act of 1930, paragraph | Description of article | Present rate of duty |
|---|---|---|
| 53 | Oils, vegetable: Linseed or flaxseed, and combinations and mixtures in chief value of such oil. | 4½¢ per lb. |
| 701 | Tallow | ½¢ per lb. (plus 3¢ per lb. under sec. 2491 (a) of the Internal Revenue Code; see below). |
| 701 | Oleo stearin | 1¢ per lb. (plus 3¢ per lb. under sec. 2491 (c) of the Internal Revenue Code; see below). |
| 705 | Extract of meat, including fluid. | 15¢ per lb. [1] |
| 706 | Beef and veal, pickled or cured, not packed in airtight containers, not specially provided for. | 6¢ per lb. but not less than 20% ad valorem. |
| 706 | Beef and veal, prepared or preserved, packed in airtight containers, not specially provided for. | 6¢ per lb. but not less than 20% ad valorem. |
| 762 | Flaxseed | 65¢ per bu. of 56 lbs. |
| 1101 (a) | Wools: Donskoi, Smyrna, Cordova, Valparaiso, Ecuadorean, Syrian, Aleppo, Georgian, Turkestan, Arabian, Bagdad, Persian, Sistan, East Indian, Thibetan, Chinese, Manchurian, Mongolian, Egyptian, Sudan, Cyprus, Sardinian, Pyrenean, Oporto, Iceland, Scotch Blackface, Black Spanish, Kerry, Haslock, and Welsh Mountain; similar wools without merino or English blood; all other wools of whatever blood or origin not finer than 40s; all the foregoing— | |
| | In the grease or washed. | 24¢ per lb. of clean content. |
| | Scoured | 27¢ per lb. of clean content. |
| | On the skin | 22¢ per lb. of clean content. |
| | Sorted, or matchings, if not scoured. | 25¢ per lb. of clean content. |

[1] This rate was bound against increase pursuant to the trade agreement with the United Kingdom, effective January 1, 1939.



| United States Tariff Act of 1930, paragraph | Description of article | Present rate of duty |
|---|---|---|
| 1102 (a) | Wools, not specially provided for, not finer than 44s: | |
| | In the grease or washed. | 29¢ per lb. of clean content. |
| | Scoured | 32¢ per lb. of clean content. |
| | On the skin | 27¢ per lb. of clean content. |
| | Sorted, or matchings, if not scoured. | 30¢ per lb. of clean content. |
| 1530 (a) | Hides and skins of cattle of the bovine species (except hides and skins of the India water buffalo imported to be used in the manufacture of rawhide articles), raw or uncured, or dried, salted, or pickled. | 10% ad valorem. |
| 1603 | Agates, unmanufactured | Free. |
| 1625 | Blood, dried, not specially provided for. | Free. |
| 1627 | Bones: Crude, steamed, or ground; bone dust, bone meal, and bone ash; and animal carbon suitable only for fertilizing purposes. | Free. |
| 1685 | Tankage of a grade used chiefly for fertilizers, or chiefly as an ingredient in the manufacture of fertilizers. | Free. |
| 1755 | Sausage casings, weasands, intestines, bladders, tendons, and integuments, all the foregoing not of sheep, lambs, or goats, and not specially provided for. | Free. |
| 1780 | Tankage, unfit for human consumption. | Free. |

| Internal Revenue Code section | Description of article | Present rate of import tax |
|---|---|---|
| 2491 (a) | Tallow | ¾¢ per lb. (in addition to tariff duty). |
| 2491 (c) | Oleo stearin | 3¢ per lb. (in addition to tariff duty). |

[2] Duty-free status of nitrogeneous materials used chiefly for fertilizers or chiefly as an ingredient in the manufacture of fertilizers bound pursuant to the trade agreement with the United Kingdom effective January 1, 1939.

[F. R. Doc. 39-3907; Filed, October 23, 1939; 9:21 a. m.]

### DEPARTMENT OF AGRICULTURE.

#### Food and Drug Administration.

REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER RELATIVE TO QUALITY OF CANNED APRICOTS

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR EACH OF THE FOODS COMMONLY KNOWN AS CANNED PEACHES, CANNED APRICOTS, CANNED PEARS, AND CANNED CHERRIES

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1143 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 10, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue NW., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for each of the foods commonly known as canned peaches, canned apricots, canned pears, and canned cherries. The notice contained a proposal, in general terms, for defining and so standardizing each of such foods. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches.

3. In pursuance of such announcement, a hearing was held for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches, and the hearing was continued with reference to the other proposals, to dates subsequently to be announced.

4. On April 15, 1939, at 9:00 a. m., the hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable standard of quality and specifying the form and manner of label statement of substandard quality for the food commonly known as canned apricots was convened, and was concluded at 12:15 p. m., on the same date. All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and argument.

5. Within the time announced at the hearing within which interested persons might file written argument, proposed findings of fact, or both, various interested persons filed proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing, which, if granted, would modify the proposal contained in the FEDERAL REGISTER.

6. There was controversy with reference to (a) trimming, (b) breakage tolerance, (c) substandard label statements.

7. Testimony was introduced tracing the development of standards with reference to the McNary-Mapes Amendment to the Food and Drugs Act of 1906, passed in 1930, and the formulation of a standard of quality under that amendment.

Under the regulation promulgated in 1931, under the McNary-Mapes Amendment to the Food and Drugs Act of 1906, the standard of quality for canned apricots read as follows:

"Canned apricots are the normally flavored and normally colored canned food consisting of (1) the normal and uniform sized, tender, unpeeled, mature, unblemished, pitted, unbroken halves of the fruit of the apricot tree, and (2) sugar solution. The weight of the fruit in the container is not less than three-fifths the weight of water which the sealed container will hold at 68 degrees F., except that when necessary to prevent crushing of the fruit, a tolerance not exceeding the weight of three average pieces is allowed. The liquid portion of the finished product reads not less than 16 degrees Brix (read at the proper temperature for the instrument used.)"

In 1932, the standard of quality and condition for canned apricots was promulgated and the requirement for tender units was raised from 80 percent to 90 percent, and that is the requirement of the present McNary-Mapes standard for canned apricots. This was raised to 90 percent because the examination of thousands of cans of apricots showed that 20 percent of hard pieces did not occur in standard apricots; that such liberal tolerance was not needed under commercial conditions. The method for tenderness does not differ from that pro-

posed in Government's Exhibit No. 1, section 27.011, subsection (b), except that in the proposal there is a more detailed description of the method. The present proposal suggests that there be no tolerance for units not tender. From the evidence adduced, it would seem that from observation of samples of the product now on the market and of the product which has been on the market for many years that no tolerance for units not tender is needed by the canner. Therefore, it was the opinion of various witnesses that in the interest of the consumer quality standards should require that all units be tender.

The minimum size requirement under the McNary-Mapes Amendment originally was that units of ⅞ ounce or larger are considered of normal size. With this exception,

"Canned apricots which fail to meet the above standard only in that they consist of unpeeled whole apricots need not bear the low quality legend, if labeled 'whole apricots,' even though the units may fail to meet the requirements for normal size.

"Canned apricots which fail to meet the above standard only in that they consist of uniformly sliced peeled apricots, need not bear the low quality legend if labeled 'sliced peeled apricots.' In such cases, the requirement of 'not less than ⅞ of an ounce in weight' shall be changed to 'not less than 1/20 of an ounce for each unit.'"

this requirement was not changed.

The present proposal suggested that there be no requirement for size of whole apricots or slices; that the minimum size for halves be ⅖ ounce, and for quarters, ⅕ ounce. This proposal was based on the data gathered by Government witnesses as to what the existent facts were.

The requirement for uniformity of size under the McNary-Mapes standard, promulgated in 1931, reads as follows:

"The unit shall be considered uniform in size if the transverse diameter of any unit does not vary more than 12½ percent from the corresponding average diameter of the pieces of fruit in the container."

The provision was changed on two occasions. In 1932, the standard was amended so that the requirement was based on weight rather than on diameter, the definition being:

"The unit shall be considered uniform in size if the weight of the piece of largest size in the can shall be not more than 80 percent in excess of the weight of the smallest piece in the can."

The second change occurred in 1937, the definition reading as follows:

"The units are uniform in size, if the weight of the piece of largest size in the can be not more than twice the weight of the smallest piece in the can."

This is the requirement now in effect. The proposal submitted at the hearing was that this factor of uniformity of size be limited to whole apricots, halves, and quarters.

The original requirement for freedom from blemishes under the McNary-Mapes standard, promulgated in 1931, was as follows:

"The fruit shall be considered unblemished if 80 per cent or more of the pieces in the container are free from scabs, bruises, frostbites, sunburn, hail injury, green or brown colorations or other unsightly blemishes, and no piece shows blemishes in excess of 10 per cent of its convex area."

In the amended standard in 1932, the clause, "no piece shows blemishes in excess of 10 per cent of its convex area", was eliminated. Examination of many samples of apricots on the market, as well as study of conditions in canning apricots, showed, according to the testimony, that large blemishes could be easily removed, and, therefore, in the opinion of witnesses, this last clause was found unnecessary. There is no substantial difference in that requirement with reference to blemishes, as amended, from the proposal submitted at this hearing, although certain blemishes are grouped under broader classifications.

The requirement for normal contour or shape in the McNary-Mapes standard is essentially the same as the proposal submitted as a basis for receiving evidence in this hearing. The definition under the McNary-Mapes standard was as follows:

"The fruit shall be considered as unbroken halves when 80 per cent or more of the units are unbroken and not excessively trimmed. Excessive trimming is defined as that amount which destroys the normal shape of the half."

That requirement was not changed insofar as it refers to the normal contour or shape of the fruit, but it does differ from the suggestion with reference to untrimmed units contained in the proposal for this hearing. In the proposal, the requirement for untrimmed units refers to whole apricots, halves, and quarters. It is suggested that there be no tolerance for trimmed units since such units are easily removed and packed separately by the canner, and consultations with consumers have shown the presence of even one unit so trimmed as to destroy its normal contour or shape to be very objectionable.

The requirement for broken units, as defined in the original standard, reads as follows:

"The fruit shall be considered as unbroken halves when 80 per cent or more of the units are unbroken and not excessively trimmed."

The requirement was changed in 1932 by raising the requirement to 90 percent and adding the clause:

"The fruit shall be considered as unbroken halves when 90 per cent or more of the units are unbroken and not excessively trimmed, except that the presence of one broken unit against the cover which may have been broken by the operation of closing the can shall be disregarded."

This requirement is substantially the same as in the present proposal, although worded in a slightly different form. The tolerance for broken units is 5 percent in a container of 20 or more units, with not more than 1 unit in a container of less than 20 units, to be crushed or broken. It would seem necessary to have a slightly larger tolerance in the case of large units because in larger containers more than one unit may easily be crushed when the lid is applied.

In the McNary-Mapes Amendment, certain other factors of quality were included which are not included in the present proposal, namely, that the fruit be normally colored and normally flavored. The McNary-Mapes standard also required a minimum weight of fruit in the container. These considerations are not factors of quality. The weight of the fruit in the container is a factor of fill of container rather than a factor of quality, and, in 1932, it was dropped from the McNary-Mapes standard of quality.

An objective test for determining tenderness was described.

Evidence on the part of the industries recommended (1) that the words "normal contour" be changed to read "normal shape", (2) that the breakage tolerance be changed to read as follows:

"except in the case of mixed pieces, of irregular sizes and shapes, not more than 10 percent of the units in a container of ten or more units, and not more than one unit in a container of less than ten units is crushed or broken (a unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken); but if more than 20 per cent of such units are crushed or broken, such canned apricots shall be considered to be mixed pieces of irregular sizes and shapes, subject to the labeling requirement specified therefor in Section 27.010 (b)",

(3) that a new subparagraph (7) be added, reading as follows:

"If syrup is added, the syrup solution shall be of sufficient strength so that the liquid portion of the finished product reads not less than 16 degrees Brix",

(4) that the words "irregular pieces" should be substituted for "mixed sizes", (5) that a provision should be added following subsection (d) in the form of a new subsection (e), to read as follows:

"If canned apricots meet the standard prescribed in subsection (a), in all respects except that they do not conform to subparagraph (3), the label need not bear the statement 'Below Standard in Quality' nor the alternative statement prescribed in subsection (d) but shall bear in addition to the statements required in 27.010 (b) the statement 'Ungraded for Size'. If canned apricots meet the standard prescribed in subsection (a) in all respects except that they are canned in water, the label need not bear the statement 'Below Standard in Quality' nor the alternative statement prescribed in subsection (d), but shall bear in addition to the statements required in 27.010 (b) the statement 'In Water.' If canned apricots meet the standard prescribed in subsection (a) in all respects except that they are canned in juice, the label need not bear the statement 'Below Standard in Quality' nor the alternative statement prescribed in subsection (d), but shall bear in addition to the statements required in 27.010 (b) the statement 'In Juice.'"



8. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.

*Suggested Findings*

1. Factors which go to make up quality in canned apricots are tenderness of the apricot ingredient; size of units in the cases of apricot halves and quarters; uniformity of size of units in the cases of whole apricots, halves, and quarters; freedom from blemishes; the shape of the units in the cases of whole apricots, halves, and quarters; and freedom from crushed or broken units. (R. pp. 21–22, 62–63)

2. In canned apricots, the biting or chewing characteristic of the apricot is an index of the quality factor, tenderness. This factor involves the maturity of the apricot and the extent to which it has been cooked. (R. p. 25)

3. Tenderness can be measured objectively by the following method:

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 5/16 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness. (R. pp. 34–36, 63)

4. Canned apricots which are of standard quality, as now on the market, do not contain units not tender. (R. p. 25)

5. The foregoing method outlined in Finding No. 3 is directly correlated with the consensus of consumer opinion of what constitutes tenderness in canned apricots. (R. pp. 37–38)

6. Size of units, as measured by the weight of the unit, is not a factor of quality in canned apricots except in the cases of halves and quarters. (R. pp. 39, 63–64)

7. Canned apricots which are of standard quality have a minimum size for halves and quarters at the present time. (R. pp. 39–40, 63–64) Halves and quarters smaller than such minimum size are commonly packed as substandard apricots at the present time. (R. pp. 39–40)

8. Halves and quarters have a minimum size of ⅖ ounce and ⅕ ounce, respectively. (R. pp. 40, 63–64) These minima are less than the minima adopted by the packers of 99 percent of the canned apricots produced in the United States. (R. pp. 40–41, 63–64)

9. Such weights are determinable as follows: The unit is placed on a screen and the liquid is allowed to drain therefrom for two minutes. The unit is then weighed. (R. pp. 41, 63–64)

10. The smallest and largest apricots are canned whole and each makes a product of high quality. (R. pp. 39, 63–64)

11. Uniformity of size of units is not a factor of quality in canned apricots unless the apricots are whole, halves, or quarters. (R. pp. 41, 64) Uniformity of size of units cannot be controlled under good commercial practice in the case of slices. (R. pp. 41, 64) Discrepancies in size are not objectionable to consumers when the units are small, such as slices. (R. pp. 41, 64) Uniformity of size is obviously not a factor in the quality of the product when the units are mixed pieces of irregular size. (R. pp. 41, 64)

12. Uniformity of size of units in the cases of whole, halves, or quarters is necessary in order to prevent variant numbers of units in servings of desserts and salads on the same table. (R. pp. 41–42, 64)

13. Freedom from blemishes such as scab, hail injury, discoloration, or other abnormalities is a factor of quality in canned apricots. (R. pp. 43, 64, 105–106, 114–116)

14. Such units are of reasonable uniformity of size if the weight of the largest unit is not more than twice the weight of the smallest unit in the container. (R. pp. 42, 64)

15. A tolerance for blemishes is necessary because of small blemishes not apparent in hand sorting as carried out under good commercial practice. (R pp. 43–44, 64) 20 percent of blemished units is a reasonable tolerance. (R. pp. 43–44, 64)

16. Normal contour or shape of the apricot ingredient is a factor of quality in canned apricots if the units are whole, halves, or quarters. (R. pp. 44, 64, 93) Mixed pieces of irregular shapes obviously have no normal shape or contour. (R. pp. 44, 64)

17. When the units are trimmed, normal shape can be preserved. (R. pp. 44, 64) It is possible for the canner to meet this quality factor by discarding all units so trimmed that their normal shape is not preserved. (R. pp. 44–45, 64) Consumers uniformity object to unevenly trimmed units. (R. pp. 45, 64)

18. Freedom from crushed or broken units is a factor of quality in canned apricots. (R. pp. 45, 64) A crushed unit is a unit pressed so as to destroy its normal shape. A broken unit is a unit separated into two or more parts. (R. pp. 45–46, 64) Crushed and broken units are not deliberately packed as canned apricots which are of standard quality at the present time. (R. pp. 46, 64, 111) The concussion resulting from the application of the lid to the can at high speeds under great pressure sometimes breaks or crushes the topmost unit of well-filled containers in good commercial practice. (R. pp. 46–47, 64, 112) For this reason, a tolerance for crushed and broken units is necessary, and a tolerance of 5 percent for containers of more than 20 units or of 1 unit for containers of less than 20 units is reasonable. (R. pp. 46–47, 64, 109–112)

19. A canner employing good commercial practice can meet each of the foregoing factors of quality in canned

apricots without difficulty. (R. pp. 47–48, 64–65)

20. Each factor of quality takes into consideration and makes due allowance for the differing characteristics of the several varieties of apricots. Some varieties can meet the various factors more easily than others, but all varieties can meet the foregoing factors of quality without difficulty under good commercial practice. (R. pp. 48–49, 65)

21. Each of the factors hereinbefore referred to has been in effect since 1931 in the standards of quality for canned apricots promulgated pursuant to the McNary-Mapes Amendment to the Food and Drugs Act of 1906. (R. pp. 20, 21, 22–23)

22. There has been no substantial change in the provision with respect to tenderness since the promulgation of such original standard in 1931, except that the tolerance for units not tender was reduced from 20 percent to 10 percent in 1932. (R. pp. 23–24)

23. There is no substantial difference between the measure of tenderness as referred to herein and the present McNary-Mapes standard except that the tolerance of 10 percent of units not tender is eliminated. (R. pp. 24–25) Elimination of such tolerance is justified because samples of canned apricots which are of standard quality as now on the market have shown no units to be present that are not tender. (R. p. 25)

24. The objective method of determining tenderness has been the same throughout the history of such standards promulgated under the McNary-Mapes Amendment and is an accurate and reliable method for determining tenderness. (R. p. 24)

25. There has been no change in the provisions of the standards promulgated under the McNary-Mapes Amendment for minimum size of units. (R. p. 26)

26. Small slices occur inadvertently, and it is impossible to eliminate them under good commercial practice. (R. pp. 39, 63–64) The smallest and largest apricots are canned whole and each makes a desirable product of high quality. (R. pp. 39, 63–64) ⅔ ounce and ⅛ ounce more truly represent the respective minimum sizes of normal sized halves and quarters than ⅜ ounce and 3/16 ounce. (R. pp. 26–27)

27. There have been no changes in the standards promulgated under the McNary-Mapes Amendment with respect to uniformity of size of units except that in 1932 such uniformity was placed upon a weight rather than upon a size basis, and except that in 1937 the degree of uniformity was reduced from a variation of 80 percent to 100 percent. (R. pp. 27–28)

28. No variation from the present McNary-Mapes Amendment with respect to uniformity is desirable, except that the factor of uniformity of size be limited to whole apricots, halves, and quarters. (R. p. 29)

29. The original standard of quality for canned apricots promulgated under the McNary-Mapes Amendment has not been changed with respect to the factor of freedom from blemishes except that in 1932 the clause, "no piece shows blemishes in excess of 10 per cent of its convex area", was eliminated. (R. pp. 29–30)

30. It is not desirable to change the present McNary-Mapes standard with respect to freedom from blemishes. (R. p. 30)

31. There have been no changes in the original requirement of the McNary-Mapes standards with respect to the normal shape of the apricot units. (R. p. 30)

32. No changes in the present McNary-Mapes standard are desirable except the elimination of the tolerance for excessively trimmed units. The elimination of the tolerance is reasonable because canners under good commercial practice can and do remove all excessively trimmed units prior to canning. Consumers object to the presence of even one unit so trimmed as to destroy its normal shape. (R. p. 31)

33. There have been no changes in the original McNary-Mapes standard with respect to broken units except that the tolerance was reduced in 1932 from 20 percent to 10 percent of broken units and a proviso added to permit of one crushed unit resulting from the application of the lid. (R. pp. 31–32)

34. All of the foregoing findings of fact are reasonable and will promote honesty and fair dealing in the interest of the consumer. (R. pp. 49, 50)

35. It is reasonable and it will promote honesty and fair dealing in the interest of the consumer to have a simple and understandable statement of substandard quality placed on the label. "Below Standard in Quality", qualified by an explanation wherein the product falls below standard in quality, is such a statement. (R. pp. 51–52, 73–74) If the apricots are not tender, the qualifying statement "Not Tender" furnishes an accurate explanation of the reason the product is below standard. Likewise, the qualifying statement "Small Halves", or "Small Quarters", if under minimum size; "Mixed Sizes", if not of uniform size; "Blemishes", if over the tolerance for blemishes; "Unevenly Trimmed", if trimmed to destroy normal shape; "Partly Crushed or Broken", if over the tolerance for crushed or broken units; respectively furnish accurate explanations of the reason the product is below standard. (R. pp. 51–52, 95)

36. It is reasonable and it will promote honesty and fair dealing in the interest of the consumer to have such statement immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Apricots", together with words and statements required or authorized to appear with such name by the definition and standard of identity for canned apricots. (R. p. 52)

37. Such label requirements for apricots of substandard quality would not be practicable under good commercial practices in instances such as where the product fell below the standard in several respects. (R. p. 53)

38. In such event, the statement "Below Standard in Quality Good Food—Not High Grade" would be reasonable, would be informative to the consumer, and would promote honesty and fair dealing in the interest of the consumer. (R. p. 53)

39. It is reasonable and it would promote honesty and fair dealing in the interest of the consumer to have such statement printed in two lines of Cheltenham bold condensed caps, the words "Below Standard in Quality" to constitute the first line, and the second to immediately follow. If the quantity of the contents of the container is less than 1 pound, such type of the first line should be 12-point, and the second, 8-point. If such quantity is 1 pound or more, such type of the first line should be 14-point, and of the second, 10-point. Such statement should be enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, should be on a strongly contrasting, uniform background, and should be so placed as to be easily seen when the name "Apricots" or any pictorial representation of an apricot is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase. (R. pp. 74–76)

40. The wording of this statement differs from the statement required under the present McNary-Mapes standard only in the elimination of the explanation "U. S.", and a substitution of "Below Standard in Quality" for "Below Standard." (R. p. 76) The explanation "U. S." on labels has been found to be misleading to consumers. (R. pp. 77–78) The foregoing findings for manner and form of the label statement differ from the present McNary-Mapes requirements with respect to the elimination of certain technical requirements. (R. pp. 75–76)

*Suggested Conclusion in the Form of a Regulation*

Upon the basis of the foregoing findings of fact, the following reasonable standard of quality and form and manner of label statement of substandard quality for the food commonly known as canned apricots is hereby suggested to be promulgated as a regulation:

§ 27.011 *Canned apricots—Quality; label statement of substandard quality.* (a) The standard of quality for canned apricots is as follows:

(1) All units tested in accordance with the method prescribed in subsection (b) are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than ⅔ ounce and ⅛ ounce respectively;

(3) In the cases of whole apricots, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discloration, or other abnormality;

(5) In the cases of whole apricots, halves, and quarters, all units are untrimmed, or are so trimmed as to preserve normal contour; and

(6) Except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units, and not more than one unit in a container of less than 20 units, is crushed or broken (a unit which has lost its normal contour because of ripeness, and which bears no mark of crushing, shall not be considered to be crushed or broken);

(b) Canned apricots shall be tested by the following method to determine whether or not they meet the requirements of clause (1) of subsection (a):

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 1/16 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned apricots falls below the standard prescribed by subsection (a), the label [unless it bears the statement specified in subsection (d)] shall bear the statement "Below Standard in Quality ------", the blank to be filled in with the word or words specified after the corresponding number of each clause of subsection (a) which such canned apricots fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves", or "Small Quarters", as the case may be; (3) "Mixed Sizes"; (4) "Blemished"; (5) "Unevenly Trimmed"; (6) "Partly Crushed or Broken". Such statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Apricots" and the words and statements required or authorized to appear with such name by section 27.010 (b).

(d) In lieu of the statement or statements specified in subsection (c), the label may bear the statement, "Below Standard in Quality Good Food—Not High Grade," printed in two lines of Cheltenham bold condensed caps. The words "Below Standard in Quality" shall constitute the first line, and the second line shall immediately follow. If the quantity of the contents of the container is less than one pound, the type of the first line shall be 12-point, and of the second, 8-point. If such quantity is one pound or more, the type of the first line shall be 14-point, and of the second 10-point. Such statement shall be enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, shall be on a strongly contrasting, uniform background, and shall be so placed as to be easily seen when the name "Apricots" or any pictorial representation of an apricot is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

*Time Within Which to File Objections*

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time, each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN McDILL FOX,
*Presiding Officer.*

OCTOBER 4, 1939.

[F. R. Doc. 39-3894; Filed, October 20, 1939; 2:54 p. m.]

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REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER RELATIVE TO FILL OF CONTAINER OF CANNED APRICOTS

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR EACH OF THE FOODS COMMONLY KNOWN AS CANNED PEACHES, CANNED APRICOTS, CANNED PEARS AND CANNED CHERRIES

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1143 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 10, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue NW., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for each of the foods commonly known as canned peaches, canned apricots, canned pears, and canned cherries. The notice contained a proposal, in general terms, for

defining and so standardizing each of such foods. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches.

3. In pursuance of such announcement, a hearing was held for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches, and the hearing was continued with reference to the other proposals, to dates subsequently to be announced.

4. On April 15, 1939, at 12:15 p. m., the hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable standard of fill of container and specifying the form and manner of label statement of substandard fill of container for the food commonly known as canned apricots was convened, and was concluded at 3 p. m., on the same day. All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and written argument.

5. Within the time announced at the hearing within which interested persons might file proposed findings of fact, written argument, or both, various interested persons filed proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing.

6. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing; the findings of fact herein contained as part of the order promulgating and making public such regulation.

*Suggested Findings*

1. The quantity of the optional apricot ingredient which can be placed in a container varies, depending upon the method of packing and upon the shape, size, degree of maturity, and specific gravity of the units of the optional apricot ingredient. (R. pp. 24, 25, 36–38)

2. With the exception of comparatively few slack filled cans, canned apricots as they appear on the market at the present time contain the maximum quantity of the optional apricot ingredient which, using reasonably good factory practice, can be placed and sealed in each can and processed by heat to prevent spoilage, without crushing or breaking the apricot units. (R. pp. 24, 26, 27, 36–38)

3. The maximum quantity of the optional apricot ingredient varies, depending on the size of the container, the method of packing, the form, size, firmness of units, the necessity for having sufficient liquid to insure proper processing, and other factors. (R. pp. 24, 25, 36–38)

4. The can should contain the greatest number of apricot units the canner can place therein and properly seal and process. (R. pp. 25, 26, 27, 36–38)

5. Knowing the form, shape, size, degree of maturity, and comparative specific gravity of the apricot units in any lot being canned, canners know the greatest amount of apricot units which can be placed in a can of any given size without damage, and canners employ inspectors to insure proper filling by packers. (R. pp. 25, 30, 31)

6. None of the various methods which have been studied for objective measurements of fill have shown any uniform correlation between the quantity of apricot units put in and the quantity of apricot units cut out. Assurance to the consumer of a can full of apricots can be obtained only by a requirement as to the quantity put in the container. (R. pp. 24, 38, 44, 51, 54–55)

7. It is necessary and desirable in the interest of the consumer that canned apricots falling below a standard of fill of container bear on the label a simple and understandable statement of that fact. "Below Standard in Fill" is such a statement. (R. p. 27)

8. If canned apricots fall below a standard of fill of container, it is necessary and desirable in the interest of the consumer that the label bear the statement "Below Standard in Fill", printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement should be in 12-point type; if such quantity is 1 pound or more, the statement should be in 14-point type. Such statement should be enclosed within lines not less than 6 points in width, forming a rectangle; but if the apricots also fall below the standard of quality for canned apricots and bear the label statement of substandard quality specified in the standard of quality for canned apricots, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, should be on a strongly contrasting, uniform background, and should be so placed as to be easily seen when the name "Apricots" or any pictorial representation of an apricot is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase. (R. pp. 27, 28)

9. The substandard statement now required by the regulations issued pursuant to the McNary-Mapes Amendment is "Below U. S. Standard" followed by "Slack Fill", in the case of excess head space; and by the statement "Contains Excessive Added Liquid", in the case of excessive packing medium. (R. p. 28) These statements are required to appear in substantially the same form as herein proposed. (R. p. 29)

10. The phrase "Below Standard", as proposed, differs from the present requirement "Below U. S. Standard". The term "U. S." on a food product has been found to imply to consumers that the product has been packed under the supervision of the U. S. Government. The phrase "In Fill", as proposed, differs from the present requirement of "Slack Fill" or "Contains Excessive Added Liquid". The standard herein proposed is based on a can filled to its maximum capacity with fruit. If adopted and met, the headspace will not be excessive, nor will there be excessive liquid present. If not met, the expression "Below Standard in Fill" is simpler and more understandable in describing a product which fails to meet a standard based on the amount of apricots present rather than on the amount of liquid and apricots or the quantity of liquid present. (R. pp. 29, 30)

*Suggested Conclusion in the Form of a Regulation*

Upon the basis of the forgoing findings of fact, the following reasonable standard of fill of container and the form and manner of label statement of substandard fill of container for the food commonly known as canned apricots is hereby suggested to be promulgated as a regulation:

§ 27.012 *Canned apricots—Fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned apricots is the maximum quantity of the optional apricot ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned apricots fall below the standard of fill of container prescribed in subsection (a), the label shall bear the statement "Below Standard in Fill", printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement shall be in 12-point type; if such quantity is 1 pound or more, the statement shall be in 14-point type. Such statement shall be enclosed within lines, not less than 6 points in width, forming a rectangle; but if the statement specified in Section 27.011 (d) is also used, both statement (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, shall be on a strongly contrasting, uniform background, and shall be so placed as to be easily seen when the name "Apricots" or any pictorial representation of an apricot is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

*Time Within Which to File Objections*

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time, each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN MCDILL FOX,
*Presiding Officer.*

OCTOBER 5, 1939.

[F. R. Doc. 39–3893; Filed, October 20, 1939; 2:53 p. m.]

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REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER RELATIVE TO FILL OF CONTAINER OF CANNED PEARS

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR EACH OF THE FOODS COMMONLY KNOWN AS CANNED PEACHES, CANNED APRICOTS, CANNED PEARS AND CANNED CHERRIES

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1143 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 10, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue NW., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for each of the foods commonly known as canned peaches, canned apricots, canned pears, and canned cherries. The notice contained a proposal, in general terms, for defining and so standardizing each of such foods. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches.

3. In pursuance of such announcement, a hearing was held for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches, and the hearing was continued with reference to the other proposals, to dates subsequently to be announced.

4. On April 17, 1939, at 11:45 a. m., the hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable standard of fill of container and specifying the form and manner of label statement of substandard fill of container for the food commonly known as canned pears was convened, and was concluded at 1:15 p. m., on the same day. All interested persons were notified, pursuant to the rules of procedure, of their opporunity to file proposed findings of fact and written argument.

5. Within the time announced at the hearing within which interested persons might file proposed findings of fact, written argument, or both, various interested persons filed proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing.

6. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.



*Suggested Findings*

1. The quantity of the optional pear ingredient which can be placed in a container varies, depending upon the method of packing and upon the shape, size, degree of maturity, and specific gravity of the units of the optional pear ingredient. (R. pp. 25, 39, 41)

2. With the exception of comparatively few slack filled cans, canned pears as they appear on the market at the present time contain the maximum quantity of the optional pear ingredient which, using reasonably good factory practice, can be placed and sealed in each can and processed by heat to prevent spoilage, without crushing or breaking the pear units. (R. pp. 25, 27, 39, 41)

3. The maximum quantity of the optional pear ingredient varies, depending on the size of the container, the method of packing, the form, size, firmness of units, the necessity for having sufficient liquid to insure proper processing, and other factors. (R. pp. 25, 39, 41)

4. The can should contain the greatest number of pear units the canner can place therein and properly seal and process. (R. pp. 25, 26, 39, 41)

5. Knowing the form, shape, size, degree of maturity and comparative specific gravity of the pear units in any lot being canned, canners know the greatest amount of pear units which can be placed in a can of any given size without damage, and canners employ inspectors to insure proper filling by packers. (R. p. 26)

6. None of the various methods which have been studied for objective measurements of fill have shown any uniform correlation between the quantity of pear units put in and the quantity of pear units cut out. Assurance to the consumer of a can full of pears can be obtained only by a requirement as to the quantity put in the container. (R. pp. 24, 25, 27, 30, 31, 32, 39, 40, 48–54, 56, 57, 64, 65)

7. It is necessary and desirable in the interest of the consumer that canned pears falling below a standard of fill of container bear on the label a simple and understandable statement of that fact. (R. pp. 27, 28) "Below Standard in Fill" is such a statement. (R. pp. 27, 28)

8. If canned pears fall below a standard of fill of container, it is necessary and desirable in the interest of the consumer that the label bear the statement "Below Standard in Fill", printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement should be in 12-point type; if such quantity is 1 pound or more, the statement should be in 14-point type. Such statement should be enclosed within lines not less than 6 points in width, forming a rectangle; but if the pears also fall below the standard of quality for canned pears and bear the label statement of substandard quality specified in the

standard of quality for canned pears, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, should be on a strongly contrasting, uniform background, and should be so placed as to be easily seen when the name "Pears" or any pictorial representation of a pear is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase. (R. pp. 28, 29)

9. The substandard statement now required by the regulations issued pursuant to the McNary-Mapes Amendment is "Below U. S. Standard" followed by "Slack Fill", in the case of excess head space; and by the statement "Contains Excessive Added Liquid", in the case of excessive packing medium. (R. p. 29) These statements are required to appear in substantially the same form as herein proposed. (R. p. 29)

10. The phrase "Below Standard", as proposed, differs from the present requirement "Below U. S. Standard". The ter "U. S." on a food product has been found to imply to consumers that the product has been packed under the supervision of the U. S. Government. The phrase "In Fill", as proposed, differs from the present requirement of "Slack Fill" or "Contains Excessive Added Liquid". The standard herein proposed is based on a can filled to its maximum capacity with fruit. If adopted and met, the headspace will not be excessive, nor will there be excessive liquid present. If not met, the expression "Below Standard in Fill" is simpler and more understandable in describing a product which fails to meet a standard based on the amount of pears present rather than on the amount of liquid and pears or the quantity of the liquid present. (R. pp. 29, 30)

*Suggested Conclusion in the Form of a Regulation*

Upon the basis of the foregoing findings of fact, the following reasonable standard of fill of container and the form and manner of label statement of substandard fill of container for the food commonly known as canned pears is hereby suggested to be promulgated as a regulation:

§ 27.022. *Canned pears—Fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned pears is the maximum quantity of the optional pear ingredient which can be sealed in a container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned pears fall below the standard of fill of container prescribed in subsection (a), the label shall bear the statement "Below Standard in Fill", printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement shall be in 12-point type; if such quantity is 1 pound or more, the statement shall be in 14-point type. Such statement shall be enclosed within lines, not less than 6 points in width, forming a rectangle; but if the statement specified by section 27.021 (d) is also used, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, shall be on a strongly contrasting, uniform background, and shall be so placed as to be easily seen when the name "Pears" or any pictorial representation of a pear is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

*Time Within Which To File Objections*

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time, each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN MCDILL FOX,
*Presiding Officer.*

OCTOBER 7, 1939.

[F. R. Doc. 39-3895; Filed, October 20, 1939; 2:54 p. m.]

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REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER RELATIVE TO QUALITY OF CANNED PEARS

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR EACH OF THE FOODS COMMONLY KNOWN AS CANNED PEACHES, CANNED APRICOTS, CANNED PEARS AND CANNED CHERRIES

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1143 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 10, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue N. W., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for each of the foods commonly known as canned peaches, canned apricots, canned pears, and canned cherries. The notice contained a proposal, in general terms, for defining and so standardizing each of such foods. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches.

3. In pursuance of such announcement, a hearing was held for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches, and the hearing was continued with reference to the other proposals, to dates subsequently to be announced.

4. On April 15, 1939, at 5:45 p. m., the hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable standard of quality and specifying the form and manner of label statement for the food commonly known as canned pears was convened, and was concluded at 11:45 a. m., on April 17, 1939. All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and argument.

5. Within the time announced at the hearing within which interested persons might file written argument, proposed findings of fact, or both, various interested persons filed proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing, which, if granted, would modify the proposal contained in the FEDERAL REGISTER.

6. There was controversy with respect to (a) the weight of the pear units in the cases of halves and quarters, (b) the amount of adhering peel in peeled canned pears, (c) label statements.

7. Testimony was introduced tracing the development of standards with reference to the McNary-Mapes Amendment to the Food and Drugs Act of 1906, passed in 1930, and the formulation of a standard of quality under that amendment.

Various factors which go to make up a quality standard were considered, together with objective measurements for determining such factors. These factors and objective measurements were made up after conferences with canners, with the trade, with consumers and with expert graders in all sections of the country. The factors which enter into the quality of canned pears differ somewhat, depending upon the form of the unit of the pear ingredient. Tenderness is a factor. The size of the unit is a factor if the units are halves or quarters. Uniformity of size of unit is a factor in the cases of whole pears, halves, and quarters. Absence of peel is a factor in peeled pears. Freedom from blemishes is a factor. The contour or shape of the units is a factor in the cases of whole pears, halves, and quarters, and relative freedom from crushed or broken units is a factor.

An objective test for determining the factor of tenderness, as set forth in the Government's proposal (Government's Exhibit No. 1, Sec. 27.021, subsection (b)), was described. No other objective test for this factor was offered.

It was testified that absence of peel is a factor of quality. Pieces of peel have an unsightly appearance on the white surface of peeled pears. All canners recognize this fact and will not intentionally pack pears bearing pieces of peel unless packing an unpeeled product. In the peeling of pears either by machinery or by hand, small areas of peel are sometimes left unremoved. Most of these can be and are readily sorted out and the peel removed by hand, but small areas of peel will occasionally escape notice in good commercial practice.

It was testified that pears may be blemished with scab, hail injury, discoloration, or other minor abnormalities such as bird pecks. Scab leaves a section of scar tissue on the pear which is hard and unsightly. Discoloration is usually the result of bruises, frost bite, or other undesirable conditions. In the opinion of many qualified witnesses, canned pears are, for practical canning purposes, relatively free from blemishes if not more than ⅓ of the units in the container are blemished. Pears are relatively large units and blemishes are not common so they can be readily sorted and trimmed to remove such blemishes. Even when a considerable proportion of the raw pears are blemished, many of the blemishes are very small. A tolerance of 20 percent would be sufficient, from the thousands of finished cans of pears examined, to make due allowance for such small and not too apparent blemishes.

It was testified that a tolerance of 10 percent of crushed or broken units would be reasonable. Many containers carry less than 10 units. In a container of less than 10 units, 1 crushed or broken unit is as close to absolute freedom as reasonably can be required. If, however, the number of crushed or broken units is 20 percent, or more, experience would indicate that either they must have been added as such or that the pears were canned by some method which crushed or broke more units than is usual in good commercial practice.

The changes in the standards of quality were traced since the first promulgation of quality standards under the McNary-Mapes Amendment. In 1931, a standard of quality for canned pears was promulgated, and the minimum standard requirement for tender units was raised in 1932 from 80 percent to 90 percent, which is the present standard for quality. The present proposal (Government's Exhibit No. 1) suggests the abolishment of tolerance for units not tender and requires all units to meet the test for tenderness.

The present proposal (Government's Exhibit No. 1) changes the requirements for sizes of whole pears or slices from the requirement set forth in the regulations promulgated under the McNary-Mapes Amendment to the minimum size of ⅛ ounce for halves and ⅜ ounce for quarters. The requirements for uniformity of size under the McNary-Mapes standard, promulgated in 1931, was changed on two occasions, once in 1932 so that the requirement was based on weight rather than on diameter, and the second change in 1937 providing that the units are uniform sized and limiting the weight of the piece the largest size in the can to not more than twice the weight of the smallest piece in the can. This requirement is now in effect and is the requirement set forth in the present proposal. (Government's Exhibit No. 1)

Under the McNary-Mapes standard, pears are considered unblemished if 80 percent of the pieces in the container are free from scab, bruises, gritty portions, raggedness, pink or brown colorations, or other unsightly blemishes. The term "raggedness" means a frayed condition of the edges. Canned pears of a type in which gritty portions are normally characteristic need not bear the low quality legend because of grittyness alone if labeled to show the particular type to which they belong. The present proposal (Government's Exhibit No. 1) suggests no essential changes except the elimination of raggedness and gritty portions as blemishes, since raggedness is natural to some varieties of canned pears and since no reliable objective test for measuring gritty portions is known.

The requirement with respect to untrimmed units which has been suggested in the proposal of the Government and by various witnesses differs from the previous requirements in that the present suggestion separates the two factors of quality, namely, excessively trimmed and broken units, and proposes that the tolerance for pieces trimmed so as to destroy their normal contour or shape be eliminated. This suggestion was made because trimmed units are easily removed and packed separately by the cannery. Consultations with consumers show the presence of even one unit so trimmed as to destroy its normal contour or shape to be very objectionable.

For the purposes of labeling, testimony was adduced that the expression "Below Standard in Quality" would best describe the condition of canned pears which fell below a standard of quality; that this phrase should be qualified, showing what respect pears fell below the standard, and that when the product fell below the standard in several respects, the statement "Below Standard in Quality Good Food—Not High Grade" was recommended.

It was testified that in the cases of slices, dice, and mixed pieces of irregular size, uniformity of size of units is not a factor of quality and that no minima should be set for these units as the variances in size are not objectionable to consumers.

The weight of the evidence adduced at the hearing was to the effect that the proposal that no peel be present in the standard canned pears was unreasonably stringent, but that the tolerance of one square inch of peel per pound of net contents, which is the present requirement under the McNary-Mapes Amendment, is reasonable and capable of being complied with in good commercial practice.

Representatives of the industry introduced substantial evidence that the proposed minimum size of halved and quartered pears, contained in Government's Exhibit No. 1, of four-fifths and two-fifths ounce, respectively, was too stringent and would throw many normal sized pears into the substandard classification.

The suggestion was made that pears not of uniform size be labeled as below standard in quality because they consisted of "irregular pieces" rather than because they consisted of "mixed sizes" as proposed. This suggestion was made in connection with the suggestion that pears ungraded for size may not be regarded as substandard in quality, but no substantial evidence in support of the contention was introduced. Government witnesses testified that uniformity of size is a factor of quality in canned

pears, and this testimony was not controverted. Such being the case, the product ungraded for size, if beyond the range of uniformity agreed upon as standard uniformity, would be inherently substandard and should bear the appropriate legend.

8. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.

*Suggested Findings*

1. Factors which go to make up quality in canned pears are tenderness of the pear ingredient; size of units in the cases of pear halves and quarters; uniformity of size of units in the cases of whole pears, halves, and quarters; absence of peel in all forms of the pear unit except in the case of unpeeled pears; freedom from blemishes; the shape of the units, in the cases of whole pears, halves, and quarters; freedom from crushed or broken units. (R. pp. 21–22, 62)

2. In canned pears, the biting or chewing characteristic of the pear is an index of the quality factor, tenderness. This factor involves the maturity of the pear and the extent to which it has been cooked. (R. pp. 22, 63)

3. Such tenderness is measurable objectively by the following method:

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 5/32 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness. (R. pp. 22–23, 63, Affidavit of Chester A. Ray)

4. It is not necessary to subject small units, such as dice, to an objective test. (R. pp. 23, 63)

5. The foregoing method outlined in Finding No. 3 is directly correlated with the consensus of consumer opinion of what constitutes tenderness in canned pears. (R. pp 26, 27, 63)

6. Minimum size of units is not a factor of quality in canned pears except in the cases of halves and quarters. (R. pp. 27, 28) The smallest and the largest pears are canned whole and each makes a product of high quality. (R. p. 28) It is impossible under good commercial practice to control minimum size in the cases of slices and dice, and consumers do not object to small units in these forms. (R. p. 28) Mixed pieces of irregular size obviously have no minimum size. (R. 28, 63)

7. Canned pears which are of standard quality have a minimum size for halves and quarters at the present time. (R. pp. 28, 29, 127–128, 135) Halves and quarters smaller than such minimum size are commonly packed as substandard pears at the present time. (R. pp. 28, 29, 63, 110, 135)

8. Halves and quarters have a minimum size of ⅜ ounce and 3/10 ounce, respectively. (R. pp. 29, 30, 31, 63, 68–69, 92–97, 110, 127–128, 129, 130, 135, Affidavit of Chester A. Ray) These minima are less than the minima adopted by the packers of most of the canned pears produced in the United States. (R. pp. 31, 63, 110, 135)

9. Such weights are determinable as follows: The unit is placed on a screen and the liquid is allowed to drain therefrom for two minutes. The unit is then weighed. (R. pp. 31, 63)

10. Uniformity of size of units is not a factor of quality in canned pears unless the units are whole, halves, or quarters. (R. pp. 31, 32, 63) Discrepancies in size are not objectionable to the consumers when the units are small, such as slices or dice. (R. pp. 31, 32, 63) Uniformity of size cannot be controlled under the best commercial practice in the cases of slices and dice. (R. pp. 31, 32, 63) Uniformity of size is obviously not a factor in the quality of the product when the units are mixed pieces of irregular size. (R. pp. 32, 63)

11. Uniformity of size of units in the cases of whole, halves, or quarters is necessary in order to prevent variant numbers of units in servings of desserts and salads on the same table. (R. pp. 32, 63)

12. Such units are of reasonable uniformity of size if the weight of the largest unit is not more than twice the weight of the smallest unit in the container. (R. pp. 32, 63, Affidavit of Chester A. Ray) Weights of such units are determined in the same manner as weights for minimum size of units. (R. pp. 33, 63)

13. Absence of peel is a factor of quality in canned pears except in the case of pears canned as unpeeled pears. (R. pp. 33, 63, 116–121, 123–127, 135)

14. Adhering peel ordinarily can be removed completely from the pear, but some peel is occasionally left in good commercial practice. (R. pp. 34, 63, 110–111, 116–121, 123–127, 135) 1 square inch of peel per pound of net contents is a reasonable maximum tolerance for peel present in the finished product. (R. pp. 34, 63, 110–111, 116–121, 123–127, 130–132, 135, Affidavit of Chester A. Ray)

15. Freedom from blemishes such as scab, hail injury, discoloration, or other abnormalities is a factor of quality in canned pears. (R. pp. 35, 63)

16. A tolerance for blemishes is necessary because of small blemishes not apparent in hand sorting as carried out under good commercial practice. (R. pp. 35, 63) 20 percent blemished units is a reasonable tolerance. (R. pp. 35, 63, Affidavit of Chester A. Ray)

17. Normal contour or shape of the pear unit is a factor of quality in canned pears if the units are whole, halves, or quarters. (R. pp. 35, 36, 64, 111, 121–123, 135)

18. When the units are trimmed, normal shape can be preserved. (R. pp. 36, 64) It is possible for the canner to meet this quality factor by discarding all units so trimmed that their normal shape is not preserved. (R. pp. 36, 37, 64, Affidavit of Chester A. Ray) Consumers uniformly object to unevenly trimmed units. (R. pp. 36, 37, 64)

19. Freedom from crushed or broken units is a factor of quality in canned pears. (R. pp. 21–22, 37–38, 64) A crushed unit is a unit pressed so as to destroy its normal shape. (R. pp. 37, 64, 97–98) A broken unit is a unit separated into two or more parts. (R. pp. 37, 64, 97–98) Crushed and broken units are not deliberately packed as canned pears which are of standard quality at the present time. (R. pp. 37, 38, 64) The concussion resulting from the application of the lid to the can at high speeds under great pressure sometimes breaks or crushes the topmost unit of well-filled containers in good commercial practice. (R. pp. 37, 38, 64) For this reason, a tolerance for crushed and broken units is necessary and a tolerance of 10 percent for containers of more than 10 units or of 1 unit for containers of less than 10 units is reasonable. (R. pp. 38, 64, Affidavit of Chester A. Ray)



20. A canner employing good commercial practice can meet each of the foregoing factors of quality in canned pears without difficulty. (R. pp. 39, 40, 64–65, Affidavit of Chester A. Ray)

21. Each factor of quality takes into consideration and makes due allowance for the differing characteristics of the several varieties of pears. Some varieties can meet the various factors more easily than others, but all varieties can meet the foregoing factors of quality without difficulty under good commercial practice. (R. pp. 40, 65–66)

22. Each of the factors hereinbefore referred to has been in effect since 1931 in the standards of quality for canned pears promulgated by the Secretary of Agriculture pursuant to the McNary-Mapes Amendment to the Food and Drugs Act of 1906. (R. pp. 40, 41)

23. There has been no substantial change in the provision with respect to tenderness since the promulgation of such original standard in 1931, except that the tolerance for units not tender was reduced from 20 percent to 10 percent. (R. pp. 43, 44)

24. There is no substantial difference between the measure of tenderness as referred to herein and the present McNary-Mapes standard except that the tolerance of 10 percent of units not tender is eliminated. (R. p. 44) Elimination of such tolerance is justified by present commercial practice. (R. pp. 44, 45)

25. The objective method of determining tenderness has been the same throughout the history of such standards promulgated under the McNary-Mapes Amendment and is an accurate and reliable method for determining tenderness. (R. pp. 26, 44)

26. There has been no change in the provisions of the standards promulgated under the McNary-Mapes Amendment for minimum size of units. (R. p. 45)

27. The measure of that factor as recommended differs from the present legal standard only in the elimination of a requirement for a minimum size for whole pears and slices, and in the reduction of the minimum size requirement of halves and quarters from ¾ and ⅜ ounce, respectively, to ⅜ and 3/10 ounce, respectively. (R. pp. 45, 46) Small slices occur inadvertently, and it is impossible to eliminate them under good commercial practice. (R. p. 28) Very small whole pears are a highly desirable quality product. (R. p. 28) ⅜ ounce and 3/10 ounce more truly represent the respective minimum sizes of normal sized halves and quarters than ¾ ounce and ⅜ ounce. (R. p. 46)

28. There have been no changes in the standards promulgated under the McNary-Mapes Amendment with respect to uniformity of size of units except that in 1932 such uniformity was placed upon a weight rather than upon a size basis, and except that in 1937 the degree of uniformity was reduced from a variation of 80 percent to 100 percent. (R. pp. 46, 47)

29. No variation from the present McNary-Mapes requirement with respect to uniformity is desirable. (R. p. 48)

30. There have been no changes from the original standard promulgated under the McNary-Mapes Amendment with respect to freedom from blemishes. (R. p. 48)

31. It is not desirable to change the present McNary-Mapes standard with respect to freedom from blemishes, except to eliminate raggedness and gritty portions as blemishes. (R. p. 49) Raggedness is a natural characteristic of some varieties of pears. (R. p. 49) Gritty portions cannot be measured objectively. (R. p. 49, Affidavit of Chester A. Ray)

32. There have been no changes in the original requirement of the McNary-Mapes standards with respect to the normal shape of the pear units. (R. p. 49)

33. It is desirable that the tolerance for units not of normal contour or shape provided for in the present regulations promulgated pursuant to the McNary-Mapes Amendment be eliminated. The elimination of such tolerance is reasonable because canners under good commercial practice can and do remove all excessively trimmed units prior to canning. (R. pp. 49, 50)

34. There have been no changes in the original McNary-Mapes standard with respect to broken units except that the tolerance was reduced from 20 percent to 10 percent of broken units and a proviso added to permit of one crushed unit resulting from the application of the lid. (R. pp. 50, 51)

35. No essential change in the present McNary-Mapes standard with respect to crushed or broken units is desirable. (R. p. 51)

36. There has been no essential change in the original McNary-Mapes standard with respect to absence of peel. (R. p. 52)

37. No change in the present McNary-Mapes requirement for absence of peel is desirable. (R. p. 52)

38. It is reasonable and it will promote honesty and fair dealing in the interest of the consumer to have a simple and understandable statement of substandard quality placed on the label. "Below Standard in Quality" qualified by an explanation wherein the product falls below standard in quality is such a statement. (R. pp. 56, 57, 99–101) If the pears are not tender, the qualifying statement "Not Tender" furnishes an accurate explanation of the reason the product is below standard. Likewise, the qualifying statement "Small Halves", or "Small Quarters", if under minimum size; "Mixed Sizes", if not of uniform size; "Not Well Peeled", if over the tolerance for peel; "Blemished", if over the tolerance for blemishes; "Unevenly Trimmed", if trimmed to destroy normal shape; "Partly Crushed or Broken", if over the tolerance for crushed or broken units; respectively furnish accurate explanations of the reason the product is below standard. (R. pp. 56, 57, 85, 87, 99–101)

39. It is reasonable and it will promote honesty and fair dealing in the interest of the consumer to have such statement immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Pears", together with words and statements required or authorized to appear with such name by the definition and standard of identity for canned pears. (R. pp. 57, 87)

40. Such label requirements for pears of substandard quality would not be practicable under good commercial practices in instances where the product fell below the standard in several respects. (R. pp. 57, 58, 87, 99–101)

41. In such event, the statement "Below Standard in Quality Good Food—Not High Grade" would be reasonable, would be informative to the consumer, and would promote honesty and fair dealing in the interest of the consumer. (R. pp. 58, 87, 88, 99–101)

42. It is reasonable and it would promote honesty and fair dealing in the interest of the consumer to have such statement printed in two lines of Cheltenham bold condensed caps, the words "Below Standard in Quality" to constitute the first line, and the second to immediately follow. If the quantity of the contents of the container is less than 1 pound, such type of the first line should be 12-point, and of the second, 8-point. If such quantity is 1 pound or more, such type of the first line should be 14-point, and of the second, 10-point. Such statement should be enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, should be on a strongly contrasting, uniform background, and should be so placed as to be easily seen when the name "Pears" or any pictorial representation of a pear is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase. (R. pp. 88–90)

*Suggested Conclusion in the Form of a Regulation*

Upon the basis of the foregoing findings of fact, the following reasonable standard of quality and form and manner of label statement of substandard quality for the food commonly known as canned pears is hereby suggested to be promulgated as a regulation:

§ 27.021 *Canned pears—Quality; label statement of substandard quality.* (a) The standard of quality for canned pears is as follows:

(1) All units tested in accordance with the method prescribed in subsection (b)

are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than ⅜ ounce and 5/10 ounce, respectively;

(3) In the cases of whole pears, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Except in the case of unpeeled pears, not more than one square inch of peel per pound of net contents is present;

(5) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormality;

(6) In the cases of whole pears, halves, and quarters, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(7) Except in the case of mixed pieces of irregular sizes and shapes, not more than 10 percent of the units in a container of 10 or more units, and not more than 1 unit in a container of less than 10 units, is crushed or broken (a unit which has lost its normal contour or shape because of ripeness, and which bears no mark of crushing, shall not be considered to be crushed or broken);

(b) Canned pears shall be tested by the following method to determine whether or not they meet the requirements of clause (1) of subsection (a):

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 5/32 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned pears falls below the standard prescribed by subsection (a), the label [unless it bears the statement specified by subsection (d)] shall bear the statement "Below Standard in Quality ------", the blank to be filled in with the word or words specified after the corresponding number of each clause of subsection (a) which such canned pears fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves", or "Small Quarters", as the case may be; (3) "Mixed Sizes"; (4) "Not Well Peeled"; (5) "Blemished"; (6) "Unevenly Trimmed"; (7) "Partly Crushed or Broken". Such statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Pears" and the words and statements required or authorized to appear with such name by Section 27.020 (b).

(d) In lieu of the statement or statements specified in subsection (c), the label may bear the statement "Below Standard in Quality Good Food—Not High Grade", printed in two lines of Cheltenham bold condensed caps. The words "Below Standard in Quality" shall constitute the first line, and the second line shall immediately follow. If the quantity of the contents of the container is less than 1 pound, the type of the first line shall be 12-point, and of the second, 8-point. If such quantity is 1 pound or more, the type of the first line shall be 14-point, and of the second, 10-point. Such statement shall be enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, shall be on a strongly contrasting, uniform background, and shall be so placed as to be easily seen when the name "Pears" or any pictorial representation of a pear is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

*Time Within Which To File Objections*

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time, each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN McDILL FOX,
*Presiding Officer.*

OCTOBER 7, 1939.

[F. R. Doc. 39-3896; Filed, October 20, 1939, 2:55 p. m.]

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REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER RELATIVE TO FILL OF CONTAINER OF CANNED CHERRIES

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR EACH OF THE FOODS COMMONLY KNOWN AS CANNED PEACHES, CANNED APRICOTS, CANNED PEARS AND CANNED CHERRIES

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1143 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 10, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue NW., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2) and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulation may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for each of the foods commonly known as canned peaches, canned apricots, canned pears, and canned cherries. The notice contained a proposal, in general terms, for defining and so standardizing each of such foods. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1)



2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches.

3. In pursuance of such announcement, a hearing was held for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches, and the hearing was continued with reference to the other proposals, to dates subsequently to be announced.

4. On April 18, 1939, at 10 p. m., the hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable standard of fill of container and specifying the form and manner of label statement of substandard fill of container for the food commonly known as canned cherries was convened, and was concluded at 11 a. m., on April 19, 1939. All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and written argument.

5. Within the time announced at the hearing within which interested persons might file proposed findings of fact, written argument, or both, various interested persons file proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing.

6. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.

*Suggested Findings*

1. The quantity of cherries which can be placed in a container varies, depending upon the method of packing and upon the shape, size, degree of maturity, and specific gravity of the cherries. (R. pp. 25, 39, 46–47)

2. With the exception of comparatively few slack filled cans, canned cherries as they appear on the market at the present time contain the maximum quantity of cherries which, using reasonably good factory practice, can be placed and sealed in each can and processed by heat to prevent spoilage, without crushing the cherries. (R. pp. 27–29, 41–42, 46)

3. The maximum quantity of cherries varies, depending on the size of the container, the method of packing, the form, size, firmness of the cherries, the necessity for having sufficient liquid to insure proper processing, and other factors. (R. pp. 28–29)

4. The can should contain the greatest number of cherries the canner can place therein and properly seal and process. (R. pp. 28, 41–42, 56)

5. Knowing the form, shape, size, degree of maturity, and comparative specific gravity of the cherries in any lot being canned, canners know the greatest amount of cherries which can be placed in a can of any given size without damage, and canners employ inspectors to insure proper filling. (R. pp. 28, 29)

6. None of the various methods which have been studied for objective measurements of fill have shown any uniform correlation between the quantity of cherries put in and the quantity of cherries cut out. (R. pp. 46–47, 61, 88–90, 92–94). Assurance to the consumer of a can full of cherries can be obtained only by a requirement as to the quantity put in the container. (R. pp. 27–29, 41)

7. It is necessary and desirable in the interest of the consumer that canned cherries falling below a standard of fill of container bear on the label a simple and understandable statement of that fact. (R. pp. 30, 46) "Below Standard in Fill" is such a statement. (R. pp. 30, 46)

8. If canned cherries fall below a standard of fill of container, it is necessary and desirable in the interest of the consumer that the label bear the statement "Below Standard in Fill", printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement should be in 12-point type; if such quantity is 1 pound or more, the statement should be in 14-point type. Such statement should be enclosed within lines not less than 6 points in width, forming a rectangle; but if the cherries also fall below the standard of quality for canned cherries and bear the label statement of substandard quality for canned cherries, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, should be on a strongly contrasting, uniform background, and should be so placed as to be easily seen when the name "Cherries" or any pictorial representation of a cherry is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase. (R. pp. 30–31, 46)

9. The substandard statement now required by the regulations issued pursuant to the McNary-Mapes Amendment is "Below U. S. Standard" followed by "Slack Fill", in the case of excess head space; and by the statement "Contains Excessive Added Liquid", in the case of excessive packing medium. These statements are required to appear in substantially the same form as herein proposed. (R. p. 31)

10. The phrase "Below Standard", as proposed, differs from the present requirement "Below U. S. Standard". The term "U. S." on a food product has been found to imply to consumers that the product has been packed under the supervision of the U. S. Government. The phrase "In Fill", as proposed, differs from the present requirement of "Slack Fill" or "Contains Excessive Added Liquid". The standard herein proposed is based on a can filled to its maximum capacity with fruit. If adopted and met, the headspace will not be excessive, nor will there be excessive liquid present. If not met, the expression "Below Standard in Fill" is simpler and more understandable in describing a product which fails to meet a standard based on the amount of cherries present rather than on the amount of liquid and cherries or the quantity of liquid present. (R. pp. 32, 56, 57–58)

*Suggested Conclusion in the Form of a Regulation*

Upon the basis of the foregoing findings of fact, the following reasonable standard of fill of container and the form and manner of label statement of substandard fill of container for the food commonly known as canned cherries are hereby suggested to be promulgated as a regulation:

§ 27.032 *Canned cherries—Fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned cherries is the maximum quantity of cherries which can be sealed in the container and processed by heat to prevent spoilage, without crushing such cherries.

(b) If canned cherries fall below the standard of fill of container prescribed in subsection (a) the label shall bear the statement "Below Standard in Fill", printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement shall be in 12-point type; if such quantity is 1 pound or more, the statement shall be in 14-point type. Such statement shall be enclosed within lines not less than 6 points in width, forming a rectangle; but if the statement specified in section 27.031 (d) is also used, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, shall be on a strongly contrasting, uniform background, and shall be so placed as to be easily seen when the name "Cherries" or any pictorial representation of a cherry is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

*Time Within Which to File Objections*

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time, each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN MCDILL FOX,
*Presiding Officer.*

OCTOBER 10, 1939.

[F. R. Doc. 39-3892; Filed October 20, 1939; 2:53 p. m.]

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REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER RELATIVE TO QUALITY OF CANNED CHERRIES

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR EACH OF THE FOODS COMMONLY KNOWN AS CANNED PEACHES, CANNED APRICOTS, CANNED PEARS AND CANNED CHERRIES

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1143 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 10, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue NW., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for each of the foods commonly known as canned peaches, canned apricots, canned pears, and canned cherries. The notice contained a proposal, in general terms, for defining and so standardizing each of such foods. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches.

3. In pursuance of such announcement, a hearing was held for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peaches, and the hearing was continued with reference to the other proposals, to dates subsequently to be announced.

4. On April 18, 1939, at 2:15 p. m., the hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable standard of quality and specifying the form and manner of label statement of substandard quality for the food commonly known as canned cherries was convened, and at 10 p. m., was adjourned and was resumed at 11 a. m., on April 19, 1939, and was concluded at 11:15 a. m., on the same date. All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and argument.

5. Within the time announced at the hearing within which interested persons might file written argument, proposed findings of fact, or both, various interested persons filed proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing, which, if granted, would modify the proposal contained in the FEDERAL REGISTER.

6. There was controversy with respect to (a) tolerance for pits in pitted cherries, (b) tolerance for blemishes.

7. Testimony was introduced tracing the development of standards with reference to the McNary-Mapes Amendment to the Food and Drugs Act of 1906, passed in 1931, and the formulation of a standard of quality under that amendment.

Various factors which go to make up a quality standard were considered, together with objective measurements for determining such factors. These factors and objective measurements were made up after conferences with canners, with the trade, with consumers and with expert graders in all sections of the country. Factors which enter into the quality of canned cherries differ somewhat, depending on the form of the units of the cherry ingredient. Cherries are in two forms of units, pitted and unpitted. Relative freedom from pits in pitted cherries is a factor of quality. The size of the units is a factor in the case of unpitted cherries. Uniformity of size of units is a factor in the case of unpitted cherries. Percentage of total weight which is cherry flesh is a factor in the case of unpitted cherries. Relative freedom from blemishes is a factor.

Changes have been made in the standards of quality since the first promulgation of quality standards under the McNary-Mapes Amendment. In 1931, the standard of quality for canned cherries, including both sweet and red sour cherries was promulgated. The standard was amended in 1932 and 1935. In April, 1937, separate standards of quality for canned red sour pitted cherries and canned sweet cherries were promulgated. In July, 1937, the standard for canned sweet cherries was again amended. Separate standards for the two types of cherries have been in effect since that time.

It appears from the evidence that in the separate standard of quality for canned red sour pitted cherries promulgated in 1937, the question of blemishes was defined as follows:

"The fruit is unblemished if 85 per cent or more of the units in the container are free from such defects as limb rubs, scars, scabs, windwhips, brown spots, or other unsightly blemishes. Units showing a skin discoloration having a total area of a circle three-sixteenths of an inch in diameter or less with no perceptible discoloration of the fruit tissue under the skin will not be considered as blemished."

The change from a tolerance of 20% to one of 15% was made because a majority of the canners at the informal hearing held preliminary to promulgating the standard complained that a 20% tolerance was too liberal and that 15%, with the allowance for small blemishes, could be met commercially. Various witnesses suggested a tolerance of 20% for blemishes of all types for all cherries without any definition of blemishes. Such recommendation would leave to conjecture what constituted a blemish.

8. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.



*Suggested findings*

1. Factors which go to make up quality in canned cherries are freedom from pits in the case of pitted cherries; minimum size of units in the case of unpitted cherries; uniformity of size of units in the case of unpitted cherries; percentage of total weight which is cherry flesh in the case of unpitted cherries; freedom from blemishes (R. pp. 23–24, 92–93).

2. Pits or pieces of pits are hard and even in limited amounts are very objectionable in pitted cherries. (R. pp. 24, 93, 112) For this reason, a tolerance on pits in pitted cherries is necessary, and a maximum tolerance of not more than one pit for each 20 ounces of finished canned cherries is reasonable. A piece of pit equal to or larger than one-half pit is counted as one pit, and a piece of pit smaller than one-half pit is counted as one-half pit. (R. pp. 24, 25, 26, 56–57, 73, 83, 93)

3. In counting pits, a sample of at least 24 pounds should be taken at random from a lot of canned cherries. (R. pp. 39, 40)

4. Minimum size of units is a factor of quality if the cherries are unpitted. It is not a factor of quality in the case of pitted cherries, because pitted cherries tend to collapse when cooked, causing wide discrepancies in size in the same container. (R. pp. 26, 93)

5. Canned cherries of standard quality as they appear on the market today are prepared from normal size cherries which have certain size ranges. (R. pp. 27, 93) Cherries smaller than normal size are commonly packed as substandard cherries at the present time. (R. pp. 27, 93)

6. Normal size cherries of any variety do not weigh less than 1/10 ounce. (R. pp. 27, 93) This minimum is less than the minimum heretofore adopted by the packers of most of the cherries canned in the United States. (R. pp. 27–28, 93)

7. Such weights are determinable as follows: The unit is placed on a screen and the liquid is allowed to drain therefrom for two minutes. The unit is then weighed. (R. pp. 28, 93)

8. Uniformity of size of units is a factor of quality in the case of unpitted cherries, but it is not a factor in the case of pitted cherries. Variations in size in the case of pitted cherries, which collapse when cooked, are not apparent in the same can or portion and are not objectionable to consumers. (R. pp. 28, 93)

9. Uniformity of size of units is necessary in the case of unpitted cherries in order to prevent variant numbers of units in servings of desserts on the same table. (R. pp. 28, 93)

10. Unpitted cherries are reasonably uniform in size if the weight of the largest unit does not exceed twice the weight of the smallest unit in the container. (R. pp. 29, 93)

11. Weights for uniformity of size of unpitted cherries are determined in the same manner as weights for minimum size of such cherries. (R. pp. 29, 93)

12. The percentage of the total weight of cherries which is cherry flesh is a factor of quality in the case of unpitted cherries. Cherry pits are inedible, and if the pits are relatively large so that the percentage of flesh is low, the consumer obtains a relatively small amount of edible cherry flesh. (R. pp. 29–30, 93)

13. In canned cherries of standard quality, the maximum percentage of pits present is not more than 12 percent by weight of the drained cherries. Cherries which contain pits in excess of 12 percent of the weight of the drained cherries are commonly known as substandard cherries at the present time. (R. pp. 30, 93)

14. The proportion of pits to the drained weight of the cherries is determinable as follows:

Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is No. 8 woven wire cloth which complies with the specifications for such cloth set forth on page 3 of "Standard Specifications for Sieves", published October 25, 1938, by U. S. Department of Commerce, National Bureau of Standards. Without shifting the cherries, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained cherries. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained cherries. Pit the cherries and wash the pits free from adhering flesh. Drain and weigh the pits by the method prescribed above. Divide the weight of pits so found by the weight of drained cherries, and multiply by 100. (R. pp. 30–31, 93)

15. Freedom from blemishes such as scab, hail injury, discoloration, or other abnormalities is a factor of quality in canned cherries. (R. pp. 31, 54–56, 59–65, 81, 93–94, 101–102, 159)

16. Canned cherries are relatively free from blemishes if not more than 15 percent of the units are blemished. When reasonable efforts are made to remove blemished cherries, the number can be kept well below 15 percent, but certain types of blemishes not readily apparent in the raw fruit appear in the cooked cherries. A unit showing skin discoloration having an aggregate area not exceeding that of a circle 1/8 inch in diameter and not extending into the fruit tissue is not considered as blemished. (R. pp. 31–32, 54–55, 72, 81, 93–96, 101, 106–109, 119–123, 125–127, 159)

17. A maximum tolerance of 15 percent of blemished cherries is reasonable and makes due allowance for blemishes not readily apparent. (R. pp. 32, 93–94)

18. A canner employing good commercial practice can meet each of the foregoing factors of quality in canned cherries without difficulty. (R. pp. 32, 94)

19. Each factor of quality takes into consideration and makes due allowance for the differing characteristics of the several varieties of cherries. All varieties can meet the foregoing factors of quality without undue difficulty under good commercial practice. (R. pp. 35, 96)

20. Except for the period from April, 1937, to the present time, a single standard of quality for all varieties of canned cherries has been in effect since 1931 under the McNary-Mapes Amendment to the Food and Drugs Act of 1906. (R. pp. 35–36)

21. The original standard promulgated pursuant to the provisions of the McNary-Mapes Amendment was amended in 1932 and again in 1935, and in 1937 separate standards of quality for canned red sour pitted cherries and canned sweet cherries were promulgated. (R. p. 35) The separate standard for canned sweet cherries was again amended in July, 1937. (R. pp. 35–36)

22. Each of the factors hereinbefore referred to has been in effect since 1931 in the standards of quality for canned cherries promulgated by the Secretary of Agriculture pursuant to the McNary-Mapes Amendment to the Food and Drugs Act of 1906, except that the factor of freedom from pits was not embraced in the standard in effect from 1931 to 1932. (R. p. 36)

23. The requirement with respect to freedom from pits promulgated in 1932 pursuant to the McNary-Mapes Amendment provided that not more than one cherry pit or its equivalent in broken pieces of shell per each 10 ounces of net contents shall be present. (R. pp. 36–37) In April, 1937, a separate standard for canned red sour pitted cherries was promulgated which provided that such canned cherries contain not more than one cherry pit or its equivalent in broken pieces of shell per 20 ounces of net contents. (R. p. 37) The standard promulgated for canned sweet cherries in July, 1937, provided for the reduction of the tolerance on pits from one pit or its equivalent in broken pieces of shell per each 10 ounces of net contents to one cherry pit or its equivalent in broken pieces of shell for each 20 ounces of net contents. (R. p. 38)

24. Canners regarded the tolerance of one pit to each 10 ounces of canned cherries as too liberal and requested its reduction to a tolerance of one pit to

each 20 ounces of canned cherries. (R. pp. 38–39, 123–125)

25. The tolerance of one pit to each 20 ounces net weight is the present standard under the McNary-Mapes Amendment and differs from the proposal contained in Government's Exhibit No. 1 in two respects, namely, that a piece of pit shell equal to or larger than one-half pit be counted as one pit and a piece of pit shell smaller than one-half pit be counted as one-half pit instead of calculating pieces of pit as the equivalent of a whole pit, and that the tolerance for pits be based on the examination of a sample of not less than 24 pounds rather than on a single can. Small pieces of pit shell are as objectionable as the whole pit. (R. pp. 40, 127–130)

26. There has been no change in the provisions of the standards promulgated under the McNary-Mapes Amendment for minimum size of units. (R. p. 41)

27. It is not desirable to change the present McNary-Mapes standard with respect to minimum size of units. (R. p. 41)

28. The original standard promulgated pursuant to the McNary-Mapes Amendment contained a provision with respect to uniformity of size that the cherries should be considered uniform when 80 percent of the units passed through a circular opening 25 percent larger in diameter than that through which the smallest unit would pass. In 1932, the standard was amended so as to place the requirement on a weight basis and it was provided that the units should be considered uniform in size if the weight of the piece of largest size in the can was not more than 80 percent in excess of the weight of the smallest piece in the can. In 1937, the standard was again amended, reducing the requirement for uniformity with a provision that the units were uniform in size if the weight of the piece of the largest size in the can was not more than twice the weight of the smallest piece in the can. (R. pp. 42–43)

29. No variation from the present McNary-Mapes requirement with respect to uniformity of size is desirable. (R. p. 43)

30. The standard of quality for canned cherries promulgated under the McNary-Mapes Amendment in 1931 contained a provision that the weight of cherry flesh should be not less than 88 percent of the total weight of the same cherries. (R. p. 43)

31. No variation from the present McNary-Mapes requirement with respect to percentage of cherry flesh is desirable. (R. p. 43)

32. No changes in the present McNary-Mapes standard with respect to blemishes are desirable, except the reduction of the tolerance for blemished units from 20 percent to 15 percent in the case of sweet cherries. (R. p. 44)

33. It is necessary and desirable in the interest of the consumer that a simple and understandable statement of substandard quality be placed on the label of canned cherries falling below a standard of quality. "Below Standard in Quality" qualified by an explanation of wherein the product falls below standard in quality is such a statement. (R. pp. 48, 49) If the cherries fail to comply with the tolerance for pits, the qualifying statement "Partially Pitted" furnishes an accurate explanation of the reason the product is below standard. (R. pp. 38, 49) Likewise, the qualifying statements "Small", if under minimum size for unpitted cherries; "Mixed Sizes", if not uniform in size; "Thin Fleshed", if the percentage of pits is excessive; "Blemished", if over the tolerance for blemishes; respectively furnish accurate explanations of the reason the product is below standard. (R. pp. 49, 173–175)

34. It is necessary and desirable in the interest of the consumer that such statement immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Cherries", together with words and statements required or authorized to appear with such name by the definition and standard of identity for canned cherries. (R. p. 49)

35. Such label requirements for cherries of substandard quality would not be practicable under good commercial practices in instances where the product fell below the standard in several respects. (R. p. 49)

36. In such event, the statement "Below Standard in Quality Good Food—Not High Grade" would be reasonable, would be informative to the consumer, and would promote honesty and fair dealing in the interest of the consumer. (R. p. 36)

37. It is reasonable and it would promote honesty and fair dealing in the interest of the consumer to have such statement printed in two lines of Cheltenham bold condensed caps, the words "Below Standard in Quality" to constitute the first line, and the second to immediately follow. If the quantity of the contents of the container is less than 1 pound, such type of the first line should be 12-point, and of the second, 8-point. If such quantity is 1 pound or more, such type of the first line should be 14-point, and of the second, 10-point. Such statement should be enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, should be on a strongly contrasting, uniform background, and should be so placed as to be easily seen when the name "Cherries" or any pictorial representation of a cherry is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase. (R. p. 50)

*Suggested Conclusion in the Form of a Regulation*

Upon the basis of the foregoing findings of fact, the following reasonable standard of quality and form and manner of label statement of substandard quality for the food commonly known as canned cherries is hereby suggested to be promulgated as a regulation:

§ 27.031 *Canned cherries—Quality; label statement of substandard quality.* (a) The standard of quality for canned cherries is as follows:

(1) In the case of pitted cherries, not more than 1 pit is present in each 20 ounces of canned cherries, as determined by the method prescribed in subsection (b) (1);

(2) In the case of unpitted cherries, the weight of each cherry in the container is not less than 1/10 ounce;

(3) In the case of unpitted cherries, the weight of the largest cherry in the container is not more than twice the weight of the smallest cherry therein;

(4) In the case of unpitted cherries, the total weight of pits is not more than 12 percent of the weight of drained cherries, as determined by the method prescribed in subsection (b) (2); and

(5) Not more than 15 percent by count of the cherries in the container are blemished with scab, hail injury, discoloration, scar tissue, or other abnormality. A unit showing skin discoloration having an aggregate area not exceeding that of a circle 3/16 inch in diameter and not extending into the fruit tissue shall not be considered as blemished.

(b) (1) Pitted canned cherries shall be tested by the following method to determine whether or not they comply with the requirements of clause (1) of subsection (a):

Take at random such number of containers as to have a total quantity of contents of at least 24 pounds. Open the containers and weigh the contents. Count the pits and pieces of pits in such total quantity. Count a piece of pit equal to or larger than one-half as one pit; count a smaller piece as one-half pit. From the combined weight of the contents of all the containers, calculate the average number of pits in each 20 ounces of canned cherries.

(2) Unpitted canned cherries shall be tested by the following method to determine whether or not they comply with the requirements of clause (4) of subsection (a):

Tilt the opened container so as to distribute the contents over the meshes of a circular sieve which has previously been weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is No. 8 woven wire cloth which complies with the specifications for such cloth set forth on page 3 of "Standard Specifications for Sieves", published October 25, 1938, by U. S. Department of Commerce, National Bureau of Standards. Without shifting the cherries, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, weigh the sieve and drained cherries. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained cherries. Pit the cherries and wash the pits free from adhering flesh. Drain and weigh the pits by the method prescribed above. Divide the weight of pits so found by the weight of drained cherries, and multiply by 100.

(c) If the quality of canned cherries falls below the standard prescribed by subsection (a), the label [unless it bears the statement specified in subsection (d)] shall bear the statement "Below Standard in Quality ------", the blank to be filled in with the word or words specified after the corresponding number of each clause of subsection (a) which such canned cherries fail to meet, as follows: (1) "Partially Pitted"; (2) "Small"; (3) "Mixed Sizes"; (4) "Thin Fleshed"; (5) "Blemished". Such statement shall immediately and conspicuously precede or follow, without intervening, written, printed, or graphic matter, the name "Cherries" and the words and statements required or authorized to appear with such name by section 27.030 (b).

(d) In lieu of the statement or statements specified in subsection (c), the label may bear the statement "Below Standard in Quality Good Food—Not High Grade", printed in two lines of Cheltenham bold condensed caps. The words "Below Standard Quality" shall constitute the first line, and the second shall immediately follow. If the quantity of the contents of the container is less than 1 pound, the type of the first line shall be 12-point, and of the second, 8-point. If such quantity is 1 pound or more, the type of the first line shall be 14-point, and of the second, 10-point. Such statement shall be enclosed within lines not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, shall be on a strongly contrasting, uniform background, and shall be so placed as to be easily seen when the name "Cherries" or any pictorial representation of a cherry is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

*Time Within Which to File Objections*

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time, each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN McDILL FOX,
*Presiding Officer.*

OCTOBER 16, 1939.

[F. R. Doc. 39–3891; Filed, October 20, 1939; 2:53 p. m.]



## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION AND ORDER REEMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY AT WAGES LOWER THAN THE MINIMUM WAGE APPLICABLE UNDER SECTION 6 OF THE FAIR LABOR STANDARDS ACT OF 1938

Whereas, the National Knitted Outerwear Association, The Underwear Institute, and sundry other parties having made application under Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 522—Regulations Applicable to Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act of 1938—Title 29, Labor, Chapter V—Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners in the Knitted Wear Industry at wages lower than the minimum wage applicable under Section 6 of the Act, and

Whereas, after due notice a hearing was held on these applications before Merle D. Vincent, authorized representative of the Administrator, who was duly designated to preside at the hearing and to determine:

(a) What if any occupation or occupations in the Knitted Wear and Hosiery Industry require a learning period, and

(b) Whether it is necessary in order to prevent curtailment of opportunities for employment to provide for the employment of persons in occupations requiring a learning period at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and

(c) If such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of learners shall be permitted, and with what limitations as to time, number, proportion and length of service; and

Whereas, the said Merle D. Vincent duly made findings of fact, copies of which were filed in the office of the Acting Administrator on October 20, 1939, and are there available for inspection by interested parties, and made the following determination and order:

"1. Effective on or after October 24, 1939, Special Certificates permitting employment of learners at subminimum rates as sewing machine and knitting machine operators in the knitted wear industry shall be issued upon the following terms to all plants in the industry making application therefor representing that experienced workers are not available to the plant, *unless* experienced workers are found to be available:

(a) Learners employed under the certificate shall not exceed 5 per cent of the total number of workers in the plant engaged in sewing machine and knitting machine operations in the knitted wear industry provided, however, that employment of as many as five learners may be authorized in any certificate.

(b) No learner shall be employed under the certificate longer than 8 weeks.

(c) Learners employed under the certificate shall be paid at a rate not less than 22½ cents an hour *and*, in plants where experienced operators are paid on a piecework rate, shall be paid at least the same piece-work rate and shall receive earnings paid on this rate if in excess of the 22½ cent minimum.

(d) Only learners shall be employed at a subminimum wage under the certificate and no learner shall be employed under the certificate unless hired when an experienced worker was not available.

(e) No learners shall be employed at a subminimum wage under the certificate until and unless the certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

2. Any special certificate issued pursuant to this order shall be cancelled as of the date of issue if it is found that such certificate was issued when experienced workers were available and shall be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that skilled workers have become available. No certificate issued pursuant to this order shall be valid after October 24, 1940.

3. In this order the term "learner" means a person who has not been previously employed for more than 8 weeks in the aggregate during the preceding three years upon sewing machine or knitting machine operations, respectively; and the term "knitted wear industry" includes men's, women's, infants' and children's knitted apparel and accessories, excepting gloves and hosiery."

Now, therefore, notice is hereby given that pursuant to Section 522.13 of the said regulations as amended, petitions for review of the action of the said authorized representative may be filed by interested parties within fifteen days after the publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 23rd day of October 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39–3911; Filed, October 23, 1939; 12:25 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 24, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

American Full Fashioned Hosiery Mills, Inc., 125 State Street, Ephrata, Pennsylvania.

Haltom Hosiery Mill, Star, North Carolina (5 learners).

Hyman Hosiery Mill, Wm. L., Locust Street, Ephrata, Pennsylvania (2 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 23rd day of October 1939.

MERLE D. VINCENT,
*Chief Hearings and Exemptions Section.*

[F. R. Doc. 39-3912; Filed, October 23, 1939; 12:44 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued to the employer listed below effective October 24, 1939, until February 20, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates, or any of them, may be cancelled as of the date of their issuance and, if so cancelled, reimbursement of all persons employed under such Certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

McKettrick-Williams, Inc., Portland, Maine, 30.

Signed at Washington, D. C., this 23rd day of October 1939.

MERLE D. VINCENT,
*Chief Hearings and Exemption Section.*

[F. R. Doc. 39-3913; Filed, October 23, 1939; 12:44 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective October 24, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued, and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available, and reimbursement of all persons employed under such Certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM

Baldwin Shirt Company, Parsons, Kansas (5 learners).

Berne Overall and Shirt Co., Berne, Indiana (5 learners).



Betty Jane Frocks, Kentucky and Hunt Streets, McKinney, Texas (5 learners).

Black Manufacturing Company, Seattle, Washington.

Blue Buckle Overall Co., Inc., Lynchburg, Virginia.

Clearfield Mills, Inc., Williamsport, Pennsylvania (5 learners).

Coopersmith, D., Milford, Delaware (5 learners).

D & I Shirt Company, Inc., 85 Willow Street, New Haven, Connecticut.

Gem Garment Company, Greencastle, Pennsylvania (5 learners).

General Sportswear Company, Ellenville, New York (5 learners).

Goldstone Brothers, Petaluma, California (5 learners).

H. Lang Company, River Falls, Wisconsin.

Manchester Pants Company, Manchester, Maryland.

Marso & Rodenborn Manufacturing Co., Fort Dodge, Iowa (5 learners).

Midland Garment Manufacturing Co., Nebraska City, Nebraska (5 learners).

N-R Garment Company, Walkersville, Maryland (5 learners).

Newport Dress Factory, Newport, Pennsylvania (5 learners).

Out-Dor Pants Company, 117 West Overland Street, El Paso, Texas (5 learners).

Peerless Knitting Mills, Lehighton, Pennsylvania.

Pella Overall Company, Pella, Iowa (5 learners).

Plymouth Manufacturing Company, Picayune, Mississippi (5 learners).

Press & Company, Sidney, 3rd and Plum Streets, Lemoyne, Pennsylvania (5 learners).

Quaker Maid Dress Co., Front and Chestnut Streets, Souderton, Pennsylvania (5 learners).

Regal Paper Company, Inc., South Jefferson, Pulaski, New York (5 learners).

Rombro Brothers, Mount Airy, Maryland (5 learners).

Royal Manufacturing Co., Washington, Georgia (5 learners).

S & B Manufacturing Company, Andalusia, Alabama.

Shawnee Garment Manufacturing Co., Shawnee, Oklahoma (1 learner).

Sherrod Shirt Co., High Point, North Carolina (5 learners).

Unity Shirt Company, 300 Seymour Avenue, Derby, Connecticut.

Utilitog Company, The, Warrensburg, Missouri (5 learners).

Valley Garment Co., Inc., McMechen, West Virginia.

Ware Shoals Manufacturing Co., Ware Shoals, South Carolina.

West Plains Garment Co., Inc., West Plains, Missouri (5 learners).

Andala Company, Andalusia, Alabama.

Appomattox Garment Co., Appomattox, Virginia (5 learners).

B and B Manufacturing Company, 100 North Rock Street, Shamokin, Pennsylvania (5 learners).

Belgrade Dress Company, 1107 Bridge Street, New Cumberland, Pennsylvania (5 learners).

Goidl Neckwear Manufacturing Co., Dallas, Texas (5 learners).

Natchez Fabricating Institute, Natchez, Mississippi (5 learners).

Mitchell Bros., Inc., Bridgeport, Connecticut.

Yoder, Mr. Irvin U., Reinerton, Pennsylvania (5 learners).

Berry Garment Mfg. Co., Columbus, Kansas (5 learners).

Fairy Form Manufacturing Co., Inc., Abilene, Texas (5 learners).

Signed at Washington, D. C., this 23rd day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3914; Filed, October 23, 1939; 12:44 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 234]

IN THE MATTER OF THE APPLICATIONS OF C. COBURN DARLING AND CANADIAN COLONIAL AIRWAYS, INC., FOR APPROVAL OF INTERLOCKING RELATIONSHIPS UNDER SECTION 409 (A) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

Upon request of the applicant, Canadian Colonial Airways, Inc., public hearing in the above-entitled proceeding, now assigned for October 23, 1939,[1] is hereby postponed until November 8, 1939, 10 o'clock a. m. (Eastern Standard Time) in Conference Room C, Departmental Auditorium, Washington, D. C., before an Examiner.

Dated Washington, D. C., October 20, 1939.

By the Authority:

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3903; Filed, October 21, 1939; 11:23 a. m.]

[1] 4 F.R. 3741 DI.

## FEDERAL POWER COMMISSION.

[Docket No. G-138]

IN THE MATTER OF COLORADO INTERSTATE GAS COMPANY

ORDER POSTPONING DATE OF HEARING

OCTOBER 20, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

The Colorado Interstate Gas Company by letter dated October 17, 1939, has requested a postponement to November 20, 1939, of the date of hearing in this proceeding, which has previously been fixed for October 30, 1939, by order of the Commission adopted September 27, 1939;[1]

The Commission orders that:

(A) For good cause shown, the public hearing in this proceeding, now fixed for October 30, 1939, be and the same is hereby postponed to November 20, 1939, at the same time and place;

(B) The order of the Commission of September 27, 1939, in all other respects shall remain and continue in full force and effect.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-3905; Filed, October 23, 1939; 9:21 a. m.]

[1] 4 F.R. 4105 DI.

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3403]

IN THE MATTER OF JACOB SIEGEL COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

*It is ordered,* That Edward E. Reardon, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Friday, October 27, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in the Chamber of Commerce Building, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3899; Filed, October 21, 1939; 9:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1939.

[File No. 32-173]

IN THE MATTER OF NORTHWESTERN ELECTRIC COMPANY

ORDER APPROVING AMENDED APPLICATION

Northwestern Electric Company, a direct subsidiary of American Power & Light Company, a registered holding company, and an indirect subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application, and amendments thereto, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of said Act regarding the issuance and sale of $6,700,000 principal amount First Mortgage Bonds, 4% Series due 1969, and $2,800,000 principal amount 4½% Debentures due 1959;

A public hearing having been held on said application, as amended, after appropriate notice;[1] the Commission having examined the record in this matter and having made and filed its findings herein;

*It is ordered*, That the application, as amended, of Northwestern Electric Company pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of such Act regarding the issuance and sale of $6,700,000 principal amount First Mortgage Bonds, 4% Series due 1969, and $2,800,000 principal amount 4½% Debentures due 1959 be, and it hereby is, approved;

*And it is further ordered*, That the following conditions be, and they hereby are, imposed upon the applicant:

(1) That if the express authorization of the issue and sale of such securities by The Public Utilities Commissioner of Oregon or the Department of Public Service of Washington were to be revoked and otherwise terminated, this exemption shall immediately terminate without further order of this Commission;

(2) That the securities proposed to be issued shall be issued within 30 days after the date of our order;

(3) That within 10 days after the issue and sale of such securities applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of and for the purposes represented by such application as amended and in accordance with the terms of this order; and

(4) That except as the Commission may by order, or orders, from time to time, permit, so long as any of the First Mortgage Bonds, 4% Series due 1969, and 4½% Debentures due 1959, are outstanding, applicant shall not, nor shall any successor or successors of applicant, declare or pay any dividends (other than dividends payable solely in shares of its stock and other than dividends in arrears on October 1, 1939, on the preferred stocks of the applicant) or make any other distribution on any shares of its preferred or common stock, or make any disbursement for the purchase or retirement of any of its stock, unless the amount expended or accrued by applicant (or any such successor or successors) for maintenance and repairs plus provisions for retirements out of income earned during the period from October 1, 1939, to the date of the proposed payment of such dividend or making of such distribution or disbursement shall equal fifteen per cent of the gross operating revenues of applicant (or any such successor or successors) during such period, after the deduction therefrom of an amount equal to the cost to applicant of electric energy, gas, steam and hot water purchased, and resold, and rentals paid for electric, gas, steam and hot water properties leased by applicant, and payments by applicant for the use of similar properties operated and maintained by others during such period; provided, however, that any transfers to the earned surplus of applicant from net income earned after September 30, 1939, over and above all such dividends, distributions, and disbursements (including the dividends then to be paid, or the distributions or disbursements then to be made) may be used as a credit to offset any deficiency in the amount expended or accrued for maintenance and repairs plus provisions for retirements out of income earned after September 30, 1939, in satisfying the aforementioned fifteen per cent requirement, and provided further that in no event shall the applicant declare or pay any dividends on its common stock except out of earnings accruing subsequent to said September 30, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3900; Filed, October 21, 1939; 10:59 a. m.]

[1] 4 F.R. 4105 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of October, A. D. 1939.

[File No. 47-36]

IN THE MATTER OF EBASCO SERVICES INCORPORATED

ORDER APPROVING APPLICATION

Ebasco Services Incorporated, a New York corporation and a wholly-owned subsidiary of Electric Bond and Share Company, a registered holding company, having filed an application pursuant to Section 10 (a) (3) of the Public Utility Holding Company Act of 1935[1] for approval of the acquisition of the entire business, property and assets of its wholly-owned subsidiary, Phoenix Engineering Corporation;

A public hearing having been held upon said application, after appropriate notice;[1] no member of the public having appeared or having requested an opportunity to be heard; the Commission having examined the record in this matter and having filed its findings and opinion herein;

*It is ordered*, That the application of Ebasco Services Incorporated pursuant to Section 10 (a) (3) of the Act regarding the acquisition of the entire business, property and assets of Phoenix Engineering Corporation shall be and it hereby is approved;

*And it is further ordered*, That this order shall be subject to the following terms and conditions:

(a) That the acquisition involved in the application be carried out in accordance with the terms of and for the purposes set forth in the application filed herein;

(b) That the acquisition involved in the application be consummated within thirty days from the date of this order;

(c) That, within ten days after the consummation, of such acquisition, a certificate of notification showing the same to have been effected in accordance with the terms and conditions of and for the purposes represented by said application, and in accordance with the terms of this order shall be filed by the applicant;

(d) That nothing contained in these findings shall be deemed to constitute a finding of fact or a determination in respect of any issue or questions involved in the pending application of Ebasco Services Incorporated pursuant to Section 13 (b) of the Act for approval as a subsidiary service company, nor shall any such finding or determination be conclusive as to any issue or questions involved in any other proceeding pursuant to Section 13 of the Act, involving the applicant; and

(e) That we reserve jurisdiction over the other application filed by Ebasco Services Incorporated and over the application and declaration filed by Ebasco International Corporation in this consolidated proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3901; Filed, October 21, 1939; 10:59 a. m.]

[1] 4 F.R. 2939 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of October, A. D. 1939.

[File No. 43-262]

IN THE MATTER OF GENERAL PUBLIC UTILITIES, INC.

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on November 9, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 4, 1939.

The matter concerned herewith is in regard to an issue by the declarant, a registered holding company and a subsidiary of Community Power and Light Company, of the maximum amount of 16,318 shares of its common capital stock without par value for the purpose of paying a stock dividend to such stockholders as may elect to receive stock in lieu of cash in connection with the proposed dividend by declarant, to be payable at the option of the recipient either in cash at the rate of $1.50 per share or in additional no par common stock at the rate of one-tenth of a share of common stock for each presently outstanding share.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-3902; Filed, October 21, 1939; 10:59 a. m.]

Reference

OCT 28 1939

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 206

*Washington, Wednesday, October 25, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[CAP–105, Amendment 5]

REGULATIONS PERTAINING TO 1937 COTTON PRICE ADJUSTMENT PAYMENT PLAN

AMENDMENT 5

By virtue of the authority vested in the Secretary of Agriculture by the item entitled "Price Adjustment Payment to Cotton Producers" contained in the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937 (Public Law No. 354, 75th Congress, 1st Session; 50 Stat. 762), by Section 381 (a) of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3rd Session; 52 Stat. 67), as amended by Section 12 of Public Law No. 470, 75th Congress, approved April 7, 1938 (52 Stat. 202), and by the next to the last proviso to the item entitled "Conservation and Use of Agricultural Land Resources, Department of Agriculture" contained in the Department of Agriculture Appropriation Act, 1939, approved June 16, 1938 (Public Law No. 644, 75th Congress, 3rd Session; 52 Stat. 744), I, Harry L. Brown, Acting Secretary of Agriculture, do make, prescribe, publish, and give public notice that Section 1 of Part 1 of the Regulations Pertaining to 1937 Cotton Price Adjustment Payment Plan (CAP–105), as amended,[1] is hereby further amended by adding thereto subsection C, which reads as follows:

C. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and such notice shall afford full and fair opportunity for eligible producers to file such forms.

Done at Washington, D. C., this 23d day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39–3921; Filed, October 24, 1939; 12:14 p. m.]

[1] 4 F.R. 3882 DI.

### SUGAR DIVISION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE TERRITORY OF HAWAII FOR THE 1939 CROP

Pursuant to the provisions of Section 302 (a) of the Sugar Act of 1937, I, Harry L. Brown, Acting Secretary of Agriculture, do hereby make the following determination:

§ 802.36b *Determination of proportionate shares for farms in the Territory of Hawaii for the 1939 crop.* The proportionate share for each farm in the Territory of Hawaii for the 1939 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on each farm and marketed (or processed by the producer) for the extraction of sugar during the calendar year 1939. (Sec. 302, 50 Stat. 910; 7 U.S.C., Sup. IV, 1132)

Done at Washington, D. C., this 23d day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary.*

[F. R. Doc. 39–3923; Filed, October 24, 1939; 12:14 p. m.]

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## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### BUREAU OF ANIMAL INDUSTRY

[Amendment 3 to B. A. I. Order 365 [1]]

AMENDMENT OF REGULATIONS GOVERNING THE RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

AMENDING REGULATION 2, SECTION 2, PARAGRAPH 1, RECOGNIZING BREEDS AND BOOKS OF RECORD IN COUNTRIES OTHER THAN CANADA

OCTOBER 22, 1939.

Under authority of paragraph 1606 of the act of Congress approved June 17, 1930 entitled "An act to provide revenue, to regulate commerce with foreign countries, to encourage the industries of the United States, to protect American labor, and for other purposes," regulation 2, section 2, paragraph 1 of B.A.I. Order 365 [2] embodying the regulations governing the recognition of breeds and books of record in countries other than Canada, is amended by adding the following breed and book of record:

§ 151.6 (a) *Breeds and books of record in countries other than Canada.*

*Dogs*

| Name of breed | Book of record | By whom published |
|---|---|---|
| Various recognized breeds. | Registro Genealogico de Caninos. | Kennel Club de Chile, J. H. Coleman, Secretary, Calle Valparaiso, 667-669, Vina Del Mar Chile. |

(Sec. 201, 46 Stat. 673; 19 U.S.C. 1201)

[Reg. 2, Sec. 2, Par. 1, B.A.I. Order 365, June 17, 1938, as amended by amendment 3, October 23, 1939]

This amendment, which for purpose of identification is designated Amendment 3 to B.A.I. Order 365, 9 CFR 151.6 (a), shall be effective on and after November 1, 1939.

Done at Washington this 23d day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3922; Filed, October 24, 1939; 12:14 p. m.]

[1] Amending 9 CFR 151.6 (a).
[2] 3 F.R. 1453 DI.

## TITLE 20—EMPLOYEES' BENEFITS

### RAILROAD RETIREMENT BOARD

AMENDMENT TO REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in Section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j) the Regulations [1] of the Railroad Retirement Board under such Act are amended as follows:

Section 222.05 (b)

Board Order 39-655, dated October 19, 1939, amends Section 222.05 (b), effective as of June 1, 1938 as follows:

By striking the proviso appearing at the end of paragraph (b) of this Section, which proviso read as follows:

"*Provided, however,* That if subsequent to such adjudication, compensation records should be supplied or found, the annuity shall be redetermined."

Section 250.03 (b)

Board Order 39-636, dated October 12, 1939, amends Section 250.03 (b), effective with the reports of compensation for the three months ended December 31, 1939, as follows:

(b) Unless otherwise specifically agreed heretofore or hereafter, in writing, approved by the Director of Wage and Service Records of the Railroad Retirement Board, each employer shall forward to the Board on or before the expiration of thirty days after the close of each month, a report of compensation adjustments (except those permitted to be reported as a part of current earnings) developed during that month, and each employer shall forward to the Board on or before the expiration of thirty days after the close of the calendar quarters ending March 31, June 30, September 30 and December 31, respectively, of each year:

(1) A report of the compensation earned by each employee for service during each month of the quarter.

(2) A summary of compensation adjustments for the quarter.

(3) A summary report of the compensation of employees for the quarter.

*Section 250.03* (c) (7)

Board Order 39-636, dated October 12, 1939 amends the fourth paragraph of Section 250.03 (c) (7), effective with the reports of compensation for the three months ended September 30, 1939, to read as follows:

It is the intent of instructions concerning the reporting of adjustments that any adjustment of compensation shown on a payroll or other disbursement document for a current month which, if reported as a part of current earnings instead of as an adjustment of prior earnings, would not affect (i) the amount of annuity (ii) the basis for determination of benefits under the Railroad Unemployment Insurance Act or (iii) the basis for computation of contributions under the Railroad Unemployment Insurance Act, shall be reported on the proper form as a part of the compensation earned during the month covered by the payroll or other disbursement document on which the adjustment is made.

*Section 250.04* (c) (3)

Board Order 39-654, dated October 19, 1939, amends Section 250.04 (c) (3), effective as of October 25, 1939, as follows:

Delete the Social Security Board address contained in this section, and substitute therefor the following:

Social Security Board
Candler Building
Baltimore, Maryland
Attention: Region IV

*Section 250.04* (d) (3)

Board Order 39-520, dated August 8, 1939, amends Section 250.04 (d) (3), effective as of August 8, 1939, to read as follows:

(3) *Cancellations.* Cancellations of account numbers for employees who hold two or more numbers shall be effected as follows:

(i) If an employee holds two or more account numbers in the Social Security series only, or two or more account numbers in the Railroad series (700-739) only, he shall retain the number which he has currently been using, or if no number is currently in use, the first number issued, and any other number or numbers shall be cancelled.

(ii) In the case of an employee holding one or more account numbers in the Social Security series, and one or more account numbers in the Railroad series,

(a) If the employer determines that the employee on the basis of his employment experience should properly be classified as a railroad employee, the employee shall retain the number issued in the Railroad series which he has currently been using, or if no number in the Railroad series is currently in use, the first number issued in this series, and any other number or numbers in either series shall be cancelled; or

(b) If the employer determines that the employee on the basis of his employment experience should properly be classified as other than a railroad employee, the employee shall retain the number issued in the Social Security series which he has currently been using, or if no number in the Social Security series is currently in use, the first number issued in this series, and any other number or numbers in either series shall be cancelled; or

(c) If the employer is unable to determine whether the employee on the basis of his employment experience should properly be classified as a railroad employee, or as other than a railroad employee, the employee shall retain the number which he has currently been using, or if no number is currently in use, the first number issued in either series, and any other number or numbers in either series shall be cancelled.

(iii) In all cases in which an employee holding two or more account numbers expresses a definite preference for one of them, he shall be permitted to retain it, and any other number or numbers shall be cancelled.

(iv) All account number cards to be cancelled shall be picked up from the employee and forwarded to the Bureau of Wage and Service Records, Railroad Retirement Board, Washington, D. C., together with a properly executed Form BA-12 (Cancellations of Account Numbers and Corrections in Names and Birthdates on Form CER-1 Previously Filed). If a Form CER-1 showing the account number to be retained has not previously been submitted to the Bureau, one shall be executed by the employee and attached to Form BA-12.

By Authority of the Board.

[SEAL] MURRAY W. LATIMER,
*Chairman.*

OCTOBER 24, 1939.

[F. R. Doc. 39-3924; Filed, October 24, 1939; 12:29 p. m.]

[1] 4 F.R. 1477 DI.



## TITLE 24—HOUSING CREDIT

### UNITED STATES HOUSING AUTHORITY

PART 640—INITIAL STEPS IN TENANT SELECTION *†

Sec.
640.0 Scope and content.
640.1 Families to be rehoused.
640.2 Necessity of an early start in tenant selection.
640.3 Placing responsibility for preliminary phases of tenant selection.
640.4 Functions of an advisory committee in tenant selection.
640.5 Determining the rental market.
640.6 Fixing of rents.
640.7 Establishing standards of eligibility and conditions of occupancy.
640.8 Methods of reaching prospective tenants.
640.9 Filing formal applications for admission.
640.10 Preparation for active tenant selection.
640.11 Definitions.

§ 640.0 *Scope and content.* This Part is designed to supply a guide to local housing authorities (a) in determining the procedures to be followed in initial tenant selection and (b) in determining the families who are eligible for admission to USHA-Aided projects. To assist local authorities in determining eligibility for admission, this Part also contains, in Section 640.11, definitions of "net income", "net income at the time of admission", and "minor dependent". Local authorities should follow this Part in setting up the procedures necessary for tenant selection and in determining the eligibility of applicants for admission. The attention of local authorities is invited particularly to the discussion of the policies and standards which should govern the selection of tenants for the project.*† [Introduction]

§ 640.1 *Families to be rehoused.* The USHA-Aided program is specifically designed to provide decent housing for families in the lowest income brackets now forced to live under slum conditions. Such families may include a proportion of those on relief as well as those whose wage earners are engaged in either private or public employment. Thus, to comply with the provisions of the United States Housing Act (hereinafter referred to as the "Act"), the policies, standards, and procedures for tenant selection must insure the acceptance of only families in the lowest income group who are living under definitely substandard housing conditions. The policies, standards, and procedures for tenant selection must also insure that the families admitted have the means to pay the project rents.*† [Par. I]

§ 640.2 *Necessity of an early start in tenant selection.* An early start in tenant selection activities is essential to insure satisfactory occupancy of a low-rent housing project. If the project is located on a slum site, it is highly desirable to formulate certain tentative policies for admission to new projects even before removal of site occupants. In any event adequate attention should be given to the preliminary phases of tenant selection soon after the construction of a project gets under way. This enables the actual selection of families to begin as much as four to six months before the first portion of the project is ready for occupancy. The time necessary will, of course, vary with the size of the project, the previous experience of the local housing authority and other local conditions. A well planned start in tenant selection is essential to accomplish these prime objectives:

(a) Careful and thorough tenant selection at a minimum of expense.

(b) Completion of tenant selection by the time each part of the project is ready for occupancy, thus preventing loss of income through delay in occupancy.

(c) Development of a clear understanding of the objectives of the public housing program in the community.

To achieve the objectives specified in subparagraphs (a), (b), and (c) above, the following fundamental steps must be taken by the local housing authority prior to actual tenant selection:

(1) Responsibility for tenant selection activities must be definitely placed.

(2) The rental market must be determined in order to confine selection to families in the lowest income group.

(3) Rents must be definitely fixed.

(4) Local standards of admission and conditions of occupancy which comply with the provisions of the Act must be established.

(5) Suitable methods must be devised for reaching eligible applicants.

(6) Adequate preparation must be made for the early filing of formal application for admission.

(7) Adequate ground work must be done towards (i) setting up the tenant selection office, including the selection and training of personnel; (ii) preparing the requisite procedures, instructions, forms, reference material, and the like, required in this connection; and (iii) establishing contacts with various local agencies. Tenant selection cannot get under way until these preliminary steps have been carefully planned and successfully completed. An early start makes possible the establishment of a pool of eligible applicants from which those families in the lowest income group can be chosen. By this means, first consideration for acceptance in a low-rent housing project is on the basis of need rather than according to the order of filing application.*† [Par. II]

§ 640.3 *Placing responsibility for preliminary phases of tenant selection.*

*Sec. 640.0 to 640.11 issued under the authority contained in Sec. 8, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408.

†The source of Sections 640.0 to 640.11 is Bulletin 22, May 1, 1939.

Definite responsibility for initiating the preliminary activities in tenant selection should be placed with one professionally qualified person several months before commencing the actual selection of families. If tenant selection activities for a number of projects are to be centralized, the proper person for this responsibility would be a staff member of the local housing authority, who, in turn, would be responsible to the person in charge of all phases of project management. Otherwise these duties should be delegated to the project housing manager at a very early stage and later assigned to the member of his immediate staff charged with the supervision of tenant selection. If the project is located on a slum site, it is highly desirable that the person directly responsible for tenant selection should be identified with or in close touch with relocation activities.*† [Par. III]

§ 640.4 *Functions of an advisory committee in tenant selection.* It is also desirable for the local housing authority to appoint a special advisory committee to assist in the formulation of sound policies and procedures for tenant selection. In fact, if the project is located on a slum site, there are many advantages in appointing this Committee before undertaking the relocation of site occupants. Such a committee may be comprised of one or two members of the local housing authority and the best professional workers available in the community representing local agencies primarily concerned with the various aspects of the problems of low-income families. If wisely chosen this committee can exert a far-reaching influence in interpreting the housing program to the community as a whole and later on, the same committee or a small subcommittee, may constitute a board which will review and approve admissions to the project in accordance with the policies established.*† [Par. IV]

§ 540.5 *Determining the rental market (i. e., the sources of eligible tenants, rent and income levels, and the family composition).* An analysis of reliable local data, on family composition, and the incomes, rents paid, occupations, and the like, of families living in areas of substandard housing is indispensable to sound plans for tenant selection. Such an analysis will (a) serve as a guide in fixing the project rents "within the financial reach of families of low income" and (b) provide a factual basis for establishing the potential pool of prospective tenants for the project at the lowest feasible income level. In many cities, the information required for such an analysis will be available from surveys now under way or being planned in connection with real property inventories to supplement data submitted earlier to the USHA.*† [Par. V]

§ 640.6 *Fixing of rents.* This Part 640 is not designed as a guide for establishing rents. It should be emphasized, however, that it is imperative to set management policies and maintenance standards which will result in the lowest feasible operating budgets and rents. No greater challenge to the judgment and ingenuity of the local authority and its staff arises. Every possible economy must be found and assured by adoption of a carefully considered management program. Early determination of the complete management program and early approval of final operating budgets and rents well within the reach of families in the lowest income group—these are absolute prerequisites to plans for tenant selection. The rents to be paid for dwellings in any project must be fixed definitely before other activities preliminary to tenant selection can proceed. Most important among these preliminary steps are the establishment and approval by resolution of the local authority of the standards of eligibility for admission. The approval of this resolution should be followed by the preparation and release of suitable publicity. In order to rehouse large families in the lowest income group, differences in rent charges between dwelling units of different size should be as small as practicable. This marked departure from usual commercial practice (which will entail, among other things, only a small differential for each additional bedroom) is (a) essential in rehousing families in the lowest income group, (b) consistent with the basic objectives of a low-rent housing program, and (c) adjusted to the fact that large families ordinarily have no higher incomes than small families. The question of differentials in rentals for dwelling units of the same size, whether they are in the same project or in different projects in the same locality, and whether such differentials, if any, should be invariably based on concrete differences in quality or facilities provided, is perhaps the main question of rent policy on which the USHA is not yet prepared to make recommendations.*† [Par. VI]

§ 640.7 *Establishing standards of eligibility and conditions of occupancy.* Criteria governing eligibility for admission must first of all insure compliance with the legal provisions of the Act and the local law. To carry out the spirit as well as the letter of the Act and the local law certain basic criteria with respect to occupancy standards and other factors are also essential. In addition, specific policies pertaining to a number of local considerations must be set up. Local policies should obviate possibilities of favoritism or partiality in tenant selection. Until all criteria are formulated and approved, formal applications cannot be taken, nor inquiries concerning standards of admission satisfactorily answered. If the project is located on a slum site, it is distinctly advantageous to formulate tentative, if not final, policies for admission even before site occupants are relocated. Formulation of these policies at this time is important not only because they must be known to determine how many of the site occupants may be eligible for admission to the new project, but also because they may have a direct bearing on the immediate relocation plans for some families.

(a) *Maximum income limits for admission.* Statutory maximum income limits for admission are established by the Act as follows:[1] "The dwellings in low-rent housing as defined in this Act shall be available solely for families whose net income at the time of admission does not exceed five times the rental (including the value or cost to them of heat, light, water, and cooking fuel) of the dwellings to be furnished such families, except that in the case of families with three or more minor dependents, such ratio shall not exceed six to one."[2] The USHA, for the sake of convenience, uses the term "statutory rental value" to mean "the rental (including the value or cost to them of heat, light, water, and cooking fuel) of the dwellings to be furnished such families." Thus the upper income limits established by the Act will vary according to the statutory rental value and consequently according to the rents fixed for dwelling units of different size. The rent differentials, if any, established for units of the same size will also affect these limits. Every effort should be made to confine selection to an income group below the statutory maximum income limits. To facilitate reaching such an income group "local maximum limits for admission" lower than the statutory limits should generally be adopted. As has been previously pointed out an analysis of reliable local survey data on family composition, incomes, rents paid, occupations, and the like, of families living in areas of substandard housing is indispensable in establishing such limits. Lacking such surveys, these maximum limits may be based upon factual information available locally on family incomes or wage levels in representative occupations in which wage earners of low income are engaged. If there are insufficient data upon which to base such local maximum limits, the local authority may tentatively reach a decision not to admit any family whose income exceeds an arbitrary figure below the statutory limit until such time as sufficient applications have been received and analyzed to arrive at a satisfactory basis for establishing "local maximum limits for admission." Regardless of the local maximum limits established, in selecting tenants from a pool of eligible applicant families, preference should always be given to those having the lowest annual net incomes.

(b) *Lower income limits for admission.* No satisfactory scale of minimum income limits can be established as an arbitrary basis for determining the adequacy of family income for admission to a low-rent housing project. Therefore each application must be carefully considered on an individual basis. It should be recognized that in rehousing families of very low income, the proportion of income paid for rent may frequently exceed accepted family budget standards at a so-called "health and decency" level of living. However, there appears to be no justification for denying the benefits of good housing to such families merely because their limited incomes preclude an adequate level of living for other necessities. Inasmuch as low income families generally lack sufficient funds to maintain an adequate scale of living for food, clothing and other essentials as well as insufficient means to obtain decent housing, the amount paid for "rental plus related costs" should not be increased but preferably decreased as a result of rehousing. Nevertheless local authorities may find it necessary in some instances to admit families whose "rental plus related costs" is somewhat increased by moving into the project. Such increases should be permitted only when the incomes of such families are equal to or greater than the average income of other eligible applicant families of the same size. "Rental plus related costs" means the value or cost to the family of rental, heat, light, water, cooking fuel, refrigeration, and transportation. Careful consideration must be given to avoid increases in the total of such expenses, including transportation. For instance, if transportation costs will be materially decreased, other costs may be somewhat increased without reducing the family scale of living. Accordingly, in addition to fulfilling other standards of eligibility, a careful study of the economic circumstances of each family is necessary to establish the fact that decent housing is not provided at the sacrifice of other essentials. Such a study must take into account also the steadiness of family income, the past rent-paying record of the family, the extent and type of indebtedness, if any, as well as the family's record in discharging financial obligations. The cost of furnishing a home, even with bare necessities, must also be taken into account in the case of families living in furnished rooms or in other doubled-up arrangements. The economic factors must be studied with particular thoroughness when families are found to be paying unduly excessive proportions of their limited incomes for rent. As a safeguard in this connection local authorities may find it advisable to establish an arbitrary bottom income limit below which an application for a dwelling unit will not even be accepted.

(c) *Need for housing in the locality.* Criteria by means of which physical need for housing can be determined must be based on local conditions. This need is best measured by the use of a carefully developed scoring system. Such a system sets up the factors to be considered in determining the degree of substandard housing and assigns a numerical value to each of these factors. The system should be devised to measure accurately and objectively the extent of housing need. Thus, if one major factor or a sufficient combination of minor factors exists to reveal that housing conditions are unsafe, insanitary, overcrowded or detrimental to the morals of the occupants, the applicant family is eligible for admission. Moreover, in tenant selection, preference should be given to families living under substandard housing conditions most injurious to health and safety as shown by the scoring system. By this means tenant selection for newly constructed projects facilitates the effective closing, or the compulsory repair, of unsafe or insanitary dwellings in the locality. In defining substandard housing and in developing a local housing score, consideration should be given to the following factors:

(1) If the present dwelling of the family is in need of major repairs or extensive minor repairs to overcome hazards to person, health or well-being.

(2) If the dwelling unit lacks one or more of the following: running water; inside private toilet; inside private bath or shower; adequate and safe heating facilities; adequate private cooking facilities, including sink; natural light and adequate ventilation; adequate and safe artificial lighting facilities.

(3) If space and room arrangements are detrimental to family privacy, health and morals.

(4) If fire hazards exist.

(5) If the family is living under overcrowded conditions. (A dwelling shall be considered overcrowded when it does not conform to the maximum occupancy standards established for the project. See recommendations for normal occupancy limits in subsection (d) (2) of this Section 640.7.)

(6) If the family is living under "doubled-up" housing conditions. (Two or more families sharing a dwelling primarily designed for single family occupancy.)

(7) If the family dwelling unit is located in a neighborhood where—

(i) Many buildings are abandoned or in need of major repairs, or demolition.

(ii) Industrial nuisances obtain; i. e., excessive noise, smoke, noxious odors, and the like, from factories, restaurants, and so forth.

(iii) Congested streets (pushcarts, street markets, other traffic dangers, and the like) and dumps are found.

(iv) Demoralizing social influences exist; i. e., gambling establishments, hangouts, or other centers of vice and crime, or a high incidence of juvenile delinquency.

(v) Suitable play space for children is lacking.

(8) If violations of any local health and sanitary regulations, tenement and housing laws, and the like, not specified above in subparagraphs (c) (1) through (c) (7), exist. Paying too much for rent for decent accommodations has sometimes been considered a factor equivalent to living under substandard housing conditions. While the problem this presents to many families of low income is fully recognized, the present program does not contemplate rehousing such families.

(d) *Occupancy standards for admission*—(1) *Family makeup.* Admission shall be confined exclusively to a natural family or to a cohesive family group which may include: (i) dependent relatives or other dependents clearly established as an inherent part of the family group; and (ii) working adults known to have regularly lived as an inherent part of the family group, whose earnings are an integral part of the family income and whose resources are available for use in meeting family expense. A natural or a cohesive family group may not be comprised of or include: two distinct family groups, lodgers or transient paying guests, a synthetic household composed of unrelated working adults, a person living alone.

(2) *Family size.* To avoid overcrowding and at the same time to extend the benefits of low-rent housing to the greatest number of persons, it will be necessary to establish occupancy limits for admission to each size dwelling unit. The number of persons to occupy any unit should normally be based upon the assumption that each full bedroom will be occupied by two persons, that each small bedroom will be occupied by one person, and that the living room will not be used for sleeping. A small bedroom is one which is designed to accommodate only one person. To facilitate the taking of applications and the selection of tenants, it is suggested that a table similar to the following be set up as a guide, modified according to the types of units in the particular project:

| Type of unit | Normal occupancy (persons) | Minimum occupancy (persons) |
|---|---|---|
| 1 Bedroom: | | |
| 1 Principal Bedroom | 2 | 2 |
| 2 Bedrooms: | | |
| 1 Principal Bedroom<br>1 One-Person Bedroom | 3 | 2 |
| 1 Principal Bedroom<br>1 Intermediate Bedroom | 4 | 3 |
| 3 Bedrooms: | | |
| 1 Principal Bedroom<br>2 One-Person Bedrooms | 4 | 4 |
| 1 Principal Bedroom<br>1 Intermediate Bedroom<br>1 One-Person Bedroom | 5 | 4 |
| 1 Principal Bedroom<br>2 Intermediate Bedrooms | 6 | 5 |
| 4 Bedrooms: | | |
| 1 Principal Bedroom<br>1 Intermediate Bedroom<br>2 One-Person Bedrooms | 6 | 6 |
| 1 Principal Bedroom<br>2 Intermediate Bedrooms<br>1 One-Person Bedroom | 7 | 6 |
| 1 Principal Bedroom<br>3 Intermediate Bedrooms | 8 | 7 |

[1] Some local laws set the maximum income limits at five times the rent, regardless of family size. If the maximum income limits set by local law are below the statutory maximum limits set by the Act, in the case of families with 3 or more minor dependents, the local law is controlling on the local housing authority.

[2] For definitions of the terms "net income," "net income at the time of admission," and "minor dependent," see Section 640.11, *infra*

Significance need not always be attached to the family's statement at the time of filing application concerning the size of the dwelling unit desired. Frequently guidance is necessary to point out to the family its real needs. In assigning dwelling units, normal occupancy (without the use of the living room for sleeping) should be the objective except where this is precluded by age, sex or special needs. For example, a family comprised of parents, a son 13 and a daughter 11 will require three bedrooms. On the other hand, for a family comprising the parents and two children of the same sex, two full bedrooms would be adequate. As indicated above, regular use of the living room for sleeping purposes is not recommended. It presents distinctly undesirable features and interferes with the use of this room for normal family group life. This factor is an especially important consideration in families with adolescent or older children or in large families due to the greater and more varied demands made upon living room space. Nevertheless it may be necessary in certain cases to admit families who plan to use the living room for sleeping for not more than one person. However, in no event should this practice be permitted where the living room is designed as a combination living room and kitchen, or where it is necessary to pass through it to reach the bathroom or an exterior entrance. Under no circumstances can the living room be considered satisfactory for sleeping purposes for a child, an elderly person or someone in poor health. Accordingly, it would seem advisable to restrict the use of the living room for sleeping to an occasional overnight guest or to a member of the family who is temporarily ill. Experience with PWA Housing Division projects has shown that it is inadvisable to omit consideration of children less than two years of age in establishing occupancy limits, or to count two children under two years of age as one person. Failure to count these children in estimating family size soon leads to problems of overcrowding, making it necessary for the family to move within a short time to assure the maintenance of occupancy standards. Observation has also shown that even though the baby's crib may be kept in the parents' bedroom for a temporary period, space requirements for special equipment for a very young child are greater than such requirements for older children.

(c) *Local criteria for admission.* Each local housing authority will find it necessary to establish certain local policies prior to tenant selection. Experience has shown that failure to establish such policies before tenant selection is initiated may result in considerable confusion and inconsistency both in public relations and in dealing with individual applications. For example, clearly defined local policies regarding preferential consideration for individual families of the following types should be established in advance: former site occupants, families with children, proximity of family to source of employment and/or school. The program definitely favors acceptance of families in each of these groups if found to qualify to all other standards of admission. If the project has been designed with dwelling units suited to accommodate exceptionally large families this factor should also be taken into account. Decisions for or against factors such as the following must also be determined at the time of establishing local policies: requirements for citizenship or first papers, if any; requirements, if any, as to length of residence in the locality or under substandard housing conditions; limitations, if any, to be placed on the acceptance of families with savings and other assets and the nature of such limitations. It is highly desirable to keep the number of such restrictive policies to a minimum and the ultimate effect of these policies should be carefully weighed before final decisions are reached. For example, the resources available in a small savings account may provide the sole means of furnishing the new home to the applicant now occupying furnished quarters. Further, inquiry into the cause for a short period of residence at the address given at the time of filing application may reveal a sound reason for moving. The setting of an arbitrary policy with respect to length of residence at a given address would automatically exclude such families as ineligible. In addition to the foregoing, certain factors pertaining to the nature of the tenant group as a whole must be fully considered and tentative policies established concerning the following points:

(1) In localities where rent allowances for families on pensions and those on direct or work relief make it possible to accept applications from such families, a policy as to the approximate number to be admitted should be established in advance. It must be borne in mind that local authorities will not want to rehouse too high a proportion of relief tenants because the USHA-Aided program is not intended for emergency relief, but is primarily a permanent housing program to meet the needs of low-income families whose wage earners are engaged in private industry and public employment.

(2) In certain communities it may be necessary to establish a policy as to the proportion of different occupational groups to be rehoused in a project. This question needs to be considered only if the sources of employment of the applicants are seasonal or extremely fluctuating in character. In such circumstances a policy of this kind may be necessary to insure stability of the tenant group and the project income by minimizing problems of turnover and arrears. It may also be found inadvisable to accept a large number of families engaged by a single employer.

(3) In projects designed to rehouse different racial or nationality groups, the ratio of each race or nationality to be admitted should be predicated upon existing local conditions and needs. Where special or mixed population groups are to be tenants of a project, the full cooperation of representatives of agencies familiar with the problems of such groups should be enlisted in establishing tenant selection policies. Obviously, policies with respect to factors such as the above are subject to review and revision contingent upon facts which may emerge in the actual process of tenant selection.*† [Par. VII]

§ 640.8 *Methods of reaching prospective tenants.* The degree of success achieved in reaching eligible applicants will depend largely upon the efforts made and the means employed to obtain applications from families in the lowest income brackets. It should be borne in mind that the first families to file applications are not necessarily those most likely to qualify for admission. Accordingly, every effort should be made to reach eligible families who may be slow to recognize their opportunities by reason of timidity, lack of information or illiteracy. This task will be considerably easier if a solid groundwork of education and information has been built up in the course of developing the project, with organizations and individuals as widely representative as possible of the prospective tenants. Such cooperation is virtually indispensable if the project is located on a slum site or in a locality where a special racial or nationality group is to be rehoused. As soon as applications can be accepted contacts must be established with representatives of agencies who are in constant touch with families living in slum areas. Among these are social agencies such as clinic and health centers, family service and child care agencies, community centers and others. Churches and schools are also valuable aids in this connection. In addition, it may be desirable to contact labor unions, employers and fraternal organizations. Informal talks to various groups of potential applicants provide an excellent means of arousing interest in the new project. The creation of a close working relationship with the local press, including foreign language newspapers, serves the two-fold purpose of (a) developing an informed and sympathetic viewpoint toward public housing and (b) providing a means for the dissemination of specific information concerning the local project. Radio talks are another medium for reaching prospective tenants. In addition to newspaper releases, simple and attractive printed folders or mimeographed sheets clearly stating the project rents and eligibility requirements in terms that will be readily understood, are invaluable in stimulating applications. As soon as rents are fixed and policies of admission established, material of this kind should be prepared in large enough quantities to permit widespread distribution through the proper channels. Past experience has shown that unfavorable attitudes to



a local project, or to the USHA-Aided program in general, have frequently been the result of misunderstandings on the part of the public concerning rent charges and eligibility requirements. Premature announcements of dwelling rents before they have been definitely fixed should be avoided as the actual rent schedule may be either higher or lower than the anticipated charges. Failure to receive applications from many eligible families has also resulted from misleading publicity. For example, through error, the maximum income limits for admission have sometimes been quoted as the minimum income requirements. To avoid creating false impressions in the minds of the general public regarding the income group to be served, it is recommended that the first publicity issued relative to the income limitations for admission be expressed in terms of the anticipated average income of all the families to live in the project. In short, on a project in which the local maximum income limits for admission may vary from $800 for a two-person family to $1,000 for a six-person family and the anticipated average income of all families in the project is estimated to be approximately $750, it is suggested that the initial publicity state that the project will serve families with incomes in the neighborhood of $750. In case publicity is necessary to discourage application by families with incomes exceeding the local maximum limits, some reference may be later made to these maximum limits, but at such time it will also be advisable to restate the anticipated average income of all families. In most instances shelter rent should be quoted only in general publicity and for the purpose of comparing project rents with rents for substandard dwellings. To obviate tenant misunderstanding and resultant problems, rent schedules and prices quoted to applicants on specific units should be the actual charge for the dwelling, that is shelter rent plus utility charge. It is equally important when so quoting rents to state concurrently what utilities are furnished. This method of quotation will permit accurate comparisons between the project rents for dwelling units of varying size and the present housing costs of applicant families. If such precautions are taken in preparing statements for release, the number of applications from ineligible families will be cut down considerably and applications from eligible families stimulated. This result will not only greatly facilitate the entire process of tenant selection, but will have the effect of greatly reducing the costs involved.*† [Par. VIII]

§ 640.9 *Filing formal applications for admission.* Simultaneously with the release of publicity, provision should be made for the filing of formal applications for admission. A carefully planned application form will be required based on local tenant selection policies. This form should be designed to record all facts essential to determine the eligibility of the applicant, as well as additional information required to verify these facts. A sample application form with instructions for its use will be furnished by the USHA as a separate release. Early taking of applications may call for a small temporary application office. There are many advantages in having this office centrally located and easily accessible to all parts of the city. It may also serve as an application office for more than one project. One or more members of the tenant selection staff, or of the management staff, should be on hand at this office at all times, to give reliable and satisfactory answers to inquiries concerning policies of admission, and to take applications from families wishing to file them. In this connection it should be stressed that application taking is not merely a clerical job. To secure full and accurate information during an initial interview requires the judgment and skill of a trained interviewer. Assuming interviewers to be so qualified, they should have full authority to inform applicants found to be definitely ineligible for admission to this effect at the time of the interview. In such cases the application should be completed to the point of showing the causes for ineligibility and kept as a permanent record. The applicant should always be given the specific reason or reasons for ineligibility and should go away feeling that he has been accorded fair and courteous treatment. Not only will this method be more satisfactory to the applicant, but by such means much clerical work as well as other procedures incidental to a complete verification—both costly and time consuming—will be obviated. The importance of first contacts with prospective tenants and others should not be minimized, since these initial contacts can have a far-reaching effect on the attitudes developed in the community toward the management of the project.*† [Par. IX]

§ 640.10 *Preparation for active tenant selection.* In addition to the steps discussed in the preceding Sections of this Part 640, there are other activities of a highly diversified character that must be given attention before the set-up for tenant selection can be considered complete. (The services of a representative of the USHA may be found especially valuable in connection with these phases of the work.) Among such activities are the following:

(a) *Selection and training of personnel.* Careful staff selection is requisite, and thorough job training indispensable, to obtain satisfactory results in tenant selection. The necessary experience and educational qualifications of staff members will vary according to the duties to be performed and the degree of responsibility to be assumed by each. The number will be dependent upon the size of the project and the length of time allowed for tenant selection activities. It may sometimes be possible to secure the services of qualified personnel for tenant selection on a temporary basis through special arrangements with local social agencies. On the other hand, there are many advantages in utilizing the services of personnel who have had the benefit of prior experience in relocation work. This practice makes for continuity of objectives and methods in all phases of the local program relating to the families to be rehoused. Successful results in office interviews, home visits, and a final review of applications will call for professional training and demonstrated ability on the part of staff members. However, irrespective of background, special job training will be required.

(b) *Procedures, forms, reference material.* A manual of initial tenant selection procedure will be required by each local housing authority giving detailed instructions for the handling of an application from the time it is received through all the steps until its ultimate disposition. This manual will serve as a basis for training the staff and for constant reference in carrying on the work. A specimen manual of standard procedure for initial tenant selection and renting containing sample copies of requisite forms and form letters to serve as a guide to local housing authorities is scheduled for release in the near future. Maps which show areas of substandard housing in a given community will prove useful in tenant selection to indicate whether applications are being drawn from families living under slum conditions. An address card file system listing actual substandard dwellings may also provide a valuable reference if sufficient data are available locally to warrant setting up such a file. Information from up-to-date housing surveys and current housing records of various city departments may form the basis for this file. If based on reliable sources of information, such a file, or some other means of referring to such facts, to be determined locally, may prove a great time saver. Through the central social service exchange or bureau serving as a clearing agency to the majority of social agencies in many communities, arrangements should be made for obtaining data on agencies' contacts with each applicant family. It should be borne in mind that many families of low income have contacts with social agencies. Consequently, knowledge of such active or past contacts provides an essential means of verifying pertinent facts concerning the eligibility of these applicants. Inasmuch as the records of social agencies are confidential, the original contact with the exchange requesting such cooperation, as well as later follow-up contacts necessary with specific agencies, must be made by a qualified professional member of the staff. A decision must be arrived at locally concerning the advisability of using established commercial credit bureaus as a medium for verifying the rent-paying record of the family and its discharge of financial obligations. Undue emphasis should not be attached to the use of such reports, how-

ever, and where other sources for verifying these facts exist, the additional expense incurred by use of a commercial service may be obviated. It is questionable if the credit report should ever be used for the purpose of checking family income, and in no case should such a service be relied upon as the sole means of verifying income. Satisfactory use of a commercial credit bureau involves the preparation of an outline of the specific information desired. This is best accomplished by providing the agency with a special report form and other definite instructions. A clear understanding must be reached which will insure that the source of inquiry is held in strict confidence. Experience has shown, for example, that in some cases representatives of credit agencies have made direct contacts with applicant families to secure information for compiling their reports, and also that landlord-tenant relationships have been jeopardized. A family budget guide is another tool which may be used to advantage in family selection. Such budget material applicable to the requirements of low-income families must be developed by trained home economists and others, based on a knowledge of local living conditions and costs. Assistance in setting up such budget schedules in a manner that will be practical for use in tenant selection may be secured from a qualified representative of the USHA.

(c) *Display units.* When the project is sufficiently completed to permit inspection, it is highly desirable to have one or more typical dwelling units open to the public. The value of such visits will be greatly enhanced if the units on display are furnished, so that prospective tenants and other visitors will be able to visualize the dwellings as they will look when actually occupied. However, the type of display undertaken should be very carefully planned to discourage rather than to encourage new purchases. If developed during the period of initial tenant selection, such displays will tend to deter families from incurring heavy indebtedness for goods purchased on the installment plan. To accomplish this end second hand furniture should be utilized for the most part, combined with such new items as may be made or purchased at a very low cost. A model apartment of this type to take the place of the usual commercial display, supplemented by the services of a trained consultant to assist individual families in their problems of home furnishings, serves a worth while educational purpose not only to tenants, but to the community as a whole. It also tends to promote the natural integration of community and project interests at the very outset. Home economists and other specialists working in various professional capacities in allied fields will be found more than willing to cooperate and, in some cases, will assume complete responsibility for the direction of such an undertaking. Concrete suggestions with respect to the principles to be observed in setting up such demonstrations, and the types of local agencies equipped to offer such services are obtainable from the USHA.

(d) *Setting up the tenant selection office.* The space requirements for the initial tenant selection office, exclusive of regular management office space, are of course dependent upon the size of the tenant selection staff and will vary from one project to another, according to the number of units to be rented and the time allotted to this work. Sufficient office space should be provided to accommodate a number of applicants at the same time without crowding. Space requirements should also consider, insofar as practicable, the factor of privacy in taking applications. Since office equipment for initial tenant selection activities will be required for only a temporary period, every effort should be made to keep the cost of equipment to a minimum. It is frequently possible to borrow the necessary number of desks, chairs, file cabinets, and the like, from another municipal department. If this is not possible, such furniture may be rented or purchased second-hand for the period of time required. Arrangements for telephone and lights must be made and other services, such as drinking water, towel service, office cleaning, and the like, planned for in advance. Requisite forms must be on hand, office supplies assembled and information signs conspicuously posted to show the location of the offices. If properly set up and conducted, the tenant selection office can perform a vital role in community relationships.*†

§ 640.11 *Definitions.* To aid local authorities in determining eligibility for admission under the Act, particularly under Section 2 (1) thereof, the following definitions have been adopted by the USHA:

(a) *Net income.* The "net income" of a family applying for admission to, or residing in, a dwelling unit in a project means the aggregate income, in whatever form received, of all members of such family, less allowable deductions as defined below. Aggregate income shall include:

(1) All wages, salaries, commissions, fees, tips, earnings from work relief, and other compensation for personal services, including the cash value of any compensation in kind such as meals or food provided to domestics and hotel workers.

(2) Net profits from the operation of a business.

(3) Pensions.

(4) Unemployment compensation or Social Security benefits.

(5) Relief payments in cash, and the cash value of relief allowances in kind.

(6) Alimony or other contributions or gifts toward the support of the family.

(7) Interest and dividends from bank deposits and from investments, if any, and income from insurance policies. (These items are not as a rule applicable to low-income families.)

(8) All other income from any and all sources whatsoever.

Deductions from aggregate income to determine net family income may be made for:

(1) Deductions required by law to be made from wages, salaries, or other compensation for personal services, either in private or public employment; e. g., Social Security taxes, payments to government retirement funds, and the like.

(2) Special expenses in connection with employment for which no reimbursement is made by employer. (Such deductions do not include usual transportation costs to and from work or any ordinary expenses which the majority of wage earners must make.)

(3) Any reasonable amount actually paid for the support of a person or persons who are not to reside with the family, but for whose support one or more of the members of the family are legally responsible; e. g., alimony, payments toward the support of a minor dependent in an institution, and the like.

*No deductions may be made for voluntary payments to pension funds or for insurance, payments on bills and garnishments, payments on installment purchases, the repayment of loans, or interest and finance charges on such items.*

(b) *Net income at the time of admission.* "Net income at the time of admission" means the amount of the family's net income for the twelve calendar months next preceding the date of application adjusted to reflect the anticipated net income of the family for the twelve calendar months next succeeding the anticipated date of admission. The application to be signed by the applicant shall contain a statement as to the family's actual net income for the twelve calendar months next preceding the date of the application and any changes in amount which the applicant anticipates for the twelve calendar months next succeeding the anticipated date of admission. The determination of the amount of net income at the time of admission shall be made by the local authority. Such determination shall be made as close to the actual date of admission as is possible. During the period of initial occupancy of the project, such determination shall be made not more than four months prior to the actual date of admission. After the period of initial occupancy, such determination shall be made not more than two months prior to the actual date of admission.

(c) *Minor dependent.* "Minor dependent" means a member of a family under 18 years of age who is dependent upon the family net income in whole or in part for support.*†

NATHAN STRAUS,
*Administrator.*

OCTOBER 1, 1939.

[F. R. Doc. 39-3918; Filed, October 24, 1939; 11:40 a. m.]



## TITLE 31—MONEY AND FINANCE: TREASURY

### PUBLIC DEBT SERVICE

[1939—Department Circular No. 623]

OFFERING OF UNITED STATES OF AMERICA 1 PERCENT TREASURY NOTES OF SERIES B-1944

OCTOBER 24, 1939.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par, from the people of the United States for 1 percent notes of the United States, designated Treasury Notes of Series B-1944, in payment of which only Treasury Notes of Series B-1939, maturing December 15, 1939, may be tendered. The amount of the offering under this circular will be limited to the amount of Treasury Notes of Series B-1939 tendered and accepted.

II. DESCRIPTION OF NOTES

1. The notes will be dated November 1, 1939, and will bear interest from that date at the rate of 1 percent per annum, payable on a semiannual basis on March 15 and September 15 in each year until the principal amount becomes payable. They will mature March 15, 1944, and will not be subject to call for redemption prior to maturity.

2. The notes shall be exempt, both as to principal and interest, from all taxation (except estate or inheritance taxes, or gift taxes) now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

4. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.

5. Bearer notes with interest coupons attached will be issued in denominations of $100, $500, $1,000, $5,000, $10,000 and $100,000. The notes will not be issued in registered form.

6. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par for notes allotted hereunder must be made or completed on or before November 1, 1939, or on later allotment, and may be made only in Treasury Notes of Series B-1939, maturing December 15, 1939, which will be accepted at par, and should accompany the subscription. Coupons dated December 15, 1939 must be attached to the notes when surrendered, and accrued interest from June 15, 1939 to November 1, 1939 ($5.221995 per $1,000) will be paid following acceptance of the notes.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, Jr.,
*Secretary of the Treasury.*

[F. R. Doc. 39-3919; Filed, October 24, 1939; 11:42 a. m.]

## *Notices*

### DEPARTMENT OF AGRICULTURE.

#### Agricultural Adjustment Administration.

[SRB-301, Florida Celery, Sup. 2]

1939 AGRICULTURAL CONSERVATION PROGRAM FOR THE FLORIDA CELERY AREA

SOUTHERN REGION BULLETIN 301

*Supplement No. 2*

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program for the Florida Celery Area, Southern Region Bulletin 301,[1] is hereby further amended as follows:

(1) Subsections (b) and (c) of section V are amended to read as follows:

(b) *Potatoes.* 3 cents per bushel of the normal yield per acre of potatoes for the farm for each acre in the potato acreage allotment.

(c) *Commercial vegetables.* $1.50 per acre for each acre of the acreage allotment of commercial vegetables established for the farm.

(2) Subsection (a) of section VI is amended to read as follows:

(a) *Flue-cured tobacco.* (1) 2 cents per pound of the normal yield for the farm for the acreage of flue-cured tobacco harvested in excess of the allotment but not in excess of the larger of (i) 110 percent of the allotment or (ii) the allotment plus one-tenth of an acre.

(2) 8 cents per pound of the normal yield for the farm for the acreage of flue-cured tobacco harvested in excess of the larger of (i) 110 percent of the allotment or (ii) the allotment plus one-tenth of an acre.

Done at Washington, D. C., this 23d day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3920; Filed, October 24, 1939; 12:14 p. m.]

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective October 25, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

[1] 4 FR. 3585 DI.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued, and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available, and reimbursement of all persons employed under such Certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM

Badger Raincoat Company, Port Washington, Wisconsin (5 learners).

Picayune Manufacturing Co., Picayune, Mississippi.

Puritan Raincoat Co., Inc., Lansdale, Pennsylvania.

Signed at Washington, D. C., this 24th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3925; Filed, October 24, 1939; 12:39 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of October 1939.

[File No. 7-77]

IN THE MATTER OF WEST PENN POWER COMPANY 4½% PREFERRED STOCK, $100 PAR VALUE

ORDER DENYING APPLICATION UNDER SECTION 12 (F) AND 23 (A) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED

Continuance of unlisted trading privileges on the Pittsburgh Stock Exchange in the $100 Par Value 7% Cumulative Preferred Stock of West Penn Power Company having been permitted by action of this Commission on April 9, 1937; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, That the determination sought by said application is not made and the application is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3915; Filed, October 24, 1939; 11:11 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24 day of October, A. D. 1939.

[File No. 37-41]

IN THE MATTER OF NEW ENGLAND POLE AND TREATING COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 13 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on November 13, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 8, 1939.

The matter concerned herewith is in regard to a declaration filed pursuant to Section 13 (b) of the aforementioned Act and Rule U-13-22 thereunder, by New England Pole and Treating Company, a subsidiary of New England Public Service Company, a registered holding company, with respect to declarant's organization and conduct of declarant's business as a subsidiary service company.

It is stated that the declarant is primarily engaged in the business of purchasing, preparing, treating, and selling telephone, telegraph and electric poles; that in 1938, 95% of the poles were sold to the five major utility companies in the New England Public Service Company system; and that the balance of the poles were sold to companies outside of said system.

It is further stated that sales of poles to associate companies are made at cost as nearly as the same may be determined, and that sales to non-associate companies are made at cost plus an estimated profit to the declarant.

It is further stated that since December, 1938, the declarant has been conducting a lumbering operation at cost for Central Maine Power Company, an associate company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3917; Filed, October 24, 1939; 11:11 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1939.

[File Nos. 43-223, 43-224, 47-47]

IN THE MATTER OF PEOPLES NATURAL GAS COMPANY, ARGUS NATURAL GAS COMPANY, INC, AND NORTHERN NATURAL GAS COMPANY

NOTICE OF AND ORDER FOR HEARING AND FOR CONSOLIDATION OF HEARINGS

Declarations and applications pursuant to sections 7, 10, and 12 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on November 3, 1939, at 2:00 o'clock in the afternoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before October 30, 1939.

The matter concerned herewith is in regard to:

(1) The proposed issue and delivery by Peoples Natural Gas Company, a subsidiary of Northern Natural Gas Company, a registered holding company, to Northern Natural Gas Company, of 10,000 shares of the common stock of Peoples Natural Gas Company of the aggregate par value of $1,000,000, and the issue and delivery by Peoples Natural Gas Company to Northern Natural Gas Company of $550,000 principal amount of 4½%, unsecured promissory notes of the former, said notes being nine in number and maturing serially each year from 1946 to 1953, inclusive. Said stock and notes are to be so issued and delivered in exchange for the surrender of a certain 6% income note of Peoples Natural Gas Company in the principal amount of $1,110,000, which matured on June 30, 1939, and the payment of $540,000 in cash.

(2) The proposed issue and delivery by Argus Natural Gas Company, Inc. of fifteen 4½% promissory notes, maturing serially each year from 1940 to 1953, inclusive, in the aggregate amount of $960,000, to said Northern Natural Gas Company, of which Argus Natural Gas Company, Inc. is likewise a subsidiary. Said notes are to be so issued and delivered in exchange for the surrender of a certain 6% income note of Argus Natural Gas Company, Inc., due June 30, 1939, in the principal amount of $920,000, and the payment of $40,000 in cash.

(3) The proposed acquisition by said Peoples Natural Gas Company of the gas plant and distribution system located in Spencer, Iowa, now owned, or controlled, by the Skelly Oil Company, for a consideration of $65,000 in cash.

(4) The proposed substitution by Northern Natural Gas Company of the securities of Peoples Natural Gas Company and Argus Natural Gas Company, Inc. so to be acquired by said parent company for the securities so proposed to be surrendered to said respective subsidiary companies as security under a certain Mortgage and Deed of Trust, dated July 1, 1939, between Northern Natural Gas Company and Harris Trust and Savings Bank, which Mortgage and Deed of Trust secures certain First Mortgage and First Lien Bonds of said Northern Natural Gas Company.

Hearings were held on the declaration of Peoples Natural Gas Company (File No. 43-223) and on the declaration of Argus Natural Gas Company, Inc. (File No. 43-224), relative to the phases of the proposed transactions described in paragraphs (1) and (2) above, on July 24, 1939, at which time such hearings were each continued subject to the call of the Trial Examiner. It appearing that the convenience of the parties will be served by the consolidation of future hearings of the above-described declarations and applications, and that such consolidation is proper;

*It is ordered*, That said hearings be so consolidated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3916; Filed, October 24, 1939; 11:11 a. m.]

OCT 27 1939


# FEDERAL REGISTER

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*Washington, Thursday, October 26, 1939*


## *Rules, Regulations, Orders*

### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT [1]

OCTOBER 25, 1939.

To J. W. CHRISTIAN,
*Doing business as Lusk Sales Yards, Lusk, Wyo.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Lusk Sales Yards, at Lusk, State of Wyoming, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-8944; Filed, October 25, 1939; 12:26 p. m.]

[1] Modifies list posted stockyards, 9 CFR 204.1.

[2] See footnote in next column.

### TITLE 18—CONSERVATION OF POWER

### FEDERAL POWER COMMISSION

ORDER AMENDING FORM OF ANNUAL FINANCIAL AND STATISTICAL REPORT, F. P. C. FORM NO. 1 [2]

OCTOBER 17, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

The Federal Power Commission, pursuant to authority granted by the Federal Power Act, particularly Sections 309 and 311 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act,

(1) Hereby adopts as a part of the form of Annual Financial and Statistical Report, heretofore (on August 6, 1937, October 12, 1937, and October 22, 1938) adopted by the Commission and designated as F.P.C. Form No. 1, the accompanying revised "General Instructions" in lieu of the "General Instructions" as adopted by the Commission's Order of August 6, 1937;

(2) Hereby adopts as a part of said form of Annual Financial and Statistical Report, F.P.C. Form No. 1, the accompanying Schedule 579 "Generating Station Statistics" in lieu of the Schedule bearing the same number as adopted by the Commission's Order of August 6, 1937;

[2] This order amends Section 210.1, Title 18, of the Code of Federal Regulations and substitutes the following list of schedules:

Schedule 600. Sales Data for the Year.
Schedule 601. Sales Data by Rate Schedules for the Year.
Schedule 602. Residential Service.
Schedule 603. Commercial Service.
Schedule 604. Industrial Service.
Schedule 605. Cash Contributions Made by the Respondent to Municipalities and Other Public Authorities and by Municipalities and Other Public Authorities to the Respondent during the Year.
Schedule 606. Service Rendered to, and Received from, Municipalities and Other Public Authorities During the Year.

in lieu of the following schedules previously included in this section:

Schedule 600. Sales Data for the Year.
Schedule 601. Sales Data by Rate Schedules for the Year.
Schedule 602. Contracts, Rate Schedules and Agreements.
Schedule 603. Data on Sales to Suburban or Rural Industrial Customers, Served Directly from Transmission Lines or Generating Plants During the Year.
Schedule 604. Residential Service.
Schedule 605. Commercial Light Service.
Schedule 606. Commercial Power Service.
Schedule 607. Industrial Service.
Schedule 608. Cash Contributions Made by the Respondent to the City and by the City to the Respondent During the Year.
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(3) Hereby adopts as a part of said form of Annual Financial and Statistical Report, F.P.C. Form No. 1, the accompanying Schedule 581 "Changes Made or Scheduled to be Made in Generating Station Capacities" in lieu of the Schedule bearing the same number as adopted by the Commission's Order of August 6, 1937;

(4) Hereby adopts as a part of said form of Annual Financial and Statistical Report, F.P.C. Form No. 1, the accompanying Rates and Sales Section comprising

Section 6: "Rates and Sales Section with Instructions" and Schedules numbered 600, 601, 602, 603, 604, 605 and 606.

in lieu of the Rates and Sales Section of Annual Financial and Statistical Report, F.P.C. Form No. 1, adopted by the Commission's Order of October 22, 1938, comprising

Section 6: "Rates and Sales Section with Instructions" and Schedules numbered 600, 601, 602, 603, 604 and 605.

The amendments to the form of Annual Financial and Statistical Report, F.P.C. Form No. 1, adopted, promulgated and prescribed by this Order shall become effective immediately; and the Secretary of the Commission shall cause prompt publication of this Order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-3936; Filed, October 25, 1939; 9:23 a.m.]

## TITLE 19—CUSTOMS DUTIES

## BUREAU OF CUSTOMS

[T. D. 49996]

WILD ANIMALS AND BIRDS

REGULATIONS RELATING TO THE ENTRY OF CANARIES, PARROTS OR PARRAKEETS WITHOUT A PERMIT, AMENDED.

*To Collectors of Customs and Others Concerned:*

Reference is made to T.D. 46255, dated March 4, 1933, covering the regulations relating to the importation of wild animals and birds.

Paragraph 4 of the above-mentioned Treasury decision is hereby amended to read as follows:

"4. Parrots, or parrakeets (not exceeding three in number) brought in by a passenger, may be entered without a permit, but collectors will include all such entries in their quarterly reports on customs Form 6551. Parrots, parrakeets, and love birds, and other members of the parrot family are subject to quarantine detention unless compliance is made with the regulations prescribed in T.D. 49890 pursuant to the provisions of Executive Order No. 5264, dated January 24, 1930, and all amendments to such regulations."

[SEAL] BASIL HARRIS, *Commissioner of Customs.*

Approved, October 19, 1939.

HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 39-3941; Filed, October 25, 1939; 12:04 p.m.]

## TITLE 20—EMPLOYEES' BENEFITS

## RAILROAD RETIREMENT BOARD

REGULATIONS GOVERNING CONTRIBUTIONS BY EMPLOYERS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Authority for Regulations

Parts 300 to 399 of these regulations are issued by the Railroad Retirement Board under the general authority contained in Section 12 of the Act of June 25, 1938. (52 Stat. 1107; 45 U.S.C. Sup. IV, 362) These regulations shall be effective as of October 1, 1939.

PART 300—DEFINITIONS

§ 300.01 *Words and phrases.* Except where the language or context indicates otherwise, the terms defined in Section 1 of the Act wherever used in these regulations shall have the meanings assigned to them in that section. (Secs. 1, 12, 52 Stat. 1094, 1107; 45 U.S.C. Sup. IV, 351, 362; as amended by 53 Stat. 845, Public No. 141, 76th Congress, First Session)

PART 345—EMPLOYERS' CONTRIBUTIONS AND CONTRIBUTION REPORTS

§ 345.01 *Statutory provisions.* "(a) Every employer shall pay a contribution with respect to having employees in his service, equal to 3 per centum of so much of the compensation as is not in excess of $300 for any calendar month payable by him to any employee with respect to employment after June 30, 1939; *Provided, however,* That if compensation is payable to an employee by more than one employer with respect to any such calendar month, the contributions required by this subsection shall apply to not more than $300 of the aggregate compensation payable to said employee by all said employers with respect to such calendar month, and each such employer shall be liable for that proportion of the contribution with respect to such compensation which the amount payable by him to the employee with respect to such calendar month bears to the aggregate compensation payable to such employee by all employers with respect to such calendar month."

"(g) The contributions required by this Act shall be collected and paid quarterly or at such other times and in such manner and under such conditions not inconsistent with this Act as may be prescribed by regulations of the Board, and shall not be deducted, in whole or in part, from the compensation of employees in the employer's employ. If a contribution required by this Act is not paid when due, there shall be added to the amount payable (except in the case of adjustments made in accordance with the provisions of this Act) interest at the rate of 1 per centum per month or fraction of a month from the date the contribution became due until paid * * *"

"(h) All provisions of law, including penalties, applicable with respect to any tax imposed by section 600 or section 800 of the Revenue Act of 1926, and the provisions of section 607 of the Revenue Act of 1934, insofar as applicable and not inconsistent with the provisions of this Act, shall be applicable with respect to the contributions required by this Act: *Provided, however,* That all authority and functions conferred by or pursuant to such provisions upon any officers or employees of the United States, except the



authority to institute and prosecute, and the function of instituting and prosecuting, criminal proceedings, shall, with respect to the contributions required by this Act, be vested in and exercised by the Board or such officers and employees of the Board as it may designate therefor." (Sec. 8, 52 Stat. 1102; 45 U.S.C. Sup. IV, 358)

§ 345.02 *Employers' contributions.* (a) Except as provided in paragraph (b) of this section, every employer shall pay a contribution equal to 3 per centum of the amount of compensation payable by such employer to employees with respect to employment on and after July 1, 1939, excluding, however, that part of the compensation which is in excess of $300 and is payable by the employer to any employee with respect to employment during any one calendar month.

(b) Subject to the regulations with respect to employee representatives, if compensation is payable by more than one employer to an employee with respect to employment during the same calendar month, and if the aggregate compensation payable to such employee by all employers is more than $300 for the calendar month, then there shall be included in the measure of each such employer's contribution only that proportion of $300 which the amount payable by him to the employee for the month bears to the aggregate compensation payable to such employee by all employers for that month. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.04 *Employers' reports of monthly compensation of employees.* Each employer shall continue to file with the Board, in accordance with the requirements of Sec. 250.03 of the Regulations under the Railroad Retirement Act of 1937, as amended, reports of the compensation of each employee, consisting, as heretofore, of

(1) A report of compensation for three months, on Form BA-3 (or punched tabulating cards in lieu thereof),

(2) A monthly report of compensation adjustments for three months, on Form BA-4,

(3) A quarterly summary of compensation adjustments (carbon copies of the monthly reports of compensation adjustments, filed during the calendar quarter, are acceptable as the quarterly summary of compensation adjustments), and

(4) Summary reports of compensation for the quarter, on Form BA-5. (Sec. 12, 52 Stat. 1107; 45 U.S.C. Sup. IV, 362)

§ 345.05 *Employers' contribution reports.*—(a) *General.* For the period of three calendar months ending September 30, 1939, and for each subsequent period of three calendar months ending December 31, March 31, June 30 and September 30, respectively, of each year, each employer shall prepare a contribution report, in duplicate, on Form DC-1. Except as otherwise provided by agreement with the Board, each employer is required to file a separate contribution report, and consolidated contribution reports of parent and subsidiary corporations are not permitted.

Contribution reports of employers who are required by State laws to pay compensation on a weekly basis shall with respect to such compensation cover all pay roll weeks, all or the major part of which falls within the period for which the reports are required, except that contributions with respect to compensation earned in one calendar year shall not be reported in another calendar year.

(b) *Compensation to be reported on.* The amount reported on Form BA-5 as the total creditable compensation for the quarter, prior to any additions or subtractions for adjustments, shall be entered on the employer's quarterly contribution report for the corresponding quarter as the amount of creditable compensation from which the contribution payable for that quarter is to be computed. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.06 *Final employers' contribution reports.* Upon termination of employer status, as determined under Sections 202.11 and 202.12 of the regulations under the Railroad Retirement Act of 1937, the last contribution report of the employer on Form DC-1 shall be marked "Final contribution report". Such contribution report shall be filed with the Board on or before the sixtieth day after the final date for which there is payable compensation with respect to which contribution is required. The period covered by each such contribution report shall be plainly written thereon, indicating the final date for which compensation is payable.

There shall be executed as part of each such final contribution report a statement giving the address at which compensation records will be kept and the name of the person keeping the records. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.07 *Execution of employers' contribution reports.* Each contribution report on Form DC-1 shall be signed and (except as provided in this section) verified under oath or affirmation by (1) the individual, if the employer is an individual; (2) the president, vice president or other duly authorized officer, if the employer is a corporation; or (3) a responsible and duly authorized member or officer having knowledge of its affairs if the employer is a partnership or other unincorporated organization.

The oath or affirmation may be administered by any officer duly authorized to administer oaths for general purposes by the laws of the United States or of the state or territory wherein such oath is administered or by a consular officer of the United States.

If the contribution shown to be payable by any contribution report is $10 or less, the report may be signed or acknowledged before two witnesses instead of under oath. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.08 *Prescribed forms for employers' contribution reports.* Each employer's contribution report, together with any prescribed copies and supporting data, shall be filled out in accordance with the instructions and regulations applicable thereto. The prescribed forms may be obtained from the Board. An employer will not be excused from making a contribution report for the reason that no form has been furnished to such employer. Application should be made to the Board for the prescribed forms in ample time to have the contribution report prepared, verified and filed with the Chief Cashier of the Board on or before the due date. Contribution reports shall be carefully prepared so as to set forth fully and clearly the data called for therein. Contribution reports which have not been so prepared will not be accepted, and the submission thereof shall have no effect whatever. In case the prescribed form has not been obtained, a statement made by the employer disclosing the period covered and the amount of compensation with respect to which the contribution is required may be accepted as a tentative contribution report if accompanied by the amount of contribution due. If filed within the prescribed time the statement so made will relieve the employer from liability for the penalty imposed for the delinquent filing of the contribution report, provided that the failure to file a contribution report on the prescribed form is not attributable to the fault of the employer, and provided further that without unnecessary delay such tentative report is supplemented by a contribution report made on the proper form. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.09 *Place and time for filing employers' contribution reports.* Each employer's contribution report shall be filed with the Chief Cashier of the Board at Washington, D. C.

The employer's contribution report for each quarterly period shall be filed on or before the last day of the second calendar month following the period for which it is made. If such last day falls on Sunday or a legal holiday, the report may be filed on the next following business day. If placed in the mails, the report shall be posted in ample time to reach the Chief Cashier of the Board at Washington, D. C., under ordinary handling of the mails, on or before the date on which the report is required to be filed. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.10 *Payment of employers' contributions.* The contribution required to be reported on an employer's contribution report is due and payable to the Board without assessment or notice, at the time fixed for filing the contribution report.

Certified or uncertified checks may be tendered as provisional payment of contributions and should be made payable

to the Railroad Retirement Board and mailed with the contribution report to the Chief Cashier of the Railroad Retirement Board at Washington, D. C. No employer who tenders a check as provisional payment of contribution shall be released from the obligation to make ultimate payment thereof until such check has been duly paid. If a check is not paid by the bank on which it is drawn, the employer by whom such check has been tendered shall remain liable for the payment of the contribution and for all legal penalties and additions to the same extent as if such check had not been tendered. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.11 *When fractional part of cent may be disregarded.* In the payment of employers' contributions to the Board a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more in which case it shall be increased to one cent. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.12 *Adjustments.*—(a) *In General.* Section 8 (d) of the Act provides that if more or less than the correct amount of employer's contribution is paid with respect to any compensation, proper adjustments with respect to the contribution shall, under regulations prescribed by the Board, be made, without interest, in connection with subsequent contribution payments by the same employer.

(b) *Definitions.* As used in these regulations, the following terms shall have the meanings hereinafter ascribed to them:

"Compensation adjustment" means the amount of any error, as disclosed by a report on Form BA–4, in the employer's report to the Board of the compensation of an individual employee. A compensation adjustment for any month that results in (a) an addition to the amount of creditable compensation for such month previously reported for any employee, or (b) the crediting of compensation for such month to an employee for whom no compensation had previously been reported for such month, is a "credit compensation adjustment" for such month. A compensation adjustment for any month that results in a deduction from the amount of the creditable compensation for such month previously reported for any employee is a "debit compensation adjustment" for such month. The difference between the total credit compensation adjustments for any month and the total debit compensation adjustments for such month is the "net compensation adjustment" for such month and may be either a "net debit compensation adjustment" or a "net credit compensation adjustment."

"Contribution adjustment" means an amount to be added to or deducted from the contribution payable for a calendar quarter with respect to the total compensation, exclusive of any part in excess of $300 for any individual in any one month, as reported on Form BA–5 and Form DC–1 for such quarter, to

Effect payment of contributions with respect to a net credit compensation adjustment for any month subsequent to June 30, 1939, made by the Bureau of Wage and Service Records on the basis or reports on Form BA–4; or to

Permit the employer to take credit for an overpayment of a previous contribution represented by a net debit compensation adjustment for any month subsequent to June 30, 1939; or to

Effect payment of any deficiency of any previous contribution, due to error not involving compensation adjustments, in reporting on Form DC–1 the total creditable compensation for a calendar quarter, error in computing the amount of contribution due and payable, or error in making remittance for the contribution due and payable; or to

Permit the employer to take credit for an overpayment of a previous contribution, due to error not involving compensation adjustments, in reporting on Form DC–1 the total creditable compensation for a calendar quarter, error in computing the amount of contribution due and payable, or error in making remittance for the contribution due and payable.

(c) *Certificates of underpayment and overpayment.* Except as provided in the third paragraph of this subsection, no adjustments may be made pursuant to the provisions of Section 8 (d) of the Act except upon the basis of certificates of underpayment or certificates of overpayment sent to employers by the Board. These certificates will be prepared on the basis of the compensation adjustments reported to the Bureau of Wage and Service Records on Form BA–4 for each month subsequent to June 30, 1939. All such certificates received by employers shall be taken up and accounted for by them in connection with the contribution reports for the quarters in which such certificates were issued, the date appearing on such certificates to be considered the date of issuance; except that certificates of overpayment may be taken up and accounted for at any time within four years from the date on which the overpayment was received.

Certificates of underpayment and certificates of overpayment, based upon compensation adjustments as reported on Form BA–4 or to correct other errors in reporting when such errors are discovered by the Board, will be issued to the employers by the Board on its own initiative. The Board may, however, when the circumstances so warrant, assess the amount of any deficiency in the payment of any contribution, and interest thereon and penalties, and make demand upon the employer for payment thereof, instead of issuing a certificate of underpayment. Any employer, who within sixty days after the due date of a quarterly report of contributions or a report of compensation adjustments, does not receive from the Board a certificate of overpayment to which he believes himself entitled either because of an error in such contribution report or because of a net debit compensation adjustment on such report of compensation adjustments, may make application, setting forth in support thereof all the facts in his possession, for a certificate of overpayment.

A contribution adjustment for any underpayment, not due to a compensation adjustment but discovered by the employer prior to the receipt of a certificate of underpayment with respect thereto, shall be made in the employer's quarterly report of contributions and remittance for the quarter in which the underpayment is discovered, in accordance with the applicable Instructions on the duplicate of Form No. DC–1.

No overpayment shall be adjusted under this section after the expiration of four years from the date the overpayment was received by the Board. No underpayment shall be adjusted under this section after the receipt from the Board of formal notice and demand for payment based upon an assessment, but the amount thereof shall be paid to the Board pursuant to such notice and demand. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.13 *Refunds.*—(a) *In general.* Section 8 (c) of the Act provides that if more than the correct amount of the employer's contribution is paid with respect to any compensation and the overpayment cannot be adjusted, the amount of the overpayment shall be refunded in such manner and at such times (subject to the statute of limitations properly applicable thereto) as may be prescribed by regulations of the Board.

(b) *When permitted.* A claim for refund may be made only when the overpayments cannot be adjusted in accordance with the procedure set forth in Section 345.12.

(c) *Form of claim.* A claim for refund shall be made on Form DC–3 in accordance with the instructions and regulations applicable thereto. The prescribed form may be obtained from the Board. There shall be set forth under oath all grounds in detail and all facts alleged in support of the claim, including the amount and date of each payment to the Board of the contribution for which refund is claimed, the name and address of the employer who paid the contribution to the Board, and the period covered by the contribution report on which such contribution was reported.

(d) *Claim by fiduciary.* If any contribution is paid by or on behalf of an individual who thereafter dies and a claim for refund or credit is filed by a legal representative of the deceased, certified copies of the letters testamentary, letters of administration, or other similar evidence shall be annexed to the claim, to show the authority of the executor, administrator, or other fiduciary by whom the claim is filed. If an executor, administrator, guardian, trustee, receiver or other fiduciary pays any contribution and thereafter a claim for refund or credit is filed by the same fiduciary, documentary evidence to establish the legal authority of the fiduciary need not accompany the claim, provided a statement is made in the claim showing that the contribution was paid by the fiduciary and that he is still acting. In such cases, if a refund or interest is to be paid, letters testamentary, letters of administration, or other evidence may be required but are required to be submitted only upon the receipt of a specific request therefor. If a claim is filed by a fiduciary or employer other than the one by whom the contribution was paid, the necessary documentary evidence shall accompany the claim. The affidavit on the claim form may be made by the agent of the employer in whose behalf the claim is made, but in such case a power of attorney shall accompany the claim.

(e) *Time limit.* No refund will be allowed for any contribution (including interest or penalty, if any) which has been erroneously, illegally, or otherwise wrongfully collected, after the expiration of four years after the payment to the Board of the contribution, penalty or interest, except upon one or more of the grounds set forth in a claim filed therefor prior to the expiration of such four-year period. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.14 *Assessment and collection of contributions or underpayments of contributions.* If any employer's contribution is not paid to the Board when due or is not paid in full when due, the Board may, as the circumstances warrant assess the contribution or the deficiency and interest and penalty, if any (whether or not the deficiency is adjustable as an underpayment, and whether or not a certificate of underpayment has been issued).

The amount of any such assessment will be collected, in accordance with the applicable provisions of law. If any employer liable to pay any contribution neglects or refuses to pay the same within ten days after notice and demand, the Board may collect such contribution with such interest and other additional amounts as are required by law, by distraint and sale in the manner provided by law. If any amount or part thereof included in an assessment has been previously reported and paid to the Board as an adjustment or otherwise, the employer against whom the assesment is made is privileged to file with the Board a claim on Form DC–3 for abatement of such amount, together with interest and penalties thereon if included in the assessment. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.15 *Jeopardy assessment.* Whenever in the opinion of the Director of Unemployment Insurance it becomes necessary to protect the interests of the Government by effecting an immediate reporting and collection of an employer's contribution, the Board will assess the contribution, together with all penalties and interest thereon. Upon assessment such contribution, penalty, and interest shall become immediately due and payable, and the Board shall thereupon issue immediately a notice and demand for payment of the contribution, penalty, and interest.

The collection of the whole or any part of the amount of the jeopardy assessment may be stayed by filing with the Board a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the Board may deem necessary. Such bond shall be conditioned upon the payment of the amount, collection of which is stayed, at the time at which, but for the jeopardy assessment, such amount would be due. In lieu of surety or sureties the employer may deposit with the Board bonds or notes of the United States, or bonds or notes fully guaranteed by the United States as to principal and interest, having a par value not less than the amount of the bond required to be furnished, together with an agreement authorizing the Board in case of default to collect or sell such bonds or notes so deposited. Upon refusal to pay, or failure to pay or give bond, the Board will immediately upon issuance of notice and demand for payment proceed to collect the contribution, penalty and interest. If any employer liable to pay any contribution neglects or refuses to pay the same within ten days after notice and demand, the Board may collect such contribution with such interest and other additional amounts as are required by law, by distraint and sale in the manner provided by law. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.16 *Interest.* If the employer's contribution is not paid to the Board when due and is not adjusted under Sec. 345.12, interest accrues at the rate of 1 per centum per month, or fraction of a month. Interest on past due contributions from the due date thereof until the date paid will be assessed after payment of the contributions, and notice and demand made upon the employer for payment thereof, in any case in which payment of the contributions is made before assessment under Sec. 345.14 hereof. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.17 *Penalty for failure to pay an assessment after notice and demand.* (a) In case the employer fails to pay to the Board the entire amount of any assessment of contribution, penalty, or interest within a period of ten days after the date of issuance of the form for first notice and demand, based on such assessment, there accrues (except as provided in (b) of this section) a penalty of 5 per cent of the amount of such assessment remaining unpaid at the expiration of such period.

(b) If, within ten days after the date of issuance of the first notice and demand, a claim for abatement of any amount of the assessment is filed with the Board, the 5 per centum penalty does not attach with respect to such amount. If the claim is rejected in whole or in part and the amount rejected is not paid, the Board shall issue notice and demand for such amount. If payment is not made within ten days after the date the Board issues the notice and demand, the 5 per cent penalty attaches with respect to the amount rejected. The filing of the claim does not stay the running of interest. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.18 *Liens.* If any employer required to pay a contribution neglects or refuses to pay the same after demand, the amounts (including any interest, penalties, additional amount, or additions to such contribution, together with any costs that may accrue in addition thereto) shall be a lien in favor of the United States upon all property and rights to property, whether real or personal, belonging to such employer. (I.R.C., Secs. 3670–3679, 53 Stat. 448–451; Sec. 8, 52 Stat. 1102; 45 U.S.C. Sup. IV, 358.)

§ 345.19 *Penalty for delinquent or false employers' contribution reports.*—(a) *Delinquent Reports.* Unless the employer required to file a contribution report establishes ta the satisfaction of the Board that a reasonable cause exists for the delinquency, the failure to file such contribution report on or before the due date shall cause to accrue a penalty equal to the following percentage of the contribution required to be reported thereon:

(1) 5 per cent, if the contribution report is filed on or before the thirtieth day after the due date;

(2) 10 per cent, if the contribution report is filed after such thirtieth day and on or before the sixtieth day after the due date;

(3) 15 per cent, if the contribution report is filed after such sixtieth day and on or before the ninetieth day after the due date;

(4) 20 percent, if the contribution report is filed after such ninetieth day and on or before the one hundred and twentieth day after the due date; or

(5) 25 per cent, if the contribution report is filed after such one hundred and twentieth day or if the contribution report is never filed by the employer required to file it.

In computing the period of delinquency all Sundays and holidays after the due date are counted.

Every employer filing a contribution report after the due date shall securely attach to the report a statement under oath setting out in detail the reason for the delinquency. The Board will determine whether a penalty has been incurred and, if so, will make the assessment.

(b) *False reports.* If a false or fraudulent employer's contribution report is willfully made, the penalty is 50 per cent of the total contribution due for the en-

tire period involved, including any contribution previously paid. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.20 *Authorization of contribution adjustments and assessments.* The Director of Unemployment Insurance is authorized, on behalf of the Board, to issue certificates of underpayment, certificates of overpayment, assessments of contributions, interest and penalties, and notices and demands for payment thereof, and will certify, to the Director of Finance, refunds of overpayments. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 345.21 *References to forms.* Any reference in these regulations to any prescribed reporting or other form of the Board includes a reference to any other form of the Board prescribed in substitution for such prescribed form.

§ 345.22 *Appeals.* Appeals from determinations by employees of the Board with regard to any matter arising under this Part may be had in accordance with such regulations as the Board may from time to time prescribe.

By authority of the Board.*

[SEAL] MURRAY W. LATIMER,
*Chairman.*

OCTOBER 24, 1939.

[F. R. Doc. 39-3935; Filed, October 24, 1939; 4:29 p. m.]

## TITLE 24—HOUSING CREDIT

### FEDERAL HOME LOAN BANK BOARD

AMENDMENT TO RULES AND REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

PROHIBITING BANK OFFICERS, EMPLOYEES AND COUNSEL FROM REPRESENTING INSTITUTIONS CONCERNING MATTERS IN WHICH THE BANK, THE BOARD OR ANY AGENCY THEREOF IS INVOLVED

*Be it resolved*, That the fourth sentence of paragraph (a) of Section 2.5 of the Rules and Regulations for the Federal Home Loan Bank System is amended to read as follows:

"No full-time officer or employee of any Bank shall act in any capacity for any member or institution which is insured by the Federal Savings and Loan Insurance Corporation under any understanding providing for continuous or repeated services nor act in any capacity for any institution in connection with any petition, application, or matter in which any action is required by the Bank or any of its officers, whether the Bank or such person will be acting for the Bank or as agent of the Board, Home Owners' Loan Corporation, or Federal Savings and Loan Insurance Corporation, except when employed by, or with the consent of, the Federal Savings and Loan Insurance Corporation in cases involving payment of insurance, loans, purchases of assets or contributions by said Corporation under Sections 405 or 406 of the National Housing Act, as amended (48 Stat. 1259, 49 Stat. 299; 12 U.S.C. 1728, 1729, and Sup.). The prohibitions as to employment set forth in the preceding sentence shall apply to the counsel and attorneys of any Bank, whether employed on a salary, fee, retainer or other basis, except that, with the prior consent of the Board, and to the extent of such consent, any such person may act as counsel or attorney for any institution in connection with any matters covered by such prohibitions." (Secs. 12 and 17 of F.H.L.B.A., 47 Stat. 735, 736; 12 U.S.C. 1432, 1437)

Adopted by the Federal Home Loan Bank Board on October 23, 1939.

H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3934; Filed, October 24, 1939; 4:06 p. m.]

## TITLE 30—MINERAL RESOURCES

### BITUMINOUS COAL DIVISION

[Order No. 286]

AN ORDER RESCINDING ORDERS NO. 284 AND 285 AND DIRECTING DISTRICT BOARDS FOR DISTRICTS NO. 1 TO 20, INCLUSIVE, 22 AND 23, TO PROPOSE AND TO SUBMIT TO THE DIRECTOR PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS PRODUCED BY CODE MEMBERS WITHIN THE DISTRICT AND NOT HERETOFORE CLASSIFIED

Pursuant to the Bituminous Coal Act of 1937 (particularly Section 4, Part II thereof), it is hereby ordered that:

(1) Each District Board of Districts No. 1 to 20, inclusive, 22 and 23, shall, on or after November 1, 1939, proceed to consider and propose, and shall submit to the Director of the Bituminous Coal Division, United States Department of the Interior, in accordance with the rules and regulations prescribed herein, the price classification for each kind, quality and size of coal, for which no price classification has heretofore been proposed and submitted by the District Board and which is produced within the respective districts by code members of whose acceptance of the code the District Board has been notified prior to November 1, 1939. Each District Board may, in its discretion, also propose and submit price classifications as aforesaid for the coal of code members of whose acceptance of the code the District Board is notified after November 1, 1939.

(2) If price classifications or minimum prices have been proposed by a District Board pursuant to any prior order of the Commission or the Division, or upon its own motion, for coal produced at a particular mine, no further price classifications or minimum prices need be proposed by the District Board for such coal at such mine pursuant to this order, notwithstanding that the owner or operator of such mine has changed after the classifications and prices were proposed therefor by the District Board: *Provided, however*, That the District Board may, if it so desires, propose and submit modifications or additions to such price classifications or minimum prices, together with the reasons for and the data supporting such modifications or additions.

(3) The following rules and regulations shall govern the proposal and submission of price classifications and minimum prices pursuant to this order:

RULES AND REGULATIONS FOR THE PROPOSAL OF PRICE CLASSIFICATIONS AND MINIMUM PRICES

(a) All price classifications for coals in a particular district shall be expressed as nearly as possible in the terms of the symbols and minimum prices contained in the schedule of minimum prices for such district heretofore approved by the National Bituminous Coal Commission to serve as a basis for coordination, and shall conform to the standards prescribed by Section 4 II (a) of the Bituminous Coal Act of 1937.

(b) Each District Board may, in its discretion, provide for conducting investigations, holding conferences or hearings, and receiving protests from interested persons; and may for this purpose adopt such procedure as it deems advisable or proper.

(c) Such price classifications for coals in a particular district shall be incorporated in a schedule to be prepared by the District Board and to be submitted to the Director. Together with such schedule, there shall also be furnished the following information, to the extent available: The name of the mine, the State, county and township in which the mine is located, the seams mined, the modes of transportation involved in transporting coal from the mine, the names of the railroads, if any, which are available for the shipment of coal from the mine, the approximate tonnage moved by each mode of transportation for the years 1937 and 1938, the geographic areas into which the mine ships or is expected to ship coal, and any special and unusual features in the quality, preparation or distribution of coal from such mine.

(d) Twenty-five (25) copies of the schedules of proposed price classifications and of such information as is furnished under paragraph (c) hereof, shall be submitted to the Director not later than November 25, 1939.

(e) Prior to the submission of the aforesaid schedule to the Director, the District Board shall mail five (5) copies thereof to each of the other districts referred to in paragraph (1) hereof, and one (1) copy thereof to each code member in the district.

(f) Each completed schedule shall include the following clause:

NOTE.—The prices in this schedule have been proposed by the District Board pursuant to the provisions of Order No. 286 issued by the Bituminous Coal Division on October 24, 1939, and are not final or effective price classifications or minimum prices for the coals of the code members mentioned therein. Any code member dissatisfied with any price classification or minimum price proposed in this schedule may file with the Director of the Bituminous Coal Division, Washington, D. C., within seven (7) days after receiving a copy of such schedule, a written protest setting forth the reasons for dissatisfaction together with the supporting data; and a copy of such protest shall be sent to the District Board.

(5) Any code member or District Board dissatisfied with any proposed price classification submitted pursuant to this order may file with the Director, at his office in Washington, D. C., not later than seven (7) days after receiving a copy of the schedule of price classifications, a written protest setting forth the reasons for dissatisfaction, together with the supporting data, and a copy of such protest shall be mailed to the District Board for the district in which the mine in question is situated. The Director will then provide for a proper precedure to the end that the coals classified in the schedules submitted pursuant to this order may duly be covered by and included within the schedules of effective minimum prices to be established by the Division.

(6) Any proposed price classifications or proposed minimum prices submitted by any District Board pursuant to Order No. 284,[1] dated October 10, 1939 (or as amended by Order No. 285,[2] dated October 13, 1939), will be accepted and considered by the Division as though submitted pursuant to this order.

(7) Orders No. 284, dated October 10, 1939, and No. 285, dated October 13, 1939, are hereby rescinded.

Dated, October 24, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-3938; Filed, October 25, 1939; 10:19 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### WAR DEPARTMENT

CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 206—FISHING AND HUNTING REGULATIONS

§ 206.35 *Atlantic Ocean between Montauk Point, N. Y., and Cape Charles, Va.; fishing.*[3]

* * * * * * *

*Conditions*

(b) * * *

* * * * * * *

(4) That the pound hereby authorized shall be in position and the completed structure shall be ready for inspection within 90 days after the date of this permit. Failure to have the structure in position and ready for inspection on the date specified shall render the permit null and void, unless the district engineer shall have extended the time for completion in writing.

(5) Revoked.

* * * * * * *

(Sec. 10, River and Harbor Act, March 3, 1899, 30 Stat. 1151; 33 U.S.C. 403) [Regs. Jan. 31, 1920 (E.D. 48785/470), as modified Oct. 10, 1939 (E.D. 7221 (Atlantic Ocean)-39).]

[SEAL] J. O. STEGER,
*Colonel, A. G. D.,*
*Acting The Adjutant General.*

[F. R. Doc. 39-3937; Filed, October 25, 1939; 9:23 a. m.]

* Board Order No. 39-664, dated October 24, 1939.

[1] 4 F.R. 4226 DI.
[2] 4 F.R. 4263 DI.
[3] Subparagraph (b) (4), Section 206.35, Title 33, of the Code of Federal Regulations, is amended, and subparagraph (b) (5) is revoked.



## *Notices*

### DEPARTMENT OF AGRICULTURE.

#### Rural Electrification Administration.

[Administrative Order No. 395]

RESCISSION OF FUNDS FOR LOANS

OCTOBER 5, 1939.

I hereby amend Administrative Order No. 341, dated May 2, 1939, by rescinding the allocation of $25,000 therein made to Georgia R9070R1 Mitchell.

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-3926; Filed, October 24, 1939; 4:01 p. m.]

[Administrative Order No. 396]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 5, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Georgia 9093R1 Mitchell | $25,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-3927; Filed, October 24, 1939; 4:01 p. m.]

[Administrative Order No. 397]

RESCISSION AND AMENDMENT OF LOANS

OCTOBER 6, 1939.

I hereby amend Administrative Order No. 388, dated September 8, 1939, by reducing the allocation of $124,000 therein made for Georgia 0035D1 Walton by $1,000, so that the reduced allocation shall be $123,000.

I hereby amend Administrative Order No. 282, dated September 1, 1938, by transferring $62,550 of the allocation of $310,000 therein made for Washington 8018C1 Spokane to Washington 9018C2 Spokane.

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-3928; Filed, October 24, 1939; 4:01 p. m.]

[Administrative Order No. 398]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 6, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Colorado 0015B2 Morgan | $25,000 |
| Colorado 0020B2 Delta | 50,000 |
| Colorado 0026A2 San Miguel | 30,000 |
| Colorado 0031A1 Larimer | 230,000 |
| Kentucky 0035C1 Warren | 151,000 |
| Maine 0008A1 Arcostook | 127,000 |
| Michigan 0028E1 Presque Isle | 112,000 |
| Missouri 0024C1 Callaway | 15,000 |
| Missouri 002B1 M. C. U. | 48,500 |
| Missouri 0032C1 Atchison | 37,000 |
| Montana 0011D1 Sanders | 29,000 |
| Nebraska 0051C1 Burt District Public | 89,000 |
| Nebraska 0054C1 Cuming District Public | 87,000 |
| North Carolina 0014D1 Pitt | 69,000 |
| North Carolina 0025F1 Rutherford | 216,000 |
| Ohio 0041C1 Licking | 259,000 |
| Oklahoma 0022B1 Cotton | 106,000 |
| Oklahoma 0025B1 Rogers | 91,000 |
| Oregon 0004A2 Lincoln | 55,000 |
| Texas 0007D1 B. C. L. & P. | 60,000 |
| Texas 0040D1 Bowie | 92,000 |
| Texas 0048C1 Hidalgo | 115,000 |
| Texas 0050D1 Grayson | 94,000 |
| Texas 0059C1 Lamb | 120,000 |
| Texas 0068C1 Cooke | 55,000 |
| Texas 0069B1 Erath | 93,000 |
| Texas 0070B1 Hamilton | 31,000 |
| Texas 0080B1 Collingsworth | 100,000 |
| Texas 0083B1 Fisher | 107,000 |
| Texas 0084B1 Hall | 89,000 |
| Texas 0091B1 San Patricio | 84,000 |
| Texas 0100B1 Washington | 400,000 |
| Texas 0101B1 Parker | 117,000 |
| Virginia 0037A1 Nansemond | 220,000 |
| Wisconsin 0043D1 Grant | 61,000 |
| Wisconsin 0048B1 Waupaca | 148,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-3929; Filed, October 24, 1939; 4:01 p. m.]

[Administrative Order No. 399]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 6, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as

amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Iowa 9043C1 Greene | $384,000 |
| Iowa 9057B1 Mitchell | 143,000 |
| Minnesota 9037C1 Jackson | 100,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-3930; Filed, October 24, 1939; 4:02 p. m.]

[Administrative Order No. 401]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 17, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Georgia 9020D1 Troup | $69,000 |
| Illinois 9031B1 Monroe | 179,000 |
| Illinois 9038B2 McLean | 205,000 |
| Illinois 9044B1 Carroll | 30,000 |
| Kentucky 9046C1 Harrison | 103,500 |
| Minnesota 9003C1 Meeker | 118,000 |
| Minnesota 9055D1 Watonwan | 91,000 |
| Minnesota 9057C1 Ottertail | 175,000 |
| Ohio 9055D1 Coshocton | 70,000 |
| Texas 9074B1 Seymour Public | 160,000 |
| Texas 9074G1 Seymour Public | 40,000 |
| Texas 9104A1 Mitchell | 145,000 |
| Vermont 9007C1 Orleans | 43,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-3931; Filed, October 24, 1939; 4:02 p. m.]

[Administrative Order No. 402]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 17, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Arkansas 0018C1 Carroll | $372,000 |
| Georgia 0092A1 Brantley | 196,000 |
| Kentucky 0026C1 Todd | 93,000 |
| Mississippi 0028E2 Hancock | 40,000 |
| North Carolina 0023C2 Caldwell | 52,000 |
| Oklahoma 0006D1 Caddo | 41,000 |
| Oklahoma 0026B1 Harmon | 124,000 |
| Texas 0011C1 Kaufman | 125,500 |
| Texas 0103A1 Polk | 223,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-3932; Filed, October 24, 1939; 4:02 p. m.]

[Administrative Order No. 403]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 18, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| California 0006W1 Modoc | $10,000 |
| Georgia R9031W2 Upson | 5,000 |
| Illinois R9028W2 Champaign | 5,000 |
| Iowa R9003W1 Plymouth | 5,000 |
| Minnesota R9057W4 Ottertail | 10,000 |
| Missouri 0012W2 Pemiscot | 10,000 |
| Nebraska R9007W1 Southeastern Nebraska District Public | 1,500 |
| Ohio R9031W1 Holmes | 2,000 |
| Ohio R9055W1 Coshocton | 2,000 |
| Ohio R9071W1 Logan | 1,000 |
| Oklahoma 0010W1 Cleveland | 5,000 |
| Oklahoma 0016W1 Pontotoc | 7,500 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-3933; Filed, October 24, 1939; 4:00 p. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued to the employer listed below effective October 26, 1939, until February 22, 1940, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under this Certificate is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) This Special Certificate is issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment.

(4) Under this Special Certificate, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) This Special Certificate is issued exparte under Section 14 of the said Act and Section 522.5 (b) of the Regulations Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). This Special Certificate may be canceled as of the date of its issuance, and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Paul K. Weil Company, St. Louis, Missouri, 20.

Signed at Washington, D. C., this 25th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3945; Filed, October 25, 1939; 12:37 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective October 26, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.



(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued, and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM

Golbro Manufacturing Corporation, Polo, Illinois.

M. Fine & Sons Manufacturing Co., Inc., Jeffersonville, Indiana.

M. Fine & Sons Manufacturing Co., Inc., New Albany, Indiana.

M. Fine & Sons Manufacturing Co., Inc., Paducah, Kentucky.

M. Fine & Sons Manufacturing Co., Inc., Vicksburg, Mississippi.

Standard Overall Company, Chase City, Virginia.

Signed at Washington, D. C., this 25th day of October 1939.

MERLE D. VINCENT,
*Chief Hearings and Exemptions Section.*

[F. R. Doc. 39-3946; Filed, October 25, 1939; 12:37 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 264]

IN THE MATTER OF CERTAIN CONTRACTS AND OTHER TRANSACTIONS BETWEEN MARQUETTE AIRLINES, INC., AND AMERICAN AIRLINES, INC.

AMENDED NOTICE OF HEARING

The above-entitled proceeding, being an investigation instituted by orders of the Authority dated June 27, 1939 and October 18, 1939, (1) to determine whether or not any contracts, agreements, and transactions by and between Marquette Airlines, Inc., and American Airlines, Inc., are adverse to the public interest, are in violation of any provisions of said Act, or constitute acts prohibited by any of the provisions of said Act; (2) to determine whether or not any of the foregoing matters require any further action by the Authority pursuant to the provisions of said Act; and (3) to determine whether or not there exist any relations between, or common control of, Marquette Airlines, Inc. and American Airlines, Inc., directly, or indirectly through third persons, in violation of any of the provisions of said Act, is assigned for public hearing on October 30, 1939, at 10 o'clock a. m. (Central Standard Time) at the Coronado Hotel, St. Louis, Mo., before an Examiner of the Authority.

Dated Washington, D. C., October 24, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3942; Filed, October 25, 1939; 12:13 p. m.]

[Docket No. 319]

IN THE MATTER OF THE APPLICATION OF AMERICAN EXPORT AIRLINES, INC., FOR THE APPROVAL BY THE CIVIL AERONAUTICS AUTHORITY, IF SUCH APPROVAL IS DEEMED NECESSARY, OF THE CONTROL OF AMERICAN EXPORT AIRLINES, INC., BY AMERICAN EXPORT LINES, INC., A COMMON CARRIER, UNDER SECTION 408 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on October 30, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Raleigh Hotel, 12th and Pennsylvania Avenue NW., Washington, D. C., before an Examiner.

Dated Washington, D. C., October 24, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-3943; Filed, October 25, 1939; 12:13 p. m.]

## FEDERAL COMMUNICATIONS COMMISION.

[Docket No. 5782]

IN RE APPLICATION OF INLAND WATERWAYS CORP. (WPI)

*Dated, July 14, 1939; for Construction Permit; Class of Service, Coastal Telephone; Class of Station, Private; Location, Memphis, Tenn.; Operating Assignment Specified, Frequency, 6250 kc; Power, 40 W, Emission A3; Hours of Operation, Unlimited; Pts. of Comm: With IWC Boats*

[File No. P3-PC-60]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether or not use of the frequency 6250 kilocycles may be authorized under the provisions of the Communications Act of 1934, as amended, Treaty Agreements of the United States, and the rules and regulations of the Commission for coastal harbor radiotelephone service.

2. Whether the Commission's rules and regulations should be revised to permit the use of the frequency 6250 kc for coastal harbor radiotelephone service.

3. To determine whether or not the use of the frequency 6250 kc at Memphis, Tenn., for coastal harbor radiotelephone service would create interference to any other station or service.

4. To determine the need for the proposed service and the adequacy of communication at present available.

5. To determine whether or not the granting of the application would serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Inland Waterways Corporation,
6309 Commerce Building,
Washington, D. C.

Dated at Washington, D. C., October 23, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-3940; Filed, October 25, 1939; 11:54 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of October 1939.

[File No. 1-1998]

IN THE MATTER OF PARK KING MINING COMPANY ASSESSABLE CAPITAL STOCK, PAR VALUE 10¢

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Salt Lake Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the

Assessable Capital Stock, Par Value 10¢, of Park King Mining Company; and

After appropriate notice, a hearing having been held at the offices of the Commission, in the City of Denver, State of Colorado, on the 24th day of August, 1939, at which the applicant failed to appear and at which the application was received by the Trial Examiner, over the objection of the registrant, subject to the condition that the application may be dismissed if the Commission so directs; and

The Commission having ordered that the matter be set down for oral argument [1] before the Commission on October 16, 1939, or for the submission of briefs in lieu of oral argument on such date, on the following questions:

(a) Shall the Commission direct that the application be received in evidence?

(b) Shall the Commission grant the application to delist and if so what, if any, terms or conditions shall be imposed for the protection of investors in granting said application?

and

No parties having appeared personally or having filed briefs, and it appearing that the registrant thereby waived its objection to the admission of the application in evidence;

*It is ordered*, That said application be received in evidence; and

The Commission having considered said application together with the evidence introduced at said hearing and having due regard for the public interest and for the protection of investors;

*It is further ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on November 3, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3939; Filed, October 25, 1939; 11:06 a. m.]

[1] 4 F.R. 4058 DI.

NOTICE UNDER PACKERS AND STOCKYARDS ACT [1]

OCTOBER 26, 1939.

To ALLIANCE LIVESTOCK COMMISSION COMPANY, INC., *Alliance, Nebr.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C., Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Alliance Livestock Commission Company, at Alliance, State of Nebraska, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3959; Filed, October 26, 1939; 12:34 p. m.]

NOTICE UNDER PACKERS AND STOCKYARDS ACT [1]

OCTOBER 26, 1939.

To TOM ORMESHER AND JOE TOBIN, *Doing business as Chadron Sales Company, Chadron, Nebr.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C., Sec. 202 (b), it has been ascertained by me that the stockyard known as the Chadron Sales Company, at Chadron, State of Nebraska, is subject to the provisions of said Act.

[1] Modified list posted stockyards, 9 CFR 204.1.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C., Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-3958; Filed, October 26, 1939; 12:34 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 84—LOANS OR TRANSFERS OF EQUIPMENT [1]

*Loan or Transfer to Educational Institutions and Musuems of Obsolete or Unserviceable Aeronautical Equipment*

§ 84.16 *Definitions of institutions authorized to receive property*—(a) *Museum.* An institution housing a collection of works of art, of nature, or of the sciences, open to the public and not operating for profit.

(b) *Properly accredited schools, colleges, and universities.* (1) Trade schools not operated for profit.

(2) High schools, preparatory schools, academies, colleges, and universities, shown on lists of accredited higher institutions and secondary schools, published by the Department of the Interior. (45 Stat. 753; 20 U.S.C. 94) [Par. 2, A.R. 35-6610, Sept. 14, 1939]

§ 84.17 *Eligibility of institutions requesting loans.* In case of doubt as to the eligibility of any institution submitting a request for a loan or transfer of property, further information as to the standing of the institution may be demanded before making a decision. (45 Stat. 753; 20 U.S.C. 94) [Par. 3, A.R. 35-6610, Sept. 14, 1939]

[1] Sections 84.16-84.20, Chapter VIII, Title 10, Code of Federal Regulations are superseded and sections 84.21-84.23 are added.

Reference

OCT 30 1939

FEDERAL REGISTER

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*Washington, Friday, October 27, 1939*

*Rules, Regulations, Orders*

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FEDERAL REGISTER

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§ 84.18 *Classes of property that may be loaned or transferred.* (a) In conformity with the Act of May 26, 1928 (45 Stat. 753; 20 U.S.C. 94), the Chief of the Air Corps is authorized to approve loans of the following Air Corps equipment, when available, as prescribed in section 84.19, paragraph (a):

(1) Aircraft or engines that have been declared obsolete or have become impaired to the extent that repair would not be economical.

(2) Aircraft parts or instruments that have been declared obsolete or have become impaired to the extent that repair would not be economical.

(b) Transfers as distinguished from loans, in conformity with the Act of May 26, 1928, will be approved by the Secretary of War in each instance and will, except in cases of special importance, be confined to the class of property indicated in (a) (2) above. (45 Stat. 753; 20 U.S.C. 94) [Par. 4, A.R. 35–6610, Sept. 14, 1939]

§ 84.19 *Procedure; conditions governing loans and transfers.* (a) From time to time the Chief of the Air Corps will submit to the Secretary of War lists of aircraft, aircraft parts, instruments, or engines that have become obsolete or impaired to the extent that repair would not be economical and the loan or transfer of which is deemed advantageous under the provisions of the law. Upon approval of these lists the property so listed will be held available for loan or transfer as contemplated herein. The Chief of the Air Corps is authorized to remove from the list at any time such articles as in his opinion should no longer be carried thereon.

(b) In general, the property under consideration will be loaned subject to recall. When considered desirable, however, and such action is specifically approved by the Secretary of War, a transfer of such property may be made.

(c) In the case of all loans, the registrar or corresponding official of the institution concerned will sign for the property (see section 84.20, paragraph (d)) and will report annually to the Chief of the Matériel Division, Air Corps, on December 31, the quantity and condition of property loaned. Any changes in quantity or condition will be reported when such changes occur, with information as to the cause thereof.

(d) Records of all loans and transfers will be maintained by the Chief of the Matériel Division, Air Corps. See section 84.20.

(e) The cost of packing, handling, transportation, etc., for delivery to and return from institutions, and other expenses incidental to the loan or transfer of such property, must be borne by the institutions concerned. The expenses necessary for delivery of property to an institution, except transportation, will be paid in advance to the Chief of the Matériel Division, Air Corps, who will, before issuing shipping instructions, also obtain from the registrar or corresponding official of the institution receiving the property written authorization designating the Air Corps shipping officer as the agent for the institution in making the shipment. The shipment will then be forwarded on commercial bills of lading with transportation charges collect.

(f) A statement by the executive or corresponding official of the institution that none of the equipment will be used in actual flying will be required as a condition precedent to the loan or transfer of property. (45 Stat. 753; 20 U.S.C. 94) [Par. 5, A.R. 35–6610, Sept. 14, 1939]

§ 84.20 *Accounting for property loaned or transferred.* (a) Accountability for property loaned will continue while it is in the custody of the institution to which loaned. This accountability will be carried on a stock record account maintained by the Chief of the Matériel Division, Air Corps, and the property will be held on memorandum receipts by the institutions. Should property so loaned become lost, destroyed, or unfit for further use a report of survey will be initiated by the Chief of the Matériel Division with an affidavit from the responsible official of the institution, setting forth all facts relating to the loss, destruction, or unserviceability, as an exhibit thereto. In such cases, if the value of the property or its residue does not warrant the cost of inspection and disposal by the Government, the surveying officer may recommend that the property be abandoned. Upon final approval of the report of survey, the property will be dropped from accountable records.

(b) Accountability for property transferred, as contemplated in section 84.19, paragraph (b), will terminate when the transfer is effected.

(c) Shipping tickets covering issues of obsolete and unserviceable Air Corps equipment under the provisions of these regulations will be conspicuously marked to show whether the articles listed thereon are "transferred" or "loaned."

(d) (1) In the case of loans, seven copies of the shipping tickets will be prepared by the accountable officer shipping the property, and distributed as follows:

Two copies to the institution to which the property is shipped. The shipping officer will place a notation on one of the copies, requesting that it be signed by the proper official of the institution upon receipt of the property and forwarded to the Chief of the Matériel Division, Air Corps, Wright Field, Dayton, Ohio.

Two copies to the Chief of the Matériel Division, Air Corps, Wright Field, Dayton, Ohio.

Two copies to the Finance Officer, Fifth Corps Area.

One copy filed as a temporary voucher to the stock record account pending return of receipted copy.

(2) In the case of transfers, shipping tickets will be made out in quadruplicate by the accountable officer shipping the property, and distributed as follows:

Two copies to the institution to which the property is shipped. The shipping officer will place a notation on one of the copies, requesting that it be signed by the proper official of the institution upon receipt of the property and returned to the shipping officer.

One copy to the finance officer of the corps area in which the shipping officer is located, for auditing purposes.

One copy filed as a temporary voucher to the stock record account pending return of receipted copy. (45 Stat. 753; 20 U.S.C. 94) [Par. 6, A.R. 35–6610, Sept. 14, 1939]

*Donation to Schools of Machinery, Mechanical Equipment, and Tools No Longer Needed by the Army*

§ 84.21 *Classes of machinery, mechanical equipment, and tools authorized for donation.* The following classes of property of the kinds described in the Act of February 28, 1936 (49 Stat. 1147; 10 U.S.C. 1258), may be donated:

(a) Property declared surplus which is not otherwise needed by the War Department.

(b) Property formally declared unserviceable, and property declared obsolete, which is normally assigned to "salvage" and subsequently sold as "salvage".

(c) Property declared unserviceable or obsolete and designated to be sold after the requirements of other executive departments and bureaus have been satisfied. (45 Stat. 753; 20 U.S.C. 94) [Par. 9, A.R. 35–6610, Sept. 14, 1939]



§ 84.22 *Procedure.* Upon receipt of an application from a school for the donation of property for use in courses of vocational training and instruction, the Chief of Ordnance or the Chief of the Air Corps will ascertain the character of the school, the proposed uses of the property, and the need thereof. If he deems the school worthy, he will endeavor to satisfy its needs from property under his control. (45 Stat. 753; 20 U.S.C. 94) [Par. 10, A.R. 35–6610, Sept. 14, 1939]

§ 84.23 *Donations to be without expense to the Government.* Donations of property under these regulations will be without expense to the Government for packing, handling, and transportation. (45 Stat. 753; 20 U.S.C. 94) [Par. 12, A.R. 35–6610, Sept. 14, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–3948; Filed, October 26, 1939; 9:36 a. m.]

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## TITLE 31—MONEY AND FINANCE: TREASURY

### ACCOUNTS AND DEPOSITS

[1939—Department Circular 570 Rev.]

SUBTITLE B—REGULATIONS RELATING TO MONEY AND FINANCE

PART 226—SURETY COMPANIES

*Corporations Acceptable as Sureties on Federal Bonds*

October 24, 1939.

The following is a list of companies as of October 18, 1939 holding certificates of authority from the Secretary of the Treasury, issued under the Acts of Congress of August 13, 1894 (28 Stat. 279), and March 23, 1910 (36 Stat. 241), (U.S.C.), Title 6, Sections 6 to 12 (inclusive), as acceptable sureties on Federal bonds; this list also includes acceptable reinsurance companies under Department Circular No. 297, dated July 5, 1922, as amended. Further details including the amount of underwriting limitation of each company, as well as the extent and localities with respect to which they are acceptable as sureties on Federal bonds may be found at any time by reference to the current issue of Treasury Department Form 356, copies of which may be procured from the Treasury Department, Section of Surety Bonds, Washington, D. C.

Names of Companies, Locations of Principal Executive Offices and States in Which Incorporated

CALIFORNIA

1. Associated Indemnity Corporation, San Francisco.
2. Fireman's Fund Indemnity Co., San Francisco.
3. National Automobile Insurance Co., Los Angeles.
4. Occidental Indemnity Co., San Francisco.
5. Pacific Indemnity Co., Los Angeles.

CONNECTICUT

6. The Aetna Casualty and Surety Co., Hartford.
7. The Century Indemnity Co., Hartford.
8. Hartford Accident and Indemnity Co., Hartford.

DELAWARE

9. Mellbank Surety Corporation, Pittsburgh, Pa.
10. Saint Paul-Mercury Indemnity Co., St. Paul, Minn.

ILLINOIS

11. American Motorists Insurance Co., Chicago.
12. Lumbermens Mutual Casualty Co., Chicago.

INDIANA

13. Continental Casualty Co., Chicago, Ill.
14. Inland Bonding Co., South Bend.

KANSAS

15. The Kansas Bankers Surety Co., Topeka.
16. The Western Casualty and Surety Co., Fort Scott.

MARYLAND

17. American Bonding Company of Baltimore.
18 Fidelity and Deposit Co. of Maryland, Baltimore.
19. Maryland Casualty Company, Baltimore.
20. United States Fidelity and Guaranty Co., Baltimore.

MASSACHUSETTS

21. American Employers' Insurance Co., Boston.
22. Massachusetts Bonding and Insurance Co., Boston.

MICHIGAN

23. National Casualty Co., Detroit.
24. Standard Accident Insurance Co., Detroit.

MISSOURI

25. Central Surety and Insurance Corporation, Kansas City.
26. Employers Reinsurance Corporation, Kansas City.

NEW HAMPSHIRE

27. Peerless Casualty Company, Keene.

NEW JERSEY

28. Commercial Casualty Insurance Company, Newark.
29. The Excess Insurance Co. of America, New York, N. Y.
30. International Fidelity Insurance Co., Jersey City.

NEW YORK

31. American Re-Insurance Co., New York.
32. American Surety Co. of New York.
33. Columbia Casualty Co., New York.
34. Eagle Indemnity Co., New York.
35. The Fidelity and Casualty Co. of New York.
36. General Reinsurance Corporation, New York.
37. Glens Falls Indemnity Co., Glens Falls.
38. Globe Indemnity Co., New York.
39. Great American Indemnity Co., New York.
40. The Home Indemnity Co., New York.
41. London & Lancashire Indemnity Co. of America, Hartford, Conn.
42. Merchants Indemnity Corporation of New York.
43. The Metropolitan Casualty Insurance Co. of New York, Newark, N. J.
44. National Surety Corporation, New York.
45. New Amsterdam Casualty Co., Baltimore, Md.
46. New York Casualty Co., New York.
47. Phoenix Indemnity Co., New York.
48. The Preferred Accident Insurance Co. of New York.
49. Royal Indemnity Co., New York.
50. Seaboard Surety Co., New York.
51. Standard Surety and Casualty Co. of New York.
52. Sun Indemnity Co. of New York.
53. United States Casualty Co., New York.
54. United States Guarantee Co., New York.
55. The Yorkshire Indemnity Co. of New York.

OHIO

56. The Ohio Casualty Insurance Co., Hamilton.

PENNSYLVANIA

57. Eureka Casualty Co., Philadelphia.
58. Indemnity Insurance Co. of North America, Philadelphia.
59. Manufacturers' Casualty Insurance Co., Philadelphia.
60. Mellon Indemnity Corporation, Pittsburgh.

SOUTH DAKOTA

61. Western Surety Co., Sioux Falls.

TEXAS

62. American General Insurance Co., Houston.
63. American Indemnity Co., Galveston.
64. Commercial Standard Insurance Co., Fort Worth.
65. Employers Casualty Co., Dallas.
66. Texas Indemnity Insurance Co., Galveston.
67. Trinity Universal Insurance Co., Dallas.

VIRGINIA

68. Virginia Surety Co., Inc., Roanoke.

WASHINGTON

69. General Casualty Co. of America, Seattle.
70. Northwest Casualty Co., Seattle.
71. United Pacific Insurance Co., Seattle.

Foreign Companies Authorized to do a Reinsurance Business Only

72. Accident and Casualty Insurance Co. of Winterthur, Switzerland (U. S. Office, New York, N. Y.).

73. The Employers' Liability Assurance Corp., Ltd., London, England (U. S. Office, Boston, Mass.).

74. The European General Reinsurance Co., Ltd., London, England (U. S. Office, New York, N. Y.).

75. The Guarantee Co. of North America, Montreal, Canada (U. S. Office, New York, N. Y.).

76. London Guarantee and Accident Co., Ltd., London, England (U. S. Office, New York, N. Y.).

77. The Ocean Accident and Guarantee Corp., Ltd., London, England (U. S. Office, New York, N. Y.).

[SEAL] JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-3956; Filed, October 26, 1939; 10:50 a. m.]

## TITLE 43—PUBLIC LANDS

### GENERAL LAND OFFICE

STOCK DRIVEWAY WITHDRAWAL NO. 2, COLORADO NO. 2, ENLARGED

OCTOBER 13, 1939.

It appearing that the following-described public lands should be included in Stock Driveway Withdrawal No. 2, Colorado No. 2, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144; that such lands, excepting any mineral deposits therein, be, and they are hereby, withdrawn from all disposal under the public-lands laws and reserved for the use of the general public as an addition to such driveway reservation, subject to valid existing rights:

*New Mexico Principal Meridian*

T. 38 N., R. 6 E.,
sec. 1, E½;
T. 39 N., R. 6 E.,
sec. 12, NW¼NE¼, S½NE¼, NW¼, S½,
secs. 13, 24 and 25, all;
T. 37 N., R. 7 E.,
secs. 4, 9, 10, 15, 22, 27 and 34, all,
sec. 35, W½E½, W½;
T. 38 N., R. 7 E.,
sec. 17, W½W½, SE¼SW¼,
sec. 18, E½, N½NW¼,
sec. 19, E½,
secs. 20 and 21, all,
sec. 28, W½NE¼, NW¼,
sec. 33, S½N½, S½;
T. 39 N., R. 7 E.,
sec. 30, SW¼,
sec. 31, W½;
aggregating 11,206.24 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

JOHN W. FINCH,
*Acting Assistant Secretary of the Interior.*

[F. R. Doc. 39-3949; Filed, October 26, 1939; 9:36 a. m.]

## *Notices*

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. 566-FD]

IN THE MATTER OF THE APPLICATION OF H. F. SCHULTZ FOR EXEMPTION

ORDER OF DISMISSAL

An application, pursuant to Section 4-A of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by the above-named party; and

It appearing, upon investigation, that such applicant is no longer engaged in the business of mining coal;

*It is ordered*, That the application for exemption filed by the applicant herein be and the same is hereby dismissed.

Dated: October 26, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-3957; Filed, October 26, 1939; 11:41 a.m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF CANCELATION OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Whereas a hearing has been held upon notice to show cause why Special Certificate No. 333 issued September 17, 1939, to the Douglas Silk Products Company at Douglas, Georgia, pursuant to the provisions of the Certificate and of Regulations Part 522—Regulations Applicable to the Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act should not be canceled;

Whereas it has been found that the issuance of said Special Certificate was not necessary in order to prevent curtailment of opportunities for employment,

Now, therefore, it is ordered that:

Special Certificate No. 333 is hereby canceled as of this date pursuant to Section 4 of such Certificate and Regulations Part 522. This order shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 24th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3960; Filed, October 26, 1939; 12:52 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective October 27, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued, and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM

Chaffee Manufacturing Co., Chaffee, Missouri (5 learners).

Consolidated Garment Mfg. Co., Galion, Ohio (3 learners).

J. Freezer & Son, Inc., Floyd, Virginia.

J. Freezer & Son, Inc., Rural Retreat, Virginia.

J. Freezer & Son, Inc., West Radford, Virginia.

Galena Glove & Mitten Co., 430 Garfield Avenue, Dubuque, Iowa.



Great Western Garment Company, 501 Travis Street, Wichita Falls, Texas.

Grinchuck Company, Jerry, Braidwood, Illinois (5 learners).

Hercules Trouser Company, The, 570 South Front Street, Columbus, Ohio.

Hollinger Shirt Company, The, Port Chester, New York (5 learners).

Liberty Uniform Company, Poteau, Oklahoma (5 learners).

Manistee Garment Company, Manistee, Michigan.

Marshall Clothing Mfg. Company, Butler, Indiana (5 learners).

Miller & Company, Louis, 9th and Walnut Streets, Wilmington, Delaware.

Morehead City Garment Co., Inc., 1504 Bridges Street, Morehead City, North Carolina.

Par Ex Shirt Company, New Haven, Connecticut.

New Britain Shirt Company, Inc., New Britain, Connecticut (5 learners).

Tanger-Goldberg Co., Inc., Wallingford, Connecticut.

United Shirt & Blouse Co., Inc., 84 Center Street, Shelton, Connecticut (3 learners).

Weber and Sons, 1515 Grand Central, Tampa, Florida (1 learner).

Wener & Son, H., Reedsburg, Wisconsin (5 learners).

Berkshire Undergarment Mfg. Corp., New Britain, Connecticut (5 learners).

Signed at Washington, D. C., this 26th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3961; Filed, October 26, 1939; 12:53 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective October 27, 1939, until February 23, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS WAGE RATES AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates, or any of them, may be cancelled as of the date of their issuance and, if so cancelled, reimbursement of all persons employed under such Certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Liberty Uniform Company, Poteau, Oklahoma, 10.

H. Wener & Son, Reedsburg, Wisconsin, 30.

Morehead City Garment Company, Inc., Morehead City, North Carolina, 55.

Great Western Garment Company, Wichita Falls, Texas, 45.

Par Ex Shirt Company, New Haven, Connecticut, 23.

Louis Miller & Company, Wilmington, Delaware, 60.

The Hercules Trouser Company, Columbus, Ohio, 50.

The Consolidated Garment Mfg. Company, Galion, Ohio, 13.

Berkshire Undergarment Mfg. Corp., New Britain, Connecticut, 19.

Signed at Washington, D. C., this 26th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3962; Filed, October 26, 1939; 12:53 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1939.

[File No. 32-171]

IN THE MATTER OF CARIBOU WATER LIGHT AND POWER COMPANY

ORDER APPROVING ISSUE AND SALE OF STOCKS AND BONDS

Caribou Water Light and Power Company, a subsidiary of a registered holding company, having filed an application with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of said Act of the issue of 563 shares $100 par value common stock as a stock dividend, and the issue and sale to John Hancock Mutual Life Insurance Company of applicant's First Mortgage 3½% Bonds, Series A, due in 1964, in the principal amount of $275,000;

Public hearing on such application, having been duly held after appropriate notice;[1] the record in this matter having been duly considered; and the Commission having filed its findings herein;

*It is ordered*, That the issue of such stock and the issue and sale of such bonds be and the same hereby is approved, subject, however, to the following conditions:

(1) That such issue and sale of such bonds and the issue of such common stock shall be in compliance with the terms and conditions of and for the purpose represented by said application, as amended, and in compliance with the terms and conditions imposed by the order of the Public Utilities Commission of Maine; and

(2) That such exemption shall immediately terminate without further order of this Commission if at any time the authorization of the issue and sale of said bonds and the issue of said common stock shall be revoked, or shall otherwise terminate; and

(3) That within ten days after the issue and sale of said bonds and the issue of said common stock, the applicant shall file with this Commission its certificate showing that the issue and sale of the bonds and the issue of the common stock have been effected in accordance with the terms and conditions of and for the purposes represented by said application, as amended; and

(4) That when all expenses incurred in connection with these proposed transactions shall have been actually paid,

[1] 4 F.R. 3981 DI.

the applicant shall file a detailed statement of such expenses showing the names of persons or entities to whom such payments were made, the amounts of such payments, and a detailed description of the services rendered in connection with the issue and sale of said bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3950; Filed, October 26, 1939; 10:46 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1939.

[File No. 46-178]

IN THE MATTER OF ELECTRIC BOND AND SHARE COMPANY

ORDER APPROVING AMENDED APPLICATION

Electric Bond and Share Company, a registered holding company, having filed an application, and amendments thereto, pursuant to Sectin 10 (a) (1) of the Public Utility Holding Company Act of 1935, and Rule U-12B-1 promulgated thereunder, with respect to the acquisition of a $4,400,000 note of and the extension of credit to American & Foreign Power Company Inc., a foreign associate company;

A public hearing having been held on the application, as amended, after appropriate notice;[1] the Commission having considered the record in this matter, and having made and filed its findings and opinion herein;

*It is ordered*, That the said application, as amended, pursuant to Section 10 (a) (1) and Rule U-12B-1, be, and it hereby is, approved:

*And it is further ordered*, That the following conditions be imposed upon the applicant:

(a) That the acquisition and the extension of credit involved in the application be carried out in accordance with the terms of and for the purposes set forth in the application, as amended, and the terms of this order;

(b) That the acquisition and extension of credit involved in the application be consummated within 30 days of the date of our order; and

(c) That within 10 days after the consummation of such acquisition and extension of credit, a certificate of notification showing the same to have been effected in accordance with the terms of and for the purposes represented by said application, as amended, and in accordance with the terms of this order, shall be filed by the applicant with the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3951; Filed, October 26, 1939; 10:46 a. m.]

[1] 4 F.R. 4240 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of October 1939.

[File No. 1-141]

IN THE MATTER OF CHICAGO RIVET AND MACHINE COMPANY COMMON STOCK, $4 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Chicago Rivet and Machine Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, $4 Par Value, from listing and registration on the Chicago Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on November 4, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3954; Filed, October 16, 1939; 10:47 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of October 1939.

[File No. 7-431]

IN THE MATTER OF NATIONAL TOWER CORPORATION, NATIONAL TOWER BUILDING—FIRST MORTGAGE FEE AND LEASEHOLD 20-YEAR SINKING FUND 6½% GOLD BONDS, STAMPED PURSUANT TO PLAN OF REORGANIZATION DATED APRIL 26, 1937

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Real Estate Securities Exchange, Inc. in the National Tower Building 6½% 20-Year First Mortgage and Leasehold Sinking Fund Gold Bonds, due 1944, of National Tower Corporation, having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3955; Filed, October 26, 1939; 10:47 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of October, A. D. 1939.

[File No. 1-2229]

IN THE MATTER OF THE REGISTRATION OF THE CALORIZING COMPANY CUMULATIVE CONVERTIBLE PARTICIPATING EIGHT PER CENT PREFERENCE STOCK PAR VALUE $25

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

I

It appearing to the Commission:

That The Calorizing Company, a corporation organized under the laws of the State of Delaware, is the issuer of Cumulative Convertible Participating Eight Per Cent Preference Stock, Par Value $25; and

That said The Calorizing Company registered such security on the Pittsburgh Stock Exchange, a national securities exchange, by filing on or about November 11, 1935, an application on Form 10 with the said Exchange and with the Commission, pursuant to Section 12(b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, promulgated by the Commission thereunder; and

That Rule X-13A-1, promulgated pursuant to Section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to Section 13 of said Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified and that no other form was or is specified for use by said The Calorizing Company; and

II

The Commission having reasonable grounds to believe:

That The Calorizing Company has failed to comply with the said Section 13 and said Rule X-13A-1 in that it has failed to file its annual report for the year ended April 30, 1939; and

III

It being the opinion of the Commission that the hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

*It is ordered*, Pursuant to Section 19 (a) (2) of said Act, that a public hearing be held to determine whether The Calorizing Company has failed to comply with Section 13 of the Securities Exchange Act of 1934, as amended, the rules, regulations and forms promulgated by the Commission thereunder, in the respects set forth above; and, if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Cumulative Convertible Participating Eight Per Cent Preference Stock, Par Value $25, of said The Calorizing Company on said Pittsburgh Stock Exchange.

*It is further ordered*, Pursuant to the provisions of Section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purpose of such hearing Charles S. Moore, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith as authorized by law.

*It is further ordered*, That the taking of testimony in this hearing begin on the 9th day of November, 1939, at 10:00 A. M. in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3952; Filed, October 26, 1939; 10:46 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of October, A. D. 1939.

[File No. 2-4043]

IN THE MATTER OF JOHN W. WESTBROOK, TRUSTEE

STOP ORDER

This matter coming on to be heard by the Commission on the registration statement of John W. Westbrook, trustee, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and omits to state material facts necessary to make the statements therein not misleading; and

The registrant having stipulated to the facts and consented to the entry of an order; the trial examiner having issued a report finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading; and

The Commission having duly considered the matter, and finding that the report of the trial examiner is supported by the evidence;

*It is ordered*, That the findings of the trial examiner shall be adopted by the Commission as its own findings, and such findings shall be made a matter of public record; and

*It is further ordered*, Pursuant to Section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statement filed by John W. Westbrook, trustee, be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3953; Filed, October 26, 1939; 10:46 a. m.]

Reference

OCT 30 1939

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

# FEDERAL REGISTER

VOLUME 4 NUMBER 209

*Washington, Saturday, October 28, 1939*

## *Rules, Regulations, Orders*

### TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 62—RESERVE OFFICERS' TRAINING CORPS [1]

§ 62.46 *Unserviceable and lost property, surveys, etc.*

* * * * *

(e) All other losses or damages of Government property for which the institution is accountable will be replaced by the institution, or reimbursement will be made to the United States in the value of the property lost or damaged as shown in current price lists if indicated therein, otherwise at invoice prices, or the cost of repairs including charges for packing, handling, and transportation when necessary, and the account may be cleared by forwarding through corps area headquarters to the Chief of Finance, Washington, D. C., a check for the value of the property shortage or damage determined as above indicated, with an itemized list in duplicate of the article grouped by classes for which payment is made. The duplicate copy of the list will be retained at corps area headquarters and placed in the property auditor's file. If the institution is unwilling to acknowledge pecuniary liability to the extent hereinbefore described, the allowable credit on account of depreciation, if any, in the value of the property at the time of the loss or damage will be determined by a report of survey. (Sec. 47, 39 Stat. 192; sec. 34, 41 Stat. 777; 10 U.S.C. 389) [Par. 15, A.R. 145–20, July 1, 1938, as amended by C 1, Sept. 18, 1939]

§ 62.54 *Issue of textbooks and reference books*—(a) *Reference library.*

* * * * *

(3) If funds are available upon requisition submitted to The Adjutant General through the corps area commander, who will state the procurement authority applicable, one set of all training publications prescribed in T.R. 1–10 for non-commissioned officers of the arm or service concerned will be furnished for every ten students of that arm or service regularly enrolled at the institution. Other War Department documents and additional copies of those listed in (2) above will also be furnished for the reference library and for the use of the professor of military science and tactics. Except as provided in (c) below, textbooks will not be furnished to individual students from ROTC funds.

* * * * *

(c) *Issue of Army Regulations to students entering final year of ROTC instruction.* (1) One copy each of A.R. 140–5 and of the pertinent regulations included in A.R. 140–22 to A.R. 140–39, inclusive, is authorized for issue to each student who enters on his final year of ROTC instruction at class MC, CC, and MI institutions.

(2) At the beginning of each school year, the professor of military science and tactics will submit a requisition to The Adjutant General through the corps area commander, who will state the procurement authority applicable, for a sufficient number of Army Regulations to accomplish the distribution authorized in (1) above.

(3) Army Regulations furnished as authorized in (1) above may be retained by the student upon completion of his ROTC instruction at the institution. (Sec. 47, 39 Stat. 192; sec. 34, 41 Stat. 777; 10 U.S.C. 389) [Par. 36, A.R. 145–20, July 1, 1938, as amended by C 1, Sept. 18, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–3967; Filed, October 27, 1939; 10:08 a. m.]

[1] These regulations supersede Part 62, Chapter VI, Title 1, of the Code of Federal Regulations.

### TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 2150]

IN THE MATTER OF MORTON SALT COMPANY

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture:* § 3.6 (n) (2)

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] upon the complaint issued and served upon respondent, Morton Salt Company, and its answer thereto, testimony, evidence, briefs and arguments of counsel for the Commission and counsel for respondent, and the Federal Trade Commission having made its report in writing stating its findings as to the facts and its conclusion drawn therefrom that the respondent has been and is violating the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and the Commission having, on April 30, 1935 entered and issued its order requiring the respondent, Morton Salt Company, its officers, agents, employees and representatives, in connection with offering for sale or selling salt in interstate commerce or in the District of Columbia, to cease and desist, on brands or labels, and in magazines, trade journals, newspapers or other periodicals, or in house organs, pamphlets, radio broadcasting, or in any other form of advertisement, directly or indirectly, expressing or impliedly, from using the word "smoked" or the word "smoke," or any other word or words signifying smoke, or implying use of smoke, to designate or describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described or designated has been or is directly subjected to the action and effect of the smoke from burning wood during its process of combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking, or flavoring meats, and further ordering said respondent to file within 60 days from the service of said order a report in writing setting forth the manner and form of its compliance therewith; and by order duly entered herein on June 28, 1935 having extended the time for filing report of compliance with said order from July 31, 1935 to August 30, 1935; and by order duly entered herein on June 17, 1936 having stayed said proceeding until final decision by the Commission in the matters of Smoke Products Company, et al, Docket 2783, and Pennsylvania Salt Manufacturing Company et al, Docket 2784; and by order duly entered herein on April 21, 1938 having directed that this matter remain *in fieri* without prejudice to the right of the Commission forthwith to enter such final order as seems just at or after the Commission's final decision in the matters of Dockets 2783 and 2784, and the Commission having made its final decision in the matters of Dockets 2783 and 2784, and having duly entered and issued its findings as to the facts and conclusions and orders to cease and desist in these matters, and having duly considered the record herein;

*It is ordered*, That respondent, Morton Salt Company, its officers, agents, employees and representatives, in connection with offering for sale, sale or distribution of salt in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from using the word "smoked" or the word "smoke," or any other word or words signifying smoke, or implying use of smoke, to designate or describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described or designated has been or is directly subjected to the action and effect of the smoke from burning wood during its process of combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking, or flavoring meats.

*It is further ordered*, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3975; Filed, October 27, 1939; 12:27 p. m.]

[1] 2 F.R. 2497.



[Docket No. 2151]

IN THE MATTER OF JEFFERSON ISLAND SALT COMPANY

§ 3.66 (c20) *Misbranding or mislabeling—Manufacture:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.96 (a) (3m) *Using misleading name—Goods—Manufacture:* § 3.96 (a) (4) *Using misleading name—Goods—Nature:* § 3.96 (a) (6) *Using misleading name—Goods—Qualities or properties.* Using, in connection with offer, etc., in commerce, of salt for curing, preserving, smoking or flavoring meats, the word "smoked", or the word "smoke", or any other word or words signifying smoke, or implying use of smoke, to designate or describe salt offered or sold as aforesaid, unless the salt so described or designated has been or is directly subjected to the action and effect of the smoke from burning wood during its process of combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Jefferson Island Salt Company, Docket 2151, October 17, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard upon the complaint issued and served upon respondent, Jefferson Island Salt Company, and its answer thereto, testimony, evidence, briefs and arguments of counsel for the Commission and counsel for respondent, and the Federal Trade Commission having made its report in writing stating its findings as to the facts and its conclusion drawn therefrom that the said respondent has been and is violating the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and the Commission having, on April 30, 1935, entered and issued its order requiring the respondent, Jefferson Island Salt Company, its officers, agents, employees and representatives, in connection with offering for sale or selling salt in interstate commerce or in the District of Columbia to cease and desist on brands, or labels, and in magazines, trade journals, newspapers or other periodicals, or in house organs, pamphlets, radio broadcasting, or in any other form of advertisement, directly or indirectly, expressly or impliedly, from using the word "smoked" or the word "smoke," or any other word or words signifying smoke, or implying use of smoke, to designate or describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described or designated has been or is directly subjected to the action and effect of the smoke from burning wood during its process of combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats, and further ordering said respondent to file within sixty days from the service of said order a report in writing setting forth the manner and form of its compliance therewith, and having by order duly entered herein on July 27, 1935 extended the time for filing report of compliance with said order from sixty days after the service thereof to September 15, 1935; and by order duly entered herein on March 5, 1937 having stayed said proceeding until final decision by the Commission in the matters of Smoke Products Company, et al, Docket 2783, and Pennsylvania Salt Manufacturing Company; et al, Docket 2784; and by order duly entered herein on May 20, 1938 having directed that this matter remain *in fieri* without prejudice to the right of the Commission forthwith to enter such final order as seems just at or after the Commission's final decision in the matters of Dockets 2783 and 2784, and the Commission having made its final decision in the matters of Dockets 2783 and 2784, and having duly entered and issued its findings as to the facts and conclusions and orders to cease and desist in these matters, and having duly considered the record herein;

*It is ordered*, That the respondent, Jefferson Island Salt Company, its officers, agents, employees and representatives, in connection with the offering for sale, sale or distribution of salt in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from using the word "smoked" or the word "smoke," or any other word or words signifying smoke, or implying the use of smoke, to designate or describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described or designated has been or is directly subjected to the action and effect of the smoke from burning wood during its process of combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats.

*It is further ordered*, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3976; Filed, October 27, 1939; 12:27 p. m.]

[Docket No. 2248]

IN THE MATTER OF AVERY SALT COMPANY

§ 3.66 (c20) *Misbranding or mislabeling—Manufacture:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.96 (a) (3m) *Using misleading name—Goods—Manufacture:* § 3.96 (a) (4) *Using misleading name—Goods—Nature:* § 3.96 (a) (6) *Using misleading name—Goods—Qualities or properties.* Using, in connection with offer, etc., in commerce, of salt, the word "smoke", or any other word or words signifying smoke, or implying use of smoke, to designate or describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described or designated has been or is directly subjected to the action and effect of the smoke from burning wood during the process and course of its combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Avery Salt Company, Docket 2248, October 17, 1939]

§ 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (j10) *Misbranding or mislabeling—Results.* Representing, in connection with offer, etc., in commerce, of salt, that respondent's product described or designated as "Avery Sugar Curing Smoke Salt" does the complete job of curing and smoking meat, or that meat by treatment with such product acquires therefrom the same taste or flavor or other properties or effects, as meat acquires from treatment with salt and subsequent exposure to the smoke of burning wood during the process and course of its combustion, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Avery Salt Company, Docket 2248, October 17, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 17th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence in support of the allegations of the complaint and in opposition thereto, briefs filed herein and oral argument by counsel for the Commission and counsel for the respondent, and the Commission having made its report stating its findings as to the facts and its conclusion that said respondent has been and is violating the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and the Commission having, on November 28, 1936, duly entered and issued its order requiring the respondent, Avery Salt Company, its officers, representatives, agents and employees in connection with the offering for sale, sale and distribution of salt in interstate commerce or in the District of Columbia, to cease and desist from certain practices, and further ordering said respondent to file within sixty days after the service of said order a report in writing setting forth in detail the manner and form of its compliance therewith; and by order duly entered herein on March 5, 1937, having extended the time for filing respondent's report as to the manner and form of its compliance with said order until such time as the Commission has rendered its final decision in the matters of Smoke Products Company, et al., Docket 2783, and Pennsylvania Salt Manufacturing Company, et al., Docket 2784; and by order duly entered herein on May 20, 1938, having directed that this matter remain *in fieri* without prejudice to the right of the Commission forthwith to enter such final order as seems just at or after the Commission's final decision in Dockets 2783 and 2784, and the Commission having made its final decision in the matters of Dockets 2783 and 2784, and having duly entered and issued its findings as to the facts and conclusions and orders to cease and desist in these matters, and having duly considered the record herein;

*It is ordered*, That the respondent, Avery Salt Company, its officers, representatives, agents and employees in connection with the offering for sale, sale and distribution of salt in interstate commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "smoke," or any other word or words signifying smoke, or implying use of smoke, to designate or describe salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described or designated has been or is directly subjected to the action and effect of the smoke from burning wood during the process and course of its combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats.

(2) Representing that its product described or designated as "Avery Sugar Curing Smoke Salt" does the complete job of curing and smoking meat, or that meat by treatment with such product acquires therefrom the same taste or flavor or other properties or effects, as meat acquires from treatment with salt and subsequent exposure to the smoke of burning wood during the process and course of its combustion.

*It is further ordered*, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3977; Filed, October 27, 1939; 12:28 p. m.]

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[Docket No. 2516]

IN THE MATTER OF CAREY SALT COMPANY

§ 3.6 (m10) *Advertising falsely or misleadingly — Manufacture:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.66 (c20) *Misbranding or mislabeling—Manufacture:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.96 (a) (3m) *Using misleading name—Goods — Manufacture:* § 3.96 (a) (4) *Using misleading name—Goods—Nature:* § 3.96 (a) (6) *Using misleading name—Goods—Qualities or properties.* Using, in connection with offer, etc., in commerce, of salt, the word "smoke", or any other word or words signifying smoke or implying use of smoke, to designate or describe salt offered for sale, or sold, for curing, preserving, smoking or flavoring meats, unless the salt so described or designated has been or is directly subjected to the action and effect of the smoke from burning wood during the process and course of its combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Carey Salt Company, Docket 2516, October 17, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of salt, that respondent's so-called smoke salt cures and smoke-flavors meat in one operation or that it cures and smokes meat at all, or that treatment of meat with its said product is a thousand times better than the old smoke house or as good, or that meat by treatment with such product acquires therefrom the same taste or flavor or other properties or effects as meat acquires from treatment with salt and subsequent exposure to the smoke from burning wood during the process and course of its combustion, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Carey Salt Company, Docket 2516, October 17, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C. on the 17th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, the stipulation as to certain facts and testimony and evidence in support of the allegations of the complaint and in opposition thereto, briefs filed herein by counsel for the Commission and counsel for the respondent, and the Commission having made its report in writing stating its findings as to the facts and its conclusion that said respondent has violated the provisions of an Act of Congress approved September 26, 1914, entitled "An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," and the Commission having, on December 3, 1936, issued an order requiring the respondent, Carey Salt Company, its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution of salt in interstate commerce or in the District of Columbia, do forthwith cease and desist from certain practices, and further ordering said respondent to file within sixty days from and after the service of said order a report in writing setting forth in detail the manner and form of its compliance therewith, and by order duly entered herein on March 5, 1937 having extended the time for filing report of compliance with said order until such time as the Commission rendered its final decision in the matters of Smoke Products Company, et al, Docket 2783, and Pennsylvania Salt Manufacturing Company, et al, Docket 2784; and by order duly entered herein on May 20, 1938 having directed that this matter remain *in fieri* without prejudice to the right of the Commission forthwith to enter such final order as seems just at or after the Commission's final decision in Dockets 2783 and 2784, and the Commission having made its final decision in the matters of Dockets 2783 and 2784, and having duly entered and issued its findings as to the facts and conclusions and orders to cease and desist in these matters, and having duly considered the record herein;

*It is ordered*, That the respondent, Carey Salt Company, its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution of salt in interstate commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "smoke," or any other word or words signifying smoke or implying use of smoke, to designate or describe salt offered for sale, or sold, for curing, preserving, smoking or flavoring meats, unless the salt so described or designated has been or is directly subjected to the action and effect of the smoke from burning wood during the process and course of its combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats.

(2) Representing that its so-called smoke salt cures and smoke-flavors meat in one operation or that it cures and smokes meat at all or that treatment of meat with its said product is a thousand times better than the old smoke house or as good or that meat by treatment with such product acquires therefrom the same taste or flavor or other properties or effects, as meat acquires from treatment with salt and subsequent exposure to the smoke from burning wood during the process and course of its combustion.

*It is further ordered*, That the respondent shall, within sixty days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3978; Filed, October 27, 1939; 12:28 p. m.]

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[Docket No. 2783]

IN THE MATTER OF SMOKED PRODUCTS COMPANY ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in interstate commerce, of respondents' salt products, that meat cured or treated with "smoked salt" will be or is thereby subjected to smoke, or that "smoked salt" accomplishes, does, or can do all or everything that an old smokehouse does in the curing or smoking of meat, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Smoked Products Company et al., Docket 2783, October 18, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF SMOKED PRODUCTS COMPANY, A CORPORATION, AND THE SMOKED SALT COMPANY, INC.

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, as amended by stipulation, the substitute answer of respondents and upon respondents' motion that the case be disposed of on the pleadings, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, Smoked Products Company, a corporation, and The Smoked Salt Company, Inc., their officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of their salt products in interstate commerce, do forthwith cease and desist from:

(1) Representing that meat cured or treated with "smoked salt" will be or is thereby subjected to smoke, or

(2) Representing that "smoked salt" accomplishes, does, or can do all or everything that an old smokehouse does in the curing or smoking of meat.

*It is further ordered*, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3979; Filed, October 27, 1939; 12:29 p. m.]

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[Docket No. 2784]

IN THE MATTER OF PENNSYLVANIA SALT MANUFACTURING COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in interstate commerce, of respondent's salt products, that meat cured or treated with "smoked salt" will be or is thereby subjected to smoke, or that "smoked salt" accomplishes, does, or can do all or everything that an old smokehouse does in the curing or smoking of meat, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Pennsylvania Salt Manufacturing Company, Docket 2784, October 18, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 18th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission as amended by stipulation, the substitute answer of respondent and upon respondent's motion that the case be disposed of on the pleadings, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent Pennsylvania Salt Manufacturing Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of its salt products in interstate commerce, do forthwith cease and desist from:

(1) Representing that meat cured or treated with "smoked salt" will be or is thereby subjected to smoke, or

(2) Representing that "smoked salt" accomplishes, does, or can do all or everything that an old smokehouse does in the curing or smoking of meat.

*It is further ordered*, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3980; Filed, October 27, 1939; 12:29 p. m.]

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[Docket No. 3846]

IN THE MATTER OF INLAND SALES CORPORATION

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of sports jackets, pens, pen-

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[1] 1 F.R. 1728.

[1] 1 F.R. 737.

cils or any other articles of merchandise, others with push or pull cards, punch boards, or other lottery devices, so as to enable such persons to dispose of or sell any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Inland Sales Corporation, Docket 3846, October 18, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Mailing, etc., in connection with offer, etc., in commerce, of sports jackets, pens, pencils, or any other articles of merchandise, to respondents' agents or to distributors or to members of the public, push or pull cards, punch boards, or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Inland Sales Corporation, Docket 3846, October 18, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of sports jackets, pens, pencils, or any other articles of merchandise, any merchandise by the use of push or pull cards, punch boards, or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Inland Sales Corporation, Docket 3846, October 18, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF A. LASKEY, J. SAMUELS, AND J. P. SHEEHAN, INDIVIDUALLY, AND TRADING AS INLAND SALES CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That the respondents, A. Laskey, also known as A. Lasky, J. Samuels and J. P. Sheehan, individuals and copartners trading as Inland Sales Corporation, or trading under any other name or names, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of sports jackets, pens, pencils, or any other articles of merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others push or pull cards, punch boards, or other lottery devices, so as to enable such persons to dispose of or sell any merchandise by the use thereof;

(2) Mailing, shipping or transporting to their agents or to distributors or to members of the public push or pull cards, punch boards, or other lottery devices so prepared or printed as to enable said persons to sell or distribute any merchandise by the use thereof;

(3) Selling or otherwise disposing of any merchandise by the use of push or pull cards, punch boards, or other lottery devices.

*It is further ordered*, That within sixty (60) days from the date of the service of this order upon the said respondents, they shall file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3981; Filed, October 27, 1939; 12:30 p. m.]

## TITLE 19—CUSTOMS DUTIES

## BUREAU OF CUSTOMS

[T. D. 49998]

COUNTERVAILING DUTIES ON IMPORTATIONS FROM GERMANY

T.D. 49958 AMENDED AND EXTENDED TO AUTHORIZE COLLECTORS OF CUSTOMS TO DISREGARD THE PROVISIONS OF T.D. 49821 WITH RESPECT TO DEPOSITS OF ESTIMATED COUNTERVAILING DUTIES AND SUSPENSION OF LIQUIDATION OF ENTRIES PENDING REPORT OF THE PERTINENT FACTS TO THE BUREAU WHERE THE IMPORTED MERCHANDISE IS SHIPPED TO THE IMPORTER GRATIS

OCTOBER 24, 1939.

*To Collectors of Customs and Others Concerned:*

T.D. 49958,[1] dated September 11, 1939, prescribing the kind and form of evidence upon which collectors of customs may, pursuant to the provisions of T.D. 49849,[2] disregard the requirements of T.D. 49821[3] in certain respects, is hereby amended by adding after the last paragraph thereof the following:

The Bureau is satisfied that in the case of merchandise of German origin which is supplied to the importer by the exporter without charge the assessment of countervailing duties is not warranted, and you are therefore authorized to accept entries of dutiable German merchandise without requiring the deposit of estimated countervailing duties and to liquidate such entries without assessing countervailing duties where you are satisfied from the invoice or other evidence filed with the entry that the transaction involves no monetary or other recompense to the German supplier.

[SEAL] BASIL HARRIS, *Commissioner of Customs.*

[F. R. Doc 39-3971; Filed, October 27, 1939; 10:53 a. m.]

[1] 4 F.R. 3891 DI.
[2] 4 F.R. 1693 DI.
[3] 4 F.R. 1301 DI.

## TITLE 23—HIGHWAYS

## PUBLIC ROADS ADMINISTRATION

AMENDMENT NO. 3 TO THE RULES AND REGULATIONS FOR CARRYING OUT THE FEDERAL HIGHWAY ACT (EXCEPT THE PROVISION THEREOF RELATIVE TO FOREST ROADS) APPROVED BY THE ACTING SECRETARY OF AGRICULTURE, FEBRUARY 27, 1935

Pursuant to authority conferred by section 18 of the Federal Highway Act of November 9, 1921 (42 Stat. 212), and amendatory and supplementary acts, including the President's "First Plan on Government Reorganization and Accompanying Orders," dated April 25, 1939, and in order to give effect to section 2 of the amendatory act of July 19, 1939 (Public No. 195, 76th Congress), Regulation 11 of the Rules and Regulations approved February 27, 1935, for carrying out the provisions of said Federal Highway Act, except the provisions thereof relative to forest roads, is hereby amended to read as follows:

REGULATION 11.—HIGHWAY-PLANNING PROJECTS

"SEC. 1. The Commissioner of Public Roads, within the limits fixed by law, may prescribe the amount of the apportionment to any State which shall be programmed and expended for surveys, plans, engineering and economic investigations for future construction. Such planning projects shall include the highway planning surveys and shall be programmed and initiated in the same manner as other projects by the submission of project statements, and the work shall be prosecuted under a project agreement. Highway planning projects involving detailed surveys and construction plans shall be confined to projects for which State funds are not immediately available for construction, and for which Federal funds for construction would be from subsequent apportionments to a State. No part of the cost of highway planning projects shall be paid to States which restrict the employment of engineers to residents of the State."



Done at the City of Washington this 24th day of October 1939, as witness my hand and the seal of the Federal Works Agency.

[SEAL] JOHN M. CARMODY, *Federal Works Administrator.*

[F. R. Doc. 39-3964; Filed, October 26, 1939; 3:53 p. m.]

## TITLE 24—HOUSING CREDIT

## UNITED STATES HOUSING AUTHORITY

PART 608—PROGRESSIVE STEPS IN THE INITIATION OF A LOW-RENT HOUSING PROJECT*†

Sec.
608.0 Scope and content.
608.1 Co-operation with the United States Housing Authority.
608.2 Steps leading to a tentative earmarking of funds.
608.3 Steps leading to an application for financial assistance for a specific project.
608.4 Making of a loan contract and a contract for annual contributions for a specific project.

§ 608.0 *Scope and content.* This Part is intended to describe in a general way the steps which are necessary in the development of a low-rent housing project through the execution of a loan contract and a contract for annual contributions or capital grant. Where necessary to meet the requirements of the Act and the policies of the USHA, additional material may be requested of the local authority. Under four Sections the Part deals with: co-operation with the USHA; steps leading to a tentative earmarking of funds; steps leading to an application for financial assistance for a specific project; and making of a loan contract and a contract for annual contributions for a specific project.*† [Introduction]

§ 608.1 *Co-operation with the United States Housing Authority.* Throughout the formulation of a local program there should be the closest possible co-operation between the local authority and the United States Housing Authority. The USHA is anxious to extend any necessary assistance, especially in the early stages, to assure that the local authority will proceed with a maximum of economy and a minimum of effort, and to protect the local authority against spending money in the formulation of a project which cannot be approved by the USHA. Care in the early stages of the project will in the long run make for the greatest speed, efficiency, and economy. The USHA will make available advisers to consult with local authorities on the spot as to the legal, economic, financial, planning, and architectural phases of their proposed programs. Through such consultation and advice, a project ought to be in shape for speedy consideration and approval when submitted to the USHA through a formal application. It is the policy of the USHA to deal directly with local housing authorities. Persons or organizations, who for a fee offer to promote projects or act as negotiators with the USHA, are unnecessary and are not recognized by the USHA. No middlemen are required or desired.*† [Par. I]

§ 608.2 *Steps leading to a tentative earmarking of funds.* (a) State legislation, where it does not already exist, should be adopted, authorizing the creation of local housing authorities with power to develop, administer, and finance low-rent housing projects, and enabling the State, city, county, or other political subdivision, in which a project is situated to make the required annual contributions (such as tax remissions or tax exemptions) and to provide other forms of co-operation. Upon request of local officials, the Legal Division of the USHA will aid in drafting new legislation or necessary amendments to existing legislation.

(b) Organization of a local housing authority and the appointment of its members should be accomplished in accordance with state law. Two certified transcripts of the organization proceedings should be supplied promptly to the USHA as a matter of record. Upon the request of local officials, the Legal Division of the USHA will supply a complete set of appropriate forms and proceedings for the organization of a local housing authority, including by-laws.

(c) Adequate preliminary funds must be available to the local authority for reasonable administrative and technical assistance in connection with its preliminary work.

(d) A tentative general program for low-rent housing in relation to the needs of the locality should be considered. This general program should not go so far as the formulation of specific projects, but should be based on:

(1) Available evidence as to the extent of slums and of indecent, unsafe and insanitary dwelling conditions in the locality; a general consideration of the need for low-rent housing; and a rough estimate of the rentals which low-income families can afford. Surveys or other such data are unnecessary at this stage.

(2) A preliminary consideration of alternate types of projects (on vacant sites or on slum sites; single houses, row houses, or multi-family structures; etc.)

(3) Estimate of amount of the USHA loan which, if available, could be effectively utilized during the succeeding two years.

(e) The three principal statutory requirements of the United States Housing Act should be considered, and the possibilities canvassed for:

(1) Raising the necessary 10 percent of the development cost of housing projects either through loans or capital donations.

(2) Obtaining necessary local annual contributions, such as tax remissions or tax exemptions.

(3) Providing for the required elimination of unsafe or insanitary dwellings substantially equal in number to the number of new dwellings proposed. (It is unnecessary to make specific arrangements or obtain commitments on these matters prior to an earmarking. In fact no such arrangements or commitments should be made or obtained at this stage regarding the 10 percent local financing).

(f) Request for earmarking of funds for its general program may be made by the local authority to the USHA when the above listed steps have been taken. In connection with such request, it will generally be helpful for one or more members of the authority, accompanied if possible by its general manager and technical adviser, to come to Washington for consultation. Direct contact with the Legal and Project Planning Divisions of the USHA will aid in clearing up difficulties and assuring rapid progress on the local program. As much data as is readily available on items (a) through (e) should be brought to Washington, but no formal presentation need be prepared in advance. Before securing an earmarking (and even after an earmarking until definite approval of a site by the USHA), the local housing authority should avoid definite commitments as to particular sites. Before such time, it will also be unnecessary for it to choose architects or engineers or to prepare any plans or specifications.

(g) Earmarking of funds by the USHA will be considered promptly when the above listed steps have been taken. Earmarkings do not in any case imply the approval of any specific project, but rather indicate the belief of the USHA that the local authority can proceed rapidly toward the formulation of satisfactory projects complying with the Act. Before a loan contract and a contract for annual contributions or capital grant relating to a low-rent housing project can be entered into by the USHA, the steps outlined under Sections 608.3 and 608.4 must be taken.*† [Par. II]

§ 608.3 *Steps leading to an application for financial assistance for a specific project.* As soon as an earmarking is made, the local authority should proceed with the formulation of a specific project. It is desirable that each specific project be considered as part of a comprehensive long-range program for elimination of the slums of the city and the rehousing of slum dwellers. The USHA is ready, from the start, to consult with the local housing authority on comprehensive plans for the future of its community. Adequate administrative and technical staff should be employed. The development and administration of even a moderate sized low-rent housing project is an important business and social venture,

*Sections 608.0 to 608.4 issued under the authority contained in Sec. 8, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408.

†The source of Sections 608.0 to 608.4 is Bulletin 8, revised June 20, 1938.

demanding sound judgment and technical ability. In most cases, a general manager with necessary assistants, and a technical adviser (who may be on a consultant basis) will prove necessary. The eight principal steps in the formulation of a specific project are enumerated and outlined below.

(a) *Determination of need.* As the first step in the formulation of a specific project, reliable data must be obtained as to the extent of slums and as to indecent, unsafe and insanitary housing conditions in the locality. On the basis of such information, the local authority should determine the actual need for the low-rent housing project, the income group to be served by it, and the rents which such group can afford to pay. The date for such determination may be available in the form of real property surveys or special surveys of slum areas. New sample surveys may in some cases be necessary.

(b) *Site selection.* Available sites should be carefully examined, bearing in mind their relative advantages in respect to their relation to a general city plan, to the first cost of land, cost of land improvements, types of buildings suitable to the various sites, and the resulting livability and cost to the occupants. The advice of city planning and zoning agencies will often be very valuable. In selecting sites, consideration should also be given to the ease and speed of acquisition of the site in order to permit the earliest possible commencement of construction work. The local authority should submit the proposed site for advice by the USHA as early as possible. In some cases it will be wise to select tentatively two or more alternate sites and submit them to the USHA for advice. In all cases before the submission of an application, a suitable site must be selected, its boundaries be determined, maps and photographs be prepared, and an estimate be made of its probable cost. This estimate of cost need not involve formal appraisal of the various parcels comprising the site. In addition to the above necessary steps, the local authority may, if it so desires, submit its site to the USHA for tentative approval before submitting its application. If the USHA then gives its consent, the local authority may proceed to the preparation of a survey, appraisals of the various individual parcels, the collection of title information, and the negotiation of options. In no event should appraisals be made without prior approval by the USHA of the appraisers to be selected, the cost of appraisals and the appraisal methods proposed; nor should options be taken until the USHA has approved the appraisals.

(c) *Suggested site plan and proposed number of dwelling units.* In order to ascertain the proposed development cost of the entire project, it will be necessary to determine the proposed number of dwelling units. This will involve the preparation of a site plan indicating an economical development of the site. The USHA will supply advisers or consultants to aid in such work. In the preparation of final plans and specifications, the suggested site plan may be modified as deemed desirable. The Local Authority should determine the number of dwelling units which can with advantage be placed on the site. It should also prepare a suggested schedule of dwelling units showing the approximate number of units of each type (such as 2-story row houses, etc.) and the number of units of various sizes (3 rooms, 4 rooms, etc.). In connection with the preparation of a suggested site plan, the local authority may wish to retain an architect or engineer on a consulting basis, but it is not necessary at this stage to contract for the final preparation of plans and specifications. The local authority may, however, if it so wishes, undertake at this stage an examination of the qualifications of various architects proposed for permanent employment, and make its final selection. However, the USHA cannot make loans to finance local authorities for expenditures of any nature unless such expenditures are applicable to projects for which loan contracts are made. Thus, contracts for architectural or engineering services should not be entered into until after the execution of a loan agreement with the USHA, except that local authorities may, in their own discretion, make such contracts contingent upon the execution of a loan contract and subject to such conditions as may be mutually satisfactory to the local authority and the architect in the event that the loan contract in question is not executed. The forms of contracts and fees to be paid should in all cases be approved by the USHA, and it is advisable that contingent agreements be based upon the conditions in the USHA's suggested form of architect's contract.

(d) *Determination of proposed development cost of the entire project.* Since definite plans and specifications will not be prepared until after a loan contract is made, the local authority will not be required to make a detailed estimate of the development cost of the project at this stage. Instead there will be used for application and contract a "Proposed Development Cost" based on the proposed number of dwelling units. An allowance of 5 per cent for changes and extras during development should be included in the Proposed Development Cost.

(e) *Amounts requested for loan and annual contributions.* The local authority should determine the amount of loan to be requested from the USHA. When annual contributions are made, the total loan by the USHA cannot exceed 90 per cent of the actual total development cost of the project. The amount of loan for which the local authority requests a contract should not exceed 90 per cent of the proposed development cost of the entire project. The contract when written will provide that the amount of loan contracted for may, at the option of the USHA, be increased subsequently by a margin of safety of 1/10. The addition of the 10 per cent margin of safety in the preparation of contracts between the local authority and the USHA does not in any way imply that the project cost should exceed the proposed development cost. On the contrary, in developing the project the local authority will be required to achieve the maximum economy consistent with the purposes of the Act and to exert every effort to keep within the proposed development cost. The local authority should also determine the amount of the annual contributions to be requested from the USHA. This will be based upon the annual contribution (in addition to the local annual contribution) needed to make up the difference between the annual costs of the project and the rentals which the low-income families can pay. In no event can the annual contributions by the USHA exceed 3¾ per cent[1] annually of the actual total development cost of the project. The amount of annual contributions requested should not exceed 3¾ per cent annually of the proposed development cost plus a margin of safety of 1/10.

(f) *Specific arrangements for meeting three principal statutory requirements.* Before submitting an application, the local authority should make specific arrangements for obtaining necessary local annual contributions, such as tax remissions or tax exemptions and providing for the required elimination of unsafe or unsanitary dwellings substantially equal in number to the number of new dwellings proposed. Whenever possible, before an application is submitted, definite provisions for meeting these statutory requirements shall have been completed through binding contracts between the local authority and public agencies. A resolution by a city council or other governing body will suffice if it imposes upon the city or other public agency, a similar contractual obligation. Whenever it is impossible for the local authority to obtain such final contracts or resolutions prior to the submission of the application, the USHA, for the purpose of taking action on the application, will accept other reasonable assurances. However, in such cases, a provision will be inserted in the Loan Contract requiring that such contracts or resolutions be obtained as a condition precedent to the obligation of the USHA to advance any

[1] The United States Housing Act limits the rate of Federal annual contributions to 1 per cent in excess of the going Federal rate of interest at the time the annual contributions contract is made. The going rate of Federal interest is now 2¾ per cent thus fixing the annual rate of Federal annual contribution at a maximum of 3¾ per cent. This maximum is subject to change as the going rate of Federal interest may change. Prior to June 15, 1938, this rate was 2½ per cent and annual contributions contracts entered into prior to that date are at the rate of 3½ per cent.



funds under the Loan Contract. The third principal statutory requirement is that at least 10% of the development cost of the project be financed other than by loans from the USHA. Such local financing may be by capital donations or sale of bonds to private purchasers. Whenever possible, before an application is submitted, definite arrangements by contracts or resolutions should be made for such capital donations as are to be obtained. The USHA will not require, as a condition precedent to entering into loan and annual contributions contracts or to the advance of funds prior to the award of construction contracts, that any specific arrangements be made or commitments obtained for the sale of any bonds to purchasers other than the USHA. In fact it is advisable that the local authorities should not enter into any binding agreements in regard to the private sale of these bonds but that they should be sold at public sale with competitive bidding to ascertain their market value and obtain the best possible terms of sale. The USHA will merely require reasonable assurances that such bonds can be sold. These assurances may take the form of an offer or a letter from a prospective purchaser stating that it will make a bid for the bonds on certain proposed terms.

(g) Other arrangements for co-operation with local governments. Other possible forms of co-operation by which local governments might aid a low-rent housing project are: the zoning or rezoning of the site and of the area surrounding the site; vacation or replanning of streets and alleys, etc., as necessary for the proper planning of the project; the acceptance of the dedication of new streets and alleys, etc., together with the improving and maintaining of the same; the waiving of building and inspection fees; the making of exceptions from building regulations and ordinances as necessary in the development of the project; the maintaining of playgrounds, recreation centers, or other community facilities included within the project; the furnishing and maintaining of public facilities adjoining or in the neighborhood of the project, such as new street approaches, playgrounds, schools, community centers, clinics; the extending, enlarging, or changing of sewer or utility lines; the furnishing, without charge, or at special rates, of municipal services for which a charge is usually made in addition to ad valorem taxes, such as water, gas, electricity, or sewerage, garbage, trash and ash removal. When arrangements are made for some or all of the above forms of co-operation, contracts, or resolutions should, if possible, be obtained before an application is submitted. Whenever it is impossible for the local authorities to obtain such final contracts or resolutions prior to the submission of the application, the USHA, for the purpose of taking action on the application, will accept other reasonable assurances. However, in such cases, a provision will be inserted in the Loan Contract requiring that such contracts or resolutions be obtained as a condition precedent to the obligation of the USHA to purchase bonds of the local authority. In order that the contracts, resolutions, or other assurance in connection with the three principal statutory requirements mentioned in paragraph (f) above, as well as the arrangements for co-operation with local governments mentioned in this paragraph (g) may be in satisfactory form, it is recommended that a legal advisor of the USHA be consulted before they are entered into. Forms of contracts and proceedings for their authorization are available and will be furnished by the USHA upon request.

(h) *Submission of the application.* When the above action has been taken in the formulation of a specific project, the local authority should submit to the USHA an Application for Financial Assistance. This application shall correlate and present all of the material outlined under the above items (a) through (g). Application forms (including instructions for their preparation) are available from the USHA.*† [Par. III]

§ 608.4 *Making of a loan contract and a contract for annual contributions for a specific project.* When a completed application is submitted, it will be reviewed by the USHA. Contracts for financial assistance cannot be made unless it is established:

(a) That slums, or indecent, unsafe, and insanitary dwelling conditions exist in the locality; that there is a need for low-rent housing; and that the project will help to meet that need.

(b) That the legal requirements of the Act will be met (including equivalent elimination, assurances of 10% local participation, necessary local annual contributions, and local co-operation, etc.) and that proper disposition can be made of all legal questions affecting the development, financing, and administering of the project.

(c) That it is possible, under the conditions prevailing in the locality, to develop a feasible project within the cost limitations and other terms of the Act.

(d) That the project is feasible and desirable from the viewpoint of site selection, and that the site can be acquired at a reasonable price and at a price consistent with its proposed use for low-rent housing.

(e) "That the project will not be of elaborate or expensive design or materials, and economy will be promoted both in construction and administration." See Sec. 15 (5) (a) of the United States Housing Act of 1937.

If the USHA approves the application, it will proceed with the preparation of two separate contracts, namely, a loan contract to aid in financing the development of the project, and a contract for annual contributions to assist in achieving and maintaining low rentals. The approval of an application and the making of contracts based thereon does not constitute final approval of all items included in the application. These two contracts, which are described separately below, will be executed at the same time.

(a) *Loan contract.* In the loan contract, the USHA will agree to loan funds to assist in financing the development of a low-rent housing project on the following terms:

(1) The amount to be loaned by the USHA will be a specified amount, equal to 90% (or such lesser per cent as may be agreed upon and stated in the contract) of the proposed development cost of the project. The contract will also provide that the USHA may at its option subsequently increase such amount by a margin of safety of 1/10. Since the loan contract will be made prior to the final determination of the actual cost of the project, it will contain a provision for the reduction of the entire amount of the loan to the extent that such amount proves to exceed 90% (or such lesser per cent as may be agreed upon and stated in the contract) of the actual total development cost of the project as determined by the USHA.

(2) Upon the request of the local authority, the USHA will advance funds for the purchase of land, for the preparation of plans and specifications, and for other preliminary expenses at any time after the loan contract is executed and before compliance with the conditions applicable to purchases of definitive bonds. Such advance will be made upon receipt of Advance Loan Notes exchangeable for definitive bonds when issued.

(3) The obligations evidencing the loan made by USHA (with the possible exception of any advance pursuant to (2) above for which other security provisions may be made) must be negotiable, serial, coupon bonds, bearing interest at an agreed upon rate (not less than 3¼%)[1] must be payable in full in a specified period of time not exceeding sixty (60) years, and will be secured by a trust indenture (without a power of foreclosure) with such provisions as may be provided in the loan contract.

(4) The USHA will be under no obligation to take up and pay for any bonds which it has contracted to purchase, or to make any advance pursuant to (2) above, until the local authority has demonstrated to the satisfaction of the USHA that:

(i) The local authority has a binding contractual obligation or a right under

[1] The United States Housing Act fixes this minimum rate at one half of one per cent in excess of the going Federal rate of interest, which going Federal rate is 2¾% at present.

law, to obtain the necessary local annual contributions and local co-operation from the State, city, county or other political subdivision.

(ii) The provisions for equivalent elimination, as required by Sec. 10 (a) of the United States Housing Act have been accomplished or contracted for.

(iii) The local authority has obtained reasonable assurances that it can obtain by capital donations or sale of its bonds to purchasers other than the USHA the amount necessary to cover that portion of the proposed development cost which the USHA has not contracted to furnish, plus a margin of safety of one-tenth.

(5) The USHA will be under no obligation to take up and pay for any bonds (except for any advance pursuant to (2) above) which it has contracted to purchase until the local authority has demonstrated to the satisfaction of the USHA that (in addition to meeting the conditions in (4) above):

(i) It has prepared final plans and specifications which are accepted by the USHA.

(ii) It can complete the development of the project in accordance with such plans and specifications for the amount which the USHA has agreed to lend, together with such amount as the local authority has arranged to obtain from other sources.

(iii) The cost of dwelling facilities per room and per dwelling unit will meet the specific limitations in Sec. 15 (5) of the Act, and that the construction cost of dwelling units will meet the limitations of Sec. 15 (5) (b) of the Act.

(iv) A bond transcript has been submitted showing that the bonds are binding and legal obligations.

(v) The local authority has obtained (or has a binding contractual obligation to obtain) the amount of funds necessary to cover that portion of the Proposed Development Cost which the USHA has not contracted to furnish, plus a margin of safety of one-tenth.

(vi) The local authority has observed all the provisions contained in the loan contract.

(6) After compliance with the contract conditions applicable to advances under (2) above or to bond purchases (as the case may be), a local authority may file requisitions for funds on account of the loan as they are needed for the development of the project, such requisitions to be accompanied by such documents and transcript papers as may be required by the contract. Each such payment of funds will be made by the USHA only after the filing and approval of a certificate of purposes of the expenditures which the local authority proposes to make.

(7) If all or a part of the local participation in the development cost is to be met by loans, at least 50% of such loan funds must be obtained by the local authority not later than the date on which the USHA has advanced 50% of the specified amount of its loan. The balance of such local loan funds must be obtained by the local authority not later than the date on which the USHA has advanced 90% of the funds to be loaned by it.

(8) The loan contract will provide for the following construction terms and conditions: the requirement that construction work be done by lump sum contract, after competitive bidding; the submission to and approval by the USHA of proposed and final construction contract documents; the securing of performance bonds and compensation and liability insurance; the prohibition of child and convict labor, discrimination in employment, interference with collective bargaining, and so-called "kickback" payments; the requirements of payments of prevailing wage rates and other conditions of employment, including hours of work; compliance with provisions in Sec. 6 (c) of the Act relating to American-made materials; and review during construction and submission of periodic reports.

(b) *Contract for annual contributions.* In the contract for annual contributions, the USHA will agree to make annual contributions to the local authority to assist in achieving and maintaining the low-rent character of the project on the following terms:

(1) The annual contribution will be a specified percentage (not exceeding 3¾%) annually of the actual total development cost of the project as determined by the USHA but not to exceed, in any event, a specified amount which amount will be the specified percentage (not exceeding 3¾%) of the proposed development cost plus a margin of safety of one-tenth.

(2) Such annual contributions will be payable in uniform amounts over a specified period, not in excess of sixty (60) years, from the date of the contract. Such annual contributions will commence on a date to be fixed in the contract which date shall be not earlier than one year from the date of the contract. In case any contract is made for a period exceeding twenty (20) years, the USHA will reserve the right under Sec. 10 (c) of the Act to re-examine the status of the project at the end of ten (10) years after the date of the contract, and every five (5) years thereafter, and to make any modifications required by the provisions of said Sec. 10 (c).

(3) Each annual contribution will be payable fifteen days in advance of the commencement of the yearly period to which such contribution is applicable. The local authority will be required to furnish a certificate and other assurances that during the twelve months' period preceding any such payment the local authority shall have retained ownership of the housing project, maintained its low-rent character, paid prevailing wages as required by Sec. 16 (2) of the Act, obtained the required local annual contributions to supplement the annual contribution from the USHA, and observed the provisions of the annual contributions contract relating to equivalent elimination.

(4) All such annual contributions shall be pledged as security for any loans obtained by the local authority to assist the development of the project; *Provided*, That such annual contributions shall be used first to apply toward the payment of interest or principal as the same mature on any loan made by the USHA to the local authority (including any bonds or other evidences of such loan which may be resold by the USHA) to assist the development of the project to which the annual contributions relate.

(c) *Forms of contracts and proceedings.* In order to assist local authorities the USHA has available for local use suggested forms of contracts and proceedings relating to:

(1) Creation and organization of local housing authorities, including by-laws,
(2) Equivalent elimination,
(3) Local co-operation and local annual contributions in the form of tax exemption,
(4) Public sale of local authority bonds,
(5) Local capital donations,
(6) Surveys, title information, guarantee policies, title certificates, appraisals and options,
(7) Architect's services,
(8) Construction contracts, and related documents,
(9) Deposit of Loan Proceeds in Development Fund,
(10) Advance Loan Notes, and proceedings authorizing same,
(11) Housing Authority Bonds, Trust Indenture securing same and proceedings authorizing issuance thereof, and
(12) Other matters involved in the financing or development of projects.

(d) *Presidential approval.* Pursuant to Sec. 6 (d) of the U. S. Housing Act, no loan contract or contract for annual contributions or capital grant will be entered into by the USHA without the approval of the President.

(e) *Execution of contract.* Upon the completion of the steps outlined in this bulletin and upon the approval of the President, a loan contract and a contract for annual contributions or capital grant may be executed by the USHA and the local authority.*† [Par. IV]

NATHAN STRAUS,
*Administrator.*

OCTOBER 21, 1939.

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PART 609—SELECTION AND QUALIFICATION OF ARCHITECTS *†

Sec.
609.0 Scope and content.
609.1 Methods of selection.
609.2 Selection of method.
609.3 Procedure of qualifying competition.
609.4 Miscellaneous considerations.



§ 609.0 *Scope and content.* This Part is intended to describe the methods of selecting architectural services after the execution of a loan agreement with the USHA. It is to be understood that local authorities may, in their own discretion, make contracts with architects contingent upon the execution of a loan contract and subject to such conditions as may be mutually satisfactory to the local authority and the architect in the event that the loan contract in question is not executed. In connection with the problem of engaging architectural services the Part discusses the following points: methods of selection, selection of method, procedure of qualifying competition and miscellaneous considerations.*† [Introduction]

§ 609.1 *Methods of selection.* In connection with the problem of engaging architectural services, local housing authorities are requested to give consideration to the following methods of selection:

(a) *By direct competition.* This method contemplates open competition on the basis of plans submitted for the actual architectural services involved in a particular project. The USHA takes no position for or against this method with respect to general work but it appears that it is not well adapted to the USHA program for the following reasons: in the early stages of project development the problem is not sufficiently clear to permit the drafting of an adequate program for the competition, hence serious delays would result from this process; extra costs are involved since it is necessary to employ architectural advisers for a well organized competition; there is the well known danger that the winner of a competition might be brilliant in general plan and design but inept with respect to practical considerations. It should be borne in mind that unusual executive and organizing ability are vital qualifications for this class of architectural service.

(b) *By direct employment of large groups.* This method has been frequently employed by local housing authorities. It has the merit of meeting pressure and of distributing work to a large number of architectural firms. However it does not involve the employment of a larger number of draftsmen but does, in effect, curtail the benefits to those architects in the group who will, inevitably, take the lead. The method has at least two distinct disadvantages; it involves the possibility of serious delays and it tends to check ingenuity of design and construction. Admittedly the latter point may be argued from the reverse point of view, that is, a large group may also be depended upon not to produce plans which contain serious errors. However the danger of mediocrity should not be overlooked, nor should the local authority fail to realize that with a large group it is difficult if not impossible to center the responsibility.

(c) *By direct employment of a single firm or a very small group.* Under this method the natural and proper procedure would be to select a single firm, or at most two or three firms who, by training and past experience, are well qualified with respect to the peculiar problems of low-rent housing.

(d) *By the establishment of an architectural office within the local authority.* This method may, in rare instances, be necessary, but should be avoided so far as possible. The experience of the USHA indicates that the employment of carefully selected architects on a professional basis will bring to each project maturity of judgment plus originality of ideas and that a new organization more or less hastily assembled for the purpose will lack not only this experience and originality, but the incentive of maintaining a professional reputation as well.

(e) *By qualifying competition.* In this form of competition a hypothetical problem, incorporating typical questions involved in planning USHA-Aided projects, is presented by the local authority. The competing local architects prepare and submit drawings embodying their solutions of the problem to a group of experts selected by the local authority (hereinafter referred to as the "Jury"). The Jury examines the drawings and, upon the basis thereof, selects the architects qualified for work on USHA-Aided projects. The architects qualifying make up the list (hereinafter referred to as the "Panel") from which the local authority selects architects for its future projects. The advantages of this method of selection may be listed as follows:

(1) The Method supplies a scientific process for determining, in advance, the architects who have the analytical ability necessary to solve the new problems and meet the new issues involved in planning USHA-Aided projects. Many architects who are otherwise thoroughly competent have been unable to solve the special problems involved in planning large-scale, low-rent housing projects.

(2) The Method supplies the local authority with a Panel of architects from which, under the terms of the Competition Program, architects will be selected for future projects. The local authority may reserve complete discretion as to selection from the Panel or may request the Jury to assign a numerical order of merit or to arrange working groups. Architects who are selected for the Panel are thereby given an incentive to study and prepare for work in the low-rent housing field.

(3) The Method is inexpensive. The costs to the local authority are limited mainly to the expenses incurred in printing or mimeographing and mailing the "Competition Program" (described in Sec. 609.3 (c)) and any necessary compensation to the local architect or housing expert serving on the Jury. The cost allocable to any one of several projects will be particularly low, since one competition will ordinarily supply a Panel which may be used for a considerable period of time.

(4) The Method tends to expedite the program by obviating the delays which sometimes develop in obtaining qualified architects when they are needed. Selection under the Method may be completed well in advance of the time of actual need as no particular site or any other purely local conditions are involved.

(5) The Method provides an exceptional opportunity for brilliant but inexperienced young architects. Such architects are at a disadvantage in certain forms of competition since "names" and established reputations tend to outweigh technical resourcefulness and originality. The Method tends to reduce these handicaps for younger men and to facilitate their qualifying. The Method also provides a means of associating younger men with qualified seniors and thereby developing the professional maturity of the juniors as well as obtaining a nice balance between originality and experience.*† [Par. I]

§ 609.2 *Selection of method.* The advantages of selection by direct employment of a single firm or a very small group appear to greatly outweigh the advantages of selection by direct competition, by direct employment of large groups, or by establishment of an architectural office within the local authority. However, depending upon the size of the project, the future plans of the particular authority, and other pertinent considerations, the selection by qualifying competition may be found to be the most expedient.*† [Par. II]

§ 609.3 *Procedure on qualifying competition.* The principal steps in organizing and carrying out a qualifying competition are as follows:

(a) The local authority notifies the local architects that a "qualifying competition" will be held to obtain a Panel of architects for future projects. Interested architects are advised to obtain from, and file with, the local authority applications for the Competition Program. The letter of notification should also state that the proposed competition will have the approval of the American Institute of Architects and that applicants should submit with their applications proof of their eligibility, such as registration in States having a registration law or other proof of practice in States not providing for registration.

(b) The local authority obtains from the USHA a suggested form of Competition Program setting forth a hypo-

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* Sections 609.0 to 609.4 issued under the authority contained in Sec. 8, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408.

† The source of Sections 609.0 to 609.4 is Addendum 1, April 7, 1939, and Addendum 2, July 13, 1939, to Bulletin 5.

thetical problem in large-scale, low-rent project and unit planning. This problem is designed to show the analytical ability of the architect rather that his skill as a draftsman. The drawings required are few and the time allowed short.

(c) The local authority arranges and prepares copies of the Competition Program. To meet the requirements of the USHA and the American Institute of Architects, the Program must provide for a Professional (architectural) Adviser to assist in adapting the Competition Program to local needs, to answer questions, to rule on mandatory requirements of the Program, and generally to assist the Jury in determining the qualifications of the applicants; assure absolute anonymity of the applicants during the competition; state that future awarded contracts will be in accordance with the USHA suggestions; provide for a Jury comprising a member of the local authority, an architect selected by the local architectural society, and a specialist in housing (preferably an architect) to select the winning submissions and, if so requested, place them in order of merit; indicate the places at which and the time when the Jury will render judgment; and state that a brief report by the Jury on the competition will be published. (The USHA suggested form of Competition Program satisfies all the requirements set forth in this subparagraph (c) ).

(d) Upon receipt of the executed applications, the local authority issues copies of the Competition Program. The applicants then prepare and submit drawings embodying their respective solutions of the hypothetical problem.

(e) The drawings are checked by the Professional Adviser, or other representative of the local authority for mandatory disqualifications. Each set of drawings is submitted wrapped, together with an envelope containing the name of the submitter. The representative of the local authority, after checking the drawings as indicated, above, numbers each set and numbers correspondingly the envelope containing the name of the submittor. The eligible drawings are then submitted to the Jury.

(f) The Jury examines and renders judgment on the drawings. The judgment will ordinarily require about three days. In the case of a very large number of entrants (for example, a hundred or more) careful judgment will require a longer period.

(g) The Professional Adviser or other representative of the local authority, in the presence of the members of the local authority, opens the envelopes containing the names of the persons submitting the drawings, reads the Jury report, and makes public the awards of the Jury. The architects qualifying constitute the Panel from which the local authority must, pursuant to the terms of the Competition, select architects for its future projects.*† [Par. III]

§ 609.4 *Miscellaneous considerations.* In addition to the suggestions contained in the foregoing paragraphs, the following points are offered as suggestions for consideration by the local housing authorities in selecting architects:

(a) In case a local authority has made arrangements with architects to do preliminary work on a contingent basis, and where the local authority is without funds, or sufficient funds, for administrative purposes, it is suggested that the architect might prepare the major part of the application in addition to preparing the preliminary site plan and other architectural studies.

(b) If the local authority does not contemplate the employment of a Technical Director as well as an Executive Director, the Executive Director should have a technical background.

(c) In the case of multiple projects it is considered desirable for the authority to designate the Technical Director to act as the clearing house for all architectural ideas. We believe the Technical Director should be employed on a full time salary basis rather than on a contract fee basis. If the local authority does not have a Technical Director, one of the architects on one of the projects should be designated to act as the clearing house. In this connection it should be made clear that the local authority should reserve the right to use ideas developed by one architect, or group of architects, in the development of other projects. In any event, when architects are employed in large groups, the local authority should insist that each group enter into an organization agreement which would set up a Director of the group as the responsible contact between the authority and the architectural group; such an agreement should be submitted to the local housing authority for approval.

(d) If two, or more, firms of architects are engaged for a single project, they should be chosen with the thought in view that it is desirable to secure a diversity of advantages by this process. Hence, it should be borne in mind that an ideal group will comprise an outstanding designer, a man with wide practical construction experience, a man fully experienced in writing specifications, and finally, a man with organizing ability to see that work is coordinated and progress maintained in a business-like manner.

(e) On projects which are large, and which entail considerations of city planning, the local authority should consider the desirability of engaging a good city planner as a consultant, unless the engaged architects have such a man among their number.*† [Par. IV]

NATHAN STRAUS,
*Administrator.*

OCTOBER 21, 1939.

[F. R. Doc. 39-3969; Filed, October 27, 1939; 10:16 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### WAR DEPARTMENT

### CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

### PART 203—BRIDGE REGULATIONS

§ 203.403 *Battery Creek, S. C.; bridge (highway) between Beaufort and Parris Island, S. C.*[1] In accordance with the provisions of Section 5 of the River and Harbor Act approved August 18, 1894, the following special regulations are prescribed to govern the opening of the drawbridge of the South Carolina State Highway Department across Battery Creek between Beaufort and Parris Island, South Carolina:

(a) The owner or agency controlling the bridge will not be required to keep a tender in constant atendance at the aforementioned bridge.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw span, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can easily be read at any time, a copy of these regulations, together with a notice stating exactly how the representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

(f) These regulations shall take effect and be in force on and after November 1, 1939, and are supplemental to the "Rules and regulations to govern the operation of drawbridges crossing all navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries." (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Special regs., Oct. 16, 1939 (E.D. 6371 (S.C.—Battery Creek—21) ]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-3972; Filed, October 27, 1939; 10:58 a. m.]

[1] These regulations are supplementary to Title 33, Chapter II, Part 203, Code of Federal Regulations.



## TITLE 46—SHIPPING

### BUREAU OF MARINE INSPECTION AND NAVIGATION

### SUBCHAPTER B—MEASUREMENT

Part 17, *Rules for Suez Canal Measurement* and any and all amendments or additions thereto, is hereby rescinded and deleted.

Part 16, *Measurement of Vessels, General* and any and all amendments or additions thereto, is hereby rescinded and deleted and a new Part 16 is substituted therefor.

### PART 16—MEASUREMENT OF VESSELS

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§ 16.0 *When effective.* These regulations are not retroactive; i. e., they do not apply to vessels the keels of which were laid prior to the date these rules become effective. These regulations become effective March 1, 1940.

§ 16.1 *Authority of Director.* (a) The Director of the Bureau of Marine Inspection and Navigation is charged with the supervision of the laws relating to the admeasurement of vessels, and on all questions of interpretation growing out of the execution of the laws relating to this subject his decision is final.

(b) The Director of the Bureau of Marine Inspection and Navigation shall, in the following sections, be referred to as the Director.

(c) Doubts arising in the minds of the admeasurers concerning decks to the hull, enclosures on or above the upper deck, shelter decks, method of procedure, etc., shall be submitted to the Director for his decision, and shall be accompanied by blueprints or sketches of the spaces in question giving all the facts bearing on same.

§ 16.2 *Officials authorized to admeasure vessels.* (a) Before any vessel shall be registered, enrolled, or licensed she shall be measured by an officer of the customs at the port or place where she may be.

(b) A vessel is not to be measured unless she is required by law to be registered, enrolled or licensed, or otherwise specially provided for.

§ 16.3 *Purpose for which measurements are taken.* (a) Tonnage measurements are taken for the purpose of ascertaining the internal capacity of measurable spaces.

(b) All measurements are to be taken in feet and fractions of feet, and all fractions of feet shall be expressed in decimals.

§ 16.4 *Register ton.* A register ton is a volume of 100 cubic feet.

§ 16.5 *Gross register tonnage.* (a) The gross tonnage referred to in the following sections is the gross register tonnage; that is, the gross tonnage exclusive of all permissible exempted spaces.

(b) The gross register tonnage of a vessel shall consist of the sum of the following items:

(c) The cubical capacity below the tonnage deck, excluding exemptible water ballast spaces within the measureable portion of the vessel.

(d) The cubical capacity of each between deck space above the tonnage deck;

(e) The cubical capacity of the permanent closed-in spaces on the upper deck available for cargo or stores, or for the accommodation of passengers and/or crew.

(f) All permanent closed-in spaces situated elsewhere available for cargo or stores, or for the accommodation of the crew, or for the charts, except cabins or staterooms for passengers constructed entirely above the first deck which is not a deck to the hull;

(g) The excess of hatchways.

§ 16.6 *Net register tonnage.* (a) The tonnage of a vessel remaining after the authorized deductions have been made from the gross register tonnage shall be deemed the net register tonnage.

(b) In ascertaining the net tonnage no space may be deducted unless it has previously been included in the gross tonnage and certified, showing the purpose for which used.

§ 16.7. *The marine document.* The marine document of every vessel shall show the date and place of build; the register length, breadth, depth, and, in vessels of more than two decks, the height of the upper deck to the hull above the tonnage deck; the number of decks and masts; build as to her head and stern; capacity under the tonnage deck, that of the between decks, and also separately, permanently enclosed spaces on or above the upper deck to the hull available for cargo or stores or for the accommodation of passengers (provisionally) or crew, and the omitted spaces, whether open or closed in, on, above, or below the upper deck; the gross tonnage; items of deduction; and net tonnage.

§ 16.8 *Application for measurement.* The builder of a new vessel required to be admeasured, or the person having supervision of changes and/or alterations affecting a vessel's register tonnage, is obliged to make application for admeasurement or tonnage adjustment as the case may be, in writing, to the collector of customs of the district in which the vessel is located. Such application shall be made before cargo or ballast is taken on, and in case of a new vessel, before boilers or engine is installed or compartments partitioned off.

§ 16.9 *Drawings.* (a) The builder of a vessel of over 100 gross tons, approximately, is requested, if practicable, in order to facilitate measurement, to furnish, at a reasonable time before the vessel is launched, to the principal customs officer nearest to the place where the vessel is building, the following plans:

(1) A drawing of the cross section in which is shown the construction of the double bottom, if there be one;

(2) An inboard view of the longitudinal section, showing the double bottom, its use or uses, if existing, otherwise the

floors, the compartments for water ballast, other than the double bottom, the decks, the superstructures, hatchways, etc.;

(3) Deck plans showing the arrangement and uses of different compartments and deductible spaces;

(4) Drawings showing the arrangement of the engine, boiler, and fuel compartments; and

(5) A tonnage plan showing half breadths of the sections at the points of division of the tonnage length of the vessel into a certain number of equal parts in accordance with the rules for the measurement of spaces under the tonnage deck. The scale or scales of these drawings are to be indicated thereon.

The collector of customs is to be advised of any subsequent changes in the vessel and furnished copies of the corrected plans, or a statement of such changes.

(b) *Sketches.* When admeasuring a small craft for which there are no blueprints, the admeasurer should make a rough sketch of the inboard profile, hull and deck plans (arrangement plans), recording all necessary dimensions thereon. From such sketches neater ones may be prepared and filed with the tonnage admeasurement (Form 1410). Sketches should show the following details: The inboard profile should show the depth of bottom frames or floor timbers if fitted, superstructures, position and use of spaces in the hull and those above deck; the midship cross section, the floors or floor timbers, thickness of inner and outer skin, depth of side frames, etc., and the arrangement plans, the plane outline of hold and deck erections and use of spaces. See Figure 1 (Sec. 16.65) and definition of depth of frame (Sec. 16.69).

§ 16.10 *Measurements to be taken at an early stage.* Admeasurement should begin as soon as the vessel is sufficiently advanced in construction to permit its being done, usually when the decks are laid, the hold cleared of encumbrances to admit the required depths and breadths being properly taken; before the engine and boilers are installed and accommodations are partitioned off.

§ 16.11 *Uniform system required.* (a) The following directions are given showing the progressive steps to be followed in the process of admeasurement. It is important not only that the rules be followed, but that required measurements be taken and calculations made in a uniform and correct manner that one general system may prevail throughout the service respecting this subject.

(b) Measurements taken aboard are to be recorded in the "Memorandum of Dimensions" known as Form 1413.

§ 16.12 *Forms.* The following forms will be furnished the measuring officers upon request:

Master Carpenter's certificate (book form), Form 1261.

Master Carpenter's certificate (for loose leaf binder), Form 1261A.

Special appendix to certificate of registry of American passenger vessels when trading to foreign ports, Form 1265A.

Application of owner for official number, Form 1320.

Notice of award of official number to vessel, Form 1321.

Inspector's certificate of official number, Form 1322.

Memorandum of dimensions (taken on vessels the tonnage length of which exceeds 100 feet), Form 1413.

Memorandum of dimensions (taken on vessels the tonnage length of which is 100 feet or under), Form 1413A.

Tonnage admeasurement (for vessels having a tonnage length exceeding 100 feet), Form 1410.

Tonnage admeasurement (for vessels having a tonnage length not exceeding 100 feet), Form 1410A.

Certificate of admeasurement, Form 1414.

Card index (5" x 8") for large vessels, Form 1415.

Card index (5" x 8") for smaller vessels (100'), Form 1415A.

Suez Canal special tonnage certificate, Form 1417.

For other forms required see Bureau of Marine Inspection and Navigation catalogue.

§ 16.13 *Measuring instruments.* (a) The measurements should be made with a waterproof tape, graduated into feet and tenths of a foot, and as nearly inelastic as possible.

(b) Sliding rods which are of three sizes: One 3 feet long for taking depths from 3 to 5.8 feet; another 6 feet long for taking depths from 6 to 11 feet, or, with the extension piece attached, to 16 feet; and a third one 11 feet long for taking depths from 11 to 21 feet, or, with the extension piece attached, to 26 feet. The movable or index rod in each has an arrow index traversing a decimal scale on the fixed rod. Greater depths may be taken by inserting into the ends of the index rods, and extension piece, provided with sockets for this purpose one or more joints of lift rods described below:

The fixed rod is graduated in feet (in red) and tenths and half-tenths (in black), and when the ends of the rods are well together the arrow on the index rod points to the figure indicating the constant length of the fixed rod, and as the index rod is moved up the arrow indicates the length from the upper end thereof to the lower end of the fixed rod. Bear in mind, however, that when you use any of the attachments referred to above you must add to the reading on the fixed rod the net length of the attachment used; e. g., if the 6-foot rod is extended to its limit, 11 feet, which is reached when the arrow on the index rod is fair with the upper end of the fixed rod, and the extension piece is attached, which is done by slipping the bands on the lower end of it over the upper end of the index rod until the upper edge of the upper band is fair with the upper end of the index rod, and by fastening (on the groove side of the index rod) with set screws in the said bands, the length will not be 11 feet, as shown by the reading, but 16 feet, the reading plus the increment due to the attachment (11 feet±5 feet). This increment may be further increased by inserting into the end of the extension piece one or more joints of lift rods, each of which is about 3.95 feet when adjusted.

At the station of the area to be measured in single-deck vessels the rod is to be placed on the ceiling, or floor beam or timber when no ceiling is present, alongside the keelson or line of the keel, perpendicular or square thereto, and also parallel to the middle longitudinal plane of the ship, and forced up firmly under the deck and fixed in such position by the set screws; from the depths thus found take one-third of the round or one-half of the pitch of beam to get the depth of the area.

The depth of an area taken as above is to be divided into the required number of equal parts. (See Sec. 16.29d) With the rod fixed in position as above, set off on it from its lower end one of these equal parts, or common interval between the breadths, using white or other colored chalk or material that will make a visible mark, which gives the position of the first breadth above the bottom breadth, and from this when the rod is taken down the positions of the remaining breadths are to be set off at the said common interval.

The positions of all the breadths being thus severally marked on the rod, it is then to be set up again and firmly fixed or held in position, and the breadths may be readily and correctly measured by means of the tape held at right angles across the rod at each of the positions marked thereon.

In measuring vessels with more than one deck, where the second deck from the bottom is the tonnage deck, it will be necessary to use two of these rods in combination, one directly over the other, one in the hold under the first deck, as directed for single-deck vessels, and the other in the space between this deck and the tonnage deck. In this combination the tonnage depth is found by adding together the two depths and the thickness of the deck between the rods and deducting from this combined depth one-third of the round or one-half pitch of beam; then proceed as before directed.

(c) A 2-foot rule with a hinge joint is required for taking the rake of the bow and stern and for other purposes.

(d) A carpenter's square will be found useful for setting the sliding rod perpendicular to the keelson.



(e) For taking the breadths in the hold which are beyond the reach of the measuring officers two lift rods will be needed, each about 8 feet long (made by joining two sections), one having a pulley at the end over which the tape may be drawn when the rods are held in position and the other an attachment for holding the ring at the end of the tape.

(f) For transferring the location of the stations or ordinates of the transverse sections from the deck to the keelson, and sometimes, for finding registered breadth, a plumb line and bob are needed.

(g) For measuring laden vessels for Panama or Suez Canal tonnage certificates, a girting galvanized chain of an approved make is required.

§ 16.14 *Stem.* A vessel's stem is to be described according to its contour; i. e., straight, raked, curved or square.

§ 16.15 *Stern.* Describe the stern according to its shape at the after end below the upper deck or line of same, as round, elliptical, square or sharp.

§ 16.16 *Masts.* In addition to what are commonly known as masts, spars set up at the center line of the bridging at the top of king-posts of certain vessels for signals and wireless antennae, etc., are to be considered as masts. The number of king-posts and derrick posts, etc., independent of the supported masts are to be separately stated after the number of said masts; e. g., "Two masts and eight king-posts," or as the case may be.

§ 16.17 *Ceiling, cargo battens, etc.*— (a) *Ceiling.* Ceiling hereafter referred to is considered the permanent planking fitted directly on the inboard side of the frames, or floors, or the top of the double bottom. The maximum allowance for ceiling is 3 inches on the bottom and 3 inches on each side. When ceiling is found to be less than 3 inches thick, allow the actual thickness thereof; that is take dimensions to the face of the ceiling so found. Depths and breadths shall not be decreased due to grounds supporting ceiling nor shall allowance be made for ceiling on the under side of deck beams.

(b) *False Ceiling.* In small vessels with "false ceiling" in a portion of their cabins, in their holds, or forming a part of their seats or lockers, etc., therein, and which stands off from their frames—that is, not fitted to them as ordinary ceiling—take the breadths through the said "false ceiling" to the inner faces of the vessel's frames, deducting therefrom the thickness of the "false ceiling" on each side. If, however, there is a ceiling fitted on the frames in addition to the "false ceiling," take the breadths to the ceiling on the frames, making no allowance for the "false ceiling."

(c) *Cargo Battens, insulation.* This section applies to cargo battens (spar ceiling) and refrigeration insulation.

§ 16.18. *Register length.* (a) The length measured on the tonnage deck, from the fore part of the outer planking (where it is rabbeted) on the side of the stem of wooden vessels, or fore end of lap of outer plating of steel or iron vessels, to the after side of the main sternpost, shall be accounted the vessel's register length. See Figures 2 and 3 (Sec. 16.65).

(b) In the case of screw vessels with no sternpost, take the length to the forward side of the rudder-stock or line of same extended through the deck.

(c) The register length of scows and barges, with a square bow and stern sloping up from the bottom to the deck, and with neither stem nor sternpost, is to be taken on the deck from the extreme point of the hull at the bow to the extreme point of the hull at the stern; that is, the over-all length of the hull, not including guards or rubbing strakes, is to be considered the register length of such vessel.

§ 16.19 *Register breadth.* (a) A measure from the outboard face of the outer skin on one side to the same point opposite, taken at or below the upper deck and at the widest part of the hull is the register breadth. See Figure 4 (Sec. 16.65).

(b) A practical method for finding the register breadth is, to add twice the sum of the depth of the vessel's side frames and thickness of outer skin, plus an allowance for thickness of ceiling, insulation or cargo battens if fitted, to the greatest tonnage breadth.

§ 16.20 *Register depth.* The register depth is taken at the middle of the tonnage length from the under side of the tonnage deck, or line of same, down to the top of the floors at the side of the keelson; or to the ordinary floor timbers or plates when flitted; or to the inner bottom plating (tank top) of a cellular double bottom; as the case may be, in a direction perpendicular to the keel.

(b) Should ceiling be fitted on the above mentioned bottom members, the register depth shall be measured to the top of same and to this dimension shall be added the height of grounds, battens or other type of support for the ceiling. See Figures 4 and 5 (Sec. 16.65).

(c) If the vessel is measured in parts, as explained later; the register depth is taken at one-half the tonnage length of the vessel.

§ 16.21 *Deck to the hull.* The uppermost complete deck, which extends from stem to stern and from side to side at all points of its length and below which there are no openings through the hull as required in shelter deck spaces and also having its hatchways or other openings provided with means for closing them against the action of the sea and weather upon the space below enclosed by the sides of the vessel, making the said space a fit place for the stowage of general cargo, is to be considered the upper deck to the hull.

§ 16.22 *Enumerating the decks.* In enumerating the number of decks, only those which are without such openings as exempt the spaces beneath from being included in the tonnage under the upper deck are to be considered. Other decks, if any, containing such openings as exempt the spaces beneath from inclusion in tonnage should be separately described after the number of decks proper; e. g., "Two decks and shelter deck," or as the case may be. Partial decks, forward or aft, such as orlop decks, are not considered as decks.

§ 16.23 *Register height.* If the vessel has three or more decks to the hall, then the height from the top of the tonnage deck planking and/or plating to the under side of the planking and/or plating of the uppermost deck shall be deemed the register height of the uppermost deck above the tonnage deck.

§ 16.24 *Round of beam.* The round of beam (camber) is the perpendicular distance down from the crown of the under side of the tonnage-deck plank or plating at the center to a line stretched athwart the vessel from end to end of the top of the beam and is to be ascertained at every place where it is to be used in the measurement. See Figures 6 and 16 (Sec. 16.65).

(b) The round of beam of the tonnage-deck, which must be known before taking the tonnage length, as well as before measuring the depths of the tonnage sections, may be taken either at the under side of the deck by stretching a small line tightly from end to end at the top of the beam, which will show the round or camber of the beam at the center; or it may be taken, if more convenient, at the upper side of the deck by stretching a line tightly across, held at equal heights from the deck at each side of the vessel, so as just to touch the crown of the deck at the middle line; then the distance from the deck to the line at the vessel's sides gives the round of beam. See Figure 6 (Sec. 16.65). It is necessary to take the round of beam at each point of division of the length except when the vessel has a flat deck or one practically so. In lieu of the above methods, it may be ascertained on the basis of one-fourth of an inch to the foot of beam at each section in iron or steel vessels of the usual camber of beam. This method is more accurate and easier of application than the others.

(c) When the round of beam is .15' or less, it may be ignored.

§ 16.25 *Pitch of beam.* (a) In vessels whose tonnage deck has a pitch instead of a round from its side at the shell plating to its center, find the height of the pitch of the beam at each tonnage section. It may be done in any practical manner.

(b) The height of the pitch of the beam is the perpendicular distance from the apex at the under side of the tonnage deck plank or plating at the center of the deck down to a straight line from end to end of the top of the beam. See Figure 7 (Sec. 16.65).

§ 16.26 *Tonnage deck.* (a) The tonnage deck is the upper deck to the hull in vessels having not more than two decks, and the second deck from the keel in vessels having more than two decks.

(b) If the tonnage deck consists of several partial decks extending with breaks from stem to stern, and if the partial decks are at different heights, the line of the lowest deck will be taken as the tonnage deck, and the headroom above such line under the higher deck or decks will be measured as a break.

(c) Engine and boiler casings, peak tanks and cofferdams are not considered as breaking the continuity of a deck. See Figures 8 and 9 (Sec. 16.65).

§ 16.27 *Tonnage length.* The tonnage length is the longitudinal distance on the under side of the tonnage deck, or line of same from a point where the line of the inboard faces of the side frames, or ceiling thereon if any, intersects the side of the stem, to a point aft on the inboard face of the stern timber or cant frame, or ceiling if fitted thereon. See Figures 10 and 11 (Sec. 16.65).

§ 16.28 *Depth of a transverse section*—(a) *Method for finding.* The depth of a tonnage section is a measurement taken at its proper point of division of the tonnage length, from a point at a distance below the tonnage deck equal to one-third of the round or one-half of the pitch of the beam, down to the upper side of the floor timbers or floor plates; or bottom floors alongside the keelson; or longitudinals; or the tank top of a cellular double bottom, as the case may be.

(b) *Ceiling.* If ceiling is fitted on the bottom floor members, depths of transverse sections terminate on the upper face of the ceiling of average thickness. See Figure 4 (Sec. 16.65). For tonnage depths where ceiling is fitted on tank top, see Figure 5 (Sec. 16.65).

(c) *Raised platform.* In vessels with a raised platform in the bottom and no ceiling fitted on the bottom frame members, the depths are to be taken down through the platform to the upper side of the floor timbers or floor plates as described above, deducting therefrom the thickness of the ceiling of the platform in question.

(d) *Depths in way of interruptions to tonnage deck.* Should depths of transverse sections fall where the tonnage deck is interrupted, due to a break, hatches, etc., then depths are taken from the line of continuation of the tonnage deck.

(e) *Rise of double bottom.* In vessels having a double bottom the tank top of which, in way of tonnage sections, rises from the center line to the wings, the tonnage depth of each section will terminate at one-half height of the dead rise. See Figure 12 (Sec. 16.65).

(f) *Fall of double bottom.* In vessels having a double bottom the tank top of which, in way of tonnage sections, has a straight fall from the center line to the wings the tonnage depth of each section will terminate at one-half height of fall. See Figure 13. (Sec. 16.65).

§ 16.29 *The tonnage depth*—(a) *Location.* The depth generally referred to as "the tonnage depth" is located at the middle point of division of the tonnage length and is found in a manner similar to the other depths of transverse sections.

(b) *Tonnage depth in a vessel measured in parts.* Should a vessel be required to be measured in parts, and each part measured as a separate unit; then a tonnage depth shall be found for each part or unit at one-half its tonnage length. See Figure 14 (Sec. 16.65).

(c) *Tonnage depth is the first depth measured.* The tonnage depth governs the number of parts into which it and all the remaining depths of the part in which said depth is located, is divided.

(d) *Divisions of tonnage depth.* If the tonnage depth at the middle of the tonnage length of the vessel or part of same does not exceed 16 feet, divide each depth into four equal parts; but if the depth at the middle of said length exceeds 16 feet, divide each depth into six equal parts.

(e) *Intervals.* The common intervals between the points of division of depths, also one-third common intervals are to be carried to the nearest hundredth of a foot.

(f) *Purpose for dividing tonnage depths.* Depths are divided to indicate points at which tonnage breadths are to be measured.

§ 16.30 *Tonnage breadths*—(a) *Breadths.* An inside horizontal breadth is to be measured at each point of division of the depth marked on the sliding rods placed in position as directed in Sec. 16.13 (b) and also at the upper and lower points of the depth. Extend each measurement to the inboard face of the ordinary frames, or line of same, or inboard face of ceiling, or battens, or insulation of average thickness if fitted. See Figure 15 (Sec. 16.65). Care must be taken that the sections shall be parallel to each other and at right angles to the axis of the vessel.

(b) *Upper breadth.* In finding the upper breadth of each transverse section make no allowance for the excess of the deck-beam shelves, etc., over the permissible thickness of ceiling, if any, thereunder.

Referring to Figure 16 (Sec. 16.65), observe that after the deck is laid the upper breadth (represented by the line U. B.) passes through the deck on each side. Hence, it is impossible to take it at its true position. In such cases take it on the deck, allowing within the extended line of frames the thickness of the ceiling if any on the frames under deck, as shown by line T. B. in the figure.

Owing to deck-beam shelves or other obstructions, it can be more conveniently and accurately taken here than under the deck, and, besides it will be only a few inches from its true position. In vessels which have upright sides the said breadth so taken will be correct, but in the case of vessels with inclining sides the necessary allowance must be made for the deviation of the sides from the upright in the few inches above the true position of the said breadth.

(c) *Bottom breadths.* Bottom breadths are taken only so far as the flat of the floor extends. See B. B. Figures 4 and 5; Figures 15 and B. B. Figures 17 and 18 (Sec. 16.65).

When bottom frames rise immediately from the keelson, or combined keel and keelson, and bona fide floor timbers or floor plates are not fitted, bottom breadths are equal to the breadth of keelson, or combined keel and keelson as the case may be. See B. B. Figure 19 (Sec. 16.65).

The bottom breadths of transverse sections of vessels of longitudinal construction falling in the hold where there is no double bottom and where there is a dead rise of the bottom out to the sides of the vessel may be considered to be equal to that part of the bottom plating not affected by dead rise.

(d) *Bottom breadths in case of rise or fall of double bottom.* Bottom breadths falling in way of a double bottom the top of which rises or falls from the midship longitudinal plane to the wings are measured from and to the inboard end of the frame brackets, (or ceiling thereon if fitted) connecting the double bottom with the frames. See B. B. Figures 12 and 13 (Sec. 16.65).

§ 16.31 *Measuring the tonnage length.* (a) The cubic capacity of the space below the tonnage deck is determined by use of the tonnage length together with the areas of a prescribed number of transverse sections as hereinafter described.

To determine the extreme points of the tonnage length as indicated by Sec. 16.27 and T. L. in Figures 10 and 11 (Sec. 16.65), observe the following:

(b) *Vertical bow and stern.* In vessels having a vertical bow, also a vertical stern, both above and below the tonnage deck, measure horizontally the depth of frames, also the thickness of ceiling thereon if any, at the extreme forward and after ends immediately under the tonnage deck. Mark these measurements on the upper side of the tonnage deck, from the outer shell and in the direction in which the frames were measured. Then draw through the points thus obtained, lines parallel to the shell. The forward and after points of intersection of these lines indicate the points from and to which the tonnage length is to be measured.

(c) *Raked bow or stern.* In the case of vessels having a raked bow or stern at the level of the tonnage deck, the extreme points of the tonnage length are, when practicable, to be determined at the under side of the tonnage deck. The distance from these points to a hatch coaming, bulkhead, etc., should be measured and transferred to the upper side of the tonnage deck as indicated in Figure 20 (Sec. 16.65).

(d) Should it be impracticable to determine the extreme points of the tonnage length at the under side of the tonnage deck, and should the thickness of this deck be considerable, as in the case of a wooden deck, the rake of the bow or stern within the thickness of the deck is to be taken into account. This is done after having first proceeded as indicated in subsection (b), by measuring the thickness of the tonnage deck and determining by means of a hinged rule, or any other instrument for finding angles under similar circumstances, the angle of the rake which the bow or the stern forms with the tonnage deck. Transfer thereafter this angle on the deck by drawing the lines A, B, C shown in Figure 21 (Sec. 16.65), A, B, represents the upper side of the tonnage deck and B, C, the after side of the stem or the inside of the shell at the stern, as the case may be. The perpendicular B, D, represents the thickness of the tonnage deck. The points T, L, in Figures 10 and 11 (Sec. 16.65) marked on the upper side of the tonnage deck are then to be moved forward at the stern or aft at the stem, as the case may be, for a distance equal to D, E, representing the rake within the thickness of the deck.

(e) It should be borne in mind that the condition for applying the method of setting out the angles on the upper side of the tonnage deck is that the stem or stern have the same angle of rake above and immediately below the tonnage deck. If the angle of rake at or immediately below the tonnage deck is a different one, then this last angle must be used.

(f) Should a vessel as referred to in subsection (c) have a square bow or stern, it will be necessary to make a correction for camber where such exists. This is done by increasing the thickness of the deck B, D, in Figure 21 (Sec. 16.65) by one-third of the round or one-half of the pitch of beam at the extreme point of the tonnage length.

§ 16.32 *Divisions of tonnage length.* (a) The tonnage length is to be divided into an even number of equal parts as required by the following table, according to the class in such table to which the vessel belongs:

| Class | Tonnage length | Divisions |
|---|---|---|
| 1 | 50 ft. or less | 6 |
| 2 | Above 50 ft., not exceeding 100 ft | 8 |
| 3 | Above 100 ft., not exceeding 150 ft | 10 |
| 4 | Above 150 ft., not exceeding 200 ft | 12 |
| 5 | Above 200 ft., not exceeding 250 ft | 14 |
| 6 | Above 250 ft. | 16 |

(b) The points of division of the tonnage length, also each end of the length indicate the common intervals at which the depth is measured.





Intervals and one-third intervals are to be carried to the nearest thousandth of a foot.

§ 16.33 *Transfer of location of sections to keelson.* (a) The tonnage length having been ascertained and the number of sections to be measured and the interval between them determined, a line is then to be extended down the main hatchway, at the middle line of the vessel, in a perpendicular direction.

(b) The distance of the midship tonnage section is then to be set off from this line in the same direction on the keelson, which gives the position of the midship section on the keelson, and the positions of the other sections are obtained on the keelson by setting off forward and abaft the midship section the common interval between sections as already determined.

The position of the midship tonnage section may be determined by any other practical means.

§ 16.34 *Transverse areas, rule for finding.* (a) Assuming the tonnage length exceeds 250 feet requiring that it be divided into 16 equal parts, and the tonnage depth at the middle of the tonnage length exceeds 16 feet, requiring it to be divided into 6 equal parts:

(b) Measure the depth at each of the fifteen points of division of the length as required, also at the extreme forward point (Section 1) and at the extreme after point (Section 17) of the length. See Figure 22 (Sec. 16.65).

(c) The extreme points of the length at the bow and stern, though described as being the positions of the first and last areas, do not in vessels of usual form yield any area for practical purposes. Therefore, in the computation for tonnage, where the first and last sections yield no areas, a cipher must be employed in their places. In vessels of unusual form, as, for instance, in barges or other craft in which the bow and stern are upright, with breadth also at those places, sections at the extreme points of the length will yield areas; in which cases such areas must be measured and used in the computation.

(d) Then measure the inside horizontal breadth at each of the 5 points of division of the depth, also at the upper and lower points of the depth.

(e) Number the breadths from above, numbering the upper breadth 1 and so on down to the lowest or 7th.

(f) Multiply the second, fourth and sixth by 4, and the odd numbered breadths by 2, except the first and last which are multiplied by 1.

(g) Add these products together.

(h) Multiply the sum thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area.

(i) This process will be repeated for every section.

(j) Having thus ascertained the transverse area at each point of division of the length of the vessel, also at each end of the length if they yield areas, as required above, proceed to ascertain the register tonnage of the vessel in the following manner:

(k) Number the areas successively 1, 2, 3, etc., No. 1 being at the extreme limit of the length at the bow and the last number at the extreme limit of the length at the stern.

(l) Then multiply the second and every even numbered area by 4 and the third and every odd numbered area by 2, except the first and last which are multiplied by 1.

(m) Add these products together and multiply the sum thus obtained by one-third of the common interval between the areas, and the product will be the contents in cubic feet of the spaces under the tonnage deck.

(n) Divide this product by 100, and the quotient, being the tonnage under the tonnage deck shall be deemed the register tonnage of the vessel, subject to the additions hereinafter mentioned.

(o) In every case when finding the capacity under tonnage deck, or a part thereof; whether the length be divided according to the table into 6 or 16 parts, as in classes 1 and 6, or in 2 or 4 parts as provided for in Sec. 16.35 (a) and the depths into 4 or 6 parts, thus requiring 5 or 7 breadths respectively to be taken; the above formula shall be used; i. e., even numbered breadths shall be multiplied by 4, and odd numbered ones by 2 except the first and last which are multiplied by 1. Similarly when running areas through the multipliers, the even numbered ones shall be multiplied by 4 and odd numbered ones by 2, except the first and last, which are multiplied by 1.

§ 16.35 *Breaks in double bottom.* (a) The tonnage length of a vessel having a break exceeding one-half of a foot in height, or a number of such breaks in the line of her double bottom, is to be divided into longitudinal parts establishing transverse vertical planes at such breaks. The length of each such part so found is then to be divided into a number of equal parts according to the class in the above table to which it belongs, just as if it were the length of a separate vessel: Provided, That such parts as are 20 feet or under in length may be divided into two equal parts, and those above 20 feet and not exceeding 40 feet in length may be divided into four equal parts instead of into six, as indicated in the table in Sec. 16.32 (a).

(b) When a vessel is required to be measured in parts, and each part measured as a separate vessel, the sum of the tonnages of the several parts is the capacity under the tonnage deck.

§ 16.36 *Vessels having side tanks may be measured in parts.* Vessels having side tanks extending above the floor line or double bottom, and through which tanks tonnage breadths normally pass, may be measured in parts. The length of the first part will extend aft to the

line of the forward bulkheads of the side tanks. See Figures 23 and 24 (Sec. 16.65). The length of the second part is equal to the length of side tanks, and the depths extend, at proper intervals under the tonnage deck, down to the athwartship lines forming continuation of the side tank tops. See Figure 25 (Sec. 16.65). The third length immediately below the second part should equal that of the second. The breadths are taken between the inboard faces of the side tank bulkheads, and depths from athwartship lines forming continuation of the side tank tops. The fourth part will extend from a line athwart the after bulkhead of side tanks to a point aft where tonnage lengths usually terminate. Measure separately a side tank, the tonnage of which is to be doubled, assuming both tanks are identical as they usually are; then the sum of the tonnage of the several parts thus found shall be deemed the capacity under tonnage deck.

§ 16.37 *Outside shaft tunnel.* To find the under deck tonnage of a vessel having an outside shaft tunnel, the shape of a section of which is usually the segment of a circle, measure the portion of the tunnel space included by the process of measurement in the under deck tonnage and subtract it therefrom. See Figure 26 (Sec. 16.65).

Divide the length of such tunnel into a convenient number of equal parts, then find an area at the points of division of the length, also at the ends, if the end ones yield an area, by the following formula:

$$\text{AREA}=\frac{2h}{3}(c)$$

c=chord of the segment of a circle.

h=height of segment (from chord to crown of arc.).

Having found the required areas, proceed in the manner provided for using the areas as ordinates in determining under deck tonnage, finding the sum of even numbered areas multiplied by 4; the odd numbered areas multiplied by 2, except the first and last which are multiplied by 1. Then multiply the sum so found by one-third common interval between sections. The result divided by 100 gives the tonnage of the tunnel to be subtracted from the under deck tonnage found by ignoring initially the projection of the crown of the tunnel into the hold.

§ 16.38 *Square end vessels having head blocks.* (a) In the case of vessels with square ends having head blocks extending from the deck to the bottom longitudinals on the rake of the bottom, the termini of the tonnage length will be at the inboard face of said block, and the area of the first and last section will equal the area of the inboard face of said block. See Figure 27 (Sec. 16.65).

(b) Should the head blocks extend inboard of the inboard face of the end frames, (see Figures 28 and 29), or should the head plates be excessive, (see Figure 30) (Sec. 16.65), consider the termini of the tonnage length to be at points inboard from the ends of the vessel, equal in distance to the thickness of the shell plating, depth of side frame, plus ceiling if fitted. Rubbing strakes to be excluded.

§ 16.39 *Between decks.* (a) If the vessel has a third deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:

(b) Measure the inside length of the space at the middle of its height, from the ceiling at the side of the stem to the ceiling on the midship stern timber; or, if there is no ceiling take the length from a point forward where a continuation of the lines of inboard faces of the side frames intersect the center line of the vessel aft to the inboard face of the midship stern timber. Divide the length into the same number of equal parts into which the length of the tonnage deck is divided.

(c) Measure also at the middle of its height the inside breadth of the space at each of the points of division of the length, the breadth at the stem, and the breadth at the stern (if round, as in the case of poops of similar form). Number the breadths successively 1, 2, 3, etc., commencing at the stem.

(d) Multiply the second and all other even numbered breadths by 4 and the odd-numbered breadths by 2, except the first and last which are multiplied by 1. Multiply the sum of these products by one-third of the common interval between the points at which the breadths were taken; the result will give, in superficial feet, the horizontal area at the mean height of such space.

(e) Multiply the mean horizontal area by the average height taken between the planks of the two decks and the product will be the cubical contents of the space; which, divided by 100 shall be deemed the tonnage to be included among the items comprising the vessel's gross tonnage.

(f) If the vessel has more than three decks, the tonnage of each of the between decks above the tonnage deck shall be severally ascertained in the manner above described and shall be added as items comprising the vessel's gross tonnage.

§ 16.40 *Superstructures.* (a) Permanent erections; i. e., forecastle, bridge, poop, break, etc., on or above the upper deck, shall be measured tier by tier, and, exclusive of closed-in exemptible spaces, and open spaces, shall be included in the gross tonnage.

(b) *Length.* Measure at half height the mean length of such a space along its center longitudinal line, from and to the line of the inboard faces of the frames, or stiffeners, or ceiling if fitted. Divide the length into an even number of equal parts the common intervals of which shall be most nearly equal to that of the parts into which the tonnage length was divided. See Figure 31 (Sec. 16.65).

(c) *Breadths.* Measure at the middle of its height the inside breadths; namely, one at each end and one at each point of division of the length, numbering them successively 1, 2, 3, etc., the number one breadth being at the extreme forward end of the length.

(d) *Round end erections.* If the after end of an ordinary poop is elliptical, make the breadth at the extreme after end of its length one-half of the preceding breadth, but if it is round as usually found on lake vessels, two-thirds of the preceding breadth. See Figures 32 and 33 (Sec. 16.65).

(e) The after breadth of a round end house shall be found in the same manner as provided for finding the after breadth of a rounded poop. When the forward end is rounded the first breadth will be either one-half or two-thirds of the following breadth depending on the form of the round.

(f) Multiply the even numbered breadths by 4, and the odd numbered ones by 2, except the first and last which are multiplied by 1.

(g) Multiply the sum of the products by one-third of the common interval between the points at which the breadths were taken; the result will give the horizontal area at the mean height of such space.

(h) *Height.* Multiply the mean horizontal area by the average height measured between the decks, or the extended line of same. See b and c in Figure 9 (Sec. 16.65). Divide the product by 100 and the quotient shall be deemed the tonnage of such space.

(i) *Superstructures having breaks* in their covering deck or side lines shall be measured in parts. See Figure 34 (Sec. 16.65).

(j) *Superstructures on small craft* shall be measured similar to the method for finding the gross tonnage of larger structures. When a superstructure is erected over a cut-away portion of the tonnage deck the height of such superstructure is to be taken from the under side of its covering deck to a line of continuation of the tonnage deck. Should there be no camber to the tonnage deck, allow for same, in the covering deck of the erection if it exceeds .15'. After subtracting the tonnage of exemptible spaces in the superstructure, the remainder shall be listed under a name describing the erection, among the items comprising the gross tonnage.

(k) *Height of a turtle back.* The mean height of a superstructure referred to as a "turtle back" may be found by taking a height at each point of division of its length, at the after terminal of its length and at one-third common interval abaft the forward end of the length. The sum of the heights so taken, divided by the number of heights, will give a sufficiently accurate mean height.

§ 16.41 *Hatchways.* The cubical contents of the hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from the top of the beam to the under side of the hatch cover. From the aggregate tonnage of the hatchways there shall be deducted one-half of 1 per cent of the gross tonnage of the vessel exclusive of the tonnage of the hatchways, and the remainder only shall be added to the said gross tonnage as excess hatchways.

The hatchways referred to are the ones out in the open or in open spaces on the upper deck to the hull and on closed-in deck erections. Hatchways on between decks and on the deck of open erections are not to be measured and included in the aggregate of hatchways from which the statutory deduction is to be made. The total hatchways on between decks and on the portion of the decks within closed-in erections on the upper deck to the hull are automatically included in the between deck spaces and in the said erections by the process of measurement; and, of course, the hatchways on decks of open erections are not to be considered, serving as they do spaces not entering into the tonnage of the vessel.

§ 16.42 *Record of exempted spaces.* The tonnage measurement of all spaces on or above the upper deck that the measurer has not included in the gross tonnage of the vessel must be recorded in detail on Form 1410, "Tonnage admeasurement," which, when forwarded to the Bureau for examination and appropriate action must be accompanied by suitable plans or sketches drawn to scale, or a complete explanation for the proper consideration of the exemption of such spaces.

§ 16.43 *Enclosed spaces exempted from inclusion in gross tonnage.* The following closed-in spaces situated on or above the upper deck shall not be included in the gross tonnage provided they are reasonable in extent, adapted and used exclusively for the purposes outlined:

(b) *Companions.* Companions and booby-hatches serving as a protection for companion-ways (stairways or ladderways) leading to spaces below, whether such spaces are exempted or not. See a, b, c and d in Figure 35 (Sec. 16.65).

(c) *Galleys.* Spaces fitted with ranges or ovens (bakeries), without regard to the category of the persons they serve.

(d) *Light and air.* Spaces forming part of the propelling machinery space, or serving for the admission of light and air to such machinery shall be exempt under the heading of light and air. When no part of the propelling machinery extends below the upper deck, the space occupied by same is exemptible in its entirety together with such fuel bunkers as are located on or above the upper deck. Where fuel bunkers or tanks are located wholly or in part below the upper deck the space so occupied below the upper deck is not deductible.

(e) *Light and air on small boats.* A house of reasonable size, into which the propelling machinery projects above the deck line, or a similar house used exclusively for light and air over such machinery on small boats is exempted, in its entirety, as light and air.

A compartment of reasonable size, bulkheaded off and similarly used, located in a house serving other purposes is likewise so treated.

When propelling machinery and/or light and air space, not bulkheaded off, is in a house serving other purposes, the actual length and breadth of the engine plus two feet each side and each end for working space, if such space is available, projecting up into the house becomes the length and breadth of exempted light and air, exclusive of such part as may be decked over and available for other purposes.

If bunks, galley, supplies, etc., are located in the hull abreast the engine and under a house open to same, as described in preceding subsection, and the 2-foot allowance for working space on each side of the engine base, overlaps working space at galley, or as the case may be, allow one-half the actual breadth on each side the engine, which breadths plus the actual engine breadth projecting up into the house becomes the permissible breadth of light and air exemption.

(f) *Machinery spaces.* Spaces occupied by machinery other than propelling machinery.

The spaces occupied by dredging machinery on the upper deck of dredging vessels which are not self propelled but which are required to be documented are to be exempted. No allowance is to be made for spaces occupied by such machinery below the upper deck.

(g) *Skylights.* Skylights and domes affording ventilation and light to the erection thereunder, except skylights over propelling machinery. None of the space below the covering deck of such erection shall be exempted from inclusion in tonnage unless an opening is left in the deck of the superstructure immediately under such skylight or dome to give ventilation and light to spaces below such deck line. See exempted skylight and a, b, c and d in Figure 36 (Sec. 16.65). This additional exemption is to be approved by the Director, and the request for such approval must be accompanied by a blueprint or sketch of said space. For treatment of skylights over propelling machinery see subsection (d) hereof.

(h) *Special exempted water ballast spaces.* Any space other than the double-bottom space adapted only for water ballast, certified by the collector not to be available for the carriage of cargo, stores, supplies, or fuel, shall be deducted from the gross tonnage as measured to get gross register tonnage. (Act of February 6, 1909, Sec. 2, 35 Stat., 613, 46 U.S.C. 77.)

Adaptation for water ballast consists of having the space or spaces properly constructed and tested as ballast tanks; that the pumps, pipes, etc., for filling and emptying such tanks must be of suitable dimensions, connected to the ballast system, and completely independent of the cargo, fuel oil, feed or domestic water pumping apparatus. Access shall be only through oval or circular manholes, whose greatest diameter must not exceed 2 feet in the water-tight deck. Where a hatch exists over a space now to be used for the carriage of water ballast, plating shall be fitted and riveted or welded to form a watertight cover and a manhole as above described may be fitted in this cover plate. Such manholes except when fitted on the weather deck may be provided with a coaming not exceeding 6 inches in height. If these spaces are found being used for purposes other than water ballast, they are to be added to the gross tonnage of the vessel, and so included until such changes have been made as will definitely preclude their use for purposes other than for water ballast.

(i) *Water closets.* Any public room or compartment, if of reasonable size, fitted with hopper or hoppers, is for admeasurement purposes, a water closet. This definition includes a room or a compartment designated as a toilet, fitted with urinal, or urinals, shower bath or shower baths, in addition to the hopper or hoppers. A crew W. C., is considered public if it serves more than one member of the crew.

(j) *Wheelhouse.* The space for sheltering the man or men at the wheel. If the space is a combined wheelhouse and chart room, only such space as is necessary for the proper steering of the vessel shall be exempted. Should the space be partly above and partly below the upper deck, such part above the line of continuation of said deck is exemptible.

§ 16.44 *Passenger cabins.* Passenger cabins and staterooms immediately on the upper deck to the hull, permanently "closed-in" and fitted up for permanent use of passengers, are to be included in the gross tonnage. They will be exempted only when they have no berthing accommodations and have only temporary arrangements to protect passengers on short voyages from rain and the shipment of seas, constituting sheltered spaces under cover and open to the weather; that is, not enclosed.

Cabins and staterooms when assigned for use of passengers only, constructed entirely above the first deck which is not a complete deck to the hull, (see Sec. 16.21) may be exempted from inclusion in tonnage. In the case of Army transports, colliers, supply ships, hospital ships, etc., the term "passengers" shall include all officers, enlisted men, and

other persons who are not assigned to ship's duties and not entered on the ship's articles, and no deductions for spaces occupied by such persons shall be made, nor are cabins and staterooms occupied by them when situated on a deck not a deck to the hull to be included in gross tonnage.

For admeasurement purposes a cabin is defined as an apartment of a vessel, or the portion of the apartment that is assigned for the exclusive use of passengers. A cabin may consist of staterooms, bathrooms, toilets, libraries, writing rooms, lounges, dining rooms, saloons, smoking rooms, play rooms, etc., individually or collectively. The following spaces,—smoking room, lounge, foyer, library and similar public spaces, with or without a stateroom,—would, for instance be considered cabins. In short, any passenger stateroom or public space reserved entirely for the use of passengers is to be considered as coming under the meaning of the word "cabin".

A passenger stateroom is defined as an apartment, or one of the units of an apartment on a vessel, intended primarily to afford sleeping and/or other accommodations for passengers traveling alone or together.

§ 16.45 *Open superstructures on or above the upper deck.* (a) Nothing shall be added to the gross tonnage for any sheltered space on or above the upper deck which is under cover and open to the weather; that is, not enclosed.

(b) In deciding whether or not superstructures are permanent closed-in spaces and should be included in tonnage, the measurer should have regard to the character and structural condition of such erections.

(c) *Tonnage openings.* A forecastle, bridge, poop, or any other permanent superstructure on or above the upper deck to the hull, with one or more openings in its sides or ends, not fitted with doors or other permanently attached means (except as provided for below) of closing them, shall be exempted from inclusion in gross tonnage if the opening or openings are in conformity with the following provisions:

(d) *Two 3 x 4 foot tonnage openings.* When there are in one of the end bulkheads, two tonnage openings, each 3 feet wide by 4 feet high in the clear, one on each side of the center line of the end bulkhead.

(e) *One 4 x 5 foot tonnage opening.* When there is in one of the end bulkheads, as near as is practicable to the center line of the space, one tonnage opening at least 4 feet wide by 5 feet high in the clear, or its equivalent. An equivalent opening is considered to be one of at least 20 square feet in the clear, resulting from a breadth in excess of 4 feet and a height of not less than 3 feet. In such cases the owner's application for exemption and also a sketch of the space drawn to scale must be forwarded to the Director for examination, and exemption must not be allowed without the Bureau's approval.

(f) *Intermediate bulkheads.* If the space is subdivided by intermediate bulkheads, such bulkheads shall have an opening or openings of the same dimensions as prescribed above.

(g) *Coamings.* If coamings are fitted to tonnage openings, their height must not exceed 2 feet at any part.

(h) *Permissible temporary closures for exterior bulkhead tonnage openings.* Tonnage openings prescribed for the above mentioned superstructures may be temporarily closed by shifting boards dropped into channel sections at the sides of such openings, or by plates or boards held in place by hook bolts, spaced not less than 1 foot apart, fitting over the stiffener bar at the sides, top and bottom, of such openings, or by a plate or boards held in place by bolts and cross pieces so arranged as not to be held in place by cleats or other attachments to, or bolts through the bulkhead. See Figures 37 to 43 inclusive (Sec. 16.65). Cover plates, etc., must fay against the bulkheads.

(i) *Battening gaskets.* In no case is the use of battening, caulking or gaskets of any material permitted.

(j) *Permanent fixtures.* Cleats, stud bolts, hinges attached to, or bolts in bulkheads at the edges of tonnage openings are prohibited as they are considered to be part of the means, in conjunction with the plate or boards, of closing the tonnage opening.

(k) *Closures for interior bulkhead tonnage openings.* The same temporary means of closing, except by plates, the tonnage openings in interior bulkheads are permitted.

(l) *Enclosure within an open space.* An enclosure within an exempted space must be treated according to its use.

§ 16.46 *Open shelter deck space.* (a) When exemption from inclusion in gross tonnage is claimed for the space between the upper and shelter deck due to a permanent middle-line tonnage opening in the shelter deck, the length of such opening must be at least 4 feet in the clear and its width equal at least to the width of the after cargo hatchway on the same deck. Provided, That an opening with rounded corners with radii not in excess of 9 inches may be considered to be square.

(b) *Position of middle line tonnage openings.* The distance between the after edge of this tonnage opening and the aft side of the sternpost must not be less than one-twentieth the register length of the vessel, or if the tonnage opening is forward, its fore side must not be less than one-fifth the register length of the vessel from the stem.

(c) *Coamings.* The coamings of the middle line tonnage opening must not exceed 12 inches extreme mean height above the deck, including the heading, etc., at the top for confining the hatch covers, and the opening must be guarded with rails and stanchions. The arrangement of rails and stanchions shall in no way permit their use as part of the method allowed for temporary closing of the tonnage opening.

(d) *Cover.* When portable wood covers are fitted they may be held in place by lashings fitted to the under side of the covers; lashings may be of hemp, manila or other similar material.

When a metal cover is used, it may be held in place by hook bolts spaced not less than 18 inches apart, passing through the cover plate and hooked over angle stiffeners or flanges fitted on the outside of the coamings; i. e., the bolts must not pass through the stiffeners or flanges on the coaming, nor must there be any other attachments on the coaming for fastening the cover.

(e) *Opening not to be enclosed.* The middle line tonnage opening in a shelter deck must not be within a superstructure of any type.

(f) *Tonnage openings in shelter deck space.* When the permanent deck opening is situated aft, there must be at least two openings, each 3 feet wide by 4 feet high in the clear, in each of the transverse bulkheads within the shelter deck space forward of said deck opening; or should the deck opening be forward, the same requirements apply to transverse bulkheads abaft such forward deck opening.

(g) *Coamings.* Coamings, if fitted, must not exceed 2 feet in height at any part.

(h) *Temporary closure.* Excluding plates, the same temporary means of closing tonnage openings in the bulkheads of the well under the middle line tonnage opening in the shelter deck and in the intermediate bulkheads, if any, in the shelter deck space are permitted as described in Sec. 16.45 (h).

(i) *Well under middle line tonnage opening.* The well under the middle line tonnage opening (in the shelter deck) must have a minimum length of four feet throughout its entire breadth and height, and shall be kept clear at all times.

(j) *Scuppers.* A scupper, having a 5-inch minimum inside diameter, fitted with a screw down non-return valve geared to and operated from the shelter deck, must be fitted on each side of the upper deck in way of the permanent middle line tonnage opening in the shelter deck. See Figure 44 (Sec. 16.65).

(k) All openings in the upper deck to the hull must be provided with proper means for closing and battening down.

(l) *Closed in spaces.* Any closed-in space within an open shelter deck space shall be treated according to its usage.

§ 16.47 *An open structure on small craft.* A house on a small craft is considered open to the weather and exempted from inclusion in tonnage provided the after end of such house in entirely open, from the under side of its roof beam down to a coaming not exceeding three inches in height, if there be a coaming, otherwise to the deck or line of same; and open in an athwartship direction from and to the inboard face of the end side stiffeners. See Figures 45 and 46 (Sec. 16.65). Closed-in spaces within an open erection will be treated according to their usage.

Such an opening may be guarded by wire mesh screens and/or temporarily closed by canvas secured at the top and lashed down or buttoned in place at the sides and bottom.

§ 16.48 *Open vessels.* (a) In ascertaining the tonnage of open vessels the upper edge of the upper strake shall form the boundary line of measurement, and a tonnage depth shall be taken from a line athwart the upper edge of said strake, at each point of division and each end of the tonnage length.

(b) An open vessel is one without a deck, or with a partial deck, or partial decks, the total length of which is less than one-half her tonnage length.

(c) Further, a vessel having a partial deck of any length, or one with a single full length deck which, in either case, lies more than one-sixth of the midship depth below the line of the upper edge of the upper strake to the usual point in the hold for taking the register depth, shall, for admeasurement purposes, be deemed an open vessel.

§ 16.49 *Deductions from gross tonnage.* (a) To ascertain the net tonnage, the tonnage of the following spaces meeting certain requirements shall be deducted from the gross tonnage.

(b) *Requirements prior to deduction.* No space shall be deducted unless it has previously been included in the gross tonnage; is reasonable in extent for the purpose appropriated and that the certification showing the exclusive use for such purpose is permanently cut in a beam, over the doorway, within the space, with these words: "Certified to accommodate ---- seamen," "Certified for the accommodation of master," "Certified mess room," "Certified W. C.," "Certified for boatswain's stores," "Certified chart house," "Certified for steering gear," etc., as the case may be.

(c) *Permanently cut.* Permanently cut is construed to mean that the certification must be center punched or otherwise cut where the material over the doorway is metal, whether a beam or plating, or carved when it is of wood. When the beam is not visible, the certification may be cut in the door frame or other fitting over the doorway on the inside of the room.

(d) *Crew spaces.* The tonnages of the spaces or compartments exclusively occupied by and appropriated to the use of the officers and crew of the vessel including:

Bathrooms. A bathroom is a compartment or a room containing (1) a bath tub, or (2) a bath tub and a water closet, or (3) a shower bath or showers without a water closet, regardless of its location.

Clothes drying room.

Drinking water filtration or distilling plant below deck.

Hospital.

Crew mess rooms.

Officers' mess rooms.

Office of chief engineer.

Oil skin locker.

Pantry.

Recreation room.

Shower baths.

Sleeping rooms.

Smoking room.

Water closets, private. A private water closet is defined as one intended to serve not more than one member of the crew, whose stateroom or bedroom affords the only means of entrance thereto and is treated as part of the room served by it. Other water closets are considered to be public water closets for admeasurement purposes.

Water closets (public—below the upper deck).

Passageways and companionways serving the above spaces.

But none of these spaces when used by the passengers on a passenger vessel are to be deducted nor is the clerk's, purser's or paymaster's office deductible.

(e) *Nondeductible spaces on deductible passageway.* Lockers of less than two tons each, containing medicine, linen, mops, etc., for the free use of the crew; the ship's office, also spare rooms, not exceeding 2 in number and used as required by a pilot, customs officer, reserve engineer, a company official or employee shall not invalidate the deduction of a passageway serving as sole access to their location.

(f) *Master's cabin.* Any space exclusively for the use of the master. This space includes sleeping room, dressing room, bathroom, office and passageways serving the master's accommodations.

(g) *Measuring deductible spaces.* Deducted spaces, rectangular in shape, are to be measured by taking the product of the three dimensions, but when bounded by curved surfaces conforming to the sides of the vessel below the tonnage deck exceeding 15 feet in length, they are to be measured according to the formula on the back of Form 1410 for measuring peak tanks. When the space is less than 15 feet in length it may be measured by any practical method.

(h) When there is a platform, not more than 1 foot above the top of the bottom frames, to give a flat surface at the bottom of deductible spaces, and the space between the platform and said frames is not used for the stowage of gear, stores, etc., or for any other purpose, take depths of transverse sections to the top of the bottom frames and find areas as in the case of transverse sections for finding the tonnage below the tonnage deck. See Figure 47 (Sec. 16.65). P represents the platform 1 foot above the top of the bottom frames. A, B and C are the positions of the sections. The forward section A, being sharp, yields no area.

When the platform is more than a foot above the bottom frames, then find the areas only of the portion of the sections above the platform. See Figure 48 (Sec. 16.65).

The depth of deducted spaces extending from top to bottom of a deck erection may be taken between the same points as the depths used in finding the tonnage of the erection. In other words, if the erection was measured before the deck covering, if any, was laid and the ceiling or paneling, if any, overhead was fitted, and depths were taken from the underside of the covering planks or plating of the deck over as required by the law and regulations to the deck beneath, the deck covering and overhead ceiling are to be disregarded in obtaining depths of the various deducted spaces. In determining the number of men that may be berthed in a space the Act of March 4, 1915 (Sec. 6, 38 Stat. 1165; 46 U.S.C. 80) is to govern.

(i) Deducted spaces in the between decks, or erections on or above the upper deck having curved sides are to be measured according to Sec. 16.40.

§ 16.50 *Navigation spaces.* (a) Spaces used exclusively for maneuvering or navigating the ship shall be deducted from the gross tonnage to the extent of what is considered reasonable. When the steering gear, anchor gear, helm, etc., are situated within a room unnecessarily large for the purpose, or are not partitioned off at all, a 2 foot allowance on every side of the apparatus may be made for working space. The height to be allowed should, as a rule, be the mean height of the 'tween deck space.

(b) *Anchor gear.* The spaces below, occupied by anchor gear, include the capstan, windlass, and chain locker. When the fore peak is used exclusively as the chain locker, it is to be measured in the manner prescribed for measuring fore peak tanks when used for water ballast.

(c) *Boatswain's stores.* Subject to the restrictions stated below, any space exclusively appropriated to and used for keeping the boatswain's stores may be deducted.

The allowance for boatswain's stores shall be 1 per cent of the gross tonnage in vessels of 100 gross tons and over, but this allowance shall in no case exceed 100 tons. In the case of vessels of less than 100 gross tons this deduction shall not exceed one ton.

(d) *Chart room.* The space for keeping the charts, nautical instruments and for plotting the course. When the space is a combined wheel and chart room, such part as is not exempted as wheelhouse shall be deducted.

In small vessels requiring the use of navigation charts, and where the cabin or saloon is the only space available for filing or use of such charts, one-half of the cabin or saloon, may be allowed for this purpose provided the allowance does not exceed 1½-tons.

(e) *Donkey engine and boiler.* The space occupied by a donkey engine and boiler, if situated within the boundary of the engine room or the casing above it, and if the donkey engine is used as an auxiliary in connection with the main machinery for propelling the vessel and this space forms part of the actual engine room it shall not be subject to a separate allowance.

When the donkey engine and/or boiler is in a house above the upper deck and not used in connection with the main propelling machinery as described above, the space thus occupied is an exemption and therefore must not be included in the gross tonnage of the vessel.

In all other cases the space occupied by the donkey engine and boiler, if same are connected with the main pumps (except cargo pumps) of the vessel, is to be allowed as a deduction from the gross tonnage, if reasonable in extent. It must be certified in the same manner as other deductible spaces.

(f) *Dynamo spaces.* The space or spaces when reasonable in extent, occupied by dynamos, switchboards and apparatus necessary for the operation of same, when located below the upper deck shall be deducted regardless of the service for which the dynamo or dynamos are used.

(g) *Pump room.* A pump room or space below the upper deck containing the pumps of the vessel which are used solely for handling ballast, feed water, water for cleansing purposes, and for freeing the ship of water entering her hold, etc., shall be deducted as pump room. A pump room or space below the upper deck containing pumps primarily used for handling cargo, as in the case of bulk-oil carriers, shall not be deducted. The portion of either of the above pump spaces above the upper deck is exemptible as machinery space.

(h) *Radio house.* The space set apart for sending and receiving wireless messages.

(i) *Storage of sails.* In the case of a vessel propelled wholly by sails, any space not exceeding 2½ per cent of the gross tonnage of the vessel when such space is used exclusively for storage of sails.

§ 16.51 *Propelling machinery space—(a) Engine room must be measured.* Notwithstanding the ratable allowance for propelling power for which the act of March 2, 1895 (Sec. 1, 28 Stat. 741; 46 U.S.C. 77) provides, it is necessary to measure the engine room, regardless of size, in order to ascertain whether the allowance to be deducted for propelling power shall be regulated by a percentage of the gross tonnage or by the actual tonnage of the engine room ascertained by measurement.

(b) *Spaces included in engine room must be in gross tonnage.* No space shall be included in the tonnage of the engine room unless it has first been included in the vessel's gross tonnage.

(c) *Deductions from engine room.* Conversely the spaces occupied by cabins, storerooms, etc., and any space not used in connection with propelling the vessel but included in the tonnage of the engine room through process of measurement must be substracted therefrom.

§ 16.52 *Spaces included in engine room.* The space occupied by the engine room is to be understood to include not only that occupied by the engine room itself but also the space occupied by the boiler room, together with the spaces strictly required for the working of the engines and boilers, and consisting of the following items:

(a) Space below the crown. The crown or top of the main space of the actual engine room, from which the depths of the main space are to be taken, will either be at the under side of a deck, or, if the side bulkheads are sloping, at the point or height at which the slope terminates. See Figures 49 and 50 (Sec. 16.65).

(b) Space between the crown and the upper deck framed in for the machinery or for admission of light and air thereto.

(c) Space similarly framed in above the upper deck when permitted under paragraph (i), Act of March 2, 1895 (Sec. 1, 28 Stat. 741; 46 U.S.C. 77).

(d) The shaft tunnel or tunnels and the thrust block recess.

(e) The escape shaft. The trunked ladderway leading from the after end of the shaft tunnel to the deck, provided that it is no larger than is necessary for the purpose of access to and escape from the shaft tunnel. The part of an escape shaft above the upper deck line, also the companion sheltering the escape shaft is accorded the treatment of light and air space.

(f) When the fuel oil transfer pump is located in a separate space, this space, if reasonable in size, may be considered propelling machinery space provided said pump is not used for bunkering the vessel.

Should such pump perform the dual service of handling both ballast and transferring fuel oil to the settling tanks, one-half the space may be credited to propelling machinery space.

(g) *Settling tanks.* Fuel oil settling tanks used solely for rendering crude oil fit for consumption in the main boilers are considered as part of the propelling machinery space provided such tanks are within the confines of same. If such tanks are situated elsewhere, the case must be referred to the Director for his decision.

The permissible allowance for settling tanks is based on a four days' supply under full steam, which allowance must not exceed one per cent of the vessel's gross tonnage.

(h) *Engineers' stores and workshops.* The engineers' stores, and/or workshops are regarded as part of the engine room, up to three-quarters of one per cent of the gross tonnage, if in the engine room, open to same, or separated therefrom only by a screen bulkhead and located below the upper deck.

§ 16.53 *Length of engine room.* As a rule, the length of the engine room extends from the bulkhead forward of the boilers to the one aft of the engines; but if these bulkheads limit a space considered excessive in length for the proper working of the boilers and engines, then that length only which is requisite for containing and operating the boilers and machinery, is to be allowed, with the addition of such length as is necessary for the stoking or working of the fires when the furnaces are in a fore-and-aft direction.

No such additional length is, however, required when the boilers are placed with the furnaces athwartship. The clear central space allowed between the boilers when the stoking is athwartship should be sufficient for this purpose. The point to which the after boundary of the length of the engine room is to be measured should be such as to provide sufficient space for the safe operation of the engine.

The measurer should allow such length between the engines and boilers as may appear to him necessary for the safe working of the machinery.

§16.54 *Boilers and engine in same compartment.* The boilers and engine are considered to be in the same compartment when there is a transverse bulkhead, screen or otherwise, through which the boilers project into the engine space, and where there is only sufficient space between the boilers and engine for the safe working of the machinery.

§16.55 *Engine room measured in parts.* If the boilers and engine are entirely in separate rooms, or if there is a break or breaks in the bottom or side lines of the propelling machinery space resulting from a break or breaks in the double bottom or varying height of floors thereunder, or from side bunkers or other spaces not considered propelling machinery spaces, measure each room separately as a whole or in parts, according to the number of breaks in its bottom or side lines, and the sum of the several results shall be deemed to be the tonnage of the said spaces.

§ 16.56 *Rule for measuring engine room.* (a) When the propelling machinery (boilers and engine) space is in the hold amidship, and without a break in its bottom or side lines, measure its length between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, not actually occupied by or required for the proper working of the machinery. Divide the length by 2 and measure 3 depths of the space, one at each end and one at the middle of the length, taking the depths from the crown, or line of same, to the ceiling on the bottom frames or floor timbers, or to the inner plating (tank top) of the double bottom in the case of a steel vessel. Measure also a breadth at each end and at the middle of the length, the said breadths to be taken at one-half their respective heights. Find the product of the length, mean breadth and mean depth, which product divide by 100 and the result shall be deemed the tonnage of the main space below the crown:

(b) *Spaces between the crown and upper deck.* Find the cubical contents of the space or spaces, if any, between the crown aforesaid and the upper deck, or line of same, which are framed in for the propelling machinery or admission of light and air thereto, by multiplying together the length, breadth and depth thereof. Divide the product by 100; add the quotient to the tonnage of the space below the crown and the result shall, subject to the provisions hereinafter contained, be deemed the tonnage of the space.

(c) *Engine room in after end.* When the propelling machinery space is located in the after end of the hold of a vessel and extends from side to side of same and has a continuous bottom line, divide its length into such an even number of parts as will give a common interval most nearly equal to that used in finding the tonnage of the hold in that part of the vessel; then proceed to find its contents by the use of areas of transverse sections taken at each end and at each point of division of its length. In other words, measure it by the same method as was used for finding the tonnage of that part of the hold in which it lies.

(d) *Shaft tunnel and thrust recess.* In the case of screw propelling vessels in which the top of the shaft tunnel is flat, the tonnage of such tunnel shall be ascertained by dividing the product of its length, breadth and depth by 100.

In like manner find the tonnage of the thrust recess or entrance to the shaft tunnel.

If the space abaft the shaft tunnel extends from side to side of the vessel, find its tonnage by using the formula for measuring peak tanks. See Figures 47 and 48 (Sec. 16.65).

(e) *Round top shaft tunnel.* When the top of the tunnel is practically semicircular in shape, find the area of a transverse section in two parts; first the lower part from the bottom of the trunk up to where the curve begins by multiplying the breadth by the applicable height, and then the semicircular part by taking half the area of a circle whose diameter equals the breadth of the tunnel. Multiply the sum of the two areas by the length and divide the product by 100. See Figure 51 (Sec. 16.65) wherein B and H equal the breadth and height respectively of the lower part, and R equals the radius of the semicircular top.

(f) *Shaft space and thrust recess not cased.* When the shaft is not enclosed by a tunnel, the following rules should be observed in the case of a vessel with a single screw. The thrust-block space should be of such length and breadth as will permit of the proper care of the thrust-block and the height should not exceed 7 feet. The shaft space allowed should be of the dimensions of the usual tunnel suitable for the vessel and the height of this space should not exceed 6 feet.

When the vessel is a twin screw and the space aft of the engines is open from side to side, the space should not be included in the engine room measurement for a greater height than 6 feet mean, and any space therein appropriated for stores or for any purposes other than the propelling machinery should be subtracted from the space to be included in the engine room.

§ 16.57 *Engine room in small boats.* (a) In the case of a motorboat not having an engine room bulkheaded off from the rest of the hold, allow as engine space the space occupied by the engine and sufficient space on each side and end of it—say, about 2 feet—to permit the operator to handle it safely and efficiently; if sufficient space does not exist for such allowance then allow whatever space there is. Fuel tanks are not to be included in the said engine space.

(b) If the engine room is bulkheaded off from the rest of the hold and is larger than is strictly required for safe and efficient handling of the engine, limit the engine space according to the said requirements and as indicated in (a) above.

(c) *Engine on a bed.* If the engine sets on a bed located on the vessel's bottom timbers, take depths when measuring the propelling machinery space from the under side of the deck, or line of same down to the top of the bottom frames or floor timbers as the case may be, or to the ceiling thereon when fitted.

(d) *Boxed-in engine.* When the portion of the engine extending above a cockpit platform is boxed-in such boxed-in portion is considered to be all of the space available for the installation and operation of the engine above the line of said platform in that part of the vessel.

In the case of a wholly-boxed-in engine in the hold of a motorboat, the tonnage of the boxed-in space, plus the shaft, engine auxiliaries, etc., that may be outside the boxing is considered the propelling machinery space.

The above restrictions may invalidate light and air exemption when the boxing does not extend above the line of the upper deck. However, when such boxing does extend above said deck line, the height of light and air exemption is from the upper deck line to the under side of the top of the boxing.

§ 16.58 *Deduction for propelling power.* In the case of a vessel propelled by steam or other power, a deduction for the actual propelling machinery space shall be as follows, according to its percentage of the vessel's gross tonnage:

In screw propelled vessels:

| | |
|---|---|
| 13% or less | deduct 175% of the propelling machinery space. |
| Above 13% Below 20% | deduct 32% of the gross tonnage. |
| 20% or more | deduct 32% of the gross tonnage; or, at owner's option deduct 175% of the propelling machinery space. |

In paddle propelled vessels:

| | |
|---|---|
| 20% or less | deduct 150% of the propelling machinery space. |
| Above 20% Below 30% | deduct 37% of the gross tonnage. |
| 30% or more | deduct 37% of the gross tonnage; or, at owner's option deduct 150% of the propelling machinery space. |

§16.59 *Light and air spaces.* (a) On a request in writing to the Director by the owner of a vessel, the tonnage of such portion of the space or spaces above the crown of the engine room and above the line of the upper deck as is framed in for the machinery, or for the admission of light and air, and not required to be included in the gross tonnage, shall, for the purpose of ascertaining the tonnage of the space occupied by the propelling machinery be added to the said machinery space; but it shall then be included in the gross tonnage. Such space or spaces must be reasonable in extent, safe, and seaworthy and cannot be used for any purpose other than the machinery or for the admission of light and air to the propelling machinery space of the vessel. To get this benefit the request must be accompanied with a description and sketch or tracing of the spaces, the measurement thereof, and the collector's certificate that such space or spaces conform to the requirements stated above.

(b) *Reasonable in extent.* In construing the words "reasonable in extent" the measurer should note that the length should not exceed the length of the propelling machinery space, and if any portion is plated over, the length of such part must be deducted from the full length and whatever the breadth of the casing may be, the breadth allowed must not exceed one-half the extreme inside midship breadth of the vessel.

(c) *Purpose for including light and air spaces.* The purpose of adding a part of the framed-in light and air spaces (above the crown of the boiler and engine room and above the upper deck) of a vessel to her machinery space below

the upper deck is to entitle the vessel to a greater deduction for propelling power, and consequently obtain a smaller net tonnage than would otherwise result. To get this benefit, it does not always require the addition of the total of such light and air spaces. In such cases only such portion need be added as hereinafter explained.

(d) *Rule for computing addible light and air space.* Below is given a simple rule for finding the amount of light and air space or spaces required to be added to the gross tonnage and also to the propelling machinery space of a mechanically propelled vessel to entitle her to 32 percent of her gross tonnage for propelling-power deduction when granted by the Director upon request of her owner or owners:

Find 13.1 per cent of the gross tonnage inclusive of excess hatchways. Find the difference between this per cent and the tonnage of the propelling machinery space below the upper deck to the hull. Increase this difference by 15 per cent of itself, which gives approximately the amount of light and air space or spaces to be added to the gross tonnage defined above, and also to the propelling machinery space below said upper deck. The gross register tonnage in such a case is the gross tonnage as defined above, plus light and air addition, less one-half of 1 per cent of said light and air addition, which one-half per cent is additional allowance for excess hatchways due to addition of light and air to gross tonnage.

*Example*

| | |
|---|---|
| Gross tonnage, exclusive of light and air and hatchways | 5,675.95 |
| Excess of hatchways (based on the above) | 67.37 |
| Gross tonnage, inclusive of excess hatchways and exclusive of light and air | 5,743.32 |
| 13.1 per cent of 5,743.32 | 752.37 |
| Machinery space below the upper deck to the hull | 680.55 |
| Difference | 71.82 |
| 15 per cent of difference | 10.77 |
| Difference plus 15 per cent of itself (amount of light and air to be added to gross tonnage and machinery space) | 82.59 |
| Gross tonnage inclusive of light and air and excess of hatchways | 5,825.91 |
| Additional exemption for hatchways; account of light and air addition equals one-half 1 per cent of 82.59—82.59/200 | .41 |
| Gross registered tonnage | 5,825.50 |
| Proof: | |
| 13.1 per cent of 5,825.50 | 763.14 |
| 680.55 plus 82.59 | 763.14 |

§ 16.60 *Calculations to be verified and diagram of areas made.* Calculations must be verified at least twice and a diagram of half breadths for areas made. See Figures 52 and 53 (Sec. 16.65).

(b) The deductions having been made from the gross tonnage and the remainder or net tonnage having been properly marked on the main beam, the surveyor or measuring officer will certify the result to the collector on Form 1322.

(c) *Marking net tonnage and official number on vessel.* The net tonnage (omitting fractions), together with the official number, must be marked on the face of the beam under the forward side of the main hatch on seagoing vessels and on great lakes vessels, and on the face of the beam under the after side of the forward hatch of western river steamers. On river steamers whose route may also be on bays and/or sounds and which do not have a cargo hatch on the main deck, the net tonnage and official number shall be properly inscribed in a conspicuous place on one of the main deck beams located as near as possible to the middle of the vessel.

The markings should be in plain Arabic numerals not less than 3 inches high and not less than three-eighths inch deep in vessels whose main beam is wood, and plainly cut or punched on vessels whose main beam is of steel or iron.

§ 16.61 *Appendix to certificate of registry.* When a vessel of the United States carries passengers to a foreign port or ports the collector of customs will issue to each such vessel admeasured in his district a "Special Appendix to Certificate of Registry of American Passenger Vessels" (Form 1265–A), showing the tonnage of passenger spaces on a deck not a deck to the hull and exempted from inclusion in tonnage by these regulations.

The same requirement applies to vessels operating from his district not previously furnished such an appendix.

At the end of each quarter, the Collector must report to this Bureau the official number and name of every vessel in his district to which such appendix has been issued during that period.

§ 16.62 *Measurement of government vessels.* When the tonnage of Government colliers, transports, supply ships, repair ships, etc., is requested, this tonnage shall be ascertained in accordance with these rules, but the following requirement will be waived: The marking of the vessel's name and home port, official number (none required), and net tonnage; the requirements as to size and conditions of crew space, and the certifications of deducted spaces on the beam over the doorway. The plate over the door designating its use is sufficient for such certifications.

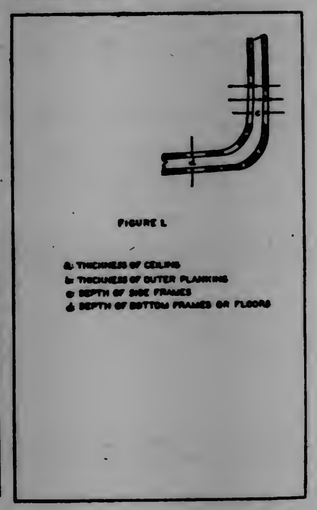
§ 16.63 *Foreign vessels.* A similar mode of measurement having been adopted by Belgium, Denmark, Esthonia, Finland, France, Free City of Danzig, Germany, Great Britain, Italy, Japan, Latvia, the Netherlands, Norway, Panama, Poland, Portugal, Russia, Spain and Sweden, and the like courtesy having been extended to vessels of the United States, it is directed that merchant vessels of these countries, the registers of which indicate their gross and net tonnage under their present laws, shall be taken in the ports of the United States to be of the tonnage so expressed in their documents. Vessels of foreign countries other than the aforesaid are to be measured according to the laws of the United States.

§ 16.64 *Change of tonnage.* The tonnage of any documented vessel of the United States expressed in her marine papers in pursuance of a measurement purporting to be in conformity to the provisions of this Part can be changed or set aside only by permission of the Director. Accordingly, when changes in structure or use of spaces that affect the tonnage of such a vessel have been made since her former admeasurement, and when for any reason the owner requests a change of tonnage, application must be made to the Director for permission to change her tonnage.

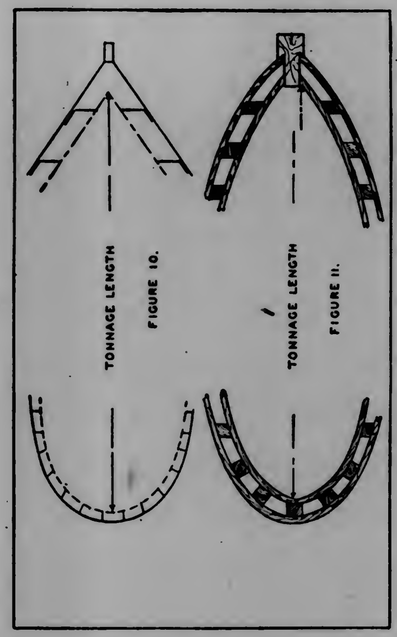
With each of such applications a precise statement of the proposed change of tonnage, whether it grows out of changes in the hull, deck erections, rig, use of spaces, deductions, etc., or errors in her former admeasurement, or changes in the regulations for the admeasurement of vessels subsequent thereto, must be submitted. This statement must be accompanied by a tonnage admeasurement for approval, with a detailed statement of the existing tonnage and appropriate blueprints or sketches for checking the proposed changes.

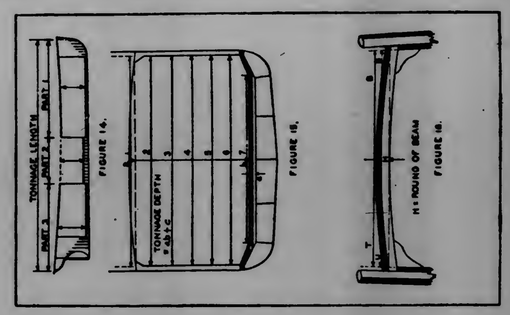
The figures of her former admeasurement as recorded on Form 1410 will be accepted for the unaltered spaces and used as far as they are applicable in amending the tonnage of the altered spaces unless obvious errors are found in the same. If the vessel was originally admeasured at a port other than where the admeasurement for change of tonnage is to be made, her former figures may be obtained from that port, and to which they must be returned without alteration after having served their purpose.

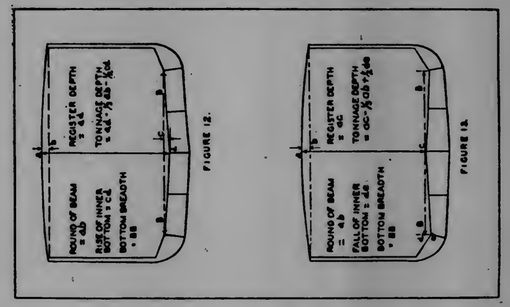
§ 16.65 *Figures.*

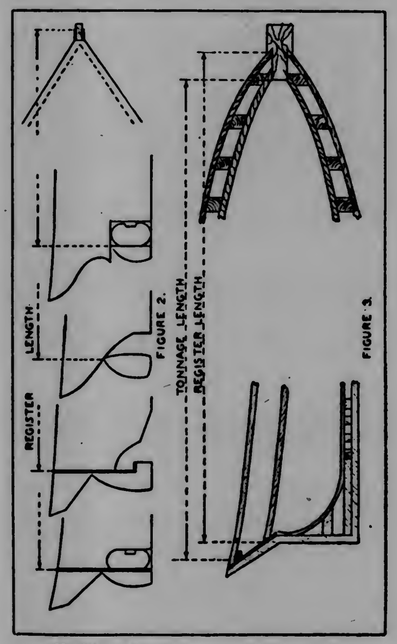


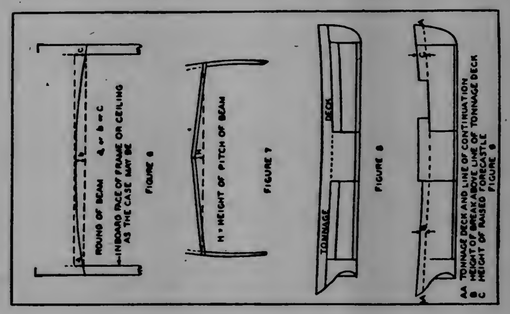


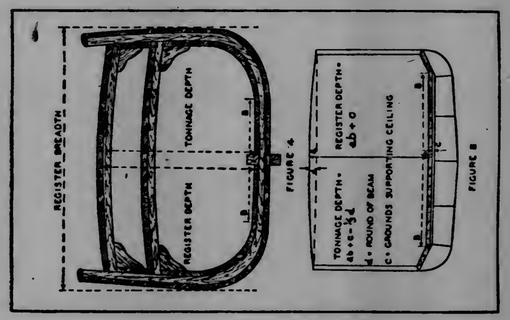
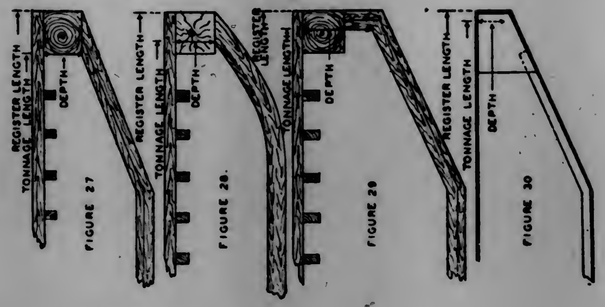
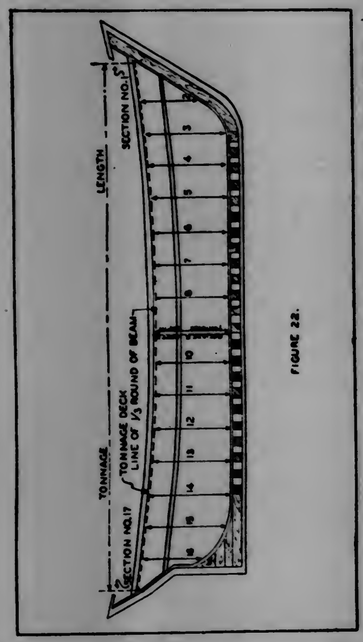
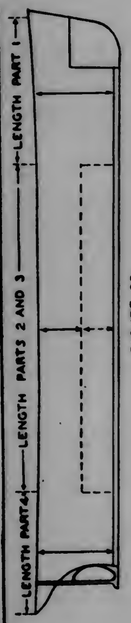
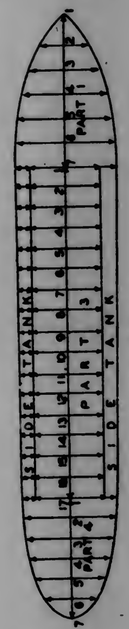



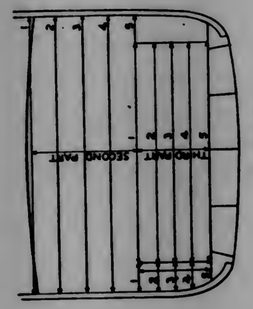
FIGURE 26.

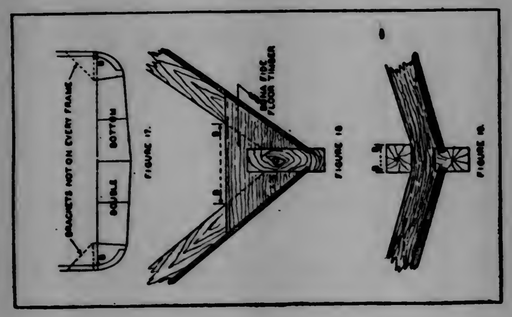


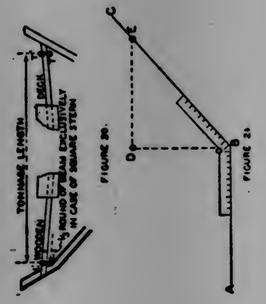



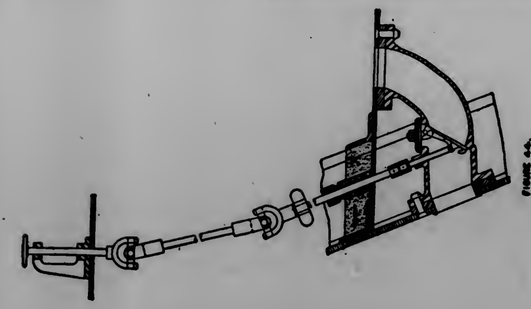
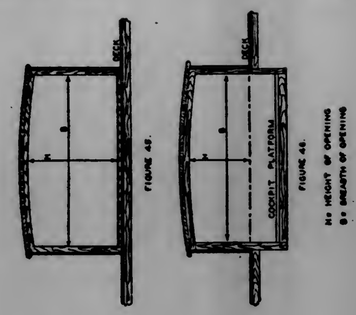
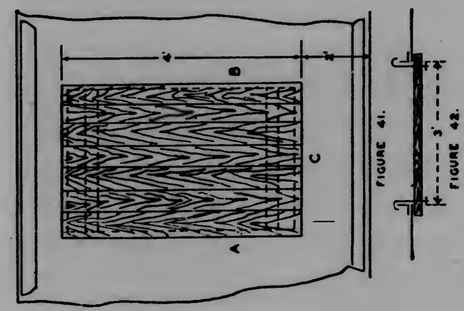
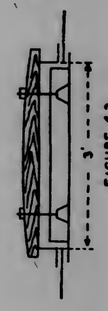
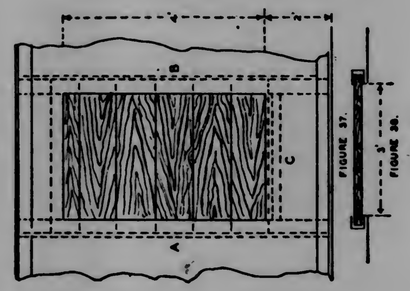



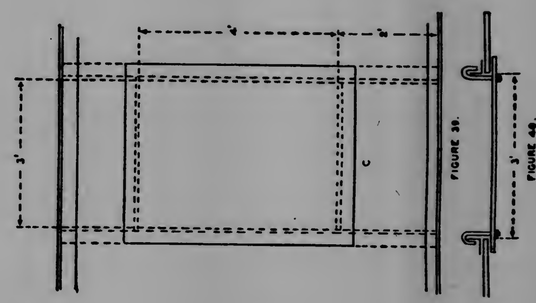
FIGURE 44.



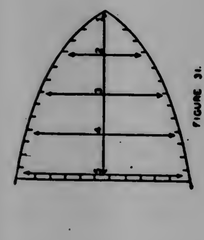
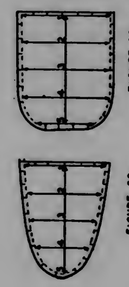



FIGURE 31.



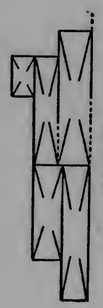
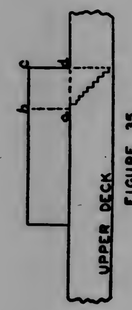
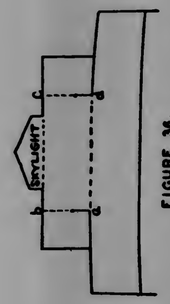



FIGURE 34.



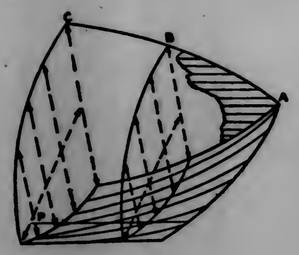



FIGURE 47.

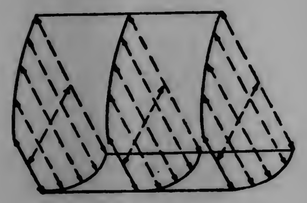


FIGURE 48.

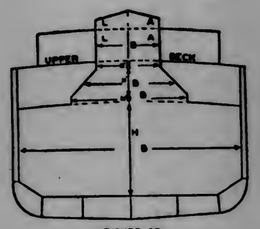



FIGURE 49.

H = HEIGHT OF MAIN SPACE
H'+H"+H' = HEIGHT BETWEEN CROWN AND UPPER DECK
L. A. = LIGHT AND AIR SPACE ABOVE UPPER DECK
B = BREADTH

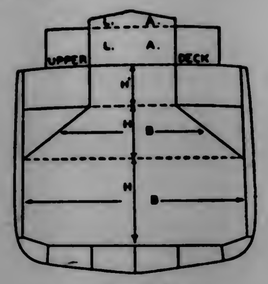



FIGURE 50.

H+H = HEIGHT OF MAIN SPACE
H' = HEIGHT TWEEN CROWN & UPPER DK.
B = BREADTH
L. A. = LIGHT AND AIR SPACE ABOVE UPPER DK.

FIGURE 51.

ab = cd = THICKNESS OF CEILING

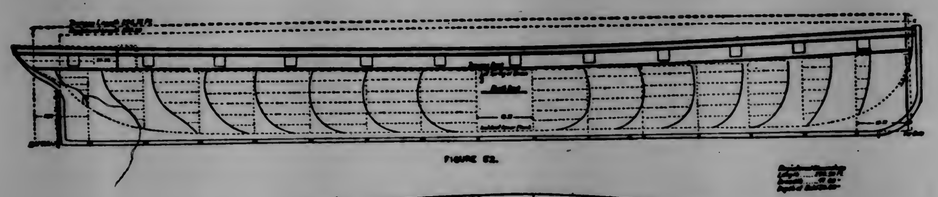


FIGURE 52.

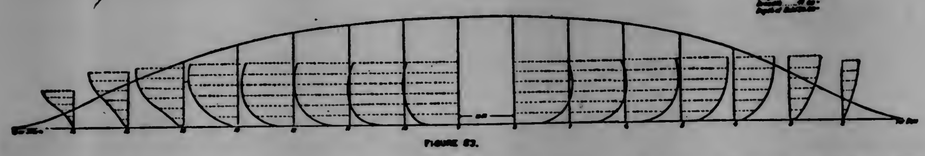


FIGURE 53.

§ 16.66 *Table of decimal equivalent of inches, etc.*

*Tables*

For finding the decimal equivalent of inches and for converting tons into cubic meters, and vice versa, the following tables will be found useful:

*Decimal Equivalent of Inches*

One foot, or 12 inches, the integer

| | *Equivalents in decimals of a foot* |
|---|---|
| 11 inches | 0.92 |
| 10 inches | .83 |
| 9 inches | .75 |
| 8 inches | .67 |
| 7 inches | .58 |
| 6 inches | .50 |
| 5 inches | .42 |
| 4 inches | .33 |
| 3 inches | .25 |
| 2 inches | .17 |
| 1 inch | .08 |
| ¾ inch | .06 |
| ½ inch | .04 |
| ¼ inch | .02 |

*Reduction of Tons to Cubic Meters*

| | *Meters* |
|---|---|
| 1 ton | 2.83 |
| 2 tons | 5.66 |
| 3 tons | 8.49 |
| 4 tons | 11.32 |
| 5 tons | 14.15 |
| 6 tons | 16.98 |
| 7 tons | 19.81 |
| 8 tons | 22.64 |
| 9 tons | 25.47 |
| 10 tons | 28.30 |
| 11 tons | 31.13 |
| 12 tons | 33.96 |
| 13 tons | 36.79 |
| 14 tons | 39.62 |
| 15 tons | 42.45 |
| 16 tons | 45.28 |
| 17 tons | 48.11 |
| 18 tons | 50.94 |
| 19 tons | 53.77 |
| 20 tons | 56.60 |
| 21 tons | 59.43 |
| 22 tons | 62.26 |
| 23 tons | 65.09 |
| 24 tons | 67.92 |
| 25 tons | 70.75 |
| 26 tons | 73.58 |
| 27 tons | 76.41 |

*Reduction of Tons to Cubic Meters*—Con.

| | *Meters* |
|---|---|
| 28 tons | 79.24 |
| 29 tons | 82.07 |
| 30 tons | 84.90 |
| 31 tons | 87.73 |
| 32 tons | 90.56 |
| 33 tons | 93.39 |
| 34 tons | 96.22 |
| 35 tons | 99.05 |
| 36 tons | 101.88 |
| 37 tons | 104.71 |
| 38 tons | 107.54 |
| 39 tons | 110.37 |
| 40 tons | 113.20 |
| 41 tons | 116.03 |
| 42 tons | 118.86 |
| 43 tons | 121.69 |
| 44 tons | 124.52 |
| 45 tons | 127.35 |
| 46 tons | 130.18 |
| 47 tons | 133.01 |
| 48 tons | 135.84 |
| 49 tons | 138.67 |
| 50 tons | 141.50 |
| 51 tons | 144.33 |
| 52 tons | 147.16 |
| 53 tons | 149.99 |
| 54 tons | 152.82 |



*Reduction of Tons to Cubic Meters*—Con.

| | *Meters* |
|---|---|
| 55 tons | 155.65 |
| 56 tons | 158.48 |
| 57 tons | 161.31 |
| 58 tons | 164.14 |
| 59 tons | 166.97 |
| 60 tons | 169.80 |
| 61 tons | 172.63 |
| 62 tons | 175.46 |
| 63 tons | 178.29 |
| 64 tons | 181.12 |
| 65 tons | 183.95 |
| 66 tons | 186.78 |
| 67 tons | 189.61 |
| 68 tons | 192.44 |
| 69 tons | 195.27 |
| 70 tons | 198.10 |
| 71 tons | 200.93 |
| 72 tons | 203.76 |
| 73 tons | 206.59 |
| 74 tons | 209.42 |
| 75 tons | 212.25 |
| 76 tons | 215.08 |
| 77 tons | 217.91 |
| 78 tons | 220.74 |
| 79 tons | 223.57 |
| 80 tons | 226.40 |
| 81 tons | 229.23 |
| 82 tons | 232.06 |
| 83 tons | 234.89 |
| 84 tons | 237.72 |
| 85 tons | 240.55 |
| 86 tons | 243.38 |
| 87 tons | 246.21 |
| 88 tons | 249.04 |
| 89 tons | 251.87 |
| 90 tons | 254.70 |
| 91 tons | 257.53 |
| 92 tons | 260.36 |
| 93 tons | 263.19 |
| 94 tons | 266.02 |
| 95 tons | 268.85 |
| 96 tons | 271.68 |
| 97 tons | 274.51 |
| 98 tons | 277.34 |
| 99 tons | 280.17 |
| 100 tons | 283.00 |

To reduce cubic meters to tons divide the number of cubic meters in question by 2.83, or multiply it by the factor 0.353.

§ 16.67 *Table A of common intervals when tonnage depth is 16 feet or less.*

*Table A*

Showing in feet the common interval and ⅓ common intervals between tonnage breadths, corresponding to different tonnage depths, when the tonnage depth at the middle of the tonnage length does not exceed 16 feet.

| Tonnage depth | Common interval between breadths | ⅓ common interval between breadths |
|---|---|---|
| 2.00 | 0.500 | 0.17 |
| 2.05 | .512 | .17 |
| 2.10 | .525 | .18 |
| 2.15 | .537 | .18 |
| 2.20 | .550 | .18 |
| 2.25 | .562 | .19 |
| 2.30 | .575 | .19 |
| 2.35 | .587 | .20 |
| 2.40 | .600 | .20 |
| 2.45 | .612 | .20 |
| 2.50 | .625 | .21 |
| 2.55 | .637 | .21 |
| 2.60 | .650 | .22 |
| 2.65 | .662 | .22 |
| 2.70 | .675 | .23 |
| 2.75 | .687 | .23 |
| 2.80 | .700 | .23 |
| 2.85 | .712 | .24 |
| 2.90 | .725 | .24 |
| 2.95 | .737 | .25 |
| 3.00 | .750 | .25 |
| 3.05 | .762 | .25 |
| 3.10 | .775 | .26 |
| 3.15 | .787 | .26 |
| 3.20 | .800 | .27 |
| 3.25 | .812 | .27 |
| 3.30 | .825 | .28 |
| 3.35 | .837 | .28 |
| 3.40 | .850 | .28 |
| 3.45 | .862 | .29 |
| 3.50 | .875 | .29 |
| 3.55 | .887 | .30 |
| 3.60 | .900 | .30 |
| 3.65 | .912 | .30 |
| 3.70 | .925 | .31 |
| 3.75 | .937 | .31 |
| 3.80 | .950 | .32 |
| 3.85 | .962 | .32 |
| 3.90 | .975 | .33 |
| 3.95 | .987 | .33 |
| 4.00 | 1.000 | .33 |
| 4.05 | 1.012 | .34 |
| 4.10 | 1.025 | .34 |
| 4.15 | 1.037 | .35 |
| 4.20 | 1.050 | .35 |
| 4.25 | 1.062 | .35 |
| 4.30 | 1.075 | .36 |
| 4.35 | 1.087 | .36 |
| 4.40 | 1.100 | .37 |
| 4.45 | 1.112 | .37 |
| 4.50 | 1.125 | .37 |
| 4.55 | 1.137 | .38 |
| 4.60 | 1.150 | .38 |
| 4.65 | 1.162 | .39 |
| 4.70 | 1.175 | .39 |
| 4.75 | 1.187 | .40 |
| 4.80 | 1.200 | .40 |
| 4.85 | 1.212 | .40 |
| 4.90 | 1.225 | .41 |
| 4.95 | 1.237 | .41 |
| 5.00 | 1.250 | .42 |
| 5.05 | 1.262 | .42 |
| 5.10 | 1.275 | .43 |
| 5.15 | 1.287 | .43 |
| 5.20 | 1.300 | .43 |
| 5.25 | 1.312 | .44 |
| 5.30 | 1.325 | .44 |
| 5.35 | 1.337 | .45 |
| 5.40 | 1.350 | .45 |
| 5.45 | 1.362 | .45 |
| 5.50 | 1.375 | .46 |
| 5.55 | 1.387 | .46 |
| 5.60 | 1.400 | .47 |
| 5.65 | 1.412 | .47 |
| 5.70 | 1.425 | .48 |
| 5.75 | 1.437 | .48 |
| 5.80 | 1.450 | .48 |
| 5.85 | 1.462 | .49 |
| 5.90 | 1.475 | .49 |
| 5.95 | 1.487 | .50 |
| 6.00 | 1.500 | .50 |
| 6.05 | 1.512 | .50 |
| 6.10 | 1.525 | .51 |
| 6.15 | 1.537 | .51 |
| 6.20 | 1.550 | .52 |
| 6.25 | 1.562 | .52 |
| 6.30 | 1.575 | .53 |
| 6.35 | 1.587 | .53 |
| 6.40 | 1.600 | .53 |
| 6.45 | 1.612 | .54 |
| 6.50 | 1.625 | .54 |
| 6.55 | 1.637 | .55 |
| 6.60 | 1.650 | .55 |
| 6.65 | 1.662 | .55 |
| 6.70 | 1.675 | .56 |
| 6.75 | 1.687 | .56 |
| 6.80 | 1.700 | .57 |
| 6.85 | 1.712 | .57 |
| 6.90 | 1.725 | .58 |
| 6.95 | 1.737 | .58 |
| 7.00 | 1.750 | .58 |
| 7.05 | 1.762 | .59 |
| 7.10 | 1.775 | .59 |
| 7.15 | 1.787 | .60 |
| 7.20 | 1.800 | .60 |
| 7.25 | 1.812 | .60 |
| 7.30 | 1.825 | .61 |
| 7.35 | 1.837 | .61 |
| 7.40 | 1.850 | .62 |
| 7.45 | 1.862 | .62 |
| 7.50 | 1.875 | .63 |
| 7.55 | 1.887 | .63 |
| 7.60 | 1.900 | .63 |
| 7.65 | 1.912 | .64 |
| 7.70 | 1.925 | .64 |
| 7.75 | 1.937 | .65 |
| 7.80 | 1.950 | .65 |
| 7.85 | 1.962 | .65 |
| 7.90 | 1.975 | .66 |
| 7.95 | 1.987 | .66 |
| 8.00 | 2.000 | .67 |
| 8.05 | 2.012 | .67 |
| 8.10 | 2.025 | .68 |
| 8.15 | 2.037 | .68 |
| 8.20 | 2.050 | .68 |
| 8.25 | 2.062 | .69 |
| 8.30 | 2.075 | .69 |
| 8.35 | 2.087 | .70 |
| 8.40 | 2.100 | .70 |
| 8.45 | 2.112 | .70 |
| 8.50 | 2.125 | .71 |
| 8.55 | 2.137 | .71 |
| 8.60 | 2.150 | .72 |
| 8.65 | 2.162 | .72 |
| 8.70 | 2.175 | .73 |
| 8.75 | 2.187 | .73 |
| 8.80 | 2.200 | .73 |
| 8.85 | 2.212 | .74 |
| 8.90 | 2.225 | .74 |
| 8.95 | 2.237 | .75 |
| 9.00 | 2.250 | .75 |
| 9.05 | 2.262 | .75 |
| 9.10 | 2.275 | .76 |
| 9.15 | 2.287 | .76 |
| 9.20 | 2.300 | .77 |
| 9.25 | 2.312 | .77 |
| 9.30 | 2.325 | .78 |
| 9.35 | 2.337 | .78 |
| 9.40 | 2.350 | .78 |
| 9.45 | 2.362 | .79 |
| 9.50 | 2.375 | .79 |
| 9.55 | 2.387 | .80 |
| 9.60 | 2.400 | .80 |
| 9.65 | 2.412 | .80 |
| 9.70 | 2.425 | .81 |
| 9.75 | 2.437 | .81 |
| 9.80 | 2.450 | .82 |
| 9.85 | 2.462 | .82 |
| 9.90 | 2.475 | .83 |
| 9.95 | 2.487 | .83 |
| 10.00 | 2.500 | .83 |
| 10.05 | 2.512 | .84 |
| 10.10 | 2.525 | .84 |
| 10.15 | 2.537 | .85 |
| 10.20 | 2.550 | .85 |
| 10.25 | 2.562 | .85 |
| 10.30 | 2.575 | .86 |
| 10.35 | 2.587 | .86 |
| 10.40 | 2.600 | .87 |
| 10.45 | 2.612 | .87 |
| 10.50 | 2.625 | .88 |
| 10.55 | 2.637 | .88 |
| 10.60 | 2.650 | .88 |
| 10.65 | 2.662 | .89 |
| 10.70 | 2.675 | .89 |
| 10.75 | 2.687 | .90 |
| 10.80 | 2.700 | .90 |
| 10.85 | 2.712 | .90 |
| 10.90 | 2.725 | .91 |
| 10.95 | 2.737 | .91 |
| 11.00 | 2.750 | .92 |
| 11.05 | 2.762 | .92 |
| 11.10 | 2.775 | .93 |
| 11.15 | 2.787 | .93 |
| 11.20 | 2.800 | .93 |
| 11.25 | 2.812 | .94 |
| 11.30 | 2.825 | .94 |
| 11.35 | 2.837 | .95 |
| 11.40 | 2.850 | .95 |
| 11.45 | 2.862 | .95 |
| 11.50 | 2.875 | .96 |
| 11.55 | 2.887 | .96 |
| 11.60 | 2.900 | .97 |
| 11.65 | 2.912 | .97 |
| 11.70 | 2.925 | .98 |
| 11.75 | 2.937 | .98 |
| 11.80 | 2.950 | .98 |
| 11.85 | 2.962 | .99 |
| 11.90 | 2.975 | .99 |
| 11.95 | 2.987 | 1.00 |
| 12.00 | 3.000 | 1.00 |
| 12.05 | 3.012 | 1.00 |
| 12.10 | 3.025 | 1.01 |
| 12.15 | 3.037 | 1.01 |
| 12.20 | 3.050 | 1.02 |
| 12.25 | 3.062 | 1.02 |
| 12.30 | 3.075 | 1.03 |
| 12.35 | 3.087 | 1.03 |
| 12.40 | 3.100 | 1.03 |
| 12.45 | 3.112 | 1.04 |
| 12.50 | 3.125 | 1.04 |
| 12.55 | 3.137 | 1.05 |
| 12.60 | 3.150 | 1.05 |
| 12.65 | 3.162 | 1.05 |
| 12.70 | 3.175 | 1.06 |
| 12.75 | 3.187 | 1.06 |
| 12.80 | 3.200 | 1.07 |
| 12.85 | 3.212 | 1.07 |
| 12.90 | 3.225 | 1.08 |
| 12.95 | 3.237 | 1.08 |
| 13.00 | 3.250 | 1.08 |
| 13.05 | 3.262 | 1.09 |
| 13.10 | 3.275 | 1.09 |
| 13.15 | 3.287 | 1.10 |

| Tonnage depth | Common interval between breadths | ⅓ common interval between breadths |
|---|---|---|
| 13.20 | 3.300 | 1.10 |
| 13.25 | 3.312 | 1.10 |
| 13.30 | 3.325 | 1.11 |
| 13.35 | 3.337 | 1.11 |
| 13.40 | 3.350 | 1.12 |
| 13.45 | 3.362 | 1.12 |
| 13.50 | 3.375 | 1.13 |
| 13.55 | 3.387 | 1.13 |
| 13.60 | 3.400 | 1.13 |
| 13.65 | 3.412 | 1.14 |
| 13.70 | 3.425 | 1.14 |
| 13.75 | 3.437 | 1.15 |
| 13.80 | 3.450 | 1.15 |
| 13.85 | 3.462 | 1.15 |
| 13.90 | 3.475 | 1.16 |
| 13.95 | 3.487 | 1.16 |
| 14.00 | 3.500 | 1.17 |
| 14.05 | 3.512 | 1.17 |
| 14.10 | 3.525 | 1.18 |
| 14.15 | 3.537 | 1.18 |
| 14.20 | 3.550 | 1.18 |
| 14.25 | 3.562 | 1.19 |
| 14.30 | 3.575 | 1.19 |
| 14.35 | 3.587 | 1.20 |
| 14.40 | 3.600 | 1.20 |
| 14.45 | 3.612 | 1.20 |
| 14.50 | 3.625 | 1.21 |
| 14.55 | 3.637 | 1.21 |
| 14.60 | 3.650 | 1.22 |
| 14.65 | 3.662 | 1.22 |
| 14.70 | 3.675 | 1.23 |
| 14.75 | 3.687 | 1.23 |
| 14.80 | 3.700 | 1.23 |
| 14.85 | 3.712 | 1.24 |
| 14.90 | 3.725 | 1.24 |
| 14.95 | 3.737 | 1.25 |
| 15.00 | 3.750 | 1.25 |
| 15.05 | 3.762 | 1.25 |
| 15.10 | 3.775 | 1.26 |
| 15.15 | 3.787 | 1.26 |
| 15.20 | 3.800 | 1.27 |
| 15.25 | 3.812 | 1.27 |
| 15.30 | 3.825 | 1.28 |
| 15.35 | 3.837 | 1.28 |
| 15.40 | 3.850 | 1.28 |
| 15.45 | 3.862 | 1.29 |
| 15.50 | 3.875 | 1.29 |
| 15.55 | 3.887 | 1.30 |
| 15.60 | 3.900 | 1.30 |
| 15.65 | 3.912 | 1.30 |
| 15.70 | 3.925 | 1.31 |
| 15.75 | 3.937 | 1.31 |
| 15.80 | 3.950 | 1.32 |
| 15.85 | 3.962 | 1.32 |
| 15.90 | 3.975 | 1.33 |
| 15.95 | 3.987 | 1.33 |
| 16.00 | 4.000 | 1.33 |
| 16.05 | 4.012 | 1.34 |
| 16.10 | 4.025 | 1.34 |
| 16.15 | 4.037 | 1.35 |
| 16.20 | 4.050 | 1.35 |
| 16.25 | 4.062 | 1.35 |
| 16.30 | 4.075 | 1.36 |
| 16.35 | 4.087 | 1.36 |
| 16.40 | 4.100 | 1.37 |
| 16.45 | 4.112 | 1.37 |
| 16.50 | 4.125 | 1.38 |
| 16.55 | 4.137 | 1.38 |
| 16.60 | 4.150 | 1.38 |
| 16.65 | 4.162 | 1.39 |
| 16.70 | 4.175 | 1.39 |
| 16.75 | 4.187 | 1.40 |
| 16.80 | 4.200 | 1.40 |
| 16.85 | 4.212 | 1.40 |
| 16.90 | 4.225 | 1.41 |
| 16.95 | 4.237 | 1.41 |
| 17.00 | 4.250 | 1.42 |
| 17.05 | 4.262 | 1.42 |
| 17.10 | 4.275 | 1.43 |
| 17.15 | 4.287 | 1.43 |
| 17.20 | 4.300 | 1.43 |
| 17.25 | 4.312 | 1.44 |
| 17.30 | 4.325 | 1.44 |
| 17.35 | 4.337 | 1.45 |
| 17.40 | 4.350 | 1.45 |
| 17.45 | 4.362 | 1.45 |
| 17.50 | 4.375 | 1.46 |
| 17.55 | 4.387 | 1.46 |
| 17.60 | 4.400 | 1.47 |
| 17.65 | 4.412 | 1.47 |
| 17.70 | 4.425 | 1.48 |
| 17.75 | 4.437 | 1.48 |
| 17.80 | 4.450 | 1.48 |
| 17.85 | 4.462 | 1.49 |
| 17.90 | 4.475 | 1.49 |
| 17.95 | 4.487 | 1.50 |
| 18.00 | 4.500 | 1.50 |
| 18.05 | 4.512 | 1.50 |
| 18.10 | 4.525 | 1.51 |
| 18.15 | 4.537 | 1.51 |
| 18.20 | 4.550 | 1.52 |
| 18.25 | 4.562 | 1.52 |
| 18.30 | 4.575 | 1.53 |
| 18.35 | 4.587 | 1.53 |
| 18.40 | 4.600 | 1.53 |
| 18.45 | 4.612 | 1.54 |
| 18.50 | 4.625 | 1.54 |
| 18.55 | 4.637 | 1.55 |
| 18.60 | 4.650 | 1.55 |
| 18.65 | 4.662 | 1.55 |
| 18.70 | 4.675 | 1.56 |
| 18.75 | 4.687 | 1.56 |
| 18.80 | 4.700 | 1.57 |
| 18.85 | 4.712 | 1.57 |
| 18.90 | 4.725 | 1.58 |
| 18.95 | 4.737 | 1.58 |
| 19.00 | 4.750 | 1.58 |
| 19.05 | 4.762 | 1.59 |
| 19.10 | 4.775 | 1.59 |
| 19.15 | 4.787 | 1.60 |
| 19.20 | 4.800 | 1.60 |
| 19.25 | 4.812 | 1.60 |
| 19.30 | 4.825 | 1.61 |
| 19.35 | 4.837 | 1.61 |
| 19.40 | 4.850 | 1.62 |
| 19.45 | 4.862 | 1.62 |
| 19.50 | 4.875 | 1.63 |
| 19.55 | 4.887 | 1.63 |
| 19.60 | 4.900 | 1.63 |
| 19.65 | 4.912 | 1.64 |
| 19.70 | 4.925 | 1.64 |
| 19.75 | 4.937 | 1.65 |
| 19.80 | 4.950 | 1.65 |
| 19.85 | 4.962 | 1.65 |
| 19.90 | 4.975 | 1.66 |
| 19.95 | 4.987 | 1.66 |
| 20.00 | 5.000 | 1.67 |
| 20.05 | 5.012 | 1.67 |
| 20.10 | 5.025 | 1.68 |
| 20.15 | 5.037 | 1.68 |
| 20.20 | 5.050 | 1.68 |
| 20.25 | 5.062 | 1.69 |
| 20.30 | 5.075 | 1.69 |
| 20.35 | 5.087 | 1.70 |
| 20.40 | 5.100 | 1.70 |
| 20.45 | 5.112 | 1.70 |
| 20.50 | 5.125 | 1.71 |
| 20.55 | 5.137 | 1.71 |
| 20.60 | 5.150 | 1.72 |
| 20.65 | 5.162 | 1.72 |
| 20.70 | 5.175 | 1.73 |
| 20.75 | 6.187 | 1.73 |
| 20.80 | 5.200 | 1.73 |
| 20.85 | 5.212 | 1.74 |
| 20.90 | 5.225 | 1.74 |
| 20.95 | 5.237 | 1.75 |
| 21.00 | 5.250 | 1.75 |
| 21.05 | 5.262 | 1.75 |
| 21.10 | 5.275 | 1.76 |
| 21.15 | 5.287 | 1.76 |
| 21.20 | 5.300 | 1.77 |
| 21.25 | 5.312 | 1.77 |
| 21.30 | 5.325 | 1.78 |
| 21.35 | 5.337 | 1.78 |
| 21.40 | 5.350 | 1.78 |
| 21.45 | 5.362 | 1.79 |
| 21.50 | 5.375 | 1.79 |
| 21.55 | 5.387 | 1.80 |
| 21.60 | 5.400 | 1.80 |
| 21.65 | 5.412 | 1.80 |
| 21.70 | 5.425 | 1.81 |
| 21.75 | 5.437 | 1.81 |
| 21.80 | 5.450 | 1.82 |
| 21.85 | 5.462 | 1.82 |
| 21.90 | 5.475 | 1.83 |
| 21.95 | 5.487 | 1.83 |
| 22.00 | 5.500 | 1.83 |
| 22.05 | 5.512 | 1.84 |
| 22.10 | 5.525 | 1.84 |
| 22.15 | 5.537 | 1.85 |
| 22.20 | 5.550 | 1.85 |
| 22.25 | 5.562 | 1.85 |
| 22.30 | 5.575 | 1.86 |
| 22.35 | 5.587 | 1.86 |
| 22.40 | 5.600 | 1.87 |
| 22.45 | 5.612 | 1.87 |
| 22.50 | 5.625 | 1.88 |
| 22.55 | 5.637 | 1.88 |
| 22.60 | 5.650 | 1.88 |
| 22.65 | 5.662 | 1.89 |
| 22.70 | 5.675 | 1.89 |
| 22.75 | 5.687 | 1.90 |
| 22.80 | 5.700 | 1.90 |
| 22.85 | 5.712 | 1.90 |
| 22.90 | 5.725 | 1.91 |
| 22.95 | 5.737 | 1.91 |
| 23.00 | 5.750 | 1.92 |
| 23.05 | 5.762 | 1.92 |
| 23.10 | 5.775 | 1.93 |
| 23.15 | 5.787 | 1.93 |
| 23.20 | 5.800 | 1.93 |
| 23.25 | 5.812 | 1.94 |
| 23.30 | 5.825 | 1.94 |
| 23.35 | 5.837 | 1.95 |
| 23.40 | 5.850 | 1.95 |
| 23.45 | 5.862 | 1.95 |
| 23.50 | 5.875 | 1.96 |
| 23.55 | 5.887 | 1.96 |
| 23.60 | 5.900 | 1.97 |
| 23.65 | 5.912 | 1.97 |
| 23.70 | 5.925 | 1.98 |
| 23.75 | 5.937 | 1.98 |
| 23.80 | 5.950 | 1.98 |
| 23.85 | 5.962 | 1.99 |
| 23.90 | 5.975 | 1.99 |
| 23.95 | 5.987 | 2.00 |
| 24.00 | 6.000 | 2.00 |
| 24.05 | 6.012 | 2.00 |
| 24.10 | 6.025 | 2.01 |
| 24.15 | 6.037 | 2.01 |
| 24.20 | 6.050 | 2.02 |
| 24.25 | 6.062 | 2.02 |
| 24.30 | 6.075 | 2.03 |
| 24.35 | 6.087 | 2.03 |
| 24.40 | 6.100 | 2.03 |
| 24.45 | 6.112 | 2.04 |
| 24.50 | 6.125 | 2.04 |
| 24.55 | 6.137 | 2.05 |
| 24.60 | 6.150 | 2.05 |
| 24.65 | 6.162 | 2.05 |
| 24.70 | 6.175 | 2.06 |
| 24.75 | 6.187 | 2.06 |
| 24.80 | 6.200 | 2.07 |
| 24.85 | 6.212 | 2.07 |
| 24.90 | 6.225 | 2.08 |
| 24.95 | 6.237 | 2.08 |
| 25.00 | 6.250 | 2.08 |
| 25.05 | 6.262 | 2.09 |
| 25.10 | 6.275 | 2.09 |
| 25.15 | 6.287 | 2.10 |
| 25.20 | 6.300 | 2.10 |
| 25.25 | 6.312 | 2.10 |
| 25.30 | 6.325 | 2.11 |
| 25.35 | 6.337 | 2.11 |
| 25.40 | 6.350 | 2.12 |
| 25.45 | 6.362 | 2.12 |
| 25.50 | 6.375 | 2.13 |
| 25.55 | 6.387 | 2.13 |
| 25.60 | 6.400 | 2.13 |
| 25.65 | 6.412 | 2.14 |
| 25.70 | 6.425 | 2.14 |
| 25.75 | 6.437 | 2.15 |
| 25.80 | 6.450 | 2.15 |
| 25.85 | 6.462 | 2.15 |
| 25.90 | 6.475 | 2.16 |
| 25.95 | 6.487 | 2.16 |

**§ 16.68** *Table B of common intervals when tonnage depth exceeds 16 feet.*

*Table B*

Showing in feet the common interval and ⅓ common interval between tonnage breadths, corresponding to different tonnage depths, when the tonnage depth at the middle of the tonnage length exceeds 16 feet.

| Tonnage depth | Common interval between breadths | ⅓ common interval between breadths |
|---|---|---|
| 14.00 | 2.333 | 0.78 |
| 14.05 | 2.341 | .78 |
| 14.10 | 2.350 | .78 |
| 14.15 | 2.358 | .79 |
| 14.20 | 2.366 | .79 |
| 14.25 | 2.375 | .79 |
| 14.30 | 2.383 | .79 |
| 14.35 | 2.391 | .80 |
| 14.40 | 2.400 | .80 |
| 14.45 | 2.250 | .80 |
| 14.50 | 2.416 | .81 |
| 14.55 | 2.425 | .81 |
| 14.60 | 2.433 | .81 |
| 14.65 | 2.441 | .81 |
| 14.70 | 2.450 | .82 |
| 14.75 | 2.458 | .82 |
| 14.80 | 2.466 | .82 |
| 14.85 | 2.475 | .83 |
| 14.90 | 2.483 | .83 |
| 14.95 | 2.491 | .83 |



| Tonnage depth | Common interval between breadths | ⅓ common interval between breadths |
|---|---|---|
| 15.00 | 2.500 | .83 |
| 15.05 | 2.508 | .84 |
| 15.10 | 2.516 | .84 |
| 15.15 | 2.525 | .84 |
| 15.20 | 2.533 | .84 |
| 15.25 | 2.541 | .85 |
| 15.30 | 2.550 | .85 |
| 15.35 | 2.558 | .85 |
| 15.40 | 2.566 | .86 |
| 15.45 | 2.575 | .86 |
| 15.50 | 2.583 | .86 |
| 15.55 | 2.591 | .86 |
| 15.60 | 2.600 | .87 |
| 15.65 | 2.608 | .87 |
| 15.70 | 2.616 | .87 |
| 15.75 | 2.625 | .88 |
| 15.80 | 2.633 | .88 |
| 15.85 | 2.641 | .88 |
| 15.90 | 2.650 | .88 |
| 15.95 | 2.658 | .89 |
| 16.00 | 2.666 | .89 |
| 16.05 | 2.675 | .89 |
| 16.10 | 2.683 | .89 |
| 16.15 | 2.691 | .90 |
| 16.20 | 2.700 | .90 |
| 16.25 | 2.708 | .90 |
| 16.30 | 2.716 | .91 |
| 16.35 | 2.725 | .91 |
| 16.40 | 2.733 | .91 |
| 16.45 | 2.741 | .91 |
| 16.50 | 2.750 | .92 |
| 16.55 | 2.758 | .92 |
| 16.60 | 2.766 | .92 |
| 16.65 | 2.775 | .93 |
| 16.70 | 2.783 | .93 |
| 16.75 | 2.791 | .93 |
| 16.80 | 2.800 | .93 |
| 16.85 | 2.808 | .94 |
| 16.90 | 2.816 | .94 |
| 16.95 | 2.825 | .94 |
| 17.00 | 2.833 | .94 |
| 17.05 | 2.841 | .95 |
| 17.10 | 2.850 | .95 |
| 17.15 | 2.858 | .95 |
| 17.20 | 2.866 | .96 |
| 17.25 | 2.875 | .96 |
| 17.30 | 2.883 | .96 |
| 17.35 | 2.891 | .96 |
| 17.40 | 2.900 | .97 |
| 17.45 | 2.908 | .97 |
| 17.50 | 2.916 | .97 |
| 17.55 | 2.925 | .98 |
| 17.60 | 2.933 | .98 |
| 17.65 | 2.941 | .98 |
| 17.70 | 2.950 | .98 |
| 17.75 | 2.958 | .99 |
| 17.80 | 2.966 | .99 |
| 17.85 | 2.975 | .99 |
| 17.90 | 2.983 | .99 |
| 17.95 | 2.991 | 1.00 |
| 18.00 | 3.000 | 1.00 |
| 18.05 | 3.008 | 1.00 |
| 18.10 | 3.016 | 1.01 |
| 18.15 | 3.025 | 1.01 |
| 18.20 | 3.033 | 1.01 |
| 18.25 | 3.041 | 1.01 |
| 18.30 | 3.050 | 1.02 |
| 18.35 | 3.058 | 1.02 |
| 18.40 | 3.066 | 1.02 |
| 18.45 | 3.075 | 1.03 |
| 18.50 | 3.083 | 1.03 |
| 18.55 | 3.091 | 1.03 |
| 18.60 | 3.100 | 1.03 |
| 18.65 | 3.108 | 1.04 |
| 18.70 | 3.116 | 1.04 |
| 18.75 | 3.125 | 1.04 |
| 18.80 | 3.133 | 1.04 |
| 18.85 | 3.141 | 1.05 |
| 18.90 | 3.150 | 1.05 |
| 18.95 | 3.158 | 1.05 |
| 19.00 | 3.166 | 1.06 |
| 19.05 | 3.175 | 1.06 |
| 19.10 | 3.183 | 1.06 |
| 19.15 | 3.191 | 1.06 |
| 19.20 | 3.200 | 1.07 |
| 19.25 | 3.208 | 1.07 |
| 19.30 | 3.216 | 1.07 |
| 19.35 | 3.225 | 1.08 |
| 19.40 | 3.233 | 1.08 |
| 19.45 | 3.241 | 1.08 |
| 19.50 | 3.250 | 1.08 |
| 19.55 | 3.258 | 1.09 |
| 19.60 | 3.266 | 1.09 |
| 19.65 | 3.275 | 1.09 |
| 19.70 | 3.283 | 1.09 |
| 19.75 | 3.291 | 1.10 |
| 19.80 | 3.300 | 1.10 |
| 19.85 | 3.308 | 1.10 |
| 19.90 | 3.316 | 1.11 |
| 19.95 | 3.325 | 1.11 |
| 20.00 | 3.333 | 1.11 |
| 20.05 | 3.341 | 1.11 |
| 20.10 | 3.350 | 1.12 |
| 20.15 | 3.358 | 1.12 |
| 20.20 | 3.366 | 1.12 |
| 20.25 | 3.375 | 1.13 |
| 20.30 | 3.383 | 1.13 |
| 20.35 | 3.391 | 1.13 |
| 20.40 | 3.400 | 1.13 |
| 20.45 | 3.408 | 1.14 |
| 20.50 | 3.416 | 1.14 |
| 20.55 | 3.425 | 1.14 |
| 20.60 | 3.433 | 1.14 |
| 20.65 | 3.441 | 1.15 |
| 20.70 | 3.450 | 1.15 |
| 20.75 | 3.458 | 1.15 |
| 20.80 | 3.466 | 1.16 |
| 20.85 | 3.475 | 1.16 |
| 20.90 | 3.483 | 1.16 |
| 20.95 | 3.491 | 1.16 |
| 21.00 | 3.500 | 1.17 |
| 21.05 | 3.508 | 1.17 |
| 21.10 | 3.516 | 1.17 |
| 21.15 | 3.525 | 1.18 |
| 21.20 | 3.533 | 1.18 |
| 21.25 | 3.541 | 1.18 |
| 21.30 | 3.550 | 1.18 |
| 21.35 | 3.558 | 1.19 |
| 21.40 | 3.566 | 1.19 |
| 21.45 | 3.575 | 1.19 |
| 21.50 | 3.583 | 1.19 |
| 21.55 | 3.591 | 1.20 |
| 21.60 | 3.600 | 1.20 |
| 21.65 | 3.608 | 1.20 |
| 21.70 | 3.616 | 1.21 |
| 21.75 | 3.625 | 1.21 |
| 21.80 | 3.636 | 1.21 |
| 21.85 | 3.641 | 1.21 |
| 21.90 | 3.650 | 1.22 |
| 21.95 | 3.658 | 1.22 |
| 22.00 | 3.666 | 1.22 |
| 22.05 | 3.675 | 1.22 |
| 22.10 | 3.683 | 1.23 |
| 22.15 | 3.691 | 1.23 |
| 22.20 | 3.700 | 1.23 |
| 22.25 | 3.708 | 1.24 |
| 22.30 | 3.716 | 1.24 |
| 22.35 | 3.725 | 1.24 |
| 22.40 | 3.733 | 1.24 |
| 22.45 | 3.741 | 1.25 |
| 22.50 | 3.750 | 1.25 |
| 22.55 | 3.758 | 1.25 |
| 22.60 | 3.766 | 1.26 |
| 22.65 | 3.775 | 1.26 |
| 22.70 | 3.783 | 1.26 |
| 22.75 | 3.791 | 1.26 |
| 22.80 | 3.800 | 1.27 |
| 22.85 | 3.808 | 1.27 |
| 22.90 | 3.816 | 1.27 |
| 22.95 | 3.825 | 1.28 |
| 23.00 | 3.833 | 1.28 |
| 23.05 | 3.841 | 1.28 |
| 23.10 | 3.850 | 1.28 |
| 23.15 | 3.858 | 1.29 |
| 23.20 | 3.866 | 1.29 |
| 23.25 | 3.875 | 1.29 |
| 23.30 | 3.883 | 1.29 |
| 23.35 | 3.891 | 1.30 |
| 23.40 | 3.900 | 1.30 |
| 23.45 | 3.908 | 1.30 |
| 23.50 | 3.916 | 1.31 |
| 23.55 | 3.925 | 1.31 |
| 23.60 | 3.933 | 1.31 |
| 23.65 | 3.941 | 1.31 |
| 23.70 | 3.950 | 1.32 |
| 23.75 | 3.958 | 1.32 |
| 23.80 | 3.966 | 1.32 |
| 23.85 | 3.975 | 1.33 |
| 23.90 | 3.983 | 1.33 |
| 23.95 | 3.991 | 1.33 |
| 24.00 | 4.000 | 1.33 |
| 24.05 | 4.008 | 1.34 |
| 24.10 | 4.016 | 1.34 |
| 24.15 | 4.025 | 1.34 |
| 24.20 | 4.033 | 1.34 |
| 24.25 | 4.041 | 1.35 |
| 24.30 | 4.050 | 1.35 |
| 24.35 | 4.058 | 1.35 |
| 24.40 | 4.066 | 1.36 |
| 24.45 | 4.075 | 1.36 |
| 24.50 | 4.083 | 1.36 |
| 24.55 | 4.091 | 1.36 |
| 24.60 | 4.100 | 1.37 |
| 24.65 | 4.108 | 1.37 |
| 24.70 | 4.116 | 1.37 |
| 24.75 | 4.125 | 1.38 |
| 24.80 | 4.133 | 1.38 |
| 24.85 | 4.141 | 1.38 |
| 24.90 | 4.150 | 1.38 |
| 24.95 | 4.158 | 1.39 |
| 25.00 | 4.166 | 1.39 |
| 25.05 | 4.175 | 1.39 |
| 25.10 | 4.183 | 1.39 |
| 25.15 | 4.191 | 1.40 |
| 25.20 | 4.200 | 1.40 |
| 25.25 | 4.208 | 1.40 |
| 25.30 | 4.216 | 1.41 |
| 25.35 | 4.225 | 1.41 |
| 25.40 | 4.233 | 1.41 |
| 25.45 | 4.241 | 1.41 |
| 25.50 | 4.250 | 1.42 |
| 25.55 | 4.258 | 1.42 |
| 25.60 | 4.266 | 1.42 |
| 25.65 | 4.275 | 1.43 |
| 25.70 | 4.283 | 1.43 |
| 25.75 | 4.291 | 1.43 |
| 25.80 | 4.300 | 1.43 |
| 25.85 | 4.308 | 1.44 |
| 25.90 | 4.316 | 1.44 |
| 25.95 | 4.325 | 1.44 |
| 26.00 | 4.333 | 1.44 |
| 26.05 | 4.341 | 1.45 |
| 26.10 | 4.350 | 1.45 |
| 26.15 | 4.358 | 1.45 |
| 26.20 | 4.366 | 1.46 |
| 26.25 | 4.375 | 1.46 |
| 26.30 | 4.383 | 1.46 |
| 26.35 | 4.391 | 1.46 |
| 26.40 | 4.400 | 1.47 |
| 26.45 | 4.408 | 1.47 |
| 26.50 | 4.416 | 1.47 |
| 26.55 | 4.425 | 1.48 |
| 26.60 | 4.433 | 1.48 |
| 26.65 | 4.441 | 1.48 |
| 26.70 | 4.450 | 1.48 |
| 26.75 | 4.458 | 1.49 |
| 26.80 | 4.466 | 1.49 |
| 26.85 | 4.475 | 1.49 |
| 26.90 | 4.483 | 1.49 |
| 26.95 | 4.491 | 1.50 |
| 27.00 | 4.500 | 1.50 |
| 27.05 | 4.508 | 1.50 |
| 27.10 | 4.516 | 1.51 |
| 27.15 | 4.525 | 1.51 |
| 27.20 | 4.533 | 1.51 |
| 27.25 | 4.541 | 1.51 |
| 27.30 | 4.550 | 1.52 |
| 27.35 | 4.558 | 1.52 |
| 27.40 | 4.566 | 1.52 |
| 27.45 | 4.575 | 1.53 |
| 27.50 | 4.583 | 1.53 |
| 27.55 | 4.591 | 1.53 |
| 27.60 | 4.600 | 1.53 |
| 27.65 | 4.608 | 1.54 |
| 27.70 | 4.616 | 1.54 |
| 27.75 | 4.625 | 1.54 |
| 27.80 | 4.633 | 1.54 |
| 27.85 | 4.641 | 1.55 |
| 27.90 | 4.650 | 1.55 |
| 27.95 | 4.658 | 1.55 |
| 28.00 | 4.666 | 1.56 |
| 28.05 | 4.675 | 1.56 |
| 28.10 | 4.683 | 1.56 |
| 28.15 | 4.691 | 1.56 |
| 28.20 | 4.700 | 1.57 |
| 28.25 | 4.708 | 1.57 |
| 28.30 | 4.716 | 1.57 |
| 28.35 | 4.725 | 1.58 |
| 28.40 | 4.733 | 1.58 |
| 28.45 | 4.741 | 1.58 |
| 28.50 | 4.750 | 1.58 |
| 28.55 | 4.758 | 1.59 |
| 28.60 | 4.766 | 1.59 |
| 28.65 | 4.775 | 1.59 |
| 28.70 | 4.783 | 1.59 |
| 28.75 | 4.791 | 1.60 |
| 28.80 | 4.800 | 1.60 |
| 28.85 | 4.808 | 1.60 |
| 28.90 | 4.816 | 1.61 |
| 28.95 | 4.825 | 1.61 |
| 29.00 | 4.833 | 1.61 |
| 29.05 | 4.841 | 1.61 |
| 29.10 | 4.850 | 1.62 |
| 29.15 | 4.858 | 1.62 |
| 29.20 | 4.866 | 1.62 |
| 29.25 | 4.875 | 1.63 |
| 29.30 | 4.883 | 1.63 |
| 29.35 | 4.891 | 1.63 |
| 29.40 | 4.900 | 1.63 |
| 29.45 | 4.908 | 1.64 |
| 29.50 | 4.916 | 1.64 |
| 29.55 | 4.925 | 1.64 |
| 29.60 | 4.933 | 1.64 |
| 29.65 | 4.941 | 1.65 |
| 29.70 | 4.950 | 1.65 |
| 29.75 | 4.958 | 1.65 |
| 29.80 | 4.966 | 1.66 |
| 29.85 | 4.975 | 1.66 |
| 29.90 | 4.983 | 1.66 |

| Tonnage depth | Common interval between breadths | ½ common interval between breadths |
|---|---|---|
| 29.95 | 4.991 | 1.66 |
| 30.00 | 5.000 | 1.67 |
| 30.05 | 5.008 | 1.67 |
| 30.10 | 5.016 | 1.67 |
| 30.15 | 5.025 | 1.68 |
| 30.20 | 5.033 | 1.68 |
| 30.25 | 5.041 | 1.68 |
| 30.30 | 5.050 | 1.68 |
| 30.35 | 5.058 | 1.69 |
| 30.40 | 5.066 | 1.69 |
| 30.45 | 5.075 | 1.69 |
| 30.50 | 5.083 | 1.69 |
| 30.55 | 5.091 | 1.70 |
| 30.60 | 5.100 | 1.70 |
| 30.65 | 5.108 | 1.70 |
| 30.70 | 5.116 | 1.71 |
| 30.75 | 5.125 | 1.71 |
| 30.80 | 5.133 | 1.71 |
| 30.85 | 5.141 | 1.71 |
| 30.90 | 5.150 | 1.72 |
| 30.95 | 5.158 | 1.72 |
| 31.00 | 5.166 | 1.72 |
| 31.05 | 5.175 | 1.73 |
| 31.10 | 5.183 | 1.73 |
| 31.15 | 5.191 | 1.73 |
| 31.20 | 5.200 | 1.73 |
| 31.25 | 5.208 | 1.74 |
| 31.30 | 5.216 | 1.74 |
| 31.35 | 5.225 | 1.74 |
| 31.40 | 5.233 | 1.74 |
| 31.45 | 5.241 | 1.75 |
| 31.50 | 5.250 | 1.75 |
| 31.55 | 5.258 | 1.75 |
| 31.60 | 5.266 | 1.76 |
| 31.65 | 5.275 | 1.76 |
| 31.70 | 5.283 | 1.76 |
| 31.75 | 5.291 | 1.76 |
| 31.80 | 5.300 | 1.77 |
| 31.85 | 5.308 | 1.77 |
| 31.90 | 5.316 | 1.77 |
| 31.95 | 5.325 | 1.78 |
| 32.00 | 5.333 | 1.78 |
| 32.05 | 5.341 | 1.78 |
| 32.10 | 5.350 | 1.78 |
| 32.15 | 5.358 | 1.79 |
| 32.20 | 5.366 | 1.79 |
| 32.25 | 5.375 | 1.79 |
| 32.30 | 5.383 | 1.79 |
| 32.35 | 5.391 | 1.80 |
| 32.40 | 5.400 | 1.80 |
| 32.45 | 5.408 | 1.80 |
| 32.50 | 5.416 | 1.81 |
| 32.55 | 5.425 | 1.81 |
| 32.60 | 5.433 | 1.81 |
| 32.65 | 5.441 | 1.81 |
| 32.70 | 5.450 | 1.82 |
| 32.75 | 5.458 | 1.82 |
| 32.80 | 5.466 | 1.82 |
| 32.85 | 5.475 | 1.83 |
| 32.90 | 5.483 | 1.83 |
| 32.95 | 5.491 | 1.83 |
| 33.00 | 5.500 | 1.83 |
| 33.05 | 5.508 | 1.84 |
| 33.10 | 5.516 | 1.84 |
| 33.15 | 5.525 | 1.84 |
| 33.20 | 5.533 | 1.84 |
| 33.25 | 5.541 | 1.85 |
| 33.30 | 5.550 | 1.85 |
| 33.35 | 5.558 | 1.85 |
| 33.40 | 5.566 | 1.86 |
| 33.45 | 5.575 | 1.86 |
| 33.50 | 5.583 | 1.86 |
| 33.55 | 5.591 | 1.86 |
| 33.60 | 5.600 | 1.87 |
| 33.65 | 5.608 | 1.87 |
| 33.70 | 5.616 | 1.87 |
| 33.75 | 5.625 | 1.88 |
| 33.80 | 5.633 | 1.88 |
| 33.85 | 5.641 | 1.88 |
| 33.90 | 5.650 | 1.88 |
| 33.95 | 5.658 | 1.89 |
| 34.00 | 5.666 | 1.89 |
| 34.05 | 5.675 | 1.89 |
| 34.10 | 5.683 | 1.89 |
| 34.15 | 5.691 | 1.90 |
| 34.20 | 5.700 | 1.90 |
| 34.25 | 5.708 | 1.90 |
| 34.30 | 5.716 | 1.91 |
| 34.35 | 5.725 | 1.91 |
| 34.40 | 5.733 | 1.91 |
| 34.45 | 5.741 | 1.91 |
| 34.50 | 5.750 | 1.92 |
| 34.55 | 5.758 | 1.92 |
| 34.60 | 5.766 | 1.92 |
| 34.65 | 5.775 | 1.93 |
| 34.70 | 5.783 | 1.93 |
| 34.75 | 5.791 | 1.93 |
| 34.80 | 5.800 | 1.93 |
| 34.85 | 5.808 | 1.94 |
| 34.90 | 5.816 | 1.94 |
| 34.95 | 5.825 | 1.94 |
| 35.00 | 5.833 | 1.94 |
| 35.05 | 5.841 | 1.95 |
| 35.10 | 5.850 | 1.95 |
| 35.15 | 5.858 | 1.95 |
| 35.20 | 5.866 | 1.95 |
| 35.25 | 5.875 | 1.95 |
| 35.30 | 5.883 | 1.96 |
| 35.35 | 5.891 | 1.96 |
| 35.40 | 5.900 | 1.97 |
| 35.45 | 5.908 | 1.97 |
| 35.50 | 5.916 | 1.97 |
| 35.55 | 5.925 | 1.98 |
| 35.60 | 5.933 | 1.98 |
| 35.65 | 5.941 | 1.98 |
| 35.70 | 5.950 | 1.98 |
| 35.75 | 5.958 | 1.99 |
| 35.80 | 5.966 | 1.99 |
| 35.85 | 5.975 | 1.99 |
| 35.90 | 5.983 | 1.99 |
| 35.95 | 5.991 | 2.00 |
| 36.00 | 6.000 | 2.00 |
| 36.05 | 6.008 | 2.00 |
| 36.10 | 6.016 | 2.01 |
| 36.15 | 6.025 | 2.01 |
| 36.20 | 6.033 | 2.01 |
| 36.25 | 6.041 | 2.01 |
| 36.30 | 6.050 | 2.02 |
| 36.35 | 6.058 | 2.02 |
| 36.40 | 6.066 | 2.02 |
| 36.45 | 6.075 | 2.03 |
| 36.50 | 6.083 | 2.03 |
| 36.55 | 6.091 | 2.03 |
| 36.60 | 6.100 | 2.03 |
| 36.65 | 6.108 | 2.04 |
| 36.70 | 6.116 | 2.04 |
| 36.75 | 6.125 | 2.04 |
| 36.80 | 6.133 | 2.04 |
| 36.85 | 6.141 | 2.05 |
| 36.90 | 6.150 | 2.05 |
| 36.95 | 6.158 | 2.06 |
| 37.00 | 6.166 | 2.06 |
| 37.05 | 6.175 | 2.06 |
| 37.10 | 6.183 | 2.06 |
| 37.15 | 6.191 | 2.06 |
| 37.20 | 6.200 | 2.07 |
| 37.25 | 6.208 | 2.07 |
| 37.30 | 6.216 | 2.07 |
| 37.35 | 6.225 | 2.08 |
| 37.40 | 6.233 | 2.08 |
| 37.45 | 6.241 | 2.08 |
| 37.50 | 6.250 | 2.08 |
| 37.55 | 6.258 | 2.09 |
| 37.60 | 6.266 | 2.09 |
| 37.65 | 6.275 | 2.09 |
| 37.70 | 6.283 | 2.10 |
| 37.75 | 6.291 | 2.10 |
| 37.80 | 6.300 | 2.10 |
| 37.85 | 6.308 | 2.10 |
| 37.90 | 6.316 | 2.11 |
| 37.95 | 6.325 | 2.11 |
| 38.00 | 6.333 | 2.11 |
| 38.05 | 6.341 | 2.11 |
| 38.10 | 6.350 | 2.12 |
| 38.15 | 6.358 | 2.12 |
| 38.20 | 6.366 | 2.12 |
| 38.25 | 6.375 | 2.13 |
| 38.30 | 6.383 | 2.13 |
| 38.35 | 6.391 | 2.13 |
| 38.40 | 6.400 | 2.13 |
| 38.45 | 6.408 | 2.14 |
| 38.50 | 6.416 | 2.14 |
| 38.55 | 6.425 | 2.14 |
| 38.60 | 6.433 | 2.14 |
| 38.65 | 6.441 | 2.15 |
| 38.70 | 6.450 | 2.15 |
| 38.75 | 6.458 | 2.15 |
| 38.80 | 6.466 | 2.16 |
| 38.85 | 6.475 | 2.16 |
| 38.90 | 6.483 | 2.16 |
| 38.95 | 6.491 | 2.16 |
| 39.00 | 6.500 | 2.17 |
| 39.05 | 6.508 | 2.17 |
| 39.10 | 6.516 | 2.17 |
| 39.15 | 6.525 | 2.18 |
| 39.20 | 6.533 | 2.18 |
| 39.25 | 6.541 | 2.18 |
| 39.30 | 6.550 | 2.19 |
| 39.35 | 6.558 | 2.19 |
| 39.40 | 6.566 | 2.19 |
| 39.45 | 6.575 | 2.19 |
| 39.50 | 6.583 | 2.20 |
| 39.55 | 6.591 | 2.20 |
| 39.60 | 6.600 | 2.20 |
| 39.65 | 6.608 | 2.21 |
| 39.70 | 6.616 | 2.21 |
| 39.75 | 6.625 | 2.21 |
| 39.80 | 6.633 | 2.21 |
| 39.85 | 6.641 | 2.21 |
| 39.90 | 6.650 | 2.22 |
| 39.95 | 6.658 | 2.22 |
| 40.00 | 6.666 | 2.22 |
| 40.05 | 6.675 | 2.23 |
| 40.10 | 6.683 | 2.23 |
| 40.15 | 6.691 | 2.23 |
| 40.20 | 6.700 | 2.24 |
| 40.25 | 6.708 | 2.24 |
| 40.30 | 6.716 | 2.24 |
| 40.35 | 6.725 | 2.24 |
| 40.40 | 6.733 | 2.24 |
| 40.45 | 6.741 | 2.25 |
| 40.50 | 6.750 | 2.25 |
| 40.55 | 6.758 | 2.25 |
| 40.60 | 6.766 | 2.26 |
| 40.65 | 6.775 | 2.26 |
| 40.70 | 6.783 | 2.26 |
| 40.75 | 6.791 | 2.26 |
| 40.80 | 6.800 | 2.27 |
| 40.85 | 6.808 | 2.27 |
| 40.90 | 6.816 | 2.27 |
| 40.95 | 6.825 | 2.28 |
| 41.00 | 6.833 | 2.28 |
| 41.05 | 6.841 | 2.28 |
| 41.10 | 6.850 | 2.28 |
| 41.15 | 6.858 | 2.29 |
| 41.20 | 6.866 | 2.29 |
| 41.25 | 6.875 | 2.29 |
| 41.30 | 6.883 | 2.29 |
| 41.35 | 6.891 | 2.30 |
| 41.40 | 6.900 | 2.30 |
| 41.45 | 6.908 | 2.30 |
| 41.50 | 6.916 | 2.31 |
| 41.55 | 6.925 | 2.31 |
| 41.60 | 6.933 | 2.31 |
| 41.65 | 6.941 | 2.31 |
| 41.70 | 6.950 | 2.32 |
| 41.75 | 6.958 | 2.32 |
| 41.80 | 6.966 | 2.32 |
| 41.85 | 6.975 | 2.33 |
| 41.90 | 6.983 | 2.33 |
| 41.95 | 6.991 | 2.33 |
| 42.00 | 7.000 | 2.33 |
| 42.05 | 7.008 | 2.34 |
| 42.10 | 7.016 | 2.34 |
| 42.15 | 7.025 | 2.34 |
| 42.20 | 7.033 | 2.34 |
| 42.25 | 7.041 | 2.35 |
| 42.30 | 7.050 | 2.35 |
| 42.35 | 7.058 | 2.35 |
| 42.40 | 7.066 | 2.36 |
| 42.45 | 7.075 | 2.36 |
| 42.50 | 7.083 | 2.36 |
| 42.55 | 7.091 | 2.36 |
| 42.60 | 7.100 | 2.37 |
| 42.65 | 7.108 | 2.37 |
| 42.70 | 7.116 | 2.37 |
| 42.75 | 7.125 | 2.38 |
| 42.80 | 7.133 | 2.38 |
| 42.85 | 7.141 | 2.38 |
| 42.90 | 7.150 | 2.38 |
| 42.95 | 7.158 | 2.39 |
| 43.00 | 7.166 | 2.39 |
| 43.05 | 7.175 | 2.39 |
| 43.10 | 7.183 | 2.39 |
| 43.15 | 7.191 | 2.40 |
| 43.20 | 7.200 | 2.40 |
| 43.25 | 7.208 | 2.40 |
| 43.30 | 7.216 | 2.41 |
| 43.35 | 7.225 | 2.41 |
| 43.40 | 7.233 | 2.41 |
| 43.45 | 7.241 | 2.41 |
| 43.50 | 7.250 | 2.42 |
| 43.55 | 7.258 | 2.42 |
| 43.60 | 7.266 | 2.42 |
| 43.65 | 7.275 | 2.43 |
| 43.70 | 7.283 | 2.43 |
| 43.75 | 7.291 | 2.43 |
| 43.80 | 7.300 | 2.43 |
| 43.85 | 7.308 | 2.44 |
| 43.90 | 7.316 | 2.44 |
| 43.95 | 7.325 | 2.44 |
| 44.00 | 7.333 | 2.44 |
| 44.05 | 7.341 | 2.45 |
| 44.10 | 7.350 | 2.45 |
| 44.15 | 7.358 | 2.45 |
| 44.20 | 7.366 | 2.46 |
| 44.25 | 7.375 | 2.46 |
| 44.30 | 7.383 | 2.46 |
| 44.35 | 7.391 | 2.46 |
| 44.40 | 7.400 | 2.47 |
| 44.45 | 7.408 | 2.47 |
| 44.50 | 7.416 | 2.47 |
| 44.55 | 7.425 | 2.48 |
| 44.60 | 7.433 | 2.48 |
| 44.65 | 7.441 | 2.48 |
| 44.70 | 7.450 | 2.48 |
| 44.75 | 7.458 | 2.49 |
| 44.80 | 7.466 | 2.49 |
| 44.85 | 7.475 | 2.49 |
| 44.90 | 7.483 | 2.49 |
| 44.95 | 7.491 | 2.50 |
| 45.00 | 7.500 | 2.50 |
| 45.05 | 7.508 | 2.50 |
| 45.10 | 7.516 | 2.51 |
| 45.15 | 7.525 | 2.51 |
| 45.20 | 7.533 | 2.51 |
| 45.25 | 7.541 | 2.51 |
| 45.30 | 7.550 | 2.52 |
| 45.35 | 7.558 | 2.52 |
| 45.40 | 7.566 | 2.52 |
| 45.45 | 7.575 | 2.53 |
| 45.50 | 7.583 | 2.53 |
| 45.55 | 7.591 | 2.53 |
| 45.60 | 7.600 | 2.53 |
| 45.65 | 7.608 | 2.54 |
| 45.70 | 7.616 | 2.54 |
| 45.75 | 7.625 | 2.54 |
| 45.80 | 7.633 | 2.54 |
| 45.85 | 7.641 | 2.55 |
| 45.90 | 7.650 | 2.55 |
| 45.95 | 7.658 | 2.55 |

§ 16.69 *Definitions of enclosures on or above upper deck:*

*Break.* A break is the space above the line of the under side of the upper deck when that deck is cut off and continued at a higher elevation. The height of a break is the distance from the said line to the under side of the break deck.

*Bridge.* A decked erection usually from 6 to 6 feet in height and of undefined length, fitted about amidships and extending from side to side over the upper deck of a vessel.

*Chart house.* A house, room or space designated for the purpose of navigation in connection with the stowage and use of charts and navigating instruments necessary to the plotting of the course of the vessel.

*Deck house.* (formerly called roundhouse). An erection on or above the upper deck but not extending from side to side of the vessel, as is the case with a bridge, a forecastle, a poop, or raised quarter-deck. For descriptive purposes on vessel documents, spaces not extending from side to side of the vessel, such as cabin trunks, and closed-in spaces over the holds of motorboats, etc., may be classed as deck houses.

*Excess hatchways.* The difference between one-half of 1 per cent of the gross tonnage exclusive of hatchways and the aggregate tonnage of the hatchways.

*Forecastle.* A structure on and located at the extreme forward end of the upper deck and having its sides completely enclosed by a continuation upward of the vessel's outer skin.

*Light and air spaces.* The portion of the spaces within the casings around the boiler and engine hatches and above the upper deck to the hull of a vessel when used for admission of light and air to the boilers or machinery below.

*Poop.* A structure on and located at the extreme after end of the upper deck and having its sides completely enclosed by a continuation upward of the vessel's outer skin.





*Radio house or space.* A structure or space in which the radio apparatus is installed and which may or may not provide accommodations for the operator or operators when off duty.

*Side house.* A small house at the side of the upper, forecastle, bridge, or poop deck, etc., of a vessel.

*Superstructure.* Any superstructure the breadth of which, (at all points throughout its length), is approximately equivalent to the breadth of the upper deck, and the side frames of which are entirely independent of the main frames of the vessel. This definition is not applicable to forecastle, bridge or poop.

§16.70 *Definitions of items of deductions:*

*Anchor gear.* The space below deck occupied by chains or cables, machinery, etc., for handling the anchor.

*Boatswain's stores.* The spaces for storing paints, oils, blocks, hawsers, rigging, deck gear, etc., in charge of the boatswain and for daily use on the vessels.

*Chart house.* (See foregoing definition.)

*Crew spaces.* The space appropriated exclusively to the use of the crew of a vessel, except such spaces as the engineer's workshop, carpenter shop, plumber shop, butcher shop, etc., wherever situated. The total of all crew-space deductions will be shown on vessel's documents under the head of "crew space."

*Master's cabin.* A space for the exclusive use of the master, consisting of sleeping room, bathroom, dressing room, office, and passageways serving his accommodations.

*Radio house.* (See foregoing definition.)

*Steering gear.* The space below deck occupied by machinery, fittings, etc., for operating the steering gear.

*Storage of sails.* The space in a vessel propelled wholly by sails used exclusively for storing the same, subject to the limitation of 2½ per cent of the vessel's gross tonnage.

§ 16.71 *Definitions of structural terms, etc.:*

*After perpendicular.* A vertical straight line at the after edge of the rudder post.

*Athwart—athwartship.* In a transverse direction; from side to side at right angles to the fore and aft center line of a vessel.

*Batten.* A board several inches in breadth, usually fitted on the side frames in holds and between decks of vessels instead of ceiling.

*Beam.* An athwart member supporting a portion of a deck. Also the breadth of the vessel.

*Between decks.* For measurement purposes it is the space between the second and third and third and fourth decks, etc., the decks being numbered from below.

*Body plan.* A drawing consisting of a pair of half transverse elevations or end views of a vessel, both having a common vertical middle line, so that the right hand side represents the vessel as seen from ahead and the left hand side as seen from astern. On the body plan appear the forms of the various cross sections. The curvature of the rail and deck lines at the sides, and with the water-lines, buttock lines, and diagonal lines indicated as straight lines.

*Booby hatch.* A small companion fitted with a sliding top.

*Break in double bottom.* The point where the line of the inner bottom is broken by being either raised or lowered from the normal line of same.

*Bulwark.* A term applied to the strake of shell plating or the side planking above the weather deck and usually extends between the forecastle and the bridge or the bridge and the poop.

*Ceiling.* The covering of wood planking on the inboard face of a vessel's side frames, bottom frames, floor timbers, and sometimes on the under side of deck beams.

*Cellular double bottom.* A term applied when the double bottom is divided into numerous compartments by the floors and longitudinals.

*Coaming.* The vertical boundary around a hatch, skylight, etc., the "sill" below a tonnage opening in a bulkhead.

*Cockpit.* A space at the bottom of which is a platform sunk below the line of the upper deck on small craft.

*Companion.* A small structure sheltering a deck opening affording entrance to a companionway.

*Companionway.* A stairway or ladderway leading to a space above or below.

*Covering board.* A plank or a strake of planking fitted horizontally on top of frame heads at the line of weather deck.

*Crown.* A term sometimes used to denote the round up or camber of a deck.

*Deck hook.* A wooden hook or knee on the level of deck beams on which the extreme forward ends of deck planks rest and to which they are fastened. On iron or steel vessels, a plate connecting the extreme ends of deck stringer plates.

*Depth of frame.* The depth of a bottom frame is its perpendicular height. See D Figure 1. The depth of a side frame is the athwart distance between its inboard and outboard face.

*Double bottom.* Compartments at bottom of ship between inner and outer bottom plating, used for ballast tanks, water, fuel oil, etc.

*Fidley hatch.* Hatch around smokestack and uptake.

*Flange.* Portion of a plate or shape at, or nearly at right angles to main portion.

*Flare.* A spreading outward and upward.

*Floor or floor timber.* The lowermost piece of timber connecting the main frames, notched to fit over the keel or keelson and extending the full depth of the frames to which it is fastened. In an iron or steel vessel a plate placed vertically in the bottom, extending from

bilge to bilge, in way of each frame, to which it (the frame) is connected. In double bottoms of the usual construction it extends from the outer to the inner bottom thereof.

*Frame.* One of the numerous transverse (longitudinal in Isherwood-type vessels) "ribs" that form the framing of a vessel.

*Frame bracket.* A plate connecting a side frame to the margin plate.

*Freeing port.* An opening in the bulwark or shell plating between the shelter and upper decks for discharging large quantities of water which may be shipped.

*General arrangement plans.* Plans showing the various quarters, spaces and compartments into which a vessel is usually divided.

*Gudgeon.* Fittings on the sternpost to take the rudder pintles.

*Gunwale.* A term applied to the line where an upper deck stringer intersects the shell.

*Hatchway.* An aperture in a vessel's deck through which cargo is laden or discharged; in common practice the term "hatch" is also applied.

*Hold.* For admeasurement purposes, that portion of the vessel below the tonnage deck.

*Horn timber.* The center line frame in the stern of a wooden vessel, extending aft from the sternpost.

*Inboard profile.* Drawing of a vessel cut vertically through its longitudinal center line, showing its forward and after perpendiculars, line of deck at center and side, height of decks, tanks, height of bottom frames or floors and their spacing, assignment of various spaces, machinery, etc.

*Inner bottom.* Plating forming the upper boundary of the double bottom. Also called the tank top.

*Keel.* In wooden and composite vessels it is composed of pieces of timber and extends from stem to sternpost and is the bottom member of the vessel's structure. In iron or steel vessels it consists of long bars fitted vertically or of plates fitted horizontally at the middle line.

*Keelson.* In wooden vessels the keelson is composed (like the keel) of various pieces of timber placed on the bottom frames directly over and in line with the keel and extending all fore and aft. In iron or steel vessels the middle-line keelson is the keelson at the center line, directly over the keel.

*Length between perpendiculars.* The length of a vessel measured from the forward edge of the stem where it intersects the load water line to the after perpendicular.

*Length over all.* The length of a vessel measured from the foremost part of the stem to the aftermost point of the stern.

*Limber strake.* The fore and aft plank of bottom ceiling laid next to the keelson.

*Longitudinal framing.* A system of construction in which, in conjunction with deep web frames, the main frames are run fore and aft instead of athwartships.

*Longitudinal.* A fore and aft vertical member running parallel, or nearly parallel, to the center vertical keel through the double bottom.

*Main rail.* Rail fitted on the upper edge of bulwark plating, or upon the stanchions surrounding an upper deck.

*Margin plate.* The outer boundary of the inner bottom, connecting it to the shell plating at the bilge.

*Midship cross section.* A drawing of a vessel cut athwartship at about midlength, showing moulded depth, moulded breadth, round or pitch of beam, depth of side and bottom frames, floors, etc.

*Orlop deck.* The lowest partial deck.

*Outboard.* Away from the center line, towards the side of the vessel.

*Pintle.* Fitting or pin on the rudder which turns in a gudgeon.

*Planking.* A term applied to wood decks and to the outside planking of wood or composite vessels.

*Plating.* The plates of the shell, decks, bulkheads, etc.

*Quadrant.* A casting, forging or built-up frame in the shape of a sector of a circle attached to the rudder stock and through which the steering gear leads turn the rudder.

*Rabbet.* A groove or channel cut in a piece of timber to take the edge of a plank, or the ends of a number of planks.

*Rake of the bow.* The inclination of the line of the stem from the forward perpendicular.

*Rake of the stern timber.* Its (stern timber) inclination from the after perpendicular.

*Reverse frame.* An angle bar or other shape riveted to the top of floors and/or the inner edge of a transverse frame to reinforce it.

*Rudder post.* See sternpost.

*Rudder stock.* The main piece of the rudder frame, to which the pintles are connected and to the upper end of which the quadrant or tiller is fitted.

*Samson post.* A heavy vertical post that supports cargo booms.

*Scantlings.* Dimensions of various members that are used in the construction of a vessel.

*Scupper.* A round or oval aperture usually fitted in decks for the purpose of drainage.

*Settling tanks.* Oil tanks used for separating entrained water from the oil. The oil is allowed to stand for a time, to permit the water to settle at the bottom when it is drained or pumped off.

*Shaft tunnel.* Enclosed alley-way around propeller shaft.

*Shelf.* A fore and aft timber fitted to the frames and forming a support for the ends of the deck beams.

*Shell plating.* The plates forming the outer skin of the hull.

*Sheer.* The amount by which the height of the weather deck at the forward and after perpendiculars exceeds this height at the mid-perpendicular.

*Skin.* A term usually applied to the outside planking or plating.

*Skylight.* A built-up frame of wood or metal having glass lights fitted in the top and installed over a deck opening for the purpose of furnishing light and air to the spaces below.

*Stem.* In the case of wooden vessels, it is the heavy piece of timber at which the outside planking terminates at the forward end of the hull. In iron or steel vessels it is the heavy piece of iron or steel extending from the keel to above the uppermost weather deck, and forming the extreme fore end of a vessel.

*Stern.* The after end of a vessel.

*Sternpost (main).* In wooden vessels, the piece of timber extending from the after end of the keel to the uppermost deck and to which the rudder braces are fixed to receive the pintles by which the rudder is hung. In iron or steel sailing vessels, paddle and twin-screw steamers, the heavy forging or casting of iron or steel extending from the after end of the keel (to which it is scarfed) to an appropriate distance within the hull; in single screw steamers, the after part of the stern frame.

*Stiffener.* An angle bar, T-bar, channel bar, etc., used to stiffen plating of the bulkhead, etc.

*Strake.* A fore and aft continuous course or row of shell or other plating or planking.

*Tank top.* Plating forming the top of a double bottom. The inner bottom.

*Transom.* A floor plate extending across the vessel at the forward side of the sternpost and attached thereto.

*Transverse framing.* Athwartship and vertical members forming the vessel's framing. Opposite to the longitudinal system of framing.

*Tumble home.* An inboard sloping of the vessel's side. (The opposite to flare.)

*Web frame.* Members built of plates and angles, spaced at required intervals, and fitted in lieu of main frames for the purpose of local strengthening.

*Wheelhouse (or pilot house).* The house in which a steering wheel is located for the steering and navigation of the vessel.

§ 16.72 *Suez and Panama Canal certificates.* Suez Canal special tonnage certificates and Panama Canal tonnage certificates, if required, will be furnished any merchant vessel or U. S. naval vessel upon application to the Collector of Customs.

(Sec. 4, 28 Stat. 743 as amended, 46 U.S.C. 79; Secs. 2 and 3, 23 Stat. 118 and 119, 46 U.S.C. 2 and 3)

[SEAL] R. S. FIELD,
*Director.*

Approved, October 24, 1939.

J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 39-3947; Filed, October 25, 1939; 12:41 p. m.]



## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

#### FORM OF FINANCIAL STATEMENTS OF TRANSFEREE

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 2nd day of October, A. D. 1939.

The matter of financial statements of transferee (purchaser, grantee, or lessee) required under paragraph VI of Forms BMC-41 or BMC-42 [1] being under consideration, and good cause appearing:

*It is ordered,* That transferee shall submit financial statements under Paragraph VI of Forms BMC-41 or BMC-42 containing the following information:

*Income Statements for Transferee*

| | Year ending [1] December 31, 19.. | Period ending [1] ..., 19.. (latest current date) |
|---|---|---|
| Revenue from motor carrier operations. | | |
| Other income (describe): | | |
| Less: | | |
| Operation and maintenance: | | |
| Expenses | | |
| Depreciation | | |
| Taxes | | |
| Other expenses (describe): | | |
| (Net income) | | |

*Balance Sheets for Transferee*

| | As of [1] December 31, 19.. | As of [1] ..., 19.. (latest current date) |
|---|---|---|
| Assets: | | |
| Cash on hand and in bank and buildings | | |
| Trucks (value as of balance sheet dates) | | |
| Tractors | | |
| Trailers | | |
| Busses | | |
| Automobiles | | |
| Investments (stocks, bonds, and other securities) | | |
| Other assets (describe): | | |
| Total | | |
| Liabilities: | | |
| Mortgages on land and buildings | | |
| Balance owed on vehicles | | |
| Other liabilities (describe): | | |
| Total | | |

[1] Required where transferee is a motor carrier.
[1] Required in all cases.

*And it is further ordered,* That this order shall become effective on the 1st day of November, A. D. 1939.

By the Commission, division 5.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-3968; Filed, October 27, 1939; 10:08 a. m.]

[1] 3 F.R. 2179, 2180 DI.

## *Notices*

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

IN THE MATTER OF APPLICATION FOR EXEMPTION OF THAT PORTION OF THE CANE SUGAR PROCESSING AND MILLING BRANCH OF THE CANE SUGAR INDUSTRY WHICH IS LOCATED IN LOUISIANA FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938.

Whereas the South Coast Corporation has filed application for the exemption of that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana from the maximum hours provisions of the Fair Labor Standards Act of 1938, as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the Regulations issued thereunder, and

Whereas Harry L. Laws and Company, Inc. and the Celotex Corporation have filed applications for the exemption of that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana, as is engaged in the removing, conveying, burning, baling, piling and storing of bagasse from the maximum hours provisions of the Fair Labor Standards Act of 1938, as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the Regulations issued thereunder, and

Whereas it appears from the said applications that:

1. Sugarcane matures and is and must be harvested in Louisiana in order to avoid severe frosts or freezes during the regularly recurring season, October through early January, and

2. Such sugarcane enters into sugar mills located in Louisiana for processing and is processed during the regularly recurring season, October through early January, running nearly concurrently with, but lagging somewhat after, the harvest, and

3. The mills wherein the processing operations are performed do not engage in any other operations and close at the end of the operating season each year except for maintenance, repair, clerical and sales work, and

4. Sugarcane, being the material used by the sugar mills, is available, for natural reasons, only during the regularly recurring season, October through early January,

Now, therefore, upon consideration of the facts stated in the said applications, the Administrator hereby determines, pursuant to Section 526.5 (c), that a *prima facie* case has been shown for the granting of an exemption pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder to that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana.

In the above:

The term "that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana" includes that branch of the industry engaged in the unloading of sugarcane from wagons and railroad cars onto conveyors; the processing of sugarcane into sugar, syrup and molasses, but not the refining of such sugar, syrup and molasses; the removal, handling and conveying of raw sugar, syrup and molasses to storage and placing them in storage on or in the vicinity of the sugar mill site; the removal, conveying, burning, baling, and piling and storing in baled form on or in the vicinity of the sugar mill site of bagasse resulting from the processing of sugarcane into raw sugar, syrup or molasses; and the operations or services necessary or incident to the foregoing.

In accordance with the procedure established by Section 526.5 (c) of the Regulations, the Administrator, for fifteen days following the publication of this determination, will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the prima facie case shown upon the applications.

These applications may be examined at Room 313, 939 D Street, N.W., Washington, D. C.

Signed at Washington, D. C., this 26th day of October, 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-3963; Filed, October 26, 1939; 1:05 p. m.]

#### NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employer listed below effective October 28, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the

past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under this Certificate is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) This Special Certificate is issued on representations by the employer that experienced stitching machine operators are not available.

(4) This Special Certificate shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued, and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under this Special Certificate, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under this Certificate.

NAME AND ADDRESS OF FIRM

Knoxville Glove Company, 815 McGhee Avenue, Knoxville, Tennessee.

Signed at Washington, D. C., this 27th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-3964; Filed, October 27, 1939; 12:33 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 264]

IN THE MATTER OF CERTAIN CONTRACTS AND OTHER TRANSACTIONS BETWEEN MARQUETTE AIRLINES, INC., AND AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, being an investigation instituted by orders of the Authority dated June 27, 1939 and October 18, 1939, (1) to determine whether or not any contracts, agreements, and transactions by and between Marquette Airlines, Inc., and American Airlines, Inc., are adverse to the public interest, are in violation of any provisions of said Act, or constitute acts prohibited by any of the provisions of said Act; (2) to determine whether or not any of the foregoing matters require any further action by the Authority pursuant to the provisions of said Act; and (3) to determine whether or not there exist any relations between, or common control of, Marquette Airlines, Inc. and American Airlines, Inc., directly, or indirectly through third persons, in violation of any of the provisions of said Act, now assigned for October 30, 1939,[1] is hereby postponed to November 6, 1939, 10 o'clock a. m. (Central Standard Time) at the Coronado Hotel, St. Louis, Missouri, before Examiner Frank A. Law, Jr.

Dated Washington, D. C., October 25, 1939.

[SEAL] FRANK A. LAW, JR.
*Examiner.*

[F. R. Doc. 39-3970; Filed, October 27, 1939; 10:39 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3796]

IN THE MATTER OF LOUIS G. MEYERS, AN INDIVIDUAL, DOING BUSINESS AS NATIONAL PEN COMPANY AND PHOENIX SALES COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Lewis C. Russell, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, November 8, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York City, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3965; Filed, October 27, 1939; 9:19 a. m.]

[1] 4 F.R. 4377 DI.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3822]

IN THE MATTER OF AMERICAN HAIR AND FELT COMPANY, A CORPORATION, AND CLINTON CARPET COMPANY, A CORPORATION.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717, 15 U.S.C.A., Section 41),

*It is ordered*, That Lewis C. Russell, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, November 13, 1939, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission:

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3966; Filed, October 27, 1939; 9:19 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D. 1939.

[File No. 8-1]

IN THE MATTER OF FRANKLYN J. V. STOWITTS

ORDER DENYING REGISTRATION

Franklyn J. V. Stowitts, hereinafter called the applicant, having filed with the Commission on April 5, 1939, an application for registration on Form 3-M; and registration having been postponed pending final determination as to whether registration should be denied or postponed; and



The Commission, on May 4, 1939, having instituted proceedings on the question of denial and/or postponement of registration pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and the said matter, after appropriate notice, having come on for hearing; and the Commission having duly considered the matter; and the Commission finding that denial of said registration is in the public interest and that applicant has wilfully violated Sections 5 (a) (1), 5 (a) (2), and 17 (a) (2) of the Securities Act of 1933, as amended, all as more fully set forth in the Findings and Opinion of the Commission this day issued; and the Commission being duly advised in the premises;

*It is ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the application of Franklyn J. V. Stowitts, as broker or dealer transacting business on over-the-counter markets be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3973; Filed, October 27, 1939; 11:01 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1939.

[File No. 32-159]

IN THE MATTER OF BRADFORD ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on November 13, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 8, 1939.

The matter concerned herewith is in regard to an application by the Bradford Electric Company, a subsidiary of a registered holding company, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for an exemption from the provisions of Section 6 (a) of the issue and private sale of a promissory note. It is proposed by the applicant that the note be in the principal amount of $550,000.00, bear interest at 4% per annum payable on March 1 and September 1 of each year, and mature on September 1, 1949. It is stated that the note is to be sold to the Equitable Life Assurance Society of the United States, that not more than $380,000.00 of the proceeds is to be used for the payment in full of a promissory note of the Company, dated June 29, 1939, maturing May 29, 1940, bearing interest at the rate of 3% per annum and payable to the Chase National Bank of the City of New York, and that not less than $162,340.00 of the proceeds is to be used for additions and improvements to the physical property of the Company prior to December 31, 1940. It is stated that the issue and sale of the note was authorized by the Pennsylvania Public Utility Commission on October 23, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3983; Filed, October 27, 1939; 2:30 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27 day of October, A. D. 1939.

[File No. 46-182]

IN THE MATTER OF VIRGINIA PUBLIC SERVICE COMPANY, VIRGINIA PUBLIC SERVICE GENERATING COMPANY

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to sections 6 (b) and 10 (a) (1) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered* That a hearing on such matter be held on November 14, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered* That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 9, 1939.

The matter concerned herewith is in regard to the issue and sale by Virginia Public Service Generating Company, a newly organized company, of First Mortgage 4% Sinking Fund Bonds in the principal amount of $1,400,000, Serial Bank Note bearing 4% interest in the total face amount of $300,000 and 3,300 shares of $100 par value common stock. It is proposed that the sale of said securities be as follows:

(a) The First Mortgage Bonds are to be sold to Northwestern Mutual Life Insurance Company at par and accrued interest;

(b) The $300,000 principal amount of Serial Bank Notes 4% will be sold to Harris Trust and Savings Bank, Chicago, Ill., at par; and

(d) The 3,300 shares of common stock will be sold to Virginia Public Service Company.

Virginia Public Service Company, a subsidiary of a registered holding company, seeks the approval of this Commission of the acquisition by it of the 3,300 shares of common stock (the sole stock issue) of Virginia Public Service Generating Company for the total purchase price of $330,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-3982; Filed, October 27, 1939; 12:30 p. m.]

Reference

NOV 1 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 210

*Washington, Tuesday, October 31, 1939*


## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### FEDERAL SURPLUS COMMODITIES CORPORATION

#### Designation of Areas Under Surplus Food Stamp Program

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following areas are hereby designated as areas in which food order stamps may be used and in which the agricultural commodities and products listed in Surplus Commodities Bulletin No. 3,[1] approved by the Secretary of Agriculture, September 25, 1939, shall be considered surplus foods:

The area within the county limits of Salt Lake County, Utah, effective 12:01 A. M., E. S. T., October 23, 1939.

The city limits of Allentown, Pennsylvania and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation.

The city limits of Bethlehem, Pennsylvania and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation.

The posting of the definition of "the immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation shall constitute due notice thereof.

The effective date for the Allentown, Pennsylvania and Bethlehem, Pennsylvania areas shall be announced by the local representative of the Federal Surplus Commodities Corporation in local newspapers of general circulation.

[SEAL] MILO PERKINS,
*President, Federal Surplus Commodities Corporation.*

OCTOBER 24, 1939.

[F. R. Doc. 39-4017; Filed, October 30, 1939; 12:55 p. m.]

[1] 4 F.R. 4045 DI.

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

#### PART 724—BURLEY TOBACCO

#### FINDINGS AND DETERMINATIONS WITH RESPECT TO NATIONAL MARKETING QUOTA, MARKETING YEAR BEGINNING OCTOBER 1, 1940

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 312. (a) Whenever the Secretary [of Agriculture] finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year.

And whereas said Act contains, in section 301 (b), the following definitions of terms here pertinent:

"Total supply" of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins * * *

"Carry-over" of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current * * *

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

* * * * * *

Tobacco (Burley), October 1—September 30 * * *.

"Reserve supply level" of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

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FEDERAL REGISTER

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"Normal year's domestic consumption", in the case of * * * tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of * * * tobacco shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years * * * immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

And whereas said Act provides, in section 301 (c), that "The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.":

Now, therefore, be it known that I, Harry L. Brown, Acting Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by section 312 of the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics[1] of the Federal Government, do hereby find, determine, specify, and proclaim that:

§ 724.201 *Findings and determinations with respect to national marketing quota for Burley tobacco, for marketing year beginning October 1, 1940.* (a) *Reserve supply level.* The reserve supply level of Burley tobacco is 1,003,000,000 pounds.

(b) *Total supply.* The total supply of Burley tobacco for the marketing year for such tobacco beginning October 1, 1939, was 1,046,000,000 pounds and exceeds the reserve supply level of such tobacco.

(c) *National marketing quota.* The amount of the national marketing quota for Burley tobacco in terms of the total quantity of such tobacco which may be marketed, which will make available during the marketing year beginning October 1, 1940, a supply of such tobacco equal to the reserve supply level of such tobacco, is 292,000,000 pounds. (Sec. 312 (a), 52 Stat. 46; 7 U.S.C. Sup. IV, 1312; as amended by 53 Stat. 1261)

[1] Rounded to the nearest 1,000,000 pounds.

Done at Washington, D. C., this 28th day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-4003; Filed, October 28, 1939; 12:20 p. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### BUREAU OF ANIMAL INDUSTRY

[B. A. I. Order 371[1]]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

Under authority vested in the Secretary of Agriculture by law the following regulations are issued for the purpose of preventing the introduction from foreign countries into the United States of communicable diseases of livestock. These regulations supersede all previous regulations governing the sanitary control of animal byproducts, hay and straw offered for importation and shall become effective on February 1, 1940.

Done at Washington this 27th day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES *

Sec.

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95.2 Country of origin.
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95.4 Importations from Canada.
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95.10 Glue stock; importations permitted subject to restrictions.
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95.12 Bones, horns, and hoofs; importations permitted subject to restrictions.
95.13 Bone meal, blood meal, tankage, and similar products for use as fertilizer or animal feed; requirements for unrestricted entry.
95.14 Tankage, bone meal and similar products for use as fertilizer or as feed for domestic animals; importations permitted subject to restrictions.
95.15 Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; requirements for unrestricted entry.

[1] Supersedes B.A.I. Order 341 and all amendments (3 F.R. 2595 DI) thereto.

*Secs. 95.1 to 95.27, inclusive, issued under the authority contained in Sec. 2, 32 Stat. 792; 21 U.S.C. 111.



Sec.

95.16 Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; importations permitted subject to restrictions.
95.17 Glands, organs, ox gall, and like materials; requirements for unrestricted entry.
95.18 Glands, organs, ox gall, and like materials; importations permitted subject to restrictions.
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95.23 Previously used meat covers; conditions prohibiting importation.
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95.26 (a) Cars to be cleaned and disinfected by final carrier at destination.
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95.27 Regulations applicable to products from territorial possessions.

*Regulation 1*

§ 95.1 *Definitions.* Whenever in these regulations the following words, names, or terms are used they shall be construed, respectively, to mean:

(a) *Department.* United States Department of Agriculture.

(b) *Bureau.* The Bureau of Animal Industry, United States Department of Agriculture.

(c) *Chief of Bureau.* Chief of the Bureau of Animal Industry.

(d) *Inspector.* An inspector of the Bureau of Animal Industry.

(e) *Consular officer.* A consular officer of the United States of America.

(f) *Approved establishment.* An establishment approved by the Bureau for the receipt and handling of restricted import animal byproducts.

(g) *Approved warehouse.* A warehouse having facilities approved by the Bureau for the handling and storage, apart from other merchandise, of restricted import products.

(h) *Approved chlorinating equipment.* An equipment approved by the Bureau as efficient for the disinfection of effluents against the contagions of foot-and-mouth disease and rinderpest.

(i) *Approved sewerage system.* A drainage system equipped and operated so as to carry and dispose of sewage without endangering livestock through the contamination of streams or fields and approved by the Bureau.

(j) *Animal byproducts.* Hides, skins, hair, wool, glue stock, bones, hoofs, horns, bone meal, hoof meal, horn meal, blood meal, meat meal, tankage, glands, organs, or other parts or products of ruminants and swine unsuitable for human consumption.

(k) *Glue stock.* Fleshings, hide cuttings and parings, tendons, or other collagenous parts of animal carcasses.

(l) *Bone meal.* Ground or crushed animal bones.

(m) *Blood meal.* Dried blood of animals.

(n) *Meat meal or tankage.* The rendered and dried carcasses or parts of the carcasses of animals.

(o) *Hay and straw.* Dried grasses, clovers, legumes, and similar materials or stalks or stems of various grains, such as barley, oats, rice, rye, and wheat.

*Regulation 2*

§ 95.2 *Country of origin.* No products or materials specified in these regulations shall be imported unless there be shown upon the consular invoice, or in some other manner satisfactory to the Chief of Bureau, the name of the country of origin of such product or material: *Provided* That the country of origin shall be construed to mean (a) in the case of an animal byproduct, the country in which such product was taken from an animal or animals, and (b) in the case of other materials, the country in which such materials were produced.

*Regulation 3*

§ 95.3 *Byproducts from diseased animals prohibited.* The importation of any animal byproduct taken or removed from an animal affected with anthrax, foot-and-mouth disease, or rinderpest is prohibited.

*Regulation 4*

§ 95.4 *Importations from Canada.* No requirements or condition of the following regulations shall be construed to apply to products or materials specified in this order, originating in Canada and imported directly therefrom. Such products and materials not originating in but imported into the Dominion of Canada from another foreign country may be imported therefrom into the United States without compliance with the following regulations, when accompanied by a certificate signed by a veterinarian in the employ of and receiving a salary from the Canadian Government stating that they have been imported into Canada in full compliance with the Canadian regulations, provided such regulations are found by the Bureau to be the substantial equivalent of those contained in this order.

*Regulation 5*

§ 95.5 *Untanned hides and skins; requirements for unrestricted entry.* Untanned hides and/or skins of cattle, buffalo, sheep, goats, other ruminants, and swine which do not meet the conditions or requirements specified in any one of paragraphs (a) to (e) following shall not be imported except subject to handling and treatment in accordance with section 95.6 of this order after arrival at the port of entry:

(a) Hides or skins originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without further restriction.

(b) Hides or skins may be imported without other restriction if found upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to be hard dried hides or skins.

(c) Abattoir hides or skins taken from animals slaughtered under national government inspection in a country[2] and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that they have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of such national government and signed by an official veterinary inspector of such country showing that the therein described hides or skins were taken from animals slaughtered in such specified abattoir and found free from anthrax, foot-and-mouth disease, and rinderpest.

(d) Hides or skins may be imported without other restriction if shown upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been pickled in a solution of salt containing mineral acid and packed in barrels, casks, or tight cases while still wet with such solution.

(e) Hides or skins may be imported without other restriction if shown upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been treated with lime in such manner and for such period as to have become dehaired and to have reached the stage of preparation for immediate manufacture into products ordinarily made from rawhide.

*Regulation 6*

§ 95.6 *Untanned hides and skins; importations permitted subject to restrictions.* Hides or skins offered for importation which do not meet the conditions or requirements of section 95.5 of this order shall be handled and treated in the following manner after arrival at the port of entry:

(a) They shall be consigned from the coast or border port of arrival to an approved establishment and shall be subject to disinfection by such method or methods as the Chief of Bureau may prescribe unless the said establishment discharges drainage into an approved sewerage system or has an approved chlorinating equipment adequate for the proper disinfection of effluents: *Provided, however,* That upon permission of the Chief of Bureau such hides or skins may be stored for a temporary period in ap-

[2] Names of countries of this character will be furnished upon request.

proved warehouses under bond, and under the supervision of an inspector: *And provided further*, That I. T. or in-bond shipments of hides or skins may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port in the United States for consumption entry subject to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the approved establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Chief of Bureau so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to the inspector in charge at the port of entry.

(c) They shall be handled at the approved establishment under the direction of an inspector in a manner approved by the Chief of Bureau to guard against the dissemination of foot-and-mouth disease and rinderpest. They shall not be removed therefrom except upon special permission of the Chief of Bureau and upon compliance with all the conditions and requirements of this section relative to the movement of the said hides and skins from the port of arrival to the said establishment.

*Regulation 7*

§ 95.7 *Wool, hair and bristles; requirements for unrestricted entry.* Wool, hair, or bristles derived from ruminants and/or swine which do not meet the conditions or requirements specified in any one of paragraphs (a) to (e) following shall not be imported except subject to handling and treatment in accordance with section 95.8 of this order after their arrival at the port of entry: *Provided, however*, That no bloodstained wool, hair, or bristles shall be imported under any condition:

(a) Such wool, hair, or bristles may be imported without other restriction if originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

(b) Wool or hair clipped from live animals or pulled wool or hair may be imported without other restriction if the said wool or hair is reasonably free from animal manure in the form of dung locks or otherwise.

(c) Wool, hair, or bristles taken from sheep, goats, cattle, or swine, when such animals have been slaughtered under national government inspection in a country[2] and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that such materials have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of said national government and signed by an official veterinary inspector of such country showing that the therein described wool, hair, or bristles were taken from animals slaughtered in such specified abattoir and found free from anthrax, foot-and-mouth disease, and rinderpest.

(d) Wool, hair, or bristles which have been scoured, thoroughly washed, or dyed may be imported without other restriction.

(e) Wool, hair, or bristles from a disinfecting station of a national government, methods of disinfection at which have been approved by the Secretary of Agriculture, may be imported without other restriction if accompanied by a certificate of the director or other accredited official of such station showing that said wool, hair, or bristles covered by the consular invoice specified in said certificate have been subjected to the scouring and disinfecting process required at such station for the disinfection of wool or hair.

*Regulation 8*

§ 95.8 *Wool, hair, and bristles; importations permitted subject to restrictions.* Wool, hair, or bristles offered for importation which do not meet the conditions or requirements of section 95.7 of this order shall be handled and treated in the following manner after arrival at the port of entry:

(a) Such wool, hair, or bristles shall be consigned from the coast or border port of arrival to an approved establishment: *Provided, however*, That upon permission by the Chief of Bureau such wool, hair, or bristles may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further*, That I. T. or in-bond shipments of wool, hair, or bristles may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port for consumption entry, subject to the other provisions of this section.

(b) Such wool, hair, or bristles shall be moved from the coast or border port of arrival or, in the case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Chief of Bureau so to do, or without sealing as aforesaid and with other freight when packed in tight cases acceptable to an inspector.

(c) Such wool, hair, or bristles shall be handled at the establishment under the direction of an inspector in a manner approved by the Chief of Bureau to guard against the dissemination of foot-and-mouth disease and rinderpest. Such products shall not be removed therefrom except upon special permission of the Chief of Bureau and upon compliance with all the conditions and requirements of this section relative to the movement of the said wool, hair, or bristles from the port of arrival to the said establishment.

*Regulation 9*

§ 95.9 *Glue stock; requirements for unrestricted entry.* Glue stock which does not meet the conditions or requirements specified in any one of paragraphs (a) to (c) following shall not be imported except subject to handling and treatment in accordance with section 95.10 of this order after arrival at the port of entry:

(a) Glue stock originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without other restriction.

(b) Glue stock may be imported without other restriction is found upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been properly treated by acidulation or by soaking in milk of lime or a lime paste; or to have been dried so as to render each piece of the hardness of a sun-dried hide.

(c) Glue stock taken from cattle, sheep, goats, or swine slaughtered under national government inspection in a country[2] and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that such materials have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of said national government and signed by an official veterinary inspector of such country showing that the therein described glue stock was taken from animals slaughtered in such specified abattoir and found free from anthrax, foot-and-mouth disease, and rinderpest.

*Regulation 10*

§ 95.10 *Glue stock; importations permitted subject to restrictions.* Glue stock offered for importation which does not meet the conditions or requirements of section 95.9 of this order shall be handled and treated in the following manner after arrival at the port of entry:

(a) It shall be consigned from the coast or border port of arrival to an approved establishment and shall be subject to disinfection by such method or methods as the Chief of Bureau may prescribe unless the said establishment discharges drainage into an approved sewerage system or has an approved chlorinating equipment adequate for the proper disinfection of effluents: *Provided, however*, That upon permission by the Chief of Bureau glue stock may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further*, That I. T. or in-bond shipments of glue stock may go forward under customs seals from a coast or border port of arrival with the approval of an inspector at said port to another port for consumption entry, subject, after arrival at the latter port, to the other provisions of this section.

(b) It shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Chief of Bureau so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at port of entry.

(c) It shall be handled at the establishment under the direction of an inspector in a manner approved by the Chief of Bureau to guard against the dissemination of foot-and-mouth disease and rinderpest. It shall not be removed therefrom except upon special permission of the Chief of Bureau and upon compliance with all the conditions and requirements of this section relative to the movement of the said glue stock from the port of arrival to the said establishment.

*Regulation 11*

§ 95.11 *Bones, horns, and hoofs; requirements for unrestricted entry.* Bones, horns, and hoofs of ruminants and swine which do not meet the conditions or requirements specified in paragraph (a) or (b) following shall not be imported except subject to handling and treatment in accordance with section 95.12 of this order after arrival at the port of entry.

(a) Bones, horns, and hoofs originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without other restriction.

(b) Clean, dry bones, horns, and hoofs that are free from undried pieces of hide, flesh, and sinew may be imported without other restriction.

*Regulation 12*

§ 95.12 *Bones, horns, and hoofs; importations permitted subject to restrictions.* Bones, horns, and hoofs offered for importation which do not meet the conditions or requirements of section 95.11 of this order shall be handled and treated in the following manner after arrival at the port of entry:

(a) They shall be consigned from the coast or border port of arrival to an approved establishment having facilities for their disinfection or their conversion into products customarily made from bones, horns, or hoofs: *Provided, however*, That I. T. or in-bond shipments of bones, horns, or hoofs may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port for consumption entry subject to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Chief of Bureau so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at the port of entry.

(c) They shall be handled at the establishment under the direction of an inspector in a manner to guard against the dissemination of foot-and-mouth disease and rinderpest, and the bags, burlap, or other containers thereof, before leaving the establishment, shall be disinfected by heat or otherwise, as directed by the Chief of Bureau or burned at the establishment. They shall not be removed therefrom except upon special permission of the Chief of Bureau and upon compliance with all the conditions and requirements of this section relative to the movement of the said bones, horns, and hoofs.

*Regulation 13*

§ 95.13 *Bone meal, blood meal, tankage, and similar products for use as fertilizer or animal feed; requirements for unrestricted entry.* Dried blood or blood meal, lungs or other organs for use as fertilizer or as feed for domestic animals, which do not meet the conditions or requirements specified in paragraph (a) or (b) following, shall not be imported. Tankage, meat meal, bone meal, horn meal, hoof meal, wool waste, wool manure, and similar products for use as fertilizer or as feed for domestic animals, which do not meet the conditions or requirements specified in paragraph (a) or (b) following, shall not be imported except subject to handling and treatment in accordance with section 95.14 of this order after their arrival at the port of entry.

(a) Products specified in this section originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without further restriction.

(b) Products specified in this section may be imported without other restriction if accompanied by the certificate of a consular officer showing that in the process of manufacture the particular product was heated throughout to a temperature of not less than 156° F. (68.9° C.)

*Regulation 14*

§ 95.14 *Tankage, bone meal and similar products for use as fertilizer or as feed for domestic animals; importations permitted subject to restrictions.* Tankage, meat meal, bone meal, horn meal, hoof meal, wool waste, wool manure, and similar products which do not meet the conditions or requirements of section 95.13 of this order shall be quarantined in an approved warehouse for at least 90 days or disinfected at the port of entry, together with the bags or other containers thereof, and shall be otherwise handled as directed by the Chief of Bureau.

*Regulation 15*

§ 95.15 *Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; requirements for unrestricted entry.* Blood meal, blood albumin, bone meal, intestines, or other animal materials intended for use in the industrial arts, which do not meet the conditions or requirements specified in paragraph (a) or (b) following, shall not be imported except subject to handling and treatment in accordance with section 95.16 of this order:

(a) Products specified in this section originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without further restriction.

(b) Products specified in this section may be imported without further restriction if accompanied by the certificate of a consular officer showing that in the process of manufacture the particular product was heated throughout to a temperature of not less than 156° F. (68.9° C.)

*Regulation 16*

§ 95.16 *Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; importations permitted subject to restrictions.* Blood meal, blood albumin, bone meal, intestines, or other animal materials intended for use in the industrial arts, which do not meet the conditions or requirements of section 95.15 of this order shall be handled and treated in the following manner after arrival at the port of entry:

(a) They shall be consigned from the coast or border port of arrival to an approved establishment: *Provided, however*, That upon permission by the Chief of Bureau they may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further*, That I. T. or in-bond shipments of such products may go forward under customs seals from a coast or border port of arrival,

[2] Names of countries of this character will be furnished upon request.

with the approval of an inspector at said port, to another port for consumption entry, subject after arrival at the latter port to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in the case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by Bureau inspectors or other persons authorized by the Chief of Bureau so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at the port of entry.

(c) They shall be handled at the establishment under the direction of an inspector in a manner to guard against the dissemination of foot-and-mouth disease and rinderpest. They shall not be removed therefrom except upon special permission of the Chief of Bureau and upon compliance with all the conditions and requirements of this section relative to the movement of the said products from the port of arrival to the said establishment.

*Regulation 17*

§ 95.17 *Glands, organs, ox gall, and like materials; requirements for unrestricted entry.* Glands, organs, ox gall or bile, bone marrow, and various like materials derived from domestic ruminants or swine, intended for use in the manufacture of pharmaceutical products, which do not meet conditions or requirements specified in paragraph (a) or (b) following, shall not be imported except subject to handling and treatment in accordance with section 95.18 of this order:

(a) Such glands, organs, or materials may be imported without other restriction if originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

(b) Such glands, organs, or materials may be imported without other restriction if accompanied by the certificate of a consular officer showing that in process of preparation the particular product was subjected to a temperature of not less than 156° F. (68.9° C.)

*Regulation 18*

§ 95.18 *Glands, organs, ox gall, and like materials; importations permitted subject to restrictions.* Glands, organs, ox gall or bile, bone marrow, and various like materials derived from domestic ruminants or swine, which do not meet the requirements of section 95.17 of this order may be imported for pharmaceutical purposes if in tight containers and consigned to an approved establishment: *Provided, however,* That upon special permission of the Chief of Bureau they may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector. They shall be handled and processed at the said establishment in a manner approved by the Chief of Bureau and the containers shall be destroyed or disinfected as prescribed by him. They shall not be removed therefrom except upon special permission of the Chief of Bureau and upon compliance with all the conditions and requirements of this section relative to the movement of the said glands, organs, ox gall, and like materials from the port of arrival to the said establishment.

*Regulation 19*

§ 95.19 *Animal stomachs.* Stomachs or portions of the stomachs of ruminants or swine, other than those imported for food purposes under the meat-inspection regulations of the Department, shall not be imported without permission from the Chief of Bureau. Importations permitted shall be subject to such restrictions as the Chief of Bureau may deem necessary in each instance.

*Regulation 20*

§ 95.20 *Animal manure.* Manure of horses, cattle, sheep, other ruminants, and swine shall not be imported except upon permission from the Chief of Bureau. Importations permitted shall be subject to such restrictions as he may deem necessary in each instance: *Provided, however,* That manure produced by animals while in transit to the United States shall be subject only to the requirements of the Department regulations governing the importation of domestic livestock and other animals.

*Regulation 21*

§ 95.21 *Hay and straw; requirements for unrestricted entry.* Hay or straw which does not meet the conditions or requirements of paragraph (a), (b), or (c) following shall not be imported except subject to handling and treatment in accordance with section 95.22 of this order after arrival at the port of entry.

(a) Hay or straw may be imported without other restriction if originating in and shipped directly from a country not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

(b) Hay or straw packing materials may be imported without other restriction if accompanied by a certificate of a consular officer showing that the said material had been disinfected by placing it loosely in a tight compartment and subjecting it to the action of live steam, in all parts of which compartment a temperature of not less than 176° F. (80° C.) was maintained for at least 10 minutes, or by placing it loosely in a tight compartment having a temperature of not less than 65° F. (19° C.) and spraying over and into the hay or straw 10 fluid ounces of formaldehyde solution (containing not less than 37 per cent formaldehyde by weight) for each 1,000 cubic feet of space in said compartment, which was immediately closed in a manner to prevent the escape of the formaldehyde vapor and kept closed for not less than 8 hours.

(c) Hay or straw packing materials may be imported without other restriction if a certificate of the shipper appears on the consular invoice showing that such packing material was obtained from a disinfecting station, the methods of disinfection at which have been approved by the United States Department of Agriculture, and giving the names of the said disinfecting station and the factory or establishment where the merchandise covered by the invoice was packed: *Provided, however,* That in the case of goods unaccompanied by a consular invoice a like certificate appearing on the commercial invoice will be acceptable.

*Regulation 22*

§ 95.22 *Hay and straw; importations permitted subject to restrictions.* Hay or straw which does not meet the conditions or requirements of section 95.21 of this order shall be handled and treated in the following manner upon arrival at the port of entry:

(a) Hay or straw packing materials shall be burned or disinfected at the expense of the importer or consignee in the manner and at the time directed by the Chief of Bureau.

(b) Hay or straw for use as feeding material, bedding, or similar purposes shall be stored and held in quarantine for a period of not less than 90 days in an approved warehouse at the port of entry and shall be otherwise handled as directed by the Chief of Bureau.

*Regulation 23*

§ 95.23 *Previously used meat covers; conditions prohibiting importation.* The importation of any cloth or burlap which has been used to cover fresh or frozen meats originating in any country declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest is prohibited.

*Regulation 24*

§ 95.24 *Methods for disinfection of hides, skins, and other materials.* Hides, skins, and other materials required by these regulations to be disinfected shall be subjected to disinfection by methods found satisfactory and approved from time to time by the Chief of Bureau.

*Regulation 25*

§ 95.25 *Transportation of restricted import products; placarding cars and marking billing; unloading en route.* Transportation companies or other operators of cars, trucks or other vehicles carrying import products or materials moving under restriction, other than those in tight cases or casks, shall affix to and maintain on both sides of all such vehicles durable placards not less than 5½ by 6 inches in size, on which shall be printed with permanent black ink and in boldface letters not less than 1½ inches in height the words "Restricted import product." These placards shall also bear the words "Clean and disinfect this car or truck." Each of the waybills, conductors' manifests, memoranda, and bills of lading pertaining to such shipments shall have the words "Restricted import product, clean and disinfect car or truck," plainly written or stamped upon its face. If for any reason the placards required by this regulation have not been affixed to each card, or the billing has not been marked by the initial or the connecting carrier, or the placards have been removed, destroyed, or rendered illegible, the placards shall be immediately affixed or replaced and the billing marked by the initial or connecting carrier, the intention being that the billing accompanying the shipment shall be marked and each car, truck or other vehicle placarded as herein specified from the time such shipment leaves the port of entry until it is unloaded at final destination and the cars, trucks or other vehicles are cleaned and disinfected as required by section 95.26 of this order.

If it is necessary to unload enroute any of the materials or products transported in a placarded car, truck or other vehicle as hereinbefore provided in this section, the car, truck or other vehicle from which the transfer is made and any part of the premises in or upon which the product or material may have been placed in the course of unloading or reloading shall be cleaned and disinfected by the carrier, in accordance with the provisions of section 95.26 of this order, and the said carrier shall immediately report the matter, by telegraph, to the Chief of the Bureau of Animal Industry, Washington, D. C. Such report shall include the following information: Nature of emergency; place where product or material was unloaded; original points of shipment and destination; number and initials of the original car or truck; and number and initials of the car, truck or other vehicle into which the product or material is reloaded in case the original car or truck is not used.

*Regulation 26*

§ 95.26 *Cars, other vehicles, boats, yards, and premises; cleaning and disinfection.* Cars, other vehicles, boats, yards, and premises which have been used in the transportation, handling, or storing of restricted import products or materials, other than those contained in tight cases or casks, shall be cleaned and disinfected under the supervision of the Bureau at the time and in the manner hereinafter provided. Except as provided in paragraph (a) following, such cars, other vehicles, and boats shall not be moved in interstate or foreign commerce until they have been so treated.

(a) *Cars to be cleaned and disinfected by final carrier at destination.* Cars required by this order to be cleaned and disinfected shall be so treated by the final carrier at destination as soon as possible after unloading and before the same are moved from such final destination for any purpose: *Provided, however,* That when the products or materials are destined to points at which an inspector or other duly authorized representative of the Bureau is not maintained or where proper facilities cannot be provided, the transportation company shall seal, bill, and forward the cars in which the products or materials were transported to a point to be agreed upon between the transportation company and the Bureau, and the transportation company shall there clean and disinfect the said cars under the supervision of the Bureau.

(b) *Methods of cleaning and disinfection.* (1) Cars, trucks, and other vehicles required by this order to be cleaned and disinfected shall be treated in the following manner: Collect all litter and other refuse therefrom and destroy by burning or other approved method, clean the exterior and interior of the cars or trucks, and saturate the entire interior surface with a permitted disinfectant.

(2) Boats required by this order to be cleaned and disinfected shall be treated in the following manner: Collect all litter and other refuse from the decks, compartments, and all other parts of the boat used for the transportation of the products or materials covered by this order, and from the portable chutes or other appliances or fixtures used in loading and unloading same, and destroy the litter and other refuse by burning or by other approved methods, and saturate the entire surface of the said decks, compartments, and other parts of the boat with a permitted disinfectant.

(3) Buildings, sheds, and premises required by this order to be disinfected shall be treated in the following manner: Collect all litter and other refuse therefrom and destroy the same by burning or other approved methods, and saturate the entire surface of the fencing, chutes, floors, walls, and other parts with a permitted disinfectant.

(c) *Permitted disinfectant.* The disinfectant permitted for use in disinfecting cars, other vehicles, boats, yards, and premises against infection of foot-and-mouth disease and rinderpest is a freshly prepared solution containing not less than one pound avoirdupois of sodium hydroxide of not less than 95 percent purity to each 6 gallons of water. Commercial grades of sodium hydroxide (caustic soda) of less than 95 percent purity or commercial concentrated solutions of caustic soda may be employed, provided that in either case a sufficient quantity be used to insure that the content of the solution in actual sodium hydroxide shall be not less than one pound avoirdupois in each 6 gallons of solution.[2]

*Regulation 27*

§ 95.27 *Regulations applicable to products from territorial possessions.* These regulations shall be applicable to all the products and materials specified in this order which are offered for entry into the United States from any place under the jurisdiction of the United States to which the animal-quarantine laws of this country do no apply.

[2] CAUTION: Great care is necessary in handling sodium hydroxide, as it rapidly destroys organic tissues.

[F. R. Doc. 39-3985; Filed, October 27, 1939; 3:18 p. m.]



## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER VI—ORGANIZED RESERVES

### PART 63—REGULAR ARMY RESERVE[1]

§ 63.13 *Discharge certificate.* A member of the Regular Army Reserve in inactive status, upon his discharge from the service under honorable conditions, either by expiration of enlistment or prior thereto as authorized, will be given a discharge certificate, W.D., A.G.O. Form No. 185 (Honorable Discharge from the Regular Army Reserve), or if discharged under other than honorable conditions, W.D., A.G.O. Form No. 186 (Discharge from the Regular Army Reserve (blue)), signed by such officer as may be designated for the duty by the corps area commander. Inclusive dates of active duty as a Reservist will be shown. If the Reservist was not on active duty during current enlistment in the Regular Army Reserve, the discharge certificate will so state. When discharged while on active duty, the discharge certificate and administrative action will be the same as that prescribed for enlisted men of the Regular Army. (52 Stat. 221; 10 U.S.C. 343) [Par. 18a, AR. 155-5, Feb. 16, 1939, as amended by Sec. I, Cir. 85, W.D., Oct. 27, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-4004; Filed, October 30, 1939; 9:31 a. m.]

[1] These regulations supersede section 63.13, Title 10, Code of Federal Regulations (4 F.R. 2069 DI).

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3777]

IN THE MATTER OF H. P. CLEARWATER

§ 3.6 (a) (25) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Qualifications:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (yl) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's medicinal "Rheumatic Arthritis Treatment" preparations, or other similar preparation, which advertisements represent, directly or through implication, that respondent's training,

education and experience have been such as to enable him to determine the causes of and the correct treatment of and cure for arthritis or rheumatism, or that any theories promulgated by the respondent as to the causes of or method of treatment or cure of rheumatism or arthritis are based upon known and true scientific facts, or reflect a concensus or majority of medical opinion, unless and until such is the fact, or that rheumatism or arthritis are caused by circulating poisons in the blood, due to constipation, faulty metabolism, or poor physical condition, or that the use of respondent's preparations will eliminate such poisons, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, H. P. Clearwater, Docket 3777, October 18, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly — Results.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's medicinal "Rheumatic Arthritis Treatment" preparations, or other similar preparation, which advertisements represent, directly or through implication, that respondent's preparations, singly or in combination, constitute a cure or remedy for arthritis, rheumatism, sciatica or lumbago, or constitute an adequate treatment therefor, or have any therapeutic value in the treatment thereof in excess of providing a laxative, tonic-reconstructive and mildly carminative action and providing relief from the pain incident to such diseases, conditions and ailments in some cases, or that the use of said preparations will render the body normal, revitalize tissues, or prevent poisons from entering the system, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 57 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, H. P. Clearwater, Docket 3777, October 18, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon, and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, H. P. Clearwater, his representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement, by means of the United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of certain medicinal preparations now designated as the respondent's "Rheumatic Arthritis Treatment", or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties when sold under the same name or under any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of said medicinal preparations, which advertisements represent, directly or through implication, that:

1. Respondent's training, education and experience have been such as to enable him to determine the causes of and the correct treatment of and cure for arthritis or rheumatism;

2. Any theories promulgated by the respondent as to the causes of or method of treatment or cure of rheumatism or arthritis are based upon known and true scientific facts, or reflect a consensus or majority of medical opinion, unless and until such is the fact;

3. Respondent's preparations, singly or in combination, constitute a cure or remedy for arthritis, rheumatism, sciatica or lumbago, or constitute an adequate treatment therefor, or have any therapeutic value in the treatment thereof in excess of providing a laxative, tonic-reconstructive and mildly carminative action and providing relief from the pain incident to such diseases, conditions and ailments in some cases;

4. The use of respondent's preparations will render the body normal, revitalize tissues, or prevent poisons from entering the system;

5. Rheumatism or arthritis are caused by circulating poisons in the blood, due to constipation, faulty metabolism, or poor physical condition, or that the use of respondent's preparations will eliminate such poisons.

*It is further ordered*, That the respondent shall, within sixty days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4011; Filed, October 30, 1939; 11:34 a. m.]

## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T.D. 49999]

### $100 EXEMPTION ON ARTICLES ACQUIRED IN MEXICO

POSTPONEMENT OF EFFECTIVE DATE OF T. D. 49925 REQUIRING RESIDENTS OF THE UNITED STATES RETURNING FROM MEXICO THROUGH ANY PORT IN COLLECTION DISTRICT 25 (SAN DIEGO) TO REMAIN OUTSIDE THE TERRITORIAL LIMITS OF THE UNITED STATES AT LEAST 24 HOURS TO OBTAIN THE $100 EXEMPTION ON ARTICLES ACQUIRED IN MEXICO

OCTOBER 26, 1939.

*To Collectors of Customs and Others Concerned:*

The following telegram was dispatched to the collector of customs, San Diego, California, on October 26, 1939:

"Re T.D. 49925[1] relating to residents of the United States returning thereto through any of the ports in collection district 25 (San Diego). The application of such special regulation which otherwise would become effective on Friday, October 27, is hereby suspended until Friday, December 1, 1939. Signed Henry Morgenthau, Jr."

[SEAL] BASIL HARRIS, *Commissioner of Customs.*

[F. R. Doc. 39-3967; Filed, October 28, 1939; 10:25 a. m.]

## TITLE 24—HOUSING CREDIT

### HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 2-212]

### PART 402—LOAN SERVICE

POLICY AND PURPOSE; ITEMS INCLUDED; RATE OF INTEREST; CO-MAKER AND ENDORSERS LIABILITY; APPLICATION FORM; APPLICATION PREPARATION, INSURANCE

Amending Part 402 of Chapter IV, Title 24 of the Code of Federal Regulations.

Sections 402.13–1, 402.13–2, 402.13–4 and 402.13–5 are deleted, and the following sections substituted:

§ 402.13–1 It is the policy of the Corporation to grant extensions of time for the payment of indebtedness as provided in Section 402.13 on an individual case basis where the circumstances of the home owner, condition of the security, and the best interests of the Corporation justify it. Every effort shall be made to place the home owner in position to maintain his taxes, insurance premiums and loan or vendee account on a current basis. Extensions may be granted in order to provide further opportunity for rehabilitation or realization of the equity in the property through transfer even though the home owner may not be able to maintain a current status under the terms of such extension if there is, in the opinion of the Regional Manager, a reasonable prospect of his being able to do so.

§ 402.13–2 In connection with the granting of an extension the Regional Manager may authorize advances for the payment of taxes, assessments, other levies or charges, or ground rents. Any extension granted shall embrace all present indebtedness including delinquent principal, interest and all advances previously made or made in connection therewith whether due or not. Payments shall be required in equal monthly installments over a period commensurate with the home owner's circumstances and requirements, but in no event shall the term of payment exceed the period authorized in Section 402.13. While the advantages of liquidating the indebtedness in as short a period as possible should be made known to home owners applying for an extension, no effort shall be made to arbitrarily shorten the time for payment within the limitations of Section 402.13 where the home owner can make a reasonable showing that there is necessity for the maximum period.

In no case shall an extension or change in the payment plan be granted unless the home owner in connection therewith agrees to accumulate with the Corporation, in addition to his regular payments, funds to provide for the payment of taxes, assessments, other levies or charges, or ground rents upon the security property or the property sold, and for the renewal of existing insurance upon such property, or the purchase of such additional insurance as the home owner is required to furnish upon the property. It is not a requirement that precedent to the granting of an extension the home owner be delinquent in any of his obligations to the Corporation.

§ 402.13–5 The instruments used in granting an extension shall provide for interest at the rate applicable to the original obligation. However, in computing the monthly payment to be billed, the amortization shall be based on the rate provided in Section 402.17.

§ 402.13–6 The signatures of co-makers, endorsers and other persons liable with the maker of the obligation, though ordinarily required, may be dispensed with if the Regional Counsel has advised that they will not thereby be released from liability or the Regional Manager has determined that their release from liability will not seriously impair the Corporation's position.

§ 402.13–8 All applications for extensions shall be made by the home owner on "Application for Extension", Form 193, which contains the agreement of the applicant to accumulate with the Corporation, in addition to his regular payments, funds to provide for the payment of taxes, assessments, other levies and charges, ground rents and insurance premiums. The home owner shall execute Form 193 in triplicate.

§ 402.13–9 The Service Representative shall complete Block I on the reverse side of Form 193 in order to determine the monthly allocation to the Tax and Insurance Account.

It is expected that home owners generally will desire to continue in effect the insurance now held by the Corporation and provision therefor is made on the face of the application Form 193. While the Corporation will only purchase additional insurance when required for its own protection, the home owner may forward any additional policies he may have or purchase to be included with the policies held by the Corporation. If accepted, the Insurance Section will provide for an adjustment to the Tax and Insurance Account to take care of the renewal of the additional insurance. The Service Representative is not authorized to arrange for any reduction in the amount of insurance. If the home owner desires to reduce the amount of insurance, he may make application therefor, in writing, directly to the Regional Office Insurance Section. If such reduction is made, the Insurance Section will provide for an adjustment in the allocation to the Tax and Insurance Account.

(Effective October 1, 1939)

(Above procedure promulgated by General Manager with the approval of the General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN, *Assistant Secretary.*

[F. R. Doc. 39-3996; Filed, October 28, 1939; 11:53 a. m.]

[Administrative Order No. 349]

### PART 403—PROPERTY MANAGEMENT

DETERMINATION OF PLAN B SALES TERMS; INTEREST RATE; ADVICE TO ACCOUNTING

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

The penultimate paragraph of Section 403.10–7 is amended to read as follows:

(Effective date October 1, 1939)

Subject to the limitations in this section expressed, the Regional Manager shall determine the terms of payment of Plan B sales, irrespective of the types of instruments used to close such sales. All sums payable to the Corporation under any note, bond, mortgage, trust deed, installment contract or like instrument accepted by it at the closing of a Plan B sale shall bear interest at the rate of 4½% per annum. In Plan B sales, the purchaser shall agree, in such form as the Corporation shall prescribe, to provide for the payment of his annual taxes, assessments, insurance premiums, ground rents and other charges upon the property sold by paying to the Corporation, in addition to all other payments to be made by him and at the several times at which he is obligated to make payments of principal and/or interest on account of the purchase price, additional installment payments at the rate of at least 1/12 per month of such annual taxes, assessments, insurance premiums, ground rents and other charges, as such aggregate is from time to time estimated by the Corporation.

Section 403.10–16 is amended by inserting the following new paragraph at the end thereof: (Effective date October 1, 1939)

After the agreement for the sale of real estate under Plan B has been executed by the Corporation and no later than the receipt of the closed sale file by the Accounting Section the Property Management Division of the State Office, or of the Regional Office when so directed by the Regional Manager, shall cause to be furnished to the Accounting Section its estimate of the amounts for which the purchaser shall be billed on account of his annual taxes, assessments, insurance premiums, ground rents and other charges on the real property sold, such amounts to be payable periodically at the times when the purchaser is required to make payments of principal and/or interest on account of the purchase price. Necessary information with respect to insurance will be obtained from the Insurance Section, and in those cases where the tax information is not readily available such information shall be obtained from the Tax Section.

(Above procedure promulgated by General Manager with the approval of the General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k))

[1] 4 F.R. 3523 DI.

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3999; Filed, October 28, 1939; 11:54 a. m.]

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[Administrative Order No. 319]

PART 403—PROPERTY MANAGEMENT

PREPARATION OF FORM PM 412 AND OF AGREEMENT FOR SALE OF REAL ESTATE; EXECUTION OF AGREEMENT IN STATE OFFICE; EXECUTION OF AGREEMENT IN REGIONAL OFFICE; PREPARATION FOR CLOSING

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

Sections 403.10–12, 403.10–13, 403.10–15 and 403.10–16 are amended, and Section 403.10–15, as amended, is renumbered 403.10–14 so that the said sections shall read as follows:

§ 403.10–12 The prospective purchaser shall be required to submit a credit statement on Form PM 412 on which the Contract Sales Broker shall endorse his recommendation. The Corporation's approved form of agreement for the sale of real estate will then be prepared. This agreement may be prepared in the Regional, State or District Office, or the Contract Sales Broker may cause such agreement to be prepared. It shall be prepared in quintuplicate and shall be signed by the purchaser in triplicate. When the amount of the purchaser's offer is substantially less than the listing price of the property, the broker may advise the State or District Manager by the quickest means of communication of the amount and terms of the offer, and thereupon the State or District Manager shall promptly advise the broker whether or not the Corporation will consider such amount and terms, but if the amount of the offer is less than the minimum sales price of the property, the State or District Manager shall communicate with the Regional Office to ascertain whether the Corporation will consider such price and terms before so advising the broker. Form PM 412, the original and four copies of the agreement for the sale of real estate, and the prospective purchaser's deposit shall then be transmitted by the broker to the Property Management Division in the State or District Office. Upon receipt of these papers, a credit report shall be obtained by the Property Management Division in the State or District Office from an established credit reporting agency unless such report has previously been ordered. The representations made by the prospective purchaser on Form PM 412 shall be checked by the State or District Manager who shall endorse thereon his decision or recommendation as to the acceptability of the prospective purchaser as a credit risk. In all cases where the cash payment offered by the prospective purchaser is equal to or in excess of 25% of the purchase price, the credit report may be waived.

§ 403.10–13 Any agreement for the sale of real estate, signed by a purchaser whose credit standing is satisfactory to the Regional, State or District Manager, may be executed in triplicate on behalf of the Corporation in the State Office when the amount of the offer is not less than the minimum sales price and the terms thereof conform to the regulations. Any agreement for sale which is signed by the prospective purchaser and which may be executed hereunder on behalf of the Corporation in the State Office shall, when received in the District Office, be promptly transmitted to the State Property Management Division, together with Form PM 412 and all other pertinent instruments in the case; all other agreements for sale which the District Manager recommends for acceptance by the Corporation, together with said form and instruments, shall be promptly transmitted by the District Office direct to the Regional Property Management Division. Prior to its execution in the State Office, the agreement may be referred to the State Counsel for advice as to its legal sufficiency and the time therein provided for closing. Upon the execution of such agreement on behalf of the Corporation in the State Office, an executed copy thereof shall be promptly transmitted to the Regional Sales Supervisor. At the same time, one executed copy of such agreement shall be transmitted to the purchaser, and the District Property Management Division and the Contract Sales Broker shall be notified of the execution of the agreement by the Corporation. When the executed agreement for sale provides that the Corporation shall furnish title evidence in addition to that then held by it, the State Sales Supervisor shall at the same time transmit to the State Counsel all title evidence in the case which is available in the State Office and the original executed agreement for sale.

§ 403.10–14 If an agreement for the sale of real estate has been signed by the prospective purchaser but cannot under the regulations be executed on behalf of the Corporation in the State Office, the State or District Property Management Division shall transmit the original and all copies of such agreement, together with Form PM 412 and all other pertinent instruments in the case, to the Regional Property Management Division. Such agreement may be referred to the Regional Counsel for advice as to its legal sufficiency and the time therein provided for closing. If the credit standing of the prospective purchaser is satisfactory to the Regional, State or District Manager and the amount and terms of the offer are in the judgment of the Regional Manager acceptable to the Corporation, such agreement may be executed in triplicate on behalf of the Corporation in the Regional Office. Upon the execution of such agreement on behalf of the Corporation in the Regional Office, the original and all copies thereof shall be promptly transmitted to the Regional Sales Supervisor, who shall promptly transmit one executed copy thereof to the purchaser and advise the State and District Property Management Divisions and the Contract Sales Broker of the execution of the agreement by the Corporation. When the executed agreement for sale provides that the Corporation shall furnish title evidence in addition to that then held by it, the Regional Sales Supervisor shall at the same time transmit or cause to be transmitted direct to the State Counsel all title evidence in the case which is available in the Regional Office and the original executed agreement for sale.

§ 403.10–16 Promptly upon its receipt of an executed copy of the agreement for the sale of real estate, whether the same has been executed on behalf of the Corporation in the State or Regional Office, or upon the request of the State Property Management Division, the Regional Property Management Division shall obtain and transmit to the State Property Management Division all title evidence, instruments and insurance, tax and other information which are available in the Regional Office in pursuance of the general advices of the Regional Counsel. If the agreement was executed on behalf of the Corporation in the Regional Office, both unexecuted copies of such agreement shall also be transmitted to the State Property Management Division, together with the original agreement, unless such original has theretofore been furnished to the State Counsel for the purpose of obtaining additional title evidence as is provided in Section 403.10–14.

The Regional Counsel will advise the Regional Manager generally of the title evidence, instruments and insurance, and other information which the Property Management Division shall assemble in order to enable the Legal Department to close sales in each jurisdiction within the Region.

Promptly upon its receipt of the title evidence, instruments and information available in the Regional Office, the State Property Management Division shall supply any missing material which the Property Management Division is required to assemble pursuant to the general advices of the Regional Counsel. Other necessary title evidence, tax information and other missing items required by the regulations to be furnished by the Legal Department shall be obtained or caused to be obtained by the State Counsel.

(Effective October 24, 1938)

The former Section 403.10–14 is renumbered 403.10–15.

(Above procedure promulgated by General Manager with the approval of the General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3997; Filed, October 28, 1939; 11:54 a. m.]

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[Administrative Order No. 318]

PART 403—PROPERTY MANAGEMENT

DISPOSITION OF DEPOSIT

Amending Part 403 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 403.10–14 was amended to read as follows:

Deposits of prospective purchasers received by the State Property Management Division shall be properly identified and retained in safekeeping by the State Manager who shall maintain an adequate register of them. Such deposit items shall be so retained by the State Manager until he has reached a decision as to the disposition to be made of the offer of the prospective purchaser. If the amount and terms of the offer permit the State Manager to accept the offer and he determines to accept it, he shall, promptly after the execution of the agreement for sale on behalf of the Corporation, transmit such deposit item to the Collection Cage for deposit and receive from the Collection Cage a receipt of such deposit on original of Form 107 or duplicate of Form 716, which receipt will accompany the sale file when it is transmitted to the Regional Office. If no such deposit facilities are available in the State Office, the deposit item will be transmitted to the Regional Office for deposit. If the State Manager under the regulations is not authorized to accept the particular offer, but he recommends acceptance to the Regional Office, such deposit item together with the sale file shall immediately be transmitted to the Regional Office for safekeeping of the item by the Regional Treasurer: *Provided*, That if the State Manager submits the amount and terms of the offer to the Regional Office by wire or other expeditious means without transmitting the sales file, the deposit shall remain in safekeeping in the State Office until the Regional Office authorizes acceptance or rejection of the offer. If the Regional Office authorizes acceptance, the deposit item shall be handled as above for accepted offers. If the Regional Office directs rejection of the offer or if the offer is rejected by the State Manager, he shall promptly return such deposit item to the party or parties entitled thereto and advise the broker and all interested parties of such rejection.

Such deposit items as are received by the State or District Manager in cash, shall be transmitted to the Collection Cage for deposit as provided for accepted offers where such facilities are available. Where such deposit facilities are not available, the cash shall, prior to mailing, be converted by the State or District Manager into a cashier's check and the expense, if any, of such conversion shall be paid as Corporation Expense from the Incidental Expense Account. Refunds for such cash deposits may be made immediately upon rejection of the offer by the State Manager in accordance with established procedure.

Deposits of prospective purchasers transmitted to the Regional Office for safekeeping and received by the Regional Treasurer will be retained in safekeeping by him. In lieu of the deposit item retained, the Regional Treasurer shall promptly furnish a brief description of the item to the Regional Property Management Division. Where deposit items are received direct by the Property Management Division in the Regional Office, they shall be properly identified and promptly turned over for safekeeping to the Regional Treasurer, who shall receipt for same. Upon advice from the Regional Manager that the agreement for sale has been executed on behalf of the Corporation, the Regional Treasurer shall promptly deposit such item; upon advice from the Regional Manager that the agreement for sale has been rejected by the Corporation, the Regional Treasurer shall promptly transmit such safekeeping item to the Regional or State Sales Section, from which he received it, and the Regional or State Sales Section shall thereupon promptly return such deposit to the party entitled thereto, and advise the broker and all other interested parties of such rejection.

(Effective September 26, 1938)

(Above procedure promulgated by General Manager with the approval of the General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3998; Filed, October 28, 1939; 11:54 a. m.]

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[Administrative Order No. 230]

PART 406—LEGAL

SETTLEMENT OF PERSONAL INJURY CLAIMS IN NEW YORK REGION

Amending Part 406 of Chapter IV, Title 24 of the Code of Federal Regulations.

A deviation from the provisions of Section 406.03–6 is authorized, applicable only to the New York Region, reading as follows: (Effective October 20, 1939)

Notwithstanding the provisions of Section 406.03–6 (and in addition to the authority for settlements of property damage claims, or of other items now included in Section 406.03–6), the Regional Counsel at New York, with the approval of the Regional Manager at New York, may settle, adjust or compromise any personal injury claims made against the Corporation in Region No. 1, provided such settlement can be made within a limit of $150.00, and provided further that no settlement shall be made where Regional Counsel is of the opinion there is no legal liability on the part of the Corporation. The original authorization settling such claim shall be furnished to the Regional Accountant, with a copy to the General Counsel.

The Regional Counsel and the Regional Manager shall make such reports of claims so handled as shall be required by the General Counsel or General Manager, respectively.

(This should be inserted and appropriately identified as a footnote to the last paragraph of Section 406.03–6)

(Above procedure promulgated by General Counsel with the approval of the General Manager pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-3994; Filed, October 28, 1939; 11:53 a. m.]

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[Administrative Order No. 225]

PART 406—LEGAL

CONVERSION OF INSTALLMENT CONTRACTS INTO SECURITY INSTRUMENTS—NEW YORK

Amending Part 406 of Chapter IV, Title 24 of the Code of Federal Regulations.

By special Administrative Order, a deviation is authorized from the provisions of Sec. 406.16–11 of the Code, which is applicable only to the Counties of Kings, Queens, Bronx, New York, Richmond and Westchester, in the State of New York, which special order reads as follows: (Eff. October 3, 1939)

When, in the judgment of the New York Regional Counsel, it is to the best interests of the Corporation so to do, he, or at his direction, salaried personnel of the Legal Department of the New York Regional Office, may close and duly report transactions effecting the conversion of installment contracts or similar instruments into mortgages and bonds or other security instruments on properties situated in the following Counties in New

York: Kings, Queens, Bronx, New York, Richmond and Westchester, without reference to approved attorneys or title companies.

Except as is herein otherwise provided, the provisions of Manual article 616–11 shall remain in full force and effect within the State of New York.

(This should be inserted and appropriately identified as a foot note to Sec. 406.16–11)

(Above procedure promulgated by General Counsel with the approval of the General Manager pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CARLSEN,
*Assistant Secretary.*

[F. R. Doc. 39–3995; Filed, October 28, 1939; 11:53 a. m.]

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PART 410—PURCHASE AND SUPPLY

SALES OF NON-EXPENDABLE AND EXPENDABLE PROPERTY

Amending Part 410 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 410.06 is amended to read as follows:

Sale of non-expendable property and sale or other disposition of expendable property (including waste paper) may be made by the Director of the Purchase and Supply Section with the prior approval of the General Manager. The General Manager shall render monthly reports to the Board of Directors covering all such transactions. The provisions of this Section shall not apply to obsolete forms or to law books, law periodicals, law publications, and like materials for law libraries.

(Effective October 16, 1939)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Adopted by the Federal Home Loan Bank Board on October 9, 1939.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39–4000; Filed, October 28, 1939; 11:55 a. m.]

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[Administrative Order No. 1019]

PART 410—PURCHASE AND SUPPLY

SALES OF NON-EXPENDABLE AND EXPENDABLE PROPERTY

Amending Part 410 of Chapter IV, Title 24 of the Code of Federal Regulations.

Section 410.06–1 is amended to read as follows: (Effective date October 16, 1939)

Competitive bids for the sale of expendable property (including waste paper) and non-expendable property shall be obtained on Form 629. Bids for the sale of expendable property and waste paper shall be secured on a lump sum basis when feasible.

(Above procedure promulgated by General Manager with the approval of the General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39–4001; Filed, October 28, 1939; 11:55 a. m.]

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## TITLE 29—LABOR

### CHILDREN'S BUREAU

[Regulation No. 14]

CHILD LABOR

PART 402—ACCEPTANCE OF STATE CERTIFICATES

OCTOBER 26, 1939.

§ 402.1 *Designation of States.*[1] Pursuant to the provisions of section 401.5[2] I hereby designate the following States as States in which State age, employment, or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938:

| | |
|---|---|
| Alabama | Kansas |
| Arizona | Kentucky |
| Arkansas | Maryland |
| California | Massachusetts |
| Colorado | Michigan |
| Connecticut | Minnesota |
| Delaware | Missouri |
| District of Columbia | Montana |
| Florida | Nebraska |
| Georgia | New Hampshire |
| Illinois | New Jersey |
| Indiana | New Mexico |
| Iowa | New York |
| North Carolina | Tennessee |
| North Dakota | Utah |
| Ohio | Vermont |
| Oklahoma | Virginia |
| Oregon | Washington |
| Pennsylvania | West Virginia |
| Rhode Island | Wisconsin |
| South Dakota | Wyoming |

This designation shall be effective from November 1, 1939, until June 30, 1940.

[SEAL] KATHARINE F. LENROOT,
*Chief.*

[F. R. Doc. 39–4012; Filed, October 30, 1939; 12:19 p. m.]

[1] This regulation replaces sections 402.1 through 402.10, which were also designated as Child Labor Regulations Nos. 2, 4, 6, 7, 8, 9, 10, 11, 12, and 13, and were published in 3 F.R. 2500, 2533, 2627, 2693, and 2773, and 4 F.R. 382, 1667, 3328, 3339, and 3704, DI, respectively. Nos. 2 and 4 were republished in 4 F.R. 1391 DI.

[2] Section 5, Child Labor Regulation No. 1, "Certificates of Age," issued October 14, 1938, pursuant to the authority conferred by sections 3 (l) and 11 (b) of the Fair Labor Standards Act of 1938, published in 3 F.R. 2487 DI; republished in 4 F.R. 1361 DI.

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## TITLE 50—WILDLIFE

### BUREAU OF BIOLOGICAL SURVEY

PART 21—INDIVIDUAL NATIONAL WILDLIFE REFUGES: PACIFIC REGION

ORDER PERMITTING FISHING WITHIN THE COLD SPRINGS RESERVATION, OREGON

§ 21.171 Pursuant to section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222–16 U.S.C. 715i), as amended, and to the President's Reorganization Plan No. II, promulgated May 9, 1939, in accordance with the Reorganization Act of 1939 (Public No. 19, 76th Congress), it is hereby ordered that, until further notice, in accordance with the provisions of the regulations dated November 23, 1937,[1] for the administration of national wildlife refuges under the jurisdiction of the Bureau of Biological Survey, fishes may be taken for noncommercial purposes, and by hook and line only, from the waters of the Cold Springs Reservation, Oregon, subject to conditions and restrictions herein specified.

§ 21.171 (a) *Waters open to fishing.* All waters within the reservation shall be open to fishing insofar as such fishing is not inconsistent with the primary object for which the reservation was established. No fishing of any kind will be permitted within the reservation during the migratory-waterfowl hunting season. In the event that the Chief of the Bureau of Biological Survey shall find that fishing in any of these waters is unduly depleting any species of fishes therein or is interfering with the use of any particular waters by migratory birds or other wildlife, he may suspend the privilege of fishing in such waters pending final determination by the Secretary of the Interior.

§ 21.171 (b) *State fishing laws.* Any person who fishes within the reservation must comply with the applicable fishing laws and regulations of the State of Oregon, and in the absence of a State law or regulation in respect to the fishing season and the number and size of fishes that may be taken the Chief of the Bureau of Biological Survey may fix such seasons and limits.

[1] 2 F.R. 2537 (2951 DI).



§ 21.171 (c) *Fishing permits.* Any person exercising the privilege of fishing within the reservation shall be in possession of a valid fishing license issued by the State of Oregon, if such license is required, and shall carry such license on his person while fishing, and when requested to do so shall exhibit it to any representative of the State Game Commission of the State of Oregon authorized to enforce the game and fish laws of the State or to any representative of the Bureau of Biological Survey.

§ 21.171 (d) *Routes of travel.* Persons entering the reservation for the purpose of fishing shall follow such routes of travel as shall from time to time be designated by the officer in charge of the reservation.

§ 21.171 (e) *Use of motor boats.* The use of motor boats, either inboard or outboard, is prohibited on all waters of the reservation except for official purposes.

Approved: October 19, 1939.

E. K. BURLEW,
*Acting Secretary of the Interior.*

[F. R. Doc. 39–3986; Filed, October 28, 1939; 9:17 a. m.]

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PART 21—INDIVIDUAL NATIONAL WILDLIFE REFUGES: PACIFIC REGION

ORDER PERMITTING FISHING WITHIN THE MCKAY CREEK BIRD REFUGE, OREGON

§ 21.623 Pursuant to section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222–16 U.S.C. 715i), as amended, and to the President's Reorganization Plan No. II, promulgated May 9, 1939, in accordance with the Reorganization Act of 1939 (Public No. 19, 76th Congress), it is hereby ordered that, until further notice, in accordance with the provisions of the regulations dated November 23, 1937,[1] for the administration of national wildlife refuges under the jurisdiction of the Bureau of Biological Survey, fishes may be taken for noncommercial purposes, and by hook and line only, from the waters of the McKay Creek Bird Refuge, Oregon, subject to conditions and restrictions herein specified.

§ 21.623 (a) *Waters open to fishing.* All waters within the refuge shall be open to fishing insofar as such fishing is not inconsistent with the primary object for which the refuge was established. No fishing of any kind will be permitted within the refuge during the migratory-waterfowl hunting season. In the event that the Chief of the Bureau of Biological Survey shall find that fishing in any of these waters is unduly depleting any species of fishes therein or is interfering with the use of any particular waters by migratory birds or other wildlife, he may suspend the privilege of fishing in such waters pending final determination by the Secretary of the Interior.

§ 21.623 (b) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Oregon, and in the absence of a State law or regulation in respect to the fishing season and the number and size of fishes that may be taken the Chief of the Bureau of Biological Survey may fix such seasons and limits.

§ 21.623 (c) *Fishing permits.* Any person exercising the privilege of fishing within the refuge shall be in possession of a valid fishing license issued by the State of Oregon, if such license is required, and shall carry such license on his person while fishing, and when requested to do so shall exhibit it to any representative of the State Game Commission of the State of Oregon authorized to enforce the game and fish laws of the State or to any representative of the Bureau of Biological Survey.

§ 21.623 (d) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as shall from time to time be designated by the officer in charge of the refuge.

§ 21.623 (e) *Use of motor boats.* The use of motor boats, either inboard or outboard, is prohibited on all waters of the refuge except for official purposes.

Approved, October 23, 1939.

E. K. BURLEW,
*Acting Secretary of the Interior.*

[F. R. Doc. 39–4005; Filed, October 30, 1939; 9:31 a. m.]

[1] 2 F.R. 2537 (2951 DI).

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## *Notices*

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective October 31, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued, and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM

Harwood Manufacturing Corporation, Marion, Virginia.

S. Liebovitz & Sons, Inc., Mercersburg, Pennsylvania.

S. Liebovitz & Sons, Inc., Salisbury, Maryland.

Linda Lee Manufacturers, Inc., 350 Douglas Road, Coral Gables, Florida (2 learners).

Newton Glove Manufacturing Company, Ashe Avenue, Newton, North Carolina.

Nora Lee Lingerie Company, Church Street, Granville, New York (5 learners).

Signed at Washington, D. C., this 30th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39–4013; Filed, October 30, 1939; 12:34 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 31, 1939, to April 30, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certifi-

cates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Oscar Nebel Company, Staunton, Virginia, 11.

Oscar Nebel Co., Inc., Verona, Virginia, 21.

Oscar Nebel Company, Winchester, Virginia, 29.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 30th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4014; Filed, October 30, 1939; 12:34 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective October 31, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Aberle, Inc., Philadelphia, Pennsylvania (12 learners).

Collegedale Hosiery Mill, Collegedale, Tennessee (60 learners).

Colonial Knitting Mills, Inc., Clearfield & B Streets, Philadelphia, Pennsylvania (2 learners).

Doster Hosiery Mill, Milton, Delaware (5 learners).

Fulton Silk Hosiery Mills, Inc., 509 Fulton Street, Indianapolis, Indiana (5 learners).

Hagerstown Hosiery Company, Inc., Hagerstown, Maryland (2 learners).

Knitwell Hosiery Mills, Inc., Montgomeryville, Pennsylvania (5 learners).

Mayfair Hosiery Finishers, Inc., Chester, Pennsylvania (5 learners).

National Silk Hosiery Mills, Inc., 502 North Davidson Street, Indianapolis, Indiana.

O. E. Kearns & Son, Inc., South Hamilton Street, High Point, North Carolina.

Saybrook Hosiery Company, Williamstown, New Jersey (5 learners).

Sportswear Hosiery Mills, Philadelphia, Pennsylvania.

Thompson Hosiery Mills, Milroy, Pennsylvania (5 learners).

Wel-Wear Hosiery Mill, Oley, Pennsylvania (2 learners).

York United Hosiery, Inc., York, Pennsylvania (5 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 30th day of October 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4015; Filed, October 30, 1939; 12:34 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5780]

IN RE APPLICATION OF BROADCASTING CORPORATION OF AMERICA (NEW)

*Dated, April 17, 1939, for Construction Permit; Class of Service, Broadcast; Class of Station, Broadcast; Location, Riverside, Calif.; Operating Assignment Specified: Frequency, 1390 kc.; Power, 1 kw. Night, 1 kw. Day; Hours of Operation, Unlimited (Contingent on Grant of Application of KOY for New Frequency)*

[File No. B5-P-2296]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, financial, technical and other qualifications of the applicant to construct and operate the proposed station;

2. To determine the type of program service the applicant proposes to render;

3. Because of the pendency of other applications with which conflict may be had by reason of interference, i. e., Richard T. Sampson (B5-P-2393); Mollin Investment Company (B5-P-2464); and Merced Broadcasting Co. (KYOS) (B5-P-2545) and

4. To determine whether public interest, convenience and necessity would be better served by the granting of the above application or the application of Richard T. Sampson (B5-P-2393) or the application of Mollin Investment Company (B5-P-2464), or by the denial of all of said applications.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Broadcasting Corporation of America,
Evans Building,
Riverside, Calif.

Dated at Washington, D. C. October 26, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4002; Filed, October 28, 1939; 12:15 p. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3839]

IN THE MATTER OF PRUDENTIAL SALES CORPORATION, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, November 24, 1939, at ten o'clock in the forenoon of that day (central standard time) in the Knickerbocker Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3988; Filed, October 28, 1939; 11:08 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3845]

IN THE MATTER OF ROSE GREENBERG, INDIVIDUALLY, AND TRADING AS CENTRAL STATES SUPPLY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, November 13, 1939, at one o'clock in the afternoon of that day (central standard time) in Room 208, Federal Building, Minneapolis, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3989; Filed, October 28, 1939; 11:08 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3855]

IN THE MATTER OF U-NEED CANDY COMPANY, INC., A CORPORATION, AND LOUIS J. WEGER, MRS. LOUIS J. WEGER, AND CHARLES R. HOSEY, INDIVIDUALS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Saturday, November 25, 1939, at ten o'clock in the forenoon of that day (central standard time) in Room 209, Federal Building, South Bend, Indiana.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3990; Filed, October 28, 1939; 11:08 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3882]

IN THE MATTER OF UNIVERSAL INDUSTRIES, INC., A CORPORATION, AND ABRAHAM LEONARD KOOLISH, MRS. IDA B. KOOLISH AND GEORGE WILLIAM EHRLICH, INDIVIDUALLY AND AS OFFICERS AND DIRECTORS OF UNIVERSAL INDUSTRIES, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, November 22, 1939, at ten o'clock in the forenoon of that day (central standard time) in the Knickerbocker Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-3991; Filed, October 28, 1939; 11:09 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of October, A. D., 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3902]

IN THE MATTER OF MARTIN BENJAMIN ROTHMAN, AN INDIVIDUAL, TRADING AS ESQUIRE PRODUCTS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, November 17, 1939, at ten o'clock in the forenoon of that day (central standard time) in the Knickerbocker Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3992; Filed, October 26, 1939; 11:09 a. m.]

## INTERSTATE COMMERCE COMMISSION.

### CANCELATION OF PARTICIPATION IN AGENCY TARIFFS

OCTOBER 30, 1939.

*To All Motor Carriers Subject to Section 217 of the Motor Carrier Act, 1935:*

So many tariff complications and possibly unwitting violations of the law result from the cancelation of the participation of motor carriers in agency tariffs, including classification publications, that it is necessary to call the attention of all interstate common carriers by motor vehicle and their publishing agents to their obligations in this respect.

The law requires that all common carriers shall file with the Commission, and keep open to public inspection tariffs containing all their rates, fares, and charges for transportation and all services in connection therewith. Many carriers have complied with this obligation by participating in agency tariffs filed by agents who act in accordance with the by-laws of bureaus, conferences, or other organizations of motor carriers. Upon failure of a carrier to pay the established dues of such organization, or to comply with the by-laws, in many instances the agent proceeds to cancel the carrier's participation in the agency issues. Such cancelation makes the use of rates in such tariffs by that carrier unlawful. It is likewise unlawful for common carriers to perform interstate transportation without lawful rates on file covering the services performed. Therefore, the carrier must arrange to establish, effective on the same date that its participation in the agency issue is canceled, rates for the transportation services which it may lawfully perform and for which it does not otherwise have rates filed.

An individual carrier may publish its own tariffs to take the place of those formerly published by its agent, or it may arrange to have its rates published by another agent, or republished by the agent who canceled them.

A tariff containing a classification of commodities is actually a part of any class rate tariff which is made subject to such classification tariff. Therefore, a carrier that is a party to a rate tariff which refers to a classification tariff must also be a party to the classification tariff.

If a carrier's participation in a classification tariff is canceled, that carrier's class rate tariff then becomes incomplete because there is no proper method of determining the commodities upon which the various class rates apply. Therefore, if a carrier's participation in the classification tariff is canceled, it is necessary that the carrier publish an individual classification of commodities, or arrange for participation in some other classification tariff, or be reinstated in the tariff from which it has been canceled. In instances where a carrier elects to use a different classification, it will be necessary for the carrier to correct each of its class rate tariffs to provide reference to the new classification tariff to which the rate tariffs are made subject.

It should not be assumed that the Commission will grant special permission for the reestablishment of canceled carrier rates or reinstatement of canceled carrier participation in agency issues on short notice when the carrier's participation has been canceled because of a controversy between a carrier and its agent, bureau, or association. Therefore, any agent who proposes to cancel the participation of a carrier in his class tariff or classification should notify the carrier of such proposed cancelation sufficiently in advance of the effective date thereof to permit the carrier to file an individual tariff or arrange with another agent for the publication of its rates on full statutory notice, effective on the same date as that of cancelation. The agent should also furnish the carrier with a sufficient number of copies of the canceling publication to permit proper posting.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39-4016; Filed, October 30, 1939; 12:36 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1939.

[File No. 32-168]

### IN THE MATTER OF NEW YORK POWER AND LIGHT CORPORATION

SUPPLEMENTAL ORDER, INTERVENTION IN PROCEEDING, ETC.

New York Power and Light Corporation, a direct subsidiary of Niagara Hudson Power Corporation, and an indirect subsidiary of The United Corporation, a registered holding company, having filed an amended application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for the exemption from the provisions of Section 6 (a) thereof of the issue and sale by New York Power and Light Corporation of $66,582,000 principal amount of its First Mortgage Bonds, 3¾% Series due 1964, to a group of thirteen insurance companies, said bonds to be issued under the Indenture securing New York Power and Light Corporation's presently outstanding First Mortgage Bonds, 4½% Series due 1967, and a Supplemental Indenture dated as of August 1, 1939;

A reconvened public hearing on the amended application having been duly held after appropriate notice; Niagara Hudson Power Corporation having filed an application to intervene in the proceeding; no representatives of investors or consumers or members of the public having appeared or requested an opportunity to be heard; applicant having waived a Trial Examiner's report, submission to it of proposed findings of fact by the Commission or requested findings of fact by counsel to the Commission, and the right to file briefs and make oral argument before the Commission prior to the making of the Commission's findings herein and the entry of this order; and the Commission having as of the date hereof made and filed its findings herein;

*It is ordered*, That the application of Niagara Hudson Power Corporation to intervene as a party in this proceeding be and hereby is granted;

*It is further ordered*, That the said issue and sale by New York Power and Light Corporation of its First Mortgage Bonds, 3¾% Series due 1964 in the proposed amount as set forth above be and the same hereby are exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

(1) That the issue and sale by New York Power and Light Corporation of its Bonds of the 3¾% Series due 1964, and other aspects of its refunding program, will be effected in accordance with the terms and conditions of, and for the purposes represented by, its application, as amended, and in accordance with the terms and conditions of the order dated October 4, 1939 of the Public Service Commission of the State of New York as amended by the further order dated October 18, 1939;

(2) That if the express approval of the Public Service Commission of the State of New York of the issue and sale by New York Power and Light Corporation of its Bonds of the 3¾% Series due 1964, shall be revoked or otherwise terminated in whole or in part, this approval of the said transaction shall immediately terminate to the same extent without further order of this Commission;

(3) That within 10 days after consummation of said issue and sale by New York Power and Light Corporation of its Bonds of the 3¾% Series due 1964 and the acquisition by said Corporation of Bonds of the 4½% Series due 1967, respectively, said Corporation shall file with this Commission Certificates of Notification showing that the transactions have been effected in accordance with the terms and conditions of, and for the purposes represented by, said Corporation's application and in accordance with the terms and conditions of the order dated October 4, 1939, of the Public Service Commission of the State of New York as amended by the further order dated October 18, 1939; and

(4) That New York Power and Light Corporation and Niagara Hudson Power Corporation shall not, without the consent of this Commission, withdraw the applications filed with this Commission regarding the issuance and acquisition of 192,105 additional shares of no par common stock of New York Power and Light Corporation in elimination of its open account indebtedness of $20,550,000 owed to the Niagara Hudson Power Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4006; Filed, October 30, 1939; 11:15 a. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of October, A. D. 1939.

[File No. 32-179]

### IN THE MATTER OF PORTLAND GAS & COKE COMPANY

ORDER GRANTING EXEMPTION

Portland Gas & Coke Company, a subsidiary company of American Power & Light Company, a registered holding company, and an indirect subsidiary company of Electric Bond and Share Company, a registered holding company, having duly filed with this Commission an amended application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of the Act with respect to (1) the extension for ten years of the maturity of $9,674,000 principal amount of its First and Refunding Mortgage Five Per Cent Gold Bonds, due January 1, 1940 (including $3,000,000 principal amount pledged as collateral under the company's First Lien and General Mortgage) and $3,000,000 principal amount of its First Lien and General Mortgage Gold Bonds, Series of "4½s Due 1940", and (2) the issuance and sale of 6,000 additional shares of common stock to American Power & Light Company for a cash consideration of $600,000; and

A hearing on said amended application having been duly held after appropriate notice; the record in this matter having been duly examined; and the Commission having made and filed its findings herein:

*It is ordered*, That the extension of maturity of the aforesaid bonds and the issue and sale of the aforesaid common stock be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

(1) That the transactions shall be executed in compliance with the terms and conditions of, and for the purposes represented by, the amended application; and

(2) That the exemption shall immediately terminate without further order of this Commission if, at any time, the authorization by the Public Utilities Commissioner of Oregon or by the Department of Public Service of Washington shall be revoked or shall otherwise terminate; and

(3) That any modification of the deposit agreement or extension plan or of the soliciting literature shall be submitted to the Commission in advance, and the Commission reserves jurisdiction to consider the terms thereof; and

(4) That any supplemental indentures to be executed in connection with the extension plan shall be submitted to the Commission prior to execution thereof, and the Commission reserves jurisdiction to consider the terms thereof; and

(5) That except as the Commission may by order or orders from time to time permit, so long as any of the First and Refunding Mortgage bonds or First Lien and General Mortgage bonds are outstanding, the applicant shall not, nor shall any successor or successors of applicant, declare or pay any dividends (other than dividends payable solely in shares of its stock) or make any other distribution on any shares of its preferred or common stock, or make any disbursement for the purchase or retirement of any of its stock, unless the amount expended or accrued by applicant (or any such successor or successors) for maintenance and repairs plus provisions for retirements out of income earned during the period from the close of business on December 31, 1939, to the date of the proposed payment of such dividend or making of such distribution or disbursement shall equal fifteen per cent. (15%) of the gross operating revenues of applicant (or any such successor or successors) during such period derived from the sale of gas after the deduction therefrom of an amount equal to the cost to applicant of gas purchased and resold, and rentals paid for gas generating, transmission or distribution properties leased by applicant, and payments by applicant for the use of similar properties operated and maintained by others during such period: *Provided, however*, That any transfers to the earned surplus of applicant from net income earned after December 31, 1939, over and above all such dividends, distributions, and disbursements (including the dividends then to be paid, or the distributions or disbursements then to be made) may be used as a credit to offset any deficiency in the amount expended or accrued for maintenance and repairs plus provisions for retirements out of income earned after December 31, 1939, in satisfying the aforementioned fifteen per cent. (15%) requirement; and

(6) That a copy of the findings and opinion of this Commission shall be furnished concurrently with each initial letter of solicitation transmitted to any bondholder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4007; Filed, October 30, 1939; 11:15 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1939.

[File No. 43-263]

### IN THE MATTER OF LOUISIANA ICE & ELECTRIC COMPANY, INC.

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on November 20, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 15, 1939.



Reference

The matter concerned herewith is in regard to the issue and sale by the declarant, a subsidiary of Utilities Stock & Bond Corporation, a registered holding company, of a First Mortgage Note in the principal amount of $50,000 to the Rural Electrification Administration, said note to bear interest at the rate of 2.73% per annum and to be amortized through monthly installments over a period of twenty years.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4009; Filed, October 30, 1939; 11:15 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of October, A. D. 1939.

[File No. 46-170]

IN THE MATTER OF THE MINNEAPOLIS GENERAL ELECTRIC COMPANY AND SUBSIDIARIES

ORDER AMENDING AN ORDER GRANTING APPLICATIONS, ETC.

The Commission having issued its order dated September 29, 1939, pursuant to Sections 6 (b), 7 and 10 of the Public Utility Holding Company Act of 1935 and Rules U-12D-1 and U-12F-1 promulgated thereunder, granting the applications therein described and permitting the declarations therein described to become effective;

The order having provided that the various transactions involved in the applications and declarations shall be carried out within thirty days; and

The applicants having advised the Commission that although some of the transactions involved in the applications and declarations have been completed, all of the transactions will not be completed within the time limit prescribed by the order; and having requested an extension of thirty days from and after October 28, 1939, in which to complete the transactions;

*It is ordered*, That an extension of thirty days from and after October 28, 1939, for the carrying out of the various transactions involved in the applications and declarations, be and the same hereby is granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4008; Filed, October 30, 1939; 11:15 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1939.

[File No. 47-48]

IN THE MATTER OF LEXINGTON UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 10 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on November 10, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 6, 1939.

The matter concerned herewith is in regard to the proposed acquisition by the applicant of all the assets, property and business of its wholly-owned subsidiary, Lexington Ice Company, upon the dissolution of the latter and the surrender for cancellation by applicant of the Ice Company's capital stock, which constitutes all of its outstanding securities. Such stock is pledged to secure applicant's outstanding First and Refunding Mortgage 5% Gold Bonds, due February 1, 1952. The application states that pursuant to the mortgage securing such bonds, given to Bankers Trust Company, as Trustee, the property of the ice company to be received by applicant will be subjected to the lien of said mortgage by the execution of a supplemental indenture.

Applicant is a subsidiary of Kentucky Utilities Company, a registered holding company, which in turn is a subsidiary of The Middle West Corporation, also a registered holding company.

It is stated in the application that the foregoing transactions will be consummated prior to the proposed liquidation of applicant and the distribution of its assets to Kentucky Utilities Company, as set forth in a declaration and applications now pending before the Commission (File No. 46-175), hearing on which has been ordered held on November 3, 1939, at 10:00 A. M., at the Commission's offices in Washington, D. C.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4010; Filed, October 30, 1939; 11:16 a. m.]

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Reference

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THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET

# FEDERAL REGISTER

OF THE UNITED STATES — 1934

VOLUME 4 NUMBER 211

*Washington, Wednesday, November 1, 1939*

## The President

THANKSGIVING DAY—1939

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate Thursday, the twenty-third of November 1939, as a day of general thanksgiving.

More than three centuries ago, at the season of the gathering in of the harvest, the Pilgrims humbly paused in their work and gave thanks to God for the preservation of their community and for the abundant yield of the soil. A century and a half later, after the new Nation had been formed, and the charter of government, the Constitution of the Republic, had received the assent of the States, President Washington and his successors invited the people of the Nation to lay down their tasks one day in the year and give thanks for the blessings that had been granted them by Divine Providence. It is fitting that we should continue this hallowed custom and select a day in 1939 to be dedicated to reverent thoughts of thanksgiving.

Our Nation has gone steadily forward in the application of democratic processes to economic and social problems. We have faced the specters of business depression, of unemployment, and of widespread agricultural distress, and our positive efforts to alleviate these conditions have met with heartening results. We have also been permitted to see the fruition of measures which we have undertaken in the realms of health, social welfare, and the conservation of resources. As a Nation we are deeply grateful that in a world of turmoil we are at peace with all countries, and we especially rejoice in the strengthened bonds of our friendship with the other peoples of the Western Hemisphere.

Let us, on the day set aside for this purpose, give thanks to the Ruler of the Universe for the strength which He has vouchsafed us to carry on our daily labors and for the hope that lives within us of the coming of a day when peace and the productive activities of peace shall reign on every continent.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of October, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2373]

[F. R. Doc. 39-4027; Filed, October 31, 1939; 12:26 p. m.]

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ENLARGING THE BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT, COLORADO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that certain lands adjoining the Black Canyon of the Gunnison National Monument in Colorado are required for the proper care, protection and management of the objects of scientific interest situated on lands within the said monument; and

WHEREAS it appears that it would be in the public interest to reserve the aforesaid lands as a part of the said monument:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by the act of June 8, 1906 (ch. 3060, 34 Stat. 225; U.S.C., title 16, sec. 431), do proclaim that, subject to all valid existing rights,

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FEDERAL REGISTER

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the following-described lands in Colorado are hereby added to and made a part of the Black Canyon of the Gunnison National Monument:

NEW MEXICO PRINCIPAL MERIDIAN

T. 49 N., R. 7 W.,
sec. 2, SW¼;
sec. 3, lots 1, 2, 7 and 8;
sec. 5, lots 4, 5 and 12;
sec. 6, lots 1, 2, 7, 8, 9 and 10;
T. 50 N., R. 7 W.,
sec. 19, SW¼NE¼;
sec. 31, SE¼;
T. 50 N., R. 8 W.,
sec. 3, All;
sec. 9, W½;
sec. 14, S½SW¼;
sec. 15, SE¼SW¼, W½SW¼; S½SE¼;
sec. 16, NW¼, E½SE¼, NW¼SE¼;
sec. 17, E½NE¼, NW¼NE¼;
sec. 22, N½NE¼;
sec. 23, NW¼;
sec. 35, NW¼NE¼, N½NW¼;
containing 2760 acres more or less.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of this monument as provided in the act of Congress entitled "An Act To establish a National Park Service, and for other purposes," approved August 25, 1916 (ch. 408, 39 Stat. 535; U. S. C., title 16, secs. 1 and 2), and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 28" day of October, in the year of our Lord nineteen hundred and
[SEAL] thirty-nine and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President
CORDELL HULL
*The Secretary of State.*

[No. 2372]

[F. R. Doc. 39-4026; Filed, October 31, 1939; 12:26 p. m.]

## EXECUTIVE ORDER

EXTENSION OF TRUST PERIODS ON INDIAN LANDS EXPIRING DURING CALENDAR YEAR 1940

By virtue of and pursuant to the authority vested in me by section 5 of the act of February 8, 1887, 24 Stat. 388, 389, by the act of June 21, 1906, 34 Stat. 325, 326, and by the act of March 2, 1917, 39 Stat. 969, 976, it is hereby ordered that the periods of trust applying to any Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1940, be, and they are hereby, extended for a further period of 25 years from the date on which any such trust would otherwise expire.

This order is not intended to apply to any case in which the Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 28, 1939.*

[No. 8276]

[F. R. Doc. 39-4021; Filed, October 30, 1939; 2:41 p.m.]

## EXECUTIVE ORDER

TRANSFER OF JURISDICTION OVER CERTAIN LANDS FROM THE SECRETARY OF AGRICULTURE TO THE SECRETARY OF WAR

OKLAHOMA

WHEREAS certain lands in the State of Oklahoma within the hereinafter-described areas have been acquired or are in process of acquisition under the authority of the Emergency Relief Appropriation Act, approved April 8, 1935 (49 Stat. 115), in connection with the Cookson Hills (LA-OK 2) Land-Utilization and Land-Conservation Project of the Department of Agriculture; and

WHEREAS by Executive Order No. 7908,[1] dated June 9, 1938, all the right, title, and interest of the United States in such lands, acquired or in process of acquisition, was transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), and the related provisions of Title IV thereof; and immediately upon the acquisition of legal title to those lands now in process of acquisition the said order, by the terms thereof, will become applicable to all the additional right, title, and interest thereby acquired by the United States; and

WHEREAS it appears that the use of such lands as a military reservation would be in the public interest:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 32 of Title III of the said Bankhead-Jones Farm Tenant Act, and upon recommendation of the Secretary of Agriculture, it is ordered that all lands within the hereinafter-described areas acquired or in process of acquisition by the United States, together with the improvements thereon, be, and they are hereby, transferred from the Secretary of Agriculture to the Secretary of War for use as a military reservation: *Provided, however,* that the Secretary of Agriculture shall retain such jurisdiction over the lands now in process of acquisition by the United States as may be necessary to enable him to complete their acquisition.

MUSKOGEE COUNTY OKLAHOMA

*Indian Meridian*

T. 14 N., R. 20 E.,
sec. 5, those parts lying west of State Highway No. 10.
T. 15 N., R. 20 E.,
sec. 29, W½;
sec. 30, E½E½NE¼;
sec. 32, those parts lying west of State Highway No. 10.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 28, 1939.*

[No. 8277]

[F. R. Doc. 39-4022; Filed, October 30, 1939; 2:41 p. m.]

## EXECUTIVE ORDER

WITHDRAWING PUBLIC LAND AND WATER FOR NAVAL PURPOSES

ALASKA

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, and subject to the conditions

[1] 3 F.R. 1389 DI.



therein expressed, it is ordered as follows:

SECTION 1. The public land and water in the following described area in the Territory of Alaska are hereby withdrawn from settlement, location, sale, or entry and reserved for the use of the Department of the Navy for naval purposes:

The eastern portion of Kodiak Island, described by metes and bounds as follows: Beginning at a point at latitude 57°47'0" north, longitude 152°26'30" west, thence:

W. to latitude 57°47'0" north, longitude 152°36'0" west
S. to latitude 57°44'30" north, longitude 152°36'0" west
SW. to latitude 57°42'0" north, longitude 152°38'0" west
S. to latitude 57°39'30" north, longitude 152°38'0" west
E. to latitude 57°39'30" north, longitude 152°30'0" west
NE. to latitude 57°42'0" north, longitude 152°26'0" west
N. to latitude 57°44'0" north, longitude 152°26'0" west
NW. to latitude 57°47'0" north, longitude 152°26'30" west
to the point of beginning.

SECTION 2. This order supersedes Executive Order No. 7748[1] of November 20, 1937, reserving a certain area in Alaska for the use of the Navy Department for naval purposes.

SECTION 3. The reservation made by section 1 of this order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 28, 1939.*

[No. 8278]

[F. R. Doc. 39-4023; Filed, October 30, 1939; 2:41 p. m.]

## EXECUTIVE ORDER

DESIGNATION OF THE DIRECTOR OF THE BUREAU OF MINES TO ACT AS SECRETARY OF THE INTERIOR, OR AS UNDER SECRETARY, FIRST ASSISTANT SECRETARY, OR ASSISTANT SECRETARY OF THE INTERIOR

By virtue of and pursuant to the authority vested in me by section 179 of the Revised Statutes (5 U.S.C., sec. 6), I hereby authorize and direct Dr. John W. Finch, Director of the Bureau of Mines of the Department of the Interior, to perform the duties of the Under Secretary of the Interior, or the First Assistant Secretary of the Interior, or the Assistant Secretary of the Interior, during the absence or sickness from November 1 to November 30, 1939, inclusive, of the Under Secretary of the Interior, or the First Assistant Secretary of the Interior, or the Assistant Secretary of the Interior, and during the absence or sickness from November 1 to November 30, inclusive, of the Secretary of the Interior, the Under Secretary of the Interior, the First Assistant Secretary of the Interior, and the Assistant Secretary of the Interior, to perform the duties of the Secretary of the Interior.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*October 28, 1939.*

[No. 8279]

[F. R. Doc. 39-4024; Filed, October 30, 1939; 2:41 p.m.]

[1] 2 F.R. 2534.

## *Rules, Regulations, Orders*

## TITLE 19—CUSTOMS DUTIES

## BUREAU OF CUSTOMS

[T. D. 50000]

CUSTOMS REGULATIONS AMENDED

ARTICLES 236, 382, 443, 444, 508, 509, 591, 770, 812, 1258, 1262, AND 1369, OF THE CUSTOMS REGULATIONS OF 1937 AMENDED[1]

*To Collectors of Customs and Others Concerned:*

The Customs Regulations of 1937[2] are hereby amended as follows:

Paragraphs (b) to (m) of article 236 [Sec. 3.13 (b) to (l).] are redesignated paragraphs (c) to (n) [Sec. 3.13 (c) to (m).], and a new paragraph (b) is inserted, reading as follows:

"(b) [Sec. 3.13 (b).] Each manifest shall be presented in duplicate. The original will accompany the merchandise and the duplicate will be retained at the port of exit as a record of the transaction. (Sec. 554, 46 Stat. 743; 19 U.S.C. 1554)"

Paragraph (b) of article 382 [Sec. 7.17 (b).] is amended by adding at the end thereof the following sentence:

"Mail entries will not be issued for importations valued at $100 or less and addressed to institutions on such free list. (Secs. 498, 624, 46 Stat. 728, 759; 19 U.S.C. 1498, 1624)"

Paragraph (e) of article 443 [Sec. 8.42 (e).] is amended by deleting the last sentence and inserting in lieu thereof the following:

"The written demand shall include a statement that a written application for relief from the payment of the full liquidated damages may be filed with the collector within 60 days after the date of the demand. If such application is duly filed, the collector shall transmit the application, together with a full report of the facts in the case, to the Bureau of Customs for a decision as to the amount to be collected; otherwise appropriate steps shall be instituted to collect the full penalty of the bond. (See art. 1272 (a)) (Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)"

Paragraph (b) of article 444 [Sec. 8.43 (b).] is amended by deleting the words "30 days after the notice" in the third sentence, and inserting in lieu thereof the words "sixty days after the date of the notice." (Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

Paragraph (d) of article 508, as amended by T.D. 49658[3] [Sec. 8.100 (d).] is further amended by adding at the end thereof the following:

"In the case of preliminary processors, such as pullers, sorters, washers, scourers, and carbonizers, transfer certificates on customs Form 7531-A covering wool or hair processed and transferred by them may be accepted by the collector as abstracts of the manufacturing records, if the certificate (1) shows that the quantity of wool or hair transferred is the entire quantity of product obtained by the transferor from a particular lot of wool or hair received by him for processing, (2) contains, with respect to such lot, an abstract of the above-mentioned data, and (3) is supported by the affidavit prescribed in paragraph (e) of this article [section]. (Par. 1101; sec. 1, 46 Stat. 646, sec. 33, 52 Stat. 1090; 19 U.S.C. 1001, and Sup. IV)"

Paragraph (e) of article 509, as amended by T.D. 49658 [Sec. 8.101 (e).], is further amended by deleting the first sentence and substituting in lieu thereof the following two sentences:

"Wool or hair transferred by one bonded manufacturer, processor, or dealer to another manufacturer, processor, or dealer, shall be covered by a transfer certificate on customs Form 7531-A. Such certificates shall, in cases where the transfer is made by a dealer, be filed within thirty days after the date of the transfer, and, in cases where the transfer is made by a manufacturer or processor, shall be filed within the period allowed for the filing of the abstract on which the transfer is required to be reported. (Par. 1101: sec. 1, 46 Stat. 646, sec. 33, 52 Stat. 1090; 19 U.S.C. 1001, and Sup. IV)"

Article 591 [Sec. 10.14] is amended to read as follows:

"ART. 591. [Sec. 10.14] *Examination of seeds—Release under bond.* After samples of seed offered for importation into the United States from any foreign country have been drawn, such seed shall be admitted into the commerce of the United States only after the seed has been found to be neither adulterated nor unfit for seeding purposes within the meaning of the act and to have been colored as required by article 592, as amended [7 CFR 200.009]: *Provided, however,* That, if each and every container of such seed bears a sufficient mark of identification, collectors of cus-

[1] This document affects 19 CFR 3.13, 7.17, 8.42, 8.43, 8.100, 8.101, 10.14, 12.2, 13.9, 23.8, 23.12, and 24.10.

[2] 2 F.R. 1444, 1562, 1643.

[3] 3 F.R. 1808 DI.

toms may release shipments which have been sampled, pending examination and decision in the matter, upon the execution on the appropriate form of a customs single-entry or term bond, containing a condition for the redelivery of the seed, or any part thereof, upon demand of the collector of customs at any time, in such amount as is prescribed for such bonds in the customs regulations in force on the date of entry. Prior to being so admitted, the seed shall be kept intact and not tampered with in any way, or removed from the containers except under Government supervision. The bond shall be filed with the collector of customs, who, in case of default, shall take appropriate action to effect the collection of liquidated damages equal to the invoice value of the entire shipment, plus the estimated duties thereon, if any. (Sec. 1, 37 Stat. 506, 39 Stat. 453, sec. 1, 44 Stat. 325; 7 U.S.C. 111)"

Paragraph 770 (c) [Sec. 12.2 (c)] is amended by deleting the second sentence and substituting therefor the following:

"The bond shall contain added conditions providing that the importer shall hold the merchandise at the place to which it has been removed for examination until it has been released from customs custody; that, if such merchandise has been corded and sealed, the cords and seals shall be kept intact until removed by customs officers; and that the importer shall transfer the merchandise, at any time before such release, to such place as the collector may direct. (Sec. 499, 46 Stat. 728, sec. 15, 16 (a), 52 Stat. 1084; 19 U.S.C. 1499 and Sup. IV. Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)"

The form of added bond conditions prescribed by T.D. 49206 is hereby amended to read as follows:

There are hereby incorporated in and made a part of the bond No. ----, dated ----------, in the penal sum of ------, executed by ----------, as principal, and ----------, as surety, the following added conditions:

Whereas, the principal named in the said bond has requested that the merchandise covered by entry No. ----, dated ----------, in connection with which the above bond was given, be examined elsewhere than at the public stores, wharf, or other place in charge of a customs officer, in accordance with article 770, Customs Regulations of 1937, the obligors named in the above bond stipulate and agree that the said merchandise shall be held at the place to which it will be removed for examination, until such merchandise shall have been released from customs custody by the completion of final examination for purposes of appraisement; that, if the merchandise has been corded and sealed, the cords and seals shall be kept intact until removed by customs officers; that the merchandise shall be transferred, at any time before such release, to such place as the collector of customs may direct; and that after such release it shall be redelivered to customs custody if demand for redelivery is made by the collector in accordance with the law and regulations; or in the event of failure to comply with any or all of the conditions contained in this stipulation, there shall be paid to the collector of customs an amount equal to the value of the merchandise as set forth in the entry, plus the estimated duty thereon.

Article 812 [Sec. 13.9] is amended by inserting a period after the word "entry" in the last sentence and deleting the words "when the shortage is one for which the bonded carrier is responsible under its bond." (Sec. 552, 46 Stat. 742; 19 U.S.C. 1552)

Paragraph (a) of article 1258 [Sec. 23.8 (a)] is amended by changing the period at the end of the first sentence to a comma and adding the following: "except as provided in article 1256 (b) [Sec. 23.6 (b)]. (Sec. 623, 46 Stat. 759, sec. 30, 52 Stat. 1089; 19 U.S.C. Sup. IV, 1623. Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)"

Paragraph (d) of article 1262 [Sec. 23.12 (d)] is amended to read as follows:

"(d) [Sec. 23.12 (d)] Whenever a bond is executed in a customs district other than the one in which it is to be filed, the bond may be approved as to surety by the collector of customs in the district in which it was executed if evidence of the authority of the officers or agents executing the bond on behalf of the surety is on file in his office. If the bond is not to be approved by the collector in whose district it is executed, the authority of the person or persons executing the bond on behalf of the company must be completed, as provided in the preceding paragraph of this section, and attached to the bond, unless such evidence has been submitted to the collector at the port where the bond is to be approved and filed. (Sec. 623, 46 Stat. 759, sec. 30, 52 Stat. 1089; 19 U.S.C. Sup. IV, 1623. Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)"

Paragraph (d) of article 1369, as amended by T.D. 49543 and T.D. 49784[4] [Sec. 24.10 (d)], is further amended by deleting the subparagraph relating to "cheese known as Pecorino Romano Sardo and Pecorino Genuino Romano", and substituting therefor the following:

"Cheese known as Pecorino Romano Sardo and Pecorino Genuino Romano: Allow 2½ per centum from net weight of cheese for inedible protective covering in computing dutiable weight. Cheese known as Italian Reggiano: Allow 1 per centum from net weight of cheese for inedible protective covering in computing dutiable weight. (Sec. 507, 46 Stat. 732; 19 U.S.C. 1507)"

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

Approved, October 26, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4020; Filed, October 30, 1939; 1:55 p. m.]

[4] 4 F.R. 410 DL.

## TITLE 24—HOUSING CREDIT

## HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 213]

### PART 406—LEGAL

### SETTLEMENT OF CLAIMS UNDER REDEMPTION BONDS IN MISSOURI

Amending Part 406 of Chapter IV, Title 24 of the Code of Federal Regulations.

A deviation from the provisions of Section 406.03–6 is authorized, applicable only to Missouri, reading as follows:

Notwithstanding the provisions of Section 406.03–6, the Regional Counsel at Memphis, with the approval of the Regional Manager at Memphis, may settle, adjust or compromise any claim which has accrued or may accrue to the Corporation under any redemption bond accepted by the Corporation pursuant to the law of Missouri when it is proposed that as a condition of the sale of its property the Corporation cancel such redemption bond or release any right accrued or to accrue to it under such bond, and no offer to purchase Corporation property in Missouri or other agreement which provides for any such cancellation or release shall be executed on behalf of the Corporation unless such cancellation or release is in pursuance of a settlement, adjustment or compromise arrived at under authority of this order or of Section 406.03 (c). In such cases, the Regional Counsel shall ascertain the amounts of any attorneys' fees and costs payable by the Corporation in connection with any action begun under such redemption bond and such amounts shall be considered in arriving at any settlement, adjustment or compromise hereunder. (Effective June 24, 1939)

(This should be inserted and appropriately identified as a footnote to the last paragraph of Section 406.03–6.)

(Above procedure promulgated by General Counsel with the approval of the General Manager pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k))

Promulgated by the General Manager and General Counsel of Home Owners' Loan Corporation.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 39-4018; Filed, October 30, 1939; 1:09 p. m.]



## TITLE 31—MONEY AND FINANCE: TREASURY

## ACCOUNTS AND DEPOSITS—BOOKKEEPING AND WARRANTS

[1939—Department Circular 327, Rev.]

### REGULATIONS AND INSTRUCTIONS GOVERNING THE ISSUANCE OF DUPLICATE CHECKS[1]

OCTOBER 27, 1939.

The following Regulations and Instructions[2] governing the issuance of duplicates of checks drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, are hereby established pursuant to the provisions of Section 3646 of the Revised Statutes of 1873 as amended by Section 9 of the Government Losses in Shipment Act approved July 8, 1937, 50 Stat. 482 (U.S.C., Sup. IV, title 31, sec. 528), and by the Act approved August 10, 1939 (Pub. No. 378, 76th Cong., 1st Sess.), and Section 3647 of the Revised Statutes of 1873, as amended (U.S.C. title 31, sec. 119). The requirements contained herein must be strictly observed except as the Secretary of the Treasury, being satisfied that observance thereof is not necessary to carry out the purposes of the law and these regulations may waive or modify any such requirement.

#### GENERAL REGULATIONS

1. *Advice of nonreceipt or loss.* In the event of the nonreceipt or loss of such a check, the owner, better to protect his interest, should immediately notify the Treasurer of the United States or other drawee, describing the check, stating the name of the officer or agent of the United States, the District of Columbia, the District Unemployment Compensation Board, or the corporation or entity, by whom the check was drawn, giving, if possible, its date, number, and amount, and requesting that payment be stopped.

Upon receipt of such request, if the check is found to be outstanding, a bond of indemnity (Form No. 2244 or 2244a), or in appropriate cases an application (Form 2244b or 2244c) will be prepared in the Treasurer's office and transmitted for execution by the claimant. The bond of indemnity or application, when duly executed according to instructions, must be transmitted to the drawer of the original check.

2. *Affidavit of nonreceipt or loss.* An affidavit in substantially the form prescribed, Form 2244, 2244a, 2244b, or 2244c,[3] as the case may be, must be executed by the claimant and submitted to the drawer of the original check, together with the bond of indemnity (Form 2244 or 2244a), or application (Form 2244b or 2244c), giving the claimant's name and residence in full, *describing the check, and all endorsements thereon, showing the claimant's interest therein and detailing the circumstances attending its nonreceipt or loss.* The affidavit must be made and signed before a notary public or other officer authorized by law to administer oaths for general purposes, who must certify that he administered the oath. If executed in a foreign country, the affidavit must be made before a notary public or before a diplomatic or consular officer of the United States.

If a corporation, joint stock company, business trust, or association is the claimant, an officer thereof must make and sign the affidavit individually, but on behalf of such corporation, joint stock company, business trust, or association.

If a partnership is the claimant, the instruction in the last sentence of paragraph 13 should be followed.

If the check is owned jointly, any joint owner having personal knowledge of the facts may execute the affidavit.

3. *Issuance of duplicate.* After the expiration of thirty days from the date of the original check, except in the case of certain mutilated checks mentioned hereinafter, and before the close of the fiscal year following the fiscal year in which it was issued, the drawer will prepare a duplicate, which must be an exact transcript of the original, special care being taken that the number, date and name of the payee correspond to those of the original. In the case of checks issued on account of public-debt obligations and transactions regarding the administration of banking and currency laws, duplicates may be issued without limitation of time. The drawer will then, without delay, forward the bond (Form 2244 or 2244a) or application (Form 2244b or 2244c) and the duplicate check to the Secretary of the Treasury (Division of Bookkeeping and Warrants). The bond or application and the information obtained shall be examined by the Division of Bookkeeping and Warrants, and if satisfactory, shall be approved and the duplicate check certified, by direction of the Secretary, by the Chief or the Assistant Chief, Division of Bookkeeping and Warrants. In the event the claimant is someone other than the payee of the original check, he should present clear and satisfactory evidence of his ownership to the Division of Bookkeeping and Warrants. Upon a finding by the Chief or the Assistant Chief of the Division that the claimant is the lawful owner of the original check, a duplicate may be issued to the claimant, payable to such claimant through an endorsement on behalf of the Secretary to that effect.

Certification of approval shall be made in writing on the application or bond as well as on the duplicate check. Any duplicate issued pursuant to these Regulations and Instructions, and certified as provided above, may, if properly endorsed, be paid subject to the same rules and regulations as apply to payment of original checks; but no duplicate shall be paid if the original has already been paid.

No bond of indemnity shall be required in any of the following classes of cases except as hereinafter provided:

(a) If the Secretary of the Treasury is satisfied that the loss, theft, destruction, mutilation, or defacement, as the case may be, occurred without fault of the owner or holder and while the check was in the custody or control of the United States including the Postal Service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, *but not including the Postal Service when otherwise acting solely in its capacity as a public carrier of the mail,* or of a person thereunto duly authorized as lawful agent of the United States; or while it was in the course of shipment effected pursuant to and in accordance with the regulations issued under the provisions of the Government Losses in Shipment Act, as amended;

(b) If substantially the entire check is presented and surrendered by the owner or holder and the Secretary of the Treasury is satisfied as to the identity of the check presented and that any missing portions are not sufficient to form the basis of a valid claim against the United States; and in such cases the 30-day waiting period provided herein is waived, and in cases where the circumstances justify such action a letter of application or submitted affidavit may be accepted in lieu of Form 2244b or 2244c;

(c) If the Secretary of the Treasury is satisfied that the original check is not negotiable and cannot be made the basis of a valid claim against the United States;

(d) If the amount of the check is less than $50, and the Secretary of the Treasury is satisfied that the giving of a bond of indemnity would be an undue hardship to the owner or holder; where the amount of the check is not more than $25, and the check has not been endorsed by the payee, it will ordinarily be presumed that the giving of a bond of in-

[1] The word "duplicate" as used herein means a "substitute, marked duplicate" as provided in section 9 of the Government Losses in Shipment Act approved July 8, 1937, 50 Stat. 482 (U.S.C., Sup. IV, title 31, sec. 528), as amended by the Act approved August 10, 1939, (Pub., No. 378, 76th Cong., 1st Sess.).

[2] This is a revision of Title 31, Part 204 of the Code of Federal Regulations.

[3] Filed as a part of the original document with the Division of the Federal Register; copies available upon application to the Treasury Department.

demnity would be an undue hardship to the owner;

(e) If the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank;

*Provided, however,* That in any of the foregoing classes of cases the Secretary of the Treasury may require a bond of indemnity if he deems it essential to the public interest.

In cases falling within the provisions of subsection (a), (b), except as hereinbefore provided, (c), (d), and (e) of this Section, application for the issuance of a duplicate check without a bond of indemnity shall be made on Form 2244b or 2244c. Additional affidavits and evidence may be required.

4. *In case the officer or agent of the United States is dead or no longer in the service of the United States.* In case of the loss of a check issued by an officer or agent, other than the Treasurer of the United States or the Secretary of the Treasury, who is dead or no longer in the service of the United States, the affidavit and bond required to be furnished by the owner of said check to an officer or agent in the service of the United States, prior to the issuance of a duplicate check, should be forwarded to the Secretary of the Treasury, who will refer them to the General Accounting Office for examination and the statement of an account in favor of the owner of said check, as provided in section 3647 of the Revised Statutes of 1873, as amended, and section 307 of the Act approved June 10, 1921, 42 Stat. 25 (U.S.C. title 31, sec. 47). Payment will then be made by a check issued pursuant to such statement of account.

5. *Recovery of original.* In the event of the recovery of the original check, after the issuance of the duplicate, it must be surrendered to the Secretary of the Treasury for cancellation. If the check has been recovered before the issuance of a duplicate, the Treasurer of the United States of other drawee should be immediately notified and removal of the stoppage requested.

6. *Errors, erasures, etc.* Care should be exercised in the execution of the bond to avoid erasures and corrections. If, however, a correction should be necessary, and it is impracticable to obtain another form, a separate notation should be made on the margin of the bond, setting forth the change or correction, which statement should be signed by principal and sureties. For example: "The change in the date, line 13, to August 18, 1937 (or recite other change) was made with full knowledge and consent of the undersigned ---------- (Principal) ---------- (Surety) ---------- (Surety)."

There shall be no deviation from the printed bond form, except as may be authorized by the Secretary of the Treasury.

7. *Penalty.* The penalty of the bond should be in multiples of five dollars, and shall be at least equal to the amount of the check, plus 10 percent, but in no case shall the bond be in an amount less than $10.

INSTRUCTIONS FOR EXECUTING BOND OF INDEMNITY

8. *Names and residence.* The name, including first name, middle initial, if any, and last name of the principal and each surety, together with their addresses, by number, street, city and State, must be given in the first paragraph of bond. The names and addresses should be printed or typewritten, or otherwise clearly written.

9. *Signature and seal.* The principal and each surety must sign the bond at the foot thereof, by first name, middle initial, if any, and last name, to correspond with his name as shown in the first paragraph of bond. A corporate principal or surety must affix its corporate seal.

10. *Witnesses.* The signature of a witness must appear in the appropriate place, with his full address, with a showing as to whose signature he has witnessed. Signatures of corporations may be attested. If the signature of a witness is illegible the name should be indicated by printing or typewriting. Married women should not witness the signatures of their husbands when forbidden by state statute to testify against their husbands in a civil suit.

11. *Corporation as principal.* If the principal is a corporation, the first and second lines of bond must be filled in thus: "(Name of corporation) ----------, by ---------- (an officer duly authorized)." The bond must be signed: "(Name of corporation) ----------, by ---------- (name and title of authorised officer)." Seal of the corporation must be affixed to its signature. If the corporation has no impression seal, the fact shall be stated, in which case a scroll or adhesive seal shall appear following the corporate signature.

The official character and authority of the person or persons executing the bond in the name of the principal shall be certified by the secretary or other officer (who shall be an officer other than the officer executing the bond) on the form at bottom of bond. In lieu of such certificate there may be attached to the bond copies of so much of the records of the principal as will show the official character and authority of the officer signing, duly certified as correct under the corporate seal by the secretary or other authorized officer as aforesaid. If the corporation has no seal, such records of authority must be sworn to by the certifying officer before a person authorized to administer oaths for general purposes, and such person must affix his seal.

12. *Unincorporated companies, joint stock companies, business trusts, societies, lodges, etc. as principal.* The instructions pertaining to corporations govern. See paragraph No. 11 of the Regulations and Instructions.

13. *Partnerships.* If the principals are partners, their individual names shall appear on lines one and two of bond, followed by the recital that they are all the partners composing a firm, naming it, and all the members of the firm shall sign the bond as individuals. (If it is inconvenient or impossible to obtain the signature of all members of the firm, consideration will be given to accepting a bond executed by one general partner on behalf of the firm, upon the production of satisfactory proof of the authority of such partner to bind the firm.) The affidavit may be executed by any general partner having personal knowledge of the facts.

14. *Assumed business title.* If the principal is doing business under an assumed business title, his individual name shall appear on line one of the bond, followed by the recital that he is the sole owner of the firm, naming it, and he shall sign the bond as an individual. He must also execute the affidavit as an individual, showing that he is the sole owner of the firm.

15. *Joint ownership.* If the check is owned jointly by two or more persons, all such joint owners must execute the bond as principal and execute the affidavit.

16. *Sureties.* The surety on the bond may be a corporation authorized by the Secretary of the Treasury, or two responsible individuals, unless the amount of the original check is less than $50, in which case one responsible surety may be accepted. The sureties, if individuals, must be citizens and residents of the United States, except that sureties on bonds executed in the Canal Zone, the Philippine Islands, Puerto Rico, Hawaii, Alaska, or any possession of the United States need not be citizens of the United States, but if not citizens of the United States they shall be domiciled in the place where the principal resides.

When the principal resides in a foreign country and it is impracticable to obtain citizens and residents of the United States as sureties, or a duly qualified corporate surety, other sureties may be accepted, provided their sufficiency as such is certified by a diplomatic or consular officer of the United States.

A firm, as such, will not be accepted as surety, nor a partner for co-partners.

When approved corporate surety or responsible individual sureties cannot be obtained, the Secretary of the Treasury will give consideration to the acceptance of other security.



17. *Sufficiency of sureties.* The sufficiency of individual sureties must be certified by one of the following-named officers: An executive officer of an incorporated bank or trust company, or manager of a branch thereof, over his official designation and seal of the bank or trust company; postmaster; judge or clerk of court; collector or deputy collector of internal revenue; collector or deputy collector of customs; United States commissioner; United States district attorney; assistant United States district attorney; United States marshal; notary public; justice of the peace; a commissioned officer of the Army, Navy or Marine Corps, or Coast Guard for sureties in the military, naval or coast guard service, respectively; an Army reserve officer in command at Civilian Conservation camps for sureties in the Civilian Conservation Corps; or a diplomatic or consular officer of the United States in case of sureties resident in foreign countries. This certificate must be made by a disinterested person.

Affidavits as to the financial qualifications of individual sureties may be required when deemed advisable.

18. This circular supersedes Treasury Department Circular No. 327,[1] dated October 16, 1937, and subsequent amendments thereto, and all previous regulations governing the issuance of duplicate checks. The Secretary of the Treasury may withdraw or amend at any time or from time to time any or all of the foregoing rules and regulations.

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4019; Filed, October 30, 1939; 1:55 p. m.]

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## PUBLIC DEBT SERVICE

[1939—Department Circular 624]

OFFERING OF RECONSTRUCTION FINANCE CORPORATION 1 PERCENT NOTES OF SERIES S, DUE JULY 1, 1942

OCTOBER 31, 1939.

### I. OFFERING OF NOTES

1. The Secretary of the Treasury, on behalf of the Reconstruction Finance Corporation, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the Reconstruction Finance Corporation, designated 1 percent notes of Series S. The amount of the offering is $250,000,000, or thereabouts.

### II. DESCRIPTION OF NOTES

1. The notes will be dated November 10, 1939, and will bear interest from that date at the rate of 1 percent per annum, payable on a semiannual basis on January 1 and July 1 in each year until the principal amount becomes payable. They will mature July 1, 1942, and will not be subject to call for redemption prior to maturity.

2. The notes will be issued under authority of an act of Congress (known as "Reconstruction Finance Corporation Act") approved January 22, 1932, as amended and supplemented, which provides that the notes shall be fully and unconditionally guaranteed both as to interest and principal by the United States and such guaranty shall be expressed on the face thereof; and that they shall be exempt both as to principal and interest from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority. These notes shall be lawful investments, and may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof.

3. The authorizing act further provides that in the event the Reconstruction Finance Corporation shall be unable to pay upon demand, when due, the principal of or interest on notes issued by it, the Secretary of the Treasury shall pay the amount thereof, which is authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, and thereupon to the extent of the amounts so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such notes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000 and $100,000. The notes will not be issued in registered form.

### III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit but will be restricted in each case to an amount not exceeding one-half of the combined capital and surplus of the subscribing bank or trust company. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of notes applied for. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

### IV. PAYMENT

1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before November 10, 1939, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of notes applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

### V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, JR.,
*Secretary of the Treasury.*

[F. R. Doc. 39-4026; Filed, October 31, 1939; 11:36 a. m.]

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[1] 2 F.R. 2240.

## TITLE 50—WILDLIFE

## BUREAU OF BIOLOGICAL SURVEY

PART 30—ALASKA: INDIVIDUAL NATIONAL WILDLIFE REFUGES

REGULATIONS FOR THE ALEUTIAN ISLANDS RESERVATION, ALASKA

Pursuant to section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222–1224; 16 U.S.C., 715i), the act of June 28, 1906, as amended April 15, 1924, to protect wildlife and property on Federal reservations (43 Stat. 98; 18 U.S.C. 145), section 401 of the act of June 15, 1935, 49 Stat. 383, and the Alaska Game Law of January 13, 1925, as amended (43 Stat. 739, 46 Stat. 1170; 48 U.S.C. 192–211, 48 U.S.C. supp. 192–207), and by virtue of authority under Executive Order

No. 1733, of March 3, 1913, and the President's Reorganization Plan No. II, promulgated May 9, 1939, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939 (Public, No. 19—76th Congress), and otherwise, the following regulations are hereby prescribed, effective immediately, for the administration of the Aleutian Islands Reservation, Alaska, hereinafter referred to as the "reservation":

*Regulation 1*

§ 30.1 *Regulations for the Aleutian Islands Reservation, Alaska*—(a) *Protection of animals and birds and entry upon the reservation.* Entry upon any of the islands of the reservation and use thereof for purposes not inconsistent with the objects for which it was established, and not inconsistent with any outstanding permit issued hereunder, may be made, without permit, except that no person shall hunt, take, capture, kill, or wilfully disturb, at any time or in any manner, any wild animal or bird or any nest or egg of any bird within the reservation; utilize lands therein for fur farming or stock grazing; erect a building or other permanent structure on Unimak Island; own, possess, maintain, or harbor a dog on Unimak Island, or allow any dog owned, possessed, maintained, or harbored to run loose within the reservation at a distance of more than 1 mile from the center of any village therein, without a permit as herein provided from the Regional Director, Bureau of Biological Survey, Juneau, Alaska; and then with respect to the taking of game animals, land fur-bearing animals, and birds only in accordance with the Alaska Game Law of January 13, 1925, as amended: *Provided*, That no sheep or other livestock shall be introduced within the reservation under a grazing permit unless such stock is free of external parasites, including lice, scab mites, true ticks, and sheep ticks (*Melophagus ovinus*): *And provided further*, That no permit will be granted to engage in stock raising or fur farming to an alien individual or to a corporation or company more than 50 percent of which is owned by an alien or aliens.

*Regulation 2*

(b) *Permits.* Subject to existing law and to such regulations as the Secretary of the Interior may prescribe, revocable permits may be granted by said regional director when in his opinion the operations thereunder will not endanger the object for which the reservation was established, for such duration and subject to such limitations and conditions as he may prescribe, to take or capture wild animals or birds, or to utilize lands within the reservation for fur farming or stock grazing, or to erect a building or other permanent structure on Unimak Island, or to own or possess a dog on said island.

*Regulation 3*

(c) *Exemption.* No permit will be required of natives resident within the reservation to take or capture game animals, game birds, or land fur-bearing animals in the reservation in accordance with the Alaska Game Law, except that such natives other than the permittee may not take such animals or birds on islands held by any person under valid permit for fur farming, or except under permit on Unimak Island; and nothing herein shall be deemed to prevent a permittee who is raising sheep within the reservation from using dogs for herding, or a person who is legally on the reservation from using dogs as pack animals or for pulling sleds; but no person shall own, possess, maintain, or harbor a dog for any purpose on Unimak Island except under permit as herein provided.

*Regulation 4*

(d) *Applications for permits; fees.* Application for permits should be addressed to the Regional Director, Bureau of Biological Survey, Juneau, Alaska, and should contain the name (legibly written or printed), the post-office address, and the citizenship of the applicant, together with references as to his character, reliability, and resources; and if applicant is a corporation or company, the home address and the place and date of incorporation or organization, together with the names and addresses of its principal officers, and a sworn statement by a responsible officer of the percentage of alien ownership; and

If wild animals or birds are to be taken, the number of each species desired and whether for scientific, propagation, exhibition, or other purposes; or,

If it is desired to possess or maintain a dog or dogs on Unimak Island, the number, sex, name, and distinguishing characters or marks, if any, of each and the use to be made of such animal or animals; or,

If it is desired to construct a building, shed, or other structure on Unimak Island, information regarding the nature of the operations to be conducted; or,

If it is desired to use or occupy any island or part thereof, within the reservation for fur farming or livestock grazing, the name of the island, its location by approximate latitude and longitude, a description of its character, whether there are any native or aboriginal improvements on the island, or part thereof, applied for and, if so, to whom they belong and when last used; and the applicant should include also any information he has concerning the suitability of the island, or part thereof, for the purpose intended, stating his source of information regarding it and whether he has personally examined it, and should give the number of animals he proposes to place thereon and the date he expects or is prepared to begin operations; and,

Any other details or information necessary to give a clear understanding of the privileges the applicant desires to obtain.

For each permit to use an island in the reservation for fur-farming purposes, a fee of $25 per annum is prescribed, plus a fee of $1 for each fox pelt removed from the island; and within the discretion of the regional director, fees commensurate with the value of the concession will be charged for stock grazing on any island in the reservation, or for trapping, use, or occupancy of areas on Unimak Island, plus the fee of $1 for each fox pelt removed from Unimak Island.

All skins of foxes of any kind taken on or within the reservation shall be sealed with a metal seal of a type to be prescribed by the Chief of the Bureau of Biological Survey, which seal shall be attached to each skin by the refuge manager or the regional director before such pelt may be sold, transported, or removed from the reservation, or exported by any means from the Territory. No person shall detach any such seal from an Aleutian Island fox skin within the Territory of Alaska, and no seal shall be reused to authenticate an Aleutian Island fox skin. Any fox skin sold, transported, or removed from the reservation without being properly sealed as herein prescribed shall be seized by any officer or agent of the Federal Government or of the Alaska Game Commission authorized to enforce the provisions of the Alaska Game Law, the Lacey Act regulating interstate commerce in wild animals and birds, or parts thereof, or the laws and regulations governing this reservation or national wildlife refuges, and shall be forfeited under applicable laws and procedure.

*Regulation 5*

(e) *Remittance of fees.* Any fees accruing to the Department by virtue of uses under these regulations or from outstanding permits under previous regulations affecting the reservation shall be remitted to the Regional Director, Bureau of Biological Survey, Juneau, Alaska, by postal money order or bank draft made payable to said regional director. Remittance hereunder in form other than by postal money order or bank draft may be accepted by the said regional director at his discretion and upon his own responsibility, except that remittance in cash must not be accepted unless no other form of remittance is practicable.

*Regulation 6*

(f) *Transfer of permits.* No permit issued under the authority of the Department of the Interior or of these regulations for any area, use, purpose, or privilege in or concerning the reservation, or any island, or part thereof, shall be sold, bartered, exchanged, or transferred by the permittee to another, and no agreement to do so shall be entered into by the permittee, without first furnishing the said regional director with the full details of any such proposed transaction and obtaining his consent thereto, and no such arrangement shall become effective until the old permit has been surrendered for cancelation and a new permit subject to such conditions as he shall prescribe has been issued.

Nothing in these regulations and no permit issued hereunder shall be construed to forbid or interfere with official operations within the reservation or on any island covered by a permit hereunder by employees or agents of the Bureau of Biological Survey, the Department of the Interior, or any other department, bureau, or agency of the Federal Government, and no charge, rental, fee, or compensation for such governmental activities or claim for damages shall lie or be made, or allowed any permittee hereunder, for or on account of such governmental use or activity.

*Regulation 7*

(g) *Revocation and renewal of permits.* All outstanding permits for fur or fox farming or other use or privilege on any island, or part thereof, of the reservation are hereby canceled and revoked, effective immediately. The regional director shall renew or reissue permits affecting only such islands and areas as shall have been determined by him with the approval of the Chief of the Bureau of Biological Survey to be more suitable for fox or fur farming or other uses than for wildlife conservation purposes, and in reassigning islands for fur and fox farming and other uses, primary consideration shall be given to the welfare of native villages and communities of the Aleutian Chain. Permits involving a native or native interest shall be issued or reissued only for the benefit of the community or village of which he is a member. The community or village to which any island heretofore under permit to a native for fox or fur farming or other interest is assigned shall make an equitable adjustment with such former permit holder for the stock, buildings, or improvements privately owned by such native and former permittee and taken over by said village or community; or such former permittee may make private sale of such private property, but no value shall be attached to his former status as a permittee either in such private sale or when such property is taken over by the village or community to which the island is assigned. In case of failure of a former permittee and the native village or community to which the island is assigned to arrive at a mutually satisfactory agreement on the value of such private property, the matter shall be referred to the regional director for decision. Any sale or agreement involving the transfer of fur animals, stock, improvements, or private property on or in connection with any island formerly under permit to an individual or organization other than a native or native village or community that has been turned over and reassigned to a native village or community shall be submitted to the regional director and shall be approved by him only after he has fully satisfied himself that the terms and conditions of such agreement or sale are not to the disadvantage of the native village and are not beyond its ability to fulfill.

*Regulation 8*

(h) *Cancelation of permits.* Any and every outstanding permit affecting the reservation or any permit issued or reissued hereunder is subject at all times to discretionary revocation and termination by the Secretary of the Interior.

The regional director may cancel any outstanding permit issued by, or under authority of, this Department for any use or privilege concerning the reservation upon the request of, or under mutual agreement with, the permittee; for failure of the permittee to report as required by the permit; for failure to stock an island under permit with the number of foxes or other animals as required by and within the terms of the permit; for abandonment of the area, purpose, use, or privilege covered by such permit; for the molesting by the permittee of native burying grounds or improvements or interfering with natives cultivating accustomed lands; or for any other good and sufficient reason.

An appeal may be taken from any administrative action or decision of the regional director upon filing with him a written request for reconsideration thereof or notice of appeal. The decision of said officer shall be final unless appeal is taken therefrom within 60 days. The decision of the regional director upon such an appeal shall be reviewed by the Chief of the Bureau of Biological Survey, and his decision reviewed by the Secretary of the Interior. In cases where delay would be prejudicial, the Secretary of the Interior will consider a direct appeal from any action of the regional director.

Unless the written notice of appeal contains an acceptable reason for allowing a longer time for the preparation of the case, the appellant shall file immediately a statement or brief setting forth in detail the particulars in which the action or decision from which appeal is taken is contrary to, or in conflict with, the law, the regulations of the Secretary of the Interior, or the determined facts. Upon receipt of such statement or brief, the regional director shall prepare a statement or brief reviewing the case and presenting the facts and considerations upon which his action or decision is based. The two statements or briefs, together with all papers comprising the record in the case, shall then be transmitted to the Chief, Bureau of Biological Survey, Washington, D. C., who will thereupon review the case and with the approval of the Secretary of the Interior advise both the appellant and the subordinate officer of the decision.

*Regulation 9*

(i) *Removal of property.* Upon the termination of any permit affecting the reservation by expiration or by forfeiture or cancelation thereof, pursuant to sections 30.1g and 30.1h (regulations 7 and 8), in the absence of an agreement to the contrary, if all fees due the Federal Government have been paid, the permittee may, within 90 days, remove all property, including foxes or fur-bearing animals, belonging to him, together with any buildings or improvements of any kind that may have been erected by him, provided that the regional director may, in his discretion, allow additional time necessary to complete any removal operation; but if not removed within 90 days or within the additional period specified by the regional director, such animals, buildings, and/or improvements shall become the property of the United States.

The regulations of the Secretary of Agriculture for the Aleutian Islands Reservation, Alaska, promulgated October 31, 1930 (S. R. A.—B. S. 74) are hereby revoked, effective immediately.

Approved October 20, 1939.

[SEAL] HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 39-4025; Filed, October 31, 1939; 9:11 a. m.]





## *Notices*

### DEPARTMENT OF AGRICULTURE.

#### Food and Drug Administration.

EFFECTIVE DATE OF CERTAIN LABELING PROVISIONS OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT TEMPORARILY POSTPONED IN CERTAIN CASES

OCTOBER 28, 1939.

*To whom it may concern:*

The following proposed regulation temporarily postponing the effective date of the labeling provisions of the Federal Food, Drug, and Cosmetic Act, pursuant to the authority of the Act of Congress approved June 23, 1939 (Public—No. 151—76th Congress), is announced for the purpose of giving notice to all interested persons.

The Department desires to have the benefit of suggestions and constructive criticisms from consumers, interested industries, and others before this regulation is formulated for promulgation. All interested persons, therefore, are invited to submit their expressions by letter not later than November 15, 1939.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

§ 9.01 *Effective date of certain labeling provisions of the Federal Food, Drug, and Cosmetic Act temporarily postponed in certain cases.* (a) The effective date of the provisions of sections 403 (e) (1); 403 (g), (h), (i), (j), and (k); 502 (b), (d), (e), (f), (g), and (h), and 602 (b) of the Federal Food, Drug, and Cosmetic Act is hereby postponed to July 1, 1940, with respect to any stock of lithographed labeling which was manufactured prior to February 1, 1939, and to containers bearing labeling which, prior to February 1, 1939, was lithographed, etched, stamped, pressed, printed, fused, or blown on or in such containers, if—

(1) each unit of such stock is identical with every other unit thereof;

(2) such stock is used by the person for whom it was manufactured;

(3) the quantity of such stock held by such person on January 1, 1940, equals or exceeds that used by him during any period of three consecutive months since January 1, 1939;

(4) such person keeps until July 1, 1941, complete records showing the quantity of such stock held by him at the beginning and end of such three-month period;

(5) such person makes such records available at all reasonable hours until July 1, 1941, to any officer or employee of the Food and Drug Administration who requests them;

(6) non-compliance with the sections of the Act hereinbefore specified does not make such labeling misleading by reason of its failure to reveal facts material in the light of representations made or suggested by statement, word, design, device, or any combination thereof in such labeling, or material with respect to consequences which may result from the use of the article to which such labeling relates under the conditions of use prescribed in such labeling or under such conditions of use as are customary or usual; and

(7) such labeling would have complied with the requirements of the Federal Food and Drugs Act of June 30, 1906, as amended.

(b) Notwithstanding the provisions of subsection (a), such subsection shall not apply—

(1) to the provisions of section 502 (d) of the Act, insofar as such provisions relate to morphine, opium, cocaine, heroin, alpha eucaine, beta eucaine, cannabis, chloral, or any derivative of any such substance;

(2) to the provisions of section 502 (e) of the Act, insofar as such provisions relate to alcohol, chloroform, or acetanilid, or any derivative or preparation of any such substance; or

(3) to the provisions of section 502 (b), (d), (e), (f), (g), and (h) of the Act, insofar as such provisions relate to drugs to which section 505 of the Act applies.

[F. R. Doc. 39-3993; Filed, October 28, 1939; 11:44 a. m.]

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## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 28-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF URABA, MEDELLIN AND CENTRAL AIRWAYS, INC., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, UNDER SECTION 401 (e) (1) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, now assigned for November 6, 1939, is hereby postponed until November 13, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Mayflower Hotel, Connecticut Ave. and DeSales St., N. W., Washington, D. C., before Examiner F. A. Law, Jr.

Dated Washington, D. C., October 30, 1939.

[SEAL] F. A. LAW, Jr.,
*Examiner.*

[F. R. Doc. 39-4029; Filed, October 31, 1939; 12:41 p. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
# FEDERAL REGISTER
1934
OF THE UNITED STATES

VOLUME 4 NUMBER 212

*Washington, Thursday, November 2, 1939*

## *The President*

### EXECUTIVE ORDER

AMENDMENT OF PARAGRAPH 4, SUBDIVISION IV, SCHEDULE B OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by paragraph Eighth, subdivision SECOND, section 2 of the Civil Service Act (22 Stat. 403, 404), it is ordered that paragraph 4, Subdivision IV, Schedule B of the Civil Service Rules be, and it is hereby, amended to read as follows:

"4. Classified positions in the field service of the War Department when filled by the promotion of unclassified laborers appointed under the Labor Regulations, subject to the approval of the Commission."

This Order is recommended by the Civil Service Commission in view of the agreement by the War Department that hereafter unclassified laborer positions in the field service of the War Department at places where Labor Regulations are in effect will be filled through appointment from appropriate classified registers as provided in section 3 of Civil Service Rule II. The procedure will permit unskilled laborers having a status under the Labor Regulations to advance upon noncompetitive examination to classified positions, but will not accord to such promoted employees a classified status nor render them eligible for transfer to classified positions in other branches of the Federal service.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Oct. 31 1939.*

[No. 8280]

[F. R. Doc. 39-4036; Filed, November 1, 1939; 11:49 a. m.]

### EXECUTIVE ORDER

AMENDMENT OF EXECUTIVE ORDER NO. 8176 OF JUNE 21, 1939, PRESCRIBING REGULATIONS GOVERNING THE GRADES AND RATINGS OF ENLISTED MEN OF THE REGULAR ARMY FOR THE FISCAL YEAR 1940

By virtue of and pursuant to the authority vested in me by the act of June 20, 1936, 49 Stat. 1554, sections 1 and 2 of Executive Order No. 8176 of June 21, 1939,[1] are hereby amended to read as follows:

"1. The several grades and the maximum number of enlisted men therein shall be as follows:

| | Number |
|---|---|
| 1st Grade—Master Sergeants | 1,796 |
| 2nd Grade—1st Sergeants & Technical Sergeants | 4,721 |
| 3rd Grade—Staff Sergeants | 8,512 |
| 4th Grade—Sergeants | 20,346 |
| 5th Grade—Corporals | 20,012 |
| 6th Grade—Privates, 1st Class | 59,598 |
| 7th Grade—Privates, the number of whom will be such that when added to the number of enlisted men above Grade Seven and to the authorized number of flying cadets the total will not exceed the enlisted strength authorized by Executive Order No. 8244, dated September 8, 1939. | |

"2. Specialists ratings and the maximum number of enlisted men therein shall be as follows:

| | Number |
|---|---|
| 1st Class | 1,487 |
| 2nd Class | 3,013 |
| 3rd Class | 4,607 |
| 4th Class | 10,557 |
| 5th Class | 12,743 |
| 6th Class | 31,287" |

This order shall become effective on November 8, 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 1, 1939.*

[No. 8281]

[F. R. Doc. 39-4035; Filed, November 1, 1939; 11:49 a. m.]

[1] 4 F.R. 2467 DI.

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FEDERAL REGISTER

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## *Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

### PART 727—FLUE-CURED TOBACCO

#### NATIONAL MARKETING QUOTA, MARKETING YEAR BEGINNING JULY 1, 1940

I, M. L. Wilson, Acting Secretary of Agriculture, acting under and pursuant to, and by virtue of, the authority vested in me, by Sec. 312 of the Agricultural Adjustment Act of 1938, as amended, do hereby make the following proclamation:

§ 727.202 *Results of referendum.* In the referendum of farmers engaged in the production of the 1939 crop of flue-cured tobacco, conducted by the Secretary of Agriculture on the 5th day of October, 1939, to determine whether such farmers were in favor of or opposed to the national marketing quota for the marketing year beginning July 1, 1940, the total number of votes cast was 250,671; and of the total number so cast 225,606 votes, or 90.0 percent, were in favor of, and 25,065 votes, or 10.0 percent, were opposed to such marketing quota. Therefore, the national marketing quota for the year beginning July 1, 1940, proclaimed by the Secretary of Agriculture on the 25th of September 1939,[1] will continue in effect. (Sec. 312, 52 Stat. 46)

Done at Washington, D. C., this 31st day of October 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-4030; Filed, October 31, 1939; 3:09 p. m.]

[1] 4 F.R. 4045 DI.

## TITLE 16—COMMERCIAL PRACTICES

## FEDERAL TRADE COMMISSION

[Docket No. 3212]

IN THE MATTER OF J. ROSE & COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, candy or other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be, or may be, made by means of a lottery, gaming device or gift enterprise, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, J. Rose & Company, Docket 3212, October 24, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with packages or assortments of candy or other merchandise, together with punch boards, push or pull cards or any other lottery device, which punch board, push or pull card or other lottery device is to be, or may be, used in selling or distributing said candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, J. Rose & Company, Docket 3212, October 24, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, others with any lottery device, either with assortments of candy or other merchandise, or separately, which lottery device is to be, or may be, used in selling or distributing such candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, J. Rose & Company, Docket 3212, October 24, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or any other merchandise, any merchandise by means of a game of chance, gift enterprise, or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, J. Rose & Company, Docket 3212, October 24, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF JACK ROSENFELD, INDIVIDUALLY, AND DOING BUSINESS UNDER THE TRADE NAME AND STYLE OF J. ROSE & COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before William C. Reeves and Charles F. Diggs, examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint (respondent having offered no testimony or other evidence in opposition to the allegations of said complaint), brief of counsel for the Commission filed herein (respondent having filed no brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Jack Rosenfeld, individually and doing business under the trade name and style of J. Rose & Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise, in commerce as commerce is defined in the Federal Trade Commission Act do forthwith cease and desist from:

1. Selling or distributing candy or any other merchandise so packed and assembled that sales of said candy or other merchandise to the general public are to be made, or may be made by means of a lottery, gaming device or gift enterprise.

2. Supplying to or placing in the hands of others, packages or assortments of candy or other merchandise, together with punch boards, push or pull cards or any other lottery device, which punch board, push or pull card or other lottery device is to be used or may be used in selling or distributing said candy or other merchandise to the public.

3. Supplying to or placing in the hands of others, any lottery device either with assortments of candy or other merchandise, or separately, which lottery device is to be used or may be used in selling or distributing such candy or other merchandise to the public.

4. Selling or otherwise distributing any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4032; Filed, November 1, 1939; 10:38 a. m.]



[Docket No. 3318]

IN THE MATTER OF DIESEL POWER-UNITED ENGINEERING SCHOOLS, ET AL.

§ 3.6 (n) (2) *Advertising falsely or misleadingly — Nature — Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.96 (a) (4) *Using misleading name—Goods—Nature.* Representing, in connection with offer, etc., in commerce, of courses of instruction in Diesel engines, air conditioning and refrigeration and other trade subjects, through the use of the word "engineering" or any other word or words of similar import or meaning in respondents' trade or corporate names, or in any other manner, that respondents' courses of instruction qualify students as engineers in Diesel power, air conditioning, refrigeration or any other branch of the engineering profession, or representing, in any manner, that respondents' courses of instruction qualify a student for any position requiring a degree of skill or technical knowledge greater than that required of a mechanic, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diesel Power-United Engineering Schools, et al., Docket 3318, October 24, 1939]

§ 3.6 (a) (21) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment:* § 3.6 (a) (29) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size:* § 3.6 (a) (31) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Unique status or advantages.* Representing, in connection with offer, etc., in commerce, of courses of instruction in Diesel engines, air conditioning and refrigeration and other trade subjects, in any manner, that respondents' schools, or any of them, occupy a dominant position in the fields of Diesel power, air conditioning or refrigeration training, or have the largest system of training in the United States in Diesel power, air conditioning or refrigeration, or that respondents' schools have completely equipped shops for training students as engineers in Diesel power, refrigeration or air conditioning, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diesel Power-United Engineering Schools, et al., Docket 3318, October 24, 1939]

§ 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities.* Representing, in connection with offer, etc., in commerce, of courses of instruction in Diesel engines, air conditioning or refrigeration industries for graduates of respondents' schools or for persons having no greater degree of technical training than that afforded by respondents' courses of instruction, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diesel Power-United Engineering Schools, et al., Docket 3318, October 24, 1939]

§ 3.6 (a) (19) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Organization and operation:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service.* Representing, in connection with offer, etc., in commerce, of courses of instruction in Diesel engines, air conditioning and refrigeration and other trade subjects, that respondents operate an employment service for the graduates from respondents' schools or that respondents procure positions for such graduates in the Diesel power, air conditioning or refrigeration industries, unless and until such are the facts, or that respondents procure gainful employment for students enabling them to earn while taking respondents' courses of instruction, unless and until such is the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diesel Power-United Engineering Schools et al., Docket 3318, October 24, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of Ocotber, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ROY HEMPHILL, DOING BUSINESS UNDER THE NAME AND STYLE OF DIESEL POWER-UNITED ENGINEERING SCHOOLS; DIESEL POWER-UNITED ENGINEERING SCHOOLS, INC., A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF MINNESOTA; AND DIESEL POWER-UNITED ENGINEERING SCHOOLS, A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF MISSOURI

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respective respondents, testimony and other evidence taken before William C. Reeves and Charles P. Vicini, Examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein by William L. Pencke, counsel for the Commission and by Louis Sachs, counsel for the two respondent corporations, (oral argument not having been requested) and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That respondent Roy Hemphill, individually and doing business as Diesel Power-United Engineering Schools, or under any other name or names, his representatives, agents and employees; and respondents Diesel Power-United Engineering Schools, Inc., a corporation organized under the laws of the State of Minnesota and Diesel Power-United Engineering Schools, a corporation organized under the laws of the State of Missouri, their respective officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of courses of instruction in Diesel engines, air conditioning and refrigeration and other trade subjects in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing through the use of the word "engineering" or any other word or words of similar import or meaning in respondents' trade or corporate names, or in any other manner, that respondents' courses of instruction qualify students as engineers in Diesel power, air conditioning, refrigeration or any other branch of the engineering profession;

2. Representing in any manner that respondents' schools, or any of them, occupy a dominant position in the fields of Diesel power, air conditioning or refrigeration training, or have the largest system of training in the United States in Diesel power, air conditioning or refrigeration or that respondents' schools have completely equipped shops for training students as engineers in Diesel power, refrigeration or air conditioning;

3. Representing in any manner that respondents' courses of instruction qualify a student for any position requiring a degree of skill or technical knowledge greater than that required of a mechanic;

4. Representing in any manner that there is a great or unusual demand in the Diesel power, air conditioning or refrigeration industries for graduates of respondents' schools or for persons having no greater degree of technical training than that afforded by respondents' courses of instruction;

5. Representing that respondents operate an employment service for the

graduates from respondents' schools or that respondents procure positions for such graduates in the Diesel power, air conditioning or refrigeration industries unless and until such are the facts;

6. Representing that respondents procure gainful employment for students enabling them to earn while taking respondents' courses of instruction unless and until such is the fact.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4033; Filed, November 1, 1939; 10:38 a. m.]

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## TITLE 42—PUBLIC HEALTH

## CHILDREN'S BUREAU

### MATERNAL AND CHILD WELFARE*

### PART 201—DEFINITIONS

§ 201.1 *Definitions.* As used in these regulations, unless the context otherwise requires—

(a) *State.* The term "State" includes Alaska, Hawaii, and the District of Columbia, and on and after January 1, 1940, includes Puerto Rico.

(b) *Act.* The term "Act" means the Social Security Act (Act of August 14, 1935, c. 531, 49 Stat. 620, 42 U.S.C. 301), as amended by the Social Security Act Amendments of 1939. (Act of August 10, 1939, c. 666, 53 Stat. 1360)

(c) *Secretary.* The term "Secretary" means the Secretary of the United States Department of Labor.

(d) *Bureau.* The term "Bureau" means the Children's Bureau of the United States Department of Labor.

(e) *Certify.* The term "certify" when used in connection with the duty imposed on the Secretary by sections 504, 514, and 521 of the Act, means that action taken by the Secretary in the form of a written statement addressed and delivered to the Secretary of the Treasury, setting forth the amount of funds payable to a State for maternal and child health services, services for crippled children, or child welfare services as contemplated by parts 1, 2, and 3 of Title V of the Act.

(f) *Allotment.* The term "allotment" means that part of an appropriation which the Secretary of Labor determines shall be available to a State under any of the appropriate provisions of parts 1, 2, and 3 of Title V of the Act.

(g) *Fund MCH–A.* The term "Fund MCH–A" means that part of an appropriation for maternal and child health services required to be allotted to the States by section 502 (a) of the Act.

(h) *Fund MCH–B.* The term "Fund MCH–B" means that part of an appropriation for maternal and child health services required to be allotted to the States by section 502(b) of the Act.

(i) *Fund CC–A.* The term "Fund CC–A" means that part of an appropriation for crippled children's services required to be allotted to the States by section 512 (a) of the Act.

(j) *Fund CC–B.* The term "Fund CC–B" means that part of an appropriation for crippled children's services required to be allotted to the States by Section 512 (b) of the Act.

(k) *Obligation.* The term "obligation" means a debt properly incurred in accordance with the provisions of an approved State plan.

(l) *Official Forms.* The term "official forms" means forms supplied by the Bureau to State agencies for use in the administration of parts 1, 2, and 3 of Title V of the Act. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 1101, 49 Stat. 647, as amended by Sec. 801, 53 Stat. 1398, 42 U.S.C. 1301)

### PART 202—MATERNAL AND CHILD HEALTH SERVICES

§ 202.1 *Allotments.* The Secretary shall allot funds to the States for maternal and child health services pursuant to subsections (a) and (b) of section 502 of the Act. Allotments from Fund MCH–A shall be available for payment when and to the extent that equal sums are provided (matched) by the States. Allotments from Fund MCH–B shall be made upon the basis of the financial need of each State for assistance in carrying out its approved plan for such services, as determined by the Secretary, and shall not be required to be matched by the States. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 502, 49 Stat. 629, as amended by Sec. 502, 53 Stat. 1380, 42 U.S.C. 702; Sec. 504, 49 Stat. 630, 42 U.S.C. 704)

§ 202.2 *Periods allotments remain available.* The unpaid balance of an allotment to a State from Fund MCH–A in the Federal Treasury at the end of the fiscal year shall be available for payment to the State until the end of the second succeeding fiscal year. The unpaid balance of an allotment to a State from Fund MCH–B in the Federal Treasury at the end of the fiscal year shall cease to be available to such State, except that obligations incurred within the fiscal year against such an allotment may be paid in the first succeeding fiscal year out of the unpaid balance of such allotment. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 502, 49 Stat. 629, as amended by Sec. 502, 53 Stat. 1380, 42 U.S.C. 702)

§ 202.3 *Allotments from fund MCH–B.* The Secretary shall make an allotment to a State from Fund MCH–B only when the allotment from Fund MCH–A and the unobligated and unpaid balances of allotments made to such State from Fund MCH–A in previous years under section 502 (a) of the Act have been requested by such State for payment and planned for expenditure by it within the limit of its ability to meet the matching requirements of the Act. The amount of funds available to a State as an adjustment of prior expenditures, described in Sec. 202.11, shall be taken into consideration in determining the amount of an allotment to such State from Fund MCH–B. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 502, 49 Stat. 629, as amended by Sec. 502, 53 Stat. 1380, 42 U.S.C. 702)

§ 202.4 *Submission of plans.* A State, through its health agency, shall submit on official forms to the Chief of the Bureau for approval a plan for maternal and child health services. The plan shall meet the requirements of section 503 (a) of the Act, in order to make the State eligible to receive payments from funds allotted to it for such services. The plan shall include a budget, prepared on official forms, which shall show the source or sources of all funds to be expended under the plan, and the items, in detail, for which such expenditures are to be made. No plan or budget may be amended without the approval of the Chief of the Bureau. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 503, 49 Stat. 630, as amended by Sec. 503, 53 Stat. 1380, 42 U.S.C. 703)

§ 202.5 *Personnel standards.* After January 1, 1940, State plans for maternal and child health services approved by the Chief of the Bureau shall provide for the establishment and maintenance of personnel standards on a merit basis. Included in such standards shall be such provisions regarding the administration of a merit system and qualifications of personnel as shall be established by the Bureau after taking into consideration recommendations of the State and Territorial Health Officers and of the Bureau's advisory committees, and standards set by national professional organizations relating to qualifications of professional personnel and classification of professional schools. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 503, 49 Stat. 630, as amended by Sec. 503, 53 Stat. 1380, 42 U.S.C. 703)

§ 202.6 *Quarterly estimates.* Prior to the beginning of each quarter, the executive officer of the State health agency shall submit on official forms to the Chief of the Bureau a statement of estimated expenditures and sources of funds for activities during such quarter. Such statement shall show (1) the sum to be expended out of allotments to the State from Fund MCH–A; (2) an equal sum, except for adjustments for a prior quarter or quarters, to be expended out of funds made available by the State from funds of the State, its political subdivisions, and other sources; and (3) the sum to be expended out of allotments to the State from Fund MCH–B. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 504, 49 Stat. 630, 42 U.S.C. 704)

§ 202.7 *Private funds.* Funds obtained from private sources which are made fully available for expenditure under the approved State plan may be included in the computation of the extent to which the State health agency proposes to match its allotment from Fund MCH–A. But this shall not apply to funds provided by private agencies or institutions whose facilities are to be used in carrying out the State plan under arrangements involving compensation for such use from Federal, State, or other funds brought within the plan. Private funds shall be placed on deposit in accordance with the State law, but if there is no State law applicable to this procedure, the funds shall be deposited with the State treasurer, the treasurer of a political subdivision, or in a private depository, in a special account to the credit of the State health agency. If the funds are deposited with the State treasurer or the treasurer of a political subdivision, the certificate of the treasurer shall be furnished showing the deposit of such funds in a special account to the credit of the State health agency. If the funds are placed in a private depository, the certificate of an officer of the private depository shall be furnished showing the deposit of such funds in a special account to the credit of the State health agency. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 504, 49 Stat. 630, 42 U.S.C. 704)

§ 202.8 *Certification for payment to States.* The Secretary shall certify for payment to a State such portion of its allotment from Fund MCH–A as shall be (1) planned for expenditure by it in its approved plan for maternal and child health services in accordance with its quarterly estimates for such expenditures, and (2) matched by funds appropriated or made available by the State or its political subdivisions and by funds obtained from other sources. The amount to be certified shall be reduced or increased, as the case may be, by the extent to which the Secretary finds it necessary to make adjustment to equalize expenditures, in a prior quarter or quarters, of funds paid to the State by the Federal Government from the allotment from Fund MCH–A, and expenditures of State and other funds used for matching purposes.

(a) The Secretary shall certify funds for payment to a State from its allotment from Fund MCH–B in accordance with its approved plan and quarterly estimates of expenditures. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 504, 49 Stat. 630, 42 U.S.C. 704)

§ 202.9 *Expenditures.* A State shall expend all funds paid to it by the Federal Government for expenditure under the approved State plan and all State and other funds used for matching under the plan for the purposes specified in section 501 of the Act. State laws and regulations governing the custody and disbursement of State and other funds used for matching shall control the custody and disbursement of funds paid by the Federal Government to the State in accordance with its approved plan, subject to such amplification or modification as the Chief of the Bureau may find to be necessary under Federal laws, regulations, orders, and decisions. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 501, 49 Stat. 629, as amended by Sec. 501, 53 Stat. 1380, 42 U.S.C. 701; Sec. 503, 49 Stat. 630, as amended by Sec. 503, 53 Stat. 1380, 42 U.S.C. 703)

§ 202.10 *Quarterly reports of activities.* Reports prepared on official forms shall be submitted by the executive officer of the State health agency to the Bureau at the end of each quarter. They shall contain a statement of the activities conducted by the State health agency or under its supervision in carrying out the State plan. Other reports shall be furnished from time to time as required. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 503, 49 Stat. 630, as amended by Sec. 503, 53 Stat. 1380, 42 U.S.C. 703)

§ 202.11 *Quarterly financial reports; adjustments.* Financial reports on official forms shall be submitted to the Bureau at the end of each quarter. The Bureau shall determine the amounts of adjustments necessary to equalize expenditures of funds paid to the State by the Federal Government from Fund MCH–A allotments and expenditures of State and other matching funds, and shall notify the State of the amounts of such adjustments. Adjustment of the amounts to be certified for payment to the State each quarter from its allotments for maternal and child health services shall be made in accordance with such determinations and notifications, and after taking into consideration any overpayment or underpayment to the State in prior quarters. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 503, 49 Stat. 630, as amended by Sec. 503, 53 Stat. 1380, 42 U.S.C. 703; Sec. 504, 49 Stat. 630, 42 U.S.C. 704)

§ 202.12 *Disposition of balances of funds paid to the State.* A State may retain funds paid to it in accordance with its approved plan not expended or obligated upon the termination of such plan. It may charge such funds as a prepayment against payments to it authorized in accordance with its approved plan for an ensuing period. In the event no new plan is submitted for approval within sixty days after the termination of its prior plan, the balance of unexpended or unobligated funds paid to the State in accordance with that plan shall be returned to the Treasury of the United States through the Bureau. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 502, 49 Stat. 629, as amended by Sec. 502, 53 Stat. 1380, 42 U.S.C. 702.

### PART 203—SERVICES FOR CRIPPLED CHILDREN

§ 203.1 *Allotments.* The Secretary shall allot funds to the States for services for crippled children pursuant to subsections (a) and (b) of section 512 of the Act. The amount of funds available to a State as an adjustment of prior expenditures, described in section 203.11, shall be taken into consideration in determining the amount of an allotment to the State from Fund CC–A. Allotments from Fund CC–A shall be available for payment when and to the extent that equal sums are provided (matched) by the States. Allotments from Fund CC–B shall be made upon the basis of the financial need of each State for assistance in carrying out its approved plan for such services, as determined by the Secretary, and shall not be required to be matched by the States. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 512, 49 Stat. 631, as amended by Sec. 505, 53 Stat. 1380, 42 U.S.C. 712; Sec. 514, 49 Stat. 632, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 714)

§ 203.2 *Periods allotments remain available.* The unpaid balance of an allotment to a State from Fund CC–A in the Federal Treasury at the end of the fiscal year shall be available for payment to the State until the end of the second succeeding fiscal year. The unpaid balance of an allotment to a State from Fund CC–B in the Federal Treasury at the end of the fiscal year shall cease to be available to such State, except that obligations incurred within the fiscal year against such an allotment may be paid in the first succeeding fiscal year out of the unpaid balance of such allotment. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 512, 49 Stat. 631, as amended by Sec. 505, 53 Stat. 1380, 42 U.S.C. 712)

§ 203.3 *Allotments from Fund CC–B.* The Secretary shall make an allotment to a State from Fund CC–B only when the allotment from Fund CC–A and the unobligated and unpaid balances of allotments made to such State from Fund CC–A in previous years under section 512 (a) of the Act have been requested by such State for payment and planned for expenditure by it within the limit of its ability to meet the matching requirements of the Act. The amount of funds available to a State as an adjustment of prior expenditures, described in Sec. 203.11, shall be taken into consideration in determining the amount of an allotment to such State from Fund CC–B. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 512, 49 Stat. 631, as amended by Sec. 505, 53 Stat. 1380, 42 U.S.C. 712)

§ 203.4 *Submission of plans.* A State, through its appropriate agency, shall submit on official forms to the Chief of the Bureau for approval a plan for services for crippled children. The plan shall meet the requirements of section 513 (a) of the Act in order to make the State eligible to receive payments

*These regulations supersede regulations issued January 20, 1938, as amended May 11, 1938; published in 3 F.R. 199 and 931 (229, 1106 DI), respectively.

from funds allotted to it for such services. The plan shall include a budget, prepared on official forms, which shall show the source or sources of all funds to be expended under the plan, and the items, in detail, for which expenditures are to be made. No plan or budget may be amended without the approval of the Chief of the Bureau. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 513, 49 Stat. 632, as amended by Sec. 506, 53 Stat. 1381, 42 U.S.C. 713)

§ 203.5 *Personnel standards.* After January 1, 1940, State plans for crippled children's services approved by the Chief of the Bureau shall provide for the establishment and maintenance of personnel standards on a merit basis. Included in such standards shall be such provisions regarding the administration of a merit system and qualifications of personnel as shall be established by the Bureau after taking into consideration recommendations of the State and Territorial Health Officers and of the Bureau's advisory committees, and standards set by national professional organizations relating to qualifications of professional personnel and classification of professional schools. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 513, 49 Stat. 632, as amended by Sec. 506, 53 Stat. 1381, 42 U.S.C. 713)

§ 203.6 *Quarterly estimates.* Prior to the beginning of each quarter, the executive officer of the official State agency shall submit on official forms to the Chief of the Bureau a statement of estimated expenditures and sources of funds for activities during such quarter. Such statement shall show (1) the sum to be expended out of allotments to the State from Fund CC–A; (2) an equal sum, except for adjustments for a prior quarter or quarters, to be expended out of funds made available by the State from funds of the State, its political subdivisions, and other sources; and (3) the sum to be expended out of allotments to the State from Fund CC–B. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 514, 49 Stat. 632, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 714)

§ 203.7 *Private funds.* Funds obtained from private sources which are made fully available for expenditure under the approved State plan may be included in the computation of the extent to which the official State agency proposes to match its allotment from Fund CC–A. But this shall not apply to funds provided by private agencies or institutions whose facilities are to be used in carrying out the State plan under arrangements involving compensation for such use from Federal, State, or other funds brought within the plan. Private funds shall be placed on deposit in accordance with the State law, but if there is no State law applicable to this procedure, the funds shall be deposited with the State treasurer, the treasurer of a political subdivision, or in a private depository, in a special account to the credit of the official State agency. If the funds are deposited with the State treasurer or the treasurer of a political subdivision, the certificate of the treasurer shall be furnished showing the deposit of such funds in a special account to the credit of the official State agency. If the funds are placed in a private depository, the certificate of an officer of the private depository shall be furnished, showing the deposit of such funds in a special account to the credit of the official State agency. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 514, 49 Stat. 632, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 714)

§ 203.8 *Certification for payment to States.* The Secretary shall certify for payment to a State such portion of its allotment from Fund CC–A as shall be (1) planned for expenditure by it in its approved plan for such services in accordance with its quarterly estimates for such expenditures, and (2) matched by funds appropriated or made available by the State or its political subdivisions and funds obtained from other sources. The amount to be certified shall be reduced or increased, as the case may be, by the extent to which the Secretary finds it necessary to make adjustment to equalize expenditures, in a prior quarter or quarters, of funds paid to the State by the Federal Government from the allotment from Fund CC–A, and expenditures of State and other funds used for matching purposes.

(a) The Secretary shall certify funds for payment to a State from its allotment from Fund CC–B in accordance with its approved plan and quarterly estimates of expenditures. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 514, 49 Stat. 632, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 714)

§ 203.9 *Expenditures.* A State shall expend all funds paid to it by the Federal Government for expenditure under the approved State plan and all State and other funds used for matching under the plan in behalf of children who are crippled or suffering from conditions which lead to crippling for the following purposes only: location; diagnosis; medical and surgical treatment; care in hospitals, institutions and boarding homes during periods of medical or surgical treatment or convalescence; and supervision in their own homes. But such funds shall not be expended for any of the following purposes: academic or vocational education of crippled children; general preventive health services; orthodontia, except that associated with congenital malformation; or the purchase of glasses to correct defects of vision, except for children receiving treatment for crippling conditions under the State plan.

(a) State laws and regulations governing the custody and disbursement of State and other funds used for matching shall control the custody and disbursement of funds paid by the Federal Government to the State under its approved plan, subject to such amplification or modification as the Chief of the Bureau may find to be necessary under Federal laws, regulations, orders, and decisions. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 511, 49 Stat. 631, as amended by Sec. 504, 53 Stat. 1380, 42 U.S.C. 711; Sec. 513, 49 Stat. 632, as amended by Sec. 506, 53 Stat. 1381, 42 U.S.C. 713)

§ 203.10 *Quarterly reports of activities.* Reports prepared on official forms shall be submitted by the executive officer of the official State agency to the Bureau at the end of each quarter. They shall contain a statement of the activities conducted by the official State agency or under its supervision in carrying out the State plan. Other reports shall be furnished from time to time as required. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 513, 49 Stat. 632, as amended by Sec. 506, 53 Stat. 1381, 42 U.S.C. 713)

§ 203.11 *Quarterly financial reports; adjustments.* Financial reports on official forms shall be submitted to the Bureau at the end of each quarter. The Bureau shall determine the amounts of adjustments necessary to equalize expenditures of funds paid to the State by the Federal Government from Fund CC–A allotments and expenditures of State and other matching funds, and shall notify the State of the amounts of such adjustments. Adjustment of the amounts to be certified for payment to the State each quarter from its allotments for crippled children's services shall be made in accordance with such determinations and notifications, and after taking into consideration any overpayment or underpayment to the State in prior quarters. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 513, 49 Stat. 632, as amended by Sec. 506, 53 Stat. 1381, 42 U.S.C. 713; Sec. 514, 49 Stat. 632, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 714)

§ 203.12 *Disposition of balances of funds paid to the State.* A State may retain funds paid to it in accordance with its approved plan not expended or obligated upon the termination of such plan. It may charge such funds as a prepayment against payments to it authorized in accordance with its approved plan for an ensuing period. In the event no new plan is submitted for approval within sixty days after the termination of its prior plan, the balance of unexpended or unobligated funds paid to the State in accordance with that plan shall be returned to the Treasury of the United States through the Bureau. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 512, 49 Stat. 631, as amended by Sec. 505, 53 Stat. 1380, 42 U.S.C. 712)

PART 204—CHILD WELFARE SERVICES

§ 204.1 *Allotments and submission of plans.* The Secretary shall allot funds for child welfare services pursuant to section 521 (a) of the Act to States which have approved plans developed jointly by State public welfare agencies and the Bureau. Plans shall include budgets, prepared on official forms, which shall show the source or sources of all funds to be expended under the plan, and the items, in detail, for which expenditures are to be made. No plan or budget may be amended without the approval of the Chief of the Bureau. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 521, 49 Stat. 633, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 721)

§ 204.2 *Personnel standards.* After January 1, 1940, approved plans developed jointly by State public welfare agencies and the Bureau shall provide for the establishment and maintenance of personnel standards on a merit basis. Included in such standards shall be such provisions regarding the administration of a merit system and qualifications of personnel as shall be established by the Bureau after taking into consideration recommendations of the State welfare administrators and of the Bureau's advisory committees, and standards set by national professional organizations relating to qualifications of professional personnel and classification of professional schools. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 521, 49 Stat. 633, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 721)

§ 204.3 *Period allotments remain available.* The unpaid balance of an allotment to a State in the Federal Treasury at the end of the fiscal year shall be available for payment to the State until the end of the second succeeding fiscal year. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 521, 49 Stat. 633, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 721)

§ 204.4 *Quarterly estimates.* Prior to the beginning of each quarter, the executive officer of the State public welfare agency shall submit on official forms to the Chief of the Bureau an estimate of funds to be expended out of the funds allotted and paid to the State by the Federal Government for activities during such quarter. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 521, 49 Stat. 633, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 721)

§ 204.5 *Certification for payment to States.* The Secretary shall certify funds for payment to a State from its allotment for child welfare services in accordance with its approved plan and quarterly estimates of expenditures. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 521, 49 Stat. 633, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 721)

§ 204.6 *Expenditures.* A State shall expend funds paid to it by the Federal Government for the purpose of establishing, extending, and strengthening, especially in predominantly rural areas, services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent. Such funds shall be used for payment of part of the cost of district, county or other local child welfare services in areas predominantly rural and for developing State services for the encouragement and assistance of adequate methods of community child welfare organization in areas predominantly rural and other areas of special need. A State shall not expend such funds to pay for the cost of care of children in boarding homes or in institutions which provide care for children, other than purely emergency care under conditions specified in the State plan.

(a) State laws and regulations governing the custody and disbursement of State and other funds brought within the plan shall control the custody and disbursement of funds paid by the Federal Government to the State under its approved plan, subject to such amplification or modification as the Chief of the Bureau may find to be necessary under Federal laws, regulations, orders, and decisions. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 521, 49 Stat. 633, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 721)

§ 204.7 *Reports of activities.* Reports prepared by the executive officer of the State public welfare agency shall be submitted to the Bureau on official forms. They shall set forth the activities of the Agency for such times and periods as may be prescribed by the Chief of the Bureau. Such reports shall show activities conducted by the State agency or under its supervision in carrying out the State plan. Financial reports shall be made quarterly on official forms. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 521, 49 Stat. 633, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 721)

§ 204.8 *Quarterly financial reports; adjustments.* Financial reports on official forms shall be submitted to the Bureau at the end of each quarter. Adjustment of the amounts to be certified for payment to the State each quarter from its allotments for child welfare services shall be made after taking into consideration any overpayment or underpayment to the State in prior quarters. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 521, 49 Stat. 633, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 721)

§ 204.9 *Disposition of balances of funds paid to the State.* A State may retain funds paid to it in accordance with its approved plan not expended or obligated upon the termination of such plan. It may charge such funds as a prepayment against payments to it authorized in accordance with its approved plan for an ensuing period. In the event no new plan is submitted for approval within sixty days after the termination of its prior plan, the balance of unexpended and unobligated funds paid to the State in accordance with that plan shall be returned to the Treasury of the United States through the Bureau. (Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302; Sec. 521, 49 Stat. 633, as amended by Sec. 507, 53 Stat. 1381, 42 U.S.C. 721)

[SEAL] FRANCES PERKINS,
*Secretary.*

NOVEMBER 1, 1939.

Approval recommended:

MARTHA M. ELIOT, M. D.,
*Acting Chief of the Children's Bureau.*

[F. R. Doc. 39–4038; Filed, November 1, 1939; 12:55 p. m.]



## *Notices*

### DEPARTMENT OF LABOR.

**Division of Public Contracts.**

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE CAST IRON PRESSURE PIPE INDUSTRY

NOTICE OF HEARING

The Public Contracts Board will hold a hearing in Room 3229, Department of Labor Building, Washington, D. C., at 10 a. m. on Friday, November 10, 1939, to take testimony upon which findings of fact will be made to assist the Secretary of Labor in determining, pursuant to Section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35) the prevailing minimum wages in the Cast Iron Pressure Pipe Industry. The Cast Iron Pressure Pipe Industry is that industry which manufactures cast iron pressure pipe and fittings for such pipe, excluding separate couplings. The term fittings includes such products as Y's, T's, reducers and increasers, sleeves, curves, crosses, plugs, offsets, blowoff branches and manhole caps for such branches (manhole covers which are not subject to pressure are not considered to be part of the industry). Specifically excluded are malleable fittings, and separate couplings consisting essentially of a band of iron or steel (not cast) which serve to join plain end pipe.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives will be given to persons engaged in the above-named industry, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed, but they should be received by the Board on or before the hearing date. Employers appearing in person, or by representatives, or presenting briefs, should furnish the Board with the following essential data:

(1) Name of firm.
(2) Plant address.
(3) Total number of employees in plant.
(4) Number of male employees.
(5) Number of female employees.
(6) Classification of employees by occupations, including number engaged in each operation.

(7) Hourly wages in each operation with designation of applicable time period.

(8) If paid on piece work basis, weekly earnings in each class of employees.

(9) Hours worked per week.

This outline of suggested data is not meant to exclude the submission of any other pertinent information which an employer may desire to submit.

Employees appearing at the hearing, either in person or by their representatives, or submitting briefs, should acquaint the Board with facts as to the wages now being paid in the industry.

Dated, October 30, 1939.

[SEAL] L. METCALFE WALLING, *Administrator.*

[F. R. Doc. 39-4037; Filed, November 1, 1939; 12:41 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayers.

[Docket No. 3682]

IN THE MATTER OF FRESH GROWN PRESERVE CORPORATION, A CORPORATION; SUN DISTRIBUTING COMPANY, INC., A CORPORATION; RITE PACKING CORPORATION, A CORPORATION; MURRAY GREENBERG, AN INDIVIDUAL; AND LEO GREENBERG, AN INDIVIDUAL

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, November 14, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 332, Federal Trade Commission Building, 6th and Constitution Avenue NW., Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4031; Filed, November 1, 1939; 10:38 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of October, A. D. 1939.

[File Nos. 43-103, 47-19]

IN THE MATTER OF REPUBLIC ELECTRIC POWER CORPORATION, UNITED OREGON GAS CORPORATION, CALIFORNIA UTILITIES COMPANY, NEEDLES GAS AND ELECTRIC COMPANY, WEAVERVILLE ELECTRIC COMPANY, APACHE GAS COMPANY, GAS TRANSPORT COMPANY

ORDER AMENDING CORRECTED SUPPLEMENTARY ORDER APPROVING PLAN

The Commission having issued its order dated October 28, 1938, pursuant to Sections 7, 10, 11 (b), 11 (e) and 12 of the Public Utility Holding Company Act of 1935, approving a plan of reorganization and recapitalization of Republic Electric Power Corporation under Section 11 and granting applications and permitting declarations to become effective;

The Order having provided, inter alia, for the dissolution of Republic Electric Power Corporation and Republic Mutual Service Company within one year from the effective date of the Order;

The Applicants having filed an application advising the Commission that the sales of Republic Electric Power Corporation's interest in Apache Gas Company and Gas Transport Company were consummated as of July 31, 1939; that the purchaser under the contracts to sell, at the request of Apache Gas Company, agreed to bill for and collect all accounts owing to Apache Gas Company at the time of the closing of the sales and to remit monthly to Apache Gas Company the funds collected and to use its best efforts to making the collection; that it will be several months before the collection of these accounts and the liquidation of Apache Gas Company's current liabilities can be completed; that Republic Electric Power Corporation is the sole stockholder of Apache Gas Company and Gas Transport Company; that it would be inadvisable to dissolve Republic Electric Power Corporation without first dissolving Apache Gas Company and Gas Transport Company; that there are various inter-company accounts owing between Republic Mutual Service Company and Apache Gas Company and Gas Transport Company; and that it is necessary to postpone the liquidation and dissolution of Republic Mutual Service Company until Apache Gas Company and Gas Transport Company have been liquidated and dissolved; and

The Applicants having requested that the time within which Republic Mutual Service Company and Republic Electric Power Corporation are to be dissolved be extended to April 28, 1940;

*It is ordered*, That the time within which Republic Mutual Service Company and Republic Electric Power Corporation are to be dissolved, be, and hereby is extended to April 28, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4034; Filed, November 1, 1939; 11:02 a. m.]

Reference

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THE NATIONAL ARCHIVES OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 213

*Washington, Friday, November 3, 1939*

*Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

### DIVISION OF MARKETING AND MARKETING AGREEMENTS

ORDER OF THE SECRETARY OF AGRICULTURE TERMINATING CERTAIN PROVISIONS OF ORDER NO. 27 REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

Whereas, section 6 of article VII, paragraphs 1 and 2 of Order No. 27[1] regulating the handling of milk in the New York Metropolitan Marketing Area provides that:

The market administrator shall pay out of the producer settlement fund to any handler immediately after audit of claim for such payment made on forms supplied by the market administrator:

1. With respect to milk received from producers at a plant operated by such handler equipped only for the receiving and shipping of milk to the marketing area, which was, during any month except November or December, moved to a plant where it was utilized in Classes II-A, II-B, III-A, III-B, III-C, III-D, or, during the month of October, IV-A, and from which, if operated by such handler, no Class I milk was shipped to the marketing area during such month, 23 cents per hundredweight of milk so moved, plus 4 cents per hundredweight for the first five miles or fraction thereof, plus ¼ cent per hundredweight per mile for the next 20 miles, and plus 1/10th of 1 cent per hundredweight per additional mile, of the shortest highway distance between the two plants; and

2. Thirty cents per hundredweight of Class I milk sold during the months of November and December in the marketing area which was received from producers at a plant which is equipped for condensing or drying milk and from which, during the months of May and June preceding, in terms of equivalent of milk received at such plant, no milk in excess of 10 percent and no cream in excess of 50 percent was shipped to the marketing area; and

Whereas, pursuant to the provisions of section 8c (16) (A) of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary finds that the exception from the provisions of paragraph 1 of section 6 of article VII, as set forth in the phrase "except during November or December", and the provisions of paragraph 2 of section 6 of article VII do not tend to effectuate the declared policy of the act:

Now, therefore, H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon him by said act and said Order No. 27, hereby terminates the exception from the provisions of paragraph 1 of section 6 of article VII of said Order No. 27 by deleting therefrom the phrase "except during November or December" and hereby terminates the provisions of paragraph 2 of section 6 of article VII of said order.

This termination shall be effective as of 11:59 p. m., e. s. t., October 31, 1939.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, has executed this order in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 1st day of November 1939.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 39-4040; Filed, November 1, 1939; 4:28 p. m.]

[1] 3 F.R. 1945 DI.

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FEDERAL REGISTER

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## TITLE 45—PUBLIC WELFARE

## CIVILIAN CONSERVATION CORPS

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES[1]

§ 203.7 *Enrollment*

* * * * *

(c) *Action in case of fraudulent and erroneous enrollment.* (1) Upon discovering that a former enrollee who previously had received an administrative, a dishonorable, or an honorable discharge with the notation "Not considered worthy of reenrollment" has been reselected and enrolled, the company commander will immediately discharge the enrollee administratively for "erroneous enrollment."

(2) Except in the case of reselection and enrollment as provided in subparagraph (1) above, it will be the duty of the company commander upon discovering that an enrollee has become a member of the Civilian Conservation Corps through error or through falsification of qualifications for selection to report the facts to the corps area commander, who will report them to the appropriate State selecting agency whose agents certified the individual for enrollment.

(3) When the report of the State selecting agency reveals that the enrollee, as an applicant, did not falsify or conceal information affecting his eligibility for selection and enrollment but was selected through error, the recommendation of the State selecting agency will be considered in making disposition of the case. In cases which come under the provisions of this subparagraph, discharge is not mandatory except when—

(i) Continued service in the Civilian Conservation Corps is in violation of legal provisions governing citizenship, age, marital status, and maximum service of junior enrollees. (See par. (a) (2), section 203.3.)

(ii) An enrollee has been convicted by a civil or a military court of an offense which may be punished by death or imprisonment for a term exceeding one year.

(iii) An enrollee is on probation or parole at the time of the discovery of the error.

(iv) Enrollees who are members of the National Guard or civil law enforcement officers refuse to sever their connections immediately with the National Guard or civil law enforcement authority.

In all other cases, after considering the recommendation received from the State selecting agency, corps area commanders will determine the final disposition of each case, and such discharges as are awarded will be honorable discharges for "erroneous enrollment."

(4) When the report of the State selecting agency reveals that the enrollee, as an applicant, actively and knowingly falsified or concealed information affecting his eligibility for selection and enrollment (see par. (a) (2), section 203.3), the enrollee will be administratively discharged for "fraudulent enrollment."

(5) Except in the case of those listed in paragraphs (a) (2) and (b), section 203.3, persons discharged under the provisions of (1), (3), and (4) above will be paid full accumulated pay and allowances to date of discharge and provided with the usual subsistence allowance and transportation. See paragraph (c), section 203.18.

(6) Those listed in paragraphs (a) (2) and (b), section 203.3 and discharged under the provisions of (3) and (4) above will not be paid for any period subsequent to the last payment made to them prior to the discovery of the error or fraud, but will be provided with the usual subsistence allowance and transportation. See paragraph (c), section 203.18. (50 Stat. 319) [Par. 25c, C. C. C. Regs., W. D., December 1, 1937; as amended by C 40, Oct. 28, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-4044; Filed, November 2, 1939; 9:36 a. m.]

[1] These regulations supersede paragraph (c), Section 203.7, Chapter II, Title 45, Code of Federal Regulations (4 F.R. 3455 DI).

## TITLE 47—TELECOMMUNICATION

## FEDERAL COMMUNICATIONS COMMISSION

PART 2—GENERAL RULES AND REGULATIONS

The Commission on October 31, 1939, effective immediately, amended Appendix B[1] in part to read as follows:

* * * * *

8690 Coastal Telegraph
8700 Fixed and Aviation
8710 Fixed

* * * * *

9190 Fixed
9200 Fixed and Aviation
9210 Fixed

* * * * *

10070 Fixed
10080 Fixed and Aviation
10090 Fixed

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i); Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c).)

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4056; Filed, November 2, 1939; 12:33 p. m.]

PART 6—RULES GOVERNING FIXED PUBLIC RADIO SERVICES*†

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[1] 4 F.R. 2109 DI.

*Sec. 4, 44 Stat. 1163; 47 U.S.C. 84 (f) rules promulgated thereunder continued in effect by Sec. 604, 48 Stat. 1103; 47 U.S.C. 604; Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i).

†Adopted by the FCC on Oct. 31, 1939, effective Dec. 1, 1939.



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*Definitions*

§ 6.1 *Fixed public service.* The term "fixed public service" means a radiocommunication service carried on between fixed stations open to public correspondence.*†

§ 6.2 *Fixed public press service.*[1] The term "fixed public press service" means a limited radiocommunication service carried on between point-to-point telegraph stations consisting of transmissions by fixed stations open to limited public correspondence, of news items, or other material related to or intended for publication by press agencies, newspapers, or for public dissemination. In addition, these transmissions may be directed to one or more fixed points specifically named in a station license, or to unnamed points in accordance with the provisions of Sec. 6.53.*†

§ 6.3 *Agriculture service.* The term "agriculture service" means a limited radiocommunication service carried on between point-to-point telegraph stations for the transmission of agricultural market information.*†

§ 6.4 *Fixed station.* The term "fixed station" in the fixed public or fixed public press service includes all apparatus used in rendering the authorized service at a particular location under a single instrument of authorization.*†

§ 6.5 *Point-to-point telegraph station.* The term "point-to-point telegraph station" means a fixed station authorized for radiotelegraph communication.*†

§ 6.6 *Point-to-point telephone station.* The term "point-to-point telephone station" means a fixed station authorized for radiotelephone communication.*†

§ 6.7 *Point of communication.* The term "point of communication" means a specific location designated in the license with which a station is authorized to communicate for the transmission of public correspondence.*†

§ 6.8 *Authorized service.* The term "authorized service" of a point-to-point radiotelegraph or radiotelephone station means the transmission of public correspondence to a point of communication as defined in Sec. 6.7 subject to such special provisions as may be contained in the license of the station or in accordance with Sec. 6.53.*†

§ 6.9 *Radiotelegraph.* The term "radiotelegraph" as hereinafter used shall be construed to include types A–0, A-1, A-2, and A-4 emission.*†

§ 6.10 *Radiotelephone.* The term "radiotelephone" as hereinafter used shall be construed to include type A-3 emission only; except that type A–0, A-1, or A-2 emission may be used for test purposes or for the exchange of service messages.*†

*In General*

§ 6.21 *Facsimile.* The license of a point-to-point radiotelephone or radiotelegraph station may be authorized to use type A–4 emission for the transmission of facsimile service to a point of communication specifically designated in a license. Each such instrument of authorization shall specify the maximum communication band width authorized and the provisions of Sec. 2.72 shall apply.*†

§ 6.22 *Band width, multiple channel.* The licensee of a point-to-point radiotelegraph or radiotelephone station may be authorized to use a band width in excess of that authorized for a particular type of emission by Sec. 2.72.*†

§ 6.23 *Use of frequencies for radiotelegraph communication within the continental United States.* Licensees of point-to-point radiotelegraph stations may use any frequency authorized in a station license for communication between designated points within the continental United States upon the express condition that the use of any frequency above 5,000 kilocycles shall be subject to the limitation that no interference shall be caused to international service; and in the event such interference is caused, the licensee shall immediately discontinue the use of the frequency or frequencies producing such interference and operation thereon may be conducted only at times when such interference will not be caused.*†

§ 6.24 *Correspondents and points of communication.* Each instrument of authorization issued for fixed public or fixed public press service shall authorize communication to the points of communication and to the organizations, agencies, or persons specified therein only, except as provided by Sec. 6.53; provided, however, that in the event of a change in an organization, agency, or person specified or a change in the effective control of such organization, agency, or person, the licensee shall immediately notify the Commission of such change and shall file an application for modification of the instrument of authorization; and provided, further, that where such change is occasioned by reason of circumstances beyond the control of the licensee, communication under the then outstanding instrument of authorization shall be permitted to continue pending consideration of and action upon the application for modification of the instrument of authorization.*†

§ 6.25 *Points of communication, limitations.* No point of communication will be regularly authorized in any instrument of authorization for fixed public or fixed public press service in the absence of an adequate showing that public correspondence may be transmitted and received from such points, except as provided in Sec. 6.53.*†

§ 6.26 *Use of transmitters.* The licensee of a point-to-point radiotelegraph or radiotelephone station may use any transmitter of the station for transmission upon any frequency assigned to the station for communication with any point of communication authorized by the station license: *Provided, however,* That the maximum power authorized for the specific frequency as shown in the license is not exceeded.*†

§ 6.27 *Experimental research.* The licensee of a station may be authorized to use a transmitter which is licensed for fixed public or fixed public press service for experimental research in accordance with the rules and regulations governing the experimental service upon the condition that no interference will be caused to the public service.*†

§ 6.28 *Special temporary authorization.* Requests for special temporary authority must comply with the applicable provisions of Sec. 1.365 (a) of the Rules of Practice and Procedure and must be accompanied by a showing that interference will not be caused to the fixed public or fixed public press service for which the station is licensed; and, in addition, such requests must be accompanied by the following:

(a) a statement of the call letters, location and frequencies of the transmitting station; the call letters, location, and frequencies of the receiving station and the type or types of emission to be employed by both stations.

(b) a statement as to whether or not the frequencies are to be used for contact control purposes only.

(c) a statement of the period for which the temporary authority is desired.

(d) a statement describing the service which is to be rendered.*†

§ 6.29 *Licenses, expiration date.* Licenses will be issued to expire December 1, following the date of issuance except in so far as provided by Sec. 2.45.*†

§ 6.30 *Tolerances.* The operating frequency of fixed public and fixed public press stations shall be maintained within

[1] This rule is not intended as a definition of any press classification. Correspondence admissible under any press classification is determined by the tariffs of the various common carriers on file with the Commission.

a tolerance of plus or minus the assigned frequency as follows:

| | Transmitters in service now and until Jan. 1, 1944, after which date they will conform to the tolerances indicated in Column 2 | New transmitters installed beginning Jan. 1, 1940 |
|---|---|---|
| | *Percent* | *Percent* |
| Frequencies below 200 kc. | 0.1 | 0.1 |
| Frequencies between 1500 and 6000 kc. | .02 | .01 |
| On frequencies between 6000 and 30000 kc. | .015 | .01 |
| On frequencies above 30000 kc. | .05 | .03 |

•†

§ 6.31 *Quarterly Report.* Commencing October 1, 1939, each licensee shall submit a quarterly report stating the hours of operation for each frequency contained in the license, the frequencies used to each point of communication for the transmission of public correspondence and the total volume of paid public correspondence transmitted to and received from each point of communication named in the station license at a specific location or common transmitter control point. Such quarterly report shall also include a list of the frequencies, call letters, and locations of all stations beyond the continental limits of the United States which were regularly received during the preceding quarter. This report shall be submitted within forty days after the close of the quarter.•†

§ 6.32 *Equipment and service tests.* Equipment and service tests may be conducted as authorized in Sec. 2.42 and 2.43.•†

§ 6.33 *Transmissions during international silent period.* During the international silent period prescribed for stations in the maritime mobile service, fixed public and fixed public press stations may transmit communications, other than distress or urgent safety messages, to maritime mobile stations required by treaty or statute to maintain a watch on the international distress frequency only if the licensee of such fixed station has made a satisfactory showing to the Commission that the continuation of such communications through the international silent period will not interfere with the maintenance of the prescribed watch by such maritime mobile stations.•†

§ 6.34 *Frequency measurement.* Each station shall provide for the measurement of all frequencies assigned thereto and establish a procedure for checking them regularly. These measurements shall be made by means independent of the frequency control of the transmitters and shall be of an accuracy sufficient to detect deviations from the assigned frequencies within one-half the allowed tolerance.•†

§ 6.35 *Compliance with tariff requirements.* No licensee authorized to perform common carrier service by means of radiocommunication shall engage in such service without compliance with all statutory provisions and regulations of the Commission relative to the filing of tariffs; and nothing contained in this Part shall be deemed as a waiver or modification of any such statutory provision or regulation.•†

§ 6.36 *Posting of license.* The license of a station shall be posted in a conspicuous place in the main transmitter building of the station or kept in such building where it is readily available for inspection purposes.•†

ADDITIONAL PROVISIONS, FIXED PUBLIC AND FIXED PUBLIC PRESS SERVICE

§ 6.51 *Addressed program material.* Point-to-point radiotelegraph stations operating in the fixed public service may be authorized to transmit addressed program material for rebroadcast only by a broadcast station and only to points of communication beyond the continental limits of the United States specifically named in the instrument of authorization granted to the licensee subject to the condition that no interference is caused to the authorized service of the station as defined by Sec. 6.8.•†

§ 6.52 *Mobile stations, transmission simultaneously to.* A point-to-point telegraph station, in addition to the fixed points of communication specified in an instrument of authorization, may be authorized to communicate simultaneously with mobile stations for the transmission of press material destined primarily to fixed points.•†

§ 6.53 *Addressed press service.* Upon application being made, the Commission may grant a license, or a modification of license, for fixed public press service to authorize the use of the assigned frequency, or frequencies, for transmission without coordinated reception of addressed messages to one or more fixed points, in accordance with the provisions of Sec. 6.2. The points to which such transmission is authorized need not be named either generally or specifically in the license. After such application is made and granted, specific authorization for transmission to each new point shall be contingent upon the licensee's immediate notification to the Commission of the first transmission to said point and the location of the station or stations from which such transmission is made, and shall continue until the expiration date of the station license or licenses unless, within thirty (30) days, the licensee is otherwise notified by the Commission. After thirty (30) days from the commencement of such transmissions the Commission shall be notified on the first day of each calendar month of the frequencies used for the transmission of messages authorized by this rule and the points of communication to which each frequency was utilized. In addition, the licensee shall within such thirty-day period inform the Commission of the name of the organization, agency, or person operating the receiving end of the circuit. In addition, immediate notification shall be made of the deletion of any point which has been previously authorized by the provisions of this section, and any change in identity of the organization, agency, or person operating the receiving end of the circuit. Nothing contained herein shall be construed as a waiver of any provision of law or regulation requiring the filing with the Commission by the carrier of copies of contracts in relation to traffic, or other contracts.•†

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–4057; Filed, November 2, 1939; 12:33 p. m.]

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PART 6—RULES GOVERNING FIXED PUBLIC RADIO SERVICES

RULES REPEALED

The Commission on October 31, 1939, repealed the following rules, effective December 1, 1939:

*New Sec. Nos.*

6.1–6.11, inclusive.
6.21–6.37, inclusive.
6.51–6.52, inclusive.
6.71.

*Old Sec. Nos.*

60.01–60.11, inclusive.
61.01–61.17, inclusive.
62.01–62.02, inclusive.
63.01.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–4058; Filed, November 2, 1939; 12:34 p. m.]

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PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

The Commission on October 31, 1939, effective immediately, amended Section 9.73,[1] to read:

(c) Southern transcontinental chain and feeders (Brown)

• • • • •

Available for aeronautical fixed stations:

| | | |
|---|---|---|
| 2612 | 4730 [11] | 6560 [10] |
| 2636 | 5365 [14] | 7700 [9] Day only |
| 3447.5 [11] | 6540 [12] | 10080 [13] Day only |
| 4690 | 6550 [10] | 10190 Day only |
| | | 18360 [9] Day only |

(e) Northwestern continental chain and feeders (Purple)

• • • • • •

Available for aeronautical fixed stations:

| | | |
|---|---|---|
| 2644 | 5310 | 8700 [10] Day only |
| 2994 [11] | 6490 [10] | 10855 [9] Day only |
| 4917.5 [11] | 8130 [9] Day only | 10965 [9] Day only |

(f) Mid-continental chain and feeders (Yellow)

[1] 4 F.R. 3381 DI.



Available for aeronautical and aircraft stations:

| | | | |
|---|---|---|---|
| 3447.5 | 3485 | 5042.5 | 5682.5 |
| 3457.5 | 5032.5 [9 12] | 5887.5 [12] | |
| Primary---- | 142480 | 142620 [17] | |
| Secondary--- | 142760 | | |

Available for aeronautical fixed stations:

| | | | |
|---|---|---|---|
| 2640 | 4650 | 5215 [9] | 8070 [9] Day only |
| | | | 9200 [10] Day only |
| | | | 11910 [9] Day only |

[9] Subject to the condition that no interference is caused to existing services and that the operating frequency will be maintained within 0.02 percent of the assigned frequency.

[10] Subject to the condition that no interference is caused to Government stations.

[11] These frequencies assigned for unlimited hours upon the express condition that no interference is caused to the international mobile service.

[12] Subject to the condition that no interference is caused to aeronautical and aircraft stations.

[13] Maximum power 50 watts for use east of New York only, subject to the condition that no interference will be caused to agriculture stations in the fixed service or to any station which in the judgment of the Commission has priority on this frequency.

[14] These frequencies are assigned upon the express condition that no interference will be caused to the international service of any station which in the discretion of the Commission may have priority on the frequency, or frequencies with which interference results.

[17] May also be assigned for secondary service under certain conditions.

[18] For use south of Dallas, Texas.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–4059; Filed, November 2, 1939; 12:34 p. m.]

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## *Notices*

### DEPARTMENT OF THE INTERIOR.

**Bureau of Reclamation.**

UNCOMPAHGRE PROJECT, COLORADO

ADVERTISEMENT OF LANDS FOR LEASE

OCTOBER 26, 1939.

1. Sealed proposals will be received at the office of the Bureau of Reclamation, Washington, D. C., until 2 o'clock P. M., November 15, 1939, for the lease for agricultural purposes of all or any tract or tracts of the following described lands:

COLORADO

| | *Area in acres* |
|---|---|
| T. 50 N., R. 9 W., N. M. P. M.: | |
| Sec. 28—N½NW¼ | 80 |
| T. 51 N., R. 10 W., N. M. P. M.: | |
| Sec. 22—NW¼SW¼ | 40 |

2. The land will be leased for the period ending December 31, 1940, the lessee having the option to renew the lease from year to year, but not beyond December 31, 1944. The bidder shall state in the proposal (a) the legal description of such subdivisions or tracts which he proposes to lease, (b) the area in acres, and (c) the annual rental price he proposes to pay. The bidder may make such stipulations as he may desire regarding combinations of tracts he is willing to accept. Please use attached proposal blanks.[1]

3. Bids must be accompanied by payment in full for the calendar year 1940. Funds so remitted by unsuccessful bidders will be returned on making of award. Subsequent payments will be due in advance on December 1 of each year during the continuance of the lease, such payments covering rental for the calendar year (January 1 to December 31) next succeeding due date of payment. In case any such subsequent rental payment is not made on or before the due date, the lease and the right of occupancy of the lessee terminate at the expiration of the period for which rental has theretofore been paid, without further notice or action. Remittance should be in the form of certified check, bank draft, or money order, drawn in favor of "Bureau of Reclamation".

4. If water for irrigation is desired for any of these lands, it may be secured, if available, by arrangement with the Uncompahgre Valley Water Users' Association, at the prevailing charge for other project lands.

5. Those desiring to bid should first consult a copy of lease form 7–523–A–G, on file at the office of the Superintendent of the Uncompahgre Valley Water Users' Association, at Montrose, Colorado, which lease must be promptly executed by successful bidders before possession of land is given, and which describes various rights reserved by the United States and other details not herein enumerated, to which the lessee must agree.

6. Envelopes containing bids must be sealed, marked and addressed as follows:

Bid for Lease of Land, Uncompahgre Project, Colorado, To Be Opened at 2 P. M., Eastern Standard Time, November 15, 1939.

JOHN C. PAGE, *Commissioner.*

[F. R. Doc. 39–4045; Filed, November 2, 1939; 9:37 a. m.]

[1] A proposal blank was filed as a part of the original document; requests for copies should be addressed to the Bureau of Reclamation, Department of the Interior.

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### DEPARTMENT OF AGRICULTURE.

**Division of Marketing and Marketing Agreements.**

[Docket No. A–117 O–117]

NOTICE OF A PUBLIC HEARING ON A PROPOSED MARKETING AGREEMENT AND ORDER REGULATING THE HANDLING OF MILK IN THE WASHINGTON (DISTRICT OF COLUMBIA) MARKETING AREA, PREPARED AND PROPOSED BY THE MARYLAND AND VIRGINIA MILK PRODUCERS ASSOCIATION, INC., UPON WHICH SAID ORGANIZATION HAS REQUESTED THE SECRETARY OF AGRICULTURE TO HOLD A HEARING UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

Whereas, the Maryland and Virginia Milk Producers Association, Inc., has requested the Secretary of Agriculture to hold a public hearing on a proposed marketing agreement and order prepared and proposed by said organization and designed to regulate such handling of milk in the Washington (District of Columbia) marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement or the issuance of an order will tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to such handling of milk in the Washington (District of Columbia) marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

Whereas, under said act notice of and opportunity for a hearing are required prior to the execution of a marketing agreement or the issuance of an order, and the General Regulations, Series A, No. 1, as amended,[1] of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice:

Now, therefore, pursuant to said act and said general regulations, notice is hereby given of a public hearing to be held at the Court House, Warrenton, Virginia, on November 20, 1939, at 10:00 a. m., e. s. t.; at Winchester Hall, Frederick, Maryland, on November 21, 1939, at 10:00 a. m., e. s. t.; and in the Auditorium, South Building, United States Department of Agriculture, Washington, D. C., on November 22, 1939, at 10:00 a. m., e. s. t., on the aforementioned marketing agreement and order, prepared and proposed by the aforementioned organization and designed to regulate such handling of milk in the Washington (District of Columbia) marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce.

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for such handling of milk in the Washington (District of Columbia) marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce are so disorderly as to necessitate regulation of the handling of such milk in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

[1] 1 F.R. 155.

The proposed marketing agreement and order provide, among other things, for: (a) selection of a market administrator, (b) classification of milk, (2) minimum prices, (d) reports of handlers, (e) payments to producers through the use of individual handler pools, and (f) expenses of administration.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, or may be there inspected.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

NOVEMBER 2, 1939.

[F. R. Doc. 39-4060; Filed, November 2, 1939; 12:38 p. m.]

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[Docket No. A-118 O-118]

NOTICE OF A PUBLIC HEARING ON A PROPOSED MARKETING AGREEMENT AND ORDER REGULATING THE HANDLING OF MILK IN THE PROVIDENCE, RHODE ISLAND, MARKETING AREA, PREPARED AND PROPOSED BY THE LOCAL DAIRYMEN'S COOPERATIVE ASSOCIATION, INC., AND THE NEW ENGLAND MILK PRODUCERS' ASSOCIATION, UPON WHICH SAID ORGANIZATIONS HAVE REQUESTED THE SECRETARY OF AGRICULTURE TO HOLD A HEARING UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

Whereas, the Local Dairymen's Cooperative Association, Inc., and the New England Milk Producers' Association have requested the Secretary of Agriculture to hold a public hearing on a proposed marketing agreement and order prepared and proposed by said organizations and designed to regulate such handling of milk in the Providence, Rhode Island, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement or the issuance of an order will tend to effectuate the declared policy of Public Act. No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to such handling of milk in the Providence, Rhode Island, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

Whereas, under said act notice of and opportunity for a hearing are required prior to the execution of a marketing agreement or the issuance of an order, and the General Regulations, Series A, No. 1, as amended,[1] of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice:

Now, therefore, pursuant to said act and said general regulations, notice is hereby given of a public hearing to be held in Governor Dyer Market, Providence, Rhode Island, beginning at 10 a. m., e. s. t., November 27, 1939, on the aforementioned marketing agreement and order, prepared and proposed by the aforementioned organizations and designed to regulate such handling of milk in the Providence, Rhode Island, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce.

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for such handling of milk in the Providence, Rhode Island, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce are so disorderly as to necessitate regulation of the handling of such milk in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement and order provide, among other things, for: (a) selection of a market administrator, (b) classification of milk, (c) minimum prices, (d) reports of handlers, (e) payments to producers through the use of individual handler pools, (f) payments to cooperative associations for the rendering of market services, and (g) expenses of administration.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, or may be there inspected.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

NOVEMBER 2, 1939.

[F. R. Doc. 39-4061; Filed, November 2, 1939; 12:38 p. m.]

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## DEPARTMENT OF LABOR.

### Wage and Hour Division.

[Administrative Order No. 34]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 9 FOR THE RAILROAD CARRIER INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Harold D. Jacobs, Acting Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the railroad carrier industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public:

Frank Porter Graham, Chairman, Chapel Hill, N. C.
Charles S. Johnson, Nashville, Tennessee.
William Homer Spencer, Chicago, Illinois.
Oscar K. Cushing, San Francisco, California.

For the Employees:

George Wright, Chicago, Illinois.
T. C. Carroll, Umatilla, Florida.
H. A. Bacus, Cincinnati, Ohio.
James McNamara, Washington, D. C.

For the Employers:

E. J. McClees, New York, N. Y.
C. D. Mackay, Washington, D. C.
Edward Murrin, Chicago, Illinois.
J. H. Buntt, Washington, D. C.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. As used in this order the term "Railroad Carrier Industry" means the industry carried on by any express company, sleeping car company or carrier by railroad, subject to Part I of the Interstate Commerce Act, and by any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and by any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such company or carrier by railroad:

*Provided, however,* That the term "Railroad Carrier Industry" shall not include the industry carried on by any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power.

3. The industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall meet at the call of its chairman and shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said act are "engaged in commerce or in the production of goods for commerce", excepting

[1] 1 F.R. 155



employees exempted by virtue of the provisions of Section 13 (a) and employees coming under the provisions of Section 14.

Signed at Washington, D. C., this 2nd day of Nov. 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4051; Filed, November 2, 1939; 11:18 a. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 3, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued, and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM

Fredericksburg Shirt Company, Fredericksburg, Virginia.
Glix-Brand Company, Inc., Pittsfield, Massachusetts.
Hoosick Falls Undergarment Corporation, Hoosick Street, Hoosick Falls, New York.
Imperial Shirt Company, West Bangor, Pennsylvania (5 learners).
Leader Garment Company, Norwalk, Ohio.
S. Liebovitz & Sons, Inc., Curwensville, Pennsylvania.
S. Liebovitz & Sons, Inc., McDonoghe Street, Gallitzin, Pennsylvania.
Lustberg Nast & Co., Inc., 43 Smith Street, Middletown, New York.
Mt. Pleasant Mills Shirt Factory, Mt. Pleasant Mills, Pennsylvania (3 learners).
National Underwear Corporation, St. Louis, Missouri (3 learners).
Patterson Manufacturing Co., 428 North Main Street, Miami, Oklahoma.
Richfield Shirt Factory, Richfield, Pennsylvania.
Salem Shirt Factory, R. D. No. 2, Mifflintown, Pennsylvania (3 learners).
L. Shellenberger & Sons, McAlisterville, Pennsylvania.
Southland Manufacturing Co., Inc., 204 Greenfield Street, Wilmington, North Carolina.
Standard Overall Company, Martinsville, Virginia.
U-Wan-A Wash Frocks, Inc., Newville, Pennsylvania (5 learners).
U-Wan-A Wash Frocks, Inc., Shippensburg, Pennsylvania.

Signed at Washington, D. C., this 2nd day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4062; Filed, November 2, 1939; 12:40 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued to the employer listed below effective November 3, 1939, until February 23, 1940, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES AND CONDITIONS

The employment of learners in the Apparel Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under this Certificate is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) This Special Certificate is issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under this Special Certificate, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) This Special Certificate is issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificate may be cancelled as of the date of issuance and, if so cancelled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Fredericksburg Shirt Company, Fredericksburg, Virginia, 14.

Signed at Washington, D. C., this 2nd day of November 1939.

MERLE D. VINCENT,
*Chief Hearings and Exemptions Section.*

[F. R. Doc. 39-4063; Filed, November 2, 1939; 12:40 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at

hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective November 3, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Bethayres Knitting Mills, Inc., Bethayres, Pennsylvania (7 learners).

F. F. Laughlin Hosiery Mills, Inc., Randleman, North Carolina.

Nocturne Hosiery Mill, Union, South Carolina (2 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 2nd day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4064; Filed, November 2, 1939; 12:40 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective November 3, 1939, to July 3, 1940, unless otherwise indicated opposite the employer's name, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

| Name and address of firm | Number of learners | Expiration date |
|---|---|---|
| Custom Dye Works, Union South Carolina | 10 | |
| F. F. Laughlin Hosiery Mills, Inc., Randleman, North Carolina | 30 | May 18, 1940 |
| Rambo and Regar, Inc., Main below Ford Street, Norristown, Pennsylvania | 20 | May 1, 1940 |
| Sussex Hosiery Mills, Laurel, Delaware | 15 | |

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 2nd day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4065; Filed, November 2, 1939, 12:40 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5786]

IN RE APPLICATION OF CANNON SYSTEM, LTD. (KIEV)

*Dated, May 17, 1939, for renewal of license; class of service, broadcast; class of station, broadcast; location, Glendale, Calif.; operating assignment specified: Frequency, 850 kc; power, 250 w day; hours of operation, daytime*

[File No. B5-R-816]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the nature and character of the program service rendered by the applicant;

2. To determine whether the station's program service has been and is now in conformity with the representations made to the Commission in support of the original application for construction permit or license, and all subsequent applications, by the licensee;

3. To determine whether the statements made to the Commission in financial reports submitted by the licensee for the calendar years 1937 and 1938 and the various applications for renewal of license, with particular reference to expenditures for program service and talent, are true and correct;

4. To determine whether or not the Cannon System, Ltd., has been at all times and is now exercising actual control of the operations of Station KIEV; and

5. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience and necessity;

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Precedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Cannon System, Ltd.,
Radio Station KIEV,
701 East Broadway,
Glendale, Calif.

Dated at Washington, D. C., October 31, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4039; Filed, November 1, 1939; 3:03 p. m.]



[Docket No. 5783]

IN RE APPLICATION OF JOE W. ENGEL (NEW)

*Dated, July 31, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Chattanooga, Tenn.; operating assignment specified: Frequency, 1370 kc.; power, 250 w, night—250 w, day; hours of operation, unlimited*

[File No. B3-P-2483]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station;

2. To determine the type and character of program service to be rendered;

3. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., Lookout Mountain Company of Georgia, Lookout Mountain, Georgia (B3-P-2425); and

4. To determine whether public interest, convenience, and necessity will be served through a grant of the application or through a grant of the application of the Lookout Mountain Company of Georgia (B3-P-2425), or through a denial of both applications.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Joe W. Engel
Engel Stadium,
Chattanooga, Tenn.

Dated at Washington, D. C., November 1, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4053; Filed, November 2, 1939; 12:33 p. m.]



[Docket No. 5784]

IN RE APPLICATION OF L. J. DUNCAN, LEILA A. DUNCAN, JOSEPHINE A. KEITH, EFFIE H. ALLEN, AUBREY GAY, D/B AS VALLEY BROADCASTING COMPANY (NEW)

*Dated, July 19, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, West Point, Ga.; operating assignment specified: Frequency, 1310 kc; power, 250 w, night—250 w, day; hours of operation, unlimited*

[File No. B3-P-2442]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the nature and character of the service proposed to be rendered.

3. To determine whether the granting of the assignment requested would be in accordance with the Commission's plan of allocation, rules and regulations, and standards of good engineering practice.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co.,
% L. J. Duncan,
P. O. Box 191,
West Point, Ga.

Dated at Washington, D. C., November 1, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4054; Filed, November 2, 1939; 12:33 p. m.]

[Docket No. 5785]

IN RE APPLICATION OF LOOKOUT MOUNTAIN COMPANY OF GEORGIA (NEW)

*Dated, June 13, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Trans. Rossville, Ga., Studio: Lookout Mt., Ga.; operating assignment specified: Frequency, 1370 kc; power, 100 w, night— 250 w, day; hours of operation, unlimited*

[File No. B3-P-2425]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed broadcast station.

2. To determine type and character of program service to be rendered.

3. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., Joseph W. Engel, Chattanooga, Tennessee (File No. B3-P-2483).

4. To determine whether public interest, convenience and necessity will be served through a grant of the application, or through a grant of the application of Joseph W. Engel (B3-P-2483), or through a denial of both applications.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Lookout Mountain Company of Georgia,
% W. D. Gilman, Jr.,
73 Ivy St., N. E.,
Atlanta, Ga.

Dated at Washington, D. C., November 1, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4055; Filed, November 2, 1939; 12:33 p.m.]

## FEDERAL POWER COMMISSION.

[Docket Nos. G-114, G-125]

PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK, COMPLAINANT, V. NEW YORK STATE NATURAL GAS CORPORATION, DEFENDANT; AND IN THE MATTER OF NEW YORK STATE NATURAL GAS CORPORATION

ORDER FIXING DATE OF HEARING

OCTOBER 31, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) In Docket No. G-114, on November 28, 1938, the Public Service Commission of the State of New York, a State commission within the meaning of the Natural Gas Act, filed with the Commission a formal complaint, alleging that the price charged by the New York State Natural Gas Corporation to the Central New York Power Corporation for natural gas for resale is unjust and unreasonable; in its answer to said formal complaint, filed with the Commission on December 28, 1938, the New York State Natural Gas Corporation denies that the price charged the Central New York Power Corporation for natural gas for resale is unjust or unreasonable;

(b) Public hearing in said Docket No. G-114 was held on February 27 and 28 and March 1, 9, and 10, 1939, and on the last mentioned day said hearing was adjourned to be resumed upon the order of the Commission;

(c) On March 17, 1939, the Commission instituted an investigation of the New York State Natural Gas Corporation for the purpose of enabling the Commission (1) to determine with respect to said company, whether, in connection with any transportation or sale of natural gas subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged or collected, or any rules, regulations, practices or contracts affecting such rates, charges, or classifications, are unjust, unreasonable, unduly discriminatory, or preferential; and (2) if the Commission shall find that any such rates, charges, classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders just, reasonable and nondiscriminatory rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force;

(d) The order of March 17, 1939, in Docket No. G-125 consolidated that proceeding for hearing and other purposes with Docket No. G-114;

(e) By an order adopted on March 24, 1939, the Commission permitted the Pennsylvania Public Utility Commission to become an intervener and a party to Docket No. G-125;

The Commission orders that:

A public hearing in these proceedings be held commencing on November 20th, 1939, at 10 o'clock a. m., in the offices of the Public Service Commission of the State of New York, 80 Centre Street, New York City.

By the Commission.

LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4041; Filed, November 2, 1939; 9:36 a. m.]

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[Docket No. G-142]

IN THE MATTER OF COLUMBIAN CARBON COMPANY

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, John W. Scott, Leland Olds.

OCTOBER 31, 1939.

It appearing to the Commission that:

(a) On October 17, 1938, the Columbian Carbon Company filed with the Federal Power Commission its agreement, dated October 17, 1935, with the United Fuel Gas Company, designated in the files of the Commission as Columbian Carbon Company Rate Schedule F.P.C. No. 12, providing for the sale of all natural gas produced by the Columbian Carbon Company in the Chapmanville District of Logan County, West Virginia, to the United Fuel Gas Company for resale;

(b) Said agreement of October 17, 1935, provides for an increase in the rates or charges to be paid by the United Fuel Gas Company, which proposed increase is to take effect as of November 1, 1939;

(c) On September 20, 1939, the Columbian Carbon Company filed with the Commission a document, dated September 19, 1939, designated in the files of the Commission as Supplement No. 1 to Columbian Carbon Company Rate Schedule F.P.C. No. 12, providing that in accordance with the terms of said agreement designated as Columbian Carbon Company Rate Schedule F.P.C. No. 12, increased rates or charges for natural gas sold to the United Fuel Gas Company would take effect on November 1, 1939;

(d) Said Supplement No. 1 sets forth certain statements purporting to justify the proposed increase in rates;

(e) The schedule of increased rates or charges contained in said Columbian Carbon Company Rate Schedule F.P.C. No. 12, and referred to in said Supplement No. 1, which is proposed to be made effective on November 1, 1939, may result in excessive rates or charges to the United Fuel Gas Company, or place an undue burden upon ultimate consumers of natural gas, which increased rates or charges have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon, but not for a longer period than five months beyond November 1, 1939;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on December 4, 1939, at 10 o'clock, a. m., in the hearing room of the Federal Power Commission, 1757 K Street NW., Washington, D. C., concerning the lawfulness of the rates or charges contained in said Columbian Carbon Company Rate Schedule F.P.C. No. 12, and referred to in said Supplement No. 1 thereto, which are proposed to be made effective on November 1, 1939;

(B) Pending such hearing, the schedule of increased rates or charges for the sale of natural gas for resale for ultimate domestic or commercial consumption contained in said Columbian Carbon Company Rate Schedule F.P.C. No. 12, and referred to in said Supplement No. 1, which is proposed to be made effective on November 1, 1939, be and the same is hereby suspended for a period of five months beyond November 1, 1939, unless the Commission shall hereafter otherwise order;

(C) During the said period of suspension the rates or charges now being collected and received by the Columbian Carbon Company from the United Fuel Gas Company, as provided in the said Columbian Carbon Company Rate Schedule F.P.C. No. 12, shall remain and continue in full force and effect;

(D) This order does not suspend or otherwise effect the rates to be collected and received for natural gas sold to the United Fuel Gas Company for resale for ultimate industrial consumption only;

(E) At such hearing, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon the Columbian Carbon Company.

By the Commission.

LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4042; Filed, November 2, 1939; 9:36 a. m.]



[Docket No. G-143]

IN THE MATTER OF COLUMBIAN FUEL CORPORATION

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

OCTOBER 31, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On October 17, 1938, the Columbian Fuel Corporation filed with the Federal Power Commission an agreement, dated November 18, 1931, between the Piney Oil & Gas Company (predecessor to the Columbian Fuel Corporation), and the Warfield Natural Gas Company, designated in the files of the Commission as Columbian Fuel Corporation Rate Schedule F.P.C. No. 1, providing for the sale of natural gas by the Columbian Fuel Corporation to the Warfield Natural Gas Company for resale;

(b) On October 17, 1938, the Columbian Fuel Corporation filed with the Commission a supplemental agreement, dated November 15, 1934, between the Piney Oil & Gas Company (predecessor to the Columbian Fuel Corporation), and the Warfield Natural Gas Company, designated in the files of the Commission as Supplement No. 1 to Columbia Fuel Corporation Rate Schedule F.P.C. No. 1, modifying that article of said Rate Schedule F.P.C. No. 1 which purports to specify the prices to be paid for the natural gas sold;

(c) Said agreement of November 18, 1931, as modified by the supplemental agreement of November 15, 1934, provides for certain periodic increases in the rates to be paid by the Warfield Natural Gas Company, one of which increases is proposed to become effective on November 1, 1939;

(d) On September 20, 1939, the Columbian Fuel Corporation filed with the Commission a document, dated September 19, 1939, designated in the files of the Commission as Supplement No. 2 to Columbian Fuel Corporation Rate Schedule F.P.C. No. 1, providing that in accordance with the terms of said agreement designated as Columbian Fuel Corporation Rate Schedule F.P.C. No. 1, as modified by said Supplement No. 1, increased rates or charges for natural gas sold to the Warfield Natural Gas Company would take effect on November 1, 1939;

(e) Said Supplement No. 2 to Columbian Fuel Corporation Rate Schedule F.P.C. No. 1 sets forth certain statements purporting to justify the proposed increase in rates or charges;

(f) The schedule of increased rates contained in said Columbian Fuel Corporation Rate Schedule F.P.C. No. 1, as modified by Supplement No. 1 thereto, and referred to in said Supplement No. 2, which is proposed to be made effective on November 1, 1939, may result in excessive rates or charges to the Warfield Natural Gas Company, or place an undue burden upon ultimate consumers of natural gas, which increased rates or charges have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon, but not for a longer period than five months beyond November 1, 1939;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on December 4, 1939, at 2 o'clock, P. M., in the hearing room of the Federal Power Commission, 1757 K Street NW., Washington, D. C., concerning the lawfulness of the rates or charges contained in said Columbian Fuel Corporation Rate Schedule F.P.C. No. 1, as modified by said Supplement No. 1, and referred to in said Supplement No. 2, which are proposed to be made effective on November 1, 1939;

(B) Pending such hearing, the schedule of increased rates or charges for the sale of natural gas for resale for ultimate domestic or commercial consumption contained in said Columbian Fuel Corporation Rate Schedule F.P.C. No. 1, as modified by said Supplement No. 1, and referred to in said Supplement No. 2, which is proposed to be made effective on November 1, 1939, be and the same is hereby suspended for a period of five months beyond November 1, 1939, unless the Commission shall hereafter otherwise order;

(C) During the said period of suspension the rates and charges now being collected and received by the Columbian Fuel Corporation from the Warfield Natural Gas Company, as provided in Columbian Fuel Corporation Rate Schedule F.P.C. No. 1, as modified by Supplement No. 1 thereto, shall remain and continue in effect;

(D) This order does not suspend or otherwise affect the rates and charges to be collected and received for natural gas sold to the Warfield Natural Gas Company for resale for ultimate industrial consumption only;

(E) At such hearing, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon the Columbian Fuel Corporation.

By the Commission.

LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4043; Filed, November 2, 1939; 9:36 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3907]

IN THE MATTER OF McDONNELL & SONS, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered,* That William C. Reeves, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered,* That the taking of testimony in this proceeding begin on Monday, November 13, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 410, Federal Building, Buffalo, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4046; Filed, November 2, 1939; 9:40 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of October, A. D. 1939.

[File No. 1-2589]

IN THE MATTER OF ERSTE BOEHMISCHE GLASINDUSTRIE, A. G. (FIRST BOHEMIAN GLASS WORKS, LIMITED) 30 YEAR 7% FIRST MORTGAGE SINKING FUND GOLD BONDS DUE JANUARY 1, 1957

ORDER WITHDRAWING REGISTRATION OF SECURITIES ON A NATIONAL SECURITIES EXCHANGE

The Commission having instituted a proceeding pursuant to Section 19 (a)

(2) of the Securities Exchange Act of 1934 to determine whether or not the registration on the Boston Stock Exchange of the 30 year 7% First Mortgage Sinking Fund Gold Bonds due January 1, 1957, of Erste Boehmische Glasindustrie, A. G. (First Bohemian Glass Works, Limited) should be suspended, or whether or not the registration of such bonds should be withdrawn; and

After appropriate notice,[1] a hearing having been held, the trial examiner having filed an advisory report, and no exceptions thereto having been taken; and

The Commission having fully considered this matter and having entered its findings herewith;

*It is ordered*, Pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, that the registration on the Boston Stock Exchange of the 30 year 7% First Mortgage Sinking Fund Gold Bonds due January 1, 1957, of Erste Boehmische Glasindustrie, A. G. (First Bohemian Glass Works, Limited) shall be and the same is hereby withdrawn, effective at the close of business on November 30, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4047; Filed, November 2, 1939; 11:11 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of October, A. D. 1939.

[File No. 31-238]

IN THE MATTER OF ASSOCIATED ELECTRIC COMPANIES, RICHMOND RAILWAYS, INC., NEW JERSEY AND STATEN ISLAND FERRY COMPANY, STATEN ISLAND COACH COMPANY, INC., SMYRNA TELEPHONE COMPANY, INC., MORTON POWER COMPANY, INC., TRIPLE CITIES TRACTION CORPORATION, TRIPLE CITIES COACH COMPANY, INC., THE CALEDONIA NATURAL GAS COMPANY, TRI-COUNTY NATURAL GAS COMPANY

[1] 4 F.R. 1901 DL

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935—SECTIONS 3 (a) (3) (A), 3 (b) AND 3 (d)

Upon the request of the applicants, the Commission consents to the withdrawal of the application of the above-named applicants, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4048; Filed, November 2, 1939; 11:11 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of November 1939.

[File No. 7-434]

IN THE MATTER OF MIDDLE STATES PETROLEUM CORPORATION VOTING TRUST CERTIFICATES FOR CLASS "A" STOCK, NO PAR VALUE (STAMPED)

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Curb Exchange in the Voting Trust Certificates for Class "A" Stock, No Par Value, of Middle States Petroleum Corporation, having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4049; Filed, November 2, 1939; 11:11 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of November 1939.

[File No. 7-435]

IN THE MATTER OF MIDDLE STATES PETROLEUM CORPORATION VOTING TRUST CERTIFICATES FOR CLASS "B" STOCK, NO PAR VALUE (STAMPED)

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Curb Exchange in the Voting Trust Certificates for Class "B" Stock, No Par Value, of Middle States Petroleum Corporation, having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, Pursuant to Section 12(f) and 23(a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4050; Filed, November 2, 1939; 11:12 a. m.]

NOV 6 1939

Reference


# FEDERAL REGISTER

VOLUME 4 NUMBER 214

*Washington, Saturday, November 4, 1939*


*Rules, Regulations, Orders*

## TITLE 6—AGRICULTURAL CREDIT

### FARM CREDIT ADMINISTRATION

[F.C.A. 147]

AUTHORITY OF DEPUTY LAND BANK COMMISSIONERS TO SIGN ORDERS IN CONSERVATORSHIP CASES

Title 6, Code of Federal Regulations, is amended by inserting after section 3.16 a new section reading as follows:

"§ 3.17 *Authority of deputy land bank commissioners to sign orders in conservatorship cases.* Authorization is hereby given, severally and not jointly, to each deputy land bank commissioner to sign orders, pursuant to the provisions of section 29 of the Federal Farm Loan Act (39 Stat. 381), as amended by section 25 (d) of the Farm Credit Act of 1937 (50 Stat. 713, 12 U.S.C. 967) and the rules and regulations of the Farm Credit Administration, (1) appointing conservators for national farm loan associations and (2) approving reports of conservators, fixing the fair book value of the stock of national farm loan associations for the purposes of said section, and terminating the appointments of conservators. (E.O. 6084, March 27, 1933, 6 CFR 1.1 (12)) [F.C.A. Order No. 268, November 2, 1939]"

[SEAL] F. F. HILL, *Governor.*

[F. R. Doc. 39-4076; Filed, November 3, 1939; 12:06 p. m.]

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## TITLE 14—CIVIL AVIATION

### CIVIL AERONAUTICS AUTHORITY

[Regulation 205-A-2]

NONDISCLOSURE OF INFORMATION OBTAINED BY REPRESENTATIVES OF THE AUTHORITY IN THE COURSE OF EXAMINATIONS, STUDIES AND INVESTIGATIONS

At a session of the Civil Aeronautics Authority held in the City of Washington, D. C., on the 16th day of November 1938.

Acting pursuant to the authority conferred upon it by the Civil Aeronautics Act of 1938, particularly section 205 (a) thereof, and finding that the regulation hereinafter provided is pursuant to and consistent with the provisions of said Act and necessary to carry out its provisions and to exercise and perform the powers and duties of the Authority under the Act, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

"Information or documents obtained by officers or employees of the Authority in the course of any examination, study or investigation pursuant to the Act, shall, unless made a matter of public record, be deemed confidential. Officers and employees are hereby prohibited from making such confidential information or documents available to any one other than a member, officer or employee of the Authority, unless the Authority authorizes the disclosure of such information or the production of such documents. Any officer or employee who is served with a subpena requiring the disclosure of such information or the production of such documents shall appear in response to the subpena and, unless the authorization described in the preceding sentence shall have been given, shall respectfully decline to disclose the information or produce the documents called for, basing his refusal upon this rule. Any officer or employee who is served with such a subpena shall promptly inform the Authority through the General Counsel of the service of such subpena, the nature of the information or documents sought and of any circumstances which may bear upon the desirability of making available such information or documents, and the General Counsel shall promptly advise the Authority."

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-4074; Filed, November 3, 1939; 11:55 a. m.]

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FEDERAL REGISTER

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[Amendment 31, Civil Air Regulations]

PROVIDING FOR THE RATING AND CERTIFICATION OF CIVILIAN SCHOOLS GIVING INSTRUCTION IN AIRCRAFT AND AIRCRAFT ENGINE MECHANICS

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 3rd day of October 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a) and 607 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby amends the Civil Air Regulations as follows:

Effective January 1, 1940, the Civil Air Regulations are amended by adding a new Part as follows:

PART 53—MECHANIC SCHOOL RATING

Sec.

53.1 Mechanic school rating certificate requirements.
53.10 Curriculum.
53.11 Mechanic instructors.
53.12 Mechanic instructors, ratio.
53.13 Facilities, equipment and material.
53.2 Student instruction.
53.20 Student examinations.
53.21 Records.
53.22 Reports.
53.23 Graduation certificate.
53.24 Standard of instruction.
53.25 Credit for extra curricular work.
53.3 Mechanic school certificate.
53.30 Application.
53.31 Display.
53.32 Duration.
53.33 Non-transferability.
53.34 Surrender.
53.35 Inspection.
53.4 General rules.
53.40 Advertising.
53.41 Curriculum changes.
53.42 Maintenance of facilities, equipment and material.

§ 53.1 *Mechanic school rating certificate requirements.* To be eligible for a rating as a mechanic school and certification as such an applicant shall comply with the following requirements:

§ 53.10 *Curriculum.* (a) An applicant shall have a curriculum of not less than 1650 hours of instruction in the theory and practice of construction, inspection, maintenance, overhaul, and repair of aircraft, aircraft engines, propellers, and their appliances, and in the contents of the applicable Civil Air Regulations. This curriculum shall be designed to be completed in not less than one year.

(b) The applicant may also secure approval by the Authority of the following additional curricula:

(1) An aircraft curriculum which shall include all subjects appearing in the aircraft and aircraft engine curriculum specifically dealing with aircraft, including the applicable provisions of the Civil Air Regulations. This curriculum shall include not less than 960 hours of instruction and shall be designed to be completed in not less than 8 months.

(2) An aircraft engine curriculum which shall include all subjects appearing in the aircraft and aircraft engine curriculum specifically dealing with aircraft power plants, including the applicable provisions of the Civil Air Regulations. This curriculum shall include not less than 960 hours of instruction and be designed to be completed in not less than 8 months.

(c) Each curriculum described in this section shall provide for instruction in all the subjects necessary properly to qualify the student to perform the duties and functions of the position for which he may seek an airman certificate.

§ 53.11 *Mechanic instructors.* The applicant shall have, for all subjects included in any approved curriculum instructors holding valid mechanic certificates and valid ground instructor certificates, with ratings for each certificate appropriate for the subject or subjects in which such persons give instruction: *Provided*, That the applicant may be deemed to have met this requirement if he shows that any such instruction being given by a person not so rated and certificated is being given under the direct supervision of a full-time instructor with the certificate and ratings required by this section.

§ 53.12 *Mechanic instructors, ratio.* The applicant shall have at least one instructor giving instruction in each subject in an approved curriculum for each 25 students simultaneously receiving instruction in that subject.

§ 53.13 *Facilities, equipment and material.* An applicant shall have the following facilities, equipment, and material:

(a) Suitable classrooms adequate to accommodate the largest number of students scheduled for attendance at any one time. Such classrooms shall be properly heated, lighted and ventilated.

(b) Suitable shop space adequate to accommodate the largest number of students scheduled for attendance at any one time. Such shop space shall be at least 10,000 sq. ft. in area and shall be properly heated, lighted and ventilated.

(c) Material and equipment of the kind and quantity necessary to give each student theoretical and practical training in the use of such material and equipment sufficient to qualify him to perform the duties and functions of the position for which he may seek an airman certificate.

§ 53.2 *Student instruction.*

§ 53.20 *Student examinations.* Upon completion of each subject included in any approved curriculum, each student taking such subject shall be given an appropriate examination. The student's examination, or, in the case of a practical examination, a report thereof, shall be kept by the school as a part of its records for not less than one year from the date of the termination of the student's enrollment.

§ 53.21 *Records.* Certificated mechanic schools shall keep an accurate individual record of each student enrolled therein, which record shall include a chronological log of all instruction, attendance, subjects covered, examinations and examination grades. The entire record shall be certified by an authorized official of the school familiar with the facts contained therein.

§ 53.22 *Reports.* On the first day of January and July of each year and at such other times as the Authority may require, every holder of a mechanic school certificate shall transmit to the Authority a correct and completely executed report on the form prescribed and furnished by the Authority. Such report shall include the following information as to students enrolled in the course or courses approved by the Authority:

(a) The names of all students enrolled.

(b) The course or courses for which they are enrolled.

(c) The names of the students who have been graduated within the period covered by the report and the course or courses from which graduated.

(d) The names of all students dropped from enrollment, within the period covered by the report, and the reasons therefor.



§ 53.23 *Graduation certificate.* Each student graduating from a certificated mechanic school who has satisfactorily completed an approved curriculum shall be given a graduation certificate executed on a form prescribed and furnished by the Authority.

§ 53.24 *Standard of instruction.* The standard of instruction in a certificated mechanic school shall be sufficiently high to insure that an average of eight out of ten of its graduates, who apply within one year after graduation, will qualify for a mechanic certificate and rating corresponding to the curriculum from which they were graduated. This average shall be computed on the basis of the number of students, graduated by the school during each six months' period after January 1, 1940, who apply and are examined for the mechanic certificate and rating corresponding to the curriculum from which they were graduated.

§ 53.25 *Credit for extra-curricular work.* A student who is engaged in a mechanical occupation, the nature of which is comparable to some portion of the curriculum in which he is enrolled, may receive credit for a number of hours equivalent to the experience received, in lieu of such portion of the curriculum: *Provided*, That such credit shall not exceed 400 hours in the 1,650 hour curriculum, nor 200 hours in each 960 hour curriculum.

§ 53.26 *Hours of attendance.* No student shall be given a graduation certificate unless such student has been in attendance not less than 98 percent of the total hours required by the school to complete the approved curriculum for which he was enrolled.

§ 53.3 *Mechanic school certificate.*

§ 53.30 *Application.* Application for a mechanic school certificate shall be made upon the applicable form prescribed and furnished by the Authority, and shall be accompanied by two copies of any proposed curriculum.

§ 53.31 *Display.* A mechanic school certificate shall be presented for inspection upon the reasonable request of any person.

§ 53.32 *Duration.* A mechanic school certificate shall be of 60 days' duration and, unless the holder thereof is otherwise notified by the Authority within such period, shall continue in effect indefinitely thereafter, unless suspended or revoked by the Authority.

§ 53.33 *Non-transferability.* A mechanic school certificate is not transferable.

§ 53.34 *Surrender.* Upon the suspension, revocation, or expiration of a mechanic school certificate, the holder of such certificate shall, upon request, surrender such certificate to any officer or employee of the Authority.

§ 53.35 *Inspection.* The applicant for a mechanic school certificate shall offer full cooperation with respect to any inspection or examination which may be made of said applicant, its personnel, facilities, equipment, and records, upon proper request by any authorized representative of the Authority prior or subsequent to the issuance of a mechanic school certificate.

§ 53.4 *General rules.*

§ 53.40 *Advertising.* No certificated mechanic school shall in any manner make any statement pertaining to such school which is false or is designed to mislead any person contemplating enrollment in such school: *Provided*, That any advertising which indicates that such school is approved by the Authority shall clearly differentiate between those subjects which have been approved by the Authority and those which have not.

§ 53.41 *Curriculum changes.* No change shall be made in any approved curriculum prior to approval of the change by the Authority. Unless the school is notified to the contrary within 60 days after submission of the proposed change to the Authority, such change will be deemed to have been approved.

§ 53.42 *Maintenance of facilities, equipment and material.* The holder of a currently effective mechanic school certificate shall maintain personnel, facilities, equipment, and material at least equal in quality and quantity to those required for the issuance of such a certificate.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-4075; Filed, November 3, 1939; 11:55 a. m.]

## TITLE 25—INDIANS

### OFFICE OF INDIAN AFFAIRS

DEL NORTE AND HUMBOLDT COUNTIES, CALIFORNIA

INDIAN RESERVATION PROCLAIMED

OCTOBER 21, 1939.

By virtue of the authority contained in Section 7 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), the lands described below, acquired by purchase under the provisions of Section 5 of that Act, for the use and benefit of such Indians of Del Norte and Humboldt Counties in California, eligible to participate in the benefits of the Act of June 18, 1934, supra, as shall be designated by the Secretary of the Interior, are hereby proclaimed to be an Indian reservation:

N½SW¼, Sec. 13, S½SE¼, NE¼SE¼, S½NW¼SE¼, SE¼SW¼ and Lot 6, Sec. 14, N½NE¼NW¼, Sec. 23; all in Twp. 13 N., R. 1 E., Humboldt Meridian, in Del Norte County, California, excepting therefrom that portion thereof containing 78.42 acres conveyed to John E. McCreary by deed recorded in Book X of Deeds, page 217, Del Norte County Records. The lands herein described contain 228 acres, more or less.

Until the subject of land use is covered by or pursuant to a constitution and bylaws and charter adopted by the Indians under the Indian Reorganization Act, the use of the land shall be subject to such rules and regulations as the Secretary of the Interior may provide for the protection of the soil, the proper development of the land, and the equitable distribution of benefits from the land.

E. K. BURLEW,
*Acting Secretary of the Interior.*

[F. R. Doc. 39-4067; Filed, November 3, 1939; 9:31 a. m.]

## *Notices*

### DEPARTMENT OF LABOR.

Wage and Hour Division.

APPLICATION THE FLORSHEIM SHOE COMPANY, SELBY SHOE COMPANY, G. R. KINNEY COMPANY, INC., MEDWED FOOTWEAR COMPANY, BLUM SHOE MANUFACTURING COMPANY, AND SUNDRY OTHER PARTIES FOR PERMISSION TO EMPLOY LEARNERS IN THE SHOE MANUFACTURING AND ALLIED INDUSTRIES AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM SPECIFIED

NOTICE OF HEARING

Whereas, applications have been made by the Florsheim Shoe Company, Selby Shoe Company, G. R. Kinney Company, Inc., Medwed Footwear Company, Blum Shoe Manufacturing Company, and sundry other parties under Section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations, Part 522, as amended (Regulations Applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, Chapter V, Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners in the shoe manufacturing and allied industries at wages less than the applicable minimum wage specified in Section 6 of the Act;

Now, therefore, pursuant to the said Act and Section 522.4 of the said Regulations, notice is hereby given of a public hearing to be held in Room 214, Hutchins Building, 939 D Street NW., Washington, D. C., to commence at 10 A. M. on Monday, November 20, 1939, before Merle D. Vincent, hereby duly authorized as presiding officer to conduct said hearing, to take testimony for the purpose of determining and to determine under the mini-

mum wage rates applicable October 24, 1939:

(a) What, if any, occupation or occupations in the shoe manufacturing and allied industries, require a learning period, and

(b) the factors which may have a bearing upon curtailment of opportunities for employment within the shoe manufacturing and allied industries, and

(c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the shoe manufacturing and allied industries, for whatever occupation or occupations, if any, are found to require a learning period.

At this hearing opportunity to present evidence relevant to the above questions will be afforded any interested person provided the presiding officer, Merle D. Vincent, Chief of the Hearings and Exemptions Section of the Wage and Hour Division, shall have received from such person, prior to noon, Saturday, November 18, 1939, a notice of intention to appear, setting forth his name and address, the company or organization which he represents, and specifying the branch or branches of the shoe manufacturing and allied industries to which his testimony will be directed and the approximate length of such presentation.

As used in this notice, the term "shoe manufacturing and allied industries" means:

(a) The manufacture or partial manufacture of footwear from any material and by any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper.

(b) The manufacture or partial manufacture of the following types of footwear, subject to the limitations of paragraph (a), but without prejudice to the generality of that paragraph:

Athletic shoes.
Boots.
Boot tops.
Burial shoes.
Custom-made boots or shoes.
Moccasins.
Puttees, except spiral puttees.
Sandals.
Shoes completely rebuilt in a shoe factory.
Slippers.

(c) The manufacture from leather or from any shoe-upper material of all cut stock and findings for footwear, including bows, ornaments and trimmings.

(d) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape:

| | |
|---|---|
| Outsoles. | Shanks. |
| Midsoles. | Boxtoes. |
| Insoles. | Counters. |
| Taps. | Stays. |
| Lifts. | Stripping. |
| Rands. | Sock linings. |
| Toplifts. | Heel pads. |
| Bases. | |

(e) The manufacture of heels of any material except molded rubber, but not including the manufacture of wood-heel blocks.

(f) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

(g) The manufacture of pasted shoe stock.

(h) The manufacture of boot and shoe patterns.

Signed at Washington, D. C., this 3d day of November, 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4078; Filed, November 3, 1939; 12:55 p. m.]

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NOTICE OF ORAL ARGUMENT ON RECORD OF HEARING ON MINIMUM WAGE RECOMMENDATION OF THE MILLINERY INDUSTRY COMMITTEE

Whereas, the Notice of Hearing on Minimum Wage Recommendation of the Millinery Industry Committee, published in the FEDERAL REGISTER on September 15, 1939,[1] provided that said hearing would be held before Mr. Paul Sifton, the then Deputy Administrator of the Wage and Hour Division, who was thereby authorized to review the evidence adduced at the hearing and approve or disapprove said recommendation; and

Whereas, said hearing has been held before said Deputy Administrator, and parties thereto have been extended the privilege of filing, on or before November 15, 1939, briefs concerning matters adduced at said hearing; and

Whereas, due to the resignation of said Deputy Administrator, it now appears necessary to revise the procedure relating to the disposition of the minimum wage recommendation of the Millinery Industry Committee; and

Whereas, the said Deputy Administrator has turned over to the Acting Administrator the complete record of the hearing before said Deputy Administrator,

Now, therefore, it is hereby ordered and notice is hereby given that:

1. Oral argument on the complete record of the hearing on the minimum wage recommendation of the Millinery Industry Committee will be held before me, on November 20, 1939, at Room 3229, United States Department of Labor, 14th Street and Constitution Avenue, Washington, D. C., at 10 A. M.

2. Any person who appeared at the aforesaid hearing in behalf of, or in opposition to, the recommendation of the Millinery Industry Committee, may present such argument, provided that not later than November 18, 1939, such person shall file with me at Washington, D. C., a notice of his intent to appear setting forth the length of time desired for argument.

Signed at Washington, D. C., this 3rd day of November 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4079; Filed, November 3, 1939; 12:55 p. m.]

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SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 30th day of October, A. D. 1939.

[File No. 43-252]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY

ORDER MAKING DECLARATION EFFECTIVE

Southern Natural Gas Company, a registered holding company, having filed with this Commission a declaration and an amendment thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the reduction to 4% of the interest rate on its 4½% Collateral Note in the principal amount of $900,000, dated March 10, 1939;

Public hearing thereon having been duly held after appropriate notice;[1] the record in this matter having been duly considered; and the Commission having filed its findings herein;

*It is ordered*, That such declaration be and become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4070; Filed, November 3, 1939; 11:26 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of November, A. D. 1939.

[1] 4 F.R. 3926 DI.

[1] 4 F.R. 4094 DI.



[File Nos. 2-2095, 2-2526, 2-3458, 2-3823]

IN THE MATTER OF W. WALLACE ALEXANDER INC.

STOP ORDERS

This matter coming on to be heard before the Commission on the registration statements of W. Wallace Alexander Inc., a Delaware corporation, after confirmed telegraphic notice to said registrant that it appears that said registration statements include untrue statements of material facts and omit to state material facts required to be stated therein and omit to state material facts necessary to make the statements therein not misleading, and upon evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant; and

The Commission having duly considered the matter, and finding that said registration statements include untrue statements of material facts and omit to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion this day issued; and

The Commission now being fully advised in the premises,

*It is ordered*, Pursuant to Section 8 (d) of the Securities Act of 1933, that the effectiveness of the registration statements filed by W. Wallace Alexander Inc., a Delaware corporation, be and the same hereby is suspended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4071; Filed, November 3, 1939; 11:26 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of November, A. D. 1939.

[File No. 55-65]

IN THE MATTER OF CLARENCE A. SOUTHERLAND AND JAY SAMUEL HARTT, TRUSTEES OF THE ESTATE OF MIDLAND UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on November 13, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Washington, D. C. On such day the Commission on or before November 10, 1939.

The matter concerned herewith is in regard to the proposed employment by Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company, of Day & Zimmermann, Inc. for the purpose of preparing, as requested by applicants, findings and reports, formulating and submitting, as applicants may direct, and as witnesses at the hearings on the amended claims filed by applicants against the Estate of Midland United Company, expert opinion as to the value of certain public utility property and related matters based on said findings and reports, in connection with the anticipated hearing with respect to the claims asserted by the applicants against the Estate of Midland United Company in the aggregate amount of approximately $80,000,000.

It is stated that Day & Zimmermann, Inc. had in prior years been employed to do work in connection with many matters involving transactions between Midland United Company and Midland Utilities Company, some of which transactions are covered by several of the amended proofs of claim filed by applicants against the Estate of Midland United Company. Consequently, it is believed these engineers have acquired a knowledge of facts and circumstances which will be available for the work now desired by applicants to be done by them. It is stated that the maximum charges to be made by Day & Zimmermann, Inc. in connection with such employment will be $6,000 plus $100 per day for each principal of its organization for testimony presented at hearings.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4072; Filed, November 3, 1939; 11:26 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of November, A. D. 1939.

[File No. 64-2]

IN THE MATTER OF NORTH AMERICAN GAS AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to Instruction 8C of the Uniform System of Accounts promulgated under section 15 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on November 20, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the

Commission on or before November 17, 1939.

The matter concerned herewith is in regard to the approval of the proposed entries to record the transfer to North American Gas and Electric Company of the assets of North American Management Company which was liquidated on June 12, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4073; Filed, November 3, 1939; 11:26 a. m.]

## UNITED STATES CIVIL SERVICE COMMISSION.

### CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS TUESDAY, OCTOBER 31, 1939

*Important.* Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears:

| State | Number of positions to which entitled | Number of positions occupied |
|---|---|---|
| **IN ARREARS** | | |
| 1. Virgin Islands | 9 | 0 |
| 2. Puerto Rico | 620 | 45 |
| 3. Hawaii | 148 | 16 |
| 4. California | 2,281 | 799 |
| 5. Alaska | 24 | 9 |
| 6. Texas | 2,341 | 937 |
| 7. Michigan | 1,946 | 924 |
| 8. Louisiana | 844 | 404 |
| 9. Arizona | 175 | 91 |
| 10. New Jersey | 1,624 | 895 |
| 11. South Carolina | 699 | 3096 |
| 12. Ohio | 2,671 | 1,609 |
| 13. Oklahoma | 963 | 586 |
| 14. Mississippi | 808 | 463 |
| 15. Alabama | 1,063 | 661 |
| 16. Arkansas | 745 | 476 |
| 17. New Mexico | 170 | 112 |
| 18. Georgia | 1,169 | 774 |
| 19. Kentucky | 1,051 | 706 |
| 20. North Carolina | 1,274 | 890 |
| 21. Tennessee | 1,051 | 810 |
| 22. Illinois | 3,066 | 2,377 |
| 23. Wisconsin | 1,181 | 922 |
| 24. Connecticut | 646 | 539 |
| 25. Indiana | 1,301 | 1,146 |
| 26. Delaware | 98 | 85 |
| 27. Oregon | 393 | 343 |
| 28. Nevada | 37 | 34 |
| 29. Florida | 590 | 550 |
| 30. Idaho | 179 | 167 |
| 31. Wyoming | 91 | 98 |
| 32. New Hampshire | 187 | 178 |
| 33. Pennsylvania | 3,870 | 3,732 |
| 34. New York | 5,059 | 4,928 |
| 35. Washington | 628 | 619 |
| 36. Colorado | 416 | 412 |
| 37. Massachusetts | 1,708 | 1,695 |
| 38. Missouri | 1,456 | 1,453 |
| 39. West Virginia | 695 | 694 |

| State | Number of positions to which entitled | Number of positions occupied | Net gain or loss since July 1, 1939 |
|---|---|---|---|
| **QUOTA FILLED** | | | |
| 40. Vermont | 145 | 146 | −1 |
| 41. Maine | 320 | 325 | +11 |
| 42. Montana | 216 | 227 | −5 |
| 43. Kansas | 756 | 799 | −19 |
| 44. Utah | 204 | 216 | +13 |
| 45. Rhode Island | 276 | 296 | −7 |
| 46. North Dakota | 274 | 299 | −11 |
| 47. South Dakota | 278 | 310 | −1 |
| 48. Minnesota | 1,030 | 1,154 | −21 |
| 49. Iowa | 993 | 1,123 | −13 |
| 50. Nebraska | 554 | 692 | +8 |
| 51. Virginia | 973 | 2,031 | −6 |
| 52. Maryland | 656 | 2,064 | +17 |
| 53. Dist. of Col. | 196 | 8,858 | −27 |

**GAINS**

| | |
|---|---|
| By appointment | 168 |
| By reinstatement | 9 |
| By transfer | 47 |
| By correction | 2 |
| Total | 226 |

**LOSSES**

| | |
|---|---|
| By separation | 112 |
| By transfer | 178 |
| By correction | 1 |
| Total | 291 |
| Total appointments | 50,139 |

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's Opinion of August 25, 1934, 15,720.

By direction of the Commission.

[SEAL] L. A. MOYER,
*Executive Director and Chief Examiner.*

[F. R. Doc. 39-4066; Filed, November 2, 1939; 3:10 p. m.]



## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[General Docket No. 15]

ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS; MINIMUM PRICES AS COORDINATED FOR DISTRICTS Nos. 1 TO 20, INCLUSIVE, 22 AND 23

AN ORDER SUBMITTING PRICE CLASSIFICATIONS PROPOSED BY DISTRICT BOARDS FOR COALS OF CODE MEMBERS NOT INCLUDED IN THE PROPOSED COORDINATED PRICE SCHEDULES ISSUED PRIOR TO THE COMMENCEMENT OF THE FINAL HEARING IN THE ABOVE MATTER ON JULY 24, 1939; SUBMITTING COORDINATED MINIMUM PRICES PROPOSED BY THE DIVISION FOR SUCH COALS; AND PROVIDING FOR CONSIDERATION OF SUCH PROPOSED PRICE CLASSIFICATIONS AND PROPOSED COORDINATED MINIMUM PRICES AT SAID FINAL HEARING

The National Bituminous Coal Commission, by Orders No. 245 of July 30, 1938, No. 247 of August 11, 1938, No. 249 and No. 251 of August 20, 1938,[1] having directed each District Board within Minimum Price Areas 1 to 7, inclusive, 9 and 10, to consider and propose to the Commission minimum prices f. o. b. transportation facilities at the mines for kinds, qualities and sizes of coal produced in each district by code members, to propose classifications of coal and price variations therefor, and to submit to the Commission a schedule of such proposed minimum prices, together with the data upon which they are computed; and

The Commission, by Order No. 270 of March 20, 1939,[2] having directed each District Board in Minimum Price Area 1 through 7, 9 and 10, to consider and propose the price classification of each kind, quality and size of coal produced by each code member within the respective district, for which coal no classification had theretofore been proposed by the District Board, and to submit to the Commission a schedule of such price classifications, together with the data upon which they were predicated; and

The District Boards having duly submitted to the Commission, pursuant to the foregoing Orders or upon their own motion, proposed minimum prices and proposed price classifications for the various kinds, qualities and sizes of coal produced in their respective districts; and

The proposed minimum prices and proposed price classifications for the various kinds, qualities and sizes of coal produced in each of the districts, as approved or modified by the Commission to serve as a basis for coordination, having been coordinated by the District Boards or by the Commission in lieu of the District Boards, and schedules of such proposed coordinated minimum prices having duly been published in the FEDERAL REGISTER and made known and available to all interested persons; and

Pursuant to Orders of the Commission duly issued in the above-entitled matter on May 1, May 4, May 8, June 23 and June 28, 1939, thereafter adopted, ratified and continued in effect as Orders of the Bituminous Coal Division of the United States Department of the Interior by Order of said Division dated July 8, 1939, and supplemented by Orders of said Division duly issued in the above-entitled matter on July 15 and July 19, 1939,[3] a final hearing in the matter of the establishment of minimum prices for the coals produced in Districts No. 1 through 20, 22 and 23 having duly been begun, which hearing is now pending in the hearing room at the Auditorium, North Interior Building, 18th and F Streets NW., Washington, D. C.; and

Additional price classifications, copies of which are annexed hereto and made a part hereof as Schedule A, having been proposed by various District Boards for coals of code members, in the terms and symbols of the price classifications contained in the schedule of minimum prices for the respective district heretofore approved by the Commission to serve as a basis for coordination, which additional proposed price classifications have not been included in the proposed coordinated minimum price schedules issued by the Commission prior to the commencement of the abovementioned final hearing; and

The Division, subject to the provisions of this Order, having proposed coordinated minimum prices for coals of code members classified in Schedule A, which proposed coordinated minimum prices are embodied in a schedule annexed hereto and made a part hereof as Schedule B and which are expressed in terms of the symbols, groups and categories of the proposed coordinated minimum prices for the respective districts as contained in the schedules issued by the Commission prior to the commencement of the said final hearing; and

The Director having determined that the proposed price classifications embodied in Schedule A, and the proposed coordinated minimum prices embodied in Schedule B, should be considered as a part of the subject matter of the said final hearing now in progress, pursuant to the Orders of the Commission and the Division hereinabove referred to;

*It is ordered*, That on November 20, 1939, at 9:30 o'clock in the forenoon of that day or as soon thereafter as the matter may conveniently be reached, as a part of the subject matter of the hearing now in progress in the Auditorium of the North Interior Building, 18th and F Streets NW., Washington, D. C., pursuant to the Orders of May 1, May 4, May 8, June 23, June 28, July 8, July 15 and July 19, 1939, hereinabove referred to, evidence and other data will be received pertaining to the proposed price classifications and proposed coordinated minimum prices embodied in Schedules A and B, including such evidence, data and coordination agreements as any District Boards or other interested party may desire to submit to support a coordinated minimum price different from that which is proposed herein, to the end that effective minimum prices may be established for the coals for which classifications and coordinated minimum prices are proposed in Schedules A and B, as well as for coals heretofore classified; and

*It is further ordered*, That any code member named in Schedule A or B, any District Board, and any other interested party, may appear at the said hearing at the time and place aforesaid and be heard with respect to any pertinent item in said schedules, at such time and to such extent as the Presiding Examiner at such hearing may determine: *Provided*, That any interested party who desires to protest against any price classification or coordinated minimum price contained in said schedules shall file with the Director, on or before November 15, 1939, a written protest setting forth the grounds for his objection; and

*It is further ordered*, That, except where inconsistent with any provision in this Order, the provisions of all Orders heretofore issued by the Commission or the Division, applicable to the conduct and procedure of the aforesaid final hearing, are hereby made applicable to that portion of the hearing pertaining to the items in Schedules A and B; and

*It is further ordered*, That copies of Schedules A and B, copies of schedules of minimum prices heretofore approved by the Commission to serve as a basis for coordination, copies of the schedules of proposed coordinated minimum prices issued by the Commission prior to the commencement of the said final hearing, and copies of the errata sheets relating thereto and changes therein introduced or recommended in behalf of the Division at the said hearing, shall be made available by the District Boards and the Statistical Bureaus of the Division for inspection by any interested party at the offices of the District Board or Statistical Bureau. Any interested party who finds it impracticable to inspect copies of such schedules at the said offices may, within ten (10) days from the receipt of this Order, make written request upon the Division, in Washington, D. C., for a copy of the schedule desired.

Dated, October 31, 1939.

[SEAL] H. A. GRAY,
*Director.*

[1] 3 F.R. 1895, 1988, 2057, 2058 DI.
[2] 4 F.R. 1287 DI.
[3] 4 F.R. 3386 DI.

## DISTRICT NO. 1—SCHEDULE "A"

| Code member | Mine | Subdistrict | Seam | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|---|---|---|
| Antrim Coal Co | Antrim | 3 | Seymour | H | H | H | H | H |
| Arrow Coal Corp | Arrow No. 5 | 38 | B | E | * | E | E | E |
| Arrow Coal Corp | Arrow No. 6 | 38 | C' | C | * | C | C | C |
| Atlantic Coal & Coke Co | Vulcan Slope No. 1 | 37 | D | B | * | B | B | C |
| Berrang, William | Old Buckhorn | 27 | A' | * | * | H | * | * |
| Blair, M. G | Stony Lonesome | 10 | E | * | * | F | * | * |
| Burley & Prosser | Burley & Prosser | 17 | D | * | * | H | * | * |
| Clark & Bailey (Fred Clark) | Barney Hill | 3 | A' | * | * | E | * | * |
| Connor-Haines B. V. C. Co | Jackson | 43 | Big Vein | * | * | C | * | * |
| Campbell Coal Co | Big Vein | 43 | Big Vein | * | * | D | * | * |
| Campbell Coal Co | Freeport | 43 | E | * | * | D | * | * |
| Craig, Charles | Craig | 10 | B | * | * | H | * | * |
| Dietrich Coal Co | Dietrich C. Co | 18 | B | * | * | D | * | * |
| Elder & Shingledecker | McKee | 1 | B | * | * | F | * | * |
| Fike, Walter M | Fike | 41 | Redstone | * | * | H | * | * |
| Fowler, David H | Fowler | 31 | E | * | * | D | * | * |
| Francisco, George M | Francisco | 1 | A' | G | * | G | * | G |
| Gohn, Dorsey E | Arrowhead | 41 | B | G | * | G | G | G |
| Grantsville Coal Co. (Henry Patton) | Hlola No. 2 | 42 | E | * | * | E | * | * |
| Grove Coal Co. (Ray Grove) | Grove Coal Co | 44 | E | * | * | D | F | * |
| Hilltop Coal Co. (C. E. Lovejoy) | Hilltop No. 8 | 1 | B | * | * | F | F | * |
| Hindman Coal Co. (Thomas Hindman) | Piney Run No. 2 | 41 | E | * | * | F | G | * |
| Hilbrecht & Son | Hilbrecht | 29 | E | * | * | F | F | * |
| Hoover & Gabler Coal Co. (Gust Hoover) | Hoover | 1 | A | * | * | F | F | * |
| House, Jennings G. K. (Union Hard Coal) | Union Hard Coal | 43 | E | * | * | F | F | * |
| Jones Brothers (Wayne Jones) | Jones | 1 | B | * | * | F | F | * |
| Kapp, Calvert | Kapp | 1 | B | * | * | F | E | * |
| Kelly, Lewis | Kelly | 22 | Pittsburgh | * | * | G | G | * |
| Knight, Thomas R | Knight | 1 | A' | * | * | E | C | * |
| Kobler Coal Co | Kobler Coal Co | 29 | C' | * | * | C | F | * |
| LaJudice, Tony | LaJudice | 31 | B | * | * | E | H | C |
| Lansberry, Abbie E | Lansberry No. 3 | 8 | C' | * | * | H | C | E |
| Lawrence, Mike | Acme No. 6 | 8 | B | * | * | C | E | E |
| Liberty Contracting Co | Morris Run Stripping | 3 | Seymour | * | * | E | H | C |
| McDonald & Sons, Clarence | Bear Creek | 3 | A' | * | * | C | C | E |
| May, A. B | May's | 29 | C' | * | * | E | E | H |
| Miller, John G (Acme Coal Co.) | Acme No. 1 | 41 | D | * | * | D | C | C |
| Miller, William | Miller | 6 | D | * | * | E | H | C |
| Mowrey, William W | Mowrey | 2 | D | * | * | H | C | C |
| New Garden Coal Co | Spruce No. 1 | 3 | D | C | * | C | C | C |
| Osman & Sons, William | Osman No. 5 | 31 | B | * | * | C | E | G |
| Ralston Coal Co | Red Run | 3 | B & E | * | * | C | G | G |
| Reinard and Chapman (H. M. Reinard) | R. & C | 5 | D | * | * | E | G | F |
| Rex, Albert | Rex | 1 | A' | * | * | G | G | F |
| Richard, A. J | Zigler | 1 | A' | * | * | G | F | * |
| Shafer, Vaughn, Pettygrew and Buckelt | Shafer | 6 | E | * | * | F | H | G |
| Shaffer, Dewey | Swallow Falls | 44 | Mahoning | * | * | H | G | C |
| Smith, George E | Smith | 4 | D | G | * | C | G | B |
| Strand, R. G. (Thermal Coal Sales Co.) | Thermal No. 11 | 38 | B | C | * | G | B | E |
| Swartzfager, Paul E | Swartzfager | 1 | A' | * | * | B | F | F |
| Thomas, Russell (Pitt Fuel Supply) | Louise | 39 | Barnett | * | * | E | F | F |
| Ticossi, Joseph | J. Ticossi C. Co | 2 | C | * | * | A | F | G |
| Tremmel, Francis | Tremmel | 27 | A | * | * | F | H | F |
| Tremmel, Willard | Black Buckhorn | 27 | A' | * | * | F | F | F |
| Wagner Coal Co | Wagner | 1 | A' | * | * | F | G | E |
| Wickett Brothers | Wickett | 2 | B | * | * | F | F | H |
| Wilson, F. J | F. J. Wilson | 1 | B | * | * | F | F | F |
| Wolfe, Earl | Wolfe | 5 | D | * | * | E | E | F |
| Wright, Delbert | Wright | 10 | E | * | * | H | H | F |
| Zeth, N. P. (Zeth Coal Co.) | Zeth | 39 | Kelly | * | * | F | F | * |

* Equipment not available for loading this size.

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

## DISTRICT NO. 1—SCHEDULE "B"

### *Rail Mines*

| Mine index No. | Code member | Mine name | Seam or kind | Mine origin group | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|---|---|---|---|
| 472 | Antrim Coal Company | Antrim | Seymour | 131 | H | H | H | H | H |
| 17 | Arrow Coal Corporation | Arrow No. 5 | B | 49 | E | * | E | E | E |
| 18 | Arrow Coal Corporation | Arrow No. 6 | C' | 49 | C | * | C | C | C |
| 534 | Atlantic Coal & Coke Co | Vulcan Slope No. 1 | D | 100 | B | * | B | B | C |
| 473 | Lansberry, Abbie E | Lansberry No. 3 | C' | 44 | * | * | F | C | * |
| 474 | Ralston Coal Co | Red Run | B & E | 132 | * | * | C | C | * |
| 508 | Strand, R. G. (Thermal Coal Sales Co.) | Thermal No. 11 | B | 49 | C | * | C | C | * |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

### *For Truck Shipment Only*

[Prices in cents per ton for shipment into all market areas]

| Code member index name | Mine | Subdistrict No. | County | Seam | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|---|---|---|---|
| Antrim Coal Co | Antrim | 3 | Tioga | Seymour | 225 | 205 | 205 | 200 | 190 |
| Arrow Coal Corp | Arrow No. 5 | 38 | Somerset | B | 240 | ---- | 220 | 215 | 205 |
| Arrow Coal Corp | Arrow No. 6 | 38 | Somerset | C' | 250 | ---- | 230 | 225 | 215 |
| Atlantic Coal & Coke Co | Vulcan Slope No. 1. | 37 | Somerset | D | 255 | ---- | 235 | 230 | 215 |
| Avonmore Coal & Coke Co | Gilpin | 10 | Armstrong | E | ---- | ---- | 215 | ---- | ---- |
| Berrang, William | Old Buckhorn | 27 | Cambria | A' | ---- | ---- | 215 | ---- | ---- |
| Blair, M. G | Stony Lonesome | 10 | Armstrong | E | ---- | ---- | 215 | ---- | ---- |
| Burley & Prosser | Burley & Prosser | 17 | Cambria | D | ---- | ---- | 220 | ---- | ---- |
| Clark & Bailey (Fred Clark) | Barney Hill | 3 | Tioga | A' | ---- | ---- | 230 | ---- | ---- |
| Connor-Haines B. V. C. Co | Jackson | 43 | Allegany | Big Vein | ---- | ---- | 225 | ---- | ---- |
| Campbell Coal Co | Big Vein | 43 | Allegany | Big Vein | ---- | ---- | 225 | ---- | ---- |
| Campbell Coal Co | Freeport | 43 | Allegany | E | ---- | ---- | 225 | ---- | ---- |
| Craig, Charles | Craig | 10 | Armstrong | B | ---- | ---- | 215 | ---- | ---- |
| Dietrich Coal Co | Dietrich Coal Co | 18 | Cambria | B | ---- | ---- | 225 | ---- | ---- |
| Elder & Shingledecker | McKee | 1 | Clarion | B | * | * | * | * | * |
| Fike, Walter M | Fike | 41 | Somerset | Redstone | ---- | ---- | 205 | ---- | ---- |
| Fowler, David H | Fowler | 31 | Cambria | E | ---- | ---- | 225 | ---- | ---- |
| Francisco, George M | Francisco | 1 | Clarion | A' | * | * | * | * | * |
| Gohn, Dorsey E | Arrowhead | 41 | Somerset | B | 230 | ---- | 210 | 205 | 195 |
| Grantsville Coal Co. (Henry Patton) | Hlola No. 2 | 42 | Garrett | E | ---- | ---- | 220 | ---- | ---- |
| Grove Coal Co. (Ray Grove) | Same | 44 | Garrett | E | ---- | ---- | 205 | ---- | ---- |
| Hilltop Coal Co. (C. E. Lovejoy) | Hilltop No. 8 | 1 | Clarion | B | * | * | * | * | * |
| Hindman Coal Co. (Thomas Hindman). | Piney Run No. 2 | 41 | Somerset | E | ---- | ---- | 215 | ---- | ---- |
| Hilbrecht & Son | Hilbrecht | 29 | Cambria | E | ---- | ---- | 215 | ---- | ---- |
| Hoover & Gabler Coal Co. (Gust Hoover). | Hoover | 1 | Clarion | A' | * | * | * | * | * |
| House, Jennings G. K. (Union Hard Coal). | Union Hard Coal | 43 | Allegany | E | ---- | ---- | 225 | ---- | ---- |
| Jones Brothers (Wayne Jones) | Jones | 1 | Clarion | B | * | * | * | * | * |
| Kapp, Calvert | Kapp | 1 | Clarion | B | * | * | * | * | * |
| Kelly, Lewis | Kelly | 22 | Indiana | Pittsburgh | ---- | ---- | 230 | ---- | ---- |
| Knight, Thomas R | Knight | 1 | Clarion | A' | * | * | * | * | * |
| Kobler Coal Co | Same | 29 | Cambria | C' | ---- | ---- | 230 | ---- | ---- |
| LaJudice, Tony | LaJudice | 31 | Cambria | B | ---- | ---- | 240 | ---- | ---- |
| Lansberry, Abbie E | Lansberry No. 3 | 8 | Clearfield | C' | ---- | ---- | 215 | ---- | ---- |
| Lawrence, Mike | Acme No. 6 | 8 | Clearfield | B | ---- | ---- | 220 | ---- | ---- |
| Liberty Contracting Co | Morris Run Stripping. | 3 | Tioga | Seymour | ---- | ---- | 205 | ---- | ---- |
| McDonald & Sons, Clarence | Bear Creek | 3 | Tioga | A' | ---- | ---- | 230 | ---- | ---- |
| May, A. B | May's | 29 | Cambria | C' | ---- | ---- | 220 | ---- | ---- |



### *For Truck Shipment Only*—Continued

| Code member index name | Mine | Subdistrict No. | County | Seam | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|---|---|---|---|---|
| Miller, John G. (Acme Coal Co.) | Acme No. 1 | 41 | Somerset | D | ---- | ---- | 215 | ---- | ---- |
| Miller, William | Miller | 6 | Jefferson | D | ---- | ---- | 220 | ---- | ---- |
| Mowrey, William W | Mowrey | 2 | Jefferson | D | ---- | ---- | 205 | ---- | ---- |
| New Garden Coal Co | Spruce No. 1 | 3 | Clinton | D | ---- | ---- | 230 | ---- | ---- |
| Osman & Sons, William | Osman No. 5 | 31 | Cambria | B | ---- | ---- | 225 | ---- | ---- |
| Ralston Coal Co | Red Run | 3 | Lycoming | B & E | ---- | ---- | 230 | ---- | ---- |
| Reinard & Chapman (H. M. Reinard). | R & C | 5 | Jefferson | D | ---- | ---- | 230 | ---- | ---- |
| Rex, Albert | Rex | 1 | Clarion | A' | * | * | * | * | * |
| Richard, A. J | Zigler | 1 | Clarion | A' | * | * | * | * | * |
| Shafer, Vaugh, Pettygrew & Buckelt. | Shafer | 6 | Jefferson | E | ---- | ---- | 215 | ---- | ---- |
| Shaffer, Dewey | Swallow Falls | 44 | Garrett | Mahoning | ---- | ---- | 205 | ---- | ---- |
| Smith, George E | Smith | 4 | Clarion | B | 230 | ---- | 210 | 200 | 190 |
| Strand, R. G. (Thermal Coal Sales Co.). | Thermal No. 11 | 38 | Somerset | B | 250 | ---- | 230 | 225 | ---- |
| Swartzfager, Paul E | Swartzfager | 1 | Clarion | A' | * | * | * | * | * |
| Thomas, Russell (Pitt Fuel Supply). | Louise | 39 | Bedford | Barnett | ---- | ---- | 235 | ---- | ---- |
| Ticossi, Joseph | J. Ticossi C. Co | 2 | Elk | C | ---- | ---- | 220 | ---- | ---- |
| Tremmel, Francis | Tremmel | 27 | Blair | A | ---- | ---- | 215 | ---- | ---- |
| Tremmel, Willard | Black Buckhorn | 27 | Blair | A' | ---- | ---- | 215 | ---- | ---- |
| Wagner Coal Co | Wagner | 1 | Clarion | A' | * | * | * | * | * |
| Wickett Brothers | Wickett | 2 | Elk | B | ---- | ---- | 205 | ---- | ---- |
| Wilson, F. J | F. J. Wilson | 1 | Jefferson | B | * | * | * | * | * |
| Wolfe, Earl | Wolfe | 5 | Jefferson | D | ---- | ---- | 220 | ---- | ---- |
| Wright, Delbert | Wright | 10 | Armstrong | E | ---- | ---- | 215 | ---- | ---- |
| Zeth, N. P. (Zeth Coal Co.) | Zeth | 39 | Bedford | Kelly | ---- | ---- | 215 | ---- | ---- |

| Code member name | Mine | Seam | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SUBDISTRICT No. 1 | | | | | | | | | | | | | |
| JEFFERSON AND CLARION COUNTIES | | | | | | | | | | | | | |
| Elder & Shingledecker | McKee | B | 315 | 295 | 280 | 265 | 255 | 240 | 225 | 225 | 175 | 165 | 160 |
| Francisco, George M | Francisco | A' | 310 | 290 | 275 | 260 | 250 | 235 | 220 | 220 | 170 | 160 | 155 |
| Hilltop Coal Co. (C. E. Lovejoy) | Hilltop No. 8 | B | 315 | 295 | 280 | 265 | 255 | 240 | 225 | 225 | 175 | 165 | 160 |
| Hoover & Gabler Coal Co. (Gust Hoover). | Hoover | A' | 310 | 290 | 275 | 260 | 250 | 235 | 220 | 220 | 170 | 160 | 155 |
| Jones Brothers (Wayne Jones) | Jones | B | 315 | 295 | 280 | 265 | 255 | 240 | 225 | 225 | 175 | 165 | 160 |
| Kapp, Calvert | Kapp | B | 315 | 295 | 280 | 265 | 255 | 240 | 225 | 225 | 175 | 165 | 160 |
| Knight, Thomas R | Knight | A' | 310 | 290 | 275 | 260 | 250 | 235 | 220 | 220 | 170 | 160 | 155 |
| Rex, Albert | Rex | A' | 310 | 290 | 275 | 260 | 250 | 235 | 220 | 220 | 170 | 160 | 155 |
| Richard, A. J | Zigler | A' | 310 | 290 | 275 | 260 | 250 | 235 | 220 | 220 | 170 | 160 | 155 |
| Swartzfager, Paul E | Swartzfager | A' | 310 | 290 | 275 | 260 | 250 | 235 | 220 | 220 | 170 | 160 | 155 |
| Wagner Coal Co | Wagner | A' | 310 | 290 | 275 | 260 | 250 | 235 | 220 | 220 | 170 | 160 | 155 |
| Wilson, F. J | F. J. Wilson | B | 315 | 295 | 280 | 265 | 255 | 240 | 225 | 225 | 175 | 165 | 160 |

The proposed coordinated minimum prices contained herein have been proposed and coordinatsd to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

## DISTRICT NO. 2—SCHEDULE "A"

### *Rail Mines*

| Company | Mine | Subdistrict | Seam | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bickerton, Mark C | Blaine No. 2 | 9 | Pittsburgh | | | | | | | | E | G | G | | | | | | |
| Bortz Coal Co | Sangston | 3 | Pittsburgh | | | | | | | | G | | | | | | | | |
| Bortz Coal Co | Daugherty | 3 | Pittsburgh | | | | | | | | G | | | | | | | | |
| Bortz Coal Co | Miller Farm | 3 | Pittsburgh | | | | | | | | G | | | | | | | | |
| Bortz Coal Co | Graham | 3 | Pittsburgh | | | | | | | | G | | | | | | | | |
| Corrado & Galiardi Const | Crawford No. 6 | 3 | Pittsburgh | | | | | | | | G | | | | | | | | |
| Corrado & Galiardi Const | Crawford No. 7 | 3 | Pittsburgh | | | | | | | | E | | | | | | | | |
| Daugherty Coal Co | Riverview | 7 | Pittsburgh | G | G | G | G | F | F | F | E | G | G | G | G | | | | |
| Fryske & Nole | Baker No. 2 | 3 | Pittsburgh | | | | | | | | G | | | | | | | | |
| Hillman Gas Coal Co | Monesson | 9 | Pittsburgh | D | D | D | D | C | C | C | B | C | C | | | A | B | B | D |
| Keystone Coal & Coke | Salem No. 1 | 4 | Pittsburgh | | | | | | | | | A | A | A | | | | | |
| Keystone Coal & Coke | Salem No. 2 | 4 | U. Freeport | | | | | | | | | A | A | A | | | | | |
| McCoy Bros | Sally | 3 | Pittsburgh | | | | | | | | G | H | H | H | | | | | |
| Rae, Walter S | Rae | 1 | Brookville | G | G | G | G | G | G | F | F | F | F | F | | | | | |
| Watt, W. H. & Sons | Winstead | 3 | Pittsburgh | E | E | E | E | E | E | E | E | E | E | E | | | | | |
| Williamson, J. B | Montour Collieries | 9 | Pittsburgh | | | | | | | | E | G | G | | | | | | |

### *Truck Mines*

| Company | Mine | Subdistrict | Seam | Price classifications and size Group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Ahlborn Coal Co. (Wm. H. Ahlborn) | Marion | 9 | Pittsburgh | F | F | F | F | D | D | E | D | E | E | E | |
| Barnes, Harry & Son | Acorn | 7 | Pittsburgh | D | D | D | D | D | D | G | E | G | G | G | G |
| Batley, George | Batley | 1 | Kittanning | G | G | G | G | G | G | G | F | F | F | F | F |
| Baton Coal Company | Wilpen | 2 | Pittsburgh | F | F | F | F | C | G | F | F | E | E | E | |
| Bessemer Coal Co | Bessemer No. 2 | 1 | Brookville | G | G | G | G | G | G | G | F | F | F | F | F |
| Brown, Arthur O | J. Frank Graff Estate | 7 | U. Kitt | G | G | G | G | G | G | G | F | F | F | F | F |
| Christie Coal Co | Barton | 7 | Pittsburgh | D | D | D | D | D | D | G | E | G | G | G | G |
| Christopher Mining Co | Lincoln | 7 | Pittsburgh | D | D | D | D | D | D | G | E | G | G | G | G |
| Colletti & Son, Benny | Stroud | 7 | Pittsburgh | D | D | D | D | D | D | G | E | G | G | G | G |
| Coulter, A. B | Coulter | 1 | Kitt | G | G | G | G | G | G | F | F | F | F | F | |
| Daugherty Coal Co | Wilson | 7 | Pittsburgh | D | D | D | D | D | D | G | E | G | G | G | G |
| Earnest, George Melvin | Earnest | 7 | Pittsburgh | D | D | D | D | D | D | G | E | G | G | G | G |
| Family Coal & Supply Co | Louis Run | 7 | Pittsburgh | D | D | D | D | D | D | G | E | G | G | G | G |
| Farneth Coal Company | Farneth | 2 | Pittsburgh | F | F | F | F | D | D | E | D | E | E | E | E |
| Frankford Block Coal Co | Stevenson No. 2 | 7 | Pittsburgh | D | D | D | D | D | D | G | E | G | G | G | G |
| Frazer, J. Edwin | Frazer | 7 | No. 8 | D | D | D | D | D | D | G | E | G | G | G | G |
| Gray & Sons, John L. Sr. (John L. Gray, Sr.) | Gray | 3 | Pittsburgh | E | E | E | E | C | C | C | B | C | C | C | C |
| Graziani, Fred | Graziani | 1 | Kittanning | G | G | G | G | G | G | F | F | F | F | F | F |
| Grimm, C. E | Strip Plant | 3 | Pittsburgh | E | E | E | E | C | C | C | B | C | C | F | C |
| Kline Brothers | Kline Brothers | 1 | No. 8 | G | G | G | G | G | G | F | F | F | F | F | F |
| Kunselman, James G | Kunselman | 1 | Kittanning | G | G | G | G | G | G | F | F | F | F | F | F |
| Lynch, John | Davis | 3 | Pittsburgh | E | E | E | E | C | C | C | B | C | C | C | |
| Madjerich, Louis | Madjerich | 9 | Pittsburgh | F | F | F | F | D | D | E | D | E | E | E | E |
| Malinosky, Frank | English | 7 | Pittsburgh | D | D | D | D | D | D | G | E | G | G | C | G |
| Maust, Allen | Barnhart | 3 | Pittsburgh | E | E | E | E | C | C | C | B | C | C | C | |
| McJunkin, James | McJunkin | 9 | Pittsburgh | F | F | F | F | D | D | E | D | E | E | E | E |
| Pecan Coal Company | Pecan | 1 | L. Kitt | G | G | G | G | G | G | F | F | F | F | F | F |
| Pollick, Thomas | Pollick | 3 | Pittsburgh | E | E | E | E | C | C | C | B | C | C | C | F |
| Rae, Walter S | Ra-Kol No. 1 | 1 | Brookville | G | G | G | G | G | G | G | F | F | G | F | F |
| Romite & Son, A | Romite | 7 | Pittsburgh | D | D | D | D | D | D | G | E | G | G | G | G |
| Seymour Coal Company | Seymour Coal Co | 1 | No. 3 | G | G | G | G | G | G | G | G | F | F | F | F |
| Shannon Mine (Robert Shannon) | Shannon | 3 | Sewickley | G | G | G | G | G | G | G | G | G | G | G | G |
| Simpson Brothers (John Simpson) | Simpson | 3 | Redstone | F | F | F | F | G | G | G | G | F | G | G | G |
| Watt, W. H., & Sons | Winstead | 3 | Pittsburgh | G | G | G | G | G | G | G | G | G | G | G | G |
| Willgruber & Hughes Coal Co | Willgruber | 7 | Pittsburgh | D | D | D | D | D | D | D | G | E | G | G | G |
| Williamson, J. B | Montour Collieries | 9 | Pittsburgh | F | F | F | F | D | D | E | D | F | E | E | E |

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

DISTRICT NO. 2—SCHEDULE "B"

### Rail Mines

| Mine index | Code member | Mine name | Subdistrict | Seam or kind | Mine origin group | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 257 | Bickerton, Mark C | Blaine No. 2 | 9 | Pittsburgh | 76 | | | | | E | E | | |
| 267 | Bortz Coal Co | Sangston | 3 | Pittsburgh | 114 | | | | | D | | | |
| 254 | Bortz Coal Co | Daugherty | 3 | Pittsburgh | 114 | | | | | D | | | |
| 260 | Bortz Coal Co | Miller Farm | 3 | Pittsburgh | 114 | | | | | D | | | |
| 259 | Bortz Coal Co | Graham | 3 | Pittsburgh | 114 | | | | | D | | | |
| 255 | Corrado & Gallardi Const | Crawford No. 6 | 3 | Pittsburgh | 114 | | | | | D | | | |
| 256 | Corrado & Gallardi Const | Crawford No. 7 | 3 | Pittsburgh | 114 | | | | | D | | | |
| 263 | Daugherty Coal Co | Riverview | 7 | Pittsburgh | 74 | D | D | D | G | G | G | G | |
| 258 | Fryske & Nole | Baker No. 2 | 3 | Pittsburgh | 31 | | | | | B | B | | |
| *253 | Hillman Gas Coal Co | Monesson | 9 | Pittsburgh | 73 | D | C | C | B | | A | A | |
| 264 | Keystone Coal & Coke | Salem No. 1 | 4 | Pittsburgh | 70 | | | | | D | A | A | |
| 265 | Keystone Coal & Coke | Salem No. 2 | 3 | Pittsburgh | 80 | | | | | E | D | E | |
| 266 | McCoy Bros | Sally | 3 | Brookville | 100 | G | G | G | E | D | E | D | |
| 262 | Rae, Walter S | Rae | 1 | Pittsburgh | 80 | F | E | E | D | | D | | |
| 246 | Watt, W. H. & Sons | Winstead | 3 | Pittsburgh | 74 | | | | | E | E | | |
| 261 | Williamson, J. B | Montour Collieries | 9 | Pittsburgh | | | | | | | | | |

*Mine Index No. 253 should be inserted in Class "D" and in Class "A", Size Groups 1, 2 and 3, of the Proposed Coordinated Minimum Price Schedule.

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

### For Truck Shipment Only

[Prices in cents per ton for shipment into all market areas]

| Code member index name | Mine | Seam | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **ALLEGHENY COUNTY** | | | | | | | | | | | | | |
| Bickerton, Mark C | Blaine No. 2 | Pittsburgh | 295 | 285 | 275 | 250 | 225 | 225 | 220 | 220 | 200 | 190 | 185 |
| Christie Coal Co | Barton | Pittsburgh | 275 | 265 | 255 | 230 | 215 | 215 | 210 | 220 | 185 | 175 | 165 |
| Earnest, George Melvin | Earnest | Pittsburgh | 295 | 285 | 275 | 250 | 225 | 225 | 220 | 220 | 200 | 190 | 185 |
| Family Coal & Supply Co | Louis Run | Pittsburgh | 285 | 275 | 265 | 240 | 220 | 220 | 210 | 220 | 195 | 185 | 175 |
| Madjerich, Louis | Madjerich | Pittsburgh | 275 | 265 | 255 | 230 | 215 | 215 | 210 | 220 | 185 | 175 | 165 |
| Malinosky, Frank | English | Pittsburgh | 275 | 265 | 255 | 235 | 215 | 215 | 210 | 220 | 195 | 185 | 175 |
| McJunkin, James | McJunkin | Pittsburgh | 275 | 265 | 255 | 230 | 215 | 215 | 210 | 220 | 185 | 175 | 165 |
| Willgruber & Hughes Coal Co | Willgruber | Pittsburgh | 275 | 265 | 255 | 230 | 215 | 215 | 210 | 220 | 185 | 175 | 165 |
| **ARMSTRONG COUNTY** | | | | | | | | | | | | | |
| Brown, Arthur G | Graff | U. Kittanning. | 280 | 270 | 260 | 240 | 235 | 225 | 205 | 215 | 200 | 190 | 180 |
| **BEAVER COUNTY** | | | | | | | | | | | | | |
| Frazer, Edwin J | Frazer | No. 8 | 300 | 290 | 270 | 260 | 250 | 240 | 220 | 220 | 185 | 175 | 165 |
| Kline Brothers | Kline | No. 8 | 300 | 290 | 280 | 255 | 250 | 245 | 225 | 225 | 185 | 175 | 165 |
| Seymour Coal Co | Seymour | No. 3 | 300 | 290 | 280 | 255 | 250 | 245 | 225 | 225 | 185 | 175 | 165 |
| **BUTLER COUNTY** | | | | | | | | | | | | | |
| Batley, George | Batley | Kittanning | 325 | 305 | 285 | 265 | 260 | 245 | 245 | 230 | 190 | 180 | 170 |
| Coulter, A. B | Coulter | Kittanning | 290 | 280 | 270 | 265 | 255 | 245 | 230 | 230 | 190 | 180 | 160 |
| Kunselman, James G | Kunselman | Kittanning | 325 | 305 | 285 | 265 | 260 | 245 | 245 | 230 | 190 | 180 | 170 |

### For Truck Shipment Only—Continued

| Code member index name | Mine | Seam | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **FAYETTE COUNTY** | | | | | | | | | | | | | |
| Bortz Coal Co | Sangston | Pittsburgh | 280 | 270 | 260 | 245 | 225 | 210 | 210 | 210 | 205 | 200 | 180 |
| Bortz Coal Co | Daugherty | Pittsburgh | 290 | 280 | 270 | 250 | 230 | 220 | 215 | 220 | 210 | 205 | 180 |
| Bortz Coal Co | Miller Farm | Pittsburgh | 290 | 280 | 270 | 250 | 230 | 220 | 215 | 220 | 210 | 205 | 180 |
| Bortz Coal Co | Graham | Pittsburgh | 280 | 270 | 260 | 245 | 225 | 210 | 210 | 210 | 205 | 200 | 180 |
| Corrado & Gallardi Const | Crawford No. 6. | Pittsburgh | 300 | 290 | 280 | 260 | 240 | 230 | 225 | 230 | 215 | 205 | 180 |
| Corrado & Gallardi Const | Crawford No. 7. | Pittsburgh | 300 | 290 | 280 | 260 | 240 | 230 | 225 | 230 | 215 | 205 | 180 |
| Fryske & Nole | Baker No. 2. | Pittsburgh | 280 | 270 | 260 | 245 | 225 | 210 | 210 | 210 | 205 | 200 | 180 |
| Grimm, C. E | Strip Plant | Pittsburgh | 290 | 280 | 270 | 250 | 230 | 220 | 215 | 220 | 210 | 205 | 180 |
| Lynch, John | Davis | Pittsburgh | 280 | 270 | 260 | 245 | 225 | 210 | 210 | 210 | 205 | 200 | 180 |
| McCoy Brothers | Sally | Pittsburgh | 290 | 280 | 270 | 250 | 230 | 220 | 215 | 220 | 210 | 205 | 180 |
| Maust, Allen | Barnhart | Pittsburgh | 290 | 270 | 260 | 245 | 225 | 210 | 210 | 210 | 205 | 200 | 180 |
| Pollick, Thomas | Pollick | Pittsburgh | 275 | 265 | 255 | 240 | 220 | 210 | 210 | 210 | 205 | 200 | 180 |
| Shannon, Robert & Son | Shannon | Sewickley | 280 | 270 | 260 | 245 | 225 | 210 | 210 | 210 | 205 | 200 | 180 |
| Watt, W. H. & Sons | Winstead | Pittsburgh | 280 | 270 | 260 | 245 | 225 | 210 | 210 | 210 | 205 | 200 | 180 |
| **GREENE COUNTY** | | | | | | | | | | | | | |
| Gray, John L., Sr., & Son | Gray | Pittsburgh | 275 | 265 | 255 | 245 | 230 | 220 | 215 | 220 | 195 | 185 | 170 |
| **LAWRENCE COUNTY** | | | | | | | | | | | | | |
| Graziani, Fred | Graziani | Kittanning | 305 | 305 | 295 | 285 | 290 | 270 | 235 | 235 | 185 | 170 | 150 |
| **MERCER COUNTY** | | | | | | | | | | | | | |
| Bessemer Coal Co | Bessemer No. 2. | Brookville | 325 | 310 | 290 | 275 | 270 | 255 | 255 | 240 | 185 | 175 | 160 |
| Rae, Walter S | Rae | Brookville | 325 | 310 | 290 | 275 | 270 | 255 | 255 | 240 | 185 | 175 | 160 |
| Rae, Walter S | Ra-Kol No. | Brookville | 325 | 310 | 290 | 275 | 270 | 255 | 255 | 240 | 185 | 175 | 160 |
| **VENANGO COUNTY** | | | | | | | | | | | | | |
| Pecan Coal Co | Pecan | L. Kittanning. | 325 | 310 | 290 | 275 | 270 | 255 | 255 | 240 | 185 | 175 | 160 |
| **WASHINGTON COUNTY** | | | | | | | | | | | | | |
| Barnes, Harry & Son | Acorn | Pittsburgh | 275 | 265 | 255 | 230 | 230 | 205 | 195 | 205 | 185 | 175 | 165 |
| Christopher Mining Co | Lincoln | Pittsburgh | 310 | 300 | 290 | 260 | 250 | 235 | 225 | 235 | 210 | 200 | 175 |
| Colletti & Son, Benny | Stroud | Pittsburgh | 295 | 285 | 275 | 245 | 220 | 205 | 195 | 190 | 195 | 180 | 170 |
| Daugherty Coal Co | Wilson | Pittsburgh | 280 | 270 | 260 | 235 | 230 | 215 | 205 | 215 | 185 | 175 | 165 |
| Daugherty Coal Co | Riverview | Pittsburgh | 310 | 300 | 290 | 260 | 250 | 235 | 225 | 235 | 210 | 200 | 175 |
| Daugherty Coal Co | Stevenson | Pittsburgh | 275 | 265 | 255 | 230 | 220 | 205 | 195 | 205 | 185 | 175 | 165 |
| Frankford Block Co | Romiti | Pittsburgh | 275 | 265 | 255 | 230 | 220 | 205 | 195 | 205 | 185 | 175 | 165 |
| Romiti & Son | | | | | | | | | | | | | |
| **WESTMORELAND COUNTY** | | | | | | | | | | | | | |
| Ahlborn Coal Co. (Wm. H. Ahlborn). | Marion | Pittsburgh | 280 | 270 | 260 | 245 | 240 | 230 | 210 | 215 | 200 | 190 | 180 |
| Baton Coal Co | Wilpin | Pittsburgh | 295 | 285 | 275 | 245 | 225 | 205 | 200 | 195 | 205 | 190 | 170 |
| Farneth Coal Co | Farneth | Pittsburgh | 275 | 265 | 255 | 235 | 225 | 220 | 215 | 215 | 200 | 190 | 180 |
| Hillman Gas Coal Co | Monesson | Pittsburgh | 310 | 300 | 290 | 270 | 250 | 240 | 235 | 245 | 215 | 205 | 180 |
| Keystone Coal & Coke | Salem No. 1 | Pittsburgh | 290 | 270 | 260 | 245 | 240 | 230 | 210 | 215 | 200 | 190 | 180 |
| Keystone Coal & Coke | Salem No. 2 | Pittsburgh | 280 | 270 | 260 | 245 | 240 | 230 | 210 | 215 | 200 | 190 | 180 |
| Simpson Brothers (John Simpson). | Simpson | Redstone | 290 | 270 | 260 | 245 | 240 | 230 | 210 | 215 | 200 | 190 | 180 |
| Williamson, J. B | Montour Coll. | Pittsburgh | 275 | 265 | 255 | 235 | 225 | 220 | 215 | 215 | 200 | 190 | 180 |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

DISTRICT NO. 3—SCHEDULE "A"

### Rail Mines

| Company | Mine | Seam | Price classifications and size group Nos.— S1 | S2 | S3 | S4 | S5 | S6 | S7 |
|---|---|---|---|---|---|---|---|---|---|
| Davis & Reynolds, Inc | Robinson Run No. 1. | Pittsburgh | F | F | F | F | F | F | F |
| Hebbs, Ray | Hebbs | Pittsburgh | H | H | H | H | H | F | F |
| Louise Coal Co | Louise | Sewickley | J | J | J | J | K | H | H |
| Minerd, A. M. (Brown's Creek Coal Co.). | Alpha | Pittsburgh | G | G | G | G | G | F | F |
| Premar Coal Co., Inc | Monitor No. 2 | Med. Vol. Freeport | J | J | J | J | J | H | H |
| Renwick Coal Mining Co. (W. D. Proudfoot). | Renwick | Pittsburgh | F | F | F | F | F | F | F |

### Truck Mines

| Company | Mine | Seam | Price classifications and size group Nos.— S1 | S2 | S3 | S4 | S5 | S6 | S7 |
|---|---|---|---|---|---|---|---|---|---|
| Allen, C. G | Allen | Pittsburgh | F | F | F | F | F | | |
| Anderson, Floyd W | Anderson | Sewell | A | A | A | A | A | | |
| Bauserman & Black | Fornash | Redstone | F | H | F | F | F | | |
| Casteel, Dana B | Hartman | Bakerstown | G | G | G | G | G | | |
| Charcandy, Andrew A | Charcandy | Pittsburgh | F | F | F | F | F | | |
| Cipolloni, Joseph | Cipolloni | Med. Vol. Freeport | J | J | J | J | J | | |
| Cobun, Bruce T | Cobun | Pittsburgh | F | F | F | F | F | | |
| Green, Claude L. (Claude Green Coal Co.) | Claude Green | Pittsburgh | F | F | F | F | F | | |
| Harless, S. J | Hollister | Coalburg | A | A | A | A | A | | |
| Harris, Karl D | Harris | Bakerstown | G | G | G | G | G | | |
| Johnson, John | Bakerstown | Bakerstown | G | G | G | G | G | | |
| Lawson, George | Tinnell | Coalburg | A | A | A | A | A | | |
| Lodge & Nester Coal Co. (K. G. Lodge | Berryburg | Pittsburgh | F | F | F | F | F | | |
| Malone Coal Co. (M. R. Malone) | Meriden No. 3 | H. V. Kittanning | J | J | J | J | J | | |
| Marks, John W | Lynch Run | Pittsburgh | F | F | F | F | F | | |
| Marks, W. R | Marks | Pittsburgh | F | F | F | F | F | | |
| May Brothers (Delbert May) | Hall | Pittsburgh | F | F | F | F | F | | |
| Morgan & Henderson (Rex Henderson) | Henderson | Pittsburgh | F | F | F | F | F | | |
| Moser, Homer | Victor | Med. Vol. Freeport | J | J | J | J | J | | |
| Smith & Zinn (Glen D. Smith) | Smith & Zinn | Med. Vol. Freeport | J | J | J | J | J | | |
| Spiker, Albert | Orth | Pittsburgh | F | F | F | F | F | | |
| Stout, R. D | Stout | Pittsburgh | F | F | F | F | F | | |

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

DISTRICT NO. 3—SCHEDULE "B"

### Rail Mines

| Mine index No. | Code member | Mine name | Seam or kind | Mine origin group | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 130 | Davis & Reynolds, Inc | Robinson Run No. 1. | Pittsburgh | 52 | F | F | F | F | F | F | F |
| 88 | Hebbs, Ray | Hebbs | Pittsburgh | 70 | H | H | H | H | H | H | H |
| 96 | Louise Coal Co | Louise | Sewickley | 52 | J | J | J | J | J | J | J |
| 3 | Minerd, A. M. (Brown's Creek Coal Co.). | Alpha | Pittsburgh | 60 | G | G | G | G | G | G | G |
| *150 | Premar Coal Co., Inc | Monitor No. 2 | Med. Vol. Freeport. | 70 | J | J | J | J | J | J | J |
| 125 | Renwick Coal Mining Co. (W. D. Proudfoot). | Renwick | Pittsburgh | 60 | F | F | F | F | F | F | F |

*Mine Index No. 150 should appear in Group No. 3 and with the mines having an f. o. b. mine price of 160 cents in the Proposed Coordinated Minimum Price Schedule.

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

### For Truck Shipment Only

[Prices in cents per ton for shipment into all market areas]

| Code member index name | Mine | Seam | County | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|---|---|---|---|
| Allen, C. G | Allen | Pittsburgh | Harrison | 213 | 208 | 208 | 188 | 188 | 183 | 173 |
| Anderson, Floyd W | Anderson | Sewell | Webster | 238 | 233 | 238 | 218 | 218 | 213 | 203 |
| Bauserman & Black | Fornash | Redstone | Lewis | 213 | 208 | 208 | 188 | 188 | 183 | 173 |
| Casteel, Dana B | Hartman | Bakerstown | Preston | 208 | 203 | 203 | 183 | 183 | 178 | 168 |
| Charcandy, Andrew A | Charcandy | Pittsburgh | Harrison | 213 | 208 | 208 | 188 | 188 | 183 | 173 |
| Cipolloni, Joseph | Cipolloni | M. V. Freeport | Preston | 193 | 188 | 188 | 173 | 173 | 168 | 158 |
| Cobun, Bruce T | Cobun | Pittsburgh | Harrison | 213 | 208 | 208 | 188 | 188 | 183 | 173 |
| Davis & Reynolds, Inc | Robinson Run No. 1. | Pittsburgh | Monongalia | 213 | 208 | 208 | 188 | 188 | 183 | 173 |
| Green, Claude L. (Claude Green Coal Co.). | Claude Green | Pittsburgh | Taylor | 213 | 208 | 208 | 188 | 188 | 183 | 173 |
| Harless, S. J | Hollister | Coalburg | Webster | 238 | 233 | 238 | 218 | 218 | 213 | 203 |
| Harris, Karl D | Harris | Bakerstown | Braxton | 208 | 203 | 203 | 183 | 183 | 178 | 168 |
| Hebbs, Ray | Hebb | Pittsburgh | Preston | 203 | 198 | 198 | 178 | 178 | 173 | 163 |
| Johnson, John | Bakerstown | Bakerstown | Preston | 208 | 203 | 203 | 183 | 183 | 178 | 168 |
| Lawson, George | Tinnel | Coalburg | Nichols | 238 | 233 | 238 | 218 | 218 | 213 | 203 |
| Lodge & Nestor Coal Co. (K. G. Lodge). | Berryburg | Pittsburgh | Barbour | 213 | 208 | 208 | 188 | 188 | 183 | 173 |
| Louise Coal Co | Louise | Sewickley | Monongalia | 193 | 188 | 188 | 173 | 173 | 168 | 158 |
| Malone Coal Co. (M. R. Malone). | Meridan No. 3 | H. V. Kittanning | Barbour | 193 | 188 | 188 | 173 | 173 | 168 | 158 |
| Marks, John W | Lynch Run | Pittsburgh | Gilmer | 213 | 208 | 208 | 188 | 188 | 183 | 173 |
| Marks, W. R | Marks | Pittsburgh | Gilmer | 213 | 208 | 208 | 188 | 188 | 183 | 173 |
| May Brothers (Delbert May) | Hall | Pittsburgh | Braxton | 213 | 208 | 208 | 188 | 188 | 183 | 173 |
| Minerd, A. M. (Brown's Creek Coal Co.). | Alpha | Pittsburgh | Harrison | 208 | 203 | 203 | 183 | 183 | 178 | 168 |
| Morgan & Henderson (Rex Henderson. | Henderson | Pittsburgh | Marion | 213 | 208 | 208 | 188 | 188 | 183 | 173 |
| Moser, Homer | Victor | M. V. Freeport | Preston | 193 | 188 | 188 | 173 | 173 | 168 | 158 |
| Premar Coal Co., Inc | Monitor No. 2 | M. V. Freeport | Preston | 193 | 188 | 188 | 173 | 173 | 168 | 158 |
| Renwick Coal Mng. Co. (W. D. Proudfoot). | Renwick | Pittsburgh | Barbour | 213 | 208 | 208 | 188 | 188 | 183 | 173 |
| Smith & Zinn (Glen D. Smith) | Smith & Zinn | M. V. Freeport | Preston | 193 | 188 | 188 | 173 | 173 | 168 | 158 |
| Spiker, Albert | Orth | Pittsburgh | Marion | 213 | 208 | 208 | 188 | 188 | 183 | 173 |
| Stout, R. D | Stout | Pittsburgh | Gilmar | 213 | 208 | 208 | 188 | 188 | 183 | 173 |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

### DISTRICT NO. 4—SCHEDULE "A"

| Name of code member | Name of mine | Origin mine group | Seam | Type | Shipped by | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| B. K. & H. Coal Co | | 5 | | | T | K | K | O | O | O | O | O | Q | Q | Q | Q |
| Border, Floyd E | Slack No. 2 | 6 | 7 | Deep | T | O | O | O | O | O | O | O | Q | Q | Q | Q |
| Brookside Mining Co. (Wm. C. Ludlam) | Sattlers | 4 | 5 | Deep | T | O | O | O | O | O | O | O | Q | Q | Q | Q |
| Buckeye Coal Co. (Kenneth A. Meek) | Buckeye | 6 | | | | O | O | O | O | O | O | O | Q | Q | Q | Q |
| Chatfield Coal Co. (Charles W. Chatfield, Jr.) | | 7 | | | | K | K | O | O | O | O | O | O | O | O | O |
| Ed Griffith Coal Co | Jumbo Coal | 3 | | | | O | O | O | O | O | O | O | O | O | O | O |
| Gabor, John (J. G. Coal Co.) | J. G | 5 | 6 | Strip | T | O | O | O | O | O | O | O | Q | Q | Q | Q |
| Johnson, Frank, Clarence and William | Locust Point | 1 | 8 | Deep | T | O | O | O | O | O | O | O | Q | Q | Q | Q |
| Maple Ridge Coal Co. (Carl Long) | Maple Ridge | 4 | | | T | Q | Q | Q | O | O | O | O | Q | Q | Q | Q |
| McCoy, Vinton | | 7 | | | | K | K | O | O | O | O | O | O | O | O | O |
| Phillips, Alfred | | 6 | | | | O | O | O | O | O | O | O | Q | Q | Q | Q |
| Priode Coal Co. (D. V. Priode) | | 4 | 6 | Deep | T | Q | Q | Q | O | O | O | O | Q | Q | Q | Q |
| Todd, James L | Todd | 4 | 7 | Deep | | Q | Q | Q | O | O | O | O | Q | Q | Q | Q |
| Vender, John (Triangle Coal Co.) | Triangle Coal Co. No. 1. | 4 | | | | Q | Q | Q | O | O | O | O | Q | Q | Q | Q |
| Vender John (Triangle Coal Co.) | Triangle Coal Co. No. 2. | 4 | | | | Q | Q | Q | O | O | O | O | Q | Q | Q | Q |

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

### DISTRICT NO. 4—SCHEDULE "B"

*For Truck Shipment Only*

[Prices in cents per ton for shipment into all market areas]

| Code member index name | Mine | Seam | Township | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|---|---|---|---|
| SUBDISTRICT NO. 1—EASTERN OHIO | | | | | | | | | | |
| BELMONT COUNTY | | | | | | | | | | |
| Johnson, Frank, Clarence and William | Locust Point | 8 | | 275 | 250 | 245 | 220 | 220 | 200 | 190 |
| SUBDISTRICT No. 3—BERGHOLZ | | | | | | | | | | |
| JEFFERSON COUNTY | | | | | | | | | | |
| Ed Griffith Coal Co | Jumbo Coal | 3 | | 275 | 250 | 245 | 220 | 220 | 200 | 190 |
| SUBDISTRICT No. 4—MIDDLE | | | | | | | | | | |
| COLUMBIANA COUNTY | | | | | | | | | | |
| Todd, James L | Todd | 7 | | 280 | 255 | 250 | 235 | 235 | 205 | 195 |
| Vender, John (Triangle Coal Co.) | Triangle CC No. 1 | | | 280 | 255 | 250 | 235 | 235 | 205 | 195 |
| COSHOCTON COUNTY | | | | | | | | | | |
| Priode Coal Co. (D. V. Priode) | | 6 | | 265 | 240 | 235 | 220 | 220 | 190 | 180 |
| MAHONING COUNTY | | | | | | | | | | |
| Vender, John (Triangle Coal Co.) | Triangle CC No. 2 | | | 280 | 255 | 250 | 235 | 235 | 205 | 195 |
| STARK COUNTY | | | | | | | | | | |
| Maple Ridge Coal Co. (Carl Long) | Maple Ridge | | | 265 | 240 | 235 | 220 | 220 | 190 | 180 |

*For Truck Shipment Only*—Continued

| Code member index name | Mine | Seam | Township | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|---|---|---|---|
| TUSCARAWAS COUNTY | | | | | | | | | | |
| Brookside Mining Co. (Wm. C. Ludlam) | Sattlers | 5 | | 275 | 250 | 245 | 220 | 220 | 190 | 180 |
| SUBDISTRICT No. 5—HOCKING | | | | | | | | | | |
| HOCKING COUNTY | | | | | | | | | | |
| Gabor, John (J. G. Coal Co.) | J. G | 6 | | 265 | 265 | 220 | 195 | 195 | 165 | 155 |
| PERRY COUNTY | | | | | | | | | | |
| B. K. & H. Coal Co | | | | 285 | 265 | 220 | 195 | 195 | 165 | 155 |
| SUBDISTRICT NO. 6—CROOKSVILLE | | | | | | | | | | |
| MUSKINGUM COUNTY | | | | | | | | | | |
| Border, Floyd E | Slack No. 2 | 6 | | 265 | 250 | 220 | 195 | 195 | 165 | 155 |
| Phillips, Alfred | | 6 | | 265 | 250 | 220 | 195 | 195 | 165 | 155 |
| PERRY COUNTY | | | | | | | | | | |
| Buckeye Coal Co. (Kenneth A. Meek) | Buckeye | 6 | | 265 | 265 | 220 | 195 | 195 | 165 | 155 |
| SUBDISTRICT No. 7—LAWRENCE | | | | | | | | | | |
| LAWRENCE COUNTY | | | | | | | | | | |
| Chatfield Coal Co. (Charles W. Chatfield, Jr.) | | 7 | | 285 | 265 | 220 | 195 | 195 | 175 | 165 |
| McCoy, Vinton | | 7 | | 285 | 265 | 220 | 195 | 195 | 175 | 165 |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

### DISTRICT NO. 6—SCHEDULE "A"

| Company | Mine | Seam | Price classification and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bennett & ——— Coal Co (Ernest R. Bennett). | Bennett | Pittsburgh 8 | C | C | C | C | C | O | C | C | C | C | C | C |
| Buffalo Coal & Coke Co. | DeVinney | Pittsburgh 8 | C | C | C | C | C | C | C | C | E | E | E | E |
| Conner, Edward | Carter | Pittsburgh 8 | C | C | C | C | C | O | C | C | C | C | C | C |
| Corvi, Joseph & Earnest | Wolf | Pittsburgh 8 | C | C | C | C | C | O | C | C | C | C | C | C |
| Kellerberg, Myers & McCary (Henry Kellerberg). | Welsh | Pittsburgh 8 | C | C | C | C | C | O | C | C | C | C | C | C |
| Mitchell & Jones Corporation. | Ghost Hollow | Pittsburgh 8 | C | C | C | C | C | C | C | C | C | C | C | C |

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.



### DISTRICT NO. 6—SCHEDULE "B"

*For Truck Shipment Only*

[Prices in cents per ton for shipment into all market areas]

| Code member index name | Mine | Seam | County | Lump, over 2"; egg, over 2"; Bottom size | Lump, 2" and under; Egg, 2" and under; Bottom size | Lump, 1¼" and under; Egg, 1¼" and under; Bottom size | All Nut and Pea, 2" and under | Run of mine, Resultant over 2" | Slack 2" and under | Slack ¾" and under |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Bennett & Delander Coal Co. (Ernest R. Bennett). | Bennett | Pittsburgh 8 | Hancock | 275 | 250 | 245 | 220 | 220 | 200 | 190 |
| Buffalo Coal & Coke Co. | DeVinney | Pittsburgh 8 | Brooke | 275 | 250 | 245 | 220 | 220 | 190 | 180 |
| Conner, Edward | Carter | Pittsburgh 8 | Brooke | 275 | 250 | 245 | 220 | 220 | 200 | 190 |
| Corvi, Joseph & Earnest | Wolf | Pittsburgh 8 | Ohio | | | | | | | |
| Kellerberg, Myers & McCary (Henry Kellerberg). | Welsh | Pittsburgh 8 | Brooke | 275 | 250 | 245 | 220 | 220 | 200 | 190 |
| Mitchell & Jones Corporation. | Ghost Hollow | Pittsburgh 8 | Brooke | 275 | 250 | 245 | 220 | 220 | 200 | 190 |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

### DISTRICT NO. 7—SCHEDULE "A"

*Rail Mines*

| Code member | Mine name | Subdistrict No. | Seam | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Buckeye Coal & Coke Co | Buckeye No. 2 | 3 | Poca. No. 6 | D | D | C | A | A | B | B | B | C | C |
| New River & Poca. C. C. Co | Berwind No. 9 | 3 | Poca. No. 3 | B | B | A | A | A | B | B | B | D | D |
| Pageton Pocahontas Coal Co | Central No. 2 | 3 | Poca. No. 3 | B | B | A | A | A | B | B | B | C | C |
| Shockley Creek Coal Co | Sewell | 5 | Sewell | B | B | A | A | A | B | B | B | B | B |
| Standard Fire Creek Coal Co | Beelick Knob | 1 | Fire Crk | | | | | | B | B | B | B | B |
| Thewes & Sons | Wright No. 2 | 2 | Fire Crk | | | | | | B | B | B | B | B |

*Truck Mines*

| Code member | Mine name | Subdistrict No. | Seam | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Big Mountain Coal Co. (H. P. Willett). | Amick | 1 | Fire Crk | | | | | | B | B | B | B | B |
| Burdette, Forrest & Jesse Williams | Burdette-Williams | 1 | Sewell | | | | | | B | B | C | C | C |
| Burns, C. L | Sweeny | 2 | Beckley | | | | | | A | A | B | B | B* |
| Cirtsville Coal Co. (R. C. Mitchell). | Cirtsville | 2 | Little Eagle | 275 | 255 | 235 | 245 | 215 | 225 | 200 | 185 | | |
| Cora Lee Coal Co | Snuffer | 2 | Beckley | | | | | | A | A | B | B | B |
| Drew, G. W | Old Blue Jay No. 5 | 2 | Beckley | | | | | | A | A | B | B | B |
| Duo Coal Co. (Dewey Grizzle) | Grizzle | 1 | Sewell | | | | | | B | B | C | C | C |
| Garland Pocahontas C. Co. (G. Beavers). | Garland | 4 | Red Ash | | | | | | B | B | C | C | C |
| Gills, Clyde | Gills | 3 | Poca. No. 3 | | | | | | B | B | C | C | C |
| Hall, Joe | Hall | 2 | Beckley | | | | | | A | A | B | B | B |
| Johnson, R. L | Johnson | 1 | Sewell | | | | | | B | B | C | C | C |
| Muncy Coal Co. (I. E. Muncy) | Muncy | 4 | Red Ash | | | | | | B | B | C | C | C |
| Rupert Smokeless Coal Co | North Fork | 1 | Sewell | | | | | | B | B | C | C | C |
| Stover Coal Co | Stover No. 2 | 2 | Sewell | | | | | | B | B | C | C | C |
| Walker & Atkins Coal Co | Pines Creek | 5 | Poca. No. 6 | | | | | | B | B | B | C | B |
| White Coal Co., H. T | White | 3 | Poca. No. 3 | | | | | | B | B | B | C | C |

*These figures in cents per ton accord with Truck schedule of District 8, Exhibit P-130 for Eagle Seam Mines in Raleigh and Kanawha Counties of West Virginia.

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

### DISTRICT NO. 7—SCHEDULE "B"

*Rail Mines*

| Mine index No. | Code member | Mine name | Subdistrict No. | Low volume seam | Mine origin group No. | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 34 | Buckeye Coal & Coke Co | Buckeye No. 2 | 3 | Poca. No. 6 | 20 | D | D | C | A | B | B | C | D | C |
| 19 | New River & Poca. C. C. Co | Berwind No. 9 | 3 | Poca. No. 3 | 20 | B | B | A | A | B | B | D | C | D |
| 40 | Pageton Pocahontas Coal Co | Central No. 2 | 3 | Poca. No. 3 | 20 | B | B | A | A | B | B | C | D | C |
| 164 | Shockley Creek Coal Co | Sewell | 5 | Sewell | 14 | B | B | A | A | B | B | B | B | B |
| 210 | Standard Fire Creek Coal Co | Beelick Knob | 1 | Fire Creek | 19 | | | | | A | B | B | B | B |
| 211 | Thewes & Sons | Wright No. 2 | 2 | Fire Creek | 10 | | | | | B | B | B | B | B |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

### For Truck Shipment Only

[Prices in cents per ton for shipment into all market areas]

| Code member index name | Mine | Subdistrict No. | County | Seam | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|---|---|---|---|---|---|---|---|---|
| Big Mountain Coal Co. (H. P. Willett). | Amick | 1 | Greenbrier | Fire Creek | | | 255 | 215 | 195 | 190 |
| Buckeye Coal & Coke Co | Buckeye No. 2 | 3 | Mercer | Pocahontas No. 6 | 290 | 225 | 255 | 215 | 190 | 185 |
| Burdette, Forrest & Jesse Williams. | Burdette-Williams. | 1 | Greenbrier | Sewell | | | 255 | 215 | 190 | 185 |
| Burns, C. L. | Sweeny | 2 | Raleigh | Beckley | | | 255 | 215 | 195 | 190 |
| Cirtsville Coal Co. (R. C. Mitchell). | Cirtsville | 2 | Raleigh | Little Eagle | | | 255 | 215 | 190 | 185 |
| Cora Lee Coal Co | Snuffer | 2 | Raleigh | Beckley | | | 255 | 215 | 195 | 190 |
| Drew, G. W | Old Blue Jay No. 5. | 2 | Raleigh | Beckley | | | 255 | 215 | 195 | 190 |
| Duo Coal Co. (Dewey Grizzle) | Grizzle | 1 | Greenbrier | Sewell | | | 255 | 215 | 190 | 185 |
| Garland Pocahontas Coal Co. (G. Beavers). | Garland | 4 | McDowell | Red Ash | | | 255 | 215 | 190 | 185 |
| Gills, Clyde | Gills | 3 | Mercer | Pocahontas No. 3 | | | 255 | 215 | 195 | 190 |
| Hall, Joe | Hall | 2 | Raleigh | Beckley | | | 255 | 215 | 190 | 185 |
| Johnson, R. L. | Johnson | 1 | Greenbrier | Sewell | | | 255 | 215 | 190 | 185 |
| Muncy Coal Co. (I. E. Muncy) | Muncy | 4 | McDowell | Red Ash | | | 255 | 215 | 190 | 185 |
| New River & Poca. C. C. Co | Berwin No. 9 | 3 | McDowell | Pocahontas No. 3 | 315 | 225 | 255 | 215 | 195 | 190 |
| Pageton Pocahontas Coal Co | Central No. 2 | 3 | McDowell | Pocahontas No. 3 | 315 | 225 | 255 | 215 | 190 | 185 |
| Rupert Smokeless Coal Co | North Fork | 1 | Greenbrier | Sewell | | | 255 | 215 | 195 | 190 |
| Shockley Creek Coal Co | Sewell | 5 | Raleigh | Sewell | 315 | 225 | 255 | 215 | 195 | 190 |
| Standard Fire Creek Coal Co | Beelick Knob | 1 | Fayette | Fire Creek | | | 255 | 215 | 195 | 190 |
| Stover Coal Co | Stover No. 2 | 2 | Raleigh | Sewell | | | 255 | 215 | 195 | 190 |
| Thewes & Sons | Wright No. 2 | 2 | Raleigh | Fire Creek | | | 255 | 215 | 195 | 190 |
| Walker & Atkins Coal Co | Pines Creek | 5 | Raleigh | Pocahontas No. 6 | | | 255 | 215 | 190 | 185 |
| White Coal Co., H. T | White | 3 | Mercer | Pocahontas No. 3 | | | 255 | 215 | 190 | 185 |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

### DISTRICT NO. 8—SCHEDULE "A"

### Truck Mines

| Name of code member | Mine name | Seam | County | State | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Allen, Alonzo | Alonzo Allen | | Cumberland | Tenn | P | P | H | N | N | H | O | O |
| Wyrick, Oram | Oram Wyrick | | Laurel | Ky | M | M | E | L | J | E | K | M |

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

### DISTRICT NO. 8—SCHEDULE "B"

### For Truck Shipment Only

[Prices in cents per ton for shipment into all market areas]

| Code member index name | Mine | Seam | Lump, over 2" | Lump, 2" and under | Lump, ¾" and under | Egg, 2" or over, bottom size | Nut or Stoker, 2" and under; top size | Straight mine run | 2" and under; Slack | ¾" and under, Slack |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| SUBDISTRICT No. 6—SOUTHERN APPALACHIAN | | | | | | | | | | |
| CUMBERLAND COUNTY, TENN. | | | | | | | | | | |
| Allen, Alonzo | Alonzo Allen | Bon Air No. 2 | 250 | 230 | 205 | 210 | 185 | 195 | 135 | 120 |
| LAUREL COUNTY, KY. | | | | | | | | | | |
| Wyrick, Oram | Oram Wyrick | Lilly | 265 | 245 | 230 | 220 | 205 | 210 | 155 | 140 |

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### DISTRICT NO. 9—SCHEDULE "A"

| Name of code member | Mine name | Seam | Price classification and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Crescent Coal Co | Paradise | No. 9 | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | O |

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

### DISTRICT NO. 9—SCHEDULE "B"

### Rail Mines

| Name of code member | Mine name | Seam | Mine index No. | Mine origin group |
|---|---|---|---|---|
| Crescent Coal Company | Paradise | No. 9 | 89 | 30 |

Coordinated Prices in all price tables the same as shown for mines with index numbers 1, 3, 5, 6, 7, 8, 10, 15, 16, 17, 20, 22, 23, 24, 25, 26, 30, 31, 32, 35, 36, 38, 42, 44, 51, 53, 55, 58, 59, 62, 63, 64, 65, 69, 77, 82, 83, 84, 85, 86, 88.

| | Size groups 10 | 11 | 12 | 13 | 18 | 19 | 20 | 21 | 22 | 23 |
|---|---|---|---|---|---|---|---|---|---|---|
| Add for washing the amount shown for each size group as indicated (in cents per ton) | 10 | 10 | 10 | 10 | 25 | 15 | 15 | 15 | 45 | 45 |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.



### For Truck Shipment Only

[Prices in cents per ton for shipment into all market areas]

| Code member index name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| MUHLENBERG COUNTY | | | | | | | | | | | | | | | | | | | | | | | | | |
| Crescent Coal Co | Paradise | 9 | 225 | 225 | 195 | 185 | 180 | 170 | 165 | 165 | 165 | 155 | 155 | 150 | 150 | 140 | 140 | 140 | 130 | 120 | 120 | 120 | 115 | 85 | 75 |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

### DISTRICT NO. 10—SCHEDULE "A"

| Name of code member | Mine name | Seam | Price classification and size group Nos.— 1 | 2 | 3 |
|---|---|---|---|---|---|
| Ace High Coal Co. (Thos. Gabriel) | Ace High | 6 | L | | E |
| Brandt & Son, L. F. (Louis Brandt) | | 5 | G | | E |
| Hicks, John (Big Four Coal Co.) | Big 4 Coal | 5 | N | | E |
| Syndicate Coal Co. (Thomas Browning) | Syndicate | 6 | J | | E |

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

### DISTRICT NO. 10—SCHEDULE "B"

### For Truck Shipment Only

[Prices in cents per ton for shipment into all market areas]

| Code member index name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SECTION No. 2 | | | | | | | | | | | | | | | | | |
| BUREAU COUNTY | | | | | | | | | | | | | | | | | |
| Brandt & Son, L. F. (Louis (Brandt). | | 5 | 360 | 355 | 350 | 340 | 335 | 325 | 260 | 265 | 220 | 220 | 220 | 220 | 190 | 180 | 115 |
| SECTION No. 4 | | | | | | | | | | | | | | | | | |
| PEORIA COUNTY | | | | | | | | | | | | | | | | | |
| Hicks, John (Big Four Coal Co.) | Big Four Coal | 5 | 255 | 250 | 245 | 235 | 230 | 225 | 175 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 |
| SECTION No. 8 | | | | | | | | | | | | | | | | | |
| ST. CLAIR COUNTY | | | | | | | | | | | | | | | | | |
| Ace High Coal Co. (Thos. Gabriel). | Ace High | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 |
| SECTION No. 9 | | | | | | | | | | | | | | | | | |
| RANDOLPH COUNTY | | | | | | | | | | | | | | | | | |
| Syndicate Coal Co. (Thomas Browning). | Syndicate | 6 | 265 | 260 | 255 | 245 | 240 | 235 | 180 | 175 | 165 | 165 | 165 | 165 | 135 | 125 | 60 |

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### DISTRICT NO. 11—SCHEDULE "A"

| Name of code member | Name or number of mine | Vein of coal | County | Price classification and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Black Crow Coal Co. (Frank Walther) | Black Crow | V | Vanderburgh | J | J | J | J | J | J | H | | | H | H | | H | | | H | H | J |
| Boehmann, John | Boehmann | V | Spencer | J | J | J | J | J | J | H | | | H | H | | H | | | H | H | J |
| Boyce, John E | Yankee | V | Warrick | J | J | J | J | J | J | H | | | H | H | | H | | | H | H | E |
| Freddie's Brazil Block Coal Co. (Hervey Loudermilk). | Freddie's | B | Clay | C | E | E | E | E | E | E | | | G | G | | K | | | K | K | E |
| Gramelspacher A. H. & Son | Denning | V | Perry | J | J | J | J | J | J | H | | | H | H | | H | | | H | H | J |
| Loudermilk, Dewey | Hein | IV | Vigo | E | E | E | E | E | E | F | | | H | H | | H | | | H | H | E |
| Maurer Brothers (George S. Maurer) | Same | V | Pike | J | J | J | J | J | J | H | | | H | H | | H | | | H | H | J |
| Metzger, Charles E | Metzger | V | Warrick | J | J | J | J | J | J | H | | | H | H | | H | | | H | H | E |
| Newburgh Coal Co. (James Pheral) | Newburgh | V | Warrick | J | J | J | J | J | J | H | | | H | H | | H | | | H | H | J |
| Summers & Currie (James Summers) | Same | B | Clay | C | E | E | E | E | E | E | | | G | G | | K | | | K | K | E |
| Superior Coal Mine (Arthur Hollingsworth) | Superior | VI | Knox | J | J | J | J | J | J | H | | | M | K | | K | | | K | K | J |
| Turkey Hill Coal Co. (Oscar Reed, Bryan Riley & Carl Hurt | Turkey Hill | IV | Pike | J | J | J | J | J | J | H | | | H | H | | H | | | H | H | J |
| Wilson & Son, Blanch L | Same | B | Parke | C | E | E | E | E | E | E | | | G | G | | K | | | K | K | E |
| Wissel & Co. John | Christmas | V | Spencer | J | J | J | J | J | J | H | | | H | H | | H | | | H | H | J |

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

### DISTRICT NO. 11—SCHEDULE "B"

### For Truck Shipment Only

[Prices in cents per ton for shipment into all market areas]

| Code member index name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22, 23, 24 | 25 | 26 | 27 | 29, 30, 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CLAY COUNTY | | | | | | | | | | | | | | | | | | | | | | | | |
| Freddie's Brazil Block Coal Co. (Hervey Loudermilk). | Freddie's | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | 170 | 160 | 95 | | 125 | | 220 |
| Summers & Currie (James Summers). | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | 170 | 160 | 95 | 125 | | 220 | |
| GREENE COUNTY | | | | | | | | | | | | | | | | | | | | | | | | |
| Strietelmeier, H. W | No. 2 | 5 | 240 | 235 | 230 | 229 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | 145 | 135 | 95 | | 120 | | 185 |
| KNOX COUNTY | | | | | | | | | | | | | | | | | | | | | | | | |
| Superior Coal Mine (Arthur Hollingsworth). | Superior | 6 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 135 | 125 | 60 | 50 | | | 125 | 85 | 120 | | 175 | | |
| PARKE COUNTY | | | | | | | | | | | | | | | | | | | | | | | | |
| Wilson & Son, Branch L. | Same | B | 305 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 195 | 160 | 150 | 60 | 40 | | | 170 | 160 | 95 | | 125 | | 220 |
| PERRY COUNTY | | | | | | | | | | | | | | | | | | | | | | | | |
| Gramelspacher, A. H. & Son. | Denning | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | | | 165 | 155 | 115 | | 120 | 155 | 185 |

*For Truck Shipment Only*—Continued

| Code member index name | Mine | Seam | Prices and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9, 10, 11, 12 | 13 | 14 | 15 | 16 | 17, 18, 19, 20 | 21, 22, 23, 24 | 25 | 26 | 27 | 29, 30, 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| PIKE COUNTY | | | | | | | | | | | | | | | | | | | | | | | | |
| Maurer Bros. (George S. Maurer). | Same | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ... | ... | 165 | 155 | 115 | ... | 120 | 155 | 185 |
| Turkey Hill Coal Co. (Oscar Reed, Bryan Riley & Carl Hurt). | Turkey Hill | 4 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ... | ... | 165 | 155 | 115 | ... | 120 | 155 | 185 |
| SPENCER COUNTY | | | | | | | | | | | | | | | | | | | | | | | | |
| Boehmann, John | Boehmann | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ... | ... | 165 | 155 | 115 | ... | 120 | 155 | 185 |
| Wissel & Co. John | Christmas | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ... | ... | 165 | 155 | 115 | ... | 120 | 155 | 185 |
| VANDERBURGH COUNTY | | | | | | | | | | | | | | | | | | | | | | | | |
| Black Crow Coal Co. (Frank Walther). | Black Crow | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ... | ... | 165 | 155 | 115 | ... | 120 | 155 | 185 |
| VIGO COUNTY | | | | | | | | | | | | | | | | | | | | | | | | |
| Loudermilk, Dewey | Hein | 4 | 280 | 275 | 270 | 260 | 255 | 245 | 205 | 210 | 180 | 160 | 150 | 95 | 65 | ... | ... | 170 | 160 | 120 | ... | 120 | ... | 220 |
| WARRICK COUNTY | | | | | | | | | | | | | | | | | | | | | | | | |
| Boyce, John E | Yankee | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ... | ... | 165 | 155 | 115 | ... | 120 | 155 | 185 |
| Metzger, Charles E. | Metzger | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ... | ... | 165 | 155 | 115 | ... | 120 | 155 | 185 |
| Newburgh Coal Co. (James Pheral). | Newburgh | 5 | 240 | 235 | 230 | 220 | 215 | 210 | 180 | 175 | 165 | 155 | 145 | 80 | 50 | ... | ... | 165 | 155 | 115 | ... | 120 | 155 | 185 |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

**DISTRICT NO. 13—SCHEDULE "A"**

| Code member | Mine name | Subdistrict | Seam | Price classification and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Twin Seam Mining Co | No. 5 Searles | 1 | Brookwood and Milldale | ... | ... | ... | ... | ... | ... | ... | ... | ... | S | .. | N | N | N | O |

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

**DISTRICT NO. 13—SCHEDULE "B"**

***Rail Mines***

| Name of code member | Mine | Seam | Subdistrict | Mine index No. | Mine origin group No. |
|---|---|---|---|---|---|
| Twin Seam Mining Co | No. 5 Searles | Brookwood and Milldale | 1 | 40 | 180 |

Coordinated prices in all price tables the same as shown for mines with index numbers 34, 37, 42 and 44.

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

**DISTRICT NO. 16—SCHEDULE "A"**

| Code member | Mine name | Subdistrict No. | Price classification and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| National Fuel Co | Eagle | 6 | F | F | F | F | F | F | F | G | A | A | A | F |
| High View Coal Co. (Reclassified) | High View | 7 | H | H | H | H | H | H | F | G | A | A | A | H |

The classifications, size groups and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

**DISTRICT NO. 16—SCHEDULE "B"**

***Rail Mines***

| Code member | Mine mame | Subdistrict No. | Size groups 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| National Fuel Co | Eagle | 6 | 415 | 365 | 365 | 415 | 345 | 345 | .... | 290 | 240 | 190 | 180 | 180 | 305 |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.



**DISTRICT NO. 16—SCHEDULE "B"**

***For Truck Shipment Only***

[Prices in cents per ton for shipment into all market areas]

| Code member index name | Mine | County | Size groups Plus 8" 1 | 8" 2 | 2½" 3 | +8 x 2½ 4 | 8 x 2½ 5 | 4 x 2¼ 6 | 3 x 1½ 7 | 2½ x 1½ 8 | 1½ x ¾ 9 | 2½ x 0 10 | 1½ x 0 11 | 1½ x 0 12 | M/R 13 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SUBDISTRICT NO. 6—ERIE | | | | | | | | | | | | | | | |
| National Fuel Co | Eagle | Weld | 465 | 415 | 415 | 465 | 415 | 395 | .... | 340 | 265 | 215 | 205 | 185 | 355 |
| SUBDISTRICT NO. 7—MARSHALL NO. 4 | | | | | | | | | | | | | | | |
| *High View Coal Co | High View | Boulder | 455 | 405 | 405 | 455 | 405 | 385 | .... | 340 | 265 | 215 | 205 | 185 | 350 |

*The High View Coal Co., High View Mine has been changed from Subdistrict No. 5 to Subdistrict No. 7.

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

**DISTRICT NO. 18—SCHEDULE "A"**

| Code member | Mine name | Subdistrict No. | Seam or kind | Price classification and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Black Chief Coal Co | Black Chief | 1 | Subbit | A | B | ... | A | A | .... | .... | B | .... | .... | A | B | .... | .... | B | A |
| Culich & Rainey [1] | Boardman | 1 | Subbit | A | B | ... | A | A | .... | .... | B | .... | .... | A | B | .... | .... | B | A |
| Diamond Coal Mining Co. [2] | Diamond No. 3 | 1 | Subbit | A | B | ... | A | A | .... | .... | B | .... | .... | A | B | .... | .... | B | A |
| Kennedy, W. L. | {Black Diamond / Hendrickson} | 8 | Subbit | .... | E | .... | .... | .... | .... | .... | .... | B | B | C | .... | .... | .... | E | .. |
| Luciani, Nick & Sons | Peacock | 3 | Subbit | .... | D | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | .... | C | .. |
| Martinez, Levi | Wolf | 4 | Bit | B | C | .... | .... | .... | .... | .... | .... | .... | B | .... | .... | .... | .... | D | .. |
| Riccon, Ernest [3] | Hagan | 7 | Subbit | .... | B | .... | .... | .... | .... | .... | A | .... | .... | B | A | .... | .... | .... | .. |
| Robinson, Dr. J. D | Oscura | 5 | Bit | .... | A | .... | .... | .... | .... | .... | A | .. | A | .... | A | .... | .... | A | .. |

[1] Successor to Boardman Coal Co.
[2] Successor to Powell & Frasnelli.
[3] Successor to O. B. Hirsch.

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

**DISTRICT NO. 18—SCHEDULE "B"**

***For Truck Mine Shipment Only***

[Prices in cents per ton for shipment into all market areas]

| Code member index name | Mine | County | Size groups 4"" 1 | 2" 2 | 6 x 2" 3 | 8 x 1½" 4 | 2½ B x 2½" 5 | 3 x 1½" 6 | 2½ x 1½ S 7 | 1½ S x 1" 8 | 1 x ¾" 9 | ½ x ⅜" 10 | ½ x 0" 11 | 1 x 0" 12 | M/R, ¾" 13 | Mine run 14 | 15 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SUBDISTRICT NO. 1—GALLUP | | | | | | | | | | | | | | | | | |
| Black Chief Coal Co | Black Chief | Navajo | 450 | 425 | .... | 400 | .... | 350 | .... | 300 | .... | .... | 190 | 170 | .... | .... | 325 |
| Culich & Rainey | Boardman | McKinley | 450 | 425 | .... | 400 | .... | 350 | .... | 300 | .... | .... | 190 | 170 | .... | .... | 325 |
| Diamond Coal Mng. Co | Diamond No. 3 | McKinley | 450 | 425 | .... | 400 | .... | 350 | .... | 300 | .... | .... | 190 | 170 | .... | .... | 325 |
| SUBDISTRICT NO. 3—LA VENTANA | | | | | | | | | | | | | | | | | |
| Luciani, Nick & Sons | Peacock | Sandoval | .... | 365 | .... | .... | .... | .... | .... | 300 | 200 | .... | 150 | .... | 100 | .... | .... |
| SUBDISTRICT NO. 4—RIO ARRIBA | | | | | | | | | | | | | | | | | |
| Martinez, Levi | Wolf | Rio Arriba | 450 | 400 | .... | .... | .... | .... | .... | .... | .... | .... | 160 | .... | .... | .... | 250 |
| SUBDISTRICT NO. 5—WHITE OAKS | | | | | | | | | | | | | | | | | |
| Robinson, Dr. J. D | Oscura | Lincoln | .... | 500 | .... | .... | .... | .... | .... | 450 | .... | 300 | .... | 200 | .... | .... | 400 |
| SUBDISTRICT NO. 7—HAGAN | | | | | | | | | | | | | | | | | |
| Riccon, Ernest | Hagan | Sandoval | .... | 425 | .... | .... | .... | .... | .... | 340 | 240 | .... | 190 | .... | 125 | .... | .... |
| SUBDISTRICT NO. 8—SAN JUAN | | | | | | | | | | | | | | | | | |
| Kennedy, W. L. | {Blk. Diamond / Hendrickson} | San Juan | .... | 250 | .... | .... | .... | .... | .... | .... | 150 | 100 | 50 | .... | .... | .... | 200 |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

**DISTRICT NO. 19—SCHEDULE "A"**

| Code member | Mine name | Subdistrict No. | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Annala, Jacob, Virgil and Howard | Shawnee | 9 | G | G | G | G | E | G | .... | H | D | .... | .... | F | .... | C |
| Gaston, L. E. and H. E. | Nebraska | 3 | E | E | D | E | D | D | .... | D | E | B | .... | C | B | B |
| Hinkle, Arthur | Pettigrew | 3 | E | F | D | D | D | D | .... | D | E | B | .... | C | B | B |
| King, Joe | King's | 7 | F | F | F | F | E | G | F | F | .... | .... | .... | G | .... | .... |
| Reese and Sadler | Spring Valley | 4 | .... | C | E | .... | .... | F | .... | E | .... | E | .... | .... | .... | .... |
| Svilar, Peter | Valley | 6 | G | C | D | D | D | E | E | D | C | .... | B | .... | .... | .... |
| Taylor, Lou | Buffalo | 1 | B | B | B | A | B | C | A | A | C | .... | A | D | .... | .... |
| Todorovich, Eli | Coal Draw | 5 | A | A | A | A | A | A | B | A | B | .... | .... | B | A | A |

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

**DISTRICT NO. 22—SCHEDULE "A"**

*For Truck Shipment Only*

[Prices in cents per ton for shipments into all market areas]

| Code member | Mine name | Sub-district No. | Seam or kind | Price classifications and size group Nos. 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bury, M. J. | Bull Mountain | 9 | Mammoth | C | G | B | A | D | A | C | B | D | B | B | A |
| Erbetta, Joe & Sons | Erbetta | 7 | Sand Coulee | B | E | | | A | | A | | B | B | A | |
| Harvey, Samuel | Harvey | 8 | Middle | | D | | | | | | | D | A | | |
| Kovich, Joe | Domestic | 6 | Unnamed | B | E | | | | C | | D | C | B | | |
| Peterson, Peter H. | Dorothy | 6 | Unnamed | | D | | | | | | | D | A | | |
| Sargent, Gaylord S. | Milk River | 8 | Unnamed | | | | | | | | | | | | |
| Swanson & Piovanich | Smith | 4 | Middle | | D | | | | | | | | | | |

The classifications, size groups, and symbols shown herein refer to those approved by the National Bituminous Coal Commission to serve as a basis for coordination.

**DISTRICT NO. 22—SCHEDULE "B"**

*For Truck Shipment Only*

[Prices in cents per ton for shipments into all market areas]

| Code member index name | Mine | County | Size groups 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 6" L. and up | 3" L. and less | 9 x 6" | 6 x 3" | 4 x 3" | 3 x 2" | 2 x 1¼" | 1¼ x 1" | 1¼ x ⅝" | 1¼ x 0" | 1 x 0" | ½ x 0" |
| SUBDISTRICT NO. 4—LEWISTOWN | | | | | | | | | | | | | | |
| Kovich, Joe | Domestic | Fergus | 400 | | | | | | | | 100 | 110 | | |
| Swanson & Piovanich | Smith | Fergus | 400 | | | | | | | | 150 | 110 | | |
| SUBDISTRICT NO. 6—TRAIL CREEK, CHESTNUT & TIMBERLINE FIELD | | | | | | | | | | | | | | |
| Peterson, Peter H. | Dorothy | Beaverhead | 400 | 375 | | | | 275 | | | 175 | 100 | | |
| SUBDISTRICT NO. 7—GREAT FALLS NO. 1, SAND COULEE, BELT, SUN RIVER, CRESCENT, BIG SANDY & BOX ELDER | | | | | | | | | | | | | | 80 |
| Erbetta, Joe & Sons | Erbetta | Cascade | 400 | 375 | 375 | 350 | 350 | 325 | 300 | 225 | 150 | | 100 | |
| SUBDISTRICT NO. 8—HAVRE-CHINOOK & HAVRE-GOLDSTONE | | | | | | | | | | | | | | |
| Harvey, Samuel | Harvey | Blaine | | 350 | | | | | 225 | | 150 | 100 | | |
| Sargent, Gaylord S. | Milk River | Blaine | | 350 | | | | | 225 | | 150 | 100 | | |
| SUBDISTRICT NO 9—BULL MOUNTAIN | | | | | | | | | | | | | | |
| Bury, M. J. | Bull Mountain | Musselshell | 350 | 325 | | | 300 | | 250 | | 150 | 100 | | |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.

[F. R. Doc. 39-4052; Filed, November 2, 1939; 11:50 a. m.]

**DISTRICT NO. 22—SCHEDULE "A"**

*For Truck Mine Shipment into all market areas*

[Prices in cents per ton for shipment into all market areas]

| Code member index name | Mine | County | Size groups 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | 8" | 7" | 5" | Under 3" | 8 x 3" | 7 x 3" | 8" x 1¾, 5 x 3" | 5 x 2" | 1¾ x 1" | 1¾ x ⅝" | 1 x ⅝" | Mine run | 7 x 0" | 2½ x 0" | 1¾ x 0" | 1 x 0" | ½ x 0" |
| SUBDISTRICT NO. 1—KEMMERER | | | | | | | | | | | | | | | | | | | |
| Taylor, Lou | Buffalo | Teton | 400 | 400 | 385 | 370 | 370 | 370 | 310 | 275 | 225 | 225 | 210 | 275 | | | 185 | 185 | 125 |
| SUBDISTRICT NO. 3—HANNA-RAWLINS | | | | | | | | | | | | | | | | | | | |
| Easton, L. E. & H. E. Hinkle, Arthur | Nebraska Pettigrew | Carbon Carbon | 300 | 300 | 300 | 300 | 275 | 275 | 275 | 275 | 200 | 175 | | 200 | 200 | | 150 | 150 | 75 |
| | | | 300 | 300 | 300 | 300 | 275 | 275 | 275 | 275 | 240 | 175 | | 200 | 200 | | 150 | 150 | 75 |
| SUBDISTRICT NO. 4—EVANSTON | | | | | | | | | | | | | | | | | | | |
| Reese and Sadler | Spring Valley | Uinta | | 350 | 350 | 275 | | | | 240 | | 150 | | 200 | | 125 | | | |
| SUBDISTRICT NO. 5—OSBO-KIRBY | | | | | | | | | | | | | | | | | | | |
| Todorovich, Eli | Coal Draw | Hot Springs | 300 | 300 | 295 | 485 | 485 | 485 | 460 | 350 | 270 | 245 | | 290 | | | 170 | 170 | 170 |
| SUBDISTRICT NO. 6—HUDSON | | | | | | | | | | | | | | | | | | | |
| Sriar, Peter | Valley | Fremont | 325 | 325 | 325 | 300 | 275 | 275 | 275 | 250 | 150 | 150 | | 195 | | | 125 | 115 | |
| SUBDISTRICT NO. 7—SHERIDAN | | | | | | | | | | | | | | | | | | | |
| King, Joe | King's | Sheridan | 280 | 280 | 270 | 260 | 260 | 260 | 220 | 220 | 160 | 135 | | 170 | | | 90 | 90 | |
| SUBDISTRICT NO. 9—GREAT PLAINS | | | | | | | | | | | | | | | | | | | |
| Annala, Jacob, Virgil and Howard | Shawnee | Converse | | 240 | 240 | 240 | 240 | 240 | 240 | 240 | 220 | 220 | 125 | 125 | | | 125 | 125 | 100 |
| | | | | | | | | | | | | | | 150 | | | 150 | | 90 |

The proposed coordinated minimum prices contained herein have been proposed and coordinated to conform to the schedules of proposed coordinated minimum prices for the coals heretofore classified, published by the Commission prior to the commencement of the final hearing now pending in Washington. The attention of all interested parties is directed to the records of the proceedings in the said hearing, wherein certain evidence relevant to these prices has been received.



[Docket No. 324-FD]

**IN THE MATTER OF THE APPLICATION OF JAMES KENNARD FOR EXEMPTION UNDER THE SECOND PARAGRAPH OF SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937**

NOTICE OF REOPENING OF HEARING

Pursuant to Rule XVIII of the Rules of Practice and Procedure[1] before the National Bituminous Coal Commission, which rules are still in effect since they have not been revoked by the Bituminous Coal Division;

*It is ordered*, That the hearing in the above-entitled matter be reopened for the purpose of receiving further evidence on the issue of whether the transactions for which exemption is sought directly affect interstate commerce in bituminous coal.

Notice is hereby given that said further hearing will be held in the Hearing Room of the Bituminous Coal Division, at the Federal Building, Columbus, Ohio, on November 20, 1939, commencing at the hour of ten o'clock a. m.

Dated this 2d day of November 1939.

[SEAL] CHARLES O. FOWLER,
*Trial Examiner.*

[F. R. Doc. 39-4068; Filed, November 3, 1939; 10:44 a. m.]

[Docket No. 328-FD]

**IN THE MATTER OF THE APPLICATION OF PLAINVIEW COAL COMPANY FOR EXEMPTION UNDER THE SECOND PARAGRAPH OF SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937**

NOTICE OF REOPENING OF HEARING

Pursuant to Rule XVIII of the Rules of Practice and Procedure[1] before the National Bituminous Coal Commission, which rules are still in effect since they have not been revoked by the Bituminous Coal Division;

*It is ordered*, That the hearing in the above-entitled matter be reopened for the purpose of receiving further evidence on the issue of whether the transactions for which exemption is sought directly affect interstate commerce in bituminous coal.

Notice is hereby given that said further hearing will be held in the Hearing Room of the Bituminous Coal Division, at the Federal Building, Columbus, Ohio, on November 20, 1939, commencing at the hour of ten o'clock a. m.

Dated this 2d day of November 1939.

[SEAL] CHARLES O. FOWLER,
*Trial Examiner.*

[F. R. Doc. 39-4069; Filed, November 3, 1939; 10:44 a. m.]

[Docket No. 47-FD]

**IN THE MATTER OF THE APPLICATION OF THE CAMBRIA CLAY PRODUCTS COMPANY FOR RENEWAL OF ORDER GRANTING EXEMPTION**

ORDER GRANTING RENEWAL OF EXEMPTION

The Cambria Clay Products Company, Applicant herein, having on July 20, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it, in the manufacture of clay products at its plant in Blackfork, Ohio; and

The Commission having, on June 6, 1938,[1] entered an order pursuant to such application, in Docket No. 47-FD, ordering that the bituminous coal produced by Applicant at its mines located in Lawrence County, Ohio, which is consumed by Applicant in the manufacture of clay products at Blackfork, Ohio, shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply periodically for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant having, on October 27, 1939, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantities of coal produced by the Applicant during the year preceding the filing of the application for renewal, at its mines located in Lawrence County, Ohio, and the portion thereof which is consumed by Applicant in the manufacture of clay products at Blackfork, Ohio, and which application also contains a statement that all of the facts set forth in the application of July 20, 1937, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order of June 6, 1938, continue to exist:

*It is ordered*, That the application filed by the Applicant for renewal of said order of June 6, 1938, be and the same is hereby granted;

*Provided, however*, That the said order of June 6, 1938, and the exemption granted thereby shall automatically terminate and expire:

1. Unless the Applicant, on or before October 2, 1940, files an application for renewal of said order;

2. Unless the Applicant, on the fifteenth (15th) day of each month hereafter, beginning December 15, 1939, files with the Director a verified report containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption continue to exist;

(a) The full name and business address of the Applicant, and the name and location of the mine or mines covered by this application.

(b) The total tonnage of the bituminous coal produced by Applicant during the preceding month at such mine or mines.

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption.

(d) Whether any changes have occurred in the ownership of the mine or mines from which the coal in question was produced, or in the ownership of the plant, factory or other facility at which the coal was consumed.

(e) Whether there has been a change in the agency or instrumentality through which the coal was being produced at the time the order of June 6, 1938, was entered, and if such change has occurred, the nature thereof.

3. In any event not later than November 2, 1940, or on such earlier date as the Director shall fix after notice and opportunity for hearing; and

*It is further ordered*, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the said order of June 6, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant therein.

[SEAL] H. A. GRAY,
*Director.*

NOVEMBER 2, 1939.

[F. R. Doc. 39-4077; Filed, November 3, 1939; 12:47 p. m.]

[1] 3 F.R. 1844 DI.

[1] 3 F.R. 1370 DI.

Reference

NOV 8 1939

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 215

*Washington, Tuesday, November 7, 1939*

## The President

PROCLAMATION OF A STATE OF WAR BETWEEN GERMANY AND FRANCE; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA, CANADA, NEW ZEALAND AND THE UNION OF SOUTH AFRICA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 1 of the joint resolution of Congress approved November 4, 1939, provides in part as follows:

"That whenever the President, or the Congress by concurrent resolution, shall find that there exists a state of war between foreign states, and that it is necessary to promote the security or preserve the peace of the United States or to protect the lives of citizens of the United States, the President shall issue a proclamation naming the states involved; and he shall, from time to time, by proclamation, name other states as and when they may become involved in the war."

AND WHEREAS it is further provided by section 13 of the said joint resolution that

"The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby proclaim that a state of war unhappily exists between Germany and France; Poland; and the United Kingdom, India, Australia, Canada, New Zealand and the Union of South Africa, and that it is necessary to promote the security and preserve the peace of the United States and to protect the lives of citizens of the United States.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

And I do hereby revoke my proclamations nos. 2349, 2354 and 2360 issued on September 5, 8, and 10, 1939, respectively,[1] in regard to the export of arms, ammunition, and implements of war to France; Germany; Poland; and the United Kingdom, India, Australia, and New Zealand; to the Union of South Africa; and to Canada.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of November, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth, at 12.04 p. m.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2374]

[F. R. Doc. 39-4090; Filed, November 4, 1939; 5:33 p. m.]

[1] 4 F.R. 3819, 3852, 3857 DI.

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FEDERAL REGISTER

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USE OF PORTS OR TERRITORIAL WATERS OF THE UNITED STATES BY SUBMARINES OF FOREIGN BELLIGERENT STATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 11 of the Joint Resolution approved November 4, 1939, provides:

"Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States by the submarines or armed merchant vessels of a foreign state, will serve to maintain peace between the United States and foreign states, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessel to enter a port or the territorial waters of the United States or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. Whenever, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation."

WHEREAS there exists a state of war between Germany and France; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa;

WHEREAS the United States of America is neutral in such war;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the Joint Resolution approved November 4, 1939, do by this proclamation find that special restrictions placed on the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of a foreign belligerent state, both commercial submarines and submarines which are ships of war, will serve to maintain peace between the United States and foreign states, to protect the commercial interests of the United States and its citizens, and to promote the security of the United States;

AND I do further declare and proclaim that it shall hereafter be unlawful for any submarine of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, or the Union of South Africa, to enter ports or territorial waters of the United States, exclusive of the Canal Zone, except submarines of the said belligerent states which are forced into such ports or territorial waters of the United States by *force majeure;* and in such cases of *force majeure,* only when such submarines enter ports or territorial waters of the United States while running on the surface with conning tower and superstructure above water and flying the flags of the foreign belligerent states of which they are vessels. Such submarines may depart from ports or territorial waters of the United States only while running on the surface with conning tower and superstructure above water and flying the flags of the foreign belligerent states of which they are vessels.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution, and this my proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

AND I do hereby revoke my Proclamation No. 2371 issued by me on October 18, 1939,[1] in regard to the use of ports or territorial waters of the United States by submarines of foreign belligerent states.

This proclamation shall continue in full force and effect unless and until modified, revoked or otherwise terminated, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of November, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth, at 12.04 p. m.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2375]

[F. R. Doc. 39-4091; Filed, November 4, 1939; 5:33 p. m.]

[1] 4 F.R. 4295 DI.



DEFINITION OF COMBAT AREAS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 3 of the joint resolution of Congress approved November 4, 1939, provides as follows:

"(a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires, he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat areas so defined may be made to apply to surface vessels or aircraft, or both.

"(b) In case of the violation of any of the provisions of this section by any American vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than $50,000 or imprisoned for not more than than five years, or both. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed. In case of the violation of this section by any citizen traveling as a passenger, such passenger may be fined not more than $10,000 or imprisoned for not more than two years, or both.

"(c) The President may from time to time modify or extend any proclamation issued under the authority of this section, and when the conditions which shall have caused him to issue any such proclamation shall have ceased to exist he shall revoke such proclamation and the provisions of this section shall thereupon cease to apply, except as to offenses committed prior to such revocation."

AND WHEREAS it is further provided by section 13 of the said joint resolution that

"The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred on me by the said joint resolution, do hereby find that the protection of citizens of the United States requires that there be defined a combat area through or into which it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel, whether a surface vessel or an aircraft, to proceed.

AND I do hereby define such combat area as follows:

All the navigable waters within the limits set forth hereafter.

Beginning at the intersection of the North Coast of Spain with the meridian of 2°45' longitude west of Greenwich;

Thence due north to a point in 43°54' north latitude;

Thence by rhumb line to a point in 45°00' north latitude; 20°00' west longitude;

Thence due north to 58°00' north latitude;

Thence by a rhumb line to latitude 62° north, longitude 2° east;

Thence by rhumb line to latitude 60° north, longitude 5° east;

Thence due east to the mainland of Norway;

Thence along the coastline of Norway, Sweden, the Baltic Sea and dependent waters thereof, Germany, Denmark, the Netherlands, Belgium, France and Spain to the point of beginning.

AND I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said joint resolution and in bringing to trial and punishment any offenders against the same.

AND I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of November, in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth, at 3 p. m.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL
*Secretary of State.*

[No. 2376]

[F. R. Doc. 39-4092; Filed, November 4, 1939; 5:33 p. m.]

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 499 (Supplement No. 1)]

ADMINISTRATIVE INSTRUCTIONS TO INSPECTORS ON THE TREATMENT OF NURSERY PRODUCTS, FRUITS, VEGETABLES, AND SOIL, FOR THE JAPANESE BEETLE

Experiments recently completed with methyl bromide have shown that all living larvae of the Japanese beetle will be killed in 12-inch pots or soil balls when the treatment, dosage, and temperature required in circular B.E.P.Q. 499[1] [(1) (5) (i)], issued June 9, 1939, are applied.

The paragraph headed "Preparation of plants" on page 14 of the above circular (mimeographed) is hereby amended to read as follows:

*Preparation of plants.* The treatment is to be applied only to plants with bare roots or in 12-inch pots, or smaller, or in soil balls not larger than 12 inches in diameter or thicker than 12 inches when not spherical. The soil should not be puddled or saturated. With wet material, drying for a period of 12 hours is advisable before treatment. The plants should be stacked on racks or separated so that the gas can have access to both top and bottom surfaces of pots or soil balls. While not essential that the balls be completely separated from each other, they should not be jammed tightly together.

(Issued under Sec. 301.48; B.E.P.Q. 499, Supplement No. 1, November 4, 1939.)

[SEAL] LEE A. STRONG,
*Chief.*

NOVEMBER 4, 1939.

[F. R. Doc. 39-4097; Filed, November 6, 1939; 10:04 a. m.]

### FEDERAL SURPLUS COMMODITIES CORPORATION

DESIGNATION OF AREAS UNDER SURPLUS FOOD STAMP PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following areas are hereby designated as areas in which food order stamps may be used and in which the agricultural commodities and products listed in Surplus Commodities Bulletin No. 3,[2] approved by the Sec-

[1] 4 F.R. 2358 DI.
[2] 4 F.R. 4195 DI.

retary of Agriculture, September 25, 1939, shall be considered surplus foods:

The area within the city limits of Madison, Wisconsin and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation.

The area within the county limits of Ramsey County, Minnesota.

The area within the city limits of Minneapolis, Minnesota and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation.

The posting of the definition of "the immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation for the respective areas shall constitute due notice thereof.

The effective dates for the above areas shall be announced by the local representative of the Federal Surplus Commodities Corporation for the respective areas in local newspapers of general circulation.

October 30, 1939.

[SEAL] MILO PERKINS,
*President Federal Surplus Commodities Corporation.*

Attest:
EARL J. SMITH,
*Secretary.*

[F. R. Doc. 39-4088; Filed, November 4, 1939; 11:49 a. m.]

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[ACP-1939-23]

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

### PART 701—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 23

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin,[1] as amended by Supplements 1 to 22, is hereby further amended as follows:

The first paragraph of Section 701.9 is hereby amended to read as follows:

"Payments computed for any farm under the provisions of section 701.8 shall be subject to all of the following deductions which are applicable to the farm: *Provided*, That in any case where, through error in a county or State office, the producer was officially notified in writing, prior to completion of planting, of an acreage allotment for a commodity larger than the finally approved acreage allotment for that commodity and was not notified of the finally approved acreage allotment until after planting was completed, and the county committee finds that the producer, acting solely upon information contained in the erroneous notice, planted an acreage to the commodity in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment for such commodity unless he planted an acreage to the commodity in excess of the allotment erroneously issued, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment erroneously issued."

Done at Washington, D. C., this 4th day of November, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4096; Filed, November 6, 1939; 10:04 a. m.]

[1] 2 F.R. 2715 Dl.

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[40-Tob-12]

### PART 724—PROCEDURE FOR THE DETERMINATION OF BURLEY TOBACCO ACREAGE ALLOTMENTS FOR 1940

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ESTABLISHMENT OF ALLOTMENTS FOR NEW FARMS

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GENERAL

§ 724.211 *Definitions.* As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires:

(a) *Burley allotment procedure for 1940* means this Form 40-Tob-12.

(b) *Local committee* means the county and community committee utilized under the Act. "County Committee" or "Community Committee" shall have corresponding meanings in the connection in which they are used.

(c) *New farm* means a farm on which tobacco was not produced in any of the five years 1935 to 1939 but on which tobacco will be produced in 1940.

(d) *Old farm* means a farm on which tobacco was produced in one or more of the five years 1935 to 1939.

(e) *Operator* means the person who, as owner, landlord, or tenant, is in charge of the supervision and the conduct of the farming operations on the entire farm.

(f) *State committee* means the group of persons so designated within any State to assist in the administration in the State of the Act.

(g) *Tobacco* means tobacco classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture, as type 31 and known as Burley tobacco.

§ 724.212 *Extent of calculations and rule of fractions.* (a) All percentages shall be calculated to the nearest whole per cent. Fractions of more than fifty-hundredths of one per cent shall be rounded upward, and fractions of fifty-hundredths of one per cent or less shall be dropped. For example, 87.51% would become 88% and 87.50% would become 87%. (b) All acreage shall be calculated to the nearest one-tenth of an acre. Fractions of more than fifty-thousandths of an acre shall be rounded upward, and fifty-thousandths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0.

§ 724.213 *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.

§ 724.214 *Applicability of procedure.* This Burley Allotment Procedure for 1940 shall relate to, and be effective for, the establishment of farm acreage allotments for Burley tobacco for the year 1940.

ESTABLISHMENT OF ALLOTMENTS FOR OLD FARMS

§ 724.215 *Acreage allotments for old farms.* The farm acreage allotment for an old farm shall be that percentage of the normal acreage for the farm which the State acreage allotment is of the normal acreages for all old farms in the State; *Provided*, That if the acreage allotment so determined for any farm (except a farm operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 per cent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 724.216 *Determination of normal acreages for an old tobacco farm.* The normal acreage for an old tobacco farm shall be the adjusted 1939 normal acreage for the farm subject to such adjustment as the local committee determines is necessary to obtain a normal acreage for the farm which is fair and reasonable in relation to the adjusted 1939 normal acreage for other farms in the county which are similar with respect to the following factors: (1) The total acreage of crop land in the farm suitable for tobacco production, (2) the number of farm workers regularly engaged in the production of tobacco on the farm in 1939, (3) the acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of tobacco for the farm, (4) the customary crop rotation practices carried out on the farm, and (5) the adaptability of the soil to the growing of tobacco. Such adjustment shall be subject to the following limitations:

(a) The adjusted 1939 normal acreage for a farm shall not be adjusted upward to more than the larger of twice the adjusted 1939 normal acreage for the farm or two acres;

(b) The adjusted 1939 normal acreage for a farm shall not be adjusted downward to less than 75 per cent thereof, except that, in cases where the harvested acreage of tobacco on a farm in 1939 was more than 50 per cent above the 1939 usual acreage, the adjusted 1939 normal acreage for the farm may be adjusted downward to the usual acreage.

(c) The total upward adjustments shall not exceed the downward adjustments, except as otherwise approved by the State committee;

(d) All adjustments shall be subject to approval by the State committee.

§ 724.217 *Determination of the adjusted 1939 normal acreage.* The adjusted 1939 normal acreage shall be the 1939 usual acreage decreased if larger and increased if smaller than the 1939 harvested and diverted acreage by one-fifth (⅕) the difference between such acreages.

(a) *Usual acreage.* The 1939 usual acreage for any farm shall be computed as follows:

| Size of 1939 tobacco acreage allotment: | *1939 usual acreage* |
|---|---|
| 2.1 acres or less | 125% of allotment |
| 2.2 acres or less | 2.9 acres |
| 2.3 acres or less | 3.1 acres |
| 2.4 acres or less | 3.3 acres |
| 2.5 acres or less | 3.7 acres |
| 2.6 acres and over | 150% of allotment |

(b) *1939 harvested acreage.* The 1939 harvested acreage shall be the number of acres actually harvested on the farm in 1939; except, that if the local committee determines that because of flood, drought, hail, bluemold or other tobacco plant diseases, such number of acres was less than the acreage which could have been produced with maximum payments under the 1939 Agricultural Conservation Program, the 1939 harvested acreage shall be adjusted upward to the 1939 tobacco acreage allotment.

(c) *1939 diverted acreage.* The 1939 diverted acreage shall be the number of acres obtained by subtracting the 1939 harvested acreage from the 1939 usual acreage; provided, that the diverted acreage shall not exceed the number of acres by which the 1939 tobacco acreage allotment is less than the 1939 usual acreage.

(d) *Subdivided farm.* If land operated as a single farm in 1939 has since been subdivided into two or more tracts, the usual acreage, harvested acreage, and diverted acreage of tobacco for the farm shall be apportioned among the tracts in the proportion which the acres of cropland suitable for the production of tobacco on each such tract bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in 1939: *Provided*, That if the local committee finds that such apportionment would not be equitable in view of the intended production on the farms which include such tracts, it shall make such other apportionment as it determines to be fair and equitable.

§ 724.218 *Determination of normal yields.* The normal yield for any farm shall be that yield which the local committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1935-39, making due allowance for abnormal conditions of production; (b) the soil and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county by the Secretary on the basis of county yields during the years 1935 to 1939, adjusted for abnormal conditions.

ESTABLISHMENT OF ALLOTMENTS FOR NEW FARMS

§ 724.219 *Determination of farm acreage allotment.* The acreage allotment for a new farm shall be that percentage of the normal acreage for the farm which the acreage available for allotments to all such farms in the United States is of the normal acreages of all such farms.

§ 724.220 *Determination of normal acreages for new farms.* The normal acreage for a new farm shall be that acreage which the local committee determines is fair and reasonable for the farm, taking into consideration each of the following factors:

(a) the average acreage of tobacco grown by the farm operator in the five years 1935 to 1939;

(b) the total acreage of crop land in the farm suitable for tobacco production;

(c) the number of farm workers on the farm available for tobacco production;

(d) the acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of tobacco for the farm;

(e) the customary crop rotation practices carried out on the farm; and

(f) the adaptability of the soil to the growing of tobacco: *Provided*, That the normal acreage so determined shall be subject to approval by the State committee and shall not exceed the smallest of—

(1) the acreage capacity of the barns which are located on the farm and which are in usable condition and available for the curing of tobacco for the farm;

(2) the average normal acreage for old farms in the county; or

(3) the average of

(i) the average normal acreage for old farms in the county and

(ii) the average acreage of tobacco grown by the farm operator in the five years 1935 to 1939.

§ 724.221 *Determination of normal yields.* The normal yield for a new farm shall be that yield-per acre which the local committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 724.222 *Time for filing application.* In order to obtain an allotment for a new tobacco farm in 1940, the operator of the farm shall file an application therefor on 40-Tob-15, prior to February 1, 1940.

Done at Washington, D. C., this 6th day of November 1939. Witness my hand and seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4104; Filed, November 6, 1939; 12:31 p. m.]

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## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3823]

IN THE MATTER OF ARTHUR LONGFIELD

§ 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (k) (3) *Misbranding or mislabeling—Source or Origin—Maker:* § 3.87 (c) *Simulating competitor or his product—Name, containers or dress of goods of competitor's product.* Representing, in connection with offer, etc., in commerce, of Worcestershire Style Sauce, through the use of wrappers, containers or labels which simulate the distinctive wrappers, containers or labels used by Lea & Perrins, Inc., in marketing their Worcestershire sauce, or in any other manner, that respondent's Worcestershire sauce is manufactured and distributed by Lea & Perrins, Inc., or is the same as the Worcestershire sauce manufactured and distributed by Lea & Perrins, Inc., prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Arthur Longfield, Docket 3823, October 24, 1939]

§ 3.66 (k) (3) *Misbranding or mislabeling—Source or origin—Maker:* § 3.87 (c) *Simulating competitor or his product—Name, containers or dress of goods of competitor's product.* Using, in connection with offer, etc., in commerce of Worcestershire Style Sauce, wrappers, containers or labels which simulate the distinctive wrappers, containers or labels used by Lea & Perrins, Inc., on its Worcestershire sauce, or any design or insignia on wrappers, containers, labels or in any other manner which simulate the design or insignia used by Lea & Perrins, Inc., in connection with their Worcestershire sauce, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Arthur Longfield, Docket 3823, October 24, 1939]

§ 3.66 (c20) *Misbranding or mislabeling—Manufacture:* § 3.69 (b) (7a) *Misrepresenting oneself and goods—Goods—Manufacture.* Representing, in connection with offer, etc., in commerce, of Worcestershire Style Sauce, that the recipe used in the manufacture of respondent's Worcestershire sauce has any foreign or special origin when such is not the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Arthur Longfield, Docket 3823, October 24, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 24th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in the complaint, and states that he waives all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered;* That the respondent, Arthur Longfield, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of Worcestershire Style Sauce in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, through the use of wrappers, containers or labels which simulate the distinctive wrappers, containers or labels used by Lea & Perrins, Inc., in marketing their Worcestershire sauce, or in any other manner, that respondent's Worcestershire sauce is manufactured and distributed by Lea & Perrins, Inc., or is the same as the Worcestershire sauce manufactured and distributed by Lea & Perrins, Inc.;

2. The use of wrappers, containers or labels which simulate the distinctive wrappers, containers or labels used by Lea & Perrins, Inc., on its Worcestershire sauce;

3. The use of any design or insignia on wrappers, containers, labels or in any other manner which simulate the design or insignia used by Lea & Perrins, Inc., in connection with their Worcestershire sauce.

4. Representing that the recipe used in the manufacture of respondent's Worcestershire sauce has any foreign or special origin when such is not the fact.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4085; Filed, November 4, 1939; 10:26 a. m.]

[1] 4 F.R. 3589 DI.

## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T. D. 50006]

NOTICE OF ADDITIONAL INFORMATION REQUIRED ON INVOICES OF LUMBER IMPORTED INTO THE UNITED STATES FROM CERTAIN PLACES[1]

*To Collectors of Customs and Others Concerned:*

With reference to article 274 (e) (2), Customs Regulations of 1937, as amended by (1938) T. D. 49426, [Sec. 6.1 (c)], customs invoices of lumber for which exemption is claimed from the import tax prescribed by the first sentence of I.R.C., Sec. 3424 (a), under the authority of the second sentence of that provision, are hereby required to set forth that the lumber is not Engelmann spruce lumber, in addition to all other information required by law and regulation.

This requirement shall be effective as to invoices certified after thirty days after publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

[SEAL] BASIL HARRIS, *Commissioner of Customs.*

Approved, November 1, 1939.

HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 39-4110; Filed, November 6, 1939; 12:44 p. m.]

[1] This document affects 19 CFR 6.1 (c).

## TITLE 24—HOUSING CREDIT

### FEDERAL HOUSING ADMINISTRATION

AMENDMENT OF REGULATIONS ISSUED BY THE ADMINISTRATOR IN CONNECTION WITH PROPERTY IMPROVEMENT LOANS' UNDER TITLE I OF THE NATIONAL HOUSING ACT, AS AMENDED

Section 501.8 (Regulation No. 8) is hereby repealed.

The foregoing amendment is hereby declared to have the same force and effect as if included in and made a part of each contract of insurance and shall be effective as of the date hereof.

ABNER H. FERGUSON, *Acting Administrator.*

NOVEMBER 1, 1939.

[F. R. Doc. 39-4094; Filed, November 6, 1939; 9:15 a. m.]

## TITLE 25—INDIANS

### OFFICE OF INDIAN AFFAIRS

CARSON NATIONAL FOREST

ORDER OF SEGREGATION

Pursuant to Section 4 of the Act of May 31, 1933 (48 Stat. 108), I hereby designate and segregate the following described lands within the Carson National Forest for the purpose of safeguarding the interests and welfare of the Indians of the Pueblo de Taos, which lands shall not be subject to entry under the land laws of the United States:

Beginning at the northeast corner of the Pueblo de Taos Grant, thence northeasterly along the divide between Rio Pueblo de Taos and Rio Lucero and along the divide between Rio Pueblo de Taos and Red River to a point a half mile east of Rio Pueblo de Taos; thence southwesterly on a line half mile east of Rio Pueblo de Taos and parallel thereto to the northwest corner of township 25 north, range 15 east; thence south on the west boundary of township 25 north, range 15 east, to the divide between Rio Pueblo de Taos and Rio Fernandez de Taos; thence westerly along the divide to the east boundary of the Pueblo de Taos grant; thence north to the point of beginning; containing approximately thirty thousand acres, more or less.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

AUGUST 1, 1939.

[F. R. Doc. 39-4095; Filed, November 6, 1939; 9:16 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### VETERANS' ADMINISTRATION

REVISION OF REGULATIONS

EFFECTIVE DATES OF REDUCTIONS AND DISCONTINUANCES OF DEATH PENSION AND COMPENSATION

§ 2.2586 (F) *Income limitations under Sec. 8.013 and Public No. 198, 76th Congress (act of July 19, 1939).* (1) Whenever the annual income of any unmarried person in receipt of death pension under Sec. 8.013, or Section 1 (c) of Public No. 198, 76th Congress, exceeds $1,000, or the annual income of any married person or any person with minor children in receipt of such pension exceeds $2,500, the award of pension shall be discontinued from the date of last payment.

(2) A follow-up will be maintained with respect to questionnaires forwarded to payees for the purpose of determining the amount of annual income, as follows: If at the expiration of thirty days, or sixty days if payee resides without the continental limits of the United States, the questionnaire is not returned, another will be forwarded; if the questionnaire is not returned at the expiration of the second thirty days, or sixty days if the payee resides without the continental limits of the United States, the award will be discontinued as of the date of last payment and the payee notified as to the reason for discontinuance. (Sec. 8.01) See also Secs. 2.1228, 2.1293, 2.2163 and 2.2164 and currently effective adjudication procedure. (November 3, 1939) (Sec. 4, 48 Stat. 9; 38 U.S.C. 704 and Pub. No. 198, 76th Congress)

RECOMMENCEMENT OF DEATH PENSION OR COMPENSATION

§ 2.2588 Death pension or compensation previously discontinued will be recommenced as follows:

* * * * * *

(C) *Recommencement after discontinuance because of income.* (1) In any case where a widow's award has been discontinued because of income and title is reestablished by reason of the school attendance or helplessness of a child, the effective date of recommencement of benefits to the widow will be governed by the rules prescribed by Sec. 2.2598 or Sec. 2.2586 (D), as the case may be.

(2) In any case where a widow's, or child's award has been discontinued because of income and title is reestablished by reason of reduction in income, the effective date of recommencement will be governed by Sec. 2.1228.

* * * * * *

(E) *Recommencement after discontinuance because of failure to file annual income questionnaire.* See Sec. 2.1228 (D). (November 3, 1939) (Sec. 9, 48 Stat. 10; 38 U.S.C. 709)

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 39-4081; Filed, November 3, 1939; 3:22 p. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### DIVISION OF GRAZING

COLORADO GRAZING DISTRICT NO. 3

MODIFICATION

OCTOBER 4, 1939.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976), the Departmental order of April 8, 1935, establishing Colorado Grazing District No. 3, is hereby revoked as far as it affects the following-described lands, such revocation to be effective upon the inclusion of the lands within the Black Canyon of the Gunnison National Monument:

COLORADO

*New Mexico Principal Meridian*

T. 49 N., R. 7 W.,
sec. 2, SW¼;
sec. 3, lots 1, 2, 7, and 8;
sec. 5, lots 4, 5, and 12;
sec. 6, lots 1, 2, 7, 8, 9, and 10;
T. 50 N., R. 7 W.,
sec. 19, SW¼NE¼;
sec. 31, SE¼;
T. 50 N., R. 8 W.,
sec. 8, all;
sec. 9, W½;
sec. 14, S½SW¼;
sec. 15, W½SW¼, SE¼SW¼, S½SE¼;
sec. 16, NW¼, NW¼SE¼, E½SE¼;
sec. 17, N½NE¼, SE¼NE¼;
sec. 22, N½NE¼;
sec. 23, NW¼;
sec. 35, NW¼NE¼, N½NW¼.

E. K. BURLEW, *Acting Secretary of the Interior.*

[F. R. Doc. 39-4093; Filed, November 6, 1939; 9:15 a. m.]

## TITLE 46—SHIPPING

### BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

Part V. *Foreign clearances* is amended by the addition of ten new sections numbered 5.80 to 5.89 inclusive, to read as follows:

§ 5.80 *Vessel statement.* No clearance shall be granted to any vessel (watercraft or aircraft) which is required by subsection (i) of section 2 of the Neutrality Act of 1939 to file a sworn statement with a collector of customs, until a Vessel Statement (Commerce Form 1374 A[1]) sworn to by the master of the said vessel has been filed with the collector of customs at or nearest to the port or place of departure of such vessel.

§ 5.81 *Vessels required to file vessel statement.* The following vessels (watercraft or aircraft) are required by subsection (i) of section 2 of the Neutrality Act of 1939 to file the sworn statement:

(a) Every American vessel (other than aircraft) transporting mail, passengers, or any articles or materials to any port of a belligerent state located in any of the following areas:

(1) In the Western Hemipshere south of thirty-five degrees north latitude.

(2) In the Western Hemisphere north of thirty-five degrees north latitude and west of sixty-six degrees west longitude.

(3) On the Pacific or Indian Oceans, including the China Sea, the Tasman Sea, the Bay of Bengal, and the Arabian Sea and any other dependent waters of either of such oceans, seas, or bays.

(4) On the Atlantic Ocean or its dependent waters south of thirty degrees north latitude.

(b) Every American aircraft transporting mail, passengers, or any articles or materials to any port of a belligerent state located in any of the following areas:

(1) In the Western Hemisphere.

(2) On the Pacific or Indian Oceans, including the China Sea, the Tasman Sea, the Bay of Bengal, and the Arabian Sea, and any other dependent waters of either of such oceans, seas, or bays.

(c) Every vessel (watercraft or aircraft) of a neutral foreign state transporting any articles or materials other than arms, ammunition, or implements of war to any port of a belligerent state located in any of the areas listed in subsection (a) of this section, so long as such port is not included within a combat area.

§ 5.82 *American vessels denied clearance to belligerent states.* No clearance shall be granted to any American vessel (watercraft or aircraft) carrying passengers or any articles or materials to any belligerent state, with the following exceptions:

(a) Where such American vessel (other than aircraft) proceeds on lakes, rivers, and inland waters bordering on the United States.

(b) Where such American aircraft proceeds on or over lakes, rivers, inland waters and lands bordering on the United States.

(c) Where such American vessel (other than aircraft) carrying mail, passengers or any articles or materials (except arms, ammunition, or implements of war, unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance) is bound to any port of a belligerent state which is located within any of the areas mentioned in 46 CFR 5.81 (a), except to such a port which is included within a combat area.

(d) Where such American aircraft carrying mail, passengers, or any articles or materials (except arms, ammunition, or implements of war, unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance) is bound to any port of a belligerent state which is located within any of the areas mentioned in 46 CFR 5.81 (b), except to such a port which is included within a combat area.

[1] Filed as a part of the original document; requests for copies should be addressed to the Bureau of Marine Inspection and Navigation.

(e) Where such American vessel (watercraft or aircraft) is under charter or other direction and control of the American Red Cross, and while carrying officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing for the relief of human suffering, proceeds under safe conduct granted by belligerent states.

§ 5.83 *Declaration as to right, title, and interest in articles or materials.* No clearance shall be granted to any vessel (watercraft or aircraft) bound for a port in a belligerant state until all of the declarations required by section 2 (c) of the Neutrality Act of 1939 have been filed with the collector, with the following exceptions:

(a) Any American vessel (watercraft or aircraft) referred to in 46 CFR 5.82 (a), (b), (c), or (d), when transporting only articles and materials other than arms, ammunition, or implements of war, (unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance).

(b) Any vessel (watercraft or aircraft) of a neutral foreign state, when transporting only articles or materials other than arms, ammunition, or implements of war, when bound to any port referred to in 46 CFR 5.81 (a), so long as such port is not included within a combat area.

§ 5.84 *Combat areas.* (a) No clearance shall be granted to any American vessel (watercraft or aircraft) bound to any foreign port, if such vessel, during the course of its voyage, will proceed into or through any combat area, unless such voyage is authorized by rules and regulations prescribed under authority of the Neutrality Act of 1939.

(b) No clearance shall be granted to any foreign vessel (watercraft or aircraft) bound to a foreign port, while having on board any American citizen, whether as a passenger or member of the crew, if such vessel (watercraft or aircraft) during the course of its voyage, will proceed into or through any combat area, unless such voyage is authorized by rules and regulations prescribed under authority of the Neutrality Act of 1939.

(c) Clearance shall not be granted to any foreign vessel (watercraft or aircraft), bound to a foreign port, in a combat area, or proceeding into or through any such area, until the master has filed with the collector a list of all of the members of the crew of the vessel, together with the nationality of each member, which list shall be sworn to by the master.

§ 5.85 *Belligerent vessels carrying American citizens as passengers.* No clearance shall be granted to any vessel (watercraft or aircraft) of a belligerent state while having on board any citizen of the United States as a passenger, except in accordance with rules and regulations prescribed under authority of the Neutrality Act of 1939.

§ 5.86 *Armed American vessels.* No clearance shall be granted to any American vessel (watercraft or aircraft), bound for any foreign port or place, if such vessel is armed, except with small arms and ammunition therefor, which the President may deem necessary and shall publicly designate for the preservation of discipline aboard any such vessel.

§ 5.87 *Improper use of American flag by foreign vessel.* No clearance shall be granted to any foreign vessel (watercraft or aircraft) using the flag of the United States or any distinctive signs or markings, indicating that the vessel is an American vessel.

§ 5.88 *Violations of Neutrality Act of 1939.* No clearance shall be granted to any vessel (watercraft or aircraft), the departure or proposed voyage of which is in violation of any provision of the Neutrality Act of 1939, or of any rules or regulations issued under authority of that Act.

§ 5.89 *Definitions.* Where used in 46 CFR 5.80 to 5.89 inclusive:

(a) The term "vessel (watercraft or aircraft)" means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

(b) The term "vessel (other than aircraft)" means every description of watercraft used as a means of transportation on or under water.

(c) The term "American vessel" means any vessel documented under the laws of the United States, and any aircraft registered or licensed under the laws of the United States.

(d) The term "belligerent state" means any nation, government, or country, named in a proclamation of the President issued under authority of section 1 (a) of the Neutrality Act of 1939.

(e) The term "combat area" means any area which the President, by proclamation, has defined as such.

(f) The term "citizen" shall include any individual owing allegiance to the United States, a partnership, company or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States.

(g) Prior to the revocation of Proclamation No. 2237 of the President, the term "arms, ammunition, or implements of war" means all articles or materials defined as "arms, ammunition and implements of war" in that Proclamation. After the revocation of Proclamation 2237 the term "arms, ammunition, or implements of war" means "arms, ammunition and implements of war" as defined by a Proclamation issued under authority of the Neutrality Act of 1939.

(Sec. 161 R.S.; 5 U.S.C. 22)

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

NOVEMBER 6, 1939.

[F. R. Doc. 39-4098; Filed, November 6, 1939; 10:44 a. m.]

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## GENERAL RULES AND REGULATIONS

### EQUIPMENT APPROVALS

Pursuant to the authority of Section 4405 of the Revised Statutes, an executive committee of the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, Department of Commerce, consisting of R. S. Field, Director; George Fried, Supervising Inspector, Second District; and Chester W. Willett, Supervising Inspector, Sixth District; met in the office of the Supervising Inspector of the Second District, 45 Broadway, New York City, on October 10 and 11, 1939.

The following equipment was passed by the executive committee for use on inspected vessels and was approved by the Secretary of Commerce:

*Lifeboats*

4467. 135-person metallic hand-propelled lifeboat and 105-person metallic motor lifeboat with built-in air tanks, manufactured by Welin Davit & Boat Corporation, Newark, N. J.

4506. Scow type metallic lifeboat, manufactured by Campbell Bros., Jeffersonville, Indiana.

4530. Scow type wooden lifeboat, manufactured by the Dubuque Boat and Boiler Works, Dubuque, Iowa.

4299. Standard type, double-ended, metallic lifeboat; standard type, double-ended metallic motor lifeboat; standard type, double-ended, wooden lifeboat; and nesting type, double-ended metallic lifeboat, manufactured by C. C. Galbraith & Son, Inc., New York, N. Y.

*Hand-Propelling Gear for Lifeboats*

4467. Hand-propelling device, manufactured by Welin Davit & Boat Corporation, Newark, N. J. (Final approval)

*Lifeboat-Disengaging Apparatus*

4467. Disengaging apparatus and releasing sheave, manufactured by Welin Davit & Boat Corporation, Newark, N. J.

*Lifeboat Davits*

3160. Schat SS davit, submitted by Marine Safety Devices, Inc., New York, N. Y.

3160. Schat PHA davit, submitted by Marine Safety Devices, Inc., New York, N. Y.

*Lifeboat Winches*

4522. Welin-Maclachlan winches, types BWD and CWB, manufactured by Welin Davit & Boat Corporation, Newark, N. J.

*Buoyant Apparatus*

3182. 15-person spruce buoyant apparatus with copper tanks, submitted by Welin Davit & Boat Corporation, Newark, N. J.

*Life Preservers*

4347. Child's balsa wood, and child's cork life preservers, manufactured by The Rose Company, Brooklyn, New York.

*Gas Masks*

4443. Ammonia gas mask #4, manufactured by Acme Protection Equipment Company, Pittsburgh, Pennsylvania. (For use against ammonia vapors only.)

*Flashlights*

2700–III. Eveready Model #2672 (modified) flashlight for lifeboat use, manufactured by National Carbon Company, Inc., Cleveland, Ohio.

*Hand Distress Lights*

4519. "Marine Signal" hand distress light, manufactured by Hitt Fireworks Co., Seattle, Washington.

[SEAL] R. S. FIELD, *Director.*
GEORGE FRIED,
*Supervising Inspector, Second District.*
CHESTER W. WILLETT,
*Supervising Inspector, Sixth District.*

Approved, November 6, 1939.

J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 39-4105; Filed, November 6, 1939; 12:34 p. m.]

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## *Notices*

### DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT

ORDER FOR AND NOTICE OF HEARING

The National Bituminous Coal Commission, pursuant to notice dated March 12, 1938, having held a hearing in the above-entitled matters, and having continued that phase of the hearing relating to the prescribing of due and reasonable maximum discounts or price allowances that may be made by code members to "distributors", to be resumed upon further notice, and

Said Commission, on March 24, 1939, June 6, 1939 and June 20, 1939 having promulgated rules and regulations for the maintenance and observance by distributors in the resale of coal, of the prices and marketing rules and regulations prescribed pursuant to Section 4 of the Act, and the Bituminous Coal Producers Board for District No. 23, having filed a petition for rehearing, reargument, and reconsideration of the order promulgating such rules and regulations relating, among other things, to the inclusion of the phrase "without physically handling such coal" in the definition of "distributors" as prescribed by the Commission:

*It is ordered,* That a hearing be held on November 27, 1939 at 10:00 o'clock in the forenoon of that date at a hearing room of the Bituminous Coal Division, the Rose Room, Washington Hotel, Washington, D. C. for the purposes hereinafter stated.

*It is further ordered,* That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiries, to continue said hearing from time to time and to prepare and submit to the Director proposed Findings of Fact and Conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to any person who may have an interest in such proceeding. All interested persons will be afforded an opportunity to be heard at such hearing as to any matters properly within the scope of such hearing, as hereinafter set forth, provided, however, that any person desiring to offer affirmative evidence at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before November 25, 1939, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

Notice is further given that at that phase of the hearing relating to the establishment of rules and regulations for the maintenance and observance by distributors in the resale of coal, of the prices and marketing rules and regulations provided for by Section 4 of the Bituminous Coal Act of 1937, the reception of evidence shall be *limited* to evidence in support of or in opposition to amendments to the definitions of the terms "distributor" and "carload lot", in Subsections 1 and 2, respectively, of Section I of the "Rules and Regulations for Registration of Distributors", as amended June 20, 1939, in Docket No. 12.

It is proposed that said subsections be amended to read as follows:

1. A "Distributor" is a person who purchases coal f. o. b. the mine for resale and resells it in not less than cargo or railroad carload lots, without physically handling such coal: *Provided, however,* That where a dock *or inland storage yard* is used by such person as a facility in the delivery of coal to his vendee, and such transaction is recognized by custom to be definitely wholesale in character, the fact that he physically handles such coal shall not preclude such person from being a distributor. [New proposed matter italics.]

2. "Carload lot" is a quantity of coal equivalent in tonnage to not less than the minimum carload weight specified for the loading of bituminous coal, at carload rates, in the official effective tariffs of rail carriers at the point of origin or at the rail shipping point nearest the mine where the coal is produced, and shipped to a single vendee to one unloading point; *Provided, however,* That on coal reshipped overland from docks *or inland storage yards* the minimum weight per carload lot shall be not less than the minimum carload as prescribed in effective tariffs of railroads applicable from such reshipping points: *Provided, further,* That when coal is delivered in such lots in vehicles of insufficient capacity to transport an entire carload-lot quantity in one transaction, the distributor's vendee must accept delivery of an entire carload-lot quantity, as if the delivery were to be made in a single vehicle, but in no event shall delivery be continued over a period longer than is actually necessary to accomplish such delivery in a continuous flow. [New proposed matter italics.]

Notice is further given that at that phase of the hearing relating to the prescribing of due and reasonable maximum discounts or price allowances that may be made by code members to distributors evidence will be received in conformity with the terms of the Orders and Notices entered herein on March 12, 1938 and March 22, 1939, except that in lieu of the proposals set forth in Schedule "A" of said Order and Notice dated March 22, 1939, the tentative proposals attached hereto as "Schedule B" will be considered.

Dated, November 3, 1939.

[SEAL] H. A. GRAY,
*Director.*

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*Schedule B—Proposed Maximum Discounts, in Cents Per Net Ton, That May Be Made to Registered Distributors on Coal Which They Purchase for Resale and Resell in Not Less Than Cargo or Railroad Carload Lots*

The following discounts by districts apply when coal is purchased for resale by a Registered Distributor:

| | Discount according to destination | | |
|---|---|---|---|
| | (A) [1] | (B) [2] | (C) [3] |
| Districts Nos. 1, 2, 3, 4, 6, 7 or 8: | | | |
| All coal, except Cannel Coal, resold to any purchaser other than a Retail Coal Dealer | 10 | 10 | 10 |
| For resale to a Retail Coal Dealer: | | | |
| All lump sizes larger than 3" and all double-screened coal with a bottom size 2" or larger | 15 | 20 | 25 |
| All Other Sizes | 15 | 15 | 20 |
| Cannel Coal: | | | |
| All Lump Sizes | 50 | 50 | 50 |
| All Double-Screened Sizes and Chips | 35 | 35 | 35 |
| All Other Sizes | 20 | 20 | 20 |

[1] (A) Destinations in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia, the District of Columbia and Canada East of Sault Ste. Marie.

[2] (B) Destinations in the States of Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan (Lower Peninsula), Mississippi, North Carolina, South Carolina, Tennessee and Virginia.

[3] (C) Destinations not listed in (A) or (B) above; also those in Canada West of and including Sault Ste. Marie; also those in Michigan (Upper Peninsula).

| | When resold for any use except railroad locomotive fuel | When resold for railroad locomotive fuel use |
|---|---|---|
| District No. 5: | | |
| All Lump Coal | 25 | 10 |
| All Double-Screened Coal | 20 | 10 |
| All Other Sizes | 10 | 10 |
| Districts Nos. 9, 10 or 11: | | |
| Lump sizes 2" or larger and double-screened sizes with bottom size 3" or larger | 20 | 10 |
| Lump sizes under 2" but not under 1¼" and double-screened coals with a top size under 3" and a bottom size 2" or larger | 15 | 10 |
| All other sizes | 10 | 10 |
| Districts Nos. 12 or 13: | | |
| All coal with a bottom size 2" or larger | 25 | 10 |
| All other sizes | 10 | 10 |
| Districts Nos. 14 and 15: | | |
| All Lump sizes; also double-screened sizes with a bottom size 3" or larger | (A)[1] 50 | (B)[2] 30 10 |
| Double-Screened sizes with a bottom size under 3" | 40 | 20 10 |
| All other sizes | 25 | 10 10 |
| District No. 16: | | |
| All Lump sizes and all double-screened coals with a top size over 2½" and a bottom size over 1¼" | 25 | 10 |
| Mine Run and all double-screened coals with a top size 2½" and under | 15 | 10 |
| All other sizes | 10 | 10 |
| District No. 17: | | |
| All Lump sizes; also double-screened sizes with a bottom size 3" or larger | (A)[3] 50 | (B)[4] 40 10 |
| Double-screened sizes with a bottom size under 3" | 40 | 30 10 |
| All other sizes | 25 | 15 10 |
| District No. 18: | | |
| All Lump sizes; also double-screened sizes with a bottom size 3" or larger | (A)[5] 50 | (B)[6] 40 10 |
| Double-screened sizes with a bottom size under 3" | 40 | 30 10 |
| All other sizes | 25 | 15 10 |

[1] (A) Destinations in the State of Oklahoma or Texas.

[2] (B) All Destinations not included.

[3] (A) Destinations in the States of California, Nevada, Texas, Oklahoma and those destinations which are west of the Cascade Mountain Range in the States of Oregon and Washington.

[4] (B) All destinations not included in (A) above.

NOTE: [5](A) Destinations in the States of California, Nevada, Texas, and Oklahoma.

NOTE: [6](B) All destinations not included in (A) above.

| | When resold for any use except railroad locomotive fuel | When resold for railroad locomotive fuel use |
|---|---|---|
| District No. 19: | (A)[7] (B)[8] (C)[9] | |
| All Lump sizes; also double-screened sizes with a bottom size 3" or larger | 50 40 25 | 10 |
| Double-screened sizes with a bottom size under 3" | 40 30 15 | 10 |
| All other sizes | 25 15 10 | 10 |
| District No. 20: | (A)[10] (B)[11] (C)[12] | |
| All Lump sizes; also double-screened sizes with a bottom size 3" or larger | 50 40 25 | 10 |
| Double-screened sizes with a bottom size under 3" | 40 30 15 | 10 |
| All other sizes | 25 15 10 | 10 |
| District No. 22: | (A)[13] (B)[14] (C)[15] | |
| All Lump sizes; also double-screened sizes with a bottom size 3" or larger | 50 40 25 | 10 |
| Double-screened sizes with a bottom size under 3" | 40 30 15 | 10 |
| All other sizes | 25 10 10 | 10 |
| District No. 23: | | |
| All Lump sizes; also double-screened sizes with a bottom size 3" or larger | 50 | 10 |
| Double-screened sizes with a bottom size under 3" | 40 | 10 |
| All other sizes | 25 | 10 |

[7] (A) Destinations in the States of California, Nevada, and those which are west of the Cascade Mountain Range in the States of Oregon and Washington.

[8] (B) Destinations which are East of the Cascade Mountain Range in the States of Oregon and Washington (including Pendleton, Oregon); also those which are in the Panhandle Section of Idaho (North of and including Grangeville, Idaho).

[9] (C) All destinations not included in (A) and (B) above.

[10] (A) Destinations in the States of California, Nevada, Texas, Oklahoma, and those which are west of the Cascade Mountain Range in the States of Oregon and Washington.

[11] (B) Destinations in the States of Colorado, Kansas, Montana, Nebraska, Nevada, South Dakota and those which are East of The Cascade Mountain Range in the States of Oregon and Washington (including Pendleton, Oregon) also destinations which are in the Panhandle Section of Idaho (North of and including Grangeville, Idaho).

[12] (C) All destinations not included in (A) and (B) above.

[13] (A) Destinations in the States of California, Nevada and those which are West of the Cascade Mountain Range in the States of Oregon and Washington.

[14] (B) Destinations in the State of Idaho and those which are East of the Cascade Mountain Range in the States of Oregon and Washington.

[15] (C) All destinations not included in (A) and (B) above.

[F. R. Doc. 39-4100; Filed, November 6, 1939; 11:08 a. m.]

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[Docket No. 1106-FD]

IN THE MATTER OF THE APPLICATION OF WHITACRE-GREER FIREPROOFING COMPANY FOR EXEMPTION

NOTICE OF AND ORDER FOR HEARING

An application, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by the above-named party;

*It is ordered*, That a hearing on such matter be held on November 14th 1939, at 10 o'clock, in the forenoon of that day at a hearing room of the Bituminous Coal Division, at Steubenville, Ohio in the Ft. Steuben Hotel

*It is further ordered*, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such applicant and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before November 12, 1939.

The matter concerned herewith is in regard to the application filed by the above-named party seeking exemption pursuant to Section 4-II-(1) of the Act for all coal mined at the Zito mine located in Carroll County, Ohio. The applicant alleges that it is the producer of said coal and that all of the coal is consumed by it in the manufacture of ceramics at its plant located in Waynesburg, Ohio.

Dated, November 3, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4099; Filed, November 6, 1939; 11:06 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Rural Electrification Administration.

[Administrative Order No. 404]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 26, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Vermont 7008G1 Washington | $25,000 |

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 39-4082; Filed, November 4, 1939; 9:55 a. m.]

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[Administrative Order No. 405]

AMENDMENT OF PRIOR ALLOCATIONS

OCTOBER 26, 1939.

I hereby amend Administrative Order No. 338, dated April 18, 1939, by changing the project designation "Nebraska R9053W2 Buffalo" therein appearing, to read "Nebraska R9053U1 Buffalo."

I hereby amend Administrative Order No. 322, dated February 20, 1939, by changing the project designation "New Mexico R9004W2 Eddy" therein appearing, to read "New Mexico R9004U1 Eddy."

I hereby amend Administrative Order No. 331, dated March 31, 1937, by changing the project designation "Texas R9047W2 Deaf Smith" therein appearing, to read "Texas R9047U1 Deaf Smith."

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 39-4083; Filed, November 4, 1939; 9:56 a. m.]

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[Administrative Order No. 406]

AMENDMENT OF PRIOR ALLOCATIONS

OCTOBER 26, 1939.

I hereby amend Administrative Order No. 328, dated March 22, 1939, by reducing the allocation of $65,000 therein made for Louisiana R9014A1 L. I. & E. by $15,000, so that the reduced allocation shall be $50,000.

I hereby amend Administrative Order No. 338, dated April 18, 1939, by reducing the allocation of $75,000 therein made for Nebraska R9053U1 Buffalo by $25,000, so that the reduced allocation shall be $50,000.

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 39-4084; Filed, November 4, 1939; 9:56 a. m.]

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[Administrative Order No. 407]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 27, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| New Hampshire 0004A1 Merrimack | $30,863 |
| New Hampshire 9004A2 Merrimack | 321,137 |
| New Hampshire 7004G1 Merrimack | 30,000 |

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 39-4087; Filed, November 4, 1939; 11:49 a. m.]

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## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective November 7, 1939, until March 1, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates, or any of them, may be cancelled as of the date of their issuance and, if so cancelled, reimbursement of all persons employed under such Certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

| Name and address of firm | Products | Number of learners |
|---|---|---|
| Clearfield Mills, Inc., Clearfield, Pennsylvania, until March 0, 1940. | Shorts and slacks | 25 |
| Glix - Brand Company, Inc., Pittsfield, Massachusetts. | Pajamas | 24 |
| Danbury Manufacturing Corporation, Danbury, Connecticut. | Shirts and waists | 15 |



Signed at Washington, D. C., this 6th day of November 1939.

MERLE D. VINCENT, *Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4106; Filed, November 6, 1939; 12:43 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 7, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued, and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless

otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Alperin Strauss Co., Inc., Loogootee, Indiana, Shirts.

Baltz & Sons, C. A., Kingston, New York, Pajamas.

Baybrook Manufacturing Co., 210 South Cross Street, Robinson, Illinois (5 learners), Boys' & Men's Neckwear.

Beacon Company, Kingston, New York (3 learners), Dresses.

Bernstein & Sons Shirt Co., Main Street, Terre Hill, Pennsylvania (2 learners), Shirts.

Biberman Bros., Inc., Haas Avenue, Sunbury, Pennsylvania, Dresses.

Biberman Bros., Inc., Wilmington, Delaware (5 learners), Dresses.

Danbury Mfg. Corporation, 9 Montgomery Street, Danbury, Connecticut, Shirts and Waists.

E. H. South Company, 117 West Plane Street, Bethel, Ohio (2 learners), Pants.

Hillsdale Manufacturing Company, Hillsdale, Michigan, Boys' Knickers & Long Pants.

Kelray Knitting Mills, Reading, Pennsylvania (5 learners), Underwear.

Lemonde Corset Company, 902 Lapeer Street, Saginaw, Michigan (5 learners), Corsets, Girdles & Brassieres.

Lesnow Bros. Manufacturing Co., Easthampton, Massachusetts, Shirts.

Martin Manufacturing Mills, Inc., 121 East 2nd Street, Flora, Illinois, Athletic Shorts.

Natures Rival Company, 802 East King Street, Garrett, Indiana, Foundation Garments.

Outdoor Frocks, Inc., Philmont, New York (5 learners), Dresses.

Pollak Bros., Inc., 227 West Main Street, Fort Wayne, Indiana, Dresses.

Pollock McKay Co., Inc., 201 South Main Street, Fort Scott, Kansas (5 learners), Overalls and cotton pants.

Royal Garment Company, Ansonia, Ohio (5 learners), Dresses.

Reliance Manufacturing Co., Lincoln and 16th Streets, Tyrone, Pennsylvania, Shirts and Pants.

Rice-Stix Factory #3, Blytheville, Arkansas, Shirts and Pajamas.

Rice-Stix Factory #5, St. James, Missouri (5 learners), Dresses.

Rice-Stix Factory #10, Bonne Terre, Missouri, Shirts.

Rice-Stix Factory #25, Farmington, Missouri, Shirts.

Tropical Garment Mfg. Corp., Jefferson & Plymouth Streets, Tampa, Florida, Work Clothing.

Wachusett Shirt Company, Summer and Water Streets, Leominster, Massachusetts, Shirts and Pajamas.

Clearfield Mills, Inc., Clearfield, Pennsylvania, Shorts and Slacks.

F. Jacobson and Sons, Inc., Kingston, New York, Shirts.

Signed at Washington, D. C., this 6th day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4107; Filed, November 6, 1939; 12:43 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective November 7, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Belmont Hosiery Company, Belmont, New Hampshire (1 learner).

Caswell Knitting Mills, Inc., Yanceyville, North Carolina (5 learners).

Diana Knitting Mills, Philadelphia, Pennsylvania (4 learners).

Gouverneur Hosiery Mills, Gouverneur, New York (5 learners).

Grenada Industries, Inc., Hoffa Street, Grenada, Mississippi.

Marlow Hosiery Mill, Hickory, North Carolina (2 learners).

Scott Hosiery Mills, Inc., Newtown, Pennsylvania (1 learner).

Spinks Hosiery Mills, Dallas, Georgia (4 learners).

Townhouse Hosiery Mills, Inc., Chilhowie, Virginia.

Trayler Corporation, New Braunfels, Texas (5 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 6th day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc 39-4108; Filed, November 6, 1939; 12:43 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective November 7, 1939, to July 7, 1940, unless otherwise indicated opposite the employer's name, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

| Name and address of firm | Number of learners | Expiration date |
|---|---|---|
| Caswell Knitting Mills, Inc., Yanceyville, North Carolina | 24 | |
| Townhouse Hosiery Mills, Inc., Chilhowie, Virginia | 38 | Apr. 1, 1940 |

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.



Signed at Washington, D. C., this 6th day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4109; Filed, November 6, 1939; 12:44 p. m.]

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## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 253]

IN THE MATTER OF THE APPLICATION OF BRANIFF AIRWAYS, INC., UNDER SECTION 405 (e) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR REVIEW OF CERTAIN ACTIONS OF THE POSTMASTER GENERAL AND ITS COMPLAINT, UNDER SECTION 411 OF SAID ACT, AGAINST CERTAIN UNFAIR PRACTICES AND METHODS OF COMPETITION OF AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Upon request of the parties, public hearing in the above-entitled proceeding, now assigned for November 15, 1939,[1] is hereby postponed to December 6, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an Examiner of the Authority.

Dated Washington, D. C., November 3, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-4066; Filed, November 4, 1939; 10:52 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of November, A. D. 1939.

[File No. 32-150]

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION, PUBLIC GAS & COKE COMPANY, NATIONAL UTILITIES COMPANY OF MICHIGAN, MICHIGAN FUEL AND LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

Applications and declarations pursuant to sections 6 (b), 7 and 10 and Rules U-12C-1, U-12D-1 and U-12F-1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on December 7, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 1, 1939.

The matter concerned herewith is in regard to applications and declarations to effectuate a plan of reorganization of Public Gas & Coke Company, a registered holding company, and Michigan Fuel and Light Company, a subsidiary thereof. Under the terms of the plan the publicly held securities of these two companies would be exchanged for $808,530 principal amount of First Lien Collateral Trust Bonds of National Gas & Electric Corporation (a registered holding company), with interest thereon from February 1, 1936; not more than 139,708.63 shares of the common stock of said company; and $18,996 in cash; except that the holders of certain of said publicly held securities may elect to receive cash in place of common stock of National Gas & Electric Corporation.

The plan also provides for a merger of Michigan Fuel and Light Company and National Utilities Company of Michigan, a subsidiary of National Gas & Electric Corporation. National Utilities Company of Michigan would assume the first mortgage indebtedness of Michigan Fuel and Light Company in the principal amount of $2,402,500, as well as the unsecured indebtedness of Michigan Fuel and Light Company (all of which would then be owned by National Gas & Electric Corporation). The lien on said first mortgage bonds of Michigan Fuel and Light Company would be lifted, and $800,000 principal amount thereof would be refunded with a like principal amount of National Utilities Company of Michigan First Mortgage 5% Bonds.

The merger of National Utilities Company of Michigan and Michigan Fuel and Light Company is subject to the approval of the Public Utilities Commission of Michigan, which approval has not yet been obtained. The reorganization plan of Public Gas & Coke Company and Michigan Fuel and Light Company in its present form has not yet been approved by the United States District Court for the Western District of Michigan, the Court in which the reorganization proceedings are pending. In the event that the Public Utilities Commission of Michigan has not approved the merger, or the District Court the plan, by December 2, 1939, the hearing will be adjourned.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4089; Filed, November 4, 1939; 12:27 p. m.]

[1] 4 F.R. 4289 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of November, A. D. 1939.

[File No. 55-62]

IN THE MATTER OF THOS. W. DELZELL AND R. L. CLARK, INDEPENDENT TRUSTEES OF PORTLAND ELECTRIC POWER COMPANY, AND RALPH H. KING, ATTORNEY FOR SAID INDEPENDENT TRUSTEES

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on November 20, 1939, at 10 o'clock in the forenoon of that day in Room 510, United States Courthouse Building, 620 S. W. Main Street, Portland, Oregon.

*It is further ordered*, That Day Karr or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 15, 1939.

The matter concerned herewith is in regard to applications filed pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935, and rule U-11F-2 promulgated thereunder, by Thos. W. Delzell, R. L. Clark, independent trustees of Portland Electric Power Company, and Ralph H. King, attorney for said independent trustees, in regard to approval of the maximum amounts

that may be paid as interim allowances to such applicants. Said Portland Electric Power Company is a registered holding company and a debtor in reorganization, pursuant to Chapter X of the Bankruptcy Act, in the United States District Court for the District of Oregon.

It is stated that Thos. W. Delzell was appointed an independent trustee of Portland Electric Power Company by said Court on May 1, 1939; that R. L. Clark was likewise appointed an independent trustee on August 2, 1939; that Ralph H. King was employed as attorney for said independent trustees on August 7, 1939, and that such employment was approved by said court on August 25, 1939; and that said applicants have so acted since.

Thos. W. Delzell requests approval of the sum of $2,250 as an interim allowance to be paid by the debtor on account of services of applicant during the period from May 1, 1939 to and including August 1, 1939, and approval of monthly interim allowance of the sum of $750 to be paid by the debtor for services during each calendar month commencing with August, 1939. R. L. Clark requests approval of payment by the debtor of a monthly interim allowance of the sum of $750 for services during each calendar month commencing with the month of August, 1939. Ralph H. King requests approval of the sum of $500 to be paid by the debtor as an interim allowance on account of services during the month of August, 1939, and approval of the sum of $1,000 to be paid by the debtor for services during each calendar month commencing with the month of September, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4060; Filed, November 3, 1939; 1:09 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of November, A. D. 1939.

[File No. 43-253]

IN THE MATTER OF NEPSCO APPLIANCE FINANCE CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

Nepsco Appliance Finance Corporation, a subsidiary of New England Public Service Company, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issuance to commercial banks and trust companies of declarant's unsecured promissory notes not to exceed in the aggregate $1,200,000 outstanding at any one time;

*It is ordered*, That said declaration be and become effective forthwith subject, however, to the following conditions:

1. That the issue of the notes be in the manner and for the purposes represented by the declaration;

2. That, within ten days after the issuance of any such note, declarant shall file with this Commission a certificate of notification giving the name of the bank which is payee of the note, the amount and maturity of the note, the rate of interest thereon and whether there were any discounts or fees incurred in connection with such issue; and

3. That this Commission reserves jurisdiction to revoke this order (as to notes not issued prior to such revocation), after notice and opportunity for hearing to declarant, if it appears that the continued effectiveness of the declaration is detrimental to the interest of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4102; Filed, November 6, 1939; 11:22 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of November, A. D. 1939.

[File No. 51-23]

IN THE MATTER OF SECURITIES CORPORATION GENERAL

ORDER APPROVING APPLICATION

Securities Corporation General, a subsidiary of International Utilities Corporation, a registered holding company, having filed an application pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-2 adopted thereunder, for approval of the declaration and payment out of capital or unearned surplus (a) of a regular quarterly dividend at the rate of $1.75 per share on its Cumulative Preferred Stock, $7.00 Series, and (b) of a regular quarterly dividend at the rate of $1.50 per share on its Cumulative Preferred Stock, $6.00 Series; and

A public hearing having been held upon said application after appropriate notice; the Commission having considered the record in this matter and having made and filed its findings and opinion herein:

*It is ordered*, That said application be and hereby is approved subject to the following conditions:

(1) That the payment of the proposed dividends on the Cumulative Preferred Stock, $7.00 Series, and on the Cumulative Preferred Stock, $6.00 Series, shall be charged to capital surplus, and that the amount of such dividends so charged shall be restored to capital surplus from the first available net income after December 31, 1938; and

(2) That the applicant shall, at the time such dividends are paid, notify the holders of the Cumulative Preferred Stock, $7.00 Series, and the holders of the Cumulative Preferred Stock, $6.00 Series, respectively, that the dividend payment is made subject to the above condition; and

(3) That the applicant within ten days after the payment of such dividends, file with the Commission a certificate of notification showing that such dividends were declared and paid in accordance with the terms and conditions and for the purposes represented by said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4103; Filed, November 6, 1939; 11:22 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of November, A. D. 1939.

[File No. 31-466]

IN THE MATTER OF UNITED UTILITIES, INCORPORATED

NOTICE OF AND ORDER FOR HEARING

An application pursuant to sections 3 (a) (1), 3 (a) (2), 3 (a) (3), 3 (a) (4) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on November 29, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 24, 1939.

The matter concerned herewith is in regard to an application by United Utilities, Incorporated, pursuant to Sections 3 (a) (1), 3 (a) (2), 3 (a) (3) and 3 (a) (4) of the Public Utility Holding Company Act of 1935, for an order exempting it and each and all of its subsidiaries as such, from the provisions of that Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4101; Filed, November 6, 1939; 11:22 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of November, A. D. 1939.

[File No. 32-184]

IN THE MATTER OF CALIFORNIA PUBLIC SERVICE COMPANY, PEOPLES LIGHT AND POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration and applications pursuant to sections 6 (b), 7, and 10 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on November 20, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 15, 1939.

The matter concerned herewith is in regard to the proposed issuance and sale by California Public Service Company, a wholly-owned subsidiary of Peoples Light and Power Company, a registered holding company, of $500,000 principal amount of the First Mortgage Bonds, Series B, 4¼%, due 1964 of the California Public Service Company; the proceeds from said sale will be used for the retirement of $400,000 principal amount of said company's First Mortgage Bonds, Series A, 5%, due 1961, the partial payment of an open account indebtedness owing to the Peoples Light and Power Company in the amount of $113,000, and the balance for construction purposes; the proposed reclassification of the authorized Capital Stock of California Public Service Company into an authorized issue of 16,480 shares of $25 par value common stock all of which will be issued to Peoples Light and Power Company in consideration of the stock presently owned by it, payment of the balance of the open account indebtedness and as payment of a $50,000 stock dividend; the proposed pledge of all of said stock under the Indenture securing the Collateral Lien Bonds, Series A, due 1961, of Peoples Light and Power Company; the proposed deposit with the Trustee under said Indenture by Peoples Light and Power Company of $400,000 for the purpose of retiring outstanding bonds on tenders or in the open market in accordance with the terms of said Indenture.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4111; Filed, November 6, 1939; 12:48 p. m.]

Reference

NOV 9 1939

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 4 NUMBER 216

*Washington, Wednesday, November 8, 1939*

## *Rules, Regulations, Orders*

### TITLE 22—FOREIGN RELATIONS

### DEPARTMENT OF STATE

REGULATIONS UNDER SECTION 5 OF THE JOINT RESOLUTION OF CONGRESS APPROVED NOVEMBER 4, 1939

Section 5 of the joint resolution of Congress approved November 4, 1939, provides as follows:

(a) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of any state named in such proclamation, except in accordance with such rules and regulations as may be prescribed.

(b) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

Section 15 of the said joint resolution provides as follows:

In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000, or imprisoned not more than two years, or both.

On November 4, 1939, the President issued a proclamation[1] in respect to France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa under the authority of section 1 of the said joint resolution, thereby making effective in respect to those countries the provisions of section 5 of the said joint resolution quoted above.

Section 13 of the said joint resolution provides as follows:

The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

The President's proclamation of November 4, 1939, issued pursuant to the provisions of section 1 of the above-mentioned joint resolution provides in part as follows:

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

In pursuance of those provisions of the law and of the President's proclamation of November 4, 1939, which are quoted above, the Secretary of State announces the following regulations:

#### PART 55C—TRAVEL

§ 55C.1 *American diplomatic, consular, military, and naval officers.* American diplomatic and consular officers and their families, members of their staffs and their families, and American military and naval officers and personnel and their families may travel pursuant to orders on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa if the public service requires.*

§ 55C.2 *Other American citizens.* Other American citizens may travel on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, *Provided, however,* That travel on or over the north Atlantic Ocean north of 35 degrees north latitude and east of 66 degrees west longitude or on or over other waters adjacent to Europe or

[1] 4 F.R. 4493 DI.

*Sections 55C.1 to 55C.2, inclusive, issued under the authority contained in secs. 5, 15, 13, Public Res. No. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. 2374, Nov. 4, 1939.

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over the continent of Europe or adjacent islands shall not be permitted except when specifically authorized by the Secretary of State in each case.*

[SEAL] CORDELL HULL,
*Secretary of State.*

NOVEMBER 6, 1939.

[F. R. Doc. 39-4121; Filed November 7, 1939; 10:35 a. m.]

REGULATIONS UNDER SECTION 3 OF THE JOINT RESOLUTION OF CONGRESS APPROVED NOVEMBER 4, 1939

NOVEMBER 6, 1939.

The President's Proclamation of November 4, 1939, issued pursuant to the provisions of section 3 of the joint resolution of Congress approved November 4, 1939, provides as follows:

[*Here follows, in the original document, the text of Proclamation No. 2376, which appears on Page 4495 of the "Federal Register" for Tuesday, November 7, 1939.*]

By virtue of the authority vested in him by the President's proclamation quoted above to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out the provisions of section 3 of the joint resolution of Congress approved November 4, 1939, as made effective by this proclamation, the Secretary of State prescribes the following regulations:

(1) Holders of American passports issued or validated subsequent to September 4, 1939 for travel in Europe are hereby permitted to proceed, in accordance with the authorizations and subject to the restrictions noted on such passports, into and through any such combat area, whether by surface vessels or aircraft, or both, until further regulation. Holders of American passports, whether or not so issued or validated, presently in the combat areas defined by the proclamation of the President of the United States dated November 4, 1939, are hereby permitted to proceed into and through such combat areas in connection with travel in accordance with the authorizations and subject to the restrictions noted on such passports, until further regulation.

(2) The provisions of the President's Proclamation of November 4, 1939, do not apply to the current voyage of any American vessel which cleared for a foreign port in the combat area defined in that proclamation and which departed from a port or from the jurisdiction of the United States in advance of the date of the President's proclamation.

(3) The provisions of the proclamation do not apply to vessels of the United States Navy or the United States Coast Guard proceeding through or into this area under orders or in the course of duty.

(4) The provisions of the proclamation do not apply to any American vessel which, by arrangement with the appropriate authorities of the United States Government, is commissioned to proceed into or through this combat area in order to evacuate citizens of the United States who are in imminent danger to their lives as a result of combat operations incident to the present war, or to any American vessel proceeding into or through this area under charter or other direction and control of the American Red Cross and under safe conduct granted by belligerent states named in the President's proclamation of November 4, 1939.

[SEAL] CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 39-4118; Filed, November 7, 1939; 10:34 a. m.]

PART 40—RULES AND REGULATIONS GOVERNING THE SOLICITATION AND COLLECTION OF CONTRIBUTIONS FOR USE IN FRANCE; GERMANY; POLAND; AND THE UNITED KINGDOM, INDIA, AUSTRALIA, CANADA, NEW ZEALAND, AND THE UNION OF SOUTH AFRICA

Section 8 of the joint resolution of Congress approved November 4, 1939 (Public Res. 54, 76th Cong., 2d sess.) provides as follows:

SEC. 8. (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful for any person within the United States to solicit or receive any contribution for or on behalf of the government of any state named in such proclamation or for or on behalf of any agent or instrumentality of any such state.

(b) Nothing in this section shall be construed to prohibit the solicitation or collection of funds and contributions to be used for medical aid and assistance, or for food and clothing to relieve human suffering, when such solicitation or collection of funds and contributions is made on behalf of and for use by any person or organization which is not acting for or on behalf of any such government, but all such solicitations and collections of funds and contributions shall be in accordance with and subject to such rules and regulations as may be prescribed.

(c) Whenever any proclamation issued under the authority of section 1 (a) shall have been revoked with respect to any state the provisions of this section shall thereupon cease to apply with respect to such state, except as to offenses committed prior to such revocation.

Section 15 of the said joint resolution provides as follows:

SEC. 15. In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000, or imprisoned not more than two years, or both.

On November 4, 1939, the President issued a proclamation[1] in respect to France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa under the authority of section 1 of the said joint resolution, thereby making effective in respect to those countries the provisions of section 8 of the said joint resolution quoted above.

Section 13 of the said joint resolution provides as follows:

SEC. 13. The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

[1] 4 F.R. 4493 DI.



The President's proclamation of November 4, 1939, referred to above, issued pursuant to the provisions of section 1 of the above-mentioned joint resolution provides in part as follows:

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

In pursuance of those provisions of the law and of the President's proclamation of November 4, 1939, referred to above, the Secretary of State promulgates the following regulations:

Sec.
40.1 Definition.
40.2 Application for registration.
40.3 Chapters or affiliates of registrants.
40.4 Notices of acceptance of registration.
40.5 Records of transactions.
40.6 Submission of forms.
40.7 Rejection and revocation.
40.8 Transmittal of funds.
40.9 Supplemental application.
40.10 American National Red Cross.
40.11 Administrative control.
40.12 Methods of soliciting contributions.
40.13 Reading of regulations.
40.14 Causes for revocation.
40.15 Sworn statement to be supplemented.
40.16 Valid registrations.

§ 40.1 *Definition.* The term "person" as used herein and in the act of November 4, 1939, includes a partnership, company, association, organization, or corporation, as well as a natural person.*

§ 40.2 *Application for registration.* Any person within the United States, its territories, insular possessions (including the Philippine Islands), the Canal Zone, and the District of Columbia who desires to engage in the solicitation or collection of contributions to be used for medical aid and assistance in France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, or for food and clothing to relieve human suffering in any of those countries, and who is not acting for or on behalf of the Governments of France; Germany, Poland; or the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, or for any agent or instrumentality of such countries, shall register with the Secretary of State. To this end, such person shall make application in duplicate to the Secretary of State upon the form provided therefor.*

§ 40.3 *Chapters or affiliates of registrants.* Organizations or associations having chapters or affiliates shall list them in their application for registration and shall set forth therein the addresses of such chapters or affiliates. In case chapters or affiliates are formed after the registration of the parent organization, the parent should immediately inform the Secretary of State in order that its registration may be amended to name the new chapters or affiliates.*

§ 40.4 *Notices of acceptance of registration.* No person shall solicit or collect contributions without having in his possession a notice from the Secretary of State of acceptance of registration which has not been revoked; Provided, however, That nothing in this regulation shall be construed as requiring a duly authorized agent of a registrant to have in his possession a notice of acceptance of registration. Chapters or affiliates named in the parent organization's registration may, of course, operate under this registration. Notices of acceptance of registration shall not be exhibited, used, or referred to in any manner which might be construed as implying official endorsement of the persons engaged in the solicitation or collection of contributions.*

§ 40.5 *Records of transactions.* All persons registered with the Secretary of State must maintain for his inspection or that of his duly authorized agent, complete records of all transactions in which the registrant engages.*

§ 40.6 *Submission of forms.* Persons receiving notification of acceptance of registration shall submit to the Secretary of State not later than the tenth day of every month following the receipt of such notification sworn statements, in duplicate, on the form provided therefor setting forth fully the information called for therein.*

§ 40.7 *Rejection and revocation.* The Secretary of State reserves the right to reject applications or to revoke registrations for failure on the part of the registrant to comply with the provisions or purposes of the law or of the regulations in this part.*

§ 40.8 *Transmittal of funds.* A registrant may act as an agent for the transmittal abroad of funds received by another registrant, but such funds shall not be accountable as contributions received by the transmitting registrant.*

§ 40.9 *Supplemental application.* Any changes in the facts set forth in the registrant's application for registration, such as change of address, of officers, or of means of distribution abroad, should be reported promptly to the Secretary of State in the form of a supplemental application, in duplicate, properly sworn to.*

§ 40.10 *American National Red Cross.* In view of the purposes and special status of "the American National Red Cross" as set forth in the act of Congress approved January 5, 1905, entitled "An Act to incorporate the American National Red Cross" (33 Stat. 599), and particularly in view of the fact that it is required by law to submit to the Secretary of War for audit "a full, complete, and itemized report of receipts and expenditures of whatever kind," so that the submission to the Secretary of State of reports of funds received and expended would constitute an unnecessary duplication, the American National Red Cross is not required to conform to the provisions of the regulations in this part.*

§ 40.11 *Administrative control.* No registration will be accepted until satisfactory evidence is presented to the Secretary of State that the applicant for registration has organized an active and responsible governing body which will serve without compensation and which will exercise a satisfactory administrative control, and that the funds collected by the registrant will be handled by a competent and trustworthy treasurer.*

§ 40.12 *Methods of soliciting contributions.* No registration will be accepted if the means proposed to be used to solicit or collect contributions include the employment of solicitors on commission or any other commission method of raising money; the use of the "remit or return" method of raising money by the sale of merchandise or tickets; the giving of entertainments for money-raising purposes if the estimated costs of such entertainments, including compensation, exceed 30 percent of the gross proceeds, or any other wasteful or unethical method of soliciting contributions.*

§ 40.13 *Reading of regulations.* No registration will be accepted until the Secretary of State has been informed in writing by a responsible officer of the applicant for registration that he has read the regulations.*

§ 40.14 *Causes for revocation.* The Secretary will exercise the right reserved under § 40.7 to revoke any registration upon receipt of evidence which leads him to believe that the registrant has failed to maintain such a governing body as that described under § 40.11, has failed to employ such a treasurer as that described under § 40.11, has employed any of the methods for soliciting contributions set forth under § 40.12, has employed unethical methods of publicity, or has failed to attain a reasonable degree of efficiency in the conduct of operations.*

§ 40.15 *Sworn statement to be supplemented.* The sworn statement to be submitted by registrants in accordance with § 40.6 shall be supplemented by such further information as the Secretary of State may deem necessary.*

§ 40.16 *Valid registrations.* Valid registrations under the rules and regulations governing the solicitation and collection of contributions for use in belligerent countries promulgated September 5, 9, and 11, and October 4, 1939, pursuant to section 3 of the Neutrality Act of May 1, 1937, remain valid under the regulations in this part.*

[SEAL] CORDELL HULL,
*Secretary of State.*

NOVEMBER 6, 1939.

[F. R. Doc. 39-4120; Filed, November 7, 1939; 10:34 a. m.]

*Sections 40.1 to 40.16, inclusive, issued under the authority contained in secs. 8, 15, 13, Public Res. No. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. 2374, Nov. 4, 1939.

INTERNATIONAL TRAFFIC IN ARMS

# LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR AND OTHER MUNITIONS OF WAR

[Seventh Edition]

CONTENTS

Introductory Statement.
Part I: Section 12 of the joint resolution approved by the President November 4, 1939.
Part II: The President's proclamation of May 1, 1937.
Part III: General regulations.
Part IV: Records of manufacture, export, and import.
Part V: Special provisions in regard to military secrets.
Part VI: Special provisions in regard to exportation to China, Cuba, Honduras, and Nicaragua.
Part VII: Special provisions in regard to the exportation of tin-plate scrap.
Part VIII: Special provisions in regard to the exportation of helium gas.

## *Introductory Statement*

The Secretary of State announces that the regulations contained herein supersede, as of this date, all previous regulations administered by him governing the international traffic in arms, ammunition, and implements of war, and other munitions of war.

NOVEMBER 6, 1939.

## PART I—SECTION 12 OF THE JOINT RESOLUTION APPROVED BY THE PRESIDENT NOVEMBER 4, 1939

Section 12 of the joint resolution approved by the President on November 4, 1939, reads as follows:

SEC. 12 (a) There is hereby established a National Munitions Control Board (hereinafter referred to as the "Board"). The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Secretary of Commerce. Except as otherwise provided in this section, or by other law, the administration of this section is vested in the Secretary of State. The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions. The Board shall be convened by the chairman and shall hold at least one meeting a year.

(b) Every person who engages in the business of manufacturing, exporting, or importing any arms, ammunition, or implements of war listed in a proclamation referred to in or issued under the authority of subsection (i) of this section, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of $100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment for each renewal of a fee of $100; but valid certificates of registration (including amended certificates) issued under the authority of section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, shall, without payment of any additional registration fee, be considered to be valid certificates of registration issued under this subsection, and shall remain valid for the same period as if this joint resolution had not been enacted.

(d) It shall be unlawful for any person to export, or attempt to export, from the United States to any other state, any arms, ammunition, or implements of war listed in a proclamation referred to in or issued under the authority of subsection (i) of this section, or to import, or attempt to import, to the United States from any other state, any of the arms, ammunition, or implements of war listed in any such proclamation, without first having submitted to the Secretary of State the name of the purchaser and the terms of sale and having obtained a license therefor.

(e) All persons required to register under this section shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Secretary of State shall prescribe.

(f) Licenses shall be issued by the Secretary of State to persons who have registered as herein provided for, except in cases of export or import licenses where the export of arms, ammunition, or implements of war would be in violation of this joint resolution or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued; but a valid license issued under the authority of section 2 of the joint resolution of August 31, 1935, or section 5 of the joint resolution of August 31, 1935, as amended, shall be considered to be a valid license issued under this subsection, and shall remain valid for the same period as if this joint resolution had not been enacted.

(g) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this joint resolution.

(h) The Board shall make a report to Congress on January 3 and July 3 of each year, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war, including the name of the purchaser and the terms of sale made under any such license. The Board shall include in such reports a list of all persons required to register under the provisions of this joint resolution, and full information concerning the licenses issued hereunder, including the name of the purchaser and the terms of sale made under any such license.

(i) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section; but the proclamation No. 2237, of May 1, 1937 (50 Stat. 1834), defining the term "arms, ammunition, and implements of war" shall, until it is revoked, have full force and effect as if issued under the authority of this subsection.

Section 15 of the same joint resolution reads as follows:

SEC. 15. In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000, or imprisoned not more than two years, or both.

Section 16 of the same joint resolution reads as follows:

SEC. 16. For the purposes of this joint resolution—

(a) The term "United States", when used in a geographical sense, includes the several states and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia.

(b) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

(c) The term "vessel" means every description of watercraft and aircraft capable of being used as a means of transportation on, under, or over water.

(d) The term "American vessel" means any vessel documented, and any aircraft registered or licensed, under the laws of the United States.

(e) The term "state" shall include nation, government, and country.

(f) The term "citizen" shall include any individual owing allegiance to the United States, a partnership, company, or association composed in whole or in part of citizens of the United States, and any corporation organized and existing under the laws of the United States as defined in subsection (a) of this section.

## PART II—THE PRESIDENT'S PROCLAMATION OF MAY 1, 1937

The President's proclamation, No. 2237, of May 1, 1937, referred to in section 12 (i) of the joint resolution of Congress approved November 4, 1939, quoted above, reads as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 5 of the joint resolution of Congress approved May 1, 1937, amending the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war," approved August 31, 1935, as amended February 29, 1936, provides in part as follows:

"The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section."

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and pursuant to the recommendation of the National Munitions Control Board, declare and proclaim that the articles listed below shall, on and after June 1, 1937, be considered arms, ammunition, and implements of war for the purposes of section 5 of the said joint resolution of Congress:

*Category I*

(1) Rifles and carbines using ammunition in excess of caliber .22, and barrels for those weapons;

(2) Machine guns, automatic or autoloading rifles, and machine pistols using ammunition in excess of caliber .22, and barrels for those weapons;



(3) Guns, howitzers, and mortars of all calibers, their mountings and barrels;

(4) Ammunition in excess of caliber .22 for the arms enumerated under (1) and (2) above, and cartridge cases or bullets for such ammunition; filled and unfilled projectiles for the arms enumerated under (3) above;

(5) Grenades, bombs, torpedoes, mines and depth charges, filled or unfilled, and apparatus for their use or discharge;

(6) Tanks, military armored vehicles, and armored trains.

*Category II*

Vessels of war of all kinds, including aircraft carriers and submarines, and armor plate for such vessels.

*Category III*

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, which are designed, adapted, and intended for aerial combat by the use of machine guns or of artillery or for the carrying and dropping of bombs, or which are equipped with, or which by reason of design or construction are prepared for, any of the appliances referred to in paragraph (2) below;

(2) Aerial gun mounts and frames, bomb racks, torpedo carriers, and bomb or torpedo release mechanisms.

*Category IV*

(1) Revolvers and automatic pistols using ammunition in excess of caliber .22;

(2) Ammunition in excess of caliber .22 for the arms enumerated under (1) above, and cartridge cases or bullets for such ammunition.

*Category V*

(1) Aircraft, unassembled, assembled, or dismantled, both heavier and lighter than air, other than those included in Category III;

(2) Propellers or air screws, fuselages, hulls, wings, tail units, and under-carriage units;

(3) Aircraft engines, unassembled, assembled, or dismantled.

*Category VI*

(1) Livens projectors and flame throwers;

(2) a. Mustard gas (dichlorethyl sulphide);
b. Lewisite (chlorvinyldichlorarsine and dichlordivinylchlorarsine);
c. Methyldichlorarsine;
d. Diphenylchlorarsine;
e. Diphenylcyanarsine;
f. Diphenylaminechlorarsine;
g. Phenyldichlorarsine;
h. Ethyldichlorarsine;
i. Phenyldibromarsine;
j. Ethyldibromarsine;
k. Phosgene;
l. Monochlormethylchlorformate;
m. Trichlormethylchlorformate (diphosgene);
n. Dichlordimethyl Ether;
o. Dibromdimethyl Ether;
p. Cyanogen Chloride;
q. Ethylbromacetate;
r. Ethyliodoacetate;
s. Brombensylcyanide;
t. Bromacetone;
u. Brommethylethyl ketone.

*Category VII*

(1) Propellant powders;

(2) High explosives as follows:

a. Nitrocellulose having a nitrogen content of more than 12%;
b. Trinitrotoluene;
c. Trinitroxylene;
d. Tetryl (trinitrophenol methyl nitramine or tetranitro methylaniline);
e. Picric acid;
f. Ammonium picrate;
g. Trinitroanisol;
h. Trinitronaphthalene;
i. Tetranitronaphthalene;
j. Hexanitrodiphenylamine;
k. Pentaerythritetetranitrate (Penthrite or Pentrite);
l. Trimethylenetrinitramine (Hexogen or $T_4$);
m. Potassium nitrate powders (black saltpeter powder);
n. Sodium nitrate powders (black soda powder);
o. Amatol (mixture of ammonium nitrate and trinitrotoluene);
p. Ammonal (mixture of ammonium nitrate, trinitrotoluene, and powdered aluminum, with or without other ingredients);
q. Schneiderite (mixture of ammonium nitrate and dinitronaphthalene, with or without other ingredients).

This proclamation shall supersede the proclamation of April 10, 1936, entitled "Enumeration of Arms, Ammunition, and Implements of War," on June 1, 1937.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this first day of May, in the year of our Lord nineteen hundred and thirty-seven, and of [SEAL] the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D ROOSEVELT

By the President
CORDELL HULL,
*Secretary of State.*

## PART III—GENERAL REGULATIONS

In compliance with that paragraph of section 12 of the joint resolution approved November 4, 1939, which requires the Secretary of State to promulgate such rules and regulations with regard to the enforcement of that section as he may deem necessary to carry out its provisions, the Secretary of State promulgates the following regulations:

(1) All persons engaged in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937, shall register with the Secretary of State by duly filling out and transmitting to the Secretary of State an application for registration in the form printed below. The articles manufactured, exported, or imported shall be listed on the application for registration under the same categories and in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937. Applications for registration must be signed and sworn to in the presence of a notary public before they are transmitted to the Secretary of State.

---

REGISTRATION NUMBER

(Not to be filled in by the applicant)

---

UNITED STATES OF AMERICA
DEPARTMENT OF STATE
APPLICATION FOR REGISTRATION

Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms, Ammunition, or Implements of War, Pursuant to Section 12 of the Joint Resolution of Congress Approved by the President November 4, 1939.

---

(The applicant shall fill in all of the following spaces)

(1) Name of person (the term "person" includes a partnership, company, association, or corporation, as well as a natural person):

---

(2) Principal place of business:

---

(3) Other places of business in the United States:

---

(4) The applicant is engaged in the {manufacture / importation / exportation} of arms, ammunition, or implements of war. (Strike out the designation or designations not applicable to the business of the applicant.)

(5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The articles manufactured, imported, or exported shall be listed under the following categories in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937.)

*Category I*

---

*Category II*

---

*Category III*

---

*Category IV*

---

*Category V*

---

*Category VI*

---

*Category VII*

---

The above list includes all articles defined as arms, ammunition, and implements of war by the President's proclamation of May 1, 1937, which are manufactured, imported, or exported by the undersigned.

---

(Signature)

(If the applicant is a partnership, company, association, or corporation, the signature shall be that of its duly authorized representative.)

Signed and sealed in my presence this ---------day of ----------, 19---.

---

(Notary Public)

The registration fee of $100 is transmitted herewith in the form of {certified check / money order}

---------(Checks should be made payable to the order of the Secretary of State.)

---

(Perforation)

---

REGISTRATION NUMBER

(Not to be filled in by the applicant)

---

UNITED STATES OF AMERICA
DEPARTMENT OF STATE

*Certificate of Registration*

Persons Engaged in the Business of Manufacturing, Exporting, or Importing Arms, Ammunition, or Implements of War, Pursuant to Section 12 of the Joint Resolution of Congress Approved by the President November 4, 1939.

(The applicant shall fill in all of the following spaces)

(1) Name of person (the term "person" includes a partnership, company, association,

or corporation, as well as a natural person):

---

(2) Principal place of business:

---

(3) Other places of business in the United States:

---

(4) The applicant is engaged in the {manufacture / importation / exportation} of arms, ammunition, or implements of war. (Strike out the designation or designations not applicable to the business of the applicant.)

(5) List of the arms, ammunition, and implements of war manufactured, imported, or exported. (The articles manufactured, imported, or exported shall be listed under the following categories in precisely the same terms in which they are listed in the President's proclamation of May 1, 1937.)

*Category I*

---

*Category II*

---

*Category III*

---

*Category IV*

---

*Category V*

---

*Category VI*

---

*Category VII*

---

(These spaces are not to be filled in by the applicant)

This certifies that the person named above has registered in compliance with the provisions of the joint resolution of Congress approved November 4, 1939, and has paid the required registration fee of $100. This certificate is valid for a period of five years from ----------

FOR THE SECRETARY OF STATE.

By ----------

[SEAL]

(2) Applications for registration transmitted to the Secretary of State must be accompanied by a registration fee of $100 in the form of a money order or a certified check.

(3) Upon receipt of an application for registration and the appended certificate of registration duly filled out and accompanied by a registration fee of $100, the Secretary of State will return to the applicant, as a receipt, the certificate of registration, duly signed and sealed. This certificate of registration must be conspicuously displayed at the principal place of business of the person registered.

(4) Every person registered shall notify the Secretary of State of any change in the information set forth in his certificate of registration. If the change involves a revision of the list of arms, ammunition, and implements of war which he manufactures, exports or imports, or a change of name, such registered person shall submit, on the form described in paragraph (1) above, an application for an amended certificate of registration, including this information. Upon the receipt of a duly executed application therefor, the Secretary of State will issue to such person, free of charge, an amended certificate of registration which will remain valid until the date of the expiration of his original certificate.

(5) Manufacturers, exporters, and importers of component parts of the articles or units enumerated in the President's proclamation of May 1, 1937, but not of a complete article or unit listed in that proclamation, are not required to register under the joint resolution. Aircraft wheels and aircraft propeller blades are, however, considered as constituting to such an unusual degree the main body of aircraft under-carriage units and aircraft propellers that the manufacture, export, or import of such wheels or blades alone is held to subject the manufacturer, exporter, or importer to the requirement of registration.

(6) Forgings, castings, and machined bodies for any of the arms, ammunition, or implements of war enumerated in the President's proclamation of May 1, 1937, which have reached such a stage in manufacture that they are clearly identifiable as forgings, castings, or machined bodies for arms, ammunition, and implements of war, are considered as constituting arms, ammunition, and implements of war for the purposes of section 12 of the joint resolution.

(7) Club propellers, cut away models of aircraft engines and mock-ups or models of arms, ammunition, and implements of war which by reason of design or construction are incapable of being used or of being adapted for use in flight or for military or naval purposes will not be considered as arms, ammunition, or implements of war within the meaning of section 12 of the joint resolution.

(8) The production for experimental or scientific purposes, when such production is not followed by sale, of the appliances and substances included in category VI, or of single units of other arms, ammunition, and implements of war, is not considered as manufacture for the purposes of section 12 of the joint resolution.

(9) Persons who are not engaged in the business of exporting or importing arms, ammunition, or implements of war, but who, either for their own personal use or as forwarding agents for persons who are engaged in this business, or, in exceptional circumstances, in other capacities, may make or receive occasional shipments of such articles, will not be considered as exporters or importers of arms, ammunition, and implements of war within the meaning of section 12 of the joint resolution. Licenses for such shipments may be obtained in accordance with the provisions of paragraph (24) below.

(10) The provisions of these regulations shall be considered as binding in addition to, and not in lieu of, those established under the act known as the National Firearms Act (26 U. S. C. (1934) 1132–1132q incl.; Supp. IV 1132–1132b incl.), approved by the President June 26, 1934, as amended; and under the Federal Firearms Act (15 U. S. C. Supp. IV 901–909 incl.), approved by the President June 30, 1938. The National Firearms Act imposes certain taxes upon manufacturers, importers, and dealers in certain firearms and taxes upon transfers of certain firearms. The term "firearm" as used in this act includes "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by réason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length." The Federal Firearms Act applies to manufacturers and dealers who are engaged in interstate or foreign commerce in firearms and ammunition. The term "firearm" as used in this act means "any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon," and the term "ammunition" includes "all pistol or revolver ammunition except .22-caliber rim-fire ammunition." Rules and regulations for the enforcement of these acts are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

(11) No person not registered under section 12 of the joint resolution shall engage in the business of exporting or importing any of the arms, ammunition, or implements of war listed in the President's proclamation of May 1, 1937. All persons registered shall obtain from the Secretary of State a license to cover each shipment exported or imported. Blank forms of application for license similar to those printed below will be furnished by the Secretary of State upon request.

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DEPARTMENT OF STATE

UNITED STATES OF AMERICA

APPLICATION FOR LICENSE TO EXPORT ARMS, AMMUNITION, OR IMPLEMENTS OF WAR

ORIGINAL

(*Application to be made in duplicate*)

Applicant's registration No. ----------

License No. ----------

(For official use only)

---

(Insert here name of country of destination)

*General Instructions*

(a) One duplicate application should be made for each complete shipment to any one consignee, and may include more than one commodity, but may not include shipments to more than one country.

(b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.

(c) Commodities appearing under (7) below should be listed under the number of the pertinent category and category subdivision of that Presidential proclamation enumerating arms, ammunition, and implements of war which is in effect on the date the application is submitted. Each commodity listed should be designated clearly and specifically, the type and model designation being included whenever possible.

(d) A separate value should be given under (8) below for each category, and for each subdivision of a category, which enters into the shipment covered by the application. Values listed should represent the selling price only of the articles exported, and should not include such supplementary costs as packing, freight, etc.

(e) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.

(f) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

(g) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license, except by a duly authorized officer of the Government, is punishable under appropriate acts of Congress. Changes in the information set forth in licenses which have been issued under the seal of the Secretary of State can be effected by amendments which can be made only by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State.

---

DEPARTMENT OF STATE,

*Washington, D. C.*

(1) Date of application----------

(2) Applicant's Reference No. ----------

The undersigned hereby applies for license to export the commodity described below and warrants the truth of all statements and answers herewith made regarding it.

(3) Name of applicant----------

By----------

(To be signed in ink)

(4) Consignee in foreign country:

Name----------Nationality----------

Address {Street---{State or province---
City----{Country----------

(5) Purchaser in foreign country:

Name----------Nationality----------

Address {Street---{State or province---
City----{Country----------

| (6) Quantity | (7) Commodity (to be listed as indicated under instruction (c)) | (8) Approximate net value |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

(9) State the specific purpose for which the material is required:

---

(10) License to be sent to:

Name----------

Address: Street---------- City----------

State----------

(11) Consignor in United States:

Name---------- Nationality----------

Address: Street---------- City----------

State----------

Nature of business----------



one commodity, but may not include shipments to more than one country.

(b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.

(c) Commodities appearing under (7) below should be listed under the number of the pertinent category and category subdivision of that Presidential proclamation enumerating arms, ammunition, and implements of war which is in effect on the date the application is submitted. Each commodity listed should be designated clearly and specifically, the type and model designation being included whenever possible.

(d) A separate value should be given under (8) below for each category, and for each subdivision of a category, which enters into the shipment covered by the application. Values listed should represent the selling price only of the articles exported, and should not include such supplementary costs as packing, freight, etc.

(e) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.

(f) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

(g) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license, except by a duly authorized officer of the Government, is punishable under appropriate acts of Congress. Changes in the information set forth in licenses which have been issued under the seal of the Secretary of State can be effected by amendments which can be made only by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State.

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DEPARTMENT OF STATE,

*Washington, D. C.*

(1) Date of application----------

(2) Applicant's Reference No. ----------

The undersigned hereby applies for license to export the commodity described below and warrants the truth of all statements and answers herewith made regarding it.

(3) Name of applicant----------

By----------

(To be signed in ink)

(4) Consignee in foreign country:

Name----------Nationality----------

Address {Street---{State or province---
City----{Country----------

(5) Purchaser in foreign country:

Name----------Nationality----------

Address {Street---{State or province---
City----{Country----------

| (6) Quantity | (7) Commodity (to be listed as indicated under instruction (c)) | (8) Approximate net value |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

(9) State the specific purpose for which the material is required:

---

(10) License to be sent to:

Name----------

Address: Street---------- City----------

State----------

(11) Consignor in United States:

Name---------- Nationality----------

Address: Street---------- City----------

State----------

Nature of business----------

(12) Port of exit in the United States from which it is proposed to export the shipment ----------

License is hereby granted to the applicant mentioned herein to export from the United States of America to ---------- the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is *subject to revocation without notice.*

Shipment must be made from port of exit within 1 year from date of this license as given below under the seal of the Department.

Export licenses must be filed with the collector of customs at the port from which the shipment is departing from the United States at least 24 hours before the proposed departure and, in the case of shipment by a sea-going vessel, 24 hours before the lading of the vessel.

If partial shipments are made on this license, endorsements by the collectors of customs or postmasters will be made below.

| Quantity | Description | Value | Port of exit | Date | Officer |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
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*For Collectors of Customs and Postmasters:*

This license should be returned to the Secretary of State at the end of the month during which the last article of the shipment described therein was exported, or during which notice has been given that the remaining balance will not be shipped, or during which the license has been revoked or has expired. When the entire shipment has been exported, the license should be marked "Completed"; otherwise the returned license should bear a notation stating the reason for its return and the quantity and value of the articles actually shipped.

Date of license----------

(*For official use only*)

(When countersigned and impressed with the seal of the Department of State, this application becomes a license.)

FOR THE SECRETARY OF STATE.

By ----------

(*For official use only*)

Applicant's registration Number ----------

Applicant's reference Number ----------

Check the terms of sale of the commodities listed under (7) to the purchaser named under (5).

*Check*

☐ Full payment on delivery at factory.

☐ Full payment on delivery at port of exit.

☐ Full payment on delivery at final destination.

☐ Full payment within ------ days after delivery at factory.

☐ Full payment within ------ days after delivery at port of exit.

☐ Full payment within ------ days after delivery at final destination.

☐ Partial payment in advance of delivery and full payment on delivery at factory.

☐ Partial payment in advance of delivery and full payment on delivery at port of exit.

☐ Partial payment in advance of delivery and full payment on delivery at final destination.

☐ Partial payment in advance of delivery and full payment within ------ days after delivery at factory.

☐ Partial payment in advance of delivery and full payment within ------ days after delivery at port of exit

*Check*

☐ Partial payment in advance of delivery and full payment within ------ days after delivery at final destination.

Other terms: (Explain fully)

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DEPARTMENT OF STATE

UNITED STATES OF AMERICA

APPLICATION FOR LICENSE TO IMPORT ARMS, AMMUNITION, OR IMPLEMENTS OF WAR

ORIGINAL

(*Application to be made in duplicate*)

Applicant's License No. ----------

Registration No. ----------

(For official use only)

---

(Insert here name of county of origin)

*General Instructions*

(a) One duplicate application should be made for each complete shipment imported, and may cover more than one commodity, but may not cover shipments from more than one country.

(b) Applications should be typewritten, with the exception of signature, but will be considered if written legibly in ink.

(c) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.

(d) Commodities appearing under (6) below should be listed under the number of the pertinent category and category subdivision of the President's proclamation of May 1, 1937. Each commodity listed should be designated clearly and specifically, the type and model designation being included whenever possible.

(e) A separate value should be given under (9) below for each category, and for each subdivision of a category, which enters into the shipment covered by the application. Values listed should comprise the cost of the article imported only, and should not include such supplementary costs as packing, freight, etc.

(f) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.

(g) Any attempt to import a commodity differing in any way from that licensed, or any alteration of a license in an attempt to import without a license, is punishable under appropriate acts by Congress.

(h) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

---

DEPARTMENT OF STATE,

*Washington, D. C.*

(1) Date of application----------

(2) Applicant's reference No.----------

The undersigned hereby applies for license to import the commodity described below and warrants the truth of all statements and answers herewith made regarding it.

(3) Name of applicant----------

By----------

(To be signed in ink)

(4) Consignor in foreign country:

Name----------Nationality----------

Address {Street---{State or province---
City----{Country----------

(5) Seller in foreign country:

Name----------Nationality----------

Address {Street---{State or province---
City----{Country----------

| (6) Commodity and quantity thereof (to be listed as indicated under instruction (d)) | (7) Number of articles | (8) Approximate gross weight | (9) Approximate net value |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

(10) State the specific purpose for which the material is required:

(11) License to be sent to
Name
Address: Street City State
(12) Consignee in United States
Name Nationality
Address: Street City State
Nature of business
(13) Port of entry in the United States through which it is proposed to import the shipment

License is hereby granted to the applicant mentioned herein to import into the United States of America from the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is *subject to revocation without notice.*

Shipment must be received at the port of entry within 1 year from date of this license as given below under the seal of the Department.

If partial shipments are received on this license, endorsements by the collectors of customs will be made below.

| Description | Quantity | Number of articles | Value | Port of entry | Date | Name of officer |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
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After all of the articles or commodities listed under (6) above have been imported, the collector of customs should write the word "Completed" under that paragraph and return the license to the Secretary of State. Should the license expire or be revoked before the shipment has been completed, or should the importer state that he does not desire to complete the shipment, the collector should note, in the space immediately above, the articles which have been imported under the license and should then return it to the Secretary of State.

Date of license
*(For official use only)*

(When countersigned and impressed with the seal of the Department of State, this application becomes a license.)

For the Secretary of State:
By
*(For official use only)*

Applicant's Registration Number
Applicant's Reference Number

Check the terms of sale of the commodities listed under (7) to the seller named under (5).

*Check*

- ☐ Full payment on delivery at factory.
- ☐ Full payment on delivery at port of exit.
- ☐ Full payment on delivery at final destination.
- ☐ Full payment within ____ days after delivery at factory.
- ☐ Full payment within ____ days after delivery at port of exit.
- ☐ Full payment within ____ days after delivery at final destination.

*Check*

- ☐ Partial payment in advance of delivery and full payment on delivery at factory.
- ☐ Partial payment in advance of delivery and full payment on delivery at port of exit.
- ☐ Partial payment in advance of delivery and full payment on delivery at final destination.
- ☐ Partial payment in advance of delivery and full payment within ____ days after delivery at factory.
- ☐ Partial payment in advance of delivery and full payment within ____ days after delivery at port of exit.
- ☐ Partial payment in advance of delivery and full payment within ____ days after delivery at final destination.

Other terms: (Explain fully)

(12) The Secretary of State will issue import licenses to all registered applicants who have duly filled out an application for license, provided that, in case the articles to be imported are firearms as enumerated in the National Firearms Act of June 26, 1934, as amended, or firearms or ammunition as enumerated in the Federal Firearms Act of June 30, 1938, both of which acts are referred to under (10) above, the importer has conformed to the pertinent regulations prescribed by the Secretary of the Treasury.

(13) The Secretary of State will issue export licenses to all registered applicants who have duly filled out an application for license, unless the exportation of arms, ammunition, or implements of war for which a license is applied for would be in violation of a law of the United States or of a treaty to which the United States is a party. (See parts V and VI below.)

(14) Export and import licenses are not transferable and are subject to revocation without notice, if the exportation or the importation authorized by the license becomes illegal before the shipment is made. If not revoked, licenses are valid for 1 year from the date of issuance, and shipments thereunder may be made through any port of exit or entry in the United States. The naming of the proposed port of exit under paragraph (12) of the application for export license or the proposed port of entry under paragraph (13) of the application for import license does not preclude shipment through another port if the arrangements made by the exporter or importer are altered subsequent to the issuance of the license.

(15) No alterations may be made except by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State, in export or import licenses which have been issued under the seal of the Secretary of State.

(16) Export or import licenses which have been revoked or which have expired must be returned immediately to the Secretary of State.

(17) The country designated on the application for license to export as the country of destination should, in each case, be the country of ultimate destination. If the goods to be exported are consigned to one country, with the intention that they be transhipped thence to another country, the latter country should be named as the country of destination. If the country of ultimate destination cannot be ascertained at the time the application for export license is made, the country of initial destination may be named on the application as the country of destination. In such a case, however, the facts must be clearly explained and the Secretary of State must be informed of the ultimate destination by the exporter as soon as the latter has learned the country of ultimate destination of the shipment. The Secretary of State may refuse to grant an application for an export license until he is informed of the country of ultimate destination in order that he may assure himself that the license may be legally issued.

(18) The shipper's export declaration (customs form 7525) covering arms, ammunition, or implements of war for which an export license is required must contain the same information in regard to the nature and the value of the articles to be exported as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

(19) Applications for license to export arms, ammunition, and implements of war should state, whenever possible, the type and model designation of the article to be exported in order that the Secretary of State may determine, before issuing the license, that the provisions of Part V of these regulations would not be violated by the exportation of the article in question. If an application is submitted in which the articles to be exported are inadequately designated, it will be returned to the applicant for completion in this respect.

(20) The originals of licenses for the export and the import of arms, ammunition, and implements of war must be presented to the collector of customs at the port through which the shipment authorized by the license is being made. Export licenses and export declarations covering arms, ammunition, and implements of war must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the vessel.

(21) Arms, ammunition, and implements of war covered by an export license must, when exported, be packed separately from all other goods, except when the shipment is too small to make this segregation practical, in which case the exporter should list separately in the application for an export license those other articles which do not require a license but which are being included in the package.

(22) Export and import licenses for arms, ammunition, and implements of war which are shipped by parcel post must be presented to the postmaster at the post office at which the parcel is mailed or received.

(23) Articles entering or leaving a port of the United States, in transit through the territory of the United States to a foreign country will not be considered as imported or exported within the meaning of section 12 of the joint resolution.

(24) Persons who are registered as exporters or importers of arms, ammunition, or implements of war under section 12 of the joint resolution may make application for export or import licenses on behalf of persons who are not required to register under the joint resolution but who may, in accordance with the provisions of paragraph (9) above, desire to make or receive occasional shipments of arms, ammunition, or implements of war.

(25) Arms, ammunition, and implements of war which are more than 100 years old will not be considered as arms, ammunition, or implements of war within the meaning of section 12 of the joint resolution. Evidence in support of exemptions claimed hereunder should be submitted to the collector of customs at the port of entry or exit, as the case may be.

(26) Rifles, carbines, revolvers, and pistols entering the United States in single units for the individual use of the person to whom consigned will not be considered as imported within the meaning of section 12 of the joint resolution. (This does not relieve the consignee from the obligation to comply with such of the regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, under the National Firearms Act of June 26, 1934, as amended, and the Federal Firearms Act of June 30, 1938, referred to in (10) above, as may be applicable in the premises.)

(27) Arms and ammunition intended exclusively for sporting or scientific purposes or for personal protection, when entering or leaving the United States carried on the person of an individual or in his baggage, will not be considered as imported or exported within the meaning of section 12 of the joint resolution.

(28) The Government of the United States and its agencies are not "persons" within the meaning of that term as used in section 12 of the joint resolution and therefore no license is required for arms, ammunition, or implements of war imported or exported by them.

(29) Arms and implements of war which have been legally exported from the United States, and which are returned to the United States worn or damaged for repair and reexport, will not be considered as imported within the meaning of section 12 of the joint resolution. An export license must be obtained, however, before such articles are reexported. Evidence in support of exemptions claimed hereunder should be submitted to the collector of customs at the port of entry.

(30) Licenses are required under the provisions of section 12 of the joint resolution for the export or the import of those articles only which are specifically mentioned in the President's proclamation of May 1, 1937. No license is required for the export or the import of the component parts of the articles or units enumerated in that proclamation, except in cases where the export or import of such parts may reasonably be considered as involving, in fact, the export or import of a substantially complete article or unit in unassembled form. Aircraft wheels and aircraft propeller blades are, however, considered as constituting to such an unusual degree the main body of aircraft undercarriage units and aircraft propellers that a license is required for the export or the import of wheels and propeller blades, even when they are shipped alone.

(31) A license is required for the export of all articles listed in subsection (5) of category I of the President's proclamation of May 1, 1937, which are intended or adapted for war purposes. The fact that such an article, when exported, is filled with a nonlethal gas or fluid having a common nonmilitary use will be considered as prima-facie evidence that the article is not intended for war purposes. No license is required for the export of articles listed under subsection (5), even if exported empty, which are adapted and intended solely for nonmilitary use. Articles listed in subsection (5) will be considered *ipso facto* as intended or adapted for war purposes, unless when exported they either contain a nonlethal gas or fluid or can be proven to be adapted and intended solely for a specific non-military use.

(32) The terms "propellant-powders," as used in paragraph (1) of category VII of the President's proclamation of May 1, 1937, and "potassium nitrate powders" and "sodium nitrate powders," as used in paragraph (2) of that category, apply to those powders in bulk form. They do not apply to such powders when enclosed in cartridges of types not enumerated in the proclamation, in pyrotechnics, in safety fuse, or in other similar devices. Licenses will not, therefore, be required for the export or import of such cartridges or devices, even though they may contain one of these powders.

(33) Aircraft flown or shipped from the United States for a temporary sojourn abroad, of not to exceed six months' duration, will not be considered as exported within the meaning of section 12 of the joint resolution when it is the intention of their owners that they shall remain under United States registry and shall be operated by a United States licensed pilot during the entire period of their sojourn abroad, and, further, when there is no intention on the part of their owners to dispose of them or of any of their essential parts listed in the President's proclamation of May 1, 1937, in any foreign country. It should be noted that the United States registry of an aircraft which is sold to an alien either in the United States or abroad is cancelled automatically at the time of the sale under the Civil Air Regulations of the Civil Aeronautics Authority. Should the owners, after the departure of an aircraft flown or shipped from the United States without an export license, propose to place the aircraft under foreign registry or to have it operated by a pilot not holding a United States license, or to dispose of the aircraft or any of the essential parts referred to in any foreign country, the aircraft, or the part in question, must be returned to the United States and a license obtained for its export to the country concerned. Aircraft of United States registry returning to the United States from foreign countries will not be considered as imported within the meaning of section 12 of the joint resolution. Aircraft of foreign registry entering the United States for a temporary sojourn or leaving the United States after such a sojourn will not be considered as imported or exported within the meaning of section 12 of the joint resolution.

(34) Aircraft flown or shipped for temporary sojourn under the provisions of paragraph (33) above shall not be so flown or shipped until customs clearance has been obtained. Evidence in support of claim for exemption from the requirement of an import or export license should be submitted to the appropriate collector of customs. Aircraft flown into the United States should be cleared through the customs authorities at the airport of entry where first landing is made or at such other airport or base where advance permission to land has been obtained from the Commissioner of Customs. In case of forced landings of aircraft arriving in the United States clearance should be obtained at the port of entry or custom house nearest to the place where such forced landing is made. Aircraft flown out of the United States should be cleared through the customs authorities at the customs port of entry nearest to the place of departure, or at the airport of departure if such airport has been designated as an airport of entry. Before an aircraft of United States registry leaves the United States for a temporary sojourn abroad, the customs authorities at the port of exit through which the aircraft is cleared should be informed of the approximate date of return of the aircraft and the port of entry through which it is proposed to return the aircraft to the United States. Persons planning to make flights

outside the United States are advised, moreover, to communicate with the Civil Aeronautics Authority with regard to its requirements. The requirements set forth herein have no application to civil aircraft operated by commercial air lines on regular schedules between the United States and foreign countries under certificates of public convenience and necessity or foreign air carrier permits issued by the Civil Aeronautics Authority. The provisions of this paragraph shall be considered as binding in addition to, and not in lieu of, the customs regulations.

PART IV—RECORDS OF MANUFACTURE, EXPORT, AND IMPORT

The Secretary of State prescribes that all persons required to register under section 12 of the joint resolution approved November 4, 1939, shall maintain, subject to the inspection of the duly authorized agents of the Secretary of State or of any other enforcement agency of the Government of the United States, and distinct from all other records, special permanent records in which shall be recorded the amounts and estimated values of the arms, ammunition, and implements of war manufactured by them for export, and similar records of all arms, ammunition, and implements of war imported or exported by them. The records of articles imported shall, in addition, contain information as to the consignors of articles imported and the port of origin of each shipment. The records of articles exported shall, in addition, contain information as to the consignees and the destination of each shipment.

PART V—SPECIAL PROVISIONS IN REGARD TO MILITARY SECRETS

Title I of the Espionage Act, approved June 15, 1917, reads in part as follows:

Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to, or aids or induces another to, communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blue print, plan, map, model, note, instrument, appliance, or information relating to the national defense, shall be punished by imprisonment for not more than twenty years . . .

The Secretary of State will not issue a license authorizing the exportation of any arms, ammunition, or implements of war considered by the Secretary of War or by the Secretary of the Navy as instruments or appliances included among the articles covered by those terms as used in this act if, in their opinion, they involve military secrets of interest to the national defense. The articles which may be so considered are articles falling within one of the following categories:

(a) Articles, the whole or any features of which have been or are being developed or manufactured by or for the War Department or the Navy Department or with the participation of either of those Departments; and

(b) Articles, the whole or any features of which have been used or are being used by the War Department or the Navy Department or which either Department has contracted to procure.

Included among articles developed by or for the War Department or the Navy Department are articles the development of which has been contracted for by either of those departments, or which have been developed in accordance with Army or Navy specifications and submitted to either department for evaluation for procurement.

Prospective exporters of articles falling within the above categories which may possibly involve military secrets of interest to the national defense, or persons desirous of transmitting abroad information concerning such articles, should communicate with the Secretary of State in advance of the proposed transaction in order that he may be in a position to ascertain for the interested person whether or not military secrets are, in fact, involved therein. The articles upon which a determination is requested should be designated clearly and specifically, the type and model designations being included. Where applicable, Army or Navy drawing numbers should be given, or detailed plans and specifications submitted.

PART VI—SPECIAL PROVISIONS IN REGARD TO EXPORTATION TO CHINA, CUBA, HONDURAS AND NICARAGUA

A joint resolution of Congress approved January 31, 1922, reads in part as follows:

* * * That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof, it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress.

SEC. 2. Whoever exports any arms or munitions of war in violation of section 1 shall, on conviction, be punished by fine not exceeding $10,000, or by imprisonment not exceeding two years, or both.

A convention between the United States of America and other American republics in regard to the duties and rights of states in the event of civil strife, signed at Habana, February 20, 1928, and ratified by the United States on May 21, 1930, reads in part as follows:

ARTICLE 1

The contracting states bind themselves to observe the following rules with regard to civil strife in another one of them:

* * * * * * *

3. To forbid the traffic in arms and war material, except when intended for the government, while the belligerency of the rebels has not been recognized, in which latter case the rules of neutrality shall be applied.

Pursuant to the authority conferred by the joint resolution of January 31, 1922, a Presidential proclamation, which is still in effect, was issued on March 4, 1922, in respect to China, as follows:

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, Section I of a Joint Resolution of Congress, entitled a "Joint Resolution To prohibit the exportation of arms or munitions of war from the United States to certain countries, and for other purposes," approved January 31, 1922, provides as follows:

"That whenever the President finds that in any American country, or in any country in which the United States exercises extraterritorial jurisdiction, conditions of domestic violence exist, which are or may be promoted by the use of arms or munitions of war procured from the United States, and makes proclamation thereof it shall be unlawful to export, except under such limitations and exceptions as the President prescribes, any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress."

And whereas, it is provided by Section II of the said Joint Resolutions that "Whoever exports any arms or munitions of war in violation of section 1 shall on conviction, be punished by fine not exceeding $10,000, or by imprisonment not exceeding two years, or both."

Now, therefore, I, Warren G. Harding, President of the United States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exist in China such conditions of domestic violence which are or may be promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the Joint Resolution above set forth, hereby made applicable to China, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted.

And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution and this my Proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

And I do hereby delegate to the Secretary of State the Power of prescribing exceptions and limitations to the application of the said Joint Resolution of January 31, 1922, as made effective by this my Proclamation issued thereunder.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this fourth day of March in the year of our Lord one thousand nine hundred and [SEAL] twenty-two and of the Independence of the United States of America the one hundred and forty-sixth.

WARREN G HARDING

By the President:

HENRY P. FLETCHER
*Acting Secretary of State*

Similar Presidential proclamations, which are still in effect, were issued on March 22, 1924, in respect of Honduras; on September 15, 1926, in respect of Nicaragua; and on June 29, 1934, in respect of Cuba.

In accordance with the authority conferred upon him in these proclamations, the Secretary of State will permit the exportation to China, Cuba, Honduras, and Nicaragua of the arms, ammunition, and implements of war listed in the President's proclamation of May 1, 1937, only when the Department of State has been informed by the Chinese Embassy in Washington, the Cuban Embassy in Washington, the Honduran Legation in Washington, or the Nicaraguan Legation in Washington, as the case may be, that it is the desire of the government of the country into which the arms, ammunition, or implements of war are to be imported, that the exportation of the shipment be authorized.

The bringing about of notification to the Department of State through the appropriate embassy or legation that the government of an importing state desires that the exportation of a shipment be authorized is a matter with regard to which the initiative and responsibility lie with the importing government and the potential shipper.

In compliance with article II of the convention between the United States and Cuba to suppress smuggling, signed at Habana March 11, 1926, which reads in part as follows:

The High Contracting Parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the laws of both countries.

and in compliance with the laws of Cuba which restrict the importation of arms, ammunition, and implements of war of all kinds by requiring an import permit for each shipment, export licenses for shipments of arms, ammunition, and implements of war to Cuba are required for the articles enumerated below in addition to the articles enumerated in the President's proclamation of May 1, 1937:

(1) Arms and small arms using ammunition of caliber .22 or less, other than those classed as toys.

(2) Spare parts of arms and small arms of all kinds and calibers, other than those classed as toys, and of guns and machine guns.

(3) Ammunition for the arms and small arms under (1) above.

(4) Sabers, swords, and military machetes with cross-guard hilts.

(5) Explosives as follows: explosive powders of all kinds for all purposes; nitrocellulose having a nitrogen content of 12 percent or less; diphenylamine; dynamite of all kinds; nitroglycerine; alkaline nitrates (ammonium, potassium, and sodium nitrate); nitric acid; nitrobenzene (essence or oil of mirbane); sulphur; sulphuric acid; chlorate of potash; and acetones.

(6) Tear gas ($C_6H_5COCH_2Cl$) and other similar nontoxic gases and apparatus designed for the storage or the projection of such gases.



The Secretary of State will permit the exportation to Cuba of the articles listed above only when the Department of State has been informed by the Cuban Embassy in Washington that it is the desire of the Cuban Government that the exportation of the shipment be authorized.

No export licenses will be issued for shipments destined to China, Cuba, Honduras, or Nicaragua of the appliances and substances listed under category VI in the President's proclamation of May 1, 1937.

In the case of shipments of arms, ammunition, or implements of war from the United States not ostensibly destined to China, Cuba, Honduras, or Nicaragua, the Secretary of State may require exporters to present convincing evidence that they are not destined to any of those countries and may refuse to issue an export license for the same until such convincing evidence has been presented to him.

PART VII—SPECIAL PROVISIONS IN REGARD TO THE EXPORTATION OF TIN-PLATE SCRAP

The act of Congress approved February 15, 1936, entitled "An Act To provide for the protection and preservation of domestic sources of tin" reads as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in the interest of national defense, it is hereby declared to be the policy of Congress and the purpose and intent of this Act to protect, preserve, and develop domestic sources of tin, to restrain the depletion of domestic reserves of tin-bearing materials, and to lessen the present costly and dangerously dependent position of the United States with respect to resources of tin.

SEC. 2. There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity.

SEC. 3. Any violations of the provisions of this Act shall be a misdemeanor and shall be punished by a fine of not more than $500 or by imprisonment of not more than one year, or by both such fine and imprisonment.

On February 16, 1936, the President issued an Executive order as follows:

EXECUTIVE ORDER

TO PROVIDE FOR THE PROTECTION AND PRESERVATION OF THE DOMESTIC SOURCES OF TIN

WHEREAS section 2 of an act of Congress approved February 15, 1936, entitled "AN ACT To provide for the protection and preservation of the domestic sources of tin," provides:

"There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity."

NOW, THEREFORE, I, FRANKLIN DELANO ROOSEVELT, President of the United States, acting under and by virtue of the authority vested in me by the aforesaid act, do hereby delegate to the Secretary of State as Chairman of the National Munitions Control Board the power to grant licenses for the exportation of tin-plate scrap upon such conditions and under such regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity, and as he may prescribe by and with the advice and consent of the Board.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*February 16, 1936.*

In virtue of the authority vested in him by the Executive order of February 16, 1936, the Secretary of State by and with the advice and consent of the National Munitions Control Board prescribed on December 7, 1936, the following regulations:

"(1) For the purpose of the act the term 'tin-plate scrap' is construed, provisionally, to mean tin-plate clippings, cuttings, stampings, trimmings, skeleton sheets, and all other miscellaneous pieces of discarded tin plate, which result from (1) the manufacture of tin plate, or (2) the manufacture of tin-bearing articles from tin plate. As thus defined, the term 'tin-plate scrap' does not include tin-plate waste waste, tin-plate circles, tin-plate strips, tin-plate cobbles, and tin-plate scroll shear butts, when packed separately and sold as such, and when not intermingled with tin-plate scrap.

"(2) Blank forms of application for export licenses similar to that printed below will be furnished by the Secretary of State on request.

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DEPARTMENT OF STATE

UNITED STATES OF AMERICA

APPLICATION FOR LICENSE TO EXPORT TIN-PLATE SCRAP

ORIGINAL

(Application to be made in duplicate)

---------- License No. ----------

(Insert here name of country of destination)

(*For official use only*)

*General Instructions*

(a) One duplicate application should be made for each complete shipment to any one consignee.

(b) Applications should be typewritten, with the exception of signature which should be written in ink.

(c) Where exact number of packages, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.

(d) Unsigned applications or applications which omit essential information called for in the numbered spaces will be returned.

(e) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license in an attempt to export without a license, is punishable under appropriate acts of Congress.

(f) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

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DEPARTMENT OF STATE,
*Washington, D. C.*

(1) Date of application----------

(2) Applicant's reference No.----------

The undersigned hereby applies for license to export the commodity described below and warrants the truth of all statements and answers herewith regarding it.

(3) Name of applicant----------
By ----------
(Signature)
----------
(Title)

(4) Consignee in foreign country:
Name----------Nationality----------
Address {Street--{State or province--- {City----{Country----------

(5) Purchaser in foreign country:
Name----------Nationality----------
Address {Street--{State or province--- {City----{Country----------

| (6) Character of tin-plate scrap to be exported | (7) Number and type of containers | (8) Approximate weight | (9) Approximate value |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

(10) The tin-plate scrap to be exported under this license was produced by:
---------- ----------
(Name) (Address)

(11) State the specific purpose for which the material is required:
----------
----------

(12) State the reason or reasons why the applicant wishes to export the tin-plate scrap referred to in this application rather than to sell it in the United States:
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----------

(13) License to be sent to:
Name----------
Address: Street-----City-----State-----

(14) Consignor in the United States:
Name---------- Nationality----------
Address: Street-----City-----State-----
Nature of business----------

If partial shipments are made on this license, endorsements by the collectors of customs will be made below.

| Quantity | Value | Port of exit | Date | Name of officer |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |

License is hereby granted to the applicant mentioned herein to export from the United States of America to ---------- the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is *subject to revocation without notice.*

This license remains valid, unless revoked, for shipments from port of exit at any time during the calendar year in which issued. All licenses expire automatically at the close of the calendar year in which issued.

Date of license ----------
(For official use only)

(When countersigned and impressed with the seal of the Departmentof State, this application becomes a license.)

FOR THE SECRETARY OF STATE,
By ----------
*Chief, Division of Controls.*

*(For official use only)*

"(3) The Secretary of State will issue export licenses to cover proposed shipments of tin-plate scrap to applicants who have duly filled out the above form, when in the opinion of the National Munitions Control Board the issuance of such licenses may be consistent with the purposes of the act. Copies of the statement of the procedure adopted by the Board to govern the issuance of licenses may be obtained from the Secretary of State.

"(4) The shipper's export declaration (customs form 7525) must contain the same information in regard to the nature and the value of the tin-plate scrap to be exported as that which appears on the application for license.

"(5) Export licenses and export declarations covering tin-plate scrap must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a sea-going vessel, 24 hours before the lading of the vessel."

PART VIII—SPECIAL PROVISIONS IN REGARD TO THE EXPORTATION OF HELIUM GAS

Section 3 of the act of September 1, 1937 (50 Stat. 885), entitled "An Act Authorizing the conservation, production, exploitation, and sale of helium gas, a mineral resource pertaining to the national defense and to the development of commercial aeronautics, authorizing the acquisition, by purchase or otherwise, by the United States of properties for the production of helium gas, and for other purposes," provides in part as follows:

(b) That helium not needed for Government use may be produced and sold upon payment in advance in quantities and under regulations approved by the President, for medical, scientific, and commercial use, except that helium may be sold for the inflation of only such airships as operate in or between the United States and its Territories and possessions, or between the United States or its territories and possessions and foreign countries: *Provided*, That no helium shall be sold for the inflation of any airship operating between two foreign countries notwithstanding such airship may also touch at some point in the United States * * *

Section 4 of the act provides as follows:

SEC. 4. No helium gas shall be exported from the United States, or from its Territories and possessions, until after application has been made to the Secretary of State and a license authorizing said exportation has been obtained from him on the joint recommendation of all of the members of the National Munitions Control Board and the Secretary of the Interior: *Provided*, That, under regulations governing exportation of helium approved by the National Munitions Control Board and the Secretary of the Interior, export shipments of quantities of helium that are not of military importance as defined in said regulations, and which do not exceed a maximum to be specified therein, may be made under license granted by the Secretary of State without such specific recommendation. Such regulations shall not permit accumulations of helium in quantities of military importance in any foreign country, nor the exportation of helium to countries named in proclamations of the President issued pursuant to section 1 (a) or (c) of the Neutrality Act of May 1, 1937 (Public Resolution Numbered 27 of the Seventy-fifth Congress[1]) while such proclamations are in effect, and shall require exporters to submit a sworn statement to the Secretary of State showing the quantity, destination, consignee, and intended use of each proposed exportation.

Any person violating any of the regulations made pursuant hereto, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or by both such fine and imprisonment; and the Federal courts of the United States are hereby granted jurisdiction to try and determine all questions arising under this section.

The National Munitions Control Board shall include in its Annual Report to the Congress full information concerning the licenses issued hereunder, together with such information and data collected by the Board as may be considered of value in the determination of questions related to the exportation of helium gas.

In view of the afore-mentioned provisions of law and under the authority of and pursuant to the proviso in section 4 thereof, the Secretary of State prescribed and promulgated on May 23, 1939, with the approval of the National Munitions Control Board and the Secretary of the Interior, the following regulations governing the export of helium gas:

(1) Wherever the word helium is used in these regulations, it shall be understood to mean "contained helium" at standard atmospheric pressure (14.7 pounds per square inch) and 70° Fahrenheit. The expression "contained helium" means the actual quantity of the element helium (i. e. 100 percent pure helium) present in a mixture of helium and other gases. Purity determinations shall be made by usually recognized methods.

(2) Applications for license to export helium gas shall be submitted to the Secretary of State on forms similar to that printed below, copies of which will be furnished by the Secretary of State on request. Each application must be signed and sworn to (or affirmed) in the presence of a notary public before it is transmitted to the Secretary of State. All applications must be submitted in duplicate.

DEPARTMENT OF STATE
UNITED STATES OF AMERICA
APPLICATION FOR LICENSE TO EXPORT HELIUM GAS
ORIGINAL
*(Application to be made in duplicate)*

---------- ----------
(Insert here name of country of destination) (For official use only)

*General Instructions*

(a) One duplicate application should be made for each complete shipment to any one consignee.

(b) Applications should be typewritten, with the exception of signatures which should be written in ink.

(c) Where exact number of containers, weight, and value cannot be ascertained at the time of application, estimates should be given. Slight variations may be allowed.

(d) Shipments should be described in terms of cubic feet.

(e) Applications not executed under oath, unsigned applications, and applications which omit essential information requested in the numbered spaces thereof or otherwise required, will be returned.

(f) Any attempt to export a commodity differing in any way from that licensed, or any alteration of a license in an attempt to export without a license, is punishable under appropriate acts of Congress.

(g) When countersigned and impressed with the seal of the Department of State, this application becomes a license.

[1] Repealed November 4, 1939.



DEPARTMENT OF STATE,
*Washington, D. C.*

(1) Date of application----------
(2) Applicant's Reference No.----------
The undersigned hereby applies for license to export the commodity described below and swears to (affirms) the truth of all statements and answers herein set forth.

(3) Name of applicant----------
Address----------

(4) Consignee in foreign country:
Name----------Nationality----------
Address {Street--{State or province--- {City----{Country----------

(5) Purchaser in foreign country:
Name----------Nationality----------
Address {City----{State or province--- {Street--{Country----------

| (6) Quantity of helium gas to be exported hereunder (100% helium at 14.7 pounds; 70° F.) | (7) Number and type of containers | (8) Approximate gross weight | (9) Approximate net value |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

(10) State fully the specific purpose for which the helium gas is required:
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----------

(11) Indicate the source from which the helium gas is to be obtained:
----------
----------

(12) License to be sent to:
Name----------
Address: Street------ City------ State------

(13) Consignor in United States:
Name---------- Nationality----------
Address: Street------ City------ State------

(14) Port of exit in the United States from which it is proposed to export the shipment
----------

(Signature of Applicant)

(If the applicant is a partnership, company, association, or corporation, the signature shall be that of its duly authorized representative.)

Subscribed and sworn to before me at ----------, this ------ day of ----------, 19---.
[SEAL]
----------
(Notary Public)

If partial shipments are made on this license, endorsements by the collector of customs or postmaster will be made below. After all of the articles or commodities listed under (6) above have been exported, the collector of customs or postmaster should write the word "Completed" under that paragraph and return the license to the Secretary of State. Should the license expire or be revoked before the shipment has been completed, or should the exporter state that he does not desire to complete the shipment, the collector or postmaster should note, in the space immediately below, the articles which have been shipped under the license and should then return it to the Secretary of State.

| Quantity | Number of containers | Value | Port of exit | Date | Name of officer |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

License is hereby granted to the applicant named herein to export from the United States of America to ---------- the commodity as described and in the quantity given, on the following terms and conditions:

This license is not transferable and is subject to revocation without notice.

Shipment must be made from port of exit before the date of expiration indicated on the face hereof.

Export licenses must be filed with the collector of customs at the port from which the shipment is departing from the United States at least 24 hours before the proposed departure and, in the case of shipment by a seagoing vessel, 24 hours before the lading of the vessel.

Date of license----------
*(For official use only)*

(When countersigned and impressed with the seal of the Department of State, this application becomes a license.)

For the Secretary of State:
By ----------
*(For official use only)*

(3) Licenses authorizing export shipments of helium gas for medical, scientific, and commercial use will be issued by the Secretary of State for quantities not to exceed, during any one year, to the ultimate consignees or purchasers within any one country, 500,000 cubic feet.

(4) Quantities of helium gas that are not of military importance, within the meaning of the term as used in Section 4 of the Act of September 1, 1937 (50 Stat. 885), are defined to be quantities of helium gas not exceeding 500,000 cubic feet.

(5) Applicants for license to export helium gas under paragraph (3) hereof may be required to submit with their applications evidence to show that the helium gas to be exported will be used for only the purposes indicated therein and that subsequent disposition of the helium gas will not in any way violate provisions of the Act of September 1, 1937 (50 Stat. 885), or regulations promulgated thereunder. The Secretary of State may refuse to issue a license if such evidence is not deemed sufficient.

(6) All applications for license to export helium gas shall be accompanied by evidence to show that reasonable safeguards have been adopted to insure that there shall be no unnecessary waste of the helium gas desired.

(7) No license will be issued under these regulations to authorize the exportation of helium gas to a foreign country if it appears that the issuance of such a license would permit the accumulation in that country of helium gas in quantities of military importance. The Secretary of State may, in the case of applicants who have already obtained one license, require that succeeding applications for license to export helium gas be accompanied by information indicating the manner of disposal of the helium gas exported under licenses preceding that applied for. No license will be issued under these regulations if the amount of helium gas authorized for export under such license, taken in conjunction with the amount of helium gas already accumulated within the country of destination and any further amount already licensed for export to such country but not actually delivered would be in excess of 500,000 cubic feet.

(8) No licenses will be issued by the Secretary of State for the exportation of helium gas to any country named in a proclamation issued by the President pursuant to section 1 (a) or (c) of the Neutrality Act of May 1, 1937 (50 Stat. 121),[1] while such proclamation is in effect.

(9) Licenses which have been issued under these regulations authorizing the exportation of helium gas to a country which is subsequently named in a proclamation issued by the President pursuant to the provisions of law referred to in paragraph (8) hereof, shall automatically become null and void and further shipment thereunder shall be considered in violation of these regulations.

(10) Licenses authorizing the exportation of helium gas are not transferable and are subject to revocation without notice. If not revoked, such licenses are valid until the date of expiration indicated on the face thereof.

(11) No alterations may be made except by the Department of State, or by collectors of customs or postmasters acting under the specific instructions of the Department of State, in licenses which have been issued under the seal of the Secretary of State.

(12) Licenses which have been revoked or which have expired must be returned immediately to the Secretary of State.

(13) The country of destination and the consignee named in the application for license to export helium gas must, in each case, be the country of ultimate destination and the ultimate consignee, respectively.

(14) The shipper's export declaration (customs form 7525) or such other document as the Bureau of Customs may require must contain the same information in regard to the quantity and value of the helium gas as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

[1] Repealed November 4, 1939.

(15) The originals of licenses authorizing the exportation of helium gas must be presented to the collector of customs at the port through which the shipment authorized by the license is being made. Export licenses and export declarations, or other documents required by the Bureau of Customs, concerning helium gas must be filed with the appropriate collector of customs at least 24 hours before the proposed departure of the shipment from the United States, and, in the case of a shipment by a seagoing vessel, 24 hours before the lading of the vessel.

(16) Licenses authorizing the exportation of helium gas which is being shipped by parcel post must be presented to the postmaster at the post office at which the parcel is mailed.

(17) Helium gas leaving the United States when used for or intended for the inflation of an aircraft under American registry will not be considered as exported within the meaning of section 4 of the Act when it is the intention of the owner of the aircraft that it shall remain under American registry and shall be commanded by a duly certificated United States airman during the entire period of its sojourn abroad, and when there is no intention on the part of the owner of the aircraft to dispose of the helium gas in any foreign country.

[SEAL] CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 39-4122; Filed, November 7, 1939; 10:35 a. m.]

## TITLE 7—AGRICULTURE

### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 386 (5th revision)]

LIST OF ARTICLES EXEMPT FROM CERTIFICATION REQUIREMENTS UNDER THE GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE (QUARANTINE No. 45)

In accordance with the proviso in Notice of Quarantine No. 45 (Sec. 301.45), as revised effective September 29, 1938,[1] the following articles, the interstate movement of which is not considered to constitute a risk of moth dissemination, are exempted from the restrictions of the regulations of this quarantine:

Acacia cuttings (for ornamental use) (*Acacia* spp.).
Banana stalks, when crushed, dried, and shredded.
Birch slabs for use as post cards.
Birch bark when waxed, polished, or otherwise treated to adequately eliminate all risk of transmitting infestation and when used in the manufacture of novelties.
Cable reels, when newly manufactured and empty.
Clubmoss (sometimes called "ground pine") (*Lycopodium* spp.)
Evergreen smilax (*Smilax lanceolata*).
Fuchsia (*Fuchsia* spp.)
Galax (*Galax aphylla*).
Geranium (*Pelargonium* spp.).
Heather cuttings (for ornamental use) (*Erica* spp., *Calluna* spp.).
Heliotrope (*Heliotropium* spp.).
Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container.
Jerusalem-cherry (*Solanum capsicastrum, S. pseudo-capsicum, S. hendersoni*).
Leaves of deciduous and evergreen trees that have been treated or dyed.
Mistletoe (*Phoradendron flavescens, Viscum album*, etc.).
Oregon huckleberry (*Vaccinium ovatum*).
Partridgeberry (*Mitchella repens*).
Strawberry plants (*Fragaria* spp.).
Trailing arbutus (*Epigaea repens*).
Verbena (*Verbena* spp.).
Wintergreen (*Gaultheria* spp., *Pyrola* spp.).

(Issued under Sec. 301.45) [B.E.P.Q. 386 (5th revision) November 6, 1939]

[SEAL] LEE A. STRONG,
*Chief.*

[F. R. Doc. 39-4116; Filed, November 7, 1939; 10:09 a. m.]

[1] 3 F.R. 2342 DI.

## TITLE 18—CONSERVATION OF POWER

### FEDERAL POWER COMMISSION

[Order No. 65]

ORDER ADOPTING AND PRESCRIBING F. P. C. FORM NO. 141 AND DIRECTING THAT NATURAL GAS COMPANIES REPORT SEMIANNUALLY ON SAID FORM REGARDING THE TRANSPORTATION AND SALE OF NATURAL GAS IN INTERSTATE COMMERCE

OCTOBER 17, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) The proper and effective administration of the Natural Gas Act requires that the Commission be regularly and fully advised regarding the transportation and sale of natural gas in interstate commerce by natural gas companies subject to its jurisdiction;

(b) The specific and detailed information called for on F.P.C. Form No. 141,[1] hereinafter adopted and prescribed as a part hereof, to be filed semiannually by natural gas companies, is necessary to provide the Commission with pertinent data and information with respect to the transportation and sale of natural gas in interstate commerce, under each separate rate schedule in effect, and to enable the Commission to carry out its duties and obligations under the Natural Gas Act;

The Commission orders that:

(A) F.P.C. Form No. 141 be and is hereby adopted and prescribed for use by every natural gas company, as defined in the Natural Gas Act;

(B) On or before December 15, 1939, every natural gas company shall report and file with the Commission on said Form No. 141 for every rate schedule subject to the jurisdiction of the Commission the detailed data and information therein called for with respect to the transportation or sale of natural gas for the six month period ended June 30, 1939;

(C) Every natural gas company shall regularly, on or before February 28 and August 31 of each year, for the six month period preceding and ending on December 31 and June 30, respectively, report and file with the Commission on said Form No. 141, for every rate schedule subject to the jurisdiction of the Commission, the detailed data and information therein called for with respect to the transportation or sale of natural gas;

(D) The Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4114; Filed, November 7, 1939; 9:43 a. m.]

[1] Filed as a part of the original document; requests for copies should be addressed to the Federal Power Commission.

## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T. D. 50005]

CUSTOMS REGULATIONS AMENDED—RECORDING OF TRADE-MARKS

NUMBER OF FACSIMILE COPIES OF STATEMENT AND DRAWING OF REGISTERED TRADE-MARKS REQUIRED FOR RECORDATION IN EACH CUSTOMS DISTRICT[1]

*To Collectors of Customs and Others Concerned:*

Paragraph (b) of article 538 of the Customs Regulations of 1937[2] [sec. 9.14 (b)] is amended to read as follows:

(b) [Sec. 9.14 (b)] To record a trademark with the Treasury Department an application must be addressed to the Treasury Department, Bureau of Customs, Washington, D. C. (which may be in the form of a letter), stating therein the name, residence, and citizenship of the owner or owners (if a partnership, the citizenship of each partner; if a corporation or association, the country or state within which it was organized or created); the name of the locality in which the goods are manufactured, and the customs districts (designated by the names of the headquarters ports listed below) in which the applicant desires to have facsimiles of the statement and drawing recorded. The application must be accompanied by one certified copy of the original certificate of registration issued by the Commissioner of Patents in accordance with the Trade-Mark Act of February 20, 1905, or the Trade-Mark Act of March 19, 1920; such of the documents mentioned in paragraph (c) as are required to show the ownership of the applicant; three uncertified printed facsimiles of the statement and drawing covering the trade-mark for deposit in the Treasury Department, and a sufficient number of such facsimiles to enable the Bureau to forward copies to the headquarters ports of the customs districts named in the application.

The number of facsimiles required for each of the several customs districts and the names of the headquarters ports of those districts are as follows:

7 Baltimore, Md.
13 Boston, Mass.
4 Bridgeport, Conn.
9 Buffalo, N. Y.
3 Charleston, S. C.
4 Charlotte Amalie, St. Thomas, V. I.
6 Chicago, Ill.
11 Cleveland, Ohio.
2 Denver, Colo.
7 Detroit, Mich.
16 Duluth, Minn.
5 El Paso, Tex.
6 Galveston, Tex.
18 Great Falls, Mont.
7 Honolulu, T. H.
3 Indianapolis, Ind.
2 Juneau, Alaska
9 Los Angeles, Calif.
1 Louisville, Ky.
3 Memphis, Tenn.
8 Milwaukee, Wis.
4 Minneapolis, Minn.
5 Mobile, Ala.
5 New Orleans, La.
25 New York, N. Y.
11 Nogales, Ariz.
5 Norfolk, Va.
15 Ogdensburg, N. Y.
1 Omaha, Neb.
4 Pembina, N. Dak.
6 Philadelphia, Pa.
2 Pittsburgh, Pa.
5 Port Arthur, Tex.
21 Portland, Me.
6 Portland, Ore.
3 Providence, R. I.
7 Rochester, N. Y.
24 St. Albans, Vt.
9 St. Louis, Mo.
1 Salt Lake City, Utah
18 San Antonio, Tex.
5 San Diego, Calif.
7 San Francisco, Calif.
13 San Juan, Puerto Rico
4 Savannah, Ga.
20 Seattle, Wash.
21 Tampa, Fla.
4 Wilmington, N. C.

No fee is charged for recording trademarks in the Treasury Department. (Secs. 526, 624, 46 Stat. 741, 759, sec. 27, 33 Stat. 730; 19 U.S.C. 1526, 1624, 15 U.S.C. 106.)

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

Approved, November 1, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4117; Filed, November 7, 1939; 10:13 a. m.]

[1] This document affects 19 CFR 9.14.
[2] 2 F.R. 1572.



## TITLE 25—INDIANS

### OFFICE OF INDIAN AFFAIRS

AMENDMENT OF REGULATIONS GOVERNING THE LEASING OF CERTAIN RESTRICTED ALLOTTED INDIAN LANDS FOR MINING

OCTOBER 24, 1939.

Section 189.15 of Title 25, Chapter 1, Office of Indian Affairs, Department of the Interior, Part 189, leasing of certain restricted allotted Indian lands for mining, which reads:

§ 189.15 *Annual Rentals on Leases for Minerals other than Oil and Gas.* Advance annual rentals shall be paid on leases for minerals other than oil and gas at the following rates: Fifteen cents per acre per annum for the first and second years; 30 cents per acre per annum for the third and fourth years; 75 cents per acre per annum for the fifth year; and $1 per acre per annum for each succeeding year during the term of the lease.

is amended to read:

§ 189.15 *Annual Rentals on Leases for Minerals other than Oil and Gas.* Advance annual rentals shall be paid on leases for minerals other than oil and gas at the following rates: Twenty-five cents per acre for the first calendar year or fraction thereof; 50 cents per acre per annum for the second and third years; and $1 per acre per annum for each and every calendar year thereafter during the continuance of the lease.

JOHN W. FINCH,
*Acting Assistant Secretary of the Interior.*

[F. R. Doc. 39-4113; Filed, November 7, 1939; 9:42 a. m.]

## TITLE 32—NATIONAL DEFENSE

### NATIONAL MUNITIONS CONTROL BOARD—DEPARTMENT OF STATE

REGULATIONS UNDER SECTION 6 OF THE JOINT RESOLUTION OF CONGRESS APPROVED NOVEMBER 4, 1939

Section 6 of the joint resolution of Congress approved November 4, 1939, provides as follows:

Whenever the President shall have issued a proclamation under the authority of section 1 (a), it shall thereafter be unlawful, until such proclamation is revoked, for any American vessel, engaged in commerce with any foreign state to be armed, except with small arms and ammunition therefor, which the President may deem necessary and shall publicly designate for the preservation of discipline aboard any such vessel.

Section 15 of the said joint resolution provides as follows:

In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000, or imprisoned not more than two years, or both.

On November 4, 1939, the President issued a proclamation[1] in respect to France; Germany; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa under the authority of section 1 of the said joint resolution, thereby making effective the provisions of section 6 of the said joint resolution quoted above.

Section 13 of the said joint resolution provides as follows:

The President may, from time to time, promulgate such rules and regulations, not inconsistent with law as may be necessary and proper to carry out any of the provisions of this joint resolution; and he may exercise any power or authority conferred on him by this joint resolution through such officer or officers, or agency or agencies, as he shall direct.

The President's proclamation of November 4, 1939, issued pursuant to the provisions of section 1 of the above-mentioned joint resolution provides in part as follows:

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution, as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

In pursuance of those provisions of the law and of the President's proclamation of November 4, 1939, which are quoted above, the Secretary of State announces the following regulations:

PART 1—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, ETC.

§ 1.52 *Carriage of small arms and ammunition on American vessels engaged in commerce with foreign states.* American vessels engaged in commerce with foreign states may carry such small arms and ammunition as the masters of these vessels may deem indispensable for the preservation of discipline aboard the vessels. (Secs. 6, 15, 13, Public Res. No. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. 2374, Nov. 4, 1939)

[SEAL] CORDELL HULL,
*Secretary of State.*

NOVEMBER 6, 1939.

[F. R. Doc. 39-4119; Filed, November 7, 1939; 10:34 a. m.]

[1] 4 F.R. 4493 DI.

## TITLE 43—PUBLIC LANDS: INTERIOR

### GENERAL LAND OFFICE

[Circular No. 1461]

### REGULATIONS GOVERNING RIGHTS-OF-WAY OVER AND UPON PUBLIC LANDS AND RESERVATIONS OF THE UNITED STATES FOR ELECTRICAL PLANTS AND TRANSMISSION LINES *

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§ 245.1 *Statutory authority.* The act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959), authorizes the Secretary of the Interior, under general regulations to be fixed by him, to permit the use of rights-of-way over and upon public lands and certain reservations of the United States for electrical plants, poles, and lines for the generation and distribution of electrical power, to the extent of the ground occupied by such electrical plants, and not to exceed fifty feet on each side of the marginal limits thereof, or not to exceed fifty feet on each side of the center line of such electrical lines and poles, by any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under said act.

The act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961), authorizes the head of the department having jurisdiction over the lands, under such regulations as may be fixed by him to grant an easement for rights-of-way for a period not exceeding fifty years, over and across public lands and reservations of the United States, for electrical poles and lines for the transmission and distribution of electrical power, to the extent of twenty feet on each side of the center line of such electrical lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the use permitted under said act.

§ 245.2 *When application for power permit may be filed.* The acts of February 15, 1901, and March 4, 1911, with respect to rights-of-way for power purposes over public lands, were repealed and superseded by the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended, except where the electrical energy is generated other than by water power, or in case of rights-of-way over allotted Indian lands. No application for a power permit should be filed under said acts for electrical plant sites, or rights-of-way for transmission lines, unless the electrical energy to be generated or conveyed is to be generated by means other than by water power, or the lands affected are allotted Indian lands. All other applications for power plants or transmission lines must be filed with the Federal Power Commission, Washington, D. C., under the act of June 10, 1920, as amended.

§ 245.3 *Jurisdiction over land.* Section 1 of the act of February 1, 1905 (33 Stat. 628), vested jurisdiction in the Department of Agriculture to pass upon all applications under the act of February 15, 1901, for permission to occupy and use lands in national forests. For the purpose of the act of March 4, 1911, national parks, Indian reservations, and reservations for water power sites, irrigation, classification of lands, or other purposes, created under the withdrawal act of June 25, 1910 (36 Stat. 847), are considered to be under the jurisdiction of the Department of the Interior; military reservations under the jurisdiction of the War Department; and reservations created for the special occupancy, use, or control of other departments under the jurisdiction of such departments, respectively. Therefore, when it is desired to obtain permission to use rights-of-way over public lands within a national forest, an application should be prepared in accordance with the regulations issued by the Department of Agriculture and the same submitted to the proper officer of that department.

§ 245.4 *Nature of permit.* The act of February 15, 1901, does not make a grant in the nature of an easement, but authorizes a mere permission revocable at any time, and it gives no right whatever to take from public lands, reservations, parks, or national forests adjacent to the right-of-way any material, earth, or stone for construction or other purposes. The act of March 4, 1911, which authorizes the granting of easements for transmission lines, for stated periods not to exceed fifty years, follows as closely as possible in the accomplishment of its purposes, the act of February 15, 1901.

§ 245.5 *Unsurveyed lands.* Permission may be given under the act of February 15, 1901, and the act of March 4, 1911, for rights-of-way over unsurveyed lands as well as surveyed lands.

§ 245.6 *National parks.* The act of March 3, 1921 (41 Stat. 1353), provides, inter alia:

That hereafter no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission or utilization of power within the limits as now constituted of any national park or national monument, shall be granted or made without specific authority of Congress, etc.

§ 245.7 *Effect of permit.* Power permits issued by the Secretary of the Interior allow the occupancy and use of Interior Department lands for the construction, maintenance, and operation of works that involve the use of or interference with valuable power resources or that involve the development, transmission, or use of power. All permits will be issued, extended, renewed, or revoked only by the Secretary of the Interior.

§ 245.8 *Trespass.* Any occupancy or use of public lands, reservations, parks, or national forests for the purposes set forth in said statutes, except under authority first secured from the proper department, is trespass.

§ 245.9 *Filing of application.* All applications for power permits for occupancy or use of Interior Department lands should be submitted in duplicate on form 1, which is made a part hereof, and filed at the local land office of the land district in which the lands are situated. If the lands are situated in more than one district, the lands in both districts shall be embraced in one set of application papers, which shall be submitted in any one of such districts at the option of the applicant, who shall submit to the local land office in each other districts a print copy of the maps submitted to the local land office of the first district. If there is no local land office, the application should be filed with the Commissioner of the General Land Office, Washington, D. C.

An application for a power permit shall not be completed until every map or paper required by the regulations has been filed in the form prescribed.

§ 245.10 *Priority rights.* Priority of consideration of applications for power permits shall be initiated in the order of filing complete applications as prescribed in section 245.9. Priority shall be maintained, however, only in so far as the projects are within the limits of the project works as shown in the application for the permit. Priority initiated or maintained by an application for permit shall be lost if the applicant fails to make the payment required and to return a duly executed agreement, as prescribed in section 245.21, within 30 days from a date fixed in the letter transmitting such agreement to him, unless a longer time is allowed by written authority of the Secretary. Priority initiated or maintained by an application for a permit shall be lost if the permit is revoked. No other application, for a like use covering in whole or in part the same or adjacent lands, will be accepted from the permittee whose priority is lost until the expiration of one year thereafter; and this restriction shall extend to transferees of the permittee and if the permittee is a corporation to reincorporations representing the same or associated interests, whenever in the judgment of the Secretary a transfer or reincorporation has been effected for the purpose or with the result of escaping the restriction of this regulation, it being the intent of such restriction to leave open to other applicants for a period of one year power sites upon which priorities have lapsed as provided in this regulation.

§ 245.11 *When permit may be granted.* Power permits will be issued only in case it appears that the proposed development will be in general accord with the most beneficial utilization of the resources involved and consistent with the public interest. No power permit will be issued if the works to be constructed thereunder would in any way be incompatible with works operated or constructed or to be constructed under an existing power permit. No power permit will be issued for the construction of works within an area covered by a prior permit until after the loss of priority by the prior permittee. Applications for power permits involving in whole or in part the same lands will be examined in order of their priority, but before the issuance of final permit consideration may be given, in the discretion of the Secretary, to the financial ability and business connections and affiliations of the applicants.

§ 245.12 *Termination of permit.* Unless otherwise specified in the permit and unless sooner revoked by the Secretary, a power permit shall terminate at the expiration of 50 years from the date of the permit. If, however, at any time not less than 2 or more than 12 years prior to the termination of the permit, the permittee shall formally notify the Secretary that he desires a new permit to occupy and use such lands as are occupied and used under the existing permit, and will comply with all then existing laws and regulations governing the occupancy and use of lands of the United States for power purposes, the existing permit will be considered as an application for such new permit.

§ 245.13 *Words and phrases.* The following terms, wherever used in these regulations, shall have the meaning hereby in this regulation assigned to them, respectively, viz:

"Municipal purposes" means and includes all purposes within municipal powers as defined by the charter of the municipal corporation itself with the primary object of promoting the security, health, good government, or general convenience of its inhabitants.

"Power business" means the entire business of the applicant or permittee in the generation, distribution, and delivery of power by means of any one power system, together with all works and tangible property involved therein, including freeholds and leaseholds in real property.

"Power system" means all interconnected plants and works for the generation, distribution, and delivery of power.

"Power project" means a complete unit of power development, consisting of a power house, conduit, or conduits conducting water thereto, all storage or diverting or forebay reservoirs used in connection therewith, the transmission line delivering power therefrom, any other miscellaneous structures used in connection with said unit or any part thereof, and all lands the occupancy and use of which are necessary or appropriate in the development of power in said unit.

"Project works" means the physical structures of a power project.

"Construction of the project works" means the actual construction of dams, water conduits, power houses, transmission lines, or some permanent structure necessary to the operation of the complete power project, and does not include surveys or the building of roads and trails, or the clearing of reservoir sites or other lands to be occupied, or the performance of any work preliminary to the actual construction of the permanent project works.

"Operation period" means the period covered by permit subsequent to the actual beginning of operation.

"Survey-construction period" means the period covered by permit prior to the operation period.

"Nominal stream flow" means the sum of (a) the natural flow available for 90 percent of the time, and (b) the increase in such natural flow for 90 percent of the time due to artificial means other than the project works.

"Project storage flow" means the estimated increase in nominal stream flow made practicable by the project works.

"Available stream flow" means the sum of nominal stream flow and project storage flow.

"Load factor" means the ratio of average power output to maximum power output.

"Total capacity of the power site" means the power estimated to be available for transmission, and is determined as the continued product of (1) the factor 0.08;[1] (2) the average gross head, in feet; (3) the available stream flow at the intake (in second-feet and in amount not to exceed the maximum hydraulic capacity of the project works); and (4) a factor, not less than the average load factor of the power system, representing the degree of practicable utilization of the available stream flow, and based on the extent of practicable fore-bay storage and the load factor of the power system.

"Net capacity of the power site" means the capacity on which the calculation of the compensation hereinafter required to be paid is based, and is determined by making a deduction from the total capacity of the power site which, in percent, shall be the product of the square of the distance of primary transmission in miles and the factor 0.001, but in no case shall such deduction exceed 10 percent.

§ 245.14 *Rental charges.* Unless otherwise ordered by the Secretary the occupancy and use of Interior Department lands under a power permit for power sites of more than 100 horsepower total capacity will be conditioned on the payment in advance for each calendar year of compensation calculated from the "net capacity of the power site", as defined in section 245.13, at not less than the following rates per horsepower per year:

| | |
|---|---|
| For the unexpired portion of the calendar year and for the first full calendar year of the survey-construction period, and similarly for the operation period | $0.01 |
| For the second full calendar year of each of said periods | .02 |
| For the third year | .03 |
| For the fourth year | .04 |
| For the fifth year | .05 |
| For the sixth year | .06 |
| For the seventh year | .07 |
| For the eighth year | .08 |
| For the ninth year | .09 |
| For the tenth and each succeeding year | .10 |

The rates per horsepower per year will be ten times such minimum rates, however, unless good cause for fixing other rates appears. The compensation on account of a power permit will be calculated from the net capacity of the power site as estimated by the Secretary at the time of granting said permit, provided that said estimated net capacity may be adjusted by the Secretary annually to provide for changes in length of primary transmission, for increase or decrease, by storage or otherwise, of available stream flow to an amount of 10 percent or more, or for increase or decrease of 10 percent or more in average gross head, or in degree of practicable utilization.

(a) The charge for occupancy and use of Interior Department lands under a power permit for transmission lines shall be at the rate of five dollars ($5) per mile or fraction thereof per annum, the minimum charge to be five dollars ($5).

(b) The charge for occupancy and use of Interior Department lands under a power permit for plants generating power by means of coal, oil, gas, or other fuel shall be five dollars ($5) per acre or fraction thereof per annum, the minimum charge to be five dollars ($5).

(c) The first payment by every permittee shall be the compensation for a full year, but any excess of said payment over the pro rata compensation for the unexpired portion of the calendar year in which the permit is issued will be credited to the permittee as a part of his payment for the first full calendar year.

* These regulations are issued under the authority of the Acts of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959), and March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961).

[1] The factor 0.08 represents the horsepower at 70 percent efficiency of a second-foot of water falling through a head of 1 foot.

The permittee shall annually, on or before the first day of February next following the close of each calendar year of the period for which right-of-way is authorized, deposit with the Register of the District Land Office, in cash, post office money order, bank draft, or check payable to the Treasurer of the United States, the rental charges specified in the permit. If the permittee shall fail to pay the rental charges required in the permit, and such default shall continue for sixty days after the first day of February, then the Secretary of the Interior may in his discretion terminate and revoke the permit. After default has occurred, no structures, buildings, or other equipment may be removed from the right-of-way except upon written permission first obtained from the Secretary of the Interior.

(d) At any time not less than 5 years after the issuance of a permit, or after the last revision of rates per year thereunder, the Secretary may review such rates and impose such new rates per year as he may decide to be reasonable and proper.

(e) All payments made under a power permit shall be deposited to the credit of the tribe or individual Indian entitled thereto in so far as Indian lands are affected and to the credit of the Treasurer of the United States in so far as any other Interior Department lands are affected.

§ 245.15 *Showing required of corporations.* Application by a private corporation must be accompanied with a copy of its charter or articles of incorporation, duly certified by the proper officers of the company under its corporate seal or by the secretary of the State where organized.

When a company is operating in a State other than that in which it is incorporated, it must submit the certificate of the proper officer of the State that it has complied with the laws of that State governing foreign corporations to the extent required to entitle the company to operate in such State.

A corporation other than a private corporation should file a copy of the law under which it was formed and due proof of organization under the same.

If the company shall have filed with the Department of the Interior the papers required by this section, the requirements shall be held to be met if, in making subsequent applications, specific reference is made by date and case number of such previous filing.

§ 245.16 *Showing required of individuals or associations of individuals.* Application by an individual must be accompanied with affidavit of citizenship if the applicant is native-born. If he is not a native-born citizen he must submit the usual proofs of naturalization. If the applicant is an association of citizens, each member must make affidavit of citizenship, and a complete list of the members must be given in an affidavit by one of them. Associations must, in addition, submit their articles of association; if there be none, the fact must be stated over the signature of each member of the association.

§ 245.17 *Evidence which must accompany application.* Each application for power permit must be accompanied with the following data:

(a) A map prepared on tracing linen, in duplicate, with two print copies showing the survey of the right-of-way or site properly located with respect to the public-land surveys so that said right-of-way or site may be accurately located on the ground by any competent engineer or land surveyor. The map should comply with the following requirements:

The scale should be 2,000 feet to the inch for canals, ditches, pipe lines, and transmission lines, and 1,000 feet to the inch for reservoirs, except where a larger scale is required properly to represent the details of the proposed project, in which case the scales should be 1,000 feet to the inch and 500 feet to the inch, respectively.

Courses and distances of the center line of the right-of-way or traverse line of the reservoir should be given; the courses referred to the true meridian either by deflection from a line of known bearing or by independent observation, and the distances in feet and decimals thereof. Station numbers with plus distances at deflection points on the traverse line should be shown.

The initial and terminal points of the survey should be accurately connected by course and distance to the nearest corner of the public-land surveys, unless that corner is more than six miles distant, in which case the connection will be made to some prominent natural object or permanent monument, which can be readily recognized and recovered. The station number and plus distance to the point of intersection with a line of the public-land surveys should be ascertained and noted, together with the course and distance along the section line to the nearest existing corner, at a sufficient number of points throughout the township to permit accurate platting of the relative position of the right-of-way to the public-land survey.

All subdivisions of the public-land surveys within the limits of the survey should be shown in their entirety, based upon the official subsisting plats with the subdivision, section, township, and range clearly marked.

The width of the canal or ditch, at highwater line should be given and if not of uniform width, the location and amount of the change must be definitely shown. In the case of a pipe line, the diameter should be given. For reservoirs, the capacity in acre-feet, the area within the highwater line, the source of the water supply, and the location and height of the dam must be shown.

Each copy of the map should bear upon its face an affidavit of the engineer who makes the survey and the certificate of the applicant (Form 2, which is made a part hereof).

(b) A general map of the entire power project or transmission line on tracing linen, in duplicate, with two print copies, prepared on such a scale and in such a manner that each quarter section of land affected is clearly shown. If this information is shown on the map filed under section 245.17 (a), supra, the general map may be omitted.

(c) Evidence of water right, if the project involves the storage, diversion, or conveyance of water. Control and jurisdiction over the appropriation of water are vested in the State authorities. The applicant, therefore, must file evidence, obtained from the proper State official, that he has the right to appropriate the water to be stored, diverted, or conveyed.

§ 245.18 *Power plants to be platted on map in main drawing and in separate drawing.* When application is made for a permit for power plants, the location and extent of ground proposed to be occupied by buildings, pipe lines, or other structures necessary to be used in connection therewith must be clearly designated on the map and described by reference to course and distance from a corner of the public survey. In addition to being shown in connection with the main drawing, the buildings or other structures must be platted on the map in a separate drawing on a scale sufficiently large to show clearly their dimensions and relative positions.

§ 245.19 *Transmission lines.* Application for a permit for transmission lines must be accompanied with:

(a) A description of the plant or plants which generate or will generate the power to be transmitted over such lines (hereinafter called "the connected generating plant", which term shall include all hydraulic, hydroelectric, and electric generating works), such description to be in sufficient detail to show, to the satisfaction of the Secretary of the Interior, the character, capacity, and location of such plant.

(b) A statement in detail to the Secretary of the Interior showing whether the connected generating plant is located, in whole or in part, on land owned or controlled by the United States, or on land not so owned and controlled, and whether any part of the connected generating plant or of the system of transmission and distribution in connection with such plant affects lands in reservations other than those under the jurisdiction of the Secretary of the Interior.

§ 245.20 *Use of transmission lines.* Rights-of-way granted under these regulations for transmission lines shall not be used for the transmission of any power generated otherwise than by and at "the connected generating plant" as defined in section 245.19, until the Secretary of the Interior shall have given written authority for such use and then only on the terms and conditions expressed in such written authority.



§ 245.21 *Agreement required as a condition precedent to issuance of permit.* Before a power permit will be issued for a power project, the permittee shall execute and file an agreement which, upon its approval in writing by the Secretary, shall constitute and express the conditions of the permit. Such agreement shall expressly bind the applicant—

(a) To construct the project works on the location shown upon and in accordance with the maps and plans submitted with the application for permit, and to make no material deviation from said location unless and until maps and plans showing such deviation shall have been submitted and approved.

(b) To begin the construction of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit, and thereafter diligently and continuously to prosecute such construction unless temporarily interrupted by climatic conditions or by some special or peculiar cause beyond the control of the permittee.

(c) To complete the construction and begin the operation of the project works, or the several parts thereof, within a specified period or periods from the date of execution of the permit. To furnish the Secretary with a statement, under oath, of the actual cost of construction of the project when completed.

(d) To operate the project works continuously for the development, transmission, and use of power, unless upon a full and satisfactory showing that such operation is prevented by unavoidable accidents or contingencies this requirement is temporarily waived by the written consent of the Secretary.

(e) To pay annually, in advance, such amounts as may be fixed and required by the Secretary under section 245.14.

(f) On demand of the Secretary to install at such places and maintain in good operating condition in such manner as shall be approved by the Secretary accurate meters, measuring weirs, gauges, or other devices approved by the Secretary and adequate for the determination of the amount of electric energy generated by the project works and of the flow of the stream or streams from which the water is to be diverted for the operation of the project works and of the amount of water used in the operation of the project works and of the amounts of water held in and drawn from storage; to keep accurate and sufficient records of the foregoing determinations to the satisfaction of the Secretary; and to make a return during January of each year, under oath, of such of the records of measurements for the year ended on December 31, preceding, made by or in the possession of the permittee, as may be required by the Secretary.

(g) That the books and records of the permittee shall be open at all times to the inspection and examination of the Secretary, or other officer or agent of the United States duly authorized to make such inspection and examination.

(h) On demand of the Secretary to install a system of accounting for the entire power business in such form as the Secretary may prescribe, which system as far as is practicable will be uniform for all permittees, and to render annually such reports of the power business as the Secretary may direct.

(i) To protect in a workmanlike manner, at crossings of and at places in proximity to its transmission lines on the right-of-way authorized, in accordance with the rules prescribed in the National Electric Safety Code, all Government and other telephone, telegraph, and power-transmission lines from contact, and all highways and railroads from obstruction, and shall maintain its transmission lines in such manner as not to menace life or property.

(j) To clear and keep clear the Interior Department lands along the transmission line for such width and in such manner as the officer of the United States having supervision of such lands may direct.

(k) To dispose of all brush, refuse, or unused timber on Interior Department lands resulting from the construction and maintenance of the project works to the satisfaction of the officer last aforesaid.

(l) To build and repair such roads and trails as may be destroyed or injured by construction work or flooding under the permit, and to build and maintain necessary and suitable crossings for all roads and trails that intersect the water conduit constructed, maintained, or operated under the permit.

(m) To do everything reasonably within the power of the permittee both independently and on request of the Secretary or other duly authorized officer or agent of the United States to prevent and suppress fires on or near the lands to be occupied under the permit.

(n) To pay the full value as fixed by the Secretary for all timber cut, injured, or destroyed on Interior Department lands in the construction, maintenance, and operation of the project works.

(o) To pay the United States full value for all damage to the lands or other property of the United States resulting from the breaking of or the overflowing, leaking, or seeping of water from the project works, and for all other damage to the lands or other property of the United States caused by the neglect of the permittee or of the employees, contractors, or employees of the contractors of the permittee.

(p) To indemnify the United States against any liability for damages to life or property arising from the occupancy or use of Interior Department lands by the permittee.

(q) To abide by such reasonable regulation of the service rendered and to be rendered by the permittee to consumers of power furnished or transmitted by the permittee, and of the prices to be paid therefor as may from time to time be prescribed by the State or any designated agency of the State in which the service is rendered: Provided, That for the purposes of this paragraph any such regulation shall be deemed to be suspended pending proceedings in the courts of such State, or in the Supreme Court of the United States on appeal from said State courts where such proceedings are in the nature of an appeal taken direct from the officer, commission, or board prescribing such regulation to said State courts.

(r) Upon demand in writing by the Secretary to surrender the permit to the United States or to transfer the same to such State or municipal corporation as he may designate, and to give, grant, bargain, sell, and transfer with the permit all works, equipment, structures, and property then owned or held by the permittee on lands of the United States occupied or used under the permit, and then valuable or serviceable in the generation, transmission, and distribution of power: Provided, (1) That such surrender or transfer shall be demanded only in case the United States or the transferee shall have first acquired such other works, equipment, structures, property and rights of the permittee as are dependent in whole or in essential part for their usefulness upon the continuance of the permit; (2) that such surrender or transfer shall be on condition precedent that the United States shall pay or the transferee shall first pay to the permittee the reasonable value of all such works, equipment, structures, and property to be surrendered or transferred; (3) that such reasonable value shall not include any sum for any permit, right, franchise, or property granted by any public authority in excess of the sum paid to such public authority as a purchase price therefor; and (4) that such reasonable value shall be determined by mutual agreement of the parties in interest, and in case they cannot agree, by the Secretary under a rule, which, except as modified by the requirements of this paragraph, shall be the then existing rule of valuation for power properties in condemnation proceedings in the State in which the properties to be surrendered or transferred are located. But nothing herein shall prevent the United States or any State or municipal corporation from acquiring by any other lawful means the permit or the works, equipment, structures, or property then owned or held by the permittee on lands of the United States occupied or used under the permit.

(s) That in respect to the regulation by any competent public authority of the service to be rendered by the permittee or the price to be charged therefor, and in respect to any purchase or taking over

of the properties or business of the permittee or any part thereof by the United States, or by any State within which the works are situated or business carried on in whole or in part, or by any municipal corporation in such State, no value whatsoever shall at any time be assigned to or claimed for the permit or for the occupancy or use of Interior Department lands thereunder, nor shall such permit or such occupancy and use ever be estimated or considered as property upon which the permittee shall be entitled to earn or receive any return, income, price, or compensation whatsoever.

(t) That any approval of any alteration or amendment, or of any map or plan, or of any extension of time shall affect only the portions specifically covered by such approval; and that no approval of any such alteration, amendment, or extension shall operate to alter or amend, or in any way whatsoever be a waiver of any other part, condition, or provision of the permit.

(u) To perform such other specified conditions with respect to the occupancy and use of lands within any of said parks or any military, Indian, or other reservation as may be found by the chief officer of the department under whose supervision such park or reservation falls to be necessary as conditions precedent to the issuance of the permit in order to render the same compatible with the public interest.

§ 245.22 *Change in location or plans of construction.* During the progress of construction, amendments to maps of location or plans of structures will be required from the permittee if there is a material deviation from the maps or plans as originally filed, but no amendment will be allowed that is incompatible with the occupancy and use of lands under existing permits or pending applications. Any approval of an amendment of a map or plan or of any extension of time shall be in the form of a supplemental agreement and permit so drawn as to become a part of the original agreement and permit and a substitute for the clauses amended. Any approval of any amendment of any map or plan shall apply only to the portions specifically covered by such approval, and no approval of any such amendment shall operate to amend or be in any way a waiver of any other part, condition, or provision of the permit.

If, after the completion of the project works, there are any deviations in location from those shown upon the original map or approved amendments thereof, additional maps prepared in the manner prescribed for original maps of location will be required to be filed within six months after the completion of the project works, showing the extent of such deviations and the final locations of such project works. Also upon the completion of the project works detailed working plans will be required of the works as constructed, except such parts as have been constructed in compliance with plans originally filed or approved amendments thereof. Such new or additional plans may be originals on tracing linen or Van Dyke negatives of the permittee's own working plans. The plans of conduits, dams, and appurtenant structures must be complete; of power houses, only general layout plans are required.

§ 245.23 *Extension of time for beginning or completing construction.* An extension of the periods stipulated in the permit for beginning or completing construction and for beginning operation will be granted only by the written approval of the Secretary after a showing by the permittee satisfactory to the Secretary that the beginning or completion of construction and beginning of operation has been prevented by engineering difficulties that could not reasonably have been foreseen, or by other special and peculiar causes beyond the control of the permittee.

§ 245.24 *Transfer of permit.* A permit may be transferred to a new permittee only (1) by a court of competent jurisdiction under a decree of foreclosure to enforce a mortgage or deed of trust that shall have been given in good faith to secure capital for the power business as defined in section 245.13, embracing the works constructed or to be constructed under such permit, and without any intent to evade the restrictions upon transfers in this section hereafter set forth; or (2) under the following conditions: The proposed transferee shall file with the Commissioner of the General Land Office, Washington, D. C., the decree, execution of judgment, will, proposed contract of sale, or other written instrument upon which the proposed transfer is based, or a properly certified copy thereof, also an application by the proposed transferee in the form of an agreement binding the proposed transferee to the performance of such new and additional conditions expressed therein as the Secretary may deem necessary; and thereupon the Secretary may, in his discretion, approve in writing the proposed transfer, and after such approval the transferee shall succeed to all the rights and obligations of the permittee, subject, however, to such new and additional conditions as shall have been embodied in such agreement and so approved.

§ 245.25 *Revocation of permit.* Violation by a permittee of any of the provisions of these regulations, or of any of the conditions of a permit issued to him thereunder, shall be sufficient ground for revocation of such permit.

No permit will be deemed to be revoked except on the issuance by the Secretary of a specific order of revocation. Change of jurisdiction over lands from one executive department to another will not revoke but will change the administrative jurisdiction over a permit for the occupancy and use of such lands. The final disposal by the United States of any tract traversed by a right-of-way permitted shall not be construed to be a revocation of such permission in whole or in part, but such final disposal shall be deemed and taken to be subject to such right-of-way until such permission shall have been specifically revoked.

§ 245.26 *Abandonment of project.* Any power project under permit, or any part thereof, whether constructed or unconstructed, may be abandoned by the permittee upon the written approval of the Secretary after a finding by the Secretary that such abandonment will not tend to prevent the subsequent development of such project or part thereof so abandoned, and after the fulfillment by the permittee of all the obligations under the permit, in respect to payment or otherwise, existing at the time of such approval. Upon such abandonment, after such approval thereof and fulfillment of existing obligations, so much of the agreement and permit as relates to the abandoned project or part of a project will be formally revoked by the Secretary.

§ 245.27 *Action on application.* When an application is filed, the register will place on the papers and accompanying maps, the serial number, the name of the office, and the date of filing. Notations will be made on the local office records opposite each unpatented tract affected by the right-of-way or site, giving serial number, date of filing and the name of the applicant. The register will certify on each map over his written signature, that unpatented land is affected. The application will then be transmitted promptly to the General Land Office. If no unpatented land is affected, the register will return the map and duplicate to the applicant with notice of that fact.

(a) Upon receipt of the application at the General Land Office it will be noted on the records of that office. The General Land Office will examine the application and determine whether it is complete with respect to the requirements of that office; and will call upon the applicant through the local land office to supply any deficiency. If the application affects Indian land the General Land Office will call upon the Commissioner of Indian Affairs for report and recommendation, in duplicate, so that the interest of the Indians may be protected and such compensation for the land or right-of-way taken as the law and facts may warrant, may be secured. Thereupon the General Land Office will promptly transmit the entire record to the Director of the Geological Survey, stating the fact of such completion and the date thereof as determined by the receipt at the local land office of the last paper required to be filed.

(b) Upon receipt of the application for permit at the Geological Survey, that office will promptly call upon other offices for such reports and recommendations, in duplicate, with respect to the status of the lands, interference with matters under the jurisdiction of such offices, and conditions precedent to the issuance of the permit, as the nature of the case may require; and will determine whether the application papers are complete with reference to the requirements of the Geological Survey, and will call upon the applicant directly to supply any deficiency. When the application is found by the Geological Survey to be thus complete, the fact of such completion and the date thereof as determined by the receipt at the Geological Survey of the last paper required (or in case the application is thus complete when received by the Geological Survey, the date as specified by the General Land Office) will be noted on the records of the Geological Survey; and said date will be taken as the date of initiation of priority as defined in section 245.10 and as the date of initiation of valid rights of the applicant as against other claimants, and will be so specified in the permit, if issued.

The recommendation of the Geological Survey, together with the application papers shall be transmitted to the General Land Office, and that office will submit the case to the Secretary for action, presenting therewith its recommendation and that of the Geological Survey. In case the Geological Survey recommends that a permit be issued to the applicant that office will submit with its recommendation to the General Land Office a draft of such permit and agreement, in duplicate, together with five copies thereof, whereupon, the General Land Office shall transmit the draft of agreement in duplicate to the applicant for execution. After such execution and return of the agreement to the General Land Office, that office shall submit a complete record to the Secretary with its recommendations through the Geological Survey, for the concurrence of the Director. The compensation for the first year shall be transmitted by the applicant to the Commissioner of the General Land Office with the executed agreement prior to the issuance of the permit, in the form of a post office money order, bank draft, or check payable to the Treasurer of the United States.

§ 245.28 *Action on approved permit.* Upon approval of the permit by the Secretary, the General Land Office will note the fact of such approval on the maps of location, will transmit one original of the permit to the permittee and one copy thereof to the Geological Survey, and two copies to the Commissioner of Indian Affairs where the permit for right-of-way affects Indian lands, and will transmit one tracing of all maps of location and one copy of the permit to the local land office for filing, and will retain one original of the permit and one tracing of all maps of location in the files of the General Land Office. The approval of the permit and the date of initiation of priority and of valid rights of the permittee will thereupon be noted on the tract records of the General and local land offices.



(a) After the issuance of the permit, the Geological Survey will make such investigations and reports to the Secretary of the Interior as may be necessary for the determination and revision of rates and capacities, the supervision of construction and operation, and of the records of the permittee as contemplated by these regulations, and, in general, for all engineering matters pertaining to the power development and the power resources involved.

(b) The permittee shall at all times keep the Secretary informed of its address, and in case of corporations, with the address of its principal place of business and of the names and addresses of its principal officers.

§ 245.29 *Former regulations superseded.* The foregoing regulations supersede the regulations approved January 6, 1913 (41 L.D. 454), and March 1, 1913 (41 L.D. 532), and amendments thereto.

FRED W. JOHNSON,
*Commissioner,*
*General Land Office.*

I concur:

W. C. MENDENHALL,
*Director, Geological Survey.*

Approved, October 30, 1939.

HAROLD L. ICKES,
*Secretary of the Interior.*

FORM 1—APPLICATION FOR POWER PERMIT

The ---------- ----------, a corporation organized and existing under and by virtue of the laws of the State ---------- (---------- ----------, a citizen of the United States and resident of the State of ----------,) with office and principal place of business at ----------, in the State of ----------, hereby makes application for a power permit for the occupancy and use of certain lands of the United States in the State of ----------, by constructing, maintaining, and operating thereon for the main purpose of the development, transmission, and use of power (here add any other proposed purpose) the following works:

(Omit such of the four following items (a), (b), (c), (d) as may not be applicable.)

(a) ---- dams (masonry, earth, etc., diverting or storage) approximately ---- feet in maximum height and approximately ---- feet in maximum length, to occupy approximately ---- acres, respectively, and to form ---- reservoirs to flood approximately ---- acres at extreme flood level, ---- acres at the flow line fixed by the average effective head, and approximately ---- acres at spillway level, respectively; [1] in section ----, township ----, range ----, ---- meridian, said dams and said reservoirs being designated, respectively, as follows: ----.

(b) ---- conduits approximately ---- miles in length, respectively,[1] crossing sections ----, township ----, range ----, ---- meridian, said conduits being designated, respectively, as follows: ----.

(c) ---- power houses and appurtenant structures to occupy approximately ---- acres, respectively,[1] in section ----, township ----, range ----, ---- meridian; said power houses being designated, respectively, as follows: ----.

(d) ---- transmission lines ---- miles in length, respectively,[1] crossing sections ----, township ----, range ----, ---- meridian; said transmission lines being designated as follows: ----. All as approximately shown upon certain maps which, together with certain papers are, filed herewith and made a part hereof.

This application has been prepared to be filed in accordance with the regulations of the Secretary of the Interior, in order that the undersigned applicant may obtain the benefits of the act of Congress approved February 15, 1901 (31 Stat. 790), (or act of March 4, 1911, 36 Stat. 1253).

In witness whereof ---------- has caused this instrument to be executed this ---------- day of ----------, 19--.

By ---------- ----------,

[SEAL OF CORPORATION]

FORM 2.—AFFIDAVIT OF APPLICANT'S ENGINEER AND CERTIFICATE OF APPLICANT ON MAPS AND PLANS

STATE OF ----------,
*County of* ----------, ss:

---------- ----------, being duly sworn, says he is by occupation a ---------- engineer, employed by the ---------- company, and that this map (plan) was prepared under his supervision from actual surveys and designs; correctly represents so far as shown hereon, the location and design of the works described in the accompanying application; to the best of his knowledge and belief correctly represents all other matters shown hereon; and represents a safe, adequate, and feasible plan for the fullest economic utilization of the power resources involved.

---------- ----------
*Engineer.*

Subscribed and sworn to before me this ---------- day of ----------, 19--.

[SEAL] ---------- ----------
*Notary Public.*

This is to certify that ---------- ----------, who subscribed the affidavit hereon is the person employed by the undersigned applicant to prepare this map (plan), which map (plan) has been adopted by the applicant as the approximate final location of the works thereby shown; and that this map (plan) is filed as a part of the complete application.

---------- ----------
By ---------- ----------
---------- ----------

[SEAL OF CORPORATION]

[1] If land is unsurveyed substitute for the description by legal subdivisions in paragraphs (a), (b), (c), and (d), the following: "Located on certain lands described and shown by the map accompanying the application."

[F. R. Doc. 39-4112; Filed, November 7, 1939; 9:42 a. m.]

## *Notices*

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket Nos. 967-FD—1105-FD]

BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 12

*Complainant, vs. C. A. Acton & Sons Coal Company; Apex Coal Company; Arkoal Coal Company; Attica Coal Company; Bean Coal Company; Bidwell Fuel Company; R. H. Birkenbine Coal Company; Bishop Brothers Coal Company; Black Diamond Coal Company (Albia, Iowa); Black Diamond Coal Company (Centerville, Iowa); Blakesburg Deep Vein Company; Blue Flame Coal Company; Bonnett Coal Company; Boyles Coal Company; Bradley Brothers Coal Company;*

*Bradshaw Coal Company; Tom Briggs Coal Company; Burk Brothers Coal Company; Caldwell Coal Company; Campbell Coal Company; Caswell Coal Company; Cedar Bluff Coal Company; Cedar Creek Coal Company; Chatterton Coal Company; City Fuel Company; Columbus Coal Company; Confidence Hi-Test Coal Company; F. C. Crouse Coal Company; Crowe Coal Company; Davidson Coal Company; Davis Coal Company; De Frehn & Son Coal Company; Dhone Coal Company; Dove Coal Company; Eagle Point Coal Company; Edwards Brothers Coal Company; Thomas H. Edwards Coal Company; A. M. Ellis Coal Company; Evans Coal Company; J. H. Evans & Son Coal Company; Fenton Coal Company; Ford Coal Company; Four Star Coal Company; Fuller Coal Company; Gibb Coal Company; Globe Coal Company; Green Valley Coal Company; Quinn Coal Company; Charles Hayes & Son Coal Company; Ed. Hays Coal Company; Heggen Coal Company; Hendrickson Coal Company; Dave C. Henton Coal Company; Hidden Hollow Coal Company; Hillside Coal Company; Hilltop Coal Company; Hunter Coal Company; Hy-Lo Coal Company; Ideal Coal Company; Earl H. Jackson Mine; Johns Brothers Coal Company; Johns Coal Company; Joplin Coal Company; Kaster Brothers Coal Company; Kauzlarich Coal Company; Lae-Z Coal Company; Liter Coal Company; Losee & McCarty Coal Company; McGruder Coal Company; McKenzie Coal Company; Martin Coal Company; Mid West Coal Company; John Mitrison Coal Company; Mitten Creek Coal Company; Monark Coal Company; Monich Brothers Coal Company; Monitor Coal Company; Montgomery Coal Company; Morgan Valley Coal Company; National Coal Company; New Deal Coal Company; New Everist Coal Company; New Riverside Coal Company; New Star Coal Company; Noble Coal Company; North Charlton Coal Company; Norwalk Coal Company; O. & L. Coal Company; Owens & Doty Coal Company; Panther Creek Coal Company; Pee Wee Coal Company; Penrod Brothers Coal Company; Pike Coal Company; Porter Brothers Coal Company; Ragona Coal Company; Ramsay-Dooms Coal Company; Jim Reed Mine; Ridge Block Coal Company; Riverside Coal Company; L. A. Robinson Coal Company; Tom Robinson Coal Company; Rogers and Dawson; Rowley Coal Company; Runnells Coal Company; Rupalo Coal Company; Sargent Coal Company; Showers and Fuller Coal Company; Smith and Clark Coal Company; Smith Coal Company; Smith Brothers Coal Company (Eddyville, Iowa); Smith Brothers Coal Company (Lovilia, Iowa); Square Deal Coal Company; Standard Coal Company (Beacon, Iowa); Standard Coal Company (Dallas, Iowa); Earl Sterns Coal Company; Marion Stribling Coal Company; Stickle Coal Company; Stub Coal Company; Sunny Slope Coal Company; Roy Thompson Coal Company; Thompson Coal Company; Thompson Mining Company; Twin Sisters Coal Company; Valley Fuel Company; Vanceuncebrock Coal Company; Van de Ven Coal Company; Villont Coal Company; Violet Valley Coal Company; Homer Wainwright Coal Company; Walker Cannel Coal Corporation; Walker-Gilger Coal Company; Wallace Coal Company; Walnut Valley Coal Company; Westercamp Coal Company; Whalan Coal Company; White Eagle Coal Company; Wignall Brothers Coal Company; Young Coal Company; Zaputil Coal Company, Defendants*

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Producers Board for District No. 12, Complainant, having filed with the Bituminous Coal Division, pursuant to Section 5 (b) of the Bituminous Coal Act of 1937, complaints alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder;

*It is ordered*, That a hearing on such matters be held on December 15, 1939, at 9 o'clock, in the forenoon of that day at a hearing room of the Bituminous Coal Division, at Des Moines, Iowa, in Room 307, Federal Office Building.

*It is further ordered*, That M. J. Torlinski or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to the complainant, to the defendants, and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before December 13, 1939.

The matters concerned herewith are in regard to complaints filed by Bituminous Coal Producers Board for District No. 12, alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder for failure to pay District Board Assessments.

Dated, November 6, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4115; Filed, November 7, 1939; 9:47 a. m.]

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## DEPARTMENT OF LABOR.

### Division of Public Contracts.

IN THE MATTER OF AN AMENDMENT TO THE DECISION OF THE SECRETARY OF LABOR OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE FERTILIZER INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

On October 24, 1939, the minimum wage required to be paid by employers subject to Section 6 of the Fair Labor Standards Act of 1938, became 30 cents an hour or $12.00 per week of forty hours.

In the light of this fact and in accordance with the provisions of the determination in the matter of the prevailing minimum wages in the Fertilizer Industry, all interested parties are hereby given until and including November 20, 1939, within which to file briefs with the Administrator of the Division of Public Contracts, Department of Labor, showing cause why the Secretary of Labor's decision dated August 15, 1939, In the Matter of the Determination of the Prevailing Minimum Wages in the Fertilizer Industry (4 F.R. 3804 DI) should not be amended to conform to the minimum wage required by the Fair Labor Standards Act of 1938 with respect to the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas, and to show cause why the minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), for the manufacture or supply of superphosphates and concentrated superphosphates; and for the manufacture or mixing of concentrated fertilizer from superphosphates, potash and ammoniates, should not be 30 cents an hour or $12.00 per week of forty hours for the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas.

[SEAL] L. METCALFE WALLING, *Administrator.*

NOVEMBER 6, 1939.

[F. R. Doc. 39-4123; Filed, November 7, 1939; 11:11 a. m.]



### Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION AND ORDER REEMPLOYMENT OF LEARNERS IN THE COTTON TEXTILE INDUSTRY AT WAGES LOWER THAN THE MINIMUM WAGE APPLICABLE UNDER SECTION 6 OF THE FAIR LABOR STANDARDS ACT OF 1938

Whereas, the original applications made by the Cotton Textile Institute and sundry other parties pursuant to Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 522—Regulations Applicable to Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act of 1938—Title 29, Labor, Chapter V—Wage and Hour Division) issued by the Administrator thereunder, for permission to employ learners in the Textile Industry at wages less than the minimum applicable under Section 6 of the Act were withdrawn after a public hearing was held upon said applications in Washington, D. C., on November 28, 29, and 30, 1938 before Merle D. Vincent, a representative of the Administrator duly authorized to conduct said hearing; and

Whereas, the Cotton Textile Institute and sundry other parties made application for a reconvening of the said hearing under said Act and regulations and for permission to employ learners in the Cotton Textile Industry at wages lower than the minimum wage applicable under Section 6 of the Act by virtue of the Textile Wage Order; and

Whereas, after due notice[1] a reconvened public hearing was held on these applications in Washington, D. C., on October 12, 1939, before Merle D. Vincent, authorized representative of the Administrator, who was duly designated to preside at the hearing and to determine:

(a) What, if any, occupation or occupations in the Textile Industry require a learning period; and

(b) The factors which may have a bearing upon curtailment of opportunities for employment within the Textile Industry, or branch thereof, and

(c) Under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the Textile Industry, or branch thereof, for whatever occupation, or occupations, if any, are found to require a learning period; and

Whereas, the said Merle D. Vincent duly made findings of fact, copies of which were filed in the office of the Acting Administrator on November 4, 1939, and are there available for inspection by interested parties, and made the following determination and order:

1. On or after October 31, 1939, special certificates shall be issued permitting employment of learners in the Textile Industry at subminimum rates in the textile occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, except that no certificate shall be deemed to apply to any employees performing functions similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, time keepers, machine cleaners, janitors, and truckers. In the tufted bedspread branch of the industry, certificates shall be issued for the occupations of punchwork operation and chenille operation, and only such occupations. In the curtain branch of the industry, certificates shall be issued for the operation or sewing machines, but for no other occupation.

All such special certificates shall be issued, upon the following terms, to all plants in the industry making application therefor representing that experienced workers are not available to the plant, unless experienced workers are found to be available.

(a) Learners employed under the certificate shall be paid at a rate of not less than 25 cents an hour; *Provided*, That in all plants where experienced operators are paid on a piece-work rate, learners in the same occupations shall be paid at least the same piece-work rate and shall receive earnings paid on this rate, if in excess of the above-stated minimum.

(b) No learner shall be employed under the certificate longer than 6 weeks; *Provided*, That in the tufted bedspread branch of the industry no learner shall be employed longer than 8 weeks as a chenille operator, and not longer than 16 weeks as a punchwork operator, and not longer than one 8-week retraining period for chenille operators learning punchwork; *Provided, further*, That in the curtain branch of the industry no learner shall be employed under the certificate longer than 8 weeks.

(c) Learners employed under the certificate shall not exceed 3 percent of the total number of persons in the learner occupations, provided that in the tufted bedspread branch of the industry learners shall not exceed 5 percent of the total number of chenille and punchwork operators; provided further that, in the curtain branch of the industry, learners shall not exceed 5 percent of the total number of sewing-machine operators; and provided finally that the employment of as many as 3 learners may be authorized by any certificate except that in the tufted bedspread and curtain branches of the industry as many as 5 learners may be authorized by any certificate. In cases of plant expansion or new plants, certificates may be issued under Part 522 of the Regulations for a larger number of learners if need therefor is found.

(d) Only learners shall be employed at a subminimum wage under the certificate, and no learner shall be employed under the certificate unless hired when an experienced worker was not available.

(e) No learner shall be employed at a subminimum wage under the certificate until and unless a copy of this certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

2. Any special certificate issued pursuant to this order may be cancelled as of the date of issue if it is found that such certificate was issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that skilled workers have become available. No certificate issued pursuant to this order shall be valid after October 24, 1940, subject to modification or extension on or before that time following an appropriate reconsideration of this Order.

3. In this Order the term "learner" shall mean a person who has had less than 6 weeks' experience in the aggregate in any of the learner occupations in any branch of the textile industry except tufted bedspreads and curtains. In the tufted bedspread branch of the industry the term "learner" shall mean a person who has had less than 8 weeks' experience as a chenille operator, or 16 weeks' experience as a punchwork operator, or less than 8 weeks' experience as a chenille operator plus 8 weeks retraining as a punchwork operator. In the curtain branch of the industry, the term "learner" shall mean a person who has had less than 8 weeks' experience as a sewing-machine operator. If any worker has partially completed the applicable learning period, as prescribed above, the time thus served shall be deducted from the learning period authorized by special certificate upon any subsequent employment.

4. In this Order the term "Textile Industry" is defined as under the Textile Wage Order as follows:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs) from cotton, silk, flax, jute or any synthetic fibre, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in the establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding or filling and the processing of waste from the fibers enumerated in clause (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze, bath mats and related articles; bedspreads; blankets, diapers; dishcloths, scrubbing cloths and wash-cloths; sheets

[1] 4 F.R. 4175 DI.

and pillow cases; table-cloths, luncheloths and napkins; towels; and window-curtains;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn;

(g) The manufacturing or processing of yarn or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

This definition shall not be deemed to include the Wool Industry, and the operations of said industry are excluded from this Determination and Order.

Now, therefore, notice is hereby given that pursuant to Section 522.13 of the said regulations as amended, petitions for review of the action of the said authorized representative may be filed by interested parties within fifteen days after the publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 7th day of November 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4131; Filed, November 7, 1939; 12:15 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1939.

[File No. 52-9]

IN THE MATTER OF UTILITIES POWER & LIGHT CORPORATION

ORDER GRANTING APPLICATION, ETC.

Atlas Corporation having filed (a) an application pursuant to Section 11 (f) of the Public Utility Holding Company Act of 1935 for approval of a plan of reorganization of Utilities Power & Light Corporation, a registered holding company, (b) an application pursuant to Section 11 (g) of said Act for a report on said plan and (c) a declaration pursuant to Rule U-12E-5 with respect to solicitation of proxies and other authorizations with respect to said plan;

The Commission having after hearing entered on July 26, 1939 an order wherein *inter alia* such application by Atlas Corporation pursuant to Section 11 (f) was granted upon certain conditions and wherein jurisdiction was reserved with respect to such application pursuant to Section 11 (g) and such declaration pursuant to Rule U-12E-5;

The Commission having on August 28th, 1939 ordered that further hearing be had for the purpose of receiving additional evidence with respect to such application pursuant to Section 11 (g) and such declaration pursuant to Rule U-12E-5 and such hearing having been had;

The Commission having considered the record herein;

*It is ordered*, That such application pursuant to Section 11 (g) be, and it hereby is, granted;

*It is further ordered*, That the form of report attached to this order [1] be, and it hereby is, approved and adopted as the report made by this Commission on said plan of reorganization pursuant to said application and to Section 11 (g) of said Act for use in connection with solicitations with respect to said plan as in said Section 11 (g) provided;

*It is further ordered*, That the Commission reserves jurisdiction with respect to said declaration pursuant to Rule U-12E-5.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4124; Filed, November 7, 1939; 12:11 p.m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1939.

[File No. 37-40]

IN THE MATTER OF SALEM TERMINAL CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 13 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 15, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 9, 1939.

The matter concerned herewith is in regard to declaration filed pursuant to Section 13 (b) of the aforementioned Act and Rule U-13-22 promulgated thereunder, by Salem Terminal Corporation, a subsidiary of New England Power Association, a registered holding company, with respect to declarant's organization and conduct of business as a subsidiary service company.

It is stated that declarant is presently engaged in the business of handling coal, consisting of unloading coal from vessels, storing and reloading onto trucks, cars or other conveyances; and that such services are performed for Beverly Gas and Electric Company, Gloucester Electric Company, Haverhill Electric Company, Lawrence Gas and Electric Company, Salem Electric Lighting Company, Lawrence Gas Light Company, all associates of declarant, and for Pocahontas Fuel Company, Inc.

It is further stated, that at the end of the calendar year, net profits derived from declarant's coal handling operations, including coal handling for Pocahontas Fuel Company, Inc., will be distributed to each affiliated company for which coal is handled directly by declarant, in the ratio of the total gross revenues accruing for the year from coal handling for each such affiliated company, to the aggregate revenues accruing from coal handling for all such affiliated companies; and that net losses, if any, from coal handling operations will be charged proportionately to such affiliated companies through the same method of allocation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4125; Filed, November 7, 1939; 12:11 p. m.]

[1] Filed as a part of the original document with the Division of the Federal Register.



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of November 1939.

[File No. 1-1650]

IN THE MATTER OF TOM REED GOLD MINES COMPANY COMMON STOCK, $1 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Tom Reed Gold Mines Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $1 Par Value, from listing and registration on the Los Angeles Stock Exchange and on the San Francisco Mining Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Monday, November 27, 1939, at the office of the Securities & Exchange Commission, 650 South Spring Street, Los Angeles, California, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4126; Filed, November 7, 1939; 12:11 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of November 1939.

[File Nos. 7-437—7-442]

IN THE MATTER OF APPLICATIONS BY THE WHEELING STOCK EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO CONTINENTAL BAKING COMPANY (8% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE; $8 NON-CUMULATIVE PARTICIPATING CLASS A COMMON STOCK, NO PAR VALUE; CLASS B COMMON STOCK, NO PAR VALUE), AND WARD BAKING COMPANY (7% CUMULATIVE PREFERRED STOCK, PAR VALUE $100; COMMON STOCK, CLASS A, NO PAR VALUE; COMMON STOCK, CLASS B, NO PAR VALUE)

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

The Wheeling Stock Exchange, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Wednesday, December 6, 1939, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4127; Filed, November 7, 1939; 12:12 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of November, A. D. 1939.

[File No. 32-163]

IN THE MATTER OF CENTRAL OHIO LIGHT & POWER COMPANY

ORDER RELATIVE TO INDENTURE

The Commission having entered an order herein on August 8, 1939, providing, in paragraph (6) thereof, that within ninety (90) days following the date of the entry of said order, Central Ohio Light & Power Company shall "execute a further indenture supplemental to the Indenture, dated as of October 1, 1930, which supplemental indenture shall contain such further covenants and agreements on the part of the Applicant with respect to the furnishing of evidence, certificates or opinions to the Trustee and/or to the bondholders, as the Commission shall deem necessary or desirable in the interests of investors;"

The Company having informed the Commission that the preparation of the aforesaid supplemental indenture has been undertaken by its counsel but that it will not be possible to complete such work and have such supplemental indenture executed by said Trustee within the ninety (90) days provided in said paragraph, and having requested the Commission, therefore, to grant an additional thirty (30) days for compliance with said paragraph;

*It is ordered*, That Central Ohio Light & Power Company be and it hereby is granted an additional thirty (30) days from the date of the entry of this order to comply with paragraph (6) of said order dated August 8, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4128; Filed, November 7, 1939; 12:12 p.m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of November, A. D. 1939.

[File No. 43-264]

IN THE MATTER OF NIAGARA HUDSON POWER CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on November 27, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to

any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 22, 1939.

The matter concerned herewith is in regard to the following transactions:

Niagara Hudson Power Corporation proposes to issue $3,750,000 aggregate principal amount of 3½% unsecured Notes, of which $468,750 will mature on December 14 of the years from 1941 to 1948 inclusive. The Notes are to be issued privately to a group of six banks, pursuant to the terms of certain agreements dated September 2, 1938 between the company and each of the banks.

Of the funds received by the company, $3,000,000 will be used for the payment at maturity of a like principal amount of 2½% Notes due December 14, 1939. The declaration states that the balance of the funds to be received by the company, $750,000, will be advanced from time to time to subsidiaries for construction purposes.

After the proposed transaction is completed, the company will have outstanding $9,500,000 aggregate principal amount of unsecured Notes bearing 3½% interest of which $1,187,500 principal amount will mature on December 14 of each of the years from 1941 to 1948 inclusive. The company will also have outstanding $2,750,000 aggregate principal amount of Notes bearing 3½% interest due December 14, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4129; Filed, November 7, 1939; 12:12 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of November, A. D. 1939.

[File No. 32-185]

IN THE MATTER OF WISCONSIN MICHIGAN POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application (or declaration) pursuant to section 6 (b) (or, in the alternative, to Section 7) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on November 24, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 20, 1939.

The matter concerned herewith is in regard to the proposed issue and sale by Wisconsin Michigan Power Company (a Wisconsin corporation), of 40,000 shares of the preferred stock, 4½% Series, of said company of the aggregate par value of $4,000,000; the proposed issue and sale of the 2½% promissory notes of said company in the aggregate principal amount of $620,000, to evidence proposed bank loans and to mature in the amount of $140,000 on December 12, 1940, $140,000 on December 12, 1941, $140,000 on December 12, 1942, and $200,000 on December 12, 1943; and the proposed issue and sale of 10,000 shares of the common stock of said corporation of the aggregate par value of $200,000, such common stock to be issued and sold for $200,000 in cash to The North American Company, a registered holding company, of which Wisconsin Michigan Power Company is a subsidiary. It is proposed that said preferred stock be sold to the public, through underwriters, at a price to be stated by amendment to the present application, a privilege of prior subscription therefor to be extended to the holders of the presently outstanding 6% preferred stock of the applicant. It is stated that the net cash proceeds of the sale of the proposed issues of stock and of the proposed bank loans will be applied, to the extent necessary, to the redemption of the 6% preferred stock of the applicant now outstanding, the redemption price of which aggregates $4,107,730 (exclusive of accrued dividends to the date of redemption) and to the retirement of the 3% installment note of applicant in the principal amount of $560,000, any additional amount required for the retirement of such securities be supplied from the treasury of applicant.

It is further proposed that the rights of the shareholders of the applicant shall be altered by amendment of the Articles of Association of the applicant whereby, among other things and as more particularly set forth in said declaration, certain voting rights and representation will be granted to the holders of preferred stock of the applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4130; Filed, November 7, 1939; 12:12 p. m.]

Reference

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# FEDERAL REGISTER

VOLUME 4 NUMBER 217

*Washington, Thursday, November 9, 1939*

*Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

## OFFICE OF THE SECRETARY

ORDER AUTHORIZING SOLICITOR AND ASSISTANT SOLICITOR OF THE DEPARTMENT OF AGRICULTURE TO AUTHENTICATE DOCUMENTS OF THE DEPARTMENT

I, Henry A. Wallace, Secretary of Agriculture, do hereby authorize the Solicitor and the Assistant Solicitor of the Department of Agriculture severally to authenticate, under the Seal of the Department of Agriculture, pursuant to Section 882 of the Revised Statutes, as amended by section 6 (a) of the act approved June 19, 1934 (48 Stat. 1109; 28 U.S.C., Sec. 661), copies of any books, records, papers, or other documents, or any books or records of account in whatever form, or minutes (or portions thereof) of proceedings, or copies of such books or records of account, or copies of such minutes of proceedings, in the Department of Agriculture; and I direct that, upon each such authenticated copy or original, as the case may be, there shall appear a recital that such copy or original has been authenticated and the Seal of the Department of Agriculture affixed thereto by the direction of the Secretary of Agriculture; and I further direct that each certificate of authentication shall bear the genuine signature of the said Solicitor or Assistant Solicitor.

This order is in addition and supplementary to the order of authorization dated December 3, 1936.

Done at Washington, D. C., this 7th day of November 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4138; Filed, November 7, 1939; 3:17 p. m.]

[40—Tob—8, Supp 1]

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 727—SUPPLEMENT TO PROCEDURE FOR THE DETERMINATION OF FLUE-CURED TOBACCO ACREAGE ALLOTMENTS FOR 1940

The "Procedure for the Determination of Flue-cured Tobacco Acreage Allotments for 1940" (40-Tob-8)[1] is hereby amended as follows:

(1) Sections 727.215, 727.216, 727.217, 727.218 and 727.219 are changed to read as follows:

§ 727.215 *Acreage allotments for old farms.* Farm acreage allotments for old farms will be established as follows:

(a) There shall be allotted to each old farm that percentage of the 1940 normal acreage for the farm which the State acreage allotment, less the amount thereof reserved for allotment pursuant to paragraph (b) of this section, is of the normal acreages for all old farms in the State. The acreage so allotted to each old farm shall be the amount of the farm acreage allotment, unless increased pursuant to subsections (b) and (c) of this section.

(b) A reserve from the State acreage allotment, for the purpose of making adjustments as provided in this subsection, will be determined by the Agricultural Adjustment Administration in an amount not to exceed 5 percent of the State acreage allotment. The amount of such reserve shall be allocated by the State committee among the counties of the State upon the basis of the relative needs for adjustment of the acreage allotments determined for old farms. The amount so allocated to any county shall be allotted by the local committee among those old farms in the county whose acreage allotments, as compared with the acreage allotments for other similar old farms, are determined by the local com-

[1] 4 F.R. 3799 DI.

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mittee to require adjustment, in order to take into account more adequately past acreage (harvested and diverted) making due allowance for abnormal weather conditions, plant bed and other diseases; land, labor and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco.

(c) If the acreage allotment determined for any farm (except a farm operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 3,200 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage which, with the normal yield for the farm, would produce 3,200 pounds of tobacco.

§ 727.216 *Determination of 1940 normal acreage.* The 1940 normal acreage for an old tobacco farm shall be the 1939 usual acreage subject to such adjustment as the local committee determines is necessary to obtain a fair and reasonable 1940 normal acreage, taking into consideration the acreages indicated for the farm by land, labor and equipment and the 1939 harvested acreage: *Provided*, That:

(a) The 1939 usual acreage shall not be adjusted upward so as to exceed the largest of (1) 110 percent of the 1939 usual acreage; (2) four acres; or (3) the acreage obtained by adding to the 1939 usual acreage one-fifth of the number of acres by which the 1939 harvested acreage exceeds the 1939 usual acreage.

(b) The 1939 usual acreage shall not be adjusted downward to less than 80 percent of such acreage unless further adjustment is required by (c) below.

(c) The 1939 usual acreage shall be adjusted downward, if necessary, so as not to exceed the maximum normal acreage for the farm as shown in the table below:

ACRES OF CROPLAND IN FARM AND MAXIMUM NORMAL ACREAGE

25 acres or more, 40 percent of cropland.

20 to 24.0 acres, 44 percent of cropland, but not over 10 acres.

15 to 19.9 acres, 48 percent of cropland, but not over 8.8 acres.

10 to 14.9 acres, 52 percent of cropland, but not over 7.2 acres.

9.9 acres or less, 60 percent of cropland, but not over 5.2 acres.

(d) The total upward adjustments in any county pursuant to this section shall not exceed the total downward adjustments pursuant to this section by more than one-fifth of the number of acres by which the 1939 harvested and diverted acreage exceeds the 1939 usual acreage for all old farms in the county, except as otherwise approved by the State committee.

§ 727.217 *Determination of 1939 usual acreage.* The 1939 usual acreage for a farm shall be determined from the 1939 acreage allotment in accordance with the following table:

Size of allotment and 1939 usual acreage:

| | |
|---|---|
| 3.6 acres or more | —acreage obtained by dividing allotment by 70 percent. |
| 3.5 acres | —4.9 acres. |
| 3.4 acres | —4.6 acres. |
| 3.3 acres | —4.2 acres. |
| 3.2 acres | —3.8 acres. |
| 3.1 acres | —3.5 acres. |
| 3.0 acres or less | —acreage obtained by dividing allotment by 90 percent. |

§ 727.218 *Determination of harvested and diverted acreage.* The 1939 harvested and diverted acreage for a farm shall be determined as follows:

(a) *Harvested acreage.* The harvested acreage shall be the number of acres actually harvested on the farm in 1939, except that if such number of acres was less than 60 percent of the 1939 usual acreage because of flood, drought, hail or blue mold, or other tobacco plant diseases, the harvested acreage shall be adjusted upward to 70 percent of the 1939 usual acreage.

(b) *Diverted acreage.* The diverted acreage for 1939 shall be the 1939 usual acreage minus the 1939 harvested acreage; provided that the diverted acreage shall not exceed 30 percent of the 1939 usual acreage.

§ 727.219 *Subdivided farms.* If land operated as a single farm in 1939 has been subdivided into two or more tracts, the base acreage, harvested acreage and diverted acreage of tobacco for the farm for 1939 shall be apportioned among the tracts in the proportion which the acres of cropland suitable for the production of tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year; provided, that if the local committee finds that such apportionment would not be equitable in view of the intended production on the farms which include such tracts it shall make such other apportionment as it determines to be fair and equitable.

(2) Sec. 727.220 is amended as follows:

The term "past tobacco acreage", wherever it appears, shall be deleted and there shall be inserted in lieu thereof the term "1939 usual acreage".

There shall be added at the end of section 727.220 the following new subsection (d):

(d) *Determination of county averages.* In computing the county averages under subsections (a), (b) and (c) of this section, there may be used, in lieu of the 1939 acreage allotments and crop acreages, the comparable data obtained in connection with the determination of 1938 flue-cured tobacco marketing quotas. Wherever the number of tobacco farms in any county is less than 200, the county averages computed for a nearby county may be used if the relation of the land, labor and equipment



available for the production of tobacco to the 1939 usual acreages in the two counties are found by the State committee to be substantially the same.

Done at Washington, D. C., this 8th day of Nov. 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4148; Filed, November 8, 1939; 12:07 p. m.]

## AGRICULTURAL MARKETING SERVICE

### PART 29—THE TOBACCO INSPECTION ACT

### ORDER OF DESIGNATION OF TOBACCO MARKETS (LEBANON, KENTUCKY; PARIS, COLUMBIA, AND MT. PLEASANT, TENNESSEE)

Whereas, the Act of Congress approved August 23, 1935 (49 Stat., 731: 7 U.S.C., Sup. I, Chap. 21A), entitled "The Tobacco Inspection Act" contains the following provisions:

SEC. 2. That transactions in tobacco involving the sale thereof at auction as commonly conducted at auction markets are affected with a public interest; that such transactions are carried on by tobacco producers generally and by persons engaged in the business of buying and selling tobacco in commerce; that the classification of tobacco according to type, grade, and other characteristics affects the prices received therefore by producers; that without uniform standards of classification and inspection the evaluation of tobacco is susceptible to speculation, manipulation, and control, and unreasonable fluctuations in prices and quality determinations occur which are detrimental to producers and persons handling tobacco in commerce; that such fluctuations constitute a burden upon commerce and make the use of uniform standards of classification and inspection imperative for the protection of producers and others engaged in commerce and the public interest therein.

SEC. 5. That the Secretary is authorized to designate those auction markets where tobacco bought and sold thereon at auction, or the products customarily manufactured therefrom, moves in commerce. Before any market is designated by the Secretary under this section he shall determine by referendum the desire of tobacco growers who sold tobacco at auction on such market during the preceding marketing season. The Secretary may at his discretion hold one referendum for two or more markets or for all markets in a type area. No market or group of markets shall be designated by the Secretary unless two-thirds of the growers voting favor it. The Secretary shall have access to the tobacco records of the Collector of Internal Revenue and of the several collectors of internal revenue for the purposes of obtaining the names and addresses of growers who sold tobacco on any auction market, and the Secretary shall determine from said records the eligibility of such grower to vote in such referendum, and no grower shall be eligible to vote in more than one referendum. After public notice of not less than thirty days that any auction market has been so designated by the Secretary, no tobacco shall be offered for sale at auction on such market until it shall have been inspected and certified by an authorized representative of the Secretary according to the standards established under this Act, except that the Secretary may temporarily suspend the requirement of inspection and certification at any designated market whenever he finds it impracticable to provide for such inspection and certification because competent inspectors are not obtainable or because the quantity of tobacco available for inspection is insufficient to justify the cost of such service: *Provided*, That, in the event competent inspectors are not available, or for other reasons, the Secretary is unable to provide for such inspection and certification at all auction markets within a type area, he shall first designate those auction markets where the greatest number of growers may be served with the facilities available to him. No fee or charge shall be imposed or collected for inspection or certification under this section at any designated auction market. Nothing contained in this Act shall be construed to prevent transactions in tobacco at markets not designated by the Secretary or at designated markets where the Secretary has suspended the requirement of inspection or to authorize the Secretary to close any market.

and

Whereas, pursuant to said Act referendums have been held among the growers of fire-cured tobacco who sold tobacco at auction on the Paris, Tennessee, market, and among growers of Burley tobacco who sold tobacco at auction on the markets of Lebanon, Kentucky, and Columbia and Mt. Pleasant, Tennessee, during the last marketing season, in which referendums said growers were given an opportunity to vote for or against the designation as provided in Section 5 of said Act; and

Whereas, more than two-thirds of the growers voting in said referendums and who sold tobacco at auction on said markets during the last marketing season voted in favor of said designation,

§ 29.301 (n) *Designation of tobacco markets.*

Now, therefore, by virtue of the authority conferred upon me by Section 5 of The Tobacco Inspection Act and the affirmative results of the referendums conducted thereunder, the fire-cured tobacco market of Paris, Tennessee, and the Burley tobacco markets of Lebanon, Kentucky, and Columbia and Mt. Pleasant, Tennessee, are designated as markets where tobacco bought and sold thereon at auction, or the products manufactured therefrom, moves in commerce.

*It is hereby ordered*, That, effective 30 days from this date no tobacco shall be offered for sale at auction on the above-named markets until it shall have been inspected and certified by an authorized representative of the United States Department of Agriculture according to standards established under the Act: *Provided, however*, That the requirement of inspection and certification may be suspended at such times as it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is insufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the markets designated herein. (49 Stat., 731, 7 U.S.C., Sup. I, Chap. 21A)

Done at Washington, D. C. this 7th day of November 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4137; Filed, November 7, 1939; 3:17 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3883]

### IN THE MATTER OF PETERSIME INCUBATOR COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's Petersime Electro-Thermo Bath, or other similar device or devices, which advertisements (1) represent, directly or through implication, (a) that the use of the said device Petersime Electro-Thermo Bath provides a way to better health; (b) that the use of the said device is a cure or remedy for rheumatism, arthritis, sciatica, gout, kidney trouble, nervousness, high blood pressure, colds, fatigue, poor elimination, neurosis, frayed nerves, insomnia, overweight, underweight, neuritis, lumbago, low metabolism, or any other disease or ailment of the human body, or that its use is a competent treatment therefor; (c) that the use of said device will lessen or increase body weight unless such representation is limited to a statement that the use of said device may effect a temporary loss of weight; (d) that said device will have any direct influence on basal metabolism, or that it will eliminate, cleanse, rid, purge, carry away or dispose of poisons, toxins, or wastes that cannot be taken care of by the normal processes of elimination; (2) or which advertisements fail to reveal that the regular use of the said device may be harmful, especially to debilitated individuals, and persons with deficient circulation; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Petersime Incubator Company, Docket 3883, October 28, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, Petersime Incubator Company, a corporation, in which answer respondent admits all the material allegations of the complaint to be true, and states that it waives hearings on the charges set forth in said complaint, and that, without further evidence or other intervening procedure the case might proceed to final hearing on the record, and the Commission having made its findings as to the facts and conclusion that said respondent, Petersime Incubator Company, a corporation, has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Petersime Incubator Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisements by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of a device now designated by the name of Petersime Electro-Thermo Bath, or any other similar device or devices, whether sold under the same name or any other name or names, which advertisements (1) represent, directly or through implication, (a) that the use of the said device Petersime Electro-Thermo Bath, provides a way to better health; (b) that the use of the said device is a cure or remedy for rheumatism, arthritis, sciatica, gout, kidney trouble, nervousness, high blood pressure, colds, fatigue, poor elimination, neurosis, frayed nerves, insomnia, overweight, underweight, neuritis, lumbago, low metabolism, or any other disease or ailment of the human body, or that its use is a competent treatment therefor; (c) that the use of said device will lessen or increase body weight unless such representation is limited to a statement that the use of said device may effect a temporary loss of weight; (d) that said device will have any direct influence on basal metabolism, or that it will eliminate, cleanse, rid, purge, carry away or dispose of poisons, toxins or wastes that cannot be taken care of by the normal processes of elimination; (2) or which advertisements fail to reveal that the regular use of the said device may be harmful, especially to debilitated individuals, and persons with deficient circulation.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4134; Filed, November 7, 1939; 1:47 p. m.]

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[Docket No. 3770]

IN THE MATTER OF KIRK MEDICINE COMPANY

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondents' "Kirks Tablets", "Kirks Pancreatin Compound Tablets" and "Kirks Tablets Pancreatin Compound", or other similar medicinal preparation, that said preparation will aid nature in eliminating the acid accumulations in the digestive system or that said preparation contains an alkalizing substance, or that it is a cure or remedy for, or that it is effective in the treatment of, or that it will give relief from, stomach distress, headaches, back aches, dizzy spells, indigestion and excessive accumulations of gas in the stomach, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Kirk Medicine Company, Docket 3770, October 30, 1939]

§ 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.18 *Claiming indorsements or testimonials falsely.* Representing, in connection with offer, etc., in commerce, of respondents' "Kirks Tablets", "Kirks Pancreatin Compound Tablets" and "Kirks Tablets Pancreatin Compound", or other similar medicinal preparation, that thousands of users have attested to the beneficial results obtained from the use of said preparation, prohibited. (Sec. 5, 33 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Kirk Medicine Company, Docket 3770, October 30, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondents' "Kirks Tablets", "Kirks Pancreatin Compound Tablets" and "Kirks Tablets Pancreatin Compound", or other similar medicinal preparation, that said preparation will relieve the digestive system of bacteria or that it will give relief by neutralizing and eliminating bacterial action in the digestive system, or that it will correct disorders of defective digestion or that it will give relief in all cases of chronic under-nourishment, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Kirk Medicine Company, Docket 3770, October 30, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF LOU STERLING AND WALTER FEHR GARDNER, CO-PARTNERS, TRADING AS KIRK MEDICINE COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents and a stipulation as to the facts entered upon the record (no briefs having been filed and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, Lou Sterling and Walter Fehr Gardner, co-partners, trading as Kirk Medicine Company, or trading under any other name or through any corporate or other device, their representatives, agents, and employees, in connection with the offering for sale, sale and distribution of a medicinal preparation now designated and sold as "Kirks Tablets", "Kirks Pancreatin Compound Tablets" and "Kirks Tablets Pancreatin Compound", or of any other medicinal preparation containing substantially the same ingredients or possessing substantially the same properties whether sold under that name or any other name, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist representing:

(1) That said preparation will aid nature in eliminating the acid accumulations in the digestive system or that said preparation contains an alkalizing substance;

(2) That said preparation is a cure or remedy for, or that it is effective in the treatment of, or that it will give relief from, stomach distress, headaches, back aches, dizzy spells, indigestion and excessive accumulations of gas in the stomach;

(3) That thousands of users have attested to the beneficial results obtained from the use of said preparation;

[1] 4 F.R. 2193 DI.



(4) That said preparation will relieve the digestive system of bacteria or that it will give relief by neutralizing and eliminating bacterial action in the digestive system;

(5) That said preparation will correct disorders of defective digestion or that it will give relief in all cases of chronic undernourishment.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4135; Filed, November 7, 1939; 1:47 p. m.]

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[Docket No. 3880]

IN THE MATTER OF BRUNSWICK WORSTED MILLS, INC., ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a) *Misbranding or mislabeling—Composition:* § 3.69 (b) (1) *Misrepresenting oneself and goods—Goods—Composition.* Offering for sale, selling or distributing, in connection with offer, etc., in commerce, of fabrics, any fabric or product composed in part of wool and in part of rayon, or any other fiber without making full and non-deceptive disclosure of the fiber content thereof, by stating the true names of the fibers present, in the order of predominance by weight, and by stating the percentages of such fibers as are present therein, prohibited; subject to the provision, however, that it shall not be necessary to state the percentage of rayon or fiber other than wool, if the rayon or fiber other than wool be used exclusively for decorative purposes and is plainly visible as a decoration, and the same being not more than 5% of the whole fabric or product by weight. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Brunswick Worsted Mills, Inc., et al., Docket 3880, October 31, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF BRUNSWICK WORSTED MILLS, INC., A CORPORATION, AND GEORGE O. LECKIE AND HENRY C. HASKELL, INDIVIDUALLY, AND AS CO-PARTNERS TRADING AS LECKIE & HASKELL

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Brunswick Worsted Mills, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, and the respondents George O. Leckie and Henry C. Haskell, individually, and as co-partners trading as Leckie & Haskell, in connection with the offering for sale, sale and distribution of fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from offering for sale, selling or distributing any fabric or product composed in part of wool and in part of rayon, or any other fiber without making full and non-deceptive disclosure of the fiber content thereof, by stating the true names of the fibers present, in the order of predominance by weight, and by stating the percentages of such fibers as are present therein: *Provided, however*, That it shall not be necessary to state the percentage of rayon or fiber other than wool, if the rayon or fiber other than wool be used exclusively for decorative purposes and is plainly visible as a decoration, and the same being not more than 5% of the whole fabric or product by weight.

*It is further ordered*, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4142; Filed, November 8, 1939; 9:54 a. m.]

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## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### SECURITIES AND EXCHANGE COMMISSION

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

ADOPTION OF RULE U-12C-3

Acting pursuant to the authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly Sections 20 (a) and 12 (c) thereof, and finding such action necessary and appropriate in the public interest and for the protection of investors and consumers, and to carry out the provisions of said Section 12 (c), the Securities and Exchange Commission adopts the following rule, which is designated Rule U-12C-3:

§ 250.U-12C-3 (*Rule U-12C-3*). *Payments on account of obligations declared as dividends.* (a) Hereafter, except in accordance with this rule, no registered holding company and no subsidiary company thereof shall, directly or indirectly, make any payment of principal or interest on any note, bond, book account or any indebtedness however evidenced which is or was issued as, or based upon a dividend or dividends created or issued or declared from, or charged against, capital or unearned surplus, or in renewal of, or in exchange for, any such obligation, whether such dividend was declared before or after the Act took effect. In determining whether proposed payments on any such indebtedness issued or declared as a dividend in part out of earned surplus and in part out of capital or unearned surplus, or issued in renewal of, or in exchange for, such indebtedness, are permissible under this rule, past payments on account of such indebtedness or any predecessor indebtedness shall be deemed to have been first applied in reduction of the portion of such indebtedness issued or declared as a dividend out of earned surplus.

(b) A company proposing to make such a payment shall file with the Commission an application stating said purpose and setting forth the pertinent facts.

(c) After hearing on such application, the Commission will, by order, permit such payment subject to such terms and conditions as it finds necessary or appropriate in the public interest or the interest of investors or consumers unless the Commission finds that such payment

1. will be, in substance or effect or equivalence, the payment of a dividend from capital or unearned surplus and that such payment would not be permitted as a dividend on application pursuant to Rule U-12C-2 [Sec. 250.U-12C-2]; or

2. will impair the financial integrity of the applicant or of its subsidiaries, or will render inadequate the working capital of a public-utility company, or will result in the circumvention of the provisions of the Act, or the rules, regulations or orders of the Commission thereunder.

Effective November 8, 1939.

(C. 687, sec. 12, 49 Stat. 823; 15 U.S.C., Sup. III, 791: C. 687, sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 79t) [Gen. Rules and Regs., rule U-12C-3, effective November 8, 1939]

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4147; Filed, November 8, 1939; 11:45 a. m.]

## TITLE 18—CONSERVATION OF POWER

### FEDERAL POWER COMMISSION

[Order No. 66]

AMENDING THE PROVISIONAL RULES OF PRACTICE AND REGULATIONS UNDER THE NATURAL GAS ACT, WITH APPROVED FORMS

NOVEMBER 3, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

The Commission, pursuant to the authority vested in it under Executive Order No. 8202, dated July 13, 1939,[1] and finding such action necessary and desirable for carrying out the provisions of the said order and for effectuating the provisions of the Natural Gas Act (52 Stat. 821), hereby adopts, promulgates and prescribes the following amendments to the Provisional Rules of Practice and Regulations Under the Natural Gas Act,[2] effective July 11, 1938, as heretofore prescribed by Order No. 52, adopted July 5, 1938;

A new subheading and new sections under Part 53 are hereby adopted, which shall read as follows:

APPLICATION FOR CONSTRUCTION, OPERATION, MAINTENANCE, OR CONNECTION AT INTERNATIONAL BOUNDARY OF UNITED STATES AND A FOREIGN COUNTRY, OF FACILITIES FOR EXPORTATION OR IMPORTATION OF NATURAL GAS TO OR FROM FOREIGN COUNTRIES, UNDER EXECUTIVE ORDER NO. 8202, DATED JULY 13, 1939

§ 53.10 *Who shall apply.* Any person, firm, or corporation contemplating the construction of, or who is operating or maintaining facilities at the borders of the United States, for the exportation or the importation of natural gas to or from a foreign country, shall file with the Commission an application for a Presidential Permit, in compliance with Executive Order No. 8202, dated July 13, 1939.

§ 53.11 *Contents of application.* Every application shall set forth in the order indicated, the following:

(1) Information regarding applicant:

(a) The exact legal name of applicant;

(b) The name, title, and post office address of the person to whom correspondence in regard to the application shall be addressed;

(c) If applicant is a corporation: Copy of articles of incorporation and by-laws; the amount and classes of capital stock; nationality of officers, directors, and stockholders and the amount and class of stock held by each;

(d) Is applicant company, or its transmission lines, owned wholly or in part by any foreign government or directly, or indirectly subventioned by any foreign government; or, has applicant company any understanding for such ownership or by subvention from any foreign government; if so, give full details.

(2) A general or key map on a scale not greater than 20 miles to the inch, showing the physical location and giving a full description of the facilities employed, or to be employed in the exportation or importation of natural gas at the international boundary;

(3) Statement describing every existing contract that applicant has with a foreign government, or private concerns, which in any way relate to the control or fixing of rates for the purchase, sale or transportation of natural gas and which may serve in any way to restrict or prevent competing American companies from extending their activities; also, attach certified copies of such contracts;

(4) Copies of every landing license, or permit, which has been granted applicant, or any predecessor, by a foreign government or by any of its agencies, in connection with the exportation or importation of natural gas;

§ 53.12 *Other information.* The applicant shall furnish such additional information, in connection with the application, as the Commission may deem pertinent.

The amendments to the Provisional Rules of Practice and Regulations Under the Natural Gas Act, effective July 11, 1938, adopted, promulgated and prescribed by this order shall become effective on December 12, 1939; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-4139; Filed, November 8, 1939; 9:20 a. m.]

[Order No. 67]

AMENDING THE RULES OF PRACTICE AND REGULATIONS UNDER THE FEDERAL POWER ACT, WITH APPROVED FORMS

NOVEMBER 3, 1939.

Commissioners: Clyde L. Seavey, chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

The Commission, pursuant to the authority vested in it under Executive Order No. 8202, dated July 13, 1939,[1] and finding such action necessary and desirable for carrying out the provisions of the said order and for effectuating the provisions of the Federal Power Act (49 Stat. 838) hereby adopts, promulgates and prescribes the following amendments to the Rules of Practice and Regulations, With Approved Forms, Effective June 1, 1938 (under the Federal Power Act), as heretofore prescribed by Order No. 50, adopted April 19, 1938;

A new subheading and new sections under Part 32 are hereby adopted, which shall read as follows:

APPLICATION FOR CONSTRUCTION, OPERATION, MAINTENANCE, OR CONNECTION AT INTERNATIONAL BOUNDARY OF UNITED STATES AND A FOREIGN COUNTRY, OF FACILITIES FOR TRANSMISSION OF ELECTRIC ENERGY BETWEEN UNITED STATES AND FOREIGN COUNTRIES, UNDER EXECUTIVE ORDER NO. 8202, DATED JULY 13, 1939

§ 32.50 *Who shall apply.* Any person, firm, or corporation contemplating the construction of, or who is operating or maintaining facilities at the borders of the United States, for the transmission of electric energy between the United States and a foreign country, shall file with the Commission an application for a Presidential Permit, in compliance with Executive Order No. 8202, dated July 13, 1939.

§ 32.51 *Contents of application.* Every application shall set forth in the order indicated, the following:

(1) Information regarding applicant:

(a) The exact legal name of applicant;

(b) The name, title, and post office address of the person to whom correspondence in regard to the application shall be addressed;

(c) If applicant is a corporation: Copy of articles of incorporation and by-laws; the amount and classes of capital stock; nationality of officers, directors and stockholders and the amount and class of stock held by each;

(d) Is applicant company, or its transmission lines, owned wholly or in part by any foreign government or directly, or indirectly subventioned by any foreign government; or, has applicant company any understanding for such ownership by or subvention from any foreign government? If so, give full details;

(2) A general or key map on a scale not greater than 20 miles to the inch, showing the physical location and giving a full description of the facilities employed, or to be employed in the transmission of electric energy between the United States and a foreign country;

(3) Statement describing every existing contract that applicant has with a foreign government, or private concerns, which in any way relate to the control or fixing of rates for the purchase, sale or transmission of electric energy and which may serve in any way to restrict or prevent competing American companies from extending their activities; also, attach certified copies of such contracts;

(4) Copies of every landing license, or permit, which has been granted applicant, or any predecessor, by a foreign government or by any of its agencies, in connection with the transmission of electric energy between the United States and a foreign country;

§ 32.52 *Other information.* The applicant shall furnish such additional information, in connection with the application, as the Commission may deem pertinent.

[1] 4 F.R. 3243 DI.
[2] 3 F.R. 1681 DI.

[1] 4 F.R. 3243 DI.



The amendments of the Rules of Practice and Regulations, With Approved Forms, Effective June 1, 1938 (under the Federal Power Act), adopted, promulgated and prescribed by this order shall become effective on December 12, 1939; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-4140; Filed, November 8, 1939; 9:20 a.m.]

[Order No. 68]

AMENDING THE PROVISIONAL RULES OF PRACTICE AND REGULATIONS UNDER THE NATURAL GAS ACT, WITH APPROVED FORMS

NOVEMBER 3, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

The Commission, pursuant to authority vested in it by the Natural Gas Act, particularly Sec. 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act, hereby adopts, promulgates and prescribes the following amendments to the Provisional Rules of Practice and Regulations under the Natural Gas Act,[1] effective July 11, 1938, as heretofore prescribed by Order No. 52, adopted July 5, 1938;

(A) Sec. 53.3 of Part 53 (Contents of application) be and it is hereby amended to hereafter read as follows:

§ 53.3 *Contents of application.* Every application shall set forth in the order indicated the following:

(1) The exact legal name of applicant;

(2) The name, title, and post office address of the person to whom correspondence in regard to the application shall be addressed;

(3) If a corporation, the State or territory under the laws of which the applicant was organized, and the town or city where applicant's principal office is located. If applicant is incorporated under the laws of, or authorized to operate in more than one State, all pertinent facts should be stated;

(4) A statement giving the name and location of the field or fields in which the gas proposed to be exported or imported is produced and the most recent estimate of the remaining natural-gas reserves in such field or fields;

(5) If the application is for authority to export natural gas, state the name of the purchaser of the gas proposed to be exported, its proposed use in the foreign country, and the rate or rates proposed to be charged the purchaser for such gas, together with the rate or rates charged by the applicant for similar service, if rendered in the United States;

(6) If the application is for authority to import natural gas, state the name of the seller and of the producer of the gas proposed to be imported, and the rate or rates proposed to be paid by the applicant for the said gas;

(7) A description of the facilities utilized in the proposed exportation or the importation of natural gas;

(8) A statement of the reasons why the proposed exportation or importation of natural gas (a) will not be inconsistent with the public interest and (b) will not in any way impair the ability of applicant to render natural gas service at reasonable rates to its customers in the United States.

(B) A new section, to be known as Sec. 53.4, is hereby adopted, which section shall read as follows:

§ 53.4. *Required Exhibits.* There shall be filed with the application and as a part thereof the following exhibits:

*Exhibit A.* Photostatic, or certified copy of Articles of Incorporation and By-Laws of applicant company;

*Exhibit B.* A detailed statement of the financial and corporate relationship existing between applicant and any other person or corporation;

*Exhibit C.* Statement, including signed opinion of counsel, showing that the exportation or the importation of natural gas is within the corporate powers of applicant, and that applicant has complied with State laws and with the rules and regulations of State regulatory authorities in the State or States in which applicant operates;

*Exhibit D.* If the application is for authority to export natural gas, copy of the contract or contracts with purchasers in the foreign country of the natural gas proposed to be exported by applicant;

*Exhibit E.* If the application is for authority to import natural gas, copy of the contract or contracts with the producer or seller in the foreign country of the natural gas proposed to be imported;

*Exhibit F.* A general or key map on a scale not greater than 20 miles to the inch, showing the physical location of the facilities utilized in the applicant's proposed export or import operations.

(C) A new section to be known as Sec. 53.5, is hereby adopted, which section shall read as follows:

§ 53.5. *Other Information.* The applicant shall furnish such additional information as the Commission may deem pertinent.

The amendments to the Provisional Rules of Practice and Regulations under the Natural Gas Act adopted, promulgated and prescribed by this order, shall become effective as of December 12, 1939; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-4141; Filed, November 8, 1939; 9:20 a. m.]

[1] 3 F.R. 1681 DI.

## TITLE 47—TELECOMMUNICATION

### FEDERAL COMMUNICATIONS COMMISSION

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

The Commission on November 7, 1939, effective immediately, amended Section 4.25 (b),[1] to read:

(b) A relay broadcast station assigned frequencies in Groups D, E, F and G will not be authorized to install equipment or licensed for an output power in excess of 100 watts; provided that before using any frequency in these groups with a power in excess of 25 watts, tests shall be made by the licensee to insure that no objectionable interference will result to the service of any government station, and provided, further, that if the use of any frequency may cause interference then the power shall be reduced to 25 watts or another frequency in the licensed group selected which will not cause objectionable interference.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (f), 48 Stat. 1082; 47 U.S.C. 303 (f))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-4149; Filed, November 8, 1939; 12:11 p. m.]

[1] 4 F.R. 1667 DI. In this part, Sections 41.01–41.06 have been renumbered 4.21–4.26.

## *Notices*

### DEPARTMENT OF AGRICULTURE.

#### Food and Drug Administration.

REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER RELATIVE TO IDENTITY OF CANNED PEAS

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONAELE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND

ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR THE FOOD COMMONLY KNOWN AS CANNED PEAS

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1148 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 17, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue NW., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for the food commonly known as canned peas. The notice contained a proposal, in general terms, for defining and so standardizing such food. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peas and that the hearing would proceed in the order set forth in the FEDERAL REGISTER of March 7, 1939.

3. On April 17, 1939, at 10 a. m., the hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peas was convened, and was adjourned from time to time until April 19, 1939, at 11: 30 a. m., when it was reconvened, and was concluded at 3: 50 p. m., on April 20, 1939. All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and argument.

4. Within the time announced at the hearing within which interested persons might file written argument, proposed findings of fact, or both, various interested persons filed proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing, which, if granted, would modify the proposal contained in the FEDERAL REGISTER.

5. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.

*Suggested Findings*

1. Canned peas are the food prepared from shelled common peas of any variety of *Pisum sativum*. Salt, sugar, dextrose or other seasonings may be added. The ingredients are sealed in a container and processed by heat. (R. pp. 36, 101–102, 252–254)

2. The food has a characteristic flavor, odor, appearance, both as to shape and color of the finished peas, texture and liquid. All canned peas have the same identifying characteristics. (R. pp. 36, 58, 102, 118–122)

3. The characteristic flavor of canned peas is the flavor of cooked peas fresh from the garden, preserved and restored to the degree that the canning process permits. All canned peas have the same flavor in differing degrees of intensity, and such flavor distinguishes the food from all other foods. (R. pp. 36–37, 102)

4. Canned peas have a characteristic odor which is the odor of cooked peas fresh from the garden, preserved or restored in so far as the canning process permits. All canned peas have the same characteristic odor in differing degrees of intensity. (R. pp. 37, 102)

5. Canned peas have a characteristic appearance both as to shape (which is a general effect of roundness, although sizes may vary) and as to color, which is always green, although the intensity of the green color depends on the variety of the peas, the stage of their growth at the time they are canned, and the processes used in canning them. (R. pp. 37, 102–103, 118–122)

6. Canned peas also contain a characteristic liquid consisting largely of water, colored or clouded by the elements which cook from the peas in the canning process. The extent to which the liquid is colored or cloudy is governed by the stage of growth at which the peas were canned, and also the length of time since the peas were canned, and by such conditions of storage as temperature. Such liquid is colored or clouded to some extent in all cases. (R. pp. 38, 103)

7. The characteristic flavor and odor of canned peas result from the combination of soluble and volatile substances that make up the product, including sugar, dextrose, salt, and other constituents. The shape is a natural attribute. The color results from the transparency of the skin and the natural color of the cotyledons. Young, succulent peas appear greener than old, dry or partly dried peas because the cotyledons are held more closely against the skin by their greater moisture content. Dry peas processed so that they are swelled with water appear greener than many fairly succulent peas of the same variety, both before and after cooking. The characteristic texture of peas results in part from their moisture content and in part from the soluble solids they contain, but, principally, from the insoluble solids such as cellulose and starch. (R. pp. 38–39, 102–103)

8. Canned peas have a characteristic chemical composition. All varieties have the same constituents in varying proportions. It is not possible to distinguish between various kinds of canned peas by a chemical examination of the entire contents of the can. (R. pp. 39–40)

9. Canned peas are used as a vegetable dish either alone or mixed with other vegetables. They are also used to make pea soup and are used in other soups, and are some times used in salads, omelets, stews, and meat loaves. All types of canned peas are used interchangeably for the same food purposes. (R. p. 40)

10. The ingredients present in canned peas are shelled peas horticulturally known as *Pisum sativum*, water, and possibly salt, sugar, dextrose, or other seasonings. (R. pp. 41, 131, 144–146)

11. There are two distinct horticultural types of *Pisum sativum*, those in which the skins of the dry seed are smooth and those in which the skins are wrinkled. The size of peas varies, depending on the variety. One type is commonly known as early peas, and the other type is known as sweet peas. There are many varieties of the sweet type, but there is some evidence that the smooth-skinned or early peas are all strains of the Alaska variety, although they are sold under many other varietal names. (R. pp. 41, 77, 115–116, 252–253)

12. Peas of both varieties have the same identifying characteristic flavor, although the degree of sweetness is higher in sweet peas than in early peas; the same odor; the same shapes and sizes, although the dry seed of sweet peas is wrinkled, whereas the dry seed of early peas is smooth; most varieties of sweet peas are somewhat larger than early peas; and the same characteristic green color. (R. pp. 41–42)

13. Peas of either the smooth-skinned or early type, or of the sweet or wrinkled type, are optional pea ingredients of canned peas. (R. pp. 42, 103, 252–253)



14. The common name of the smooth-skinned type of peas is "Early Peas", and the common name of the sweet or wrinkled type of peas is "Sweet Peas." (R. pp. 103, 108, 109, 201, 249, 254)

15. Early Peas have been variously known as "Early", "Early June", and "June." "Early June" is confusing because it sometimes means a specific sieve size of the Alaska variety and means standard grade in some instances. (R. pp. 69, 161, 175, 191, 195, 206, 207, 223)

16. Peas are succulent during their growing period because they have a high moisture content which makes them tender. As they ripen they lose their moisture content by evaporation, and when fully ripened they are hard and dry. This necessitates the restoration of the moisture content before fully ripened peas can be made into the product commonly known as canned peas. (R. pp. 42–43)

17. Peas in both the succulent state and the dried state are canned by identical processes, with the exception of the restoration of their former moisture content to the dried peas. (R. pp. 43–45)

18. Canned peas prepared from succulent and from dried peas have the same identifying characteristics, i. e., flavor, odor, shape, color and texture in differing degrees of intensity. (R. pp. 45, 104)

19. Peas in either the succulent state or the dried state are an optional pea ingredient of canned peas. (R. pp. 45, 103–104, 252–253)

20. The common name of peas in the succulent state is simply "Peas" with the name of the varietal type of peas, and the common name of peas in the dry state is "Dried Peas" with the name of the varietal type of peas. (R. pp. 45–46, 104, 253)

21. Early Peas and Sweet Peas are not mixed in commercial canning. (R. pp. 46, 252–253)

22. Water is an essential ingredient of canned peas. Its presence is expected and it would serve no good purpose to indicate its presence on the label. It is necessary to so process the product as to prevent spoilage. (R. pp. 46, 117–118, 252–253)

23. Seasonings may be ingredients of canned peas. Salt is always used and sugar and dextrose are sometimes used. Flavorings such as mint oil or mint extract, or seasonings such as mint leaf, green peppers, onions, garlic, horseradish, and other condimental vegetable seasonings are sometimes used. (R. pp. 46, 112–113, 114–115, 127–133, 139–140, 144–146, 188, 253, Affidavits of F. F. Torsch and Sydney P. Craig)

24. The use of seasoning is not universal. It is optional, but its use takes away no identifying characteristics of the product. (R. pp. 46, 253)

25. Such seasonings may be used singly or in combination, and the quantity used is self-controlling. (R. pp. 46–47, 55, 56–57, 79, 86–87, 89, 113, 253)



26. Each of such seasonings has a common name, to wit: salt, sugar, dextrose, flavoring, mint leaves, green peppers, onions, garlic, horseradish, and the common name of other vegetables used as seasonings. (R. pp. 47, 55, 84–85, 133–134, 253–254, 261)

27. It is essential to the identity of canned peas that they be sealed in a container. (R. p. 47)

28. It is essential to the identity of canned peas that they be processed by heat so as to prevent spoilage. (R. p. 47)

29. Canned peas have never been known by any name other than canned peas. (R. pp. 47, 105)

30. The optional pea ingredient should be declared on the label by their common names, that is, Early Peas, Sweet Peas, Dried Early Peas, or Dried Sweet Peas, if the consumer is to be accurately informed of the character of the product. (R. pp. 48, 71, 105, 178–179, 186–187.

31. Inasmuch as water, salt, and sugar are generally used in the preparation of canned peas, and within the last few years, dextrose, together with sugar, and inasmuch as the sweetening ingredient is relatively slight, the declaration of the presence of water, salt, sugar, or dextrose would furnish the consumer no useful information. (R. pp. 48, 75, 93–96, 105–106, 111, 130, 245, 256, 260, 262)

32. Other seasonings are not universally used in the preparation of canned peas and their presence may not be anticipated by the consumer. In order to furnish full information as to the character of the product, it is necessary that their presence be declared by their common names on the label. (R. pp. 48, 75, 112)

33. Such products are highly flavorsome, adding their odor and taste to the characteristic pea flavor. (R. pp. 48–49)

34. Honesty and fair dealing in the interest of the consumer requires that wherever the name "Peas" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredients present shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peas may so intervene.

*Suggested Conclusion in the Form of a Regulation*

Upon the basis of the foregoing findings of fact, the following reasonable definition and standard of identity for the food commonly known as canned peas is hereby suggested to be promulgated as a regulation:

§ 51.000 *Canned peas—Identity; label statement of optional ingredients.* (a) Canned peas are the food prepared from one of the following optional ingredients:

(1) Shelled, succulent peas (*Pisum sativum*) of Alaska or other smooth skin varieties;

(2) Shelled, succulent peas (*Pisum sativum*) of sweet, wrinkled varieties;

(3) Shelled, dried peas (*Pisum sativum*) of Alaska or other smooth skin varieties;

(4) Shelled, dried peas (*Pisum sativum*) of sweet, wrinkled varieties.

To such ingredient water is added. The food may be seasoned with one or more of the optional ingredients:

(5) Salt;
(6) Sugar;
(7) Dextrose;
(8) Flavoring;
(9) Spice;
(10) Green peppers, mint leaves, onions, garlic, horseradish, or other condimental seasonings.

The food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The label shall bear the word or words "Early"; "Sweet"; "Dried Early"; or "Dried Sweet"; showing respectively the presence of optional ingredient (1), (2), (3), or (4), as the case may be. If optional ingredient (8) or (9) is present, the label shall bear the statement "Flavoring Added", or "With Added Flavoring"; "Spice Added", or "With Added Spice"; as the case may be. In lieu of the words "Flavoring" and "Spice", the common or usual name of the flavoring or spice may be used in such statement. If optional ingredient (10) is present, the label shall bear the words "Seasoned With Green Peppers"; "Seasoned With Mint Leaves"; "Seasoned With Onions"; "Seasoned With Garlic"; "Seasoned With Horseradish"; or "Seasoned With ----------", the blank to be filled in with the common name of such other condimental vegetable seasoning, as the case may be. Wherever the name "Peas" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the specific varietal name of the peas may so intervene.

*Time Within Which to File Objections*

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time, each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of



the matter for hearing for the folowing

physical operation and program service



plications and authorizations for radio

spondence, memoranda or other records

the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN McDILL FOX,
*Presiding Officer.*

OCTOBER 19, 1939.

[F. R. Doc. 39-4136; Filed, November 7, 1939; 3:17 p. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

APPLICATION THE WORK GLOVE INSTITUTE, NATIONAL ASSOCIATION OF LEATHER GLOVE MFGS., INC., UNDERWEAR INSTITUTE, AND SUNDRY OTHER PARTIES PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT OF 1938, AND RULES AND REGULATIONS ISSUED THEREUNDER FOR PERMISSION TO EMPLOY LEARNERS IN THE GLOVE INDUSTRY AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM SPECIFIED IN SECTION 6

NOTICE OF HEARING

Whereas, applications have been made by the Work Glove Institute, National Association of Leather Glove Mfgs., Inc., Underwear Institute, and sundry other parties under Section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations, Part 522, as amended (Regulations applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, Chapter V, Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners in the glove branch of the apparel industry at wages less than the applicable minimum wage specified in Section 6 of the Act; and

Whereas, interested parties have asked that this hearing be held at the earliest possible date preferably during the week of November 13, 1939; and

Whereas, there is reason to believe that no interested party will be prejudiced by the holding of this hearing on November 16, 1939;

Now, therefore, pursuant to the said Act and Section 522.4 of the said Regulations, notice is hereby given of a public hearing to be held in Room 214, Hutchins Building, 939 D Street, Northwest, Washington, D. C., to commence at 10 A. M., on Thursday, November 16, 1939, before Merle D. Vincent, hereby duly authorized as presiding officer to conduct said hearing, to take testimony for the purpose of determining, and to determine both under the minimum wage rates applicable October 24, 1939 and under such higher minimum wage rates as have been recommended by Industry Committee No. 2 for the apparel industry:

(a) What, if any, occupation or occupations in the glove branch of the apparel industry require a learning period, and

(b) the factors which may have a bearing upon curtailment of opportunities for employment within the glove branch of the apparel industry, and

(c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the glove branch of the apparel industry for whatever occupation or occupations, if any, are found to require a learning period.

At this hearing opportunity to present evidence relevant to the above questions will be afforded any interested person provided the presiding officer, Merle D. Vincent, Chief of the Hearings and Exemptions Section of the Wage and Hour Division, shall have received from such person, prior to noon, Wednesday, November 15, 1939, a notice of intention to appear setting forth his name and address, the company or organization which he represents, and specifying the division of the glove branch of the apparel industry to which his testimony will be directed and the approximate length of such presentation.

As used in this notice, the term "glove branch of the apparel industry" means: "The manufacture of all gloves and mittens (except athletic) other than work gloves and mittens, from leather, woven or knitted fabrics or from any combinations of these materials, and the manufacture of work gloves and mittens from fabric, leather, or fabric and leather combined, or knitted materials."

Signed at Washington, D. C., this 8 day of November, 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4151; Filed, November 8, 1939; 12:39 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5430]

IN RE APPLICATION OF JOHN H. STENGER, JR. (WBAX)

*Dated, September 23, 1938; for renewal of license; class of service, broadcast; class of station, broadcast; location, Wilkes-Barre, Pa.; operating assignment specified: Frequency, 1210 kc.; power—100 w., night—100 w., day; hours of operation, unlimited*

[File No. B2-R-378]

NOTICE OF HEARING

You are hereby notified that the Commission redesignated the above application for hearing, to be based on the following issues which supersede the issues contained in the notice of designation mailed under date of December 28, 1938:

1. To determine the financial qualifications of the licensee to operate this station.

2. To determine whether the licensee has at all times exercised control over the physical operation and program service of this station, particularly during the entire period subsequent to December 19, 1936.

3. To determine whether during the years 1936, 1938, and 1939 the station license, the frequency authorized to be used, and the rights granted therein were transferred, assigned, or in any manner disposed of, either directly or indirectly, to any person without written consent of the Commission, in violation of the Communications Act of 1934, as amended, particularly Section 310 (b) thereof.

4. To determine whether the Stenger Broadcasting Corporation and Glenn D. Gillett, or either of them, have at any time engaged in the operation of this station, in violation of the Communications Act of 1934, as amended, particularly Sections 301 and 310 (b) thereof.

5. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

John H. Stenger, Jr.,
Radio Station WBAX
The Orpheum Theatre Building,
141 South Main St.,
Wilkes-Barre, Pa.

Dated at Washington, D. C., November 6, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4132; Filed, November 7, 1939; 1:38 p. m.]

[Docket No. 5788]

IN RE APPLICATION OF E. J. REGAN AND F. ARTHUR BOSTWICK, D/B AS REGAN & BOSTWICK (WQDM)

*Dated, February 25, 1939; for renewal of license; class of service, broadcast; class of station, broadcast; location, St. Albans, Vt.; operating assignment specified: Frequency, 1390 kc.; power—1 kw., day; hours of operation, daytime*

[File No. B1-R-768]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the folowing reasons:

1. To determine the financial qualifications of the licensees to operate this station.

2. To determine whether the licensees have at all times exercised control over the physical operation and program service of this station, particularly during the entire period subsequent to May 1, 1938.

3. To determine whether during the year 1938 the station's license, the frequency authorized to be used, and the rights granted therein were transferred, assigned, or in any manner disposed of, either directly or indirectly, to any person without written consent of the Commission, in violation of the Communications Act of 1934, as amended, particularly Section 310 (b) thereof.

4. To determine whether Glenn D. Gillet and G. S. Wasser, or either of them, have ever engaged in the operation of this station, in violation of the Communications Act of 1934, as amended, particularly Sections 301 and 310 (b) thereof.

5. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

E. J. Regan & F. A. Bostwick, d/b as Regan & Bostwick, Radio Station WQDM,
32 North Main St.,
St. Albans, Vt.

Dated at Washington, D. C., November 6, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4133; Filed, November 7, 1939; 1:38 p. m.]

FIXED PUBLIC RADIO SERVICES (EXCEPT ALASKA)

NOTICE

The Commision, having revised its rules Governing Fixed Public Radio Services (except Alaska),[1] effective December 1, 1939, and the prescribed forms of applications and authorizations for radio stations operating in the Fixed Public and Fixed Public Press Services (except Alaska), extended from 3 a. m. EST., December 1, 1939, until 3 a. m., EST., February 1, 1940, the licenses for such stations, subject to the same conditions and limitations as are contained in the outstanding authorizations. The Commission also directed that all applications for renewal of licenses of existing radio stations operating in the Fixed Public and Fixed Public Press Services (except Alaska) shall be filed with the Commission in accordance with the new prescribed forms on or before December 1, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4150; Filed, November 8, 1939; 12:11 p. m.]

[1] 4 F.R. 4462 DI.



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 6th day of November 1939.

[File No. 1-2601]

IN THE MATTER OF RHINE-WESTPHALIA ELECTRIC POWER CORPORATION-AMERICAN SHARES, 100 REICHSMARKS PAR VALUE, REPRESENTING DEPOSITED GERMAN COMMON STOCK

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the American Shares, 100 Reichsmarks Par Value, representing deposited German Common Stock, of Rhine-Westphalia Electric Power Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Tuesday, December 5, 1939, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commissioner or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be, and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4143; Filed, November 8, 1939; 11:45 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of November 1939.

[File No. 1-1455]

IN THE MATTER OF CONNECTICUT RAILWAY AND LIGHTING COMPANY—5% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 5% Cumulative Preferred Stock, $100 Par Value, of Connecticut Railway and Lighting Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Thursday, December 7, 1939, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4145; Filed, November 8, 1939; 1:39 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 7th day of November 1939.

[File No. 1-1538]

IN THE MATTER OF POSTAL TELEGRAPH AND CABLE CORPORATION 7% NON-CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% Non-Cumulative Preferred Stock, $100 Par Value, of Postal Telegraph and Cable Corporation; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on November 17, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4146; Filed, November 8, 1939; 11:45 a.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of November, A. D. 1939.

[File No. 43-286]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

A Declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on November 27, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 21, 1939.

The matter concerned herewith is in regard to the extension, until March 15, 1945, of $8,589,980 principal amount of 8% Eight Year Gold Bonds, due March 15, 1940. It is proposed that the Company offer to the present holders of its 8% Eight Year Gold Bonds, due March 15, 1940, an extension of the maturity of their bonds for five years to March 15, 1945, all other terms, conditions and restrictions of the issue to remain unchanged, except that from the date of extension to the extended maturity date the bonds shall be redeemable upon the terms and conditions set forth in the Indenture and Supplemental Indenture of March 15, 1932 upon payment of the principal thereof and accrued interest, and a premium on said principal of two per cent (2%) if redeemed after the date of extension and on or before March 15, 1941, of one and one-half per cent (1½%) if redeemed after March 15, 1941 and on or before March 15, 1942, of one percent (1%) if redeemed after March 15, 1942 and on or before March 15, 1943, of one-half of one per cent (½ of 1%) if redeemed after March 15, 1943 and on or before March 15, 1944, and without premium if redeemed after March 15, 1944. At the time of extension an advance payment of the interest due March 15, 1940 will be paid to holders extending their bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4144; Filed, November 8, 1939; 11:45 a. m.]

Reference

NOV 13 1939

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 218

*Washington, Friday, November 10, 1939*

*Rules, Regulations, Orders*

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### SECURITIES AND EXCHANGE COMMISSION

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENT OF RULE U-3A-1

Acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, and particularly Sections 3 (a) and 20 (a) thereof [C. 687, sec. 3, 49 Stat. 810; 15 U.S.C., Sup. III, 79c: C. 687, sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 79t], and finding such action necessary and appropriate in the public interest and in the interest of investors and consumers, the Securities and Exchange Commission hereby amends paragraphs (b) (3), (c), (d), and (f) (3) of Rule U-3A-1 [Sec. 250.U-3A-1] to read as follows:

(b) (3) The following information for each of the last three fiscal years and for the first 6 months of the current fiscal year, if records are completed: (A) Kilowatt-hours sold, and thousand cubic feet and approximate British thermal unit content of natural or manufactured gas distributed at retail, by applicant and each such subsidiary company; (B) kilowatt-hours sold, and thousand cubic feet and approximate British thermal unit content of natural or manufactured gas distributed at retail, outside the State of organization by applicant and each such subsidiary company; (C) kilowatt-hours of electric energy and thousand cubic feet and approximate British thermal unit content of natural or manufactured gas purchased by applicant and each subsidiary thereof, outside the State of organization or at the State line; (D) kilowatt-hours of electric energy and thousand cubic feet and approximate British thermal unit content of natural or manufactured gas delivered at State lines by applicant and each subsidiary company thereof; (E) kilowatt-hours sold (wholesale and retail), and thousand cubic feet and approximate British thermal unit content of natural or manufactured gas distributed at retail, by applicant and each such subsidiary company within the State in which it is organized; (F) consolidating profit and loss statements of applicant and its subsidiaries which are normally consolidated (indicating any subsidiaries not consolidated) showing gross and, if available, net revenues of system from all sources, indicating separately those revenues from operations as a public utility company or companies; (G) profit and loss statements of each of applicant's subsidiaries which does any business as a public utility company and which is not included in the consolidating profit and loss statements under (F) above, showing gross and net revenues from all sources and indicating separately gross revenues from operations as a public utility company; and (H) consolidating balance sheet as of the end of the last preceding fiscal year, of applicant and its subsidiaries which are normally consolidated (indicating any subsidiaries not consolidated and individual balance sheets of the same date for such subsidiaries).

(c) If the application is based on Section 3 (a) (3) (A)[1] it should contain the information specified in items (1), (3) (F), (3) (G), and (3) (H) of (b) above, and (4) a brief description of the properties of the applicant and each of its subsidiary public utility companies, individually, used for the generation, transmission, and distribution of electric energy for sale or for the manufacture, transportation, and distribution of natural or manufactured gas within and without the State of organization.

(d) If the application is based on Section 3 (a) (3) (B)[1] it should contain the information specified in items (1), (3) (F), (3) (G), and (3) (H) of (b) above, and in addition: (4) a brief description of the properties of the applicant and each of its subsidiary public utility companies, individually, used for the generation, transmission, and distribution of electric energy for sale or

[1] C. 687, sec. 3, 49 Stat. 810; 15 U.S.C., Sup. III, 79c.

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for the production, transportation, and distribution of natural or manufactured gas (within and without the State of organization); (5) the amount outstanding of securities of each class of each subsidiary company of applicant which is a public utility company; and (6) the amount of each such class of securities directly or indirectly owned by applicant.

(f) (3) If there are any such properties as are referred to in (2) above, the following information for each of the last three fiscal years and for the first 6 months of the current fiscal year, if records are completed; (A) consolidating profit and loss statements of applicant and its subsidiaries which are normally consolidated (indicating any subsidiaries not consolidated) showing gross and, if available, net revenues of systems from all sources, indicating separately gross revenues from operations as a public utility company or companies; (B) profit and loss statements of each of applicant's subsidiaries which does any business as a public utility company and which is not included in the consolidating profit and loss statements under (A) above, showing gross and net revenues from all sources, and indicating separately gross revenues from operations as a public utility company; and (C) consolidating balance sheet, as of the end of the last preceding fiscal year, of applicant and its subsidiaries which are normally consolidated (indicating any subsidiaries which are not consolidated and individual balance sheets of the same date for such subsidiaries).

Effective November 9, 1939.
By the commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4156; Filed, November 9, 1939; 11:55 a. m.]

## PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

### AMENDMENT OF RULE U-3A3-1

Acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, and particularly Sections 3 (a) (3), 3 (a) (4) and 20 (a) thereof [C. 687, sec. 3, 49 Stat. 810; 15 U.S.C., Sup. III, 79c: C. 687, sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 79t], and finding such action necessary and appropriate in the public interest and in the interest of investors and consumers, the Securities and Exchange Commission hereby amends paragraph (d) of Rule U-3A3-1 [Sec. 250.U-3A3-1] to read as follows:

(d) If it should appear to the Commission from the statements filed pursuant to paragraph (c) of this rule or otherwise that a substantial question of law or fact exists as to whether a bank claiming exemption under this rule is within the class of holding companies which the Commission may exempt under Section 3 (a)[1] of the Act, or that the exemption afforded by paragraph (b) of this rule to any bank is or may be detrimental to the public interest or the interest of investors or consumers, the Commission shall notify such bank to that effect by registered mail. No exemption under this rule shall be available to any bank after 30 days from the receipt by it of such notice, without prejudice to the right of such bank to file an application for an order granting it exemption pursuant to Section 3 (a)[1] of the Act, and without prejudice to the temporary exemption provided by Section 3 (c)[1] of the Act if such an application is filed in good faith.

Effective November 9, 1939.
By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4157; Filed, November 9, 1939; 11:55 a. m.]

[1] C. 687, sec. 3, 49 Stat. 810; 15 U.S.C., Sup. III, 79c.

## PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

### ADOPTION OF FORM U-3A-2 AND AMENDMENT OF RULE U-3A-2

Acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, and particularly Sections 3 (a) (1), 3 (a) (2), and 20 (a) thereof [C. 687, sec. 3, 49 Stat. 810; 15 U.S.C., Sup. III, 79c: C. 687, sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 79t], and finding such action necessary and appropriate in the public interest and in the interest of investors and consumers, the Securities and Exchange Commission hereby adopts Form U-3A-2[1] [Sec. 259.U-3A-2] and amends Rule U-3A-2 [Sec. 250.U-3A-2] to read as follows:

(a) Subject to paragraphs (b) and (c) hereof any holding company shall be exempt from any obligation, duty, or liability imposed by the Act upon such company as a holding company, if—

(1) Such holding company, and every subsidiary company thereof which is a public-utility company from which such holding company derives, directly or indirectly, any material part of its income, are predominantly intrastate in character and carry on their business substantially in a single state in which such holding company and every such subsidiary company thereof are organized; or

(2) Such holding company is predominantly a public-utility company whose operations as such do not extend beyond the state in which it is organized and states contiguous thereto.

(b) The exemption granted in paragraph (a) hereof shall not be applicable after March 1, 1940 to any holding company unless such company shall file a statement on Form U-3A-2 [Sec. 259.U-3A-2] and shall terminate on March 1 of any subsequent year unless, prior thereto, such holding company shall file such a report for the last calendar year, except that in the case of a holding company which is a subsidiary of a registered holding company and as to which substantially equivalent information is given in annual reports for such holding company system, only an initial report need be filed, unless otherwise required by the Commission.

(c) If it should appear to the Commission from the statements filed pursuant to paragraph (b) of this rule or otherwise that a substantial question of law or fact exists as to whether a holding company claiming exemption under this rule is within the class of holding companies which the Commission may exempt under Section 3 (a)[2] of the Act, or that the exemption afforded by paragraph (a) of this rule to any holding company is or may be detrimental to the public interest or the interest of investors or consumers, the Commission shall notify such holding company to that effect by registered mail. No exemption under this rule shall be available to any holding company after 30 days from the receipt by it of such notice, without prejudice to the right of such holding company to file an application for an order granting it exemption pursuant to Section 3 (a)[2] of the Act, and without prejudice to the temporary exemption provided by Section 3 (c)[2] of the Act if such an application is filed in good faith.

Effective November 9, 1939, except as provided in paragraph (b).

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4155; Filed, November 9, 1939; 11:55 a. m.]

[1] Filed as a part of the original document.
[2] C. 687, sec. 3, 49 Stat. 810; 15 U.S.C., Sup. III, 79c.

## PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

### AMENDMENT OF RULE U-3D-12

Acting pursuant to the authority granted by the Public Utility Holding Company Act of 1935, and particularly Sections 3 (d) and 20 (a) thereof [C. 687, sec. 3, 49 Stat. 810; 15 U.S.C., Sup. III, 79c: C. 687, sec. 20, 49 Stat. 833; 15 U.S.C., Sup. III, 79t], and finding such action necessary and appropriate in the public interest and in the interest of investors and consumers, the Securities and Exchange Commission hereby amends paragraph (d) of Rule U-3D-12 [Sec. 250.U-3D-12] to read as follows:

(d) No company within any holding company system shall be exempt by virtue of this rule after March 1, 1940, unless the top holding company therein shall have filed with this Commission a statement that such system falls within the exemption granted by this rule, and showing the aggregate gross revenues from public utility operations of such system during the preceding calendar year (computed in the manner specified in paragraph (b) of this rule) and the aggregate book value of the utility assets of such holding company system at the end of the preceding calendar year (computed in the manner specified in paragraph (c) of this rule), and shall have renewed such statement within 60 days after the end of each subsequent calendar year. All companies within any system for which a statement has been filed shall continue to be exempt for a period of 60 days after any increase in gross revenues or utility assets which may render paragraph (a) no longer applicable, except in the event of such increase resulting from the acquisition of utility assets or from the introduction of any additional associate company into the holding company system during the current calendar year, in which event the exemption shall forthwith terminate.

Effective November 9, 1939, except as provided in paragraph (d).

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4158; Filed, November 9, 1939; 11:55 a. m.]



## TITLE 29—LABOR

## WAGE AND HOUR DIVISION

### PART 516—REGULATIONS ON RECORDS TO BE KEPT BY EMPLOYERS PURSUANT TO SECTION 11 (C) OF THE FAIR LABOR STANDARDS ACT

### NOTICE OF CORRECTION

In an amendment to Regulations, Part 516 (Regulations on Records to be Kept by Employers Pursuant to Section 11 (c) of the Fair Labor Standards Act) approved by the Administrator October 13, 1939, and published in the FEDERAL REGISTER October 14, 1939, (4 FR. 4252 DI), item (c) of Section 516.1 appeared as follows: "(c) Date of birth if under 18." This item is hereby corrected to read: "(c) Date of birth if under 19."

Signed at Washington, D. C., this 9 day of November 1939.

[SEAL] HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4153; Filed, November 9, 1939; 11:48 a. m.]

## *Notices*

## DEPARTMENT OF LABOR.

### Children's Bureau.

### IN THE MATTER OF THE PROPOSED FINDING AND ORDER RELATING TO THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE AS MOTOR-VEHICLE DRIVER OR HELPER UNDER THE FAIR LABOR STANDARDS ACT OF 1938

NOVEMBER 8, 1939.

Whereas, section 12 (a) of the Fair Labor Standards Act of 1938 (Act of June 25, 1938, chapter 676, 52 Stat. 1060, U.S.C., Supp. IV, title 29, section 201) prohibits the shipment or delivery for shipment of goods in commerce, as defined in the Act, which are produced in establishments situated in the United States in or about which within 30 days prior to the removal of such goods therefrom any oppressive child labor has been employed; and

Whereas, section 3 (l) of the said Act, which defines oppressive child labor, provides in part as follows:

(l) "Oppressive child labor" means a condition of employment under which (1) any employee under the age of sixteen years is employed by an employer • • • in any occupation, or (2) any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Chief of the Children's Bureau in the Department of Labor shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well being; • • •."

and

Whereas, the Chief of the Children's Bureau issued on November 3, 1938, a regulation prescribing the "Procedure Governing Determinations of Hazardous Occupations";[1] and

Whereas, pursuant to the said regulation, an investigation was conducted with respect to the hazardous nature of driving motor vehicles and of serving as helpers on such vehicles with special reference to the employment of minors between 16 and 18 years of age; and

Whereas, a report of the investigation was submitted to the Chief of the Children's Bureau and was made available for public inspection; and

Whereas, a finding and order relating to the occupations of motor-vehicle driver and helper was proposed for final adoption by the Chief of the Children's Bureau upon the basis of the said investigation and under the authority of section 3 (l) of the said Act; and

Whereas, a public hearing was held in Washington, D. C., on October 27, 1939, by a presiding officer designated by the Chief of the Children's Bureau, pursuant to public notice of the time and place thereof published in the FEDERAL REGISTER on October 10, 1939,[2] at which public hearing all parties appearing were given opportunity to be heard with respect to the said proposed finding and order, to question witnesses, and to file briefs and additional statements subsequent to the hearing; and

Whereas, all such evidence and arguments submitted in connection with the said hearing have been carefully considered and upon the basis thereof it has not been found necessary or appropriate to make any changes in the provisions of the proposed finding and order,

Now, therefore, notice is hereby given that objections will be received for a period of 15 days following publication in the FEDERAL REGISTER of the following proposed finding and order, after which time the proposed finding and order will be made final by the Chief of the Children's Bureau unless, in her opinion, objections thereto disclose just cause for revision thereof:

### PROPOSED FINDING AND ORDER

### TITLE 29—LABOR

### CHILDREN'S BUREAU

### CHILD LABOR

### PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

§ 422.2 *Motor-vehicle driver and helper*—(a) *Finding of fact.* By virtue

[1] Published in 3 F.R. 2640 DI, November 5, 1938, under the heading "Title 29—Labor, Chapter IV.—Children's Bureau—Child Labor—Part 421, Procedure Governing Determinations of Hazardous Occupations."
[2] 4 F.R. 4205 DI.

of and pursuant to the authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938[1] and pursuant to the regulation prescribing the "Procedure Governing Determinations of Hazardous Occupations";[2] an investigation having been conducted with respect to the hazards for minors between 16 and 18 years of age of employment in the occupations of motor-vehicle driver and helper; a report of the investigation having been submitted to the Chief of the Children's Bureau showing that:

"1. Work on motor vehicles involves a high degree of accident risk for persons of all ages, a risk which is particularly high in the case of young persons, who are lacking in the experience and in the caution required for safety in motor-vehicle operation.

"2. Workmen's compensation experience generally shows for the occupational classifications representing motor-vehicle drivers and helpers a compensation cost higher than the average for manufacturing classifications.

"3. The opinion of experts in motor-vehicle safety and of others having practical experience in the field of motor-vehicle operation who were consulted in the course of the investigation is that employment as driver or as helper on motor vehicles is especially hazardous for young persons.

"4. Motor-vehicle drivers between 16 and 18 years of age have been found to be involved in a larger number of fatal accidents in proportion to miles driven than drivers in any older age group. In a study covering fatal accidents within a 5-year period in one State the fatal-accident rate was found to be nine times greater for 16-year-old drivers and six times greater for 17-year-old drivers than for those 45 to 50 years of age, the age group with the lowest fatal-accident rate.

"5. Under many industry codes adopted pursuant to the National Industrial Recovery Act the work of motor-vehicle drivers and helpers was listed as a hazardous occupation and as such was prohibited for minors under 18 years of age.

"6. Acting pursuant to the authority conferred upon it by the Motor Carrier Act of 1935, the Interstate Commerce Commission has established as necessary for safety a minimum age of 21 years for motor-vehicle drivers, in regulations applicable to common carriers and contract carriers engaged in interstate commerce. An examiner for the Commission has recommended, after investigation and public hearing, that the same minimum age for motor-vehicle drivers be applied, with certain exceptions not here material, to private carriers engaged in interstate commerce.

"7. State legislation, which reflects public recognition of the special hazards incident to the driving of motor vehicles by young persons, has established the following standards:

"(a) In each of the States and the District of Columbia there is a legal minimum age for drivers of motor vehicles which is higher than that for general employment, the legal minimum age for drivers being applicable to (1) all persons operating motor vehicles, or (2) persons operating motor vehicles as employees, or (3) persons operating motor vehicles for common, contract, or private carriers.

"(b) In 28 States and the District of Columbia there is a minimum age of at least 18 years applicable to (1) all persons operating motor vehicles or (2) persons operating motor vehicles as employees.

"8. A minimum age of 18 years or higher for the employment of motor-vehicle drivers and helpers has been adopted voluntarily as a general policy by many employers and by the branch of organized labor especially concerned with employment in this field";

a finding and order relating to the employment of minors between 16 and 18 years of age in the said occupations having been proposed for final adoption by the Chief of the Children's Bureau upon the basis of the said report of investigation; a public hearing having been held with respect to the said proposed finding and order; all statements submitted in connection with the said hearing having been carefully considered, and sufficient reason appearing therefor, I, Katharine F. Lenroot, Chief of the Children's Bureau of the United States Department of Labor, hereby find that the occupations of motor-vehicle driver and helper are particularly hazardous for the employment of minors between 16 and 18 years of age.

(b) *Order.* Accordingly, I hereby declare that the occupations of motor-vehicle driver and helper are particularly hazardous for the employment of minors between 16 and 18 years of age.

*Definitions.* For the purpose of this order—

(1) The term "motor vehicle" shall mean any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.

(2) The term "driver" shall mean any individual who, in the course of his employment, drives a motor vehicle at any time.

(3) The term "helper" shall mean any individual, other than a driver, whose work in connection with the transportation or delivery of goods includes riding on a motor vehicle.

This order shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein. This order shall become effective on January 1, 1940, and shall be in force and effect until amended or repealed by order hereafter made and published by the Chief of the Children's Bureau.

[SEAL] KATHARINE F. LENROOT,
*Chief.*

[F. R. Doc. 39-4173; Filed, November 9, 1939; 12:47 p. m.]

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## Wage and Hour Division.

[Administrative Order No. 35]

APPOINTING MERLE D. VINCENT, GUSTAV PECK, AND HAROLD STEIN AS AUTHORIZED REPRESENTATIVES TO GRANT OR DENY APPLICATIONS FOR SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF APPRENTICES, HANDICAPPED WORKERS AND LEARNERS

By virtue of, and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Harold D. Jacobs, Acting Administrator of the Wage and Hour Division, Department of Labor, hereby designate and appoint Merle D. Vincent, Gustav Peck and Harold Stein as my authorized representatives, with full power and authority to grant or deny applications for special certificates for the employment of apprentices, handicapped workers and learners, and to sign and issue special certificates authorizing the employment of apprentices, handicapped workers and learners pursuant to the provisions of Section 14 of the Fair Labor Standards Act of 1938 and Regulations, Title 29—Labor, Chapter V—Wage and Hour Division, parts 521, 522 and 524.

Signed at Washington, D. C. this 8 day of November, 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4154; Filed, November 9, 1939; 11:48 a. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective November 10, 1939, until March 8, 1940, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates, or any of them, may be canceled as of the date of their issuance and, if so canceled, reimbursement of all persons employed under such Certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| A. & L. Brand, Inc., New Haven, Connecticut. | Children's dresses | 8 |
| Elm City Garment Mfg. Co., New Haven, Connecticut. | Pajamas | 30 |
| Lackawanna Pants Mfg. Co., Scranton, Pennsylvania. | Pants | 25 |
| Salant and Salant, Inc., Parsons, Tennessee. | Work pants | 40 |

Signed at Washington, D. C., this 9th day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4170; Filed, November 9, 1939; 12:34 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 10, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued, and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Ace Manufacturing Co., Inc., Harrington, Delaware (5 learners), Dresses.

Brookfield-Garrison Mfg. Company, Warrensburg, Missouri, Pants and Shirts.

Carolina Underwear Company, Thomasville, North Carolina (2 learners), Shorts.

Elmira Knitting Mills, Elmira Heights, New York (5 learners), Underwear & Outerwear.

Ely & Walker Garment Factory, Illmo, Missouri, Work Clothing.

Ely & Walker Shirt Factory, Kennett, Missouri, Shirts.

Ely & Walker Garment Factory Paragould, Arkansas, Shirts.

Ely & Walker Garment Factory Salem, Missouri, Pajamas & Shorts.

Ely & Walker Wash Dress Factory, Vandalia, Missouri, Dresses.

Ely & Walker Garment Factory, Warrenton, Missouri, Lingerie.

Isaac Ginsberg & Bros., Inc., Auburn, New York, Dresses.

Isaac Ginsberg & Bros., Inc., Seneca Falls, New York, Dresses.

Mr. Joseph Greenberg, Bainbridge Street, Elizabethtown, Pennsylvania (5 learners), Dresses.

Mr. Louis Kazon, West Rutland, Vermont, Dresses and Bathrobes.

Mr. Wm. J. Knorr, Tower City, Pennsylvania (5 learners), Shirts.

Levy Brothers, 8 West Union Street, Kingston, New York, (3 learners), Blouses and Sportswear.

MacSmith Garment Company, Inc., Gulfport, Mississippi, Shirts.

Myles Manufacturing Company, Pennsboro, West Virginia, Children's Playclothes.

Reliance Manufacturing Company, Chicago Street, Michigan City, Indiana, Athletic Underwear.

Rice-Stix Dry Goods Co., Front and Morgan Streets, Slater, Missouri, Underwear.

J. Rogat Shirt Co., 201 Penn Avenue, Bangor, Pennsylvania, Shirts.

Salant and Salant, Inc., Martin, Tennessee, Shirts.

Salant and Salant, Inc., Paris, Tennessee, Shirts.

Salant and Salant, Inc., Parsons, Tennessee, Work Pants.

Salant and Salant, Inc., Union City, Tennessee, Shirts.

Snow & Baker Company, Whitefield, New Hampshire (3 learners), Overalls.

Sol. Friedman & Sons, Radcliffe Street, Bristol, Pennsylvania, Silk & Rayon Slips.

Sterling Company, Kokomo, Indiana, Dresses.

Union Underwear Company, Inc., Frankfort, Kentucky, Athletic Underwear & Shorts.

A. & L. Brand, Inc., New Haven, Connecticut, Children's Dresses.

Lackawanna Pants Mfg. Co., Scranton, Pennsylvania, Pants.

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[1] Act of June 25, 1938, chapter 676, 52 Stat. 1060, U.S.C., Supp. IV, title 29, section 201.

[2] Issued November 3, 1938, pursuant to authority conferred by section 3(l) of the Fair Labor Standards Act of 1938, published in 3 F.R. 2640 DI, November 5, 1938.

Signed at Washington, D. C., this 9th day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4171; Filed, November 9, 1939; 12:34 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective November 10, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Bradley Full Fashioned Hosiery Co., Cleveland, Tennessee (5 learners).

Evenknit Hosiery Mills, Bay City, Michigan (4 learners).

Smyrna Hosiery Mills, Smyrna, Delaware (5 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 9th day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4172; Filed, November 9, 1939; 12:34 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 249]

IN THE MATTER OF THE APPLICATION OF EASTERN AIR LINES, INC., UNDER SECTION 405 (E) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR REVIEW OF CERTAIN ACTIONS OF THE POSTMASTER GENERAL AND ITS COMPLAINT, UNDER SECTION 411 OF SAID ACT, AGAINST CERTAIN UNFAIR PRACTICES AND METHODS OF COMPETITION OF AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

At the request of the applicant, the above-entitled proceeding, involving air transportation between Newark, N. J. (New York) and Washington, D. C., now assigned for public hearing on November 13, 1939, is hereby postponed to January 17, 1940, 10 o'clock a. m. (Eastern Standard Time), at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an examiner of the Authority.

Dated Washington, D. C., November 7, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-4164; Filed, November 9, 1939; 12:24 p. m.]

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[Docket No. 270]

IN THE MATTER OF THE APPLICATION OF UNITED AIR LINES TRANSPORT CORPORATION UNDER SECTION 408 (B) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR APPROVAL OF A PROPOSED ACQUISITION OF CONTROL OF, AND OF MERGER WITH OR PURCHASE OF ALL OF THE ASSETS OF, WESTERN AIR EXPRESS CORPORATION

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, now assigned for December 4, 1939, is hereby postponed to January 3, 1940, 10 o'clock a. m. (Eastern Standard Time), in Conference Room B of the Departmental Auditorium, Washington, D. C., before Hon. Roscoe Pound as trial examiner.

Dated Washington, D. C., November 7, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-4165; Filed, November 9, 1939; 12:24 p. m.]

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[Docket No. 28-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF URABA, MEDELLIN AND CENTRAL AIRWAYS, INC., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

At the request of the applicant, public hearing in the above-entitled proceeding, being the application of Uraba, Medellin and Central Airways, Inc., for a permanent certificate of public convenience and necessity authorizing air transportation between Cristobal, Canal Zone, and Medellin, Colombia, with intermediate stops at Balboa, Canal Zone, and at Turbo, Colombia, now assigned for November 13, 1939, is hereby postponed until November 27, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Mayflower Hotel, Connecticut Ave. and De-Sales St. NW., Washington, D. C., before Examiner F. A. Law, Jr.

Dated Washington, D. C., November 6, 1939.

F. A. LAW, Jr.,
*Examiner.*

[F. R. Doc. 39-4166; Filed, November 9, 1939; 12:24 p. m.]

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[Docket No. 215]

IN THE MATTER OF AN APPLICATION BY UNITED AIR LINES TRANSPORT CORPORATION AND WESTERN AIR EXPRESS CORPORATION UNDER SECTION 408 (B) AND/OR 412 (B) OF THE CIVIL AERONAUTICS ACT OF 1938, FOR APPROVAL OF AN AGREEMENT, C. A. A. No. 102, RELATING TO THE INTERCHANGE OF SLEEPER AIRPLANES AT SALT LAKE CITY, UTAH

NOTICE OF ORAL ARGUMENT

Upon consideration of the request of Transcontinental & Western Air, Inc., intervener, for oral argument before the Authority in connection with the above-entitled proceeding.

*It is ordered*, That said proceeding be, and it is set for oral argument before the Authority on November 13, 1939, at 10 o'clock a. m. (Eastern Standard Time), in Room 5044, Commerce Building, Washington, D. C.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-4167; Filed, November 9, 1939; 12:24 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5714]

IN RE APPLICATION OF SPRINGFIELD RADIO SERVICE, INC. (NEW)

*Dated April 18, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Springfield, Ohio; operating assignment specified: Frequency, 780 kc.; power, 250 w. day; hours of operation, daytime*

[File No. B2-P-2382]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether objectionable interference would be caused to the operation of Stations WPIC, WBBM or WJR.



2. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., Columbia Broadcasting System, Inc. (WBBM, B4-ML-450).

3. To determine whether the granting of the application authorizing a Class IV station to operate on a Class III frequency would be in accordance with the Commission's plan of allocation and standards of good engineering practice.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Springfield Radio Service, Inc.,
Harry R. Shank % John L. Zimmerman, Jr.,
New Zimmerman Building,
Springfield, Ohio.

Dated at Washington, D. C., November 7, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4152; Filed, November 8, 1939; 2:09 p. m.]

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[Docket No. 5791]

IN RE APPLICATION OF V. O. STAMPS (NEW)

*Dated August 10, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Dallas, Texas; operating assignment specified: Frequency, 1370 kc—power, 250 w night, 250 w day; hours of operation, unlimited; requesting facilities relinquished by KFJZ which has been deleted*

[File No. B3-P-2478]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, financial, technical and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the type of program service the applicant proposes to render.

3. To determine whether objectionable interference would be caused to the operation of Station KTEM.

4. Because of objectionable interference which might be caused to the operation of the proposed station by the operation of Station KTEM, to determine whether the granting of the assignment requested would be in accordance with the Commission's plan of allocation and standards of good engineering practice.

5. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., Chilton Radio Corporation (B3-P-2487).

6. To determine whether public interest, convenience and necessity would be better served by the granting of the application of V. O. Stamps (B3-P-2478) or the application of Chilton Radio Corporation (B3-P-2487), or by the denial of both.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

V. O. STAMPS,
P. O. Box 4007,
Dallas, Texas.

Dated at Washington, D. C., November 8, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4169; Filed, November 9, 1939; 12:30 p. m.]

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[Docket No. 5790]

IN RE APPLICATION OF CHILTON RADIO CORPORATION (NEW)

*Dated, August 14, 1939; for construction permit; class of service, broadcast; class of station, broadcast; location, Dallas, Texas; operating assignment specified: Frequency, 1730 kc.; Power—250 w., night—250 w., day; hours of operation, unlimited; requesting facilities relinquished by KFJZ which has been deleted*

[File No. B3-P-2487]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, financial, technical and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the type of program service the applicant proposes to render.

3. To determine whether objectionable interference would be caused to the operation of Station KTEM, to determine whether the granting of the assignment requested would be in accordance with the Commission's plan of allocation and standards of good engineering practice.

4. Because of objectionable interference which might be caused to the operation of the proposed station by the operation of Station KTEM, to determine whether the granting of the assignment requested would be in accordance with the Commission's plan of allocation and standards of good engineering practice.

5. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., V. O. Stamps (B3-P-2478).

6. To determine whether public interest, convenience and necessity would be better served by the granting of the application of Chilton Radio Corporation (B3-P-2487) or the application of V. O. Stamps (B3-P-2478), or by the denial of both.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Chilton Radio Corporation,
A. L. Chilton,
3836 Turtle Creek Drive
Dallas, Texas.

Dated at Washington, D. C., November 8, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4168; Filed, November 9, 1939; 12:30 p. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of November, A. D. 1939.

Signed at Washington, D. C., this 9th day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4171; Filed, November 9, 1939; 12:34 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective November 10, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Bradley Full Fashioned Hosiery Co., Cleveland, Tennessee (5 learners).

Evenknit Hosiery Mills, Bay City, Michigan (4 learners).

Smyrna Hosiery Mills, Smyrna, Delaware (5 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 9th day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4172; Filed, November 9, 1939; 12:34 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 249]

IN THE MATTER OF THE APPLICATION OF EASTERN AIR LINES, INC., UNDER SECTION 405 (E) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR REVIEW OF CERTAIN ACTIONS OF THE POSTMASTER GENERAL AND ITS COMPLAINT, UNDER SECTION 411 OF SAID ACT, AGAINST CERTAIN UNFAIR PRACTICES AND METHODS OF COMPETITION OF AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

At the request of the applicant, the above-entitled proceeding, involving air transportation between Newark, N. J. (New York) and Washington, D. C., now assigned for public hearing on November 13, 1939, is hereby postponed to January 17, 1940, 10 o'clock a. m. (Eastern Standard Time), at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before an examiner of the Authority.

Dated Washington, D. C., November 7, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-4164; Filed, November 9, 1939; 12:24 p. m.]

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[Docket No. 270]

IN THE MATTER OF THE APPLICATION OF UNITED AIR LINES TRANSPORT CORPORATION UNDER SECTION 408 (B) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR APPROVAL OF A PROPOSED ACQUISITION OF CONTROL OF, AND OF MERGER WITH OR PURCHASE OF ALL OF THE ASSETS OF, WESTERN AIR EXPRESS CORPORATION

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, now assigned for December 4, 1939, is hereby postponed to January 3, 1940, 10 o'clock a. m. (Eastern Standard Time), in Conference Room B of the Departmental Auditorium, Washington, D. C., before Hon. Roscoe Pound as trial examiner.

Dated Washington, D. C., November 7, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-4165; Filed, November 9, 1939; 12:24 p. m.]

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[Docket No. 28-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF URABA, MEDELLIN AND CENTRAL AIRWAYS, INC., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

At the request of the applicant, public hearing in the above-entitled proceeding, being the application of Uraba, Medellin and Central Airways, Inc., for a permanent certificate of public convenience and necessity authorizing air transportation between Cristobal, Canal Zone, and Medellin, Colombia, with intermediate stops at Balboa, Canal Zone, and at Turbo, Colombia, now assigned for November 13, 1939, is hereby postponed until November 27, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Mayflower Hotel, Connecticut Ave. and De-Sales St. NW., Washington, D. C., before Examiner F. A. Law, Jr.

Dated Washington, D. C., November 6, 1939.

F. A. LAW, Jr.,
*Examiner.*

[F. R. Doc. 39-4166; Filed, November 9, 1939; 12:24 p. m.]

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[Docket No. 215]

IN THE MATTER OF AN APPLICATION BY UNITED AIR LINES TRANSPORT CORPORATION AND WESTERN AIR EXPRESS CORPORATION UNDER SECTION 408 (B) AND/OR 412 (B) OF THE CIVIL AERONAUTICS ACT OF 1938, FOR APPROVAL OF AN AGREEMENT, C. A. A. No. 102, RELATING TO THE INTERCHANGE OF SLEEPER AIRPLANES AT SALT LAKE CITY, UTAH

NOTICE OF ORAL ARGUMENT

Upon consideration of the request of Transcontinental & Western Air, Inc., intervener, for oral argument before the Authority in connection with the above-entitled proceeding.

*It is ordered*, That said proceeding be, and it is set for oral argument before the Authority on November 13, 1939, at 10 o'clock a. m. (Eastern Standard Time), in Room 5044, Commerce Building, Washington, D. C.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-4167; Filed, November 9, 1939; 12:24 p. m.]

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## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5714]

IN RE APPLICATION OF SPRINGFIELD RADIO SERVICE, INC. (NEW)

*Dated April 18, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Springfield, Ohio; operating assignment specified: Frequency, 780 kc.; power, 250 w. day; hours of operation, daytime*

[File No. B2-P-2382]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether objectionable interference would be caused to the operation of Stations WPIC, WBBM or WJR.



2. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., Columbia Broadcasting System, Inc. (WBBM, B4-ML-450).

3. To determine whether the granting of the application authorizing a Class IV station to operate on a Class III frequency would be in accordance with the Commission's plan of allocation and standards of good engineering practice.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Springfield Radio Service, Inc.,
Harry R. Shank % John L. Zimmerman, Jr.,
New Zimmerman Building,
Springfield, Ohio.

Dated at Washington, D. C., November 7, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4152; Filed, November 8, 1939; 2:09 p. m.]

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[Docket No. 5791]

IN RE APPLICATION OF V. O. STAMPS (NEW)

*Dated August 10, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Dallas, Texas; operating assignment specified: Frequency, 1370 kc—power, 250 w night, 250 w day; hours of operation, unlimited; requesting facilities relinquished by KFJZ which has been deleted*

[File No. B3-P-2478]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, financial, technical and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the type of program service the applicant proposes to render.

3. To determine whether objectionable interference would be caused to the operation of Station KTEM.

4. Because of objectionable interference which might be caused to the operation of the proposed station by the operation of Station KTEM, to determine whether the granting of the assignment requested would be in accordance with the Commission's plan of allocation and standards of good engineering practice.

5. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., Chilton Radio Corporation (B3-P-2487).

6. To determine whether public interest, convenience and necessity would be better served by the granting of the application of V. O. Stamps (B3-P-2478) or the application of Chilton Radio Corporation (B3-P-2487), or by the denial of both.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

V. O. STAMPS,
P. O. Box 4007,
Dallas, Texas.

Dated at Washington, D. C., November 8, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4169; Filed, November 9, 1939; 12:30 p. m.]

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[Docket No. 5790]

IN RE APPLICATION OF CHILTON RADIO CORPORATION (NEW)

*Dated, August 14, 1939; for construction permit; class of service, broadcast; class of station, broadcast; location, Dallas, Texas; operating assignment specified: Frequency, 1730 kc.; Power—250 w., night—250 w., day; hours of operation, unlimited; requesting facilities relinquished by KFJZ which has been deleted*

[File No. B3-P-2487]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the legal, financial, technical and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the type of program service the applicant proposes to render.

3. To determine whether objectionable interference would be caused to the operation of Station KTEM.

4. Because of objectionable interference which might be caused to the operation of the proposed station by the operation of Station KTEM, to determine whether the granting of the assignment requested would be in accordance with the Commission's plan of allocation and standards of good engineering practice.

5. Because of the pendency of another application with which conflict may be had by reason of interference, i. e., V. O. Stamps (B3-P-2478).

6. To determine whether public interest, convenience and necessity would be better served by the granting of the application of Chilton Radio Corporation (B3-P-2487) or the application of V. O. Stamps (B3-P-2478), or by the denial of both.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Chilton Radio Corporation,
A. L. Chilton,
3836 Turtle Creek Drive
Dallas, Texas.

Dated at Washington, D. C., November 8, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4168; Filed, November 9, 1939; 12:30 p. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3740]

IN THE MATTER OF METZ BROS. BAKING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., Section 41), and (49 Stat. 1526, U.S.C.A., Section 13, as amended)

*It is ordered*, That Webster Ballinger, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, November 16, 1939, at ten o'clock in the forenoon of that day (central standard time), in Federal Jury Room 203, Federal Building, Sioux City, Iowa.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4161; Filed, November 9, 1939; 12:04 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3892]

IN THE MATTER OF THE ELECTRIC STORAGE BATTERY CO. AND WILLARD STORAGE BATTERY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, November 20, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 539, Federal Building, Cleveland, Ohio.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4162; Filed, November 9, 1939; 12:04 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of November, A. D. 1939.

[File No. 31-129]

IN THE MATTER OF WEST PENN POWER COMPANY

ORDER DENYING EXEMPTION

West Penn Power Company having made application for exemption from the provisions of the Public Utility Holding Company Act of 1935 pursuant to Section 3 (a) (2) thereof; notice and opportunity for hearing on said application having been duly given; a hearing having been held on said application; requests for specific findings of fact and briefs having been filed; oral argument before the Commission having been waived; the record having been duly considered by the Commission, and the Commission having made appropriate findings of fact as fully set forth in the Findings and Opinion of the Commission this day issued;

*It is ordered*, That the application for exemption be and it is hereby denied.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4159; Filed, November 9, 1939; 11:56 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of November, A. D. 1939.

[File No. 46-182]

IN THE MATTER OF VIRGINIA PUBLIC SERVICE GENERATING COMPANY

NOTICE OF AND ORDER FOR HEARING

Virginia Public Service Generating Company has filed an application with this Commission concerning the lease by it to Virginia Public Service Company of the real property owned by applicant, together with a generating plant to be constructed by applicant on said real property. The property is located in Alexandria, Virginia. The total rental fee is to be $2,388,576 to be paid semi-annually, beginning with the first payment on April 30, 1940, and ending with the final payment on October 31, 1959. By the terms of the lease the semi-annual payments for rent will amount to $108,600 during the first year, $121,260 during the succeeding three years, $81,360 for the fifth and sixth year, and $39,942 for the balance of the rental period. This application has been filed in the alternative, either pursuant to Rule U-12D-1 promulgated under Section 12 (d), or pursuant to Rule U-12F-1 promulgated under Section 12 (f), of the Public Utility Holding Company Act of 1935;

It appearing to the Commission that there is now pending before it an application on behalf of Virginia Public Service Generating Company, pursuant to Section 6 (b) of said Act, for the issue of its First Mortgage 4% Sinking Fund Bonds in the total principal amount of $1,400,000, Serial Bank Notes bearing 4% interest in the total face amount of $300,000, and 3300 shares of $100 par value common stock, and an application on behalf of Virginia Public Service Company, pursuant to Section 10 (a) (1) of said Act, to acquire the 3300 shares of $100 par value common stock of Virginia Public Service Generating Company, a public hearing on said applications having, by order of this Commission dated October 27, 1939, been set for November 14, 1939 at 10 o'clock in the forenoon, before Willis E. Monty or any other officer or officers of the Commission designated by it;

It further appearing to the Commission that it is desirable to join and consolidate, for purpose of a public hearing, the matter embraced by the instant application and the matters embraced by the above-mentioned pending applications of Virginia Public Service Company (File No. 46-182), and Virginia Public Service Generating Company (File No. 46-182);

*It is ordered*, That this proceeding be joined for hearing and heard together with the pending application of Virginia Public Service Company (File No. 46-182) and the pending application of Virginia Public Service Generating Company (File No. 46-182), being the proceedings above mentioned;

Notice of such hearing is hereby given to such applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceedings shall file a notice to that effect with the Commission on or before November 13, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4160; Filed, November 9, 1939; 11:56 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of November, A. D. 1939.

[File Nos. 43-255, 46-187]

IN THE MATTER OF NORTH AMERICAN LIGHT AND POWER COMPANY AND THE NORTH AMERICAN COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration and an application pursuant to sections 7 and 9 (c) (or in the alternative 10 (a) (1)) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on November 27, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 22, 1939.

The matter concerned herewith is in regard to

(1) The proposed issue and sale by North American Light and Power Company, a registered holding company and a subsidiary of The North American Company, a registered holding company, of 2,666,667 shares of the common stock of said North American Light and Power Company of the par value of $1 per share. It is proposed that 2,000,000 shares of such stock shall be offered at $1 per share to all common stockholders of said declarant of record on March 5, 1935 and to all common stockholders of record of said declarant as of a date to be fixed by the board of directors of said declarant prior to the making of such offer. It is proposed that the remaining 666,667 shares of said common stock shall be offered at $3 per share to all common stockholders of said declarant of record on March 5, 1936 and to all common stockholders of record as of the date, above indicated, to be fixed by the board of directors of said declarant. It is further proposed that all of said common stock not purchased by such shareholders shall be issued and sold to The North American Company.

(2) The application of The North American Company for an order pursuant to Section 9 (c) of the Public Utility Holding Company Act of 1935 exempting the acquisition by it of the stock so proposed to be offered by said North American Light and Power Company to said The North American Company, or, in the alternative, for an order approving such acquisition under Section 10 of said Act.

(3) The proposed surrender by The North American Company to North American Light and Power Company of two promissory notes of the latter company, each in the principal amount of $2,000,000 and dated, respectively, April 1, 1935, and April 1, 1936, together with an amount equivalent to the interest collected upon said notes and with interest upon such interest to the date of the conclusion of the proposed transactions, in consideration of the payment to said The North American Company of all moneys received by North American Light and Power Company in payment of stock subscribed for, or purchased, pursuant to the offerings above mentioned, by shareholders of North American Light and Power Company other than The North American Company and the issue and delivery to The North American Company of all of said common stock so proposed to be issued which is not purchased, or subscribed for, by other shareholders of said North American Light and Power Company.

It is represented that the foregoing transactions are required, subject to the approval of this Commission, by certain decrees of the United States District Court for the Southern District of New York in two causes lately pending in said Court, designated, respectively, as *John H. Murphy, etc.*, v. *North American Light and Power Company and The North American Company*, Docket No. E85-335, and *John W. Walters, et al., etc.* v. *The North American Company and North American Light and Power Company*, Docket No. E86-370.

It appearing that said declaration and application are so related that consolidation thereof is proper for the purposes of hearing,

*It is further ordered*, That said declaration and said application be, and they are, hereby consolidated for the purposes of hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4163; Filed, November 9, 1939; 12:22 p. m.]

NOV 13 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 219

*Washington, Saturday, November 11, 1939*


## *Rules, Regulations, Orders*

### TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 4—RELATIONS WITH AGENCIES OF PUBLIC CONTACT [1]

§ 4.6 *Participation of troops in celebrations, expositions, and tournaments.* (a) Whenever practicable, troops will be permitted to participate in national celebrations of a purely patriotic nature commemorating important historical events; in expositions to which Government aid has been extended; and in events which are clearly nonpartisan and nonpolitical in nature which include elements of patriotism, national or local, and which are of such a general character as to receive the support of the officials of the community in which held.

(b) The corps area commander upon receipt of a request for the attendance of troops at such a celebration will ascertain whether the Navy has been invited to take part, and if it has been a conference will be had with the appropriate official or representative of the Navy in order that a uniform policy of local action by the two services may be established as far as practicable.

(c) Whenever troops are stationed in cities or in the immediate vicinity thereof and where long custom has involved their participation in celebrations of a local character, corps area commanders may authorize troops to participate in such celebrations in accordance with well-established custom.

(d) In all cases where troops are permitted to participate, their participation will be with the understanding that no expense to the Government is involved. Where bands are permitted to participate they will participate with troops or in accordance with policies announced from time to time by the War Department.

(e) The use of live ammunition, or display thereof, as part of Army exhibits, is prohibited.

(f) For use of troops for commercial movies, see section 4.3. (R.S. 161; 5 U.S.C. 22) [Par. 14, A.R. 170–10, Oct. 10, 1939]

[SEAL] FRANK C. BURNETT,
*Brigadier General,*
*Acting The Adjutant General.*

[F. R. Doc. 39-4183; Filed, November 10, 1939; 9:25 a. m.]

[1] These regulations supplement Part 4, Title 10, Code of Federal Regulations.

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CHAPTER IX—TRANSPORT

PART 91—GENERAL TRANSPORT REGULATIONS [1]

*Transportation of Supplies*

§ 91.1 *Shipment of intoxicating liquors*—(a) *Laws covering.* The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited. (Const., 21st amendment, sec. 2) The laws of any State, Territory, or possession of the United States relative to intoxicating liquors are not applicable to the transportation of intoxicating liquors that are the property of the United States and intended as medical supplies for the treatment of the troops or of the animals pertaining to the Army.

(b) *If carrier hesitates to accept or deliver.* If a carrier should hesitate to accept at point of origin and/or deliver at destination a shipment containing intoxicating liquors that are the property of the United States and intended as medical supplies for the treatment of the troops or of the animals pertaining to the Army, the quartermaster at the point of origin and/or at destination, as the cases may be, will obtain an appropriate certificate from the proper medical officer setting forth such ownership and intended use of the liquors. The quartermaster will deliver the certificate to the carrier and make record thereof. (R.S.

[1] These regulations supersede section 91.1, Title 10, Code of Federal Regulations.

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FEDERAL REGISTER

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161; 5 U.S.C. 22) [Par. 31, A.R. 30–955, June 1, 1923, as amended by C 2, Oct. 21, 1939]

[SEAL] FRANK C. BURNETT,
*Brigadier General,*
*Acting The Adjutant General.*

[F. R. Doc. 39–4182; Filed, November 10, 1939; 9:25 a. m.]

## TITLE 20—EMPLOYEES' BENEFITS

### UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

PART 3—REGULATIONS IN RESPECT TO CASES INVOLVING THE LIABILITY OF A THIRD PARTY

The Regulations adopted by the United States Employees' Compensation Commission, and made effective as of June 1, 1938, governing the administration of the United States Employees' Compensation Act of September 7, 1916 as amended, are hereby amended by the addition of a new Section, designated 3.6, as follows:

§ 3.6 *Commission may require beneficiary to settle or compromise third party suit.* Where a beneficiary under said Act has commenced an action in his own name or has initiated such action through an administrator of a deceased person to recover damages against the third party liable for the injury or death, the Commission shall, at all times, have authority to require the beneficiary or such administrator to settle or compromise such action whenever it shall appear to the Commission that further prosecution of the cause of action is not warranted. Refusal on the part of such beneficiary or other person acting in the interest of the beneficiary to make such settlement or to effect such compromise when so directed by the Commission shall be deemed to be sufficient cause for refusal on the part of the Commission to pay compensation on account of the same injury or death, or the Commission may suspend compensation during the period of such refusal.

The foregoing amendment has this day been adopted and promulgated by the United States Employees' Compensation Commission.

By direction of the Commission.

WM. MCCAULEY,
*Secretary.*

NOVEMBER 8, 1939.

[F. R. Doc. 39–4180; Filed, November 10, 1939; 9:24 a. m.]

EXTENSIONS OF UNITED STATES EMPLOYEES' COMPENSATION ACT TO EMERGENCY EMPLOYEES, ENROLLED PERSONNEL IN THE CIVILIAN CONSERVATION CORPS, AND OTHERS

PART 23—CASES INVOLVING THE LIABILITY OF A THIRD PARTY

The regulations adopted by the United States Employees' Compensation Commission, and made effective as of June 1, 1938, governing the administration of the United States Employees' Compensation Act of September 7, 1916, as amended, as extended to emergency relief employees, enrolled personnel in the Civilian Conservation Corps, and others, are hereby amended by the addition of a new section, designated 23.6, as follows:

§ 23.6 *Commission may require beneficiary to settle or compromise third party suit.* Where a beneficiary under said Act has commenced an action in his own name or has initiated such action through an administrator of a deceased person to recover damages against the third party liable for the injury or death, the Commission shall, at all times, have authority to require the beneficiary or such administrator to settle or compromise such action whenever it shall appear to the Commission that further prosecution of the cause of action is not warranted. Refusal on the part of such beneficiary or other person acting in the interest of the beneficiary to make such settlement or to effect such compromise when so directed by the Commission shall be deemed to be sufficient cause for refusal on the part of the Commission to pay compensation on account of the same injury or death, or the Commission may suspend compensation during the period of such refusal.

The foregoing amendment has this day been adopted and promulgated by the United States Employees' Compensation Commission.

By direction of the Commission.

WM. MCCAULEY,
*Secretary.*

NOVEMBER 8, 1939.

[F. R. Doc. 39–4181; Filed, November 10, 1939; 9:24 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### VETERANS' ADMINISTRATION

REVISION OF REGULATIONS

DEFINITIONS OF RELATIONSHIPS

*World War*

§ 2.2514 (A) (1) For the purposes of adjudicating claims for death compensation pending on August 16, 1937, filed prior to that date, the following definitions of the term "widow" of a World War veteran under the laws in effect on August 15, 1937, shall be for application.

(a) For the purposes of Public No. 2, 73d Congress (Act of March 20, 1933) the term "widow" shall mean a woman who was married to the veteran prior to July 3, 1931.

(b) For the purposes of Section 28, Public No. 141, 73d Congress, the term "widow" shall mean a person who was married to the veteran prior to July 3, 1931, and shall include a "widower" whenever his condition is such that if the deceased person were living, he would have been dependent upon her for support.

(2) For the purposes of adjudicating claims for death compensation pending on May 13, 1938, filed prior to that date, but filed subsequent to August 15, 1937, the following definition of the term "widow" under the laws in effect on May 12, 1938, shall be for application.

(3) *Widow.* The term "widow" of a World War veteran except as to claims filed under Section 1 of Public No. 304, 75th Congress, (Act of August 16, 1937) prior to May 13, 1938, (see Sec. 2.2514 (A) (4)), shall mean a woman:

(a) Who was married prior to July 3, 1931 to the person who served; or

(b) Who was married at any time to the person who served provided a child was born of such marriage; provided that as to (a) and (b) hereof the widow

(c) Must have lived continuously with the person who served from the date of marriage to the date of death, except where there was a separation which was due to the misconduct of or procured by the person who served, without the fault of the widow, and

(d) Must not have remarried since the death of the person who served.

(4) For the purposes of Section 1 of Public No. 304, 75th Congress, (Act of August 16, 1937), the term "widow" of a World War veteran shall mean a woman:

(a) Who was married at any time to the person who served provided a child was born of their marriage and proof of birth of such child is established as provided in Sec. 2.1046 and Sec. 2.2034, and

(b) Who lived continuously with the person who served from the date of marriage to the date of death, except where there was a separation which was due to the misconduct of or procured by the person who served, without the fault of the widow, and

(c) Who has not remarried since the death of the person who served. (November 10, 1939.)

[SEAL] FRANK T. HINES,
*Administrator.*

[F. R. Doc. 39–4178; Filed, November 9, 1939; 3:15 p. m.]

## TITLE 46—SHIPPING

### BUREAU OF MARINE INSPECTION AND NAVIGATION

AMENDMENTS TO GENERAL RULES AND REGULATIONS

SUBCHAPTER F—BOILERS AND APPURTENANCES

*Corrections*

F. R. Doc. 39–3126 (filed August 24, 1939, at 4:25 p. m.), printed in the FEDERAL REGISTER for Saturday, August 26, 1939, beginning at Page 3730, is corrected to read as follows:

§ 51.M–2–2 *Chemical composition.* (a) The plates shall conform to the following requirements as to chemical composition:

[Maximum percent]

| | Grade A | Grade B | Grade C | Grade D |
|---|---|---|---|---|
| Carbon | 0.30 | 0.27 | 0.33 | 0.35 |
| Manganese | .80 | .80 | .90 | .90 |
| Phosphorus | .035 | .035 | .035 | .035 |
| Sulphur | .04 | .04 | .04 | .04 |
| Silicon | .15–.30 | .15–.30 | .15–.30 | .15–.30 |



(b) For material over ¾ inch in thickness, a deduction from the percentage of elongation in 8 inches specified in paragraph (a) of 0.125 shall be made for each increase of 1/32 inch in the specified thickness above ¾ inch, to a minimum of 20 percent for Grade A, 22 percent for Grade B, 19 percent for Grade C, and 18 percent for Grade D.

(c) For material over 2½ inches in thickness, a deduction from the percentage of elongation in 2 inches specified in paragraph (a) of 0.5 shall be made for each increase of ½ inch of the specified thickness above 2½ inches.

(d) For material ¼ inch and under in thickness, the elongation shall be measured on a gage length of 24 times the thickness of the specimen.

§ 51.M–2–4 *Bending properties.* The test specimens shall stand being bent cold through 180 degrees without cracking on the outside of the bent portion around a pin, the diameter of which shall have the following relation to the thickness of the specimen. When the test is made on a specimen reduced in thickness, the rolled surface shall be on the outer curve of the bend.

| Thickness of material | Diameter of pin about which specimen is bent | | | |
|---|---|---|---|---|
| | Grade A | Grade B | Grade C | Grade D |
| Up to 1 inch, inclusive | t 1 | t ½ | t 1½ | t 2 |
| Over 1 inch to 1½ inches, inclusive | t 1½ | t 1 | t 2 | t 2 |
| Over 1½ inches to 3 inches, inclusive | t 2 | t 1½ | t 2 | t 2½ |
| Over 3 inches to 4 inches, inclusive | t 2½ | t 2 | t 2½ | t 3 |

t=thickness of specimen.

(b) Check analysis may be made of either of the broken tension test specimens from each plate as rolled at the discretion of the Director (See Section 51.M–1–5 (b)).

§ 51.M–2–3 *Tensile properties.* (a) The material shall have the following tensile properties; tensile strength and yield point in pounds per square inch:

| | Grade A | Grade B | Grade C | Grade D |
|---|---|---|---|---|
| Tensile strength | 60,000–70,000 | 55,000–65,000 | 65,000–77,000 | 70,000–82,000 |
| Yield point, minimum | 0.5 tens. str. | 0.5 tens. str. | 0.5 tens. str. | 0.5 tens. str. |
| Elongation in 8 inches, minimum, percent [a] | 1,550,000 / Tens. str. | 1,550,000 / Tens. str. | 1,550,000 / Tens. str. | 1,550,000 / Tens. str. |
| Elongation in 2 inches, minimum, percent [b] | 1,750,000 [d] / Tens. str. | 1,750,000 [d] / Tens. str. | 1,750,000 [d] / Tens. str. | 1,750,000 [d] / Tens. str. |

[a] When Fig. M–1 is used. [b] When Fig. M–2 is used. [c] See paragraph (b). [d] See paragraph (c).

## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY ELECTRIC RAILWAYS

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of November, A. D. 1939.

In the matter of the Order of July 13, 1937, effective July 1, 1937 prescribing operating-revenue account 108½, "Protective service revenue — Perishable freight", for electric railways; the order of July 31, 1937 changing the effective date to January 1, 1938; the order of December 18, 1937 changing the effective date to January 1, 1939 and, the order of November 28, 1938 [1] changing the effective date to January 1, 1940.

*It is ordered,* That the effective date be changed to January 1, 1941.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39–4191; Filed, November 10, 1939; 12:42 p. m.]

ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY STEAM ROADS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of November, A. D. 1939.

In the matter of the order of July 13, 1937, effective July 1, 1937, prescribing operating-revenue account 117, "Protective service—Perishable freight", for steam roads; the order of July 31, 1937 changing the effective date to January 1, 1938; the order of December 18, 1937 changing the effective date to January 1, 1939 and, the order of November 28, 1938 [1] changing the effective date to January 1, 1940.

*It is ordered,* That the effective date be changed to January 1, 1941.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39–4190; Filed, November 10, 1939; 12:42 p. m.]

[1] 3 F.R. 3871 DI.

[No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

[Decided November 3, 1939]

*Application for authority to construct for experimental service in the transportation of petroleum products one hundred tank-car tanks fabricated by fusion welding granted—A. E. Smith for Union Tank Car Company*

SUPPLEMENTAL REPORT OF THE COMMISSION[1]

ALLDREDGE, *Commissioner:*

In our several prior reports we granted upon applications therein considered authority to build and use for experimental transportation of dangerous articles other than explosives a total of 767 tank cars equipped with tanks fabricated by fusion welding but otherwise conforming to I. C. C. shipping container specifications.

By application filed with the Association of American Railroads on September 29, 1939, and transmitted to us October 18, 1939, we are asked to authorize Union Tank Car Company to construct one hundred (100) additional cars conforming to current I. C. C. specification 105A300 for tank cars, except that tanks will be fabricated by fusion welding instead of forge welding; cars to be used in further service tests in the transportation of petroleum products. Riveted anchors will be used.

Applicant states that tanks will have capacity of 11,000 gallons, all features of design of cars have been passed upon as satisfactory by the Association, construction will conform to all effective requirements, and of the total of 767 fusion-welded cars previously authorized, 321 are in service. Applicant further states that service trials and periodical inspections show all cars in use to be in good condition after 7,673 trips over a total of 5,953,698 miles, an increase of over a thousand trips and a million miles of safe transportation since our next previous authorization dated March 13, 1939. The Bureau of Explosives and the Association recommend favorable action on the application.

Upon further consideration of the record and in the light of added facts disclosed, construction and use of one hundred (100) additional tanks of tank cars, in accordance with current I. C. C. specification 105A300, is forthwith authorized for transportation of petroleum products, provided that tanks may have riveted anchors, may be fusion welded instead of forge welded, and must be constructed and marked in compliance with proposed revised I. C. C. specification 105A300W, filed as an exhibit at the hearing herein and referred to in our prior reports.

In all respects other than as provided for herein the regulations for the transportation of petroleum products are and shall remain in full force and effect.

Owners or operators of cars shall make semiannual inspections of the tanks authorized herein and report their condition to the same parties as receive reports required by I. C. C. specification 105A300.

By the Commission, Commisioner Alldredge.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39-4192; Filed, November 10, 1939; 12:42 p. m.]

[1] Under the authority of section 17 (6) of the Interstate Commerce Act, the above entitled matter was referred by the Commission to Commissioner Alldredge for consideration and disposition.

## *Notices*

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. 23-FD]

IN THE MATTER OF THE APPLICATION OF THE AMERICAN ZINC AND CHEMICAL COMPANY

ORDER REQUIRING RENEWAL OF APPLICATION FOR EXEMPTION

The American Zinc and Chemical Company having, on July 10, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by applicant to itself for consumption by it in its operations as a zinc and chemical plant; and

The Commission having on June 6, 1938, entered an order pursuant to such application in Docket No. 23-FD granting said application upon condition that the Commission may thereafter require the Applicant to apply periodically for renewal of said order and to file such reports as the Commission may find necessary or appropriate to enable it to determine whether the conditions found by the Commission to support said order continue to exist; and

The Director having determined that it is necessary to require Applicant to apply for a renewal of said order of June 6, 1938;

*It is ordered*, That said order of June 6, 1938, and the exemption granted thereby shall automatically terminate and expire unless, at the end of thirty (30) days from the date of this order, the American Zinc and Chemical Company shall have filed with the Director, a verified application, requesting renewal of said order and the exemption granted thereby, and containing therein the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the applicant continue to exist:

(a) The full name and address of the Applicant, and the name and location of the mine or mines covered by the application for renewal of said order of June 6, 1938.

(b) The total tonnage of bituminous coal produced by Applicant from such mines for a period of one year preceding the date of the filing of said application for renewal.

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption.

(d) Whether any change has occurred in the ownership of the mine or mines in which the coal in question was produced, or in the ownership of the plant, factory, or other facility consuming such coal.

(e) Whether there has been a change in the agency or instrumentality through which the coal was being produced at the time said order of June 6, 1938 was entered, and if such change has occurred, the nature thereof.

Dated, November 9, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4174; Filed, November 9, 1939; 2:06 p. m.]

[Docket No. 24-FD]

IN THE MATTER OF THE APPLICATION OF THE MCLAIN FIRE BRICK COMPANY

ORDER REQUIRING RENEWAL OF APPLICATION FOR EXEMPTION

The McLain Fire Brick Company having, on July 28, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by Applicant to itself for consumption by it in the manufacture of fire brick; and

The Commission having on June 6, 1938, entered an order pursuant to such application in Docket No. 24-FD granting said application upon condition that the Commission may thereafter require the Applicant to apply periodically for renewal of said order and to file such reports as the Commission may find necessary or appropriate to enable it to determine whether the conditions found by the Commission to support said order continue to exist; and

The Director having determined that it is necessary to require Applicant to apply for a renewal of said order of June 6, 1938;

*It is ordered*, That said order of June 6, 1938, and the exemption granted thereby shall automatically terminate and expire unless, at the end of thirty (30) days from the date of this order, the McLain Fire Brick Company shall have filed with the Director a verified application, requesting renewal of said order and the exemption granted thereby, and containing therein the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the applicant continue to exist:

(a) The full name and address of the Applicant, and the name and location of the mine or mines covered by the application for renewal of said order of June 6, 1938.

(b) The total tonnage of bituminous coal produced by Applicant from such mines for a period of one year preceding the date of the filing of said application for renewal.

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption.

(d) Whether any change has occurred in the ownership of the mine or mines in which the coal in question was produced, or in the ownership of the plant, factory, or other facility consuming such coal.

(e) Whether there has been a change in the agency or instrumentality through which the coal was being produced at the time said order of June 6, 1938, was entered, and if such change has occurred, the nature thereof.

Dated November 9, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4175; Filed, November 9, 1939; 2:06 p. m.]

[Docket No. 32-FD]

IN THE MATTER OF THE APPLICATION OF THE HARBISON-WALKER REFRACTORIES COMPANY

ORDER REQUIRING RENEWAL OF APPLICATION FOR EXEMPTION

The Harbison-Walker Refractories Company having, on July 7, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by Applicant to itself for consumption by it in its operations as a fire brick plant; and

The Commission having, on June 6, 1938, entered an order pursuant to such application in Docket No. 32-FD granting said application upon condition that the Commission may thereafter require the Applicant to apply periodically for renewal of said order and to file such reports as the Commission may find necessary or appropriate to enable it to determine whether the conditions found by the Commission to support said order continue to exist; and

The Director having determined that it is necessary to require Applicant to apply for a renewal of said order of June 6, 1938;

*It is ordered*, That said order of June 6, 1938, and the exemption granted thereby shall automatically terminate and expire unless, at the end of thirty (30) days from the date of this order, the Harbison-Walker Refractories Company shall have filed with the Director a verified application, requesting renewal of said order and the exemption granted thereby, and containing therein the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the applicant continue to exist:

(a) The full name and address of the Applicant, and the name and location of the mine or mines covered by the application for renewal of said order of June 6, 1938.

(b) The total tonnage of bituminous coal produced by Applicant from such mines for a period of one year preceding the date of the filing of said application for renewal.

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption.

(d) Whether any change has occurred in the ownership of the mine or mines in which the coal in question was produced, or in the ownership of the plant, factory, or other facility consuming such coal.

(e) Whether there has been a change in the agency or instrumentality through which the coal was being produced at the time said order of June 6, 1938 was entered, and if such change has occurred, the nature thereof.

Dated, November 9, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4176; Filed, November 9, 1939; 2:06 p. m.]

[Docket No. 45-FD]

IN THE MATTER OF THE APPLICATION OF THE BIRMINGHAM WATER WORKS COMPANY

ORDER REQUIRING RENEWAL OF APPLICATION FOR EXEMPTION

The Birmingham Water Works Company having, on June 14, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by Applicant to itself for consumption by it in its operations in supplying water for domestic and industrial use; and

The Commission having, on June 6, 1938, entered an order pursuant to such application in Docket No. 45-FD granting said application upon condition that the Commission may thereafter require the Applicant to apply periodically for renewal of said order and to file such reports as the Commission may find necessary or appropriate to enable it to determine whether the conditions found by the Commission to support said order continue to exist; and

The Director having determined that it is necessary to require Applicant to apply for a renewal of said order of June 6, 1938;

*It is ordered*, That said order of June 6, 1938, and the exemption granted thereby shall automatically terminate and expire unless, at the end of thirty (30) days from the date of this order, the Birmingham Water Works Company shall have filed with the Director a verified application, requesting renewal of said order and the exemption granted thereby, and containing therein the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the applicant continue to exist:

(a) The full name and address of the Applicant, and the name and location of the mine or mines covered by the application for renewal of said order of June 6, 1938.

(b) The total tonnage of bituminous coal produced by Applicant from such mines for a period of one year preceding the date of the filing of said application for renewal.

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption.

(d) Whether any change has occurred in the ownership of the mine or mines in which the coal in question was produced, or in the ownership of the plant, factory, or other facility consuming such coal.

(e) Whether there has been a change in the agency or instrumentality through which the coal was being produced at the time said order of June 6, 1938 was entered, and if such change has occurred, the nature thereof.

Dated, November 9, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4177; Filed, November 9, 1939; 2:07 p. m.]

### CIVIL AERONAUTICS AUTHORITY.

[Docket No. 326]

IN THE MATTER OF THE APPLICATION OF DILLINGHAM AIR SERVICE FOR A PERMANENT CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (e) OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

Public hearing in the above-entitled proceeding, being the application of Dil-

lingham Air Service for a certificate of public convenience and necessity authorizing nonscheduled air transportation between Dillingham and Bristol Bay points, Platinum, Bethel, and Anchorage, Alaska, is hereby assigned for November 14, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th St. NW., Washington, D. C., before Examiner Robert J. Bartoo.

A copy of the record in this proceeding will be made available at the Authority's office in Anchorage, Alaska.

Dated Washington, D. C., November 9, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-4159; Filed, November 10, 1939; 11:10 a. m.]

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## FEDERAL POWER COMMISSION.

[Docket No. IT-5517]

IN THE MATTER OF MOLINE-ROCK ISLAND MANUFACTURING COMPANY

ORDER FIXING DATE OF HEARING

NOVEMBER 8, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On June 1, 1938, the Commission issued an order directing that an inquiry be made as to the reasonableness of the rates and charges made, demanded, or received by Moline-Rock Island Manufacturing Company for or in connection with the transmission or sale of electric energy to Peoples Power Company, Peoples Light Company, Clinton, Davenport, and Muscatine Railway Company, and Tri-City Railway Company, or otherwise, and all rules and regulations affecting or pertaining to such rates or charges;

(b) Moline-Rock Island Manufacturing Company is a "public utility" subject to the jurisdiction of the Commission;

(c) Moline-Rock Island Manufacturing Company transmits energy in interstate commerce and sells electric energy at wholesale in interstate commerce to Peoples Power Company, Peoples Light Company, Clinton, Davenport, and Muscatine Railway Company, and Tri-City Railway Company of Iowa;

The Commission orders that:

A hearing be held at 10 a. m., on December 11, 1939, in the Court Room, Second Floor of the Federal Building, Davenport, Iowa, to determine (1) whether Moline-Rock Island Manufacturing Company is a "public utility" as defined in the Federal Power Act, (2) whether Moline-Rock Island Manufacturing Company transmits electric energy in interstate commerce, or sells electric energy at wholesale in interstate commerce, (3) the just and reasonable rates and charges to be made, demanded, or received by Moline-Rock Island Manufacturing Company for or in connection with the transmission or sale of electric energy to Peoples Power Company, Peoples Light Company, Clinton, Davenport, and Muscatine Railway Company, and Tri-City Railway Company, and all rules and regulations affecting or pertaining to such rates or charges.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-4179; Filed, November 10, 1939; 9:24 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of October, A. D. 1939.

[File No. 46-173]

IN THE MATTER OF DRESSER POWER CORPORATION, PUBLIC SERVICE COMPANY OF INDIANA, AND MIDLAND UNITED COMPANY

ORDER APPROVING APPLICATIONS, ETC.

Dresser Power Corporation having filed an application pursuant to Section 6 (b) for exemption from the provisions of Section 6 (a) of the Act of the proposed issue and sale of $4,800,000 principal amount of First Mortgage Bonds and 15,990 shares of common stock; an application pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Act for approval of the acquisition from Public Service Company of Indiana of certain real estate, easements and rights-of-way; an application pursuant to Rule U-12F-1 promulgated under the Act for approval of the sale of property to Public Service Company of Indiana; and having also prayed that it be permitted pursuant to Sections 13 (b) and (c) of the Act to perform certain services and construction for and to sell certain goods to Public Service Company of Indiana;

Public Service Company of Indiana having filed an application pursuant to Section 10 (a) (1) of the Act for approval of the acquisition of 15,990 shares of the common stock of Dresser; an application, in which the Trustees of The Estate of Midland United have joined, pursuant to Rule U-12D-1 under the Act for approval of the pledge of 16,000 shares of common stock of Dresser with the Trustee under the mortgage securing the $4,800,000 principal amount of First Mortgage Bonds; and applications, in which the Trustees of The Estate of Midland United have joined, pursuant to Rules U-12D-1 and U-12F-1 for the approval of the sale of the above-referred to real estate, easements and rights-of-way;

A public hearing having been held after appropriate notice; no member of the public having appeared or requested an opportunity to be heard; the applicants having waived a trial examiner's report, the right to have prepared and submitted to them proposed findings of fact or requests for findings of fact, the right to file a brief and the right to oral argument before the Commission; the Commission having examined the record in this matter and having made and filed its findings and opinion herein;

*It is ordered*, That the application of Dresser Power Corporation pursuant to Section 6 (b) of the Act regarding the issuance and sale of $4,800,000 principal amount of First Mortgage Bonds and 15,990 shares of common stock and its application filed pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Act for the approval of the acquisition from Public Service Company of Indiana of certain real estate, easements and rights-of-way be and they hereby are approved; and that the proposed performance of services and construction and sale of goods by Dresser Power Corporation as set forth in the application herein be and the same are hereby exempted pursuant to Section 13 (a) and (b) of the Act from the prohibitory provisions of said Section;

*It is ordered*, That the application of Public Service Company of Indiana pursuant to Section 10 (a) (1) for the approval of the acquisition of the 15,990 shares of common stock of Dresser Power Corporation, its application, in which the Trustees of The Estate of Midland United have joined, pursuant to Rule U-12D-1 under the Act for the approval of the pledge of 16,000 shares of common stock of Dresser Power Corporation, and its application, in which the Trustees of The Estate of Midland United Company have joined, pursuant to Rule U-12D-1 and U-12F-1 for approval of the sale of certain real estate, easements and rights-of-way, be and they hereby are approved;

*And it is further ordered*, That in connection with the issuance of the securities and the other transactions herein approved the following terms and conditions are severally imposed upon Dresser Power Corporation, Public Service Company of Indiana and The Estate of Midland United Company insofar as they may be applicable to any of them:

(1) That the steps involved in the various applications shall be carried out and effected respectively as set forth in and for the purposes represented by such applications as amended;

(2) That if the express authorization of the issue and sale of the securities by the Public Service Commission of Indiana shall be revoked or otherwise terminated, the exemption granted with respect to such issue and sale shall be immediately terminated without further order by this Commission;

(3) That within ten days after the issue and sale of such securities and within ten days after each of the transfers of assets involved in these transactions, the applicants shall file with this Commission a certificate of notification showing that the issue and sale of such securities and the transfer of such assets have been effected as set forth in and for the purposes represented by the applications as amended and in accordance with the terms of this order;

(4) That Dresser Power Corporation shall comply with Rule U-13-31 (a) and any other applicable rules of this Commission now in force or becoming effective prior to the conclusion of the above transactions to insure the service and construction performed and goods sold be so performed and sold at actual cost and that the exemption herein granted shall not be deemed to extend further than the performance of the service and the construction and the sale of goods as particularly set forth in the record herein;

(5) That the Commission reserves jurisdiction over the payment of any fees or commissions in connection with the placing of the bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4184; Filed, November 10, 1939; 11:06 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of November 1939.

[File No. 1-1699]

IN THE MATTER OF HAMILTON-BROWN SHOE COMPANY NO PAR VALUE COMMON STOCK

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The St. Louis Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the No Par Value Common Stock of Hamilton-Brown Shoe Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective November 20, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4187; Filed, November 10, 1939; 11:06 a. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of November, A. D. 1939.

[File No. 44-30]

IN THE MATTER OF CHARLES TRUE ADAMS, TRUSTEE OF THE ESTATE OF UTILITIES POWER & LIGHT CORPORATION, DEBTOR, AND CENTRAL STATES POWER & LIGHT CORPORATION

ORDER GRANTING REQUEST

The Commission having by order entered on October 2, 1939 (Holding Company Act Release No. 1739) approved, pursuant to Rule U-12C-1, the acquisition by Central States Power & Light Corporation, a registered holding company, of not to exceed $2,576,900 principal amount of its outstanding First Mortgage and First Lien Gold Bonds, 5½% Series, due 1953 in accordance with and for the purposes represented by the application as amended and upon conditions specified in such order.

The applicants having on November 9, 1939, filed an amendment representing that in accordance with the terms and conditions of said order said Central States Power & Light Corporation had acquired pursuant to tenders $1,803,400 principal amount of said bonds by the expenditure of $1,298,400; that the time for the acceptance of tenders, in accordance with the terms and conditions in said order, had expired; that there remained unexpended the sum of $557,013 which under the terms and conditions of said order could have been used for the acquisition of bonds had sufficient bonds been tendered;

The applicants having requested in said amendment that said order of October 2, 1939, be modified and amended in such manner as to permit Central States Power & Light Corporation to continue to solicit tenders of said bonds without limitation as to time until said sum remaining available shall be exhausted, and to accept such tenders in the order of their receipt, but otherwise such acquisition of bonds to be subject to all of the terms and conditions of said order of the Commission dated October 2, 1939;

*It* appearing to the Commission that such request contained in such amendment should be granted, but only on the conditions hereinafter set forth,

*It is ordered*, That said request contained in said amendment be, and it hereby is, granted, but only on the following conditions:

(a) That said Central States Power & Light Corporation shall at the close of each business day mail to this Commission a written statement showing the aggregate principal amount of bonds acquired on such day and the amount of said presently available sum of $557,013 which remains unexpended;

(b) That, if the Commission shall at any time notify said applicant in writing that it considers that the making thereafter of such acquisitions might be detrimental to the public interest or the interest of investors or consumers, no tenders shall be invited or accepted subsequent to the receipt of such notice;

*It is further ordered*, That said order of October 2, 1939, be, and it hereby is, modified and amended accordingly.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4186; Filed, November 10, 1939; 11:06 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 9th day of November, A. D. 1939.

[File No. 55-62]

IN THE MATTER OF THOS. W. DELZELL AND R. L. CLARK INDEPENDENT TRUSTEES OF PORTLAND ELECTRIC POWER COMPANY AND RALPH H. KING, ATTORNEY FOR SAID INDEPENDENT TRUSTEES

ORDER DESIGNATING NEW TRIAL EXAMINER

Thos. W. Delzell and R. L. Clark, Independent Trustees of Portland Electric Power Company, and Ralph H. King, attorney for said Independent Trustees, having filed applications pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935; the Commission by its order of November 3rd, 1939 having set said matters down for hearing on November 20, 1939, at 10 o'clock in the forenoon of that day in Room 510, United States Courthouse Building, 620 S. W. Main Street, Portland, Oregon, and it now appearing that the Trial Examiner heretofore designated to preside at said hearing will be unable so to preside:

*It is ordered*, That Henry Fitts, an officer of the Commission, be and hereby is designated to preside at such hearing in the place and stead and with the same powers and duties as the Trial Examiner heretofore designated to preside at such hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4185; Filed, November 10, 1939; 11:06 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 10th day of November, A. D. 1939.

[File No. 43-264]

IN THE MATTER OF NIAGARA HUDSON POWER CORPORATION

ORDER FOR POSTPONEMENT OF HEARING

It appearing to the Commission that a hearing in the matter of the declaration of the Niagara Hudson Power Corporation, filed pursuant to section 7 of the Public Utility Holding Company Act of 1935, has been set for the 27th day of November, 1939, at 10:00 o'clock in the A. M., in room 1103 of the offices of the Securities and Exchange Commission in Washington, D. C., and

It further appearing to the Commission that said hearing should be postponed;

*It is therefore ordered*, That the hearing in the above-mentioned matter be and the same is hereby postponed until the 28th day of November, 1939, at 10:00 o'clock in the A. M., at the offices of the Securities and Exchange Commission in Washington, D. C., before Willis E. Monty, Trial Examiner. On such day the hearing room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

Notice of such postponed hearing is hereby given to such declarant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 23, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4168; Filed, November 10, 1939; 11:06 a. m.]

Reference

NOV 15 1939

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 4 NUMBER 220

*Washington, Tuesday, November 14, 1939*

## *The President*

### EXECUTIVE ORDER

AMENDMENT OF SECTION 6 OF CIVIL SERVICE RULE II

By virtue of and pursuant to the authority vested in me by the Civil Service Act (22 Stat. 403, 404), it is ordered that section 6 of Civil Service Rule II [1] be, and it is hereby, amended to read as follows:

"6. *Excepted employees—when classified.*—Except as provided in section 7 of this rule, a person holding a position when it is placed in the classified (competitive) service or otherwise is made subject to competitive examination shall, upon recommendation to the Commission by the head of the department or agency in which he is employed, have all the rights which he would acquire if appointed thereto upon competitive examination: *Provided*, (a) that he was appointed to such position, or to a position being placed in the classified (competitive) service under the same authority of law or Executive order, at least six months prior to the effective date of the change in the status of the position; (b) that he has performed satisfactory active service in either or both of such positions for an aggregate of at least three months of the six months immediately preceding the change in the status of the position; (c) that he shall pass such appropriate non-competitive tests of fitness as the Commission may prescribe; and (d) that he is not disqualified by any provision of section 3 of Civil Service Rule V or of any other Civil Service Rule, or by any provision of the Civil Service Act or any other statute, or Executive order; and *Provided further*, that in conferring a classified (competitive) status upon any employee under this, or any other, rule, or any statute or Executive order, the Commission (a) may in its discretion exempt from the physical requirements established for any position any employee who has rendered long and faithful service in a civil capacity for the Government, and (b) may consider a person whose name is carried on the compensation rolls of the Employees' Compensation Commission as having rendered satisfactory active service in the position in which he last served for the period during which his name is carried on such rolls. Any such person who fails to meet the above-stated requirements of this section shall be separated from the service within thirty days (exclusive of leave to which he is entitled) after the Commission reports that he is ineligible to acquire a classified (competitive) status unless the head of the department or agency concerned certifies to the Commission that such person has rendered satisfactory service and that he should be retained although without acquiring such status."

The provisions of this order shall also apply to the incumbents of positions heretofore or hereafter covered into the classified (competitive) service by section 1 of Executive Order No. 7916 [2] of June 24, 1938, and section 3 of that order is modified accordingly.

This order is recommended by the Civil Service Commission.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 9, 1939.*

[No. 8283]

[F. R. Doc. 39-4194; Filed, November 10, 1939; 2:31 p. m.]

[1] 3 F.R. 1520 DI.

[2] 3 F.R. 1526 DI.

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[40-Tob-8, Supp. 2]

PART 727—SUPPLEMENT TO PROCEDURE FOR THE DETERMINATION OF FLUE-CURED TOBACCO ACREAGE ALLOTMENTS FOR 1940

The "Procedure for the Determination of Flue-cured Tobacco Acreage Allotments for 1940" (40-Tob-8), as amended,[1] is hereby amended by adding

[1] 4 F.R. 4535 DI.

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THE PRESIDENT

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FEDERAL REGISTER

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to paragraph (c) of Section 727.215 the following sentence:

"A person shall be deemed to control any farm which he owns, notwithstanding that he rents such farm to another."

Done at Washington, D. C., this 10th day of November 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4203; Filed, November 13, 1939; 9:54 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### BUREAU OF ANIMAL INDUSTRY

[Amendment 37 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS[1]

NOVEMBER 1, 1939.

In accordance with Section 2 of Regulation 7 of B.A.I. Order 309, as amended effective September 10, 1936,[2] the following named counties, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Alabama: Tuscaloosa, November 1, 1942.
Arkansas: Lawrence, November 1, 1942.
California: Nevada, November 1, 1942.
Connecticut: Fairfield, November 1, 1942; Hartford, November 1, 1942; New Haven, November 1, 1942; New London, November 1, 1942.
Florida: Leon, November 1, 1942.
Georgia: Banks, November 1, 1942; Rabun, November 1, 1942.
Idaho: Lincoln, November 1, 1942; Teton, November 1, 1942.
Illinois: Scott, November 1, 1945; Stevenson, November 1, 1942.
Indiana: Delaware, November 1, 1942; Sullivan, November 1, 1942.
Maryland: Caroline, November 1, 1942; Prince Georges, November 1, 1942; Worcester, November 1, 1942.
Michigan: Hillsdale, November 1, 1942; Lenawee, November 1, 1942.
Missouri: Cass, November 1, 1942; Lafayette, November 1, 1942; Perry, November 1, 1942; Ste. Genevieve, November 1, 1942.
Nebraska: Box Butte, November 1, 1942; Cheyenne, November 1, 1942; Deuel, November 1, 1942; Kimball, November 1, 1942; Morrill, November 1, 1942.
New York: Bronx, November 1, 1942; Cattaraugus, November 1, 1942; Chemung, November 1, 1942; Clinton, November 1, 1942; Columbia, November 1, 1942; Genesee, November 1, 1942; Kings, November 1, 1942; Nassau, November 1, 1942; New York, November 1, 1942; Orleans, November 1, 1942; Queens, November 1, 1942; Richmond, November 1, 1942; Rockland, November 1, 1942; Suffolk, November 1, 1942; Wayne, November 1, 1942.
North Carolina: Franklin, November 1, 1942; Lenoir, November 1, 1942; Wilson, November 1, 1942.
Ohio: Wayne, November 1, 1942.
Tennessee: Henry, November 1, 1942; Lake, November 1, 1942.
Texas: Brazoria, November 1, 1942; Hardin, November 1, 1942; Jim Hogg, November 1, 1942; Randall, November 1, 1942; San Augustine, November 1, 1942; Victoria, November 1, 1942; Webb, November 1, 1942; Wharton, November 1, 1942.
Utah: Summit, November 1, 1942.
Virginia: Franklin, November 1, 1942; Northumberland, November 1, 1942; Wise, November 1, 1942.
West Virginia: Wetzel, November 1, 1942.
Puerto Rico: San German, November 1, 1942.

Declaration No. 12, dated October 1, 1936, as amended,[2] is hereby further amended accordingly.

[SEAL] J. R. MOHLER,
*Chief of Bureau.*

[F. R. Doc. 39-4205; Filed, November 13, 1939; 9:54 a. m.]

[1] Supplements footnote to 9 CFR 77.3.
[2] 1 F.R. 1338.

## AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT[1]

NOVEMBER 10, 1939.

To GEORGE W. SAUNDERS LIVESTOCK COMMISSION CO.,
*San Antonio, Tex.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the George W. Saunders Livestock Commission Company Stock Yards, at San Antonio, State of Texas, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C., Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] HARRY L. BROWN,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 39-4204; Filed, November 13, 1939; 9:54 a. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3771]

IN THE MATTER OF E. A. MORGAN AND COMPANY ET AL.

§ 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (j10) *Misbranding or mislabeling — Results:* § 3.69 (b) (12) *Misrepresenting oneself and goods—Goods—Qualities or properties:* § 3.69 (b) (15a) *Misrepresenting oneself and goods — Goods — Results:* § 3.96 (a) (6) *Using misleading name—Goods—Qualities or properties:* § 3.96 (a) (7a) *Using misleading name—Goods—Results.* Representing, in connection with offer, etc., in commerce, of powdered preparation for application to silk hosiery and lingerie, through the use of the terms "Run-Safe", "Run-Free" and "Runless", or any other terms of similar import or meaning, to designate or describe such preparation, or in any other manner, that such product when applied to silk hosiery or lingerie will stop or prevent or insure against runs, snags or breaks, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, E. A. Morgan and Company et al., Docket 3771, October 31, 1939]

§ 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (j10) *Misbranding or mislabeling—Results:* § 3.69 (b) (12) *Misrepresenting oneself and goods—Goods—Qualities or properties:* § 3.69 (b) (15a) *Misrepresenting oneself and goods—Goods—Results.* Representing, in connection with offer, etc., in commerce, of powdered preparation for application to silk hosiery and lingerie, and designated "Run-Safe", "Run-Free" and "Runless", that the use of said product will reduce hosiery and lingerie costs approximately 50 per cent, or will set or hold the color of silk hosiery and lingerie, or will prevent rotting and fading, or will render silk hosiery and lingerie rain-spot proof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, E. A. Morgan and Company et al., Docket 3771, October 31, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF E. A. MORGAN AND COMPANY, A CORPORATION, AND E. A. MORGAN, INDIVIDUALLY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents herein by their counsel, Edward H. Brink, Jr., Esq., and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act.

*It is ordered*, That the respondent, E. A. Morgan and Company, a corporation, its officers, representatives, agents and employees, and the respondent, E. A. Morgan, individually, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of a powdered preparation designed for application to silk hosiery and lingerie which preparation is now designated as "Run-Safe", "Run-Free" and "Runless", in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, through the use of the terms, "Run-Safe", "Run-Free" and "Runless", or any other terms of similar import or meaning to designate or describe such preparation, or in any other manner, that such product when applied to silk hosiery or lingerie will stop or prevent or insure against runs, snags or breaks.

(2) Representing that the use of said product will reduce hosiery and lingerie costs approximately 50%, or will set or hold the color of silk hosiery and lingerie, or will prevent rotting or fading, or will render silk hosiery and lingerie rain-spot proof.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4201; Filed, November 13, 1939; 9:48 a. m.]

[Docket No. 3836]

IN THE MATTER OF THE WAHL COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of fountain pens, through the use of the term "Leak-Proof" or any other term or terms of similar import or meaning to designate or describe respondent's fountain pens, or in any other manner, that the respondent's fountain pens will not leak, unless and until said fountain pens are so designed and constructed that they will not leak, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, The Wahl Company, Docket 3836, October 31, 1939]

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture.* Representing, in connection with offer, etc., in commerce, of fountain pens, that respondent's fountain pens are equipped with any special or patented device which will prevent leakage unless and until said fountain pens are so equipped that no leakage will occur, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Wahl Company, Docket 3836, October 31, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product.* Misrepresenting, in connection with offer, etc., in commerce, of fountain pens, the ink capacity of respondent's fountain pens, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Wahl Company, Docket 3836, October 31, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of October, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF THE WAHL COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into between the respondent herein and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, The Wahl Company, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of fountain pens, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, through the use of the term "Leak-Proof" or any other term or terms of similar import or meaning to designate or describe respondent's fountain pens, or in any other manner, that the respondent's fountain pens will not leak, unless and until said fountain pens are so designed and constructed that they will not leak;

2. Representing that respondent's fountain pens are equipped with any special or patented device which will prevent leakage unless and until said fountain pens are so equipped that no leakage will occur;

3. Misrepresenting the ink capacity of its fountain pens.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4202; Filed, November 13, 1939; 9:48 a. m.]

## TITLE 43—PUBLIC LANDS

### GENERAL LAND OFFICE

AIR NAVIGATION SITE WITHDRAWAL NO. 99, REDUCED

MONTANA

NOVEMBER 1, 1939.

Under and pursuant to section 4 of the act of May 24, 1928, 45 Stat. 728, departmental order of September 27, 1935, withdrawing certain public lands in California, Montana, and Nevada, for use as air navigation sites, is hereby revoked in so far as it affects the following described land which is no longer needed for such purpose:

MONTANA

*Principal Meridian*

T. 11 N., R. 16 W., sec. 6, SE¼ NE¼, 40 acres.

OSCAR L. CHAPMAN, *Assistant Secretary of the Interior.*

[F. R. Doc. 39-4195; Filed, November 13, 1939; 9:30 a. m.]

## BUREAU OF RECLAMATION

[No. 19]

RIVERTON IRRIGATION PROJECT, WYOMING, PART TWO

PUBLIC NOTICE OPENING PUBLIC LANDS TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS

OCTOBER 30, 1939.

1. *Land for which water will be furnished.* In pursuance of the act of June 17, 1902, (32 Stat. 388) and acts amendatory thereof or supplementary thereto, announcement is hereby made that upon proper water-rental application being made therefor, water will be furnished on a rental basis under the Riverton Irrigation Project, Wyoming, in the irrigation season of 1940 and thereafter until further notice, for the irrigable lands shown on farm unit plats for Township 2 North, Ranges 2, 4 and 5 East and Township 3 North, Ranges 1, 3, 4 and 5 East, Wind River Meridian, Wyoming; and that beginning on November 28, 1939, entry may be made in accordance with this notice for the following described vacant public land farm units, to wit:

*Wind River Meridian, Wyoming—*

TOWNSHIP 3 NORTH, RANGE 1 EAST

| Section | Farm unit | Irrigable area (acres) |
|---|---|---|
| 21 | "A"—N½NW¼ and SE¼NW¼ | 51 |
| 22 | "A"—W½NW¼NE¼, SW¼NE¼ and N½SE¼ | 79 |
| | "C"—S½SE¼ Sec. 22, and W½W½ SW¼SW¼ Sec. 23 | 80 |

TOWNSHIP 2 NORTH, RANGE 2 EAST

| | | |
|---|---|---|
| 13 | "F"—Lot 1 and S½NE¼ | 47 |

TOWNSHIP 3 NORTH, RANGE 3 EAST

| | | |
|---|---|---|
| 7 | "A"—SE¼NE¼SW¼, S½S½NW¼ SE¼ and S½SE¼ | 78 |
| 8 | "A"—S½SE¼SE¼ and SW¼SE¼ Sec. 8, and SW¼ SW¼SW¼ Sec. 9 | 80 |
| | "B"—S½SW¼ | 63 |
| 25 | "D"—S½NE¼NE¼, NW¼NE¼ and NE¼NW¼ Sec. 25, and S½SE¼ SW¼ Sec. 24 | 82 |
| | "E"—NW¼NW¼ and N½SW¼ NW¼ Sec. 25 and SW¼SW¼ Sec. 24 | 77 |
| 28 | "B"—SW¼NE¼ and S½NW¼ | 55 |

TOWNSHIP 2 NORTH, RANGE 4 EAST

| | | |
|---|---|---|
| 2 | "A"—Lot 1 and SE¼NE¼ | 76 |
| | "B"—Lot 2 and SW¼NE¼ | 70 |
| 9 | "C"—Lot 1 | 64 |
| | "D"—Lot 2 | 74 |
| | "E"—S½SW¼ | 53 |
| 10 | "A"—N½NW¼ | 55 |
| | "B"—N½SE¼ | 64 |
| | "D"—S½SE¼ and SE¼SW¼ | 94 |
| 12 | "A"—N½NE¼ Sec. 12; and Lot 6, Sec. 7, T. 2 N., R. 5 E | 86 |
| | "B"—Lot 2 | 53 |
| 13 | "A"—W½W½NE¼NW¼ and NW¼ NW¼ Sec. 13; and NE¼NE¼ Sec. 14 | 58 |
| 14 | "B"—NW¼NE¼ and N½NW¼ | 92 |
| 15 | "A"—N½NE¼ | 64 |
| | "B"—SW¼NW¼ and NW¼SW¼ | 60 |
| | "C"—N½NW¼ Sec. 15, and SW¼ SW¼ Sec. 10 | 91 |
| | "D"—NW¼SE¼NE¼, SW¼NE¼, SE¼NW¼, N½NW¼SE¼, and N½NE¼SW¼ | 88 |
| 16 | "D"—S½NE¼NE¼, S½N½NE¼ NE¼, W½NE¼ and NW¼SE¼ | 104 |
| | "E"—N½NW¼ | 76 |
| | "F"—S½NW¼ | 80 |
| | "G"—SE¼NE¼ and E½SE¼ | 98 |

TOWNSHIP 3 NORTH, RANGE 4 EAST

| | | |
|---|---|---|
| 34 | "A"—S½NW¼NE¼, S½NE¼ and NW¼SE¼ Sec. 34; and W½SW¼ NW¼ Sec. 35 | 92 |
| 35 | "B"—N½SE¼ | 37 |

TOWNSHIP 2 NORTH, RANGE 5 EAST

| | | |
|---|---|---|
| 6 | "A"—Lots 1, 2 and 3 | 77 |
| | "B"—Lots 4 and 5, SE¼NW¼ and W½W½SW¼NE¼ | 85 |
| | "C"—Lots 6 and 7 and E½SW¼ | 94 |

TOWNSHIP 3 NORTH, RANGE 5 EAST

| | | |
|---|---|---|
| 31 | "A"—S½NE¼ and NW¼SE¼ Sec. 31; and SW¼NW¼ Sec. 32 | 92 |
| | "B"—Lots 2 and 3, SE¼NW¼ and NE¼SW¼ | 73 |
| | "C"—Lot 4, SW¼SE¼ and SE¼SW¼ | 79 |
| | "D"—E½SE¼ Sec. 31, and N½NW¼ SW¼ and SW¼NW¼SW¼ Sec. 32 | 85 |

The farm unit plats referred to above were approved on the date of this notice and are on file in the office of the Superintendent, Bureau of Reclamation, Riverton, Wyoming, and in the local land office at Cheyenne, Wyoming.

2. *Limit of acreage for which entry may be made or water rental secured.* For the farm units described above, the limit of area of public land per entry, representing the area which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such land, is fixed at the amounts shown upon the said farm unit plats for the respective farm units thereon. The maximum limit of area for which water rental application may be made for lands in private ownership shall be 160 acres of irrigable land for each landowner.

3. *Filing of water rental applications.* Water rental applications for lands in private ownership must be filed in the office of the Superintendent and such applications may be made on or after the date of this notice. For public land farm units the water rental applications must be made in accordance with the conditions hereinafter stated.

4. *Payment for land required.* The public lands covered by this notice were formerly a part of the Wind River or Shoshone Indian Reservation, and, in accordance with the Act of March 3, 1905 (33 Stat. 1016), as amended by the Act of March 4, 1921 (41 Stat. 1404), the entryman must pay, in addition to the reclamation charges, one dollar and fifty cents ($1.50) per acre for said land in the local land office at Cheyenne, Wyoming, of which fifty cents ($0.50) per acre will be payable on the date of entry, and twenty-five cents ($0.25) per acre per year for each of four years thereafter. Failure to make deferred payments when due will render the entry subject to cancellation.

5. *Preference rights to ex-service men.* Pursuant to the provisions of joint Public Resolution No. 85, 71st Congress, approved June 12, 1930 (46 Stat. 580), and up to and including February 25, 1940, the farm units described in paragraph 1 will be open to entry only by officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States, in any war, military occupation, or military expedition, and have been honorably separated or discharged therefrom or placed in the regular Army or Naval Reserve. The same preference rights are applicable to those citizens of the United States who served with the allied armies during the World War and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies was similar to the service with the Army of the United States for which recognition is granted in the aforesaid Public Resolution No. 85: *Provided, however*, That they must be qualified to make entry under the homestead laws and also possess the qualifications as to industry, experience, character, and capital required of all applicants under this notice. No entry of any of the farm units described above can be made by any person who is not entitled to a preference right on account of military service until on and after February 26, 1940, as provided in paragraph 17 of this notice.



6. *Applicants must be qualified.* No entry shall be accepted by the local land office until the applicant therefor has satisfied the examining board appointed for the Riverton Project to consider such matters, that he is possessed of such qualifications (in addition to the qualifications required under the homestead laws) as to industry, experience, character, and capital, as in the opinion of the board are necessary to give reasonable assurance of success by the prospective settler.

7. *Requirements as to industry, experience, character and capital.* Each applicant must possess good health and have had at least two years' actual experience in farm work and farm practice. He must have at least $2,000 in money free of liability or the equivalent thereof in livestock, farming equipment, or other assets deemed by the examining board to be as useful to the applicant as money, except as otherwise provided in paragraph 9 hereof.

8. *Examining Board.* An examining board of three members has been appointed by the Secretary of the Interior, to consider the fitness of each applicant to undertake the development and operation of a farm on the Riverton Project. Each applicant, except those described in paragraph 14 (a), must appear in person before the examining board, and the Superintendent, who is the member representing the United States, and who will act as secretary of the board, will notify each applicant by registered mail with return receipt demanded of the period of time set for his appearance and examination. The members of the board will be present at the project office when the opening is being held, and interested applicants, and particularly non-residents, will be examined at such times as it is convenient for them to be present. There must be, of course, some limit of time covering this feature, and the board will fix this limit, and will also announce such other incidental rules as will necessitate one appearance only by each applicant. Careful investigation shall be made to verify the statements and representations made by applicants, to the end that no misunderstanding may prevail, either regarding the applicant's fitness or his appreciation of the problem before him. If requested by the examining board, each applicant will furnish the board a letter, or letters, signed by the applicant addressed to and authorizing banking and other institutions or persons to supply to the board any information it may require regarding the applicant's assets or other qualifications. Refusal of an applicant to furnish such authority, or his failure to do so within a period considered reasonable by the board, shall be sufficient reason for rejecting his application.

9. *Determination of relative standing of applicants.* The relative standings of the applicants will be based upon a percentage rating with the following maximum weights given to the four prescribed qualifications:

| | Percent |
|---|---|
| Character | 15 |
| Industry | 20 |
| Capital | 30 |
| Farm Experience | 35 |

Applicants will be rated according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules, or who do not, in the opinion of the board, possess the health and vigor necessary for active farm work:

| | Percent |
|---|---|
| Character: | |
| Fair | [1] 5 |
| Good | 6–10 |
| Excellent | 11–15 |
| Industry: | |
| Fair | [1] 5 |
| Good | 6–10 |
| Excellent | 11–20 |
| Capital: | |
| $2,000 to $2,999 | 27 |
| $3,000 to $3,999 | 28 |
| $4,000 to $4,999 | 29 |
| $5,000 or above | 30 |

[1] Minimum.

*Provided*, That in the event an applicant does not possess sufficient unencumbered assets for the establishment of an economically sound farming operation upon one of the farm units described in paragraph 1, but he is able within 15 days from the date of his appearance before the examining board for examination, to furnish a certificate or other satisfactory showing that he will be granted a loan by the Farm Security Administration, Department of Agriculture, of an amount of money which will be sufficient, either itself or together with his personal net worth as determined from his original farm application, for the establishment of an economically sound farming operation, the examining board, under authority of the Act of August 7, 1939 (Public No. 307—76th Congress, 1st Session), will reconsider his application for making such change in the applicant's rating on capital as will reflect the additional asset of the loan assured to him by the Farm Security Administration. To enable the Examining board to give a definite rating to each application, in accordance with the scale set forth under "Capital" in this paragraph 9, the exact total amount of any such prospective loan shall be stated in the certificate or other showing presented: *Provided, however*, That no loan by the Farm Security Administration shall be considered in lieu of the possession by any applicant of equivalent actual assets after June 30, 1940: *Provided, further*, That where such farm units have or may be improved by means of funds made available by the Farm Security Administration, the Secretary of the Interior, as authorized by the said Act of August 7, 1939, shall require the entryman of any such unit to enter into a mortgage contract with the Farm Security Administration to repay the value of such improvements thereon before entry is allowed.

| Farm experience: | Percent |
|---|---|
| A. In farming other than irrigation: | |
| 2 years, any time | [1] 10 |
| Additional credit of 5% to be allowed for each year in farming other than irrigation for more than 2 years, up to a total of 7 years (10% for 2 years, plus 5% per year up to 5 additional years), or a maximum of | 35 |
| B. In irrigation farming: | |
| 2 years, any time | 15 |
| 2 years, in last 4 years | 20 |
| 2 years, in last 2 years | 25 |
| 3 years, in last 4 years | 30 |
| 3 or more years in responsible charge of irrigation farm in last 4 years | 35 |

[1] Minimum.

In determining the percentages to be given for experience under irrigated farming, the members of the examining board may reduce the percentages from 1 to 5 percent, if, in their judgment, the experience indicated by the applicant as having been gained in other irrigated areas is not of the type that would justify his being rated for farming under the particular conditions on the Riverton Project, at any of the percentages above listed.

10. *When, and how to apply for a farm unit.* Any person desiring to acquire any of the farm units described in paragraph 1 must, as a first step, secure from the Superintendent, Riverton, Wyoming, or from the Commissioner, Bureau of Reclamation, Washington, D. C., a farm application blank. The blanks will be available on and after the date of this notice, and full answer must be made to each question propounded therein. The farm application must designate in the first paragraph the particular farm desired. If the applicant claims a preference right on account of military service, he shall attach to this application an affidavit setting forth such military service. The affidavit shall state the applicant's time of service, the unit of which he was a member, the date on which he was honorably discharged, or separated, or transferred to the regular Army or Naval Reserve, and that he did not refuse to wear the uniform of such service or to perform the duties thereof. If the applicant claims a preference right on account of military service with the allied armies during the World War, the affidavit should also state, if true, that the service with the allied armies was similar to the service with the Army of the United States for which recognition was granted in the said Public Resolution No. 85. There shall be attached to said affidavit a copy of such honorable discharge or separation from the service, or the order of transfer to

the regular Army or Naval Reserve. In the event that the original of an applicant's honorable discharge or of such order of transfer has been lost or otherwise is not readily available for copying purposes, a record of his military service and of his discharge, separation or transfer under the seal of the War Department may be furnished in lieu of the copy of the aforementioned original, and shall be attached to said affidavit.

11. *When and where to file the farm application.* The farm application with the proof to be furnished by the ex-service man, must be filed with the Superintendent at Riverton, Wyoming, in person, if convenient, or by mail, or otherwise, prior to November 28, 1939, if the applicant desires to qualify under paragraph 12 below. No advantage will accrue to an applicant presenting his application in person rather than by mail, and, if the applicant does not reside at Riverton, Wyoming, his application should be mailed. Farm applications received from ex-service men on and after November 28, 1939 will be noted and filed in the order of their receipt but will not be considered for allocating farm units until all applications received prior to that date, from persons who are entitled to preference under paragraph 5 hereof, have been disposed of in accordance with this notice.

12. *Simultaneous filing of farm applications.* All applications received prior to November 28, 1939, the date of opening, will be held and treated as simultaneously filed.

13. *Preference rights for ex-service men not filing in accordance with Paragraph 12.* In order that ex-service men may take advantage of the preference right as provided in paragraph 5 of this notice, in the event that they fail to file prior to November 28, 1939, as set forth in paragraph 12 above, their applications together with the proof to be furnished by them, must be filed in the office of the Superintendent, Riverton, Wyoming, on or prior to February 25, 1940 the day before the date upon which the farm units herein described, except those units for which applications of ex-service men have been accepted, become open to entry by the general public. No advantage will accrue to an applicant presenting his application in person rather than by mail.

14. *Showing of applicants and selection thereof.* (a) Where the applicant, in the original application which he filed, failed to make a prima facie case—that is, where the applicant (1) does not possess good health; (2) fails to make the necessary showing as to character; (3) fails to make the necessary showing as to industry; (4) fails to make the necessary showing as to citizenship; (5) does not show at least two years' farm experience; (6) does not possess the assets required in paragraph 7; (7) is disqualified because of having already made homestead entry; (8) is the owner of more than 160 acres of land in the United States; (9) has not furnished any or satisfactory evidence of military service; (10) or is otherwise disqualified, the application shall be rejected and the applicant notified thereof by registered mail, with return receipt demanded, and of his right to appeal to the Secretary of the Interior within 10 days from receipt of such notification. All appeals allowed under this Public Notice No. 19 must be filed in the office of the Superintendent at Riverton, Wyoming, and within 10 days from receipt by applicants of rejection notices.

(b) Each applicant who makes a *prima facie* case and has not been previously examined by the board shall be notified by the board, by registered mail, with return receipt demanded, of the time within which he must appear before it. After such personal examination, and after consideration of the showing made in the application, the board will rate the applicant in accordance with the scale set forth above, and place such rating in red ink, with the initials of each member of the board upon the face of the farm application blank. Should the applicant fail to appear for examination after due notice, his application will receive no further consideration by the board at that time. Should he later appear his application may be considered for any farm then remaining unassigned. The date of receipt of his application shall then be considered as being the day he actually appeared before the board. The rating necessary to establish qualification is the minimum named in Paragraph 9 of this Public Notice No. 19 for each of the requirements as to character, industry, capital and farm experience and the applications of all who fail to attain this minimum shall be rejected and the applicants notified thereof by registered mail, with return receipt demanded, and of their right to appeal to the Secretary of the Interior within 10 days from receipt of such notification. After the expiration of the appeal periods fixed by the above mentioned notices, if any are required, to applicants who failed to make prima facie cases and to those who failed to attain the minimum rating, and in the absence of any pending appeals, the board shall select the 39 applicants having the highest ratings (there being 39 farm units described in paragraph 1 subject to entry). Immediately following the selection of the successful applicants the board shall send a notice by registered mail with return receipt demanded to each of the other applicants below the first 39 in qualification ratings, advising him of his rating, and that since the number of qualified applicants exceeds the number of available farms, his application must be held for rejection. Each applicant whose application is so held may appeal to the Secretary of the Interior within 10 days of receipt of such notice. In the event that any of the 39 applicants with the highest ratings fail to fulfill the requirements of paragraph 15 hereof, the examining board will select other applicants in the order of their qualification ratings to replace those of the selected applicants who failed to complete their filings before the land office. If necessary, the same procedure will be followed until homestead filings have been completed for all of the public land farm units opened to entry by this Public Notice. In the event that the number of qualified applicants is less than the number of available farm units, and also if in such case there are several applications for the same farm unit, the board shall assign a farm unit to each of such applicants. Whenever practicable, the board shall allow the applicants to exercise a choice of farms; and if it is found practicable to do so, the applicants will be given the right of selection, regardless of other applications, in the order of their ratings. The intent of the law is to select the best qualified applicants for the farms available, and the Government reserves the right to assign the farms regardless of individual preferences. Where two or more applicants have received identical ratings a drawing shall be made by the examining board to determine its selections and the order in which the available farms shall be awarded.

15. *Notification of applicant that he has been selected.* After the expiration of the period or periods fixed by notices to applicants in the contingencies named in paragraph 14 above, or any other that may arise, and upon the completion of action which may become necessary because of such notices, the board shall notify each applicant selected for a farm, by registered mail with return receipt demanded, that he has been selected for a farm unit. With such notice the board will enclose a water rental application for the farm selected which must be executed by the applicant and returned to the Superintendent, Bureau of Reclamation, Riverton, Wyoming, within 10 days from receipt of the notice, together with payment of the minimum water rental charge, as specified in paragraph 22 hereof, before he is entitled to file a homestead application with the local land office to enter the farm unit designated in connection with his selection. Upon the receipt by the Superintendent of the water rental application, executed by the applicant and accompanied by the required payment, before the expiration of the said 10-day period, the secretary of the examining board will furnish each such selected applicant by registered mail, unless delivered to him in person, a certificate stating that his qualifications to enter public lands, as required by subsection C of Section 4 of the Act of December 5, 1924 (43 Stat. 702), have been passed upon and approved by that board. Such certificate, in which the applicant's ratings will also be stated, and a copy of which will be forwarded by the secretary of the board to the local land office immediately upon the issuance thereof, must be attached by the applicant to his homestead application when he files such application at the local land office at Cheyenne, Wyoming. Such homestead application shall be made within 15 days from the date of the receipt by the applicant of the said certificate. Failure to pay the water rental charge or to make application for homestead entry within the periods specified herein will render the application subject to rejection. Entry to any of the public land farm units described in paragraph 1 which are outside the Midvale Irrigation District shall be allowed by the land office only when the applicant shall have executed an appropriate petition for inclusion in the District of the farm unit involved, as required by paragraph 19 of this Public Notice. The project superintendent shall submit to the local land office the petition executed by the applicant or such other showing as that office may require as evidence that this requirement on the part of the applicant has been met.

16. *Failure of selected applicant to complete transaction.* If the applicant fails to comply with any of the requirements named above the board will select the next highest in qualification rating, and when the list has been exhausted, and if there still remain lands unallotted, the board will consider applications filed thereafter in the order filed, and such applications will otherwise be handled by the board as prescribed in paragraph 14.

17. *General entry.* On and after February 26, 1940 any farm units described in paragraph 1 above which remain unentered, shall be subject to entry under this notice by any person having the necessary qualifications. Farm applications filed prior to February 26, 1940 by persons who are not ex-service men, and who are not entitled to preference rights under paragraph 5 hereof, will be received and all applications of such persons so received prior to 2:00 p. m. of that date will be held and treated as simultaneously filed and will be considered as having been filed at 2:00 p. m. February 26, 1940. If on February 26, 1940, at 2:00 p. m., the number of applications so filed exceeds the number of farm units available at that time, then the right to make entry for such farm unit shall be determined in accordance with paragraph 14 of this notice, the provisions of which shall continue in effect in a similar manner in the future if the number of applications filed simultaneously exceeds the number of remaining available farm units. Otherwise, applications filed after 2:00 p. m. February 26, 1940 will be considered by the board in the order filed.

18. *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice: *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

19. *All land to be included in an irrigation district.* Each water rental application in connection with any of the land covered by this Public Notice which is not within the Midvale Irrigation District shall be accompanied either by a petition drawn in compliance with the laws of Wyoming to have such land included within that district, and executed by the applicant, or by evidence satisfactory to the project superintendent that such a petition has already been filed with the Board of Commissioners of the District.

20. *Contract with Midvale Irrigation District.* A contract was entered into February 12, 1931 between the United States and the Midvale Irrigation District. This contract, a copy of which is available for inspection in the office of the Bureau of Reclamation, Riverton, Wyoming, provides for the levying and collection by the District of assessments for water rental and construction charges and the payment thereof to the United States.

21. *Construction charges and water right application under Public Notice.* The construction cost shall be paid in accordance with the contract of February 12, 1931 between the United States and the Midvale Irrigation District. However, if required by the Secretary of the Interior, each entryman of a farm unit or owner of other land covered by this Notice No. 19, shall, within three months from the date of a public notice announcing the construction charges against such land, if such a public notice is issued, make a formal water right application covering his farm unit or such other land. Upon failure of the entryman or owner to execute such water right application, the Secretary may, at his option, cancel the entry, together with all rights acquired thereunder, or refuse to deliver further water on a water rental basis, as the case may be.

22. *Water rental charges.* The minimum water rental charge for the irrigation season of 1940 and thereafter until further notice will be One Dollar and Fifteen Cents ($1.15) per acre for each irrigable acre of land for which application has been or is hereafter made. Such minimum charge, which must be paid in advance and whether water is used or not, will entitle the applicant to two and three-tenths (2.3) acre-feet of water per acre, or so much thereof as may be necessary for beneficial use, for said season. Additional water, if available, will be furnished during the same season at the rate of Fifty Cents ($0.50) per acre-foot, payable on December 1 of the year during which such water is furnished. *Provided,* That in any case when water rental application is not approved until after June 15 of any year for any of the farm units described in paragraph 1, or until after August 1 for land in private ownership to which water is made available pursuant to this notice, the minimum charge shall apply as a credit on the minimum charge for the irrigation season next following such year, subject, however, to the further proviso that all water actually delivered after those dates during any current irrigation season, and under those conditions, will be charged for at the rate of Fifty Cents ($0.50) per acre-foot, which charge shall be deducted from the minimum water rental charge paid previously for that season and the balance of such minimum charge shall apply as a credit on the minimum charge for the next irrigation season. Each selected applicant for any of the farm units described in paragraph 1 of this notice, shall, as a condition precedent to the filing of homestead application with the local land office, pay the minimum water rental charge prescribed above.

23. *Place and manner of payment of water rental charges.* All initial water rental charges must be paid at the office of the Bureau of Reclamation at Riverton, Wyoming, by cash or bank draft, cashier's check, certified check, or postal or express money order, payable to the Bureau of Reclamation.

24. *Reservation of rights of way for county highways.* Rights of way are reserved for county highways along all section lines, such rights of way being 30 feet in width on each side of said section lines.

25. *Waiver of mineral rights.* All homestead entries for any of the above described farm units will be subject to the laws of the United States governing mineral land and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Land Office, otherwise the homestead application will be rejected or the homestead entry cancelled.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 39-4196; Filed, November 13, 1939; 9:30 a. m.]



## TITLE 50—WILDLIFE

## BUREAU OF BIOLOGICAL SURVEY

### PART 27—SOUTHEASTERN REGION: INDIVIDUAL NATIONAL WILDLIFE REFUGES

### ORDER PERMITTING AND REGULATING HUNTING OF CERTAIN MIGRATORY GAME BIRDS WITHIN THE LAKE MATTAMUSKEET WILDLIFE REFUGE, NORTH CAROLINA

§ 27.604 *Order permitting and regulating hunting of certain migratory game birds within the Lake Mattamuskeet Wildlife Refuge, North Carolina.* Pursuant to section 84 of the act of March 4, 1909, 35 Stat. 1088, as amended by the act of April 15, 1924, 43 Stat. 98, section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222),

and to the President's Reorganization Plan No. II, promulgated May 9, 1939, in accordance with the Reorganization Act of 1939 (Public No. 19, 76th Congress), and in extension of regulation 9 of the regulations of November 23, 1937,[1] for the administration of national wildlife refuges under the jurisdiction of the Bureau of Biological Survey, it is hereby ordered that, until further notice, migratory waterfowl (except those species for which no open season is prescribed by the Migratory Bird Treaty Act Regulations) and coots may be taken within the areas of Lake Mattamuskeet Wildlife Refuge, North Carolina, hereinafter described, and hereby designated "shooting areas," when, in manner, by means, and to the extent not prohibited by either Federal or State law or regulation, and under the following special provisions, conditions, restrictions, and requirements:

(a) *Shooting areas.* Those areas within the refuge described as follows:

*Area No. 1.* Starting at the point where Canal No. 5 East intersects East Main Canal; thence south 3°30' east to the refuge boundary; thence westward and southwestward along said boundary to a point approximately 20 chains westward from Station 109; thence north 4° west to Canal No. 1 East; thence north along said canal to a point approximately 145 chains from East Main Canal; thence north 86° east to the place of beginning.

*Area No. 2.* Starting at the point where Canal No. 1 West intersects West Main Canal; thence south 3°30' east to the refuge boundary; thence westward and northwestward along said boundary to Canal No. 6 West; thence north along said canal to West Main Canal; thence north 86° east to the place of beginning.

(b) *Entry upon refuge; firearms.* No permit from the officer in charge of the refuge shall be necessary for entry thereupon for the purpose of hunting in compliance with this order, but the having or carrying of firearms on the refuge without permit from the officer in charge, except on highways, thoroughfares, and shooting areas, or routes of travel to and from such areas designated by such officer, or when appropriate to the object for which any special permit may have been issued, will not be permitted. Persons entering or crossing the refuge for the purpose of hunting, as permitted by this order, shall use the established routes of travel and shall not otherwise enter upon the refuge.

(c) *Shooting from blinds only.* There shall be no shooting on Sunday. On other days during the open season hunters may shoot within either shooting area from a blind only. No blind shall be located within 500 yards of any other blind, or within 200 yards of the inside limits of the shooting area and then only subject to the approval of the refuge manager. The number of blinds, the number of guides, and the number of persons shooting from any blind shall be determined and fixed by the State officer in charge of the shooting areas, and blinds shall be located in the shooting areas as directed by him, subject to the approval of the refuge manager, to the end that the shooting shall be restricted within limits compatible with the preservation of waterfowl and other species of migratory game birds.

(d) *Guides.* Each person, or party of persons, shooting from a blind in a shooting area of the refuge shall be accompanied by a guide who has been previously designated as such. The designation of qualified guides for service on the refuge shall be made without favor or discrimination, and no person shall be so designated unless he is a citizen of the United States, has had experience in hunting and in handling guns and pushboats, is familiar with the territory comprised within Lake Mattamuskeet Wildlife Refuge, is able to identify and distinguish the various species of migratory waterfowl that resort to said refuge, is familiar with the State and Federal laws governing the hunting of migratory game birds, is in possession of such guide license as may be required by the laws of North Carolina, and is equipped for service as a guide with the essential hunting paraphernalia, including artificial decoys, and he shall comply with the requirements in respect to such equipment as may be prescribed by the State officer in charge, subject to the approval of the refuge manager. No guide shall charge for his services as a guide a fee or other compensation in excess of amounts approved as reasonable by the said officers. A guide shall not hunt any migratory waterfowl or coots on the refuge or be in possession of a gun thereon while employed as a guide, except that he may use the gun of a hunter in his party in an effort to recover any crippled legal game bird without getting into the range of another blind and without leaving the prescribed shooting area. Guides in adjacent blinds must cooperate in recovering cripples, and every reasonable effort must be made by all guides to recover crippled birds. The designation of any person as a guide shall be suspended or canceled by the State officer upon the approval or at the request of the refuge manager upon failure of such guide promptly to report to said State officer any violation of Federal or State laws or regulations of which he has knowledge, committed on said refuge. The State officer shall report promptly all such violations to the refuge manager.

(e) *Limitation on hunting methods.* No hunter shall use or be in possession of ammunition loaded with slugs or single balls, or with shot larger than Standard No. 2 shot while hunting on the refuge.

(f) *State cooperation in management of shooting areas.* The provisions of this order shall be incorporated in and be deemed to be a part of any cooperative agreement between the Chief, Bureau of Biological Survey, and the Commissioner of Game and Inland Fisheries of North Carolina for the regulation, management, and operation of shooting areas established hereunder, the details of which shall be mutually agreed upon between said Chief and Commissioner.

The order of the Secretary of Agriculture, H. A. Wallace, dated November 6, 1936, and amendment, dated October 29, 1937, are hereby revoked.

Approved, November 2, 1939.

E. K. BURLEW,
*Acting Secretary of the Interior.*

[F. R. Doc. 39–4197; Filed, November 13, 1939; 9:30 a. m.]

[1] 2 F.R. 2537.

## *Notices*

### DEPARTMENT OF THE INTERIOR.

**Bituminous Coal Division.**

[Docket No. 1114–FD, 1115–FD]

BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 12, COMPLAINANT, VS. BENNETT COAL MINE (G. C. BENNETT), PLANO COAL COMPANY (CHARLES SEALS), DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Producers Board for District No. 12, Complainant, having filed with the Bituminous Coal Division, pursuant to Section 5 (b) of the Bituminous Coal Act of 1937, complaints alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder;

*It is ordered*, That a hearing on such matters be held on December 15, 1939, at 9 o'clock, in the forenoon of that day at a hearing room of the Bituminous Coal Division, at Des Moines, Iowa, in Room 307, Federal Building.

*It is further ordered*, That M. J. Torlinski or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to the complainant, to the defendants, and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before December 13, 1939.

The matters concerned herewith are in regard to complaints filed by Bituminous Coal Producers Board for District No. 12, alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder for failure to pay District Board assessments.

Dated, November 10, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39–4198; Filed, November 13, 1939; 9:39 a. m.]



### DEPARTMENT OF LABOR.

**Wage and Hour Division.**

IN THE MATTER OF APPLICATION FOR THE EXEMPTION OF THE HARVESTING, HANDLING, PROCESSING, SHIPPING OR DISTRIBUTING OF DECORATIVE GREENS, FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS INDUSTRIES OF A SEASONAL NATURE

NOTICE OF HEARING

Whereas, applications have been filed by the Halverson Trees, Inc., the Bradbury Company, the Northwest Evergreen Company and sundry other parties for exemption from the maximum hours provisions of the Fair Labor Standards Act of 1938, of the harvesting, handling, processing, shipping or distributing of decorative greens, as industries of a seasonal nature pursuant to Section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder, and

Whereas, it is deemed advisable, in view of the fact that the above applications present related issues of fact and law, to hold a combined hearing under the provisions of Section 526.6 (a) of the Regulations, wherein separate opportunity will be given each of the said industries or branches thereof to give testimony, to argue, or to file written statements.

Now, therefor, notice is hereby given of a public hearing to be held at Room 214, 939 D Street, NW., Washington, D. C., to commence at 10:00 o'clock a. m., November 29, 1939, before Harold Stein, an authorized representative of the Administrator, who shall take testimony, hear arguments, and receive written statements, and determine

Whether any of the above listed decorative greens industries or any subdivisions thereof are industries of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder.

In this notice, the term "decorative greens" is used in the ordinary commercial sense and includes, but is not restricted to, Christmas trees, holly, huckleberry, ruscus, lycopodium, statice, thistle, cattails, pepper grass, mistletoe, pine, spruce, hemlock, cedar, laurél, and Leucothoe.

Any person interested in supporting or opposing any application for exemption may appear on his own behalf or on the behalf of any other person or may file written statements. In lieu of personal appearance, written statements may be filed to reach the Administrator at his office in Washington, D. C., prior to 10 o'clock a. m., November 29, 1939.

All appearances and all written statements in support of any application shall furnish the following information:

1. The name and address of the appearance or person filing statement.
2. List of products handled and operations performed on each product.
3. Location and scope of operations including source of materials and markets for such materials.
4. Size of business in terms of quantity or dollar value of product handled, and number of employees.
5. Average length of period of operation during last several years and dates on which operations ordinarily begin and close.
6. Average length of period during which operations cease apart from work such as maintenance, repair, clerical and sales work.
7. Climatic or other natural conditions which cause such cessation.
8. All possible information bearing on operations of other operators in same field.

Signed at Washington, D. C., this 13 day of November 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39–4210; Filed, November 13, 1939; 12:47 p. m.]

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued to the employer listed below effective November 14, 1939, until March 10, 1940, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under this Certificate is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) This Special Certificate is issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under this Special Certificate, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) This Special Certificate is issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificate may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Sol. Friedman & Sons, Bristol, Pennsylvania. | Silk and rayon slips. | 15 |

Signed at Washington, D. C., this 13th day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39–4207; Filed, November 13, 1939; 12:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 14, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued, and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Happ Bros. Co., Macon, Georgia, pants.

F. Jacobson & Sons, Inc., Albany, New York (5 learners), sport shirts.

F. Jacobson & Sons, Inc., Salisbury, Maryland (5 learners), shirts.

F. Jacobson & Sons, Inc., Troy, New York, shirts and pajamas.

Lee Garment Company, Clinton, Illinois (5 learners), cotton dresses.

Nirenberg & Salzman, Inc., Cohoes, New York, men's shirts.

Troy Collar Company, Troy, New York (5 learners), children's dresses.

Signed at Washington, D. C., this 13th day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4208; Filed, November 13, 1939; 12:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective November 14, 1939, to July 14, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Unique Knitting Company, Acworth, Georgia, 5.

Van Raalte Company, High Rock Avenue, Saratoga Springs, New York, 5.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 13th day of November 1939.

MERLE D. VINCENT,
*Chief, Hearings and Exemptions Section.*

[F. R. Doc. 39-4209; Filed, November 13, 1939; 12:47 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 215]

IN THE MATTER OF AN APPLICATION BY UNITED AIR LINES TRANSPORT CORPORATION AND WESTERN AIR EXPRESS CORPORATION UNDER SECTION 408 (B) AND/OR 412 (B) OF THE CIVIL AERONAUTICS ACT OF 1938, FOR APPROVAL OF AN AGREEMENT, C. A. A. NO. 102, RELATING TO THE INTERCHANGE OF SLEEPER AIRPLANES AT SALT LAKE CITY, UTAH

NOTICE OF POSTPONEMENT

Upon agreement of the parties, oral argument before the Authority in connection with the above-entitled proceeding now scheduled for November 13, 1939,[1] is hereby postponed to November 27, 1939, at 10 o'clock a. m. (Eastern Standard Time), in Room 5044, Commerce Building, Washington, D. C.

Dated Washington, D. C., November 10, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-4206; Filed, November 13, 1939; 12:05 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3724]

IN THE MATTER OF ZO-AK COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, November 17, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in the Office of the Custodian, United States Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4199; Filed, November 13, 1939; 9:48 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayers.

[Docket No. 3870]

IN THE MATTER OF SAM LUBER, INDIVIDUALLY AND TRADING AS DEARBORN SALES COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, November 22, 1939, at one o'clock in the afternoon of that day (central standard time) in the Knickerbocker Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4200; Filed, November 13, 1939; 9:48 a. m.]

[1] 4 F.R. 4552 DI.

NOV 16 1939

Reference

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

1934

VOLUME 4 NUMBER 221

*Washington, Wednesday, November 15, 1939*

## *Rules, Regulations, Orders*

### TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### SECURITIES AND EXCHANGE COMMISSION

#### SECURITIES EXCHANGE ACT OF 1934

#### ADOPTION OF RULES X–17A–3 AND X–17A–4

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly Sections 17 (a) and 23 (a) thereof, hereby adopts the following rules:

§ 240.X–17A–3 (*Rule X–17A–3*). *Records to be made by certain exchange members, brokers and dealers.* (a) Every member of a national securities exchange who transacts a business in securities directly with others than members of a national securities exchange, and every broker or dealer who transacts a business in securities through the medium of any such member, and every broker or dealer registered pursuant to Section 15 of the Securities Exchange Act of 1934 [C. 404, sec. 15, 48 Stat. 895; C. 462, sec. 3, 49 Stat. 1377; C. 677, sec. 1, 52 Stat. 1070; 15 U.S.C., 780, Sup. III and 15 U.S.C., 780–3], as amended, shall make and keep current the following books and records relating to his business:

(1) Blotters (or other records of original entry) containing an itemized daily record of all purchases and sales of securities, all receipts and deliveries of securities (including certificate numbers), all receipts and disbursements of cash and all other debits and credits. Such records shall show the account for which each such transaction was effected, the name and amount of securities, the unit and aggregate purchase or sale price (if any), the trade date, and the name or other designation of the person from whom purchased or received or to whom sold or delivered.

(2) Ledgers (or other records) reflecting all assets and liabilities, income and expense and capital accounts.

(3) Ledger accounts (or other records) itemizing separately as to each cash and margin account of every customer and of such member, broker or dealer and partners thereof, all purchases, sales, receipts and deliveries of securities and commodities for such account and all other debits and credits to such account.

(4) Ledgers (or other records) reflecting the following:

(A) securities in transfer;

(B) dividends and interest received;

(C) securities borrowed and securities loaned;

(D) monies borrowed and monies loaned (together with a record of the collateral therefor and any substitutions in such collateral);

(E) securities failed to receive and failed to deliver.

(5) A securities record or ledger reflecting separately for each security as of the clearance dates all "long" or "short" positions (including securities in safekeeping) carried by such member, broker or dealer for his account or for the account of his customers or partners and showing the location of all securities long and the offsetting position to all securities short and in all cases the name or designation of the account in which each position is carried.

(6) A memorandum of each brokerage order, and of any other instruction, given or received for the purchase or sale of securities, whether executed or unexecuted. Such memorandum shall show the terms and conditions of the order or instructions and of any modification or cancellation thereof, the account for which entered, the time of entry, the price at which executed and, to the extent feasible, the time of execution or cancellation. Orders entered pursuant to the exercise of discretionary power by such member, broker or dealer, or any employee thereof, shall be so designated. The term "instruction" shall be deemed to include instructions between partners and employees of a member, broker or dealer. The term "time of entry" shall

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be deemed to mean the time when such member, broker or dealer transmits the order or instruction for execution or, if it is not so transmitted, the time when it is received.

(7) A memorandum of each purchase and sale of securities for the account of such member, broker or dealer showing the price and, to the extent feasible, the time of execution.

(8) Copies of confirmations of all purchases and sales of securities and copies of notices of all other debits and credits for securities, cash and other items for the account of customers and partners of such member, broker or dealer.

(9) A record in respect of each cash and margin account with such member, broker or dealer containing the name and address of the beneficial owner of such account and, in the case of a margin account, the signature of such owner; provided that, in the case of a joint account or an account of a corporation, such records are required only in respect of the person or persons authorized to transact business for such account.

(10) A record of all puts, calls, spreads, straddles and other options in which such member, broker or dealer has any direct or indirect interest or which such member, broker or dealer has granted or guaranteed, containing, at least, an identification of the security and the number of units involved.

(b) This rule shall not be deemed to require a member of a national securities exchange to make or keep such records of transactions cleared for such member by another member as are customarily made and kept by the clearing member.

(C. 404, sec. 17, 48 Stat. 897; C. 462, sec. 4, 49 Stat. 1379; 15 U.S.C., 78q and Sup. III; C. 404, sec. 23, 48 Stat. 901; C. 462, sec. 8, 49 Stat. 1379; 15 U.S.C., 78w and Sup. III) [Rules and Regs., Rule X-17A-3, effective January 2, 1940]

§ 240.X-17A-4 (*Rule X-17A-4*). *Records to be preserved by certain exchange members, brokers and dealers.* (a) Every member, broker and dealer subject to Rule X-17A-3 [Sec. 240.X-17A-3] shall preserve for a period of not less than six years, the first two years in an easily accessible place, all records required to be made pursuant to paragraphs 1, 2, 3, and 5 of Rule X-17A-3 [Sec. 240.X-17A-3]

(b) Every such member, broker and dealer shall preserve for a period of not less than three years, the first two years in an easily accessible place:

(1) All records required to be made pursuant to paragraphs 4, 6, 7, 8, 9 and 10 of Rule X-17A-3 [Sec. 240.X-17A-3].

(2) All check books, bank statements, cancelled checks and cash reconciliations.

(3) All bills receivable or payable (or copies thereof), paid or unpaid, relating to the business of such member, broker or dealer, as such.

(4) Originals of all communications received and copies of all communications sent by such member, broker or dealer (including inter-office memoranda and communications) relating to his business as such.

(5) All trial balances, financial statements, branch office reconciliations and internal audit working papers, relating to the business of such member, broker or dealer, as such.

(6) All guarantees of accounts and all powers of attorney and other evidence of the granting of any discretionary authority given in respect of any account, and copies of resolutions empowering an agent to act on behalf of a corporation.

(7) All written agreements (or copies thereof) entered into by such member, broker or dealer relating to his business as such, including agreements with respect to any account.

(c) Every such member, broker and dealer shall preserve for a period of not less than six years after the closing of any customer's account any account cards or records which relate to the terms and conditions with respect to the opening and maintenance of such account.

(d) Every such member, broker and dealer shall preserve during the life of the enterprise and of any successor enterprise all partnership articles or, in the case of a corporation, all articles of incorporation or charter, minute books and stock certificate books.

(e) After a record or other document has been preserved for two years, a photograph thereof on film may be substituted therefor for the balance of the required time.

(C. 404, sec. 17, 48 Stat. 897; C. 462, sec. 4, 49 Stat. 1379; 15 U.S.C., 78q and Sup. III; C. 404, sec. 23, 48 Stat. 901; C. 462, sec. 8, 49 Stat. 1379; 15 U.S.C., 78w and Sup. III) [Rules and Regs. Rule X-17A-4, effective January 2, 1940]

The foregoing rules shall be effective on January 2, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

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## TITLE 24—HOUSING CREDIT

### UNITED STATES HOUSING AUTHORITY

### PART 639—SITE SELECTION*†

Sec.

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§ 639.0 *Scope and content.* After a local housing authority has obtained an earmarking of funds, but before a formal application for financial assistance can be considered, the local authority must have selected a site or sites for its housing project. This Part 639 discusses the problems encountered in site selection and takes into consideration site selection in its relationship to city planning, sectional distribution of housing projects within the city, racial considerations, alternative site possibilities, comparison costs and items to be considered in selecting the site.*† [Introduction]

§ 639.1 *Site selection in its relationship to city planning.* The problem of site selection should be approached with a full realization of the importance of the relationship of the low-rental housing program to city planning, city building and city rebuilding in the locality concerned. Where such a program is being undertaken with the financial cooperation of the USHA, it must immediately assume more of a long-term aspect than can possibly be assured for the usual type of residential community development. This is apparent because of the policies of the USHA. These policies require that the planning and design of housing projects to which it gives financial assistance shall be such that their useful life shall be at least the term of its loan, which is usually not less than 60 years, with the prospect of a much longer life; and that maintenance including provision for replacements, shall be such that living conditions on the site, insofar as they may be affected by the physical state of the property itself, shall remain unimpaired during this entire period. Permanency as to character is

*Sections 639.0 to 639.6 issued under the authority contained in Sec. 8, 50 Stat. 891; 42 U.S.C., Sup. IV, 1408.

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necessarily an idea inherent in any housing plans based upon these policies. In the development of American cities in the past, permanency of character for residential areas has not often been attained. The people who, acting individually, have been responsible for the piecemeal and haphazard building of urban residential areas, have either not given sufficient thought to the idea of permanency of character or have naively invested their money, their efforts and their hopes in the belief that such permanency was assured. There have been expedients applied in the hope of insuring stability of character for at least a reasonably long period for specific residential areas. But they have not been effective in forestalling the apparently inevitable change, which in the vast majority of cases takes the final form of complete deterioration. And the end products of this deterioration are the slums. Among such expedients are deed restrictions of various kinds; but the protection from these is at best transitory and they cannot prevent the creeping mutations in the character of the surrounding community which follow in the footsteps of the passing years. Likewise, the latter-day instrumentality of zoning, essential as it is as a method of protection and stability, cannot be relied upon to hold back, by itself, these inevitable changes. How, then, may there be for a new housing project assurance as to a continuingly satisfactory environment and a proper position in the city structure? There is no infallible formula for the attainment of these ends. But this question leads logically to the main theme of this part of the discussion, which is the essential inseparability of housing planning from city planning. The sad picture of decay and disintegration which almost every city presents should be enough to prove the fact of this inseparability. But the long-term provisions under which housing projects are built with the aid of USHA funds make mandatory the application of this principle. As has been indicated above, the long-term character of housing projects sponsored by the USHA is to be insured, insofar as the property within the boundaries of the project is concerned, through the design and maintenance policies to be followed. But this internal protection must be supplemented by the protection of initial appropriateness of the position of the site within the city structure. The city planning aspect of site location for low-rental housing (and, in fact, for residential development of any type) is double-edged in its implications: first, there is the effect of the location within the city plan upon the future of the housing project; second, the effect of the project's location upon the city plan. The latter is as important as the former—from the standpoint of the broader interests of the city, perhaps more important. City planning implies the visualization of a pattern for the city's structural and functional elements. Among these elements are the system of major highways, the supplementary system of secondary and of local streets; the areas of specialized land use, including areas allotted to industry, commerce, and residence; the system of local passenger transportation facilities, including street car and rapid transit lines, stations for suburban commuters, and existing or possible bus routes; the railroads and railroad facilities, including passenger stations, freight stations, switching yards, repair shops, and the like; the parks and parkways; the cemeteries; the public and parochial schools; the universities and institutions of higher education; the civic and governmental centers; the permanent stadiums, ball parks, athletic fields, race tracks, and fairgrounds; the playgrounds, swimming pools, and minor recreational system; the libraries; the hospitals, medical centers, and correctional institutions; the waterfront facilities; the airports; the major system of utility mains and utility plants, including water supply, gas works, and sanitary sewage disposal; the permanent plant for such municipal services as garbage and refuse disposal and fire protection. These are the elements which form the complex physical structure of a city. The pattern as a whole must necessarily change as time goes on; no American city has reached a static condition in its physical development. But the uncontrolled and unguided changes to which our cities have been subject in the past have left a trail of heart-breaking economic and aesthetic loss; and the resulting burden of inconvenience and economic hardship must be borne not only by the present generation but by generations to come. It is the object of city planning to reduce to a minimum this loss and burden through a rational guidance and control of these inevitable changes in the community's structure. It is obvious that the housing program must be properly fitted into this city pattern, both existing and as projected into the future. Its relationship to all of these constituent elements must be considered. Among the items of most vital importance to housing projects for low-income families, however, is assurance of the continuance of ample opportunities for employment within reasonable distances. The relationship of the site, not only to industrial areas and other fields of employment, but also to the transportation system is therefore very important. The local authority should take into account any trends affecting employment opportunities such, for example, as the tendency of industries to move to the suburbs along certain favored lines of transportation. Reference will be made in other sections of this Part to numerous other items which should be considered during the process of site selection; some of these are inherently associated with city planning. The local authority then, with a full realization of the importance of the relationship between the task with which it is charged and the broader phases of city planning and regional planning, is confronted with the problem of bringing into play such planning instrumentalities as may be available. If there is an active and technically competent city planning commission, so much the better. Its advice and, if possible, its services should be enlisted. But the local authority, must itself do sufficient city planning to insure the proper integration of its program with the city structure, particularly if the local planning body is not active or technically competent. In such case, it will do well to stimulate the interest of the local planning body and to encourage it to improve its technical competence. Where no planning agency whatever exists in the community, there is a wonderful opportunity for a group so strategically placed as a local authority to take the lead in bringing into being an effective movement to establish city and regional planning as an active and permanent force in its locality. Because of the fact that housing and city planning are so closely inter-related, such promotional activity is certainly a legitimate interest of a local authority. If there is an active city or county planning commission, the local authority should endeavor to obtain from it definite and official approval for its selection of sites. The timing of the announcement of such approval may be subject, sometimes, to the question of expediency as to when the selection should be made public. Even in communities where the local planning body is not active, or where there is doubt as to its technical competency, the local authority will strengthen its position and lessen the danger of future attack upon its choice of sites by bringing the official planning agency into its deliberations. In the city planning aspects of its work, as well as in all other aspects, whether technical, legal, social, economic or financial, the advice and services of the USHA are available to the local authority to the extent to which it may wish to make use of them.

(a) *Zoning.* An adjunct and instrumentality of city planning is zoning. As has been indicated above, the mere zoning of the project or its immediate neighborhood, without relation to the more permanent elements of city planning and without integration with a broad plan of city-wide zoning, can be by itself little more than a temporary protection. Even so, such zoning protection as may be available is necessary for each housing project. The protection of the site through proper zoning should be considered one of the essentials. Not only should the surrounding areas be so zoned as to insure continued protection for the project, but the site itself must be appropriately zoned for the type of structures which are to be built upon it. Where there is not an adequate plan of zoning in the community, adequately en-

forced, there is the opportunity for the local authority, as in the field of city planning discussed above, to take the leadership in promoting an effective zoning program by sponsoring a comprehensive zoning ordinance. Rezoning of adjacent areas for the protection of the project is frequently a requirement written into the contract under which the USHA extends financial assistance to the local authority. Rezoning is sometimes difficult to bring about, as is also the elimination of objectionable nonconforming uses under existing zoning. The matter of zoning technique and zoning procedure, including the legal problems involved in the establishment of zoning, is frequently outside of the experience of the local authority. A separate Part of this series will deal with this subject. On all matters related to zoning protection for housing projects there is available to the local authorities the advice of the special city planning consultants of the USHA, as well as of its legal and project planning advisers.

(b) *Preliminary determination of minimum size of site required.* Before beginning its search for a site the local authority should have determined, at least in a general way, the principal characteristics and the approximate size and racial composition of the market for the type of housing which it is proposed to build, and from this information a tentative determination should have been made of the number of residence units which are to be constructed. The services of the USHA advisers, and particularly of its Research Division, are available in this essential preliminary investigation. If the conditions in a given locality call for special consideration of major racial elements in the market and if the needs, customs and preferences of racial groups should properly enter into the question of site selection and occupancy assignment, it would be well to have, at this point, a fairly well-defined idea as to the distribution of the total number of units to be built among the racial groups which are to be served. Racial policy in its relationship to site selection is discussed in section 639.3 of this Part. Although the number of units to be built will influence the question of the amount of ground which must be obtained and will establish a minimum limit to the size of the buildable area of the site, this factor will not necessarily fix the maximum size of the site. The advisability in a given case of obtaining presently land for future enlargement of the project will be influenced by the availability and the cheapness of additional suitable land. In certain cases the purchase of more land than may ever be needed for the housing project itself may be desirable for purposes of protection to the project, provided that the cost is not too great. There are many cases, particularly in the more congested cities, where there is no single site available at a reasonable cost which is large enough, without overcrowding, for the number of units which it may be desired to build on a single site in the city as a whole or in an approximately defined section of the city. In such cases study should be given to the possibility of dividing the desired number of units among more than one site, and sites which fulfill the requirements of the project in respects other than size should be sought; but the reduced number of units to be built on any site must not be below the minimum necessary for operating efficiency.

(c) *Size of site in relation to site density.* Although the foregoing discussion of the influence of the number of units on the size of the site suggests an aspect of the site selection problem which the local authority should have in mind when it begins the search for sites, actual experience shows that among projects which have been approved by the USHA there has been the widest variation in the relationship of the size of site to the number of units. The average condition as to density for a group of 72 of the sites which have been approved is 21 units per net acre. (Net acreage is the area of the developed portion of the site after public thoroughfares have been deducted.) Certain projects with exceptionally high densities, such as those in New York City and Boston, are not included in this group. The range of density in this group of 72 sites is from 39.8 to 5.4 units per net acre. The median figure for this group is 19.7 units per net acre. The principal significance of these figures is that they show the wide range of density and indicate that there can be no rule of thumb whereby the size of the site required for a given number of units can be figured with satisfactory exactitude. The existence of this wide range shows that a large degree of individuality has been used in site planning and the provision of open spaces, recreation areas, and types of dwelling and non-dwelling buildings. The density will be influenced materially by the type of structures which are built. During the development of the plans, but not necessarily at the time of site selection, there must be a decision as to the dwelling types or combination of types. These types may be apartment buildings, either of the walk-up kind or of the multi-story elevator kind, one-story or two-story row houses, flats, "twin" houses, or single detached houses. It is obvious that site density which may be appropriate for one type of housing may not be appropriate for some other type. The fundamental consideration is that density must not be so great as to jeopardize the admittance of sunlight and air, privacy, and other amenities of living for the tenants, or as to be inconsistent with the characteristics of the community and the neighborhood in which the project is located. In considering site density and the most desirable types of buildings, the objective of the USHA-Aided program, namely, the building of housing for the lowest income groups, should always be kept in mind. Enthusiasm for the ideal must be restrained and solutions adopted which, while fulfilling the requirements of good housing for the lowest income groups, are nevertheless within the limits imposed by the necessity of careful economy both in first cost and in subsequent operating cost. Under ordinary conditions a decrease in density will increase the cost per unit for land, utilities and site improvements, and, in most cases, the cost of operation thereafter. This is one of the considerations which has caused the widespread adoption of the row house plan of development, frequently in cases where it was the original desire of the local authority to fulfill the ideal of the detached house on an individual lot. Although the economic factors of site density must be carefully considered, there are other factors for the influencing of density and the type of buildings which must not be neglected. Among these are the geographical location of the city, which influence its climate and the habitation customs of its inhabitants, the size of the city, and the location of the site in the city in its relationship to existing densities or densities which may be contemplated by an established city plan or zoning plan. The details of the site plan will finally determine the density. The principles of site planning are discussed in Part 635. In the matter of appropriate densities, as in other problems of the local housing program, the advice of the local city planning body should be sought at the very beginning of the search for possible sites.*† [Par. I]

§ 639.2 *Sectional distribution of housing projects within the city.* In many cases the total market as determined for the community as a whole should not be the sole basis for the determination of the number of units for which a site must be selected. Sectional influences within the community may tend to prevent freedom of movement of families from one part of the community to another. The total market may be divided into geographic segments, between which there may be but little hope of interchange of families. Such sectionalization of the market may result from the existence of various employment concentration points, together with transportation difficulties and distance or topographic barriers; or from a determined preference of special groups, racial or otherwise, for certain sections of the community in which they have long been established. The question of site selection, as affected by the number of units to be built, should therefore be studied in its relationship to the geographical distribution of the total market, insofar as such distribution may be considered as being set in a somewhat permanent pattern.*† [Par. II]

§ 639.3 *Racial considerations in site selection.* The second prerequisite assumption with which the local authority should begin its search for a site is that concerning the racial distribution of the total number of families to be served—that is, if the local authority has decided that local conditions indicate that there should be any distribution along racial lines. This subject has been mentioned briefly above. Where it has been decided that a project should be built to serve families who are predominantly of a given race, care must be exercised in selecting a site which will not do violence to the preferences and established habits of members of that race or to the community life of which they may be a part. The aim of the local authority should be the preservation rather than the disruption of community social structures which best fit the desires of the groups concerned. Particular care should be exercised in site selection to safeguard the interests of minority groups which may be affected. Although it is the responsibility of the local housing authority to decide its own racial policy, certain desirable principles may be suggested for application in this connection. Some of these may be enumerated as follows:

(a) The development of public housing projects for white occupancy in areas now occupied by Negroes or other minority racial groups is undesirable. This is particularly true where a considerable amount of home ownership or existing community facilities indicate that an integrated community of Negro, Latin American, or other minority composition is established.

(b) Whenever exceptions are to be made to this general policy, the local authority should demonstrate the circumstances which it believes justify the exception and there should be obtained, if possible, a statement of concurrence in the program from representative spokesmen of the racial group to be displaced.

(c) Any local program which involves the demolition of a number of houses available to minority racial groups which is considerably greater than the total to be provided for these groups in the new project is undesirable. In many sections of the country the supply of housing available to minority groups—Latin Americans and Negroes particularly—is artificially limited by racial restrictions. If houses in which these groups are now living are demolished, houses in other sections of the city evacuated by tenants moving into the new projects are seldom available to these displaced minority groups. In the case of home owners of the minority groups there will generally be great difficulty in acquiring comparable homes elsewhere in the city.

(d) If it is decided to develop sites which are either inhabited now by members of more than one race or, in the case of vacant sites, are contiguous to neighborhoods which are inhabited by different races, local authorities should plan projects open to the members of these different groups.*† [Par. III]

§ 639.4 *Study of alternative site possibilities.* Having arrived at a fairly well-defined decision as to the number of units for which a site or sites must be found and bearing in mind the racial implications of the problem, as discussed above, if any should exist, the local authority will do well to examine the possibilities and the suitability of as many different sites as may have a reasonable claim to attention and, by a process of elimination, to narrow its examination to a few which appear to be worthy of a more intensive study. The practice, which occasionally is followed by a local authority, of jumping to a conclusion in the selection of a site without having thoroughly explored the possibility of there being a superior alternative, is to be condemned. It is strongly recommended that a tabulation be prepared to show side by side the characteristics of the various sites which are worthy of consideration. Frequently a site which may receive little attention as a possibility at first will appear in a more favorable light after a detailed comparison with other possible sites. It is to be remembered that in making such comparisons, as elsewhere in the development of the local authority's program, the services of the legal and project planning advisers and of other specialists of the USHA are available. In the following pages some of the additional factors which should be considered in connection with site selection will be discussed. The check list which is included hereafter in section 639.6 may be used as a basis for rating alternative site possibilities.

(a) *Vacant or slum sites.* Although the objectives of the U. S. Housing Act of 1937 include slum clearance as well as the building of homes for the lowest income groups, it will be well for the local authority to begin its site selection study without a predetermined decision as between a slum-site program and the use of vacant or partly vacant land. The availability of properly placed sites of each type should be explored and the comparative advantages, economic and otherwise, of each type should be examined. A slum clearance site which may in other respects seem very desirable may, upon investigation, prove to be too expensive to acquire; or the problem of relocating present residents may present serious difficulties. A further analysis of the racial situation may show unexpected complications. As slum sites are generally held by a large number of individual owners, the difficulty of acquisition or the danger of delay may, upon investigation, appear to be serious. Above all, a check of land uses, both existing and trends, in the vicinity of the site under consideration, either with the assistance of the City Planning Commission (if there is one), or as undertaken by the local authority, may show that the site is better suited to other than residential uses or that it is definitely unsuitable for continued use as a residential neighborhood. On the other hand, a vacant site may at first arouse enthusiasm because of its cheapness or its ease of acquisition, or because of its excellent topography or beautiful surroundings. But a more careful examination may show that a vacant site should not be selected because:

(1) The vacant site is not properly located with respect to employment opportunities for the low-income families which would be the tenants;

(2) School facilities or transit facilities are inadequate and the prospect of such lack being corrected is remote;

(3) Utilities are lacking and cannot be extended to the site without considerable expense to the project or to the city;

(4) The location of the vacant site within the city structure is such that it should logically be put to other than residential use, such as industry or perhaps a public park; or

(5) The vacant site is more suitable for residential development by private industry for a higher income group. The considerations specified in subparagraphs (a) (1) through (a) (5) illustrate some of the considerations which should enter into a valuation of the proposed site. They are cited here in order to emphasize the desirability of making a careful comparative analysis of the merits of a number of sites, before any offhand decision is made either as to a particular site or as between a slum-site and a vacant land program. Where the relocation problem would be serious under a slum-site program, and particularly in communities where it may be expected that more than one project will be built, either presently or within the near future, it may be advisable to choose a vacant land site for the first development. If the slum clearance part of the program is deferred until the new housing on the first project is available or nearly available, the relocation difficulties will be alleviated.

(b) *Natural boundaries of the site.* It is well to bear in mind the fact that it is desirable, other things being equal, that a site have natural boundaries, at least on a portion of its periphery. This is both in the interest of the protection of the project and in the interest of a logical future extension of the housing or slum clearance program. Such natural boundary may be a park, a cemetery, the grounds of a large public institution, a river or stream, a ravine or a bluff, a railroad, an important street or highway, or a well-defined boundary of a commercial or light industrial area. In a slum district or blighted area a first project will seldom clean up all of the blight. It is therefore sensible to locate such projects in a position from which it can be readily expanded step by step. Should the project be set down in the middle of a slum area which may be considered as appropriate for future reclamation and residential use, the chances of spotty industrial and commercial encroachment are increased. If, on the other hand, the reclamation program

should begin with a site adjacent to a natural boundary of this area, the danger of such uncontrolled spotty development would be lessened. There are, of course, various considerations, including that of cost, which may make it necessary to select a first site without regard to this question of natural boundaries. In such cases it would be well to locate the site so that it may eventually be expanded outwardly to reach some natural boundary. This is especially true for slum clearance sites, but it may sometimes be equally true for a site in open territory. In the case of a site in open territory it is well to remember that population density on the first site should not be established at such a high level that it will tend to make more difficult the later acquisition of the adjacent land. A somewhat different but related matter is the situation where certain street frontage is too expensive for use for low-rental housing but may to advantage be acquired and leased to private developers for commercial or other uses as a measure of protection to the project, in order to eliminate a "business slum" along its border, or in order to provide for street widening, or in order to insure desired points of access to the project. The introduction of this subject is not to be interpreted as establishing any general policy of the USHA under which the acquisition of land for commercial purposes is authorized. Any such plan must be justified by the special circumstances peculiar to a given project. But it is mentioned here because it may, in certain cases, have a bearing on the question of site boundaries.

(c) *Exclusion of through streets from the projects.* If possible a site should be selected which will permit the exclusion of through traffic from streets within the project. The optimum condition is where there are no streets within the project except those which are necessary for the services of the project itself. It will also be in the interest of safety for children and of quietness if there are no streets which carry heavy traffic on its boundaries. It is especially desirable that the site should not be split by a major traffic artery. It is true, of course, that in some cases other circumstances affecting site selection make the avoidance of this condition impossible. In general, the objections to the inclusion of a major thoroughfare decrease as the size of the project increases. The closing of even minor streets which may be so located as to encourage the through movement of traffic is also most desirable. This possibility is sometimes complicated by the existence of utilities under the streets which should not be moved. Even so, it is often possible to close the streets and arrange the position of buildings so that the utility lines are left under the project open spaces. The attitude of the city government and the city planning commission on desirable street closing should be determined before a decision on site selection is made.*† [Par. IV]

§ 639.5 *Comparison of costs*—(a) *Comparison of costs of street construction and utilities for various sites.* Land values are obviously governed to some degree by the extent of public improvements already built and for which the property owners have been assessed. In comparing prospective sites, it will frequently be desirable to make comparative estimates on the probable cost to the project of street construction or reconstruction and of utility installation. For comparative purposes, such costs must be added to the cost of the land. For example, it may be found that for a vacant tract the cost of land plus the cost of site improvement items such as street paving, storm and sanitary sewer mains, and water and gas mains, will be more per acre than for a slum-clearance site where such improvements are, for the most part, already built and in usable condition. Approximate, comparative estimates can be prepared readily and will present the facts in a concrete manner. The figures should obviously not include work which it may be safely assumed will be donated by the municipality. The cost of service roads, utility services, and the like within the project property will generally be much the same for sites of comparable size and therefore may not be particularly significant for the purpose of site comparison. Such evaluations may be extended to cover differences in costs resulting from varying physiographic conditions, if these differences are significant; for example, excess grading and foundation costs of one site as compared with another.

(b) *Transportation costs.* In considering housing for the lowest income groups only, the effect of site selection on the cost of transportation for the tenants is of great importance. Added transportation costs are virtually equivalent to added rents. The USHA is to pay subsidies in connection with these projects over a long term of years in order to reduce rents. It would therefore be illogical to select a site on the merits only of its lower first cost if its location is such that the additional transportation cost to the tenants would in part nullify the advantages of the subsidy. Sometimes there may be an approximate theoretical economic balance between the additional first cost of one site as compared with the additional continuing transportation expense which the selection of another site would impose upon the tenants. Even so, there should be compelling reasons other than first cost for the choosing of the cheaper of two sites if the resulting transportation cost to the tenants is materially increased thereby. Even where there is a theoretical balance of the economic factors it should be remembered that the policies controlling the USHA-Aided program call for greater consideration being given to the continuing expenses of the tenant than to the first costs of the project. Consideration should be given to the possibility, however, that a present unfavorable transportation cost condition will tend to change for the better. For example, an outlying site may be justified if it is thought that within a reasonable time industry will move either near to it or beyond it and thus place it in a more favorable position as to transportation to a large field of employment. In comparing the merits of sites from the standpoint of transportation costs, due consideration may be given to the probability that a certain percentage of the tenants will use automobiles, either individually or in a cooperative way, as their regular means of transportation. This percentage will vary in different parts of the country. There are cities where a large proportion of even the poorest families manage to own some kind of automobile. The future trend in this matter cannot be predicted.*† [Par. V]

§ 639.6 *Check list of items to be considered in site selection.* In the preceding sections of this Part there have been discussed some of the factors which the local authority should have in mind when it approaches the problem of site selection, including some of the fundamentals of that problem. In the following list are various points which should be considered in the comparative analysis of the sites which are being investigated. The order in which they appear is not to be taken as being indicative of their relative importance. This list is not necessarily all-inclusive, since under local circumstances there may be items not mentioned here which should have an important influence upon site selection. It is suggested that in rating sites the following items be considered:

(a) *Present and future land uses in the neighborhood and in the city as a whole.* (Present neighboring land uses; present zoning; discernible changes in land use; harmful land uses; zoning changes to protect project; suitability of neighborhood for type of structure to be built.)

(b) *Population factors.* (Suitability of site from racial standpoint; population density; population trends in the city as a whole.)

(c) *Accessibility to employment.* (Accessibility of site to centers of employment either by walkable routes or by transportation facilities; adequacy of employment opportunities to which site is easily accessible; stability or seasonal character of the employment to which site is considered accessible.)

(d) *Transportation facilities.* (Transportation facilities within reasonable distance from site which can furnish satisfactory service to tenants; prospects for establishing transportation facilities where necessary; costs to tenants of necessary transportation service.)

(e) *School facilities.* (Distance by walkable routes or by transportation routes to grade schools, junior high schools, high schools and parochial schools; capacity of appropriately located schools to absorb the children of the project; where conveniently located schools do not exist, the prospects as to the building or enlargement of schools or through the provision of transportation to existing schools.)

(f) *Recreational and social facilities.* (Accessibility to existing parks, prospect as to future public recreational facilities to be available to the tenants; accessibility to religious and social facilities; necessity for the construction of supplementary recreational and social facilities as a part of the project.)

(g) *Accessibility to stores and other commercial services.* (Accessibility of site to existing commercial centers; need for provision of commercial facilities on the site as a part of the project development.)

(h) *Topography and physiographic features of the site.* (Topography of the site as it affects the percentage of buildable area and the possibility of an acceptable site plan; topography of site as it affects cost of building construction and site improvements; topography of site as it affects vehicular and pedestrian access to the project; grading requirements in general; rock excavation to be encountered in grading or in building construction; underground conditions; protective measures against flood; ground water conditions as they may affect cellar dampness or foundation stability; character of the ground as it affects its bearing capacity for foundations; conditions as to filled ground or old refuse dumps.)

(i) *Availability and adequacy of utilities.* (Water supply and character of the water available, including information from qualified engineers as to the adequacy of the supply mains and of the source of supply; sanitary sewage disposal provisions; storm water disposal; electric current supply, including proximity of adequate power lines; gas supply, including proximity and adequacy of the mains from which the supply must be taken.)

(j) *Community services.* (Disposal of garbage and refuse, including the method of disposal as affected by the site location; fire protection and the possible influence upon insurance rates; police protection, snow removal, street lighting, street tree planting and maintenance, and other municipal services as affected by site location.)

(k) *Relation to the thoroughfare system and condition of streets.* (Accessibility to the site by way of paved streets; condition and extent of present improvements on streets to remain open within, bounding, or leading to the site; position of the site in the general street or highway plan; relationship of the site to major thoroughfares; street or highway system as it may affect the safety of children going to schools or commercial centers; possibilities as to the closing of existing streets within the site.)

(l) *Possibility of later enlargement of the project.* (Future acquisition of suitable adjacent vacant or built-up land; adjacent barriers to future extension of the project.)

(m) *Cost of site and acquisition problems.* (Probable cost of land to be purchased; possibility of the donation of land; acquisition difficulties which may block or delay assemblage of the tract; existence of easements for underground or overhead utilities which may complicate site acquisition; inclusion within the site of historical landmarks or monuments; inclusion within the site of good homes, stores, churches, industrial plants, or other structures.)

(n) *Relocation problems.* (Racial aspect of the problem of relocating present residents of the site; relocation problem caused by the removal of present residents, in its relation to an existing housing shortage.)*† [Par. VI]

NATHAN STRAUS,
*Administrator.*

OCTOBER 30, 1939.

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## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T.D. 4953]

### REGULATIONS 90, AS MADE APPLICABLE TO THE INTERNAL REVENUE CODE BY TREASURY DECISION 4885, FURTHER AMENDED

### TAX FOR THE CALENDAR YEAR 1939 UNDER THE FEDERAL UNEMPLOYMENT TAX ACT

*To Collectors of Internal Revenue and Others Concerned:*

In order to prescribe regulations applicable to the excise tax on employers of eight or more for the calendar year 1939, imposed under the Federal Unemployment Tax Act (subchapter C of chapter 9 of the Internal Revenue Code), as amended by sections 608, 609, 610, 611, 612, 613, and 615 of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.), Regulations 90,[1] approved February 17, 1936 [Part 400, Title 26, Code of Federal Regulations], only as made applicable to the Internal Revenue Code by Treasury Decision 4885,[2] approved February 11, 1939 [Part 465, Subpart B, of such Title 26], as amended, are further amended as follows:

(1) Immediately preceding article 1 [section 400.1, Title 26, Code of Federal Regulations], only as made applicable to the Internal Revenue Code, the following is inserted:

SECTION 615 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939.

Subchapter C of chapter 9 of the Internal Revenue Code is amended by adding at the end thereof the following new section:

"SEC. 1611. This subchapter may be cited as the Federal Unemployment Tax Act."

(2) Article 1 [section 400.1, Title 26, Code of Federal Regulations], only as made applicable to the Internal Revenue Code, is amended by striking out paragraphs (c) and (d), and by adding at the end thereof the following new paragraphs:

"(j) The term 'Internal Revenue Code' means the Act entitled 'An Act To consolidate and codify the internal revenue laws of the United States', approved February 10, 1939 (53 Stat., Part 1), as amended.

"(k) The term 'Social Security Act Amendments of 1939' means the Act entitled 'An Act To amend the Social Security Act, and for other purposes,' approved August 10, 1939 (Public, No. 379, 76th Cong., 1st sess.).

"(l) The term 'Federal Unemployment Tax Act' means subchapter C of chapter 9 of the Internal Revenue Code, as amended by sections 608, 609, 610, 611, 612, 613, and 615 of the Social Security Act Amendments of 1939. Such subchapter C, as so amended, comprises sections 1600 to 1611, inclusive, of the Internal Revenue Code.

"(m) The term 'tax' means the excise tax on employers of eight or more imposed by section 1600 of the Federal Unemployment Tax Act.

"(n) The term 'taxable year' means the calendar year 1939."

(3) Immediately after article 1 [section 400.1, Title 26, Code of Federal Regulations], only as made applicable to the Internal Revenue Code, the following new article is inserted:

"ART. 2 [Sec. 400.2, Title 26, Code of Federal Regulations, 1939 Sup.]. *Scope of regulations for calendar year 1939.* (a) These regulations relate to the excise tax on employers of eight or more for the calendar year 1939 imposed under the Federal Unemployment Tax Act (subchapter C of chapter 9 of the Internal Revenue Code, which superseded Title IX of the Social Security Act with respect to the tax for such year and subsequent years), as amended by sections 608, 609, 610, 611, 612, 613, and 615 of the Social Security Act Amendments of 1939. The Federal Unemployment Tax Act, as so amended, comprises sections 1600 to 1611, inclusive, of the Internal Revenue Code. All provisions of, and references to, the Social Security Act or other laws of the United States which have been codified in the Federal Unemployment Tax Act or other portions of the Internal Revenue Code, but which remain in these regulations, shall be deemed to be, and shall be read as if they were, provisions of or references to the corresponding provisions of the Internal Revenue Code.

[1] 1 F.R. 3.
[2] 4 F.R. 879 DI.

"(b) These regulations also relate to services performed during the calendar year 1939 which constitute employment as defined in section 1607 (c) of the Federal Unemployment Tax Act in force prior to January 1, 1940. (See also section 13 (a) of the Railroad Unemployment Insurance Act, section 902 (f) of the Social Security Act Amendments of 1939, and section 2 of the Act of August 11, 1939 (Public, No. 400, 76th Cong., 1st sess.), relating, respectively, to the exemption from the tax of service performed on and after July 1, 1939, in the employ of an 'employer' or as an 'employee representative' as those terms are defined in the Railroad Unemployment Insurance Act, to the exemption from the tax of service performed prior to January 1, 1940, in the employ of foreign governments and certain of their instrumentalities, and to the exemption from the tax of certain service performed prior to such date in salvaging timber and clearing debris left by a hurricane; and see articles 206 (8), 206 (9), and 206 (10) [sections 400.206 (8), 400.206 (9), and 400.206 (10), Title 26, Code of Federal Regulations, 1939 Sup.], relating to such exemptions.

"(c) Section 614 of the Social Security Act Amendments of 1939 amends section 1607 of the Federal Unemployment Tax Act, containing definitions of terms used in such Act (for example, 'wages,' 'employment,' and 'agricultural labor'), but the changes in such definitions do not apply to services performed during the calendar year 1939. Thus, for example, whether particular services performed during 1939 constitute employment will be determined under the provisions of section 1607 (c) of the Federal Unemployment Tax Act in force prior to January 1, 1940 (see articles 206 (1) to 206 (7), inclusive [sections 400.206 (1) to 400.206 (7), inclusive, Title 26, Code of Federal Regulations]; and see also articles 206, 206 (8), 206 (9), and 206 (10) [sections 400.206, 400.206 (8), 400.206 (9), and 400.206 (10), Title 26, Code of Federal Regulations, 1939 Sup.]). As a further example, all remuneration (including amounts exceeding $3,000) paid to an employee by an employer during the calendar year 1939 for employment during such year is subject to the tax, since no limitation as to the amount taxable is contained in the definition of wages in section 1607 (b) of the Federal Unemployment Tax Act in force prior to January 1, 1940. (As to 'wages' for purposes of the tax for the year 1939, see articles 207 to 210, inclusive [sections 400.207 to 400.210, inclusive, of such Title 26, 1939 Sup.].)

"(d) New regulations will be promulgated under the Federal Unemployment Tax Act relating to the tax for the calendar year 1940 and subsequent years."

(4) The provisions of law under the caption "Section 901 of the Act" immediately preceding article 200 [section 400.200, Title 26, Code of Federal Regulations], only as made applicable to the Internal Revenue Code, are stricken out, together with the caption, and the following is inserted in lieu thereof:

SECTION 608 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939.

Section 1600 of the Internal Revenue Code is amended to read as follows:

"SEC. 1600. RATE OF TAX.

"Every employer (as defined in section 1607 (a)) shall pay for the calendar year 1939 and for each calendar year thereafter an excise tax, with respect to having individuals in his employ, equal to 3 per centum of the total wages (as defined in section 1607 (b)) paid by him during the calendar year with respect to employment (as defined in section 1607 (c)) after December 31, 1938."

(5) Article 201 [section 400.201, Title 26, Code of Federal Regulations], only as made applicable to the Internal Revenue Code, is amended to read as follows:

"ART. 201 [Sec. 400.201, Title 26, Code of Federal Regulations, 1939 Sup.]. *Measure of tax for calendar year 1939.* (a) The measure of the tax for the calendar year 1939 is the total amount of wages (without limitation in amount—see article 2 (c) [section 400.2 (c), Title 26, Code of Federal Regulations, 1939 Sup.]) *paid* by an employer during such calendar year with respect to employment after December 31, 1938.

"(b) Wages are *paid* for purposes of the tax imposed for the calendar year 1939 when actually or constructively paid. Wages are constructively paid when they are credited to the account of or set apart for an employee so that they may be drawn upon by him at any time although not then actually reduced to possession. To constitute payment in such a case the wages must be credited or set apart to the employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and must be made available to him so that they may be drawn at any time, and their payment brought within his own control and disposition."

(6) Article 202 [section 400.202, Title 26, Code of Federal Regulations], only as made applicable to the Internal Revenue Code, is amended to read as follows:

"ART. 202 [Sec. 400.202, Title 26, Code of Federal Regulations, 1939 Sup.]. *Rate and computation of tax for calendar year 1939.* The rate of tax applicable for the calendar year 1939 is 3 percent.

"The tax for the calendar year 1939 is computed by applying the 3 percent rate to the total wages (without limitation in amount—see article 2 (c) [section 400.2 (c), Title 26, Code of Federal Regulations, 1939 Sup.]) *paid* during such year by the employer with respect to employment after December 31, 1938."

(7) Article 203, as amended by Treasury Decision 4931, approved August 29, 1939 [section 400.203, Title 26, Code of Federal Regulations, 1939 Sup.], only as made applicable to the Internal Revenue Code, is amended by striking out the last paragraph and by inserting in lieu thereof the following:

"Even if an 'employer' is not subject to any State unemployment compensation law, he is nevertheless subject to the tax. However, if he is subject to such a State law, he is entitled to credit against the tax to the extent permitted by section 1601 of the Federal Unemployment Tax Act. (See articles 211 (1) and 212 [sections 400.211 (1) and 400.212, Title 26, Code of Federal Regulations, 1939 Sup.].)"

(8) Articles 206 and 208, as amended by Treasury Decision 4931,[3] approved August 29, 1939 [sections 400.206 and 400.208, Title 26, Code of Federal Regulations, 1939 Sup.] and articles 207, 210, and 302 [sections 400.207, 400.210, and 400.302 of such Title 26], only as made applicable to the Internal Revenue Code, are each amended by striking out the term "payable" wherever it appears and by inserting in lieu thereof the term "paid"; and such article 210 is further amended by striking out the word "actually" where it appears in paragraph (b) thereof.

(9) Article 209 (a) [section 400.209 (a), Title 26, Code of Federal Regulations], only as made applicable to the Internal Revenue Code, is amended to read as follows:

"(a) *General.* Wages paid during the calendar year 1939 with respect to employment after December 31, 1938, include items paid in money and the fair value, at the time of payment, of all items other than money."

(10) The provisions of law under the caption "Section 902 of the Act" preceding article 211, as amended by Treasury Decision 4812,[4] approved June 18, 1938 [section 400.211, Title 26, Code of Federal Regulations, 1938 Sup.], only as made applicable to the Internal Revenue Code, are stricken out, together with the caption, and the following is inserted in lieu thereof:

SECTION 609 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939.

Section 1601 of the Internal Revenue Code is amended to read as follows:

"SEC. 1601. CREDITS AGAINST TAX.

"(a) CONTRIBUTIONS TO STATE UNEMPLOYMENT FUNDS.

"(1) The taxpayer may, to the extent provided in this subsection and subsection (c), credit against the tax imposed by section 1600 the amount of contributions paid by him into an unemployment fund maintained during the taxable year under the unemployment compensation law of a State which is certified for the taxable year as provided in section 1603.

"(2) The credit shall be permitted against the tax for the taxable year only for the amount of contributions paid with respect to such taxable year.

"(3) The credit against the tax for any taxable year shall be permitted only for contributions paid on or before the last day upon which the taxpayer is required under section 1604 to file a return for such year; except that credit shall be permitted for

[3] 4 F.R. 3795 DI.
[4] 3 F.R. 1463 DI.



contributions paid after such last day but before July 1 next following such last day, but such credit shall not exceed 90 per centum of the amount which would have been allowable as credit on account of such contributions had they been paid on or before such last day. The preceding provisions of this subdivision shall not apply to the credit against the tax of a taxpayer for any taxable year if such taxpayer's assets, at any time during the period from such last day for filing a return for such year to June 30 next following such last day, both dates inclusive, are in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction.

"(4) Upon the payment of contributions into the unemployment fund of a State which are required under the unemployment compensation law of that State with respect to remuneration on the basis of which, prior to such payment into the proper fund, the taxpayer erroneously paid an amount as contributions under another unemployment compensation law, the payment into the proper fund shall, for purposes of credit against the tax, be deemed to have been made at the time of the erroneous payment. If, by reason of such other law, the taxpayer was entitled to cease paying contributions with respect to services subject to such other law, the payment into the proper fund shall, for purposes of credit against the tax, be deemed to have been made on the date the return for the taxable year was filed under section 1604.

"(5) Refund of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under this section, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund.

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"(c) LIMIT ON TOTAL CREDITS. The total credits allowed to a taxpayer under this subchapter shall not exceed 90 per centum of the tax against which such credits are allowable."

(11) Article 211, as amended by Treasury Decision 4812, approved June 18, 1938 [section 400.211, Title 26, Code of Federal Regulations, 1938 Sup.], only as made applicable to the Internal Revenue Code, is stricken out and the following new article is inserted in lieu thereof:

"ART. 211 (1) [Sec. 400.211 (1), Title 26, Code of Federal Regulations, 1939 Sup.]. *Credit against tax for calendar year 1939 for contributions paid—(a) General.* Subject to the limitations hereinafter prescribed in paragraph (b), the taxpayer may credit against the tax for the calendar year 1939 the total amount of contributions paid by him under all State laws which have been found by the Social Security Board to contain the provisions specified in section 1603 (a) of the Federal Unemployment Tax Act; provided that no credit may be taken for a contribution under a State law if such State has not been duly certified for the calendar year to the Secretary by the Social Security Board. The contributions may be credited against the tax whether or not they are paid with respect to employment as defined in the Federal Unemployment Tax Act.

"(b) *Limitations on allowance of contributions as credit against tax.* The allowance of contributions as credit against the tax for the calendar year 1939 is subject to the following limitations:

(1) The total credit allowed to any taxpayer for contributions to State unemployment funds shall not exceed 90 percent of the tax against which such credit is applied.

(2) The contributions must have been actually paid into the State unemployment fund. Such payment must have been made on or before the last day upon which the return for the taxable year is required to be filed (see article 303 [section 400.303, Title 26, Code of Federal Regulations], article 304 [section 400.304, of such Title 26, 1939 Sup.], and article 305 [section 400.305, of such Title 26]), except that:

(i) Contributions may be paid into a State unemployment fund after such last day but before July 1, 1940, and, in such case, may be credited against the tax in an amount not to exceed 90 percent of the amount which would have been allowable as credit on account of such contributions had they been paid into the State unemployment fund on or before such last day. (See examples A, B, and C of this paragraph.)

(ii) Contributions of a taxpayer whose assets, at any time during the period from such last day for filing a return for the calendar year 1939, to June 30, 1940, both dates inclusive, are in the custody or control of a receiver, trustee, or other fiduciary appointed by, or under the control of, a court of competent jurisdiction, may be paid into the State fund at any time (subject, however, to the provisions of article 503 [section 400.503, Title 26, Code of Federal Regulations] relating to the statutory period of limitations applicable to credits), and upon such payment may be credited against the tax in the same amount that would have been allowable as credit had the contributions been paid on or before the last day upon which the return for the taxable year was required to be filed.

(iii) Contributions for the calendar year 1939 paid into the unemployment fund of a State which are required under the unemployment compensation law of that State, but which are paid with respect to remuneration on the basis of which the taxpayer had, prior to such payment, erroneously paid an amount as contributions under another unemployment compensation law, shall be deemed for purposes of credit to have been paid at the time of the erroneous payment. If, by reason of such other law, the taxpayer was entitled to cease paying contributions for the calendar year 1939 with respect to services subject to such other law, the payment into the proper fund shall be deemed for purposes of credit to have been made on the date the return for the calendar year 1939 was actually filed under section 1604 of the Federal Unemployment Tax Act. (See example D of this paragraph.)

(3) The contributions must have been paid with respect to the calendar year 1939. (See examples E and F of this paragraph.)

*"Example A, illustrating article 211 (1) (b) (2) (i).* The Federal return of the M Company for the calendar year 1939 discloses a total tax of $12,000. The company is liable for total State contributions of $8,000 for such year. The due date of the company's Federal return is January 31, 1940, no extension of time for filing the return having been granted. The contributions are not paid until February 1, 1940. If the contributions had been paid on or before January 31, 1940, the entire amount could have been credited against the tax (such amount not exceeding 90 percent of the Federal tax of $12,000). Since the contributions were paid after January 31, but before July 1, 1940, the M Company is entitled to a credit of 90 percent of the amount of the contributions ($8,000), or $7,200, the net liability for Federal tax being $4,800 ($12,000 minus $7,200).

*"Example B, illustrating article 211 (1) (b) (2) (i).* The facts are the same as in example A, except that the M Company is liable for and pays total State contributions of $12,000, instead of $8,000. If the contributions had been paid on or before January 31, 1940, the amount allowable as credit would have been $10,800 (90 percent of the Federal tax of $12,000). Since the contributions were paid after January 31, but before July 1, 1940, the M Company is entitled to a credit of 90 percent of $10,800, or $9,720, the net liability for Federal tax being $2,280 ($12,000 minus $9,720).

*"Example C, illustrating article 211 (1) (b) (2) (i).* The Federal return of the R Company for the calendar year 1939 discloses a total tax of $10,000. The company is liable for total State contributions of $9,000 for such year. The due date of the company's Federal return is January 31, 1940, no extension of time for filing the return having been granted. The R Company pays $8,000 of the total State contributions on or before such date, and the remaining $1,000 on February 1, 1940. If the $1,000 had been paid on or before January 31, 1940, that amount could have been credited against the tax (such amount plus the $8,000 paid on or before January 31, 1940, not exceeding 90 percent of the Federal tax of $10,000). Since the $1,000 was paid after January 31, but before July 1, 1940, the R Company is entitled to a credit of 90 percent of this amount or $900, plus the credit of $8,000 allowable for the contributions paid on or before January 31, 1940. The net liability for Federal tax is thus $1,100 ($10,000 minus $8,900).

*"Example D, illustrating article 211 (1) (b) (2) (iii):* Employer N, whose

Federal return for the calendar year 1939 discloses a total tax of $1,000, employs individuals in State X and State Y during the calendar year 1939. N assumes in good faith that the services of his employees are covered by the unemployment compensation law of State Y, and pays as contributions to State Y the amount of $900 based upon the remuneration of the employees. All of the services were in fact covered by the unemployment compensation law of State X, and none by the law of State Y. The payment to State Y was made on January 31, 1940. When the error was discovered thereafter, N paid to State X contributions in the amount of $900 based upon such remuneration. Since the contributions were paid to State Y on January 31, 1940, the contributions to State X are, for purposes of the credit, deemed to have been paid on such date. N is entitled to a credit of $900 against the Federal tax of $1,000, the net liability for Federal tax being $100 ($1,000 minus $900).

*"Example E, illustrating article 211 (1) (b) (3):* Under the unemployment compensation law of State X, employer M is required to report in his contribution return for the quarter ended December 31, 1939, all remuneration *payable* for services rendered in such quarter. A portion of such remuneration is not paid to his employees until February 1, 1940. On January 20, 1940, M pays to the State the total amount of contributions due with respect to all remuneration so required to be reported. Such contributions, including those with respect to the remuneration paid on February 1, 1940, may be included in computing the credit against the tax for the calendar year 1939. This is true even though the remuneration paid on February 1, 1940 (if it constitutes 'wages') is required to be reported in the Federal return for 1940 and not in the Federal return for 1939.

*"Example F, illustrating article 211 (1) (b) (3):* Under the unemployment compensation law of State Y, employer N is required to include in his contribution return for the quarter ended December 31, 1939, certain remuneration paid on December 30, 1939, to an employee for services to be rendered after December 31. On January 20, 1940, N pays to the State the total amount of contributions due with respect to all remuneration required to be reported on the contribution return. Such contributions, including those with respect to the remuneration paid on December 30, 1939, may be included in computing the credit against the tax for the calendar year 1939.

"(c) If, subsequent to the filing of the return for the calendar year 1939, a refund is made by a State to the taxpayer of any part of his contributions for such year which had been credited against the tax, the taxpayer is required to advise the Commissioner under oath of the date and amount of such refund and the reason therefor, and to pay the tax, if any, due as a result of such refund, together with interest from the date when the tax was due."

(12) The provisions of law under the captions "Section 909 of the Act" and "Section 910 of the Act" immediately preceding article 212, as amended by Treasury Decision 4876,[1] approved November 30, 1938 [section 400.212, Title 26, Code of Federal Regulations, 1938 Sup.], only as made applicable to the Internal Revenue Code, are stricken out, together with the captions, and the following is inserted in lieu thereof:

SECTION 609 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939.

Section 1601 of the Internal Revenue Code is amended to read as follows:

"SEC. 1601. CREDITS AGAINST TAX.

* * * * *

"(b) ADDITIONAL CREDIT. In addition to the credit allowed under subsection (a), a taxpayer may credit against the tax imposed by section 1600 for any taxable year an amount, with respect to the unemployment compensation law of each State certified for the taxable year as provided in section 1602 (or with respect to any provisions thereof so certified), equal to the amount, if any, by which the contributions required to be paid by him with respect to the taxable year were less than the contributions such taxpayer would have been required to pay if throughout the taxable year he had been subject under such State law to the highest rate applied thereunder in the taxable year to any person having individuals in his employ, or to a rate of 2.7 per centum, whichever rate is lower.

* * * * *."

(13) Article 212, as amended by Treasury Decision 4876, approved November 30, 1938 [section 400.212, Title 26, Code of Federal Regulations, 1938 Sup.], only as made applicable to the Internal Revenue Code, is amended to read as follows:

"ART. 212 [Sec. 400.212, Title 26, Code of Federal Regulations, 1939 Sup.]. *Additional credit against tax for calendar year 1939*—(a) *General.* In addition to the credit against the tax allowable under section 1601 (a) of the Federal Unemployment Tax Act for contributions actually paid to State unemployment funds (see article 211 (1) [section 400.211 (1), Title 26, Code of Federal Regulations, 1939 Sup.]), the taxpayer may be entitled to a further credit under section 1601 (b) of such Act. This further or *additional* credit is allowable to the taxpayer with respect to the amount of contributions which he is relieved from paying to an unemployment fund under the provisions of a State law which have been certified for the calendar year 1939 as provided in section 1602 (b) of such Act. Generally, an additional credit is available to an employer, if, by reason of having stabilized the employment of his employees in any State, or for some other reason, he is permitted to pay contributions to such State for the calendar year 1939, or portion thereof, at a lower rate than the highest rate applied under such law in such year. For the purposes of this article and article 213 [section 400.213, Title 26, Code of Federal Regulations, 1939 Sup.], the phrase 'highest rate applied' means the highest rate which is actually applied under the State law in the calendar year 1939 to any person having individuals in his employ. The computation of the additional credit and the limitations upon its allowance are set forth in the remaining paragraphs of this article.

"(b) *Method of computing amount of additional credit allowable with respect to a State law.* (1) In ascertaining the additional credit for the calendar year 1939 with respect to a particular State law as to which the Social Security Board, in accordance with the provisions of section 1602 (b) (1) of the Federal Unemployment Tax Act, certifies to the Secretary that reduced rates of contributions were allowable with respect to such year only in accordance with the provisions of section 1602 (a) of such Act, the taxpayer must first compute the following amounts:

"(A) The amount of contributions (whether or not with respect to employment as defined in the Federal Unemployment Tax Act) which the taxpayer would have been required to pay under the State law for such year if throughout the year he had been subjected to the highest rate applied under such law in such year, or to a rate of 2.7 percent, whichever rate is lower.

"(B) The amount of contributions (whether or not with respect to employment as defined in the Federal Unemployment Tax Act) he was required to pay under the State law with respect to such year, whether or not paid.

"The amount computed under (B) should then be subtracted from the amount computed under (A), and the result will be the additional credit for the taxable year with respect to the law of that State.

*"Example:* A employs individuals in State X only during the calendar year 1939. The highest rate applied in such year under the unemployment compensation law of State X to any taxpayer was 3 percent. However, A had obtained a reduced rate of 1 percent under the law of such State and was required to pay his entire year's contributions at that rate. The amount of remuneration of A's employees subject to contributions under such State law was $25,000. The amount of wages paid by A during that year with respect to employment under the Federal law likewise was $25,000, the Federal tax at the 3 percent rate being $750. A's additional credit under section 1601 (b) is $425, computed as follows:

| | |
|---|---|
| Remuneration subject to contributions | $25,000 |
| Contributions at 2.7 percent rate | 675 |
| Less: | |
| Contributions required to be paid at reduced rate of 1 percent | 250 |
| Additional credit to A | 425 |

"Since the 2.7 percent rate is less than the highest rate applied (3 percent), the 2.7 percent rate is used in computing the amount ($675) from which the amount of contributions required to be paid at the reduced rate ($250) is deducted in order to ascertain the additional credit ($425). Thus, A is entitled to an additional credit under section 1601 (b) of the Federal Unemployment Tax Act of $425.

"(2) If the Social Security Board makes a certification to the Secretary with respect to a particular State law for the calendar year 1939 pursuant to section 1602 (b) (2) of the Federal Unemployment Tax Act, the additional credit of the taxpayer for such year with respect to such law shall be computed in such manner as the Commissioner shall determine.

"(c) *Amount of additional credit allowable where contributions are paid under more than one State law.* If the taxpayer is permitted to pay contributions at a reduced rate under more than one State law in the calendar year 1939, the additional credit allowable with respect to each State law shall be computed separately (in accordance with (b) above), and the total additional credit allowable against the tax shall be the aggregate of the additional credits allowable with respect to such State laws.

"(d) *Limitations on allowance of additional credit.* The allowance of the additional credit under section 1601 (b) of the Federal Unemployment Tax Act is subject to the following limitations:

"(1) In no case is a taxpayer entitled to an additional credit unless under the State law he is permitted to pay contributions for the calendar year 1939, or portion thereof, at a rate which is lower than the highest rate applied under such law in such year. If the State law does not make provision for such a lower rate no *additional* credit is available to the taxpayer and he can take only the credit allowable under section 1601 (a) of such Act for contributions actually paid. (See article 211 (1) [section 400.211 (1), Title 26, Code of Federal Regulations, 1939 Sup.].)

"(2) The aggregate of such additional credit and the credit under section 1601 (a) of such Act (see article 211 (1) [section 400.211 (1), Title 26, Code of Federal Regulations, 1939 Sup.]) shall not exceed 90 percent of the tax against which credit is taken.

"(3) No additional credit shall be allowed except to the extent that the State unemployment compensation law under which such reduced rate is permitted is certified for the calendar year 1939 to the Secretary by the Social Security Board as meeting the conditions set forth in section 1602 of such Act."

(14) Article 213, as added by Treasury Decision 4876, approved November 30, 1938 [section 400.213, Title 26, Code of Federal Regulations, 1938 Sup.], only as made applicable to the Internal Revenue Code, is amended to read as follows:

"ART. 213 [Sec. 400.213, title 26, Code of Federal Regulations, 1939 Sup.]. *Proof of credit for calendar year 1939*—(a) *Credit under section 1601 (a) of Federal Unemployment Tax Act.* Credit against the tax for contributions paid into State unemployment funds for the calendar year 1939 shall not be allowed unless there is submitted to the Commissioner:

"(1) A certificate of the proper officer of each State (the laws of which required the contributions to be paid) showing, for the taxpayer:

"(A) The total amount of contributions required under the State law with respect to the calendar year 1939 (exclusive of penalties and interest) actually paid on or before the date the Federal return is required to be filed; and

"(B) The amounts and dates of such required payments (exclusive of penalties and interest) actually paid after the date the Federal return is required to be filed.

"(2) An affidavit by the taxpayer that no part of any payment made by him into a State unemployment fund for the calendar year 1939, which is claimed as a credit against the tax, was deducted or is to be deducted from the wages of individuals in his employ.

"(3) Such other or additional proof as the Commissioner may deem necessary to establish the right to the credit provided for under section 1601 (a) of the Federal Unemployment Tax Act.

"(b) *Additional credit under section 1601 (b) of Federal Unemployment Tax Act.* Additional credit under section 1601 (b) of the Federal Unemployment Tax Act shall not be allowed unless there is submitted to the Commissioner, in addition to the proof required by paragraph (a) above:

"(1) A certificate of the proper officer of each State (with respect to the law of which the additional credit is claimed) showing, for the taxpayer who is permitted to pay contributions to such State at a rate which is lower than the highest rate applied under the law of such State:

"(A) The total remuneration with respect to which contributions were required to be paid by the taxpayer under the State law for the calendar year 1939;

"(B) The rate of contributions applied to the taxpayer under the State law for the calendar year 1939;

"(C) The total amount of contributions the taxpayer was required to pay under the State law with respect to the calendar year 1939, whether or not paid; and

"(D) The highest rate of contributions applied under the State law in the calendar year 1939 to any taxpayer having individuals in his employ.

"If under the law of such State different rates of contributions were applied to the taxpayer during particular periods of the calendar year 1939, the certificate shall set forth the information called for in (A), (B), and (C) with respect to each such period, as well as the total amount of contributions the taxpayer was required to pay under such law, whether or not paid, and the information called for in (D).

"(2) Such other or additional proof as the Commissioner may deem necessary to establish the right to the additional credit provided for under section 1601 (b) of the Federal Unemployment Tax Act."

(15) The following provisions of law under the caption "Section 905 (b) of the Act" preceding article 300, as amended by Treasury Decision 4931, approved August 29, 1939 [section 400.300, Title 26, Code of Federal Regulations, 1939 Sup.], only as made applicable to the Internal Revenue Code, are stricken out:

* * * The Commissioner may extend the time for filing the return of the tax imposed by this title, under such rules and regulations as he may prescribe with the approval of the Secretary of the Treasury, but no such extension shall be for more than sixty days. * * *

(16) Immediately preceding the caption "Section 1102 of the Revenue Act of 1926, made applicable by section 905 (b) of the Act" preceding article 300, as amended by Treasury Decision 4931, approved August 29, 1939 [section 400.300, Title 26, Code of Federal Regulations, 1939 Sup.], only as made applicable to the Internal Revenue Code, the following is inserted:

SECTION 612 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939.

Section 1604 (b) of the Internal Revenue Code is amended to read as follows:

"(b) EXTENSION OF TIME FOR FILING.—The Commissioner may extend the time for filing the return of the tax imposed by this subchapter, under such rules and regulations as he may prescribe with the approval of the Secretary, but no such extension shall be for more than ninety days."

(17) Article 304 [section 400.304, Title 26, Code of Federal Regulations], only as made applicable to the Internal Revenue Code, is amended by striking out "60 days" where that phrase appears in the second sentence of such article, and by inserting in lieu thereof "90 days".

(18) Article 307 (a) [section 400.307 (a), Title 26, Code of Federal Regulations], only as made applicable to the Internal Revenue Code, is amended to read as follows:

"(a) Every person subject to the tax shall, with respect to the calendar year 1939, keep such permanent records as are necessary to establish:

"(1) The total amount of remuneration paid during the calendar year 1939 to his employees in cash or in a medium other than cash, showing separately, (a) total remuneration paid with respect to services not subject to the tax, performed within the United States, (b) total remuneration paid with respect to services performed outside of the United States, and (c) total remuneration paid with respect to all other services.

[1] 3 F. R. 2863 DI.

"(2) The amount of contributions paid by him into each State unemployment fund, with respect to services subject to the law of such State, showing separately (a) payments made and not deducted (or to be deducted) from the remuneration of employees, and (b) payments made and deducted (or to be deducted) from the remuneration of employees.

"(3) The information required to be shown on the prescribed return and the extent to which such person is liable for the tax."

(19) Immediately preceding article 504 [section 400.504, Title 26, Code of Federal Regulations], only as made applicable to the Internal Revenue Code, the following is inserted:

SECTION 609 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939.

Section 1601 of the Internal Revenue Code is amended to read as follows:

"SEC. 1601. CREDITS AGAINST TAX.

"(a) CONTRIBUTIONS TO STATE UNEMPLOYMENT FUNDS.—

* * * * *

"(5) Refunds of the tax (including penalty and interest collected with respect thereto, if any), based on any credit allowable under this section, may be made in accordance with the provisions of law applicable in the case of erroneous or illegal collection of the tax. No interest shall be allowed or paid on the amount of any such refund.

* * * * *"

"ART. 503 5/6 [Sec. 400.503 5/6, Title 26, Code of Federal Regulations, 1939 Sup.] *Refund under section 1601 (a) (5) of Federal Unemployment Tax Act.* If the tax against which an amount is allowable as credit under section 1601 of the Federal Unemployment Tax Act has been paid without the benefit of such credit, the taxpayer shall be entitled to a refund of the tax equal to the amount of such allowable credit. (See articles 211 (1), 212, and 213 [sections 400.211 (1), 400.212, and 400.213, Title 26, Code of Federal Regulations, 1939 Sup.], relating, respectively, to credit against the tax for contributions paid, additional credit, and proof of credit, for the calendar year 1939.) The taxpayer shall also be entitled to a refund of the amount of interest or penalty, if any, collected from him with respect to the amount of tax refunded. No interest, however, shall be allowed or paid by the Government on the amount of any such refund. Every claim for such refund shall be made on Form 843 in accordance with the provisions of this article and article 503 [section 400.503, Title 26, Code of Federal Regulations], relating to refund and credit of taxes erroneously collected. A claim which does not comply with these requirements will not be considered for any purpose as a claim for refund."

(This Treasury Decision is issued under the authority contained in section 1609 of the Federal Unemployment Tax Act (subchapter C of chapter 9 of the Internal Revenue Code) (53 Stat., Part 1), and sections 608, 609, 612, and 615 of the Social Security Act Amendments of 1939 (Public, No. 379, 76th Cong., 1st sess.))

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, November 9, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4215; Filed, November 14, 1939; 9:55 a. m.]

## *Notices*

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. 512-FD]

IN THE MATTER OF THE APPLICATION OF MIDLAND ELECTRIC COAL CORPORATION FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated February 7, 1938, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Midland Electric Coal Corporation (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce between the applicant and Hiram Walker & Sons, Inc., on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 7, 1939, to which District Board No. 10 has agreed, consenting to the withdrawal and discontinuance of the above application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this Order;

*It is ordered*, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, November 13, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4211; Filed, November 13, 1939; 2:49 p. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION GRANTING APPLICATION FOR PARTIAL EXEMPTION OF THE OPEN-CUT PLACER GOLD MINING INDUSTRY AS A SEASONAL INDUSTRY

Whereas application has been made by the Arctic Circle Exploration Company and sundry other parties under Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Regulations, Part 526, as amended (Regulations applicable to Industries of a Seasonal Nature), issued by the Administrator thereunder, for partial exemption of the open-cut placer gold mining industry from the maximum hours provisions of Section 7 (a) of said Act pursuant to Section 7 (b) (3) applicable to industries found by the Administrator to be of a seasonal nature; and

Whereas a public hearing on said application was held before Harold Stein, the representative of the Administrator of the Wage and Hour Division, duly authorized to take testimony, hear argument, and determine whether or not the open-cut placer gold mining industry or any subdivision thereof is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526 of Regulations issued thereunder; and

Whereas, following such hearing, the said Harold Stein duly made his findings of fact and determined as follows:

"1. The open-cut mining of placer gold in the States of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, and the Territory of Alaska, is a branch of the open-cut placer gold mining industry as defined in the Notice of Hearing; and

"2. The mining of placer gold from surface or open cuts in the above-defined area is characterized by annually recurrent cessation of operations caused by freezing temperatures and water shortage; and

"3. Except for maintenance, repair, and sales work the open-cut mining of placer gold in the above-defined area ceases completely at regularly recurring times of the year for a period of approximately six months or more in each part of the area, because due to climatic and other natural causes the materials used by the industry are not available in the form in which they are handled or processed; and

"4. The open-cut mining of placer gold in the above-defined area is a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder.

"The application is granted.

"This determination is without prejudice to a determination on applications from other placer gold producing states and territories"; and

Whereas said Findings and Determination were duly filed with the Acting Administrator on November 10, 1939, and are now on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties:

Now, therefore, pursuant to the provisions of Section 526.7 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Acting Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 14 day of November 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4219; Filed, November 14, 1939; 12:40 p. m.]



## FEDERAL POWER COMMISSION.

[Docket Nos. G-114, G-125]

PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK, COMPLAINANT, V. NEW YORK STATE NATURAL GAS CORPORATION, DEFENDANT, AND IN THE MATTER OF NEW YORK STATE NATURAL GAS CORPORATION

ORDER POSTPONING DATE OF HEARING

NOVEMBER 10, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) By order dated October 31, 1939,[1] the Commission directed that public hearing in the above entitled matters be held on November 20, 1939, at 10 o'clock a. m., in the offices of the Public Service Commission of the State of New York, 80 Centre Street, New York City, New York;

(b) On November 7, 1939, Counsel for the New York State Natural Gas Corporation filed a Petition requesting that the date for said public hearing be continued until December 12, 1939;

The Commission orders that:

The date of the public hearing in the above entitled matters be postponed until November 27, 1939, at the same hour and place set forth in paragraph (a) above.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4213; Filed, November 14, 1939; 9:30 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of November 1939.

[1] 4 F.R. 4470 DI.

[File No. 1-2632]

IN THE MATTER OF FIDELITY FUND, INC., CAPITAL STOCK, $5 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Fidelity Fund, Inc., pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Capital Stock, $5 Par Value, from listing and registration on the Board of Trade of the City of Chicago; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Wednesday, December 6, 1939, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4217; Filed, November 14, 1939; 11:14 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of November, A. D. 1939.

[File No. 47-47]

IN THE MATTER OF PEOPLES NATURAL GAS COMPANY

ORDER OF THE COMMISSION APPROVING APPLICATION

Peoples Natural Gas Company, a subsidiary of Northern Natural Gas Company, a registered holding company, having filed an application pursuant to Section 10 of the Public Utility Holding Company Act of 1935 for approval of the acquisition by it of certain utility assets constituting the gas plant and distribution system located at Spencer, Iowa, now owned by Skelgas Company, a subsidiary of Skelly Oil Company;

A public hearing having been held[1] upon said application, as amended, after appropriate notice, and the Commission having made its findings herein;

*It is ordered*, That said application be, and the same hereby is approved, subject to the following conditions:

(1) That said acquisition shall be in accordance with the terms of and as represented by said application, as amended; and

(2) That within ten days after such acquisition, the applicant shall file with this Commission a certificate of notification showing that such acquisition has been effected in accordance with such terms and representations.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4216; Filed, November 14, 1939; 11:14 a. m.]

[1] 4 F.R. 4366 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of November, 1939.

[File No. 1-2814]

IN THE MATTER OF CITY OF CORDOBA 7% EXTERNAL SINKING FUND GOLD BONDS OF 1927, DUE AUGUST 1, 1957 (UNSTAMPED)

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% External Sinking Fund Gold Bonds of 1927, due August 1, 1957 (Unstamped), of City of Cordoba; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Friday, December 1, 1939, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrain C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4218; Filed, November 14, 1939; 11:14 a. m.]

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THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

1934

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*Washington, Thursday, November 16, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q.—Q. 52]

MODIFICATION OF PINK BOLLWORM QUARANTINE REGULATIONS

*Introductory Note*

The recent finding of pink bollworm infestations in the vicinity of San Angelo, Tex., and at points in the surrounding area again necessitates an extension of the regulated area. Under this amendment there is added the entire Texas counties of Concho, Irion, Mitchell, Sterling, and Tom Green, and that part of Coke County lying southwest of and including the right-of-way of Highway No. 87. No other change is made in this amendment. Regulations 3 and 4, which were revised on September 11, 1939, are again brought forward as part of the current document, for the convenience of shippers and others, and amendment No. 2 is superseded.

LEE A. STRONG,
*Chief.*

AMENDMENT NO. 3 TO THE REVISED REGULATIONS SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 52

Under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the Act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), it is ordered that regulation 2 (Sec. 301.52–2) of the revised regulations supplemental to Notice of Quarantine No. 52 (Sec. 301.52) on account of the pink bollworm, which were promulgated March 7, 1939, as amended, is hereby further amended to read as follows:

*Regulation 2*

§ 301.52–2 *Regulated areas.* The following areas are hereby designated as regulated areas within the meaning of these regulations and are further classed as heavily or lightly infested:

*Heavily infested areas.—Texas.* Counties of Brewster, Culberson, Jeff Davis, Presidio, and Terrell, and all of *Hudspeth County*, except that part of the northwest corner of said county lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

*Lightly infested areas—Arizona.* Counties of Cochise, Graham, Greenlee, Maricopa, Pinal, and Santa Cruz, and all of Pima County [1] except that part lying west of the western boundary line of range 8 east.

*New Mexico.* Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia.

*Texas.* Counties of Andrews, Brooks, Cameron, Cochran, Concho, Crane, Dawson, Dimmit, Duval, Ector, El Paso, Frio, Gaines, Glasscock, Hidalgo, Hockley, Howard, Irion, Jim Hogg, Jim Wells, Kenedy, Kleberg, La Salle, Loving, Martin, Maverick, Midland, Mitchell, Nueces, Pecos, Reeves, Starr, Sterling, Terry, Tom Green, Upton, Ward, Webb, Willacy, Winkler, Yoakum, Zapata, and Zavala; that part of *Bailey County* lying south of the following-described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of league 207; thence west following the northern boundary line of leagues 207, 203, 191, 188, 175, and 171 to the northeast corner of league 171; thence south on the western line of league 171 to the northeast corner of the W. H. L. survey; thence west along the northern boundary of the W. H. L. survey and the northern boundary of sections 68, 67, 66, 65, 64, 63, 62, 61, and 60 of block A of the M. B. & B. survey to the western boundary of said county; that part of *Coke County* lying southwest of and including the right-of-way of High-

[1] Part of the lightly infested area in Arizona is regulated on account of the Thurberia weevil under quarantine No. 61, and shipments therefrom must comply with the requirements of that quarantine.

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way No. 87; that part of the northwest corner of *Hudspeth County* lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½; and that part of *Lamb County* lying south of the following-described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of section 9 of the R. M. Thomson survey; thence west following the northern boundary line of sections 9 and 10 of the R. M. Thomson survey and the northern boundary line of sections 6, 5, 4, 3, 2, and 1 of the T. A. Thompson survey and the northern boundary line of leagues 637, 636, and 635 to the southeast corner of league 239; thence north on the eastern boundary line of league 239 to the northeast corner of said league; thence west on the northern boundary line of leagues 239, 238, 233, 222, 218, and 207 to the western boundary line of said county.[1]

*Regulation 3*

§ 301.52–3 *Articles the interstate movement of which is restricted or prohibited—(a) Articles prohibited movement.* The interstate movement from any regulated area of gin trash and cotton waste from gins and mills, and all untreated or unmanufactured cotton products other than seed cotton, cotton lint and linters, either baled or unbaled, cottonseed, cottonseed hulls, and cottonseed meal and cake is prohibited.

(b) *Articles authorized interstate movement.* Seed cotton, cotton lint and linters, either baled or unbaled, cottonseed, cottonseed hulls, cottonseed meal and cake, and okra may be moved interstate from regulated areas as prescribed herein.[1]

*Regulation 4*

§ 301.52–4 *Conditions governing the issuance of certificates—(a) Cotton lint and linters.* A certificate may be issued for the interstate movement of cotton lint or linters, either baled or unbaled, originating in a regulated area when they have been ginned in an approved gin and have been passed in bat form between heavy steel rollers set not more than 1/64 inch apart, or have been given approved vacuum fumigation under the supervision of an inspector: *Provided*, That lint produced in a lightly infested area may be given standard or high density compression in lieu of either rolling or fumigation: *Provided further*, That certificates may be issued for the interstate movement of linters produced from sterilized seed originating in a lightly infested area when produced in an authorized oil mill.

(b) *Cottonseed.* A certificate may be issued for the interstate movement of cottonseed produced in a regulated area when it has been ginned in an approved gin and has been sterilized under the supervision of an inspector by heat treatment at a required temperature of 150° F. for a period of 30 seconds: *Provided*, That certificates may be issued for interstate movement of sterilized cottonseed originating in heavily infested areas only to contiguous regulated areas for processing in authorized oil mills.

(c) *Cottonseed hulls, cake, and meal.* Certificates may be issued for the interstate movement of cottonseed hulls, cake, and meal produced from sterilized seed originating in a regulated area when these products have been processed in an authorized oil mill under the supervision of an inspector.

(d) *Seed cotton.* The interstate movement of seed cotton will be allowed only from lightly infested areas into contiguous regulated areas for the purpose of ginning for which movement no permit is required.

(e) *Okra.* Certificates may be issued for the interstate movement of okra under any one of the following conditions: (1) When inspected by an inspector and found to be free from infestation; (2) when produced under such conditions as to render it free from infestation; (3) when processed or treated in accordance with methods which may be determined and approved by the Chief of the Bureau of Entomology and Plant Quarantine.

(f) *Movement to contiguous infested area.* No certificates are required for the interstate movement of restricted articles from a lightly infested area to a contiguous, lightly or heavily infested area, or from a heavily infested area to a contiguous heavily infested area.[1]

This amendment shall be effective on and after November 20, 1939, and shall, on that date, supersede amendment No. 2, which became effective on September 25, 1939.

Done at the city of Washington this 15th day of November 1939.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–4232; Filed, November 15, 1939; 11:58 a. m.]

[1] Secs. 301.52–2 to 301.52–4 issued under authority of sec. 8, 37 Stat. 316; 39 Stat. 1165; 44 Stat. 250; 7 U.S.C. 161.

## AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Bulletin NSCP 401]

### PART 706—1940 NAVAL STORES CONSERVATION PROGRAM

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For the information of producers of gum naval stores in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas, this bulletin explains the procedure to be followed in order to qualify for payments under the Naval Stores Conservation Program for 1940.

§ 706.100 *Authority and availability of funds.* Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and in connection with the effectuation of the purposes of section 7 (a) of the said Act, in 1940, payments and grants of aid will be made for participation in the 1940 Naval Stores Conservation Program in accordance with the provisions of this bulletin and such modifications thereof or other provisions as may hereafter be made.

The provisions of the 1940 Naval Stores Conservation Program are subject to such legislation relating to said program as the Congress of the United States may hereafter enact, and the making of the payments herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; the amounts of such payments and grants of aid will be finally determined by such appropriation and by the extent of participation in the program. Any increase or decrease in rates of payments and deductions because of the extent of participation in the program will not be in excess of 10 per cent.*

§ 706.101 *Definition of terms*—(a) *Turpentine farm*—the land and turpentine timber owned or leased, or operated on a share-crop basis, and under one management and in one general locality, which is being operated for the production of gum naval stores.

(b) *Gum naval stores*—crude gum (oleoresin), gum turpentine, and gum rosin produced from living trees. Gum naval stores does not include naval stores produced from dead timber, stumps, knots, etc.

(c) *Producer*—any person or persons, firm, partnership or corporation doing business as a single legal entity and producing gum naval stores from timber under fee ownership, cash lease, percentage lease, or other form of control, or working the timber on shares.

(d) *Face*—the whole wound or aggregate of streaks made by chipping, streaking, or pulling live trees to stimulate the flow of gum.

(e) *Cup*—a metal, clay or other container hung on or below the face to accumulate the flow of gum.

(f) *Tins*—the gutters or aprons, made of sheet metal or other material, used to aid in conducting the crude gum (oleoresin) from a face into a cup.

(g) *Crop*—10,000 turpentine faces.

(h) *Drift* or *tract*—a portion or subdivision of a "crop" set apart for convenience of operation.

(i) *D. b. h.*—diameter breast height, i. e., diameter of tree measured at breast height or 4½ feet from the ground.

(j) *Turpentine season*—the entire calendar year or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(k) *Application*—the prescribed form of application for payment for cooperating in the 1940 Naval Stores Conservation Program (hereinafter referred to as the 1940 program).*

§ 706.102 *Duration of program.* The period during which this program is to be in effect is the period January 1 to December 31, 1940, inclusive.*

§ 706.103 *Kind of payments.* Payment will be made to producers who in 1940 carry out the following approved practices with respect to turpentine farms currently being worked in 1940, beginning such cooperation on or within time limits to be established by the Forest Service of the United States Department of Agriculture (hereinafter referred to as Forest Service) as appropriate and practicable time limits necessary to afford full opportunity to producers to cooperate in the program and to obtain a full measure of compliance with the objectives of the program.*

§ 706.104 *Conditions of payment—Performance required.* In order to qualify for payment, producers shall meet the following requirements:

(a) No faces (either old or new) shall be operated during the 1940 turpentine season on trees less than 9 inches d. b. h. on any turpentine farm or farms owned or leased by the applicant producer.

(b) No tree that is less than 14 inches d. b. h. shall have more than one face worked during the 1940 turpentine season on the entire turpentine farm or farms owned or leased by the applicant producer.

(c) Payment will be made on working of virgin faces if all virgin faces on entire operation are on trees 10 inches d. b. h. or larger.

(d) Each participating producer shall make a net reduction in the number of operating faces in 1940 to the extent and in the manner as hereinafter prescribed. The number of faces operated in 1938, plus the number of faces acquired with base or minus the number of faces transferred with base during the 1939 program, will be used as 100%, except in the case of a new producer in 1939 in which case the number of faces operated by such new producer in 1939 will be used as 100%: *Provided*, That where a producer has acquired from another producer (who, if operating in 1940, is a participant in the 1940 program), by lease, purchase or other form of control, prior to the final date for the filing of work sheets, an additional turpentine farm or portion thereof, which had been worked by said other producer in 1938 (or for the first time in 1939), he may use as his base (i. e., 100 per cent) the number of faces represented by such acquisition, in addition to the number of faces which he worked in 1938 (or for the first time in 1939), for the purpose of determining the percentage of reduction required under paragraph (e) of this section, and if such addition to the base is made and stated on a filed work sheet, together with evidence of the consent thereto by the producer from whom acquired, the same number of faces as acquired by the one producer shall be deducted from the base of the other producer. No transfer of base will be recognized where the faces involved average, by drifts or tracts, more than 90 inches in height on January 1, 1940, except where the entire farm is transferred. No payment will be made for faces discontinued in 1940 unless (a) the timber is owned in fee simple, or (b) the producer held such timber under lease during the 1939 season, or (c) such timber is part or all of a turpentine farm sold or transferred in its entirety. In cases where one producer secures faces from another producer who operated such turpentine farm, or portion thereof, in 1938 (or for the first time in 1939), but who, if still operating in 1940, is not a participant in the 1940 program, said faces shall not become a part of the base of the operator who acquires them.

(e) Each participating producer will be allowed a quota of working faces in 1940 equal to 80% of his base as determined by the provisions of the preceding paragraph (d). The producer may not elect to make any part of the 20% required reduction on faces under 90 inches in height and receive pay therefor, if faces over 90 inches in height were a part of his base.

The producer shall be permitted to make a larger net reduction than is indicated above from the total of his base but will not receive payment for such net reduction of discontinued faces (that are 90 inches or less in height at the beginning of the 1940 season) in excess of 40 per cent of his base. By "net reduction" is meant that the number of faces being worked in 1940 (including virgin or other acquired faces) must be as much less than the producer's base as the number of discontinued faces (up to 40%) on which payment will be made. Said 40 per cent limitation shall not apply to such faces discontinued in 1940 on trees less than 9 inches d. b. h., and on trees between 9 and 14 inches d. b. h., as required by paragraphs (a) and (b) of this section. Payment shall be restricted to such discontinued faces on which producer retains ownership, lease or other form of control throughout the period of the 1940 program. Any producer whose base is less than one crop (10,000 faces) may either discontinue any part or all of his faces and receive pay for all such faces that are less than 90 inches in height at the beginning of the 1940 season, or will be permitted to participate

*Sections 706.100 to 706.107 were issued under the authority contained in Sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205, 746; 53 Stat. 550, 573; 16 U.S.C., Sup. IV, 590g–590q.

in the program with the renewal of only those faces as required in paragraphs (a) and (b) of this section.

Any producer (individual, firm or corporation) participating in the program who permits his labor to operate timber which he had under his control in 1939 but which he cannot operate under the terms of the 1940 program or who assists in any manner in the operation of such timber, the processing or sale of the gum therefrom, either directly or through relatives or through any officer or member of the firm or corporation, shall not be eligible to participate in the program.

(f) Faces discontinued by new participants in the 1940 program (i. e., who have not participated in previous programs) on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h., as required by paragraphs (a) and (b) of this section, may apply as part of the percentage of reduction required and permitted under paragraph (e) of this section.

(g) All faces discontinued under this program shall be discontinued by drifts or tracts with the exception of faces discontinued on trees under 9 inches d. b. h. and on trees between 9 and 14 inches as required by paragraphs (a) and (b) of this section.

(h) Cups and tins must be removed from discontinued faces on trees under 9 inches d. b. h., and on trees between 9 and 14 inches d. b. h., but need not be removed from the area.

All drifts or tracts must have their boundaries clearly marked in the field either by fresh blazes, paint or natural boundaries such as roads, streams, etc. No check of the turpentine farm will be made until all drifts are distinctly marked.

(i) Total streaks per face made during the period of the 1940 program, averaged by drifts or tracts, shall not exceed 18 inches in vertical measurement on the high side between shoulders of first streak and shoulders of last streak. Violation of this regulation shall mean cancellation of all benefit payments for entire operation. The producer, at the beginning of the 1940 streaking season, shall mark the point of beginning of 1940 streaks on at least 25 per cent of the faces well distributed throughout each drift with a permanent mark so that the season's height up the tree may be accurately measured at the end of the 1940 season.

(j) Payment shall not be made on faces in production which do not average, by drifts or tracts, at least 12 streaks for the 1940 season and such streaks shall have been made at no greater frequency than two streaks per week.

(k) Payment shall not be made on faces either retained in production or taken out of production in any drift or tract where the average height of faces exceeds 90 inches at the beginning of the 1940 turpentine season, in vertical measurement on the high side between shoulders of first streak and shoulders of last streak, including jump streaks.

(l) Payment shall not be made on faces taken out, or remaining out, of production pursuant to the provisions of paragraphs (a) and (b) in any drift or tract (1) unless such faces have 8 streaks which were made during the 1939 season at no greater frequency than two streaks per week, (2) unless such faces were discontinued under the 1939 program, or (3) unless such faces were discontinued under the 1938 or 1937 and 1938 programs and kept out of production under the 1939 or 1938 and 1939 programs respectively, and (4) unless the cups on all such faces were first installed during or after the season of 1936.

(m) No tree shall have any new (first year) back face unless a bark-bar on each side of the back face is provided and maintained throughout the 1940 season, the total of the two being not less than 7 inches in width, measured horizontally along the bark surface; provided, however, that the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces.

(n) Any person having part ownership and control of more than one turpentine farm shall have the right and privilege of consolidating two or more such farms for the purpose of carrying into effect the provisions of this program.

(o) In the event of a loan program being set up for producers during 1940, only those producers who are participating in the program will be eligible for loans except as provided in paragraph (p) of this section; furthermore, loans shall not be made to any producer whose entire operation consists of more than 75 per cent of new (virgin) faces.

(p) The provisions of the 1940 Naval Stores Conservation Program as contained in this bulletin are not applicable to producers on such portion of their operations as may be within the public domain of the United States, including land owned by the United States and administered by the Forest Service of the United States Department of Agriculture, and other lands in which the beneficial ownership is in the United States: *Provided, however,* That such producers shall have the privilege of borrowing under any loan program which may be set up for naval stores producers during 1940.

(q) The applicant producer shall protect from fire all forest land of any kind within the turpentine farm owned, leased or otherwise controlled by him during the 1940 turpentine season to the best of his ability, and in doing so shall cooperate with the State and Federal Governments in any cooperative forest fire protective system that exists contiguous to his turpentine farm or within the area within which such farm is situated; provided that the producer shall not be required to pay the cost of fire protection on land not owned by him unless so stipulated in the terms of his lease. He shall be required, however, to so conduct his operations in all cases in such manner as will prevent fires escaping to adjoining forest land whether protected or not.

(r) The applicant producer, in order to provide for restocking and to promote continued production of timber upon which the naval stores, pulp and paper, lumber, and other wood-using industries are dependent, shall, in any and all cutting of timber under his ownership or control during the 1940 season, meet or exceed the following minimum requirements:

In cutting operations on turpentine areas—

(1) All worked-out turpentine, defective and non-turpentine trees may be cut, provided at least 6 thrifty seed trees 8 inches or more in diameter at the stump (12 inches above the ground) outside bark, per acre, are left uncut, or provided sufficient young growth (at least 150 trees per acre 6 to 8 feet high) is left uncut; no round trees, except such as are defective or where thinnings are needed, shall be cut; thinnings may be made but in such case there shall be left not less than 50 trees per acre 6 to 9 inches in diameter, outside bark, at the stump (12 inches above the ground).

(2) In all other cutting operations at least 4 thrifty seed trees per acre 8 inches or more in diameter, outside bark, at the stump (12 inches above the ground) shall be left uncut unless sufficient young growth (at least 150 trees per acre 6 to 8 feet high) is left standing.

Such standards have been adopted by members of the American Pulpwood Association in the southern and southeastern United States, who have committed themselves to cooperate with the naval stores industry in the salvage and cutting of worked-out turpentine timber.

Payment on working faces shall not be made if the tree is cut or removed prior to the expiration of the 1940 program. Payment on discontinued or removed faces shall not be made if the tree is cut or removed prior to inspection by the Forest Service, and unless permission in writing is furnished by the Forest Service to the producer authorizing such cutting or removal.

(s) Each applicant producer in measuring his trees to determine those on which operation shall respectively be continued or discontinued under the 1940 program shall make an accurate count, by drifts, lots, or other suitable units, of all faces separately as to those that are to remain in operation and those which are not; and he shall make and keep a written record thereof; and such record shall be made available to any field inspector who is responsible for inspecting his operations under the program. Each producer who files a work sheet shall assist the representatives of the Forest Service in the administration of the 1940 program by giving them free access to his turpentine farm, indicating the location of trees and faces recorded on the work sheet, furnishing competent labor to assist the inspector in counting trees, and otherwise facilitating the work of the inspectors in checking compliance with the terms and condition of the program. All drifts or tracts must be clearly marked either by paint or blazes so that drift or tract lines can be traced in the field without a guide.*

§ 706.105 *Rates of payment.* In connection with the utilization, during the period of the 1940 program, of land devoted to growing trees suitable for and used in the production of gum naval stores, on all turpentine farms operated in accordance with the conditions hereinabove set forth, payment will be made to each participating producer at the following rates:

(a) ¾ of 1 cent per face for each face in continuous operation during the 1940 turpentine season including virgin faces provided all virgin faces installed are on trees over 10 inches d. b. h., except faces in drifts or tracts which, by drifts or tracts, average more than 90 inches in height at the beginning of the 1940 season.

(b) 5 cents per face for any one face of one or more faces on trees less than 9 inches d. b. h., and for any one face of two or more faces on trees 9 to 14 inches d. b. h.; on which work is discontinued during the 1940 season, or which was taken out of operation during the 1937, 1938 or 1939 programs, and kept out of operation during succeeding programs including 1940, for which payment was made in previous programs, and which was first installed during or after the 1936 season.

(c) 4 cents per face for each face of the net reduction of faces over 9 inches d. b. h. and under 90 inches in height at the beginning of the 1940 season for all such faces up to 40 per cent of the base, provided that the producer shall retain control of such discontinued faces throughout the period of the 1940 season.

(d) Payments limited to $10,000. The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single state, territory, or possession, shall not exceed the sum of $10,000. The total of all payments made in connection with programs for 1940 under section 8 of the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of $10,000.

(e) All or any part of any payment which *has been* or otherwise would be made to any person under said Act may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or had the effect of evading the provisions of this section.

(f) The total payment computed for any producer with respect to his turpentine farm shall be increased as follows:

(1) Any payment amounting to 71 cents or less shall be increased to $1.00.

(2) Any payment amounting to more than 71 cents but less than $1.00 shall be increased by 40 per cent.

(3) Any payment amounting to $1.00 or more shall be increased in accordance with the following schedule:

| Amount of payment computed: | | Increase in payment |
|---|---|---|
| $1.00 to | $1.99 | $0.40 |
| $2.00 to | $2.99 | $0.80 |
| $3.00 to | $3.99 | $1.20 |
| $4.00 to | $4.99 | $1.60 |
| $5.00 to | $5.99 | $2.00 |
| $6.00 to | $6.99 | $2.40 |
| $7.00 to | $7.99 | $2.80 |
| $8.00 to | $8.99 | $3.20 |
| $9.00 to | $9.99 | $3.60 |
| $10.00 to | $10.99 | $4.00 |
| $11.00 to | $11.99 | $4.40 |
| $12.00 to | $12.99 | $4.80 |
| $13.00 to | $13.99 | $5.20 |
| $14.00 to | $14.99 | $5.60 |
| $15.00 to | $15.99 | $6.00 |
| $16.00 to | $16.99 | $6.40 |
| $17.00 to | $17.99 | $6.80 |
| $18.00 to | $18.99 | $7.20 |
| $19.00 to | $19.99 | $7.60 |
| $20.00 to | $20.99 | $8.00 |
| $21.00 to | $21.99 | $8.20 |
| $22.00 to | $22.99 | $8.40 |
| $23.00 to | $23.99 | $8.60 |
| $24.00 to | $24.99 | $8.80 |
| $25.00 to | $25.99 | $9.00 |
| $26.00 to | $26.99 | $9.20 |
| $27.00 to | $27.99 | $9.40 |
| $28.00 to | $28.99 | $9.60 |
| $29.00 to | $29.99 | $9.80 |
| $30.00 to | $30.99 | $10.00 |
| $31.00 to | $31.99 | $10.20 |
| $32.00 to | $32.99 | $10.40 |
| $33.00 to | $33.99 | $10.60 |
| $34.00 to | $34.99 | $10.80 |
| $35.00 to | $35.99 | $11.00 |
| $36.00 to | $36.99 | $11.20 |
| $37.00 to | $37.99 | $11.40 |
| $38.00 to | $38.99 | $11.60 |
| $39.00 to | $39.99 | $11.80 |
| $40.00 to | $40.99 | $12.00 |
| $41.00 to | $41.99 | $12.10 |
| $42.00 to | $42.99 | $12.20 |
| $43.00 to | $43.99 | $12.30 |
| $44.00 to | $44.99 | $12.40 |
| $45.00 to | $45.99 | $12.50 |
| $46.00 to | $46.99 | $12.60 |
| $47.00 to | $47.99 | $12.70 |
| $48.00 to | $48.99 | $12.80 |
| $49.00 to | $49.99 | $12.90 |
| $50.00 to | $50.99 | $13.00 |
| $51.00 to | $51.99 | $13.10 |
| $52.00 to | $52.99 | $13.20 |
| $53.00 to | $53.99 | $13.30 |
| $54.00 to | $54.99 | $13.40 |
| $55.00 to | $55.99 | $13.50 |
| $56.00 to | $56.99 | $13.60 |
| $57.00 to | $57.99 | $13.70 |
| $58.00 to | $58.99 | $13.80 |
| $59.00 to | $59.99 | $13.90 |
| $60.00 to | $185.99 | $14.00 |
| $186.00 to | $199.99 | (1) |
| $200.00 and over | | (2) |

[1] Increase to $200.00.
[2] No increase.

(g) There shall be deducted from the payments to each producer his pro rata share of all or such part as the Secretary of Agriculture may prescribe of the estimated expenses incurred or to be incurred in the administration of the 1940 program.*

§ 706.106 *Application and eligibility for payment*—(a) *Filing of work sheet and application.* Payments will be made upon the basis of facts established in an application for payment properly executed on a prescribed form and filed in a district or regional office of the Forest Service. Each person filing an application for payment will be required to show that a work sheet has been properly executed covering each turpentine farm owned, leased, or otherwise controlled, and being operated by him, with respect to which an application for payment is filed.

An application for payment may be made (1) by any producer who is actively engaged in the production of gum naval stores during the 1940 season; (2) by any person who was so engaged during 1939, or who participated in the 1939 program on land owned, leased, or otherwise controlled by him; or (3) by such other persons as may be designated by the Secretary of Agriculture.

(b) *Time limit for filing work sheets and applications.* Work sheets and applications shall be filed in the manner prescribed and within time limits established by the Forest Service as reasonably affording opportunity to producers to participate in the benefits of the program, and keeping the administrative costs within the budget and as low as reasonably may be reached.

(c) *Producer eligible for payments.* Payment will be made to the producer who operates the turpentine farm and who executes the application for payment. In the event one producer conducts the operation of a turpentine farm during a portion of the 1940 turpentine season and another producer (or producers) conducts the operation of the turpentine farm during the remainder of the season, payment will be made to the producer who last conducts the operation of the turpentine farm during the season, or the payments shall be divided between such producers on the basis of a mutual agreement between them.

(d) *Time of payment.* Payment will be made as soon as practicable after a final field inspection of the turpentine farm on which a work sheet has been filed and after an application for payment has been filed with respect to such farm.

(e) *Assignments.* In order to carry out the provisions of Section 8 (g) of the Soil Conservation and Domestic Allotment Act as amended and as modified by the last proviso to the item entitled "Conservation and Use of Agricultural Land Resources, Department of Agriculture" contained in the Department of Agriculture Appropriation Act, 1940:

Any producer who may be entitled to any payment in connection with the 1940

Naval Stores Conservation Program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1940. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) as amended) issued by the Agricultural Adjustment Administration, witnessed, however, by a district supervisor or an inspector of the Forest Service, and filed in the Regional Office of the Forest Service, Atlanta, Georgia, or in the office of the appropriate district supervisor of the Forest Service, located in Jacksonville, Florida; Savannah, Georgia; or Pensacola, Florida.

The foregoing provision shall not be construed to give an assignee a right to any payment other than that to which the producer is entitled, and the statute provides that the Secretary of Agriculture and any disbursing agent shall not be subject to any suit or liability if the payment is made to the producer without regard to the existence of any assignment."

§ 706.107 *Administration.* The field work in connection with this program shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, Glenn Building, Atlanta, Georgia."

Done at Washington, D. C., this 15th day of November, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4235; Filed, November 15, 1939; 12:47 p. m.]

## AGRICULTURAL MARKETING SERVICE

[SRA 127]

### PART 102—AMENDMENT NO. 2 TO GRAIN WAREHOUSE REGULATIONS

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490), as amended, I, H. A. Wallace, Secretary of Agriculture, do make, prescribe, publish, and give public notice of the following amendment to the regulations of the Secretary of Agriculture for grain warehousemen, promulgated May 9, 1931, under said Act, such amendment to be effective immediately.

Amend Section 102.105 (Reg. 11, Sec. 3) to read as follows:

"The chief of the Service may approve as Registrar of warehouse receipts issued for grain in licensed elevators operating in any terminal market or in any futures contract market the official designated by the State in which such market is located, if such an official position has been created by law, or any other individual, provided such individual is not an employee of, or the owner of, any such licensed elevator, or the owner of, or an employee of the owner of, grain deposited in any such licensed elevator."

Amend Section 102.111 (Reg. 11, Sec. 9) to read as follows:

"Sections 102.103–102.111 (Reg. 11) apply only to warehousemen operating in such markets as may have been heretofore or may be hereafter designated as futures contract markets, and Sections 102.103–102.107 (Reg. 11, Secs. 1–5) apply also to warehousemen operating in such markets as the Department may view as terminal markets, and the appointment heretofore or hereafter of a Registrar of warehouse receipts, as provided in Section 102.105 (Reg. 11, Sec. 3) is conclusive that the Department views such market as a terminal market for purposes of the Warehouse Act. All other regulations issued under the Act and applicable to grain warehousemen shall apply to warehousemen operating in such terminal or futures contract markets except as such regulations may conflict with this regulation."

Done at Washington this 15th day of November 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4236; Filed, November 15, 1939; 12:47 p. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

## BUREAU OF ANIMAL INDUSTRY

[Amendment 4 to B.A.I. Order 309]

### SUBCHAPTER C—INTERSTATE SHIPMENT OF ANIMALS AND POULTRY

### AMENDMENT OF REGULATIONS GOVERNING THE INTERSTATE MOVEMENT OF LIVESTOCK

Under the authority conferred by law upon the Secretary of Agriculture, the regulations governing the interstate movement of livestock (B.A.I., Order 309), issued under date of March 5, 1928, and effective May 1, 1928, as amended, are hereby further amended by striking out the words "saponified cresol solution" and substituting in lieu thereof the words "cresylic disinfectant" in the following places:

Regulation 1, section 6, paragraphs 1 (a) and 2; regulation 6, section 2, paragraph 2 (e).[1]

This amendment, which for the purpose of identification is designated as Amendment 4 to B.A.I. Order 309, shall be effective on and after January 2, 1940.

Done at Washington this 15th day of November 1939.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] HARRY L. BROWN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-4237; Filed, November 15, 1939; 12:47 p. m.]

[1] 9 CFR 71.10 (a) (1), (b); 76.5 (e).

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER III—CLAIMS AND ACCOUNTS

### PART 38—ALLOTMENTS OF PAY[1]

§ 38.1 *Definitions*—(a) *Allotment.* The word "allotment" as used herein refers to a definite portion of the pay of an officer, Army nurse, warrant officer, enlisted man, contract surgeon, or permanent civilian employee of the War Department which is authorized to be paid to another person, or institution, in a manner prescribed by the Secretary of War. Allotments of pay are purely voluntary acts of the allotters; they carry no corresponding allowance or other obligation of the Government and require no administrative adjudication to become effective. They are revocable at the will of the allotter and vest no property right in the allottee unless and until they have been paid to the allottee. (See 10 Comp. Dec. 208; 2 Comp. Gen. 144) Mere issuance of a check for the allotment does not constitute payment thereof. The allotment has not been paid until the check has been collected or negotiated by the payee. *See 16 Comp. Dec. 151; 24 id. 734.*

(b) *Allotter.* The "allotter" is the person who makes the allotment.

(c) *Allottee.* The "allottee" is the person or institution to whom the allotment is made payable.

(d) *Military personnel*—(1) *Active duty.* Commissioned officers (including retired officers on active duty), Reserve officers ordered to active duty for 6 months or more, Army nurses, warrant officers, contract surgeons, and enlisted men.

(2) *Retired.* Commissioned officers, Army nurses, warrant officers, and enlisted men, retired from active duty.

(e) *Permanent civilian employees.* Civilian employees whose services are engaged with the intention of retaining them permanently in the service are considered "permanent employees." (Sec. 16, 30 Stat. 981; 40 Stat. 384; 10 U.S.C. 894; 52 Stat. 354) [Par. 2, A.R. 35–5520, Sept. 15, 1939]

§ 38.2 *Effect of desertion or dishonorable discharge*—(a) *Allottee not entitled to payment.* (1) Allotments do not give a vested right to the money allotted, and an allottee is not entitled to be paid the amount of an allotment made by a person who deserted, or who was dishonorably discharged with forfeiture of all pay and allowances, before payment of the allotment could be made. *MS. Comp. Dec., January 7, 1910, and October 17, 1907.*

(2) If the allottee failed to reduce the allotment to possession prior to the enlisted man's dishonorable discharge from the service with forfeiture of all pay and allowances then due, payment of the allotment is not authorized. *MS. Comp. Dec., October 17, 1907.*

(b) *Where payment has been made prior to report of desertion.* If, however, payment to the allottee was made between the date of commencement of the unauthorized absence and date when the enlisted man was reported as a deserter the amount so paid should be allowed as an offset in settling the enlisted man's accounts. *MS. Comp. Dec., April 26, 1911,* (Sec. 16, 30 Stat. 981; 40 Stat. 384; 10 U.S.C. 894; 52 Stat. 354) [Par. 27, A.R. 35–5520, Sept. 15, 1939]

§ 38.3 *Effect of death of allotter.* Allotments are in the nature of powers of attorney, which are revoked by the death of the principal. The Finance Officer, U. S. Army, Washington, D. C., will make no further payments of an allotment after receipt of advice of the allotter's death, even though it is known that deductions were made from the allotter's pay and not paid to the allottee, such amounts become a part of the estate of the allotter and will be settled upon presentation of claim by the General Accounting Office, Washington, D. C. *See 10 Comp. Dec. 208; 26 id. 855.* (Sec. 16, 30 Stat. 981; 40 Stat. 384; 10 U.S.C. 894; 52 Stat. 354) [Par. 28, A.R. 35–5520, Sept. 15, 1939]

§ 38.4 *Effect of death of allottee*—(a) *Action taken by paying officer.* Upon receipt of information of the death of any person to whom an allotment is payable by him, the Finance Officer, U. S. Army, Washington, D. C., will report the death to the officer responsible for the preparation and submission of allotments.

(b) *Return of allotment checks.* When allotment checks are not collected or negotiated prior to the death of the allottee, even though indorsed, the amounts thereof do not become a part of the allottee's estate or subject to any expense incurred by, or on behalf of, the allottee before or after death. (See 26 Comp. Dec. 855) All such checks should be returned to the Finance Officer, U. S. Army, Washington, D. C. Unless the allotter has been separated from the service and has received final payment, the Finance Officer, U. S. Army, Washington, D. C., will upon receipt of the returned check give authority to credit the amount on the current pay rolls or pay vouchers. (Sec. 16, 30 Stat. 981; 40 Stat. 384; 10 U.S.C. 894; 52 Stat. 354) [Par. 29, A.R. 35–5520, Sept. 15, 1939]

§ 38.5 *Collection of amounts overpaid to allottees*—(a) *Death of allotter.* In case of death of the allotter, however, if the allottee who was overpaid is an heir, the General Accounting Office will protect the overpayment to the extent of the arrears of pay and allowances due the allotter at time of death and payable to such heir. If the allottee who was overpaid is the beneficiary of an insurance or compensation award under the War Risk Insurance Act, the United States Veterans' Administration will withhold the amount of the overpayment from the insurance or compensation award. *See 26 Comp. Dec. 855, 949.*

(b) *Desertion of allotter.* In case of desertion of the allotter, the General Accounting Office protects the overpayment only to include the day prior to desertion or to the extent of the arrears of pay or allowances due the deserter at time of desertion, the balance remaining after satisfying indebtedness of the United States being paid over to the Soldiers' Home. In these cases only the unsatisfied part of the overpayment will be collected from the responsible officer. (Sec. 16, 30 Stat. 981; 40 Stat. 384; 10 U.S.C. 894; 52 Stat. 354) [Par. 31, A.R. 35–5520, Sept. 15, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc 39-4222; Filed, November 15, 1939; 9:36 a. m.]

[1] Part 38 is supplementary to Chapter III, Title 10, Code of Federal Regulations.



## TITLE 20—EMPLOYEES' BENEFITS

## SOCIAL SECURITY BOARD

[Regulations No. 2, further amended]

### PART 402—FEDERAL OLD-AGE BENEFITS

In order to conform Regulations No. 2, as amended[1] [part 402, title 20, Code of Federal Regulations] to the applicable provisions of the Social Security Act Amendments of 1939 and section 2 of the Act approved August 11, 1939, Pub., No. 400, 76th Cong., 1st Sess., such regulations are further amended as follows:

1. Immediately following article 12 [sec. 402.012, title 20, Code of Federal Regulations] the following is inserted:

SECTION 201 OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

Effective January 1, 1940, title II of such [Social Security] Act is amended to read as follows:

* * * * * *

SEC. 209 * * *

(b) The term "employment" means any service performed after December 31, 1936, and prior to January 1, 1940, which was employment as defined in section 210 (b) of the Social Security Act prior to January 1, 1940 (except service performed by an individual after he attained the age of sixty-five if performed prior to January 1, 1939), and any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him, irrespective of the citizenship or residence of either, (A) within the United States, * * * except—

* * * * * *

(11) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a non-diplomatic representative);

(12) Service performed in the employ of an instrumentality wholly owned by a foreign government—

(A) If the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof; and

(B) If the Secretary of State shall certify to the Secretary of the Treasury that the foreign government, with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States Government and of instrumentalities thereof; * * *

SECTION 902 (f) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

* * * No payment shall be made under title II of the Social Security Act with respect to services rendered prior to January 1, 1940, which are described in subparagraphs (11) and (12) of section 209 (b) of such Act, as amended.

ART. 12½ [sec. 402.012½, title 20, Code of Federal Regulations]. *Foreign Governments and Their Instrumentalities*—(a) *Service Performed in the Employ of a Foreign Government after December 31, 1939.* Service performed after December 31, 1939, in the employ of a foreign government is excepted. The exception embraces not only services performed by ambassadors, ministers, and other diplomatic representatives but also includes services performed as a consular or other officer or employee of a foreign government or as a nondiplomatic representative thereof. For purposes of the exception, the citizenship of the employee is immaterial. It is also immaterial whether the foreign government grants an equivalent exemption with respect to similar services performed in the foreign country by citizens of the United States.

(b) *Service Performed in the Employ of Instrumentalities of Foreign Governments after December 31, 1939.* Service performed after December 31, 1939, in the employ of certain instrumentalities of a foreign government is likewise excepted from employment. The exception extends to all services performed in the employ of an instrumentality of the government of a foreign country, without distinction between those exercising functions of a governmental nature and those exercising functions of a proprietary nature, provided: (1) the instrumentality is wholly owned by the foreign government; (2) the services are of a character similar to those performed in foreign countries by employees of the United States or of an instrumentality thereof; and (3) the Secretary of State certifies to the Secretary of the Treasury that the foreign government with respect to whose instrumentality and employees thereof exemption is claimed, grants an equivalent exemption with respect to services performed in the foreign country by employees of the United States Government and of instrumentalities thereof. For purposes of this exception the citizenship of the employee is likewise immaterial.

(c) *Services in Employ of Foreign Governments and Their Instrumentalities prior to January 1, 1940.* The provisions of law to which (a) and (b) above refer (subparagraphs (11) and (12) of the Social Security Act, as amended, quoted supra) become effective January

[1] 2 F.R. 1276, 3 F.R. 3006 DI.

1, 1940. Effective August 10, 1939, however, by virtue of the operation of section 902 (f) of the Social Security Act Amendments of 1939, no payment may be made under title II of the Social Security Act based on services rendered prior to January 1, 1940, described in such subparagraphs (11) and (12).

SECTION 2 OF THE ACT APPROVED AUGUST 11, 1939 (PUBLIC, No. 400, 76TH CONG., 1ST SESS.)

No tax shall be collected under title VIII • • • of the Social Security Act or under the Federal Insurance Contributions Act • • • with respect to services rendered prior to January 1, 1940, in the employ of the owner or tenant of land, in salvaging timber on such land or clearing such land of brush and other debris left by a hurricane • • •. No payment shall be made under title II of the Social Security Act with respect to such services rendered prior to January 1, 1940.

ART. 12–3/4 [sec. 402.012–3/4, title 20, Code of Federal Regulations] *Services Performed prior to January 1, 1940, in Salvaging Timber and Clearing Debris Left by a Hurricane.* Effective August 11, 1939, no payment may be made under title II of the Social Security Act on the basis of services performed in salvaging timber and clearing land of brush and other debris left by a hurricane provided the services were performed:

(1) Prior to January 1, 1940; and

(2) As an employee of the owner or tenant of land on which a hurricane has left brush or other debris, or timber in need of salvaging by reason of such hurricane; and

(3) In clearing such land of such brush or other debris, or in salvaging such timber.

2. Immediately after section 204 (b) of the Social Security Act quoted immediately preceding article 301 [sec. 402.301, title 20, Code of Federal Regulations], the following is inserted:

SECTION 902 (f) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

• • • No payment shall be made under title II of the Social Security Act with respect to services rendered prior to January 1, 1940, which are described in subparagraphs (11) and (12) of section 209 (b) of such Act, as amended.

SECTION 902 (g) OF THE SOCIAL SECURITY ACT AMENDMENTS OF 1939

No lump-sum payment shall be made under the provisions of section 204 of the Social Security Act after the date of enactment of this Act, except to the estate of an individual who dies prior to January 1, 1940.

SECTION 2 OF THE ACT APPROVED AUGUST 11, 1939 (PUBLIC, No. 400, 76TH CONG., 1ST SESS.)

No tax shall be collected under title VIII • • • of the Social Security Act or under the Federal Insurance Contributions Act • • • with respect to services rendered prior to January 1, 1940, in the employ of the owner or tenant of land, in salvaging timber on such land or clearing such land of brush and other debris left by a hurricane • • • No payment shall be made under title II of the Social Security Act with respect to such services rendered prior to January 1, 1940.

3. Article 301 [sec. 402.301, title 20, Code of Federal Regulations] is amended to read as follows:

ART. 301. *Lump-sum benefit.* (a) *Circumstances under which payable.* A lump-sum benefit is payable if a wage earner has been paid wages for employment performed by him after 1936 and dies prior to January 1, 1940.

(b) *Amount payable.* The amount of the lump-sum benefit payable is a sum equal to 3½ per centum of the total wages which the Board determines were paid to a wage earner with respect to employment performed by him after 1936 and before he attained age 65. If less than the total amount to which a wage earner was entitled has been paid to him during his lifetime, the amount payable to his estate is the difference between the total amount to which he was entitled and the amount paid before his death.

(c) *New provisions of law limiting payments under sections 203 and 204 of the Act.*

(1) Section 902 (g) of the Social Security Act Amendments of 1939 limits lump-sum benefit payments under section 204, after August 10, 1939, to payments to the estate of an individual who dies prior to January 1, 1940. After August 10, 1939, therefore, a lump-sum benefit is no longer payable under section 204 during the lifetime of such individual.

(2) Effective August 10, 1939, no lump-sum benefit is payable on the basis of services rendered prior to January 1, 1940, described in subparagraphs (11) and (12) of section 209 (b) of the Social Security Act, as amended by the Social Security Act Amendments of 1939. (Relating to services in the employ of foreign governments and their instrumentalities; see article 12½ [Sec. 402.012½, title 20, Code of Federal Regulations])

(3) Effective August 11, 1939, no lump-sum benefit is payable on the basis of services rendered prior to January 1, 1940, described in section 2 of the Act approved August 11, 1939. (Pub., No. 400, 76th Cong., 1st Sess., relating to salvaging timber and clearing debris left by a hurricane; see art. 12¾ [Sec. 402.012¾, title 20, Code of Federal Regulations]) (See article 1 (j) relating to attainment of age 65; and articles 2 and 13 relating to "employment" and "wages," respectively)

4. Article 302 [sec. 402.302, title 20, Code of Federal Regulations] is amended to read as follows:

ART. 302. *Applications for lump-sum benefit payment.* A lump-sum benefit will be certified for payment only upon application of the legal representative of the deceased wage earner, or of some person specified in article 311 or 312, who is entitled, under the laws of the State in which the deceased wage earner was domiciled, to receive payment.

5. Article 307 [sec. 402.307, title 20, Code of Federal Regulations] is amended to read as follows:

ART. 307. *Proof of age.* (a) The statement contained in the application as to the wage earner's date of birth will ordinarily be sufficient. However, the applicant, on written notice from the Board, may be required to furnish the corroborative evidence of the date of birth set forth in paragraph (b) of this article. Generally such corroborative evidence will not be required unless (1) the date of birth stated in the application is at variance with the date of birth as shown by the records of the Board; (2) the records of the Board do not show the date of birth of the wage earner; (3) the wage earner failed to apply for an account number; or (4) there is reason to suspect misrepresentation by the applicant.

(b) If required by written notice from the Board the date of the birth of the wage earner shall be corroborated by the applicant by the following evidence:

(1) A certified copy of, or a statement as to the date of birth shown by, a public record of the birth, or

(2) A certified copy of a church record of infant baptism, or

(3) A statement of two other persons having knowledge thereof, executed as required in the prescribed form, or

(4) Such evidence as shall be deemed by the Board to be of probatory value acceptable to the Board. The certification required under either (1) or (2) above shall be made by the custodian charged with the duty of preserving such records.

AUTHORITY FOR REGULATIONS

These regulations are issued under authority contained in section 1102 of the Social Security Act (49 Stat. 647; 42 U.S.C., Sup. IV 1302.)

In pursuance of section 1102 of the Social Security Act (49 Stat. 647; 42 U.S.C., Sup. IV 1302), the foregoing regulations are hereby prescribed.

Adopted by the Social Security Board, November 3, 1939.

[SEAL] A. J. ALTMEYER,
*Chairman.*

Approved, November 13, 1939.

PAUL V. MCNUTT,
*Federal Security Administrator.*

[F. R. Doc. 39–4227; Filed, November 15, 1939; 10:21 a. m.]

## TITLE 22—FOREIGN RELATIONS

## DEPARTMENT OF STATE

REGULATIONS UNDER SECTION 2 (c) AND (i) OF THE JOINT RESOLUTION OF CONGRESS APPROVED NOVEMBER 4, 1939

NOVEMBER 10, 1939.

On November 4, 1939, the President issued a proclamation[1] under the authority of section 1 of the joint resolution of Congress approved on that same day finding that a state of war exists between Germany and France; Poland; and the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa and thereby making applicable to the export or transport to those countries of any articles or materials (except copyrighted articles or materials) the provisions of section 2 (c), (d), (e), (f), (g), (h), (i), and (l) of the said joint resolution.

The President's Proclamation of November 4, 1939, provides in part as follows:

And I do hereby delegate to the Secretary of State the power to exercise any power or authority conferred on me by the said joint resolution as made effective by this my proclamation issued thereunder, which is not specifically delegated by Executive order to some other officer or agency of this Government, and the power to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out any of its provisions.

By virtue of the authority vested in him by the President's proclamation quoted above to promulgate such rules and regulations not inconsistent with law which may be necessary and proper to carry out the provisions of section 2 (c) and (i) of the joint resolution of Congress approved November 4, 1939, as made effective by this proclamation, the Secretary of State prescribes the following rules and regulations: [2]

(1) The provisions of section 2 (c) do not apply to personal effects and household goods or any other articles or materials intended for the personal use of any United States citizen traveling on a valid passport.

(2) The provisions of section 2 (c) do not apply to any articles or materials exported for relief purposes by the American Red Cross or by any person or organization authorized to solicit and collect contributions under the rules and regulations issued by the Secretary of State pursuant to section 8 of the Neutrality Act of November 4, 1939.

(3) The provisions of section 2 (c) do not apply to the transport to any of the countries named in the President's Proclamation of November 4, 1939, referred to above, of arms and ammunition intended exclusively for sporting or scientific purposes, when carried on the person of an individual or in his baggage.

(4) Articles and materials the shipment of which originated outside the geographic United States and which are shipped through the United States in bond or which arrive at a port in the United States merely as an incident of transit between two foreign points, whether or not transshipped in a port of the United States, need not be covered by the sworn declaration as to transfer of title required by section 2 (c) of the Neutrality Act of 1939 if the shipper is outside the geographic United States and is not a citizen of the United States, or an agent of such citizen, and the articles and materials are not consigned to a citizen of the United States, or an agent of such citizen.

[SEAL] CORDELL HULL,
*Secretary of State.*

[F. R. Doc. 39–4193; Filed, November 10, 1939; 1:11 p. m.]

[1] 4 F.R. 4493 DI.

[2] Section 12.1, Code of Federal Regulations.





## TITLE 43—PUBLIC LANDS: INTERIOR

## DEPARTMENT

## GENERAL LAND OFFICE

AIR NAVIGATION SITE WITHDRAWAL NO. 131, ALASKA

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 728, that the public lands lying within the following-described boundaries in Alaska be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for use by the Alaska Road Commission in the maintenance of air navigation facilities:

Beginning at Corner No. 1, which is 1719.5 feet N. 8°44′ W. from Corner No. 2 of U. S. Survey No. 2058, approximate latitude 63° N., longitude 156°05′ W; thence N. 36°36′30″ E. 1880.3 feet to Corner No. 2; thence S. 41°23′ E. 1595.4 feet to Corner No. 3; thence S. 59°50′ W. 1014.7 feet to Corner No. 4; thence N. 81° 21′ W. 1313.9 feet to place of beginning, taining approximately 34.4 acres;

Beginning at Corner No. 1, a point on the south boundary of U. S. Survey No. 2002, A. O. Wells homestead, latitude 63° 09′10″ N., longitude 149°30′00″ W., which point lies 2760 feet west of Corner No. 4 of said survey, thence 633.8 feet west along the south boundary of said homestead to Corner No. 2, thence S. 37°55′ W. 2800 feet to Corner No. 3; thence S. 52°5′ E. 500 feet to Corner No. 4, thence N. 37°55′ E. 3189.5 feet to Corner No. 1, the place of beginning, containing approximately 34.4 acres;

Beginning at a stake on point of land at the confluence of the Tatina River and the South Fork of the Kuskokwim River, at approximate latitude 62°19′ N., longitude 153°23′ W.; thence easterly 5400 feet along the left or south bank of the Tatina River; thence south 2600 feet; thence west approximately 5700 feet to the right or east bank of the South Fork of the Kuskokwim River; thence northerly approximately 3400 feet along the east bank of the South Fork of the Kuskokwim River to the place of beginning, containing approximately 406 acres.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

NOVEMBER 3, 1939.

[F. R. Doc. 39–4223; Filed, November 15, 1939; 9:36 a. m.]

[Circular No. 1462]

REGULATIONS GOVERNING ASSIGNMENTS OF LEASES

§ 220.17 *Assignments to be filed in triplicate.* Assignments of leases in whole or in part involving public lands or minerals owned by the United States, other than assignments of mere royalty interests under the mineral leasing acts, when submitted for departmental approval, must be filed in the proper district land office, in triplicate.

If not filed in triplicate, the Register will return the assignments and require the parties in interest to furnish the required number of copies.[1]

FRED W. JOHNSON,
*Commissioner.*

Approved, November 3, 1939.

OSCAR L. CHAPMAN,
*Acting Assistant Secretary.*

[F. R. Doc. 39–4224; Filed, November 15, 1939; 9:36 a. m.]

[Circular No. 1463]

OATHS, AFFIRMATIONS AND ACKNOWLEDGMENTS IN ALASKA

The act of August 5, 1939 (Public No. 294), authorizes and directs postmasters within the Territory of Alaska to administer oaths and affirmations and to take acknowledgments, and to make and execute certificates thereof, and to perform all other functions of a notary public within the Territory, whenever an oath, affirmation, acknowledgment or a certificate thereof is authorized, permitted, or required by any act or acts of Congress.

There is no general section in Subchapter A—Alaska, of the Code of Federal Regulations with reference to officers authorized to administer oaths in the Territory. Accordingly the following regulation is adopted, to be printed under "Part 52—Oaths, Affirmations and Acknowledgments".

§ 52.1 *Officers qualified to administer oaths.* Oaths in public land cases, in Alaska, may be executed before any officer qualified to act in public land cases, as set forth in Circular No. 884, dated September 3, 1926, 51 L.D. 572 (Sec. 210.1), or before any postmaster in the Territory, under authority of the act of August 5, 1939 (Public No. 294).

Except as otherwise provided by an act of Congress, the postmaster is authorized to charge and receive for his services the fees prescribed by law for a notary public for similar services in the Territory.

The official character of any officer not using a seal of office, other than a register, acting register, receiver, or postmas-

[1] Issued under authority of R.S. 453 and 2478; 43 U.S.C. 2, 1201.

ter, must be certified to under seal by the Clerk of the Court having the record of his appointment and qualifications. Each certificate of oath, affirmation or acknowledgment, executed by a postmaster within the Territory, under authority of the act mentioned, must be signed by him with a designation of his title, must have affixed thereto the cancelation stamp of the post office and must state the name of the post office and the date on which the oath or affirmation is administered, or the acknowledgment is taken.

Paragraph 7, page 29, of Circular No. 491, under the title "Officers authorized to administer oaths in homestead cases in Alaska", was incorporated into the Code of Federal Regulations as Sec. 65.7. By reason of the authority conferred on postmasters by the act of August 5, 1939, above referred to, the paragraph and section mentioned are hereby amended to read as follows:

§ 65.7 *Officers qualified to administer oaths.* An application to enter lands in Alaska may be sworn to before the register or the receiver, or the acting register of the land office for the district in which the land lies, before any postmaster in the Territory, or before any court, judge, or other officer in Alaska, or in the United States outside of Alaska, authorized to administer an oath, as provided by Sections 52.1 and 210.1.

These regulations are issued under the authority contained in R.S. 453 and 2478; 43 U.S.C. 2, 1201.

FRED W. JOHNSON,
*Commissioner.*

Approved, November 6, 1939.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

[F. R. Doc. 39-4225; Filed, November 15, 1939; 9:37 a. m.]

## TITLE 47—TELECOMMUNICATION

## FEDERAL COMMUNICATIONS COMMISSION

### PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES

The Commission on November 14, 1939, effective immediately, amended Section 7.51 [1] by adding as a last sentence in the paragraph, the following: "The provisions of the International Radio Regulations in force pertaining to the international calling and distress frequency, 500 kilocycles, shall apply in the Great Lakes region to the frequency 410 kilocycles in lieu of 500 kilocycles."

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))

[1] 4 F.R. 3423 DI.

Effective November 14, 1939, the Commission amended Section 7.82 (c) to read:

"During the period a watch is maintained by a licensed radio operator, all calls transmitted to or from the coastal station and all replies transmitted or received, shall be entered in the coastal station log: *Provided, however,* That when the manual operations of switching and handling telephone calls, directly between ships and wire-line telephone facilities, are not normally performed by a licensed radio operator or under his immediate supervision, the entries prescribed by this subsection may be omitted from the radio station log upon the express condition that completely equivalent records shall be currently maintained by the station licensee in connection with regular telephone operating procedure, and shall be made available upon request by an authorized representative of the Commission. These log entries or the equivalent records shall designate the time and shall include such notations as are necessary to identify the frequencies employed and the stations communicated with or heard. In addition, for each message handled a notation shall be made of the points of origin and destination."

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))

The Commission also amended, effective November 14, 1939, subparagraph (d) of Section 7.82 by adding after the first "GMT", "except that in the Great Lakes region the time shall be expressed in Eastern Standard Time (EST)" and by adding after the second "GMT", "(EST in the Great Lakes region)."

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4233; Filed, November 15, 1939; 12:26 p. m.]

### PART 8—RULES GOVERNING SHIP SERVICE

The Commission amended Sections 8.82, 8.121, 8.221(d), and 8.252,[1] effective November 14, 1939, as indicated below:

Under Section 8.82, the following was added as a last sentence in the paragraph: "The provisions of the International Radio Regulations in force pertaining to the international calling and distress frequency 500 kilocycles shall apply in the Great Lakes region to the frequency of 410 kilocycles in lieu of 500 kilocycles."

Section 8.121 was deleted and in lieu thereof the following was substituted:

"The electrical load to be supplied by an emergency power supply for the purpose of establishing proof of required capacity shall be computed in accordance with applicable Standards of Good Engineering Practice for Ship Stations."

Subparagraph (d) of Section 8.221 was amended by adding after the first "GMT", "except that in the Great Lakes region the time shall be expressed in Eastern Standard Time (EST)" and by adding after the second "GMT", "(EST in the Great Lakes region)."

Section 8.252 was amended by changing the filing time of application from thirty days to ten days.

(Sec. 4(i), 48 Stat. 1066; 47 U.S.C. 154(i))

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4234; Filed, November 15, 1939; 12:26 p. m.]

[1] 4 F.R. 3456 DI.

## TITLE 50—WILDLIFE

## BUREAU OF BIOLOGICAL SURVEY

### PART 24—WEST CENTRAL REGION: INDIVIDUAL NATIONAL WILDLIFE REFUGES

#### ORDER PERMITTING THE TRAPPING OF MINKS AND MUSKRATS WITHIN CERTAIN PARTS OF THE UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE, IOWA AND WISCONSIN

§ 24.919c *Order permitting the trapping of minks and muskrats within certain parts of the Upper Mississippi River Wildlife and Fish Refuge, Iowa and Wisconsin.* Pursuant to the Upper Mississippi River Wildlife and Fish Refuge Act of June 7, 1924 (43 Stat. 650; 16 U.S.C. 726) as amended, and to the President's Reorganization Plan No. II, promulgated May 9, 1939, pursuant to the Reorganization Act of 1939 (Pub. No. 19, 76th Cong.), it is hereby ordered that, in accordance with the joint regulations of September 27, 1934,[1] for the administration of the Upper Mississippi River Wildlife and Fish Refuge, the trapping of muskrats and minks in Iowa and Wisconsin under permits of the superintendent of the refuge is permitted during the 1939-40 open seasons prescribed therefor by State law or regulation, in manner, by means, and to the extent not prohibited by State law or regulation or by the laws or regulations governing the refuge, on all lands of the refuge in these States, except within the migratory-waterfowl closed areas defined in the order approved by the Secretary of the Interior on September 19, 1939,[2] subject to the following special provisions, conditions, restrictions, and requirements:

(1) *Trapping permits.* Any person exercising the privilege of trapping within the refuge shall be in possession of a valid trapping license issued by the State in which trapping is to be done, if such license is required, and must possess a valid trapping permit issued by the superintendent of the refuge. He shall carry such license and permit on his person while trapping, and when requested to do so, shall exhibit them to any State or Federal warden authorized to enforce the game and fish laws of the respective States and of the United States. The superintendent of the refuge may issue the permits for the trapping of muskrats and minks as herein authorized to qualified persons. Each applicant for a trapping permit must have been for the period of six months last past a bona fide resident within or in the vicinity of the refuge, and upon application he shall exhibit to the superintendent or his representative a valid State trapping license and shall make a sworn statement as to his period of residence in the civil township, village, or city in which he claims residence.

(2) *Limitations on trapping methods.* Muskrats and/or minks may be taken on the refuge only with ordinary spring steel traps not larger than No. 1½ or with other traps the use of which is approved by the superintendent or his authorized representative. Each permittee shall visit and inspect each of his traps within the refuge at least once every twenty-four hours and shall, at the close of the trapping season, take up and remove all his traps from the refuge. Permittees may not cut on the refuge any growth except willows for use as trap stakes or drags.

(3) *Prohibited methods and acts.* The possession or use within the boundaries of the refuge of a muskrat spear or any other similar device by means of which muskrats may be speared, or of any trap or device that does not comply with the requirements of these regulations, is prohibited, and any such illegal traps and illegal devices found on the refuge may be seized by the superintendent or his representative. No person shall hunt muskrats and/or minks with a gun or with the aid of a dog, or disturb or molest any mink den, muskrat house, beaver house, or beaver dam, or set a trap within three feet of any muskrat house or feeding house or within one hundred feet of any beaver house or beaver dam. No person shall run a trap line or visit traps between sunset and one-half hour before sunrise.

(4) *Trapped birds and mammals.* Birds and mammals other than muskrats and minks found alive in the traps of the permittee shall be immediately liberated. Birds and mammals other than muskrats and minks found dead or mortally injured in the traps shall be immediately turned over to the superintendent or his representative.

(5) *Termination of trapping permits.* Whenever it shall appear advisable for the proper conservation of fur resources and the administration of the refuge, the superintendent may, in his discretion, terminate trapping on the entire refuge or on any part thereof within three days after giving notice to that effect. Thereupon all outstanding permits for trapping muskrats and minks on the area or areas affected shall become null and void.

(6) *Reports required.* Each permittee not later than thirty days after the close of the open trapping season shall submit to the superintendent a report in which are correctly stated the total number of muskrats and/or minks taken in each county on the refuge under permit during the season, the name and address of each person or firm to whom the pelts thereof were disposed of, and the number of pelts disposed of to each such person or firm.

(7) *Penalties.* Failure of a permittee to comply with any of the above provisions or the violation by him of any of the regulations issued under authority of the act of June 7, 1924, 43 Stat. 650, establishing said refuge, or of any State law or regulation applicable to trapping on said refuge, not only shall render him subject to prosecution under said laws and regulations, but shall be sufficient cause for refusal of a permit to him for trapping muskrats and/or minks on said refuge during the open trapping seasons next following or for any other use or privilege on the refuge for which a permit may be required by regulations.

Approved, November 8, 1939.

E. K. BURLEW,
*Acting Secretary of the Interior.*

[1] 50 CFR 24.919 (a); S.R.A.—B.S. 80.
[2] 50 CFR 24.919a; 4 F.R. 4264 DI.

[F. R. Doc. 39-4226; Filed, November 15, 1939; 9:37 a. m.]



## *Notices*

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (H) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT

#### INSPECTION OF DISCOUNT OR SALES COMMISSION TABULATIONS

Notice is hereby given that the Bituminous Coal Division of the Department of the Interior will make available for inspection at its offices, 734 15th Street, N. W., Washington, D. C., during business hours, commencing at 9:00 a. m., November 16, 1939, a tabulation of discounts or sales commissions made or allowed from f. o. b. mine prices by producers in Districts Nos. 9, 10, 14, 15, 16, 17, 18, 19, 20, 22 and 23 to middlemen, whether wholesalers, brokers, jobbers, sales agents, etc. These tabulations cover the months of May, August and November, 1938, and include only those transactions where the coal has been sold through but one middleman. Neither the identity of the producer, nor the middleman, nor his vendee is disclosed, but the following information is shown: the districts of origin, the State of destination, the actual sizes sold, the amount of discounts or sales commissions in cents per ton allowed on each transaction, the tonnage involved in each transaction, and the number of transactions at each discount or sales commission rate.

Sales for railroad locomotive use are not shown.

Dated, November 14, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4229; Filed, November 15, 1939; 10:45 a. m.]

[Docket No. 517-FD]

IN THE MATTER OF THE APPLICATION OF FOSTER & DANBERRY FOR EXEMPTION UNDER SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

#### ORDER OF DISMISSAL

An application, pursuant to Section 4-A of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by the above-named party; and

It appearing, that the commerce for which exemption is sought was intrastate in character and consummated in the State of West Virginia prior to March 2, 1938, the effective date of an Order issued in Docket No. 64-FD subjecting intrastate transactions in bituminous coal in the State of West Virginia on and after that date to Section 4 of the Bituminous Coal Act; and

Counsel for the applicant and for the Bituminous Coal Division having consented to this Order;

*It is ordered,* That the application for exemption filed by the applicant be and the same hereby is dismissed with prejudice.

Dated, November 14, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4228; Filed, November 15, 1939; 10:45 a. m.]

## DEPARTMENT OF AGRICULTURE.

### Rural Electrification Administration.

[Administrative Order No. 408]

#### ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 6, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for

loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Alabama 0033A1 St. Claire | $290,000 |
| Idaho 9015B1 Idaho | 143,000 |
| Idaho 9017B1 Freemont | 89,000 |
| Idaho 9018A1 Lincoln | 87,000 |
| Indiana 9060A1 Morgan | 150,000 |
| Kansas 0032B1 Reno | 25,005 |
| Kansas 9032B2 Reno | 76,995 |
| Kentucky 9030D1 Shelby | 67,500 |
| Louisiana 0007B1 Grant | 149,000 |
| Louisiana 0012B1 Franklin | 104,000 |
| Maryland 0007B1 Caroline | 76,000 |
| Minnesota 7001C1 Kanabec | 15,000 |
| Mississippi 0020C1 Yazoo | 84,000 |
| Mississippi 0034C1 Leflore | 172,000 |
| Missouri 0047B1 Cooper | 147,000 |
| Missouri 0049A1 Howell | 215,910 |
| Missouri 9049A2 Howell | 106,090 |
| Nebraska 8004B1 Polk District Public | 50,000 |
| North Carolina 9035B1 Davidson | 77,000 |
| Ohio 9087B1 Wood | 194,000 |
| Oklahoma 0010C1 Cleveland | 50,000 |
| Oregon 0021A1 Coos | 55,028 |
| Oregon 9021A2 Coos | 64,472 |
| South Carolina 0019B1 Laurens | 57,000 |
| Texas 9060B1 Lynn | 210,939 |
| Texas 7060B2 Lynn | 35,061 |
| Texas 8063D1 Navarro | 63,180 |
| Texas R9063D2 Navarro | 11,520 |
| Utah 0006G2 Garfield | 20,000 |
| Virginia 9011F1 Rockingham | 76,000 |
| Washington 9032A1 Okanogan | 66,000 |
| Washington 9036A1 Adams | 267,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-4220; Filed, November 14, 1939; 3:51 p. m.]

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[Administrative Order No. 409]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 6, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Nebraska 7069U1 Dawson District Public | $30,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-4221; Filed, November 14, 1939; 3:51 p. m.]

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## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF CANCELATION OF HEARING ON APPLICATIONS OF THE FLORSHEIM SHOE COMPANY, SELBY SHOE COMPANY AND SUNDRY OTHER PARTIES FOR PERMISSION TO EMPLOY LEARNERS IN THE SHOE MANUFACTURING AND ALLIED INDUSTRIES

Whereas, applications have been made by the Florsheim Shoe Company, Selby Shoe Company, G. R. Kinney Company, Inc., Medwed Footwear Company, Blum Shoe Manufacturing Company, and sundry other parties under Section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations, Part 522, as amended (Regulations Applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, Chapter V, Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners in the shoe manufacturing and allied industries at wages less than the applicable minimum wage specified in Section 6 of the Act; and

Whereas, a public hearing was scheduled to be held [1] on said applications in Room 214, Hutchins Building, 939 D Street NW., Washington, D. C., to commence at 10:00 A. M. on November 20, 1939; and

Whereas, representative employers in the industry feel that no industry-wide consideration of the question should be had at this time, and

Whereas, some of the applicants have requested permission to withdraw their applications in this matter,

Now, therefore, notice is hereby given that the said applications are permitted to be withdrawn and the said hearing is hereby canceled.

This action is taken without prejudice to the filing of new or further applications by those applicants whose applications are withdrawn and without prejudice to the consideration as otherwise provided for in the aforesaid regulations, Part 522, of such other applications as have been or may hereafter be duly filed in accordance with the said regulations.

Signed at Washington, D. C., this 15 Day of November 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4238; Filed, November 15, 1939; 12:58 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1939.

[File No. 31-122]

IN THE MATTER OF POTOMAC EDISON COMPANY

ORDER DENYING EXEMPTION

Potomac Edison Company having made application for exemption from the provisions of the Public Utility Holding Company Act of 1935 pursuant to Section 3 (a) (2) thereof; notice and opportunity for hearing on said application having been duly given; [1] a hearing having been held on said application; requests for specific findings of fact and briefs having been filed; oral argument before the Commission having been waived; the record having been duly considered by the Commission, and the Commission having made appropriate findings of fact as fully set forth in the Findings and Opinion of the Commission this day issued;

*It is ordered*, That the application for exemption be and it is hereby denied.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4230; Filed, November 15, 1939; 11:10 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of November, A. D. 1939.

[File No. 37-41]

IN THE MATTER OF NEW ENGLAND POLE AND TREATING COMPANY

ORDER DESIGNATING NEW TRIAL EXAMINER

New England Pole and Treating Company, a subsidiary of New England Public Service Company, a registered holding company, having filed a declaration pursuant to Section 13 (b) of the Public Utility Holding Company Act of 1935 and Rule U-13-22 promulgated thereunder; the Commission by its order dated October 24, 1939 having set said matter down for hearing [2] on November 13, 1939; the Trial Examiner at said hearing having ordered that such hearing be continued to November 17, 1939 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, Washington, D. C.; and it now appearing that the Trial Examiner heretofore designated to preside at said hearing will be unable so to preside;

*It is ordered*, That Richard Townsend, an officer of the Commission, be and hereby is designated to preside at such hearing in the place and stead and with the same powers and duties as the Trial Examiner heretofore designated to preside at such hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4231; Filed, November 15, 1939; 11:10 a. m.]

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[1] 4 F.R. 4475 DI.

[1] 4 F.R. 1721 DI.
[2] 4 F.R. 4366 DI.

Reference

NOV 1939

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 4 NUMBER 223

*Washington, Friday, November 17, 1939*

## *The President*

### EXECUTIVE ORDER

PRESCRIBING THE DUTIES OF THE LIBRARIAN EMERITUS OF THE LIBRARY OF CONGRESS

By virtue of and pursuant to the authority vested in me as President of the United States by the act of June 20, 1938, 52 Stat. 808, I hereby prescribe the duties of the Librarian Emeritus of the Library of Congress to be such duties as in the judgment of the Librarian Emeritus will most effectively promote the increase of the collections of the Library of Congress by gifts of money and materials, and the increase of the trust funds and other endowments by means of which the Library of Congress maintains its Chairs, Consultantships, concerts, and other aids and services to those interested in learning and the arts.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 13, 1939.*

[No. 8284]

[F. R. Doc. 39-4239; Filed, November 15, 1939; 2:38 p. m.]

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## *Rules, Regulations, Orders*

### TITLE 8—ALIENS AND CITIZENSHIP

### IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-16]

AMENDED INTERPRETATION OF THE CITIZENSHIP ACT OF MAY 24, 1934

NOVEMBER 15, 1939.

Pursuant to the authority contained in Revised Statutes, section 161 (U.S.C., title 5, sec. 22), and other provisions of law, Section 2 (b) of General Order No. 211, dated August 2, 1934, entitled "Administrative Interpretation of the Citizenship Act of May 24, 1934" (Secs. 2, 5, 48 Stat. 797, 798; 8 U.S.C. 8, et al.), as amended,[1] (Naturalization Rules and Regulations of December 1, 1936, pp. 106-109), is hereby amended to read as follows:

(b) In addition to the provisions of the Citizenship Act of 1934, Revised Statutes, section 2172 (U.S.C., title 8, sec. 7) (which has not been expressly repealed and only part of which has been repealed by implication), continues to operate and even after May 24, 1934, vests citizenship as follows:

(1) Revised Statutes, section 2172, provides that a child is a United States citizen if—

(a) He did not prior to 12 noon (E.S.T.), May 24, 1934, acquire citizenship under Revised Statutes, section 1993 (U.S.C., title 8, sec. 6) and is not a citizen under any other law, including that stated in subsection (b) of section 1 of this order; and

(b) He was born abroad at any time; and

(c) One parent was an alien at the time of the child's birth; and

(d) The other parent was either an alien or a citizen at the time of the child's birth; and

(e) The alien parent became naturalized before the child reached his twenty-first birthday or, if both parents were aliens, both became naturalized or but one became naturalized and the other parent died before the child reached his twenty-first birthday; and

(f) The child began to reside permanently in the United States before he reached his twenty-first birthday; and maintained such residence when the final event described in paragraph (e) hereof occurred, namely, the naturalization or death of such parent.

[SEAL] JAMES L. HOUGHTELING,
*Commissioner.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 39-4247; Filed, November 16, 1939; 12:11 p. m.]

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[1] 3 F.R. 92 (110 DI).

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FEDERAL REGISTER

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[General Order No. C–17]

PERMISSIBLE ABSENCE OF CERTAIN ALIENS FROM THE UNITED STATES DURING THE PERIODS OF RESIDENCE REQUIRED BY THE NATURALIZATION LAWS

NOVEMBER 15, 1939.

Pursuant to the authority contained in Sec. 2 of the Act of August 9, 1939 (Public No. 349, c. 610, 53 Stat. 1273), Title 8 of the Code of Federal Regulations, Subchapter C—Naturalization Rules and Regulations—Part 72—Official Forms—and Part 76—Petition for Naturalization—are amended in the following respects:

Section 72.3 (Rule 3, Subdivision B, par. 1 of the Naturalization Regulations of December 1, 1936), by changing the title of Form 2363 to read

| FORM NO. | TITLE |
|---|---|
| 2363 | Application for exemption from the residence provisions of the second paragraph of the Fourth Subdivision of Sec. 4 of the Naturalization Act of June 29, 1906, as amended and supplemented. |

Section 76.16 (Rule 7, Subdivision E, Ibid.), supplied by General Order No. C–6, November 2, 1938 (3 F.R. 2621, DI), and amended by General Order No. C–7, November 19, 1938 (3 F.R. 2767, DI), is further amended to read as follows:

§ 76.16 *Application forms.* Application for the benefits of Sec. 76.15, Sec. 76.15b, or Sec. 76.16a shall be submitted in duplicate to the Secretary of Labor on Form No. 2363, "Application for exemption from the residence provisions of the second paragraph of the Fourth Subdivision of Sec. 4 of the Naturalization Act of June 29, 1906, as amended and supplemented." The application will be duly considered by the Secretary of Labor and the alien notified of the decision thereon. A copy of such decision, verified or certified by the Commissioner of Immigration and Naturalization, or any Deputy Commissioner of Immigration and Naturalization, shall be filed in the naturalization court with the alien's petition for naturalization as a part of the record of the naturalization proceeding." (Sec. 28, 34 Stat. 606, sec. 8. 45 Stat. 1515; 8 U.S.C. 356; Sec. 1, 53 Stat. 1273)

* * * * *

The following new section is added to the aforesaid Part 76, between Secs. 76.16 and 76.17 (such new section being addenda to Rule 7, Subdivision E of the Naturalization Regulations of December 1, 1936):

§ 76.16a *Regularly ordained clergymen.* For the purpose of naturalization, any alien who has been lawfully admitted into the United States for permanent residence shall be considered as residing in the United States notwithstanding any absence therefrom if such alien

(a) Has, subsequently to such admission, been absent temporarily from the United States solely in his or her capacity as a regularly ordained clergyman;

(b) Proves to the satisfaction of the Secretary of Labor and the naturalization court that his or her absence from the United States has been solely in capacity of a regularly ordained clergyman, and

(c) Complies in all other respects with the requirements of the naturalization laws.

(Sec. 1, 53 Stat. 1273)

[SEAL] JAMES L. HOUGHTELING, *Commissioner.*

Approved:

FRANCES PERKINS, *Secretary.*

[F. R. Doc. 39–4246; Filed, November 16, 1939; 12:11 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3725]

IN THE MATTER OF LAING, HARRAR & CHAMBERLIN, INC., ET AL.

§ 3.24 (e) (1) *Coercing and intimidating—Suppliers of competitors—By boycotting and threats of:* § 3.33 (e) *Cutting off competitors' supplies—Threatening withdrawal of patronage.* Boycotting or threatening to boycott, or using any other coercive methods or means, to persuade, induce or compel manufacturers or distributors of shoe findings, leather and supplies for shoe stores and shoe repair shops, to refrain from selling any of such products to any wholesale dealer therein; in connection with offer, etc., in commerce, of said products, and on the part of respondent wholesalers thereof, and in pursuance of agreement, understanding, combination or conspiracy between or among themselves or any of them and a manufacturer of such products, with intent or effect of restricting, restraining, or monopolizing, or eliminating competition in, purchase or sale thereof; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Laing, Harrar & Chamberlin, Inc., et al., Docket 3725, November 2, 1939]

§ 3.33 (e) *Cutting off competitors' supplies—Threatening withdrawal of patronage.* Interfering in any manner with any competitive wholesale dealer's source of supply of shoe findings, leather and supplies for shoe stores and shoe repair shops; in connection with offer, etc., in commerce, of said products, and on the part of respondent wholesalers thereof, and in pursuance of agreement, understanding, combination or conspiracy between or among themselves or any of them and a manufacturer of such products, with intent or effect of restricting, restraining, or monopolizing, or eliminating competition in, purchase or sale thereof; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Laing, Harrar & Chamberlin, Inc., et al., Docket 3725, November 2, 1939]

§ 3.27 (b) (1) *Combining or conspiring—To eliminate competition—In conspirators' goods.* Entering into or carrying out any agreement, understanding, combination or conspiracy between and among any two or more of respondent wholesalers, or between any one of them and manufacturer of said products, in connection with offer, etc., in commerce, of shoe findings, leather and supplies for shoe stores and shoe repair shops, and with intent or effect of restricting, restraining, monopolizing, or eliminating competition in, purchase or sale thereof, and in pursuance of such agreement, etc., boycotting, or threatening to boycott, or using any other coercive methods or means, to persuade, induce or compel manufacturers or distributors of such products to refrain from selling any of such products to any wholesale dealer in such products; or interfering, in any manner, with any competitive wholesale dealer's source of supply of such products; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Laing, Harrar & Chamberlin, Inc., et al., Docket 3725, November 2, 1939]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (b) (1) *Combining or conspiring—To eliminate competition—In conspirators' goods:* § 3.33 (b10) *Cutting off competitors' supplies—Refusing sales to.* Entering into any agreement, understanding, combination or conspiracy, in connection with offer, etc., in commerce, of shoe findings, leather and supplies for shoe stores and shoe repair shops, and on the part of respondent distributor, its officers, etc., with intent or effect of restricting, restraining or monopolizing, or eliminating competition in, purchase or sale of such products; or aiding or abetting the carrying out of such agreement, etc., by refusing to sell such products to wholesale dealers engaged in the sale and distribution thereof because of inducements offered, or coercive methods used, by such wholesalers' competitors; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Laing, Harrar & Chamberlin, Inc., et al., Docket 3725, November 2, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF LAING, HARRAR & CHAMBERLIN, INC., A. J. SANBORN SONS, INC., HARRY FAIN AND ALFRED PICERNO

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, and a stipulation as to the facts entered into between the respondents herein and W. T. Kelley, Chief Counsel for the Commission which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;



*It is ordered,* That the respondents, A. J. Sanborn Sons, Inc., its officers, representatives, agents and employees, Harry Fain and Alfred Picerno, their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of shoe findings, leather and supplies for shoe stores and shoe repair shops in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into or carrying out any agreement, understanding, combination or conspiracy between and among any two or more of said respondents, or between any one of said respondents and a manufacturer of such products, for the purpose or with the effect of restricting, restraining or monopolizing, or eliminating competition in, the purchase or sale in said commerce of any of such products, and from doing any of the following acts and things pursuant thereto:

1. Boycotting, or threatening to boycott, or using any other coercive methods or means, to persuade, induce or compel manufacturers or distributors of such products to refrain from selling any of such products to any wholesale dealer in such products;

2. Interfering, in any manner, with any competitive wholesale dealer's source of supply of such products.

*It is further ordered,* That the respondent, Laing, Harrar & Chamberlin, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of shoe findings, leather and supplies for shoe stores and shoe repair shops in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into any agreement, understanding, combination or conspiracy for the purpose or with the effect of restricting, restraining or monopolizing, or eliminating competition in, the purchase or sale of such products in said commerce; or from aiding or abetting the carrying out of any such agreement, understanding, combination or conspiracy by refusing to sell such products to wholesale dealers engaged in the sale and distribution of such products because of inducements offered, or coercive methods used, by competitors of such wholesalers.

*It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–4241; Filed, November 16, 1939; 9:34 a. m.]

## TITLE 24—HOUSING CREDIT

### FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

AMENDMENT TO RULES AND REGULATIONS FOR INSURANCE OF ACCOUNTS

ELIMINATING REQUIREMENT THAT INSURED INSTITUTIONS OBTAIN APPROVAL OF THE CORPORATION TO THE ACQUISITION OF BULK ASSETS THROUGH THE USE OF BORROWED MONEYS

*Be it resolved,* That the first sentence of Section 301.17 of the Rules and Regulations for Insurance of Accounts is amended, effective November 16, 1939, by striking the words "and/or its creditor obligations" where they appear in such sentence. (Secs. 402 (a), 403 (c) of N.H.A., 48 Stat. 1255, 1258; 12 U.S.C. 1725 (a), 1726 (c))

*Be it further resolved,* That this amendment is deemed to be of a minor and procedural character within the provisions of paragraph (c) of Section 301.22 of the Rules and Regulations for Insurance of Accounts.

Adopted by the Board of Trustees of Federal Savings and Loan Insurance Corporation on November 15, 1939.

[SEAL] H. CAULSEN, *Assistant Secretary.*

[F. R. Doc. 39–4244; Filed, November 16, 1939; 11:45 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### OFFICE OF THE COMMISSIONER OF ACCOUNTS AND DEPOSITS

[1939—Department Circular No. 625]

PART 226—SURETY COMPANIES

BONDS EXECUTED BY THE MELLBANK SURETY CORPORATION OF PITTSBURGH, PENNSYLVANIA, IN FAVOR OF THE UNITED STATES

*To the Heads of Departments and Independent Establishments of the Government, Bond-Approving Officers, and Others Concerned:*

The Mellbank Surety Corporation of Pittsburgh, Pennsylvania, was authorized by the Treasury, effective March 30, 1932, to qualify as sole surety on recognizances, stipulations, bonds and all other undertakings permitted or required by the United States to be given with one or more sureties, as provided by the Act of Congress approved August 13, 1894, as amended by the Act of March 23, 1910 (U.S.C., Title 6, Sections 6 to 13). The company has surrendered its charter to the State of Delaware and is in the process of voluntary liquidation, pursuant to resolutions adopted by its stockholders and Board of Directors on October 26, 1939. The certificate of authority issued by the Secretary of the Treasury to the company to act as an acceptable surety on obli-

gations in favor of the United States was revoked effective October 27, 1939.

The provisions of the Act of Congress approved August 13, 1894, as amended, contemplate a constant supervision by the Treasury of all companies acting as sureties on Federal bonds. The Mellbank Surety Corporation, therefore, entered into a reinsurance agreement with the Mellon Indemnity Corporation, with executive offices in Pittsburgh, Pennsylvania, dated October 26, 1939, under the terms and conditions of which the Mellon Indemnity Corporation reinsured, effective at and from 12:01 A. M., October 27, 1939, all the unexpired and unmatured fidelity and surety bonds or obligations of the Mellbank Surety Corporation in favor of the United States of America and/or any wholly owned corporation thereof and/or the District of Columbia and all bonds or other obligations naming as obligee officers or employees of the United States of America and/or any wholly owned corporation thereof and/or the District of Columbia, and accepted liability for any losses and claims in connection with all bonds and undertakings entered into and assumed by the Mellbank Surety Corporation.

The Treasury has received evidence of a contribution to surplus by the stockholders of the Mellon Indemnity Corporation on October 26, 1939, and the underwriting limitation of the Mellon Indemnity Corporation as published in Treasury Form No. 356, dated September 22, 1939, effective September 18, 1939, has been increased to $439,000.00.

The Treasury has obtained from the Mellon Indemnity Corporation a separate indemnifying agreement, dated October 27, 1939, whereby, in consideration of the acceptance by the United States of America of the Mellon Indemnity Corporation as reinsurer on such bonds, undertakings or other forms of obligations heretofore executed or assumed by the Mellbank Surety Corporation and allowing such bonds, undertakings or other forms of obligations to be continued in force without requiring principals to take out fresh bonds, the Mellon Indemnity Corporation agrees to assume, and it does assume, the liability for any losses and claims under or in connection with any bond, undertaking or other form of obligation entered into and assumed by the Mellbank Surety Corporation and reinsured by the Mellon Indemnity Corporation, in which the United States of America has or may have an interest, direct or indirect, it being expressly understood and agreed by the Mellon Indemnity Corporation that the purpose and intent of such agreement is to afford the United States of America complete and strengthening security and to indemnify and protect it against any and all losses that have arisen or may arise under or in connection with any and all such bonds, undertakings, or obligations of the Mellbank Surety Corporation as sole surety, cosurety, insurer, co-insurer or reinsurer, upon which the United States of America is or may become entitled to make demand or institute proceedings, and which may have been executed by the Mellbank Surety Corporation on or before October 27, 1939, the date on which its authority to act as an acceptable surety on bonds or obligations in favor of the United States of America was revoked.

The aforesaid indemnifying agreement also provides that all persons who have supplied labor and/or materials in the transaction of the work contemplated by any contract for the security of which a bond has been given to the United States of America with the Mellbank Surety Corporation as sole or co-surety, and covered by the reinsurance agreement referred to above, shall have the same rights and equities against the Mellon Indemnity Corporation to sue and recover in the name of the United States of America as such persons would have under the provisions of existing law against the Mellbank Surety Corporation on account of its said bonds and obligations.

The agreement further provides that the Mellon Indemnity Corporation shall be subject to legal process for the purpose of all suits by the United States of America on account of said bonds or undertakings and obligations included in the reinsurance agreement referred to, and in the name of the United States of America, for their use, by such persons furnishing materials and/or labor, as aforesaid, under the provisions of existing law and on account of said bonds, obligations and undertakings, through the acceptance of service and entry of appearance by its duly appointed agents for such purpose in any judicial district of the United States as provided by law.

[SEAL] JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4253; Filed, November 16, 1939; 12:44 p. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### VETERANS' ADMINISTRATION

#### REVISION OF REGULATIONS

RESTORATION OF BENEFITS FOR CLAIMANTS SUFFERING FROM PARALYSIS, PARESIS, OR BLINDNESS, OR WHO ARE HELPLESS OR BEDRIDDEN DUE TO MISCONDUCT

*Application of Public No. 196, 76th Congress*

§ 2. 1138 (A) On and after July 19, 1939, the date of enactment of Public No. 196, 76th Congress, any World War veteran suffering from paralysis, paresis, or blindness, or who is helpless or bedridden, as the result of any disability, and who was in receipt of compensation therefor on March 19, 1933, may be awarded compensation under the laws and interpretations governing this class of cases prior to the enactment of Public No. 2, 73d Congress, subject to the limitations, except as to misconduct or willful misconduct, contained in sections 27 and 28 of Public No. 141, 73d Congress, as amended: *Provided*, That compensation authorized under section 26 of Public No. 141, 73d Congress, will not be reduced or discontinued as a result of the application of the enactment.

(B) In the application of the limitations contained in sections 27 and 28 of Public No. 141, 73d Congress, except as to misconduct or willful misconduct, it will be borne in mind that all reasonable doubts will be resolved in favor of the veteran, the burden of proof being on the Government, and a denial of benefits will not be made merely upon a difference of opinion. The delimiting dates of the World War under existing legislation will be applied; for the purposes of Public No. 196, 76th Congress, the ending date of the World War will, therefore, be April 1, 1920, for those who served with the United States military forces in Russia.

(C) The compensation award or disability rating in the case of any World War veteran restored to the rolls or determinable under Public No. 196, 76th Congress, will be adjusted at any time upon the happening of a change in any of the contingencies upon which the current status is predicated, such as a change in family relationship, a change in physical condition, etc., as disclosed by competent evidence or a report of physical examination, and the effective date of the adjustment will be in accordance with the applicable regulations. (November 16, 1939)

*Principles for Observance in Application of Public No. 196, 76th Congress*

§ 2.1139 (A) In interpreting the diseases specified in the first proviso of Section 200 of the World War Veterans Act, as amended, "paralysis" will be taken to mean the more massive motor or sensory losses, involving one or both of the upper or lower extremities, resulting from lesions of the central nervous system which are regarded as due to willful misconduct. For example, the hemiplegia consequent upon cerebral hemorrhage in syphilitic cerebral arteritis; also the ataxic gait of tabes dorsalis; the spastic paraplegia of primary lateral sclerosis; the flaccid or spastic paralysis of myelitis; gait disturbances in disseminated sclerosis; the paralysis of limbs in syphilitic meningo-myelitis, etc. The rating in these cases will date from the onset of the station or gait disturbances to a degree which reduces earning capacity in accordance with the provisions of Section 202 (4), second paragraph, of the World War Veterans Act, 1924, as amended, as reenacted by Public No. 141, 73d Congress. Localized palsies of cranial or peripheral nerves, due to willful misconduct, will not be considered "paralysis" within the meaning of the first proviso of Section 200.

(B) "Paresis" will be interpreted as general paralysis of the insane, or paretic dementia.



(C) Visual disability due to syphilitic lesions of the second cranial (optic) nerve, or to gonorrheal ophthalmia, will be considered as "blindness" when 5/200 or less vision, in both eyes, is present after proper correction.

(D) By "helpless" will be understood a condition requiring the assistance of other persons, though not necessarily rendering the claimant in constant need of a nurse or attendant.

(E) By "bedridden" will be understood that conditions which, through its essential character, actually requires that the claimant remain constantly in bed. The fact that a claimant has voluntarily taken to bed, or that a physician has prescribed rest in bed for a greater or less part of the day in order to promote convalescence or cure, will not necessarily mean that such claimant is to be regarded as helpless or bedridden, his further right to the additional allowance for an attendant or nurse will be considered in the same manner as for any other case.

(F) The ratings for cases held to be actually helpless or bedridden will date from the onset of such conditions.

(G) While the conditions specified in the first proviso of Section 200 of the World War Veterans Act, 1924, as amended, are usually of a permanent nature, the law does not require the individual case to be one of permanent disability in order that the benefits of the said proviso shall be applicable.

(H) Except for cases comprehended within these interpretations, all other disabilities due to willful misconduct will continue to be rated in accordance with current regulations. Cases falling under the first proviso of Section 200 of the World War Veterans Act, as amended, as reenacted by Public No. 141, 73d Congress, may be connected directly or presumptively (under the second proviso of said section) with active military or naval service. (November 16, 1939)

[SEAL] FRANK T. HINES,
*Administrator.*

[F. R. Doc. 39-4240; Filed, November 15, 1939; 3:18 p. m.]

## *Notices*

### DEPARTMENT OF AGRICULTURE.

#### Rural Electrification Administration.

[Administrative Order No. 410]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 8, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedules:

| Project designation: | Amount |
|---|---|
| Florida 0017W2 Jackson | $10,000 |
| Georgia R9084W1 Cobb | 5,000 |
| Illinois R9008W1 Coles | 3,500 |
| Indiana R9009W1 Marshall | 5,000 |
| Indiana R9016W1 Henry | 2,000 |
| Iowa R9043W1 Greene | 5,000 |
| Iowa 7071W1 Buchanan | 5,000 |
| Kentucky R9037W1 Owen | 1,000 |
| Minnesota R9004W1 Lake | 1,000 |
| Oklahoma 0026W1 Harmon | 10,000 |
| Pennsylvania R9020W1 Blair | 5,000 |
| Tennessee 0024W1 Montgomery | 10,000 |
| Texas 7045W1 Limestone | 4,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-4245; Filed, November 16, 1939; 11:58 a. m.]

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

CORRECTION OF NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION GRANTING APPLICATION FOR PARTIAL EXEMPTION OF THE OPEN-CUT PLACER GOLD MINING INDUSTRY AS A SEASONAL INDUSTRY

Whereas, Harold Stein, the Presiding Officer at the hearing on the application for partial exemption of the open-cut placer gold mining industry as a seasonal industry pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of regulations issued thereunder, made and filed with the Acting Administrator findings of fact and determination as a result of such hearing, and

Whereas, on the basis of said findings of fact and determination, there was published in the FEDERAL REGISTER of November 15, 1939 (4 F.R. 4588 DI), a "Notice of Opportunity to Petition for Review of Determination Granting Application for Partial Exemption of the Open-Cut Placer Gold Mining Industry as a Seasonal Industry Pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 as Amended of Regulations Issued Thereunder" in which the findings of fact and determination of the Presiding Officer were recited, and,

Whereas, after the publication of said Notice in the FEDERAL REGISTER, it appeared that through error the word "Wyoming" had been inadvertently omitted from paragraph 1 of said findings of fact and determination, and

Whereas, said Harold Stein has corrected paragraph 1 of said findings of fact and determination by addpg the word "Wyoming" immediately after the word "Washington,"

Now, therefore, paragraph 1 of said findings of fact and determination of the presiding officer as set forth in the aforesaid "Notice of Opportunity to Petition for Review of Determination Granting Application for Partial Exemption of the Open-Cut Placer Gold Mining Industry as a Seasonal Industry Pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 as Amended of Regulations Issued Thereunder," is hereby corrected by adding the word "Wyoming" immediately after the word "Washington" so that paragraph 1 shall read as follows:

"1. The open-cut mining of placer gold in the States of Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, Wyoming, and the Territory of Alaska, is a branch of the open-cut placer gold mining industry as defined in the Notice of Hearing, and"

Signed at Washington, D. C., this 16 day of November 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4246; Filed, November 16, 1939; 12:01 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 17, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and shall be can-

celed prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Alabama Textile Products Corp., Andalusia, Alabama, men's shirts and shorts.

Buttnick Manufacturing Company, Seattle, Washington (5 learners), work clothing.

Casey Jones, Inc., Denton, Maryland (5 learners), overalls.

Casey Jones, Inc., Elkton, Virginia (5 learners), overalls.

Casey Jones, Inc., Luray, Virginia (5 learners), overalls.

Casey Jones, Inc., Mount Jackson, Virginia (5 learners), work shirts.

Casey Jones, Inc., Shenandoah, Virginia (5 learners), overalls.

Casey Jones, Inc., Woodstock, Virginia (5 learners), overalls.

Georgia Shirt Company, Cornelia, Georgia, work shirts.

G. H. Hess, Incorporated, Louisville, Ohio (5 learners), uniforms and dresses.

Honesdale Garment Company, Honesdale, Pennsylvania (5 learners), dresses.

Ide Shirt Corporation, Troy, New York, men's shirts.

Junior Shirt Company, Greensboro, Maryland (4 learners), boys' shirts.

Morris Schwartz Dress Co., Montgomery, New York (2 learners), dresses.

Mutual Garment Company, Washington, Missouri (3 learners), slips, nightgowns & pajamas.

Reliance Manufacturing Co., Anamosa, Iowa, work shirts.

Robinson Manufacturing Co., Dayton, Tennessee (3 learners), woven cotton underwear.

Shawnee Garment Mfg. Co., Shawnee, Oklahoma (4 learners), overalls and work pants.

Shelby Manufacturing Co., Shelbyville, Indiana, dresses.

Signed at Washington, D. C., this 16th day of November 1939.

GUSTAV PECK,
*Assistant Director,*
*Hearings Branch.*

[F. R. Doc. 39-4249; Filed, November 16, 1939; 12:29 p. m.]

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued to the employer listed below effective November 17, 1939, until March 15, 1940, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under this Certificate is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) This Special Certificate is issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under this Special Certificate, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous Place in the plant in which learners are employed.

(5) This Special Certificate is issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificate may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Ide Shirt Corporation, Troy, New York. | Men's shirts..... | 50 |

Signed at Washington, D. C., this 16th day of November 1939.

GUSTAV PECK,
*Assistant Director,*
*Hearings Branch.*

[F. R. Doc. 39-4250; Filed, November 16, 1939; 12:29 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective November 17, 1939, to July 17, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing at Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Arlington Hosiery Mill, Inc., Sunbury, Pennsylvania (30 learners).

Rutledge Hosiery Mill, Rutledge, Tennessee (24 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 16th day of November 1939.

GUSTAV PECK,
*Assistant Director,*
*Hearings Branch.*

[F. R. Doc. 39-4251; Filed, November 16, 1939; 12:29 p. m.]



NOTICE OF ISSUANCE OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificate for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employer listed below effective November 17, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations respectively.

(2) The employment of learners under this Certificate is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period no learner may be paid at a rate less than 22½¢ an hour provided, however, that if experienced workers are paid on a piecework rate learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) This Special Certificate is issued on representations by the employer that experienced operators are not available.

(4) This Special Certificate may be cancelled as of the date of its issuance if found that experienced workers were available when the Certificate was issued and may be cancelled prospectively or as of the date of violation if found that any of its terms have been violated or that experienced workers have become available. No learner may be employed under this Certificate if hired when an experienced worker was available.

(5) Under this Special Certificate no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under this Certificate, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Van Raalte Co., Inc., 84 Sweeney Street, North Tonawanda, New York (3 learners), warp knit fabrics.

Signed at Washington, D. C., this 16th day of November 1939.

GUSTAV PECK,
*Assistant Director,*
*Hearings Branch.*

[F. R. Doc. 39-4252; Filed, November 16, 1939; 12:29 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of November, 1939.

[File Nos. 47-45; 57-13]

IN THE MATTERS OF IOWA PUBLIC SERVICE COMPANY AND AMERICAN UTILITIES SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application, pursuant to sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the Iowa Public Service Company; and

An application, pursuant to Rule U-12D-1 under the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by American Utilities Service Corporation;

It appearing that these matters are related and should be held and considered together:

*It is ordered*, That a joint hearing on such matters be held on December 7, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 2, 1939.

The matter concerned herewith is in regard to the proposed acquisition by Iowa Public Service Company, pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, of the entire gas manufacturing and gas distribution facilities of Iowa Central Utilities Company, a Delaware corporation, located in and about the City of Charles City, Floyd County, Iowa, excluding, however, cash on hand and in banks; accounts receivable; automotive equipment; merchandise equipment; and materials and supplies. The consideration involved is in the sum of *sixty-five thousand dollars* ($65,000).

Iowa Central Utilities Company is a wholly owned subsidiary of American Utilities Service Corporation, a registered holding company, and application is made by said holding company, pursuant to Rule U-12D-1 under the Public Utility Holding Company Act of 1935, for the approval of the sale of assets by such wholly owned subsidiary.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4242; Filed, November 16, 1939; 11:26 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of November, A. D., 1939.

[File No. 47-46]

IN THE MATTER OF GREAT NORTHERN UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 5, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered, That* Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 1, 1939.

The matter concerned herewith is in regard to the proposed acquisition by Great Northern Utilities Company of the entire physical assets (with some minor exceptions) and the franchises and good will of Citizens Gas Company, a Montana corporation, for the sum of *Ninety Thousand Dollars* ($90,000) cash plus a sum equal to the cost of any improvements made to the property pending consummation of the proposed sale.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4243; Filed, November 16, 1939; 11:26 a. m.]

FEDERAL REGISTER

VOLUME 4 NUMBER 224

*Washington, Saturday, November 18, 1939*

## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### FARM CREDIT ADMINISTRATION

[F.C.A. 148]

SUBROGATION OF INSURER FOLLOWING PAYMENT OF LOSS

Title 6, Code of Federal Regulations, is amended by adding the following new section:

§ 10.352–50 *Subrogation of insurer following payment of loss.* An insurance company which has made payment to a Federal land bank under the uniform loss payable clause, but which denies liability to the mortgagor, is not entitled to subrogation against the endorsing national farm loan association because of such payment. Nor can such an insurer, in the case of an association-endorsed or direct loan, obtain an interest in the bank stock pledged with the bank as security for the loan. No assignment of mortgage or other form executed by a Federal land bank in favor of such an insurer shall by express provision or by implication undertake (1) to transfer any rights of the bank against the endorsing national farm loan association or any interest in the bank stock pledged by the national farm loan association in connection with the loan or (2), in the case of a direct loan, to transfer any right or interest to the insurance company in the direct loan stock. (Sec. 17, 39 Stat. 375, 12 U.S.C. 831 (i); Sec. 6, 47 Stat. 14, 12 U.S.C. 665; E.O. 6084, March 27, 1933, 6 CFR 1.1 (m).) [Revision No. 91, Manual for Federal Land Banks, November 17, 1939]

[SEAL] W. E. RHEA,
*Acting Land Bank Commissioner.*

[F. R. Doc. 39-4265; Filed, November 17, 1939; 11:42 a. m.]

### TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 2836]

IN THE MATTER OF THE AMERICAN PRODUCTS COMPANY, ET AL.

§ 3.6 (a) (29) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size:* § 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.80 (b) *Securing agents or representatives falsely or misleadingly—Demand or business opportunities:* § 3.80 (i) *Securing agents or representatives falsely or misleadingly—Terms and conditions.* Misrepresenting in any manner, in connection with offer, etc., in commerce, of food and toilet products and household cleaners, the volume of respondents' business, or representing that salesmen or distributors of respondents' merchandise incur no risk or expense when in fact respondents require a deposit from such persons for the goods, samples or sales equipment supplied, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The American Products Company, et al., Docket 2836, November 8, 1939]

§ 3.6 (f) *Advertising falsely or misleadingly—Free goods or service:* § 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.72 (e) *Offering deceptive inducements to purchase—Free goods:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.80 (i) *Securing agents or representatives falsely or misleadingly—Terms and conditions.* Using, in connection with offer, etc., in commerce, of food and toilet products and household cleaners, the term "free", or any other terms

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FEDERAL REGISTER

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of similar import or meaning, to describe or refer to articles offered as compensation for distributing respondents' merchandise, unless all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with the term "free" or other terms of similar import or meaning and there is no deception as to the price, quality, character, or any other feature of such articles or as to the services to be performed in connection with obtaining such articles, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The American Products Company, et al., Docket 2836, November 8, 1939]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.72 (c) *Offering deceptive inducements to purchase—Excessive earnings:* § 3.80 (c) *Securing agents or representatives falsely or misleadingly—Earnings.* Representing, in connection with offer, etc., in commerce, of food and toilet products and household cleaners, any specified sum of money as earnings or profits of any specified dealer or sales person for any stated period of time, unless such sum of money has in fact been earned net, by such dealer or sales person, averaged over a period of at least two months in the ordinary course of business and under normal conditions, and unless such representation is immediately accompanied by a statement to the effect that such dealer or sales person is an exceptional or unusual dealer or sales person, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The American Products Company, et al., Docket 2836, November 8, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF THE AMERICAN PRODUCTS COMPANY, A CORPORATION, AND THE ZANOL PRODUCTS COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer respondents admit the material allegations of fact set forth in said complaint, and the Commission having made its findings as to the facts and conclusion that the said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, The American Products Company, a corporation, and The Zanol Products Company, a corporation, their officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of food and toilet products and household cleaners in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Misrepresenting in any manner the volume of respondents' business;

(2) Representing that salesmen or distributors of respondents' merchandise incur no risk or expense when in fact respondents require a deposit from such persons for the goods, samples or sales equipment supplied;

(3) Using the term "free" or any other terms of similar import or meaning to describe or refer to articles offered as compensation for distributing respondents' merchandise unless all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and immediate connection or conjunction with the term "free" or other terms of similar import or meaning and there is no deception as to the price, quality, character, or any other feature of such articles or as to the services to be performed in connection with obtaining such articles.

(4) Representing any specified sum of money as earnings or profits of any specified dealer or sales person for any stated period of time unless such sum of money has in fact been earned net, by such dealer or sales person, averaged over a period of at least two months in the ordinary course of business and under normal conditions and unless such representation is immediately accompanied by a statement to the effect that such dealer or sales person is an exceptional or unusual dealer or sales person.

*It is further ordered*, That the respondents shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4257; Filed, November 17, 1939; 9:39 a. m.]

[1] 1 F.R. 1015.

[Docket No. 3394]

IN THE MATTER OF CHRISTOPHER CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, candy or any other merchandise so packed and assembled that sales of such candy or other merchandise to the general public are to be, or may be, made by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Christopher Candy Company, Docket 3394, November 7, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with assortments of candy or other merchandise together with a push card, punch board or any other lottery device, which said push card, punch board or other lottery device is to be, or may be, used, in selling or distributing said candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Christopher Candy Company, Docket 3394, November 7, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Supplying, etc., in connection with offer, etc., in commerce, of candy or other merchandise, others with push cards, punch boards or other lottery devices, either with assortments of candy or other merchandise, or separately, which said push cards, punch boards or other lottery devices are to be, or may be, used, in selling or distributing such candy or other merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Christopher Candy Company, Docket 3394, November 7, 1939]

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* Selling, etc., in connection with offer, etc., in commerce, of candy or other merchandise, candy or other merchandise by means of a game of chance, gift enterprise or lottery scheme, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Christopher Candy Company, Docket 3394, November 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF CHRISTOPHER CANDY COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before C. P. Vicini, an examiner of the Commission theretofore duly designated by it in support of the allegations of said complaint and in opposition thereto, brief of counsel for the Commission filed herein (respondent having filed no brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent Christopher Candy Company, its officers, representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of candy, or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing candy or any other merchandise so packed and assembled that sales of such candy or other merchandise to the general public are to be made or may be made by means of a game of chance, gift enterprise or lottery scheme.

2. Supplying to or placing in the hands of others assortments of candy or other merchandise together with a push card, punch board or any other lottery device which said push card, punch board or other lottery device is to be used, or may be used, in selling or distributing said candy or other merchandise to the public.

3. Supplying to or placing in the hands of others push cards, punch boards or other lottery devices either with assortments of candy or other merchandise, or separately, which said push cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public.

4. Selling or otherwise disposing of candy or other merchandise by means of a game of chance, gift enterprise or lottery scheme.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4258; Filed, November 17, 1939; 9:39 a. m.]

[1] 3 F.R. 2265 DI.

[Docket No. 3867]

IN THE MATTER OF ANTISEPTO PRODUCTS COMPANY, ETC.

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of Guaranteed Antisepto Anti-Delay Compound Regular, Guaranteed Antisepto Anti-Delay Compound Super Strength, Guaranteed Prosaid Gland Medicine Double XX and Guaranteed Prosaid Gland Medicine Triple XXX, or other similar preparations, which advertisements represent, directly or through implication, that use of said Guaranteed Prosaid Gland Medicine Double XX or Guaranteed Prosaid Gland Medicine Triple XXX, or other similar medicinal preparations, is a cure or remedy for, or has any therapeutic value in the treatment of, prostate gland weakness or inactivity, or which advertisements fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of the user, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Antisepto Products Company, etc., Docket 3867, November 7, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of Guaranteed Antisepto Anti-Delay Compound Regular, Guaranteed Antisepto Anti-Delay Compound Super Strength, Guaranteed Prosaid Gland Medicine Double XX and Guaranteed Prosaid Gland Medicine Triple XXX, or other similar preparations, which advertisements represent, directly or through implication, that use of said Guaranteed Prosaid Gland Medicine Double XX or Guaranteed Prosaid Gland Medicine Triple XXX, or other similar medicinal preparations, is a cure or remedy for, or has any therapeutic value in the treatment of, prostate gland weakness or inactivity, or which advertisements fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of the user, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Antisepto Products Company, etc., Docket 3867, November 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF EDWARD L. JENKINS AND MILDRED JENKINS, INDIVIDUALS, TRADING AS ANTISEPTO PRODUCTS COMPANY, ANTISEPTO PRODUCTS, EDUCATIONAL PRODUCTS COMPANY, SANITOL PRODUCTS COMPANY, XL PRODUCTS COMPANY AND XL PRODUCTS.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, Edward L. Jenkins and Mildred Jenkins, individuals, trading as Antisepto Prod-

ucts Company, Antisepto Products, Educational Products Company, Sanitol Products Company, XL Products Company, and XL Products; or trading under any other name or names, their agents, servants, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of medicinal preparations known as Guaranteed Antisepto Anti-Delay Compound Regular, Guaranteed Antisepto Anti-Delay Compound Super Strength, Guaranteed Prosaid Gland Medicine Double XX and Guaranteed Prosaid Gland Medicine Triple XXX, or any other medicinal preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said medicinal preparations, which advertisements represent, directly or through implication:

1. That the use of said preparations known as Guaranteed Antisepto Anti-Delay Compound Regular or Guaranteed Antisepto Anti-Delay Compound Super Strength, or any other medicinal preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, is a competent, safe or scientific treatment for delayed menstruation, and that their use will have no ill effects upon the human body, or which advertisements fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of the user;

2. That the use of said preparations known as Guaranteed Prosaid Gland Medicine Double XX or Guaranteed Prosaid Gland Medicine Triple XXX, or any other medicinal preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, is a cure or remedy for, or has any therapeutic value in the treatment of, prostate gland weakness or inactivity, or which advertisements fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of the user.

*It is further ordered*, That the respondents shall, within ten (10) days after service upon them of this order, file with the Commission an interim report in writing, stating whether they intend to comply with this order, and if so, the manner and form in which they intend to comply; and that, within sixty (60) days after the service upon them of this order, said respondents shall file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4250; Filed, November 17, 1939; 9:39 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### DIVISION OF GRAZING

NEW MEXICO GRAZING DISTRICT No. 3

MODIFICATION

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended, the Departmental order of April 29, 1938, modifying New Mexico Grazing District No. 3, established July 11, 1935, is hereby modified as follows:

NEW MEXICO

*New Mexico Principal Meridian*

That part now reading:

T. 24 S., R. 7 W., N½NE¼NE¼ sec. 3

is amended to read:

T. 24 S., R. 7 W., sec. 3, lot 1.

E. K. BURLEW,
*Acting Secretary of the Interior.*

NOVEMBER 10, 1939.

[F. R. Doc. 39-4255; Filed, November 17, 1939; 9:35 a. m.]

AMENDMENT OF SECTION 11, PARAGRAPHS C AND D OF THE RULES FOR THE ADMINISTRATION OF NEW MEXICO GRAZING DISTRICT No. 7

Pursuant to the provisions of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), and the act of July 14, 1939 (Pub. No. 173, 76th Cong.), paragraphs c and d of section 11 of the Rules for the Administration of New Mexico Grazing District No. 7, approved September 1, 1939,[1] are amended to read as follows:

"Sec. 11, PAR. c. *Elections; Qualifications of Electors.* At the first election after the establishment of this district the electors will be those range users who, within two years prior to the establishment of this district, were regularly accustomed to using the Federally owned and controlled lands within said district for the grazing of their livestock. The regional grazier, with the assistance of the range conservation committee, shall compile a list of such range users for each precinct and post such list at the precinct voting place on the day of the election. At any subsequent election only licensees or permittees shall be entitled to vote. A minor may vote if otherwise qualified: *Provided*, That, upon request by his natural or legal guardian, his ballot may be cast by the guardian in the name of the minor. The judges at any election will be furnished by the representative of the Grazing Service in charge with a list of known electors entitled to vote in the precinct and district. No one whose name does not appear on such list shall be allowed to vote: *Provided*, That any one claiming to have been wrongfully omitted from the list may have his name placed thereon by the judges of election with the approval of the regional grazier or his representative. At the first election only one vote may be cast by the holder or holders of any one grazing license or permit, or by a qualified elector.

"Sec. 11, PAR. d. *Nominations; Indian and Non-Indian Advisers; Methods of Voting.* From each of the voting precincts established by the regional grazier two (2) advisers shall be elected, one adviser to be elected by and to represent the Indian range users of the precinct, and the other adviser to be elected by and to represent the non-Indian range users of the precinct. The representative of the Grazing Service in charge of the election will choose two (2) Indian range users and two (2) non-Indian range users to act as election judges. The Indian and non-Indian electors present will hold separate caucuses and each will place in nomination not to exceed three (3) candidates to represent their respective group. Voting shall be only by ballots cast personally by qualified electors and proxies will not be recognized. All voting shall be by colored ballots, each candidate being represented by a separate color. The ballots for Indian candidates shall be deposited in a ballot box separate from the ballot box for the deposit of ballots for non-Indian candidates. No elector shall receive a ballot until he has registered by signing or making his mark opposite his name on the list of persons entitled to vote. Before receiving his ballot, any elector may be challenged by any other elector qualified to vote in the district and thereupon the judges, or any of them, may require the elector challenged to answer such questions concerning his qualifications as a voter as may be deemed necessary. Upon his failure or refusal to answer such questions satisfactorily, he shall not be permitted to register or receive a ballot. Each candidate may designate any qualified elector to remain within the polling places during the casting and counting of votes and the declaration of the results thereof, and such person may act as a challenger. Before any elector shall be permitted to deposit his ballot in the ballot box, the judges shall write "voted" opposite his signature on the registration list. Polling places shall remain open on the day of the election from 2:00 p. m. to 5:00 p. m., or until those present at 5:00 p. m. shall have voted. Upon the closing of the polls the judges shall open the ballot boxes and count the votes. In case of a tie vote, a choice by lot shall be made by the judges in the presence of the tie candidates or of at least one representative designated by each such candidate for such purpose. As soon as the ballots have been counted, the judges shall make out a certificate of returns under their hands stating the number of votes cast, and in both words and figures, the number of votes received by each candidate. The certificate, together with the ballots and the registration list of voters, shall be enclosed and sealed and forthwith delivered to the representative of the Grazing Service in charge of the election."

R. H. RUTLEDGE,
*Director of Grazing.*

I concur:

WILLIAM ZIMMERMAN, JR.,
*Assistant Commissioner of Indian Affairs.*

I concur:

B. B. SMITH,
*Director, Division of Investigations.*

Approved, November 16, 1939.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 39-4254; Filed, November 17, 1939; 9:07 a. m.]

## TITLE 46—SHIPPING

### BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 3]

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

Subsection (a) of section 9.3, *Clearance*, of Part IX, *Entry and Clearance of Aircraft*, is hereby amended to read as follows:

"(a) The person having charge or command of any aircraft of United States or foreign registry, bound to a foreign port, shall clear at the customs port of entry nearest to the place of departure, or at the airport of departure if such airport has been designated as an airport of entry."

[Section 7 (c) Air Commerce Act of 1926, 44 Stat. 572, 49 U.S.C. 177; Section 644 of the Tariff Act of 1930, 46 Stat. 761, 19 U.S.C. 1644]

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

NOVEMBER 17, 1939.

[F. R. Doc. 39-4268; Filed, November 17, 1939; 1:00 p. m.]

[1] 4 F.R. 3965 DI (appears erroneously under "Title 25—Indians, Office of Indian Affairs." The designation should read "Title 43—Public Lands: Interior, Division of Grazing").



## *Notices*

### DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF APPLICATION FOR EXEMPTION OF THAT PORTION OF THE CANE SUGAR PROCESSING AND MILLING BRANCH OF THE CANE SUGAR INDUSTRY WHICH IS LOCATED IN LOUISIANA FROM THE MAXIMUM HOURS PROVISIONS

Whereas the South Coast Corporation has filed application for the exemption of that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana from the maximum hours provisions of the Fair Labor Standards Act of 1938, as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the Regulations issued thereunder; and

Whereas Harry L. Laws and Company, Inc. and the Celotex Corporation have filed applications for the exemption of that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana, as is engaged in the removing, conveying, burning, baling, piling and storing of bagasse from the maximum hours provisions of the Fair Labor Standards Act of 1938, as a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) and Part 526 of the Regulations issued thereunder; and

Whereas it appears from the said applications that:

1. Sugarcane matures and is and must be harvested in Louisiana in order to avoid severe frosts or freezes during the regularly recurring season, October through early January; and

2. Such sugarcane enters into sugar mills located in Louisiana for processing and is processed during the regularly recurring season, October through early January, running nearly concurrently with, but lagging somewhat after, the harvest; and

3. The mills wherein the processing operations are performed do not engage in any other operations and close at the end of the operating season each year except for maintenance, repair, clerical and sales work; and

4. Sugarcane, being the material used by the sugar mills, is available, for natural reasons, only during the regularly recurring season, October through early January; and

Whereas the Acting Administrator published a preliminary determination in the FEDERAL REGISTER on October 28, 1939,[1] pursuant to Section 526.5 (c) of the Regulations, that a *prima facie* case was shown by the application for the granting of an exemption, pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, to that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana; and

Whereas no objection and request for hearing was received by the Administrator within fifteen days following the publication in the FEDERAL REGISTER of the said preliminary determination;

Now, therefore, pursuant to Section 526.5 (c) of the Regulations, the Acting Administrator hereby finds upon the *prima facie* case shown in the said applications that that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana is a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and the Regulations issued thereunder and, therefore, is entitled to the exemption provided in Section 7 (b) of the said Act.

The term "that portion of the cane sugar processing and milling branch of the cane sugar industry which is located in Louisiana" includes that branch of the industry engaged in the unloading of sugarcane from wagons and railroad cars onto conveyors; the processing of sugarcane into sugar, syrup and molasses, but not the refining of such sugar, syrup and molasses; the removal, handling and conveying of raw sugar, syrup and molasses to storage and placing them in storage on or in the vicinity of the sugar mill site; the removal, conveying, burning, baling, and piling and storing in baled form on or in the vicinity of the sugar mill site of bagasse resulting from the processing of sugarcane into raw sugar, syrup or molasses; and the operations or services necessary or incident to the foregoing.

Signed at Washington, D. C., this 16 day of November 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4267; Filed, November 17, 1939; 12:36 p. m.]

### FEDERAL POWER COMMISSION.

[Docket Nos. G-109, G-112]

ILLINOIS COMMERCE COMMISSION, COMPLAINANT, V. NATURAL GAS PIPELINE COMPANY OF AMERICA, AND TEXOMA NATURAL GAS COMPANY, DEFENDANTS; AND IN THE MATTER OF NATURAL GAS PIPELINE COMPANY OF AMERICA AND TEXOMA NATURAL GAS COMPANY

ORDER FIXING DATE FOR HEARING ON MOTION FOR INTERIM RATE ORDER

NOVEMBER 15, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On September 23, 1938, a petition was filed by the Illinois Commerce Com-

[1] 4 F.R. 4421 DI.

mission praying that a citation be issued directing the defendants herein to show cause why the rates charged for natural gas in the State of Illinois should not be reduced and further that an order be entered setting fair, just and reasonable rates for such natural gas;

(b) On October 14, 1938, this Commission, on its own motion in Docket G–112, ordered an investigation to enable the Commission to determine, among other things, whether the rates and charges of the defendants are unjust or unreasonable and if so to fix by appropriate order or orders just and reasonable rates or charges;

(c) On November 16, 1938, the defendants filed their answer to the petition of the Illinois Commerce Commission in Docket G–109 denying that their rates or charges were unreasonable or unjust and also contesting the jurisdiction and power of this Commission to enter any order or orders such as to affect the rates or charges of the defendants;

(d) On April 14, 1939, this Commission entered an order consolidating the proceedings involved in Dockets G–109 and G–112, for the purpose of hearing, and fixing May 8, 1939, as the date of the first hearing;

(e) Since May 8, 1939, hearings have been held from time to time in Chicago, Illinois, and Washington, D. C., and at said hearings the defendant-respondent companies each has appeared by counsel and each has had an opportunity to be heard and has offered of record both oral and documentary evidence relating to the issues herein;

(f) On November 7, 1939, counsel for Illinois Commerce Commission, complainant, and counsel for the Federal Power Commission, filed with the Trial Examiner herein their motion alleging, among other things, that the rates and charges of Natural Gas Pipeline Company of America should be reduced and praying that this Commission enter an immediate interim order fixing just and reasonable rates for gas sold by Natural Gas Pipeline Company of America, in which said motion it is further alleged the record disclosed, among other things, that:

(1) The average annual return for the first seven years of the operations of defendant-respondent companies (1932–1938, inclusive) after all charges for depreciation, depletion and retirements have been made annually, has been substantially 8% on annual average gross book cost of the defendant-respondent companies' properties plus working capital, without any deduction for existing depreciation or depletion (P. 7–I–c, page 3);

(2) Net operating earnings for the last year, 1938, after all charges for depreciation, depletion and retirements, amounted to approximately 11% on average gross book cost of the defendant-respondent companies' properties plus working capital without any deduction for existing depreciation or depletion (P. 7–I–c, page 3);

(3) Taking in lieu of the charges for depreciation, depletion and retirements made by defendant-respondent companies in the first seven years of operations, 1932–1938, the annual sinking fund amount necessary to build up a reserve to amortize the defendant-respondent companies' estimate of total capital expenditures over the entire life of the project, the average return for the first seven years of operations has been 9.3% upon the average of the total gross investment to December 31, 1938, plus working capital (P. 7–I–m, page 5);

(4) In accordance with the defendant-respondent companies' own estimate of the life of their properties, the minimum period for amortizing the investment is 23 years (P. 7–I–g, page 4);

(5) The defendant-respondent companies' estimate of the total capital expenditure for the entire twenty-three year period, less salvage, amounts to $78,284,009 (P. 7–I–k, page 5);

(6) An annual sinking fund allowance of $1,622,436 with interest at 6%, compounded semi-annually, will accumulate the total of $78,284,009 in twenty-three years (P. 7–I–k, page 5);

(7) Based upon this annual amortization figure of $1,622,436 and using the defendant-respondent companies' estimates of earnings available for amortization and return, the per cent return upon average total capital expenditure plus working capital for the years 1931–1941 is as follows:

| | Percent |
|---|---|
| 1939 | 12.1 |
| 1940 | 11.5 |
| 1941 | 11.1 |

(P. 7–II–b, page 6)

(8) The returns for each such year on the basis set out in paragraph 7, above, represent the following amounts over 6% and 6½% returns respectively:

| | 1939 | 1940 | 1941 |
|---|---|---|---|
| Excess over 6% | $4, 109, 914 | $3, 816, 623 | $3, 574, 362 |
| Excess over 6½% | 3, 777, 760 | 3, 472, 859 | 3, 224, 055 |

(P. 7–II–b, page 6)

(9) Although the defendant-respondent companies estimated as recently as September 8, 1939, that the net earnings for 1939 would be less than the net earnings for 1938, the books of the defendant-respondent companies disclose for the first eight months of 1939 in relation to the same period in 1938:

(a) An increase of $1,003,425 in gross earnings from operations;

(b) An increase of $802,518 in net earnings from operations;

(c) A decrease of $137,702 in interest expense; and

(d) An increase of $1,228,984 in net earnings available for dividends after all charges for depreciation, depletion, retirement expense, amortization of bond discount and expense and interest,

(P. 7–II–e, page 7);

(10) On the basis of the defendant-respondent companies' reproduction cost estimate the defendant-respondent companies will earn a return of 10.7% or not less than $3,211,661 above a 6% return and not less than $2,872,935 above a 6½% return for 1939, after all charges as estimated by defendant-respondent companies for depreciation, depletion and retirements, (exclusive of additional return, if any, in the amount by which the defendant-respondent companies' actual earnings for 1939 may exceed their estimates thereof) upon such reproduction cost new, plus working capital less the defendant-respondent companies' own estimate of "viewed" depreciation of $2,866,758 (which compares to the depreciation reserve of $11,405,038) (P. 7–III–a, page 8);

(11) Net earnings available for return for the year 1939 (exclusive of additional earnings, if any, in the amount by which the defendant-respondent companies' actual earnings for 1939 may exceed their estimates thereof), with the annual amortization allowance of $1,622,436 sufficient to amortize the defendant-respondent companies' estimate of total investment of $78,281,009 over twenty-three years, will amount to an 11.6 per cent return upon an undepreciated reproduction cost rate base or $3,931,152 excess over 6 per cent or $3,578,092 excess over 6½ per cent return upon such undepreciated reproduction cost rate base (P. 7–III–c, page 9); and

(12) The defendant-respondent companies have had a full and complete hearing and counsel for the defendant-respondent companies states on October 6, 1939, that their case on direct examination had been completed;

(g) Said motion praying that this Commission adopt an interim rate order has been referred by the Trial Examiner to the Commission;

The Commission orders that:

Said motion for interim rate order be and the same is hereby set down for hearing before the Commission *en banc* on Monday, December 11, 1939, at 10:00 a. m., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., and at such time counsel for this Commission, the Illinois Commerce Commission, complainant, and defendant-respondent companies may file briefs and present oral argument.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39–4256; Filed, November 17, 1939; 9:35 a. m.]



## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of November, A. D. 1939.

[File No. 31–466]

IN THE MATTER OF UNITED UTILITIES, INCORPORATED

ORDER POSTPONING HEARING

A hearing on the application (File No. 31–466) of United Utilities, Incorporated, pursuant to Sections 3 (a) (1), 3 (a) (2), 3 (a) (3) and 3 (a) (4) of the Public Utility Holding Company Act of 1935, for an order exempting it and each and all of its subsidiaries as such from the provisions of that Act, having been ordered to be held on November 29, 1939,[1] in the Commission's Washington offices;

The Chairman of the Board of Directors of and General Counsel for the applicant having requested that said hearing be postponed to December 11, 1939;

*It is ordered*, That the hearing herein originally ordered to be held on November 29, 1939, be and the same hereby is postponed to December 11, 1939, at 10:00 A. M., at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 6, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–4262; Filed, November 17, 1939; 11:25 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of November, A. D. 1939.

[File No. 46–189]

IN THE MATTER OF COMMONWEALTHS DISTRIBUTION, INC.

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 10 (a) (1) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on November 22, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 20, 1939.

The matter concerned herewith is in regard to an application by Commonwealths Distribution, Inc. under Section 10 (a) (1) of the Public Utility Holding Company Act of 1935 for approval of the acquisition of 1,081 shares of common stock of no par value of General Public Utilities, Inc. to be received by Commonwealths Distribution, Inc. pursuant to its election to take stock in connection with the dividend which General Public Utilities, Inc. proposes to pay on its common stock, either in cash at the rate of $1.50 per share or in stock at the rate of one-tenth of a share of additional common stock for each share of common stock presently outstanding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–4261; Filed, November 17, 1939; 11:25 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of November, A. D. 1939.

[File No. 51–25]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

Associated Gas and Electric Corporation has filed with this Commission, pursuant to Rule U–12C–3 under the Public Utility Holding Company Act of 1935, an application for an order of the Commission permitting the payment of certain interest on applicant's Debentures, due 1973, and on its Income Debentures, due 1978, to the extent that said Debentures were issued as, or based upon, a dividend or dividends created or issued or declared from, or charged against, the capital or unearned surplus of the applicant. The interest respecting which such application is made is as follows:

| Issue | Interest date | Approximate interest requirement |
|---|---|---|
| Debentures due 1973 | Dec. 1, 1939 | $560, 454. 97 |
| Debentures due 1973 | Feb. 1, 1940 | 41, 613. 55 |
| Income Debentures due 1978 | Feb. 1, 1940 | 434, 118. 15 |
| Debentures due 1973 | Mar. 15, 1940 | 9, 963. 00 |
| Income Debentures due 1978 | Mar. 15, 1940 | 202, 189. 58 |

*It is ordered*, That a hearing on such matter be held on November 24, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 21, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–4260; Filed, November 17, 1939; 11:25 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of November, A. D. 1939.

[File No. 55–65]

IN THE MATTER OF CLARENCE A. SOUTHERLAND AND JAY SAMUEL HARTT, TRUSTEES OF THE ESTATE OF MIDLAND UTILITIES COMPANY

ORDER RELATIVE TO PAYMENT FOR SERVICES

Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, Debtor, in 77B proceedings in the United States District Court for the District of Delaware, having filed an application pursuant to Rule U–11F–2 promulgated under Section 11 (f) of the Public Utility Holding Company Act of 1935; a public hearing having been held on said appli-

[1] 4 F.R. 4506 DI.

cation pursuant to appropriate notice; and the Commission having considered the record in this matter and having on the date hereof made and filed its findings and opinion herein;

*It is ordered:*

(1) That the payment by said Trustees to Day & Zimmermann, Inc., for services to be rendered in connection with hearings to be held in said 77B proceedings with respect to the validity of certain claims filed by said Trustees against the Estate of Midland United Company of not more than $6,000, plus $100 per day for each principal of Day & Zimmermann, Inc. for presenting testimony at the hearing, be, and hereby is, approved; and

(2) That within 10 days after the proposed services have been rendered by Day & Zimmermann, Inc., there shall be filed with this Commission by said Trustees, 3 copies of a statement showing in detail the services rendered by Day & Zimmermann, Inc., and the fees and expenses paid and to be paid to Day & Zimmermann, Inc., in connection therewith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4268; Filed, November 17, 1939; 11:25 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1939.

[File No. 43-270]

IN THE MATTER OF CONSUMERS POWER COMPANY, THE COMMONWEALTH & SOUTHERN CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration and application pursuant to sections 7 and 10 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on December 4, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue N.W., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 29, 1939.

The matter concerned herewith is in regard to the issue and sale by Consumers Power Company, a subsidiary of The Commonwealth & Southern Corporation, a registered holding company, of $28,594,000 principal amount of First Mortgage Bonds, 3¼% Series of 1939, due 1969, and 125,000 shares of Common Stock, no par value.

The company proposes to apply the proceeds from the sale of $10,000,000 principal amount of bonds to reimburse its treasury in part for certain expenditures for net property additions and the proceeds from the sale of the remaining $18,594,000 principal amount of bonds will be used, together with other treasury funds, to retire on or before May 1, 1940 $18,594,000, principal amount of the company's First Mortgage Bonds 3¾% Series of 1935, due 1965, at 104½% of principal amount plus accrued interest to May 1, 1940. The First Mortgage Bonds are to be sold publicly.

The Common Stock will be issued to The Commonwealth & Southern Corporation at $28.25 per share. The proceeds from the sale of 125,000 shares of Common Stock will be used to reimburse the company's treasury for prior expenditure.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4266; Filed, November 17, 1939; 12:08 p. m.]

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## UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS WEDNESDAY, NOVEMBER 15, 1939

*Important.* Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal civilian positions in the District of Columbia. Positions in local post offices, customs districts, and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears:

| State | Number of positions to which entitled | Number of positions occupied |
|---|---|---|
| **IN ARREARS** | | |
| 1. Virgin Islands | 9 | 0 |
| 2. Puerto Rico | 621 | 45 |
| 3. Hawaii | 148 | 16 |
| 4. California | 2,283 | 799 |
| 5. Alaska | 24 | 9 |
| 6. Texas | 2,343 | 940 |
| 7. Michigan | 1,948 | 920 |
| 8. Louisiana | 845 | 401 |
| 9. Arizona | 175 | 92 |
| 10. New Jersey | 1,625 | 904 |
| 11. South Carolina | 699 | 404 |
| 12. Ohio | 2,673 | 1,612 |
| 13. Mississippi | 908 | 489 |
| 14. Oklahoma | 964 | 594 |
| 15. Alabama | 1,064 | 660 |
| 16. Arkansas | 746 | 476 |
| 17. Georgia | 1,170 | 772 |
| 18. New Mexico | 170 | 113 |
| 19. Kentucky | 1,052 | 704 |
| 20. North Carolina | 1,275 | 890 |
| 21. Tennessee | 1,052 | 811 |
| 22. Illinois | 3,069 | 2,373 |
| 23. Wisconsin | 1,182 | 931 |
| 24. Connecticut | 646 | 543 |
| 25. Indiana | 1,303 | 1,145 |
| 26. Delaware | 96 | 85 |
| 27. Nevada | 37 | 33 |
| 28. Oregon | 384 | 347 |
| 29. Florida | 591 | 532 |
| 30. Idaho | 179 | 168 |
| 31. Wyoming | 91 | 86 |
| 32. New Hampshire | 187 | 178 |
| 33. Pennsylvania | 3,874 | 3,755 |
| 34. New York | 5,063 | 4,948 |
| 35. Washington | 629 | 616 |
| 36. Colorado | 417 | 411 |
| 37. Massachusetts | 1,709 | 1,692 |
| 38. Missouri | 1,460 | 1,448 |
| **QUOTA FILLED** | | |
| 39. West Virginia | 696 | 666 |

| State | Number of positions to which entitled | Number of positions occupied | Net gain or loss since July 1, 1939 |
|---|---|---|---|
| **IN EXCESS** | | | |
| 40. Vermont | 145 | 146 | −1 |
| 41. Maine | 321 | 325 | +10 |
| 42. Montana | 216 | 227 | −5 |
| 43. Kansas | 757 | 796 | −23 |
| 44. Utah | 204 | 220 | +17 |
| 45. Rhode Island | 277 | 299 | −7 |
| 46. North Dakota | 274 | 298 | −12 |
| 47. South Dakota | 279 | 309 | −3 |
| 48. Minnesota | 1,031 | 1,146 | −30 |
| 49. Iowa | 994 | 1,120 | −17 |
| 50. Nebraska | 554 | 689 | +5 |
| 51. Virginia | 974 | 2,033 | −3 |
| 52. Maryland | 656 | 2,066 | +19 |
| 53. Dist. of Col. | 196 | 8,850 | −35 |

| | |
|---|---|
| **GAINS** | |
| By appointment | 192 |
| By reinstatement | 5 |
| By transfer | 43 |
| By correction | 1 |
| Total | 241 |
| **LOSSES** | |
| By separation | 66 |
| By transfer | 130 |
| Total | 196 |
| Total appointments | 50,184 |

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's Opinion of August 25, 1934, 15,839.

By direction of the Commission:

[SEAL] L. A. MOYER,
*Executive Director and Chief Examiner.*

[F. R. Doc. 39-4264; Filed, November 17, 1939; 11:29 a. m.]

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Reference

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THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 225

*Washington, Tuesday, November 21, 1939*

## *The President*

APPLICATION OF DUTIES PROCLAIMED IN CERTAIN TRADE AGREEMENTS TO ARTICLES THE GROWTH, ETC., OF CERTAIN FOREIGN COUNTRIES

THE WHITE HOUSE
*Washington, November 16, 1939*

The Honorable HENRY MORGENTHAU, JR.,
*Secretary of the Treasury.*

MY DEAR MR. SECRETARY: Pursuant to the authority conferred upon me by the Act to amend the Tariff Act of 1930, approved June 12, 1934 (48 Stat. 943), as extended by the Joint Resolution approved March 1, 1937 (50 Stat. 24), I hereby direct that the duties proclaimed on this date in connection with the trade agreement signed on November 6, 1939 with Venezuela, and all other duties heretofore proclaimed in connection with trade agreements (other than the trade agreement with Cuba signed on August 24, 1934, the trade agreement with Nicaragua signed on March 11, 1936 and the trade agreement with Czechoslovakia signed on March 7, 1938, as amended) entered into under the authority of the said Act, as originally enacted or as extended, shall be applied on and after the effective date of such duties, or, as the case may be, shall continue to be applied on and from the date of this letter, to articles the growth, produce, or manufacture of all foreign countries, except as otherwise hereinafter provided, whether imported directly or indirectly, so long as such duties remain in effect and this direction is not modified.

Such proclaimed duties shall be applied to articles the growth, produce, or manufacture of Cuba in accordance with the provisions of the trade agreement with Cuba signed on August 24, 1934.

Because I find as a fact that the treatment of American commerce by Germany is discriminatory, I direct that such proclaimed duties shall not be applied to products of Germany. Products of territories now under the de facto administrative control of Germany shall be regarded as products of Germany for the purposes of this paragraph.

My letter addressed to you on April 5, 1939,[1] with reference to duties heretofore proclaimed in connection with the trade agreements signed under the authority of the Act of June 12, 1934, is hereby superseded.

You will please cause this direction to be published in an early issue of the weekly *Treasury Decisions*.

Very sincerely yours,

[SEAL] FRANKLIN D ROOSEVELT

[F. R. Doc. 39-4270; Filed, November 17, 1939; 4:07 p. m.]

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## *Rules, Regulations, Orders*

### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT[2]

NOVEMBER 20, 1939.

To FRED L. BURKE,
*Doing business as North Platte Auction Company, North Platte, Nebr.*

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the North Platte Auction Company, at North Platte, State of Nebraska, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-4286; Filed, November 20, 1939; 12:36 p. m.]

[1] 4 F.R. 1577 DI.
[2] Modifies list posted stockyards 9 CFR 204.1.

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FEDERAL REGISTER

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## TITLE 12—BANKS AND BANKING

## BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

### TRUST POWERS OF NATIONAL BANKS

On November 7, 1939, the Board of Governors of the Federal Reserve System adopted the following resolution:

Resolved, That effective November 20, 1939, Regulation F [12 CFR Part 206], Trust Powers of National Banks, be amended in the following respects:

1. At the end of the caption of section 11 [12 CFR 206.11] insert the figure "12" as a designation for a footnote and insert the following footnote at the bottom of the page on which such caption appears:

[12] The requirements of this section shall not be deemed to prohibit the making of any investments or the carrying out of any transactions which are expressly required by the instrument creating the trust or are specifically authorized by court order. *†

2. After the word "interests" in subsections (a) and (b) of section 11 [1] [12 CFR 206.11(a) and (b)], insert the figure "13" as a designation for a footnote and the following footnote at the bottom of the page on which such word appears:

[13] Under recognized principles of sound practice regarding the handling of trust assets, a trustee or other fiduciary should not have any interest, direct or indirect, in the assets of a trust except as a fiduciary; and the requirements of this section contemplate that the national bank will not invest trust funds in the stock or obligations of, or property acquired from, any organization in which officers, directors, or employees of the bank have such an interest as might affect the exercise of the best judgment of the management of the bank in investing trust funds and that the national bank will not sell or transfer trust assets to any organization in which the officers, directors, or employees of the bank have such an interest as might affect the exercise of the best judgment of the management of the bank in selling or transferring trust assets. *†

3. Strike out the figure "12" designating a footnote at the end of subsection (a) of section 11 [12 CFR.206.11 (a)], together with footnote 12, and change the footnote numbering throughout the remainder of the regulation so as to conform to the above amendment.*†

4. In subsection (a) of section 17 [2] [12 CFR.206.17 (a)] and in the footnote 16 thereof, strike out the words "Revenue Act of 1936" and insert in lieu thereof "Internal Revenue Code".*†

[SEAL] L. P. BETHEA,
*Assistant Secretary.*

[F. R. Doc. 39-4275; Filed, November 18, 1939; 11:19 a. m.]

[1] 1 F.R. 420.
[2] 2 F.R. 2976 DI.
*Sec. 11 (i), 38 Stat. 262, sec. 2, 40 Stat. 968, 46 Stat. 814, sec. 342, 49 Stat. 722, sec. 1, 40 Stat. 1043, 44 Stat. 1224, sec. 24, 48 Stat. 190, secs. 330, 331, 49 Stat. 718, 719, sec. 169, 49 Stat. 1708, secs. 2, 3, 24 Stat. 18; 12 U.S.C. 248 (i), 12 U.S.C. 248 (k) and Sup., 33, 34a, 26 U.S.C., Sup., 169, 12 U.S.C. 30, 31.
†Regulation F, Board of Governors of the Federal Reserve System, as amended effective November 20, 1939.

### MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

On November 7, 1939, the Board of Governors of the Federal Reserve System adopted the following resolution:

Resolved, That effective November 20, 1939, Regulation H [12 CFR Part 208], Membership of State Banking Institutions in the Federal Reserve System, be amended to read as follows:

§ 208.0 *Authority for Regulation.* This regulation is based upon and issued pursuant to provisions of section 9 of the Federal Reserve Act and related provisions of law.

§ 208.1 *Definitions.* For the purposes of this regulation—

(a) The term "State bank" means any bank or trust company incorporated under a special or general law of a State or under a general law for the District of Columbia, any mutual savings bank (unless otherwise indicated), and any Morris Plan bank or other incorporated banking institution engaged in similar business.[1]

(b) The term "mutual savings bank" means a bank without capital stock transacting a savings bank business, the net earnings of which inure wholly to the benefit of its depositors after payment of obligations for any advances by its organizers, and in addition thereto includes any other banking institution the capital of which consists of weekly or other time deposits which are segregated from all other deposits and are regarded as capital stock for the purposes of taxation and the declaration of dividends.

(c) The term "Board" means the Board of Governors of the Federal Reserve System.

(d) The term "board of directors" means the governing board of any institution performing the usual functions of a board of directors.

(e) The term "Federal Reserve bank stock" includes the deposit which may be made with a Federal Reserve bank in lieu of a subscription for stock by mutual savings bank which is not permitted to purchase stock in a Federal Reserve bank, unless otherwise indicated.

(f) The terms "capital" and "capital stock" mean common stock, preferred stock, and legally issued capital notes and debentures purchased by the Reconstruction Finance Corporation which may be considered capital and capital stock for purposes of membership in the Federal Reserve System under the provisions of section 9 of the Federal Reserve Act.*† [Sec. 1]

§ 208.2 *Eligibility Requirements.* Under the terms of section 9 of the Federal Reserve Act, as amended, to be eligible for admission to membership in the Federal Reserve System—

(1) A State bank, other than a mutual savings bank, must possess a paid-up, unimpaired[2] capital sufficient to entitle it to become a national banking association in the place where it is situated under the provisions of the National Bank Act, except in the following circumstances, in which case such a bank may be admitted to membership with a lesser capital as indicated:

(A) Any such institution organized prior to June 16, 1933 (the date of the approval of the Banking Act of 1933) situated in a place the population of which does not exceed 3,000 inhabitants and at the time of admission having a capital of not less than $25,000;

(B) Any such institution (whether or not organized prior to June 16, 1933) situated in a place the population of which does not exceed 3,000 inhabitants and which at the time of admission is entitled to the benefits of insurance under section 12B of the Federal Reserve Act and has a capital of not less than $25,000.

(2) A mutual savings bank must possess surplus and undivided profits not less than the amount of capital required for the organization of a national bank in the place where it is situated.

(3) The minimum capital required for the organization of a national bank, referred to hereinbefore in connection with the capital required for admission to membership in the Federal Reserve System, is as follows:

If located in a city or town with a population—

| | *Minimum capital* |
|---|---|
| Not exceeding 6,000 inhabitants | $50,000 |
| Exceeding 6,000 but not exceeding 50,000 inhabitants | 100,000 |
| Exceeding 50,000 inhabitants (except as stated below) | 200,000 |
| In an outlying district of a city with a population exceeding 50,000 inhabitants; provided State law permits organization of State banks in such location with a capital of $100,000 or less | 100,000 |

*† [Sec. 2]

§ 208.3 *Insurance of Deposits.* Any State bank becoming a member of the Federal Reserve System after the date of the enactment of the Banking Act of 1935 (August 23, 1935) and which is not at the time an insured bank under the provisions of section 12B of the Federal Reserve Act, will become an insured bank under the provisions of that section on the date upon which it becomes a member of the Federal Reserve System.[3] In the case of an insured bank which is admitted to membership in the Federal Reserve System, the bank will continue to be an insured bank.*† [Sec. 3]

§ 208.4 *Application for Membership*—(a) *State bank, other than a mutual savings bank.* A State bank, other than a mutual savings bank, applying for membership, shall make application on Form 83A to the Board for an amount of capital stock in the Federal Reserve bank of its district equal to six per cent of the paid-up capital stock and surplus of the applying institution.

(b) *Mutual savings bank.* A mutual savings bank applying for membership shall make application on Form 83B to the Board for an amount of capital stock in the Federal Reserve bank of its district equal to six-tenths of one per cent of its total deposit liabilities as shown by the most recent report of examination of such institution preceding its admission to membership, or, if such institution be not permitted by the laws under which it was organized to purchase stock in a Federal Reserve bank, on Form 83C, for permission to deposit with the Federal Reserve bank an amount equal to the amount which it would have been required to pay in on account of a subscription to capital stock.

(c) *Mutual savings bank not authorized to purchase stock of Federal Reserve bank at time of admission.* If a mutual savings bank be admitted to membership on the basis of a deposit of the required amount with the Federal Reserve bank in lieu of payment upon capital stock because the laws under which such bank was organized do not at that time authorize it to purchase stock in the Federal Reserve bank, it shall subscribe on Form 83D for the appropriate amount of stock in the Federal Reserve bank whenever such laws are amended so as to authorize it to purchase stock in a Federal Reserve bank.[4]

(d) *Execution and filing of application.* Each application made under the provisions of this section and the exhibits referred to in the application blank shall be executed and filed, in duplicate, with the Federal Reserve bank of the district in which the applying bank is located.*† [Sec. 4]

§ 208.5. *Approval of Application*—(a) *Matters given special consideration by Board.* In passing upon an application, the following matters will be given special consideration:

(1) The financial history and condition of the applying bank and the general character of its management;

(2) The adequacy of its capital structure and its future earnings prospects;

(3) The convenience and needs of the community to be served by the bank; and

(4) Whether its corporate powers are consistent with the purposes of the Federal Reserve Act.

(b) *Procedure for admission to membership after approval of application.* If an applying bank conforms to all the requirements of the Federal Reserve Act and this regulation and is otherwise qualified for membership, its application will be approved subject to such conditions as may be prescribed pursuant to the provisions of the Federal Reserve Act. When the conditions prescribed have been accepted by the applying bank, it should pay to the Federal Reserve bank of its district one-half of the amount of its subscription and, upon receipt of advice from the Federal Reserve bank as to the required amount,

[1] Under the provisions of section 19 of the Federal Reserve Act, national banks, or banks organized under local laws, located in Alaska or in a dependency or insular possession or any part of the United States outside the continental United States are not required to become members of the Federal Reserve System but may, with the consent of the Board, become members of the System. However, this Regulation H is applicable only to the admission of banks eligible for admission to membership under section 9 of the Federal Reserve Act and does not cover the admission of banks eligible under section 19 of the Act. Any bank desiring to be admitted to the System under the provisions of section 19 should communicate with the Federal Reserve bank with which it desires to do business.

[2] Section 345 of the Banking Act of 1935 provides in part that: "If any part of the capital of a national bank, State member bank, or bank applying for membership in the Federal Reserve System consists of preferred stock, the determination of whether or not the capital of such bank is impaired and the amount of such impairment shall be based upon the par value of its stock even though the amount which the holders of such preferred stock shall be entitled to receive in the event of retirement or liquidation shall be in excess of the par value of such preferred stock. If any such bank or trust company shall have outstanding any capital notes or debentures of the type which the Reconstruction Finance Corporation is authorized to purchase pursuant to the provisions of section 304 of the Emergency Banking and Bank Conservation Act, approved March 9, 1933, as amended, the capital of such bank may be deemed to be unimpaired if the sound value of its assets is not less than its total liabilities, including capital stock, but excluding such capital notes or debentures and any obligations of the bank expressly subordinated thereto."

[3] In the case of a State bank which at the time of its admission to membership in the Federal Reserve System is not an insured bank, the Board is required under the provisions of subsections (e) and (g) of section 12B of the Federal Reserve Act to issue a certificate to the Federal Deposit Insurance Corporation to the effect that the bank is a member of the Federal Reserve System and that consideration has been given to the financial history and condition of the bank, the adequacy of its capital structure, its future earnings prospects, the general character of its management, the convenience and needs of the community to be served by the bank, and whether or not its corporate powers are consistent with the purposes of section 12B of the Federal Reserve Act.

[4] The Federal Reserve Act provides that, if the laws under which any such savings bank was organized be not amended at the first session of the legislature following the admission of the savings bank to membership so as to authorize mutual savings banks to purchase Federal Reserve bank stock, or if such laws be so amended and the bank fail within six months thereafter to purchase such stock, all of its rights and privileges as a member bank shall be forfeited and its membership in the Federal Reserve System shall be terminated in the manner prescribed in section 9 of the Federal Reserve Act.

one-half of one per cent of its paid-up subscription for each month from the period of the last dividend.[8] The remaining half of the bank's subscription shall be subject to call when deemed necessary by the Board. The bank's membership in the Federal Reserve System shall become effective on the date as of which a certificate of stock of the Federal Reserve bank is issued to it pursuant to its application for membership or, in the case of a mutual savings bank which is not authorized to subscribe for stock, on the date as of which a certificate representing the acceptance of a deposit with the Federal Reserve bank in place of a payment of account of a subscription to stock is issued to it pursuant to its application for membership.*† [Sec. 5]

§ 208.6 *Conditions of Membership*—(a) *Conditions applicable to all institutions applying for membership.* Pursuant to the authority contained in the first paragraph of section 9 of the Federal Reserve Act, which authorizes the Board to permit applying State banks to become members of the Federal Reserve System "subject to the provisions of this Act and to such conditions as it may prescribe pursuant thereto," the Board, except as hereinafter stated, will prescribe the following conditions of membership for each State bank hereafter applying for admission to the Federal Reserve System, and, in addition, such other conditions as may be considered necessary or advisable in the particular case—

1. Such bank at all times shall conduct its business and exercise its powers with due regard to the safety of its depositors, and, except with the permission of the Board of Governors of the Federal Reserve System, such bank shall not cause or permit any change to be made in the general character of its business or in the scope of the corporate powers exercised by it at the time of admission to membership.[9]

2. The net capital and surplus funds of such bank shall be adequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities,[7] and its capital[8] shall not be reduced except with the permission of the Board of Governors of the Federal Reserve System.[7]

3. Such bank shall not engage as a business in issuing or selling either directly or indirectly (through affiliated corporations or otherwise) notes, bonds, mortgages, certificates, or other evidences of indebtedness representing real estate loans or participations therein, either with or without a guarantee, indorsement, or other obligation of such bank or an affiliated corporation.[10]

(b) *Conditions applicable to institutions exercising trust powers.* The Board will also prescribe for each trust company or State bank exercising trust powers at the time of its admission to membership the following conditions of membership which are appropriate for institutions exercising trust powers.

4. Such bank shall not invest funds held by it as fiduciary in stock or obligations of, or property acquired from, the bank or its directors, officers, or employees, or their interests, or in stock or obligations of, or property acquired from, affiliates of the bank.[11]

5. Such bank, except as permitted in the case of national banks exercising fiduciary powers, shall not invest collectively funds held by the bank as fiduciary and shall keep the securities and investments of each trust separate from those of all other trusts[12] and separate also from the properties of the bank itself.[13]

6. If funds held by such bank as fiduciary are deposited in its commercial or savings department or otherwise used in the conduct of its business, it shall deposit with its trust department security in the same manner and to the same extent as is required of national banks exercising fiduciary powers.[14]*† [Sec. 6]

§ 208.7 *Powers and restrictions.* Every State bank while a member of the Federal Reserve System—

(a) Shall retain its full charter and statutory rights subject to the provisions of the Federal Reserve Act and other Acts of Congress applicable to member State banks, to the regulations of the Board made pursuant to law, and to the conditions prescribed by the Board and agreed to by such bank prior to its admission;

(b) Shall enjoy all the privileges and observe all the requirements of the Federal Reserve Act and other Acts of Congress applicable to member State banks and of the regulations of the Board made pursuant to law which are applicable to member State banks; and

(c) Shall comply at all times with any and all conditions of membership prescribed by the Board in connection with the admission of such bank to membership in the Federal Reserve System*† [Sec. 7]

§ 208.8 *Establishment or maintenance of branches*—(a) *In general.* Every State bank which is or hereafter becomes a member of the Federal Reserve System is subject to the provisions of section 9 of the Federal Reserve Act relating to the establishment and maintenance of branches in the United States or in a dependency or insular possession thereof or in a foreign country. Under the provisions of section 9, member State banks establishing and operating branches in the United States beyond the corporate limits of the city, town, or village in which the parent bank is situated must conform to the same terms, conditions, limitations, and restrictions as are applicable to the establishment of branches by national banks under the provisions of section 5155 of the Revised Statutes of the United States relating to the establishment of branches in the United States, except that the approval of any such branches must be obtained from the Board rather than from the Comptroller of the Currency. Under the provisions of section 9, member State banks establishing and operating branches in a dependency or insular possession of the United States or in a foreign country must conform to the terms, conditions, limitations, and restrictions contained in section 25 of the Federal Reserve Act relating to the establishment by national banks of branches in such places. The principal applicable provisions of law have been interpreted as follows:

(b) *Branches in the United States.* 1. Branches established within the corporate limits of the city, town, or village in which the parent bank is situated do not require the approval of the Board.

2. Before a member State bank establishes a branch beyond the corporate limits of the city, town, or village in which it is situated, it must obtain the approval of the Board.

3. Before any nonmember State bank having a branch or branches established after February 25, 1927, beyond the corporate limits of the city, town, or village in which the bank is situated is admitted to membership in the Federal Reserve System, it must obtain the approval of the Board for the retention of such branches; and any provisions contained in this section of this regulation which by their terms relate to the establishment or retention of branches by member State banks are equally applicable to the retention by a nonmember State bank applying for membership and having any branches previously established.

4. A member State bank located in a State which by statute law permits the maintenance of branches within county or greater limits may, with the approval of the Board, establish and operate, without regard to the capital requirements of section 5155 of the Revised Statutes, a seasonal agency in any resort community within the limits of the county in which the main office of such bank is located for the purpose of receiving and paying out deposits, issuing and cashing checks and drafts, and doing business incident thereto, if no bank is located and doing business in the place where the proposed agency is to be located; and any permit issued for the establishment of such an agency shall be revoked upon the opening of a State or national bank in the community where the agency is located.

5. Except as stated in the immediately preceding paragraph, a member State bank which establishes a branch beyond the corporate limits of the city, town, or village in which it is situated must have a paid-in and unimpaired capital stock of not less than $500,000, except that, in a State with a population of less than 1,000,000, and which has no city located therein with a population exceeding 100,000, the capital stock shall be not less than $250,000, and except that, in a State with a population of less than 500,000, and which has no city located therein with a population exceeding 50,000, the capital stock shall be not less than $100,000. In any such case, the aggregate capital stock of the member State bank and its branches shall at no time be less than the aggregate minimum capital stock required by law for the establishment of an equal number of national banking associations situated in the various places where such member State bank and its branches are situated.

6. A member State bank may not establish a branch beyond the corporate limits of the city, town, or village in which it is situated unless such establishment and operation are at the time authorized to State banks by the statute law of the State in question by language specifically granting such authority affirmatively and not merely by implication or recognition, and subject to the restrictions as to location imposed by the law of the State on State banks.

7. Any member State bank which, on February 25, 1927, had established and was actually operating a branch or branches in conformity with the State law is permitted to retain and operate the same while remaining a member of the Federal Reserve System, regardless of the location of such branch or branches.

8. In order to remain a member of the Federal Reserve System, every member State bank must relinquish any branch or branches established after February 25, 1927, beyond the corporate limits of the city, town, or village in which the parent bank is situated, unless such branch or branches are in conformity with or are brought into conformity with the same terms, conditions, limitations, and restrictions as would be applicable in the case of the establishment of such branches.

9. The removal of a branch from one town to another town constitutes the establishment of a branch in such other town within the meaning of the provisions of the Federal Reserve Act.

(c) *Application for approval of branches in United States.* Any member State bank desiring to establish a branch beyond the corporate limits of the city, town, or village in which it is located and any nonmember State bank applying for membership and desiring to retain any branch established after February 25, 1927, beyond the corporate limits of the city, town, or village in which the bank is situated should submit a request for the approval by the Board of any such branch to the Federal Reserve bank of the district in which the bank is located. Any such request should be accompanied by advice as to the scope of the functions and the character of the business which are or will be performed by the branch and detailed information regarding the policy followed or proposed to be followed with reference to supervision of the branch by the head office; and the bank may be required in any case to furnish additional information which will be helpful to the Board in determining whether to approve such request.

(d) *Foreign branches.* Before a member State bank establishes a branch in a foreign country, or dependency or insular possession of the United States, it must have a capital and surplus of $1,000,000 or more and obtain the approval of the Board.

(e) *Application for approval of foreign branches.* Any member State bank desiring to establish such a branch and any nonmember State bank applying for membership and desiring to retain any such branch established after February 25, 1927, should submit a request for the approval by the Board of any such branch to the Federal Reserve bank of the district in which the bank is located. Any such request should be accompanied by advice as to the scope of the functions and the character of the business which are or will be performed by the branch and detailed information regarding the policy followed or proposed to be followed with reference to supervision of the branch by the head office; and the bank may be required in any case to furnish additional information which will be helpful to the Board in determining whether to approve such request.*† [Sec. 8]

§ 208.9 *Publication of reports of member banks and their affiliates*[15]—(a) *Reports of member banks.* Each report of condition made by a member State bank, which is required to be made to the Federal Reserve bank of its district as of call dates fixed by the Board of Governors of the Federal Reserve System, shall be published by such member bank within twenty days from the date the call therefor is issued.

The report shall be printed in the newspaper published in the place where

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[7] If at any time, in the light of all the circumstances, the aggregate amount of the bank's net capital and surplus funds appears to be inadequate, the bank, within such period as shall be deemed by the Board to be reasonable for this purpose, shall increase the amount thereof to an amount which in the judgment of the Board shall be adequate in relation to the bank's aggregate deposit liabilities and other corporate responsibilities.

[8] This applies to capital stock of all classes and to capital notes and debentures legally issued and purchased by the Reconstruction Finance Corporation which, under the Federal Reserve Act, are considered as capital for purposes of membership.

A reduction in capital however, shall not be deemed to be contrary to this provision if, at the same time, the capital is correspondingly increased or a specific reserve in an amount not less than the amount of the capital reduction is set aside to provide for an increase in capital and can be used for no other purpose; provided, of course, the transaction does not violate any provision of applicable laws.

[9] This condition will not be prescribed in connection with the admission of mutual savings banks to membership in the Federal Reserve System.

[10] This condition does not apply to the sale of mortgages covered by insurance under the provisions of the National Housing Act.

[11] Under recognized principles of sound practice regarding the handling of trust assets, a trustee or other fiduciary should not have any interest, direct or indirect, in the assets of a trust except as a fiduciary; and the condition contemplates that a trust institution will not invest trust funds in the stock or obligations of, or property acquired from, any organization in which officers, directors, or employees of the trust institution have such an interest as might affect the exercise of the best judgment of the management of the trust institution in investing trust funds.

The requirements of this condition shall not be deemed to prohibit the making of any investments or the carrying out of any transactions which are expressly required by the instrument creating the trust or are specifically authorized by court order.

[12] This does not prevent a bank from investing the funds of several trusts in a single real estate loan of the kind which could be made by a national bank under the provisions of section 24 of the Federal Reserve Act, as amended, if the bank owns no participation in the loan and has no interest therein except as trustee or other fiduciary.

[13] Requirements relating to collective investment of trust funds by national banks are contained in the Board's Regulation F.

[14] Such requirements applicable to national banks are contained in section 11 (k) of the Federal Reserve Act and the Board's Regulation F issued pursuant to section 11 (k).

In cases where trust funds are fully protected by a statutory preference in all of the assets of the bank over its general creditors, the Board may waive compliance with this condition. However, if compliance be waived in any case, the Board expressly reserves the right to require compliance with the condition if, at any time, it feels that such trust funds are not adequately protected.

[15] Under the provisions of section 9 of the Federal Reserve Act, reports of condition of member State banks which, under that section, must be made to the respective Federal Reserve banks on call dates fixed by the Board of Governors of the Federal Reserve System "shall be published by the reporting banks in such manner and in accordance with such regulations as the said Board may prescribe."

Section 9 also provides that the reports of affiliates of a member State bank which are required by that section to be furnished to the respective Federal Reserve banks "shall be published by the bank under the same conditions as govern its own condition reports." The term "affiliates," as used in this provision of section 9, under the express terms of that section, includes "holding company affiliates as well as other affiliates," but a member State bank is not required to furnish to a Federal Reserve bank the report of an affiliated member bank.

[8] In the case of a mutual savings bank which is not permitted by the laws under which it was organized to purchase stock in a Federal Reserve bank, it shall deposit with the Federal Reserve bank an amount equal to the amount which it would have been required to pay in on account of a subscription to capital stock.

[9] If, after admission of any bank to membership, it should desire to make any change in the general character of its business or in the scope of its corporate powers exercised at the time of admission, it will be necessary for it to obtain the permission of the Board before making any such change.

The acquisition by a bank of the assets of another institution through merger, consolidation, or purchase may result in a change in the character of its assets or the scope of its functions within the meaning of condition numbered 1, and if at any time a member State bank subject to such condition anticipates making any such acquisition a detailed report setting forth all of the facts in connection with the transaction should be made promptly to the Federal Reserve bank of the district in which such bank is located.

the bank is located or, if there be no newspaper published in the place where the bank is located, then in a newspaper published in the same or in an adjoining county and in general circulation in the place where the bank is located. The term "newspaper", for the purpose of this regulation, means a publication with a general circulation published not less frequently than once a week, one of the primary functions of which is the dissemination of news of general interest.

The copy of the report for the use of the printer for publication should be prepared on Form 105e. The published information shall agree in every respect with that shown on the face of the condition report rendered to the Federal Reserve bank, except that any item for which no amount is reported may be omitted in the published statement. All signatures shall be the same in the published statement as in the original report submitted to the Federal Reserve bank, but the signatures may be typewritten or otherwise copied on the report for publication.

A copy of the printed report shall be submitted to the Federal Reserve bank attached to the certificate on Form 105e.

(b) *Reports of affiliates.*[16] Each report of an affiliate of a member State bank, including a holding company affiliate, shall be published at the same time and in the same newspaper as the affiliated bank's own condition report submitted to the Federal Reserve bank, unless an extension of time for submission of the report of the affiliate has been granted under authority of the Board of Governors of the Federal Reserve System. When such extension of time has been granted, the report of the affiliate must be submitted and published before the expiration of such extended period in the same newspaper as the condition report of the bank was published.

The copy of the report for the use of the printer for publication should be prepared on Form 220a. The published information shall agree in every respect with that shown on the face of the report of the affiliate furnished to the Federal Reserve bank by the affiliated member bank, except that any item appearing under the caption "Financial relations with bank" against which the word "none" appears on the report furnished to the Federal Reserve bank may be omitted in the published statement of the affiliate: *Provided*, That if the word "none" is shown against all of the items appearing under such caption in the report furnished to the Federal Reserve bank the caption "Financial relations with bank" shall appear in the published statement followed by the word "none." All signatures shall be the same in the published statement as in the original report submitted to the Federal Reserve bank, but the signatures may be typewritten or otherwise copied on the report for publication.

A copy of the printed report shall be submitted to the Federal Reserve bank attached to the certificate on Form 220a.*† [Sec. 9]

§ 208.10 *Voluntary withdrawal from Federal Reserve System*—(a) *General.* Any State bank desiring to withdraw from membership in a Federal Reserve bank may do so after six months' written notice has been filed with the Board;" and the Board, in its discretion, may waive such six months' notice in any individual case and may permit such bank to withdraw from membership in a Federal Reserve bank, subject to such conditions as the Board may prescribe, prior to the expiration of six months from the date of the written notice of its intention to withdraw.

(b) *Notice of intention of withdrawal.* Any State bank desiring to withdraw from membership in a Federal Reserve bank should signify its intention to do so in a letter addressed to the Board and mailed to the Federal Reserve bank of which such bank is a member. Such letter should state clearly the reason for the bank's desire to withdraw. Any such bank desiring to withdraw from membership prior to the expiration of six months from the date of written notice of its intention to withdraw should so state in the letter signifying its intention to withdraw and should state the reason for its desire to withdraw prior to the expiration of six months.

Every notice of intention of a bank to withdraw from membership in the Federal Reserve System and every application for the waiver of such notice should be accompanied by a certified copy of a resolution duly adopted by the board of directors of such bank authorizing the withdrawal of such bank from membership in the Federal Reserve System and authorizing a certain officer or certain officers of such bank to file such notice or application, to surrender for cancellation the Federal Reserve bank stock held by such bank, to receive and receipt for any moneys or other property due to such bank from the Federal Reserve bank and to do such other things as may be necessary to effect the withdrawal of such bank from membership in the Federal Reserve System.

Notice of intention to withdraw or application for waiver of six months' notice of intention to withdraw by any bank which is in the hands of a conservator or other State official acting in a capacity similar to that of a conservator should be accompanied by advice from the conservator or other such State official that he joins in such notice or application.

(c) *Time and method of effecting actual withdrawal.* Upon the expiration of six months after notice of intention to withdraw or upon the waiving of such six months' notice by the Board, such bank may surrender its stock and its certificate of membership to the Federal Reserve bank and request that same be cancelled and that all amounts due to it from the Federal Reserve bank be refunded.[17] Unless this is done within two months after the expiration of such six months' notice or after the waiver of such notice by the Board, or unless the bank requests and the Board grants an extension of time, such bank will be presumed to have abandoned its intention of withdrawing from membership and will not be permitted to withdraw without again giving six months' written notice or obtaining the waiver of such notice.

(d) *Withdrawal of notice.*—Any bank which has given notice of its intention to withdraw from membership in a Federal Reserve bank may withdraw such notice at any time before its stock has been canceled and upon doing so may remain a member of the Federal Reserve System. The notice rescinding the former notice should be accompanied by a certified copy of an appropriate resolution duly adopted by the board of directors of the bank.*† [Sec. 10]

§ 208.11 *Board forms.* All forms referred to in this regulation and all such forms as they may be amended from time to time shall be a part of this regulation*† [Sec. 11]

[SEAL] L. P. BETHEA,
*Assistant Secretary.*

[F. R. Doc. 39-4274; Filed, November 18, 1939; 11:19 a. m.]

[16] Section 21 of the Federal Reserve Act, among other things, provides as follows: "Whenever member banks are required to obtain reports from affiliates, or whenever affiliates of member banks are required to submit to examination, the Board of Governors of the Federal Reserve System or the Comptroller of the Currency, as the case may be, may waive such requirements with respect to any such report or examination of any affiliate if in the judgment of the said Board or Comptroller, respectively, such report or examination is not necessary to disclose fully the relations between such affiliate and such bank and the effect thereof upon the affairs of such bank." Therefore, of course, in any case where the Board of Governors waives the filing of a report of an affiliate of a member State bank, no publication of a report of such affiliate is required.

[17] Under specific provisions of section 9 of the Federal Reserve Act, however, no Federal Reserve bank shall, except upon express authority of the Board, cancel within the same calendar year more than twenty-five per cent of its capital stock for the purpose of effecting voluntary withdrawals during that year. All applications for voluntary withdrawals are required by the law to be dealt with in the order in which they are filed with the Board.

[18] A bank's withdrawal from membership in the Federal Reserve System is effective on the date on which the Federal Reserve bank stock held by it is duly canceled. Until such stock has been canceled, such bank remains a member of the Federal Reserve System, is entitled to all the privileges of membership, and is required to comply with all provisions of law and all regulations of the Board pertaining to member banks and with all conditions of membership applicable to it. Upon the cancellation of such stock, all rights and privileges of such bank as a member bank shall terminate.

Upon the cancellation of such stock, and after due provision has been made for any indebtedness due or to become due to the Federal Reserve bank, such bank shall be entitled to a refund of its cash paid subscription with interest at the rate of one-half of one per cent per month from the date of last dividend, the amount refunded in no event to exceed the book value of the stock at that time, and shall likewise be entitled to the repayment of deposits and of any other balance due from the Federal Reserve bank.



## TITLE 14—CIVIL AVIATION

## CIVIL AERONAUTICS AUTHORITY

### RATING AND CERTIFICATION OF CIVILIAN SCHOOLS GIVING INSTRUCTION IN AIRCRAFT, ETC.

#### EFFECTIVE DATE AMENDED

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 14th day of November 1939.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Civil Aeronautics Authority hereby orders that Amendment No. 31 of the Civil Air Regulations,[1] providing for the rating and certification of civilian schools giving instruction in aircraft and aircraft engine mechanics, is amended by striking the phrase "Effective January 1, 1940" and inserting in lieu thereof the phrase "Effective upon the further order of the Authority."

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-4285; Filed, November 20, 1939; 12:24 p. m.]

## TITLE 26—INTERNAL REVENUE

## BUREAU OF INTERNAL REVENUE

[T. D. 4954]

### INCOME TAX

#### EXCLUSION OF INCOME ATTRIBUTABLE TO DISCHARGE OF INDEBTEDNESS; REDUCTION OF BASIS

*To Collectors of Internal Revenue and Others Concerned:*

In order to conform Regulations 101[2] (Part 9, Subpart H, Title 26, Code of Federal Regulations, 1939 Sup.], as made applicable to the Internal Revenue Code (53 Stat. Part 1) by Treasury Decision 4885,[3] approved February 11, 1939 [Part 465, Subpart B, of such Title 26], to section 215 of the Revenue Act of 1939 (Public, No. 155, 76th Cong., 1st Sess.), approved June 29, 1939, such regulations are amended as follows:

(1) Article 22 (a)–14 [section 9.22 (a)–14, Title 26, Code of Federal Regulations, 1939 Sup.], as made applicable to the Internal Revenue Code, is amended by adding after the first paragraph thereof the following paragraph:

"For exclusion from gross income of income attributable to discharge of indebtedness of a corporation in an unsound financial condition, see article 22 (b) (9)–1 [section 9.22 (b) (9)–1]."

(2) Article 22 (a)–18 [section 9.22 (a)–18, Title 26, Code of Federal Regulations, 1939 Sup.], as made applicable to the Internal Revenue Code, is amended by adding at the end thereof the following new paragraph:

"For exclusion from gross income of income attributable to discharge of indebtedness of a corporation in an unsound financial condition, see article 22 (b) (9)–1 [section 9.22 (b) (9)–1.]"

(3) Immediately preceding section 22 (c), relating to inventories, which appears immediately preceding article 22 (c)–1 [section 9.22 (c)–1, Title 26, Code of Federal Regulations, 1939 Sup.], as made applicable to the Internal Revenue Code, insert the following:

Sections 215 (a) and (c) of the Revenue Act of 1939 provide:

SEC. 215. DISCHARGE OF INDEBTEDNESS.

(a) INCOME FROM DISCHARGE OF INDEBTEDNESS. Section 22 (b) of the Internal Revenue Code (relating to exclusions from gross income) is amended by adding at the end thereof the following new paragraph:

(9) INCOME FROM DISCHARGE OF INDEBTEDNESS. In the case of a corporation, the amount of any income of the taxpayer attributable to the discharge, within the taxable year, of any indebtedness of the taxpayer or for which the taxpayer is liable evidenced by a security (as hereinafter in this paragraph defined) if—

(A) it is established to the satisfaction of the Commissioner, or

(B) it is certified to the Commissioner by any Federal agency authorized to make loans on behalf of the United States to such corporation or by any Federal agency authorized to exercise regulatory power over such corporation,

that at the time of such discharge the taxpayer was in an unsound financial condition, and if the taxpayer makes and files at the time of filing the return, in such manner as the Commissioner, with the approval of the Secretary, by regulations prescribes, its consent to the regulations prescribed under section 113 (b) (3) then in effect. In such case the amount of any income of the taxpayer attributable to any unamortized premium (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be included in gross income and the amount of the deduction attributable to any unamortized discount (computed as of the first day of the taxable year in which such discharge occurred) with respect to such indebtedness shall not be allowed as a deduction. As used in this paragraph the term "security" means any bond, debenture, note, or certificate, or other evidence of indebtedness, issued by any corporation, in existence on June 1, 1939. This paragraph shall not apply to any discharge occurring before the date of the enactment of the Revenue Act of 1939, or in a taxable year beginning after December 31, 1942.

* * * * * *

(c) TAXABLE YEARS TO WHICH APPLICABLE. The amendments made by this section shall be applicable to taxable years beginning after December 31, 1938.

"ART. 22 (b) (9)–1. [Sec. 9.22 (b) (9)–1, Title 26, Code of Federal Regulations, 1939 Sup.] *Income from discharge of indebtedness.* Section 22 (b) (9) provides a method whereby a corporation may elect to have excluded from its gross income the amount of income attributable to a discharge, within the taxable year, of its indebtedness or of indebtedness for which it is liable as, for example, in the case of a debt arising from an assumption of liability of another corporation. To be entitled to the benefits of the provisions of section 22 (b) (9) a corporation must (1) file with its return for the taxable year a consent to the provisions of the regulations, in effect at the time of the filing of the return, prescribed under section 113 (b) (3) (see articles 113 (b) (3)–1 and 113 (b) (3)–2 [sections 9.113 (b) (3)–1 and 9.113 (b) (3)–2 of such Title 26], relating to adjustment of basis), and (2) establish that it was in an unsound financial condition immediately preceding the discharge of the indebtedness.

"The existence of an unsound financial condition, for the purposes of section 22 (b) (9), may be established (1) by satisfying the Commissioner of such condition upon a presentation to him of all facts pertinent to the financial condition of the corporation or (2) by having presented to the Commissioner a certification of such condition by any Federal agency (*e. g.*, the Reconstruction Finance Corporation) authorized to make loans to such taxpayer on behalf of the United States, or by any Federal agency (*e.g.*, the Interstate Commerce Commission) authorized to exercise regulatory power over the taxpayer. Such a certification will be deemed to be conclusive upon the Commissioner. The certification should accompany the return.

"A corporation may be in an unsound financial condition, within the meaning of section 22 (b) (9) and this article, even though the fair market value of its assets exceeds its liabilities or it is able to meet its current liabilities as they mature. Thus, highly indicative (but not conclusive) of an unsound financial condition would be the fact that bonds of the taxpayer are selling in a free market at prices substantially below their issue price and below the market price of similar issues of similar businesses.

"As used in this article 'indebtedness' means indebtedness evidenced by a bond,

*Secs. 208.1 to 208.11, inclusive, issued under the authority contained in sec. 11 (i), 38 Stat. 262, sec. 3, 40 Stat. 232, 42 Stat. 621, sec. 17 (b), 48 Stat. 185, sec. 9, 44 Stat. 1229, 45 Stat. 492, 46 Stat. 170, sec. 2, 46 Stat. 251, sec. 1, 46 Stat. 814, sec. 5, 48 Stat. 164, sec. 2, 48 Stat. 971, sec. 202, 49 Stat. 704, sec. 310 (b), 49 Stat. 710, sec. 320, 49 Stat. 713, sec. 338, 49 Stat. 721, sec. 12B (e), (g), 49 Stat. 687, 688, 703, secs. 325, 345, 49 Stat. 715, 722; 12 U.S.C. 248 (i), 12 U.S.C. 321–338 and Sup., 12 U.S.C., Sup. 264 (e), (g), 486, 51b–1.

†In secs. 208.1 to 208.11, inclusive, the numbers to the right of the decimal point correspond with the respective section numbers in Regulation H, Board of Governors of the Federal Reserve System, effective November 20, 1939.

[1] 4 F.R. 4474 DI.

[2] 4 F.R. 616, 700, 802 DI.

[3] 4 F.R. 879 DI.

debenture, note, or certificate, or other evidence of indebtedness, in existence on June 1, 1939, and issued by either the taxpayer corporation or any other corporation. Thus, for example, if a corporation obtains a discharge of its indebtedness represented only by open account book entries, section 22 (b) (9) and this article are inapplicable. If, however, a corporation obtains a discharge of its liability (evidenced by its writing) arising from an assumption of a debt of an individual or a discharge of its liability (whether or not evidenced by a writing) arising from the assumption of the indebtedness of another corporation, section 22 (b) (9) and this article are applicable.

"If as a result of the discharge of indebtedness there remains unamortized premium or unamortized discount, the amount of the income attributable to such premium is to be excluded from gross income and the amount of the deduction attributable to such discount shall be disallowed as a deduction. The unamortized premium and unamortized discount, as the case may be, is in each instance to be computed as of the first day of the taxable year in which the discharge of indebtedness occurred.

"The provisions of section 22 (b) (9) and this article are inapplicable in the case of any discharge occurring—(1) in a taxable year beginning before January 1, 1939; (2) before June 29, 1939; (3) in a taxable year beginning after December 31, 1942; or (4) in any proceeding under section 77B of the Bankruptcy Act of 1898, as amended, or under chapter X, XI, or XV of such Act.

"ART. 22 (b) (9)-2. [Section 9.22 (b) (9)-2, Title 26, Code of Federal Regulations, 1939 Sup.] *Making and filing of consent.* A consent to have the basis of its property adjusted in accordance with the provisions of the regulations, in effect at the time of filing of the return, prescribed under section 113 (b) (3) (see articles 113 (b) (3)-1 and 113 (b) (3)-2) [sections 9.113 (b) (3)-1 and 9.113 (b) (3)-2 of such Title 26] shall be made by or on behalf of the taxpayer corporation in duplicate on Form 982, in accordance with these regulations and the instructions on the form or issued therewith. The original and duplicate shall be filed with the return."

(4) Immediately following article 113 (b)-3 [section 9.113 (b)-3, Title 26, Code of Federal Regulations, 1939 Sup.], as made applicable to the Internal Revenue Code, add the following:

Sections 215 (b) and (c) of the Revenue Act of 1939 provide:

(b) BASIS REDUCED. Section 113 (b) of the Internal Revenue Code (relating to the adjusted basis of property) is amended by adding at the end thereof the following new paragraph:

"(3) DISCHARGE OF INDEBTEDNESS. Where in the case of a corporation any amount is excluded from gross income under section 22 (b) (9) on account of the discharge of indebtedness the whole or a part of the amount so excluded from gross income shall be applied in reduction of the basis of any property held (whether before or after the time of the discharge) by the taxpayer during any portion of the taxable year in which such discharge occurred. The amount to be so applied (not in excess of the amount so excluded from gross income, reduced by the amount of any deduction disallowed under section 22 (b) (9)) and the particular properties to which the reduction shall be allocated, shall be determined under regulations (prescribed by the Commissioner with the approval of the Secretary) in effect at the time of the filing of the consent by the taxpayer referred to in section 22 (b) (9). The reduction shall be made as of the first day of the taxable year in which the discharge occurred except in the case of property not held by the taxpayer on such first day, in which case it shall take effect as of the time the holding of the taxpayer began."

(c) TAXABLE YEARS TO WHICH APPLICABLE. The amendments made by this section shall be applicable to taxable years beginning after December 31, 1938.

"ART. 113 (b) (3)-1. [Section 113 (b) (3)-1, Title 26, Code of Federal Regulations, 1939 Sup.] *Adjusted basis: Discharge of corporate indebtedness. General rule.* In addition to the adjustments provided in section 113 (b) (1) and article 113 (b)-1 [section 9.113 (b)-1 of such Title 26], which are required to be made with respect to the cost or other basis of property, a further adjustment shall be made in any case in which there shall have been an exclusion from gross income under section 22 (b) (9) on account of the discharge of indebtedness of a corporation during the taxable year. Such further adjustment shall, except as otherwise provided in article 113 (b) (3)-2 [section 9.113 (b) (3)-2 of such Title 26], be made in the following manner and order:

"(1) In the case of indebtedness incurred to purchase specific property (other than inventory or notes or accounts receivable), whether or not a lien is placed against such property securing the payment of all or part of such indebtedness, which indebtedness shall have been discharged, the cost or other basis of such property shall be decreased (but the amount of the decrease shall not be more than the amount of the adjusted basis without reference to this article) by an amount equal to the amount excluded from gross income under section 22 (b) (9) and attributable to the discharge of the indebtedness so incurred with respect to such property;

"(2) In the case of specific property (other than inventory or notes or accounts receivable) against which, at the time of the discharge of the indebtedness, there is a lien (other than a lien securing indebtedness incurred to purchase such property) the cost or other basis of such property shall be decreased (but the amount of the decrease shall not be more than the amount of the adjusted basis without reference to this article) by an amount equal to the amount excluded from gross income under section 22 (b) (9) and attributable to the discharge of the indebtedness secured by such lien;

"(3) Any excess of the total amount excluded from gross income under section 22 (b) (9) over the sum of the adjustments made under (1) and (2) shall next be applied to reduce the cost or other basis of the property of the debtor (other than inventory and notes and accounts receivable, but including property covered by (1) and (2)) as follows: The cost or other basis of each unit of property shall be decreased (but the amount of the decrease shall not be more than the amount of the adjusted basis without reference to this article) in an amount equal to such proportion of such excess as the adjusted basis (without reference to this article) of each such unit of property bears to the sum of adjusted bases (without reference to this article) of all the property of the debtor other than inventory and notes and accounts receivable; and

"(4) Any excess of the total amount excluded from gross income under section 22 (b) (9) over the sum of the adjustments made under (1), (2), and (3) shall next be applied to reduce the cost or other basis of inventory and notes and accounts receivable, as follows: The cost or other basis of inventory or notes or accounts receivable, as the case may be, shall be decreased (but the amount of the decrease shall not be more than the amount of the adjusted basis without reference to this article) in an amount equal to such proportion of such excess as the adjusted basis of inventory, notes receivable or accounts receivable, as the case may be, bears to the sum of the adjusted bases of such inventory and notes and accounts receivable.

"For the purposes of this article—

"(A) Except where the context otherwise requires, property means all of the debtor's property, other than money;

"(B) The phrase 'indebtedness incurred to purchase' includes (i) indebtedness for money borrowed and applied in the purchase of property and (ii) an existing indebtedness secured by a lien against the property which the debtor, as purchaser of such property, has assumed to pay;

"(C) The phrase 'amount excluded from gross income under section 22 (b) (9)' means the amount of income excluded under that section reduced by any deduction disallowed under that section for unamortized discount;

"(D) Adjustments to basis shall be made—

"(i) in the case of property owned on the first day of the taxable year, as of that day;

"(ii) in the case of property acquired after the first day of the taxable year, as of the day so acquired—

"regardless of the time such property was subsequently sold, exchanged, or otherwise disposed of by the taxpayer;

"(E) Whenever a discharge of indebtedness is accomplished by a transfer of the taxpayer's property in kind the difference between the amount of the obligation discharged and the fair market value of the property transferred is the amount which may be applied in reduction of basis.

"(F) Regardless of the amount excluded by the taxpayer from its gross income under section 22 (b) (9) and so stated on Form 982, the maximum amount by which basis may be reduced in respect of the discharge of any indebtedness is the amount of income resulting from the discharge of such indebtedness.

"*Example* (1). On January 1, 1939, the N Corporation owned an office building, which it sold in March 1939. In June 1939, it purchased a factory building. In October 1939, the N Corporation bought in its outstanding bonds at less than their face value. Assuming that there is a proper exclusion from gross income under section 22 (b) (9), the basis of each building shall be adjusted under section 113 (b) (3) for the taxable year 1939. (But see article 113 (b) (3)-2 [section 9.113 (b) (3)-2, Title 26, Code of Federal Regulations, 1939 Sup.].)

"*Example* (2). The M Corporation has outstanding an issue of A bonds which it had sold at a premium and an issue of B bonds which it had sold at a discount. In July 1939, the M Corporation purchased such outstanding bonds for less than face value. The amount of income attributable to the discharge of the A bonds is $1,000 and the amount of unamortized premium is $200. The amount of income attributable to the discharge of the B bonds is $1,000 and the amount of unamortized discount is $50.

"If the M Corporation under section 22 (b) (9) elects to have excluded from gross income the amount of income attributable to the discharge of both bond issues, the total reduction in basis of the property of the M Corporation shall not exceed $2,150. If the M Corporation elects only with respect to the A bonds, the total reduction in basis shall not exceed $1,200 (or $950 if the election is with respect to the B bonds). If the M Corporation excludes only an amount of $500 with respect to the A bonds, the total reduction in basis may nevertheless be $1,200 (or $950 if the exclusion is with respect to the B bonds).

"ART. 113 (b) (3)-2. [Section 9.113 (b) (3)-2, Title 26, Code of Federal Regulations, 1939 Sup.] *Adjusted basis: Discharge of indebtdness. Special cases.* Article 113 (b) (3)-1 [section 9.113 (b) (3)-1 of such Title 26] prescribes the general rule to be followed in adjusting basis of property where there is a proper exclusion from gross income under section 22 (b) (9). The taxpayer may, however, have the basis of its property adjusted in a manner different from that set forth in article 113 (b) (3)-1 [section 9.113 (b) (3)-1 of such Title 26] upon a proper showing to the satisfaction of the Commissioner. Variations from such general rule may, for example, involve adjusting the basis of only part of the taxpayer's property or adjusting the basis of all the taxpayer's property, according to a fixed allocation.

"A request for variations from the general rule prescribed in article 113 (b) (3)-1 [section 9.113 (b) (3)-1 of such Title 26] should be filed by the taxpayer with its return for the taxable year in which the discharge of indebtedness has occurred. Agreement between the taxpayer and the Commissioner as to any variations from such general rule shall be effected only by a closing agreement entered into under the provisions of section 3760 of the Internal Revenue Code. If no agreement is reached between the taxpayer and the Commissioner as to variations from the general rule prescribed in article 113 (b) (3)-1 [section 9.113 (b) (3)-1 of such Title 26] then the consent filed on Form 982 shall be deemed to be a consent to the application of such general rule and such general rule shall prevail in the determination of the basis of the taxpayer's property, unless the taxpayer specifically states on such form that it does not consent to the application of the general rule."

(5) The second sentence of article 113 (b)-3 [section 9.113 (b)-3, Title 26, Code of Federal Regulations, 1939 Sup.], as made applicable to the Internal Revenue Code, is amended to read as follows:

"In addition, whenever it appears that the basis of property in the hands of the taxpayer is a substituted basis, as defined in section 113 (b) (2) (A), the adjustments indicated in articles 113 (b)-2, 113 (b) (3)-1, and 113 (b) (3)-2 [sections 9.113 (b)-2, 9.113 (b) (3)-1, and 9.113 (b) (3)-2 of such Title 26] shall also be made, whenever necessary, after first making in respect of such substituted basis a proper adjustment of a similar nature in respect of the period during which the property was held by the transferor, donor, or grantor."

(This Treasury decision is prescribed pursuant to the following sections of law: Sections 22 and 113 of the Internal Revenue Code (53 Stat. Part 1); section 215 of the Revenue Act of 1939 (Public, No. 155, 76th Cong., 1st Sess.); and section 62 of the Internal Revenue Code (53 Stat. Part. 1).)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, November 16, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4280; Filed, November 20, 1939; 10:09 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### GENERAL LAND OFFICE

STOCK DRIVEWAY WITHDRAWAL NO. 56, ARIZONA NO. 2, REDUCED

Departmental order of February 4, 1919, withdrawing certain lands for stock driveway purposes under section 10 of the act of December 29, 1916 (39 Stat. 862), as amended by the act of January 29, 1929 (45 Stat. 1144), is hereby revoked in so far as it affects the following described land in Arizona which is within the Coconino National Forest:

*Gila and Salt River Meridian*

T. 15 N., R. 5 E.,
W½SW¼SW¼SE¼ and SE¼SE¼SW¼ Sec. 17, 15 acres.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

NOVEMBER 3, 1939.

[F. R. Doc. 39-4271; Filed, November 18, 1939; 9:30 a. m.]

## TITLE 45—PUBLIC WELFARE

### NATIONAL YOUTH ADMINISTRATION

[Administrative Order No. 6]

PART 402—REGULATIONS RELATING TO THE PART-TIME EMPLOYMENT OF OUT-OF-SCHOOL YOUTH ON PROJECTS OF THE NATIONAL YOUTH ADMINISTRATION

By virtue of and pursuant to the authority vested in the Administrator of the National Youth Administration by the Emergency Relief Appropriation Act of 1939, approved June 30, 1939, the following amendments to Administrative Order No. 5,[1] dated September 15, 1939, are prescribed:

Section 402.5 shall be amended to read as follows:

§ 402.5 *Maximum hours.* Hours of project work for youth employees shall not exceed 8 hours per day, 40 hours per week and 70 hours per month, except in the case of:

"(a) *Exemption by Administrator.* Such projects, portions of projects, or areas as the National Youth Administrator, or his authorized representative, may hereafter exempt;

"(b) *Emergencies.* An emergency involving the public welfare or to protect work already done on a project when so authorized by the State Youth Administrator;

"(c) *Making up lost time.* Making up time lost due to conditions which in the judgment of the State Youth Administrator warrant authorizing youth employees to make up lost time; or

"(d) *Resident projects.* Resident projects, to which youth employees shall be assigned upon the basis of a 30-day service status."

Section 402.6 shall be rescinded upon the effective date of this order.

The foregoing amendments shall become effective at the beginning of pay

[1] 4 F.R. 4047 DI.

roll periods on and after December 1, 1939.

AUBREY WILLIAMS,
*Administrator.*

Approved November 17, 1939.

PAUL V. MCNUTT,
*Federal Security Administrator.*

[F. R. Doc. 39-4269; Filed, November 17, 1939; 1:22 p. m.]

## TITLE 46—SHIPPING

## BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 4]

SUBCHAPTER A — DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

Subsections (b) and (c) of Section 5.84[1] *Combat Areas* are amended to read as follows:

"(b) No clearance shall be granted to any American or foreign vessel (watercraft or aircraft), bound to a foreign port, while having on board any American citizen, whether as a passenger or member of the crew, if such vessel (watercraft or aircraft) during the course of its voyage, will proceed into or through any combat area, unless such voyage is authorized by rules and regulations prescribed under authority of the Neutrality Act of 1939.

"(c) Final clearance shall not be granted to any foreign vessel (watercraft or aircraft), bound to a foreign port, in a combat area, or proceeding into or through such area, or to any vessel of a belligerent state, wherever bound, until the master has filed with the collector a list of all of the members of the crew of the vessel, together with the nationality of each member, which list shall be sworn to by the master."

Section 5.85[1] *Belligerent vessels carrying American citizens as passengers* is amended to read as follows:

"§ 5.85 *Belligerent vessels carrying American citizens.* No clearance shall be granted to any vessel (watercraft or aircraft) of a belligerent state while having on board any citizen of the United States, whether as a passenger or member of the crew, except in accordance with the rules and regulations prescribed under authority of the Neutrality Act of 1939."

(Sec. 161 R.S.; 5 U.S.C. 22)

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

NOVEMBER 17, 1939.

[F. R. Doc. 39-4273; Filed, November 18, 1939; 9:31 a. m.]

[1] 4 F.R. 4500 DI.

## TITLE 49—TRANSPORTATION AND RAILROADS

## INTERSTATE COMMERCE COMMISSION

[No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

*Decided November 14, 1939*

Application for authority to construct for experimental service in the transportation of petroleum products five tank-car tanks fabricated by fusion welding granted.

Victor Willoughby for American Car and Foundry Company.

SUPPLEMENTAL REPORT OF THE COMMISSION[1]

ALLDREDGE, *Commissioner:*

In our several prior reports we granted upon applications therein considered authority to build and use for experimental transportation of dangerous articles other than explosives a total of 867 tank cars equipped with tanks fabricated by fusion welding but otherwise conforming to ICC shipping container specifications.

By application of the American Car and Foundry Company dated June 1, 1939, recommended November 6, 1939, by the mechanical division, Association of American Railroads, for our approval, we are asked to authorize the construction and use of five additional cars of ICC shipping container specification 105A300 type, meeting current requirements, except that tanks will be fabricated by fusion welding instead of forge welding.

In support of previous application for authority for test cars for petroleum products, granted November 3, 1939, the following appears:

Applicant states that tanks will have capacity of 11,000 gallons, all features of design of cars have been passed upon as satisfactory by the Association, construction will conform to all effective requirements, and of a total of seven hundred sixty-seven fusion-welded cars previously authorized, three hundred twenty-one are in service. Applicant further states that service trials and periodical inspections show all cars in use to be in good condition after 7,673 trips over a total of 5,953,698 miles, an increase of over a thousand trips and a million miles of safe transportation since our next previous authorization dated March 13, 1939. The Bureau of Explosives and the Association recommend favorable action on the application.

Upon further consideration of the record and in the light of added facts disclosed in the instant application, the construction and use of five (5) additional tanks of tank cars in accordance with current ICC specification 105A300 is forthwith authorized, provided that tanks may be fusion welded instead of forge welded, and must be constructed and marked in compliance with proposed revised ICC specification 105A300W, filed as an exhibit at the hearing herein and referred to in our prior reports; cars to be used in further service tests in the transportation of petroleum products.

In all other respects the regulations for transportation of petroleum products herein referred to are and shall remain in full force and effect.

Owners or operators of cars authorized herein, shall make semi-annual inspection of the tanks and report their condition to the same parties as receive reports required by ICC specification 105A300.

By the Commission, Commissioner Alldredge.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-4276; Filed, November 18, 1939; 11:53 a. m.]

[1] Under the authority of section 17 (6) of the Interstate Commerce Commission, the above entitled matter was referred by the Commission to Commissioner Alldredge for consideration and disposition.

[No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

ORDER GRANTING APPLICATION

Present: J. Haden Alldredge, Commissioner, to whom the above-entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles being under further consideration;

*And it appearing,* That application of the General Chemical Company and American Car and Foundry Company, accompanied by drawings and specifications, recommended by the Tank Car Committee, and concurred in by the Bureau of Explosives, Association of American Railroads, requests permission to construct and operate in experimental rail service in the transportation of ninety-five percent nitric acid four (4) tank cars with riveted aluminum alloy tanks, to be constructed in accordance with shipping container specification 103C–AL embodied herein, including requirements of the Association reproduced as an appendix to the specification;

*It further appearing,* That the Tank Car Committee, in recommending approval of the application, submits that the proposed specification will provide aluminum-alloy tank-car tanks similar to designs of tanks conforming to requirements of ICC shipping container specification 103C, except that, in place of nitric acid resisting chrome steel, suitable and serviceable aluminum alloys will be used, and that use thereof is in accordance with the best-known practicable means for securing safety in transit;



*It further appearing,* That there are in use at the present time 169 tank cars with tanks constructed of aluminum, 93 riveted and 76 of welded construction, for commodities of nondangerous character in transportation, and not within the terms of the aforesaid regulations;

*And it further appearing,* That reports are required to be made to the Bureau of Explosives and the Secretary, mechanical division, Association of American Railroads, before any car is placed in service, certifying to compliance with the specification, and further periodical reports to same parties on the condition of tanks and safety valves:

*It is ordered,* That the pending application be granted and the construction and use be and is hereby authorized of four (4) tank cars, with tanks in accordance with the following shipping container specification 103C–AL, including appendix thereof, subject to current requirements for the safe transportation of ninety-five percent nitric acid, and safety appliances and carrier rules for the interchange of tank cars:

*Shipping container specification 103C–AL*

Riveted Aluminum Alloy, Heat Treated, Tanks to be Mounted on or to Form Part of a Car

[Effective]

1. (a) *Type.* Tanks built under this specification must by cylindrical, with heads dished convex outward, and must have at least one expansion dome with manhole, and such other external projections as are prescribed herein.

(b) *Lagging.* Not a specification requirement. The tank shell and dome must be covered by a steel jacket not less than ¼" thickness, extending upward from running boards and spaced 2" from tank shell thus providing tank shell the protection against external damage.

2. (a) *Bursting pressure.*—The calculated bursting pressure, as determined by the following formula, must be at least 300 lbs. per square inch. Castings and attachments must be designed for the same bursting pressure.

(b) Formula for determining bursting pressure:

$$\frac{S \times 2t \times E}{d} = \text{Bursting Pressure}$$

$S$=Ultimate tensile strength in lbs. per sq. in.
$t$=Thickness in inches thinnest plate.
$E$=Seam efficiency.
$d$=Inside diameter in inches.

3. (a) *Material.* All plates for tank and expansion dome must be made of aluminum alloy, heat treated, in accordance with Aluminum Co. of America's requirements for 61–ST alloy, having a minimum yield of 35,000 lbs. and a minimum tensile of 42,000 lbs. per sq. in.

(b) All rivets must be of aluminum alloy having a minimum shearing value when driven in the tank of 20,000 lbs. per sq. in. They must be heated in pyrometrically controlled furnace and be driven hot.

(c) Aluminum alloy castings must conform to Federal specification for aluminum-base-alloys; sand castings QQ–A–601, dated June 8, 1938, Table I, Class #3, heat treatment #2, Table III, being Aluminum Co. of America's alloy 356–T6.

(d) Aluminum alloy forgings heat treated, must conform to Aluminum Co. of America's requirements for 61–ST alloy.

4. *Thickness and widths of plates.* The minimum thickness of plates, including thickness of each plate at rivet seams, must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion-dome sheets | Tank heads | Expansion-dome heads (inch) |
|---|---|---|---|---|---|
| | *In.* | *In.* | *In.* | *In.* | |
| 78 inches..... | 5/16 | 5/16 | 5/16 | 5/16 | Cast aluminum alloy 356–T6. |

The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal seam, including overlaps, above the cradle.

5. *Dishing of tank heads.* Tank heads must be of approved contour.

6. (a) *Riveting.* For computing rivet areas, the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets less than ⅝ inch nominal diameter not permissible on any part of tank or attachments. All rivets must be driven hot.

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be at least double riveted. Dome head, manhole ring and sump must be single or double riveted. Riveted seams and joints must be made metal to metal without interposition of other material. The efficiency of multiple riveted seams must be at least 70% of the strength of the thinnest plate. The efficiency of single riveted seams must be at least 35% of the strength of the thinnest plate.

(c) The manner in which tank is supported on and securely attached to the car structure must be approved.

7. *Preparation for calking.* The edges of plates at all riveted seams must be beveled so that the angle of the calking edges will be between 70 to 80 degrees with the flat surface of the plate. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus ¼ inch.

8. *Calking.* All seams, including those formed by attachment of expansion dome and other external projections, must be calked both inside and outside, except that inside calking of the seam formed by attachment of expansion dome to tank is not required when the opening in the tank shell is not cut out to the full diameter of the dome. All rivet heads on inside of tank must be calked. Split calking prohibited.

9. (a) *Expansion Dome.* The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside dome, of at least 1 per cent of the total capacity of the tank and dome combined, and must not exceed 36 inches inside diameter.

(b) The opening in manhole ring must be at least 18 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter, and when the inside diameter of the dome exceeds 29 inches, the opening in the tank shell may be cut out to a diameter sufficiently greater than that of the dome to permit calking of tank shell to the base of the dome. When the inside diameter of the dome exceeds 30 inches and the shell of tank is cut out as provided to permit calking, the tank shell at this point must be adequately reinforced.

(c) A dome head and manhole ring in one piece may be used instead of a dished plate dome head.

(d) The dome head must be dished convex outward.

10. (a) *Closures for manholes.* The manhole cover must be of approved type and designed to provide a secure closure of the manhole.

(b) Manhole rings and covers must be made of the metal prescribed by paragraph 3.

(c) Manhole ring and cover must be of cast, rolled, forged, or pressed aluminum alloy.

(d) All joints between manhole covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

11. *Gauging, venting, loading and discharging, and air inlet devices extending through dome of tanks.* These devices when installed must be tightly closed as prescribed in paragraph 12 and be of approved design. Protective housing of approved design covering all these devices must be installed.

12. *Gauging, venting, loading and discharging, and air inlet devices.* These devices when installed must be tightly closed with approved caps, plugs, valves, or other suitable fittings. Provision must be made for closing pipe connections of valves.

13. *Bottom discharge outlets.* Bottom discharge outlet is prohibited, but tank may be equipped with a sump.

14. (a) *Safety valves.* The tank must be equipped with a safety valve at least 2 inches inside diameter mounted on top of expansion dome.

(b) One safety valve must be provided for each tank.

(c) The safety valve must be set to open at a pressure of 60 pounds per square inch. (For tolerances see paragraph 18).

15. *Fixtures, reinforcements and attachments not otherwise specified.* All attachments to tank and dome must be riveted in place and calked to comply with conditions prescribed in paragraphs 6 and 8.

16. *Plugs for openings.* All plugs must be solid, made of materials prescribed in paragraph 3 with standard pipe thread and taper, and when in contact with lading must be of a length which will screw at least six threads inside the face of fitting or tank. Plugs when inserted from the outside of tank heads must have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid. Plugs when inserted from the inside are identified by appearance of the plug on the outside of the tank as being solid—therefore, no mark required.

17. *Test of tanks.* Each tank must be tested, before being put into service and also at intervals as prescribed in paragraph 19, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees F. during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves, must be in place while test is made.

18. *Tests of safety valves.* Valve must be tested before being put into service by attaching to an air line and applying pressure. The valve must open at the pressure prescribed in paragraph 14 (c), with a tolerance of plus or minus 3 pounds.

19. *Retests of tanks and safety valves.* Tanks and safety valves must be retested as prescribed for original tests in paragraphs 17 and 18, except that an acid may be used for filling tank and dome when testing tanks which have not been in service more than 12 years. The first retest must be conducted within four years after the original test, and subsequent retests at four-year intervals up to 12 years of service, thereafter at two year intervals up to 20 years of service, and annually after 20 years of service. Tanks in service over 12 years must be internally inspected for defects which would make leakage or failure probable during transit and must be tested with water only. Tanks must also be retested before being returned to service after extensive riveting, calking or other repairs. Reports must be rendered as prescribed in paragraph 21.

20. *Marking.* Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(a) ICC–103C–AL in letters and figures at least ⅜ inch high, stamped plainly and permanently into the metal near the center of one outside head of the tank. This mark must also be stenciled on the jacket, in letters and figures at least 2 inches high.

(b) Initials of manufacturer and date of original test of tank in letters and figures at least ⅜ inch high, stamped plainly and permanently into the metal of the tank immediately below the stamped mark specified in paragraph 20 (a). These initials and date must also be stenciled on the jacket, in letters and figures at least 2 inches high.

(c) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(d) Date on which the safety valve was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(e) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only," or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, in letters at least 2 inches high, immediately above the stenciled mark specified in paragraph 20 (a).

21. *Reports.* Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the secretary, mechanical division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of alterations of the tank or equipment therefor from original design, a similar report must be rendered to the same parties. For the periodic retests of tank and safety valves, other than above mentioned, reports must be rendered to the Bureau of Explosives and to car owner. In addition to the foregoing, owners or operators of cars where construction is authorized herein shall make semi-annual inspection of the tanks and report their condition to the above parties.

*Appendix*

A A R Requirements

AAR–5. *Dishing of tank heads.* Tank heads must be dished for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must be not less than 3¾ inches.

AAR–6. (a) *Anchorage.* The minimum shearing and bearing values of rivets connecting longitudinal anchor plates to tank and underframe shall be as follows:

Connection of single piece anchor plates to tank: (A single piece anchor is one having longitudinal anchor plate on each side of the center sill construction.)

Shearing area of aluminum rivets, based on 20,000 minimum shear value, not less than 66 square inches.

Bearing area of aluminum rivets, based on 54,000 minimum bearing value, not less than 43 square inches.

Connection of a single piece anchor plate to underframe.

Shearing area of steel rivets, not less than 15 square inches.

Bearing area of steel rivets using aluminum anchorage plate with minimum bearing value of 54,000, not less than 22 square inches.

The shearing and bearing values of rivets securing anchor plates to underframe shall not exceed 70 percent of the shearing and bearing values, respectively, of those used for connection of anchor plates to tank. The maximum diameter of a driven aluminum rivet in the anchor must not exceed its nominal diameter plus 1/32 inch. Head block anchorage prohibited.

(b) *Tank bands.* Each tank shall have at least two bands, one at each bolster, or other approved means of equal strength and security. If more than the prescribed two bands are used, their location is optional.

All tank bands shall be in direct contact with outside of main shell.

The cross sectional area of the tank band shall at no place be less than the equivalent of one square inch of steel. A threaded end 1⅜ inch or more in diameter, with body consisting of a flat band 2 inch by ½ inch, or equivalent section, or round 1⅛ inch in diameter, will be accepted as meeting this requirement.

(c) *Bolster slabbing.* Contact bearing area shall be not less than 20 square feet.

Not less than 50 per cent of the above prescribed minimum of number of square feet of bolster slabbing bearing area shall be outside the zone of center sill construction.

AAR–14. *Safety valves.* Safety valve must be of approved design.

AAR–20. *Marking.* For all other markings see Fig. 1, AAR Specifications.

AR–21. *Certificate of construction.* For form of certificate of construction see section F, page 6, AAR Specifications.

AAR–22. *Car structure.* For car structure see section H, page 8, AAR Specifications.

*It is further ordered,* That tank cars constructed under this order are hereby authorized for use on and after the date of approval and publication hereof, or until further order by the Commission;

*And it is further ordered,* That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C. this 14th day of November, 1939.

By the Commission, Commissioner Alldredge.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39–4277; Filed, November 18, 1939; 11:53 a. m.]



## *Notices*

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. 475–FD]

IN THE MATTER OF THE APPLICATION OF ELLISON & WHITE COAL COMPANY FOR EXEMPTION

ORDER OF DENIAL OF APPLICATION FOR EXEMPTION

The above-named applicant for exemption and counsel for the Bituminous Coal Division having on November 7, 1939, stipulated that applicant's commerce in coal directly affects interstate commerce in coal, that applicant waives any and all rights to a hearing pursuant to Section 4–A of the Bituminous Coal Act of 1937, and that applicant consents to the entry of an order denying the above-entitled application for exemption,

*It is ordered,* That the above-entitled application for exemption be and the same hereby is denied.

Dated, November 18, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39–4281; Filed, November 20, 1939; 11:00 a. m.]

[Docket No. 595–FD]

IN THE MATTER OF THE APPLICATION OF THE HILLS CREEK COAL COMPANY FOR EXEMPTION UNDER THE SECOND PARAGRAPH OF SECTION 4–A OF THE BITUMINOUS COAL ACT OF 1937

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

In accordance with the stipulation entered into by and between counsel for the Bituminous Coal Division and counsel for the applicant, dated November 7, 1939, the Director consents to the withdrawal of the above-entitled application for exemption upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application for exemption, except upon a showing of a material change of facts, and to that effect,

It is so ordered.

Dated, November 18, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39–4282; Filed, November 20, 1939; 11:00 a. m.]

[Docket No. 962–FD]

IN THE MATTER OF THE APPLICATION OF JAMES W. MAHAFFEY COAL COMPANY FOR EXEMPTION FROM THE PROVISIONS OF SECTION 4 OF THE BITUMINOUS COAL ACT OF 1937, PURSUANT TO SECTION 4–A OF SAID ACT

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the director consents to the withdrawal of the above-entitled application for exemption upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application for exemption, except upon a showing of a material change of facts, and to that effect.

It is so ordered.

Dated, November 18, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39–4283; Filed, November 20, 1939; 11:00 a. m.]

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 is issued to the employer listed below effective November 21, 1939, until March 19, 1940, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under this Certificate is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under this Certificate is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) This Special Certificate is issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under this Special Certificate, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) This Special Certificate is issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificate may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Moyer Manufacturing Co., 18 North Walnut Street, Youngstown, Ohio. | Work clothing | 15 |

Signed at Washington, D. C., this 20th day of November 1939.

MERLE D. VINCENT, *Director, Hearings Branch.*

[F. R. Doc. 39–4287; Filed, November 20, 1939; 12:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 21, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the em-

ployers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be cancelled as of the date of its issue if found that experienced workers were available when the Certificate was issued and shall be cancelled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Martin Mfg. Mills, Inc., 220 West Church Street, Salem, Illinois (5 learners), athletic shorts.

Westbury Frocks, Inc., 59 South Street, Patchogue, Long Island, New York (5 learners), dresses.

The Moyer Mfg. Co., 18 North Walnut Street, Youngstown, Ohio (5 learners), work clothing.

Signed at Washington, D. C., this 20th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4286; Filed, November 20, 1939; 12:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 21, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Ashland Knitting Mills, Ashland, Pennsylvania, cotton knitted underwear.

Claybrooke Knitting Mills, Pottstown, Pennsylvania (1 learner), polo shirts.

Gilbert Knitting Co., Inc., Little Falls, New York, sweaters and fleece sweatshirts.

Globe Knitting Works, Grand Rapids, Michigan, underwear.

Intermountain Knitting Mills, Inc., Ogden, Utah (5 learners), knitted sportswear.

Quality Knitting Co., Inc., Stowe, Pennsylvania, rayon and cotton underwear.

Musgrove Knitting Company, Pittsfield, Massachusetts (5 learners), cotton knitted underwear.

Stratford Knitting Mills, Linfield, Pennsylvania (5 learners), knitted undergarments.

United Underwear Mill, Boyertown, Pennsylvania (4 learners), cotton knitted underwear.

Vogue Knitting Company, Womelsdorf, Pennsylvania (3 learners), knitted underwear.

Signed at Washington, D. C., this 20th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4289; Filed, November 20, 1939; 12:47 p. m.]

## FEDERAL POWER COMMISSION.

[Docket No. G-138]

IN THE MATTER OF COLORADO-INTERSTATE GAS COMPANY

ORDER VACATING ORDER OF SUSPENSION

NOVEMBER 16, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On September 27, 1939,[1] the Commission by its order suspended certain increased rates for natural gas supplied by the Colorado-Interstate Gas Company to the Colorado-Wyoming Gas Company, which were proposed to be made effective on September 28, 1939, and fixed October 30, 1939, as the date for public hearing concerning the lawfulness of said proposed increased rates;

(b) On October 20, 1939, the Commission, acting pursuant to the request of the Colorado-Interstate Gas Company, postponed said hearing to November 20, 1939;

(c) On October 26, 1939, the Colorado-Interstate Gas Company filed with the Commission an Application for Rehearing and Stay of Order of September 27, 1939, praying:

(1) That the Commission grant respondent a statutory rehearing in respect of said order of September 27, 1939, and conduct what will in effect be the first hearing in respect to the matter set forth therein;

(2) Upon such rehearing the Commission abrogate and set aside the order and grant respondent such other relief as is necessary and appropriate;

(3) That the Commission forthwith stay its order pending such rehearing;

(d) On March 14, 1939, the Commission, on its own motion, ordered that an investigation of the Canadian River Gas Company, Colorado-Interstate Gas Company, and Colorado-Wyoming Gas Company (Docket No. G-124) be instituted for the purpose of enabling the Commission:

(1) To determine with respect to each of said companies whether in connection with any transportation or sale of natural gas subject to the jurisdiction of this Commission any rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential; and

(2) If the Commission shall find that any such rates, charges, or classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders just, reasonable, and non-discriminatory rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and enforced;

and said investigation is now pending and is expected to be completed in the near future;

(e) The rates and charges for natural gas supplied by Colorado-Interstate Gas Company to Colorado-Wyoming Gas Company being under investigation in the proceeding instituted by said order of the Commission dated March 14, 1939, to determine the just and reasonable charges for such natural gas and fix the same by order, it will not, under such circumstances, be inconsistent with the public interest to vacate the Commission's order of suspension dated September 27, 1939;

The Commission orders that:

The Commission's order of September 27, 1939, suspending said increased rates for natural gas supplied by the Colorado-Interstate Gas Company to the Colorado-Wyoming Gas Company, proposed to be made effective on September 28, 1939, and providing for a public hearing concerning the lawfulness of the said proposed increased rates, and the commission's order of October 20, 1939, postponing the date of said public hearing to November 20, 1939, be and the same are hereby vacated.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4272; Filed, November 18, 1939; 9:30 a. m.]

[1] 4 F.R. 4105 DI.

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of November, A. D. 1939.

[File No. 2-3598]

IN THE MATTER OF OKLAHOMA HOTEL BUILDING COMPANY

ORDER FIXING EFFECTIVE DATE OF AMENDMENTS TO REGISTRATION STATEMENT AND DECLARING STATEMENT AMENDED IN ACCORDANCE WITH STOP ORDER

This matter coming on to be heard by the Commission upon the registration statement filed by Oklahoma Hotel Building Company of Oklahoma City, Oklahoma, on February 11, 1938, and upon amendments to said registration statement filed by said registrant on February 28 and March 25, 1938, and July 26 and October 16, 1939, and the Commission having duly considered the matter and now being fully advised in the premises

*It is declared*, That said registration statement has been amended in accordance with the Stop Order issued on February 24, 1939.

*It is ordered*, That said Stop Order shall cease to be effective.

*It is further ordered*, That the amendments filed March 25, 1938, and July 26 and October 16, 1939, shall become effective on November 16, 1939.

Attention is directed to Rules 800 (b) and 970 of the General Rules and Regulations, relating, respectively, to the requirements for the filing of twenty copies of the actual prospectus used and statement of price at which securities were actually offered.

Attention shall be directed to the provisions of Section 23, Securities Act of 1933, which follow: "Neither the fact that the registration statement for a security has been filed or is in effect nor the fact that a stop order is not in effect with respect thereto shall be deemed a finding by the Commission that the registration statement is true and accurate on its face or that it does not contain an untrue statement of fact or omit to state a material fact, or be held to mean that the Commission has in any way passed upon the merits of, or given approval to, such security. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to the foregoing provisions of this section."

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,

[F. R. Doc. 39-4278; Filed, November 18, 1939; 12:00 m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of November 1939.

[File Nos. 7-443 to 7-445]

IN THE MATTER OF APPLICATIONS BY THE NEW YORK CURB EXCHANGE TO EXTEND UNLISTED TRADING PRIVILEGES TO GATINEAU POWER COMPANY FIRST MORTGAGE BONDS, 3¾% SERIES A, DUE APRIL 1, 1969; GREEN MOUNTAIN POWER CORPORATION FIRST AND REFUNDING MORTGAGE BONDS, 3¾% SERIES, DUE DECEMBER 1, 1963; PACIFIC LIGHTING CORPORATION $5 CUMULATIVE DIVIDEND PREFERRED STOCK WITHOUT PAR VALUE

ORDER SETTING HEARING ON APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

The New York Curb Exchange, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the above-mentioned securities; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Wednesday, December 20, 1939, in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Willis E. Monty, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4279; Filed, November 18, 1939; 12:00 m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the Ctiy of Washington, D. C., on the 18th day of November, A. D. 1939.

[File No. 56-66]

IN THE MATTER OF NEW ENGLAND POWER ASSOCIATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to Section 12 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 8, 1939, at 10:00 o'clock in the forenoon of that day, at the Shawmutt National Bank Building, 82 Devonshire Street, Boston, Massachusetts. On such day the clerk in room 426 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Adrian C. Humphreys or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted



Referred.
NOV 24 1939

to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 28, 1939.

The matter concerned herewith is in regard to an application filed pursuant to Section 12 of the Public Utility Holding Company Act of 1935 and Rule U-12D-1 promulgated thereunder, by New England Power Association, a registered holding company and parent of Massachusetts Utilities Associates, with regard to the proposed sale by Massachusetts Utilities Associates of 1,368 shares of capital stock of Gardner Gas, Fuel and Light Company, a subsidiary of Massachusetts Utilities Associates, for $1.

It is stated that Gardner Gas, Fuel and Light Company is engaged in the manufacture, sale, and distribution of gas in the city of Gardner, Massachusetts; also, that Gardner Gas, Fuel and Light Company has 1400 shares of $100 par value capital stock outstanding.

It is further stated that under the terms of the proposed sale, Massachusetts Utilities Associates is to cancel the entire indebtedness owed to it by Gardner Gas, Fuel and Light Company, which it is stated amounted to $388,427.12 on September 30, 1939, including accrued interest of $90,727.12; and to pay the fees and expenses of the proposed sale, which is estimated will not exceed $500; that the proposed purchaser, Harold E. Greenwood, is not affiliated with New England Power Association or any other public utility or holding company; and that no other offers for the sale of such stock of Gardner Gas, Fuel and Light Company have been made.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc 39-4284; Filed, November 20, 1939; 11:06 a. m.]

Reference

NOV 24 1939

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 226

*Washington, Wednesday, November 22, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### DIVISION OF MARKETING AND MARKETING AGREEMENTS

[Order 22, Amendment 1]

PART 922—AMENDMENT NO. 1 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA*

Sec.
922.0 Findings.
922.1 Definitions.
922.3 Reports of handlers.
922.4 Classification of milk.
922.5 Prices.
922.6 Determination and announcement of values and prices.
922.7 Payment for milk.
922.8 Payments to producers from producer-settlement fund.

Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended (48 Stat. 31), and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246), issued, effective May 1, 1938, Order No. 22,[1] regulating the handling of milk in the Cincinnati, Ohio, marketing area, and issued, effective May 13, 1939, Order No. 22, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area; and

Whereas, the Secretary, having reason to believe that an amendment to said Order No. 22, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area, would tend to effectuate the declared policy of said act, gave, on the 22d day of September 1939,[2] notice of a public hearing to be held at Cincinnati, Ohio, which hearing was held on the 28th and 29th days of September 1939 on a proposal to amend said Order No. 22, as amended, and at said times and place conducted public hearings at which all interested parties were afforded an opportunity to be heard on the proposal to amend said Order No. 22, as amended; and

Whereas, after such hearing handlers of more than fifty percent of the volume of milk covered by such order, as amended, which is marketed within the Cincinnati, Ohio, marketing area, refused or failed to sign a tentatively approved marketing agreement, as amended, relating to milk; and

Whereas, the requirements of section 8c (9) of said act have been complied with; and

Whereas, the Secretary finds, upon the evidence introduced at the above-mentioned public hearing, said findings being in addition to the findings made upon the evidence introduced that the hearing on said order, and at the hearing on said order, as amended, and being in addition to the other findings made prior to or at the time of the original issuance of said order and of said order, as amended (all of which findings are hereby ratified and affirmed, save only as such findings are in conflict with the findings hereinafter set forth):

§ 922.0 *Findings.* 1. That the prices calculated to give milk handled in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8e of said act, are not reasonable in view of the prices of feeds, the available supplies of feeds, and other economic conditions which affect the market supply of and the demand for milk, and that the minimum prices set forth in this amendment to said order, as amended, are such prices as will reflect such factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

2. That the other provisions of this amendment to said order, as amended, are necessary for the more effective administration of said order, as amended;

3. That the order, as amended, and as hereby amended, regulates the handling of milk in the same manner as, and is

*Amendments to Section 922.0, Sec. 922.1, Sec. 922.3, Sec. 922.4, Sec. 922.5, Sec. 922.6, Sec. 922.7, and Sec. 922.8 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. § 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. § 601 et seq. (Supp. IV 1938).

[1] 4 F.R. 1978 DI.

[2] 4 F.R. 4039 DI.

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applicable only to handlers specified in the tentatively approved marketing agreement, as amended, upon which a hearing has been held; and

4. That the issuance of this amendment to the order, as amended, and all of its terms and conditions, as so amended, will tend to effectuate the declared policy of the act:

Now, therefore, The Secretary of Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, hereby orders that the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area be and it is hereby amended as follows:

1. Delete Sec. 922.1 (a) (4) and substitute therefor the following:

(4) The term "producer" means any person who produces milk which is received at the plant of a handler from which milk is disposed of in the marketing area: *Provided*, That if such producer has not regularly distributed milk in the marketing area or has not disposed of milk to a handler for a period of 30 days prior to May 1, 1938, but begins the regular delivery of milk to a handler, he shall be known as a "new producer" for a period beginning with the date of his first delivery of milk and including the first 2 full calendar months of regular delivery following the date of first delivery to a handler, after which he shall be known as a producer.

2. Add to Sec. 922.1 (a) (5) the following:

This definition shall not be deemed to include any person from whom emergency milk is received.

3. Add as Sec. 922.1 (a) (9) the following:

(9) The term "emergency milk" means milk received by a handler from sources other than producers or new producers under a permit to receive such milk issued to him by the proper health authorities.

4. Add as Sec. 922.3 (a) (5) the following:

(5) On or before the day such handler receives emergency milk, his intention to receive such milk.

5. Add as Sec. 922.3 (a) (6) the following:

(6) On or before the 10th day after the end of each delivery period, the receipts of emergency milk, as follows: (a) the amount of such milk, (b) the date or dates upon which such milk was received during the delivery period, (c) the plant from which such milk was shipped, (d) the price per hundredweight paid, or to be paid, for such milk, (e) the utilization of such milk, and (f) such other information with respect thereto as the market administrator may request.

6. Delete Sec. 922.4 (d) (1) and substitute therefor the following:

(1) Determine the total pounds of butterfat received as follows: (a) multiply the weight of the milk received from producers and new producers by its average butterfat test, (b) multiply the weight of the milk produced by him, if any, by its average butterfat test, (c) multiply the weight of the milk received from handlers, if any, by its average butterfat test, (d) multiply the weight of emergency milk, if any, by its average butterfat test, and (e) add together the resulting amounts.

7. Add as Sec. 922.4 (d) (5) (iii) the following:

(iii) In the case of a handler who has received emergency milk during the delivery period, subtract from the total pounds of butterfat in each class a further amount which shall be computed as follows: divide the total pounds of butterfat in said class by the total pounds of butterfat in all classes and multiply by the total pounds of butterfat contained in emergency milk received.

8. Delete Sec. 922.5 (a) and substitute therefor the following:

(a) *Class prices.* Each handler shall pay at the time and in the manner set forth in Sec. 922.7 not less than the following prices for milk received at such handler's plant on the basis of milk of 4 percent butterfat content as follows:

Class I milk—$2.75 per hundredweight during delivery periods prior to May 1, 1940, and thereafter $2.35 per hundredweight: *Provided*, That with respect to Class I milk disposed of by the handler through a recognized relief agency or under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.15 per hundredweight during delivery periods prior to May 1, 1940, and thereafter $1.95 per hundredweight.

Class II milk—$1.80 per hundredweight.

Class III milk—The price per hundredweight which shall be calculated by the market administrator as follows: multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 30 percent thereof: *Provided*, That for Class III milk disposed of as butter the price shall be the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, plus 2 cents, multiplied by 4. In the event that the total receipts of butterfat, excepting that contained in emergency milk, by all handlers from producers and new producers during the delivery period, as ascertained by the market administrator from reports submitted by handlers pursuant to Sec. 922.3 (a), are less than 125 percent of the total quantity of butterfat disposed of in Class I milk and Class II milk by such handlers, computed pursuant to subparagraphs (2) and (3) of paragraph (d) of Sec. 922.4, the price last stated shall apply to a quantity of milk disposed of as butter but not to exceed 10 percent of the total quantity of milk received by the handler from producers and new producers, which was disposed of as Class I milk and Class II milk, computed pursuant to Sec. 922.4 (e) (1).



9. Delete Sec. 922.6 (a) (3) and substitute therefor the following:

(3) Subtract, if the average butterfat test of milk of producers is greater than 4 percent, or add, if the average butterfat test of such milk is less than 4 percent, an amount computed as follows: multiply the total hundredweight of milk by the variance of such average butterfat test from 4 percent, and multiply the resulting amount by $0.40 if the average price of butter as described in Sec. 922.5 (a) was more than $0.30, or by $0.30 if such average price of butter was $0.30 or less.

10. Delete Sec. 922.7 and substitute therefor the following:

§ 922.7 *Payment for milk*—(a) *Payment to producers and new producers.* On or before the 5th day after the end of each delivery period, each handler shall pay, with respect to all milk received during the delivery period, $1.00 per hundredweight of milk to each producer and $0.50 per hundredweight of milk to each new producer: *Provided*, That in the event the total amount of the deductions and charges authorized by any producer or new producer against payments due such producer or new producer for the delivery period next preceding is greater than the payment computed for such producer or new producer pursuant to Sec. 922.8 (a) with respect to milk received from such producer or new producer during such preceding delivery period, the handler may deduct from the payment required by this paragraph a sum equal to the difference between such amounts.

(b) *Payment to producer-settlement fund.* On or before the 17th day after the end of each delivery period, each handler shall pay to the market administrator the amount of money which represents the value of milk billed to him for such delivery period, pursuant to Sec. 922.5 (d), less the amount paid out to each producer and new producer in accordance with paragraph (a) of this section, and less the amount of the deductions and charges authorized by such producer or new producer which are itemized on the handler's producer pay roll: *Provided*, That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer or new producer shall not be greater than an amount which, when added to the payment made to such producer or new producer in accordance with paragraph (a) of this section (inclusive of the deductions and charges authorized by paragraph (a) of this section), will not exceed the total value of the milk received from such producer or new producer. The market administrator shall maintain a separate fund, known as the producer-settlement fund, in which he shall deposit all payments of handlers received pursuant to this paragraph.

11. Delete Sec. 922.8 (a) and substitute therefor the following:

§ 922.8 *Payments to producers from producer-settlement fund*—(a) *Calculation of payments for each producer and new producer.* For each delivery period the market administrator shall calculate the payment due each producer and new producer from whom milk was received during such delivery period by a handler who paid into the producer-settlement fund in accordance with Sec. 922.7, as follows:

(1) Multiply the hundredweight of milk received from each producer by the uniform price computed in accordance with Sec. 922.6 (a): *Provided*, That if such milk was of an average butterfat content other than 4 percent, there shall be added or subtracted for each one-tenth of 1 percent variance above or below 4 percent, 4 cents per hundredweight when the average price of butter as described in Sec. 922.5 (a) was more than 30 cents, or 3 cents per hundredweight when such average price of butter was 30 cents or less;

(2) Multiply the total hundredweight of milk received from each new producer during said delivery period by the price for Class III milk not disposed of as butter, as provided in Sec. 922.5 (a): *Provided*, That if such milk was of an average butterfat content other than 4 percent, there shall be added or subtracted for each one-tenth of 1 percent variance above or below 4 percent, an amount per hundredweight equal to 1/10 of the price for Class III milk not disposed of as butter;

(3) Subtract, in each case, the amount of the advance payment made pursuant to Sec. 922.7 (a), the charges and the deductions, if any, which are made pursuant to Sec. 922.7 (b).

Now, therefore, H. A. Wallace, Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, does hereby execute in duplicate and issue this amendment to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area, under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 21st day of November 1939, and declares this amendment to be effective on and after the 24th day of November 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4307; Filed, November 21, 1939; 12:52 p. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER VII—PERSONNEL

### PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS [1]

*Appointment of Second Lieutenants, Regular Army, From Honor Graduates of Senior Reserve Officers' Training Corps Units*

§ 73.54 *Eligibility for appointment.*

* * * * *

(b) Appointments will be confined to honor graduates in the senior Reserve Officers' Training Corps division of institutions, other than Medical, within the continental United States which offer a college degree upon satisfactory completion of four years' college work except as indicated in paragraph (c) below. The term "honor graduate" will apply to graduates of the institution in the current academic year (except as indicated in paragraphs (d) and (e) below) who are graduates of the Reserve Officers' Training Corps, citizens of the United States, who have been selected by the president of the institution for scholastic excellence and who have been designated as honor graduates by the professors of military science and tactics as possessing outstanding qualities of leadership, character, and aptitude for military service.

* * * * *

(e) Honor graduates who are ineligible for appointment in the Regular Army in the year in which they graduate in honor status because their graduation from the Reserve Officers' Training Corps is deferred pending completion of summer camp training will be permitted to compete for appointments in the Regular Army with honor graduates in the first year subsequent thereto in which they complete the prescribed summer training.

[1] These regulations amend and supplement Title 10, Chapter VII, Part 73 of the Code of Federal Regulations.

(41 Stat. 774; 10 U.S.C. 484, amended by sec. 7, Act April 3, 1939) [Par. 3, A.R. 605-7, April 26, 1939, as amended by C2, Nov. 15, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-4297; Filed, November 21, 1939; 9:39 a. m.]

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## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3712]

IN THE MATTER OF SUPREME MANUFACTURING COMPANY, ETC.

§ 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (j10) *Misbranding or mislabeling — Results:* § 3.69 (b) (12) *Misrepresenting oneself and goods—Goods—Qualities or properties:* § 3.69 (b) (15.3) *Misrepresenting oneself and goods — Goods — Results.* Representing, directly or by implication, in connection with offer, etc., in commerce, of respondent's so-called Supreme, Marvel, Marvo and Peerless product for treatment of hosiery and lingerie, or other similar products, that use of such product will prevent runs and snags in, or the rotting and fading of, hosiery and lingerie, or that through the use of such product the purchaser can save approximately 50 percent of the cost of silk hosiery and lingerie, or that use thereof strengthens the heels and toes of silk hosiery, or that hosiery treated with said product will last four or five times longer than it would without being so treated, or that the use of said product will result in any substantial increase in the wearing qualities of silk hosiery, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Supreme Manufacturing Company, etc., Docket 3712, November 7, 1939]

§ 3.66 (g) *Misbranding or mislabeling—Producer status of dealer:* § 3.69 (a) (11.7) *Misrepresenting oneself and goods—Business status, advantages or connections—Producer status of dealer:* § 3.96 (b) (5) *Using misleading name—Vendor—Producer or laboratory status of dealer.* Representing, in connection with offer, etc., in commerce, of respondent's so-called Supreme, Marvel, Marvo and Peerless product for treatment of hosiery and lingerie, or other similar products, through the use of the word "Manufacturing", or any other word or term of similar import or meaning, as part of the trade name used by the respondent, or in any other manner or through any other means or devices, that said respondent is the manufacturer of the product sold by him, unless and until such respondent actually owns and operates, or directly and absolutely controls, a manufacturing plant wherein said product is manufactured by him, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Supreme Manufacturing Company, etc., Docket 3712, November 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF C. C. JOHNSON, TRADING AS SUPREME MANUFACTURING COMPANY, CARLYLE SERVICE, MARVO MANUFACTURING COMPANY, AND PEERLESS MANUFACTURING COMPANY

ORDER TO CEASE AND DESIST

This proceeding has been heard [1] by the Federal Trade Commission upon the complaint of the Commission, and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, C. C Johnson, trading as Supreme Manufacturing Company, Carlyle Service, Marvo Manufacturing Company, and Peerless Manufacturing Company, or trading under any other name or names, his agents, servants, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the product for the treatment of hosiery and lingerie now sold and distributed by the respondent under the trade names Supreme, Marvel, Marvo and Peerless, or any other product composed of substantially the same ingredients or possessing substantially similar properties, whether sold under said names, or any other trade name or names, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that the use of said product will prevent runs and snags in, or the rotting and fading of, hosiery and lingerie;

(2) Representing, directly or by implication, that through the use of said product the purchaser can save approximately 50% of the cost of silk hosiery and lingerie;

(3) Representing, directly or by implication, that the use of said product strengthens the heels and toes of silk hosiery, or that hosiery treated with said product will last four or five times longer than it would without being so treated, or that the use of said product will result in any substantial increase in the wearing qualities of silk hosiery;

(4) Representing, through the use of the word "manufacturing", or any other word or term of similar import or meaning, as part of the trade name used by the respondent, or in any other manner or through any other means or device, that said respondent is the manufacturer of the product sold by him, unless and until such respondent actually owns and operates, or directly and absolutely controls, a manufacturing plant wherein said product is manufactured by him.

*It is further ordered*, That the respondent shall, within sixty days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4291; Filed, November 20, 1939; 1:10 p. m.]

[1] 4 F.R. 2266 DI.

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[Docket No. 3719]

IN THE MATTER OF THE PERASTHMAN COMPANY, INC., ET AL.

§ 3.6 (j10) *Advertising falsely or misleadingly—History of product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of "Perasthman" and "Perasthman Tablets" medicinal, or other similar medicinal, preparation, which advertisements represent, directly or through implication, that said preparation is a cure for asthma or is an effective treatment for asthma or the symptoms thereof, or that it has any therapeutic value in the treatment of asthma other than affording, in some cases, temporary relief from some of the symptoms of asthma; that it is new or sensational or that the use thereof is beneficial to all sufferers from asthma; that it is harmless or that the use thereof will assure sufferers from asthma, nights of restful sleep or days of greater comfort or will stop wheezing or other symptoms of asthma; or which advertisements fail to reveal that said preparation is not safe if used in self-medication by members of the lay public suffering from heart or kidney ailments; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [cease and desist order, The Perasthman Company, Inc., et al., Docket 3719, November 7, 1939]



*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF THE PERASTHMAN COMPANY, INC., AND E. FOUGERA & COMPANY, INC., CORPORATIONS

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, The Perasthman Company, Inc., and E. Fougera & Company, Inc., corporations, their officers, agents, servants, representatives, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mail or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of the medicinal preparation, containing drugs, now designated "Perasthman" and "Perasthman Tablets," or any other medicinal preparation composed of substantially similar ingredients, or possessing substantially similar therapeutic properties, whether sold under the same name or any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said medicinal preparation, which advertisements represent, directly or through implication, that said preparation is a cure for asthma or is an effective treatment for asthma or the symptoms thereof, or that said preparation has any therapeutic value in the treatment of asthma other than affording, in some cases, temporary relief from some of the symptoms of asthma; that said preparation is new or sensational or that the use thereof is beneficial to all sufferers from asthma; that said preparationtion is harmless or that the use thereof will assure sufferers from asthma, nights of restful sleep or days of greater comfort or will stop wheezing or other symptoms of asthma; or which advertisements fail to reveal that said preparation is not safe if used in self-medication by members of the lay public suffering from heart or kidney ailments.

*It is further ordered*, That the respondents shall, within sixty days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4292; Filed, November 20, 1939; 1:11 p. m.]

[1] 4 F.R. 2266 DI.

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[Docket No. 3664]

IN THE MATTER OF OLD MISSION TABLET COMPANY

§ 3.6 (j10) *Advertising falsely or misleadingly—History of product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondent's "Old Mission Tablets" and "O-M Tablets", or other similar preparation, which advertisements represent, directly or through implication, that said preparation is identical to the preparation which helped build up the reputation of one of the greatest stomach and kidney specialists in the United States; that it was prepared or used by the greatest kidney and stomach specialist in the United States; that it is one of the greatest tablets offered to the public for general run down stomach condition, or that, wherever it is known, said preparation is one of the largest selling or most favored tablets for such condition; that it is an effective treatment for stomach or digestive troubles caused by costive weakened digestive system; or that it is an effective treatment for congestive stomach soreness, sick headaches, backaches, dizzy spells or gastric stomach attacks, unless such representations disclose that such effectiveness is limited to those cases wherein such conditions are caused primarily by constipation, or that one or two tablets of said preparation will ordinarily relieve congestive stomach soreness, sick headaches, backaches, dizzy spells or gastric stomach attacks irrespective of whether such conditions are caused primarily by constipation; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Old Mission Tablet Company, Docket 3664. November 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 7th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF E. W. KNOWLTON, AN INDIVIDUAL TRADING AS OLD MISSION TABLET COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, E. W. Knowlton, individually and trading as Old Mission Tablet Company, or trading under any other name, his representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of respondent's medicinal preparation now designated as Old Mission Tablets and O-M Tablets, or any other preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same names or other names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said medicinal preparation, which advertisements represent, directly or through implication, that said preparation is identical to the preparation which helped build up the reputation of one of the greatest stomach and kidney specialists in the United States or that said preparation was prepared or used by the greatest kidney and stomach specialist in the United States; that said preparation is one of the greatest tablets offered to the public for general run down stomach condition, or that, wherever it is known, said preparation is one of the largest selling

[1] 4 F.R. 2192 DI.

or most favored tablets for such condition; that said preparation is an effective treatment for stomach or digestive troubles caused by costive weakened digestive system; or that said preparation is an effective treatment for congestive stomach soreness, sick headaches, backaches, dizzy spells or gastric stomach attacks unless such representations disclose that such effectiveness is limited to those cases wherein such conditions are caused primarily by constipation, or that one or two tablets of said preparation will ordinarily relieve congestive stomach soreness, sick headaches, backaches, dizzy spells or gastric stomach attacks irrespective of whether such conditions are caused primarily by constipation.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4290; Filed, November 20, 1939; 1:10 p. m.]

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[Docket No. 3871]

IN THE MATTER OF MARLIN FIREARMS COMPANY

§ 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Manufacturer.* Representing, in connection with sale, etc., in commerce, of razor blades, that respondent Marlin Firearms Company is the manufacturer of the razor blades which it sells, unless and until it owns and operates, or directly and absolutely controls, the factory wherein said razor blades are manufactured, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Marlin Firearms Company, Docket 3871, November 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF MARLIN FIREARMS COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That Marlin Firearms Company, a corporation, its officers, agents and representatives, in connection with the sale and distribution of razor blades in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that Marlin Firearms Company is the manufacturer of the razor blades which it sells, unless and until it owns and operates, or directly and absolutely controls, the factory wherein said razor blades are manufactured.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4313; Filed, November 21, 1939; 12:57 p. m.]

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## TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T.D. 50017]

ROCHESTER MUNICIPAL AIRPORT, ROCHESTER, NEW YORK, DESIGNATED AS AN AIRPORT OF ENTRY WITHOUT TIME LIMIT [1]

NOVEMBER 16, 1939.

*To Collectors of Customs and Others Concerned:*

The Rochester Municipal Airport, Rochester, New York, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), effective November 7, 1939. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b))

[SEAL] JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4312; Filed, November 21, 1939; 12:56 p. m.]

[1] This document affects the tabulation in 19 CFR 4.12.

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## TITLE 22—FOREIGN RELATIONS

### DEPARTMENT OF STATE

PART 55C—TRAVEL

Section 5 (a) of the Neutrality Act of 1939 regarding travel on belligerent vessels provides as follows:

SEC. 5 (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a) it shall thereafter be unlawful for any citizen of the United States to travel on any vessel of any state named in such proclamation, except in accordance with such rules and regulations as may be prescribed.

On November 6, the following regulations were prescribed in pursuance of the above provision:

American diplomatic and consular officers and their families, members of their staffs and their families, and American military and naval officers and personnel and their families may travel pursuant to orders on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa if the public service requires.

Other American citizens may travel on vessels of France,; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, *Provided, however*, That travel on or over the north Atlantic Ocean, north of 35 degrees north latitude and east of 66 degrees west longitude or on or over other waters adjacent to Europe or over the continent of Europe or adjacent islands shall not be permitted except when specifically authorized by the Secretary of State in each case.

Section 3 (a) of the Neutrality Act of 1939, regarding travel into or through combat areas provides as follows:

SEC. 3 (a) Whenever the President shall have issued a proclamation under the authority of section 1 (a), and he shall thereafter find that the protection of citizens of the United States so requires, he shall, by proclamation, define combat areas, and thereafter it shall be unlawful, except under such rules and regulations as may be prescribed, for any citizen of the United States or any American vessel to proceed into or through any such combat area. The combat areas so defined may be made to apply to surface vessels or aircraft, or both.

The President, by proclamation of November 4, 1939, entitled "Definition of Combat Areas" defined a combat area as follows:

All the navigable waters within the limits set forth hereafter.

Beginning at the intersection of the North Coast of Spain with the meridian of 2°45' longitude west of Greenwich;

Thence due north to a point in 43°54' north latitude;

Thence by rhumb line to a point in 45° 00' north latitude; 20°00' west longitude;

Thence due north to 58°00' north latitude;

Thence by rhumb line to latitude 62° north, longitude 2° east;

Thence by rhumb line to latitude 60° north, longitude 5° east;

Thence due east to the mainland of Norway;

Thence along the coastline to Norway, Sweden, the Baltic Sea and dependent waters thereof, Germany, Denmark, the Netherlands, Belgium, France and Spain to the point of beginning.

On November 6, 1939, the following regulations relating to travel into and through combat areas were prescribed:

Holders of American passports issued or validated subsequent to September 4, 1939 for travel in Europe are hereby permitted to proceed, in accordance with the authorizations and subject to the restrictions noted on such passports, into and through any such combat area, whether by surface vessels or aircraft, or both, until further regulation. Holders of American passports, whether or not so issued or validated, presently in the combat areas defined by the proclamation of the President of the United States dated November 4, 1939, are hereby permitted to proceed into and through such combat areas in connection with travel in



accordance with the authorizations and subject to the restrictions noted on such passports, until further regulation.

The Acting Secretary of State of the United States hereby amends 22 CFR 55C.2 of November 6, 1939,[1] to read as follows:

Other American citizens may travel on vessels of France; Germany; Poland; or the United Kingdom, India, Australia, Canada, New Zealand, and the Union of South Africa, *Provided, however*, That travel on or over the north Atlantic Ocean, north of 35 degrees north latitude and east of 66 degrees west longitude or on or over other waters adjacent to Europe or over the continent of Europe or adjacent islands shall not be permitted except when specifically authorized by the Passport Division of the Department of State or an American Diplomatic or Consular officer abroad in each case.

and also prescribes the following regulations supplementing the regulations prescribed on November 6, 1939,[2] which supplemental regulations shall be designated as § 55C.3 (b), (c), (d), (e), and (f), under Title 22 for codification purposes.[3]

PART 55C—TRAVEL

§ 55C.3 *American nationals in combat areas*—(b) *Endorsement of passport for travel in combat areas.* American nationals may not travel on any surface vessel or aircraft into or through any area which is or may be defined as a combat area unless they possess American passports which have been endorsed as valid, as hereinafter provided, for such travel by the Passport Division of the Department of State or an American Diplomatic or Consular officer abroad.

(c) *Endorsement restricted in validity to one specific journey.* Each such endorsement shall be restricted in validity to one specific journey into or through a combat area and shall not be valid for travel on a belligerent vessel unless transportation on a neutral vessel is not reasonably available.

(d) *Endorsement on passports of United States officers and employees.* Endorsements valid for travel into or through a combat area may be placed on the passports of officers and employees of the United States, civil or military, and members of their families if the public service requires.

(e) *Endorsements for other American nationals in cases of imperative necessity.* Endorsements valid for travel into or through a combat area shall not be placed on the passports of other American nationals except in cases of imperative necessity and unless other routes of travel to destination are not reasonably available.

(f) *American nationals authorized to travel without endorsement.* The regulations § 55C.3 (b), (c), (d), (e), and (f) are not applicable to the following American nationals who are hereby authorized, under the conditions stated, to travel into or through combat areas without being in possession of American passports endorsed as valid for such travel:

(1) *Officers and enlisted personnel on board vessels of United States Navy or United States Coast Guard.* Officers and enlisted personnel on board any vessels of the United States Navy or United States Coast Guard proceeding into or through combat areas under orders or in the course of duty.

(2) *Officers and members of crew of American vessels authorized to evacuate American citizens.* Officers and members of the crew of any American vessel which, by arrangement with the appropriate authorities of the Government of the United States, may be commissioned to proceed into or through a combat area in order to evacuate citizens of the United States who are in imminent danger to their lives as a result of combat operations incident to the present war.

(3) *Officers and members of crew of American vessels under direction of American Red Cross.* Officers and members of the crew of any American vessel proceeding into or through a combat area under charter or other direction and control of the American Red Cross and under safe conduct granted by belligerent states.

(4) *Officers and members of crew of American vessels on current voyage.* Officers and members of the crew of any American vessel which in advance of a proclamation by the President, defining any area as a combat area, cleared and departed from an American or foreign port for a port or ports within the area so defined as a combat area: *Provided, however*, That the provisions of this subparagraph are limited to a current voyage so undertaken. (Secs. 3 (a), 5 (a), Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Proc. No. 2376, Nov. 4, 1939)

[SEAL] SUMNER WELLES,
*Acting Secretary of State.*

NOVEMBER 17, 1939.

[F. R. Doc. 39-4293; Filed, November 20, 1939; 4:16 p. m.]

[1] 4 F.R. 4509 DI.

[2] Paragraph (a) of § 55C.3 appeared in the FEDERAL REGISTER of November 8, 1939, as paragraph (1) in "Regulations under section 3 of the joint resolution of Congress approved November 4, 1939." (4 F.R. 4510 DI.)

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## TITLE 26—INTERNAL REVENUE

### BUREAU OF INTERNAL REVENUE

[Regulations 44, 1939 Edition]

PART 314—REGULATIONS RELATING TO THE TAXES ON GASOLINE, LUBRICATING OIL, AND MATCHES

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SUBPART A.—INTRODUCTORY

§ 314.0 *Scope of regulations.* These regulations apply to the excise taxes imposed by Chapter 29, Subchapter A, of the Internal Revenue Code on sales of gasoline, lubricating oil, and matches. They deal with the determination of tax liability, the computation of the tax, the manner of its application, the collection and return of tax, the imposition of penalties, and related matters.

The import taxes with respect to petroleum and derivatives imposed by Chapter 29, Subchapter B, of the Internal Revenue Code are not within the scope of these regulations. Such taxes are administered by the Bureau of Customs of the Treasury Department under other regulations.

The statutory references are to the Internal Revenue Code (53 Stat., Part 1) unless otherwise stated.*†

SUBPART B.—GENERAL PROVISIONS

*Definitions*

SEC. 3797. DEFINITIONS.
(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) PERSON. The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, company, or corporation.

(2) PARTNERSHIP AND PARTNER. The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) CORPORATION. The term "corporation" includes associations, joint-stock companies, and insurance companies.

* * * * *

(9) UNITED STATES. The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(10) STATE. The word "State" shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) SECRETARY. The term "Secretary" means the Secretary of the Treasury.

(12) COMMISSIONER. The term "Commissioner" means the Commissioner of Internal Revenue.

(13) COLLECTOR. The term "collector" means collector of internal revenue.

(14) TAXPAYER. The term "taxpayer" means any person subject to a tax imposed by this title.

* * * * *

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

* * * * *

SEC. 3440. DEFINITION OF SALE.
For the purposes of this chapter, the lease of an article shall be considered the sale of such article.

§ 314.1 *Meaning of terms.* As used in these regulations—

(a) The terms defined in the applicable provisions of law shall have the meaning so assigned to them.

(b) The term "manufacturer" includes producer and importer.

(c) The term "exporter" means the person named as shipper or consignor in the export bill of lading.

(d) The term "exportation" means the severance of an article from the mass of things belonging within the United States with the intention of uniting it with the mass of things belonging within some foreign country or within a possession of the United States.

(e) The term "possession of the United States" includes the Philippine Islands, the Panama Canal Zone, the Virgin Islands, Guam, Puerto Rico, American Samoa, Wake, the Midway Islands, and Palmyra.

(f) The term "sale" means an agreement whereby the seller transfers the property (that is, the title or the substantial incidents of ownership) in goods to the buyer for a consideration called the price, which may consist of money, services, or other things.

(g) The term "taxable article" means any article taxable under Chapter 29, Subchapter A, of the Internal Revenue Code.*†

*Effective Period*

SEC. 3415. EFFECTIVE DATE OF SUBCHAPTER.
This subchapter shall take effect on the first day of that calendar month occurring next after the enactment of this title.

SEC. 3452. (AS AMENDED BY SECTION 1 OF THE REVENUE ACT OF 1939). EXPIRATION DATE.
No sale or importation after June 30, 1941 (or after July 31, 1941, in the case of articles taxable under section 3403, relating to the tax on automobiles, etc., or section 3400, relating to the tax on tires and inner tubes), shall be taxable under this chapter.

§ 314.2 *Effective period.* The taxes on the sale of gasoline, lubricating oil, and matches became effective under Title IV of the Revenue Act of 1932 on June 21, 1932. The applicable provisions of the Revenue Act of 1932 were superseded, effective March 1, 1939, by provisions of the Internal Revenue Code.

The tax is imposed upon any sale or use prior to July 1, 1941, of gasoline, lubricating oil, or matches by the manufacturer or other person liable for tax under the provisions of section 3445 of the Internal Revenue Code irrespective of when the article was manufactured, produced, or imported.*†

*Liability for Tax*

[SEC. 341. SALE PRICE.]
(c) In the case of (1) a lease, (2) a contract for the sale of an article wherein it is provided that the price shall be paid by installments and title to the article sold does not pass until a future date notwithstanding partial payment by installments, or (3) a conditional sale, there shall be paid upon each payment with respect to the article that portion of the total tax which is proportionate to the portion of the total amount to be paid represented by such payment.

§ 314.3 *Liability for tax.* Each manufacturer, producer, or importer is liable for tax on any sale, lease, or use of a taxable article, whether such sale, lease, or use is made directly or through an agent, except as otherwise provided. See Subpart C and sections 314.5, 314.32, 314.33, 314.42, and 314.43.*†

§ 314.4 *When tax attaches.* In general, the tax attaches when the title to the article sold passes from the manufacturer to a purchaser.

When title passes is dependent upon the intention of the parties as gathered from the contract of sale and the attendant circumstances. In the absence of expressed intention, the legal rules of presumption followed in the jurisdiction where the sale is made govern in determining when title passes. Generally, title passes upon delivery of the article to the purchaser or to a carrier for the purchaser.

In the case of a sale on credit, it is immaterial whether or not the purchase price is actually collected.

Where a manufacturer consigns articles to a dealer, retaining ownership in them until they are disposed of by the dealer, title does not pass and the tax does not attach until sale by the dealer. Likewise, where the relationship between a manufacturer and a dealer is that of principal and agent, title passes upon sale by the dealer, and tax thereupon attaches.

In the case of an installment sale, a conditional sale, or a lease, a proportionate part of the tax attaches on each payment. In the case of use by a manufacturer (see section 314.6), the tax attaches at the time the use begins.*†

*Sales by Others Than Manufacturer, Producer, or Importer*

SEC. 3445. SALES BY OTHERS THAN MANUFACTURER, PRODUCER, OR IMPORTER.
In case any person acquires from the manufacturer, producer, or importer of an article, by operation of law or as a result of any transaction not taxable under this chapter, the right to sell such article, the sale of such article by such person shall be taxable under this chapter as if made by the manufacturer, producer, or importer, and such person shall be liable for the tax.

§ 314.5 *Sales of taxable articles by a person other than the manufacturer thereof.* If the property (that is, the title or the substantial incidents of ownership) in an article is transferred from the manufacturer thereof, and, under the law, no tax attaches to such transfer, the subsequent sale, lease, or use of the article by the transferee is subject to the tax. The following examples are illustrative of this rule:

If a manufacturer, producer, or importer of any of the articles covered by these regulations dies, the surviving spouse, child or children, executors or administrators, or other legal representatives, as the case may be, are liable for the tax on all such articles sold by them.

A receiver or trustee in bankruptcy of a manufacturer, who conducts or liquidates a business under a court order, is liable for tax on all taxable articles sold by him, regardless of whether the articles were manufactured or imported before or after he took charge of the business.

An assignee for the benefit of creditors of a manufacturer is liable for tax with respect to all taxable articles sold by him as such assignee.

If one or more members of a partnership withdraw, and the business is continued by the remaining partners, or if new partners are admitted, the new partnership so constituted will be liable for tax on all taxable articles sold by it regardless of when they were manufactured or imported.

A corporation which results from a statutory consolidation, or a stockholder in a corporation who, after its dissolution, continues the business, is liable for tax on all taxable articles sold by it.*†

*Use by Manufacturer, Producer, or Importer*

SEC. 3444. USE BY MANUFACTURER, PRODUCER, OR IMPORTER.
(a) If—

(1) any person manufactures, produces, or imports an article (* * *) and uses it (otherwise than as material in the manufacture or production of, or as a component part of, another article to be manufactured or produced by him which will be taxable under this chapter or sold free of tax by virtue of section 3442, relating to tax-free sales);

* * * * *

he shall be liable for tax under this chapter in the same manner as if such article was sold by him, * * *.

§ 314.6 *Tax on use by manufacturer, producer, or importer.* If a person manufactures, produces, or imports an article covered by these regulations and uses it for any purpose (other than as material in the manufacture or production of, or as a component part of, another article manufactured or produced by him which will be taxable or sold free of tax under the provisions of section 314.21 or 314.22), he shall be liable for tax with respect to the use of such article in the same manner as if it were sold by him.

The use by any person, in the operation of a business in which he is engaged, of any taxable article which has been manufactured, produced, or imported by him or his agent, makes such person liable to tax on such use. However, the tax on the use of such taxable article will not attach in cases where an individual incidentally manufactures, produces, or imports for his personal use or causes to be manufactured, produced, or imported for his personal use any taxable article.*†

*Registration Generally*

§ 314.7 *Registration.* Every manufacturer of articles covered by these regulations (except manufacturers or producers of gasoline or lubricating oil) and every person who as a vendee with an established place of business is engaged in selling direct to manufacturers of taxable articles, who desire to avail themselves of the privilege of purchasing such articles tax free for further manufacture, or for resale for further manufacture, in accordance with the provisions of sections 314.21 and 314.22 may be granted a certificate of registry on Form 637 upon the filing of an application for registry on Form 637–A with the collector of internal revenue for the district in which is located the principal place of business (or, if there is no principal place of business in the United States, with the collector of internal revenue at Baltimore, Md.). The application for registry must state specifically the nature of the applicant's business.

Producers or importers of gasoline and manufacturers or producers of lubricating oil are required to register and give bond. (See sections 314.8 and 314.9.)

Jobbers or dealers who are not manufacturing or producing taxable articles or selling taxable articles direct to manufacturers for use as material in the manufacture or production of, or as component parts of, taxable articles, are not entitled to purchase tax free in accordance with the provisions of sections 314.21 and 314.22, and will not be granted registration certificates.

The Commissioner may cancel the registration certificate and may deny the right to sell or purchase articles tax free in any case where he is satisfied that the registrant is not a bona fide manufacturer of taxable articles, or is not a vendee reselling direct to manufacturers of such articles, or that tax-free sales are being made for purposes not warranted by the law and these regulations.*†

*Registration and Bonding*

Gasoline and Lubricating Oil

[SEC. 3412. TAX ON GASOLINE.]
(d) Every person subject to tax under this section or section 3413 shall, before incurring any liability for tax under such sections register with the collector for the district in which is located his principal place of business (or, if he has no principal place of business in the United States, with the collector at Baltimore, Maryland) and shall give a bond, to be approved by such collector, conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the United States of any tax under such sections; that he shall render truly and completely all returns, statements, and inventories required by law or regulations in pursuance thereof and shall pay all taxes due under such sections; and that he shall comply with all requirements of law and regulations in pursuance thereof with respect to tax under such sections. Such bond shall be in such sum as the collector may require in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, but not less than $2,000. The collector may from time to time require new or additional bond in accordance with this subsection. Every person who fails to register or give bond as required by this subsection, or who in connection with any purchase of gasoline or lubricating oil falsely represents himself to be registered and bonded as provided by this subsection, or who willfully makes any false statement in an application for registration under this subsection, shall upon conviction thereof be fined not more than $5,000 or imprisoned not more than five years, or both, together with the costs of prosecution. If the Commissioner finds that any manufacturer or producer has at any time evaded any Federal tax on gasoline or lubricating oil, he may revoke the registration of such manufacturer or producer, and no sale to, or for resale to, such manufacturer or producer thereafter shall be tax-free under section 3413, this section, or section 3442, but such manufacturer or producer shall not be relieved of the requirement of giving bond under this subsection.

§ 314.8 *Registration.* Every producer (except as hereinafter provided in this section) or importer of gasoline, and every manufacturer or producer of lubricating oil, shall, before incurring any liability for tax with respect to gasoline or lubricating oil, make application for registry to the collector for the district in which is located his principal place of business (or, if he has no principal place of business in the United States, to the collector at Baltimore, Md.).

Form 637–A, Application for registry, shall be used for this purpose and may be obtained from the collector. The application for registry must state specifically the nature of the applicant's business.

Upon receipt of Form 637–A properly executed, and upon acceptance of the bond provided for in section 314.9, the collector will furnish to the applicant Form 637, Certificate of registry, bearing his registration number. This certificate is not transferable from one person to another. In case of a change in the location of the principal place of business within the district in which registered, the collector shall be promptly notified. If the principal place of business is transferred from one collection district to another, a new application for a certificate of registry must be filed with the collector for the district in which the new principal place of business is located.

The number of the certificate of registry must appear on each exemption certificate used by the registrant in purchasing gasoline or lubricating oil tax free for use, further manufacture, or resale.

Those persons holding certificates of registry on Form 637 issued prior to the promulgation of these regulations will not be required to reregister.

In case any importer or producer of gasoline or manufacturer or producer of lubricating oil fails to register and give bond in accordance with the law as provided above, he shall be liable for the penalty imposed by law.

If the Commissioner finds that any importer or producer of gasoline or manufacturer or producer of lubricating oil has at any time evaded any Federal tax on gasoline or lubricating oil, he may revoke the registration certificate issued to such person and no sale to, or sale for resale to, such person thereafter shall be made tax free. The revocation of a certificate of registry will not relieve such person of the requirement of giving a bond in accordance with section 314.9.

For special provisions relative to the registration of dealers, other than dealers selling exclusively to producers of gasoline, permitted to purchase gasoline or lubricating oil tax free for resale direct to manufacturers of taxable articles, see section 314.7.

For special provisions relative to inspection of records of importers or producers of gasoline and manufacturers of lubricating oil by internal-revenue officers, or officers of any State or Territory, or political subdivision thereof, or the District of Columbia, charged with the enforcement or collection of any tax on gasoline or lubricating oil, see section 314.62.

*Sections 314.0 to 314.66 are issued under the authority contained in section 3450 of the Internal Revenue Code, and follow the statutory provisions to which they, respectively, refer.

†The source of sections 314.0 to 314.66 is Regulations 44 (1939 Edition), approved November 20, 1939.

Persons (other than refiners, compounders, blenders, dealers selling exclusively to producers of gasoline, or actual producers of gasoline) who purchase gasoline tax free for resale to producers of gasoline for use by them as material in the manufacture or production of, or as a component part of, taxable articles will not be required to register and give bond as producers of the gasoline purchased tax free unless the Commissioner finds that, by reason of abuse of the privilege of buying tax free, such persons are subject to tax under section 3412 of the Internal Revenue Code. Such purchasers for resale will, however, be required to register in accordance with section 314.7.

Every person who fails to register as required by this section is liable for the penalties imposed by law.*†

§ 314.9 *Bonding.* Every producer or importer of gasoline and every manufacturer or producer of lubricating oil required to register in accordance with section 314.8 must give a bond on Form 928, in duplicate, with his application for certificate of registry. Such bond shall be in a sum equivalent to the approximate amount of tax which would be incurred by him during an average 3-month period at the rates of tax then in effect, but in no case shall the bond be for less than $2,000.

If the amount of the bond so calculated would exceed $30,000, the collector may accept a bond for not less than $30,000. In such cases there should be submitted to the collector for transmittal to the Commissioner all facts pertaining to the ownership and value of the property and equipment which will be of assistance to the Commissioner in determining whether a larger bond should be required from the applicant. In transmitting this data the collector should submit his recommendation as to the sufficiency of the bond.

The amount of the bond must be in multiples of $100. Where the sum equivalent to the approximate amount of tax which would be incurred during the 3-month period is an odd amount, the amount of the bond shall be increased to the next multiple of $100. For example, if the approximate amount of tax likely to be incurred during the 3-month period amounts to $6,666.66, the amount of the bond shall be $6,700.

Every person who fails to give a bond as required by this section is liable for the penalties imposed by law.*†

§ 314.10 *Cancellation clause in bond.* Any bond filed on Treasury Department Form 928 by a manufacturer or producer of lubricating oil or by a producer or importer of gasoline may be accepted with a cancellation clause incorporated therein, or annexed thereto, if such clause provides that:

Any surety on the bond may at any time notify the principal and the Commissioner of Internal Revenue that he desires after a date named, which shall be at least 60 days after the receipt of notification by the Commissioner, to be relieved of liability under said bond. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice (unless supported by other bond or bonds), and the surety shall be relieved from liability under said bond for any acts done wholly subsequent to said date. The surety shall, however, remain liable for any unpaid tax liability incurred by the principal before the effective moment of cancellation, in addition to the appropriate penalties and interest, unless the principal pays such tax and appropriate penalties and interest. Said notice may not be given by an agent of the surety, unless it is accompanied by power of attorney duly executed by the surety authorizing the agent to give such notice or by a verified statement that such power of attorney is on file with the Treasury Department.

Where the cancellation clause is contained in a document to be affixed to, or associated with, Treasury Department Form 928 referred to above, such cancellation clause must be duly executed by the principal and surety in the same manner as the bond to which it pertains.*†

SUBPART C.—GENERAL EXEMPTIONS

*Tax-Free Sales for Further Manufacture*

SEC. 3442. TAX-FREE SALES.

Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax under this chapter shall be imposed with respect to the sale of any article—

(1) for use by the vendee as material in the manufacture or production of, or as a component part of, an article enumerated in this chapter;

(2) for resale by the vendee for such use by his vendee, if such article is in due course so resold;

* * * * *

For the purposes of this chapter the manufacturer or producer to whom an article is sold under paragraph (1) or resold under paragraph (2) shall be considered the manufacturer or producer of such article.

* * * * *

§ 314.20 *Tax-free sales.* No tax is imposed on any article when sold—

(1) For use by the vendee as material in the manufacturer or production of, or as a component part of, a taxable article;

(2) For resale by the vendee for such use by his vendee if such article is in due course so resold.

The exemption certificates required by sections 314.21 and 314.22 must in every case show the registration number of the vendee. (See section 314.7) *†

§ 314.21 *Articles sold to manufacturers.* To establish the right to exemption with respect to an article sold for use by the purchaser as material in the manufacture or production of, or as a component part of, a taxable article, the manufacturer must obtain from his vendee, prior to or at the time of sale, and retain in his possession, a certificate as outlined in this section, showing that the vendee is a manufacturer of taxable articles and that the article purchased is to be used by him as material in the manufacture or production of another taxable article or as a component part of such an article.

A manufacturer who purchases an article under an exemption certificate for use in the manufacture or production of a taxable article shall be considered the manufacturer of the article so purchased, and is liable for tax on his use or resale of the article unless the exempt character of the use or resale is established.

For special provisions with respect to tax-free sales of gasoline or lubricating oils to manufacturers or producers of gasoline or lubricating oils, see sections 314.32 and 314.42.

Following is the form of exemption certificate which will be acceptable for purposes of this section and which must be adhered to in substance:

EXEMPTION CERTIFICATE

(Purchases for further manufacture under section 3442 (1) of the Internal Revenue Code)

----------, 19--.
(Date.)

The undersigned hereby certifies that he is a manufacturer or producer of articles taxable under Chapter 29, Subchapter A, of the Internal Revenue Code, and holds certificate of registry No. ----, issued by the collector of internal revenue at ----------, and that the article or articles specified in the accompanying order will be used by him as material in the manufacture or production of, or as a component part of, an article or articles enumerated in such Subchapter A, to be manufactured or produced by him.

It is understood that for all the purposes of such Subchapter A the undersigned will be considered the manufacturer or producer of the articles purchased hereunder, and (except as specifically provided by law) must pay tax on resale or use, otherwise than as specified above, of the articles purchased hereunder. It is further understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to revocation of the privilege of purchasing tax free and to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

----------
(Name.)
----------
(Address.)

If it is impracticable to furnish a separate exemption certificate for each order, a certificate covering all orders between given dates (such period not to exceed a month) will be acceptable.*†

§ 314.22 *Articles sold for resale to manufacturers.* To establish the right to exemption from tax with respect to an article sold by the manufacturer to any person (either a dealer or another manufacturer) for resale without change in form direct to a manufacturer for use by him as material in the manufacture or production of a taxable article or as a component part thereof, it is necessary that (1) both the manufacturer and the vendee (hereinafter referred to as the "dealer") be registered with the collectors of internal revenue for their respective districts in accordance with the provisions of section 314.7 or 314.8 as the case may be, (2) the manufacturer obtain from the dealer prior to or at the time of sale, and retain in his possession, a certificate as outlined in this section, showing that the dealer is engaged in the business of selling direct to manufacturers of taxable articles and that the article is to be resold by him only for use by his vendee as material in the manufacture or production of a taxable article or as a component part thereof, and (3) the manufacturer obtain from the dealer proof that the article has been so resold by the dealer. Such proof shall be either (*a*) a certificate obtained by the dealer from his vendee showing that such vendee purchased the article for use in the manufacture or production of a taxable article and not for resale, or (*b*) a sworn statement by the dealer that he has obtained from his vendee, and has in his possession, such a certificate. The certificate required by (2) suspends liability for the payment of the tax by the manufacturer on the sale of such article for a period of not more than two months from the date when title passes or the date of shipment, whichever is prior. If within two months the manufacturer has not received the proof required by (3), then the temporary suspension of liability for the payment of the tax ceases and the manufacturer shall include the tax on the sale of such article in his return for the month in which such 2-month period expires. If such proof later becomes available, a claim for refund of tax paid may be filed, or a credit taken upon a subsequent return, but such action must be taken within the 4-year period of limitation prescribed by section 3313.

The exemption applies only where there is not more than one intervening sale between the manufacturer of the article and the manufacturer purchasing it for further manufacture.

Following is the form of exemption certificate which will be acceptable for purposes of this section and which must be adhered to in substance:

EXEMPTION CERTIFICATE

(Purchases for resale under section 3442 (2) of the Internal Revenue Code)

----------, 19--.
(Date.)

The undersigned hereby certifies that he is engaged in the business of selling direct to manufacturers or producers of articles taxable under Chapter 29, Subchapter A, of the Internal Revenue Code, and holds certificate of registry No. ----, issued by the collector of internal revenue at ----------, and that the article or articles specified in the accompanying order will be resold by him only for use by his vendee as material in the manufacture or production of, or as a component part of, an article or articles enumerated in such Subchapter A.

It is understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to cancellation of the privilege of purchasing tax free and to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

----------
(Name.)
----------
(Address.)



If it is impracticable to furnish a separate exemption certificate for each order, a certificate covering all orders between given dates (such period not to exceed a month) will be acceptable.*†

§ 314.23 *Proof of right to exemption.* Where a manufacturer or a vendee makes a sale under exemption certificate, he must use reasonable diligence to satisfy himself that the use of the certificate is warranted by the law and regulations. If the original vendor has knowledge at the time of his sale that the article sold by him is not intended for use or resale by such vendee as specified in the certificate given by the vendee, the original vendor is liable for the tax and is not relieved of liability by the exemption certificate. Where any person attempts to defeat the tax imposed on the sale of articles covered by these regulations by fraudulently giving an exemption certificate, he is liable for the penalties imposed by law. (See section 314.65)

Proper records, with the supporting orders, invoices, certificates, and sworn statements required by these regulations, must be maintained with respect to exempt sales as provided in section 314.62. If such evidence can not be produced on demand of any internal-revenue officer, tax will be assessed. If any such documents are false or fraudulent, the guilty parties are liable to the penalties provided by law. (See section 314.65) *†

*Sales to States, etc.*

[SEC. 3442. TAX-FREE SALES.]

[Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax under this chapter shall be imposed with respect to the sale of any article—]

(3) for the exclusive use of the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia.

§ 314.24. *Sales to States or political subdivisions thereof and to the United States.* No tax attaches to articles sold by the manufacturer direct to the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia, for its exclusive use, provided the exempt character of the sale is established as required by these regulations.

No sale may be made tax free by the manufacturer to a dealer for resale to the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia, even though it is known at the time of the sale that the article will be so resold. However, where any dealer resells a tax-paid article to any of the governmental units named above, for its exclusive use, the manufacturer who paid the tax to the United States on his sale of the article may secure a refund or credit in accordance with the provisions of section 314.64.

To establish the right to exemption from tax where the sale of an article is made by the manufacturer direct to the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia, for its exclusive use, it is necessary that (1) the manufacturer have definite knowledge prior to or at the time of sale, that the article is purchased for such use, and (2) he obtain from an authorized officer of the United States, State, Territory of the United States, political subdivision, or District of Columbia, as the case may be, and retain in his possession a properly executed exemption certificate in the form prescribed by this section.

Where the certificate is obtained subsequent to the sale but prior to the time the manufacturer is required to file a return covering taxes due for the month during which the sale was made he should include the tax on such sale in his return for that month, in the item "Total tax due," but may deduct an amount equivalent to the tax applicable to such sale and pay the net tax resulting, making appropriate explanation either on the face of the return or on a rider attached thereto. If the certificate is not so obtained, the manufacturer must include the tax on such sale in his return for the month in which the sale was made. However, if the certificate is later obtained a claim for refund of tax paid may be filed on Form 843, or a credit taken upon a subsequent return, but such action must be taken within the 4-year period of limitation prescribed by section 3313.

The certificate required by this section must include an agreement that if the articles covered thereby are used otherwise than for the *exclusive use* of the United States, the State, Territory, political subdivision, or the District of Columbia, as the case may be, or if any of such articles are resold to employees or others, a responsible officer of the United States, State, Territory, or political subdivision, or the District of Columbia, as the case may be, will report such fact to the manufacturer. The tax applicable to the sale of such articles shall be included by the manufacturer in his return for the month during which such report is received by him.

The certificate required by this section shall be in substantially the following form:

EXEMPTION CERTIFICATE

(For use by United States, States, Territories, or political subdivisions thereof, or the District of Columbia.)

----------, 19---.
(Date.)

The undersigned hereby certifies that he is ---------- of ----------
(Title of officer.) (United States, State, Territory, or political subdivision, or District of Columbia.) and that he is authorized to execute this certificate and that the article or articles specified in the accompanying order or on the reverse side hereof, are purchased from ---------- for the exclusive use of ----------
(Name of company.) (Governmental unit.) of ----------
(United States, State, Territory, or political subdivision, or District of Columbia.)

It is understood that the exemption from tax in the case of sales of articles under this exemption certificate to the United States, States, etc., is limited to the sale of articles purchased for their *exclusive use*, and it is agreed that if articles purchased tax free under this exemption certificate are used otherwise or are sold to employees or others, such fact will be reported by me to the manufacturer of the article or articles covered by this certificate. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

---------- (Signature.)

(Title of officer.)

If it is impracticable to furnish a separate certificate for each order or contract, a certificate covering all orders between given dates (such period not to exceed a month) will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be retained as provided in section 314.62. If, upon inspection, it is discovered that a manufacturer's records with respect to any sale claimed to be tax-free do not contain a proper certificate, as outlined above, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, tax shall be payable by the manufacturer on such sale.

The articles covered by the exemption certificate must be fully identified as to nature, quantity, and date of sale.*†

*Exports, and Shipments to Possessions of the United States*

SEC. 3449. APPLICABILITY OF ADMINISTRATIVE PROVISIONS.

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 2700 shall, in so far as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter.

SEC. 2705. EXPORTATION.

Under such rules and regulations as the Commissioner with the approval of the Secretary may prescribe, the tax imposed under section 2700 (a) shall not apply in respect of articles sold or leased for export or for shipment to a possession of the United States and in due course so exported or shipped. Under such rules and regulations the amount of any internal revenue tax erroneously or illegally collected in respect of such articles so exported or shipped may be refunded to the exporter or shipper of the articles, instead of to the manufacturer, if the manufacturer waives any claim for the amount so to be refunded.

§ 314.25 *Sales for export.* To exempt from tax a sale for export it is necessary that two conditions be met, namely, (1) that the article be identified as having been sold *by the manufacturer* for export and (2) that it be exported in due course.

An article will be regarded as having been sold *by the manufacturer* for export if the manufacturer has in his possession at the time title passes or at the time of shipment (whichever is prior), (a) a written order or contract of sale showing that the manufacturer is to ship the article to a foreign destination; or (b) where delivery by the manufacturer is to be made within the United States, a sworn statement from the purchaser showing (1) that the article is purchased to fill existing or future orders for delivery to a foreign destination; or that the article is purchased for resale to another person engaged in the business of exporting who will export the article, and (2) that such article will be transported to its foreign destination in due course prior to use or further manufacture and prior to any resale except for export.

The written order or contract of sale or the sworn statement referred to in (a) and (b) of the preceding paragraph suspends liability for the payment of the tax by the manufacturer on such sales for export for a period of six months from the date when title passes or the date of shipment, whichever is prior. If within such period the manufacturer has not received and attached to the order or contract, or sworn statement, proper "proof of exportation" (see section 314.26), then the temporary suspension of the liability for the payment of the tax ceases and the manufacturer shall include the tax on the sale of such article in his return for the month in which such 6-month period expires.

The exemption provided herein is limited to sales by the manufacturer for export and is not applicable in cases where sales of taxable articles are made from a dealer's stock for export even though actually exported.*†

§ 314.26 *Proof of exportation.* Exportation may be evidenced by (1) a copy of the export bill of lading issued by the delivering carrier, or (2) a certificate by the agent or representative of the export carrier showing actual exportation of the article, or (3) a certificate of landing signed by a customs officer of the foreign country to which the article is exported, or (4) where such foreign country has no customs administration, a sworn statement of the foreign consignee showing receipt of the article.

In any case where the manufacturer is not the exporter, such manufacturer must have in his possession an affidavit from the person to whom he sold the article stating that the article was in fact exported in due course by him or was sold to another person who in due course exported the article. This affidavit must state what evidence is available to show that the article was in fact exported in due course prior to use or further manufacture and prior to resale in the United States other than for export. Such evidence must be that described in (1), (2), (3), or (4) in this section, and the affidavit must show where such evidence is readily available for inspection by Government officers.

In all cases the sales records together with the evidence of exportation must be preserved by the manufacturer for a period of at least four years from the last day of the month following the sale, and must be readily accessible for inspection by internal-revenue officers.

In any case where the manufacturer does not have in his possession within the 6-month period, proof of exportation as outlined herein, the manufacturer must pay the tax involved. If proof of exportation later becomes available, a claim for refund of any tax paid may be filed on Form 843, or a credit may be taken upon any subsequent monthly return, but such action must be taken within the 4-year period of limitation prescribed by section 3313.*†

§ 314.27 *Shipments to possessions of the United States.* The same provisions as relate to sales for export and proof of exportation will apply to sales for shipment to a possession of the United States if the articles are in due course so shipped. (See sections 314.1, 314.25, and 314.26)

This exemption does not apply with respect to sales of articles for shipment to the Territories of Alaska and Hawaii for the reason that these Territories are by a statutory definition included in the term "United States." (See section 3797 (a) (9))*†

*Exemption From Tax of Certain Supplies for Certain Vessels*

SEC. 3451. EXEMPTION FROM TAX OF CERTAIN SUPPLIES FOR VESSELS.

Under regulations prescribed by the Commissioner, with the approval of the Secretary, no tax under this chapter shall be imposed upon any article sold for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States and any of its possessions. Articles manufactured or produced with the use of articles upon the importation of which tax has been paid under this chapter, if laden for use as supplies on such vessels, shall be held to be exported for the purposes of section 3430. The term "vessels" as used in this section includes civil aircraft employed in foreign trade or trade between the United States and any of its possessions, and the term "vessels of war of the United States or of any foreign nation" includes aircraft owned by the United States or by any foreign nation and constituting a part of the armed forces thereof. The privileges granted under this section in respect of civil aircraft employed in foreign trade or trade between the United States and any of its possessions, in respect of aircraft registered in a foreign country, shall be allowed only if the Secretary of the Treasury has been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States. If the Secretary of the Treasury is advised by the Secretary of Commerce that he has found that a foreign country has discontinued or will discontinue the allowance of such privileges, the privileges granted under this section shall not apply thereafter in respect of civil aircraft registered in that foreign country and employed in foreign trade or trade between the United States and any of its possessions.

§ 314.28 *Exemption of certain supplies for certain vessels.* No tax attaches to the sale by the manufacturer of an article covered by these regulations where such article is sold by the manufacturer direct for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on (1) vessels of war of the United States or of any foreign nation, (2) vessels employed in the fisheries or in the whaling business, (3) vessels actually engaged in foreign trade, (4) vessels actually engaged in trade between the Atlantic and Pacific ports of the United States, or (5) vessels actually engaged in trade between the United States and any of its possessions.



The terms "fuel supplies," "ships' stores," "legitimate equipment" include all articles, materials, supplies, and equipment necessary for the navigation, propulsion, and upkeep of vessels.

The term "sea stores" includes any article purchased for use or consumption by the passengers or crew, or both, of a vessel upon its voyage.

The term "vessel" includes (a) every description of watercraft or other contrivance used, or capable of being used, as a means of transportation on water, (b) civil aircraft registered in the United States and employed in foreign trade or in trade between the United States and any of its possessions, and (c) civil aircraft registered in a foreign country and employed in foreign trade or in trade between the United States and any of its possessions.

The term "vessels of war of the United States or of any foreign nation" includes (a) every description of watercraft or other contrivance used, or capable of being used, as a means of transportation on water and constituting a part of the armed forces of the United States or of a foreign nation and (b) aircraft owned by the United States or by any foreign nation and constituting a part of the armed forces thereof.

The term "trade" includes the transportation of persons or property for hire and the making of the necessary preparations for such transportation.

No sale may be made tax free to a dealer for resale for use as fuel supplies, ships' stores, sea stores, or legitimate equipment for the vessel enumerated, even though it is known at the time of sale that the article will be so resold. However, where any dealer resells a tax-paid article for such use the manufacturer who paid the tax to the United States on his sale of the article may secure a refund or credit in accordance with the provisions of section 314.64.

Tax-free sales under this section must be restricted to such of the articles covered by these regulations as normally form a part of the supplies, stores, or equipment of the vessels enumerated. The exemption does not apply to articles which are for resale to passengers or members of the crew for consumption or use otherwise than during the voyage of a vessel, or to articles which are to be transported for the use of others, or to those which are to be used in any manner other than as specified in this section. Articles may not be sold by the manufacturer tax free direct to passengers or crew but only to the owner, officer, charterer, or authorized agent of the vessel.

The exemption from tax provided for under this section is not applicable to vessels engaged in trade between domestic ports on the Pacific Ocean, or between domestic ports on the Atlantic Ocean and Gulf of Mexico, or engaged in trade on the inland waterways of the United States. If a vessel is actually engaged in a voyage from a port in the United States to a foreign port or to a port in one of the possessions of the United States, or between Atlantic and Pacific ports of the United States, the exemption from the tax is not destroyed because the vessel stops at an intermediate port of call in the United States as a part of that voyage to the ultimate destination.

The exemption with respect to civil aircraft is more limited than the exemption with respect to other vessels in that it extends only to civil aircraft employed in foreign trade, or in trade between the United States and any of its possessions. Although section 3451 exempts sales of articles for use as fuel supplies, etc., on watercraft engaged in trade between the Atlantic and the Pacific ports of the United States, it does not exempt sales of articles for use as fuel supplies, etc., on civil aircraft engaged in trade between such ports. In the case of civil aircraft registered in a foreign country, the exemption is further limited in that the privilege of exemption may be granted only so long as such foreign country allows a substantially reciprocal exemption with respect to civil aircraft registered in the United States. If a foreign country discontinues the allowance of such substantially reciprocal exemption, the exemption allowed by the United States will not apply after the Secretary of the Treasury is notified by the Secretary of Commerce of the discontinuance of the exemption allowed by the foreign country.

The exemption provided in the case of articles sold for the prescribed use on vessels employed in the fisheries or in the whaling business is limited to articles sold by the manufacturer for such use on vessels while employed, and to the extent employed, exclusively in the fisheries or in the whaling business.

To establish the right to exemption from the tax on the sale of an article by the manufacturer direct for use as fuel supplies, etc., on the vessels enumerated above, it is necessary that (1) the manufacturer have definite knowledge prior to or at the time of sale that the article was purchased for such use, and (2) he obtain from the owner, officer, charterer, or authorized agent of the vessel and retain in his possession a properly executed exemption certificate in the form prescribed by this section. If articles are sold tax free for use on civil aircraft employed in foreign trade or in trade between the United States and any of its possessions, the exemption certificate must show the name of the country in which the aircraft is registered.

Where the certificate is obtained subsequent to the sale but prior to the time the manufacturer is required to file a return covering taxes due for the month during which the sale was made, he should include the tax on such sale in his return for that month, in the item "Total tax due," but may deduct an amount equivalent to the tax applicable to such sale and pay the net tax resulting, making appropriate explanation either on the face of the return or on a rider attached thereto. If the certificate is not so obtained, the manufacturer must include the tax on such sale in his return for the month in which the sale was made. However, if the certificate is later obtained a claim for refund of tax paid may be filed on Form 843, or a credit taken upon a subsequent return, but such action must be taken within the 4-year period of limitation prescribed by section 3313.

The certificate required by this section must include an agreement that if the articles covered thereby are disposed of, or used, otherwise than as fuel supplies, ships' stores, sea stores, or legitimate equipment on the vessels enumerated, the person who signed the certificate will report such fact to the manufacturer. The tax applicable to the sale of such articles shall be included by the manufacturer in his return for the month during which such report is received by him.

The following form of exemption certificate will be acceptable for the purposes of this section and must be adhered to in substance:

EXEMPTION CERTIFICATE

(For use by purchasers of articles for use as fuel supplies, ships' stores, sea stores, or legitimate equipment on certain vessels (section 3451 of the Internal Revenue Code).)

----------, 19...

(Date.)

The undersigned purchaser hereby certifies that he is----------

(Owner, officer, charterer, or an authorized agent.) of ---------- (Name of company and that the article or articles and vessel.) specified in the accompanying order, or as specified below or on the reverse side hereof, will be used only for fuel supplies, ships' stores, sea stores, or legitimate equipment on a vessel belonging to one of the following classes enumerated in section 3451 of the Internal Revenue Code:

(Check class to which vessel belongs.)

———(1) Vessels engaged in foreign trade.
———(2) Vessels engaged in trade between the Atlantic and Pacific ports of the United States.
———(3) Vessels engaged in trade between the United States and any of its possessions.
———(4) Vessels employed in the fisheries or whaling business.
———(5) Vessels of war of the United States or a foreign nation.

If the articles are purchased for use on civil aircraft engaged in trade as specified in (1) or (3) above, state the name of the

country in which the aircraft is registered.

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The undersigned understands that if the article is used for any purpose other than as stated in this certificate, or is resold or otherwise disposed of, he must report such fact to the manufacturer. It is understood that this certificate may not be used in purchasing articles tax free for use as fuel supplies, etc., on pleasure vessels, or on any type of aircraft except (*a*) civil aircraft employed in foreign trade or trade between the United States and any of its possessions, and otherwise entitled to exemption, and (*b*) aircraft owned by the United States or any foreign country and constituting a part of the armed forces thereof. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a penalty equivalent to the amount of tax due on the sale of the article and upon conviction to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution. The undersigned also understands that he must be prepared to establish by satisfactory evidence the purpose for which the article was used.

---
(Name.)

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(Address.)

If it is impracticable to furnish a separate certificate for each order or contract, a certificate covering all orders between given dates (such period not to exceed a month) will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be retained as provided in section 314.62. If, upon inspection, it is discovered that a manufacturer's records with respect to any sale claimed to be tax free do not include a proper certificate, as outlined above, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, tax shall be payable by the manufacturer on such sale.

The articles covered by the exemption certificate must be fully identified as to nature, quantity, and date of sale.*†

### *Exemption From Tax of Certain Supplies for Aircraft*

SECTION 317 (b) OF THE TARIFF ACT OF 1930, AS ADDED BY THE ACT APPROVED JUNE 25, 1938 (52 STAT. 1081)

(b) The shipment or delivery of any merchandise for use as supplies (including equipment) upon, or in the maintenance or repair of, aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign aircraft is permitted, shall be deemed an exportation within the meaning of the customs and internal-revenue laws applicable to the exportation of such merchandise without the payment of duty or internal-revenue tax.

SECTION 309 (d) OF THE TARIFF ACT OF 1930, AS AMENDED BY SECTION 5 OF THE ACT APPROVED JUNE 25, 1938 (52 STAT. 1050)

(d) RECIPROCAL PRIVILEGES. The privileges granted by this section and section 317 of this Act in respect of aircraft registered in a foreign country shall be allowed only if the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States. If the Secretary of Commerce shall advise the Secretary of the Treasury that he has found that a foreign country has discontinued, or will discontinue, the allowance of such privileges, the privileges granted by this section and such section 317 shall not apply thereafter in respect of aircraft registered in that foreign country.

§ 314.29 *Exemption of certain supplies for aircraft.* Articles sold for use on foreign aircraft are, subject to certain limitations, considered to be exported and therefore subject to the same exemption as though exported. This exemption is limited to articles sold for use as supplies (including equipment) upon, or in the maintenance or repair of, aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions. The exemption is further limited by the requirement that the foreign country of registry must allow a substantially reciprocal exemption in respect to aircraft registered in the United States.

To exempt from tax a sale for use as supplies (including equipment) upon, or in the maintenance or repair of, aircraft registered in any foreign country (which allows substantially reciprocal exemption) and actually engaged in foreign trade or trade between the United States and any of its possessions, it is necessary (1) that the article be identified as having been sold by the manufacturer for such use and (2) that it be so used in due course. An article will be regarded as having been sold for use as supplies upon, or in the maintenance or repair of, such aircraft if the manufacturer has in his possession at the time title passes or at the time of shipment (whichever is prior) a sworn statement from the purchaser showing that the article is purchased for such use.

With respect to an article sold by a manufacturer for resale for use on foreign aircraft, where it is desired to claim exemption, there should be obtained from the owner, officer, charterer, or authorized agent of the aircraft a written statement showing that the article is actually purchased for use as supplies upon, or in the maintenance or repair of such aircraft. Such statement must show the name of the country in which the aircraft is registered.*†

### SUBPART D.—GASOLINE

SEC. 3412. TAX ON GASOLINE.

(a) There shall be imposed on gasoline sold by the producer or importer thereof, or by any producer of gasoline, a tax of 1 cent a gallon, except that under regulations prescribed by the Commissioner with the approval of the Secretary the tax shall not apply in the case of sales to a producer of gasoline.

(b) If a producer or importer uses (otherwise than in the production of gasoline) gasoline sold to him free of tax, or produced or imported by him, such use shall for the purposes of this chapter be considered a sale. Any person to whom gasoline is sold tax-free under this section shall be considered the producer of such gasoline.

(c) As used in this section—

(1) the term "producer" includes a refiner, compounder, or blender, and a dealer selling gasoline exclusively to producers of gasoline, as well as a producer.

(2) the term gasoline means (A) all products commonly or commercially known or sold as gasoline (including casinghead and natural gasoline), benzol, benzene, or naphtha, regardless of their classifications or uses; and (B) any other liquid of a kind prepared, advertised, offered for sale or sold for use as, or used as, a fuel for the propulsion of motor vehicles, motor boats, or airplanes; except that it does not include any of the foregoing (other than products commonly or commercially known or sold as gasoline) sold for use otherwise than as a fuel for the propulsion of motor vehicles, motor boats, or airplanes, and otherwise than in the manufacture or production of such fuel, and does not include kerosene, gas oil, or fuel oil.

§ 314.30 *Use of terms.* The term "producer" includes a refiner, compounder, or blender, and a dealer selling gasoline exclusively to producers of gasoline, as well as an actual producer. The term "producer" also includes any person (not included in the preceding sentence) to whom gasoline is sold tax free for any purpose but such person is considered a "producer" only with respect to gasoline purchased tax free.

The term "gasoline" includes:

(A) All products commonly or commercially known or sold as gasoline, including casinghead and natural gasoline, and including any petroleum product satisfying the volatility requirements (exclusive of vapor pressure) of United States motor gasoline (United States Government Specifications No. VV–G–101) regardless of their classifications or uses; provided, however, that liquefied gases, such as propane, butane, or pentane, or mixtures of the same, and any product (1) more than 90 per cent of which is evaporated at 310° F. and having an A. S. T. M. octane number less than 70, or (2) having a Reid vapor pressure at 100° F. of more than 30 pounds, shall fall within paragraph B below.

(B) Benzol, benzine, naphtha, or any other liquid of a kind prepared, advertised, offered for sale, or sold for use as, or used as, a fuel for the propulsion of motor vehicles, motor boats, or airplanes, which means benzol and benzene and any refined, partly refined, or unrefined product, 10 per cent of which has been recovered when the thermometer reads 347° F. (175° C.) or 95 per cent of which has been recovered when the thermometer reads 464° F. (240° C.) when subjected to distillation in accordance with the "Standard Method of Test for Distillation of Gasoline, Naphtha, Kerosine and Similar Petroleum Products" (A. S. T. M. designation: D86) of the American Society for Testing Materials, regardless of the trade name under which sold. However, such products are not taxable as "gasoline" when they are sold under an exemption certificate, obtained prior to or at the time of sale by the importer or producer, certifying that such products are purchased for use (1) otherwise than as a fuel for the propulsion of motor vehicles, motor boats or airplanes, *and* (2) otherwise than in the manufacture or production of such a fuel. This exception is limited to the articles named in paragraph (B) which are not commonly or commercially known or sold as kerosene, gas oil or fuel oil, which means any product so designated (1) 10 per cent of which has not been recovered when the thermometer reads 347° F. (175° C.) *and* (2) 95 per cent of which has not been recovered when the thermometer reads 464° F. (240° C.), when subjected to distillation in accordance with the "Standard Method of Test for Distillation of Gasoline, Naphtha, Kerosine, and Similar Petroleum Products" (A. S. T. M. designation: D86) of the American Society for Testing Materials. Products sold as kerosene, gas oil or fuel oil which do not fall within the specifications of both (1) *and* (2) above, are taxable unless sold for use otherwise than as a fuel for the propulsion of motor vehicles, motor boats, or airplanes, and otherwise than in the manufacture or production of such fuel, under a certificate as outlined in section 314.33.*†



The term "gasoline" does not include products commonly or commercially known or sold as kerosene, gas oil or fuel oil, which means any product so designated (1) 10 per cent of which has not been recovered when the thermometer reads 347° F. (175° C.) *and* (2) 95 per cent of which has not been recovered when the thermometer reads 464° F. (240° C.), when subjected to distillation in accordance with the "Standard Method of Test for Distillation of Gasoline, Naphtha, Kerosine, and Similar Petroleum Products" (A. S. T. M. designation: D86) of the American Society for Testing Materials. Products sold as kerosene, gas oil or fuel oil which do not fall within the specifications of both (1) *and* (2) above, are taxable unless sold for use otherwise than as a fuel for the propulsion of motor vehicles, motor boats, or airplanes, and otherwise than in the manufacture or production of such fuel, under a certificate as outlined in section 314.33.*†

§ 314.31 *Scope of tax.* The tax attaches to the sale or use of gasoline by the producer or importer thereof, or by any producer of gasoline, regardless of when or whether such gasoline was produced by him.

All producers and importers of gasoline must register and give bond to the collector, in accordance with the provisions of sections 314.8 and 314.9.*†

### *Sales of Gasoline Not Subject to Tax*

§ 314.32 *Sales to producers of gasoline.* Gasoline may be sold tax free by a producer of gasoline to other producers of gasoline.

In the case of such sales both the producer and the purchaser must be registered and bonded as required by sections 314.8 and 314.9.

To establish the right to exemption under this section the vendor must obtain from the purchaser, prior to or at the time of sale, a certificate showing that the purchaser is a producer of gasoline. The certificate must bear the registration number of the purchaser and must also show that the purchaser is bonded as required by sections 314.8 and 314.9. If upon inspection it is found that the records of a producer do not contain proper certificates, with supporting invoices, establishing that the sales were exempt, such vendor-producer will be required to pay the tax.

Tax-free sales of gasoline to producers of gasoline must be made under an exemption certificate in substantially the following form:

EXEMPTION CERTIFICATE

(For use by producers of gasoline under section 3412 of the Internal Revenue Code.)

---, 19—.
(Date.)

The undersigned hereby certifies that (1) he is a producer of gasoline, (2) he has filed a bond, which has been accepted by the collector of internal revenue at ---, and (3) he holds certificate of registry No. ----, issued by such collector of internal revenue.

It is understood that the undersigned is liable for tax as a producer of gasoline with respect to all gasoline sold or used by him, unless specifically exempted by law. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to the cancellation of their certificate of registry and to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

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(Name.)

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(Address.)

For special provisions with respect to (1) tax-free sales of gasoline to registered dealers for resale direct to producers of gasoline; (2) tax-free sales of gasoline direct to the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia, for its exclusive use; (3) tax-free sales for export or for shipment to possessions of the United States; (4) tax-free sales direct for use as ships' stores, etc.; and (5) tax-free sales for use as supplies (including equipment) upon, or in the maintenance or repair of, aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, see sections 314.22, 314.24, 314.25, 314.27, 314.28, and 314.29.

When gasoline is sold tax free to other producers of gasoline or to a registered dealer in accordance with the provisions of section 314.22, for resale by such dealer for use by his vendee in the further manufacture of a taxable article, the producer making such tax-free sales must use due diligence to satisfy himself that the gasoline in question is sold to, or for resale to, a producer of gasoline or a manufacturer of other taxable articles who has complied with the applicable provisions of these regulations with respect to registration and bonding.

If a producer has reason to question the validity of the registration claimed on any exemption certificate, application for information should be made to the office of the collector who is alleged to have issued the registration certificate.*†

§ 314.33 *Sales of benzol, benzene, naphtha, or other taxable liquids to nonmotor fuel users.* No tax attaches to benzol, benzene, naphtha, or any other liquid specified in paragraph (B) of section 314.30 (which does not fall within the range of the properties of products commonly or commercially known or sold as gasoline, as described in paragraph (A) of section 314.30) sold by the manufacturer direct for use (*a*) otherwise than as fuel for the propulsion of motor vehicles, motor boats, or airplanes, and (*b*) otherwise than in the manufacture or production of such fuel.

No sale of benzol, benzene, naphtha, or other liquid within the scope of paragraph (B) of section 314.30 may be made tax free by the producer to a dealer for resale for nonmotor fuel uses, even though it is known at the time of the sale that the product will be so resold. However, where any dealer resells a tax-paid product for nonmotor fuel uses, the producer who paid the tax to the United States on his sale of the product may secure a refund or credit in accordance with the provisions of section 314.64.

To establish the right to exemption from tax where the sale of the product is made by the manufacturer direct to a purchaser for use (*a*) otherwise than as a fuel for the propulsion of motor vehicles, motor boats, or airplanes *and* (*b*) otherwise than in the manufacture or production of such fuel it is necessary that (1) the manufacturer have definite knowledge prior to or at the time of sale that the product in question is purchased for such use and (2) he obtain from the purchaser and retain in his possession a properly executed exemption certificate in the form prescribed by this section.

Where the certificate is obtained subsequent to the sale but prior to the time the manufacturer is required to file a return covering taxes due for the month during which the sale was made, he should include the tax on such sale in his return for that month, in the item "Total tax due," but may deduct an amount equivalent to the tax applicable to such sale and pay the net tax resulting, making appropriate explanation either on the face of the return or on a rider attached thereto. If the certificate is not so obtained, the manufacturer must include the tax on such sale in his return for the month in which the sale was made. However, if the certificate is later obtained a claim for refund of tax paid may be filed on Form 843, or a credit taken upon a subsequent return, but such action must be taken within the 4-year period of limitation prescribed by section 3313. The articles covered by the exemption certificate must be fully identified as to nature, quantity, and date of sale.

Following is the form of exemption certificate which will be acceptable for purposes of this section and which must be adhered to in substance:

EXEMPTION CERTIFICATE

(For use by purchasers of benzol, benzene, naphtha, or other taxable liquid, for purposes other than as a fuel for the propulsion of motor vehicles, motorboats, or airplanes, and otherwise than in the manufacture or production of such fuel under section 3412 of the Internal Revenue Code.)

---, 19—.
(Date.)

The undersigned purchaser hereby certifies that he is a ---
(State business and article or articles manufactured.) and that the --- (State whether benzol, benzene, naphtha, or other taxable liquid.) in the order covered by this certificate will not be used as a fuel for the propulsion of motor vehicles, motorboats, or airplanes, and will not be used in the manufacture or production of such fuel, but will be used for the following purpose:

---

The undersigned understands that if the benzol, benzene, naphtha, or other taxable liquid is used, sold, or otherwise disposed of

except as above stated, he will be liable for the tax upon such use, sale, or other disposition of such product. It is understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution. The undersigned also understands that he must be prepared to establish by competent evidence that the product was actually used for the purpose or purposes for which purchased as stated in this certificate.

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(Name.)

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(Address.)

If it is impracticable to furnish a separate certificate for each order or contract, a certificate covering all orders between given dates (such period not to exceed a month) will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales must be retained as provided in section 314.62. Where, upon inspection, it is discovered that the records of an importer or producer with respect to any sale claimed to be tax free do not contain a proper certificate, as outlined above, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, the tax shall be payable by the importer or producer on such sale.*†

§ 314.34 *Use by producer or importer.* If gasoline purchased tax free by an importer or producer is used by him (otherwise than in the production of gasoline), such use will be considered a sale and is taxable. Likewise, if any importer or producer uses (otherwise than in the production of gasoline) gasoline imported or produced by him, such use will be considered a sale and is taxable.

If a person purchases gasoline tax free and uses it for any purpose for which exemption is not provided by law, such use is taxable.

The phrase "otherwise than in the production of gasoline" includes any use of it by a producer of gasoline, other than as component material in the manufacture or production of gasoline.*†

§ 314.35 *Rate of tax.* The tax is payable by the importer or producer thereof, or by any producer of gasoline, at the rate of 1 cent a gallon.*†

### SUBPART E.—LUBRICATING OILS

SEC. 3413. TAX ON LUBRICATING OILS.

There shall be imposed upon lubricating oils sold in the United States by the manufacturer or producer a tax at the rate of 4 cents a gallon, to be paid by the manufacturer or producer. Every person liable for tax under this section shall register and file bond as provided in section 3412 (d). Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax shall be imposed under this section upon lubricating oils sold to a manufacturer or producer of lubricating oils for resale by him, but for the purposes of this chapter such vendee shall be considered the manufacturer or producer of such lubricating oils.

§ 314.40 *Use of terms.* The term "lubricating oil" as used in these regulations includes all oils, regardless of their origin, which are sold as lubricating oil and all oils which are suitable for use as a lubricant.

The term "lubricating oils" does not include products of the type commonly known as grease. Oleaginous substances which are classed as grease and which contain oil are not subject to the tax when of a worked consistency of less than 390 penetration units, or an unworked consistency of less than 360 penetration units, by the method of test of the American Society for Testing Materials D–217–33–T.

The term "manufacturer" includes (1) any person who produces lubricating oil by any process of manufacturing, refining, or compounding, or any manipulation involving substantially more than mere mixing of taxable oils, (2) any person who produces lubricating oil by mixing taxable oils with other substances to produce lubricating oils, and (3) any person who cleans, renovates, or refines used or waste lubricating oil by any method or process which produces an oil substantially equivalent to new lubricating oil.

The term "manufacturer" does not include a person who merely blends or mixes two or more taxable lubricating oils.*†

SEC. 314.41 *Scope of tax.* The tax attaches to the sale by the manufacturer of lubricating oil. However, no tax attaches to the sale of lubricating oil by the importer thereof. Lubricating oils imported into the United States are subject to a tax of 4 cents a gallon under section 3422, upon the importation thereof. This tax is administered by the Bureau of Customs of the Treasury Department.

All manufacturers of lubricating oils must register and give bond in accordance with the provisions of sections 314.8 and 314.9.*†

*Sales of Oil Not Subject to Tax*

SEC. 314.42 *Sales to manufacturers of lubricating oil for resale.* No tax attaches to the sale of lubricating oil by the manufacturer direct to a manufacturer of lubricating oil for resale by him, but for the purposes of the tax such vendee manufacturer shall be considered the manufacturer of such lubricating oil.

No lubricating oil shall be sold tax free to another manufacturer of lubricating oil for resale unless both the manufacturer and the purchaser are registered and bonded as manufacturers of lubricating oil in accordance with the provisions of sections 314.8 and 314.9.

All tax-free sales of lubricating oil to manufacturers of lubricating oils must be made under an exemption certificate in substantially the following form:

EXEMPTION CERTIFICATE

(For use by manufacturers of lubricating oil under section 3413 of the Internal Revenue Code or section 3442 of the Internal Revenue Code.)

----------, 19---
(Date.)

The undersigned hereby certifies that (1) he is a manufacturer or producer of lubricating oils, (2) he has filed a bond, which has been accepted by the collector of internal revenue at ----------, (3) he holds certificate of registry No. -- issued by such collector of internal revenue, and (4) the lubricating oils purchased hereunder are for resale by him or use by him as material in the manufacture or production of lubricating oils or as a component part of lubricating oils to be manufactured or produced by him.

It is understood that the undersigned is liable for tax as the manufacturer or producer upon his resale, or upon his use otherwise than as specified above, of the oils purchased hereunder, unless specifically exempted by law. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to the cancellation of their certificate of registry and to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

----------,
(Name.)

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(Address.)

For special provisions with respect to (1) tax-free sales of lubricating oil to manufacturers for use in further manufacture of taxable articles and to registered dealers for resale direct to such manufacturers; (2) tax-free sales of lubricating oil direct to the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia, for its exclusive use; (3) tax-free sales for export or for shipment to possessions of the United States; (4) tax-free sales direct for use as ships' stores, etc.; (5) tax-free sales for use as supplies (including equipment) upon, or in the maintenance or repair of, aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions; and (6) tax-free sales of lubricating oil direct for nonlubricating uses by the purchaser, see sections 314.22, 314.24, 314.25, 314.27, 314.28, 314.29, and 314.43.*†

§ 314.43 *Sales of oil for nonlubricating uses.* No tax attaches where oil is sold by the manufacturer direct for nonlubricating uses by the purchaser. No sale of oil may be made tax free by the manufacturer to a dealer for resale for nonlubricating uses even though it is known at the time of sale that the oil will be so resold. However, where any dealer resells a tax-paid oil for nonlubricating uses, the manufacturer who paid the tax to the United States on his sale of the oil, may secure a refund or credit in accordance with the provisions of section 314.64.

To establish the right to exemption from tax with respect to lubricating oil sold by the manufacturer *direct* for nonlubricating purposes, it is necessary that (1) the manufacturer have definite knowledge, prior to or at the time of sale, that the product in question is purchased for such purposes, and (2) he obtain from the purchaser and retain in his possession a properly executed exemption certificate in the form prescribed by this section.

Where the certificate is obtained subsequent to the sale but prior to the time



the manufacturer is required to file a return covering taxes due for the month during which the sale was made, he should include the tax on such sale in his return for that month, in the item "Total tax due," but may deduct an amount equivalent to the tax applicable to such sale and pay the net tax resulting, making appropriate explanation either on the face of the return or on a rider attached thereto. If the certificate is not so obtained, the manufacturer must include the tax on such sale in his return for the month in which the sale was made. However, if the certificate is later obtained a claim for refund of tax paid may be filed on Form 843, or a credit taken upon a subsequent return, but such action must be taken within the 4-year period of limitation prescribed by section 3313.

The certificate required by this section must include an agreement that if the oil is disposed of, or used otherwise than for the nonlubricating purpose for which purchased, the person who signed the exemption certificate will report such fact to the manufacturer. The tax applicable to the sale of such product shall be included by the manufacturer in his return for the month during which such report is received by him.

The following is a form of exemption certificate which will be acceptable for purposes of this section and must be adhered to in substance:

EXEMPTION CERTIFICATE

(For use by purchasers of oil for nonlubricating purposes.)

----------, 19---
(Date.)

The undersigned purchaser hereby certifies that he is a ----------
(State business and article or articles manufactured.)
and that the oil covered by the accompanying order or as specified on the reverse side hereof, will not be used or resold for lubrication but will be used by him for the following purposes:

----------

The undersigned understands that if the oil is used for any purpose other than as stated in this certificate, or is resold or otherwise disposed of, he must report such fact to the manufacturer, otherwise the privilege of purchasing tax free may be canceled; that he will, if a bonded and registered manufacturer of lubricating oil, be liable for the tax upon his sale of such oil, and that whether or not a bonded and registered manufacturer, he will, for fraudulent use of the certificate to secure exemption, be subject to a penalty equivalent to the amount of tax due on the sale of the oil and to a fine of not more than $10,000, or imprisonment for not more than five years, or both, together with the costs of prosecution. The undersigned also understands that he must be prepared to establish by competent evidence the purpose for which such oil was used.

----------,
(Name.)

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(Address.)

If it is impracticable to furnish a separate certificate for each order or contract, a certificate covering all orders between given dates (such period not to exceed a month) will be acceptable. Such certificates and proper records of invoices, orders, etc., relative to tax-free sales shall be retained as provided in section 314.62. If, upon inspection, it is discovered that a manufacturer's records with respect to any sale claimed to be tax free do not contain a proper certificate, as outlined above, with supporting invoices and such other evidence as may be necessary to establish the exempt character of the sale, the tax shall be payable by the manufacturer on such sale.

The articles covered by the exemption certificate must be fully identified as to the nature, quantity, and date of sale.*†

§ 314.44 *Rate of tax.* The tax is payable by the manufacturer at the rate of 4 cents per gallon. A manufacturer of nonfluid lubricating oils which are sold by weight may use 8 pounds to the gallon as a basis for computing and reporting the tax upon the sale or use of such oils.*†

### SUBPART F.—MATCHES

SEC. 3409. TAX ON MATCHES.

There shall be imposed on fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk, sold by the manufacturer, producer, or importer, a tax of 5 cents per one thousand matches.

§ 314.50 *Scope of tax.* The tax is imposed upon the sale by the manufacturer of fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk.*†

§ 314.51 *Fancy wooden matches.* A fancy wooden match, within the meaning of the law, is one which has a wooden stem and which, in addition to serving the purpose of the ordinary match, is colored, or decorated, or manufactured in such a manner as to be more ornamental or more attractive than the ordinary match.*†

§ 314.52 *Rate of tax.* The tax is payable by the manufacturer at the rate of 5 cents per thousand fancy wooden matches and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk.*†

### SUBPART G.—MISCELLANEOUS PROVISIONS

*Administrative Provisions*

Monthly Returns and Payment of Tax

SEC. 3448. RETURNS AND PAYMENT OF MANUFACTURERS' TAXES.

(a) Every person liable for any tax imposed by this chapter other than taxes on importation shall make monthly returns under oath in duplicate and pay the taxes imposed by this chapter to the collector for the district in which is located his principal place of business or, if he has no principal place of business in the United States, then to the collector at Baltimore, Maryland. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

(b) The tax shall, without assessment by the Commissioner or notice from the collector, be due and payable to the collector at the time so fixed for filing the return. If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 6 per centum per annum from the time when the tax became due until paid.

Applicability of Administrative Provisions

SEC. 3449. APPLICABILITY OF ADMINISTRATIVE PROVISIONS.

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 2700 shall, in so far as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter.

SEC. 2711. OTHER LAWS APPLICABLE.

All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this subchapter.

Records, Statements, and Special Returns

SEC. 2709. RECORDS, STATEMENTS, AND RETURNS.

Every person liable to any tax imposed by this subchapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

SEC. 3603. NOTICE REQUIRING RECORDS, STATEMENTS, AND SPECIAL RETURNS.

Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

SEC. 3330. WITNESSING OF RETURNS IN LIEU OF OATH.

The Commissioner, with the approval of the Secretary, may by regulation prescribe that any return required by any internal revenue law (except returns required under income or estate tax laws) to be under oath may, if the amount of the tax covered thereby is not in excess of $10, be signed or acknowledged before two witnesses instead of under oath.

SEC. 3632. AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY.

(a) INTERNAL REVENUE PERSONNEL.

(1) PERSONS IN CHARGE OF ADMINISTRATION OF INTERNAL REVENUE LAWS GENERALLY. Every collector, deputy collector, internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

(2) PERSONS IN CHARGE OF EXPORTS AND DRAWBACKS. Every collector of internal revenue and every superintendent of exports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal revenue laws.

(b) OTHERS. Any oath or affirmation required or authorized by any internal revenue law or by any regulations made under authority thereof may be administered by any person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory, or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by any consular officer of the United States. This subsection shall not be construed as an exclusive enumeration of the persons who may administer such oaths or affirmations.

Examination of Books and Witnesses

SEC. 3614. EXAMINATION OF BOOKS AND WITNESSES.

(a) TO DETERMINE LIABILITY OF THE TAXPAYER. The Commissioner, for the purpose

of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

* * * * * *

SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

(a) AUTHORITY OF COLLECTOR. If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) AUTHORITY OF COMMISSIONER. In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise—

(1) TO MAKE RETURN. Make a return, or

(2) TO AMEND COLLECTOR'S RETURN. Amend any return made by a collector or deputy collector.

(c) LEGAL STATUS OF RETURNS. Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

* * * * * *

§ 314.60 *Returns.* Each person required to report a tax on the sale or use of any of the articles covered by these regulations, must make a return on Form 726 in accordance with the instructions thereon. The return must be made in duplicate under oath for each calendar month and must be verified before an officer duly authorized to administer oaths. If the amount of the tax is $10 or less, the return may be signed or acknowledged before two witnesses instead of under oath. Such return, together with the tax, must be filed with the collector of the district in which is located the principal place of business of the taxpayer (or, if he has no principal place of business in the United States, with the collector at Baltimore, Md.), on or before the last day of the month following that for which it is made.

When the last day of the month in which the return is due falls on Sunday or a legal holiday the return may be filed with the collector of internal revenue, or his authorized representative, on the next secular or business day. A return must be forwarded to the collector for each month whether or not any liability has been incurred for that month. If a manufacturer ceases business the last return should be marked "Final return."

Returns covering taxes collected from vendees and paid under section 3447 (b) of the Internal Revenue Code should be made as prescribed above on Form 726. If a vendee, liable for tax, refuses to pay to the vendor the tax due, the vendor should report to the collector the name and address of such person, the nature of the transaction, the amount involved in the contract, and the date of the payment of such amount. Upon receipt of such information the collector will report the item to the Bureau for direct assessment against such person.*†

§ 314.61 *Payment of taxes.* All taxes are due and payable to the collector of internal revenue, without assessment by the Commissioner or notice from the collector, at the time fixed for filing the return. If the tax is not paid when due there shall be added as part of the tax interest at the rate of 6 per cent per annum from the time the tax became due to the actual date of payment or assessment, whichever is prior. For provisions with respect to interest generally, including interest on assessments, see section 314.65.*†

### Examination of Records of Sales of Gasoline and Lubricating Oil

[SEC. 3412. TAX ON GASOLINE.]

(e) Under regulations prescribed by the Commissioner with the approval of the Secretary, records required to be kept with respect to taxes under section 3413, or this section, and returns, reports, and statements with respect to such taxes filed with the Commissioner or a collector, shall be open to inspection by such officers of any State or Territory or political subdivision thereof or the District of Columbia as shall be charged with the enforcement or collection of any tax on gasoline or lubricating oils. The Commissioner and each collector shall furnish to any of such officers, upon written request, certified copies of any such statements, reports, or returns filed in his office upon the payment of a fee of $1 for each one hundred words or fraction thereof in the copy or copies requested.

§ 314.62 *Records.* Every person required to file a return and pay tax on the sale or use of any article covered by these regulations must keep accurate and complete records and accounts with respect to such sale or use. Records must be maintained in such a manner as to show:

(*a*) Quantity on hand at beginning of month;

(*b*) Quantity produced during the month;

(*c*) Quantity purchased tax free;

(*d*) Quantity purchased tax paid;

(*e*) Quantity sold tax free;

(*f*) Quantity sold subject to tax;

(*g*) Quantity used in production of other taxable commodities;

(*h*) Quantity used otherwise:

(*i*) Actual wastage, evaporation, and other losses, etc.; and

(*j*) Quantity on hand at end of month.

Every person liable for tax on the sale of gasoline or lubricating oil must maintain records as outlined above for a period of at least four years from the date the tax became due, or, in the case of tax-free sales, for a period of at least four years from the last day of the month following the sale, and all such records must be available for ready inspection by internal-revenue officers. The law also provides that such records shall be open to inspection by officers of any State or Territory, or political subdivision thereof, or the District of Columbia, who are charged with the enforcement or collection of any tax on gasoline or lubricating oils.

The records maintained in the Bureau and in the various collection districts with respect to the taxes imposed on the sale or use of gasoline or lubricating oil, including all returns, reports, and statements with respect to such taxes, shall be at all times open to inspection by internal-revenue officers, or by officers of any State or Territory, or political subdivision thereof, or of the District of Columbia, who are charged with the enforcement or collection of any tax on gasoline or lubricating oils. Upon written request from officers of a State or Territory, or political subdivision thereof, or the District of Columbia, for certified copies of any such statements, reports, or returns filed in the Bureau or the office of a collector, the Commissioner or collector shall furnish to any such officer upon payment of a fee of $1 for each 100 words or fraction thereof, the copy or copies requested.

Every person liable for tax on the sale of matches must retain records as outlined above for a period of at least four years from the date the tax became due, or, in the case of tax-free sales, for a period of at least four years from the last day of the month following the sale, and all such records must be available for inspection at all times by internal-revenue officers. The books of every person liable to tax shall at all times be open for inspection by Government officers. Every person who fails to keep proper and accurate records as required by this section is liable for the penalties imposed by law. (See section 314.65.)*†

### Jeopardy Assessments

SEC. 3660. JEOPARDY ASSESSMENT.

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3690.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

§ 314.63 JEOPARDY ASSESSMENT. Whenever in the opinion of the collector it becomes necessary to protect the interests of the Government by requiring an immediate return and collection of the tax, the matter shall be promptly reported to the Commissioner by telegram or letter showing the reasons therefor. The communication must state the full name and address of the person involved, the kind and amount of taxes due and the period involved, so that the Commissioner can immediately assess the tax together with all penalties and interest due. Such tax, penalties, and interest will, upon assessment, become immediately due and payable, and the collector shall, without delay, issue a notice and demand for payment thereof in full.

If a taxpayer is not actually in default in filing returns or in paying any tax under the internal-revenue laws, the collection of the whole or any part of the amount of such jeopardy assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of the amount, collection of which is stayed, at the time at which such amount would normally be due.

Upon refusal to pay, or failure to pay or give bond, the collector shall proceed immediately to collect the tax, penalty, and interest by distraint, without regard to the 10-day period after notice and demand prescribed in section 3690.*†

### Credits and Refunds

SEC. 3770. AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS.

(a) TO TAXPAYERS.—

(1) ASSESSMENTS AND COLLECTIONS GENERALLY. Except as otherwise provided by law in the case of income, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

(2) ASSESSMENTS AND COLLECTIONS AFTER LIMITATION PERIOD. Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

(3) DATE OF ALLOWANCE. Where the Commissioner has signed a schedule of overassessments in respect of any internal revenue tax imposed by this title, the Revenue Act of 1932, or any prior revenue Act, the date on which he first signed such schedule (if after May 28, 1928) shall be considered as the date of allowance of refund or credit in respect of such tax.

SEC. 3313. PERIOD OF LIMITATION UPON REFUNDS AND CREDITS.

All claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, be presented to the Commissioner within four years next after the payment of such tax, penalty, or sum. The amount of the refund (in the case of taxes other than income, war-profits, excess-profits, estate, and gift taxes) shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

SEC. 3443. CREDITS AND REFUNDS.

(a) A credit against tax under this chapter, or a refund, may be allowed or made—

(1) to a manufacturer or producer, in the amount of any tax under this chapter which has been paid with respect to the sale of any article (other than a tire or inner tube) purchased by him and used by him as material in the manufacture or production of, or as a component part of, an article with respect to which tax under this chapter has been paid, or which has been sold free of tax by virtue of section 3442, relating to tax-free sales.

(2) to any person who has paid tax under this chapter with respect to an article, when the price on which the tax was based is readjusted by reason of return or repossession of the article or a covering or container, or by a bona fide discount, rebate, or allowance; in the amount of that part of the tax proportionate to the part of the price which is refunded or credited.

(3) to a manufacturer, producer, or importer, in the amount of tax paid by him under this chapter with respect to the sale of any article to any vendee, if the manufacturer, producer, or importer has in his possession such evidence as the regulations may prescribe that—

(A) such article was, by any person—

(i) resold for the exclusive use of the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia;

(ii) used or resold for use as fuel supplies, ship's stores, sea stores, or legitimate equipment on vessels of war of the United States or of any foreign nation, vessels employed in the fisheries or in the whaling business, or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(iii) in the case of products embraced in paragraph (2) of section 3412 (c) used or resold for use otherwise than as fuel for the propulsion of motor vehicles, motor boats, or airplanes, and otherwise than in the production of such fuel: *Provided, however,* That no credit or refund shall be allowed or made under this paragraph in the case of sales or uses of products commonly or commercially known or sold as gasoline, including casinghead and natural gasoline;

(iv) in the case of lubricating oils, used or resold for nonlubricating purposes.

(B) The manufacturer, producer, or importer has repaid or agreed to repay the amount of such tax to the ultimate vendor or has obtained the consent of the ultimate vendor to the allowance of the credit or refund.

(b) Credit or refund under subsection (a) shall be allowed or made only upon compliance with regulations prescribed by the Commissioner with the approval of the Secretary.

(c) Interest shall be allowed at the rate of 6 per centum per annum with respect to any amount of tax under this chapter credited or refunded, except that no interest shall be allowed with respect to any amount of tax credited or refunded under the provisions of subsection (a) hereof.

(d) No overpayment of tax under this chapter shall be credited or refunded (otherwise than under subsection (a)), in pursuance of a court decision or otherwise, unless the person who paid the tax establishes, in accordance with regulations prescribed by the Commissioner with the approval of the Secretary, (1) that he has not included the tax in the price of the article with respect to which it was imposed, or collected the amount of tax from the vendee, or (2) that he has repaid the amount of the tax to the ultimate purchaser of the article, or unless he files with the Commissioner written consent of such ultimate purchaser to the allowance of the credit or refund.

§ 314.64 *Credits and refunds.* A credit against the tax due on the sale of any article covered by these regulations or a refund may be allowed or made to a manufacturer in the amount of any tax which has been paid by any person with respect to the sale of any article purchased and used by such manufacturer as material in the manufacture or production of, or as a component part of, any such article with respect to which tax has been paid, or which has been sold free of tax in accordance with the provisions of section 314.21 or 314.22. A claim for refund must be supported by evidence showing (1) the name and address of the person who paid to the United States the tax of which refund is claimed, (2) the date of payment, (3) the amount of such tax, and (4) that the article was so used. A credit taken on a return must be supported by evidence of the same character. If it is impossible to furnish such evidence at the time when the credit is taken, a statement to that effect must be submitted with the return in which the credit is taken. The evidence supporting such credit must be filed with the collector within 30 days after the date on which the return is filed. If the required evidence is not so filed within that period, the amount of the credit will be disallowed and assessment of the tax resulting from the disallowance will be made on the current assessment list.

If any person overpays the tax shown to be due on a monthly return, he may either file a claim for refund on Form 843 or take credit for the overpayment against the tax shown to be due on any subsequent monthly return. In all cases where a person overpays tax, no credit or refund shall be allowed (except as provided in the preceding paragraph), whether in pursuance of a court decision or otherwise, unless the taxpayer files a sworn statement explaining satisfactorily the reason for claiming the credit or refund and establishing (1) that he has not included the tax in the price of the article with respect to which it was imposed, or collected the amount of tax from the vendee, or (2) that he has either repaid the amount of tax to the ultimate purchaser of the article or has secured the written consent of such ultimate purchaser to the allowance of the credit or refund. In the latter case the written consent of the ultimate purchaser must accompany the sworn statement filed with the credit or refund claim. For the purpose of the tax the "ultimate purchaser" is a person who purchases an article (1) for consumption, or (2) for use in the manufacture of other articles and not for resale in the form in which purchased. The statement supporting the credit or refund claim must also show whether any previous claim for credit

or refund covering the amount involved, or any part thereof, has been filed with the collector or Commissioner.

A complete and detailed record of each overpayment must be kept by the taxpayer for a period of at least four years from the date any credit is taken or refund is claimed.

In the case of a sale of a taxable article by a manufacturer to a dealer, where title passes through one or more persons in a chain of sales from the manufacturer to a consumer, and such article is used, or resold for a purpose or use specified in section 3443 (a) (3) (A)—the manufacturer who paid the tax to the United States may be allowed a refund, or may take credit against the tax shown to be due upon any subsequent monthly return, in the amount of tax paid by him with respect to the sale of such article, provided he can establish by satisfactory evidence (1) that such article has been used, or resold, for one of the uses specified in such section, (2) the name and address of the ultimate vendor, (3) the name and address of the consumer, and the use made or to be made of such article, (4) the date the tax on his sale of such article was paid to the United States, and (5) that he has repaid or agreed to repay the amount of such tax to the ultimate vendor, or has obtained the consent of the ultimate vendor to the allowance of the credit or refund.

The evidence required in (1), (2), and (3) of the preceding paragraph may be established by the manufacturer securing from the ultimate vendor (*a*) the original exemption certificate obtained by such ultimate vendor from the consumer, or (*b*) a sworn statement by the ultimate vendor that he has obtained from the consumer and has in his possession such an exemption certificate. The consent of the ultimate vendor required by (5) of the preceding paragraph may be indorsed on the certificate or made a part of the sworn statement.

Where a sworn statement is furnished by the ultimate vendor in lieu of the original exemption certificate, the ultimate vendor must incorporate therein a statement to the effect that the certificate and supporting data (1) are retained by him, (2) will be preserved for a period of four years, and (3) will, upon request, be forwarded to the manufacturer at any time within the period for use in establishing to the satisfaction of internal-revenue officers that a refund or credit is justly due.

The exemption certificates required by this section shall be in a form substantially the same as those required in the case of sales by manufacturers direct to users.

Where a tax-paid article is used by a consumer for one or more of the purposes specified above, the ultimate vendor may secure from such consumer, in lieu of the exemption certificate, a sworn statement showing full and complete information as to the date of the purchase of the article, from whom purchased, the quantity and nature of the article, the purpose for which used, the amount of tax involved, and that the consumer has not previously executed any other affidavit of use concerning such article. The sworn statement referred to may be furnished to the manufacturer by the ultimate vendor as evidence to support the credit or refund claimed, or the information appearing therein may be incorporated in the affidavit which the ultimate vendor files with the manufacturer who paid the tax to the Government on the sale of the article.

The affidavit of the ultimate vendor shall be in substantially the following form:

AFFIDAVIT OF ULTIMATE VENDOR

_____, being duly sworn, de-
(Name of individual.)
poses and says: that he is the_____
(Title.)
of the _____ or is himself
(Name of company.)
the ultimate vendor of the articles specified below or on the reverse side hereof;

That the articles specified below were purchased by him tax paid and resold for use by his vendee for the nontaxable purposes indicated and not for resale;

That he has in his possession all of the exemption certificates, properly executed, required by the law and regulations, to cover the sale of the articles specified herein;

That the certificates and supporting data (1) are retained by him, (2) will be preserved for a period of four years, and (3) will, upon request, be forwarded to the manufacturer any time within the period for use in establishing to the satisfaction of internal-revenue officers that a refund or credit is justly due; and

That he hereby consents to the allowance of a credit or refund to the _____
(Name and ad-
_____ in the amount of the tax
dress of manufacturer.)
paid by such manufacturer with respect to the sale of such articles, and that he has not heretofore given his consent to the allowance of a credit or refund to any other manufacturer and has not made application for a refund or credit of such Federal tax from any other source.

The undersigned understands that the fraudulent use of this affidavit to secure credit or refund will subject him and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than 10 years, or both, under section 35 of the Criminal Code of the United States, as amended by Act approved April 4, 1938 (52 Stat., 197).

_____
(Name.)
_____
(Address.)

Subscribed and sworn to before me this _____ day of _____, 19__.

| Vendor's invoice | Articles | Date of resale | Quantity | Purpose or use | Tax claimed |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Where the amount of tax involved in any transaction is $10 or less, any statement herein required may be signed before two witnesses instead of under oath.

The provisions of section 3451 (see section 314.29), relating to aircraft, apply only to sales by manufacturers direct to the owners or operators of aircraft, and no credit or refund is allowable, either under section 3451 or under section 3443 (a) (3) (A) (ii) with respect to tax paid on articles sold by the manufacturer for resale for use on aircraft, regardless of the date the sale or resale occurred, and even though it is known at the time of the manufacturer's sale that the article will be so resold. However, where it can be shown that articles were sold by the manufacturer in accordance with the provisions of section 317 (b) of the Tariff Act of 1930, as added by the Act approved June 25, 1938, for use as supplies (including equipment) upon, or in the maintenance or repair of, aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, the manufacturer who paid the tax to the Government may be allowed a refund or may take credit against the tax due upon any subsequent monthly return, provided he has in his possession the evidence outlined in section 314.29.

No credit will be allowed against tax due on the sale of gasoline or lubricating oil for the tax paid on importation of gasoline or lubricating oil.*†

SEC. 3760. CLOSING AGREEMENTS.

(a) AUTHORIZATION.—The Commissioner (or any officer or employee of the Bureau of Internal Revenue, including the field service, authorized in writing by the Commissioner) is authorized to enter into an agreement in writing with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal revenue tax for any taxable period.

(b) FINALITY.—If such agreement is approved by the Secretary, the Under Secretary, or an Assistant Secretary, within such time as may be stated in such agreement, or later agreed to, such agreement shall be final and conclusive, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact—

(1) The case shall not be reopened as to the matter agreed upon or the agreement modified, by any officer, employee, or agent of the United States, and

(2) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

SEC. 3447. CONTRACTS PRIOR TO MAY 1, 1932.

(a) If (1) any person has, prior to May 1, 1932, made a bona fide contract for the sale, after the tax takes effect, of any article in respect of the sale of which a tax is imposed under this chapter, or in respect of which a tax is imposed under this subsection, and (2) such contract does not permit the adding to the amount to be paid under such contract, of the whole of such tax, then (unless the contract prohibits such addition) the vendee shall, in lieu of the vendor, pay so much of the tax as is not so permitted to be added to the contract price. If a contract of the character above described was made with the United States, no tax shall be collected under this chapter. If any article has, under a contract of the character above described, been delivered, prior to June 21, 1932, to any person (other than a dealer or other than a person intending to use the article as material in the manufacture or production of another article, or to sell it on or in connection with, or with the sale of, another article), no tax shall be collected under this chapter.

(b) The taxes payable by the vendee shall be paid to the vendor at the time the sale is consummated, and shall be collected, returned, and paid to the United States by such vendor in the same manner as provided in section 3467. In case of failure or refusal by the vendee to pay such taxes to the vendor, the vendor shall report the facts to the Commissioner, who shall cause collection of such taxes to be made from the vendee.

* * * * *

## Penalties and Interest

[SEC. 3448. RETURN AND PAYMENT OF MANUFACTURERS' TAXES.]

(b) * * * If the tax is not paid when due, there shall be added as part of the tax interest at the rate of 6 per centum per annum from the time when the tax became due until paid.

SEC. 3449. APPLICABILITY OF ADMINISTRATIVE PROVISIONS.

All provisions of law (including penalties) applicable in respect of the taxes imposed by section 2700 shall, insofar as applicable and not inconsistent with this chapter, be applicable in respect of the taxes imposed by this chapter.

SEC. 2711. OTHER LAWS APPLICABLE.

All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this subchapter.

[SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.]

(d) ADDITIONS TO TAX.

(1) FAILURE TO FILE RETURN. In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) FRAUD. In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

* * * * *

(e) COLLECTION OF ADDITIONS TO TAX. The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

SEC. 3655. NOTICE AND DEMAND FOR TAX.

(a) DELIVERY. Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) ADDITION TO TAX FOR NONPAYMENT. If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment; except that in the case of income, estate or gift taxes, such penalties shall not apply and the interest for nonpayment of tax shall be such as is specifically provided by law with respect to such taxes.

§ 314.65 *Penalties and interest.* In the case of failure to file a return within the prescribed time, a certain percentage of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to the satisfaction of the Commissioner to be due to reasonable cause and not to willful neglect. The amount to be added to the tax is 5 per cent if the failure is for not more than 30 days, with an additional 5 per cent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per cent in the aggregate.

Failure to pay tax within the time fixed for filing returns causes interest to accrue automatically, without assessment of the tax by the Commissioner or notice to the taxpayer, to the actual date of payment or assessment, whichever is prior. The due date of the tax for the purpose of computing interest is the last day of the month within which the return is required to be filed and the tax paid.

Where assessment is made, and payment is not made within 10 days after the issuance of the first notice and demand (Form 17), there will accrue, under section 3655, a 5 per cent penalty and interest at the rate of 6 per cent per annum computed upon the entire assessment from the date of issuance of Form 17 until date of payment. Where assessment is settled by partial payments, interest is computed at the above-prescribed rates from the date of the first 10-day notice through the date of first payment and on the balance from the next succeeding day to the date of the next payment until the assessment is paid in full.

If a claim for abatement is filed with the collector within 10 days after the date of the issuance of the first notice and demand, the 5 per cent penalty does not attach. If the assessment is not paid within 10 days after receipt of notice of rejection of the claim, the 5 per cent penalty applies. The filing of the claim does not stay the collection of interest, which continues to run for the full period that intervenes between the date of the first notice and demand and the date of payment.

If a false or fraudulent return is willfully made, the penalty, under section 3612 (d) and (e), is 50 per cent of the total tax due for the entire period involved, *including any tax previously paid.*

Any person who willfully fails to pay any tax due, file return, or keep records, or who attempts in any manner to evade or defeat the tax, or who fraudulently uses any exemption certificate authorized by these regulations, is subject to a fine of $10,000, or imprisonment, or both, with costs of prosecution, and is also liable to a penalty equal to the amount of the tax not paid. These penalties apply to an officer or employee who, as such officer or employee, is under a duty to perform the act in respect of which the violation occurs, as well as to a person who fails or refuses to perform any of the duties imposed by the Code, i. e., pay the tax, make return, keep records, supply information, etc.

An internal-revenue officer discovering in the course of his duty information leading him to suspect a possible violation of any law with the enforcement of which he is not directly concerned should immediately report the matter to the Commissioner, who is authorized to communicate with the proper department involved.*†

SEC. 2707. PENALTIES.

(a) Any person who willfully fails to pay, collect, or truthfully account for and pay over the tax imposed by section 2700 (a), or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected. No penalty shall be assessed under this subsection for any offense for which a penalty may be assessed under authority of section 3612.

(b) Any person required under this subchapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this subchapter who willfully fails to pay such tax, make such returns, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(c) Any person required under this subchapter to collect, account for and pay over any tax imposed by this subchapter, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this subchapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(d) The term "person" as used in this section includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 3710. SURRENDER OF PROPERTY SUBJECT TO DISTRAINT.

(a) REQUIREMENT. Any person in possession of property, or rights to property, subject to distraint, upon which a levy has been made, shall, upon demand by the collector or deputy collector making such levy, surrender such property or rights to such collector or deputy, unless such property or right is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) PENALTY FOR VIOLATION. Any person who fails or refuses to so surrender any of such property or rights shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceed-

ing the amount of the taxes (including penalties and interest) for the collection of which such levy has been made, together with costs and interests from the date of such levy.

(c) PERSON DEFINED. The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

[SEC. 3793. PENALTIES AND FORFEITURES.]

(b) FRAUDULENT RETURNS, AFFIDAVITS, AND CLAIMS.

(1) ASSISTANCE IN PREPARATION OR PRESENTATION. Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(2) PERSON DEFINED. The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 4047. PENALTIES.

(a) DISCLOSURE OF INFORMATION BY OFFICERS AND EMPLOYEES OF THE UNITED STATES.—

(1) OPERATIONS OF MANUFACTURER OR PRODUCER. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and the offender shall be dismissed from office or discharged from employment. The provisions of this paragraph shall apply to internal revenue agents as fully as to internal revenue officers.

* * * * *

SECTION 35, CRIMINAL CODE OF THE UNITED STATES, AS AMENDED BY THE ACT APPROVED APRIL 4, 1938 (52 STAT., 197)

(A) Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; * * * shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

* * * * *

### Penalty for Failure to Register and Give Bond

[SEC. 3412. TAX ON GASOLINE.]

(d) * * * Every person who fails to register or give bond as required by this subsection, or who in connection with any purchase of gasoline or lubricating oil falsely represents himself to be registered and bonded as provided by this subsection, or who willfully makes any false statement in an application for registration under this subsection, shall upon conviction thereof be fined not more than $5,000 or imprisoned not more than five years, or both, together with the costs of prosecution. * * *

### Misrepresentation of Tax

SEC. 3325. PENALTIES FOR FALSE STATEMENTS TO PURCHASERS REGARDING TAX.

Whoever in connection with the sale or lease, or offer for sale or lease, of any article, or for the purpose of making such sale or lease, makes any statement, written or oral, (1) intended or calculated to lead any person to believe that any part of the price at which such article is sold or leased, or offered for sale or lease, consists of a tax imposed under the authority of the United States, or (2) ascribing a particular part of such price to a tax imposed under the authority of the United States, knowing that such statement is false or that the tax is not so great as the portion of such price ascribed to such tax, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $1,000 or by imprisonment not exceeding one year, or both.

### Fractional Part of Cent

SEC. 3658. FRACTIONAL PARTS OF A CENT.

In the payment of any tax under this title not payable by stamp a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

### Authority for Regulations

SEC. 3450. RULES AND REGULATIONS.

The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter in so far as it relates to the taxes on articles sold by the manufacturer, producer, or importer.

§ 314.66 *Promulgation of regulations.* In pursuance of the provisions of the law, the foregoing regulations are made and promulgated to supersede, as of the date approved, the provisions of Regulations 44, approved September 11, 1934, as amended (Part 309, Title 26, Code of Federal Regulations), as made applicable to the Internal Revenue Code (53 Stat., Part 1) by Treasury Decision 4885, approved February 11, 1939 (Part 465, Subpart B, Title 26, Code of Federal Regulations).*†

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, November 20, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4309; Filed, November 21, 1939; 12:55 p. m.]

[T. D. 4955]

## PART 85—GIFT TAX

ARTICLE 18, REGULATIONS 79, AMENDED; SITUS OF PROPERTY

*To Collectors of Internal Revenue and Others Concerned:*

The second paragraph of article 18 of Regulations 79, 1936 edition (section 85.18 of Title 26, Code of Federal Regulations), and that article as made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 (Part 465, Subpart B, of such Title 26), is hereby amended to read as follows:

"Real estate, tangible personal property, and the written evidence of intangible personal property which is treated as being the property itself are within the United States if physically situated therein. For example, a bond for the payment of money is not within the United States unless physically situated therein. Stock of a domestic corporation, however, constitutes property within the United States, irrespective of where the certificates thereof are physically located. (See section 531 (b).) Intangible personal property the written evidence of which is not treated as being the property itself constitutes property within the United States if consisting of a property right issuing from or enforcible against a resident of the United States or a domestic corporation (public or private), irrespective of where such written evidence is physically located."

(This Treasury Decision is prescribed pursuant to the following sections of law: Sections 1030 (b) and 1029 of the Internal Revenue Code (53 Stat. Part 1); and sections 531 (b) and 530 of the Revenue Act of 1932 (47 Stat. 259; 26 U.S.C. 580, 579))

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, November 20, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4310; Filed, November 21, 1939; 12:56 p. m.]

[T. D. 4956]

## PART 80—ESTATE TAX

ARTICLE 50, REGULATIONS 80 (1937 EDITION) AMENDED; SITUS OF PROPERTY

*To Collectors of Internal Revenue and Others Concerned:*

Article 50 of Regulations 80,[1] 1937 edition, (section 80.50 of Title 26, Code of Federal Regulations), and that article as made applicable to the Internal Revenue Code by Treasury Decision 4885, approved February 11, 1939 (Part 465, Subpart B, of such Title 26), is hereby amended to read as follows:

"ART. 50. *Situs of property.* Real estate, tangible personal property, and the written evidence of intangible personal property which is treated as being the property itself are within the United States if physically situated therein. For example, a bond for the payment of money is not within the United States unless physically situated therein. Stock of a domestic corporation, however, constitutes property within the United States, irrespective of where the certificates thereof are physically located.

"Intangible personal property the written evidence of which is not treated as being the property itself constitutes property within the United States if consisting of a property right issuing from or enforcible against a resident of the United States or a domestic corporation (public or private), if not subject to the exception prescribed in section 303 (e). Under the provisions of that section the amount receivable as insurance upon the life of a nonresident decedent (nonresident alien decedent, if death occurred after the enactment of the Revenue Act of 1934), and moneys deposited by or for such a decedent, who was not engaged in business in the United States at the time of his death, with any person carrying on the banking business, shall not be deemed property within the United States.

"Property of which the decedent has made a transfer taxable under the provisions of article 15 is deemed to be situated in the United States if so situated either at the time of the transfer or at the time of the decedent's death. (See articles 15 to 21, inclusive)"

(This Treasury Decision is prescribed pursuant to the following sections of law: Sections 862, 937 and 3791 (a) (1) of the Internal Revenue Code (53 Stat. Part 1); section 303 (d) of the Revenue Act of 1926 (44 Stat. 72), as amended by section 403 (d) of the Revenue Act of 1934 (48 Stat. 753; 26 U.S.C. 462); section 1101 of the Revenue Act of 1926 (44 Stat. 111; 26 U.S.C. 1691); and section 403 of the Revenue Act of 1932 (47 Stat. 245), as amended by section 403 (f) of the Revenue Act of 1934 (48 Stat. 753; 26 U.S.C. 537).)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, November 20, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4311; Filed, November 21, 1939; 12:56 p. m.]

## TITLE 36—PARKS AND FORESTS

### NATIONAL PARK SERVICE

GRAND TETON NATIONAL PARK

AMENDMENT TO SUBSIDIARY REGULATIONS

Pursuant to the authority granted to the Secretary of the Interior by the Act of August 25, 1916 (39 Stat. 535), and pursuant to the authority granted to the Director of the National Park Service by the Rules and Regulations issued thereunder (1 F.R. 672, 36 CFR, Chapter 1, Part 2, Section 2.43), the subsidiary regulations for Grand Teton National Park, approved October 31, 1938 (3 F.R. 2674 (DI)), are amended to read as follows, to become effective immediately:

§ 20.22 *Grand Teton National Park*—(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, is limited to 25 miles per hour on primary roads, and to 15 miles per hour in campground areas.

(b) *Fishing.* (1) The limit of catch per person per day is 10 fish. Possession of more than one day's catch by any person at any one time shall be construed as a violation of this regulation.

(2) The use of fish eggs or fish for bait is prohibited.

Approved, November 15, 1939.

[SEAL] ARNO B. CAMMERER,
*Director, National Park Service.*

[F. R. Doc. 39-4296; Filed, November 21, 1939; 9:38 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

[No. 4844]

EXPORT BILL OF LADING[1]

Upon further hearing certain conditions in Part II of the through export bill of lading heretofore prescribed by the Commission modified in certain particulars in the light of the Carriage of Goods by Sea Act, Public No. 521—74th Congress. Certain other changes also authorized for the reasons stated herein. Prior reports, 64 I. C. C. 347, 66 I. C. C. 687; 80 I. C. C. 305 and 156 I. C. C. 188.

Luther M. Walter, John S. Burchmore, Nuel D. Belnap, E. F. Lacey, and E. S. Gubernator for National Industrial Traffic League.

H. E. Reed and Oscar R. Houston for American Institute of Marine Underwriters, W. G. Oliphant for Inland Waterways Corporation.

Roscoe H. Hupper and James Sinclair for Ocean Carriers in Trans-Atlantic Associated Freight Conferences, and H. B. Bolton for American Hawaiian Steamship Corporation.

A. H. Greenley, D. Lynch Younger and George R. Allen for Bill of Lading Committee, Eastern Group of Rail Lines.

R. C. Fyfe for Bill of Lading Committee, Western Lines, and M. Carter Hall for Chesapeake & Ohio Railway Company.

Julian M. King and Rollin Rice for American Trucking Association, Inc.

*Report of the Commission*

PORTER, *Commissioner:*

No exceptions were filed to the changes which the examiner recommended be made in the through export bill of lading. However, as hereafter stated, the principal parties are agreed that certain additional changes should be made.

In *Export Bill of Lading*, 64 I.C.C. 347, we prescribed a form of through export bill of lading to be used by carriers subject to the Interstate Commerce Act for application to the transportation of property, in connection with ocean carriers whose vessels are registered under the laws of the United States, from points within the United States designated by us under the provisions of section 25 of the Interstate Commerce Act to points in nonadjacent foreign countries. Certain modifications of this form were subsequently authorized. See 66 I.C.C. 687, 80 I.C.C. 305, and 156 I.C.C. 188.

By section 10 of the Act of Congress, approved April 16, 1936, Public No. 521—74th Congress (Carriage of Goods by Sea Act), section 25, paragraph 4 of the Interstate Commerce Act was amended by adding the following proviso at the end thereof:

*Provided, however,* That insofar as any bill of lading authorized hereunder relates to the carriage of goods by sea, such bill of lading shall be subject to the provisions of the Carriage of Goods by Sea Act.

On July 6, 1936, we reopened the proceeding for further hearing upon the question of the changes, if any, in the current form of through export bill of lading which might be necessary to bring it into harmony with the provisions of the aforementioned act. At the same time railroads were authorized, pending determination of the question here involved, to make the following endorsement upon through export bills of lading:

This bill of lading, so far as it relates to the carriage of goods by sea, shall have effect subject to provisions of the Carriage of Goods by Sea Act of the United States of America, approved April 16, 1936, effective July 15, 1936.

Hearings were delayed from time to time because the interested parties were endeavoring by conferences to agree upon uniform provisions to be contained in said revised bill of lading.

All parties agree that slight changes or additions should be made in the text of this bill of lading other than in Part II which relates to the service after delivery at the Port (A) as designated in said bill. These changes, which are shown below, appear in the portion immediately following the blocks in which are set forth "Marks and Numbers, Car Numbers, Articles," etc.

To be carried to the port (A) of _____ and thence by _____ to the port (B) _____ (or so near thereto as vessel may safely get), *always subject to the liberties, exceptions, terms and conditions here-*

[1] 2 F.R. 2364.

[1] Submitted October 12, 1939; Decided November 7, 1939.

*inafter specified or provided for*, and to be there delivered in like good order and condition as above consigned, or to consignee's assigns, or to another carrier on the route to destination if consigned beyond said port (B), upon payment immediately on discharge of the property of the freight due thereon, at the rate
(INLAND AND/OR COASTWISE) from ---------- to --------- of ---------- cents per one hundred gross weight, port charges, if any ------ cents, and (Ocean and On-Carrying) from ---------- to ---------- of ------ cents, per ----------, and advanced charges ------ ($------), with all other charges and average, without any allowance of credit or discount, ---------- settlement to be made on the basis of *lawful money of the* United States of *America*, amount to be paid by receivers at current rate of New York exchange as quoted on the day the vessel is entered at the Custom House at her port of discharge. [Italicised language is new.]

The change first mentioned was said to be desirable so that the bill of lading would contain a recital to the effect that the transportation is subject to the terms and conditions set forth therein. The second should be made because of legislation enacted since the adoption of the present bill of lading. These changes are authorized even though not strictly within the scope of the order of reopening.

The principal changes deemed necessary to comply with the Act were suggested by the National Industrial Traffice League, hereinafter referred to as the league. The American Institute of Marine Underwriters approves such changes. They are set forth in Appendix A, the present and suggested provisions where changes are deemed necessary being set forth in parallel columns. New language is underscored. The Trans-Atlantic carriers in the main do not oppose these changes. All parties are agreed that the changes set forth in Appendix A are such as are required by the Act, and approve them except in minor respects as may be indicated hereafter.

The Trans-Atlantic carriers suggested certain additional changes in paragraphs 2, 3 (a) and 3 (b) but subsequently they adopted the changes suggested by the league as to those paragraphs except that they opposed the insertion of "thirty" in line 13 of 3 (b). This objection is based on the ground that the Carriage of Goods by Sea Act provides that the notice therein required must be given within three days. Paragraph 3 (b) as suggested by the league, if *three* is substituted for *thirty* is approved. This brings the paragraph into harmony with the Act.

The carriers mentioned in the preceding paragraph at the hearing also suggested certain changes in paragraphs 1 (b) and 14 of Part II. These are set forth in Appendix B. The league and the American Institute of Marine Underwriters opposed the approval thereof on the ground that the parties had no notice that any such changes were contemplated and for that reason and the reasons stated in the proposed report the examiner recommended that the changes then suggested be disapproved. However, these three parties have submitted a memorandum stating that with certain revisions, although changes are not required by the Carriage of Goods by Sea Act, they agree that the paragraphs above mentioned should be changed as now proposed, and unanimously recommend our approval thereof. The adoption of such amendments will obviate any objections they now have to the recommendations of the examiner. Such revisions are in addition to those recommended in the proposed report. They differ slightly from those which had been suggested by the Trans-Atlantic carriers. The changes in these paragraphs which the three parties are now agreed should be made are also shown in Appendix B. The additions are underscored and the deletions are stricken with dashes.

The principal objection of the league to the provisions contained in paragraph 1 (b) as proposed by the Trans-Atlantic carriers was that it provided that General Average should be adjusted in accordance with the provisions contained in the port bill of lading of the ocean carrier receiving the goods although the shipper might have no knowledge as to those provisions. The Trans-Atlantic carriers claim that the General Average clause has been found inadequate; that the revision should be made so that the ship owner shall receive General Average and contribute with shippers and owners notwithstanding that the situation which brought about the loss arises out of the negligence of the ship or those who may be operating it. They assert that port bills of lading, similar to those which they propose shall govern General Average, have been in use for some time by various steamship lines including some operated by the United States Maritime Commission and that no objections have been received from any source. It would appear that in our report in 156 I. C. C. 188, we considered a proposal similar in some respects to that here recommended by the Trans-Atlantic carriers. We there said:

> The modification provides that the York-Antwerp rules of 1924 shall govern general average, with the exceptions noted, "unless the port bill of lading of the ocean carrier in use at time of shipment provides for the application of other rules, in which event the latter shall control." This modification, while meeting with the approval of representatives of the steamship lines and railroads, was not approved by counsel for the United States Shipping Board present at the hearing, and it does not have our approval. It is open to the objection that it binds, or seeks to bind, the shipper by reference to the provisions governing general average liability carried in the port-to-port bill of lading of the ocean carrier, which port-to-port bill of lading the shipper possibly never has read, and very likely never has been accorded the opportunity of reading if he so desired. It also would supersede the provisions of the through export bill of lading if in conflict therewith, thereby destroying the uniformity in the terms of that bill of lading, contrary to the intent of the Congress in the enactment of section 25 of the interstate commerce act.

The railroad interests represented at the hearing offered no objection to paragraph 1 (b) as then proposed. The paragraph as revised has been approved by the league, steamship interests, and the Marine Underwriters. No objection has been received from any source. The instant proposal differs somewhat from that considered in 156 I. C. C. 188. It was there provided that "General Average shall be payable according to the York-Antwerp rules of 1924, sections 1 to 15, inclusive, and sections 17 to 22, inclusive," etc., "unless the port bill of lading of the ocean carrier in use at time of shipment provides for the application of other rules, in which event the latter shall control." As will be noted, it is now proposed to provide that "General Average shall be adjusted and payable according to the provisions therefor contained in the port bill of lading of the ocean carrier receiving the goods hereunder on the date of issuance of this document and then on file with the ---------- Commission." Thus the objection to the prior proposal that it would supersede the provisions of the through export bill of lading if in conflict therewith is removed. The provisions of the port bill will govern and the intent of Congress as respects uniformity in the terms of the bill of lading as provided by section 25 of the Interstate Commerce Act would appear to be carried out.

As to the objection in our prior decision that the provision binds or seeks to bind the shipper by reference to provisions carried in the port-to-port bill of lading to which the shipper may never have had access, it should be noted that shippers as represented by the league approve the provision now proposed. The parties to the agreement evidently are in accord that the revised provision meets the objection of uncertainty which was inherent in the clause previously considered in that reference is made to a port lading in use when the through lading is issued and then on file with the designated Commission. Since there was doubt as to the particular Commission with which the port ladings should be filed they left that portion open.

We have been advised by the United States Maritime Commission, which has superseded the United States Shipping Board since our prior decision, that it approves the provision in question. Further it is agreeable to that Commission to have the through export bill of lading provide for the filing of the forms of port bills of lading with it. If such bills are so filed all shippers will have access to and can secure knowledge of the provisions contained therein. This will remove the objection raised in our prior decision. With the insertion of the words "United States Maritime" before the word "Commission" in the revised paragraph 1 (b) as set forth in Appendix B we approve said paragraph.

The Trans-Atlantic carriers on brief suggest that the word "thereunder" in paragraph 3 (c) of the bill of lading be changed to "hereunder". The present language conforms to the bill as prescribed in our report on further hearing, 66 I. C. C. 687. The changes there approved were suggested by the United States Shipping Board in its letter of February 20, 1922. An examination of the record shows that the word "thereunder" was erroneously used in our report instead of "hereunder". The change suggested is approved.

As previously stated, the Marine Underwriters approved the revisions suggested by the league. The latter, however, opposed the substitute paragraph 14 proposed at the hearing by the Trans-Atlantic carriers on the ground that the port bill would take precedence over the prescribed form of through export bill of lading wherever there was conflict. The marine underwriters also opposed said paragraph unless a slight addition suggested by them were made. However, since the hearing the three parties as heretofore indicated have agreed upon a revised paragraph 14 which they recommend we approve. In that revision, as will be noted, it is provided that the terms and conditions of the port bill "on file with the ---------- Commission" will apply only in so far as they are not in conflict with the export bill of lading. Thus the objection that the port bill will control exclusively is removed. Furthermore the United States Maritime Commission has advised that it approves paragraph 14 as revised and agreed upon and is agreeable to having the port bills of lading filed with it. With the insertion of the words "United States Maritime" before the word "Commission" we approve revised paragraph 14.

Accordingly we approve the changes in Part II of the uniform through export bill of lading as proposed by the league and which are set forth in Appendix A[2] except that the use of the word "thirty" in line 13 of paragraph 3 (b) is disapproved for the reasons stated in the report. Certain other changes as mentioned in the report are also approved. Some of them are not included in Part II but all parties are agreed that they should be made. The reasons given justify our approval thereof. We also approve the revised paragraphs 1 (b) and 14 of Part II as set forth in Appendix B[2] with the insertion of the words "United States Maritime". No order will be entered at this time but the carriers and shippers will be expected to make changes in the through export bill of lading as their present supplies become exhausted. Pending that time the railroads may continue to make the indorsement heretofore authorized upon through export bills of lading.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39-4300; Filed, November 21, 1939; 10:56 a. m.]

[2] Appendix A and Appendix B were filed as a part of the original document with the Division of the Federal Register; requests for copies should be addressed to the Interstate Commerce Commission.





## TITLE 50—WILDLIFE

## BUREAU OF BIOLOGICAL SURVEY

### PART 29—PLAINS REGION: INDIVIDUAL NATIONAL WILDLIFE REFUGES

### ORDER PERMITTING FISHING WITHIN THE VALENTINE MIGRATORY WATERFOWL REFUGE, NEBRASKA

§ 29.920 *Order permitting fishing within the Valentine Migratory Waterfowl Refuge, Nebraska.* Pursuant to section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, and to the President's Reorganization Plan No. II, promulgated May 9, 1939, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939 (Pub. No. 19, 76th Cong.) it is hereby ordered that, until further notice, in accordance with the provisions of the regulations dated November 23, 1937,[1] for the administration of national wildlife refuges under the jurisdiction of the Bureau of Biological Survey, fishes may be taken for non-commercial purposes, and by hook and line only, from certain waters of the Valentine Migratory Waterfowl Refuge, Nebraska, subject to conditions and restrictions herein specified.

(1) *Waters open to fishing.* Only the waters of Dads, Dewey, and Hackberry Lakes within the refuge shall be open to fishing insofar as such fishing is not inconsistent with the primary object for which the refuge was established. No fishing of any kind will be permitted within the refuge during the migratory-waterfowl hunting season. In the event that the Chief of the Bureau of Biological Survey shall find that fishing in any of these waters is unduly depleting any species of fishes therein or is interfering with the use of any particular waters by migratory birds or other wildlife, he may suspend the privilege of fishing in such waters pending final determination by the Secretary of the Interior.

(2) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of Nebraska, and in the absence of a State law or regulation in respect to the fishing season and the number and size of fishes that may be taken, the Chief of the Bureau of Biological Survey may fix such seasons and limits.

[1] 50 CFR 12.2, 12.3; 2 F.R. 2537.

(3) *Fishing permits.* Any person exercising the privilege of fishing within the refuge shall be in possession of a valid fishing license issued by the State of Nebraska, if such license is required, and shall carry such license on his person while fishing, and when requested to do so shall exhibit it to any representative of the Game, Forestation, and Parks Commission of the State of Nebraska authorized to enforce the game and fish laws of the State, or to any representative of the Bureau of Biological Survey.

(4) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as shall from time to time be designated by the officer in charge of the refuge.

(5) *Use of motor boats.* The use of motor boats, either inboard or outboard, is prohibited on all waters of the refuge except for official purposes.

Approved, November 15, 1939.

[SEAL] E. K. BURLEW, *Acting Secretary of the Interior.*

[F. R. Doc. 39-4295; Filed, November 21, 1939; 9:38 a. m.]

## *Notices*

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket Nos. 620–FD, 623–FD—626–FD, 667–FD]

### IN THE MATTER OF THE APPLICATIONS OF HUBERT POWERS AND E. C. BROCK, TOM CARTER, ALF PARKER, BEN PORTER AND WILLIAM PORTER, CUMBERLAND MOUNTAIN COAL CO., INC. AND CECIL HITCHCOCK, FOR EXEMPTION UNDER THE SECOND PARAGRAPH OF SECTION 4–A OF THE BITUMINOUS COAL ACT OF 1937

### NOTICE OF AND ORDER FOR HEARING

Applications, pursuant to the provisions of the second paragraph of Section 4–A of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by the above-named parties:

*It is ordered*, That hearings on such matters be held on December 5, 1939, at ten o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Room, 245, Federal Building, Nashville, Tennessee.

*It is further ordered*, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearings in such matters. The officer so designated to preside at such hearings is hereby authorized to conduct said hearings separately or to consolidate them, to administer oaths and affirmations, to examine witnesses, subpoena witnesses, compel

their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearings from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of appropriate orders in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearings is hereby given to such Applicants and to any other person who may have an interest in such proceedings. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before December 2, 1939.

The matters concerned herewith are in regard to Applications filed by Hubert Powers and E. C. Brook, Tom Carter, Alf Parker, Ben Porter and William Porter, Cumberland Mountain Coal Co., Inc., and Cecil Hitchcock, for exemption pursuant to the second paragraph of Section 4–A of the Bituminous Coal Act of 1937 and to an Order of the Bituminous Coal Commission entered in Docket No. 62–FD, which Order has been adopted and ratified as an Order of the Bituminous Coal Division.

The mine of the Applicants, Hubert Powers and E. C. Brock, is located near Campaign, Warren County, Tennessee, and it is claimed that the coal is consumed in Van Buren County, Warren County, and other nearby counties in Tennessee.

The mine of the Applicant, Tom Carter, is located near Clifty, Cumberland County, Tennessee, and it is claimed that the coal is consumed in Sparta, McMinnville and other nearby towns in Cumberland County and other nearby counties.

The mine of the Applicant, Alf Parker, is located near Clifty, Tennessee, and it is claimed that the coal is consumed in Sparta and Smithville, Tennessee, and in DeKalb County and adjoining counties in Tennessee.

The mine of the Applicants, Ben Porter and William Porter, is located near Eastland, White County, Tennessee, and it is claimed that the coal is consumed in Sparta and Smithville, Tennessee.

The mine of the Applicant, Cumberland Mountain Coal Co., Inc., is located near Spencer, Tennessee, and it is claimed that all coal produced at this mine is consumed locally in intrastate commerce, principally in McMinnville, Murfreesboro, Shelbyville, Woodbury and Tullahoma, and otherwise consumed locally in Van Buren, Warren and adjoining counties in Tennessee.

The mine of the Applicant, Cecil Hitchcock, is located near Lee Station, Tennessee, and it is claimed that the coal is consumed in Pikeville, Bledsoe County, and in other nearby counties in Tennessee.

All Applicants claim that their sales of coal are purely intrastate, and that they do not affect interstate commerce in bituminous coal.

Dated, November 20, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39–4305; Filed, November 21, 1939; 12:10 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Agricultural Marketing Service.

[P. & S. Docket No. 450]

IN THE MATTER OF DENVER UNION STOCK YARD COMPANY, RESPONDENT

ORDER AND NOTICE OF HEARING

Whereas the Secretary of Agriculture on the 17th day of February, 1937, issued an order prescribing reasonable rates and charges for the respondent in the above-entitled case, which rates and charges were filed and put into effect in accordance with said order; and

Whereas the respondent on the 23rd day of May, 1939, filed a petition asking for a modification in the rates and charges prescribed by said order, on the ground that certain changes in conditions have taken place since the date thereof:

Now, therefore, *it is ordered*, That P. & S. Docket No. 450 be reopened for the purpose of taking evidence as to changes in conditions which may have occurred since the date of said order affecting said rates and charges, and that the matter be set down for a hearing on the 4th day of December 1939 at the hour of 10 a. m., in Room 3106 South Building, United States Department of Agriculture, Washington, D. C., at which time and place all interested persons will be afforded an opportunity to be heard.

*It is further ordered*, That a copy of this order and notice of hearing be served upon respondent by registered mail.

Done at Washington, D. C., this 20th day of November 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Under Secretary of Agriculture.*

[F. R. Doc. 39–4299; Filed, November 21, 1939; 9:45 a. m.]

## DIVISION OF MARKETING AND MARKETING AGREEMENTS

DETERMINATION OF THE SECRETARY OF AGRICULTURE, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO AMENDMENTS TO ORDER NO. 22, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

Whereas, the Secretary of the Agriculture, pursuant to the powers conferred upon him by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, having reason to believe that the execution of amendments to a tentatively approved marketing agreement, as amended, and the issuance of amendments to Order No. 22, as amended, both of which regulate the handling of milk in the Cincinnati, Ohio, marketing area, would tend to effectuate the declared policy of the act, gave, on the 22nd day of September 1939, notice of a public hearing to be held on the 28th day of September 1939, at Cincinnati, Ohio, on proposed amendments to said tentatively approved marketing agreement, as amended, and to said Order No. 22, as amended, which hearing was held on the 28th and 29th days of September 1939, and at said times and place conducted a public hearing at which all interested parties were afforded an opportunity to be heard on the said proposed amendments; and

Whereas, after said hearing and after the tentative approval by the Secretary, on the 4th day of November 1939, of amendments to the marketing agreement, as amended, handlers of more than fifty percent of the volume of milk covered by Order No. 22, as amended, which is marketed within the Cincinnati, Ohio, marketing area, refused or failed to sign such tentatively approved amendments to the marketing agreement, as amended, relating to milk:

Now, therefore, the Secretary of Agriculture, pursuant to the powers conferred upon him by said act, hereby determines:

1. That the refusal or failure of said handlers to sign said tentatively approved amendments to the marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

2. That the issuance of the proposed amendments to Order No. 22, as amended, is the only practical means, pursuant to such policy, of advancing the interests of producers of milk which is produced for sale in said area; and

3. That the issuance of the proposed amendments to Order No. 22, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary, and who, during the month of August 1939, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area.

In witness whereof, H. A. Wallace, Secretary of Agriculture of the United States, has executed this determination in duplicate, and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 17th day of November 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Approved:

FRANKLIN D ROOSEVELT
*The President of the United States.*

Dated, November 18, 1939.

[F. R. Doc. 39–4308; Filed, November 21, 1939; 12:52 p. m.]



## DEPARTMENT OF LABOR.

### Wage and Hour Division.

IN THE MATTER OF APPLICATION OF THE UNITED STATES INDEPENDENT TELEPHONE ASSOCIATION AND SUNDRY OTHER PARTIES

NOTICE OF HEARING

Whereas, applications have been made by the United States Independent Telephone Association and sundry other parties under Section 14 of the Fair Labor Standards Act of 1938, 52 Stat. 1060, and Regulations, Part 522, as amended (Regulations Applicable to the Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, Chapter V, Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners as switchboard operators in the telephone industry at wages less than the applicable minimum wage specified in Section 6 of the Act;

Now, therefore, pursuant to the said Act and Section 522.4 of the said Regulations, notice is hereby given of a public hearing to be held in Room 3229 Department of Labor Building, Washington, D. C. to commence at 10 A. M. on Thursday, December 7, 1939 before Gustav Peck, Assistant Director of the Hearings Branch of the Wage and Hour Division, hereby duly authorized as presiding officer to conduct said hearing, to take testimony for the purpose of determining, and to determine:

(a) Whether the occupation of switchboard operator in the telephone industry requires a learning period and, if this occupation is found to require a learning period,

(b) the factors which may have a bearing upon curtailment of opportunities for employment in the occupation of switchboard operator in the telephone industry, and,

(c) under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued for the employment of switchboard operators in the telephone industry.

At this hearing opportunity to present evidence relevant to above questions will be afforded any interested person provided the presiding officer shall have received from such person, prior to noon, Tuesday, December 5, 1939, a notice of intention to appear setting forth his name and address, the company or organization which he represents, and the approximate length of such presentation.

As used in this notice, the term "switchboard operator in the telephone industry" means any switchboard operator employed in a public telephone exchange which has five hundred stations or more.

Signed at Washington, D. C., this 21st day of November 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39–4302; Filed, November 21, 1939; 11:32 a. m.]

APPLICATIONS OF RAW FUR AND WOOL ASSOCIATION OF ST. LOUIS, MISSOURI, INC. AND SUNDRY OTHER PARTIES FOR PARTIAL EXEMPTION OF THE RAW FUR RECEIVING INDUSTRY AS A SEASONAL INDUSTRY

NOTICE OF FURTHER CHANGE IN DATE OF HEARING

Whereas on the 10th day of January, 1939, Notice of Hearing on the applications of Raw Fur and Wool Association of St. Louis, Missouri, Inc., and sundry other parties for partial exemption of the raw fur receiving industry as a seasonal industry pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of regulations issued thereunder, was duly issued by Elmer F. Andrews, Administrator, Wage and Hour Division, United States Department of Labor, to commence on January 19, 1939, at 10 o'clock a. m., at the Raleigh Hotel, Twelfth Street and Pennsylvania Avenue, Washington, D. C., before a presiding officer to be designated, on the following question:

Whether or not the raw fur receiving industry as defined herein or any branch thereof is of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of regulations issued thereunder. As used in this notice the term "raw fur receiving industry" means the receiving, unpacking, grading, sorting, appraising, scraping, stretching and drying of raw furs.

and

Whereas the said Hearing has heretofore been duly postponed until further notice,

Now take notice that the said Hearing will be held at 10:00 a. m., on December 7, 1939, at the Raleigh Hotel, Washington, D. C., before Harold Stein, who is hereby designated Presiding Officer to determine the question set forth above.

Any person interested in supporting or opposing the above application may appear at the hearing or file a written statement in lieu of appearance. Notice of intention to appear and written statements should be received by the said Harold Stein, Wage and Hour Division, Department of Labor, Washington, D. C. not later than December 6, 1939.

Signed at Washington, D. C., this 21st day of November 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39–4303; Filed, November 21, 1939; 11:32 a. m.]

IN THE MATTER OF MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 6 FOR THE SHOE MANUFACTURING AND ALLIED INDUSTRIES

NOTICE OF HEARING

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to Section 5 (b) of the Fair Labor Standards Act of 1938, on March 16, 1939, by Administrative Order No. 18, appointed Industry Committee No. 6 for the Shoe Manufacturing and Allied Industries, composed of an equal number of representatives of the public, employers in the industries and employees in the industries, such representatives having been appointed with due regard to the geographical region in which the industries are carried on; and

Whereas, Industry Committee No. 6, on August 3, 1939, recommended minimum wage rates for the Shoe Manufacturing and Allied Industries and has thereafter duly adopted a report containing said recommendation and reason therefor and has filed such report with the Administrator on November 20, 1939, pursuant to Section 8 (d) of the Act and Section 511.19 of the Regulations issued under the Act; and

Whereas, the Administrator is required by Section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 6 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 6 is as follows:

"That 35 cents be recommended to the Administrator as the minimum wage for the Shoe Manufacturing and Allied Industries as defined in Administrative Order No. 18, and that no classifications be established."

II. The definition of the Shoe Manufacturing and Allied Industries, as set forth in Administrative Order No. 18, issued March 16, 1939, is as follows:

"(a) The manufacture or partial manufacture of footwear from any material and by any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper.

"(b) The manufacture or partial manufacture of the following types of footwear, subject to the limitations of paragraph (a) but without prejudice to the generality of that paragraph:

"Athletic shoes
"Boots
"Boot tops
"Burial shoes
"Custom-made boots or shoes
"Moccasins
"Puttees, except spiral puttees
"Sandals
"Shoes completely rebuilt in a shoe factory
"Slippers

"(c) The manufacture from leather of from any shoe-upper material of all cut stock and findings for footwear, including bows, ornaments and trimmings.

"(d) The manufacture of the following types of cut stock and findings for footwear from any material except from rubber or composition of rubber, molded to shape:

| | |
|---|---|
| Outsoles | Shanks |
| Midsoles | Boxtoes |
| Insoles | Counters |
| Taps | Stays |
| Lifts | Stripping |
| Rands | Sock linings |
| Toplifts | Heel pads |
| Bases | |

"(e) The manufacture of heels of any material except molded rubber, but not including the manufacture of wood-heel blocks.

"(f) The manufacture of cut upper parts for footwear, including linings, vamps and quarters.

"(g) The manufacture of pasted shoe stock.

"(h) The manufacture of boot and shoe patterns."

III. The full text of the report and recommendation of Industry Committee No. 6 is available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following places:

Boston, Massachusetts, 120 Boylston Street.
New York, New York, 412 Federal Building, 641 Washington Street.
Philadelphia, Pennsylvania, 1630 Widener Building.
Pittsburgh, Pennsylvania, 216 Old Post Office Building.
Newark, New Jersey, 1004 Kinney Building, 790 Broad Street.
Cleveland, Ohio, 728 Standard Building, 1370 Ontario Avenue.
Cincinnati, Ohio, 421 Keith Building, 525 Walnut Street.
Detroit, Michigan, 358 Federal Building.
Chicago, Illinois, 955 Merchandise Mart.
Indianapolis, Indiana, 708 Railway Exchange Building.
Richmond, Virginia, 215 Richmond Trust Building.
Baltimore, Maryland, Snow Building, 6th Floor, Calvert & Lombard Streets.
Washington, District of Columbia, Department of Labor, 5th Floor.
Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.
Birmingham, Alabama, 818 Comer Building.
Jacksonville, Florida, 225 Post Office Building.
Charlotte, North Carolina, 409 Johnston Building, 212 South Tryon Street.
Nashville, Tennessee, 119 Seventh Avenue, North.
St. Louis, Missouri, 314 Old Custom House Building, 815 Olive Street.
Kansas City, Missouri, 504 Title & Trust Building.
Minneapolis, Minnesota, 406 New Post Office Building.
Denver, Colorado, 106 Old Custom House Building.
Dallas, Texas, 618-621 Wilson Building.
San Antonio, Texas, 716 Maverick Building.
New Orleans, Louisiana, 516 Carondelet Building.
San Francisco, California, 785 Market Street.
San Juan, Puerto Rico, Box 1431 Post Office.
Juneau, Alaska, B. D. Stewart, Commissioner of Mines.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 6 shall be approved or disapproved pursuant to Section 8 of the Act will be held on December 11, 1939, at 10:00 a. m. in the Raleigh Hotel, Washington, D. C., before a presiding officer to be designated prior to such hearing by the Administrator of the Wage and Hour Division, United States Department of Labor.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 6, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; provided, that not later than December 7, 1939, such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 6.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the presiding officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter.

2. In order to maintain orderly and expeditious procedure each person filing a Notice to Appear will be notified of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. The Industry Committee will be represented at the hearing by its counsel who will open and close the proceeding.

5. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

6. All evidence must be presented under oath or affirmation.

7. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

8. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

9. Subpoenas requiring the attendance of witnesses or the presentation of documents from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

10. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the Courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

11. The rules of evidence prevailing in courts of law or equity shall not be controlling.

12. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer.

13. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the requests, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral argument shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

14. Briefs may be submitted to the Administrator, following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs and the rules and regulations as to the contents and manner of presentation thereof, shall be given by the Administrator in such manner as shall be deemed suitable by him.

15. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

16. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 21st day of November 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4304: Filed, November 21, 1939; 11:32 a. m.]



## FEDERAL POWER COMMISSION.

[Project No. 271]

IN THE MATTER OF ARKANSAS POWER & LIGHT COMPANY

ORDER FIXING DATE OF HEARING

NOVEMBER, 17, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On November 14, 1939, Arkansas Power & Light Company, as licensee for Project No. 271, filed an amended application for further amendment of the license for said project, filing with said application an amended Exhibit, designated as "Exhibit L2–Sheet 1," intended to supersede Exhibit L, Sheet 7, relating to the Blakely Dam, and requesting amendment of the license for indefinite postponement of the completion date for the Blakely development;

(b) A preliminary permit was issued on April 21, 1922, to the Caddo River Power & Irrigation Company for Project No. 271 as a comprehensive power project consisting of three separate developments on the Ouachita River in Arkansas, the Carpenter, Remmell and Blakely developments; on February 7, 1923, a license was issued for the comprehensive project pursuant to the terms of the permit, and on April 14, 1923, the license was transferred to Arkansas Light & Power Company and on February 1, 1927, to the present licensee;

(c) The license as amended requires that the licensee commence construction of the Blakely development by December 31, 1936, and complete the construction by December 31, 1939;

(d) The license for Project No. 271, as amended November 16, 1928, contemplated the construction of a reservoir at the Blakely site for the development of hydroelectric power and in the interests of navigation and flood control;

(e) For the purposes of preventing or controlling floods and of facilitating navigation on the Ouachita River, participation by the United States in the cost of construction of the Blakely development was authorized by Section 4 of the Flood Control Act approved June 28, 1938, 33 U.S.C. 701, such participation not to exceed the sum of $2,000,000;

(f) Under Section 7 (b) of the Federal Power Act, the Commission may in its judgment make findings as to the development of water resources by the United States;

(g) The said Exhibit L2—Sheet 1 filed by the licensee on November 14, 1939, does not constitute full and proper compliance with the Commission's Rules of Practice and Regulations, Section 4.41, page 25, for the filing of Exhibit L, "general design drawings" etc.; and

(h) Under the circumstances further delay in the construction of the Blakely development may not be compatible with the public interests;

The Commission *orders* that:

A public hearing be held beginning at 10:00 o'clock a. m., on December 18, 1939, in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C., at which the licensee shall submit appropriate evidence upon the following matters:

(1) The application for indefinite postponement of the date of completion of the Blakely development;

(2) The actual construction work which has already been accomplished at the Blakely site, its extent, character and cost;

(3) The suitability of foundation conditions at the Blakely site for the dam which the licensee proposes to construct;

(4) The proposed method of operation of the Blakely Power Plant as a part of the licensee's power system;

(5) The reasonable needs, present and prospective, of the available market to be served by the Blakely development;

(6) The sources in its own system from which the licensee now obtains electric energy and the possible future sources of such energy;

(7) The sources outside of its own system from which the licensee now obtains electric energy and the possibility of continued supply from such outside sources in the future;

At such public hearing, interested parties may present appropriate evidence upon the matters specified above, and

upon the following matters, which will also be considered by the Commission:

(a) The desirability of constructing a multiple-purpose development at the Blakely site serving the purposes of flood control, power development, and navigation;

(b) The desirability of the construction by the United States or by a public agency of a multiple-purpose reservoir project at the Blakely site;

(c) The desirability of submitting a report to Congress upon a development at the Blakely site for public purposes;

(d) The desirability of revocation of that part of the license for Project No. 271, which authorizes construction, operation and maintenance of the Blakely development.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-4294; Filed, November 21, 1939; 9:38 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[File No. 21-343]

IN THE MATTER OF PROPOSED TRADE PRACTICE RULES FOR THE UMBRELLA INDUSTRY

NOTICE OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS OR OBJECTIONS

This matter now being before the Federal Trade Commission under its trade practice conference procedure, in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), or other applicable provisions of law administered by the Commission;

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, groups or other parties affected by or having an interest in the proposed trade practice rules for the Umbrella Industry to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Written communications of such matters should be filed with the Commission not later than December 7, 1939. Opportunity for oral hearing and presentation will be afforded at 10 a. m., December 7, 1939, in Room 332, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups or other parties as may desire to appear and be heard. After giving due consideration to all matters submitted concerning the proposed rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4298; Filed, November 21, 1939; 9:41 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of November, A. D. 1939

[File No. 46-190]

IN THE MATTER OF NORTH WEST UTILITIES COMPANY AND LAKE SUPERIOR DISTRICT POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration and an application pursuant to sections 7 and 10 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on December 8, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 2, 1939.

The matter concerned herewith is in regard to the issue and sale by Lake Superior District Power Company of 5,000 shares ($75 par value) of common stock and the acquisition of such stock at its par value by North West Utilities Company, 1,334 shares to be acquired prior to December 31, 1939 and the remaining 3,666 shares to be acquired from time to time within the next eighteen months thereafter.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4301; Filed, November 21, 1939; 11:01 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of November, A. D. 1939.

[File No. 32-167]

IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered* That a hearing on such matter be held on December 11, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 6, 1939.

The matter concerned herewith is in regard to the application of Potomac Electric Power Company, a public utility company and a direct subsidiary of Washington Railway and Electric Company, a registered holding company, and an indirect subsidiary of The North American Company, a registered holding company, for an order, pursuant to Section 6 (b) of said Act, exempting from the requirements of Section 6 (a) of said Act, the proposed issue and sale by said applicant of its First Mortgage Bonds, 3¼% Series, in the principal amount of $5,000,000 to a limited number of private purchasers at a price to be supplied by amendment to said application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4306; Filed, November 21, 1939; 12:29 p. m.]

Reference

NOV 27 1939

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

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*Washington, Thursday, November 23, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 503]

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE

NOVEMBER 21, 1939.

§ 301.72–5c *Administrative instructions—Modifying the restrictions of the white-fringed beetle quarantine by authorizing treatment by methyl bromide solution of balled nursery stock not larger than six (6) inches in thickness.* It has been determined after investigation by the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, that balled nursery stock can safely and successfully be treated with methyl bromide solution for the control of larvae of the white-fringed beetle (*Pantomorus leucoloma* Boh. and *P. peregrinus* Buch.).

(a) *Treatment authorized.* Under the provisions of Regulation 5 (a) [1] (Sec. 301.72–5) supplemental to Notice of Quarantine No. 72 (Sec. 301.72), the Chief of the Bureau of Entomology and Plant Quarantine hereby authorizes as a prerequisite to certification, the following method of treatment for balled plants, when carried out under the supervision of an authorized inspector of the United States Department of Agriculture.

(b) *Type of material authorized.* The treatment shall be applied only to plants in soil balls not greater than six (6) inches in diameter or greater than six (6) inches in thickness when not spherical.

(c) *Treatment method.* (1) The soil balls around the roots of plants must be buried in sand and plunged in boxes or trays approximately one foot deep, which are watertight.

(2) A 2-inch space filled with sand shall be provided between the soil balls, also above and beneath them.

(3) Such soil balls shall be treated with a solution of methyl bromide and alcohol at a concentration of 0.3 percent methyl bromide and 0.6 percent denatured ethyl alcohol by volume in water. The solution is to be prepared by first mixing the methyl bromide and alcohol together and then adding this mixture to the water and mixing thoroughly.

(4) The aqueous solution of methyl bromide and alcohol shall then be applied evenly over the surface of the sand around the plants at the rate of 40 gallons per 100 square feet of surface area by means of a sprinkling can or sprayer.

(5 After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 24 hours.

(6) The temperature of the soil balls during the treatment shall not be lower than 70° F.

(d) *Disclaimer.* There has been no opportunity to test this treatment on many varieties of plants, and it is understood that no liability shall attach either to the United States Department of Agriculture or its employees in the event of injury to either plants or operators.

(e) *Caution.* Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless, and in preparing the solution the operator should wear an approved gas mask. (Sec. 301.72–5) [B.E.P.Q. 503 November 21, 1939]

[SEAL] LEE A. STRONG, *Chief.*

[F.R. Doc. 39–4315; Filed, November 21, 1939; 2:58 p. m.]

[1] 3 F.R. 3005 DI.

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### FEDERAL SURPLUS COMMODITIES CORPORATION

DESIGNATION OF AREAS UNDER SURPLUS FOOD STAMP PROGRAM

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the

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FEDERAL REGISTER

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United States of America, the following areas are hereby designated as areas in which food order stamps may be used and in which the agricultural commodities and products listed in Surplus Commodities Bulletin No. 3,[1] approved by the Secretary of Agriculture September 25, 1939, shall be considered surplus foods.

The area within the city limits of Providence, Rhode Island, and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation. The posting of the definition of "immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation shall constitute due notice thereof.

The area within the county limits of Burleigh and Morton Counties, North Dakota.

The area within the county limits of Denver County, Colorado.

The effective dates for the above areas shall be announced by the local representative of the Federal Surplus Commodities Corporation for the respective areas in local newspapers of general circulation.

[SEAL] MILO PERKINS, *President.*

Date, November 20, 1939.

[F. R. Doc. 39-4316; Filed, November 20, 1939; 4:06 p. m.]

[1] 4 F.R. 4045 DI.

## TITLE 16—COMMERCIAL PRACTICES

## FEDERAL TRADE COMMISSION

[Docket No. 3218]

IN THE MATTER OF QUALITY BAKERS OF AMERICA ET AL.

§ 3.45 (e) (1) *Discriminating in price—Indirect discrimination—Brokerage payments.* Original cease and desist order in Quality Bakers of America et al., Docket 3218, April 27, 1939, requiring, among other things, that respondents Pillsbury Flour Mills Company, Consolidated Flour Mills Company, and Kansas Milling Company, their officers, etc., in connection with sale of commodities in interstate commerce to the [wholesale baking] stockholders of respondent Quality Bakers of America, "cease and desist from paying or granting, directly or indirectly, to said Quality Bakers of America, Inc., or to any such stockholder anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof;" modified and amended by striking therefrom such paragraph, and substituting in lieu thereof paragraph ordering that complaint in cause in question be, and the same is, dismissed as to respondents above named, "for the reason that prior to the issuance and service of the complaint herein, these respondents ceased paying brokerage fees to respondent Quality Bakers of America, Inc., and the Commission has no reason to apprehend that said respondents or any of them contemplate resuming or will resume the practice of paying such brokerage fees to said respondent," and ordered that said original order to cease and desist in all other respects remain and continue in full force and effect as originally entered. (Sec. 2 (c), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13 (c)) [Order reopening proceeding and modifying findings as to the facts and conclusion and order to cease and desist, Quality Bakers of America et al., Docket 3218, November 15, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF QUALITY BAKERS OF AMERICA, AN UNINCORPORATED ASSOCIATION, AND ITS MEMBERS; FIRCH BAKING COMPANY, INC., DREIKORN BAKERY, INC., THE JACOB LAUB BAKING COMPANY, LIBERTY BAKING COMPANY, STROEHMANN BROTHERS COMPANY AND VERMONT BAKING COMPANY, INDIVIDUALLY AND AS REPRESENTATIVE MEMBERS OF SAID UNINCORPORATED ASSOCIATION; C. F. STROEHMANN, J. P. DUCHAINE, GROVER C. PATTON AND W. S. ALLISON, AS OFFICERS AND MEMBERS OF THE EXECUTIVE COMMITTEE OF SAID UNINCORPORATED ASSOCIATION, AND E. J. DERST, W. M. CLEMENS, ONIL O. COTE, S. S. WATTERS, HERBERT J. LAUB, JAMES H. SWAN, GEORGE C. WEST AND JAMES B. DWYER, AS MEMBERS OF SAID EXECUTIVE COMMITTEE, QUALITY BAKERS OF AMERICA, INC., A DELAWARE CORPORATION, WASHBURN CROSBY COMPANY, INC., A CORPORATION, PILLSBURY FLOUR MILLS COMPANY, A CORPORATION, RED STAR MILLING COMPANY, A CORPORATION, CONSOLIDATED FLOUR MILLS COMPANY, A CORPORATION, AND KANSAS MILLING COMPANY, A CORPORATION

ORDER REOPENING PROCEEDING AND MODIFYING FINDINGS AS TO THE FACTS AND CONCLUSION AND ORDER TO CEASE AND DESIST

This matter coming on to be heard upon the petition of respondent Pillsbury Flour Mills Co., praying the Commission to reopen this proceeding and to modify its findings as to the facts and conclusion, and order to cease and desist,[1] both being dated April 27, 1939; and it appearing to the Commission that each of the respondents named in the caption hereof, except respondents Washburn-Crosby Company, Inc., and Red Star Milling Company, against whom the complaint herein has been dismissed heretofore, have filed with the Commission a waiver of notice of a hearing on said petition of said respondent Pillsbury Flour Mills Company, said waivers consenting that the Commission may consider and act upon the said petition and determine the matters and things contained therein without any intervening procedure, such as the filing of answers, petitions in intervention or briefs, and a formal hearing and argument on said petition having been likewise waived; and said petition being now properly before the Commission for determination, and the Commission having duly considered the same and the record herein, and being now fully advised in the premises;

*It is ordered*, That this proceeding be, and the same hereby is, reopened for the purpose of the entry of this order and that the Findings as to the Facts and Conclusions and the Order to Cease and Desist heretofore entered herein be modified and amended as hereafter set forth.

*It is ordered*, That Paragraph Four of the Findings as to the Facts and Conclusion, made by the Commission herein and dated April 27, 1939, be and the same

[1] 4 F.R. 1948 DI.



hereby is modified and amended to read as follows:

"PAR. 4. Respondents Washburn-Crosby Company, Inc., and Red Star Milling Company, were legally dissolved June 1, 1937, prior to the issuance and service of the complaint herein. Respondent Pillsbury Flour Mills Company is a Delaware corporation with its general office located in Minneapolis, Minnesota. Respondent Consolidated Flour Mills Company is a corporation with its office and principal place of business in the City of Wichita, State of Kansas. Respondent Kansas Milling Company is a corporation with its principal office and place of business located in the City of Wichita, State of Kansas.

"Respondents Pillsbury Flour Mills Company, Consolidated Flour Mills Company, and Kansas Milling Company are engaged in the milling and sale of flour. Prior to about May 1, 1937, which was prior to the issuance and service of the complaint herein, they formerly paid brokerage fees of ten cents per barrel to respondent Quality Bakers of America, Inc., the usual and customary brokerage fees paid by them to brokers being fifteen cents per barrel, but on or about said date said respondents ceased making such brokerage payments to respondent Quality Bakers of America, Inc., and have not resumed this practice."

*It is further ordered*, That the following paragraph be inserted as an additional and last paragraph of the Conclusion, being a part of the Findings as to the Facts and Conclusion of the Commission, dated April 27, 1939, to wit:

"The respondents Washburn-Crosby Company, Inc., and Red Star Milling Company were legally dissolved prior to the issuance and service of the complaint herein, and these companies are no longer corporate entities authorized to engage in business. The respondents Pillsbury Flour Mills Company, Consolidated Flour Mills Company, and Kansas Milling Company ceased paying brokerage fees to Quality Bakers of America, Inc., prior to the issuance and service of the complaint herein, have not resumed making such payments, and the Commission has no reason to apprehend that these respondents or any of them contemplate resuming or that they will resume the practice of paying such brokerage fees so discontinued prior to the issuance and service of said complaint."

*It is further ordered*, That the Order to Cease and Desist entered herein on April 27, 1939, be modified and amended by striking from said order the paragraph reading as follows:

"*It is further ordered*, That respondents Pillsbury Flour Mills Company, Consolidated Flour Mills Co., and Kansas Milling Company and their officers, representatives, agents and employees, in connection with the sale of the commodities in interstate commerce to the stockholders of Quality Bakers of America, Inc., do forthwith cease and desist from paying or granting, directly or indirectly, to said Quality Bakers of America, Inc., or to any such stockholder anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof;"

and substituting in lieu thereof the following paragraph, to-wit:

"*It is further ordered*, That the complaint herein, be, and the same hereby is, dismissed as to the respondents Pillsbury Flour Mills Company, Consolidated Flour Mills Company, and Kansas Milling Company, for the reason that prior to the issuance and service of the complaint herein, these respondents ceased paying brokerage fees to respondent Quality Bakers of America, Inc., and the Commission has no reason to apprehend that said respondents or any of them contemplate resuming or will resume the practice of paying such brokerage fees to said respondent."

*It is further ordered*, That, except as herein modified and amended, said Findings as to the Facts and Conclusion and said Order to Cease and Desist, shall remain and continue in full force and effect as originally entered.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4322; Filed, November 22, 1939; 10:32 a. m.]

[Docket No. 3678]

IN THE MATTER OF ALLE-RHUME REMEDY COMPANY, INC., ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' "Allenru", or other similar medicinal preparation, which advertisements represent, directly or by implication, that said preparation will drive out of or rid joints or muscles of all uric acid deposits; or that excess uric acid causes or aggravates most cases of rheumatism; or that said preparation is compounded from a safe or scientific formula, or is free from harmful drugs; or that it is a remedy or cure for, or has any substantial therapeutic value in the treatment of, rheumatism, sciatica, neuritis, lumbago or neuralgia; or that the use thereof will remove the cause of, or effect a quick relief from, sciatica, neuritis or lumbago; or that it will quickly stop the distress and pain of rheumatism, neuritis or sciatica caused by excess uric acid or other circulating poisons; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Modified order to cease and desist, Alle-Rhume Remedy Company, Inc., et al., Docket 3678, November 13, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ALLE-RHUME REMEDY COMPANY, INC., AND BLOCK DRUG COMPANY, INC., CORPORATIONS

MODIFIED ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admitted all of the material allegations of fact set forth in said complaint and stated that they waived all intervening procedure and further hearing as to said facts, and the Commission having, on the 25th day of August 1939, made its findings as to the facts and conclusion that respondents had violated the provisions of the Federal Trade Commission Act, and the Commission having, on the 25th day of August 1939, issued its order to cease and desist[1] against said respondents, and said respondents having thereafter requested that said order to cease and desist be modified, and the Commission having duly considered said request, and the record herein, and being now fully advised in the premises, makes this its modified order to cease and desist:

*It is ordered*, That the respondents, Alle-Rhume Remedy Company, Inc., a corporation, and Block Drug Company, Inc., a corporation, their officers, representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as commerce is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of their medicinal preparation now designated by the name "Allenru", or any other medicinal preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under said name or any other name or names, or disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to

[1] 4 F.R. 3826 DI.

induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisements represent, directly or by implication, that said preparation will drive out of or rid joints or muscles of all uric acid deposits; or that excess uric acid causes or aggravates most cases of rheumatism; or that said preparation is compounded from a safe or scientific formula, or is free from harmful drugs; or that said preparation is a remedy or cure for, or has any substantial therapeutic value in the treatment of, rheumatism, sciatica, neuritis, lumbago or neuralgia; or that the use of said preparation will remove the cause of, or effect a quick relief from, sciatica, neuritis or lumbago; or that said preparation will quickly stop the distress and pain of rheumatism, neuritis or sciatica caused by excess uric acid or other circulating poisons.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4323; Filed, November 22, 1939; 10:32 a. m.]

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[Docket No. 3792]

IN THE MATTER OF JAMES HEDDON'S SONS

§ 3.6 (b) (2) *Advertising falsely or misleadingly—Competitors and their products—Competitors' products:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.48 (b) (6) *Disparaging competitors and their products—Goods—Qualities or properties.* First numbered prohibition of original cease and desist order in James Heddon's Sons, Docket 3792, August 8, 1939, altered so as to require respondent, in connection with offer, etc., in commerce, of respondent's Improved Heddon Pal hollow steel fishing rod, or other fishing rods, to cease and desist from "1. Representing in any manner that all hollow steel rods, have walls which are thicker at the tip than at the butt;" and ordered that original cease and desist order in all other respects remain in full force and effect upon the alteration, thus required, being made with respect to prohibition 1 of such order. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Order altering terms of order to cease and desist, James Heddon's Sons, Docket 3792, November 13, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF JAMES HEDDON'S SONS, A CORPORATION

ORDER ALTERING TERMS OF ORDER TO CEASE AND DESIST

This matter coming on to be heard by the Commission and it appearing that the Commission issued and served upon the respondent an order to cease and desist [1] which has become final and that the case should be reopened for the sole purpose of altering prohibition 1 of the aforesaid order to cease and desist, and it further appearing that the public interest requires the alteration of said prohibition 1 of the order to cease and desist, and that the respondent has waived any right to notice of, and opportunity for, hearing in any proceedings taken for the alteration of said order in the manner hereinafter set forth, and the Commission having duly considered the matter;

*It is ordered*, That the first numbered prohibition of said order to cease and desist issued by the Commission on August 8, 1939 be, and the same hereby is, altered so that as altered it will read as follows:

"1. Representing in any manner that all hollow steel fishing rods, other than respondent's hollow steel rods, have walls which are thicker at the tip than at the butt;"

*It is further ordered*, That the order to cease and desist issued on August 8, 1939, remain in full force and effect upon the alteration herein ordered being made with respect to prohibition 1 of said order to cease and desist.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4324; Filed, November 22, 1939; 10:33 a. m.]

[1] 4 F.R. 3665 DI.

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## TITLE 25—INDIANS

## CHAPTER 1—OFFICE OF INDIAN AFFAIRS

### SUBCHAPTER Y—TRADING WITH INDIANS

### PART 276—LICENSED INDIAN TRADERS

Section 276.5 reads: "Government employees not to trade with Indians. No person employed in Indian affairs shall have any interest or concern in any trade with Indians, except for and on account of the United States; and any person offending herein shall be liable to a penalty of five thousand dollars and shall be removed from his office. * * * (R.S. 2078; 25 U.S.C. 68) [Sec. 5]"

is amended to read:

"§ 276.5 *Government employees not to trade with Indians except in certain cases.* Save as authorized by the act of June 19, 1939 (53 Stat. 840-41), no person employed in Indian affairs shall have any interest or concern in any trade with the Indians except for and on account of the United States; and any person offending herein shall be liable to a penalty of five thousand dollars and shall be removed from his office. Pending the promulgation of regulations prescribing in more detail the transactions authorized by the act of June 19, 1939, employees of the United States Government, including those in the Indian Service, may be permitted to trade with Indians or Indian organizations under the conditions specified below:

"(a) Employees of the United States Government, including those in the Indian Service, may, with the approval of the Secretary of the Interior in each case where the amount involved exceeds $100, or with the approval of the Superintendent or other officer in charge, where the amount involved does not exceed $100, be permitted to purchase from any Indian or Indian organization any arts and crafts or any other product, service or commodity produced, rendered, owned, controlled or furnished by any Indian or Indian organization: *Provided*, That no employee of the United States Government shall be permitted to make any such purchases for the purpose of engaging directly or indirectly in the commercial selling, reselling, trading, or bartering of said purchases by the said employee.

"(b) Indian employees of the United States Government of whatever degree of Indian blood may, during their term of employment or otherwise, and with the approval of the Secretary of the Interior in each case, obtain and receive all benefits made available to the Indians generally or to the members of any particular tribe under any act of Congress and may be members and receive benefits by reason of their membership in Indian tribes, corporations, or cooperative associations organized by the Indians. * * *" (R.S. 2078; 25 U.S.C. 68; 53 Stat. 840-41) [Sec. 5]

OSCAR L. CHAPMAN,
*Assistant Secretary.*

NOVEMBER 9, 1939.

[F. R. Doc. 39-4321; Filed, November 22, 1939; 9:45 a. m.]

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## TITLE 47—TELECOMMUNICATION

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

### PART 1—RULES OF PRACTICE AND PROCEDURE

The Commission on November 20, 1939, effective immediately, amended Sec. 1.142 [1] to read:

"§ 1.142 *Copies.* Unless otherwise specifically provided, an original and fourteen copies of all petitions, motions, pleadings and other documents required or permitted to be filed under these rules shall be furnished the Commission." (Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4326; Filed, November 22, 1939; 12:12 p. m.]

[1] 4 F.R. 3345 DI.

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### PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

The Commission on November 20, 1939, effective immediately, amended subparagraph (f) of Sec. 9.73 [1] by deleting footnote 18 in its entirety and by deleting the indicator from the frequency 5032.5 kilocycles.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4327; Filed, November 22, 1939; 12:12 p. m.]

[1] 4 F.R. 3381 DI.
[2] 4 F.R. 3723 DI.

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## *Notices*

## DEPARTMENT OF AGRICULTURE.

### Division of Marketing and Marketing Agreements.

[Docket No. A-119 O-119]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND ORDER NO. 32, AS AMENDED, AND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA

Whereas, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary issued Order No. 32, as amended,[2] regulating the handling of milk in the Fort Wayne, Indiana, marketing area, effective September 1, 1939; and

Whereas, the Secretary, on July 18, 1939, tentatively approved a marketing agreement, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area; and

Whereas, the Wayne Cooperative Milk Producers, Inc., has proposed certain amendments to said Order No. 32, as amended, and said tentatively approved marketing agreement, as amended; and

Whereas, the Secretary has reason to believe that the declared policy of said act will be effectuated by holding a hearing on a proposal to amend Order No. 32, as amended, and said tentatively approved marketing agreement, as amended; and

Whereas, under the aforesaid act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended,[3] of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon amendments to marketing agreements and orders:

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on a proposal to amend Order No. 32, as amended, and the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area, beginning at 10:00 a. m., c. s. t., November 28, 1939, in the Ball Room, Anthony Hotel, Corner Berry and Harrison Streets, Fort Wayne, Indiana.

This public hearing is for the purpose of receiving evidence as to whether or not the declared policy of said act will be effectuated by (1) revising the minimum prices for milk set forth in said order, as amended, and said tentatively approved marketing agreement, as amended; (2) making changes in the wording of said order, as amended, and said tentatively approved marketing agreement, as amended, for the purpose of affording more effective administration thereof; and (3) changing any other provisions of said order, as amended, and said tentatively approved marketing agreement, as amended.

Copies of said proposal prepared as a basis for the public hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

NOVEMBER 22, 1939.

[F. R. Doc. 39-4329; Filed, November 22, 1939; 12:33 p. m.]

[3] 1 F.R. 155.

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[Docket No. A-120 O-120]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND ORDER NO. 20, AS AMENDED, AND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

Whereas, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary issued Order No. 20, as amended,[1] regulating the handling of milk in the La Porte County, Indiana, marketing area, effective August 3, 1939; and

Whereas, the Secretary, on June 30, 1939, tentatively approved a marketing agreement, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area; and

Whereas, the La Porte County Milk Producers' Association has proposed certain amendments to said Order No. 20, as amended, and to said tentatively approved marketing agreement, as amended; and

Whereas, the Secretary has reason to believe that the declared policy of said act will be effectuated by holding a hearing on a proposal to amend Order No. 20, as amended, and the tentatively approved marketing agreement, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area, beginning at 10:00 a. m., c. s. t., November 29, 1939, at the Civic Auditorium, La Porte, Indiana.

This public hearing is for the purpose of receiving evidence as to whether or not the declared policy of said act will be effectuated by (1) revising the minimum prices for milk set forth in said order, as amended, and said tentatively approved marketing agreement, as amended; (2) providing special minimum prices applicable to milk disposed of outside the marketing area; and (3) revising other provisions so as to assure equitable administration.

Copies of said proposal prepared as a basis for the public hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

NOVEMBER 22, 1939.

[F. R. Doc. 39-4328; Filed, November 22, 1939; 12:33 p. m.]

[1] 4 F.R. 3481 DI.
[2] 1 F.R. 155.

## Food and Drug Administration.

[Docket No. FDC–10]

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE ON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED FIXING AND ESTABLISHING A DEFINITION AND STANDARD OF IDENTITY FOR EACH OF THE (A) FRUIT PRESERVE (FRUIT JAM) FOODS; (B) FRUIT JELLY FOODS, AND (C) FRUIT BUTTER FOODS

NOTICE OF CERTIFICATION AND FILING OF TRANSCRIPT OF EVIDENCE AND OF EXTENSION OF TIME FOR FILING OF PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ARGUMENTS

Each of the interested parties who has filed an appearance in the above-entitled proceedings, please take notice that the Presiding Officer has certified and filed with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0310, South Building, Independence Avenue, between 12th and 14th Streets, Southwest, Washington, D. C., the transcript of the testimony given in each of the above-entitled hearings, duly held pursuant to the notice[1] thereof published in the FEDERAL REGISTER of August 11, 1939.

Take further notice that the time within which the proposed findings of fact, conclusions, and arguments in support thereof, may be filed by each interested party is hereby extended, on motion of the Presiding Officer, to and including December 15, 1939.

Dated, November 18, 1939.

[SEAL] M. F. MARKEL,
*Presiding Officer.*

[F. R. Doc. 39–4317; Filed, November 21, 1939; 4:06 p. m.]

## Rural Electrification Administration.

[Administrative Order No. 411]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 14, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Pennsylvania 8006F1 Indiana | $57,000 |
| Pennsylvania 9023A1 Cambria | 134,000 |
| West Virginia 00101 Harrison | 79,000 |
| West Virginia 0010C1 Harrison | 79,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39–4314; Filed, November 21, 1939; 2:25 p. m.]

[1] 4 F. R. 3585 DI.

## FEDERAL POWER COMMISSION.

[Docket No. G–144]

IN THE MATTER OF UNITED GAS PIPE LINE COMPANY

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

NOVEMBER 20, 1939.

Commissioners: Clyde L. Seavey, Chairman; Basil Manly, Leland Olds, John W. Scott, concurring. Claude L. Draper, dissenting.

It appearing to the Commission that:

(a) United Gas Pipe Line Company has filed with the Commission certain rate schedules, designated in the files of the Commission as United Gas Pipe Line Company Rate Schedules F.P.C. Nos. 9, 10, and 11, and certain supplements thereto, designated respectively Supplements Nos. 1 to 9, both inclusive, to each of said United Gas Pipe Line Company Rate Schedules F.P.C. Nos. 9, 10, and 11, which schedules and supplements contain provisions whereby certain increased rates and charges for natural gas furnished to the Mississippi River Fuel Corporation for resale for ultimate public consumption, are proposed to be made effective on November 21, 1939;

(b) Said Supplements Nos. 9 to United Gas Pipe Line Company Rate Schedules F.P.C. Nos. 9, 10, and 11 set forth certain statements purporting to justify the proposed increases in rates;

(c) The schedules of increased rates contained in said United Gas Pipe Line Company Rate Schedules F.P.C. Nos. 9, 10, and 11, as modified by said Supplements Nos. 1 to 8, both inclusive, to each of said schedules, and referred to in said Supplements Nos. 9, which are proposed to be made effective on November 21, 1939, may result in excessive rates and charges to the Mississippi River Fuel Corporation, or place an undue burden upon ultimate consumers of natural gas, which increased rates have not been shown to be justified;

The Commission finds that:

It is necessary, desirable, and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon, but not for a longer period than five months beyond November 21, 1939;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on January 22, 1940, at 10 o'clock a. m., in the hearing room of the Federal Power Commission in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates and charges contained in said United States Gas Pipe Line Company Rate Schedule F.P.C. Nos. 9, 10, and 11, as modified by said Supplements Nos. 1, 2, and 7 to each of said schedules, and referred to in said Supplements Nos. 9, which are proposed to be made effective on November 21, 1939;

(B) Pending such hearing, the schedules of increased rates for the sale of natural gas for resale for ultimate domestic or commercial consumption contained in said United Gas Pipe Line Company Rate Schedules F.P.C. Nos. 9, 10, and 11, as modified by said Supplements Nos. 1, 2, and 7 to each of said schedules, and referred to in said Supplements Nos. 9, which are proposed to be made effective on November 21, 1939, be and the same are hereby suspended for a period of five months beyond November 21, 1939, unless the Commission shall hereafter otherwise order;

(C) During the said period of suspension the rates and charges now being collected and received by the United Gas Pipe Line Company from the Mississippi River Fuel Corporation, as provided in the said United Gas Pipe Line Company Rate Schedules F.P.C. Nos. 9, 10, and 11, as modified by Supplements Nos. 1, 2, and 7 thereto, shall remain and continue in full force and effect;

(D) This order does not suspend or otherwise affect the rates and charges to be collected and received for natural gas sold to the Mississippi River Fuel Corporation for resale for ultimate industrial consumption only;

(E) At such hearing, the burden of proof to show that the proposed increased rates and charges are just and reasonable shall be upon the United Gas Pipe Line Company.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39–4318; Filed, November 22, 1939; 9:15 a. m.]

[Docket No. G–145]

IN THE MATTER OF SOUTHERN CARBON COMPANY

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

NOVEMBER 20, 1939.

Commissioners: Clyde L. Seavey, Chairman; Basil Manly, Leland Olds, John W. Scott, concurring. Claude L. Draper, dissenting.

It appearing to the Commission that:

(a) The Southern Carbon Company has filed with the Commission a certain rate schedule, designated in the files of the Commission as Southern Carbon Company Rate Schedule F.P.C. No. 3, and certain supplements thereto, designated respectively as Supplements Nos. 1, 2, 3, 4, and 5 to said Southern Carbon Company Rate Schedule F.P.C. No. 3, which schedule and supplements, among other things, contain provisions whereby certain increased rates and charges for natural gas furnished to the Mississippi River Fuel Corporation for resale for ultimate public consumption, are proposed to be effective on November 21, 1939;

(b) Said Supplement No. 5 to Southern Carbon Company Rate Schedule F.P.C. No. 3, sets forth certain statements purporting to justify the proposed increased in rates;

(c) The schedules of increased rates contained in said Southern Carbon Company Rate Schedule F.P.C. No. 3, as modified by said Supplements Nos. 1, 2, 3, and 4 to said schedule, and referred to in said Supplement No. 5, which are to be made effective on November 21, 1939, may result in excessive rates and charges to the Mississippi River Fuel Corporation or place an undue burden upon ultimate consumers of natural gas, which increased rates have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon, but not for a longer period than five months beyond November 21, 1939;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on January 22, 1940, at 10 o'clock a. m., in the hearing room of the Federal Power Commission in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates and charges contained in said Southern Carbon Company Rate Schedule F.P.C. No. 3, as modified by said Supplements Nos. 1, 2, 3, and 4 to said schedule, and referred to in said Supplement No. 5, which are proposed to be made effective on November 21, 1939;

(B) Pending such hearing, the schedules of increased rates for the sale of natural gas for resale for ultimate domestic or commercial consumption contained in said Southern Carbon Company Rate Schedule F.P.C. No. 3, as modified by said Supplements Nos. 1, 2, 3, and 4 to said schedule, and referred to in said Supplement No. 5, which are proposed to be made effective on November 21, 1939, be and the same are hereby suspended for a period of five months beyond November 21, 1939, unless the Commission shall hereafter otherwise order;

(C) During the said period of suspension the rates and charges now being collected and received by the Southern Carbon Company from the Mississippi River Fuel Corporation, as provided in the said Rate Schedule F.P.C. No. 3, as modified by Supplements Nos. 1, 2, 3, and 4 thereto, shall remain and continue in full force and effect;

(D) This order does not suspend or otherwise affect the rates and charges to be collected and received for natural gas sold to the Mississippi River Fuel Corporation for resale for ultimate industrial consumption only;

(E) At such hearing, the burden of proof to show that the proposed increased rates and charges are just and reasonable shall be upon the Southern Carbon Company.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39–4319; Filed, November 22, 1939; 9:15 a. m.]

[Docket No. G–146]

IN THE MATTER OF INTERSTATE NATURAL GAS COMPANY, INCORPORATED; HOPE PRODUCING COMPANY

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULES

NOVEMBER 20, 1939.

Commissioners: Clyde L. Seavey, Chairman; Basil Manly, Leland Olds, John W. Scott, concurring. Claude L. Draper, dissenting.

It appearing to the Commission that:

(a) Interstate Natural Gas Company, Incorporated, has filed with the Commission a certain rate schedule, designated in the files of the Commission as Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4, and certain supplements thereto, designated respectively Supplements Nos. 1, 2, 3, 4, 5, 6 and 7 to said Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4, which schedule and supplements contain provisions whereby certain increased rates and charges for natural gas furnished to the Mississippi River Fuel Corporation for resale for ultimate public consumption are proposed to be made effective on November 21, 1939;

(b) Hope Producing Company, being a party to the Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4 and supplements thereto set forth in (a) above, has filed with the Commission Certificates of Concurrence in said rate schedule and supplements, which Certificates of Concurrence have been designated as Hope Producing Company Rate Schedule F.P.C. No. 3 and Supplement No. 1 to Rate Schedule F.P.C. No. 3;

(c) Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4 sets forth certain statements purporting to justify the proposed increases in rates;

(d) The schedule of increased rates contained in said Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4, as modified by said Supplements 1, 2, 3, 4, 5, and 6 to said schedule, and referred to in said Supplement No. 7, which is proposed to be made effective on November 21, 1939, may result in excessive rates and charges to the Mississippi River Fuel Corporation, or place an undue burden on ultimate consumers of natural gas, which increased rates have not been shown to be justified;

The Commission finds that:

It is necessary, desirable and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon, but not for a longer period than five months beyond November 21, 1939;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on January 22, 1940, at 10 o'clock a. m., in the hearing room of the Federal Power Commission in the Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates and charges contained in said Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4, as modified by Supplements Nos. 1, 2, 3, 4, 5, and 6, and referred to in said Supplement No. 7, and Hope Producing Company Rate Schedule F.P.C. No. 3 and Supplement No. 1 to Rate Schedule F.P.C. No. 3, which are proposed to be made effective on November 21, 1939;

(B) Pending such hearing, the schedules of increased rates for the sale of natural gas for resale for ultimate domestic or commercial consumption contained in said Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4, as modified by said Supplements Nos. 1, 2, 3, 4, 5, and 6 to said schedule, and referred to in said Supplement No. 7, which is proposed to be made effective on November 21, 1939, be and the same are hereby suspended for a period of five months beyond November 21, 1939, unless the Commission shall hereafter otherwise order;

(C) During the said period of suspension, the rates and charges now being collected and received by the Interstate Natural Gas Company, Incorporated, and the Hope Producing Company from the Mississippi River Fuel Corporation, as provided in the Interstate Natural Gas Company, Incorporated, Rate Schedule F.P.C. No. 4, as modified by Supplements Nos. 1, 2, 3, 4, 5, and 6 thereto, and Hope Producing Company Rate Schedule F.P.C. No. 3, shall remain and continue in full force and effect;

(D) This order does not suspend or otherwise affect the rates and charges to

be collected and received for natural gas sold to the Mississippi River Fuel Corporation for resale for ultimate industrial consumption only;

(E) At such hearing, the burden of proof to show that the proposed increased rates and charges are just and reasonable shall be upon the Interstate Natural Gas Company, Incorporated, and the Hope Producing Company.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39-4320; Filed, November 22, 1939; 9:15 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of November, A. D. 1939.

[File Nos. 51-25, 60-8]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC CORPORATION

ORDER FOR CONSOLIDATION OF HEARINGS FOR STATED PURPOSES

The Commission now having pending before it the following related matters:

(1) File No. 51-25.—Application of Associated Gas and Electric Corporation, pursuant to Rule U-12C-3 under the Public Utility Holding Company Act of 1935, for an order of the Commission permitting the payment of certain interest on applicant's debentures.

(2) File No. 60-8.—Proceeding brought by the Commission, pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935, requiring Associated Gas and Electric Corporation to show cause why the Commission should not enter its order, pursuant to said Section, preventing the declaration or payment of further dividends by such company.

It appearing that such proceedings involve common questions of law and fact and that evidence offered in respect to each matter may have a bearing on the other, that the parties are the same in both matters, and that substantial saving in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that the evidence adduced in each matter may stand as evidence in the other for all purposes.

*It is ordered*, That the matters referred to in (1) and (2) hereof, Commission's File Nos. 51-25 and 60-8, be and they hereby are consolidated for the purpose of hearings thereon. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of either of such matters, to order a separate hearing with respect to either matter, or to close the record with respect to either matter and/or to take action thereon prior to closing the record on such other matter.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4325; Filed, November 22, 1939; 12:36 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of November, A. D. 1939.

[File No. 51-27]

IN THE MATTER OF THE UNITED CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (c) and Rule U-12C-2 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 6, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 2, 1939.

The matter concerned herewith is in regard to:

The United Corporation, a registered holding company, requests approval of the declaration and payment of dividends on the 2,488,712 outstanding shares of the Corporation's $3.00 Cumulative Preference Stock amounting to $1.05 per share, or a total of $2,613,147.60. The proposed dividend is a full payment of accumulated dividends now in arrears on the Corporation's $3.00 Cumulative Preference Stock amounting to $1.05 per share, or a total of $2,613,147.60.

The Corporation proposes to debit its Capital Surplus Account with the amount by which such dividend exceeds the balance in its Earned Surplus Account at the date of declaration. The balance in the Corporation's Earned Surplus Account at October 31, 1939 was $99,933.68.

The Corporation proposes further that, upon the declaration and payment of the full amount of these dividends in arrears, the Corporation shall be permitted, without further authority from the Commission, to declare and pay the regular dividends on the $3.00 Cumulative Preference Stock out of income accruing after payment of the dividends in arrears, upon condition that, the excess of such income above the amounts required to pay the regular dividends on the Preference Stock shall be credited to the Capital Surplus Account until the full amount of the dividend charged thereto shall be restored to that account; and no dividends shall be declared or paid on the Common Stock of the Corporation until such amount shall have been restored to the Capital Surplus Account.

The Corporation also requests that it be given such other and further relief as in the premises may be just and proper.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4330; Filed, November 22, 1939; 12:53 p. m.]

Reference

NOV 28 1939

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 228

*Washington, Saturday, November 25, 1939*

## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### FARM CREDIT ADMINISTRATION

[F.C.A. 149]

AUTHORITY, AND DESIGNATION OF ORDER OF PRECEDENCE, OF DEPUTY LAND BANK COMMISSIONERS AND CHIEF, APPRAISAL SUBDIVISION, TO ACT AS LAND BANK COMMISSIONER

NOVEMBER 22, 1939.

Section 3.6 of Title 6, Code of Federal Regulations, as amended, is further amended to read as follows:

"§ 3.6 *Authority, and designation of order of precedence, of Deputy Land Bank Commissioners and, Chief, Appraisal Subdivision, to act as Land Bank Commissioner.* W. E. Rhea, Deputy Land Bank Commissioner, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform in the event said Commissioner is absent or unable to serve for any reason.

"J. R. Isleib, Deputy Land Bank Commissioner, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform in the event said Commissioner and Deputy Land Bank Commissioner Rhea are absent or unable to serve for any reason.

"John A. Smith, Deputy Land Bank Commissioner, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform in the event said Commissioner and Deputy Land Bank Commissioners Rhea and Isleib are absent or unable to serve for any reason.

"P. L. Gaddis, Chief, Appraisal Subdivision, is authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform in the event said Commissioner and deputy land bank commissioners are absent or unable to serve for any reason. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (1); sec. 39, 48 Stat. 50, 12 U.S.C. 637; sec. 40, 48 Stat. 51, 12 U.S.C. 636) [F.C.A. Order No. 270, Nov. 22, 1939]"

[SEAL] F. F. HILL, *Governor.*

[F. R. Doc. 39-4338; Filed, November 24, 1939; 12:15 p. m.]

[F.C.A. 150]

APPROVAL OF ACTS OF RECEIVERS OF JOINT STOCK LAND BANKS, LOANS BY THE FEDERAL LAND BANKS IN EXCESS OF $25,000, AND LOANS BY THE FEDERAL LAND BANKS AND THE LAND BANK COMMISSIONER TO LIVESTOCK CORPORATIONS; AUTHORIZATION TO HOLD TITLE TO REAL ESTATE FOR A LONGER PERIOD THAN FIVE YEARS

NOVEMBER 22, 1939.

Section 3.8 of Title 6, Code of Federal Regulations, is revoked and section 3.7 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 3.7. *Approval of acts of receivers of joint stock land banks.* Authorization is given, severally and not jointly, to the Land Bank Commissioner and W. E. Rhea, Deputy Land Bank Commissioner, to approve, on such terms as either one of them shall direct, the acts pursuant to section 29 of the Federal Farm Loan Act (39 Stat. 381, 12 U.S.C. 961-967), as amended, of any receiver of any joint stock land bank appointed under the provisions of said section 29.

"Authorization is given, severally and not jointly, to any other deputy land bank commissioner, the Chief, Appraisal Subdivision, and the Assistant to Chief, Joint Stock Land Bank Section, to approve, on such terms as any one of them shall direct, the acts pursuant to section 29 of the Federal Farm Loan Act (39 Stat. 381, 12 U.S.C. 961-967), as amended, of any receiver of any joint stock land bank appointed under the provisions of said section 29 in the event

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FEDERAL REGISTER

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Deputy Land Bank Commissioner W. E. Rhea is absent or unable, for any reason, to exercise the authority vested in him. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (1)). [F.C.A. Order No. 271, Nov. 22, 1939]"

Section 3.9 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 3.9 *Authorization for Federal land banks to hold title to real estate for a longer period than five years.* Authorization is given, severally and not jointly, to the deputy land bank commissioners, James B. Davis, Assistant Deputy Land Bank Commissioner, the Assistant Chief, Real Estate Service Section, and J. T. Spelman, Associate Real Estate Analyst, to authorize, on such terms as any one of them shall direct, the Federal land banks to hold title and possession of real estate for a period longer than five years pursuant to paragraph Fourth (b) of section 13 of the Federal Farm Loan Act (39 Stat. 372, 12 U.S.C. 781 'Fourth' (b)), as amended. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (1)) [F.C.A. Order No. 271, Nov. 22, 1939]"

Section 3.10 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 3.10 *Authorization for joint stock land banks to hold title to real estate for a longer period than five years.* Authorization is given, severally and not jointly, to the deputy land bank commissioners, James B. Davis, Assistant Deputy Land Bank Commissioner, and the Assistant to Chief, Joint Stock Land Bank Section, to authorize, on such terms as any one of them shall direct, the joint stock land banks to hold title and possession of real estate for a period longer than five years pursuant to paragraph Fourth (b) of section 13 of the Federal Farm Loan Act (39 Stat. 372, 12 U.S.C. 781 'Fourth' (b)), as amended. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (1)) [F.C.A. Order No. 271, Nov. 22, 1939]"

Section 3.12 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 3.12 *Approval of loans by the Federal land banks in excess of $25,000.* Authorization is given, severally and not jointly, to the deputy land bank commissioners, the Chief, Appraisal Subdivision, the Chief Reviewing Appraiser, and the Chief, Loan Analysis Subsection, to approve loans by the Federal land banks in excess of $25,000 pursuant to paragraph Seventh of section 12 of the Federal Farm Loan Act (39 Stat. 370, 12 U.S.C. 771 'Seventh'), as amended. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (1)) [F.C.A. Order No. 271, Nov. 22, 1939]"

Section 3.13 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 3.13 *Approval of loans by the Federal land banks to livestock corporations.* Authorization is given, severally and not jointly, to the deputy land bank commissioners, the Chief, Appraisal Subdivision, the Chief Reviewing Appraiser, and the Chief, Loan Analysis Subsection, to permit, pursuant to paragraph Sixth of section 12 of the Federal Farm Loan Act (39 Stat. 370, 12 U.S.C. 771 "Sixth"), as amended by section 18 of the Farm Credit Act of 1935 (49 Stat. 319), loans by the Federal land banks to corporations engaged in the raising of livestock where not all the stock of the corporation is owned by individuals themselves personally actually engaged in the raising of livestock on the farm to be mortgaged as security for the loan, but at least 75 per centum in value and number of shares of the stock of the corporation is owned by individuals personally actually so engaged. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (1)) [F.C.A. Order No. 271, Nov. 22, 1939]"

Section 3.14 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 3.14 *Approval of Land Bank Commissioner loans to livestock corporations.* Authorization is given, severally and not jointly, to the deputy land bank commissioners, the Chief, Appraisal Subdivision, the Chief Reviewing Appraiser, and the Chief, Loan Analysis Subsection, to permit, pursuant to section 32 of the Emergency Farm Mortgage Act of 1933 (48 Stat. 48, 12 U.S.C. 1016), as amended by section 2 (c) of the Farm Credit Act of 1935 (49 Stat. 313), loans by the Land Bank Commissioner to corporations engaged in the raising of livestock where not all the stock of the corporation is owned by individuals themselves personally actually engaged in the raising of livestock on the land to be mortgaged as security for the loan, but at least 75 per centum in value and number of shares of the stock of the corporation is owned by individuals personally actually so engaged. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (1)) [F.C.A. Order No. 271, Nov. 22, 1939]"

[SEAL] F. F. HILL, *Governor.*

[F. R. Doc. 39-4339; Filed, November 24, 1939; 12:16 p. m.]

## TITLE 7—AGRICULTURE

### FEDERAL SURPLUS COMMODITIES CORPORATION

AMENDED DESIGNATION OF AREA UNDER SURPLUS FOOD STAMP PROGRAM

The designation of areas under the Surplus Food Stamp Program published in the FEDERAL REGISTER August 11, 1939 at page 3575 is amended by striking the last paragraph thereof and substituting in lieu thereof the following:

"The area within the county limits of King County, Washington, effective 12:01 A. M., E. S. T., November 20, 1939."

[SEAL] MILO PERKINS, *President.*

NOVEMBER 22, 1939.

[F. R. Doc. 39-4340; Filed, November 24, 1939; 12:22 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3847]

IN THE MATTER OF PURITY PRODUCTS COMPANY ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Disseminating, etc., advertisements by means of the United States mails or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' Vitamin E "Wheatol" medicinal preparation, or other similar product, which advertisements represent, directly or through implication, that the impairment of youthful vigor, vitality and general condition which accompanies advancing years in the male is due to a deficiency in Vitamin E; or that such impairment can be averted or delayed by the use of said preparation; or that said preparation will affect the female organs of reproduction or their functioning or women's ability to successfully conceive or bear children except in rare cases involving habitual involuntary abortion where inability to successfully bear children after conception may be due to a Vitamin E deficiency of a degree susceptible of replacement by the Vitamin E content of the said preparation; or that absence, loss or impairment of sexual desire or impotency or sterility is due to a deficiency of Vitamin E, or that said preparation will in any way benefit such conditions; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Purity Products Company et al., Docket 3847, November 15, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF WILLARD C. MCAHREN AND MAUDE B. MCAHREN, INDIVIDUALS TRADING AND DOING BUSINESS AS PURITY PRODUCTS COMPANY, AND LANDON & WARNER COMPANY, A CORPORATION

ORDER TO CEASE AND DESIST AS TO WILLARD C. AND MAUDE B. M'AHREN, AND CLOSING CASE AS TO LANDON & WARNER COMPANY

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, Willard C. and Maude B. McAhren, in which answer said respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearings as to the facts, and upon the answer of respondent Landon & Warner Company, and the Commission having made its findings as to the facts and conclusion that respondents Willard C. and Maude B. McAhren have violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That respondents, Willard C. McAhren and Maude B. McAhren, individually and trading under the name of Purity Products Company or any other name or names, their agents, employees and representatives, directly or through any corporate or other device, do forthwith cease and desist from disseminating, or causing to be disseminated, any advertisement by means of the United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of a certain medicinal preparation containing Vitamin E and now designated by the name of "Wheatol", or any other preparation composed of similar ingredients or possessing substantially similar therapeutic qualities, whether sold under that designation or any other designation, or disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said medicinal preparation, which advertisements represent, directly or through implication, that the impairment of youthful vigor, vitality and general condition which accompanies advancing years in the male is due to a deficiency in Vitamin E; or that such impairment can be averted or delayed by the use of said preparation; or that said preparation will affect the female organs of reproduction or their functioning or women's ability to successfully conceive or bear children except in rare cases involving habitual involuntary abortion where inability to successfully bear children after conception may be due to a Vitamin E deficiency of a degree susceptible of replacement by the Vitamin E content of the said preparation; or that absence, loss or impairment of sexual desire or impotency or sterility is due to a deficiency of Vitamin E, or that said preparation will in any way benefit such conditions.

*It is further ordered,* That the respondents Willard C. and Maude B. McAhren shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

*It is further ordered,* That the case be closed as to respondent Landon & Warner Company without prejudice to the right of the Commission to reopen and resume prosecution thereof in the event the facts so warrant.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4336; Filed, November 24, 1939; 11:05 a. m.]



## TITLE 43—PUBLIC LANDS: INTERIOR

### GENERAL LAND OFFICE

AIR NAVIGATION SITE WITHDRAWAL NO. 131, ALASKA

*Correction*

The last line of the second paragraph of F.R. Doc. 39-4223 (filed, November 15, 1939, at 9:36 a. m.), appearing on Page 4599 of the issue for Thursday, November 16, 1939, should read "containing 43.34 acres;" instead of "containing approximately 34.4 acres;".

## *Notices*

### DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 960-FD]

IN THE MATTER OF THE APPLICATION OF STEPHENSON BRICK COMPANY FOR EXEMPTION

NOTICE OF AND ORDER FOR HEARING

Application, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by the above-named party:

*It is ordered,* That hearing on such matter be held on December 12, 1939, at ten o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Federal Building, Birmingham, Alabama.

*It is further ordered,* That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, to examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of appropriate orders in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such Applicant and to any other person who may have an interest in such proceedings. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before December 9, 1939.

The matter concerned herewith is in regard to an application filed by Stephenson Brick Company for exemption pursuant to the second paragraph of Section 4-A of the Bituminous Coal Act of 1937

and to an Order of the Bituminous Coal Commission entered in Docket No. 67–FD, which Order has been adopted and ratified as an Order of the Bituminous Coal Division.

The mine of the Applicant, Stephenson Brick Company, is located at Cordova, Alabama, and it is alleged that the coal is sold entirely to the Alabama Power Company and the Southern Railway Company in Birmingham, Alabama.

Applicant claims that its sales of coal are purely intrastate, and that they do not affect interstate commerce in bituminous coal.

Dated, November 21, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39–4332; Filed, November 22, 1939; 2:42 p. m.]

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[Docket No. 522–FD]

IN THE MATTER OF THE APPLICATION OF JOHN FOLLANSBEE, GEO. T. LADD AND ISAAC M. SCOTT, TRUSTEES FOR FOLLANSBEE BROTHERS COMPANY

ORDER OF DISMISSAL

Counsel for the Bituminous Coal Division and Counsel for the above-entitled applicant having stipulated and agreed that further proceedings upon the above-entitled application for exemption be discontinued and that the above-entitled application for exemption be dismissed,

It is so ordered.

Dated, November 21, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39–4337; Filed, November 24, 1939; 11:36 a. m.]

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## DEPARTMENT OF AGRICULTURE.

### Food and Drug Administration.

REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER RELATIVE TO QUALITY OF CANNED PEAS

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR THE FOOD COMMONLY KNOWN AS CANNED PEAS

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1148 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 17, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue NW., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h) (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for the food commonly known as canned peas. The notice contained a proposal, in general terms, for defining and so standardizing such food. John McDill Fox and designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peas and that the hearing would proceed in the order set forth in the FEDERAL REGISTER of March 7, 1939.

3. On April 20, 1939, at 4:20 p. m., the hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable standard of quality and specifying the form and manner of label statement of substandard quality for the food commonly known as canned peas was convened, and was concluded at 5:45 p. m., on April 22, 1939. All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and argument.

4. Within the time announced at the hearing within which interested persons might file written argument, proposed findings of fact, or both, various interested persons filed proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing, which, if granted, would modify the proposal contained in the FEDERAL REGISTER.

5. There was controversy with respect to (a) the tolerance for spotted and discolored peas and the method of fixing such tolerance, (b) the tolerance for pea pods and other extraneous vegetable matter, (c) tolerance for broken peas, (d) the alcohol insoluble solids as a test for mealiness, (e) label statements.

6. Testimony was introduced tracing the development of standards with reference to the NcNary-Mapes Amendment to the Food and Drugs Act of 1906, passed in 1930, and the formulation of a standard of quality under that amendment.

Various factors which go to make up a quality standard were considered, together with objective tests for the determination of such factors. In addition, many new tests were devised, and studies undertaken to establish their reliability. In connection with these studies, visits were made to pea canneries, and experimental packs of canned peas were made during each of the canning seasons from 1931 to 1938. Experimental packs were made in all pea canning sections, being the states of Maryland, Virginia, Delaware, Pennsylvania, New York, Maine, Ohio, Illinois, Minnesota, Wisconsin, Utah, and Washington, in one or more of the years from 1931 to 1938. These various factors and objective measurements were based on the concensus of consumer opinion as to what constituted factors of quality in canned peas, upon objective measurements of those factors, and upon the practicability of meeting those measurements under commercial conditions.

Graders and the industry were likewise consulted. The objective measurements of factors of quality, freedom from discolored and spotted peas, tenderness, freedom from broken peas, were included.

The regulations were changed in 1932 and again in 1935. Evidence was given that maturity of the pea ingredient is not directly a factor of quality of the finished product. In the opinion of various witnesses, the degree of mealiness of texture is a primary factor of quality. The factors which enter into the quality of canned peas, it was testified, are freedom from spotted peas, freedom from extraneous matter, freedom from pieces of peas, freedom from ruptured peas, freedom from tough peas, and freedom from excessively mealy peas. With reference to spotted peas, testimony was conflicting, both as to the tolerance and as to the method. Witnesses on behalf of the Government suggested a reduction in the tolerance to one percent by weight of drained peas instead of four percent by count. Four percent by count is the present regulation under the McNary-Mapes Amendment. In 1935, a separate standard of quality for canned peas made from dried pea ingredients was promulgated, which likewise contained a tolerance not to exceed four percent by count of spotted or discolored peas.

Testimony was given that a tolerance for harmless extraneous material is necessary, and testimony was offered that a reasonable tolerance would be that this material does not exceed one-tenth of one percent of the drained weight of the peas from the container. There was no tolerance for this fact in the original standard promulgated under the McNary-Mapes Amendment.

In 1932, in the standard for canned peas, the following was included:

"The peas are considered practically free from foreign material when they are entirely free from material which varies greatly in size or specific gravity from peas, such as stones, large pieces of pea shell, sticks; and when they contain for each two ounces of net contents not more than one piece of material which closely approximates peas in size and specific gravity, such as thistle buds, daisy heads, portions of radish-seed pods. The difficulty of absolute freedom from the latter class of foreign material occasionally renders its complete exclusion impracticable."

This is the present requirement for canned peas made from a succulent pea ingredient. However, when the standard of quality for canned peas made from dried peas was promulgated in 1935, this standard included the following:

"The product is 'practically free from foreign material' if it is entirely free from stones, and if there is present per pound of net contents not more than one piece of non-stony material any dimension of which is less than twice the thickness of a pea."

The suggestion of Government witnesses was that the tolerance of not more than one-tenth of one percent be substituted for the provision one piece to each two ounces of net contents. Other witnesses testified that this was an unreasonably drastic reduction from the standard promulgated under the McNary-Mapes Amendment and that this tolerance should be fixed at one-half of one percent.

It was testified that there should be a tolerance for broken peas of not more than 10 percent of the drained weight of the peas from the container. On this there was no controversy.

It was testified that there should be freedom from ruptured peas; that there should be a tolerance for this standard of quality, and the tolerance should not exceed 25 percent by count in the early variety type and not more than 5 percent by count in the sweet variety type and that a pea is ruptured if it is cracked to a width of $\frac{1}{4}$ inch or more. There was controversy with reference to this factor, and evidence was adduced that the proposed limit of 5 percent by count in the case of sweet varieties would be unfair and unreasonable.

A tolerance of 10 percent for tough peas was advocated, and an objective measurement for toughness was proposed.

A standard for mealiness was likewise proposed, together with a method of testing for mealiness. In connection with this, it was testified that standard canned peas were excessively mealy if the alcohol insoluble solids content was more than 23.5 percent. That provision was incorporated in an amendment to the standard under the McNary-Mapes Amendment and is still in force for canned succulent peas but is not included in the standard for canned dried peas which was originally promulgated in 1935. Testimony was adduced that this factor should be applied to all canned peas instead of canned peas made from the succulent pea ingredient; that the measure be 23.5 percent alcohol insoluble solids for the early type pea and 21 percent for the sweet, wrinkled type.

Testimony was given with reference to the method of determination of the various factors of quality, substantially as such measures appeared in the proposal contained in the FEDERAL REGISTER of Tuesday, March 7, 1939, which is Government's Exhibit No. 1.

7. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.

*Suggested Findings*

1. A legal standard of quality for canned peas has been in effect since 1931 under the McNary-Mapes Amendment to the Food and Drugs Act of 1906. (R. pp. 15–17)

2. The original standard was based on the consensus of consumer opinion as to what constituted factors of quality in canned peas, upon objective measurements of those factors and upon the practicability of meeting those measurements under commercial conditions. (R. p. 17)

3. The concensus of consumer opinion was determined by having consumers view and taste samples of canned peas. (R. pp. 17–18)

4. Objective measurements of the factors of quality were determined by conferences with canners, with the trade, and with expert graders from all sections of the country. (R. p. 19)

5. All factors incorporated in the original standard have remained in effect with the exception of certain provisions relating to fill of container which have been promulgated in a separate standard of fill of container. (R. pp. 19–20)

6. In 1935, a separate standard of quality for peas prepared from dried peas was promulgated. (R. pp. 19–20)

7. The maturity of the pea seed entering canned peas as an ingredient is not a factor of quality in canned peas, but the mealiness of the peas as they come from the can to the consumer is a factor. (R. pp. 20, 115–116, 282)

8. Factors of quality in canned peas, from the viewpoint of the consumer, are freedom from spotted peas, freedom from extraneous material, freedom from pieces of peas, freedom from ruptured peas, freedom from tough peas, and freedom from excessively mealy peas. (R. pp. 21, 115–116, 125, 156, 199–200)

9. Spotted peas are peas with abnormally colored areas caused by various natural conditions, and their appearance is objectionable to consumers. (R. pp. 21, 61, 72, 73–74, 126)

10. In a great many cases, peas can be canned entirely free from spotted peas, but they sometimes occur and must be removed by hand sorting. Occasionally, spotted peas escape the most careful sorting. (R. pp. 21, 126)

11. A reasonable standard, therefore, must include a tolerance for spotted peas, and a tolerance of 4 percent by count of the peas in the container is a reasonable tolerance. (R. pp. 21–22, 62–64, 74–75, 126, 148, 156, 159–160, 168, 186, 199)

12. A canner can make certain that his peas are within the tolerance for spotted peas by careful sorting of peas before canning and by examination of representative samples of his pack. (R. pp. 24, 126, 156, 199)

13. Such factor takes into consideration and makes due allowance for the different characteristics of the several varieties of peas. (R. pp. 24–25, 126)

14. The simplest and most understandable expression to inform the consumer that peas are substandard in quality because of the presence of an excessive number of spotted peas is "Below Standard in Quality—Spotted Peas." (R. pp. 26, 134, 156, 200)

15. Freedom from extraneous material is a factor in the quality of canned peas from the viewpoint of the consumer who expects that canned peas will be relatively free from any foreign material, from considerations of appearance and other considerations. (R. pp. 26–27, 107–108, 126–127, 156, 199)

16. Standard canned peas contain no extraneous material other than harmless vegetable material. The operation of vining and threshing the peas results in a considerable quantity of leafy material, pieces of pea pods, thistle buds, and other vegetable material accompanying the peas. Most of this material is removed from the shelled peas mechanically by sifting and blowing and by water flotation, but some must be removed by hand picking. (R. pp. 27, 108–109, 126–127)

17. Occasionally, a lot of raw material may be such that completely effective removal is impossible and a tolerance for harmless extraneous vegetable material is necessary. (R. pp. 27–28, 126–127, 180)

18. Not more than one-half of one percent of the drained weight of peas from the container in harmless, extraneous vegetable material is a reasonable tolerance which can be met by the canner operating under good commercial conditions. (R. pp. 148, 156, 160–162, 168–170, 180, 187, 199)

19. The original McNary-Mapes standard of quality has not been changed in

any essential respect with regard to the factor of freedom from foreign material except that the original standard contained no tolerance for such material, and the present legal standard provides that there is present for each two ounces of net contents not more than one piece of material which closely approximates peas in size and specific gravity, such as thistle buds, daisy heads, or portions of radish seed pods. Such amendment was found necessary because of the impracticability of the complete exclusion of foreign material. (R. pp. 29–30)

20. A canner can make certain that he is complying with the factor of freedom from extraneous material by sorting under good control. (R. pp. 30, 126–127, 156)

21. Such factor, with the tolerance suggested, takes into consideration and makes due allowance for the different characteristics of the several varieties of peas, inasmuch as the presence of extraneous material is not associated with the variety of peas. (R. pp. 30–31, 126–127)

22. The simplest and most understandable expression to inform the consumer that peas are substandard because of the presence of such material is "Below Standard in Quality—Excessive Foreign Material." (R. pp. 32, 134, 156, 200)

23. Freedom from broken peas is a factor of quality in canned peas from the standpoint of the consumer. (R. pp. 33, 127, 156)

24. The beating which the raw peas receive in the viner breaks some of them, particularly those which are soft and very young. Occasionally, in the case of some viners, the peas also break apart during the blanching and canning process. Those which break in vining can be largely removed mechanically but breaking in blanching and processing cannot be completely prevented. (R. pp. 33, 127)

25. A reasonable standard of quality for canned peas must contain a tolerance for broken peas and 10 percent of the drained weight of the canned peas in broken peas is a reasonable tolerance. (R. pp. 33–34, 127, 148, 156, 163–164, 187, 200)

26. There have been no changes in the provision of the original standard of quality under the McNary-Mapes Amendment with respect to the factor of freedom from broken peas and there are no essential differences between the existing legal standard and the proposed standard in that respect except that the proposal would reduce the tolerance on broken peas from 20 percent to 10 percent, and would base the determination upon weight rather than count. (R. pp. 34–35)

27. Standard canned peas as they appear on the market today do not contain more than 10 percent of broken peas and the change of method of determination from count to weight would have no effect other than to obviate the counting of large numbers of peas. 10 percent of the drained weight is approximately equivalent to 20 percent by count. (R. pp. 35, 127, 156)

28. The tolerance of 10 percent is ample to take care of peas broken by the blanching or canning process and the canner can make certain that he is complying with the factor of freedom from broken peas by proper sorting and mechanical separation. (R. pp. 35, 127, 148, 156, 200)

29. Such factor takes into consideration and makes due allowance for the different characteristics of the several varieties of peas. (R. pp. 35–36, 127)

30. The simplest and most understandable expression to inform the consumer that canned peas are below standard because of the presence of an excessive number of broken peas is "Below Standard in Quality—Excessive Broken Peas". (R. pp. 37–38, 134, 200)

31. Freedom from ruptured peas is a factor of quality in canned peas from the viewpoint of the consumer from considerations of appearance. Good commercial practice will furnish peas of which not more than 25 percent are ruptured, but complete freedom from ruptured peas is not possible, and for that reason, a tolerance is necessary. (R. pp. 38, 66–67, 73, 101, 127, 148–149, 149–150, 156, 172–175)

32. A tolerance of not more than 25 percent of ruptured peas is a reasonable tolerance. (R. pp. 38–39, 67–68, 127, 148–149, 149–150, 154–156, 162–163, 171–175, 188)

33. A pea is ruptured if it is cracked to a width of 1/16 inch or more. Cracks smaller than 1/16 inch are not readily apparent and do not greatly affect the appearance of the product. (R. pp. 39, 127, 148–149)

34. The factor of freedom from ruptured peas was not included in the original standard of quality under the McNary-Mapes Amendment but was incorporated therein in 1933 because of the determination that many canners, in attempting to cook peas so they would meet the provisions of the McNary-Mapes standard with respect to hardness, were cooking them so much that large numbers were ruptured, thus giving them an inferior appearance which was found to be objectionable to the consumer. (R. pp. 39–40)

35. There has been no change in the factor since it was originally adopted except that freedom from ruptured peas was not made a factor in the separate standard of quality for canned dried peas promulgated in 1935. (R. pp. 40–41)

36. There are no essential differences between the existing legal standard of quality and the proposed standard except that the proposal would apply the measure to all types of peas inasmuch as the presence of ruptured peas is objectionable to the consumer regardless of the type of pea ingredient used. (R. p. 41)

37. The canner can make certain that he is complying with the factor of freedom from ruptured peas by properly cooking the peas. Such a factor takes into consideration and makes due allowance for the different characteristics of the several varieties of peas. (R. pp. 41–42, 127, 156)

38. The simplest and most understandable expression to inform the consumer that peas are substandard in quality because of the presence of an excessive number of ruptured peas is "Below Standard in Quality—Excessive Cracked Peas." (R. pp. 43, 134, 156, 200)

39. Freedom from tough peas is a factor of quality in canned peas from the viewpoint of the consumer. (R. pp. 44, 127–128, 149, 156, 181, 200)

40. Tough peas do not occur in the best canned peas, but all peas in a single patch, or even on a single vine, will not have arrived at the same degree of toughness at the same time. Commercial conditions make it more efficient to cut a whole field of peas at the same time, and an average of tenderness or toughness must be arrived at, but by the exercise of good control, the canner is able to cut and can peas which contain a minimum of tough peas. (R. pp. 44, 127–128)

41. For these reasons, a reasonable standard must include a tolerance for tough peas, and 10 percent of tough peas is such a reasonable tolerance. (R. pp. 44–45, 127–128, 149, 164, 181, 156, 188, 200)

42. The toughness of peas can be determined objectively and such objective determination is definitely and precisely correlated with consumer reaction. (R. pp. 44–45, 127–128, 188)

43. Toughness of peas was a factor embraced in the original McNary-Mapes standard of quality and has not been changed. There are no differences between the measure of toughness as incorporated in the existing legal standard, and the method for determining it which is proposed. (R. p. 46)

44. The canner can make certain that he is complying with the factor of freedom from tough peas by properly cooking his peas. (R. pp. 46, 127–128, 156, 200)

45. Such a factor takes into consideration and makes due allowance for the different characteristics of the several varieties of peas. (R. pp. 46, 127–128)

46. The simplest and most understandable expression to inform the consumer that peas are substandard in quality because of the presence of tough peas is "Below Standard in Quality—Not Tender." (R. pp. 47, 134, 156, 200)

47. Freedom from excessively mealy peas is a factor of quality in canned peas from the viewpoint of consumers from considerations of the texture of the finished product. (R. pp. 47, 48, 128, 135–136, 149, 156, 181, 200, 243–247, 249–251, 281)

48. The extent to which insoluble solids are present governs the mealiness of peas when they are chewed. The art of canning was first devised for the purpose of preserving the succulence of fresh vegetables, and canned peas are a product which simulates, insofar as possible, peas taken direct from the garden, cooked, and eaten. Such peas are not excessively mealy, and the quality of canned peas is lowered, depending in a large measure on the extent to which they are mealy. (R. pp. 48, 82, 128, 200, 281)



49. Mealiness in peas becomes excessive when their content of insoluble solids is such that the peas do not have the proper degree of succulence when eaten. Such mealiness can be measured objectively. (R. pp. 48, 128, 149, 156, 200)

50. Mealiness and insoluble solids content are definitely and directly correlated, and the determination of the insoluble solids gives an accurate index to the mealiness of canned peas. (R. pp. 48, 128, 149, 156, 200)

51. Canned peas are excessively mealy in the consensus of consumer taste, in the case of early June peas, when they contain more than 23.5 percent of solids insoluble in alcohol; and, in the case of sweet peas, when they contain more than 21 percent of solids insoluble in alcohol. (R. pp. 48–49, 83–84, 91–92, 106–107, 116, 117–118, 120, 128, 133–134, 135–136, 149, 156, 181, 200)

52. Early June peas naturally develop a higher insoluble solids content that sweet peas. Consumers expect early June peas to be mealier than sweet peas. These figures were selected by trying out samples on consumers and expert graders. Peas they rated as excessively mealy were analyzed in the laboratory and their insoluble solids content determined. (R. pp. 49–50, 83–84, 110, 128, 149, 156, 181, 200)

53. The factor of freedom from excessively mealy peas was not incorporated in the original McNary-Mapes standard of quality but was inserted in 1934. (R. p. 50)

54. There has been no change in the original standard except that the method of determining solids insoluble in water as originally provided was changed to solids insoluble in alcohol, for the reason that the latter method was a simpler laboratory method. (R. pp. 50–51)

55. The existing legal standard differs from the proposed standard only in that the proposal suggests the reduction of the alcohol insoluble solids content of sweet peas to 21 percent. (R. pp. 51)

56. Early June peas are naturally more mealy than peas of the sweet type, and the higher measure is necessary for that type, but mealiness is objectionable to consumers, and 21 percent is a figure which any sweet peas, properly canned, can meet. (R. pp. 51, 128, 149, 156, 164, 181, 200)

57. A canner can make certain that he is complying with the factor of freedom from excessively mealy peas by canning only those peas which canning experience indicates will not be excessively mealy, and by examining representative samples of his pack. (R. pp. 51–52, 95–98, 102–104, 106–107, 110–112, 112–115, 120, 128, 135–136, 149, 156, 164, 181, 200, 297–298, 303–304)

58. Such factor takes into consideration and makes due allowance for the different characteristics of the several varieties of peas. (R. pp. 51, 128)

59. The simplest and most understandable expression to inform the consumer that canned peas are substandard in quality because of the presence of excessively mealy peas is "Below Standard in Quality—Excessively Mealy Peas." (R. pp. 53, 134, 200)

60. An objective determination of each of the foregoing factors can be made by the following method:

(1) After determining the fill of container as prescribed in Section 51.002 (a), distribute the contents of the container over the meshes of a circular sieve made with No. 8 woven wire cloth which complies with the specifications for such cloth set forth on page 3 of "Standard Specifications for Sieves", published October 25, 1938, by U. S. Department of Commerce, National Bureau of Standards. The diameter of the sieve used is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. Without shifting the peas, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, remove the peas from the sieve and weigh them. Such weight shall be considered to be the drained weight of the peas.

(2) From the drained peas obtained in (1), promptly segregate and count the spotted peas, and weigh the pea pods and other harmless extraneous vegetable material, and the pieces of peas.

(3) From the drained peas obtained in (1), take at random a subdivision of 100 to 150 peas, and count them. Immediately cover these peas with a portion of the liquid obtained in (1), and add the remaining liquid to the drained peas from which the subdivision was taken. Count those peas in the subdivision, the skins of which are ruptured to a width of 1/8 inch or more.

(4) Immediately after each pea is examined by the method prescribed in (3), test it by removing its skin, placing one of its cotyledons, with flat surface down, on the approximate center of the level, smooth surface of a rigid plate, lowering of horizontal disc to the highest point of the cotyledon, and measuring the height of the cotyledon. The disc is a rigid material and is affixed to a rod held vertically by a support through which the rod can freely move upward or downward. The lower face of the disc is a smooth, plane surface horizontal to the vertical axis of the rod. A device to which weight may be added is affixed to the upper end of the rod. Before lowering the disc to the cotyledon, adjust the combined weight of disc, rod, and device to 100 grams. After measuring the height of the cotyledon, and shifting the plate, if necessary, so that the cotyledon is under the approximate center of the disc, add weight to the device at a uniform, continuous rate of 12 grams per second until the cotyledon is pressed to one-fourth its previously measured height, or until the combined weight of disc, rod, and device is 907.2 grams (2 pounds). A pea so tested shall be considered to be crushed when its cotyledon is pressed to one-fourth its original height. (R. pp. 54–57, 128, 153, 156, 191, 192, 200, 304)

(5) Drain the liquid from the peas which remained after taking the subdivision as prescribed in (3). Transfer the peas to a pan, and rinse them with a volume of water equal to twice the capacity of the container from which such peas were drained in (1). Immediately drain the peas again by the method prescribed in (1). After the two minutes' draining, wipe the moisture from the bottom of the sieve. Comminute the peas thus drained, stir them to a uniform mixture, and weight 20 grams of such mixture into a 600 cc. beaker. Add 300 cc. of 80 percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend ½ inch or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° Centigrade, covering the dish with a tight-fitting cover, cooling it in a desiccator, and promptly weighing. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80 percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at 100° Centigrade. Place the cover on the dish, cool it in a desiccator, and promptly weigh. From this weight, subtract the weight of the dish, cover, and paper, as previously found. The weight in grams thus obtained, multiplied by 5, shall be considered to be the percent of alcohol-insoluble solids. (R. pp. 54–57, 128, 153, 156, 191, 192, 200, 304)

61. Such methods are accurate and definite laboratory determinations available to canners and administrative officials. (R. pp. 54, 128, 136–138, 144–145, 153, 200, 251–253, 282–300, 302–303)

62. In the event canned peas are below standard because of failure to meet two or several of the factors of quality, it would not be practicable to label them with the statement of each reason. In such event, the statement "Below Standard in Quality Good Food—Not High Grade" would be informative to the consumer. But in order to fully and conspicuously inform the consumer of the substandard character of the product, it should be printed in a conspicuous

manner in two lines, the words "Below Standard in Quality" constituting the first line, the words "Good Food—Not High Grade" constituting the second line. In order for the statement to be conspicuous, it should be enclosed within lines not less than 6 points in width, forming a rectangle, and the statement should be in conspicuous type such as Cheltenham bold condensed caps, with the type of the first line 12 points and the type of the second line 8 points, in the case of small containers, that is, of less than one pound net contents, and the first line of type of 14 points and the second line in type of 10 points, in the case of larger containers. Such a statement, with its enclosing lines, should be on a strongly contrasting, uniform background and be so placed as to be easily seen when the name "Peas" or any pictorial representation of peas is viewed, wherever such name or representation appears on the label so conspicuously as to be easily seen under customary conditions of purchase. (R. pp. 58–60, 134–135, 196–197, 200)

*Suggested Conclusion in the Form of a Regulation*

Upon the basis of the foregoing findings of fact, the following reasonable standard of quality and form and manner of label statement of substandard quality for the food commonly known as canned peas is hereby suggested to be promulgated as a regulation:

§ 51.001 *Canned peas—Quality; label statement of substandard quality.* (a) The standard of quality for canned peas is as follows:

(1) Not more than 4 percent by count of the peas in the container are spotted;

(2) The combined weight of pea pods and other harmless extraneous vegetable material is not more than one-half of one percent of the drained weight of peas in the container;

(3) The weight of pieces of peas is not more than 10 percent of the drained weight of peas from the container;

(4) The skins of not more than 25 percent by count of the peas from the container are ruptured to a width of $\frac{1}{4}$ inch or more;

(5) Not less than 90 percent by count of the peas from the container are crushed by a weight of not more than 907.2 grams (2 pounds); and

(6) The alcohol-insoluble solids of Alaska or other smooth skin varieties of peas from the container are not more than 23.5 percent, and of sweet, wrinkled varieties, not more than 21 percent.

(b) Canned peas shall be tested by the following methods to determine whether or not they meet the requirements of subsection (a):

(1) After determining the fill of the container as prescribed in Section 51.002 (a), distribute the contents of the container over the meshes of a circular sieve made with No. 8 woven wire cloth which complies with the specifications for such cloth set forth on page 3 of "Standard Specifications for Sieves", published October 25, 1938, by U. S. Department of Commerce, National Bureau of Standards. The diameter of the sieve used is 8 inches if the quantity of the contents of the container is less than 3 pounds, or 12 inches if such quantity is 3 pounds or more. Without shifting the peas, so incline the sieve as to facilitate drainage. Two minutes from the time drainage begins, remove the peas from the sieve and weigh them. Such weight shall be considered to be the drained weight of the peas.

(2) From the drained peas obtained in (1), promptly segregate and count the spotted peas, and weigh the pea pods and other harmless extraneous vegetable material, and the pieces of peas.

(3) From the drained peas obtained in (1), take at random a subdivision of 100 to 150 peas, and count them. Immediately cover these peas with a portion of the liquid obtained in (1), and add the remaining liquid to the drained peas from which the subdivision was taken. Count those peas in the subdivision, the skins of which are ruptured to a width of $\frac{1}{4}$ inch or more.

(4) Immediately after each pea is examined by the method prescribed in (3), test it by removing its skin, placing one of its cotyledons, with flat surface down, on the approximate center of the level, smooth surface of a rigid plate, lowering a horizontal disc to the highest point of the cotyledon, and measuring the height of the cotyledon. The disc is of rigid material and is affixed to a rod held vertically by a support through which the rod can freely move upward or downward. The lower face of the disc is a smooth, plane surface horizontal to the vertical axis of the rod. A device to which weight may be added is affixed to the upper end of the rod. Before lowering the disc to the cotyledon, adjust the combined weight of disc, rod, and device to 100 grams. After measuring the height of the cotyledon, and shifting the plate, if necessary, so that the cotyledon is under the approximate center of the disc, add weight to the device at a uniform, continuous rate of 12 grams per second until the cotyledon is pressed to one-fourth its previously measured height, or until the combined weight of disc, rod, and device is 907.2 grams (2 pounds). A pea so tested shall be considered to be crushed when its cotyledon is pressed to one-fourth its original height.

(5) Drain the liquid from the peas which remained after taking the subdivision as prescribed in (3). Transfer the peas to a pan, and rinse them with a volume of water equal to twice the capacity of the container from which such peas were drained in (1). Immediately drain the peas again by the method prescribed in (1). After the two minutes' draining, wipe the moisture from the bottom of the sieve. Comminute the peas thus drained, stir them to a uniform mixture, and weigh 20 grams of such mixture into a 600 cc. beaker. Add 300 cc. of 80 percent alcohol (by volume), stir, cover beaker, and bring to a boil. Simmer slowly for 30 minutes. Fit a Buchner funnel with a previously prepared filter paper of such size that its edges extend ½ inch or more up the vertical sides of the funnel. The previous preparation of the filter paper consists of drying it in a flat-bottomed dish for 2 hours at 100° Centigrade, covering the dish with a tight-fitting cover, cooling it in a desiccator, and promptly weighing. After the filter paper is fitted to the funnel, apply suction and transfer the contents of the beaker to the funnel. Do not allow any of the material to run over the edge of the paper. Wash the material on the filter with 80 percent alcohol (by volume) until the washings are clear and colorless. Transfer the filter paper with the material retained thereon to the dish used in preparing the filter paper. Dry the material in a ventilated oven, without covering the dish, for 2 hours at 100° Centigrade. Place the cover on the dish, cool it in a desiccator, and promptly weigh. From this weight, subtract the weight of the dish, cover, and paper, as previously found. The weight in grams thus obtained, multiplied by 5, shall be considered to be the percent of alcohol-insoluble solids.

(c) If the quality of canned peas falls below the standard prescribed by subsection (a), the label (unless it bears the statement prescribed by subsection (d)) shall bear the statement "Below Standard in quality --------", the blank to be filled in with the word or words specified after the corresponding number of each clause of subsection (a) which such canned peas fail to meet, as follows: (1) "Excessive Spotted Peas"; (2) "Excessive Foreign Material"; (3) "Excessive Broken Peas"; (4) "Excessive Cracked Peas"; (5) "Not Tender"; (6) "Excessively Mealy". If such canned peas fail to meet two or all of clauses (1), (3), and (4), the words specified after the corresponding numbers of such clauses may be combined, as for example, "Excessive Spotted, Broken and Cracked Peas". Such statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Peas" and the words and statements required or authorized to appear with such name by Section 51.000 (b).

(d) In lieu of the statement or statements specified in subsection (c), the label may bear the statement "Below Standard in Quality Good Food—Not High Grade", printed in two lines of Cheltenham bold condensed caps. The words "Below Standard in Quality" shall constitute the first line, and the second line shall immediately follow. If the quantity of the contents of the container is less than 1 pound, the type of the first line shall be 12-point, and of the second line, 8-point. If such quantity is 1 pound or more, the type of the first line shall be 14-point, and of the second line, 10-point. Such statement shall be enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, shall be on a strongly contrasting, uniform background, and shall be so placed as to be easily seen when the name "Peas" or any pictorial representation of peas is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

*Time Within Which to File Objections*

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time, each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted.

[SEAL] JOHN MCDILL FOX,
*Presiding Officer.*

NOVEMBER 15, 1939.

[F. R. Doc. 39–4334; Filed, November 24, 1939; 10:09 a. m.]

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REPORT OF PRESIDING OFFICER, SUGGESTED FINDINGS OF FACT, CONCLUSIONS AND ORDER RELATIVE TO FILL OF CONTAINER OF CANNED PEAS

IN THE MATTER OF PUBLIC HEARINGS FOR PURPOSE OF RECEIVING EVIDENCE UPON BASIS OF WHICH REGULATIONS MAY BE PROMULGATED (A) (1) FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY, (2) REQUIRING LABEL DECLARATION OF CERTAIN OPTIONAL INGREDIENTS; (B) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY; (C) (1) FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER, (2) SPECIFYING FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER; FOR THE FOOD COMMONLY KNOWN AS CANNED PEAS

*General Statement*

1. In conformity with subsection (e) of Section 701 of the Federal Food, Drug, and Cosmetic Act [Section 701, 52 Stat. 1055; 21 U.S.C. 371 (e)], the Secretary of Agriculture on his own initiative published on March 7, 1939, which appeared on page 1148 of the FEDERAL REGISTER, a notice of a public hearing to be held on April 17, 1939, in the South Ballroom, Tenth Floor, Raleigh Hotel, Twelfth Street and Pennsylvania Avenue N. W., Washington, D. C., for the purpose of receiving evidence upon the basis of which, in pursuance of the authority vested in the Secretary of Agriculture by the provisions of Sections 401, 403 (g), (2), and 403 (h), (1) and (2) [Secs. 401, 403 (g), (2), and 403 (h), (1) and (2), 52 Stat. 1046 and 1047; 21 U.S.C. 341, 343 (g), (2), and 343 (h), (1) and (2)], regulations may be promulgated (a) (1) fixing and establishing a reasonable definition and standard of identity, and (2) requiring the label declaration of certain optional ingredients; (b) (1) fixing and establishing a reasonable standard of quality, and (2) specifying the form and manner of label statements of substandard quality; and (c) (1) fixing and establishing a reasonable standard of fill of container, and (2) specifying the form and manner of label statements of substandard fill of container; for the food commonly known as canned peas. The notice contained a proposal, in general terms, for defining and so standardizing such food. John McDill Fox was designated as presiding officer to conduct such hearing. Thereafter, a public hearing was held at the time and place specified, and John McDill Fox acted as presiding officer. (Government's Exhibit No. 1)

2. At said hearing the presiding officer announced that he would first hold a hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable definition and standard of identity for the food commonly known as canned peas and that the hearing would proceed in the order set forth in the FEDERAL REGISTER of March 7, 1939.

3. On April 21, 1939, at 5 p. m., the hearing for the purpose of receiving evidence upon the basis of which a regulation may be promulgated fixing and establishing a reasonable standard of fill of container and specifying the form and manner of label statement of substandard fill of container for the food commonly known as canned peas was convened, and was concluded at 4:30 p. m., on April 22, 1939. All interested persons were notified, pursuant to the rules of procedure, of their opportunity to file proposed findings of fact and written argument.

4. Within the time announced at the hearing within which interested persons might file written arguments, proposed findings of fact, or both, various interested persons filed proposed findings of fact, together with written argument in support thereof, based upon the evidence adduced at the hearing, which, if granted, would modify the proposal contained in the FEDERAL REGISTER.

5. Pursuant to the rules of procedure, the presiding officer, therefore, makes this his report and suggests that the Secretary issue the regulation hereinafter set forth and make, on the basis of the substantial evidence of record at the hearing, the findings of fact herein contained as part of the order promulgating and making public such regulation.

*Suggested Findings*

1. A legal standard of fill of container for canned peas has been in effect under the McNary-Mapes Amendment to the Food and Drugs Act of 1906, since 1931 (R. pp. 12–14)

2. There are only four objective measurements of fill of container. These are: put-in weight, cut-out weight, put-in volume, and cut-out volume. (R. pp. 16–17, 46–47)

3. A put-in weight requirement is not practicable for canned peas inasmuch as peas of different lots must be filled with very different put-in weights in order to achieve uniformly well-filled cans. (R. pp. 16, 47)

4. A cut-out weight requirement for canned peas is impracticable because of the marked variance in specific gravity in different lots of peas so that two lots of peas of the same cut-out volume might vary ten percent or more in weight. (R. pp. 16, 47)

5. A put-in volume requirement is impracticable for canned peas. A can might be filled to capacity with one lot of peas and another can filled to only half capacity with another lot peas, but, upon processing and the absorption of water by the peas of the latter lot, each of the cans might be as well filled as practicable when the containers were opened. (R. pp. 16, 47)

6. A cut-out volume requirement is the only practicable fill of container requirement for canned peas. (R. pp. 16–17, 47)

7. A reasonable standard of fill of container is that the can of peas be so well filled that when the peas and liquid are poured from the container and poured back into the container, and the peas leveled so that there is no downward pressure and allowed to stand fifteen seconds, they will completely fill the container. A container with lid attached by a double seam is completely filled when the top of the leveled peas is not more than $\frac{3}{16}$ inch vertical distance below the top of the container. Metal containers of other types are completely filled when the level of the peas is level with the top of the container. An allowance for containers with double seams is necessary because the bottom of the lid is $\frac{3}{16}$ inch below the top of the vertical sides of the can. (R. pp. 17, 29–51, 52–54)

8. Due to the necessity for air space to permit expansion which occurs during the processing of peas in glass containers, an allowance is necessary for containers of that type. One-half inch below the top of the container is a reasonable allowance. (R. pp. 27–29, 57, 60–63)

9. In canning practice, cans are filled with peas and the interstices are filled with brine. After the peas are processed,

stand in the warehouse, and are shaken down in shipment, the peas will settle down so that the can will apparently not be completely filled, but, pouring the peas and the liquid from the container and pouring them back closely simulates the condition in which the peas were originally packed. In the packing of older peas, a smaller volume is placed in the can, depending upon the age of the peas, so that when processed and having taken up water they will occupy the same volume that young peas would occupy before processing. The older the peas are the more water they will absorb, and the canner, consequently, adjusts his fill in order to allow for this variation. All canners make this adjustment as a matter of course and are able to get their containers sufficiently well filled that, while the peas will be shaken down somewhat in storage and shipment, they will, when poured from the container and returned thereto, completely fill the container. (R. pp. 18, 31–33, 41–42, 47–48, 52–54)

10. The canner can determine he is achieving the suggested cut-out fill. Peas are filled into the containers by a machine which is set to deliver any desired volume of peas to each container. The canner sets the machine to deliver a volume which his knowledge of the age of the peas indicates will give a proper fill. As soon as some of the cans are filled and sealed he takes samples to make sure that the fill is proper. (R. pp. 19, 42–43, 48–49, 50–51, 54–55)

11. The original McNary-Mapes standard of fill of container promulgated in 1931 required that canned foods were of standard fill if the entire contents occupied 90 percent or more of the volume of the closed container, and that the liquor in canned peas was not above the upper level of the peas when the contents were poured out, returned to the container and the peas leveled without downward pressure. (R. pp. 19–20)

12. In 1936, a proviso was added to the standard to the effect that when the declared net weight is sufficient to fill the container to 90 percent or more of its capacity, liquid in excess of such declared net weight shall be removed before making a test. (R. pp. 20–21)

13. The present legal standard of fill of container for canned peas is not a satisfactory standard. The consumer is entitled to a can as completely filled with peas as is commercially practicable. The present standard permits a container filled to only 90 percent of its possible volume. The consumer viewing an opaque can of peas expects that the manufacturer has not used a larger can than is needed to hold the quantity of peas therein. (R. pp. 21–22, 36–40, 41–42, 50)

14. The standard proposed differs from the present standard only in requiring that the volume of peas occupy the entire container instead of 90 percent thereof. (R. p. 22)

15. The present commercial pack of canned peas meets the standard proposed. Hundreds of cans of peas representing samples taken at random from the open market have been recently examined in widely separated laboratories of the Food and Drug Administration, and the great majority of these cans easily meet the proposed standard. The amount of peas present in most of the containers was such that when poured from the container and poured back, the peas were rounded up well over the top of the containers. (R. pp. 22–25, 36–40, 41–42)

16. The condition of canned peas which fall below the standard of fill of container is best described from the viewpoint of the consumer by the statement "Below Standard in Fill." (R. pp. 25, 56–57)

17. If canned peas fall below a standard of fill of container, it is necessary and desirable in the interest of the consumer that the label bear the statement "Below Standard in Fill" printed in Cheltenham bold condensed caps. If the quanity of the contents of the container is less than 1 pound, the statement should be in 12-point type; if such quantity is 1 pound or more, the statement should be in 14-point type. Such statement should be enclosed within lines, not less than 6 points in width, forming a rectangle; but if the statement specified in the standard of quality for canned peas is also used, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, should be on a strongly contrasting, uniform background, and should be so placed as to be easily seen when the name "Peas" or any pictorial representation of peas is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase. (R. pp. 25–26, 56–57)

18. The substandard statement now required by the regulations issued pursuant to the McNary-Mapes Amendment is "Below U. S. Standard" followed by "Slack Fill", in the case of excess head space; and by the statement "Contains Excessive Added Liquid", in the case of excessive packing medium. These statements are required to appear in substantially the same form as herein proposed. (R. p. 26)

19. The phrase "Below Standard", as proposed, differs from the present requirement "Below U. S. Standard". The term "U. S." on a food product has been found to imply to consumers that the product has been packed under the supervision of the U. S. Government. The phrase "In Fill", as proposed, differs from the present requirement of "Slack Fill" or "Contains Excessive Added Liquid". The standard herein proposed is based on a can filled to its maximum capacity with peas. If adopted and met, the headspace will not be excessive, nor will there be excessive liquid present. If not met, the expression "Below Standard in Fill" is simpler and more understandable in describing a product which fails to meet a standard based on the amount of peas present rather than on the amount of liquid and peas or the quantity of liquid present. (R. pp. 26–27, 56–57)

*Suggested Conclusion in the Form of a Regulation*

§ 51.002 *Canned peas—Fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned peas is a fill such that, when the peas and liquid are removed from the container and returned thereto, the leveled peas (irrespective of the quantity of the liquid), 15 seconds after they are so returned, completely fill the container. A container with lid attached by double seam shall be considered to be completely filled when it is filled to the level 5/16 inch vertical distance below the top of the double seam; and a glass container shall be considered to be completely filled when it is filled to the level ½ inch vertical distance below the top of the container.

(b) If canned peas fall below the standard of fill of container prescribed in subsection (a), the label shall bear the statement "Below Standard in Fill" printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement shall be in 12-point type; if such quantity is 1 pound or more, the statement shall be in 14-point type. Such statement shall be enclosed within lines, not less than 6 points in width, forming a rectangle; but if the statement specified in the standard of quality for canned peas is also used, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, shall be on a strongly contrasting, uniform background, and shall be so placed as to be easily seen when the name "Peas" or any pictorial representation of peas is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

*Time Within Which to File Objections*

Within ten days after the receipt of the copy of the FEDERAL REGISTER containing this report, any interested person who wishes to object to any matter set out in the suggested findings of fact and suggested conclusion in the form of a regulation shall transmit such objection in writing to the Hearing Clerk. At the same time, each such interested person shall transmit in writing to the Hearing Clerk a brief statement concerning each of the objections taken to the action of the presiding officer upon which he wishes to rely, referring where relevant to the pages of the transcript of evidence.

Respectfully submitted,

[SEAL] JOHN MCDILL FOX,
*Presiding Officer.*

NOVEMBER 15, 1939.

[F. R. Doc. 39–4333; Filed, November 24, 1939; 10:09 a. m.]



## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF DETERMINATION GRANTING AND DENYING CERTAIN APPLICATIONS FOR PARTIAL EXEMPTION OF THE CLAY PRODUCTS INDUSTRY AS A SEASONAL INDUSTRY

Whereas, applications have been made by the Committee of Brick Manufacturers of Maine, New Hampshire and Vermont, Chehalis Brick and Tile Company, Colonial Clays, Inc. and Red River Valley Brick Corporation under Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Regulations, Part 526, as amended (Regulations applicable to Industries of a Seasonal Nature), issued by the Administrator thereunder, for partial exemption of the clay products industry from the maximum hours provisions of Section 7 (a) of said Act pursuant to Section 7 (b) (3) applicable to industries found by the Administrator to be of a seasonal nature; and

Whereas, a public hearing on said applications was held before Harold Stein, the representative of the Administrator, duly authorized to take testimony, hear argument and determine whether or not the clay products industry or any subdivision thereof is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938, and Part 526 of Regulations issued thereunder, the term "clay products industry" being defined to mean the processing or manufacturing of clay products (other than pottery); and

Whereas, following such hearing, the said Harold Stein duly made his findings of fact and determined as follows:

"1. The manufacture of brick in the three northern New England states of Maine, Vermont and New Hampshire is integrated and well-defined and constitutes a branch of the clay products industry (other than pottery) as defined in the notice of hearing; and

"2. Brick cannot be manufactured in freezing weather in unheated plants with open-air driers because the clay is not available at the various stages of extraction, handling and processing in the only form in which it can be used by the industry, i. e. as unfrozen clay; and

"3. Brick in northern New England is manufactured only in plants with open-air drying yards and scove kilns, and almost all the brick is a specialty product which can be produced only under these conditions. The plants produce green brick between April 15 and October 15, approximately, each year and shut down thereafter because of freezing weather, although one burning of approximately ten days' duration occurs after the last batch of green brick drys; and

"4. The manufacture of brick in Maine, Vermont and New Hampshire is a branch of the clay products industry and is of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of the Regulations issued thereunder; and

"5. Brick is manufactured in southern New England, and in New England as a whole, in plants with varying types of driers and kilns, as elsewhere; it is competitive with brick manufactured elsewhere; and the manufacture is carried on in important plants throughout the year; and

"6. The manufacture of brick in the three southern New England states or in New England as a whole is not a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of Regulations issued thereunder; and

"7. The applications filed by the Chehalis Brick and Tile Company of Chehalis, Washington, and the Red River Valley Brick Corporation of Grand Forks, North Dakota, fail to show the existence of any integrated and well-defined branches of the clay products industry.

"The application of the Committee of Brick Manufacturers of Maine, New Hampshire and Vermont is granted.

"The applications of Colonial Clays, Inc., the Chehalis Brick and Tile Company and the Red River Valley Brick Corporation are denied"; and

Whereas, said Findings and Determination were duly filed with the Acting Administrator on November 16, 1939, and are now on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties:

Now, therefore, pursuant to the provisions of Section 526.7 of the aforesaid Regulations, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Acting Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 21st day of November 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39–4331; Filed, November 22, 1939; 2:35 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 25, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and shall be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Baxley Dress Mfg. Co., Seattle, Washington (5 learners), house dresses.

Bell Garment Mfg. Corp., San Antonio, Texas (5 learners), children's wear.

Better Infants' Wear, San Antonio, Texas (3 learners), children's wear.

Cherryland Mfg. Co., Traverse City, Michigan (5 learners), work pants.

Esskay Manufacturing Co., San Antonio, Texas (5 learners), children's wear.

Juvenile Manufacturing Co., San Antonio, Texas, children's wear.

M. Nirenberg Sons, Inc., 750 2nd Avenue, Troy, New York, men's shirts.

Texas Infants' Dress Co., Inc., San Antonio, Texas (5 learners), children's wear.

Royal Manufacturing Company, Coopersburg, Pennsylvania, trunks and union shirts.

Royal Manufacturing Company, Alburtis, Pennsylvania, polo shirts and athletic clothing.

H. Kraft, Thornwood, New York (2 learners), chevrons and machine embroideries.

Signed at Washington, D. C., this 24th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4343; Filed, November 24, 1939; 12:49 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective November 25, 1939, until March 23, 1940, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that (a) experienced stitching machine operators are not available and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such Certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Bell Garment Mfg. Corp., San Antonio, Texas. | Children's wear | 10 |
| Better Infants' Wear, San Antonio, Texas. | Children's wear | 5 |
| Cherryland Mfg. Co., Traverse City, Michigan. | Work pants | 25 |
| Eskay Mfg. Company, San Antonio, Texas. | Children's wear | 10 |
| Juvenile Mfg. Company, San Antonio, Texas. | Children's wear | 23 |
| Texas Infants' Dress Co., Inc., San Antonio, Texas. | Children's wear | 10 |
| Royal Manufacturing Co., Alburtis, Pennsylvania. | Polo shirts and athletic clothing. | 12 |

Signed at Washington, D. C., this 24th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4344; Filed, November 24, 1939; 12:49 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective November 25, 1939, to July 25, 1940, unless otherwise indicated opposite the employer's name, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

| Name and address of firm | Number of learners | Expiration date |
|---|---|---|
| Wm. G. Leininger Knitting Co., Inc., Lyons Station, Pennsylvania. | 5 | |
| Monroe Full Fashioned Hosiery Co., Curtis and Lee Streets, Monroe, North Carolina | 7 | Mar. 9, 1940 |

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 24th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4345; Filed, November 24, 1939; 12:49 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective November 25, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

B & B Company, Philadelphia, Pennsylvania (1 learner).

Altamohow Hosiery Mills, Altamahow, North Carolina (5 learners).

Chipman Knitting Mills, West Easton, Pennsylvania.

J. W. Landenberger & Company, Castor & Kensington Avenue, Philadelphia, Pennsylvania (4 learners).

Wm. G. Leininger Knitting Co., Inc., Lyons Station, Pennsylvania (5 learners).

Lippincott Finishers, Philadelphia, Pennsylvania (1 learner).

Wilson Manufacturing Corporation, Wilson, North Carolina (5 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 24th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4346; Filed, November 24, 1939; 12:51 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 25, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operations of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of the terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Penn Elastic Co., Philadelphia, Pennsylvania (5 learners), knitted elastic.

Sakura Mills, Inc., Kane, Pennsylvania, glove silk underwear.

Van Raalte Company, Saratoga Springs, New York, underwear and gloves.

Signed at Washington, D. C., this 24th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4347; Filed, November 24, 1939; 12:50 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act. Section 522.5 (d) of Regulations Part 522 as amended to the employers listed below effective November 25, 1939 until October 24, 1940 subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under this Certificate until and unless a copy of it is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Certificates expire October 24, 1940 and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be cancelled as of the date of issue if it is found that it was issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

W. A. Forsyth Silk Company, Eynon, Pennsylvania, silk throwing.

Duplan Silk Corporation, Grottoes, Virginia, yarn and thread.

Duplan Silk Corporation, Nanticoke, Pennsylvania, yarn and thread.

Duplan Silk Corporation, Eley Street, Kingston, Pennsylvania, yarn and thread.

Duplan Silk Corporation, Berwick, Pennsylvania, yarn and thread.

Duplan Silk Corporation, Diamond Avenue, Hazelton, Pennsylvania, yarn and thread and woven fabrics.

Classe Ribbon Works, Inc., Anniston, Alabama, belting and grosgrain ribbons.

Century Ribbon Mills, Inc., Radford, Virginia, silk and rayon ribbon.

Signed at Washington, D. C., this 24th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4348; Filed, November 24, 1939; 12:52 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to employers listed below effective November 25, 1939 until February 24, 1940, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: Sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under this Certificate until and unless a copy of it is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued on representations of employers that: (a) experienced operators are not available and (b) that he is actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. These Special Certificates are issued ex parte under Section 14 of the said Act Section 522.5 (b) of the Regulations Part 522 as amended and are subject to cancellation by the Administrator or his authorized representative for cause. These Certificates may be cancelled as of the date of their issuance if it is found, upon objection duly filed within fifteen (15) days following publication of notice of its issuance, that the issuance of this Certificate was not necessary in order to prevent curtailment of opportunities for employment. It may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that experienced workers have become available. A copy of the Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

| Name and address of firm | Product | Number learners |
|---|---|---|
| W. A. Forsyth Silk Company, Eynon, Pennsylvania. | Silk throwing | 18 |
| Century Ribbon Mills, Inc., Radford, Virginia. | Silk and Rayon Ribbon. | 61 |

Signed at Washington, D. C., this 24th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4349; Filed, November 24, 1939; 12:52 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 25, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks' experience as a chenille operator or less than sixteen (16) weeks' experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate learners shall be paid at least the same piece-work rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight (8) weeks re-training period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available and no learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(4) These Certificates expire October 24, 1940, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be cancelled as of the date of issue if it is found that it was issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Alabama Bedspread Company, Scottsboro, Alabama, bedspreads.

Signed at Washington, D. C., this 24th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4347; Filed, November 24, 1939; 12:51 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective November 25, 1939, until May 25, 1940 unless otherwise indicated subject to the following terms and limited to the number of learners indicated opposite the employers' name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:



(1) A learner is a person who has had less than eight (8) weeks' experience as a chenille operator or less than sixteen (16) weeks' experience as a punch work operator or less than eight (8) weeks' experience as a chenille operator plus eight (8) weeks' re-training as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learner may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight (8) weeks' re-training period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an exeprienced worker was not available and no learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(4) These Special Certificates are issued on representations by the employers that (a) experienced operators are not available and (b) that he is actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates may be cancelled as of the date of their issuance. If it is found upon objection duly filed within fifteen (15) days following the publication of their issuance that the issuance of these Certificates was not necessary to prevent curtailment of opportunities for employment, they may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the Employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Alabama Bedspread Company, Scottsboro, Alabama. | Bedspreads | Thirty-four (34). |

Signed at Washington, D. C., this 24th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4350; Filed, November 24, 1939; 12:53 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket Nos. 5796, 5797]

APPLICATION OF JEWEL LEE NOBLE, EARL HARRIS, AND HARRY BELL, DOING BUSINESS AS NO-BEL RADIO BURGLAR ALARM (NEW)

*File No. T5-PE-3774, dated, September 12, 1939, for Construction Permit; Class of service, Experimental; Class of station, Class II (Municipal Police); Location, Oakland, Calif.; Operating assignment specified—Frequency, 1658 kc; Power, 50 watts, Emission A-1; Hours of operation, Unlimited; Points of Comm: Local.*

*File No. T5-PE-3765, dated, September 12, 1939, for Construction Permit; Class of service, Experimental; Class of station, Class II (Municipal Police); Location, San Francisco, Calif.; Operating assignment specified—Frequency, 2466 kc; Power, 50 watts, Emission A-1; Hours of operation, Unlimited; Points of Comm: Local.*

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described applications and has designated the matter for hearing for the following reasons:

1. To determine the legal, technical, financial and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the exact program of experimentation to be conducted and the scope thereof.

(a) To determine the purpose for which the proposed experiments are to be conducted.

3. To determine whether or not the frequencies requested are available for assignment, as proposed, under the provisions of the Communications Act of 1934 as amended and the Rules and Regulations of the Commission.

(a) To determine whether or not interference would result to authorized radio services as a result of operation on the requested frequencies.

4. To determine whether or not adequate service of the type proposed is being rendered or may be rendered by means of wire facilities.

5. To determine whether the granting of the applications would serve public interest, convenience or necessity.

The applications involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Jewel Lee Noble, Earl Harris and Harry Bell,
d/b as No-Bel Radio Burglar Alarm,
3011 - 24th Street,
San Francisco, Calif.

Dated at Washington, D. C., November 21, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4335; Filed November 24, 1939; 10:54 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of November, A. D. 1939.

[File No. 43-267]

IN THE MATTER OF BROCKTON EDISON COMPANY AND MONTAUP ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration and application pursuant to sections 7 and 10 (a) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on December 12, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's

Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 7, 1939.

The matter concerned herewith is in regard to

1. A declaration by Brockton Edison Company, a subsidiary of Eastern Utilities Associates, a registered holding company, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance of its one-year non-interest bearing note to mature on or about December 30, 1940 to Montaup Electric Company, its subsidiary. This note is in payment of an open account representing that part of the unpaid purchase price of electric energy supplied by Montaup to Brockton, allocated as Brockton's proportionate share of Montaup's depreciation charges.

2. Montaup has filed an application pursuant to Section 10 (a) of the Act for the approval of the acquisition of the above-described note.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4341; Filed, November 24, 1939; 12:24 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24 day of November, A. D. 1939.

[File Nos. 30-165, 31-477, 31-478]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, AND GENERAL WATER GAS & ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to sections 5 (d), 3 (a) (5) and 3 (a) (3) (B) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on December 12, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 7, 1939.

The matter concerned herewith is in regard to

(1) an application by International Utilities Corporation, a registered holding company, pursuant to Section 5 (d) of the Act, for an order that it has ceased to be a holding company, and also an application by it pursuant to Section 3 (a) (5) of the Act for an order, by way of further or other relief, exempting it and each of its subsidiary companies as such from the provisions of the Act; and

(2) an application by General Water Gas & Electric Company, a subsidiary of International Utilities Corporation and also a registered holding company, pursuant to Section 3 (a) (3) (B) of the Act, for an order exempting it and each of its subsidiary companies as such from the provisions of the Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4342; Filed, November 24, 1939; 12:24 p. m.]

Reference


# FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 4 NUMBER 229

*Washington, Tuesday, November 28, 1939*


## *The President*

### EXECUTIVE ORDER

MAKING CERTAIN CHANGES IN THE FIELD ORGANIZATION OF THE CUSTOMS SERVICE IN THE STATE OF TEXAS

By virtue of the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 609, 623 (U.S.C., title 19, sec. 2), it is ordered that the following changes be, and they are hereby, made in the field organization of the customs service in the State of Texas:

1. The headquarters of Customs Collection District No. 23 (San Antonio) are transferred from San Antonio, Texas, to Laredo, Texas.

2. The name of Customs Collection District No. 23 (San Antonio) is changed to "Laredo Customs Collection District."

3. The city of San Antonio, Texas, is retained as a customs port of entry in Customs Collection District No. 23 (Laredo).

4. The designation of Fort Worth, Texas, as a customs port of entry in Customs Collection District No. 23 is revoked.

5. Those portions of the Counties of Dallas, Aransas, and Refugio, State of Texas, lying west of 97° west longitude, and the Counties of Tarrant, San Patricio, and Nueces, State of Texas (including the customs port of entry of Corpus Christi, Texas, in the County of Nueces), are transferred from Customs Collection District No. 23 to Customs Collection District No. 22 (Galveston).

This order shall become effective thirty days from the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 22, 1939.*

[No. 8288]

[F. R. Doc. 39-4353; Filed, November 24, 1939; 1:33 p. m.]

### EXECUTIVE ORDER

ESTABLISHING THE BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE—NEW MEXICO

By virtue of the authority vested in me as President of the United States and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered that the public lands, together with the lands acquired or to be acquired by the United States, in the following-described areas, comprising approximately 60,267 acres, in Socorro County, New Mexico, be, and they are hereby, reserved and set apart, subject to valid, existing rights, for the use of the Department of the Interior as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, that any private lands within the areas described shall become a part of the refuge hereby established upon the acquisition of title thereto or control thereof by the United States:

*New Mexico Principal Meridian*

All that part of T. 6 S., R. 1 W., unsurveyed, lying on the northwest side of the Bosque del Apache Grant between the boundaries of the Bosque del Apache Grant No. 35 and the Pedro Armendaris Grant No. 34;

All the Bosque del Apache Grant No. 35 lying in Tps. 5, 6, and 7 S., Rs. 1 W. and 1 E., and Tps. 5 and 6 S., R. 2 E.

This reservation shall be known as the Bosque del Apache National Wildlife Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 22, 1939.*

[No. 8289]

[F. R. Doc. 39-4352; Filed, November 24, 1939; 1:33 p. m.]

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## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### FARM CREDIT ADMINISTRATION

[F.C.A. 151]

FEDERAL LAND BANK OF OMAHA

APPLICATION FEES

Section 28.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 28.1 *Application fees*—(a) *Appraisal fees; to accompany loan applications.* An appraisal fee of $10.00 will be charged where the amount applied for is $5,000 or less, regardless of acreage. Where the amount applied for exceeds $5,000 the appraisal fee will be as follows:

| Security: | *Appraisal Fee* |
|---|---|
| 1,920 acres or less | $10.00 |
| Over 1,920 acres but not in excess of 6,400 acres | 20.00 |
| Over 6,400 acres but not in excess of 10,000 acres | 30.00 |
| Over 10,000 acres | 40.00 |

(b) *Nonresident applicants.* In addition to the appraisal fee, a fee of $7.50 will be charged for each applicant who resides outside of, or has recently removed to, the Eighth Farm Credit District. This fee will be required to accompany the application.

(c) *Reappraisal.* A fee of $10.00 will be charged for each reappraisal at the request of the applicant, regardless of the amount applied for or the extent of the security. This fee is payable before the reappraisal will be made.

(Sec. 13 "Ninth", 39 Stat. 372, 12 U.S.C. 781 "Ninth"; Sec. 32, 48 Stat. 48, as amended, 12 U.S.C. 1016 (e); Sec. 33, 48 Stat. 49, as amended, 12 U.S.C. 1017; 6 CFR 13.4019)

(Res. Bd. Dir. September 20, 1939; Res. Bd. Dir. August 21, 1935; Res. Ex. Com. July 19, 1934)

[SEAL] THE FEDERAL LAND BANK OF OMAHA,
By CHAS. MCCUMSEY,
*President.*

[F. R. Doc. 39-4379; Filed, November 27, 1939; 11:59 a. m.]

[F.C.A. 152]

FEDERAL LAND BANK OF OMAHA

PARTIAL RELEASE OF SECURITY FEES

Section 28.3 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 28.3 *Partial release of security fees.* A fee of $10.00 will be charged on each application for partial release where an appraisal is required by the bank. Where an appraisal is not required by the bank, a fee of $2.50 will be charged. Fees need not be submitted with partial release applications.

(Sec. 13 "Ninth", 39 Stat. 372, 12 U.S.C. 781 "Ninth"; Sec. 32, 48 Stat. 48, as amended, 12 U.S.C. 1016; Sec. 2, 48 Stat. 344, 12 U.S.C. 1020; Sec. 2, 48 Stat. 345, 12 U.S.C. 1020a)

(Res. Bd. Dir. September 20, 1939)

[SEAL] THE FEDERAL LAND BANK OF OMAHA,
By CHAS. MCCUMSEY,
*President.*

[F. R. Doc. 39-4380; Filed, November 27, 1939; 11:59 a. m.]

### TITLE 7—AGRICULTURE

### CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

ORDER DESIGNATING SOLICITOR TO PERFORM CERTAIN DUTIES SPECIFIED IN GENERAL REGULATIONS, AGRICULTURAL ADJUSTMENT ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE

Pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, and in accordance with the regulations heretofore issued and promulgated thereunder by the Secretary, with the approval of the President of the United States, I, Henry A. Wallace, Secretary of Agriculture of the United States, hereby designate and authorize the Solicitor of the Department of Agriculture to perform the following acts:

1. To inform, in the manner prescribed by General Regulations, Series D, No. 1, Article II, Section 202, any handler of the insufficiency of any petition filed by him;

2. To propound written interrogatories to any handler filing a petition, and to cause service of such interrogatories to be made on such handler, all in the manner prescribed by General Regulations, Series D, No. 1, Article II, Section 203;

3. To issue citations and to cause service thereof to be made in the manner prescribed by General Regulations, Series E, No. 1, Article II, Sections 200 and 201;

4. To consolidate hearings on petitions in the manner prescribed by General Regulations, Series D, No. 1, Article III, Section 309;

5. To extend, in his discretion, upon application by any handler, the time within which such handler may file his answer to a citation in the manner prescribed by General Regulations, Series E, No. 1, Article II, Section 203;

6. To appoint the time and designate the place of hearing on any petition or citation, to cause written notice thereof to be served, and to give notice of hearing amending or superseding any prior notice thereof, all in the manner prescribed by General Regulations, Series D, No. 1, Article III, Sections 300 and 304, and General Regulations, Series E, No. 1, Article II, Sections 206 and 207;

7. To allow, in his discretion, upon application by any handler, amendments to any petition, answers to interrogatories or answer to citation filed by such handler, and to make amendments to citations and written interrogatories, all in the manner prescribed by General Regulations, Series D, No. 1, Article III, Section 311, and General Regulations, Series E, No. 1, Article II, Section 212; and

8. To reopen, in his discretion, on his own motion or upon application by any handler, any hearing, on petition or citation, for the purpose of taking additional evidence in the manner prescribed by General Regulations, Series D, No. 1, Article III, Section 312, and General Regulations, Series E, No. 1, Article II, Section 213.

The term "petition", as used in this order, means any petition purporting to be filed by any handler pursuant to section 8c (15) (A) of the act and to General Regulations, Series D, No. 1, Agricultural Adjustment Administration, United States Department of Agriculture. The term "citation", as used herein, means any citation issued pursuant to section 8a (7) of the act and to the General Regulations, Series E, No. 1, Agricultural Adjustment Administration, United States Department of Agriculture.

The Solicitor shall indicate, in connection with any act done by him pursuant to this authorization, that such act is performed by direction of the Secretary.

Done at Washington, D. C., this 25th day of November 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4366; Filed, November 25, 1939; 12:10 p. m.]

[Cotton 331]

PART 722—1939 COUNTY NORMAL COTTON YIELDS

Pursuant to the authority vested in the Secretary of Agriculture under the Agricultural Adjustment Act of 1938, as amended, I, H. A. Wallace, hereby establish the following county normal yields of lint cotton per acre in accordance with the provisions of Section 301, subsection (b), paragraphs (13) (B) and (C) of said Act, for the purposes of the cotton marketing quota provisions (Part IV, Subtitle B, Title III) of said Act applicable with respect to the marketing year beginning August 1, 1939:

§ 722.104 *1939 county normal cotton yields.*

*County—1939 normal yield of lint cotton per acre in pounds*

ALABAMA

Autauga, 231; Baldwin, 259; Barbour, Area A, 201; Barbour, Area B, 207; Bibb, 247; Blount, 296; Bullock, 178; Butler, 249; Calhoun, 233; Chambers, 204; Cherokee, 290; Chilton, 251; Choctaw, 210; Clarke, 211; Clay, 220; Cleburne, 233; Coffee, 241; Colbert, 261; Conecuh, 242; Coosa, 224; Covington, 236; Crenshaw, 236; Cullman, 346; Dale, 225; Dallas, 192; De Kalb, 335; Elmore, 254; Escambia, 265; Etowah, 281; Fayette, 261; Franklin, 283; Geneva, 263; Greene, 176; Hale, 229; Henry, 262; Houston, 280; Jackson, 276; Jefferson, 229; Lamar, 263; Lauderdale, 249; Lawrence, 279; Lee, 190; Limestone, 271; Lowndes, 188; Macon, 211; Madison, 272; Marengo, 205; Marion, 269; Marshall, 341; Mobile, 266; Monroe, 259; Montgomery, 189; Morgan, 303; Perry, 181; Pickens, 248; Pike, 223; Randolph, 242; Russell, 187; St. Clair, 229; Shelby, 222; Sumter, 182; Talladega, 226; Tallapoosa, Area A, 191; Tallapoosa, Area B, 258; Tuscaloosa, 246; Walker, 240; Washington, 235; Wilcox, 200; and Winston, 282.

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VIRGINIA

Amelia, 270; Brunswick, 257; Charlotte, 260; Chesterfield, 259; Dinwiddie, 266; Fluvanna, 248; Greensville, 301; Halifax, 271; Isle of Wight, 289; Lunenburg, 279; Mecklenburg, 260; Nansemond, 330; New Kent, 288; Norfolk, 311; Nottoway, 273; Pittsylvania, 242; Prince Edward, 240; Prince George, 252; Princess Anne, 320; Southampton, 311; Surry, 282; and Sussex, 262.

Done at Washington, D. C., this 25th day of November 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4365; Filed, November 25, 1939; 12:10 p. m.]

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[ACP-1940-1]

## PART 701—1940 AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the 1940 Agricultural

Conservation Program[1] is amended as follows:

(1) Subparagraphs (1), (10), and (11) of paragraph (a), section 701.101, are amended to read as follows:

"(1) *National goal.* The 1940 national goal for corn is 88,000,000 to 90,000,000 acres.

"(10) *Payment.* 10 cents per bushel of the normal yield of corn for the farm for each acre in the corn acreage allotment.

"(11) *Deduction.* (i) (Farms in the commercial corn area, except non-corn-allotment farms) 50 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the corn acreage allotment.

"(ii) (Non-corn-allotment farms in the commercial corn area) 50 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of 10 acres.

"(iii) (Farms in Area C for which a payment is computed with respect to a potato, tobacco, or wheat acreage allotment) $10.00 per acre for each acre of corn harvested for grain in excess of the larger of the usual acreage of corn for grain determined for the farm or 10 acres."

(2) Subparagraphs (1), (7), and (8) of paragraph (b), section 701.101, are amended to read as follows:

"(1) *National goal.* The 1940 national goal for cotton is 27,000,000 to 29,000,000 acres.

"(7) *Payment.* 1.6 cents per pound of the normal yield of cotton for the farm for each acre in its cotton acreage allotment.

"(8) *Deduction.* 4 cents per pound of the normal yield of cotton for the farm for each acre planted to cotton in excess of its cotton acreage allotment."

(3) Subparagraphs (1), (8), and (9) of paragraph (c), section 701.101, are amended to read as follows:

"(1) *National goal.* The 1940 national goal for peanuts is 1,550,000 to 1,600,000 acres.

"(8) *Payment.* $2.50 per ton of the normal yield of peanuts for the farm for each acre in its peanut acreage allotment.

"(9) *Deduction.* (For farms in commercial peanut area) $30.00 per ton of the normal yield for the farm for each acre of peanuts for market in excess of its peanut acreage allotment."

(4) Subparagraphs (1), (7), and (8) of paragraph (d), section 701.101, are amended to read as follows:

"(1) The 1940 national goal for potatoes is 3,100,000 to 3,300,000 acres.

"(7) *Payment.* 3 cents per bushel of the normal yield of potatoes for the farm for each acre in its potato allotment.

"(8) *Deduction.* (Farms in the commercial potato area) 30 cents per bushel of the normal yield for the farm for each acre planted to potatoes in excess of the larger of its potato acreage allotment or three acres, or, on farms for which no allotment is determined, in areas designated by the Agricultural Adjustment Administration where more than three acres of potatoes are grown for home use on a substantial number of farms, for each acre planted to potatoes for market in excess of three acres."

(5) Subparagraphs (1), (5), and (6) of paragraph (e), section 701.101, are amended to read as follows:

"(1) The 1940 national goal for rice is 880,000 to 900,000 acres.

"(5) *Payment.* 6.5 cents per 100 pounds of the normal yield per acre of rice for the farm for each acre in its rice acreage allotment.

"(6) *Deduction.* 65 cents per 100 pounds of the normal yield for the farm for each acre planted to rice in excess of its rice acreage allotment."

(6) Subparagraphs (1), (5), and (6) of paragraph (f), section 701.101, are amended to read as follows:

"(1) *National goal.* The 1940 national goal for

Burley tobacco in 360,000 to 370,000 acres;

Flue-cured tobacco is 730,000 to 770,000 acres;

Fire-cured and dark air-cured tobacco is 155,000 to 165,000 acres;

Cigar filler and binder tobacco Type 41 is 30,000 to 31,000 acres;

Cigar filler and binder tobacco (other than Types 41 and 45) is 60,000 to 63,000 acres;

Georgia-Florida Type 62 tobacco is 2,500 to 3,000 acres.

"(5) *Payment.* The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in its tobacco acreage allotment for each of the following kinds of tobacco:

| | *Cents* |
|---|---|
| Burley | 1 |
| Flue-cured | 1 |
| Fire-cured and dark air-cured | 1.2 |
| Cigar filler and binder Type 41 | .6 |
| Cigar filler and binder (except Types 41 and 45) | 1 |
| Georgia-Florida Type 62 | 1.2 |

"(6) *Deduction.* 8 cents per pound of the normal yield for the farm for each acre of tobacco harvested in excess of the applicable tobacco acreage allotment."

(7) Subparagraphs (3) and (4) of paragraph (g), section 701.101, are amended to read as follows:

"(3) *Commercial vegetables* means the acreage of annual vegetables or truck crops (including potatoes not in the commercial potato area, sweet potatoes other than for starch, tomatoes, sweet corn, cantaloupes, annual strawberries, commercial bulbs and flowers, but excluding peas for canning or freezing, and sweet corn for canning) of which the larger portion of the production is sold to persons not living on the farm: *Provided*, That in the Northeast Region perennial vegetables shall also be included: *And Provided further*, That in any county designated by the State committee, with the approval of the Agricultural Adjustment Administration, as a county in which substantially all tomatoes, cabbages, hot peppers, or pimientos grown are produced for canning and it is administratively practicable to distinguish between such crops for canning and for other purposes, tomatoes, cabbages, hot peppers, or pimientos, for canning shall not be classified as commercial vegetables.

"(4) *Payment.* $1.50 for each acre in the commercial vegetable acreage allotment determined for the farm."

(8) Subparagraphs (9) and (10) of paragraph (h), section 701.101, are amended to read as follows:

"(9) *Payment.* (Wheat allotment farms) 9 cents per bushel of the normal yield of wheat for the farm for each acre in its wheat acreage allotment.

"(10) *Deduction.* (i) (Wheat allotment farms) 50 cents per bushel of the normal yield for the farm for each acre planted to wheat in excess of its wheat acreage allotment.

"(ii) (Non-wheat-allotment farms) 50 cents per bushel of the normal yield for the farm for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of its wheat acreage allotment or 10 acres, whichever is larger, in Area A, and in excess of the usual acreage of wheat for the farm or 10 acres, whichever is larger, in Area B and in Area C."

(9) Subparagraphs (1), (8), and (9) of paragraph (i), section 701.101, are amended to read as follows:

"(1) *National goal.* The 1940 national goal for total soil-depleting crops is 270,000,000 to 285,000,000 acres.

"(8) *Payment.* (Farms in Area A, except nongeneral-allotment farms) $1.10 per acre, adjusted for the productivity of the farm, for each acre in the total soil-depleting acreage allotment determined for the farm in excess of the sum of (i) the special crop acreage allotments with respect to which a payment is computed for the farm and (ii) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar.

"(9) *Deductions.* (i) (Farms in Area A, except non-general-allotment farms) $8.00 per acre, adjusted for the productivity of the farm, for each acre of the soil-depleting acreage in excess of the total soil-depleting acreage allotment determined for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 701.101.

"(ii) (Non-general-allotment farms in Area A) $8.00 per acre, adjusted for the productivity of the farm, for each acre of the soil-depleting acreage in excess of the sum of (1) 20 acres, (2) the cotton acreage allotment determined for the farm, and (3) the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 701.101.

"(iii) (Farms in Area B for which a total soil-depleting acreage allotment is determined) $5.00 for each acre classified as soil-depleting in excess of the larger of (1) the total soil-depleting acreage allotment determined for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) to (h), inclusive, of this section 701.101, or (2) 20 acres plus the acreages on which cotton is planted or tobacco is harvested."

(10) Paragraph (k), section 701.101, is amended to read as follows:

"(K) MISCELLANEOUS

"(1) *Deduction for failure to prevent wind or water erosion.* $1.00 for each acre of land in an area designated by the Agricultural Adjustment Administration as subject to serious wind or water erosion hazards, with respect to which there are not adopted in 1940 methods recommended by the county committee and approved by the State committee for the prevention of wind or water erosion or both: *Provided*, That in counties designated by the Agricultural Adjustment Administration upon recommendation of the State committee the rate shall be 25 cents per acre for each time wind-erosion-control methods recommended by the county committee are not carried out in 1940 by the date specified by the committee.

"(2) *Deduction for breaking out native sod.* $3.00 for each acre of native sod or any other land on which a permanent vegetative cover has been established, broken out in any area designated by the Agricultural Adjustment Administration as an area subject to serious wind erosion or as an area containing large acreages unsuited to continuing production of cultivated crops, during the 1940 program year, less the acreage broken out with the approval of the county committee as a good farming practice for which an acreage of cropland other than restoration land is restored to permanent vegetative cover."

(11) The introductory sentence and subparagraphs (1), (2), (3) subdivision (i), (4), (5), and (6) of paragraph (d), section 701.102, are amended to read as follows:

"(d) *Payments.* The payments in connection with soil-building practices shall be the sum of the following: *Provided*, That for any farm with respect to which the sum of the maximum payments computed under section 701.101 and subparagraphs 1 to 7, inclusive, of this paragraph (d) is less than $20, the amount determined under this paragraph (d) shall be increased by the amount of the difference;

"(1) 55 cents per acre of cropland in the farm in excess of the total soil-depleting acreage allotment for the farm (applicable only to farms in Area A);

"(2) $2.00 per acre of commercial orchards and perennial vegetables on the farm January 1, 1940, except that in the Southern Region (where the commercial orchard and perennial vegetable acreage is not excluded from the acreage of cropland) the rate shall be $1.50 per acre;

"(3) (i) 2 cents per acre of noncrop open pasture land in the farm, plus $1.00 for each animal unit of grazing capacity (on a 12-month basis) of such pasture, in the North Central Region, Kansas, California, Oklahoma, and Texas: *Provided*, That for any county or group of counties where the grazing capacity of the noncrop open pasture land is reasonably uniform such payment may, upon approval of the Agricultural Adjustment Administration, be computed at a flat rate per acre of noncrop open pasture land, such rate to be not greater than the average amount of payment per acre of noncrop pasture land determined for such county or group of counties on the basis of the foregoing rate: *Provided further*, That the amounts computed under this subdivision shall not be less than 10 cents times the number of such acres or 640 acres, whichever is smaller; provided that in States or areas where the range conservation program is applicable and is not combined with the Agricultural Conservation Program all noncrop open pasture land shall be classified as range land upon recommendation of the State committee and approval of the Agricultural Adjustment Administration: *And Provided further*, That such payment may be computed at a flat rate for each farm in any county, which rate shall be determined for the farm by the county committee on the basis of the above rates; • • •

"(4) 70 cents per acre of cropland in excess of the sum of (1) the special crop acreage allotments with respect to which a payment is computed other than a commercial vegetable acreage allotment and (2) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar and sugarcane grown for harvest in 1940 for the extraction of sugar (applicable only to farms in Area B and Area C);

"(5) 70 cents for each acre in the commercial vegetable acreage allotment for the farm (applicable only to farms in the commercial vegetable area in Area A);

"(6) $1.10 per acre, adjusted for the productivity of the farm, for each acre in the total soil-depleting acreage allotment for the farm in excess of the sum of (1) the special crop acreage allotment with respect to which a payment is computed for the farm and (2) the acreage of sugar beets planted for harvest in 1940 for the extraction of sugar (applicable only to non-general-allotment farms in Area A)."

(12) Subparagraphs (6), (8), (9), (12), (14), (17), (18), and (46) of paragraph (g), section 701.102 are amended to read as follows:

"(6) Seeding alfalfa, 1 unit per acre.

"(8) Seeding annual lespedeza, annual ryegrass, annual sweet clover, biennial legumes, perennial legumes, perennial grasses (other than timothy or redtop), or mixtures (other than a mixture consisting solely of timothy and redtop) containing biennial legumes, perennial legumes, or perennial grasses (except any of such crops qualifying at higher rate of credit under any other practice listed in this paragraph (g), ½ unit per acre.

"(9) (a) Seeding winter legumes, 1 unit per acre.

"(b) Seeding lespedeza in the Southern Region, ⅔ unit per acre.

"(12) Seeding timothy or redtop or a mixture consisting solely of timothy and redtop, ¼ unit per acre.

"(14) Natural reseeding of noncrop open pasture by nongrazing during the normal pasture season on an acreage equal to two-thirds of the number of acres of such pasture required to carry one animal unit for a 12-month period, 1 unit.

"(17) Green manure crops of which a good stand and good growth is plowed or disced under on land not subject to erosion or if subject to erosion such crop is followed by a winter cover crop. Cover crops of which a good stand and good growth is left on land subject to erosion or in orchards or on commercial vegetable or potato land or on such other land as is designated by the Agricultural Adjustment Administration. Green manure crops and cover crops shall not include (1) lespedeza, (2) any crop for which credit is given in 1940 under any other practice, (3) wheat on non-irrigated land except in humid areas designated by the Agricultural Adjustment Administration, (4) any crop from which seed is harvested by mechanical means, and (5) such other crops as may be determined by the Agricultural Adjustment Administration as not qualifiable for any area.

"Summer non-legumes, except in orchards or on commercial vegetable or potato land, ½ unit per acre.

"Other green manure and cover crops, 1 unit per acre.

"(18) Summer legumes not classified as soil-depleting (interplanted or grown in combination with soil-depleting crops) of which a good stand and good growth is obtained and the forage is not harvested or seed removed by mechanical means, ¼ unit per acre.

"(46) Renovation of perennial grasses or perennial legumes or mixtures of perennial grasses and perennial legumes, ½ unit per acre."

(13) The first sentence of subparagraph (5) of paragraph (i), section 701.101 is amended to read as follows:

[1] 4 F.R. 3867 DI.

"(5) *Productivity indexes.* The Secretary will establish for each county or portion of a county in Area A a county productivity index or per-acre rate of payment and deduction."

(14) Subparagraph (5) of paragraph (e), section 701.114, is amended to read as follows:

"(5) *Commercial orchards and perennial vegetables* means the acreage in planted or cultivated fruit trees, nut trees, vineyards, hops, bush fruits, or perennial vegetables on the farm on January 1, 1940 (excluding non-bearing orchards and vineyards and excluding perennial vegetables in the Northeast Region), from which the major portion of the production is normally sold."

Done at Washington, D. C., this 25th day of November 1939. Witness the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4367; Filed, November 25, 1939; 12:11 p. m.]

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SUBCHAPTER B—COMMODITY MARKETING QUOTAS

PART 721—CORN

*By the Secretary of Agriculture of the United States of America*

*A Proclamation*

Whereas section 328 of the Agricultural Adjustment Act of 1938, as amended, provides in part as follows:

The acreage allotment of corn for any calendar year shall be that acreage in the commercial corn-producing area which, on the basis of the average yield for corn in such area during the ten calendar years immediately preceding such calendar year, adjusted for abnormal weather conditions and trends in yield, will produce an amount of corn in such area which the Secretary determines will, together with corn produced in the United States outside the commercial corn-producing areas, make available a supply for the marketing year beginning in such calendar year, equal to the reserve supply level. The Secretary shall proclaim such acreage allotment not later than February 1 of the calendar year for which such acreage allotment was determined. * * *

and

Whereas Subsection (c) of Section 301 of said Act provides as follows:

The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this Act.

Now, therefore, be it known that I, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government, do hereby ascertain, determine, and proclaim under Section 328 of said Act:

§ 721.202 *Corn acreage allotment for the Commercial corn-producing area for 1940.* That the acreage allotment of corn for the commercial corn-producing area for the calendar year 1940 shall be 36,638,000 acres. (52 Stat. 52.202.)

Done at Washington, D. C., this 25th day of November, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4374; Filed, November 27, 1939; 11:26 a. m.]

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SUBCHAPTER B—COMMODITY MARKETING QUOTAS

PART 721—CORN

*By the Secretary of Agriculture of the United States of America*

*A Proclamation*

Whereas Sec. 327 of the Agricultural Adjustment Act of 1938, as amended, provides in part as follows:

Not later than February 1, the Secretary shall ascertain and proclaim the commercial corn-producing area.

And whereas subsection (b) of Sec. 301 of said act provides in part as follows:

(4) (A) "Commercial corn-producing area" shall include all counties in which the average production of corn (excluding corn used as silage) during the ten calendar years immediately preceding the calendar year for which such area is determined, after adjustment for abnormal weather conditions, is four hundred and fifty bushels or more per farm and four bushels or more for each acre of farm land in the county.

(B) Whenever prior to February 1 of any calendar year the Secretary has reason to believe that any county which is not included in the commercial corn-producing area determined pursuant to the provisions of subparagraph (A), but which borders upon one of the counties in such area, or that any minor civil division in a county bordering on such area, is producing (excluding corn used for silage) an average of at least four hundred and fifty bushels of corn per farm and an average of at least four bushels for each acre of farm land in the county or in the minor civil division, as the case may be, he shall cause immediate investigation to be made to determine such fact. If, upon the basis of such investigation, the Secretary finds that such county or minor civil division is likely to produce corn in such average amounts during such calendar year, he shall proclaim such determination, and, commencing with such calendar year, such county shall be included in the commercial corn-producing area.

And whereas subsection (c) of Sec. 301 of said Act provides:

The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this Act.

And whereas the Secretary of Agriculture, having had reason to believe that certain counties bordering on the commercial corn-producing area as determined under subparagraph (A) of Sec. 301 (b) (4) of said Act, and that certain minor civil divisions in certain counties bordering on such area are producing (excluding corn used for silage) an average of at least 450 bushels of corn per farm and an average of at least 4 bushels for each acre of farm land in the county or in the minor civil division, as the case may be, has caused reasonable investigation to be made to determine such facts with respect to such counties and minor civil divisions and to determine which, if any, of such counties or minor civil divisions are likely to produce corn in such average amounts during the calendar year 1940;

Now, therefore, be it known that I, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as Amended, upon the basis of such investigation and the latest available statistics of the Federal Government, do hereby ascertain, determine, and proclaim under Sections 301 and 327 of said Act:

§ 721.201 *Commercial corn-producing area for the year 1940.* That the commercial corn-producing area for the year 1940 embraces the following counties of the States specified, the counties listed under the heading "A" being the counties determined pursuant to subparagraph (A), and the counties listed under the heading "B" being the counties determined pursuant to subparagraph (B), of Section 301 (b) (4) of said Act:[1]

ILLINOIS

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Adams, Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, DeKalb, DeWitt, Douglas, DuPage, Edgar, Edwards, Effingham, Fayette, Ford, Fulton, Gallatin, Greene, Grundy, Hancock, Henderson, Henry, Iroquois, Jackson, Jasper, Jersey, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lawrence, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Macoupin, Madison, Marshall, Mason, Massac, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Piatt, Pike, Pulaski, Putnam, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Vermilion, Wabash, Warren, White, Whiteside, Will, Winnebago, and Woodford.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Cook, Hamilton, Hardin, Johnson, Marion, Perry, Pope, Randolph, Union, Washington, and Wayne.

INDIANA

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Adams, Allen, Bartholomew, Benton, Blackford, Boone, Carroll, Cass, Clay, Clinton, Daviess, Decatur, DeKalb, Delaware, Dubois, Fayette, Fountain, Franklin, Fulton, Gibson, Grant, Greene, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Jay, Johnson, Knox, Kosciusko, Lagrange, Lake, LaPorte, Madison, Marion, Marshall, Miami, Montgomery, Morgan, Newton, Noble, Parke, Porter, Posey, Pulaski, Putnam, Randolph, Rush, Saint Joseph, Shelby, Spencer, Starke, Steuben, Sullivan, Tippecanoe, Tipton, Union, Vanderburgh, Vermillion, Vigo, Wabash, Warren, Wayne, Wells, White, and Whitley.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Dearborn, Elkhart, Jennings, Lawrence, Martin, Monroe, Orange, Owen, Pike, Ripley, Scott, Warrick, and Washington.

IOWA

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Adair, Adams, Allamakee, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Pottawattamie, Poweshiek, Ringgold, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Winneshiek, Woodbury, Worth, and Wright.

B. *County included in commercial corn area under paragraph 4 (B), section 301 (b).* Appanoose.

MICHIGAN

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Lenawee, Monroe, and St. Joseph.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Berrien, Branch, Calhoun, Cass, Hillsdale, Jackson, Kalamazoo, Washtenaw, and Wayne.

MINNESOTA

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Blue Earth, Brown, Carver, Chippewa, Cottonwood, Dakota, Dodge, Faribault, Fillmore, Freeborn, Jackson, Kandiyohi, Lac Qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Martin, Meeker, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Redwood, Renville, Rice, Rock, Scott, Sibley, Steele, Stevens, Swift, Waseca, Watonwan, and Yellow Medicine.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Big Stone, Goodhue, Grant, Hennepin, Houston, Pope, Stearns, Traverse, Wabasha, Washington, Winona, and Wright.

MISSOURI

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Andrew, Atchison, Audrain, Buchanan, Caldwell, Carroll, Cass, Charlton, Clay, Clinton, Daviess, DeKalb, Dunklin, Gentry, Grundy, Harrison, Holt, Lafayette, Livingston, Marion, Mississippi, Monroe, New Madrid, Nodaway, Pettis, Pike, Platte, Ralls, Ray, St. Charles, Saline, Scott, Shelby, and Worth.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Adair, Bates, Benton, Boone, Callaway, Cape Girardeau, Clark, Cooper, Henry, Howard, Jackson, Johnson, Knox, Lewis, Lincoln, Linn, Macon, Mercer, Moniteau, Montgomery, Pemiscot, Perry, Putnam, Randolph, Saint Clair, Schuyler, Scotland, Stoddard, and Vernon.

NEBRASKA

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Adams, Antelope, Boone, Buffalo, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Dawson, Dixon, Dodge, Douglas, Fillmore, Franklin, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Howard, Jefferson, Johnson, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, and York.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Chase, Custer, Frontier, Hayes, Hitchcock, Kearney, Lincoln, Redwillow, and Sherman.

OHIO

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Allen, Auglaize, Butler, Champaign, Clark, Clinton, Crawford, Darke, Defiance, Delaware, Fairfield, Fayette, Franklin, Fulton, Greene, Hancock, Hardin, Henry, Highland, Huron, Knox, Licking, Logan, Madison, Marion, Mercer, Miami, Montgomery, Morrow, Paulding, Pickaway, Pike, Preble, Putnam, Ross, Sandusky, Seneca, Shelby, Union, Van Wert, Warren, Wayne, Williams, Wood, and Wyandot.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Adams, Ashland, Brown, Clermont, Coshocton, Erie, Hamilton, Holmes, Jackson, Lorain, Lucas, Medina, Muskingum, Ottawa, Perry, Richland, Scioto, and Stark.

SOUTH DAKOTA

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Bon Homme, Brookings, Clay, Lake, Lincoln, McCook, Minnehaha, Moody, Turner, Union, and Yankton.

B. *Counties included in commercial corn area under paragraph 4 (B), Section 301 (b).* Deuel, Grant, Hamlin, Hanson, Hutchinson, Kingsbury, and Roberts.

WISCONSIN

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Dane, Grant, Green, Lafayette, and Rock.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Columbia, Crawford, Iowa, Jefferson, Richland, Sauk, and Walworth.

KANSAS

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Atchison, Brown, Doniphan, Jackson, Jefferson, Marshall, Nemaha, Norton, Phillips, and Republic.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Anderson, Coffey, Douglas, Franklin, Jewell, Johnson, Leavenworth, Linn, Miami, Osage, Pottawatamie, Riley, Shawnee, Smith, and Washington.

KENTUCKY

A. *Counties included in commercial corn area under paragraph 4 (A), section 301 (b).* Fulton, Henderson, Hickman, and Union.

B. *Counties included in commercial corn area under paragraph 4 (B), section 301 (b).* Ballard, Carlisle, Crittendon, Daviess, Hancock, Livingston, McLean, and Webster.

(52 Stat. 31.)

Done at Washington, D. C. this 25th day of November 1939. Witness my hand and seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4375; Filed, November 27, 1939; 11:26 a. m.]

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[1] Agricultural Adjustment Act of 1938, as Amended.





## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3190]

IN THE MATTER OF SUPERIOR TEXTILE MILLS

§ 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Manufacturer:* § 3.96 (b) (5) *Using misleading name—Vendor—Producer or laboratory status of dealer.* Representing, in connection with offer, etc., in commerce, of fabrics or wearing apparel, through the use of the

word "Mills" in respondent's trade name, or of the terms "direct from mills to wearer", or any words or terms of similar import or meaning, or through any other means or device, or in any manner, that said respondent is the manufacturer of the products sold by him, unless and until such respondent actually owns and operates or directly and absolutely controls the manufacturing plant wherein said products are manufactured by him, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Superior Textile Mills, Docket 3190, November 15, 1939]

§ 3.6 (a) (10.5) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History.* Representing, in connection with offer, etc., in commerce, of fabrics or wearing apparel, that respondent's business was established in 1905, or at any time other than the date of its actual establishment, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Superior Textile Mills, Docket 3190, November 15, 1939]

§ 3.6 (dd) *Advertising falsely or misleadingly—Special offers:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers.* Representing, in connection with offer, etc., in commerce, of fabrics or wearing apparel, that any offer of merchandise is limited as to time or otherwise unless such offer is in fact so limited, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Superior Textile Mills, Docket 3190, November 15, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ABRAHAM STARR, AN INDIVIDUAL TRADING AS SUPERIOR TEXTILE MILLS

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission, upon complaint of the Commission, the answer of the respondent, testimony and other evidence taken before Edward E. Reardon, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, and in opposition thereto, brief filed herein by S. Brogdyne Teu, II, counsel for the Commission (the respondent having filed no brief and not having requested oral argument) and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent Abraham Starr, individually and trading as Superior Textile Mills, or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of fabrics or wearing apparel in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, through the use of the word "Mills" in respondent's trade name or of the term "direct from mills to wearer", or any words or terms of similar import or meaning, or through any other means or device, or in any manner that said respondent is the manufacturer of the products sold by him unless and until such respondent actually owns and operates or directly and absolutely controls the manufacturing plant wherein said products are manufactured by him;

2. Representing that any article regularly included in a combination offer with other articles is "free" or that the sale thereof constitutes a "free merchandise sale";

3. Representing, designating or describing any article or articles delivered to purchasers of other articles as "free" until and unless the conditions under which such article or articles are delivered to such purchasers are stated in immediate connection or conjunction with the term "free" in words, letters and figures of equal conspicuousness and there is no deception as to the price, quality, character or any other feature of any of the items in the offer;

4. Representing that respondent's business was established in 1905, or at any time other than the date of its actual establishment;

5. Representing that any offer of merchandise is limited as to time or otherwise unless such offer is in fact so limited.

*It is further ordered,* That respondent shall within sixty (60) days after service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4369; Filed, November 25, 1939; 12:26 p. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

## SECURITIES AND EXCHANGE COMMISSION

### SECURITIES ACT OF 1933

I. ADOPTION OF FORM S-10 FOR OIL OR GAS INTERESTS OR RIGHTS

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly Sections 7, 10, and 19 (a) thereof [C. 38, sec. 7, 48 Stat. 78; 15 U.S.C. 77g: C. 38, sec. 10, 48 Stat. 81; C. 404, sec. 205, 48 Stat. 906; 15 U.S.C., 77j: C. 38, sec. 19, 48 Stat. 85; C. 404, sec. 209, 48 Stat. 908; 15 U.S.C., 77s], and finding such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby adopts Form S-10 [1] [Sec. 239.S-10] to be used for registration under the Act of the classes of securities specified in the rule as to the use of the form.

The foregoing action shall be effective November 27, 1939, except that any registration statement filed with the Commission prior to January 15, 1940, may be filed on such form as would have been appropriate for use prior to the adoption of Form S-10 [Sec. 239.S-10].

II. AMENDMENT OF RULE S-300

The Securities and Exchange Commission, acting pursuant to the authority conferred upon it by the Securities Act of 1933, particularly Sections 3 (b) and 19 (a) thereof [C. 38, sec. 3, 48 Stat. 75; C. 404, sec. 202, 48 Stat. 906; C. 498, sec. 214, 49 Stat. 557; 15 U.S.C., 77c and Sup. III: C. 38 Sec. 19, 48 Stat. 85; C. 404, sec. 209, 48 Stat. 908; 15 U.S.C., 77s], and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby takes the following action:

Paragraphs (a) to (f), inclusive, of Rule S-300 [Sec. 230. S-300] are amended to read as follows:

"(a) The term 'fractional undivided interests in oil or gas rights' includes landowners' royalty interests, overriding royalty interests, working interests, participating interests, and oil or gas payments, as defined in subdivisions (b) to (f), inclusive, of this rule.

"(b) The term 'landowners' royalty interests' means fractional undivided interests in the royalty reserved by a landowner or fee owner upon the creation of an oil or gas lease.

"(c) The term 'overriding royalty interests' means fractional undivided interests or rights of participation in the oil or gas, or in the proceeds from the sale of the oil or gas, produced from a specified tract, which are limited in duration to the terms of an existing lease and which are not subject to any portion of the expense of development, operation, or maintenance.

"(d) The term 'working interests' means fractional undivided interests in an oil or gas leasehold which are subject to any portion of the expense of development, operation, or maintenance.

"(e) The term 'participating interests' means fractional undivided interests or rights of participation in the oil or gas, or in the proceeds from the sale of oil or gas, produced from a specified tract, which are limited in duration to the terms of an existing lease and which are subject to any portion of the expense of development, operation, or maintenance.

"(f) The term 'oil or gas payments' means fractional undivided interests or rights of participation in the oil or gas, or in the proceeds from the sale of oil or gas, produced from a specified tract, and which are limited to a maximum amount fixed in barrels of oil, cubic feet of gas, or dollars."

Effective November 27, 1939.

III. REPEAL OF FORMS G-1 AND G-2 AND RULES S-837 AND S-838

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly Sections 7, 10, and 19 (a) thereof [C. 38, sec. 7, 48 Stat. 78; 15 U.S.C., 77g: C. 38, sec. 10, 48 Stat. 81; C. 404, sec. 205, 48 Stat. 906; 15 U.S.C., 77j: C. 38, sec. 19, 48 Stat. 85; C. 404, sec. 209, 48 Stat. 908; 15 U.S.C., 77s], and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby takes the following action:

(1) Forms G-1 [Sec. 239.G-1] and G-2 [Sec. 239.G-2] and the instructions thereto as presently in effect are repealed.

(2) Rules S-837 [Sec. 230.S-837] and S-838 [Sec. 230.S-838] as presently in effect are repealed.

Effective January 15, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4376; Filed, November 27, 1939; 11:54 a. m.]

[1] Filed as a part of the original document; requests for copies should be addressed to the Securities and Exchange Commission.



### SECURITIES EXCHANGE ACT OF 1934

AMENDMENT NO. 6 TO THE INSTRUCTION BOOK FOR FORM 11; AMENDMENT NO. 3 TO THE INSTRUCTION BOOKS FOR FORMS 12 AND 12-A; AMENDMENT NO. 1 TO THE INSTRUCTION BOOKS FOR FORMS 13, 14, 16, 17, AND 19; AMENDMENT NO. 2 TO THE INSTRUCTION BOOK FOR FORM 15

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly Sections 12 and 23 (a) thereof [C. 404, sec. 12, 48 Stat. 892; C. 462, sec. 1, 49 Stat. 1375; 15 U.S.C., 781 and Sup. III: C. 404, sec. 23, 48 Stat. 901; C. 462, sec. 8, 49 Stat. 1379; 15 U.S.C., 78w and Sup. III], hereby amends the Instruction Books for Forms 11 [Sec. 249.11], 12 [Sec. 249.12], 12-A [Sec. 249.12-A], 13 [Sec. 249.13], 14 [Sec. 249.14], 15 [Sec. 249.15], 16 [Sec. 249.16], 17 [Sec. 249.17], and 19 [Sec. 249.19] as follows:

Instruction 3 of the "General Rules as to the Form" in the Instruction Books for Forms 11 [Sec. 249.11], 12 [Sec. 249.12], 13 [Sec. 249.13], 14 [Sec. 249.14], 15 [Sec. 249.15], and 17 [Sec. 249.17]; Instruction 3 of the "Rules as to Part I of the Form" in the Instruction Books for Forms 16 [Sec. 249.16] and 19 [Sec. 249.19]; and Instruction 4 to the general instructions in the Instruction Book for Form 12-A [Sec. 249.12-A] are amended by deleting the paragraphs set forth under such instructions and inserting in lieu thereof the following paragraph:

"Attention is called to Section 24 (b) [C. 404, sec. 24, 48 Stat. 901; 15 U.S.C., 78x] of the Act and to Rule X-24B-2 [Sec. 240.X-24B-2] of the General Rules and Regulations of the Commission concerning the right of the registrant to object to the public disclosure of material filed and the procedure to be followed in regard thereto."

Effective November 27, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4377; Filed, November 27, 1939; 11:54 a. m.]

## TITLE 22—FOREIGN RELATIONS

## DEPARTMENT OF STATE

REGULATIONS UNDER SECTION 2 (c) AND (i) OF THE JOINT RESOLUTION OF CONGRESS APPROVED NOVEMBER 4, 1939

NOVEMBER 25, 1939.

By virtue of the authority vested in him by the President's Proclamation of November 4, 1939,[1] to promulgate such rules and regulations not inconsistent with law as may be necessary and proper to carry out the provisions of section 2 (c) and (i) of the Joint Resolution of Congress approved November 4, 1939, as made effective by that proclamation, the Secretary of State hereby prescribes the following regulation supplementary to those prescribed on November 10, 1939: [2]

(5). "The shipper's declaration (oath) required by section 2 (c) of the Neutrality Act of 1939 must be filed with the Collector of the Port from or through which articles or materials are exported prior to the exportation from the United States of such articles or materials. If the required declarations (oaths) have not been filed with regard to all articles and materials on any vessel before clearance thereof, the vessel may nevertheless be cleared if, but only if, the Collector of Customs to whom request for clearance is made is satisfied that the transfer of right, title and interest required by section 2 (c) has been made as to all such articles and materials. All failures by shippers to file the declarations (oaths) as required by this regulation shall be referred to the United States Attorney having jurisdiction."

[SEAL] CORDELL HULL, *Secretary of State.*

[F. R. Doc. 39-4371; Filed, November 25, 1939; 12:51 p. m.]

[1] 4 F.R. 4493 DI.

## TITLE 46—SHIPPING

## CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 5]

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

Section 5.83 [1] *Declaration as to Right, Title, and Interest in Articles or Materials,* is amended by the addition of a new subsection, (c), at the end thereof to read as follows:

"(c) If the required declarations (oaths) have not been filed with regard to all articles and materials on any vessel before clearance thereof, the vessel may nevertheless be cleared if, but only if, the collector of customs to whom request for clearance is made is satisfied that the transfer of right, title and interest required by section 2 (c) has been made as to all such articles and materials. The shipper's declaration (oath) required by section 2 (c) of the Neutrality Act of 1939 must be filed with the collector of the port from or through which articles or materials are exported prior to the exportation from the United States of such articles or materials. All failures by shippers to file the declarations (oaths) as required by this regulation shall be referred to the United States

[2] 4 F.R. 4598 DI.

[1] 4 F.R. 4499 DI.

attorney having jurisdiction. [Section 161 R.S.; 5 U.S.C. 22]"

[SEAL] SOUTH TRIMBLE, JR.,
*Acting Secretary of Commerce.*

NOVEMBER 25, 1939.

[F. R. Doc. 39-4372; Filed, November 25, 1939; 1:01 p. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-9]

ORDER IN THE MATTER OF FILING OF CONTRACTS BY CONTRACT CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-27]

CENTRAL TERRITORY CONTRACT CARRIER RATES

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 6th day of November, A. D. 1939.

*It appearing*, That by order entered in the above-entitled proceedings dated March 23, 1939, the Commission, after reciting the provisions of its order of June 8, 1937, in Ex Parte No. MC-9, the issues raised by the order of division 5 of August 1, 1938, in Ex Parte No. MC-27, and certain questions which had arisen in connection therewith, broadened the scope of these proceedings to the extent of making all contract carriers by motor vehicle subject to the provisions of the Motor Carrier Act, 1935, respondents therein, and required the said respondents to appear before it on May 3, 1939, and to show cause, if any they had, why the contracts for the transportation of property which said carriers had filed with the Commission pursuant to the said order of June 8, 1937, should not be opened to public inspection, and why such carriers should not be required, when it appears necessary and desirable in proceedings before the Commission, to furnish the same or similar information called for in a questionnaire attached to said order of March 23, 1939:

*It further appearing*, That all parties appearing pursuant to the said order of March 23, 1939, were fully heard by the Commission, that a full investigation of the matter and things involved has been made, and that the Commission, on the date hereof, has made and filed a report containing its findings of fact and conclusions thereon, which said report and the said orders of June 8, 1937, August 1, 1938, and March 23, 1939, are hereby referred to and made parts hereof:[1]

*It is ordered*, That the said order of June 8, 1937, as amended by the order of October 24, 1938, entered in connection with the report in *Contracts of Contract Carriers*, 11 M. C. C. 693, be, and it is hereby, further amended to provide that on and after April 1, 1940, all contracts filed pursuant thereto shall be placed in the public files of the Commission and made available for public inspection, and that in all other respects the said order of June 8, 1937, shall continue in force and effect until the further order of the Commission.

*It is further ordered*, That, except as provided in the next succeeding paragraph hereof and in the said order of October 24, 1938, all respondents in Ex Parte No. MC-27 under the said order of August 1, 1938, be, and they are hereby, notified and required to file with the Commission, at its office in Washington, D. C., on or before January 15, 1940, in duplicate, a true and verified return to the questionnaire made a part of this order and marked appendix.[1]

*And it is further ordered*, That the respondents in Ex Parte No. MC-27 under the said order of August 1, 1938, who are engaged exclusively in package deliveries or other strictly local services entirely within commercial areas, who do not therein interchange traffic with any other carrier or in any other manner participate in the through and continuous movement of property to or from points outside such areas, be, and they are hereby, notified and required to file with the Commission, at its office in Washington, D. C., on or before January 15, 1940, in duplicate, a true and verified return to questions 1 to 3, inclusive, of the questionnaire made a part of this order and marked Appendix, but that such respondents be, and they are hereby, exempted from filing any return to questions 4 to 12, inclusive, of said questionnaire.

By the Commission.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-4360; Filed, November 25, 1939; 10:18 a. m.]

[1] Filed as a part of the original document with the Division of the Federal Register. The National Archives; requests for copies should be addressed to the Interstate Commerce Commission.

## *Notices*

### DEPARTMENT OF AGRICULTURE.

**Division of Marketing and Marketing Agreements.**

[Docket No. A-121, O-121]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND ORDER NO. 30, AND THE TENTATIVELY APPROVED MARKETING AGREEMENT, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

Whereas, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary issued Order No. 30 [1] regulating the handling of milk in the Toledo, Ohio, marketing area, effective September 16, 1938; and

Whereas, the Secretary, on July 30, 1938, tentatively approved a marketing agreement regulating the handling of milk in the Toledo, Ohio, marketing area; and

Whereas, the Northwestern Cooperative Sales Association, Inc., has proposed certain amendments to said Order No. 30 and to said tentatively approved marketing agreement; and

Whereas, the Secretary has reason to believe that the declared policy of said act will be effectuated by holding a hearing on a proposal to amend Order No. 30 and said tentatively approved marketing agreement; and

Whereas, under the aforesaid act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended,[2] of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice of and opportunity for hearing upon amendments to marketing agreements and orders:

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on a proposal to amend Order No. 30 and the tentatively approved marketing agreement regulating the handling of milk in the Toledo, Ohio, marketing area, beginning at 10:00 a.m., e. s. t., December 2, 1939, in the Hotel Waldorf, 310 Summit Street, Toledo, Ohio.

This public hearing is for the purpose of receiving evidence as to whether or not the declared policy of said act will be effectuated by (1) eliminating certain towns and villages from the definition of "marketing area"; (2) changing the delivery period from a semi-monthly to a monthly period; (3) including a special price for Class I milk disposed of under any relief program which the Secretary might approve for the Toledo, Ohio, area; (4) revising the method of pricing Class I milk sold outside the marketing area so as to provide that Class I milk so sold shall be priced at the level of prevailing prices in the market where sold, such prices to be ascertained by the market administrator; (5) including a "market-sharing" (base-rating) plan of distributing to producers the proceeds from the sale of their milk; and (6) increasing the producer marketing service deduction from 2 cents to 4 cents per hundredweight of milk.

Copies of said proposal prepared as a basis for the public hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, Washington, D. C., or may be there inspected.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

Dated, November 25, 1939.

[F. R. Doc. 39-4368; Filed, November 25, 1939; 12:11 p. m.]

[1] 3 F.R. 2169 DI.

[2] 1 F.R. 155.



**Rural Electrification Administration.**

[Administrative Order No. 412]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 16, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Georgia 8081B1 Towns | $45,000 |
| Mississippi 0049A1 Lee | 51,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-4357; Filed, November 24, 1939; 3:11 p. m.]

### DEPARTMENT OF LABOR.

**Wage and Hour Division.**

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 4 FOR THE HAT INDUSTRY

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to Section 5 (b) of the Fair Labor Standards Act of 1938, on March 7, 1939, by Administrative Order No. 16,[1] appointed Industry Committee No. 4 for the Hat Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas, Industry Committee No. 4, on September 6, 1939, recommended minimum wage rates for the Hat Industry and has thereafter duly adopted a report containing said recommendations and reasons therefor and has filed such report with the Administrator on November 25, 1939, pursuant to Section 8 (d) of the Act and Section 511.19 of the Regulations issued under the Act; and

Whereas, the Administrator is required by Section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendations of Industry Committee No. 4 if he finds that the recommendations are made in accordance with law and are supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendations;

Now, therefore, notice is hereby given that:

I. The recommendations of Industry Committee No. 4 are as follows:

(1) Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in the production of (a) fur-felt or wool-felt headwear for men or boys or (b) felt hat bodies from fur or wool for men's, boys', women's or children's hats.

(2) Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in the production of hatters' furs.

(3) Every employer shall pay not less than 40 cents per hour to each of his employees who is engaged in the production of silk and opera hats.

(4) Every employer shall pay not less than 35 cents per hour to each of his employees who is engaged in the production of men's or boys' straw [2] or harvest hats. This recommendation does not apply to Puerto Rico.

(5) Every employer shall pay not less than 30 cents per hour to each of his employees who is engaged in the production, in Puerto Rico, of men's or boys' straw [2] or harvest hats.

II. The definition of the Hat Industry, as set forth in Administrative Order No. 16, issued March 7, 1939, and amended by Administrative Order No. 22, dated May 6, 1939, is as follows:

(a) The manufacture from any material of headwear for men or boys, except caps and cloth hats,

(b) The manufacture of felt hat bodies from fur or wool for men's, boys', and women's or children's hats,

(c) The manufacture or processing of hatters' furs.

III. The full text of the report and recommendations of Industry Committee No. 4 is available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, 120 Boylston Street.

New York, New York, 412 Federal Building, 641 Washington Street.

Philadelphia, Pennsylvania, 1630 Widener Building.

Pittsburgh, Pennsylvania, 216 Old Post Office Building.

Newark, New Jersey, 1004 Kinney Building, 790 Broad Street.

Cleveland, Ohio, 728 Standard Building, 1370 Ontario Avenue.

Cincinnati, Ohio, 421 Keith Building, 525 Walnut Street.

Detroit, Michigan, 358 Federal Building.

Chicago, Illinois, 955 Merchandise Mart.

Indianapolis, Indiana, 708 Railway Exchange Building.

Richmond, Virginia, 215 Richmond Trust Building.

Baltimore, Maryland, Snow Building, 6th Floor, Calvert and Lombard Streets.

Washington, District of Columbia, Department of Labor, 5th Floor.

Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.

Birmingham, Alabama, 818 Comer Building.

Jacksonville, Florida, 225 Post Office Building.

Charlotte, North Carolina, 409 Johnston Building, 212 South Tryon Street.

Nashville, Tennessee, 119 Seventh Avenue, North.

St. Louis, Missouri, 314 Old Custom House Building, 815 Olive Street.

Kansas City, Missouri, 504 Title and Trust Building.

Minneapolis, Minnesota, 406 New Post Office Building.

Denver, Colorado, 106 Old Custom House Building.

Dallas, Texas, 618-621 Wilson Building.

San Antonio, Texas, 716 Maverick Building.

New Orleans, Louisiana, 516 Carondelet Building.

San Francisco, California, 785 Market Street.

Los Angeles, California, H. W. Hellman Building, 354 S. Spring Street.

Seattle, Washington, 206 Hartford Building.

San Juan, Puerto Rico, Box 1431 Post Office.

Juneau, Alaska, B. D. Stewart, Commissioner of Mines.

Copies of the Committee's report and recommendations may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendations of Industry Committee No. 4 shall be approved or disapproved pursuant to Section 8 of the Act will be held on December 18, 1939, at 10:00 a. m. in the Raleigh Hotel, Washington, D. C., before a presiding officer to be designated prior to such hearing by the Administrator of the Wage and Hour Division, United States Department of Labor.

V. Any interested person, supporting or opposing the recommendations of Industry Committee No. 4, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; provided, that not later than December 14, 1939, such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and

[1] 4 F.R. 1186 DI.

[2] The term "straw" is used in the trade sense and is not confined to materials made from natural fibers.

address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendations of Industry Committee No. 4.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the presiding officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter.

2. In order to maintain orderly and expeditious procedure each person filing a Notice to Appear will be notified of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. The Industry Committee will be represented at the hearing by its counsel who will open and close the proceeding.

5. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

6. All evidence must be presented under oath or affirmation.

7. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

8. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

9. Subpoenas requiring the attendance of witnesses or the presentation of documents from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

10. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the Courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

11. The rules of evidence prevailing in courts of law or equity shall not be controlling.

12. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer.

13. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the requests, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

14. Briefs may be submitted to the Administrator, following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs and the rules and regulations as to the contents and manner of presentation thereof, shall be given by the Administrator in such manner as shall be deemed suitable by him.

15. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

16. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 25th day of November 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4381; Filed, November 27, 1939; 12:51 p. m.]

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## APPLICATION OF THE COTTON TEXTILE INSTITUTE AND SUNDRY OTHER PARTIES FOR PERMISSION TO EMPLOY LEARNERS IN THE TEXTILE INDUSTRY AT WAGE RATES LESS THAN THE APPLICABLE MINIMUM SPECIFIED

### NOTICE OF REOPENED HEARING

Whereas the original applications made by the Cotton Textile Institute and sundry other parties pursuant to Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 522—Regulations Applicable to Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act of 1938—Title 29, Labor, Chapter V—Wage and Hour Division) issued by the Administrator thereunder, for permission to employ learners in the Textile Industry at wages less than the minimum applicable under Section 6 of the Act were withdrawn after a public hearing was held upon said applications in Washington, D. C., on November 28, 29, and 30, 1938 [1] before Merle D. Vincent, a representative of the Administrator duly authorized to conduct said hearing; and

Whereas the Cotton Textile Institute and sundry other parties made application for a reconvening of the said hearing under said Act and regulations and for permission to employ learners in the Cotton Textile Industry at wages lower than the minimum wage applicable under Section 6 of the Act by virtue of the Textile Wage Order; and

Whereas after due notice a reconvened public hearing was held on these applications in Washington, D. C., on October 12, 1939, before Merle D. Vincent, authorized representative of the Administrator, who was duly designated to preside at the hearing and to determine:

(a) What, if any, occupation or occupations in the Textile Industry require a learning period; and

(b) The factors which may have a bearing upon curtailment of opportunities for employment within the Textile Industry, or branch thereof; and

(c) Under what limitations as to wages, time, number, proportion, and length of service special certificates may be issued to employers in the Textile Industry, or branch thereof, for whatever occupation, or occupations, if any, are found to require a learning period; and

Whereas the said Merle D. Vincent duly made findings of fact, copies of which were filed in the office of the Acting Administrator on November 4, 1939, and which contained the following determination and order:

1. On or after October 31, 1939, special certificates shall be issued permitting employment of learners in the Textile Industry at subminimum rates in the textile occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, except that no certificate shall be deemed to apply to any employees performing functions similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, time keepers, machine cleaners, janitors, and truckers. In the tufted bedspread branch of the industry, certificates shall be issued for the occupations of punchwork operation and chenille operation, and only such occupations. In the curtain branch of the industry, certificates shall be issued for the operation of sewing machines, but for no other occupation.

All such special certificates shall be issued, upon the following terms, to all plants in the industry making application therefor representing that experienced workers are not available to the plant, unless experienced workers are found to be available:

(a) Learners employed under the certificate shall be paid at a rate of not less than 25 cents an hour; *Provided*, That in all plants where experienced operators are paid on a piece-work rate, learners in the same occupations shall be paid at least the same piece-work rate and shall receive earnings paid on this rate, if in excess of the above-stated minimum.

(b) No learner shall be employed under the certificate longer than 6 weeks; *Provided*, That in the tufted bedspread branch of the industry no learner shall be employed longer than 8 weeks as a chenille operator, and not longer than 16 weeks as a punchwork operator, and not longer than one 8-week retraining period for chenille operators learning punchwork; *Provided, further*, That in the curtain branch of the industry no learner shall be employed under the certificate longer than 8 weeks.

(c) Learners employed under the certificate shall not exceed 3 percent of the total number of persons in the learner occupations, provided that in the tufted bedspread branch of the industry learners shall not exceed 5 percent of the total number of chenille and punchwork operators; provided further that, in the curtain branch of the industry, learners shall not exceed 5 percent of the total number of sewing-machine operators; and provided finally that the employment of as many as 3 learners may be authorized by any certificate except that in the tufted bedspread and curtain branches of the industry as many as 5 learners may be authorized by any certificate. In cases of plant expansion or new plants, certificates may be issued under Part 522 of the Regulations for a larger number of learners if need therefor is found.

(d) Only learners shall be employed at a subminimum wage under the certificate, and no learner shall be employed under the certificate unless hired when an experienced worker was not available.

(e) No learner shall be employed at a subminimum wage under the certificate until and unless a copy of this certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

2. Any special certificate issued pursuant to this order may be cancelled as of the date of issue if it is found that such certificate was issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that skilled workers have become available. No certificate issued pursuant to this order shall be valid after October 24, 1940, subject to modification or extension on or before that time following an appropriate reconsideration of this Order.

3. In this Order the term "learner" shall mean a person who has had less than 6 weeks' experience in the aggregate in any of the learner occupations in any branch of the Textile Industry except tufted bedspreads and curtains. In the tufted bedspread branch of the industry the term "learner" shall mean a person who has had less than 8 weeks' experience as a chenille operator, or 16 weeks' experience as a punchwork operator, or less than 8 weeks' experience as a chenille operator plus 8 weeks retraining as a punchwork operator. In the curtain branch of the industry, the term "learner" shall mean a person who has had less than 8 weeks' experience as a sewing-machine operator. If any worker has partially completed the applicable learning period, as prescribed above, the time thus served shall be deducted from the learning period authorized by special certificate upon any subsequent employment.

4. In this Order the term "Textile Industry" is defined as under the Textile Wage Order as follows:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs) from cotton, silk, flax, jute or any synthetic fibre, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in the establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding or filling and the processing of waste from the fibers enumerated in clause (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze, bath mats and related articles; bedspreads; blankets, diapers; dishcloths, scrubbing cloths and wash-cloths; sheets and pillow cases; tablecloths, luncheloths and napkins; towels; and window-curtains;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn;

(g) The manufacturing or processing of yarn or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

This definition shall not be deemed to include the Wool Industry, and the operations of said industry are excluded from this Determination and Order, and

Whereas, a notice of opportunity to petition for review of said Determination and Order was published in the FEDERAL REGISTER on November 8, 1939 (4 F.R. 4531 DI), and

Whereas, prior to the said hearing on October 12, 1939, the Curtain Manufacturer's Guild, Incorporated, had expressed itself as opposed to the granting of special certificates for the employment of learners at subminimum rates in the curtain branch of the textile industry, and,

Whereas, it appears that the Curtain Manufacturer's Guild, Incorporated, represents a substantial part of the curtain industry and that said Curtain Manu-

[1] 4 F.R. 4175 DI.

facturer's Guild, Incorporated, did not have actual notice of the said hearing on October 12, 1939, and, therefore, did not appear or present evidence at said hearing, and

Whereas, equity and fairness would appear to require that the said hearing be re-opened to permit the introduction of further evidence relevant to the necessity for the issuance of special certificates for the employment of learners at sub-minimum rates in the curtain branch of the textile industry,

Now, therefore, notice is hereby given that the aforesaid hearing will be re-opened on December 13, 1939, at 10 a. m. in Room 301, 939 D Street NW., Washington, D. C., and Merle D. Vincent is hereby designated as presiding officer to conduct the said hearing to take further testimony for the purpose of redetermining and to redetermine:

(a) What, if any, occupation or occupations in the curtain branch of the textile industry require a learning period, and,

(b) The factors which may have a bearing upon curtailment of opportunities for employment within the curtain branch of the textile industry, and

(c) Under what limitations, as to wages, time, number, proportion, and length of service, special certificates may be issued to employers in the curtain branch of the textile industry for whatever occupation or occupations, if any, are found to require a learning period.

At this re-opened hearing, opportunity to present evidence relevant to the above questions will be afforded any interested person, provided the presiding officer, Merle D. Vincent, shall have received from such person prior to noon, December 12, 1939, a notice of intention to appear, setting forth his name and address and the approximate length of such presentation.

Signed at Washington, D. C., this 27th day of November, 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4383; Filed, November 27, 1939; 12:51 p. m.]

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NOTICE OF REVIEW OF DETERMINATION AND ORDER RELATIVE TO EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY AT WAGES LOWER THAN THE MINIMUM WAGE APPLICABLE UNDER SECTION 6 OF THE FAIR LABOR STANDARDS ACT OF 1938

Whereas, the National Knitted Outerwear Association, the Underwear Institute, and sundry other parties having made application under Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 522—Regulations Applicable to Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act of 1938—Title 29, Labor, Chapter V—Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners in the Knitted Wear Industry at wages lower than the minimum wage applicable under Section 6 of the Act, and

Whereas, after due notice a hearing was held on these applications before Merle D. Vincent, authorized representative of the Administrator, who was duly designated to preside at the hearing and to determine:

(a) What, if any, occupation or occupations in the Knitted Wear and Hosiery Industry require a learning period, and

(b) Whether it is necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of persons in occupations requiring a learning period at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and

(c) If such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6 such employment of learners shall be permitted, and with what limitations as to time, number, proportion and length of service; and

Whereas, following such hearing, the said Merle D. Vincent duly made findings of fact, determination and order, and filed same with the Acting Administrator on October 20, 1939, and

Whereas, on October 24, 1939, the Acting Administrator caused to be published in the FEDERAL REGISTER a notice which set forth in full the determination and order of the presiding officer and stated that, pursuant to the provisions of Section 522.13 of the aforesaid Regulations, as amended, within fifteen days after October 24, 1939, persons aggrieved by the said determination and order might file petitions for review of the action of the said representative, and

Whereas, petitions for review, copies of which are on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties, have been duly filed by the National Knitted Outerwear Association and the Underwear Institute;

Now, therefore, the petitions for review are hereby granted and notice is hereby given that the Administrator, for the purpose of reviewing the action of the aforementioned presiding officer, and to make a final determination of the questions set forth in the second paragraph of this notice with respect to the knitted wear industry, will receive briefs from interested parties either in support of or in opposition to the aforementioned determination and order, provided that original briefs are filed with the Administrator, Wage and Hour Division, prior to the close of business December 21, 1939, and provided that rebuttal briefs are filed with the Administrator prior to the close of business December 30, 1939. All briefs will be available for inspection by interested parties in Room 5144, U. S. Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 27th day of November 1939.

HAROLD D. JACOBS,
*Acting Administrator.*

[F. R. Doc. 39-4383; Filed, November 27, 1939; 12:52 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective November 28, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Middletown Hosiery Mills, Middletown, Delaware.

LeReine Hosiery Mills, Inc., Zeeland, Michigan.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 28th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4384; Filed, November 27, 1939; 12:57 p. m.]



NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 28, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates shall be cancelled as of the date of its issue if found that experienced workers were available when the Certificate was issued and shall be cancelled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Dick's Dress Company, Rutland, Vermont (5 learners), dresses.

Alperin Strauss Company, Seymour, Indiana, dress shirts.

Hershey Garment Company, Paradise, Pennsylvania, undergarments and negligees.

Jay Gee Manufacturing Co., Perkasie, Pennsylvania (5 learners), children's sportswear.

Lexington Shirt Corporation, Lexington, North Carolina, dress shirts.

Piedmont Shirt Company, Greenville, South Carolina, shirts.

Reliance Manufacturing Company, Mitchell, Indiana (5 learners), work shirts and jackets.

H. Bomze and Brother, Laurel, Delaware (5 learners), house dresses.

Ely & Walker Dry Goods Co., 8th & Hickory Streets, St. Louis, Missouri, dresses.

Ely & Walker Dry Goods Co., 16th & Locust Streets, St. Louis, Missouri, men's lounging robes.

The "Sel-Mor" Garment Co., Inc., 923 Washington Avenue, St. Louis, Missouri, ladies' rayon underwear.

Signed at Washington, D. C., this 27th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4385; Filed, November 27, 1939; 12:58 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective November 28, 1939, until March 26, 1940 subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that (a) experienced stitching machine operators are not available and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a sub-minimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such Certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Jay Gee Manufacturing Company, Perkasie, Pennsylvania. | Children's Sportswear. | 15 |

Signed at Washington, D. C., this 27th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4386; Filed, November 27, 1939; 12:58 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 28, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sew-

ing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour; *Provided, however*, That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of the terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Puritan Knitting Mills Corp., Altoona, Pennsylvania, sportswear.

Signed at Washington, D. C., this 27th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4390; Filed, November 27, 1939; 12:59 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are isued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective November 28, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks' experience as a chenille operator or less than sixteen (16) weeks' experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour: *Provided, however*, That if experienced workers are paid on a piecework rate learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight (8) weeks re-training period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available and no learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(4) These Certificates expire October 24, 1940, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be cancelled as of the date of issue if it is found that it was issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Lindley Mfg. Co., Powder Springs, Georgia (4 learners), bedspreads.

G. H. Rauschenberg Co., Dalton, Georgia, bedspreads.

Signed at Washington, D. C., this 27th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4386; Filed, November 27, 1939; 12:59 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective November 28, 1939, until May 28, 1940, unless otherwise indicated subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks' experience as a chenille operator or less than sixteen (16) weeks' experience as a punch work operator or less than eight (8) weeks' experience as a chenille operator plus eight (8) weeks' re-training as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learner may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight (8) weeks' re-training period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available and no learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.



(4) These Special Certificates are issued on representations by the employers that (a) experienced operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation sooner by the Administrator or his authorized representative for cause. These Certificates may be cancelled as of the date of their issuance. If it is found upon objection duly filed within fifteen (15) days following the publication of their issuance that the issuance of these Certificates was not necessary to prevent curtailment of opportunities for employment, they may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the Employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Lindley Company, Powder Springs, Georgia. | Bedspreads..... | 6 |

Signed at Washington, D. C., this 27th day of November, 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4389; Filed, November 27, 1939; 12:59 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act. Section 522.5 (d) of Regulations Part 522 as amended to the employers listed below effective November 28, 1939 until October 24, 1940 subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under this Certificate until and unless a copy of it is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Certificates expire October 24, 1940 and are subject to cancellation sooner by the Administrator or his authorized representative by the employers that experienced workers are not available and may be cancelled as of the date of issue if it is found that it was issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of its terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) per cent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated herein below opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Valdese Manufacturing Co. Inc., Valdese, North Carolina, cotton yarns.

Dixie Mercerizing Company, Chattanooga, Tennessee, cotton yarns.

Dupont Textile Mills, Inc., Avoca, Pennsylvania, silk throw.

Abbot Worsted Company, Forge Village, Massachusetts, mohair and worsted yarns.

R. & G. Silk Throwing Co. Inc., Bloomsburg, Pennsylvania, silk and rayon throwing.

Signed at Washington, D. C., this 28th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4387; Filed, November 27, 1939; 12:58 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 28-401-E-1]

IN THE MATTER OF THE APPLICATION OF URABA, MEDELLIN AND CENTRAL AIRWAYS, INC., FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF POSTPONEMENT OF HEARING

At the request of counsel for the applicant, and with the concurrence of counsel for the Authority, public hearing in the above-entitled proceeding, being the application of Uraba, Medellin and Central Airways, Inc., for a permanent certificate of public convenience and necessity authorizing air transportation between Cristobal, Canal Zone, and Medellin, Colombia, with intermediate stops at Balboa, Canal Zone, and at Turbo, Colombia, now assigned for November 27, 1939,[1] is hereby postponed to a date to be hereafter assigned.

Dated Washington, D. C., November 21, 1939.

[SEAL] F. A. LAW, Jr.,
*Examiner.*

[F. R. Doc. 39-4358; Filed, November 25, 1939; 9:28 a. m.]

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[Docket No. 264]

IN THE MATTER OF CERTAIN CONTRACTS AND OTHER TRANSACTIONS BETWEEN MARQUETTE AIRLINES, INC., AND AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

At the request of counsel for the Authority, public hearing in the above-entitled proceeding, being an investigation instituted by orders of the Authority dated June 27, 1939, and October 18, 1939, (1) to determine whether or not any contracts, agreements, and transactions by and between Marquette Airlines, Inc., and American Airlines, Inc., are adverse to the public interest, are in violation of any provisions of said Act, or constitute acts prohibited by any of the provisions of said Act; (2) to determine whether or not any of the foregoing matters require any further action by the Authority pursuant to the provisions of said Act; and (3) to determine whether or not there exist any relations between, or common control of, Marquette Airlines, Inc., and American Airlines, Inc., directly, or indirectly through third persons, in violation of any of the provisions of said Act, now assigned for November 27, 1939, is hereby postponed to November 29, 1939, 10 o'clock a. m. (Eastern Standard Time), at the Roosevelt Hotel, New York, N. Y., before Examiner Frank A. Law, Jr.

All subpoenas, personal or *duces tecum*, heretofore issued and returnable on November 27, 1939, at 10 o'clock a. m., are by this notice made returnable instead

[1] 4 F.R. 4552 DI.

on November 29, 1939, at the postponed hearing as aforesaid.

[SEAL] FRANK A. LAW, JR., *Examiner.*

NOVEMBER 25, 1939.

[F. R. Doc. 39-4373; Filed, November 27, 1939; 10:17 a. m.]

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IN THE MATTER OF CERTAIN CONTRACTS AND OTHER TRANSACTIONS BETWEEN MARQUETTE AIRLINES, INC., AND AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, being an investigation instituted by orders of the Authority dated June 27, 1939 and October 18, 1939, (1) to determine whether or not any contracts, agreements, and transactions by and between Marquette Airlines, Inc., and American Airlines, Inc., are adverse to the public interest, are in violation of any provisions of said Act, or constitute acts prohibited by any of the provisions of said Act; (2) to determine whether or not any of the foregoing matters require any further action by the Authority pursuant to the provisions of said Act; and (3) to determine whether or not there exist any relations between, or common control of, Marquette Airlines, Inc., and American Airlines, Inc., directly, or indirectly through third persons, in violation of any of the provisions of said Act, now assigned for November 22, 1939, is hereby postponed to November 27, 1939, 10 o'clock a. m. (Eastern Standard Time) at the Roosevelt Hotel, New York, N. Y., before Examiner Frank A. Law, Jr.

Dated Washington, D. C., November 21, 1939.

[SEAL] FRANK A. LAW, JR., *Examiner.*

[F. R. Doc. 39-4359; Filed, November 25, 1939; 9:28 a. m.]

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## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3702]

IN THE MATTER OF MATHEW W. M. DEVITT, ROY D. SCHLEGEL, AND ROBERT E. SARGENT, TRADING AS AUTOGROOM COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That John W. Addison, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, December 4, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commissioner.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4355; Filed, November 24, 1939; 2:36 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3790]

IN THE MATTER OF BUFORD & OWENS COLLEGE, A CORPORATION, GUSSIE BUFORD, MARY OWENS BOONE WELLINGHAM AND GEORGE BUFORD, INDIVIDUALLY AND AS OFFICERS OF BUFORD & OWENS COLLEGE

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, December 4, 1939, at ten o'clock in the forenoon of that day (central standard time) in the ninth floor Court Room, Federal Building, Oklahoma City, Oklahoma.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-3790; Filed, November 24, 1939; 2:37 p. m.]

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*United States of America—Before Federal Trade Commission*

[Docket No. 3955]

IN THE MATTER OF JASPER W. EFIRD, AN INDIVIDUAL; CHARLOTTE MERCANTILE COMPANY, A CORPORATION; EFIRD'S DEPARTMENT STORE OF CHARLOTTE, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF WILMINGTON, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF RALEIGH, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE, INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF SALISBURY, N. C., INC., A CORPORATION; THE EFIRD MERCANTILE CO., A CORPORATION; EFIRD'S DEPT. STORE OF HIGH POINT, INC., A CORPORATION; EFIRD CO., A CORPORATION; EFIRD'S DEPARTMENT STORE OF LUMBERTON, N. C., INC., A CORPORATION; EFIRD-DAVIS CO., INC., A CORPORATION; EFIRD'S DEPT. STORE OF GOLDSBORO, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF MONROE, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF LEXINGTON, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF BURLINGTON, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF WILSON, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF SHELBY, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF STATESVILLE, N. C., INC., A CORPORATION; FOREST CITY MERCANTILE CO., A CORPORATION; JOHN E. EFIRD AND SONS, INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF LENOIR, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF LAURINBURG, INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF LINCOLNTON, N. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF GREENSBORO, INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF KANNAPOLIS, N. C., INCORPORATED, A CORPORATION; EFIRD'S DEPARTMENT STORE OF HICKORY, INCORPORATED, A CORPORATION; EFIRD'S DEPARTMENT STORE OF KINSTON, N. C., INCORPORATED, A CORPORATION; EFIRD'S DEPARTMENT STORE OF GREENVILLE, N. C., INCORPORATED, A CORPORATION; EFIRD BROS. COMPANY OF COLUMBIA, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF ANDERSON, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF GREENVILLE, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF SPARTANBURG, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF GREENWOOD, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF ROCK HILL, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF SUMTER, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF GREER, S. C., INC., A CORPORATION; EFIRD BROS. COMPANY OF CHESTER, S. C., INC., A CORPORATION; EFIRD'S DEPARTMENT STORE OF DANVILLE, VIRGINIA, INCORPORATED, A CORPORATION

COMPLAINT

The Federal Trade Commission having reason to believe that the parties named in the caption hereof and hereinafter more particularly designated and described, have since June 19, 1936, violated and are violating the provisions of subsection (c), Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Jasper W. Efird is an individual maintaining an office at 200 West 34th Street, New York City, New York, under the name of J. W. Efird, Efird Department Stores.

PAR. 2. Respondent Charlotte Mercantile Company is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business at 111 College Street, Charlotte, North Carolina, and is engaged in the business of operating one or more retail department stores located in North and South Carolina.

Respondent Efird's Department Store of Charlotte, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business at 111 College Street, Charlotte, North Carolina, and is engaged in the business of operating one or more retail department stores in the States of North Carolina, South Carolina and Virginia.

Respondent Efird's Department Store of Wilmington, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 222 North Front Street, Wilmington, North Carolina, and is engaged in the business of operating a retail department store in Wilmington, North Carolina.

Respondent Efird's Department Store of Raleigh, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 208 Fayetteville Avenue, Raleigh, North Carolina, and is engaged in the business of operating a retail department store in Raleigh, North Carolina.

Respondent Efird's Department Store, Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 131 West 4th Street, Winston Salem, North Carolina, and is engaged in the business of operating a retail department store in Winston Salem, North Carolina.

Respondent Efird's Department Store of Salisbury, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 226 South Main Street, Salisbury, North Carolina, and is engaged in the business of operating a retail department store in Salisbury, North Carolina.

Respondent The Efird Mercantile Co., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 307 West Main Street, Durham, North Carolina, and is engaged in the business of operating a retail department store in Durham, North Carolina.

Respondent Efird's Dept. Store of High Point, Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 142 South Main Street, High Point, North Carolina, and is engaged in the business of operating a retail department store in High Point, North Carolina.

Respondent Efird Co., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 146 West Main Street, Gastonia, North Carolina, and is engaged in the business of operating a retail department store in Gastonia, North Carolina.

Respondent Efird's Department Store of Lumberton, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Lumberton, North Carolina, and is engaged in the business of operating a retail department store in Lumberton, North Carolina.

Respondent Efird-Davis Co., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 212 South Main Street, Rocky Mount, North Carolina, and is engaged in the business of operating a retail department store in Rocky Mount, North Carolina.

Respondent Efird's Dept. Store of Goldsboro, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at West Walnut Street, Goldsboro, North Carolina, and is engaged in the business of operating a retail department store in Goldsboro, North Carolina.

Respondent Efird's Department Store of Monroe, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Main and Jefferson Streets, Monroe, North Carolina, and is engaged in the business of operating a retail department store in Monroe, North Carolina.

Respondent Efird's Department Store of Lexington, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Lexington, North Carolina, and is engaged in the business of operating a retail department store in Lexington, North Carolina.

Respondent Efird's Department Store of Burlington, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at First Floor, East Davis Street, Burlington, North Carolina, and is engaged in the business of operating a retail department store in Burlington, North Carolina.

Respondent Efird's Department Store of Wilson, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 229-231 East Nash Street, Wilson, North Carolina, and is engaged in the business of operating a retail department store in Wilson, North Carolina.

Respondent Efird's Department Store of Shelby, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Shelby, North Carolina, and is engaged in the business of operating a retail department store in Shelby, North Carolina.

Respondent Efird's Department Store of Statesville, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 104 South Center Street, Statesville, North Carolina, and is engaged in the business of operating a retail department store in Statesville, North Carolina.

Respondent Forest City Mercantile Co., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 4 East Main Street, Forest City, North Carolina, and is engaged in the business of operating a retail department store in Forest City, North Carolina.

Respondent John E. Efird and Sons, Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 145-49 West Main Street, Albemarle, North Carolina, and is engaged in the business of operating a retail department store in Albemarle, North Carolina.

Respondent Efird's Department Store of Lenoir, N. C., Inc., is a corporation

organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 119 West Avenue, Lenoir, North Carolina, and is engaged in the business of operating a retail department store in Lenoir, North Carolina.

Respondent Efird's Department Store of Laurinburg, Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Laurinburg, North Carolina, and is engaged in the business of operating a retail department store in Laurinburg, North Carolina.

Respondent Efird's Department Store of Lincolnton, N. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at East Main Street, Lincolnton, North Carolina, and is engaged in the business of operating a retail department store in Lincolnton, North Carolina.

Respondent Efird's Department Store of Greensboro, Inc., is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 230 South Elm Street, Greensboro, North Carolina, and is engaged in the business of operating a retail department store in Greensboro, North Carolina.

Respondent Efird's Department Store of Kannapolis, N. C., Incorporated, is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Kannapolis, North Carolina, and is engaged in the business of operating a retail department store in Kannapolis, North Carolina.

Respondent Efird's Department Store of Hickory, Incorporated, is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at Hickory, North Carolina, and is engaged in the business of operating a retail department store in Hickory, North Carolina.

Respondent Efird's Department Store of Kinston, N. C., Incorporated, is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 113 North Queen Street, Kinston, North Carolina, and is engaged in the business of operating a retail department store in Kinston, North Carolina.

Respondent Efird's Department Store of Greenville, N. C., Incorporated, is a corporation organized and existing under and by virtue of the laws of the State of North Carolina, with its principal office and place of business located at 430 Evans Street, Greenville, North Carolina, and is engaged in the business of operating a retail department store in Greenville, North Carolina.

Respondent Efird Bros. Company of Columbia, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 1601 Main Street, Columbia, South Carolina, and is engaged in the business of operating a retail department store in Columbia, South Carolina.

Respondent Efird's Department Store of Anderson, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 104 South Main Street, Anderson, South Carolina, and is engaged in the business of operating a retail department store in Anderson, South Carolina.

Respondent Efird's Department Store of Greenville, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 14 South Main Street, Greenville, South Carolina, and is engaged in the business of operating a retail department store in Greenville, South Carolina.

Respondent Efird's Department Store of Spartanburg, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 129 East Main Street, Spartanburg, South Carolina, and is engaged in the business of operating a retail department store in Spartanburg, South Carolina.

Respondent Efird's Department Store of Greenwood, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at Main Street, Greenwood, South Carolina, and is engaged in the business of operating a retail department store in Greenwood, South Carolina.

Respondent Efird's Department Store of Rock Hill, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 116–118 East Main Street, Rock Hill, South Carolina, and is engaged in the business of operating a retail department store in Rock Hill, South Carolina.

Respondent Efird's Department Store of Sumter, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 102 South Main Street, Sumter, South Carolina, and is engaged in the business of operating a retail department store in Sumter, South Carolina.

Respondent Efird's Department Store of Greer, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 33 Trade Street, Greer, South Carolina, and is engaged in the business of operating a retail department store in Greer, South Carolina.

Respondent Efird Bros. Company of Chester, S. C., Inc., is a corporation organized and existing under and by virtue of the laws of the State of South Carolina, with its principal office and place of business located at 169 Gadsden Street, Chester, South Carolina, and is engaged in the business of operating a retail department store in Chester, South Carolina.

Respondent Efird's Department Store of Danville, Virginia, Incorporated, is a corporation organized and existing under and by virtue of the laws of the State of Virginia, with its principal office and place of business at 411 Main Street, Danville, Virginia, and is engaged in the business of operating a retail department store in the City of Danville, Virginia.

All of the above corporate respondents purchase their merchandise requirements in interstate commerce as hereinafter more particularly set out.

All of said corporate respondents herein named and described will hereinafter be referred to as buyer respondents.

PAR. 3. Respondent Jasper W. Efird is a stockholder and a director in all of said buyer respondent corporations. He is employed by each of them as vice president to act in the capacity of buyer or purchasing agent for them. Said purchasing services are rendered by said respondent Jasper W. Efird, from the office located at 200 West 34th Street, New York City, New York, which office is listed as J. W. Efird, Efird Department Stores, and which office is held out to the public as the buying office of the said buyer respondents. Orders for merchandise to be purchased and shipped to them are sent by said buyer respondents to respondent Jasper W. Efird at said office and all of the requirements of each of said buyer respondents are thus purchased by or through said respondent Jasper W. Efird, or only after his approval first had and obtained. Merchandise so ordered is bought by respondent Jasper W. Efird from various sellers and is then shipped by various sellers thereof from New York City, New York, and elsewhere, into and through the various states of the United States to said buyer respondents located as hereinabove set out in the states of North Carolina, South Carolina and Virginia.

PAR. 4. In the course and conduct of the purchasing transactions above outlined, sellers of merchandise have since June 19, 1936, transmitted, paid and delivered and do transmit, pay and deliver to said respondent Jasper W. Efird, brokerage fees or commissions, the same being a percentage of the sales prices agreed upon between each of the various sellers and the buyer respondents through their agent, officer and employee, respondent Jasper W. Efird, and said sellers have likewise transmitted, paid and delivered and do transmit, pay and deliver to said respondent Jasper W. Efird, payments or allowances in lieu of brokerage and said respondent Jasper W. Efird has since June 19, 1936, received and accepted and is receiving and accepting such brokerage fees and commissions and also payments and allowances in lieu thereof upon purchases of merchandise made through him by said buyer respondents.



PAR. 5. In all of the purchasing transactions hereinabove described, said respondent Jasper W. Efird has been and is subject to the direct control and has been and is acting in fact for and in behalf of said buyer respondents.

PAR. 6. In all of the purchasing transactions hereinabove described in connection with which the said brokerage fees and commissions and payments and allowances in lieu thereof have been and are being paid and transmitted by said sellers and have been and are being accepted and received by said respondent Jasper W. Efird, no services whatsoever in connection with said purchases have been rendered or are now being rendered to, for or on behalf of any of said sellers by said respondent Jasper W. Efird.

PAR. 7. The said brokerage fees or commissions and payments and allowances in lieu thereof so received and accepted by respondent Jasper W. Efird as hereinabove described, have been used and expended by him as an officer and employee of said buyer respondents in the payment of rent, salaries, wages, traveling expenses and other maintenance costs of the said buyer respondents' New York City office at 200 West 34th Street, and for other similar purposes solely for the benefit of said buyer respondents.

PAR. 8. The transmission and payment of said brokerage fees or commissions and the payments and allowances in lieu thereof by the said sellers to and the receipt and acceptance thereof by respondent Jasper W. Efird and said buyer respondents in the manner and under the circumstances hereinabove set forth, is in violation of the provisions of Section 2 (c) of the above-mentioned Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, (the Clayton Act), as amended by the Act of Congress entitled "An Act to amend Section 2 of an Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U.S.C. Title 15, Sec. 13) and for other purposes", approved June 19, 1936 (the Robinson-Patman Act).

Wherefore, the premises considered, the Federal Trade Commission on this 21st day of November, A. D. 1939, issues its complaint against said respondents.

NOTICE

Notice is hereby given you, Jasper W. Efird, an individual; Charlotte Mercantile Company, a corporation; Efird's Department Store of Charlotte, N. C., Inc., a corporation; Efird's Department Store of Wilmington, N. C., Inc., a corporation; Efird's Department Store of Raleigh, N. C., Inc., a corporation; Efird's Department Store, Inc., a corporation; Efird's Department Store of Salisbury, N. C., Inc., a corporation; The Efird Mercantile Co., a corporation; Efird's Dept. Store of High Point, Inc., a corporation; Efird Co., a corporation; Efird's Department Store of Lumberton, N. C., Inc., a corporation; Efird-Davis Co., Inc., a corporation; Efird's Dept. Store of Goldsboro, N. C., Inc., a corporation; Efird's Department Store of Monroe, N. C., Inc., a corporation; Efird's Department Store of Lexington, N. C., Inc., a corporation; Efird's Department Store of Burlington, N. C., Inc., a corporation; Efird's Department Store of Wilson, N. C., Inc., a corporation; Efird's Department Store of Shelby, N. C., Inc., a corporation; Efird's Department Store of Statesville, N. C., Inc., a corporation; Forest City Mercantile Co., a corporation; John E. Efird and Sons, Inc., a corporation; Efird's Department Store of Lenoir, N. C., Inc., a corporation; Efird's Department Store of Laurinburg, Inc., a corporation; Efird's Department Store of Lincolnton, N. C., Inc., a corporation; Efird's Department Store of Greensboro, Inc., a corporation; Efird's Department Store of Kannapolis, N. C., Incorporated, a corporation; Efird's Department Store of Hickory, Incorporated, a corporation; Efird's Department Store of Kinston, N. C., Incorporated, a corporation; Efird's Department Store of Greenville, N. C., Incorporated, a corporation; Efird Bros. Company of Columbia, S. C., Inc., a corporation; Efird's Department Store of Anderson, S. C., Inc., a corporation; Efird's Department Store of Greenville, S. C., Inc., a corporation; Efird's Department Store of Spartanburg, S. C., Inc., a corporation; Efird's Department Store of Greenwood, S. C., Inc., a corporation; Efird's Department Store of Rock Hill, S. C., Inc., a corporation; Efird's Department Store of Sumter, S. C., Inc., a corporation; Efird's Department Store of Greer, S. C., Inc., a corporation; Efird Bros. Company of Chester, S. C., Inc., a corporation; Efird's Department Store of Danville, Virginia, Incorporated, a corporation, respondents herein, that the 29th day of December, A. D., 1939, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondents shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondents shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondents are without knowledge, in which case respondents shall so state.

* * * * *

Failure of the respondents to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondents, to proceed in regular course on the charges set forth in the complaint.

If respondents desire to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondents admit all the material allegations of fact charged in the complaint to be true. Respondents by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondents, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 21st day of November, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39–4354; Filed, November 24, 1939; 2:36 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1939.

[File No. 54–15]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY

ORDER APPROVING PLAN OF SIMPLIFICATION, ETC.

Community Power and Light Company, a Delaware Corporation and a registered holding company, having filed (a) an application pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan for the simplification of its corporate structure, which plan is more fully described in the Findings and Opinion hereinafter referred to, including therein a request for the approval by the Commission of such other action as may be necessary to consummate such proposed plan; (b) an application for a report of the Commission, pursuant to Section 11 (g) of said Act on said plan for the simplification of its corporate structure; and (c) a declaration pursuant to Rule U–12E–5 with respect to the solicitation of authorization of such matters by the stockholders of said Company; and

A hearing on the said application and related matters having been held before an officer of the Commission after appropriate notice,[1] which included notice by mail to all Preferred and Common stockholders of record of Community Power and Light Company and to all holders of Assignments and Agreements issued by said Company, and said notice having been mailed, postage prepaid, 17 days prior to the date of the aforesaid hearing, and included also notice by publication in the FEDERAL REGISTER; opportunity for hearing having been given to said Community Power and Light Company, to all of said Preferred and Common stockholders thereof, to all holders of Assignments and Agreements issued by said Company, and to any other persons desiring to be heard at said hearing; no security holders or other persons having appeared at said hearing in opposition to said application; a trial examiner's report, submission of requested findings of fact to the Commission, proposed findings of fact by counsel for the Commission, briefs and oral argument having been waived; the record in this matter having been examined by the Commission, and the Commission having made and filed its Findings and Opinion herein, attached hereto and made a part hereof as if fully incorporated herein; and

[1] 4 F.R. 3563 DI.

The Commission having found that said plan of corporate simplification, as submitted, is necessary to effectuate the provisions of subsection (b) of Section 11 of said Public Utility Holding Company Act of 1935 and fair and equitable to the persons affected by such plan, and the Commission having made and filed herein its report upon said plan, in the form hereto attached and made a part of this order;

*It is ordered*, Pursuant to said Act and Section 11 (e) thereof, that said plan of corporate simplification be and the same is hereby approved; and

*It is further ordered*, Pursuant to Section 11 (g) of said Act, that said report be and the same hereby is approved and adopted as the report made by the Commission herein, and as the form of a copy of said report to be used by said Company in making solicitations in respect of the matters therein referred to pursuant to the provisions of Section 11 (g), and in substantial compliance with the terms and conditions of, and for the purposes represented by, said application; and

*It is further ordered*, That said declaration, as amended, with respect to such solicitation shall be and become effective forthwith; and

*It is further ordered*, That with respect to the approval of said plan this order be subject to the condition, as required by the terms of said plan, that said plan be approved, and the action of the Board of Directors of the Company, in causing it to be submitted to this Commission, be ratified, by the holders of at least two-thirds in amount of the outstanding First Preferred Stock and a majority in amount of the outstanding Common Stock of said Company; compliance with the said condition may be evidenced by the filing, as part of the record in this proceeding, of a statement executed by the proper corporate officers of Community Power and Light Company, setting forth that such approval has been given as required by the terms of said plan, and summarizing the results of the action of the Preferred and Common stockholders at a special stockholders meeting or otherwise at which such approval may be given; and

*It is further ordered*, That the Commission hereby reserves jurisdiction to entertain such further proceedings, to make such other findings, and to take such other action as may be appropriate in the premises in connection with such plan, in connection with the various steps required to carry out such plan, or as may be appropriate if the condition specified in the foregoing paragraph is not met with reasonable promptness.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4363; Filed, November 25, 1939; 11:25 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 24th day of November 1939.

[File No. 1–629]

IN THE MATTER OF FEDERAL SCREW WORKS COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X–12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of Federal Screw Works; and

After appropriate notice,[1] a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of business on December 4, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4364; Filed, November 25, 1939; 11:25 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of November 1939.

[File No. 7–436]

IN THE MATTER OF BRYANT PARK BUILDING, INC.

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Real Estate Securities Exchange, Inc., in the 6½% First Mortgage Leasehold Sinking Fund Gold Bonds, due July 1, 1945, of Bryant Park Building, Inc., having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X–12F–2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

[1] 4 F.R. 4193 DI.



The Commission having considered the matter;

*It is ordered*, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X–12F–2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4361; Filed, November 25, 1939; 11:24 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 24th day of November 1939.

[File No. 7–446]

IN THE MATTER OF STECHER TRAUNG LITHOGRAPH CORPORATION 5% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the San Francisco Stock Exchange in the 7½% Cumulative Preferred Stock, $100 Par Value, of Stecher Traung Lithograph Corporation, having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X–12F–2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X–12F–2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F.R. Doc. 39–4362; Filed, November 25, 1939; 11:24 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of November, A. D. 1939.

[File No. 1–609]

IN THE MATTER OF CALLAHAN ZINC-LEAD COMPANY COMMON STOCK, $1 PAR VALUE

ORDER DISMISSING PROCEEDINGS

The Commission having instituted a proceeding pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether registration on the New York Stock Exchange of the Common Stock, $1 par value, of Callahan Zinc-Lead Company shall be suspended or withdrawn; and

After appropriate notice,[1] a hearing having been held in this matter before a trial examiner; the trial examiner having filed his advisory report herein; counsel for Callahan Zinc-Lead Company having filed exceptions thereto; the record in this matter having been duly considered; and the Commission having this day filed its findings of fact and opinion;

*It is ordered*, That the proceeding heretofore instituted in this matter pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, be and the same hereby is dismissed without prejudice to future proceedings on any proper grounds including those of the present case.

By order of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4370; Filed, November 25, 1939; 12:33 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 25th day of November, A. D. 1939.

[File No. 43–255]

IN THE MATTER OF NORTH AMERICAN LIGHT AND POWER COMPANY

ORDER PERMITTING INTERVENTION

John W. Walters having filed with this Commission an application to intervene in the above-entitled proceeding, and having filed therewith an affidavit pursuant to Rule XVII of this Commission from which it appears, among other things, that said John W. Walters is the owner of certain shares of North American Light and Power Company, the applicant in this proceeding, and in his own right and as representative of other holders of preferred stock of said corporation is the party plaintiff in a certain cause now pending in the United States District Court for the Southern District of New York involving matters and questions also involved in this proceeding, and that said Walters has an interest in this proceeding, and that said application for intervention is proper to be granted;

*It is hereby ordered*, That said John W. Walters be, and is hereby permitted to intervene and to become a party in and to the above-entitled proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4378; Filed, November 27, 1939; 11:54 a. m.]

[1] 4 F.R. 1020 DI.

DEC 1 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 230

*Washington, Wednesday, November 29, 1939*


## *Rules, Regulations, Orders*

### TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3876]

IN THE MATTER OF STANDARD TOYKRAFT PRODUCTS, INC.

§ 3.66 (k) (4) *Misbranding or mislabeling—Source or origin—Place—Imported product or parts as domestic.* Representing, in connection with offer, etc., in commerce, of toys and playthings, that any toys, any substantial or material part or portion of which are manufactured in Japan or any other foreign country, are manufactured in the United States, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Standard Toykraft Products, Inc., Docket 3876, November 15, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Standard Toykraft Products, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of toys and playthings in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

Representing that any toys, any substantial or material part or portion of which are manufactured in Japan or any other foreign country, are manufactured in the United States.

*It is further ordered*, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4393; Filed, November 28, 1939; 9:40 a. m.]

### TITLE 18—CONSERVATION OF POWER

### FEDERAL POWER COMMISSION

[Order No. 70]

PRESCRIBING THE FILING OF POWER SYSTEM STATEMENTS FOR ELECTRIC UTILITIES AND LICENSEES, F. P. C. FORM No. 64 (1939)

NOVEMBER 14, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

The Commission, pursuant to the provisions of the Federal Power Act authorizing and directing it to conduct investigations regarding the generation, transmission, distribution, and sale of electric energy, however produced, throughout the United States and its possessions, whether or not otherwise subject to the jurisdiction of the Commission, including the generation, transmission, distribution, and sale of electric energy by any agency, authority, or instrumentality of the United States, or of any State or municipality or other political subdivision of a State; and pursuant to the further provisions of said Act authorizing and di-

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FEDERAL REGISTER

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recting it to secure and keep current information regarding the ownership, operation, management, and control of all facilities for such generation, transmission, distribution, and sale; the capacity and output thereof and the relationship between the two; the cost of generation, transmission, and distribution; the rates, charges, and contracts in respect of the sale of electric energy and its service to residential, rural, commercial, and industrial consumers and other purchasers by private and public agencies; and the relation of any or all of such facts to the development of navigation, industry, commerce, and the national defense; and pursuant to other provisions of said Act thereunto authorizing it, orders that:

(1) The accompanying F.P.C. Form No. 64 (1939) for "Power System Statement for the year ended December 31, 1939," including the instructions and schedules therein contained, be and the same hereby is approved;

(2) Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which operates facilities for the generation, or transmission, or distribution of electric energy, shall prepare and file with the Commission on or before the date indicated by said form, a statement or statements in such form as is required by said instructions, setting forth the answers to the questions therein indicated and furnishing the information therein called for; provided, that persons operating class III systems having *net energy for system* less than 5,000,000 kilowatt-hours (as the same are defined in the accompanying form) shall not be required to submit statements for such systems except as specifically directed; and provided further, that persons operating class IV, class V, or class VI systems having *generation* less than 5,000,000 kilowatt-hours (as the same are defined in the accompanying form) shall not be required to submit statements for such systems except as specifically directed.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

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§ 220.1 *Annual report: F.P.C. Form No. 64*[1]*—Electric Utilities and Licensees Power System statement for the year ending December 31, 1939.*†

LIST OF SCHEDULES IN F.P.C. FORM NO. 64

SCHEDULE 1. List of all system generating plants and their installed capacity.
SCHEDULE 2. System hydroelectric data.
SCHEDULE 3. Storage reservoirs—operating data for the year.
SCHEDULE 4. Hydroelectric plant data.
SCHEDULE 5. Steam-electric plant data.
SCHEDULE 6. Steam-electric plant performance and unit operating costs.
SCHEDULE 7. Internal-combustion engine plant data.
SCHEDULE 8. Itemized accounting of energy transfers with other electric utility systems and industrial companies during the year.
SCHEDULE 9. System energy accounting for the year.
SCHEDULE 10. Energy sold to ultimate consumers during the year.
SCHEDULE 11. Energy transferred across a state boundary to and from the respondent's system in adjoining states during the year.
SCHEDULE 12. Monthly energy deliveries for resale to Class I and Class II systems which received their entire power supply, and Class III systems which received all or part of their power supply, from the respondent's system during the year.
SCHEDULE 13. Demand on generating plants, power received, and power delivered, for resale at the time of system peak load of the year.
SCHEDULE 14. Net generation, energy received and delivered, and system peaks by months for the year.
SCHEDULE 15. System load data for the year.
SCHEDULE 15A. Load data for the day on which the 60-minute system peak load of the month occurred.
SCHEDULE 15B. System load data for specified days.
SCHEDULE 16. Reserve requirements and capacity.
SCHEDULE 17. Distribution of system load in service area.
SCHEDULE 18. System maps and diagrams.
SCHEDULE 19. System forecasts.

[F. R. Doc. 39-4392; Filed, November 28, 1939; 9:50 a. m.]

[1] This form may be procured from the Superintendent of Documents, Government Printing Office, Washington, D. C.

†Source of section 220.1 is F.P.C. Form No. 64, Electric Utilities and Licensees Power System Statement for the Year Ending December 31, 1939, prescribed by order No. 70, approved November 14, 1939.

[Order No. 58-A]

PRESCRIBING THE FILING OF POWER SYSTEM STATEMENTS FOR ELECTRIC UTILITIES AND LICENSES, F.P.C. FORM NO. 64-A (1939)

NOVEMBER 14, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

The Commission, pursuant to the provisions of the Federal Power Act authorizing and directing it to conduct investigations regarding the generation, transmission, distribution, and sale of electric energy, however produced, throughout the United States and its possessions, whether or not otherwise subject to the jurisdiction of the Commission, including the generation, transmission, distribution, and sale of electric energy by any agency, authority, or instrumentality of the United States, or of any State or municipality or other political subdivision of a State; and pursuant to the further provisions of said Act authorizing and directing it to secure and keep current information regarding the ownership, operation, management, and control of all facilities for such generation, transmission, distribution, and sale; the capacity and output thereof and the relationship between the two; the cost of generation, transmission, and distribution; the rates, charges, and contracts in respect of the sale of electric energy and its service to residential, rural, commercial, and industrial consumers and other purchasers by private and public agencies; and the relation of any or all of such facts to the development of navigation, industry, commerce, and the national defense; and pursuant to other provisions of said Act thereunto authorizing it, orders that:

(1) The accompanying F.P.C. Form No. 64-A (1939) for "Power System Statement for the year ended December 31, 1939," including the instructions and schedules therein contained, be and the same hereby is approved;

(2) Each corporation, person, agency, authority, or other legal entity or instrumentality, whether public or private, which operates facilities for the generation, or transmission, or distribution of electric energy, shall prepare and file with the Commission on or before the date indicated by said form, a statement or statements in such form as is required by said instructions, setting forth the answers to the questions therein indicated and furnishing the information therein called for; provided, that persons operating class III systems having *net energy for system* less than 5,000,000 kilowatt-hours (as the same are defined in the accompanying form) shall not be required to submit statements for such systems except as specifically directed; and provided further, that persons operating class IV, class V, or class VI systems having *generation* less than 5,000,000 kilowatt-hours (as the same are defined in the accompanying form) shall not be required to submit statements for such systems except as specifically directed.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

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§ 220.5 *Annual report: F.P.C. Form No. 64-A*[1]*—Electric utilities and licensees power system statement for the year ending December 31, 1939.*†

LIST OF SCHEDULES IN F.P.C. FORM NO. 64-A

SCHEDULE 1. General information.
SCHEDULE 2. Power plants and generating equipment owned or operated by respondent as of December 31.
SCHEDULE 3. Energy generation.
SCHEDULE 4. Maximum combined demand on system facilities.
SCHEDULE 5. Fuel information.
SCHEDULE 6. Energy transfers and connections of respondent's system with other systems.
SCHEDULE 7. System energy accounting for the year.
SCHEDULE 8. Energy sold to ultimate consumers during the year.
SCHEDULE 9. Estimated future load.
SCHEDULE 10. Map of respondent's electric system.

[F. R. Doc. 39-4391; Filed, November 28, 1939; 9:50 a. m.]

[1] This form may be procured from the Superintendent of Documents, Government Printing Office, Washington, D. C.

†Source of section 220.5 is F.P.C. Form No. 64-A, Electric Utilities and Licensees Power System Statement for the Year Ended December 31, 1939, prescribed by order No. 58-A, approved November 14, 1939.



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## TITLE 31—MONEY AND FINANCE: TREASURY

### PUBLIC DEBT SERVICE

[1939—Department Circular No. 626]

OFFERING OF UNITED STATES OF AMERICA 2 PERCENT TREASURY BONDS OF 1948-50

NOVEMBER 28, 1939.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for 2 percent bonds of the United States, designated Treasury Bonds of 1948-50. The amount of the public offering is $500,000,000, or thereabouts. In addition to the amount offered for public subscription, $50,000,000, or thereabouts, of these bonds will be allotted to Government investment accounts.

II. DESCRIPTION OF BONDS

1. The bonds will be dated December 8, 1939, and will bear interest from that date at the rate of 2 percent per annum, payable on a semiannual basis on June 15 and December 15 in each year until the principal amount becomes payable, the first coupon being dated June 15, 1940. They will mature December 15, 1950, but may be redeemed at the option of the United States on and after December 15, 1948, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The bonds shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, or gift taxes, and (b) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations, or corporations. The interest on an amount of bonds authorized by the Second Liberty Bond Act, approved September 24, 1917, as amended, the principal of which does not exceed in the aggregate $5,000, owned by any individual, partnership, association, or corporation, shall be exempt from the taxes provided for in clause (b) above.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $50, $100, $500, $1,000, $5,000, $10,000 and $100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit but will be restricted in each case to an amount not exceeding one-half of the combined capital and surplus of the subscribing bank or trust company. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Subscriptions for amounts up to and including $5,000 where the subscribers specify that delivery be made in registered bonds 60 days after the issue date will be given preferred allotment. In each such case payment must be made as provided in Section IV of this circular. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made or completed on or before December 8, 1939, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve bank of its district.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, Jr., *Secretary of the Treasury.*

[F. R. Doc. 39-4397; Filed, November 28, 1939; 11:55 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### WAR DEPARTMENT

### CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 207—NAVIGATION REGULATIONS[1]

§ 207.172 *Biscayne Bay, Fla.; restricted area for seaplanes at Dinner Key, Fla.* Pursuant to the provisions of Section 7 of the River and Harbor Act approved August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), a portion of Biscayne Bay at Dinner Key, Florida, is hereby defined and established as a restricted area for the maneuvering of seaplanes, and the following rules and regulations relating thereto are hereby adopted:

*The Area*

(a) (1) Adjacent to property owned by the U. S. Coast Guard and the Pan American Airways approximately 4½ miles south of the turning basin at Miami Harbor, Florida, commencing at a point being the intersection of the steel sheet pile bulkhead and the north side of the U. S. Coast Guard hangar produced bayward, thence South 75°57'21" East, 340 feet; thence North 74°02'39" East, 312 feet; thence South 43°07'37" East, 186 feet; thence North 74°02'39" East, 595 feet; thence South 14°02'39" West, 1550 feet; thence North 75°57'21" West, 898 feet to the northeast corner of the Terminal Building pier of the Pan American Airways, Inc.; thence North 20°15'22" East, 365 feet, thence along the steel sheet pile bulkhead North 18°12'12" West, 791 feet; thence North 13°33'39" East, 166 feet to the point of beginning.

(2) The area is marked at its northeasterly and southeasterly corners and at the intersection points of the northerly boundary lines by yellow conical seaplane anchorage buoys projecting approximately one foot above water, and at points approximately 200 feet apart along the steel bulkhead, by white signs 2 feet by 3 feet in size, containing the word "Warning", and copies of these rules and regulations. The signs and buoys will not be lighted.

(3) The ramp of the U. S. Coast Guard Stations is located in the northwest corner of the area described above and is marked with two green lights, 50 feet apart on each side of the ramp, about 3 feet above mean low water.

*The Rules and Regulations*

(b) (1) No vessels shall anchor within this area.

(2) All vessels crossing this area shall proceed with the greatest possible dispatch.

NOTE: Complaints arising under these regulations should be addressed to the Engineer in Local Charge, United States Engineer Suboffice, Miami Beach, Florida.

(Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs., Nov. 14, 1939 (E.D. 7195 (Biscayne Bay, Fla.)–9/8)]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–4394; Filed, November 28, 1939; 9:56 a. m.]

[1] These regulations are supplementary to Title 33, Chapter II, Part 207, Code of Federal Regulations.

## TITLE 46—SHIPPING

### CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 6]

SUBCHAPTER B—MEASUREMENT

Section 16.72[1] is hereby amended to read as follows:

§ 16.72 *Suez and Panama Canal Certificates.* Suez Canal special tonnage certificates and also Panama Canal tonnage certificates will be issued, upon application, by collectors of customs to American shipowners requiring them for ships which will use the said canals. Collectors of customs will also issue such tonnage certificates to public vessels of the United States requiring them. [Section 4, 28 Stat. 743, as amended, 46 U.S.C. 79; Sections 2 and 3, 23 Stat. 118 and 119, 46 U.S.C. 2 and 3]

NOTE CONCERNING THE RESCISSION OF PART 17—RULES FOR SUEZ CANAL MEASUREMENT

The Department of Commerce, upon pages 78–84 of its regulations for Measurement of Vessels—Edition of 1925, published instructions to "American Customs Officers" relative to measurement of vessels for the Suez Canal. These instructions were placed in the Code of Federal Regulations as Part 17, Rules for Suez Canal Measurement, under Subchapter B—Measurement, Chapter I—Bureau of Marine Inspection and Navigation, Title 46—Shipping. On page 4399 of the FEDERAL REGISTER of October 28, 1939, the Department stated that the said Part 17, Rules for Suez Canal Measurement, and any and all amendments thereto was rescinded and deleted. As some uncertainty and confusion has arisen as to the Department's intention and action in this connection, and as the Department desires to clear up any misunderstanding in the matter, it announces that by its rescission of said Part 17, Rules for Suez Canal Measurement, it did not cancel or annul the administrative instructions to customs officers, as published in its 1925 edition of the regulations for Measurement of Vessels, but merely removed said administrative instructions from the Code of Federal Regulations. The "Instructions to American Customs Officers" relative to measurement of vessels for the Suez Canal as appearing upon pages 78–84 of the Regulations of the Department of Commerce for the Measurement of Vessels, edition of 1925, are in full force and effect, and, with appropriate amendments, will be included in the 5th edition of the Department's Measurement Regulations, when published.

[SEAL] R. S. FIELD,
*Director.*

Approved, November 28, 1939.

EDWARD J. NOBLE,
*Acting Secretary of Commerce.*

[F. R. Doc. 39–4396; Filed, November 28, 1939; 11:43 a. m.]

[1] 4 F.R. 4420 DI.

## TITLE 47—TELECOMMUNICATION

### CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 12—RULES GOVERNING AMATEUR RADIO OPERATORS AND STATIONS

The Commission amended Sections 12.111, 12.113, 12.115, 12.116, 12.118, and 12.134, effective November 27, 1939, to read as follows:[1]

§ 12.111 *Frequencies for exclusive use of amateur stations.* The following bands of frequencies are allocated exclusively for use by amateur stations:

1715 to 2000 kilocycles.[2]
3500 to 4000 "
7000 to 7300 "
14000 to 14400 "
28000 to 30000 "
56000 to 60000 "
112000 to 116000 "
224000 to 230000 "
400000 to 401000 "

§ 12.113 *Frequency bands for telephony.* The following bands of frequencies are allocated for use by amateur stations using radiotelephony, type A–3 emission:

1800 to 2000 kilocycles.
28500 to 30000 "
56000 to 60000 "
112000 to 116000 "
224000 to 230000 "
400000 to 401000 "

§ 12.115 *Television and frequency-modulation transmission.* The following bands of frequencies are allocated for use by amateur stations for television and radiotelephone frequency - modulation transmission:

112000 to 116000 kilocycles.
224000 to 230000 "
400000 to 401000 "

§ 12.116 *Facsimile transmission.* The following bands of frequencies are allocated for use by amateur stations for facsimile transmission:

1715 to 2000 kilocycles.[2]
56000 to 60000 "
112000 to 116000 "
224000 to 230000 "
400000 to 401000 "

§ 12.118 *Types of emission.* All bands of frequencies allocated to the amateur service may be used for radiotelegraphy, type A–1 emission. Type A–2 emission may be used in the following bands of frequencies only:

56000 to 60000 kilocycles.
112000 to 116000 "
224000 to 230000 "
400000 to 401000 "

§ 12.134 *Modulation of carrier wave.* Except for brief tests or adjustments, an amateur radiotelephone station shall not emit a carrier wave on frequencies below 112000 kilocycles unless modulated for the purpose of communication.

(Sec. 4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (c), 48 Stat. 1082; 47 U.S.C. 303 (c))

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39–4400; Filed, November 28, 1939; 12:25 p. m.]

[1] §§ 12.111–12.118 (formerly §§ 152.25–152.32) appear at 3 F.R. 2449 DI. § 12.134 (formerly §152.44) appears at 3 F.R. 2449 DI.

[2] Subject to change to "1750 to 2050" kilocycles in accordance with the "Inter-American Arrangement Covering Radiocommunication", Havana, 1937.



## *Notices*

### DEPARTMENT OF THE INTERIOR.

**Bituminous Coal Division.**

[Docket No. 464–FD]

IN THE MATTER OF THE APPLICATION OF WOLFE & FOSTER FOR EXEMPTION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the Director consents to the withdrawal of the application of the above-named applicant upon the condition that the withdrawal of said application shall constitute a waiver of exemption which may otherwise become effective during the pendency of a subsequent application, except upon a showing of material change of facts, and to that effect

It is so ordered.

Dated, November 27, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39–4395; Filed, November 28, 1939; 10:24 a. m.]

### DEPARTMENT OF LABOR.

**Wage and Hour Division.**

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that a Special Certificate for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) is issued to the employer listed below effective November 29, 1939, until February 21, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under this Certificate is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NAME AND ADDRESS OF FIRM

Adelphia Hosiery Mills, 2246 South 9th Street, Philadelphia, Pennsylvania (4 learners).

This Special Certificate is issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to this Special Certificate and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificate may be canceled as of the date of its issuance and if so canceled, reimbursement of all persons employed under such certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 28th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39–4399; Filed, November 28, 1939; 12:21 p. m.]

### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Washington, D. C., on the 22nd day of November, A. D. 1939.

[File Nos. 1–627, 1–627–2]

IN THE MATTER OF PROCEEDING TO DETERMINE WHETHER THE REGISTRATION OF A. HOLLANDER & SON, INC., CAPITAL STOCK $5 PAR VALUE, SHOULD BE SUSPENDED OR WITHDRAWN

ORDER FOR HEARING AND DESIGNATING OFFICERS TO TAKE TESTIMONY

*Part I*

It appearing to the Commission that A. Hollander & Son, Inc. is the issuer of capital stock $5 par value, and that the said A. Hollander & Son, Inc. registered 200,000 shares of such stock on the New York Stock Exchange, by filing, on or about May 4, 1935, an application on Form 10, signed for the corporation by Michael Hollander, president, with the said Exchange and with the Commission, pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule JB–1 (now Rule X–12B–1) as amended, promulgated by the Commission thereunder, which application became effective July 1, 1935, and has remained in effect to and including the date hereof; and

The Commission having reasonable grounds to believe that A. Hollander & Son, Inc. has failed to comply with the provisions of Section 12 (b) (1) of the Securities Exchange Act of 1934, as amended, the rules, regulations, Form 10, and the Instructions thereto, promulgated by the Commission thereunder, in that the application for registration on Form 10 and the amendments thereto, filed by said corporation contain false and misleading statements of material facts, all as is hereinafter more particularly set forth; and

The false and misleading statements which the Commission has reasonable grounds to believe exist in the application on Form 10 and the amendments thereto, being more particularly as follows:

I. Item 10 and Item 14, Column G, call for certain information with respect to all parents of the registrant. The Instructions to Form 10 define the term "parent" to include a person in control of the registrant "directly, or indirectly, through one or more intermediaries" and the term "control" is defined to mean "the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise."

The Commission has reasonable grounds to believe that since and before May 4, 1935, certain officers and directors of the registrant, that is to say Michael Hollander, Benjamin W. Hollander and Albert Hollander, acting for themselves and for other members of the Hollander family, have been parents of the registrant as defined in the Instructions to Form 10, and have owned, both directly and through A. Hollander & Son, Ltd., a corporation wholly owned and controlled by them, substantial amounts of the capital stock of the registrant.

It therefore appears to the Commission that the failure in Item 10 and Item 14, Column G, and amendments thereto, to disclose Michael Hollander, Benjamin W. Hollander and Albert Hollander as parents, and the failure to disclose the number of shares of registrant's capital stock owned by said parents constitutes an omission of a material fact and renders registrant's response to this item materially false and misleading.

II. Item 11 calls for a brief description of the general character of the business done by the registrant and its subsidiaries and any substantial changes that may have occurred in the general character of the business within the preceding five years.

The Commission has reasonable grounds to believe that since and before May 4, 1935, registrant has, directly and indirectly, employed a substantial

amount of its capital and credit and that of its subsidiaries in the purchase and sale of fur skins in the United States and elsewhere.

It therefore appears to the Commission that the failure in Item 11 and amendments thereto to disclose that the registrant's business included substantial purchases and sales of fur skins in the United States and elsewhere constitutes an omission of a material fact and renders registrant's response to this item materially false and misleading.

III. Item 26, Item 29, and Item 32 call for certain information concerning—

the aggregate remuneration paid by the registrant and its subsidiaries, directly and indirectly, to its directors and officers during the past fiscal year;

material bonus and profit sharing arrangements; and

every material contract between the registrant and any director or officer of the registrant.

A. It appears to the Commission that the failure in Item 26, Item 29, and Item 32 to disclose the extent to which the equities of Michael Hollander, Benjamin W. Hollander, and Albert Hollander, officers and directors of the registrant, in A. Hollander & Son, Ltd. have been increased by reason of certain diversions of secret processes, formulae, working methods, services of employees, and other property of the registrant to the said A. Hollander & Son, Ltd. in the manner hereinafter more fully described, constitutes an omission of a material fact and renders registrant's response to this item and amendments thereto materially false and misleading.

B. The Commission has reasonable grounds to believe that before and since May 4, 1935,

1. A. Hollander & Son, Ltd. has been wholly owned and controlled by Michael Hollander, Benjamin W. Hollander, and Albert Hollander.

2. The Registrant and its subsidiaries have delivered and communicated to A. Hollander & Son, Ltd. certain valuable patent licenses, secret formulae and operating methods in the dressing and dyeing of furs, and improvements therein, which have been discovered, developed and improved in the registrant's laboratories and which have been purchased and otherwise obtained by the registrant at great expense to registrant, without compensation therefor from the aforesaid A. Hollander & Son, Ltd.

3. The registrant has perfected in its laboratories an exclusive and valuable process for cleaning furs and fur coats which it has advertised extensively at great expense to it as the "Hollanderizing" process and has permitted the aforesaid A. Hollander & Son, Ltd. to exclusively employ the said process in Canada and to employ the name "Hollanderizing" in connection with such process in its advertising in Canada without any compensation from the aforesaid A. Hollander & Son, Ltd.

4. Certain officers and employees of the registrant have visited the plants of A. Hollander & Son, Ltd. in Toronto and Montreal, Canada for the purpose of assisting and informing employees and managers at said plants regarding the secret processes, formulae, patents, and working methods employed by the registrant in its business, and the registrant has paid the traveling expenses and salaries of such employees and officers while so engaged in the Canadian plants of A. Hollander & Son, Ltd.

5. The registrant has, directly and indirectly, advanced moneys without charging interest, to the aforesaid A. Hollander & Son, Ltd. for use in its general business and to finance its trading in the capital stock of the registrant on the New York Stock Exchange.

IV. Item 30 calls for the general effect, briefly and concisely stated, of all material management and general supervisory contracts now in effect providing for management of, or services to, the registrant or any of its subsidiaries.

The Commission has reasonable grounds to believe that before and since May 4, 1935, there have existed material management and general supervisory contracts providing for management of and services to the registrant and certain of its subsidiaries, including contracts for management of and services to A. Hollander & Son, Societe Annonyme and Bertram J. Goodman, Inc. It therefore appears to the Commission that the failure in Item 30 to disclose and to recite the general effect of such contracts constitutes an omission of a material fact, and renders registrant's response to this item materially false and misleading.

V. Item 35 and Item 36 call for the names of any independent public or independent certified public accountants who have certified financial statements for the registrant since January 1, 1925, and the submission of financial statements in accordance with the instructions and rules and regulations of the Commission supplementary thereto. The instructions and rules and regulations of the Commission supplementary thereto provide that "the financial statements required shall be accompanied by a certificate of an independent public or independent certified public accountant or accountants."

A. The Commission has reasonable grounds to believe that Puder and Puder, who certified as independent certified public accountants the financial statements contained in the registrant's Form 10, were not and are not independent within the meaning of the requirements of said form and the instructions and rules and regulations of the Commission supplementary thereto, by reason of the fact that before and since May 4, 1935, A. H. Puder, senior partner of Puder and Puder, has, among other things:

1. maintained close personal and financial relations with officers and directors of the registrant, including Michael Hollander and members of his family, which relations were not consistent with his duties as auditor of the registrant's accounts;

2. maintained a substantial financial interest in the securities of the registrant, which interest was not consistent with his duties as auditor of the registrant's accounts;

3. performed services to the registrant, to its officers and directors, and to A. Hollander & Son, Ltd., which services were not consistent with his duties as auditor of the registrant's accounts.

It therefore appears to the Commission in the light of the facts set forth above that the registrant's response to Item 35 was materially false and misleading and that the registrant has failed to submit financial statements as required by Item 36 and the instructions and the rules and regulations of the Commission supplementary thereto.

*Part II*

It appearing further to the Commission that A. Hollander & Son, Inc., has, on or about June 1, 1936, May 25, 1937, June 23, 1938, and April 27, 1939, filed with the New York Stock Exchange and with the Commission, annual reports on Form 10–K, signed for the corporation by Michael Hollander, president, pursuant to Section 13 (a) (1) and (2) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule KA1 (now Rule X–13A–1) and Rule KA2 (now Rule X–13A–2); and

The Commission having reasonable grounds to believe that A. Hollander & Son, Inc. has failed to comply with the provisions of Section 13 (a) (1) and (2) of the Securities Exchange Act of 1934, as amended, the rules and regulations, Form 10–K and the Instructions thereto, promulgated by the Commission thereunder, in that—

the annual reports on Form 10–K filed by said corporation as aforesaid and the amendments thereto contain false and misleading statements of material facts;

the registrant has failed to file with the New York Stock Exchange and with the Commission certain information and documents required by the Commission to be filed to keep reasonably current the information and documents filed by the registrant pursuant to Section 12; and

the annual reports on Form 10–K filed by the registrant as aforesaid have not been certified by independent public accountants as required by the rules and regulations of the Commission;

all as are hereinafter more particularly set forth.

The violations which the Commission has reasonable grounds to believe exist in the registrant's annual reports on Form 10–K for the years 1935, 1936, 1937 and 1938, and the amendments thereto, being more particularly as follows:

I. Item 5 calls for a brief statement of the general effect of material changes made within the fiscal year and not previously reported in—

material management or general supervisory contracts providing for management of, or services to, the registrant or any of its subsidiaries;

material contracts between the registrant or any affiliate of the registrant on the one hand, and, on the other, any director or officer of the registrant; and

material bonus and profit sharing arrangements;

as well as a brief statement of the general effect of such contracts and arrangements, made or in effect within the fiscal year and not previously reported, including the dates thereof and names of parties thereto.

The Commission has reasonable grounds to believe that during 1936 and 1937 the registrant and certain of its subsidiaries entered into material management and general supervisory contracts providing for management of and services to the registrant and certain of its subsidiaries, including contracts for management of and services to Competent Fur Dressers, Inc. and Perfection Fur Dressing and Dyeing Co., Inc.

The Commission has further reasonable grounds to believe that, on or about January 1, 1937, Competent Fur Dressers, Inc., a wholly owned subsidiary of the registrant entered into profit sharing agreements with certain individuals whereby such individuals would receive approximately 30% of the profits of said subsidiary.

The Commission also has reasonable grounds to believe that since July 1, 1935, there have been material changes in the contracts providing for services to registrant and to Hollanderizing Corporation of America, Inc., Bertram J. Goodman, Inc., and A. Hollander & Son, Societe Anonyme.

In the light of these facts and those set forth in Part I, paragraph III B (1–5) above, it appears to the Commission that the failure in Item 5 to disclose and to recite the general effect of such contracts and arrangements and changes made therein constitutes omission of material facts and renders registrant's response to Item 5 and amendments thereto materially false and misleading.

II. Item 8 and the instructions thereto call for certain financial statements to be filed on behalf of the registrant and its subsidiaries. The instructions provide that "the financial statements required shall be accompanied by a certificate of an independent public or independent certified public accountant or accountants."

In the light of the facts set forth in Part I, paragraph V A above, it appears to the Commission that the financial statements filed by registrant pursuant to Item 8 were certified by certified public accountants who were not independent.

III. With respect to the registrant's consolidated balance sheets as of December 31, 1937 and December 31, 1938—

Footnote "(F)" states

"A. Hollander & Son, Inc. is a service company and does not deal in merchandise."

The Commission has reasonable grounds to believe that since and before May 4, 1935, registrant has, directly and indirectly, employed a substantial amount of its capital and credit and that of its subsidiaries in the purchase and sale of fur skins in the United States and elsewhere. It therefore appears to the Commission that the statements contained in Footnote "(F)" to the registrant's consolidated balance sheets for the years ended December 31, 1937 and December 31, 1938 are materially false and misleading.



It being the opinion of the Commission that the hearing herein ordered to be made is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

*It is ordered*, Pursuant to Section 19 (a) (2) of said Act, that a public hearing be held to determine whether A. Hollander & Son, Inc., has failed to comply with Section 12 (b) and Section 13 (a) and (b) of the Securities Exchange Act, as amended, the rules, regulations and forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said corporation's Capital Stock, $5 par value, on said New York Stock Exchange;

*It is further ordered*, Pursuant to the provisions of Section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purposes of such hearing Adrian C. Humphrey, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

*It is further ordered*, That the taking of testimony in this hearing begin on the 18th day of December, 1939, at 10:00 A. M. in Room 2006, 120 Broadway, New York City, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–4398; Filed, November 28, 1939; 12:01 p. m.]

DEC 1 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 231

*Washington, Thursday, November 30, 1939*


## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### FEDERAL SURPLUS COMMODITIES CORPORATION

[Surplus Commodities Bulletin No. 4]

COMMODITIES DESIGNATED AS SURPLUS FOODS

Subject to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, Surplus Commodities Bulletin No. 3,[1] approved September 25, 1939, is hereby cancelled effective midnight, E. S. T., December 14, 1939.

The following agricultural commodities and products are hereby designated as surplus foods *effective 12:01 A. M., E. S. T., December 15, 1939 and until further notice:*

Butter.
Raisins.
Rice.
Pork Lard.
Pork.[2]
Corn Meal.
Shell Eggs.
Dried Prunes.
Fresh Pears.
Fresh Apples.
Fresh Oranges.
Fresh Grapefruit.
Hominy Grits.
Dry Edible Beans.
Onions (Except Green Onions).
Wheat Flour & Whole Wheat (Graham) Flour.

Blue surplus food order stamps may be used in accordance with the regulations and conditions referred to above for any of the surplus foods listed herein, in any retail food store, as defined by the Secretary of Agriculture, which is eligible to participate in the Food Order Stamp Program. The Federal Surplus Commodities Corporation shall designate the areas in which food order stamps may be used.

[SEAL] FEDERAL SURPLUS COMMODITIES CORPORATION.
By MILO PERKINS,
*President.*

Approved, November 29, 1939.

H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4406; Filed, November 29, 1939; 11:44 a. m.]

[1] 4 F.R. 4045 DI.

[2] Pork shall include all cuts, fresh, including chilled or frozen, pickled, salted, cured, or smoked, but not cooked or packed in metal or glass containers.

### TITLE 19—CUSTOMS DUTIES

### BUREAU OF CUSTOMS

[T.D. 50021]

ANTIDUMPING

WOOD PULP FROM FOREIGN COUNTRIES

*To Collectors of Customs, Appraisers of Merchandise and Others Concerned:*

Reference is made to the notices of suspected dumping issued by the appraiser of merchandise at Seattle and the acting appraiser of merchandise at Tacoma, Wash., under the provisions of the Antidumping Act, 1921, covering importations of wood pulp from the Province of British Columbia, Canada, and to the notices of withheld appraisement issued by the appraisers of merchandise at several ports of entry in the United States covering importations of wood pulp from Canada, Germany, and other foreign countries.

After investigation and careful consideration of the evidence presented, I have reached the conclusion that findings of dumping with respect to wood pulp imported from foreign countries are not justified.

Appraising officers who have been withholding appraisements of wood pulp from the Province of British Columbia, Canada, by virtue of the issuance of the notices of suspected dumping and appraising officers who have been withholding their appraisements of wood pulp from other provinces of Canada and from Germany and other foreign countries pending the receipt of instructions from the Department or the completion of foreign investigations are hereby authorized to make their appraisement reports without regard to any question of dumping. (Sec. 201, 42 Stat. 11; 19 U.S.C. 160)

H. MORGENTHAU, Jr.,
*Secretary of the Treasury.*

[F. R. Doc. 39-4401; Filed, November 28, 1939; 3:41 p. m.]

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## TITLE 29—LABOR

## CHAPTER IV—CHILDREN'S BUREAU

[Order No. 2]

CHILD LABOR

PART 422—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

NOVEMBER 27, 1939.

§ 422.2 *Motor-vehicle driver and helper*—(a) *Finding of fact.* By virtue of and pursuant to the authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938[1] and pursuant to the regulation prescribing the "Procedure Governing Determinations of Hazardous Occupations";[2] an investigation having been conducted with respect to the hazards for minors between 16 and 18 years of age of employment in the occupations of motor-vehicle driver and helper; a report of the investigation having been submitted to the Chief of the Children's Bureau showing that:

"1. Work on motor vehicles involves a high degree of accident risk for persons of all ages, a risk which is particularly high in the case of young persons, who are lacking in the experience and in the caution required for safety in motor-vehicle operation.

"2. Workmen's compensation experience generally shows for the occupational classifications representing motor-vehicle drivers and helpers a compensation cost higher than the average for manufacturing classifications.

"3. The opinion of experts in motor-vehicle safety and of others having practical experience in the field of motor-vehicle operation who were consulted in the course of the investigation is that employment as driver or as helper on motor vehicles is especially hazardous for young persons.

"4. Motor-vehicle drivers between 16 and 18 years of age have been found to be involved in a larger number of fatal accidents in proportion to miles driven than drivers in any older age group. In a study covering fatal accidents within a 5-year period in one State the fatal-accident rate was found to be nine times greater for 16-year-old drivers and six times greater for 17-year-old drivers than for those 45 to 50 years of age, the age group with the lowest fatal-accident rate.

"5. Under many industry codes adopted pursuant to the National Industrial Recovery Act the work of motor-vehicle drivers and helpers was listed as a hazardous occupation and as such was prohibited for minors under 18 years of age.

"6. Acting pursuant to the authority conferred upon it by the Motor Carrier Act of 1935, the Interstate Commerce Commission has established as necessary for safety a minimum age of 21 years for motor-vehicle drivers, in regulations applicable to common carriers and contract carriers engaged in interstate commerce. An examiner for the Commission has recommended, after investigation and public hearing, that the same minimum age for motor-vehicle drivers be applied, with certain exceptions not here material, to private carriers engaged in interstate commerce.

"7. State legislation, which reflects public recognition of the special hazards incident to the driving of motor vehicles by young persons, has established the following standards:

(a) In each of the States and the District of Columbia there is a legal minimum age for drivers of motor vehicles which is higher than that for general employment, the legal minimum age for drivers being applicable to (1) all persons operating motor vehicles, or (2) persons operating motor vehicles as employees, or (3) persons operating motor vehicles for common, contract, or private carriers.

(b) In 28 States and the District of Columbia there is a minimum age of at least 18 years applicable to (1) all persons operating motor vehicles or (2) persons operating motor vehicles as employees.

"8. A minimum age of 18 years or higher for the employment of motor-vehicle drivers and helpers has been adopted voluntarily as a general policy by many employers and by the branch of organized labor especially concerned with employment in this field";

a finding and order relating to the employment of minors between 16 and 18 years of age in the said occupations having been proposed for final adoption by the Chief of the Children's Bureau upon the basis of the said report of investigation; a public hearing having been held with respect to the said proposed finding and order; all statements submitted in connection with the said hearing having been carefully considered; opportunity having been given to all interested parties to file objections within 15 days following publication in the FEDERAL REGISTER of the proposed finding and order, and no objection disclosing just cause for revision thereof having been received; and sufficient reason appearing therefor,

Now, therefore, I, Katharine F. Lenroot, Chief of the Children's Bureau of the United States Department of Labor, hereby find that the occupations of motor-vehicle driver and helper are particularly hazardous for the employment of minors between 16 and 18 years of age.

(b) *Order.* Accordingly, I hereby declare that the occupations of motor-vehicle driver and helper are particularly hazardous for the employment of minors between 16 and 18 years of age.

*Definitions.* For the purpose of this order—

(1) The term "motor vehicle" shall mean any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.

(2) The term "driver" shall mean any individual who, in the course of his employment, drives a motor vehicle at any time.

(3) The term "helper" shall mean any individual other than a driver, whose work in connection with the transportation or delivery of goods includes riding on a motor vehicle.

This order shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein. This order shall become effective on January 1, 1940, and shall be in force and effect until amended or repealed by order hereafter made and published by the Chief of the Children's Bureau.

[SEAL] KATHARINE F. LENROOT, *Chief.*

[F. R. Doc. 39-4403; Filed, November 29, 1939; 10:14 a. m.]

[1] Act of June 25, 1938, chapter 676, 52 Stat. 1060, U.S.C., Supp. IV, title 29, section 201.

[2] Issued November 3, 1938, pursuant to authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938, published in 3 F.R. 2640 DI, November 5, 1938.

[3] 4 F.R. 4549 DI, November 10, 1939.



## TITLE 36—PARKS AND FORESTS

## FOREST SERVICE

SANTA FE NATIONAL FOREST—BORREGO ALLOTMENT, JEMEZ RIVER DISTRICT, AND BEAR SPRINGS ALLOTMENT, RIO GRANDE DISTRICT

ORDER FOR THE REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are grazing in trespass on the Borrego Allotment of the Jemez River District and the Bear Springs Allotment of the Rio Grande District of the Santa Fe National Forest in New Mexico; and

Whereas these horses are consuming forage necessary to domestic livestock, are overgrazing the range, and causing extra expense to established permittees;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of Congress of February 1, 1905 (33 Stat. 628), amendatory of the Act of June 4, 1897 (30 Stat. 11), I, H. A. Wallace, Secretary of Agriculture, do make and publish the following order for the occupancy, use, protection, and administration of the Borrego Allotment of the Jemez River District and the Bear Springs Allotment of the Rio Grande District of the Santa Fe National Forest:

1. The Borrego Allotment of the Jemez River District and the Bear Springs Allotment of the Rio Grande District of the Santa Fe National Forest are hereby closed to the grazing of horses during the period January 1 to January 31, 1940, excepting exempt stock and horses used in connection with permitted or otherwise authorized operations on the Forest or by the traveling public.

2. Unless the horses trespassing on the above-named allotments of the Santa Fe National Forest are removed on or before December 31, 1939, Forest officers are hereby authorized to dispose of them in the most humane manner.

3. Public notice of intention to dispose of such horses will be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Forest is located.

In witness whereof, I have hereunto set my hand this 28th day of November 1939.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

[F. R. Doc. 39-4402; Filed, November 28, 1939; 4:23 p. m.]

## *Notices*

### FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5798]

IN RE APPLICATION OF WILTON HARVEY POLLARD (WBHP)

*Dated, March 25, 1939; for renewal of license; class of service, broadcast; class of station, broadcast; location, Huntsville, Ala.; operating assignment specified: Frequency, 1200 kc.; power, 100 w., night—100 w., day; hours of operation, unlimited*

[File No. B3-R-938]

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the technical qualifications of the applicant to operate the station.

2. To determine whether on, to wit, August 25, 1937, February 25, 1938, August 13, 1938, and February 10, 1939, the transmitter proper and the associated transmitting equipment of the station were designed, constructed, maintained, and operated in accordance with the provisions of Rule 132, then in force and effect, and the interpretations of good engineering practice issued pursuant thereto.

3. To determine whether on, to wit, August 25, 1937 and February 25, 1938 the antenna tower of the station was painted and illuminated in accordance with specifications supplied by the Commission pursuant to Section 303 (q) of the Communications Act of 1934 as amended and Rule 131, then in force and effect.

4. To determine whether on, to wit, June 12, 1937 and February 9, 1939, the station was operated within limits of 50 cycles per second above and 50 cycles per second below the assigned frequency, in accordance with the requirements of Rule 144 then in force and effect.

5. To determine whether on, to wit, August 25, 1937 and February 25, 1938, the program logs of the station were maintained in accordance with the requirements of Rule 172 A, then in force and effect.

6. To determine whether on, to wit, August 13, 1938, the name and party affiliation of political candidates using the station were entered in the program log pursuant to the requirement of Rule 172 A–b, then in force and effect.

7. To determine whether on, to wit, February 25, 1938, the operating log of the station contained a record of the time of the beginning and ending of programs, in accordance with the provisions of Rule 172 B (b) then in force and effect.

8. To determine whether on, to wit, August 13, 1938, entries were made in the operating log of the station pursuant to the provisions of Rule 172 B (d) then in force and effect.

9. To determine whether on, to wit, February 10, 1939 programs consisting of mechanical reproductions were announced, in accordance with the provisions of Rule 176 then in force and effect.

10. To determine whether on, to wit, August 26, 1939, the transmitter proper and associated transmitting equipment of the station were designed, constructed, and operated in accordance with the provisions of Section 3.46 of the Rules Governing Standard Broadcast Stations adopted by the Commission on June 23, 1939 and the interpretations of good engineering practice issued pursuant thereto.

11. To determine whether on, to wit, August 26, 1939 the correct efficiency factor was used by the applicant in computing operating power by the indirect method, in accordance with the provisions of Section 3.52 of the Rules Governing Standard Broadcast Stations adopted by the Commission on June 23, 1939.

12. To determine whether on, to wit, August 26, 1939 the program logs of the station were maintained in accordance with Section 3.90 of the Rules Governing Standard Broadcast Stations adopted by the Commission on June 23, 1939.

13. To determine whether on, to wit, August 26, 1939 the station was operated in accordance with Section 3.71 (minimum operating schedule) of the Rules Governing Standard Broadcast Stations adopted on June 23, 1939.

14. To determine whether the station at all times has been operated in accordance with the Communications Act of 1934 as amended and the Commission's Rules and Regulations, particularly those governing the maintenance and technical operation of broadcast stations.

15. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Wilton Harvey Pollard,
Radio Station WBHP,
318 W. Clinton St.,
Huntsville, Ala.

Dated at Washington, D. C., November 28, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-4408; Filed, November 29, 1939; 12:21 p. m.]

### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 28th day of November, A. D. 1939.

[File No. 32-159]

IN THE MATTER OF BRADFORD ELECTRIC COMPANY

ORDER RELATIVE TO ISSUE AND SALE OF NOTE

Bradford Electric Company, a subsidiary of the registered holding company, having filed an application with this Commission pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for the exemption from the provisions of Section 6 (a) of said Act of the issue and sale to the Equitable Life Assurance Society of the United States of a 4% promissory note in the principal amount of $550,000, which will mature on September 1, 1949;

Public hearing on such application having been duly held after appropriate notice;[1] the record in this matter having been duly considered; and the Commission having filed its findings herein;

*It is ordered*, that the issue and sale of such note be and the same hereby is approved, subject, however, to the following conditions:

(1) That such issue and sale of the note shall be in compliance with the terms and conditions of and for the purposes represented by said application as amended; and

(2) That such exemption shall immediately terminate without further order of this Commission if at any time the authorization by the Pennsylvania Public Utility Commission shall be revoked, or shall otherwise terminate; and

(3) That within ten days after the issue and sale of such note, the applicant shall file with this Commission its certificate of notification showing that the issue and sale of the note have been effected in accordance with the terms and conditions of and for the purposes represented by said application as amended; and

(4) That when all expenses incurred in connection with the issuance of the note shall have been determined, the applicant shall file a detailed statement of such expenses showing the names of the person or persons, entity or entities to whom paid, the amount paid, and a description of the services rendered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4404; Filed, November 29, 1939; 11:23 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of November, A. D. 1939.

[1] 4 F.R. 4423 DL

[File No. 43-195]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF COLORADO

SUPPLEMENTAL ORDER ALLOWING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUE AND SALE OF BONDS, DEBENTURES AND COMMON STOCK BY SUBSIDIARY OF A REGISTERED HOLDING COMPANY

Public Service Company of Colorado, a subsidiary of Cities Service Power & Light Company, a registered holding company, having heretofore filed with this Commission a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issuance by declarant of $40,000,000 of First Mortgage Bonds, 3½% Series, due 1964, $12,500,000 aggregate principal amount of 4% Sinking Fund Debentures due 1949, and $2,190,000 par value Common Stock; and an application pursuant to Sections 12 (c) and 12 (f) and Rules U-12C-1 and U-12F-1 with respect to the acquisition of outstanding securities being called for redemption in connection with the proposed financing; a public hearing having been duly had thereon, the record in the matter having been duly considered, and the Commission having made its findings and entered an order on August 24, 1939 (Holding Company Act Release No. 1701) wherein the declaration was permitted to become effective; the Commission, however, reserving jurisdiction with respect to underwriting contracts, price and spread, fees and expenses. And the declarant having filed amendments thereafter supplying the additional information concerning the matters heretofore reserved; a public hearing having been held on said declaration, as amended, the declarant having waived the right to submission of a trial examiner's report, submission of proposed findings of fact by the Commission, or by counsel to the Commission, and having further waived any right to file a brief with the Commission and to oral argument prior to the entry of the Commission's findings and opinion and the entry of its order or orders herein, and the Commission having considered the record herein and having filed its findings and opinion and its supplemental findings and opinion herein:

*It is ordered*

(1) That the declaration, as amended, filed by the Public Service Company of Colorado pursuant to Section 7 regarding the issuance and sale of securities in amounts and at interest rates and maturities as follows:

$40,000,000 3½% First Mortgage Bonds due 1964.

$12,500,000 4% Sinking Fund Debentures due 1949.

$2,190,000 Par Value Common Stock.

be and become effective forthwith, subject to the conditions numbered 1 to 5, inclusive in the order of August 24, 1939;

(2) That the application pursuant to Sections 12 (c) and 12 (f) of the Holding Company Act and Rules U-12C-1 and U-12F-1 thereunder, with respect to the acquisition by the declarant from Cities Service Power & Light Company of various securities being called for redemption in connection with the proposed financing is hereby approved;

(3) In connection with the issue and sale of the securities and the acquisition of securities by declarant for redemption, the following conditions are imposed:

(a) That the various steps involved in the declaration and application be carried out and effected respectively in accordance with the terms and conditions of and for the purposes represented by said application and declaration, as amended; and

(b) That the issue and sale of securities, and the acquisition of securities involved in the declaration and application as amended be consummated within thirty (30) days from the date hereof unless the Commission otherwise orders; and

(c) That within ten (10) days after such issue and sale of the new securities and the acquisition by the declarant of outstanding securities, declarant shall file with the Commission a certificate of notification showing that the acquisition of the old securities and the issuance and sale of the new securities have been effected in accordance with the terms and conditions of and for the purposes represented by said application and declaration, as amended, and in accordance with the terms of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4405; Filed, November 29, 1939; 11.23 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1939.

[File No. 43-273]

IN THE MATTER OF THE NARRAGANSETT ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 15, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown



why such declaration shall become effective.

*It is further ordered*, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 9, 1939.

The matter concerned herewith is in regard to a declaration filed by The Narragansett Electric Company, a subsidiary company of New England Power Association, a registered holding company, pursuant to section 7 of the Public Utility Holding Company Act of 1935, regarding the issuance to banks or trust companies of the declarant's selection, of unsecured promissory notes not to exceed $5,000,000 outstanding at any one time at prevailing discount rates with maturities of nine months or less. The net proceeds of the proposed notes are to be used to pay $2,600,000 short-term bank loans evidenced by notes presently outstanding, to pay an open account indebtedness of $500,000 due United Electric Railways Company, an affiliate of the declarant, and to reimburse the declarant's treasury for sums expended in construction work and to provide additional working capital pending proposed permanent financing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4407; Filed, November 29, 1939; 12:11 p. m.]

Reference


# FEDERAL REGISTER

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## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### CHAPTER I—AGRICULTURAL MARKETING SERVICE

### PART 29—THE TOBACCO INSPECTION ACT

By virtue of the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act, approved August 23, 1935 (49 Stat. 731), I, H. A. Wallace, Secretary of Agriculture, do prescribe and promulgate the following grades for Virginia-cured Tobacco, Type 21, Southern Fire-cured Tobacco, Type 22, Western Fire-cured Tobacco, Type 23, and Northern Fire-cured Tobacco, Type 24, to be known as the Official Standard Grades for Fire-cured Tobacco (U. S. Types 21, 22, 23, and 24), to be in force and effect immediately. These official standard grades shall supersede the present standard grades for fire-cured tobacco promulgated on May 14, 1936.

#### OFFICIAL STANDARD GRADES FOR FIRE-CURED TOBACCO

*(U. S. Types 21, 22, 23, and 24)*

§ 29.101 *Wrapper grades (A-group).* General specifications: All grades of the A group must be clean, sound, ripe, firm, and strong; must have an open tissue, bright finish, small to medium size and blending fibers, and over 16" long. General tolerance, 5% injury of a nature affecting wrapper yield.

*Grade Description and Specifications*

| U. S. Grade | |
|---|---|
| A1F | Choice Quality Wrapper in Brown Color. Very silky, very fine texture, very elastic, very oily, thin to medium body, broad, over 20" long, uniform in quality and color. Tolerance, 10% leaves of a quality not lower than B2 or C2. |
| A1D | Choice Quality Wrapper in Dark Color. Rich in oil, heavy body, otherwise same as A1F. |
| A2F | Fine Quality Wrapper in Brown Color. Silky, fine texture, elastic, very oily, thin to medium body, spready, harmonizing in quality and color. Tolerance, 20% leaves of a quality not lower than B3 or C3. |
| A2D | Fine Quality Wrapper in Dark Color. Rich in oil, heavy body, otherwise same as A2F. |
| A3F | Good Quality Wrapper in Brown Color. Very smooth, good texture, elastic, oily, thin to medium body, normal width, unmingled in quality and color. Tolerance, 40% leaves of a quality not lower than B3 or C3. |
| A3D | Good Quality Wrapper in Dark Color. Heavy body, otherwise same as A3F. |

§ 29.102 *Heavy leaf grades (B-group).* General specifications: All grades of the B group must be clean, sound, medium to heavy body, and over 16" long. B1 and B2 qualities must be smooth and very oily, and must have an open tissue, good texture, medium size and blending fibers, and over 18" long.

*Grade Description and Specifications*

| U. S. Grade | |
|---|---|
| B1F | Choice Quality Stouts in Brown Color. Fairly elastic, ripe, firm, strong, spready, very clear finish, uniform in quality and color. Tolerance, 5% injury and 10% leaves of the quality of B3, C3, or better. |
| B1D | Choice Quality Stouts in Dark Color. Rich in oil, heavy body, otherwise same as B1F. |
| B2F | Fine Quality Stouts in Brown Color. Stretchy, ripe, firm, strong, normal width, clear finish, harmonizing in quality and color. Tolerance, 10% injury and 20% leaves the quality of B3, C3, or better. |
| B2D | Fine Quality Stouts in Dark Color. Rich in oil, heavy body, otherwise same as B2F. |
| B3F | Good Quality Stouts in Brown Color. Fairly smooth, fair texture, stretchy, oily, ripe, firm, strong, not stringy, normal finish, unmingled in quality and color. Tolerance, 15% injury and 5% Lugs the quality of X2 or better. |
| B3D | Good Quality Stouts in Dark Color. Very oily, heavy body, otherwise same as B3F. |
| B3M | Good Quality Stouts Mixed in Color. Average quality of B3 or better. |

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| U. S. Grade | |
|---|---|
| B3G | Good Quality Stouts in Green Color. Quality of B3 or better, except maturity. |
| B4F | Fair Quality Stouts in Brown Color. Not rough, fairly oily, fairly ripe, fairly firm, normal strength, unmixed in color. Tolerance, 20% injury and 10% Lugs the quality of X3 or better. |
| B4D | Fair Quality Stouts in Dark Color. Heavy body, otherwise same as B4F. |
| B4M | Fair Quality Stouts Mixed in Color. Average quality of B4. |
| B4G | Fair Quality Stouts in Green Color. Quality of B4, except maturity. |
| B5F | Low Quality Stouts in Brown Color. Unmixed in color. Tolerance, 40% injury and 25% Lugs the quality of X3 or better. |
| B5D | Low Quality Stouts in Dark Color. Specifications same as B5F. |
| B5M | Low Quality Stouts Mixed in Color. Average Quality of B5. |
| B5G | Low Quality Stouts in Green Color. Quality of B5. |

§ 29.103. *Thin leaf grades (C-group).* General specifications: All grades of the C group must be clean, sound, of thin to medium body, and over 16" long. C1 and C2 qualities must be very smooth and oily, must have good texture, small to medium size and blending fibres, and over 18" long.

*Grade Description and Specifications*

| U. S. Grade | |
|---|---|
| C1L | Choice Quality Thins in Light Color. Fairly elastic, ripe, firm, strong, spready, very clear finish, uniform in quality and color. Tolerance, 5% injury and 10% leaves the quality of C3, B3, or better. |
| C1F | Choice Quality Thins in Brown Color. Specifications same as C1L. |
| C2L | Fine Quality Thins in Light Color. Fairly stretchy, ripe, firm, strong, normal width, clear finish, harmonizing in quality and color. Tolerance, 10% injury and 20% leaves the quality of C3, B3, or better. |
| C2F | Fine Quality Thins in Brown Color. Specifications same as C2L. |
| C2D | Fine Quality Thins in Dark Color. Specifications same as C2L. |
| C3L | Good Quality Thins in Light Color. Smooth, fairly oily, fairly ripe, firm, strong, not stringy, normal finish, unmingled in quality and color. Tolerance, 15% injury and 5% Lugs the quality of X2 or better. |
| C3F | Good Quality Thins in Brown Color. Specifications same as C3L. |
| C3D | Good Quality Thins in Dark Color. Specifications same as C3L. |
| C3M | Good Quality Thins Mixed in Color. Average quality of C3 or better. |
| C3G | Good Quality Thins in Pale Green Color. Quality of C3 or better, except maturity. |
| C4L | Fair Quality Thins in Light Color. Not coarse, lean, fairly ripe, normal strength, unmixed in color. Tolerance, 20% injury and 10% Lugs the quality of X3 or better. |
| C4F | Fair Quality Thins in Brown Color. Specifications same as C4L. |
| C4D | Fair Quality Thins in Dark Color. Specifications same as C4L. |
| C4M | Fair Quality Thins Mixed in Color. Average quality of C4. |
| C4G | Fair Quality Thins in Pale Green Color. Quality of C4, except maturity. |
| C5L | Low Quality Thins in Light Color. Unmixed in color. Tolerance, 40% injury and 25% Lugs the quality of X3 or better. |
| C5F | Low Quality Thins in Brown Color. Specifications same as C5L. |
| C5D | Low Quality Thins in Dark Color. Specifications same as C5L. |
| C5M | Low Quality Thins Mixed in Color. Average quality of C5. |
| C5G | Low Quality Thins in Pale Green Color. Quality of C5. |

§ 29.104 *Short leaf or tips (T-group).* General specifications: All grades of the T group must be clean, sound, and shall consist of leaf tobacco which is too short to meet the specifications for U. S. Size 44.

*Grade Description and Specifications*

| U. S. Grade | |
|---|---|
| T3F | Good Quality Tips in Brown Color. Fairly smooth, fair texture, stretchy, oily, ripe, firm, medium to heavy body, strong, normal finish, unmingled in quality and color. Tolerance, 15% injury and 5% Lugs the quality of X2 or better. |
| T3D | Good Quality Tips in Dark Color. Very oily, heavy body, otherwise same as T3F. |
| T3M | Good Quality Tips Mixed in Color. Average quality of T3. |
| T3G | Good Quality Tips in Green Color. Quality of T3, except maturity. |
| T4F | Fair Quality Tips in Brown Color. Unrough, fairly oily, fairly ripe, medium body, normal strength, unmixed in color. Tolerance, 20% injury and 10% Lugs the quality of X3 or better. |
| T4D | Fair Quality Tips in Dark Color. Medium to heavy body, otherwise same as T4F. |
| T4M | Fair Quality Tips Mixed in Color. Average quality of T4. |
| T4G | Fair Quality Tips in Green Color. Quality of T4, except maturity. |
| T5F | Low Quality Tips in Brown Color. Unmixed in color. Tolerance, 40% injury and 25% Lugs of the quality of X4 or better. |
| T5D | Low quality Tips in Dark Color. Specifications same as T5F. |
| T5M | Low Quality Tips Mixed in Color. Average quality of T5. |
| T5G | Low Quality Tips in Green Color. Quality of T5. |

§ 29.105 *Lug grades (X-group).* General specifications: All grades of the X group must be sound and normally free of dirt and other foreign matter.

*Grade Description and Specifications*

| U. S. Grade | |
|---|---|
| X1L | Choice Quality Lugs in Light Color. Fairly smooth, oily, very ripe, thin to medium body, strong, harmonizing in quality and color. |
| X1F | Choice Quality Lugs in Brown Color. Medium to heavy body, otherwise same as X1L. |
| X1D | Choice Quality Lugs in Dark Color. Heavy body, otherwise same as X1L. |
| X2L | Fine Quality Lugs in Light Color. Not coarse, fairly oily, ripe, thin to medium body, fairly strong, unmingled in quality and color. |
| X2F | Fine Quality Lugs in Brown Color. Medum to heavy body, otherwise same as X2L. |
| X2D | Fine Quality Lugs in Dark Color. Heavy body, otherwise same as X2L. |
| X3L | Good Quality Lugs in Light Color. Not coarse, fairly ripe, thin to medium body, normal strength, unmixed in quality and color. Tolerance, 10% dead and trashy leaves. |
| X3F | Good Quality Lugs in Brown Color. Medium to heavy body, otherwise same as X3L. |



| U. S. Grade | |
|---|---|
| X3D | Good Quality Lugs in Dark Color. Fairly heavy body, otherwise same as X3L. |
| X3M | Good Quality Lugs Mixed in Color. Heavy body, quality of X3 or better. |
| X3C | Good Quality Lugs in Dark Green Color. Heavy body, quality of X3 or better, except maturity. |
| X4L | Fair Quality Lugs in Light Color. Not tender, unmixed in color. Tolerance, 20% dead and trashy leaves. |
| X4F | Fair Quality Lugs in Brown Color. Specifications same as X4L. |
| X4D | Fair Quality Lugs in Dark Color. Specifications same as X4L. |
| X4M | Fair Quality Lugs Mixed in Color. Medium body, average quality of X4. |
| X4G | Fair Quality Green Lugs. Medium body, quality of X4. |
| X5L | Low Quality Lugs in Light Color. Unmixed in color. Tolerance, 40% dead and trashy leaves. |
| X5F | Low Quality Lugs in Brown Color. Specifications same as X5L. |
| X5D | Low Quality Lugs in Dark Color. Specifications same as X5L. |
| X5M | Low Quality Lugs Mixed in Color. Average Quality of X5. |
| X5G | Low Quality Green Lugs. Quality of X5. |

§ 29.106 *Nondescript and scrap (N & S groups).*

*Grade Description and Specifications*

| U. S. Grade | |
|---|---|
| N | Nondescript, as defined. |
| S | Scrap, as defined. |

§ 29.107 *Terms defined.* For the purposes of these official standard grades, the following terms shall be construed, respectively, to mean:

*Airdried.* The condition of unfermented tobacco as customarily prepared for storage under natural atmospheric conditions by rehanging in well-ventilated houses after it is cured and stripped.

*Body.* The thickness of a leaf or weight per unit of surface.

*Class.* A major division of tobacco based on characteristics caused by varieties, soils, or climatic conditions, and the methods of cultivation, harvesting, or curing.

*Clean.* Normally free of dirt and other foreign matter.

*Condition.* The state of tobacco in storage, or in relation to its preparation for storage, with reference to its manner of preparation or its degree of fermentation, such as Undried, Airdried, Steamdried, Sweating, Sweated, and Resweated.

*Crude.* Very immature or the lowest degree of maturity. Any tobacco of which 50% or more of its surface has a positive green color is crude.

*Cured.* Tobacco dried of its sap by either natural or artificial processes.

*Damage.* The effect of mold, must, rot, black-rot, or other fungus or bacterial diseases which attack tobacco in its cured state, including tobacco having the odor of mold, must, or rot.

*Decayed.* Damaged to the extent of 20% or more.

*Fire-cured.* Tobacco cured under artificial atmospheric conditions by the use of open fires from which the smoke and fumes of burning wood are partly absorbed by the tobacco.

*Foreign matter.* Any substance or material extraneous to tobacco, including dirt, sand, stalks, suckers, straw, strings, et cetera.

*Form.* The stage of preparation of tobacco, such as Unstemmed and Stemmed.

*Grade.* A subdivision of a type according to group and quality, and according to color when it is of sufficient importance to be treated as a separate factor.

*Green.* Tobacco of which 20% or more of its leaf surface is predominantly green in color.

*Greenish-tinge.* Tobacco of which 20% of more of its leaf surface has a decided greenish-cast or tobacco which is not 20% green but which has 20% of green and greenish-cast combined.

*Group.* A division of a type covering several closely related grades based on the general quality of the tobacco, including body, the percentage of injury, and other characteristics.

*Injury.* Hurt or impairment from any cause except damage. Injured tobacco shall include dead, burnt, bail-cut, or ragged tobacco; or tobacco that has been torn or broken, frozen or frosted, sunburned or scalded, scorched or fire-killed, bulk-burnt or steam-burnt, pole-burnt or house-burnt, bleached or bruised; or tobacco containing discolored or deformed leaves; or tobacco hurt by insects; or tobacco having an odor foreign to the type; or tobacco affected by wild-fire, rust, frog-eye, mosaic, frenching, sand-drown, or other similar diseases.

*Leaf-scrap.* Unstemmed scrap, which is a by-product from handling unstemmed tobacco consisting of loose and tangled whole or broken leaves.

*Lugs.* Any lot of tobacco, except nondescript and scrap, composed chiefly of comparatively thin and lean leaves, and showing a material amount of injury of the kind characteristic of leaves grown near the ground; or any tobacco, except nondescript and scrap, injured or containing lug leaves, in excess of the tolerance allowed in the grades of the B, C, and T groups.

*Mixed (in color).* A lot of tobacco which contains 30% or more leaves of *distinctly different* color from the run of the lot, including variegated leaves unless such leaves are indicated by a special factor, and which contains less than 20% of green.

*Mixed (in quality).* A lot of tobacco which contains 30% or more leaves of *distinctly different* group or quality from the run of the lot.

*Nested.* Any lot of tobacco which has been so loaded, packed, or arranged as to conceal foreign matter or tobacco of inferior grade, quality, or condition, including lots of tobacco which contain damaged, injured, tangled, or other inferior tobacco which cannot be readily detected upon inspection on account of the way the lot was packed or arranged.

*Nondescript.* Any nested or decayed tobacco; or muddy or extremely dirty tobacco; or tobacco containing an unusual amount of foreign matter; or tobacco containing over 30% of crude leaves; or tobacco infested with live tobacco beetles or other injurious insects; or wet tobacco; or uncured tobacco including fat-stems and wet-butts; or very inferior lots of tobacco of a quality that is not ordinarily marketed; or tobacco having characteristics distinctly foreign to the type.

*Quality.* A division of group, forming the second factor of a grade, based upon the relative degree of one or more of the elements of quality in tobacco.

*Resweated.* The condition of tobacco which has passed through a second fermentation under abnormally high temperatures, or refermented with a relatively high percentage of moisture, including tobacco which has been dipped or reconditioned after its first fermentation and put through a forced or artificial sweat.

*Scrap.* A by-product from handling tobacco in both the unstemmed and stemmed forms, consisting chiefly of portions of tobacco leaves, except stems, which accumulate in warehouses, packing and conditioning plants, and stemmeries.

*Side.* Any distinct characteristic of tobacco; or a certain phase of quality, color, or length as compared with some other phase of quality, color, or length.

*Size.* The length of tobacco leaves.

*Sound.* Free of damage.

*Special factor.* Any side of a grade, or characteristic of importance, varying from or not covered by the specifications of the grade.

*Steamdried.* The condition of unfermented tobacco as customarily prepared for storage by means of a redrying machine or other steam-conditioning equipment.

*Stem.* The midrib of a tobacco leaf.

*Stemmed.* A form of tobacco from which the stems or midribs have been removed, including both strips and stripscrap.

*Stems.* A tobacco by-product composed of the midribs of tobacco leaves.

*Stouts.* A term used to designate tobacco of the heavy leaf or B group.

*Strips.* The sides of tobacco leaves from which the stems have been removed.

*Strip-scrap.* Stemmed scrap or stemless scrap, which is a by-product from stemming tobacco or handling strips, consisting chiefly of portions of strips.

*Subgrade.* Any grade modified by a special factor or subgroup symbol.

*Subgroup.* A group formed by the substitution of a different group symbol to denote a modification of the specifications or to indicate a certain side or characteristic of the tobacco.

*Sweated.* The condition of tobacco which has passed through one or more fermentations natural to tobacco packed with a normal percentage of moisture.

*Sweating.* The condition of tobacco in the process of fermentation.

*Thins.* A term used to designate tobacco of the thin leaf or C group.

*Tips.* Short leaf or leaf and tips under U. S. Size 44.

*Type.* A division of a class of tobacco having certain common characteristics and closely related grades. Tobacco which has the same characteristics and corresponding qualities, colors, and lengths, shall be treated as one type, regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

*Type 21.* That type of fire-cured tobacco known as Eastern Fire-cured, Virginia Fire-cured, or Virginia Smoked; produced principally in the Piedmont and mountain sections of Virginia. The terms "Eastern", "Dark" and "Dark-fired" are frequently ambiguously used in referring to this and other types of fire-cured tobacco.

*Type 22.* That type of fire-cured tobacco known as Southern Fire-cured, Southern Smoked, or Kentucky Broadleaf, including fire-cured One-sucker of the Southern District; produced principally in a section east of the Tennessee River in southern Kentucky and northern Tennessee. The term "Eastern" is frequently used locally in referring to this type.

*Type 23.* That type of fire-cured tobacco known as Western Fire-cured, or Western Smoked, including the fire-cured One-sucker of the Western District; produced principally in a section west of the Tennessee River in Kentucky, and extending into Tennessee.

*Type 24.* That type of fire-cured tobacco known as Northern Fire-cured, Northern Smoked, or Stemming, including the fire-cured tobacco of the Green River District; produced principally in the Madisonville area of Kentucky.

*Undried.* The condition of unfermented tobacco which has not been air-dried, or steamdried.

*Uniformity.* One of the elements of quality in tobacco having reference to the consistency of a lot with respect to other elements of quality or color. The following are the specifications for the several degrees of uniformity showing for each degree the percentage of a lot that may be of a *distinctly different* group, quality, or color from the run of the lot; (a) Uniform, less than 5%; (b) Harmonizing, less than 10%; (c) Unmingled, less than 20%; (d) Mingled or Unmixed, less than 30% and (e) Mixed, over 30%. When uniformity with respect to quality is specified it also includes uniformity with respect to group, but when uniformity with respect to color only is specified it does not include uniformity with respect to group or quality.

*Unsound.* Damaged under 20%.

*Unstemmed.* A form of tobacco from which the stems or midribs have not been removed, including both whole-leaf and leaf-scrap.

*Variegated.* Having a diversity of contrasting colors or tints within a leaf; including leaves which are grey, mottled, bleached, or stained; or leaves which do not blend with the normal colors of the type.

§ 29.108 *Rules.* The application of these official standard grades shall be in accordance with the following rules:

*Rule 1.* Each grade shall be treated as a subdivision of a particular type and when the grade is stated in an inspection certificate, the type shall also be stated.

*Rule 2.* The determination of grade shall be based upon a thorough examination of a lot of tobacco or an official sample of the lot.

*Rule 3.* In determining the grade of a lot of tobacco, the lot as a whole shall be considered, and minor irregularities which do not affect over one percent of the tobacco shall be overlooked.

*Rule 4.* Unsound tobacco shall be treated as a subgrade by placing the special factor letter "U" after or above the grade mark. For example: if a lot of tobacco is unsound but otherwise meets the specifications of B4F, it shall be graded B4F–U.

*Rule 5.* When a lot of tobacco, unmixed in color, is on the marginal line between two colors so that there is a question as to which is the predominant color, it shall be placed in the color with which the tobacco best corresponds with respect to body and maturity.

*Rule 6.* Any lot of tobacco shall be regarded as meeting the specifications of a certain grade when the tobacco is not lower in any degree of quality than that stated in the specifications of such grade. The degree of uniformity specified for a particular grade governs the percentage of a lot which must meet the specifications with respect to other degrees of quality.

*Rule 7.* Any lot of tobacco which clearly and fully meets the specifications of two or more grades shall be placed in the highest one of such grades; but any lot of tobacco which is on the marginal line between two or more grades so that the grade cannot be determined by applying other rules, shall be placed in the lowest grade in question.

*Rule 8.* The grade assigned to any lot of tobacco shall be a true representation of the tobacco at the time of inspection and certification thereof.

*Rule 9.* If, at any time, it is found that a lot of tobacco does not comply with the description and specifications of the grade previously assigned, it shall not thereafter be represented as being of such grade.

*Rule 10.* Any special factor symbol, approved for the purpose by the Agricultural Marketing Service, may be used after or above a grade mark to show a peculiar side or characteristic of the tobacco.

*Rule 11.* Length shall be stated in connection with each grade of the A, B, and C groups, and may be stated in connection with the grades of other groups. For this purpose, U. S. Tobacco Sizes shall be used.

Done at Washington, D. C. this 29th day of November 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–4422; Filed, November 30, 1939; 11:36 a. m.]

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## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

## CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[B.A.I. Order 372 [1]]

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE [2]

*Rule 1, Revision 38—To Prevent the Spread of Splenetic or Tick Fever in Cattle*

NOVEMBER 29, 1939.

Sec.

72.2 Splenetic or tick fever in cattle in described territory in Florida, Puerto Rico, and Texas; prohibiting interstate movement of cattle.
72.3 Area quarantined in Florida.
72.4 Area quarantined in Puerto Rico.
72.5 Area quarantined in Texas.

§ 72.2 *Splenetic or tick fever in cattle in described territory in Florida, Puerto Rico, and Texas; prohibiting interstate movement of cattle.* Notice is hereby given that the contagious and infectious disease known as splenetic or tick fever exists in cattle in portions of the States of Texas and Florida and the Territory of Puerto Rico. Therefore, those portions of these States and Territory described in sections 72.3 to 72.5, inclusive, are hereby quarantined, and the interstate movement of cattle therefrom shall be made only in accordance with the regulations of the Secretary of Agriculture for the prevention of the spread of splenetic or tick fever in cattle.[2] This rule shall be construed in connection with the said regulations and is subject to amendment or revision on statutory notice.

§ 72.3 *Area quarantined in Florida.* The following counties and portions of counties are quarantined: Collier and Hendry; that portion of Osceola County lying east and north of State Roads 29 and 24; and that portion of Orange County lying east of U. S. Highways Nos. 17 and 92.

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[1] Secs. 72.2 to 72.5, inclusive, issued under the authority contained in sec. 6, 23 Stat. 32, secs. 1, 3, 33 Stat. 1264, 1265, sec. 1, 44 Stat. 774; 21 U.S.C. 115, 123, 125.

[1] Supersedes B.A.I. Order 369 (3 F.R. 2729 DI). The numbering of the parts and sections of B.A.I. Orders conforms to the numbering in title 9, chapter 1, of The Code of Federal Regulations.

[2] 9 CFR parts 71, 72.



§ 72.4. *Area quarantined in Puerto Rico.* All that portion of the Territory of Puerto Rico lying east of the following-described line is quarantined: Beginning at Wilson Bridge, Cátano, extending in a southerly direction along the south border of the Cátano swamp to the canefield track of the Juanita Central, thence northerly along this track to the Cátano-Bayanon Road (No. 24), thence westerly along the south right-of-way of said road to the Solado Bridge over the Bayamon River, thence southerly along said river to the Bayamon Bridge on the Bayamon-San Juan Road (No. 2), thence westerly to a road running southwesterly through Torreche dairy farms property to the Aguas Buenas Road, thence westerly along the south right-of-way of said road to a road running southwesterly through the properties of Islete, Monclova, and consolidated farms to the Bayamon-Comerio Road (No. 9), thence southerly along the east right-of-way of said road to its intersection with the Comerio-Cidra Road (No. 22), thence along the east right-of-way of said road and following the city limits of the town of Cidra to the Cidra-Cayey Road, thence along the east right-of-way of said road to the San Juan-Cayey Road (No. 1), thence easterly along the north right-of-way of said road and continuing in a southerly direction along the east right-of-way of the P. R. R. A. Reforestation Seed Bed Road to the south property line of the Military Wireless Station, thence westerly along this line to the Ilera Creek Bridge and following said creek in a southwesterly direction to the Cayey-Guayama Road (No. 4), thence southerly along said road to the north property line of Jose Revira, thence southerly along this line to the east right-of-way of the Palmas Bajas Road, thence southeasterly along said road to the Guamani River, thence northeasterly along this river to the Carite-Guayama Road to a point where it intersects the north property line of Luce & Co., thence easterly along this line to the northeast corner of said property, thence southerly to the Federal Experiment Station, thence southerly along the east right-of-way of a road from this station to the Guayama-Arroyo Road (No. 3), thence along said road in a westerly direction to its intersection with the Monserrate Road, continuing southerly along the east right-of-way of said road to the old McCormick Docks on Arroyo Bay in the Caribbean Sea.

§ 72.5 *Area quarantined in Texas.*[1] The following portions of counties are quarantined: That part of Cameron County lying south of the following-described line—beginning at the point where the Brownsville ship channel enters the Gulf of Mexico following said ship channel in a southwesterly direction to Port Brownsville, thence in the same direction along the Port Brownsville-Brownsville Road to where it crosses the Ranchito Viejo Resaca, thence in a northwesterly direction following the Ranchito Viejo Resaca to the Sam Houston Boulevard Road, thence in a southwesterly direction to the Rangerville-San Benito Road, thence in a northwesterly direction along said road to the intersection of the Rangerville-Harlingen Road, thence in a northeasterly direction to the intersection of the county road known as the Rangerville-Arroyo Colorado Low Bridge Road, following said road to the Arroyo Colorado, a distance of approximately 2.7 miles, thence following the Arroyo Colorado in a westerly direction to the Cameron-Hidalgo County line. That part of Hidalgo County lying south and west of, and including all incorporated and unincorporated town sites intersected by, a line beginning at a point where the main line of the Missouri Pacific Railroad which runs between Harlingen and Rio Grande City, Tex., intersects the Cameron-Hidalgo County line, running thence in a westerly direction along the north line of said railroad right-of-way to a point where it intersects the east survey line of Porcion 80, thence northerly along said survey line to a point where it intersects the West Edinburg Road, thence westerly along the north right-of-way of said road to its intersection with the west survey line of Porcion 73, thence northerly on said survey line to a point where it intersects the Monte Christo Road, thence westerly along said road to its intersection with the Starr-Hidalgo County line. That part of Kinney County lying west of the following-described line—beginning at a point where the Kinney-Val Verde County line is intersected by Highway No. 85, running thence southeasterly along said highway to the intersection of the Kinney-Maverick County line. That part of Maverick County lying west of the following-described line—beginning at a point where the Kinney-Maverick County line is intersected by Highway No. 85, running thence in a southeasterly direction along said highway to the north city limits of Eagle Pass, thence easterly along the city limits to a point where it intersects the Southern Pacific Railroad, thence southerly along the said railroad to the Kifuri Overall Factory premises, thence in an easterly direction along the north survey line of said premises to the Eagle Pass-Laredo River Road, thence in a southeasterly direction along this road to the Maverick-Webb County line. That part of Starr County lying south and west of, and including all incorporated and unincorporated town sites intersected by, a line beginning at a point where the Roma-Hebbronville Road intersects the Jim Hogg-Starr County line, running thence in a southerly direction along said road to a point where it intersects the southwest survey line of the Buena Vista ranch, running thence southeasterly along the south line of this ranch to a point where it intersects the southwest line of the Las Escobas ranch, following the southwest line of this ranch to the south corner, running thence in a northeasterly direction along the ranch survey line to where it intersects the Las Escobas-Monterrey Road, running thence in a southeasterly direction to a point where this road intersects the east survey line of the Francisco-Antonio Villerreal Survey 108, thence southerly on this survey line to a point where it intersects the east El Saus Road, thence running southeasterly along this road to a point where it intersects the Rio Grande-Corpus Christi Road, thence running southerly on the west survey line of section 519 and easterly on the south survey line of sections 519 and 520 to the east line of section 520, thence running southerly on the east line of section 134 to the southeast corner of the survey, thence westerly on the south line of section 134 to a point where it intersects the east line of section 503, thence southerly on the west survey line of the Rincon ranch to its southwest corner, thence easterly on the south line of the Rincon ranch to where it intersects the Hidalgo-Starr County line. That part of Val Verde County lying south and west of the following-described line—beginning at the mouth of Devils River where it empties into the Rio Grande River, thence up Devils River in a northerly direction to the bridge on Highway No. 90 over said river, thence in a southerly direction along Highway No. 90 to a point where it intersects Highway No. 85, thence in a southeasterly direction along Highway No. 85 to the Val Verde-Kinney County line. That part of Webb County lying south and west of the following-described line—beginning at a point on the Dimmit-Webb County line where the Military Road intersects said line and following the Military Road in a southeasterly direction to where this road intersects the south survey line of the C. C. Tribble ranch, approximately 32 miles; following said line in a northeasterly direction to the intersection of the south survey line of the Y. Benavides Arroyo pasture, approximately 6⅔ miles; thence in a southeasterly direction on said line to the intersection of the north survey line of the Louis Puig ranch, approximately 4¾ miles; thence in a northeasterly direction to a point where this line intersects the Las Tiendas Road, approximately four-fifths of a mile; thence in a southeasterly direction along said road to where the Las Tiendas Road intersects the Rio Grande and Eagle Pass Railroad, approximately 6⅔ miles; following this railroad in a southeasterly direction to where it intersects the south survey line of the L. R. Ortiz ranch, approximately 4 miles; running thence in a northeasterly direction along said survey line to the northwest corner of the H. W. Nixon Farias pasture, approximately 4⅘ miles; thence in a southeasterly direction along this survey line to the southwest corner of the pasture, approximately 1⅕ miles; running thence in a

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[1] Properly equipped and noninfectious pens are maintained by the International & Great Northern Railroad Co. within the quarantined area at Laredo, Webb County, Tex.

northeasterly direction along the survey line to where it intersects the old San Antonio Road, approximately two-fifths of a mile; following said road in a southwesterly direction to where it intersects the south L. R. Ortiz survey line, approximately 4 miles; thence in a southeasterly direction along said survey line to the intersection of the north survey line of the A. M. Bruni ranch, Tanquecitos pasture, approximately 4 miles; following this survey line in a southeasterly direction to where it intersects the Laredo-Hebbronville Highway (U. S. 96), approximately 3⅜ miles; thence in a westerly direction along this highway to the northwest corner of the S. V. Edwards survey, approximately one-eighth of a mile; thence south along the west survey line of the Edwards and M. A. Hirsch ranches to the southwest corner of the Hirsch ranch, approximately 2⅝ miles; thence in an easterly direction along the south survey line of the Hirsch ranch to where it intersects the A. M. Bruni Tulle ranch, approximately 8⅔ miles; following the west survey line of this ranch in a southerly direction to the northwest corner of the A. M. Bruni Burritas ranch pasture, approximately 7⅔ miles; following the west survey line of this pasture south to where it intersects the A. M. Bruni Jaral pasture, approximately 2⅔ miles; thence following the north survey line to the northeast corner of the pasture; thence along the east survey line to the southeast corner of this Jaral pasture; thence along the south survey line of this pasture to the Webb-Zapata County line, approximately 2⅞ miles. That part of Zapata County lying west of the following-described line—beginning at a point on the Starr-Zapata County line where the Perdenal ranch's east survey line intersects said county line; thence in a northwesterly direction along said survey line to the Las Abritas ranch, approximately 3⅜ miles; thence following the northeast survey line of said ranch to its intersection with the Lampasitas ranch survey line, approximately 1 mile; thence along the northeast survey line of said ranch to its northeast corner, approximately 3 miles; thence along the northeast survey line of the Buenos Aires ranch to its northeast corner, approximately 3⅛ miles; thence along the east survey line of the Porvenir ranch approximately two-fifths of a mile to a right corner; thence east on said survey line to the intersection of the La Sabana ranch southwest survey line, approximately 1 mile; thence in a northwesterly direction to the northwest corner of said ranch, approximately 1⅘ miles; thence in a northeasterly direction along the northwest survey line of this ranch to its northeast corner, approximately 1⅘ miles; thence along the northeast survey line of the Humaran ranch to the Bandera pasture, approximately 4⅞ miles; thence along the northeast survey line of this pasture to the San Antonio ranch, approximately two-fifths of a mile; following the survey line of this ranch east, approximately one-fourth of a mile; thence northwest approximately 1⅗ miles to the intersection of the Salomoneno ranch; thence southwest along the south line of said ranch, approximately 1⅘ miles; thence northwest along the west survey line to the intersection of the Venados ranch, approximately 2⅕ miles; thence following the southwest survey line of this ranch in a northwesterly direction to the intersection of the Union ranch, approximately 5⅕ miles; thence following the northeast survey line of this ranch to the intersection of the Santa Nina pasture, approximately 3 miles; thence following the northeast survey line of the Santa Nina ranch in a northwesterly direction to its northeast corner, approximately 1⅕ miles; thence along the north survey line of the E. Gutierrez pasture in a northeasterly direction to the Jaral pasture, approximately four-fifths of a mile; thence northwest along the west line of said pasture to the northwest corner, approximately 1⅕ miles; thence in a northeasterly direction along the northwest survey line of this pasture to the Webb-Zapata County line, approximately 7⅕ miles.

Rule 1, revision 37 (B.A.I. Order 369), dated November 15, 1938, effective December 1, 1938, shall cease to be effective on and after December 15, 1939, on and after which date this rule 1, revision 38, which for purposes of identification is designated as B.A.I. Order 372, shall become and be effective until otherwise ordered.

Done in the city of Washington this 29th day of November 1939.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

INTERPRETATION

The effect of this order is as follows:

In Florida: The remainder of Glades and Highlands Counties is released from quarantine.

In Texas: Angelina, Hardin, Polk, and Shelby Counties and parts of Cameron, Webb, and Zapata Counties are released from quarantine; and parts of Val Verde, Kinney, and Maverick Counties are quarantined.

In Puerto Rico: A part of the Territory of Puerto Rico is released from quarantine.

[F. R. Doc. 39-4423; Filed, November 30, 1939; 11:36 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### FEDERAL TRADE COMMISSION

[Docket No. 3269]

IN THE MATTER OF WALDES KOH-I-NOOR, INC., ET AL.

§ 3.6 (m10) *Advertising falsely or misleadingly—Manufacture:* § 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (u) *Advertising falsely or misleadingly—Quality:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts:* § 3.6 (gg) *Advertising falsely or misleadingly—Value:* § 3.7 *Aiding, assisting or abetting unfair or unlawful act or practice:* § 3.55 *Furnishing means and instrumentalities of misrepresentation and deception.* Representing, or causing or inducing others to represent, in connection with offer, etc., in interstate commerce or in the District of Columbia, of ladies' handbags or any other article of merchandise fitted or equipped with any fastening device sold by respondent Waldes Koh-I-Noor, Inc., that any imported French-made ladies' handbag has been or is regularly offered for sale and sold through retail channels, when such is not the fact, or that such handbag has been or is offered for sale and sold at a retail price for which the same has not been or is not regularly offered for sale and sold, or that any such handbag has a value which in fact such handbag does not have, or that any domestic-made ladies' handbags are "Copies", "Reproductions", or "Facsimiles", of any imported ladies' handbags, French-made or otherwise, unless such domestic-made handbags are true copies, reproductions or facsimiles of, and in all particulars, inclusive of design, style, materials, ornament, and workmanship, comparable and equal in quality to, the imported handbags of which the domestic-made handbags are, or purport to be, copies, reproductions or facsimiles; or distributing any advertising matter in said commerce which contains any of the aforesaid representations for use in connection with promotion of the sale of any such article; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Waldes Koh-I-Noor, Inc., et al., Docket 3269, November 16, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF WALDES KOH-I-NOOR, INC., A CORPORATION, AND THE GREY ADVERTISING AGENCY, INC., A CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, and a stipulation as to the facts entered into between respondents herein and W. T. Kelley, Chief Counsel of the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon respondents herein, findings as to the facts and conclusion based thereon, and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

[1] 3 F.R. 2791 DI.



*It is ordered*, That respondents Waldes Koh-I-Noor, Inc., and The Grey Advertising Agency, Inc., corporations, their officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of ladies' handbags or any other article of merchandise fitted or equipped with any fastening device sold by respondent Waldes Koh-I-Noor, Inc., in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Representing, or causing or inducing others to represent, that any imported French-made ladies' handbag has been or is regularly offered for sale and sold through retail channels, when such is not the fact, or that such handbag has been or is offered for sale and sold at a retail price for which the same has not been or is not regularly offered for sale and sold;

(2) Representing or causing or inducing others to represent, that any imported French-made ladies' handbag has a value which in fact such handbag does not have;

(3) Representing, or causing or inducing others to represent, that any domestic-made ladies' handbags are "Copies", "Reproductions", or "Facsimiles", of any imported ladies' handbags, French-made or otherwise, unless such domestic-made handbags are true copies, reproductions or facsimiles of, and in all particulars, inclusive of design, style, materials, ornament, and workmanship, comparable and equal in quality to, the imported handbags of which the domestic-made handbags are, or purport to be, copies, reproductions or facsimiles.

*It is further ordered*, That said respondents do forthwith cease and desist from distributing any advertising matter in said commerce which contains any of the aforesaid representations for use in connection with the promotion of the sale of any such article.

*It is further ordered*, That the respondents shall, within sixty days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4410; Filed, November 29, 1939; 2:07 p. m.]

[Docket No. 3415]

IN THE MATTER OF AMERICAN CLINICAL LABORATORIES, INC., ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (j10) *Advertising falsely or misleadingly—History of product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Representing, in connection with offer, etc., in commerce, of "Retardo" obesity, or other similar medicinal, preparation, that the use of said "Retardo" is a safe, competent, effective, or reliable method of treatment for losing weight, or will reduce weight without dieting or exercise, or that it is the newest discovery for the reduction of excess weight, or representing, through failure to reveal that said preparation is not wholly safe for use in self-medication or through any other means or device, or in any other manner, that said "Retardo" contains no harmful or dangerous drugs, and that the use of said preparation will have no ill effects upon the human body, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Clinical Laboratories, Inc., et al., Docket 3415, November 16, 1939]

§ 3.6 (j) (3) *Advertising falsely or misleadingly—Government approval or connection—Government indorsement:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.18 *Claiming indorsements or testimonials falsely:* § 3.96 (a) (2) *Using misleading name—Goods—Government indorsement.* Representing, in connection with offer, etc., in commerce, of "Retardo" obesity, or other similar medicinal, preparation, through the use of the terms "Approved by the Official Research Bureau of New York" or "Seal of Approval, Official Research Bureau of New York" or through the use of the corporate name "Official Research Bureau of New York, Inc.," to designate, describe or refer, in any way, to said preparation "Retardo", or through any other means or device or in any other manner, that said preparation has been approved by any research bureau having an official connection with the City or State of New York, or has been approved by any muhicipal, state or governmental agency, or bureau whatsoever, until and unless said preparation has in fact received such approval, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Clinical Laboratories, Inc., et al., Docket 3415, November 16, 1939]

§ 3.6 (a) (22) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer—Laboratory:* § 3.96 (b) (5) *Using misleading name—Vendor—Producer or laboratory status of dealer.* Representing, in connection with offer, etc., in commerce, of "Retardo" obesity, or other similar medicinal, preparation, through the use of the term "Laboratories" in the corporate name of respondent, American Clinical Laboratories, Inc., or in any other manner, or through the use of any other term of similar meaning, or through any other means or device, that the respondent, American Clinical Laboratories, Inc., conducts, operates or maintains a laboratory, or is the manufacturer or compounder of the preparation "Retardo", unless and until said corporate respondent actually owns and operates, or directly or absolutely controls, a laboratory for the purpose of manufacturing, testing and experimenting with such preparation, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, American Clinical Laboratories, Inc., et al., Docket 3415, November 16, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF AMERICAN CLINICAL LABORATORIES, INC., OFFICIAL RESEARCH BUREAU OF NEW YORK, INC., FEDERAL RESEARCH CORPORATION, CORPORATIONS, AND SHELLEY BRAVERMAN

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence, and the respondents' answer read into the record herein on June 16, 1939, in which answer respondents admitted all the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, American Clinical Laboratories, Inc. and Federal Research Corporation and their officers, and respondent Shelley Braverman, an individual, and their respective agents, servants, representatives and employees, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a me-

[1] 3 F.R. 2522 DI.

dicinal preparation for the treatment of obesity, now known as "Retardo", whether sold under that name or under any other name, or of any other medicinal preparation containing substantially similar ingredients or possessing substantially similar therapeuatic effect, do forthwith cease and desist from:

1. Representing that the use of said preparation "Retardo" is a safe, competent, effective or reliable method of treatment for losing weight;

2. Representing that the use of said preparation "Retardo" will reduce weight without dieting or exercise;

3. Representing that said preparation "Retardo" is the newest discovery for the reduction of excess weight;

4. Representing, through failure to reveal that said preparation is not wholly safe for use in self-medication or through any other means or device, or in any other manner, that said preparation "Retardo" contains no harmful or dangerous drugs, and that the use of said preparation will have no ill effects upon the human body;

*It is further ordered*, That respondents, American Clinical Laboratories, Inc. and Official Research Bureau of New York, Inc., corporations, and Shelley Braverman, an individual, and their respective agents, servants, representatives and employees, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a medicinal preparation for the treatment of obesity, now known as "Retardo", whether sold under that name or under any other name, or of any other medicinal preparation containing substantially similar ingredients or possessing substantially similar therapeutic effect, do forthwith cease and desist from:

1. Representing, through the use of the term "Laboratories" in the corporate name of respondent, American Clinical Laboratories, Inc., or in any other manner, or through the use of any other term of similar meaning, or through any other means or device, that the respondent, American Clinical Laboratories, Inc. conducts, operates or maintains a laboratory, or is the manufacturer or compounder of the preparation "Retardo", unless and until said corporate respondent actually owns and operates, or directly or absolutely controls, a laboratory for the purpose of manufacturing, testing and experimenting with such preparation.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4409; Filed, November 29, 1939; 2:07 p. m.]

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[Docket No. 3795]

IN THE MATTER OF BENSON SPECIALTY COMPANY

§ 3.6 (r) (2.5) *Advertising falsely or misleadingly — Prices — Exaggerated as regular and customary:* § 3.6 (r) (7) *Advertising falsely or misleadingly—Prices—Usual as reduced:* § 3.6 (gg) *Advertising falsely or misleadingly—Value:* § 3.72 (n) *Offering deceptive inducements to purchase—Special offers.* Representing, in connection with offer, etc., in commerce, of pens, jewelry, electric water heaters or other products, as the customary or regular price or value of respondents' products prices and values which are in fact fictitious and greatly in excess of the prices at which such products are customarily offered for sale and sold in the normal course of business, or representing that the price at which respondents offer for sale and sell their various products constitutes a discount to the purchaser or is a special or introductory price when in fact such price is the usual and customary price at which the respondents sell such products in the normal and usual course of business, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Benson Specialty Company, Docket 3795, November 15, 1939]

§ 3.6 (r) (1.5) *Advertising falsely or misleadingly—Prices—Coupon or certificate values:* § 3.72 (b) *Offering deceptive inducements to purchase—Coupon or certificate deductions in price.* Representing, in connection with offer, etc., in commerce, of pens, jewelry, electric water heaters or other products, that any articles of merchandise customarily and regularly sold in connection with the use of any purported certificate or other similar device have any value in excess of the actual money price required to be paid, or that any coupon or similar device has any monetary value in the purchase of an article which is customarily or regularly sold by the respondents with or without such coupon or similar device at the price required to be paid, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Benson Specialty Company, Docket 3795, November 15, 1939]

§ 3.6 (h) *Advertising falsely or misleadingly—Fictitious guarantees:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.72 (k10) *Offering deceptive inducements to purchase—Results guarantee.* Representing, in connection with offer, etc., in commerce, of pens, jewelry, electric water heaters or other products, that the fountain pens sold and distributed by respondents will last a lifetime, will never need repair, are unbreakable, or that such pens are "guaranteed", prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Benson Specialty Company, Docket 3795, November 15, 1939]

§ 3.6 (n) (2) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of pens, jewelry, electric water heaters or other products, that respondents' necklaces can be worn a life-time or any appreciable period of time and remain free from tarnish, loss of brilliancy or loss of stones; or representing that such necklaces are set with "facsimile" diamonds or representing, by the use of any other language, that the settings in such necklaces are other than imitation stones; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Benson Specialty Company, Docket 3795, November 15, 1939]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods.* Representing, in connection with offer, etc., in commerce, of pens, jewelry, electric water heaters or other products, that the rings and necklaces sold and distributed by the respondents are 14K gold or silver or that they contain any substantial amount of gold or silver when such is not the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Benson Specialty Company, Docket 3795, November 15, 1939]



§ 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (ee5) *Advertising falsely or misleadingly—Tests:* § 3.16 *Claiming indorsements or testimonials falsely.* Representing, in connection with offer, etc., in commerce, of pens, jewelry, electric water heaters or other products, that respondents' electric hot water heaters or other products have been tested in any specific respect unless and until such products have actually been tested and approved by a duly qualified testing laboratory having the facilities necessary to make such tests, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Benson Specialty Company, Docket 3795, November 15, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF ROBERT H. BENSON AND EMMA BENSON, INDIVIDUALLY AND AS COPARTNERS TRADING AS BENSON SPECIALTY COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondents, Robert H. Benson and Emma Benson, individually and as copartners trading as Benson Specialty Company, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of pens, jewelry, electric water heaters or other products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing as the customary or regular price or value of respondents' products prices and values which are in fact fictitious and greatly in excess of the prices at which such products are customarily offered for sale and sold in the normal course of business;

2. Representing that the price at which respondents offer for sale and sell their various products constitutes a discount to the purchaser or is a special or introductory price when in fact such price is the usual and customary price at which the respondents sell such products in the normal and usual course of business;

3. Representing that any articles of merchandise customarily and regularly sold in connection with the use of any purported certificate or other similar device have any value in excess of the actual money price required to be paid;

4. Representing that any coupon or similar device has any monetary value in the purchase of an article which is customarily or regularly sold by the respondents with or without such coupon or similar device at the price required to be paid;

5. Representing that the fountain pens sold and distributed by respondents will last a life-time, will never need repair, are unbreakable, or that such pens are "guaranteed";

6. Representing that respondents' necklaces can be worn a life-time or any appreciable period of time and remain free from tarnish, loss of brilliancy or loss of stones; or representing that such necklaces are set with "facsimile" diamonds or representing, by the use of any other language, that the settings in such necklaces are other than imitation stones;

7. Representing that the rings and necklaces sold and distributed by the respondents are 14K gold or silver or that they contain any substantial amount of gold or silver when such is not the fact;

8. Representing that respondents' electric hot water heaters or other products have been tested in any specific respect unless and until such products have actually been tested and approved by a duly qualified testing laboratory having the facilities necessary to make such tests.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4411; Filed, November 29, 1939; 2:07 p. m.]

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[Docket No. 3268]

IN THE MATTER OF THE PERMA-MAID COMPANY, INC.

§ 3.48 (b) (6) *Disparaging competitors and their products—Goods—Qualities or properties:* § 3.48 (b) (9) *Disparaging competitors and their products—Goods—Safety:* § 3.69 (b) (15.7) *Misrepresenting oneself and goods—Goods—Scientific or other relevant facts.* Representing, in connection with offer, etc., in commerce, of cooking utensils, that food prepared or kept in aluminum utensils is detrimental to the user thereof, or that preparation of food in such utensils causes the formation of poisons, or that the consumption of food prepared or kept in such utensils will cause ulcers, cancers, cancerous growths and various other ailments, afflictions and diseases, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Perma-Maid Company, Inc., Docket 3268, November 18, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon complaint of the Commission, the answer of the respondent, testimony and other evidence taken before Edward E. Reardon, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein and oral arguments by S. Brogdyne Teu, II, counsel for the Commission, and T. R. Iserman, counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent Perma-Maid Company, Inc., its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of cooking utensils in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that food prepared or kept in aluminum utensils is detrimental to the user thereof;

2. Representing that the preparation of food in aluminum utensils causes the formation of poisons;

3. Representing that the consumption of food prepared or kept in aluminum utensils will cause ulcers, cancers, cancerous growths and various other ailments, afflictions and diseases.

*It is further ordered*, That the respondent shall within sixty (60) days from and after the date of service upon it of this order file with the Commission a

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[1] 3 F.R. 2316 DI.

report in writing setting forth in detail the manner and form in which it has complied and is complying with the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4416; Filed, November 30, 1939; 9:37 a. m.]

## TITLE 24—HOUSING CREDIT

## CHAPTER V—FEDERAL HOUSING ADMINISTRATION

### AMENDMENT TO ADMINISTRATIVE RULES OF THE FEDERAL HOUSING ADMINISTRATOR FOR FARM MORTGAGE INSURANCE

The Administrative Rules of the Federal Housing Administrator for farm mortgage insurance under Section 203 (d) of the National Housing Act, issued May 10, 1938, effective May 16, 1938, as amended September 20, 1939, are hereby amended as follows:

Subsection 5 of Section IV of said Administrative Rules is amended to read as follows:

5. The mortgage may bear interest at such rate as may be agreed upon between the mortgagee and the mortgagor, but in no case shall such interest rate be in excess of four and one-half percent (4½%) per annum. Interest shall be payable in annual, semi-annual, or monthly instalments on the principal then outstanding and, in the event interest is payable in annual or semi-annual instalments, such interest payments may be required in advance for each such period.

Subsection 10 of Section IV of said Administrative Rules is amended to read as follows:

10. The mortgagor must pay to the mortgagee, upon the execution of the mortgage, a sum that will be sufficient to pay premiums on fire and other insurance required by the mortgagee pursuant to the terms of the mortgage, and ground rents, if any, and estimated taxes, special assessments, drainage and irrigation charges applicable to the period beginning on the date to which such ground rents, taxes, assessments, and charges were last paid and ending on the date of the first periodic payment under the mortgage. The mortgagor, at such time, may also be required to pay a sum equal to the first annual insurance premium plus an amount equal to one-twelfth (1/12th) of the annual mortgage insurance premium multiplied by the number of months to elapse from the date of the closing of the loan to the date of the first periodic payment, and if the mortgage provides for payment of interest in advance, interest to the due date of the first periodic payment thereunder.

Issued at Washington, D. C. this 16th day of November 1939, and effective on the 1st day of December 1939.

[SEAL] ABNER H. FERGUSON, *Acting Federal Housing Administrator.*

[F. R. Doc. 39-4413; Filed, November 29, 1939; 4:05 p. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### VETERANS' RELIEF

#### INSTITUTIONAL AWARDS

§ 2.2142 There is no legal authority to make an institutional award of pension under Public No. 269, 74th Congress in behalf of an incompetent or insane disabled person unless such person is being maintained in a Veterans' Administration facility or in some other institution at the expense of the Veterans' Administration. See also Sec. 2.1276. (December 1, 1939) (49 Stat. 614; 38 U.S.C. 368, 369)

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 39-4420; Filed, November 30, 1939; 11:29 a. m.]

### TRANSPORTATION FOR OUT-PATIENT MEDICAL AND DENTAL TREATMENT AND PHYSICAL EXAMINATIONS

§ 6.6103 (B)[1] *Out-patient physical examinations:*

* * * * *

(4) See Sec. 3.3090, 3.3092 for authorization for examination and furnishing of transportation. (a) Necessary transportation expenses incident to physical examination at regional offices or facilities may be furnished subject to the governing provisions of Sec. 6.6103 (B) (3) in the following instances: (1) When upon filing of an application for payment of insurance benefits, an applicant is ordered to report for examination by the Veterans' Administration to determine the existence of total or total and permanent disability:

(2) When an individual receiving payments of insurance benefits is ordered to report for the examination by the Veterans' Administration to determine if he has recovered the ability to follow a gainful occupation:

(3) When an individual is ordered to report for examination by the Veterans Administration to determine the existence of mental incompetency for the purpose of waiver of payment of an insurance premium on its due date.

(b) Necessary transportation expenses may be furnished subject to the governing provisions of Sec. 6.6103 (B) (3) incident to a physical examination at a regional office or facility of the Veterans Administration of an applicant for reinstatement of insurance, provided that the applicant was ordered to report for the examination at the specific request of the insurance claims council in central office.

(c) Transportation expenses will not be furnished for examinations on applications for reinstatement of insurance or on applications for payment of insurance benefits on account of total or total and permanent disability where the applicants were not ordered to report for the examination by the Veterans Administration, or on applications for new insurance. (December 1, 1939) (48 Stat. 9; 38 U.S.C. 706)

[SEAL] WILLIAM C. BUELL, *Chief, Regulations Division.*

[F. R. Doc. 39-4421; Filed, November 30, 1939; 11:29 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### INTERSTATE COMMERCE COMMISSION

#### ORDER IN THE MATTER OF FREIGHT COMMODITY STATISTICS

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 16th day of November, A. D. 1939.

The subject of freight commodity statistics being under consideration:

*It is ordered*, That—

For the year beginning with January 1, 1940, and thereafter unless otherwise ordered, carriers by steam railway, other than switching and terminal companies, subject to the jurisdiction of the Interstate Commerce Commission, that are or may be assigned to the classes designated as Class I and Class II, shall report the number of tons of revenue freight originated by them and the number of tons of revenue freight terminated by them in each of the geographic areas specified in the list of areas shown in the Appendix hereto, which is hereby made a part of this order.

The number of tons reported by geographic areas shall be shown separately for the various classes of commodities specified in our order of November 22, 1927, as amended by order of December 14, 1938, In the Matter of Freight Commodity Statistics, except Class 710, All L.C.L. freight.

Class I carriers shall report the information quarterly, and Class II carriers annually, in accordance with the attached report form which is hereby also made part of this order.

Carriers located entirely within a single geographic area may omit their tonnage from the report, but shall indicate by endorsement thereon the single area in which located.

[1] 4 F.R. 1393 DI.



The reports shall be forwarded in duplicate to the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before the last day of the second month succeeding the close of the period for which they are compiled.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

#### APPENDIX

*List of Geographic Areas*

Alabama, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New England, New Jersey, New Mexico, New York State, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington (state), West Virginia, Wisconsin, and Wyoming.

[Form SCS]

#### REPORT OF FREIGHT COMMODITY STATISTICS BY GEOGRAPHIC AREAS TO THE INTERSTATE COMMERCE COMMISSION

For the ------ Quarter (------ to ------) of 194-- or Calendar year 194-- (Strike out one)

Full name of respondent _____ (If a system report, check here ( ), and name operating roads included)

Endorsement _____ (For use by carriers located entirely within a single geographic area. See instructions)

| No. | Commodity group or class | (Name of geographic area) Number of tons of revenue freight [1] Originated | Terminated |
|---|---|---|---|
| | GROUP I. PRODUCTS OF AGRICULTURE (C. L.) | | |
| 10 | Wheat | | |
| 20 | Corn | | |
| 30 | Oats | | |
| 40 | Barley and rye | | |
| 41 | Rice | | |
| 42 | Grain, N. O. S. | | |
| 50 | Flour, wheat | | |
| 51 | Meal, corn | | |
| 52 | Flour and meal, edible, N. O. S. | | |
| 60 | Cereal food preparations, edible, N. O. S. | | |
| 61 | Mill products, N. O. S. | | |
| 70 | Hay and alfalfa | | |
| 71 | Straw | | |
| 80 | Tobacco, leaf | | |
| 90 | Cotton in bales | | |
| 91 | Cotton linters, noils, and regins | | |
| 100 | Cottonseed | | |
| 101 | Cottonseed meal and cake | | |
| 110 | Oranges and grapefruit | | |
| 111 | Lemons, limes, and citrus fruits, N. O. S. | | |
| 120 | Apples, fresh | | |
| 121 | Bananas | | |
| 122 | Berries, fresh | | |
| 123 | Cantaloupes and melons, N. O. S. | | |
| 124 | Grapes, fresh | | |
| 125 | Peaches, fresh | | |
| 126 | Watermelons | | |
| 127 | Fruits, fresh, domestic, N. O. S | | |
| 128 | Fruits, fresh, tropical, N. O. S | | |
| 130 | Potatoes, other than sweet | | |
| 140 | Cabbage | | |
| 141 | Onions | | |
| 142 | Tomatoes | | |
| 143 | Vegetables, fresh, N. O. S. | | |
| 150 | Beans and peas, dried | | |
| 151 | Fruits, dried or evaporated | | |
| 152 | Vegetables, dry, N. O. S. | | |
| 160 | Vegetable-oil cake and meal, except cottonseed | | |
| 161 | Peanuts | | |
| 162 | Flaxseed | | |
| 163 | Sugar beets | | |
| 164 | Products of agriculture, N. O. S | | |
| (800) | Total products of agriculture | | |
| | GROUP II. ANIMALS AND PRODUCTS (C. L.) | | |
| 170 | Horses, mules, ponies, and asses | | |
| 180 | Cattle and calves, single-deck | | |
| 181 | Calves, double-deck | | |
| 190 | Sheep and goats, single-deck | | |
| 191 | Sheep and goats, double-deck | | |
| 200 | Hogs, single-deck | | |
| 201 | Hogs, double-deck | | |
| 210 | Fresh meats, N. O. S. | | |
| 220 | Meats, cured, dried, or smoked | | |
| 221 | Butterine and margarine | | |
| 222 | Packing-house products, edible, N. O. S., not including canned meats | | |
| 230 | Poultry, live | | |
| 231 | Poultry, dressed | | |
| 240 | Eggs | | |
| 250 | Butter | | |
| 251 | Cheese | | |
| 260 | Wool | | |
| 270 | Hides, green | | |
| 271 | Leather | | |
| 280 | Fish or sea-animal oil | | |
| 281 | Animals, live, N. O. S. | | |
| 282 | Animal products, N.O.S. (other than fertilizers and fertilizer materials) | | |
| (810) | Total animals and products | | |
| | GROUP III. PRODUCTS OF MINES (C. L.) | | |
| 290 | Anthracite coal | | |
| 300 | Bituminous coal | | |
| 310 | Coke | | |
| 320 | Iron ore | | |
| 330 | Copper ore and concentrates | | |
| 331 | Lead ore and concentrates | | |
| 332 | Zinc ore and concentrates | | |
| 333 | Ores and concentrates, N.O.S. | | |
| 350 | Gravel and sand (other than glass or molding) | | |
| 351 | Stone, broken, ground, or crushed | | |
| 352 | Stone, rough, N.O.S. | | |
| 353 | Stone, finished, N.O.S. | | |
| 360 | Petroleum, crude | | |
| 370 | Asphalt (natural, by-product, or petroleum) | | |
| 380 | Salt | | |
| 390 | Phosphate rock, crude (ground or not ground) | | |
| 391 | Sulphur (brimstone) | | |
| 392 | Products of mines, N.O.S. | | |
| (820) | Total products of mines | | |
| | GROUP IV. PRODUCTS OF FORESTS (C. L.) | | |
| 400 | Logs | | |
| 401 | Posts, poles, and piling | | |
| 402 | Wood (fuel) | | |
| 410 | Ties, railroad | | |
| 420 | Pulpwood | | |
| 430 | Lumber, shingles, and lath | | |
| 431 | Box, crate, and cooperage materials | | |
| 432 | Veneer and built-up wood | | |
| 440 | Rosin | | |
| 441 | Turpentine | | |
| 442 | Crude rubber (not reclaimed) | | |
| 443 | Products of forests, N. O. S. | | |
| (830) | Total products of forests | | |

[1] Space for reporting tonnage in additional geographic areas will be provided on printed forms.

| No. | Commodity group or class | (Name of geographic area) Number of tons of revenue freight Originated | Terminated |
|---|---|---|---|
| | GROUP V. MANUFACTURES AND MISCELLANEOUS (C. L.) | | |
| 450 | Petroleum oils, refined, and all other gasolines | | |
| 451 | Fuel, road, and petroleum residual oils, N. O. S. | | |
| 452 | Lubricating oils and greases | | |
| 453 | Petroleum products, N.O.S. | | |
| 460 | Cottonseed oil | | |
| 461 | Linseed oil | | |
| 462 | Vegetable oils, N. O. S. | | |
| 470 | Sugar (beet or cane) | | |
| 471 | Table sirups and edible molasses | | |
| 472 | Molasses, blackstrap and beet, residual | | |
| 490 | Iron, pig | | |
| 491 | Iron and steel, rated 6th class in official classification, N. O. S. | | |
| 500 | Rails, fastenings, frogs, and switches | | |
| 510 | Cast-iron pipe and fittings | | |
| 511 | Iron and steel pipe and fittings, N. O. S. | | |
| 512 | Iron and steel: Nails and wire, not woven | | |
| 513 | Iron and steel, rated 5th class in official classification, N. O. S. (also tin and terne plate) | | |
| 520 | Copper: Ingot, matte, and pig | | |
| 521 | Copper, brass, and bronze: Bar, sheet, and pipe | | |
| 522 | Lead and zinc: Ingot, pig, or bar | | |
| 523 | Aluminum: Ingot, pig, or slab | | |
| 530 | Machinery and boilers | | |
| 540 | Cement, natural or Portland (building) | | |
| 550 | Brick, common | | |
| 551 | Brick, N. O. S., and building tile | | |
| 552 | Artificial stone, N. O. S. | | |
| 560 | Lime, common (quick or slaked) | | |
| 561 | Plaster (stucco or wall) and dry kalsomine | | |
| 570 | Sewer pipe and drain tile (not metal) | | |
| 580 | Agricultural implements and parts, N. O. S. | | |
| 581 | Vehicles, horse-drawn, and parts, N. O. S | | |
| 582 | Tractors and parts | | |
| 583 | Railway car wheels, axles, and trucks | | |
| 590 | Automobiles (passenger) | | |
| 591 | Autotrucks | | |
| 592 | Automibles and autotrucks, K. D. and parts, N. O. S. | | |
| 593 | Automobile and autotruck tires | | |
| 610 | Furniture, metal | | |
| 611 | Furniture, other than metal | | |
| 620 | Beverages | | |
| 630 | Ice | | |
| 640 | Fertilizers, N. O. S. | | |
| 650 | Newsprint paper | | |
| 651 | Printing paper, N. O. S. | | |
| 660 | Alcohol, denatured or wood | | |
| 661 | Sulphuric acid | | |
| 662 | Explosives, N. O. S. | | |
| 670 | Cotton cloth and cotton fabrics, N. O. S. | | |
| 671 | Bagging and bags, burlap, gunny, or jute | | |
| 680 | Canned food products, N. O. S. | | |
| 690 | Tobacco, manufactured products | | |
| 691 | Paints in oil and varnishes | | |
| 692 | Furnace slag | | |
| 693 | Scrap iron and scrap steel | | |
| 694 | Paper bags and wrapping paper | | |
| 695 | Paperboard, pulpboard, and wallboard (paper) | | |
| 696 | Building paper and prepared roofing materials | | |
| 697 | Building woodwork (millwork) | | |
| 698 | Soap and washing compounds | | |
| 699 | Glass, flat, other than plate | | |
| 700 | Glass: Bottles, jars, and jelly glasses | | |
| 701 | Manufactures and miscellaneous, N. O. S. | | |
| (840) | Total manufactures and miscellaneous | | |
| (850) | Grand total, carload traffic | | |
| 701 A | Forwarder traffic included in Class 701 | | |



*Instructions*

This form is provided for the purpose of making returns under the terms of the Interstate Commerce Commission's order of November 16, 1939, which requires steam railway companies of Class I and Class II, other than switching and terminal companies, to report the number of tons of revenue freight originated by them and the number of tons of revenue freight terminated by them in each of the geographic areas specified in the list of areas shown immediately following these Instructions. The order also requires that the tonnage reported by geographic areas shall be shown separately for the various classes of commodities specified in the Commission's order of November 22, 1927, as amended by order of December 14, 1938,[1] except Class 710, and that Class I railways shall report the information quarterly and Class II railways annually.

All tonnage should be stated in tons of 2,000 pounds and the number of tons shown for all geographic areas for which report is made should, when totalled for the various classes of commodities as to all tonnage originated and all tonnage terminated, agree with respective aggregates of originated and terminated tonnage distributed in the Quarterly Report of Freight Commodity Statistics, Form QCS, by Class I railways and in schedule 541 of Annual Report, Form A, by Class II railways for the same period.

Railways located entirely within a single geographic area may omit figures

(List of geographic areas will be shown in this space on printed forms)

[F. R. Doc. 39-4417; Filed, November 30, 1939; 10:04 a. m.]

[No. 3666]

### IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

*Decided November 20, 1939*

Application for authority to construct for experimental service in the transportation of petroleum products 50 tank-car tanks fabricated by fusion welding granted.

R. W. Thompson for General American Transportation Corporation.

SUPPLEMENTAL REPORT OF THE COMMISSION[1]

Alldredge, Commissioner: In our several prior reports we granted upon applications therein considered authority to build and use for experimental service in the transportation of dangerous articles other than explosives a total of 872 tank cars to be equipped with tanks fabricated by fusion welding but otherwise conforming to I.C.C. shipping container specifications.

By application of the General American Transportation Corporation dated October 11, 1939, recommended November 6, 1939, by the Bureau of Explosives and the mechanical division, Association of American Railroads, for our approval, we are asked to authorize the construction closed in the instant application, the construction and use of 50 additional tanks of tank cars in accordance with current ICC specification 105A300 is forthwith authorized, provided that tanks may be fusion welded instead of forge welded, and must be constructed and marked in compliance with proposed revised ICC specification 105A300W, filed as an exhibit at the hearing herein and referred to in our prior reports; cars to be used in further service tests in the transportation of petroleum products.

In all other respects the regulations for the transportation of dangerous articles herein referred to are and shall remain in full force and effect.

Owners or operators of cars, where construction is authorized herein, shall make semi-annual inspection of the tanks and report their condition to the same parties as receive reports required by ICC specification 105A300.

By the Commission, Commissioner Alldredge.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 39-4418; Filed, November 30, 1939; 10:04 a. m.]

## *Notices*

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.



at such other times as the Commission may require for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant having, on October 30, 1939, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantity of coal produced by the Applicant during the year preceding the filing of the application for renewal, at its mine located at Hunker, Pennsylvania, and the portion thereof which is consumed by Applicant in the manufacture of fire brick at Hunker, Pennsylvania, and which application also contains a statement that all of the facts set forth in the application of June 17, 1938, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order of October 17, 1938, continue to exist:

*It is ordered*, That the application filed by the Applicant for renewal of the said order of October 17, 1938, be and the same is hereby granted;

*Provided however*, That the said order of October 17, 1938, and the exemption granted thereby shall automatically terminate and expire:

1. Unless the Applicant on or before October 29, 1940, files an application for renewal of said order;

2. Unless the Applicant, on or before order of October 17, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, November 29, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4419; Filed, November 30, 1939; 11:06 a. m.]

### DEPARTMENT OF AGRICULTURE.

#### Division of Marketing and Marketing Agreements.

[Docket No. A-122, O-122]

### NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE SIOUX CITY, IOWA, MARKETING AREA

Whereas, the Sioux City Milk Producers' Cooperative Association, Inc., has requested the Secretary of Agriculture to hold a public hearing on a proposed marketing agreement and order prepared and proposed by said organization and designed to regulate such handling of milk in the Sioux City, Iowa, marketing area as is in the current of interstate commerce, or which directly burdens, obstructs or affects interstate commerce; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the is-

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for such handling of milk in the Sioux City, Iowa, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce are so disorderly as to necessitate regulation of the handling of such milk in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement and order provide, among other things, for: (a) selection of a market administrator, (b) classification of milk, (c) minimum prices, (d) reports of handlers, (e) payments to producers through the use of a market-wide pool, and (f) expenses of administration.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0310 South Building, or may be there inspected.

[SEAL] H. A. WALLACE, *Secretary of Agriculture.*

Dated, November 29, 1939.

[F. R. Doc. 39-4424; Filed, November 30, 1939; 11:36 a. m.]

#### Rural Electrification Administration.

[Administrative Order No. 413]

from the reports but should indicate on the line provided at the head of the form, opposite the caption "Endorsement," that such omission is made, stating the name of the single geographic area in which located.

Other railways should list the names of all geographic areas in which located and in which carload freight traffic is ordinarily originated or terminated by the respondent under a caption entitled "Geographic Areas Covered by Report."

Railways conducting operations during only a part of any reporting period within a calendar year, on their lines as a whole or in any geographic area, should name the area or areas and specify the partial period covered by the returns in each report affected, stating the attending circumstances.

The reports shall be forwarded in duplicate to the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before the last day of the second month succeeding the close of the period for which they are compiled.

If space is required for reporting tonnage in more areas than this form will accommodate, additional blanks should be used. They will be supplied by the Bureau of Statistics upon request, stating the number needed for this purpose.

[1] 3 F.R. 3064 DI.

tion and use of 50 additional cars of I.C.C. shipping container specification 105A300 type, for meeting current requirements, except that tanks will be fabricated by fusion welding instead of forge welding. Tank anchors to underframes will be of riveted construction.

In support of previous application for authority for test cars for petroleum products, granted November 3, 1939, the following appears:

Applicant states that * * * of a total of seven hundred sixty-seven fusion-welded cars previously authorized, three hundred twenty-one are in service. Applicant further states that service trials and periodical inspections show all cars in use to be in good condition after 7,673 trips over a total of 5,953,696 miles, an increase of over a thousand trips and a million miles of safe transportation since our next previous authorization dated March 13, 1939.

Application and accompanying drawings for the additional 50 cars show that they will be constructed and used in accordance with these exhibits, be the same as those authorized April 21, 1937, and comply with effective safety appliance and other current regulations, except as authorized herein.

Upon further consideration of the record and in the light of added facts dis-

[1] Under the authority of section 17 (6) of the Interstate Commerce Act, the above entitled matter was referred by the Commission to Commissioner Alldredge for consideration and disposition.

[Docket No. 487-FD]

IN THE MATTER OF THE APPLICATION OF WESTMORELAND BRICK COMPANY FOR RENEWAL OF ORDER GRANTING EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Westmoreland Brick Company, Applicant herein having on June 17, 1938, filed with the National Bituminous Coal Commission, a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it, in the manufacture of fire brick in its plant at Hunker, Pennsylvania; and

The Commission having, on October 17, 1938,[1] entered an order pursuant to such application, in Docket No. 487-FD, ordering that the provisions of Section 4, II (1) of the Bituminous Coal Act of 1937 do apply to the bituminous coal produced by the Applicant at its mine located at Hunker, Pennsylvania, which is consumed by Applicant in the general manufacture of fire brick at Hunker, Pennsylvania, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter, and

[1] 3 F.R. 2509 DI.

June 29, 1940, files with the Director a verified report for the six months' period ending May 29, 1940, containing the following information which the Director hereby finds necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application.

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine.

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption;

3. Unless the Applicant shall immediately notify the Director upon

(a) any change in the ownership of the mine from which the coal in question was produced, or in the ownership of the plant or factory or other facility at which the coal is consumed, and

(b) any change in the agency or instrumentality through which the coal is being produced at the date of this order

*It is further ordered*, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the

[1] 1 F.R. 155.

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 22, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | Amount |
|---|---|
| Alabama 0022C1 Butler | $123,000 |
| Alabama 0026B1 Barbour | 111,000 |
| Alabama 0032A1 Geneva | 289,554 |
| Alabama R9032A2 Geneva | 2,446 |
| Mississippi 0017B1 Pontotoc | 124,330 |
| Mississippi 9017B2 Pontotoc | 113,670 |
| Mississippi 9029E1 Oktibbeha | 404,500 |
| Mississippi 7045C1 Clarke-Lauderdale | 47,500 |
| Tennessee 0028A1 Paris Public | 140,000 |
| Tennessee 0029A1 Weakley Public | 55,000 |
| Tennessee 0030B1 Knoxville Public | 94,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-4412; Filed, November 29, 1939; 4:00 p. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly



wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 1, 1939, until March 26, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Banner Maid Company, 808 Washington Street, St. Louis, Missouri. | Slips and pajamas. | 10 |

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4431; Filed, November 30, 1939; 12:46 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 1, 1939 until October 24, 1940, subject to the following terms:

OCCUPATION, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers was available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Alperin Strauss Company, Columbia, Mississippi, shorts and pajamas.

Amco Manufacturing Co., 837 Mission Street, San Francisco, California (5 learners), lingerie.

Banner Maid Company, 808 Washington Street, St. Louis, Missouri (5 learners), slips and pajamas.

D & D Shirt Co., Northampton, Pennsylvania, shirts.

Emmaus Shirt Company, Inc., 2nd and Railroad Streets, Emmaus, Pennsylvania, shirts and pajamas.

Emmaus Shirt Company, Inc., Moyer and Elm Streets, Emmaus, Pennsylvania, shirts.

Kane Manufacturing Co., Louisville, Kentucky (3 learners), shirts.

Kleeson Company, Moundsville, West Virginia (5 learners), work pants.

Palmer Shirt Mfg. Co., Palmerton, Pennsylvania, shirts.

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4432; Filed, November 30, 1939; 12:46 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 1, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates unless otherwise indicated hereinbelow.

NAME AND ADDRESS OF FIRM

Republic Hosiery Mills, Detroit, Michigan (5 learners).

Yorkshire Hosiery Company, Reading, Pennsylvania (3 learners).

These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special



Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4433; Filed, November 30, 1939; 12:46 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 1, 1939, to August 1, 1940, unless otherwise indicated opposite the employer's name, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

| Name and address of firm: | Number of learners |
|---|---|
| Long Finishing Mills, Inc., Burlington, North Carolina, Until March 22, 1940 | 5 |
| Marlee F. F. Hosiery Company, Gibsonville, North Carolina | 16 |

This Special Certificate is issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to this Special Certificate and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificate may be canceled as of the date of its issuance and if so canceled, reimbursement of all persons employed under such certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4434; Filed, November 30, 1939; 12:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 1, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of the terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM

Freeman Mfg. Co. (2 learners), Sturgis, Michigan.

PRODUCT

Elastic Fabrics.

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4435; Filed, November 30, 1939; 12:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to employers listed below effective December 1, 1939, until February 23, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour: *Provided, however*, That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued on representations of employers

that: (a) experienced operators are not available and (5) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen (15) days following publication of notice of their issuance, that the issuance of these Certificates was not necessary in order to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| R & G Silk Throwing Co., Bloomsburg, Pennsylvania. | Silk and rayon throwing. | 7 |
| Dupont Textile Mills, Inc., Dupont, Pennsylvania. | Silk throwing.. | 8 |

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39–4436; Filed, November 30, 1939; 12:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 1, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940 and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Allegheny Silk Corp., 3701 Beale Avenue, Altoona, Pennsylvania (3 learners), rayon.

Elizabeth City Cotton Mills, Elizabeth City, North Carolina, cotton yarns.

Fiber Mfg. Co., Newton, North Carolina (3 learners), insulating tapes.

Grabur Silk Mills, Inc., Graham, North Carolina, silk and rayon.

Maryland Ribbon Company, Hagerstown, Maryland, ribbons.

Rocky Mount Cord Company, Rocky Mount, North Carolina (3 learners), cotton flax.

John Sidebotham, Inc., Philadelphia, Pennsylvania, narrow fabrics.

The Ufford Textile Co., Norwich, Connecticut (1 learner), dish cloths.

Ware Shoals Mfg. Co., Ware Shoals, South Carolina, cotton textiles.

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39–4437; Filed, November 30, 1939; 12:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 1, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period, no learners may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour. No learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of the terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Chenille Products, Inc., Winder, Georgia (5 learners), bedspreads.

Signed at Washington, D. C., this 30th day of November 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39–4438; Filed, November 30, 1939; 12:48 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 1, 1939, until June 1, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator or less than eight (8) weeks experience as a chenille operator plus eight (8) weeks re-training as a punch work operator.





(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period, no learner may be paid at a rate less than 25¢ an hour: *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour. No learner shall be employed at less than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week re-training period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Special Certificates are issued on representations by the employers that (a) experienced operators are not available and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their issuance if it is found upon objection duly filed within fifteen (15) days following the publication of this notice that the issuance of these Certificates was not necessary to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Chenille Products, Inc., Winder, Georgia. | Bedspreads.. | 25 |

Signed at Washington, D. C., this 30th day of November 1939.

[F. R. Doc. 39–4439; Filed, November 30, 1939; 12:48 p. m.]

FEDERAL POWER COMMISSION.

[Project No. 935]

IN THE MATTER OF INLAND POWER & LIGHT COMPANY, LICENSEE

ORDER FIXING DATE OF HEARING

NOVEMBER 28, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds. John W. Scott, not participating.

It appearing to the Commission that the matters involved in the determination of the actual legitimate original cost of the initial Ariel Project No. 935, Inland Power & Light Company, Licensee, are now in issue;

The Commission orders that:

A public hearing on said matters be held on April 8, 1940, at 10 a. m., in the Hearing Room of the Commission, 1757 K Street NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39–4414; Filed, November 30, 1939; 9:37 a. m.]

[Docket Nos. G–100, G–101, G–113, G–127]

CITY OF CLEVELAND, CITY OF AKRON, PENNSYLVANIA PUBLIC UTILITY COMMISSION, COMPLAINANTS, *v.* HOPE NATURAL GAS COMPANY, DEFENDANT; AND IN THE MATTER OF HOPE NATURAL GAS COMPANY

ORDER DENYING PETITION FOR RECONSIDERATION AND REHEARING AND AMENDING ORDER SETTING DATE FOR HEARING

NOVEMBER 28, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds. John W. Scott, not participating.

Upon petition filed with the Commission on November 2, 1939, by Hope Natural Gas Company, praying that the Commission reconsider and grant a rehearing of its order of October 3, 1939,[1] setting a date for hearing in the above entitled matters;

The Commission orders that:

(A) The petition of the Hope Natural Gas Company for a reconsideration and rehearing of the Commission's order dated October 3, 1939, entered in the above entitled proceedings, be and the same is hereby denied;

(B) The date for the commencement of public hearing in the above entitled proceedings be and it is hereby postponed to April 1, 1940, said public hearing to be held at the same time and place and in the same manner as was set forth in the Commission's order of October 3, 1939;

[1] 4 F.R. 4177 DI.

(C) The Commission's order of October 3, 1939, entered in these matters be and it is hereby amended to the extent, and only to the extent, that this order changes or postpones the date set for the commencement of public hearing in the above entitled proceedings.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4415; Filed, November 30, 1939; 9:37 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1939.

[File Nos. 43-223, 43-224]

IN THE MATTER OF PEOPLES NATURAL GAS COMPANY, ARGUS NATURAL GAS COMPANY, INC., NORTHERN NATURAL GAS COMPANY

ORDER OF THE COMMISSION

Argus Natural Gas Company, Inc., having filed a declaration under Section 7 of the Public Utility Holding Company Act of 1935 in regard to the proposed issue and delivery by said declarant to Northern Natural Gas Company, a registered holding company, of which said declarant is a subsidiary, of fifteen 4½% promissory notes in the aggregate principal amount of $960,000 in consideration of the surrender to said declarant of a certain 6% income note of said declarant in the principal amount of $920,000 and of the payment to said declarant of $40,000 in cash;

Peoples Natural Gas Company, also a subsidiary of said Northern Natural Gas Company, having filed a declaration under Section 7 of said Act regarding the proposed issue and delivery by said declarant to said Northern Natural Gas Company of 10,000 shares of said declarant's common stock, of the aggregate par value of $1,000,000, and the issue and delivery by said declarant to said Northern Natural Gas Company of nine unsecured 4½% promissory notes of said declarant in the aggregate principal amount of $550,000, in consideration of the surrender to said declarant of its certain 6% income note in the principal amount of $1,010,000 and the payment to said declarant of $540,000 in cash;

Northern Natural Gas Company having filed an application under Section 10 of said Act for approval of the acquisition by it of the security so to be issued and delivered by said two declarants, and an application under Section 12 (d) of said Act for the approval of the pledge by said applicant of the securities so to be acquired with Harris Trust and Savings Bank (of Chicago) and Harold Eckhart, as Trustees under a certain mortgage and deed of trust, dated July 1, 1939, securing The First Mortgage and First Lien Bonds of said applicant;

A public hearing having been held upon said declarations and applications, as amended, and the Commission having examined the record and made its findings herein;

*It is ordered*, That said declarations be, and they are hereby permitted to become effective forthwith, and said applications be, and they are hereby approved, all subject, however, to the following conditions:

(1) That said issues, sales, acquisitions and dispositions, and each of them be carried out in accordance with the conditions, terms and representations contained in said declarations and in said applications;

(2) That within 10 days from the date of the completion of said issues, sales, acquisitions and dispositions, said declarants and said applicants shall file a certificate, or certificates, of notification with this Commission showing that said several transactions have been carried out in accordance with said conditions, terms, and representations.

*It is further ordered*, That, insofar as this order relates to said proposed issue and sale of securities by Argus Natural Gas Company, Inc., the permission hereby granted that said declaration shall become effective is subject to the further condition that such permission shall forthwith cease to be effective should the order heretofore entered by the State Corporation Commission of the State of Kansas approving such issue and sale be revoked, suspended or otherwise terminated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4425; Filed, November 30, 1939; 12:07 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of November A. D. 1939.

[File No. 50-1]

IN THE MATTER OF THE APPLICATION OF INTERNATIONAL PAPER AND POWER COMPANY, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

ORDER DISMISSING APPLICATION

This proceeding having been remanded to this Commission by the Circuit Court of Appeals for the First Circuit in its opinion dated April 11, 1939, for further proceedings not inconsistent with such opinion, and the Commission having considered the matter,

*It is ordered*, That the application of International Paper and Power Company for Order in Connection with Plan for Change in Capitalization be and the same is hereby dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4426; Filed, November 30, 1939; 12:07 p.m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November 1939.

[File No. 1-1623]

IN THE MATTER OF WESTMORELAND COAL COMPANY, COMMON STOCK, NO PAR VALUE

ORDER DISMISSING APPLICATION

Westmoreland Coal Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Philadelphia Stock Exchange; and

After appropriate notice,[1] a hearing having been held in this matter before a trial examiner of the Commission on November 16, 1939; and

The applicant having requested that its application be withdrawn;

*It is ordered*, That the request of the applicant be granted and that this proceeding be and it hereby is dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F.R. Doc. 39-4429; Filed, November 30, 1939; 12:07 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November 1939.

[File No. 1-1827]

IN THE MATTER OF WESTMORELAND, INCORPORATED, COMMON STOCK, NO PAR VALUE

ORDER DISMISSING APPLICATION

Westmoreland, Incorporated, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Philadelphia Stock Exchange; and

After appropriate notice,[1] a hearing having been held in this matter before a trial examiner of the Commission on November 16, 1939; and

The applicant having requested that its application be withdrawn;

*It is ordered*, That the request of the applicant be granted and that this proceeding be and it hereby is dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4427; Filed, November 30, 1939; 12:07 p. m.]

[1] 4 F.R. 4274 DI.

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[File No. 7-425]

IN THE MATTER OF WESTMORELAND COAL COMPANY, COMMON STOCK, NO PAR VALUE

ORDER DISMISSING APPLICATION

Westmoreland Coal Company, having made application to the Commission pursuant to Rule X-12F-3 under the Securities Exchange Act of 1934, as amended, for termination of unlisted trading privileges in its Common Stock, No Par Value, on the New York Curb Exchange; and

After appropriate notice,[1] a hearing having been held in this matter before a trial examiner of the Commission on November 16, 1939; and

The applicant having requested that its application be withdrawn;

*It is ordered*, That the request of the applicant be granted and that this proceeding be and it hereby is dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4428; Filed, November 30, 1939; 12:07 p. m.]

[1] 4 F.R. 4275 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November 1939.

[File No. 7-426]

IN THE MATTER OF WESTMORELAND, INCORPORATED, COMMON STOCK, NO PAR VALUE

ORDER DISMISSING APPLICATION

Westmoreland, Incorporated, having made application to the Commission pursuant to Rule X-12F-3 under the Securities Exchange Act of 1934, as amended, for termination of unlisted trading privileges in its Common Stock, No Par Value, on the New York Curb Exchange; and

After appropriate notice, a hearing having been held in this matter before a trial examiner of the Commission on November 16, 1939; and

The applicant having requested that its application be withdrawn;

*It is ordered*, That the request of the applicant be granted and that this proceeding be and it hereby is dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4430; Filed, November 30, 1939; 12:07 p. m.]

Reference

DEC 4 1939

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 233

*Washington, Saturday, December 2, 1939*

## *Rules, Regulations, Orders*

### TITLE 8—ALIENS AND CITIZENSHIP

### IMMIGRATION AND NATURALIZATION SERVICE

[Supp. 4, General Order C-2 [1]]

PORT OF ENTRY FOR ALIENS ARRIVING BY AIRCRAFT—CLAYTON SEAPLANE BASE, CLAYTON, NEW YORK

NOVEMBER 30, 1939.

Pursuant to the authority contained in Subdivision (d) of Section 7 of the Air Commerce Act of 1926 (Act of May 20, 1926, 44 Stat. 572; 49 U.S.C. 177 (d)), the Clayton Seaplane Base, Clayton, New York, is hereby designated as a temporary port for the entry into the United States of aliens arriving by aircraft.

Title 8, Code of Federal Regulations, Chapter I, Sub-chapter A—Immigration Rules and Regulations—Part 3, Section 3.3 (b), (Rule 3, Subdivision (A), paragraph 3 (b) of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended by inserting Clayton, New York, Clayton Seaplane Base, between Cape Vincent, New York, Cape Vincent Harbor, and Crosby, North Dakota, Crosby Municipal Airport, in the list of temporary ports of entry for aliens arriving in the United States by aircraft.

[SEAL] FRANCES PERKINS,
*Secretary.*

Approval Recommended:

JAMES L. HOUGHTELING,
*Commissioner of Immigration and Naturalization.*

[F. R. Doc. 39-4469; Filed, December 1, 1939; 12:49 p. m.]

[1] 3 F.R. 1657 DI; 4 F.R. 2783 DI.

## *Notices*

### DEPARTMENT OF STATE.

TRADE AGREEMENT NEGOTIATIONS WITH CANADA

PUBLIC NOTICE

Pursuant to section 4 of an act of Congress approved June 12, 1934, entitled "An Act to Amend the Tariff Act of 1930," as extended by Public Resolution No. 10, approved March 1, 1937, and to Executive Order No. 6750, of June 27, 1934, I hereby give notice of intention to negotiate a trade agreement with the Government of Canada, to supplement and amend the trade agreement with that Government signed at Washington, November 17, 1938.

All presentations of information and views in writing and applications for supplemental oral presentation of views with respect to the negotiation of such agreement should be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee concerning the manner and dates for the submission of briefs and applications, and the time set for public hearings.

CORDELL HULL,
*Secretary of State.*

NOVEMBER 30, 1939.

[F. R. Doc. 39-4440; Filed, November 30, 1939; 5:46 p. m.]

### Committee for Reciprocity Information.

TRADE AGREEMENT NEGOTIATIONS WITH CANADA

PUBLIC NOTICE

*Closing date for submission of briefs, December 16, 1939; closing date for*

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FEDERAL REGISTER

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*application to be heard, December 16, 1939; public hearings open, December 19, 1939*

The Committee for Reciprocity Information hereby gives notice that all information and views in writing, and all applications for supplemental oral presentation of views, in regard to the negotiation of a trade agreement with the Government of Canada, notice of intention to negotiate which has been issued by the Secretary of State on this date, shall be submitted to the Committee for Reciprocity Information not later than 12 o'clock noon, December 16, 1939. Such communications should be addressed to "Chairman, Committee for Reciprocity Information, Old Land Office Building, Eighth and E Streets, NW., Washington, D. C."

A public hearing will be held beginning at 10 a. m. on December 19, 1939, before the Committee for Reciprocity Information in the hearing room of the Tariff Commission in the Old Land Office Building, where supplemental oral statements will be heard.

Six copies of written statements, either typewritten or printed, shall be submitted, of which one copy shall be sworn to. Appearance at hearings before the Committee may be made only by those persons who have filed written statements and who have within the time prescribed made written application for a hearing, and statements made at such hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 30th day of November 1939.

JOHN P. GREGG,
*Secretary.*

NOVEMBER 30, 1939.

[F. R. Doc. 39-4441; Filed, November 30, 1939; 5:46 p. m.]

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. 378-FD]

IN THE MATTER OF THE APPLICATION OF WILLIAM DAVIS COAL COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by William Davis Coal Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of certain transactions in coal in intrastate commerce; and

Applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 18, 1939, a copy of which is hereby annexed and made a part hereof,[1] to which District Board No. 12 has agreed, consenting to discontinuance and dismissal of said application; and

Applicant and counsel for the Bituminous Coal Division having consented to this order;

*It is ordered*, That the above application be discontinued and that the above matter be dismissed subject to the terms and conditions of said stipulation.

Dated, November 30, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4458; Filed, December 1, 1939; 11:35 a. m.]

[Docket No. 392-FD]

IN THE MATTER OF THE APPLICATION OF ANDERSON-ROBINSON COAL COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937, having been filed by Anderson-Robinson Coal Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of certain transactions in coal in intrastate commerce; and

Applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 19, 1939, to which District Board No. 12 has agreed, consenting to discontinuance and dismissal of said application; and

Applicant and counsel for the Bituminous Coal Division having consented to this Order;

*It is ordered*, That the above application be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, November 30, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4459; Filed, December 1, 1939; 11:35 a. m.]

[Docket No. 494-FD]

IN THE MATTER OF THE APPLICATION OF ROSS CLAY PRODUCT COMPANY

ORDER GRANTING RENEWAL OF EXEMPTION

The Ross Clay Product Company, of Uhrichsville, Ohio, applicant herein, having on August 5, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the applicant, or produced and transported by the applicant to itself for consumption by it in the business of manufacturing clay products at its plants located near Uhrichsville and Seventeen, Ohio; and

The Commission having, on August 31, 1938, entered an order pursuant to such application, in Docket No. 494-FD, ordering that the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by applicant in the business of manufacturing clay products at its plants located near Uhrichsville and Seventeen, Ohio, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering applicant to apply annually thereafter, and at such other times as the Commission may require, for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant, on November 9, 1939, having filed with the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantities of coal produced by applicant for the period from September 1, 1938 to September 1, 1939, at its mines located in Tuscarawas County, near Uhrichsville and Seventeen, Ohio, and consumed by applicant in its manufacture of clay products, and which application also contains a statement that all the facts set forth in the application dated August 5, 1938 remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order dated August 31, 1938 continue to exist:

*It is ordered*, That the application filed by the applicant for renewal of said order dated August 31, 1938, be and the same is hereby granted;

*Provided, however*, That the said order dated August 31, 1938, and the exemption granted thereby, and this renewal of said order, shall automatically terminate and expire:

1. Unless the applicant, on or before October 30, 1940, files an application for renewal of said order;

2. Unless the applicant, on or before June 30, 1940, files with the Director a verified report for the six month period ending May 30, 1940, containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the applicant continue to exist:

(a) The full name and business address of the applicant, and the names and locations of the mines covered by this application.

(b) The total tonnage of bituminous coal produced by applicant during the preceding six months at such mines.

(c) The total tonnage of such production which was consumed by applicant, and the nature and purpose of such consumption;

3. Unless the applicant shall immediately notify the Director upon

(a) Any change in the ownership of of the mines from which the coal in question was produced or in the ownership of the plants or factories or other facilities at which the coal is consumed, and

(b) Any change in the agency or instrumentality through which the coal is being produced at the date of this order.

*It is further ordered*, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the applicant to show cause why the exemption granted by the order of August 31, 1938 should not be terminated. Any person filing such a petition shall serve a copy thereof upon the applicant herein.

Dated, November 30, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4468; Filed, December 1, 1939; 12:24 p. m.]

## DEPARTMENT OF AGRICULTURE.

### Food and Drug Administration.

[Docket No. FDC-13]

PUBLIC HEARING ON AMENDING "REGULATIONS UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FOR THE LISTING OF COAL-TAR COLORS, CERTIFICATION OF BATCHES THEREOF, AND PAYMENT OF FEES FOR SUCH SERVICE," (A) BY CHANGING: (1) CERTAIN SPECIFICATIONS OF CERTAIN LISTED COLORS AND CERTAIN MIXTURES OF SUCH COLORS; (2) CERTAIN REQUIREMENTS AS TO THE SIZES OF SAMPLES; (3) THE LABELING OF CERTAIN MIXTURES; (4) THE FEES TO BE PAID FOR THE SERVICE OF CERTIFICATION AND (B) BY THE LISTING OF ADDITIONAL COAL-TAR COLORS

NOTICE OF CERTIFICATION AND FILING OF TRANSCRIPT OF EVIDENCE AND OF TIME ALLOWED FOR FILING PROPOSED FINDINGS OF FACT, CONCLUSIONS, ARGUMENTS AND BRIEFS

Notice is hereby given to all interested persons that on Saturday, December 2, 1939, there will be certified to and filed with the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0310, South Building, Independence Avenue, between 12th and 14th Streets, S. W., Washington, D. C., the transcript of evidence of the above-entitled hearing held November 20-21, 1939, pursuant to notice which was published in the FEDERAL REGISTER (Vol. 4, No. 203) dated October 20, 1939, at pages 4309-4311.

Further notice is hereby given that written arguments, proposed findings of fact, together with suggestions and conclusions, based solely on the evidence adduced at the hearing, may be filed with said Hearing Clerk not later than Friday, December 15, 1939.

This the 29th day of November, 1939.

[SEAL] FRANK S. HASSELL,
*Presiding Officer.*

[F. R. Doc. 39-4442; Filed, December 1, 1939; 10:15 a. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D., 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3546]

IN THE MATTER OF SUPERIOR CERAMIC CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41), and (49 Stat. 1526, U. S. C. A., Section 13, as amended).

*It is ordered* That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, December 6, 1939, at ten o'clock in the forenoon of that day (eastern standard time), Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4443; Filed, December 1, 1939; 11:07 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3548]

IN THE MATTER OF MOSAIC TILE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38

[1] Not filed as a part of the original document; requests for copies should be made to the Bituminous Coal Division.

Stat. 717; 15 U.S.C.A., Section 41), and (49 Stat. 1526, U.S.C.A., Section 13, as amended).

*It is ordered*, That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, December 6, 1939, at ten o'clock in the forenoon of that day (eastern standard time), Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4444; Filed, December 1, 1939; 11:07 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3549]

IN THE MATTER OF C. PARDEE WORKS MATAWAN TILE COMPANY, AND PARDEE MATAWAN TILE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41), and (49 Stat. 1526, U. S. C. A., Section 13, as amended)

*It is ordered*, That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, December 6, 1939, at ten o'clock in the forenoon of that day (eastern standard time), Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4445; Filed, December 1, 1939; 11:07 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3550]

IN THE MATTER OF WENCZEL TILE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., Section 41), and (49 Stat. 1526, U.S.C.A., Section 13 as amended)

*It is ordered*, That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, December 6, 1939, at ten o'clock in the forenoon of that day (eastern standard time), Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4446; Filed, December 1, 1939; 11:07 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3551]

IN THE MATTER OF WHEELING TILE COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., Section 41), and (49 Stat. 1526, U.S.C.A., Section 13, as amended)

*It is ordered*, That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, December 6, 1939, at ten o'clock in the forenoon of that day (eastern standard time), Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4447; Filed, December 1, 1939; 11:08 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3552]

IN THE MATTER OF ARCHITECTURAL TILING CO., INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., Section 41), and (49 Stat. 1526, U.S.C.A., Section 13, as amended)

*It is ordered*, That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, December 6, 1939, at ten o'clock in the forenoon of that day (eastern standard time), Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4448; Filed, December 1, 1939; 11:08 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3553]

IN THE MATTER OF NATIONAL TILE COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., Section 41), and (49 Stat. 1526, U.S.C.A., Section 13, as amended)

*It is ordered*, That John J. Keenan, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, December 6, 1939, at ten o'clock in the forenoon of that day (eastern standard time), Room 2301, United States Court House, Foley Square, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4449; Filed, December 1, 1939; 11:08 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3794]

IN THE MATTER OF SARA B. PLANT, AN INDIVIDUAL, OPERATING UNDER THE TRADE NAME OF CRAVEX COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, December 22, 1939, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 229, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4450; Filed, December 1, 1939; 11:08 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3815]

IN THE MATTER OF PHILIP R. PARK, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, December 26, 1939, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 229, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4451; Filed, December 1, 1939; 11:08 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3819]

IN THE MATTER OF JOHN J. FULTON COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, December 14, 1939, at nine o'clock in the forenoon of that day (pacific standard time) in Room 216, Chamber of Commerce Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4452; Filed, December 1, 1939; 11:09 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 29th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3864]

IN THE MATTER OF MOVIE COSMETICS CORPORATION, AND W. K. MAX HASSENSTEIN, INDIVIDUALLY, AND AS PRESIDENT OF MOVIE COSMETICS CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, December 18, 1939, at ten o'clock in the forenoon of that day (pacific standard time) in Room 229, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4453; Filed December 1, 1939; 11:09 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3901]

IN THE MATTER OF HERSHEL CALIFORNIA FRUIT PRODUCTS COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, January 2, 1940, at ten o'clock in the forenoon of that day (pacific standard time) in Room 548, Federal Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4454; Filed, December 1, 1939; 11:09 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3928]

IN THE MATTER OF WHITE KING SOAP COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Tuesday, December 12, 1939, at ten o'clock in the forenoon of that day (pacific standard time) in Room 216, Chamber of Commerce Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4455; Filed, December 1, 1939; 11:09 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3931]

IN THE MATTER OF HOLLYWOOD RACKET MANUFACTURING COMPANY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, December 20, 1939, at ten o'clock in the forenoon of that day (Pacific Standard Time), in Room 229, Post Office Building, Los Angeles, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4456; Filed, December 1, 1939; 11:09 a. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3942]

IN THE MATTER OF T. F. HEE, AN INDIVIDUAL, TRADING AS THE EASTERN HERB COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on



Monday, December 11, 1939, at ten o'clock in the forenoon of that day (pacific standard time) in the Directors' Room of the Chamber of Commerce Building, San Diego, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4457; Filed, December 1, 1939; 11:10 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1939.

[File No. 32-180]

IN THE MATTER OF CENTRAL MAINE POWER COMPANY

ORDER APPROVING AMENDED APPLICATION

Central Maine Power Company, a subsidiary of New England Public Service Company, a registered holding company, having filed an application and amendments thereto with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of said Act of the issue and sale of

(1) $1,250,000 principal amount of Central Maine Power Company's First and General Mortgage Bonds, Series K, 4%, due 1964, to The Equitable Life Assurance Society of the United States at a price of 100% of the principal amount thereof plus accrued interest from September 1, 1939, and

(2) 5,000 shares of no par value common stock of Central Maine Power Company at a price of $100 per share to New England Public Service Company (subject to the preemptive right to purchase by the other common and 6% preferred stockholders of Central Maine Power Company);

Public hearing on such amended application having been duly held after appropriate notice; the record in this matter having been duly considered; and the Commission having made and filed its findings and opinion herein:

*It is ordered*, That said amended application be and the same hereby is approved, subject, however, to the following terms and conditions:

(1) That the issue and sale of such securities shall be effected in accordance with the terms and conditions set forth in, and for the purposes represented by, said amended application; and

(2) That within ten days after the issuance of the aforesaid securities the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, said amended application; and

(3) That this exemption shall immediately terminate without further order of this Commission if the express authorization of the issue and sale of the aforesaid securities by the Public Utilities Commission of the State of Maine shall be revoked or otherwise terminate; and

(4) That, except as the Commission may by order or orders from time to time permit, so long as any of the First and General Mortgage Bonds presently outstanding and proposed herein to be issued, remain outstanding, neither applicant nor any successor or successors shall declare or pay any dividends (other than dividends payable solely in shares of common stock) or make any other distribution on any shares of its common stock, nor shall any shares of applicant's common stock be purchased or retired by applicant or any successor or successors, unless the amount expended by the applicant or any successor or successors for maintenance and repairs, plus provisions for depreciation during the period from July 31, 1939 to the date of the proposed payment of such dividend or making of such distribution or acquisition, plus the earned surplus of the applicant accumulated since July 31, 1939 and remaining after payment of such dividend or the making of such distribution or acquisition, plus any transfers from earned surplus to common stock liability since July 31, 1939, shall equal 15% of the gross operating revenues of the applicant or any successor or successors during such period; and

(5) That until further order of this Commission no dividend shall in any event be declared or paid on the common stock of applicant unless fourteen days prior written notice of the proposal to make any such declaration be given to this Commission; and the Commission hereby reserves jurisdiction, on receipt of such notice, in and as part of the proceedings herein, and notice given to applicant within such fourteen days, to order the applicant to show cause why the declaration of such dividend should be approved and to disapprove the declaration of such dividend on the basis of the record herein and any additional evidence that may be adduced by any interested party; and in the event that the Commission shall notify applicant to show cause, such dividend shall not be declared until expressly authorized by order of this Commission; and

(6) That the Commission reserves jurisdiction to determine at a later date whether the Finder's Fee to be paid to Coffin & Burr, Incorporated, and The First Boston Corporation for negotiating the sale of the bonds is or is not reasonable, and pending further order of the Commission no such Finder's Fee shall be paid.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4466; Filed, December 1, 1939; 11:42 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1939.

[File No. 31-476]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA

ORDER OF EXEMPTION

Public Service Company of Indiana having made application for exemption pursuant to the provisions of Section 3 (a) (1) and (2) of the Public Utility Holding Company Act of 1935; a hearing having been held on said application after appropriate notice; the record in this matter having been duly considered and the Commission having made appropriate findings of fact;

*It is ordered*, That Public Service Company of Indiana be and it hereby is exempted from all those provisions of the Public Utility Holding Company Act of 1935 which require it to register under said Act by reason of the fact that it owns, controls or holds with power to vote 10 percentum or more of the outstanding voting securities of Dresser Power Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4465; Filed, December 1, 1939; 11:42 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1939

[File No. 32-163]

IN THE MATTER OF CENTRAL OHIO LIGHT & POWER COMPANY

ORDER GRANTING EXTENSION OF TIME

The Commission having entered an order herein on August 8, 1939, providing, in paragraph (6) thereof, that within ninety (90) days following the date of the entry of said order, Central Ohio Light & Power Company shall "execute a further indenture supplemental to the Indenture, dated as of October 1, 1930, which supplemental indenture shall con-

tain such further covenants and agreements on the part of the Applicant with respect to the furnishing of evidence, certificates or opinions to the Trustee and/or to the bondholders, as the Commission shall deem necessary or desirable in the interests of investors";

The Commission having also entered an order herein on November 6, 1939, granting the Company an extension of time for compliance with said paragraph;

The Company having requested the Commission to grant it a further extension of time for compliance with said paragraph;

*It is ordered*, That Central Ohio Light & Power Company be and it hereby is granted until December 22, 1939, to comply with paragraph (6) of said order dated August 8, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4462; Filed, December 1, 1939; 11:41 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of November, A. D. 1939.

[File Nos. 51-26 and 60-8]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC CORPORATION

ORDER APPROVING PAYMENT OF INTEREST

Associated Gas and Electric Corporation, a registered holding company, having filed an application pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-3 adopted thereunder for permission to make various interest payments on its Debentures due 1973 and its Income Debentures due 1978; and having made a motion for an interim order permitting the applicant to pay interest in the amount of $560,464.97 on December 1 on its Debentures due 1973;

A hearing on such application having been begun after appropriate notice; the partial record in this matter having been examined; briefs having been filed on the motion for an interim order, and oral argument on the motion having been had;

*It is ordered*, That the proposed payment of interest in the amount of $560,464.97 be approved, subject, however, to the condition that no payments will be made and no evidences of indebtedness will be issued by AGECORP to AGECO unless this Commission is given twenty days prior notice. Our order herein does not represent an adjudication of the issues presented in the main proceeding and is made without prejudice to any other action which the Commission may deem necessary or appropriate in this or any other proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4464; Filed, December 1, 1939; 11:41 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of November 1939.

[File No. 1-1854]

IN THE MATTER OF T. M. NORTON BREWING COMPANY 8% CUMULATIVE PARTICIPATING CONVERTIBLE CLASS A PREFERENCE STOCK, $1 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Board of Trade of the City of Chicago, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 8% Cumulative Participating Convertible Class A Preference Stock, $1 Par Value, of T. M. Norton Brewing Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Wednesday, December 27, 1939, at the office of the Securities & Exchange Commission, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4461; Filed, December 1, 1939; 11:41 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of November, A. D. 1939.

[File No. 43-274]

IN THE MATTER OF NEW MEXICO GAS COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 18, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 13, 1939.

The matter concerned herewith is in regard to the issue and sale by New Mexico Gas Company, a subsidiary of Southern Union Gas Company, a registered holding company, of $260,000 Principal Amount First Mortgage Series B Fifteen Year 5% Sinking Fund Bonds due November 15, 1954, and $150,000 Principal Amount Five Year Installment 5% Notes.

The bonds will be sold to The Connecticut Mutual Life Insurance Company at 100½ and the notes will be delivered at face value as follows:

First National Bank in Albuquerque, Albuquerque, New Mexico, $65,000.

El Paso National Bank, El Paso, Texas, $65,000.

Citizens Bank of Clovis, Clovis, New Mexico, $20,000.

With regard to the sale of the bonds, E. H. Rollins & Sons is acting as agent for New Mexico Gas Company and will receive a commission of $5,000.

The proceeds will be used for additions to plant and property at a cost of approximately $230,000 and the balance will be used to discharge existing obligations and to provide working capital.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4463; Filed, December 1, 1939; 11:41 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of November, A. D. 1939.

[File No. 43-276]

IN THE MATTER OF SOUTHWESTERN LIGHT & POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 18, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 13, 1939.

The matter concerned herewith is in regard to the issue and sale to underwriters by Southwestern Light & Power Company of $6,750,000 first mortgage bonds, series A, 3¾% to be dated December 1, 1939 and to mature December 1, 1969. The proceeds, together with other funds of the company to the extent required, are to be applied to the redemption of $5,408,500 principal amount, Series A and $1,663,000 principal amount, Series B, first mortgage gold bonds due February 1, 1957, requiring for principal and premium of 2½% a total of $7,248,287.50.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4467; Filed, December 1, 1939; 11:42 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of December, A. D. 1939

[File Nos. 54-9 and 59-2]

IN THE MATTER OF AMERICAN GAS AND ELECTRIC COMPANY; AMERICAN GAS AND ELECTRIC SERVICE CORPORATION; APPALACHIAN ELECTRIC POWER COMPANY; WEST VIRGINIA POWER COMPANY; RADFORD LIMESTONE COMPANY, INC.; ATLANTIC CITY ELECTRIC COMPANY; DEEPWATER OPERATING COMPANY; SOUTH PENNSGROVE REALTY COMPANY; THE FRANKLIN REAL ESTATE COMPANY; INDIANA FRANKLIN REALTY, INC.; INDIANA GENERAL SERVICE COMPANY; INDIANA & MICHIGAN ELECTRIC COMPANY; KANAWHA VALLEY POWER COMPANY; KENTUCKY AND WEST VIRGINIA POWER COMPANY, INC.; KINGSPORT UTILITIES, INCORPORATED; THE OHIO POWER COMPANY; THE DUNCAN FALLS COMPANY; BEECH BOTTOM POWER COMPANY, INC.; WINDSOR POWER HOUSE COAL COMPANY; WINDSOR COAL COMPANY; THE PEAKLAND CORPORATION; ST. JOSEPH HEATING COMPANY; THE SCRANTON ELECTRIC COMPANY; SOUTHERN OHIO PUBLIC SERVICE COMPANY; TWIN BRANCH RAILROAD COMPANY; WEST PITTSTON-EXETER RAILROAD COMPANY; WHEELING ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

American Gas and Electric Company, a New York corporation, is a registered holding company. It owns all the outstanding common stock of eleven electric utility companies as well as large amounts of bonds and preferred stocks of several of those companies. It also owns all the outstanding capital stock of American Gas and Electric Service Corporation and of two real estate companies, one heating company and a short line railroad; and owns fifty per cent of the outstanding capital stock of another short line railroad. In addition to these seventeen direct subsidiaries American Gas and Electric Company has nine indirect subsidiaries, all of which are non-utility companies. None of the subsidiaries is solely a holding company.

The subsidiaries of American Gas and Electric Company furnish electric, steam and water services to 1,542 communities in nine states, viz., Michigan, Indiana, Ohio, West Virginia, Virginia, Kentucky, Tennessee, Pennsylvania and New Jersey. The consolidated assets of the system at December 31, 1938, were $523,009,523. The total operating revenue of the system for the year 1938 was $72,502,373, ninety-eight per cent of which was derived from the sale of electric energy.

American Gas and Electric Company (hereinafter sometimes referred to as "applicant") has filed with this Commission, on behalf of itself and certain of its subsidiary companies, an application pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935. Said application sets forth that applicant does not propose to dispose of any of its present interests in public-utility companies but that in further simplification of its corporate structure it proposes to dispose or cause to be disposed of by merger, consolidation or sale several small non-utility companies, as follows: (1) St. Joseph Heating Company; (2) The Duncan Falls Company; (3) Windsor Coal Company; (4) The Peakland Corporation; (5) Radford Limestone Company, Inc. and (6) the water service property in Ada, Ohio.

It is the contention of applicant that following the consummation of the aforementioned transactions its holding-company system will include one principal integrated public-utility system and two additional integrated electric public-utility systems, and interests in businesses said to be reasonably incidental or economically necessary or appropriate to the operations thereto, as follows:

(1) The Central System consisting of Indiana & Michigan Electric Company, Indiana General Service Company, The Ohio Power Company, Beech Bottom Power Company, Inc., Wheeling Electric Company, Southern Ohio Public Service Company, Kanawha Valley Power Company, Kentucky and West Virginia Power Company, Incorporated, Appalachian Electric Power Company and Kingsport Utilities, Incorporated; and, as reasonably incidental or economically necessary or appropriate to the operations thereof, the Windsor Power House Coal Company, West Virginia Power Company, Twin Branch Railroad Company and Indiana Franklin Realty, Inc.;

(2) The South Jersey System, consisting of the Atlantic City Electric Company and Deepwater Operating Company; and, as reasonably incidental or economically necessary or appropriate to the operations thereof, the South Pennsgrove Realty Company;

(3) The Northeast Pennsylvania System, consisting of The Scranton Electric Company; and, as reasonably incidental or economically necessary or appropriate to the operations thereof, the West Pittston-Exeter Railroad Company;

And, as reasonably incidental or economically necessary or appropriate to the operations of all three of the afore-

mentioned integrated electric public-utility systems, The Franklin Real Estate Company;

And, as an approved subsidiary service company, American Gas and Electric Service Corporation; and

Applicant further claims that no unfairness or inequity in voting power exists within its system.

Therefore, applicant requests that the Commission approve the continuance of the systems of applicant as now constituted and therein proposed as and in full compliance with the provisions of Section 11 of the Public Utility Holding Company Act of 1935.

It being the duty of the Commission by virtue of the provisions of Section 11 (a) of the Public Utility Holding Company Act of 1935 to examine the corporate structure of every registered holding company and subsidiary company thereof, the relationships among the companies in the holding-company system of every such company and the character of the interests thereof and the properties owned or controlled thereby to determine the extent to which the corporate structure of such holding-company system and the companies therein may be simplified, unnecessary complexities therein eliminated, voting power fairly and equitably distributed among the holders of securities thereof, and the properties and business thereof confined to those necessary or appropriate to the operations of an integrated public-utility system; and

It being the duty of the Commission pursuant to Section 11 (b) (1) of said Act to require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such action as the Commission shall find necessary to limit the operations of the holding-company system of which such company is a part to a single integrated public-utility system, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system, except that one or more additional integrated public-utility systems may be retained if the Commission finds that such additional systems satisfy the provisions of clauses (A), (B) and (C) of said Section 11 (b) (1); and

It being the duty of the Commission pursuant to Section 11 (b) (2) of said Act to require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the holding-company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders, of such holding-company system, and to require each registered holding company (and any company in the same holding-company system with such company) to take such action as the Commission shall find necessary in order that such holding company shall cease to be a holding company with respect to each of its subsidiary companies which itself has a subsidiary company which is a holding company.

Notice is hereby given of a hearing on the aforementioned application of American Gas and Electric Company and its subsidiaries and generally to determine the manner and extent to which the properties and business of American Gas and Electric Holding-Company System shall be confined to those necessary or appropriate to the operations of an integrated public-utility system, and to determine the action which American Gas and Electric Company and its subsidiary companies shall be required to take, by order of the Commission, in order to limit the operations of American Gas and Electric Holding-Company System to a single integrated public-utility system, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system, except that one or more additional integrated public-utility systems may be retained if the Commission finds that such additional systems satisfy the provisions of clauses (A), (B) and (C) of Section 11 (b) (1) of said Act; and further to determine the extent to which the corporate structures of American Gas and Electric Company and its subsidiary companies may be simplified, unnecessary complexities therein eliminated, and voting power fairly and equitably distributed among the holders of securities thereof, and to determine the steps which said companies shall be required to take, by order of the Commission, in order to ensure that the corporate structure or continued existence of any company in the American Gas and Electric Holding-Company System does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders, of American Gas and Electric Holding-Company System.

*It is ordered*, That the hearing on said matters be held on January 29, 1940, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is also given to any person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 22, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4460; Filed, December 1, 1939; 11:41 a. m.]



## The President

### EXECUTIVE ORDER

EXCUSING FEDERAL EMPLOYEES FROM DUTY ON DECEMBER 23 AND 30, 1939

By virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

1. The several Executive departments, independent establishments, and other governmental agencies in the District of Columbia, including the Government Printing Office and the Navy Yard and Naval Stations, shall be closed all day on Saturday, December 23, 1939, and all day on Saturday, December 30, 1939; and all employees in the Federal service in the District of Columbia, and in the field service of the Executive departments, independent establishments, and other agencies of the Government, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty on those days.

2. This order shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*Nov 30, 1939.*

[No. 8291]

[F. R. Doc. 39-4475; Filed, December 1, 1939; 1:36 p. m.]

### EXECUTIVE ORDER

AMENDING THE FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes of the United States (22 U.S.C. § 132), it is ordered that the Foreign Service Regulations of the United States be, and they are hereby, amended by prescribing the following as Chapter X thereof:

CHAPTER X—LEGAL SERVICES

X-1. *Duties of officers of the Foreign Service in connection with extradition proceedings.*

(a) *Diplomatic representatives.* Diplomatic representatives shall perform the following described duties in connection with the extradition from the country to which the representative is accredited of fugitives from justice in the United States:

(1) When so instructed by the Department of State, they shall submit a request for the provisional arrest of the fugitive either to the foreign office or to the competent authority, according to local practice.

(2) Upon the receipt of duly authenticated extradition papers from the Department of State, they shall authenticate the certificates of the Department of State attached to the papers (unless there has been such authentication by the diplomatic representative of the requested country at Washington), and present the requisition for extradition either to the foreign office or to the competent authority of the foreign government, according to local practice.

(b) *Consular Officers.* In the absence of specific instructions from the Department of State received either directly or through the diplomatic representative, consular officers shall not intervene in extradition matters. When a consular officer is charged with the duty of applying for extradition, he shall present extradition documents to the competent authority of the district to which he is assigned, and shall act strictly in accordance with instructions from the Department of State.

X-2. *Authentication of foreign extradition papers.* Diplomatic representatives and consular officers of the United States shall follow the procedure prescribed by section 5 of the act of August 3, 1882, 22 Stat. 216 (18 U.S.C. § 655), in authenticating documentary evidence offered by foreign governments in sup-

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DEC 6 1939

THE NATIONAL ARCHIVES OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 234

*Washington, Tuesday, December 5, 1939*

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port of requisitions for the extradition of fugitives from the United States.

X–3. *Legal services for private persons.* Except when authorized by the Department of State, officers of the Foreign Service shall not perform legal services of the kind usually performed by attorneys for private persons.

X–4. *Agreements with local attorneys prohibited.* Officers of the Foreign Service shall not enter into agreements with attorneys in their districts respecting the performance of legal services for persons applying to the mission or consulate therefor. In appropriate cases, alphabetically arranged lists of names of such attorneys may be furnished to applicants.

When any person in an officer's district desires to have the name of an attorney in the United States, the officer may refer him to such lists of attorneys as are at his disposal, but shall make no recommendation as to any particular attorney.

X–5. *Notarial services.* In the absence of statutory enactment on the subject, diplomatic officers, except ambassadors and ministers, may, and consular officers shall, perform within the confines of their districts such notarial acts as a notary public is authorized to perform under the general law and according to the usage of nations, provided a request is made for such services, or their performance is deemed necessary.

When statutes governing the performance of such acts have been enacted by the Federal or State Governments, officers shall be guided by the terms of the applicable statute.

X–6. *Services of legal process by officers of the Foreign Service.* Officers and employees of the Foreign Service are hereby forbidden to serve subpenas, citations, complaints, or other forms of legal process, in connection with cases pending in Federal or State courts of the United States, except as follows:

(a) *Service of subpenas.* Unless such action is prohibited by local law, officers of the Foreign Service shall, on the request of the clerk of court or the officer requesting such subpena to be issued, serve:

(1) Subpenas issued by the courts of the United States commanding a witness (resident in a foreign jurisdiction, but a citizen of the United States or domiciled therein) who has failed or neglected to appear and give testimony in answer to letters rogatory, or who has appeared and refused to give testimony, to appear before the issuing court at a time and place designated in the subpena. (28 U.S.C. §§ 711; 713.)

(2) Subpenas issued by the courts of the United States at the request of the Attorney General or assistants acting under him, to compel the attendance of a witness (resident in a foreign jurisdiction, but a citizen of the United States or domiciled therein) at the trial of a criminal action. (28 U.S.C. §§ 712; 713.)

(b) *Service of orders to show cause.* Officers of the Foreign Service shall serve orders to show cause issued in contempt proceedings on a witness who has failed or neglected to appear in answer to a subpena served in accordance with the provisions of subdivision (a) of this section. (28 U.S.C. §§ 713, 714, 715, and 716.)

(c) *Delivery of documents in connection with fraudulent naturalization.* Officers of the Foreign Service shall deliver, or assist in delivering, to designated persons, documents relating to fraudulent naturalization when such documents are forwarded by duly authorized officials of the United States courts.

*Sections of Regulations Canceled*

The following provisions of the Foreign Service Regulations of the United States are hereby canceled:

*Part I*

Sections XI–8 and XVI–13
Chapters XIII and XIV

*Part II*

Sections XXIV–423 to XXIV–425, inclusive, XXIV–443, XXIV–479 to XXIV–483, inclusive, XXIV–487 to XXIV–490, inclusive, and XXVIII–603I.

*Revocation of Executive Order*

Executive Order No. 7470,[1] dated October 15, 1936,[1] is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 30, 1939.*

[No. 8292]

[F. R. Doc. 39–4473; Filed, December 1, 1939; 1:35 p. m.]

[1] 1 F.R. 1624.

## EXECUTIVE ORDER

SUSPENSION OF EIGHT-HOUR LAW AS TO PERSONS EMPLOYED BY THE GOVERNMENT IN THE CONSTRUCTION OF CERTAIN EMERGENCY AIR BASES

WHEREAS the act of April 25, 1939, 53 Stat. 590, authorizes the Secretary of the Navy to establish, develop, or increase naval aviation facilities at or in the vicinity of certain places mentioned therein, including Midway Island and Wake Island; and

WHEREAS the Corps of Engineers, United States Army, is engaged in harbor development at Midway Island and Wake Island pursuant to the act of August 26, 1937, 50 Stat. 844, by use of Government forces, and has been requested by the Secretary of the Navy to perform additional work necessary for the establishment of naval aviation facilities at such places; and

WHEREAS by section 1 of the act of August 1, 1892, 27 Stat. 340, as amended by the act of March 3, 1913, 37 Stat. 726 (U.S.C., title 40, sec. 321), the service and employment of all laborers and mechanics employed by the Government upon any public work of the United States, and of all persons employed by the Government to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States, is limited to eight hours in any one calendar day *except in case of extraordinary emergency;* and

WHEREAS it appears that the interests of the national defense require the establishment of naval aviation facilities at the said Midway and Wake Islands at the earliest practicable date; and

WHEREAS it further appears that because of the isolation of such places from sources of labor supply it will be impossible to accomplish the work required in the establishment of such facilities within the time required by the interests of the national defense unless the said eight-hour limitation is suspended as to persons employed by the Government upon such work; and

WHEREAS I find that by reason of the foregoing an extraordinary emergency exists:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the said act of August 1, 1892, as amended by the said act of March 3, 1913, and as President of the United States, I hereby suspend the abovementioned provisions of law prohibiting more than eight hours labor in any one day of persons employed by the Government of the United States as to all work authorized and performed under the said acts of August 26, 1937, and April 25, 1939, at or in the vicinity of Midway Island and Wake Island.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 30, 1939.*

[No. 8293]

[F. R. Doc. 39–4474; Filed, December 1, 1939; 1:35 p. m.]

## EXECUTIVE ORDER

APPOINTMENT OF ADMIRAL WILLIAM D. LEAHY, GOVERNOR OF THE TERRITORY OF PUERTO RICO, AS ADMINISTRATOR OF THE PUERTO RICO RECONSTRUCTION ADMINISTRATION

By virtue of and pursuant to the authority vested in me under the Emergency Relief Appropriation Act of 1935 (49 Stat. 115) and the act entitled "An Act to provide that funds allocated to Puerto Rico under the Emergency Relief Appropriation Act of 1935 may be expended for permanent rehabilitation, and for other purposes", approved February 11, 1936 (49 Stat. 1135), I hereby appoint Admiral William D. Leahy, U. S. Navy (Retired), Governor of the Territory of Puerto Rico, as Administrator of the Puerto Rico Reconstruction Administration, vice Harold L. Ickes, resigned, to serve without additional compensation, and to exercise and discharge the functions, duties, and authority conferred upon the Puerto Rico Reconstruction Administration and the Administrator by Executive Orders No. 7057 of May 28, 1935; No. 7180 of September 6, 1935, as amended by No. 7554 of February 17, 1937; and No. 7689 of August 12, 1937.[1]

The said Executive Orders are amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 30, 1939.*

[No. 8294]

[F. R. Doc. 39–4471; Filed, December 1, 1939; 1:34 p. m.]

[1] 2 F.R. 338, 1403.

## EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDERS OF JANUARY 3, 1917, AND JUNE 16, 1925

PUBLIC WATER RESTORATION NO. 84

*California and Arizona*

By virtue of the authority vested in me by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847, the Executive orders of January 3, 1917, and June 16, 1925, as construed by Department of Interior Interpretation No. 70 of June 16, 1928, creating, respectively, Public Water Reserves Nos. 41 and 92, are hereby revoked in so far as they pertain to or affect the following-described lands in California and Arizona:

CALIFORNIA

*San Bernardino Meridian*

In Public Water Reserve No. 41:

T. 17 S., R. 1 E., sec. 20, N½SE¼, SE¼SE¼.

ARIZONA

*Gila and Salt River Meridian*

In Public Water Reserve No. 92:

All public lands lying within a quarter of a mile of South Cove Spring located approximately in what will probably be when surveyed, sec. 35, T. 40 N., R. 3 E.

All unappropriated public lands lying within a quarter of a mile of North Cove Spring located approximately in what will probably be when surveyed, sec. 35, T. 40 N., R. 3 E.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 30, 1939.*

[No. 8295]

[F. R. Doc. 39–4472; Filed, December 1, 1939; 1:34 p. m.]



## EXECUTIVE ORDER

CHANGING THE NAME OF THE PATHFINDER WILDLIFE REFUGE AND ADDING CERTAIN LANDS THERETO

WYOMING

By virtue of the authority vested in me as President of the United States, and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and in order to effectuate further the purposes of the Migratory Bird Conservation Act (45 Stat. 1222), it is ordered as follows:

*Section 1.* The name of the Pathfinder Wildlife Refuge in Carbon and Natrona Counties, Wyoming, established by Executive Order No. 7425 of August 1, 1936,[1] is hereby changed to Pathfinder National Wildlife Refuge.

*Section 2.* Subject to valid existing rights, the following-described public lands in Natrona County, Wyoming, are hereby included in and reserved as a part of the said refuge:

*Sixth Principal Meridian*

T. 30 N., R. 85 W., sec. 30, lots 1, 2, and 3, E½NW¼ and NE¼SW¼;
T. 30 N., R. 86 W., sec. 25, NE¼.

*Section 3.* The lands herein reserved have been withdrawn for reclamation purposes in connection with the North Platte project, and are primarily under the jurisdiction of the Department of the Interior for use in connection with that project. The reservation of such lands as an addition to the Pathfinder National Wildlife Refuge is subject to the use thereof by the said Department for irrigation and incidental purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*November 30, 1939.*

[No. 8296]

[F. R. Doc. 39–4470; Filed, December 1, 1939; 1:34 p. m.]

[1] 1 F.R. 936.

## *Rules, Regulations, Orders*

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### CHAPTER II—AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT[2]

DECEMBER 1, 1939.

TO FRED SNYDER, *doing business as Snyder Livestock Market, Lubbock, Tex.*

Whereas, the Snyder Livestock Market, at Lubbock, Texas, was posted on Nov. 14, 1939, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas it now appears that the Snyder Livestock Market is not being op-

[2] Modifies list posted stockyards 9 CFR 204.1.

erated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Snyder Livestock Market, at Lubbock, Texas, no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] M. L. WILSON,
*Under Secretary of Agriculture.*

[F. R. Doc. 39-4482; Filed, December 2, 1939; 11:41 a. m.]

## TITLE 18—CONSERVATION OF POWER

### CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 69]

IN THE MATTER OF UNIFORM SYSTEM OF ACCOUNTS TO BE PRESCRIBED FOR NATURAL-GAS COMPANIES SUBJECT TO THE PROVISIONS OF THE NATURAL GAS ACT (DOCKET NO. G-137)

ORDER PRESCRIBING A SYSTEM OF ACCOUNTS FOR NATURAL-GAS COMPANIES UNDER THE NATURAL GAS ACT

NOVEMBER 3, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) Section 8 (a) of the Natural Gas Act authorizes the Commission to prescribe a system of accounts to be kept by natural-gas companies and to classify such natural-gas companies and prescribe a system of accounts for each class;

(b) Copies of a tentative draft, dated May 15, 1939, of a uniform system of accounts to be prescribed for natural-gas companies subject to the provisions of the Natural Gas Act, were, on June 20, 1939, sent by the Commission to State commissions, natural-gas companies and other interested persons and organizations, and comments and suggestions with respect thereto were requested to be filed with the Commission on or before July 10, 1939;

(c) The Commission received comments and suggestions with respect to said tentative draft from certain State commissions, natural-gas companies and others;

(d) On September 6, 1939, the Commission adopted an order[1] in Docket a date for hearing for the purpose of receiving evidence with respect to the adoption of the proposed uniform system of accounts for natural-gas companies from any State commission, natural-gas company, or person, corporation or organization having an interest in the matter;

(e) Said order of September 6, 1939, was sent by the Commission to State commissions, persons engaged in the natural-gas business and other persons and organizations, and a copy thereof was duly published in the FEDERAL REGISTER in the issue of September 12, 1939;

(f) A public hearing in this matter was held on September 27 and 28, 1939, before the Commission sitting *en banc*, and oral and documentary evidence was duly received from the Commission's staff, State commissions, a Committee representing the American Gas Association, representatives of the natural-gas industry and others; and memorandum briefs were subsequently filed by representatives of the natural-gas industry pursuant to permission granted at said hearing;

The Commission, having considered the record made in this proceeding by oral and documentary evidence and briefs filed, and acting pursuant to authority granted by the Natural Gas Act (52 Stat. 821), particularly Sections 8 (a), 10 (a) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act, orders that:

(A) The accompanying system of accounts, entitled "Uniform System of Accounts Prescribed for Natural-Gas Companies Subject to the Provisions of the Natural Gas Act," and the rules and regulations contained therein,[2] be and they are hereby adopted;

(B) Said system of accounts and said rules and regulations contained therein be and the same are hereby prescribed and promulgated as the system of accounts and rules and regulations of the Commission to be kept and observed by natural-gas companies subject to the jurisdiction of the Commission, to the extent and in the manner set forth therein;

(C) Said system of accounts and rules and regulations therein contained shall, as to all natural-gas companies now subject to the jurisdiction of the Commission, become effective on January 1, 1940, and as to any natural-gas company which may hereafter become subject to the jurisdiction of the Commission, they shall become effective as of the date when such natural-gas company becomes subject to the jurisdiction of the Commission;

(D) A copy of said system of accounts and rules and regulations contained therein be forthwith served upon each person which may be subject to the jurisdiction of the Commission under the Natural Gas Act;

(E) The Secretary of the Commission shall cause this order and the system of accounts prescribed thereby to be forthwith published in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4491; Filed, December 4, 1939; 12:06 p. m.]

[1] 4 F.R. 3885 DI.

[2] Filed as a part of the original document; requests for copies should be addressed to the Federal Power Commission.

## TITLE 21—FOOD AND DRUGS

### CHAPTER I—FOOD AND DRUG ADMINISTRATION

PROMULGATION OF REGULATION TEMPORARILY POSTPONING THE EFFECTIVE DATE OF CERTAIN OF THE LABELING PROVISIONS OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

Under the authority of the Act of Congress approved June 23, 1939 (Public—No. 151—76th Congress), the following regulations temporarily postponing the effective date of certain labeling provisions of the Federal Food, Drug, and Cosmetic Act is hereby promulgated.

§ 9.01 *Effective date of certain labeling provisions of the Federal Food, Drug, and Cosmetic Act temporarily postponed in certain cases.* (a) The effective date of the provisions of sections 403 (e) (1), 403 (g), (h), (i), (j), and (k), 502 (b), (d), (e), (f), (g), and (h), and 602 (b) of the Federal Food, Drug, and Cosmetic Act is hereby postponed to July 1, 1940, with respect to any stock of lithographed labeling which was manufactured prior to February 1, 1939, and to any stock of containers bearing labeling which, prior to February 1, 1939, was lithographed, etched, stamped, pressed, printed, fused, or blown on or in such containers—

(1) If such stock is used by the person for whom it was manufactured, or by a bona fide successor to the business;

(2) If the quantity of such stock held by such person on January 1, 1940, exceeds 10 percent of the total stock of such labels or containers used during the calendar year 1939:

(3) If such person keeps until July 1, 1941, records showing the amount of such stock used during the calendar year 1939 and the amount on hand on January 1, 1940;

(4) If such person makes such records available at all reasonable hours until July 1, 1941, to any officer or employee of the Food and Drug Administration who requests them;

(5) If non-compliance with the sections of the Act hereinbefore specified does not make such labeling misleading by reason of its failure to reveal facts material in the light of representations made or suggested by statement, word, design, device, or any combination thereof in such labeling, or material with respect to consequences which may result from the use of the article to which such labeling relates under the conditions of use prescribed in such labeling or under such conditions of use as are customary or usual; and

(6) If such labeling would have complied with the requirements of the Federal Food and Drugs Act of June 30, 1906, as amended.



(b) Notwithstanding the provisions of subsection (a), such subsection shall not apply—

(1) To the provisions of section 502 (d) of the act, insofar as such provisions relate to morphine, opium, cocaine, heroin, alpha eucaine, beta eucaine, cannabis, chloral, or any derivative of any such substance;

(2) To the provisions of section 502 (e) of the act, insofar as such provisions relate to alcohol, chloroform, or acetanilid, or any derivative or preparation of any such substance; or

(3) To the provisions of section 502 (b), (d), (e), (f), (g), and (h) of the act, insofar as such provisions relate to drugs to which section 505 of the act applies.

This regulation shall take effect upon filing with the Archivist of the United States and publication of same in the FEDERAL REGISTER.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

December 2, 1939.

[F. R. Doc. 39-4488; Filed, December 4, 1939; 11:21 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### CHAPTER III—DIVISION OF GRAZING

NEW MEXICO GRAZING DISTRICTS NOS. 2 AND 4

MODIFICATION

OCTOBER 21, 1939.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended, the Departmental orders of April 8, 1935, and March 27, 1936, establishing New Mexico Grazing Districts Nos. 4 and 2, respectively, are hereby revoked as far as they affect the following-described lands, such revocation to be effective upon the inclusion of the lands within the Bosque del Apache National Wildlife Refuge:

NEW MEXICO

*New Mexico Principal Meridian*

All that part of T. 6 S., R. 1 W., unsurveyed, lying on the northwest side of the Bosque del Apache Grant between the boundaries of the Bosque del Apache Grant No. 35 and the Pedro Armendaris Grant No. 34;

All the Bosque del Apache Grant No. 35 lying in Tps. 5, 6, and 7 S., Rs. 1 W. and 1 E., and Tps. 5 and 6 S., R. 2 E.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 39-4483; Filed, December 4, 1939; 9:32 a. m.]

## *Notices*

## DEPARTMENT OF AGRICULTURE.

### Rural Electrification Administration.

[Administrative Order No. 415]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 1, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| *Project Designation:* | *Amount* |
|---|---|
| Alabama 7032W1 Geneva | $5,000 |
| Arkansas R9015W1 Woodruff | 10,000 |
| Florida 0022W1 Escambia | 5,000 |
| Georgia R9068W3 Grady | 5,000 |
| Idaho 7016W1 Cassia | 5,000 |
| Indiana R9021W1 Bartholomew | 10,000 |
| Indiana R9074W1 Huntington | 1,000 |
| Iowa R9055W1 Linn | 2,000 |
| Iowa R9056W1 Poweshiek | 1,000 |
| Iowa 7070W1 Osceola | 5,000 |
| Iowa 7073W1 Adair | 5,000 |
| Kansas 7019W1 Butler | 5,000 |
| Kansas 7029W1 Republic | 5,000 |
| Kansas 7031W1 Crawford | 5,000 |
| Maine R9006W1 Aroostook | 5,000 |
| Minnesota 7062W3 Wright | 10,000 |
| Mississippi R9049W1 Lee | 5,000 |
| Missouri 7045W1 Osage | 5,000 |
| Missouri 7053W1 Polk | 5,000 |
| Nebraska R9051W2 Burt District Public | 5,000 |
| Nebraska R9064W2 York District Public | 7,000 |
| Pennsylvania R9019W1 Warren | 5,000 |
| Pennsylvania R9022W1 Jefferson | 5,000 |
| Texas 7064W4 San Augustine | 10,000 |
| Texas R9098W1 Young | 5,000 |
| Texas 8100W1 Washington | 5,000 |
| Virginia 7086W1 Prince George | 5,000 |
| Washington R9020W1 Columbia | 5,000 |
| Washington 7030W1 Stevens | 5,000 |
| Washington R9035W1 Pend Oreille | 10,000 |
| Wisconsin 7025W1 Monroe | 1,000 |
| Wisconsin R9054W2 Polk-Burnett | 10,000 |
| Wisconsin R9055W2 Adams | 7,500 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-4490; Filed, December 4, 1939; 11:46 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

[Administrative Order No. 36]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Harold D. Jacobs, Administrator of the Wage and Hour Division, U. S. Department of Labor,

Do hereby accept the resignation of Mr. Henry H. Collins, Jr., from the Advisory Committee on Sheltered Workshops, and do appoint in his stead Miss Louise McGuire, Wage and Hour Division, U. S. Department of Labor, who is hereby designated to serve as Secretary of the Committee.

Signed at Washington, D. C., this 4th day of December, 1939.

HAROLD D. JACOBS,
*Administrator.*

[F. R. Doc. 39-4489; Filed, December 4, 1939; 11:24 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 5, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Consumer Shirt Co., Inc., Ashland, Virginia, men's shirts.

McKettrick-Williams, Inc., Portland, Maine, dresses.

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
*Assistant Director,*
*Heaings Branch.*

[F. R. Doc. 39-4492; Filed, December 4, 1939; 12:44 p. m.]

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NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 5, 1939, until April 2, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5(b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| F. Jacobson & Sons, Inc., Kingston, New York. | Shirts | 10 |
| Jobbers Pants Company, Stuart, Virginia. | Work clothing. | 75 |

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
*Assistant Director,*
*Hearings Branch.*

[F. R. Doc. 39-4493; Filed, December 4, 1939; 12:44 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 5, 1939, unless otherwise indicated subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Alabama Hosiery Mills, Inc., Decatur, Alabama (50 learners).

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
*Assistant Director,*
*Hearings Branch.*

[F. R. Doc. 39-4494; Filed, December 4, 1939; 12:44 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 5, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in any amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.



NAME AND ADDRESS OF FIRM

Herbert Hosiery Mills, Inc., Norristown, Pennsylvania.

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
*Assitant Director,*
*Hearings Branch.*

[F. R. Doc. 39-4495; Filed, December 4, 1939; 12:45 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 5, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of their terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's names:

NAME AND ADDRESS OF FIRM AND PRODUCT

Coopers, Inc., Kenosha, Wisconsin, (5 learners), underwear.

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
*Assistant Director,*
*Hearings Branch.*

[F. R. Doc. 39-4496; Filed, December 4, 1939; 12:45 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 5, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learners shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940 and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Belding Hemingway Company, Putnam, Connecticut, silk threads and yarns.

Echota Cotton Mills, Calhoun, Georgia, narrow sheeting (cotton).

Huntingdon Specialty Co., Huntingdon, Pennsylvania, (3 learners), silk and rayon ribbon.

Lanning Bag & Specialty Co., Harvard, Illinois, (3 learners), cloth bags.

Spiess Ribbon Mills, Stroudsburg, Pennsylvania, (3 learners), silk and rayon ribbon.

G. H. Vanderbeck, Inc., 4041 Ridge Avenue, Philadelphia, Pennsylvania, (3 learners), cotton, silk, and rayon thread.

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
*Assistant Director,*
*Hearings Branch.*

[F. R. Doc. 39-4497; Filed, December 4, 1939; 12:45 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Stand-

ards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 5, 1939, until October 24, 1940, subject to the following terms:

OCCUUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retaining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and they may be cancelled as of the date of their issuance if it is found that they were issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if its is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

The Boysell Company, Inc., Gastonia, North Carolina, chenille bedspreads.

Signed at Washington, D. C., this 4th day of December 1939.

GUSTAV PECK,
*Assistant Director,*
*Hearings Branch.*

[F. R. Doc. 39-4496; Filed, December 4, 1939; 12:46 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 328]

IN THE MATTER OF THE APPLICATION OF MID-CONTINENT AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding, being the application of Mid-Continent Airlines, Inc., for a certificate of public convenience and necessity authorizing air transportation from Bismarck, N. Dak., to Minot, N. Dak., is assigned for public hearing on January 19, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Mayflower Hotel, Connecticut Avenue and DeSales St., Washington, D. C., before an Examiner of the Authority.

Dated Washington, D. C., November 30, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-4484; Filed, December 4, 1939; 9:50 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 4864]

IN RE APPLICATION OF WILLIAM F. HUFFMAN (NEW)

*Dated, June 23, 1937; for construction permit; class of service, broadcast; class of station, broadcast; location, Wisconsin Rapids, Wisc.; operating assignment specified: Frequency, 1310; power, 100 w., night—250 w., day; hours of operation, unlimited.*

[File No. B4-P-1902]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the technical and program service to be rendered, and to determine the financial qualifications of the applicant.

2. To determine whether this application and the application of Geodge F. Meyer, Medford, Wisconsin (B4-P-2501) are mutually exclusive, and if so, whether public interest, convenience and necessity would be served by granting this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

William F. Huffman,
1031—4th St., South,
Wisconsin Rapids, Wisc.

Dated at Washington, D. C., December 1, 1939.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4485; Filed, December 4, 1939; 10:45 a. m.]

## FEDERAL POWER COMMISSION.

[Docket No. IT-5558]

IN THE MATTER OF THE MARYLAND PUBLIC SERVICE COMPANY AND CONSOLIDATED GAS ELECTRIC LIGHT AND POWER COMPANY OF BALTIMORE

NOTICE OF APPLICATION

NOVEMBER 30, 1939.

Notice is hereby given that by Amendment filed November 22, 1939, to a Petition filed September 22, 1939, application has been made to the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the Consolidated Gas Electric Light and Power Company of Baltimore, a corporation organized under the laws of the State of Maryland and doing business in said State, with its principal office in Baltimore, Maryland, for an order authorizing, in so far as this Commission has power to do so, the purchase from The Maryland Public Service Company, a corporation organized under the laws of the State of Maryland and doing business in said State with its principal office in Frederick, Maryland, of all the latter company's franchises and property excepting cash, accounts receivable, and customers' contributions for extensions, not refundable, including all of its electric operating facilities consisting of approximately seven miles of electric line and appurtenances, supplying 145 customers, for a cash consideration of $14,675; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the fifteenth day of December, 1939, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4477; Filed, December 2, 1939; 9:48 a. m.]

[Docket No. G-120]

IN THE MATTER OF CENTRAL NEW YORK POWER CORPORATION

ORDER TO SHOW FURTHER CAUSE

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

DECEMBER 1, 1939.

It appearing to the Commission that:

(a) Copies of the Commission's Orders Nos. 51 and 53[1] having been duly served upon the Central New York Power Corporation;

(b) On January 5, 1939, the Commission issued an Order to Show Cause directed to Central New York Power Corporation directing said company under oath, to show cause, if any, on or before January 18, 1939, why the Commission should not institute appropriate proceedings against said company for failure to comply with the provisions of the Commission's Order No. 51:

(c) On January 18, 1939, Central New York Power Corporation filed a purported response to said Order to Show Cause in which it asserted in substance that it was not a natural-gas company subject to the Commission's jurisdiction under the Natural Gas Act:

The Commission orders that:

(A) Central New York Power Corporation show further cause, if any there be, at a public hearing:

(1) Why it should not be determined to be a natural-gas company as defined in the Natural Gas Act;

(2) Why it should not be required to comply with the Commission's Orders Nos. 51 and 53;

(3) Why the Commission should not institute appropriate proceedings against said company for failure to comply with the directions contained in the Commission's Orders Nos. 51 and 53;

(B) Said public hearing be held commencing on December 20, 1939, at ten o'clock a. m., in the Hearing Room of the Federal Power Commission, 1757 K Street, NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4476; Filed, December 2, 1939; 9:48 a. m.]

[1] 3 F.R. 1692, 1694 DI.





[Docket Nos. ID-434, ID-891, ID-892, ID-884, ID-597, ID-329, ID-462, ID-617, ID-372, ID-792, ID-505, ID-829, ID-332]

IN THE MATTER OF APPLICATIONS FILED BY WILLIAM MCCLELLAN, EDWARD T. GUSHEE, JOHN A. WOODBRIDGE, ALLEN VAN WYCK, ROBERT SEALY, LOUIS E. DICKINSON, GEORGE K. MILTENBERGER, HERMANN SPOEHRER, JOHN L. GANZ, JOHN G. JOHANSEN, EUGENE R. KROPP, GEORGE H. HARTWEIN, AND EARL F. DOYLE

ORDER FIXING DATE OF HEARING

DECEMBER 1, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) Upon applications separately filed by the following named applicants: William McClellan (ID-434), Robert Sealy (ID-597), Louis E. Dickinson, (ID-329), George K. Miltenberger (ID-462), Hermann Spoehrer (ID-617), John L. Ganz (ID-372), John G. Johansen (ID-792), Eugene R. Kropp, (ID-505), George H. Hartwein (ID-829), and Earl F. Doyle (ID-332), pursuant to Sec. 305 (b) of the Federal Power Act for authorization to hold certain interlocking positions within the purview of Sec. 305 (b), the Commission has heretofore authorized said applicants severally to hold said positions and that the orders of authorization heretofore made reserve to the Commission the right to require the applicants to make further showing that neither public nor private interests will be adversely affected by reason of the applicants' holding of said positions;

(b) Original applications have been filed by applicants Edward T. Gushee, ID-891, John A. Woodbridge, ID-892, Allen Van Wyck, ID-884, and supplemental applications have been filed by applicants William McClellan, ID-434, Robert Sealy, ID-597, and Louis E. Dickinson, ID-329, for authority to hold certain positions for which no authorization has as yet been granted;

(c) It is in the public interest that each of the above named applicants make further showing at this time that neither public nor private interests will be adversely affected by reason of his holding positions within the purview of Sec. 305 (b) for which authorization has already been granted or for which authorization is now sought;

(d) Such further showing can best be made in the form and manner of a public hearing held for that purpose;

The Commission orders that:

A public hearing on the said applications be held beginning the 8th day of January, 1940, at 10 a. m., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., and that at said hearing each of the above named applicants make further showing that neither public nor private interests will be adversely affected by reason of his holding positions within the purview of Sec. 305 (b) of the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4478; Filed, December 2, 1939; 9:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of December, A. D. 1939.

[File No. 65-2]

IN THE MATTER OF MORGAN STANLEY & CO., INCORPORATED, BONBRIGHT & COMPANY, INCORPORATED

NOTICE OF AND ORDER FOR HEARING

A request for a finding pursuant to Rule U-12F-2 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on December 4, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 4, 1939.

The matter concerned herewith is in regard to the status under Rule U-12F-2 of Morgan Stanley & Co., Incorporated, or Bonbright & Company, Incorporated, or both of them as prospective underwriters of the securities proposed to be issued by Consumers Power Company as

proposed in a declaration now pending before the Commission in File No. 43–270.

*It is further ordered*, That the above-captioned matter be consolidated with the proceedings under File No. 43–270.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–4486; Filed, December 4, 1939; 11:18 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1939.

[File No. 44–55]

IN THE MATTER OF AMERICAN STATES UTILITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to Rule U–12C–1 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 18, 1939, at 2 o'clock in the afternoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceedings shall file a notice to that effect with the Commission on or before December 18, 1939.

The matter concerned herewith is in regard to an application by American States Utilities Corporation, a registered holding company, relating to the acquisition and retirement by it of certain shares of its 5½% cumulative preferred stock, $25 par value. Applicant states that it has received $20,000 as part payment on a demand note of Grimes Pass Power Company, a subsidiary company, and that it proposes to use such funds for such purposes. It is stated that tenders of the preferred stock will be requested from the holders thereof, at prices to be specified by such holders, and it is estimated that the maximum number of shares to be acquired by the applicant (based on tenders at $16 per share) will be 1,250 shares.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–4487; Filed, December 4, 1939; 11:18 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of November 1939.

[File No. 7–433]

IN THE MATTER OF ROGERS-MAJESTIC CORPORATION, LTD., CLASS "A" STOCK WITHOUT PAR VALUE (VOTING)

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Curb Exchange in the Class "A" Stock, Without Par Value, of Rogers-Majestic Corporation, Ltd., having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X–12F–2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X–12F–2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–4480; Filed, December 2, 1939; 11:09 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of December A. D. 1939.

[File No. 60–9]

IN THE MATTER OF METROPOLITAN EDISON COMPANY

NOTICE OF AND ORDER FOR HEARING

It appearing to the Commission that Metropolitan Edison Company, a subsidiary of a registered holding company, is about to declare and pay dividends on the capital stock of such company in contravention of Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U–12C–2 of the General Rules and Regulations promulgated thereunder, and the payment and declaration of which should be prohibited by order entered under Section 12 (c) to protect the financial integrity of Metropolitan Edison Company, to safeguard the working capital of Metropolitan Edison Company, to prevent the payment of dividends out of capital or unearned surplus of Metropolitan Edison Company, and to prevent the circumvention of the Public Utility Holding Company Act of 1935 and the rules and regulations or orders thereunder;

*It is ordered*, That Metropolitan Edison Company show cause why this Commission should not enter its order, pursuant to Section 12 (c) and, pursuant to Rule U–12C–2, preventing the declaration and payment of dividends on the capital stock of such company;

*It is ordered*, That a hearing on such matter be held on December 11, 1939 at 10 o'clock in the forenoon of that day at the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why this Commission should not enter its order pursuant to Section 12 (C) of the Public Utility Holding Company Act of 1935 and pursuant to Rule U–12C–2, preventing the declaration or payment of further dividends.

*It is further ordered*, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice and to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such company and to any person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 7, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–4481; Filed, December 2, 1939; 11:09 a. m.]

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## UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS THURSDAY, NOVEMBER 30, 1939

*Important.* Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

| State | Number of positions to which entitled | Number of positions occupied |
|---|---|---|
| **IN ARREARS** | | |
| 1. Virgin Islands | 9 | 0 |
| 2. Puerto Rico | 621 | 45 |
| 3. Hawaii | 148 | 16 |
| 4. California | 2,283 | 801 |
| 5. Alaska | 24 | 9 |
| 6. Texas | 2,343 | 940 |
| 7. Michigan | 1,948 | 921 |
| 8. Louisiana | 845 | 402 |
| 9. Arizona | 175 | 91 |
| 10. New Jersey | 1,625 | 904 |
| 11. South Carolina | 699 | 403 |
| 12. Ohio | 2,673 | 1,616 |
| 13. Mississippi | 808 | 491 |
| 14. Oklahoma | 964 | 593 |
| 15. Alabama | 1,064 | 660 |
| 16. Arkansas | 746 | 475 |
| 17. Georgia | 1,170 | 772 |
| 18. New Mexico | 170 | 113 |
| 19. Kentucky | 1,052 | 704 |
| 20. North Carolina | 1,275 | 891 |
| 21. Tennessee | 1,052 | 811 |
| 22. Illinois | 3,089 | 2,373 |
| 23. Wisconsin | 1,182 | 943 |
| 24. Connecticut | 646 | 542 |
| 25. Indiana | 1,303 | 1,145 |
| 26. Delaware | 96 | 85 |
| 27. Nevada | 37 | 33 |
| 28. Oregon | 394 | 349 |
| 29. Florida | 591 | 549 |
| 30. Idaho | 179 | 168 |
| 31. Wyoming | 91 | 86 |
| 32. New Hampshire | 187 | 179 |
| 33. Pennsylvania | 3,874 | 3,769 |
| 34. Washington | 679 | 616 |
| 35. New York | 5,063 | 4,966 |
| 36. Colorado | 417 | 409 |
| 37. Missouri | 1,460 | 1,440 |
| 38. Massachusetts | 1,709 | 1,686 |
| **QUOTA FILLED** | | |
| 39. West Virginia | 696 | 696 |

| State | Number of positions to which entitled | Number of positions occupied | Net gain or loss since July 1, 1939 |
|---|---|---|---|
| **IN EXCESS** | | | |
| 40. Vermont | 145 | 147 | 0 |
| 41. Maine | 321 | 325 | +10 |
| 42. Montana | 216 | 226 | −6 |
| 43. Kansas | 757 | 793 | −26 |
| 44. Utah | 204 | 219 | +16 |
| 45. Rhode Island | 277 | 298 | −8 |
| 46. Minnesota | 1,031 | 1,144 | −32 |
| 47. North Dakota | 274 | 299 | −11 |
| 48. South Dakota | 279 | 309 | −3 |
| 49. Iowa | 994 | 1,116 | −21 |
| 50. Nebraska | 554 | 687 | +3 |
| 51. Virginia | 974 | 2,035 | −3 |
| 52. Maryland | 656 | 2,066 | +19 |
| 53. District of Columbia | 196 | 8,846 | −39 |

| | |
|---|---|
| **GAINS** | |
| By appointment | 76 |
| By reinstatement | 1 |
| By transfer | 22 |
| Total | 99 |
| **LOSSES** | |
| By separation | 35 |
| By correction | 4 |
| By transfer | 60 |
| Total | 99 |
| Total appointments | 50,184 |

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's Opinion of August 25, 1934, 15,872.

By direction of the Commission.

[SEAL] L. A. MOYER,
*Executive Director and Chief Examiner.*

[F. R. Doc. 39–4479; Filed, December 2, 1939; 11:05 a. m.]

DEC 7 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 235

*Washington, Wednesday, December 6, 1939*


## Notices

### CIVIL AERONAUTICS AUTHORITY.

[Docket No. 253]

IN THE MATTER OF THE APPLICATION OF BRANIFF AIRWAYS, INC., UNDER SECTION 405 (E) OF THE CIVIL AERONAUTICS ACT OF 1938 FOR REVIEW OF CERTAIN ACTIONS OF THE POSTMASTER GENERAL AND ITS COMPLAINT, UNDER SECTION 411 OF SAID ACT, AGAINST CERTAIN UNFAIR PRACTICES AND METHODS OF COMPETITION OF AMERICAN AIRLINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Upon request of the parties, public hearing in the above-entitled proceeding, now assigned for December 6, 1939, at the Carlton Hotel, Washington, D. C., is hereby postponed to a time and place to be hereafter assigned.

Dated Washington, D. C., December 4, 1939.

By the Authority.

[SEAL] PAUL J. FRIZZELL, *Secretary.*

[F. R. Doc. 39-4502; Filed, December 5, 1939; 10:54 a. m.]

### FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3916]

IN THE MATTER OF CHARLES V. HERRON, AN INDIVIDUAL, RYON GRAIN COMPANY, A CORPORATION, AND MCLAUGHLIN, WARD & COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., Section 41), and 49 Stat. 1526, U.S.C.A., Section 13, as amended).

*It is ordered*, That Webster Ballinger, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, December 13, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 859, Federal Building, Detroit, Michigan.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4499; Filed, December 4, 1939; 1:25 p. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of December 1939 A. D.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3875]

IN THE MATTER OF IRVING NAPP, AN INDIVIDUAL, TRADING AS NAPP'S LONGLIFE HOSIERY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

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*It is ordered*, That John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, December 14, 1939, at two o'clock in the afternoon of that day (eastern standard time) in Room 500, 45 Broadway, New York City, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to

FEDERAL REGISTER

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take testimony and receive evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4501; Filed, December 4, 1939; 3:40 p. m.]

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*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3714]

IN THE MATTER OF GIBSON-THOMSEN CO., INC., A CORPORATION, AND S. H. KRESS & CO., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That John L. Hornor, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, December 13, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York City, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4500; Filed, December 4, 1939; 3:40 p. m.]

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SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 1st day of December, A. D. 1939.

[File No. 43-254]

IN THE MATTER OF MINNESOTA UTILITIES COMPANY AND AMERICAN UTILITIES SERVICE CORPORATION

ORDER APPROVING APPLICATION

Minnesota Utilities Company, a subsidiary company of American Utilities Service Corporation, a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issuance to said American Utilities Service Corporation of its unsecured promissory note, due on or about November 1, 1964, for $80,000 in cash; and American Utilities Service Corporation having filed an application pursuant to section 12 (d) of said Act and rule U-12D-1 promulgated thereunder for the pledge of said note of Minnesota Utilities Company with Continental Illinois National Bank and Trust Company of Chicago as trustee under the trust indenture of American Utilities Service Corporation securing its Collateral Trust 6% Bonds, Series A:

*It is ordered*, That said application of American Utilities Service Corporation be and the same hereby is approved;

*It is further ordered*, That said declaration of Minnesota Utilities Company be and become effective forthwith subject, however, to the following conditions:

1. That the issuance of the note be in the manner and for the purposes represented by the declaration; and

2. That within ten days after the issuance of said note there shall be filed with this Commission a certificate of notification stating appropriate facts as to the issuance by Minnesota to American and as to the pledge of said note by American to Continental Illinois Bank and Trust Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4503; Filed, December 5, 1939; 12:15 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of December A. D., 1939.

[File Nos. 46-175 and 47-48]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY AND LEXINGTON UTILITIES COMPANY

ORDER APPROVING APPLICATIONS

Lexington Utilities Company, a subsidiary of a registered holding company, having filed an application pursuant to Section 10 of the Public Utility Holding Company Act of 1935 regarding the acquisition of all property and assets of its subsidiary Lexington Ice Company;

Lexington Utilities Company having also filed an application pursuant to Rule U-12F-1 under said Act regarding the disposition of all its property and assets to its parent Kentucky Utilities Company;

Kentucky Utilities Company, a registered holding company, having filed an application pursuant to Section 10 of said Act regarding the proposed acquisition of all the property and assets of Lexington Utilities Company;

Kentucky Utilities Company having also filed an application pursuant to Section 7 of said Act regarding the assumption of liability on outstanding First and Refunding Mortgage Bonds, 5% Series due 1952, of Lexington Utilities Company;

Public hearings having been duly held on said matters after appropriate notice;

*It is ordered*, That said applications be approved and that said declaration be and become effective forthwith, subject, however, to the following conditions:

1. That the proposed transactions shall be carried out in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said applications and declaration;

2. That the proposed transactions shall be effected within a period of thirty (30) days following the issuance of this order;

3. That within ten (10) days after completion of such transactions applicants shall file with this Commission certificates of notification showing that said transactions have been effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said applications and declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4504; Filed, December 5, 1939; 12:15 p. m.]



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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 1st day of December, A. D. 1939.

[File Nos. 32-100, 46-109 and 34-26]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY AND LEXINGTON UTILITIES COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATIONS AND DECLARATION

Kentucky Utilities Company, a registered holding company, and its subsidiary Lexington Utilities Company having filed with the Commission on August 29, 1938 joint applications pursuant to Sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 regarding certain transactions whereby said companies would be consolidated under the laws of Kentucky into a consolidated corporation to be known as Kentucky Utilities Company;

Said companies having also filed on said date a joint application and declaration pursuant to Section 11 (g) and Rules U-12E-3, U-12E-4 and U-12E-5 of said Act regarding a report on said consolidation and the solicitation of assents thereto;

Said companies having thereafter filed on October 19, 1939 requests for permission to withdraw said applications and declaration;

Having due regard for the public interest and the interest of investors and consumers, the Commission hereby consents to the withdrawal of said applications and declarations, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4505; Filed, December 5, 1939; 12:15 p. m.]

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*United States of America—Before the Securities and Exchange Commision*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1939.

[File No. 43-268]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 22, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 18, 1939.

The matter concerned herewith is in regard to a declaration filed pursuant to Section 7 of the Public Utility Holding Company Act of 1935, by American Utilities Service Corporation, a registered holding company, with respect to the reduction in interest of the declarant's 6% Serial Notes.

It is stated that the declarant has entered into an agreement with Schroder Trust Company of New York, owner of an issue of said 6% Serial Notes of which $240,000 aggregate principal amount is outstanding, providing: (a) that upon the payment of $25,000 on account of the Serial Note due January 1, 1940, and $25,000 on account of the Serial Note due January 1, 1945, the rate of interest on the remaining amount of such note indebtedness shall be reduced from 6% to 5% per annum; (b) that after January 1, 1940, and upon the payment of the balance of the principal amount of $25,000 of the Serial Note maturing January 1, 1940, the payment of $5,000 on the principal amount of the Serial Note due January 1, 1944, and the payment of $20,000 on the principal amount of the Serial Note due January 1, 1945, the interest on the remaining amount of such note indebtedness shall be further reduced from 5% to 4% per annum; (c) that with the exception of such prepayments as described above, the declarant shall pay a premium of ½ of 1% on all prepayments of notes which mature six months or more subsequent to the date of such prepayment.

It is further stated that the terms of an agreement between the declarant and Schroder Trust Company of New York, also owner of an issue of 6% Serial Notes of which $75,000 aggregate principal amount is outstanding, provide that when the principal amount of such notes has been reduced to $50,000, the rate of interest on the remaining notes outstanding shall be reduced from 6% to 5% per annum.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4506; Filed, December 5, 1939; 12:15 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1939.

[File No. 43-271]

IN THE MATTER OF PHILADELPHIA COMPANY

NOTICE OF AND ORDER FOR HEARING

An application or declaration pursuant to section 6 (b) or section 7 (whichever is applicable) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 19, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Lobinger or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 16, 1939.

The matter concerned herewith is in regard to the reduction of the stated value of the common stock of the applicant from $10 per share to $7.25 per share. The applicant proposes to trans-

fer to a reserve for revaluation of assets (1) the balance of its unsegregated surplus account amounting to $13,001,224 as of September 30, 1939, as well as (2) the capital surplus of $13,200,960 created by the reduction in the stated value of its common stock except not to exceed $5,000,000 which would remain as capital surplus. The applicant anticipates, and by setting up this reserve intends to make provision for losses on its investments in Pittsburgh Railways Company, the subsidiaries thereof, and companies operated by the Trustees of Pittsburgh Railways Company, which investments total $52,771,505 as of September 30, 1939. Reorganization proceedings for Pittsburgh Railways Company are pending under Section 77B of the Bankruptcy Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4507; Filed, December 5, 1939; 12:15 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1939.

[File Nos. 30-165, 31-477, 31-478]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION AND GENERAL WATER GAS & ELECTRIC COMPANY

ORDER CONTINUING HEARING

A joint hearing on the applications of International Utilities Corporation, pursuant to sections 3 (a) (5) and 5 (d) of the Public Utility Holding Company Act of 1935, and on the application of General Water Gas & Electric Company, pursuant to section 3 (a) (3) of the Act, for an order exempting them and each and all of their subsidiaries as such from the provisions of that Act, having been ordered, by a Notice of and Order for Hearing issued by the Securities and Exchange Commission and dated November 24, 1939, to be held on December 12, 1939, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C.;

International Utilities Corporation and General Water Gas & Electric Company having requested that said hearing be continued subject to the call of the Trial Examiner appointed by the Commission in its order hereinbefore above referred to;

*It is ordered*, That the hearing herein originally ordered to be held on December 12, 1939, be and the same hereby is continued subject to the call of the Trial Examiner appointed by the Commission in its Notice of and Order for Hearing, dated November 24, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4508; Filed, December 5, 1939; 12:16 p. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th of December, A. D. 1939.

[File 32-180]

CENTRAL MAINE POWER COMPANY

ORDER DESIGNATING TRIAL EXAMINER FOR PURPOSE OF TAKING ADDITIONAL EVIDENCE

The Commission having in its order of November 28, 1939, approved the amended application of Central Maine Power Company, a subsidiary of New England Public Service Company, a registered holding company, filed pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of

(1) $1,250,000 principal amount of Central Maine Power Company's First and General Mortgage Bonds, Series K, 4%, due 1964, to The Equitable Life Assurance Society of the United States at a price of 100% of the principal amount thereof plus accrued interest from September 1, 1939, and

(2) 5,000 shares of no par value common stock of Central Maine Power Company at a price of $100 per share to New England Public Service Company (subject to the preemptive right to purchase by the other common and 6% preferred stockholders of Central Maine Power Company); and

The Commission in said order of November 28, 1939 having in the public interest and for the protection of investors and consumers reserved jurisdiction to determine at a later date whether the finder's fee to be paid to Coffin & Burr, Incorporated, and The First Boston Corporation for negotiating the sale of said bonds is or is not reasonable, and the Commission having ordered that no finder's fee shall be paid by Central Maine Power Company until further order of this Commission; and

The Commission desiring at this time to take further evidence with respect to such finder's fee and its reasonableness for the purpose of issuing a further order with respect thereto;

*It is ordered*, That a hearing on such matter be held on December 9, 1939, at 10:00 o'clock in the forenoon of that day, at the Boston Regional Office of the Securities and Exchange Commission, Shawmut National Bank Building, 52 Devonshire Street, Boston, Massachusetts. On such day the clerk in room 426 will advise as to the room where such hearing will be held.

*It is further ordered*, That Adrian C. Humphreys or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to Central Maine Power Company and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4509; Filed, December 5, 1939; 12:16 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of December, A. D., 1939

[File No. 47-46]

IN THE MATTER OF GREAT NORTHERN UTILITIES COMPANY

ORDER DESIGNATING A NEW TRIAL EXAMINER

The above named party having filed an application pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935; the Commission by order dated November 15, 1939 having set said matter down for hearing on December 5, 1939 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, Washington, D. C.; and the Trial Examiner designated to preside at said hearing now being engaged in another matter and unable to preside at said hearing;

*It is ordered*, That Charles S. Lobingier, an officer of the Commission, be, and he hereby is, designated to preside at such hearing in the place and stead of and with the same powers and duties as the Trial Examiner hereinbefore designated to preside at such hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4510; Filed, December 5, 1939; 12:16 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1939.

[File Nos. 51-25, 60-8, 43-256]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC CORPORATION

ORDER FOR CONSOLIDATION OF HEARINGS FOR STATED PURPOSES

The Commission now having pending before it the following related matters:

(1) File No. 51-25: Application of Associated Gas and Electric Corporation, pursuant to Rule U-12C-3, for an order of the Commission permitting the payment of certain interest on applicant's debentures;

(2) File No. 60-8: Proceeding brought by the Commission, pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935, requiring Associated Gas and Electric Corporation to show cause why the Commission should not enter its order, pursuant to said Section, preventing the declaration or payment of further dividends by such company;

The above two matters having been consolidated for purposes of hearing thereon by order of the Commission dated November 21st, 1939;

(3) File No. 43-256: Declaration filed by Associated Gas and Electric Corporation respecting extension, until March 15, 1945, of $8,589,980 principal amount of 8% 8-year Gold Bonds, due March 15, 1940;

It appearing that such proceedings involve common questions of law and fact and that evidence offered in respect to any matter may have a bearing on the other matters, and that substantial saving in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that the evidence adduced in any matter may stand as evidence in the others for all purposes;

*It is ordered*, That the matters referred to in (1), (2), and (3) hereof, Commission's File Nos. 51-25, 60-8, and 43-256, be and they hereby are consolidated for the purpose of hearings thereon. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of any of such matters, to order a separate hearing with respect to such matter, or to close the record with respect to any matter and/or to take action thereon prior to closing the record on the other matters or any of them.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4511; Filed, December 5, 1939; 12:16 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of December, A. D. 1939.

[File No. 31-174]

IN THE MATTER OF GENERAL ELECTRIC COMPANY, ELECTRICAL SECURITIES CORPORATION, AND G. E. EMPLOYEES SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on December 21, 1939, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 15, 1939.

The matter concerned herewith is in regard to a joint and several application by General Electric Company, Electrical Securities Corporation and G. E. Employees Securities Corporation pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 for an extension of the exemption heretofore granted them by the Commission's order of March 16, 1938, said prior order, being set forth in Holding Company Act Release No. 1031, 3 S.E.C. 243, and providing

"*It is further ordered*, That the exemption herein granted shall expire at the close of business December 31, 1939, without prejudice to the right of said applicants, or any of them, to apply, on or before that date, for an extension of the time during which this order shall be effective."

Said applicants now pray that said order be extended at least until the close of business on December 31, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4512; Filed, December 5, 1939; 12:16 p. m.]

Reference

DEC 8 1939

THE NATIONAL ARCHIVES


# FEDERAL REGISTER

VOLUME 4 NUMBER 236

*Washington, Thursday, December 7, 1939*


## The President

### EXECUTIVE ORDER

AMENDING THE FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes of the United States (22 U.S.C. § 132), it is ordered that the Tariff of United States Foreign Service Fees, section V–15 of the Foreign Service Regulations of the United States be, and it is hereby amended, to be effective on January 1, 1940, as follows:

*Tariff of United States Foreign Service Fees*

| Item No. | Nature of Service | Fee |
|---|---|---|
| | *Invoice Services* | |
| 1 | Certification of invoice in such number of copies as will meet the requirements of the regulations and instructions and provide the shipper with one copy (in addition to original), including any additional declaration or certificate not otherwise provided for which is required by law or regulations for use in connection with the entry of the wares or the forwarding of the same in bond (see item No. 30) | $2.50 |
| 2 | Certification of invoice of returned American goods | 1.00 |
| 3 | Certificates and declarations as above described, when issued for a shipment not covered by a consular invoice, including declaration of foreign shipper of articles exported for exhibition and return (Form No. 204) and immigrant's oath regarding teams and vehicles, and in connection with quarantine regulations | 1.00 |
| | Exception— | |
| | Certificates for food and drug products or insecticides (Forms Nos. 197 and 217) | No fee |
| 4 | Certificate to extra copies of invoices, each | 1.00 |
| 5 | Certificate of disinfection of goods to be shipped to United States in such number of copies as will meet the requirements of the regulations and instructions and provide the shipper with one copy for his own use | 2.50 |
| | *Passport Services* | |
| 6 | Execution of application for passport (no exceptions) | 1.00 |
| | Examination of passport application executed before a foreign official | 1.00 |
| | Examination of passport application accompanied by a certificate signed by the applicant and two witnesses | 1.00 |

*Tariff of United States Foreign Service Fees*—Continued

| Item No. | Nature of Service | Fee |
|---|---|---|
| | *Passport Services*—Continued | |
| | Issue of passport | $9.00 |
| | Exceptions— | |
| | (a) Officers or employees of the United States traveling on official business, or members of their immediate families | No fee |
| | (b) Seamen | No fee |
| | (c) Widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines buried abroad, whose journey is for the purpose of visiting graves of such soldiers, sailors, or marines | No fee |
| | Amendment or verification of an American passport | No fee |
| | Renewal of an American passport | 5.00 |
| | Exceptions— | |
| | Same as (a), (b), and (c) above respecting issue of passports if bearer of passport has status held by him at time of issue of passport. | |
| | Issuance of Chinese certificate | 10.00 |
| | The taking of an application for, and issuance of, a travel certificate for use in China | 1.00 |
| | Execution of application for registration | No fee |
| | Issue of certificate of identity and registration | 1.00 |
| | Execution of affidavit in regard to American birth in connection with application for registration or for passport | No fee |
| | For a certified copy of executed form for repatriation of native-born American women under act of June 25, 1936 (49 Stat. 1917) | 1.00 |
| | *Visa Services for Aliens* | |
| 7 | Execution of application for immigration visa | 1.00 |
| | Immigration visa | 9.00 |
| | Execution of application for passport visa, except where the fee has been reciprocally reduced or waived under the authority of the act of February 25, 1925 (43 Stat. 976) (The term "passport visa" refers to the visa of a passport or other travel document including a Chinese certificate) | 1.00 |
| | Passport visa, or visa of affidavit in lieu thereof, except where the fee has been reciprocally reduced or waived under the authority of the act of February 25, 1925 (43 Stat. 976) | 9.00 |
| | Exception— | |
| | Application for or the visa of the passport for any officer of any foreign government, or members of his immediate family, its armed forces, or of any state, district, or municipality thereof. | No fee |
| | Limited entry certificate: | |
| | Application for limited entry certificate | No fee |
| | Limited entry certificate | No fee |

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FEDERAL REGISTER

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| Item No. | Nature of Service | Fee |
|---|---|---|
| | *Visa Services for Aliens*—Continued | |
| | Transit certificate: | |
| | Application for transit certificate | No fee |
| | Transit certificate | No fee |
| | Visa of alien crew list | $2.00 |
| | Supplemental visa of alien crew list | No fee |
| | *Services to Vessels and Seamen* | |
| 8 | Bill of health, in duplicate (in triplicate, if necessary) | 5.00 |
| | Exception— | |
| | Foreign government-owned or -chartered vessels engaged exclusively in official duties | No fee |
| | Bill of health for Panama Canal, in duplicate (in triplicate, if necessary) | 5.00 |
| 9 | For receiving and delivering ship's register and papers, $1 for each 100 tons or fraction thereof, registered measurement (net), of the vessel for which the service is performed, if under 1,000 tons; but for American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, this tonnage fee will not be charged for more than four trips in a year; and tonnage fees shall not be exacted for any vessel touching at or near ports in Canada on her regular voyage from one port to another within the United States, unless some official service required by law shall be performed (see sec. V–22). | |
| 10 | And for every additional 100 tons net or fraction thereof | .50 |
| 11 | Shipping or discharging seamen, including the certificate thereof attached to crew list and shipping articles and given to seamen | 2.00 |
| 12 | Authentication of copies of protests or other necessary documents for vessels or seamen not otherwise provided for | $2.00 |
| 13 | Preparation and acknowledgment for vessels or seamen of any oath or declaration for which a form is given in the Foreign Service Regulations, or a similar necessary service not otherwise provided for. See item No. 7 for visa of alien crew lists | 2.00 |
| 14 | Preparation and execution for vessels or seamen of any certificate for which a form is given in the Foreign Service Regulations, or similar necessary service not otherwise provided for | 2.00 |
| 15 | Orders or letters for vessels or seamen for which forms are given in the Foreign Service Regulations, or other similar necessary service not otherwise provided for | 2.00 |
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| | *Miscellaneous Notarial and Other Services* | |
| 24 | Administering an oath and certificate thereof | 2.00 |
| | Exceptions— | |
| | Recording the intention to become a resident and remain a citizen of the United States, or for administering the oath of allegiance to a child born abroad of American parents as provided for in section 6 of the act of March 2, 1907 | No fee |
| | Administering the oath of allegiance under the act of May 9, 1918, amending the act of June 29, 1906, to a person who lost his citizenship by reason of military service with a country then at war with a country with which the United States was at war on May 9, 1918 (8 U.S.C. § 18) | No fee |
| | For administering the oath of allegiance under the act of June 25, 1936, to a native-born American woman who lost her citizenship by marriage to an alien and whose marriage is terminated | No fee |
| 25 | Administering any and all oaths required to be made by pensioners and their witnesses in the execution of their pension vouchers, or by persons presenting claims for pensions or increase of pensions, or claims for insurance or insurance allowances paid by Federal or a State Government, or allotments, or certifying to the competency of a local official before whom said papers were executed, or for other services in relation thereto | No fee |
| 26 | Administering oaths or taking acknowledgments of officials or employees of the United States Government, or of any corporation in which the United States or its representative shall own the entire outstanding capital stock, in connection with their official business or accounts | No fee |
| 27 | Administering oaths or taking acknowledgments, or authenticating the signatures of foreign officials, in connection with kinsmen's petitions for wages and effects of deceased seamen of the American merchant marine | No fee |

*Tariff of United States Foreign Service Fees*—Continued

| Item No. | Nature of Service | Fee |
|---|---|---|
| | *Miscellaneous Notarial and Other Services*—Continued | |
| 28 | Acknowledgment of a deed or power of attorney, or similar service, including one or more signatures, with certificate thereof, for each copy | $2.00 |
| 29 | Acknowledgments and authentications connected with the assignment and transfer of United States bonds or other United States Government financial obligations or of powers of attorney therefor or to collect interest thereon | No fee |
| 30 | For rendering notarial services to officials of foreign governments who render gratuitously reciprocal courtesies to American diplomatic and consular officers, or for certification of invoices of shipments of official supplies and equipment from foreign governments to their diplomatic and consular officers and of shipments of personal effects to such officers in the United States when such foreign government renders gratuitously reciprocal services to the United States Government | No fee |
| 31 | Certifying to official character of a foreign notary or other official | 2.00 |
| | Exception— | |
| | Authentications under authority of the United States Quarantine Regulations, in the form prescribed by the Department of State, certifying to official character of officials who sign foreign deratization certificates and deratization exemption certificates (see item No. 8) | No fee |
| 32 | For taking depositions, executing commissions or letters rogatory, where the record of testimony including caption and certificate does not exceed 500 words (excluding punctuation) | 10.00 |
| | For each additional 100 words or fraction thereof | .50 |
| | The foregoing fee shall cover the administration of the oath and all services of the consul as commissioner, but shall not include services of clerk, stenographer (dictation and typing) or typist, which shall be additional at the rate prescribed herein for copying. | |
| 33 | Translating or interpreting, for every 100 words of translation or fraction thereof, or for interpreter per hour or fraction thereof | 1.00 |
| | The foregoing fee shall be collected only when it is necessary that a member of a consular staff be detailed as translator or interpreter in the execution of a commission to take testimony. | |
| | Exception— | |
| | This item is not applicable to criminal cases under the act of June 20, 1936 (49 Stat. 1561, 1564). | |
| 34 | Copies (carbon copies to be charged for at the same rate as originals. This includes the typing of office forms where requested and where such service is not included in any other item of this tariff). | |
| | For every 100 words or fraction thereof | .50 |
| 35 | For certifying to the correctness of a copy of, or extract from, a document, official or private | 2.00 |
| | Each copy certified is to be considered an original, and a fee charged for the certification. | |
| | Exception— | |
| | For the certification of a document, or copy thereof, the original of which is authorized to be furnished without charge. | No fee |
| 36 | Additional fee for all services contemplated by fees numbered 24, 28, 31, 32, 34, and 35, when rendered elsewhere than at the consular office at the request of the interested parties, for *each hour or fraction* thereof | 1.00 |
| | In connection with any service rendered outside of the consular office at the request of private individuals, the exact amount of the expenses actually and necessarily incurred by the person rendering the service shall be collected from the persons for whom the service is performed in addition to the or fees prescribed | |

*Tariff of United States Foreign Service Fees*—Continued

| Item No. | Nature of Service | Fee |
|---|---|---|
| | *Miscellaneous Notarial and Other Services*—Continued | |
| | Additional fee, etc.—Continued. | |
| | therefor, but no amount in excess of the fee or fees prescribed and such actual and necessary expenses shall be charged or accepted. | |
| 37 | Recording unofficial documents in consulate upon request: | |
| | For every 100 words or fraction thereof | $0.50 |
| 38 | Any and all services indicated in the tariff of fees and performed *upon written orders of the Department of State* for the official use of the Government of the United States | No fee |
| 39 | Any and all services in connection with the execution of tax returns, Federal, State, Territorial, municipal, or insular | No fee |
| 40 | License for the practice of pharmacy and the sale of poisons in the consular districts of the United States in China | 2.00 |
| 41 | For certifying to the correctness of copies of certificates of American origin, manufacture, or inspection, where such services are performed upon *written orders of the Secretary of State* for the purpose of advancing the export trade of the United States (see item No. 1) | No fee |
| 42 | Presenting a bill of exchange or other negotiable instrument for acceptance, payment, or protest, for each hour or fraction thereof outside of the consular office | 1.00 |
| 43 | Certifying to protest and noting of a bill of exchange or other negotiable instrument and giving notice thereof to drawer and indorsers when requested to do so | 2.00 |
| 44 | Any and all services performed for American citizens while outside the United States in preparation of ballots to be used in any primary, general, or other public elections in the United States, its territories, or possessions, whether Federal, State, Territorial, county, town, or municipal | No fee |
| 45 | Certificate of Witness to Marriage (Form No. 87), in duplicate | 1.00 |
| 46 | For taking into possession the personal estate of any citizen who shall die within the limits of a consular district, inventorying, selling, and finally disposing of, according to law, the balance due thereon for each $100 of market value or fraction thereof | 2.00 |
| | Exception— | |
| | No fee shall be charged on securities not negotiable by the consular officer; and evidences of debt not due and payable in the country where the decedent died. No charge shall be made for placing the official seal upon the personal property or effects of such deceased citizen, or for breaking or removing such seals. | |
| 47 | For each certificate of protection, semsar, or certificate of employment issued at Tangier | 2.00 |

*Changes in Section Cross-references*

| Sections | Present Reference | Corrected Reference |
|---|---|---|
| V–16 (a) | items 12, 31, 33, 38, 39, 40, 42, and 43 | items 46, 24, 28, 31, 32, 34, 36, and 37 |
| V–16 (b) | items 31, 33, 39, 39, 40, #2, and 43 | items 24, 28, 31, 32, 34, 36, and 37 |
| V–22 (c) | (See sec. XI–183, part II) | delete |
| V–26 (b) | section III–66 of part II of the Foreign Service Regulations | section IV–8 |
| V–30 (a) | (22 U. S. C. Supp. III, § 4.) | (22 U. S. C. Supp. 4.) |
| V–32 | section I–24, part II | Chapter I. |
| V–30 | "Subject to the provisions of the Regulations Governing the Occupation and Maintenance of Certain Foreign Service Quarters prescribed by Executive Order No. 5624 of May 15, 1931, as amended" | "Subject to the Regulations Governing the Occupation, Preservation, and Maintenance of Government-Owned Foreign Service Properties prescribed by the Secretary of State under the authority of section IV-8". |



*Changes in Section Cross-references*—Continued

| Sections | Present Reference | Corrected Reference |
|---|---|---|
| V–42 (a) | (See secs. XXIV–465; 474, part II) | (See sec. IV–11.) |
| V–42 (c) | (sec. XXIV–467, part II.) | (sec. IV–11.) |
| V–42 (f) | "As provided by the act approved May 14, 1937, 50 Stat. 166." | "As provided by the act approved May 14, 1937 (5 U.S.C. Supp. § 75c)." |
| XIII–11 | (See item 12, Tariff of United States Foreign Service Fees, sec. V–15.) | (See item 46, Tariff of United States Foreign Service Fees, sec. V–15.) |
| XIII–16 | "prescribed by item 12 of the Tariff of United States Foreign Service Fees" | "prescribed by item 46 of the Tariff of United States Foreign Service Fees" |

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
*December 4, 1939.*

[No. 8297]

[F. R. Doc. 39–4515; Filed, December 5, 1939; 1:25 p. m.]

## EXECUTIVE ORDER

REGULATIONS GOVERNING THE MANNER OF EXECUTING AND RETURNING COMMISSIONS BY OFFICERS OF THE FOREIGN SERVICE IN CRIMINAL CASES, AND SCHEDULE OF FEES AND COMPENSATION IN SUCH CASES

By virtue of and pursuant to the authority vested in me by sections 3 (c) and 8 of the act of June 20, 1936, entitled "An Act Relating to the Admissibility in Evidence of Certain Writings and Records Made in the Regular Course of Business" (49 Stat. 1563, 1564; 28 U.S.C. Supp. secs. 695b (c), 695g), and by section 1752 of the Revised Statutes of the United States (22 U.S.C. sec. 132), I hereby prescribe the following regulations governing the manner in which officers of the Foreign Service shall execute and return commissions issued in criminal cases under the provisions of the said act of June 20, 1936, and the schedule of fees and compensation allowable in such cases:

1. *Execution and return of the commission.* Officers of the Foreign Service shall execute and return commissions to take testimony in connection with foreign documents issued in criminal cases under the authority of the said act of June 20, 1936, in accordance with sections 4 and 5 of that act (28 U.S.C. Supp. secs. 695c, 695d), and in accordance with any special instructions which may accompany the commission. For details not covered by such sections or by special instructions, officers of the Foreign Service shall be guided by such instructions as may be issued by the Department of State in connection with the taking of depositions generally.

2. *Schedule of fees payable to witnesses, foreign counsel, and interpreters.*

(a) *Witnesses.* Each witness whose testimony is obtained under a commission to take testimony in connection with foreign documents for use in criminal cases shall be entitled to receive compensation at the rate of $5 a day for each day of attendance, plus 5 cents a mile for going from his place of residence or business to the place of examination and returning, by the shortest feasible route. When, however, it is necessary to procure the attendance of a witness on behalf of the United States or an indigent party, an officer or agent of the United States may negotiate with the witness to pay compensation at such higher rate as may be approved by the Attorney General, plus the mileage allowance stated above. The compensation and mileage of each witness shall be paid by the party, or parties, applying for the commission, unless the commission is accompanied by an order of court that all fees, compensation, and other expenses authorized by these regulations are chargeable to the United States under section 7 of the said act of June 20, 1936 (28 U.S.C. Supp. sec. 695f (b)).

(b) *Counsel.* Each counsel who represents a party to the action or proceeding in the examination before the commissioner shall receive compensation for each day of attendance at a rate of not less than $5 a day and not more than $25 a day, as agreed between him and the party whom he represents, plus such actual and necessary expenses as may be allowed by the commissioner upon verified statements filed with him. If the commission is issued on application of the United States, the compensation and expense of counsel representing each party are chargeable to the United States. If the commission is issued on application of any other party, the compensation and expense of counsel shall be paid by the party whom such counsel represents, unless the commission is accompanied by an order of court that all fees, compensation, and other expenses authorized by these regulations are chargeable to the United States under section 7 of the said act of June 20, 1936 (28 U.S.C. Supp. sec. 695f (b)).

(c) *Interpreters and translators.* Each interpreter and translator employed by the commissioner under these regulations shall receive an allowance of $5 a day, plus 5 cents a mile for going from his place of residence or business to the place of examination and returning, by the shortest feasible route. The compensation and mileage of interpreters and translators shall be chargeable to the United States.

3. *Time of payment.* Witnesses, counsel, interpretators, and translators shall be paid, in accordance with the foregoing regulations, by the commissioner at the conclusion of their services. Other expenses authorized by these regulations shall be paid by the commissioner as they are incurred.

4. *Payment of fees by the United States.* When it appears that the commission was issued on application of the United States or when the commission

is accompanied by an order of court that all fees, compensation, and other expenses authorized by these regulations are chargeable to the United States under section 7 of the said act of June 20, 1936 (28 U.S.C. Supp. sec. 695f (b)), the commissioner shall execute the commission without charge for his service as commissioner in connection therewith.

The commissioner shall pay witnesses, counsel, interpreter, or translator, and other expenses authorized by these regulations from the proceeds of a separate draft drawn, when so authorized, upon the Secretary of State, and he shall forthwith render a separate detailed account of such payments, supported by properly receipted vouchers, to the Department of State.

5. *Payment by other parties.* Whenever fees, compensation, and other expenses authorized by these regulations are chargeable to any party other than the United States, the commissioner shall be instructed by the Department of State to undertake the execution of the commission only if such party deposits with the Department of State, in advance, an amount to be set by the court, apparently adequate to defray all fees, compensation, and other expenses authorized by these regulations. If the amount of the deposit is later found to be insufficient, the commissioner shall so notify the Department of State and shall retain the commission and other papers until he is notified by the Department that a sufficient amount has been deposited. If the amount of the deposit exceeds the aggregate amount of fees, compensation, and other expenses authorized by these regulations, the Department shall return the excess to the party, or parties, entitled thereto.

The commissioner shall pay witness, counsel, interpreter, translator, and other expenses authorized by these regulations from the proceeds of a separate draft drawn, when so authorized, upon the Secretary of State, and he shall forthwith render a separate detailed account of such payments, supported by properly receipted vouchers, to the Department of State.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 4, 1939.*

[No. 8298]

[F. R. Doc. 39-4513; Filed, December 5, 1939; 1:24 p. m.]

## EXECUTIVE ORDER

### WITHDRAWAL OF PUBLIC LANDS

### PUBLIC WATER RESERVE NO. 161

*Colorado*

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, and subject to the conditions therein expressed and to valid existing rights, it is ordered that the following-described public lands be, and they are hereby, withdrawn from settlement, location, sale, or entry and reserved for public use for stock-watering purposes in accordance with the provisions of section 10 of the act of December 29, 1916, 39 Stat. 862, 865:

COLORADO

*New Mexico Principal Meridian*

T. 32 N., R. 11 E.,
sec. 14, lot 3;
sec. 15, lots 1, 2, and 3.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 4, 1939.*

[No. 8299]

[F. R. Doc. 39-4514; Filed, December 5, 1939; 1:24 p. m.]

## *Rules, Regulations, Orders*

## TITLE 7—AGRICULTURE

## CHAPTER IX—DIVISION OF MARKETING AND MARKETING AGREEMENTS

[O-43]

### MARKETING ORDERS

### PART 943—ORDER REGULATING THE HANDLING OF MATURE ONIONS GROWN IN THE STATE OF COLORADO*

Sec.
943.1 Definitions.
943.2 Administrative Committee.
(a) Establishment and membership.
(b) Representation by districts.
(c) Initial members.
(d) Nomination and selection of successors to initial members.
(e) Eligibility for membership.
(f) Failure to nominate.
(g) Qualification by members and alternates.
(h) Term of office.
(i) Alternate members of Administrative Committee.
(j) Vacancies.
(k) Compensation and expenses.
(l) Powers.
(m) Duties.
(n) Procedure.
(o) Rights of the Secretary.
(p) Funds and other property.
943.3 Expenses and assessments.
(a) Expenses.
(b) Assessments.
(c) Handler accounts.
943.4 Regulation of shipments by grades and sizes.
(a) Recommendation of the Administrative Committee.
(b) Regulation of shipments.
(c) Exemption certificates.
(d) Inspection and certification.
943.5 Reports.
943.6 Liability of Administrative Committee members.
943.7 Compliance and exceptions.
(a) Compliance.
(b) Shipments for relief.
943.8 Agents.
943.9 Effective time and termination.
(a) Effective time.
(b) Termination.
(c) Proceedings after termination.
943.10 Amendments.
943.11 Effect of termination or amendment.
943.12 Duration of immunities.
943.13 Separability.
943.14 Derogation.

Whereas under the provisions of Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (hereinafter referred to as the "act"), it is provided that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities (including mature onions) as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities; and

Whereas the Secretary, having reason to believe that the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions for mature onions grown in the State of Colorado as would establish prices to the producers of such onions at a level that would give such onions a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such onions during the base period August 1919–July 1929, conducted a public hearing at Pueblo, Colorado, on October 20, 1939, pursuant to due notice given to all interested parties on October 12, 1939,[1] on a proposed order regulating such handling of such onions as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in such onions, at which hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed order; and

Whereas the Secretary has found and proclaimed[2] that the purchasing power of mature onions grown in the State of Colorado during the period August 1909–July 1914 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such onions can be satisfactorily determined from available statistics of the Department of Agriculture for the period August 1919–July 1929, and that the period August 1919–July 1929 is the base period to be used in connection with this order in determining the purchasing power of such onions; and

Whereas the Secretary finds upon the basis of the evidence introduced at the hearing and the record thereof:

*Sections 943.1 through 943.14 issued under the authority contained in 48 Stat. 31 (1933), 7 U.S.C. § 601 et seq. (1934); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. § 601 et seq. (Supp. IV, 1938).

[1] 4 F.R. 4253 DI.
[2] See page 4788.



(1) That at the time of the hearing the prices received by producers of mature onions grown in the State of Colorado were at a level that gave such onions a purchasing power with respect to articles that the producers thereof buy appreciably below the purchasing power of such onions during the base period;

(2) That the regulation of shipments of such onions by grades or sizes or combinations thereof, as prescribed herein, will serve to prevent marked fluctuations in prices to the producers thereof, and will establish and maintain a more stabilized market for such onions, tending to establish prices to the producers thereof at a level that will give such onions a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such onions during the base period;

(3) That this order is limited in its application to the smallest regional production area and to the smallest regional marketing area that is practicable, consistently with carrying out the declared policy of the act, and that the issuance of several orders applicable to any subdivision of such regional production or marketing areas would not effectively carry out the declared policy of the act;

(4) That the pro rata contribution of handlers to the expenses of the administrative agency herein established, based upon the quantity of mature onions shipped, as provided in this order, is fair and equitable; and

(5) That this order and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to mature onions grown in the State of Colorado by establishing and maintaining such orderly marketing conditions therefor as will establish prices to the producers thereof at a level that will give such onions a purchasing power with respect to articles that the producers thereof buy equivalent to the purchasing power of such onions during the base period, and by protecting the interest of the consumer by (a) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by (b) authorizing no action which has for its purpose the maintenance of prices to the producers of such onions above the level which it is declared in the act to be the policy of Congress to establish; and

Whereas, the Secretary finds:

(1) That a marketing agreement regulating the handling of mature onions grown in the State of Colorado, executed on the 5th day of December 1939, upon which a hearing was held on October 20, 1939, was signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping mature onions covered by this order) who, during the period January 1, 1938, to December 31, 1938, both dates inclusive, handled not less than fifty (50) percent of the volume of mature onions covered by this order which was marketed during such period in the current of interstate commerce or commerce with Canada, or so as directly to burden, obstruct, or affect such commerce;

(2) That this order regulates the handling of such onions in the same manner as the aforesaid marketing agreement, and that it is applicable only to persons in the respective classes of industrial and commercial activities specified in the said marketing agreement; and

(3) That the issuance of this order is favored by producers who, during the period January 1, 1938, to December 31, 1938, both dates inclusive (which is hereby determined to be a representative period), produced for market within the State of Colorado more than two-thirds (⅔) of the volume of mature onions produced within such production area during the said period for market:

Now, therefore, it is ordered by the Secretary, acting under the authority vested in him by the act, that such handling of mature onions grown in the State of Colorado as is in the current of interstate commerce or commerce with Canada, or which directly burdens, obstructs, or affects such commerce in such onions, from and after the date herein specified, shall be in conformity to and in compliance with the terms and conditions of this order.

§ 943.1 *Definitions.* As used herein the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States of America.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246).

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group of individuals.

(d) "Onions" means and includes all varieties of mature onions grown in the State of Colorado.

(e) "Variety" means a type of onion having similar characteristics, as, for example, the yellow Spanish type, the white Spanish type, the yellow Danvers type, etc.

(f) "Producer" means any person engaged in growing onions in the State of Colorado for market.

(g) "Handler" means any person (except a common carrier of onions owned by another person), who, as owner, agent, or otherwise, first ships onions, or first causes onions to be shipped, by rail, truck, or any other means whatsoever.

(h) "Ship" means to sell, transport, offer for transportation, or ship onions in the current of interstate commerce or commerce with Canada, or so as directly to burden, obstruct, or affect such commerce.

(i) "Fiscal year" means the twelve-month period beginning July 1 of any year and ending June 30 of the following year, both dates inclusive.

(j) "District" means the applicable one of any of the following-described subdivisions of the State of Colorado:

(1) "Northern Colorado District", which shall include the counties of Clear Creek, Jefferson, Arapahoe, Washington, and Yuma, and all counties and portions of counties lying north and west of said counties and between the Continental Divide and the eastern boundary line of the State of Colorado;

(2) "Western Slope District", which shall include all counties and portions of counties lying west of the Continental Divide; and

(3) "Arkansas Valley District", which shall include all other counties and portions of counties not included within the Northern Colorado District and the Western Slope District.*

§ 943.2 *Administrative Committee—*(a) *Establishment and membership.* An Administrative Committee is hereby established consisting of nine members, six of whom shall represent producers and three of whom shall represent handlers. There shall be an alternate for each member of the committee.

(b) *Representation by districts.* The respective districts shall be represented upon the Administrative Committee upon the basis of one producer member and one handler member to represent the Northern Colorado District, two producer members and one handler member to represent the Western Slope District, and three producer members and one handler member to represent the Arkansas Valley District.

(c) *Initial members.* The initial members of the Administrative Committee and their respective alternates shall be as follows:

(1) From the Northern Colorado District:

Albert Hattendorf, of Brighton, Colorado, as producer member; and Don Plumb, of Greeley, Colorado, as his alternate.

Ray W. Mathews, of Greeley, Colorado, as handler member; and W. B. Gress, of Severance, Colorado, as his alternate.

(2) From the Western Slope District:

Chester Torrey, of Olathe, Colorado, as producer member; and Art Fedler, of Montrose, Colorado, as his alternate.

John Hazelett, of Delta, Colorado, as producer member; and W. T. Atchley, of Delta, Colorado, as his alternate.

Ed Bay, of Olathe, Colorado, as handler member; and H. L. Musgrave, of Montrose, Colorado, as his alternate.

(3) From the Arkansas Valley District:

Harry Ascherman, of Rocky Ford, Colorado, as producer member; and Ed Morrison, of Rocky Ford, Colorado, as his alternate.

Elmer Hostler, of Ordway, Colorado, as producer member; and Harry Grimsley, of Rocky Ford, Colorado, as his alternate.

Dave Cirull, of Pueblo, Colorado, as producer member; and John W. Beaty, of Manzanola, Colorado, as his alternate.

L. R. Russell, of Rocky Ford, Colorado, as handler member; and G. A. Blotz, of Rocky Ford, Colorado, as his alternate.

(d) *Nomination and selection of successors to initial members.* (1) Nominations of members and their respective alternates, subsequent to the initial members and alternates, shall be made at a meeting or meetings of producers and handlers in each of the districts, at such times (on or before June 1 of each year) and places as the Administrative Committee shall designate. At each of such meetings, the producers or handlers eligible to participate therein shall select a chairman and a secretary therefor. In the election of nominees, each producer and each handler shall be entitled to vote in accordance with the provisions of subparagraph (2) of this paragraph. The chairman of each meeting shall announce at such meeting the name of each person for whom votes have been cast, whether as member or as alternate, and the number of votes cast for each such person, and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

(2) Only producers shall participate in the nominations of producer members and their respective alternates, and only handlers shall participate in the nomination of handler members and their respective alternates. A producer may participate only in the elections held in the district in which he produces onions, and a handler may participate only in the elections held in the district in which he handles onions. In any such election each producer and each handled shall be entitled to cast but one vote on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives for each nominee to be elected. Cumulative or proxy voting shall not be allowed.

(3) The producers and the handlers in each district shall elect two nominees for each member and two nominees for each alternate from such district, and the Secretary shall select the members of the Administrative Committee and their respective alternates for each such district from among the nominees elected by the producers and the handlers in such district and upon the basis of the representation set forth in paragraph (b) of this section.

(e) *Eligibility for membership.* Producer members of the Administrative Committee and alternates for such members must be producers of onions in the district in and for which they are nominated and selected, and handler members of the committee and alternates for such members must be handlers of onions in the district in and for which they are nominated and selected.

(f) *Failure to nominate.* In the event nominations, subsequent to the selection by the Secretary of the initial members and their respective alternates, are not made and the names of such nominees are not submitted to the Secretary on or before June 1 of any year, pursuant to paragraph (d) of this section, the Secretary may select such members and alternates without regard to nominations.

(g) *Qualification by members and alternates.* Any person selected by the Secretary as a member or as an alternate for a member of the Administrative Committee shall qualify therefor by filing a written acceptance thereof with the Secretary within 20 days after being notified of such selection.

(h) *Term of office.* The initial members and their respective alternates shall hold office for a term beginning on the date designated by the Secretary and ending June 30, 1940, and until their successors are selected and have qualified. Members and alternates selected subsequent to the initial term shall serve during the fiscal year for which they have been selected and until their successors are selected and have qualified.

(i) *Alternate members of Administrative Committee.* An alternate for a member shall act in the place and stead of such member during such member's absence, or, in the event of the death, removal, resignation, or disqualification of such member, until a successor for such member is selected and has qualified.

(j) *Vacancies.* To fill any vacancy occasioned by the failure to qualify of any person selected as a member or as an alternate for a member of the Administrative Committee, or, in the event of the death, removal, resignation, or disqualification of any member or of any alternate, nominations and selection to fill such vacancy shall be made in the manner set forth in this section. If nominations to fill such vacancy are not made or the names of such nominees are not submitted to the Secretary within 20 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations.

(k) *Compensation and expenses.* The members and the alternates for members of the Administrative Committee shall serve without compensation, but they may be reimbursed for expenses incurred by them in the performance of their duties and in the exercise of their powers.

(l) *Powers.* The Administrative Committee shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions hereof;

(2) To make administrative rules and regulations in accordance herewith, and to effectuate the terms and provisions hereof;

(3) To receive, investigate, and report to the Secretary complaints of violations hereof; and

(4) To recommend to the Secretary amendments hereto.

(m) *Duties.* The duties of the Administrative Committee shall be as follows:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To keep minutes, books, and records which will clearly reflect all acts and transactions of the Administrative Committee, which minutes, books, and records shall be subject at any time to examination by the Secretary;

(3) To study and assemble data on the growing, shipping, and marketing conditions respecting onions;

(4) To consult with any committee established pursuant to any marketing agreement or any order of the Secretary with respect to the handling of onions grown in any area covered by such marketing agreement or order;

(5) To furnish to the Secretary such available information as the Secretary requests;

(6) To perform such duties as may be assigned to it from time to time by the Secretary in connection with the administration of Section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (August 24, 1935), as amended;

(7) To cause the books of the Administrative Committee to be audited by one or more competent accountants at least once each fiscal year and at such other times as the committee may deem necessary or as the Secretary may request, and to file with the Secretary copies of any and all audit reports;

(8) To appoint such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(9) To give the Secretary the same notice of meetings of the Administrative Committee as is given to the members of the committee; and

(10) To select a chairman of the Administrative Committee and, from time to time, such other officers as it may deem advisable.

(n) *Procedure.* Voting by mail or telegram shall be permitted, and all decisions of the committee shall be made by not less than six affirmative votes.

(o) *Rights of the Secretary.* The members of the Administrative Committee, including successors and alternates, and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary for cause at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

(p) *Funds and other property.* (1) All funds received by the Administrative Committee pursuant to any of the provisions hereof shall be used solely for the purposes herein specified, and the Secretary may require the committee and its members to account for all receipts and disbursements.

(2) Upon the death, resignation, removal, or expiration of the term of office of any member of the Administrative Committee, all books, records, funds, and other property in his possession shall be delivered to his successor in office or to the committee, and such assignments and other instruments shall be executed as may be necessary to vest in his successor or in the committee full title to all the books, records, funds, and other property in the possession or under the control of such member pursuant hereto.*

§ 943.3 *Expenses and assessments*—(a) *Expenses.* The Administration Committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out its functions hereunder. The funds to cover such expenses shall be acquired by the levying of assessments as provided in this section.

(b) *Assessments.* Each handler shall pay to the Administrative Committee, upon demand, such handler's pro rata share of the expenses as the Secretary finds will be necessarily incurred by the committee for the maintenance and functioning of the committee during each fiscal year. Each handler's pro rata share shall be based upon a rate of assessment fixed by the Secretary and shall be that proportion of such expenses which the total quantity of onions shipped by such handler is of the total quantity of onions shipped by all handlers during such fiscal year. The rate of assessment may be adjusted from time to time by the Secretary in order to cover any later finding by the Secretary of the estimated expenses or the actual expenses of the committee during said fiscal year.

(c) *Handler accounts.* (1) At the end of each fiscal year the Administrative Committee shall credit each handler with any amount paid by such handler in excess of his pro rata share of the expenses or shall debit such handler with the amount by which his pro rata share exceeds the amount paid by him. Any such debits shall become due and payable upon demand of the committee.

(2) The Administrative Committee may, with the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collections of any handler's pro rata share of expenses.*

§ 943.4 *Regulation of shipments by grades and sizes*—(a) *Recommendation of the Administrative Committee.* Whenever the Administrative Committee deems it advisable to regulate the shipment of any variety or varieties of onions by grades or sizes or combinations thereof during any specified period or periods, it shall so recommend to the Secretary. At the time of submitting any such recommendation, the committee shall furnish the Secretary all pertinent data and information upon which it acted in making such recommendation and such other data and information as the Secretary may request. The committee shall promptly give adequate notice to handlers and producers of any such recommendation submitted by it to the Secretary.

(b) *Regulation of shipments.* Whenever the Secretary finds from the recommendation made by the Administrative Committee, and from the information submitted by the committee or from other available information, that to limit the shipment of any variety or varieties of onions to particular grades or sizes or combinations thereof would tend to effectuate the declared policy of the act, he shall so limit the shipment of such onions during a specified period or periods. The Secretary shall immediately notify the committee of the issuance of such regulation, and the committee shall promptly give adequate notice thereof to handlers and producers.

(c) *Exemption certificates.* (1) Before the institution of any limitation of shipments pursuant to this section, the Administrative Committee shall adopt and announce the procedural rules by which exemption certificates will be issued to producers. Whenever the committee recommends to the Secretary a regulation of shipments pursuant to this section, the committee shall determine the percentage which the quantity of grades and sizes of each variety of onions permitted to be shipped under such regulation bears to the total quantity of such variety of onions which could be shipped in the absence of such regulation, and the committee shall forthwith announce this percentage. An exemption certificate shall thereafter be issued to any producer who furnishes proof that he will be prevented, because of the regulation established, from shipping as large a percentage of his onions of any specified variety or varieties as the percentage for all producers as determined by the committee. Such exemption certificate shall permit the producer to ship or cause to be shipped that quantity of the regulated grades and sizes of such variety or varieties of onions as will enable him to ship or cause to be shipped as large a percentage of his onions of such variety or varieties as the percentage for all producers.

(2) If any producer is dissatisfied with the action taken with respect to his application for an exemption certificate, he may appeal to the Secretary, whose decision in the matter shall be final and conclusive.

(3) The Secretary shall have power to modify, change, alter, or amend any such procedural rules and any exemption granted under this paragraph.

(d) *Inspection and certification.* During any period in which the Secretary has regulated shipments pursuant to this section, each handler shall, prior to making each shipment of onions, cause such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Promptly thereafter, such handler shall submit to the Administrative Committee a copy of the Federal-State Inspection certificate, showing the grades and sizes of onions, issued on each such shipment.*

§ 943.5 *Reports.* Upon the request of the Administrative Committee, made with the approval of the Secretary, each handler shall furnish the committee, in such manner and at such times as it prescribes, such information as will enable it to exercise its powers and to perform its duties hereunder.*

§ 943.6 *Liability of Administrative Committee members.* No member, alternate member, or employee of the Administrative Committee shall be held liable, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, or employee, except for acts of dishonesty.*

§ 943.7 *Compliance and exceptions.* (a) *Compliance.* Except as otherwise specifically provided herein, no person shall ship onions, the shipment of which has been prohibited by the Secretary in accordance with the provisions hereof.

(b) *Shipments for relief.* Nothing contained herein shall be construed to authorize any limitation of the right on the part of any person to ship onions for consumption by charitable institutions or for distribution by relief agencies, nor shall any assessment be levied on onions so shipped. The Administrative Committee may prescribe adequate safeguards to prevent onions, shipped for either of such purposes, from entering commercial channels of trade contrary to the provisions hereof.*

§ 943.8 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as

his agent or representative in connection with any of the provisions hereof.*

§ 943.9 *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto and shall continue in force until terminated in one of the ways specified in this section.

(b) *Termination.* (1) The Secretary may at any time terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provision or provisions obstruct or do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any current marketing period whenever he finds that such termination is favored by a majority of the producers of onions who, during such current marketing period, have been engaged in the production of onions for market: *Provided*, That such majority have, during such period, produced for market more than 50 percent of the total volume of onions produced for market during such period, but such termination shall be effective only if notice thereof is given on or before May 1 of such current marketing period.

(4) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the members of the Administrative Committee then functioning shall, for the purpose of liquidating the affairs of the committee, continue as joint trustees of all funds and property then in the possession or under the control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination.

(2) The trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements, or deliver all funds and property on hand, together with all books and records of the Administrative Committee and the joint trustees, to such persons as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all of the funds and claims vested in the committee or the joint trustees pursuant hereto.

(3) Any funds collected for expenses pursuant to the provisions hereof, and held by such joint trustees or such other person, over and above amounts necessary to meet outstanding obligations and the expenses incurred necessarily by the joint trustees or such other person in the performance of their duties hereunder, shall, as soon as practicable after the termination hereof, be returned to the handlers pro rata in proportion to their contributions made pursuant hereto.

(4) Any person to whom funds, property, or claims have been delivered by the Administrative Committee or its members upon direction of the Secretary, as provided in this paragraph, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are imposed upon the members of the committee or upon the joint trustees.*

§ 943.10 *Amendments.* Amendments hereto may be proposed, from time to time, by the Administrative Committee or by the Secretary.*

§ 943.11 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.*

§ 943.12 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.*

§ 943.13 *Separability.* If any provision hereof is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.*

§ 943.14 *Derogation.* Nothing contained herein is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.*

In witness whereof, the Secretary of Agriculture, acting under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, for the purposes and within the limitations therein contained and not otherwise, does hereby execute and issue in duplicate this order under his hand and the official seal of the Department of Agriculture, in the city of Washington, District of Columbia, on this 5th day of December 1939, and declares this order to be effective on and after 12:01 a. m., m. s. t., December 10, 1939.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-4523; Filed, December 5, 1939; 4:08 p. m.]

## TITLE 32—NATIONAL DEFENSE

### CHAPTER I—NATIONAL MUNITIONS CONTROL BOARD

RULES OF PROCEDURE GOVERNING THE ISSUANCE OF LICENSES FOR THE EXPORTATION OF TIN-PLATE SCRAP DURING THE CALENDAR YEAR 1940

In furtherance of the purposes of the Act of Congress approved February 15, 1936 (49 Stat. 1140; 50 U. S. C., Sup., 87), which, as stated therein, are:

to protect, preserve, and develop domestic sources of tin, to restrain the depletion of domestic reserves of tin-bearing materials, and to lessen the present costly and dangerously dependent position of the United States with respect to resources of tin.

and in order to assure in the public interest the fair and equitable consideration referred to in section 2 of the Act which reads as follows:

There shall not be exported from the United States after the expiration of sixty days from the enactment of this Act any tin-plate scrap, except upon license issued by the President of the United States. The President is authorized to grant licenses upon such conditions and regulations as he may find necessary to assure in the public interest fair and equitable consideration to all producers of this commodity.

the Secretary of State prescribes the following regulations:

PART 3—DOMESTIC SOURCES OF TIN

SUBPART—ISSUANCE OF LICENSES FOR THE EXPORTATION OF TIN-PLATE SCRAP; RULES OF PROCEDURE

Sec.
3.8 Authority.
3.9 Requests for allotments.
3.10 Original allotments.
3.11 Sworn statement of 1938 production.
3.12 Apportionment of total allotments.
3.13 Additional allotments.
3.16 Fair and equitable consideration.
3.17 Licenses.
3.18 Licenses issued to persons other than producers of tin-plate scrap.
3.19 General statement.

§ 3.8 *Authority.* The Secretary of State, acting under and by virtue of the authority vested in him by Executive Order No. 7297 of February 16, 1936, hereby prescribes, by and with the advice and consent of the National Munitions Control Board, the following rules of procedure in §§ 3.9–3.19 to govern the issuance of licenses for the exportation of tin-plate scrap during the calendar year 1940 under §§ 3.2 to 3.7.*

§ 3.9 *Requests for allotments.* Each producer of tin-plate scrap who desires to export that commodity during the calendar year 1940, as well as every producer whose scrap is sold to and ultimately exported by third parties, should submit to the Secretary of State *not later than December 20, 1939*, a request for an allotment, specifying in long tons the quantity of tin-plate scrap which he desires to export or to sell for export between January 1 and December 31, 1940.*

§ 3.10 *Original allotments.* Allotments will be granted to producers of tin-plate scrap only and will be assigned to producers whose applications have been submitted in accordance with the provisions of § 3.9. Allotments will be based on the individual producer's request therefor with the provision that no allotment of more than 25 long tons shall exceed in amount 20 percent of the quantity of tin-plate scrap produced by him during the calendar year 1938. Requests for allotments of 25 long tons or less may be granted in full, without reference to the quantity of tin-plate scrap produced during the calendar year 1938, provided the producer concerned presents convincing evidence, in the form of a sworn statement, establishing that he will, so far as can be foreseen, during the calendar year 1940, produce at least the equivalent of the allotment which he requests. No allotment assigned under the provisions of this section to any one producer, including his affiliated or associated companies, shall exceed 2,000 long tons.*

§ 3.11 *Sworn statement of 1938 production.* No producer shall be eligible to receive an allotment under the provisions of § 3.10 until the Secretary of State has received from him a sworn statement setting forth the quantity of tin-plate scrap, in long tons, produced by him during the calendar year 1938. Sworn statements submitted under the provisions of this section shall include the name and address of the producer, the name and location of each factory, and the quantity of tin-plate scrap produced at each factory.*

§ 3.12 *Apportionment of total allotments.* In the event that it shall be necessary, in order that the quantity of tin-plate scrap to be exported during the calendar year 1940 shall not exceed the total figure to be agreed upon by the National Munitions Control Board, such total shall be apportioned among the applicants for allotments on the basis of 1938 production, with the provision that no allotment shall exceed the quantity specified in the individual producer's request therefor. If an apportionment is unnecessary, allotments will be granted in the order of the receipt of requests therefor until the total figure referred to has been exhausted.*

§ 3.13 *Additional allotments.* In the event that conditions then existing shall warrant such action, additional allotments may be granted after July 1, 1940, upon such conditions as may be agreed upon by the National Munitions Control Board and announced by the Secretary of State.*

§ 3.16 *Fair and equitable consideration.* An allotment may be granted at any time during the calendar year 1940, without regard to previous assignments of allotments, to any producer of tin-plate scrap who presents to the National Munitions Control Board, through the Secretary of State, convincing evidence that he is not receiving the fair and equitable consideration referred to in section 2 of the Act approved February 15, 1936 (49 Stat. 1140; 50 U.S.C., Sup., 87). Allotments assigned under the provisions of this section shall be granted in such quantities as will assure in the public interest fair and equitable consideration to the producer concerned. All applications for allotments under the provisions of this section shall be accompanied by sworn statements, in quintuplicate, setting forth complete and detailed information in support thereof.*

§ 3.17 *Licenses.* No tin-plate scrap may be exported unless a license authorizing such export shall have been issued by the Secretary of State. Licenses may be issued to any producer who has been assigned an allotment or to any other person or persons authorized by such producer to export tin-plate scrap under his allotment, provided that licenses will not be issued during the first six months of the calendar year for the exportation of tin-plate scrap in quantities in excess of 50 percent of any allotment of 50 long tons or more.*

§ 3.18 *Licenses issued to persons other than producers of tin-plate scrap.* Any producer who has received an allotment may, if he so desires, authorize any other person or persons to apply for license to export under his allotment tin-plate scrap produced at his factory or factories. The Department of State should be informed promptly of such authorizations when made. Persons other than producers should, in submitting applications for license, assure themselves that an allotment has been assigned covering the particular tin-plate scrap which they desire to export and they should include in the application a statement setting forth the name and address of the factory or factories at which the tin-plate scrap was produced and the quantity produced at each factory.*

§ 3.19 *General statement.* As stated § 3.5, the Secretary of State will issue export licenses to cover proposed shipments of tin-plate scrap when, in the opinion of the National Munitions Control Board, the issuance of such licenses may be consistent with the purposes of the Act approved February 15, 1936 (49 Stat. 1140; 50 U.S.C., Sup., 86–88). The National Munitions Control Board may revoke, cancel, or modify at any time allotments or licenses granted under the rules of procedure herein announced and may modify these rules of procedure whenever, in its opinion, such action is required in order to carry out the purposes of the Act.*

[SEAL] CORDELL HULL,
*Secretary of State.*

DECEMBER 2, 1939.

[F. R. Doc. 39-4521; Filed, December 5, 1939; 3:17 p. m.]

*§§ 3.8 to 3.19, inclusive, issued under the authority contained in E.O. 7297, Feb. 16, 1936; 32 CFR 3.1.

## TITLE 45—PUBLIC WELFARE

### CHAPTER II—CIVILIAN CONSERVATION CORPS

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES [1]

§ 203.7 *Enrollment.*

* * * * * *

(c) *Action in case of fraudulent and erroneous enrollment.*

* * * * * *

(5) Except in the case of those listed in subparagraph (3) (i) above, persons discharged under the provisions of subparagraphs (1), (3), and (4) above will be paid full accumulated pay and allowances to date of discharge and provided with the usual subsistence allowance and transportation. See paragraph (c), Section 203.18.

(6) Those listed in subparagraph (3) (i) above and discharged under the provisions of subparagraphs (3) and (4) above will not be paid for any period subsequent to the last payment made to them prior to the discovery of the error or fraud, except that enrollees discharged because of legal miximum age limit or legal maximum of service may be paid full accumulated pay and allowances to date of attainment of legal ineligibility. All enrollees referred to in this subparagraph will be provided with the usual subsistence allowance and transportation. See paragraph (c), Section 203.18. (50 Stat. 319) [Par. 25c, C.C.C. Regs., W.D. Dec. 1, 1937; as amended by C 42, Nov. 28, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-4525; Filed, December 6, 1939; 9:27 a. m.]

## *Notices*

### DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 9-ID]

IN THE MATTER OF THE APPLICATION OF ST. CHARLES GARFIELD COAL COMPANY FOR EXEMPTION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the Director consents to the withdrawal of

[1] These regulations supersede paragraph (c), Section 203.7, Chapter II, Title 45, Code of Federal Regulations.

the application of the above-named applicant upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect

It is so ordered.

Dated, Dec. 5, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4516; Filed, December 5, 1939; 2:18 p. m.]

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[Docket No. 13-ID]

IN THE MATTER OF THE APPLICATION OF ST. CHARLES CHESANING COAL COMPANY FOR EXEMPTION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the Director consents to the withdrawal of the application of the above-named applicant upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts; and to that effect

It is so ordered.

Dated, December 5, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4517; Filed, December 5, 1939; 2:18 p. m.]

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[Docket No. 14-ID]

IN THE MATTER OF THE APPLICATION OF AURORA COAL COMPANY FOR EXEMPTION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the Director consents to the withdrawal of the application of the above-named applicant upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect

It is so ordered.

Dated, December 5, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4518; Filed, December 5, 1939; 2:18 p. m.]

[Docket No. 324-FD]

IN THE MATTER OF THE APPLICATION OF JAMES KENNARD, TRADING AS K & H COAL COMPANY, FOR EXEMPTION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the Director consents to the withdrawal of the application of the above-named applicant upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect

It is so ordered.

Dated, December 5, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4519; Filed, December 5, 1939; 2:19 p. m.]

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[Docket No. 336-FD]

IN THE MATTER OF THE APPLICATION OF ROSS MATTERN FOR EXEMPTION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the Director consents to the withdrawal of the application of the above-named applicant upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect

It is so ordered.

Dated, December 5, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4520; Filed, December 5, 1939; 2:19 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Division of Marketing and Marketing Agreements.

PROCLAMATION WITH RESPECT TO BASE PERIOD TO BE USED FOR PURPOSE OF MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MATURE ONIONS GROWN IN STATE OF COLORADO

By virtue of the authority vested in the Secretary of Agriculture by Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, it is hereby found and proclaimed that, with respect to mature onions grown in the State of Colorado, the purchasing power of such onions during the pre-war period, August 1909-July 1914, cannot be satisfactorily determined from available statistics of the Department of Agriculture for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of such onions, but the purchasing power of such onions can be satisfactorily determined from available statistics of the Department of Agriculture for the period August 1919-July 1929. The period August 1919-July 1929 is, therefore, hereby declared and proclaimed to be the base period to be used in determining the purchasing power of mature onions grown in the State of Colorado for the purpose of the execution of a marketing agreement and the issuance of an order[1] regulating the handling of such onions.

In witness whereof, the Secretary of Agriculture has executed this proclamation in duplicate and has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 5th day of December 1939.

[SEAL] M. L. WILSON, *Acting Secretary of Agriculture.*

[F. R. Doc. 39-4524; Filed, December 5, 1939; 4:08 p. m.]

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### Rural Electrification Administration.

[Administrative Order No. 414]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 24, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | Amount |
|---|---|
| South Carolina 0025A1 Berkeley | $12,690 |
| South Carolina 9025A2 Berkeley | 87,310 |
| South Carolina 9026A1 Darlington | 100,000 |
| South Carolina 9027A1 Marlboro | 100,000 |
| South Carolina 9028A1 Williamsburg | 100,000 |

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 39-4522; Filed, December 5, 1939; 3:37 p. m.]

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[1] See page 4782.



## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5801]

APPLICATION OF FLORIDA CAPITOL BROADCASTERS, INC. (WTAL)

*Dated, November 1, 1939; for renewal of license; class of service, broadcast; class of station, broadcast; location, Tallahassee, Fla.; operating assignment specified: Frequency, 1310 kc.; power, 100 w., night; 250 w., day; hours of operation, unlimited*

[File No. B 3-R-869]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the licensee to operate the station.

2. To determine whether Form No. 728, executed by the licensee on August 1, 1938, pursuant to Rule 340.01, and the information submitted by the licensee in response to Section 7 (d) of the application (executed November 1, 1939) for renewal of the station's license for the period beginning December 1, 1939, or either of them, truly and accurately reflect the distribution and ownership of the voting stock of the licensee corporation.

3. To determine whether the station's license, the frequency authorized to be used by the licensee, and the rights therein granted were transferred, assigned, or in any manner disposed of by transfer of the control of the licensee corporation in violation of Section 310 (b) of the Communications Act of 1934, as amended.

4. Because of the licensee's failure to comply with the provisions of Rule 340.01, Section 43.1 of the Rules, and Commission Order No. 37.

5. To determine whether the granting of this application and the continued operation of the station will serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Florida Capitol Broadcasters, Inc.,
Radio Station WTAL,
Thomasville Highway at New County Road,
Tallahassee, Fla.

Dated at Washington, D. C., December 5, 1939.

By the Commission.

[SEAL] JOHN B. REYNOLDS, *Acting Secretary.*

[F. R. Doc. 39-4528; Filed, December 6, 1939; 12:53 p.m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of December 1939.

[File No. 1-1322]

IN THE MATTER OF OSHKOSH B'GOSH, INC.

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Oshkosh B'Gosh, Inc., pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its $2 Cumulative Convertible Preferred Stock, No Par Value, and Common Stock, No Par Value, from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Thursday, January 4, 1940, at the office of the Securities & Exchange Commission, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4526; Filed, December 6, 1939; 11:09 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of December, A. D. 1939.

[File No. 32-150]

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION, PUBLIC GAS & COKE COMPANY, NATIONAL UTILITIES COMPANY OF MICHIGAN, MICHIGAN FUEL AND LIGHT COMPANY

ORDER ADJOURNING HEARING

The Commission having issued a notice of and order for hearing on the third day of November, 1939, setting the above matter down for a hearing on December 7, 1939; the said notice and order having provided that the hearing would be adjourned in the event that the Public Utilities Commission of Michigan did not approve the merger of National Utilities Company of Michigan and Michigan Fuel and Light Company, and the United States District Court for the Western District of Michigan the amended plan of reorganization of Public Gas & Coke Company, by December 2, 1939;

The applicants having advised the Commission that the Public Utilities Commission of Michigan has not approved said merger or the District Court said reorganization plan, and having requested an adjournment of the hearing until January;

*It is ordered*, That the hearing on the above matter be adjourned until the 9th day of January, 1940, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

Notice of such adjournment is hereby given to each declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4527; Filed, December 6, 1939; 11:09 a. m.]

Reference

DEC 11 1939

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 237

*Washington, Friday, December 8, 1939*

## *Rules, Regulations, Orders*

### TITLE 14—CIVIL AVIATION

### CHAPTER III—AIR SAFETY BOARD, CIVIL AERONAUTICS AUTHORITY

AMENDMENT OF RULES AND REGULATIONS

At a session of the Air Safety Board held at its office in Washington, D. C., on the 30th day of November, 1939:

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, particularly Section 702 (a) (1) thereof, and finding that such action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, the Air Safety Board amends its rules and regulations which were promulgated July 11, 1939 and filed with the FEDERAL REGISTER on August 24, 1939 (4 F.R. 3716):

Paragraph (1), relating to *Notification*, is amended by striking the words "registered number" in the first sentence thereof and inserting in lieu thereof the words "identification mark."

By the Board.

R. D. HOYT,
*Executive Officer.*

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 5th day of December 1939:

Acting pursuant to Section 702 (a) (1) of the Civil Aeronautics Act of 1938, the Civil Aeronautics Authority approved the above amendment to the rules and regulations of the Air Safety Board.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-4534; Filed, December 7, 1939; 10:34 a. m.]

### TITLE 15—COMMERCE

### CHAPTER III—BUREAU OF FOREIGN AND DOMESTIC COMMERCE

[Order No. 7]

SUB-TITLE B—REGULATIONS RELATING TO COMMERCE

PART 305—FOREIGN TRADE STATISTICS

§ 305.33 is amended to read as follows:

*Declarations for exports by railways, ferryboats, and vehicles.* (a) Any person who delivers merchandise to any transportation company for exportation from the United States to a foreign country by rail, ferryboat, or vehicle must deliver to the collector of customs at the port through which the merchandise passes into foreign territory export declarations in triplicate on commerce form 7525, showing the kinds, quantities, and values of all merchandise delivered by him or his agent to such carrier for exportation.

(b) The collector shall not permit any car or other vehicle laden with merchandise intended for exportation to any foreign country to depart from the United States until a declaration specifying the kinds, quantities, and values of the merchandise has been delivered to him by the shipper or his agent.

§ 305.38 is amended to read as follows:

*Car manifests—Shipper's export declarations.* (a) Upon arrival of merchandise for exportation at a border port the carrier must deliver to the collector of customs a car manifest, giving marks and numbers, the name of the shipper or consignor, description of the goods, and the destination thereof. This manifest may be the waybill, or a copy thereof or a copy of the manifest prepared for the foreign customs. The required shipper's export declarations in triplicate must be attached to the car manifest or waybill when delivered to the collector.

(b) Under the provisions of the Act of March 3, 1893, no railway car containing commodities for export will be permitted to leave the United States until

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the car manifest and shipper's export declarations have been delivered to the collector of customs.

§ 305.39 is amended to read as follows:

*Exportation by ferry or vehicle—Shipper's export declarations.* The shipper or his agent must deliver shipper's export declarations in triplicate to the customs officer covering all goods exported by ferry, wagon, or other vehicle. The customs officer will retain the original declaration and one copy and deliver a certified duplicate to the shipper, master, or driver as a permit for the exportation of the goods. The driver or person in charge of a vehicle will deliver the certified duplicate to the customs officer when the goods are taken out of the country. The master of a ferry will deliver to the customs officer at the close of each day all duplicates received during that day, accompanied by a statement that such duplicate declarations cover all goods exported on such ferry during that day.

§ 305.40 is amended to read as follows:

*Penalty.* The agent or other employee of any railway or transportation company who shall transport any merchandise into a foreign country before the delivery of export declarations shall be liable to a penalty of $50.00 for each offense.

§ 305.42 is amended to read as follows:

*Shipments from the interior for export.* (a) For goods shipped on a through export bill of lading from an interior point to a foreign country or to a non-contiguous territory of the United States, the shipper must prepare and deliver to the carrier the export declaration in triplicate to accompany the waybill to the seaport or border port of exportation.

(b) For shipments from the interior on domestic bills of lading consigned to the seabord for exportation, the export declarations may be delivered to the carrier as prescribed above or mailed to the consignee at the port of exportation.

§ 305.43 is amended to read as follows:

*Divided shipments.* If a shipment is divided at the port of exit by accident or intention, part being exported in one vessel or car and part in another, the agent of the carrier will note the amount shipped on the declaration attached to the vessel or car manifest. Declarations in triplicate covering subsequent shipments must be prepared by the carrier's agent from records of the previous shipment and be presented to the collector when the remainder is shipped. The number of the original declaration must be noted on each of the copies and duplicates.

§305.44 is amended to read as follows:

*Exportations from Alaska, Hawaii, and Puerto Rico via the United States.* Shipper's export declarations in triplicate must accompany merchandise shipped from Alaska, Hawaii and Puerto Rico for transshipment and exportation from a port in the United States and be delivered by the shipping agent to the collector of customs at such port of exportation, with the name of the exporting vessel noted thereon.

(R.S. 161, 5 U.S.C. 22, R.S. 335 as amended, 15 U.S.C. 176, R.S. 336 as amended, 15 U.S.C. 173, and R.S. 337 as amended, 15 U.S.C. 174; also 27 Stat. 197 as amended 15 U.S.C. 177)

[SEAL] EDWARD J. NOBLE,
*Acting Secretary of Commerce.*

DECEMBER 1, 1939.

[F. R. Doc. 39-4530; Filed, December 6, 1939; 4:27 p. m.]

## TITLE 19—CUSTOMS DUTIES

## CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50026]

### ANTIDUMPING

SAFETY MATCHES FROM FINLAND, AUSTRIA (GERMANY), LATVIA, HOLLAND (THE NETHERLANDS), NORWAY, POLAND AND ESTONIA[1]

DECEMBER 5, 1939.

*To Collectors of Customs, Appraisers of Merchandise and Others Concerned:*

An investigation conducted by the Department indicates that the domestic match industry is not being injured and is not likely to be injured by reason of the importation into the United States of safety matches of the strike-on-box type. Accordingly, the findings of dumping against safety matches of the strike-on-box type from Finland, Austria (Germany), Latvia, Holland (the Netherlands), Norway, Poland and Estonia, published, respectively, in T.Ds. 44716 and 44718 to 44723, inclusive, of March 23, 1931, are hereby revoked as regards importations made on or after the date hereof. (Sec. 201, 42 Stat. 11; 19 U.S.C. 160)

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4529; Filed, December 6, 1939; 3:46 p. m.]

## TITLE 20—EMPLOYEES' BENEFITS

## CHAPTER II—RAILROAD RETIREMENT BOARD

REGULATIONS GOVERNING CONTRIBUTIONS AND REPORTS BY EMPLOYEE REPRESENTATIVES AND THE POSTING OF NOTICES TO EMPLOYEES UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

*Authority for Regulations*

Parts 300 to 399 of these regulations are issued by the Railroad Retirement Board under the general authority contained in Section 12 of the Railroad Unemployment Insurance Act of June 25, 1938. (52 Stat. 1107; 45 U.S.C. Sup. IV, 362) Part 346 of these regulations is prescribed effective as of October 1, 1939, as follows:*

[1] This document affects the tabulation in 19 CFR 12.15.



PART 346—EMPLOYEE REPRESENTATIVES' CONTRIBUTIONS AND REPORTS

§ 346.01 *Statutory Provisions.* "(b) Each employee representative shall pay, with respect to his income, a contribution equal to 3 per centum of so much of the compensation of such employee representative as is not in excess of $300 for any calendar month, paid to him for services performed as an employee representative after June 30, 1939. The compensation of an employee representative and the contribution with respect thereto shall be determined in the same manner and with the same effect as if the employee organization by which such employee representative is employed were an employer as defined in this Act." (Sec. 8, 52 Stat. 1102; 45 U.S.C. Sup. IV, 358)

(Subsections (g) and (h) of section 8 of the Act, quoted in Sec. 345.01 of these Regulations, are also applicable.)

§ 346.03 *Employee representatives' contributions.* (a) Except as provided in paragraph (b) of this section, every employee representative shall pay a contribution equal to 3 per centum of the amount of compensation earned by such employee representative, for services rendered on and after July 1, 1939, as an employee representative, and which is paid, excluding, however, that part of such compensation which is in excess of $300 and is earned during any one calendar month.

(b) If, in addition to such compensation as an employee representative for a calendar month, there is payable to such individual for the same calendar month compensation as an employee of an employer as defined in section 1 (a) of the Act, and if the aggregate compensation of such individual as an employee representative and as an employee is more than $300 for the calendar month, then there shall be included in the measure of the contribution required of such employee representative only that proportion of $300 which the amount earned by him as an employee representative bears to such aggregate compensation for that month. In such case, there shall be included in the measure of the contribution required of each employer because of compensation payable to such individual as an employee during that month only that proportion of $300 which the amount of compensation payable by such employer to such individual bears to the aggregate compensation of such individual for that month. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362.)

§ 346.10 *Employee representatives' reports of compensation and contribution—*(a) *General.* For the period of three calendar months ending September 30, 1939, and for each subsequent period of three calendar months ending December 31, March 31, June 30, and September 30, respectively, of each year, each employee representative shall prepare a report of compensation and contribution, in duplicate, on Form DC–2.

(b) *Compensation to be reported.* The employee representative's report of compensation and contribution shall give all information required by the prescribed form, including (1) his compensation for services as an employee representative in each month of the quarter, (2) his compensation, if any, in each such month as an employee of an employer under the Railroad Unemployment Insurance Act, (3) his aggregate compensation in covered employment, (4) his compensation subject to employee representative contribution, and (5) the amount of his contribution. If the aggregate compensation in covered employment is $300 or less, the amount of compensation as an employee representative shall be entered as the amount of compensation subject to employee representative contribution. However, if such aggregate compensation is in excess of $300, the figure to be entered as compensation subject to employee representative contribution is obtained by multiplying the compensation earned as an employee representative by 300 and dividing the result by the amount of such aggregate compensation.

(c) *Statement of facts as to status.* There shall also be included in such report a statement of the facts pertaining to the individual's status as an employee representative, as required by the prescribed forms. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.11 *Final employee representatives' reports of compensation and contribution.* Upon termination of employee representative status, the last report of compensation and contribution of the employee representative on Form DC–2 shall be marked "Final report of compensation and contribution." Such report shall be filed on or before the thirtieth day after the final date on which there is paid compensation with respect to which contribution is required. The period covered by each such report of compensation and contribution shall be plainly written thereon, indicating the final date for which such compensation is earned.

There shall be executed as part of each such final report of compensation and contribution a statement giving the address at which records will be kept from which the compensation reported may be verified and the name of the person keeping the records. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.14 *Execution of employee representatives' reports of compensation and contribution—*(a) *In general.* Each report of compensation and contribution on Form DC–2 shall be certified by signature and verification under oath or affirmation by the employee representative.

If an individual is an employee representative by reason of regular assignment to or regular employment by an employee representative who is an officer or official representative of a labor organization, such officer or official representative shall certify under oath or affirmation to the truth, correctness, and completeness of the statements contained in the report. If an individual is an employee representative by reason of being an officer or official representative of a labor organization, the truth, correctness, and completeness of the statements contained in the report shall be certified under oath or affirmation by two officers (other than the reporting employee representative) of each railway labor organization with respect to which the individual is an employee representative.

Any oath or affirmation required by this section may be administered by any officer duly authorized to administer oaths for general purposes by the laws of the United States or the state or territory wherein such oath is administered, or by a consular officer of the United States.

(b) *Authentication by employees of the Board.* In lieu of any oath or affirmation prescribed in subsection (a) of this section any certificate requiring such oath or affirmation may be executed and authenticated before an employee of the Board duly designated and authorized to perform such services, in such manner as may from time to time be prescribed by the Board for the authentication of annuity applications. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.18 *Prescribed forms for employee representatives' reports of compensation and contribution.* Each employee representative's report of compensation and contribution, together with any prescribed copies and supporting data, shall be filled out in accordance with the instructions and regulations applicable thereto. The prescribed forms may be obtained from the Board at Washington, D. C., or from any regional office. An employee representative will not be excused from making a report of compensation and contribution for the reason that no form has been furnished to such employee representative. Application should be made to the Board for the prescribed forms in ample time to have the report of compensation and contribution prepared, verified, and filed with the proper regional office of the Board on or before the date set for the filing thereof. Reports of compensation and contribution shall be carefully prepared so as to set forth fully and clearly the data called for therein. Reports of compensation and contribution which have not been so prepared will not be accepted, and the submission thereof shall have no effect whatever. In case the prescribed form has not been obtained, a statement made by the employee representative disclosing the period covered and the amount of compensation with respect to which the contribution is required may be accepted as a tentative report of compensation and contribution if accompanied by the amount of con-

*Board Order 39-736 dated November 28, 1939.

tribution due. If filed within the prescribed time, the statement so made will relieve the employee representative from liability for the penalty imposed for the delinquent filing of the report of compensation and contribution, provided that the failure to file a report of compensation and contribution on the prescribed form is not attributable to the fault of the employee representative, and provided further that without unnecessary delay such tentative report is supplemented by a report of compensation and contribution made on the proper form. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.20 *Place and time for filing employee representatives' reports of compensation and contribution.* Each employee representative's report of compensation and contribution shall be filed in the regional office of the Board for the region in which he has his business office as employee representative or, if he has no such office, for the region in which he resides.

The employee representative's report of compensation and contribution for each quarterly period shall be filed on or before the last day of the calendar month following the period for which it is made, except that the report for the period ending September 30, 1939, shall be filed on or before December 31, 1939. If any such last day falls on Sunday or a legal holiday, the report may be filed on the next following business day. If placed in the mails, the report shall be posted in ample time to reach the regional office of the Board, under ordinary handling of the mails, on or before the date on which the report is required to be filed.

§ 346.25 *Later filing.* A regional director of the Board may fix a date for filing any report of compensation and contribution later than that fixed in Sec. 346.20 but not later than the last day of the second calendar month following the period for which such report is made: *Provided, however,* That the fixing of such later date shall not extend the due date of the contribution and shall not prevent the running of interest from the due date as fixed in Sec. 346.30. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.30 *Payment of employee representatives' contributions.* The contribution required to be reported on an employee representative's report of compensation and contribution is due and payable to the Board without assessment or notice, at the time fixed in Sec. 346.20 for filing such report.

Certified or uncertified checks may be tendered as provisional payment of contributions and should be made payable to the Railroad Retirement Board and mailed to the regional office of the Railroad Retirement Board with which the report of compensation and contribution is filed. No employee representative who tenders a check as provisional payment of contribution shall be released from the obligation to make ultimate payment thereof until such check has been duly paid. If a check is not paid by the bank on which it is drawn, the employee representative by whom such check has been tendered shall remain liable for the payment of the contribution and for all legal penalties and additions to the same extent as if such check had not been tendered. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.40 *Penalty for delinquent or false employee representatives' reports of compensation and contribution*—(a) *Delinquent reports.* Unless the employee representative required to file a contribution report establishes to the satisfaction of the Board that a reasonable cause exists for the delinquency, the failure to file a report of compensation and contribution on or before the last date for the filing thereof, as fixed either by Sec. 346.20 or pursuant to Sec. 346.25, shall cause to accrue a penalty equal to the following percentage of the contribution required to be reported thereon:

(1) 5 per cent, if the report of compensation and contribution is filed on or before the thirtieth day after such last date for the filing of such report;

(2) 10 per cent, if the report of compensation and contribution is filed after such thirtieth day and on or before the sixtieth day after such last date for the filing of such report;

(3) 15 per cent, if the report of compensation and contribution is filed after such sixtieth day and on or before the ninetieth day after such last date for the filing of such report;

(4) 20 per cent, if the report of compensation and contribution is filed after such ninetieth day and on or before the one hundred and twentieth day after such last date for the filing of such report; or

(5) 25 per cent, if the report of compensation and contribution is filed after such one hundred and twentieth day or if the report of compensation and contribution is never filed by the employee representative required to file it.

In computing the period of delinquency, all Sundays and holidays after the last date for the filing of such report are counted.

Every employee representative filing a report of compensation and contribution after the last date for the filing thereof, shall securely attach to the report a statement under oath setting out in detail the reason for the delinquency. The Board will determine whether a penalty has been incurred and, if so, will make the assessment.

(b) *False reports.* If a false or fraudulent employee representative's report of compensation and contribution is willfully made, the penalty is 50 per cent of the total contribution due for the entire period involved, including any contribution previously paid. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.48 *Interest.* If the employee representative's contribution is not paid to the Board when due, and is not adjusted pursuant to Sec. 346.60, interest accrues at the rate of 1 per centum per month, or fraction of a month. Interest on past due contributions from the due date thereof until the date paid will be assessed after payment of the contributions, and notice and demand made upon the employee representative for payment thereof, in any case in which payment of the contributions is made before assessment. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

§ 346.60 *Fractions, adjustments, refunds, assessments, collections, liens, references and appeals.* All provisions of Secs. 345.11, 345.12, 345.13, 345.14, 345.15, 345.17, 345.18, 345.20, 345.21, and 345.22 of these Regulations relating to employers, and reports and contributions required of them, insofar as applicable and not inconsistent with the provisions of this Part, shall be applicable with respect to employee representatives and reports and contributions required of them. (Secs. 8, 12, 52 Stat. 1102, 1107; 45 U.S.C. Sup. IV, 358, 362)

*Regulations Governing Posting of Notices to Employees Under the Railroad Unemployment Insurance Act*

Sec. 370.14 of these Regulations is prescribed effective as of December 1, 1939 as follows: [1]

PART 370—MISCELLANEOUS

§ 370.14 *Posting notices to employees.* Regional Directors of the Board shall arrange for the posting by employers of such notices to their employees as the Board may provide in order to inform such employees of their rights under the Railroad Retirement Acts and the Railroad Unemployment Insurance Act. Such notices shall be so posted in such numbers and in such places as may be necessary to insure that they will be seen by the greatest number of employees. (Secs. 5, 12, 52 Stat. 1099, 1107; 45 U.S.C. Sup. IV, 362)

By authority of the Board.

[SEAL] JOHN C. DAVIDSON, *Secretary.*

Dated, December 7, 1939.

[F. R. Doc. 39-4536; Filed, December 7, 1939; 11:38 a. m.]

AMENDMENT TO REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937 [2]

Pursuant to the general authority contained in Section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j) the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477 DI) are amended as follows:

[1] Board Order 39-737 dated November 28, 1939.

[2] 4 F.R. 1477 DI.



Board Order 39-709, dated November 14, 1939, amends Section 250.03, effective October 1, 1939, by substituting for the first sentence of subsection (c) (5) of this section the following:

"The number of the occupation classification to be shown on each quarterly report shall be that to which the employee is assigned in reports to the Interstate Commerce Commission during the first month in which the individual was employed in each reporting period: provided, however, that employees of railway labor organization employers described in Section 202.15 of these regulations shall not be classified as to occupation."

and by adding as an additional paragraph to the end of subsection (c) (5) the following:

"*Employees of railway labor organization employers.* Employers which are railway labor organization employers as described in Section 202.15 of these Regulations shall show on their reports of monthly compensation of employees the title and address of the Committee, Department, Lodge, Division or other subordinate unit to which the report is applicable."

PART 262—MISCELLANEOUS

Board Order 39-737, dated November 28, 1939, amends Part 262 by adding a new section, effective December 1, 1939, as follows:

"§ 262.02 *Posting notices to employees.* Regional Directors of the Board shall arrange for the posting by employers of such notices to their employees as the Board may provide in order to inform such employees of their rights under the Railroad Retirement Acts and the Railroad Unemployment Insurance Act. Such notices shall be so posted in such numbers and in such places as may be necessary to insure that they will be seen by the greatest number of employees." (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j)

By authority of the Board.

[SEAL] JOHN C. DAVIDSON, *Secretary.*

Dated, December 7, 1939.

[F. R. Doc. 39-4537; Filed, December 7, 1939; 11:38 a. m.]

## TITLE 25—INDIANS

### CHAPTER I—OFFICE OF INDIAN AFFAIRS

PART 223—JUDGMENT AND LIEU OF ALLOTMENT FUNDS [1]

SUBPART B—REGULATIONS GOVERNING DISBURSEMENT OF PRO-RATA SHARES OF THE JUDGMENT FUND OF THE SHOSHONE TRIBE OF THE WIND RIVER RESERVATION, WYOMING

Pursuant to the authority vested in me by the Act of July 27, 1939 (53 Stat. 1128-1130), the following regulations governing the disbursement of pro-rata shares of the Shoshone Judgment Fund are hereby promulgated:

§ 223.50 *Program required; purposes for which expenditures may be made.* Pro-rata shares of the Shoshone Judgment Fund shall be expended only in accordance with an approved program and only for: purchase of land; improvement of land to be acquired or already held by the Indian; erection and improvement of suitable homes; education; medical service, including hospitalization; purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment, supplies, or training necessary to enable the Indian to fit himself for or to engage in farming, livestock raising, industry, or such other pursuits or vocations as will enable him to become self-supporting.

§ 223.51 *Family programs.* The funds of a husband and wife, and of any other adults in a family group, may be used in the execution of a family program, provided the written consent of each individual is filed with the superintendent of the Wind River Indian Agency, Wyoming, hereafter in this subpart referred to as the superintendent. The available funds of a minor may be used in the execution of such family program, only on condition that (a) the funds of such minor are used solely in the development, repair or maintenance of real or personal property owned by said minor or held in trust for him, or in the creation, development, or completion of a project or undertaking or in the production of a gain or profit which will inure directly to the benefit of such minor, (b) title to any real property or fixtures, purchased wholly or in part with his money shall, except with the approval of the Commissioner of Indian Affairs, be held in trust for him, or (c) the adults convey to the United States in trust for such minor sufficient real or personal property to assure, in so far as is possible, that the minor upon attaining majority will have, in lieu of the money, property of a value equal to that of his funds used in the execution of the program. The superintendent shall not approve a family program which involves the transfer to a minor, in exchange for his funds, of assets of a nature which will not be useful to him. The written consent of a minor who is 16 years of age or over, duly witnessed by at least two disinterested persons, shall accompany any family program which involves the use of said minor's funds.

§ 223.52 *Scope of program.* Programs shall contemplate the eventual use of the entire pro-rata share or definitely provide for the conservation of a portion of such share, but in no case shall a program provide for the expenditure in the first year, after its approval, of more than $1,350 for each adult or more than $500 for each minor contributing to the program, and the program shall recognize that future use and expenditures for such program after the first year shall depend upon the proper use of the funds initially authorized to be expended. Expenditures of a minor's funds under this sub-part shall not exceed a total sum of $500 and the remaining $1,850 of each minor's share shall be held intact until his majority, as required in Sec. 2 of the Act of July 27, 1939.

§ 223.53 *Authority to withold funds.* The superintendent may stop disbursement of funds in the execution of an approved program upon evidence that the Indian is not complying with the program or that the continuation of the program or expenditures thereunder will not result in benefit to the Indian, and he may require either further justification for carrying out the program theretofore approved or the submission of a new program.

§ 223.54 *Approval of programs.* The superintendent, subject to the limitations described in this sub-part, shall approve or disapprove all programs submitted by Indians for the use and disbursement of pro-rata shares of the Shoshone Judgment Fund. Preference shall be given by the superintendent to programs (a) to establish the Indian in such enterprise or undertaking as will with his resources, training, education, and ability best enable him to succeed in providing for himself and family, (b) for the improvement of housing and living conditions, (c) to assist Indians in obtaining such higher academic or vocational education as will enable them to become self-suporting. Prior to being considered by the superintendent, programs shall be considered and approved by one or more members of the staff of the Wind River Indian Agency who, because of their experience in the fields of endeavor contemplated by the programs, shall be designated by the superintendent to advise and assist the Indians. The Shoshone Business Council may act, or designate a committee of Indians to act, in an advisory capacity in the preparation and consideration of programs. Programs shall be prepared upon an approved form [2] which shall be filled out in duplicate, one copy to be filed at the Wind River Indian Agency, and one copy to remain the property of the Indian.

§ 223.55 *Right of appeal.* Indians shall have the right of appeal, through the superintendent, to the Commissioner of Indian Affairs, (a) from an action by the superintendent in withholding funds under the provisions of Section 223.53, and (b) from an action of the superintendent in disapproving a program under the provisions of Section 223.54. The superintendent shall promptly forward such appeals, with his comments.

§ 223.56 *Limitations on superintendent's authority.* Except as otherwise pro-

[1] Other regulations under Part 223 appear at 4 F.R. 4260 DI.

[2] Forms shall be made available at the Wind River Indian Agency.

vided in Section 223.68, the superintendent shall not, without the approval of the Commissioner of Indian Affairs or his designated representative, (a) approve any expenditure for the purchase of land or an interest in land, or (b) approve any expenditure for the construction of a dwelling or other building estimated to cost $100 or more, except in cases where such construction is in accordance with designs which have already been approved by the Commissioner of Indian Affairs. Individual land purchases shall not conflict with the tribal program of land purchase, consolidation and use authorized by the Act of July 27, 1939, and the right granted individual Indians by said Act to acquire lands by purchase with restricted funds or by exchange shall not extend to lands on the ceded or opened portion of the Wind River Reservation.

§ 223.57 *Issuance of purchase orders.* All expenditures from pro-rata share accounts for the purchase of property other than real property shall be by purchase orders which shall be issued by the superintendent and shall be headed "To Any Dealer", and which shall indicate the particular items of purchase and the total sum to be expended, and which shall bear a notation to the effect that no cash shall be given to the Indian under any circumstances; provided, that the superintendent may disburse to the individual to whom the order is issued a reasonable amount of cash to enable him to travel by convenient means to a locality where the goods may be purchased; and provided further, that adult Indians may, upon approval of the Shoshone Business Council and the superintendent, have cash disbursed to them in lieu of a purchase order for the execution of an approved program. The provisions of this section are subject to the provisions of Section 223.68.

§ 223.58 *Purchase of real property.* Except as otherwise provided in Section 223.68, payment for purchases of real property shall be made by the superintendent, and shall be made only after title to such property has been examined and approved by the Secretary of the Interior and the deed placed of record. Purchases of real property are subject to the provisions of Section 223.56.

§ 223.59 *Trust status of property.* All personal property purchased shall be covered by a bill of sale in the name of the superintendent in trust for the individual. All real property purchased shall be taken in the name of the United States in trust for the Indian, except that title to real property situated outside the diminished portion of the Wind River Reservation shall not be taken in trust without the prior approval of the Commissioner of Indian Affairs. All livestock purchased and the offspring thereof shall be branded ID and also marked with the individual brand of the Indian. All property, including livestock, whether originally purchased or the income or increase therefrom, shall be held in trust unless released by the superintendent in the form of a permit or written record authorizing the sale or disposition of any such property or funds. It shall be the duty of the Indian, in carrying out his program, to make every effort to maintain the capital value of his original investment, and sales or other disposals depleting such capital value shall not be permitted except in cases where, in the opinion of the superintendent, such sales or disposals are clearly to the advantage of the Indian. The provisions of this section are subject to the provisions of Section 223.68.

§ 223.60 *Allowances for support.* The superintendent may, upon a proper showing, make expenditures for the maintenance and support of aged, infirm, decrepit, and incapacitated Indians, whether adult or minor, at a rate of not to exceed $40 a month for adults and $20 a month for minors. Allowances to minors must be solely for their direct benefit. In the case of allowances to an adult probable expectancy of life shall be considered in determining the amount of such allowances in order that, in so far as possible, his funds shall last during his lifetime.

§ 223.61 *Medical treatment.* The superintendent may expend not to exceed $200 from the funds of any adult or minor to cover medical, dental, surgical, or hospital treatment, including nurse's services.

§ 223.62 *Education.* The superintendent may permit the expenditure of not to exceed $25 per year from any minor's account for clothing on account of school needs. In addition, the superintendent may expend not to exceed $175 a year from the funds of any minor in the ninth grade or above for his tuition, board and room, and other expenses in a government, private, public, or mission school. The superintendent shall give special attention to the educational needs of minors.

§ 223.63 *Approval for certain expenditures.* Authority for the expenditure of amounts in excess of the limitation provided in Section 223.60 must be obtained from the Secretary of the Interior and authority for the expenditure of amounts in excess of those authorized in Section 223.61 and 223.62 must be obtained from the Commissioner of Indian Affairs. Such requests for authorization shall be submitted by the superintendent with a full explanation of the circumstances and his recommendations.

§ 223.64 *Transfer of funds.* When an Indian who is entitled to a pro-rata share of the Shoshone Judgment Fund is a resident within the jurisdiction of another Indian Agency, the superintendent may transfer to the superintendent of such other Agency, to the credit of such Indian, the share of the Shoshone Judgment Fund to which such Indian is entitled. All funds so transferred shall be expended in accordance with this sub-part.

§ 223.65 *Repayment of loans.* The superintendent shall draw checks against the funds of an individual for the repayment of all debts due by him, according to the terms of the agreement signed by the individual, to the United States or to the Shoshone and Arapaho Tribes. If the individual has borrowed from the tribal funds, repayment of all or a part of which loan is not due under the loan agreement, an amount equal to the unpaid balance of the loan, plus interest computed at the rate and for the term agreed upon in the loan agreement, shall be withheld by the superintendent, except that it may be paid over to the individual for use under this sub-part with the written consent of the Shoshone and Arapaho Business Councils.

§ 223.66 *Funds not available for payment of certain debts.* Debts, except those to the United States and the Shoshone and Arapaho Tribes, incurred by Indians prior to July 27, 1939, shall not be paid from any funds made available from the Shoshone Judgment Fund. Debts of Indians will not be paid from the funds to be disbursed under this sub-part unless previously authorized by the superintendent, except in emergency cases necessitating medical treatment or in the payment of last illness or funeral expenses,[1] as authorized in this sub-part, and in any other exceptional cases where specific authority is granted by the Commissioner of Indian Affairs.

§ 223.67 *Disposition of funds in event of death.* The funds remaining to the credit of a deceased Indian shall be carried to the credit of the estate of such individual until his heirs have been determined. After payment of all proper claims against the funds, including reimbursable or other debts due the United States or the Shoshone and Arapaho Tribes and excluding any claims arising out of debts incurred prior to July 27, 1939, the balance, including any sum to his credit on the books of the Indian Office, will be transferred to the individual accounts of the heirs in accordance with the heirship findings of the Secretary of the Interior. Such funds shall be expended in accordance with this sub-part. The superintendent may disburse not to exceed $40 per month for the support of the widow of a decedent, $20 per month for the support of each minor child of a decedent, and $20 per month for the support of an orphaned minor. Before making the disbursement, the superintendent shall reasonably satisfy himself that the recipients are the probable heirs to the estate, that they are in actual need of assistance, and that the value of the estate is sufficient to justify such payments. Complete record of such disbursements must be reported by the superintendent to the examiner of inheritance and by the latter considered and included in his report in the probate proceedings.

[1] Comptroller General Ruling A-62264, dated July 25, 1935.



§ 223.68 *Fee Patent Indians.* For the purposes of this sub-part a "fee patent Indian" shall be an adult Indian who has received a patent in fee to his allotment. Fee patent Indians shall be required to submit a program, the approval of which shall be in conformity with Sections 223.50, 223.51, 223.52, 223.53, 223.54, 223.55, and 223.63. Fee patent Indians shall not be required to conform to the provisions of Section 223.56 (b), but shall be required to conform to the remaining provisions of said section, except that they shall be required to conform to the provisions of Section 223.56 (a) only when the purchase of land or an interest in land contemplated by a program concerns lands within the diminished portion of the Wind River Reservation. Fee patent Indians shall not be required to make purchases though purchase orders as provided in Section 223.57, but may have funds disbursed to them by the superintendent for such purchases. The superintendent may disburse to fee patent Indians an initial payment of not more than $1,350 each for the first year, and thereafter, on evidence of the proper use of the initial payment, a subsequent payment of not more than $1,000 each for the execution of an approved program. Funds of minor children of fee patent Indians may be included in an approved family program, but their expenditure shall be subject to the same provisions as govern the expenditure of the funds of minor children of Indians other than fee patent Indians. Fee patent Indians shall be required to conform to the provisions of Section 223.58 only when the purchase of real property involves such property situated within the diminished portion of the Wind River Reservation; payment by fee patent Indians for real property outside the diminished portion of the Wind River Reservation may be made by them with funds disbursed to them by the superintendent and approval of title to such property by the Secretary of the Interior shall be only upon their request. Upon the request of fee patent Indians, and with the approval of the Shoshone Business Council and the superintendent, such Indians shall not be required to conform to the provisions of Section 223.59, except that title to real property situated within the diminished portion of the Wind River Reservation shall be taken in the name of the United States in trust for such Indians and title to real property situated outside the diminished portion of the Wind River Reservation shall not be taken in the name of the United States in trust but shall be taken in fee in the name of such Indians. Except as otherwise provided in this section, fee patent Indians shall conform to all the provisions of this sub-part.

§ 223.69 *Non-resident Indians.* The provisions of Section 223.68 pertaining to fee patent Indians shall also apply to Indians other than fee patent Indians who habitually reside away from the Wind River Reservation and have, to all intents and purposes, severed their affiliation with the tribe, and who shall furnish to the superintendent in writing a statement that they intend to continue to reside away from the reservation and evidence, satisfactory to the superintendent, of their competency and ability to support themselves and manage their own affairs.

§ 223.70 *Definition of "Adult" and "Minor."* The term "adult" shall include all members of the tribe 18 years of age or over, and the term "minor" shall include all members of the tribe less than 18 years of age.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

NOVEMBER 29, 1939.

[F. R. Doc. 39-4532; Filed, December 7, 1939; 9:38 a. m.]

## *Notices*

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket Nos. 1117-FD to 1119-FD and 1121-FD to 1133-FD]

BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO 20, COMPLAINANT, *vs.* JOHN ARRONCO, BAILEY COAL CO., H. G. CAMPBELL, COMFORT COAL CO., JACK DODS, ERNEST JAGGI, J. B. JOHNSON, LOG CABIN COAL CO., LEO D. MUNK, MUTUAL COAL CO., RIO GRANDE COAL CO., J. R. SITTERUD, ORRIN L. SNOW, STANDARD COAL CO., SWEET COAL COMPANY OF UTAH, TWIN CITIES COOPERATIVE, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Producers Board for District No. 20, Complainant, having filed with the Bituminous Coal Division, pursuant to Section 5 (b) of the Bituminous Coal Act of 1937, complaints alleging wilful violation by the above-named defendants of the Bituminous Coal Code and/or regulations made thereunder;

*It is ordered,* That a hearing on such matters be held on January 16, 1940, at 10 o'clock, in the forenoon of that day at a hearing room of the Bituminous Coal Division, Room 200, the Post Office, Salt Lake City, Utah.

*It is further ordered,* That W. A. Cuff or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to the complainant, to the defendants, and to any other person who may have an interest in such proceeding. Any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Bituminous Coal Division on or before January 12, 1940.

The matters concerned herewith are in regard to complaints filed by Bituminous Coal Producers Board for District No. 20, alleging wilful violation by the above-named defendents of the Bituminous Coal Code and/or regulations made thereunder for failure to pay District Board Assessments.

Dated, December 7, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4538; Filed, December 7, 1939; 11:39 a. m.]

#### Office of Indian Affairs.

DECLARATION OF POLICY IN DISBURSEMENT OF THE JUDGMENT FUND OF THE SHOSHONE TRIBE OF THE WIND RIVER RESERVATION, WYOMING

NOVEMBER 29, 1939.

The Shoshone Judgment Fund represents the cash equivalent of land which was taken from the Tribe. The Fund, therefore, should be treated by the Shoshone Indians as a capital asset, in the nature of land, and thus to be conserved.

Congress has authorized the pro-ration of a portion of the Judgment Fund to living Indians for their use to foster their development and to enable them to become self-supporting. The objects for which the individual portions of the Judgment Fund may be expended have been strictly limited and defined by the Congress as indicated by the following extract from the act of July 27, 1939 (53 Stat. 1128-1130):

"Purchase of land, improvement of lands to be acquired or already held by the Indian, for the erection and improvement of suitable homes, the purchase of building material, farming equipment, livestock, feed, food, seed, grain, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in farming, livestock, industry, or such other pursuits or vocations, including education, as will enable them to become self-supporting: Provided, however, That the funds of the aged, infirm, decrepit, and incapacitated members may be used for their proper maintenance and support in the discretion of the Secretary of the Interior. The remainder of the share of each adult in-

dividual Indian, including accrued interest, shall be made available under such rules and regulations as the Secretary of the Interior may prescribe, and the remainder of the share of each minor Indian shall, with accrued interest, be held intact until such Indian reaches the age of eighteen years, when it shall be available under the same conditions as herein provided for adults. As herein used the term "adult" shall include the members of the tribe eighteen years of age or over, and the term "minor" shall include all members less than eighteen years of age. On the death of any enrolled member, adult or minor, the sum on deposit to his credit shall be available for expenditure for the benefit of his heirs for the purposes herein authorized."

The programs to be developed must, therefore, be in accord with the stated Congressional policy. The policy applies equally to those who may reside on the Wind River Reservation or any other reservation and those who, by reason of having received patents in fee or otherwise, are residing outside of the jurisdiction of any Indian Agency.

Production of income is dependent upon the success of the enterprise in which the individual invests his capital. Individuals should use great care and thought in determining the uses to which their share of the Judgment Fund will be put, with a view to obtaining the greatest amount of income over the longest possible period.

The money here involved represents a substantial part of the heritage of living Indians. In order that the value of this heritage may be of the greatest benefit to the present generation and be preserved for future generations, those responsible for the preparation and consideration of programs for the expenditure of these funds are charged with the duty of safeguarding such funds and of giving careful consideration to any and all plans for their use.

The representatives of the various technical activities at the Wind River Indian Agency will advise with and assist the Indians in the preparation of their programs. Approval of a program will be expedited by taking it up with the division head most familiar with the type of program contemplated, before it is submitted to the Superintendent.

In all family programs which contemplate the use of funds of minors or adults (other than the head of the family and his wife), attention must be given to the probability that in the future such minors or adults may desire to create a new home or to develop their individual plans or programs on their own allotments or on land they may acquire. Care should be exercised so that the normal development of such individuals will not be impeded.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 39-4533; Filed, December 7, 1939; 9:38 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF DESIGNATION OF PRESIDING OFFICER FOR HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 6 FOR THE SHOE MANUFACTURING AND ALLIED INDUSTRIES

Whereas the Notice of Hearing on Minimum Wage Recommendation of Industry Committee No. 6 for the Shoe Manufacturing and Allied Industries provided that said hearing will be held before a presiding officer to be designated by the Administrator before December 11, 1939; and

Whereas the issues to be presented at said hearing have been narrowly confined by Sections 8 (b) and 8 (c) of the Fair Labor Standards Act of 1938 and by the report and recommendation of Industry Committee No. 6.

Now, therefore, it is hereby ordered and notice is hereby given that:

1. Major Robert N. Campbell be the Presiding Officer at said hearing on the minimum wage recommendation of Industry Committee No. 6 and conduct said hearing in accordance with the rules published in the notice of said hearing; and

2. No intermediate report will be prepared by the Presiding Officer unless so directed by the Administrator, but in lieu thereof, the Presiding Officer shall turn over to the Administrator at the close of the hearing the complete record of the proceedings had before him and the Administrator shall thereafter hear oral argument or accept written briefs upon said record or both as he may determine.

Signed at Washington, D. C., this 7th day of December 1939.

HAROLD D. JACOBS,
*Administrator.*

[F. R. Doc. 39-4543; Filed, December 7, 1939; 12:19 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 8, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Biberman Brothers, Inc., Northumberland, Pennsylvania (5 learners), dresses.

Big Jack Overall Company, Bristol, Pennsylvania, overalls, work pants and shirts.

Frances Gee Garment Co., Richmond, Missouri, dresses and uniforms.

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4544; Filed, December 7, 1939; 12:43 p. m.]

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 8, 1939, until April 5, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:



OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Frances Gee Garment Co., Richmond, Missouri. | Dresses and uniforms. | 20 |

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4546; Filed, December 7, 1939; 12:46 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 8, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in any amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Ambler Hosiery Mill, Ambler, Pennsylvania (1 learner).

Hosiery Retailers, Philadelphia, Pennsylvania (8 learners).

Tred Avon Hosiery Mills, Oxford, Maryland (5 learners).

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4550; Filed, December 7, 1939; 12:47 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 8, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour: *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of their terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Leininger Knitting Mills, Orwigsburg, Pennsylvania (5 learners), underwear and outerwear.

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4551; Filed, December 7, 1939; 12:48 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 8, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour: *Provided, however*, That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940 and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

American Throwing Company, Griffin, Georgia (3 learners), silk throwing.

Angle Silk Mills, Inc., Rocky Mount, Virginia, rayon and silk fabrics.

Bear Brand Hosiery Co., Kankakee, Illinois, cotton yarn.

Cetwick Silk Mills, Inc., Asheboro, North Carolina, silk throwing.

Esther Mill Company, Shelby, North Carolina, rayon, wool, cotton, and flax.

Georgia Webbing & Tape Co., Columbus, Georgia (3 learners), narrow woven products.

Macon Textiles, Inc., Macon, Georgia, colored cotton yarns.

Magnolia Cotton Mill Co., Magnolia, Arkansas (3 learners), cotton cloth.

Moore & Gram Webbing Co., West Concord, Massachusetts (2 learners), cotton and rayon yarns.

Pioneer Fabric Company, Gadsden, Alabama (3 learners), narrow fabrics.

Raucher Mfg. Company, Norwich, Connecticut (2 learners), braided cordage.

Real Silk Hosiery Mills, Indianapolis, Indiana, silk throwing.

Rocky Mount Mills, Rocky Mount, North Carolina, cotton yarns.

Roselin Manufacturing Co., Willimantic, Connecticut, braids and ribbon.

Seaboard Silk Mills, Elberton, Georgia, silk and rayon thread.

Utica Knitting Company, Mill No. 4, Utica, New York, cotton, rayon and wool yarns.

Utica Knitting Company, Mill No. 5, Sherburne, New York, cotton, rayon and wool yarns.

W. Warren Thread Works, Westfield, Massachusetts (3 learners), cotton thread.

Worth Mills, Fort Worth, Texas, cord tire fabric.

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4545; Filed, December 7, 1939; 12:43 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 8, 1939, until March 8, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued on representations of employers that: (a) experienced operators are not available and (5) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen (15) days following publication of notice of their issuance, that the issuance of these Certificates was not necessary in order to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Roselin Manufacturing Co., Willimantic, Connecticut. | Braids and Ribbon. | 16 |

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4547; Filed, December 7, 1939; 12:46 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 8, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and they may be cancelled as of the date of their issuance if it is found that they were issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Cherokee Candlewick, Inc., Calhoun, Georgia, chenille bedspreads.

J. D. & S. Corporation, Calhoun, Georgia (5 learners), chenille bedspreads.

Looper's Inc., Dalton, Georgia (5 learners), bedspreads and bath mats.

Shapiro & Son Curtain Corp., Easton, Pennsylvania, bedspreads.

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4548; Filed, December 7, 1939; 12:46 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 8, 1939, until June 8, 1940, unless otherwise indicated subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator or less than eight (8) weeks experience as a chenille operator plus eight (8) weeks retraining as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period, no learner may be paid at a rate less than 25¢ an hour; *Provided, however*, That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Special Certificates are issued on representations by the employers that: (a) experienced operators are not available and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates may be cancelled as of the date of their issuance, if it is found upon objection duly filed within fifteen (15) days following the publication of notice of their issuance that the issuance of these Certificates are not necessary to prevent curtailment of opportunities for employment. They may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the Employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Shapiro & Son Curtain Corp., Easton, Pennsylvania. | Bedspreads | 15 |

Signed at Washington, D. C., this 7th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4549; Filed, December 7, 1939; 12:47 p. m.]

## FEDERAL POWER COMMISSION.

[Docket Nos. G–109, G–112]

ILLINOIS COMMERCE COMMISSION, COMPLAINANT, V. NATURAL GAS PIPELINE COMPANY OF AMERICA AND TEXOMA NATURAL GAS COMPANY, DEFENDANTS; AND IN THE MATTER OF NATURAL GAS PIPELINE COMPANY OF AMERICA AND TEXOMA NATURAL GAS COMPANY

ORDER POSTPONING DATE FOR HEARING ON MOTION FOR INTERIM RATE ORDER

DECEMBER 5, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, John W. Scott. Leland Olds not participating.

It appearing to the Commission that:

On November 15, 1939, the Commission adopted an order setting for hearing [1] before the Commission *en banc* on Monday, December 11, 1939, at 10:00 a. m., in the hearing room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., a motion filed by counsel for Illinois Commerce Commission, Complainant, and counsel for the Federal Power Commission, praying that the Commission adopt an interim rate order in these proceedings;

The Commission orders that:

For good cause shown, the hearing now set on said motion for an interim rate order be and it is hereby postponed from December 11, 1939, to December 18, 1939, at the same time and place designated in said order of November 15, 1939.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 39–4531; Filed, December 7, 1939; 9:38 a. m.]

[1] 4 F.R. 4615 DI.

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

[Docket No. 3962]

IN THE MATTER OF CONTINENTAL BAKING COMPANY

COMPLAINT

The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Sec. 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. The respondent Continental Baking Company is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at 630 Fifth Avenue, New York, New York.

PAR. 2. Respondent corporation is now, and has been since June 19, 1936, engaged in the business of manufacturing, offering for sale, selling and distributing bread and allied products. Respondent is one of the largest producers and distributors of bread and allied products in the United States. During the years 1936 and 1937 the net sales of respondent's products amounted to $58,162,608 and $69,462,650, respectively. There has been during all times mentioned herein a nationwide demand for respondent's products and the respondent endeavors to increase said demand by means of advertising, both through periodicals having a national circulation and through nationwide radio broadcasts.

The production of respondent's products is carried on at some 68 factories or plants located in some 26 states of the United States and in the District of Columbia.

Respondent sells and distributes said products in commerce between and among the various states of the United States and the District of Columbia and preliminary to, or as a result of said sales, causes said products to be shipped and transported from the place of origin of the shipment to the purchasers thereof, who are located in states other than the state of origin of the shipment. There is and has been at all times herein mentioned a continuous current of trade and commerce in said products across state lines between respondent's factories and the purchasers of said products. Said products are sold for use, consumption and resale within the United States.

PAR. 3. In the course and conduct of its business as aforesaid, respondent is now, and during the time herein mentioned has been, in substantial competition with other corporations, partnerships, firms and individuals engaged in the business of manufacturing, offering for sale, selling and distributing bread and allied products in commerce.

PAR. 4. In the course and conduct of its business as aforesaid, respondent has been, and is now, discriminating in price between different purchasers buying its bread of like grade and quality sold by the respondent in interstate commerce for use, consumption and resale within the United States by giving and allowing certain purchasers of its bread, lower prices than given or allowed other of its said purchasers. Said discrimination in price is by the following practices and policy pursued by the respondent, to-wit:

In certain trade areas or localities respondent sells its bread of like grade and quality and of a definite weight at one price, while at the same time in another trade area served from the same plant or factory, the same type of bread and of the same weight is sold at a lower price, or in certain trade areas or localities bread of the same grade and quality and of a definite weight is sold at one price, while at the same time, in another trade area served from the same plant or factory, bread of the same grade and quality, but greater in weight, is sold for the same price as the bread of less weight.

To illustrate, from its plant located in Kansas City, Missouri, respondent serves its customers in the States of Kansas and Missouri. From this plant prior to December of 1938 the prevailing price charged by the respondent for a 20-ounce loaf of bread which it sold to its retail customers was 8¢ per loaf. Subsequent to December of 1938 respondent continued to sell the 20-ounce loaf of bread to its customers in the so-called Kansas City area at 8¢ per loaf and at the same time and from the same factory sold and delivered to its customers in the so-called Leavenworth, Kansas, area and the so-called Osawatomie, Kansas area a 24-ounce loaf of bread at 8¢ per loaf.

To further illustrate the practices of respondent; from its plant located in Shreveport, Louisiana, respondent serves customers not only in the State of Louisiana but also in the State of Texas. Prior to February of 1939 the prevailing price for bread sold by the respondent from its Shreveport, Louisiana plant was 10¢ for 24 ounces and 7¢ for 16 ounces. Subsequent to February of 1939, respondent sold its 24-ounce loaf of bread to customers located in the so-called Shreveport, Louisiana area for 10¢ a loaf and at the same time and from the same factory sold and delivered the 24-ounce loaf of bread to its customers located in the so-called Marshall, Texas, area for 8¢ per loaf.

The foregoing are but some of the examples showing the practices of the respondent by which it discriminates in price between its customers.

PAR. 5. The general effect of said discrimination in price so made by the respondent as set forth above has been, and may be, (a) substantially to lessen competition; (b) to injure, destroy or prevent competition between respondent and its competitors in the sale and distribution of bread; and (c) to tend to create a monopoly in respondent in said line of commerce in the various localities or trade areas in the United States in which respondent and its competitors are engaged in business.

PAR. 6. The foregoing alleged acts and practices of said respondent are violations of Subsection 2 (a) of Section 1 of the said Act of Congress approved June 19, 1936, entitled "An act to amend Section 2 of the act entitled 'An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes', approved October 15, 1914, as amended (U.S.C. Title 15, Sec. 13), and for other purposes."

Wherefore, the premises considered, the Federal Trade Commission on this 4th day of December, A. D., 1939, issues its complaint against said respondent.



NOTICE

Notice is hereby given you, Continental Baking Company, respondent herein, that the 12th day of January, A. D. 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 4th day of December, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–4535; Filed, December 7, 1939; 10:39 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of December, A. D. 1939.

[File No. 32–185]

IN THE MATTER OF WISCONSIN MICHIGAN POWER COMPANY

ORDER OF THE COMMISSION

Wisconsin Michigan Power Company, a subsidiary of The North American Company, a registered holding company, having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for an order exempting the proposed issue and sale of 40,000 shares of Preferred Stock, 4½% Series, 10,000 shares of common stock and certain promissory notes in the aggregate principal amount of $620,000 from the requirements of Section 6 (a) of said Act, and having also filed a declaration pursuant to Section 7 of said Act regarding the proposed alteration of certain rights of the holders of the outstanding securities of said applicant;

*It is ordered*, That said application be, and the same is hereby, approved and said declaration be, and the same is hereby permitted to become effective forthwith, subject, however, to the following conditions:

(1) That the issue and sale involved in the declaration and application be carried out and effected respectively in accordance with the terms and conditions of and for the purposes represented by said application and declaration;

(2) That the exemption granted in accordance herewith, of the issue and sale of the Preferred Stock, 4½% Series, the Common Stock and the Promissory Notes shall terminate without further order of the Commission in the event that the authorization of the Public Service Commission of Wisconsin shall be revoked or otherwise terminated;

(3) That, within ten days after the issue and sale of the Preferred Stock, 4½% Series, the Common Stock, and the Promissory Notes, the applicant shall file with this Commission a Certificate of Notification showing that such issue and sale have been effected in accordance with the terms and conditions and for the purposes represented by said application, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4539; Filed, December 7, 1939; 11:45 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of December, A. D. 1939.

[File No. 1–2139]

IN THE MATTER OF MISSOURI PACIFIC RAILROAD COMPANY 5% CUMULATIVE CONVERTIBLE PREFERRED STOCK, $100 PAR VALUE; AND COMMON STOCK, $100 PAR VALUE

ORDER OF THE COMMISSION

The Commission having instituted a proceeding pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether registration of the 5% Cumulative Convertible Preferred Stock, $100 Par Value, and Common Stock $100 Par Value, of Missouri Pacific Railroad Company on the New York Stock Exchange, should be suspended or withdrawn; and

After appropriate notice, a hearing having been held in this matter before a trial examiner; the trail examiner having filed his advisory report herein; counsel for the registrant and interveners having filed exceptions thereto; briefs having been filed and argument having been heard by the Commission; the record in this matter having been duly considered; and the Commission having this day filed its findings of fact and opinion;

*It is ordered*, That the registration of the 5% Cumulative Convertible Preferred Stock, $100 Par Value, and Common Stock, $100 Par Value, of Missouri Pacific Railroad Company shall be withdrawn thirty days after the date hereof; provided that, if appropriate amendments shall be filed within said thirty day period, no such order of withdrawal shall issue and the proceedings shall be dismissed without prejudice to future proceedings on any proper ground.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4540; Filed, December 7, 1939; 11:45 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1939.

[File No. 43-278]

IN THE MATTER OF AMERICAN GAS AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 20, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 15, 1939.

The matter concerned herewith is in regard to the proposed issue and sale by American Gas and Electric Company, a registered holding company (18.89% of whose common stock is owned by Electric Bond and Share Company, also a registered holding company), of $30,000,000 principal amount sinking fund debentures, a temporary bank loan not to exceed $20,000,000 face amount and 355,623 shares $100 par value cumulative preferred stock and the change of 4,482,737 shares of common stock from no par value to a par value of $10 per share.

American Gas and Electric Company is a New York corporation. It owns, directly or indirectly, all of the outstanding common capital stocks of all of its principal subsidiaries and preferred stocks and bonds of several of them and all or fifty per cent of the capital stocks of several minor subsidiary companies. The operating subsidiaries of the system furnish electric, steam and water services to communities in Michigan, Indiana, Ohio, West Virginia, Virginia, Kentucky, Tennessee, Pennsylvania, and New Jersey.

The net proceeds of the issuance and sale of the sinking fund debentures and cumulative preferred stock (exclusive of accrued interests and accrued dividends but after deducting estimated expenses in connection therewith), together with the treasury funds of the declarant to the extent necessary, are to be used for the following purposes:

| | |
|---|---|
| (1) To deposit with the trustee, in trust, cash equal to principal and premium required for redemption of $30,000,000 principal amount of declarant's presently outstanding Gold Debentures 5% Series, due 2028 (to be called for redemption on or before March 1, 1940, at 106% of the principal amount thereof), amounting to | $31,800,000 |
| (2) To deposit with the redemption agent, cash equal to the redemption price required for redemption of 355,623 shares (exclusive of shares reacquired and held in declarant's treasury) of $6 preferred stock, no par value (to be called for redemption on or before March 1, 1940, at $110 per share), amounting to | 39,118,530 |
| Total | 70,918,530 |

The interest and dividend rates for the securities proposed to be issued have not yet been supplied. The sinking fund debentures are to be of three series and the series will mature in 1950, 1960, and 1970, respectively. The temporary bank loan, if made, will both be issued and discharged in the course of the closing concerning the issuance of the cumulative preferred stock. The proposed 355,623 shares of $100 par cumulative preferred stock are to be issued following the redemption of a similar number of shares of presently outstanding $6 preferred stock, no par value, (excluding 40,936 shares in declarant's treasury which are to be canceled), with stated value of $33,428,385.14. The presently outstanding 4,482,737 shares of common stock, no par value (excluding 6,129$^{11}/_{50}$ shares in declarant's treasury) which are to be changed to a par value of $10 per share, now has a stated value of $10 per share.

Fees and commissions incident to the proposed transactions are to be supplied in an amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4541; Filed, December 7, 1939; 11:45 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1939.

[File No. 47-50]

IN THE MATTER OF PEOPLES LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 27, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 22, 1939.

The matter concerned herewith is in regard to the acquisition by the above-named applicant (a wholly-owned subsidiary of The United Light and Power Company, a registered holding company) of all the electric utility assets used and useful in the transformation and distribution of electric energy, from The Bettendorf Company, a non-affiliated company. The consideration to be paid to The Bettendorf Company for the properties is stated by the applicant to be the sum of $125,000 in cash, subject to closing adjustments.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4542; Filed, December 7, 1939; 11:45 a. m.]


# FEDERAL REGISTER

VOLUME 4 NUMBER 238

*Washington, Saturday, December 9, 1939*


*Rules, Regulations, Orders*

## TITLE 6—AGRICULTURAL CREDIT

### CHAPTER I—FARM CREDIT ADMINISTRATION

[FCA 153]

PART 51—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS PROMULGATED BY ALL PRODUCTION CREDIT CORPORATIONS†

Effective at the close of business on December 31, 1939, Title 6, Code of Federal Regulations, is amended by striking out all of Part 51 (Sections 51.201 to 51.313, inclusive) and inserting in lieu thereof the following:

Sec.
51.1 Loan Purposes.
51.2 Eligibility.
51.4 Approval of Loan.
51.5 Interest Rates.
51.8 Inspections.
51.10 Time Limit on Closing Loans.
51.11 Relation of Association to Other Organizations.

§ 51.1 *Loan purposes.* The association is authorized to provide short-term and intermediate-term credit for any general agricultural purpose to qualified farmers and stockmen. Loans may include funds for the purchase of association class B stock required to be held by members in connection with their loans.

(a) When a doubt exists as to the authority of an association to make a particular type of loan, all pertinent facts in connection therewith should be forwarded to the president of the production credit corporation (hereinafter referred to as "the corporation") for a decision. (Sec. 23, 48 Stat. 261; 12 U.S.C. 1131g)†

§ 51.2 *Eligibility.*—(a) *In general.* To be eligible for a loan, an applicant must be a farmer within the meaning of that word as used in the Farm Credit Act of 1933 and amendments thereto and acts amendatory thereof. The term "farmer" as so used includes a natural person, partnership, or corporation engaged in the business of farming or of breeding, raising, or fattening livestock.

(b) *Natural persons.* To be an eligible applicant, a natural person must devote certain time and energy to the active management of his farming or livestock operations; and the enterprise must be conducted in such a manner that he reaps the benefits of the operation if it is successful, and suffers the loss if it is a failure. He need not be principally so engaged nor reside on the place where the farming or livestock operations are carried on. An applicant for a loan, the proceeds of which are to be used for farming or livestock operations conducted through tenants or sharecroppers, will be ineligible unless it affirmatively appears that he has a right to, and does actually exercise the substantial direction and control in the management of the enterprise. When a landlord is entitled only to a fixed return without regard to the success or failure of the farming operations, or does not rightfully exercise the substantial direction and control of the management of such operations, the tenant, not the landlord, is to be considered the "farmer."

(c) *Partnerships.* The eligibility of a partnership is governed by the same principles as those governing the eligibility of natural persons.

(d) *Corporations.* To be considered a "farmer," a corporation must be principally engaged in farming or in the breeding, raising, or fattening of livestock.

For a corporation to be considered as so principally engaged, the major portion of its assets must be represented by property actually devoted to farming and/or the raising, breeding, or fattening of livestock; at least half of its gross income must be derived from such operations; and at least half of the time of its active officers and personnel must be spent in the conduct of such business.

When a loan is made to a corporation, either the holder or holders of at least a majority of its outstanding shares of voting stock or, with the consent of the

†In all sections of Part 51 the section numbers to the right of the decimal point correspond with the section numbers in the Rules and Regulations for Production Credit Associations, effective December 31, 1939.

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FEDERAL REGISTER

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production credit corporation, the principal stockholder or holders must (1) endorse, or sign as comakers, all notes evidencing such loans; or (2) execute continuing guarantees of all indebtedness of such corporation to the association. When it is expected that future advances will be made to a corporate borrower, the association will require a continuing guaranty as above mentioned.

(e) *Fiduciaries and representatives.* Loans may be made to a fiduciary or representative (including a trustee, guardian, executor, administrator, or receiver) who, in such capacity, is engaged in farming or in the raising, breeding, or fattening of livestock, provided that (1) adequate security can and will be given and (2) some financially responsible individual (which may be the fiduciary or representative) will incur personal liability for the loan, or the general assets of the estate can and will be charged with liability for the loan. Loans shall not be made to the receiver of a corporation or to the trustee of a business trust (commonly called Massachusetts trust) unless the corporation or trust satisfies the requirements for eligibility of a corporation as prescribed in subsection (d).

(f) *Loans to directors, officers, employees, and agents of the Farm Credit Administration, the corporation and the association.* Loans to a director of the corporation or to an officer (as distinguished from an employee) of the Farm Credit Administration of Washington, D. C., shall be subject to prior approval by the board of directors of the corporation and by the Production Credit Commissioner. Loans to an officer, employee, or agent of the corporation shall be subject to prior approval by the board of directors of the production credit corporation. Loans to a director or officer of the association shall be subject to prior approval by the president of the corporation, or in his absence by another officer designated by him. Similar approval shall be required for loans to a firm or corporation of which any of the aforesaid persons is a member or stockholder, for loans to be used in connection with property in which any such person has a present legal or equitable interest, and for loans to a member of the immediate family of any such persons. The term "immediate family" shall include a father, mother, brother, sister, son, daughter, husband, or wife. (Sec. 23, 48 Stat. 261; 12 U.S.C. 1131g)†

§ 51.4 *Approval of loan.* Unless otherwise provided in the bylaws of the association, or unless otherwise authorized by the board of directors of the association and the president of the corporation, no loan shall be made unless the executive committee has given prior approval thereof. Where executive committee action is required, no loan shall be made unless application therefor has received the unanimous approval of the qualified members of the executive committee present at the meeting at which such action is taken. (Sec. 23, 48 Stat. 261; 12 U.S.C. 1131g)†

§ 51.5 *Interest rates.* The interest rate charged the borrower shall be 3 percent per annum above the discount rate of the Federal intermediate credit bank at the time the loan or advance is made, unless a lower or a higher rate is prescribed by the corporation with the approval of the Production Credit Commissioner. Interest shall be charged on loans for the actual number of days that loans are outstanding. The number of days for which interest shall be charged shall be computed on the basis of 365 days for normal years and 366 days for leap years. (Sec. 23, 48 Stat. 261; 12 U.S.C. 1131g)†

§ 51.8 *Inspections.* In connection with each loan an inspection shall be made by an inspector approved by the corporation and in accordance with a procedure approved by the corporation.

An association officer, employee, or agent shall not be authorized to make an inspection incident to a loan applied for or obtained by a member of his immediate family or in connection with property in which he has a present legal or equitable interest. (See section 51.2 (f) for definition of "immediate family.") (Sec. 23, 48 Stat. 261; 12 U.S.C. 1131g)†

§ 51.10 *Time limit on closing loans.* The association may, in its discretion, refuse to make a loan to an applicant who does not furnish all documents necessary to close the loan within 30 days after notice has been sent him by the association that his application has been approved. (Sec. 23, 48 Stat. 261; 12 U.S.C. 1131g)†

§ 51.11 *Relations of association to other organizations.* No borrowers shall be required by the association to enter into any contract or agreement with any particular association, individual, or corporation with respect to the purchase of supplies or the sale of agricultural products, livestock, or livestock products; nor shall the association require a borrower to become a member of any other organization or association; provided that, with the prior approval of the Production Credit Commissioner, any of such requirements may be imposed as special credit requirements in connection with the closing of particular types of loans. (Sec. 23, 48 Stat. 261; 12 U.S.C. 1131g)†

[SEAL] V. P. SIMMONS,
*Assistant to Production Credit Commissioner.*

[F. R. Doc. 39-4562; Filed, December 8, 1939; 11:10 a. m.]

[F.C.A. 154]

PART 50—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS PROMULGATED BY THE FARM CREDIT ADMINISTRATION†

Effective at the close of business on December 31, 1939, Title 6, Code of Federal Regulations, is amended by striking out all of Part 50 (Sections 50.101 to 50.309, inclusive) and inserting in lieu thereof the following:

Sec.
50.13 Charges to Borrowers.
50.15 Confidential Information.
50.16 Territory.
50.17 Depositaries.
50.19 Consolidation of Associations.
50.20 Voluntary Liquidation of Associations.

†In all sections of Part 50 the section numbers to the right of the decimal point correspond with the section numbers in the Rules and Regulations for Production Credit Associations, effective December 31, 1939.



§ 50.13 *Charges to borrowers.* Subject to the approval of the president of the production credit corporation (hereinafter referred to as "the corporation") the association may prescribe charges and other fees to be charged applicants in connection with loans. Inspection fees in excess of $3.00 shall not exceed 1 percent of the amount of the loan commitment. The actual cost of title and/or mortgage abstracts and searches, fees for filing or recording mortgages, fees in connection with releases, notarial fees in connection with the execution of loan papers, and other expenses incurred in closing the loan must be paid by the borrower. (Sec. 60, 48 Stat. 266, 12 U.S.C. 1138)†

§ 50.15 *Confidential information.* All loans and applications therefor, and all information contained therein, must be treated as strictly confidential by the directors, officers, employees, and agents of the association. Except with the approval of the president of the corporation, or of the Production Credit Commissioner, no statements shall be issued or made regarding particular applications received, approved, or disapproved, and no information relative to the business or affairs of the association, or lists of borrowers or of employees of the association, shall be furnished, to any person(s), institution(s), or corporation(s) other than authorized officers or agents of the Farm Credit Administration, the corporation, and the Federal intermediate credit bank, upon presentation of proper credentials. (Sec. 20, 48 Stat. 259, 12 U.S.C. 1131d)†

§ 50.16 *Territory.* (a) The association shall operate and conduct its business within such territory as may be prescribed by the Governor and evidenced in a certificate of district to be served.

(b) An application for a loan to finance operations wholly within the territory of the association may be accepted regardless of the residence of the applicant.

(c) An application for a loan to finance operations wholly without the territory of the association shall not be accepted even though the applicant resides within the territory served by the association.

(d) An application for a loan to finance operations on land partly within and partly without the association's territory may be accepted if such land may be regarded, in the opinion of the president of the corporation, as one farming or livestock unit. (Sec. 20, 48 Stat. 259, 12 U.S.C. 1131d)†

§ 50.17 *Depositaries.* The depositaries for the funds of the association must be approved for the purpose by the corporation so long as it is the holder of any stock of the association, such depositaries wherever possible to be members of the Federal Reserve System or insured by the Federal Deposit Insurance Corporation. (Sec. 20, 48 Stat. 259, 12 U.S.C. 1131d)†

§ 50.19 *Consolidation of associations—*(a) *Consolidation agreement.* By resolution, the board of directors of each association constituent to a consolidation shall authorize the execution of, and shall approve, an agreement (in the form prescribed by the corporation with the approval of the Production Credit Commissioner) designating the charter of one of the constituent associations as the charter of the consolidated association, providing an effective date for the consolidation, and setting forth the terms and conditions of the consolidation and the mode of carrying the same into effect.

Such consolidation agreement shall also provide that the shares of class A stock of the respective constituent associations shall be converted at the par value thereof into like shares of the consolidated association; that the shares of class B stock of the respective constituent associations which have a fair book value equal to or greater than the par value thereof shall be converted at the par value thereof into like shares of the consolidated association; that the shares of class B stock of the respective constituent associations which have a fair book value of less than par shall be converted into $5.00 par value shares of class B stock of the consolidated association having an aggregate value equal in each instance to the aggregate fair book value of such shares of such constituent associations.

(b) *Approval of consolidation agreement.* In order to become effective, the consolidation agreement must be approved:

(1) By a two-thirds vote of the class B stockholders of each association constituent to the consolidation who are present at a meeting duly called for the purpose (provided the stockholders so present constitute a quorum);

(2) By the president of the corporation; and

(3) By the Production Credit Commissioner.

(c) *Effectiveness of agreement.* When so approved the consolidation agreement shall be filed with the corporation and shall become effective as of its effective date. As of such date, the separate existence of the constituent associations shall cease, and the consolidated association shall succeed, without other transfer, to all rights and property of the constituent associations and shall be obligated to discharge all the debts, liabilities, and duties thereof in the same manner and to the same extent as if such consolidated association had originally incurred them.

(d) *Supervisory duties of corporation.* It shall be the duty of the corporation to supervise the consolidation for the purpose of insuring that the terms and conditions of the consolidation agreement are properly carried into effect and that the shares of stock of the constituent associations are retired and canceled and the proper number of shares of stock of the consolidated association issued in lieu thereof. (Sec. 20, 48 Stat. 259, 12 U.S.C. 1131d)†

§ 50.20 *Voluntary liquidation of associations.* (a) Subject to the approval of the president of the corporation and of the Production Credit Commissioner, an association may be placed in voluntary liquidation by resolution of its board of directors. The resolution shall authorize and direct the president of the corporation to appoint and fix the compensation of a liquidating agent for the association and to remove such liquidating agent at will and appoint a successor; and shall vest in the liquidating agent full and complete authority (without any reservation of power in the board) to liquidate the association subject to the direction and supervision of the president of the corporation.

(b) Subject to such direction and supervision, the liquidating agent shall convert all the association's assets into cash (except securities held by the corporation for the association's account), pay all its obligations, and distribute its remaining assets to the holders of class A and class B stock in accordance with their liquidation preference rights.

(c) The loan assets of the association may be converted into cash by either of the following methods:

(1) By their collection.

(2) By the sale of the loan assets of the association to another association or associations upon such terms and conditions as may be approved by the president of the corporation and by the Production Credit Commissioner, provided that immediately upon completion of such sale the liquidating association will be able to pay liquidating dividends of not less than $5.00 per share on all its outstanding stock. Each borrower whose loan is sold to another association shall be required to own class B stock in the purchasing association in the amount of $5.00 for each $100.00 or fraction thereof of the unpaid balance of such loan; and the liquidating association shall make payment to the purchasing association for such stock out of the borrower's liquidating dividends. (Sec. 65, 48 Stat. 269, 12 U.S.C. 1138e)†

[SEAL] F. F. HILL,
*Governor.*

[F. R. Doc. 39-4563; Filed, December 8, 1939; 11:11 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[B.A.I. Order 211, Rev., amended]

CONFERRING AUTHORITY UPON THE CHIEF OF THE BUREAU OF ANIMAL INDUSTRY UNDER THE MEAT INSPECTION ACT

Pursuant to authority conferred by law upon the Secretary of Agriculture, B.A.I. Order 211 (Revised), as amended, (Regulations Governing the Meat Inspection of the United States Department of Agri-

culture) is hereby amended by adding the following new regulation:

REGULATION 30—AUTHORITY DELEGATED TO THE CHIEF OF THE BUREAU OF ANIMAL INDUSTRY

SECTION 1. The Chief of the Bureau of Animal Industry is authorized to determine whether applications for inspection or for exemption from inspection under the provisions of the meat-inspection act shall be granted or refused. The Chief of the Bureau of Animal Industry is further authorized to revoke his prior approval of any application if he determines that any false statement was made in such application.

SEC. 2. The Chief of the Bureau of Animal Industry is authorized to withdraw inspection from any official establishment, and to withdraw exemption from any exempted retail establishment, which violates or fails to comply with any provision of the meat-inspection act or of the regulations made pursuant thereto.

SEC. 3. When any action is taken by the Chief of the Bureau of Animal Industry under section 1 or 2 of this regulation, it shall be final unless the aggrieved party appeals within 20 days to the Secretary of Agriculture from the action taken by the Chief of the Bureau of Animay Industry.

Done at Washington, D. C., this 7th day of December 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4552; Filed, December 7, 1939; 1:03 p. m.]

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[Amendment 2 to B.A.I. Order 367]

SUBCHAPTER B—PREVENTION OF ANIMAL DISEASES: COOPERATION WITH STATES

REGULATIONS GOVERNING THE APPRAISEMENT OF AND COMPENSATION FOR TUBERCULOUS, PARATUBERCULOUS, AND BANG'S DISEASE REACTING CATTLE CONDEMNED AND DESTROYED IN THE CONTROL AND ERADICATION OF TUBERCULOSIS, PARATUBERCULOSIS, AND BANG'S DISEASE OF ANIMALS

Under the authority conferred by law upon the Secretary of Agriculture, the regulations governing the appraisement of and compensation for tuberculous, paratuberculous, and Bang's disease reacting cattle condemned and destroyed in the control and eradication of tuberculosis, paratuberculosis, and Bang's disease of animals, issued under date of June 25, 1938, and effective July 1, 1938, as amended, are hereby further amended by the addition to regulation 4 of a new section to read as follows:

*Regulation 4*

SECTION 14.[1] (a) No compensation will be paid for any cattle condemned and slaughtered as the result of positive reaction to the agglutination blood test for Bang's disease, if they were vaccinated with any vaccine made from or through the agency of Brucella micro-organisms, after the cattle are over 8 months old.

(b) No compensation will be paid for any cattle condemned and slaughtered as the result of positive reaction to the agglutination blood test for Bang's disease, if they were vaccinated with any vaccine made from or through the agency of Brucella micro-organisms, when the cattle are 8 months of age or less unless 18 months have elapsed between the date of such vaccination and the date of reaction to such test.

This amendent, which for the purpose of identification is designated as Amendment 2 to B.A.I. Order 367,[2] shall be effective on and after December 18, 1939.

Done at Washington this 8th day of December 1939.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4566; Filed, December 8, 1939; 11:49 a. m.]

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## TITLE 16—COMMERCIAL PRACTICES

### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3877]

IN THE MATTER OF DIAMOND KNITTING MILLS, INC.

§ 3.66 (a) *Misbranding or mislabeling—Composition.* Using, in connection with offer, etc., in commerce, of respondent's merchandise, term "all silk" or the unqualified word "silk" or any other term of similar import and meaning to designate, describe, or in any way refer to any fabric or merchandise not made wholly from unweighted silk, the product of the cocoon of the silkworm, or representing, through failure to disclose the presence and percentage of weighted silk contained in any fabric or other merchandise and the percentage of weighting in such weighted silk, or through any other means or device, or in any manner, that fabrics or other merchandise composed in whole or in part of weighted silk are composed of unweighted silk, or, in any manner, that the products sold by respondent are made of a material, fiber, or yarn other than that of which such products are actually made, prohibited; subject to the provision, however, that the word "silk" may be used to refer to the silk content of such fabrics or other merchandise when the disclosures herein enumerated are clearly and conspicuously made in connection with the use of such term. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Diamond Knitting Mills, Inc., Docket 3877, November 28, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of November, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent, Diamond Knitting Mills, Inc., a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the term "all silk" or the unqualified word "silk" or any other term of similar import and meaning to designate, describe, or in any way refer to any fabric or merchandise not made wholly from unweighted silk, the product of the cocoon of the silkworm.

(2) Representing through failure to disclose the presence and percentage of weighted silk contained in any fabric or other merchandise and the percentage of weighting in such weighted silk, or through any other means or device, or in any manner, that fabrics or other merchandise composed in whole or in part of weighted silk are composed of unweighted silk: *Provided, however*, That the word "silk" may be used to refer to the silk content of such fabric or other merchandise when the disclosures herein enumerated are clearly and conspicuously made in connection with the use of such term.

(3) Representing in any manner that the products sold by respondent are made of a material, fiber or yarn other than that of which such products are actually made.

*It is further ordered*, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4558; Filed, December 8, 1939; 10:02 a. m.]

[1] 9 C.F.R. 51.21.

[2] 3 F.R. 1527, 2108 DI.



## TITLE 25—INDIANS

### CHAPTER I—OFFICE OF INDIAN AFFAIRS

SUBCHAPTER R—LEASES AND SALES OF MINERALS, RESTRICTED INDIAN LANDS

PART 201—LEAD AND ZINC MINING OPERATIONS AND LEASES, QUAPAW AGENCY

Section 201.13, which reads:

"§ 201.13 *Bond.* Every mineral lease made and entered into under the regulations in this part, by an Indian or by the superintendent as his representative or in his behalf, must be accompanied by a surety bond, executed by the lessee and by a responsible surety company or two or more satisfactory sureties, guaranteeing the payment of all deferred installments of bonus and the payment of all specified royalties and rentals and the performance of all covenants and agreements undertaken by the lessee. Such bond shall be in amount as follows: For leases covering less than 80 acres, $2,500; for those covering 80 acres and less than 120 acres, $3,600; for those covering 120 acres or more, $5,000; provided, however, that the lessee may, in lieu of such surety bond and upon execution of a proper penal bond to the United States in the sum prescribed and a proper power of attorney to the Secretary of the Interior, submit therewith United States bonds or notes in the aggregate sum prescribed as security for the carrying out of the terms, conditions, and provisions of the lease. The right is specifically reserved to the Secretary of the Interior to require an increase of the amount of any bond above the sum named in any particular case where he deems it necessary to require such increased bond."

is amended to read:

"§ 201.13 *Bond.* Every mineral lease made and entered into under the regulations in this part, by an Indian or by the superintendent as his representative or in his behalf, must be accompanied by a surety bond, executed by the lessee and by a responsible surety company or two or more satisfactory sureties, guaranteeing the payment of all deferred installments of bonus and the payment of all specified royalties and rentals and the performance of all covenants and agreements undertaken by the lessee. Such bond shall be in amount as follows: For leases covering less than 80 acres, $2,500; for those covering 80 acres and less than 120 acres, $3,600; for those covering 120 acres or more, $5,000; provided, however, that the lessee may, in lieu of such surety bond and upon execution of a proper penal bond to the United States in the sum prescribed and a proper power of attorney to the Secretary of the Interior, submit therewith United States bonds or notes in the aggregate sum prescribed as security for the carrying out of the terms, conditions, and provisions of the lease; provided further, that a lessee may file in lieu of such individual lease bonds, one bond in a sum to be fixed by the Secretary of the Interior covering all leases to which he is or may become a party. The right is specifically reserved to the Secretary of the Interior to require an increase of the amount of any bond above the sum named in any particular case where he deems it necessary to require such increased bond."

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

NOVEMBER 30, 1939.

[F. R. Doc. 39-4555; Filed December 7, 1939; 3:29 p. m.]

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## TITLE 26—INTERNAL REVENUE

[T.D. 4957]

### CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS PROFITS TAX

PART 24—SPREAD OF DEPRECIATION OR AMORTIZATION FOR IMPROVEMENTS OR COST OF LEASE OVER TERM OF ORIGINAL LEASE AND RENEWALS

*To Collectors of Internal Revenue and Others Concerned:*

In determining deductions from gross income of items in respect of depreciation or amortization of the cost of improvements erected upon leased premises or the cost or other basis of a lease, including all capital expenditures in connection therewith, in cases in which the lease contains an unexercised option of renewal, the matter of spreading such depreciation or amortization over the term of the original lease, together with the renewal period or periods, depends upon the facts in the particular case. As a general rule, unless the lease has been renewed or the facts show with reasonable certainty that the lease will be renewed, the cost or other basis of the lease or the cost of improvements shall be spread only over the number of years the lease has to run, without taking into account any right of renewal. However, pursuant to the discretion vested in the Commissioner, with the approval of the Secretary, by section 3791 (b) of the Internal Revenue Code, if the taxpayer for any taxable year ending prior to December 31, 1939, has been allowed such depreciation or amortization on the basis of spreading the cost or other basis of such lease or improvements over the number of years the lease has to run, including any exercised or unexercised renewal period or periods, and such taxable year has been closed on that basis and the tax for that year can not be redetermined, then the taxpayer may for subsequent taxable years take deductions on such basis if within 90 days after the approval of this Treasury Decision or within such later period as may be specified by the Commissioner of Internal Revenue he files Form 969, in duplicate, with the Commissioner of Internal Revenue, Washington, D. C., attention of the Income Tax Unit, Records Division, signifying his election to have deductions in respect of such items determined upon such basis, and expressly waives his right to claim or receive the benefits of any reduction in his tax liability which would result from the allowance of deductions for such items on the basis of only the number of years the lease has to run, without taking into account any right of renewal, or on any basis other than that set forth in his election. If, in any case, the life of the improvements is less than the number of years the lease has to run, including the renewal period if properly to be considered, the deduction for depreciation with respect to such improvements shall be spread only over such life.

(This Treasury Decision is issued under the authority contained in section 3791, Internal Revenue Code (53 Stat. 467).)

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, December 6, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4565; Filed, December 8, 1939; 11:44 a. m.]

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## TITLE 43—PUBLIC LANDS: INTERIOR

### CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1464]

REGULATIONS GOVERNING LEASE BONDS

AMENDED AND SUPPLEMENTED

Section 14 of Circular 1386,[1] approved May 7, 1936 (55 I. D. 517; Section 192.61, Code of Federal Regulations), is hereby amended and supplemented by adding, at the end of the second paragraph thereof, the following paragraph:[2]

The requirement made in the preceding paragraph for the filing of a $1,000 bond shall apply only in those cases in which a bond is required by law for the protection of the owners of surface rights. In all other cases the $1,000 bond must be filed not less than 90 days before the due date of the next unpaid annual rental, but this requirement may be successively dispensed with by the lessee by making payment of each successive annual rental not less than 90 days prior to its due date. In the absence of the payment of the rental in advance as herein authorized, the requirement for the filing of the bond within the time prescribed must be complied with strictly, and upon the failure of the lessee to comply therewith the lease shall be subject to cancelation by the Secretary in accordance with the provisions of the lease and the act of February 25, 1920 (41 Stat. 437), as amended by the act of August 21, 1935 (49 Stat. 674). Nothing herein contained shall operate to relieve the lessee

[1] 1 F.R. 373.

[2] Issued under the authority contained in Sec. 32, 41 Stat. 450; 30 U.S.C. 189.

from the obligation to furnish a $5,000 general lease bond prior to beginning drilling operations. The substance of this paragraph shall be incorporated into all leases hereafter issued under sections 13 and 17 of the act of February 25, 1920, as amended by the act of August 21, 1935. The holder of any outstanding lease heretofore issued may be relieved, under the conditions herein provided, of his obligation to maintain the $1,000 bond, upon filing his written consent, on a form prescribed by the Secretary, to the amendment of the lease in accordance herewith.

FRED W. JOHNSON,
*Commissioner.*

Approved, November 27, 1939.

H. L. I.
*Secretary of the Interior.*

[F. R. Doc. 39–4554; Filed, December 7, 1939; 3:28 p. m.]

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STOCK DRIVEWAY WITHDRAWAL NO. 9, NEW MEXICO NO. 3, REDUCED

NOVEMBER 27, 1939.

Departmental orders of February 28, 1918, and May 5, 1923, withdrawing certain lands in New Mexico for stock driveway purposes under section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, are hereby revoked in so far as they affect the following-described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 N., R. 4 E.,
E½ Sec. 1, W½E½, E½W½, SW¼SW¼ Sec. 12, W½ Sec. 13, SE¼ Sec. 14, all Sec. 23, W½, S½SE¼ Sec. 26, E½ Sec. 35;
T. 2 N., R. 4 E.,
Those parts of Sec. 3, and E½ Sec. 4 not in the Sevilleta Grant, NE¼ Sec. 9, all Sec. 10, W½W½ Sec. 14, NE¼, E½SE¼ Sec. 15, E½E½ Sec. 22, W½W½ Sec. 23, SW¼ Sec. 25, W½NW¼, S½ Sec. 26, E½NE¼ Sec. 27;
aggregating 4,855 acres.

JOHN W. FINCH,
*Acting Under Secretary of the Interior.*

[F. R. Doc. 39–4553; Filed, December 7, 1939; 3:28 p. m.]

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## *Notices*

### DEPARTMENT OF LABOR.

#### Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE SCIENTIFIC INDUSTRIAL AND LABORATORY INSTRUMENTS INDUSTRY

NOTICE OF HEARING

The Public Contracts Board will hold a hearing in Room 3229, Department of Labor Building, Washington, D. C., at 10 a. m. on Tuesday, December 12, 1939, to take testimony upon which findings of fact will be made to assist the Secretary of Labor in determining, pursuant to Section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35) the prevailing minimum wages in the Scientific Industrial and Laboratory Instruments Industry. The Scientific Industrial and Laboratory Instruments Industry is understood to be that industry which manufactures the following products:

Instruments and Apparatus:

1. For use in navigation; surveying; engineering; drafting; target detection; fire control; meteorology; laboratories for physical, chemical, clinical, biological, bacteriological, geological, physiological and psychological teaching, demonstration, research and testing;

2. For indicating, measuring, recording or controlling the following: Quantity, quality, temperature, combustion, pressure, flow, density, humidity, conductivity, position, altitude, level, attitude, angle, direction, distance, speed, acceleration, or time; but *not including:*

Instruments and Apparatus:

1. For measuring or controlling voltage, flow, or consumption of electricity;
2. For measuring or controlling water, gas, or gasoline as used in the service rendered by public utilities and service stations in indicating consumer consumption;
3. For use in homes, or on automobiles;
Clocks and watches; and
Machinists' gauges.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives will be given to persons engaged in the above-named industry, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed, but they should be received by the Board on or before the hearing date. Employers appearing in person, or by representatives, or presenting briefs, should furnish the Board with the following essential data:

(1) Name of firm,
(2) Plant address,
(3) Total number of employees in plant,
(4) Number of male employees,
(5) Number of female employees,
(6) Classification of employees by occupations, including number engaged in each operation,
(7) Hourly wages in each operation with designation of applicable time period,
(8) If paid on piece work basis, weekly earnings in each class of employees,
(9) Hours worked per week.

This outline of suggested data is not meant to exclude the submission of any other pertinent information which an employer may desire to submit.

Employees appearing at the hearing, either in person or by their representatives, or submitting briefs, should acquaint the Board with facts as to the wages now being paid in the industry.

[SEAL] L. METCALFE WALLING,
*Administrator.*

DECEMBER 2, 1939.

[F. R. Doc. 39–4560; Filed, December 8, 1939; 10:57 a. m.]

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IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES FOR THE COTTON TEXTILE INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

The Cotton Textile Industry for purposes of this notice is that industry engaged in

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto; and the manufacturing, bleaching, dyeing, printing, and other finishing of woven fabrics (other than carpets and rugs) from cotton, silk, flax, jute or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in the establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding or filling (except surgical absorbent cotton),[1] and the processing of waste from the fibers enumerated in clause (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics (except carpets and rugs) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products; bags (except barrack bags);[2] bath mats and related articles; bedspreads; blankets; diapers; dish-cloths, scrubbing cloths and wash-cloths; sheets and pillow cases; tablecloths, lunch cloths and napkins; towels; and window-curtains;

(e) The manufacturing or finishing of braid, net or lace (except bobbinet) * * * from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn;

(g) The manufacturing or processing of yarn or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.

All interested parties are hereby given until and including December 22, 1939, within which to file briefs with the Administrator of the Division of Public Contracts, Department of Labor, showing cause why the Secretary of Labor should not determine, pursuant to Section 1(b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), the prevailing minimum wage for the industry hereinabove defined to be 32.5 cents an hour (which is the wage set by the Administrator of the Fair Labor Standards Act for the Cotton Textile Industry), or $13.00 per week of forty hours, arrived at either upon a time or piece work basis, for employees engaged in the performance of contracts with agencies of the United States Government subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35).

[SEAL] L. METCALFE WALLING,
*Administrator.*

DECEMBER 7, 1939.

[F. R. Doc. 39–4561; Filed, December 8, 1939; 10:57 a. m.]

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[1] This product is within the Surgical Dressings Industry. A wage determination for this industry is pending under Section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35).

[2] Wage determinations have been made for the manufacturing of these products under said Act; Barrack Bags 3 F.R. 257, Bobbinet



### Wage and Hour Division.

[Administrative Order No. 37]

APPOINTMENT TO ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Harold D. Jacobs, Administrator of the Wage and Hour Division, U. S. Department of Labor,

Do hereby appoint Commissioner Edward J. Parker, National Secretary of the Salvation Army, to the Advisory Committee on Sheltered Workshops.

Signed at Washington, D. C. this 8th day of December 1939.

HAROLD D. JACOBS,
*Administrator.*

[F. R. Doc. 39–4564; Filed, December 8, 1939; 11:17 a. m.]

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### FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5776]

INVESTIGATION OF THE CHARGES, PRACTICES, CLASSIFICATIONS AND REGULATIONS OF MACKAY RADIO AND TELEGRAPH COMPANY (CALIFORNIA), RCA COMMUNICATIONS, INC., COMMERCIAL PACIFIC CABLE COMPANY, GLOBE WIRELESS, LTD., THE WESTERN UNION TELEGRAPH COMPANY, AND POSTAL TELEGRAPH-CABLE COMPANY, APPLICABLE TO COMMUNICATION SERVICE BETWEEN SEATTLE, WASHINGTON, PORTLAND, OREGON, AND LOS ANGELES, CALIFORNIA, AND HAWAII, GUAM, AND PHILIPPINE ISLANDS, AND THE CONTRACTS AND TRAFFIC ARRANGEMENTS BETWEEN SAID CARRIERS RELATING THERETO

AMENDED ORDER AND NOTICE OF HEARING

The Commission having under consideration its order dated September 26, 1939,[1] instituting proceedings in Docket No. 5776 for an investigation of the charges, practices, classifications, and regulations of Mackay Radio and Telegraph Company (California), RCA Communications, Inc., Commercial Pacific Cable Company, Globe Wireless, Ltd., The Western Union Telegraph Company, and Postal Telegraph-Cable Company, applicable to communication services between Seattle, Washington, Portland, Oregon, and Los Angeles, California, and Hawaii, Guam and the Philippine Islands, and the contracts and traffic arrangements between said carriers relating thereto.

*It is ordered*, That the Commission's said order of September 26, 1939, be, and the same is hereby, amended by including Pacific Telephone and Telegraph Company and Press Wireless, Inc., as parties defendant in the proceedings in said Docket No. 5776; and

*It is further ordered*, That a copy of the Commission's said order dated September 26, 1939, together with a copy of this order, be forthwith served upon Pacific Telephone and Telegraph Company and Press Wireless, Inc., and that notice to the public of this order be given by posting a copy in the office of the Secretary of the Commission and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOHN B. REYNOLDS,
*Acting Secretary.*

[F. R. Doc. 39–4559; Filed, December 8, 1939; 10:14 a. m.]

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[1] 4 F.R. 4104 DI.

### FEDERAL POWER COMMISSION.

[Docket No. IT–5590]

IN THE MATTER OF ARKANSAS UTILITIES COMPANY

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

DECEMBER 7, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

It appearing to the Commission that:

(a) On January 17, 1936, the Arkansas Utilities Company filed with the Federal Power Commission a statement of agreement between Arkansas Utilities Company and Missouri Utilities Company, designated in the files of the Commission as Arkansas Utilities Company Rate Schedule FPC No. 1, providing for the sale and delivery of electric energy by Arkansas Utilities Company to Missouri Utilities Company for resale;

(b) On November 8, 1939, the Arkansas Utilities Company filed with the Federal Power Commission a superseding agreement, dated November 6, 1939, between Arkansas Utilities Company and Missouri Utilities Company, designated in the files of the Commission as Arkansas Utilities Company Rate Schedule FPC No. 2, providing for new and higher rates for the sale and delivery of electric energy by Arkansas Utilities Company to Missouri Utilities Company;

(c) The purported justification for the said higher rate schedule is a contract dated August 8, 1939, between the Arkansas-Missouri Power Corporation and the Arkansas Utilities Company, whereby the latter company purchases the electric energy which is in turn sold to the Missouri Utilities Company;

(d) The Arkansas Utilities Company has requested that the said proposed Rate Schedule FPC No. 2 be allowed to take effect as of September 25, 1939;

(e) The schedule of increased rates contained in said Arkansas Utilities Company Rate Schedule FPC No. 2, which is proposed to be made effective as of September 25, 1939, may result in excessive rates or charges to Missouri Utilities Company, or place an undue burden upon ultimate consumers of electric energy, which increased rates or charges have not been shown to be justified;

The Commission finds that:

(1) Without approval by the Commission giving retroactive effect to the rate schedule as of September 25, 1939, the said rate schedule, unless suspended by order of the Commission, would become automatically effective as of December 8, 1939, pursuant to the Federal Power Act and the Rules of Practice and Regulations thereunder;

(2) It is necessary, desirable, and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon, but not for a longer period than five months beyond December 8, 1939;

The Commission, upon its own motion, *orders* that:

(A) A public hearing be held on February 26, 1940, at 10 o'clock a. m., in the hearing room of the Federal Power Commission, 1757 K Street, N. W., Washington, D. C., concerning the lawfulness of the rates or charges contained in said Arkansas Utilities Company Rate Schedule FPC No. 2, which is proposed to be made effective retroactively as of September 25, 1939;

(B) Pending such hearing, the schedule of increased rates or charges for the sale of electric energy for resale contained in said Arkansas Utilities Company Rate Schedule FPC No. 2, which is proposed to be made effective retroactively as of September 25, 1939, be and the same is hereby suspended for a period of five months beyond December 8, 1939,

unless the Commission shall hereafter otherwise order;

(C) During the said period of suspension the rates or charges now being collected and received by the Arkansas Utilities Company from the Missouri Utilities Company, as provided in Arkansas Utilities Company Rate Schedule FPC No. 1, shall remain and continue in effect;

(D) This order does not suspend or otherwise effect the rates or charges to be collected and received for electric energy sold to Missouri Utilities Company other than for resale;

(E) At such hearing, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon the Arkansas Utilities Company.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4557; Filed, December 8, 1939; 9:43 a. m.]

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[Docket No. IT-5589]

IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Basil Manly, Leland Olds, John W. Scott.

DECEMBER 7, 1939.

It appearing to the Commission that:

(a) On June 17, 1937, the Arkansas-Missouri Power Company filed with the Federal Power Commission a rate schedule and supplement thereto, between Arkansas-Missouri Power Company and Arkansas Utilities Company, designated in the files of the Commission as Arkansas-Missouri Power Company Rate Schedule FPC No. 5, and Supplement No. 1 thereto, providing for the sale and delivery of firm electric energy by Arkansas-Missouri Power Company to Arkansas Utilities Company at the city limits of Paragould, Arkansas, for resale;

(b) On September 25, 1937, the Arkansas-Missouri Power Corporation filed with the Federal Power Commission a notice of succession in ownership or operation whereby the said Arkansas-Missouri Power Corporation certified that on September 20, 1937, it adopted and ratified the rate schedules and supplements thereto, previously filed with the Federal Power Commission on June 17, 1937; and the Federal Power Commission then designated the Arkansas-Missouri Power Company Rate Schedule FPC No. 5, and Supplement No. 1 thereto, as Arkansas-Missouri Power Corporation Rate Schedule FPC No. 5, and Supplement No. 1, thereto;

(c) On November 24, 1939, the Arkansas-Missouri Power Corporation filed with the Federal Power Commission a new contract and exhibit, dated June 14, 1939, between Arkansas-Missouri Power Corporation and Arkansas Utilities Company, designated in the files of the Commission as Arkansas-Missouri Power Corporation Rate Schedule FPC No. 8, and Exhibit A thereto, providing for new and higher rates for the sale and delivery of firm electric energy by Arkansas-Missouri Power Corporation to Arkansas Utilities Company, for resale;

(d) The said new rate schedule dated June 14, 1939, by its terms was to become effective between the said parties thereto on August 8, 1939, the expiration date of the rate schedule designated Arkansas-Missouri Power Corporation Rate Schedule FPC No. 5, and Supplement No. 1 thereto; and the Arkansas-Missouri Power Corporation has requested that the said proposed Rate Schedule FPC No. 8 and Exhibit A thereto, dated June 14, 1939, be allowed to take effect retroactively as of August 8, 1939;

(e) The purported justification for the said higher rate schedule, is stated to be to meet the present costs of service;

(f) The schedule of increased rates contained in said Arkansas-Missouri Power Corporation Rate Schedule FPC No. 8, and Exhibit A thereto, which is proposed to be made effective as of August 8, 1939, has been offered as the basis for effecting an increase in rates by the Arkansas Utilities Company to the Missouri Utilities Company, which purchases, from said company, for resale, a portion of the electric energy sold to Arkansas Utilities Company by Arkansas-Missouri Power Corporation.

(g) The said schedule of increased rates may result in excessive rates or charges to Arkansas Utilities Company, Missouri Utilities Company, or place an undue burden upon ultimate consumers of electric energy, which increased rates or charges have not been shown to be justified;

The Commission *finds* that:

(1) Without approval by the Commission giving retroactive effect to the rate schedule as of August 8, 1939, the said rate schedule, unless suspended by order of the Commission, would become automatically effective as of December 24, 1939, pursuant to the Federal Power Act and the Rules of Practice and Regulations thereunder;

(2) It is necessary, desirable, and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon, but not for a longer period than five months beyond December 24, 1939;

The Commission, upon its own motion, orders that:

(A) A public hearing be held on February 26, 1940, at 10 o'clock a. m., in the hearing room of the Federal Power Commission, 1757 K Street, NW., Washington, D. C., concerning the lawfulness of the rates or charges contained in said Arkansas-Missouri Power Corporation Rate Schedule FPC No. 8, and Exhibit A thereto, which is proposed to be made effective retroactively as of August 8, 1939;

(B) Pending such hearing, the schedule of increased rates or charges for the sale of electric energy for resale contained in said Arkansas-Missouri Power Corporation Rate Schedule FPC No. 8, and Exhibit A thereto, which is proposed to be made effective retroactively as of August 8, 1939, be and the same is hereby suspended for a period of five months beyond December 24, 1939, unless the Commission shall hereafter otherwise order;

(C) During the said period of suspension the rates or charges now being collected and received by the Arkansas-Missouri Power Corporation from the Arkansas Utilities Company, as provided in Arkansas-Missouri Power Corporation Rate Schedule FPC No. 5, and Supplement No. 1 thereto, shall remain and continue in effect;

(D) This order does not suspend or otherwise affect the rates or charges to be collected and received for electric energy sold to Arkansas Utilities Company other than for resale;

(E) At such hearing, the burden of proof to show that the proposed increased rates or charges are just and reasonable shall be upon the Arkansas-Missouri Power Corporation.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4556; Filed, December 8, 1939; 9:43 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of December 1939.

— [File No. 1-2193]

IN THE MATTER OF LOCKHEED AIRCRAFT CORPORATION CAPITAL STOCK, $1 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Lockheed Aircraft Corporation, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Capital Stock, $1 Par Value, from listing and registration on the Board of Trade of the City of Chicago; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which



all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 a. m. on Monday, January 8, 1940, at the office of the Securities & Exchange Commission, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4567; Filed, December 8, 1939; 12:20 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1939.

[File No. 32-191]

IN THE MATTER OF INDIANA SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 27, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 20, 1939.

The matter concerned herewith is in regard to the proposed issue and sale by Indiana Service Corporation of:

1. Sixty "Conditional Sale Serial Notes of Indiana Service Corporation" representing sixty monthly installments, each with interest, on $297,360, the unpaid portion of the purchase price of twenty-eight (28) electric trackless trolley cars, and aggregating in face amount $335,-149.50; the face of each note being the sum of $4,956 (1/60 of $297,360) plus interest at five per cent per annum on the entire balance of the purchase price remaining unpaid at the maturity of each such monthly instalment note, successively. The notes are all to be dated as of the average date of shipment of the cars and are to be payable to the manufacturer and vendor of the cars. The first note will mature one month from date and the others successively at intervals of one month thereafter for fifty-nine months.

2. One "Conditional Sale Instalment Note" in face amount of $41,107.50, representing the principal amount of the unpaid portion of the purchase price of seven (7) gasoline motor buses. This note will be payable in sixty monthly instalments; the first in the principal amount of $692.50 and the remaining fifty-nine instalments in the principal amount of $685 each, in each case with interest at five per cent per annum on the entire balance of the purchase price remaining unpaid at the due date of such instalment. The note will be dated the average date of delivery of the motor buses and is to be payable to the manufacturer and vendor of the buses. The first instalment will become due on or before one month from date and the others, successively, at intervals of one month thereafter for fifty-nine months.

To secure payment by the corporation, the cars and buses are sold by the respective makers to the corporation under a form of agreement which, among other things, provides that title shall remain in the seller until the equipment is entirely paid for, notwithstanding delivery to and possession by the corporation; with the right of repossession if the corportion should default on its payments.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4568; Filed, December 8, 1939; 12:20 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1939.

[File No. 46-194]

IN THE MATTER OF FEDERAL WATER SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 10 (a) (1) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 20, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 18, 1939.

The matter concerned herewith is in regard to the proposed purchase by Federal Water Service Corporation from The United Light and Power Company, for $810,000 in cash, of all of the outstanding stock and debt of the Chattanooga Gas Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4569; Filed, December 8, 1939; 12.22 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 7th day of December 1939.

IN THE MATTER OF EDGAR SPAIN GRANT, DOING BUSINESS AS GRANT AND COMPANY, 61 FORSYTH STREET NW., ATLANTA, GEORGIA

ORDER PERMITTING WITHDRAWAL FROM REGISTRATION AS BROKER AND DEALER, SUBJECT TO TERMS AND CONDITIONS, AND TERMINATING PROCEEDINGS

Edgar Spain Grant, doing business as Grant and Company, a sole proprietorship, hereinafter sometimes referred to as the registrant; being registered with the Commission as an over-the-counter broker and dealer, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and

The Commission, by an order of October 14, 1939, as amended by orders of October 25, 1939, and December 2, 1939, having ordered that a hearing be held to determine whether the registrant had willfully violated Section 15 (c) (1) of said Act and Sections 5 (b) (2) and 17 (a) of the Securities Act of 1933, as amended, and if so whether said registration should be revoked or suspended pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, all as more fully set forth in said orders of the Commission; and

The registrant on December 5, 1939, having filed with the Commission a petition admitting certain of the transactions alleged in said orders of the Commission, but denying that said transactions were effected in bad faith or with knowledge that they were in violation of said Acts; and

The registrant on December 5, 1939, having filed with the Commission written notice of withdrawal from registration as an over-the-counter broker and dealer, said notice providing in part as follows:

"(1) That this withdrawal shall not take effect until February 10, 1940; during the intervening period it is my understanding that I may engage in the orderly processes of liquidating by business, during which time, as expressed above, I expect to protect the individuals and concerns who have dealt with me to the fullest extent possible, but during which intervening period I shall not engage as a broker or dealer in any new underwriting.

"(2) That I shall not subsequent to February 10, 1940, and during the period of time not registered as a broker and dealer with the Securities and Exchange Commission, be a partner, officer, director or branch manager of any broker or dealer, or shall I directly or indirectly control any broker or dealer."

The Commission having duly considered the matter and being fully advised in the premises and deeming it necessary and appropriate in the public interest and for the protection of investors to permit said withdrawal from registration, subject to the terms and conditions therein set forth;

*It is ordered*, That the withdrawal from registration as an over-the-counter broker and dealer under Section 15 (b) of the Securities Exchange Act of 1934, as amended, by Edgar Spain Grant, doing business as Grant and Company, shall become effective on February 10, 1940, subject to the terms and conditions set forth in said notice;

*It is further ordered*, That the proceedings instituted by the order of the Commission dated October 14, 1939, as amended and supplemented by the orders of October 25, 1939, and December 2, 1939, be and the same are hereby terminated; and

*It is further ordered*, That a copy of this order be served on said Edgar Spain Grant, doing business as Grant and Company, personally or by the registered mail not less than seven (7) days from the date hereof and that this order be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4570; Filed, December 8, 1939; 12:21 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December 1939.

[File No. 1-1485]

IN THE MATTER OF CHAMPION SHOE MACHINERY COMPANY—7% CUMULATIVE FIRST PREFERRED STOCK, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The St. Louis Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% Cumulative First Preferred Stock, $100 Par Value, of Champion Shoe Machinery Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Friday, January 5, 1940, at the office of the Securities & Exchange Commission, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4571; Filed, December 8, 1939; 12:21 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of December 1939.

IN THE MATTER OF CHICAGO RIVET AND MACHINE COMPANY COMMON STOCK, $4 PAR VALUE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING TO DETERMINE WHETHER UNLISTED TRADING PRIVILEGES SHOULD BE TERMINATED ON THE NEW YORK CURB EXCHANGE

It appearing to the Commission that unlisted trading privileges have been continued on the New York Curb Exchange for the Common Stock, $4 Par Value, of Chicago Rivet and Machine Company pursuant to Clause (1) of Section 12 (f) of the Securities Exchange Act of 1934, as amended; and

It appearing that such security has been withdrawn by the issuer thereof from listing and registration on the Chicago Stock Exchange;

Pursuant to subsection (f) of Section 12 of the Securities Exchange Act of 1934, as amended, which provides in part that unlisted trading privileges continued for any security pursuant to clause (1) of said subsection (f) shall be terminated by order, after appropriate notice and opportunity for hearing, if it appears at any time that such security has been withdrawn from listing on any exchange by the issuer thereof, unless it shall be established to the satisfaction of the Commission that such delisting was not designed to evade the purposes of this title, or unless it shall appear to the Commission that, notwithstanding any such purpose of evasion, the continuation of such unlisted trading privileges is nevertheless necessary or appropriate in the public interest or for the protection of investors;

*It is ordered*, That proceedings be held to determine whether unlisted trading privileges in this security shall be terminated; and

*It is further ordered*, That a public hearing for the purpose of taking evidence be held in Room 1103, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C., on January 10, 1940 at 10 A. M., and that said hearing be continued at such other time or place as the Commission or the officer conducting such hearing may determine; that for the purpose of said hearing Charles S. Lobingier be and he is hereby designated as the officer of the Commission to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, require the production of books, papers, correspondence, memoranda, and any and all other records deemed relevant or material to the matters in issue at such hearing, and to perform all other duties in connection therewith as authorized by law.

*It is further ordered*, That this order and notice be served on the Chicago Rivet and Machine Company and the New York Curb Exchange, personally or by registered mail, not less than ten (10) days prior to the time of the hearing or, in the event of failure to serve such persons personally or by registered mail, that this order and notice be published in the FEDERAL REGISTER in the manner prescribed by the Federal Register Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4572; Filed, December 8, 1939; 12:21 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1939.

[File No. 37-29]

IN THE MATTER OF NORTHEASTERN WATER & ELECTRIC SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to Section 13 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party; a public hearing having been held with respect to the said declaration; the Commission at a regular session held at its offices in the City of Washington, D. C. on the 27th day of December, A. D. 1938 having issued its "Order Approving a Subsidiary Service Company Pursuant to Paragraph (b) of Section 13 of the Public Utility Holding Company Act of 1935," and on the 24th day of January A. D. 1939 having issued an Amended Order in the above entitled matter; a subsequent motion and petition having been duly filed with the Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 18, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 15, 1939.

The matter concerned herewith is in regard to a motion and petition for approval of a change in the method of allocating cost to associate companies.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4573; Filed, December 8, 1939; 12:22 p. m.]

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# FEDERAL REGISTER

VOLUME 4 NUMBER 239

*Washington, Tuesday, December 12, 1939*


## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B.E.P.Q. 504]

CONDITIONS GOVERNING ENTRY OF CIPOLLINI FROM MOROCCO

DECEMBER 7, 1939.

§ 319.56–2f *Administrative instructions; conditions governing the entry of cipollini from Morocco.* Shipments of cipollini (*Muscari comosum*) from Morocco have frequently been found infested at time of entry with an injurious insect, *Exosoma lusitanica*, not known to occur in the United States. The limited type of inspection at our disposal is not considered adequate to detect all cases of infestation and, since the effectiveness of methyl bromide fumigation in freeing this product from the insect in question is now well established, it has been decided to require this fumigation as a condition of entry for future shipments.

On and after December 7, 1939, therefore, fumigation with methyl bromide will be a condition of entry for all shipments of cipollini from Morocco. This treatment shall be carried out under the supervision of a plant quarantine inspector at the expense of the importer, and release of the shipment will be withheld until the treatment has been completed. In addition to fumigation only such inspection will be given as the inspector may judge necessary from time to time to determine pest conditions on arrival or to assure himself of the effectiveness of the treatment.

The entry of cipollini from Morocco may be made only through the ports of New York and Boston at which ports facilities for vacuum fumigation with methyl bromide, as herein required, are available.

(Issued under Sec. 319.56–2) [B.E.P.Q. 504, December 7, 1939]

[SEAL] LEE A. STRONG,
*Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 39–4584; Filed, December 9, 1939; 12:02 p. m.]

### CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Cotton 407]

PART 722—REGULATIONS PERTAINING TO COTTON MARKETING QUOTAS FOR THE 1940–1941 MARKETING YEAR

DECEMBER 9, 1939.

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938; 52 Stat. 31, 38; 7 U.S.C. 1301 et seq.), as amended, I do make, prescribe, publish, and give public notice of the following regulations governing cotton marketing quotas for the 1940–1941 marketing year, to be in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.[1]

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[1] Unless otherwise indicated, all references in the text to sections relate to these regulations. All section references at the end of paragraphs are to sections of said Act, as amended.

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MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 722.211 *Issuance of forms and instructions and definitions*—(a) *Issuance of forms and instructions.* The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions (as parts of the general series referred to in Sec. 722.218) and such forms as may be required to carry out these regulations. Copies of such forms and necessary instructions shall be furnished free to persons needing them upon request made to the office of the appropriate county committee.

(b) *Definitions.* As used in these regulations and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(1) *Act.* The Agricultural Adjustment Act of 1938 and any amendments thereto.

(2) *Secretary of Agriculture.* The Secretary of Agriculture of the United States.

(3) *Administrator.* The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture.

(4) *Regional director.* The director of the division of the Agricultural Adjustment Administration in charge of the administration of Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended (hereinafter referred to as the Soil Conservation and Domestic Allotment Act), in the region.

(5) *Southern region.* The area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(6) *East Central region.* The area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(7) *Western region.* The area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(8) *North Central region.* The area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(9) *State committee.* The group of persons designated within any State to assist in the administration of the Soil Conservation and Domestic Allotment Act.

(10) *Committee.* A committee within a county or community utilized under the Soil Conservation and Domestic Allotment Act. "County committee," "community committee," or "local committee" shall have corresponding meanings in the connection in which they are used.

(11) *Review committee.* The review committee appointed by the Secretary of Agriculture as provided in Section 363 of the Act.

(12) *Person.* An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or any agency of a State. The term "person" shall include two or more persons having a joint or common interest.

(13) *Owner or landlord.* A person who owns farm land and rents such land to another person or who operates such land.

(14) *Cash tenant or standing-rent tenant or fixed-rent tenant.* A person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(15) *Share tenant.* A person other a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(16) *Sharecropper.* A person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

(17) *Operator.* A person who as a landlord or cash tenant or standing or fixed-rent tenant is operating a farm or who as a share tenant is operating a whole farm.

(18) *Producer or farmer.* A person who is entitled to a proportionate share of the cotton crop, or the proceeds thereof, produced on the farm in 1940, as owner, landlord, cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper. The term "producer" or "farmer" also includes a wage hand (or cropper) who as a laborer on a farm instead of receiving daily or other cash wages for his labor receives either all the cotton produced by him or another on an agreed or specified acreage or all the cotton produced on an agreed or specified portion of the acreage cultivated by him or another.

(19) *Buyer.* A person who buys cotton from a producer.

(20) *Transferee.* A person who receives cotton from a producer by barter or exchange.

(21) *Ginner.* A person who gins cotton.

(22) *Treasurer of the County Committee.* The treasurer of the county agricultural conservation association or the treasurer of the county committee, as the case may be.

(23) *Farm.* All adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(ii) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(24) *Farm marketing quota.* A cotton marketing quota established for a farm under Section 346 (a) of the Act.

(25) *Producer marketing quota.* A producer's share of a farm marketing quota.

(26) *Farm acreage allotment.* A cotton acreage allotment established for a farm under Sec. 722.215 or 722.216.

(27) *Normal yield.* The number of pounds of lint cotton established as the normal yield per acre for the farm in accordance with Sec. 722.217.

(28) *Actual production of any number of acres.* The actual average yield of lint cotton for the farm for 1940 times such number of acres.

(29) *Normal production of any number of acres.* The normal yield per acre of lint cotton for the farm times such number of acres.

(30) *Cotton.* Any cotton other than long staple cotton.

(31) *Long staple cotton.* Cotton the staple of which is 1⅛ inches or more in length.

(32) *Lint cotton.* The fiber taken from seed cotton by ginning.



(33) *Seed cotton.* The harvested fruit of the cotton plant before it is ginned.

(34) *Ginning.* Separating lint cotton from the seed.

(35) *Market.* To dispose of by sale, barter, or exchange.

(i) The term "sale" means any transfer of title to cotton by a producer to another by any means other than barter or exchange.

(ii) The terms "barter" and "exchange" mean transfer of title to cotton by a producer to another in return for cotton or other commodities, services, or property in cases where the value of the cotton or such other commodities, services, or property is not considered in terms of money, or the transfer of title to cotton by a producer to another in payment of a fixed rental or other charge for land.

(iii) "Marketed," "marketing," and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used.

(36) *Marketing year.* The period beginning on August 1, 1940, and ending with July 31, 1941, both dates inclusive.

(37) *Penalty.* The penalty provided in Section 348 of the Act.

(38) *State and county code number.* The applicable number assigned by the Agricultural Adjustment Administration to each county for the purpose of identification.

(39) *Serial number of the farm or farm serial number.* The serial number assigned to a farm.

(40) *Gin bale number or mark.* The number on the bale tag or any other mark made or used by the ginner to identify a bale of cotton.

(41) *Underplanted farm.* A farm on which the acreage planted to cotton in 1940 is not in excess of the farm acreage allotment established therefor.

(42) *Overplanted farm.* A farm on which the acreage planted to cotton in 1940 is in excess of the farm acreage allotment established therefor.

(43) *Carry-over penalty cotton.* The amount of cotton from any previous crop which a producer has on hand which, if marketed during the 1939–1940 marketing year, would have been subject to the penalty.

(44) *Carry-over penalty free cotton.* The amount of cotton from any previous crop which a producer has on hand which, if marketed during the 1939–1940 marketing year, would not have been subject to the penalty. [Sec. 375, 52 Stat. 66]

ALLOTMENTS AND YIELDS

§ 722.212 *National baleage allotment.* The national allotment of cotton for the calendar year beginning January 1, 1940, is 10,000,000 standard bales of 500 pounds gross weight, increased by that number of standard bales of 500 pounds gross weight equal to the production in 1940 of that number of acres required to be allotted for 1940 as set forth in Sec. 722.213 (c), relating to minimum State acreage allotments, and in Sec. 722.214 (b), relating to minimum county acreage allotments. The production in 1940 of the acreage allotment referred to in Sec. 722.213 (e), relating to a special fund of acreage allotments consisting of four percent of the State acreage allotment, and in Sec. 722.213 (f), relating to minimum farm acreage allotments, shall be in addition to such national allotment. [Sec. 343 (a), (b), and (c), 52 Stat. 56, as amended by 53 Stat. 1125]

§ 722.213 *State baleage allotments and State acreage allotments*—(a) *State baleage allotment.* Ten million standard bales of the national baleage allotment of cotton for the calendar year 1940 shall be apportioned among the several States on the basis of the average of the normal production of cotton in each State for the five years 1934 to 1938. The normal production of a State for each such year shall be (1) the quantity of cotton produced therein in such year plus (2) the normal production of the acres diverted from the production of cotton in all counties in the State under the agricultural adjustment or conservation program in such year. The normal production of the acres diverted from the production of cotton in any county in any year shall be the average yield per acre of the acres planted to cotton in such county in such year times the number of acres so diverted in such county in such year. [Sec. 344 (a)]

(b) *State acreage allotment.* A State acreage allotment shall be established for each State to which an allotment is made under paragraph (a). The State acreage allotment shall be that number of acres equal to the result obtained by dividing the number of standard bales allotted to the State under paragraph (a) by the average yield per acre for the State expressed in standard bales. The average yield per acre for any State shall be determined on the basis of the average of the normal production for the State for the five years 1934 to 1938 and the average, for the same period, of the acres diverted from the production of cotton in the State under the agricultural adjustment or conservation programs and the acres planted to cotton. [Sec. 344 (b)]

(c) *Minimum State acreage allotment.* Notwithstanding the foregoing provisions of this section, the State acreage allotment for any State which is less than 5,000 acres shall be increased to 5,000 acres if at least 3,500 bales of cotton were produced in such State in any of the five years 1935 to 1939. [Sec. 344 (e) (2)]

(d) *State acreage reserve for new farms.* An acreage not greater than two percent of the State acreage allotment shall be made available for apportionment to farms in the State on which

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(d) Adjustments in appraised yields.
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MISCELLANEOUS PROVISIONS AND DEFINITIONS

§ 722.211 *Issuance of forms and instructions and definitions*—(a) *Issuance of forms and instructions.* The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions (as parts of the general series referred to in Sec. 722.218) and such forms as may be required to carry out these regulations. Copies of such forms and necessary instructions shall be furnished free to persons needing them upon request made to the office of the appropriate county committee.

(b) *Definitions.* As used in these regulations and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(1) *Act.* The Agricultural Adjustment Act of 1938 and any amendments thereto.

(2) *Secretary of Agriculture.* The Secretary of Agriculture of the United States.

(3) *United States.* The United States of America, including the District of Columbia, but excluding the Territories, dependencies, and possessions thereof.

(4) *State.* Any State, Territory, or dependency or possession of the United States, including the District of Columbia.

(5) *South region.* The area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(6) *East Central region.* The area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(7) *Western region.* The area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(8) *North Central region.* The area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(9) *State committee.* The group of persons designated within any State to assist in the administration of the Soil Conservation and Domestic Allotment Act.

(10) *Committee.* A committee within a county or community utilized under the Soil Conservation and Domestic Allotment Act. "County committee," "community committee," or "local committee" shall have corresponding meanings in the connection in which they are used.

(11) *Review committee.* The review committee appointed by the Secretary of Agriculture as provided in Section 363 of the Act.

(12) *Person.* An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or any agency of a State. The term "person" shall include two or more persons having a joint or common interest.

(13) *Owner or landlord.* A person who owns farm land and rents such land to another person or who operates such land.

(14) *Cash tenant or standing-rent tenant or fixed-rent tenant.* A person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(15) *Share tenant.* A person other a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(16) *Sharecropper.* A person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the

cotton was not planted in any one of the three years 1937, 1938, and 1939. [Sec. 344 (c) (2)]

(e) *Special State acreage allotment of four percent of State acreage allotment.* In addition to the State acreage allotment, a special State acreage allotment (hereinafter referred to as the "four percent State reserve") equal to four percent of the State acreage allotment shall be established for each State or apportionment as set forth in Sec. 722.215 (b), (e), and (f). [Sec. 344 (g)]

(f) *Increases to provide for minimum farm acreage allotments.* There shall be available in each State for allotment to farms that number of acres equal to the total amount by which farm acreage allotments in the State are increased as set forth in Sec. 722.215 (h), relating to certain minimum and maximum farm acreage allotments. This increase shall be in addition to the State acreage allotment and the four percent State reserve. [Sec. 344 (h)] (Sec. 344, 52 Stat. 57, 203, 586, and 53 Stat. 512, 853)

§ 722.214. *County acreage allotments*—(a) *Regular county acreage allotments.* The State acreage allotment (less that part set aside under Sec. 722.213 (d) for apportionment to new farms) shall be apportioned among the counties in the State on the basis of the sum of (1) the acreage therein planted to cotton during the five years 1934 to 1938 and (2), in the applicable years, the acreage therein diverted from the production of cotton under agricultural adjustment and conservation programs, with adjustments for abnormal weather conditions and trends in acreage during such five-year period. The acreage allotment for each county to which an allotment is so apportioned shall be increased by the number of acres, if any, required to provide an acreage allotment for each such county of not less than 60 percent of the sum of (1) the acreage therein planted to cotton in 1937 and (2) the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program. [Sec. 344 (c) (1), Sec. 344 (e) (1)]

(b) *Administrative areas.* If in any county there are one or more areas which, because of difference in types, kinds, and productivity of the soil or other conditions, should be treated separately in order to prevent discrimination, each such area shall, in accordance with applicable instructions, be designated by the county committee, and the county acreage allotment shall be apportioned among such areas (1) on the basis of the acreage in each such area planted to cotton in 1937 plus the acreage therein diverted from the production of cotton in 1937 under the agricultural conservation program or (2), if conditions affecting the acreage planted to cotton were not reasonably uniform throughout the county in 1937, on the basis of the cotton base acreage in each such area which was or could have been established in 1937 under the agricultural conservation program. [Sec. 344 (f)] (Sec. 344, 52 Stat. 57, 203, 586)

§ 722.215 *Apportionment of acreage allotments among established farms*—(a) *Acreage available for allotment.* The county committee, with the assistance of other local committees established in the county, shall apportion, in the manner set forth in this section, acreage allotments among all farms in the county on which cotton was planted in any one of the three years 1937 to 1939. The acreage allotments to be apportioned among such farms shall consist of (1) the regular county acreage allotment, consisting of an apportionment of the State acreage allotment made to the county, with such increase in the county acreage allotment as is necessary to provide for the county a minimum acreage allotment of not less than 60 percent of the planted plus diverted cotton acreage in the county in 1937, and (2) a distributive part, applicable to the county, of the four percent State reserve. This distributive part shall be the sum of the acreage allotted to farms in the county, insofar as the amount of the four percent State reserve will permit, under the following conditions in the order listed: (a) in supplying any deficiency in the regular county acreage allotment for the making of initial acreage allotments not exceeding five acres for each such farm; (b) in supplementing any acreage allotment made to any farm out of the regular county acreage allotment which, in consequence of the making of such initial acreage allotments, is inadequate and unrepresentative, and (c) in supplementing any acreage allotment made to any farm under this section which the county committee determines, in accordance with applicable instructions, is inadequate and unrepresentative. The committee shall not establish any farm acreage allotment which is not covered by the allotments mentioned above, except that after but not before the apportionment among farms of all the allotments mentioned above in this paragraph an additional farm acreage allotment shall be made, as set forth in paragraph (h), to any farm in respect to which the acreage allotment otherwise made is less than the minimum acreage allotment set forth in paragraph (h). The term "planted plus diverted cotton acreage," as used in this section, shall be taken to mean the sum of the acreage planted in cotton and the acreage diverted from cotton production under agricultural adjustment or conservation programs. [Sec. 344 (d), (e), (f), (g), (h)]

(b) *Initial farm acreage allotments.* The regular county acreage allotment shall be first apportioned among farms on which cotton was planted in any one of the three years 1937 to 1939, and in making such apportionment there shall be first established for each such farm an initial acreage allotment equal to the highest planted plus diverted cotton acreage on the farm in any one of the three years 1937 to 1939, provided that no initial allotment shall exceed five acres for any such farm. These allotments shall be known as initial allotments and are referred to accordingly in this section. Any deficiency in the amount of the regular county acreage allotment for the making of such initial allotments shall be supplied by the use of the four percent State reserve insofar as such reserve will permit for the county. [Sec. 344 (d) (1), Sec. 344 (g) (1)]

(c) *Reserve for small farms.* In the event that the regular county acreage allotment is more than sufficient to make the initial allotments, there shall be set aside for increase of allotments to small farms, as set forth in paragraph (g), an amount of not more than three percent of that amount of the regular county acreage allotment which remains after making the initial allotments. [Sec. 344 (d) (2)]

(d) *Apportionment on the basis of tilled land.* The remainder of the regular county acreage allotment shall be apportioned among all farms on which the highest planted plus diverted cotton acreage in any one of the three years 1937 to 1939 was more than five acres. The acreage thus to be apportioned to each such farm shall, together with the initial allotment made to the farm, be a percentage (which shall be the same percentage for all farms in the county or administrative area within the county) of the acreage on the farm in 1939 which was tilled or was in regular rotation, excluding therefrom the acreage devoted to the production of sugarcane for sugar, wheat, tobacco, or rice for market, or of wheat or rice for feeding to livestock for market. [Sec. 344 (d) (3)]

(e) *Increases as a result of making initial farm acreage allotments.* If, as a result of the making of initial allotments, the farm acreage allotments for farms made in accordance with paragraph (d) are substantially smaller than the farm acreage allotments which would have been made without regard to any provision for the making of initial allotments, the farm acreage allotments to such farms shall be increased to the acreage which would have resulted in the absence of any provision for the making of initial allotments, insofar as the remainder, if any, of the four percent State reserve will permit for the county after the making of initial allotments. [Sec. 344 (g) (2)]

(f) *Increases in view of past production.* After allotments have been made from the four percent State reserve as provided in paragraphs (b) and (e), one-half of the remainder, if any, of such reserve shall be apportioned to farms for which the acreage allotment otherwise determined is less than 50 percent of the planted plus diverted cotton acreage on the farm in 1937, and the other one-half of the remainder, if any, of such reserve shall be available for increasing the allotments for any farms which are determined, in accordance with applicable instructions, to be inadequate and not representative in view of past production on the farm: *Provided,* That the cotton acreage allotment for any farm shall not be increased under this paragraph (f) above 40 percent of the acreage on such farm in 1939 which was tilled or was in regular rotation. [Sec. 344 (g) (3)]

(g) *Distribution of reserve for small farms.* Any farm acreage allotment made as aforesaid of more than five acres, but not exceeding 15 acres, may be increased from the reserve of not more than three percent of the county acreage allotment mentioned in paragraph (c). In making such increase due consideration shall be given to, and such allotments shall be made on the basis of, the land, labor, and equipment available for the production of cotton, crop-rotation practices and the soil and other physical facilities affecting the production of cotton. [Sec. 344 (d) (2)]

(h) *Certain minimum and maximum farm acreage allotments.* Notwithstanding the foregoing provisions of this section, (1) the farm acreage allotment made to any farm shall not exceed the highest planted plus diverted cotton acreage in any one of the three years 1937 to 1939, and (2) any farm acreage allotment which after but not before the apportionment of all acreage allotments, as provided in the foregoing paragraphs of this section, is less than 50 percent of the planted plus diverted cotton acreage on the farm in 1937 shall be increased to such amount, provided that such increase shall not be so made as to raise the farm acreage allotment above 40 percent of the acreage on the farm which in 1939 was tilled or was in regular rotation. The acreage allotments required to effect this minimum provision shall be in addition to all acreage allotments represented by the regular county acreage allotment and by the four percent State reserve. [Sec. 344 (d) (3), (g), and (h)]

(i) *Reapportionment of unused farm acreage allotment.*—After making the allotments under this section, any part of the acreage allotted to individual farms which it is determined, in accordance with applicable instructions, will not be planted to cotton in 1940 shall be deducted from the allotments to such farms and may be apportioned in accordance with applicable instructions, preference being given to farms in the same county receiving allotments which are inadequate and not representative in view of the past production of cotton on each farm. Notwithstanding the foregoing provisions of this paragraph, the acreage shall be apportioned to those farms designated by the county committee. In designating the farm to which the apportionment is to be made, the county committee shall consider only the character and adaptability of the soil and other physical facilities affecting the production of cotton and the need of the operator of such farm for an additional allotment to meet the requirement of the families engaged in the production of cotton in 1940 on the farm. Any transfer of allotments for 1940 as set forth in this paragraph shall not affect apportionment for any subsequent year. [Sec. 344 (h)] (Sec. 344, 52 Stat. 57, 203, 586, and 53 Stat. 512, 853)

§ 722.216 *Apportionment of acreage allotments among new farms.* The county committee, with the assistance of other local committees, shall, in accordance with applicable instructions, apportion among farms on which cotton was not planted in any one of the three years 1937 to 1939 and on which cotton will be planted in 1940 the distributive part, applicable to the county, of acreage allotments which constitute a reserve of not more than two percent of the State acreage allotment. The basis of the apportionment shall be the land, labor, and equipment available on the farm for the production of cotton, crop-rotation practices, and the soil and other physical facilities affecting the production of cotton thereon. The acreage on the farm which will be tilled in 1940 or was tilled in 1939 shall, as a reflection of said factors, be regarded as the basic index of the farm's capacity for cotton production. [Sec. 344 (c) (2), 52 Stat. 57]

§ 722.217 *Normal yields*—(a) *Farms for which normal yields will be established.* The county committee, with the assistance of the other local committees established in the county, shall determine the normal yield per acre of lint cotton for each farm for which a farm acreage allotment is established.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield of lint cotton per acre for all of the five years 1935 to 1939 are presented by the farmer or are available to the committee, the normal yield per acre of lint cotton for the farm shall be the average of such yields, adjusted, in accordance with applicable instructions, for abnormal weather conditions.

(c) *Appraised yields.* If for any year of the five-year period 1935 to 1939 (1) records of the actual average yield are not available, or (2) there was no actual yield because cotton was not planted in such year, the normal yield per acre of lint cotton for the farm shall be appraised by the county committee, taking into consideration the normal yield for the county, the yield in the years for which data are available, and the rainfall, temperature, and other weather conditions during the years for which data are available as compared with those for which data are not available, provided the appraised yield so obtained shall be adjusted in accordance with paragraph (d).

(d) *Adjustments in appraised yields.* The yields determined under paragraph (c) shall be adjusted so that the average of the normal yields per acre of lint cotton determined for all farms in the county or local administrative area therein (weighted by the cotton acreage allotments established for such farms) shall conform to but not exceed the county or administrative area normal yield per acre of lint cotton established for 1940 by the Secretary of Agriculture. [Sec. 301 (b) (13) (B) and (E), 52 Stat. 38, 202]

§ 722.218 *Applicability of detailed instructions.* The provisions of Sec. 722.212 through Sec. 722.217 shall be carried out in detail in accordance with the provisions of Part I, "Determining 1940 Farm Cotton Acreage Allotments and Yields," of the following instructions applicable to the regions indicated below:

Southern Region: Cotton 408–SR, "Instructions Pertaining to Cotton Marketing Quotas for 1940."
East Central Region: Cotton 408–ECR, "Instructions Pertaining to Cotton Marketing Quotas for 1940."
Western Region: Cotton 408–WR, "Instructions Pertaining to Cotton Marketing Quotas for 1940."
North Central Region: Cotton 408–NCR, "Instructions Pertaining to Cotton Marketing Quotas for 1940." [Sec. 375, 52 Stat. 66]

Done at Washington, D. C., this 9th day of December, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–4583; Filed, December 9, 1939; 11:20 a. m.]



## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### CHAPTER II—AGRICULTURAL MARKETING SERVICE

### REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

### PART 203—AUTHORIZATION FOR INSPECTION OF LIVESTOCK [1]

*South Dakota Stock Growers Association Authorized To Conduct Brand Inspection*

By virtue of the authority vested in the Secretary of Agriculture by an Act of Congress, Public No. 159, 76th Congress, entitled "An Act making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes," approved June 30, 1939, the order of the Acting Secretary of Agriculture dated January 3, 1936, granting to the Western South Dakota Stock Growers Association authority to inspect livestock originating in and shipped to market from that part of the State described in that order for brands to determine the ownership of such livestock is hereby amended to read as follows:

§ 203.7 *South Dakota Stock Growers Association.* Upon a written request made to and filed with the Secretary of Agriculture by the South Dakota Stock Growers Association, a livestock association duly organized under the laws of the State of South Dakota, succes-

[1] Amends 9 CFR Sec. 203.7.

sor to the Western South Dakota Stock Growers Association, I, M. L. Wilson, Acting Secretary of Agriculture, do hereby authorize, with respect to livestock originating in or shipped to market from that part of the State of South Dakota:

"West of the Missouri River and that portion of the State extending eastward from the Missouri River along the southern boundary of the State of North Dakota to a line paralleling the C. M. St. P. & P. Railway, extending southward from the North Dakota line through Aberdeen, Redfield, and Mitchell, South Dakota, to the Davison County line and thence westward along the southern boundary of Davison, Aurora, and Brule Counties to the Missouri River,"

the charging and collection of a reasonable fee, to be paid by the owners of the livestock for the inspection of brands appearing upon livestock sold or offered for sale at those posted markets at which said association registers as a market agency, such inspection to be made to determine the ownership of the livestock. Such inspection and charging and collection of fees shall be subject to the provisions of the Packers and Stockyards Act and such reasonable regulations as the Secretary may from time to time prescribe. (Public 159, 76th Congress, approved June 30, 1939) [Authorization Dec. 9, 1939]

In witness whereof, the Secretary of Agriculture has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 9th day of December 1939.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-4587; Filed, December 11, 1939; 12:06 p. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER III—CLAIMS AND ACCOUNTS

### PART 37—CLAIMS ON BEHALF OF THE UNITED STATES[1]

§ 37.5 *Offer of compromise settlement.* (a) The defendant will not be invited, in the initial demand prescribed in section 37.4, to submit any offer other than in full settlement of the claim as presented.

(b) Should he admit liability but consider the demand excessive as to amount or beyond his ability to liquidate within a reasonable time, or should he disclaim liability but evidence a willingness to liquidate the account if reduced in amount, he may be invited to offer a compromise settlement.

(c) In such cases, if compromise be offered, the defendant will be advised that the offer must be accompanied by a certified check payable to the Treasurer of the United States in the amount of such offer in order that it may receive consideration under the law.

(d) The defendant will also be informed that if his offer is accepted by the Secretary of the Treasury under the provisions of section 3469 of the Revised Statutes his liability to the Government in respect to the matter for which such offer is made will be terminated, and that if his offer is not accepted the amount of his check will be promptly returned to him by the Treasury Department. (R. S. 161; 5 U.S.C. 22) [Par. 5, A.R. 35-7220, March 10, 1936, as amended by C 1, Nov. 30, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-4577; Filed, December 9, 1939; 9:47 a. m.]

[1] These regulations amend Title 10, Chapter III, Part 37, Code of Federal Regulations.

## TITLE 19—CUSTOMS DUTIES

### CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50029]

### TERRITORY UNDER THE DE FACTO ADMINISTRATIVE CONTROL OF GERMANY

### TERRITORIES WHOSE PRODUCTS ARE NOT ENTITLED TO REDUCED RATES OF DUTY ESTABLISHED PURSUANT TO TRADE AGREEMENTS. MARKING OF CERTAIN PRODUCTS

DECEMBER 11, 1939.

*To Collectors of Customs and Others Concerned:*

Reference is made to the letter addressed by the President to the Secretary of the Treasury on November 16, 1939,[1] and published in T. D. 50015, regarding the generalization of the rates of duty established pursuant to the Venezuelan and other trade agreements, with particular reference to the application of such rates to the products of Germany and territories under its *de facto* administrative control.

The Secretary of the Treasury has been advised by the Secretary of State, under date of December 1, 1939, with reference to the territories now under the *de facto* administrative control of Germany as follows:

On April 5, 1938 this Department notified you that for all practical purposes the disappearance of the Republic of Austria as an independent state and its incorporation in the territory of the German Government must be accepted as a fact.

The State Department accepts as a fact the transfer to Germany of the Sudeten areas referred to in its letter to you on November 9, 1938.

On March 24, 1939 this Department advised you that it had been informed by the Lithuanian Minister that his Government had formally ceded the territory of Memel to Germany and that the State Department accepts such transfer as a fact.

In the President's letter of April 5, 1939[2] to you regarding the generalization of trade agreement rates in connection with the proclamation of the trade agreement with Turkey the Provinces of Bohemia, Moravia and Slovakia in Czechoslovakia are specifically referred to as under the *de facto* administrative control of Germany and the status of these provinces remains unchanged.

In addition, this Department understands that the territory of the Republic of Poland west of a line agreed upon on September 28, 1939, between Germany and the Union of Soviet Socialist Republics is now under the *de facto* administrative control of Germany. According to information from the American Embassy at Moscow, the line as reproduced in a map accompanying the agreement of September 28, 1939, runs due west from the tip of Lithuania to the frontier of Eastern Prussia; continues along that frontier to the Pissa River, then south along that river to the town of Ostrolenka; then southeast to the River Bug, along the Bug to the town of Kristinopol; thence almost due west to the River San and along that river to its source on the Ruthenian frontier.

This Department also understands that the Free City of Danzig is now under the *de facto* administrative control of Germany.

Products of that area of the Republic of Poland now under the *de facto* administrative control of Germany and products of the Free City of Danzig, if exported from any country on or after November 16, 1939, shall be regarded as products of Germany for the purposes of the marking provisions of the Tariff Act of 1930, as amended by the Customs Administrative Act of 1938, and for determining applicable rates of duty.

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

[F. R. Doc. 39-4598; Filed, December 11, 1939; 12:46 p. m.]

[1] 4 F. R. 4619 DI.

[2] 4 F.R. 1577 DI.

## TITLE 30—MINERAL RESOURCES

### BITUMINOUS COAL DIVISION

[Order No. 288]

### AN ORDER REQUIRING CODE MEMBERS TO REPORT TO THE DIVISION, THE DISTRICT BOARDS AND THE STATISTICAL BUREAUS CHANGES IN NAME OF PRODUCER, IN OWNERSHIP, OPERATION, MANAGEMENT OR CONTROL OF THE MINE, IN METHODS OF MINING OR PREPARATION OF COALS, AND OTHER INFORMATION

Pursuant to the Bituminous Coal Act of 1937, it is hereby ordered that:

1. Each Code member shall report any change in the name under which any of his mines are operated, and any change in the ownership, operation, management or control of any of his mines, within ten days after any such change occurs.

2. Each Code member who is producing or who contemplates producing coal from a mine for which no price classifications and minimum prices have been proposed or established shall immediately report such fact.

3. Each Code member shall report any change in the method of mining or preparation of coals, or other conditions effecting a material change in the sizes, analyses, or other characteristics of the coal produced by such Code member. Such report shall be made within ten days after the occurrence of such change and shall include a statement as to the effect of such change on the sizes, analyses and market qualities of the coals of such Code member.

4. The reports required under paragraphs 1, 2, and 3 of this Order shall be filed with the Director of the Division within the prescribed period, and copies thereof shall be mailed to the District Board and the Statistical Bureau for the District in which the mines in question are located.

5. Each Code member who has not heretofore executed and filed for each mine operated by him the form entitled "Questionnaire as to Analysis, Methods of Mining, Preparation of Coals, and Other Information", pursuant to Order No. 234[1] of the National Bituminous Coal Commission dated March 16, 1938, should execute and file such form with the Division for each mine operated by him. Copies of such form may be obtained from the Office of the District Board, any Statistical Bureau of the Division, or by addressing a request therefor to the Director of the Bituminous Coal Division, Washington, D. C. Such form shall be executed in duplicate; one copy thereof shall be filed with the Director, and one copy with the District Board for the district in which the mine in question is located.

6. Order No. 241,[2] dated May 6, 1938, and paragraph 4 of Order No. 234, dated March 16, 1938, are hereby rescinded.

Dated, December 8, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4586; Filed, December 11, 1939; 11:56 a. m.]

[1] 3 F.R. 696 DI.

[2] 3 F.R. 1077 DI.

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### WAR DEPARTMENT

### CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

### PART 202—ANCHORAGE REGULATIONS[1]

§ 202.40 *Hampton Roads and the harbors of Norfolk and Newport News, Virginia.*

*The Anchorage Grounds*

(a) * * *

(13-1) *Anchorage J-1, Willoughby Bay—(For small boats.)* To the westward of a line bearing 223° from the channelward end of the westerly fender of the Chesapeake Ferry Company terminal at Willoughby Spit to the clock tower on the Officers' Club at the Naval Operating Base; and to the northward of a line bearing 138° through Willoughby Spit Light to the intersection with the line first described.

(13-2) *Anchorage J-2, Willoughby Bay—(For small boats.)* To the eastward of a line bearing 169° from the southeasterly corner of the bulkhead of the Chesapeake Ferry Company terminal at Willoughby Spit to the northeasterly corner of the bulkhead at the Naval Air Station; to the northward of a line bearing 103° from Willoughby Spit Light through a spherical mooring buoy maintained by the Navy Department, and a triangular range target maintained by the War Department; to the southward of a line bearing 59° from the northeast corner of the bulkhead at the Naval Air Station to the intersection with the line last described; and to the eastward of a line bearing 330° from the point immediately east of the mouth of Mason Creek to the intersection with the line last described.

NOTE: Where special conditions justify, boats will be permitted to anchor channelward of the limits of Anchorage J-2, subject to written authority of the District Engineer in charge of the locality.

(Sec. 7, River and Harbor Act, March 4, 1915, 38 Stat. 1053; 33 U.S.C. 471) [Regs. Nov. 22, 1939 (E.D. 7175 (Willoughby Bay, Va.) 1/8)]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-4576; Filed, December 9, 1939; 9:47 a. m.]

### CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

### PART 207—NAVIGATION REGULATIONS[1]

§ 207.300 *Ohio River, Mississippi River above Cairo, Ill., and their tributaries; use, administration, and navigation.*

* * * * * *

(b) *Precedence at locks.* Ordinarily the vessel arriving first at a lock shall be first locked through; but precedence shall be given to vessels belonging to the United States and to vessels carrying the mails, in the order named. Passenger boats shall have precedence over tows and like craft. When two or more vessels of the same class arrive at a lock from the same direction at the same time, the vessel landward on the lock side of the river shall have precedence, and the riverward vessel shall stop and give way to the landward vessel on the lock side. When two vessels of the same class arrive at a lock from opposite directions at the same time, the vessel headed downstream, or with the flow of the current, shall ordinarily have precedence. In cases where no current draw exists riverward from the lock, the vessel headed upstream may be given precedence. Where several vessels of the same class are awaiting lockage from opposite directions, lockages shall be made alternately, if practicable, rather than in the order of time of arrival. Arrival posts or markers may be established ashore above or below the locks. Vessels arriving at or opposite such posts or markers, will be considered as having arrived at the locks within the meaning of this paragraph. Irrespective of any other provisions of this paragraph, the precedence at locks is to be as directed by the lock master, who may prescribe any departure from such provisions as in his judgment the circumstances warrant.

* * * * * *

(Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. Nov. 21, 1939 (E.D. 6311 (Ohio R.—Trib.) 11/2)]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-4575; Filed, December 9, 1939; 9:47 a. m.]

[1] These regulations are supplementary to Section 202.40, Title 33, Code of Federal Regulations.

[1] These regulations amend paragraph (b), Section 207.300, Chapter II, Title 33, Code of Federal Regulations.

## TITLE 46—SHIPPING

### CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 8]

### SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

Section 1.1—*Customs ports authorized to issue marine documents*[1] is hereby amended to read as follows:

ATLANTIC AND GULF COASTS

*Maine and New Hampshire* (1). Eastport, Calais, Jonesport, Bar Harbor, Bangor, Belfast, Rockland, Bath, *Portland, Portsmouth.

*Massachusetts* (4). Gloucester, Salem, *Boston, Provincetown, New Bedford, Fall River.

*Rhode Island* (5). *Providence, Newport.

*Connecticut* (6). New London, Hartford, New Haven, *Bridgeport.

*New York* (10). *New York, Albany, Newark, Perth Amboy.

*Philadelphia* (11). *Philadelphia, Wilmington.

*Maryland* (13). *Baltimore, Annapolis, Crisfield, Cambridge, Washington.

*Virginia* (14). Alexandria, Reedville, *Newport News, *Norfolk, Cape Charles.

*North Carolina* (15). Elizabeth City, Washington (See text below), Beaufort, *Wilmington.

*South Carolina* (16). Georgetown, *Charleston.

*Georgia* (17). *Savannah, Brunswick.

[1] 4 F.R. 4050 DI.

*Florida* (18). Fernandina, Jacksonville, St. Augustine, Miami, Key West, *Tampa, Apalachicola, Pensacola.
*Mobile* (19). *Mobile, Biloxi, Gulfport, (see also Rivers).
*New Orleans* (20). New Orleans (see also Rivers).
*Sabine* (21). *Port Arthur, Beaumont, Lake Charles, La.
*Galveston* (22). *Galveston, Houston, Corpus Christi.
*Puerto Rico* (49). *San Juan.
*Virgin Islands.* *St. Thomas.

WESTERN RIVERS

*New Orleans* (20). New Orleans, Baton Rouge (see also Gulf).
*Tennessee* (43). *Memphis, Nashville, Chattanooga.
*Mobile* (19). *Mobile (see also Gulf).
*Kentucky* (42). *Louisville.
*St. Louis* (45). *St. Louis, Kansas City.
*Omaha* (46). *Omaha.
*Dakota* (34). *Pembina.
*Montana and Idaho* (33). *Great Falls.
*Minnesota* (35). *Minneapolis.
*Duluth and Superior* (36). *Duluth (see also Lakes).
*Wisconsin* (37). *Milwaukee (see also Lakes).
*Chicago* (39). *Chicago, Peoria (see also Lakes).
*Indiana* (40). *Indianapolis, Evansville.
*Ohio* (41). Cincinnati (see also Lakes).
*Pittsburgh* (12). *Pittsburgh.

NORTHERN LAKES

*Vermont* (2). *St. Albans, Burlington.
*St. Lawrence* (7). Rouses Point, *Ogdensburg, Cape Vincent.
*Rochester* (8). Oswego, *Rochester.
*Buffalo* (9). *Buffalo.
*Ohio* (41). Erie, *Cleveland, Sandusky, Toledo (see also Rivers).
*Michigan* (38). *Detroit, Port Huron, Sault St. Marie, Grand Haven.
*Chicago* (39). *Chicago (see also Rivers).
*Wisconsin* (37). *Milwaukee (see also Rivers).
*Duluth and Superior* (36). *Duluth (see also Rivers).

PACIFIC COAST

*San Diego* (25). *San Diego.
*Los Angeles* (27). *Los Angeles, Port San Luis.
*San Francisco* (28). *San Francisco-Oakland, Eureka.
*Oregon* (29). Marshfield, Astoria, *Portland.
*Washington* (30). Tacoma, *Seattle, Bellingham, Port Townsend, Port Angeles, Aberdeen.
*Alaska* (31). Ketchikan, Hyder, Wrangell, Petersburg, Eagle, *Juneau, Sitka, Skagway, Cordova, Fairbanks.
*Hawaii* (32). *Honolulu.

The grand divisions are printed in capitals, the district names in italics, with the numbers enclosed in parentheses, and the ports in roman with asterisks (*) to indicate the headquarters ports. Marine documents are not issued at the headquarters ports of Indianapolis and St. Albans, nor in the districts of Laredo (23), El Paso (24), Arizona (26), Colorado (47), and Utah and Nevada (48).

Marine documents may be issued at the port of Washington, N. C. Washington is a customs station, but not a port of entry.

A duplicate of each marine document issued to a vessel, together with the surrendered original, if there is one, should be sent to the headquarters port for review. All duplicates, surrendered originals, and copies of lost originals must be forwarded from the headquarters port to the Director of the Bureau of Marine Inspection and Navigation at the end of each day.

A license may be renewed by endorsement by the collector at the headquarters port or by any deputy collector within that particular district, but a notice of such renewal, Cat. No. 1302, must be sent to the port at which the license was issued, to the port of last previous renewal, and to the home port.

Additional ports will be designated as ports of documentation when this action is required by the exigencies of the service.

This amendment shall become effective on December 22, 1939.

[Section 161 R. S. (5 U.S.C. 22); Sections 2 and 3 of the Act of July 5, 1884 (23 Stat. 118) (46 U.S.C. 2 and 3)]

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

DECEMBER 9, 1939.

[F. R. Doc. 39-4585; Filed, December 11, 1939; 11:15 a. m.]

## *Notices*

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. 29-FD]

IN THE MATTER OF THE APPLICATION OF THE PITTSBURGH STEEL COMPANY FOR RENEWAL OF ORDER GRANTING EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Pittsburgh Steel Company, Applicant herein, having on June 10, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it in its manufacture of coke; and

The Commission having, on August 31, 1938, entered an order [1] pursuant to such application, in Docket No. 29-FD, ordering that the provisions of Section 4, II, (1) of the Bituminous Coal Act of 1937 do apply to the bituminous coal produced by the Applicant at its Thompson No. 1, Thompson No. 2 and Tower Hill No. 2 mines in Fayette County, Pennsylvania which is consumed by the Applicant in the manufacture of coke, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter, and at such other times as the Commission may require for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist;

Applicant having, on November 3, 1939, filed with the Director of the Bituminous Coal Division verified application for renewal of said order, which application contains a statement of the quantity of coal produced by the Applicant during the year preceding the filing of the application for renewal, at its mines located in Fayette County, Pennsylvania, and the portion thereof which was consumed by Applicant in its manufacture of coke, and which application also contains a statement that all of the facts set forth in the application of June 10, 1937, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order of August 31, 1938, continue to exist;

*It is ordered*, That the application filed by the Applicant for renewal of said order dated August 31, 1938, be and the same is hereby granted;

*Provided, however*, That the said order dated August 31, 1938, and the exemption granted thereby, and this renewal of said order, shall automatically terminate and expire:

1. Unless the Applicant, on or before November 7, 1940, files an application for renewal of said order;

2. Unless the Applicant, on or before July 7, 1940, files with the Director a verified report for the six month period ending June 7, 1940, containing the following information, which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the names and locations of the mines covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mines;

(c) The total tonnage of such production which was consumed by Applicant, and the nature and purpose of such consumption;

3. Unless the applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mines from which the coal in question was produced or in the ownership of the plants or factories or other facilities at which the coal is consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

*It is further ordered*, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of August 31, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, December 7, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4578; Filed, December 9, 1939; 10:29 a. m.]

[1] 3 F.R. 2160 DI.



### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

NOTICE OF OPPORTUNITY TO PETITION FOR REVIEW OF THE DETERMINATION DENYING APPLICATION FOR PARTIAL EXEMPTION OF THE RECEIVING, GRADING AND PACKING OF UNSHELLED "ENGLISH" WALNUTS IN THE STATES OF CALIFORNIA, OREGON AND WASHINGTON, AND UNSHELLED FILBERTS IN THE STATES OF OREGON AND WASHINGTON FROM THE MAXIMUM HOUR PROVISIONS OF THE FAIR LABOR STANDARDS ACT

Whereas, upon applications of the California Walnut Growers Association, the North Pacific Nut Growers Cooperative and sundry other parties, a hearing was held [1] in San Francisco, California, on September 28, 1939, before Harold Stein, Presiding Officer, duly designated and authorized by the Administrator to conduct said hearing, take testimony and hear arguments for the purpose of determining, and to determine the following questions:

(1) Whether either the receiving, grading and packing of unshelled "English" walnuts, or the receiving, grading or packing of unshelled filberts is an industry of a seasonal nature or branch thereof within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the regulations issued thereunder; and

(2) Whether both the receiving, grading and packing of unshelled "English" walnuts, and the receiving, grading and packing of unshelled filberts together constitute an industry of a seasonal nature or branch thereof within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of regulations issued thereunder; and

Whereas, the said Harold Stein on December 4, 1939, duly made findings of fact and determined as follows:

"1. Walnuts and filberts mature and are harvested and dried in the States of California, Oregon and Washington in the months of September, October and November; and

"2. Walnuts and filberts are delivered to packing houses as soon as they are dried and must be received at that time in these (or other) facilities; and

"3. Walnuts and filberts are customarily graded and packed in the months of September, October, November and December and the bulk of such walnuts and filberts are shipped to consumers at that time; and

"4. The length of the packing season is controlled solely by market demand and is not caused by any unavailability of the materials used by the industries; and

"5. Filberts are invariably received, graded and packed in the same plants as walnuts; and

"6. Filbert packing and walnut packing are merely different operations within the same industry; and

"7. The shelling of walnuts and the handling of walnut kernels are largely performed by the employers who also receive, grade and pack unshelled walnuts; and

"8. The shelling of walnut culls is directly and immedately connected with the grading and packing of unshelled walnuts, while the shelling of surplus walnuts is determined by the Walnut Control Board, representing all walnut growers and is closely related to the packing and sale of unshelled walnuts; and

"9. The receiving, grading and packing of walnuts is not a separate branch of an industry but is part of the whole walnut industry which includes the shelling of walnuts and the handling of walnut kernels; and

"10. The shelling of walnuts and the handling of walnut kernels continues throughout most of the year and is not of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of Regulations issued thereunder; and

"11. The walnut industry including shelling operations, operations on unshelled nuts, and operations on filberts, is not of a seasonal nature; and

"12. Neither the receiving, grading and packing of walnuts, nor the receiving, grading and packing of filberts, nor both taken together is an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Act and Part 526 of Regulations issued thereunder.

"The applications are denied."

Copies of the said Findings and Determination are available for inspection by interested parties in the office of the Administrator, Department of Labor Building, Washington, D. C., and in the various regional and branch offices of the Wage and Hour Division.

Now, therefore, notice is hereby given that any person aggrieved by the said determination may, within fifteen days after the date this notice appears in the FEDERAL REGISTER, file a petition with the Administrator requesting that he review the action of the said representative upon the record of hearing before the said representative.

Signed at Washington, D. C., this 8th day of December, 1939.

HAROLD D. JACOBS,
*Administrator.*

[F. R. Doc. 39-4574; Filed, December 8, 1939; 3:47 p. m.]

[1] 4 F.R. 4008 DI.



NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 12, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators em-

ployed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employers' name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Carmi Feature Underwear, Inc., Carmi, Illinois, men's shorts and union suits.

Cluett, Peabody & Co., Inc., Leominster, Massachusetts, men's shirts.

Davenshire, Inc., Davenport, Iowa (5 learners), men's pants.

The Frank Kern Co., Inc., Neoga, Illinois (5 learners), hose supporters and garters.

The Gault Mfg. Co., Inc., Union, South Carolina (5 learners), men's pajamas.

LaCrosse Garment Mfg. Co., LaCrosse, Wisconsin, house dresses.

Magnolia Garment Co., Laurel, Mississippi, work clothing.

Morris Freezer & Co., Inc., Wytheville, Virginia, boys' cotton shirts.

Reliance Mfg. Co., Hattiesburg, Mississippi, work shirts and pants.

Waxahachie Garment Co., Waxahachie, Texas, pants and shirts.

White Swan Uniforms, Inc., Highland, New York (5 learners), women's uniforms.

White Swan Uniforms, New Milford, Connecticut (3 learners), women's uniforms.

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4588; Filed, December 11, 1939; 12:41 p. m.]

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 12, 1939, until April 9, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Waxahachie Garment Company, Waxahachie, Texas. | Pants & Shirts. | 25 |

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4589; Filed, December 11, 1939; 12:41 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 12, 1939, to August 12, 1940, unless otherwise indicated subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Harriman Hosiery Mills, Harriman, Tennessee (50 learners).

Holt Hosiery Mills, Inc., West Harding Street, Graham, North Carolina (5 learners).

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
*Director Hearings Branch.*

[F. R. Doc. 39-4590; Filed, December 11, 1939; 12:41 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 12, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES.

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in any amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Alamac Hosiery Co., Inc., Reidsville, North Carolina.

Ashe Hosiery Mill, Knoxville, Tennessee.

Glassboro Hosiery Mill, Inc., Glassboro, New Jersey (1 learner).

Moreck Hosiery Company, Perkasie, Pennsylvania (2 learners).

Rockledge Silk Hosiery Co., Inc., Rockledge, Pennsylvania (1 learner).

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4591; Filed, December 11, 1939; 12:41 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 12, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of their terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Belle Knitting Corporation, Sayre, Pennsylvania, circular knit fabric.

Lincoln Underwear Mills, Inc., Pottstown, Pennsylvania (1 learner), men's and ladies' underwear.

Van Raalte Co., Inc., Dunkirk, New York, underwear.

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4592; Filed, December 11, 1939; 12:42 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to employers listed below effective December 12, 1939, until March 12, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in simillar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued on representations of employers that: (a) experienced operators are not available and (5) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen (15) days following publication of notice of their issuance, that the issuance of these Certificates was not necessary in order to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Kanmak Mills, Inc., Kulpmont, Pennsylvania. | Firm and elastic corset and bathsuit fabrics. | 28 |

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4593; Filed, December 11, 1939; 12:42 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 12, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940 and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Covington Mills, Covington, Georgia, Print, Shade, & Book Cloths.

Bernson Silk Mills, Inc., Buena Vista, Virginia, Broad Silks.

J. C. Sanders Cotton Mill Co., Inc., Prichard, Alabama, Grey Goods.

Kanmak Mills, Inc., Kulpmont, Pennsylvania, Firm & Elastic Corset & Bathing Suit Fabrics.

W. S. Libbey Company, Lewiston, Maine (3 learners), Warp (cotton) Piece Goods.

Warren Featherbone Company, Three Oaks, Michigan, Yarns, Thread, & Braids.

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4594; Filed, December 11, 1939; 12:42 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 12, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piece work rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and they may be cancelled as of the date of their issuance if it is found that they were issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Blue Ridge Spread Co., Dalton, Georgia, chenille bedspreads.

Fireside Handcraft Co., Dalton, Georgia, (5 learners), chenille products.

J. & C. Bedspread Co., Ellijay, Georgia, (5 learners) chenille bedspreads.

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4595; Filed, December 11, 1939; 12:42 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 12, 1939, until June 12, 1940, unless otherwise indicated subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator or less than eight (8) weeks experience as a chenille operator plus eight (8) weeks retraining as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period, no learner may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Special Certificates are issued on representations by the employers that: (a) experienced operators are not available and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates may be cancelled as of the date of their issuance, if it is found upon objection duly filed within fifteen (15) days following the publication of notice of their issuance that the issuance of these Certificates are not necessary to prevent curtailment of opportunities for employment. They may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the Employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Blue Ridge Spread Co., Dalton, Georgia. | Chenille bedspreads. | 20 |
| J. & C. Bedspread Company, Ellijay, Georgia. | Chenille bedspreads. | 40 |

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4596; Filed, December 11, 1939; 12:43 p. m.]

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NOTICE OF CANCELATION OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that a Special Certificate for the employment of learners previously issued to W. A. Forsyth Silk Company, Eynon, Pennsylvania, has been canceled as of the date of its issuance, November 25, 1939, at the request of the above-named company.

Signed at Washington, D. C., this 11th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4597; Filed, December 11, 1939; 12:43 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1939.

[File No. 32-170]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA

ORDER GRANTING EXEMPTION

Public Service Company of Indiana, a subsidiary company of the Trustees of Midland United Company, a registered holding company, having filed with this Commission an amended application purusant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of the Act with respect to the issue and sale of $38,000,000 principal amount of First Mortgage Bonds, Series A, 4%, due September 1, 1969, and $10,000,000 principal amount of Serial Debentures, 3⅞%, due 1940–1949; and

A public hearing on such amended application having been duly held after appropriate notice; the record in this matter having been duly examined; and the Commission having made and filed its findings and opinion herein;

*It is ordered*, That said amended application be, and the same hereby is, approved; and

*It is further ordered*, That the following conditions be, and the same hereby are, imposed upon the applicant:

1. That if the express authorizations of the issue and sale of such securities by the Public Service Commission of the State of Indiana shall be revoked or otherwise terminated, this exemption shall immediately terminate without further order of this Commission;

2. That such securities shall be issued within 30 days after the date of our order;

3. That within 10 days after the issue and sale of such securities applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of and for the purposes represented by such application as amended; and

4. That except as the Commission may by order or orders from time to time permit, so long as any of the First Mortgage Bonds, Series A, 4%, due September 1, 1969 are outstanding, Public Service Company of Indiana shall not, nor shall any successor or successors of Public Service Company of Indiana, declare or pay any dividends or make any distributions on shares of any class of its capital stock (other than dividends payable solely in shares of its stock) or make any disbursement for the purchase or retirement of shares of any class of its capital stock, unless said Company (or any such successor or successors) has charged against income for the period from January 1, 1939 to the date of the proposed payment of such dividends or making of such distribution or disbursement, as a provision for depreciation, an amount equal to at least $1,700,000 per annum plus, for each calendar year, three per cent (3%) of the book value of net depreciable property additions made during the period from September 1, 1939 to December 31 of the immediately preceding calendar year; provided, however, that any transfers to the earned surplus account of said Company (or any such successor or successors) from net income since September 1, 1939, over and above all such dividends, distributions and disbursements, may be used as a credit to offset any deficiency in the amount added to the reserve for depreciation in satisfying the foregoing requirements.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4579; Filed, December 9, 1939; 11:03 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1939.

[File No. 1-3038]

IN THE MATTER OF PROCEEDING UNDER SECTION 19 (a) (2) OF THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED, TO DETERMINE WHETHER THE REGISTRATION OF LEPANTO CONSOLIDATED MINING COMPANY COMMON STOCK, 10 CENTAVOS PAR VALUE, NON-ASSESSABLE SHOULD BE SUSPENDED OR WITHDRAWN

ORDER FOR HEARING AND DESIGNATING OFFICER TO TAKE TESTIMONY

I

It appearing to the Commission,

That Lepanto Consolidated Mining Company, a corporation organized under the laws of the Commonwealth of the Philippines, is the issuer of Common Stock, 10 centavos par value, non-assessable, and

That said Lepanto Consolidated Mining Company registered such security on the San Francisco Mining Exchange, a national securities exchange, by filing on or about June 1, 1938, an application with the said Exchange and with the Commission, pursuant to Sections 12 (b) and (c) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, promulgated by the Commission thereunder, which application became effective July 3, 1938, and has remained in effect to and including the date hereof, and

That Rule X-13A-1, promulgated pursuant to Section 13 of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That Rule X-13A-2, promulgated pursuant to Section 13 of the Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified and that no other form was or is specified for use by the said Lepanto Consolidated Mining Company, and

II

The Commission having reason to believe that,

The said Lepanto Consolidated Mining Company has failed to comply with said Section 12 and the said Rule X-12B-1 promulgated thereunder and with the provisions of Form 10, the instructions, rules and regulations of the Commission supplemental thereto, as amended, in that the application on Form 10 filed by the said Lepanto Consolidated Mining Company fails to include an accountant's certificate which contains a statement of opinion with respect to the accounting principles and procedures followed by the said Lepanto Consolidated Mining Company, and

The said Lepanto Consolidated Mining Company has failed to comply with said Section 13 and said Rule X-13A-1 in that it has failed to file its annual report for the year ended December 31, 1938, on Form 10-K as prescribed by said Rule X-13A-2, and

III

It being the opinion of the Commission that,

The hearing herein ordered to be held is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Securities Exchange Act of 1934, as amended;

*It is ordered*, Pursuant to Section 19 (a) (2) of said Act, that a public hearing be held to determine whether Lepanto Consolidated Mining Company has failed to comply with Sections 12 and 13 of the Securities Exchange Act of 1934, as amended, and the rules, regulations and forms promulgated by the Commission thereunder, in the respects set forth above; and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the Common Stock, 10 centavos par value, nonassessable, of said Lepanto Consolidated Mining Company on said San Francisco Mining Exchange;

*It is further ordered*, Pursuant to the provisions of Section 21 (b) of the Securities Exchange Act of 1934, as amended, that for the purposes of such hearing, John G. Clarkson, an officer of the Commission, is hereby designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law;

*It is further ordered*, That the taking of testimony in this hearing begin on the 29th day of January, 1940, at 10:00 A. M. at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and continue thereafter at such time and place as the officer hereinbefore designated may determine.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4580; Filed, December 9, 1939; 11:03 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1939.

[Files Nos. 7-407 to 7-423, Inclusive]

IN THE MATTER OF APPLICATIONS BY THE CLEVELAND STOCK EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN ADDRESSOGRAPH-MULTIGRAPH CORP., COMMON STOCK, $10 PAR VALUE; BOND STORES, INCORPORATED, COMMON STOCK, $1 PAR VALUE; CLEVELAND GRAPHITE BRONZE CO., COMMON STOCK, $1 PAR VALUE; FIRESTONE TIRE & RUBBER CO., COMMON STOCK, $10 PAR VALUE; GENERAL ELECTRIC COMPANY, COMMON STOCK, NO PAR VALUE; GLIDDEN COMPANY, COMMON STOCK, NO PAR VALUE; INDUSTRIAL RAYON CORP., CAPITAL STOCK, NO PAR VALUE; INTERLAKE IRON CORPORATION, COMMON STOCK, NO PAR VALUE; GLENN L. MARTIN COMPANY, COMMON STOCK, $1 PAR VALUE; NATIONAL MALLEABLE & STEEL CASTINGS COMPANY, COMMON STOCK, NO PAR VALUE; NEW YORK CENTRAL RAILROAD CO., CAPITAL STOCK, NO PAR VALUE; OHIO OIL COMPANY, COMMON STOCK, NO PAR VALUE; REPUBLIC STEEL CORPORATION, COMMON STOCK, NO PAR VALUE; TIMKEN ROLLER BEARING CO., COMMON STOCK, NO PAR VALUE; TWIN COACH COMPANY, COMMON STOCK, $1 PAR VALUE; UNITED STATES STEEL CORP., COMMON STOCK, NO PAR VALUE; YOUNGSTOWN STEEL DOOR CO., COMMON STOCK, NO PAR VALUE.

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The Cleveland Stock Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-1, to extend unlisted trading privileges to the abovementioned securities; and

After appropriate notice a hearing having been held in this matter in Cleveland, Ohio; and

The Commission having this day made and filed its findings and opinion herein:

*It is ordered*, Pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that the instant applications of such exchange be and the same are hereby granted by the Commission to extend unlisted trading privileges to the Addressograph-Multigraph Corp., Common Stock, $10 Par Value; Bond Stores, Incorporated, Common Stock, $1 Par Value; Cleveland Graphite Bronze Co., Common Stock, $1 Par Value; Firestone Tire & Rubber Co., Common Stock, $10 Par Value; General Electric Company, Common Stock, No Par Value; Glidden Company, Common Stock, No Par Value; Industrial Rayon Corp., Capital Stock, No Par Value; Interlake Iron Corporation, Common Stock, No Par Value; Glenn L. Martin Company, Common Stock, $1 Par Value; National Malleable & Steel Castings Company, Common Stock, No Par Value; New York Central Railroad Co., Capital Stock, No Par Value; Ohio Oil Company, Common Stock, No Par Value; Republic Steel Corporation, Common Stock, No Par Value; Timken Roller Bearing Co., Common Stock, No Par Value; Twin Coach Company, Common Stock, $1 Par Value; United States Steel Corp., Common Stock, No Par Value; and Youngstown Steel Door Co., Common Stock, No Par Value.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4581; Filed, December 9, 1939; 11:03 a. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D., 1939.

IN THE MATTER OF APPLICATIONS BY THE LOS ANGELES STOCK EXCHANGE FOR UNLISTED TRADING PRIVILEGES IN THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY, COMMON STOCK, PAR VALUE $100; BALDWIN LOCOMOTIVE WORKS, VOTING TRUST CERTIFICATES FOR COMMON STOCK, PAR VALUE $13; BARNSDALL OIL COMPANY, COMMON STOCK, PAR VALUE $5; BETHLEHEM STEEL CORPORATION (DELAWARE), COMMON STOCK, NO PAR VALUE; CONTINENTAL MOTORS CORPORATION, COMMON STOCK, PAR VALUE $1; GRAHAM-PAIGE MOTORS CORPORATION, COMMON STOCK, PAR VALUE $1; MOUNTAIN CITY COPPER COMPANY, CAPITAL STOCK, PAR VALUE 5¢; THE PENNSYLVANIA RAILROAD COMPANY, CAPITAL STOCK, PAR VALUE $50; THE PURE OIL COMPANY, COMMON STOCK, NO PAR VALUE; STONE & WEBSTER, INCORPORATED, CAPITAL STOCK, NO PAR VALUE; SUPERIOR OIL CORPORATION, COMMON STOCK, PAR VALUE $1; UNITED AIR LINES TRANSPORT CORPORATION, CAPITAL STOCK, PAR VALUE $5; WILLYS-OVERLAND MOTORS, INCORPORATED, COMMON STOCK, PAR VALUE $1

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

The Los Angeles Stock Exchange having made application to the Commission, pursuant to Section 12 (f) (2) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-1, to extend unlisted trading privileges to the above-mentioned securities; and

After appropriate notice a hearing having been held in this matter in Los Angeles, California; and

The Commission having this day made and filed its findings and opinion herein:

*It is ordered*, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, that the instant applications of such exchange be and the same are hereby granted by the Commission to extend unlisted trading privileges to the Atchison, Topeka & Santa Fe Railway Company, Common Stock, Par Value $100; Baldwin Locomotive Works, Voting Trust Certificates for Common Stock, Par Value $13; Barnsdall Oil Company, Common Stock, Par Value $5; Bethlehem Steel Corporation (Delaware), Common Stock, No Par Value; Continental Motors Corporation, Common Stock, Par Value $1; Graham-Paige Motors Corporation, Common Stock, Par Value $1; Mountain City Copper Company, Capital Stock, Par Value 5¢; The Pennsylvania Railroad Company, Capital Stock, Par Value $50; The Pure Oil Company, Common Stock, No Par Value; Stone & Webster, Incorporated, Capital Stock, No Par Value; Superior Oil Corporation, Common Stock, Par Value $1; United Air Lines Transport Corporation, Capital Stock, Par Value $5; and Willys-Overland Motors, Incorporated, Common Stock, Par Value $1.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4582; Filed, December 9, 1939; 11:04 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

[File No. 43-282]

IN THE MATTER OF LEXINGTON UTILITIES COMPANY AND KENTUCKY UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on December 20, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Charles S. Moore or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 18, 1939.

The matter concerned herewith is in regard to the issue and sale by Lexington Utilities Company of $4,000,000 3½% notes to the Chase National Bank of the City of New York which notes are to be guaranteed by Kentucky Utilities Company. The proceeds of such issue and sale, together with other funds of Lexington Utilities Company and/or Kentucky Utilities Company to the extent necessary, are to be used to redeem at 103, presently outstanding First and Refunding 5% Bonds due 1952 of Lexington Utilities Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4599; Filed, December 11, 1939; 12:49 p. m.]

Reference

DEC 15 1939

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

1934

VOLUME 4 NUMBER 240

*Washington, Wednesday, December 13, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### CHAPTER V—FEDERAL SURPLUS COMMODITIES CORPORATION

#### Areas in Which Surplus Commodities Bulletin No. 4 Shall be Effective

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the agricultural commodities and products designated as surplus food in Surplus Commodities Bulletin No. 4,[1] approved by the Secretary of Agriculture, November 29, 1939, are hereby declared surplus food effective 12:01 a. m. E. S. T. December 15, 1939 and until further notice, in all areas heretofore designated by the Federal Surplus Commodities Corporation, and published in the Federal Register, as areas in which food order stamps may used.

[SEAL] MILO PERKINS,
*President.*

December 8, 1939.

[F. R. Doc. 39-4605; Filed, December 12, 1939; 11:56 a. m.]

#### Designation of Areas Under Surplus Food Stamp Program

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following areas are hereby designated as areas in which food order stamps may be used and in which the agricultural commodities and products listed in the applicable Surplus Commodities Bulletin on the effective dates of such areas shall be considered surplus foods.

The area within the city limits of Sioux City, Iowa, and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation.

The area within the city limits of Richmond, Virginia, and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation.

The posting of the definition of "the immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation, for the respective areas, shall constitute due notice thereof.

The area within the county limits of Wichita County, Texas.

The area within the county limits of Minnehaha County, South Dakota.

The area within the county limits of Pulaski County, Arkansas.

The area within the county limits of Shelby County, Tennessee.

The effective dates for the above areas shall be announced by the local representative of the Federal Surplus Commodities Corporation for the respective areas in local newspapers of general circulation.

[SEAL] MILO PERKINS,
*President.*

December 8, 1939.

[F. R. Doc. 39-4606; Filed, December 12, 1939; 11:56 a. m.]

[1] 4 F.R. 4725 DI.

#### Amended Designation of Area Under Surplus Food Stamp Program

The designation of area under the Surplus Food Stamp Program published in the Federal Register August 11, 1939 at page 3575 is amended by striking the following clause, "The area within the city limits of Birmingham, Alabama, and the immediate environs as defined by the local representative of the Federal Surplus Commodities Corporation" and substituting in lieu thereof the following:

"The area within the county limits of Jefferson County, Alabama."

The effective date for the above area shall be announced by the local representative of the Federal Surplus Commodities Corporation for this area in local newspapers of general circulation.

[SEAL] MILO PERKINS,
*President.*

December 8, 1939.

[F. R. Doc. 39-4607; Filed, December 12, 1939; 11:56 a. m.]

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### CHAPTER I—AGRICULTURAL MARKETING SERVICE

#### Part 108—Regulations for Warehousemen Storing Sirups Under the United States Warehouse Act

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 Stat. 490; 7 U.S.C. 268) as amended, I, M. L. Wilson, Acting Secretary of Agriculture, do make, prescribe, publish and give public notice of the following regulations (Part 108

Reference

DEC 15 1939

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

# FEDERAL REGISTER

VOLUME 4 NUMBER 240

*Washington, Wednesday, December 13, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### CHAPTER V—FEDERAL SURPLUS COMMODITIES CORPORATION

#### Areas in Which Surplus Commodities Bulletin No. 4 Shall be Effective

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the agricultural commodities and products designated as surplus food in Surplus Commodities Bulletin No. 4,[1] approved by the Secretary of Agriculture, November 29, 1939, are hereby declared surplus food effective 12:01 a. m. E. S. T. December 15, 1939 and until further notice, in all areas heretofore designated by the Federal Surplus Commodities Corporation, and published in the Federal Register, as areas in which food order stamps may used.

[SEAL] MILO PERKINS,
*President.*

DECEMBER 8, 1939.

[F. R. Doc. 39-4605; Filed, December 12, 1939; 11:56 a. m.]

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#### Designation of Areas Under Surplus Food Stamp Program

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following areas are hereby designated as areas in which food order stamps may be used and in which the agricultural commodities and products listed in the applicable Surplus Commodities Bulletin on the effective dates of such areas shall be considered surplus foods.

The area within the city limits of Birmingham, Alabama, and the immediate environs as defined by the local representative of the Federal Surplus Commodities Corporation.

The posting of the definition of "the immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation, for the respective areas, shall constitute due notice thereof.

The area within the county limits of Wichita County, Texas.

The area within the county limits of Minnehaha County, South Dakota.

The area within the county limits of Pulaski County, Arkansas.

The area within the county limits of Shelby County, Tennessee.

The effective dates for the above areas shall be announced by the local representative of the Federal Surplus Commodities Corporation for the respective areas in local newspapers of general circulation.

[SEAL] MILO PERKINS,
*President.*

DECEMBER 8, 1939.

[F. R. Doc. 39-4606; Filed, December 12, 1939; 11:56 a. m.]

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#### Amended Designation of Area Under Surplus Food Stamp Program

The designation of area under the Surplus Food Stamp Program published in the Federal Register August 11, 1939 at page 3575 is amended by striking the following clause, "The area within the city limits of Birmingham, Alabama, and the immediate environs as defined by the local representative of the Federal Surplus Commodities Corporation" and substituting in lieu thereof the following:

"The area within the county limits of Jefferson County, Alabama."

The effective date for the above area

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### CHAPTER 1—AGRICULTURAL MARKETING SERVICE

#### Part 108—Regulations for Warehousemen Storing Sirups Under the United States Warehouse Act

FEDERAL REGISTER

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of Title 7 of Code of Federal Regulations) to be known as the regulations for warehousemen storing sirups, and to be in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said act. These regulations shall supersede all regulations issued under said act heretofore for sirup warehouses.

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DEFINITIONS

§ 108.1 *Meaning of words.* Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 108.2 *Terms defined.* For the purpose of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean:

(a) *Sirups.* Sugar-cane sirup, maple sirup or extracted honey, as defined in Service and Regulatory Announcements, Food and Drug No. 2, Revision 5, issued November, 1936, by the Food and Drug Administration, United States Department of Agriculture.

(b) *The act.* The United States Warehouse Act, approved August 11, 1916 (39 Stat. 486), as amended.

(c) *Person.* An individual, corporation, partnership, or two or more persons having a joint or common interest.

(d) *Secretary.* The Secretary of Agriculture of the United States.

(e) *Chief of the Service.* The chief of the Agricultural Marketing Service.

(f) *Designated representative.* The chief of the Agricultural Marketing Service of the United States Department of Agriculture.

(g) *Regulations.* Regulations made under the act by the Secretary.

(h) *Service.* The Agricultural Marketing Service of the United States Department of Agriculture.

(i) *Warehouse.* Unless otherwise clearly indicated by the context, any suitable building, structure, or other protected inclosure in which sirup is or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which sirup is or may be stored, and for which a license has been issued under the act.

(j) *Warehouseman.* Unless otherwise clearly indicated by the context, any person lawfully engaged in the business of storing sirup and holding a warehouse license.

(k) *License.* A license issued under the act by the Secretary.

(l) *Licensed warehouseman's bond.* A bond required to be given under the act by a licensed warehouseman.

(m) *Licensed inspector.* A person licensed under the act by the Secretary to inspect, to sample, to grade, and to certificate the grade and condition for storage of sirup.

(n) *Licensed weigher.* A person licensed under the act by the Secretary to weigh and to certificate the weight for storage of sirup.

(o) *Receipt.* A warehouse receipt.

WAREHOUSE LICENSES

§ 108.3 *Application forms.* Applications for licenses and for modifications or extensions of licenses under the act shall be made to the Secretary upon forms prescribed for the purpose and furnished by the Service, shall truly state the information therein contained, and shall be signed by the applicant. The applicant shall at any time furnish such additional information as the Secretary or the chief of the Service shall find to be necessary to the consideration of his application.

§ 108.4 *Grounds for not issuing license.* A license for the conduct of a warehouse shall not be issued if it be found by the Secretary or his designated representative, that the warehouse is not suitable for the proper storage of sirup, that the warehouseman is incompetent to conduct such warehouse in accordance with the act and these regulations, or that there is any other sufficient reason within the purposes of the act for not issuing such license.



§ 108.5 *Net assets required.* The warehouseman conducting a warehouse licensed or for which application for license has been made under the act shall have and maintain above all exemptions and liabilities net assets liable for the payment of any indebtedness arising from the conduct of the warehouse, to the extent of at least five (5) cents per gallon of sugar-cane sirup and ten (10) cents per gallon of maple sirup or honey, of the maximum number of gallons that the warehouse will accommodate when stored in the manner customary to the warehouse as determined by the chief of the Service, except that the amount of such assets shall not be less than $5,000, and need not be more than $100,000. If such warehouseman has applied for licenses to conduct two or more warehouses in the same State, the assets applicable to all of which shall be subject to the liabilities of each, such warehouses shall be deemed to be one warehouse for the purposes of the assets required under this section. For the purposes of this section only, paid in capital stock, as such, shall not be considered a liability. Any deficiency in the required net assets may be supplied by an increase in the amount of the warehouseman's bond in accordance with section 108.12.

§ 108.6 *License shall be posted.* Immediately upon receipt of his license or of any modification or extension thereof under the act, the warehouseman shall post the same, and thereafter, except as otherwise provided in these regulations, keep it posted until suspended or terminated, in a conspicuous place in the principal office where receipts issued by such warehousemen are delivered to depositors.

§ 108.7 *Suspension or revocation of warehouse licenses.* Pending investigation, the Secretary, or his designated representative, whenever he deems necessary, may suspend a warehouseman's license temporarily without hearing. Upon written request and a satisfactory statement of reasons therefor, submitted by a warehouseman, the Secretary, or his designated representative, may, without hearing, suspend or revoke the license issued to such warehouseman. The Secretary, or his designated representative, may, after opportunity for hearing when possible has been afforded in the manner prescribed in this section, revoke a license issued to a warehouseman when such warehouseman (a) is bankrupt or insolvent; (b) has parted, in whole or in part, with his control over the licensed warehouse; (c) is in process of dissolution or has been dissolved; (d) has ceased to conduct such licensed warehouse; or (e) has in any other manner become incompetent or incapacitated to conduct the business of the warehouse. Whenever any of the conditions mentioned in subdivisions (a) to (e) of this section shall come into existence it shall be the duty of the warehouseman to notify immediately the Chief of the Service of the existing condition. Before a license is revoked for any violation of, or failure to comply with, any provision of the act or of these regulations, or upon the ground that unreasonable or exorbitant charges have been made for services rendered, the warehouseman involved shall be furnished by the Secretary, or his designated representative, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with Section 108.73.

§ 108.8 *Return of terminated, suspended or revoked warehouse license.* When a license issued to a warehouseman terminates or is suspended, or revoked, by the Secretary, or his designated representative, it shall be returned to the Secretary. At the expiration of any period of suspension of such license, unless it be in the meantime revoked, the dates of the beginning and termination of the suspension shall be endorsed thereon, it shall be returned to the licensed warehouseman to whom it was originally issued, and it shall be posted as prescribed in section 108.6: *Provided*, That in the discretion of the Chief of the Service a new license may be issued without reference to the suspension.

§ 108.9 *Lost or destroyed warehouse license.* Upon satisfactory proof of the loss or destruction of a license issued to a warehouseman, a duplicate thereof may be issued under the same number.

§ 108.10 *Unlicensed warehousemen must not represent themselves as licensed.* No warehouse or its warehouseman shall be designated as licensed under the act and no name or description conveying the impression that it is or he is so licensed shall be used, either in a receipt or otherwise, unless such warehouseman holds an unsuspended or unrevoked license for the conduct of such warehouse.

WAREHOUSE BONDS

§ 108.11 *Time of filing.* Unless the warehouseman has previously filed with the Secretary the necessary bond required by section 108.12 of this regulation, he shall file such bond within a time, if any, specified by the Secretary, or his designated representative, such bond to cover all obligations arising thereunder during the period of the license.

§ 108.12 *Basis of amount of bond; additional amounts.* (a) Exclusive of any amount which may be added in accordance with paragraphs (b) and (c) of this section, the amount of such bond shall be at the rate of five (5) cents per gallon of sugar-cane sirup and ten (10) cents per gallon of maple sirup or honey, of the maximum number of gallons that the warehouse will accommodate when stored in the manner customary to the warehouse for which such bond is required, as determined by the chief of the Service, but not less than $5,000 nor more than $50,000. If such warehouseman has applied for licenses to conduct two or more warehouses in the same State, the assets applicable to all of which shall be subject to the liabilities of each, and shall desire to give a single bond meeting the requirements of the act and these regulations for said warehouses, such warehouses shall be deemed to be one warehouse for the purposes of the bond required under sections 108.11–108.15.

(b) In case of a deficiency in net assets under section 108.5, there shall be added to the amount of the bond fixed in accordance with paragraph (a) of this section, an amount equal to such deficiency.

(c) If the Secretary, or his designated representative, finds the existence of conditions warranting such action, there shall be added to the amount fixed in accordance with paragraphs (a) and (b) of this section a further amount, fixed by him, to meet such conditions.

§ 108.13 *Amendment of license.* If application is made under Section 108.3, for an amendment of a license, and no bond previously filed by the warehouseman under this regulation covers obligations incurred during the period of such amendment, the warehouseman shall, when notice has been given by the Secretary, or his designated representative, that such amendment will be granted upon compliance by such warehouseman with the act, file with the Secretary, within a time, if any, fixed in such notice, a bond complying with the act, unless bond in sufficient amount has been filed since the filing of such application. In the discretion of the Secretary, a properly executed instrument in form approved by him, amending, extending, or continuing in force and effect the obligations of a valid bond previously filed by the warehouseman and otherwise complying with the act and these regulations, may be filed in lieu of a new bond.

§ 108.14 *New bond required each year.* Whenever a license has been issued for a period longer than one year, such license shall not be effective beyond one year from its effective date unless the warehouseman shall have filed a new bond in the required amount with, and such bond shall have been approved by the Secretary, or his designated representative, prior to the date on which that license would have expired had it been issued for but one year, subject to the provisions of section 108.13.

§ 108.15 *Approval of bond.* No bond, amendment or continuation thereof, shall be deemed accepted for the purposes of the act and these regulations until it has been approved by the Secretary, or his designated representative.

WAREHOUSE RECEIPTS

§ 108.16 *Form.* (a) Every receipt, whether negotiable or non-negotiable, issued for sirups stored in a warehouse, shall, in addition to complying with the requirements of section 18 of the act, embody within its written or printed

108.29 Records to be kept in safe places.
ment of Agriculture.
act for not issuing such license.



terms the following: (1) the name of the licensed warehouseman and the designation, if any, of the warehouse; (2) the license number of the warehouse; (3) a statement whether the warehouseman is incorporated or unincorporated, and if incorporated, under what laws; (4) in the case of identity-preserved sirup, the lot number given to each lot of sirup, in accordance with section 108.32; (5) a statement conspicuously placed, whether or not the sirup is insured, and if insured, to what extent, by the warehouseman against loss by fire, lightning or tornado; (6) a blank space, designated for the purpose, in which the kind of sirup shall be stated; (7) a blank space, designated for the purpose, in which the locality in which the sirup was produced shall be stated, if known; (8) a blank space, designated for the purpose, in which the condition of the sirup shall be stated; (9) if the sirup is in barrels, drums or jackets, the gross, tare and net weight, or number of gallons; (10) if in cases, the number of cases and size of containers; (11) if in bulk for storage in tanks, the weight and/or the number of gallons; (12) the word "negotiable" or "non-negotiable," according to the nature of the receipt, clearly and conspicuously printed or stamped thereon; (13) in the event the relationship existing between the warehouseman and any depositor is not that of strictly disinterested custodianship, a statement setting forth the actual relationship.

(b) Every receipt, whether negotiable or non-negotiable, issued for sirup stored in a warehouse, shall specify a period, not exceeding one year, for which the sirup is accepted for storage under the act and these regulations; *Provided, however,* That no receipt shall be issued for sugarcane sirup stored without refrigeration in barrels for a period extending beyond March 1, following the year in which produced. Upon demand and surrender of the old receipt by the lawful holder thereof at or before the expiration of the period specified, the warehouseman, upon such lawful terms and conditions as may be granted by him to other depositors of sirup in his warehouse, if he then continues to act as a licensed warehouseman, shall issue a new receipt for a further specified period not exceeding one year; provided it is actually determined by a licensed inspector that the sirup has not deteriorated and that it is in proper condition for storage for another year; *And provided further,* That this provision shall not relate to sirup stored in wooden barrels. If the warehouseman continues to act as a public, but not as a licensed warehouseman, he may issue a new non-licensed receipt.

(c) The grade stated in a receipt issued for sirup stored in a warehouse, shall be stated as determined by the licensed inspector who last inspected the sirup before the issuance of such receipt, and such receipt shall embody within its written or printed terms the following: (1) that the sirup covered by the receipt was inspected by a licensed inspector, and (2) a form of indorsement which may be used by the depositor or his authorized agent, for showing the ownership of, and liens, mortgages or other encumbrances on the sirup covered by the receipt.

(d) Whenever the grade of sirup is stated in a receipt issued for sirup stored in a warehouse, such grade shall be stated in accordance with sections 108.66–108.68.

(e) If a warehouseman issues a receipt omitting the statement of grade on request of the depositor as permitted by section 18 of the act, such receipt shall have clearly and conspicuously stamped or written on the face thereof the words "Not graded on request of depositor".

(f) If a warehouseman issues a receipt under the act omitting any information not required to be stated, for which a blank space is provided in the form of the receipt, a line shall be drawn through such space to show that such omission has been made by the warehouseman.

§ 108.17 *Copies of receipts.* If copies are made of receipts, all such copies, except those issued in lieu of the original in case of lost or destroyed receipts, shall have clearly and conspicuously printed or stamped thereon the words "Copy—Not Negotiable". If copies are not made then skeleton copies bearing the same numbers as the corresponding original receipts shall be made, but such skeleton copies need not be marked "Copy—Not Negotiable".

§ 108.18 *Lost or destroyed receipts; bond for.* (a) In the case of a lost or destroyed receipt, if there be no statute of the United States or law of a State applicable thereto, a new receipt upon the same terms, subject to the same conditions, and bearing on its face the number and the date of the receipt in lieu of which it is issued and a plain and conspicuous statement that it is a duplicate issued in lieu of a lost or destroyed receipt, may be issued upon compliance with the conditions set out in paragraph (b) of this section.

(b) Before issuing such duplicate receipt the warehouseman shall require the depositor or other person applying therefor to make and file with the warehouseman (1) an affidavit showing that he is lawfully entitled to the possession of the original receipt, that he has not negotiated or assigned it, how the original receipt was lost or destroyed, and if lost, that diligent effort has been made to find the receipt without success and (2) a bond in amount double the value, at the time the bond is given, of the sirup represented by the lost or destroyed receipt. Such bond shall be in the form approved for the purpose by the Secretary, or his designated representative, shall be conditioned to indemnify the warehouseman against any loss sustained by reason of the issuance of such duplicate receipt, and shall have as surety thereon (a) preferably a surety company which is authorized to do business, and is subject to service of process in a suit on the bond, in the State in which the warehouse is located, or (b) at least two individuals who are residents of such State and each of whom owns real property therein having a value in excess of all exemptions and encumbrances, to the extent of double the amount of the bond.

§ 108.19 *Approval of form of receipt.* No receipt shall be issued by a licensed warehouseman except it be (1) in form prescribed by the chief of the Service; (2) upon distinctive paper specified by him; (3) printed by a printer with whom the United States has a subsisting contract and bond for such printing, and (4) on paper manufactured by and procured from a manufacturer with whom the United States has a subsisting contract and bond for the manufacture of such paper.

§ 108.20 *Partial delivery of sirup.* If a warehouseman deliver a part only of a lot of sirup for which he has issued a negotiable receipt under the act, he shall take up and cancel such receipt and issue a new receipt in accordance with these regulations for the undelivered portion of the sirup. The new receipt shall show the date of issuance and also indicate the number and date of the old receipt.

§ 108.21 *Return of receipt before delivery of sirup.* Except as permitted by law or by these regulations, a warehouseman shall not deliver sirup for which he has issued a negotiable receipt until the receipt has been returned to him and canceled, and shall not deliver sirup for which he has issued a non-negotiable receipt until such receipt has been returned to him or he has obtained from the person lawfully entitled to such delivery, or his authorized agent, a written order therefor.

§ 108.22 *Signatures of persons authorized to direct delivery to be filed with warehouseman.* Each person to whom a nonnegotiable receipt is issued shall furnish the warehouseman with a statement in writing indicating the person or persons having power to authorize delivery of sirup covered by such receipt, together with the bona fide signature of such person or persons. No licensed warehouseman shall honor an order for the release of sirup covered by a nonnegotiable receipt until he has first ascertained that the person issuing the order has authority to order such release and that the signature of the releasing party is genuine; provided that if the holder of such nonnegotiable receipt agrees in writing to hold blameless both the warehouseman and bondsman for any loss that might result from improper delivery through receipt of an unauthorized telegram, deliveries may be made on receipt of telegraphic orders to be followed immediately with usual confirmation order.

§ 108.23 *Omission of grade; no compulsion by warehouseman.* No warehouseman shall, directly or indirectly, by any means whatsoever, compel or attempt to compel the depositor of any sirup stored in his licensed warehouse to request the issuance of a receipt omitting the statement of grade.



DUTIES OF LICENSED WAREHOUSEMAN

§ 108.24 *Sirup must be inspected.* (a) No warehouseman shall accept sirup for storage until it has been inspected and approved by a licensed inspector.

(b) All sirup, the identity of which is not to be preserved, or has not been preserved, shall be accepted for and delivered out of storage only on the basis of grades and weights or quantities determined by licensed inspectors and weighers.

§ 108.25 *Insurance requirements.* (a) Each warehouseman, when so requested in writing by the depositor of or the lawful holder of the receipt for any sirup, shall, to the extent to which, in the exercise of due diligence, he is able to procure such insurance, keep such sirup while in his custody fully insured in his own name against loss or damage by fire, lightning, or tornado. When insurance is not carried in the warehouseman's name, the receipts shall show that the sirup is not insured by him. Such insurance shall be covered by lawful policies issued by one or more insurance companies authorized to do such business in the State where the warehouse is located. If the warehouseman is unable to procure such insurance, he shall, orally, or by telegraph or by telephone and at his own expense, immediately notify the person making the request. Nothing in this section shall be construed to prevent a warehouseman from adopting a rule that he will insure all sirup.

(b) Each warehouseman shall keep exposed conspicuously in the place prescribed by section 108.6, and at such other place as the chief of the Service, or his representative may from time to time designate, a notice stating briefly the conditions under which sirup will be insured against loss or damage by fire, lightning or tornado.

(c) Each warehouseman shall take promptly such steps as may be necessary and proper to collect any moneys which may become due under contracts of insurance entered into by him for the purpose of meeting the requirements of these regulations, and shall, as soon as collected, pay promptly to the persons concerned any portion of such moneys which they may be entitled to receive from him.

§ 108.26 *Premiums; inspections; reports.* Each warehouseman shall, in accordance with his contracts with insurance and bonding companies for the purpose of meeting the insurance and bonding requirements of these regulations, pay such premiums, permit such reasonable inspections and examinations, and make such reasonable reports as may be provided for in such contracts.

§ 108.27 *Care of sirup in storage.* Each warehouseman shall at all times exercise such care in regard to sirup in his custody as a reasonably careful owner would exercise under the same circumstances and conditions. If sirup is stored under refrigeration a temperature not in excess of 38° Fahrenheit shall be maintained at all times in the licensed rooms or compartments and temperature records or charts showing correct temperature readings made at least four times daily shall be kept. Such records or charts shall be in such form as the Service may approve.

§ 108.28 *Care of nonlicensed sirup or other commodities.* If at any time a warehouseman shall handle sirup other than for storage, or shall handle or store any other commodity, he shall so protect the same and otherwise exercise such care with respect to it as not to endanger the sirup in his custody as a warehouseman or impair his ability to meet his obligations and perform his duties under the act and these regulations. If the warehouseman shall store commodities other than those for which he is licensed, a nonlicensed receipt shall be issued, which shall contain in its terms a provision that said commodities are accepted for storage only until such time as the space which they may occupy may be needed for products for the storage of which the warehouseman is licensed. Under no circumstances shall any commodities for the storage of which the warehouseman is not licensed be stored if the storage of such commodities might adversely affect the commercial value of, or impair the insurance on sirup covered by licensed receipts.

§ 108.29 *Records to be kept in safe places.* Each warehouseman shall provide a metal fireproof safe, a fireproof vault, or a fireproof compartment in which he shall keep, when not in actual use, all records, books, and papers pertaining to the warehouse, including his current receipt books, copies of receipts issued, and canceled receipts, except that with the written consent of the chief of the Service, or his representative, upon a showing by such warehousemen that it is not practicable to provide such fireproof safe, vault, or compartment, he may keep such records, books and papers in some other place of safety, approved by the chief of the Service or his representative. All canceled receipts shall be arranged by the warehouseman in numerical order as soon as possible after their cancellation and shall be preserved in numerical order thereafter.

§ 108.30 *Warehouse charges.* A warehouseman shall not make any unreasonable or exorbitant charge for service rendered. Before a license to conduct a warehouse is granted under the act, the warehouseman shall file with the Service a copy of his rules and a schedule of charges to be made by him if licensed. Before making any change in such rules or schedule of charges he shall file with the Service a statement in writing showing the proposed change and the reasons therefor. Each warehouseman shall keep exposed conspicuously in the place prescribed by section 108.6, and at such other places, accessible to the public, as the chief of the Service or his representative, may from time to time designate, a copy of his current rules and schedule of charges.

§ 108.31 *Business hours.* (a) Each warehouse shall be kept open for the purpose of receiving sirup for storage and delivering sirup out of storage every business day for a period of not less than six hours between the hours of 8 a. m. and 6 p. m., except as provided in (b) of this section. The warehouseman shall keep conspicuously posted on the door to the public entrance to his office and to his warehouse a notice showing the hours during which the warehouse will be kept open, except when such office or warehouse is kept open continuously from 8 a. m. to 6 p. m.

(b) If the warehouse is not to be kept open as above required, the notice shall state the period during which it is to be closed and the name and address of an accessible person authorized to make delivery upon lawful demand and surrender of the receipt.

§ 108.32 *Numbered tags to be attached to each lot of sirup.* Each warehouseman shall, upon acceptance for storage of any lot of sirup the identity of which is to be preserved, take such action as will result in preserving the identity of the product while in storage. He shall immediately assign a lot number to each such lot, and shall plainly and indelibly stamp, stencil, print, or otherwise appropriately mark the lot number on all packages in the lot. He shall attach to such lot a tag of good quality, which shall at all times be clearly visible and shall identify the lot. Such tag shall show the lot number, the number of the receipt issued covering the sirup, the number of packages in the lot, the type or style of packages, the kind of sirup, the grade, if determined, the net weight or number of gallons of sirup in the lot, and the date it entered storage.

§ 108.33 *System of accounts.* Each warehouseman shall use for his warehouse a system of accounts, approved for the purpose by the chief of the Service, or his authorized representative, which shall show for each lot of sirup the name and address of the depositor, the lot number mentioned in section 108.32, the gross, tare, and net weight of sirup if in barrels, drums, or jackets, the number of cases and size of containers, if in cases, the grade, when grade is required to be or is ascertained, the dates received for and delivered out of storage, the receipts issued and canceled, a separate record for each depositor, and such accounts shall include a detailed record of all moneys received and disbursed and of all effective insurance policies.

houseman shall, directly or indirectly, by any means whatsoever, compel or attempt to compel the depositor of any sirup stored in his licensed warehouse to request the issuance of a receipt omitting the statement of grade.

DUTIES OF LICENSED WAREHOUSEMAN

§ 108.24 *Sirup must be inspected.* (a) No warehouseman shall accept sirup for storage until it has been inspected and approved by a licensed inspector.

(b) All sirup, the identity of which is not to be preserved, or has not been preserved, shall be accepted for and delivered out of storage only on the basis of grades and weights or quantities determined by licensed inspectors and weighers.

§ 108.25 *Insurance requirements.* (a) Each warehouseman, when so requested in writing by the depositor of or the lawful holder of the receipt for any sirup, shall, to the extent to which, in the exercise of due diligence, he is able to procure such insurance, keep such sirup while in his custody fully insured in his own name against loss or damage by fire, lightning, or tornado. When insurance is not carried in the warehouseman's name, the receipts shall show that the sirup is not insured by him. Such insurance shall be covered by lawful policies issued by one or more insurance companies authorized to do such business in the State where the warehouse is located. If the warehouseman is unable to procure such insurance, he shall, orally, or by telegraph or by telephone and at his own expense, immediately notify the person making the request. Nothing in this section shall be construed to prevent a warehouseman from adopting a rule that he will insure all sirup.

(b) Each warehouseman shall keep

§ 108.27 *Care of sirup in storage.* Each warehouseman shall at all times exercise such care in regard to sirup in his custody as a reasonably careful owner would exercise under the same circumstances and conditions. If sirup is stored under refrigeration a temperature not in excess of 38° Fahrenheit shall be maintained at all times in the licensed rooms or compartments and temperature records or charts showing correct temperature readings made at least four times daily shall be kept. Such records or charts shall be in such form as the Service may approve.

§ 108.28 *Care of nonlicensed sirup or other commodities.* If at any time a warehouseman shall handle sirup other than for storage, or shall handle or store any other commodity, he shall so protect the same and otherwise exercise such care with respect to it as not to endanger the sirup in his custody as a warehouseman or impair his ability to meet his obligations and perform his duties under the act and these regulations. If the warehouseman shall store commodities other than those for which he is licensed, a nonlicensed receipt shall be issued, which shall contain in its terms a provision that said commodities are accepted for storage only until such time as the space which they may occupy may be needed for products for the storage of which the warehouseman is licensed. Under no circumstances shall any commodities for the storage of which the warehouseman is not licensed be stored if the storage of such commodities might adversely affect the commercial value of, or impair the insurance on sirup covered by licensed receipts.

§ 108.29 *Records to be kept in safe places.* Each warehouseman shall provide a metal fireproof safe, a fireproof vault, or a fireproof compartment in which he shall keep, when not in actual

a statement in writing showing the proposed change and the reasons therefor. Each warehouseman shall keep exposed conspicuously in the place prescribed by section 108.6, and at such other places, accessible to the public, as the chief of the Service or his representative, may from time to time designate, a copy of his current rules and schedule of charges.

§ 108.31 *Business hours.* (a) Each warehouse shall be kept open for the purpose of receiving sirup for storage and delivering sirup out of storage every business day for a period of not less than six hours between the hours of 8 a. m. and 6 p. m., except as provided in (b) of this section. The warehouseman shall keep conspicuously posted on the door to the public entrance to his office and to his warehouse a notice showing the hours during which the warehouse will be kept open, except when such office or warehouse is kept open continuously from 8 a. m. to 6 p. m.

(b) If the warehouse is not to be kept open as above required, the notice shall state the period during which it is to be closed and the name and address of an accessible person authorized to make delivery upon lawful demand and surrender of the receipt.

§ 108.32 *Numbered tags to be attached to each lot of sirup.* Each warehouseman shall, upon acceptance for storage of any lot of sirup the identity of which is to be preserved, take such action as will result in preserving the identity of the product while in storage. He shall immediately assign a lot number to each such lot, and shall plainly and indelibly stamp, stencil, print, or otherwise appropriately mark the lot number on all packages in the lot. He shall attach to such lot a tag

§ 108.34 *Reports.* Each warehouseman shall, from time to time, make such reports as the chief of the Service may require, on forms prescribed and furnished for the purpose by the Service, concerning the condition, contents, operation, and business of the warehouse.

§ 108.35 *Copies of reports to be kept.* Each warehouseman shall keep on file, as a part of the records of the warehouse, for such period as may be prescribed by the Service, an exact copy of each report submitted by such warehouseman under these regulations.

§ 108.36 *Canceled receipts; auditing.* Each warehouseman, when requested by the Service, shall forward his canceled receipts for auditing to Washington or to such field offices of the Service as may be designated from time to time. For the purpose of this section, only such portion as the Service may designate of each canceled receipt, numbered to correspond with the actual receipt number, need be submitted.

§ 108.37 *Inspections and examinations of warehouses.* Each warehouseman shall permit any officer or agent of the Department of Agriculture, authorized by the Secretary for the purpose, to enter and inspect or examine at any time any warehouse for the conduct of which such warehouseman holds a license, the office thereof, the books, records, papers, and accounts relating thereto, and the contents thereof, and shall furnish such officer or agent the assistance necessary to enable him to make any inspection or examination under this section.

§ 108.38 *Inspection of weighing, testing, and measuring apparatus.* The apparatus used for determining the weight, quantity, or quality stated in a receipt or certificate shall be subject to examination by any officer or agent of the Department of Agriculture employed for such purpose. If the Service shall disapprove such apparatus, it shall not thereafter, unless such disapproval be withdrawn, be used in ascertaining the weight, quantity, or quality of sirup for the purposes of the act and these regulations.

§ 108.39 *Care in storage.* Each warehouseman shall keep the stock stored in his licensed warehouse in an orderly manner, shall provide sufficient aisle space so as to permit easy and ready access to any and all lots of sirup stored therein, and shall so store each lot of sirup as to facilitate sampling of sirup and inspection for condition. The warehouseman shall at all times keep his warehouse clean and free from all litter.

§ 108.40 *Water or ash in sirup.* The warehouseman shall not accept for storage in his warehouse any sugar-cane sirup which contains more than 30 per cent by weight of water or more than 2.5 per cent by weight of ash; nor shall he accept maple sirup containing in excess of 35 per cent by weight of water or which weighs less than 11 pounds to the gallon; nor shall he accept honey weighing less than 11 pounds 12 ounces to the gallon, or containing in excess of 25 per cent of water, or more than 0.25 per cent of ash or 8 per cent of sucrose.

§ 108.41 *Procedure to follow prior to reconditioning deteriorating sirup.* If the warehouseman considers that any sirup in his warehouse is out of condition, or becoming so, he shall direct the licensed inspector to examine the sirup in question, and, if such inspector finds such sirup to be out of condition or becoming so, and he is of the opinion that such sirup can be brought back into condition by reprocessing or other means, or that further deterioration can be prevented, the warehouseman shall give immediate notice of the facts to the persons, and in the manner, specified in section 108.42 (b)–(c) of these regulations. If, within 24 hours after the dispatch of such notice, the owners of such sirup have not otherwise directed as to the disposition of same, such warehouseman, with the approval of the licensed inspector, shall subject the sirup to the proper reconditioning process in his licensed warehouse to the extent to which it is equipped with apparatus suitable for the purpose, otherwise in any other warehouse so equipped.

§ 108.42 *Deteriorating sirup; handling.* (a) If a warehouseman, with the approval of the licensed inspector, shall determine that any sirup is deteriorating and that such deterioration can not be stopped by processing or otherwise, he shall give immediate notice thereof in accordance with paragraphs (b) and (c) of this section.

(b) Such notice shall state (1) the warehouse in which the sirup is stored; (2) the quantity, kind and grade of the sirup at the time the notice is given; (3) the actual condition of the sirup as nearly as can be ascertained, and the reason, if known, for such condition; and (4) the outstanding receipts covering the sirup out of condition, giving the number and the date of each such receipt and the quantity, the kind and grade of the sirup as stated in each such receipt.

(c) A copy of such notice shall be delivered in person or shall be sent by mail (1) to the persons holding the receipts if known to the warehouseman; (2) to the person who originally deposited the sirup; (3) to any other persons known by the licensed warehouseman to be interested in the sirup; (4) to the chief of the Service; and (5) public notice shall also be given by posting a copy of such notice at the place where the warehouseman is required to post his license. If the holders of the receipts and the owners of the sirup are known to the warehouseman and can not, in the regular course of the mails, be reached within 12 hours, the warehouseman shall, whether or not requested to do so, also immediately notify such persons by telegraph or telephone at their expense.

(d) Any person, interested in any sirup or the receipt covering such sirup stored in a licensed warehouse, may, in writing, notify the warehouseman of his interest, and such warehouseman shall keep a record of that fact. If such person requests in writing that he be notified regarding the condition of any such sirup and agrees to pay the cost of any telegraph or telephone toll charge, such warehouseman shall notify such person in accordance with such request.

(e) If the sirup advertised in accordance with the requirements of this regulation has not been removed from storage by the owner thereof within seven days from the dispatch of notice of its being out of condition, the warehouseman may sell the same at public auction at the expense and for the account of the owner, after giving 7 days' notice of such proposed sale in the manner specified in paragraphs (b) and (c) of this section.

(f) Nothing contained in this section shall be construed as relieving the warehouseman from properly caring for any sirup after sending notification of its condition in accordance with this section.

§ 108.43 *Excess storage.* If at any time a warehouseman shall be offered for storage in his warehouse sirup in excess of the licensed capacity as shown on his license, he shall not accept such sirup until he has first secured authority through an amended license, and after such authority has been granted, the warehouseman shall continue to so arrange the sirup as not to obstruct free access thereto and the proper use of sprinklers or other fire-protection equipment provided for such warehouse.

§ 108.44 *Removal of sirup from storage.* Except as may be provided by law or these regulations, each warehouseman, (1) upon proper presentation and surrender of a receipt for sirup stored other than as identity preserved and upon payment or tender of all advances and legal charges, shall deliver to such depositor or lawful holder of such receipt sirup of the same grade and quantity specified in such receipt; and, (2) upon proper presentation and surrender of a receipt for sirup the identity of which was to have been preserved during the storage period and upon payment or tender of all advances and legal charges, shall deliver to the person lawfully entitled thereto the identical sirup covered by the surrendered receipt. Should it become necessary to remove sirup from the warehouse to protect the interests of depositors prior to the return and cancellation of receipts, the warehouseman shall immediately notify the chief of the Service of such removal and of the necessity therefor.

§ 108.45 (Repealed)

§ 108.45a *Signatures of persons to sign receipts to be filed with department.* Each warehouseman shall file with the department the name and genuine signature of each person authorized to sign warehouse receipts for the licensed warehouseman, and shall promptly notify the department of any changes as to persons authorized to sign, and shall file signatures of such persons.



§ 108.46 *Fire loss to be reported by telegraph.* If at any time a fire shall occur at or within any licensed warehouse, it shall be the duty of the warehouseman to report immediately by telegraph to the chief of the Service the occurrence of such fire and the extent of damage.

§ 108.47 *Copies of inspection or weight certificates to be filed.* When an inspection or weight certificate has been issued by a licensed inspector or weigher, a copy of such certificate shall be filed with the warehouseman in whose warehouse the sirup covered by such certificate is stored, and such certificate shall become a part of the records of the warehouseman.

FEES

§ 108.48 *Warehouse license fees.* There shall be charged, assessed, and collected a fee of $10 for each warehouseman's license or any amendment thereto, and a fee of $3 for each license issued to a weigher or an inspector.

§ 108.49 *Warehouse inspection fees.* There shall be charged, assessed, and collected for each original examination or inspection of a warehouse under the act, when such examination or inspection is made upon application by a warehouseman, a fee at the rate of $1 for each 5,000 gallons of the storage capacity, or fraction thereof, determined in accordance with section 108.12 (a) but in no case less than $10 nor more than $200, and, for each reexamination or reinspection applied for by such warehouseman, a fee based on the extent of the reexamination or reinspection, proportioned to but not greater than that prescribed for the original examination or inspection.

§ 108.50 *Advance deposit.* Before any warehouseman's license or amendment thereto, or any inspector's or weigher's license is granted, or before an original examination or reexamination applied for by a warehouseman is made, the warehouseman, and/or inspector, or weigher shall deposit with the Service the amount of the fee prescribed therefor. Such deposit shall be made in the form of a check, certified if required by the Service, or post office or express money order, payable to the order of "Treasurer of the United States."

§ 108.51 *Return of excess deposit.* The Treasurer of the United States shall hold in his custody each advance deposit made under this regulation until the fee, if any, is assessed and he is furnished by the Service with a statement showing the amount thereof and against whom assessed. Any part of such advance deposit which is not required for the payment of any fee assessed shall be refunded to the party depositing same.

LICENSED INSPECTORS AND WEIGHERS

§ 108.52 *Inspector's and weigher's application.* (a) Application for licenses to inspect and grade or to weigh sirup under the act shall be made to the chief of the Service on forms furnished for the purpose by him.

(b) Each such application shall be signed by the applicant, shall be verified by him under oath or affirmation administered by a duly authorized officer, and shall contain or be accompanied by (1) satisfactory evidence that he has passed his twenty-first birthday; (2) the name and location of a warehouse or warehouses licensed, or for which application for license has been made, under the act, in which sirup sought to be inspected and weighed under such license is or may be stored; (3) a statement from the warehouseman conducting such warehouse showing whether the applicant is competent and is acceptable to such warehouseman for the purpose; (4) satisfactory evidence that he has had at least one year's experience in the kind of service for which a license is sought or the equivalent of such experience, and that he is competent to perform such services, except in the case of applicants for weigher's licenses one month's experience will be sufficient; (5) a statement by the applicant that he agrees to comply with and abide by the terms of the act and these regulations so far as the same may relate to him; and (6) such other information as the Service may deem necessary; provided, that when an application for a license to inspect sirup is filed by a person who does not intend to inspect for any particular licensed warehouseman but who does intend to inspect sirup stored or to be stored in a licensed warehouse or warehouses and to issue inspector's certificates therefor, as provided for by the act and these regulations, independent of the warehouse receipts issued to cover such sirup, it shall not be necessary to furnish such statement as is required by subdivision (3) of this paragraph.

(c) The applicant shall at any time furnish such additional information as the Secretary or the chief of the Service shall find to be necessary to the consideration of his application.

(d) A single application may be made by any person for a license to inspect and to weigh upon complying with all the requirements of this section.

§ 108.53 *Examination of applicant.* Each applicant for a license as an inspector or as a weigher and each licensed inspector or licensed weigher shall, whenever requested by an authorized agent of the Department of Agriculture designated by the chief of the Service for the purpose, submit to an examination or test to show his ability properly to perform the duties for which he is applying for license or for which he has been licensed.

§ 108.54 *Posting of license.* Each licensed inspector shall keep his license conspicuously posted in the office where all or most of the inspecting is done, and each licensed weigher shall keep his license conspicuously posted in the warehouse office or in such place as may be designated for the purpose by the Service.

§ 108.55 *Duties of licensees.* Each inspector and each weigher, when requested, shall, without discrimination, as soon as practicable, and upon reasonable terms, inspect or weigh and certificate the condition, grade, or weight for storage of sirup stored or to be stored in a licensed warehouse if such sirup be offered to him under such conditions as permit proper inspection and the determination of the condition, grade, or weight thereof, as the case may be. Each such licensee shall give preference to persons who request his services as such over persons who request his services in any other capacity. No inspection or weight certificates shall be issued under the act for sirup not stored or not to be stored in a licensed warehouse.

§ 108.56 *Inspection certificate; form.* Each inspection certificate issued under the act by a licensed inspector shall be in a form approved for the purpose by the Service and shall embody within its written or printed terms (1) the caption "United States Warehouse Act Sirup Inspection Certificate"; (2) whether it is an original, a duplicate, or other copy; (3) the name and location of the warehouse in which the sirup is or is to be stored; (4) the date of the certificate; (5) the location of the sirup at the time of inspection; (6) the identification number of each lot of sirup, given in accordance with section 108.32; (7) the grade and condition of the sirup for storage at the time of inspection; (8) the name of the locality in which produced, if known; (9) that the certificate is issued by a licensed inspector, under the United States warehouse act and regulations thereunder; (10) a blank space designated for the purpose in which may be stated any general remarks on the condition of the sirup; and (11) the signature of such licensed inspector. In addition, the inspection certificate may include any other matter not inconsistent with the act or these regulations, provided the approval of the Service is first secured.

§ 108.57 *Weight certificate; form.* Each weight certificate issued under the act by a licensed weigher shall be in a form approved for the purpose by the Service, and shall embody within its written or printed terms (1) the caption "United States Warehouse Act Sirup Weight Certificate"; (2) whether it is an original, a duplicate, or other copy; (3) the name and location of the warehouse in which the sirup is or is to be stored; (4) the date of the certificate; (5) the location of the sirup at the time of weighing; (6) the identification mark of each lot of sirup given in accordance with section 108.32; (7) the gross, tare, and net weight of the sirup if in barrels, drums, or jackets; or the number of cases and sizes of cans if in cases; (8) that the certificate is issued by a licensed weigher, under the United States warehouse act and the regula-

tions thereunder; and (9) the signature of such licensed weigher. In addition, the weight certificate may include any other matter not inconsistent with the act or these regulations, provided the approval of the Service is first secured.

§ 108.58 *Combined inspection and weight certificate.* The grade, condition, and weight of any sirup ascertained by a licensed inspector and/or licensed weigher may be stated on a certificate meeting the combined requirements of sections 108.56 and 108.57, if the form of such certificate shall have been approved for the purpose by the Service.

§ 108.59 *Copies of certificates to be kept.* Each licensed inspector and each licensed weigher shall keep for a period of one year in a place accessible to persons financially interested in the sirup, a copy of each certificate issued by him under these regulations and shall file a copy of each such certificate with the warehouse in which the sirup covered by the certificate is stored.

§ 108.60 *Licenses to permit and assist in examination.* Each licensed inspector and each licensed weigher shall permit any officer or agent of the Department of Agriculture, authorized by the Secretary for the purpose, to inspect or examine at any time his books, papers, records and accounts relating to the performance of his duties under the act and these regulations, and shall, with the consent of the warehouseman concerned, assist any such officer or agent in the inspection or examination of records mentioned in section 108.33 as far as any such inspection or examination relates to the performance of the duties of such licensed inspector or licensed weigher under the act and these regulations.

§ 108.61 *Reports.* Each licensed inspector and licensed weigher shall, from time to time, when requested by the Service, make reports on forms furnished for the purpose by the Service, bearing upon his activities as such licensed inspector or licensed weigher.

§ 108.62 *Licenses—suspension; revocation.* Pending investigation, the Secretary or his designated representative may, whenever he deems necessary, suspend the license of an inspector or of a weigher temporarily without hearing. Upon a written request and a satisfactory statement of reasons therefor, submitted by the inspector or weigher, or when the inspector or weigher has ceased to perform such services at the warehouse, the Secretary or his designated representative may, without hearing, suspend or revoke the license issued to such inspector or weigher. The Secretary or his designated representative may, after opportunity for hearing, when possible, has been afforded in the manner prescribed in this section, suspend or revoke a license issued to an inspector or a weigher when such inspector or weigher has in any manner become incompetent or incapacitated to perform the duties of a licensed inspector or licensed weigher. As soon as it shall come to the attention of a warehouseman that any of the conditions mentioned in this section exist, it shall be his duty to notify in writing the Service. Before the license of any inspector or weigher is suspended or revoked pursuant to section 12 of the act, such licensee shall be furnished by the Secretary, or by his designated representative, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with section 108.73.

§ 108.63 *Return of suspended or revoked licenses. Termination of license.* (a) If a license issued to an inspector or to a weigher is suspended or revoked by the Secretary, it shall be returned to the Secretary. At the expiration of any period of suspension of a license, unless in the meantime it be revoked, the dates of the beginning and termination of the suspension shall be indorsed thereon, and it shall be returned to the inspector or weigher to whom it was originally issued, and it shall be posted as prescribed in section 108.54.

(b) Any license issued to an inspector or weigher shall automatically be suspended or terminated as to any warehouse whenever the license of such warehouse shall expire or be suspended or revoked. Thereupon the license of such inspector or weigher shall be returned to the Secretary. If such license is applicable to warehouses other than those for which the licenses have been suspended or revoked, the Secretary or his designated representative shall issue a new license to the inspector or weigher, omitting the names of the warehouses for which licenses have been so suspended or revoked. Such new licenses shall be posted as prescribed in section 108.54.

§ 108.64 *Lost or destroyed licenses.* Upon satisfactory proof of the loss or destruction of a license issued to an inspector or a weigher, a duplicate thereof may be issued under the same number.

§ 108.65 *Unlicensed inspector or weigher; misrepresentation.* No person shall in any way represent himself to be an inspector or weigher licensed under the act unless he holds an unsuspended, unrevoked, and uncanceled license issued under the act.

SIRUP INSPECTION AND CLASSIFICATION

§ 108.66 *Classification; statement of.* Whenever the kind, grade or other class or condition of sirup is required to be or is stated for the purposes of this act and these regulations, it shall be stated in accordance with sections 108.67–108.68.

§ 108.67 *Standards to be used.* Until such time as official sirup grades of the United States are in effect, the kind, grade and condition of sirup shall be stated as far as applicable (a) in accordance with the State standards, if any, established in the State in which the warehouse is located; (b) in the absence of any State standards, in accordance with the standards, if any, adopted by any sirup organization or by the sirup trade generally in the locality in which the warehouse is located, subject to the disapproval of the chief of the Service; or (c) in the absence of the aforesaid standards in accordance with any standards approved by the chief of the Service.

§ 108.68 *Statement of kind-grade-condition.* Whenever the kind, grade or other class or condition of sirup is stated for the purposes of this act and these regulations, the terms used shall be correctly applied and shall be so selected as not to convey a false impression of the sirup. In case of doubt as to the kind, grade or condition of a given lot of sirup, a determination shall be made of such facts by drawing samples fairly representative of the contents of the lot of sirup offered for storage.

APPEAL OF GRADES

§ 108.69 *Appeal of grades.* (a) If a question arises as to whether the kind, grade or condition of the sirup was correctly stated in a receipt or inspection certificate issued under the act or these regulations, the warehouseman concerned or any person financially interested in the sirup involved may, after reasonable notice to the other party, submit the question to the chief of the Service, who may appoint a committee to make a determination. The decision of the committee shall be final, unless the chief shall direct a review of the question. Immediately upon making its decision, the committee shall issue a certificate embodying its findings to the appellants and the licensee or licensees involved.

(b) If the decision of the committee be that the kind, grade, or condition was not correctly stated, the receipt or certificate involved shall be returned to and be canceled by the licensee who issued it, and the licensee shall issue in lieu thereof a new receipt or certificate embodying therein the statement of kind, grade, or condition in accordance with the findings of the committee.

(c) All necessary and reasonable expenses of such determination shall be borne by the losing party, unless the chief of the Service or his representative shall decide that the expense should be prorated between the parties.

MISCELLANEOUS

§ 108.70 *Bonds required.* Every person applying for a license, or licensed under section 9 of the act, shall, as such be subject to all portions of these regulations except section 108.5 so far as they may relate to warehousemen. If there is a law of any State providing for a system of warehouses owned, operated, or leased by such State, a person applying for a license under section 9 of the act, to accept the custody of sirup and to store the same in any of said warehouses, may, in lieu of a bond or bonds, complying with sections 108.11 and 108.12, file with the Secretary a single bond meeting the requirements of the act and these regulations, in such form and in such amount not less than $5,000, as he shall prescribe, to insure the performance by such person, with respect to the acceptance of the custody of sirup and its storage in the warehouses in such system for which licenses are or may be issued, of his obligations arising during the periods of such licenses, and in addition, if desired by the applicant, during the periods of any modifications or extensions thereof. In fixing the amount of such bond, consideration shall be given, among other appropriate factors, to the character of the warehouses involved, their actual or contemplated capacity, the bonding requirements of the State, and its liability with respect to such warehouses. If the Secretary shall find the existence of conditions warranting such action, there shall be added to the amount of the bond so fixed a further amount, fixed by him, to meet such conditions.

§ 108.71 *Publications.* Publications under the act and these regulations shall be made in service and regulatory announcements of the Agricultural Marketing Service and such other media as the chief of the Service may from time to time designate for the purpose.

§ 108.72 *Information of violations.* Every person licensed under the act shall immediately furnish the chief of the service any information which comes to the knowledge of such person tending to show that any provision of the act or these regulations has been violated.

§ 108.73 *Procedure in hearings.* For the purpose of a hearing under the act and these regulations, except section 108.69, the licensee involved shall be allowed a reasonable time, fixed by the Secretary or by an official of the Department of Agriculture designated by him for the purpose, within which affidavits and other proper evidence may be submitted. If requested by the licensee within such time, an oral hearing, of which reasonable notice shall be given, shall be held before, and at a time and place fixed by, the Secretary or an official of the Department of Agriculture designated by him for the purpose. The testimony of the witnesses at such oral hearing shall be upon oath or affirmation administered by the official before whom the hearing is held, when required by him. Such oral hearing may be adjourned by him from time to time. After reasonable notice to all parties concerned, the deposition of any witness may be taken at a time and place and before a person designated for the purpose by the Secretary, or an official of the Department of Agriculture authorized by the Secretary. Every written entry in the records of the Department of Agriculture made by an officer or employee thereof in the course of his official duty, which is relevant to the issue involved in a hearing, shall be admissible as prima facie evidence of the facts stated therein without the production of such officer or employee. Copies of all papers and all the evidence submitted or considered in such hearing shall be made a part of the records of the Department of Agriculture. The records, and, when there has been an oral hearing other than by the Secretary, the recommendation of the official holding such oral hearing shall be transmitted to the Secretary for his consideration. Each party shall pay all expenses contracted by him in connection with any hearing under this section.

§ 108.74 Repealed.

§ 108.74a *One document and one license to cover several products.* A license may be issued for the storage of two or more agricultural products in a single warehouse. Where such a license is desired, a single application, inspection, bond, record, report or other paper, document, or proceeding relating to such warehouse, shall be sufficient unless otherwise directed by the chief of the Service.

§ 108.74b *Amount of assets and bond needed for combination warehouses.* Where such a license is desired, the amount of the bond, net assets, and inspection and license fees shall be determined by the chief of the Service in accordance with the sections applicable to the particular agricultural product which would require the largest bond and the greatest amount of net assets and of fees if the full capacity of the warehouse was used for its storage.

§ 108.75 *Amendments.* Any amendment or revision of these regulations, unless otherwise stated therein, shall apply in the same manner to persons holding licenses at the time it becomes effective as it applies to persons thereafter licensed under the act.

Done at Washington, D. C., this 11th day of December 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39–4600; Filed, December 11, 1939; 3:25 p. m.]

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## TITLE 31—MONEY AND FINANCE: TREASURY

## CHAPTER III—PUBLIC DEBT SERVICE

[1939—Department Circular 627]

### OFFERING OF UNITED STATES OF AMERICA 2¼ PERCENT TREASURY BONDS OF 1951–53

DECEMBER 12, 1939.

I—OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par, from the people of the United States for 2¼ percent bonds of the United States, designated Treasury Bonds of 1951–53. The amount of the public offering under this circular will be limited to the amount of Treasury Notes of Series A–1940, maturing March 15, 1940, tendered in payment and accepted, in addition to which $100,000,000, or thereabouts, of these bonds may be allotted to Government investment accounts against cash payment.

II—DESCRIPTION OF BONDS

1. The bonds will be dated December 22, 1939, and will bear interest from that date at the rate of 2¼ percent per annum, payable on a semiannual basis on June 15 and December 15 in each year until the principal amount becomes payable. They will mature December 15, 1953, but may be redeemed at the option of the United States on and after December 15, 1951, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The bonds shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, or gift taxes, and (b) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations, or corporations. The interest on an amount of bonds authorized by the Second Liberty Bond Act, approved September 24, 1917, as amended, the principal of which does not exceed in the aggregate $5,000, owned by any individual, partnership, association, or corporation, shall be exempt from the taxes provided for in clause (b) above.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $50, $100, $500, $1,000, $5,000, $10,000 and $100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III—SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV—PAYMENT

1. Payment at par for bonds allotted to the public hereunder must be made or completed on or before December 22, 1939, or on later allotment, and may be made only in Treasury Notes of Series A–1940, maturing March 15, 1940, which will be accepted at par, and should accompany the subscription. Coupons dated March 15, 1940, must be attached to the notes when surrendered, and accrued interest from September 15, 1939, to December 22, 1939 ($4.375 per $1,000), will be paid following acceptance of the notes.

V—GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, JR.,
*Secretary of the Treasury.*

[F. R. Doc. 39–4610; Filed, December 12, 1939; 12:40 p. m.]

[1939—Department Circular 628]

OFFERING OF UNITED STATES OF AMERICA 1 PERCENT TREASURY NOTES OF SERIES C–1944

DECEMBER 12, 1939.

I—OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par, from the people of the United States for 1 percent notes of the United States, designated Treasury Notes of Series C–1944, in payment of which only Treasury Notes of Series A–1940, maturing March 15, 1940, may be tendered. The amount of the offering under this circular will be limited to the amount of Treasury Notes of Series A–1940 tendered and accepted.

II—DESCRIPTION OF NOTES

1. The notes will be dated December 22, 1939, and will bear interest from that date at the rate of 1 percent per annum, payable on a semiannual basis on March 15 and September 15 in each year until the principal amount becomes payable. They will mature September 15, 1944, and will not be subject to call for redemption prior to maturity.

2. The notes shall be exempt, both as to principal and interest, from all taxation (except estate or inheritance taxes, or gift taxes) now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

4. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.

5. Bearer notes with interest coupons attached will be issued in denominations of $100, $500, $1,000, $5,000, $10,000 and $100,000. The notes will not be issued in registered form.

6. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III—SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV—PAYMENT

1. Payment at par for notes allotted hereunder must be made or completed on or before December 22, 1939, or on later allotment, and may be made only in Treasury Notes of Series A–1940, maturing March 15, 1940, which will be accepted at par, and should accompany the subscription. Coupons dated March 15, 1940, must be attached to the notes when surrendered, and accrued interest from September 15, 1939, to December 22, 1939 ($4.375 per $1,000), will be paid following acceptance of the notes.

V—GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, JR.,
*Secretary of the Treasury.*

[F. R. Doc. 39–4611; Filed, December 12, 1939; 12:40 p. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

## CHAPTER I—GENERAL LAND OFFICE

STOCK DRIVEWAY WITHDRAWAL NO. 257, MONTANA NO. 17

NOVEMBER 30, 1939.

It appearing that the following-described public land in Montana is necessary for the purpose, it is ordered, under and pursuant to the provisions of section 7 of the act of June 28, 1934, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, and section 10 of the act of December 29, 1916, 39 Stat. 862, as amended by the act of January 29, 1929, 45 Stat. 1144, that such land, excepting any mineral deposits therein, be, and it is hereby, withdrawn from all disposal under the public-land laws and reserved for use by the general public as a stock driveway, subject to valid existing rights:

PRINCIPAL MERIDIAN

T. 14 N., R. 8 W., sec. 14, S½SE¼, 80 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

JOHN W. FINCH,
*Acting Under Secretary of the Interior.*

[F. R. Doc. 39–4602; Filed, December 12, 1939; 9:59 a. m.]



## CHAPTER II—BUREAU OF RECLAMATION

[No. 20]

RIVERTON IRRIGATION PROJECT

NOTICE OF ANNUAL WATER CHARGES[1]

NOVEMBER 30, 1939.

1. *Water rental.* Irrigation water when available, will be furnished upon a rental basis under approved applications for temporary water service during the irrigation season of 1940 and thereafter until further notice to those lands in private ownership and to those public lands opened under the orders "opening public land to entry" dated March 3, 1926; November 9, 1926; March 23, 1931; May 2, 1932; January 31, 1933; and October 30, 1939; *against which assessments for water rental were not levied by the Midvale Irrigation District in 1939.*

2. *Charges and terms of payment.* The minimum water-rental charge for the irrigation season of 1940 and thereafter until further notice will be One Dollars and Fifteen Cents ($1.15) per acre for each irrigable acre of land for which application has been or is hereafter made which will entitle the applicant to two and three-tenths (2.3) acre-feet of water, or so much thereof as may be necessary for beneficial use, for said season. Payment of the minimum charge shall be made for the entire irrigable area of each farm unit to public land entered under orders "opening public land to entry" dated March 3, 1926; November 9, 1926; March 23, 1931; May 2, 1932; January 31, 1933; and October 30, 1939; and for the entire irrigable area in each 40-acre subdivision of private land entitled to water for which application has been made or is hereafter made. Said minimum charge will be made against each acre of irrigable land whether or not water is used; shall be paid in advance on or before May 1, 1940 and no part of said charge will be refunded. Additional water if available will be furnished during said irrigation season at the rate of fifty cents ($0.50) per acre-foot, payable on December 1, 1940. When water-rental application is submitted and approved after June 15, for public land entered under the reclamation law and after August 1 for land in private ownership, the minimum charge shall apply as a credit on the minimum charge for the following irrigation season. All water-rental charges under this notice should be paid to the Bureau of Reclamation, Riverton, Wyoming.

3. *Penalty for nonpayment.* If payment of the minimum charge be not made on or before May 1 and payment for additional water furnished be not made on or before December 1, as herein provided, there shall be added to the amount unpaid a penalty of one-half of one per centum thereof on the first day of the third calendar month thereafter, and there shall be added a like penalty of one-half of one per centum on the first day of each month thereafter so long as such default shall continue, and no water shall be delivered to the owner or entryman in subsequent years until all such charges and penalties have been paid in full.

JOHN W. FINCH,
*Acting Under Secretary.*

[F. R. Doc. 39–4601; Filed, December 12, 1939; 9:59 a. m.]

[1] Act of June 17, 1902, 32 Stat., 388, as amended and supplemented.

## *Notices*

### SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1939.

[File No. 51–27]

IN THE MATTER OF THE UNITED CORPORATION

ORDER APPROVING PAYMENT OF DIVIDENDS

The United Corporation, a Delaware corporation and a registered holding company, having filed an application pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U–12C–2 adopted thereunder, for approval of the declaration and payment of a dividend amounting to $1.05 per share on the outstanding shares of the corporation's $3 Cumulative Preference Stock, and the debiting to its Capital Surplus account of the amount of such dividend in excess of the balance in its Earned Surplus account at the date of declaration, and having proposed further that, upon the declaration and payment of the full amount of these dividends in arrears, the corporation shall be permitted, without further authority from the Commission, to declare and pay the regular dividends on the $3 Cumulative Preference Stock out of income accruing after the payment of the dividend in arrears upon condition that the excess of such income above the amounts required to pay the regular dividends on the Preference Stock shall be credited to the Capital Surplus account until the full amount of the dividend charged thereto shall be restored to that account, and that no dividends shall be declared or paid upon the Common Stock of the corporation until such amount shall have been restored to the Capital Surplus account;

A hearing on the application having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

*It is ordered*, That the declaration and payment of a dividend amounting to $1.05 per share on the outstanding shares of the corporation's $3 Cumulative Preference Stock, and the debiting to its Capital Surplus account of the amount of such dividend in excess of the balance in its Earned Surplus account at the date of declaration, and the payment of subsequently accruing regular Preference Stock dividends out of income to be received after the date of declaration of the dividends now in arrears be approved, subject, however, to the following conditions:

1. That no dividend shall be paid on the Common Stock until the amount to be charged to Capital Surplus shall have been restored and that the excess of net income or other net credits to Earned Surplus over subsequent Preference Stock dividends declared or paid shall be credited to Capital Surplus as at the close of each calendar year until the amount of the dividends charged to Capital Surplus shall be restored;

2. That until Capital Surplus has been so restored, other Surplus shown on any interim balance sheets which may be published shall be captioned: "Surplus—Subject to Adjustment";

3. That until December 31, 1942, if necessary in order to continue the payment of regular quarterly dividends on its Preference Stock, the applicant may charge to Capital Surplus the excess of any such dividend over the amount of income then available, provided that in so doing Capital Surplus shall not be reduced below the amount of Capital Surplus remaining immediately after charging thereto the amount which this order now authorizes to be charged to Capital Surplus;

4. That at the time of payment of the dividend arrears of $1.05 on the Preference Stock, or any future dividend, part of which is charged to Capital Surplus, the holders of such stock be advised that it is a payment in part from Capital Surplus which is to be restored out of future income;

5. That published balance sheets of the corporation shall bear an appropriate

footnote to indicate the effect of these transactions and the terms of this order; and

6. That within 10 days after the declaration of any dividend authorized by this order the company shall notify the Commission of the date of declaration and payment, the amount to be charged to Capital Surplus or income and the amount which must thereafter be restored to Capital Surplus.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4603; Filed, December 12, 1939; 11:24 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 11th day of December 1939.

[File No. 1-2774]

IN THE MATTER OF GENERAL HOUSEHOLD UTILITIES COMPANY, COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The Chicago Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of General Household Utilities Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 a. m. on Thursday, January 11, 1940, at the office of the Securities and Exchange Commission, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4604; Filed, December 12, 1939; 11:24 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

[File No. 43-281]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 28, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 23, 1939.

The matter concerned herewith is in regard to the proposed issue and sale by declarant of $26,000,000 principal amount of First Mortgage Bonds, Series of 1970, —%, due January 1, 1970, and of $6,000,000 principal amount of Serial Debentures, or notes —% - —%, due serially January 1, 1941-19—. The bonds would be sold to underwriters and the debentures or notes to underwriters or certain banks. Net proceeds from such sale are proposed to be applied to the following purposes:

1. To the redemption within forty days after the issuance and delivery of the Bonds of the Series of 1970 and the Serial Debentures, of the following bonds of the company:
   - $3,926,000 principal amount of First Mortgage Lien Gold Bonds, Series D, 6½%, due September 1, 1948, requiring for principal and premium of 5% ---------- $4,122,300
   - $1,896,500 principal amount of First Mortgage Lien Gold Bonds, Series F, 5½%, due October 1, 1955, requiring for principal and premium of 3% ---------- 1,953,395
   - $3,774,000 principal amount of First Mortgage Lien Gold Bonds, Series G, 5%, due February 1, 1961, requiring for principal and premium of 4% ---------- 3,924,960
   - $5,881,000 principal amount of First Mortgage Lien Gold Bonds, Series H, 5%, due February 1, 1961, requiring for principal and premium of 4% ---------- 6,116,240
   - $9,762,000 principal amount of First Mortgage Lien Gold Bonds Series I, 5%, due February 1, 1969, requiring for principal and premium of 2½% ---------- 10,006,050
   - $847,000 principal amount of First Mortgage Gold Bonds, Series K, 6%, due March 1, 1957, requiring for principal and premium of 4% ---------- 880,880

   27,003,825
2. To the redemption on or before February 1, 1940, of $4,142,500 principal amount of First and Refunding Mortgage Gold Bonds, 5% Series, due February 1, 1952, of Lexington Utilities Company, requiring for principal and premium of 3% ---------- 4,266,775
3. To the redemption on or prior to June 1, 1944, through the operation of the sinking fund applicable thereto, of $373,000 principal amount of First Mortgage Five Per Cent Gold Bonds, due June 1, 1949, of Lexington Railway Company, requiring for principal and premium of 10% ---------- 410,300

   Total ---------- 31,680,900

Any balance in the proceeds from the sale of such securities would be used to reimburse the company for capital expenditures.

The proposed bonds would be issued as an additional series of bonds under an Indenture dated October 1, 1919, executed by declarant to Illinois Trust and Savings Bank and William H. Henkle, as Trustees, and indentures supplemental thereto. Continental Illinois National Bank and Trust Company of Chicago and Frank F. Taylor are now Trustees under said Indenture, and a new supplemental indenture dated January 1, 1940 would be executed by declarant to them with respect to the proposed bonds.

The declaration states that the interest rates and selling prices of the proposed securities, the names of the underwriters, and other terms of the proposed issuances are to be supplied by amendment.

Declarant is a registered holding company and a subsidiary of The Middle West Corporation, also a registered holding company. All outstanding stock of Lexington Utilities Company except 6,018 shares of preferred stock called for redemption on December 15, 1939 are owned by declarant.

The use of the proceeds from the proposed issue and sale of securities may be affected in part by reason of the fact that Lexington Utilities Company has also filed with the Commission a declaration pursuant to section 7 of the Act (File 43-282) for approval of a "stop-gap" financing whereby, to effect certain income tax and duplicate interest savings, that company proposes to borrow on or about December 21, 1939, $4,000,000 from The Chase National Bank of the City of New York, proceeds of which loan would be used to purchase prior to December 30, 1939, $3,400,000 of the company's outstanding bonds. If consummated, said bank loan would be discharged with proceeds from the proposed sale of Kentucky Utilities Company bonds and debentures which would otherwise have been devoted to the redemption of Lexington Utilities' bonds which may thus be purchased. Hearing on the declaration filed by Lexington Utilities Company (File 43-282) has been ordered to be held at the Commission's Washington offices on December 20, 1939, at 10:00 a. m.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4608; Filed, December 12, 1939; 12:40 p. m.]



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 12th day of December, A. D. 1939.

[File No. 51-28]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

An application pursuant to Rule U-12C-2 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 22, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 17, 1939.

The matter concerned herewith is in regard to an application by International Utilities Corporation, a registered holding company, pursuant to Rule U-12C-2 of the Public Utility Holding Company Act of 1935, for permission to declare and pay, out of Capital Surplus, a dividend at the rate of 43¾ cents per share on the 66,652.56 shares of its $1.75 Preferred Stock now outstanding, or a total dividend disbursement of $29,160.25.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4609; Filed, December 12, 1939; 12:40 p. m.]

DEC 15 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 241

*Washington, Thursday, December 14, 1939*


## *The President*

### EXECUTIVE ORDER

AMENDMENT OF SECTION 2 (b) OF CIVIL SERVICE RULE VII

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and by section 1753 of the Revised Statutes of the United States (U.S.C., title 5, sec. 631), it is ordered that the first sentence of the first paragraph of section 2, (b) of Civil Service Rule VII[1] be, and it is hereby, amended to read as follows:

"(b) *Selections.* The nominating or appointing officer shall make selections for the first vacancy from not more than the highest three persons certified, or from the register, with sole reference to merit and fitness, unless objection shall be made and sustained by the Commission, to one or more of the persons certified, for any of the reasons stated in Rule V, section 3, or in the case of highly confidential positions in the State, War, and Navy Departments for such other reasons as may be approved by the Commission."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 12th, 1939.*

[No. 8300]

[F. R. Doc. 39-4615; Filed, December 12, 1939; 3:30 p. m.]

### EXECUTIVE ORDER

AUTHORIZING AND DIRECTING CARROLL L. WILSON, SPECIAL ASSISTANT TO THE SECRETARY OF COMMERCE, TO ACT AS DIRECTOR OF THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE DURING THE SICKNESS OR ABSENCE OF THE DIRECTOR

Under the authority vested in me by section 179 of the Revised Statutes (U.S.C., title 5, sec. 6), I hereby authorize and direct Carroll L. Wilson, Special Assistant to the Secretary of Commerce, to perform the duties of the Director of the Bureau of Foreign and Domestic Commerce during the sickness or absence of the Director of the said Bureau.

This order shall cease to be effective at the close of May 31, 1940.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 12, 1939.*

[No. 8301]

[F. R. Doc. 39-4618; Filed, December 13, 1939; 10:13 a. m.]

[1] 3 F.R. 1522 DI.

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### CHAPTER 6—SOIL CONSERVATION SERVICE

PART 601—LAND UTILIZATION PROGRAM UNDER THE BANKHEAD-JONES FARM TENANT ACT

RULES AND REGULATIONS FOR THE PROTECTION OF LANDS ACQUIRED UNDER, OR TRANSFERRED FOR ADMINISTRATION UNDER TITLE III

Pursuant to the provisions of Section 32 (f), Title III, of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 526), I, H. A. Wallace, Secretary of Agriculture, do hereby establish the following rules and regulations for the protection of lands acquired under or transferred for administration under Title III of the said Bankhead-Jones Farm Tenant Act, which supersede the rules and regulations established for the protection of such lands on the 17th day of August, 1938.

§ 601.20 *Chief of Soil Conservation Service to issue instructions.* The Chief of the Soil Conservation Service and his designees are hereby authorized and directed to issue such instructions to the officers and employees of the Soil Conservation Service, or other employees of the Department of Agriculture who may have duties with respect to such lands, as may be necessary to enforce these rules and regulations.

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§ 601.21 *Prohibited acts on lands acquired under or transferred to title III.* The following acts are prohibited on all lands acquired under or transferred for administration under Title III of the Bankhead-Jones Farm Tenant Act:

(1) To graze or drive any livestock upon or across such lands without an agreement or permit.

(2) To graze or drive any livestock upon or across such lands in violation of the terms of an agreement or permit.

(3) To allow livestock to drift and graze upon such lands without an agreement or permit.

(4) To graze livestock in an area closed to grazing or to graze a particular class of livestock in an area closed to that class.

(5) To fail, refuse, or neglect to remove livestock grazed under an agreement or permit, upon receipt of notice that such livestock are to be removed because such lands are being injured by improper handling of such livestock.

(6) To tear, remove, or deface, willfully, any notice which the Department of Agriculture, or the non-Federal agency to which the lands have been entrusted for use and management, has placed on such lands.

(7) To destroy, molest, disturb, injure, or remove, or to go upon such lands with intent to destroy, molest, disturb, injure, or remove, property or appurtenances thereto, located on such lands, belonging to the United States or to the non-Federal agency to which the lands have been entrusted for use and management.

(8) To mutilate, deface, or destroy, to attempt to mutilate, deface, or destroy, or to go upon such lands with intent to mutilate, deface, or destroy, any objects of natural beauty or of scenic value located thereon.

(9) To occupy or in any way make use of such lands or appurtenances thereto or property located thereon without an agreement or a permit when such an agreement or permit is required.

(10) To occupy or use such lands or appurtenances thereto or property located thereon in a manner which violates the terms of an agreement or permit.

(11) To construct or maintain any kind of works, structures, fences, or enclosures, or to conduct any kind of business enterprise or carry on any kind of work, on such lands, without a permit.

(12) To have or leave camp refuse or debris of any description upon such lands in an exposed or insanitary condition, or to deposit in or near any stream, lake, reservoir, or other waters on such lands, substances which pollute or are likely to pollute the said streams, lake, reservoir, or waters.

(13) To set on fire or cause to be set on fire, willfully, recklessly, or negligently, any timber, brush, or grass on such lands, or to leave a camp fire on such lands without completely extinguishing it. However, this regulation shall not be construed to prohibit the kindling of such fires as may be authorized by permit.

(14) To throw or place a burning cigarette, cigar, match, pipe heel, or any ignited substance in any place where it may start a fire.

(15) To post, distribute or display any private notices or advertisements, excepting such as may be deemed necessary for the convenience and guidance of the public.

(16) To cut, kill, destroy, girdle, chip, box, or otherwise damage, or to remove any timber, posts, or other forest products, except as authorized by permit.

(17) To camp without a special permit on areas which are specifically excepted from such use:

(18) To occupy public camp grounds, cabins, lodges, and other recreational facilities established upon such lands, without an agreement or permit when such an agreement or permit is required.

(19) To discharge firearms in, over, or in the vicinity of public camp grounds, group camps, recreational grounds and areas, or over lakes or other bodies of water adjacent to or within such areas, or to expose any person or livestock anywhere on such lands to injury by the discharge of firearms.

(20) To intimidate, threaten, assault, or otherwise interfere with any person on such lands while such person is engaged in the protection, improvement, or administration thereof.

(21) To go or be upon such lands or in or on the waters thereof with intent to hunt, catch, trap, disturb, or kill any kind of game or non-game animal, game or non-game bird or fish, or to take the eggs of any such bird, when posted against hunting, fishing, or trapping, or when in violation of the laws of the United States or any regulation made in pursuance thereof, or of the laws of the respective States in which such lands or waters are situated.

The following acts are prohibited on such lands acquired under or transferred for administration under Title III of the Bankhead-Jones Farm Tenant Act as are or may be embraced within the boundaries of a national game or bird refuge, preserve, sanctuary, or reservation, established by or under authority of an Act of Congress; or embraced within the boundaries of any inviolate State game or bird refuge, preserve, sanctuary or reservation; or embraced within the boundaries of any established controlled hunting, fishing, or trapping area:

(22) To carry or have possession of firearms without permit.

(23) To hunt, trap, catch, disturb, or kill any kind of game or non-game animal, game or non-game bird, or to take on such lands the eggs of any such bird, or to fish, except when authorized by permit.

The following acts are prohibited on such lands acquired under or transferred for administration under Title III of the Bankhead-Jones Farm Tenant Act as are or may be designated recreational areas by appropriate posting:

(24) To discharge firecrackers or fireworks of any kind, except with written permission.

(25) To operate gambling devices or conduct games of chance of any kind whatsoever, whether for merchandise, cash prizes, or prizes of any other kind.

(26) To conduct oneself in a disorderly or obnoxious manner.

(27) To permit any dog or cat to roam at large.

(28) To engage in or solicit business, except under a permit or a concession.

(29) To build a fire anywhere except in a designated fireplace. Definitions. As used in these rules and regulations—

(1) "Agreement" or "permit", (a) in cases where lands *have not* been entrusted by the Secretary of Agriculture to a non-Federal agency for use and management, refer to an agreement or permit executed by the Secretary of Agriculture or his duly authorized representative, and, (b) in cases where the lands *have* been entrusted by the Secretary of Agriculture to a non-Federal agency for use and management, they refer to an agreement or permit executed by such agency, or its duly authorized representative.

(2) "Notice", (a) in cases where lands *have not* been entrusted by the Secretary of Agriculture to a non-Federal agency for use and management, refers to a notice given by the Secretary of Agriculture or his duly authorized representative and (b) in cases where the lands *have* been entrusted by the Secretary of Agriculture to a non-Federal agency for use and management, it refers to a notice given by such agency, or its duly authorized representative.

§ 601.22 *Penalty.* Under the terms of Section 32 (f), Title III, of the Bankhead-Jones Farm Tenant Act, any violation of the foregoing rules and regulations is punishable as prescribed in Section 5388 of the Revised Statutes, as amended (U.S.C., 1934 ed., Title 18, Sec. 104).

In Testimony Whereof, I have hereunto set my hand and official seal this 12th day of December, 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4612; Filed, December 12, 1939; 2:03 p. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

## CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 38 to Declaration No. 12[1]]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

DECEMBER 1, 1939.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended effective September 10, 1936, the following named counties, having completed the necessary retests for re-accreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Arkansas: Clay, December 1, 1942; Lonoke, December 1, 1942.

California: San Bernardino, December 1, 1942.

Florida: Glades, December 1, 1942.

Idaho: Boise, December 1, 1942; Fremont, December 1, 1942; Jerome, December 1, 1942; Shoshone, December 1, 1942; Valley, December 1, 1942.

Illinois: Fayette, December 1, 1945.

Indiana: Clark, December 1, 1942; Daviess, December 1, 1942; Wayne, December 1, 1942.

Iowa: Black Hawk, December 1, 1942; Guthrie, December 1, 1942.

Kansas: Cheyenne, December 1, 1942; Doniphan, December 1, 1942.

Kentucky: Henderson, December 1, 1942; Hickman, December 1, 1942; Spencer, December 1, 1942; Whitley, December 1, 1942.

Maine: Franklin, December 1, 1942; Hancock, December 1, 1942.

Maryland: Harford, December 1, 1942.

Michigan: Berrien, December 1, 1942; Iosco, December 1, 1942; Ogemaw, December 1, 1942.

Minnesota: Dodge, December 1, 1942.

Missouri: Franklin, December 1, 1942; Jefferson, December 1, 1942; Johnson, December 1, 1942; St. Louis, December 1, 1942; Saline, December 1, 1942.

Nebraska: Arthur, December 1, 1942; McPherson, December 1, 1942; Thomas, December 1, 1942; York, December 1, 1942.

Nevada: Lander, December 1, 1942.

New York: Cayuga, December 1, 1942; Saratoga, December 1, 1942.

North Carolina: Avery, December 1, 1942; McDowell, December 1, 1942; Yadkin, December 1, 1942.

North Dakota: Burleigh, December 1, 1945; Divide, December 1, 1945; Grand Forks, December 1, 1945; McLean, December 1, 1945; Richland, December 1, 1945; Stark, December 1, 1945.

Oklahoma: Lincoln, December 1, 1942.

South Carolina: Lancaster, December 1, 1942; Saluda, December 1, 1942.

Tennessee: Sevier, December 1, 1942; Weakley, December 1, 1942.

Texas: Bosque, December 1, 1942; Hood, December 1, 1942; Parker, December 1, 1942; Somervell, December 1, 1942; Starr, December 1, 1942; Zapata, December 1, 1942.

Utah: Grand, December 1, 1942; San Juan, December 1, 1942.

Virginia: Amelia, December 1, 1942; Brunswick, December 1, 1942; Princess Anne, December 1, 1942.

West Virginia: Randolph, December 1, 1942.

Wisconsin: Richland, December 1, 1942.

Puerto Rico: Cabo Rojo, December 1, 1942.

Declaration No. 12, dated October 1, 1936, as amended, is hereby further amended accordingly.

[SEAL] W. M. MACKELLAR,
*Acting Chief of Bureau.*

[F. R. Doc. 39-4622; Filed, December 13, 1939; 12:31 p. m.]

[1] Supplements footnote to 9 CFR 77.3.

## TITLE 25—INDIANS

## CHAPTER I—OFFICE OF INDIAN AFFAIRS

SUB-CHAPTER L—IRRIGATION PROJECTS, OPERATION AND MAINTENANCE

Sub-chapter L is supplemented by adding thereto:

PART 129—REGULATIONS GOVERNING GRANTING OF CONCESSIONS ON RESERVOIR SITES, CANAL RESERVES, FLOWAGE AREAS AND OTHER WITHDRAWN AND ACQUIRED LANDS IN CONNECTION WITH FEDERAL INDIAN IRRIGATION PROJECTS AND THE LEASING OF SUCH LANDS FOR AGRICULTURAL, GRAZING AND OTHER PURPOSES

DECEMBER 1, 1939.

Pursuant to the authority of the Act of April 4, 1938 (52 Stat. 193), the following regulations are promulgated governing the granting of concessions, business, agricultural and grazing leases or permits on reservoir sites, reserves for canals or flowage areas, and other lands withdrawn or otherwise acquired in connection with the San Carlos, Fort Hall, Flathead and Duck Valley or Western Shoshone Irrigation projects.

§ 129.1 *Terms used.* When used in this part "Secretary" refers to the Secretary of the Interior; "project" to the Federal Indian irrigation project on which concession, lease or permit is granted, and "Project Engineer" to the engineer in charge of said project.

§ 129.2 *Project Engineer's authority.* The Project Engineer is the official charged with the responsibility for the enforcement of this part. He is vested with the authority to issue temporary concession permits to applicants for periods not to exceed thirty days. All except temporary permits shall become effective when approved by the Secretary.

§ 129.3 *Enforcement.* The Project Engineer shall enforce these and all project regulations now or hereafter promulgated by the Secretary. Willful violation or failure to comply with the provisions of this part and all proper orders of the Project Engineer shall be cause for revocation of the permit by the Secretary who shall be the judge of what constitutes such violation. The Project Engineer may suspend any permit for cause. The Project Engineer shall, immediately after suspending a permit, submit to the Secretary through the Commissioner of Indian Affairs a detailed report of the case, accompanied by his reasons for the action and his recommendations, for final action by the Secretary.

§ 129.4 *Permits subject to existing and future rights of way.* Use by the permittee of any land authorized under this part shall be subject to the right of the Secretary to establish trails, roads and other rights of way including improvements thereupon or through the premises, and the right to use same by the public. No interference shall be permitted with the continued use of all existing roads, trails and other rights of way and improvements thereon.

§ 129.5 *Plans, approval thereof.* No building or other structure shall be erected by permittee except in accordance with plans, specifications and locations approved by the Project Engineer. All permits and appurtenances shall be kept in a sanitary, safe and sightly condition.

§ 129.6 *Stock grazing.* Permittees may graze upon lands covered by such permits, such stock as may be required in connection with the purposes for which the permit is issued subject to such restrictions and limitations as may be prescribed by the Project Engineer.

§ 129.7 *Permits, transferable.* Permits may be transferred only with the approval of the Secretary.

§ 129.8 *Applications.* All applications for permits must be made on the approved form. The Project Engineer will furnish copies of this form upon request. All applications must be executed in triplicate.

§ 129.9 *Bonds.* Except in cases of temporary concession permits, leases, permits, and traders' licenses granted





under Parts 71, 171, and 276, which are governed by the requirements of those parts, the applicant shall within sixty days after approval of the application furnish a surety bond for the faithful

engages in trade with the Indians must also apply for and receive a trader's license as provided by Part 276.

§ 129.14 *Further requirements authorized.* The Project Engineer is authorized to incorporate into any pro-

and grazing leases dealt with in Section 129.17 shall be subject to cancellation as provided for in the respective Parts 71 and 171, and the conditions of the instruments executed pursuant thereto.

§ 129.21 *Notice to vacate.* A per-



(describe fully activity to be conducted) in the following described area of the _____ _____, of the _____ Project, _____:

It is agreed and understood that all rights which may be acquired by the permittee named herein upon proper approval of this

*It is ordered*, That the proceedings in General Docket No. 12, instituted pursuant to the order of November 3, 1939,[2] shall be subject to the following procedure:

"Exceptions to the findings, conclu-

to have these matters considered by the Secretary of the Interior. While I have been advised and believe that this is plainly unnecessary as a matter of law, I feel that the establishment of minimum prices is the most important

under Parts 71, 171, and 276, which are governed by the requirements of those parts, the applicant shall within sixty days after approval of the application furnish a surety bond for the faithful performance of the terms of the permit in an amount equal to the total sum accruing during the period of the permit. Such bond shall be executed by an approved surety company, or by at least three individual sureties, whose individual unencumbered assets are equal to double the amount of the bond. In the case of temporary concession permits, the permittee shall deposit at the time of receiving the permit, a sum equal to twice the rental, which sum shall, upon the expiration of the permit, be refunded to the permittee, if all the terms and conditions of the permit have been met; otherwise, such sum shall be retained as liquidated damages.

§ 129.10 *Payments.* Each permittee shall pay at the time of receiving the permit the first year's charge as fixed therein. When a permit extends over a period of years, the next and succeeding payments shall be due and payable annually in advance. The full amount accruing under a temporary permit shall be paid at the time the application is filed.

§ 129.11 *Supervision of permittees' rates.* All rates or charges collected by a permittee for services rendered by the permittee in the operation of the concession granted under a permit, must be submitted through the Project Engineer to the Secretary for approval. Copies of the approved rate schedule shall be posted in at least two conspicuous places on the premises. Approved rates may not be changed without first obtaining in the same manner a change in the rate schedule. The Secretary shall have the right to readjust rates charged from time to time and to amend or change any permit issued. Failure to comply with the approved rates automatically makes the permit subject to cancellation.

§ 129.12 *Services from project.* When the facilities of the project make it possible to supply water for domestic purposes, electricity or any other type of service to the permittee, the cost of connecting the project facilities shall be borne by the permittee and the work must be in accordance with standard practices and accepted by the Project Engineer, and as provided for in project regulations. All services rendered by the project to the permittee shall be paid for at the existing or modified schedule of rates; or if no schedule has been approved, at a rate to be approved by the Secretary which will reasonably reimburse the project for the cost of such services.

§ 129.13 *Permit not a lease.* Any permit issued hereunder does not grant any leasehold interest nor cover the sale, barter, merchandising, or renting of any supplies or equipment except as therein specified. Any permittee who engages in trade with the Indians must also apply for and receive a trader's license as provided by Part 276.

§ 129.14 *Further requirements authorized.* The Project Engineer is authorized to incorporate into any proposed permit to meet the needs of any particular case, subject to the approval of the Secretary, such further special requirements as may be agreed upon by him and the applicant, such requirements to be consistent with the general purposes of this part.

§ 129.15 *Permittee subject to State law.* The holder of any permit issued hereunder shall be subject to and abide by the laws and regulations of the United States and State laws if applicable to the conduct of the particular business or activity conducted by the permittee. Violations of this section shall render the permit void but shall not release the permittee from any obligations arising thereunder.

§ 129.16 *Reserved area, Coolidge Dam.* No permit for any commercial business or other activity (except boating concessions confined to the Soda Spring Canyon) shall be issued to any applicant to operate within a radius of three-fourths (¾) of a mile from the center of the Coolidge Dam, Arizona.

§ 129.17 *Agricultural and grazing leases.* Agricultural leases covering the areas dealt with in the Act of April 4, 1938 (52 Stat. 193) shall be made in compliance with the requirements of Part 71, and grazing leases or permits shall be made in compliance with the requirements of Part 171. Lands leased pursuant to the terms and conditions of this part shall not be eligible for benefit payments under the provisions and conditions of the Crop Control and Soil Conservation Act of April 27, 1935 (49 Stat. 163) as amended by the Act of February 29, 1936 (49 Stat. 1148) and subsequent acts amendatory thereof.

§ 129.18 *Term and renewal of permits.* No concession granted under the provisions of this part shall extend for a period in excess of 10 years. An application for the renewal of a lease, permit, or concession permit shall be treated in the same manner as an original application under this part. Should there be an application or applications other than the renewal application for a permit covering the same area, the renewal application may, if the applicant has met all the requirements of the expiring permit and has been a satisfactory permittee, be given preferential consideration for the renewal of the permit should the applicant meet the highest and most satisfactory offer contained in the several applications.

§ 129.19 *Improvements.* Title to improvements constructed on the premises by the permittee shall be fixed and determined by the terms of the permit.

§ 129.20 *Revocation of permits.* Any permit issued pursuant to this part may be revoked at any time within the discretion of the Secretary. Agricultural and grazing leases dealt with in Section 129.17 shall be subject to cancellation as provided for in the respective Parts 71 and 171, and the conditions of the instruments executed pursuant thereto.

§ 129.21 *Notice to vacate.* A permittee shall within ten days after notification in writing of the cancellation of his permit by the Secretary, vacate the premises covered by the said permit. Any person occupying lands dealt with in the Act of April 4, 1938 (52 Stat. 193) without an approved permit or lease shall be notified in writing by the Project Engineer of the requirements of this part and that for the failure of such person to comply with these requirements and receive a permit or lease within sixty days after receipt of the written notice shall constitute a willful violation of this part, and the Project Engineer shall submit promptly to the Commissioner of Indian Affairs a detailed report concerning the case, together with recommendations, looking to the taking of appropriate legal action to remove such person from the area and to the collection of such funds to compensate for any use made of the property or damages suffered thereto.

§ 129.22 *Disposition of revenue.* Funds derived from concessions or leases under this part except those so derived from Indian tribal property withdrawn for irrigation purposes and for which the tribe has not been compensated, shall be available for expenditure under existing law in the operation and maintenance of the irrigation project on which collected and as provided for in Part 130. Funds so derived from Indian tribal property withdrawn for irrigation purposes and for which the tribe has not been compensated, shall be deposited to the credit of the proper tribe.

§ 129.23 *Organized tribes.* Concessions and leases on tribal lands withdrawn or reserved for the purposes specified in the Act of April 4, 1938 (52 Stat. 193) and dealt with in this part, of any Indian tribe organized under Section 16 of the Act of June 18, 1934 (48 Stat. 984) for which the tribe has not been compensated shall be made by the organized tribe pursuant to its constitution or charter provided no lease or concession so made shall be inconsistent with the primary purpose for which the lands were reserved or withdrawn.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

No. _____
Year _____

_____ PROJECT

_____
(State)

*Application for Special Use Permit*

The undersigned, _____ of _____, (Name of applicant) _____, hereby requests authority (Address) during the term of _____, from _____, 19__ to _____, 19__, to _____ (describe fully activity to be conducted) in the following described area of the _____, of the _____ Project, _____.

It is agreed and understood that all rights which may be acquired by the permittee named herein upon proper approval of this application are subject to the Regulations of the Department of the Interior governing the issuance of this permit, approved Dec. 1, 1939, and such other and further special provisions as may be agreed to and which appear on the reverse side hereof.

Consideration to the _____ Project for the privileges to be granted hereby shall be at the rate of $_____ per _____, payable in advance to the _____, U. S. Indian Service, _____, _____, by express or postal money order, certified check, or legal currency.

The following improvements contemplated to be placed on the area covered by the permit may be removed by the permittee within 60 days after the expiration of the permit _____[1]
(Describe all improvements)

The following improvements to be placed on the area covered by the permit shall become the property of the project: _____[1]
(Describe all improvements)

Removal of improvements will in no event be permitted in cases where the permittee has failed to meet his obligations under the permit, pending the settlement of such obligations.

_____
(Applicant)

Permit issued:

_____
(Project Engineer)

Approved:

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

Form approved, December 1, 1939.

[F. R. Doc. 39-4616; Filed, December 13, 1939; 9:23 a. m.]

## *Notices*

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT

PROCEDURE IN RESPECT TO DETERMINATION OF PROCEEDINGS IN GENERAL DOCKET NO. 12, IN THE MATTER OF ESTABLISHMENT OF DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS"

Reference is made to the order today entered in General Docket No. 15, amending an order of July 19, 1939.[2] In view of the memoranda set out therein,

*It is ordered,* That the proceedings in General Docket No. 12, instituted pursuant to the order of November 3, 1939,[3] shall be subject to the following procedure:

"Exceptions to the findings, conclusions and order of the Director may be filed with the Secretary of the Interior, Interior Building, Washington, D. C., within ten days after the issuance of such findings, conclusions and order. Three copies of such exceptions shall be filed, together with three copies of any supporting briefs. Such exceptions and briefs may be those submitted to the Director, in whole or in part, together with any supplemental exceptions or briefs which may be desired."

Dated, December 8, 1939.

[SEAL] H. A. GRAY,
*Director.*

Approved, December 8, 1939.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 39-4613; Filed, December 12, 1939; 3:00 p. m.]

[General Docket No. 15]

IN THE MATTER OF THE ESTABLISHMENT OF MINIMUM PRICES AND MARKETING RULES AND REGULATIONS, MINIMUM PRICES AS COORDINATED FOR DISTRICTS NOS. 1 TO 20, INCLUSIVE, 22 AND 23

AN ORDER AMENDING AN ORDER DATED JULY 19, 1939, PERTAINING TO PROCEDURE IN RESPECT TO FINAL HEARINGS IN THE MATTER OF ESTABLISHMENT OF MINIMUM PRICES FOR COALS PRODUCED IN DISTRICTS NOS. 1 TO 20, INCLUSIVE, 22 AND 23

The following communication was sent to the Secretary of the Interior by the Director of the Bituminous Coal Division:

"As you know, the hearings on General Docket No. 15, relating to the establishment of minimum prices and marketing rules and regulations under the Bituminous Coal Act of 1937, are drawing to a close. The findings and recommendations of the trial examiners will be forthcoming shortly.

"My order of July 19, 1939,[4] made pursuant to Order No. 1399[5] issued by you on July 5, 1939, and the President's Reorganization Plan No. II, provides that I shall consider the findings of the trial examiners, exceptions thereto, requests for reconsideration of findings and conclusions of the National Bituminous Coal Commission, and other motions which may be filed by the parties to the proceeding, and that I shall make final findings and conclusions and by order establish effective minimum prices.

"Some of the parties to the proceeding have indicated that they will seek to have these matters considered by the Secretary of the Interior. While I have been advised and believe that this is plainly unnecessary as a matter of law, I feel that the establishment of minimum prices is the most important activity envisaged by the Coal Act, and is so significant an undertaking as to warrant the elimination of even remote legal doubts.

"Consequently, in order to eliminate any question as to the finality of minimum prices ultimately established, I respectfully suggest that you review the proceedings and my findings, conclusions, and order in General Docket No. 15, considering the contentions of the parties.

"This review would not substantially delay the establishment of minimum prices. I always intended that an interim period should elapse between the issuance of my order and its effective date. During this interval, parties so desiring could file exceptions to my findings, conclusions and order, and briefs in support of such exceptions.

"At the same time you should also review such findings, conclusions and order as I may make, pursuant to my order of November 3, 1939,[6] in General Docket No. 12, which relates to maximum discounts by code members to 'distributors' and to the definition of 'distributors'."

The following response was received from the Secretary of the Interior:

"I have received your memorandum of December 6th.

"As you know, I have been following the proceedings at the current hearings relating to the establishment of minimum prices. I am advised and believe that the Director of the Bituminous Coal Division may lawfully determine these and other matters arising under the Coal Act. However, in order to obviate even the slight doubts mentioned in your memorandum, I shall review the proceedings in General Docket No. 15 and in General Docket No. 12, referred to by you.

"Any party aggrieved by the Director's findings and order, and desiring so to do, may file three copies of exceptions thereto within ten days after the issuance thereof. At the same time such party may file in my office three copies of supporting briefs. These exceptions and briefs may be, in whole or in part, the exceptions and briefs submitted to the Director. The ten-day time limit seems ample, since the parties will have outlined their positions twice before, once to the trial examiners and once to the Director.

"My review of your findings and order will be on the basis of my consideration of the record itself, the findings and recommendations of the trial examiners, the transcript of the oral argument before the Director, in so far as pertinent,

[1] Cross out provision not applicable.
[2] 4 F.R. 3386 DI.
[3] 4 F.R. 4501 DI.
[4] 4 F.R. 3386 DI.
[5] 4 F.R. 2947 DI.
[6] 4 F.R. 4501 DI.

and the briefs submitted to me. To facilitate my expeditious consideration subsequent to the date of your order, I suggest that you continue to transmit to me the record and the analyses of the record prepared by the assistants to the trial examiners, and that you send me as soon as possible the findings and recommendations of the trial examiners, the exceptions, briefs and other matters filed with you, and a transcript of the oral argument before you. I understand that you will enter such orders as may be necessary to implement this procedure.

"Under my Order No. 1399, the Director of the Bituminous Coal Division will continue to exercise all other functions formerly vested in the National Bituminous Coal Commission."

*Accordingly, it is ordered*, That the order of July 19, 1939, be, and it is hereby, amended in accordance with the foregoing letters, and that there be added thereto clause 9 as follows:

"9. Exceptions to the findings, conclusions and order of the Director may be filed with the Secretary of the Interior, Interior Building, Washington, D. C., within ten days after the issuance of such findings, conclusions and order. Three copies of such exceptions shall be filed, together with three copies of any supporting briefs. Such exceptions and briefs may be those submitted to the Director, in whole or in part, together with any supplemental exceptions or briefs which may be desired."

Dated, December 8, 1939.

[SEAL] H. A. GRAY,
*Director.*

Approved, December 8, 1939.

HAROLD L. ICKES,
*Secretary of the Interior.*

[F. R. Doc. 39-4614; Filed, December 12, 1939; 3:00 p. m.]

## CIVIL AERONAUTICS AUTHORITY.

### ORDER REPEALING SPECIAL TRAFFIC RULE C.A.A. No. 4 FOR NEW YORK WORLD'S FAIR

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C., on the 12th day of December 1939.

It appearing that,

(a) The Civil Aeronautics Authority on the 18th day of April, 1939, promulgated Special Traffic Rule C.A.A. No. 4[1] to regulate, in the interest of safety, navigation of aircraft in the area surrounding the New York World's Fair;

(b) The New York World's Fair has been closed and will not be re-opened until approximately June 1, 1940;

And the Authority finding that Special Traffic Rule C.A.A. No. 4 is not necessary during the period the New York World's Fair is closed, and acting pursuant to the Civil Aeronautics Act of 1938, particularly section 205 (a) and section 601 thereof;

*Now, therefore, it is ordered*, That on and after the 12th day of December, 1939, Special Traffic Rule C.A.A. No. 4 is repealed.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
*Secretary.*

[F. R. Doc. 39-4619; Filed, December 13, 1939; 10:34 a. m.]

[1] 4 F.R. 1651 DI.

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal State Commission*

[Docket No. 3965]

IN THE MATTER OF THE SHERWIN-WILLIAMS CO., A CORPORATION, THE LOWE BROTHERS COMPANY, A CORPORATION, AND JOHN LUCAS & COMPANY, INC., A CORPORATION

### COMPLAINT

Pursuant to the provisions of an Act of Congress, approved October 15, 1914, entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes," commonly known as the Clayton Act (U.S.C. Title 15, Section 13), as amended by an Act of Congress, approved June 19, 1936, commonly known as the Robinson-Patman Act, the Federal Trade Commission, having reason to believe that the respondent, The Sherwin-Williams Co.; the respondent, The Lowe Brothers Company; and the respondent, John Lucas & Company, Inc., since June 19, 1936, have been and now are violating the provisions of with subsection (a) of Section 2 of said Act as amended, issues its complaint against said respondents and states its charges with respect thereto as follows, to wit:

PARAGRAPH 1. The Sherwin-Williams Co. is a corporation organized and existing under the laws of the State of Ohio and has its principal executive office and place of business at 1200 Midland Building, Cleveland, Ohio.

PAR. 2. The Lowe Brothers Company is a corporation organized and existing under the laws of the State of Ohio and has its principal executive office and place of business at 424 East 3rd Street, Dayton, Ohio.

PAR. 3. John Lucas & Company, Inc. is a corporation organized and existing under the laws of the State of Maryland and has its principal executive office and place of business at 322 Race Street, Philadelphia, Pennsylvania.

PAR. 4. *Definitions.* Except where the context requires another or different meaning, the following abbreviations and terms, for the purposes of this complaint, shall be understood to have the following meanings:

(1) The Sherwin-Williams Co. (except for the allegations contained in Paragraphs One and Five hereof) means the corporate entity by that name, acting by and through itself as an operating company and by and through its wholly owned operating subsidiaries, The Lowe Brothers Company and John Lucas & Company, Inc. and by and through its other operating subsidiaries, and in its capacity of controlling the policies and activities of itself and said subsidiaries;

(2) Sherwin-Williams means the Sherwin-Williams Co., solely in its capacity as an operating company, engaged in the manufacture, sale and distribution of paint products;

(3) Lowe Brothers means (except for the allegations contained in Paragraph Two hereof) The Lowe Brothers Company and The Sherwin-Williams Co., solely by and through its wholly owned operating subsidiary The Lowe Brothers Company;

(4) Lucas means (except for the allegations contained in Paragraph Three hereof) John Lucas & Company, Inc., as an operating company or by and through its wholly owned operating subsidiary W. W. Lawrence & Company, and The Sherwin-Williams Co., solely by and through its wholly owned operating subsidiaries, John L. Lucas & Company, Inc. and W. W. Lawrence & Company;

(5) Manufacturers means Sherwin-Williams, Lowe Brothers and Lucas;

(6) Seller means a person, partnership or corporation (other than the manufacturers or The Sherwin-Williams Co.) engaged in the manufacture, sale and distribution of paint products;

(7) Painters and Paint Contractors mean a person, partnership or corporation, engaged in the business of utilizing and applying paint products, (1) that customarily includes the paint products to be used on a painting job in estimates made to procure such job or, in the alternative, that makes arrangements with the person with whom the contract to do the paint job has been made to furnish the paint to be used on the job at a stipulated price and (2) that customarily purchases paint in quantities of four gallons or more;

(8) Maintenance Account means hotels, apartment houses, real estate corporations, insurance companies, commercial stores, industrial concerns, etc., that buy paint fairly frequently and customarily in quantities of four gallons or more;

(9) Regular Consumer means painters, paint contractors and maintenance accounts;

(10) Occasional Consumer means a person, partnership or corporation that buys paint products infrequently and customarily in very small quantities, rarely as much as four gallons;

(11) Dealer means a person, partnership or corporation that operates a retail establishment or store and is regularly engaged during customary business hours in the sale of merchandise, including paint products, to occasional and/or regular consumers;

(12) Line Yard Lumber Company or Chain Lumber Yard means a person, partnership or corporation that operates a number of retail establishments or stores, the individual establishments or stores (hereinafter referred to as "unit stores") (1) being customarily located in different communities, towns or cities, some of said communities, towns and cities oftentimes being in different states from others of said communities, towns and cities, and (2) being regularly engaged in the sale of lumber and other merchandise, including paint products, to occasional and/or regular consumers. (Originally, the unit stores of any particular chain were located in communities, towns or cities served by one branch of one railroad, but that is not necessarily true today and may even represent the exceptional situation);

(13) Jobber or Distributor means a person, partnership or corporation engaged in the business of buying and receiving paint products from the manufacturers or sellers thereof and of selling and shipping paint products to and in servicing, billing and carrying dealer customers;

(14) Specification Paint means paint manufactured according to a special formula prepared to meet the special requirements or demands of a large consumer, customarily a governmental body, a railroad or a large industrial concern;

(15) Trade Sale Line or Trade Sale Item means standard products of the manufacturers or of other sellers, sold under trade mark bearing the name of the manufacturer or seller, including, among other products, exterior and interior house paint, roof, barn and metal paint, varnishes and lacquers;

(16) Companion Line means standard products of the manufacturers or of other sellers which are less expensive than the trade sale line products and not always sold under trade mark bearing the name of the manufacturer or seller;

(17) Allied Line means miscellaneous products such as dry colors, bronzes, linseed oil, turpentine, alcohol, lead and insecticide materials;

(18) Paint Products means trade sale line, companion line (in the case of those companies that manufacture such a line) and allied line only;

(19) General Scheme of Distribution means the general practice of the manufacturers pursuant to which they (a) sell directly to governmental bodies, railroads and large industrial consumers their requirements of paint, usually specification paint; (b) sell directly to painting contractors having large volume the requirements of such contractors of specification paint and paint products; and (c) sell paint products indirectly through dealers, chain lumber yards, distributors, retail branches, and others to the occasional and/or regular consumers of paint.

PAR. 5. The Sherwin-Williams Co. owns 100 percent of the issued and outstanding equity stock and controls the policies and activities of the following corporations:

The Lowe Brothers Company,
John Lucas & Company, Inc.,
Acme White Lead and Color Works of Hamtramck, Michigan, and
Martin Senour Company of Chicago, Illinois.

each of which is engaged in the manufacture, sale and distribution of trade sale and allied line paint products.

The Sherwin-Williams Co. owns a majority of the issued and outstanding equity stock and controls the policies and activities of the following corporation:

Detroit White Lead Works—of Hamtramck, Michigan,

which is engaged in the manufacture, sale and distribution of trade sale and allied line paint products.

John Lucas & Company, Inc., owns 100 percent of the issued and outstanding equity stock of, and The Sherwin-Williams Co., by and through said John Lucas & Company, Inc., controls the policies and activities of, the following corporation:

W. W. Lawrence & Company—of Pittsburgh, Pa.,

which is engaged in the manufacture, sale and distribution of trade sale and allied line paint products.

Acme White Lead and Color Works owns 100 percent of the issued and outstanding equity stock of, and The Sherwin-Williams Co., by and through said Acme White Lead and Color Works, controls the policies and activities of, the following corporations:

Peninsular Paint and Varnish Company—of Hamtramck, Michigan, Lincoln Paint and Color Company—of Lincoln, Nebraska.

each of which is engaged in the manufacture, sale and distribution of trade sale and allied line paint products.

PAR. 6. For many years prior to and since June 19, 1936, Sherwin-Williams has been and now is engaged in the business of manufacturing, selling and distributing (1) basic raw materials used in the production of paint, varnishes and lacquers, (2) specification paint, and (3) paint products. The paint products of Sherwin-Williams are all standardized. In the course and conduct of its business Sherwin-Williams has been and now is manufacturing said paint products principally at its factories which are located in Cleveland, Ohio; Chicago, Illinois; Newark, New Jersey; and Oakland, California. That Sherwin-Williams maintains and operates approximately forty warehouses situated in as many cities in over twenty-five states of the United States. That Sherwin-Williams, for convenience in selling and delivering its merchandise, maintains and operates district offices, sales division offices or service stations in over one-half of the cities in which its warehouses are located and, in addition, maintains and operates a sales office in Washington, D. C., where it has no warehouse. Sherwin-Williams employs several hundred salesmen who call regularly on all classes of customers. The annual net sales of Sherwin-Williams in the United States of paint products alone total approximately $17,000,000. Such products are sold and distributed through (1) over 6300 authorized dealers, a number of whom act as distributors with respect to a portion of such paint products purchased by them, (2) over 80 chain lumber yards, (3) approximately 120 wholly owned retail stores, and (4) other miscellaneous mediums.

PAR. 7. For many years prior to and since June 19, 1936, Lowe Brothers has been and now is engaged in the business of manufacturing, selling and distributing specification paint and paint products. The paint products of Lowe Brothers are all standardized. In the course and conduct of its business, Lowe Brothers has been and now is manufacturing paint products at its factory which is located at Dayton, Ohio; that Lowe Brothers maintains and operates fifteen warehouses located in the following cities: Dayton, Ohio; Chicago, Illinois; Kansas City, Missouri; Atlanta, Georgia; Boston, Massachusetts; Jersey City, New Jersey; Cleveland, Ohio; Omaha, Nebraska; Minneapolis, Minnesota; Indianapolis, Indiana; Memphis, Tennessee; Jacksonville, Florida; Fort Worth and Houston, Texas; and New Orleans, Louisiana; that Lowe Brothers, for convenience in selling and delivering its merchandise, maintains and operates district offices in the first six of the herein named cities in which its warehouses are located. Lowe Brothers employs a substantial number of salesmen, who call regularly on all classes of customers. The annual net sales of Lowe Brothers in the United States of paint products alone total over $4,000,000. Such products are sold and distributed through (1) over 1500 authorized dealers, (2) approximately 70 distributors, (3) approximately 100 chain lumber yards, (4) 11 wholly owned retail stores, and (5) other miscellaneous mediums.

PAR. 8. For many years prior to and since June 19, 1936, Lucas has been and now is engaged in the business of manufacturing, selling and distributing specification paint and paint products. The paint products of Lucas are all standardized. In the course and conduct of its business, Lucas has been and now is manufacturing said paint products at its principal manufacturing plant which is located in Gibbsboro, New Jersey; that Lucas maintains and operates eight warehouses located in Philadelphia, Pa.; Boston, Mass.; New York City; Chicago, Ill.; Albany, N. Y.; Pittsburgh, Pa.; Minneapolis, Minn.; and Wadena, Minn.;

that Lucas, for convenience in selling and delivering its merchandise, maintains and operates sales offices in the first four of the herein named cities in which its warehouses are located. Lucas employs a substantial number of salesmen who call regularly on all classes of customers. The annual net sales of Lucas in the United States of paint products alone total approximately $2,000,000. Such products are sold and distributed through (1) approximately 1500 authorized dealers, (2) approximately 100 distributors, (3) 3 chain lumber yards, (4) 10 wholly owned retail stores, and (5) other miscellaneous mediums.

PAR. 9. In the course and conduct of their respective businesses as aforesaid, the manufacturers transport or cause to be transported some of their paint products, when manufactured, from their respective factories aforesaid to their respective warehouses which are located, as hereinbefore set forth, in various states of the United States, and oftentimes in states other than the states in which their respective factories are located and in which such shipments originated, and transport or cause to be transported their paint products from their respective factories aforesaid or from their respective warehouses aforesaid to the purchasers thereof located in the several states of the United States and in the District of Columbia, other than the states in which their respective factories are located, and there is and has been, at all times herein mentioned, a continuous current of trade and commerce in said paint products between the respective factories, warehouses and distributing points of said manufacturers and purchasers from each of them located in many and, as to Sherwin-Williams, in all of the states of the United States and the District of Columbia.

The manufacturers advertise their respective paint products nationally and have created a public demand for such products throughout the states of the United States and the District of Columbia.

The manufacturers sell and distribute their respective paint products for use, consumption or resale within the United States and in the District of Columbia, in the same states and places as and in competition with various other sellers of paint products. Many of said competing sellers distribute their products nationally, as do the manufacturers, while many of said competing sellers distribute their paint products to customers located within the trading area or areas embraced within or adjacent to the trading areas in which their factories are located.

The comparable trade sale line products sold by the manufacturers are of like grade and quality. The Sherwin-Williams customers who sell at retail are occasionally competitively engaged with each other locally, are oftentimes competitively engaged locally with the Lowe Brothers and/or Lucas customers who sell at retail and are almost uniformly competitively engaged locally with the retailer customers of the competitors of The Sherwin-Williams Co., in the resale of said products, said resales taking place in every state of the United States and in the District of Columbia. That a similar situation exists as to the retailer customers of Lowe Brothers and as to the retailer customers of Lucas.

PAR. 10. That, for the purpose of selling and distributing its paint products, Sherwin-Williams has divided the territorial United States into 6 zones. For each zone, Sherwin-Williams has published the prices that are applicable from time to time, on sales of its paint products to dealers in that zone (hereinafter referred to as "dealers list prices" and whenever this term is used with respect to Sherwin-Williams, it shall be understood to refer to that one of the six different dealers list prices issued by Sherwin-Williams that shall be in effect at the time and that shall be applicable to the particular situation or situations under consideration), the differentials in prices between the zones being sufficient, as a rule, to compensate Sherwin-Williams for the differences in the average cost of freight between its factories and its warehouses in the various zones. Sherwin-Williams, as a rule, ships its paint products to its customers f. o. b. the warehouse nearest the customer. In all cases where the customer buys a carload or truckload of 20,000 pounds or more and receives shipment direct from the factory, freight is allowed.

The dealers list prices herein mentioned, so far as applicable to trade sale items, since June 19, 1936, have been subject to various discounts, depending either upon the total volume of Sherwin-Williams paint products, or certain of them, purchased by one customer during a specified period or upon the quantity purchased by one customer at and for shipment at one time.

On or about January 3, 1938, The Sherwin-Williams Co. put into effect, as to Sherwin-Williams, Lowe Brothers and Lucas, a discount plan (hereinafter referred to as the "1938 Plan") which was operative from that date until on or about September 1, 1939. The 1938 Plan, briefly described, was as follows:

To any customer who purchased in one order for shipment at one time less than 24 gallons[1] of trade sale line paint products, no discount was granted from the dealers list prices (except a 2% discount for cash); to any customer who purchased such paint products in one order for shipment at one time to an aggregate of 24 gallons or more, the following scale of discounts applied:

24 to 48 gallons: 6% off dealers list on entire order of such items.

48 to 84 gallons: 8% off dealers list on entire order of such items.

84 gallons and over: 10% off dealers list on entire order of such items.

Carloads and Truckloads (from factory): 14% off dealers list on entire order of such items.

The aforementioned discount was shown on the face of the customer's invoice and the customer was billed for the net price, after the deduction of the per order discount.

On or about September 1, 1939, The Sherwin-Williams Co. altered the 1938 Plan herein described and now employs, as to Sherwin-Williams, Lowe Brothers and Lucas, a discount plan (hereinafter referred to as the "1939 Plan"), pursuant to which discounts from dealers list prices are dependent upon the annual volume of trade sale items purchased by a customer, with one exception hereinafter noted. Under the 1939 Plan, a customer purchasing less than $500 worth of such products during a year receives a 5% discount from dealers list prices. This is tantamount, as to those customers heretofore purchasing such items in quantities of less than 24 gallons per order. To a general price reduction of 5%. A customer purchasing more than $500 worth of such products during one year receives an additional 5% discount. Such a customer pays 95% of dealers list prices, less 5% of such prices as so reduced. Such discounts are given on the face of the customer's invoice. Whether a particular customer is entitled to receive the 5% or the 5%–5% discount is determined by averaging his purchases of such items over the three-year period immediately preceding the inauguration of the 1939 Plan. A customer purchasing in carloads or truckloads and receiving shipment direct from the factory receives a further 5% discount. As to such a customer, the present base price of 95% of dealers list prices is reduced by 5% thereof and by a further 5% of the net figure thus obtained, to arrive at the net price which the carload or truckload customer pays.

That it has been and is the general policy and practice of Sherwin-Williams to sell its trade sale line paint products to its dealers and Sherwin-Williams has sold and is now selling such products to such dealers, generally at its dealers list prices, less whatever discounts may have been or may be applicable under the 1938 or the 1939 Plan.

PAR. 11. That the Lowe Brothers methods of selling and distributing its paint products, so far as concerns the establishment of zones, the publishing of its own dealers list prices for each zone, the collection of freight charges and the applicability of the 1938 and 1939 Plans to such dealers list prices, have been and are substantially the same as those of Sherwin-Williams, except that Lowe Brothers in shipping its paint products to its customers f. o. b. its warehouse nearest the customer, makes it a practice to equalize the freight charges with

[1] Products packaged and priced by the pound were calculated at the rate of 1 gallon to every 12 pounds.



the freight charges applicable from that warehouse of a seller or of another of said manufacturers which is nearest to the customer.

That it has been and is the general policy and practice of Lowe Brothers to sell its trade sale line paint products to its dealers and Lowe Brothers has sold and is now selling such products to such dealers, generally at its dealers list prices, less whatever discounts may have been or may be applicable under the 1938 or the 1939 Plan.

PAR. 12. That the Lucas methods of selling and distributing its paint products, so far as concerns the establishment of zones, the publishing of its own dealers list prices for each zone, the collection of freight charges and the applicability of the 1938 and 1939 Plans to such dealers list prices, have been and are substantially the same as those of Sherwin-Williams, with the following exceptions:

1. The territorial United States has been divided into 4 instead of 6 zones;

2. Lucas allows freight to destination. The paint products are shipped f. o. b. the warehouse, but the customer is permitted to deduct freight from the net amount of the invoice; and

3. Under a variation of the 1938 Plan applicable to Lucas, customers purchasing in carloads and truckloads of 20,000 pounds or more direct from the factory were allowed a 12% rather than a 14% discount from dealers list prices.

That it has been and is the general policy and practice of Lucas to sell its trade sale line paint products to its dealers and Lucas has sold and is now selling such products to such dealers, generally at its dealers list prices, less whatever discounts may have been or may be applicable under the 1938 or the 1939 Plan.

PAR. 13. The Sherwin-Williams Co. and each of the manufacturers, in the course and conduct of their business in commerce, has, since June 19, 1936, discriminated in the prices at which it has sold and is now discriminating in the prices at which it is selling its products of like grade and quality between different purchasers of such products by giving and allowing to some of said purchasers, either directly or indirectly, rebates or discounts from its dealers list prices which have not been given and allowed to others of its purchasers. That the manufacturers and The Sherwin-Williams Co. have effectuated the discriminations in price referred to herein in a variety of ways, some of said ways being more specifically hereinafter described.

PAR. 14. That, for the purpose of granting and allowing the quantity discounts under their respective 1938 Plans, the manufacturers, particularly Sherwin-Williams and Lowe Brothers, have permitted the main office of some chain lumber yard buyers to pool the orders of the unit stores thereof and have granted and allowed to such chain lumber yard buyers the quantity discounts applicable to the gallonage represented by the pooled orders. For example, if the pooled order has totaled over 84 gallons, each unit store through its main office has received a flat 10% off dealers list prices on its purchases of paint products, even though no one unit store may have ordered a sufficient quantity to qualify for any discount. That, with respect to other chain lumber yard buyers, the manufacturers, particularly Sherwin-Williams, have granted and allowed a flat 10% discount off dealers list prices, irrespective of the size of the order and irrespective of whether the order represented the pooled requirements of all the unit stores of the chain lumber yard or the individual requirements of only one of the unit stores thereof. That, in either case, the manufacturer granting and allowing the pooling privilege or the flat 10% discount did not customarily make shipment of the full order to the main office of the chain lumber yard, but shipped the paint products so ordered to the various unit stores thereof. That the chain lumber yards receiving the flat 10% discount from dealers list prices from one of said manufacturers were, in certain cases, in competition with other chain lumber yards which purchased either from the same or from another of said manufacturers, the latter chain lumber yards not receiving the flat 10% discount herein mentioned. That, in some cases, independent dealers who purchased trade sale line paint products from one of the manufacturers and who did not receive either the pooling privilege or any flat discount, were in competition with the unit stores of chain lumber yards which received the pooling privilege or the flat 10% discount, in some cases, from the same manufacturer and, in other cases, from another of said manufacturers.

PAR. 15. That, for the purpose of granting and allowing the quantity discounts under its 1938 Plan, Sherwin-Williams adopted the practice of accumulating the orders of some of its distributors and dealers, either for a specified period, usually a week or for a time sufficiently long to enable the particular distributor or dealer to earn the maximum quantity discount for orders of less than carload quantities, and has granted and allowed to such distributors and dealers the quantity discounts applicable to the gallonage represented by the orders so accumulated. For example, Sherwin-Williams totaled the gallonage of all orders received in a period of one week from any one of its distributors or dealers in the trading area, known as "Metropolitan New York" and granted and allowed to each such distributor and dealer on each order the quantity discount that would have been applicable, had such gallonage been covered by one order for shipment at one time. This practice usually resulted in the favored distributors and dealers receiving a flat 10% off dealers list prices, irrespective of the size of the individual orders. That, in the cases herein mentioned, Sherwin-Williams nevertheless customarily shipped or delivered to its thus favored distributors and dealers as often as it received orders from them and irrespective of the size of the individual order. That, during the period that the 1938 Plan was operative, neither Lowe Brothers nor Lucas accumulated the orders of their distributors and dealers located in Metropolitan New York or in other trading areas with respect to which Sherwin-Williams adopted this practice.

PAR. 16. That Lowe Brothers granted and allowed to some of its dealers, during the period that its 1938 Plan was in effect, so-called "carload discounts" on purchases by such dealers of relatively small per order quantities of its trade sale line paint products. For example, Lowe Brothers maintains a warehouse in the building at 2063 East 55th Street, Cleveland, Ohio, owned by The Cleveland Builders Supply Company (hereinafter referred to as "Cleveland Builders"), a corporation organized and existing under the laws of the State of Ohio and engaged in the sale and distribution of paint products. Cleveland Builders customarily withdraws its paint requirements daily from said warehouse, but occasionally orders paint products for shipment direct from the Lowe Brothers factory in Dayton, Ohio. Such daily withdrawals or such factory orders rarely, if ever, total 84 gallons and oftentimes do not total 24 gallons. Lowe Brothers nevertheless granted and allowed to said Cleveland Builders a flat 12% "carload discount" on all the latter company's purchases of trade sale line paint products. That Cleveland Builders is in competition in Cleveland and environs with other customers of Lowe Brothers and with the customers of Sherwin-Williams and Lucas and with the customers of the competitors of The Sherwin-Williams Co. in the sale and distribution of paint products.

PAR. 17.

*Introductory Allegations*

That, in addition to the per order quantity discounts applicable under their respective 1938 plans and generally available to all purchasers from them and the volume discounts and carload or truckload quantity discount applicable under their respective 1939 plans and generally available to all purchasers from them, the manufacturers have granted and allowed and are now granting and allowing to some of their customers, and not to others, certain functional discounts. It is the established policy and practice of the manufacturers to grant and allow functional discounts only to jobbers or distributors and to such dealers that perform the functions

of the jobber or distributor, and only in the latter cases, to the extent that such dealers perform such functions. It is not the policy or general practice of the manufacturers to grant or allow functional discounts on paint products which are resold by distributors or dealers (1) directly to regular or occasional consumers or (2) indirectly through retail branches, owned or controlled by the distributors or dealers, to regular or occasional consumers.

That Sherwin-Williams does not have any customers who operate exclusively as distributors, but does grant functional discounts to some of its dealers who perform the functions of a distributor; that such discounts vary from 5% to 12½%, although they customarily amount to 7½ and 10%. That Sherwin-Williams, as a rule, requires its dealers acting as distributors to submit statements at the end of each month showing the total sales at dealers list prices made to other dealers during the preceding month. From such total sales, Sherwin-Williams deducts the discounts that have been received by the reporting dealer with respect to the purchases which have been so resold. The applicable percentage functional discount is then applied to the net amount thus obtained to ascertain the sum due the reporting dealer as a functional discount for that month.

Lowe Brothers and Lucas allow a maximum functional discount of 15% to their distributors. In the case of dealers performing the functions of a distributor, the functional discount, as a rule, bears the same ratio to 15 as the percentage of the dealer's distributor business bears to his entire business. In either case, the functional discount is granted and allowed on the face of the invoice. In the case of Lowe Brothers, however, the functional discount is based upon the *gross* dollar value of the dealer's purchases at dealers list prices and *prior* to the deduction of quantity or volume discounts, whereas in the case of Lucas, the functional discount is based upon the *net* amount of the dealer's purchases at dealers list prices, *after* the deduction of the quantity or volume discounts.

A

That Lowe Brothers and Lucas, during the period that their respective 1938 Plans were in effect, permitted a distributor-dealer to combine in one order his purchases for resale to other dealers (on which he was paid a functional as aforesaid) and his purchases for resale at retail and granted and allowed to such distributor-dealer the quantity discount applicable to the combined gallonage. This practice enabled distributor-dealers to procure the trade sale line paint products they resold at retail at a lesser price than was paid for similar products by 100% dealers and sub-dealers of Lucas and Lowe Brothers who were in competition with the distributor-dealers in the sale of such paint products at retail.

B

That the manufacturers have granted and allowed and are now granting and allowing, in addition to quantity or volume discounts, functional discounts to some of their dealers, and not to others, on consumer business. Typical examples of this practice are the following:

(1) Lowe Brothers has granted and allowed and now grants and allows to Cleveland Builders, in addition to the so-called "carload discount" of 12% described in Paragraph Sixteen hereof, a functional discount of 15% on 50% of its purchases of trade sale line paint products from Lowe Brothers or 7½% on 100% of its purchases. That Cleveland Builders sells substantially all of the paint products it purchases from Lowe Brothers at retail to regular and occasional consumers of paint and does not sell any portion thereof to other dealers. That Cleveland Builders, in the sale of paint products at retail to regular and occasional consumers thereof, is engaged in competition in Cleveland and environs with dealers who purchase, directly or indirectly, either from Lowe Brothers or from one of the other manufacturers or from a seller, and who do not receive any functional discount.

(2) Lucas has granted and allowed and now grants and allows to Landis Spanos, an individual trading in Pittsburgh under the firm name and style of "Spanos Paint Store" (hereinafter referred to as "Spanos"), in addition to quantity or volume discounts, a functional discount of 15% on 60% of his trade sale line purchases or 9% on 100% or such purchases. That Spanos sells substantially all of the paint products he purchases from Lucas at retail to regular and occasional consumers of paint and does not sell any portion thereof to other dealers. That Spanos, in the sale of paint products at retail to regular and occasional consumers thereof, is engaged in competition in Pittsburgh and environs with dealers who purchase trade sale line paint products, directly or indirectly, either from Lucas or from one of the other manufacturers or from a seller and who do not receive any functional discount. That a substantial portion of the trade sale line paint products sold by Spanos at retail to regular and occasional consumers of paint are sold at dealers list prices, the prices that retailers in competition with said Spanos pay or would have to pay for said paint products.

(3) Lucas has granted and allowed and now grants and allows to B. Frank Shinn Paint Company, a corporation engaged in the retail distribution of paint and other products in the City of Wilmington, Delaware (hereinafter referred to as "Shinn Company"), in addition to quantity or volume discounts, a functional discount of 15% on 100% of its trade sale line purchases. That Shinn Company sells substantially all of the paint products it purchases from Lucas to regular and occasional consumers of paint and does not sell any portion thereof to other dealers. That the Shinn Company, in the sale of paint products at retail to regular and occasional consumers thereof, is engaged in competition in Wilmington, Delaware, and environs with dealers who purchase trade sale line paint products, directly or indirectly, either from Lucas or from one of the other manufacturers or from a seller, and who do not receive any functional discount.

C

That the manufacturers have granted and allowed and are now granting and allowing, in addition to quantity or volume discounts, functional discounts to some of their distributor-dealers who resell to other dealers at less than dealer list prices, irrespective of the size of the orders of said sub-dealers. A typical example of this situation is the following:

Lowe Brothers has granted and allowed, and now grants and allows to Waite Hardware Company, a corporation engaged in the wholesale and retail distribution of hardware, paint and other products in the City of Worcester, Massachusetts (hereinafter referred to as "Waite"), in addition to quantity or volume discounts, a functional discount of 15% on 86⅔% of its purchases of trade sale line paint products from Lowe Brothers or 13% on 100% of said purchases. That Waite has knowingly received and now knowingly receives the benefit of said functional discount. That Waite resells such Lowe Brothers paint products in the City of Worcester, Massachusetts, and environs, to dealers there engaged in the retail distribution of paint products, at a flat 4% discount off dealers list prices, irrespective of the size of the individual orders received by Waite from said dealers. That the dealers to whom Waite resells are competitively engaged in the sale of paint products at retail in Worcester, Massachusetts, and environs with Waite and other dealers who purchase trade sale line paint products, directly or indirectly, either from Lowe Brothers or from one of the other manufacturers and who pay dealers list prices for the paint products so purchased, without the benefit of said flat 4% discount, irrespective of the size of the order.

D

That the manufacturers have granted and allowed and are now granting and allowing, in addition to the quantity or volume discounts, functional discounts to some of their distributors who resell at less than dealers list prices, irrespective of the size of the order, (1) to dealers in which the distributor has a substantial financial interest, and (2) to dealers which own all or substantially all of the issued and outstanding stock of the distributor. Typical examples of this method of effecting price discriminations are the following:



(1) Roy Harpester is an individual residing in Newark, Ohio, and has been engaged in the retail hardware business for over seventeen years; Roy Harpester at the present time owns the following financial interests in the following partnerships, each of which is engaged in the retail hardware business, in the following cities:

| Extent of interest | Name of partnership | Location |
|---|---|---|
| ½ | Harpester & Daugherty. | Newark, Ohio. |
| ½ | Harpester & Zollinger. | Thornville, Ohio. |
| ¼ | Harpester & Paulson. | Mt. Vernon, Ohio. |
| ½ | Harpester & Daugherty. | Rushville, Ohio. |

and, in addition thereto, said Harpester and one Helser together own over one-half of the issued and outstanding equity stock of the Martin Winter Hardware Company of Lancaster, Ohio, a corporation likewise engaged in the retail hardware business (said partnerships and said corporation being hereinafter collectively referred to as the "Harpester stores").

Early in 1938 Roy Harpester, in his individual capacity, leased a small, two-story warehouse in the City of Newark, Ohio, and shortly thereafter said Harpester as an individual and trading under the firm name and style of "Union Hardware Company" (said Roy Harpester as an individual and trading under the firm name and style of "Union Hardware Company" being hereinafter sometimes referred to as "Union Hardware") began to purchase hardware supplies and paint products direct from the manufacturers thereof at jobbers prices, all of said products being purchased for resale to the Harpester stores or for resale to other retail hardware dealers. Roy Harpester is in charge of and has control over the purchases and sales of Union Hardware and the purchases and sales of the various Harpester stores.

Early in 1938, Lucas agreed to sell its paint products to Union Hardware at jobbers prices. The Lucas price to Union Hardware for trade sale items from such date, until on or about September 1, 1939, was the dealers list, less the per order quantity discounts applicable to the varying quantities purchased, less a functional discount of 15%. From on or about September 1, 1939, to the present time, the price has been dealers list, less the various discounts applicable under the 1939 Plan, less a functional discount of 15%. That Union Hardware has knowingly received and now knowingly receives the benefit of this 15% functional discount. That Lucas salesmen solicit both the Harpester stores and the independent retail hardware dealers to whom Union Hardware sells, referring all orders to Union Hardware. That only a small portion of the space contained in the Union Hardware warehouse is devoted to the storing of the paint products procured from Lucas by Union Hardware.

Union Hardware sold and now sells Lucas trade sale line paint products to the Harpester stores and to independent retail stores at a flat 10% off dealers list prices, irrespective of the size of the individual orders received from said stores. That the bulk of the individual orders received by Union Hardware from the herein mentioned stores are for quantities of less than 24 gallons. All of said stores are in competition with dealers who purchase such paint products, customarily in quantities of less than 24 gallons per order, at dealers list prices without the benefit of the flat 10% discount, irrespective of the size of the order, either directly or indirectly, from one or more of the manufacturers.

(2) Harry Lampert is an individual residing in Lowell, Massachusetts, and has been engaged in the retail hardware business for over twelve years; Harry Lampert at the present time owns the following financial interests in, and is an officer and director of, the following corporations, each of which is engaged in the retail distribution of hardware, paint and other products, in the following cities:

| Extent of interest | Name of corporation | Location |
|---|---|---|
| 100% | Middlesex Supply Company. | 104 Middlesex St., Lowell, Mass. |
| 100% | Simmons Electric Supply Company, Inc. | 112 Middlesex St., Lowell, Mass.; 534 Merrimac St., Lowell, Mass. |

(said corporations being hereinafter collectively referred to as the "Lampert Owned Stores"); Harry Lampert at the present time owns the following financial interests in, and is an officer and director of the following corporations, each of which is engaged in the retail distribution of hardware, paint and other products, in the following cities:

| Extent of interest | Name of corporation | Location |
|---|---|---|
| ½ [1] | Haverill Hardware & Plumbing Supply Company. | Haverill, Mass.; Portsmouth, N. H.;[2] Dover, N. H.[3] |
| ½ [4] | Nashua Hardware & Plumbing Supply Company. | Main Street, Nashua, N. H. |
| ½ [5] | Bangor Plumbing & Supply Company. | Broad Street, Bangor, Maine. |

[1] Irving Lampert, brother of Harry Lampert, is manager of the Haverill store and is the registered owner of one-third of the issued and outstanding equity stock of this corporation. Ben Gordon, brother-in-law of the Lamperts, is the registered owner of the remaining one-third issued and outstanding equity stock of this corporation.

[2] Haverill Hardware & Plumbing Supply Company trades in this community under the name of Portsmouth Hardware and Supply Company.

[3] Haverill Hardware & Plumbing Supply Company trades in this community under the name of Dover Hardware and Supply Company.

[4] Maxwell Saroken is the registered owner of one-third of the issued and outstanding equity stock of this corporation, and Myer Saroken is the registered owner of the remaining issued and outstanding equity stock of this corporation.

[5] Maxwell Saroken is the registered owner of one-third of the issued and outstanding equity stock of this corporation.

| Extent of Interest | Name of corporation | Location |
|---|---|---|
| ½ [6] | Gloucester Hardware & Plumbing Supply Company. | Main Street, Gloucester, Mass. |
| ½ | Lewiston Hardware and Plumbing Supply Company. | 71 Lisbon St., Lewiston, Maine. |
| ½ | Waterville Hardware and Plumbing Supply Company. | Main Street, Waterville, Maine. |
| ¼ | Woburn Hardware and Plumbing Supply Company. | Main Street, Woburn, Mass. |

[6] Maxwell Saroken is the registered owner of one-third of the issued and outstanding equity stock of this corporation.

(said corporations being hereinafter collectively referred to as the "Lampert Stores, Group A"); Harry Lampert at the present time owns the following financial interests in, and is an officer and director of, the following corporations, each of which is engaged in the retail distribution of hardware, paint and other products, in the following cities:

| Extent of interest | Name of corporation | Location |
|---|---|---|
| ½ | New Hampshire Hardware & Plumbing Supply Company. | Elm Street, Manchester, N. H. |
| ½ | Maine Hardware & Plumbing Supply Company. | Congress St., Portland, Maine. |
| ¼ | Concord Hardware & Plumbing Supply Company. | North Main St., Concord, N. H. |

(said corporations being hereinafter collectively referred to as the "Lampert Stores,' Group B"); Harry Lampert at the present time is an officer and director of, and may have substantial financial interests in, the following corporations, each of which is engaged in the retail distribution of hardware, paint and other products, in the following cities:

| *Name of Corporation* | *Location* |
|---|---|
| Essex Hardware and Plumbing Supply Company. | Lawrence, Mass. |
| New England Pipe and Supply Company. | Charlestown, N. H. |
| Portsmouth Hardware Company. | Portsmouth, N. H. |
| Niagara Hardware and Plumbing Supply Company. | Niagara Falls, N. Y. |

(said corporations being hereinafter collectively referred to as the "Lampert Stores, Group C").

The annual gross sales of hardware, paint and other merchandise of the Lampert Owned and the Lampert Stores, Groups A and B are in excess of $2,000,000, and the annual gross sales of said stores in paint products alone amount to approximately $200,000.

Early in 1937, Lampert, in his individual capacity, purchased certain improved real property located at 25 Middlesex Street, Lowell, Massachusetts, and has been since such date and is now the equitable owner of such improved

real property; the improvement on said real property consists of a four-story warehouse, the dimensions of each floor being approximately 300 feet by 60 feet.

On or about April 2, 1937, for the purpose of enabling the retail stores in which he had a financial interest to purchase their requirements at wholesale prices, Harry Lampert caused Atlantic Distributing Company (hereinafter referred to as "Atlantic") to be incorporated under the laws of the Commonwealth of Massachusetts; Harry Lampert is the Treasurer, a director and the dominating factor in said Atlantic and is the registered owner of one-third of the issued and outstanding equity stock thereof; Harry Lampert is in charge of and has control over both the purchases and sales of Atlantic and the purchases and sales of the Lampert Owned and the Lampert Stores, Group A; Max Saroken, a nephew of said Harry Lampert, is the President of Alantic and is the registered owner of one-third of the issued and outstanding equity stock of said corporation; Irving Lampert, a brother of Harry Lampert, is a clerk for Atlantic and is the registered owner of one-third of the issued and outstanding equity stock of said corporation; Harry Lampert rents the improved real property aforementioned, of which he is the equitable owner, to Atlantic at a nominal rental; that shortly after the organization of Atlantic, Atlantic began to purchase hardware supplies and paint products directly from the manufacturers thereof at jobbers prices, practically all of said products being purchased for sale through the Lampert Owned Stores of the Lampert Stores, Groups A, B and C.

On or about the time of the formation of Atlantic, Lucas agreed to sell Atlantic its paint products at jobbers prices. The Lucas price to Atlantic for trade sale items from such date, until on or about September 1, 1939, was the dealers list, less the per order quantity discounts applicable to the varying quantities purchased, less a functional discount of 15%. From on or about September 1, 1939, to the present time, the price has been dealers list, less the various discounts applicable under the 1939 Plan, less a functional discount of 15%. That Atlantic has knowingly received, and now knowingly receives, the benefit of this 15% functional discount. All of the Lampert Owned Stores and all of the Lampert Stores, Group A, handle Lucas products, and the annual gross sales of said stores of Lucas products exceed $50,000; that Lucas salesmen solicit the Lampert Owned Stores and the Lampert Stores, Group A, and otherwise aid in the sale and distribution of Lucas products to and by all of the stores in which Harry Lampert has a financial interest, referring all orders to Atlantic. That Lucas delivers a substantial portion of the products sold through the Lampert Owned Stores and the Lampert Stores, Group A, directly to said stores and grants, allows and pays with respect to said products so delivered a functional discount of 10%. That Atlantic has knowingly, and now knowingly, receives the benefit of this 10% functional discount. That Atlantic sells to only one or two stores in which Harry Lampert does not have a substantial financial interest. That approximately three-fourths of one floor of the aforementioned warehouse is utilized for the storage of paint products.

Atlantic sold and now sells Lucas trade sale line paint products to the Lampert Owned and the Lampert Stores, Group A, at a flat 10% off dealers list prices, irrespective of the size of the individual orders received from said stores. All of said stores are in competition with dealers who purchase such paint products, at dealers list prices, without the benefit of the flat 10% discount, irrespective of the size of the order, either directly or indirectly, from one or more of the manufacturers.

(3) American Hardware Supply Company (hereinafter referred to as "American"), is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its main office in Pittsburgh, Pennsylvania. All of the issued and outstanding stock of American is owned by approximately 190 persons, partnerships and corporations (hereinafter referred to as "owner stores"), engaged in the retail distribution of hardware and kindred supplies, including paint products. The great majority of said owner stores are located and do business in the states of Pennsylvania, Ohio, New York, Maryland and West Virginia.

American owns and operates a large warehouse, situated at 4143 Terminal Way, Pittsburgh, Pennsylvania. American purchases in its own name from numerous manufacturing concerns and other sources of supply the present and anticipated requirements of the owner stores and of other retail stores that buy from it. American's annual purchases of general hardware merchandise amount to approximately $1,200,000, and its purchases of paint products alone total over $70,000.

In 1933 Lucas agreed to sell American its paint products at jobbers prices, and since that date American has handled Lucas paint products almost exclusively. The Lucas price to American for trade sale items from on or about January 3, 1938, until on or about September 1, 1939, was the dealers list, less the per order quantity discounts applicable to the varying quantities purchased, less a functional discount of 15%. From on or about September 1, 1939, to the present time the price has been dealers list less the various discounts applicable under the 1939 Plan, less a functional discount of 15%. That American has knowingly received, and now knowingly receives, the benefit of this 15% functional discount. That Lucas salesmen solicit the owner stores and assist said owner stores in the sale of Lucas paint products. That the owner stores, with respect to approximately 50% of the paint products purchased by them from American, pick up their own purchases at American's warehouse. That Lucas delivers some of the products sold through American directly to the owner stores and grants, allows and pays with respect to said products so delivered a functional discount of 15%. That American has knowingly, and now knowingly, receives the benefit of this 15% functional discount.

American sold, and now sells, Lucas trade sale line paint products to the owner stores at a flat 10% off dealers list prices, irrespective of the size of the individual orders received from said stores. In addition thereto, the owner stores receive at the end of each year a patronage dividend varying from 4% to 7% on the net value of their purchases during the prior year from American of Lucas paint products. That the bulk of the individual orders received by American from the herein mentioned stores is for quantities of less than 24 gallons. All of said owner stores are in competition with dealers who purchase trade sale line paint products, customarily in quantities of less than 24 gallons per order, at dealers list prices without the benefit of the flat 10% discount, irrespective of the size of the order, and without the benefit of any patronage dividend, either directly or indirectly, from one or more of the manufacturers.

E

The manufacturers have granted and allowed, and now grant and allow, functional discounts to some of their distributors that are so identified, from the standpoint both of financial interest and control, with the dealers to whom they allegedly resell that, within the contemplation of the law, the distributor, in such cases, is merely an agency through which the dealers, identified with it, purchase; and the granting and allowing of the functional discount to the distributor is tantamount to the granting and allowing of such discount to the dealers to whom the paint products are allegedly resold. Typical examples of such distributors are: Union Hardware, Atlantic Distributing and American.

PAR. 18. The effect of the discriminations in price set forth in Paragraphs Thirteen to Seventeen, inclusive, hereof, may be substantially to lessen competition between The Sherwin-Williams Co., and its competitors; between the customers of a manufacturer in whose favor that manufacturer discriminates and such manufacturer's other customers; between the customers of The Sherwin-Williams Co. in whose favor such discriminations are made and the other customers of The Sherwin-Williams Co.; between the customers of The Sherwin-Williams Co. in whose favor such discriminations are made and the customers of the competitors of The Sherwin-Williams Co.; tend to create a monopoly in



The Sherwin-Williams Co. in the line of commerce in which it is engaged; to injure, destroy or prevent competition with each of the manufacturers and with The Sherwin-Williams Co.; to injure, destroy or prevent competition with customers of each of the manufacturers and with customers of The Sherwin-Williams Co. who receive the benefit of such discriminations; to injure, destroy or prevent competition with customers of persons, partnerships and corporations that have knowingly received and are now knowingly receiving the benefit of such discriminations.

Such discriminations in price by each of the manufacturers and by The Sherwin-Williams Co. between different purchasers of goods of like grade and quality in interstate commerce in the manner and form aforesaid, are in violation of the provisions of subsection (a) of Section 2 of the Act described in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission on this 8th day of December, A. D., 1939, issues its complaint against said respondents.

NOTICE

Notice is hereby given you, The Sherwin-Williams Co., The Lowe Brothers Company and John Lucas & Company, Inc., respondents herein, that the 12th day of January, A. D. 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 8th day of December, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39–4617; Filed, December 13, 1939; 10:01 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

[File No. 64–2]

IN THE MATTER OF NORTH AMERICAN GAS AND ELECTRIC COMPANY

ORDER APPROVING AMENDED APPLICATION

North American Gas and Electric Company, a registered holding company, having filed an application and amendments thereto with this Commission, pursuant to Instruction 8C of the Uniform System of Accounts for Public Utility Holding Companies, promulgated under Section 15 of the Act, requesting approval of a proposed entry to record the transfer to North American Gas and Electric Company of the assets of North American Management Company, a wholly-owned subsidiary prior to its dissolution on June 12, 1939;

Public hearing on said application as amended having been held[1] and the Commission having examined the record and made its findings herein;

*It is ordered*, That said application as amended be and hereby is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4620; Filed, December 13, 1939; 11:46 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of December, A. D. 1939.

[File No. 51–24]

IN THE MATTER OF WASHINGTON AND SUBURBAN COMPANIES, AND THE SYCAMORE COMPANY

NOTICE OF AND ORDER FOR HEARING

A joint application pursuant to Rules U–12C–2 and U–12D–1 and pursuant to section 10 (a) (1) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter be held on December 26, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 22, 1939.

The matter concerned herewith is in regard to the transfer by Washington and Suburban Companies of 535 shares of preferred stock of New York and Rich-

[1] 4 F.R. 4477 DI.

mond Gas Company to The Sycamore Company as a contribution to the latter's capital surplus.

The distribution by Washington and Suburban Companies on account of its 70,000 preferred shares of beneficial interest and in partial liquidation thereof of (a) 66,499 shares of common capital stock of Washington Gas Light Company and (b) said Washington and Suburban Companies' holdings of stock of The Ashwood Company, The Beechtree Company, The Birch Company, The Chestnut Company, The Elmtree Company, The Linden Company, The Mahogany Company, The Maplewood Company, The Pinewood Company, The Poplar Company and The Sycamore Company, which said holdings consist of 49 shares of stock of each of said companies other than The Ashwood Company and The Sycamore Company and 21 shares of stock of each of said two last mentioned companies.

Said application also requests an order of the Commission declaring that upon the completion of the transactions above referred to and upon the submission of evidence that The Patuxent Gas Company is no longer a public utility company, the Washington and Suburban Companies has ceased to be a holding company.

The application states that Washington and Suburban Companies requests that the Commission consider the application also as a declaration pursuant to Section 7 of the Public Utility Holding Company Act, if the Commission should deem the filing pursuant to said section necessary or advisable.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4621; Filed, December 13, 1939; 12:24 p. m.]

DEC 18 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 242

*Washington, Friday, December 15, 1939*


## *The President*

RELATING TO CERTAIN LAWS OF THE COMMONWEALTH OF THE PHILIPPINES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 7 (a) of the act of August 7, 1939, 53 Stat. 1226, 1233, provides, in part:

Sections 1 to 5, inclusive, of this amendatory Act shall become effective on January 1, 1940, if before that date—

(1) Subsection 5 of section 1 of the Ordinance Appended to the Constitution of the Philippines shall have been amended in the manner now provided by law, by changing the final period of said subsection to a comma, and by adding thereto the words: "as amended by the Act of Congress of the United States approved (followed by the date of the approval of this amendatory Act)", and section 3 of the said ordinance shall have been amended by inserting immediately after the words "approved March 24, 1934" the same amendatory language mentioned above.

(2) The President of the United States shall have found and proclaimed that the Philippine Government has enacted, subsequent to the adoption of the amendments to the Constitution of the Philippines (as provided in subdivision (1) of this subsection), a law relating to export taxes (as provided in section 1), and has retained those Philippine laws relating to sinking-fund and currency matters which were in effect on May 20, 1938.

WHEREAS amendments to the Constitution of the Philippines have been adopted as provided in the said act of August 7, 1939, which amendments were approved by me on November 10, 1939;

WHEREAS the Government of the Commonwealth of the Philippines on November 14, 1939, enacted a law relating to export taxes, as provided in the said act of August 7, 1939, which law I have approved this date; and

WHEREAS the Government of the Commonwealth of the Philippines has retained those laws relating to sinking-fund and currency matters which were in effect on May 20, 1938:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority in me vested by section 7 (a) of the said act of August 7, 1939, do hereby find and proclaim that the Government of the Commonwealth of the Philippines has enacted, subsequent to the adoption of the above-mentioned amendments to the Constitution of the Philippines, a law relating to export taxes as provided in the said act of August 7, 1939, and has retained those Philippine laws relating to sinking-fund and currency matters which were in effect on May 20, 1938.

DONE at the City of Washington this twelfth day of December in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

[SEAL] FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2377]

[F. R. Doc. 39-4632; Filed, December 14, 1939; 12:21 p. m.]

## *Rules, Regulations, Orders*

### TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER IV—MILITARY EDUCATION

PART 43—PROMOTION OF RIFLE PRACTICE[1]

§ 43.6 *Targets and target equipment*—(a) *Reserve Officers' Training Corps, citizens' military training camps, and schools operating under section 55c, National Defense Act*—(1) *General provisions.* (i) The types of target materiel

[1] These regulations supersede section 43.6, Title 10, Code of Federal Regulations.

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FEDERAL REGISTER

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authorized for the Regular Army are also prescribed for use in target practice by the Reserve Officers' Training Corps, the citizens' military training camps, and schools operating under section 55c, National Defense Act, provided that no issues or expenditures of target materiel for these purposes will be made until the officer immediately responsible for such issues and expenditures has satisfied himself that funds are available for the payment in full for all items designated as reimbursable in Ordnance Department Field Service Bulletins or in similar Air Corps instructions, for any expenses incident to the issue of target materiel, and for the repair of any damage to Regular Army target materiel incident to its use by these components and auxiliaries.

(ii) Funds to provide target materiel for the Reserve Officers' Training Corps, the citizens' military training camps, and schools operating under section 55c, National Defense Act, are allotted to the commanders of corps areas and exempted stations. If definite instructions have not been received by the officer immediately responsible for the issue, expenditure, or use of target materiel from the proper commander to whom funds have been allotted, such responsible officer will apply to such commander before actually authorizing the issue, expenditure, or use of target materiel by these components and auxiliaries.

(iii) When requisitioning for target materiel, separate requisitions should be prepared and submitted for each component and auxiliary coming under the provisions of this paragraph to facilitate compliance therewith.

(2) *Allowances.* The maximum allowances of target materiel authorized for use for the Reserve Officers' Training Corps, the citizens' military training camps, and schools operating under section 55c, National Defense Act, are as follows and will not be exceeded without the authority of the War Department.

(i) *Reserve Officers' Training Corps.* Subject to the provisions of subparagraph (1) above, commanders of corps areas and exempted stations are authorized to issue for use by Reserve Officers' Training Corps units and camps such articles of target materiel as are appropriate for the practice to be conducted. The materiel issued unless otherwise prescribed should not exceed the maximum authorized for use in a corresponding amount of similar practice by the Regular Army.

Subject to the provisions of subparagraph (1) above, targets, landscape, sets, are authorized at not to exceed one set to each 200 student members or fraction thereof of senior division units of Infantry, Cavalry, and Corps of Engineers, but not more than three sets will be issued to any one unit.

(ii) *Citizens' Military training camps.* Subject to the provisions of subparagraph (1) above, the commanders of corps areas and exempted stations are authorized to issue such articles of target materiel provided for the Regular Army as are appropriate for the practice to be conducted. The allowances issued should not exceed the maximum authorized for the Regular Army in a corresponding amount of similar practice.

(iii) *Schools operating under section 55c, National Defense Act.* Such allowances of target materiel of types authorized for the Regular Army as may be approved by commanders of corps areas may be issued, provided that such issues will be made only in lieu of a corresponding monetary reduction of the ammunition allowances for the institution desiring the target materiel.

(b) *Civilian rifle clubs and miscellaneous schools and organizations*—(1) *Types and allowances authorized*—(i) *Schools operating under the act of April 27, 1914 (38 Stat. 370).* See section 43.1

(ii) *Civilian rifle clubs.* See § 43.2

(iii) *Civilians using rifle ranges.* See § 43.3

(iv) *Rifle and pistol competitions in schools and colleges.* The types of targets authorized for small bore matches and competitions are the National Rifle Association gallery targets for 50 and 75 feet. These targets are obtained through the executive officer, National Board for the Promotion of Rifle Practice.

Target and target equipment for outdoor rifle and pistol firing are the same as are provided for the Regular Army for rifle and pistol marksmanship courses and competitions.

(2) *Storage and issue of special targets and target equipment.* Special targets and target equipment procured by the National Board for the Promotion of Rifle Practice and issued or sold by that board, or under the direction of the Director of Civilian Marksmanship, may be stored and issued by the Ordnance Department when requested by proper authority: *Provided,* That in the opinion of the Chief of Ordnance such storage is practicable and that the Ordnance Department is reimbursed in full by the National Board for the Promotion of Rifle Practice for all expenses incident to the handling of the equipment.

(3) *State soldiers' and sailors' orphans' homes and State and territorial educational institutions.* No issue of targets and target equipment is authorized. (43 Stat. 510; 32 U.S.C. 181) [Pars. 10, 11, 12, 13, 14, W.D. Table of Allowances—Targets and Target Equipment, Oct. 10, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-4630; Filed, December 14, 1939; 11:17 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

## CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3005]

### IN THE MATTER OF FORD MOTOR COMPANY ET AL.

§ 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (k) *Combining or conspiring—To sell products deceptively:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* Using, in connection with offer, etc., in interstate commerce or in District of Columbia, of motor vehicles, the word "six per cent" or the figure and symbol "6%" or any other words, figures or symbols indicating percentage, in connection with the cost of, or the additional charge for, the use of a deferred or installment payment plan of purchasing motor vehicles, when the amount of such cost or charge collected from, or to be paid by, the purchaser of a motor vehicle under such plan is in excess of simple interest at the rate of 6% per annum, or at the rate indicated by such words, figures or symbols, calculated on the basis of the unpaid balance due as diminished after crediting installments as paid, or acting concertedly or in cooperation with any company, firm or individual, or with any of its agents or dealers, in a way calculated to further the sale of motor vehicles through use of the methods above referred to, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ford Motor Company et al., Docket 3005, December 8, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF FORD MOTOR COMPANY AND UNIVERSAL CREDIT CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the stipulation as to the facts, agreement to cease and desist and dismissal heretofore entered herein as to the respondent, Universal Credit Corporation, the answer of respondent, Ford Motor Company, the testimony and other evidence taken before Edward E. Reardon, an examiner of the Commission, theretofore duly designated by it, in support of the allegations of said complaint, briefs filed herein and oral arguments by James M. Hammond, counsel for the Commission, and by Henry C. Bogle, counsel for the respondent, Ford Motor Company, and the Commission having made its findings as to the facts and its conclusion that said respondent, Ford Motor Company, has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That the respondent, Ford Motor Company, its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution of motor vehicles in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Using the words "six per cent" or the figure and symbol "6%", or any other words, figures or symbols indicating percentage, in connection with the cost of, or the additional charge for, the use of a deferred or installment payment plan of purchasing motor vehicles, when the amount of such cost or charge collected from, or to be paid by, the purchaser of a motor vehicle under such plan is in excess of simple interest at the rate of 6% per annum, or at the rate indicated by such words, figures or symbols, calculated on the basis of the unpaid balance due as diminished after crediting installments as paid;

[1] 2 F.R. 2966.

(2) Acting concertedly or in cooperation with any company, firm or individual, or with any of its agents or dealers, in a way calculated to further the sale of motor vehicles through use of the methods referred to in paragraph (1) of this order.

*It is further ordered,* That the respondent Ford Motor Co., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4628; Filed, December 14, 1939; 9:42 a. m.]

[Docket No. 3472]

### IN THE MATTER OF THE ARVIL COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* Representing, in connection with offer, etc., in commerce, of respondents' "Arvil" and "Dawn Shampoo", or other similar preparations, that "Arvil" restores or replaces pigment in the hair shaft or that the use thereof causes the hair to assume a natural or youthful color or that said product produces color by any means other than dyeing the hair shaft, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, Sec. 45b) [Cease and desist order, The Arvil Company, Docket 3472, December 6, 1939]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of products:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y10) *Advertising falsely or misleadingly—Scientific or other relevant facts.* Representing, in connection with offer, etc., in commerce, of respondents' "Arvil" and "Dawn Shampoo", or other similar preparations, that graying hair is an indication that the hair or scalp is not in normal health, or that it is the consensus of scientific opinion that dandruff is caused by a germ, or that said "Arvil" is effective as an antiseptic or astringent when applied to the hair or scalp, or that either or both of said products will permanently relieve dandruff or itching scalp or that either or both of said products is an effective treatment for dandruff, or constitutes a cure or remedy for baldness or cure or remedy or effective treatment for falling hair or the cause or causes thereof, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Arvil Company, Docket 3472, December 6, 1939]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Representing, in connection with offer, etc., in commerce, of respondents' "Arvil" and "Dawn Shampoo", or other similar preparations, through failure to reveal that the use of said "Arvil" on the skin is not wholly safe, particularly if there is any injury, abrasion or inflammatory or eczematous condition thereon, or through any other means or device or in any other manner, that said "Arvil" contains no harmful or dangerous drugs, or that the use of said preparation will have no ill effects upon the human body, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Arvil Company, Docket 3472, December 6, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF STAFFORD T. MITCHELL, JANET M. MITCHELL, OTIS S. MITCHELL, INDIVIDUALS, TRADING AS THE ARVIL COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission (the respondents not having filed answer), testimony and other evidence taken before William C. Reeves, Charles F. Diggs and Webster Ballinger, Examiners of the Commission, theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, brief in support of the allegations of the complaint (respondents not having filed a brief and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That respondents, Stafford T. Mitchell, Janet M. Mitchell, and Otis S. Mitchell, individually, and trading as The Arvil Company or trading under any other name or names, their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their hair preparations designated as "Arvil" and "Dawn Shampoo", or any other preparations composed of substantially similar ingredients, or possessing substantially similar properties whether sold under those names or any other name or names in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

[1] 3 F.R. 2316 DI.

1. Representing that "Arvil" restores or replaces pigment in the hair shaft or that the use thereof causes the hair to assume a natural or youthful color or that said product produces color by any means other than dyeing the hair shaft;

2. Representing that graying hair is an indication that the hair or scalp is not in normal health;

3. Representing that it is the consensus of scientific opinion that dandruff is caused by a germ;

4. Representing that "Arvil" is effective as an antiseptic or astringent when applied to the hair or scalp;

5. Representing that either "Arvil" or "Dawn Shampoo," or both of said products, will permanently relieve dandruff or itching scalp or that either, or both of said products is an effective treatment for dandruff;

6. Representing that either "Arvil" or "Dawn Shampoo," or both of said products, is a cure or remedy for baldness or is a cure or remedy or an effective treatment for falling hair or the cause or causes thereof;

7. Representing, through failure to reveal that the use of "Arvil" on the skin is not wholly safe, particularly if there is any injury, abrasion or inflammatory or eczematous condition thereon, or through any other means or device or in any other manner, that "Arvil" contains no harmful or dangerous drugs, or that the use of said preparation will have no ill effects upon the human body.

*It is further ordered*, That respondents shall within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4629; Filed, December 14, 1939; 9:43 a. m.]

## TITLE 19—CUSTOMS DUTIES

## CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50034]

ANTIDUMPING—WOOL KNITTED BERETS FROM FRANCE[1]

DECEMBER 12, 1939.

*To Collectors of Customs and Others Concerned:*

After due investigation, in accordance with the provisions of section 201 of the Antidumping Act, 1921, I find that the industry manufacturing wool knitted berets in the United States is being and is likely to be injured by reason of the importation into the United States of wool knitted berets from France, and that such wool knitted berets from France are being sold and are likely to be sold in the United States at less than their fair value. (Sec. 201, 42 Stat. 11; 19 U.S.C., 160)

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4633; Filed, December 14, 1939; 12:50 p. m.]

[T.D. 50035]

ANTIDUMPING—RIBBON FLY CATCHERS FROM THE UNITED KINGDOM[1]

DECEMBER 12, 1939.

*To Collectors of Customs and Others Concerned:*

After due investigation, in accordance with the provisions of section 201 of the Antidumping Act, 1921, I find that the industry manufacturing ribbon fly catchers in the United States is being and is likely to be injured by reason of the importation into the United States of ribbon fly catchers from the United Kingdom, and that such ribbon fly catchers from the United Kingdom are being sold and are likely to be sold in the United States at less than their fair value. (Sec. 201, 42 Stat. 11; 19 U.S.C. 160)

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4634; Filed, December 14, 1939; 12:50 p. m.]

[T.D. 50036]

ANTIDUMPING—RIBBON FLY CATCHERS FROM JAPAN[1]

DECEMBER 12, 1939.

*To Collectors of Customs and Others Concerned:*

After due investigation, in accordance with the provisions of section 201 of the Antidumping Act, 1921, I find that the industry manufacturing ribbon fly catchers in the United States is being and is likely to be injured by reason of the importation into the United States of ribbon fly catchers from Japan, and that such ribbon fly catchers from Japan are being sold and are likely to be sold in the United States at less than their fair value. (Sec. 201, 42 Stat. 11; 19 U.S.C. 160)

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4635; Filed, December 14, 1939; 12:50 p. m.]

[T.D. 50037]

ANTIDUMPING—RIBBON FLY CATCHERS FROM BELGIUM[1]

DECEMBER 12, 1939.

*To Collectors of Customs and Others Concerned:*

After due investigation, in accordance with the provisions of section 201 of the Antidumping Act, 1921, I find that the industry manufacturing ribbon fly catchers in the United States is being and is likely to be injured by reason of the importation into the United States of ribbon fly catchers from Belgium, and that such ribbon fly catchers from Belgium are being sold and are likely to be sold in the United States at less than their fair value. (Sec. 201, 42 Stat. 11; 19 U.S.C. 160)

[SEAL] HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4636; Filed, December 14, 1939; 12:50 p. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

## CHAPTER I—GENERAL LAND OFFICE

ARAPAHO AND HOLY CROSS NATIONAL FORESTS BOUNDARIES ADJUSTED

NOVEMBER 28, 1939.

Further adjustment of the boundaries of the Arapaho and Holy Cross National Forests in T. 2 S., R. 82 W., 6th P. M., Colorado, than that made by departmental order of September 24, 1938, appearing necessary, it is ordered that so much of the proclamation of May 26, 1930, as defined the boundaries of such national forests in the township be, and it is hereby, construed in conformity with the official plat of resurvey thereof, accepted by the General Land Office May 19, 1936, to include the following-described additional land:

In Arapaho National Forest: that portion of the E½E½ sec. 19 lying north of the divide between Sheep Creek and Piney River;

In Holy Cross National Forest: that portion of the E½E½ sec. 19 lying south of such divide.

JOHN W. FINCH,
*Acting Under Secretary of the Interior.*

[F. R. Doc. 39-4623; Filed, December 14, 1939; 9:35 a. m.]

## CHAPTER III—GRAZING SERVICE

CALIFORNIA GRAZING DISTRICT No. 1 MODIFICATION

DECEMBER 7, 1939.

It is hereby ordered that so much of the Departmental order approved April 8, 1935, establishing California Grazing District No. 1 under the provisions of the act of June 28, 1934 (48 Stat. 1269), as embraces Tps. 28 to 32 S., inclusive, R. 37 E., all of townships, and Tps. 13 to 32 S., inclusive, Rs. 38 and 39 E., all of townships, California, Mount Diablo meridian, be construed in conformity with recent surveys accepted by the General Land Office to include also the following:

CALIFORNIA

MOUNT DIABLO MERIDIAN

T. 20 S., R. 37½ E., all.

E. K. BURLEW,
*Acting Secretary of the Interior.*

[F. R. Doc. 39-4624; Filed, December 14, 1939; 9:35 a. m.]

[1] This document affects the tabulation in 19 CFR 12.15.



## *Notices*

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 15, 1939, until April 12, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Carmi Feature Underwear, Inc., Grayville, Illinois. | Shorts (woven) | 25 |
| Ohio Manufacturing Company, 1001 South Adams Street, Peoria, Illinois. | Dresses | 20 |

Signed at Washington, D. C., this 14th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4637; Filed, December 14, 1939; 12:59 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 15, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Battle Creek Corset Co., Battle Creek, Michigan (3 learners), corsets, etc.

Carmi Feature Underwear, Inc., Grayville, Illinois (5 learners), shorts (woven).

Chic Manufacturing Company, 1001 South Adams Street, Peoria, Illinois, dresses.

Katz Underwear Company, Honesdale, Pennsylvania, ladies' & jr. undergarments.

Rosen Shirt Mfg. Co., Quakertown, Pennsylvania, men's shirts.

Southland Mfg. Company, Montgomery, Alabama, work shirts.

Stone Manufacturing Company, Greenville, South Carolina, cotton garments.

Signed at Washington, D. C., this 14th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4638; Filed, December 14, 1939; 12:59 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 15, 1939, to August 15, 1940, unless otherwise indicated subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939*]

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from

interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Cherokee Hosiery Mills, Highland Avenue, Hickory, North Carolina (13 learners).

Wm. G. Leininger Knitting Co., Inc., Fritztown, Pennsylvania (6 learners).

Rambo & Regar, Incorporated, Norristown, Pennsylvania (50 learners).

Williamsport Hosiery Corporation, Williamsport, Maryland (7 learners).

Signed at Washington, D. C., this 14th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4639; Filed, December 14, 1939; 12:59 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS OF THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 15, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

These Special Certificates are issued ex parte under Section 14 of said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in any amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Kale Knitting Mills, Inc., Mebane, North Carolina (5 learners).

Wm. G. Leininger Knitting Co., Inc., Fritztown, Pennsylvania (5 learners).

Newfield Textile Mill, Newfield, New Jersey (2 learners).

Willard Hosiery Mills, Inc., Dublin, Pennsylvania.

Williamsport Hosiery Corporation, Williamsport, Maryland (5 learners).

Signed at Washington, D. C., this 14th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4640; Filed, December 14, 1939; 12:59 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 15, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of their terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Laros Textile Company, Bethlehem, Pennsylvania (5 learners), Ladies' Knit Underwear.

Lerner Knitwear, Shelton, Connecticut (1 learner), Ladies' Sweaters.

Signed at Washington, D. C., this 14th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4641; Filed, December 14, 1939; 1:00 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 15, 1939, until April 12, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES AND CONDITIONS

The employment of learners in the Knitted Wear Industry, under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that: (a) experienced operators are not available, and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learners shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. The Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen days following the publication of notice of their issuance, that the issuance of these Certificates was not necessary to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. Altering or attempting to alter this Certificate will render it invalid.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Empire Knitting Mills, Inc., Statesville, N. Carolina. | Knitted outerwear. | 10 |

Signed at Washington, D. C., this 14th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4642; Filed, December 14, 1939; 1:00 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 15, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued on representations of employers that: (a) experienced operators are not available and (5) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen (15) days following publication of notice of their issuance, that the issuance of these Certificates was not necessary in order to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.



| Name and address of firm | Product | Number of learners |
|---|---|---|
| Boucher, James G., Elgin, Illinois. | Fabrics (hand woven). | 15 |
| Federal Silk Mills, Inc., Williamsport, Maryland. | Ribbons | 30 |
| Modern Throwing Co., Mill A, Goepp Street, Bethlehem, Pennsylvania. | Silk throwing | 12 |
| Modern Throwing Co., Mill B, 5th & Williams Streets, Bethlehem, Pennsylvania. | Silk throwing | 40 |
| Plains Throwing Company, Plains, Pennsylvania. | Silk and rayon throwing. | 4 |
| Red Springs Weaving Company, Red Springs, North Carolina. | Rayon and acetate. | 20 |

Signed at Washington, D. C., this 14th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4643; Filed, December 14, 1939; 1:00 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 15, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: Sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940 and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Boucher, James G., Elgin, Illinois (3 learners), fabrics (hand woven).

Columbia Silk Throwing Co., Inc., Bloomsburg, Pennsylvania, rayon and silk throwing.

Federal Silk Mills, Inc., Williamsport, Maryland, ribbons.

R. K. Laros Silk Company, Bethlehem, Pennsylvania, silk throwing.

Wm. Margolin, Inc., Athens, Pennsylvania, silk and rayon.

Mock Judson Voehringer Co., Inc., Greensboro, North Carolina, silk throwing.

Modern Throwing Co., Mill A, Goepp Street, Bethlehem, Pennsylvania, silk throwing.

Modern Throwing Co., Mill B, 5th and Williams Streets, Bethlehem, Pennsylvania, silk throwing.

Perkasie Silk Mills, Inc., 9th Street, Perkasie, Pennsylvania, silk throwing.

Plains Throwing Company, Plains, Pennsylvania (3 learners), silk and rayon throwing.

Red Springs Weaving Company, Red Springs, North Carolina, rayon and acetate.

S. & S. Silk Company, Bloomsburg, Pennsylvania, silk and rayon throwing.

Signed at Washington, D. C., this 14th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4644; Filed, December 14, 1939; 1:00 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 15, 1939, until June 15, 1940, unless otherwise indicated subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator or less than eight (8) weeks experience as a chenille operator plus eight (8) weeks retraining as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period, no learner may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Special Certificates are issued on representations by the employers that: (a) experienced operators are not available and (b) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates may be cancelled as of the date of their issuance, if it is found upon objection duly filed within fifteen (15) days following the publication of notice of their issuance that the issuance of these Certificates are not necessary to prevent curtailment of opportunities for employment. They may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the Employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Greentex Corporation, Salisbury, North Carolina. | Chenille bedspreads. | 15 |
| Mr. J. M. Muse, Sugar Valley, Georgia. | Cotton-tufted bedspreads. | 15 |

Signed at Washington, D. C., this 14th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4645; Filed, December 14, 1939; 1:01 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 15, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and they may be cancelled as of the date of their issuance if it is found that they were issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Greentex Corporation, Salisbury, North Carolina (5 learners), chenille bedspreads.

S. Z. Moore Spread Co., Inc., Calhoun, Georgia (5 learners), bedspreads.

Mr. J. M. Muse, Sugar Valley, Georgia (5 learners), cotton-tufted bedspreads.

C. B. Wood & Company, Inc., Rocky Face, Georgia (5 learners), tufted bedspreads.

Signed at Washington, D. C., this 14th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4646; Filed, December 14, 1939; 1:01 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3811]

IN THE MATTER OF REFRIGERATION & AIR CONDITIONING INSTITUTE, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, January 26, 1940, at ten o'clock in the forenoon of that day (Mountain Standard Time), Room 220, Post Office Building, Salt Lake City, Utah.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By direction of the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4625; Filed, December 14, 1939; 9:42 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3817]

IN THE MATTER OF DOUGLAS CANDY CO., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

It is ordered, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law:

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, February 5, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 664, United States Court House, Kansas City, Missouri.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4626; Filed, December 14, 1939; 9:42 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

Commissioners: Robert E. Freer, chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3934]

IN THE MATTER OF WITOL, INC., WITOL BEAUTY LABORATORIES, INC., CORPORATIONS, AND WILLIAM WITOL, ANN FELIX, AND HATTIE BLANKFELD, INDIVIDUALLY, AND AS OFFICERS OF WITOL, INC., AND WITOL BEAUTY LABORATORIES, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41).

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, January 19, 1940, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 117, Federal Office Building, Seattle, Washington.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on be-





Reference

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half of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4627; Filed, December 14, 1939; 9:42 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

[File No. 1-671]

IN THE MATTER OF THE LUCKY TIGER-COMBINATION GOLD MINING COMPANY, COMMON STOCK, $10 PAR VALUE, SECURITIES EXCHANGE ACT OF 1934—SECTION 12 (d)

ORDER GRANTING APPLICATION FOR WITHDRAWAL FROM LISTING AND REGISTRATION

The Lucky Tiger-Combination Gold Mining Company having made application to the Commission pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) thereunder, for permission to withdraw from listing and registration on the New York Curb Exchange approximately 715,000 shares of common stock of said registrant, $10 par value; and

A hearing having been held on due notice[1] before a trial examiner; the trial examiner having filed an advisory report; the Commission having considered the record and being fully advised in the premises, and having this day filed its findings of fact and opinion herein;

*It is ordered*, That said application be and it hereby is granted, effective at the close of business on January 10, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4631; Filed, December 14, 1939; 11:35 a. m.]

[1] 4 F.R. 4021 DI.

Reference

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THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 4 NUMBER 243

*Washington, Saturday, December 16, 1939*

***Rules, Regulations, Orders***

## TITLE 19—CUSTOMS DUTIES

### CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50038]

ANTIDUMPING—RIBBON FLY CATCHERS FROM GERMANY[1]

DECEMBER, 12, 1939.

*To Collectors of Customs and Others Concerned:*

After due investigation, in accordance with the provisions of section 201 of the Antidumping Act, 1921, I find that the industry manufacturing ribbon fly catchers in the United States is being and is likely to be injured by reason of the importation into the United States of ribbon fly catchers from Germany, and that such ribbon fly catchers from Germany are being sold and are likely to be sold in the United States at less than their fair value. (Sec. 201, 42 Stat. 11; 19 U.S.C. 160)

[SEAL] HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 39-4647; Filed, December 14, 1939; 2:29 p. m.]

## TITLE 22—FOREIGN RELATIONS

### CHAPTER I—DEPARTMENT OF STATE

PART 55C—TRAVEL

Pursuant to the authority contained in the President's Proclamations Nos. 2374 and 2376 issued on November 4, 1939, in pursuance of sections 1 and 3, respectively, of the Neutrality Act of 1939, approved November 4, 1939, I, Cordell Hull, Secretary of State of the United States, hereby prescribe the following regulation, amending the regulations issued on November 6, 1939,[2] as amended by regulation issued on November 17, 1939, relating to travel on belligerent vessels,[3] and also amending the regulations issued on November 17, 1939, relating to travel into or through combat areas.[4]

§ 55C.3 *American nationals in combat areas*—(f) *American nationals authorized to travel without endorsement*—(5) *Individuals possessing both American nationality and a foreign nationality.* Individuals who possess both American nationality and a foreign nationality, and who habitually reside in the foreign state of which they are nationals, and who are using passports of such foreign state, may, while en route to and from such state, travel on a belligerent vessel across the English Channel, the Irish Sea, or St. George's Channel without obtaining specific authority and without an American passport endorsed as valid for such travel. Individuals who undertake travel under the conditions indicated shall do so on the understanding that they will look for protection to the foreign state whose passport they carry. (Secs. 1, 3, Public Res. 54, 76th Cong., 2d sess., approved Nov. 4, 1939; Procs. Nos. 2374, 2376, Nov. 4, 1939)

[SEAL] CORDELL HULL, *Secretary of State.*

DECEMBER 14, 1939.

[F. R. Doc. 39-4658; Filed, December 15, 1939; 11:29 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### CHAPTER I—VETERANS' ADMINISTRATION

REVISION OF REGULATIONS

PHYSICAL EXAMINATIONS AND INSPECTIONS

*Examinations for Insurance Purposes*

§ 3.3090 (A) It is deemed necessary in order properly to safeguard the interests of the Government to require a

[1] This document affects the tabulation in 19 CFR 12.15.

[2] 22 CFR 55C.1-2 (4 F.R. 4509-DI).

[3] 22 CFR 55C.2 (4 F.R. 4640 DI).

[4] 22 CFR 55C.3 (b)-(f). (4 F.R. 4641 DI). 22 CFR 55C.3 (a) appeared as paragraph (1) in "Regulations under section 3 of the joint resolution of Congress approved November 4, 1939." (4 F.R. 4510 DI).

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physical examination by a full-time or part-time salaried physician at a regional office or facility of the Veterans Administration upon the request of the applicant or claimant, or upon the specific request of the insurance claims council in central office in connection with an application for reinstatement of insurance when deemed necessary by that office in order properly to safeguard the interests of the Government. Physical examinations required of applicants for insurance, under sections 310 and 311, or either, of the World War Veterans Act, 1924, as amended, or for reinstatement of insurance, may be made at applicant's own expense by a physician designated by the Veterans Administration if preferred by the applicant, because of the distance to be traveled or other conditions that make it impracticable for him to appear at a regional office or facility of the Veterans Administration. (December 21, 1939) (45 Stat. 965; 38 U.S.C. 459c)

*Examinations and Inspections for Insurance Purposes Where Applicant or Claimant by Reason of His Physical or Mental Condition Is Unable to Appear at a Veterans' Administration Office*

§ 3.3091 If an individual is unable to travel, because of physical or mental condition, the manager of a regional office or facility may, on his own initiative or at the request of central office, authorize at Government expense examination at the home of the person to be examined in those instances in which, as provided by Sec. 3.3090 (A), examination by a full-time or part-time salaried physician is deemed necessary properly to safeguard the interests of the Government. Examination at the home of an applicant for reinstatement of insurance can be authorized at Government expense only by central office. (December 21, 1939) (45 Stat. 965; 38 U.S.C. 459c)

When an application has been filed by a person for payment of insurance benefits on account of total or total and permanent disability; (2) when requested by the insurance claims council in central office for the purpose of review, as provided by regulation, of claims in which insurance benefits are being paid, to determine if the person has recovered the ability to follow a gainful occupation; (3) when requested by the insurance claims council in order to determine the existence of mental incompetency for the purpose of waiver of payment of an insurance premium on its due date.

(B) Physical examinations required of applicants for insurance, under sections 310 and 311, or either, of the World War Veterans Act, 1924, as amended, or for reinstatement of insurance, may be made free of charge to the applicant or claimant by a full-time or part-time salaried physician at a regional office or facility of the Veterans Administration upon the request of the applicant or claimant, or upon the specific request of the insurance claims council in central office in connection with an application for reinstatement of insurance when deemed necessary by that office in order properly to safeguard the interests of the Government. Physical examinations required of applicants for insurance, under sections 310 and 311, or either, of the World War Veterans Act, 1924, as amended, or for reinstatement of insurance, may be made at applicant's own expense by a physician designated by the Veterans Administration if preferred by the applicant, because of the distance to be traveled or other conditions that make it impracticable for him to appear at a regional office or facility of the Veterans Administration. (December 21, 1939) (45 Stat. 965; 38 U.S.C. 459c)

*Examinations and Inspections for Insurance Purposes Where Applicant or Claimant by Reason of His Physical or Mental Condition Is Unable to Appear at a Veterans' Administration Office*

§ 3.3091 If an individual is unable to travel, because of physical or mental condition, the manager of a regional office or facility may, on his own initiative or at the request of central office, authorize at Government expense examination at the home of the person to be examined in those instances in which, as provided by Sec. 3.3090 (A), examination by a full-time or part-time salaried physician is deemed necessary properly to safeguard the interests of the Government. Examination at the home of an applicant for reinstatement of insurance can be authorized at Government expense only by central office. (December 21, 1939) (45 Stat. 965; 38 U.S.C. 459c)

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 39-4660; Filed, December 15, 1939; 11:36 a. m.]

[1] 4 F.R. 1393 DI.

tion expenses incident to physical examination at regional offices or facilities may be furnished subject to the governing provisions of Sec. 6.6103 [1] (B) (3) in the following instances: (1) when, upon filing of an application for payment of insurance benefits, an applicant is ordered to report for examination by the Veterans' Administration to determine existence of total or total and permanent disability; (2) when an individual receiving payments of insurance benefits is ordered to report for the examination by the Veterans' Administration to determine if he has recovered the ability to follow a gainful occupation; (3) when an individual is ordered to report for examination by the Veterans' Administration to determine the existence of mental incompetency for the purpose of waiver of payment of an insurance premium on its due date.

(B) Necessary transportation expenses may be furnished subject to the governing provisions of Sec. 6.6103 (B) (3) incident to a physical examination at a regional office or facility of the Veterans' Administration of an applicant for reinstatement of insurance provided that the applicant was ordered to report for the examination at the specific request of the insurance claims council in central office.

(C) Such expenses will be borne by the United States and will be paid from the appropriation, "Salaries and Expenses, Veterans' Administration." Transportation, meal and lodging requests in connection with reporting to and returning from the place of examination will be furnished the applicant or claimant provided prior authority has been given for the travel. Travel incident to such an examination by salaried employees of the Veterans' Administration will be in accordance with the Standardized Government Travel Regulations. If such examination is made by a medical examiner on a fee basis, the fee will be based on the Schedule of Fees for Medical Services, Veterans' Administration, in force at the time the examination is made.

(D) Transportation expenses will not be furnished for examinations on applications for reinstatement of insurance or on applications for payment of insurance benefits on account of total or total and permanent disability where the applicants were not ordered to report for the examination by the Veterans' Administration, or on applications for new insurance. (December 21, 1939) (45 Stat. 965; 38 U.S.C. 459c)

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 39-4660; Filed, December 15, 1939; 11:36 a. m.]

[1] 4 F.R. 1393 DI.

*"Veteran of Any War"—Definition of*

§ 2.2694 [1] (A) *Persons included.* The term "veteran of any war" for the purpose of adjudicating claims for direct payment of or reimbursement for burial, funeral and transportation expenses incurred in behalf of deceased veterans where death was on or subsequent to March 20, 1933, will include: (1) Civil War, any honorably discharged member of the active military or naval service of the United States who served during the Civil War subsequent to April 11, 1861, and prior to May 27, 1865, including those persons who served as members of State organizations participating in the Civil War for whose services the State has been reimbursed by the United States Government. Nothing herein shall be construed to exclude from the definition any person who was receiving pension as a Civil War veteran under the Civil War service pension laws or who was not entitled to pension under such Civil War pension service laws solely because of length of service or as to whom any special act of Congress has been enacted which provides that such person shall be considered as having rendered military service during the Civil War; (2) Indian Wars, any veteran of any Indian War, as formerly contemplated by the provisions of Section 201 (1) of the World War Veterans Act, 1924, as amended, and regulations, precedents, and instructions issued pursuant thereto, or a person who at time of his death was receiving a pension in accordance with the provisions of the laws governing the payment of a pension as a veteran of an Indian War; (3) Spanish-American War, any honorably discharged officer or enlisted man who was employed in the active military or naval service of the United States on or after April 21, 1898 and before August 13, 1898, including those women who served as army nurses under contract during this period and including any honorably discharged person who died on or after March 19, 1935, and who served in the military or naval service of the United States between August 13, 1898 and July 4, 1902, both dates inclusive, who left the continental United States under orders for military or naval service in Guam, Cuba, or Puerto Rico, between such dates inclusive; where death occurred on or after May 3, 1939, any honorably discharged officer or enlisted man who was employed in the active military or naval service of the United States on or after April 21, 1898 and before April 12, 1899, including those women who served as army nurses under contract and persons who served overseas as contract surgeons of the army during this

[1] 3 F.R. 3018 DI., 4 F.R. 3506 DI.

naval service of the United States including those women who served as army nurses under contracts, who actually participated in the Philippine Insurrection on or after August 13, 1898 and before July 5, 1902, provided, however, if the person was serving in the United States military forces engaged in the hostilities in the Moro Province the ending date shall be July 15, 1903; where death occurred on or after May 3, 1939, any honorably discharged officer or enlisted man who was employed in the active military or naval service of the United States on or after April 12, 1899 and before July 5, 1902 (or who served in the Moro Province, Philippine Islands, before July 16, 1903) including those women who served as army nurses under contract or who served in the nurse corps (female) [and including contract surgeons of the army who served overseas on or after April 12, 1899 and before July 5, 1902]; (5) Boxer Rebellion, any honorably discharged officer or enlisted man, including those women who served as army nurses under contracts, employed in actual participation in the Boxer Rebellion on or after June 20, 1900 and before May 13, 1901; (6) World War, any honorably discharged officer, enlisted man, member of the Army Nurse Corps (female), Navy Nurse Corps (female), who was employed in the active military or naval service of the United States on or after April 6, 1917 and before November 12, 1918, provided, however, that if the person was serving in the United States military forces in Russia the ending date will be extended to April 1, 1920 (the provisions of Section 5, Public No. 304, 75th Congress, are not applicable to burial claims); (7) any enlisted man or officer of the Army, Navy, or Marine Corps in retirement status at the date of death if shown to have served honorably during the period of any war. Where death occurs on or after March 28, 1934, (except as provided in (B), below), and the other requirements of this paragraph have been met, an honorable discharge will not be required if the veteran was in receipt of pension, compensation, or emergency officers retirement pay at the time of his death. (V.R. No. 9 (c)) (December 21, 1939)

*Death Occurring While Traveling Under Prior Authorization or in a Veterans' Administration Facility*

§ 2.2696 [1] (E) A veteran [or patient] of a Veterans' Administration facility who dies away from such facility from which he has been granted a leave of absence of not to exceed seven days, or who has been absent without leave from such facility for not to exceed seven days, may be considered to have died in a Veterans' Administration facility within the meaning of the law and regulations governing the

*Administrator.*

[F. R. Doc. 39-4659; Filed, December 15, 1939; 11:36 a. m.]

## Notices

### DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 411-FD]

IN THE MATTER OF THE APPLICATION OF ANKENY COAL COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Ankeny Coal Company with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of certain transactions in intrastate commerce; and

Ralph Lucas having succeeded Ankeny Coal Company in the production of coal from the mine referred to in said application (said Ralph Lucas and Ankeny Coal Company being hereinafter referred to as the applicant); and

Applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 17, 1939, a copy of which is hereby annexed and made a part hereof,[1] to which District Board No. 12 has agreed, consenting to discontinuance and dismissal of said application; and

Applicant and counsel for the Bituminous Coal Division having consented to this order;

*It is ordered*, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4664; Filed, December 15, 1939; 12:02 p. m.]

[Docket No. 452-FD]

IN THE MATTER OF APPLICATION OF CONSOLIDATED COAL COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated December 29, 1937, pursuant to the provisions of the

[1] Not filed as a part of the original document; requests for copies should be addressed to the Bituminous Coal Division.



second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been

*It is ordered*, That the above application for exemption be discontinued and

Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intra-



[Docket No. 515-FD]

IN THE MATTER OF THE APPLICATION OF UNION COLLIERY COMPANY FOR EXEMP-

*It is ordered*, That the above application be discontinued and that the above matter be dismissed subject to terms and

Section 3, Practice (a) is hereby amended to read as follows:

*Practices and Conditions of Payment:*

filed by Consolidated Coal Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 11, 1939, a copy of which is hereto annexed and made a part hereof,[1] to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

*It is ordered*, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4665; Filed, December 15, 1939; 12:02 p. m.]

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[Docket No. 453-FD]

IN THE MATTER OF THE APPLICATION OF GILLESPIE COAL COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated December 28, 1937, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Gillespie Coal Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 11, 1939, a copy of which is hereto annexed and made a part hereof,[1] to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

*It is ordered*, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4666; Filed, December 15, 1939; 12:02 p. m.]

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[Docket No. 454-FD]

IN THE MATTER OF THE APPLICATION OF NOKOMIS COAL COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated January 10, 1938, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Consolidated Coal Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 14, 1939, a copy of which is hereto annexed and made a part hereof,[1] to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

*It is ordered*, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4667; Filed, December 15, 1939; 12:02 p. m.]

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[Docket No. 511-FD]

IN THE MATTER OF THE APPLICATION OF MOUNT OLIVE COAL COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated January 27, 1938, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Mount Olive Coal Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 11, 1939, a copy of which is hereto annexed and made a part hereof,[1] to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

*It is ordered*, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4668; Filed, December 15, 1939; 12:03 p. m.]

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[Docket No. 513-FD]

IN THE MATTER OF APPLICATION OF W. J. ROBERTSON FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated September 13, 1938, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by W. J. Robertson (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 14, 1939, a copy of which is hereto annexed and made a part hereof,[1] to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

*It is ordered*, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4669; Filed, December 15, 1939; 12:03 p. m.]

[1] Not filed as a part of the original document; requests for copies should be addressed to the Bituminous Coal Division.



county committee determines that additional conditions or specifications are not needed in the interest of range conserva-

Industry Committee No. 4 for the Hat Industry provided that said hearing will be held before a presiding officer to be

Foreign Government CDE, deferred (LC), letter (NLT and DLT) telegrams, and all other paid messages, by separate

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ORDER OF DISCONTINUANCE

An application dated January 10, 1938 and amended application dated September 20, 1938, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Union Colliery Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of certain transactions in coal in intrastate commerce; and,

Applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 15, 1939, a copy of which is hereby annexed and made a part hereof,[1] to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Applicant and counsel for the Bituminous Coal Division having consented to this Order;

*It is ordered*, That the above application and amended application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4670; Filed, December 15, 1939; 12:03 p. m.]

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[Docket No. 1107-FD]

IN THE MATTER OF THE APPLICATION OF SAYRE MINING COMPANY FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Sayre Mining Company (hereinafter referred to as the applicant) with the National Bituminous Coal Commission, which has been succeeded by the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of certain transactions in coal in intrastate commerce; and

Applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 20, 1939, to which District Board No. 12 has agreed, consenting to discontinuance and dismissal of said application; and

Applicant and counsel for the Bituminous Coal Division having consented to this order;

[1] Not filed as a part of the original document; requests for copies should be addressed to the Bituminous Coal Division.

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[Docket No. 1169-FD]

IN THE MATTER OF THE APPLICATION OF MT. OLIVE & STAUNTON COAL CO. FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated November 17, 1939, pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937 having been filed by Mt. Olive & Staunton Coal Co. (hereinafter referred to as the applicant) with the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 30, 1939, a copy of which is hereto annexed and made a part hereof,[1] to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this Order;

*It is ordered*, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 14, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4672; Filed, December 15, 1939; 12:04 p. m.]

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## DEPARTMENT OF AGRICULTURE.

### Agricultural Adjustment Administration.

[RCP-1939-1 Chase County, Kans.]

1939 RANGE CONSERVATION PROGRAM BULLETIN FOR CHASE COUNTY, KANSAS

SUPPLEMENT NO. 1

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Range Conservation Program Bulletin for Chase County, Kansas, issued February 13, 1939,[2] is hereby amended as follows:

[2] 4 F.R. 939 DI.

*Rate of Payment*

Reseeding of Range Land

(a) *Restoration of the natural forage by limited grazing of range land.* (1) For the grazing of all range land in the ranching unit by a total number of animal units not in excess of the established grazing capacity thereof, provided, the total animal months of grazing use on a ranching unit (as used in this Section, ranching unit shall also mean the ranching subunit) during the year shall not exceed the number computed for the respective period of grazing use according to the following formula:

4 or more months of grazing use 12.0 times the animal units of grazing capacity.

3 months 11.0 times grazing capacity.

2 months or less 10.0 times grazing capacity except that if all livestock are withheld from grazing on the ranching unit during the period from April 15 to May 15, the total animal months of grazing use during the year may be increased to a number not larger than 12 times the animal units of grazing capacity, irrespective of the number of months of grazing use.

Payment shall be made only on condition that (1) the operator notifies the county committee prior to turning any livestock on the range and prior to the removal of livestock therefrom; (2) the operator gives the county committee an adequate opportunity to check the number of livestock grazing on the ranching unit or subunit at any time; (3) only those ranching units shall be approved for this practice by the county committee where the ranching unit and each subunit is fenced and the fences are maintained, and where stock water is located so as to insure the proper distribution of livestock within each subunit; (4) the county committee determines that any controlled burning of range land was performed at such a time or in such a manner as not to defeat the purposes of the 1939 Chase County, Kansas, Range Conservation Program; and (5) the grazing land in the ranching unit at no time shall be stocked to such an extent as will decrease the stand of grass or injure the forage growth or watershed.

Payment: 40% of the range-building allowance computed under Section 4.

(2) In addition to compliance with the provisions of subsection (a) under this Practice (a)-(1) the ranch operator complies with such other conditions or specifications as may be established by the county committee, in accordance with instructions issued by the State Committee, where the county committee determines such additional conditions or specifications are needed in the interest of range conservation; or (2) if the



the City of Washington, D. C., on the 13th day of December, A. D. 1939.

Commissioners: Robert E. Freer, chairman; Garland S. Ferguson, Charles H.

this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on

Because notice was not received by Bachrach, we will not order revocation of his registration. However, we find that

county committee determines that additional conditions or specifications are not needed in the interest of range conservation, the stocking rate approved for the ranching unit is determined by the county committee, in accordance with a procedure approved by the State Committee, to be a reduction of 20% or more from the normal stocking rate.

Payment: 20% of the range-building allowance computed under Section 4.

Done at Washington, D. C., this 14th day of December 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-4661; Filed, December 15, 1939; 11:40 a. m.]

## Rural Electrification Administration.

[Administrative Order No. 416]

AMENDMENT OF PRIOR ALLOCATION OF FUNDS

DECEMBER 9, 1939.

I hereby amend Administrative Order No. 413, dated November 22, 1939, by rescinding the allocation of $124,330 therein made for Mississippi 0017B1 Pontotoc; the allocation of $113,670 therein made for Mississippi 9017B2 Pontotoc; and the allocation of $404,500 therein made for Mississippi 9029E1 Oktibbeha.

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-4662; Filed, December 15, 1939; 11:40 a. m.]

[Administrative Order No. 417]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 9, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project designation: | *Amount* |
|---|---|
| Mississippi 0029F1 Oktibbeha | $124,330 |
| Mississippi 9029F2 Oktibbeha | 154,670 |
| Mississippi 9050A1 Chickasaw | 369,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-4663; Filed, December 15, 1939; 11:40 a. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF DESIGNATION OF PRESIDING OFFICER FOR HEARING ON MINIMUM WAGE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 4 FOR THE HAT INDUSTRY

Whereas, the Notice of Hearing[1] on Minimum Wage Recommendations of Industry Committee No. 4 for the Hat Industry provided that said hearing will be held before a presiding officer to be designated by the Administrator before December 18, 1939; and

Whereas, the issues to be presented at said hearing have been narrowly confined by Sections 8 (b) and 8 (c) of the Fair Labor Standards Act of 1938 and by the report and recommendations of Industry Committee No. 4;

Now, therefore, it is hereby ordered and notice is hereby given that:

1. Oscar R. Strackbein be the Presiding Officer at said hearing on the minimum wage recommendations of Industry Committee No. 4 and conduct said hearing in accordance with the rules published in the notice of said hearing; and

2. No intermediate report will be prepared by the Presiding Officer unless so directed by the Administrator, but in lieu thereof, the Presiding Officer shall turn over to the Administrator at the close of the hearing the complete record of the proceedings had before him and the Administrator shall thereafter hear oral argument or accept written briefs upon said record or both as he may determine.

Signed at Washington, D. C., this 15th day of December 1939.

HAROLD D. JACOBS,
*Administrator.*

[F. R. Doc. 39-4676; Filed, December 15, 1939; 12:44 p. m.]

[1] 4 F.R. 4703 DI.

## FEDERAL COMMUNICATIONS COMMISSION.

[Order No. 63]

FILING OF FOREIGN TELEGRAPH COMMUNICATION STATEMENT

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of December, 1939,

Pursuant to Section 218 of the Communications Act of 1934, as amended, for the purpose of obtaining information necessary to enable the Commission to perform its duties and carry out the objects for which it was created,

*It is ordered*, That every common carrier subject to the Communications Act engaged in foreign telegraph communication shall file with the Commission not later than February 1, 1940, in duplicate, under oath (on a form like that attached hereto,[1] for each country, and in accordance with the instructions thereon) a statement showing the following information separately for full rate ordinary (subclassified by plain language and cipher messages) full rate urgent (subclassified by plain language and cipher messages) CDE ordinary, CDE urgent, ordinary press, urgent press, deferred press (LC) United States Government ordinary, United States Government CDE, Foreign Government ordinary, Foreign Government CDE, deferred (LC), letter (NLT and DLT) telegrams, and all other paid messages, by separate classifications and subclassifications, transmitted or received by such carrier during the twenty-four hour periods on the seven days following (showing only the totals for the seven days): November 4, 5, 8, 9, 14, 17 and 27, 1939.

1. Number of messages and words originated in each country outside the continental United States (including Hawaii and the Philippine Islands and excluding Canada and Mexico) for delivery in the continental United States, shown separately by countries of origin;

2. Number of messages and words originated in the continental United States, transmitted by such carrier and destined to each country outside the continental United States (including Hawaii and the Philippine Islands, and excluding Canada and Mexico) shown separately by countries of destination;

3. Number of messages and words between foreign countries (including Hawaii and the Philippine Islands) relayed in the continental United States; showing separately the inbound traffic of this nature to the continental United States for relay, by countries of origin; and showing separately the outbound traffic of this nature from the continental United States, by countries of destination; excluding traffic between Canada and Mexico; and

4. Number of messages and words between fixed stations in the continental United States and mobile stations showing separately the number of such messages and words originated in or destined to points in the continental United States and the number of such messages and words originated in or destined to foreign countries, relayed through fixed stations in the continental United States (including Hawaii and the Philippine Islands).

For the purposes of this order, the continental United States shall include the several states and the District of Columbia only.

In connection with messages in classifications where there is a chargeable minimum, the number of paid words actually sent shall be shown.

The classifications of messages set forth herein are for convenience only and nothing contained shall be construed as approval by the Commission of such classifications.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4675; Filed, December 15, 1939; 12:40 p. m.]

[1] Filed as a part of the original document; requests for copies should be addressed to the Federal Communications Commission.

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of December, A. D. 1939.

Commissioners: Robert E. Freer, chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3888]

IN THE MATTER OF H. G. HORNIBROOK, AN INDIVIDUAL, AND APEX OIL PRODUCTS COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, February 9, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 208, Federal Building, Minneapolis, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4648; Filed, December 15, 1939; 10:22 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3964]

IN THE MATTER OF FONG POY, ALSO KNOWN AS FONG WAN, FONG KWONGH, YEE NUN YET, CHAN WOON SHEUNG, AND LEE BING LIM, COPARTNERS OPERATING UNDER THE FIRM NAME OF FONG WAN

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Miles J. Furnas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, January 8, 1940, at ten o'clock in the forenoon of that day (Pacific standard time) in Room 548, Federal Office Building, San Francisco, California.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4649; Filed, December 15, 1939; 10:22 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

IN THE MATTER OF JULIAN H. BACHRACH, 30 BROAD STREET, NEW YORK, NEW YORK

MEMORANDUM OPINION AND ORDER SUSPENDING REGISTRATION

This is a proceeding pursuant to Section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as an over-the-counter dealer of Julian H. Bachrach should be revoked or suspended.

At the hearing held pursuant to the Commission's order on October 2, 1939, at New York, N. Y., the registrant failed to appear personally or by counsel. Notice of the hearing had been sent to registrant by registered mail, but had not been received by him because he had moved from the address which he had given the Commission.

The Trial Examiner filed an advisory report in which he found, as alleged in the Commission's order of September 11, 1939, that the registrant had violated the provisions of Rule X-15B-2, adopted by the Commission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Securities Exchange Act of 1934 in that he has failed to inform the Commission of a change in his business address. On an independent review of the record, we adopt the Trial Examiner's findings. We further find that on February 18, 1939, registrant was suspended from membership in the New York Curb Exchange for non-payment of dues; that he has failed to inform the Commission of such suspension; and that Rule X-15B-2 was wilfully violated.

Because notice was not received by Bachrach, we will not order revocation of his registration. However, we find that it is necessary in the public interest and for the protection of investors that Bachrach's registration be suspended pending final determination of whether or not the registration should be revoked, which matter will be determined when Bachrach comes in to be heard or notice is received by him.

*It is therefore ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, that the registration of Julian H. Bachrach be, and the same hereby is, suspended until further order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4650; Filed, December 15, 1939; 11:24 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

IN THE MATTER OF STEWART M. DEVINE, 9 ARBUTUS AVENUE, CATONSVILLE, MARYLAND

MEMORANDUM OPINION AND ORDER SUSPENDING REGISTRATION

This is a proceeding pursuant to Section 15 (b) of the Securities Exchange Act of 1934 to determine whether the registration as an over-the-counter dealer of Stewart M. Devine should be revoked or suspended.

At the hearing held pursuant to the Commission's order on October 5, 1939, at Washington, D. C., the registrant failed to appear personally or by counsel. Notice of the hearing had been sent to registrant by registered mail, but had not been received by him because he had moved from the address which he had given the Commission. Thereafter, the order and notice of the hearing were published in the FEDERAL REGISTER for September 16, 1939, in the manner prescribed by the Federal Register Act.

The Trial Examiner filed an advisory report in which he found, as alleged in the Commission's order of September 13, 1939, that the registrant had violated the provisions of Rule X-15B-2, adopted by the Commission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Securities Exchange Act of 1934 in that he has failed to inform the Commission of a change in his business address. On an independent review of the record, we adopt the Trial Examiner's findings and find that Rule X-15B-2 was wilfully violated.

Because notice was not received by Devine, we will not order revocation of his registration. However, we find that it is necessary in the public interest and for the protection of investors that De-

vine's registration be suspended pending final determination of whether or not the registration should be revoked, which matter will be determined when Devine comes in to be heard or notice is received by him.

*It is therefore ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, that the registration of Stewart M. Devine be, and the same hereby is, suspended until further order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4651; Filed, December 15, 1939; 11:24 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

IN THE MATTER OF W. H. TOTSCH, 427 COOPER STREET, CAMDEN, NEW JERSEY

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

This is a proceeding, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, to determine whether the registration of W. H. Totsch as an over-the-counter dealer, should be revoked or suspended.

After appropriate notice, a hearing was held before a Trial Examiner on October 4, 1939. The registrant failed to appear personally or by counsel. The Trial Examiner filed an advisory report in which he found that on June 6, 1939, the registrant pleaded guilty in the Court of Common Pleas, Crawford County, Ohio, to an indictment charging him with selling securities without a license and selling securities without registering with the Securities Division of the State of Ohio; and that the Court deferred sentence and placed the registrant on probation for a period of three years upon condition that he refrain from future unlawful conduct, report to a probation officer on the first day of each month, and pay the costs of the prosecution. The Trial Examiner further found that the registrant had filed no supplemental statement to his application, revealing the aforesaid indictment and prosecution as required by Rule X-15B-2, adopted by the Commission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Act. On an independent review of the record, we adopt the Trial Examiner's findings, and find that the registrant's failure to file the required supplemental statement revealing said indictment and prosecution constituted a wilful violation of Rule X-15B-2, and that it is in the public interest to revoke his registration as an over-the-counter dealer.

*It is therefore ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, that the registration of W. H. Totsch be, and the same hereby is, revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4652; Filed, December 15, 1939; 11:24 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of December, A. D. 1939.

[File Nos. 56-64, 46-180]

IN THE MATTER OF WALNUT ELECTRIC & GAS CORPORATION AND JOSEPH M. NELSON

ORDER APPROVING AMENDED APPLICATION

Walnut Electric & Gas Corporation having filed an application, and an amendment thereto, pursuant to Rule U-12D-1 promulgated under Section 12 (d) of the Public Utility Holding Company Act of 1935, for approval of the sale of certain securities of its subsidiary, Vermont Lighting Corporation, consisting of $24,400 principal amount of First Mortgage 5% Bonds due 1944, 909 shares of 6% preferred stock, $100 par value, and 2,970 shares of common stock, $100 par value, open account indebtedness of Vermont Lighting Corporation in the amount of $35,000, and certain securities of its subsidiary, St. Johnsbury Gas Company consisting of 1,000 shares of capital stock; Joseph M. Nelson having filed an application pursuant to Section 10 (a) (1) of said Act for the approval of the acquisition of said securities; said applications having been joined for hearing and the proceedings therein having been consolidated;

A public hearing on said applications, as amended, having been duly held after appropriate notice; the record having been examined, and the Commission having made and filed its findings and opinion herein;

*It is ordered*, That the applications, as amended, filed by Walnut Electric & Gas Corporation and by Joseph M. Nelson be and the same hereby are approved subject to the following terms and conditions, which are severally imposed upon the applicants insofar as they may be applicable to either of them:

(1) That all acts in connection with the said sale and acquisition of securities shall be performed in accordance with the terms and conditions of and for the purposes represented by the said applications, as amended;

(2) That within ten days after the said sale of securities, Walnut shall file with this Commission a certificate of notification stating that the sale has been effected in accordance with the terms and conditions of and for the purposes represented by its said application, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4653; Filed, December 15, 1939; 11:24 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of December, A. D. 1939.

[File No. 1-276]

IN THE MATTER OF LEHIGH VALLEY COAL COMPANY FIRST AND REFUNDING MORTGAGE SINKING FUND GOLD BONDS, 5% SERIES OF 1924, DUE FEBRUARY 1, 1944

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 promulgated thereunder, having made application to strike from listing and registration the First and Refunding Mortgage Sinking Fund Gold Bonds, 5% Series of 1924, due February 1, 1944, of the Lehigh Valley Coal Company; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and for the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on March 12, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4655; Filed, December 15, 1939; 11:25 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of December 1939.

[File No. 1-900]

IN THE MATTER OF WARREN BROTHERS COMPANY $1 CUMULATIVE FIRST PREFERRED STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1(b) promulgated thereunder, having made application to strike from listing and registration the $1 Cumulative First Preferred Stock, No Par; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Tuesday, January 2, 1940, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4657; Filed, December 15, 1939; 11:25 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of December, A. D. 1939.

[File No. 32-167]

IN THE MATTER OF NORTHERN INDIANA PUBLIC SERVICE COMPANY

ORDER APPROVING APPLICATION FOR EXEMPTION, ETC.

Northern Indiana Public Service Company (hereinafter sometimes termed "Applicant"), a direct subsidiary of the Successor Trustees of Midland Utilities Company, a registered holding company, and an indirect subsidiary of the Trustees of the Estate of Midland United Company, also a registered holding company, having filed an application, and amendments thereto, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of $45,000,000 principal amount of First Mortgage Bonds, Series A, 3¾%, due August 1, 1969, and $6,000,000 face amount of 2⅞% Serial Notes maturing in twenty equal semi-annual instalments;

A public hearing having been held on said application, as amended, after appropriate notice; the Commission having considered the record in this matter and having made and filed its findings and opinion herein;



pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of $45,000,000 principal amount of First Mortgage Bonds, Series A, 3¾%, due August 1, 1969, and $6,000,000 face amount of 2⅞% Serial Notes maturing in twenty equal semi-annual instalments be, and it hereby is, approved;

*And it is further ordered*, That the following terms and conditions be imposed upon Northern Indiana Public Service Company:

(a) That the issue and sale of the bonds and notes shall be effected in accordance with the terms of, and for the purposes represented by, the application, as amended;

(b) That if the express authorization of the issue and sale of such securities by the State of Indiana Public Service Commission shall be revoked or otherwise terminated, this exemption shall immediately terminate without further order of this Commission;

(c) That the bonds and notes proposed to be issued shall be issued within thirty (30) days after the date of this order;

(d) That within ten (10) days after the issue and sale of such securities the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of and for the purposes represented by said application, as amended; and

(e) That except as the Commission may by order or orders from time to time otherwise provide, or except as may be ordered by any other regulatory body having jurisdiction in the premises (in which event this Commission shall be notified by the applicant of such order) Northern Indiana Public Service Company (and any successor or successors thereto) shall charge against income, for each calendar year beginning with the year 1940 and continuing so long as any of the First Mortgage Bonds, Series A, 3¾%, due August 1, 1969, are outstanding, as a provision for depreciation, at least $1,700,000 per annum and, for each calendar year after the calendar year 1940, an additional two and one-half per cent (2½%) of the book value of net additions to depreciable property made after January 1, 1940, and up to the close of the preceding calendar year.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4654; Filed, December 15, 1939; 11:25 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of December, A. D. 1939.

[File No. 32-187]

IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY

ORDER GRANTING APPLICATION FOR EXEMPTION

Potomac Electric Power Company, a direct subsidiary of Washington Railway and Electric Company and an indirect subsidiary of The North American Company, both registered holding companies, having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of said Act of the issue and sale by said applicant of said applicant's First Mortgage Bonds, 3¼% Series due 1974, in the principal amount of $5,000,000; a public hearing upon said application, as amended, having been duly held after appropriate notice; the record herein having been examined by the Commission, and the Commission having made its findings herein;

*It is ordered*, That said application for exemption be, and the same is hereby, granted, subject, however, to the following conditions:

(1) That the issue and sale of such securities shall be effected in accordance with the terms and conditions set forth in, and for the purposes represented by, said application and amendments thereto; and

(2) That within ten days after the issuance of the aforesaid securities the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, said application and amendments thereto; and

(3) That this exemption shall immediately terminate without further order of this Commission if the express authorization of the issue and sale of the aforesaid securities by the Public Utilities Commission of the District of Columbia shall be revoked or otherwise terminate; and

(4) That except as the Commission may by order or orders from time to time permit, so long as any of the First Mortgage Bonds, 3¼% Series due 1974, are outstanding, the applicant shall not, nor shall any successor or successors of applicant, declare or pay any dividends (other than dividends payable solely in shares of its stock) or make any other distribution on any shares of its common stock, or make any disbursement for the purchase or retirement of any of its common stock, unless the amount expended or accrued by applicant (or any such successor or successors) for maintenance and repairs plus provisions for retirements out of income earned during the period from the close of business on December 31, 1939, to the date of the proposed payment of such dividend or making of such distribution or disbursement

shall be at least equal to fifteen per cent. (15%) of the gross operating revenues of applicant (or any such successor or successors) during such period derived from the sale of electricity after the deduction therefrom of an amount equal to the cost to applicant of electricity purchased and resold, and rentals paid for electric generating, transmission or distribution properties leased by applicant, and payments by applicant for the use of similar properties operated and maintained by others during such period: *Provided, however,* That any transfers to the earned surplus of applicant from net income earned after December 31, 1939, over and above all such dividends, distributions, and disbursements (including the dividends then to be paid, or the distributions or disbursements then to be made) may be used as a credit to offset any deficiency in the amount expended or accrued for maintenance and repairs plus provisions for retirements out of income earned after December 31, 1939, in satisfying the aforementioned fifteen per cent. (15%) requirements.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4656; Filed, December 15, 1939; 11:25 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of December, A. D. 1939.

[File Nos. 1-627 and 1-627-2]

IN THE MATTER OF THE REGISTRATION OF A. HOLLANDER & SON, INC., CAPITAL STOCK $5 PAR VALUE

ORDER AMENDING ORDER FOR PROCEEDINGS AND CHANGING DATE OF HEARING

The Commission on November 22, 1939 having ordered that a hearing be held to determine whether the registration of A. Hollander & Son, Inc. $5 Par Value Capital Stock on the New York Stock Exchange should be suspended or withdrawn, pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, and having set December 18, 1939 as the date of such hearing; and

On December 13, 1939, counsel for the Commission and counsel for the respondent herein having joined in a request for a postponement of said hearing until January 22, 1940 for the purpose of stipulating certain of the facts involved; and

The Commission having duly considered the matter and being fully advised in the premises;

*It is ordered,* That the order for said hearing, adopted by the Commission on November 22, 1939, be and the same is hereby amended to change the date of commencement of said hearing from 10:00 A. M. on December 18, 1939 to 10:00 A. M. on January 22, 1940.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4673; Filed, December 15, 1939; 12:20 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1939.

[File No. 43-277]

IN THE MATTER OF EASTERN SHORE PUBLIC SERVICE COMPANY (DEL.) ET AL.

NOTICE OF AND ORDER FOR HEARING

A declaration and applications pursuant to section 6 (b) and section 7 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered,* That a hearing on such matter be held on January 8, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered,* That James O. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 3, 1940.

The matter concerned herewith is in regard to the issuance and sale of the following securities:

(1) Eastern Shore Public Service Company (Del.) proposes, pursuant to Section 7 of the Act, to issue a two-year 3% Bank Note in the principal amount of $1,000,000 to be secured by $1,100,000 First Mortgage 5% Bonds, Series C, due 1946, the declaration also embracing the issuance of said bonds. It is proposed to sell the note to The Chase National Bank at par. The proceeds are to be used in part to acquire bonds of Delmarva Power Company, a subsidiary company, and the remainder is to be used as a cash advance to the same company. This subsidiary proposes to use the funds to construct a steam generating plant;

(2) The Delmarva Power Company, a wholly-owned subsidiary of the Eastern Shore Public Service Company (DEL.), seeks, pursuant to Section 6 (b) of the Act, exemption from the provisions of Section 6 (a) of the issue and sale of its First Mortgage 4% Bonds, due in 1969, in the principal amount of $1,750,000. These bonds are to be used to retire presently outstanding bonds in the principal amount of $1,150,000 held by applicant's parent. The remaining $600,000 is to be used as part payment for the construction of a new generating plant for applicant;

(3) Eastern Shore Public Service Company of Virginia, a wholly-owned subsidiary of Eastern Shore Public Service Company (DEL.), seeks, pursuant to Section 6 (b) of the Act, exemption from the provisions of Section 6 (a) of the issue and sale of its First Mortgage 4% Bonds, due 1969, in the principal amount of $1,372,500. These bonds are to be issued to retire presently outstanding bonds in the principal amount of $1,247,500 held by applicant's parent. The balance of the proceeds are to be used to repay advances previously made by applicant's parent; and

(4) Eastern Shore Public Service Company of Maryland, a wholly-owned subsidiary of Eastern Shore Public Service Company (DEL.), seeks, pursuant to Section 6 (b) of the Act, exemption from the provisions of Section 6 (a) of the issue and sale of its First Mortgage 4% Bonds, due 1969, in the principal amount of $2,142,500, and 2,855 shares of $100 par stock. The bonds are to be used to retire presently outstanding bonds in the principal amount of $1,742,500 held by applicant's parent. The remaining proceeds are to be used to repay advances from applicant's parent and from The Delmarva Power Company.

The applications state that the necessary action has been taken by the State Commissions having jurisdiction in these matters.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4674; Filed, December 15, 1939; 12:20 p. m.]

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## UNITED STATES TARIFF COMMISSION.

### WHEAT AND WHEAT PRODUCTS

INVESTIGATION NO. 3 UNDER SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED

*Investigation Ordered*

*Institution of investigation.* By direction of the President, dated December 13, 1939, the United States Tariff Commission on the 14th day of December 1939 instituted, and hereby gives notice of an investigation, under Section 22 of the Agricultural Adjustment Act (of 1933), as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether wheat or wheat products are being imported into the United States under such conditions and in sufficient quantities as to render or tend to render ineffective or materially interfere with the program undertaken with respect to wheat, under the Soil Conservation and Domestic Allotment Act, as amended, or to reduce substantially the amount of any product processed in the United States from wheat.

*Hearing.* The date of hearing in this investigation has not been determined but will be announced subsequently.

*Regulations.* Copies of the regulations adopted for investigations under Section 22 may be obtained on application to the United States Tariff Commission, Washington, D. C., or to the New York office of the Commission, Room 712, Custom House, New York City.

I hereby certify that the above investigation was ordered by the United States Tariff Commission on the 14th day of December 1939.

[SEAL] SIDNEY MORGAN, *Secretary.*

Notice issued December 14, 1939.

[F. R. Doc. 39-4677; Filed, December 15, 1939; 1:30 p. m.]



Reference

DEC 21 193

Reference

DEC 21 1939

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 4 — NUMBER 244

*Washington, Tuesday, December 19, 1939*

## *Rules, Regulations, Orders*

### TITLE 8—ALIENS AND CITIZENSHIP

#### CHAPTER I—IMMIGRATION, AND NATURALIZATION SERVICE

[Supplement 8, General Order C–1 [1]]

ST. ALBANS, VERMONT MADE NEW HEADQUARTERS FOR DISTRICT NO. 1

DECEMBER 14, 1939.

Pursuant to the authority contained in Section 23 of the Immigration Act of 1917 (Act of February 5, 1917, 39 Stat. 892; 8 U.S.C. 102), Title 8, Code of Federal Regulations, Chapter I—Immigration and Naturalization Service—Subchapter A—Immigration Rules and Regulations—Part 3, Section 3.1 (Rule 3, Suddivision A, Paragraph 1 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936), is amended by substituting the name St. Albans for the name Newport as the headquarters for District No. 1 in the State of Vermont.

[SEAL] JAMES L. HOUGHTELING,
*Commissioner.*

Approved:

FRANCES PERKINS,
*Secretary.*

[F. R. Doc. 39–4692; Filed, December 18, 1939; 11:53 a. m.]

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### TITLE 10—ARMY: WAR DEPARTMENT

#### CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

#### PART 2—RELIEF ASSISTANCE [2]

§ 2.1 *Authority for undertaking relief work.* Disaster relief will not be undertaken by the War Department without specific authority of Congress unless—

(a) Overruling demands of humanity compel immediate action to prevent starvation and extreme suffering, in which event corps area commanders will use personnel and supplies, as placed under their control within their discretion, and will advise The Adjutant General of action taken.

(b) Local resources are clearly inadequate to cope with the situation, in which event the relief measures to be undertaken will be such as the corps area commander may deem necessary, subject to the further provisions of these regulations. Local resources as here used comprise all resources available to the respective State and municipal authorities augmented by those available to the Red Cross in the affected areas. (R.S. 161; 5 U.S.C. 22) [Par. 1b, A.R. 500–60, Dec. 1, 1939]

§ 2.2 *Personnel, material, and supplies available for relief work.* (a) For the purposes of emergency relief, all military personnel and military supplies and equipment in the affected corps area, with the exception of the National Guard and military supplies and equipment under the control of the governor of any State or Territory, and of general depots of the War Department, will during the continuance of the relief work, and without the issue of formal orders to that effect, pass under the direct control of the corps area commander. When a deficiency exists, request for additional personnel, supplies, and material will be submitted to The Adjutant General setting forth in detail the requirements.

(b) With a view to the fullest conservation of military supplies, it is directed that—

(1) The use of troops and the issue of supplies under the conditions set forth herein are authorized during the actual existence of the emergency. These regulations are not to be construed as authorizing assistance during the period of rehabilitation which necessarily follows such catastrophes. Troops will be withdrawn and the issue of supplies stopped at the earliest practicable moment.

(2) Under the circumstances of section 2.1, paragraph (b), issue of supplies will

[1] 3 F.R. 1657 DI.

[2] These regulations supplement Title 10, Chapter I, Part 2, Code of Federal Regulations.

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FEDERAL REGISTER

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be made normally only after the need has been confirmed by the Red Cross under the procedure set forth in the 1938 agreement with the Red Cross approved by the Secretary of War and the Chairman of the American National Red Cross. (R.S. 161; 5 U.S.C. 22) [Par. 2b, c, A.R. 500–60, Dec. 1, 1939]

§ 2.3 *Supplies*—(a) *Not issued to employers.* In no case will relief supplies of any description be issued to employers for their employees.

(b) *Relief limited to those entitled to it.* Care should be taken to see that aid is extended solely to those actually in need of relief, and it must be ascertained not only that the need really exists but that the needy condition is due to the flood, fire, or other catastrophe which made Government aid necessary.

(c) *Reimbursement for losses not authorized.* In no case will Government supplies or funds be used to reimburse sufferers for losses sustained. The Army's mission in the territory affected is to save life and prevent suffering, and not to replace losses.

(d) *Sale.* If the catastrophe is of such a character that no supplies are available except those in possession of the military authorities, such supplies may be sold, in the discretion of the corps area commander, at cost to those who are able to pay for same, but such sales must be made under the restrictions heretofore laid down that the supplies are needed to prevent suffering directly resulting from the catastrophe. The funds received from this source will be deposited with the Treasurer of the United States in accordance with regulations. These sales are here authorized in order to meet unforeseen contingencies but should rarely be necessary. (R.S. 161; 5 U.S.C. 22) [Par. 3c, 4h, i, k, A.R. 500–60, Dec. 1, 1939]

§ 2.4 *Local relief committees; composition and functions.* Rescinded. [Omitted in revision of A.R. 500–60, Dec. 1, 1939]

§ 2.5 *Camps and cantonments.* Whenever conditions permit, sufferers will be assembled in camps, cantonments, or large buildings where proper supervision can be given to the distribution and use of supplies, sanitation, general welfare conditions, and the safeguarding of nonexpendable Government property. If a tent camp is established, it should be arranged and operated substantially as an ordinary military camp with the following modifications.

(a) Tents assigned to families with certain streets reserved for unmarried men and other streets for unmarried women, not assigned to family tents. Ordinarily four persons to a tent.

(b) Sufficient military personnel to operate the camp and enforce police, property, and sanitary regulations.

(c) Cooking arrangements preferably handled by one of the relief organizations, furnishing them, if necessary, with Government stoves and utensils.

(d) Necessary steps will be taken, by the posting of sentries around the camp or by other practicable available means, to prevent the theft of property and to enforce regulations regarding entrance or egress. (R.S. 161: 5 U.S.C. 22) [Par. 2f, A.R. 500–60, Dec. 1, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–4683; Filed, December 16, 1939; 11:11 a. m.]

## TITLE 25—INDIANS

### CHAPTER I—OFFICE OF INDIAN AFFAIRS

AMENDMENT OF THE REGULATIONS GOVERNING THE LEASING OF TRIBAL LANDS FOR MINING

DECEMBER 2, 1939.

Title 25, Chapter 1, Office of Indian Affairs, Department of the Interior, Part 186, leasing of tribal lands for mining, is amended by adding the following:

§ 186.27A *Prospecting permits.* With the consent of the Tribal Authorities the Superintendent may issue permits to prospect for minerals other than oil and gas upon tribal lands. Such permits must describe the area to be prospected and definitely state the period of time within which such work is permitted. No ores shall be removed from the reservation under such permits, except samples for assay and experimental purposes. A prospecting permit will not give the permittee any preference right to a lease, unless specifically so stated in the permit, and all permits granting a preference right to a lease must comply with all the laws and regulations applicable to mineral leases on tribal Indian lands.

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

[F. R. Doc. 39–4682; Filed, December 16, 1939; 9:22 a. m.]

## TITLE 29—LABOR

### CHAPTER V—WAGE AND HOUR DIVISION

IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 5 FOR MINIMUM WAGE RATES IN THE MILLINERY INDUSTRY

WAGE ORDER

DECEMBER 15, 1939.

Whereas, on March 7, 1939, pursuant to Section 5 of the Fair Labor Standards Act of 1938, hereinafter called the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor by Administrative Order No. 17,[1] appointed Industry Committee No. 5 for the Millinery Industry, hereinafter called the Committee, and directed the Committee to recommend

[1] 4 F.R. 1187 DI.



minimum wage rates for the millinery industry in accordance with the provisions of Section 8 of the Act; and

Whereas, the Committee included five disinterested persons representing the public and a like number of persons representing employees in the millinery industry and a like number representing employers in the millinery industry, and each group was appointed with due regard to the geographical regions in which the millinery industry is carried on; and

Whereas, on August 25, 1939, the Committee filed with the Administrator a report containing its recommendation for a 40-cent an hour minimum wage rate in the millinery industry; and

Whereas, after notice published in the FEDERAL REGISTER on September 15, 1939,[2] Mr. Paul Sifton, Deputy Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., which commenced on October 2, 1939, and at which all interested persons were given an opportunity to be heard; and

Whereas, the complete record of the proceeding before Mr. Sifton was transmitted to Mr. Harold D. Jacobs, who had become Acting Administrator; and

Whereas, all persons appearing at said public hearing before Mr. Sifton were given leave to file briefs on or before November 15, 1939; and

Whereas, oral argument was held on November 20, 1939, before the Administrator who was then Acting Administrator and has since been appointed Administrator; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act, with special reference to Sections 5 and 8, concludes that the Industry Committee recommendation for the millinery industry, as defined in Administrative Order No. 23,[1] is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and

Whereas, the Administrator has set forth his decision in an opinion, entitled "Administrator's Findings and Opinion in the Matter of the Recommendation of Industry Committee No. 5 for Minimum Wage Rates in the Millinery Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.;

Now, therefore, it is ordered that

(1) The Committee's recommendation is hereby approved and, in accordance with such recommendation,

(2) Wages at a rate not less than 40 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the millinery industry who is engaged in commerce or in the production of goods for commerce; and

(3) Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the millinery industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor; and

(4) The Millinery Industry, to which this Order shall apply, is hereby defined as follows:

The manufacture of all headwear, except knitted headwear, for ladies, misses, girls and infants, from any material, but not including the manufacture of felt hat bodies of fur or wool.

(5) This Wage Order shall become effective on the 15th day of January, 1940.

Signed at Washington, D. C., this 15th day of December, 1939.

HAROLD D. JACOBS,
*Administrator.*

[F. R. Doc. 39–4679; Filed, December 15, 1939; 3:56 p. m.]

[2] 4 F.R. 3926 DI.
[1] 4 F. R. 1953 DI.

## TITLE 43—PUBLIC LANDS: INTERIOR

### CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1320a]

REGULATIONS GOVERNING SIMULTANEOUS APPLICATIONS UNDER THE MINERAL LEASING LAWS[1]

*Regulations amended.* Circular 1320, dated March 29, 1934, instructions governing simultaneous applications for oil and gas prospecting permits, was incorporated into the Code of Federal Regulations as Sec. 192.26. In order that the instructions may govern the disposition of conflicting applications for leases, permits and licenses filed pursuant to regulations under the mineral leasing acts, this regulation is hereby amended to read as follows:

§ 191.14 *Determination of priority.* In case two or more applications are received in the same mail, or are presented at the counter by persons present at the land office at the same time for the purpose of filing their applications, or when one or more applications are received by the same mail and one or more are presented at the counter when the mail is received, which applications conflict in whole or in part, and in which no preference rights are claimed, the applications so received will be considered as filed simultaneously and the right of priority of filing will be determined by a public drawing in the manner provided by Circular No. 324, dated May 22, 1914, 43 L. D. 254 (Sec. 295.8). Applications received through the mail after the close of business on a particular day and those received through the mail prior to the opening of the land office on the next succeeding business day, will be considered as having been filed at the opening of business on such next succeeding day.

The drawing will be held on the seventh day after the day the applications were filed unless such day falls on a holiday, in which case the drawing will be held on the following day. No notice to the applicants when a drawing will be held will be required, but the register will post notice thereof in a conspicuous place in his office for a period of five days prior to the date set for the drawing.

The register will issue his official receipt for the fees paid by each applicant and will arrange for the return of the fees paid by the unsuccessful applicants, noting on the abstract of moneys returned or applied opposite the refund voucher number, the word "drawing". He will note on the applications the word "drawing", and the date, amount and number of the voucher.

At the completion of a drawing, the register will furnish the General Land Office a list of the applications involved therein showing: (a) date of drawing, (b) description of the land involved, (c) names of successful applicants and serial numbers of applications, and (d) names of unsuccessful applicants and serial numbers of their applications.

FRED W. JOHNSON,
*Commissioner.*

Approved, December 8, 1939.

W. C. MENDENHALL,
*Acting Under Secretary.*

[F. R. Doc. 39–4680; Filed, December 16, 1939; 9:22 a. m.]

[1] These regulations are issued under the authority contained in Sec. 32, 41 Stat. 450; Sec. 5, 44 Stat. 302, Sec. 5, 44 Stat. 1058; 30 U.S.C., 189, 275, 285.

## TITLE 45—PUBLIC WELFARE

### CHAPTER II—CIVILIAN CONSERVATION CORPS

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES[1]

§ 203.15 *Procurement of Quartermaster Corps supplies.*

* * * * * *

(c) *Lumber.* (1) Lumber for Civilian Conservation Corps purposes will be procured as follows:

(i) All lumber required in the fabrication of portable demountable buildings will be in accordance with applicable Federal Specifications and ECW Specification No. 1, February 20, 1936.

(ii) All lumber required for any other new construction will be grade marked or may be furnished on a certificate of inspection.

(ii) When a carload or more of lumber is required for general maintenance

[1] These regulations supersede paragraph (c), Section 203.15, Chapter II, Title 45, Code of Federal Regulations.

and repair purposes it will be grade marked or may be furnished on a certificate of inspection. When required in less than carload lot the method of inspection will be as permitted by the applicable Federal Specification. Careful consideration should be given to the matter of electing the method of inspection as permitted by such specification. By reason of the fact that the inspection of various species of wood requires specialized personnel which may not be available, it is generally advisable to avoid the use of the option permitting inspection to be made by the purchasing agency, particularly when there is a quantity of lumber being procured.

(2) Invitations for lumber, except for that required by ECW Specification No. 1, will contain the following:

(i) All lumber required herein shall conform to Federal Specifications MM–L–751 for softwood and MM–L–736 for hardwood. All finish and millwork shall be kiln-dried and all other lumber may be either air-dried or kiln-dried. The maximum moisture content shall be as follows:

| | |
|---|---|
| Rough carpentry (kiln-dried or air-dried) | 19 percent. |
| Finish and millwork (kiln-dried) | 12 percent. |
| Finish flooring and drop siding (kiln-dried or air dried) | 15 percent. |

When grade marked lumber or that furnished on a certificate of inspection is to be furnished, these moisture content provisions apply at the time of loading the lumber. Where inspection is to be made by the purchasing agency, the moisture content provisions apply at the time of inspection.

(ii) All lumber one inch or less in nominal thickness shall grade No. 2 common of any of the following species: basswood, buckeye, sound wormy chestnut, cypress, southern yellow pine, yellow poplar, redwood, Sitka spruce or No. 1 common of western red cedar, douglas fir, west coast hemlock, eastern hemlock (eastern hemlock will not be used for finish flooring) or No. 3 common of any of the following species: white fir, larch, Englemann spruce, ponderosa pine, Norway pine, eastern spruce, white pine.

(iii) All dimension lumber (material thicker than one inch) shall be No. 2 common of any of the woods of the foregoing species.

(iv) Surfaced lumber shall be dressed to conform to yard size standards given in American Lumber Standards unless standard industrial sizes are specifically required.

(v) In case of equal bids, awards will be made in the following order of preference:

That which is grade marked.

That which is furnished on a certificate of grading by the particular recognized association.

That which is inspected by the purchasing agency. (This preference is used when the invitation calls for a bid on lumber to be inspected by the purchasing agency only.)

(3) The invitation will further contain the following information:

(i) *Method of inspection.* That is, whether the lumber to be furnished is to be grade marked, furnished on certificate of grading, or to be inspected by the Government. Unless there is some particular reason to the contrary, invitations should permit bidders to bid on furnishing grade marked lumber or lumber furnished on Centificate of grading. Calling for bids in this manner keeps the field of competition as broad as possible.

(ii) *Product.* For example: Flooring, shiplap, molding, drop siding, etc.

(iii) *Quantity.* Feet, board measure (F. B. M.) or number of pieces of each size and length.

(iv) *Sizes and lengths.* In commercial standards.

(v) *Surfacing.* Indicate what surfacing or working is desired. For example: Surfaced four sides (S4S) or surfaced two sides and center matched (S2S&CM).

(vi) *Association rules.* The invitation should specify that bidder agrees to furnish lumber conforming to the grading rules of the particular association in effect at the date of invitation for bids. (50 Stat. 319) [C. C. C. Regs., W. D., Dec. 1, 1937, as amended by C 43, Dec. 11, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–4681; Filed, December 16, 1939; 9:22 a. m.]

## TITLE 46—SHIPPING

## CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 9]

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

DECEMBER 16, 1939.

§ 5.82[1] *American Vessels Denied Clearance to Belligerent States,* is amended to read as follows:

(1) No clearance shall be granted to any American vessel (watercraft or aircraft) carrying passengers or any articles or materials to or via any belligerent state, regardless of the ultimate destination of such passengers or articles or materials, with the following exceptions:

(a) Where such American vessel (other than aircraft) proceeds on lakes, rivers, and inland waters bordering on the United States.

(b) Where such American aircraft proceeds on or over lakes, rivers, inland waters and lands bordering on the United States.

(c) Where such American vessel (other than aircraft) carrying mail, passengers or any articles or materials (except arms, ammunition, or implements of war, unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance) is bound to any port of a belligerent state which is located within any of the areas mentioned in 46 CFR 5.81 (a), while carrying mail or any articles or materials, if the ultimate destination of any such mail or articles or materials is a belligerent state which is not located within any of the areas mentioned in 46 CFR 5.81 (a), with the following exception:

(a) Where such American vessel (other than aircraft) will unlade such mail or articles or materials in the United States prior to its final clearance for a foreign port.

(2) No clearance shall be granted to any American vessel (other than aircraft) to or via any neutral foreign port or place, which is not located within any of the areas mentioned in 46 CFR 5.81 (a), while carrying mail or any articles or materials, if the ultimate destination of any such mail or articles or materials is a belligerent state which is not located within any of the areas mentioned in 46 CFR 5.81 (a), with the following exception:

(a) Where such American aircraft carrying mail, passengers, or any articles or materials (except arms, ammunition, or implements of war, unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance) is bound to any port of a belligerent state which is located within any of the areas mentioned in 46 CFR 5.81 (b), except to such a port which is included within a combat area.

(e) Where such American vessel (watercraft or aircraft) is under charter or other direction and control of the American Red Cross, and while carrying officers and American Red Cross personnel, medical personnel, and medical supplies, food, and clothing for the relief of human suffering, proceeds under safe conduct granted by belligerent states.

(2) No clearance shall be granted to any American vessel (other than aircraft) to or via any neutral foreign port or place, which is not located within any of the areas mentioned in 46 CFR 5.81 (a), except to such a port which is included within a combat area.

(3) No clearance shall be granted to any American aircraft to or via any neutral foreign port or place which is not within any of the areas mentioned in 46 CFR 5.81 (b), while carrying mail or any articles or materials, if the ultimate destination of any such mail or articles or materials is a belligerent state which is not located within any of the areas mentioned in 46 CFR 5.81 (b), with the following exception:

(a) Where such American aircraft will unlade such mail or articles or materials in the United States prior to its final clearance for a foreign port.

§ 5.83 *Declaration as to Right, Title and Interest in Articles or Materials,* is amended to read as follows:

(1) No clearance shall be granted to any vessel (watercraft or aircraft), bound to or via a port in a belligerent state, until all of the declarations required by Section 2 (c) of the Neutrality Act of 1939 have been filed with the collector of customs at the port of lading with respect to all articles or materials (except copyrighted articles or materials), which will be carried thereon to or via such belligerent port, with the following exceptions:

(a) Any American vessel (watercraft or aircraft) referred to in 46 CFR 5.82 (1) (a), (b), (c), or (d), when transporting only articles and materials other than arms, ammunition, or implements of war, (unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance), unless the ultimate destination of such articles or materials is a place in a belligerent state not within any area mentioned in 46 CFR 5.81 (a).

(b) Any vessel (watercraft or aircraft) of a neutral foreign state, when transporting only articles or materials other than arms, ammunition, or implements of war, when bound to any port referred to in 46 CFR 5.81 (a), so long as such port is not included within a combat area, unless the ultimate destination of such articles or materials is a place in a belligerent state not within any area mentioned in 46 CFR 5.81 (a).

(c) If the required declarations (oaths) have not been filed with regard to all articles and materials on any vessel before clearance thereof, the vessel may nevertheless be cleared if, but only if, the collector of customs to whom request for clearance is made is satisfied that the transfer of right, title and interest required by section 2 (c) has been made as to all such articles and materials. The Shipper's declaration (oath) required by section 2 (c) of the Neutrality Act of 1939 must be filed with the collector of the port from or through which articles or materials are exported prior to the exportation from the United States of such articles or materials. All failures by shippers to file the declarations (oaths) as required by this regulation shall be referred to the United States Attorney having jurisdiction.

(2) No clearance shall be granted to any vessel (other than aircraft) bound for a port in any foreign state, neutral or belligerent, until all of the declarations required by Section 2 (c) of the Neutrality Act of 1939 have been filed with the collector of customs at the port of lading, with respect to all articles or materials (except copyrighted articles or materials) which are ultimately destined for a belligerent state which is not located within any of the areas mentioned in 46 CFR 5.81 (a), with the following exceptions:

(a) Any American vessel (other than aircraft) from which all such articles or materials (except copyrighted articles or materials), which are ultimately destined for a belligerent state which is not located within any of the areas mentioned in 46 CFR 5.81 (a) will be unladen in the United States prior to the final clearance of the vessel for a foreign port.

(b) If the required declarations (oaths) have not been filed with regard to all articles and materials on any vessel before clearance thereof, the vessel may nevertheless be cleared if, but only if, the collector of customs to whom request for clearance is made is satisfied that the transfer of right, title and interest required by section 2 (c) has been made as to all such articles and materials. The Shipper's declaration (oath) required by section 2 (c) of the Neutrality Act of 1939 must be filed with the collector of the port from or through which articles or materials are exported prior to the exportation from the United States of such articles or materials. All failures by shippers to file the declarations (oaths) as required by this regulation shall be referred to the United States attorney having jurisdiction.

(3) No clearance shall be granted to any aircraft bound for a port in any foreign state, neutral or belligerent, until all of the declarations required by section 2 (c) of the Neutrality Act of 1939 have been filed with the collector of customs at the port of lading, with respect to all articles or materials (except copyrighted articles or materials) which are ultimately destined for a belligerent state which is not located within any of the areas mentioned in 46 C.F.R. 5.81 (b), with the following exceptions:

(a) Any American aircraft from which all such articles or materials (except copyrighted articles or materials) which are ultimately destined for a belligerent state which is not located within any of the areas mentioned in 46 CFR 5.81 (a) will be unladen at a port in the United States prior to the final clearance of the aircraft for a foreign port.

(b) If the required declarations (oaths) have not been filed with regard to all articles and materials on any vessel before clearance thereof, the vessel may nevertheless be cleared if, but only if, the collector of customs to whom request for clearance is made is satisfied that the transfer of right, title and interest required by section 2 (c) has been made as to all such articles and materials. The Shipper's declaration (oath) required by section 2 (c) of the Neutrality Act of 1939 must be filed with the collector of the port from or through which articles or materials are exported prior to the exportation from the United States of such articles or materials. All failures by shippers to file the declarations (oaths) as required by this regulation shall be referred to the United States attorney having jurisdiction.

NOTE.—See "Title 22—Foreign Relations", "Department of State", "Regulations under Section 2 (c) and (i) of the Joint Resolution of Congress approved November 4, 1939," appearing on pages 4598 and 4599 of the daily issue of the FEDERAL REGISTER of Thursday, November 10, 1939.

§ 5.84 *Combat Areas* is amended to read as follows:

(a) No clearance shall be granted to any American vessel (watercraft or aircraft) if such vessel, during the course of its voyage, will proceed into or through any combat area, unless such voyage is authorized by rules and regulations prescribed under authority of the Neutrality Act of 1939.

(b) No clearance shall be granted to any American or foreign vessel (watercraft or aircraft) while having on board any American citizen, whether as a passenger or member of the crew, if such vessel (watercraft or aircraft) during the course of its voyage, will proceed into or through any combat area, unless such voyage is authorized by rules and regulations prescribed under authority of the Neutrality Act of 1939.

(c) Final clearance shall not be granted to any foreign vessel (watercraft or aircraft), bound to a foreign port, in a combat area, or proceeding into or through any such area, until the master has filed with the collector a list of all of the members of the crew of the vessel, together with the nationality of each member, which list shall be sworn to by the master. (See 161 R.S.: 5 U.S.C. 22)

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 39–4687; Filed, December 16, 1939; 12:28 p. m.]

## PART 16—MEASUREMENT OF VESSELS

*Corrections*

F. R. Doc. 39–3947 (filed, October 25, 1939 at 12:41 p. m.), appearing in the FEDERAL REGISTER for Saturday, October 28, 1939, should be corrected as follows:

Page 4400, third column, eleventh line, "11 feet±5 feet" should read "11 feet+5 feet".

Page 4406, the caption of Section 16.46 (b) should read "*Position of middle line tonnage opening.*" The word "heading" in paragraph (c), fourth line, should read "beading".

Page 4409, first column, paragraph (d), second line, "propelling" should read "propelled".

Page 4419, the caption of Section 16.70 should read "*Definitions of items of deduction.*" In the third column, immediately after the paragraph entitled "*Break in double bottom*" the following paragraph should be inserted:

"*Bulkhead.* Bulkheads or partitions by which compartments, etc., are formed, or the hold of a vessel is divided."

## CHAPTER II—UNITED STATES MARITIME COMMISSION

UNITED STATES MARITIME SERVICE REGULATIONS

AMENDMENT NO. 1

Article IV, Section 6 (Transportation and Travel)[1] of the regulations for the

[1] 4 F.R. 4499 DI.

[1] 3 F.R. 2226 DI, 4 F.R. 2131 DI.

customs at the port of lading with respect to all articles or materials (except copyrighted articles or materials), which will be carried thereon to or via such belligerent port, with the following exceptions:

(a) Any American vessel (watercraft or aircraft) referred to in 46 CFR 5.82 (1) (a), (b), (c), or (d), when transporting only articles and materials other than arms, ammunition, or implements of war, (unless such arms, ammunition, or implements of war are to be used exclusively by American vessels (watercraft or aircraft) or other American vehicles in connection with their operation and maintenance), unless the ultimate destination of such articles or materials is a place in a belligerent state not within any area mentioned in 46 CFR 5.81 (a).

(b) Any vessel (watercraft or aircraft) of a neutral foreign state, when transporting only articles or materials other than arms, ammunition, or implements of war, when bound to any port referred to in 46 CFR 5.81 (a), so long as such port is not included within a combat area, unless the ultimate destination of such articles or materials is a place in a belligerent state not within any area mentioned in 46 CFR 5.81 (a).

(c) If the required declarations (oaths) have not been filed with regard to all articles and materials on any vessel before clearance thereof, the vessel may nevertheless be cleared if, but only if, the collector of customs to whom request for clearance is made is satisfied that the transfer of right, title and interest required by section 2 (c) has been made as to all such articles and materials. The Shipper's declaration (oath) required by section 2 (c) of the Neutrality Act of 1939 must be filed with the collector of the port from or through which articles or materials are exported prior to the exportation from the United States of such articles or materials. All failures by shippers to file the declarations (oaths) as required by this regulation shall be referred to the United States attorney having jurisdiction.

(3) No clearance shall be granted to any aircraft bound for a port in any foreign state, neutral or belligerent, until all of the declarations required by section 2 (c) of the Neutrality Act of 1939 have been filed with the collector of customs at the port of lading, with respect to all articles or materials (except copyrighted articles or materials) which are ultimately destined for a belligerent state which is not located within any of the areas mentioned in 46 C.F.R. 5.81 (b), with the following exceptions:

(a) Any American aircraft from which all such articles or materials (except copyrighted articles or materials) which are ultimately destined for a belligerent state which is not located within any of the areas mentioned in 46 CFR 5.81 (a) will be unladen at a port in the United States prior to the final clearance of the aircraft for a foreign port.

(b) If the required declarations (oaths) have not been filed with regard to all articles and materials on any vessel before clearance thereof, the vessel may nevertheless be cleared if, but only if, the collector of customs to whom request for clearance is made is satisfied that the transfer of right, title and interest required by section 2 (c) has been made as to all such articles and materials. The Shipper's declaration (oath) required by section 2 (c) of the Neutrality Act of 1939 must be filed with the collector of the port from or through which articles or materials are exported prior to the exportation from the United States of such articles or materials. All failures by shippers to file the declarations (oaths) as required by this regulation shall be referred to the United States attorney having jurisdiction.

(a) No clearance shall be granted to any American vessel (watercraft or aircraft) if such vessel, during the course of its voyage, will proceed into or through any combat area, unless such voyage is authorized by rules and regulations prescribed under authority of the Neutrality Act of 1939.

(b) No clearance shall be granted to any American or foreign vessel (watercraft or aircraft) while having on board any American citizen, whether as a passenger or member of the crew, if such vessel (watercraft or aircraft) during the course of its voyage, will proceed into or through any combat area, unless such voyage is authorized by rules and regulations prescribed under authority of the Neutrality Act of 1939.

(c) Final clearance shall not be granted to any foreign vessel (watercraft or aircraft), bound to a foreign port, in a combat area, or proceeding into or through any such area, until the master has filed with the collector a list of all of the members of the crew of the vessel, together with the nationality of each member, which list shall be sworn to by the master. (See 161 R.S.: 5 U.S.C. 22)

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 39-4687; Filed, December 16, 1939; 12:28 p. m.]

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## PART 16—MEASUREMENT OF VESSELS

*Corrections*

F. R. Doc. 39-3947 (filed, October 25, 1939 at 12:41 p. m.), appearing in the FEDERAL REGISTER for Saturday, October 28, 1939, should be corrected as follows:

Page 4400, third column, eleventh line, "11 feet±5 feet" should read "11 feet+5 feet".

government of the United States Maritime Service, effective September 1, 1939, is hereby amended by addition of the following subsection (g):

"(g) The Commandant shall prescribe the travel allowances and transportation in kind for probationary enrollees originally enrolled as apprentice seamen in connection with their original enrollment, release from active duty, or disenrollment, and shall have authority to return such enrollees to their homes at Government expense, under such instructions as he may prescribe."

By order of the United States Maritime Commission.

[SEAL] W. C. PEET, Jr.,
*Secretary.*

[F. R. Doc. 39-4688; filed, December 18, 1939; 11:36 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### CHAPTER I—INTERSTATE COMMERCE COMMISSION

#### UNIFORM SYSTEM OF ACCOUNTS FOR STEAM RAILROADS

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 6th day of December, 1939.

The matter of Modifying the Uniform System of Accounts for Steam Railroads as contained in the Classifications of Investment in Road and Equipment, Operating Revenues and Operating Expenses and Income, Profit and Loss and General Balance Sheet Accounts, being under consideration by the Commission pursuant to the authority contained in Section 20 of the Interstate Commerce Act, and being fully advised in the premises, it is ordered:

1. That account 25, "Gas producing plants," and the note thereto are hereby canceled and that amounts heretofore includible in that account hereafter shall be included in account 20, "Shops and enginehouses," or account 44, "Shop machinery," as appropriate.

2. That the title and text of operating-expense account 245, "Gas producing plants," and the note thereto are hereby canceled.

3. That the title and text of operating-expense account 246, "Gas producing plants—Depreciation," are hereby canceled.

4. That Note D following the text of account 514, "Income from funded securities," is hereby canceled.

5. That the phrase "interest on matured funded securities of other companies," in the third and fourth lines of the text of account 515, "Income from unfunded securities and accounts," is hereby canceled.

6. That the reference to balance-sheet accounts 755 or 757 in the third and fourth lines of the text of account 546, "Interest on funded debt," is hereby changed to balance-sheet accounts 755, 755½, 756 or 757, and the phrase "and on receiver's certificates issued for a term of more than two years" in the fourth and fifth lines of the text of account 546, "Interest on funded debt," is hereby canceled. The words "receivers' certificates" in the sixth and seventh lines of account 546, "Interest on funded debt," are hereby changed to "receivers' and trustees' securities."

7. That the words "interest on receiver's certificates issued for a term of two years or less, interest on matured funded securities" in the third and fourth lines of the text of account 547, "Interest on unfunded debt," are hereby canceled.

8. That the words "receiver's and trustees' securities" be substituted for the words "receiver's certificates" in the first paragraph of Section 3 of the Special Instructions for General Balance Sheet Accounts in the Classification of Income, Profit and Loss, and General Balance Sheet Accounts.

9. That Section 5, Special Instructions for General Balance Sheet Accounts, is modified to read:

5. *Book value of securities owned.* (A) The investment in securities other than those issued or assumed by the accounting company shall be recorded in these accounts at the money value at the time of acquisition of the consideration given therefor by the accounting company. The accounting company may write down the book cost of any securities in recognition of a decline in value thereof. Securities shall be written off or written down to a nominal value if there be no reasonable prospect of realizing any value therefrom. Fluctuations in market value shall not be recorded but a permanent impairment in the value of the securities shall be recognized in the accounts. Under no circumstances shall the investment in the securities be stated in the accounts at an amount in excess of their cost to the accounting company.

(B) The amount of the adjustments shall be charged to account 621, "Miscellaneous debits."

10. That the following balance-sheet accounts and the texts pertaining thereto are hereby prescribed:

755½. *Long-term debt in default.* There shall be included in this account the total par value of funded debt and receivers' and trustees' securities matured and in default and for which agreements have not been entered into for an extension as to the time of payment.

NOTE.—The principal amount of unpresented funded debt obligations which have matured, and for which provision has been made for payment shall be included in account 768, "Other current liabilities."

769½. *Matured interest in default.* There shall be included in this account the total amount of matured and unpaid interest (for which no provision has been made for current settlement) on funded debt, receivers' and trustees' securities, and loans, the principal of which is includible in accounts 755, 755½, 756 and 758.

11. That the text of account 761, "Miscellaneous accounts payable," be modified by eliminating reference to account 764.

12. That the first paragraph of the text of account 762, "Interest matured unpaid," be modified to read:

This account shall include the amount of matured and unpaid interest (for which provision has been made for current settlement) on funded debt, receivers' and trustees' securities, and loans, the principal of which is includible in accounts 755, 755½, 756 and 758.

13. That the title and text of balance-sheet account 764, "Funded debt matured unpaid," are hereby canceled.

14. That the words "receiver's certificates" in the text of account 766, "Unmatured interest accrued," are hereby changed to "receivers' and trustees' securities"; and that the following note to account 766 be inserted:

NOTE.—If default occurs in the payment of interest at maturity date on funded debt obligations not matured, the amount of the accrued interest shall be transferred from this account to account 769½, "Matured interest in default." To this latter account shall also be credited monthly, the amount of accrued interest on funded debt in default for which no provision is, or will be, made for current settlement.

15. That the text of account 768, "Other current liabilities," is hereby modified to read:

There shall be included in this account the principal amount of unpresented bonds drawn for redemption through the operation of sinking and redemption fund agreements, also the principal amount of unpresented funded debt obligations, and receivers' and trustees' securities which have matured (for which provision has been made for current settlement), and other current liabilities not covered by accounts 758 to 767, inclusive.

16. That the reference to account 769 in the second line of the text of account 770, "Other deferred liabilities," is hereby changed to accounts 769 and 769½.

17. That "Accounting Bulletin No. 15, Interpretations of Accounting Classifications" effective January 1, 1918, is hereby modified by the cancellation of Cases 295 and 296 as promulgated by the Commission in its Orders of June 23, 1937 and August 13, 1937.

18. That Case 196 in Accounting Bulletin No. 15 is hereby modified to read:

Q. To what account shall be charged amounts paid for the authorization, issuance, and sale of capital stock, including fees of stock transfer agents and registrars?

A. Payments incident to the authorization, issuance, and sale of capital stock in connection with the incorporation or organization of a company are provided for in account 71, "Organization expenses." Similar payments subsequent to incorporation or organization, including those in connection with stock dividends, shall be included in account 621, "Miscellaneous debits." Payments in connection with stock transfers and registration shall be included in account 460, "Other expenses."

19. That the answer to Case 221 in Accounting Bulletin No. 15 is hereby modified to read:

To account 20, "Shops and enginehouses."

20. That this Order shall become effective on the first day of January 1940.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-4694; Filed, December 18, 1939; 12:40 p. m.]



## *Notices*

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. 483-FD]

IN THE MATTER OF THE APPLICATION OF THE ROCHESTER & PITTSBURGH COAL COMPANY FOR EXEMPTION

ORDER OF DISMISSAL

An application for exemption dated January 8, 1938, and an amended application dated December 12, 1938 (both referred to herein as the application) having been filed by the Rochester & Pittsburgh Coal Company pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated December 14, 1939, which is made a part hereof,[1] consenting to the discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

*It is ordered*, That the above described application be and the same hereby is dismissed subject to the terms and conditions of said stipulation.

Dated, December 15, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4684; Filed, December 16, 1939; 11:24 a. m.]

[1] Not filed as part of the original document; requests for copies should be addressed to the Bituminous Coal Division.

[Docket No. 550-FD]

IN THE MATTER OF THE APPLICATION OF THE ROCHESTER & PITTSBURGH COAL COMPANY FOR EXEMPTION

ORDER OF DISMISSAL

An application for exemption dated December 10, 1937, and an amended application dated December 10, 1938 (both referred to herein as the application), having been filed by the Rochester & Pittsburgh Coal Company pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated December 14, 1939, which is made a part hereof,[1] consenting to the discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

*It is ordered*, That the above described application be and the same hereby is dismissed subject to the terms and conditions of said stipulation.

Dated, December 15, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39-4685; Filed, December 16, 1939; 11:24 a. m.]

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

NOTICE OF EXTENSION OF TIME FOR FILING BRIEFS IN REVIEW OF DETERMINATION AND ORDER RE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY AT WAGES LOWER THAN THE MINIMUM WAGE

Whereas, the National Knitted Outerwear Association, the Underwear Institute, and sundry other parties having made application under Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 522—Regulations Applicable to Employment of Learners Pursuant to Section 14 of the Fair Labor Standards Act of 1938—Title 29, Labor, Chapter V—Wage and Hour Division) issued by the Administrator thereunder for permission to employ learners in the Knitted Wear Industry at wages lower than the minimum wage applicable under Section 6 of the Act; and

Whereas, after due notice a hearing was held on these applications before Merle D. Vincent, authorized representative of the Administrator, who was duly designated to preside at the hearing and to determine:

(a) What, if any, occupation or occupations in the Knitted Wear and Hosiery Industry require a learning period, and

(b) Whether it is necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of persons in occupations requiring a learning period at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and

(c) If such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6 of such employment of learners shall be permitted, and with what limitations as to time, number, proportion and length of service; and

Whereas, following such hearing, the said Merle D. Vincent duly made findings of fact, determination and order, and filed same with the Acting Administrator on October 20, 1939, and

Whereas, on October 24, 1939,[1] the Acting Administrator caused to be published in the FEDERAL REGISTER a notice which set forth in full the determination and order of the presiding officer and stated that, pursuant to the provisions of Section 522.13 of the aforesaid Regulations, as amended, within fifteen days after October 24, 1939, persons aggrieved by the said determination and order might file petitions for review of the action of the said representative, and

Whereas, petitions for review, copies of which are on file in Room 5144, Department of Labor Building, Washington, D. C., and available for examination by all interested parties, were duly filed by the National Knitted Outerwear Association and the Underwear Institute; and

Whereas, the Acting Administrator caused to be published in the FEDERAL REGISTER on November 28, 1939,[2] a notice which granted the petitions for review and stated that the Administrator, for the purpose of reviewing the action of the aforementioned presiding officer, and to make a final determination of the questions set forth in the second paragraph of this notice with respect to the knitted wear industry, would receive briefs from interested parties either in support of or in opposition to the aforementioned determination and order, provided that original briefs were filed with the Administrator, Wage and Hour Division, prior to the close of business December 21, 1939, and provided that rebuttal briefs were filed with the Administrator prior to the close of business December 30, 1939, and

Whereas, letters have been received from the Underwear Institute and the National Knitted Outerwear Association requesting that the Administrator receive original briefs if filed prior to the close of business on January 15, 1940, said letters stating reasons for the requested extension which appear to be valid.

Now, therefore, the requests for an extension of time in the filing of briefs is hereby granted and notice is hereby given that the Administrator, for the purpose of reviewing the action of the aforemen-

[1] 4 F.R. 4531 DI.
[2] 4 F.R. 4706 DI.

tioned presiding officer, and to make a final determination of the questions set forth in the second paragraph of this notice with respect to the knitted wear industry will receive briefs from interested parties either in support of or opposition to the aforementioned determination and order provided that original briefs are filed with the Administrator, Wage and Hour Division, prior to the close of business January 15, 1940, and provided that rebuttal briefs are filed with the Administrator prior to the close of business January 24, 1940. All briefs will be available for inspection by interested parties in Room 5144, U. S. Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 13 day of December 1939.

HAROLD D. JACOBS,
*Administrator.*

[F. R. Doc. 39-4678; Filed, December 15, 1939; 3:00 p. m.]

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NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 19, 1939, until April 16, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Ambra Manufacturing Company, Freeland, Pennsylvania. | Men's sportshirts. | 10 |
| Cut-Rite Undergarment Corp., Amsterdam, New York. | Ladies rayon gowns and pajamas. | 5 |
| Utica Knitting Co., Mill No. 8, 1712 Erie Street, Utica, New York. | Shorts and union-suits. | 10 |
| Covington Manufacturing Company, Covington, Georgia. | Shirts..... | 10 |

Signed at Washington, D. C., this 18th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4695; Filed, December 18, 1939; 12:51 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 19, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners in the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Ace Manufacturing Company, Milton, Delaware, dresses.

Allen Underwear Mfg. Company, Inc., 163 Bellemonte Avenue, Hawley, Pennsylvania, ladies' underwear.

Ambra Manufacturing Company, Freeland, Pennsylvania, men's sportshirts.

Cut-Rite Undergarment Corp., Amsterdam, New York, ladies' rayon gowns and pajamas.

The Flossie Dress Company, Stanford, Connecticut, children's dresses.

Hartwell Mfg. Company, Inc., Hartwell, Georgia, pants and shirts.

Night Comfort, Inc., Cressona, Pennsylvania, men's pajamas.

Utica Knitting Company, Mill No. 8, 1712 Erie Street, Utica, New York, shorts and union suits.

Stamco Uniforms, Inc., Madison, Georgia, trousers and short pants.

Nickels Mfg. Co., Inc., Bristol, Tennessee, dresses.

Signed at Washington, D. C. this 18th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4696; Filed, December 18, 1939; 12:51 p. m.]



NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 19, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in any amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Athens Hosiery Mill, Athens, Tennessee (2 learners).

William G. Leininger Knitting Co., Inc., Mohton, Pa.

Efland Knitting Co., Efland, North Carolina (5 learners).

Mauney Mills, Kings Mountain, North Carolina (5 learners).

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4697; Filed, December 18, 1939; 12:51 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 19, 1939 to August 19, 1940 unless otherwise indicated subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

[*Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.*]

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Herbert Hosiery Mills, Inc., Philadelphia, Penna. (7 learners).

Menheim Hosiery Mills, Menheim, Penna. (8 learners).

Signed at Washington, D. C., this 18th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4698; Filed, December 18, 1939; 12:52 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 19, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour; *Provided, however,* That if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of their terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Nescopeck Knitting Mills, Inc., Nescopeck, Pennsylvania (3 learners), sweaters.

Van Dyke Knitting Company, Inc., McComb, Mississippi, polo shirts and blouses.

Signed at Washington, D. C., this 18th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4699; Filed, December 18, 1939; 12:52 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are

issued to employers listed below effective December 19, 1939, until March 19, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and mimimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued on representations of employers that: (a) experienced operators are not available and (5) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen (15) days following publication of notice of their issuance, that the issuance of these Certificates was not necessary in order to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the certificate is to be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Best Manufacturing Company Gainesville, Georgia. | Silk throwing. | 30 |

Signed at Washington, D. C., this 18th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4700; Filed, December 18, 1939; 12:52 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 19, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940 and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Best Manufacturing Company, Gainesville, Georgia, silk throwing.

Feldlink Silk Company, Garnerville, New York, rayon and silk thread.

Mayfair, Plant No. 6, Burlington, North Carolina, rayon thread.

Cedartown, Textiles, Inc., Cedartown, Georgia, cotton, silk, rayon, and wool thread.

Signed at Washington, D. C., this 18th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4701; Filed, December 18, 1939; 12:52 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TUFTED BEDSPREAD BRANCH OF THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Tufted Bedspread Branch of the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 19, 1939, until October 24, 1940, subject to the following terms:



OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Tufted Bedspread Branch of the Textile Industry under these Certificates is limited to the following occupations, learning periods and minimum wage rates:

(1) A learner is a person who has had less than eight (8) weeks experience as a chenille operator or less than sixteen (16) weeks experience as a punch work operator.

(2) Learners may be employed under these Certificates only as punch work operators or as chenille operators. During this period no learners may be paid at a rate less than 25¢ an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 25¢ per hour but in no event less than 25¢ per hour, and no learner shall be employed at less than the minimum rate for more than eight (8) weeks as a chenille operator or longer than sixteen (16) weeks as a punch work operator or longer than one eight-week retraining period as a chenille operator learning punch work.

(3) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when an experienced worker was not available. No learner may be employed under these Certificates until and unless a copy of the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(4) These Certificates expire October 24, 1940, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and they may be cancelled as of the date of their issuance if it is found that they were issued when experienced workers were available and may be cancelled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of chenille and punch work operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Beneeda Bedspread Company, Putnam, Connecticut (5 learners), bedspreads.

Windsor Coverlet Co., Inc., Paterson, New Jersey (5 learners), bedspreads.

Signed at Washington, D. C., this 18th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4702; Filed, December 18, 1939; 12:53 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1939.

[File No. 60-11]

IN THE MATTER OF ASSOCIATED ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

It appearing to the Commission that Associated Electric Company, a subsidiary of a registered holding company, is about to declare and pay dividends on the capital stock of such company in contravention of Section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-12C-2 of the General Rules and Regulations promulgated thereunder, and the payment and declaration of which should be prohibited by order entered under Section 12 (c) to protect the financial integrity of Associated Electric Company, to safeguard the working capital of Associated Electric Company, to prevent the payment of dividends out of capital or unearned surplus of Associated Electric Company, and to prevent the circumvention of the Public Utility Holding Company Act of 1935 and the rules and regulations or orders thereunder;

*It is ordered*, That Associated Electric Company show cause why this Commission should not enter its order, pursuant to Section 12 (c) and, pursuant to Rule U-12C-2, preventing the declaration and payment of dividends on the capital stock of such company;

*It is ordered*, That a hearing on such matter be held on January 4, 1940 at 10 o'clock in the forenoon of that day at the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why this Commission should not enter its order pursuant to Section 12 (c) of the Public Utility Holding Company Act of 1935 and pursuant to Rule U-12C-2, preventing the declaration or payment of further dividends.

*It is further ordered*, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice and to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such Company and to any person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 29, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4686; Filed, December 16, 1939; 11:45 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of December 1939.

[File No. 1-465]

IN THE MATTER OF CENTRAL COLD STORAGE COMPANY COMMON STOCK, $20 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Central Cold Storage Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $20 Par Value, from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Monday, January 15, 1940, at the office of the Securities & Exchange Commission, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to

perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4689; Filed, December 18, 1939; 11:40 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of December, A. D. 1939.

[File No. 56-40]

IN THE MATTER OF INDIANA & MICHIGAN ELECTRIC COMPANY, AND AMERICAN GAS AND ELECTRIC COMPANY

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO CERTAIN FEES OR PORTIONS THEREOF, AND AUTHORIZING PAYMENT THEREOF

The Commission having, by its Order entered in the above styled proceedings on the 24th day of June 1939, reserved jurisdiction to determine at a later date, whether the fees proposed to be paid to attorneys retained to represent the Indiana & Michigan Electric Company and the insurance companies and to the First Boston Corporation in connection with the issue and sale of the Indiana & Michigan Electric Company's $22,500,000 principal amount First Mortgage Bonds, 3¼% Series due 1969, are or are not reasonable, and having directed that no part of the fees proposed to be paid to such attorneys or to the First Boston Corporation should be paid pending further order of the Commission;

*It is ordered*, That jurisdiction is hereby released with respect to an amount equal to 60 per cent of the amounts proposed to be paid to:

First Boston Corporation, in connection with the issue and sale of said bonds,

Simpson, Thacher & Bartlett, general counsel for the issuer,

Sullivan & Cromwell, representing the insurance companies purchasing the said bonds;

That, in addition to the amounts equal to 60 per cent of the fees proposed to be paid to the following attorneys retained to represent the Indiana & Michigan Electric Company, heretofore released by the Commission by its Order dated August 9, 1939, jurisdiction is hereby released as to the balance of the fees and expenses proposed to be paid to the said attorneys, and that the said amounts may be paid as set forth in and for the purposes represented by the application and described in the testimony in these proceedings:

Seibirt, Oare and Deahl, South Bend, Indiana,

Burns and Hadsell, Niles, Michigan.

Butzel, Eaman, Long, Gust and Bills, Detroit, Michigan;

That in all other respects, the said Order of June 24, 1939 shall continue in full force and effect; and that no amount beyond that herein expressly authorized shall be paid on account of any of the proposed fees as to which jurisdiction was reserved, until further order of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4690; Filed, December 18, 1939; 11:40 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of December 1939.

[File No. 1-916]

IN THE MATTER OF WESTERN UNION MINING COMPANY COMMON ASSESSABLE STOCK, 10¢ PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Western Union Mining Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Assessable Stock, 10¢ Par Value, from listing and registration on the Standard Stock Exchange of Spokane; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Wednesday, January 17, 1940, at the office of the Securities & Exchange Commission, 1407 Exchange Building, Seattle, Washington, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That John G. Clarkson, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4691; Filed, December 18, 1939; 11:40 a. m.]

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## UNITED STATES CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS FRIDAY, DECEMBER 15, 1939

*Important.* Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears:

| State | Number of positions to which entitled | Number of positions occupied |
|---|---|---|
| **IN ARREARS** | | |
| 1. Virgin Islands | 9 | 0 |
| 2. Puerto Rico | 621 | 45 |
| 3. Hawaii | 148 | 16 |
| 4. California | 2,295 | 802 |
| 5. Alaska | 24 | 9 |
| 6. Texas | 2,344 | 940 |
| 7. Michigan | 1,949 | 920 |
| 8. Louisiana | 846 | 402 |
| 9. Arizona | 175 | 93 |
| 10. New Jersey | 1,026 | 589 |
| 11. South Carolina | 700 | 400 |
| 12. Mississippi | 809 | 490 |
| 13. Ohio | 2,675 | 1,621 |
| 14. Oklahoma | 964 | 592 |
| 15. Alabama | 1,065 | 660 |
| 16. Arkansas | 746 | 473 |
| 17. New Mexico | 170 | 112 |
| 18. Georgia | 1,170 | 771 |
| 19. Kentucky | 1,052 | 704 |
| 20. North Carolina | 1,276 | 892 |
| 21. Tennessee | 1,053 | 810 |
| 22. Illinois | 3,071 | 2,378 |
| 23. Wisconsin | 1,183 | 941 |
| 24. Connecticut | 647 | 547 |
| 25. Indiana | 1,303 | 1,146 |
| 26. Delaware | 96 | 85 |
| 27. Nevada | 37 | 33 |
| 28. Oregon | 384 | 351 |
| 29. Florida | 591 | 550 |
| 30. Idaho | 179 | 168 |
| 31. Wyoming | 91 | 87 |
| 32. New Hampshire | 187 | 179 |
| 33. Washington | 629 | 611 |
| 34. Pennsylvania | 3,876 | 3,769 |
| 35. Colorado | 417 | 409 |
| 36. New York | 5,066 | 4,971 |
| 37. Missouri | 1,461 | 1,434 |
| 38. Massachusetts | 1,710 | 1,691 |
| 39. West Virginia | 696 | 694 |



| State | Number of positions to which entitled | Number of positions occupied | Net gain or loss since July 1, 1939 |
|---|---|---|---|
| **IN EXCESS** | | | |
| 40. Maine | 321 | 324 | +9 |
| 41. Vermont | 145 | 147 | 0 |
| 42. Montana | 216 | 223 | −9 |
| 43. Kansas | 757 | 795 | −24 |
| 44. Rhode Island | 277 | 295 | −11 |
| 45. Utah | 204 | 221 | +18 |
| 46. North Dakota | 274 | 299 | −11 |
| 47. South Dakota | 279 | 306 | −4 |
| 48. Minnesota | 1,032 | 1,146 | −31 |
| 49. Iowa | 994 | 1,117 | −20 |
| 50. Nebraska | 555 | 687 | +2 |
| 51. Virginia | 975 | 2,036 | −3 |
| 52. Maryland | 657 | 2,068 | +20 |
| 53. District of Columbia | 196 | 8,841 | −44 |

GAINS

| | |
|---|---|
| By appointment | 95 |
| By transfer | 25 |
| By reinstatement | 1 |
| By correction | 1 |
| Total | 122 |

LOSSES

| | |
|---|---|
| By separation | 49 |
| By transfer | 44 |
| By correction | 1 |
| Total | 94 |
| Total Appointments | 50,212 |

NOTE. Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's Opinion of August 25, 1934, 15,957.

By direction of the Commission.

[SEAL] L. A. MOYER,
*Executive Director and Chief Examiner.*

[F. R. Doc. 39-4693; Filed, December 18, 1939; 12:32 p. m.]

Reference

DEC 21 1939

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

1934

VOLUME 4 NUMBER 245

*Washington, Wednesday, December 20, 1939*

## *Rules, Regulations, Orders*

### TITLE 10—ARMY: WAR DEPARTMENT

#### CHAPTER VII—PERSONNEL

#### PART 76—CARE AND DISPOSITION OF THE INSANE[1]

§ 76.1 *Transfer to the care of relatives or friends.* Insane persons requiring institutional care will be transferred to the custody of relatives or friends upon their request provided the relatives or friends produce satisfactory evidence that proper care for the insane person concerned will be provided. This evidence will consist of affidavits from those concerned declaring that they have the necessary financial means and that they will place the insane person concerned in a reputable institution for care and treatment. The relatives or friends receiving an insane person will be required to receipt for the articles of clothing and baggage belonging to the patient. The patient's money and other valuables will be turned over to the person authorized by law to receive them in the insane person's behalf, upon presentation of proper evidence of such authorization. (R.S. 161; 5 U.S.C. 22) [Par. 7, A.R. 600–500, Nov. 20, 1939]

§ 76.2 *Applicants for enlistment.* Applicants for enlistment discovered to be insane after arrival at a military station, and before the completion of their enlistment, will be disposed of as follows:

(a) Those whose liberation will be unattended by danger to themselves or others will be rejected and disposed of under the regulations governing the disposal of other rejected applicants.

(b) Those whose insanity is of a type that would probably make their liberation dangerous to themselves or others will be delivered to relatives or friends or to the civil authorities designated by law to apply for the commitment of insane persons residing in the place where they applied for enlistment. The station commander will provide the necessary escort for such delivery, and issue the necessary travel orders, transportation, and subsistence (in kind or by commutation, as may be most suitable). If they refuse to accept the insane person, report will be made to The Adjutant General and the necessary instructions will then be issued by the War Department.

(c) The effects of the patient will be inventoried and his money and valuables will be secured for disposition as indicated below; his other personal effects will be sent with him as baggage to his destination. The family, friends, or the local committing authorities, as the case may be, will be advised that the patient's money and valuables are subject to the orders of the person legally authorized to receive the same in the insane man's behalf upon presentation of proof of such authority. (R.S. 161; 5 U.S.C. 22) [Par. 9a, b, A.R. 600–500, Nov. 20, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39–4707; Filed, December 19, 1939; 10:45 a. m.]

[1] These regulations supplement Chapter VII, Title 10, Code of Federal Regulations.

### TITLE 16—COMMERCIAL PRACTICES

#### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3001]

IN THE MATTER OF GENERAL MOTORS CORPORATION ET AL.

§ 3.6 (ee) *Advertising falsely or misleadingly—Terms and conditions:* § 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (k) *Combining or conspiring—To sell products deceptively:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* Using, in connection with offer, etc., in interstate commerce or in District of Columbia, of motor vehicles or any other products, and on the part of General Motors Corporation, directly or through its subsidiary, General Motors Sales Corporation, or any other subsidiary, and respondent General Motors Acceptance Corporation, their respective officers, etc., the words "six per cent" or the figure and symbol "6%" or any other words, figures or symbols indicating percentage, in connection with the cost of, or the additional charge for, the use of a deferred or installment payment plan of purchasing motor vehicles or any other product, when the amount of such cost or charge collected from, or to be paid by, the purchaser of a motor vehicle or any



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other product under such plan is in excess of simple interest at the rate of 6% per annum, or at the rate indicated by such words, figures or symbols, calculated on the basis of the unpaid balance due as diminished after crediting installments as paid, or acting concertedly or in cooperation with any company, firm or individual, or with any of their agents or dealers, in a way calculated to further the sale of motor vehicles or any other product through use of the methods above referred to, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, General Motors Corporation et al., Docket 3001, December 8, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF GENERAL MOTORS CORPORATION; CHEVROLET MOTOR COMPANY, A CORPORATION; OLDS MOTOR WORKS, A CORPORATION; PONTIAC MOTOR COMPANY, A CORPORATION; BUICK MOTOR COMPANY, A CORPORATION; CADILLAC MOTOR CAR COMPANY, A CORPORATION; GENERAL MOTORS ACCEPTANCE CORPORATION

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the joint answer of respondents, General Motors Corporation, Chevrolet Motor Company, Olds Motor Works, Pontiac Motor Company, Buick Motor Company and Cadillac Motor Car Company, and the separate answer of the General Motors Acceptance Corporation, testimony and other evidence taken before Edward E. Reardon, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, and in opposition thereto, briefs filed herein by James M. Hammond, counsel for the Commission, and by John Thomas Smith, represented by Anthony J. Russo, of counsel, attorneys for the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent General Motors Corporation, directly or through its subsidiary, General Motors Sales Corporation, or any other subsidiary, and respondent General Motors Acceptance Corporation, their respective officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution of motor vehicles or any other products in interstate commerce or in the District of Columbia, do forthwith cease and desist from:

(1) Using the words "six per cent" or the figure and symbol "6%", or any other words, figures or symbols indicating percentage, in connection with the cost of, or the additional charge for, the use of a deferred or installment payment plan of purchasing motor vehicles or any other product, when the amount of such cost or charge collected from, or to be paid by, the purchaser of a motor vehicle or any other product under such plan is in excess of simple interest at the rate of 6% per annum, or at the rate indicated by such words, figures or symbols, calculated on the basis of the unpaid balance due as diminished after crediting installments as paid;

(2) Acting concertedly or in cooperation with any company, firm or individual, or with any of their agents or dealers, in a way calculated to further the sale of motor vehicles or any other product through use of the methods referred to in paragraph (1) of this order.

*It is further ordered*, That the complaint be, and the same hereby is, dismissed as to the respondents Chevrolet Motor Company, Olds Motor Works, Pontiac Motor Company, Buick Motor Company and Cadillac Motor Car Company in view of the dissolution of these corporations since the institution of this proceeding.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 39-4703; Filed, December 18, 1939; 3:48 p. m.]

[1] 2 F. R. 2967.

[Docket No. 3618]

IN THE MATTER OF INTERNATIONAL PRESS SERVICE, INC., ET AL.

§ 396 (b) (2) *Using misleading name—Vendor—Identity:* § 3.96 (b) (2.4) *Using misleading name—Vendor—Individual or private business as press or news service organization.* Representing, in connection with offer, etc., in commerce of photographs, through the use of the term "International Press Service", or any part thereof, or any other term of similar import or meaning, in any corporate or trade name, or in any other manner or through any other means or device, that respondents, or either of them, form a part of, or have any connection with, the International News Service or International News Photos; or that respondents, or either of them, operate a press photographic service, or have any connection therewith, unless and until respondents, or such respondent, are, or is, regularly engaged in the business of selling a substantial percentage of the photographs taken by respondents, or such respondent, to the press for publication; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, International Press Service, Inc., et al., Docket 3618, December 6, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF INTERNATIONAL PRESS SERVICE, INC., A CORPORATION (FORMERLY BERKELEY STUDIOS INTERNATIONAL PRESS SERVICE INC.,) AND FRED FRIEWALD, AN INDIVIDUAL

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before Edward E. Reardon, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, briefs filed herein and oral arguments by John M. Russell, counsel for the Commission, and by Morton M. Lewis, counsel for the respondents, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That the respondent International Press Service, Inc., a corporation, its officers, representatives, agents and employees, and respondent Fred Friewald, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of photographs in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing through the use of the term "International Press Service", or any part thereof, or any other term of similar import or meaning, in any corporate or trade name, or in any other manner or through any other means or device, that respondents, or either of them, form a part of, or have any connection with, the International News Service or International News Photos; or that respondents, or either of them, operate a press photographic service, or have any connection therewith, unless and until respondents, or such respondent, are, or is, regularly engaged in the business of selling a substantial percentage of the photographs taken by respondents, or such respondent, to the press for publication.

*It is further ordered*, That the respondents shall within sixty (60) days after service on them of this order file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 39-4710; Filed, December 19, 1939; 11:31 a. m.]

[1] 3 F.R. 2793 DI.



## *Notices*

### DEPARTMENT OF THE INTERIOR.

**Bituminous Coal Division.**

[Docket No. 1170-FD]

IN THE MATTER OF THE APPLICATION OF PENWELL COAL MINING CO. FOR EXEMPTION

ORDER OF DISCONTINUANCE

An application dated November 21, 1939, pursuant to the provisions of the second paragraph of section 4-A of the Bituminous Coal Act of 1937 having been filed by Penwell Coal Mining Co. (hereinafter referred to as the applicant) with the Bituminous Coal Division, for an order granting exemption from Section 4 of said Act of transactions in coal in intrastate commerce on the ground that such transactions do not directly affect interstate commerce in coal; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated November 30, 1939, a copy of which is hereto annexed and made a part hereof,[1] to which District Board No. 10 has agreed, consenting to discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this Order;

*It is ordered*, That the above application for exemption be discontinued and that the above matter be dismissed subject to terms and conditions of said stipulation.

Dated, December 18, 1939.

[SEAL] H. A. GRAY, *Director*.

[1] Not filed as part of the original document; requests for copies should be addressed to the Bituminous Coal Division.

[F. R. Doc. 39-4709; Filed, December 19, 1939; 11:12 a. m.]

### CIVIL AERONAUTICS AUTHORITY.

[Docket No. 264]

IN THE MATTER OF CERTAIN CONTRACTS AND OTHER TRANSACTIONS BETWEEN MARQUETTE AIRLINES, INC., AND AMERICAN AIRLINES, INC.

NOTICE OF HEARING

The above-entitled proceeding being an investigation instituted by orders of the Authority dated June 27, 1939 and October 18, 1939, (1) to determine whether or not any contracts, agreements and transactions by and between Marquette Airlines, Inc. and American Airlines, Inc. are adverse to the public interest, are in violation of any provisions of said Act, or constitute acts prohibited by any of the provisions of said Act; (2) to determine whether or not any of the foregoing matters require any further action by the Authority pursuant to the provisions of said Act; and (3) to determine whether or not there exist any relations between, or common control of, Marquette Airlines, Inc. and American Airlines, Inc., directly or indirectly through third persons, in violation of any of the provisions of said Act, is assigned for public hearing on January 8, 1940, 10 o'clock a. m. (Eastern Standard Time), at the Roosevelt Hotel, New York, N. Y., before Examiner Frank A. Law, Jr.

Washington, D. C., December 18, 1939.

FRANK A. LAW, Jr., *Examiner*.

[F. R. Doc. 39-4708; Filed, December 19, 1939; 11:02 a. m.]

### FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5799]

IN RE APPLICATION OF K X L BROADCASTERS (KXL)

*Dated, April 12, 1939; for construction permit; class of service, broadcast; class of station, broadcast; location, Portland, Oreg.; operating assignment specified: Frequency, 740 kc directional antenna; power, 10 kw night, 10 kw day; hours of operation, limited*

[File No. B5-P-2396]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the nature, extent and effect of interference which may be caused to KXL operating as proposed in this application by the operation of KTRB as proposed in its pending application (File B5-P-2631).

2. To determine the nature, extent and effect of interference which may be caused to KTRB operating as proposed in its pending application (B5-P-2631) by the operation of KXL as proposed in this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

K X L Broadcasters,
Radio Station KXL,
1101 Southwest Washington St.,
Portland, Ore.

Dated at Washington, D. C., December 16, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary*.

[F. R. Doc. 39-4704; Filed, December 19, 1939; 10:01 a. m.]

[Docket No. 5800]

IN RE APPLICATION OF THOMAS R. MCTAMMANY & WILLIAM H. BATES, JR. (KTRB)

*Dated, November 4, 1939; for construction permit; class of service, broadcast; class of station, broadcast; location, Modesto, Calif.; operating assignment specified: frequency, 740 kc; power, 1 kw night; 1 kw day; hours of operation, limited to WSB, Atlanta, Ga.*

[File No. B5-P-2631]

NOTICE OF HEARING

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the nature, extent and effect of the interference which may be caused to KTRB operating as proposed in

this application by KXL operating as is proposed in its pending application (B5–P–2396).

2. To determine the nature, extent and effect of interference which may be caused to KXL operating as proposed in its pending application (B5–P–2396) by the operation of KTRB as proposed in this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

Thomas R. McTammany/& William H. Bates, Jr.
Radio Station KTRB
Post Office Box 405
Modesto, Calif.

Dated at Washington, D. C., December 16, 1939.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39–4705; Filed, December 19, 1939; 10:01 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of December, A. D. 1939.

[File No. 43–264]

IN THE MATTER OF NIAGARA HUDSON POWER CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

Niagara Hudson Power Corporation, a subsidiary of The United Corporation, a registered holding company, having filed an amended declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 regarding the issue of $3,000,000 aggregate principal amount of 3½% unsecured promissory notes, of which $375,000 principal amount are to mature on December 14 of each year from 1941 to 1948, inclusive, to a group of 6 banks, pursuant to the terms of certain agreements dated September 2, 1938 between the company and each of the 6 banks;

A public hearing having been held[1] on the declaration, as amended, after appropriate notice; the declarant having waived such rights as it might have to a Trial Examiner's report, to submit proposed findings of fact or to have submitted to it proposed findings by counsel to the Commission, to argue the matter orally before the Commission, and to file a brief; the Commission having considered the record in this matter, and having made and filed its findings herein;

*It is ordered*, That said declaration, as amended, be and become effective forthwith, subject, however, to the following conditions:

(1) That the proposed issue of $3,000,000 of unsecured promissory notes be carried out and effected in accordance with the terms and conditions of and for the purposes represented by the declaration as amended; and

(2) That, within ten days after the proposed issue of the unsecured promissory notes, Niagara Hudson Power Corporation shall file with this Commission a Certificate of Notification showing that such issue has been effected in accordance with the terms and conditions and for the purposes represented by said declaration as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4711; Filed, December 19, 1939; 11:32 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of December, A. D. 1939.

[File No. 54–14]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, GENERAL WATER GAS & ELECTRIC COMPANY, SECURITIES CORPORATION GENERAL

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

International Utilities Corporation, a registered holding company, General Water Gas & Electric Company, a subsidiary registered holding company, and Securities Corporation General, a subsidiary investment company, having filed an application pursuant to Section 11 (e) of the Public Utility Holding Company Act of 1935; and

The applicants having requested permission to withdraw such application, the Commission hereby consents to the withdrawal of the above named application and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4712; Filed, December 19, 1939; 11:32 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of December, A. D. 1939.

[File No. 63–2]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

International Utilities Corporation, a registered holding company, having filed an application pursuant to Rule U–9C–4 promulgated under Section 9 (c) of the Public Utility Holding Company Act of 1935; and

The applicant having requested permission to withdraw such application, the Commission hereby consents to the withdrawal of the above named application and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4713; Filed, December 19, 1939; 11:32 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1939.

[File No. 46–194]

IN THE MATTER OF FEDERAL WATER SERVICE CORPORATION

ORDER DESIGNATING NEW TRIAL EXAMINER

The above named party having filed application pursuant to Section 10 (a) (1) of the Public Utility Holding Company Act of 1935; such hearing having been called for December 20, 1939,[1] at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, Washington, D. C.; and the Trial Examiner designated to preside at said hearing now being engaged in another matter and unable to preside at said hearing;

*It is ordered*, That W. Gomer Krise, an officer of the Commission, be, and hereby is, designated to preside at such hearing in the place and stead of, and with the same powers and duties as, the Trial Examiner hereinbefore designated to preside at such hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4714; Filed, December 19, 1939; 11:32 a. m.]

[1] 4 F.R. 4533 DI.

[1] 4 F.R. 4813 DI.



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1939.

[File Nos. 56–54 and 46–163]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AND IN THE MATTER OF ALABAMA WATER SERVICE COMPANY, FEDERAL WATER SERVICE CORPORATION

ORDER DESIGNATING NEW TRIAL EXAMINER

The above named parties having filed applications pursuant to Section 10 (a) (1), and Rules U–12C–1, U–12D–1 and U–12F–1, of the Public Utility Holding Company Act of 1935; said matters having been consolidated for purposes of hearing; and hearing on said matters having been held on August 24th, August 25 and September 7th, 1939, when said hearing was continued subject to call; such hearing having been called for December 20th, 1939, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, Washington, D. C.; and the Trial Examiner designated to preside at said hearing now being engaged in another matter and unable to preside at said hearing:

*It is ordered*, That W. Gomer Krise, an officer of the Commission, be, and hereby is, designated to preside at such hearing in the place and stead of and with the same powers and duties as the Trial Examiner hereinbefore designated to preside at such hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39–4715; Filed, December 19, 1939; 11:32 a. m.]

Reference

DEC 22 1939

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1934
OF THE UNITED STATES

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VOLUME 4 NUMBER 246

*Washington, Thursday, December 21, 1939*

## *Notices*

### DEPARTMENT OF THE INTERIOR.

**Bituminous Coal Division.**

[Docket No. 23–FD]

IN THE MATTER OF THE APPLICATION OF THE AMERICAN ZINC AND CHEMICAL COMPANY FOR RENEWAL OF EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The American Zinc and Chemical Company, applicant herein, having on July 10, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the applicant, or produced and transported by the applicant to itself for consumption by it in the operation of its zinc and chemical plant; and

The Commission having on June 6, 1938,[1] entered an order pursuant to such application in Docket No. 23–FD, ordering that the provisions of Section 4 II (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by the applicant at its mine at Langeloth, Washington County, Pennsylvania, and consumed by it in the operation of its zinc and chemical plant located at Langeloth, Washington County, Pennsylvania, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering applicant to apply periodically for renewal of said order and to file such accompanying reports as will enable the Commission to determine whether the conditions as found in said order continue to exist; and

Applicant, on December 6, 1939, having filed with the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantity of coal produced by the applicant during the year preceding the filing of the application for renewal, at its mine located at Langeloth, Washington County, Pennsylvania, and the portion thereof which is consumed by applicant in its zinc and chemical plant at Langeloth, Washington County, Pennsylvania, and which application also contains a statement that all of the facts set forth in the application of July 10, 1937, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order dated June 6, 1938, continue to exist;

*It is ordered*, That the above-entitled application filed by the applicant for renewal of said order, dated June 6, 1938, be and the same is hereby granted;

*Provided however*, That said order dated June 6, 1938, and the exemption granted thereby, shall automatically terminate and expire:

(1) Unless the applicant on or before Nov. 18, 1940 files an application for renewal of said order;

(2) Unless the applicant on or before July 18, 1940 files with the Director a verified report for the six month period ending June 18, 1940 containing the following information which the Director hereby finds to be necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the applicant continue to exist:

(a) The full name and business address of applicant, and the name and location of the mine covered by this application.

(b) The total tonnage of bituminous coal produced by applicant during the preceding six months at such mine.

(c) The total tonnage of such production which was consumed by applicant, and the nature and purpose of such consumption.

(3) Unless the applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mine from which the coal in question was produced or in the ownership of the plant or factory or other facility at which the coal was consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

*It is further ordered*, That the Director at any time, upon his own motion or upon the petition of any interested person may direct the applicant to show cause why the exemption granted by the said order of June 6, 1938, should not be terminated. Any person filing such petition shall serve a copy thereof upon the applicant herein.

Dated, December 18, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39–4717; Filed, December 20, 1939; 11:55 a. m.]

[1] 3 F.R. 1368 DI.

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[Docket No. 45–FD]

IN THE MATTER OF THE APPLICATION OF THE BIRMINGHAM WATER WORKS COMPANY FOR RENEWAL OF EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

The Birmingham Water Works Company, Applicant herein, having on June 14, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it in its business of supplying water for domestic and industrial use to the City of Birmingham, Alabama, and adjacent territory within the State of Alabama; and

The Commission having on June 6, 1938,[1] entered an order pursuant to such application in Docket No. 45–FD, ordering that the provisions of Section 4, II, (1) of the Bituminous Coal Act of 1937 apply to the bituminous coal produced by Applicant and consumed by him in the business of supplying water for domestic and industrial use to the City of Birmingham, Alabama, and territory adjacent thereto, within the State of Alabama, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering Applicant to apply periodically for renewal of said order, and to file such reports as the Commission may find necessary or appropriate to enable it to determine whether the conditions as found in said order continue to exist; and

Applicant having on November 22, 1939, filed with the Director of the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantity of coal produced by the Applicant during the year preceding the filing of the application for renewal at its mines located in Jefferson County, Alabama, and the portion thereof which was consumed by Applicant in its operations in supplying water for domestic and industrial use to the City of Birmingham and adjacent territory within the State of Alabama; and

The Director having determined that the conditions supporting the exemption granted by the order of June 6, 1938, continue to exist;

*It is ordered*, That the application filed by the Applicant for renewal of said order dated June 6, 1938, be and the same is hereby granted;

*Provided, however*, That the said order of June 6, 1938, and the exemption granted thereby, and this renewal of said order shall automatically terminate and expire:

1. Unless the Applicant, on or before November 19, 1940, files an application for renewal of said order;

2. Unless the Applicant, on or before July 19, 1940, files with the Director a verified report for the six month period ending June 19, 1940, containing the following information which the Director hereby finds necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) the full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant and the nature and purpose of such consumption;

3. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mines from which the coal in question was produced or in the ownership of the plants or factories or other facilities at which the coal was consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

*It is further ordered*, That the Director, at any time upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of June 6, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, December 19, 1939.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 39–4718; Filed, December 20, 1939; 11:55 a. m.]

[1] 3 F.R. 1369 DI.

[Docket No. 47–FD]

IN THE MATTER OF THE APPLICATION OF CAMBRIA CLAY PRODUCTS COMPANY FOR RENEWAL OF EXEMPTION

ORDER AMENDING ORDER GRANTING RENEWAL OF EXEMPTION

The Cambria Clay Products Company having filed an application for renewal of the exemption granted on June 6, 1938; and

The Director having by order on November 2, 1939, granted the Cambria Clay Products Company a renewal of its exemption;

*It is ordered*, That the order of November 2, 1939,[1] beginning with paragraph numbered 2, be and the same is hereby amended to read as follows:

2. Unless Applicant, on or before June 2, 1940, files with the Director a verified report for the six month period ending May 2, 1940, containing the following information, which the Director hereby finds necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant and the nature and purpose of such consumption;

3. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mines from which the coal in question was produced or in the ownership of the plants or factories or other facilities at which the coal was consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

*It is further ordered*, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of June 6, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, December 18, 1939.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 39–4719; Filed, December 20, 1939; 11:55 a. m.]

[1] 4 F.R. 4491 DI.



[Docket No. 501–FD]

IN THE MATTER OF THE APPLICATION OF THE ALLEGHENY COUNTY INSTITUTION DISTRICT FOR RENEWAL OF ORDER GRANTING EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

Allegheny County Institution District, Applicant herein, having on August 13, 1938, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it in the business of manufacturing heat, light and power used in the operation of the buildings of the Allegheny County Institution District; and

The Commission having on October 17, 1938,[1] entered an order pursuant to such application, in Docket No. 501–FD, ordering that the provisions of Section 4, Part II, (1) of the Bituminous Coal Act of 1937 do apply to the bituminous coal produced by the Applicant and consumed by it in the business of manufacturing heat, light and power used in the operation of Applicant's buildings, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter, and at such other times as the Commission may require for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant, on November 18, 1939, having filed with the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantity of coal produced by Applicant during the year preceding the filing of its application for renewal at its mine located in Allegheny County, Pennsylvania, and consumed by Applicant in the operation of its buildings, and which application also contains a statement that all the facts as set forth in the application of August 13, 1938, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order dated October 17, 1938, continue to exist:

*It is ordered*, That the application filed by the Applicant for renewal of said order dated October 17, 1938, be and the same is hereby granted;

*Provided, however*, That said order dated October 17, 1938, and the exemption granted thereby, shall automatically terminate and expire:

1. Unless the Applicant, on or before November 18, 1940, files an application for renewal of said order;

2. Unless the Applicant, on or before July 18, 1940, files with the Director a verified report for the six month period ending June 18, 1940, containing the following information which the Director hereby finds necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant and the nature and purpose of such consumption and which application contains a statement of the quantity of coal produced by the Applicant during the year preceding the filing of the application for renewal at its mines located in Allegheny County, Pennsylvania, and consumed by Applicant in the operation of its buildings, and which application also contains a statement that all the facts as set forth in the application of August 13, 1938, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order of October 17, 1938, continue to exist:

*It is ordered*, That the application filed by the Applicant for renewal of said order of October 17, 1938, be and the same is hereby granted;

*Provided, however*, That said order of October 17, 1938, and the exemption granted thereby, shall automatically terminate and expire:

1. Unless the Applicant, on or before November 18, 1940, files an application for renewal of said order;

2. Unless the Applicant, on or before July 18, 1940, files with the Director a verified report for the six month period ending June 18, 1940, containing the following information which the Director hereby finds necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant and the nature and purpose of such consumption;

3. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mines from which the coal in question was produced or in the ownership of the plants or factories or other facilities at which the coal was consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

*It is further ordered*, That the Director, at any time upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of October 17, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, December 18, 1939.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 39–4720; Filed, December 20, 1939; 11:55 a. m.]

[1] 3 F.R. 2509 DI.

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5804]

IN THE MATTER OF SPECIAL CONTRACT SERVICE OF THE WESTERN UNION TELEGRAPH COMPANY FOR PRESS TRAFFIC FROM LONDON, ENGLAND, TO NEW YORK, NEW YORK

NOTICE AND ORDER

At a session of the Federal Communications Commission held at its office in Washington, D. C. on the 18th day of December, A. D. 1939.

The Commission having under consideration The Western Union Telegraph Company's Tariff F. C. C. No. 200, Special Contract Service, governing the furnishing of facilities for the transmission of press material and pictures, and governing the transmission of such press material and pictures, from London, England, to New York, New York, and the charges therefor, and the regulations, classification and practices affecting such charges;

*It is ordered*, That an investigation be, and it is hereby instituted by the Federal Communications Commission, on its own motion, into and concerning the lawfulness of the maximum, minimum and precise basis of all charges and of the classifications, regulations, and practices relating thereto, applicable to the furnishing of facilities for the transmission of press material and pictures, and applicable to the transmission of such press material and pictures, from London, England to New York, New York under the provisions of The Western Union Telegraph Company Tariff F. C. C. No. 200 with a view to determining whether the charges and the classifications, regulations and practices relating thereto, applicable to the furnishing of such facilities and to such transmissions are in any respect in violation of the law, and with the view of making such finding and entering such order or orders in the premises, and of taking such other and further action as the facts and circumstances may appear to warrant;

*It is further ordered*, That The Western Union Telegraph Company be, and it is hereby made respondent to this proceeding, that this order be served upon the respondent, and that respondent appear and show cause why the Commission should not find that the Special Contract Service provided in said Tariff F. C. C. No. 200 is in violation of the law in that (1) the service was designed for and is furnished to one particular customer, to wit, the Associated Press, at a rate and under circumstances which constitute an undue and unreasonable discrimination against the customers using the ordinary press service of the telegraph company, or an undue or unreasonable preference to the Associated Press, (2) the volume requirement of four million words per annum in order to enable a customer to secure the Special Contract Service at the special rate unreasonably restricts the service to the use of one customer, to wit, the Associated Press, (3) the initial period requirement of three years to enable a customer to secure the service unreasonably restricts the service so as to make it available to only one customer, to wit, the Associated Press, (4) in the stipulation as to nonliability the company undertakes to exempt its self from liability for damages caused by its own negligence, (5) the differential in rates applicable to the Special Contract Press Service and ordinary press service bears no reasonable relation to any differences in cost of the services or in the circumstances under which the services are rendered, and (6) the Special Contract Press Service classification and the regulations and practices relating thereto constitute an undue and unreasonable discrimination against the small user in favor of the large user of the telegraph company's press services, or constitute a preference in favor of the large user or a prejudice against the small user of the telegraph company's press services;

*It is further ordered*, That notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission and by publishing a copy thereof in the FEDERAL REGISTER;

*It is further ordered*, That said proceeding be, and it is hereby, designated for hearing on the 22nd day of January, A. D. 1940 at 10:00 a. m., at the office of the Federal Communications Commission, Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4724; Filed, December 20, 1939; 12:53 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of December, A. D. 1939.

[File No. 32-184]

IN THE MATTER OF CALIFORNIA PUBLIC SERVICE COMPANY, PEOPLES LIGHT AND POWER COMPANY

ORDER APPROVING APPLICATIONS, ETC.

California Public Service Company, a subsidiary of Peoples Light and Power Company, a registered holding company, having filed an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from Section 6 (a) of said Act of the issue and sale of $500,000 principal amount First Mortgage Bonds, Series B, 4¼%, due 1964, and the issuance and sale of 16,480 shares of $25 par value common stock, or in the alternative, a declaration pursuant to Section 7 concerning the issuance and sale of said 16,480 shares of $25 par value common stock; an application pursuant to Rule U-12C-1 (b) for approval of the acquisition and retirement of the 3,000 shares, no par value common stock presently outstanding;

Peoples Light and Power Company having filed an application pursuant to Section 10 for approval of the acquisition of 2,480 shares of the said $25 par value common stock of California Public Service Company as part payment on an open account indebtedness; an application pursuant to Rule U-12D-1 seeking approval of the pledge of 16,480 shares of the said $25 par value common stock under the indenture securing the Peoples Light and Power Company Collateral Lien Bonds, Series A, due 1961; and application pursuant to Rule U-12F-1 concerning the surrender to the California Public Service Company of 3,000 shares of the no par common stock of California Public Service Company; and an application pursuant to Rule U-12C-1 (b) concerning the acquisition and retirement of as many of the Collateral Lien Bonds, Series A, due 1961 as may be acquired by the trustee with the sum of $400,000 on tenders and to the extent necessary to exhaust such sum by purchases in the open market;

A public hearing having been duly held on these matters after appropriate notice and the Commission having examined the record and filed its findings herein;

*It is ordered*, That the applications be and the same hereby are approved;

*It is further ordered*, That the declaration filed by California Public Service Company be permitted to become effective;

*It is further ordered*, That the transactions involved in the applications and declaration shall be carried out and effected in accordance with the terms and conditions of and for the purposes represented by said applications and declaration;

*It is further ordered*, That with respect to the issuance and sale of the aforesaid securities the California Public Service Company shall file with this Commission, within ten days after the issuance of the aforesaid securities, a Certificate of Notification showing that the issue and sale of said securities have been effected in accordance with the terms and conditions of, and for the purposes represented by said applications and declaration, and that the exemption granted pursuant to Section 6 (b) shall immediately terminate without further order of this Commission if the express authorization of the issue and sale of the said securities by the Railroad Commission of the State of California or the authorization of the Public Utilities Commissioner of Oregon shall be revoked or otherwise terminated;

*It is further ordered*, That the application of Peoples Light and Power Company, pursuant to Rule U-12C-1 (b), be subject to the following conditions:

(1) That the proposed transactions be executed for the purposes and in the manner represented by the application and this order;

(2) That prior to any purchase, notice of the proposed call for tenders and for the proposed open market purchases be given by a notice published once in each of two successive calendar weeks in a daily newspaper published and of general circulation in New York City; and that such notice indicate the amount of funds which the trustee has available for the purchase of bonds and that each tender must be accompanied by the number of the bond tendered before the trustee will accept the tender;

(3) That the final date for acceptance of tenders be not earlier than eight days after the second published notice;

(4) That the applicant file with this Commission a Certificate of Notification within ten days after the tenders are accepted, giving the amounts of the bonds accepted together with the prices and the name and address of the holder and beneficial owner from whom acquired;

(5) To the extent that bonds are acquired in the open market, that the applicant shall file with this Commission monthly reports with respect to such purchases. Each such report shall set forth the date of each purchase, the number of bonds purchased, prices paid therefor, the name and address of the broker in each transaction and the name and address of the holder and beneficial owner from whom acquired;

(6) That this order in respect to open market purchases shall be summarily revokable if at any time this Commission shall deem the circumstances are such as to make further purchases no longer compatible with the public interest or the interests of investors or consumers. In any event such order shall expire at the close of business on December 31, 1940, unless the applicant shall obtain from this Commission a further extension of this order.

(7) That no tenders shall be made by or on behalf of Hopper, Soliday & Co., Glidden, Morris & Co., Brooke, Stokes & Co., David S. Soliday, Howard Morris, or Gerald P. Kynett.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4721; Filed, December 20, 1939; 12:17 p. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of December, A. D. 1939.

IN THE MATTER OF VOSSLER & VOSSLER, INC., 1310 AMERICAN BUILDING, CINCINNATI, OHIO

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

This is a proceeding, pursuant to Section 15 (b) of the Securities Exchange Act of 1934, to determine whether the registration of Vossler & Vossler, Inc., as an over-the-counter broker and dealer, should be revoked or suspended.

After appropriate notice,[1] a hearing was held before a trial examiner on November 7, 1939. The registrant failed to appear personally or by counsel. The trial examiner filed an advisory report in which he found that on January 6, 1938, an application by the registrant for a renewal of its license as a dealer in securities in Ohio was refused by the Division of Securities, Department of Commerce, State of Ohio, for the reason that said Division did not find the applicant qualified to act as such dealer. The trial examiner further found that the registrant had had no license issued to it as a dealer in securities in Ohio since the expiration of its license for the year 1937; that the registrant had filed no supplemental statement to its application, as required by Rule X-15B-2, adopted by the Commission pursuant to Sections 15 (b), 17 (a), and 23 (a) of the Act, revealing the aforesaid expiration of its license and refusal by the Ohio authorities to renew the same.

On an independent review of the record, we adopt the trial examiner's findings, and find that the registrant's failure to file the required supplemental statement as aforesaid constituted a wilful violation of Rule X-15B-2, and that it is in the public interest to revoke the registration of the registrant as an over-the-counter broker and dealer.

*It is therefore ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, that the registration of Vossler & Vossler, Inc., be, and the same hereby is, revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4722; Filed, December 20, 1939; 12:17 p. m.]

[1] 4 F.R. 4216 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 19th day of December 1939.

[File No. 7-447]

IN THE MATTER OF PORTLAND GAS AND COKE COMPANY CERTIFICATES OF DEPOSIT REPRESENTING FIRST AND REFUNDING MORTGAGE 5% GOLD BONDS, DUE JANUARY 1, 1940

ORDER GRANTING APPLICATION

Continuance of unlisted trading privileges on the New York Curb Exchange in the First and Refunding Mortgage 5% Gold Bonds, due January 1, 1940, of Portland Gas and Coke Company, having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule X-12F-2, having applied to this Commission setting forth that there are being effected changes in said security other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-2 (b) promulgated thereunder, that the determination sought by said application is made and the application is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4723; Filed, December 20, 1939; 12:17 p. m.]

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## UNITED STATES TARIFF COMMISSION.

WHEAT AND WHEAT PRODUCTS

HEARING IN INVESTIGATION NO. 3 UNDER SECTION 22 OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED

*Public Hearing Ordered*

*Hearing.* The Tariff Commission announces that a public hearing in the investigation ordered on December 14, 1939,[1] under Section 22 of the Agricultural Adjustment Act, as amended, with respect to Wheat and Wheat Products, will be held at the office of the Tariff Commission, Washington, D. C. on January 4, 1940, at 10:00 a. m., at which time and place all parties interested will be given opportunity to be present, to produce evidence, and to be heard.

*Nature of information at hearing.* Information submitted at the hearing must be relevant and material to the matters under investigation.

*Appearances at hearing.* Interested persons may appear at the hearing either in person or by representative; if several persons have a joint interest in the subject it is suggested that effort be made for the designation of a representative in order to avoid unnecessary repetition of testimony.

*Regulations.* Copies of the regulations adopted for investigations under Section 22 may be obtained on application to the United States Tariff Commission, Washington, D. C., or to the New York office of the Commission, Room 712, Custom House, New York City.

I hereby certify that the above date for hearing was ordered by the United States Tariff Commission on the 19th day of December 1939.

[SEAL] SIDNEY MORGAN,
*Secretary.*

Notice issued December 20, 1939.

[F. R. Doc. 39-4716; Filed, December 20, 1939; 11:15 a. m.]

[1] 4 F.R. 4880 DI.

Reference

DEC 28 1939

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
# FEDERAL REGISTER
1934
OF THE UNITED STATES

VOLUME 4 NUMBER 247

*Washington, Friday, December 22, 1939*

## *The President*

### EXECUTIVE ORDER.

REVOCATION OF EXECUTIVE ORDER No. 2552 OF MARCH 21, 1917, WITHDRAWING PUBLIC LANDS FOR LIGHTHOUSE PURPOSES

ALASKA

By virtue of the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, Executive Order No. 2552 of March 21, 1917, withdrawing public land in Alaska for lighthouse purposes, is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 19, 1939.*

[No. 8304]

[F. R. Doc. 39-4725; Filed, December 20, 1939; 1:32 p. m.]

### EXECUTIVE ORDER

RESERVING CERTAIN PUBLIC LANDS FOR THE USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

ALASKA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, it is ordered as follows:

SEC. 1. Executive Order No. 4629 of April 13, 1927, reserving the following-described public lands in Alaska for the use of the Bureau of Biological Survey, Department of Agriculture (which Bureau was transferred to the Department of the Interior by Reorganization Plan No. II,[1] effective July 1, 1939), is hereby revoked:

*Fairbanks Meridian*

T. 1 S., R. 1 W., sec. 5, lots 2, 3, and 4;
T. 1 N., R. 1 W., sec. 32, N½, SW¼, N½SE¼, and SW¼SE¼; comprising 718.99 acres.

SEC. 2. Subject to the conditions expressed in the above-mentioned acts, and to valid existing rights, the lands described in section 1 of this order are hereby withdrawn and reserved for the use of the War Department for military purposes.

SEC. 3. The reservation made by this order is subject, as to the SW¼NE¼, S½NW¼, and N½SE¼, section 32, T. 1 N., R. 1 W., to the right-of-way of the Alaska Railroad under the act of March 12, 1914, c. 37, 38 Stat. 305.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 19, 1939.*

[No. 8305]

[F. R. Doc. 39-4726; Filed, December 20, 1939; 1:32 p. m.]

[1] 4 F.R. 2731 DI.

### EXECUTIVE ORDER

TAXES AND LICENSES IN THE CANAL ZONE

By virtue of and pursuant to the authority vested in me by section 401, title 2 of the Canal Zone Code, approved June 19, 1934, I hereby prescribe the following rules and regulations pertaining to taxes and licenses in the Canal Zone:

SECTION 1. *License taxes on certain businesses and occupations.* The following special license taxes shall be collected in the Canal Zone:

(a) For carrying on the business of a peddler, or of a runner soliciting sales of stores and chandlery to vessels, $2.00 per calendar month or fraction thereof: *Provided, however*, that where articles of food only are sold licenses shall be issued without collection of any tax.

(b) For the retail sale of tobacco in any form, $2.00 per calendar month or fraction thereof.

(c) For the retail sale of soda water, other aerated waters, or ice cream, from any fountain, booth, cart, or vehicle, $2.00 per calendar month or fraction thereof.

SECTION 2. *Licenses for certain businesses and occupations.* No person shall engage in any business or occupation described in section 1 of this order unless he is the holder of a valid license therefor issued by the Executive Secretary of the

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Panama Canal or by his authority. An application for a license may be denied if the character of the applicant is such as to warrant the belief that the privilege granted by the license will not be exercised in an orderly and lawful manner. Peddler's licenses issued to persons selling articles of food shall be subject to the condition that in the conduct of such business the licensee shall observe strictly the terms of the license or licenses issued to him and the applicable sanitary regulations, and shall obey the orders of the health officers. A failure so to do shall subject the license to cancelation by the Executive Secretary. Any license issued under this section shall be rendered void by conviction of the licensee, in any court of the Canal Zone, of a violation of law in the exercise of the privilege granted by the license.

SECTION 3. *Punishment for violations.* Under section 402 of title 2 of the Canal Zone Code, any person who engages in any business or occupation described in section 1 of this order without having a valid license therefor, as required by section 2 of this order, is punishable by a fine of not more than $25, or by imprisonment in jail for not more than thirty days, or by both.

SECTION 4. *Revocation of prior order.* Executive Order No. 2062 of October 13, 1914, entitled "Providing for License Taxes and Fees", is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 19, 1939.*

[No. 8306]

[F. R. Doc. 39-4727; Filed, December 20, 1939; 1:33 p. m.]

## EXECUTIVE ORDER

AMENDING THE FOREIGN SERVICE REGULATIONS OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by section 1752 of the Revised Statutes of the United States (U.S.C., title 22, sec. 132), it is ordered that the Foreign Service Regulations of the United States be, and they are hereby, amended by prescribing the following as Chapter XIV thereof:

### CHAPTER XIV

PROTECTION AND PROMOTION OF AMERICAN ECONOMIC INTERESTS

XIV–1. *Protection of American interests.* Officers of the Foreign Service shall protect the rights and interests of the United States in its international agricultural, commercial, and financial relations. In pursuance of this duty, they shall:

(a) Guard against the infringement of rights of American citizens in matters relating to commerce and navigation which are based on custom, international law, or treaty.

(b) Observe, report on, and, whenever possible, endeavor to remove discriminations against American agricultural, commercial, and industrial interests in other countries.

(c) Protect the national commercial reputation of the United States.

XIV–2. *Promotion of American interests.* Officers of the Foreign Service shall further the agricultural and commercial interests of the United States:

(a) By carefully studying and reporting on the potentialities of their districts as a market for American products or as a competitor of American products in international trade.

(b) By investigating and submitting World Trade Directory Reports on the general standing and distributing capacity of foreign firms within their districts.

(c) By preparing and submitting upon request trade lists of commercial firms within their districts.

(d) By keeping constantly on the alert for and submitting immediate reports on concrete trade opportunities.

(e) By endeavoring to create, within the scope of the duties to which they are assigned, a demand for American products within their districts.

(f) By facilitating and reporting on proposed visits of alien business men to the United States.

(g) By taking appropriate steps to facilitate the promotion of such import trade into the United States as the economic interests of the United States may require.

XIV–3. *Services for American citizens and business organizations in connection with the conduct of foreign trade.* Officers of the Foreign Service shall perform the following-enumerated services for American citizens and business organizations in connection with the conduct of foreign trade, subject to such rules and limitations thereon as may be prescribed by the Secretary of State:

(a) Answering trade inquiries.

(b) Lending direct assistance to American citizens and business firms.



(c) Encouraging the establishment of, and supporting, American chambers of commerce.

(d) Preparing themselves for and, upon instructions, performing trade conference work when in the United States on leave, or otherwise.

XIV–4. *Submission of reports on economic developments within district.* Officers of the Foreign Service shall prepare and submit reports in connection with their duties of protecting and promoting American agricultural and commercial interests and for the purpose of providing general information on economic developments within their respective districts for the Departments of State, Agriculture, and Commerce, and for other governmental departments and agencies, in accordance with such rules and regulations as the Secretary of State may prescribe.

*Cancelation of Regulations*

The following provisions of the Foreign Service Regulations of the United States are hereby canceled:

*Part I*

Sections VIII–13, XI–7, XVI–7, XVI–14, and XVI–17.

*Part II*

Sections XI–187A, XXVIII–589 to XXVIII–594, inclusive, XXVIII–597 to XXVIII–603E, inclusive, XXVIII–603G, XXVIII–603H, XXVIII–603J to XXVIII–603M, inclusive.

*Revocation of Executive Order*

Executive Order No. 3987, dated April 4, 1924, is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 19, 1939.*

[No. 8307]

[F. R. Doc. 39-4728; Filed, December 20, 1939; 1:34 p. m.]

# *Rules, Regulations, Orders*

## TITLE 6—AGRICULTURAL CREDIT

### CHAPTER I—FARM CREDIT ADMINISTRATION

[FCA 155]

PROHIBITING DIVULGENCE OF INFORMATION CONTAINED IN LOAN APPLICATIONS AND REPORTS IN CONNECTION WITH EMERGENCY CROP AND FEED LOANS

Section 4.4 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 4.4 *Prohibiting divulgence of information.* Except upon prior approval of the Governor of the Farm Credit Administration, all employees of the Farm Credit Administration, acting pursuant to the act of Congress approved January 29, 1937 (50 Stat. 5; 12 U.S.C., Sup. 1020i), as amended, or acting pursuant to any prior act or executive order of a similar general character, in administering emergency crop and feed loans made pursuant thereto, are prohibited from disclosing or furnishing, to any person other than an employee of the Federal Government, any information contained in any report upon or in any application for a loan authorized as aforesaid, or from giving out any copies thereof in court or from appearing as witnesses in any litigation, except on behalf of the United States in connection with a case referred to a United States attorney by the Governor, for the purpose of testifying to any facts or knowledge secured by them through any such applications or reports.

"Whenever subpoenas shall have been served on such employees, except subpoenas issued at the request of a United States attorney in connection with a case referred to him by the Governor, they will appear in court in answer thereto and, except with the prior approval aforesaid, will respectfully decline to testify to matters herein referred to as confidential, or to produce records thereof, on the grounds that the same are confidential, and they are prohibited from so doing. No copy of any application or report shall be furnished to any court of the United States or to any other court except on a rule of that court upon the Governor of the Farm Credit Administration requesting such a copy. Whenever such a rule of court shall have been obtained, employees of the Farm Credit Administration are directed to prepare carefully a copy of the application or report containing the information called for and to send it to the Director of the Emergency Crop and Feed Loan Section at Washington, D. C., whereupon (unless existing circumstances or conditions should make it necessary to decline, in the interests of public service, to furnish such a copy) it will be submitted to the Governor of the Farm Credit Administration with the request that it be authenticated under the seal of the Farm Credit Administration and transmitted to the judge of the court requesting it.

"No information of the character hereinabove described as confidential shall be released to an employee of the Federal Government, other than employees of the Emergency Crop and Feed Loan Section, except on the prior approval of the Director of the Emergency Crop and Feed Loan Section. (40 Stat. 635; 41 Stat. 1347; 42 Stat. 467; 43 Stat. 110; 44 Stat. Part II, 1251; 44 Stat. 1245; 45 Stat. 53; 45 Stat. 1306; 46 Stat. 3; 46 Stat. 78, 79; 46 Stat. 254; 46 Stat. 1032; 46 Stat. 1160; 46 Stat. 1276; 47 Stat. 5; 47 Stat. 1466; 47 Stat. 795; E.O. 6084, March 27, 1933, 6 CFR 1.1; 48 Stat. 354; E.O. 6747, June 23, 1934, 6 CFR 1.3, 48 Stat. 1055; 49 Stat. 28; E.O. 7305, February 28, 1936, 6 CFR 1.4; 49 Stat. 115; 50 Stat. 5, 12 U.S.C. Sup., 1020i; 52 Stat. 26, 12 U.S.C., Sup., 1020o note) [FCA Order No. 272, December 21, 1939]"

[SEAL] GERALD E. LYONS,
*Acting Governor,*
*Farm Credit Administration.*

[F. R. Doc. 39-4749; Filed, December 21, 1939; 12:32 p. m.]

[FCA 156]

REGULATIONS RELATIVE TO EMERGENCY CROP AND FEED LOANS IN THE CONTINENTAL UNITED STATES

Effective December 21, 1939, the following terms and conditions will apply to loans made by the Governor of the Farm Credit Administration to farmers in the continental United States pursuant to the act of Congress approved January 29, 1937, as amended.

PART 113—LOANS IN THE UNITED STATES

§ 113.1 *Loans in the United States.* Loans will be made for fallowing, for the production of crops, for planting, cultivating, and harvesting crops, for supplies incident and necessary to such production, planting, cultivating, and harvesting, and for feed for livestock, or for any of such purposes.*†

*§§ 113.1 to 113.22, inclusive, issued under the authority contained in Sec. 1, 50 Stat. 5; 12 U.S.C., Sup., 1020i. See also 52 Stat. 26.

†The source of §§ 113.1 to 113.22, inclusive, is FCA Order 273, December 21, 1939.

§ 113.2 *Eligibility; general.* Such loans may be made to farmers who have acreage suitable for cultivation, the necessary equipment for farming operations, and livestock for which feed is required, and who are unable to obtain a loan from other sources, and, further, such loans will be limited to the amount necessary to meet the actual cash needs, and preference shall be given to the application of farmers whose cash requirements are small.*†

§ 113.3 *Security.* Such loans shall be secured by a first lien, or by an agreement to give a first lien, upon all crops of which the planting, cultivation, production, or harvesting is to be financed, in whole or in part, with the proceeds of such loan; or, in case of any loan for the purchase and/or production of feed for livestock, a first lien upon the livestock to be fed.*†

§ 113.4 *Applicants agreements.* Applicants must agree (1) to use seed and methods approved by the Department of Agriculture; (2) to plant a garden for home use; and (3) to plant a sufficient acreage of feed crops to supply feed for their workstock and subsistence cattle.*†

§ 113.5 *Loan limitation and interest rate.* No loan made to any borrower shall exceed $400, nor shall a loan be so made in any calendar year which, together with the unpaid principal of prior loans so made to such borrower in that year, shall exceed $400 in amount. No loan will be made for an amount less than $10. All loans will be made in multiples of $5. Notes will bear interest, from maturity until paid, at the rate of 4 percent per annum; and interest to the maturity date at the same rate will be deducted at the time the loan is made.*†

§ 113.6 *Farm Security Administration borrowers.* No such loan will be made to any applicant who is a standard re-

*†For statutory and source citations, see note to § 113.1.

habilitation client of the Farm Security Administration or whose application for a standard loan has been approved by the local supervisor of the Farm Security Administration and forwarded to the regional office for approval, as indicated on lists furnished by the Farm Security Administration.*†

§ 113.7 *Available credit.* No such loan will be made to any applicant who can obtain a loan from other sources, including production credit associations, in an amount reasonably adequate to meet his needs for the purposes for which such loans may be made. An applicant for a loan in an amount in excess of a minimum fixed by the Governor, or his representative, for the territory in which the applicant resides, must first submit written evidence from a production credit association that his application for a loan of the same or less amount has been rejected.*†

§ 113.8 *Production credit applicants.* No such loan will be made to any applicant who has an application for a crop or feed loan pending with a production credit association.*†

§ 113.9 *Good faith.* No such loan will be made to any applicant who has not undertaken in good faith to meet his obligations in connection with any previous crop, feed, or seed loans as follows: has willfully misused the proceeds of a loan check for any purpose other than those specified in his application; has failed to plant a crop or has planted crops on lands other than those described in the application; has willfully disposed of crops mortgaged to the Governor, or failed to account satisfactorily therefor without applying the proceeds of the sale or the value thereof as a payment on his loan; has willfully used the crops mortgaged to the Governor for any purpose other than that stated in his application or applications; or has failed to pay all or part of such loan or loans when able to do so.*†

§ 113.10 *Members of family units.* No such loan will be made to more than one member of a family unit or to any person living and/or farming with an applicant whose application for a loan hereunder has been disapproved.*†

§ 113.11 *Other means of livelihood.* No such loan will be made to any applicant who has a means of livelihood other than farming.*†

§ 113.12 *Partnerships, corporations, etc.* No such loan will be made to partnerships, corporations, minors, guardians, agents, executors, or administrators; or, to receivers or trustees.*†

§ 113.13 *Husband and wife.* No such loan will be made to a wife living with her husband unless the husband joins in the application, note, and mortgage or lien.*†

§ 113.14 *Purchase of machinery, etc.* No such loan will be made for the purchase of machinery or livestock, or for the payment of taxes, rent, debts, or interest or for any purpose other than as specified herein.*†

§ 113.15 *Installments.* Loans may be disbursed in one payment or in installments at the discretion of the regional manager.*†

§ 113.16 *Per acre allowance, etc.* No loan for the production of crops will be made to any applicant in an amount greater than his actual cash needs for the production of crops, and for supplies incident and necessary to such production, including feed for workstock and necessary subsistence livestock.

The actual cash needs in a particular case must not exceed the actual costs per acre in such case as determined by individual consideration of the various factors involved, e. g., whether it is necessary to purchase seed, feed, fertilizer, spraying material and/or fuel for tractors; the cost thereof; and any other incidental expenses currently incurred in that community in connection with the particular crop to be produced. In no event may loans for crop production purposes exceed the following maximum allowances per acre:

*Maximum Allowances per Acre*

| | 1 Without commercial fertilizer | 2 Where commercial fertilizer is used | 3 Where commercial fertilizer and spray material, including dust, are used [1] |
|---|---|---|---|
| Grain crops | [2] $2.50 | [2] $4.00 | |
| Cotton | 4.00 | 6.00 | |
| Tobacco | 4.00 | 12.00 | $13.00 |
| Peanuts | 3.00 | 4.50 | |
| Irish potatoes (commercial) | 10.00 | 25.00 | 27.50 |
| Truck (commercial) | 10.00 | 22.00 | 25.00 |
| Miscellaneous crops | [3] 2.00 | [3] 3.50 | |
| Sugarcane | 12.00 | 12.00 | |
| Sugar beets | 8.00 | 12.00 | |
| Rice: | | | |
| When landlord furnishes water | 8.00 | 8.00 | |
| If landlord does not furnish water | 13.00 | 13.00 | |
| Citrus fruit trees (bearing) | 20.00 | 20.00 | 20.00 |
| Other fruit trees (bearing) | 10.00 | 14.00 | 20.00 |

[1] Where spray material, including dust, is used without commercial fertilizer, the allowance for such spray material and dust will be the difference, if any, between the allowances in column 2 and column 3.

[2] Of the grain allowances shown in the table not more than $1 shall be used for summer fallowing.

[3] In the case of crops not provided for in the table of allowances, if the allowance for miscellaneous crops is not adequate, the Director of the Emergency Crop and Feed Loan Section may fix an allowance not to exceed the actual cost per acre.

These figures include allowances for fuel, oil and feed for workstock for crop production purposes and incidental expenses, for which no additional allowances will be made.

An additional allowance not to exceed $3 per acre will be made for water charges (including maintenance, electric power, and fuel) for crops other than rice grown on irrigated land.

Allowances for commercial fertilizer will be made only in areas where commercial fertilizer is customarily used.*†

§ 113.17 *Feed production allowances.* No loan for the production of feed for livestock will be made in an amount greater than is actually necessary to produce sufficient crops to feed the livestock upon which a mortgage has been given to secure the loan. In no event may a loan for the production of feed for livestock be made on a basis which exceeds a maximum allowance of $2.50 per acre.

This figure includes allowances for seed, fuel, oil, feed for workstock while engaged in the production of the feed crops, and incidental expenses, for which no additional allowances will be made.*†

§ 113.18 *Feed purchase allowances.* No loan for the purchase of feed for livestock will be made in an amount greater than is actually necessary to maintain the livestock until pasturage and/or forage or until feed is available, and in no case may a loan for the purchase of feed for livestock be made on a basis which exceeds the following rates per head of livestock per month:

*Maximum Allowances for the Purchase of Feed for Livestock per Head per Month* [1]

| | |
|---|---|
| Stock horses | $3.00 |
| Dairy and breeding cows | 4.00 |
| Stock cattle (from 1 to 2 years old) | 2.00 |
| Sheep (1 to 6 years, inclusive) | .50 |
| Breeding hogs | 1.00 |

[1] The allowances set forth in this table apply only to loans for the purchase of feed for the kinds of livestock listed above and are not to be used for the feeding of workstock. Feed for workstock is included in the allowances provided for the production of both cash and feed crops.*†

§ 113.19 *Harvesting allowances.* An amount not greater than the actual harvesting and threshing expenses may, in the discretion of the regional manager, be released from the proceeds of the sale of any of the crops covered by a lien given to the Governor in any case where a borrower does not have the necessary funds or credit to pay for the harvesting and threshing of such crops.*†

§ 113.20 *Forms.* The amount approved for a loan by the Governor or his representative under these regulations will be paid to the applicant by a disbursing officer upon receipt and approval by the Governor or his representative of the following documents:

(a) Application in the form prescribed, signed by the applicant.

(b) Promissory note (or bond in Pennsylvania) in the form prescribed, executed by the applicant for the amount approved by the Governor or his representative, payable to the Governor, bearing interest at the rate of 4 percent per annum from maturity until paid.

(c) In order to afford adequate protection and preserve the statutory priority of liens for seed loans made in North Dakota, South Dakota, Minnesota, and Montana, the following requirements will be observed:

*North Dakota.* Each applicant in North Dakota who applies for a loan for the purchase of seed, feed for workstock, gas, oil, and minor repairs on farm equipment only, or for one or more of such purposes, shall execute a note for the amount of such loan and secure the repayment of such loan by a crop lien; each applicant in such State who applies for a loan for any or all of the above purposes and for other purposes in addition thereto, shall execute a note for the total amount of such loan and secure the repayment of such loan by a crop mortgage and also shall execute a crop lien to secure the repayment of that part of such loan which is proposed to be used for the purchase of seed, feed for workstock, gas, oil, and minor repairs on farm equipment, or for one or more of such purposes;

*Minnesota.* Each applicant in Minnesota who applies for a loan, either for the purchase of seed only or for the purchase of seed and for other purposes, shall execute a note for the total amount of such loan and secure the repayment of the entire loan by a crop mortgage, and in addition thereto shall execute a seed lien to secure the repayment of that part of such loan which is proposed to be used for the purchase of seed;

*South Dakota and Montana.* Each applicant in the States of South Dakota and Montana who applies for a loan for the purchase of seed only, shall execute a note for the amount of such loan and secure the repayment thereof by a seed lien; each applicant in the above States who applies for a loan to be used in part for seed and in part for other purposes shall execute a note for the total amount of such loan and secure the repayment thereof by a crop mortgage, and in addition thereto shall execute a seed lien to secure the repayment of that part of such loan which is proposed to be used for the purchase of seed.

(d) Lien instruments (including waivers) in the form prescribed, conveying a first lien or a promise and authority, properly executed and filed, registered or recorded in the proper office as required by local State law.

(e) A voucher for the amount of the loan in the form prescribed, signed by the applicant.*†

§ 113.21 *Fees.* Fees for recording, filing, registration, an examination of records (including certificates) shall be paid by the borrower; provided, however, that such fees aggregating not to exceed 75 cents per loan may be paid by him from the proceeds of the loan. No fees for releasing liens given to secure loans shall be paid from the proceeds of a loan.*†

§ 113.22 *Changing regulations.* The right is reserved to revoke, alter, or amend these regulations at any time and without notice.*†

[SEAL] GERALD E. LYONS,
*Acting Governor,*
*Farm Credit Administration.*

[F. R. Doc. 39-4750; Filed, December 21, 1939; 12:32 p. m.]

*†For statutory and source citations, see note to § 113.1.

*†For statutory and source citations, see note to § 113.1.

*†For statutory and source citations, see note to § 113.1.

*†For statutory and source citations, see note to § 113.1.



[F.C.A. 157]

REGULATIONS RELATIVE TO EMERGENCY CROP AND FEED LOANS IN THE TERRITORY OF HAWAII

Effective December 21, 1939, the following terms and conditions will apply to loans made by the Governor of the Farm Credit Administration to farmers in the Territory of Hawaii pursuant to the act of Congress approved January 29, 1937, as amended.

PART 114—LOANS IN HAWAII

§ 114.1 *Loans in Hawaii.* Loans will be made for the production of crops, for planting, cultivating, and harvesting crops, for supplies incident and necessary to such production, planting, cultivating, and harvesting, or any of such purposes.*†

*§§ 114.1 to 114.19, inclusive, issued under the authority contained in Sec. 1, 50 Stat. 5; 12 U.S.C., Sup. 1020i. See also 52 Stat. 26.

†The source of §§ 114.1 to 114.19, inclusive, is F.C.A. Order 274, December 21, 1939.

§ 114.2 *Eligibility; general.* Such loans may be made to farmers who have acreage suitable for cultivation, the necessary equipment for farming operations, and who are unable to obtain a loan from other sources, and, further, such loans will be limited to the amount necessary to meet the actual cash needs, and preference shall be given to the applications of farmers whose cash requirements are small.*†

§ 114.3 *Security.* Such loans shall be secured by a first lien upon all crops of which the planting, cultivation, production, or harvesting is to be financed, in whole or in part, with the proceeds of such loan.*†

§ 114.4 *Applicants agreements.* Applicants must agree (1) to use seed and methods approved by the Department of Agriculture; and (2) to plant a garden for home use.*†

§ 114.5 *Loan limitation and interest rate.* No loan made to any borrower shall exceed $400, nor shall a loan be so made in any calendar year which, together with the unpaid principal of prior loans so made to such borrower in that year, shall exceed $400 in amount. No loan will be made for an amount less than $25. All loans will be made in multiples of $5. Notes will bear interest, from maturity until paid, at the rate of 4 percent per annum; and interest to the maturity date at the same rate will be deducted at the time the loan is made.*†

§ 114.6 *Farm Security Administration borrowers.* No such loan will be made to any applicant who is a standard rehabilitation client of the Farm Security Administration or whose application for a standard loan has been approved by the local supervisor of the Farm Security Administration and forwarded to the regional office for approval, as indicated on lists furnished by the Farm Security Administration.*†

§ 114.7 *Available credit.* No such loan will be made to any applicant who can obtain a loan from other sources in an amount reasonably adequate to meet his needs for the purposes for which such loans may be made.*†

§ 114.8 *Marketing agreements, etc.* No such loan will be made to any applicant who is a pineapple grower unless he has a marketing agreement with a responsible pineapple cannery; to any sugarcane grower unless he signs, or agrees to sign, a grinding contract with an approved central or mill; or to any fruit or vegetable grower, or grower of any other crops, unless he agrees to marketing agreements which are satisfactory to the representative of the Emergency Crop and Feed Loan Office in The Territory of Hawaii.*†

§ 114.9 *Good faith.* No such loan will be made to any applicant who has not undertaken in good faith to meet his obligations in connection with any previous crop or seed loans as follows: has willfully misused the proceeds of a loan check for any purpose other than those specified in his application; has failed to plant a crop or has planted crops on lands other than those described in the application; has willfully disposed of crops mortgaged to the Governor, or failed to account satisfactorily therefor without applying the proceeds of the sale or the value thereof as a payment on his loan; has willfully used the crops mortgaged to the Governor for any purpose other than that stated in his application or applications; or has failed to pay all or part of such loan or loans when able to do so.*†

§ 114.10 *Members of family units.* No such loan will be made to more than one member of a family unit or to any person living and/or farming with an applicant whose application for a loan hereunder has been disapproved.*†

§ 114.11 *Other means of livelihood.* No such loan will be made to any applicant who has a means of livelihood other than farming.*†

§ 114.12 *Partnerships, corporations, etc.* No such loan will be made to partnerships, corporations, minors, guardians, agents, executors, or administrators; or, to receivers or trustees.*†

§ 114.13 *Husband and wife.* No such loan will be made to a wife living with her

*†For statutory and source citations, see note to § 114.1.

*†For statutory and source citations, see note to § 114.1.

husband unless the husband joins in the application, note, and mortgage or lien.*†

§ 114.14 *Purchase of machinery, etc.* No such loan will be made for the purchase of machinery or livestock, or for the payment of taxes, rent, debts, or interests or for any purpose other than as specified herein.*†

§ 114.15 *Installments.* Loans may be made, subject to the limitations specified herein, in such amounts and in such installments as the Hawaiian representative of the Emergency Crop and Feed Loan Section may approve.*†

§ 114.16 *Per acre allowances, etc.* No loan for the production of crops will be made to any applicant in an amount greater than his actual cash needs for the production of crops, and for supplies incident and necessary to such production, including feed for workstock and necessary subsistence livestock.

The actual cash needs in a particular case must not exceed the actual costs per acre in such case as determined by individual consideration of the various factors involved, e. g., whether it is necessary to purchase seed, feed, fertilizer, spraying material and/or fuel for tractors; the cost thereof; and any other incidental expenses currently incurred in that community in connection with the particular crop to be produced. In no event may loans for crop production purposes exceed the following maximum allowances per acre:

*Maximum Allowances per Acre*

| | Seed or plants | Fertilizer | Spray materials | Cash labor costs | Total |
|---|---|---|---|---|---|
| Sugarcane (plant) [1] | ------ | $40 | $10 | $50 | $100 |
| Sugarcane (ratoon) | ------ | 40 | 10 | 25 | 75 |
| Pineapple (plant) [1] | $30 | 60 | 10 | 100 | 200 |
| Pineapple (ratoon) | ------ | 60 | 10 | 40 | 110 |
| Coffee | ------ | 40 | 5 | 35 | 80 |
| Rice | ------ | 20 | ------ | 20 | 40 |

NOTE: Vegetable and Miscellaneous Crops:
The cost of seed or plants, fertilizer, and spray materials will be allowed plus a maximum of $10 per acre for hired labor in the case of vegetables only.

[1] Total amount per acre allowed shall not exceed the maximum indicated nor shall it exceed $1.25 a ton based on previous yield records for the same type cane. Where irrigation is practiced, the total allowance for all costs including irrigation shall not exceed $1.25 per ton on estimated yield.

[2] In the case of pineapples where mulching paper is used, an additional allowance not to exceed $60 per acre shall be permitted on approval of the Emergency Crop Loan representative, but in no case shall the total amount loaned per acre exceed $10 per ton based upon past record of performance for both plant and ratoon pineapples.

An amount not greater than the actual harvesting expenses may, in the discretion of the Hawaiian representative of the Emergency Crop and Feed Loan Section, be released from the proceeds of the sale of any of the crops covered by a lien given to the Governor, in any case where a borrower does not have the necessary funds or credit to pay for the harvesting of such crops.*†

§ 114.17 *Forms.* The amount approved for a loan by the Governor or his representatives under these regulations will be paid to the applicant by a disbursing officer upon receipt and approval by the Governor or his representative of the following documents:

(a) Application in the form prescribed, signed by the applicant.

(b) Promissory note in the form prescribed, executed by the applicant for the amount approved by the Governor or his representative, payable to the Governor, bearing interest at the rate of 4 percent per annum from maturity until paid.

(c) Lien instruments (including waivers) in the form prescribed, conveying a first lien, properly executed and filed, registered, or recorded in the proper office, as required by law.

(d) A voucher for the amount of the loan in the form prescribed, signed by the applicant.*†

§ 114.18 *Fees.* Fees for recording, filing, registration, and examination of records (including certificates) shall be paid by the borrower: *Provided, however,* That such fees aggregating not to exceed 75 cents per loan may be paid by him from the proceeds of the loan. No fees for releasing liens given to secure loans shall be paid from the proceeds of a loan.*†

§ 114.19 *Changing regulations.* The right is reserved to revoke, alter, or amend these regulations at any time and without notice.*†

[SEAL] GERALD E. LYONS,
*Acting Governor,*
*Farm Credit Administration.*

[F. R. Doc. 39-4751; Filed, December 21, 1939; 12:32 p. m.]

*†For statutory and source citations, see note to § 141.1.

[F.C.A. 158]

REGULATIONS RELATIVE TO EMERGENCY CROP AND FEED LOANS IN PUERTO RICO

Effective December 21, 1939, the following terms and conditions will apply to loans made by the Governor of the Farm Credit Administration to farmers in Puerto Rico pursuant to the act of Congress approved January 29, 1937, as amended.

PART 115—LOANS IN PUERTO RICO

§ 115.1 *Loans in Puerto Rico.* Loans will be made for the production of crops, for planting, cultivating, and harvesting of crops, for supplies incident and necessary to such production, planting, cultivating, and harvesting, or for any of such purposes.*†

*§§ 115.1 to 115.20, inclusive, issued under the authority contained in Sec. 1, 50 Stat. 5; 12 U.S.C., Sup., 1020l. See also 52 Stat. 26.

†The source of §§ 115.1 to 115.20, inclusive, is F.C.A. Order 275, December 21, 1939.

§ 115.2 *Eligibility; general.* Such loans may be made to farmers who have acreage fit for cultivation, the necessary equipment for farming operations, and who are unable to obtain a loan from other sources, and, further, such loans will be limited to the amount necessary to meet the actual cash needs, and preference shall be given to the application of farmers whose cash requirements are small.*†

§ 115.3 *Security.* Such loans shall be secured by a first lien upon all crops of which the planting, cultivation, production, or harvesting is to be financed, in whole or in part with the proceeds of such loan.*†

§ 115.4 *Applicants Agreements.* Applicants must agree (1) to use seed and methods approved by the Department of Agriculture; and (2) to plant and cultivate a garden for home use.*†

§ 115.5 *Loan limitation and interest rate.* No loan made to any borrower shall exceed $400, nor shall a loan be so made in any calendar year which, together with the unpaid principal of prior loans so made to such borrower in that year, shall exceed $400 in amount. No loan will be made for an amount less than $25. All loans will be made in multiples of $5. Notes will bear interest, from maturity until paid, at the rate of 4 percent per annum; and interest to the maturity date at the same rate will be deducted at the time the loan is made.*†

§ 115.6 *Farm Security Administration borrowers.* No such loan will be made to any applicant who is a standard rehabilitation client of the Farm Security Administration or whose application for a standard loan has been approved by the local supervisor of the Farm Security Administration and forwarded to the regional office for approval, as indicated on lists furnished by the Farm Security Administration.*†

§ 115.7 *Available credit.* No such loan will be made to any applicant who can obtain a loan from other sources, including production credit associations, in an amount reasonably adequate to meet his needs for the purposes for which such loans may be made. An applicant for a loan in an amount in excess of a minimum fixed by the Governor, or his representative, for the territory in which the applicant resides, must first submit written evidence from a production credit association that his application for a loan of the same or less amount has been rejected.*†

§ 115.8 *Production credit applicants.* No such loan will be made to any applicant who has an application for a crop loan pending with a production credit association.*†

§ 115.9 *Marketing agreements, etc.* No such loan will be made to any applicant who is a tobacco, coffee, fruit, or vegetable grower, or grower of any other crops, unless he signs a marketing agreement satisfactory to the representative of the Emergency Crop and Feed Loan Office in Puerto Rico, nor to any cane grower unless he signs or agrees to sign a grinding contract with an approved central or mill.*†

*†For statutory and source citations, see note to § 115.1.



§ 115.10 *Good faith.* No such loan will be made to any applicant who has not undertaken in good faith to meet his obligations in connection with any previous crop, feed, or seed loans as follows: has willfully misused the proceeds of a loan check for any purpose other than those specified in his application; has failed to plant a crop or has planted crops on lands other than those described in the application; has willfully disposed of crops mortgaged to the Governor, or failed to account satisfactorily therefor without applying the proceeds of the sale or the value thereof as a payment on his loan; has willfully used the crops mortgaged to the Governor for any purpose other than that stated in his application or applications; or has failed to pay all or part of such loan or loans when able to do so.*†

§ 115.11 *Other means of livelihood.* No such loan will be made to any applicant who has a means of livelihood other than farming.*†

§ 115.12 *Partnerships, corporations, etc.* No such loan will be made to partnerships, corporations, minors, guardians, agents, executors, or administrators; or, to receivers or trustees.*†

§ 115.13 *Husband and wife.* No such loan will be made to either a husband or a wife, if living together, unless both join in the application, note, and lien instrument(s).*†

§ 115.14 *Members of family units.* No such loan will be made to more than one member of a family unit nor to any person living and/or farming with an applicant whose application for a loan hereunder has been disapproved.*†

§ 115.15 *Purchase of machinery, etc.* No such loan will be made for the purchase of machinery or livestock, or for the payment of taxes, rent, debts, or interest or for any purpose other than as specified herein.*†

§ 115.16 *Installments.* Loans may be made, subject to the limitations specified herein, in such amounts and in such installments as the Puerto Rican representative of the Emergency Crop and Feed Loan Section may approve.*†

§ 115.17 *Per cuerda allowances, etc.* No loan for the production of crops will be made to any applicant in an amount greater than his actual cash needs for the production of crops, and for supplies incident and necessary to such production, including feed for workstock and necessary subsistence livestock.

The actual cash needs in a particular case must not exceed the actual costs per cuerda in such case as determined by individual consideration of the various factors involved, e. g., whether it is necessary to purchase seed, feed, fertilizer, spraying material, and/or fuel for tractors; the cost thereof; and any other incidental expenses currently incurred in that community in connection with the particular crop to be produced. In no event may loans for crop production purposes exceed the following maximum allowances per cuerda:

*Maximum Allowances per Cuerda*

| | (1) Without commercial fertilizer | (2) Where commercial fertilizer is used | (3) Where commercial fertilizer is used upon irrigated land |
|---|---|---|---|
| Long staple cotton | $5.00 | $10.00 | ------ |
| Tobacco [1] | 15.00 | 25.00 | ------ |
| Sugar cane (Gran Cultura) | 30.00 | 45.00 | $55.00 |
| Sugar cane (Primavera) | 20.00 | 34.00 | 45.00 |
| Sugar cane (Ratoon) | 10.00 | 25.00 | 35.00 |
| Cocoanuts [2] | 5.00 | 20.00 | ------ |
| Grapefruit and oranges (6 yrs. and over) [3] | 15.00 | 40.00 | 50.00 |
| Coffee [4] | 7.00 | 27.00 | ------ |
| Pineapples | 90.00 | 160.00 | ------ |
| Winter vegetables (for shipment to the States) | 10.00 | 25.00 | 30.00 |
| Miscellaneous crops | 5.00 | 5.00 | 5.00 |

[1] A harvesting allowance of $5.00 per cuerda may be made for stalk-cut tobacco, and $15.00 per cuerda for prime tobacco.

[2] When fertilizer is not used, loans shall be limited to $4.00 per thousand estimated yield of cocoanuts and not exceeding 20¢ per tree. When fertilizer is used, loans shall be limited to $10.00 per thousand estimated yield of cocoanuts, not exceeding 50¢ per tree, and not exceeding $30.00 per cuerda in any case.

[3] Not exceeding 30¢ per box estimated crop on tree.

[4] Not exceeding $5.00 per cuerda additional where harvesting advance is made (whether with or without fertilizer).

In addition to the $7.00 allowance provided where fertilizer is not used, $15.00 may be allowed for fertilizer and $5.00 for applying the same.

The use of fertilizer is optional with the borrower, but if an allowance is made for such purpose the following table indicates, for varying acreages in coffee, the number of acres which in each instance is the minimum that must be fertilized and the maximum for which an allowance will be approved:

| Number acres in coffee: | *Number acres which must be fertilized and in excess of which no allowance will be approved* |
|---|---|
| 1–5 (inclusive) | ½ |
| 6–10 (inclusive) | 1 |
| 11–20 (inclusive) | 2 |
| 21–40 (inclusive) | 3 |
| Over 40 | 4 |

The application of fertilizer must be in accordance with the best methods advocated by the Extension Service, and must be under the supervision of the Extension Service field force.*†

§ 115.18 *Forms.* The amount approved for a loan by the Governor or his representative under these regulations will be paid to the applicant by a disbursing officer upon receipt and approval by the Governor or his representative of the following documents:

(a) Application in the form prescribed, signed by the applicant.

(b) Promissory note in the form prescribed, executed by the applicant for the amount approved by the Governor or his representative, payable to the Governor, bearing interest at the rate of 4 percent per annum from maturity until paid.

(c) Lien instruments (including waivers) in the form prescribed, conveying a first lien, properly executed and filed, registered, or recorded in the proper office, as required by law.

(d) A voucher for the amount of the loan in the form prescribed, signed by the applicant.*†

§ 115.19 *Fees.* Fees for recording, filing, registration, and examination of records (including certificates) shall be paid by the borrower: *Provided, however,* That such fees aggregating not to exceed 75 cents per loan may be paid by him from the proceeds of the loan. No fees for releasing liens given to secure loans shall be paid from the proceeds of a loan.*†

§ 115.20 *Changing regulations.* The right is reserved to revoke, alter, or amend these regulations at any time and without notice.*†

[SEAL] GERALD E. LYONS,
*Acting Governor,*
*Farm Credit Administration.*

[F. R. Doc. 39-4752; Filed, December 21, 1939; 12:33 p. m.]

*†For statutory and source citations, see note to § 115.1.

[FCA 159]

AMENDMENT OF REGULATIONS GOVERNING EMERGENCY CROP AND FEED LOANS IN THE UNITED STATES

Section 113.16 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 113.16 *Per acre allowances, etc.* No loan for the production of crops will be made to any applicant in an amount greater than his actual needs for the production of crops, and for supplies incident and necessary to such production, including feed for workstock and necessary subsistence livestock.

The actual cash needs in a particular case must not exceed the actual costs per acre in such case as determined by individual consideration of the various factors involved, e. g., whether it is necessary to purchase seed, feed, fertilizer, spraying material and/or fuel for tractors; the cost thereof; and any other incidental expenses currently incurred in that community in connection with the particular crop to be produced. In no event may loans for crop production purposes exceed the following maximum allowances per acre:

*†For statutory and source citations, see note to § 115.1.

*Maximum Allowances per Acre*

| | 1 Without commercial fertilizer | 2 Where commercial fertilizer is used | 3 Where commercial fertilizer and spray material, including dust, are used [1] |
|---|---|---|---|
| Grain crops | [2] $2.50 | [2] $4.00 | |
| Cotton | 4.00 | 6.00 | |
| Tobacco | 4.00 | 12.00 | $13.00 |
| Peanuts | 3.00 | 4.50 | |
| Irish potatoes (commercial) | 10.00 | 25.00 | 27.50 |
| Truck (commercial) | 10.00 | 22.00 | 25.00 |
| Miscellaneous crops | [2] 2.00 | [3] 3.50 | |
| Sugarcane | 12.00 | 12.00 | |
| Sugar beets | 8.00 | 12.00 | |
| Rice: | | | |
| When landlord furnishes water | 8.00 | 8.00 | |
| If landlord does not furnish water | 13.00 | 13.00 | |
| Citrus fruit trees (bearing) | 20.00 | 20.00 | 20.00 |
| Other fruit trees (bearing) | 10.00 | 14.00 | 20.00 |

[1] Where spray material, including dust, is used without commercial fertilizer, the allowance for such spray material and dust will be the difference, if any, between the allowances in column 2 and column 3.

[2] Of the grain allowances shown in the table not more than $1 shall be used for summer fallowing.

[3] In the case of crops not provided for in the table of allowances, if the allowance for miscellaneous crops is not adequate, the Director of the Emergency Crop and Feed Loan Section may fix an allowance not to exceed the actual cost per acre.

These figures include allowances for fuel, oil, and feed for workstock for crop production purposes and incidental expenses, for which no additional allowances will be made.

An additional allowance not to exceed $3 per acre will be made for water charges (including maintenance, electric power, and fuel) for crops other than rice grown on irrigated land.

Allowances for commercial fertilizer will be made only in areas where commercial fertilizer is customarily used.

The following exceptions are made to the foregoing table of maximum allowances per acre;

(1) The maximum allowance per acre for the purpose of producing and harvesting Irish potatoes (where commercial fertilizer and spray material, including dust, are used) in that section known as the "Eastern Shore," which comprises the State of Delaware and the eastern shore of the States of Maryland and Virginia, shall be $35 per acre.

(2) The maximum allowance per acre to be loaned to tobacco growers in the States of Connecticut and Massachusetts shall not exceed the following:

| | |
|---|---|
| Without commercial fertilizer | $4.00 |
| Where commercial fertilizer is used | 30.00 |
| Where spray material, including dust, is also used, add | 3.00 |

(3) The maximum allowance per acre in the States of Washington, Oregon, and Idaho for fertilizing, spraying, and dusting fruit trees of bearing age, other than citrus, shall not exceed $40 per acre.

(4) The maximum allowance per acre for the purpose of producing Irish potatoes (where commercial fertilizer and spray material, including dust, are used) in the States of Maine, Connecticut, and Massachusetts; in Coon County, New Hampshire, and in the Counties of Suffolk and Nassau on Long Island in New York State, shall not exceed $35 per acre. (Sec. 1, 50 Stat. 5; 12 U.S.C., Sup., 1201i. See also 52 Stat. 26) [FCA Orders Nos. 276, 277, 278, and 279, December 21, 1939]

[SEAL] GERALD E. LYONS,
*Acting Governor,*
*Farm Credit Administration.*

[F. R. Doc. 39-4753; Filed, December 21, 1939; 12:34 p. m.]

## TITLE 12—BANKS AND BANKING

## CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

DEPOSITS OF APPROVED FEDERAL HOUSING ADMINISTRATION MORTGAGEE

§ 305.4 *Deposits of approved Federal Housing Administration mortgagee.* The owner of any portion of a deposit representing payments made under mortgages insured by the Federal Housing Administrator and appearing on the records of a closed bank under the name of an approved Federal Housing Administration mortgagee or its agent will be recognized for all purposes of claim for insured deposits to the same extent as if his name and interest were disclosed on the records of the bank: Provided, That the interest of such owner in the deposit is disclosed on the records maintained by such mortgagee or its agent and, Provided further, That such records have been maintained in good faith and in the regular course of business. (Sec. 101 (m) (3), 49 Stat. 697; 12 U.S.C., Sup., 264 (m) (3)) [Res., June 20, 1939, as amended December 13, 1939]

[SEAL] E. F. DOWNEY,
*Secretary.*

[F. R. Doc. 39-4740; Filed, December 21, 1939; 11:03 a. m.]

## TITLE 19—CUSTOMS

## CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50044]

INVOICES—COTTON WASTE

NOTICE OF ADDITIONAL DATA TO BE INCLUDED ON INVOICES OF ALL COTTON WASTES [1]

*To Collectors of Customs and Others Concerned:*

With reference to article 274 (e) (2), Customs Regulations of 1937, as amended by (1938) T.D. 49426 [Sec. 6.1 (c)], customs invoices for all cotton wastes are required to set forth the following information, in addition to all other information required by law and regulation:

(1) The name by which the cotton waste is known, such as "cotton card stripe"; "cotton comber waste"; "cotton lap waste"; "cotton sliver waste"; "cotton roving waste"; "cotton fly waste"; etc;

(2) Whether the length of staple of the cotton from which any cotton card strips covered by the invoice were made is less than 1 5/16 inches or is 1 5/16 inches or more;

(3) Whether the length of staple of the cotton from which any cotton comber waste covered by the invoice was made is less than 1 7/8 inches or is 1 7/8 inches or more.

This requirement shall be effective as to invoices certified after sixty days after publication of this requirement in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

Approved, December 15, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4730; Filed, December 20, 1939; 1:39 p. m.]

[1] This document affects 19 CFR 6.1 (c).

[T.D. 50045]

INVOICES—RAW COTTON

NOTICE OF ADDITIONAL DATA TO BE INCLUDED ON INVOICES COVERING RAW COTTON [1]

*To Collectors of Customs and Others Concerned:*

With reference to article 274 (e) (2), Customs Regulations of 1937, as amended by (1938) T.D. 49426 [Sec. 6.1 (c)], customs invoices covering raw cotton are required to set forth, in addition to all other information required by law or regulation, whichever of the following statements is applicable:

(1) The cotton covered by this invoice is harsh or rough cotton of less than 3/4 inch in staple length;

(2) The staple length of the cotton covered by this invoice is less than 1 1/8 inches;

(3) The staple length of the cotton covered by this invoice is 1 1/8 inches or more.

In the event the above statements, or any of them, are applicable to only part of the merchandise covered by the invoice the part to which each statement is applicable should be specified.

This requirement shall be effective as to invoices certified after sixty days after publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

Approved, December 15, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4731; Filed, December 20, 1939; 1:39 p. m.]

[1] This document affects 19 CFR 6.1 (c).



[T.D. 50046]

INVOICES—ARTICLES CONTAINING COPPER

NOTICE OF ADDITIONAL INFORMATION ON INVOICES COVERING ARTICLES CONTAINING COPPER. T.D. 45578 SUPERSEDED IN PART [1]

*To Collectors of Customs and Others Concerned:*

With reference to article 274 (e) (2), Customs Regulations of 1937, as amended by (1938) T.D. 49426 [Sec. 6.1 (c)], invoices covering articles containing four percent or more of copper (including copper in alloy) by weight are required to contain, in addition to all other information required by law and regulation, whichever of the following statements is applicable:

(1) For the purpose of assessment of tax under I. R. C., Sec. 3425, it is conceded that copper is the component material of chief value in the articles covered by this invoice.

(2) Copper is not the component material of chief value of the articles covered by this invoice but for the purpose of assessment of tax under I. R. C., Sec. 3425 it is conceded that they contain four percent or more of copper by weight.

In the event that statement (1) or statement (2) above is applicable to part only of the articles covered by an invoice, the articles to which either statement applies should be specified.

The requirements of additional information contained in paragraph numbered 6 of (1932) T.D. 45578 are hereby superseded, effective as to consular invoices certified after sixty days after the date of publication of this document in the weekly Treasury Decisions. (Sec. 481 (a) (10), 46 Stat. 719; 19 U.S.C. 1481 (a) (10))

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

Approved, December 15, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4732; Filed, December 20, 1939; 1:40 p. m.]

[1] This document affects 19 CFR 6.1(c).

[T.D. 50043]

RESTRICTIONS ON FREE ENTRY OF PHILIPPINE ARTICLES

CUSTOMS REGULATIONS AMENDED [1]

Customs Regulations of 1937 amended by including therein provisions of the Act of August 7, 1939, Public No. 300, 76th Congress, an Act to amend the Philippine Independence Act (48 Stat. 456), relating to articles coming into the United States from the Philippine Islands, and instructions for the enforcement of those provisions.

*To Collectors of Customs and Others Concerned:*

The Customs Regulations of 1937 are hereby amended as follows:

Article 260 (c) [Sec. 5.3 (b)] is amended to read as follows:

(c) [§ 5.3 (b)] To establish that an article is the growth, product, or manufacture of the Philippine Islands and does not contain foreign materials to the value of more than 20 per centum of its total value there shall be filed in connection with the entry a certificate of origin signed by a collector of customs, deputy collector of customs, or other competent authority of the Philippine Government, but the collector of customs at the port of entry in the United States may require supplementary evidence if he believes that it is necessary. However, in the case of shipments valued at $10 or less such fact may be established by any means satisfactory to such collector. In the absence of such certificate of origin or other required document at the time of entry, a bond on customs Form 7551 or 7553 or other appropriate form, or a deposit of estimated duties, may be taken for the production thereof, except that bond for the production of a bill of lading shall be taken on customs Form 7581 or 7587. (See art. 382 (e) [Sec. 7.17 (e)]) (Secs. 301, 624, 46 Stat. 685, 759; 19 U.S.C. 1301, 1624. Act of August 7, 1939, Pub. No. 300, 76th Congress)

Article 262 is amended to read as follows:

ART. 262 [§ 5.3a] *Philippine Export Tax—Free Entry Quotas Established—Limitation on Admission of Cordage.*—(a) Philippine Independence Act, section 6 (48 Stat. 459), as amended by the Act of August 7, 1939, Public No. 300, 76th Congress, section 1:

SEC. 6. During the period beginning January 1, 1940, and ending July 3, 1946, trade relations between the United States and the Philippines shall be as now provided by law, subject to the following exceptions:

(a) On and after January 1, 1941, the Philippine Government shall impose and collect an export tax on every Philippine article shipped from the Philippines to the United States, except as otherwise specifically provided in this section. Said tax shall be computed in the manner hereinafter set forth in this subsection and in subsection (c) of this section. During the period January 1, 1941, through December 31, 1941, the export tax on every such article shall be 5 per centum of the United States duty; on each succeeding January 1 thereafter the export tax shall be increased progressively by an additional 5 per centum of the United States duty, except that during the period January 1, 1946, through July 3, 1946, the export tax shall remain at 25 per centum of the United States duty.

(b) (1) No export tax described in subsection (a) of this section shall be imposed or collected upon any Philippine article of a class or kind in respect of which a quota is established by subdivision (3) of this subsection and which is entered, or withdrawn from warehouse, for consumption after December 31, 1939, in excess of its respective quota: *Provided, however,* That nothing in this section or any subsection thereof shall be construed to exempt the quota of coconut oil therein provided for from the excise taxes provided for in section 2470 of the Internal Revenue Code (I. R. C., ch. 21, sec. 2470).

(3) For the purposes indicated in subdivisions (1) and (2) of this subsection, there are hereby established the following quotas of the designated Philippine articles: For the calendar year 1940, the quotas, hereafter called original quotas, shall be as follows:

a. Cigars (exclusive of cigarettes, cheroots of all kinds, and paper cigars and cigarettes including wrappers), two hundred million cigars;

b. Scrap tobacco, and stemmed and unstemmed filler tobacco described in paragraph 602 of the Tariff Act of 1930, four million five hundred thousand pounds;

c. Coconut oil, two hundred thousand long tons;

d. Buttons of pearl or shell, eight hundred and fifty thousand gross.

For each calendar year thereafter through the calendar year 1945, each of the said quotas shall be the same as the corresponding quota for the immediately preceding calendar year, less 5 per centum of the corresponding original quota.

For the period January 1, 1946, through July 3, 1946, each of said quotas shall be one-half of the corresponding quota specified for the calendar year 1945.

(c) The Philippine Government, in imposing and collecting export taxes on Philippine embroideries, shall compute the tax in accordance with the formulas specified in subsection (a) of this section, except that in determining the taxable value of any such article, an allowance shall be made equal to the cost—cost, insurance, and freight the Philippines—of any cloth of United States origin used in the production thereof.

[1] This document affects 19 CFR 5.2, 5.3a (inserted) and 7.17.

(d) The United States duty shall be levied, collected, and paid, in the United States, upon all Philippine sugars, which are entered, or withdrawn from warehouse, for consumption in any calendar year after 1939, in excess of eight hundred and fifty thousand long tons, of which not more than fifty thousand long tons may be refined sugars: *Provided, however*, That for the period January 1, 1946, through July 3, 1946, the quota of Philippine sugars, not subject to the United States duty, shall be four hundred and twenty-five thousand long tons, of which not more than twenty-five thousand long tons may be refined sugars. Any export tax imposed and collected on Philippine sugars entered or withdrawn from warehouse for consumption in excess of the quotas established by this subsection shall be refunded by the Philippine Government.

(e) Upon the expiration of the Act of June 14, 1935 (49 Stat. 340), as extended to May 1, 1941, by proclamation of the President, dated January 26, 1938, the total amount of all Philippine cordage coming into the United States which may be entered or withdrawn from warehouse, for consumption during the remainder of the calendar year 1941, shall not exceed four million pounds and in any calendar year after 1941 shall not exceed six million pounds: *Provided, however*, That for the period January 1, 1946, through July 3, 1946, the total amount of Philippine cordage which may be entered, or withdrawn from warehouse, for consumption shall not exceed three million pounds.

* * * * *

(h) No article shipped from the Philippines to the United States on or after January 1, 1941, subject to an export tax provided for in this section, shall be admitted to entry in the United States until the importer of such article shall present to the United States collector of customs a certificate, signed by a competent authority of the Philippine Government, setting forth the value and quantity of the article and the rate and amount of the export tax paid, or shall give a bond for the production of such certificate within six months from the date of entry.

* * * * *

(b) Philippine Independence Act (48 Stat. 456), as amended by the Act of August 7, 1939, Public No. 300, 76th Congress, section 5:

SEC. 18. (a) As used in sections 6 * * * of this Act—

(1) The term "United States", when used in a geographical sense, but not the term "continental United States", includes all Territories and possessions of the United States, other than the Philippines.

(2) The term "cordage" includes yarns, twines (including binding twine described in paragraph 1622 of the Tariff Act of 1930 (46 Stat. 675)), cords, cordage, rope and cable, tarred or untarred, wholly or in chief value of manila (abaca) or other hard fiber.

(3) The term "Philippine Government" means the Government of the Commonwealth of the Philippines.

(4) The term "United States duty", when used in connection with the computation of export taxes, means the lowest rate of ordinary customs duty in effect at the time of the shipment of the article concerned from the Philippines and applicable to like articles imported into the continental United States from any foreign country, except Cuba, or when more than one rate of ordinary customs duty is applicable to such like articles, the aggregate of such rates.

(5) The term "refined sugars" possesses the same meaning as the term "direct-consumption sugar" as defined in section 101 of the Sugar Act of 1937.

(6) The term "Philippine article" means an article the growth, produce, or manufacture of the Philippines, in the production of which no materials of other than Philippine or United States origin valued in excess of 20 per centum of the total value of such article was used and which is brought into the United States from the Philippines.

(7) The term "American article" means an article the growth, produce, or manufacture of the United States, in the production of which no materials of other than Philippine or United States origin valued in excess of 20 per centum of the total value of such article was used and which is brought into the Philippines from the United States.

(8) The term "Philippine import duty" means the lowest rate of ordinary customs duty applicable at the port of arrival, at the time of entry, or withdrawal from warehouse, for consumption of the articles concerned, to like articles imported into the Philippines from any other foreign country, or when more than one rate of ordinary customs duty is applicable to such like articles, the aggregate of such rates.

(b) As used in subsection (a) of this section:

(1) The terms "includes" and "including" shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(2) The term "ordinary customs duty" shall not include any import duty or charge which is imposed to compensate for an internal tax imposed in respect of a like domestic product or in respect of a commodity from which the imported product has been manufactured or produced in whole or in part.

* * * * *

(c) Act of August 7, 1939, Public No. 300, 76th Congress, section 7 (b):

(b) Section 1 of this amendatory Act shall remain in full force and effect from the effective date thereof until July 4, 1946, unless the President of the United States shall, prior to July 4, 1946, have found and proclaimed that the Philippine Government has, in any substantial respect, repealed or amended, or failed or refused to enforce or administer any Philippine law referred to in subdivision (2) of subsection (a) of this section. In the event of such a finding and proclamation, section 1 shall immediately become ineffective and trade relations between the United States and the Philippines shall be as provided by section 6 of the Act of March 24, 1934, prior to the enactment of this amendatory Act and by section 13 of the said Act.

* * * * *

(d) United States Code, Sup. IV, title 48, section 1236a:

Effective May 1, 1935, and for three years thereafter, the total amount of all yarns, twines, cords, cordage, rope, and cable, tarred or untarred, wholly or in chief value of Manila (abaca) or other hard fiber, produced or manufactured in the Philippine Islands, coming into the United States from the Philippine Islands, shall not exceed six million pounds during each successive twelve months period, which six million pounds shall enter the United States duty free.

* * * * *

Pending the final and complete withdrawal of American sovereignty over the Philippine Islands, the President of the United States may, by proclamation, at least ninety days prior to the expiration of the three year period provided herein, extend the operation of this section for an additional period of three years or more, provided such extension is accepted by the President of the Commonwealth of the Philippines.

* * * * *

Except as provided herein, nothing in this section shall be construed to modify or repeal the provisions of any existing law.

The Secretary of the Treasury shall promulgate such rules and regulations as may be necessary to enforce the provisions hereof; and this section shall be enforced as part of the customs law. (June 14, 1935, c. 240, 49 Stat. 340)

[By proclamation the effective date was extended for an additional period of three years from and including May 1, 1938. Proclamation No. 2272,[1] promulgated Jan. 26, 1938.]

(e) Collectors of customs shall submit reports to the Commissioner of Customs, Washington, D. C., on Monday of each week for the week ending the previous Saturday, stating in respect of each shipment from the Philippine Islands (including shipments covered by mail entries or baggage declarations) of any commodity for which a quota is established, the name of the commodity, the port, kind, number, and date of entry, and in the case of a warehouse withdrawal, the date of the issuance of the permit of delivery. In respect of each shipment of cordage, the vessel and the port and date of arrival shall also be stated. Such reports should show the net weight in pounds of coconut oil, sugar, cordage, scrap tobacco, and filler tobacco; the

[1] 3 F.R. 261 DI.

number of cigars; and the number, expressed in gross, of buttons of pearl or shell.

In the case of sugar, such reports should show also the name of the vessel, the net weight in pounds (irrespective of polarization) and the class, i. e., (1) "refined sugars", or (2) "sugars other than refined". As used in this paragraph the term "refined sugars" shall mean any grade or type of product derived from sugar cane or sugar beets, which contains sucrose, dextrose, or levulose, which is principally of crystalline structure, and which is not to be further refined or otherwise improved in quality; and "sugars other than refined" shall mean any grade or type of saccharine product derived from sugar cane or sugar beets, which contains sucrose, dextrose, or levulose, which is principally of crystalline structure but which is to be further refined or otherwise improved in quality. Sugars in dry amorphous form shall be considered to be principally of crystalline structure.

There shall be filed in connection with the entry of sugar arriving from the Philippine Islands an affidavit of the importer stating whether or not such sugar is to be further refined or improved in quality.

(f) When the quotas for the commodities which may be entered for consumption or withdrawn from warehouse for consumption free of duty approach fulfillment, special instructions will be issued by the Bureau.

(g) On and after January 1, 1940, duties shall be assessed and collected on every Philippine article of a class or kind in respect of which a quota is established (except cordage) which is entered for consumption or withdrawn from warehouse for consumption in excess of its respective quota during the quota period for such article, whether or not such article was included in a quota effective at the time of its arrival. Such duties shall be assessed at the lowest rates applicable to like articles the product of any foreign country except Cuba when entered for consumption or withdrawn from warehouse for consumption in the United States. The term "Philippine article" as used in this paragraph means an article the growth, produce, or manufacture of the Philippine Islands, in the production of which no materials of other than Philippine or United States origin valued in excess of 20 per centum of the total value of such article was used and which is brought into the United States from the Philippine Islands, but shall not include any article which is properly entitled to admission free of duty without reference to the exemption provisions of section 301 of the Tariff Act of 1930.

(h) The importer of any article shipped from the Philippine Islands to the United States on or after January 1, 1941, and subject to the Philippine export tax shall be required at the time of entry to produce a certificate signed by a collector of customs, deputy collector of customs, or other competent authority of the Philippine Government setting forth the value and quantity of the article and the rate and amount of the export tax paid. If such certificate is not so produced, a bond for its production within six months from the date of entry shall be given on customs Form 7551 or 7553 or other appropriate form. If the importer fails to produce the required certificate within six months from the date of entry, the collector should make demand for the payment of liquidated damages under the bond and proceed as in the case of other similar demands. Collectors shall scrutinize the certificates furnished and report to the Bureau any substantial errors noted, as well as any failure to furnish a required certificate.

(i) The Philippine Cordage Act of June 14, 1935 (49 Stat. 340) as extended to May 1, 1941, by proclamation of the President, dated January 26, 1938, will continue in operation during the period of extension. The total amount of Philippine cordage, whether or not arriving in the United States before May 1, 1941, which may be entered for consumption or withdrawn from warehouse for consumption, whether or not subject to duty, during any period specified in section 6 (e) of the Act of March 24, 1934 (48 Stat. 456), as amended by section 1 of the Act of August 7, 1939, Public No. 300, 76th Congress, shall not exceed the quantity specified in such section 6 (e) with respect to such period. (R. S. 251; 19 U.S.C. 66. Secs. 1–5, 49 Stat. 340; 48 U.S.C., Sup. IV, 1236a. Act of August 7, 1939, Pub. No. 300, 76th Congress)

Article 382 (d) [§ 7.17 (d)] is amended to read as follows:

(d) [Sec. 7.17 (d)] Shipments from Guam and American Samoa (T.Ds. 23759 and 41839) are entitled to free entry when accompanied by a certificate of the chief customs officer at the port of shipment showing the articles to be the growth or product of those Islands or actual importations into the Islands. When the article is not accompanied by such certificate and is of a class or kind which would be subject to duty if not within the purview of this paragraph, estimated duties should be collected and the addressee advised by notation on the copy of the entry form (customs Form 3419) tendered as a receipt that the estimated duty may be refunded upon production of the certificate within six months. In such cases, liquidation of the entry should be suspended for a period of six months from the date of the entry. Upon the production of the certificate within six months, the entry should be liquidated free of duty and the estimated duty refunded. Otherwise, the entry should be liquidated as dutiable. Products of Guam or American Samoa valued at $10 or less are not required to be accompanied by such certificate if the collector is otherwise satisfied that the articles are entitled to free entry. (R.S. 251; 19 U.S.C. 66. Secs. 498 (a), 624, 46 Stat. 728, 759; 19 U.S.C. 1498 (a), 1624)

Article 382 [§ 7.17] is also amended by adding at the end thereof the following new paragraphs:

(e) [§ 7.17 (e)] Certain shipments from the Philippine Islands or the Virgin Islands of the United States are entitled to entry free of duty under the conditions set out in articles 260 [Sec. 5.3] to 262 [Sec. 5.3a], inclusive, or article 272 [Sec. 5.10], respectively. Such shipments valued at more than $10 but not more than $100, when accompanied by a certificate of Philippine origin, and any such shipments valued at $10 or less, may be passed without the issuance of a mail entry provided the collector is satisfied that the merchandise is entitled to free entry and is not of a class subject to a quota limitation on free entry. (See art. 262 [Sec. 5.3a].) The provisions of chapters V and VI should be followed in the case of shipments over $100 in value.

(f) [§ 7.17 (f)] Shipments forwarded by mail from the Philippine Islands on and after January 1, 1941, if subject to the Philippine export tax referred to in article 262 [Sec. 5.3a] and valued at more than $10, shall be accompanied by a certificate signed by the collector of customs, deputy collector of customs, or other competent authority in the Philippine Islands, setting forth the value and quantity of the article and the rate and amount of export tax paid. In the absence of such certificate, the estimated duty collected shall be treated as a cash deposit in lieu of bond for production of the certificate and the addressee advised by notation on the copy of the entry form (customs Form 3419) tendered as a receipt that the deposit may be refunded upon production of the export-tax certificate and the certificate of Philippine origin within six months. In such cases, liquidation of the entry should be suspended for a period of six months from the date of entry. If neither the export-tax certificate nor the certificate of origin is furnished within the six-months period, the shipment shall be treated as of non-Philippine origin and subject to duty but not subject to the requirement of an export-tax certificate. If one certificate but not the other is produced, the matter should be referred to the Bureau for instructions. (R.S. 251; 19 U.S.C. 66. Secs. 301, 624, 46 Stat. 685, 759; 19 U.S.C. 1301, 1624. Secs. 1–5, 49 Stat. 340; 48 U.S.C., Sup. IV, 1236a. Act of August 7, 1939, Pub. No. 300, 76th Congress)

The foregoing regulations shall be effective on and after January 1, 1940.

[SEAL] BASIL HARRIS,
*Commissioner of Customs.*

Approved, December 19, 1939.

HERBERT E. GASTON,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39–4729; Filed, December 20, 1939; 1:39 p. m.]

## TITLE 21—FOOD AND DRUGS

## CHAPTER I—FOOD AND DRUG ADMINISTRATION

### Order Promulgating a Regulation Fixing and Establishing a Reasonable Definition and Standard of Identity for the Food Commonly Known as Canned Peaches

Pursuant to the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055, 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046, 21 U.S.C. 341), and based upon substantial evidence of record at the hearing heretofore held in accordance with law, detailed findings of fact are made, as follows:

FINDINGS OF FACT

1

Canned peaches are prepared from mature peaches.

2

Such peaches are of one of the following varietal groups: yellow clingstone, yellow freestone, white clingstone, white freestone.

3

Peaches of different varietal groups are not canned together.

4

Peaches of each varietal group are an optional peach ingredient.

5

The word "free" is used synonymously with the word "freestone" and the word "cling" is used synonymously with the word "clingstone" to designate the varietal group.

6

Such peaches are prepared in one of the following forms of units: unpeeled whole; unpeeled halves; peeled whole; peeled halves; peeled quarters; peeled slices; peeled dice; peeled mixed pieces of irregular sizes and shapes. Such forms of units are never mixed in canning except when canned as mixed pieces of irregular sizes and shapes. Peaches of each form of units are an optional peach ingredient.

7

Such peaches, except in the case of whole peaches, are pitted.

8

Canned peaches contain a suitable liquid packing medium.

9

Water is a suitable liquid packing medium.

10

The natural juice of the peach is a suitable liquid packing medium. Such juice may be obtained by precooking the peaches so that the juice exudes.

11

(a) A water solution of refined sugar (sucrose), with or without refined corn sugar (dextrose), is a suitable liquid packing medium. The water solution of such sugar or sugars used as a liquid packing medium is called sirup.

(b) A water solution of refined corn sugar (dextrose) cannot be used alone as the liquid packing medium in the canning of peaches. The maximum amount of refined corn sugar (dextrose) heretofore used for commercial purposes, in combination with refined sugar (sucrose), in the canning of peaches is 33⅓ percent of such combination.

(c) Refined corn sugar (dextrose) is not as sweet as refined sugar (sucrose), being generally regarded as from 50 percent to 75 percent as sweet as refined sugar (sucrose). Consumers are accustomed to gauge sweetness according to that of refined sugar (sucrose).

12

(a) There are four sirups of different degrees of sweetness known to consumers and used in the industry; namely, light, medium, heavy, and extra heavy. It is a customary trade and consumer practice so to distinguish them. Such sirups are measured and distinguished by their specific gravity as determined by the Brix hydrometer. The Brix hydrometer is a reliable instrument for testing specific gravity of liquid solutions and is in general use. A water solution of refined sugar (sucrose) which shows a reading of less than 10° on the Brix hydrometer does not sweeten the finished canned peaches sufficiently to be known as a sirup for this food.

(b) When such sirups are prepared from refined sugar (sucrose), they have, respectively, the following readings on the Brix hydrometer: light sirup, not less than 10° but less than 25°; medium sirup, not less than 25° but less than 40°; heavy sirup, not less than 40° but less than 55°; and extra heavy sirup, not less than 55°.

(c) When such sirups of equivalent sweetness are prepared from a mixture of refined sugar (sucrose) and refined corn sugar (dextrose), they do not have the above readings on the Brix hydrometer because of the difference in sweetness between refined corn sugar (dextrose) and refined sugar (sucrose). However, the Brix reading of a refined sugar (sucrose) solution equivalent in sweetness to the sweetness of any sirup prepared from such a mixture is obtained by adding the percent by weight of refined sugar (sucrose) in such sirup to two-thirds of the percent by weight of refined corn sugar (dextrose) in such sirup.

(d) The common or usual names of such sirups are light sirup, medium sirup, heavy sirup, and extra heavy sirup.

(e) The terms "sirup" and "syrup" are synonymous.

13

The liquid of the finished canned peaches is not more than 35° Brix.

14

Canned peaches may or may not contain added spice.

15

Canned peaches may or may not contain added flavoring.

16

(a) Canned peaches may or may not be seasoned.

(b) A vinegar is a suitable seasoning agent.

(c) Added peach kernels are a suitable seasoning agent, except in the case of whole peaches.

(d) Peach pits, added in limited amounts, are a suitable seasoning agent, except in the case of whole peaches. The number of pits suitable for such purpose is limited to not more than one to each eight ounces of finished canned peaches.

(e) Such seasoning agents are used singly or in combination, except that peach pits and peach kernels are not used in combination with each other.

17

It is essential that canned peaches be sealed in a container.

18

It is essential to process canned peaches by heat so as to prevent spoilage.

19

Honesty and fair dealing in the interest of the consumer require that the optional peach ingredient, the optional liquid packing medium, and the optional seasoning ingredients be declared on the label, and that, if spice or flavoring is added, this be stated on the label.

20

The common or usual names of the several varietal groups of peaches are yellow clingstone, or yellow cling; yellow freestone, or yellow free; white clingstone, or white cling; and white freestone, or white free.

21

The common or usual name of peeled canned peaches is peaches, qualified by the name of the varietal group and form of unit, without other qualifying words, except that "slices" and "sliced" are synonymous and "dice" and "diced" are synonymous.

22

The common or usual name of unpeeled canned peaches is peaches, qualified by the term unpeeled, by the name of the varietal group, and by the name of the form of unit.

[1] 4 F.R. 1143 DI.



23

The common or usual name of water used as a liquid packing medium in canned peaches is water.

24

The common or usual name of the natural juice of the peach used as a liquid packing medium in canned peaches is peach juice.

25

The common or usual names of the water solutions of sugar or sugars used as liquid packing media in canned peaches are: light sirup, or light syrup; medium sirup, or medium syrup; heavy sirup, or heavy syrup; and extra heavy sirup, or extra heavy syrup.

26

The common or usual name of a vinegar used as a seasoning is vinegar.

27

The common or usual name of peach pit kernels used as a seasoning is peach kernels.

28

The common or usual name of peach pits used as a seasoning is peach pits.

29

Honesty and fair dealing in the interest of the consumer require that, when spice, flavoring, vinegar, peach pits, or peach kernels are used, the label bear the words, respectively: "Spiced" or "With Added Spice" or "Spice Added"; "With Added Flavoring" or "Flavoring Added"; "Seasoned with Vinegar"; "Seasoned with Peach Pits"; "Seasoned with Peach Kernels". If two or more of such optional ingredients are present, such words may be combined, as, for example, "With Added Spice, Flavoring, and Vinegar".

30

Honesty and fair dealing in the interest of the consumer require that, wherever the name "peaches" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene.

Based upon the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and fair dealing in the interest of consumers is hereby made and promulgated as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FIXING AND ESTABLISHING A REASONABLE DEFINITION AND STANDARD OF IDENTITY FOR THE FOOD COMMONLY KNOWN AS CANNED PEACHES

§ 27.000 *Canned peaches—Identity; label statement of optional ingredients.* (a) (1) Canned peaches are the food prepared from mature peaches of one of the following varietal groups: yellow clingstone; yellow freestone; white clingstone; white freestone. Such peaches, except in the case of whole peaches, are pitted and are in one of the following forms of units: peeled whole; unpeeled whole; peeled halves; unpeeled halves; peeled quarters; peeled slices; peeled dice; peeled mixed pieces of irregular sizes and shapes. Peaches of each varietal group in each form of units are an optional peach ingredient.

(2) To one such peach ingredient is added one of the following optional liquid packing media:

(A) A sirup of refined sugar (sucrose) of not less than 10° Brix but less than 25° Brix;

(B) A sirup of refined sugar (sucrose) and refined corn sugar (dextrose) having a refined sugar (sucrose) equivalent of not less than 10° Brix but less than 25° Brix (such refined sugar (sucrose) equivalent is calculated by adding the percent by weight of refined sugar (sucrose) in such sirup to two-thirds of the percent by weight of refined corn sugar (dextrose) in such sirup);

(C) A sirup of refined sugar (sucrose), of not less than 25° Brix but less than 40° Brix;

(D) A sirup of refined sugar (sucrose) and refined corn sugar (dextrose) having a refined sugar (sucrose) equivalent of not less than 25° Brix but less than 40° Brix (such refined sugar (sucrose) equivalent is calculated by adding the percent by weight of refined sugar (sucrose) in such sirup to two-thirds of the percent by weight of refined corn sugar (dextrose) in such sirup);

(E) A sirup of refined sugar (sucrose), of not less than 40° Brix but less than 55° Brix;

(F) A sirup of refined sugar (sucrose) and refined corn sugar (dextrose) having a refined sugar (sucrose) equivalent of not less than 40° Brix but less than 55° Brix (such refined sugar (sucrose) equivalent is calculated by adding the percent by weight of refined sugar (sucrose) in such sirup to two-thirds of the percent by weight of refined corn sugar (dextrose) in such sirup);

(G) A sirup of refined sugar (sucrose), of not less than 55° Brix;

(H) A sirup of refined sugar (sucrose) and refined corn sugar (dextrose) having a refined sugar (sucrose) equivalent of not less than 55° Brix (such refined sugar (sucrose) equivalent is calculated by adding the percent by weight of refined sugar (sucrose) in such sirup to two-thirds of the percent by weight of refined corn sugar (dextrose) in such sirup);

(I) Peach juice;

(J) Water.

(3) Spice may be added.

(4) Flavoring may be added.

(5) The food may be seasoned with one or more of the following optional seasonings:

(A) A vinegar;

(B) Peach pits (except in the case of whole peaches), not more than 1 to each 8 ounces of finished canned peaches;

(C) Peach kernels (except in the case of whole peaches and except when optional seasoning (B) is present).

(6) The food is sealed in a container and so processed by heat as to prevent spoilage.

(7) The liquid of the finished canned peaches is not more than 35° Brix.

(b) (1) The label shall name the optional peach ingredient present by the use of the words "Yellow Cling" or "Yellow Clingstone", "White Cling" or "White Clingstone", "Yellow Free" or "Yellow Freestone", or "White Free" or "White Freestone" and the word or words "Whole", "Unpeeled Whole", "Halves", "Unpeeled Halves", "Quarters", "Slices" or "Sliced", "Dice" or "Diced", or "Mixed Pieces of Irregular Sizes and Shapes".

(2) The label shall also bear the words "In Light Sirup" or "In Light Syrup", showing the presence of optional liquid packing medium (A) or (B); or the words "In Medium Sirup" or "In Medium Syrup", showing the presence of optional liquid packing medium (C) or (D); or the words "In Heavy Sirup" or "In Heavy Syrup", showing the presence of optional liquid packing medium (E) or (F); or the words "In Extra Heavy Sirup" or "In Extra Heavy Syrup", showing the presence of optional liquid packing medium (G) or (H); or the words "In Peach Juice", showing the presence of optional liquid packing medium (I); or the words "In Water", showing the presence of optional liquid packing medium (J).

(3) If spice is present, the label shall bear the word or words "Spiced" or "With Added Spice" or "Spice Added".

(4) If flavoring is present, the label shall bear the words "With Added Flavoring" or "Flavoring Added".

(5) If an optional seasoning ingredient is used, the label shall bear the words "Seasoned with Vinegar", "Seasoned with Peach Pits", or "Seasoned with Peach Kernels", as the case may be.

(6) If spice and flavoring, or spice, flavoring, and an optional seasoning, or spice and an optional seasoning, or flavoring and an optional seasoning, are present, the label may bear a combination of words, as, for example, "With Added Spice, Flavoring, and Vinegar."

(7) Wherever the name "Peaches" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene.

It is ordered that the regulation hereby prescribed and promulgated shall become effective on the ninetieth day after the issuance of this order and the filing of the same with the Archivist of the United States for publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of December, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4706; Filed, December 19, 1939; 10:17 a. m.]

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ORDER PROMULGATING A REGULATION FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER AND SPECIFYING THE FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER FOR THE FOOD COMMONLY KNOWN AS CANNED PEACHES

Pursuant to the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055, 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046, 21 U.S.C. 341), and based upon substantial evidence of record at the hearing heretofore held in accordance with law, detailed findings of fact are made, as follows:

FINDINGS OF FACT

1

The quantity of the optional peach ingredient which can be placed in a container varies, depending upon the method of packing and upon the shape, size, degree of maturity, and specific gravity of the units of the optional peach ingredient.

2

With the exception of comparatively few slack filled cans, canned peaches as they appear on the market at the present time contain the maximum quantity of the optional peach ingredient which, using reasonably good factory practice, can be placed and sealed in each can and processed by heat to prevent spoilage, without crushing or breaking the peach units.

3

The maximum quantity of the optional peach ingredient varies, depending on the size of the container, the method of packing, the form, size, firmness of units, the necessity for having sufficient liquid to insure proper processing, and other factors.

4

The can should contain the greatest number of peach units the canner can place therein and properly seal and process.

5

Knowing the form, shape, size, degree of maturity and comparative specific gravity of the peach units in any lot being canned, canners know the greatest amount of peach units which can be placed in a can of any given size without damage, and canners employ inspectors to insure proper filling by packers.

6

None of the various methods which have been studied for objective measurements of fill have shown any uniform correlation between the quantity of peach units put in and the quantity of peach units cut out. Assurance to the consumer of a can full of peaches can be obtained only by a requirement as to the quantity put in the container.

7

It is necessary and desirable in the interest of the consumer that canned peaches falling below a standard of fill of container bear on the label a simple and understandable statement of that fact. "Below Standard in Fill" is such a statement.

8

If canned peaches fall below a standard of fill of container, it is necessary and desirable in the interest of the consumer that the label bear the statement "Below Standard in Fill", printed in Cheltenham bold condensed caps. If the quantity of the contents of the container is less than 1 pound, the statement should be in 12-point type; if such quantity is 1 pound or more, the statement should be in 14-point type. Such statement should be enclosed within lines not less than 6 points in width, forming a rectangle; but if the peaches also fall below the standard of quality for canned peaches and bear the label statement of substandard quality specified in the standard of quality for canned peaches, both statements (one following the other) may be enclosed within the same rectangle. Such statement or statements, with enclosing lines, should be on a strongly contrasting, uniform background, and should be so placed as to be easily seen when the name "Peaches" or any pictorial representation of a peach is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

Based upon the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and fair dealing in the interest of consumers is hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FIXING AND ESTABLISHING A REASONABLE STANDARD OF FILL OF CONTAINER AND SPECIFYING THE FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD FILL OF CONTAINER FOR THE FOOD COMMONLY KNOWN AS CANNED PEACHES

§ 27.002 *Canned peaches—Fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned peaches is the maximum quantity of the optional peach ingredient which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient.

(b) If canned peaches fall below the standard of fill of container prescribed in subsection (a) of this section, the label shall bear the general statement of substandard fill specified in section 10.020 (b), in the manner and form therein specified.

It is ordered that the regulation hereby prescribed and promulgated shall become effective on the ninetieth day after the issuance of this order and the filing of the same with the Archivist of the United States for publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 20th day of December 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4733; Filed, December 20, 1939; 3:02 p. m.]

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ORDER PROMULGATING A REGULATION FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY AND SPECIFYING THE FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY FOR THE FOOD COMMONLY KNOWN AS CANNED PEACHES

Pursuant to the authority and direction of the Federal Food, Drug, and Cosmetic Act (Sec. 701, 52 Stat. 1055, 21 U.S.C. 371 (e); Sec. 401, 52 Stat. 1046, 21 U.S.C. 341), and based upon substantial evidence of record at the hearing heretofore held in accordance with law, detailed findings of fact are made, as follows:

FINDINGS OF FACT

1

Factors which go to make up quality in canned peaches are tenderness of the peach ingredient; size of units in the case of peach halves and quarters; uniformity of size of units in the cases of whole peaches, halves, and quarters; absence of peel in all forms of the peach unit except in the case of unpeeled peaches; freedom from blemishes; the shape of the units in the cases of whole peaches, halves, quarters, and slices; freedom from crushed or broken units except in the case of mixed pieces of irregular sizes and shapes.

2

In canned peaches, the biting or chewing characteristic of the peach is an index of the quality factor, tenderness. This factor involves the maturity of the peach and the extent to which it has been cooked.

3

Such tenderness is measurable objectively by the following method:

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ⅛ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 9/32 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

4

Forms of units of the peach ingredient too small for such testing or too soft for such trimming need not be tested for tenderness.

5

The foregoing method outlined in Finding No. 3 is directly correlated with the consensus of consumer opinion of what constitutes tenderness in canned peaches.

6

Size of units, as measured by the weight of the unit, is not a factor of quality in canned peaches except in the cases of halves and quarters.

7

Canned peaches which are of standard quality have a minimum size for halves and quarters at the present time. Halves and quarters smaller than such minimum size are commonly packed as substandard peaches at the present time.

8

Halves and quarters have a minimum size of 3/5 ounce and 1/5 ounce, respectively. These minima are less than the minima adopted by the packers of over 97 percent of the canned peaches produced in the United States.

9

Such weights are determinable as follows: The unit is placed on a screen and the liquid is allowed to drain therefrom for two minutes. The unit is then weighed.

10

Uniformity of size of units is not a factor of quality in canned peaches unless the units are whole, halves, or quarters. Uniformity of size cannot be controlled under the best commercial practice in the cases of slices and dice. Discrepancies in size are not objectionable to the consumers when the units are small, such as slices or dice. Uniformity of size is obviously not a factor in the quality of the product when canned as mixed pieces of irregular sizes and shapes.

11

Uniformity of size of units in the cases of whole, halves, or quarters is necessary in order to prevent variant numbers of units in servings of desserts and salads on the same table.

12

Such units are of reasonable uniformity of size if the weight of the largest unit is not more than twice the weight of the smallest unit in the container. Weights of such units are determined in the same manner as weights for minimum size of units.

13

Absence of peel is a factor of quality in canned peaches except in the case of peaches canned as unpeeled peaches.

14

Adhering peel ordinarily can be removed completely from the peach, but some peel is occasionally left in good commercial practice. One square inch of peel per pound of net content is a reasonable maximum tolerance for peel present in the finished product.

15

Freedom from blemishes such as scab, hail injury, discoloration, or other abnormalities is a factor of quality in canned peaches.

16

A tolerance for blemishes is necessary because of small blemishes not apparent in hand sorting as carried out under good commercial practice. Twenty percent blemished units is a reasonable tolerance.

17

Normal shape of the peach unit is a factor of quality in canned peaches if the units are whole, halves, quarters, or slices.

18

When the units are trimmed, normal shape can be preserved. It is possible for the canner to meet this quality factor by discarding all units so trimmed that their normal shape is not preserved. Consumers uniformly object to unevenly trimmed units.

19

Except in the case of mixed pieces of irregular sizes and shapes, freedom from crushed or broken units is a factor of quality in canned peaches. A crushed unit is a unit pressed so as to destroy its normal shape. A broken unit is a unit separated into two or more parts. Units which do not have normal shape because of ripeness and which do not show any crushing are not crushed or broken units. Crushed and broken units are not deliberately packed as canned peaches which are of standard quality at the present time. The concussion resulting from the application of the lid to the can at high speeds under great pressure sometimes breaks or crushes the topmost unit of well-filled containers in good commercial practice. For this reason, a tolerance for crushed and broken units is necessary, and a tolerance of 5 percent for containers of more than 20 units or of 1 unit for containers of less than 20 units is reasonable.

20

A canner employing good commercial practice can meet each of the foregoing factors of quality in canned peaches without difficulty.

21

Each factor of quality takes into consideration and makes due allowance for the differing characteristics of the several varieties of peaches. Some varieties can meet the various factors more easily than others, but all varieties can meet the foregoing factors of quality without difficulty under good commercial practice.

22

It is reasonable and it will promote honesty and fair dealing in the interest of the consumer to have a simple and understandable statement of substandard quality placed on the label. "Below Standard in Quality", qualified by an explanation wherein the product falls below standard in quality, is such a statement. If the peaches are not tender, the qualifying statement "Not Tender" furnishes an accurate explanation of the reason the product is below standard. Likewise, the qualifying statement "Small Halves", or "Small Quarters", if under minimum size; "Mixed Sizes", if not of uniform size; "Not Well Peeled", if over the tolerance for peel; "Blemished", if over the tolerance for blemishes; "Unevenly Trimmed", if trimmed to destroy normal shape; "Partly Crushed or Broken", if over the tolerance for crushed or broken units.

23

It is reasonable and it will promote honesty and fair dealing in the interest of the consumer to have such statement immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name

"Peaches", together with words and statements required or authorized to appear with such name by the definition and standard of identity for canned peaches.

24

Such label requirements for peaches of substandard quality would not be practicable under good commercial practices in instances such as where the product fell below the standard in several respects.

25

In such event, the statement "Below Standard in Quality Good Food—Not High Grade" would be reasonable, would be informative to the consumer, and would promote honesty and fair dealing in the interest of the consumer.

26

It is reasonable and it would promote honesty and fair dealing in the interest of the consumer to have such statement printed in two lines of Cheltenham bold condensed caps. The words "Below Standard in Quality" to constitute the first line, and the second to immediately follow. If the quantity of the contents of the container is less than 1 pound, such type of the first line should be 12-point, and of the second, 8-point. If such quantity is 1 pound or more, such type of the first line should be 14-point, and of the second, 10-point. Such statement should be enclosed within lines, not less than 6 points in width, forming a rectangle. Such statement, with enclosing lines, should be on a strongly contrasting, uniform background, and should be so placed as to be easily seen when the name "Peaches" or any pictorial representation of a peach is viewed, wherever such name or representation appears so conspicuously as to be easily seen under customary conditions of purchase.

Based upon the foregoing findings of fact, a conclusion in the form of a regulation which will promote honesty and fair dealing in the interest of consumers is hereby made and promulgated, as follows:

REGULATION UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT FIXING AND ESTABLISHING A REASONABLE STANDARD OF QUALITY AND SPECIFYING THE FORM AND MANNER OF LABEL STATEMENT OF SUBSTANDARD QUALITY FOR THE FOOD COMMONLY KNOWN AS CANNED PEACHES

27.001 *Canned peaches—Quality; label statement of substandard quality.* (a) The standard of quality for canned peaches is as follows:

(1) All units tested in accordance with the method prescribed in subsection (b) are pierced by a weight of not more than 300 grams;

(2) In the cases of halves and quarters, the weight of each unit is not less than ⅝ ounce and 5/16 ounce, respectively;

(3) In the cases of whole peaches, halves, and quarters, the weight of the largest unit in the container is not more than twice the weight of the smallest unit therein;

(4) Except in the case of unpeeled peaches, there is present in the finished canned peaches not more than 1 square inch of peel per each 1 pound of net contents;

(5) Not more than 20 percent of the units in the container are blemished with scab, hail injury, discoloration, or other abnormalities;

(6) In the cases of whole peaches, halves, quarters, and slices, all units are untrimmed, or are so trimmed as to preserve normal shape; and

(7) Except in the case of mixed pieces of irregular sizes and shapes, not more than 5 percent of the units in a container of 20 or more units, and not more than one unit in a container of less than 20 units, is crushed or broken. (A unit which has lost its normal shape because of ripeness and which bears no mark of crushing shall not be considered to be crushed or broken.)

(b) Canned peaches shall be tested by the following method to determine whether or not they meet the requirements of clause (1) of subsection (a):

So trim a test piece from the unit as to fit, with peel surface up, into a supporting receptacle. If the unit is of different firmness in different parts of its peel surface, trim the piece from the firmest part. If the piece is unpeeled, remove the peel. The top of the receptacle is circular in shape, of 1⅛ inches inside diameter, with vertical sides; or rectangular in shape, ¾ inch by 1 inch inside measurements, with ends vertical and sides sloping downward and joining at the center at a vertical depth of ¾ inch. Use the circular receptacle for testing units of such size that a test piece can be trimmed therefrom to fit it. Use the rectangular receptacle for testing other units. Test no unit from which a test piece with rectangular peel surface at least ½ inch by 1 inch cannot be trimmed. Test the piece by means of a round metal rod 5/32 inch in diameter. To the upper end of the rod is affixed a device to which weight can be added. The rod is held vertically by a support through which it can freely move upward or downward. The lower end of the rod is a plane surface to which the vertical axis of the rod is perpendicular. Adjust the combined weight of the rod and device to 100 grams. Set the receptacle so that the surface of the test piece is held horizontally. Lower the end of the rod to the approximate center of such surface, and add weight to the device at a uniform, continuous rate of 12 grams per second until the rod pierces the test piece. Weigh the rod and weighted device. Test all units in containers of 50 units or less, except those units too small for testing or too soft for trimming. Test at least 50 units, taken at random, in containers of more than 50 units; but if less than 50 units are of sufficient size and firmness for testing, test those which are of sufficient size and firmness.

(c) If the quality of canned peaches falls below the standard prescribed in subsection (a) of this section, the label shall bear the general statement of substandard quality specified in section 10.020 (a), in the manner and form therein specified; but in lieu of such general statement of substandard quality, the label may bear the alternative statement "Below Standard in Quality ------", the blank to be filled in with the words specified after the corresponding number of each clause of subsection (a) of this section which such canned peaches fail to meet, as follows: (1) "Not Tender"; (2) "Small Halves", or "Small Quarters", as the case may be; (3) "Mixed Sizes"; (4) "Not Well Peeled"; (5) "Blemished"; (6) "Unevenly Trimmed"; (7) "Partly Crushed or Broken". Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "Peaches" and any words and statements required or authorized to appear with such name by section 27.000 (b).

It is ordered that the regulation hereby prescribed and promulgated shall become effective on the ninetieth day after the issuance of this order and the filing of the same with the Archivist of the United States for publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 20th day of December 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4734; Filed, December 20, 1939; 3:02 p. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

## WAR DEPARTMENT

### CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

### PART 203—BRIDGE REGULATIONS [1]

§ 203.467 *Hillsboro River at Tampa, Fla.; bridge (highway) at Hillsborough Avenue.* (a) The owner or agency controlling the bridge will not be required to keep a draw tender in constant attendance at the aforementioned bridge between the hours of 10:00 p. m. and 6:00 a. m.

(b) Whenever, in the event of an emergency, a vessel, unable to pass under the closed bridge, is required to pass through the drawspan between these hours, at least one-hour's advance notice of the time the opening is required shall be given to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of these regulations, together with a notice stating exactly how the representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition and the draw opened and closed at least once every four months to make certain that the machinery is in proper order for satisfactory operation.

(f) These regulations shall take effect and be in force on and after December 15, 1939, and are supplemental to the "Rules and regulations to govern the operation of drawbridges crossing all navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries". (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Special Regulations, Dec. 11, 1939 (E.D. 6371 (Florida—Hillsborough R.: Tampa—Hillsborough Ave.)—8/4)]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-4738; Filed, December 21, 1939; 10:46 a. m.]

[1] These regulations supplement Part 203, Chapter II, Title 33, Code of Federal Regulations.

### PART 204—DANGER ZONE REGULATIONS [1]

§ 204.80 *Archer Creek, S. C.; United States Marine Corps Rifle Range, Parris Island.* (a) The firing range, which constitutes a danger zone, is located on the west side of Parris Island, and west of the Marine Barracks on the Island, the direction of the firing being northwesterly across Ribbon Creek and Archer Creek.

(b) Firing over this range will normally take place between the hours of 6:00 a. m. and 5:00 p. m. on all days except Saturdays, Sundays, and legal holidays.

(c) When firing is in progress, patrol boats will be stationed at each end of Archer Creek to restrict the use of the creek for navigation and to notify boats desiring to pass through Archer Creek when such passage will be safe and permissible.

(d) These regulations will be enforced by the Commanding General, Marine Barracks, Parris Island, South Carolina, through such officers, enlisted men, and employees as may be designated, using such Government equipment as may be necessary. (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. Dec. 6, 1939 (E.D. 7195 (Archer Creek, S. C.) ¼]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-4739; Filed, December 21, 1939; 10:46 a. m.]

[1] These regulations are supplemental to Title 33, Code of Federal Regulations.





## TITLE 43—PUBLIC LANDS: INTERIOR

## CHAPTER I—GENERAL LAND OFFICE

### REGULATIONS FOR THE SALE OF TOWN LOTS IN THE TOWNSITE OF ORO FINO, CALIFORNIA

1. *Statutory authority.* The lots in the townsite of Oro Fino, California, will be disposed of under Sections 2382 to 2386, Revised Statutes.

2. *Survey and history.* The survey of the townsite of Oro Fino, California, comprising the E½SW¼NE¼, E½SW¼SW¼NE¼ Section 18, T. 43 N., R. 9 W., M. D. M., California, was accepted on November 18, 1938. The SW¼NE¼ above Section 18 was formerly embraced in a patent which was canceled December 4, 1926, on the ground of fraud, and such land was withdrawn for townsite purposes by Executive Order No. 4590, dated February 18, 1927. Various portions of this tract were occupied and claimed for many years by a number of settlers and claimants as a part of an old mining district known as Oro Fino. In subdividing the townsite under the above survey, the claims were surveyed as separate tracts in conformity with the boundaries thereof as they were found to exist on the ground.

3. *Acreage and price.* The acreage and minimum price of the lots which will be sold, are as follows:

| | |
|---|---|
| Lot 11, 2.75 acres | $60 |
| Lot 12, 1.97 acres | 40 |
| Lot 13, 1.15 acres | 25 |
| Lot 14, 2.12 acres | 40 |
| Lot 15, 0.72 acres | 20 |
| Tract 43, 2.13 acres | 75 |
| Tract 44, 2.94 acres | 100 |
| Tract 45, 1.41 acres | 50 |
| Tract 46, 4.51 acres | 150 |
| Tract 47, 5.60 acres | 200 |

4. *Preemption claims and qualifications.* A preemption right of purchase at the minimum price, of not exceeding two of the subdivisions involved, is extended to actual residents and claimants, for a period of ninety days from the date hereof. In order to secure such right the claimant must file in the United States District Land Office at Sacramento, California, during such period, an application for such preemption right of purchase, setting forth therein the land claimed, the date of settlement, the value and character of the improvements, that he or she is 21 years of age or over, or the head of a family, and that he or she is a citizen of the United States or has declared intention to become such. To qualify as a preemption claimant for the lots or tracts at the minimum price, settlement must be shown at the time of the commencement in the field of the townsite survey above involved, and maintained to date of proof. A claim is not necessarily forfeited by the settler transferring his or her interest to another, subsequently to accrual of the right, but patent, if issued, will be in the name of the settler and not the transferee.

5. *Publication notice.* The notice of intention to make proof must be made on Form 4-348 and must be published at the applicant's expense in the Siskiyou News at Yreka, California, a newspaper that comes out on Mondays and Thursdays. The notice should be published in the Thursday issue of the above newspaper for five consecutive weeks. The form of such notice shall be furnished by the Register of the District Land Office and shall conform to that usually provided for in this type of case. Proof of publication of notice must be shown by the affidavit of the publisher.

6. *Preemption proof.* Preemption proof may be made before the above Register or before any officer duly authorized by law and must show by record or documentary evidence, where such evidence is usually required, and where not so required by the testimony of witnesses the following: (1) due publication of notice, (2) the applicant's age, (3) the applicant's citizenship, and (4) the applicant's actual residence upon one lot and substantial improvements on a second lot where two lots are included in the application. The proof must embrace the testimony of the applicant and of at least two of the advertised witnesses. As to proof of citizenship, the claimant, if native born, may make affidavit of such fact, and if naturalized, the claimant should submit a sworn statement giving the facts as to citizenship status, which statement should include the date of the alleged naturalization or declaration of intention, the title and location of the court in which instituted and when available, the number of the document in question, if the proceeding has been had since September 26, 1906. In addition, in cases of naturalization prior to September 27, 1906, there should be given the date and place of the claimant's birth and the foreign country of which he or she was a citizen or subject.

7. *Purchase price.* The purchase price for the lots or tracts must be paid to the Register when proof is made.

FRED W. JOHNSON,
*Commissioner.*

Approved, December 6, 1939.

W. C. MENDENHALL,
*Acting Under Secretary.*

[F. R. Doc. 39-4736; Filed, December 21, 1939; 9:26 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD BROADCAST STATIONS

The Commission, on December 18, 1939, postponed the effective date of application of Section 3.32 (b),[1] insofar as it pertains to existing experimental stations, from January 1, 1940 to May 1, 1940.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 39-4741; Filed, December 21, 1939; 11:05 a. m.]

## Notices

### WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT OF CHAPLAINS IN REGULAR ARMY

*Appointment of chaplains in the Regular Army.* 1. Examination of applicants for appointment as chaplains in the grade of first lieutenant in the Regular Army, under provisions of AR 605-30, April 21, 1938, and the following special conditions, will be held on January 30 and 31, and on February 1 and 2, 1940, in Washington, D. C.

2. In order to provide for existing or prospective denominational vacancies, application will be restricted to clergymen duly accredited to the following denominations:

Baptist, South.
Churches of Christ.
Evangelical and Reformed.
Lutheran, Missouri Synod.
Methodist.
Presbyterian in the U. S.
Presbyterian in the U. S. A.
Protestant Episcopal.
Roman Catholic.

3. Eligibility to compete in the examination will be confined to candidates who are at the time of the examination—

a. Male citizens of the United States between the ages of 23 and 34 years.

b. Regularly ordained, duly accredited by, and in good standing with one of the religious denominations listed above.

c. Graduates of both a 4-year college course and a 3-year theological seminary course.

d. Actively engaged in the ministry as the principal occupation in life and credited with 3 years' experience therein.

4. Formal applications on W.D., A.G.O. Form No. 62, accompanied by at least three letters of recommendation, small photographs of applicants, and proper ecclesiastical indorsements must reach The Adjutant General not later than January 20, 1940. Applications received after that date will not be considered.

[1] 4 F.R. 2717 DI.

(Sec. 24, 41 Stat. 774; 10 U.S.C. 231) [Sec. I, Cir. No. 97, W.D., Dec. 16, 1939]

[SEAL] E. S. ADAMS, *Major General, The Adjutant General.*

[F. R. Doc. 39-4737; Filed, December 21, 1939; 10:46 a. m.]

### DEPARTMENT OF LABOR.

#### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 22, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Mr. M. P. Bixler, Millersburg, Pennsylvania (5 learners), shirts.

Carolina Handkerchief Co. Inc., West End, North Carolina (4 learners), handkerchiefs.

Cohoes Silk Undergarment Co., Cohoes, New York (5 learners), pajamas and slips.

Elder Manufacturing Co., Webb City, Missouri, shirts and waists.

Elin Manufacturing Corp., Rochester, Indiana (5 learners), work clothes.

Herman Funke & Sons, Ashley, Pennsylvania (4 learners), embroideries and laces.

Rob Roy Shirt Company, Cambridge, Maryland (5 learners), shirts.

Suffolk Overall Co., Inc. (5 learners), work clothing.

Signed at Washington, D. C., this 21st day of December 1939.

MERLE D. VINCENT, *Director, Hearings Branch.*

[F. R. Doc. 39-4755; Filed, December 21, 1939; 12:48 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 22, 1939, until September 18, 1940, subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

NUMBER OF LEARNERS

Not in excess of 5% of the total number of factory workers employed in the plant may be employed under any of these certificates, unless otherwise indicated hereinbelow.

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in any amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM

Belmont Hosiery Company, Belmont, New Hampshire (5 learners).

J. W. Landenberger & Co., Philadelphia, Pennsylvania.

Miller-White Hosiery Mill, Taylorsville, North Carolina (5 learners).

Park Hosiery Mills, Inc., Carthage, North Carolina (5 learners).

Signed at Washington, D. C., this 21st day of December 1939.

MERLE D. VINCENT, *Director, Hearings Branch.*

[F. R. Doc. 39-4756; Filed, December 21, 1939; 12:48 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 22, 1939, to August 22, 1940, unless otherwise indicated subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939.]*

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Cherokee Hosiery Mills, Hickory, North Carolina, April 22, 1940 (13 learners).

Columbine Knitting Mill, Inc., Columbia, Mississippi (9 learners).

Thornton Knitting Company, Denton, North Carolina (14 learners).

Signed at Washington, D. C., this 21st day of December 1939.

MERLE D. VINCENT, *Director, Hearings Branch.*

[F. R. Doc. 39-4757; Filed, December 21, 1939; 12:48 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE KNITTED WEAR INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Knitted Wear Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 22, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Knitted Wear Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has not been previously employed for more than eight (8) weeks in the aggregate during the preceding three (3) years upon sewing machine or knitting machine operations, respectively.

(2) The employment of learners under these Certificates is limited to the operation of sewing machines and knitting machines and for eight (8) weeks for any one learner. During this period, no learner may be paid at a rate less than 22½¢ per hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rate if in excess of 22½¢ per hour but in no event less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced operators are not available.

(4) These Special Certificates may be canceled as of the date of their issuance if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of their terms have been violated or that experienced workers have become available. No learner may be employed under these Certificates if hired when an experienced worker was available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of sewing machine and knitting machine operators employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Atlanta Knitting Mills, Catskill, New York, Ladies Underwear.

Signed at Washington, D. C., this 21st day of December 1939.

MERLE D. VINCENT, *Director, Hearings Branch.*

[F. R. Doc. 39-4758; Filed, December 21, 1939; 12:48 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 22, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour: *Provided, however,* That if experienced workers are

paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940 and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employerathat experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

The American Mills Company, New Haven, Connecticut, cotton and rayon yarn.

Bellemont Weaving Company, Burlington, North Carolina, rayon thread.

Blue Ridge Rayon Mills, Altavista, Virginia, rayon thread.

Bristol Weaving Company, Bristol, Tennessee, rayon thread.

Burlington Mills, Plant No. 4, Burlington, North Carolina, rayon and cotton thread.

Calax Weaving Company, Calax, Virginia, drapery and tapestry fabric.

Central Falls Mfg. Company, Central Falls, North Carolina, rayon.

Greensboro Weaving Company, Greensboro, North Carolina, rayon thread.

High Point Weaving Company, High Point, North Carolina, rayon thread.

Hillcrest Throwing Company, High Point, North Carolina, rayon thread.

E. M. Holt Plaid Mills, Burlington, North Carolina, rayon thread.

Mooresville Rayon Mills, Mooresville, North Carolina, rayon thread.

Ossipee Weaving Company, Elon College, North Carolina, rayon thread.

Radford Weaving Company, Radford, Virginia, rayon thread.

Reidsville Throwing Company, Reidsville, North Carolina, yarns.

Roanoke Weaving Company, Roanoke, Virginia, rayon thread.

Royal Cotton Mill Company, Wake Forest, North Carolina, cotton yarn.

The Summit Thread Company, East Hampton, Connecticut, thread.

Suncook Mills, Allenstown, New Hampshire, rayon and cotton fabrics.

Signed at Washington, D. C., this 21st day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4759; Filed, December 21, 1939; 12:40 p. m.]

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NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to employers listed below effective December 22, 1939, until March 22, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name.

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.

(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available and no learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Special Certificates are issued on representations of employers that: (a) experienced operators are not available and (5) that they are actually in need of learners at sub-minimum rates in order to prevent curtailment of opportunities for employment. These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations Part 522, as amended, and are subject to cancellation by the Administrator or his authorized representative for cause. These Certificates may be canceled as of the date of their issuance if it is found, upon objection duly filed within fifteen (15) days following publication of notice of their issuance, that the issuance of these Certificates was not necessary in order to prevent curtailment of opportunities for employment. They may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's Certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| W. Warren Thread Works, Westfield, Massachusetts. | Cotton thread | 9 |

Signed at Washington, D. C., this 21st day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4760; Filed, December 21, 1939; 12:49 p. m.]

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## FEDERAL POWER COMMISSION.

[Docket Nos. G-100, G-112]

ILLINOIS COMMERCE COMMISSION, COMPLAINANT V. NATURAL GAS PIPELINE COMPANY OF AMERICA, AND TEXOMA NATURAL GAS COMPANY, DEFENDANTS AND IN THE MATTER OF NATURAL GAS PIPELINE COMPANY OF AMERICA AND TEXOMA NATURAL GAS COMPANY

ORDER FIXING DATE FOR RESUMPTION OF HEARING AND VACATING DIRECTION IN REGARD TO FILING BRIEFS

DECEMBER 19, 1939.

Commissioners: Clyde L. Seavey, Chairman; Claude L. Draper, Leland Olds, John W. Scott, concurring. Basil Manly, dissenting.

It appearing to the Commission that:

(a) On December 18, 1939, following oral argument had in the above entitled matter, the Commission directed Defendants-Respondents, Natural Gas Pipeline Company of America and Texoma Natural Gas Company, to file their briefs on the issues presented by the motion for an immediate order fixing just and reasonable rates based on the record made to date, which was filed by counsel for the Illinois Commerce Commission and counsel for the Federal Power Commission;

Upon further consideration of the aforesaid oral argument had on December 18, 1939, the Commission orders that:

(A) The direction of the Commission of December 18, 1939, requiring Defendants-Respondents to file the briefs mentioned in paragraph (a) above within 20 days from December 18, 1939, be and the same is hereby vacated;

(B) The hearing in the above entitled matter which was adjourned on December 14, 1939, subject to the further order of the Commission, be resumed on January 8, 1940, at 10 o'clock a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., before Examiner Ewing G. Simpson;

(C) At said resumed hearing Defendants-Respondents shall have further opportunity to cross-examine the witness Charles W. Knapp, Jr., with respect to his redirect testimony and to present evidence in rebuttal of all evidence presented on behalf of the Illinois Commerce Commission and the Federal Power Commission on the issue of rate of return;

(D) Not more than five (5) days after the completion of the cross-examination and the presentation of evidence provided for in paragraph (C) above, counsel for the Illinois Commerce Commission and counsel for the Federal Power Commission shall file their briefs with respect to the issues presented by the aforesaid motion of said counsel;

(E) Not more than twenty (20) days after the completion of the cross-examination and the presentation of evidence provided for in paragraph (C) above, counsel for the Defendants-Respondents shall file their briefs with respect to the issues presented by the aforesaid motion of counsel for the Illinois Commerce Commission and counsel for the Federal Power Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 39-4735; Filed, December 21, 1939; 9:26 a. m.]



## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

[Docket No. 3977]

IN THE MATTER OF CHAMPION SPARK PLUG COMPANY

COMPLAINT

The Federal Trade Commission having reason to believe that Champion Spark Plug Company, a corporation, is violating and since June 19, 1936, has violated the provisions of Section 2 of the Clayton Act as amended by the Robinson-Patman Act (U.S.C., Title 15, Sec. 13), and has been and is using unfair methods of competition and unfair acts and practices in commerce in violation of Section 5 of the Federal Trade Commission Act (U.S.C., Title 15, Sec. 45), and it appearing to the Commission that a proceeding by it in respect thereof would be to the interest of the public, the Commission hereby issues its complaint, charging as follows:

I

Charging violation of subsection (a) of Section 2 of the Clayton Act, as amended, the Commission alleges:

PARAGRAPH 1. The respondent, Champion Spark Plug Company, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with principal office and place of business located in Toledo, Ohio.

PAR. 2. Respondent is engaged chiefly in the business of manufacturing, distributing and selling spark plugs and spark plug parts for use in internal combustion gasoline engines. Respondent transports said products, or causes the same to be transported, for distribution and sale, from the places where such products are manufactured or stored to its customers and purchasers thereof located in other states of the United States and the District of Columbia; and there is and has been at all times herein mentioned a current of trade and commerce in said products manufactured and sold by respondent, between the states wherein respondent's factories and warehouses are located and various other states of the United States. Respondent's said products are sold by it for use, consumption or resale within the United States and the District of Columbia.

PAR. 3. Respondent distributes and sells spark plugs throughout the United States in the same territories and places as, and in substantial competition with, other persons and corporations engaged in the manufacture, distribution and sale of spark plugs. There are approximately sixty manufacturers of spark plugs in the United States, of whom respondent is one of the two largest in volume of plugs sold. More than ninety per cent of all spark plugs produced and sold in the United States during the past three years have been manufactured by respondent, A. C. Spark Plug Company, and Electric Auto-Lite Company. The business of the remaining spark plug manufacturers is relatively small.

PAR. 4. The principal market for spark plugs is found in the automotive industry. During 1936 respondent sold 18,000,000 spark plugs to automobile manufacturers for original equipment of automobiles, and 26,000,000 plugs through various channels for replacement of original equipment. Respondent supplies practically the entire original equipment requirements of the Ford Motor Company and respondent's plugs are also used for original equipment by Chrysler, Hudson, Studebaker, Packard, Nash, Graham-Paige, Willys-Overland, and other motor manufacturers.

Spark plugs for replacement of original equipment are sold by respondent to automobile manufacturers, wholesalers of automobile parts and accessories, mail order houses, and others. These customers of respondent, and many of their customers, are competitively engaged in the resale of spark plugs, at wholesale and retail, in the various territories and places where said customers, respectively, carry on their business. More spark plugs are sold in the United States for replacement than for original equipment. The life of a spark plug is normally shorter than the life of the engine in which it is used and spark plugs are usually replaced one or more times during the normal operating life of an automobile.

PAR. 5. In the course and conduct of its business as above described, respondent sells, and since June 19, 1936, has sold, its spark plugs for original equipment on the one hand and for resale for replacement on the other, at widely varying prices. Respondent sells its plugs to automobile manufacturers and others for original equipment at six cents per plug or less, while the prices charged by it to purchasers of plugs of like grade and quality who resell or use the same for replacement range from about twenty-three cents to thirty-one cents per plug. Respondent's average costs of manufacture, sale and delivery amount to more than six cents per plug. The ability of a spark plug or other automobile part manufacturer to sell his product in the replacement field depends very largely upon the extent to which his product is used for original equipment of automobiles. The adoption of such an article on a well known automobile has great advertising value, and it is the practice of automobile manufacturers to recommend to dealers and to car owners that in making re-

placements and repairs they use only parts of the same kind and manufacture as those with which the car was originally equipped. Demand for a particular spark plug in the replacement field, therefore, largely depends upon and is created by the adoption of that plug by motor manufacturers for original equipment. The effect of said discrimination in price by respondent between purchasers buying for original equipment and purchasers buying for resale or replacement is and may be substantially to lessen competition and tend to create a monopoly in the line of commerce in which respondent is engaged, and to injure, destroy and prevent competition with respondent in the manufacture, distribution and sale of spark plugs.

PAR. 6. In the course and conduct of its said business respondent sells its regular type spark plugs to Ford Motor Company at twenty-four cents each and to Chrysler Corporation at about twenty-three and one-half cents each, for resale. Plugs of the same grade and quality are sold by respondent to its distributors and jobbers at thirty-one cents each, distributors receiving a rebate of ten per cent. Both Ford Motor Company and Chrysler Corporation are engaged in competition with said distributors and jobbers in the resale of such plugs to automobile dealers, fleet owners and others. Ford and Chrysler dealers, respectively, are likewise engaged in competition with said distributors and jobbers and with their customers. Said automobile manufacturers have knowingly received the benefit of such lower prices. The effect of such discrimination in price between said automobile manufacturers, respectively, and said distributors and jobbers has been and may be to injure, destroy and prevent competition with said manufacturers and with their respective customers in the resale of Champion spark plugs.

PAR. 7. In the course and conduct of its said business respondent sells spark plugs directly to certain wholesalers of automotive supplies and equipment, which it classifies as "distributors" and "jobbers". Respondent's price to jobbers for regular Champion plugs is 31¢ per plug. Distributors receive a discount or rebate of 10 per cent from this price, making the net price to them 27.9¢ per plug. Jobbers are generally engaged in competition with the distributors in their territory in the sale of spark plugs and other automobile parts and accessories. The effect of such discrimination in price by respondent between distributors and jobbers has been and may be substantially to injure, destroy and prevent competition with said distributors to whom respondent grants the benefit of such discrimination.

II

Charging violation of subsection (d) of Section 2 of the Clayton Act, as amended, the Commission alleges:

PAR. 8. Paragraphs One to Four inclusive, of Charge I hereof are hereby repeated and made a part of this charge as fully and with the same effect as though here again set forth at length.

PAR. 9. In the course and conduct of its said business respondent has from year to year entered into contracts with certain wholesalers of spark plugs, classified by it as "distributors", some 375 of which contracts for the year 1939 are now in force, which contracts provide in part as follows:

"It is to be understood that this agreement has to do only with the special sales service to be rendered by us to promote the sale of Champion Spark Plugs in addition to the service customarily rendered by jobbers, without expressed or implied obligation to handle Champion Spark Plugs exclusively. All our purchases from you shall be made upon and subject to the terms, conditions, etc., stated in your 1939 Champion Jobbing Sales Policy, a copy of which has been delivered to us.

"In consideration of our complete cooperation in satisfactorily servicing Franchise accounts, sending you quarterly a record of their purchases, reporting to you dealers not handling Champions, requiring our salesmen to cooperate aggressively at all times in any Champion sales promotion activity, and distribution of such advertising matter as you may issue from time to time, all to your complete satisfaction for the full year of 1939, you are to pay us at the end of 1939, as special sales service compensation, ten per cent (10%) of your billing of Champion Spark Plugs and Cores to us, * * *:

* * * * *

"It is understood that you will advance the ten per cent (10%) special compensation to us quarterly, if up to the time of such advancement, we have kept this agreement to your complete satisfaction, * * *."

Pursuant to the terms of such contracts respondent has paid and is engaged in the practice of paying to said distributors, quarterly, ten per cent of the billing price of Champion spark plugs and cores purchased by said distributors, respectively, during the preceding quarter, as compensation and in consideration for "special sales service" furnished by said distributors, as mentioned in said contracts, in connection with the handling, sale and offering for sale of Champion spark plugs and cores. Said distributors are engaged in competition in the resale of Champion spark plugs and cores with other wholesalers, classified as "jobbers", purchasing such products from respondent. The payments made to distributors, as above described, are not available on proportionally equal terms to customers of respondent, other than said distributors, competing with them in the distribution of Champion spark plugs and cores.

III

Charging violation of Section 5 of the Federal Trade Commission Act, the Commission alleges:

PAR. 10. Paragraphs One to Five, inclusive, of charge I hereof are hereby repeated and made a part of this charge as fully and with the same effect as though here again set forth at length.

PAR. 11. In addition to the wholesalers, classified as "distributors" and "jobbers", to whom respondent sells its products directly, respondent also negotiates and enters into various agreements, known as "franchises", with numerous other wholesalers, retailers and consumers of said products, located throughout the United States, to whom said products are supplied through distributors and jobbers. The "Champion Wholesale Franchise" contains the following language:

"We hereby order from the first named Supplier listed below, as a new account, 1,000 Champion Spark Plugs, or, as a renewal account, sufficient Champion Spark Plugs to bring our stock up to 1,000 Champion Spark Plugs (assorted as indicated on this order) and request you to give your approval of a franchise to us upon our agreement to carry a minimum stock of 1,000 Champion Spark Plugs during the year 1939. We estimate our 1939 requirements at 10,000 or more plugs, and understand that prices and terms of payment are subject to change without notice.

"* * * the franchise to us may be withdrawn in case we do not market Champion Spark Plugs to your full and complete satisfaction.

"A contract with us will be completed when this order is accepted by the Supplier, * * *."

The price quoted in said "wholesale franchise" for regular Champion spark plugs is thirty-two and one-half cents, subject to change without notice. The "supplier" (distributor or jobber) from whom purchases are to be made by the franchise holder is named in the franchise.

The "Champion Merchandising Franchise" is in the same form, the dealer agreeing to carry a minimum stock of 500 Champion plugs and estimating his annual requirements at 5,000 or more plugs. The price quoted is thirty-four cents for regular plugs. In the "Champion Service Franchise", also in the same form, the dealer agrees to carry a minimum stock of 250 Champion plugs and estimates his annual requirements at 1,000 or more plugs. The price quoted for regular plugs is thirty-seven cents. Respondent also enters into three types of "commercial franchise" agreements with fleet owners and other large consumers of spark plugs. These franchises, like the dealer franchises, quote "special prices" of thirty-two and one-half, thirty-four and thirty-seven cents, respectively, "in consideration of your purchasing Champion Spark Plugs for your requirements."

PAR. 12. The "Champion Jobbing Sales Policy," issued to all Champion distributors and jobbers, contains the following:

*Suggested Resale Price to Dealers and Fleet Accounts*

I. PRICES

| | Your price | 10 or more | Less than 10 | List |
|---|---|---|---|---|
| Champion Plugs, All Regular Types [1] | $0.31 | $0.41 | $0.45 | $0.65 |

[1] Each.

Prices are similarly quoted and suggested for other types of plugs. The "suggested" price to dealers and fleet owners purchasing regular plugs in lots of ten or more, not holding any of the above described franchises, is forty-one cents per plug.

The great majority of resales of Champion spark plugs at wholesale to franchise holders and other dealers are made by respondent's 375 distributors. The "Champion Distributor's Agreement", referred to in Paragraph Nine hereof and entered into by respondent with each of said distributors, provides that all purchases by the distributor shall be made subject to the terms and conditions of the "Jobbing Sales Policy", and that respondent shall pay to the distributor ten per cent of the billing price of plugs purchased during the year, but only on condition:

"(a) That we have made no sales, exchanges or shipments directly or indirectly to any accounts (dealers, wholesale house, export house, catalog house, purchasing agency, or others) except those we sell as regular dealers at dealers' prices in the territory regularly covered by our salesmen, unless or until such account has been approved for a Franchise by you, and/or we have your written approval to service them."

In order to receive and remain eligible for payment of the ten per cent "special service compensation" provided in said agreements, distributors are required thereby to sell Champion plugs to dealers not holding franchises at not less than forty-one cents per plug, and they may sell at the lower prices quoted in the above described franchises only to dealers holding such franchises approved by respondent, or otherwise with the written approval of respondent.

PAR. 13. As described in Paragraph Eleven hereof, differing prices, ranging from thirty-two and one-half cents per plug to thirty-seven cents per plug, are quoted by respondent in the various franchise agreements entered into by it with certain dealers in spark plugs. All of these prices are lower than the price of forty-one cents listed by respondent as the price to dealers not holding such franchises. In each case the "special price" quoted in the franchise is given upon the condition and agreement that the dealer will carry a minimum stock of Champion plugs, and in each case the dealer is required to estimate his probable annual purchases of Champion plugs at (for a wholesale or merchandising franchise) ten times the amount of the stock requirements. Such special price may be withdrawn by respondent at any time if the franchise holder fails to carry the required stock or purchase the estimated amount of Champion plugs. The payment by respondent of the ten per cent "special service compensation" to distributors is, by agreement, conditioned upon the distributor's "volume increase" having been "completely satisfactory" to respondent, and orders from distributors and jobbers are accepted by respondent upon condition that such orders or the unfilled portion thereof may be cancelled by respondent "should you fail to purchase and sell a satisfactory quantity of Champion Spark Plugs, or should your volume of Champion Spark Plug sales fail to reach the proportion of your total spark plug business that is satisfactory to us". The tendency and effect of said agreements and conditions is to induce the holders thereof to deal in Champion spark plugs exclusively and to prevent them from dealing in the plugs of respondent's competitors, to the extent of the stock requirements and turnover specified in said agreements. By negotiating such agreements and requiring its distributors to adhere thereto, respondent closes to its competitors a substantial number of actual and potential outlets for the distribution and sale of spark plugs.

PAR. 14. By the acts and practices above described respondent has agreed with and compelled its distributors to maintain the various prices fixed by respondent for the resale of its said products, in restraint of trade and commerce between the several states and in the District of Columbia; has obstructed, hampered and interfered with the normal and natural flow of trade and commerce in spark plugs and spark plug parts; has hindered and lessened competition in the distribution and sale of such products; and has injured its competitors by unfairly diverting business and trade from them and depriving them thereof; all to the prejudice and injury of the public.

Wherefore, the premises considered, the Federal Trade Commission on this 16th day of December, A. D. 1939, issues this its complaint against said respondent.

NOTICE

Notice is hereby given you, Champion Spark Plug Company, respondent herein, that the 19th day of January, A. D., 1940, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule VII) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed,

at Washington, D. C., this 16th day of December, A. D. 1939.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4754; Filed, December 21, 1939; 12:38 p. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of December, A. D. 1939.

IN THE MATTER OF JANSEN & COMPANY, 135 SOUTH LA SALLE STREET, CHICAGO, ILLINOIS

ORDER DENYING REGISTRATION

Jansen & Company, a corporation, having filed with the Commission on September 14, 1939, an application for registration as an over-the-counter broker and dealer under Section 15 (b) of the Securities Exchange Act of 1934, which application has not yet become effective; and

The Commission, on November 16, 1939, having ordered a hearing under Section 15 (b) of the Securities Exchange Act of 1934 to determine whether said application for registration should be denied and to determine whether the date upon which registration would become effective should be postponed pending final determination whether such registration should be denied; and

The said matter, after appropriate notice, having come on for hearing and at the hearing held on November 27, 1939, the applicant having filed an answer admitting the facts set forth in the Commission's order, and consenting to denial of registration; and

The Commission having duly considered the matter; and the Commission finding that denial of said registration is in the public interest and that applicant has wilfully violated Sections 17 (a) (1), (2), and (3) of the Securities Act of 1933, and Section 15 (c) (1) of the Securities Exchange Act of 1934; and the Commission being fully advised in the premises;

*It is ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934 that registration under said section as a broker and dealer be and the same is hereby denied to Jansen & Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4742; Filed, December 21, 1939; 11:29 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of December, A. D. 1939.

[File No. 8-1]

IN THE MATTER OF DUKER & DUKER, QUINCY, ILLINOIS

ORDER REVOKING REGISTRATION

The Commission having issued an order for proceedings and notice of hearing on the question of revocation and/or suspension of registration pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended; and

The registrant having admitted the facts contained in said notice, waived opportunity for hearing, and consented to the entry of an order revoking its registration statement; and

The Commission having duly considered the matter, and entered its findings as contained in the Commission's Findings of Fact and Opinion this day issued; and

The Commission now being fully advised in the premises,

*It is ordered*, Pursuant to Section 15 (b) of the Securities Exchange Act of 1934, as amended, that the registration of Duker & Duker be and the same is hereby revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4743; Filed, December 21, 1939; 11:29 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of December, A. D. 1939.

[File No. 51-28]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

ORDER DESIGNATING NEW TRIAL EXAMINER

The above-named party having filed an application pursuant to Rule U-12C-2 of the Public Utility Holding Company Act of 1935; the Commission by order dated December 12, 1939,[1] having set said matter down for hearing on December 22, 1939, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, Washington, D. C.; and the Trial Examiner designated to preside at said hearing now being unable so to preside;

*It is ordered*, That W. Gomer Krise, an officer of the Commission, be and hereby is designated to preside at such hearing in the place and stead and with the same powers and duties as the Trial Examiner heretofore designated to preside at such hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4744; Filed, December 21, 1939; 11:29 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of December 1939.

[File No. 1-465]

IN THE MATTER OF CENTRAL COLD STORAGE COMPANY COMMON STOCK, $20 PAR VALUE

ORDER POSTPONING HEARING

The Central Cold Storage Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $20 Par Value, from listing and registration on the Chicago Stock Exchange; and

The Commission having ordered that a hearing be held in this matter on January 15, 1940,[1] in Chicago, Illinois; and

The Commission finding it necessary to postpone said hearing;

*It is ordered*, That said hearing be postponed until 10 a. m. on Tuesday, January 23, 1940 at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated may determine; and

*It is further ordered*, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4746; Filed, December 21, 1939; 11:29 a. m.]

[1] 4 F.R. 4845 DI.

[1] 4 F.R. 4893 DI.



*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of December 1939.

[File No. 1-1962]

IN THE MATTER OF ALLIED INTERNATIONAL INVESTING CORPORATION COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Common Stock, No Par Value, of Allied International Investing Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Thursday, January 11, 1940, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4745; Filed, December 21, 1939; 11:29 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of December, A. D. 1939.

[File No. 51-30]

IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

Associated Gas and Electric Corporation has filed with this Commission, pursuant to Rule U-12C-3 under the Public Utility Holding Company Act of 1935, an application for an order of the Commission permitting the payment of interest from time to time during the period of six months from the date of such application, on the 5% Income Note of applicant, due 1980, in the unpaid principal sum of $71,805,120, owned and held by Associated Gas and Electric Company. Said note was issued as a dividend out of capital or unearned surplus, pursuant to resolutions adopted by the Board of Directors of applicant, on November 27, 1935, and was issued on said date.

*It is ordered*, That a hearing on such matter, under the applicable provisions of said Act and the rules of the Commission thereunder, be held on January 3, 1940, at ten o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW,. Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

*It is further ordered*, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 28, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc 39-4747; Filed, December 21, 1939; 11:30 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of December, A. D. 1939.

[File No. 54-15]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY

ORDER DECLARING POST-AMENDED DECLARATION EFFECTIVE IMMEDIATELY

The Commission having entered an order herein on November 18, 1939, approving a plan of corporate simplification of Community Power and Light Company, which order also provided that the declaration of said company pursuant to Rule U-12E-5, with respect to the solicitation of authorization of certain matters by the stockholders of said company, become effective; the company having filed a post-amendment to its declaration herein on December 19, 1939, containing a copy of a supplementary or follow-up letter of solicitation intended to be sent out to its preferred and common stockholders, and having requested the Commission to shorten the period within which said declaration as thus post-amended shall become effective;

*It is ordered*, That said declaration as thus post-amended become effective immediately.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4748; Filed, December 21, 1939; 11:30 a. m.]

Reference

DEC 26 1939

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 4 NUMBER 248

*Washington, Saturday, December 23, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### CHAPTER V—FEDERAL SURPLUS COMMODITIES CORPORATION

#### Designation of Areas Under Surplus Food Stamp Program

Pursuant to the applicable regulations and conditions prescribed by Henry A. Wallace, Secretary of Agriculture of the United States of America, the following areas are hereby designated as areas in which food order stamps may be used and in which the agricultural commodities and products listed in Surplus Commodities Bulletin No. 4, effective 12:01 A. M., E. S. T., December 15, 1939 shall be considered surplus foods on the effective dates of such areas.

The area within the city limits of Akron, Ohio and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation.

The area within the city limits of Barberton, Ohio and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation.

The area within the city limits of Cuyahoga Falls, Ohio and the immediate environs thereof as defined by the local representative of the Federal Surplus Commodities Corporation.

The posting of the definition of "the immediate environs" in the office of the local representative of the Federal Surplus Commodities Corporation shall constitute due notice thereof.

The area within the county limits of San Francisco County, California.

The area within the county limits of Bibb County, Georgia.

The area within the county limits of Multnomah County, Oregon.

The area within the county limits of Reno County, Kansas.

The effective dates for the above areas shall be announced by the local representative of the Federal Surplus Commodities Corporation for the respective areas in local newspapers of general circulation.

[SEAL] MILO PERKINS,
*President.*

DECEMBER 16, 1939.

[F. R. Doc. 39-4761; Filed, December 21, 1939; 3:30 p. m.]

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[ACP-1939-24]

### CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

#### PART 701—1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

#### SUPPLEMENT NO. 24

DECEMBER 21, 1939.

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1939 Agricultural Conservation Program Bulletin, as amended,[1] is hereby further amended as follows:

Paragraph (b) of Section 701.6 is amended by the addition of the following:

The 1939 administrative area per-acre rates of payment for general soil-depleting acreage, as established by the Secretary, for counties in Texas in which such areas are applicable are as follows:

TEXAS

*County and Rate of Payment*

| | *Dollars per acre* |
|---|---|
| Bastrop: | |
| Area I | $0.98 |
| Area II | .91 |
| Area III | .80 |
| Area IV | .80 |
| Area V | .77 |
| Area VI | .56 |
| Briscoe: | |
| Area I | .79 |
| Area II | .72 |
| Comal: | |
| Area I | .83 |
| Area II | .79 |
| Frio: | |
| Area I | .73 |
| Area II | .73 |
| Hays: | |
| Area I | $0.70 |
| Area II | .81 |
| Hemphill: | |
| Area I | .70 |
| Area II | .74 |
| La Salle: | |
| Area I | .85 |
| Area II | .85 |
| Presidio: | |
| Area I | .64 |
| Area II | .94 |

[1] Supplement No. 23 appears at 4 F.R. 4496 DI.

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FEDERAL REGISTER

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Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

| | Dollars per acre |
|---|---|
| Robertson: | |
| Area I | $0.53 |
| Area II | .92 |
| San Jacinto: | |
| Area I | .64 |
| Area II | .56 |
| Area III | .48 |
| Wilson: | |
| Area I | .76 |
| Area II | .73 |

Done at Washington, D. C., this 21st day of December, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4765; Filed, December 22, 1939; 9:41 a.m.]

## TITLE 10—ARMY: WAR DEPARTMENT

### CHAPTER VI—ORGANIZED RESERVES

### PART 62—RESERVE OFFICERS' TRAINING CORPS [1]

§ 62.48 *Commutation in lieu of uniforms*—(a) *General.* (1) Institutions having Reserve Officers' Training Corps units may be paid commutation for such units in lieu of the issue of Government uniforms in kind, if they so elect, under the conditions hereinafter prescribed; but no institution will be permitted to draw commutation for some units or individuals and uniforms for others; except that institutions maintaining senior units may be authorized to draw commutation for students in the advanced course and for basic course members of a duly constituted band, and uniforms for the other basic course members.

* * * * *

(c) *Payment.*

* * * * *

(2) Institutions authorized to draw commutation will provide the uniform, for the students at a cost not less than the amount of commutation, and when they have been delivered to the students, Standard Form No. 1034 (Public Voucher for Purchases and Services Other Than Personal), will be duly accomplished as follows:

The United States, Dr., to ---------- (Name of ---------- institution)
Address ----------

For commutation of uniforms at (institution) for students of the Reserve Officers' Training Corps in attendance during the school year (----------) under the provisions of section 47, National Defense Act, as amended.

Due institution on this voucher for ------- students, viz, junior, ----------; first year basic, ----------; second year basic, ----------; first year advanced, ----------; second year advanced, ----------; enrolled in R. O. T. C., ----------.

I certify that the above commutation has been expended for the purchase, repair, or replacement of uniforms for Reserve Officers' Training Corps students, in accordance with the regulations prescribed by the Secretary of War, and that such uniforms have been delivered to the students for the use for which intended by said regulations.

RICHARD ROE,
*Captain, 1st Infantry,*
*Acting Quartermaster.*

(On duty at the above-named institution)

I certify that the above bill is correct and just and that payment therefor has not been received.

Per ----------
Title ----------

Payee ----------
(Name of institution)
Approved for $ ---------
----------
Title ----------

In irregular cases of individual students who enroll, withdraw, and subsequently reenroll, a statement under the following captions over the signature of the institutional authorities will be submitted as a supporting inclosure to Standard Form No. 1034:

| Name of student | Course, junior, basic or advanced | Date of enrollment | Date of withdrawal | Date of reenrollment | Amount claimed on this voucher | Remarks |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

* * * * *

(Sec. 47, 39 Stat. 192; sec. 34, 41 Stat. 777; 10 U.S.C. 389) [Par. 17, A.R. 145-20, July 1, 1938, as amended by Cir. 94, W.D., Dec. 11, 1939]

[SEAL] E. S. ADAMS,
*Major General,*
*The Adjutant General.*

[F. R. Doc. 39-4767; Filed, December 22, 1939; 10:45 a. m.]

[1] These regulations amend Sec. 62.48, Title 10, Code of Federal Regulations.

## TITLE 16—COMMERCIAL PRACTICES

### CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3331]

IN THE MATTER OF NATIONAL EMPLOYEES TRAINING SERVICE

§ 3.6 (a) (9.5) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Government connections:* § 3.6 (j) (1) *Advertising falsely or misleadingly—Government approval or connection—Civil Service Commission connections:* § 3.96 (b) (1.5) *Using misleading name—Vendor—Government connection.* Representing, in connection with offer, etc., in commerce, of courses of home study instruction designed for preparation for Civil Service examinations, through the use of the word "National" or any similar word or words in the trade name, advertising literature, or in any other manner, that respondent has any connection with or is an agency of the United States Government or the United States Civil Service Commission, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, National Employees Training Service, Docket 3331, December 7, 1939]

§ 3.69 (a) (7.2) *Misrepresenting oneself and goods—Business status, advantages or connections—History:* § 3.69 (a) (10.7) *Misrepresenting oneself and goods—Business status, advantages or connections—Organization and operation:* § 3.72 (n) *Offering deceptive inducements to purchase—Special or limited offers.* Representing, in connection with offer, etc., in commerce, of courses of home study instruction designed for preparation for Civil Service examinations, that respondent's business has been in existence for many years, or that the enrollment of students is limited by a definite quota, or that only a small number of students are accepted in any given territory, or that only persons with high scholastic attainments are accepted by respondent as prospective students for said course of instruction, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, National Employees Training Service, Docket 3331, December 7, 1939]

§ 3.69 (a) (6.5) *Misrepresenting oneself and goods—Business status, advantages or connections—Government connection:* § 3.69 (b) (7.3) *Misrepresenting oneself and goods—Goods—Jobs and employment:* § 3.69 (b) (15) *Misrepresenting oneself and goods—Goods—Refunds:* § 3.72 (g) *Offering deceptive inducements to purchase—Job guarantee:* § 3.72 (k15) *Offering deceptive inducements to purchase—Returns and reimbursements.* Representing, in connection with offer, etc., in commerce, of courses of home study instruction designed for preparation for Civil Service examinations, that civil service positions in the United States Government are guaranteed to students who have completed respondent's course of instruction, or that the price of tuition will be refunded if respondent fails to secure positions for students who have completed the course of instruction, unless and until such refunds are in fact made in accordance with respondent's agreement, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, National Employees Training Service, Docket 3331, December 7, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF W. R. YOUNG, AN INDIVIDUAL, DOING BUSINESS UNDER THE NAME AND STYLE OF NATIONAL EMPLOYEES TRAINING SERVICE

ORDER TO CEASE AND DESIST

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence taken before William C. Reeves, an examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint, brief filed on behalf of the Commission, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered,* That W. R. Young, an individual doing business under the name and style of National Employees Training Service, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as commerce is defined in the Federal Trade Commission Act, of courses of home study instruction designed for the preparation for civil service examinations, do forthwith cease and desist from representing:

(1) Through the use of the word "National" or any similar word or words in the trade name, advertising literature, or in any other manner, that he has any connection with or is an agency of the United States Government or the United States Civil Service Commission;

(2) That his business has been in existence for many years;

(3) That the enrollment of students is limited by a definite quota, or that only a small number of students are accepted in any given territory, or that only persons with high scholastic attainments are accepted by respondent as prospective students for said course of instruction;

(4) That civil service positions in the United States Government are guaranteed to students who have completed respondent's course of instruction;

(5) That the price of tuition will be refunded if respondent fails to secure positions for students who have completed the course of instruction unless and until such refunds are in fact made in accordance with respondent's agreement;

(6) That respondent has any advance information with respect to available positions in the civil service, which information cannot be secured from the United States Civil Service Commission, or that respondent has any additional or confidential information with respect to such positions which is not available to the public;

(7) That respondent has any control of positions available in the civil service or that respondent's students are preferred by the United States Civil Service Commission over other students who have not taken respondent's course of instruction.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 4762; Filed, December 22, 1939; 9:33 a. m.]

[1] 2 F.R. 1543 DI.

[Docket No. 3873]

IN THE MATTER OF SALES STIMULATORS, ETC.

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.72 (c) *Offering deceptive inducements to purchase—Excessive earnings.* Representing, in connection with offer, etc., in commerce, of any sales stimulator plan or merchandise for use in connection therewith, any specified sum of money as possible earnings or profits of agents, salesmen, representatives or distributors, which is not a true representation of the average net earnings or profits consistently made by respondent's active full-time agents, salesmen, representatives or distributors in the ordinary course of business under normal conditions and circumstances, or any specified sum of money as earnings or profits of any specified agent, salesman, representative or distributor for any given period of time which has not in fact been consistently earned net by such agent, salesman, representative or distributor in the ordinary course of business under normal conditions and circumstances, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sales Stimulators, etc., Docket 3873, December 9, 1939]

§ 3.6 (q) (1) *Advertising falsely or misleadingly—Premiums and prizes—Premiums:* § 3.6 (r) (2.5) *Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary:* § 3.6 (s) *Advertising falsely or misleadingly—Promotional sales plans:* § 3.6 (gg) *Advertising falsely or misleadingly—Value.* Representing, in connection with offer, etc., in commerce, of any sales stimulator plan or merchandise for use in connection therewith, as the customary or regular prices or values for premiums used by respondent in connection with any sales stimulator plan, prices or values which are in fact fictitious and substantially in excess of the actual prices or values of such premiums, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Sales Stimulators, etc., Docket 3873, December 9, 1939]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles

H. March, Ewin L. Davis, William A. Ayres.

IN THE MATTER OF BEN BRAUDE, AN INDIVIDUAL, TRADING AS SALES STIMULATORS, AND GLOBE CLOCK COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint except a portion of the allegations of Paragraph Seven of said complaint, with respect to which no order is made herein, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That respondent Ben Braude, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of any sales stimulator plan, or any merchandise for use in connection therewith, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing any specified sum of money as possible earnings or profits of agents, salesmen, representatives or distributors, which is not a true representation of the average net earnings or profits consistently made by his active full-time agents, salesmen, representatives or distributors in the ordinary course of business under normal conditions and circumstances;

2. Representing any specified sum of money as earnings or profits of any specified agent, salesman, representative or distributor for any given period of time which has not in fact been consistently earned net by such agent, salesman, representative or distributor in the ordinary course of business under normal conditions and circumstances;

3. Representing as the customary or regular prices or values for premiums used by respondent in connection with any sales stimulator plan, prices or values which are in fact fictitious and substantially in excess of the actual prices or values of such premiums.

*It is further ordered*, That the respondent shall, within sixty days after the service upon him of this order file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 39-4763; Filed, December 22, 1939; 9:33 a. m.]

## TITLE 35—PANAMA CANAL

### CHAPTER I—CANAL ZONE REGULATIONS[1]

### PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

1. Section 4.20[2] of Title 35, Code of Federal Regulations, prescribing the documents required to be delivered to the boarding party, is amended by adding at the end thereof the following clause:

"(s) Information cards for disembarking passengers, as provided in Regulation 12.3."

(Ex. Order 4314, Sept. 25, 1925, rules 9, 12) [Reg. Gov., Aug. 1, 1931, reg. 12.1; Sept. 9, 1939; December 1, 1939]

2. Section 4.20 b of Title 35 is hereby added, reading as follows:

"§ 4.20 b *Information cards for disembarking passengers.* One copy of an information card (Panama Canal form) is required for each passenger proposing to disembark at a Canal Zone port, except that no such card is required for a Panamanian citizen, United States Government employee, cruise passenger, official of the United States or of a foreign government (including diplomatic and consular service), a member of the family of any of the foregoing, or a Chinese. This card shall be filled in on the typewriter before arrival at the Canal, shall be signed by the passenger in the presence of the quarantine boarding officer and be presented to that officer." (Ex. Order 4314, Sept. 25, 1925, rules 9, 12) [Reg. Gov., Aug. 1, 1931, reg. 12.3; Dec. 1, 1939]

3. The regulations amended and added, as aforesaid, shall be effective as to all vessels arriving in the Canal Zone on or after January 1, 1940.

C. S. RIDLEY, *Governor.*

DECEMBER 19, 1939.

[F. R. Doc. 39-4766; Filed, December 22, 1939; 9:47 a. m.]

## *Notices*

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No 486-FD]

IN THE MATTER OF THE APPLICATION OF NORFOLK & WESTERN RAILWAY COMPANY FOR RENEWAL OF EXEMPTION

ORDER AMENDING ORDER GRANTING RENEWAL OF EXEMPTION

The Norfolk & Western Railway Company having filed an application for renewal of the exemption granted on August 31, 1938; and

The Director having by order on September 2, 1939, granted the Norfolk & Western Railway Company a renewal of its exemption;

*It is ordered*, That the order of September 2, 1939, beginning with paragraph numbered 2, be and the same is hereby amended to read as follows:

2. Unless Applicant, on or before April 2, 1940, files with the Director a verified report for the six month period ending March 2, 1940, containing the following information, which the Director hereby finds necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant and the nature and purpose of such consumption;

3. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mines from which the coal in question was produced or in the ownership of the plants or factories or other facilities at which the coal was consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

*It is further ordered*, That the Director at any time, upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of August 31, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, December 21, 1939.

[SEAL] H. A. GRAY, *Director.*

[F. R. Doc. 39-4764; Filed, December 22, 1939; 9:40 a. m.]

[1] Amendment of section 4.20 and addition of section 4.20 b.
[2] 4 F.R. 4171 DI.



[File No. 1-2632]

IN THE MATTER OF FIDELITY FUND, INCORPORATED, CAPITAL STOCK, $5 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Fidelity Fund, Incorporated, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Capital Stock, $5 Par Value, from listing and registration on the Board of Trade of The City of Chicago; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

*It is ordered*, That said application be and the same is hereby granted, effective at the close of the trading session on December 30, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4769; Filed, December 22, 1939; 11:10 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at the Office in the City of Washington, D. C., on the 21st day of December, A. D. 1939.

[File No. 60-11]

IN THE MATTER OF ASSOCIATED ELECTRIC COMPANY

ORDER DESIGNATING NEW TRIAL EXAMINER

The Commission by order dated December 15, 1939, having ordered the Associated Electric Company to show cause why the Commission should not enter its order pursuant to Section 12(c) and pursuant to Rule U-12C-2, preventing the declaration of dividends on capital stock of such company; the Commission by said order dated December 15, 1939, having set said matter down for hearing on January 4, 1940 at 10 o'clock in the forenoon of that day and the trial examiner designated to preside at such hearing now being engaged in another matter and unable to preside at such hearing;

*It is ordered*, That Charles S. Lobingier, an officer of the Commission, be and hereby is designated to preside at such hearing in the place and stead of and with the same powers and duties as the trial examiner hereinbefore designated to preside at such hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4768; Filed, December 22, 1939; 11:10 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of December 1939.

DEC 30 1939


# FEDERAL REGISTER

VOLUME 4 NUMBER 249

*Washington, Wednesday, December 27, 1939*


## The President

REMOVING SUSPENSION OF TITLE II OF THE SUGAR ACT OF 1937

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

### A PROCLAMATION

WHEREAS section 509 of the Sugar Act of 1937 provides, in part:

"Whenever the President finds and proclaims that a national economic or other emergency exists with respect to sugar or liquid sugar, he shall by proclamation suspend the operation of title II or III above, which he determines, on the basis of such findings, should be suspended, and, thereafter, the operation of any such title shall continue in suspense until the President finds and proclaims that the facts which occasioned such suspension no longer exist. * * *"; and

WHEREAS by proclamation issued September 11, 1939,[1] I found and proclaimed that a national economic emergency existed with respect to sugar and suspended the operation of title II of that Act:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of the Sugar Act of 1937, do hereby find and proclaim that the facts which occasioned such suspension no longer exist and do by this proclamation remove the suspension of the operation of title II of that Act with respect to the calendar year 1940.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 26th day of December in the year of our Lord nineteen hundred and [SEAL] thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL
*Secretary of State.*

[No. 2378]

[F. R. Doc. 39-4797; Filed, December 26, 1939; 1:34 p. m.]

[1] 4 F.R. 3889 DI.

## EXECUTIVE ORDER

MAKING CERTAIN CHANGES IN CUSTOMS COLLECTION DISTRICT No. 38

MICHIGAN

By virtue of the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 609, 623 (U.S.C., title 19, sec. 2), it is ordered that the following changes be, and they are hereby, made in Customs Collection District No. 38 (Michigan):

1. The designation of Grand Haven, Michigan, as a customs port of entry is revoked.

2. The city of Muskegon, Michigan, is designated as a customs port of entry.

This order shall become effective thirty days from the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 22, 1939.*

[No. 8315]

[F. R. Doc. 39-4782; Filed December 26, 1939; 10:24 a. m.]

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pay $3.00, said sum representing the average cash outlay in connection with each such reamortization for abstract of title charges and recording fees. (Sec. 13 'Thirteenth', as added by sec. 4, 47 Stat. 1548; 12 U.S.C. 781 'Thirteenth') [Res. Bd. Dir., October 24, 1939]"



Establishing the Eligibility of the Holders Thereof to Receive Agricultural Commodities or the Products Thereof and Providing for the Payment of Claims Made by Retailers of Such Commodities or Products" made and prescribed by the Secretary of Agriculture on April

## TITLE 24—HOUSING CREDIT

### CHAPTER II—FEDERAL SAVINGS AND LOAN SYSTEM

AMENDMENT TO RULES AND REGULATIONS FOR THE FEDERAL SAVINGS AND LOAN SYSTEM

### CHAPTER IV—HOME OWNERS' LOAN CORPORATION

PART 401—RESOLUTION

AMENDING PART 401 OF CHAPTER IV, TITLE 24 OF THE CODE OF FEDERAL REGULATIONS

*Retirement of Investments Upon Request*

Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

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## *Rules, Regulations, Orders*

## TITLE 6—AGRICULTURAL CREDIT

### CHAPTER I—FARM CREDIT ADMINISTRATION

[FCA 160]

CHARGES IN CONNECTION WITH REAMORTIZATIONS OF COMMISSIONER LOANS

DECEMBER 26, 1939.

Section 19.4045 of Title 6, Code of Federal Regulations, is revoked and section 19.4043 of Title 6, Code of Federal Regulations, is amended to read as follows:

"§ 19.4043 *Charges in connection with reamortizations of Commissioner loans.* Applicants for reamortizations of either first mortgage or second mortgage Commissioner loans should be required to pay such out-of-pocket costs as abstract charges, recording fees and other incidental items. (Sec. 6, 47 Stat. 14, secs. 32, 33, 48 Stat. 48, 49, as amended, secs. 1, 2, 48 Stat. 344, 345, sec. 4 (b), 48 Stat. 346, as amended; 12 U.S.C. 665, 1016, 1017, 1020, 1020a, 1020d, and Sup.) [Min. Bd. Dir., FFMC, Sept. 27, 1939, Revision No. 94, Manual for Federal Land Banks, December 26, 1939]"

[SEAL] GERALD E. LYONS,
*Acting Governor.*

[F. R. Doc. 39-4791; Filed, December 26, 1939; 12:01 p. m.]

[FCA 161]

THE FEDERAL LAND BANK OF SAINT PAUL

CHARGES FOR REAMORTIZATION, FEDERAL LAND BANK LOANS

Section 27.7 of Title 6, Code of Federal Regulations is amended to read as follows:

"§ 27.7 *Charges for reamortization, Federal land bank loans.* For each loan reamortized the applicant therefor shall pay $3.00, said sum representing the average cash outlay in connection with each such reamortization for abstract of title charges and recording fees. In the case of a joint loan, where both the Federal land bank and the Land Bank Commissioner loans are reamortized simultaneously, a charge of $2.00 in addition to the foregoing is made. (Sec. 32, 48 Stat. 48, as amended, 12 U.S.C. 1016; Sec. 1, 48 Stat. 344, 12 U.S.C. 1020; Sec. 2, 48 Stat. 345, 12 U.S.C. 1020a; 6 CFR 19.4043).

"[Res. Bd. Dir., October 24, 1939]"

[SEAL] THE FEDERAL LAND BANK OF SAINT PAUL,
By F. W. PECK, *President.*

[F. R. Doc. 39-4792; Filed, December 26, 1939; 12:01 p. m.]

[FCA 162]

THE FEDERAL LAND BANK OF SAINT PAUL

CHARGES FOR REAMORTIZATION, LAND BANK COMMISSIONER LOANS

Section 27.8 of Title 6, Code of Federal Regulations is amended to read as follows:

"§ 27.8 *Charges for reamortization, Land Bank Commissioner loans.* For each loan reamortized the applicant therefor shall pay $3.00, said sum representing the average cash outlay in connection with each such reamortization for abstract of title charges and recording fees. In the case of a joint loan, where both the Federal land bank and the Land Bank Commissioner loans are reamortized simultaneously, a charge of $2.00 in addition to the foregoing is made. (Sec. 32, 48 Stat. 48, as amended, 12 U.S.C. 1016; Sec. 1, 48 Stat. 344, 12 U.S.C. 1020; Sec. 2, 48 Stat. 345, 12 U.S.C. 1020a; 6 CFR 19.4043).

"[Res. Bd. Dir., October 24, 1939]"

[SEAL] THE FEDERAL LAND BANK OF SAINT PAUL,
By F. W. PECK, *President.*

[F. R. Doc. 39-4793; Filed, December 26, 1939; 12:01 p. m.]

## TITLE 7—AGRICULTURE

### CHAPTER V—FEDERAL SURPLUS COMMODITIES CORPORATION

AMENDMENT TO (1) REGULATIONS AND CONDITIONS GOVERNING THE ISSUANCE OF FOOD ORDER STAMPS, ESTABLISHING THE ELIGIBILITY OF THE HOLDERS THEREOF TO RECEIVE AGRICULTURAL COMMODITIES OR THE PRODUCTS THEREOF AND PROVIDING FOR THE PAYMENT OF CLAIMS MADE BY RETAILERS OF SUCH COMMODITIES OR PRODUCTS, AS AMENDED, AND (2) REGULATIONS AND CONDITIONS GOVERNING THE ISSUANCE OF FOOD ORDER STAMPS TO PERSONS IN LOW INCOME GROUPS IN SHAWNEE, OKLAHOMA, ESTABLISHING THE ELIGIBILITY OF THE HOLDERS THEREOF TO RECEIVE AGRICULTURAL COMMODITIES OR THE PRODUCTS THEREOF, AND PROVIDING FOR THE PAYMENT OF CLAIMS MADE BY RETAILERS OF SUCH COMMODITIES AND PRODUCTS

"Regulations and Conditions Governing the Issuance of Food Order Stamps, and Conditions Governing the Issuance of Food Order Stamps to Persons in Low Income Groups in Shawnee, Oklahoma, Establishing the Eligibility of the Holders Thereof to Receive Agricultural Commodities or the Products Thereof and Providing for the Payment of Claims Made by Retailers of Such Commodities and Products" made and prescribed by the Acting Secretary of Agriculture on October 14, 1939,[1] are hereby amended by inserting as section 208 of the former and section 307 of the latter the following:

"*Violations of conditions.* Whenever the President or the Acting President of the Corporation shall determine that any person has violated, or is violating, the conditions herein contained, or any amendment thereto, he may issue an order denying to such person, indefinitely or for such period as he may determine, the privilege of further participation in any matter or respect concerning orange colored or blue colored surplus food order stamps or the food distribution plan based thereon. For this purpose the President or the Acting President of the Corporation may adopt and promulgate, and from time to time modify or amend, such practice and procedure as he may deem necessary, not inconsistent with the provisions of these regulations and conditions. The President or the Acting President of the Corporation may suspend alleged violators from the privilege referred to above at any time prior to or pending final determination as provided above; and may, as to the issuance of any order denying participation or as to any suspension as provided herein, take such action as to any such order or suspension which shall to him seem reasonably designed to make effective the terms thereof."

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed hereto, in the City of Washington, this 26th day of December, 1939.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4796; Filed, December 26, 1939; 12:36 p. m.]

[1] 4 F.R. 1716 DI.
[2] 4 F.R. 4255 DI.

RELATING TO THE MANNER IN WHICH INVOLUNTARY REPURCHASES OF FEDERAL INVESTMENTS WILL BE HANDLED

*Be it resolved,* That Section 203.8 of the Rules and Regulations for the Federal Savings and Loan System is amended, effective December 22, 1939, by adding at the end thereof the following new subsections:

"(e) *Retirement of investments upon request by the Secretary of the Treasury or the Home Owners' Loan Corporation.* The basis for computing the amount of repurchases which the Secretary of the Treasury or the Home Owners' Loan Corporation may at any time request shall be the original amount of separate investments made five years or more prior to the date of each such request, and the original amount of each such separate investment shall be included in the said basis until such time as the investment would have been fully retired had separate requests been made for the retirement of the investment and had the repurchases been applied accordingly. Repurchases shall be applied toward the retirement of the investment first made by the Secretary of the Treasury or the Home Owners' Loan Corporation and not previously retired.

"(f) *Return of receipt, certificate or other evidence of investment.* The receipt, certificate or other evidence of investment by the Secretary of the Treasury or the Home Owners' Loan Corporation will be returned upon repurchase of the investment in full; partial repurchases will be evidenced by appropriate endorsement on the receipt, certificate or other evidence of investment, which shall to him seem reasonably designed to make effective the terms thereof." (Sec. 5 (a) of H.O.L.A. of 1933, 48 Stat. 132, Sec. 5 (j) of H.O.L.A. of 1933, as added by Sec. 5, 48 Stat. 645, Sec. 4 (n) of H.O.L.A. of 1933, as added by Sec. 17 (a), 49 Stat. 297; 12 U.S.C. 1464 (a), (j), 12 U.S.C., Sup. 1463 (n))

*Be it further resolved,* That this amendment is deemed to be of an emergency character within the provisions of subsection (c) of Section 201.2 of the Rules and Regulations for the Federal Savings and Loan System.

Adopted by the Federal Home Loan Bank Board on December 22, 1939.

[SEAL] J. FRANCIS MOORE,
*Acting Secretary.*

[F. R. Doc. 39-4771; Filed, December 22, 1939; 2:44 p. m.]

*Return of Receipt, Certificate or Other Evidence of Investment*

Section 401.58 is amended by the addition of the following new subsections (Effective December 22, 1939):

"(c) *Retirement of investments upon request by the Home Owners' Loan Corporation.* The basis for computing the amount of repurchases which the Home Owners' Loan Corporation may at any time request shall be the original amount of separate investments made five years or more prior to the date of each such request, and the original amount of each such separate investment shall be included in the said basis until such time as the investment would have been fully retired had separate requests been made for the retirement of the investment and had the repurchases been applied accordingly. Repurchases shall be applied toward the retirement of the investment first made by the Home Owners' Loan Corporation and not previously retired.

"(d) *Return of receipt, certificate or other evidence of investment.* The receipt, certificate or other evidence of investment by the Home Owners' Loan Corporation will be returned upon repurchase of the investment in full; partial repurchases will be evidenced by appropriate endorsement on the receipt, certificate or other evidence of the investment, provided that a new certificate shall be issued for the unretired portion of each investment which is a creditor obligation." (Sec. 4 (k) of H.O.L.A. of 1933, 48 Stat. 132, Sec. 4 (n) of H.O.L.A. of 1933, as added by Sec. 17 (a), 49 Stat. 297; Sec. 5 (j) of H.O.L.A. of 1933, as added by Sec. 5, 48 Stat. 645; 12 U.S.C. 1463 (k), 1464 (j), 12 U.S.C., Sup., 1463 (n))

Adopted by the Federal Home Loan Bank Board on December 22, 1939.

[SEAL] J. FRANCIS MOORE,
*Acting Secretary.*

[F. R. Doc. 39-4770; Filed, December 22, 1939; 2:44 p. m.]

## TITLE 46—SHIPPING

### CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 10]

SUBCHAPTER A—DOCUMENTATION, ENTRY AND CLEARANCE OF VESSELS, ETC.

DECEMBER 22, 1939.

Section 1.23 is amended to read as follows:

§ 1.23 *Evidence of citizenship of owners and officers.* In addition to the oaths

of citizenship specified, a collector of customs may require the production of such further evidence as may be necessary to satisfy him that the person is a citizen of the United States and the proper notation of the evidence produced should be made on the papers retained in the collector's office, such as the number, date and office of issue of an officer's license or a seaman's passport or a citizen's passport, or the same data as to birth certificate or a naturalization certificate, or a continuous discharge book, or certificate of identification, etc. Acceptable evidence of citizenship is described below in the order of its desirability:

(1) Birth certificate or certified copy.
(2) Naturalized citizens must present a Certificate of Naturalization.
(3) Baptismal certificate or Parish record recorded within one year after birth.
(4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing date on which it occurred.
(5) State Department Passport.
(6) A commission in the United States Army, Reserve Corps, Navy, Naval Reserve, or Coast Guard.
(7) A license as master, mate, or engineer or pilot issued by the Bureau of Marine Inspection and Navigation when such license shows on the back thereof that satisfactory evidence of citizenship has been submitted.
(8) A continuous discharge book or certificate of identification issued by the Bureau of Marine Inspection and Navigation which shows that the holder is an American citizen, if records of Bureau indicate that he presented satisfactory proof of citizenship.
(9) Seaman's protection certificate, if records of issuing officer indicate that holder presented satisfactory proof of citizenship.
(10) *If no one of the foregoing requirements can be met by the applicant*, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(1) Report of the Census Bureau showing the *earliest record* of age or birth available. Request for such information should be addressed to the Director of the Census, Washington, D. C. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after the birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district, if residing in the country; also the names of parents, or the names of other persons with whom residing on the dates specified.

NOTE: A census was taken in the following years: June 1, 1860, 1870, 1880 and 1900; April 15, 1910; January 1, 1920; and April 1, 1930. (Records for 1890 are not available.)

(2) Affidavits of parents, or relatives; or affidavits by two or more responsible citizens of the United States stating facts of which they have knowledge tending to establish applicant's citizenship; school records; immigration records; or insurance policies.

For the convenience of applicants there is listed below the State custodians of records of vital statistics. This is not a complete list of offices from which birth certificates may be secured, but is confined to such offices established by *State* governments. In many States, birth records are maintained also by county clerks, clerks of county courts, and/or city clerks or town clerks. If a State record is not available, inquiry should be made of the county, city or town clerk. The year below at the right indicates the date of the earliest available record.

Alabama: State Registrar, Bureau of Vital Statistics, Montgomery, Ala., 1908.
Alaska: Auditor of Alaska, Juneau, Alaska, 1913.
Arizona: State Registrar of Vital Statistics, Phoenix, Ariz., 1909.
Arkansas: State Registrar, (State Health Officer), Little Rock, Ark., 1914.
California: State Registrar of Vital Statistics, Sacramento, Calif., 1905.
Canal Zone: Chief, Bureau of Statistics, Panama Canal, Balboa Heights, C. Z., 1904.
Colorado: Secretary, State Board of Health, Denver, Colo., 1900.
Connecticut: State Commissioner Health, State Dept. Health, Hartford, Conn., 1897.
Delaware: State Registrar, State Board of Health, Dover, Del., 1861.
Dist. Columbia: Health Officer, District of Columbia, Washington, D. C., 1872.
Florida: Director, Bureau Vital Statistics, Board Health, Jacksonville, Fla., 1865.
Georgia: Registrar, State Board Health, Bureau Vital Statistics, Atlanta, Ga., 1919.
Hawaii: Registrar General, Bureau Vital Statistics, Honolulu, T. H., 1896.[1]
Idaho: Department of Public Welfare, Boise, Idaho, 1911.
Illinois: Director, Department Public Health, Springfield, Ill., 1916.
Indiana: State Health Commissioner, Indianapolis, Ind., 1907.
Iowa: Secretary, State Board of Health, Des Moines, Iowa, 1880.
Kansas: State Registrar, Topeka, Kansas, 1911.
Kentucky: State Registrar of Vital Statistics, Louisville, Ky., 1911.

[1] Some records are available prior to this date.

Louisiana: State Registrar, Bureau Vital Statistics, New Orleans, La., 1898.
Maine: State Health Commissioner, Augusta, Maine, 1892.
Maryland: State Registrar of Vital Statistics, Baltimore, Md., 1898.
Massachusetts: State Registrar of Vital Statistics, State House, Boston, Mass., 1841.
Michigan: State Department of Health, Lansing, Mich., 1867.
Minnesota: State Board of Health, St. Paul, Minn., 1900.
Mississippi: Director, Bureau of Vital Statistics, Jackson, Miss., 1913.
Missouri: State Board of Health, Department Vital Statistics, Jefferson City, Mo., 1910.
Montana: Secretary, State Board of Health, Helena, Mont., 1907.
Nebraska: Chief, Bureau of Health, Lincoln, Nebr., 1905.
Nevada: Secretary, State Board of Health, Carson City, Nev., 1911.
New Hampshire: State Registrar, Department Vital Statistics, Concord, N. H., 1640.
New Jersey: Registrar, Bureau of Vital Statistics Trenton, N. J., 1848.
New Mexico: State Director, Bureau of Public Health, Santa Fe, New Mexico, 1919.
New York: State Department of Health, Div. of Vital Statistics, Albany, N. Y., 1880.[2]
North Carolina: State Registrar of Vital Statistics, Raleigh, N. C., 1913.
North Dakota: State Health Officer, Bismarck, N. D., 1907.
Ohio: Director, Department of Health, Columbus, Ohio, 1908.
Oklahoma: Commissioner of Health, Oklahoma City, Okla., 1907.
Oregon: State Board of Health, Portland, Ore., 1903.
Pennsylvania: State Registrar, Harrisburg, Pa., 1906.
Rhode Island: State Registrar and Director, Public Health Commission, Providence, R. I., 1853.
South Carolina: Secretary, State Board of Health, Columbia, S. C., 1915.
South Dakota: Director of Vital Statistics, Department of Health, Waubay, S. D., 1905.
Tennessee: Registrar of Vital Statistics, Department Public Health, Nashville, Tenn., 1914.
Texas: Registrar of Vital Statistics, Department Public Health, Austin, Texas, 1903.
Utah: Secretary, State Board of Health, Salt Lake City, Utah, 1906.
Vermont: Secretary of State, Montpelier, Vt., 1787.
Virginia: State Registrar, Richmond, Va.[1]

[1] For records of births occurring in New York City, address respective borough departments of health. The main office address of the New York City Department of Health is 138 Center Street, New York City.
[2] Records are available from 1853 to 1896, and from 1912 to date.

Washington: Director of Health, Alaska Building, Seattle, Wash., 1907.
West Virginia: State Commissioner of Health, Charleston, W. Va., 1917.
Wisconsin: State Health Officer, Madison, Wisc., 1860.
Wyoming: Secretary, State Board of Health, Cheyenne, Wyo., 1909.

Collectors and deputy collectors of customs must be satisfied that the evidence presented is authentic and may reject any evidence that they have reason to believe is not based on facts.

[Sec. 161 R.S. (5 U.S.C. 22); Sec. 2 of the Act of July 5, 1884 (23 Stat. 118) (46 U.S.C. 2)]

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 39-4773; Filed, December 22, 1939; 4:38 p. m.]

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[Order No. 11]

SUBCHAPTER K—SEAMEN

DECEMBER 22, 1939.

Subsection (a) of Section 139.3, *Evidence of American Citizenship*, is amended to read as follows:

(a) The applicant shall furnish proof that he is an American citizen. Acceptable evidence of citizenship is described below in the order of its desirability:

(1) Birth certificate or certified copy.
(2) Naturalized citizens must present a Certificate of Naturalization.
(3) Baptismal certificate or Parish record recorded within one year after birth.
(4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing date on which it occurred.
(5) State Department Passport.
(6) A commission in the United States Army, Reserve Corps, Navy, Naval Reserve or Coast Guard.
(7) A license as master, mate or engineer or pilot issued by the Bureau of Marine Inspection and Navigation when such license shows on the back thereof that satisfactory evidence of citizenship has been submitted.
(8) A continuous discharge book or certificate of identification issued by the Bureau of Marine Inspection and Navigation which shows that the holder is an American citizen, if records of Bureau indicate that he presented satisfactory proof of citizenship.
(9) *If no one of the foregoing requirements can be met by the applicant*, he should make a statement to that effect, and in an attempt to establish citizenship he may submit for consideration data of the following character:

(1) Report of the Census Bureau showing the *earliest record* of age or birth available. Request for such information should be addressed to the Director of Census, Washington, D. C. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after the birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district, if residing in the country; also the names of parents, or the names of other persons with whom residing on the dates specified.

Note: A census was taken in the following years: June 1, 1860, 1870, 1880, and 1900; April 15, 1910; January 1, 1920; and April 1, 1930. (Records for 1890 are not available.)

(2) Affidavits of parents, or relatives; or affidavits by two or more responsible citizens of the United States, stating facts of which they have knowledge tending to establish applicant's citizenship; school records; immigration records; or insurance policies.

For the convenience of applicants there is listed below the State custodians of records of vital statistics. This is not a complete list of officers from which birth certificates may be secured, but is confined to such offices established by *State* governments. In many States, birth records are maintained also by county clerks, clerks of county courts, and/or city clerks or town clerks. If a State record is not available, inquiry should be made of the county, city or town clerk. The year below at the right indicates the date of the earliest available record.

Alabama: State Registrar, Bu. of Vital Statistics, Montgomery, Ala., 1908.
Alaska: Auditor of Alaska, Juneau, Alaska, 1913.
Arizona: State Registrar of Vital Statistics, Phoenix, Arizona, 1909.
Arkansas: State Registrar (State Health Officer), Little Rock, Ark., 1914.
California: State Registrar of Vital Statistics, Sacramento, Calif., 1905.
Canal Zone: Chief, Bu. Statistics, Panama Canal, Balboa Heights, C. Z., 1904.
Colorado: Secretary, State Board of Health, Denver, Colo., 1900.
Connecticut: State Commr. Health, State Dept. Health, Hartford, Conn., 1897.
Delaware: State Registrar, State Board of Health, Dover, Del., 1861.
Dist. Columbia: Health Officer, District of Columbia, Washington, D. C., 1872.
Florida: Director, Bu. Vital Statistics, Bd. Health, Jacksonville, Fla., 1865.
Georgia: Registrar, State Bd. Health, Bu. Vital Statistics, Atlanta, Ga., 1919.
Hawaii: Registrar General, Bu. Vital Statistics, Honolulu, T. H., 1896.[1]
Idaho: Department of Public Welfare, Boise, Idaho, 1911.
Illinois: Director, Dept. Public Health, Springfield, Ill., 1916.
Indiana: State Health Commissioner, Indianapolis, Ind., 1907.

[1] Some records are available prior to this date.

Iowa: Secretary, State Board of Health, Des Moines, Iowa, 1880.
Kansas: State Registrar, Topeka, Kans., 1911.
Kentucky: State Registrar of Vital Statistics, Louisville, Ky., 1911.
Louisiana: State Registrar, Bu. Vital Statistics, New Orleans, La., 1898.
Maine: State Health Commissioner, Augusta, Maine, 1892.
Maryland: State Registrar of Vital Statistics, Baltimore, Md., 1898.
Massachusetts: State Registrar of Vital Statistics, State House, Boston, Mass., 1841.
Michigan: State Department of Health, Lansing, Mich., 1867.
Minnesota: State Board of Health, St. Paul, Minn., 1900.
Mississippi: Director, Bureau of Vital Statistics, Jackson, Miss., 1913.
Missouri: State Bd. Health Dept. Vital Statistics, Jefferson City, Mo., 1910.
Montana: Secretary, State Bd. of Health, Helena, Mont., 1907.
Nebraska: Chief, Bureau of Health, Lincoln, Nebr., 1905.
Nevada: Secretary, State Board of Health, Carson City, Nev., 1911.
New Hampshire: State Registrar, Dept. Vital Statistics, Concord, N. H., 1640.
New Jersey: Registrar, Bureau of Vital Statistics, Trenton, N. J., 1848.
New Mexico: State Director, Bu. of Pub. Health, Santa Fe, New Mexico, 1919.
New York: State Dept. of Health, Div. of Vital Statistics, Albany, N. Y., 1880.[2]
North Carolina: State Registrar of Vital Statistics, Raleigh, N. C., 1913.
North Dakota: State Health Officer, Bismarck, N. D., 1907.
Ohio: Director, Dept. Health, Columbus, Ohio, 1908.
Oklahoma: Commissioner of Health, Oklahoma City, Okla., 1907.
Oregon: State Board of Health, Portland, Ore., 1903.
Pennsylvania: State Registrar, Harrisburg, Pa., 1906.
Rhode Island: State Registrar and Director, Pub. Health Comm., Providence, R. I., 1853.
South Carolina: Secretary, State Board of Health, Columbia, S. C., 1915.
South Dakota, Director of Vital Statistics, Dept. Health, Waubay, S. D., 1905.
Tennessee: Registrar of Vital Statistics, Dept. Pub. Health, Nashville, Tenn., 1914.
Texas: Registrar of Vital Statistics, State Bd. Health, Austin, Texas, 1903.
Utah: Sec'y, State Bd. of Health, Salt Lake City, Utah, 1906.
Vermont: Secretary of State, Montpelier, Vt., 1787.
Virginia: State Registrar, Richmond, Va.[1]
Washington: Director of Health, Alaska Building, Seattle, Wash., 1907.

[2] For records of births occurring in New York City, address respective borough departments of health. The main office address of the New York City Department of Health is 138 Center Street, New York City.
[2] Records are available from 1853 to 1896 and from 1912 to date.

West Virginia: State Commissioner of Health, Charleston, W. Va., 1917.

Wisconsin: State Health Officer, Madison, Wis., 1860.

Wyoming: Secretary, State Board of Health, Cheyenne, Wyo., 1909.

Collectors and deputy collectors of customs must be satisfied that the evidence presented is authentic and may reject any evidence that they have reason to believe is not based on facts.

Section 161 R.S. (5 U.S.C. 22); Section 2 of the Act of July 5, 1884 (23 Stat. 118) (46 U.S.C. 2)

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 39–4774; Filed, December 22, 1939; 4:39 p. m.]

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[Order No. 12]

SUBCHAPTER K,—SEAMEN

DECEMBER 22, 1939.

Subsection (k) of Section 138.1, *General*, is amended to read as follows:

(k) An applicant claiming to be a citizen of the United States shall furnish satisfactory evidence of such citizenship to the issuing officer. Acceptable evidence of citizenship is described below in the order of its desirability:

(1) Birth certificate or certified copy.

(2) Naturalized citizens must present a Certificate of Naturalization.

(3) Baptismal certificate or Parish record recorded within one year after birth.

(4) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date on which it occurred.

(5) State Department Passport.

(6) A commission in the United States Army, Reserve Corps, Navy, Naval Reserve, or Coast Guard.

(7) A license as master, mate or engineer or pilot issued by the Bureau of Marine Inspection and Navigation when such license shows on the back thereof that satisfactory evidence of citizenship has been submitted.

(8) Seaman's protection certificate, if records of issuing officer indicate that holder presented satisfactory proof of citizenship.

(9) *If no one of the foregoing requirements can be met by the applicant*, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(1) Report of the Census Bureau showing the *earliest record* of age or birth available. Request for such information should be addressed to the Director of the Census, Washington, D. C. In making such request, definite information must be furnished the Census Bureau as to the place when the first census was taken after the birth of the applicant, giving the name of the street and number of the house, or the names of the cross streets between which the house was located if residing in a city; or the name of the town, township, precinct, magisterial district, militia district, beat or election district, if residing in the country; also the names of parents, or the names of other persons with whom residing on the dates specified.

NOTE: A census was taken in the following years: June 1, 1860, 1870, 1880, and 1900; April 15, 1910; January 1, 1920; and April 1, 1930. (Records for 1890 are not available)

(2) Affidavits of parents, or relatives; or affidavits by two or more responsible citizens of the United States stating facts of which they have knowledge tending to establish applicant's citizenship; school records; immigration records; or insurance policies.

For the convenience of applicants there is listed below the State custodians of records of vital statistics. This is not a complete list of offices from which birth certificates may be secured, but is confined to such offices established by *State* governments. In many States, birth records are maintained also by county clerks, clerks of county courts, and/or city clerks or town clerks. If a State record is not available, inquiry should be made of the county, city or town clerk. The year below at the right indicates the date of the earliest available record.

Alabama: State Registrar, Bu. of Vital Statistics, Montgomery, Ala., 1908.

Alaska: Auditor of Alaska, Juneau, Alaska, 1913.

Arizona: State Registrar of Vital Statistics, Phoenix, Arizona, 1909.

Arkansas: State Registrar (State Health Officer), Little Rock, Ark., 1914.

California: State Registrar of Vital Statistics, Sacramento, Calif., 1905.

Canal Zone: Chief, Bu. Statistics, Panama Canal, Balboa Heights, C. Z., 1904.

Colorado: Secretary, State Board of Health, Denver, Colo., 1900.

Connecticut: State Commr. Health, State Dept. Health, Hartford, Conn., 1897.

Delaware: State Registrar, State Board of Health, Dover, Del., 1861.

District of Columbia: Health Officer, District of Columbia, Washington, D. C., 1872.

Florida: Director, Bu. Vital Statistics, Bd. Health, Jacksonville, Fla., 1865.

Georgia: Registrar, State Bd. Health, Bu. Vital Statistics, Atlanta, Ga., 1919.

Hawaii: Registrar General, Bu. Vital Statistics, Honolulu, T. H., 1896.[1]

Idaho: Department of Public Welfare, Boise, Idaho, 1911.

Illinois: Director, Dept. Public Health, Springfield, Ill., 1916.

Indiana: State Health Commissioner, Indianapolis, Ind., 1907.

Iowa: Secretary, State Board of Health, Des Moines, Iowa, 1880.

Kansas: State Registrar, Topeka, Kans., 1911.

Kentucky: State Registrar of Vital Statistics, Louisville, Ky., 1911.

Louisiana: State Registrar, Bu. Vital Statistics, New Orleans, La., 1898.

Maine: State Health Commissioner, Augusta, Maine, 1892.

Maryland: State Registrar of Vital Statistics, Baltimore, Md., 1898.

Massachusetts: State Registrar of Vital Statistics, State House, Boston, Mass., 1841.

Michigan: State Department of Health, Lansing, Michigan, 1867.

Minnesota: State Board of Health, St. Paul, Minn., 1900.

Mississippi: Director, Bureau of Vital Statistics, Jackson, Miss., 1913.

Missouri: State Bd. Health, Dept. Vital Statistics, Jefferson City, Mo., 1910.

Montana: Secretary, State Bd. of Health, Helena, Mont., 1907.

Nebraska: Chief, Bureau of Health, Lincoln, Nebraska, 1905.

Nevada: Secretary, State Board of Health, Carson City, Nev., 1911.

New Hampshire: State Registrar, Dept. Vital Statistics, Concord, N. H., 1640.

New Jersey: Registrar, Bureau of Vital Statistics, Trenton, N. J., 1848.

New Mexico: State Director, Bu. of Pub. Health, Santa Fe, New Mexico, 1919.

New York: State Dept. of Health, Div. of Vital Statistics, Albany, N. Y., 1880.[2]

North Carolina: State Registrar of Vital Statistics, Raleigh, N. C., 1913.

North Dakota: State Health Officer, Bismarck, N. D., 1907.

Ohio: Director, Dept. Health, Columbus, Ohio, 1908.

Oklahoma: Commissioner of Health, Oklahoma City, Okla., 1907.

Oregon: State Board of Health, Portland, Ore., 1903.

Pennsylvania: State Registrar, Harrisburg, Pa., 1906.

Rhode Island: State Registrar and Director, Pub. Health Comm., Providence, R. I., 1853.

South Carolina: Secretary, State Board of Health, Columbia, South Carolina, 1915.

South Dakota: Director of Vital Statistics, Dept. Health, Waubay, S. D., 1905.

Tennessee: Registrar of Vital Statistics, Dept. Public Health, Nashville, Tenn., 1914.

Texas: Registrar of Vital Statistics, State Bd. Health, Austin, Tex., 1903.

Utah: Sec'y, State Bd. of Health, Salt Lake City, Utah, 1906.

Vermont: Secretary of State, Montpelier, Vt., 1787.

Virginia: State Registrar, Richmond, Va.[3]

Washington: Director of Health, Alaska Building, Seattle, Wash., 1907.

West Virginia: State Commissioner of Health, Charleston, West Virginia, 1917.

Wisconsin: State Health Officer, Madison, Wis., 1860.

Wyoming: Secretary, State Board of Health, Cheyenne, Wyo., 1909.

[1] Some records are available prior to this date.

[2] For records of births occurring in New York City, address respective borough departments of health. The main office address of the New York Department of Health is 138 Center Street, New York City.

[3] Records are available from 1853 to 1896, and from 1912 to date.



United States shipping commissioners, collectors and deputy collectors of customs, and United States local inspectors must be satisfied that the evidence presented is authentic and may reject any evidence that they have reason to believe is not based on facts. If the seaman is unable to present such proof, a question mark shall be placed opposite nationality in the continuous discharge book or on the certificate of identification until such time as he is able to present proof of citizenship, at which time the United States shipping commissioner or at ports where no shipping commissioner has been appointed, the collector or deputy collector of customs or United States local inspector to whom such proof is presented shall draw a line through the question mark and note his citizenship status in the space provided therefor attesting the change.

[Section 7, Act of June 25, 1936 (46 U.S.C. 689); Section 4551 (j) of the Revised Statutes, as amended, 46 U.S.C. Sup. IV 643 (j).]

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 39–4775; Filed, December 22, 1939; 4:38 p. m.]

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[Order No. 13]

SUBCHAPTER A—DOCUMENTATION, ENTRY AND CLEARANCE OF VESSELS, ETC.

DECEMBER 26, 1939.

Subsection (c) of Section 5.84,[1] *Combat Areas*, of Part V, *Foreign Clearances*, has been amended to read as follows:

(c) Final clearance shall not be granted to any foreign vessel (watercraft or aircraft), bound to a foreign port, in a combat area, or proceeding into or through any such area, or to any vessel of a belligerent state, wherever bound, until the master has filed with the collector a list of all of the members of the crew of the vessel, together with the nationality of each member, which list shall be sworn to by the master.

(Sec. 161 R.S.; 5 U.S.C. 22)

[SEAL] J. M. JOHNSON,
*Acting Secretary of Commerce.*

[F. R. Doc. 39–4787; Filed, December 26, 1939; 11:16 a. m.]

[1] 4 F.R. 4628 DI.

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## *Notices*

### DEPARTMENT OF THE INTERIOR.

#### Bituminous Coal Division.

[Docket No. 34–FD]

IN THE MATTER OF THE APPLICATION OF PENNSYLVANIA ELECTRIC COMPANY FOR RENEWAL OF EXEMPTION

ORDER GRANTING RENEWAL OF EXEMPTION

Pennsylvania Electric Company, Applicant herein, having on June 14, 1937, filed with the National Bituminous Coal Commission a verified application for exemption with respect to certain bituminous coal produced and consumed by the Applicant, or produced and transported by the Applicant to itself for consumption by it in the business of producing electrical energy and heat for sale and distribution to the public; and

The Commission having, on August 31, 1938, entered an order pursuant to such application in Docket No. 34–FD ordering that the provisions of Section 4, Part II, (1) do apply to the bituminous coal produced by Applicant at its mines located in Clearfield, Somerset, Center and Indiana Counties, Pennsylvania, and consumed by it in the business of producing electrical energy and heat in its plant at Johnstown, Pennsylvania, for sale and distribution to the public, and that such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937, and further ordering the Applicant to apply annually thereafter, and at such other times as the Commission may require for renewal of said order, and to file such accompanying reports as will enable the Commission to determine whether the facts as found in said order continue to exist; and

Applicant having on October 14, 1939, filed with the Bituminous Coal Division a verified application for renewal of said order, which application contains a statement of the quantities of coal produced by Applicant for the year preceding the date of filing its application for renewal at its mines located in Clearfield, Somerset, Center and Indiana Counties, Pennsylvania, and consumed by Applicant in its business of producing electrical energy and heat in its plant at Johnstown, Pennsylvania, for sale and distribution to the public, and which application also contains a statement that the facts set forth in the application dated June 14, 1937, remain true and correct; and

The Director having determined that the conditions supporting the exemption granted by the order dated August 31, 1938, continue to exist;

*It is ordered*, That the application filed by the Applicant for renewal of said order dated August 31, 1938, be and the same is hereby granted;

*Provided, however*, That the said order dated August 31, 1938, and the exemption granted thereby, shall automatically terminate and expire:

1. Unless the Applicant on or before November 22, 1940, files an application for renewal of said order;

2. Unless the Applicant, on or before July 22, 1940, files with the Director a verified report for the six month period ending June 22, 1940, containing the following information which the Director hereby finds necessary and appropriate to enable him to determine whether the conditions supporting the exemption granted to the Applicant continue to exist:

(a) The full name and business address of the Applicant, and the name and location of the mine covered by this application;

(b) The total tonnage of bituminous coal produced by Applicant during the preceding six months at such mine;

(c) The total tonnage of such production which was consumed by Applicant and the nature and purpose of such consumption;

3. Unless the Applicant shall immediately notify the Director upon:

(a) Any change in the ownership of the mines from which the coal in question was produced or in the ownership of the plants or factories or other facilities at which the coal was consumed; and

(b) Any change in the agency or instrumentality through which the coal is being produced on the date of this order;

*It is further ordered*, That the Director, at any time upon his own motion or upon the petition of any interested person, may direct the Applicant to show cause why the exemption granted by the order of August 31, 1938, should not be terminated. Any person filing such a petition shall serve a copy thereof upon the Applicant herein.

Dated, December 22, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39–4785; Filed, December 26, 1939; 11:06 a. m.]

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[Docket No. 684–FD]

IN THE MATTER OF THE APPLICATION OF THE LOCK HAVEN TRUST COMPANY, TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF HARRY J. BATSCHELET, FOR EXEMPTION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the Director consents to the withdrawal of the application of the above-named applicant upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect.

It is so ordered.

Dated, December 22, 1939.

[SEAL] H. A. GRAY,
*Director.*

[F. R. Doc. 39–4786; Filed, December 26, 1939; 11:06 a. m.]

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### DEPARTMENT OF AGRICULTURE.

#### Rural Electrification Administration.

[Administrative Order No. 418]

AMENDMENT OF PRIOR ALLOCATIONS OF FUNDS FOR LOANS

DECEMBER 18, 1939.

I hereby amend Administrative Order No. 378, dated August 1, 1939, by chang-

ing the project designation "South Dakota 0008A1 Brookings" appearing therein to read: "South Dakota 0012A1 Minnehaha".

I hereby amend Administrative Order No. 393, dated September 27, 1939, by changing the project designation "South Dakota 0009A1 Moody" appearing therein to read: "South Dakota 0012B1 Minnehaha".

I hereby amend Administrative Order No. 378, dated August 1, 1939, by changing the project designation "South Dakota 0010A1 Minnehaha" appearing therein to read: "South Dakota 0012C1 Minnehaha".

I hereby amend Administrative Order No. 389, dated September 11, 1939, by changing the project designation "South Dakota 0008W1 Brookings" appearing therein to read: "South Dakota 0012W1 Minnehaha".

I hereby amend Administrative Order No. 394, dated September 27, 1939, by changing the project designation "South Dakota 0010W1 Minnehaha" appearing therein to read: "South Dakota 0012W2 Minnehaha".

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-4772; Filed, December 22, 1939; 2:54 p. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 7 FOR THE KNITTED OUTERWEAR INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to Section 5 (b) of the Fair Labor Standards Act of 1938 on September 18, 1939, by Administrative Order No. 29,[1] appointed Industry Committee No. 7 for the Knitted Outerwear Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 7, on October 26, 1939, recommended a minimum wage rate for the Knitted Outerwear Industry and duly adopted a report containing said recommendation and reasons therefor and has filed such report with the Administrator on October 27, 1939, pursuant to Section 8 (d) of the Act and Section 511.19 of the Regulations issued under the Act; and

Whereas, the Administrator is required by Section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 7 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 7 is as follows:

Thirty-five cents (35¢) per hour shall be the minimum wage rate to be paid all employees in the Knitted Outerwear Industry defined by Administrative Order No. 29 dated September 18, 1939, as follows:

The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; provided that the manufacturing, dyeing or other finishing of the following shall not be included:

(a) Knitted fabric, as distinguished from garment sections or garments, for sale as such.

(b) Fulled suitings, coatings, topcoatings, and overcoatings.

(c) Garments or garment accessories made from purchased fabric.

(d) Gloves or mittens.

(e) Hosiery.

(f) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(g) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

(h) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer; provided that this exception shall not be construed to exclude from the knitted outerwear industry the manufacturing, dyeing or other finishing of knitted shirts made in the same establishment as that where the knitting process is performed, if such shirts are made wholly or in part of fibers other than those specified in this clause, or if such shirts of any fiber are knit on machinery coarser than 10-cut.

II. The full text of the report and recommendation of Industry Committee No. 7 is available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, 120 Boylston Street.
New York, New York, 412 Federal Building, 641 Washington Street.
Philadelphia, Pennsylvania, 1630 Widener Building.
Pittsburgh, Pennsylvania, 216 Old Post Office Building.
Newark, New Jersey, 1004 Kinney Building, 790 Broad Street.
Cleveland, Ohio, 728 Standard Building, 1370 Ontario Avenue.
Cincinnati, Ohio, 421 Keith Building, 525 Walnut Street.
Detroit, Michigan, 358 Federal Building.
Chicago, Illinois, 955 Merchandise Mart.
Indianapolis, Indiana, 708 Railway Exchange Building.
Richmond, Virginia, 215 Richmond Trust Building.
Baltimore, Maryland, Snow Building, 6th Floor, Calvert & Lombard Streets.
Washington, District of Columbia, Department of Labor, 5th Floor.
Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.
Birmingham, Alabama, 818 Comer Building.
Jacksonville, Florida, 225 Post Office Building.
Charlotte, North Carolina, 409 Johnston Building, 212 South Tryon Street.
Nashville, Tennessee, 119 Seventh Avenue, North.
St. Louis, Missouri, 314 Old Custom House Building, 815 Olive Street.
Kansas City, Missouri, 504 Title & Trust Building.
Minneapolis, Minnesota, 406 New Post Office Building.
Denver, Colorado, 106 Old Custom House Building.
Dallas, Texas, 618–621 Wilson Building.
San Antonio, Texas, 716 Maverick Building.
New Orleans, Louisiana, 516 Carondelet Building.
San Francisco, California, 785 Market Street.
Los Angeles, California, H. W. Hellman Building, 354 S. Spring Street.
Seattle, Washington, 206 Hartford Building.
San Juan, Puerto Rico, Box 1431 Post Office.
Juneau, Alaska, B. D. Stewart, Commissioner of Mines.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

III. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 7 shall be approved or disapproved pursuant to Section 8 of the Act will be held on January 22, 1940, at 10:00 a. m. in the Raleigh Hotel, Washington, D. C., before a presiding officer to be designated prior to such hearing by the Administrator of the Wage and Hour Division, United States Department of Labor.

IV. Any interested person, supporting or opposing the recommendation of Industry Committee No. 7, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; provided, that not later than January 18, 1940, such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 7.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

V. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the presiding officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear will be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. The Industry Committee will be represented at the hearing by its counsel who will open and close the proceeding.

5. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

6. All evidence must be presented under oath or affirmation.

7. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

8. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

9. Subpoenas requiring the attendance of witnesses or the presentation of documents from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

10. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

11. The rules of evidence prevailing in courts of law or equity shall not be controlling.

12. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reason for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer.

13. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

14. Briefs may be submitted to the Administrator, following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs and the rules and regulations as to the contents and manner of presentation thereof, shall be given by the Administrator in such manner as shall be deemed suitable by him.

15. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

16. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 26 day of December 1939.

HAROLD D. JACOBS,
*Administrator.*

[F. R. Doc. 39-4784; Filed, December 26, 1939; 10:26 a. m.]

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 8 FOR THE KNITTED UNDERWEAR AND COMMERCIAL KNITTING INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to Section 5 (b) of the Fair Labor Standards Act of 1938, on September 18, 1939, by Administrative Order No. 30,[1] appointed Industry Committee No. 8 for the Knitted Underwear and Commercial Knitting Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 8, on November 1, 1939, recommended a minimum wage rate for the Knitted Underwear and Commercial Knitting Industry and duly adopted a report containing said recommendation and reasons therefor

[1] 4 F.R. 4017 DI.

[1] 4 F.R. 4018 DI.

and has filed such report with the Administrator on November 2, 1939, pursuant to Section 8 (d) of the Act and Section 511.19 of the Regulations issued under the Act; and

Whereas the Administrator is required by Section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 8 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and, if he finds otherwise, to disapprove such recommendations;

Now therefore notice is hereby given that:

I. The recommendation of Industry Committee No. 8 is as follows:

Wages at a rate of not less than 33½ cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Knitted Underwear and Commercial Knitting Industry who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Knitted Underwear and Commercial Knitting Industry, as set forth in Administrative Order No. 30, issued September 18, 1939, is as follows:

a. The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except:

1. The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed: (*Provided*, That this exception shall not be construed to apply to the garments or garment accessories designated in clause (b) of this definition.

2. Fulled suitings, coatings, topcoatings, or overcoatings containing more than 25 percent, by weight, of wool or animal fiber other than silk.

3. Hosiery.

b. The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

1. Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

2. Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

3. Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer in the same establishment as that where the knitting process is performed.

4. Knitted towels or cloths.

III. The full text of the report and recommendation of Industry Committee No. 8 is available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, 120 Boylston Street.
New York, New York, 412 Federal Building, 641 Washington Street.
Philadelphia, Pennsylvania, 1630 Widener Building.
Pittsburgh, Pennsylvania, 216 Old Post Office Building.
Newark, New Jersey, 1004 Kinney Building, 790 Broad Street.
Cleveland, Ohio, 728 Standard Building, 1370 Ontario Avenue.
Cincinnati, Ohio, 421 Keith Building, 525 Walnut Street.
Detroit, Michigan, 358 Federal Building.
Chicago, Illinois, 955 Merchandise Mart.
Indianapolis, Indiana, 708 Railway Exchange Building.
Richmond, Virginia, 215 Richmond Trust Building.
Baltimore, Maryland, Snow Building, 6th Floor, Calvert & Lombard Streets.
Washington, District of Columbia, Department of Labor, 5th Floor.
Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.
Birmingham, Alabama, 818 Comer Building.
Jacksonville, Florida, 225 Post Office Building.
Charlotte, North Carolina, 409 Johnston Building, 212 South Tryon Street.
Nashville, Tennessee, 119 Seventh Avenue, North.
St. Louis, Missouri, 314 Old Custom House Building, 815 Olive Street.
Kansas City, Missouri, 504 Title & Trust Building.
Minneapolis, Minnesota, 406 New Post Office Building.
Denver, Colorado, 106 Old Custom House Building.
Dallas, Texas, 618–621 Wilson Building.
San Antonio, Texas, 716 Maverick Building.
New Orleans, Louisiana, 516 Carondelet Building.
San Francisco, California, 785 Market Street.
Los Angeles, California, H. W. Hellman Building, 354 S. Spring Street.
Seattle, Washington, 206 Hartford Building.
San Juan, Puerto Rico, Box 1431 Post Office.
Juneau, Alaska, B. D. Stewart, Commissioner of Mines.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 8 shall be approved or disapproved pursuant to Section 8 of the Act will be held on January 16, 1940, at 10:00 a. m. in the Raleigh Hotel, Washington, D. C., before a presiding officer to be designated prior to such hearing by the Administrator of the Wage and Hour Division, United States Department of Labor.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 8, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; provided, that not later than January 11, 1940, such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 8.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the presiding officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear will be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. The Industry Committee will be represented at the hearing by its counsel who will open and close the proceeding.



5. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

6. All evidence must be presented under oath or affirmation.

7. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

8. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

9. Subpoenas requiring the attendance of witnesses or the presentation of documents from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

10. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

11. The rules of evidence prevailing in courts of law or equity shall not be controlling.

12. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer.

13. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

14. Briefs may be submitted to the Administrator, following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs and the rules and regulations as to the contents and manner of presentation thereof, shall be given by the Administrator in such manner as shall be deemed suitable by him.

15. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

16. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 26 day of December 1939.

HAROLD D. JACOBS,
*Administrator.*

[F. R. Doc. 39–4783; Filed, December 26, 1939; 10:26 a. m.]

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## NOTICE OF ISSUANCE OF A SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the employers listed below effective December 27, 1939, until April 23, 1940, unless otherwise indicated, subject to the following terms and limited to the number of learners indicated opposite the employer's name:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employer that (a) experienced stitching machine operators are not available and (b) that he is actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment.

(4) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

(5) These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of the Regulations, Part 522, as amended. For fifteen days following the publication of this notice, the Administrator will receive detailed written objections as provided for in said Section 522.5 (b). Such Special Certificates may be canceled as of the date of issuance and if so canceled, reimbursement of all persons employed under such Certificate must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

| Name and address of firm | Product | Number of learners |
|---|---|---|
| Cinett Peabody & Co., Inc., Corinth, New York. | Men's shirts. | 30 |

Signed at Washington, D. C., this 26th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39–4794; Filed, December 26, 1939; 12:22 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 27, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Aronson-Caplin Company, Inc., Easton, Pennsylvania, ladies' lingerie.

Ashley Shirt Company, Branford, Connecticut, men's shirts.

Eastern Isles Importing Co., Clinton, Massachusetts, ladies' underwear.

B. Kirschbaum Mfg. Co., Inc., Richmond, Kentucky (5 learners), boys' cotton and wool suits.

David H. Smith, Inc., Lynn, Massachusetts, ladies' cotton dresses.

Smith-Levin-Harris, Inc., Lopez, Pennsylvania, men's pajamas.

Signed at Washington, D. C., this 26th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4795; Filed, December 26, 1939; 12:22 p. m.]

## FEDERAL TRADE COMMISSION.

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of December 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3747]

IN THE MATTER OF PROGRESS TAILORING COMPANY, A CORPORATION, TRADING UNDER ITS OWN NAME AND ALSO AS J. C. FIELD & SON; STONE-FIELD CORPORATION, A CORPORATION; W. Z. GIBSON, INC., A CORPORATION; PIONEER TAILORING COMPANY, A CORPORATION; AND CERTIFIED TAILORING COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, January 11, 1940, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4776; Filed, December 26, 1939; 9:37 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of December 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3793]

IN THE MATTER OF PRINCESS PAT, LTD., AND GORDON-GORDON, LTD.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, January 15, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4777; Filed, December 26, 1939; 9:37 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of December 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3813]

IN THE MATTER OF ACTINO LABORATORIES, INC., A CORPORATION, AND CARL LOEB, AN INDIVIDUAL

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),



*It is ordered*, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Wednesday, January 17, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4778; Filed, December 26, 1939; 9:37 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3816]

IN THE MATTER OF GUILD ANESTHETIC LABORATORIES, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Monday, January 8, 1940, at nine o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4779; Filed, December 26, 1939; 9:37 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of December, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3852]

IN THE MATTER OF L. B. PATTERSON, AN INDIVIDUAL, TRADING AS NU-WAY MANUFACTURING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Thursday, January 4, 1940, at nine o'clock in the forenoon of that day (central standard time) in Room 307, Federal Office Building, Des Moines, Iowa.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4780; Filed, December 26, 1939; 9:38 a. m.]

*United States of America—Before Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of December 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3856]

IN THE MATTER OF EARL ARONBERG, AN INDIVIDUAL TRADING AS POSITIVE PRODUCTS COMPANY AND REX PRODUCTS COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

*It is ordered*, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

*It is further ordered*, That the taking of testimony in this proceeding begin on Friday, January 19, 1940, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
*Secretary.*

[F. R. Doc. 39-4781; Filed, December 26, 1939; 9:38 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of December, A. D. 1939.

[File No. 31-360]

IN THE MATTER OF AMERICAN & FOREIGN POWER COMPANY INC.

EXEMPTION ORDER

American & Foreign Power Company Inc., having filed an application, and amendments thereto, pursuant to the provisions of Section 3 (a) (5) of the Public Utility Holding Company Act of 1935, for an order exempting it and all companies directly or indirectly subsidiary to it, which are or may be holding companies as defined in Section 2 (a) (7) of said Act, as holding companies, and pursuant to Section 3 (b) for an order exempting it and all companies directly or indirectly subsidiary to it from certain provisions of said Act which may be applicable to them as subsidiary companies of Electric Bond and Share Company, a registered holding company;

A public hearing having been held after appropriate notice[1] and the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

*It is ordered*, That American & Foreign Power Company Inc. be, and it hereby is, exempted, as such, to the extent hereinafter specified, from certain provisions of the Act applicable to it be-

[1] 4 F.R. 4057 DI.

cause of its directly or indirectly owning, controlling, or holding with power to vote, ten per centum or more of the outstanding voting securities of any public-utility company, as follows:

(a) Sections 5 (b) and 5 (c) of the Act;

(b) Section 6 of the Act, but only with respect to—

(1) The issue of its common stock pursuant to the provisions of its presently outstanding option warrants;

(2) The guaranty of any security issued by any company directly or indirectly subsidiary to American & Foreign Power Company Inc. to finance the acquisition of tangible personal property, machinery or equipment or to facilitate or obtain funds for the transfer of exchange from countries where any such subsidiary operates or has funds; and

(3) The sale or offering for sale or causing to be sold or offered for sale from house to house without the United States, or causing an officer or any employe of any company directly or indirectly subsidiary to Electric Bond and Share Company or American & Foreign Power Company Inc. to sell or cause to be sold, without the United States, securities of Electric Bond and Share Company or American & Foreign Power Company Inc.;

(c) Section 9 of the Act, except with respect to the acquisition of any utility assets located within the United States or to the acquisition of any interest in the business of, or securities issued or guaranteed by, any public-utility or holding company which directly or indirectly owns or controls utility assets located within the United States;

(d) Subsection (a) of Section 12 of the Act;

(e) Subsection (b) of Section 12 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States, except that this exemption shall not apply to extensions of credit to or indemnifications of associate companies other than those directly or indirectly subsidiary to American & Foreign Power Company Inc.;

(f) Subsection (c) of Section 12 of the Act, but only with respect to the acquisition, retirement or redemption of its Second Preferred Stock, Series A ($7) and Option Warrants in accordance with the provisions of such Option Warrants presently outstanding;

(g) Subsection (d) of Section 12 of the Act, but only with respect to the sale of any security of a public-utility company which is not, and which has no subsidiary which is, a public-utility company operating in the United States and to the sale of any utility assets not located within the United States;

(h) Subsection (g) of Section 11 and Subsection (e) of Section 12 of the Act, but only in connection with any solicitation regarding any securities of American & Foreign Power Company Inc. held outside the United States at the time of any such solicitation and not made in connection with a reorganization of said company;

(i) Subsection (f) of Section 12 of the Act, except with respect to the provisions of Rule U–12F–2 and to such future rules, regulations or orders promulgated by the Commission pursuant to the provisions of such subsection as shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States;

(j) Subdivision (2) of Subsection (h) of Section 12 of the Act, except with respect to contributions to or in support of any political party within the United States or any committee or agency thereof;

(k) Section 13 of the Act, except with respect to the performing of services or construction work for, or the sale of goods to, any public-utility or holding company which directly or indirectly owns or controls utility assets located within the United States;

(l) Section 14 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States; and

(m) Section 15 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States.

*It is further ordered*, That all companies which are or may be directly or indirectly subsidiary to American & Foreign Power Company Inc., which are or may be holding companies as defined in Section 2 (a) (7) of the Public Utility Holding Company Act of 1935, be, and they hereby are, exempted, as such, from all those provisions of said Act which would require them to register thereunder because of their directly or indirectly owning, controlling, or holding with power to vote, ten per centum or more of the outstanding voting securities of any public-utility company, or of any company which is a holding company by virtue of such ownership, control or holding, which does not own or operate properties within the United States, used for the generation, transmission, or distribution of electric energy for sale, or for the distribution at retail of natural or manufactured gas.

*It is further ordered*, That American & Foreign Power Company Inc., a subsidiary of Electric Bond and Share Company, a registered holding company, be, and it hereby is, exempted, as such, to the extent hereinafter specified, from certain provisions of the Act applicable to it as a subsidiary company of Electric Bond and Share Company, as follows:

(a) Section 6 of the Act, but only with respect to—

(1) The issue of its common stock pursuant to the provisions of its presently outstanding option warrants;

(2) The guaranty of any security issued by any company directly or indirectly subsidiary to American & Foreign Power Company Inc. to finance the acquisition of tangible personal property, machinery or equipment or to facilitate or obtain funds for the transfer of exchange from countries where any such subsidiary operates or has funds; and

(3) The sale or offering for sale or causing to be sold or offered for sale from house to house without the United States, or causing an officer or any employe of any company directly or indirectly subsidiary to Electric Bond and Share Company or American & Foreign Power Company Inc. to sell or cause to be sold, without the United States, securities of Electric Bond and Share Company or American & Foreign Power Company Inc.;

(b) Section 9 of the Act, except with respect to the acquisition of any utility assets located within the United States or to the acquisition of any interest in the business of, or securities issued or guaranteed by, any public-utility or holding company which directly or indirectly owns or controls utility assets located within the United States;

(c) Subsection (b) of Section 12 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States, except that this exemption shall not apply to extensions of credit to or indemnifications of associate companies other than those directly or indirectly subsidiary to American & Foreign Power Company Inc.;

(d) Subsection (c) of Section 12 of the Act, but only with respect to the acquisition, retirement' or redemption of its Second Preferred Stock, Series A ($7) and Option Warrants in accordance with the provisions of such Option Warrants presently outstanding;

(e) Subsection (g) of Section 11 and Subsection (e) of Section 12 of the Act, but only in connection with any solicitation regarding any securities of American & Foreign Power Company Inc. held outside the United States at the time of any such solicitation and not made in connection with a reorganization of said company;

(f) Subsection (f) of Section 12 of the Act, except with respect to the provisions of Rule U–12F–2 and to such future rules, regulations or orders promulgated by the Commission pursuant to the provisions of such subsection as shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States;

(g) Subdivision (2) of Subsection (h) of Section 12 of the Act, except with respect to contributions to or in support of any political party within the United States or any committee or agency thereof;

(h) Section 13 of the Act, except with respect to the performing of services or construction work for, or the sale of goods to, any public-utility or holding company which directly or indirectly owns or controls utility assets located within the United States; and

(i) Section 15 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States;

*It is further ordered*, That all companies which are or may be, directly or indirectly, subsidiary to American & Foreign Power Company Inc. be, and they hereby are, exempted, as such, to the extent hereinafter specified, from certain provisions of the Act applicable to them as subsidiary companies of Electric Bond and Share Company, a registered holding company, and American & Foreign Power Company Inc., as follows:

(a) Section 6 of the Act, *Provided, however*, That this exemption shall not apply to—

(1) The issue and sale of any security within the United States, except (i) the issue and sale of any security to American & Foreign Power Company Inc. or to any company directly or indirectly subsidiary to it; or (ii) the exchange of any security, whether alone or together with other consideration, for any presently outstanding security (or for any security exchanged therefor directly or indirectly under the exemption contained in any subdivision of this paragraph (a)) of any company directly or indirectly subsidiary to American & Foreign Power Company Inc.; or (iii) the issue and sale of any security issued to finance the acquisition of tangible personal property, machinery or equipment or to facilitate or obtain funds for the transfer of exchange from countries where any such subsidiary operates or has funds, or of any guaranty of any such security by a direct or indirect parent company of the issuer thereof; or (iv) the issue and sale of any shares issued in payment of dividends on capital stock;

(2) The exercise of any privilege or right to alter the priorities, preferences, voting power or any other rights of any holder of any security then held within the United States, except (i) any security held by American & Foreign Power Company Inc. or any company directly or indirectly subsidiary to it, or (ii) any security presently outstanding (or any security exchanged directly or indirectly therefor under the exemption contained in any subdivision of this paragraph (a));

(3) The sale or offering for sale or the causing to be sold or offered for sale, within the United States, from house to house, or causing any officer or employe of any subsidiary company of Electric Bond and Share Company or American & Foreign Power Company Inc. to sell or cause to be sold, within the United States, securities of Electric Bond and Share Company or American & Foreign Power Company Inc.;

(b) Section 9 of the Act, except with respect to the acquisition of any utility assets located within the United States or to the acquisition of any interest in the business of, or securities issued or guaranteed by, any public-utility or holding company which directly or indirectly owns, or controls utility assets located within the United States;

(c) Subsections (f) and (g) of Section 11 of the Act;

(d) Subsection (b) of Section 12 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States, except that this exemption shall not apply to extensions of credit to or indemnifications of associate companies other than those directly or indirectly subsidiary to American & Foreign Power Company Inc.;

(e) Subsections (c) and (e) of Section 12 of the Act;

(f) Subsection (f) of Section 12 of the Act, except with respect to the provisions of Rule U–12F–2 and to such future rules, regulations or orders promulgated by the Commission pursuant to the provisions of such subsection as shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary company which is, a public-utility company operating in the United States;

(g) Subdivision (2) of Subsection (h) of Section 12 of the Act, except with respect to contributions to or in support of any political party within the United States or any committee or agency thereof; and

(h) Section 13 of the Act, except with respect to the performing of services or construction work for, or the sale of goods to, any public-utility or holding company which directly or indirectly owns or controls utility assets located within the United States;

(i) Section 15 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions thereof shall be, by their terms, made expressly applicable to a company which is not, and which has no subsidiary which is, a public-utility company operating in the United States; and

(j) Section 17 (c) of the Act.

*It is further ordered*, That the exemption herein granted shall be in force until such time as the Commission finds that the circumstances which gave rise to the issuance of this order no longer exist.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39–4789; Filed, December 26, 1939; 11:30 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of December, A. D. 1939.

[File No. 43–282]

IN THE MATTER OF LEXINGTON UTILITIES COMPANY AND KENTUCKY UTILITIES COMPANY

ORDER RELATIVE TO EFFECTIVENESS OF DECLARATION

Lexington Utilities Company, a subsidiary of Kentucky Utilities Company, and Kentucky Utilities Company, a subsidiary of The Middle West Corporation, a registered holding company, having filed a joint declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issue and sale by Lexington Utilities Company to The Chase National Bank of the City of New York of 3½% secured notes due two years after date thereof in the maximum principal amount of $4,000,000, and the pledge of Lexington Utilities Company Bonds 5% Series due 1952 in the maximum principal amount of $4,000,000, and the conditional pledge of Lexington Utilities Company Bonds 5% Series due 1951 in the maximum principal amount of $4,000,000 as security therefor and the guaranty of such notes by Kentucky Utilities Company and the pledge by such company of $989,408 of its bonds (6% Series) to secure the performance of its guaranty and the payment of said notes;

A public hearing having been held on said joint declaration as amended after appropriate notice;[1] the record in this matter having been considered, and the Commission having filed its findings herein;

*It is ordered*, That such joint declaration be and becomes effective forthwith subject, however, to the following conditions:

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[1] 4 F.R. 4831 DI.

1. That such issue, sale and guaranty shall be issued in accordance with the terms and conditions of, and for the purposes represented by, said declaration;

2. That such issue, sale and guaranty be completed within thirty days after issuance of the Order of the Commission.

3. That within ten days after the completion of such issue, sale and guaranty the declarants will file a certificate of notification with the Commission showing that such issue, sale and guaranty have been effected in accordance with the terms and conditions of, and for the purposes represented by, said declaration.

*It is further ordered*, That the order of this Commission of December 1, 1939 (Holding Company Act Release #1821) shall extend to the securities which may be issued by Lexington Utilities Company under authority of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4788; Filed, December 26, 1939; 11:30 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 22nd day of December 1939.

[File No. 1-1170]

IN THE MATTER OF THE MEXICO-OHIO OIL COMPANY COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Mexico-Ohio Oil Company, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the New York Curb Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Tuesday, January 23, 1940, at the office of the Securities & Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That James C. Gruener, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
*Secretary.*

[F. R. Doc. 39-4790; Filed, December 26, 1939; 11:30 a. m.]

Reference

DEC 30 1939

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

# FEDERAL REGISTER

VOLUME 4 NUMBER 250

*Washington, Thursday, December 28, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1940-2]

PART 701—1940 AGRICULTURAL CONSERVATION PROGRAM

SUPPLEMENT NO. 2

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, the 1940 Agricultural Conservation Program[1] is amended as follows:

Subparagraph (2) of paragraph (h), section 701.101, is amended to read as follows:

(2) *National and State Acreage Allotments.* The national and State wheat acreage allotments, as established by the Secretary, are as follows:

| | *Acres* |
|---|---|
| Alabama | 5,281 |
| Arizona | 35,534 |
| Arkansas | 67,385 |
| California | 698,754 |
| Colorado | 1,472,639 |
| Delaware | 74,033 |
| Georgia | 137,416 |
| Idaho | 989,702 |
| Illinois | 1,938,259 |
| Indiana | 1,601,447 |
| Iowa | 456,046 |
| Kansas | 12,789,001 |
| Kentucky | 406,727 |
| Maine | 4,163 |
| Maryland | 384,403 |
| Michigan | 739,792 |
| Minnesota | 1,663,684 |
| Missouri | 1,963,713 |
| Montana | 3,783,007 |
| Nebraska | 3,560,400 |
| Nevada | 14,653 |
| New Jersey | 53,782 |
| New Mexico | 357,895 |
| New York | 239,009 |
| North Carolina | 397,894 |
| North Dakota | 8,964,389 |
| Ohio | 1,838,127 |
| Oklahoma | 4,515,610 |
| Oregon | 851,458 |
| Pennsylvania | 949,933 |
| South Carolina | 123,723 |
| South Dakota | 3,245,869 |
| Tennessee | 375,696 |
| Texas | 4,221,706 |
| Utah | 234,938 |
| Vermont | 77 |
| Virginia | 526,373 |
| Washington | 1,851,030 |
| West Virginia | 129,887 |
| Wisconsin | 99,128 |
| Wyoming | 337,437 |
| Total | 62,000,000 |

[1] 4 F.R. 4695 DI.

Done at Washington, D. C., this 26th day of December 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4810; Filed, December 27, 1939; 12:27 p. m.]

### TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### CHAPTER 1—BUREAU OF ANIMAL INDUSTRY

[Amendment 3 to B.A.I. Order 370]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 94—RINDERPEST AND FOOT-AND-MOUTH DISEASE; PROHIBITED AND RESTRICTED IMPORTATIONS

Under authority conferred upon the Secretary of Agriculture by Section 306 of the Tariff Act of 1930, the order to prevent the introduction into the United States of rinderpest or foot-and-mouth disease (B.A.I. Order 370), dated May 31, 1939, and effective June 16, 1939, as amended,[1] is hereby further amended by adding the name "Finland" to the list of countries in Section 94.1, paragraph (a)

[1] 4 F.R. 2758 DI.

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FEDERAL REGISTER

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of said order, as I have determined that foot-and-mouth disease now exists in said country of Finland and I have so notified the Secretary of the Treasury.

This amendment, which for purpose of identification is designated Amendment 3 to B.A.I. Order 370, shall be effective on and after December 28, 1939.

Done at Washington, this 26th day of December 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4800; Filed, December 26, 1939; 3:49 p. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### CHAPTER II—OFFICE OF THE COMMISSIONER OF ACCOUNTS AND DEPOSITS

[1939—DEPARTMENT CIRCULAR 630]

### PART 226—SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

BONDS EXECUTED BY THE EXCESS INSURANCE COMPANY OF AMERICA, NEW YORK, NEW YORK, A NEW JERSEY CORPORATION, IN FAVOR OF THE UNITED STATES

DECEMBER 26, 1939.

*To the Heads of Departments and Independent Establishments of the Government, Bond-Approving Officers, and Others Concerned:*

The Excess Insurance Company of America, New York, New York, a New Jersey corporation, was authorized by the Treasury, effective December 5, 1932, to qualify as sole surety on recognizances, stipulations, bonds and all other undertakings permitted or required by the laws of the United States to be given with one or more sureties, as provided by the Act of Congress approved August 13, 1894, as amended by the Act of March 23, 1910. (U.S.C., Title 6, Sections 6 to 13)

The company, pursuant to resolutions adopted by its stockholders and Board of Directors, on November 24, 1939, entered into an agreement with The Excess Insurance Company of America, a New York corporation, under the terms of which the New Jersey corporation consolidated with the New York corporation and formed a new corporation which is incorporated under the laws of the State of New York under the name of The Excess Insurance Company of America (hereinafter referred to as the consolidated corporation). The certificate of authority issued by the Secretary of the Treasury to the New Jersey corporation to act as acceptable surety on obligations in favor of the United States was revoked, effective November 24, 1939.

A certificate of authority, dated effective November 24, 1939, has been issued by the Secretary of the Treasury to the consolidated corporation, incorporated under the laws of the State of New York, to qualify as sole surety on recognizances, stipulations, bonds and all other undertakings permitted or required by the laws of the United States to be given with one or more sureties, as provided by the Act of Congress approved August 13, 1894, as amended by the Act of March 23, 1910.

The consolidated corporation acquired all the assets and assumed all the liabilities of The Excess Insurance Company of America, a New Jersey corporation. A copy of the agreement of consolidation has been received and filed in the Treasury, and provides, in part, as follows:

"Upon such consolidation becoming effective, the consolidated corporation shall be deemed to be a continuance of the New Jersey corporation and the New York corporation, and none of the rights, franchises, licenses and interests of said New Jersey corporation and said New York corporation in and to any species of property and things in action belonging to them, or either of them, shall be deemed to revert or be in any way impaired by the said consolidation, and all of the rights, franchises, licenses and interests of the parties hereto in and to every species of property and things in action belonging to the New Jersey corporation and the New York corporation or any of them, shall be deemed as provided by law, to be transferred to, vested and fixed in the consolidated corporation, without any other deed or transfer, and the consolidated corporation shall hold and enjoy the same to the same extent as if the New Jersey corporation and the New York corporation, or either of them, should have continued to retain their titles and transact business. The consolidated corporation hereby assumes and agrees to pay and perform, when and as payment or performance may be due, all of the obligations, debts and liabilities of the consolidating corporations, in the same manner as if they had been incurred or contracted by it, and whether or not represented by agreements, contracts, policies of insurance or other instruments executed by or in the name of either of the consolidating corporations, and whether or not entered into prior or subsequent to the date hereof."

The underwriting limitation of $157,000.00 established for The Excess Insurance Company of America, a New Jersey corporation, on Treasury Form No. 356, dated September 22, 1939, effective September 18, 1939, under that company's certificate of authority to act as an acceptable surety on Federal bonds, will continue in force with respect to the consolidated corporation until otherwise advised.

[SEAL] JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4807; Filed, December 27, 1939; 11:18 a. m.]

## TITLE 36—PARKS AND FORESTS

### CHAPTER I—NATIONAL PARK SERVICE

FORT JEFFERSON NATIONAL MONUMENT

SUBSIDIARY REGULATIONS

Pursuant to the authority granted to the Secretary of the Interior by the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and pursuant to the authority granted to the Director of the National Park Service by the Rules and Regulations issued thereunder (1 F.R. 672, 36 CFR, Chapter 1, Part 2, Section 2.10), the following subsidiary fishing regulations are prescribed for Fort Jefferson National Monument, to become effective immediately:

§ 20.30 *Fort Jefferson National Monument, Fishing.* (a) No coral, shells, sea fans, or other forms of marine life found in the water, whether alive or dead, except fish, crayfish, or the common species of conch known as giant stromb (*Strombus gigas*), shall be taken or disturbed.

(b) No sea turtles, or the eggs thereof, whether on land or in the water, shall be taken or disturbed.

(c) No crayfish shall be caught or taken between March 21 and July 21, inclusive.

(d) Crayfish caught or taken weighing less than one pound shall be immediately returned to the water while alive, unless seriously injured.

(e) The limit per person per day is four crayfish, including those retained because seriously injured.

(f) The taking or catching of crayfish for commercial purposes is prohibited.

(g) No conchs known as the giant stromb (*Strombus gigas*) shall be caught or taken except for food or for bait. The shells of conchs caught or taken for such purposes may be retained for non-commercial purposes.

(h) The limit per person per day is six conchs.

(i) Commercial fishing is permitted with drop lines, except within one-half mile of Garden Key, Bush Key, or Long Key, in conformity with the laws and regulations of the State of Florida.

(j) Nets may be used for collecting bait for commercial or sport fishing. Possession at any time of more than one day's supply of bait so taken is prohibited. No bait shall be taken for purpose of sale.

[SEAL] ARNO B. CAMMERER,
*Director.*

Approved December 19, 2939.

[F. R. Doc. 39-4801; Filed, December 27, 1939; 9:59 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### CHAPTER II—BUREAU OF RECLAMATION

CABINET GORGE RESERVOIR SITE, MONTANA

FIRST FORM RECLAMATION WITHDRAWAL

OCTOBER 23, 1939.

The SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry, under the first form withdrawal as provided in Section 3, Act of June 17, 1902 (32 Stat., 388),

CABINET GORGE RESERVOIR SITE ON CLARK FORK

*Montana Principal Meridian, Montana*

T. 26 N., R. 32 W.,
Sec. 4, lots 2, 6, 7, 8, 9, 10, 11, and 12;
Sec. 10, lots 1, 2, 3, 4, 5, 6, and 7;
Sec. 22, lots 1, 2, 5, and 6;
T. 26 N., R. 32 W.,
Sec. 18, SE¼SW¼;
Sec. 20, lot 2;
Sec. 32, lots 1 and 4;
T. 26 N., R. 33 W.,
Sec. 3, lots 2, 3, 4, SE¼NW¼, and SW¼;
Sec. 8, lots 9, 10, and 11;
Sec. 10, lots 3 and 4;
Sec. 14, lots 5 and 6;
Sec. 24, lot 4;
T. 27 N., R. 33 W.,
Sec. 31, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 12;
Sec. 32, lots 1, 2, and 3;
T. 27 N., R. 34 W.,
Sec. 20, lot 4;
Sec. 21, lot 3;
Sec. 25 SW¼SW¼;
Sec. 28, lot 9;
Sec. 34, lots 1, and 3;

Respectfully,

JOHN C. PAGE,
*Commissioner.*

I concur, December 4, 1939.

M. L. WILSON,
*Acting Secretary of Agriculture.*

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

W. C. MENDENHALL,
*Acting Under Secretary of the Interior.*

DECEMBER 18, 1939.

DECEMBER 4, 1939.

The Honorable,
The SECRETARY OF THE INTERIOR.

DEAR MR. SECRETARY: Reference is made to the Acting Secretary's letter of October 23 enclosing a proposed first form reclamation withdrawal relating to the Cabinet Gorge reservoir site, Montana.

The suggested withdrawal is unobjectionable to this Department with the understanding that in case the reservoir is constructed, there will be released from the withdrawal any lands not required for the reservoir site; also, that any public improvements such as roads, trails, and telephone lines which may be destroyed by reason of construction will be restored on other locations so as to adequately meet the requirements of the government and the public in the use of adjoining lands.

The concurrence of this Department in the proposed withdrawal is noted on the draft of order submitted by you.

Sincerely,

M. L. WILSON,
*Acting Secretary of Agriculture.*

[F. R. Doc. 39-4803; Filed, December 27, 1939; 9:59 a. m.]



### CHAPTER III—GRAZING SERVICE

IDAHO GRAZING DISTRICT NO. 2

MODIFICATION

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended, and subject to the limitations and conditions therein contained, the Departmental order of November 3, 1936, establishing Idaho Grazing District No. 2, is hereby modified to include within its exterior boundaries the following-described land:

IDAHO

*Boise Meridian*

T. 4 N., R. 17 E.,
Sec. 1, lots 1, 2, and 3, SW¼NE¼;
T. 4 N., R. 18 E.,
Sec. 6, lots 2, 3, 4, 5, and 6, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 7, NW¼NE¼, NE¼NW¼.

The Federal Range Code, as revised, shall be effective as to the land embraced within this addition from and after the date of the publication of this order in the FEDERAL REGISTER.

E. K. BURLEW,
*Acting Secretary of the Interior.*

DECEMBER 16, 1939.

[F. R. Doc. 39-4802; Filed, December 27, 1939; 9:59 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### CHAPTER I—INTERSTATE COMMERCE COMMISSION

ORDER IN THE MATTER OF FREIGHT COMMODITY STATISTICS

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of December, A. D. 1939.

The subject of freight commodity statistics being under consideration:

*It is ordered*, That—

Our order of November 16, 1939,[1] providing for the reporting of tons of freight by geographic areas be amended by making the last paragraph read as follows:

The reports shall be forwarded in duplicate to the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before the 75th day succeeding the close of the period for which they are compiled.

By the Commission, division 1.

[SEAL] W. P. BARTEL,
*Secretary.*

[F. R. Doc. 39-4798; Filed, December 26, 1939; 2:35 p. m.]

[1] 4 F.R. 4740 DI.

[Ex Parte No. MC-4]

ORDER IN THE MATTER OF QUALIFICATIONS OF EMPLOYEES AND SAFETY OF OPERATION AND EQUIPMENT OF COMMON AND CONTRACT CARRIERS BY MOTOR VEHICLE

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 20th day of December, A. D. 1939.

*It appearing*, That further time is necessary to enable motor carriers to make changes in the mounting of clearance lamps, which changes may have been made necessary by Rule 3.3108, Motor Carrier Safety Regulations, Revised, prescribed by order of May 27, 1939,[1] in the above-entitled proceeding;

*It is ordered*, That the effective date of said order, insofar only as it relates to Rule 3.3108, of said regulations, be, and it is hereby, postponed from January 1, 1940, to March 1, 1940.

By the Commission, division 5.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 39-4799; Filed, December 26, 1939; 2:35 p. m.]

## Notices

## DEPARTMENT OF THE INTERIOR.

### Bituminous Coal Division.

[Docket No. 1112-FD]

IN THE MATTER OF THE APPLICATION OF THE ALLEGHENY COAL & COKE COMPANY FOR EXEMPTION UNDER SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF DISMISSAL

An application for exemption dated September 15, 1937, having been filed by the Allegheny Coal & Coke Company pursuant to the provisions of the second paragraph of Section 4-A of the Bituminous Coal Act of 1937; and

Counsel for the applicant and counsel for the Bituminous Coal Division having entered into a stipulation dated December 20, 1939, which is made a part hereof,[2] consenting to the discontinuance and dismissal of said application; and

Counsel for the applicant and counsel for the Bituminous Coal Division having consented to this order;

*It is ordered*, That the above described application be and the same hereby is dismissed subject to the terms and conditions of said stipulation.

Dated, December 22, 1939.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 39-4808; Filed, December 27, 1939; 11:51 a. m.]

[1] 4 F.R. 2294 DI.

[2] Not filed as a part of the original document; requests for copies should be addressed to the Bituminous Coal Division, Department of the Interior.

[Docket No. 1113-FD]

IN THE MATTER OF THE APPLICATION OF I. B. WATHEN FOR EXEMPTION

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

Upon the request of the applicant, the Director consents to the withdrawal of the application of the above-named applicant upon the condition that the withdrawal of said application shall constitute a waiver of any exemption which may otherwise become effective during the pendency of a subsequent application, except upon a showing of a material change of facts, and to that effect

It is so ordered.

Dated, December 22, 1939.

[SEAL] H. A. GRAY, *Director*.

[F. R. Doc. 39-4809; Filed, December 27, 1939; 11:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th of December, A. D. 1939.

[File No. 43-276]

IN THE MATTER OF SOUTHWESTERN LIGHT AND POWER COMPANY

ORDER MAKING DECLARATION EFFECTIVE

Southwestern Light and Power Company, an indirect subsidiary of The Middle West Corporation, a registered holding company, having filed with this Commission a declaration and amendments thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale by declarant of $6,750,000 of First Mortgage Bonds, Series A, 3¾%, to be dated December 1, 1939 and to mature December 1, 1969;

A public hearing having been held on said declaration as amended, after appropriate notice;[1] the record in this matter having been considered; and the Commission having filed its findings herein;

*It is ordered*, That such declaration be and become effective forthwith, subject, however, to the following conditions:

(1) That such authority shall be issued within thirty (30) days after the date of our order.

(2) That within ten (10) days after the issue and sale of such securities, declarant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of, and for the purposes represented by, said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 39-4804; Filed, December 27, 1939; 11:08 a. m.]

[1] 4 F.R. 4750 DI.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of December, A. D. 1939.

[File No. 43-282]

IN THE MATTER OF LEXINGTON UTILITIES COMPANY AND KENTUCKY UTILITIES COMPANY

CORRECTION OF ORDER MAKING DECLARATION EFFECTIVE

The Commission having on December 20, 1939 entered an Order in the above-entitled proceeding allowing a declaration to become effective in regard to the issuance of certain securities;

And it appearing that the following words "conditional pledge" in the eleventh (11th) line should be "issue and pledge in lieu of or substitution for" and that the words and figures "$989,408 of its bonds (6% Series)" in lines fourteen (14) and Fifteen (15) should be "$989,400 of its bonds of various series";

And it further appearing to the Commission that said errors are wholly clerical;

*It is ordered*, That said Order be and it is hereby amended by striking out the words "conditional pledge" and substituting therefor the words "issue and pledge in lieu of or substitution for" and by striking out the words and figures "$989,408 of its bonds (6% Series)" and substituting therefor the words and figures "$989,400 of its bonds of various series".

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 39-4805; Filed, December 27, 1939; 11:08 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of December, A. D. 1939.

[File Nos. 43-262, 46-189]

IN THE MATTER OF GENERAL PUBLIC UTILITIES, INC., AND COMMONWEALTHS DISTRIBUTION, INC.

ORDER REFUSING PERMISSION FOR DECLARATION TO BECOME EFFECTIVE

General Public Utilities, Inc., a registered holding company and a subsidiary



of Community Power and Light Company, a registered holding company, having filed a declaration and amendments thereto pursuant to Section 7 of the Public Utility Holding Company Act of 1935 in regard to the issuance of additional common stock of no par value in a maximum amount of 16,318 shares in connection with an optional dividend proposed to be paid by the declarant; the proposed dividend is to be payable at the option of the stockholders either in the amount of $1.50 cash or in the amount of one-tenth of one share for each share of no par common stock held; Commonwealths Distribution, Inc., an affiliate of General Public Utilities, Inc., having filed an application pursuant to Section 10 (a) (1) of said Act for the approval of the acquisition of 1,081 shares of no par common stock of General Public Utilities, Inc., which stock is to be issued in payment of said dividend; said declaration and application having been joined for hearing and the proceedings therein having been consolidated;

A public hearing on said declaration as amended and said application having been duly held after appropriate notice;[1] the record having been examined, and the Commission having made and filed its findings herein;

*It is ordered*, That the Commission refuse to permit the declaration of General Public Utilities, Inc. to become effective.

[1] 4 F.R. 4617 DI.

*It is further ordered*, That Commonwealths Distribution, Inc. be and hereby is permitted to withdraw its application.

*It is further ordered*, That the declarant, General Public Utilities, Inc., be and hereby is granted a period of five days from and after this date within which to register objections and request an opportunity for oral argument, during which period the effect of this order shall be stayed, but if no such request is received by the Commission on or before the 29th day of December, 1939, this order shall become of full force and effect as of that date.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 39-4806; Filed, December 27, 1939; 11:08 a. m.]

Reference

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THE NATIONAL ARCHIVES
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VOLUME 4 NUMBER 251

*Washington, Friday, December 29, 1939*

## *Rules, Regulations, Orders*

### TITLE 7—AGRICULTURE

### CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

### 1940 County Normal Yields of Wheat

1940 County Normal Yields of Wheat Established by the Secretary in Accordance with the Provisions of the Soil Conservation and Domestic Allotment Act, as Amended, for the Purposes of the 1940 Agricultural Conservation Program.[1]

COUNTY AND NORMAL YIELD OF WHEAT (BUSHELS PER ACRE)

Alabama: Jackson, 9.6; Lauderdale, 9.6; Limestone, 9.6; Madison, 9.6; Morgan, 9.6.

Arizona: Apache, 13.2; Cochise, 19.5; Coconino, 11.4; Gila, 13.0; Graham, 22.7; Greenlee, 20.6; Maricopa, 23.8; Mohave, 11.1; Navajo, 19.1; Pima, 12.3; Pinal, 19.9; Santa Cruz, 13.0; Yavapai, 18.0; and Yuma, 20.2.

Arkansas: Baxter, 6.5; Benton, 9.0; Boone, 7.9; Carroll, 8.9; Clay, 9.7; Craighead, 8.7; Franklin, 7.0; Fulton, 6.7; Greene, 9.2; Independence, 9.6; Jackson, 9.9; Logan, 8.3; Madison, 8.4; Marion, 8.2; Newton, 8.1; Prairie, 9.8; Pulaski, 10.4; Randolph, 9.1; St. Francis, 9.1; Searcy, 7.5; Sharp, 6.7; Stone, 6.7; and Washington, 8.8.

California: Alameda, 21.9; Amador, 20.8; Butte, 18.4; Calaveras, 12.8; Colusa, 18.3; Contra Costa, 23.0; Fresno, 19.0; Glenn, 16.8; Humboldt, 19.0; Imperial, 26.4; Inyo, 24.3; Kern, 16.1; Kings, 27.3; Lake, 17.6; Lassen, 13.6; Los Angeles, 10.2; Madera, 10.0; Marin, 25.5; Mendocino, 19.5; Merced, 16.3; Modoc, 13.6; Monterey, 14.6; Napa, 22.8; Orange, 15.8; Placer, 11.7; Plumas, 17.4; Riverside, 13.6; Sacramento, 14.2; San Benito, 14.8; San Bernardino, 20.0; San Diego, 12.9; San Joaquin, 16.6; San Luis Obispo, 11.7; Santa Barbara, 15.3; Santa Clara, 22.8; Shasta, 13.0; Sierra, 12.6; Siskiyou, 17.6; Solano, 18.5; Sonoma, 19.6; Stanislaus, 13.6; Sutter, 22.1; Tehama, 16.1; Trinity, 13.4; Tulare, 10.2; Tuolumne, 13.9; Ventura, 16.9; Yolo, 22.8; and Yuba, 12.1.

Colorado: Adams, 9.3; Alamosa, 19.2; Arapahoe, 8.6; Archuleta, 16.0; Baca, 5.4; Bent, 22.8; Boulder, 20.8; Chaffee, 20.4; Cheyenne, 4.6; Conejos, 20.0; Costilla, 20.6; Crowley, 20.0; Custer, 14.9; Delta, 25.7; Dolores, 9.2; Douglas, 11.4; Eagle, 28.8; Elbert, 6.8; El Paso, 7.8; Fremont, 17.9; Garfield, 22.2; Gilpin, 16.2; Grand, 20.7; Gunnison, 19.3; Huerfano, 10.7; Jackson, 11.7; Jefferson, 20.6; Kiowa, 5.0; Kit Carson, 5.2; La Plata, 19.5; Larimer, 16.1; Las Animas, 7.6; Lincoln, 4.8; Logan, 7.3; Mesa, 21.0; Moffat, 11.6; Montezuma, 15.1; Montrose, 25.8; Morgan, 7.0; Otero, 23.6; Ouray, 18.2; Park, 10.0; Phillips, 8.2; Pitkin, 28.4; Prowers, 10.0; Pueblo, 11.1; Rio Blanco, 14.5; Rio Grande, 20.6; Routt, 16.8; Saguache, 18.8; San Miguel, 16.0; Sedgwick, 8.0; Summit, 19.7; Teller, 11.6; Washington, 5.1; Weld, 11.6; and Yuma, 7.6.

Delaware: Kent, 16.7; New Castle, 20.0; and Sussex, 14.7.

Georgia: Appling, 8.4; Atkinson, 7.6; Bacon, 5.5; Baker, 6.9; Baldwin, 9.6; Banks, 8.4; Barrow, 8.4; Bartow, 8.9; Ben Hill, 8.1; Berrien, 4.8; Bibb, 10.5; Bleckley, 9.5; Brooks, 8.2; Bryan, 4.7; Bulloch, 9.2; Burke, 8.5; Butts, 9.0; Calhoun, 7.8; Candler, 8.4; Carroll, 7.8; Catoosa, 8.3; Charlton, 4.9; Chattahoochee, 9.7; Chattooga, 7.4; Cherokee, 7.4; Clarke, 8.4; Clay, 9.4; Clayton, 8.4; Cobb, 8.3; Coffee, 8.3; Colquitt, 9.4; Columbia, 7.8; Cook, 8.9; Coweta, 7.7; Crawford, 7.8; Crisp, 8.2; Dade, 8.2; Dawson, 6.6; Decatur, 5.2; DeKalb, 7.6; Dodge, 10.5; Dooly, 9.4; Dougherty, 10.7; Douglas, 8.5; Early, 8.3; Effingham, 8.0; Elbert, 7.4; Emanuel, 9.0; Evans, 4.8; Fannin, 6.2; Fayette, 8.0; Floyd, 8.2; Forsyth, 7.0; Franklin, 7.8; Fulton, 8.7; Gilmer, 7.2; Glascock, 7.9; Gordon, 8.0; Grady, 9.7; Greene, 7.0; Gwinnett, 7.6; Habersham, 8.2; Hall, 7.0; Hancock, 6.7; Haralson, 8.1; Harris, 7.9; Hart, 7.7; Heard, 7.0; Henry, 9.2; Hous-

[1] See 7 CFR 701.101 (h), 4 F. R. 3871 DI.

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ton, 9.9; Irwin, 9.3; Jackson, 8.8; Jasper, 9.2; Jeff Davis, 5.0; Jefferson, 8.6; Jenkins, 11.2; Johnson, 7.4; Jones, 7.5; Lamar, 8.6; Lanier, 4.8; Laurens, 9.9; Lee, 7.5; Liberty, 5.1; Lincoln, 7.0; Long, 5.1; Lowndes, 8.1; Lumpkin, 6.6; McDuffie, 7.8; Macon, 10.2; Madison, 8.0; Marion, 8.3; Meriwether, 7.6; Miller, 7.0; Mitchell, 9.6; Monroe, 8.4; Montgomery, 8.6; Morgan, 8.4; Murray, 8.4; Muscogee, 8.9; Newton, 8.5; Oconee, 8.6; Oglethorpe, 8.2; Paulding, 8.1; Peach, 11.4; Pickens, 6.8; Pierce, 8.2; Pike, 8.4; Polk, 7.3; Pulaski, 9.4; Putnam, 7.4; Rabun, 8.6; Randolph, 10.4; Richmond, 9.4; Rockdale, 7.8; Schley, 9.3; Screven, 7.6; Seminole, 7.0; Spalding, 8.8; Stephens, 7.9; Stewart, 6.4; Sumter, 9.1; Talbot, 7.4; Taliaferro, 5.8; Tattnall, 8.9; Taylor, 9.9; Telfair, 10.5; Terrell, 8.9; Thomas, 8.1; Tift, 8.8; Toombs, 9.2; Towns, 7.8; Treutlen, 7.6; Troup, 8.4; Turner, 7.7; Twiggs, 6.8; Union, 7.0; Upson, 8.2; Walker, 7.8; Walton, 8.8; Ware, 6.2; Warren, 7.0; Washington, 10.0; Wayne, 8.7; Webster, 7.2; Wheeler, 8.0; White, 6.6; Whitfield, 7.8; Wilcox, 8.1; Wilkes, 7.1; Wilkinson, 7.4; and Worth, 8.0.

Idaho: Ada, 34.4; Adams, 15.9; Bannock, 16.6; Bear Lake, 14.4; Benewah, 22.4; Bingham, 33.5; Blaine, 17.2; Boise, 17.0; Bonner, 16.6; Bonneville, 20.9; Boundary, 32.7; Butte, 24.6; Camas, 13.2; Canyon, 37.2; Caribou, 16.3; Cassia, 22.1; Clark, 15.5; Clearwater, 19.2; Custer, 22.8; Elmore, 18.7; Franklin, 17.4; Fremont, 18.5; Gem, 28.3; Gooding, 30.3; Idaho, 22.3; Jefferson, 30.2; Jerome, 39.4; Kootenai, 18.4; Latah, 24.0; Lemhi, 29.6; Lewis, 23.5; Lincoln 28.6; Madison, 17.0; Minidoka, 36.2; Nez Perce, 24.1; Oneida, 14.9; Owyhee, 36.6; Payette, 32.4; Power, 12.8; Teton, 13.7; Twin Falls, 39.2; Valley, 14.0; and Washington, 19.2.

Illinois: Adams, 14.0; Alexander, 13.2; Bond, 13.0; Boone, 16.8; Brown, 13.9; Bureau, 21.1; Calhoun, 17.2; Carroll, 19.6; Cass, 17.0; Champaign, 17.9; Christian, 16.9; Clark, 13.8; Clay, 10.5; Clinton, 15.6; Coles, 16.1; Cook, 18.3; Crawford, 13.0; Cumberland, 12.7; De Kalb, 18.2; De Witt, 17.2; Douglas, 17.4; Du Page, 17.7; Edgar, 17.8; Edwards, 14.2; Effingham, 13.3; Fayette, 11.8; Ford, 17.8; Franklin, 11.7; Fulton, 17.8; Gallatin, 14.0; Greene, 16.2; Grundy, 16.0; Hamilton, 12.0; Hancock, 15.7; Hardin, 11.5; Henderson, 17.1; Henry, 20.4; Iroquois, 17.6; Jackson, 14.0; Jasper, 11.4; Jefferson, 12.6; Jersey, 17.1; Jo Daviess, 17.6; Johnson, 12.0; Kane, 17.9; Kankakee, 17.0; Kendall, 18.5; Knox, 17.0; Lake, 18.5; LaSalle, 18.2; Lawrence, 11.8; Lee, 19.0; Livingston, 17.2; Logan, 18.6; McDonough, 17.2; McHenry, 17.1; McLean, 18.6; Macon, 18.8; Macoupin, 14.8; Madison, 15.0; Marion, 11.6; Marshall, 18.1; Mason, 14.4; Massac, 12.8; Menard, 17.4; Mercer, 20.3; Monroe, 16.4; Montgomery, 14.6; Morgan, 18.8; Moultrie, 16.4; Ogle, 17.8; Peoria, 17.0; Perry, 11.0; Piatt, 18.6; Pike, 14.8; Pope, 10.6; Pulaski, 13.5; Putnam, 20.5; Randolph, 13.4; Richland, 12.6; Rock Island, 19.4; St. Clair, 16.0; Saline, 13.4; Sangamon, 18.2; Schuyler, 16.1; Scott, 17.0; Shelby, 14.0; Stark, 19.4; Stephenson, 17.2; Tazewell, 18.0; Union, 13.6; Vermillion, 16.8; Wabash, 14.4; Warren, 19.0; Washington, 12.8; Wayne, 11.6; White, 12.7; Whiteside, 19.8; Will, 18.0; Williamson, 12.0; Winnebago, 16.2; and Woodford, 19.7.

Indiana: Adams, 19.1; Allen, 19.8; Bartholomew, 14.5; Benton, 16.4; Blackford, 17.3; Boone, 18.2; Brown, 11.4; Carroll, 17.0; Cass, 16.3; Clark, 13.8; Clay, 12.2; Clinton, 19.0; Crawford, 10.6; Daviess, 12.5; Dearborn, 14.2; Decatur, 16.4; De Kalb, 18.9; Delaware, 18.1; Dubois, 13.8; Elkhart, 18.0; Fayette, 17.6; Floyd, 14.6; Fountain, 14.8; Franklin, 14.9; Fulton, 15.2; Gibson, 14.0; Grant, 19.7; Greene, 14.1; Hamilton, 19.5; Hancock, 18.1; Harrison, 13.2; Hendricks, 18.2; Henry, 19.2; Howard, 20.2; Huntington, 18.8; Jackson, 13.0; Jasper, 15.8; Jay, 18.8; Jefferson, 12.8; Jennings, 12.7; Johnson, 17.9; Knox, 14.2; Kosciusko, 17.6; Lagrange, 16.6; Lake, 17.0; La Porte, 15.2; Lawrence, 13.1; Madison, 20.0; Marion, 19.0; Marshall, 16.6; Martin, 11.8; Miami, 18.4; Monroe, 13.5; Montgomery, 17.7; Morgan, 14.2; Newton, 17.8; Noble, 19.0; Ohio, 14.0; Orange, 13.2; Owen, 12.0; Parke, 15.4; Perry, 12.7; Pike, 12.3; Porter, 15.6; Posey, 13.4; Pulaski, 16.0; Putnam, 14.2; Randolph, 19.5; Ripley, 14.2; Rush, 16.8; St. Joseph, 18.2; Scott, 12.8; Shelby, 14.4; Spencer, 12.3; Starke, 14.6; Steuben, 18.7; Sullivan, 13.0; Switzerland, 13.4; Tippecanoe, 15.0; Tipton, 19.6; Union, 18.2; Vanderburgh, 15.2; Vermillion, 14.6; Vigo, 13.6; Wabash, 18.9; Warren, 14.7; Warrick, 13.3; Washington, 13.8; Wayne, 17.9; Wells, 18.5; White, 16.0; and Whitley, 18.1.

Iowa: Adair, 15.2; Adams, 15.5; Allamakee, 16.0; Appanoose, 11.7; Audubon, 16.8; Benton, 17.7; Black Hawk, 17.5; Boone, 18.3; Bremer, 16.6; Buchanan, 15.2; Buena Vista, 16.3; Butler, 16.1; Calhoun, 16.4; Carroll, 17.6; Cass, 17.7; Cedar, 20.0; Cerro Gordo, 16.4; Cherokee, 15.6; Chickasaw, 15.1; Clarke, 12.6; Clay, 15.8; Clayton, 17.0; Clinton, 17.6; Crawford, 15.1; Dallas, 18.0; Davis, 12.8; Decatur, 11.1; Delaware, 16.2; Des Moines, 18.4; Dickinson, 14.8; Dubuque, 16.8; Emmet, 16.6; Fayette, 14.7; Floyd, 17.6; Franklin, 16.5; Fremont, 18.3; Greene, 18.0; Grundy, 17.3; Guthrie, 15.6; Hamilton, 17.6; Hancock, 16.4; Hardin, 18.2; Harrison, 16.2; Henry, 16.2; Howard, 14.2; Humboldt, 18.4; Ida, 14.9; Iowa, 16.6; Jackson, 14.4; Jasper, 17.7; Jefferson, 14.1; Johnson, 17.9; Jones, 15.9; Keokuk, 15.6; Kossuth, 16.4; Lee, 15.1; Linn, 19.6; Louisa, 17.4; Lucas, 12.2; Lyon, 16.2; Madison, 16.8; Mahaska, 17.1; Marion, 16.4; Marshall, 19.0; Mills, 19.2; Mitchell, 15.5; Monona, 18.0; Monroe, 12.4; Montgomery, 18.6; Muscatine, 18.3; O'Brien, 16.1; Osceola, 14.6; Page, 19.3; Palo Alto, 15.8; Plymouth, 14.6; Pocahontas, 17.1; Polk, 18.4; Pottawattamie, East, 17.7; Pottawattamie, West, 18.9; Poweshiek, 15.8; Ringgold, 12.2; Sac, 17.8; Scott, 20.0; Shelby, 16.2; Sioux, 16.2; Story, 18.7; Tama, 17.2; Taylor, 14.6; Union, 13.0; Van Buren, 12.2; Wapello, 15.6; Warren, 16.2; Washington, 17.4; Wayne, 11.0; Webster, 17.8; Winnebago, 16.2; Winneshiek, 14.6; Woodbury, 16.6; Worth, 17.1; and Wright, 16.6.

Kansas: Allen, 13.9; Anderson, 14.5; Atchison, 15.3; Barber, 11.6; Barton, 12.6; Bourbon, 12.6; Brown, 17.8; Butler, 12.7; Chase, 18.4; Chautauqua, 12.5; Cherokee, 11.7; Cheyenne, 8.9; Clark, 11.2; Clay, 14.6; Cloud, 13.6; Coffey, 16.0; Comanche, 11.3; Cowley, 12.5; Crawford, 12.5; Decatur, 9.9; Dickinson, 15.2; Doniphan, 16.6; Douglas, 16.3; Edwards, 12.4; Elk, 13.0; Ellis, 12.7; Ellsworth, 12.9; Finney, 10.4; Ford, 11.8; Franklin, 15.2; Geary, 18.0; Gove, 9.9; Graham, 10.3; Grant, 8.6; Gray, 10.5; Greeley, 8.5; Greenwood, 14.6; Hamilton, 8.8; Harper, 12.2; Harvey, 13.5; Haskell, 9.9; Hodgeman, 10.3; Jackson, 15.2; Jefferson, 15.4; Jewell, 13.5; Johnson, 14.6; Kearney, 8.9; Kingman, 12.3; Kiowa, 12.2; Labette, 12.4; Lane, 10.9; Leavenworth, 15.4; Lincoln, 13.1; Linn, 14.0; Logan, 8.3; Lyon, 15.8; McPherson, 13.6; Marion, 13.6; Marshall, 16.0; Meade, 10.7; Miami, 13.6; Mitchell, 13.6; Montgomery, 12.2; Morris, 17.4; Morton, 7.0; Nemaha, 15.9; Neosho, 12.5; Ness, 12.2; Norton, 10.3; Osage, 15.6; Osborne, 12.2; Ottawa, 13.6; Pawnee, 13.0; Phillips, 11.4; Pottawatomie, 17.8; Pratt, 12.9; Rawlins, 9.8; Reno, 13.4; Republic, 14.5; Rice, 12.4; Riley, 18.0; Rooks, 10.7; Rush, 12.9; Russell, 13.1; Saline, 13.5; Scott, 9.6; Sedgwick, 13.2; Seward, 9.3; Shawnee, 17.8; Sheridan, 10.0; Sherman, 7.9; Smith, 12.5; Stafford, 12.4; Stanton, 8.5; Stevens, 7.8; Sumner, 12.0; Thomas, 9.2; Trego, 10.3; Wabaunsee, 19.0; Wallace, 7.5; Washington, 14.3; Wichita, 8.9; Wilson, 14.2; Woodson, 13.9; and Wyandotte, 16.9.

Kentucky: Adair, 9.6; Allen, 9.6; Anderson, 10.5; Ballard, 12.0; Barron, 10.5; Bath, 13.1; Boone, 11.9; Bourbon, 15.0; Boyd, 10.9; Boyle, 14.1; Bracken, 12.2; Breathitt, 9.0; Breckenridge, 11.9; Bullitt, 13.0; Butler, 9.8; Caldwell, 13.0; Calloway, 11.5; Campbell, 12.7; Carlisle, 10.5; Carroll, 13.4; Carter, 9.6; Casey, 9.6; Christian, 12.8; Clark, 13.8; Clay, 8.6; Clinton, 8.9; Crittenden, 12.0; Cumberland, 8.9; Daviess, 15.0; Edmondson, 9.3; Elliott, 7.9; Estill, 9.0; Fayette, 15.4; Fleming, 12.1; Floyd, 9.0; Franklin, 12.9; Fulton, 13.5; Gallatin, 13.2; Garrard, 12.4; Grant, 12.6; Graves, 11.6; Grayson, 9.9; Green, 10.4; Greenup, 10.8; Hancock, 12.9; Hardin, 10.7; Harrison, 12.6; Hart, 9.9; Henderson, 14.8; Henry, 12.5; Hickman, 12.5; Hopkins, 12.3; Jackson, 8.7; Jefferson, 14.8; Jessamine, 14.0; Johnson, 7.2; Kenton, 12.3; Knott, 12.0; Knox, 8.6; Larue, 10.2; Laurel, 8.1; Lawrence, 8.5; Lee, 6.8; Letcher, 7.4; Lewis, 11.0; Lincoln, 11.0; Livingston, 13.3; Logan, 13.8; Lyon, 12.5; McCracken, 11.5; McCreary, 8.6; McLean, 13.4; Madison, 11.7; Magoffin, 7.7; Marion, 11.3; Marshall, 11.3; Mason, 13.4; Meade, 11.7; Menifee, 7.0; Mercer, 13.8; Metcalfe, 9.7; Monroe, 8.8; Montgomery, 12.8; Morgan, 7.4; Muhlenberg, 10.9; Nelson, 11.8; Nicholas, 12.2; Ohio, 11.2; Oldham, 14.5; Owen, 12.1; Owsley, 9.1; Pendleton, 11.9; Pike, 9.9; Powell, 8.9; Pulaski, 9.3; Robertson, 11.7; Rockcastle, 9.0; Rowan, 8.8; Russell, 8.7; Scott, 14.0; Shelby, 12.6; Simpson, 13.1; Spencer, 12.2; Taylor, 10.3; Todd, 13.5; Trigg, 10.7; Trimble, 13.5; Union, 14.5; Warren, 12.0; Washington, 11.0; Wayne, 9.9; Webster, 12.3; Whitley, 8.8; Wolfe, 6.6; and Woodford, 15.0.

Maryland: Allegany, 14.4; Anne Arundel, 13.4; Baltimore, 20.8; Calvert, 13.7; Caroline, 15.9; Carroll, 19.8; Cecil, 21.4; Charles, 13.6; Dorchester, 17.0; Frederick, 18.6; Garrett, 18.6; Harford, 22.8; Howard, 20.0; Kent, 18.5; Montgomery, 19.8; Prince Georges, 14.5; Queen Annes, 17.2; St. Marys, 15.4; Somerest, 16.4; Talbot, 18.2; Washington, 18.8; Wicomico, 14.6; and Worcester, 15.6.

Michigan: Alcona, 17.2; Alger, 14.6; Allegan, 18.5; Alpena, 15.1; Antrim, 14.4; Arenac, 17.4; Baraga, 14.6; Barry, 19.2; Bay, 21.9; Benzie, 11.6; Berrien, 18.0; Branch, 16.6; Calhoun, 16.8; Cass, 16.5; Charlevoix, 17.7; Cheboygan, 14.9; Chippewa, 15.3; Clare, 14.6; Clinton, 21.0; Crawford, 13.1; Delta, 14.7; Dickinson, 16.2; Eaton, 21.9; Emmet, 15.1; Genesee, 20.3; Gladwin, 15.1; Gogebic, 14.0; Grand Traverse, 15.1; Gratiot, 21.8; Hillsdale, 18.7; Houghton, 15.7; Huron, 20.8; Ingham, 20.2; Ionia, 20.2; Iosco, 15.6; Iron, 15.4; Isabella, 19.2; Jackson, 17.6 Kalamazoo, 17.5; Kalkaska, 13.2; Kent, 19.0; Keweenaw, 11.9; Lake, 13.0; Lapeer, 19.3; Leelanau, 15.3; Lenawee, 22.2; Livingston, 18.7; Luce, 14.8; Mackinac, 17.0; Macomb, 20.0; Manistee, 13.0; Marquette, 13.0; Mason, 16.6; Mecosta, 14.8; Menominee, 16.0; Midland, 21.0; Missaukee, 15.2; Monroe, 22.4; Montcalm, 18.2; Montmorency, 16.6; Muskegon, 17.5; Newaygo, 17.1; Oakland, 19.0; Oceana, 16.5; Ogemaw, 15.0; Ontonagon, 14.7; Osceola, 16.2; Oscoda, 14.3; Otsego, 14.5; Ottawa, 19.4; Presque Isle, 15.8; Roscommon, 15.1; Saginaw, 21.0; St. Clair, 17.8; St. Joseph, 15.3; Sanilac, 19.6; Schoolcraft, 13.3; Shiawassee, 18.4; Tuscola, 22.0; Van Buren, 16.3; Washtenaw, 21.4; Wayne, 21.4; and Wexford, 12.2.

Minnesota: Aitkin, 13.6; Anoka, 11.2; Becker, 11.4; Beltrami, 14.8; Benton, 11.3; Big Stone, 10.8; Blue Earth, 15.9; Brown, 15.7; Carlton, 14.0; Carver, 19.3; Cass, 12.1; Chippewa, 12.6; Chisago, 14.0; Clay, 11.8; Clearwater, 14.6; Cottonwood, 13.2; Crow Wing, 11.4; Dakota, 14.5; Dodge, 14.6; Douglas, 12.2; Faribault, 14.9; Fillmore, 15.3; Freeborn, 15.2; Goodhue, 15.0; Grant, 11.3; Hennepin, 15.8; Houston, 17.0; Hubbard, 10.8; Isanti, 12.5; Itasca, 15.8; Jackson, 14.4; Kanabec, 12.1; Kandiyohi, 12.8; Kittson, 12.0; Koochiching, 16.0; Lac Qui Parle, 12.0; Lake, 15.5; Lake of the Woods, 15.9; Le Sueur, 17.0; Lincoln, 11.9; Lyon, 12.8; McLeod, 17.0; Mahnomen, 12.0; Marshall, 11.7; Martin, 14.9; Meeker, 14.4; Mille Lacs, 13.7; Morrison, 10.2; Mower, 14.1; Murray, 13.8; Nicollet, 16.1; Nobles, 14.1; Norman, 13.3; Olmsted, 14.6; Otter Tail, 11.5; Pennington, 12.6; Pine, 12.8; Pipestone, 12.4; Polk, 14.0; Pope, 11.6; Ramsey, 14.0; Red Lake, 13.7; Redwood, 14.2; Renville, 14.7; Rice, 16.7; Rock, 13.2; Roseau, 13.8; St. Louis, 16.4; Scott, 18.3; Sherburne, 10.4; Sibley, 16.1; Stearns, 12.6; Steele, 16.0; Stevens, 11.0; Swift, 11.0; Todd, 11.5; Traverse, 10.6; Wabasha, 14.5; Wadena, 9.7; Waseca, 15.4; Washington, 14.0; Watonwan, 15.3; Wilkin, 11.0; Winona, 15.5; Wright, 15.9; and Yellow Medicine, 13.2.

Missouri: Adair, 11.2; Andrew, 14.8; Atchison, 17.0; Audrain, 10.8; Barry, 9.8; Barton, 12.8; Bates, 13.0; Benton, 12.2; Bollinger, 9.1; Boone, 12.5; Buchanan, 15.8; Butler, 9.3; Caldwell, 12.0; Callaway, 12.4; Camden, 10.8; Cape Girardeau, 12.8; Carroll, 15.2; Carter, 7.7; Cass, 13.4; Cedar, 11.2; Chariton, 14.3; Christian, 10.7; Clark, 14.1; Clay, 13.8; Clinton, 13.0; Cole, 12.9; Cooper, 11.4; Crawford, 10.3; Dade, 11.1; Dallas, 10.0; Daviess, 12.2; De Kalb, 11.4; Dent, 9.3; Douglas, 8.8; Dunklin, 10.4; Franklin, 12.0; Gasconade, 10.8; Gentry, 13.3; Greene, 11.4; Grundy, 12.0; Harrison, 13.0; Henry, 12.4; Hickory, 10.1; Holt, 18.2; Howard, 13.4; Howell, 8.4; Iron, 10.4; Jackson, 15.2; Jasper, 12.3; Jefferson, 12.2; Johnson, 12.6; Knox, 10.6; Laclede, 9.3; Lafayette, 15.8; Lawrence, 11.6; Lewis, 12.4; Lincoln, 12.4; Linn, 12.2; Livingston, 12.3; McDonald, 10.5; Macon, 11.7; Madison, 10.0; Maries, 9.8; Marion, 14.0; Mercer, 11.4; Miller, 10.8; Mississippi, 11.3; Moniteau, 11.6; Monroe, 11.5; Montgomery, 12.0; Morgan, 12.0; New Madrid, 12.5; Newton, 11.3; Nodaway, 14.3; Oregon, 8.3; Osage, 12.0; Ozark, 7.6; Pemiscot, 12.7; Perry, 12.6; Pettis, 12.7; Phelps, 10.8; Pike, 12.8; Platte, 16.4; Polk, 11.0; Pulaski, 11.0; Putnam, 13.2; Ralls, 12.0; Randolph, 12.8; Ray, 14.7; Reynolds, 8.2; Ripley, 6.9; St. Charles, 15.5; St. Clair, 11.7; St. Francois, 11.8; St. Louis, 15.6; Ste. Genevieve, 12.0; Saline, 13.8; Schuyler, 12.6; Scotland, 11.6; Scott, 11.3; Shannon, 9.1; Shelby, 12.0; Stoddard, 10.9; Stone, 9.8; Sullivan, 12.7; Taney, 7.6; Texas, 9.9; Vernon, 13.1; Warren, 13.1; Washington, 11.2; Wayne, 8.6; Webster, 10.3; Worth, 13.2; and Wright, 9.2.

Montana: Beaverhead, 15.7; Big Horn, 11.1; Blaine, 9.5; Broadwater, 11.5; Carbon, 14.1; Carter, 7.8; Cascade, 12.8; Chouteau, 11.2; Custer, 7.3; Daniels, 8.2; Dawson, 7.8; Deer Lodge, 15.3; Fallon, 7.7; Fergus, 11.3; Flathead, 14.8; Gallatin, 16.6; Garfield, 7.0; Glacier, 9.8; Golden Valley, 6.6; Granite, 13.0; Hill, 9.2; Jefferson, 12.7; Judith Basin, 10.7; Lake, 14.1; Lewis and Clark, 11.4; Liberty, 9.0; Lincoln, 13.2; McCone, 8.0; Madison, 14.8; Meagher, 10.3; Mineral, 11.8; Missoula, 13.6; Musselshell, 6.6; Park, 13.6; Petroleum, 6.1; Phillips, 7.7; Pondera, 13.9; Powder River, 8.2; Powell, 13.5; Prairie, 6.5; Ravalli, 15.9; Richland, 9.2; Roosevelt, 8.4; Rosebud, 7.1; Sanders, 13.8; Sheridan, 9.0; Silver Bow, 12.7; Stillwater, 10.6; Sweet Grass, 10.8; Teton, 13.6; Toole, 9.6; Treasure, 8.8; Valley, 8.4; Wheatland, 7.4; Wibaux, 7.8; and Yellowstone, 11.8.

Nebraska: Adams, 12.1; Antelope, 11.8; Arthur, 9.6; Banner, 10.5; Blaine, 8.8; Boone, 13.9; Box Butte, 9.9; Boyd, 10.6; Brown, 9.3; Buffalo, 12.4; Burt, 19.5; Butler, 17.2; Cass, 18.9; Cedar, 13.2; Chase, 10.0; Cherry, 9.4; Cheyenne, 10.4; Clay, 12.8; Colfax, 17.4; Cuming, 17.9; Custer, 12.1; Dakota, 15.8; Dawes, 10.6; Dawson, 12.8; Deuel, 10.6; Dixon, 15.4; Dodge, 19.4; Douglas, 18.0; Dundy, 9.8; Fillmore, 13.9; Franklin, 9.8; Frontier, 9.9; Furnas, 10.0; Gage, 17.4; Garden, 10.7; Garfield, 10.7; Gosper, 10.7; Grant, 8.8; Greeley, 11.8; Hall, 14.2; Hamilton, 14.6; Harlan, 10.0; Hayes, 9.7; Hitchcock, 9.8; Holt, 9.9; Hooker, 8.6; Howard, 12.8; Jefferson, 15.9; Johnson, 16.5; Kearney, 11.4; Keith, 10.7; Keyapaha, 8.9; Kimball, 9.7; Knox, 11.6; Lancaster, 17.6; Lincoln, 9.6; Logan, 10.6; Loup, 10.5; McPherson, 8.5; Madison, 14.7; Merrick, 14.6; Morrill, 10.2; Nance, 14.8; Nemaha, 19.2; Nuckolls, 12.7; Otoe, 18.1; Pawnee, 16.5; Perkins, 9.7; Phelps, 10.7; Pierce, 13.0; Platte, 15.9; Polk, 17.0; Red Willow, 10.0; Richardson, 20.8; Rock, 8.6; Saline, 17.3; Sarpy, 18.7; Saunders, 17.8; Scotts Bluff, 13.8; Seward, 17.1; Sheridan, 10.1; Sherman, 11.0; Sioux, 10.2; Stanton, 15.8; Thayer, 14.8; Thomas, 8.9; Thurston, 15.6; Valley, 11.8; Washington, 19.6; Wayne, 17.0;

Webster, 10.2; Wheeler, 10.0; and York, 14.9.

Nevada: Churchill, 24.8; Clark, 23.5; Douglas, 30.2; Elko, 20.4; Esmeralda, 33.2; Eureka, 32.8; Humboldt, 18.4; Lander, 21.1; Lincoln, 25.4; Lyon, 24.5; Mineral, 8.6; Nye, 21.0; Ormsby, 21.7; Pershing, 23.2; Storey, 28.9; Washoe, 26.8; and White Pine, 27.0.

New Jersey: Bergen, 18.8; Burlington, 19.2; Camden, 19.4; Cape May, 24.7; Cumberland, 21.4; Essex, 21.0; Gloucester, 19.3; Hunterdon, 20.2; Mercer, 22.0; Middlesex, 22.8; Monmouth, 22.4; Morris, 19.8; Ocean, 20.1; Passaic, 20.9; Salem, 22.6; Somerset, 20.8; Sussex, 18.6; Union, 20.8; and Warren, 19.4.

New Mexico: Bernalillo, 19.0; Catron, 11.4; Chaves, 27.0; Colfax, 10.0; Curry, 7.7; De Baca, 9.0; Dona Ana, 24.3; Eddy, 22.4; Grant, 20.5; Guadalupe, 7.4; Harding, 7.2; Hidalgo, 22.1; Lea, 10.3; Lincoln, 19.4; Luna 19.8; McKinley, 10.5; Mora, 8.5; Otero, 16.7; Quay, 7.4; Rio Arriba, 14.3; Roosevelt, 8.0; Sandoval, 15.9; San Juan, 21.7; San Miguel, 10.8; Santa Fe, 13.2; Sierra, 24.2; Socorro, 17.7; Taos, 17.0; Torrance, 11.5; Union, 7.2; and Valencia, 16.9.

New York: Albany, 17.4; Allegany, 17.1; Broome, 19.5; Cattaraugus, 16.8; Cayuga, 20.3; Chautauqua, 18.2; Chemung, 21.0; Chenango, 21.1; Clinton, 18.8; Columbia, 14.8; Cortland, 23.1; Delaware, 17.3; Dutchess, 19.6; Erie, 17.3; Essex, 18.1; Franklin, 17.5; Genesee, 19.5; Greene, 15.9; Herkimer, 19.7; Jefferson, 15.8; Lewis, 17.0; Livingston, 19.4; Madison, 21.7; Monroe, 20.2; Montgomery, 18.6; Niagara, 18.6; Oneida, 21.2; Onondaga, 21.0; Ontario, 19.8; Orange, 19.8; Orleans, 19.2; Oswego, 18.2; Otsego, 20.2; Rensselaer, 18.5; St. Lawrence, 17.7; Saratoga, 17.5; Schenectady, 17.6; Schoharie, 20.5; Schuyler, 17.6; Seneca, 19.2; Steuben, 17.7; Suffolk, 23.5; Sullivan, 17.0; Tioga, 20.4; Tompkins, 19.0; Ulster, 18.5; Washington, 19.6; Wayne, 19.6; Wyoming, 19.5; and Yates, 19.6.

North Carolina: Alamance, 10.5; Alexander, 9.7; Alleghany, 9.8; Anson, 8.7; Ashe, 10.1; Avery, 9.8; Beaufort, 13.4; Bertie, 13.3; Bladen, 12.4; Brunswick, 13.8; Buncombe, 10.3; Burke, 9.7; Cabarrus, 10.1; Caldwell, 9.3; Camden, 12.2; Carteret, 10.8; Caswell, 9.4; Catawba, 10.8; Chatham, 9.5; Cherokee, 9.1; Chowan, 12.4; Clay, 8.6; Cleveland, 11.4; Columbus, 14.0; Craven, 13.9; Cumberland, 12.7; Currituck, 13.0; Dare, 16.0; Davidson, 11.4; Davie, 10.7; Duplin, 12.9; Durham, 9.5; Edgecombe, 12.8; Forsyth, 12.1; Franklin, 9.2; Gaston, 11.0; Gates, 12.9; Graham, 8.3; Granville, 9.4; Greene, 13.7; Guilford, 11.2; Halifax, 12.0; Harnett, 11.5; Haywood, 10.7; Henderson, 10.6; Hertford, 14.0; Hoke, 12.4; Hyde, 13.0; Iredell, 10.4; Jackson, 9.7; Johnston, 13.5; Jones, 13.5; Lee, 9.6; Lenoir, 13.2; Lincoln, 11.7; McDowell, 9.8; Macon, 9.7; Madison, 8.8; Martin, 13.2; Mecklenburg, 10.4; Mitchell, 10.0; Montgomery, 8.9; Moore, 8.8; Nash, 13.0; New Hanover, 10.5; Northampton, 11.6; Onslow, 12.2; Orange, 9.4; Pamlico, 12.8; Pasquotank, 11.7; Pender, 13.0; Perquimans, 11.9; Person, 9.3; Pitt, 13.4; Polk, 9.4; Randolph, 10.9; Richmond, 8.9; Robeson, 13.2; Rockingham, 9.8; Rowan, 12.0; Rutherford, 9.9; Sampson, 13.1; Scotland, 12.8; Stanly, 10.1; Stokes, 10.0; Surry, 9.4; Swain, 8.8; Transylvania, 11.6; Tyrrell, 12.6; Union, 9.7; Vance, 9.2; Wake, 9.6; Warren, 9.7; Washington, 12.6; Watauga, 10.3; Wayne, 13.4; Wilkes, 9.4; Wilson, 12.9; Yadkin, 9.8; and Yancey, 9.2.

North Dakota: Adams, 7.1; Barnes, 9.5; Benson, 8.8; Billings, 6.3; Bottineau, 7.8; Bowman, 6.7; Burke, 7.8; Burleigh, 7.1; Cass, 12.5; Cavalier, 10.8; Dickey, 8.3; Divide, 8.0; Dunn, 7.0; Eddy, 8.4; Emmons, 7.1; Foster, 8.0; Golden Valley, 8.5; Grand Forks, 12.8; Grant, 6.8; Griggs 8.2; Hettinger, 7.2; Kidder, 6.8; La Moure, 8.6; Logan, 7.1; McHenry, 7.2; McIntosh, 6.6; McKenzie, 8.0; McLean, 7.9; Mercer, 8.0; Morton, 7.5; Mountrail, 6.9; Nelson, 10.4; Oliver, 7.4; Pembina, 12.2; Pierce, 8.2; Ramsey, 10.5; Ransom, 8.6; Renville, 8.1; Richland, 9.8; Rolette, 8.8; Sargent, 9.2; Sheridan, 8.0; Sioux, 6.4; Slope, 6.8; Stark, 8.0; Steele, 9.5; Stutsman, 8.0; Towner, 9.6; Traill, 12.6; Walsh, 12.6; Ward, 7.5; Wells, 8.4; and Williams, 7.5.

Ohio: Adams, 12.2; Allen, 19.6; Ashland, 18.4; Ashtabula, 18.6; Athens, 15.0; Auglaize, 20.7; Belmont, 16.2; Brown, 12.2; Butler, 16.6; Carroll, 16.3; Champaign, 19.8; Clark, 19.4; Clermont, 12.9; Clinton, 18.2; Columbiana, 17.8; Coshocton, 16.1; Crawford, 19.0; Cuyahoga, 21.0; Darke, 19.4; Defiance, 17.9; Delaware, 18.0; Erie, 21.3; Fairfield, 16.9; Fayette, 17.9; Franklin, 18.9; Fulton, 21.9; Gallia, 13.9; Geauga, 20.0; Greene, 19.4; Guernsey, 14.2; Hamilton, 17.3; Hancock, 19.0; Hardin, 19.4; Harrison, 16.0; Henry, 20.4; Highland, 14.2; Hocking, 13.8; Holmes, 17.8; Huron, 19.6; Jackson, 13.0; Jefferson, 16.8; Knox, 17.1; Lake, 21.1; Lawrence, 14.4; Licking, 16.6; Logan, 19.9; Lorain, 20.1; Lucas, 22.6; Madison, 19.4; Mahoning, 18.8; Marion, 19.7; Medina, 20.0; Meigs, 15.2; Mercer, 20.2; Miami, 20.4; Monroe, 14.5; Montgomery, 19.6; Morgan, 16.2; Morrow, 17.8; Muskingum, 15.5; Noble, 14.2; Ottawa, 20.6; Paulding, 16.7; Perry, 15.8; Pickaway, 17.2; Pike, 12.9; Portage, 19.0; Preble, 18.8; Putnam, 19.4; Richland, 17.9; Ross, 16.0; Sandusky, 21.0; Scioto, 15.4; Seneca, 19.9; Shelby, 20.8; Stark, 18.9; Summit, 19.8; Trumbull, 18.0; Tuscarawas, 18.4; Union, 18.6; Van Wert, 19.2; Vinton, 13.3; Warren, 16.6; Washington, 15.9; Wayne, 20.8; Williams, 21.3; Wood, 20.3; and Wyandot, 19.0.

Oklahoma: Adair, 9.8; Alfalfa, 13.0; Atoka, 10.6; Beaver, 8.7; Beckham, 9.4; Blaine, 12.5; Bryan, 11.0; Caddo, 13.0; Canadian, 12.2; Carter, 10.4; Cherokee, 9.4; Choctaw, 8.3; Cimarron, 7.7; Cleveland, 11.0; Coal, 9.9; Comanche, 10.0; Cotton, 10.7; Craig, 10.0; Creek, 11.6; Custer, 11.8; Delaware, 10.2; Dewey, 10.6; Ellis, 9.2; Garfield, 12.4; Garvin, 12.6; Grady, 12.0; Grant, 12.6; Greer, 11.5; Harmon, 10.4; Harper, 8.8; Haskell, 10.6; Hughes, 9.8; Jackson, 11.2; Jefferson, 10.5; Johnston, 10.7; Kay, 12.3; Kingfisher, 12.1; Kiowa, 12.6; Latimer, 9.2; Le Flore, 8.9; Lincoln, 11.3; Logan, 11.4; Love, 10.6; McClain, 11.8; McIntosh, 9.7; Major, 12.0; Marshall, 10.8; Mayes, 10.2; Murray, 12.1; Muskogee, 10.9; Noble, 9.9; Nowata, 9.9; Okfuskee, 11.0; Oklahoma, 11.7; Okmulgee, 9.4; Osage, 11.2; Ottawa, 10.4; Pawnee, 10.6; Payne, 11.0; Pittsburg, 9.0; Pontotoc, 12.3; Pottawatomie, 10.7; Pushmataha, 10.0; Roger Mills, 9.2; Rogers, 9.6; Seminole, 9.7; Sequoyah, 11.4; Stephens, 10.6; Texas, 8.7; Tillman, 12.4; Tulsa, 10.8; Wagoner, 10.0; Washington, 11.2; Washita, 11.4; Woods, 10.4; and Woodward, 8.8.

Oregon: Baker, 24.2; Benton, 19.4; Clackamas, 26.5; Clatsop, 29.2; Columbia, 26.8; Coos, 26.4; Crook, 23.2; Curry, 24.4; Deschutes, 24.0; Douglas, 19.4; Gilliam, 12.4; Grant, 20.2; Harney, 15.6; Hood River, 25.4; Jackson, 24.0; Jefferson, 9.4; Josephine, 20.4; Klamath, 23.2; Lake, 16.6; Lane, 17.5; Lincoln, 23.1; Linn, 21.0; Malheur, 34.0; Marion, 25.3; Morrow, 12.7; Multnomah, 28.2; Polk, 21.0; Sherman, 17.0; Umatilla, 25.9; Union, 24.4; Wallowa, 18.6; Wasco, 18.8; Washington, 28.3; Wheeler, 16.5; and Yamhill, 24.5.

Pennsylvania: Adams, 17.0; Allegheny, 16.6; Armstrong, 14.7; Beaver, 16.1; Bedford, 15.0; Berks, 19.4; Blair, 16.1; Bradford, 17.9; Bucks, 20.8; Butler, 16.6; Cambria, 18.4; Cameron, 16.8; Carbon, 17.5; Centre, 16.0; Chester, 23.8; Clarion, 16.2; Clearfield, 17.5; Clinton, 17.3; Columbia, 18.6; Crawford, 17.8; Cumberland, 16.9; Dauphin, 17.6; Delaware, 22.0; Elk, 17.0; Erie, 18.2; Fayette, 17.4; Forest, 15.6; Franklin, 17.5; Fulton, 13.3; Greene, 15.0; Huntingdon, 13.6; Indiana, 16.0; Jefferson, 15.8; Juniata, 15.0; Lackawanna, 17.6; Lancaster, 25.2; Lawrence, 16.3; Lebanon, 20.8; Lehigh, 18.8; Luzerne, 18.8; Lycoming, 16.6; McKean, 18.9; Mercer, 16.3; Mifflin, 15.6; Monroe, 16.2; Montgomery, 20.6; Montour, 17.2; Northampton, 19.9; Northumberland, 16.0; Perry, 15.0; Philadelphia, 21.8; Pike, 15.8; Potter, 18.4; Schuylkill, 18.4; Snyder, 14.8; Somerset, 19.6; Sullivan, 15.9; Susquehanna, 17.6; Tioga, 17.7; Union, 16.8; Venango, 16.1; Warren, 17.3; Washington, 16.4; Wayne, 16.6; Westmoreland, 16.6; Wyoming, 18.4; and York, 20.8.

South Carolina: Abbeville, 8.4; Aiken, 8.2; Allendale, 15.2; Anderson, 10.0; Bamberg, 11.0; Barnwell, 11.3; Calhoun, 11.1; Cherokee, 9.6; Chester, 9.4; Chesterfield, 9.4; Clarendon, 11.9; Darlington, 12.6; Dillon, 12.9; Edgefield, 9.0; Fairfield, 8.2; Florence, 12.5; Greenville, 9.5; Greenwood, 8.3; Kershaw, 9.8; Lancaster, 8.4; Laurens, 9.4; Lee, 11.8; Lexington, 8.1; McCormick, 8.2; Marion, 11.5; Marlboro, 12.6; Newberry, 9.1; Oconee, 9.0; Orangeburg, 11.3; Pickens, 9.2; Richland, 8.4; Saluda, 8.2; Spartanburg, 8.9; Sumter, 12.3; Union, 9.1; and York, 8.6.

South Dakota: Aurora, 8.4; Beadle, 7.4; Bennett, 9.6; Bon Homme, 11.6; Brookings, 9.7; Brown, 8.6; Brule, 8.0; Buffalo, 8.1; Butte, 15.0; Campbell, 7.3; Charles Mix, 9.3; Clark, 7.9; Clay, 13.9; Codington, 8.6; Corson, 6.9; Custer, 10.6; Davison, 9.7; Day, 8.7; Deuel, 10.2; Dewey, 7.2; Douglas, 9.2; Edmunds, 7.1; Fall River, 8.6; Faulk, 7.3; Grant, 9.2; Gregory, 9.9; Haakon, 9.0; Hamlin, 9.2; Hand, 7.1; Hanson, 9.4; Harding, 7.9; Hughes, 6.9; Hutchinson, 10.2; Hyde, 6.4; Jackson, 8.1; Jerauld, 9.0; Jones, 9.6; Kingsbury, 9.0; Lake, 11.1; Lawrence, 16.6; Lincoln, 12.7; Lyman, 9.0; McCook, 10.2; McPherson, 7.1; Marshall, 8.6; Meade, 10.0; Mellette, 8.4; Miner, 8.6; Minnehaha, 12.6; Moody, 11.7; Pennington, 9.9; Perkins, 7.5; Potter, 7.8; Roberts, 9.7; Sanborn, 8.7; Shannon, 9.8; Spink, 7.5; Stanley, 7.8; Sully, 7.2; Todd, 8.3; Tripp, 9.3; Turner, 11.4; Union, 14.2; Walworth, 7.6; Washabaugh, 8.7; Washington, 8.1; Yankton, 11.4; and Ziebach, 7.2.

Tennessee: Anderson, 9.8; Bedford, 9.6; Benton, 10.4; Bledsoe, 9.0; Blount, 10.1; Bradley, 9.3; Campbell, 10.4; Cannon, 8.6; Carroll, 10.6; Carter, 11.6; Cheatham, 13.7; Chester, 11.0; Claiborne, 10.0; Clay, 7.4; Cocke, 9.8; Coffee, 9.3; Crockett, 11.0; Cumberland, 8.5; Davidson, 11.8; Decatur, 11.2; De Kalb, 8.4; Dickson, 9.5; Dyer, 12.4; Fayette, 11.5; Fentress, 7.7; Franklin, 10.5; Gibson, 11.3; Giles, 9.7; Grainger, 10.1; Greene, 9.8; Grundy, 10.8; Hamblen, 11.8; Hamilton, 10.0; Hancock, 9.2; Hardeman, 9.8; Hardin, 11.3; Hawkins, 10.0; Haywood, 10.2; Henderson, 10.9; Henry, 11.4; Hickman, 8.8; Houston, 9.8; Humphreys, 10.1; Jackson, 7.6; Jefferson, 10.8; Johnson, 11.2; Knox, 11.1; Lake, 13.2; Lauderdale, 12.4; Lawrence, 9.8; Lewis, 9.6; Lincoln, 9.9; Loudon, 9.6; McMinn, 9.3; McNairy, 10.5; Macon, 8.2; Madison, 10.1; Marion, 9.9; Marshall, 9.6; Maury, 10.8; Meigs, 9.1; Monroe, 9.3; Montgomery, 12.8; Moore, 10.2; Morgan, 8.9; Obion, 12.8; Overton, 7.7; Perry, 8.8; Pickett, 7.7; Polk, 9.4; Putnam, 8.2; Rhea, 9.6; Roane, 9.0; Robertson, 13.4; Rutherford, 9.4; Scott, 8.8; Sequatchie, 9.0; Sevier, 9.0; Shelby, 13.1; Smith, 8.4; Stewart, 10.9; Sullivan, 11.7; Sumner, 9.9; Tipton, 12.1; Trousdale, 8.8; Unicoi, 13.4; Union, 9.3; Van Buren, 10.7; Warren, 9.7; Washington, 12.2; Wayne, 8.4; Weakley, 11.7; White, 9.5; Williamson, 10.6; and Wilson, 8.8.

Texas: Archer, 9.0; Armstrong, 10.2; Bailey, 10.0; Bandera, 8.2; Baylor, 10.1; Bell, 11.2; Bexar, 8.4; Blanco, 8.4; Borden, 9.2; Bosque, 11.7; Briscoe, 9.2; Brown, 10.8; Burnet, 8.8; Callahan, 10.5; Carson, 10.6; Castro, 8.8; Childress, 7.6; Clay, 9.8; Cochran, 7.4; Coke, 8.4; Coleman, 11.6; Collin, 13.2; Collingsworth, 8.1; Comal, 8.4; Comanche, 11.0; Concho, 10.3; Cooke, 11.4; Coryell, 11.2; Cottle, 8.3; Crosby, 8.7; Dallam, 7.9; Dallas, 12.6; Dawson, 7.4; Deaf Smith, 8.1; Delta, 11.3; Denton, 12.7; Dickens, 8.9; Donley, 10.2; Eastland, 11.0; Ellis, 11.5; Erath, 10.3; Falls, 11.3; Fannin, 11.0; Fisher, 8.2; Floyd, 8.6; Foard, 10.0; Garza, 9.2; Gillespie, 10.4; Gray, 10.7; Grayson, 11.2; Hale, 8.4; Hall, 8.6; Hamilton, 11.4; Hansford, 8.3; Hardeman, 10.2; Hartley, 7.8; Haskell, 10.4; Hays, 8.4; Hemphill, 10.2; Hill, 10.8; Hockley, 9.2; Hood, 10.5; Howard, 7.4; Hunt, 11.3; Hutchinson, 9.0; Jack, 10.4; Johnson, 11.7; Jones, 9.4; Kaufman, 11.3; Kendall, 8.6; Kent, 9.2; Kerr, 8.2; King, 9.2; Knox, 11.4; Lamar, 11.3; Lamb, 10.2; Lampasas, 9.8; Limestone, 11.3; Lipscomb, 9.0; Lubbock, 8.2; Lynn, 7.4; McCulloch, 10.9; McLennan, 10.6; Martin, 7.4; Medina, 8.4; Menard, 8.2; Milam, 11.3; Mills, 10.5; Mitchell, 9.2; Montague, 9.6; Moore, 8.7; Motley, 8.8; Navarro, 11.3; Nolan, 8.8; Ochiltree, 9.3; Oldham, 7.8; Palo Pinto, 9.8; Parker, 9.9; Parmer, 8.9; Pecos, 7.1; Potter, 9.1; Rains, 11.3; Randall, 9.1; Red River, 11.3; Roberts, 12.2; Rockwall, 11.3; Runnels, 11.2; San Saba, 9.5; Scurry, 7.6; Shackelford, 10.5; Sherman, 8.1; Somervell, 10.0; Stephens, 9.2; Sterling, 8.6; Stonewall, 9.2; Swisher, 8.8; Tarrant, 11.4; Taylor, 10.8; Throckmorton, 11.5; Tom Green, 9.9; Wheeler, 9.0; Wichita, 9.4; Wilbarger, 10.6; Williamson, 11.3; Wise, 10.8; and Young, 10.0.

Utah: Beaver, 24.7; Box Elder, 17.8; Cache, 20.9; Carbon, 25.0; Daggett, 25.8; Davis, 23.6; Duchesne, 22.6; Emery, 21.4; Garfield, 22.9; Grand, 24.6; Iron, 25.7; Juab, 13.8; Kane, 16.6; Millard, 15.6; Morgan, 24.9; Piute, 25.4; Rich, 16.3; Salt Lake, 18.2; San Juan, 12.5; Sanpete, 19.5; Sevier, 29.2; Summit, 22.2; Tooele, 10.5; Uintah, 24.0; Utah, 25.3; Wasatch, 31.3; Washington, 16.4; Wayne, 23.1; and Weber, 23.8.

Virginia: Accomac, 12.5; Albemarle, 11.7; Alleghany, 12.4; Amelia, 14.4; Amherst, 12.7; Appomattox, 13.8; Arlington, 18.1; Augusta, 17.0; Bath, 14.4; Bedford, 13.2; Bland, 12.4; Botetourt, 12.4; Brunswick, 13.6; Buchanan, 9.8; Buckingham, 12.6; Campbell, 12.4; Caroline, 13.9; Carroll, 10.6; Charles City, 14.7; Charlotte, 12.5; Chesterfield, 13.9; Clarke, 16.0; Craig, 12.4; Culpeper, 14.4; Cumberland, 13.0; Dickenson, 8.8; Dinwiddie, 14.4; Elizabeth City, 14.7; Essex, 13.0; Fairfax, 16.4; Fauquier, 14.9; Floyd, 11.2; Fluvanna, 11.8; Franklin, 11.0; Frederick, 14.0; Giles, 11.0; Gloucester, 11.3; Goochland, 14.0; Grayson, 11.3; Greene, 10.8; Greensville, 12.2; Halifax, 9.9; Hanover, 14.4; Henrico, 15.0; Henry, 9.5; Highland, 15.5; Isle of Wight, 11.5; James City, 14.6; King and Queen, 12.3; King George, 14.4; King William, 11.6; Lancaster, 15.5; Lee, 10.8; Loudoun, 16.3; Louisa, 13.2; Lunenburg, 12.2; Madison, 13.2; Mathews, 12.6; Mecklenburg, 11.1; Middlesex, 13.3; Montgomery, 13.3; Nansemond, 12.7; Nelson, 12.7; New Kent, 12.7; Norfolk, 12.0; Northampton, 12.5; Northumberland, 17.1; Nottoway, 13.3; Orange, 13.8; Page, 16.0; Patrick, 10.2; Pittsylvania, 10.4; Powhatan, 14.4; Prince Edward, 14.0; Prince George, 13.4; Prince William, 13.8; Princess Anne, 13.6; Pulaski, 14.0; Rappahannock, 13.3; Richmond, 15.8; Roanoke, 16.2; Rockbridge, 12.5; Rockingham, 17.6; Russell, 13.2; Scott, 10.8; Shenandoah, 16.2; Smyth, 13.8; Southampton, 11.2; Spotsylvania, 13.7; Stafford, 14.0; Surry, 10.2; Sussex, 11.0; Tazewell, 14.4; Warren, 14.0; Warwick, 17.8; Washington, 12.9; Westmoreland, 17.4; Wise, 10.8; Wythe, 14.4; and York, 15.6.

Washington: Adams, 14.0; Asotin, 17.4; Benton, 13.4; Chelan, 13.7; Clallam, 40.4; Clark, 23.5; Columbia, 26.2; Cowlitz, 24.5; Douglas, 13.4; Ferry, 15.6; Franklin, 14.1; Garfield, 27.0; Grant, 11.5; Grays Harbor, 27.4; Island, 34.2; Jefferson, 21.4; King, 29.6; Kitsap, 25.9; Kittitas, 31.5; Klickitat, 16.5; Lewis, 27.3; Lincoln, 17.9; Mason, 25.4; Okanogan, 15.1; Pacific, 22.3; Pend Oreille, 16.8; Pierce, 25.1; San Juan, 24.9; Skagit, 36.9; Skamania, 18.8; Snohomish, 34.7; Spokane, 21.9; Stevens, 19.2; Thurston, 22.0; Walla Walla, 25.1; Whatcom, 29.0; Whitman, 26.4; and Yakima, 28.0.

West Virginia: Barbour, 14.1; Berkeley, 14.6; Boone, 9.1; Braxton, 10.4; Brooke, 13.5; Cabell, 12.0; Calhoun, 9.4; Clay, 9.3; Doddridge, 11.4; Fayette, 12.8; Gilmer, 9.7; Grant, 14.8; Greenbrier, 16.4; Hampshire, 12.8; Hancock, 13.8; Hardy, 15.4; Harrison, 14.6; Jackson, 12.1; Jefferson, 16.8; Kanawha, 10.8; Lewis, 15.0; Lincoln, 10.8; Logan, 11.0; Marion, 13.1; Marshall, 12.6; Mason, 13.2; Mercer, 13.0; Mineral, 15.0; Monongalia, 14.9; Monroe, 14.8; Morgan, 11.1; Nicholas, 12.4; Ohio, 14.6; Pendleton, 15.1; Pleasants, 12.4; Pocahontas, 17.0; Preston, 17.0; Putnam, 10.4; Raleigh, 11.9; Randolph, 15.7; Ritchie, 13.6; Roane, 10.4; Summers, 12.5; Taylor, 14.5; Tucker, 15.2; Tyler, 12.0; Upshur, 14.8; Wayne, 10.9; Webster, 11.4; Wetzel, 11.0; Wirt, 10.3; Wood, 13.7; and Wyoming, 11.0.

Wisconsin: Adams, 12.0; Ashland, 14.4; Barron, 16.2; Bayfield, 16.2; Brown, 17.2; Buffalo, 16.9; Burnett, 14.4; Calumet, 18.8; Chippewa, 14.5; Clark, 14.4; Columbia, 16.2; Crawford, 15.2; Dane, 18.5; Dodge, 19.4; Door, 15.7; Douglas, 15.1; Dunn, 15.4; Eau Claire, 15.0; Florence, 13.8; Fond du Lac, 18.4; Forest, 12.7; Grant, 15.9; Green, 16.8; Green Lake, 16.0; Iowa, 14.8; Iron, 13.8; Jackson, 15.2; Jefferson, 19.6; Juneau, 16.3; Kenosha, 19.4; Kewaunee, 16.2; La Crosse, 18.0; Lafayette, 16.8; Langlade, 13.8; Lincoln, 15.0; Manitowoc, 18.2; Marathon, 14.2; Marinette, 13.8; Marquette, 14.2; Milwaukee, 17.8; Monroe, 16.3; Oconto, 14.6; Oneida, 12.8; Outagamie, 18.2; Ozaukee, 17.9; Pepin, 14.9; Pierce, 15.0; Polk, 15.6; Portage, 13.9; Price, 14.0; Racine, 19.4; Richland, 16.7; Rock, 17.5; Rusk, 14.4; St. Croix, 14.8; Sauk, 16.7; Sawyer, 14.1; Shawano, 16.8; Sheboygan, 19.2; Taylor, 14.4; Trempealeau, 15.8; Vernon, 16.6; Vilas, 13.0; Walworth, 18.0; Washburn, 13.3; Washington, 19.0; Waukesha, 17.7; Waupaca, 14.6; Waushara, 12.9; Winnebago, 18.6; and Wood, 14.8.

Wyoming: Albany, 11.8; Big Horn, 18.8; Campbell, 7.9; Carbon, 11.0; Converse, 6.4; Crook, 10.2; Fremont, 20.3;

Goshen, 8.4; Hot Spring, 14.9; Johnson, 10.7; Laramie, 7.0; Lincoln, 11.1; Natrona, 7.5; Niobrara, 6.1; Park, 20.7; Platte, 7.7; Sheridan, 12.7; Sublette, 13.7; Sweetwater, 14.3; Teton, 11.1; Uinta, 14.4; Washakie, 24.4; and Weston, 11.0.

Done at Washington, D. C., this 27th day of December 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4821; Filed, December 28, 1939; 12:26 p. m.]

## TITLE 12—BANKS AND BANKING

## CHAPTER II—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

### COLLECTION OF NONCASH ITEMS

On December 26, 1939, the Board of Governors of the Federal Reserve System adopted the following resolution:

*Resolved*, That Regulation G [12 CFR. 207], Collection of Noncash Items, be adopted to become effective February 1, 1940, as follows:

### REGULATION G—COLLECTION OF NONCASH ITEMS

[12 CFR. 207.0] *Authority for regulation.* This regulation is based upon and issued pursuant to the provisions of subsection (i) of section 11, the first paragraph of section 13, and the 14th and 15th paragraphs of section 16, and other relevant provisions of the Federal Reserve Act.

SEC. 1. [12 CFR. 207.1] *Definition of noncash items.* As used in this regulation, the term "noncash items" means any items of the following classes when payable within the continental United States:

(1) Maturing notes, acceptances, bankers' acceptances, certificates of deposit, bills of exchange, and drafts with or without securities, bills of lading, or other documents attached;

(2) Drafts and orders on savings deposits with pass books attached;

(3) Checks, drafts, and other cash items which have previously been dishonored or on which special advice of payment or dishonor is required; [1]

(4) Maturing bonds and coupons (other than obligations of the United States and its agencies which are redeemed by Federal Reserve banks as fiscal agents);

(5) State and municipal warrants, including both orders to pay addressed to officers of States and political subdivisions thereof and any special or general obligations of States and political subdivisions thereof;

(6) All other evidences of indebtedness and orders to pay, except checks and bank drafts handled under the provisions of Regulation J [1] and checks and bank drafts drawn on or payable by a nonmember bank which cannot be collected at par in funds acceptable to the Federal Reserve bank of the district in which such nonmember bank is located.[2*]

SEC. 2. [12 CFR. 207.2] *Receipt of items for collection.* Each Federal Reserve bank may receive for collection noncash items from member and nonmember clearing banks in its district, from other Federal Reserve banks, and from all member and nonmember clearing banks in other Federal Reserve districts which are authorized to route direct for the credit of their respective Federal Reserve banks, subject to the terms and conditions of this regulation.*

SEC. 3. [12 CFR. 207.3] *Terms of collection*—(1) *Agreement of sending bank.* Each member and nonmember clearing bank which sends noncash items to any Federal Reserve bank for collection shall by such action be deemed: (a) to authorize the Federal Reserve banks to handle such items subject to the terms and conditions of this regulation; (b) to warrant its own authority to give the Federal Reserve banks such authority; (c) to agree to indemnify any Federal Reserve bank for any loss or expense sustained (including but not limited to attorneys' fees and expenses of litigation) resulting from the failure of such sending bank to have such authority, or resulting from such Federal Reserve bank's guaranty of prior endorsements, or resulting from any action taken by the Federal Reserve bank within the scope of its authority for the purpose of collecting such noncash items; and (d) to guarantee all prior endorsements on such items whether or not a specific guaranty is incorporated in an endorsement of the sending bank.

(2) *Federal Reserve bank as agent.* A Federal Reserve bank will act only as agent of the bank from which it receives such noncash items and will assume no liability except for its own negligence and its guaranty of prior endorsements.

(3) *Presentation of items by Federal Reserve bank.* A Federal Reserve bank may present such noncash items with any accompanying documents for payment direct to the person, firm, or corporation on which they are drawn or by or through which they are payable or collectible, or may present them for payment or forward them for collection direct to the bank on which they are drawn, at which they are payable, or through which they are payable or collectible; or, in its discretion, may forward them to another agent with similar authority to present them for payment or forward them for collection. The bank upon which any such noncash item may be drawn, or at which the same may be payable or through which the same may be payable or collectible shall be deemed to be a proper agent for collection within the meaning of this regulation.

(4) *Items payable in other districts.* Noncash items received by a Federal Reserve bank payable in other districts will be forwarded for collection to the Federal Reserve bank of the district in which such items are payable; except that, when in the judgment of the Federal Reserve bank the size or character of the items or other special circumstances justify such action, any such items, in the discretion of the Federal Reserve bank, may be forwarded for collection direct to the bank on which they are drawn, at which they are payable, or through which they are payable or collectible, or may be forwarded for collection to another agent with authority to present them for payment direct to the person, firm, or corporation on which they are drawn or by or through which they are payable or collectible or to present them for payment direct to the bank on which they are drawn, at which they are payable, or through which they are payable or collectible.

(5) *Forms of payment accepted by Federal Reserve bank.* A Federal Reserve bank may, in its discretion and at its option, accept from any bank in payment of or from any collecting agent in remittance for such noncash items, cash, checks, bank drafts, transfers of funds or bank credits, or other forms of payment or remittance, acceptable to the collecting Federal Reserve bank. The Federal Reserve bank shall not be liable for the failure of any bank or any agent to collect, or to pay, or to remit for, such noncash items, nor for any loss resulting from the acceptance from any bank or any agent, in lieu of cash, of any other form of payment or remittance authorized herein, nor for the nonpayment of, or failure to realize upon, any bank draft or other medium of payment or remittance which may be accepted from any bank or any collecting agent.

(6) *Collection of remittances for noncash items.* Bank drafts and other forms of payment or remittance received by a Federal Reserve bank in payment of or in remittance for noncash items handled under the terms of this regulation will be collected, at the option of the Federal Reserve bank, either under the terms and conditions of this regulation or under the terms and conditions of Regulation J of the Board of Governors of the Federal Reserve System.

(7) *Suspension or closing of paying or remitting bank.* No draft, authorization to charge, or other order, upon any reserve balance, clearing account, deposit account, or other funds of a paying, remitting, or collecting bank in the possession of a Federal Reserve bank, issued for the purpose of settling items handled under the terms of this regulation will be paid, acted upon, or honored after receipt by such Federal Reserve bank of notice of suspension or closing of such paying, remitting, or collecting bank.

(8) *Items sent direct to Federal Reserve bank in another district.* With respect to any noncash item sent direct by a member or nonmember clearing bank in one district to a Federal Reserve bank in another district, the relationships and the rights and liabilities existing between the member or nonmember clearing bank, the Federal Reserve bank of its district, and the Federal Reserve bank to which the noncash item is sent will be the same, and the relevant provisions of this regulation will apply, as though the member or nonmember clearing bank had sent such noncash item to the Federal Reserve bank of its district with its endorsement and guaranty of prior endorsements and such Federal Reserve bank had sent the noncash item to the other Federal Reserve bank with its endorsement and guaranty of prior endorsements.*

SEC. 4. [12 CFR. 207.4] *Other Rules.* Each Federal Reserve bank may also promulgate rules not inconsistent with the terms of the law or of this regulation, governing the details of its noncash collection operations. Such rules may be set forth by each Federal Reserve bank in circulars to its member and nonmember clearing banks and shall be binding upon any member or nonmember clearing bank which sends any noncash item to such Federal Reserve bank for collection or to any other Federal Reserve bank for the account of such Federal Reserve bank for collection.*

[SEAL] S. R. CARPENTER,
*Assistant Secretary.*

[F. R. Doc. 39-4812; Filed, December 28, 1939; 11:22 a. m.]

[1] Any check, draft, or other item which is normally handled as a cash item will not be handled as a noncash item unless special conditions require that this be done, and the Federal Reserve bank will decide whether such special conditions exist.

[2] Checks and bank drafts drawn on or payable by a nonmember bank which cannot be collected at par in funds acceptable to the Federal Reserve bank of the district in which such nonmember bank is located, and which may not be received under the terms of Regulation J, likewise may not be received as noncash items under the terms of this regulation.

*§§ 207.1 to 207.4, inclusive, issued under the authority contained in sec. 11 (i), 38 Stat. 262, sec. 4, 40 Stat. 234, sec. 16, 38 Stat. 265; 12 U.S.C. 248 (i), 342, 360, 248 (o).



## TITLE 25—INDIANS

## CHAPTER I—OFFICE OF INDIAN AFFAIRS

### PART 223—JUDGMENT AND LIEU OF ALLOTMENT FUNDS [1]

### SUBPART B—REGULATIONS GOVERNING DISBURSEMENT OF PRO-RATA SHARES OF THE JUDGMENT FUND OF THE SHOSHONE TRIBE OF THE WIND RIVER RESERVATION, WYOMING

Section 223.57 reads:

§ 223.57 *Issuance of purchase orders.* All expenditures from pro-rata share accounts for the purchase of property other than real property shall be by purchase orders which shall be issued by the superintendent and shall be headed "To Any Dealer", and which shall indicate the particular items of purchase and the total sum to be expended, and which shall bear a notation to the effect that no cash shall be given to the Indian under any circumstances; provided, that the superintendent may disburse to the individual to whom the order is issued a reasonable amount of cash to enable him to travel by convenient means to a locality where the goods may be purchased; and provided further, that adult Indians may, upon approval of the Shoshone Business Council and the superintendent, have cash disbursed to them in lieu of a purchase order for the execution of an approved program. The provisions of this section are subject to the provisions of Section 223.68.[2]

It is amended to read:

§ 223.57 *Issuance of purchase orders.* All expenditures from pro-rata share accounts for the purchase of property other than real property shall be by purchase orders which shall be issued by the superintendent and shall be headed "To Any Dealer", and which shall indicate the particular items of purchase and the total sum to be expended, and which shall bear a notation to the effect that no cash shall be given to the Indian under any circumstances; provided, that the superintendent may disburse to the individual to whom the order is issued a reasonable amount of cash to enable him to travel by convenient means to a locality where the goods may be purchased; and provided further, that adult Indians may, upon approval of the Shoshone Business Council and the superintendent, have cash disbursed to them in lieu of a purchase order for the execution of an approved program. Prior to the approval of a program, the superintendent may disburse to an adult Indian not to exceed $45 upon the written application of such Indian and upon a showing satisfactory to the superintendent of a need for such disbursement; provided, that any sum so disbursed shall be expended for the purposes specified in this sub-part. The provisions of this section are subject to the provisions of Section 223.68.[2]

OSCAR L. CHAPMAN,
*Assistant Secretary of the Interior.*

DECEMBER 13, 1939.

[F. R. Doc. 39-4811; Filed, December 28, 1939; 9:17 a. m.]

[1] Other regulations under this part appear at 4 F. R. 4260, 4795 DI.

[2] 4 F. R. 4797 DI.

## TITLE 26—INTERNAL REVENUE

## CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 4958]

### PART 464A—INSOLVENT BANKS

### REGULATIONS RELATING TO ASSESSMENT AND COLLECTION OF TAXES OF INSOLVENT BANKS AND TRUST COMPANIES*†

*To Collectors of Internal Revenue and Others Concerned:*

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§ 464A.0 *Introductory.* Section 3798 of the Internal Revenue Code, approved February 10, 1939, 53 Stat., Part 1 (reenacting section 22 of the Act of March 1, 1879, as amended by section 818 of the Revenue Act of 1938, 52 Stat., 579; 12 U.S.C. Sup. IV, 570), reads as follows:

SEC. 3798. EXEMPTION OF INSOLVENT BANKS FROM TAX. (a) Whenever and after any bank or trust company, a substantial portion of the business of which consists of receiving deposits and making loans and discounts, has ceased to do business by reason of insolvency or bankruptcy, no tax shall be assessed or collected, or paid into the Treasury of the United States on account of such bank, or trust company, which shall diminish the assets thereof necessary for the full payment of all its depositors; and such tax shall

*Sections 464A.0 to 464A.14 are issued under the authority contained in section 3791, 53 Stat. Part 1; Rev. Stat., 3447; 26 U.S.C. 1691; and interpret sec. 3798, 53 Stat. Part 1; sec. 406, Public, No. 155, Seventy-sixth Congress, first session; sec. 22, 20 Stat., 35; and sec. 818, 52 Stat., 579; 12 U.S.C. Sup. IV, 570.

†The source of sections 464A.0 to 464A.14 is Treasury Decision 4958, approved December 26, 1939.

be abated from such national banks as are found by the Comptroller of the Currency to be insolvent; and the Commissioner of Internal Revenue, when the facts shall appear to him, is authorized to remit so much of the said tax against any such insolvent banks and trust companies organized under State law as shall be found to affect the claims of their depositors.

(b) Whenever any bank or trust company, a substantial portion of the business of which consists of receiving deposits and making loans and discounts, has been released or discharged from its liability to its depositors for any part of their claims against it, and such depositors have accepted, in lieu thereof, a lien upon subsequent earnings of such bank or trust company, or claims against assets segregated by such bank or trust company or against assets transferred from it to an individual or corporate trustee or agent, no tax shall be assessed or collected, or paid into the Treasury of the United States on account of such bank, or trust company, such individual or corporate trustee or such agent, which shall diminish the assets thereof which are available for the payment of such depositor claims and which are necessary for the full payment thereof.

(c) Any such tax so collected shall be deemed to be erroneously collected, and shall be refunded subject to all provisions and limitations of law, so far as applicable, relating to the refunding of taxes, but tax so abated or refunded after May 28, 1938 shall be reassessed whenever it shall appear that payment of the tax will not diminish the assets as aforesaid. The running of the statute of limitations on the making of assessment and collection shall be suspended during, and for ninety days beyond, the period for which, pursuant to this section, assessment or collection may not be made, and a tax which has been abated may be reassessed and collected during the time within which, had there been no abatement, collection might have been made.

(d) This section shall not apply to any tax imposed by subchapter A [1] or subchapter C of chapter 9.

Section 406 of the Revenue Act of 1939 (Public, No. 155, Seventy-sixth Congress, first session) reads as follows:

SEC. 406. INSOLVENT BANKS.

(a) Section 3798 (c) of the Internal Revenue Code is amended to read as follows:

"(c) (1) Any such tax collected, whether collected before, on, or after the date of enactment of the Revenue Act of 1938, shall be deemed to be erroneously collected, and shall be refunded subject to all provisions and limitations of law, so far as applicable, relating to the refunding of taxes.

"(2) Any tax, the assessment, collection, or payment of which is barred under subsection (a) of this section, or any such tax which has been abated or remitted after May 28, 1938, shall be assessed or reassessed whenever it shall appear that payment of the tax will not diminish the assets as aforesaid.

"(3) Any tax, the assessment, collection, or payment of which is barred under subsection (b) of this section or any such tax which has been refunded after May 28, 1938, shall be assessed or reassessed after full payment of such claims of depositors to the extent of the remaining assets segregated or tranferred as described in subsection (b).

"(4) The running of the statute of limitations on the making of assessment and collection shall be suspended, during, and for ninety days beyond, the period for which, pursuant to this section, assessment or collection may not be made, and a tax may be reassessed as provided in paragraphs (2) and (3) of this subsection, and collected, during the time within which, had there been no abatement, collection might have been made."

(b) The term "agent" as used in 3798 (b) of the Internal Revenue Code shall be deemed to include a corporation acting as a liquidating agent.

(c) The amendments made by this section shall be effective as of the date of enactment of the Revenue Act of 1938.

Pursuant to the authority contained in section 3791 of the Internal Revenue Code, and other provisions of the internal revenue laws, the following regulations are hereby prescribed:*†

§ 464A.1 *Effect of statutory amendments.* The amendment of section 22 of the Act of March 1, 1879, made by section 818 of the Revenue Act of 1938, was effective on May 28, 1938, the date of enactment of the Revenue Act of 1938. Section 406 of the Revenue Act of 1939 in substance makes identical amendments of subsection (c) of section 22, as amended by the Revenue Act of 1938, and section 3789 (c) of the Internal Revenue Code. The amendments made by section 406 of the Revenue Act of 1939 are effective as of May 28, 1938. Therefore section 22, as amended, of the Act of March 1, 1879, and section 3798 of the Internal Revenue Code, as amended by section 406 of the Revenue Act of 1939, in substance constitute a continuous section effective on May 28, 1938.*†

§ 464A.2 *Banks and trust companies covered.* Section 22 (as amended) of the Act of March 1, 1879, and section 3798 of the Internal Revenue Code, both as amended by section 406 of the Revenue Act of 1939, in substance apply as a continuous section to any national bank, or bank or trust company organized under State law, a substantial portion of the business of which consists of receiving deposits and making loans and discounts, and which has—

(a) ceased to do business by reason of insolvency or bankruptcy, or

(b) been released or discharged from its liability to its depositors for any part of their deposit claims, and the depositors have accepted in lieu thereof a lien upon its subsequent earnings or claims against its assets either (1) segregated and held by it for benefit of the depositors or (2) transferred to an individual or corporate trustee or agent who liquidates, holds or operates the assets for the benefit of the depositors.*†

§ 464A.3 *Definitions.* As hereinafter used in these regulations:

(a) (1) The term "section", unless otherwise indicated by the context, means section 22 (as amended) of the Act of March 1, 1879, section 3798 of the Internal Revenue Code (reenacting such section 22), and section 3798 of the Code as amended by section 406 of the Revenue Act of 1939, such sections in substance constituting a continuous section in effect on and after May 28, 1938. See section 464A.1 of these regulations.

(2) Unless otherwise indicated, the term "subsection" means a subdivision of the "section" as defined herein.

(b) The term "bank", unless otherwise indicated by the context, means any national bank, or bank or trust company organized under State law, within the scope of the section. See section 464A.2 of these regulations.

(c) The terms "statute of limitations" and "limitations" mean all applicable provisions of law (including the section as herein defined) which impose, change, or affect limitations, conditions, or requirements relative to the allowance of refunds and abatements, or the assessment or collection of tax, as the case may be.

(d) The term "segregated assets" includes transferred or trusteed assets, or assets set aside or earmarked, and to all or a portion of which, or the proceeds of which, the depositors are absolutely or conditionally entitled.

(e) The term "effective date" means May 28, 1938.

(f) The term "Commissioner" means the Commissioner of Internal Revenue.

(g) The term "collector" means collector of internal revenue.*†

§ 464A.4 *Scope of section generally*—(a) *Purpose.* The section prior to amendment by the Revenue Act of 1938, was intended to assist depositors of a bank which had ceased to do business by reason of insolvency to recover their deposits, by prohibiting collection of taxes of the bank which would diminish the assets necessary for payment of its depositors. By the amendments like assistance is given to depositors of banks which are in financial difficulties but which, in certain conditions, continue in business.

(b) *Requisites of application.* In order that the section shall operate in a case where the bank continues business it is necessary that the depositors shall agree to accept, in lieu of all or a part of their deposit claims as such, claims against segregated assets, or a lien upon subsequent earnings of the bank, or both. When such an agreement exists, no tax diminishing such assets or earnings, or both, otherwise available and necessary for payment of depositors, may be collected therefrom. If, under such an agreement, the depositors have the right also to look to the unsegregated assets of the bank for recovery, in whole or part, the unsegregated assets are likewise, until they exceed the amount of the depositors' claims chargeable thereto, unavailable for tax collection. Any tax of such a bank, or part of any tax, which is once uncollectible under the section, cannot thereafter be collected except from any residue of segregated assets remaining after claims of depositors against such assets have been paid.

(c) *Interest.* For the purposes of the section, depositors' claims include bona fide interest, either on the deposits as such, or on the claims accepted in lieu of deposits as such.

(d) *Limitations on immunity.* The section is not primarily intended for the relief of banks as such. It does not prevent tax collection, from assets not necessary, or not available, for payment of depositors, from a bank within subsection (a), at any time within the statute of limitations. In other words the immunity of such a bank is not complete, but ceases whenever, within the statutory period for collection, it becomes possible to make collection without diminishing assets necessary for payment of depositors. In the case of a bank within subsection (b), any immunity to which the bank is entitled is absolute except as to segregated assets. Any tax coming within such immunity may never be collected. With respect to segregated assets, such a bank is subject to the same rule as a bank within subsection (a), that is to say, after claims of depositors against segregated assets have been paid, any surplus is subject, within the statute of limitations, to collection of any tax, due at any time, the collection of which was suspended by the section. The section is not for the relief of creditors other than depositors, although it may incidentally operate for their benefit. See sections 464A.6 and 464A.11 (b) of these regulations.*†

§ 464A.5 *Segregated or transferred assets*—(a) *General.* In a case involving segregated or transferred assets, it is not necessary, for application of the section, that the assets shall technically constitute a trust fund. It is sufficient that segregated assets be definitely separated from other assets of the bank and that transferred assets be definitely separated both from other assets of the bank and from other assets held or owned by the trustee or agent to whom assets of the bank have been transferred; that the bank be wholly or partially released from liability for repayment of deposits as such; and that the depositors have claims against the separated assets. Any excess of separated assets over the amount necessary for payment of such depositors will be available for tax collection after full payment of depositors' claims under the agreement against such assets. But see section 464A.11 (a) of these regulations.

(b) *Corporate transferees.* Where the segregated assets are transferred to a separate corporate trustee or corporate agent, the assets and earnings therefrom are within the protection of the section, until full payment of depositors' claims against such assets and earnings, no matter by whom the stock of such corporation is held, and no matter whether the assets be liquidated or operated or held for benefit of the depositors.

Property of a separate corporation not conveyed to it by the bank pursuant to an agreement with depositors, is not within the immunity of the section, even though the corporation's stock is owned by the bank. Tax due from a separate corporation to which assets of an insolvent bank are conveyed is collectible, even though such tax be due to the property so conveyed, except in so far as tax collection will diminish assets conveyed by the bank for benefit of depositors or the earnings from such assets to which the depositors are entitled, and which are necessary for payment of the depositors' claims. Other assets and earnings of a separate corporation are available for collection of the taxes of such corporation even though the assets and earnings of such corporation if received by the bank would be available for satisfaction of claims of the bank's depositors and such claims cannot otherwise be paid.*†

§ 464A.6 *Unsegregated assets*—(a) *Depositors' claims against assets.* Claims of depositors, to the extent that they are to be satisfied out of segregated assets, will not be considered in determining the availability of unsegregated assets for tax collection. If depositors have agreed to accept payment out of segregated assets only, collection of tax from unsegregated assets will not diminish the assets available and necessary for payment of the depositors' claims. Thus, it may be possible to collect taxes from the unsegregated assets of a bank although the segregated assets are immune under the section.

If the unsegregated assets of the bank are subject to any portion of the depositors' claims, such unsegregated assets will be within the immunity of the section only to the extent necessary to satisfy the claims to which such assets are subject. Taxes will still be collectible from the unsegregated assets to the extent of the amount by which the total value of such assets exceeds the liability to depositors to be satisfied therefrom. Therefore, if, for example, in the case of a bank having a tax liability, not previously immune under the section, of $50,000, the deposit claims against the bank are in the amount of $75,000, and the assets available for satisfaction of deposit claims amount to $100,000, the $50,000 tax is collectible to the extent of the $25,000 excess of assets over deposit claims. Collection is not to be postponed until the full amount of the tax is collectible.

(b) *Depositors' claims against earnings.* Even though under a bona fide agreement a bank has been released from depositors' claims as to unsegregated assets, if all or a portion of its earnings are subject to depositors' claims, all assets the earnings from which, in whole or part, are charged with the payment of depositors' claims, will be immune from tax collection. But see section 464A.7 (a) of these regulations.*†

§ 464A.7 *Earnings*—(a) *Availability for tax collection.* Earnings of a bank within subsection (b), whether from segregated or unsegregated assets, which are necessary for, applicable to, and actually used for, payment of depositors' claims under an agreement, are within the immunity of the section. If only a portion or percentage of income from segregated or unsegregated assets is available and necessary for payment of depositors' claims, the remaining income is available for tax collection. Earnings of the bank's first fiscal year ending after the making of the agreement not applicable to payment of depositors will be assumed to be applicable for collection of any tax due prior or subsequent to execution of the agreement. Earnings of subsequent fiscal periods from unsegregated assets not applicable to depositors' claims will be assumed to be applicable to payment of taxes as to which immunity under the section has not previously attached. Earnings from segregated assets are available for collection of tax, whether previously uncollectible under the section or not, after depositors' claims against such assets have been paid in full. See sections 464A.5 (a) and 464A.11 (a) of these regulations.

(b) *Tax computation.* The fact that earnings of a given year may be wholly or partly unavailable under the section for collection of taxes does not exempt the income for that year, or any part thereof, from tax liability. The section affects collectibility only, and is not concerned with taxability. Accordingly, the taxpayer's income tax return shall correctly compute the tax liability, even though in the opinion of the taxpayer it is immune from tax collection under the section. The tax shall be determined with respect to the entire taxable income and not merely with respect to the portion of the earnings out of which tax may be collected. As to establishment of immunity from tax collection see section 464A.9 of these regulations.

(c) *Example.* An agreement, executed in the year 1938 between a bank subject to tax under section 14 (d) of the Revenue Act of 1938 and its depositors, provides (1) that certain assets are to be segregated for the benefit of the depositors who have waived (as claims against unsegregated assets of the bank) a percentage of their deposits; (2) that 60 percent of the bank's net earnings for fiscal years beginning with the fiscal year ending December 31, 1938, from unsegregated assets, shall be paid to the depositors until the portion of their claims waived with respect to unsegregated assets of the bank has been paid; and (3) that the unsegregated assets shall not be subject to depositors' claims. The special class net income of the bank for the calendar year 1938 is $10,000, $4,000 produced by the segregated, and $6,000 produced by the unsegregated assets, and that amount, $10,000, also constitutes its net earnings for that year before deducting Federal income taxes. Such amount shall be considered the net earn-

[1] Replaces "the Social Security Act" in section 818 of the Revenue Act of 1938.

ings for the purpose of these regulations in computing the portion of the earnings to be paid to depositors. The bank has an outstanding tax liability for prior years of $7,000. The income tax liability of the bank for 1938 is 16½ percent of $10,000, or $1,650, making a total outstanding tax liability of $8,650. The portion of the earnings of the bank for 1938 remaining after provision for depositors is $2,400 ($6,000 less 60 percent thereof, or $3,600). It will be assumed that of the total outstanding tax liability of $8,650, $2,400 may be assessed and collected, leaving $6,250 to be collected from any excess of the segregated assets after claims of depositors against such segregated assets have been paid in full. No part of the $6,250 immune from collection from 1938 earnings may be collected thereafter from unsegregated assets of the bank or earnings therefrom, so that except for any possible surplus of the segregated assets the $6,250 is uncollectible.

In the year 1939 the earnings are again $10,000, $4,000 from segregated and $6,000 from unsegregated assets, as in the previous year. However the return filed shows income of $5,000 and a tax liability of $900. An investigation shows the true income to be $10,000, on which the tax is $1,800. The full $1,800 will be assumed to be collectible. The $600 difference between $2,400 (the excess of earnings from unsegregated assets over the amount going to the depositors), and the $1,800 tax for 1939, is not available for collection of the tax for prior years, which became immune as described above, but may be available for collection of tax for subsequent years.

No significance attaches to the selection of the years 1938 and 1939 for the example. The rules indicated by the example are equally applicable to subsequent or prior years not excluded by limitations.*†

§ 464A.8 *Abatement and refund.* An assessment or collection, no matter when made, if contrary to the section as amended by the Revenue Act of 1938 and the Revenue Act of 1939, is subject to abatement or refund within the applicable statutory period of limitations.

An abatement or refund after May 28, 1938, the effective date of the amendments, is equally allowable whether assessment or collection was erroneous because contrary to the amended section, or because, in the case of a bank within subsection (a), the same tax had been properly abated or refunded, or in the case of a bank within subsection (b), had been properly refunded, on or before the effective date of the amendments, and reassessed or collected after such date. See section 464A.12 (b) of these regulations. If there was a prior proper abatement or refund in the case of a bank within subsection (a), or a proper refund in the case of a bank within subsection (b), on or before the effective date of the amendments, a claim for abatement or refund of the same tax reassessed or recollected after the effective date of the amendments may be allowed even though the second assessment or collection was otherwise in accordance with the amended section. However, in the absence of abatement or refund in the case of a bank within subsection (a), or of a refund in the case of a bank within subsection (b), on or before the effective date of the amendments, the mere fact that the tax was due before the effective date of the amendments will not be ground for allowance of a claim.

Collection from a bank within subsection (b) which diminished assets necessary for payment of depositors, if made prior to agreement with depositors, is not contrary to the amended section, and affords no ground for refund.

Any abatement or refund is subject to existing statutory periods of limitation, which periods are not suspended or extended by the amended section. In order to secure refund of any taxes paid for any taxable year during the period of immunity the bank must file claim therefor.*†

§ 464A.9 *Establishment of immunity.* The mere allegation of insolvency, or that depositors have claims against segregated or other assets or earnings will not of itself secure immunity from tax collection. It must be affirmatively established to the satisfaction of the Commissioner that collection of tax will be contrary to the amended section. See also section 464A.10 of these regulations.

Any claim, by a bank, of immunity under subsection (b), shall be supported by a statement, under oath or affirmation, which shall show: (a) the total of depositors' claims outstanding, and (b) separately and in detail, the amount of each of the following, and the amount of depositors' claims properly chargeable against each—(1) segregated or transferred assets; (2) unsegregated assets; (3) estimated future average annual earnings and profits; (4) amount collectible from shareholders; and (5) any other resources available for payment of depositors' claims. The detail shall show the full amount of depositors' claims chargeable against each of the items (1) to (5), inclusive, even though part or all of the amount chargeable against a particular item is also chargeable against some other item or items. There shall also be filed a copy of any agreement between the bank and its depositors, and any other agreement or document bearing on the claim of immunity under the section. The statement shall show the basis, as "book", "market", etc., of valuation of the assets.*†

§ 464A.10 *Procedure during immunity*—(a) *Statements to be filed.* As long as, pursuant to the section complete or partial immunity is claimed, a bank within subsection (b) shall file with each income tax return a statement as required by section 464A.9 of these regulations, in duplicate, and shall also file such additional statements as the Commissioner may require. Whether or not additional statements shall be required, and the frequency thereof, will depend on the circumstances, including the financial status and apparent prospects of the bank, and the time which is available for assessment and collection. If a copy of an agreement or document has once been filed, a copy of the same agreement or document need not again be filed with a subsequent statement, if it is shown by the subsequent statement, when and where and with what return the copy was filed. In case of amendment a copy of the amendment must be filed with the return for the taxable year in which the amendment is made.

(b) *Failure to file.* Failure of a bank to file any required statement will be treated as indicating that the bank is not entitled to immunity under the section.*†

§ 464A.11 *Termination of immunity*—(a) *General.* In the case of a bank within subsection (a) immunity will end whenever, and to the extent that, taxes may be assessed and collected, within the applicable limitation periods as extended by the section, without diminishing the assets available and necessary for payment of depositors. Immunity of a bank within subsection (b) is terminated, as to segregated assets, whenever claims of depositors against such assets have been paid in full. See section 464A.5 of these regulations. As to segregated assets, the termination of immunity is complete, and any balance remaining after payment of depositors is available, within statutory limitations, for collection of tax due at any time. However, taxes of the bank will be collectible from segregated assets only to the extent that the bank has a legal or equitable interest therein. Assets as to which there has been a complete conveyance for benefit of depositors, and the bank has bona fide been divested of all legal and equitable interest, are not available for collection of the bank's tax liability.

As to unsegregated assets of a bank within subsection (b), immunity terminates only as to taxes thereafter becoming due. When taxes are once immune from collection, the immunity as to unsegregated assets is absolute. But see the second paragraph of section 464A.6 (a) of these regulations.

(b) *General creditors.* While the immunity from tax collection is for protection of depositors, and not for benefit of general creditors, in some cases the immunity will not end until the assets are sufficient to cover indebtedness of creditors generally. This situation will exist where under applicable law the claims of general creditors are on a parity with those of depositors, so that to pay depositors in full it is necessary to pay all creditors in full.

(c) *Shareholder liability.* In determining the sufficiency of the assets to satisfy the depositors' claims, shareholders' liability to the extent collectible shall be treated as available assets. See section 464A.9 of these regulations.



(d) *Deposit insurance.* Deposit insurance payable to depositors shall not be treated as an asset of the bank and shall be disregarded in determining the sufficiency of the assets to meet the claims of depositors.

(e) *Notice by bank.* A bank within subsection (b), upon termination of immunity with respect to (1) earnings, (2) segregated or transferred assets, or (3) unsegregated assets, shall immediately notify the collector for the district in which the taxpayer's returns were filed of such termination of immunity. See section 464A.10 (b) of these regulations.

(f) *Payment by bank.* As immunity terminates with respect to any assets, it will be the duty of the bank, without notice from the collector, to make payment of taxes collectible from such assets.*†

§ 464A.12 *Collection of tax after termination of immunity*—(a) *General.* If, in the case of a bank within subsection (b), segregated assets (including earnings therefrom), in excess of those necessary for payment of outstanding deposits become available, such excess of segregated assets shall be applied toward satisfaction of accumulated outstanding taxes previously immune under the section, and not barred by the statute of limitations. But see section 464A.5 of these regulations. Where sufficient segregated or unsegregated assets are available, statutory interest shall be collected with the tax. When unsegregated assets or earnings therefrom previously immune become available for tax collection, they will be available only for collection of taxes (including interest and other additions) becoming due after immunity ceases. See example in section 464A.7 (c) of these regulations.

(b) *Tax due before the effective date of the amendments.* In the case of a bank within subsection (a), the section does not permit assessment or reassessment or collection of tax abated or refunded, if the abatement or refund was in accordance with the section prior to the amendments by the Revenue Acts of 1938 and 1939.

In the case of a bank within subsection (b) the section does not permit assessment or reassessment of collection, from segregated or unsegregated assets, of tax refunded on or before May 28, 1938, if the refund was in accordance with the section prior to the amendments by the Revenue Acts of 1938 and 1939.

With the exceptions indicated by the preceding two paragraphs, tax due on or before May 28, 1938, and still outstanding on the said date, is within the provisions of the amended section and collectibility is determinable in accordance with the amended section the same as in the case of tax due after such date. Accordingly, a tax due prior to the effective date of the amendments and then collectible under the section may not be assessed or collected thereafter if such assessment or collection would be contrary to the section as amended. See section 464A.8 of these regulations.

If the statutory period for assessment or collection had expired before the effective date of the amendments, the section does not revive it. Accordingly, in such situation the tax is not collectible under the amended section, regardless of other circumstances.*†

§ 464A.13 *Social Security taxes.* These regulations do not relate to Social Security taxes, since the immunity granted by the amended section does not apply to taxes imposed by the Social Security Act.*†

§ 464A.14 *Effective date of regulations.* These regulations are effective as of May 28, 1938, the effective date of the amendments made by section 818 of the Revenue Act of 1938, and section 406 of the Revenue Act of 1939. Treasury Decision 4882,[3] I.R.B. 1939–4, 11 (Part 464, Title 26, Code of Federal Regulations), is hereby revoked as of the date of its approval.*†

[SEAL] GUY T. HELVERING,
*Commissioner of Internal Revenue.*

Approved, December 26, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39–4818; Filed, December 28, 1939; 12:22 p. m.]

## *Notices*

### DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

[NCR–301–L, Supplement 2]

**1939 AGRICULTURAL CONSERVATION PROGRAM FOR LICKING COUNTY, OHIO**

NCR–301–L, as amended,[1] is hereby further amended as follows:

1. Section XV is renumbered as Section XVII and the following new Sections XV and XVI are added:

SECTION XV. COUNTY ACREAGE ALLOTMENTS

(a) *County corn allotment.* The 1939 Licking County corn acreage allotment is 47,735 acres.

(b) *County wheat allotment.* The 1939 Licking County wheat acreage allotment is 27,696 acres.

SECTION XVI. FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS

The county committee with the assistance of other local committees in the county shall establish acreage allotments and normal yields for corn and wheat in accordance with the provisions contained herein and instructions issued by the Agricultural Adjustment Administration. The sum of the acreage allotments established for farms in the county shall not exceed the applicable county acreage allotments.

(a) *Corn allotments.* Acreage allotments for corn shall be determined for farms on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The allotment for any farm shall be comparable to the allotments recommended for other farms in the same community which are similar with respect to such factors.

(b) *Wheat allotments.* Acreage allotments for wheat shall be determined for farms on which wheat has been planted for harvest in one or more of the years 1936, 1937, and 1938, on the basis of tillable acreage and crop rotation practices as reflected in the usual acreage of wheat on the farm or the ratio of wheat acreage to cropland in the community or the county, and on the basis of the type of soil, and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in the county on which wheat was not planted for harvest in any one of the three years, 1936, 1937, and 1938 on the basis of tillable acreage, crop rotation practices, type of soil, and topography. The wheat acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors.

(c) *Corn and wheat yields.* (1) Where reliable records of the actual average yields per acre of corn or wheat, as the case may be, for the years 1928 to 1937, inclusive, are presented by the farmer, or are available to the committee, the normal yield for the farm will be the average of such yields adjusted for trends and abnormal weather conditions, in accordance with instructions issued by the Agricultural Adjustment Administration.

(2) If for any year of the ten-year period, reliable records of the actual yield are not available, or there was no actual yield because the crop was not planted on the farm in such year, the county committee will determine the normal yield for the farm. This will be based upon all available facts including the yield customarily secured on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land. The yields so determined will be adjusted so that the weighted average of the normal yields for all farms in the county will equal the county average yields of corn or wheat, as the case may be, established by the Secretary.

The provisions of this Supplement 2 to NCR–301–L shall be effective as of March 4, 1939.

Done at Washington, D. C., this 27th day of December, 1939. Witness my hand and seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39–4820; Filed, December 28, 1939; 12:25 p. m.]

[1] 4 F.R. 3569 DI.
[3] 4 F.R. 271 DI.

**Rural Electrification Administration.**

[Administrative Order No. 419]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 18, 1939.

By virtue of the authority vested in me by the provisions of Section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

| Project Designation: | Amount |
|---|---|
| Alabama R9022W1 Butler | $8,000 |
| Illinois 7039W2 Fulton | 5,000 |
| New Hampshire 7004W1 Merrimack | 10,000 |

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-4819; Filed, December 28, 1939; 12:25 p. m.]

## DEPARTMENT OF LABOR.

### Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Apparel Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act, Section 522.5(d) of Regulations Part 522, as amended, to the employers listed below effective December 29, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Apparel Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than eight weeks experience in the past three years upon a stitching operation in the Apparel Industry.

(2) The employment of learners under these Certificates is limited to the operation of stitching machines and for eight (8) weeks for any one learner. During this period, learners shall be paid at least 22½¢ per hour. If experienced workers are paid on a piece rate basis, the same piece rates shall be paid to the learners employed on similar work and they shall receive earnings on such piece rates if in excess of 22½¢ per hour, but in no case less than 22½¢ per hour.

(3) These Special Certificates are issued on representations by the employers that experienced stitching machine operators are not available.

(4) Any one of these Special Certificates may be canceled as of the date of its issue if found that experienced workers were available when the Certificate was issued and may be canceled prospectively or as of the date of violation if found that any of its terms have been violated or that skilled workers have become available.

(5) Under these Special Certificates, no learner shall be employed at a subminimum wage until and unless the Certificate is posted and kept posted in a conspicuous place in the plant in which learners are employed.

NUMBER OF LEARNERS

Not in excess of 5% of the total number of stitching machine operators employed in the plant may be employed under any of these Certificates, unless otherwise indicated hereinbelow opposite the employer's name:

NAME AND ADDRESS OF FIRM AND PRODUCT

Atlas Shirt Company, Inc., Kinston, North Carolina, dress shirts.

Congress Shirt Company, Bath, Maine (5 learners), shirts and mackinaws.

Hercules Trouser Company, Manchester, Ohio, trousers.

Lebanon Pants Company, Lebanon, Pennsylvania (5 learners), pants.

S. Liebovitz & Sons, Inc., Shartlesville, Pennsylvania, men's shirts.

Signed at Washington, D. C., this 28th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4822; Filed, December 28, 1939; 1:00 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Hosiery Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 (Hosiery Wage Order) are issued to the employers listed below effective December 29, 1939, to August 29, 1940, unless otherwise indicated subject to the following terms:

OCCUPATIONS AND WAGE RATES

The employment of learners in the Hosiery Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

*[Here follows, in the original document, a table identical with that appearing on Page 3827 of the "Federal Register" for Thursday, September 7, 1939]*

These Special Certificates are issued ex parte under Section 14 of the said Act, Section 522.5 (b) of Regulations Part 522, as amended. For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b), such Special Certificates, or any of them, may be canceled as of the date of their issuance and if so canceled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

NAME AND ADDRESS OF FIRM AND NUMBER OF LEARNERS

Gastonia Full Fashioned Hosiery Mill, Gastonia, North Carolina (April 1, 1940) (9 learners).

Maryon Hosiery Mill, Carrollton, Georgia (10 learners).

Signed at Washington, D. C., this 28th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4823; Filed, December 28, 1939; 1:00 p. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE TEXTILE INDUSTRY

Notice is hereby given that Special Certificates for the employment of learners in the Textile Industry at hourly wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued ex parte under Section 14 of the said Act and Section 522.5 (d) of Regulations Part 522, as amended, to the employers listed below effective December 29, 1939, until October 24, 1940, subject to the following terms:

OCCUPATIONS, WAGE RATES, AND CONDITIONS

The employment of learners in the Textile Industry under these Certificates is limited to the following occupations, learning periods, and minimum wage rates:

(1) A learner is a person who has had less than six (6) weeks experience in the aggregate in any of the learner occupations listed below in any branch of the Textile Industry except tufted bedspreads and curtains.

(2) Learners may be employed under these Certificates only in the occupations of machine operating, tending, fixing, and jobs immediately incidental thereto, but not in occupations similar to those performed by the following: sweepers, scrubbers, yard employees, watchmen, clerical workers and supervisors, timekeepers, machine cleaners, janitors, truckers, and employees engaged in similar work, and no learner shall be employed at less than the minimum rate for more than six (6) weeks.

(3) No learner may be paid at a rate less than 25 cents an hour provided, however, that if experienced workers are paid on a piecework rate, learners shall be paid at least the same piecework rate and shall receive earnings on such rates if in excess of 25 cents per hour but in no event less than 25 cents per hour.



(4) Experienced workers may not be employed at less than the minimum rate and no learner may be employed at less than the minimum rate unless hired when experienced workers were not available. No learner may be employed under these Certificates until and unless a copy of the certificate is posted and kept posted in a conspicuous place in the plant in which learners are to be employed.

(5) These Certificates expire October 24, 1940, and are subject to cancelation sooner by the Administrator or his authorized representative for cause. These Certificates are issued on representations by the employers that experienced workers are not available and may be canceled as of the date of issue if it is found that they were issued when experienced workers were available and may be canceled prospectively or as of the date of violation if it is found that any of their terms have been violated or that experienced workers have become available. A copy of the employer's certificate must be available at all times for inspection. Altering or attempting to alter any Certificate will render it invalid.

NUMBER OF LEARNERS

Not in excess of three (3) percent of the total number of persons in the learner occupations herein described employed in the plant may be employed under these Certificates unless otherwise indicated hereinbelow opposite the employer's name.

NAME AND ADDRESS OF FIRM AND PRODUCT

Oates Paper Twine Company, Inc., Chappaqua, New York (3 learners), paper twines.

Granite Falls Mfg. Co., Plant No. 1, Granite Falls, North Carolina (3 learners), cotton.

Granite Falls Mfg. Co., Plant No. 2, Granite Falls, North Carolina, cotton.

Granite Falls Mfg. Co., Plant No. 3, Granite Falls, North Carolina, cotton.

Trenton Mills, Inc., Trenton, Tennessee, cotton meat bags.

Signed at Washington, D. C., this 28th day of December 1939.

MERLE D. VINCENT,
*Director, Hearings Branch.*

[F. R. Doc. 39-4824; Filed, December 28, 1939; 1:00 p. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5805]

NOTICE OF INFORMAL HEARING BEFORE THE COMMISSION EN BANC ON FEBRUARY 28, 1940, IN THE MATTER OF AURAL BROADCASTING ON FREQUENCIES ABOVE 25,000 KC.

Notice is hereby given of the informal hearing before the Commission en banc to be held at the office of the Commission, Washington, D. C., beginning at 10 a. m., February 28, 1940, for the purpose of determining:

(1) Whether aural broadcasting on the frequencies above 25,000 kc has reached such a stage of development that it is acceptable for rendering regular as distinguished from experimental broadcast service to the public;

(2) The relative merits of frequency modulation and amplitude modulation when employed for aural broadcasting on frequencies above 25,000 kc;

(3) The relative merits of wide band and narrow band frequency modulation when employed for aural broadcasting on frequencies above 25,000 kc;

(4) Whether it is possible to allocate sufficient frequencies to accommodate stations employing frequency modulation (narrow or wide band) to provide a satisfactory program service in the United States when considered in the light of the frequency needs of other services, including television, Government, aviation, police, common carrier, amateur, etc.;

(5) Whether it is possible to allocate sufficient frequencies to accommodate stations employing amplitude modulation to provide a satisfactory program service in the United States when considered in the light of the frequency needs of other services, including television, Government, aviation, police, common carrier, amateur, etc.;

(6) Whether it would be practicable for the Commission to authorize both amplitude and frequency modulation for aural broadcasting stations operating on frequencies above 25,000 kc, or whether the Commission should recognize but one of these forms of modulation for such stations;

(7) The possible future effects of ultra high frequency broadcasting upon standard broadcasting on the band 550–1600 kc.;

(8) Whether existing allocations of frequencies above 25,000 kc to particular services shall be modified to provide frequencies for aural broadcasting;

(9) The existing patent situation respecting frequency modulation and amplitude modulation for aural broadcasting stations operating on frequencies above 25,000 kc.

The Commission desires to expedite consideration of the foregoing matters as much as possible so that policies may be formulated for the future licensing of applicants in the aural broadcast field utilizing frequencies above 25,000 kc. However, it is to be noted that no individual applications will be considered at the hearing.

The Commission considers that technical developments in the use of ultra high frequencies for aural broadcasting are sufficient to require consideration of the numerous questions involved, and persons appearing at the hearing should submit data obtained from actual tests and operations and thereby avoid speculative testimony as much as possible. If for the purpose of obtaining additional data for presentation at the hearing, operation not permissible under the outstanding authorization is necessary, then requests for special authorization to carry out such tests will receive the Commission's prompt attention.

Should any party desire to expand the matters herein listed for consideration, application should be made to the Commission for such purpose as soon as possible and not later than February 1, 1940.

Except with the permission of the Chairman, cross examination of each witness will be limited to questions by Commissioners or members of the Commission's technical and legal staffs.

Persons or organizations desiring to appear and testify will notify the Commission of such intention on or before February 1, 1940. In such notification the number of witnesses that will appear, the topic each will discuss and the time expected to be occupied by each witness should be stated. This information is necessary in order to more effectively organize the hearing.

If it is intended to submit written statements, drawings, etc., in connection with the testimony to be given, it is required that ten copies of the same be submitted to the Commission on or before February 23, 1940.

The Commission directed that this notice be published in the FEDERAL REGISTER.

Dated at Washington, D. C., December 27, 1939.

[SEAL] T. J. SLOWIE,
*Secretary.*

[F. R. Doc. 39-4816; Filed, December 28, 1939; 12:21 p. m.]

[Docket No. 5806]

NOTICE OF PUBLIC HEARING BEFORE THE COMMISSION EN BANC ON JANUARY 15, 1940, IN THE MATTER OF EXCEPTIONS TO THE RULES AND REGULATIONS FOR TELEVISION STATIONS TENTATIVELY ADOPTED BY THE COMMISSION ON DECEMBER 21, 1939, AND TO SPECIFIC RECOMMENDATIONS OF ITS TELEVISION COMMITTEE

Notice is hereby given of a public hearing before the Commission en banc, to be held at the office of the Commission, Washington, D. C., beginning at 10:00 a. m., January 15, 1940, for the purpose of considering exceptions to the Rules and Regulations for Television Stations tentatively adopted by the Commission on December 21, 1939, as well as any exceptions to specific recommendations submitted to the Commission by its Television Committee in its report of November 13, 1939. A copy of the Rules and Regulations, as adopted by the Commission, is attached and made a part of this notice.

All interested parties wishing to be heard should give notice to the Commission not later than January 10, 1940. Each party desiring to participate is requested to cite the specific section of the Rules and Regulations or the spe-

cific recommendation of the Television Committee to which exception will be taken, list the witnesses desired to be heard, and estimate the amount of time desired for such participation.

The hearing will be primarily directed to the proposed Rules and Regulations. No individual applications will be considered.

Dated at Washington, D. C., December 27, 1939.

[SEAL] T. J. SLOWIE, *Secretary.*

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PART 4—VISUAL BROADCAST SERVICE

Sec.
4.61 Defined.

TELEVISION BROADCAST STATIONS

4.71 Defined.
4.72 Licensing requirements, necessary showing.
4.73 Operation.
4.74 Frequency Assignment.
4.75 Power.
4.76 Supplemental report with renewal application.

FACSIMILE BROADCAST STATIONS

4.91 Defined.
4.92 Licensing requirements.
4.93 Charges prohibited; restrictions.
4.94 Frequency assignment.
4.95 Power.
4.96 Supplemental report with renewal application.

§ 4.61 *Defined.* The term "visual broadcast service" means a service rendered by stations broadcasting images for general public reception. There are two general classes of stations recognized in the visual broadcast service, namely; television broadcast stations and facsimile broadcast stations.

§ 4.71 *Defined.* The term "television broadcast station" means a station licensed for the transmission of transient visual images of moving or fixed objects for simultaneous reception and reproduction by the general public. The transmission of the synchronized sound (aural broadcast) is considered an essential phase of television broadcast and one license will authorize both visual and aural broadcast as herein set forth.

(a) There shall be two types of experimental television stations, namely, "Experimental Research Stations" and "Experimental Program Stations" which shall be known as Class I and Class II stations, respectively.

§ 4.72 *Licensing requirements, necessary showing.* (a) A license for a television Class I station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of research and experimentation in the technical phases of television broadcasting, not requiring a service directly to the public, which indicates reasonable promise of substantial contribution to the development of the television art.

2. That the program of research and experimentation will be conducted by qualified personnel.

3. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.

4. That the public interest, convenience and/or necessity will be served through the operation of the proposed station.

(b) A license for a Class II station will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) That the applicant has a program of experimentation in the television broadcast service including scheduled programs which indicates reasonable promise of substantial contribution to the advancement of television broadcasting as a service to the public.

2. That the program of experimentation will be conducted by qualified personnel.

3. That a minimum scheduled program service of five hours per week will be maintained throughout the license period.[1]

4. That program material is available and will be utilized by the applicant in rendering broadcast service to the public.

5. That the applicant will install and operate adequate transmitting and studio equipment to render a satisfactory service to the public within the designated service area and with the television transmission standards recognized by the Commission for Class II television stations.

6. That the operation with respect to fidelity of transmission, spurious emissions, carrier noise, safety provisions, etc., will be in accordance with the standards of good engineering practice applicable to television broadcasting stations in all phases not otherwise specifically included in these regulations.[2]

7. That operation as proposed by the application will not result in objectionable interference to any other Class II station as determined by the standards of allocation applicable to television broadcast stations.

8. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.

9. That the public interest, convenience and/or necessity will be served through the operation of the proposed station.

§ 4.73 *Operation*—Class I and Class II stations: Charges. (a) No charges either direct or indirect shall be made for either the production or transmission of either aural or visual programs by Class I television stations;

(b) No charges either direct or indirect shall be made for the transmission of either aural or visual programs by Class II television stations; however, Class II television broadcast stations may make charges to cover cost of program production, including advertising material, which programs may be transmitted as an experimental program service but without charge for such transmision;

(c) Quarterly reports shall be made to the Commission by Class II television broadcast stations of the charges and costs as well as of other pertinent information which may be of assistance to the Commission in evaluating the economic feasibility of television broadcasting as a regular service to the public on a commercial basis.

(d) The offering by any person of the facilities of any television broadcast station on a regular commercial basis is prohibited. The limited commercialization permitted under subsection (b) above shall not take precedence over the experimental service, but shall in fact be subordinated to it.

*Class I stations—Scope of experimentation, limitations and restrictions.* (e) Class I stations shall operate to conduct research and experimentation for the development of the television broadcast art in its technical phases but shall not operate to render regularly scheduled broadcast service to the public.

(f) Class I stations will not be required to adhere to the television transmission standards recognized by the Commission for Class II television stations.

(g) No Class I station shall operate when interference would be caused by such operation to the regularly scheduled broadcast service of a Class II station.

*Class II stations—Scope of experimentation; service requirements.* (h) Class II stations shall operate to render scheduled television broadcast service for public consumption, and in connection therewith may carry out experiments with respect to program technique, determine power and antenna requirements for satisfactory broadcast service and perform all research and experimentation necessary for the advancement of television broadcasting as a service to the public.

(i) Class II stations shall operate in accordance with the television transmission standards (scanning, synchronization, etc.) which the Commission recognizes for this class of station. The Commission will recognize a modification in these standards upon a showing by the applicant proposing the changes that it will be in the public interest to require all Class II stations to adopt the proposed changes.

(j) Class II stations shall make all equipment changes necessary for rendering the external transmitter performance required by the Commission.

[1] This provision modified Section 4.4 as it applies to Class II television broadcast stations.

[2] The specifications for operation deemed necessary to meet the requirements of good engineering practice as applied to television stations will be published from time to time. These specifications will be altered as the art progresses and upon a showing being made that such changes are desirable in the public interest.



(k) Class II stations shall maintain a minimum scheduled program service of five hours per week throughout the license period. (The Commission may modify this minimum schedule in accordance with the showing on the merits in individual cases.)

(l) In case of failure of a Class II station to render its minimum of scheduled program service per week, the renewal of the license therefor may be refused unless it be shown that the failure of program service was due to causes beyond the control of the licensee.

§ 4.74 *Frequency assignment.* (a) The following groups of channels are allocated for assignment to television broadcast stations licensed experimentally.

*Group A*

| | |
|---|---|
| Channel #1 | 44,000–50,000 kc |
| 2 | 50,000–56,000 |
| 3 | 66,000–72,000 |
| 4 | 78,000–84,000 |
| 5 | 84,000–90,000 |
| 6 | 96,000–102,000 |
| 7 | 102,000–108,000 |

*Group B*

| | |
|---|---|
| Channel #8 | 156,000–162,000 kc |
| 9 | 162,000–168,000 [1] |
| 10 | 180,000–186,000 |
| 11 | 186,000–192,000 |
| 12 | 204,000–210,000 |
| 13 | 210,000–216,000 [1] |
| 14 | 234,000–240,000 |
| 15 | 240,000–246,000 |
| 16 | 258,000–264,000 |
| 17 | 264,000–270,000 [1] |
| 18 | 282,000–288,000 |
| 19 | 288,000–294,000 |

[1] See Secs. 4.4 (c) and 4.154 (a)

*Group C*

Any 6000 kc band above 300,000 kc excluding band 400,000 to 401,000 kc

(b) Each Class II television broadcast station will be assigned only one channel from Groups A or B. Class I television stations may be assigned one or more channels as the program of experimentation requires. Both aural and visual carriers with side bands for modulation are authorized but no emission shall result outside the authorized channel. The assignment of a channel to a Class II television broadcast station does not preclude the use of that channel by Class I stations although the Class II television station has priority for the use of the channel for scheduled program service.

(c) Groups B and C may be assigned to television stations to serve auxiliary purposes such as television relay stations and developmental mobile service. No mobile or portable station will be licensed for the purpose of transmitting television programs to the public directly.

(d) The assignment of frequency channels in Group A for Class II television broadcast stations will be limited as follows:[1]

| | |
|---|---|
| Cities whose metropolitan districts exceed 1,000,000 population | 3 channels |
| Cities whose metropolitan districts are not less than 500,000 population or more than 1,000,000 population | 2 channels |
| Cities whose metropolitan districts are less than 500,000 population | 1 channel |

(e) A license for only one Class II television station on a channel in Group A will be granted to a person to serve in whole or substantial part the same service area.

(f) No Class II television broadcast station will be assigned a channel in Group A for time sharing operation unless it is shown that the service proposed can not be rendered on a channel in Group B.

§ 4.75 *Power.* (a) The operating power of a Class I station shall not be in excess of that necessary to carry forward the program of research.

(b) The operating power of a Class II station shall not be in excess of that necessary to provide adequate service to the service area designated for the station.

§ 4.76 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include comprehensive reports on the following:

(a) *For Class I television broadcast stations.* 1. Number of hours operated.

2. Full data on research and experimentation conducted.

3. Conclusions, tentative and final.

4. Program for further developments of the television broadcast service.

5. All developments and major changes in equipment.

6. Any other pertinent developments.

(b) *For Class II television broadcast stations.* 1. Number of hours operated during which programs were transmitted classified as studio performances, special events (with appropriate description), films, etc.

2. Studio equipment used and any developments made during the license period.

3. Progress made in the advancement of television broadcasting as a service to the public.

4. Itemized financial data on cost of operation during the license period.

5. Field intensity measurements and visual and aural observations to determine the service area of the station (required for first report only and whenever changes are made which would tend to cause a change in the service area.)

[F. R. Doc. 39-4817; Filed, December 28, 1939; 12:21 p. m.]

[1] This limitation upon the use of the channels for metropolitan districts having different populations can be departed from, providing the applicant shows that no other metropolitan district would be restricted to fewer channels than provided for by the table.

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of December, A. D. 1939.

[File Nos. 47-45, 57-13]

IN THE MATTER OF IOWA PUBLIC SERVICE COMPANY AND AMERICAN UTILITIES SERVICE CORPORATION

ORDER RELATIVE TO ACQUISITION OF ASSETS

Iowa Public Service Company, a registered holding company, having filed an application and two amendments thereto with the Commission pursuant to Sections 10 (a) (2) and 10 (a) (3) of the Public Utility Holding Company Act of 1935 for the approval of the acquisition by it of all the gas utility assets, with minor exceptions, and the franchise of Iowa Central Utilities Company located in and about Charles City, Iowa; and American Utilities Service Corporation, a registered holding company, of which Iowa Central Utilities Company is a subsidiary, having filed an application and two amendments thereto pursuant to Rule U-12D-1 promulgated under Section 12 (d) of the Public Utility Holding Company Act of 1935 for approval of the sale of such utility assets and other interests by Iowa Central Utilities Company; and it being represented that said Iowa Central Utilities Company after such sale will retire its only outstanding securities not owned by said American Utilities Service Corporation and will thereupon be liquidated and dissolved;

A joint hearing on said amended applications having been held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

*It is ordered,* That such acquisition of the aforesaid utility assets and other interests by Iowa Public Service Company and such sale of the aforesaid utility assets and other interests of Iowa Central Utilities Company in accordance with the terms and conditions and for the purposes represented by said applications as amended be and the same hereby is approved:

*It is further ordered,* That this order be subjected to the following terms and conditions:

(1) That all acts in connection with the amended applications made by Iowa Public Service Company and American Utilities Service Corporation shall be performed in all respects as set forth in, and for the purposes represented by, said amended applications; and

(2) That within ten days after the acquisition of the Charles City properties, applicant Iowa Public Service Company shall file a certificate of notification with this Commission showing that

such acquisition has been effected in accordance with the terms and conditions of, and for the purpose represented by such application.

(3) That within ten days after the sale of the Charles City properties by Iowa Central Utilities Company, and the liquidation of said company in the manner described in this finding, applicant American Utilities Service Corporation shall file a certificate of notification showing that such sale and liquidation have been effected in accordance with the terms and conditions of, and for the purpose represented by such application.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4815; Filed, December 28, 1939; 11:28 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of December 1939.

[File No. 1-692]

IN THE MATTER OF INTERNATIONAL PRODUCTS CORPORATION 6% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Curb Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1(b) promulgated thereunder, having made application to strike from listing and registration the 6% Cumulative Preferred Stock, $100 Par Value, of International Products Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Thursday, January 18, 1940, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4814; Filed, December 28, 1939; 11:28 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 27th day of December 1939.

[File No. 1-2434]

IN THE MATTER OF NATIONAL RAILWAYS OF MEXICO (FERROCARRILES NACIONALES DE MEXICO) 4½% 50-YR. SINKING FUND GOLD BONDS 1957; AND 4% 70-YR. GUARANTEED GENERAL MORTGAGE SINKING FUND GOLD BONDS 1977; MEXICAN INTERNATIONAL RAILROAD 4% FIRST CONSOLIDATED MORTGAGE GOLD BONDS 1977; NATIONAL RAILROAD COMPANY OF MEXICO 4½% PRIOR LIEN GOLD BONDS 1926, AND 4% FIRST CONSOLIDATED MORTGAGE GOLD BONDS 1951; VERA CRUZ AND PACIFIC RAILROAD COMPANY 4½% FIRST MORTGAGE GUARANTEED GOLD BONDS 1934

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 4½% 50-Yr. Sinking Fund Gold Bonds 1957, 4% 70-Yr. Guaranteed General Mortgage Sinking Fund Gold Bonds 1977, Mexican International Railroad 4% First Consolidated Mortgage Gold Bonds 1977, National Railroad Company of Mexico 4½% Prior Lien Gold Bonds 1926, National Railroad Company of Mexico 4% First Consolidated Mortgage Gold Bonds 1951 and Vera Cruz and Pacific Railroad Company 4½% First Mortgage Guaranteed Gold Bonds 1934, of National Railways of Mexico (Ferrocarriles Nacionales De Mexico); and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered*, That the matter be set down for hearing at 10 A. M. on Friday, January 19, 1940, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered*, That Adrian C. Humphreys, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4813; Filed, December 28, 1939; 11:28 a. m.]

Reference

JAN 2 1940


# FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — 1934 — LITTERA SCRIPTA MANET

VOLUME 4 NUMBER 252

*Washington, Saturday, December 30, 1939*


## *The President*

### EXECUTIVE ORDER

AUTHORIZING THE INITIAL APPOINTMENT TO A CERTAIN POSITION IN THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, WITHOUT COMPLIANCE WITH THE CIVIL SERVICE RULES, AND REVOKING IN PART EXECUTIVE ORDER NO. 8027 OF DECEMBER 23, 1938

By virtue of and pursuant to the authority vested in me by the provisions of paragraph Eighth of subdivision SECOND of section 2 of the Civil Service Act (22 Stat. 403, 404), it is hereby ordered that, subject to the establishment before the Civil Service Commission of requisite qualifications, the initial appointment to the position of Assistant to the Assistant Administrator in Charge of the Cooperation and Inspection Branch of the Wage and Hour Division in the Department of Labor may be effected without compliance with the competitive requirements of the Civil Service Rules: *Provided*, that the person so appointed shall not thereby acquire a competitive classified civil-service status.

Executive Order No. 8027 of December 23, 1938, entitled "Authorizing Initial Appointments to Certain Executive and Policy Forming Positions in the Wage and Hour Division in the Department of Labor without Compliance with the Civil Service Rules" is hereby revoked in so far as it relates to the positions of Director of Regional Offices, and Chief of Policies and Standards Section.

This order is recommended by the Secretary of Labor.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
*December 27, 1939.*

[No. 8316]

[F. R. Doc. 39-4826; Filed December 28, 1939; 3:50 p. m.]

## *Rules, Regulations, Orders*

### TITLE 6—AGRICULTURAL CREDIT

### CHAPTER I—FARM CREDIT ADMINISTRATION

AUTHORIZING CERTAIN OFFICIALS TO PERFORM THE DUTIES AND EXERCISE THE POWERS OF THE GOVERNOR OF THE FARM CREDIT ADMINISTRATION

1. Section 3.1 of Title 6, Code of Federal Regulations, as amended, is hereby amended to read as follows:

§ 3.1 *Authority of Deputy Governors to serve as Governor in the absence of the Governor.* Dr. A. G. Black, First Deputy Governor of the Farm Credit Administration, is hereby authorized and directed to perform the duties and exercise the powers of the Governor of the Farm Credit Administration in the absence of the Governor of the Farm Credit Administration.

"Mr Gerald E. Lyons, Deputy Governor of the Farm Credit Administration, is hereby authorized and directed to perform the duties and exercise the powers of the Governor of the Farm Credit Administration in the absence of the Governor of the Farm Credit Administration and in the absence of Dr. A. G. Black, First Deputy Governor of the Farm Credit Administration.

"Mr. Roy E. Green, Deputy Governor of the Farm Credit Administration, is hereby authorized and directed to perform the duties and exercise the powers of the Governor of the Farm Credit Administration in the absence of the Governor of the Farm Credit Administration, and in the absence of Dr. A. G. Black, First Deputy Governor of the Farm Credit Administration, and in the absence of Mr. Gerald E. Lyons, Deputy Governor of the Farm Credit Administration."

2. Farm Credit Administration Order No. 267, dated September 28, 1939 (4 F.R.

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FEDERAL REGISTER

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4095), is superseded by the provisions of this order.

3. This order shall be effective on and after December 27, 1939.

Done at Washington, D. C., this 27th day of December 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4827; Filed, December 28, 1939; 4:23 p. m.]

## TITLE 7—AGRICULTURE

## CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1940-3]

### PART 701—1940 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 3

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, the 1940 Agricultural Conservation Program Bulletin is hereby amended by inserting the following in lieu of paragraph (2) in subsection (b) of Section 701.101[1] to show the State cotton acreage allotments (calculated pursuant to Section 344 (c)(1) and including the additional acreage allotted to counties pursuant to Section 344 (e) of the Agricultural Adjustment Act of 1938) established for the purposes of said program:

(2) The State acreage allotments of cotton are as follows:

| State: | *Acres* |
|---|---|
| Alabama | 2,129,404 |
| Arizona | 189,726 |
| Arkansas | 2,154,551 |
| California | 391,664 |
| Florida | 76,424 |
| Georgia | 2,104,706 |
| Illinois | 4,900 |
| Kansas | 899 |
| Kentucky | 17,876 |
| Louisiana | 1,186,520 |
| Mississippi | 2,552,800 |
| Missouri | 379,092 |
| New Mexico | 110,076 |
| North Carolina | 882,456 |
| Oklahoma | 2,053,877 |
| South Carolina | 1,269,435 |
| Tennessee | 728,379 |
| Texas | 9,390,152 |
| Virginia | 50,295 |
| Total | 25,673,232 |

Done at Washington, D. C., this 28th day of December 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4834; Filed, December 29, 1939; 12:21 p.m.]

[ACP-1940-4]

### PART 701—1940 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 4

Pursuant to the authority vested in the Secretary of Agriculture under Sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1940 Agricultural Conservation Program Bulletin approved September 6, 1939, as amended, is hereby further amended as follows:

Subparagraph (2) of paragraph (a) of Section 701.101[1] is hereby amended by the addition of the following sentence:

(1) The State acreage allotments of corn for each State in the commercial corn-producing area and the total acreage allotment for such area are as follows: Illinois, 6,513,876; Indiana, 3,225,400; Iowa, 8,193,223; Michigan, 392,095; Minnesota, 3,177,524; Missouri, 2,876,339; Nebraska, 5,905,316; Ohio, 2,396,291; South Dakota, 1,393,862; Wisconsin, 667,577; Kansas, 1,573,277; Kentucky, 323,220; Total, 36,638,000.

Subparagraph (3) of paragraph (a) of Section 701.101 is hereby amended by the addition of the following sentence:

The 1940 county corn acreage allotments shall be the 1940 county corn acreage allotments approved by the Secretary pursuant to the provisions of Title III of the Agricultural Adjustment Act of 1938, as amended.

Done at Washington, D. C. this 28th day of December 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4835; Filed, December 29, 1939; 12:21 p. m.]

### PART 721—PROCLAMATIONS AND DETERMINATIONS RELATING TO CORN ALLOTMENTS

DETERMINATION OF COUNTY CORN ACREAGE ALLOTMENTS FOR 1940[*]

§ 721.203 *County corn acreage allotments for 1940.* Pursuant to the authority vested in the Secretary of Agriculture under Section 329 (a) of the Agricultural Adjustment Act of 1938, as amended, the corn acreage allotment for the commercial corn-producing area for 1940 as established by the proclamation dated November 25, 1939,[2] is hereby apportioned among the commercial corn-producing counties as follows:

Illinois: Adams, 63,411; Alexander, 17,733; Bond, 28,113; Boone, 38,682; Brown, 24,746; Bureau, 145,689; Calhoun, 14,629; Carroll, 51,240; Cass, 42,887; Champaign, 184,405; Christian, 92,408; Clark, 45,691; Clay, 37,107; Clinton, 34,568; Coles, 70,265; Cook, 42,774; Crawford, 38,408; Cumberland, 34,138; De Kalb, 111,851; De Witt, 70,246; Douglas, 68,459; Du Page, 31,098; Edgar, 87,252; Edwards, 20,838; Effingham, 37,757; Fayette, 57,984; Ford, 94,012; Fulton, 91,069; Gallatin, 33,742;

[1] 4 F.R. 3868 DI.

[1] 4 F.R. 3867 DI.

[*] Section 721.203 issued under authority contained in Section 329 (a), 52 Stat. 52; 7 U.S.C. 1329.

[2] 4 F.R. 4998 DI.

Greene, 58,842; Grundy, 80, 184; Hamilton, 29,698; Hancock, 76,512; Hardin, 8,642; Henderson, 50,679; Henry, 132,503; Iroquois, 203,925; Jackson, 33,325; Jasper, 45,749; Jersey, 28,229; Jo Daviess, 42,447; Johnson, 18,444; Kane, 72,615; Kankakee, 107,319; Kendall, 55,006; Knox, 99,550; Lake, 29,702; La Salle, 207,827; Lawrence, 35,227; Lee, 116,871; Livingston, 206,836; Logan, 103,211; McDonough, 80,318; McHenry, 77,521; McLean, 230,872; Macon, 94,246; Macoupin, 71,131; Madison, 53,689; Marion, 35,695; Marshall, 60,225; Mason, 66,663; Massac, 16,436; Menard, 41,165; Mercer, 80,631; Monroe, 22,013; Montgomery, 61,775; Morgan, 71,707; Moultrie, 53,073; Ogle, 104,441; Peoria, 71,923; Perry, 22,594; Piatt, 72,962; Pike, 69,700; Pope, 15,013; Pulaski, 17,107; Putnam, 22,670; Randolph, 31,539; Richland, 28,330; Rock Island, 50,021; Saint Clair, 42,983; Saline, 28,988; Sangamon, 121,900; Schuyler, 35,548; Scott, 31,595; Shelby, 91,870; Stark, 50,109; Stephenson, 65,694; Tazewell, 92,438; Union, 21,462; Vermilion, 140,528; Wabash, 23,049; Warren, 90,756; Washington, 28,956; Wayne, 50,582; White, 54,802; Whiteside, 104,589; Will, 115,963; Winnebago, 59,546; Woodford, 84,511; State, 6,513,876.

Indiana: Adams, 31,484; Allen, 56,957; Bartholomew, 38,351; Benton, 73,832; Blackford, 17,117; Boone, 56,649; Carroll, 48,788; Cass, 49,683; Clay, 27,503; Clinton, 56,469; Daviess, 39,075; Dearborn, 16,146; Decatur, 41,575; Delaware, 45,150; Dekalb, 26,794; Dubois, 24,095; Elkhart, 34,140; Fayette, 22,132; Fountain, 42,553; Franklin, 28,618; Fulton, 41,371; Gibson, 47,261; Grant, 46,770; Greene, 33,141; Hamilton, 50,798; Hancock, 41,576; Hendricks, 49,728; Henry, 49,250; Howard, 37,091; Huntington, 37,432; Jackson, 34,004; Jasper, 69,941; Jay, 35,385; Jennings, 19,116; Johnson, 38,398; Knox, 55,360; Kosciusko, 51,673; Lagrange, 31,023; Lake, 41,090; La Porte, 58,037; Lawrence, 21,899; Madison, 57,847; Marion, 32,096 Marshall, 43,666; Martin, 13,859; Miami, 41,671; Monroe, 15,940; Montgomery, 59,677; Morgan, 37,009; Newton, 53,191; Noble, 33,925; Orange, 20,076; Owen, 17,079; Parke, 36,716; Pike, 21,908; Porter, 36,811; Posey, 43,208; Pulaski, 46,408; Putnam, 39,475; Randolph, 55,267; Ripley, 28,236; Rush, 59,814; Saint Joseph, 36,768; Scott, 10,791; Shelby, 56,815; Spencer, 28,152; Starke, 29,847; Steuben, 20,675; Sullivan, 39,464; Tippecanoe, 67,144; Tipton, 36,971; Union, 18,927; Vanderburgh, 18,714; Vermillion, 27,061; Vigo, 40,136; Wabash, 43,103; Warren, 48,911; Warrick, 25,243; Washington, 26,543; Wayne, 44,324; Wells, 41,984; White, 73,895; Whitley, 28,598; State, 3,225,400.

Iowa: Adair, 85,834; Adams, 60,747; Allamakee, 36,734; Appanoose, 31,391; Audubon, 73,436; Benton, 108,822; Black Hawk, 82,913; Boone, 101,324; Bremer, 55,922; Buchanan, 83,358; Buena Vista, 106,925; Butler, 89,222; Calhoun, 107,462; Carroll, 102,758; Cass, 94,106; Cedar, 81,283; Cerro Gordo, 87,497; Cherokee, 99,007; Chickasaw, 60,985; Clark, 41,971; Clay, 96,625; Clayton, 63,853; Clinton, 101,292; Crawford, 120,625; Dallas, 102,420; Davis, 33,134; Decatur, 43,168; Delaware, 73,959; Des Moines, 47,813; Dickinson, 60,446; Dubuque, 56,053; Emmet, 67,619; Fayette, 81,416; Floyd, 76,317; Franklin, 103,215; Fremont, 113,799; Greene, 111,377; Grundy, 82,448; Guthrie, 88,776; Hamilton, 106,885; Hancock, 95,007; Hardin, 99,495; Harrison, 135,449; Henry, 51,061; Howard, 49,872; Humboldt, 80.317; Ida, 80,853; Iowa, 75,065; Jackson, 52,251; Jasper, 114,083; Jefferson, 46,142; Johnson, 80,349; Jones, 64,869; Keokuk, 77,228; Kossuth, 170,148; Lee, 35,519; Linn, 92,938; Louisa, 51,815; Lucas, 35,967; Lyon, 99,972; Madison, 71,563; Mahaska, 83,120; Marion, 72,515; Marshall, 91,095; Mills, 87,867; Mitchell, 60,653; Monona, 124,430; Monroe, 31,918; Montgomery, 75,318; Muscatine, 56,294; O'Brien, 98,978; Osceola, 68,320; Page, 89,748; Palo Alto, 97,514; Plymouth, 156,091; Pocahontas, 109,147; Polk, 85,172; Pottawattamie, 189,331; Poweshiek, 86,307; Ringgold, 55,219; Sac, 105,767; Scott, 60,589; Shelby, 110,453; Sioux, 136,772; Story, 110,017; Tama, 100,252; Taylor, 70,951; Union, 50,021; Van Buren, 31,769; Wapello, 40,712; Warren, 69,051; Washington, 76,879; Wayne, 46,088; Webster, 123,348; Winnebago, 63,438; Winneshiek, 65,671; Woodbury, 168,420; Worth, 54,067; Wright, 107,021; State, 8,193,223.

Michigan: Berrien, 25,277; Branch, 32,729; Calhoun, 32,169; Cass, 28,646; Hillsdale, 35,541; Jackson, 30,768; Kalamazoo, 23,605; Lenawee, 57,103; Monroe, 44,009; Saint Joseph, 30,888; Washtenaw, 37,007; Wayne, 14,353; and State, 392,095.

Minnesota: Big Stone, 40,974; Blue Earth, 97,050; Brown, 70,026; Carver, 29,307; Chippewa, 76,755; Cottonwood, 88,202; Dakota, 49,213; Dodge, 45,643; Faribault, 99,153; Fillmore, 56,623; Freeborn, 82,639; Goodhue, 48,116; Grant, 41,532; Hennepin, 27,459; Houston, 27,578; Jackson, 105,733; Kandiyohi, 72,419; Lac Qui Parle, 90,049; Le Sueur, 40,394; Lincoln, 59,561; Lyon, 100,370; McLeod, 46,198; Martin, 118,987; Meeker, 53,834; Mower, 71,485; Murray, 102,002; Nicollet, 45,864; Nobles, 113,463; Olmsted, 56,547; Pipestone, 67,004; Pope, 39,536; Redwood, 123,148; Renville, 120,316; Rice, 45,414; Rock, 77,620; Scott, 28,255; Sibley, 56,631; Stearns, 87,170; Steele, 45,990; Stevens, 57,424; Swift, 71,605; Traverse, 50,543; Wabasha, 30,657; Waseca, 46,936; Washington, 27,425; Watonwan, 63,690; Winona, 30,980; Wright, 51,644; Yellow Medicine, 98,355; State, 3,177,524.

Missouri: Adair, 29,745; Andrew, 45,657; Atchison, 105,954; Audrain, 73,434; Bates, 72,995; Benton, 32,488; Boone, 42,568; Buchanan, 34,725; Caldwell, 43,889; Callaway, 39,008; Cape Girardeau, 33,119; Carroll, 59,362; Cass, 65,050; Chariton, 59,171; Clark, 33,046; Clay, 30,710; Clinton, 45,049; Cooper, 37,274; Daviess, 48,066; De Kalb, 45,093; Dunklin, 49,184; Gentry, 44,352; Grundy, 32,209; Harrison, 50,356; Henry, 62,151; Holt, 69,954; Howard, 30,184; Jackson, 38,285; Johnson, 57,919; Knox, 37,515; Lafayette, 62,113; Lewis, 30,247; Lincoln, 39,382; Linn, 41,637; Livingston, 38,646; Macon, 56,614; Marion, 30,263; Mercer, 27,952; Mississippi, 46,030; Moniteau, 21,420; Monroe, 50,543; Montgomery, 34,058; New Madrid, 66,692; Nodaway, 116,106; Pemiscot, 40,008; Perry, 18,256; Pettis, 52,884; Pike, 44,057; Platte, 32,501; Putnam, 25,301; Ralls, 35,883; Randolph, 32,072; Ray, 57,918; St. Charles, 28,942; St. Clair, 43,393; Saline, 78,032; Schuyler, 14,110; Scotland, 27,161; Scott, 38,287; Shelby, 39,928; Stoddard, 64,094; Vernon, 68,524; Worth, 24,773; State, 2,876,339.

Nebraska: Adams, 70,374; Antelope, 139,505; Boone, 123,650; Buffalo, 136,164; Burt, 101,266; Butler, 98,775; Cass, 108,601; Cedar, 135,521; Chase, 88,059; Clay, 81,243; Colfax, 68,379; Cuming, 107,114; Custer, 246,622; Dakota, 46,893; Dawson, 119,833; Dixon, 90,289; Dodge, 98,193; Douglas, 55,733; Fillmore, 84,562; Franklin, 74,074; Frontier, 114,493; Furnas, 101,795; Gage, 115,889; Gosper, 71,154; Greeley, 70,761; Hall, 65,648; Hamilton, 89,459; Harlan, 79,411; Hayes, 73,463; Hitchcock, 63,425; Howard, 67,189; Jefferson, 65,974; Johnson, 49,871; Kearney, 63,040; Knox, 148,322; Lancaster, 125,655; Lincoln, 159,127; Madison, 110,098; Merrick, 60,406; Nance, 71,978; Nemaha, 66,275; Nuckolls, 82,607; Otoe, 100,245; Pawnee, 52,295; Perkins, 113,317; Phelps, 88,394; Pierce, 99,209; Platte, 129,145; Polk, 79,725; Redwillow, 80,952; Richardson, 83,559; Saline, 69,414; Sarpy, 46,739; Saunders, 145,453; Seward, 93,402; Sherman, 69,182; Stanton, 74,627; Thayer, 73,263; Thurston, 82,237; Valley, 79,614; Washington, 71,583; Wayne, 91,853; Webster, 81,353; York, 108,865; State, 5,905,316.

Ohio: Adams, 26,145; Allen, 37,187; Ashland, 22,489; Auglaize, 41,283; Brown, 35,804; Butler, 44,767; Champaign, 46,114; Clark, 43,427; Clermont, 32,597; Clinton, 50,688; Coshocton, 18,717; Crawford, 34,036; Darke, 72,504; Defiance, 31,539; Delaware, 36,681; Erie, 16,716; Fairfield, 44,488; Fayette, 53,913; Franklin, 45,693; Fulton, 39,917; Greene, 48,588; Hamilton, 13,957; Hancock, 56,449; Hardin, 47,322; Henry, 50,015; Highland, 46,778; Holmes, 20,034; Huron, 32,737; Jackson, 9,844; Knox, 30,774; Licking, 43,103; Logan, 40,877; Lorain, 23,368; Lucas, 21,603; Madison, 59,913; Marion, 43,498; Medina, 21,441; Mercer, 45,575; Miami, 47,791; Montgomery, 42,056; Morrow, 27,505; Muskingum, 20,865; Ottawa, 17,992; Paulding, 45,360; Perry, 15,000; Pickaway, 60,642; Pike, 20,629; Preble, 49,579; Putnam, 53,480; Richland, 27,063; Ross, 52,358; Sandusky, 38,978; Scioto, 20,786; Seneca, 49,030; Shelby, 41,555; Stark, 26,303; Union, 40,339; Van Wert, 47,569; Warren, 39,336; Wayne, 36,566; Williams, 32,297; Wood, 75,435; Wyandot, 37,196; State, 2,396,291.

South Dakota: Bon Homme, 74,205; Brookings, 98,143; Clay, 75,032; Deuel, 44,894; Grant, 47,429; Hamlin, 43,605; Hanson, 55,235; Hutchison, 89,074; Kingsbury, 76,024; Lake, 79,052; Lincoln, 102,619; McCook, 82,303; Minnehaha, 128,884; Moody, 80,273; Roberts, 67,586; Turner, 92,549; Union, 86,517; Yankton, 70,438; State, 1,393,862.

Wisconsin: Columbia, 61,362; Crawford, 22,054; Dane, 105,534; Grant, 80,181; Green, 50,111; Iowa, 40,286; Jefferson, 44,921; Lafayette, 53,943; Richland, 24,171; Rock, 79,177; Sauk, 50,293; Walworth, 55,544; State, 667,577.

Kansas: Anderson, 38,741; Atchison, 40,780; Brown, 79,937; Coffey, 42,389; Doniphan, 51,880; Douglas, 30,735; Franklin, 42,033; Jackson, 64,687; Jefferson, 47,060; Jewell, 100,923; Johnson, 34,845; Leavenworth, 30,063; Linn, 43,795; Marshall, 106,436; Miami, 51,437; Nemaha, 97,852; Norton, 97,148; Osage, 59,114; Phillips, 94,628; Pottawatomie, 57,831; Republic, 87,842; Riley, 37,392; Shawnee, 40,810; Smith, 106,562; Washington, 88,357; State, 1,573,277.

Kentucky: Ballard, 26,142; Carlisle, 16,456; Crittenden, 22,585; Daviess, 38,211; Fulton, 21,423; Hancock, 11,407; Henderson, 55,539; Hickman, 25,616; Livingston, 21,937; McLean, 20,036; Union, 37,504; Webster, 26,364; State, $323,220.

Done at Washington, D. C. this 28th day of December 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4837; Filed, December 29, 1939; 12:22 p. m.]

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PART 727—FLUE-CURED TOBACCO

I, H. A. Wallace, Secretary of Agriculture, acting under and pursuant to, and by virtue of the authority vested in me by section 313 of the Agricultural Adjustment Administration Act of 1938, as amended, do hereby determine that:

§ 727.203 *Determination of the Apportionment and Adjustment of the National Marketing Quota Among States and Determination of State Yields Per Acre, and State Acreage Allotments for Flue-cured Tobacco for the 1940–41 Marketing Year.* The national quota for the 1940–41 marketing year, as proclaimed by the Secretary of Agriculture on September 25, 1939,[2] is hereby apportioned and adjusted[1] among the states, and state yields per acre and state acreage allotments are hereby established in accordance with the following table: (Sec. 313, 52 Stat. 46; 7 U.S.C. Sup. IV, 1312, as amended by 53 Stat. 1261).

| States and reserve pursuant to section 313 (c) | Marketing quotas | Yields per acre | Acreage allotments |
|---|---|---|---|
| | *1,000 pounds* | *Pounds* | *Acres* |
| Virginia | 57,318 | 786 | 72,924 |
| North Carolina | [1] 446,861 | 877 | [1] 509,534 |
| South Carolina | [1] 81,060 | 950 | [1] 85,326 |
| Georgia | 65,790 | 970 | 67,825 |
| Florida | 10,986 | 894 | 12,154 |
| Alabama | [1] 427 | 854 | [1] 500 |
| Reserve, section 313 (c) | 1,236 | 885 | 1 397 |
| Total United States | 663,538 | 885 | 749,660 |

[1] Adjusted in accordance with the provisions of section 313 (a) and 313 (e). Includes poundage and acreage to be allotted under the provisions of section 313 (g).
[2] 4 F.R. 4045 DI.

Done at Washington, D. C., this 28th day of December, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4838; Filed, December 29, 1939; 12:22 p. m.]

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PART 724—BURLEY TOBACCO

I, H. A. Wallace, Secretary of Agriculture, acting under and pursuant to, and by virtue of, the authority vested in me, by Sec. 312 of the Agricultural Adjustment Act of 1938, as amended, do hereby make the following proclamation:

§ 724.202 *Results of referendum.* In the referendum of farmers engaged in the production of the 1939 crop of Burley tobacco, conducted by the Secretary of Agriculture on the 21st day of November, 1939, to determine whether such farmers were in favor of or opposed to the national marketing quota for the marketing year beginning October 1, 1940, the total number of votes cast was 118,527; and of the total number so cast 98,741 votes, or 83.3 percent, were in favor of, and 19,786 votes, or 16.7 percent, were opposed to such marketing quota. Therefore, the national marketing quota for the year beginning October 1, 1940, proclaimed by the secretary of Agriculture on the 28th of October 1939, will continued in effect. (Sec. 312, 52 Stat. 46)

Done at Washington, D. C., This 28th day of December, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4839; Filed, December 29, 1939; 12:22 p. m.]

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## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

## CHAPTER I—BUREAU OF ANIMAL INDUSTRY

### SUBCHAPTER C—INTERSTATE SHIPMENT OF ANIMALS AND POULTRY

[B.A.I. Administrative Notice 1]

§ 71.11[1] *Cresylic disinfectant as permitted disinfectant; specifications.* The following specifications will be employed for determining the suitability of cresylic disinfectant for use under the provisions of B.A.I. Order 309, regulation 1, section 6, paragraph 2, item 3:[2]

(a) The product shall remain a uniform liquid when held at 0° C. (32° F.), for 3 hours (chill test).

(b) The product shall dissolve completely in 30 parts of distilled water at 25° C. (77° F.) within 2 minutes (solution-rate test), producing a solution entirely free from globules and not more than faintly opalescent (solubility-degree test).

(c) The product shall contain not more than 25 percent of inert ingredients (water and glycerin), not more excess alkali than the equivalent of 0.5 percent of sodium hydroxide, and not less than 21 percent of soap exclusive of water, glycerin, and excess alkali.

(d) The product shall contain not less than 50 percent and not more than 53 percent of total phenols. It shall contain less than 5 percent of benzophenol ($C_6H_5OH$).

The methods of determining compliance with the above specifications will be those described in United States Department of Agriculture Bulletin 1308, Chemical and Physical Methods for the Control of Saponified Cresol Solutions, so far as they are applicable.

Any suitable glyceride, fat acid, or resin acid may be used in preparing the soap, but not all are suitable nor are all grades of a single product equally suitable. Also various grades of commercial cresylic acid differ in suitability. Therefore, manufacturers are cautioned to prepare a trial laboratory batch from every set of ingredients and to prove its conformity with specifications (a) and (b) above, before proceeding with manufacture on a factory scale.

This notice, which is based on B.A.I. Order 309, regulation 1, section 6, paragraph 2, item 3, as amended by amendment 4 dated November 15, 1939,[3] shall be effective on and after January 2, 1940. It supersedes Circular Letter 1369. The specifications herein differ from those contained in Circular Letter 1369 in that the name of the product and the minimum specifications therefor now conform with Commercial Standard CS71–38 of the National Bureau of Standards.

[SEAL] J. R. MOHLER,
*Chief of Bureau.*

[F. R. Doc. 39-4840; Filed, December 29, 1939; 12:22 p. m.]

[1] The numbering of the sections of B.A.I. Administrative Notices conforms to the numbering of title 9, chapter I, of the Code of Federal Regulations.
[2] 9 CFR 71.10 (b) (3).

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## TITLE 19—CUSTOMS DUTIES

## CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50053]

### CUSTOMS REGULATIONS AMENDED

ARTICLES 148, 220, 303, 387, 714, 715, 716, 717, 766, 801, AND 1233 OF THE CUSTOMS REGULATIONS OF 1937 AMENDED[1]

*To Collectors of Customs and Others Concerned:*

The Customs Regulations of 1937[2] are hereby amended as follows:

Paragraph (c) of article 148 [Sec. 2.19 (c)] is amended by deleting the words

[1] This document affects 19 CFR 2.19, 3.1, 6.20, 7.21, 11.18, 11.19, 11.20, 11.21, 11.49, 13.1, and 22.18.
[2] 2 F.R. 1444, 1562, 1643.
[3] 4 F.R. 4596 DI.



"shall be made by the party in interest" and substituting therefor the words "may be required by the collector". (Secs. 447, 624, 46 Stat. 714, 759; 19 U.S.C. 1447, 1624.)

Article 220 [Sec. 3.1], as amended by T.D. 49658,[3] is further amended by redesignating paragraphs (c) and (d) as paragraphs (d) and (e), respectively, and inserting a new paragraph (c) reading as follows:

(c) [Sec. 3.1 (b)] When entry is filed the permit to release may be accepted as the permit to unlade or to proceed farther inland. When discharge or landing of any merchandise, passengers, or baggage is desired before entry is made, a permit to unlade on customs Form 3851 or customs Form 3853–A shall be required. (Sec. 459, 46 Stat. 717, sec. 10 (a), 52 Stat. 1082; 19 U.S.C. 1459 and Sup. IV. Sec. 624, 46 Stat. 759; 19 U.S.C. 1624)

Article 303 [Sec. 6.20] is amended by adding a new paragraph (c) reading as follows:

(c) [Sec. 6.20] Such certificate shall be filed in duplicate and the collector shall securely attach both copies thereof to the invoice and summary sheet. Such documents shall be sent to the appraiser who shall note on the duplicate copy of the certificate, when the initial advance cited by the importer was made at the same port, whether the importer's citation of the pending case is correct. If such citation is erroneous, the proper one should be indicated thereon. The duplicate copy of the certificate, with the name of the port of entry endorsed thereon, shall be detached from the invoice and summary sheet and forwarded, together with a notice list on customs Form 6447, to the Assistant Attorney General, Reappraisement Division, 201 Varick Street, New York, N. Y., at the time the invoice, summary sheet, and original certificate are returned to the collector. (Secs. 503 (b), 624, 46 Stat. 731, 759; 19 U.S.C. 1503 (b), 1624)

Paragraph (a) of article 387 [Sec. 7.21 (a)] is amended to read as follows:

(a) Articles imported into the United States from foreign countries may be exported in the registered or ordinary Postal Union (regular) mails or in registered, insured, or ordinary parcel post, without the payment of duties that may have accrued thereon, provided the articles have remained continuously in the custody of the Government (customs or postal authorities), and provided the packages containing such articles are inspected and mailed under customs supervision. An appropriate receipt or certificate of mailing (postal) for each package shall be delivered to the customs officer to be attached to his report of the shipment. (Sec. 624, 46 Stat. 759; 19 U.S.C. 1624. R.S. 251; 19 U.S.C. 66)

[3] 3 F.R. 1808 DI.

The center heading above article 714 [Sec. 11.18] is amended by adding thereto the words "AND SIRUPS".

Article 714 [Sec. 11.18] is amended by inserting "or sirups" after the word "molasses" wherever it appears in said article, and by inserting the following before the period at the end of the second sentence:

and stating accurately the distance between the calibrated part of the tank and any fixed gauging point that may have been established atop the tank. (Sec. 624, 46 Stat. 759; 19 U.S.C. 1624. R.S. 251; 19 U.S.C. 66)

Article 715 [Sec. 11.19] is amended by inserting "or sirup" after the word "molasses" wherever it appears in said article. (Sec. 624, 46 Stat. 759; 19 U.S.C. 1624. R.S. 251; 19 U.S.C. 66)

Article 716 [Sec. 11.20] is amended to read as follows:

ART. 716 [Sec. 11.20] *Tank gauging.* (a) The report of the gauging of the molasses or sirup shall show the number of gallons of such molasses or sirup and the temperature thereof in degrees centigrade at the time of gauging. Report as to gauge and temperature shall be made to the examiner (customs Form 5991). When a fixed gauge point has been established atop any tank and an accurate statement of the distance between such gauge point and the calibrated part of the tank is on file in the customhouse, as provided in article 714 [Sec. 11.18], the amount of molasses or sirup in any such tank must be measured by one of the two methods described in paragraph (b). In the event a tank has no such established gauge point the amount of molasses or sirup in the tank must be measured by the second method described in paragraph (b).

(b) The two methods of gauging are as follows:

1. *Outage (ullage) method.* A steel tape graduated in inches and eighths of inches with plumb bob attached is lowered from the gauge point atop the tank to below the surface of the liquid in the tank. The measurement shown on the tape at the gauge point is then noted and such measurement, less the length of the tape which was wet by immersion in the liquid, represents the distance from the surface of the liquid to the gauge point. Deduct from this measurement the distance from the gauge point to the top of the calibrated part of the tank and the result is the "ullage" or depth of the unfilled part of the tank. Deduct the "ullage" or depth of the unfilled part of the tank from the established height of the calibrated part of the tank and the result is the depth of the liquid in the tank.

2. *Innage method.* The depth of the liquid in the tank is measured with a sectional steel rod having a removable brass scale expressed in inches and eighths of inches. The rod is let down until it touches bottom. The figure at the wet part of the brass scale is then read and the depth of the liquid is determined.

(c) If there is foam present the gauging, under either method, shall be made with the use of a "foam can" which shall be furnished by the owners or operators of the tanks to be gauged. The "foam can" shall be of sufficient length and weight to penetrate through the foam into the molasses and shall be of sufficient width or diameter to allow for the free passage of the plumb bob or gauging rod. There shall be a removable plug at the bottom of the can so that when the can has penetrated through the foam into the molasses this plug may be removed to permit the molasses to flow into the can to the level of the molasses in the tank, the sides of the can excluding the foam. The top of the can shall be fitted with suitable hooks for attaching ropes for lowering. When the foam can is used, the plumb bob or gauging rod is lowered through the can and the gauge is registered without the presence of the foam. This procedure shall be followed on immediate gauging as well as gauging after the lapse of the 20-day period in all cases where foam is present. No allowance shall be made for occluded air or other gases in the body of the molasses or sirup. The depth of the imported molasses or sirup having been ascertained in inches, the result will be multiplied by the number of gallons per inch in height previously ascertained when the storage tank was measured empty. (Sec. 624, 46 Stat. 759; 19 U.S.C. 1624. R.S. 251; 19 U.S.C. 66)

Article 717 [Sec. 11.21] is amended by inserting "or sirup" after the word "molasses" wherever it appears in said article. (Sec. 624, 46 Stat. 759; 19 U.S.C. 1624. R.S. 251; 19 U.S.C. 66)

Article 766 [Sec. 11.49] is amended by deleting paragraph (c) (2) [Sec. 11.49 (c) (2)] and redesignating paragraph (c) (3) [Sec. 11.49 (c) (3)] as paragraph (c) (2) [Sec. 11.49 (c) (2)]. (Pars. 1101–1104: sec. 1, 46 Stat. 646, 647; 19 U.S.C. 1001)

Paragraph (e) of article 801 [Sec. 13.1 (e)] is deleted. (Sec. 563 (a), 46 Stat. 746; 19 U.S.C. 1563 (a)).

Paragraphs (d), (e), (g), and (i) of article 1233 [Sec. 22.18 (d), (e), (g), and (i)] are amended to read as follows, respectively:

(d) [Sec. 22.18 (d)] Carriers of merchandise must purchase quantity supplies of "in bond" and "in transit" seals directly from the approved manufacturers of these seals. Carriers may purchase small emergency supplies of "in bond" and "in transit" seals from collectors of customs who are authorized to keep a supply of these seals on hand for official use and for sale. Orders for the purchase of quantity supplies of "in bond" and "in transit" seals shall be prepared by the carrier and shall specify the kind and quantity of seals desired, the name of the port at which they are to be used, and the name and address of the consignee to whom the seals are to be shipped. Each order shall be confined to seals for use at one port, and shall be forwarded to the collector of customs at the headquarters port of the customs district in which the port is located, who will submit the order, with his recommendation as to the need for the seals ordered, to the Bureau of Customs for authorization and transmission to the manufacturer, if approved.

(e) [Sec. 22.18 (e)] Collectors of customs shall requisition their supplies of "in bond", "in transit", and "customs" seals on Purchase Authority Form 1, which must be forwarded to the Bureau for approval. The requisition shall specify the number and kind of seals desired and shall give the name of the headquarters port which is to be stamped on the seals.

(g) [Sec. 22.18 (g)] Seals furnished various ports in the collection district from the supply maintained at the headquarters port shall be stamped with the name of the headquarters port and an accurate record of the quantity and kind of seals transferred, including the symbol or serial numbers of the seals, shall be maintained at both the sending and receiving ports.

(i) [Sec. 22.18 (i)] "In bond" seals may be purchased only by customs bonded carriers; "in transit" seals may be purchased by bonded and other carriers of merchandise; uncolored "customs" seals may not be purchased by private interests and may be furnished for authorized use without charge. "In bond" and "in transit" seals sold by collectors of customs shall be charged for at the rate of 5 cents per seal. Proceeds from the sale of "in bond" and "in transit" seals shall be accounted for as "miscellaneous receipts" and shall be deposited under symbol No. 7820, "sale of equipment." (Sec. 624, 46 Stat. 759; 19 U.S.C. 1624. R.S. 251; 19 U.S.C. 66)

[SEAL] W. R. JOHNSON,
*Acting Commissioner of Customs.*

Approved: December 27, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39-4841; Filed, December 29, 1939; 12:44 p. m.]

## TITLE 24—HOUSING CREDIT

## CHAPTER V—FEDERAL HOUSING ADMINISTRATION

### PART 501—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS UNDER SECTION 2, TITLE I OF THE NATIONAL HOUSING ACT, AS AMENDED, EFFECTIVE JULY 1, 1939*†

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§ 501.1 *Citation.* These Regulations may be cited and referred to as "Regulations effective January 1, 1940, of the Federal Housing Administrator governing the insurance of qualified lending institutions against loss resulting from Class 1 and Class 2 loans made under the provisions of Title I, Section 2, of the National Housing Act, as amended."† [Reg. I]

§ 501.2 *Definitions.* As used in these Regulations—

(a) The term "owner" includes, in addition to owners in fee, life tenants and persons holding an equity under a mortgage, trust or contract.

(b) The term "note" includes a note, bond, mortgage, or other evidence of indebtedness.

(c) The term "payment" includes a deposit to an account or fund.

(d) The term "installment payment" includes that deposit to an account or fund which represents the partial repayment of an advance of credit.

(e) The term "loan" includes any loan, advance of credit, or purchase of an obligation representing a loan or advance of credit for the purpose of financing eligible repairs, alterations or improvements as authorized by the National Housing Act, as amended, effective July 1, 1939, and by these Regulations.

(f) The term "Administrator" means the Federal Housing Administrator.

(g) The term "borrower" means one who is an eligible owner or lessee of real property to be improved pursuant to the provisions of the Act and who applies for and receives an advance of credit in reliance upon the provisions of the Act.

(h) The term "Act" means the National Housing Act, as amended, effective July 1, 1939.

(i) The term "Contract of Insurance" includes all of the provisions of these Regulations and of the applicable provisions of the Act.

(j) The term "insured institution" means any bank, trust company, personal finance company, mortgage company, building and loan association, installment lending company or other such financial institution which the Administrator has found to be qualified by experience or facilities and has approved as eligible for credit insurance and to which he has issued a Contract of Insurance effective July 1, 1939.

(k) The term "Class 1 loan" means any loan which is for the purpose of financing the repair, alteration or improvement of an existing structure or of the real property in connection therewith, exclusive of the building of new structures.

(l) The term "Class 2 (a) loan" means any loan which is for the purpose of financing the construction of a new structure which is not to be used in whole or in part either for residential or agricultural purposes.

(m) The term "Class 2 (b) loan" means any loan which is for the purpose of financing the construction of a new structure for use in whole or in part for agricultural purposes.

(n) The term "Class 2 loan" includes both "Class 2 (a)" and "Class 2 (b)" loans as defined in paragraphs (l) and (m) of this section.

(o) The term "Administration" means Federal Housing Administration.*† [Reg. II]

§ 501.3 *Eligible notes.* Promissory notes in order to be eligible for insurance:

(a) Shall bear the genuine signature, as maker, of an owner of the real property to be improved or of a lessee thereof under a lease expiring not less than six calendar months after the maturity of the loan or advance of credit.

(b) Shall be in a form which is valid and enforceable in the jurisdiction in which they are issued.

(c) Shall be payable in equal monthly, semi-monthly or weekly installments. The final installment may be slightly more or less than the other installments, subject to such exceptions as may be made by the Administrator. Notes may not provide for a first payment less than six days nor more than two calendar months from the date of the note. However, if fifty-one percent or more of the income of the maker is derived directly from the sale of agricultural crops, commodities, or livestock produced by him, a note may be made payable in installments corresponding to income periods shown on the credit statement. In such cases, the first payment must be made within twelve months of the date of the note and at least one payment must be made during each calendar year thereafter and the proportion of total principal to be paid in later years must not exceed the proportion of total principal payable in earlier years.

(d) Shall contain a provision for acceleration of maturity, either automatic or at the option of the holder, in the event of default in the payment or any installment upon the due date thereof.

(e) Shall not have a final maturity in excess of three years and thirty-two days from the date thereof in the case of Class 1 and Class 2 (a) loans, nor in excess of ten years and thirty-two days in the case of Class 2 (b) loans, provided that Class 2 (b) loans secured by a first mortgage, first deed of trust, or other security instrument constituting a first lien upon the improved property may have a final maturity not in excess of fifteen years and one calendar month.

(f) May provide for a late charge, to be paid by the maker, not to exceed five cents (5¢) for each $1.00 of each installment more than fifteen days in arrears. In lieu of late charges, notes may provide for interest on past due installments at a rate not in excess of the contract rate in the jurisdiction in which the note is drawn. No late charge or interest on a past due installment may be accrued in excess of $5.00. The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the Contract of Insurance.

(g) May be in a series provided each is of an equal amount as provided in this section and that each note indicates on its face that it is one of a series signed by the same maker.*† [Reg. III]

§ 501.4 *Maximum loan.* (a) A loan shall not involve a principal amount, exclusive of financing charges to the borrower in excess of $2,500.

(b) No loan shall increase the principal amount outstanding at any one time, on all loans made under Title I of the Act effective July 1, 1939 with respect to any one piece of property to an amount in excess of $2,500 exclusive of financing charges to the borrower.

(c) One borrower may obtain any number of loans to improve any number of separate pieces of property, subject to the credit requirements contained in Section 501.6.*† [Reg. IV]

§ 501.5 *Maximum permissible financing charges.* (a) The maximum permissible financing charge which may be paid by the borrower for interest, discount and fees of all kinds in connection with the transaction may not be in excess of an amount equivalent to $5.00 discount per $100 original face amount of a one-year note, to be paid in equal monthly installments, calculated from the date of the note. Such charges correctly based on tables of calculations issued by the Federal Housing Administrator are deemed to comply with this section.

(b) If the insured institution in purchasing a note takes the maximum charge permitted by this section, but employs a "holdback" and does not advance the entire proceeds of the note to the seller, it shall calculate its financing charge on the amount advanced and credit to the account of the seller the difference between the financing charge calculated on the face amount of the note and the financing charge calculated on the amount advanced.

(c) The acceptance of a voluntary payment of one or more installments prior to due date shall not be construed as increasing the maximum permissible financing charge as provided in paragraph (a) of this section. However, if the entire balance outstanding on the loan is paid in advance the insured institution must make a rebate as follows:

If the maximum permissible financing charge in connection with the transaction is in an amount equivalent to $5.00 discount as provided in paragraph (a) of this section, the insured institution shall make a rebate at a rate not less than 5% per annum of the amounts so paid in advance of their due dates. If a lesser charge has been taken, the rebate shall be at not less than a proportional rate.

(d) An increase in the ratio of the charge to the average amount outstanding on the debt over the maximum provided in this Regulation, which increase results from the first payment falling due less than thirty days after the date of the note as provided in § 503.3, shall not be deemed to be in conflict with this section.*† [Reg. V]

§ 501.6 *Credits.* (a) The insured institution shall obtain a signed and dated Credit Statement-Application from the borrower, on a form approved by the Administrator. The Credit Statement-Application must, in the judgment of the insured institution, clearly show the borrower to be solvent with reasonable ability to pay the obligation and in other respects a reasonable credit risk.

(b) A separate Credit Statement-Application is required in connection with each loan made or note purchased.

(c) An insured institution acting in good faith may rely upon the statements of the borrower who signs the Credit Statement-Application. The Administrator does not place upon the insured institution the burden of verifying the truth of any such statements. Even if such statements are investigated after the loan is made and found to be false, this will not affect in any way the eligibility of the note for insurance. However, any borrower making false statement or misusing the funds, or any dealer, contractor, or lender who knowingly assists in such a violation, may be committing a Federal offense and will be subject to the penal provisions of the National Housing Act. In all cases where the insured institution discovers a material misstatement in the Credit Statement-Application, or misuse of the funds, it must promptly report such a discovery to the Administrator.

(d) A loan shall not be made to a borrower who is delinquent at the time the loan is made, as to either principal or interest, with respect to an obligation owing to or insured by any department or agency of the Federal Government.

(e) The prior credit approval of the Administrator shall be obtained on all loans which increase the net amount outstanding, exclusive of financing charges, to any individual borrower to an amount in excess of $2,500 with respect to any obligation incurred pursuant to the provisions of Title I of the National Housing Act since July 1, 1939.*† [Reg. VI]

§ 501.7 *Eligible improvements.* (a) A loan must be for the purpose of financing eligible improvements within the United States, its Territories and Possessions, commenced on or after July 1, 1939 and prior to July 1, 1941, in reliance upon the credit facilities afforded by Title I of the National Housing Act as approved June 3, 1939.

(b) The proceeds of a loan shall be used only to finance alterations, repairs and improvements upon urban, suburban or rural real property (including the restoration, rehabilitation, rebuilding and replacement of such improvements which have been damaged or destroyed by earthquake, conflagration, tornado, cyclone, flood or other catastrophe).

(c) The proceeds of a loan shall not be used to finance the cost of completing an unfinished structure.

(d) The proceeds of a Class 1 loan shall be used only to finance the cost of alterations, repairs and improvements upon or in connection with existing structures. The term "existing structure" means a completed building that has or had a distinctive functional use.

(e) The proceeds of a Class 2 loan shall not be used to supplement another loan or advance of credit not reported for insurance, the payment of which is secured by a prior lien created in connection with the building of such new structure.

(f) The proceeds of a loan shall not be used for the purchase of land.

(g) The proceeds of a loan may be used to pay for architectural and engineering services performed in connection with eligible alterations, repairs or improvements financed in accordance with these Regulations.

(h) The proceeds of a loan shall not be used for the purpose of refinancing existing obligations not previously reported for insurance pursuant to these Regulations.

(i) Where any doubt exists as to the eligibility of a transaction which is to be financed with an insured loan, the

*§§ 501.1 to 501.16, inclusive, issued under the authority contained in Public, No. 111—76th Congress (H.R. 5323), Section 2.

†The sources of §§ 501.1 to 501.21, inclusive, is regulations governing Class 1 and Class 2 Property Improvement loans under Sec. 2, Title I of the National Housing Act, as amended, effective January 1, 1940.

facts of the case should be submitted to the Administrator for a decision and ruling.*† [Reg. VII]

§ 501.8 Completion certificate—Statements.

(a) An insured institution may not disburse the proceeds of a loan to one other than the borrower or to the borrower and another jointly until it has first:

(1) Obtained a Completion or Installation Certificate signed by the borrower in the following, or a substantially similar, form:

BORROWER'S COMPLETION CERTIFICATE[1]

*Notice to Borrower—Do not sign this Certificate until the work is satisfactorily completed.*

Dated at _____, _____, 19__

I (we) the undersigned hereby certify that all articles and materials have been furnished and installed and the work satisfactorily completed on premises at _____ in accordance with my application for a loan dated _____ pursuant to the provisions of Title I of the National Housing Act, as amended.

(Signature) _____

_____

(2) Obtained a statement signed by the dealer, contractor or applicator in the following, or a substantially similar, form:

DEALER/CONTRACTOR/APPLICATOR STATEMENT

_____, _____, 19__

To The _____ (lending institution)

of _____

In consideration of your accepting the note of _____ (Name of borrower(s)) for $_____, dated _____, We (I) hereby certify that all articles and materials contracted for have been furnished and installed and the work fully completed, that the signature(s) on the note and Completion Certificate are genuine, that the Completion or Installation Certificate was signed after the articles and materials contracted for had been furnished and installed and the work fully completed.

(Signature) _____

(Name)

_____

(Title)

(3) A written authorization signed by the borrower authorizing payment of the proceeds to the person to whom paid, in the following, or a substantially similar, form:

BORROWER'S AUTHORIZATION FORM

_____, _____, 19__

I (we) hereby authorize and direct the _____ (financial institution) to pay $_____ of the proceeds of my (our) note dated _____, for $_____ to _____

(Signature) _____

_____

(b) For the purpose of this section, if there are two or more eligible borrowers involved in the transaction only one signature is required on the Completion Certificate or Authorization Form.*† [Reg. VIII]

§ 501.9 *Refinancing.* (a) New obligations to liquidate loans previously reported for insurance pursuant to Title I of the Act effective July 1, 1939 which may or may not include an additional amount advanced will be covered by insurance, provided:

(1) They meet the requirements of all applicable regulations;

(2) Are reported to the Administrator on the proper form within 31 days from date of execution;

(3) Have a maturity not in excess of the maximum permitted under these Regulations from the date of the original obligation;

(4) If an additional advance is made, the full unearned charge on the original note shall be refunded to the borrower;

(5) If no additional advance is made, the full unearned charge on the original note shall be refunded to the borrower, except that a handling charge not in excess of $2.00 may be assessed to the borrower;

(6) They are evidenced by notes which meet with the requirements of § 501.3 and other applicable Regulations.

(b) An agreement to defer payments on a note previously reported for insurance under these Regulations without rewriting the note will not affect the insurance coverage on the loan provided:

(1) That such agreement is evidenced in writing;

(2) That payments shall not be deferred for more than five months from the due date of the last fully-paid installment;

(3) That such agreement shall not extend the final maturity of the obligation beyond the maturity date of the obligation as provided by its original terms;

(4) That if the lending institution assesses the borrower for the cost of such deferment, such charge may not be in excess of an equivalent amount of late charges as provided in Section 501.3 (f) *† [Reg. IX]

§ 501.10 *Report of loans.* Loans shall be reported on the proper form to the Federal Housing Administration at Washington, D. C., within 31 days from the date of the note or date upon which it was purchased. Any loan refinanced as provided in § 501.9 shall likewise be reported on the proper form within 31 days from the date of refinancing.*† [Reg. X]

§ 501.11 *Claims.* (a) Claim for reimbursement for loss on a qualified loan shall be made as provided in this paragraph.

(1) Claim for reimbursement for loss on a qualified loan may be made to the Administrator after default on any installment, provided demand has been made upon the debtor for the full unpaid balance.

(2) For the purpose of this paragraph, any payment received on an account, including payments on a judgment predicated thereon, shall be applied to the earliest unpaid installment, and whenever any installment is six months in arrears claim shall be made within 31 days.

(3) In the case of yearly installment notes, whenever an installment is twelve months in arrears claim must be made within 31 days thereafter.

(4) Upon presentation to him of the facts of a particular case within the allowable claim period prescribed in this paragraph, the Administrator may, in his discretion, extend the time within which claim must be made.

(b) Subject to § 501.12, claim may be made only for loss sustained by the insured institution itself, and may include:

(1) Net unpaid amount of advance actually made or the actual purchase price of the note, whichever is the lesser;

(2) Uncollected earned interest (after default interest is not to be claimed at a rate to exceed 4% per annum and will be calculated to the date the claim is approved for payment);

(3) Uncollected court costs, including fees paid for issuing, serving and filing summons;

(4) Attorney's fees not exceeding 15% of the amount collected by the attorney on the defaulted note;

(5) Handling fee of $5 for each loan, if judgment is secured, plus 5% of amounts collected subsequent to return of unsatisfied property execution.

(6) An insured institution may not waive its claim against the borrower for attorney fees and subsequently call upon the Administrator for payment of such an item.

(c) Claim shall be made on a form provided by the Administrator, filled out completely and executed in duplicate by a duly qualified officer of the insured institution. If the Regulations have been complied with, payment of the loss will be made on audit of the claim and upon proper assignment to the United States of America, of the note upon which the loss occurred, together with any security taken to secure payment thereof. Any security or judgment taken must be assigned, and if any claim has been filed in bankruptcy, insolvency or probate proceedings, such claim shall likewise be assigned to the United States of America.

(d) Where a real estate mortgage, deed of trust, or a conditional sales contract, chattel mortgage or any other security device has been used to secure the payment of loans for eligible purposes, the insured institution may not both proceed against such security and also make claim under its Contract of Insurance, but shall elect which method it desires to pursue. If claim is made, such security device shall be assigned, in its entirety, to the United States of America. If the security taken is non-assignable, all rights in such security shall be exhausted by the insured institution or the claim against the Administrator reduced by the full face amount of the security taken before claim will be paid by the Administrator.

(e) The following form of assignment properly dated shall be used in assigning a note, judgment, real estate mortgage, deed of trust, conditional sales contract, chattel mortgage or any other security device in event of claim:

All right, title and interest of the undersigned is hereby assigned (without warranty, except that the note qualifies for insurance) to the United States of America.

_____
Financial Institution

By _____

Title _____

_____ (date)

*† [Reg. XI]

§ 501.12 *Insurance reserve.* (a) Subject to the limitation that his total liability which may be outstanding at any one time plus the amount of claims paid in respect of all insurance heretofore and hereafter granted shall not exceed $100,000,000, the Administrator, in accordance with § 501.11, will reimburse any insured institution for losses sustained by it up to a total aggregate amount equal to 10% of the total amount advanced by it with respect to Class 1, Class 2, and Class 3 loans during the time its Contract of Insurance is in force, on all eligible obligations previously reported for insurance, taken or purchased by it on and after July 1, 1939, and held by it, or on which it remains liable.

(b) If the obligations previously reported for insurance under Contracts of Insurance issued pursuant to the National Housing Act, as amended, effective July 1, 1939, are sold to another insured institution endorsed with or without recourse, the buying and selling institutions may agree, with the prior approval of the Administrator, to transfer all or any part of the insurance reserve standing to the credit of the selling institution, to the purchasing institution. Where the parties agree to transfer an insurance reserve in excess of 10% of the actual purchase price of the obligations involved, or in excess of 10% of the net unpaid original advance on the obligations involved, whichever is the lesser, the entire insurance reserve transferred may be used to pay only those claims arising out of defaults occurring in the transferred obligations. When the obligations so transferred have all been fully paid to the purchasing institution, it shall so notify the Administrator, and any insurance reserve remaining unused shall thereupon revert to the institution from which it was originally transferred.

(c) Where the parties agree to transfer an insurance reserve not in excess of 10% of the actual purchase price of the obligations involved, or not in excess of 10% of the net unpaid original advance on the obligations involved, whichever is the lesser, the insurance reserve so transferred will be credited to the general reserve of the purchasing institution in the absence of any agreement to the contrary between the purchasing and selling institutions.

(d) The transfer of insurance reserve in cases of merger or consolidation of two or more insured institutions, or of an insured with an uninsured institution, will be provided for by the Administrator in accordance with the facts of the particular case.

(e) In all cases involving the transfer of insured obligations, the reports required by § 501.10 must be filed and shall indicate the intent of the parties with regard to the transfer of the insurance reserve, and must show that no note to be transferred is delinquent more than one calendar month at the time of such transfer.

(f) Where the notes are transferred without recourse, guarantee, or repurchase agreement and the reports do not indicate the intent of the parties, the insurance reserve will be transferred to the general reserve of the purchasing institution on the basis of 10% of the actual purchase price of the obligations involved, or 10% of the net unpaid original advance on the obligations involved, whichever is the lesser.

(g) Where the transfer of the obligations is with recourse or under a guarantee or purchase agreement and the required reports do not show the intent of the parties, no insurance reserve will be transferred.

(h) The selling price on the transfer of an insured note between insured institutions will not affect the insurance on the note. The calculation of insured loss will be based on the original transaction of the institution first reporting the loan for insurance.

(i) Where notes reported for insurance by one insured institution are pledged to another insured institution as security for a loan, an assignment of the pledging institution's insurance reserve may be made with the prior consent of the Administrator provided requests for such consent are accompanied by a signed agreement between the two institutions.

(j) Amounts which may be salvaged by the Administrator with respect to a loan in connection with which an institution has been reimbursed under its Contract of Insurance shall not be added to the insurance reserve remaining to the credit of such institution.*† [Reg. XII]

§ 501.13 *Insurance charge.* (a) Insured institutions shall pay to the Administrator an insurance charge equal to three-fourths of 1 per centum per annum of the net proceeds of any loan reported for insurance for the entire term of such loan.

(b) The insurance charge so calculated shall be paid by check or draft to the order of the Federal Housing Administrator, within 25 days after the date the Administrator acknowledges receipt to the insured institution of the report of loan.

(c) When the proceeds of any loan are used to liquidate a loan previously reported for insurance under these Regulations, there shall be deducted from the amount of the insurance charge the pro rata share of the insurance charge paid on the original obligation.

(d) There shall not be refunded any portion of the insurance charge paid by the insured institution with respect to any loan, unless it is subsequently found to have been in whole or in part ineligible for insurance, in which event the insurance charge paid with respect to the ineligible portion of the advance shall be refunded by the Administrator to the insured institution.

(e) The purchaser of an insured obligation shall not be required to pay the insurance charge provided in this section with respect to the insurance of any obligation transferred under the provisions of § 501.12 with respect to which an insurance charge has previously been paid by the seller, and no refund shall be made to the seller as to any part of the insurance charge previously paid with respect to any obligation so transferred. Any adjustments of the insurance charge paid with respect to the insurance of any obligation transferred shall be made between the purchaser and the seller.

(f) The insurance charge paid by the insured institution shall not be charged to the borrower if such charge would cause the total payments made by the borrower to exceed the maximum permissible amount which may be charged to the borrower for interest, discount and all other charges in connection with the transaction.

(g) Subject to the other provisions of these Regulations, the insurance granted under Title I of the National Housing Act, as amended, shall be effective with respect to any loan from the date of the report thereof to the Administrator provided that the insurance charge with respect to such loan has been paid as required by this section.*† [Reg. XIII]

§ 501.14 *Administrative reports and examination.* The Administrator, in his discretion, may at any time or from time to time call for a report from any institution on the delinquency status of the obligations held by such institution and reported for insurance, or call for such reports as he may deem to be necessary in connection with these Regulations, or he or his authorized representative may inspect the books or accounts of the lending institution as they pertain to the loans reported for insurance.*† [Reg. XIV]

§ 501.15 *Amendments.* These Regulations may be amended by the Administrator at any time and from time to time, in whole or in part, but such

[1] (Insured Institution please note) The wording "Notice to borrower—Do not sign this Certificate until the work is satisfactorily completed", must be in type size at least three times the size of the next largest type appearing on the form of Borrower's Completion Certificate.

amendment shall not affect the insurance with respect to any loan made or obligation purchased prior to the issuance of such amendment.*† [Reg. XV]

§ 501.16 *Effective date.* These Regulations are effective as to all Class 1 and Class 2 loans, advances of credit or purchases made after Jauary 1, 1940 pursuant to the provisions of Title I of the National Housing Act, as amended, and shall have the same force and effect as if included in and made a part of each Contract of Insurance.*† [Reg. XVI]

Issued at Washington, D. C., December 14, 1939.

STEWART MCDONALD,
*Federal Housing Administrator.*

[F. R. Doc. 39-4830; Filed, December 29, 1939; 10:12 a. m.]

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## PART 502—CLASS 3 PROPERTY IMPROVEMENT LOANS UNDER SECTION 2, TITLE I OF THE NATIONAL HOUSING ACT, AS AMENDED EFFECTIVE JULY 1, 1939*†

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§ 502.1 *Citation.* These Regulations may be cited and referred to as "Regulations effective January 1, 1940 of the Federal Housing Administrator governing the insurance of qualified lending institutions against loss resulting from Class 3 loans made under the provisions of Title I, Section 2, of the National Housing Act, as amended."*† [Reg. I]

§ 502.2 *Definitions.* As used in these Regulations—

(a) The term "Act" means the National Housing Act, as amended, effective July 1, 1939.

(b) The term "Administration" means Federal Housing Administration.

(c) The term "Administrator" means the Federal Housing Administrator.

(d) The term "Contract of Insurance" includes all of the provisions of these Regulations and of the applicable provisions of the Act.

(e) The term "insured institution" means any bank, trust company, personal finance company, mortgage company, building and loan association, installment lending company or other such financial institution which the Administrator has found to be qualified by experience of facilities and has approved as eligible for credit insurance and to which he has issued a Contract of Insurance.

(f) The terms "loan" and "Class 3 loan" mean any loan which is for the purpose of financing the construction of a new structure to be used in whole or in part for residential purposes.

(g) The term "borrower" means one who is an eligible owner or lessee of real property upon which a new structure is to be or has been constructed pursuant to the provisions of the Act and these Regulations and who applies for and receives an advance of credit in reliance upon the provisions of the Act and these Regulations.

(h) The term "payment" includes a deposit to an account or fund.

(i) The term "installment payment" includes that deposit to an account or fund which represents the partial repayment of an advance of credit.

(j) The term "note" includes a note, bond, mortgage, deed of trust, or other evidence of indebtedness or security instrument.

(k) The term "discount loan" means a loan made on a discount, gross charge or non-interest bearing basis.

(l) The term "interest bearing loan" means a loan represented by a note payable in monthly installments bearing simple interest on the principal outstanding from time to time.

(m) The term "Class 3 structure" means a structure, the construction of which is financed with the proceeds of an eligible Class 3 loan.*† [Reg. II]

§ 502.3 *Eligible borrowers.* A borrower in order to be eligible for a Class 3 loan:

(a) Shall be (1) the fee simple owner of unencumbered land upon which the new structure is to be built or (2) the lessee of such unencumbered land under a lease from the United States Government for a term of at least six months beyond the maturity of the loan or (3) the lessee of such unencumbered land under a lease having a term of at least thirty years to run from the date of the note and providing for annual rental not in excess of 6% of the valuation placed upon the unimproved land by the insured institution and containing a provision which will entitle the lessee to obtain the fee simple title to such land upon payment at any time after one months written notice of a sum not in excess of the amount of such annual rental multiplied by 16⅔, or (4) the lessee of such unencumbered land under a lease for not less than 99 years which is renewable.

(b) Shall establish to the satisfaction of the insured institution by certification on the Credit Statement-Application provided for in § 502.6 that after the mortgage, deed of trust or similar instrument has been recorded, the property will be free and clear of all liens other than such mortgage, deed of trust or similar instrument, except taxes and ground rents not due and payable and special assessments not in arrears, and that in addition to the loan he has an investment in the property in cash, in land, or an interest in the land in an amount equal to 5% of the appraised value of the completed property as determined under Section 502.9 (a).

(c) Shall meet with the credit requirements set forth in § 502.6.*† [Reg. III]

§ 502.4 *Eligible improvements.* (a) A loan must be for the purpose of financing the construction of a Class 3 structure and appurtenances thereto which conforms with the minimum construction requirements and property standard prescribed by the Administrator and which is approved by the Administrator as to architectural design, physical characteristics and location, and which is within the United States, its Territories and Possessions and which is commenced on or after July 1, 1939 and prior to July 1, 1941, in reliance upon the credit facilities afforded by Title I of the National Housing Act as approved June 3, 1939.

(b) The proceeds of a loan shall not be used to finance the cost of completing an unfinished structure, unless the unfinished structure was begun under a Class 3 loan, in which case the total of all loans shall not exceed $2,500.

(c) The proceeds of a loan shall not be used to supplement another loan or advance of credit not reported for insurance.

(d) The proceeds of a loan may be used to pay for architectural and engineering services and builder's profit in connection with the building of new structures financed in accordance with these Regulations.

(e) The proceeds of a loan shall not be used for the purpose of refinancing existing obligations not previously made or reported for insurance pursuant to these Regulations.

(f) Where any doubt exists as to the eligibility of a transaction which is to be financed with an insured loan, the facts of the case should be submitted to the Administrator for a decision and ruling.*† [Reg. IV]

§ 502.5 *Maximum loan.* (a) The amount of advance actually made to the borrower on any loan shall not be in excess of $2,500.

(b) No such loan shall increase the principal amount outstanding at any one time on all loans made under Title I of the National Housing Act effective July 1, 1939, with respect to any one structure or piece of property to an amount in excess of $2,500.

*§§ 502.1 to 502.17, inclusive, issued under the authority contained in Public, No. 111—76th Congress (H. R. 5323), Section 2.

†The source of §§ 502.1 to 502.17, inclusive, is regulations governing Class 3 Property Improvement loans under Sec. 2, Title I of the National Housing Act, as amended, effective January 1, 1940.



(c) One borrower may obtain any number of loans to improve any number of separate pieces of property, subject to the credit requirements contained in § 502.6.*† [Reg. V]

§ 502.6 *Credits.* (a) The insured institution shall obtain a signed and dated Credit Statement-Application from the borrower on a form approved by the Administrator. The Credit Statement-Application must, in the judgment of the insured institution, clearly show the borrower to be solvent with reasonable ability to pay the obligation and in other respects a reasonable credit risk.

(b) A separate Credit Statement-Application is required in connection with each loan made or note purchased.

(c) An insured institution acting in good faith may rely upon the statements of the borrower who signs the Credit Statement-Application. The Administrator does not place upon the insured institution the burden of verifying the truth of any such statements. Even if such statements are investigated after the loan is made and found to be false, this will not affect in any way the eligibility of the note for insurance. However, any borrower making such false statements or misusing the funds, or any dealer, contractor, or lender who knowingly assists in such a violation, may be committing a Federal offense and will be subject to the penal provisions of the National Housing Act. In all cases where the insured institution discovers a material misstatement in the Credit Statement-Application or misuse of the funds, it must promptly report such a discovery to the Administrator.

(d) A loan shall not be made if the records of the lender or the Credit Statement-Application indicate that the borrower is delinquent as to either principal or interest, with respect to an obligation owing to or insured by any Department or agency of the Federal Government.*† [Reg. VI]

§ 502.7 *Eligible interest bearing loans.* (a) In order to be eligible for insurance an interest bearing loan shall be secured by collateral security in the form of a duly recorded first mortgage, first deed of trust or similar instrument which constitutes a first lien upon a fee simple or leasehold interest in the land and buildings, appurtenances and improvements thereon and which:

(1) Is in a form approved by the Administrator for use in the jurisdiction in which the property covered by the mortgage, deed of trust, or similar instrument is situated and involves a principal amount not in excess of $2,500.

(2) Shall provide for interest at such rate as may be agreed upon between the borrower and the insured institution but in no case shall such interest be in excess of 4½% per annum on the outstanding principal. Interest and principal shall be payable in monthly installments (or other periodic installments as provided in subsection (k) of this Section. In the event interest is payable in installments corresponding to the income periods shown on the Credit Statement-Application, such interest payments may be required in advance for each such installment period). The mortgage may provide that the borrower shall pay in addition to interest an annual service charge at such rate as may be agreed upon between the borrower and the insured institution but in no case shall such service charge exceed one half of one per cent per annum on the outstanding balances. Any such service charge shall be payable on the installment payment dates.

(3) May provide for payments by the borrower to the insured institution on each installment payment date of an amount equal to the annual insurance charge payable by the insured institution to the Administrator, divided by the number of installment payment dates to elapse prior to the date such charge is due and payable to the Administrator.

(4) Shall provide for such equal payments by the borrower to the insured institution on each installment payment date as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the date on which same become delinquent. The note shall further provide that such payments shall be held by the lending institution in a manner satisfactory to the Administrator for the purpose of paying such ground rents, taxes, assessments, and insurance premiums before the same become delinquent for the benefit and account of the borrower. The note shall also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums should prove to be more or less than the actual amount thereof so paid by the insured institution.

(5) The note shall contain a privilege of prepayment in full or in amounts equal to one or more installment payments, on the principal that are next due on the note at any interest payment date upon thirty days prior notice and without premium or penalty.

(6) Shall provide that all installment payments to be made by the borrower to the insured institution shall be added together and the aggregate amount thereof shall be applied to the following items in the order set forth.

(i) Insurance charges due the Federal Housing Administrator.

(ii) Service charge, if any.

(iii) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums.

(iv) Interest on the loan.

(v) Amortization of the principal of the loan.

(7) May provide for a late charge to be paid by the borrower, not to exceed two cents (2¢) for each dollar for each installment payment more than fifteen days in arrears. No late charge may be accrued in excess of $5.00. The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the Contract of Insurance.

(8) Shall contain a provision for acceleration of maturity at the option of the holder in the event of default.

(9) Shall not have a final maturity in excess of fifteen years and five calendar months.

(10) Shall provide for not more than one hundred and eighty monthly payments which shall fall due on the first day of a month and the first such payment shall fall due not less than six days nor more than six calendar months from the date of the note, except as provided in subparagraph (11) of this paragraph.

(11) In instances in which the Credit Statement-Application of the borrower indicates that not less than 51% of the income of the borrower is derived directly from the sale of agricultural crops, commodities or livestock produced by him, the note may provide, in lieu of monthly installments, for substantially equal installment payments corresponding to the income periods shown on the Credit Statement-Application: *Provided, however,* That the first payment must be within twelve months of the date of the note and that at least one payment must be made during each calendar year thereafter.

(b) The borrower must pay to the insured institution, upon the execution of the note, a sum that will be sufficient to pay premiums on fire and other insurance required by the insured institution pursuant to the terms of the note, and ground rents, if any, and estimated taxes, special assessments, drainage and irrigation charges applicable to the period beginning on the date to which such ground rents, taxes, assessments, and charges were last paid and ending on the date of the first periodic payment under the note. The borrower, at such time, may also be required to pay a sum equal to the first annual insurance charge plus an amount equal to one-twelfth (1/12th) of the annual insurance charge multiplied by the number of months to elapse from the date of the closing of the loan to the date of the first periodic payment, and if the note provides for payment of interest in advance, interest to the due date of the first periodic payment thereunder. The insured institution may charge the borrower the $10.00 paid to the Administration for examining the loan and an initial service charge in an amount sufficient to reimburse the insured institution for the cost of closing the transaction, including appraisal fees but in no case shall the amount of such service charge be in excess of 1% of the original principal amount of the loan.

(c) In addition to the charges hereinbefore mentioned the insured institution may collect from the borrower only recording fees and such costs of title search

as are customary in the community.*† [Reg. VII]

§ 502.8 *Eligible "discount" loans.* (a) A "discount" loan shall be secured by collateral security in the form of a duly recorded first mortgage, first deed of trust or other similar instrument which constitutes a first lien upon a fee simple or leasehold interest in the land and buildings, appurtenances and improvements thereon and:

(1) Shall not be in excess of $2,500 exclusive of financing charges to the borrower.

(2) Shall not have a maturity in excess of fifteen years and five calendar months.

(3) May provide for a maximum financing charge to be paid by the borrower for interest, discount and fees of all kinds other than those referred to in (4) of this paragraph and paragraphs (b) and (c) of this section in connection with the transaction not in excess of an amount equivalent to $3.50 discount per $100 original face amount of a one year note to be paid in equal monthly installments calculated from the date of the note. Such charges correctly based on tables of calculations issued by the Federal Housing Administrator are deemed to comply with this section. The acceptance of a voluntary payment of one or more installments prior to due date shall not be construed as increasing the maximum permissible financing charge as provided in this subparagraph. However, if the entire loan is paid in advance, the insured institution shall make a rebate of the entire unearned financing charge.

(4) May provide for such equal monthly payments by the borrower to the insured institution as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums within a period ending one month prior to the date on which same becomes delinquent. In such event the note shall further provide that such payments shall be held by the insured institution in a manner satisfactory to the Administrator for the purpose of paying such ground rents, taxes, assessments, and insurance premiums before the same become delinquent for the benefit and account of the borrower and shall also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums shall prove to be more or less than the actual amount thereof so paid by the borrower. If the income of the borrower is derived from the sale of agricultural crops, commodities, or livestock, payments may be seasonal as provided in (7) of this paragraph.

(5) May provide for a late charge, to be paid by the maker, not to exceed two cents (2¢) for each dollar of each installment more than fifteen days in arrears. In lieu of late charges, notes may provide for interest on past due installments at a rate not in excess of the contract rate in the jurisdiction in which the note is drawn. No late charge or interest on a past due installment may be accrued in excess of $5.00. The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the Contract of Insurance.

(6) May not provide for a first payment less than six days nor more than six calendar months from the date of the note except as provided in (7) of this paragraph and in no case shall provide for more than one hundred and eighty payments.

(7) May be made payable in installments corresponding to the income periods shown on the Credit Statement-Application if fifty-one percent or more of the income of the borrower is derived directly from the sale of agricultural crops, commodities, or livestock produced by him. In such cases, the first payment must be made within twelve months of the date of the note and at least one payment must be made during each calendar year thereafter and the proportion of total principal to be paid in later years must not exceed the proportion of total principal payable in earlier years.

(8) Shall contain a provision for acceleration of maturity, either automatic or at the option of the holder, in the event of default in the payment of any installment.

(b) In addition to the maximum permissible financing charge which may be paid by the borrower in connection with a Class 3 loan as provided in paragraph (c) of this section, the following allowable costs or expenses if incurred by the insured institution in connection with the transaction may be collected from the borrower, provided such costs or expenses are not paid from the net proceeds advanced to the borrower.

(1) Recording fees.
(2) Title Examination fees.
(3) Fire and other hazard Insurance Premiums.
(4) The $10.00 paid to the Administration for examining the loan.
(5) An initial service charge in an amount sufficient to reimburse the insured institution for the cost of closing the transaction provided that no such service charge shall exceed one per centum of the original net proceeds of the loan.

(c) The borrower may be required to pay to the insured institution upon the closing of the loan a sum that will be sufficient to pay the ground rents, if any, and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments and insurance premiums were last paid and ending on the date of the first monthly payment under the loan to be held by the insured institution for the purpose of paying such ground rents, taxes, assessments, and insurance premiums before the same become delinquent for the benefit and account of the borrower.*† [Reg. VIII]

§ 502.9 *Loan procedure.* (a) Prior to the start of construction and to the disbursement of any portion of the proceeds of the loan, the insured institution shall make an estimate of the value of the property assuming completion of the proposed improvements and shall certify to the local insuring office of the amount of such appraisal and that the requirements of Section 502.3 (b) will be complied with. However, if the insured institution is an approved mortgagee under the provisions of Title II of the Act and requests the Administrator to determine the eligibility of the property for insurance of a mortgage loan under the provisions of Section 203 of Title II of the Act, it may accept the value estimate of the Administrator as its own in the event it subsequently decides to make a loan under the provisions of these Regulations.

(b) Prior to the start of construction and to the disbursement of any portion of the proceeds of the loan, the insured institution shall submit to the Administrator an Application for Property Approval on a form prescribed by the Administrator. Such application shall be accompanied by the certificate provided for in paragraph (a) of this section, the plans or drawings and specifications, and the insured institution's check made payable to the Federal Housing Administration in the sum of $10.00.

(c) After obtaining the approval of the application by the Administrator and prior to disbursing the proceeds of the loan or any portion thereof, the institution shall satisfy itself that the value of the work done and materials on the site at the time of any progress payment is equal to at least 110% of such payment, plus all such progress payments theretofore made. The insured institution shall not make a disbursement or a progress payment which would increase the total amount disbursed to a sum in excess of 80 per centum of the proceeds of the loan until it has been notified that the final inspection of the structure by the Administration has been made and the work approved. No disbursement of any portion of the proceeds shall be made subsequent to receipt of written notice from the Administrator by the insured institution to the effect that the structure has not been constructed in accordance with the plans and specifications and conditions as approved by the Administrator.

(d) The approval of the Administrator provided for in this section shall not relieve the insured institution from compliance with any Regulation.

(e) In the event that property covered by a loan is sold to an eligible borrower who assumes and agrees to pay the debt and whose credit is satisfactory to the insured institution, the seller may be released by the insured institution from his obligation upon notice thereof to the Administrator.

(f) Loans shall be reported on the proper form to the Federal Housing Administration at Washington, D. C., within thirty-one days of the first disbursement of any of the proceeds of the loan or the date upon which it was purchased. Any loan refinanced in accordance with § 502.10 shall be reported on the proper form within thirty-one days from the date of refinancing.*† [Reg. IX]

§ 502.10 *Refinancing.* New obligations to liquidate loans previously reported for insurance pursuant to Title I of the Act effective July 1, 1939 which may or may not include an additional amount advanced will be covered by insurance, provided that:

(a) They meet the requirements of all applicable regulations;

(b) Are reported to the Administrator on the proper form within 31 days from date of execution;

(c) Have a maturity not in excess of the maximum permitted under these Regulations from the date of the original obligation;

(d) If an additional advance is made, the full unearned charge on the original note shall be refunded to the borrower;

(e) If no additional advance is made, the full unearned charge on the original note shall be refunded to the borrower, except that a handling charge not in excess of $2.00 may be assessed to the borrower.*† [Reg. X]

§ 502.11 *Claims.* Claim for reimbursement for loss on a qualified loan shall be made as provided in this section.

(a) If the borrower fails to make any payment, or to perform any other covenant or obligation under the mortgage, and such failure continues for a period of thirty (30) days, the note shall be considered in default and at any time within one year from the date of default the insured institution, at its election, shall either—

(1) Acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(2) Commence foreclosure of the mortgage; provided, that if the laws of the State in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the insured institution shall commence such foreclosure within sixty (60) days after the expiration of the time during which such foreclosure is prohibited by such laws.

(3) Nothing herein contained shall be construed so as to prevent the lending institution, with the written consent of the Administrator, from taking action at a later date than herein specified.

(b) For the purposes of this paragraph, the date of default shall be considered as thirty (30) days after (a) the first uncorrected failure to perform a covenant or obligation, or (b) the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due.

(c) If after default and prior to the completion of foreclosure proceedings, the borrower shall pay to the insured institution all monthly payments in default and such expenses as the insured institution shall have incurred in connection with the foreclosure proceedings, no claim for reimbursement under the Contract of Insurance can be made and the insurance shall continue as if such default had not occurred.

(d) If the default is not cured as aforesaid, and if the insured institution has otherwise complied with the provisions of this section, it may at any time within thirty (30) days (or such further time as may be necessary to complete the title examination and perfect such title) after the expiration of the period given the insured institution to sell under paragraph (g) of this section, tender to the Administrator possession of, and a deed containing a covenant which warrants against the acts of the insured institution and all claiming by, through, or under it, conveying good merchantable title to such property undamaged by fire, earthquake, flood, or tornado. The Administrator shall promptly accept conveyance of such property and, subject to § 502.14, make payment of loss sustained by the insured institution as follows:

(1) The net unpaid balance of advance actually made;

(2) Uncollected earned interest (after default interest is not to be claimed at a rate to exceed 4% per annum for the first six months nor thereafter to exceed 3% per annum and will be calculated to the date the claim is approved for payment);

(3) Actual expenses incurred by the insured institution and approved by the Administrator in connection with the foreclosure proceedings or the acquisition of the mortgaged property otherwise, and the conveyance thereof to the Administrator up to but not to exceed $75.00;

(4) The amount of all payments which have been made by the insured institution for taxes, ground rents, special assessments, and water rates which are liens prior to the mortgage, and fire and hazard insurance premiums.

Any amount received by the insured institution from any source relating to the property on account of rent or other income, after deducting reasonable expenses incurred in handling the property shall be deducted from the sum of the foregoing.

(e) Evidence of title of the following types will be satisfactory to the Administrator:

(1) A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such; or

(2) An abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by a legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles; or

(3) a Torrens or similar title certificate; or

(4) evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

Such evidence of title shall be furnished without cost to the Administrator and shall be executed as of a date to include the recordation of the deed to the Administrator, and shall show that, according to the public records, there are not, at such date, any outstanding prior liens, except for ground rents and taxes not due and payable and special assessments not in arrears. If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence will be satisfactory to the Administrator and will be considered by him as good and merchantable.

(f) The Administrator will not object to the title by reason of the following matters, provided they are not such as to impair the value of the property for residence purposes:

(1) Customary easements for public utilities, party walls, driveways, and other purposes; customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(2) Such restrictions when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Administrator;

(3) Slight encroachments by adjoining improvements;

(4) Outstanding oil, water, or mineral rights, which do not impair the value of the property for residence purposes, or which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

(g) In lieu of the procedure provided for in paragraphs (d) and (e) of this section the insured institution, after acquiring title to the property as provided in this section, may at its option, sell the same in the open market to a bona fide third party at any time within six months from the date of such acquisition of the property, or within such further time as may be approved by the Administrator; *Provided*, That such property may not, without the prior approval of the Administrator, be sold for a price less than 75 percent of the net unpaid balance of the advance ac-

tually made. The net amount received at such sale, whether in cash or deferred payments, shall be credited on the obligation and claim may be filed with the Administrator for the balance. Payment of loss sustained by the insured institution shall be made as follows:

(1) The net unpaid balance of the advance actually made. In calculating the net unpaid amount, the net sale price must be included as a credit.

(2) Uncollected earned interest (after default and prior to acquisition of the property by the insured institution interest is not to be claimed at a rate to exceed 4% per annum for the first six months nor thereafter to exceed 3% per annum. Subsequent to the acquisition of the property by the insured institution interest shall not be claimed at a rate to exceed 3% per annum.)

(3) Actual expenses incurred by the lending institution and approved by the Administrator in connection with foreclosure proceedings or acquisition of the property otherwise up to but not exceeding $75.00.

(4) The amount of all payments which have been made by the insured institution for taxes, ground rents, special assessments, water rates which are liens prior to the mortgage, fire and hazard insurance premiums and cost of maintenance and repair to the property (claim for cost of maintenance and repair shall not exceed 10% of the net unpaid balance of the advance actually made unless prior approval of the Administrator has been obtained).

Any amount received by the insured institution from any source relating to the property on account of rent or other income shall be deducted from the sum of the items referred to in this paragraph.*† [Reg. XI]

§ 502.12 *Insurance charge.* (a) Insured institutions shall pay to the Administration an insurance charge equal to one-half of one per centum per annum of the net proceeds of any discount loans reported for insurance and an annual insurance charge equal to one-half of one per centum of the original principal amount of any interest-bearing loans reported for insurance.

(b) The first annual insurance charge so calculated shall be paid by check or draft to the order of the Federal Housing Administration within 25 days after the date the Administration acknowledges receipt to the insured institution of the report of any such loan and the next and each succeeding annual insurance charge shall be paid in advance upon the anniversary of the first day of the month following the date of the note until the loan is paid in full or claim is filed with the Administrator under the Contract of Insurance.

(c) In the event the loan is paid in full prior to maturity or is foreclosed or the possession of and title to the property is otherwise acquired by the insured institution, the insured institution shall within 30 days thereafter notify the Administration of the date of prepayment, foreclosure or acquisition, after which its obligation to pay future annual insurance charges in connection therewith shall cease but it shall not be entitled to a refund of any portion of an annual insurance charge previously paid or a reduction in the amount of any insurance charge which fell due prior to such prepayment, foreclosure or acquisition of the property.

(d) When the proceeds of any loan are used to liquidate a loan previously reported for insurance under these Regulations, there shall be deducted from the amount of the insurance charge payable the first year the pro rata share of the annual insurance charge paid on the original obligation.

(e) The purchaser of an obligation previously reported for insurance shall pay each succeeding annual insurance charge as provided in paragraph (b) of this section. Any adjustment of the insurance charge paid in advance by the seller shall be made between the purchaser and the seller.

(f) The insurance charge paid by the insured institution shall not be charged to the borrower if such charge would cause the total payments made by the borrower to exceed the maximum permissible amount which may be charged to the borrower for interest, discount and all other charges in connection with the transaction, except as provided in §§ 502.7 and 502.8.

(g) Subject to the other provisions of these Regulations, the insurance granted under Title I of the National Housing Act, as amended, shall be effective with respect to any loan from the date of the report thereof to the Administrator provided that the insurance charge with respect to such loan is paid as required by this section.*† [Reg. XII]

§ 502.13 *Insurance reserve.* (a) Subject to the limitation that his total liability which may be outstanding at any one time plus the amount of claims paid in respect to all insurance heretofore and hereafter granted shall not exceed $100,000,000, the Administrator, in accordance with § 502.11, will reimburse any insured institution for losses sustained by it up to a total aggregate amount equal to 10% of the total amount advanced with respect to Class 1, Class 2 and Class 3 loans during the time its Contract of Insurance is in force, on all eligible obligations previously reported for insurance, taken or purchased by it on and after July 1, 1939, and held by it, or on which it remains liable.

(b) If obligations previously reported for insurance under Contracts of Insurance issued pursuant to the National Housing Act, as amended, effective July 1, 1939, are sold to another insured institution endorsed with or without recourse, the buying and selling institution may agree to transfer all or any part of the insurance reserve standing to the credit of the selling institution to the purchasing institution with the prior approval of the Administrator under such terms and conditions as he may prescribe.

(c) The transfer of insurance reserve in cases of merger or consolidation of two or more insured institutions, or of an insured with an uninsured institution, will be provided for by the Administrator in accordance with the facts of the particular case.

(d) In all cases involving the transfer of insured obligations, the reports required by § 502.9 (f) must be filed and shall indicate the intent of the parties with regard to the transfer of the insurance reserve, and must show that no note to be transferred is delinquent more than one calendar month at the time of such transfer.

(e) Where the notes are transferred without recourse, guarantee, or repurchase agreement and the reports do not indicate the intent of the parties, the insurance reserve will be transferred to the general reserve of the purchasing institution on the basis of 10% of the actual purchase price of the obligations involved, or 10% of the net unpaid original advance on the obligations involved, whichever is the lesser.

(f) Where the transfer of the obligation is with recourse or under a guarantee or purchase agreement and the required reports do not show the intent of the parties, no insurance reserve will be transferred.

(g) The selling price on the transfer of an insured note between insured institutions will not affect the insurance on the note. The calculation of insured loss will be based on the original transaction of the institution first reporting the loan for insurance.

(h) Where notes reported for insurance by one insured institution are pledged to another insured institution as security for a loan, an assignment of the pledging institution's insurance reserve may be made with the prior consent of the Administrator provided requests for such consent are accompanied by a signed agreement between the two institutions.

(i) Amounts which may be salvaged by the Administrator with respect to a loan in connection with which an institution has been reimbursed under its Contract of Insurance shall not be added to the insurance reserve remaining to the credit of such institution.*† [Reg. XIII]

§ 502.14 *Privileges extended to loans reported for insurance under previous regulations.* (a) At its option an insured institution may extend or renew, for a period up to fifteen years from its original date, any Class 3 loan made prior to the effective date of these Regulations and heretofore or hereafter reported for insurance under the Acts of February 3, 1938 or June 3, 1939 amending the National Housing Act, and the unpaid balance of any such loan shall be so amortized as to be fully paid at the end of said fifteen year term: *Provided*, That all such loans are secured by collateral security in the form of a duly recorded first mortgage, first deed of trust or similar instrument which constitutes a first lien upon a fee simple or leasehold interest in the land and buildings, appurtenances and improvements thereon.

(b) In the event the property covered by a loan made prior to the effective date of these Regulations and heretofore or hereafter reported for insurance under the Acts of February 3, 1938, or June 3, 1939 is sold to an eligible borrower who assumes and agrees to pay the debt and whose credit is satisfactory to the insured institution, the seller may be released by the insured institution from his obligation upon notice thereof to the Administrator: *Provided*, That all such loans are secured by collateral security in the form of a duly recorded first mortgage, first deed of trust or similar instrument which constitutes a first lien upon a fee simple or leasehold interest in the land and building, appurtenances and improvements thereon.

(c) In the case of any loan made on or after July 1, 1939, the insured institution at its option may acquire title to the property and dispose of such property as provided in § 502.11, whereupon such loan shall be subject to all the applicable provisions of these Regulations.

(d) In the event any loan made on or after July 1, 1939, is paid in full or the property is acquired by the lending institution as set forth in § 502.11 or in the event the insurance with respect to the loan is terminated, no additional insurance charge with respect to such loans shall be payable.

5. In the case of any loan made on or after July 1, 1939, the insurance charge may be paid by check or draft to the order of the Federal Housing Administration annually in advance as provided in Section 502.12 (b).*† [Reg. XIV]

§ 502.15 *Administrative reports and examination.* The Administrator, in his discretion, may at any time or from time to time call for a report from any institution on the delinquency status of the obligations held by such institution and reported for insurance, or call for such reports as he may deem to be necessary in connection with these Regulations, or he or his authorized representative may inspect the books or accounts of the lending institution as they pertain to the loans reported for insurance.*† [Reg. XV]

§ 502.16 *Amendments.* The foregoing Regulations may be amended by the Administrator at any time and from time to time, in whole or in part, but such amendment shall not affect the insurance with respect to any loan made or obligation purchased prior to the issuance of such amendment.*† [Reg. XVI]

§ 502.17 *Effective date.* The foregoing Regulations are effective as to all Class 3 loans, advances of credit or purchases made on or after January 1, 1940, pursuant to the provisions of Title I of the National Housing Act, as amended, and shall have the same force and effect as if included in and made a part of each Contract of Insurance.*† [Reg. XVII]

Issued at Washington, D. C., December 14, 1939.

STEWART MCDONALD,
*Federal Housing Administrator.*

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## CHAPTER VI—UNITED STATES HOUSING AUTHORITY

### PART 638—STEPS IN THE DEVELOPMENT OF A LOW-RENT HOUSING PROJECT SUBSEQUENT TO THE EXECUTION OF THE CONTRACTS OF LOAN AND ANNUAL CONTRIBUTIONS*†

Sec.


638.0 Scope and content.
638.1 Organization of permanent staff.
638.2 Adoption of accounting procedure.
638.3 Performance of conditions in loan contract.
638.4 Execution of development fund agreement—Provisions of the agreement.
638.5 Application for advance loan.
638.6 Preparation of development cost budgets.
638.7 Preparation of site.
638.8 Negotiation, preparation and approval of contracts for architectural services.
638.9 Preparation and submission of preliminary plans.
638.10 Preparation and submission of construction plans and specifications.
638.11 Preparation and submission of final estimates of total development cost.
638.12 Securing of bids and the award of contracts.
638.13 Transmittal of bids to USHA.


§ 638.0 *Scope and content.* The progressive steps in the development of a low-rent housing project from the beginning of local activity through the execution of the Contracts of Loan and Annual Contribution are described in Part 608. This Part 638 describes the succeeding progressive steps which begin, ordinarily, with the organization of the permanent staff of the local housing authority and conclude with the award of the principal construction contracts. Thus, Parts 608 and 638 cover the progressive steps in the development of a low-rent housing project from the initiation of local activity to the beginning of actual construction. The attention of local authorities is invited to the fact that some of the matters covered generally by this Part have been discussed more fully in other Parts. The related Parts are indicated at the appropriate points in this Part. The following specific steps are described in this Part: organization of permanent staff; adoption of accounting procedure; performance of conditions in loan contract; execution of development fund agreement; application for advance loan; preparation of development cost budgets; preparation of site; negotiation, preparation and approval of architect's contract; preparation and submission of preliminary plans; preparation and submission of construction plans and specifications; preparation and submission of revised estimates of development cost; advertisement for bids and award of contracts. These steps should ordinarily be taken in the order indicated. Occasionally, however, the local authority may find it possible and advisable to expedite the program by proceeding with two or more steps simultaneously.*† [Introduction]

§ 638.1 *Organization of permanent staff.* The successful development of a low-rent housing project requires a permanent clerical and technical staff under competent supervision. Accordingly, one of the first steps to be taken by the local authority after the signing of the Contracts of Loan and Annual Contribution is to organize a permanent staff and arrange for the necessary office space and equipment. The USHA is prepared, upon request, to make suggestions as to the size, character and economical management of the staff required. The attention of local authorities is invited particularly to the fact that the salaries of the members of its permanent staff should be commensurate with their respective responsibilities and with the size of the local program.*† [Par. I]

§ 638.2 *Adoption of accounting procedure.* In order that all transactions relating to the receipt and expenditure of funds in the development of the project may be properly recorded, the local authority should promptly establish an acceptable accounting procedure. A satisfactory procedure is outlined in the "Manual of Instructions of Accounting Procedure for Local Housing Authorities" and the adoption thereof will expedite the approval of requisitions by the USHA and facilitate the auditing of the local authority's books. The "Manual" will be forwarded to the local authority when the Loan and Annual Contributions contracts are in process of execution. The USHA will also, upon request, send a Project Auditor to assist in opening the local authority's books.*† [Par. II]

§ 638.3 *Performance of conditions in loan contract.* The local authority will not ordinarily be able to make substantial progress with its program until an advance loan has been obtained from the USHA. Accordingly, all the conditions precedent to the advance of funds contained in the loan contract and related documents should be performed promptly. The performance of these conditions may entail negotiations with local municipal officials with respect to (a) equivalent elimination (see Part 624), (b) local contributions or other forms of local aid to achieve low rents (see Part 631), or (c) assurances that at least 10% of the development cost of the project can be obtained from sources other than the USHA. All such negotiations should

*Section 638.0 to 638.13 issued under the authority contained in Sec. 8, 50 Stat. 891, 42 U.S.C., Sup. IV, 1408.

†The source of Sections 638.0 to 638.13 is Bulletin No. 15, as revised, May 26, 1939.

be completed expeditiously so that an advance loan may be obtained promptly when funds are needed.*† [Par. III]

§ 638.4 *Execution of development fund agreement—Provisions of the agreement.* The "Terms and Conditions" incorporated in the Loan Contract provide that the funds received by the local authority from the USHA shall be deposited in a separate account, to be known as the "Development Fund", in a bank or banks acceptable to the USHA. To insure the application of this Fund to the development of the project and, at the same time, to facilitate its use, the USHA requires the execution of a "Development Fund Agreement." This Agreement provides for withdrawals from the Development Fund upon the basis of checks and supporting vouchers. Such vouchers must indicate the purposes for which the checks are drawn and must, ordinarily, be accompanied by certificates which certify that the checks are drawn to pay development costs. The Agreement does not, however, require separate approval of each withdrawal by the USHA. The depositary bank is authorized to honor, upon receipt, checks of the local authority supported by the appropriate vouchers and certificates. Prompt selection of the depositary bank, and prompt execution of the Development Fund Agreement, will expedite the advance of funds by the USHA. The name of the proposed depositary bank should be submitted to the USHA for approval and, upon obtaining such approval, two executed copies and two certified copies of the Development Fund Agreement, together with three certified copies of the proceedings authorizing the execution thereof, should be forwarded promptly to the USHA. The procedure contemplated by the Development Fund Agreement is simple and expeditious and familiar to most banks. In addition, the USHA has prepared, and will furnish upon request, a suggested form of Development Fund Agreement which contains suggested forms of the certificates required. A suggested form of Accounts Payable Voucher is contained in the Manual of Accounting Procedure referred to in Sec. 638.2, above.*† [Par. IV]

§ 638.5 *Application for advance loan.* Funds should be obtained in time to meet costs as they accrue in the development of the project. The Loan Contract provides that upon a satisfactory showing of a need for funds which cannot otherwise be met, and upon the performance of the conditions precedent embodied in the Loan Contract, the USHA may make an advance to the local authority on account of the loan. As soon as the need arises and the conditions have been performed, the local authority should file an Advance Loan Requisition with the USHA, together with the necessary supporting documents. Additional requisitions may be filed from time to time as funds are needed. However, no request for funds for Acct. No. 1440.1, land purchase, shall be submitted unless options have been acquired by the local authority on at least fifty per cent of the parcels involved and such options have been approved by the USHA. All requisitions supported by the required data will be promptly honored. However, it is requested that, insofar as practicable, requisitions for advance of funds be filed at least twenty (20) days prior to the date on which the funds will be needed. The advance loan may be used to pay architectural, engineering and planning fees, costs of preparation of plans, specifications and other forms of proposed contract documents, costs of acquiring land and other expenses to be incurred prior to the sale of definitive bonds, provided the contracts for the services or items involved have been previously submitted to the USHA and approved by it. In determining the amount of any advance loan necessary, the local authority should remember that definitive bonds will not ordinarily be sold until the site has been acquired and the construction contracts have been awarded. The local authority shall not use any of the funds advanced by the USHA to reimburse itself or others for expenditures made prior to the date of the loan contract until a Project Auditor from the staff of the USHA has examined the particular items of expenditure involved and the USHA has determined that such items are eligible for inclusion in development costs.[1]*† [Par. V]

§ 638.6 *Preparation of development cost budgets.* In order to provide the local authority with a means of controlling the nature and extent of expenditures in the development of the project, the USHA has prepared a form of Development Cost Budget. There shall be a preliminary and a final development cost budget for each project. These budgets shall be prepared and used as provided in this section 638.6.

(a) *Preliminary budget.* The Preliminary Budget guides the local authority in making expenditures and in requisitioning funds from the time of execution of the loan contract until this budget is superseded by the final budget at the commencement of construction. The Preliminary Budget will, necessarily, be based primarily upon the estimate of "Proposed Development Cost" submitted by the local authority as Item 410, Part IV, of its Application for Financial Assistance, as modified and approved for purposes of the loan contract. The local authority need not re-submit this estimate to the USHA for budget purposes. The USHA will transpose the approved estimate to the Budget Form and the original copy of the estimate, as transposed, will be transmitted to the local authority as soon as practicable after the loan contract is forwarded for execution. The transposed estimate will constitute the Preliminary Budget. The attention of local authorities is invited to the fact that the amounts shown under the various account classifications, 1410 through 1470, are net figures representing the actual estimate or commitment, as the case may be. The amount shown under Acct. No. 1480, Contingency, will (unless determined otherwise necessary by the USHA) equal five per cent of the total of all the items 1410 through 1470 and is for the purpose of providing normal latitude for changes, extras and overruns during development.

(b) *Final Budget.* (1) The Final Budget shall be prepared by the local authority on Form USHA–512 and shall be arranged so as to conform to the Standard Classifications of Accounts set forth in the Manual of Instructions of Accounting Procedure for Local Housing Authorities, Part I, approved by the Administrator, April 29, 1938. The USHA Project Planning and Auditing Advisors will render any necessary assistance in the preparation of the budget and will, where possible, be made available upon request.

(2) The Final Budget shall reflect contract amounts wherever contracts have been awarded and, as to other items, shall represent the latest estimate developed in connection with the completion of final plans and specifications and bids received. The amounts included shall be distributed among the appropriate control account classifications, i. e., 1410, Administrative, 1420, Carrying Charges, and the like. The amounts shown under the various account classifications, 1410 through 1470, shall be net figures representing the actual estimate or commitment, as the case may be. The amount shown under Acct. No. 1480, Contingency, shall (unless determined otherwise necessary by the USHA) be equal to five per cent of the total of all the items 1410 through 1470 and is for the purpose of providing normal latitude for changes, extras and overruns during development.[2] (In the event that the costs of site acquisition have been definitely determined, the amount represented by this item may be excluded from the total upon which the five percent for Contingency is calculated. In such case care must be taken in the apportionment of the Contingency item to dwelling and non-dwelling costs so that no part of said Contingency is prorated against the item of site acquisition.) The total of the eight control accounts shall be the total anticipated development cost. After the budget has been approved by the USHA, all variations of costs from the items therein shall be treated as underruns or overruns, as the case may be. Overruns in subaccounts which are compensated by underruns within the same grouping do not require USHA approval except for items with respect to which specific limits previously were approved by the USHA. In general, the following items are limited by the specific approval of the USHA: legal services, land purchase price, base fee or contract amounts. If and when it appears necessary to exceed the total of any one grouping, the approval of the USHA shall be obtained prior to the making of any commitments resulting in such excess.

(3) The attention of local authorities is invited to the fact that Form USHA–512 provides for a summary of the control accounts broken down to reflect the division between dwelling and non-dwelling costs. This breakdown shall be submitted with the Final Budget and shall be prepared in accordance with the Manual of Instructions of Accounting Procedure for Local Housing Authorities, Part I, sheet 8, paragraph 24, subject to such adjustment in the Contingency account as may be necessary in particular cases as hereinabove described. Sheet 2 of the budget form has been designed to provide conveniently for such computations.

(4) The attention of local authorities is also invited to the fact that Form USHA–512 provides that certain items of the estimated development cost shall be supported by detailed schedules indicating the basis of the estimate. The items calling for such supporting schedules are designated by an asterisk placed at the left of the subaccount classification number. If the administrative elements of cost under Account No. 1410, or any other Accounts, are proratable over two or more projects under one Loan Contract the supporting schedules required should reflect the total cost of such elements to all such projects collectively and the percentage applicable to each project individually. In order to expedite review and approval of final budgets by the USHA, particularly with respect to the eligibility of the various items of development cost included therein, the local authority is requested to submit the required supporting schedules in adequate detail.

(5) The classifications for which supporting schedules are required in connection with the final budgets and the form of their submission are as follows:

| Title or classification | Rate per month | Number of months | Total |
|---|---|---|---|

The above headings are to be used in preparing the supporting schedules for the following classifications: 1410.1, Pay Roll-Executive; 1410.2, Pay Roll-Technical; 1410.3, Pay Roll-Site.

FILL OUT APPROPRIATE BLANKS IN FORM USHA 440

For classification 1410.4, Legal Services & Expenses-Adm. only. (If previously submitted to USHA, resubmittal not required.)

| Item and description | Quantity | Unit price | Total |
|---|---|---|---|

For classification 1410.07, Furniture & Fixtures—Office.

| Description of expense | Amount |
|---|---|
| | |
| | |
| | |
| | |

For classification 1410.16, Informational Expense.

| Classification or character of expense | Rate per month | Other | Total |
|---|---|---|---|

For classification 1430.7, Inspection Costs-Salaries & Expense.

FILL OUT APPROPRIATE BLANKS IN FORM USHA 440

For classification 1440.8, Legal Services-Land only. (If previously submitted to the USHA, resubmittal not required.)

FILL OUT APPROPRIATE BLANKS IN FORM USHA 440

For classification 1440.9, Legal Expense-Land only. (If previously submitted to USHA, resubmittal not required.)

| Character of service | Basis of commission | Estimated | Amount |
|---|---|---|---|

For classification 1440.10, Commissions.

| Title or classification | Rate per month | Number of months | Total |
|---|---|---|---|

For classifications 1470.1 and 1470.2, Pay Roll-Executive and Pay Roll-Operations.

| Items and description | Quantity | Unit price | Total |
|---|---|---|---|

For classification 1470.6, Furniture & Fixture—Office.

In addition to the foregoing schedules, there shall also be furnished a schedule showing the basis for the computation of the amount of interest during development which is distributed under Account No. 1420.1, Carrying Charges—Interest During Development.

(6) For further information reference is made to the Manual of Instructions of Accounting Procedure for Local Housing Authorities, Part I.

(7) The Final Budget shall be approved by the local authority in the space provided and submitted to the USHA in single copy form not later than fifteen days after the execution of the first major superstructure construction contract. Upon approval of the Final Budget by the USHA, a photostatic copy thereof will be transmitted to the local authority.*† [Par. VI]

§ 638.7 *Preparation of site.* In the preparation of the site, the following steps should be taken as promptly as practicable so there will be no delay when construction contracts are awarded: (a) the acquisition of land, (b) the relocation of tenants, (c) the closing of streets and relocation of utilities, (d) the obtaining of easements and rights of way, (e) the investigation of subsoil conditions and (f) the demolition of existing buildings.

(a) *Land acquisition.*[3] As soon as the site has been selected by the local authority and approved by the USHA, both of which should be done promptly after the execution of the Loan Contract or prior thereto, the local authority should proceed immediately with the acquisition of land.

(b) *Relocation and rights of tenants.*[4] During the period of land acquisition, the status of the tenants in the area should be investigated. Their status, will in large measure, be revealed in gathering the title information. The final title papers should be accompanied by an affidavit setting forth the names of the parties in possession and their status. In the case of many built-up sites, it will be advisable to make a survey of the existing buildings and the families occupying them for use (1) in determining which of the dwelling units to be demolished are substandard and to be credited as "equivalent elimination" and (2) in relocating the dispossessed families and rehousing them in the project as far as practicable. The USHA is prepared to assist in the formulation of such surveys. Steps should be taken to relocate all tenants in ample time to permit demolition of the buildings as soon as title to the property is acquired.

(c) *Street closings and utilities.* In addition to the acquisition of the privately owned property within the proposed project area, the site plans for the project may entail the closing of designated streets and alleys and the relocation of existing utilities. In all such cases, the local municipal authorities and the utility companies concerned should be consulted promptly in order to avoid delay in working out the cooperative procedures necessary. To the full extent consistent with proper site planning, the local authority and the architects should

[1] See Part 625 for a detailed statement of items of expenditure eligible for inclusion in development cost.

[2] Account No. 1480, Contingency, is not to be confused with the 10 per cent margin of safety which, under the terms of the Loan Contract, may be authorized by the USHA for the purpose of meeting unanticipated extra costs during construction and other contingencies. Such margin of safety shall not be included as a part of any development cost budget.

[3] See Part 631 for a detailed statement of the requirements of the USHA and the procedure to be followed by the local authority in connection with land acquisition.

[4] See Part 632 for the procedure to be followed in relocating tenants.

plan to use existing utilities and streets and to keep the relocation of utilities and the closing of streets to a minimum in order that maximum speed and economy may be attained.

(d) *Easements and rights of way.* All necessary rights of way and easements over the property of others (including existing streets to be vacated and new streets to be dedicated) for the carrying of water lines, sewers or other utilities should be obtained, or granted, as the case may be, simultaneously with the acquisition of the site of the project.

(e) *Subsoil investigation.* During the period of land acquisition, full and complete information should be obtained concerning the type of soil involved and its bearing value and any unusual conditions with respect to it which might affect construction. In securing land options, it may be advisable, in some instances, to include in the options covering land as to which such information is not known or readily available in the offices of the City Engineer or elsewhere, a clause giving the local authority the right to enter on and inspect the premises and to make topographical surveys, test pits and borings in order to obtain such information.

(f) *Demolition.* As soon as a sufficient portion of the site has been acquired to permit on orderly demolition program, bids should be invited for the demolition of the buildings on the site. If the demolition contract is let before title to the entire site is acquired, the local authority should protect itself against any delays which may develop in the acquisition of the remaining parcels of the site. The value of the salvage rights accruing to the contractor will in some instances make the actual cash consideration, if any, passing to or from the local authority under the demolition contract virtually negligible. Accordingly, the size of the performance bond to be required of the contractor by the local authority should be determined on the basis of an advance estimate of the cost to the contractor of demolishing or removing the buildings and structures from the project site, without any allowance for the value of salvaged materials. Unless there are local laws to the contrary, the amount of the bond should not be less than 50 per cent of this estimated cost. If the value of the salvage material which is easily removable without demolishing the building is considerable, the amount of the bond should be increased accordingly. The attention of the local authorities is invited to Part 610 which contains considerable general information applicable to demolition contracts. The USHA has also prepared, and will furnish upon request, a suggested form of demolition contract.*† [Par. VII]

§ 638.8 *Negotiation, preparation and approval of contracts for architectural services*—(a) *General.* Immediately after the execution of the loan contract, the local authority should begin contract negotiations with the architect or group of architects selected for the project. The USHA has prepared, and will furnish upon request, a suggested form of architect's contract providing for general supervision of construction by the architect and a suggested form providing for general supervision by persons other than the architect. A decision should be made at an early date as to whether the architect, or an appropriate staff of the local authority, will supervise construction. Many local authorities are finding it advisable to have construction supervised by the architect. In order to centralize responsibility, one architect's contract should, if practicable, be made covering all phases of the work rather than separate contracts for each phase. However, if the local authority wishes to make a separate contract with a landscape architect, or a consulting engineer, the USHA will have no objection to this procedure so long as the total architectural fee for the project does not exceed the schedule of fees meeting the approval of the USHA. A copy of each proposed architect's contract and of each proposed engineer's contract should, pursuant to the "Terms and Conditions", be submitted to the USHA for approval prior to the signing thereof by the local authority. Five conformed copies of the executed contracts should be forwarded promptly to the USHA.

(b) (1) *Architect's fee.* As soon as practicable the local authority and the architect should determine, subject to the approval of the USHA, the amount of the fixed fee to be paid to the architect. The proposed fee should be submitted for approval promptly so that it may be established and prorated between dwelling and non-dwelling costs and be budgeted accordingly during the early stages of the development. The suggested forms of architect's contract provide that the fixed fee of the architect shall be computed by the local authority by applying a stated percentage to the estimated improvement cost (excluding the items allowed for construction contingencies) and that the fee so determined shall be approved by the architect. The suggested forms of architect's contract also provide, in Section 3 (a) thereof, that this estimated improvement cost shall be prepared by the architect and checked and approved by the local authority.

(2) In appropriate instances the USHA will approve architectural fees computed by the local authority and the architect on the basis of the estimated cost of improvements in the application for financial assistance as approved for purposes of loan contract (excluding the items allowed for contingencies). At this stage the costs of mechanical items may be indeterminate because of uncertainties as to the type of heating to be used. Similar uncertainties may make it practicable to fix only the architectural fee, leaving some, or all, of the other fees open to future determination when better information is available. However, any agreement providing for the computation of the architect's fee on the basis of the application should be predicated on the assumption that the number of dwelling units contemplated by the final plans and specifications will be approximately the same as the number contemplated by the loan contract. If there should be any material change, plus or minus, between the number of dwelling units contemplated by the loan contract and the number contemplated by the final plans and specifications, the architect's fee should be adjusted as provided in Sections 3 (b) and 14 of the suggested forms of architect's contract.

(3) The USHA has prepared, and will furnish upon request, a schedule of suggested architect's fees applicable to contracts providing for general supervision of construction by the architect and a similar schedule applicable to contracts providing for general supervision by persons other than the architect. In these schedules the architect's fee is designed to apply to the total estimated cost of the project, including landscaping and engineering work. Fees for the landscape and engineering work are allowable in addition to the architect's fee.

(4) In its submittal of the architect's fixed fee, the local authority should indicate how the fee was computed and the items excluded from the Estimated Improvement Cost in determining its amount. After the clearance of any points at issue, the USHA will indicate its approval of the fixed fee.

(5) Occasionally, the question may arise as to whether the architect is entitled to a payment on account prior to the determination and approval of the exact amount of the fixed fee. In such instances, the local authority will be guided by the particular circumstances involved. The local authority may, in justifiable situations, make such payments in the form of equitable lump sums to be deducted from the percentage amounts provided in the contracts and to be paid at progressive stages of the work. In no case, however, should such payments exceed the value of the work or service performed to the date of such payment.

(c) (1) *Schedule of fees and wages to be paid by the architect.* At the time the proposed contract is submitted to the USHA for comment or approval, and prior thereto if practicable, there should also be submitted to the USHA a schedule of the fees and wages which the architect proposes to pay to the various classes of architects, technical engineers, draftsmen, technicians, laborers and mechanics to be employed by him under his contract. This schedule should be supported by any available evidence obtained by the architect or the local authority which tends to establish such fees and wages as the fees and wages prevailing in the locality concerned. All contracts between the local authority and the architects should contain provisions requiring the architects to submit certified pay rolls as prescribed in the Manual of Accounting Procedure for Local Housing Authorities, Part II. The submittals specified in this sub-paragraph (c) (1) are necessary to enable the USHA to determine that the fees and wages to be paid are the fees and wages prevailing in the locality concerned as required by the United States Housing Act and the "Terms and Conditions".

(2) The schedule of prevailing fees and wages approved by the USHA shall be effective as of the date of the loan contract and the architect shall, accordingly, adjust to the approved schedule any fees or wages paid after the date of the loan contract which are less than those appropriate under the approved schedule. All overtime shall be paid for on the basis of not less than time and one-half.*† [Par. VIII]

§ 638.9 *Preparation and submission of preliminary plans.* The suggested forms of contract for architectural services provide, under Section 3 (a) thereof, for certain preliminary documents including drawings, outline specifications, and estimates of cost. Part 612 contains detailed information as to the preparation of these preliminary documents and discusses the use of the Job Program form as a check list. Since this procedure differs from that suggested in Part 612, local authorities are urged to study and follow the new procedure which is designed to expedite the problems arising in the preparation of preliminary plans and specifications.*† [Par. IX]

§ 638.10 *Preparation and submission of construction plans and specifications.* The attention of local authorities is invited particularly to Part 612, entitled "Preparation of Drawings and Specifications", which covers the preparation of plans and specifications in considerable detail. In this connection, the following items are of especial importance:

(a) *Compliance with state and local laws.* The local authority should, in the development of the plans, consult the necessary state and local officials to insure that the plans will conform to applicable local ordinances and state laws and should obtain the requisite approvals of the state and local officials having jurisdiction. If exceptions to the applicable local ordinances and state laws are necessary, assurances should be obtained that such exceptions can and will be made.

(b) *Utilities.*[1] In the development of the plans and specifications, it will be necessary to consult with the appropriate utility companies as to available facilities and as to the terms and conditions and rates at which any new utilities required will be provided. The comparative costs of the several alternative services, such as gas, electricity and steam, should be obtained so that the least expensive, not only as to development cost but also as to operating cost, may be adopted. In negotiating with utility companies as to estimated rates, the local authority should make full use of the services of the USHA representatives who are specially trained and qualified as advisers on such matters.

(c) *Municipal services.* Prior to the preparation of plans and specifications, the local authority will usually have made at least tentative arrangements with the local municipality regarding any improvements or extensions of municipal services that are to be furnished to the project by the municipality. Such tentative arrangements should be made final and definite as soon as practicable so that the architect may proceed with the final plans and specifications on an established basis. The following items should usually be considered and provided for in the development of the plans for the project: water service; sewer connections, both storm and sanitary; street lighting; construction of new streets or the repairing or resurfacing of existing ones; fire protection, including new fire lines and hydrants; rerouting of transportation lines and educational and playground facilities. Any necessary changes in zoning laws and building regulations should also be initiated at an early date.

(d) *Insurance.* In the preparation of plans and specifications, and in determining the proposed type of construction, the architect should take the prevailing insurance rates into consideration. The USHA is conducting negotiations with insurance rating bureaus and is prepared to advise the local authority as to the insurance rates applicable to the various types of construction. This information will aid the architect in developing a design that will be economical from the standpoint not only of original cost but also from that of operation and maintenance.

(e) *Site and unit plans.* Part 635, entitled "Planning the site", contains detailed suggestions concerning site planning, and Part 637, entitled "Dwelling Unit Planning", contains similar information as to unit planning. These suggestions as to site and unit planning are designed to serve primarily as guides in the development of the project. The USHA will, of course, encourage each local authority and each architect to exercise their skill and ingenuity in developing new ideas as to site and unit plans.

(f) *Construction contracts.* Part 610, entitled "Construction Contracts", considers the question of splitting the general construction work of a project into two or more sections and suggests that consideration be given to such procedure. A related question is that of separate contracts segregated as to types of construction. The local authority should endeavor wherever possible to put all of the related construction work under one contract and to avoid segregated contracts. However, it is recognized that in many instances this will be impracticable, and that more than one contract will be necessary. For example, in some cases it will be advisable to let a separate contract for landscaping. Again, the applicable state statutes may require that a segregated contract be let for each phase of the construction work, such as electrical, heating and ventilating, plumbing, and the like. If split or segregated contracts are to be let, the several contracts should be drawn so as to provide for full coordination and reduce interference to a minimum. Part 610 contains a suggested form of construction contract for the use and guidance of the local authority. This form contains all the applicable requirements of the Act and of Part III of the "Terms and Conditions". The whole question of the system of bidding and alternate bids is discussed in considerable detail in Part 612. Local authorities are particularly urged to give this discussion full and careful consideration.

(g) *Physical improvements after partial or complete occupancy.* The local authority should bear in mind that funds may be available for physical improvements to the project during the one-year period subsequent to the date on which the project is ready for complete occupancy, since any bonds within the maximum authorized amount of the bond issue which prove unnecessary to meet development costs already incurred may be issued for necessary additions and improvements during this one-year period. The local authority may, accordingly, find it advisable to omit certain items from the plans and specifications until the need for them has been established during a short period of operation. However, additional expenditures, if any, applicable to dwelling facilities must always be restricted to the extent necessary to keep total dwelling facilities cost within the maximum limitations prescribed in the Act.

(h) *Submission of plans and specifications.* The final plans and specifications will generally be reviewed in the field, while they are being prepared, by staff members of the USHA and working agreements will be reached from time to time to avoid delays in completion. In addition, when necessary and upon request of the local authority, any part or parts of the final plans may be submitted to the USHA in Washington for review, comment and advice during this period. The plans and specifications will not be given a final review in Washington prior to their acceptance for bidding purposes. Tentative agreements will, however, be reached in the field as to the appropriateness of the plans, specifications and other contract documents for bidding purposes. Such tentative agreements will be confirmed by the USHA, subject to such qualifications as may be necessary, at the time authorization to advertise for bids is granted. Ordinarily, the final review of

[1] See Part 643 for complete and detailed information as to planning utility services and rate negotiations.

plans and specifications will be made by the USHA in Washington after advertisement for bids and any comments and advices based on such review will be transmitted to the local authority in time for incorporation in addenda issued during the period of bidding. The local authority should, accordingly, schedule a period of advertising for bids long enough to permit the issuance of any such addenda which prove necessary or appropriate.°† [Par. X]

§ 638.11 *Preparation and submission of final estimates of total development cost.* After the preparation of the construction plans and specifications has been completed, the local authority shall submit to the USHA an itemized estimate of the total development cost of the project based upon the final plans and specifications, the actual costs incurred to date for all items (such as land, demolition, cost of preparing plans and specifications), the latest estimates of overhead costs and of all other costs relating to the project. This final estimate of total development cost shall be submitted to the USHA at the time when final plans and specifications are submitted. The final estimate of total development cost should be submitted in a form generally similar to that provided in the outline of the Job Program, plus supplementary information on estimates of alternates to be taken and also on the local authority's preference as to the alternates to be accepted. Any part of an item in the estimate form not included in the bids to be taken should appear under the same item number, separately from the parts on which bids are to be taken, with the estimated cost of each such separated part. Throughout the estimate those items on which bids are being taken should be specially designated. At the end of the Estimate there should also appear an estimated total of the amount of the construction contract on which bids are being taken, with notations of the alternates. It may be advantageous to arrange for staff members of the USHA to collaborate with the local authority in the field in the preparation of this final estimate of total development cost. The USHA has prepared, and will furnish upon request, a suggested form of Final Estimate of Total Development Cost. This form should facilitate the preparation of the Estimate. Four copies of the Final Estimate of Total Development Cost should be submitted by the local authority to the USHA.°† [Par. XI]

§ 638.12 *Securing bids and the award of contracts*—(a) *Open and competitive bidding.* Any restriction as to the source of materials, equipment, supplies, bonds, or insurance involved in the execution of a contract obviously operates to limit open and competitive bidding and hence to increase costs. Therefore, except to the extent required by the laws of the state in which the public housing agency is located, no such restrictions should be included in any of the documents upon which bids are based. The technical specifications upon which contracts are based should be so drafted as to secure the widest competition possible and should not discriminate against any materials, supplies or equipment suitable for the purposes intended. To that end, and consistent with the objective of low capital costs as required by the Act, local authorities should, to the fullest extent possible, allow contractors the option of using one of two or more specified materials, supplies or items of equipment. While it is realized that this procedure is not always feasible and that it cannot fully supplant the practice of taking alternate bids, it is, nevertheless, generally productive of securing lower bids. The disadvantages of alternate bids are discussed hereinafter.

(b) *Alternate bids.* Since the United States Housing Act in effect requires that projects be of the lowest initial cost consistent with low rents, base bids must contemplate construction on that basis and the acceptance of alternate bids calling for increased expenditures cannot be justified by the USHA in approving contract awards. The introduction of a large number of alternate bids tends to discourage bidding and hence, in effect, may increase costs. Therefore, even alternate bids believed to be deductive should not be invited unless there is doubt as to whether the low base proposal will be within the loan contract or statutory limitations applicable to the project. A deductive alternative bid will generally involve the use of cheaper materials or methods which in turn will normally result in a higher maintenance or operating cost, or both, and therefore construction costs should be substantially reduced in order to justify the acceptance of such an alternate. For the above reasons, the USHA is opposed to approving acceptance of alternate bids unless the basis for such acceptance has been determined prior to the opening of bids. Local authorities are therefore requested to determine, prior to the opening of bids, the amount by which the construction cost, as evidenced by the lowest responsible base proposal, will be reduced in order to justify the acceptance of such alternate bids. Local authorities should advise the USHA, prior to the opening of bids, of the amounts so determined.

(c) *Unusual local conditions.* Occasionally there exists a combination of circumstances under which contractors from other localities are reluctant to compete in the bidding, or which will limit competition between local contractors or sub-contractors; these conditions are not always openly recognized or well understood but are vaguely known to exist and are accepted as insurmountable. The USHA believes that such difficulties may often be met if they are recognized at a time well in advance of advertising for bids. Local authorities are urged to bring to the attention of the USHA, for open and frank discussion, any circumstance or combination of circumstances which the local authority believes to be opposed to free and open competitive bidding and the USHA will cooperate to the fullest extent with the local authority in meeting each such problem.

(d) *Timing of bids.* With such a large volume of projects going on the market for bids it is highly important that the spread be as wide as possible in order to avoid an excessive number of bids being taken in one general locality during the same period of time. This is a problem which individual local authorities might not readily perceive since they are primarily concerned with their own projects, nevertheless, each authority may be adversely affected by poorly considered timing of bid dates over the country as a whole. The USHA, working with each local authority, schedules, well in advance, the dates when bids are to be received and local authorities agree with the USHA to work to these schedules. Since these schedules contemplate the widest feasible spread of bid opening dates in a given locality, it becomes highly necessary, for the benefit of the work as a whole, that each authority adhere closely to its own dates in the schedule. Therefore, local authorities, before committing themselves to a specified date, should feel quite sure that this can be met, and thereafter, should make every possible effort to meet its commitments; the USHA will cooperate with the local authority to that end. There may be occasions when the USHA will find it desirable, for the benefit of the program in its entirety, to suggest to a local authority that it modify the date of bid opening; local authorities are requested to cooperate in such procedure.

(e) *Period of bidding.* Local authorities should allow not less than 30 calendar days for bidding on any major construction work and if the plans and specifications are not ready for delivery on the date of advertising this period should be increased so that bidders may have the plans and specifications in their possession for a full 30 days. While it is true that three or even two weeks may be an adequate time for the actual work of taking off quantities and preparing bids, a longer period permits a more thorough combing of the market; moreover it often happens that contractors who would otherwise be interested are limited for time because of bidding on other work and in such cases they will not bid unless a generous time is allowed.

(f) *Breaking down large projects.* While the USHA has cautioned local authorities as to certain difficulties incident to breaking a project down into a large number of relatively small construction contracts (see Part 612), due consideration should be given to the fact that a large number of housing projects going on the market during a comparatively short period of time may limit the number of bidders who are able and willing to



contract for large projects. Thus, in many cases, it may be found increasingly necessary to divide large projects into two or more general construction parts in order to appeal to a wider range of contractors. However, the precautions referred to in Part 612 should continue to receive consideration; particularly the sub-division should not be too great, complicating alternate bids should be avoided, but one overall bid for the whole work must, in all cases, be taken unless prohibited by applicable state or local law.

(g) *Publicity.* The usual process of advertising for bids cannot always be depended upon to secure the necessary publicity and for that reason local authorities are urged to make every possible effort in order to secure the maximum number of bidders. The following are suggested as steps which would be advisable to take in each case:

(1) Wherever there are local or nearby agencies maintaining plan rooms, plans and specifications should be furnished to these without charge or on the basis of refundable deposits. While this does not ordinarily produce a larger number of general contractors, such a procedure will frequently result in a greater number of sub-contract bids to the general contractors, which, of course, tends to produce lower figures. The deposit required on sets of Plans and Specifications should always be reasonably consistent with their reproduction value.

(2) Normally it is advisable for local authorities to contact representative organizations of contractors and of construction bond companies; these latter may often obtain the interest of contractors in other cities through their branch offices.

(3) If the local authorities will furnish to the USHA a number of copies, preferably about 12, of the advertisement for bids immediately upon its publication, the USHA will arrange for quick dissemination of this information to national contractor organizations.

(4) It is desirable that the advertisement for bids be published in adjacent cities in addition to publication through the local press.

(h) *Withdrawal or modification of bids.* There have been cases where low bidders have sought to withdraw or increase their bids after the bids have been opened. The usual reason which is given in such cases is that an error has been made and that as a result the contractor could not fulfill his contract for the amount stipulated in the bid without suffering a loss. When such a question arises it warrants the most careful consideration, since, on the one hand, general experience has proven that unsatisfactory results derive from construction contracts below actual costs or even without opportunity for a reasonable profit, while, on the other hand, bidders are under bond to execute contracts for the amounts named in their bids and it seems reasonable to believe that experienced contractors will exercise the utmost care in preparing and checking their figures. Sub-paragraph (j) of this sec. 638.12 sets forth the USHA requirements which local authorities should follow in determining whether or not it is equitable to permit the withdrawal of a bid after the bids have been opened. Under no circumstances should a bidder be permitted to increase his bid after it has been opened; if such a proposed increase is based upon proven errors the bid should be rejected instead, subject to the USHA requirements set forth below.

(i) *Rejection of bids.* Local authorities will often be confronted with low bids from contractors whom they do not believe are financially, technically, or otherwise qualified to perform the work. Such situations are somewhat similar to those mentioned in the preceding section and merit the same careful consideration before action is taken, and local authorities should be guided by the USHA requirements included in sub-paragraph (j) in reaching their determinations.

(j) *USHA requirements.* The following requirements must be met by local authorities in order to comply with the provisions of USHA loan contracts relating to competitive bidding and award of contracts and to comply with the provisions of the United States Housing Act of 1937, as amended, requiring that USHA-aided projects shall not be of elaborate or expensive design or materials and that economy will be promoted in construction:

(1) All contracts, except those involving personal services requiring specialized skill or training, or where the amount involved is less than $300, for the furnishing of labor, labor and materials or any materials, supplies or equipment shall be publicly advertised.

(2) The specifications for all such contracts shall be drafted to insure the widest competition possible and no materials, supplies or equipment suitable for the purposes intended shall be discriminated against, nor shall the specifications designate any preference for local materials, equipment, supplies, bonds or insurance involved in the execution of such contracts unless required by the laws of the state in which the public housing agency is located.

(3) Local authorities shall contract for labor, labor and materials, or materials, equipment and supplies in a manner best suited to secure the development of the project in the most economical manner possible. Unless otherwise required by state laws, and, except for demolition work, landscaping and the furnishing of those materials, supplies and equipment which are usually not included in normal construction contracts, a bid for the entire work in connection with the development of the project shall be requested even though bids are also requested for the same work in parts. The work in connection with the development of the project shall not be divided so as to place an unreasonable administrative burden on the local authority or so as to encourage possible collusion among bidders.

(4) Alternate bids shall be limited to the minimum required for economical and sound construction.

(5) Every contract shall be awarded to the lowest responsible bidder as soon as practicable after the opening of bids, unless such bid is in excess of the estimated cost of such work or is otherwise considered to be for an unreasonable amount.

(6) Bidders shall not be permitted to withdraw their bids subsequent to the time of opening because of an alleged mistake in the amount of their bids unless the amount of the bids are such as to place a reasonable man on notice that an error has been committed by the bidder and further that an award, under such circumstances, would be inequitable. Where a bidder claims that a mistake has been made, the local authority to which the bid was submitted shall require, before taking action in regard to any request for the withdrawal of a bid, the submittal by the bidder of his original estimating sheets from which the bid was computed, a sworn statement to the effect that an error has been made by the bidder and all evidence in the possession of the bidder tending to corroborate the claim of error.

(7) No bidder shall be permitted by a local authority to withdraw his bid unless the bid submitted is at least 10% lower than the estimated cost of the work included in the contract, as prepared by the local authority and approved by the USHA.

(8) No bid shall be rejected by a local authority because of lack of responsibility of the bidder unless it is plainly evident that the bidder is either:

(i) not financially qualified to carry out his contract; or

(ii) not technically fitted to carry out the proposed work either through lack of experience, adequate personnel and equipment; or

(iii) has refused or failed to accept the award of a contract tendered to him in accordance with a bid submitted by him; or

(iv) unless his record in the performance of other contracts is such as would plainly show that the bidder is not responsible.

(9) Before rejecting any low bidder on the basis of irresponsibility, the local authority shall make definite findings of the facts upon which its conclusion of irresponsibility is based and shall submit the same to the USHA. Mere matters of opinion unsupported by any facts evidencing the lack of responsibility of the contractor will not be accepted as a basis for rejecting a low bidder.

(10) No contract for equipment, supplies, or materials shall be awarded to

other than the low bidder in the interest of standardization of equipment or materials, ultimate economy or expeditious development of the project unless:

(i) prior to the opening of bids the local housing authority submits to the USHA notice of its intention to take these factors into consideration in awarding bids; (such notice shall set forth the differential to be used by the local authority in determining the bidder to whom the contract is to be awarded); and

(ii) the USHA has approved, in advance of the award, the procedure to be followed and the differential or formula for determining the same.

(11) The USHA has the right to refuse to lend further financial assistance in the way of the purchase of bonds or the making of annual contributions or both, either as to the entire project or as to the amount of the contract involved, in the event of a violation by a local authority of the requirements of this subparagraph (j).*† [Par. XII]

§ 638.13 *Transmittal of bids to USHA.* Upon receipt of bids, the local authority will study them, and before awarding a contract, submit to the USHA the original and four copies of a statement as to the award or awards it proposes to make, including the disposition of alternates. With this statement there should be included the following:

(a) Four copies of a tabulation of bids and an analysis thereof on the basis of the proposed award.

(b) Four copies of a comparison of the Final Estimate of Total Development Cost as earlier submitted and modified, with the computation of Total Development Cost and of Dwelling Facility Costs per room and per unit as contemplated in the proposed contracts. This comparison shall be based upon the proposed awards and the estimated (or actual) costs of items not included in the proposed awards.

(c) Four copies of all addenda and other information, including drawings, issued during the bidding period.

(d) One original and three conformed copies of all bids, including all forms in connection therewith.

(e) Four copies of other pertinent information which may have been prepared and is considered useful in reaching a determination with regard to the award of contracts and disposition of alternates. The materials specified in subparagraphs (a) through (e), above, shall be furnished to the Construction Adviser for delivery or forwarding to the USHA in Washington. The USHA will check the bid figures against the Final Estimate of Total Development Cost and against the provisions of the Act and Loan Contract and will then notify the local authority that the proposed award is (1) acceptable, (2) acceptable subject to certain qualifications, or (3) not acceptable for specified reasons. If the proposed award is acceptable to the USHA, the local authority may execute the construction contract with the successful bidder. One executed counterpart of the construction contract (including accompanying plans and specifications) and four conformed copies of the executed contract (but including only *two* sets of plans) shall be furnished promptly to the USHA. If these copies are all in good order, the USHA will return one set to the local authority with an indication that they are approved for construction. Upon receipt of such approval by the USHA, the local authority will, ordinarily, advise the contractor to commence work under his contract and the actual construction of the project will begin.*† [Par. XIII]

NATHAN STRAUS,
*Administrator.*

DECEMBER 21, 1939.

[F. R. Doc. 39-4831; Filed, December 29, 1939; 11:32 a. m.]

## TITLE 25—INDIANS

### CHAPTER I—OFFICE OF INDIAN AFFAIRS

AMENDMENT OF REGULATIONS FOR LOANS TO INDIVIDUAL INDIANS (OKLAHOMA)

Section 26.3 of Title 25, Chapter 1, Office of Indian Affairs, Department of the Interior, Sub-Chapter E, Part 26, Loans by United States to Individual Indians, (Oklahoma), which reads:

§ 26.3 *General loan policies.* The granting or refusal of the loan and the amount thereof shall be governed by the nature and extent of the enterprise to be financed, its prospects of success and assurance that the loan will be repaid, the equipment and funds otherwise available for execution of the plan, the extent to which the enterprise will promote a permanent improvement in the applicant's economic condition, the character and past performance of the applicant, both generally and in the particular work involved in the enterprise, and the amount and kind of security offered. An Indian who is a member of an incorporated tribe, or who resides in the territory of an Indian credit association must show that his application to such tribe or association has been rejected before an application hereunder will be accepted.

is amended to read:

§ 26.3 *General loan policies.* The granting or refusal of the loan and the amount thereof shall be governed by the nature and extent of the enterprise to be financed, its prospects of success and assurance that the loan will be repaid, the equipment and funds otherwise available for execution of the plan, the extent to which the enterprise will promote a permanent improvement in the applicant's economic condition, the character and past performance of the applicant, both generally and in the particular work involved in the enterprise, and the amount and kind of security offered. An Indian who is a member of an incorporated tribe, or who resides in the territory of an Indian credit association, which has received a loan from the United States and is conducting operations with revolving credit funds, must show that his application to such tribe or association has been rejected before an application hereunder will be accepted.

OSCAR L. CHAPMAN,
*Assistant Secretary.*

DECEMBER 13, 1939.

[F. R. Doc. 39-4828; Filed, December 29, 1939; 9:50 a. m.]

## TITLE 26—INTERNAL REVENUE

### CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 4959]

INCOME TAX

REGULATIONS RELATING TO ELECTIVE METHOD OF TAKING INVENTORIES FOR YEARS BEGINNING SUBSEQUENT TO DECEMBER 31, 1938

*To Collectors of Internal Revenue and Others Concerned:*

In order to conform Regulations 101[1] (Part 9, Subpart H, Title 26, Code of Federal Regulations), as made applicable to the Internal Revenue Code (53 Stat. Part 1) by Treasury Decision 4885,[2] approved February 11, 1939 (Part 465, Subpart B, Title 26, Code of Federal Regulations), to section 219 of the Revenue Act of 1939 (Public, No. 155, 76th Cong. 1st sess.) amending section 22 (d) of the Internal Revenue Code, such Regulations are amended as follows:

(1) The following is inserted immediately preceding article 22 (d)-1 (section 9.22 (d)-1, Title 26, Code of Federal Regulations), as made applicable to the Internal Revenue Code:

*"Sec. 219. Inventories (Revenue Act of 1939)*

"SEC. 219. INVENTORIES.

"(a) *Amendment to Code.* Section 22 (d) of the Internal Revenue Code (relating to inventories in certain industries) is amended to read as follows:

"'(d) (1) A taxpayer may use the following method (whether or not such method has been prescribed under subsection (c)) in inventorying goods specified in the application required under paragraph (2):

"'(A) Only in inventorying goods (required under subsection (c) to be inventoried) specified in an application to use such method filed at such time and in such manner as the Commissioner may prescribe; and

"'(B) Only if the taxpayer establishes to the satisfaction of the Commissioner that the taxpayer has used no procedure other than that specified in subparagraphs (B) and (C) of paragraph (1) in inventorying (to ascertain income, profit, or loss, for credit purposes, or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries) such goods for any period beginning with or during the first taxable year for which the method described in paragraph (1) is to be used.

"'(3) The change to, and the use of, such method shall be in accordance with such regulations as the Commissioner, with the approval of the Secretary, may prescribe as necessary in order that the use of such method may clearly reflect income.

"'(4) In determining income for the taxable year preceding the taxable year for which such method is first used, the closing inventory of such preceding year of the goods specified in such application shall be at cost.

"'(5) If a taxpayer, having complied with paragraph (2), uses the method described in paragraph (1) for any taxable year, then such method shall be used in all subsequent taxable years unless—

"'(A) With the approval of the Commissioner a change to a different method is authorized; or

"'(B) The Commissioner determines that the taxpayer has used for any period beginning with or during any subsequent taxable year some procedure other than that specified in subparagraph (B) of paragraph (1) in inventorying (for ascertaining income, profit, or loss, for credit purposes, or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries) the goods specified in the application, and requires a change to a method different from that prescribed in paragraph (1) beginning with such subsequent taxable year or any taxable year thereafter.

"'In either of the above cases, the change to, and the use of, the different method shall be in accordance with such regulations as the Commissioner, with the approval of the Secretary, may prescribe as necessary in order that the use of such method may clearly reflect income.'

"(b) *Taxable years to which applicable.* The amendment made by subsection (a) shall be applicable to taxable years beginning after December 31, 1938.

"(c) *Amendment to 1938 act.* Section 22 (d) of the Revenue Act of 1938 (relating to inventories in certain industries) is amended to read as follows:

"'(d) If the inventory method described in section 22 (d) (1), as amended, of the Internal Revenue Code is used for the first taxable year beginning after December 31, 1938, then, in determining income for the preceding taxable year, the closing inventory of such year of the goods specified in the application under section 22 (d) (2), as amended, of such Code shall be at cost.'"

(2) Article 22 (c)-1 [section 9.22 (c)-1, Title 26, Code of Federal Regulations] is amended by inserting at the end thereof the words,

"(But see article 22 (d)-1.)"

(3) Article 22 (c)-2 [section 9.22 (c)-2, Title 26, Code of Federal Regulations] is amended by inserting at the end of the first sentence of the fourth paragraph thereof the words,

"except as to those goods inventoried under the elective method authorized by section 22 (d),"

so that the sentence so amended will read as follows:

"In respect of normal goods, whichever basis is adopted must be applied with reasonable consistency to the entire inventory except as to those goods inventoried under the elective method authorized by section 22 (d)."

(4) Article 22 (c)-2 is further amended by inserting in lieu of the sixth sentence of the fourth paragraph thereof the following sentence:

"But see section 22 (d) as to inventories under elective method."

(5) Article 22 (c)-7 [section 9.22 (c)-7, Title 26, Code of Federal Regulations] is amended by inserting in lieu of the last sentence thereof the following sentence:

"See section 22 (d) as to inventories under elective method."

(6) Articles 22 (d)-1 to 22 (d)-4 [sections 9.22 (d)-1 to 9.22 (d)-4, Title 26, Code of Federal Regulations], inclusive, are stricken out and there is substituted in lieu thereof the following:

"ART. 22 (d)-1 [section 9.22 (d)-1, Title 26, Code of Federal Regulations, 1939 Sup.]. *Inventories under elective method.* Any taxpayer permitted or required to take inventories pursuant to the provisions of section 22 (c) of the Internal Revenue Code, and pursuant to the provisions of articles 22 (c)-1 to 22 (c)-8 of these regulations [sections 9.22 (c)-1 to 9.22 (c)-8, Title 26, Code of Federal Regulations] may elect with respect to those goods specified in his application and properly subject to inventory to compute his opening and closing inventories in accordance with the method provided by section 22 (d) of the Code as amended by section 219 of the Revenue Act of 1939. Under this elective inventory method, the taxpayer is permitted to treat those goods remaining on hand at the close of the taxable year as being:

"First, those included in the opening inventory of the taxable year, in the order of acquisition and to the extent thereof, and

"Second, those acquired during the taxable year.

This elective inventory method is not dependent upon the character of the business in which the taxpayer is engaged, or upon the identity or want of identity through commingling of any of the goods on hand, and may be adopted by the taxpayer as of the close of any taxable year beginning after December 31, 1938.

"If the elective inventory method is used by a taxpayer who regularly and consistently, in a manner similar to hedging on a futures market, matches purchases with sales, then firm purchase and sales contracts (i. e., those not legally subject to cancellation by either party) entered into at fixed prices on or before the date of the inventory may be included in purchases or sales, as the case may be, for the purpose of determining the cost of goods sold and the resulting profit or loss, provided that this practice is regularly and consistently adhered to by the taxpayer and that, in the opinion of the Commissioner, income is clearly reflected thereby.

"ART. 22 (d)-2 [section 9.22 (d)-2, Title 26, Code of Federal Regulations, 1939 Sup.]. *Requirements incident to adoption and use of elective method.* The adoption and use of the elective inventory method is, by statute and by these regulations, made subject to the following requirements:

"(1) The taxpayer shall file pursuant to these regulations an application to use such method specifying with particularity the goods to which it is to be applied;

"(2) The inventory shall be taken at cost regardless of market values;

"(3) Goods of the specified type included in the opening inventory of the taxable year for which the method is first used shall be considered as having been acquired at the same time and at a unit cost equal to the actual cost of the aggregate divided by the number of units on hand, such actual cost of the aggregate being determined pursuant to the inventory method employed by the taxpayer under the regulations applicable to the preceding taxable year;

"(4) Goods of the specified type on hand as of the close of the taxable year in excess of what were on hand as of the beginning of the taxable year shall be included in the closing inventory,

[1] 4 F.R. 616, 700, 802 DI.
[2] 4 F.R. 879 DI.



of acquisition) to the extent thereof, and second, those acquired in the taxable year; and

"'(C) Treat those included in the opening inventory of the taxable year in which such method is first used as having been acquired at the same time and determine their cost by the average cost method.

"'(2) The method described in paragraph (1) may be used—

"'(A) Only in inventorying goods (required under subsection (c) to be inventoried) specified in an application to use such method filed at such time and in such manner as the Commissioner may prescribe; and

"'(B) Only if the taxpayer establishes to the satisfaction of the Commissioner that the taxpayer has used no procedure other than that specified in subparagraphs (B) and (C) of paragraph (1) in inventorying (to ascertain income, profit, or loss, for credit purposes, or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries) such goods for any period beginning with or during the first taxable year for which the method described in paragraph (1) is to be used.

"'(3) The change to, and the use of, such method shall be in accordance with such regulations as the Commissioner, with the approval of the Secretary, may prescribe as necessary in order that the use of such method may clearly reflect income.

"'(4) In determining income for the taxable year preceding the taxable year for which such method is first used, the closing inventory of such preceding year of the goods specified in such application shall be at cost.

"'(5) If a taxpayer, having complied with paragraph (2), uses the method described in paragraph (1) for any taxable year, then such method shall be used in all subsequent taxable years unless—

"'(A) With the approval of the Commissioner a change to a different method is authorized; or

"'(B) The Commissioner determines that the taxpayer has used for any period beginning with or during any subsequent taxable year some procedure other than that specified in subparagraph (B) of paragraph (1) in inventorying (for ascertaining income, profit, or loss, for credit purposes, or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries) the goods specified in the application, and requires a change to a method different from that prescribed in paragraph (1) beginning with such subsequent taxable year or any taxable year thereafter.

"'In either of the above cases, the change to, and the use of, the different method shall be in accordance with such regulations as the Commissioner, with the approval of the Secretary, may prescribe as necessary in order that the use of such method may clearly reflect income.'

"(b) *Taxable years to which applicable.* The amendment made by subsection (a) shall be applicable to taxable years beginning after December 31, 1938.

"(c) *Amendment to 1938 act.* Section 22 (d) of the Revenue Act of 1938 (relating to inventories in certain industries) is amended to read as follows:

"'(d) If the inventory method described in section 22 (d) (1), as amended, of the Internal Revenue Code is used for the first taxable year beginning after December 31, 1938, then, in determining income for the preceding taxable year, the closing inventory of such year of the goods specified in the application under section 22 (d) (2), as amended, of such Code shall be at cost.'"

(2) Article 22 (c)-1 [section 9.22 (c)-1, Title 26, Code of Federal Regulations] is amended by inserting at the end thereof the words,

"(But see article 22 (d)-1.)"

(3) Article 22 (c)-2 [section 9.22 (c)-2, Title 26, Code of Federal Regulations] is amended by inserting at the end of the first sentence of the fourth paragraph thereof the words,

"except as to those goods inventoried under the elective method authorized by section 22 (d),"

so that the sentence so amended will read as follows:

"In respect of normal goods, whichever basis is adopted must be applied with reasonable consistency to the entire inventory except as to those goods inventoried under the elective method authorized by section 22 (d)."

(4) Article 22 (c)-2 is further amended by inserting in lieu of the sixth sentence of the fourth paragraph thereof the following sentence:

"But see section 22 (d) as to inventories under elective method."

(5) Article 22 (c)-7 [section 9.22 (c)-7, Title 26, Code of Federal Regulations] is amended by inserting in lieu of the last sentence thereof the following sentence:

"See section 22 (d) as to inventories under elective method."

(6) Articles 22 (d)-1 to 22 (d)-4 [sections 9.22 (d)-1 to 9.22 (d)-4, Title 26, Code of Federal Regulations], inclusive, are stricken out and there is substituted in lieu thereof the following:

"ART. 22 (d)-1 [section 9.22 (d)-1, Title 26, Code of Federal Regulations, 1939 Sup.]. *Inventories under elective method.* Any taxpayer permitted or required to take inventories pursuant to the provisions of section 22 (c) of the Internal Revenue Code, and pursuant to the provisions of articles 22 (c)-1 to 22 (c)-8 of these regulations [sections 9.22 (c)-1 to 9.22 (c)-8, Title 26, Code of Federal Regulations] may elect with respect to those goods specified in his applica-

tion and properly subject to inventory to compute his opening and closing inventories in accordance with the method provided by section 22 (d) of the Code as amended by section 219 of the Revenue Act of 1939. Under this elective inventory method, the taxpayer is permitted to treat those goods remaining on hand at the close of the taxable year as being:

"First, those included in the opening inventory of the taxable year, in the order of acquisition and to the extent thereof, and

"Second, those acquired during the taxable year.

This elective inventory method is not dependent upon the character of the business in which the taxpayer is engaged, or upon the identity or want of identity through commingling of any of the goods on hand, and may be adopted by the taxpayer as of the close of any taxable year beginning after December 31, 1938.

"If the elective inventory method is used by a taxpayer who regularly and consistently, in a manner similar to hedging on a futures market, matches purchases with sales, then firm purchase and sales contracts (i. e., those not legally subject to cancellation by either party) entered into at fixed prices on or before the date of the inventory may be included in purchases or sales, as the case may be, for the purpose of determining the cost of goods sold and the resulting profit or loss, provided that this practice is regularly and consistently adhered to by the taxpayer and that, in the opinion of the Commissioner, income is clearly reflected thereby.

"ART. 22 (d)-2 [section 9.22 (d)-2, Title 26, Code of Federal Regulations, 1939 Sup.]. *Requirements incident to adoption and use of elective method.* The adoption and use of the elective inventory method is, by statute and by these regulations, made subject to the following requirements:

"(1) The taxpayer shall file pursuant to these regulations an application to use such method specifying with particularity the goods to which it is to be applied;

"(2) The inventory shall be taken at cost regardless of market values;

"(3) Goods of the specified type included in the opening inventory of the taxable year for which the method is first used shall be considered as having been acquired at the same time and at a unit cost equal to the actual cost of the aggregate divided by the number of units on hand, such actual cost of the aggregate being determined pursuant to the inventory method employed by the taxpayer under the regulations applicable to the preceding taxable year;

"(4) Goods of the specified type on hand as of the close of the taxable year in excess of what were on hand as of the beginning of the taxable year shall be included in the closing inventory,

regardless of identification with specific invoices, at costs determined as follows:

"(a) By reference to the actual cost of the goods most recently purchased or produced;

"(b) By reference to the actual cost of the goods purchased or produced during the taxable year in the order of acquisition;

"(c) By application of an average unit cost equal to the aggregate cost of all of the goods purchased or produced throughout the taxable year divided by the total number of units so purchased or produced, the goods reflected in such inventory increase being considered for the purposes of section 22 (d) as having been acquired all at the same time; or

"(d) Pursuant to any other proper method which, in the opinion of the Commissioner, clearly reflects income:

Whichever of the several methods of valuing the inventory increase is adopted by the taxpayer and approved by the Commissioner in accordance with these regulations shall be consistently adhered to in all subsequent taxable years so long as the elective inventory method is used by the taxpayer;

"*Example 1.* Suppose that the taxpayer adopts the elective inventory method for the taxable year 1939 with an opening inventory of 10 units at 10 cents per unit, that it makes 1939 purchases of 10 units as follows:

| | | | |
|---|---|---|---|
| Jan. | 1 | @ 11 | = 11 |
| Apr. | 2 | @ 12 | = 24 |
| July | 3 | @ 13 | = 39 |
| Oct. | 4 | @ 14 | = 56 |
| Totals: | 10 | | 130 |

and that it has a 1939 closing inventory of 15 units. This closing inventory, depending upon the taxpayer's method of valuing inventory increases, will be computed as follows:

"(a) Most recent purchases—

| | | | |
|---|---|---|---|
| 10 | @ 10 | | = 100 |
| 4 | @ 14 | (Oct.) | = 56 |
| 1 | @ 13 | (July) | = 13 |
| Totals: 15 | | | 169 |

or

"(b) In order of acquisition—

| | | | |
|---|---|---|---|
| 10 | @ 10 | | = 100 |
| 1 | @ 11 | (Jan.) | = 11 |
| 2 | @ 12 | (Apr.) | = 24 |
| 2 | @ 13 | (July) | = 26 |
| Totals: 15 | | | 161 |

or

"(c) At an annual average —

| | | | |
|---|---|---|---|
| 10 | @ 10 | | = 100 |
| 5 | @ 13 | (130/10) | = 65 |
| Totals: 15 | | | 165 |

"*Example 2.* Suppose, in addition to the facts stated in Example 1, that there is a 1940 closing inventory of 13 units. This closing inventory, being determined wholly by reference to the opening inventory, and being taken in the order of acquisition, and depending upon the taxpayer's method of valuing its inventory increase for the preceding taxable year, will be computed as follows:

"(a) In case the increase was taken as most recent purchases—

| | | | |
|---|---|---|---|
| 10 | @ 10 | (from 1938) | = 100 |
| 1 | @ 13 | (July 1939) | = 13 |
| 2 | @ 14 | (Oct. 1939) | = 28 |
| Totals: 13 | | | 141 |

or

"(b) In case the increase was taken in order of acquisition—

| | | | |
|---|---|---|---|
| 10 | @ 10 | (from 1938) | = 100 |
| 1 | @ 11 | (Jan. 1939) | = 11 |
| 2 | @ 12 | (Apr. 1939) | = 24 |
| Totals: 13 | | | 135 |

or

"(c) In case increase was taken on basis of an average—

| | | | |
|---|---|---|---|
| 10 | @ 10 | (from 1938) | = 100 |
| 3 | @ 13 | (from 1939) | = 39 |
| Totals: 13 | | | 139 |

"(5) The taxpayer shall establish to the satisfaction of the Commissioner that the taxpayer has not, in the taxable year for which the elective inventory method is first used or in any subsequent taxable year, used in determining income, profit, or loss, for credit purposes, or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries, any inventory method other than that referred to in article 22 (d)–1 [section 9.22 (d)–1, Title 26, Code of Federal Regulations, 1939 Sup.] or at variance with the requirement referred to in paragraph (3) of this article, the taxpayer's use of market value in lieu of cost not being considered at variance with this requirement;

"(6) Goods of the specified type on hand as of the close of the taxable year preceding the taxable year for which this inventory method is first used, whether such preceding taxable year began before or after December 31, 1938, shall be included in the taxpayer's inventory for such preceding taxable year at cost;

"(7) The elective inventory method once adopted by the taxpayer with the approval of the Commissioner, shall be adhered to in all subsequent taxable years unless—

"(a) A change to a different method is approved by the Commissioner; or

"(b) The Commissioner determines that the taxpayer has used in ascertaining income, profit, or loss, for credit purposes, or for the purpose of reports to shareholders, partners, or other proprietors, or to beneficiaries, and for years subsequent to his adoption of the elective inventory method, an inventory method at variance with that referred to in article 22 (d)–1 and requires of the taxpayer a change to a different method for such subsequent taxable year or any taxable year thereafter;

"(8) The taxpayer shall maintain such accounting records as will enable the Commissioner readily to verify the taxpayer's inventory computations as well as his compliance with these several requirements.

"ART. 22 (d)–3 [section 9.22 (d)–3, Title 26, Code of Federal Regulations, 1939 Sup.]. *Time and manner of making election.* The elective inventory method may be adopted and used only if the taxpayer files with his return for the taxable year as of the close of which the method is first to be used (or, if such return is filed prior to the ninetieth day after the approval of these regulations, then at any time prior to the expiration of such ninetieth day), in triplicate on Form 970 (revised), and pursuant to the instructions printed thereon and to the requirements of these regulations, a statement of his election to use such inventory method. Such statement shall be accompanied by an analysis of all inventories of the taxpayer as of the beginning and as of the end of the taxable year for which the elective method is proposed first to be used, and also as of the beginning of the preceding taxable year. In the case of a manufacturer, this analysis shall show in detail the manner in which costs are computed with respect to raw materials, goods in process, and finished goods, segregating the products (whether in process or finished goods) into natural groups on the basis of either (1) similarity in factory processes through which they pass, or (2) similarity of raw materials used, or (3) similarity in style, shape, or use of finished products. Each group of products shall be clearly described.

"The taxpayer shall submit for the consideration of the Commissioner in connection with the taxpayer's adoption or use of the elective inventory method such other detailed information with respect to his business or accounting system as may be at any time requested by the Commissioner.

"As a condition to the taxpayer's use of the elective inventory method, the Commissioner may require that the method be used with respect to goods other than those specified in the taxpayer's statement of election if, in the opinion of the Commissioner, the use of such method with respect to such other goods is essential to a clear reflection of income.

"Whether or not the taxpayer's application for the adoption and use of the elective inventory method should be approved, and whether or not such method, once adopted, may be continued, and the propriety of all computations incidental to the use of such method will be determined by the Commissioner in connection with the examination of the taxpayer's returns.

"ART. 22 (d)–4 [section 9.22 (d)–4, Title 26, Code of Federal Regulations, 1939 Sup.]. *Adjustments to be made by taxpayer.* A taxpayer may not change to the elective method of taking inventories unless, at the time he files his application for the adoption of such method, he agrees to such adjustments incident to the change to or from such method, or incident to the use of such method, in the inventories of prior taxable years or otherwise, as the Commissioner upon the examination of the taxpayer's returns may deem necessary in order that the true income of the taxpayer will be clearly reflected for the years involved.

"ART. 22 (d)–5 [section 9.22 (d)–5, Title 26, Code of Federal Regulations, 1939 Sup.]. *Revocation of election.* An election made to adopt and use the elective inventory method is irrevocable, and the method once adopted shall be used in all subsequent taxable years, unless the use of another method be required by the Commissioner, or authorized by him pursuant to a written application therefor filed with him as provided in article 41–2 of these regulations [section 9.41–2, Title 26, Code of Federal Regulations]

"ART. 22 (d)–6 [section 9.22 (d)–6, Title 26, Code of Federal Regulations, 1939 Sup.]. *Change from elective inventory method.* If the taxpayer is granted permission by the Commissioner to discontinue the use of the elective method of taking inventories, and thereafter to pursue some other method, or if the taxpayer is required by the Commissioner to discontinue the use of the elective method by reason of the taxpayer's failure to conform to the requirements detailed in article 22 (d)–2, the inventory of the specified goods for the first taxable year affected by the change and for each taxable year thereafter shall be taken—

"(a) In conformity with the method used by the taxpayer under section 22 (c) in inventorying goods not included in his elective inventory computations; or

"(b) If the elective inventory method was used by the taxpayer with respect to all of his goods subject to inventory, then in conformity with the inventory method used by the taxpayer prior to his adoption of the elective inventory method; or

"(c) If the taxpayer had not used inventories prior to his adoption of the elective inventory method and had no goods currently subject to inventory by a method other than the elective method, then in conformity with such inventory method as may be selected by the taxpayer and approved by the Commissioner as resulting in a clear reflection of income; or

"(d) In any event, in conformity with any inventory method to which the taxpayer may change pursuant to application approved by the Commissioner."

(This Treasury Decision is issued under the authority of section 22 (d) of the Internal Revenue Code (53 Stat. Part 1) as amended by section 219 of the Revenue Act of 1939 (Public, No. 155, 76th Cong., 1st sess.) and section 62 of the said Internal Revenue Code.)

[SEAL] JOHN L. SULLIVAN,
*Acting Commissioner of Internal Revenue.*

Approved, December 28, 1939.

JOHN W. HANES,
*Acting Secretary of the Treasury.*

[F. R. Doc. 39–4842; Filed, December 29, 1939; 12:44 p. m.]





## *Notices*

### DEPARTMENT OF AGRICULTURE.

**Agricultural Adjustment Administration.**

[Cotton 429]

COUNTY COTTON ACREAGE ALLOTMENTS FOR 1940

The county cotton acreage allotments established with respect to the marketing year beginning August 1, 1940, in accordance with the provisions of Section 344 of the Agricultural Adjustment Act of 1938 for the purposes of the cotton marketing quota provisions (Part IV, Subtitle B, Title (III) of said Act are as follows:

COTTON ACREAGE ALLOTMENT IN ACRES

Alabama: Autauga, 29,101; Baldwin, 5,753; Barbour, 39,929; Bibb, 11,602; Blount, 31,196; Bullock, 29,259; Butler, 30,561; Calhoun, 27,038; Chambers, 38,276; Cherokee, 34,673; Chilton, 25,387; Choctaw, 16,016; Clarke, 19,449; Clay, 17,904; Cleburne, 12,625; Coffee, 39,772; Colbert, 31,871; Conecuh, 26,564; Coosa, 11,135; Covington, 40,792; Crenshaw, 33,118; Cullman, 48,344; Dale, 24,431; Dallas, 66,193; De Kalb, 43,149; Elmore, 44,081; Escambia, 19,536; Etowah, 28,076; Fayette, 22,181; Franklin, 26,046; Geneva, 39,179; Greene, 28,792; Hale, 37,696; Henry, 33,365; Houston, 50,187; Jackson, 36,010; Jefferson, 8,726; Lamar, 26,824; Lauderdale, 46,467; Lawrence, 48,325; Lee, 38,026; Limestone, 61,093; Lowndes, 28,004; Macon, 40,166; Madison, 77,438; Marengo, 48,237; Marion, 24,887; Marshall, 48,917; Mobile, 6,505; Monroe, 38,098; Montgomery, 31,681; Morgan, 41,734; Perry, 38,464; Pickens, 36,419; Pike, 42,606; Randolph, 29,308; Russell, 30,952; St. Clair, 16,933; Shelby, 14,351; Sumter, 33,077; Talladega, 38,857; Tallapoosa, 29,573; Tuscaloosa, 36,916; Walker, 17,509; Washington, 5,448; Wilcox, 28,942; Winston, 15,637; total county allotments, 2,129,407; 4% reserve, 76,082; reserve for new growers, 38,041; total, Alabama, 2,243,530.

Arizona: Cochise, 12; Gila, 12; Graham, 12,858; Greenlee, 971; Maricopa, 111,090; Mohave, 18; Pima, 6,551; Pinal, 44,594; Santa Cruz, 564; Yuma, 13,055; total county allotments, 189,725; 4 percent reserve, 4,649; reserve for new growers, 2,324; total—Arizona, 196,698.

Arkansas: Arkansas, 14,645; Ashley, 30,448; Baxter, 3,045; Boone, 660; Bradley, 17,983; Calhoun, 14,848; Carroll, 1; Chicot, 49,942; Clark, 23,345; Clay, 39,667; Cleburne, 14,347; Cleveland, 23,444; Columbia, 52,268; Conway, 38,878; Craighead, 64,830; Crawford, 9,339; Crittenden, 99,316; Cross, 40,104; Dallas, 10,343; Desha, 45,825; Drew, 26,944; Faulkner, 45,250; Franklin, 10,181; Fulton, 6,806; Garland, 2,781; Grant, 9,289; Greene, 34,249; Hempstead, 44,846; Hot Spring, 9,508; Howard, 20,540; Independence, 23,996; Izard, 14,333; Jackson, 55,669; Jefferson, 81,006; Johnson, 9,515; Lafayette, 34,696; Lawrence, 33,358; Lee, 56,450; Lincoln, 47,919; Little River, 27,310; Logan, 22,977; Lonoke, 70,178; Mari[illegible] 3,063; Miller, 40,322; Mississippi, 1[illegible]; Monroe, 40,847; Montgomery, 6,0[illegible]; Nevada, 30,332; Newton, 716; Ouac[illegible], 17,141; Perry, 10,542; Phillips, 68,832; [illegible]ike, 10,296; Poinsett, 51,300; Polk, 5,850; Pope, 33,289; Prairie, 17,347; Pulaski, 41,190; Randolph, 20,602; St. Francis, 66,979; Saline, 3,929; Scott, 9,017; Searcy, 2,186; Sebastian, 10,877; Sevier, 11,484; Sharp, 12,370; Stone, 3,180; Union, 27,028; Van Buren, 11,786; Washington, 80; White, 53,818; Woodruff, 43,424; Yell, 33,040; total county allotments, 2,154,555; 4 percent reserve, 77,282; reserve for new growers, 38,641; total—Arkansas, 2,270,478.

California: Fresno, 85,274; Imperial, 8,371; Kern, 75,839; Kings, 40,750; Madera, 50,126; Merced, 28,127; Riverside, 12,140; San Benito, 180; San Bernardino, 43; San Diego, 36; San Joaquin, 42; Stanislaus, 1,267; Tulare, 89,470; total county allotments, 391,665; 4 percent reserve, 9,014; reserve for new growers, 4,507; Total—California, 405,186.

Florida: Alachua, 519; Baker, 188; Bay, 91; Bradford, 3; Calhoun, 741; Columbia, 2,719; Dixie, 30; Escambia, 4,125; Flagler, 1; Gadsden, 344; Gilchrist, 44; Gulf, 5; Hamilton, 3,609; Holmes, 9,404; Jackson, 14,955; Jefferson, 3,101; Lafayette, 777; Leon, 4,428; Levy, 170; Madison, 5,693; Marion, 7; Okaloosa, 4,813; Putnam, 3; Santa Rosa, 8,774; Sumter, 69; Suwannee, 3,966; Taylor, 166; Union, 54; Volusia, 1; Wakulla, 103; Walton, 5,059; Washington, 2,420; all others, 44; total county allotments, 76,426; 4 percent reserve, 2,867; reserve for new growers, 1,434; Total—Florida, 80,727.

Georgia: Appling, 8,771; Atkinson, 2,875; Bacon, 4,763; Baker, 8,412; Baldwin, 8,582; Banks, 10,925; Barrow, 16,562; Bartow, 28,501; Ben Hill, 10,044; Berrien, 7,168; Bibb, 4,090; Bleckley, 13,832; Brantley, 237; Brooks, 15,070; Bryan, 1,194; Bulloch, 35,261; Burke, 63,982; Butts, 10,446; Calhoun, 10,687; Camden, 19; Candler, 12,349; Carroll, 44,036; Catoosa, 4,466; Charlton, 37; Chatham, 211; Chattahoochee, 3,129; Chattooga, 11,873; Cherokee, 13,237; Clarke, 7,626; Clay, 8,638; Clayton, 6,967; Clinch, 313; Cobb, 18,523; Coffee, 13,069; Colquitt, 27,284; Columbia, 12,157; Cook, 5,239;

Coweta, 20,636; Crawford, 7,379; Crisp, 18,551; Dade, 1,422; Dawson, 2,555; Decatur, 7,274; De Kalb, 6,995; Dodge, 32,650; Dooly, 34,031; Dougherty, 4,662; Douglas, 9,114; Early, 25,926; Echols, 379; Effingham, 4,237; Elbert, 21,990; Emanuel, 40,217; Evans, 6,468; Fayette, 13,672; Floyd, 24,337; Forsyth, 15,409; Franklin, 23,287; Fulton, 15,877; Gilmer, 566; Glascock, 8,515; Glynn, 9; Gordon, 20,055; Grady, 6,469; Greene, 11,094; Gwinnett, 29,312; Habersham, 3,393; Hall, 17,923; Hancock, 14,267; Haralson, 12,307; Harris, 9,383; Hart, 28,106; Heard, 13,661; Henry, 27,365; Houston, 15,082; Irwin, 16,384; Jackson, 28,397; Jasper, 10,865; Jeff Davis, 4,021; Jefferson, 35,206; Jenkins, 23,668; Johnson, 24,322; Jones, 4,599; Lamar, 9,347; Lanier, 1,255; Laurens, 54,720; Lee, 6,220; Liberty, 1,198; Lincoln, 9,894; Long, 1,317; Lowndes, 6,655; Lumpkin, 1,637; McDuffie, 14,736; McIntosh, 11; Macon, 27,917; Madison, 22,670; Marion, 9,533; Meriwether, 26,592; Miller, 9,836; Mitchell, 24,004; Monroe, 8,153; Montgomery, 12,659; Morgan, 20,585; Murray, 9,236; Muscogee, 3,778; Newton, 15,593; Oconee, 14,138; Oglethorpe, 20,405; Paulding, 14,036; Peach, 9,653; Pickens, 4,887; Pierce, 4,469; Pike, 16,900; Polk, 17,396; Pulaski, 15,406; Putnam, 6,426; Quitman, 4,170; Randolph, 20,095; Richmond, 10,733; Rockdale, 7,820; Schley, 8,950; Screven, 32,494; Seminole, 7,054; Spalding, 10,931; Stephens, 6,680; Stewart, 10,850; Sumter, 25,598; Talbot, 6,200; Taliaferro, 7,872; Tattnall, 10,109; Taylor, 14,885; Telfair, 15,106; Terrell, 21,016; Thomas, 11,356; Tift, 11,515; Toombs, 17,520; Treutlen, 12,063; Troup, 15,046; Turner, 11,869; Twiggs, 9,452; Upson, 7,475; Walker, 10,024; Walton, 32,476; Ware, 2,132; Warren, 20,618; Washington, 30,358; Wayne, 6,285; Webster, 6,092; Wheeler, 14,302; White, 2,971; Whitfield, 9,506; Wilcox, 25,153; Wilkes, 19,391; Wilkinson, 8,632; Worth, 26,540; total county allotments, 2,104,699; 4 percent reserve, 74,307; reserve for new growers, 37,154; total—Georgia, 2,216,160.

Illinois: Alexander, 3,345; Jackson, 4; Pulaski, 1,551; total county allotments, 4,900; 4 percent reserve, 200; reserve for new growers, 100; total—Illinois, 5,200.

Kansas: Chautauqua, 47; Montgomery, 852; total county allotments, 899; 4 percent reserve, 37; reserve for new growers, 18; total—Kansas, 954.

Kentucky: Ballard, 23; Barren, 8; Calloway, 1,637; Carlisle, 643; Fulton, 10,144; Graves, 685; Hickman, 3,977; McCracken, 30; Marshall, 724; Trigg, 6; total county allotments, 17,877; 4 percent reserve, 624; reserve for new growers, 312; total—Kentucky, 18,813.

Louisiana: Acadia, 24,627; Allen, 3,908; Ascension, 1,085; Assumption, 16; Avoyelles, 33,619; Beauregard, 3,009; Bienville, 42,927; Bossier, 42,623; Caddo, 71,570; Calcasieu, 4,673; Caldwell, 9,531; Cameron, 4,648; Catahoula, 17,054; Claiborne, 54,724; Concordia, 16,219; De Soto, 49,182; East Baton Rouge, 7,432; East Carroll, 31,709; East Feliciana, 13,318; Evangeline, 30,619; Franklin, 58,244; Grant, 9,650; Iberia, 2,167; Iberville, 1,030; Jackson, 13,379; Jefferson, 18; Jefferson Davis, 7,378; Lafayette, 30,062; Lafourche, 1,221; La Salle, 2,413; Lincoln, 38,628; Livingston, 2,335; Madison, 24,455; Morehouse, 38,321; Natchitoches, 49,653; Orleans, 21; Ouachita, 22,550; Pointe Coupee, 16,522; Rapides, 27,169; Red River, 33,442; Richland, 40,036; Sabine, 20,953; St. Charles, 2; St. Helena, 5,682; St. James, 78; St. John the Baptist, 5; St. Landry, 56,245; St. Martin, 9,933; St. Mary, 215; St. Tammany, 2,076 Tangipahoa, 6,866; Tensas, 27,792; Terrebonne, 2; Union, 34,719; Vermillion, 18,913; Vernon, 8,391; Washington, 20,211; Webster, 36,691; West Baton Rouge, 1,313; West Carroll, 29,589; West Feliciana, 5,908; Winn, 9,761; total county allotments, 1,186,523; 4 percent reserve, 42,811; reserve for new growers, 21,405; total—Louisiana, 1,250,739.

Mississippi: Adams, 10,861; Alcorn, 20,671; Amite, 24,697; Attala, 26,620; Benton, 13,465; Bolivar, 166,062; Calhoun, 20,207; Carroll, 26,236; Chickasaw, 24,433; Choctaw, 10,797; Claiborne, 13,718; Clarke, 13,542; Clay, 18,632; Coahoma, 107,620; Copiah, 19,915; Covington, 23,377; De Soto, 51,182; Forrest, 5,158; Franklin, 9,722; George, 4,021; Greene, 3,005; Grenada, 18,739; Hancock, 414; Harrison, 504; Hinds, 54,779; Holmes, 59,650; Humphreys, 58,468; Issaquena, 20,010; Itawamba, 20,767; Jackson, 330; Jasper, 21,044; Jefferson, 13,924; Jefferson Davis, 26,370; Jones, 24,646; Kemper, 25,878; Lafayette, 23,668; Lamar, 8,758; Lauderdale, 21,154; Lawrence, 18,531; Leake, 27,860; Lee, 42,465; Leflore, 95,828; Lincoln, 24,702; Lowndes, 28,090; Madison, 54,513; Marion, 23,016; Marshall, 39,371; Monroe, 46,039; Montgomery, 17,773; Neshoba, 34,274; Newton, 27,896; Noxubee, 34,222; Oktibbeha, 13,133; Panola, 54,946; Pearl River, 4,155; Perry, 4,859; Pike, 22,237; Pontotoc, 28,341; Prentiss, 22,768; Quitman, 59,858; Rankin, 20,253; Scott, 21,270; Sharkey, 37,616; Simpson, 23,835; Smith, 22,276; Stone, 1,263; Sunflower, 162,313; Tallahatchie, 69,394; Tate, 32,292; Tippah, 24,646; Tishomingo, 15,665; Tunica, 61,943; Union, 26,053; Walthall, 27,067; Warren, 13,438; Washington, 108,881; Wayne, 13,346; Webster, 16,197; Wilkinson, 10,425; Winston, 22,425; Yalobusha, 17,551; Yazoo, 66,710; total county allotments, 2,552,800; 4 percent reserve, 91,098; reserve for new growers, 45,549; total—Mississippi, 2,689,447.

Missouri: Barton, 2; Bollinger, 94; Butler, 11,793; Cape Girardeau, 124; Carter, 12; Dunklin, 83,342; Howell, 475; Mississippi, 29,366; New Madrid, 88,412; Oregon, 1,035; Ozark, 685; Pemiscot, 109,441; Ripley, 4,537; Scott, 17,494; Stoddard, 32,042; Taney, 207; Wayne, 32; total county allotments, 379,093; 4% reserve, 11,477; reserve for new growers, 5,738; total Missouri, 396,308.

New Mexico: Chaves, 24,799; Curry, 987; De Baca, 73; Dona Ana, 35,561; Eddy, 24,544; Grant, 24; Harding, 211; Hidalgo, 340; Lea, 1,196; Luna, 1,737; Otero, 457; Quay, 3,142; Roosevelt, 16,244; Sierra, 696; Socorro, 66; total county allotments, 110,077; 4% reserve, 2,417; reserve for new growers, 1,708; total New Mexico, 115,202.

North Carolina: Alamance, 1,022; Alexander, 3,340; Anson, 31,913; Beaufort, 5,537; Bertie, 8,077; Bladen, 6,827; Brunswick, 524; Burke, 969; Cabarrus, 13,829; Caldwell, 248; Camden, 2,500; Carteret, 838; Caswell, 106; Catawba, 12,061; Chatham, 5,392; Chowan, 4,457; Cleveland, 49,784; Columbus, 3,574; Craven, 2,514; Cumberland, 22,810; Currituck, 1,498; Davidson, 2,804; Davie, 5,091; Duplin, 9,904; Durham, 637; Edgecombe, 25,635; Forsyth, 436; Franklin, 18,190; Gaston, 14,906; Gates, 4,740; Granville, 2,007; Greene, 8,896; Guilford, 558; Halifax, 36,641; Harnett, 23,512; Hertford, 5,102; Hoke, 18,125; Hyde, 3,139; Iredell, 21,824; Johnston, 41,422; Jones, 2,891; Lee, 4,856; Lenoir, 9,116; Lincoln, 18,066; McDowell, 24; Martin, 6,057; Mecklenburg, 25,658; Montgomery, 4,875; Moore, 3,621; Nash, 22,804; New Hanover, 55; Northampton, 25,463; Onslow, 2,688; Orange, 1,186; Pamlico, 3,224; Pasquotank, 2,542; Pender, 1,986; Perquimans, 5,544; Person, 6; Pitt, 14,167; Polk, 4,975; Randolph, 961; Richmond, 14,508; Robeson, 51,244; Rockingham, 9; Rowan, 16,269; Rutherford, 23,568; Sampson, 35,153; Scotland, 25,033; Stanly, 9,064; Tyrrell, 857; Union, 41,266; Vance, 4,295; Wake, 17,827; Warren, 16,756; Washington, 1,946; Wayne, 24,020; Wilkes, 209; Wilson, 17,776; Yadkin, 479; total county allotments, 882,455; 4 per cent reserve, 32,036; reserve for new growers, 16,018; total—North Carolina, 930,509.

Oklahoma: Adair, 288; Alfalfa, 255; Atoka, 13,682; Beckham, 87,628; Blaine, 28,139; Bryan, 45,581; Caddo, 104,659; Canadian 21,104; Carter, 18,807; Cherokee, 4,747; Choctaw, 26,578; Cleveland, 15,754; Coal, 14,579; Commanche, 40,028; Cotton, 44,127; Craig, 851; Creek, 30,823; Custer, 35,717; Delaware, 199; Dewey, 19,572; Ellis, 4,132; Garfield, 1,004; Garvin, 43,177; Grady, 72,988; Grant, 89; Greer, 73,813; Harmon, 57,836; Harper, 41; Haskell, 21,008; Hughes, 30,644; Jackson, 103,848; Jefferson, 46,351; Johnston, 16,663; Kay, 649; Kingfisher, 9,222; Kiowa, 92,226; Latimer, 4,217; Le Flore, 35,304; Lincoln, 34,250; Logan, 20,218; Love, 22,656; McClain, 46,132; McCurtain, 37,089; McIntosh, 44,915; Major, 3,397; Marshall, 14,865; Mayes, 6,239; Murray, 9,599; Muskogee, 51,571; Noble, 4,288; Nowata, 1,684; Okfuskee, 41,119; Oklahoma, 12,980; Okmulgee, 33,878; Osage, 8,785; Ottawa, 25; Pawnee, 6,382; Payne, 16,570; Pittsburg, 29,755; Pontotoc, 19,107; Pottawatomie, 27,626; Pushmataha, 7,347; Roger Mills, 44,706; Rogers, 6,174; Seminole, 21,307; Sequoyah, 18,949; Stephens, 39,634; Tillman, 109,237; Tulsa, 8,678; Wagoner, 29,949; Washington, 265; Washita, 105,050; Woods, 31; Woodward, 1,894; total county allotments, 2,053,881; 4% reserve, 81,566; reserve for new growers, 40,783; total Oklahoma, 2,176,230.

South Carolina: Abbeville, 26,536; Aiken, 41,691; Allendale, 16,549; Anderson, 31,811; Bamberg, 22,146; Barnwell, 31,594; Beaufort, 1,780; Berkeley, 9,521; Calhoun, 24,331; Charleston, 1,981; Cherokee, 28,678; Chester, 27,329; Chesterfield, 43,708; Clarendon, 30,668; Colleton, 16,828; Darlington, 34,062; Dillon, 25,154; Dorchester, 13,113; Edgefield, 18,934; Fairfield, 18,029; Florence, 28,410; Georgetown, 1,720; Greenville, 49,203; Greenwood, 22,690; Hampton, 13,750; Horry, 2,965; Jasper, 3,490; Kershaw, 34,762; Lancaster, 21,992; Laurens, 44,540; Lee, 38,610; Lexington, 20,471; McCormick, 12,095; Marion, 11,291; Marlboro, 49,631; Newberry, 26,323; Oconee, 26,470; Orangeburg, 80,762; Pickens, 22,530; Richland, 17,879; Saluda, 19,043; Spartanburg, 75,765; Sumter, 44,525; Union, 21,485; Williamsburg, 25,609; York, 38,976; total county allotments, 1,269,430; 4 percent reserve, 45,103; reserve for new growers, 22,552; total—South Carolina, 1,337,085.

Tennessee: Bedford, 2,708; Benton, 5,515; Blount, 1; Bradley, 3,932; Cannon, 101; Carroll, 23,989; Chester, 13,961; Coffee, 2,314; Crockett, 27,863; Davidson, 26; Decatur, 7,784; De Kalb, 44; Dickson, 13; Dyer, 41,073; Fayette, 58,737; Franklin, 6,535; Gibson, 47,642; Giles, 15,315; Grundy, 202; Hamilton, 2,008; Hardeman, 25,450; Hardin, 13,192; Haywood, 47,096; Henderson, 23,128; Henry, 10,841; Hickman, 61; Humphreys, 118; Knox, 32; Lake, 27,528; Lauderdale, 33,920; Lawrence, 24,469; Lewis, 495; Lincoln, 15,187; Loudon, 12; McMinn, 4,003; McNairy, 23,815; Madison, 38,834; Marion, 773; Marshall, 822; Maury, 523; Meigs, 1,307; Monroe, 976; Moore, 196; Obion, 17,588; Overton, 8; Perry, 387; Polk, 4,001; Putnam, 1; Rhea, 29; Roane, 7; Rutherford, 12,451; Sequatchie, 12; Shelby, 70,868; Stewart, 36; Tipton, 50,359; Van Buren, 12; Warren, 1,286; Wayne, 4,627; Weakley, 13,327; White, 292; Williamson, 342; Wilson, 206; total county allotments, 728,380; 4% reserve, 25,774; reserve for new growers, 12,887; total Tennessee, 767,041.

Texas: Anderson, 39,668; Andrews, 2,407; Angelina, 16,664; Aransas, 2,084; Archer, 8,519; Armstrong, 2,761; Atascosa, 31,016; Austin, 33,371; Bailey, 60,728; Bandera, 130; Bastrop, 40,891; Baylor, 29,270; Bee, 32,366; Bell, 121,133; Bexar, 25,591; Blanco, 3,802; Borden, 14,153; Bosque, 40,043; Bowie, 53,576; Brazoria, 18,518; Brazos, 35,059; Brewster, 311; Briscoe, 24,328; Brooks, 5,976; Brown, 20,063; Burleson, 51,553; Burnet, 21,742; Caldwell, 54,540; Calhoun, 20,998; Callahan, 21,946; Cameron, 50,990; Camp, 14,985; Carson, 550; Cass, 57,649; Castro, 11,394; Chambers, 1,429; Cherokee, 52,573; Childress, 62,455; Clay, 41,181; Cochran, 42,419; Coke, 20,428; Coleman, 72,754; Collin, 125,543; Collingsworth, 78,136; Colorado, 27,280; Comal, 5,696; Comanche, 26,400; Concho, 41,016; Cooke, 38,941; Coryell, 67,990; Cottle, 66,331; Crockett, 7; Crosby, 87,419; Dallas, 81,302; Dawson, 122,059; Deaf Smith, 566; Delta, 45,821; Denton, 60,977; De Witt, 52,399; Dickens, 58,166; Dimmit, 700; Donely, 42,708; Duval, 30,005; Eastland, 11,653; Ector, 341; Ellis, 177,380; El Paso, 30,278; Erath, 35,507; Falls, 124,582; Fannin, 103,895; Fayette, 57,108; Fisher, 97,423; Floyd, 48,001; Foard, 25,064; Fort Bend, 78,706; Franklin, 18,758; Freestone, 47,102; Frio, 4,561; Gaines, 16,951; Galveston, 275; Garza, 36,501; Gillespie, 6,796; Glasscock, 4,267; Goliad, 22,811; Gonzales, 58,380; Gray, 7,322; Grayson, 89,278; Gregg, 12,773; Grimes, 44,734; Guadalupe, 62,125; Hale, 74,429; Hall, 89,060; Hamilton, 34,402; Hansford, 14; Hardeman, 56,593; Hardin, 656; Harris, 17,256; Harrison, 66,682; Haskell, 102,439; Hays, 22,206; Hemphill, 9,781; Henderson, 46,827; Hidalgo, 79,555; Hill, 154,127; Hockley, 116,359; Hood, 10,250; Hopkins, 74,726; Houston, 64,445; Howard, 63,717; Hudspeth, 8,026; Hunt, 132,975; Hutchinson, 23; Irion, 1,163; Jack, 8,772; Jackson, 29,758; Jasper, 5,608; Jeff Davis, 1; Jefferson, 2,195; Jim Hogg, 7,911; Jim Wells, 42,100; Johnson, 67,273; Jones, 135,016; Karnes, 86,364; Kaufman, 114,974; Kendall, 455; Kenedy, 111; Kent, 27,867; Kerr, 308; Kimble, 1,808; King, 11,490; Kinney, 30; Kleberg, 13,186; Knox, 65,820; Lamar, 88,719; Lamb, 128,412; Lampasas, 14,520; La Salle, 7,668; Lavaca, 50,052; Lee, 25,006; Leon, 39,130; Liberty, 9,262; Limestone, 125,350; Lipscomb, 556; Live Oak, 34,850; Llano, 3,759; Lubbock, 171,107; Lynn, 143,910; McCulloch, 45,932; McLennan, 150,772; McMullen, 3,856; Madison, 31,795; Marion, 14,855; Martin, 54,662; Mason, 6,316; Matagorda, 18,479; Maverick, 98; Medina, 3,964; Menard, 3,363; Midland, 23,205; Milam, 105,624; Mills, 15,808; Mitchell, 72,243; Montague, 24,221; Montgomery, 9,183; Moore, 131; Morris, 17,144; Motley, 40,439; Nacogdoches, 44,999; Navarro, 158,074; Newton, 2,957; Nolan, 46,043; Nueces, 147,955; Ochiltree, 75; Orange, 576; Palo Pinto, 8,102; Panola, 49,912; Parker, 14,460; Parmer, 17,879; Pecos, 5,745; Polk, 14,481; Presidio, 3,810; Rains, 20,081; Randall, 240; Reagan, 4; Real, 9; Red River, 67,492; Reeves, 5,495; Refugio, 18,935; Roberts, 26; Robertson, 69,658; Rockwall, 29,320; Runnels, 107,647; Rusk, 66,077; Sabine, 10,999; San Augustine, 18,416; San Jacinto, 10,693; San Patricio, 93,328; San Saba, 20,956; Schleicher, 9,900; Scurry, 72,588; Schackelford, 8,592; Shelby, 47,727; Smith, 69,868; Somervell, 4,678; Starr, 21,580; Stephens, 3,800; Sterling, 845; Stonewall, 38,212; Sutton, 90; Swisher, 9,491; Tarrant, 24,586; Taylor, 69,726; Terrell, 36; Terry, 85,048; Throckmorton, 13,017; Titus, 26,638; Tom Green, 47,849; Travis, 63,669; Trinity, 14,291; Tyler, 3,916; Upshur, 37,603; Uvalde, 2,299; Van Zandt, 79,612; Victoria, 34,596; Walker, 20,303; Waller, 15,123; Ward, 7,331; Washington, 52,008; Webb, 4,097; Wharton, 82,421; Wheeler, 53,150; Wichita, 27,264; Wilbarger, 72,476; Willacy, 45,715; Williamson, 150,151; Wilson, 31,332; Wise, 19,645; Wood, 38,668; Yoakum, 8,964; Young, 30,862; Zapata, 3,802; Zavala, 945; total county allotments, 9,390,154; 4% reserve, 351,175; reserve for new growers, 175,587; total Texas, 9,916,916.

Virginia: Amelia, 6; Brunswick, 6,941; Charlotte, 582; Chesterfield, 29; Dinwiddie, 946; Greensville, 7,428; Halifax, 247; Isle of Wight, 2,314; Lunenburg, 1,160; Mecklenburg, 7,337; Middlesex, 4; Nansemond, 5,427; New Kent, 58; Norfolk, 1,027; Northampton, 1; Nottoway, 176; Pittsylvania, 22; Prince Edward, 8; Prince George, 233; Princess Anne, 262; Southampton, 12,643; Surry, 320; Sussex, 3,123; total county allotments, 50,294; 4% reserve, 1,771; reserve for new growers, 885; total Virginia, 52,950.

Done at Washington, D. C., this 28th day of December 1939. Witness my hand and the Seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
*Secretary of Agriculture.*

[F. R. Doc. 39-4836; Filed, December 29, 1939; 12:21 p.m.]

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## Rural Electrification Administration.

[Administrative Order No. 420]

### AMENDMENT OF PRIOR ALLOCATIONS OF FUNDS FOR LOANS

DECEMBER 20, 1939.

I hereby amend Administrative Order No. 60, dated February 13, 1937, by changing the project designation "Georgia 58 Lamar" appearing therein to read: "Georgia 58 Butts".

I hereby amend Administrative Order No. 289, dated September 12, 1938, by changing the project designation "Georgia 9058C1 Lamar" appearing therein to read: "Georgia 9058C1 Butts".

I hereby amend Administrative Order No. 180, dated January 6, 1938, by changing the project designation "Georgia 8058AW Lamar" appearing therein to read: "Georgia 8058W1 Butts".

I hereby amend Administrative Order No. 358, dated June 19, 1939, by changing the project designation "Georgia 0058W2 Lamar" appearing therein to read: "Georgia 0058W2 Butts".

[SEAL] HARRY SLATTERY,
*Administrator.*

[F. R. Doc. 39-4825; Filed, December 28, 1939; 3:41 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its

office in the City of Washington, D. C., on the 28th of December A. D. 1939.

[File 32-180]

IN THE MATTER OF CENTRAL MAINE POWER COMPANY

SUPPLEMENTAL ORDER RELATIVE TO FINDER'S FEE

The Commission having in its order of November 28, 1939, approved the amended application of Central Maine Power Company, a subsidiary of New England Public Service Company, a registered holding company, filed pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of said Act of the issue and sale of—

(1) $1,250,000 principal amount of Central Maine Power Company's First and General Mortgage Bonds, Series K, 4%, due 1964, to The Equitable Life Assurance Society of the United States at a price of 100% of the principal amount thereof plus accrued interest from September 1, 1939, and

(2) 5,000 shares of no par value common stock of Central Maine Power Company at a price of $100 per share to New England Public Service Company (subject to the preemptive right to purchase by the other common and 6% preferred stockholders of Central Maine Power Company; and

The Commission in said order of November 28, 1939 having in the public interest and for the protection of investors and consumers reserved jurisdiction to determine at a later date whether the finder's fee to be paid to Coffin & Burr, Incorporated, and The First Boston Corporation for negotiating the sale of said bonds is or is not reasonable, and the Commission having ordered that no finder's fee shall be paid by Central Maine Power Company until further order of this Commission; and

A public hearing having been duly held after appropriate notice for the purpose of taking additional evidence with respect to said finder's fee pursuant to an order of the Commission dated December 4, 1939;[1] and

The Commission having considered the record in this matter;

*It is ordered*, That the reservation of jurisdiction by the Commission over said finder's fee and its payment be and the same hereby is relinquished; and

*It is further ordered*, That the paragraph numbered "(6)" of the Commission's order of November 28, 1939 which reads

"(6) That the Commission reserves jurisdiction to determine at a later date whether the Finder's Fee to be paid to Coffin and Burr, Incorporated, and The First Boston Corporation for negotiating the sale of the bonds is or is not reasonable, and pending further order of the Commission no such Finder's Fee shall be paid."

be and the same hereby is no longer in effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4833; Filed, December 29, 1939; 11:49 a. m.]

[1] 4 F.R. 4776 DI.

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of December, A. D. 1939.

[File Nos. 46-175 and 47-48]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY AND LEXINGTON UTILITIES COMPANY

ORDER AMENDING ORDER APPROVING APPLICATIONS, ETC.

Lexington Utilities Company, a subsidiary of a registered holding company, having filed an application pursuant to Section 10 of the Public Utility Holding Company Act of 1935 regarding the acquisition of all property and assets of its subsidiary Lexington Ice Company;

Lexington Utilities Company having also filed an application pursuant to Rule U-12F-1 under said Act regarding the disposition of all its property and assets to its parent Kentucky Utilities Company;

Kentucky Utilities Company, a registered holding company, having filed an application pursuant to Section 10 of said Act regarding the proposed acquisition of all the property and assets of Lexington Utilities Company;

Kentucky Utilities Company having also filed an application pursuant to Section 7 of said Act regarding the assumption of liability on outstanding First and Refunding Mortgage Bonds, 5% Series due 1952, of Lexington Utilities Company;

The Commission having issued its order on December 1, 1939 approving said applications and allowing said declaration to become effective, subject however to the condition that the proposed transactions be effected within a period of thirty (30) days following the issuance of said order:

Kentucky Utilities Company and Lexington Utilities Company having requested that said order be amended so as to permit the proposed transactions to be effected, pursuant to the order, within a period of forty (40) days following the issuance of said order;

*It is ordered*, That said order of December 1, 1939 be, and it hereby is, amended so that condition No. 2 shall read as follows:

"2. That the proposed transactions shall be effected within a period of forty (40) days following the issuance of this order;".

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4832; Filed, December 29, 1939; 11:49 a. m.]

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*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of December, A. D. 1939.

[File Nos. 43-270, 65-2]

IN THE MATTER OF CONSUMERS POWER COMPANY, AND THE COMMONWEALTH & SOUTHERN CORPORATION, AND IN THE MATTER OF MORGAN STANLEY & CO., INCORPORATED, AND BONBRIGHT & COMPANY, INCORPORATED

ORDER

Consumers Power Company, a subsidiary of The Commonwealth & Southern Corporation, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935, concerning the issue and sale to the public of $28,594,000 principal amount of First Mortgage Bonds, 3¼% Series of 1939, due 1969; and the issue and sale to The Commonwealth & Southern Corporation of 125,000 shares of common stock, no par value, at a price of $28.25 per share;

The Commonwealth & Southern Corporation having filed an application pursuant to Section 10 of the Act for the approval of the acquisition by it of the aforesaid 125,000 shares of common stock to be issued by Consumers Power Company;

Morgan Stanley & Co., Incorporated and Bonbright & Company, Incorporated, having made application pursuant to Rule U-12F-2 promulgated under the Act, for a determination of their status under such rule, as underwriters for the proposed First Mortgage Bonds; this matter having been consolidated with the declaration of Consumers Power Company and the application of The Commonwealth & Southern Corporation, and a request in said application and by motion having been made for disposition of the declaration and the application of Consumers Power Company and The Commonwealth & Southern Corporation separate from and prior to the conclusion of the proceedings under the rule;

A public hearing having been duly held after appropriate notice; the record having been completed with respect to the aforementioned declaration of Consumers Power Company and application of The Commonwealth & Southern Corporation, but the record with respect to the application filed by Morgan Stanley & Co., Incorporated and Bonbright & Company, Incorporated not having been completed; and the Commission having made its findings herein with respect to the declaration and application of Consumers Power Company and The Commonwealth & Southern Corporation;

*It is ordered*, That proceedings on the application of Morgan Stanley & Co., Incorporated and Bonbright & Company, Incorporated pursuant to Rule U-12F-2 heretofore consolidated with proceedings herein be severed from this proceeding and that hearings on said application of Morgan Stanley & Co., Incorporated and Bonbright & Company, Incorporated continue until the completion of the record concerning the issues raised by said application: *Provided, however*, That pending the final determination of the issues raised by said U-12F-2 application, no underwriting fees, commissions or any other compensation deriving from the issuance and sale of those securities as to which no adverse order is entered hereby shall be paid directly or indirectly to, or retained by, Morgan Stanley & Co., Incorporated or to Bonbright and Company, Incorporated (including any management or other fees to be paid to or retained by Morgan Stanley & Co., Incorporated, and Bonbright & Company, Incorporated, by virtue of any agreements or arrangements among any of the underwriters or otherwise);

*It is further ordered*, That the declaration filed by Consumers Power Company, insofar as the same relates to the issuance and sale by it to the public of $28,594,000 of its First Mortgage Bonds for refunding purposes, be and hereby is permitted to become effective, and that the declaration filed by Consumers Power Company, insofar as the same relates to the issuance and sale by it of 125,000 shares of its common stock at $28.25 per share, be and hereby is permitted to become effective, subject to the condition that said bonds and said stock be issued and sold in accordance with the terms and conditions of, and for the purposes represented by, said declaration, except as modified in the preceding paragraph hereof; and to the condition that such securities shall be issued and sold within thirty days after the date of this order;

*It is further ordered*, That, within ten days after the issue and sale of such securities, applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions of this order;

*It is further ordered*, That the application filed by the Commonwealth and Southern Corporation pursuant to Section 10, in regard to the acquisition of the common stock of Consumers Power Company, be and it hereby is dismissed;

*It is further ordered*, That the declaration of Consumers Power Company pursuant to Section 7, insofar as it relates to the issuance of any securities in addition to said $28,594,000 of First Mortgage Bonds and said 125,000 shares of common stock, shall not become effective;

*It is further ordered*, That, except as the Commission may by order or orders from time to time permit, so long as any of the First Mortgage Bonds are outstanding, the Company shall not declare or pay any dividend from net income earned after December 31, 1939 (other than dividends payable solely in shares of its stock), or make any other distribution on any shares of its preferred or common stock or make any disbursement for the purchase or retirement of any of its stock, unless the amount expended or accrued by the Company (or any successor or successors) for maintenance and repairs plus provision for retirements, depreciation and amortization of property out of income earned during the period from the close of business on December 31, 1939, to the date of the proposed payment of such dividend or making of such distribution or disbursement, shall equal 15% of the gross operating revenues of the Company less the cost of electric energy and gas purchased for resale and rentals paid for use of utility assets: *Provided, however*, That any transfers to the earned surplus of the Company from net income earned after December 31, 1939, over and above all such dividends, distributions, and disbursements (including the dividends then to be paid, or the distributions or disbursements then to be made) may be used as a credit to offset any deficiency in the amount expended or accrued for maintenance and repairs plus provisions for retirements, depreciation and amortization of property out of income earned after December 31, 1939, in satisfying the aforementioned 15% requirements.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4843; Filed, December 29, 1939; 12:51 p. m.]

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*United States of America Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of December, A. D. 1939.

[File Nos. 51-31, 51-32, 51-33, 51-35]

IN THE MATTER OF UNITED FUEL GAS COMPANY, CUMBERLAND AND ALLEGHENY GAS COMPANY, WARFIELD NATURAL GAS COMPANY, AND THE UNION LIGHT, HEAT AND POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

Applications pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named parties;

*It is ordered*, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on January 15, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 13, 1940.

The matter concerned herewith is in regard to proposed payments to Columbia Gas & Electric Corporation, a registered holding company, by United Fuel Gas Company, Cumberland and Allegheny Gas Company, Warfield Natural Gas Company and The Union Light, Heat and Power Company, subsidiary companies thereof, of interest for the three months' period ending December 31, 1939 on outstanding 6% Demand Notes of the applicants in the principal amounts of $12,035,000, $366,864.22, $9,790,000 and $2,367,238.47, respectively.

The applicants have designated Section 12 (c) of the Act and Rule U-12C-3 promulgated thereunder as applicable to the above transactions and request Commission approval in regard thereto to the extent that said Section and Rule are deemed to be applicable to the proposed payments of interest.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 39-4844; Filed, December 29, 1939; 12:51 p. m.]